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[Updated to January 1, 1962]

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11023

PROVIDING FOR THE PERFORMANCE BY THE SECRETARY OF COMMERCE OF CERTAIN FUNCTIONS RELATING TO THE COAST AND GEODETIC SURVEY

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. The Secretary of Commerce is hereby designated and empowered to perform the following-described functions without the approval, ratification, or other action of the President:

(a) The authority contained in section 6(b) of the Coast and Geodetic Survey Commissioned Officers Act of 1948 (62 Stat. 298; 33 U.S.C. 853e(b)) to revoke the commissions of ensigns of the Coast and Geodetic Survey who are found not fully qualified and to separate such ensigns from the commissioned service.

(b) The authority vested in the President by section 12(a) of the Coast and Geodetic Survey Commissioned Officers Act of 1948, as amended (75 Stat. 506; 33 U.S.C. 853j–1(a)), to make temporary appointments in the grade of ensign in the Coast and Geodetic Survey.

(c) The authority vested in the President by section 12(b) of the Coast and Geodetic Survey Commissioned Officers Act of 1948, as amended (75 Stat. 506; 33 U.S.C. 853j–1(b)), to temporarily promote officers in the permanent grade of ensign in the Coast and Geodetic Survey, and to appoint such officers to the grade of lieutenant junior grade whenever vacancies exist in higher grades.

(d) The authority vested in the President by section 12(c) of the Coast and Geodetic Survey Commissioned Officers Act of 1948, as amended (75 Stat. 506; 33 U.S.C. 853j–1(c)), to temporarily promote any officer one grade.

(e) The authority vested in the President by section 13(b) of the Coast and Geodetic Survey Commissioned Officers Act of 1948, as amended (75 Stat. 506; 33 U.S.C. 853k(b)), to defer the retirement of an officer of the Coast and Geodetic Survey serving in a rank above that of captain who has attained the age of sixty-two years.

(f) The authority vested in the President by section 14 of the Coast and Geodetic Survey Commissioned Officers Act of 1948, as amended (75 Stat. 506; 33 U.S.C. 853*l*), to retire from the active service any commissioned officer of the Coast and Geodetic Survey, upon his own application, who has completed twenty years of active service in the Coast and Geodetic Survey.

(g) The authority vested in the President by section 23(a) of the Coast and Geodetic Survey Commissioned Officers Act of 1948, as amended (75 Stat. 506; 33 U.S.C. 853t(a)), (1) to find that any officer appointed under section 23 is not qualified for service, (2) to revoke the commissions of officers in respect of whom such findings are made, and (3) to prescribe the regulations referred to in that section.

(h) The authority contained in section 1(1) of the Act of December 3, 1942 (56 Stat. 1038; 33 U.S.C. 854a–1(1)) to temporarily promote to higher ranks or grades, upon recommendation of the Secretary of the military department concerned, commissioned officers of the Coast and Geodetic Survey transferred to the military departments.

(i) The authority contained in section 1(2) of the Act of December 3, 1942 (56 Stat. 1038; 33 U.S.C. 854a–1(2)) to temporarily promote commissioned officers of the Coast and Geodetic Survey to fill vacancies in ranks and grades caused by transfer of commissioned officers to the service and jurisdiction of the military departments.

(j) The authority contained in section 1(3) of the Act of December 3, 1942 (56 Stat. 1038; 33 U.S.C. 854a–1(3)) to temporarily appoint deck officers and junior engineers to the grade of ensign to fill vacancies caused by transfer of officers to the military departments.

(k) The authority vested in the President by section 16 of the Act of May 22, 1917 (40 Stat. 87; 33 U.S.C. 855), to transfer to service and jurisdiction of the Department of Defense, as he may deem to be to the best interest of the country, vessels, equipment, stations, and personnel of the Coast and Geodetic Survey; but the Secretary of Commerce may effect such transfers only during the existence of a state of national emergency proclaimed by the President. Commissioned officers so transferred shall serve under their commissions in the Coast and Geodetic Survey and while so serving shall constitute a part of the active armed forces of the United States and shall be under the direct orders of, and shall be subject to the applicable laws, regulations, and orders for the government of, the armed forces to which they are transferred, respectively. The Secretary of Commerce may return such vessels, equipment, stations, and personnel to the jurisdiction of the Department of Commerce, but in time of national emergency such return shall be effected only with the concurrence of the Secretary of Defense.

(*l*) The authority vested in the President by section 8 of the Act of August 6, 1947 (61 Stat. 788; 33 U.S.C. 883h) to employ public vessels, and to give instructions for regulating their conduct, to carry out the provisions of the Act of August 6, 1947; but the employment by the Secretary of Commerce of vessels, except those of the Department of Commerce or of any subordinate entity thereof, shall require the concurrence of the head of the department or other executive agency having custody or control of the vessel.

SEC. 2. Upon receipt by the Secretary of Commerce from the President or from the President's representative of information showing that the Senate has confirmed nominees of the President for appointment as commissioned officers of the Coast and Geodetic Survey, and without any further action on the part of the President, (1) the Secretary of Commerce or an officer of the Department of Commerce designated by the Secretary may, upon completion of statutory requirements for such appointments, tender offers of appointment to the nominees and upon acceptance such persons shall be deemed to be appointed accordingly, (2) the Secretary of Commerce, in the name of the President, shall issue to each such person a commission evidencing the appointment of such person accordingly, and (3) the commissions of such persons shall be deemed to have been signed by the President. The effective date specified in any commission so issued shall be deemed, for all purposes, to be the date of the appointment evidenced by such commission.

SEC. 3. In connection with making appointments or promotions under authority delegated to him by subsections (b), (c), (d), (h), (i), and (j) of section 1 of this order, the Secretary of Commerce shall issue to each person appointed or promoted by him thereunder a certificate evidencing the appointment or promotion of such person. Such certificate may be issued in the name of the President.

SEC. 4. Any requirement of any provision of law that commissions of officers under the direction and control of the Secretary of Commerce be signed by the President before the seal of the Department of Commerce may be affixed thereto shall, in the case of officers appointed under the procedure set forth in section 2 of this order and in the case of officers appointed or promoted under authority delegated by subsections (b), (c), (d), (h), (i), and (j) of section 1 of this order, be deemed to be satisfied by signature of the commission or certificate by the Secretary of Commerce, before the departmental seal is affixed thereto.

SEC. 5. The Secretary of Commerce is hereby authorized to accept, in the name of the President, the resignation of a commissioned officer, either permanent or temporary, of the Coast and Geodetic Survey.

SEC. 6. The authority delegated by the provisions of subsections (b), (c), (d), (h), (i), and (j) of section 1 of this order shall be deemed to include the authority to terminate any appointment or promotion made under the provisions of law referred to in those subsections.

SEC. 7. All actions heretofore taken by the President with respect to the matters affected by this order and in force at the time of issuance of this order, including any regulations prescribed or approved by the President with respect to such matters shall, except as they may be inconsistent with the provisions of this order, remain in effect until amended, modified or revoked pursuant to the authority conferred by this order. The following are hereby superseded: (1) Letter of the President to the Secretary of Commerce, dated April 23, 1929, and relating to the general subject of section 2 of this order, and (2) letter of the Secretary to the President, dated July 1, 1919, and directed to the Secretary of Commerce, relating to the general subject of section 5 of this order.

SEC. 8. As used in this order the term "functions" embraces duties, powers, responsibilities, authority or discretion, and the term "perform" may be construed to mean "exercise".

JOHN F. KENNEDY

THE WHITE HOUSE,
May 28, 1962.

[F.R. Doc. 62-5382; Filed, May 29, 1962; 3:47 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Avocado Reg. 1]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

§ 915.301 Avocado Regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 4, 1962. This section establishes maturity requirements designed to prevent the shipment of avocados which are immature; it is necessary that such requirements be made effective at the time and for the periods specified herein in order to effectuate the declared policy of the act; and compliance with this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., e.s.t., June 4, 1962, and ending at 12:01 a.m., e.s.t., April 30, 1963, no handler shall handle any avocados unless such avocados grade at least U.S. No. 2 grade;

(2) After the effective time of this section, no avocados of the Aruc variety may be handled unless the individual fruit in each lot of such avocados weighs at least 14 ounces; and no avocados of the varieties listed in Column 1 of the following Table I shall be handled prior to 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 2 of such table and thereafter each such variety shall be handled only on conformance with subparagraphs (3), (4), (5), (6), and (9) of this paragraph.

TABLE I

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)	Minimum weight or diameter (7)	Date (8)
Fuchs	6-18-62	14 oz.	6-25-62	12 oz.	7-16-62		
		$3\frac{4}{6}$ in.		$3\frac{4}{6}$ in.			
Pollock	7-16-62	18 oz.	8-13-62				
		$3\frac{13}{16}$ in.					
Simmonds	7-16-62	16 oz.	8-13-62				
		$3\frac{9}{16}$ in.					
Hardee	7- 9-62	16 oz.	8-13-62				
		$3\frac{5}{16}$ in.					
Nadir	7-16-62	14 oz.	8-20-62				
		$3\frac{5}{16}$ in.					
Trapp	8-13-62	12 oz.	9-10-62				
		$3\frac{5}{16}$ in.					
Waldin	8-13-62	16 oz.	8-27-62	14 oz.	9-17-62		
		$3\frac{9}{16}$ in.		$3\frac{5}{16}$ in.			
Peterson	8-20-62	12 oz.	9-17-62				
		$3\frac{5}{16}$ in.					
Catalina	8-20-62	18 oz.	10- 1-62				
Pinelli	8-27-62	16 oz.	9-17-62				
Tonnage	8-27-62	14 oz.	9- 3-62	12 oz.	9-10-62	10 oz.	9-17-62
		$3\frac{5}{16}$ in.		$3\frac{2}{16}$ in.		$2\frac{15}{16}$ in.	
Booth 8	9-10-62	16 oz.	9-24-62	15 oz.	10- 8-62	13 oz.	10-22-62
		$3\frac{7}{16}$ in.		$3\frac{9}{16}$ in.		$3\frac{5}{16}$ in.	
Simpson	10- 8-62	16 oz.	10-29-62				
B. Prince	10- 1-62	16 oz.	10-22-62				
Lula	10-22-62	18 oz.	11 -5-62	14 oz.	11-19-62		
		$3\frac{9}{16}$ in.		$3\frac{5}{16}$ in.			
Booth 7	10-15-62	16 oz.	10-29-62	14 oz.	11-12-62		
		$3\frac{9}{16}$ in.		$3\frac{5}{16}$ in.			
Vaca	10- 8-62	16 oz.	10-29-62				
		$3\frac{5}{16}$ in.					
Hickson	10- 8-62	15 oz.	10-29-62				
		$3\frac{5}{16}$ in.					
Collinson	10- 1-62	16 oz.	10-29-62				
		$3\frac{13}{16}$ in.					
Avon	10-15-62	15 oz.	11- 5-62				
		$3\frac{9}{16}$ in.					
Booth 5	10- 8-62	16 oz.	10-29-62				
		$3\frac{1}{16}$ in.					
Blair	10- 1-62	14 oz.	10-22-62				
Winslowson	10-15-62	18 oz.	11- 5-62				
		$3\frac{15}{16}$ in.					
Monroe	10-22-62	24 oz.	11-19-62				
Hall	10-15-62	20 oz.	10-29-62				
		$3\frac{9}{16}$ in.					
Herman	10-22-62	16 oz.	11-19-62				
		$3\frac{5}{16}$ in.					
Booth 10	10- 1-62	16 oz.	10-22-62				
		$3\frac{9}{16}$ in.					
Booth 11	10-15-62	16 oz.	11- 5-62				
Ajax (10-71B)	10-29-62	18 oz.	11-19-62				
		$3\frac{1}{16}$ in.					
Booth 3	10-29-62	16 oz.	11-19-62				
		$3\frac{9}{16}$ in.					
Booth 1	10-29-62	16 oz.	11-19-62				
		$3\frac{13}{16}$ in.					
Taylor	10-29-62	14 oz.	11-19-62				
		$3\frac{5}{16}$ in.					
Choquette	10-22-62	24 oz.	11-19-62				
Linda	11-19-62	18 oz.	12-10-62				
Byars	11-19-62	16 oz.	12-10-62				
Nabal	11-19-62	14 oz.	12-10-62				
Wagner	12-10-62	12 oz.	12-31-62				
Schmidt	1-21-63						
Itzamna	2-18-63						

(3) During the period from 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 2 of Table I and 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 4 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 3 of such table or is of at least the diameter specified for such variety in said Column 3;

(4) During the period from 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 4 of Table I and 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 6 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 5 of such table or is of at least the diameter specified for such variety in said Column 5;

(5) During the period from 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 6 of Table I and 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 8 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 7 of such table or is of at least

the diameter specified for such variety in said Column 7;

(6) During the period beginning at 12:01 a.m., e.s.t., October 22, 1962, and ending at 12:01 a.m., e.s.t., November 12, 1962, no handler shall handle any avocados of the Booth 8 variety unless the individual fruit in each lot of such avocados weighs at least 11 ounces or is at least 3 1/16 inches in diameter:

(7) After the effective time of this section, the varieties of the West Indian type of avocados not listed in Table I or in subparagraph (2) of this paragraph shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to 12:01 a.m., e.s.t., June 25, 1962.

(ii) During the period beginning at 12:01 a.m., e.s.t., June 25, 1962, and ending at 12:01 a.m., e.s.t., July 9, 1962, the individual fruit in each lot of such avocados shall weigh at least 16 ounces.

(iii) During the period beginning at 12:01 a.m., e.s.t., July 9, 1962, and ending at 12:01 a.m., e.s.t., July 30, 1962, the individual fruit in each lot of such avocados shall weigh at least 14 ounces.

(iv) During the period beginning at 12:01 a.m., e.s.t., July 30, 1962, and ending at 12:01 a.m., e.s.t., September 24, 1962, the individual fruit in each lot of such avocados shall weigh at least 12 ounces.

(v) Any lot of such avocados may be handled without regard to the minimum weight requirements of this subparagraph (7) if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(8) After the effective time of this section, the varieties of avocados not covered by subparagraphs (2) through (7) of this paragraph shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to 12:01 a.m., e.s.t., September 17, 1962.

(ii) During the period beginning at 12:01 a.m., e.s.t., September 17, 1962, and ending at 12:01 a.m., e.s.t., October 15, 1962, the individual fruit in each lot of such avocados shall weigh at least 15 ounces.

(iii) During the period beginning at 12:01 a.m., e.s.t., October 15, 1962, and ending at 12:01 a.m., e.s.t., December 17, 1962, the individual fruit in each lot of such avocados shall weigh at least 13 ounces.

(iv) Any lot of such avocados may be handled without regard to the minimum weight requirements of this subparagraph (8) if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(9) Notwithstanding the provisions of subparagraphs (2) through (8) of this paragraph regarding the minimum weight or diameter for individual fruit, not to exceed 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided*, That such avocados weigh not more than two ounces less than the applicable specified weight for the particular variety as prescribed in Columns 3, 5, or 7 of Table I or in subparagraphs (6), (7), and (8) of this paragraph. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(c) Terms used in the amended marketing agreement and order, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; the term "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit; and the term "U.S. No. 2" shall have the same meaning as set forth in the United States Standards for Florida Avocados (§§ 51.3050–51.3069 of this title).

(d) The provisions of Avocado Order No. 25, as amended (§ 969.325; 26 F.R. 6325; 7694; 8662) are hereby terminated at 12:01 a.m., e.s.t., June 4, 1962.

(e) The provisions of this section shall become effective at 12:01 a.m., e.s.t., June 4, 1962.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 25, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-5307; Filed, May 31, 1962; 8:45 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 133]

PART 1133—MILK IN THE INLAND EMPIRE MARKETING AREA

Order Amending Order

§ 1133.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Inland Empire marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than June 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued May 9, 1962, and the decision of the Under Secretary containing all amendment provisions of this order, was issued May 23, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective June 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8e(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Inland Empire marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. In § 1133.41, paragraphs (b) and (c)(5)(i) are revised, and a new paragraph (c)(7) is added, as follows:

§ 1133.41 Classes of utilization.

* * * * *

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat contained in fluid milk products used to produce ice cream, ice cream mix, frozen desserts, cocoa mixes, and cottage, pot and bakers' cheeses; and

(c) *Class III milk.* * * *

(5) * * *

(i) Two percent of receipts at a pool plant of producer milk pursuant to § 1133.12(a) (1) and (2) and, with respect to a cooperative association, producer milk for which it is the handler pursuant to § 1133.15 (c) or (d); plus

* * * * *

(7) In nonfluid milk products used to produce ice cream, ice cream mix, frozen desserts, cocoa mixes, and cottage, pot and bakers' cheese.

2. Section 1133.42(b)(2) is revised to read as follows:

§ 1133.42 Shrinkage.

* * * * *

(b) * * *

(2) Skim milk and butterfat in other source milk received in the form of fluid milk products.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: June 1, 1962.

Signed at Washington, D.C., on May 29, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-5374; Filed, May 31, 1962; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1231; Amdt. 447]

PART 507—AIRWORTHINESS DIRECTIVES

Andrea Radio Corporation Intercommunication Sets

It has been found that attenuation of the output level of signals from the LF/MF four-course radio range in the interphone amplifier by more than 10 decibels can produce a course reversal, thereby providing erroneous navigation information. To correct this unsafe condition an airworthiness directive is being issued to require modification of the Andrea Radio Corporation Models AN/A1C–10A and AN/A1C–18(A–81) sets to reduce the adjustable attenuation range not to exceed 10 decibels. As an interim measure pending modification, the master level control on the isolation amplifier is required to be full "ON" at any time range problems are being worked.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

ANDREA RADIO CORPORATION. Applies to all aircraft equipped with intercommunication sets Models AN/AIC–10A and AN/AIC–18(A–81), except those with control panel Serial Number 332 and subsequent. Compliance required as indicated.

Within the next 200 hours' time in service after the effective date of this airworthiness directive unless already accomplished, modify Model AN/AIC–18(A–81) in accordance with Andrea Radio Corporation Field Modification C41–5115 and Model AN/AIC–10A in accordance with Andrea Radio Corporation Field Modification C41–5116, so that the adjustable attenuation range does not exceed 10 decibels.

When the modification has been completed, add marking "MOD" adjacent" to the TSO–C50 label.

Within the next 10 hours' time in service after the effective date of this airworthiness directive unless already accomplished, as an interim procedure pending modification, install a placard requiring that the master level control on the isolation amplifier be full "ON" at any time range problems are being worked.

(Andrea Radio Corporation Field Modification C41–5115 for AN/AIC–18(A–81) and C41–5116 for the AN/AIC–10A, both dated April 5, 1962, cover this same subject.)

This amendment shall become effective June 1, 1962.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 25, 1962.

S. W. HENCEROTH,
Acting Director, Flight stanards Service.

[F.R. Doc. 62-5314; Filed, May 31, 1962; 8:45 a.m.]

[Reg. Docket No. 1071; Amdt. 57]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

Airborne ATC Transponder Equipment for Air Carrier Aircraft; TSO–C74

Proposed § 514.80 establishing minimum performance standards for airborne ATC transponder equipment for use on civil aircraft of the United States engaged in air carrier operations, was published in 27 F.R. 1363.

Interested persons have been afforded an opportunity to participate in the making of the amendment. The airline operators concurred with the proposed standard but recommended that transponder equipment carried by general aviation aircraft also be required to conform to the same standard, and that it not be obligatory for airline operators to use the new equipment in place of previously approved equipment. These recommendations require no changes in the proposed amendment as the Agency currently is developing a separate standard of minimum performance requirements, because of special circumstances involved, for transponder equipment to be used in general aviation aircraft. This TSO contains only manufacturing specifications and does not require use of any particular type of equipment by the operators.

Several recommendations for changes were received from an equipment manufacturer. The following were not adopted for the reasons given. The addition of vibration categories G, H, and I contained in RTCA Paper 120–61/DO–108, as amended, are those which the military proposed for use in their aircraft. Since these categories reflect military (noncivil) aircraft vibration requirements, there is no need to include them in this TSO. Equipment nameplate be identified to indicate which test procedure it was qualified under is unnecessary if the equipment is marked to indicate whether or not it has passed the explosion test requirement which is considered sufficient. Identification on the nameplate to indicate the vibration category of the equipment when mounted on isolation type mounts and/or when mounted on rigid type mounts is unnecessary. Normally, the manufacturer will qualify his equipment under one or the other of these conditions but not both. Also, it is desirable to keep the number of categories required on the nameplate to a minimum. Only amendments to Part 514 published after July 1, 1962, shall carry the instructions that statements of conformance be submitted to the FAA regions. The FAA concurred with the manufacturer's proposals that the designation of paragraph (a)(2)(iv) be changed and that the word "component" be added to clarify the sentence in paragraph (b)(4). Accordingly, these changes have been incorporated in the adopted technical standard order.

Paragraphs (a)(2) and (b)(3) have been rewritten to provide clarification and an additional means for marking equipment substantiated under two categories. Since these changes are not restrictive and impose no additional burden on any person, republication for comment is considered unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), Part 514 of the regulations of the Administrator (14 CFR Part 514) is hereby amended as follows:

Section 514.80 is added as follows:

§ 514.80 Airborne ATC transponder equipment (for air carrier aircraft—TSO–C74.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum per-

formance standards are hereby established for airborne ATC transponder equipment which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne ATC transponder equipment manufactured for use on civil air carrier aircraft on or after the effective date of this section shall meet the standards as set forth in Radio Technical Commission for Aeronautics Papers 181–61/DO–112 [1] dated December 14, 1961, and 120–61/DO–108 [1] dated July 13 1961, with the exceptions to these standards listed in subparagraph (2) of this paragraph.

(2) *Exceptions.* Radio Technical Commission for Aeronautics Paper 120–61/DO–108 outlines various test procedures which define the environmental extremes over which the equipment shall be designed to operate. Some test procedures have categories established and some do not. Where categories are established, only equipment which qualifies under the following categories, as specified in RTCA Paper 120–61/DO–108, is eligible under this order:

(i) Temperature-Altitude Test—Categories A, B, C, or D.
(ii) Humidity Test—Categories A or B.
(iii) Vibration Test—Categories A, B, C, D, E, or F.
(iv) Audio-Frequency Magnetic Field Susceptibility Test—Categories A or B.
(v) Radio-Frequency Susceptibility Test—Category A.
(vi) Emission of Spurious Radio-Frequency Energy Test—Category A.

(b) *Marking.* (1) In addition to the markings specified in § 514.3, the equipment shall be marked to indicate the environmental extremes over which it has been designed to operate. There are seven environmental test procedures outlined in RTCA Paper 120–61/DO–108 which have categories established. These shall be identified on the nameplate by the words "environmental categories" or, as abbreviated, "Env. Cat." followed by seven letters which identify the categories designated in RTCA Paper 120–61/DO–108. Reading from left to right, the category designations shall appear on the nameplate in the following order so that they may be readily identified:

(i) Temperature-Altitude Test Category.
(ii) Humidity Test Category.
(iii) Vibration Test Category.
(iv) Audio-Frequency Magnetic Field Susceptibility Test Category.
(v) Radio-Frequency Susceptibility Test Category.
(vi) Emission of Spurious Radio-Frequency Energy Test Category.
(vii) Explosion Test.

Equipment which meets the explosion test requirement shall be identified by the letter "E". Equipment which does not meet the explosion test requirement shall be identified by the letter "X".

(2) Equipment which is intended for installation in aircraft which operate at altitudes above 15,000 feet shall be identified on the nameplate as Class I equipment.

(3) Equipment which is intended for installation in aircraft which operate at altitudes not exceeding 15,000 feet shall be identified on the nameplate as Class II equipment. In some cases such as under the Temperature-Altitude Test Category, a manufacturer may wish to substantiate his equipment under two categories. In this case, the nameplate shall be marked with both categories in the space designated for that category by placing one letter above the other in the following manner:

Env. Cat. $\frac{A}{D}$ABAAAAX Class I.

(4) Each major component of equipment (antenna, power supply, etc.) shall be identified with at least the manufacturer's name, TSO number, and the environmental categories over which the equipment component is designed to operate.

NOTE: A typical nameplate identification would be as follows:

Env. Cat. DABAAAX
Class I

(c) *Data requirements.* (1) The manufacturer shall maintain a current file of complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his product. (See paragraph (d) of this section.)

(3) Six copies each, except where noted, of the following shall be furnished to the Chief, Engineering and Manufacturing Division, Flight Standards Service, Federal Aviation Agency, Washington 25, D.C.

(i) Manufacturer's operating instructions and equipment limitations.

(ii) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(iii) One copy of the manufacturer's test report.

(d) *Quality control.* Airborne ATC transponder equipment shall be produced under a quality control system, established by the manufacturer, which will assure that each equipment is in conformity with the requirements of this section and is in a condition for safe operation. This system shall be described in the data required under paragraph (c)(2) of this section. A representative of the Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

(e) *Previously approved equipment.* Airborne ATC transponder equipment approved prior to the effective date of this section may continue to be manufactured under the provisions of its original approval.

Effective date: June 15, 1962.

(Secs. 313(a), 601; 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on May 24, 1962.

S. W. HENCEROTH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-5315; Filed, May 31, 1962; 8:45 a.m.]

[1] Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T–5 Building, 16th and Constitution Avenue NW., Washington 25, D.C., Paper 181–61/DO–112, 55 cents per copy; Paper 120–61/DO–108, 75 cents per copy.

[Reg. Docket No. 1232; Amdt. 58]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

Safety Belts; TSO–C22e

Technical Standard Order C22d published in the FEDERAL REGISTER of November 2, 1960, as § 514.32 of the regulations of the Administrator (25 F.R. 10496), contains the minimum performance standards for safety belts for use on civil aircraft. This TSO also contained a footnote concerning new military safety belts which was added for informational purposes only. Such footnote states that new military safety belts identified by an NAF, AAF, or AN drawing number, an AAF order number, or other official military designation or specification numbers are also eligible for use in all civil aircraft. Because this footnote is located in a regulation establishing standards for approval of safety belts under the Technical Standard Order system, it implies that FAA has determined that any and all such belts of whatever kind or period of manufacture will exceed the minimum standards of the TSO system. This, of course, is not the case. Any safety belt, military or otherwise, must be found to meet the standards set forth in the applicable TSO and a certification to this effect filed with the FAA before it can be considered for approval under the TSO system. The fact that a military safety belt is identified with a military designation or specification does not, in and of itself, serve to establish that such a belt meets the applicable TSO standards. Therefore, in order to eliminate this source of misunderstanding, TSO–C22d has been superseded by a new Technical Standard Order designated as TSO–C22e which is published without the subject footnote. In all other respects, this TSO is the same as TSO–C22d.

Since this regulatory action is for the purpose of clarification and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making it effective on less than 30 days notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 514.32 of Part 514 of the regulations of the Administrator (14 CFR Part 514) is hereby revised to read as follows:

§ 514.32 Safety belts—TSO–C22d.

(a) *Applicability—(1) Minimum performance standards.* Minimum performance standards are hereby established for safety belts which are to be used on civil aircraft of the United States. New models of safety belts manufactured for installation on civil aircraft on or after the effective date of this section shall meet the standards of National Aircraft Standards Specification 802, revised May 15, 1950,[1] with the exceptions covered in subparagraph (2) of this paragraph. Belts approved under prior issuances of this section may continue to be manufactured under the earlier provisions.

(2) *Exceptions.* (i) For the purpose of this section the strengths specified in section 4.1.1 of NAS 802 shall be 1,500 pounds and 3,000 pounds instead of 3,000 pounds and 6,000 pounds.

(ii) In complying with section 4.3.2.2 of NAS 802, the curved portion of the test form may be padded with no more than one inch of medium density sponge rubber, or equivalent, and covered with suitable fabric to simulate a person's body and clothing.

(iii) Synthetic material webbing which is not subject to loss of strength due to the influence of humidity, temperature variations, etc., need not be subjected to the first six-month retesting period specified in section 3.1.2 of NAS 802. Retesting at succeeding six-month periods will be necessary if the belt manufacturer is unable to ascertain by means of textile data available to him that the webbing is unaffected by ambient storage conditions for the period of time involved.

(iv) In complying with section 4.1.3 of NAS 802, the two-inch webbing width shall be considered a nominal width. Thus, after considering all manufacturing processes as are necessary such as weaving, dyeing, mildew proofing, flame resistance and abrasion treatments, a webbing width of $1\frac{15}{16}$ inches $\pm\frac{1}{16}$ inch shall be acceptable.

(v) The slots or openings in the hardware for attachment of the safety belt webbing shall not be less than two inches.

(b) *Marking.* (1) Each half of each safety belt shall be marked in accordance with § 514.3 except that the weight required by paragraph (c) of § 514.3 need not be shown and the rated strength of the safety belt assembly shall be shown, and

(2) In lieu of the marking requirement in paragraph (d) of § 514.3 the date of manufacture is required. The serial number may also be marked on the belt but not in lieu of the date of manufacture.

(c) *Data requirements.* (1) The manufacturer shall maintain a current file on complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his product. (See paragraph (d) of this section.)

(3) One copy of the following shall be furnished to the Chief, Engineering and Manufacturing Division, Flight Standards Service, Federal Aviation Agency, Washington 25, D.C.: A drawing of the complete belt assembly showing the manufacturer's part numbers together with a notation indicating the minimum webbing strength specified by the belt manufacturer. If the test belts were tested to destruction, the average strength of the belt assembly should also be indicated.

(d) *Quality control.* Each safety belt shall be produced under a quality control system, established by the manufacturer, which will assure that each belt is in conformity with the requirements of this standard. This system shall be described in the data required under paragraph (c)(2) of this section. A representative of the Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this standard.

Effective date: June 1, 1962.

(Secs. 313(a), 601; 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on May 24, 1962.

S. W. HENCEROTH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-5316; Filed, May 31, 1962; 8:45 a.m.]

[1] Copies may be obtained from the National Standards Association, 616 Washington Loan and Trust Building, Washington 4, D.C.

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8349]

PART 13—PROHIBITED TRADE PRACTICES

Celtic Construction Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–70 *Financing activities;* § 13.15–230 *Plant and equipment;* § 13.15–270 *Size and extent;* § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* § 13.155–100 *Usual as reduced, special, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Richard J. Mooney, Wheaton, Md., Docket 8349, Dec. 14, 1961]

In the Matter of Celtic Construction Company, Inc., a Corporation, and Charles H. Deeringer, Richard J. Mooney, and Patrick M. Spalding, Individually and as Officers of Said Corporation

Order issued in default requiring the officer of a Wheaton, Md., home repair concern to cease making deceptive savings and guarantee claims and other misrepresentations in newspaper advertising, as in the order below indicated.

Similar orders based on consent agreements were issued against the company and two other officials on Aug. 30, 1961 (26 F.R. 9039, Sept. 26, 1961).

The order to cease and desist is as follows:

It is ordered, That respondent Richard J. Mooney, individually and as an officer of Celtic Construction Company, Inc., a corporation, and his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale or sale of services or materials, or both, in connection with the repair, remodeling, construction or renovating of any building, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication:

1. That the work performed, or the materials used, are guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform are clearly set forth.

2. That Celtic Construction Company, Inc., is Washington's largest remodeling contractor, or misrepresenting in any manner the size or extent of respondents' business.

3. That all work is performed by the respondents; or that any work is done by them that is not in accordance with the facts.

4. That any savings are afforded to the purchasers of respondents' services and/or materials from respondents' usual and customary price, unless the price at which they are offered constitutes a reduction from respondents' usual and customary price in the recent regular course of business.

5. That special financing is afforded to customers.

B. Misrepresenting in any manner the amount of savings available to purchasers of respondents' services and/or materials or the amount by which the price of said services and/or materials is reduced from the price charged by respondents in the recent regular course of business.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Richard J. Mooney, individually and as an officer of Celtic Construction Company, Inc., shall within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: December 15, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-5324; Filed, May 31, 1962; 8:47 a.m.]

[Docket No. C–42]

PART 13—PROHIBITED TRADE PRACTICES

Georgia Mills, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–180 *Location;* § 13.15–195 *Nature;* § 13.15–235 *Producer status of dealer or seller;* § 13.15–235(m) *Manufacturer.* Subpart—Using misleading name—Vendor: § 13.2420 *Manufacturing nature;* § 13.2438 *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Georgia Mills, Inc., et al., New York, N.Y., Docket C-42, Dec. 14, 1961]

In the Matter of Georgia Mills, Inc., a Corporation; J. Levine Textile, Inc., a Corporation; and Jacob Levine (Also Known as Jack Levine), and Irvin Levine, Individually and as Officers of Said Corporations, and Norman Levine, Individually, and as an Officer of J. Levine Textile, Inc.

Consent order requiring two affiliated New York City distributors of textile fabrics to retailers to cease representing falsely through use of the word "mills" as part of the corporate name of one, and of "weavers of synthetic fabrics" on letterheads, invoices, statements, etc., of both, that they had mills or looms on which their products were manufactured; and by use of the name "Thomasville, Ga." above their trade name, that that was their place of business.

The order to cease and desist, together with further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Georgia Mills, Inc., a corporation, and J. Levine Textile, Inc., a corporation, and their officers, and Jacob Levine (also known as Jack Levine) and Irvin Levine, individually and as officers of said corporations, and Norman Levine, individually and as an officer of J. Levine Textile, Inc., a corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of textile fabrics in commerce, as "commerce" is defined in the Federal Trade Commission Act, and in export trade as "export trade" is defined in the Export Trade Act, do forthwith cease and desist from, directly or indirectly:

1. Using the word "Mills" or any other word of similar import or meaning in or as a part of respondents' trade or corporate name, or representing in any other manner that respondents manufacture the fabrics sold by them unless and until respondents actually own and operate, or directly and absolutely control, the manufacturing plant wherein said fabrics are woven or made;

2. Using the words "Weavers of synthetic fabrics," or any other word or words so as to represent in any manner that they are the owners of, and operate, the looms on which their said textile fabrics are made.

3. Using the words "Thomasville, Ga.", or any other word or combination of words, to represent that they have a mill or principal place of business at any particular location or place, when such is not the fact.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 14, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-5325; Filed, May 31, 1962; 8:47 a.m.]

[Docket No. C-40]

PART 13—PROHIBITED TRADE PRACTICES

Thomas R. Engles and Mid-Continent Training Service

Subpart—Advertising falsely or misleadingly: § 13.115 *Jobs and employment service;* § 13.115-20 *Government;* § 13.143 *Opportunities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Thomas R. Engles doing business as Mid-Continent Training Service, Elmwood, Nebr., Docket C-40, Dec. 12, 1961]

In the Matter of Thomas R. Engles, Individually and Doing Business as Mid-Continent Training Service

Consent order requiring an Elmwood, Nebr., seller of correspondence courses on civil service preparation to cease misrepresenting in advertising in newspapers, circulars, etc., the number and types of civil service positions available to purchasers of the course.

The order to cease and desist is as follows, including further order requiring report of compliance therewith:

It is ordered, That Thomas R. Engles, individually and trading and doing business under the name of Mid-Continent Training Service, or under any other name, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of courses of study and instruction, do forthwith cease and desist from representing, directly or indirectly, that:

1. There are vacancies for any specified Civil Service positions, or any other positions, when such vacancies do not exist; or that the number of Civil Service or other positions available or vacant is greater than is the fact.

2. Positions in the United States Civil Service or elsewhere, which are restricted to any group or otherwise restricted or require certain qualifications or experience are vacant unless such restrictions are clearly set forth.

3. Completion of respondent's course of study and instruction prepares a person for all of the positions listed in respondent's advertising; or that completion of such course of study or instruction prepares a person for any specified position unless such is the fact.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: December 12, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-5326; Filed, May 31, 1962; 8:47 a.m.]

[Docket No. C-41]

PART 13—PROHIBITED TRADE PRACTICES

Raymond's, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.140 *Old, reclaimed or reused product being new;* § 13.155 *Prices:* § 13.155-40 *Exaggerated as regular and customary;* § 13.155-70 *Percentage savings.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1280 *Price;* § 13.1325 *Source or origin:* § 13.1325-60 *Maker or seller:* § 13.1325-60(a) *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865-40 *Fur Products Labeling Act;* § 13.1880 *Old, used, or reclaimed as unused or new:* § 13.1880-40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Raymond's, Inc., et al., Boston, Mass., Docket C-14, Dec. 12, 1961]

In the Matter of Raymond's, Inc., a Corporation, Evans Fur Company of Massachusetts, Inc., a Corporation, and Harold Sussman, Individually and as an Officer of the Evans Fur Company of Massachusetts, Inc.

Consent order requiring Boston furriers to cease violating the Fur Products Labeling Act by failing, on labels and invoices, to show the true animal name of fur used in fur products and to disclose when fur was dyed; by labeling fur products with "sale price" purporting falsely to be reduced from usual prices, and with the registered identification number of an unauthorized concern; by failing, on invoices, to set forth the terms "Persian Lamb", "Dyed Broadtail Processed Lamb", and "secondhand used fur" where required; by newspaper advertising which represented prices falsely as reduced from so-called regular prices which were fictitious, represented prices falsely as reduced by stated percentages of savings, and represented fur products offered for sale falsely as all brand new; by failing to maintain adequate records as a basis for pricing claims and types covered; and by failing in other respects to comply with labeling, invoicing, and advertising requirements.

The order to cease and desist, together with further order requiring report of compliance therewith, is as follows:

It is ordered, That Raymond's, Inc., a corporation, Evans Fur Company of Massachusetts, Inc., a corporation, and Harold Sussman, individually and as an officer of the said Evans Fur Company of Massachusetts, Inc., and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Falsely or deceptively labeling or otherwise representing that the prices of said fur products are reduced from the prices at which respondents have usually and customarily sold such products in the recent regular course of business.

B. Falsely or deceptively using the registered identification number of another person or firm.

C. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

D. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with non-required information.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish to purchasers of fur products invoices showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

C. Failing to set forth the term "Persian Lamb" where an election is made to use that term instead of Lamb.

D. Failing to set forth the term "Dyed Broadtail processed Lamb" where an election is made to use that term instead of Dyed Lamb.

E. Failing to disclose that fur products contain or are composed of "secondhand used fur", when such is the fact.

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

A. Represents directly or by implication that the regular or usual price of any fur product is any amount which is in excess of the price at which respondents have usually and customarily sold such products in the recent regular course of business.

B. Represents directly or by implication through percentage savings claims that prices of fur products are reduced in direct proportion to the percentage of savings stated when such is not the fact.

C. Represents directly or by implication that the fur products offered for sale are all brand new and none carried over from last year, or words or terms of similar import and meaning when such is not the fact.

D. Fails to set forth the information required under section 5(a) of the Fur Productions Labeling Act and the rules and regulations promulgated thereunder in type of equal size and conspicuousness and in close proximity with each other.

4. Making pricing claims and representations of the types covered by subsections (a), (b), (c) and (d) of Rule 44 of the regulations under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 12, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-5327; Filed, May 31, 1962; 8:47 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

RETIREMENT PAY; ELECTION

In § 3.750(b), subparagraph (1) is amended to read as follows:

§ 3.750 Retirement pay.

* * * * *

(b) *Election.* * * *

(1) An election filed within 1 year from the date of notification of Veterans Administration entitlement will be considered as "timely filed" for the purpose of § 3.401(e)(1). If the veteran is incompetent the 1-year period will begin on the date notification is sent to the next friend or fiduciary. In initial determinations, elections may be applied retroactively if the claimant was not advised of his right of election and the effect thereof.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective June 1, 1962.

[SEAL] W. J. DRIVER, *Deputy Administrator.*

[F.R. Doc. 62-5334; Filed, May 31, 1962; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 939, Corrected]

PART 95—CAR SERVICE

Utilization of Fifty-foot Long or Longer Plain Box Cars and Plain Box Cars Forty-foot Long or Longer With Side Door Openings Eight-foot Wide or Wider

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 21st day of May A.D. 1962.

It appearing that an acute shortage of box cars fifty-foot long or longer and box cars forty-foot long or longer with side door openings eight-foot wide or more; and it appearing that the present carrier rules, regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of box cars of these dimensions to the railroads owning such cars are ineffective; the Commission is of the opinion that an emergency exists requiring immediate action in all parts of the country, and that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 95.939 Utilization of fifty-foot long or longer plain box cars and plain box cars forty-foot long or longer with side door openings eight-foot wide or wider.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce and obey the following rules, regulations and practices with respect to its car service:

(1) The provisions of this section apply to plain (XM, XME, and XI) forty-foot or longer box cars with side door openings of eight-foot or wider and plain (XM, XME, and XI) fifty-foot or longer box cars with any size side door opening of all ownerships, including all box cars with plug doors.

(2) For purposes of this section, districts as shown in the Official Railway Equipment Register, ICC R.E.R.-No. 343, supplements thereto or subsequent reissues thereof govern. These districts are identified as Association of American Railroads car selection chart showing home districts for all principal freight car ownership.

(3) Cars locating in a home district may be used only for loading to a destination on or via owner's rails or to a junction with the owner.

(4) Cars locating in a district adjacent to a home district may be used only for loading to a home district or beyond if routed via the owner.

(5) Cars locating in other districts (not home districts or districts adjacent thereto) may be used for loading to or via owner, or to any destination within a home district or within a district adjacent to a home district.

(6) Cars locating empty at a junction with the owner must be loaded to or via the owning road or delivered owner empty at that junction.

(7) In the absence of proper loading, cars must be moved, to the owner empty under Association of American Railroads Car Service Rules or Special Car Order 90.

(b) *Application.* The provisions of this section shall apply to intrastate and interstate commerce.

(c) *Effective date.* This section shall become effective at 12:01 a.m., May 27, 1962.

(d) *Expiration date.* This section shall expire at 11:59 p.m., December 31, 1962, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-5341; Filed, May 31, 1962; 8:50 a.m.]

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Special Permission No. M-83800, as further amended]

PART 187—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS

Suspension Supplements

At a session of the Interstate Commerce Commission, Special Permission Board, held at its office in Washington, D.C., on the 14th day of May 1962.

It is ordered, That Part 187 be, and the same is hereby amended by deleting the text of § 187.90 and substituting in lieu thereof the following:

§ 187.90 Suspension supplements.

(a) All carriers subject to the tariff publishing rules contained in §§ 187.0–13 (Tariffs Circular MF No. 4), 187.21–187.47 (MF No. 3) and 186.0–186.16 (MP No. 3), and their duly appointed agents are hereby authorized to: Publish the following provisions in the supplements (other than consolidated suspension supplements) to their respective tariffs or schedules, announcing suspension of rates, fares or other provisions of said tariffs and schedules:

POSTPONEMENT NOTICE

If this supplement is not cancelled on or before (here insert date to which suspended), the effective date of the above-described suspended publication or publications remaining under suspension until that date is hereby postponed to the date upon which this supplement is cancelled. The rates, fares, charges, classifications, rules, regulations, practices and other provisions continued in force by the above-mentioned order of suspension will apply during the period of suspension and postponement unless and until lawfully changed.

(b) Where the supplement announcing suspension does not contain the postponement notice authorized above and some or all of the matter remains under suspension until the end of the suspension period, carriers and their agents are hereby authorized to issue a postponement notice in a regular supplement or a postponement supplement to their tariff or schedule affected, such postponement notice or postponement supplement to provide that the effective date of such matter remaining under suspension is postponed to a specific date or to the date upon which the postponement notice or postponement supplement is cancelled. The supplement containing such postponement notice to provide for the cancellation of the suspension supplement, bear an effective date which will be the same date as that named in the suspension order and to be made effective upon as much notice as possible, but in no case less than one day's notice.

(c) Where the suspended matter is under postponement to a specific date under authority of paragraph (b) of this section and it is desired to further postpone the effective date, carriers or agents may issue a supplement to their tariff or schedule affected, such supplement to cancel the postponement supplement (if it contains only the notice of postponement) or the postponement notice (if in a supplement containing other matter) and to provide that the effective date of the matter remaining under postponement to the end of the postponement period, is further postponed to a specific date or to the date upon which the postponement supplement or postponement notice is cancelled. The postponement notice or supplement issued hereunder to be made effective not later than the date shown in the previous postponement notice and upon as much notice as possible but in no case less than one day's notice.

(d) When the Commission has found the suspended matter justified and the effective date of such matter is under postponement or further postponement, the publishing carrier or agent may within the period of postponement publish and file a supplement (when to a bound tariff) or revised page (when to a loose-leaf tariff) to their tariff or schedule affected, such supplement or page to cancel the postponement notice or postponement supplement (in the case of a loose-leaf tariff the postponement supplement may be cancelled by a revised check sheet), cancel the matter continued in effect during the period of postponement and make the postponed matter effective, the supplements or pages issued under this paragraph to bear an effective date which will be earlier than the date to which postponed and be made effective upon not less than one day's notice.

(e) Supplements issued to bound tariffs under authority of paragraphs (b), (c) and (d) of this section which contain no other matter may be issued without regard to the terms of § 187.30 (s)(1)(2) (Rule 6(d) of Tariff Circular MF No. 3), or § 187.5 paragraph (u) of Tariff Circular MF No. 4, but thereafter such supplements will be counted against the number of supplements and volume of supplemental matter until they are cancelled.

(f) Publications issued hereunder to make specific reference hereto as authority for short notice filing or for tariff circular departure by using the following notation wholly or in part:

Issued on (show number of days) notice; Tariff Circular departure authorized; ICC Permission No. M-83800, amended.

This permission does not, except as expressly indicated, waive or modify any outstanding formal order of the Commission, any of the requirements of its published rules relative to the construction and filing of the tariffs or schedules, nor any of the provisions of the Interstate Commerce Act. This permission shall continue in force and effect until otherwise ordered, by the Commission.

Effective date. This order shall become effective May 14, 1962.

(Sec. 12, 24 Stat. 383, as amended; 49 Stat. 546, as amended; 49 U.S.C. 12, 304)

By the Commission, Special Permission Board.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-5338; Filed, May 31, 1962; 8:49 a.m.]

Proposed Rule Making

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 72–74, 77, 78]

EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Transportation; Notice of Proposed Rule Making

[Docket No. 3666; Notice 55]

MAY 18, 1962.

The Commission is in receipt of applications for early amendment of the above-entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway. The proposed amendments are set forth below and the reasons therefor are listed below in the appendix set forth below.

Applications for the proposed amendments have been the subject of exchanges and study by various interested parties, in which substantial agreement has been reached.

Any party desiring to make representations in favor of or against the proposed amendments may do so through the submission of written data, views, or arguments. The original and five copies of such submission may be filed with the Commission on or before June 18, 1962. The proposed amendments are subject to change or changes that may be made as a result of such submissions.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, and by filing a copy of the notice with the Director, Office of the Federal Register.

(62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834)

By the Commission, Safety and Service Board No. 2—Explosives and Other Dangerous Articles Board.

[SEAL] HAROLD D. McCOY, *Secretary.*

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5 *Commodity list* (15 F.R. 8263, 8269, 8270, Dec. 2, 1950) as follows:

§ 72.5 List of explosives and other dangerous articles.

(a) • • •

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Add)				
Methyl chloride-methylene chloride mixture.	F.G.	73.302, 73.306, 73.314	Red Gas	300 pounds.
Nitrogen tetroxide, liquid	Pois. A	No exemption, 73.336	Poison Gas	Not accepted.
(Change)				
Alkaline corrosive battery fluid	Cor. L	73.244, 73.249	White	10 gallons.
Nitrogen peroxide, liquid	Pois. A	No exemption, 73.336	Poison Gas	Not accepted.

PART 73—SHIPPERS

In § 73.32 amend paragraph (e)(2) (24 F.R. 5639, July 14, 1959) to read as follows:

§ 73.32 Qualification, maintenance, and use of portable tanks.

• • • • • •

(e) • • •

(2) Every portable tank container which is constructed in accordance with ICC Specification 51 (§ 78.245 of this chapter), or qualified for transporting compressed gases as prescribed in these regulations shall be tested at least once in every five years in accordance with paragraph (e) (3), (4), and (5) of this section. A written record indicating the dates and results of all required pressure tests shall be retained by the owner or his authorized agent until the next retest has been accomplished and recorded.

Subpart B—Explosives; Definitions and Preparation

In § 73.54 amend paragraph (a) (15 F.R. 8286, Dec. 2, 1950) to read as follows:

§ 73.54 Ammunition for cannon.

(a) Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shell must be well packed and properly secured in strong wooden or metal containers, or in linear polyethylene containers approved by the Bureau of Explosives.

In § 73.57 amend paragraph (a) (15 F.R. 8286, 8287, Dec. 2, 1950) to read as follows:

§ 73.57 Rocket ammunition.

(a) Rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, or illuminating projectiles must be well packed and properly secured in strong wooden or metal containers or in pre-formed fiber glass resin impregnated containers approved by the Bureau of Explosives.

In § 73.61 amend paragraph (h) (15 F.R. 8288, Dec. 2, 1950) to read as follows:

§ 73.61 High explosives.

• • • • • •

(h) Except for cartridges containing gelatin dynamite, all cartridges of high explosives exceeding 4 inches in length and containing more than 10 percent of a liquid explosive ingredient must be placed horizontally in boxes. Bags must be packed with their filling holes up.

In § 73.65 amend the introductory text of paragraph (a) (24 F.R. 8056, Oct. 6, 1959) to read as follows:

§ 73.65 High explosives with no liquid explosive ingredient nor any chlorate.

(a) High explosives containing no liquid explosive ingredient nor any chlorate if their sensitiveness to percussion is not greater than that measured by the blow delivered by an 8-pound weight dropping from a distance of 7 inches on a compressed pellet of the explosive three-hundredths of an inch thick and two-tenths of an inch in diameter, confined rigidly between hard steel surfaces as in the standard Impact Testing Apparatus of the Bureau of Explosives, must be packed in cartridges, or in bags or metal containers in outside boxes, except that the requirement of packaging in cartridges, bags or metal containers does not apply to plastic-bonded explosives, but they must be packed and cushioned so as to prevent movement of individual pieces within the outside shipping container. They must be packed in cartridges when their sensitiveness is greater than the limit prescribed in this section. Such explosives when dry may be packed in strong sift-proof bags securely closed so as to prevent leakage therefrom or metal containers of capacity not exceeding 60 pounds. These explosives must be packed in outside containers complying with the following specifications:

In § 73.70 add paragraph (b)(1) (21 F.R. 7598, Oct. 4, 1956) to read as follows:

§ 73.70 Diazodinitrophenol or lead mononitroresorcinate.

• • • • • •

(b) • • •

(1) Spec. 21C (§ 78.224 of this chapter). Fiber drums not over 30 gallons capacity of at least nine-ply construction having, in addition, a 30-gauge sheet of steel between the fifth and sixth plies. The inside ply of kraft paper shall be

laminated on each side with polyethylene to form a waterproof lining. The bottom head shall be of fiber, metal covered on the outside, and shall be attached to the body to form a water-tight joint. Lead mononitroresorcinate only must be packed wet with not less than 40 percent by weight of water and shall be contained in at least two tightly sealed polyethylene bags of at least 0.004 inch thickness and this unit shall then be placed in a tightly closed polyethylene bag of at least 0.004 inch thickness and this assembly shall be placed within a 0.006 inch thickness polyethylene or other suitable plastic bag completely filled with water and tightly closed. The 0.006 inch plastic bag shall be of such size as to completely fill the outside shipping container. The dry weight of lead mononitroresorcinate only in one outside container must not exceed 100 pounds.

In § 73.75 add paragraph (b)(1) (15 F.R. 8292, Dec. 2, 1950) to read as follows:

§ 73.75 Nitro mannite.

• • • • • •

(b) • • •

(1) Spec. 21C (§ 78.224 of this chapter). Fiber drums not over 30 gallons capacity of at least nine-ply construction having, in addition, a 30-gauge sheet of steel between the fifth and sixth plies. The inside ply of kraft paper shall be laminated on each side with polyethylene to form a waterproof lining. The bottom head shall be of fiber, metal covered on the outside, and shall be attached to the body to form a watertight joint. Nitro mannite must be packed wet with not less than 40 percent by weight of water and shall be contained in at least two tightly sealed polyethylene bags of at least 0.004 inch thickness and this unit shall then be placed in a tightly closed polyethylene bag of at least 0.004 inch thickness and this assembly shall be placed within a 0.006 inch thickness polyethylene or other suitable plastic bag, completely filled with water and tightly closed. The 0.006 inch plastic bag shall be of such size as to completely fill the outside shipping container. The dry weight of nitro mannite in one outside container must not exceed 100 pounds.

Subpart C—Flammable Liquids; Definition and Preparation

In § 73.119 amend paragraph (b)(4) (26 F.R. 4994, June 6, 1961) to read as follows:

§ 73.119 Flammable liquids not specifically provided for.

• • • • • •

(b) • • •

(4) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers which must be glass, earthenware, polyethylene (bags are not authorized), or metal, not over 1 gallon each. Packages containing inside glass or earthenware containers must not contain more than 4 such inside containers if their capacity is greater than 5 pints each. Polyethylene containers are authorized only for materials that will not react with or cause decomposition of the plastic.

(No change in Note 1.)

In § 73.128 amend paragraph (a)(2) (26 F.R. 12702, Dec. 29, 1961) to read as follows:

§ 73.128 Paints and related materials.

(a) • • •

(2) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter). Metal drums (single-trip) not over 5 gallons capacity with welded side seams for drums over 2 gallons capacity, irrespective of flash point or viscosity. Spec. 37A (§ 78.131 of this chapter) metal drums constructed with 26-gauge body sheets, 24-gauge removable heads, and 26-gauge bottom heads are authorized for not over 80 pounds gross weight. Because of the present emergency and until further order of the Commission, spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter) metal drums of 8½ gallons capacity, with welded side seams and made of 24-gauge metal, are authorized provided flash point of material shipped is above 20° F.

In § 73.134 amend paragraph (a)(2) Note 1 (26 F.R. 4995, June 6, 1961) to read as follows:

§ 73.134 Aluminum triethyl, aluminum trimethyl, pyroforic fuel, pyroforic solutions, zinc ethyl, triisobutyl aluminum, ethyl aluminum sesquichloride, diethyl aluminum chloride, ethyl aluminum dichloride, methyl aluminum sesquichloride, methyl aluminum sesquibromide, methyl magnesium bromide in ethyl ether in concentrations not over 40 percent, and mixtures or solutions thereof.

(a) • • •

(2) • • •

NOTE 1: Tanks complying with ICC–106A or ICC–110A (§ 78.275 or § 78.293 of this chapter) type specifications may be transported in motor vehicles and in the manner authorized in § 77.840(c) of this chapter, provided adequate facilities are present for handling tanks where transfer in transit is necessary. Tanks must be securely chocked or clamped thereon to prevent shifting.

In § 73.148 amend paragraph (a)(4) Note 1 (26 F.R. 12703, Dec. 29, 1961) to read as follows:

§ 73.148 Monoethylamine.

(a) • • •

(4) • • •

NOTE 1: Tanks complying with ICC–106A or ICC–110A (§ 78.275 or § 78.293 of this chapter) type specifications may be transported in motor vehicles and in the manner authorized in § 77.840(c) of this chapter, provided adequate facilities are present for handling tanks where transfer in transit is necessary. Tanks must be securely chocked or clamped thereon to prevent shifting.

Subpart D—Flammable Solids and Oxidizing Materials; Definition and Preparation

In § 73.184 amend paragraph (b) (25 F.R. 10392, Oct. 29, 1960) to read as follows:

§ 73.184 Nitrocellulose of collodion cotton, wet, or nitrocellulose, colloided, granular, or flake, wet, or nitrostarch, wet, or nitroguanidine, wet.

• • • • • •

(b) Gross weight of any container must not exceed 490 pounds.

In § 73.206 add paragraph (c)(4) (15 F.R. 8310, Dec. 2, 1950) to read as follows:

§ 73.206 Sodium or potassium, metallic, sodium amide, sodium potassium alloys, lithium metal, lithium silicon, lithium hydride, and lithium aluminum hydride.

• • • • • •

(c) • • •

(4) Stainless steel tubes having welded end caps containing not over 50 grams of metallic sodium each. Each tube must be inserted in an aluminum carrier tube. Containers must be approved by the Bureau of Explosives.

Subpart E—Acids and Other Corrosive Liquids; Definition and Preparation

In § 73.260 amend paragraph (c)(2) and add paragraph (g) (26 F.R. 9401, Oct. 6, 1961) (15 F.R. 8316, Dec. 2, 1950) to read as follows:

§ 73.260 Electric storage batteries, wet.

• • • • • •

(c) • • •

(2) Top of slip cover or fiberboard box design must comply with the following:

(i) Top of slip cover or fiberboard box must have interior reinforcement (insert or saddle) of fiberboard, wood, or other material of equal strength and rigidity so formed that any superimposed weight will bear only and directly downward on the top edges of the battery case or intercell connectors (straps) or plastic battery terminal covers designed to transmit any superimposed weight directly to the top inner wall of the battery case.

(ii) Or be protected by a scored one piece cover-liner of 200-pound test (Mullen or Cady) double-faced corrugated fiberboard extending from the base of the battery on one side, across the top of the battery and to the base of the battery on the opposite side.

(iii) Or a five-sided slip cover having top of only one thickness of fiberboard, with lengthwise inner flaps roll folded to form a reinforcement of such height as to provide clearance required by subparagraph (1) of this paragraph which shall rest on the side edges of the battery. Outer end flaps to overlap approximately one inch and shall be butt folded and tucked into a center slot cut in the inner flaps. The requirements of subdivisions (i) and (iv) of this subparagraph do not apply.

(iv) When top of slip cover or fiberboard box consists of only one thickness of material, reinforcement must have a plane surface of same interior dimensions and thickness. Reinforcement must be of such height as to provide minimum clearance required above and must be constructed to remain securely in place or be fastened to slip cover or fiberboard box.

• • • • • •

(g) Batteries containing electrolyte or corrosive battery fluid, which are nonspillable and leakproof, may be assembled with gas generators and initiators used in their operation and are exempt from Parts 71–78 and 197 of this chapter when approved by the Bureau of Explosives.

In § 73.275 amend paragraph (a)(1) (20 F.R. 951, Feb. 15, 1955) to read as follows:

§ 73.275 Difluorophosphoric acid, anhydrous, monofluorophosphoric acid, anhydrous, hexafluorophosphoric acid, and mixtures thereof.

(a) • • •

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185 or § 78.190 of this chapter) wooden boxes, spec. 12B (§ 78.205 of this chapter) fiberboard boxes, or spec. 21C (§ 78.224 of this chapter) fiber drums with inside containers which must be polyethylene, or other nonfragile plastic bottles resistant to the lading, not over 2 gallons capacity each, closed by means of threaded acid-resistant caps; caps must have at least one complete continuous thread and be additionally sealed to the bottle to prevent turning of cap after bottle is closed for shipment.

Subpart F—Compressed Gases; Definition and Preparation

In § 73.301 amend the introductory text of paragraph (f) (15 F.R. 8324, Dec. 2, 1950) to read as follows:

§ 73.301 General requirements.

• • • • • •

(f) *Manifolding containers in transportation.* No means of interconnecting such as manifolding of individual containers may be employed for the transportation of compressed gases, except as hereinafter authorized. Containers so manifolded shall be supported and held together as a unit by structurally adequate means. Safety relief devices on manifolded horizontal containers charged with flammable compressed gas shall be arranged to discharge upward and unobstructed to the open air in such a manner as to prevent any impingement of escaping gas upon the container.

In § 73.314 amend paragraph (a) Table and Note 12 thereto (22 F.R. 2227, April 4, 1957) (23 F.R. 2327, April 10, 1958) to read as follows:

§ 73.314 Compressed gases in tank cars.

(a) • • •

Kind of gas	Maximum Permitted filling density, Note 1	Required type of tank car, Note 2
(Add)	*Percent*	
Methyl chloride-methylene chloride mixture	Note 16	ICC–106A500, 106A500X, Note 12. ICC–105A300–W, Note 9.

• • • • • • • • • •

NOTE 12. Tanks complying with ICC–106A or ICC–110A (§§ 78.275, 78.276, 78.278, 78.293 or § 78.295 of this chapter) type specifications used for the transportation of compressed gases as authorized in § 73.314(a) may be transported in motor vehicles and in the manner authorized in § 77.840(c) of this chapter, provided adequate facilities are present for handling tanks where transfer in transit is necessary. Tanks must be securely chocked or clamped thereon to prevent shifting. See § 74.560(b)(1) of this chapter.

Subpart G—Poisonous Articles; Definition and Preparation

In § 73.333 amend paragraph (a)(2) Note 1 (18 F.R. 5273, Sept. 1, 1953) to read as follows:

§ 73.333 Phosgene or diphosgene.

(a) • • •

(2) • • •

NOTE 1. Tanks complying with ICC–106A (§ 78.275 of this chapter) type specifications may be transported in motor vehicles and in the manner authorized in § 77.840(c) of this chapter, provided adequate facilities are present for handling tanks where transfer in transit is necessary. Tanks must be securely chocked or clamped thereon to prevent shifting.

In § 73.336 amend the heading and introductory text of paragraph (a); amend paragraph (a)(3) Note 1; add paragraph (a)(4) (15 F.R. 8334, Dec. 2, 1950) (18 F.R. 3137, June 2, 1953) to read as follows:

§ 73.336 Nitrogen dioxide, liquid, nitrogen peroxide, liquid, and nitrogen tetroxide, liquid.

(a) Nitrogen dioxide, liquid, nitrogen peroxide, liquid, and nitrogen tetroxide, liquid must be packed in specification containers as follows:

• • • • • •

(3) • • •

NOTE: Tanks complying with ICC–106A (§ 78.275 of this chapter) type specifications may be transported in motor vehicles and in the manner authorized in § 77.840(c) of this chapter, provided adequate facilities are present for handling tanks where transfer in transit is necessary. Tanks must be securely chocked or clamped thereon to prevent shifting.

(4) Spec. 105A500–W or 105A600–W (§ 78.288 or § 78.289 of this chapter). Tank cars. Authorized for nitrogen tetroxide only. Tanks must be lagged with not less than a four-inch thickness of cork. All valves and fittings shall be protected by a securely attached cover made of metal not subject to deterioration by the lading, and all valve openings, except the safety valve, shall be fitted with screw plugs or caps to prevent leakage in the event of valve failure. Safety valve must be equipped with an approved stainless steel or platinum frangible disc. Tank must be stenciled on both sides in letters not less than 2 inches high "NITROGEN TETROXIDE ONLY." Written procedure covering details of tank car appurtenances, dome fittings and safety devices, and marking, loading, handling, inspection, and testing practices shall be filed with and approved by the Bureau of Explosives before any tank car is offered for transportation of nitrogen tetroxide.

In § 73.338 amend paragraph (a)(3) Note 1 and paragraph (a)(4) (26 F.R. 9403, Oct. 6, 1961) to read as follows:

§ 73.338 Nitrogen tetroxide-nitric oxide mixtures containing up to 33.2 percent weight nitric oxide.

(a) • • •

(3) • • •

NOTE 1: Tanks complying with ICC–106A (§ 78.275 of this chapter) type specifications may be transported in motor vehicles and in the manner authorized in § 77.840(c) of this chapter, provided adequate facilities are present for handling tanks where transfer in transit is necessary. Tanks must be securely chocked or clamped thereon to prevent shifting.

(4) Spec. 105A500–W or 105A600–W (§ 78.288 or § 78.289 of this chapter). Tank cars. Tanks must be lagged with not less than a four-inch thickness of cork. All valves and fittings shall be protected by a securely attached cover made of metal not subject to deterioration by the lading, and all valve openings, except the safety valve, shall be fitted with screw plugs or caps to prevent leakage in the event of valve failure. Safety valve must be equipped with an approved stainless steel or platinum frangible disc. Tank must be stenciled on both sides in letters not less than 2 inches high "NITROGEN TETROXIDE-NITRIC OXIDE MIXTURES ONLY." Written procedure covering details of tank car appurtenances, dome fittings and safety devices, and marking, loading, handling, inspection, and testing practices shall be filed with and approved by the Bureau of Explosives before any tank car is offered for transportation of nitrogen tetroxide-nitric oxide mixtures.

In § 73.346 add paragraph (a)(26) (15 F.R. 8335, Dec. 2, 1950) to read as follows:

§ 73.346 Poisonous liquids not specifically provided for.

(a) • • •

(26) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside polyethylene bottles having a minimum wall thickness of 0.015 inch and provided with screw-cap closures, not over one gallon capacity each. Each bottle shall be enclosed in a box constructed of at least 200-pound test (Mullen or Cady) corrugated fiberboard and not more than four such boxes shall be packed in one outside specification shipping container.

In § 73.348 add paragraph (a)(3) (24 F.R. 8059, Oct. 6, 1959) to read as follows:

§ 73.348 Arsenic acid.

(a) • • •

(3) Spec. 12A or 12B (§ 78.210 or § 78.205 of this chapter). Fiberboard boxes with inside high-density polyethylene bottles having minimum wall thickness of 0.007 inch with screw-cap

closures, not over 1 gallon capacity each. Spec. 12A (§ 78.210 of this chapter) fiberboard boxes shall have not more than four inside polyethylene bottles which shall be packed to provide a snug fit. Spec. 12B (§ 78.205 of this chapter) fiberboard boxes shall contain not more than one inside polyethylene bottle and not more than four such boxes shall be overpacked in a strong outside fiberboard box under provisions of § 73.25.

In § 73.353 amend paragraph (d) (18 F.R. 6780, Oct. 27, 1953) to read as follows:

§ 73.353 Methyl bromide, liquid (bromomethane), mixtures of methyl bromide and ethylene dibromide, liquid, mixtures of methyl bromide and chlorpicrin, liquid, or methyl bromide and nonflammable, nonliquefied compressed gas mixtures, liquid.

• • • • • •

(d) Spec. 17C (§ 78.115 of this chapter). Metal drums (single-trip) not over 5¼ gallons marked capacity each and having no opening exceeding 2.3 inches in diameter. Authorized only for mixtures containing not over 40 percent by weight of methyl bromide.

In § 73.359 amend paragraph (a) (11) (26 F.R. 9403, Oct. 6, 1961) to read as follows:

§ 73.359 Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphate compound mixtures, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, liquid.

(a) • • •

(11) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside polyethylene or other suitable plastic containers not over 1-gallon capacity each. Except for polyethylene bottles with screw-cap closures, polyethylene containers shall have leakproof closures, shall be formed of polyethylene having minimum wall thickness of 0.007 inch (plastic bags or containers formed of film sheet not permitted), and each container shall be enclosed in a fiberboard box. Not more than two 1-gallon containers shall be packed in one outside fiberboard box. Plastic used in construction of containers must be of a type compatible with the lading. Authorized gross weight of any completed package shall not exceed 30 pounds. Authorized in carload or truckload shipments only.

PART 74—CARRIERS BY RAIL FREIGHT

Subpart C—Placards on Cars

In § 74.542 add paragraph (c) (15 F.R. 8351, Dec. 2, 1950), to read as follows:

§ 74.542 "Poison gas" placards.

• • • • • •

(c) *"Poison gas" placards.* "Poison gas" placards, for tank cars, as prescribed in § 74.557 must be applied to tank cars containing class A poisons except hydrocyanic acid.

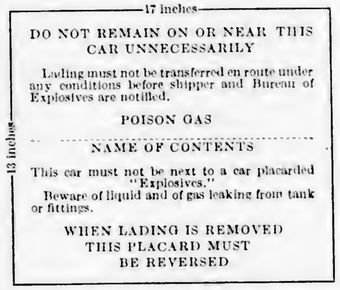
Add § 74.557 (15 F.R. 8352, Dec. 2, 1950) to read as follows:

§ 74.557 Poison gas placard.

(a) The "Poison gas" placard, for tank cars, must be of rectangular shape, measuring 13 inches by 17 inches, and must bear the wording as shown in the following cut; the printing must be in red with the exception of name of contents which must be in black, as follows:

POISON GAS PLACARD

(Reduced size)



(1) The reverse side of such placards may bear the wording as prescribed for the "Poison Gas—Empty" placard. (See § 74.563(f).)

Subpart D—Unloading From Cars

In § 74.562 add paragraph (e) (15 F.R. 8353, Dec. 2, 1950) to read as follows:

§ 74.562 Removal of placards and car certificate after unloading.

• • • • • •

(e) After poison gas is unloaded from tank car, the party unloading the car must remove all shipping cards and "Poison Gas" placards from car. "Dangerous—Empty Poison Gas" placards detailed in § 74.563(f) must be applied to empty tank car.

In § 74.563 amend paragraph (a) and add paragraph (f) (24 F.R. 5641, 5642, July 14, 1959) (15 F.R. 8253, Dec. 2, 1950) to read as follows:

§ 74.563 "Dangerous—Empty" placards.

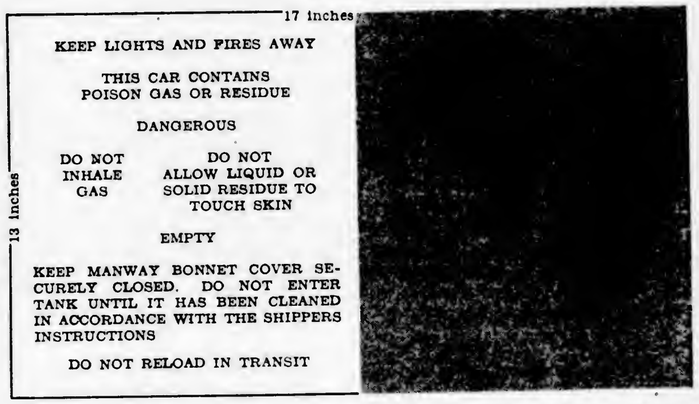
(a) "Dangerous—Empty" placards must measure 10¾ inches on each side (see paragraphs (d) and (f) of this section for "Flammable Poison Gas—Empty" and "Poison Gas—Empty" placards respectively). The printing must be as shown in the cuts in this section, in black on strong white paper, or on tag board designated commercially as 100 percent sulphate, weighing 125 pounds per ream, of sheets 24 inches by 36 inches, and having a resistance of not less than 60 pounds per square inch, Mullen test.

• • • • • •

(f) "Poison Gas—Empty" placard, for tank cars, must be of rectangular shape, measuring 13 inches by 17 inches and must bear the wording as shown in the following cut:

"POISON GAS—EMPTY" PLACARD

(Reduced size)



(1) The reverse side of such placards may bear the wording as prescribed for the "Poison Gas" placard. (See § 74.557.)

Subpart E—Handling by Carriers by Rail Freight

In § 74.584 amend paragraph (a) Table; amend paragraph (g) (1) (24 F.R. 5642, July 14, 1959) (25 F.R. 3104, Apr. 12, 1960) to read as follows:

§ 74.584 Waybills, switching orders, or other billing.

(a) • • •

	Label notation to follow entry of the article on the billing	Placard notation to follow entry of the article on the billing	Placard endorsement must be ⅝" high and appear on the billing near the space provided for the car number
(Add)			
For poisonous liquids, class A, in tank cars	None	"Poison Gas Placard"	"Poison Gas."
For empty tank cars that last contained poisonous liquids, class A	None	"Dangerous—Poison Gas—Empty Placard."	"Dangerous—Poison Gas—Empty."

• • • • • • • •

(g) • • •

(1) For tank cars that last contained poisonous liquids, class A, the billing must show the words "Dangerous—Poison Gas—Empty" except the billing for tank cars that last contained hydrocyanic acid must show the words "Dangerous—Flammable Poison Gas—Empty."

In § 74.589 amend the introductory text of paragraph (b); amend paragraph (k) (26 F.R. 1017, Feb. 2, 1961) (24 F.R. 5642, 5643, July 14, 1959) to read as follows:

§ 74.589 Handling cars.

• • • • • •

(b) *Placards on cars.* A car requiring car certificates and "Explosives," "Dangerous," "Dangerous—Radioactive Material," "Poison Gas," "Flammable Poison Gas," "Dangerous—Empty Flammable Poison Gas," "Dangerous—Empty Poison Gas" or "Caution—Residual Phosphorus" placards under the provisions of this part shall not be transported unless such freight car is at all times placarded and certificated as required. Placards and car certificates lost in transit shall be replaced at the next inspection point, and those not required shall be removed at the next terminal where the train is classified.

• • • • • •

(k) *Position in freight train or mixed train of cars placarded "POISON GAS," "FLAMMABLE POISON GAS," or containing poison liquids, class A.* In a freight train or mixed train either standing or during transportation thereof, a car placarded "POISON GAS," "FLAMMABLE POISON GAS" or containing poison liquids, class A, shall not be next to other freight cars placarded "EXPLOSIVES" or cars placarded "DANGEROUS."

(1) In a freight train or mixed train either standing or during transportation thereof, a loaded tank car placarded "POISON GAS," or "FLAMMABLE POISON GAS," must not be handled next to:

(i) Occupied passenger car, other than cars occupied by gas handlers and authorized personnel accompanying shipment.

(ii) Occupied combination car, other than cars occupied by gas handlers and authorized personnel accompanying shipment.

(iii) Any car placarded "EXPLOSIVES."

(iv) Engine or occupied caboose.

(v) Any car placarded "DANGEROUS."

(vi) Wooden under-frame car (except on narrow gauge railroads).

(vii) Loaded flat car, other than specially equipped cars in trailer-on-flat-car service or flat cars loaded with automobiles, trucks, or trailer bodies which are secured by means of a device or devices designed and permanently installed on the flat car for that purpose and of a type generally accepted for handling in interchange between railroads.

NOTE: Flat cars equipped with permanently attached ends of rigid construction shall be considered as open-top cars. See subdivision (viii) of this paragraph.

(viii) Open-top car when any of the lading protrudes beyond the car ends or when any of the lading extending above the car ends is liable to shift so as to protrude beyond the car ends.

(ix) Car equipped with automatic refrigeration or any other apparatus utilizing an open-flame light or an internal combustion engine in its operation.

(x) Car containing lighted heaters, stoves, or lanterns, except when occupied by gas handlers or authorized personnel accompanying shipment.

(xi) Car loaded with live animals or fowl, occupied by an attendant.

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Subpart B—Loading and Unloading

In § 77.840 amend paragraph (c) (26 F.R. 12705, Dec. 29, 1961) to read as follows:

§ 77.840 Compressed gases.

• • • • • •

(c) Tanks complying with ICC–106A or ICC–110A (§§ 78.275, 78.278, 78.278, 78.293 or § 78.295 of this chapter) type specifications used for the transportation of compressed gases and flammable liquids as authorized in § 73.314(a) Note 12, §§ 73.134(a)(2), and 73.148(a)(4) of this chapter may be transported in a combination of vehicles as follows: (1) In a truck and in one semitrailer or one full trailer attached thereto, with no other trailer included in the combination, (2) in a semitrailer attached to a truck-tractor and in a full trailer attached thereto, with not more than one semitrailer and one full trailer in the combination, provided adequate facilities are present for handling tanks where transfer in transit is necessary. Tanks must be securely chocked or clamped thereon to prevent shifting. As used herein a full trailer includes a semitrailer equipped with a front axle dolly. Each full trailer used in any of the above combinations, in any vehicle of which combination any such tank is transported, must have a wheel base of at least 184 inches. See § 74.560 of this chapter for rail freight-motor vehicle shipments.

In § 77.841 amend paragraph (c) Note 1 (18 F.R. 5274, Sept. 1, 1953) to read as follows:

§ 77.841 Poisons.

• • • • • •

(c) • • •

NOTE 1: Tanks complying with ICC–106A (§ 78.275 of this chapter) type specifications containing nitrogen dioxide, liquid, nitrogen peroxide, liquid, nitrogen tetroxide, liquid, phosgene, or nitrogen tetroxide-nitric oxide mixtures containing up to 33.2 percent weight nitric oxide may be transported in motor vehicles and in the manner authorized in § 77.840(c) of this chapter, provided adequate facilities are present for handling tanks where transfer in transit is necessary. Tanks must be securely chocked or clamped thereon to prevent shifting.

• • • • • •

PART 78—SHIPPING CONTAINER SPECIFICATIONS

Subpart C—Specifications for Cylinders

In § 78.50–5 amend paragraph (a) (15 F.R. 8403, Dec. 2, 1950) to read as follows:

§ 78.50 Specification 4B; welded and brazed steel cylinders.

§ 78.50–5 Steel.

(a) Open-hearth, electric or basic oxygen process steel of uniform quality. Content percent for the following not over: Carbon, 0.25; phosphorus, 0.045; sulphur, 0.050.

In § 78.51–17 amend the heading and paragraph (a) to read: "Tests of welds. (Does not apply to brazed seams.)"; redesignate paragraphs (b), (c), and (d) as paragraphs (a), (b), and (c) respectively (15 F.R. 8406, Dec. 2, 1950) (25 F.R. 10400, Oct. 29, 1960).

In § 78.53–5 amend paragraph (a); in paragraph (a) table add the column headed "316 (percent)" under heading "Stainless steels"; in § 78.53–9 amend paragraph (a) (15 F.R. 8412, Dec. 2, 1950) to read as follows:

§ 78.53 Specification 4D; inside containers, welded steel for aircraft use.

§ 78.53–5 Steel.

(a) Open-hearth or electric steel of uniform and weldable quality. Content percent for the following not over: Carbon, 0.25; phosphorus, 0.045; sulphur, 0.050, except that the following steels commercially known as 4130X, Type 304, 316, 321, and 347 stainless steels may be used with proper welding procedure and complying with the following analyses:

(No change in 4130X)

	Stainless steels—316 (percent)
Carbon (maximum)	0.08
Manganese (maximum)	2.00
Phosphorus (maximum)	.045
Sulfur (maximum)	.030
Silicon (maximum)	1.00
Nickel	10.0/14.0
Chromium	16.0/18.0
Molybdenum	2.0/3.0
Titanium	----------
Columbium	----------

(No change in footnotes.)

§ 78.53–9 Wall thickness.

(a) The wall stress at minimum test pressure shall not exceed 24,000 pounds per square inch, except where steels commercially known as 4130X, Type 304, 316, 321, and 347 stainless steels are used, stress at test pressures shall not exceed 37,000 pounds per square inch. Minimum wall 0.040 inch for any diameter container.

In § 78.58–5 amend the introductory text of paragraph (a) (21 F.R. 7608, Oct. 4, 1956) to read as follows:

§ 78.58 Specification 4DA; inside containers, welded steel for aircraft use.

§ 78.58–5 Steel.

(a) Open-hearth or electric steel of uniform quality. The following chemical analyses are authorized (see Note 1):

(No change in Table and Note 1.)

In § 78.59–4 amend paragraph (a) and Note 1 (15 F.R. 8420, Dec. 2, 1950) to read as follows:

§ 78.59 Specification 8; steel cylinders with approved porous filling for acetylene.

§ 78.59–4 Steel.

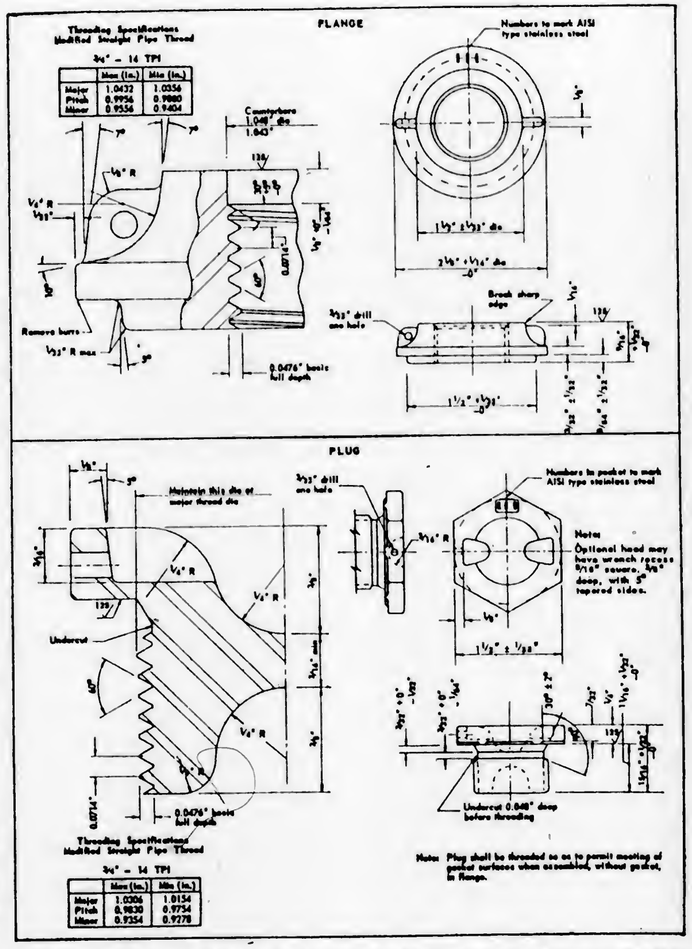
(a) Open-hearth, electric or basic oxygen process steel of uniform quality. Content percent for the following not over: carbon, 0.25; phosphorus, 0.045; sulphur, 0.050.

NOTE 1: Because of the present emergency and until further order of the Commission, the use of open-hearth or electric steel commercially known as 4130X is authorized for the fabrication of cylinders with dip-brazed bottoms and with spuds for fittings in ends of cylinders attached by brazing.

Subpart D—Specifications for Metal Barrels, Drums, Kegs, Cases, Trunks and Boxes

§§ 78.81–9, 78.83–9, 78.88–8, 78.90–8 [Amendments].

In § 78.81–9 (Spec. 5A steel barrels or drums) add paragraph (d)(1) drawing; in § 78.83–9 (Spec. 5C steel barrels or drums) add paragraph (d)(1)(i) drawing; in § 78.88–8 (Spec. 5K nickel barrels or drums) add paragraph (d)(1)(i) drawing; in § 78.90–8 (Spec. 5M monel drums) add paragraph (d)(1)(i) drawing (27 F.R. 3430, 3431, April 11, 1962) as follows:



In § 78.115–6 amend paragraph (a) table and add Footnote 3 thereto (22 F.R. 3929, June 5, 1957) to read as follows:

§ 78.115 Specification 17C; steel drums.

§ 78.115–6 Parts and dimensions.

(a) • • •

Marked capacity not over (gallons)	Type of container	Minimum thickness, uncoated sheets (gauge)		Rolling hoops		
		Body sheet	Head sheet	Type	Minimum size (gauge or inch)	Minimum weight (pounds per foot)
(*Change*)						
5[3]	Straight side	[3] 24	[3] 24	None		

• • • • • • •

[3] A drum of 5¼ gallons marked capacity is authorized for shipment of the commodity specified in § 73.353(d) of this chapter.

In § 78.131–5 amend paragraph (a); in § 78.131–6 amend paragraph (a) table and paragraph (b) table; in § 78.131–8 amend paragraph (a) (20 F.R. 4419, June 23, 1955) (26 F.R. 1018, Feb. 2, 1961) (22 F.R. 2234, April 4, 1957) to read as follows:

§ 78.131 Specification 37A; steel drums.

§ 78.131–5 Seams.

(a) Side seams must be welded; or locked and soldered when 28-gauge tin plate is used for containers of 2-gallon capacity or less.

§ 78.131–6 Capacities, weights, type, and gauges.

(a) • • •

Marked capacity not over (gallons)	Authorized gross weight not over (pounds)[3]	Type of container	Minimum thickness, uncoated sheets[1] (gauge)		Minimum ring gauge bolted type[2]
			Body sheet[4,6]	Head sheet[4,6]	
(*Add*)					
2	40	Straight side	28	28	Lug.

(No change in footnotes.)

• • • • • •

(b) • • •

Gauge No.	Nominal thickness[1] (inch)	Minimum thickness[1] (inch)
(*Add*)		
28	0.0149	0.0120

(No change in footnote.)

§ 78.131–8 Defective containers.

(a) Defective containers to be repaired by method used in constructing container. Soldering not authorized, except for tin plated steel as authorized by § 78.131–5.

Subpart H—Specifications for Portable Tanks

In § 78.245–1 amend paragraph (a) (26 F.R. 4999, June 6, 1961) to read as follows:

§ 78.245 Specification 51; steel portable tanks.

§ 78.245–1 Requirements for design and construction.

(a) Tanks shall be of seamless or welded steel construction or combination of both and shall have in excess of 1,000 pounds water capacity. Fusion-welded tanks shall be stress-relieved and radiographed to provide the highest joint efficiency provided by the Code. Tanks shall be designed and constructed in accordance with and fulfill the requirements of (1) the 1950 edition, (2) 1952 edition, (3) 1956 edition, or (4) 1959 edition of Section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code; no revisions except to include ASME Case Interpretation Nos. 1056–4 and 1204–8 and all addendas through the 1961 Addenda issued July 15, 1961 (any or all of which hereinafter referred to as "the Code").

In § 78.250–2 add paragraph (f) (20 F.R. 955, Feb. 15, 1955) to read as follows:

§ 78.250 Specification 55; metal-encased, lead or uranium metal-shielded, radioactive materials container.

§ 78.250–2 Requirements for design and construction.

• • • • • •

(f) Containers constructed with tubing for drainage purpose must have the opening exterior to the shipping container plugged or capped. Drain lines must be plugged or capped with a material which will have a melt-point at or below that of lead, for example, lead, hard rubber or plastic.

Subpart I—Specifications for Tank Cars

In § 78.303–3 cancel paragraph (a)(1) (25 F.R. 10410, Oct. 29, 1960) as follows:

§ 78.303 Specification ICC–111A100–W–1; fusion-welded steel tanks, or ICC–111A100–F–1, forge-welded steel tanks fabricated by conversion from existing ICC–105A300, 400, or 500 series tanks to be mounted on or forming part of a car.

§ 78.303–3 Thickness of plates.

(a) • • •

(1) [Canceled]

In § 78.304–3 cancel paragraph (a)(1) (25 F.R. 10411, Oct. 29, 1960) as follows:

§ 78.304 Specification ICC–111A100–W–2; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.304–3 Thickness of plates.

(a) • • •

(1) [Canceled]

In § 78.305–3 cancel paragraph (a)(1); in § 78.305–19 amend paragraph (a) (25 F.R. 10411, Oct. 29, 1960) (22 F.R. 4805, July 9, 1957) to read as follows:

§ 78.305 Specification ICC–111A100–W–3; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.305–3 Thickness of plates.

(a) • • •

(1) [Canceled]

§ 78.305–19 Vacuum breaker.

(a) To prevent pressure reduction of more than 1½ pounds per square inch below atmospheric pressure, when unloading a tank with a closed manway cover, or from drop in temperature with a subsequent shrinkage of lading, each tank may be equipped with a valve of approved design.

In § 78.306–3 cancel paragraph (a)(1) (25 F.R. 10411, Oct. 29, 1960) as follows:

§ 78.306 Specification ICC–111A100–W–4; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.306–3 Thickness of plates.

(a) • • •

(1) [Canceled]

In § 78.309–3 cancel paragraph (a)(1) (23 F.R. 7663, Oct. 3, 1958) as follows:

§ 78.309 Specification ICC–111A100–W–5; acid resistant lined fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.309–3 Thickness of plates.

(a) • • •

(1) [Canceled]

In § 78.310–3 cancel paragraph (a)(1); in § 78.310–19 amend paragraph (a) (25 F.R. 10412, Oct. 29, 1960) (24 F.R. 3605, May 5, 1959) to read as follows:

§ 78.310 Specification ICC–111A60AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.310–3 Thickness of plates.

(a) • • •

(1) [Canceled]

§ 78.310–19 Vacuum breaker.

(a) To prevent pressure reduction of more than 1½ pounds per square inch below atmospheric pressure, when unloading a tank with a closed manway cover, or from drop in temperature with subsequent shrinkage of lading, each tank may be equipped with a valve of approved design.

In § 78.311–3 cancel paragraph (a)(1); in § 78.311–19 amend paragraph (a) (25 F.R. 10412, Oct. 29, 1960) (24 F.R. 3607, May 5, 1959) to read as follows:

§ 78.311 Specification ICC–111A100–W–6; fusion-welded alloy steel tanks to be mounted on or forming part of a car.

§ 78.311–3 Thickness of plates.

(a) • • •

(1) [Canceled]

§ 78.311–19 Vacuum breaker.

(a) To prevent pressure reduction of more than 1½ pounds per square inch below atmospheric pressure, when unloading a tank with a closed manway cover, or from drop in temperature with subsequent shrinkage of lading, each tank may be equipped with a valve of approved design.

Subpart J—Specifications for Containers for Motor Vehicle Transportation

In § 78.331–8 amend paragraph (a) (26 F.R. 2520, Mar. 24, 1961) to read as follows:

§ 78.331 Specification MC 311; cargo tanks constructed of ferrous metals or aluminum, primarily for the transportation of corrosive liquids.

§ 78.331–8 Outlets.

(a) *Outlet construction.* No cargo tank, except those used for shipments of sludge acid or alkaline corrosive liquids, shall have bottom discharge outlets; outlets leaving the cargo tank at or near the top but having the end of the outlet below the top liquid level shall not be considered as bottom outlets but such outlets must be equipped with a shut-off valve at the point of outlet from the cargo tank and a shut-off valve or a blank flange or screw-on cap at the discharge end of the outlet, and must not be moved with any of the contents in the line beyond the point where it leaves the cargo tank. The valve at the tank shall be protected against damage in the event of overturn. Cargo tanks used for the transportation of sludge acid and/or alkaline corrosive liquids may be equipped with bottom outlets when the products to be transported are too viscous to be unloaded through a dome connection or top outlet.

In § 78.336–1 amend paragraph (a) (26 F.R. 5002, June 6, 1961) to read as follows:

§ 78.336 Specification MC 330; cargo tanks constructed of steel, primarily for transportation of compressed gases.

§ 78.336–1 General requirements.

(a) *Code construction.* Tanks shall be of seamless or welded steel construction or combination of both and shall be designed and constructed in accordance with and fulfill the requirements of (1) the 1950 edition, (2) 1952 edition, (3) 1956 edition, or (4) 1959 edition of Section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code; no revisions except to include ASME Case Interpretation Nos. 1056–4 and 1204–8 and all addendas through the 1961 Addenda issued July 15, 1961 (any or all of which hereinafter referred to as "the Code").

(No change in Exception.)

Section, Paragraph, and Reason for Amendment

72.5(a) Commodity List, provides additions and changes to keep Commodity List on a current basis.

73.23(a), to emphasize that closures of inside containers must be secured in a manner that will prevent leakage of contents in transportation.

73.28(h), to specifically state that single-trip containers used for shipments of class D poisons are not authorized to be reused except as provided.

73.32(e)(2), to require retention of portable tank retest records by the owner or his authorized agent.

73.54(a), to provide for the use of linear polyethylene containers for ammunition for cannon.

73.57(a), to provide for the use of pre-formed fiberglass resin impregnated containers for rocket ammunition.

73.61(h), to clarify the requirements for positioning high explosive cartridges in boxes.

73.65(a), to provide for the packaging of plastic-bonded explosives in a manner other than cartridges, bags or metal containers.

73.70(b)(1), to authorize new spec. 21C fiber drum for lead mononitroresorcinate in polyethylene bags.

73.75(b)(1), to authorize new spec. 21C fiber drum for nitro mannite in polyethylene bags.

73.119(b)(4), to specify that polyethylene bags are prohibited as inside containers for flammable liquids, n.o.s.

73.128(a)(2), to authorize paints and related materials in spec. 37A and 37B metal drums, not over 2 gallons capacity, having soldered side seam.

73.134(a)(2) Note 1, to authorize the transportation of pyroforic fuels in ICC–106A and ICC–110A type ton containers in various combinations of motor vehicles.

73.148(a)(4) Note 1, to authorize the transportation of monoethylamine in ICC–106A and ICC–110A type ton containers in various combinations of motor vehicles.

73.184(b), to authorize a 10 pound gross weight capacity increase for certain containers prescribed for nitrocellulose or collodion cotton, wet, etc.

73.206(c)(4), to authorize metallic sodium in a stainless steel tube inside an aluminum carrier tube.

73.260(c)(2), to provide an additional type of fiberboard slip cover, five-sided, having inner flaps roll folded to form a reinforcement, and outer end flaps overlapping and butt-folded and tucked into a center slot cut in inner flaps, for electric storage batteries.

73.260(g), to provide exemption for electric storage batteries (dry) coupled to tubes containing electrolyte which in use is injected into battery cells.

73.275(a)(1), new spec. 21C fiber drum replaces specs. 21A and 21B for di, mono, and hexafluorophosphoric acids.

73.301(f), to require suitable arrangement of safety relief devices on manifolded horizontal cylinders.

73.314(a) table, to authorize the transportation of methyl chloride-methylene chloride mixture in ICC–106A500, 106A500–X, and 105A300–W tank cars.

73.314(a) Note 12, to authorize the transportation of certain compressed gases in ICC–106A and ICC–110A type ton containers in various combinations of motor vehicles.

73.333(a)(2) Note 1, to authorize the transportation of phosgene in ICC–106A type ton containers in various combinations of motor vehicles.

73.336 heading, (a), (a)(4), to authorize the transportation of nitrogen tetroxide in specs. ICC–105A500–W and 105A600–W tank cars.

73.336(a)(3) Note 1, to authorize the transportation of nitrogen dioxide, liquid, nitrogen peroxide, liquid, and nitrogen tetroxide, liquid in ICC–106A type ton containers in various combinations of motor vehicles.

73.338(a)(3) Note 1, to authorize the transportation of nitrogen tetroxide-nitric oxide mixtures in ICC–106A type ton containers in various combinations of motor vehicles.

73.338(a)(4), to permit safety valves on spec. 105A500–W and 105A600–W tank cars in nitrogen tetroxide-nitric oxide mixtures service to be equipped with platinum frangible disc.

73.346(a)(26), to authorize spec. 12B fiberboard boxes with inside polyethylene bottles for class B poisonous liquids, n.o.s.

73.348(a)(3), to authorize specs. 12A and 12B fiberboard boxes with inside polyethylene bottles for arsenic acid, liquid.

73.353(d), to authorize spec. 17C metal drums not over 5¼ gallons marked capacity for methyl bromide mixtures.

73.359(a)(11), to remove a redundant phrase in the fifth sentence pertaining to minimum wall thickness of polyethylene containers.

74.542(c), to require tank cars containing class A poisons, except hydrocyanic acid, to be placarded "POISON GAS."

74.557(a), to provide a new "POISON GAS" placard for tank cars containing class A poisons, except hydrocyanic acid.

74.562(e), to require the placarding of empty tank cars previously containing class A poisons, except hydrocyanic acid.

74.563 (a), (f), to provide a "POISON GAS—EMPTY" placard for empty tank cars previously containing class A poisons, except hydrocyanic acid.

74.584 (a) table, (g)(1), to provide for proper billing of tank cars containing class A poisons, and empty tank cars previously containing class A poisons, except hydrocyanic acid.

74.589(b), to require tank cars containing class A poisons to be properly placarded before forwarding.

74.589(k), to prohibit the placement of tank cars containing class A poisons next to certain other cars in train.

77.840(c), to provide for the transportation of certain compressed gases and flammable liquids in ICC–106A and ICC–110A type ton containers in various combinations of motor vehicles.

77.841(c), to provide for the transportation of certain class A poisons in ICC–106A type ton containers in various combinations of motor vehicles.

78.50–5(a), to authorize the use of basic oxygen process steel for spec. 4B cylinders.

78.51–17, to make consistent with other cylinder specifications by eliminating inconsistent references in subsection and paragraph headings.

78.53–5(a), 78.53–9(a), to authorize the use of type 316 stainless steel for spec. 4D inside containers.

78.58–5(a), to make reference to uniform quality steel in lieu of aircraft quality in spec. 4DA inside containers.

78.59–4(a), to authorize the use of basic oxygen process steel for spec. 8 cylinders; to include open hearth or electric steel in reference to the type of steel identified as 4130X.

78.81–9(d)(1), 78.83–9(d)(1)(i), 78.88–8 (d)(1)(i), 78.90–8(d)(1)(i), to provide drawing for the ¾ inch plug thread form in specs. 5A, 5C, 5K and 5M metal drums.

78.115–6(a) table, to authorize an oversized spec. 17C metal drum, built to the specification of a 5 gallon marked capacity drum, for ethylene dibromide-methyl bromide mixtures.

78.131–5(a), 78.131–6 (a), (b), 78.131–8(a), to authorize soldering of locked seam construction for spec. 37A drums of 2 gallon capacity or less.

78.245–1(a), to include ASME Case Interpretation No. 1204–8 and current addendas in spec. 51 portable tank; to define the extent of radiographing.

78.250–2(f), to require drain lines on spec. 55 containers to be plugged or capped with material having melt-point suitable to prevent rupture of container under fire conditions.

78.303–3(a)(1), design requirements for spec. 111A100–W–1 tank cars without underframes are stipulated in AAR specifications.

78.304–3(a)(1), reason for § 78.303–3 applies also to spec. 111A100–W–2 tank cars.

78.305–3(a)(1), reason for § 78.303–3 applies also to spec. 111A100–W–3 tank cars.

78.305–19(a), to make the application of a vacuum breaker on spec. 111A100–W–3 tank cars optional.

78.306–3(a)(1), reason for § 78.303–3 applies also to spec. 111A100–W–4 tank cars.

78.309–3(a)(1), reason for § 78.303–3 applies also to spec. 111A100–W–5 tank cars.

78.310–3(a)(1), reason for § 78.303–3 applies also to spec. 111A60–AL–W tank cars.

78.310–19(a), to make the application of a vacuum breaker on spec. 111A60–AL–W tank cars optional.

78.311–3(a)(1), reason for § 78.303–3 applies also to spec. 111A100–W–6 tank cars.

78.311–19(a), to make the application of a vacuum breaker on spec. 111A100–W–6 tank cars optional.

78.331–8(a), to include an inadvertent omission concerning shut-off valve at point of outlet from spec. MC311 cargo tank.

78.336–1(a), to include ASME Case Interpretation No. 1204–8 and current addendas in spec. MC330 cargo tank.

[F.R. Doc. 62–5337; Filed, May 31, 1962; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Bureau of Federal Credit Unions

[45 CFR Part 301]

ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

Notice of Proposed Rule Making

Notice is hereby given pursuant to the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 238, 5 U.S.C. 1003) that the regulations set forth below in tentative form are proposed to be prescribed by the Director of the Bureau of Federal Credit Unions with the approval of the Commissioner of Social Security and the Secretary of Health, Education, and Welfare.

Section 301.12 is amended to provide better utilization of the supervisory committee's resources and more effective control of its comprehensive annual audit.

Section 301.21(d) is amended by the addition of subparagraph (3) to give more flexibility in repayment terms of loans for higher education.

Prior to the official adoption of the proposed regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Director of the Bureau of Federal Credit Unions, Department of Health, Education, and Welfare, Washington 25, D.C., within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed revision of § 301.12 is issued under authority contained in section 21, 73 Stat. 635, 12 U.S.C. 1766 and the amendment to § 301.21(d) is issued under section 8(5), 73 Stat. 630, 12 U.S.C. 1757.

Dated: April 17, 1962.

[SEAL] J. DEANE GANNON,
Director, Bureau of Federal Credit Unions.

Approved: April 30, 1962.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: May 29, 1962.

ABRAHAM RIBICOFF,
Secretary of Health, Education, and Welfare.

Part 301, Chapter III of Title 45 of the Code of Federal Regulations, is revised by amending § 301.12, as follows:

§ 301.12 Supervisory committee audits.

The minimum audits to be performed by the supervisory committee of every Federal credit union each calendar year shall be one comprehensive annual audit and three quarterly audits. Reports of such audits shall be promptly made to the board of directors of the Federal credit union on Form FCU–701 for the comprehensive annual audit and on Form FCU–702 for the quarterly audit. A copy of each comprehensive annual audit report shall be filed by the supervisory committee with the Regional Representative no later than 15 days after completion of the annual audit.

(Sec. 21, 73 Stat. 635, 12 U.S.C. 1766)

§ 301.21 [Amendment]

Chapter III of Title 45 of the Code of Federal Regulations is amended by adding subparagraph (3) to § 301.21(d), as follows:

(3) Notwithstanding the provisions of subparagraph (1) of this paragraph, and to the extent that the board of directors by resolution approves, loans with maturities up to five years for the purpose of higher education of the member-borrower may be made upon such terms of payment or amortization as the credit committee finds consonant with the needs of the member-borrower and the best interests of the credit union.

(Sec. 8(5), 73 Stat. 630, 12 U.S.C. 1757)

[F.R. Doc. 62–5421; Filed, May 31, 1962; 11:07 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM JAPAN

Withdrawal of Certain Available Certifications by the Government of Japan

Notice is hereby given that certificates of origin under procedures agreed upon between the Government of Japan and the Foreign Assets Control are no longer being issued with respect to the importation into the United States from Japan of the following commodities:

Braids, straw
Floor coverings, grass and straw
Floor coverings, seagrass mats and squares.

This action has been taken because these commodities when imported directly from Japan are excepted from the license requirement in § 500.204(a)(2) of the Foreign Assets Control regulations.

[SEAL] MARGARET W. SCHWARTZ,
Acting Director,
Foreign Assets Control.

[F.R. Doc. 62-5345; Filed, May 31, 1962; 8:50 a.m.]

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority 15]

ASSISTANT ADMINISTRATOR FOR MATERIAL RESOURCES

Delegation of Authority

Pursuant to the authority vested in me by Delegation of Authority No. 104, dated November 3, 1961, from the Secretary of State, I hereby delegate to the Assistant Administrator for Material Resources so much of the function contained in section 608(a) of the Foreign Assistance Act of 1961 (hereafter referred to as "the Act") as consists of acquiring, storing, renovating, rehabilitating, packing crating, handling, transporting and other acts related thereto, of property classified as foreign excess property pursuant to the Federal Property and Administrative Services Act of 1949, as amended, or other property, in advance of known requirements. The exercise of this function is subject to the limitations as to the funds made available and as to the furnishing of such property as are contained in section 608(a) of the Act.

The Assistant Administrator for Material Resources may redelegate or reassign any of the functions delegated or assigned to him by this Delegation of Authority to the Director, Government Property Resources Division and to the Officer-in-Charge, Excess Property Branch Office, Frankfurt, Germany, and the Officer-in-Charge, Excess Property Branch Office, Toyko, Japan.

Reference in this delegation to an Act of Congress or Delegation of Authority shall be deemed to be a reference to such Act of Congress or Delegation of Authority as amended from time to time.

This delegation of authority shall become effective immediately.

FOWLER HAMILTON,
Administrator.

MAY 22, 1962.

[F.R. Doc. 62-5328; Filed, May 31, 1962; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Amendment and Partial Termination of Proposed Withdrawal and Reservation of Lands

MAY 23, 1962.

Notice of an application Serial No. Sacramento 068102, for withdrawal and reservation of lands, was published as Federal Register Document No. 61-10369 on pages 10241 and 10242 of the issue for November 1, 1961.

The applicant agency has added the following lands to the application:

MOUNT DIABLO MERIDIAN

T. 8 N., R. 10 E.,
Sec. 2: Lot 6, that portion not patented mineral land.
T. 9 N., R. 10 E.,
Sec. 24: SE¼SW¼;
Sec. 25: N½NW¼.
T. 9 N., R. 11 E.,
Sec. 7: East 20 acres of Lot 3 and east 20 acres of Lot 4;
Sec. 18: East 20 acres of Lot 1, east 20 acres of Lot 2, east 20 acres of Lot 3, and N½ of east 20 acres of Lot 4.

The areas described above aggregate approximately 230.00 acres of Federal land.

The applicant agency desires the withdrawal of the land described below from location and entry under the general mining laws and leasing under the mineral leasing laws only, as the land is patented, having been patented under the Stockraising Homestead Act of December 29, 1916 (39 Stat. 862), with a reservation of all minerals to the United States:

MOUNT DIABLO MERIDIAN

T. 8 N., R. 10 E.,
Sec. 2: Lot 14 except for patented Mineral Survey 5318, and patented Mineral Survey 6518.

The area described immediately above aggregates 35.66 acres of patented land.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the lands added to the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Avenue, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, such lands will be at 10:00 a.m., on June 27, 1962, relieved of the segregative effect of the above-mentioned application:

MOUNT DIABLO MERIDIAN

T. 8 N., R. 10 E.,
Sec. 2: Lot 6, that portion not patented mineral land.

WALTER E. BECK,
Manager, Land Office,
Sacramento.

[F.R. Doc. 62-5340; Filed, May 31, 1962; 8:49 a.m.]

[Classification 88]

ALASKA

Small Tract Classification Opening Order and Public Sale Number 14–ALD; Amendment

MAY 22, 1962.

Effective immediately, paragraph 8 of a document bearing the above title (except "amendment") which was submitted on May 15, 1962, for publication in the FEDERAL REGISTER is amended insofar as it refers only to STC #62 as follows:

T. 17 N., R. 4 W., S.M. (STC #62)	Acres	Appraised price
Section 27:		
N½SW¼NW¼SE¼	5	$600
S½SW¼NW¼SE¼	5	600
N½NW¼SW¼SE¼	5	600
S½NW¼SW¼SE¼	5	600
N½SW¼SW¼SE¼	5	600
S½SW¼SW¼SE¼	5	600
N½NE¼SW¼SE¼	5	500
S½SE¼NW¼SE¼	5	500
N½SE¼NW¼SE¼	5	500
S½NE¼NW¼SE¼	5	500

ROBERT J. COFFMAN,
Chief, Division of Lands and
Minerals Management.

[F.R. Doc. 62-5329; Filed, May 31, 1962; 8:48 a.m.]

ALASKA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

MAY 18, 1962.

Notice of an application, Serial Number A. 040963, for withdrawal and reservation of lands was published as Federal Register Document No. 34 on page 1057 of the issue for February 18, 1958. Inasmuch as the applicant agency, the former Alaska Department of Lands, no longer exists and its successor, the State of Alaska, Department of Lands, is not a qualified applicant, the above application is cancelled insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m. on June 18, 1962, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

T. 13 N., R. 1 E., S.M. (when surveyed),
Sec. 22: E½;
Sec. 23: S½NW¼, S½;
Sec. 24: SW¼SW¼;
Sec. 25: SW¼NE¼, W½, W½SE¼, SE¼SE¼;
Sec. 26: N½N½;
Sec. 27: N½NE¼;
Sec. 36: NE¼, NE¼NW¼, NE¼SE¼.
T. 13 N., R. 2 E., S.M. (when surveyed),
Sec. 31: S½NE¼, NW¼, N½SW¼, SE¼SW¼, SE¼;
Sec. 32: SW¼, SW¼SE¼.
T. 12 N., R. 2 E., S.M. (when surveyed),
Sec. 4: SW¼NW¼, SW¼, SW¼SE¼;
Sec. 5: NE¼, E½NW¼, NW¼NW¼, NE¼SW¼, SE¼;
Sec. 6: NE¼NE¼;
Sec. 8: E½E½;
Sec. 9: All (Except MS 1538);
Sec. 10: S½SW¼;
Sec. 15: NW¼ (Except MS 1538), N½SW¼;
Sec. 16: N½ (Except MS 1538), E½SW¼, N½SE¼;
Sec. 17: E½NE¼;
Sec. 21: E½W½.

Containing approximately 4,990 acres.

ROBERT J. COFFMAN,
Chief, Division of Lands and
Minerals Management.

[F.R. Doc. 62-5330; Filed, May 31, 1962; 8:48 a.m.]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

MAY 25, 1962.

The Corps of Engineers on behalf of the Department of the Army has filed an application, Serial No. 058380 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws and disposals of material under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604) as amended, subject to valid existing rights.

The applicant desires the land for use in connection with the construction of the Las Vegas Wash Flood Control Project. For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box Number 1551, Reno, Nevada.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 20 S., R. 60 E.,
Sec. 10, E½NW¼, NE¼NE¼NW¼NW¼, W½NE¼NW¼NW¼, S½SE¼NW¼NW¼, NW¼NE¼SW¼NW¼, E½E½SW¼NW¼, NE¼SW¼, and NE¼NE¼NW¼SW¼;
Sec. 15, NE¼, E½NE¼NE¼NW¼, E½SE¼, and E½NE¼NW¼SE¼.
T. 21 S., R. 60 E.,
Sec. 11, Lot 32;
Sec. 12, Lots 63, 64, 77, and 79;
Sec. 13, SE¼NE¼NE¼NW¼, NW¼NW¼NE¼NW¼, NW¼SE¼NE¼NW¼, NE¼NE¼NW¼NW¼, NE¼NW¼NW¼NW¼, E½NE¼NE¼SW¼, NE¼NW¼NE¼SW¼, W½SW¼NE¼SW¼, W½SE¼SW¼, NE¼NE¼NW¼SW¼, NE¼NW¼SE¼SW¼, SE¼SW¼SE¼SW¼;
Sec. 24, W½SW¼NE¼NW¼, E½SE¼SW¼NW¼, N½SW¼, S½SE¼;
Sec. 25, NE¼NE¼NE¼, SW¼NE¼NE¼, W½SE¼NE¼NE¼, E½NW¼NE¼, W½NW¼NW¼NE¼, E½SW¼NW¼NE¼, W½SW¼NE¼, E½NE¼SW¼NE¼, NE¼SE¼NE¼, SW¼SE¼NE¼, E½SE¼SE¼NE¼, W½NE¼NW¼, W½SW¼NW¼NW¼, W½SE¼NW¼NW¼, W½NE¼SW¼NW¼, NW¼SW¼NW¼, W½SE¼SW¼NW¼, NW¼SE¼NW¼, E½NE¼NE¼SW¼, E½NW¼NE¼SW¼, S½NE¼SW¼, E½NE¼NW¼SW¼, W½SE¼NW¼SW¼, W½NE¼SE¼SW¼, NW¼SE¼SW¼, E½NE¼NE¼SE¼, W½NW¼NE¼SE¼, SE¼NE¼SE¼, N½NW¼SE¼, N½SW¼SE¼, NW¼SE¼SE¼, E½SW¼SE¼SE¼, W½SE¼SE¼SE¼;
Sec. 36, W½NE¼NE¼NE¼, SE¼NE¼NE¼NE¼, NW¼NE¼NE¼, W½SW¼NE¼NE¼, N½SE¼NE¼NE¼, NW¼NE¼SE¼NE¼, SE¼NE¼SE¼NE¼, SE¼NW½SE¼NE¼, NE¼SE¼SE¼NE¼, NW¼NE¼SE¼, SE¼NE¼NE¼SW¼, NE¼NW¼SE¼, SE¼SW¼NE¼SE¼, W½SE¼NE¼SE¼, SE¼SW¼SE¼, NE¼NE¼SE¼SE¼, SW¼NW¼SE¼SE¼, N½SW¼SE¼SE¼, SE¼SW¼SE¼SE¼, NW¼SE¼SE¼SE¼.
T. 21 S., R. 61 E.,
Sec. 19, Lots 13, 14, 17 and 18;
Sec. 30, Lots 9 and 10, NW¼NE¼NW¼NW¼;
Sec. 31, Lots 21, 27, 28, 30, 35, 36, 42, 43, 45, 47, 53, 54, 56, 57, 62, 69, 71, 73, 75, 76, 78, 79, 81, and 82, W½W½NE¼NW¼, SE¼SW¼NE¼NW¼, NW¼SE¼NW¼, N½SW¼SE¼NW¼, SW¼NE¼NE¼SW¼, NW¼NW¼NE¼SW¼, SE¼SW¼NE¼SW¼, W½SE¼SW¼, NE¼NE¼SE¼SW¼, SW¼NW¼SE¼SE¼, N½SW¼SE¼SE¼, SE¼SW¼SE¼SE¼, NW¼SE¼SE¼SE¼.

The area as described contains approximately 1,153.13 acres.

H. CURT HAMMIT,
Land Office Manager.

[F.R. Doc. 62-5331; Filed, May 31, 1962; 8:48 a.m.]

National Park Service

[Order 4]

PROCUREMENT AND PROPERTY MANAGEMENT SPECIALIST

Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

1. Procurement and Property Management Specialist. The Procurement and Property Management Specialist may execute and approve contracts not in excess of $10,000 for construction activities and for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Procurement and Property Management Specialist in behalf of any coordinated area.

(National Park Service Order No. 14 (19 F.R. 8824); 39 Stat. 535; 16 U.S.C., 2; Region One Order No. 3 (21 F.R. 1493))

MALCOLM GARDNER,
Superintendent,
Natchez Trace Parkway.

MAY 3, 1962.

[F.R. Doc. 62-5332; Filed, May 31, 1962; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NEBRASKA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87–128 (7 U.S.C. 1961) it has been determined that in Boyd County, Nebraska, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after December 31, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 23d day of May 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-5347; Filed, May 31, 1962; 8:50 a.m.]

SOUTH CAROLINA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the following counties in the State of South Carolina natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

SOUTH CAROLINA

Dillon Marlboro

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 22d day of May 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-5348; Filed, May 31, 1962; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-170]

ARMED FORCES RADIOBIOLOGY RESEARCH INSTITUTE

Notice of Proposed Issuance of Facility License

Please take notice that the Atomic Energy Commission proposes to issue to Armed Forces Radiobiology Research Institute, a facility license substantially in the form set forth below. This license authorizes operation of the DASA-TRIGA Mark F tank-type nuclear reactor, located on the National Naval Medical Center site in Bethesda, Maryland, (1) at steady state power levels up to 100 kilowatts (thermal), (2) at power levels between 100 kilowatts and one megawatt but not for more than ten minute periods and not for more than a maximum of one megawatt hour per day, and (3) to perform pulsing experiments involving step insertions of reactivity up to 1.9 percent delta k/k.

The Commission has found that the application, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR.

Prior to issuance of the license the facility will be inspected by representatives of the Commission to determine whether it has been constructed in accordance with the provisions of Construction Permit No. CPRR-61.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the proposed issuance of this license may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued. If no request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Director of Regulation will issue the license fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER.

For further details with respect to this proposed issuance see (1) the application and amendments thereto and (2) the related hazards analysis prepared by the Test and Power Reactor Safety Branch of the Division of Licensing and Regulation, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 29th day of May 1962.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

1. This license applies to the DASA-TRIGA Mark F tank-type nuclear reactor (hereinafter referred to as "the reactor") which is owned by the Armed Forces Radiobiology Research Institute and located on the National Naval Medical Center site in Bethesda, Maryland, and described in the National Naval Medical Center application for license dated June 24, 1960, and amendments thereto dated September 23, 1960, September 30, 1960, August 17, 1961, September 5, 1961, March 19, 1962, and April 24, 1962 (hereinafter collectively referred to as "the application"), and authorized for construction by Construction Permit No. CPRR-61 originally issued to National Naval Medical Center and later transferred to Armed Forces Radiobiology Research Institute.

2. Pursuant to the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act"); and having considered the record in this matter, the Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor has been constructed in conformity with Construction Permit No. CPRR-61 and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

B. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

C. Armed Forces Radiobiology Research Institute is technically and financially qualified to operate the reactor, to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed activities in accordance with the Commission's regulations;

D. The possession and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

E. Armed Forces Radiobiology Research Institute is a Federal Agency and need not furnish proof of financial protection as would otherwise be required by subsection 170a of the Act.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Armed Forces Radiobiology Research Institute:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," to possess and operate the reactor as a utilization facility at the designated location in Bethesda, Maryland, in accordance with the procedures and limitations described in the application and this license;

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material," to receive, possess and use up to four kilograms of contained uranium 235 for use in connection with operation of the reactor; and

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material," to possess and use a 20 curie Polonium 210 sealed source (U.S. Nuclear Corp. Type 387) for reactor start-up; and to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 30.32 of Part 30, § 50.54 of Part 50, and § 70.32 of Part 70, Title 10, Chapter I, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, now or hereafter in effect, and to the additional conditions specified below:

A. Armed Forces Radiobiology Research Institute shall not operate the reactor in any manner other than in accordance with the modes specified below without prior written authorization from the Commission:

(1) Mode I—Armed Forces Radiobiology Research Institute may operate the reactor at steady state power levels up to but not in excess of 100 kilowatts (thermal).

(2) Mode II—Armed Forces Radiobiology Research Institute may operate the reactor between 100 kilowatts and one megawatt but not for more than ten-minute periods and not for more than a maximum of one megawatt hour per day.

(3) Mode III—Armed Forces Radiobiology Research Institute may operate the reactor by pulsing with reactivity insertions up to a maximum of 1.9 percent delta k/k.

B. Armed Forces Radiobiology Research Institute shall comply with the shutdown procedures and precautions described in the application, and the following additional limitations:

(1) Armed Forces Radiobiology Research Institute shall maintain nuclear control instrumentation in operation and shall assure that such instrumentation is attended and observed at all times during operations which could involve changes in core reactivity when the facility is shutdown.

(2) Armed Forces Radiobiology Research Institute shall conduct core loading changes and all other operations which could involve changes in core reactivity when the facility is shutdown only under the direct and personal supervision of a technically qualified and designated supervisor.

C. Armed Forces Radiobiology Research Institute shall promptly submit a written report to the Commission whenever, during operation of the reactor any of the operating conditions or characteristics of the reactor, which might affect nuclear safety, is observed to vary significantly from its predicted value.

D. As promptly as practicable, but no later than 60 days after the initial criticality of the facility, Armed Forces Radiobiology Research Institute shall submit a written report to the Commission describing the measured values of the operating conditions or characteristics listed below and evaluating any significant variation of a measured value from the corresponding predicted value:

(1) Maximum excess reactivity of the facility, not including the worth of control rods or other control devices such as burnable poison strips or soluble poison, or any experiments;

(2) Total control rod worth;

(3) Minimum shutdown margin both at room and operating temperature;

(4) Maximum worth of the single control rod of highest reactivity value; and

(5) Maximum total and individual worth of any fixed or movable experiments inserted in the facility.

E. In addition to those otherwise required under this licenese and applicable regulations, Armed Forces Radiobiology Research Institute shall keep the following records:

(1) Reactor operating records, including power levels.

(2) Records of in-pile irradiations.

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of Armed Forces Radiobiology Research Institute as measured at the point of such release or discharge.

(4) Records of emergency reactors scrams, including reasons for emergency shutdowns.

F. Armed Forces Radiobiology Research Institute shall immediately report to the Commission in writing any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

5. This license is effective as of the date of issuance and shall expire November 8, 1970.

Date of issuance:

For the Atomic Energy Commission.

[F.R. Doc. 62-5399; Filed, May 31, 1962; 10:08 a.m.]

ENRICHED AND DEPLETED URANIUM

Base Charges, Special Charges, Specifications and Packaging

Correction

In F.R. 62-5124, appearing at page 5006 of the issue for Tuesday, May 29, 1962, the following correction is made in the Assay column of Table 1: The entry reading "9.030" should read "0.030".

CIVIL AERONAUTICS BOARD

[Docket No. 13367]

CALEDONIAN AIRWAYS (PRESTWICK) LTD.

Notice of Prehearing Conference

In the matter of the application of Caledonian Airways (Prestwick) Ltd. for a foreign air carrier permit authorizing it to engage in planeload charter foreign air transportation of persons and their accompanied baggage between any point or points in the United Kingdom of Great Britain and Northern Ireland on the one hand, and any point or points in the United States of America on the other hand.

Notice is hereby given that a prehearing conference on the above-entitled matter is assigned to be held on June 11, 1962, at 10 a.m., e.d.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Richard A. Walsh.

Dated at Washington, D.C., May 25, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-5342; Filed, May 31, 1962; 8:50 a.m.]

[Docket No. 11898]

CUNARD EAGLE AIRWAYS, LTD.

Notice of Prehearing Conference

In the matter of the application of Cunard Eagle Airways, Ltd. for a foreign air carrier permit authorizing it to engage in planeload charter foreign air transportation of persons and property between any point in the United States, on the one hand, and any point in the United Kingdom of Great Britain and Northern Ireland, on the other hand.

Notice is hereby given that a prehearing conference on the above-entitled matter is assigned to be held on June 12, 1962, at 10 a.m. e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Merritt Ruhlen.

Dated at Washington, D.C., May 25, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-5343; Filed, May 31, 1962; 8:50 a.m.]

[Docket No. 10976 etc.; Order E-18369]

PACIFIC AIR LINES, INC., ET AL.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board, at its office in Washington, D.C., on the 25th day of May 1962.

In the matter of excursion fares proposed by Pacific Air Lines, Inc., Docket 10976. In the matter of excursion fares proposed by Bonanza Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., Docket 10976 et al., Dockets 13594, 13599; between Los Angeles, California, and Las Vegas, Nevada. In the matter of off-peak fares proposed by Bonanza Air Lines, Inc., Docket 13608; between Los Angeles, California, and Las Vegas Nevada.

Bonanza Air Lines, Inc. (Bonanza) proposes to revise its tariff [1] effective May 28, 1962, so as to cancel the present May 29, 1962, expiration date which now applies in connection with its $26.00 round-trip first class excursion fare on non-stop flights between Los Angeles and Las Vegas. In addition, effective June 1, 1962, Bonanza proposes a one-way night coach fare of $15.85 between Las Vegas and Los Angeles. The proposed night coach fare is approximately 75 percent of Bonanza's first class one-way fare. It would apply to flights operated with 40-seat F-27 aircraft departing between the hours of 10:00 p.m. and 5:30 a.m.

The following competitive tariffs between Los Angeles and Las Vegas have been filed by other carriers:

1. Effective May 30, 1962, Western Air Lines, Inc. (Western) proposes to cancel the expiration date (May 30, 1962) of its tariff [2] which names a $26.00 round-trip 10-day excursion fare.

2. Trans World Airlines, Inc. (TWA) has filed a new local tariff [3] effective June 1, 1962, naming a $26.00 propeller coach round-trip 10-day excursion fare Las Vegas-Los Angeles, which proposes to extend the expiration date of the excursion fare tariff from June 1, 1962, to April 1, 1963, and to add a round-trip jet coach 10-day excursion fare of $30.00 between these cities.

3. United has filed a 10-day propeller coach round-trip excursion tariff [4] effective May 30, 1962, proposing a $23.00 round-trip fare ($3.00 less than the other carriers). Tickets will be valid for transportation on all flights except those scheduled to depart on Friday and after 12:01 p.m. on Sunday. The tariff is marked to expire with April 1, 1963.

In support of its proposal Bonanza states that the non-stop excursion fare of $26.00 is the same as that on one or two-stop flights currently in effect in the Las Vegas-Los Angeles market; that approval of the proposal would be consistent with the Board's basis for selecting Bonanza to fly non-stop in that market; that the proposed fares will meet their full cost at a reasonable load factor and improve the net revenues of the carriers; and that the extension of the excursion fares to the Los Angeles-Las Vegas market will not adversely affect Bonanza nor the other carriers in the market.

United and Western have filed complaints requesting investigation and suspension of the proposed fares. Western's complaints are directed to the excursion fare revisions and to the night coach fares proposed by Bonanza, Western, and TWA, including the latter's newly proposed jet excursion fares. In essence, the complaints allege that reductions in fares in the amounts proposed are not economically justifiable, particularly where a subsidized carrier is concerned; that the 10-day ticket validity would encompass a substantial portion of the present traffic, with a subsequent diversion from the normal fare services of all the carriers concerned; that it is very doubtful that the proposed excursion fares would generate additional traffic in a volume sufficient to offset the impact of both the fare reduction and the diversion from other services; and that Bonanza has not supplied enough information to substantiate its

[1] C.A.B. No. 35.

[2] C.A.B. No. 21.

[3] C.A.B. No. 78.

[4] C.A.B. No. 112. The staff denied United's Special Tariff Permission Application No. 224 on May 1, 1962, thus preventing this lower fare to go into effect on short notice. United, on May 8, 1962, petitioned for review of the staff's denial; the Board, however, affirmed the staff action (Order E-18345, May 18, 1962).

proposal. In its answer to complaints, Bonanza alleges that the extended availability of the excursion fares and the proposed night coach fares are for the purpose of developing new traffic and attracting commercial travelers to newer communities.

The foregoing questions raised by the complaints warrant an investigation of the proposed excursion fares of Bonanza, TWA, and Western. These questions are similar to those under investigation in the matter of excursion fares proposed by Pacific Air Lines, Inc., Docket 10976, instituted by Order E-14614 of November 5, 1959, and should be consolidated with the investigation ordered therein. However, the allegations of unlawfulness of the proposed fare and the potential impact upon the various carriers operating in the Los Angeles-Las Vegas market do not, in our opinion, warrant suspension pending investigation.

With regard to the $23.00 propeller coach excursion fare proposed by United, we find that it presents matters which require investigation and suspension. This fare is $3.00 lower than similar propeller coach fares of TWA and Western, and it would apply to service operated with DC-7 and DC-6 aircraft in normal coach configuration not different from that of other carriers. The tariffs filed by Bonanza, TWA, and Western provide the same fare ($26.00) for substantially the same service. United's does not. To protect their share of traffic in the market, a further reduction of $3.00 proposed by United may be met by other carriers, thus provoking a fare-cutting situation which may have far-reaching effects.

Bonanza's proposed one-way off-peak coach fare of $15.85 between Los Angeles and Las Vegas does not meet the criteria of off-peak fares set forth by the Board. The original off-peak policy (Press Release CAB 51-95, December 6, 1951) required that a carrier proposing a new off-peak service demonstrate that the proposed services are in fact off-peak, since the period of departure does not in itself demonstrate that a particular flight is off-peak.[5] No evidence has been submitted by Bonanza to show that operations in first-class service would be uneconomic because of inconvenience of the flight times, and consequently we conclude that this fare should be suspended pending investigation.

The Board finds that its action herein is necessary and appropriate in order to carry out the provisions and objectives of the Federal Aviation Act of 1958, particularly sections 204(a), 403, 404, and 1002 thereof.

Accordingly, it is ordered that:

1. An investigation be instituted to determine whether the fare and provisions between Las Vegas, Nev. and Los Angeles, Calif., on 7th Revised Page 7 of Bonanza Air Lines, Inc.'s C.A.B. No. 35; the fare and provisions between Las Vegas and Los Angeles on 9th Revised Page 52-A of Agent C. C. Squire's C.A.B. No. 44; the provisions applicable in connection with the carrier "BL" on 73d and 75th Revised Pages 65 and on 74th Revised Page 65 (issued May 2, 1962) of Agent C. C. Squire's C.A.B. No. 43; all fares and provisions in Trans World Airlines, Inc.'s C.A.B. No. 78; all fares and provisions in United Air Lines, Inc.'s C.A.B. No. 112; and all fares and provisions in Western Air Lines, Inc.'s C.A.B. No. 21, are, or will be, unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful and if found to be unlawful to determine and prescribe the lawful fares and provisions.

2. Pending investigation, hearing and decision by the Board, the fare and provisions between Las Vegas and Los Angeles on 9th Revised Page 52-A of Agent C. C. Squire's C.A.B. No. 44; the provisions applicable in connection with the carrier "BL" on 73d and 75th Revised Pages 65 and on 74th Revised Page 65 (issued May 2, 1962) of Agent C. C. Squire's C.A.B. No. 43; and all fares and provisions in United Air Lines, Inc.'s C.A.B. No. 112, are suspended and their use deferred to and including August 27, 1962, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. The proceeding ordered herein be consolidated into the proceeding ordered in Docket 10976.

4. The proceeding in Docket 10976 has been assigned for prehearing conference before an examiner of the Board on June 20, 1962, at 10:00 a.m. eastern daylight time in Room 911, Universal Building, Washington 25, D.C.

5. The complaints of Western Air Lines, Inc. in Dockets 13594 and 13608, and of United Air Lines, Inc., in Docket 13599, to the extent they request investigation of the proposed fare and provisions, are consolidated herein. In all other particulars such complaints are dismissed.

6. Copies of this order be served upon Bonanza Air Lines, Inc., Pacific Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc., which are hereby made parties to this proceeding.

This order shall also be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-5344; Filed, May 31, 1962; 8:50 a.m.]

[5] See also Order E-16642, April 11, 1961, page 2, and Order E-13280, page 10.

FEDERAL POWER COMMISSION

[Docket No. G-17774]

ATLANTIC SEABOARD CORP.

Notice of Application and Date of Hearing

MAY 24, 1962.

Atlantic Seaboard Corporation (Seaboard), a Delaware corporation with a principal place of business at 1700 MacCorkle Avenue, S.E., Charleston, West Virginia, on February 4, 1959, filed an application, as amended October 20, 1959, and corrected November 5, 1959, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the activation and operation of the Terra Alta Field (Pool X-76) in Portland and Union Districts, Preston County, West Virginia, as an additional underground storage field, all as more fully set forth in the application.[1] Supplements to the application were filed May 8 and July 10, 1959.

Storage Pool X-76 contains an approximate area of 10,200 acres and Seaboard proposes to acquire it, together with certain facilities and gas producing properties in the adjacent area, from Hope Natural Gas Company (Hope) and Cumberland and Alleghany Gas Company (Cumberland).[2] During the three year period from 1959 through 1962, Seaboard proposes to recondition 21 wells, drill 26 new ones, construct and operate 43.1 miles of 20-inch gas transmission line, 12.7 miles of 4- to 20-inch well and field lines, a dehydration plant and a 5,500 horsepower compressor station. The maximum volume in storage in 1962 will be 40,736,886 Mcf with anticipated annual and peak day withdrawals of 7,435,000 Mcf and 255,000 Mcf, respectively.

The total cost over the three year period is estimated to be $25,202,135. Financing will be secured through the parent company, The Columbia Gas System, Inc. Temporary authorization was granted on January 14, 1960.

Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 9, 1962, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application.

Protests or petitions and notices to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 22, 1962. Failure of any party to appear at or participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5317; Filed, May 31, 1962; 8:46 a.m.]

[1] The application is actually a joint filing by Seaboard and United Fuel Gas Company (United), an affiliate. However, the new arrangements set out in the October 20, 1959, amendment do not require the participation of United and it thereby requested withdrawal from the application.

[2] Seaboard, United and Cumberland are all subsidiaries of The Columbia Gas System, Inc.

[Docket No. CP62-176]

EL PASO NATURAL GAS CO.

Notice of Application and Date of Hearing

MAY 24, 1962.

Take notice that on January 30, 1962, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas, filed in Docket No. CP62-176 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of certain existing field pipeline facilities, Pecos County, Texas, and the construction and operation of certain proposed field pipeline facilities in order to receive natural gas purchased from Socony Mobil Oil Company (Socony) and to transport said gas in interstate commerce for resale, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application shows that the facilities for which only authorization to operate is requested consist of a field purchase meter station, located adjacent to Socony's Rojo Processing Plant, Pecos County, Texas, and approximately 18.3 miles of 8⅝-inch O.D. field supply lateral pipeline, together with appurtenances thereto, extending from said meter station to a point of connection with Applicant's Santa Rosa-to-Sealy Smith pipeline. These facilities have been used by Applicant, since June 20, 1961, to receive gas purchased from Socony from the latter's properties in the Rojo Caballos Field. Applicant states that such gas has been utilized by it for intrastate field sales and as fuel in its plants situated in Texas.

The application shows that recent development and reserve determinations of the Rojo Caballos Field indicate that the committed reserves will provide an average of approximately 21,500 Mcf of gas per day and that Applicant proposes to purchase such quantities for interstate use in meeting its systemwide sales requirements. Therefore, Applicant proposes herein to construct and operate 9.5 miles of 8⅝-inch O.D. pipeline, together with appurtenances thereto, looping a segment of the said Santa Rosa-to-Sealy Smith pipeline, and to use such pipeline, in conjunction with the existing facilities, to accommodate the increased quantities.

The application shows that the cost of the existing facilities was $343,211. The cost of the proposed additional facilities is estimated to be $186,100. The cost of the existing facilities has been and the cost of the proposed facilities will be financed from current working funds as supplemented by short-term bank loans, as necessary.

Applicant states that the proposed project will not increase the transmission or delivery capacity of its overall system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission, by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 3, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 22, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5318; Filed, May 31, 1962 8:46 a.m.]

[Docket No. G-13183 etc.]

PLACID OIL CO. ET AL.

Notice Setting Forth Consolidated Dockets, New Lead Docket Number of Consolidated Proceeding, Severed Dockets; and Providing Opportunity for Receiving Service of Filed Documents

MAY 24, 1962.

Placid Oil Company, Operator, et al., Docket No. G-13183 etc.;[1] Texaco Inc., (formerly Texaco-Seaboard Inc.), et al., Docket No. G-13169 etc.[2]

Notice is hereby given that those dockets not severed from and which still remain in the proceedings originally consolidated by order of March 7, 1962 under the lead docket, Texaco-Seaboard, Inc., et al., Docket No. G-13169, et al., will hereafter be referred to under the lead docket, Docket No. G-13183, et al., Placid Oil Company, et al. Appendix A below, contains a list of those dockets remaining in the original consolidation.

Appendix B contains a list of the proceedings which were severed from the original consolidation by notices issued on May 16, 17, 18 and 22, 1962.

Any participant wishing to receive documents, etc., filed in these matters by other participants in any of the proceedings listed in Appendices A and B, should submit a notice of desire for service no later than June 1, 1962, listing the specific dockets in which service is desired, and designating his representative to receive such service.

JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	
G-13183	Placid Oil Company
G-13184	Placid Oil Company
G-13197	Berkshire Oil Company (Formerly J. R. Frankel and R. R. Frankel)
G-13231	Pan American Petroleum Corporation
G-13232	Pan American Petroleum Corporation
G-13233	Pan American Petroleum Corporation
G-13356	Amerada Petroleum Corporation
G-13642	Socony Mobil Oil Company, Inc. (Formerly Republic Natural Gas Company)
G-13710	Sun Oil Company
G-13746	Socony Mobil Oil Company, Inc.
G-14109	Hassie Hunt Trust
G-14240	Diversa, Inc.
G-14244	Phillips Petroleum Company
G-14254	Sun Oil Company
G-14351	The Pure Oil Company
G-17337	J. Ray McDermott and Company, Inc.
G-17338	Kilroy Properties, Inc., et al.
G-17340	Callery Properties, Inc.
G-17341	Callery Properties, Inc.
G-17342	Ocean Drilling and Exploration Company
G-17343	Ocean Drilling and Exploration Company, Operator, et al.
G-17393	Amerada Petroleum Corporation
G-17396	Kerr-McGee Oil Industries, Inc.
G-17398	Sands, Caroline Hunt, et al.
G-17399	Sid W. Richardson d/b/a Richardson & Bass, Operator, et al.
G-17401	Socony Mobil Oil Company, Inc.
G-17402	Beck Oil Company, et al.
G-17405	Phillips Petroleum Company
G-17407	Amerada Petroleum Corporation
G-17413	Mississippi River Fuel Corporation
G-17560	Shell Oil Company
G-17574	Pan American Petroleum Corporation
G-16540	Socony Mobil Oil Company, Inc. (Formerly Republic Natural Gas Company)
G-17381	Kerr-McGee Oil Industries, Inc.
G-17417	Pan American Petroleum Corporation
G-17444	Southern Natural Gas Company-Phillips Petroleum Company, Joint Venture
G-17447	Phillips Petroleum Company
G-16388	The Superior Oil Company
G-15122	Sun Oil Company
G-16380	The Superior Oil Company

APPENDIX B

Docket No.	
G-13169	Texaco Inc. (Formerly Texaco-Seaboard Inc.)
G-13219	The Atlantic Refining Company
G-13293	The California Company, a Division of The California Oil Company
G-13757	Newmont Oil Company
G-13758	Continental Oil Company
G-13973	Sohio Petroleum Company
G-14164	Austral Oil Company, Inc., Operator, Agent for Oil Participations, Inc.
G-14203	Union Oil Company of California
G-14227	Union Texas Petroleum, a Division of Allied Chemical Corporation (Formerly Union Texas Natural Gas Corporation)
G-14242	Austral Oil Company, Inc., Operator, Agent for Oil Participations, Inc.
G-14243	Austral Oil Company, Inc., Operator, Agent for Oil Participations, Inc.
G-14256	Humble Oil & Refining Company
G-14346	The Ohio Oil Company

[1] See Appendix A for a complete listing of Applicants and docket numbers remaining in the consolidated proceeding.

[2] See Appendix B for a complete list of Applicants and severed dockets.

Docket No.	
G-14355	Cities Service Production Company
G-14356	Cities Service Production Company
G-14362	Union Oil Company of California
G-14385	Tidewater Oil Company
G-14604	Humble Oil & Refining Company
G-14605	Humble Oil & Refining Company
G-14606	Humble Oil & Refining Company
G-14607	Humble Oil & Refining Company
G-17336	Texas Gas Exploration Corporation
G-17339	The California Company, a Division of The California Oil Company
G-17391	Humble Oil & Refining Company
G-17397	Bel Oil Corporation
G-17457	Union Oil Company of California
G-17463	Tidewater Oil Company
G-17474	Tidewater Oil Company
G-17475	Tidewater Oil Company
G-17483	Tidewater Oil Company
G-17554	Continental Oil Company
G-17566	Continental Oil Company
G-14753	Sunray DX Oil Company (Formerly Sunray Mid-Continent Oil Company)
G-16108	The California Company, a Division of The California Oil Company

[F.R. Doc. 62-5321; Filed, May 31, 1962; 8:46 a.m.]

[Project No. 2082]

PACIFIC POWER AND LIGHT CO.

Notice of Further Change of Location of Scheduled Hearing

MAY 24, 1962.

Notice is hereby given that the hearing scheduled to be held on June 4, 1962, in the above-designated matter will convene at 10:00 a.m., San Francisco time, on said date, in Conference Room 203, U.S. Post Office and Court House, 7th and Mission Streets, San Francisco, California, in lieu of the Federal Office Building, as noticed on May 21, 1962, and May 22, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5319; Filed, May 31, 1962; 8:46 a.m.]

[Project No. 1393]

PEND OREILLE MINES & METALS CO.

Notice of Application for License

MAY 24, 1962.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Pend Oreille Mines & Metals Company (correspondence to: Jens Jensen, President, Pend Oreille Mines & Metals Co., 923 Old National Bank Building, Spokane 1, Washington) for a 25-year license for constructed Project No. 1393 located on the Pend Oreille River, in Pend Oreille County, Washington, and affecting lands of the United States within Kaniksu National Forest.

The project consists of an intake above Metaline Falls on Pend Oreille River, a 20-foot by 20-foot diversion tunnel about 600 feet long, a powerhouse located below Metaline Falls having a total of 4,000 horsepower installed capacity, transmission lines to several mines and concentrating plants, and other appurtenent electric equipment.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is July 30, 1962. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5320; Filed, May 31, 1962; 8:46 a.m.]

[Docket No. CP62-191]

SOUTHERN NATURAL GAS CO.

Notice of Application and Date of Hearing

MAY 24, 1962.

Take notice that on February 15, 1962, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham 2, Alabama, filed in Docket No. CP62-191 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of a prototype 2,500 H.P. packaged gas turbine centrifugal compressor unit at its existing compressor station near Enterprise, Mississippi, on an experimental basis, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that testing will be carried on jointly by Applicant and the manufacturer's representatives for a one year period; and if performance is satisfactory, Applicant will seek authorization from the Commission to acquire the unit. The total installed cost of the unit, if permanently acquired by Applicant, is estimated to be $300,000.

The application states that the objective of the experiment is to determine the operating costs and efficiency of the new type of engine and to test the feasibility of operating the unit in the open without the protection of a building. If acquired, the unit would be used as a standby facility at the Enterprise station and ultimately would be used to provide increased capacity at the station in connection with any future increase in the capacity of Applicant's South Line. The results of the test will be used by Applicant to determine the type of compression facilities it will use in future construction programs.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 28, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 18, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5322; Filed, May 31, 1962; 8:46 a.m.]

[Project No. 2276 etc.]

ROBERT P. WILSON AND NATIONAL YOUTH FOUNDATION

Notice of Further Change of Location of Scheduled Hearing

MAY 24, 1962.

Robert P. Wilson, Project Nos. 2276, 2279; National Youth Foundation; Project Nos. 2125, 2126.

Notice is hereby given that the hearing scheduled to be held on May 31, 1962, in the above-designated matters will convene at 10:00 a.m., San Francisco time, on said date, in Conference Room 203, U.S. Post Office and Court House, 7th and Mission Streets, San Francisco, California, in lieu of the Federal Office Building, as noticed on May 21, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5323; Filed, May 31, 1962; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

MAY 25, 1962.

The common stock, $1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19 (a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, May 26, 1962 to June 4, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-5333; Filed, May 31, 1962; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 28, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37759: *Pig iron to Pittsburgh, Pa.* Filed by Traffic Executive Association-Eastern Railroads (E.R. No. 2621), for interested rail carriers. Rates on pig iron, in carloads, from Jackson, Ohio, and Keokuk, Iowa, to Pittsburgh, Pa.

Grounds for relief: Barge and/or barge-truck competition.

Tariffs: Supplement 28 to Baltimore and Ohio Railroad Company tariff I.C.C. 24503 and supplement 31 to Western Trunk Line Committee tariff I.C.C. A-4300.

FSA No. 37760: *Screened gravel from Dickason Pit, Ind.* Filed by Illinois Freight Association, Agent (No. 176), for interested rail carriers. Rates on screened gravel, in carloads from Dickason Pit, Ind., to Cissna Park, Martinton, Milford, Papineau, Pittwood and Wellington, Ill.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 20 to Chicago & Eastern Illinois Railroad Company tariff I.C.C. 330.

FSA No. 37761: *Screened gravel from Attica, Ind.* Filed by Illinois Freight Association, Agent (No. 177), for interested rail carriers. Rates on screened gravel, in carloads, from Attica, Ind., to Ivesdale and Sadorus, Ill.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 146 to Wabash Railroad Company tariff I.C.C. 7844.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-5336; Filed, May 31, 1962; 8:48 a.m.]

CURTIS DONALD BUFORD

Statement of Changes in Financial Interests

Pursuant to Subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (26 F.R. 5350 and 26 F.R. 11403) during the six months' period ended May 26, 1962: No change.

CURTIS D. BUFORD.

MAY 26, 1962.

[F.R. Doc. 62-5335; Filed, May 31, 1962; 8:48 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING DIRECTOR, COMMUNITY DISPOSITION PROGRAM

Designation

The Assistant Director, Community Disposition Program, is hereby designated to serve as Acting Director, Community Disposition Program, during the present vacancy in the position of Director, Community Disposition Program, with all the powers, functions, and duties delegated or assigned to the Director.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 4th day of June 1962.

[SEAL] JACK T. CONWAY,
Acting Housing and Home Finance Administrator.

[F.R. Doc. 62-5339; Filed, May 31, 1962; 8:49 a.m.]

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PART II

FEDERAL REGISTER

VOLUME 27 NUMBER 106

Washington, Friday, June 1, 1962

Department of Justice

Statement of Organization

Order 271–62

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 271–62]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

By virtue of the authority vested in me by law, including particularly section 161 of the Revised Statutes of the United States (5 U.S.C. 22), and section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), and as Attorney General of the United States, it is hereby ordered as follows:

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AUTHORITY: §§ 0.0 to 0.196 issued under R.S. 161; 5 U.S.C. 22; sec. 2, Reorg. Plan No. 2 of 1950, 3 CFR, 1949–1953 Comp., 64 Stat. 1261.

§ 0.0 Supersedure of prior documents and exceptions.

(a) *Supersedure of documents relating to departmental organization and functions.* The following-described orders are incorporated in this part and are hereby superseded:

(1) No. 175–59 of January 19, 1959 (effective April 1, 1959), relating to the organization of the Department of Justice (24 F.R. 2452).

(2) No. 211–60 of September 12, 1960, containing amendments to Order No. 175–59 of January 19, 1960 (25 F.R. 8967).

(3) No. 218–61 of January 6, 1961, relating to apportionment, reapportionment, and allotment of appropriations (26 F.R. 311).

(4) No. 238–61 of March 17, 1961, relating to President's Committee on Equal Employment Opportunity (26 F.R. 2534).

(5) No. 241–61 of March 29, 1961, authorizing Assistant Attorneys General to accept certain offers in compromise (26 F.R. 2808).

(6) No. 245–61 of May 9, 1961, providing for the performance of the duties of certain offices in case of vacancy therein (26 F.R. 4177).

(7) No. 247–61 of August 10, 1961, authorizing officers of Immigration and Naturalization Service to perform functions of deputy marshals while accompanying commercial aircraft (26 F.R. 7614).

(8) No. 249–61 of September 1, 1961, providing for transfer of the Office of Alien Property to Civil Division (26 F.R. 8400).

(9) No. 253–61 of November 2, 1961, delegating responsibility for performance of certain functions relating to the compensation of federal prisoners for injuries (26 F.R. 10574).

(10) No. 259–62 of December 28, 1961, concerning responsibility for performance of certain functions relating to the Immigration and Nationality Laws (27 F.R. 538).

(11) No. 264–62 of March 19, 1962, providing for resolution of disagreements concerning assignment of mail or cases.

(12) No. 270–62 of May 8, 1962, relating to advance and evacuation payments and special allowances.

Any existing delegation of authority made pursuant to the foregoing superseded orders shall continue in force and effect until modified or revoked: *Provided*, That nothing in this section shall be construed to modify the provisions of any other part of this title, or to modify any orders or regulations of the Attorney General issued pursuant to Executive Order No. 10450 of April 27, 1953, or No. 10501 of November 5, 1953, as amended.

(b) *Existing delegations or assignments to U.S. Attorneys or U.S. Marshals.* Unless otherwise indicated herein this part shall not be construed as superseding any part of any document making an assignment or delegation to United States Attorneys or United States Marshals.

Subpart A—Organizational Structure of the Department of Justice

§ 0.1 Organizational units.

The Department of Justice shall consist of the following principal offices, divisions, bureaus, and boards:

OFFICES

Office of the Attorney General.
Office of the Deputy Attorney General.
Office of the Solicitor General.
Office of Legal Counsel.
Office of the Pardon Attorney.

DIVISIONS

Antitrust Division.
Civil Division.
Civil Rights Division.
Criminal Division.
Internal Security Division.
Lands Division.
Tax Division.
Administrative Division.

BUREAUS

Federal Bureau of Investigation.
Bureau of Prisons.
Immigration and Naturalization Service.

BOARDS

Board of Immigration Appeals.
Board of Parole.

Subpart B—Office of the Attorney General

§ 0.5 Attorney General.

The Attorney General shall:

(a) Supervise and direct the administration and operation of the Department of Justice, including the offices of United States Attorneys and United States Marshals, which are within the Department of Justice.

(b) Represent the United States in legal matters generally.

(c) Furnish advice and opinions, formal and informal, on legal matters to the President and the Cabinet and to the heads of the executive departments and agencies of the Government, as provided by law.

(d) Appear in person to represent the Government in the Supreme Court of the United States, or in any other court, in which he may deem it appropriate.

(e) Take possession and dispose of certain unclaimed, privately-owned, personal property (including abandoned property), under the authority delegated to him by the Administrator of General Services (16 F.R. 7335).

(f) Designate, pursuant to Executive Orders No. 9788 of October 4, 1946, and No. 10254 of June 15, 1951, officers and agencies of the Department of Justice to act as disbursing officers for the Office of Alien Property.

(g) Designate, pursuant to Executive Order No. 10590 of January 18, 1955, the Employment Policy Officer, and necessary Deputy Employment Policy Officers of the Department of Justice.

(h) Perform or supervise the performance of other duties required by statute or Executive order.

§ 0.6 Executive Assistant.

The Executive Assistant to the Attorney General established in the Office of the Attorney General shall:

(a) Assist the Attorney General in the review of Executive orders, opinions, interpretations, decisions of the Board of Immigration Appeals, pardon matters, antitrust complaints and consent decrees, contracts, agreements, and proposed offers in compromise, and other matters submitted for the Attorney General's action.

(b) Exercise the power and authority vested in the Attorney General by section 5003 of title 18 of the United States Code, upon certification by the Director of the Bureau of Prisons that proper and adequate treatment facilities and personnel are available, to contract with State or Territorial officials for the custody, care, subsistence, education, treatment, and training of State or Territorial prisoners.

(c) Perform such other duties and functions as may be specially assigned from time to time by the Attorney General.

§ 0.7 Director of Public Information.

There shall be in the Office of the Attorney General a Director of Public Information who shall:

(a) Handle matters pertaining to relations with the public generally.

(b) Disseminate information to the press, the radio and television services, the public, members of Congress, officials of government, schools, colleges, and civic organizations.

(c) Coordinate the relations of the Department of Justice with news media.

(d) Serve as a central agency for information relating to the work and activities of all agencies of the Department.

(e) Prepare public statements and news releases.

(f) Coordinate departmental publications.

§ 0.8 Committee on Incentive Awards.

The Committee on Incentive Awards shall be a part of the Office of the Attorney General and shall:

(a) Consist of the Deputy Attorney General, who shall be the chairman thereof, the Executive Assistant to the Attorney General, the Director of the Federal Bureau of Investigation, and the Administrative Assistant Attorney General, who shall be the Secretary of the Committee.

(b) Consider and make recommendations to the Attorney General concerning honorary awards and cash awards in excess of $500 to be granted for suggestions or inventions, sustained superior performance, or special acts or services in the public interest.

(c) Consider and make recommendations to the Attorney General for transmittal to the Civil Service Commission and the President for Presidential awards under section 304(b) of the Government Employees Incentive Awards Act, 68 Stat. 1113.

(d) Act upon recommendations for outstanding performance ratings under the Performance Rating Plan of the Department.

§ 0.9 Young American Medals Committee.

There shall be in the Office of the Attorney General a Young American Medals Committee, which shall be composed of three members, one of whom shall be the Director of Public Information, who shall be the Executive Secretary of the Committee. The Chairman of the Committee shall be designated by the Attorney General. The Committee shall issue regulations relating to the establishment of the Young American Medal for Bravery and Young American Medal for Service provided for by the act of August 3, 1950, 64 Stat. 397, and governing the requirements and procedures for the award of such medals. The regulations of the Committee in effect on the effective date of this part shall continue in effect until amended, modified, or revoked by the Committee.

§ 0.10 Fiscal Review Committee.

The Fiscal Review Committee shall be a part of the Office of the Attorney General and shall be composed of the Attorney General, the Deputy Attorney General, and the Administrative Assistant Attorney General. The Committee shall establish budget policy and review budget estimates to determine whether they conform to departmental and budget policy.

Subpart C—Office of the Deputy Attorney General

§ 0.15 Deputy Attorney General.

The Deputy Attorney General is authorized to exercise all the power and authority of the Attorney General specified in § 0.5 of Subpart B of this part, unless any such power or authority is required by law to be exercised by the Attorney General personally. The Deputy Attorney General shall act as Attorney General and perform all the duties of the Office of Attorney General in case of a vacancy in that office or in case of the absence or disability of the Attorney General and shall:

(a) Maintain liaison between the Department and the Congress.

(b) Assist the Attorney General in the over-all supervision and direction of the Department, including coordination of the activities of the departmental divisions and other units.

(c) Assist the Attorney General in the formulation of departmental policies and programs, and in the development of ways and means of effectuating them.

(d) Keep currently informed concerning the operations of the Department, and bring to the consideration of the Attorney General matters requiring his personal attention or action.

(e) Administer the Attorney General's Recruitment Program for Honor Law Graduates.

(f) Approve Incentive Awards not in excess of $500.00.

(g) Prepare, for the consideration of the Attorney General, recommendations for Presidential appointments to judicial positions and positions within the Department.

(h) Draft proposed departmental legislation, and except as provided in § 0.105 (h), prepare and submit reports and recommendations on pending legislation, in response to requests of Congressional committees or other agencies, and on enrolled bills.

(i) Under regulations prescribed by the Attorney General, be responsible for coordinating the recruitment and training program of the Department of Justice unit of the National Defense Executive Reserve, and for recruiting, training, and maintaining an adequate and effective Reserve in a specified area involving essential emergency functions.

(j) Approve per-diem allowances, concurrently with the Administrative Assistant Attorney General, for travel by airplane, train, or boat outside the continental United States in excess of the amounts fixed by paragraph 6.2c of the Standardized Government Travel Regulations.

§ 0.16 Executive Office for United States Attorneys.

The Executive Office for United States Attorneys, established in the Office of the Deputy Attorney General by Order No. 8–53 of April 6, 1953, under the supervision of the Deputy Attorney General, shall provide general executive assistance and supervision to the offices of the United States Attorneys, and coordinate and direct the relationship of agencies of the Department with such offices.

§ 0.17 Executive Office for United States Marshals.

The Executive Office for United States Marshals, established in the Office of the Deputy Attorney General by Order No. 137–56 of November 23, 1956, shall be under the supervision of the Deputy Attorney General, and shall provide general executive assistance and supervision to the offices of the United States Marshals, coordinate and direct the relationship of agencies of the Department with such offices, and approve the staffing requirements of the offices of the United States Marshals. (28 U.S.C. 542; 48 U.S.C. 1614; E.O. No. 6166, June 10, 1933, sec. 6.)

Subpart D—Office of the Solicitor General

§ 0.20 General functions.

Subject to the general supervision and direction of the Attorney General, the following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Solicitor General, in consultation with each agency or official concerned:

(a) Conducting, or assigning and supervising, all Supreme Court cases, including appeals, petitions for and in opposition to certiorari, briefs and arguments, and, in accordance with § 0.163, settlement thereof.

(b) Authorizing or declining to authorize appeals by the Government to all appellate courts, including petitions for rehearing *en banc*.

(c) Authorizing the filing of all briefs *amicus curiae* by the Government in all appellate courts.

(d) Surveying and listing appellate cases in the courts of appeals in which the Government is participating.

§ 0.21 Authorizing intervention by the Government in certain cases.

The Solicitor General may in consultation with each agency or official concerned, authorize intervention by the Government in cases involving the constitutionality of acts of Congress.

Subpart E—Office of Legal Counsel

§ 0.25 General functions.

Subject to the general supervision and direction of the Attorney General, the following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Assistant Attorney General in charge of the Office of Legal Counsel:

(a) Preparing the formal opinions of the Attorney General; rendering informal opinions and legal advice to the various agencies of the Government; and assisting the Attorney General in the performance of his functions as legal adviser to the President and as a member of, and legal adviser to, the Cabinet.

(b) Preparing and making necessary revisions of proposed Executive orders and proclamations, and advising the Attorney General as to their form and legality prior to their transmission by the Attorney General to the President; and performing like functions with respect to regulations and other similar matters which require the approval of the President or the Attorney General.

(c) Approving proposed orders of the Attorney General, and orders which require the approval of the Attorney General, as to form and legality and as to consistency and conformity with existing orders and memoranda.

(d) Handling matters arising out of devises and bequests and *inter vivos* gifts to the United States, except determinations as to the validity of title to any lands involved and litigation pertaining to such determinations.

(e) Except as to proposed legislation, acting in a liaison capacity for cooperation with the Council of State Governments.

(f) Coordinating the work of the Department of Justice with respect to the participation of the United States in the United Nations and related international organizations.

(g) Rendering opinions to the Attorney General and to the heads of the various organizational units of the Department on questions of law arising in the administration of the Department.

(h) Coordinating the implementation of recommendations, pertinent to the operations of the Department of Justice, made in the Report on Legal Services and procedure by the Commission on Organization of the Executive Branch of the Government.

(i) When requested, advising the Attorney General in connection with his review of decisions of the Board of Immigration Appeals and other organizational units of the Department.

(j) Designating within the Office of Legal Counsel (1) a liaison officer, and an alternate, as a representative of the Department in all matters concerning the filing of departmental documents with the Office of the Federal Register, and (2) a certifying officer, and an alternate, to certify copies of documents (except those issued by the Commissioner of Immigration and Naturalization or his designee) required to be filed with the Office of the Federal Register (1 CFR 1.21).

§ 0.26 Conscientious Objector Section.

There shall be in the Office of Legal Counsel a Conscientious Objector Section, which shall, under the general supervision and direction of the Office of Legal Counsel, carry out the functions, duties, and responsibilities of the Department of Justice arising under or pursuant to section 6(j) of the Universal Military Training and Service Act, as amended (50 U.S.C. App. 456(j)), in accordance with the Attorney General's Order No. 118–56 of June 9, 1956, and such other orders as the Attorney General may issue from time to time.

§ 0.27 Office of Administrative Procedure.

There shall be in the Office of Legal Counsel an Office of Administrative Procedure which shall, under the administrative direction of the Assistant Attorney General in charge of the Office of Legal Counsel, carry out the functions and duties assigned to it by the Attorney General's Order No. 142–57 of February 6, 1957, and such other functions and duties as the Attorney General may from time to time assign to it.

Subpart F [Reserved]

Subpart G—Office of the Pardon Attorney

§ 0.35 Applications for clemency.

Subject to the general supervision and direction of the Attorney General, the Pardon Attorney shall have charge of the receipt, investigation, and disposition of applications to the President for pardon and other forms of Executive clemency.

§ 0.36 Recommendations.

The Pardon Attorney shall submit all recommendations in pardon cases to the Attorney General through the office of the Executive Assistant to the Attorney General.

Subpart H—Antitrust Division

§ 0.40 General functions.

Subject to the general supervision and direction of the Attorney General, the following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Assistant Attorney General in charge of the Antitrust Division:

(a) General enforcement, by criminal actions and civil suits, of the Federal antitrust laws, including the studies of possible antitrust violations, the conducting of grand jury proceedings, the preparation and trial of antitrust cases, the prosecution of appeals, the negotiation and enforcement of final judgments, and participation as amicus curiae in private antitrust litigation.

(b) Representing the United States in suits before three-judge district courts under sections 2321 to 2325 of title 28 of the United States Code to enforce, suspend, enjoin, annul, or set aside, in whole or in part, any order of the Interstate Commerce Commission.

(c) Enforcement, by criminal proceedings, of section 10 of the Clayton Act (38 Stat. 734; 15 U.S.C. 20), requiring competitive bidding in transactions involving securities, supplies, or other articles of commerce and in the making of certain contracts for construction or maintenance by common carriers.

(d) Enforcement of civil penalties against common carriers by wire or radio unjustly or unreasonably discriminating among persons, classes of persons, or localities (47 U.S.C. 202(a)).

(e) Upon appropriate certification by the Federal Trade Commission, and except as provided in § 0.55(d), the institution of proceedings for collecting penalties arising from violations of the Federal Trade Commission Act.

(f) Preparing the approval of the Attorney General whenever such approval, from the standpoint of the antitrust laws, is required as a prerequisite to the development of Defense Production Act voluntary programs or agreements and small business production or raw material pools.

(g) Preparing the advice of the Attorney General whenever such advice, from the standpoint of the antitrust laws, is required in connection with the disposal of Government-owned surplus property or in connection with the national-defense program or atomic energy, and advising the Attorney General with respect to the disposal of property formerly held by enemy aliens.

(h) Gathering information and preparing reports required or requested by the Congress or the Attorney General as to the effect upon the free enterprise system of various Federal laws or programs, including the Defense Production Act, the Small Business Act, the joint resolution of July 28, 1955, giving consent to the Interstate Compact To Conserve Oil and Gas, and the program for the disposal of Government-owned synthetic rubber facilities.

§ 0.41 Intervening before administrative agencies in certain proceedings.

The Assistant Attorney General in charge of the Antitrust Division may intervene or participate before administrative agencies functioning wholly or partly under regulatory statutes in administrative proceedings which require an accommodation between the purposes of the antitrust laws and the purposes of such statutes, including such agencies as the Federal Trade Commission, Federal Reserve Board, Interstate Commerce Commission, Civil Aeronautics Board, Federal Communications Commission, Federal Maritime Board, and Federal Power Commission, except proceedings referred to an agency by a Federal court as an incident to litigation being conducted under the supervision of another division.

§ 0.42 Handling judicial proceedings to review regulatory orders of certain agencies.

With respect to Government departments and administrative agencies functioning wholly or partly under regulatory statutes relating to trade regulation, transportation, communications, alcoholic beverage control, and atomic energy, the Assistant Attorney General in charge of the Antitrust Division shall handle or supervise the handling of, proceedings in Federal courts of appeals, under various statutes, to review regulatory orders of the Civil Aeronautics Board, Administrator of Civil Aeronautics, Federal Communications Commission, Atomic Energy Commission, Federal Maritime Board and Maritime Administration, and of the Secretary of the Treasury or his delegates under the Federal Alcohol Administration Act.

§ 0.43 Authority to furnish certain reports relating to proposed mergers of banks.

The Assistant Attorney General in charge of the Antitrust Division is authorized to exercise the authority vested in the Attorney General by subsection (c) of section 18 of the Federal Deposit Insurance Act (64 Stat. 892; 12 U.S.C. 1828(c)) as amended by the act of May 13, 1960, 74 Stat. 129, relating to the furnishing of reports, and summaries thereof, with respect to the competitive factors involved in proposed mergers or consolidations of insured banks.

Subpart I—Civil Division

§ 0.45 General functions.

Subject to the general supervision and direction of the Attorney General, the following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Assistant Attorney General in charge of the Civil Division:

(a) Admiralty and Shipping Cases—civil and admiralty litigation in any court by or against the United States, its officers and agents, which involves ships or shipping (except suits to enjoin final orders of the Federal Maritime Board under the Shipping Act of 1916 and under the Intercoastal Shipping Act assigned to the Antitrust Division by Subpart H of this part), defense of regulatory orders of the Maritime Administration affecting navigable waters or shipping thereon (except as assigned to the Lands Division by § 0.65(a)), workmen's compensation, and litigation and waiver of claims under reciprocal-aid maritime agreements with foreign governments.

(b) Court of Claims cases—defense of all suits against the United States in the Court of Claims, except cases assigned to the Lands Division and to the Tax Division by subparts M and N of this part, respectively.

(c) Customs Cases—all litigation incident to the reappraisement and classification of imported goods, including the defense of all suits in the Customs Court and presentation of customs appeals in the Court of Customs and Patent Appeals.

(d) Fraud Cases—civil claims arising from fraud on the Government (other than land and tax frauds), including alleged claims under the False Claims Act, the Surplus Property Act, the Anti-Kickback Act, the Contract Settlement Act, and common law fraud.

(e) Japanese evacuation claims and litigation and administrative actions

relative to the renunciation of United States nationality.

(f) Patent and Allied Cases and other patent matters—patent, copyright, and trademark litigation before United States courts and the Patent Office, including patent infringement suits in the Court of Claims, interference proceedings, defense of the Register of Copyrights in his administrative acts, and civil patent-fraud cases; participation in the administration of the Patent Interchange Agreement; and representation of the Department of Justice on the Government Patents Board.

(g) Tort Cases—Defense of tort suits against the United States arising under the Federal Tort Claims Act and special acts of Congress, and similar litigation against cost-plus Government contractors and Federal employees whose official conduct is involved (except actions against Government contractors and Federal employees which are assigned to the Lands Division by § 0.65 (a) and (c); and prosecution of tort claims in favor of the United States arising from situations within the scope of the Federal Tort Claims Act.

(h) Veterans' Affairs Cases—all civil litigation involving the rights and liabilities of veterans and their dependents and beneficiaries not otherwise assigned, including suits relating to War Risk, United States Government Life, and National Service Life Insurance, re-employment rights in private industry, the education and loan-guaranty programs of the Veterans' Administration, the escheat and vesting of funds under special statutes and the recovery of sums improperly paid to servicemen and veterans and their allottees, dependents, and beneficiaries.

(i) General Civil Matters—litigation by and against the United States, its agencies, and officers in all courts and administrative tribunals to enforce Government rights, functions, and monetary claims (except fines and bail-bond forfeitures assigned to the Criminal Division under Subpart K of this part), and to defend challenged actions of Government agencies and officers, not otherwise assigned, including, but not limited to, civil penalties and forfeitures, actions in the Tax Court under the Renegotiation Act, claims against private persons or organizations for which the Government is, or may ultimately be, liable, actions affecting property on which the United States has liens under section 2410 of title 28 of the United States Code, reparations suits brought by the United States as a shipper under the Interstate Commerce Act; civil actions by the United States for penalties for violations of car service orders (49 U.S.C. 1(15) and (17a)); actions restraining violations of Part II of the Interstate Commerce Act (49 U.S.C. 322(b) and 322(h)); civil actions under Part I of the Interstate Commerce Act (49 U.S.C. 6(10) and 16(9)); injunctions against violations of Interstate Commerce Commission orders (49 U.S.C. 16(12)); mandamus to compel the furnishing of information to the Interstate Commerce Commission (49 U.S.C. 19a(1) and 20 (9)); recovery of rebates under the Elkins Act (49 U.S.C. 41(a)); compelling the appearance of witnesses before the Interstate Commerce Commission and enforcement of subpenas and punishment for contempt (49 U.S.C. 12(3)); suits to enjoin final orders of the Secretary of Agriculture under the Perishable Agricultural Commodities Act (7 U.S.C. 499g), and the Packers and Stockyards Act (7 U.S.C. 217); suits to set aside orders of State regulatory agencies (49 U.S.C. 13(4)); and civil matters, except those required to be handled by the Board of Parole, under section 504(a) of the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 536).

§ 0.46 Certain civil litigation.

The Assistant Attorney General in charge of the Civil Division shall, in addition to litigation coming within the scope of § 0.45, direct all other civil litigation including claims by or against the United States, its agencies or officers, in domestic or foreign courts, special proceedings, and similar civil matters not otherwise assigned.

§ 0.47 Alien Property matters.

The Office of Alien Property shall be a part of the Civil Division:

(a) The following described matters are assigned to, and shall be conducted, handled, or supervised by the Assistant Attorney General in charge of the Civil Division, who shall also be the Director of the Office of Alien Property:

(1) Exercising or performing all the authority, rights, privileges, powers, duties, and functions delegated to or vested in the Attorney General under the Trading with the Enemy Act, as amended, Title II of the International Claims Settlement Act of 1949, as amended, the act of September 28, 1950, 64 Stat. 1079 (50 U.S.C. App. 40), the Philippine Property Act of 1946, as amended, and the Executive orders relating to such acts, including, but not limited to, vesting, supervising, controlling, administering, liquidating, selling, paying debt claims out of, returning, and settling of intercustodial disputes relating to, property subject to one or more of such acts.

(2) Conducting and directing all civil litigation with respect to the Trading with the Enemy Act, Title II of the International Claims Settlement Act, the Foreign Funds Control Program and the Foreign Assets Control Program.

(3) Designating within the Office of Alien Property a certifying officer, and an alternate, to certify copies of documents issued by the Director, or his designee, which are required to be filed with the Office of the Federal Register.

(b) The Director of the Office of Alien Property shall act for and on behalf of the Attorney General.

(c) All the authority, rights, privileges, powers, duties, and functions of the Director of the Office of Alien Property may be exercised or performed by any agencies, instrumentalities, agents, delegates, or other personnel designated by him.

(d) Existing delegations by the Assistant Attorney General, Director, Office of Alien Property, or the Director, Office of Alien Property, shall continue in force and effect until modified or revoked.

Subpart J—Civil Rights Division

§ 0.50 General functions.

Subject to the general supervision and direction of the Attorney General, the following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Assistant Attorney General in charge of the Civil Rights Division:

(a) Enforcement of all Federal statutes affecting civil rights, including those pertaining to elections and voting, and authorization of litigation in such enforcement, including criminal prosecutions and civil actions and proceedings on behalf of the Government; and appellate proceedings in all such cases.

(b) Requesting and reviewing investigations arising from reports or complaints of public officials or private citizens with respect to matters affecting civil rights.

(c) Conferring with individuals and groups who call upon the Department in connection with civil rights matters, advising such individuals and groups thereon, and initiating action appropriate thereto.

(d) Coordination within the Department of Justice of all matters affecting civil rights.

(e) Consultation with and assistance to other Federal departments and agencies and State and local agencies on matters affecting civil rights.

(f) Research on civil rights matters, and the making of recommendations to the Attorney General as to proposed policies and legislation relating thereto.

(g) Resolving questions that arise as to Federal prisoners held in custody by Federal officers or in Federal prisons, commitments of mentally defective defendants and juvenile delinquents, validity and construction of sentences, probation, and parole.

(h) Habeas corpus proceedings of all types excepting those had pursuant to § 0.55 (g) and (j).

(i) Supervision of matters arising under the Escape and Rescue Act (18 U.S.C. 751, 752), the Fugitive Felon Act (18 U.S.C. 1072, 1073), and the Obstruction of Justice Statute (18 U.S.C. 1503), except as to obstructions which occur in connection with cases within the jurisdiction of the Criminal Division and the Internal Security Division.

(j) Functions of the Department of Justice under subsections (b) and (c) of section 312 of Executive Order No. 10925 of March 6, 1961, entitled "Establishing the President's Committee on Equal Employment Opportunity".

§ 0.51 Assistance to other Federal agencies.

Upon request, the Assistant Attorney General in charge of the Civil Rights Division may assist the Commission on Civil Rights or other similar Federal bodies in carrying out research and formulating recommendations.

§ 0.52 Delegation respecting authorization to institute criminal prosecution against a juvenile.

The Assistant Attorney General in charge of the Civil Rights Division is authorized to exercise the power and authority vested in the Attorney General by section 5032 of title 18 of the United States Code, to direct that criminal prosecution be instituted against a juvenile alleged to have committed one or more acts in violation of a law of the United States not punishable by death or life imprisonment.

Subpart K—Criminal Division

§ 0.55 General functions.

Subject to the general supervision and direction of the Attorney General, the following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Assistant Attorney General in charge of the Criminal Division:

(a) Prosecutions for Federal crimes not otherwise specifically assigned.

(b) Cases involving criminal frauds against the United States except tax fraud cases assigned to the Tax Division by Subpart N of this part and false-statement and perjury cases assigned to the Internal Security Division by § 0.60(a).

(c) All criminal and civil litigation under the Federal Food, Drug, and Cosmetic Act.

(d) Libels or civil penalty actions (including petitions for remission or mitigation of civil penalties and forfeitures, offers in compromise and related proceedings) under the Federal Aviation Act, Contraband Transportation Act, customs laws, Export Control Act, Federal Alcohol Administration Act, Federal Caustic Poisons Act, Federal Insecticide, Fungicide, and Rodenticide Act, Federal Seed Act, Federal Trade Commission Act (in case foods, drugs, or cosmetics are involved), Gold Reserve Act, Hours of Service Act, laws relating to liquor, narcotics, gambling, and firearms, Locomotive Inspection Act, Prison-Made Goods Act, Safety Appliance Act, Standard Container Act, Sugar Act of 1948, and Twenty-Eight Hour Law.

(e) Proceedings with respect to the recovery of fines and bail-bond forfeitures.

(f) Subject to the provisions of Subpart W of this part, consideration, acceptance, or rejection of offers in compromise of criminal and tax liability under the laws relating to liquor, narcotics, gambling, and firearms, in cases in which the criminal liability remains unresolved.

(g) All litigation arising under the immigration and nationality laws (except Japanese renunciation proceedings, which are assigned to the Civil Division by § 0.45(e), and suits under the Tucker Act for the recovery of money covered into the Treasury on forfeited immigration bonds), and the passport and visa laws (except litigation involving subversives, which is assigned to the Internal Security Division by § 0.60, and injunction actions against the Secretary of State to require the issuance of passports, which are within the jurisdiction of the Civil Division under § 0.45(i)).

(h) Coordination of enforcement activities directed against organized crime and racketeering.

(i) Enforcement or registration requirements of the Slot Machine Act and maintenance of registrations thereunder.

(j) Habeas corpus proceedings relating to the Universal Military Training and Service Act.

(k) International extradition proceedings.

(l) Relation of military to civil authority with respect to criminal matters affecting both.

(m) Except as provided in § 0.60(i), all criminal matters arising under the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 519).

§ 0.56 Exclusive or concurrent jurisdiction.

The Assistant Attorney General in charge of the Criminal Division is authorized to determine administratively whether the Federal Government has exclusive or concurrent jurisdiction over offenses committed upon lands acquired by the United States, and to consider problems arising therefrom.

§ 0.57 Representation on Interdepartmental Committee on Narcotics.

The Assistant Attorney General in charge of the Criminal Division is designated as a member of the Interdepartmental Committee on Narcotics representing the Department of Justice (E.O. No. 10302 of November 2, 1951).

Subpart L—Internal Security Division

§ 0.60 General functions.

Subject to the general supervision and direction of the Attorney General, the following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Assistant Attorney General in charge of the Internal Security Division:

(a) Enforcement of all criminal laws relating to subversive activities and kindred offenses directed against the internal security of the United States, including the laws relating to treason, sabotage, espionage, and sedition; enforcement of the Foreign Assets Control Regulations issued under the Trading With the Enemy Act (31 C.F.R. 500.101 et seq.); criminal prosecutions under the Atomic Energy Act, the Smith Act, the neutrality laws, the Munitions Control Act, and section 799 of title 18 of the United States Code; and criminal prosecutions for offenses, such as perjury and false statements, relating to subversive activities or involving individuals with a subversive background.

(b) Administration and enforcement of the Foreign Agents Registration Act of 1938, as amended; the act of August 1, 1956, 70 Stat. 899 (50 U.S.C. 851–857), including the determination in writing that the registration of any person coming within the purview of the act would not be in the interest of national security; the Voorhis Act, and the Subversive Activities Control Act of 1950, as amended.

(c) Presentation of cases before the Subversive Activities Control Board and before Department of Justice hearing officers with respect to designation of organizations under Executive Order No. 10450 of April 27, 1953, as amended.

(d) All civil cases relating to internal security matters arising since February 14, 1957.

(e) All emergency mobilization planning and civil defense planning for the Department of Justice.

(f) Administration of the Department of Justice Security Office, headed by the Security Officer (Order No. 25–53 of August 31, 1953).

(g) Interpretation of Executive Order No. 10450 of April 27, 1953, as amended, pursuant to Subpart M of this part, relating to security requirements for government employment.

(h) Libels and civil penalty actions (including petitions for remission or mitigation of civil penalties and forfeitures, offers in compromise and related proceedings) arising out of violations of the Trading with the Enemy Act, the neutrality statutes, and the Mutual Security Act of 1954, as amended.

(i) All criminal matters involving members and former members of the Communist Party referred to in section 504 of the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 536).

§ 0.61 Representative capacities.

The Assistant Attorney General in charge of the Internal Security Division shall:

(a) Represent the Department of Justice on the Personnel Security Advisory Committee and be the Chairman thereof; and have authority to designate an officer or employee of the Internal Security Division as Vice Chairman of the Committee and assign to him appropriate duties and responsibilities.

(b) Be a member and serve as Chairman of the committee which represents the Department of Justice in the development and implementation of plans for exchanging visits between the Iron Curtain countries and the United States and have authority to designate an alternate to serve on such committee.

(c) Provide Department of Justice representation on the Interdepartmental Committee on Internal Security.

(d) Be responsible for keeping other interested departments and agencies currently informed as to the names of persons performing duties under paragraphs (a), (b), and (c) of this section.

§ 0.62 Delegation respecting admission of certain aliens.

The Assistant Attorney General in charge of the Internal Security Division is authorized to exercise the power and authority vested in the Attorney General by section 7 of the Central Intelligence Agency Act of 1949, as amended (50 U.S.C. 403h), with respect to entry of certain aliens into the United States for permanent residence.

Subpart M—Lands Division

§ 0.65 General functions.

Subject to the general supervision and direction of the Attorney General, the following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Assistant Attorney General in charge of the Lands Division:

(a) Suits and matters of a civil nature in Federal, State, and foreign courts relating to the public domain and all other lands and real property of the United States (including condemnation

proceedings for the acquisition of property); actions related to the disposal of real property (including the foreclosure of mortgages executed in connection with the disposal); actions to remove clouds from and to quiet title, to recover possession, to recover delinquent rentals, to recover damages, to determine boundaries, to cancel patents or other conveyances of real property or interests therein, to set aside ad valorem taxes, assessments, special assessments, and tax sales (including actions involving payments in lieu of taxes), to establish rights in minerals (including mineral leases), oil reserves, and other natural resources; and actions to establish and protect water rights and to protect the navigation servitude and rights in navigable waters; defense of actions for compensation for the claimed taking by the United States of real property or any interest in real property (including water rights); defense of actions seeking to establish an interest in real property adverse to the United States; and defense of actions for damages resulting from the use of real property by the United States or its officers, agents, or contractors.

(b) Representation of the interests of the United States in all civil litigation in Federal and State courts and before the Indian Claims Commission pertaining to Indians, Indian tribes, and Indian affairs, and matters relating to Indian property, real or personal.

(c) Defense of officers, employees, and contractors of the United States with respect to, and handling of injunction and mandamus proceedings and other litigation relating to, the use or control of or title to real property as to which the United States asserts ownership or the right of possession or control.

(d) Rendering opinions as to the validity of title to all lands acquired by the United States, except as otherwise specified by statute.

§ 0.66 Delegation respecting title opinions.

The Assistant Attorney General in charge of the Lands Division, or such members of his staff as he may specifically designate in writing, are authorized to sign the name of the Attorney General to opinions on the validity of titles to property acquired by or on behalf of the United States, except those which, in the opinion of the Assistant Attorney General involve questions of policy or for any other reason require the personal attention of the Attorney General.

Subpart N—Tax Division

§ 0.70 General functions.

Subject to the general supervision and direction of the Attorney General, the following-described matters are assigned to, and shall be conducted, handled, or supervised by, the Assistant Attorney General in charge of the Tax Division:

(a) Prosecution and defense in all courts, other than the Tax Court, of civil suits, and the handling of other matters, arising under the internal revenue laws, and litigation resulting from the taxing provisions of other Federal statutes (except civil forfeiture and civil penalty matters arising under laws relating to liquor, narcotics, gambling, and firearms assigned to the Criminal Division by § 0.55(d)).

(b) Criminal proceedings arising under the internal revenue laws, except the following: proceedings pertaining to misconduct of Internal Revenue Service personnel, to taxes on liquor, narcotics, firearms, coin-operated gambling and amusement machines, and to wagering, forcible rescue of seized property (26 U.S.C. 7212(b)), corrupt or forcible interference with an officer or employee acting under the Internal Revenue laws (26 U.S.C. 7212(a)), unauthorized disclosure of information (26 U.S.C. 7213), and counterfeiting, mutilation, removal, or re-use of stamps (26 U.S.C. 7208).

(c) Enforcement of tax liens, and mandamus, injunctions, and other special actions or general matters arising in connection with internal revenue matters.

(d) Appellate proceedings in connection with civil and criminal cases enumerated in paragraphs (a) through (c) of this section and in § 0.71, including petitions to review decisions of the Tax Court of the United States.

§ 0.71 Delegation respecting immunity matters.

The Assistant Attorney General in charge of the Tax Division is authorized to handle matters involving the immunity of the Federal Government from State or local taxation (except actions to set aside ad valorem taxes, assessments, special assessments, and tax sales of Federal real property, and matters involving payments in lieu of taxes), as well as State or local taxation involving contractors performing contracts for or on behalf of the United States.

Subpart O—Administrative Division

§ 0.75 General functions.

Subject to the general supervision and direction of the Attorney General, the following-described matters are assigned to, and shall be administered by, or under the direction of, the Administrative Assistant Attorney General:

(a) Budget, financial, and fiscal matters; allotment of funds under regulations prescribed by the Attorney General with the approval of the Director of the Bureau of the Budget; appropriations, and control of expenditures; accounting and auditing; examination of contracts; examination and inspection of judicial offices; inspection and review of administrative operations; forms, reports, and directives programs; collection and compilation of statistics; transcription and reproduction; supplies; printing and procurement; property accountability; custody and maintenance of departmental mail, files, and records (including administration of the departmental document system described in Subpart X of this part); buildings and space; telephone and other necessary services; payrolls, overtime pay, vouchers, and transportation requests; personnel matters and transactions; garage and automotive equipment; health services; official bond program, legal and legislative matters pertaining to administrative operations of the Department; arranging for foreign and military witnesses, and payment of expert witness fees; and generally the administration of similar staff services.

(b) Formulation, presentation, and execution of the Department's budget program; review and discussion with the operating units of the Department of all matters relating to the budget before their presentation to the Fiscal Review Committee of the Department, in order to review and establish budgetary and accounting standards and to work with the divisions, offices, bureaus, and boards of the Department in attaining them; analysis of proposed budget programs of the divisions, offices, bureaus, and boards, or proposed changes therein and the making of recommendations to the budget offices; follow-up on the execution of the budget through a system of financial and work reporting; continuous study, in cooperation with the divisions, offices, bureaus, and boards, of budget and planning facilities, organization structure, operating procedure and facilities, and work methods of the Department; and preparation and review of orders, regulations, and related documents of general administrative and fiscal application.

(c) Improvement of administrative organization and practices, and making management studies.

§ 0.76 Libraries.

Under the general supervision of the Administrative Assistant Attorney General, the Librarian of the Department shall have control and direction of the functions of the Main Library and other libraries of the Department with the exception of those in the Bureau of Prisons, the Federal Bureau of Investigation, and the Immigration and Naturalization Service.

§ 0.77 Delegations.

The Administrative Assistant Attorney General is authorized to exercise the power and authority vested in the Attorney General by law to take final action in the following-described matters:

(a) *Apportionment, reapportionment, and allotment of appropriations.* Pursuant to section 665 of title 31 of the United States Code, making requests upon the Director of the Bureau of the Budget for apportionment or reapportionment of appropriations, including the determination, whenever required, that such apportionment or reapportionment indicates the necessity for the submission of a request for a deficiency or supplemental estimate, and making allotments to organizational units of the Department of appropriations made available to the Department within the limits of such apportionments or reapportionments.

(b) *Application for Comptroller General decisions.* Application to the Comptroller General for decisions upon questions involving payments to be made by the Department of Justice (31 U.S.C. 74).

(c) *Bonds of United States Marshals.* Determination of the amounts of bonds required of United States Marshals under section 544 of title 28 of the United States Code.

(d) *Mileage allowances for United States Marshals.* Fixing maximum mileage allowances for United States Marshals under paragraph 3 of section 553 of title 28 of the United States Code.

(e) *Travel outside continental United States.* Approval, concurrently with the Deputy Attorney General (§ 0.15(j)), of per diem allowances for travel by airplane, train or boat outside the continental United States in excess of the amounts fixed by paragraph 6.2c of the Standardized Government Travel Regulations.

(f) *Experts, consultants—temporary employment.* Temporary employment of experts or consultants or organizations thereof, including stenographic reporting services, pursuant to section 15 of the act of August 2, 1946, 60 Stat. 810 (5 U.S.C. 55a).

(g) *Rates for payment of certain expenses connected with witnesses and informants.* Authorizing or approving rates for payment of notarial fees, including stenographic services required in connection with depositions, and compensation and expenses of witnesses and informants (5 U.S.C. 341).

(h) *Highway mileage guide for payments to witnesses.* Designating a highway mileage guide containing a short-line nationwide table of distances for use in determining mileage payable to witnesses under section 1821 of title 28 of the United States Code.

(i) *Subsistence expenses up to $25.00.* Allowance of actual subsistence expenses in excess of $12 but not in excess of $25 per day in accordance with section 1 of the act of July 28, 1955, 69 Stat. 394 (5 U.S.C. 836).

(j) *Extraordinary expenses in executing acts of Congress.* Allowance of payment of extraordinary expenses incurred by ministerial officers of the United States in executing acts of Congress (28 U.S.C. 1929).

(k) *Regulations for compensatory time off.* Issuance of regulations providing for the granting of compensatory time off from duty in lieu of overtime compensation (5 U.S.C. 912).

(l) *Promotion policy.* Establishing standards and procedures to facilitate achievement of the objectives of the promotion policy of the Department as defined by the Attorney General.

(m) *Certificates of need for space.* Signing of certificates of need for space, as required by section 101 of the act of July 22, 1954, 68 Stat. 518, 519.

(n) *Certificates required for printing illustrations.* Making the certificate required with respect to the necessity for including illustrations in printing pursuant to section 1 of the act of March 3, 1905, 33 Stat. 1213 (44 U.S.C. 118).

(o) *Certificates relating to long distance telephone calls.* Making certificates with respect to the necessity of long distance telephone calls pursuant to section 4 of the act of May 10, 1939, 53 Stat. 738 (31 U.S.C. 680a).

(p) *Acceptance of service of summons.* Accepting service of summons, complaint, or other paper, as a representative of the Attorney General, under the Federal Rules of Civil and Criminal Procedure or in any suit within the purview of subsection (a) of section 208 of the Department of Justice Appropriation Act, 1953 (66 Stat. 560; 43 U.S.C. 666(a)).

(q) *Designations for listing persons to receive Federal Register and other publications.* Designating an officer, and an alternate, to place on the mailing list names of persons entitled to receive the FEDERAL REGISTER, the Code of Federal Regulations, and the United States Government Organization Manual (1 CFR 1.21).

§ 0.78 Authority—Federal Tort Claims.

The Administrative Assistant Attorney General shall have authority to consider, ascertain, adjust, determine, and settle any claims involving the Department under Part 2 of the Federal Tort Claims Act (60 Stat. 843), and is authorized to certify such claims for payments.

§ 0.79 Administrative supervision over certain agencies.

The Administrative Assistant Attorney General is authorized to exercise administrative supervision over the Board of Immigration Appeals, the Board of Parole, and the Office of the Pardon Attorney.

§ 0.80 Authority with respect to certain personal property.

The Administrative Assistant Attorney General is authorized to exercise the power and authority vested in the Attorney General by the Administrator of General Services (16 F.R. 7335), except to determine when title is vested in the United States, to take final action with respect to certain unclaimed, privately-owned personal property (including abandoned property) of an estimated value of $100.00 or less, and cash or negotiable instruments not to exceed $500.00 (17 F.R. 1165).

§ 0.81 Selection and assignment of employees for training.

The Administrative Assistant Attorney General is authorized as to all organizational units of the Department (including United States Attorneys and Marshals) to exercise the authority vested in the Attorney General by sections 10 and 18 of the Government Employees Training Act (72 Stat. 332, 335) with respect to the selection and assignment of employees for training by, in, or through non-Government facilities under that act, the payment of the expenses of such training or the reimbursement of employees therefor, and the preparation and submission of the annual report to the Civil Service Commission required by the act.

§ 0.82 Appointment of grievance committees.

The Administrative Assistant Attorney General is authorized to appoint grievance committees to consider decisions relating to employee grievances of employees in the competitive service, including probationary and temporary employees, appealed to the Attorney General, and to notify the employees concerned of the Attorney General's decision with respect thereto.

§ 0.83 Redelegation of authority.

The Administrative Assistant Attorney General is authorized to redelegate to any of his subordinates or to any other officers or employees in the Department any of the power or authority vested in him by this Subpart O. Existing redelegations by the Administrative Assistant Attorney General shall continue in force and effect until modified or revoked.

Subpart P—Federal Bureau of Investigation

§ 0.85 General functions.

Subject to the general supervision and direction of the Attorney General, the Director of the Federal Bureau of Investigation shall:

(a) Investigate violations of the laws of the United States and collect evidence in cases in which the United States is or may be a party in interest, except in cases in which such responsibility is by statute or otherwise specifically assigned to another investigative agency.

(b) Conduct the acquisition, collection, exchange, classification, and preservation of identification records, including personal fingerprints voluntarily submitted, on a mutually beneficial basis, from law enforcement and other governmental agencies, insurance companies, railroad police, national banks, member banks of the Federal Reserve System and FDIC-Reserve-Insured Banks; provide expert testimony in Federal or local courts as to fingerprint examinations; and provide identification assistance in disasters and in missing-persons type cases.

(c) Conduct personnel investigations requisite to the work of the Department of Justice and whenever required by statute or otherwise.

(d) Carry out the Presidential directive of September 6, 1939, as reaffirmed by Presidential directives of January 8, 1943, July 24, 1950, and December 15, 1953, designating the Federal Bureau of Investigation to take charge of investigative work in matters relating to espionage, sabotage, subversive activities, and related matters.

(e) Conduct training in police science matters as a cooperative measure for the benefit of duly authorized municipal, county, and State law inforcement agencies; operate the Federal Bureau of Investigation National Academy; and operate a training program and facilities for personnel of the Federal Bureau of Investigation.

(f) Operate a central clearinghouse for police statistics under the Uniform Crime Reporting Program.

(g) Operate the Federal Bureau of Investigation Laboratory, to serve not only the Federal Bureau of Investigation, but also to provide, without cost, technical and scientific assistance, including expert testimony in Federal or local courts, for all duly constituted law enforcement agencies, other organizational units of the Department of Justice, and other Federal agencies, which may desire to avail themselves of the service.

(h) Make recommendations to the Civil Service Commission in connection

with applications for retirement under section 6(c) of the Civil Service Retirement Act as amended by the act of July 31, 1956, 70 Stat. 749.

(i) Investigate alleged fraudulent conduct in connection with operations of the Federal Housing Administration and other alleged violations of the criminal provisions of the National Housing Act, including section 1010 of title 18 of the United States Code.

§ 0.86 Seizure of gambling devices.

The Director, Associate Director, Assistant to the Director, Assistant Directors, inspectors and agents of the Federal Bureau of Investigation are authorized to exercise the power and authority vested in the Attorney General under the act of January 2, 1951, 64 Stat. 1135, to make seizures of gambling devices.

§ 0.87 Representation on committee for visit-exchange.

The Director of the Federal Bureau of Investigation shall be a member of the committee which represents the Department of Justice in the development and implementation of plans for exchanging visits between the Iron Curtain countries and the United States and shall have authority to designate an alternate to serve on such committee.

§ 0.88 Certificates for expenses of unforeseen emergencies.

The Director of the Federal Bureau of Investigation is authorized to exercise the power and authority vested in the Attorney General by section 5 of the act of July 28, 1950, 64 Stat. 380 (5 U.S.C. 341c), to make certificates with respect to expenses of unforeseen emergencies of a confidential character: *Provided*, That each such certificate made by the Director of the Federal Bureau of Investigation shall be approved by the Attorney General.

§ 0.89 Authority to seize arms and munitions of war.

The Director of the Federal Bureau of Investigation is authorized to exercise the authority conferred upon the Attorney General by section 1 of E.O. No. 10863 of February 18, 1960 (25 F.R. 1507), relating to the seizure of arms and munitions of war, and other articles, pursuant to section 1 of Title VI of the act of June 15, 1917, 40 Stat. 223, as amended by section 1 of the act of August 13, 1953, 67 Stat. 577 (22 U.S.C. 401).

§ 0.90 Authority to renew certain leases.

The Director of the Federal Bureau of Investigation, and the Assistant Directors of the Federal Bureau of Investigation, are authorized to exercise the authority delegated to the Attorney General by the Administrator of General Services (by Delegation of Authority No. 380 of April 11, 1960) to renew certain leases for the rental of property in Fauquier County, Virginia.

Subpart Q—Bureau of Prisons

§ 0.95 General functions.

Subject to the general supervision and direction of the Attorney General, the Director of the Bureau of Prisons shall direct all activities of the Bureau of Prisons, including:

(a) Management and regulation of all Federal penal and correctional institutions (except military or naval institutions), and prison commissaries.

(b) Provision of suitable quarters for, and safekeeping, care, and subsistence of, all persons charged with or convicted of offenses against the United States or held as witnesses or otherwise.

(c) Provision for the protection, instruction, and discipline of all persons charged with or convicted of offenses against the United States.

(d) Classification, commitment, control, or treatment of persons, including insane prisoners or juvenile delinquents, charged with or convicted of offenses against the United States.

(e) Payment of rewards with respect to escaped Federal prisoners (18 U.S.C. 3059).

(f) Certification with respect to the insanity or mental incompetence of a prisoner whose sentence is about to expire pursuant to section 4247 of title 18 of the United States Code.

(g) Certification with respect to the availability of proper and adequate treatment facilities and personnel pursuant to section 5003 of title 18 of the United States Code.

§ 0.96 Delegations.

The Director of the Bureau of Prisons is authorized to exercise or perform any of the authority, functions, or duties conferred or imposed upon the Attorney General by any law relating to the commitment, control, or treatment of persons (including insane prisoners and juvenile delinquents) charged with or convicted of offenses against the United States, including the taking of final action in the following-described matters:

(a) Requesting the detail of Public Health Service officers for the purpose of furnishing services to Federal penal and correctional institutions (18 U.S.C. 4005).

(b) Consideration, determination, adjustment, and payment of claims in accordance with section 1 of the act of June 10, 1949, 63 Stat. 167 (31 U.S.C. 238).

(c) Designating places of confinement where the sentences of prisoners (including persons committed to the National Training School for Boys) shall be served, and ordering transfers from one institution to another whether maintained by the Federal Government or otherwise (18 U.S.C. 4082).

(d) Designation of agents for the transportation of prisoners (18 U.S.C. 4008).

(e) Accepting gifts or bequests of money for credit to the "Commissary Funds, Federal Prisons" (31 U.S.C. 725s–4).

(f) Prescribing regulations for the use of surplus funds in "Commissary Funds, Federal Prisons" to provide advances not in excess of $150 to prisoners at the time of their release (18 U.S.C. 4284).

(g) Allowance, forfeiture, and restoration of all good time (18 U.S.C. 4161, 4162, 4165, and 4166).

(h) Release of prisoners held solely for nonpayment of fine (18 U.S.C. 3569).

(i) Furnishing transportation, clothing, and payments to released prisoners (18 U.S.C. 4281).

(j) Removal of insane prisoners to suitable institutions and retransfer to penal or correctional institutions upon recovery (18 U.S.C. 4241, 4242).

(k) Granting permits to States or public agencies for rights of way upon lands administered by the Director in accordance with the provisions of sections 931c and 961 of title 43 of the United States Code.

(l) Designating, in his discretion, the Director of the Alcoholic Rehabilitation Clinic, as the representative of the Attorney General to carry out the purpose of the act of August 4, 1947, 615 Stat. 744, with respect to persons committed for diagnosis, classification, and treatment (D.C. Code 24–506(b)).

§ 0.97 Redelegation of authority.

The Director of the Bureau of Prisons is authorized to redelegate to any of his subordinates any of the authority, functions, or duties vested in him by this subpart Q. Existing redelegations by the Director of the Bureau of Prisons shall continue in force and effect until modified or revoked.

§ 0.98 Functions of Commissioner of Federal Prison Industries.

The Director of the Bureau of Prisons is authorized as *ex officio* Commissioner of Federal Prison Industries and in accordance with the policy fixed by its Board of Directors to:

(a) Exercise jurisdiction over all industrial enterprises in all Federal penal and correctional institutions.

(b) Sponsor vocational training programs in Federal penal and correctional institutions.

§ 0.99 Compensation to Federal prisoners.

The Board of Directors of Federal Prison Industries, or such officer of the corporation as the Board may designate, may exercise the authority vested in the Attorney General by section 4126 of title 18 of the United States Code, as amended, to prescribe rules and regulations governing the payment of compensation to inmates of Federal penal and correctional institutions employed in any industry, or performing outstanding services in institutional operations, and to inmates or their dependents for injuries suffered in any industry or in any work activity in connection with the maintenance of operation of the institution where confined.

Subpart R—Immigration and Naturalization Service

§ 0.105 General functions.

Subject to the general supervision and direction of the Attorney General, the Commissioner of Immigration and Naturalization shall:

(a) Subject to the limitations contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) and the provisions for review by the Board of Immigration Appeals, administer and enforce the Immigration and Nationality Act and all other laws relating to immigration (including, but not limited to, admission, exclusion, and deportation), naturalization, and nationality. Nothing in this paragraph shall be construed to authorize the Commissioner of Immigration and Naturalization to supervise the litigation of, or to approve the filing of records on review, appeals, or petitions for writs of certiorari or to intervene or have independent representation in cases under the immigration and nationality laws except as provided in paragraph (e) of this section.

(b) For the purposes of paragraph (a) of this section, and as limited therein, exercise or perform any of the authority, functions, or duties conferred or imposed upon the Attorney General by the laws mentioned in that paragraph, including the authority to issue regulations.

(c) Investigate alleged violations of the immigration and nationality laws, and make recommendations for prosecutions when deemed advisable.

(d) Patrol the borders of the United States to prevent the entry of aliens into the United States in violation of law.

(e) Supervise naturalization work in the specific courts designated by section 310 of the Immigration and Nationality Act (8 U.S.C. 1421) to have jurisdiction in such matters, including the requiring of accountings from the clerks of such courts for naturalization fees collected, investigation through field officers of the qualifications of citizenship applicants, and representation of the Government at all court hearings.

(f) Cooperate with the public schools in providing citizenship textbooks and other services for the preparation of candidates for naturalization.

(g) Register and fingerprint aliens in the United States, as required by section 262 of the Immigration and Nationality Act (8 U.S.C. 1304).

(h) Prepare reports on private bills pertaining to immigration matters.

(i) Designate within the Immigration and Naturalization Service a certifying officer, and an alternate, to certify copies of documents issued by the Commissioner, or his designee, which are required to be filed with the Office of the Federal Register.

(j) Direct officers and employees of the Immigration and Naturalization Service, assigned to accompany commercial aircraft, to perform the functions of a United States deputy marshal as a peace officer, in particular those set forth in 28 U.S.C. 549 and 18 U.S.C. 3053, (1) while abroad any aircraft to which they have been assigned, or (2) while within the general vicinity of such aircraft so long as it is within the jurisdiction of the United States. Such functions shall be in addition to those vested in such officers and employees pursuant to law.

§ 0.106 Certificates for expenses of unforeseen emergencies.

The Commissioner of Immigration and and Naturalization is authorized to exercise the power and authority vested in the Attorney General by section 6 of the act of July 28, 1950, 64 Stat. 380 (5 U.S.C. 341d), to make certificates with respect to expenses of unforeseen emergencies of a confidential character: *Provided*, That each such certificate made by the Commissioner of Immigration and Naturalization shall be approved by the Attorney General.

§ 0.107 Representation on committee for visit-exchange.

The Commissioner of Immigration and Naturalization shall be a member of the committee which represents the Department of Justice in the development and implementation of plans for exchanging visits between the Iron Curtain countries and the United States and shall have authority to designate an alternate to serve on such committee.

§ 0.108 Redelegation of authority.

The authority conferred by § 0.105 upon the Commissioner of Immigration and Naturalization may be redelegated by him, to such extent as he may deem desirable, to any officer or employee of the Immigration and Naturalization Service as he may designate. Existing redelegations by the Commissioner shall continue in force and effect until modified or revoked.

Subpart S—Board of Immigration Appeals

§ 0.115 General functions.

Subject to the general supervision and direction of the Attorney General, the Board of Immigration Appeals shall review and determine:

(a) Appeals from decisions of special inquiry officers in exclusion and deportation cases.

(b) Appeals from decisions of district directors on applications for the advance exercise of the discretionary authority contained in section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) and from decisions of district directors, or the Assistant Commissioner, Examinations Division, on applications for the advance exercise of the discretionary authority contained in section 212(d)(3) of that act (8 U.S.C. 1182 (d)(3)).

(c) Appeals from decisions of district directors involving administrative fines and penalties, including mitigation thereof.

(d) Appeals from decisions of district directors on petitions filed in accordance with section 205 of the Immigration and Nationality Act (8 U.S.C. 1155) and from decisions revoking the approval of such petitions in accordance with section 206 of that act (8 U.S.C. 1156).

(e) Appeals from determinations of regional commissioners or district directors relating to the bond, conditional parole, or detention of an alien under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(f) Cases involving the decisions referred to in paragraphs (a) through (d) of this section which may be certified to the Board by the Commissioner, Assistant Commissioner, Examinations Division, or regional commissioners, or which the Board may require to be certified to it.

(g) Cases in which the Board has rendered a decision which are reopened or reconsidered in accordance with 8 CFR 3.2.

§ 0.116 Decisions subject to review by Attorney General.

The Board shall refer to the Attorney General for review of its decision all cases which:

(a) The Attorney General directs the Board to refer to him.

(b) The Chairman or a majority of the Board believes should be referred to the Attorney General for review.

(c) The Commissioner or the Assistant Commissioner, Examinations Division, requests be referred to the Attorney General for review.

§ 0.117 Finality of decision.

Except in those cases referred to the Attorney General in accordance with § 0.116, the decision of the Board shall be final. The Board may, however, return a case to the Immigration and Naturalization Service for such further action as may be appropriate therein, without entering a final decision on its merits.

§ 0.118 Delegation of authority.

Subject to any specific limitation prescribed by regulation, in considering and determining cases before it, the Board shall exercise such discretion and authority conferred upon the Attorney General by law as is appropriate and necessary for the disposition of the case, except that the Board shall have no authority to consider or determine the manner in which, at whose expense, or to which country, an alien shall be deported.

Subpart T—The Board of Parole

§ 0.125 General functions.

Subject to the general supervision and direction of the Attorney General as to policy and programming, the Board of Parole shall have:

(a) Sole authority to grant, modify, or revoke paroles of all United States prisoners (18 U.S.C. 4203, 4207).

(b) Responsibility for the supervision, through Federal probation officers, of Federal parolees and Federal mandatory releasees upon the expiration of their sentences with allowances for statutory good time, and for prescribing and modifying the terms and conditions governing the prisoner during parole or mandatory release.

(c) Sole authority to issue warrants for violation of parole or mandatory release (18 U.S.C. 4205).

(d) Sole authority to re-parole or rerelease on mandatory release (18 U.S.C. 4207, 4164).

(e) Sole authority to determine the date the prisoner shall become eligible for parole in any case in which the committing court specifies that such eligibility date shall be that determined by the Board of Parole (18 U.S.C. 4208(a)).

(f) Sole authority to promulgate rules and regulations for the supervision, discharge from supervision, or recommitment of paroled prisoners (18 U.S.C. 4208(d)).

(g) The authority to determine, in accordance with the provisions of section 504(a) of the Labor-Management Reporting and Disclosure Act of 1959, whether the services of certain persons

in any capacity referred to in clause (1) or clause (2) of that section would be contrary to the purposes of that act (sec. 504(a) of the Labor-Management Reporting and Disclosure Act of 1959, 73 Stat. 536).

§ 0.126 Delegations.

The Board of Parole is authorized to exercise:

(a) The authority vested in the Attorney General by section 3569 of title 18 of the United States Code to make a finding that a parolee is unable to pay a fine in whole or in part and to direct release of such parolee based on such finding.

(b) The authority vested in the Attorney General by section 3655 of title 18 of the United States Code to request probation officers to perform such duties with respect to persons on parole as the Board of Parole deems necessary for maintaining proper supervision of such persons.

§ 0.127 Youth Correction Division.

The Youth Correction Division of the Board of Parole shall:

(a) Consult with, and make recommendations to the Director of the Bureau of Prisons as to general treatment and correctional policies for committed youth offenders.

(b) Make recommendations to the Director of the Bureau of Prisons as to individuals committed under the Federal Youth Corrections Act.

(c) Report within 60 days to the committing court the findings as to individuals committed for observation and study.

(d) Prescribe the terms and conditions governing those under supervision.

(e) Have authority to order parole for youth offenders committed under the Federal Youth Corrections Act, as well as juvenile offenders sentenced by the Juvenile Court of the District of Columbia who are committed to the National Training School for Boys, and juvenile delinquents sentenced under the Federal Juvenile Delinquency Act; to direct Federal probation officers to submit reports as to parole supervision of committed youth offenders; to limit and define the powers and duties of voluntary supervisory agents and sponsors; to issue warrants for the retaking of parole or mandatory-release violators, and order the return to custody for further treatment of committed youth offenders; to revoke parole or mandatory release; to re-parole or re-release under supervision; and to discharge committed youth offenders unconditionally at its discretion after one year of parole supervision.

Subpart U—Additional Assignments of Functions and Designation of Officials To Perform the Duties of Certain Offices in Case of Vacancy Therein

§ 0.130 Functions common to heads of organizational units.

Subject to the general supervision and direction of the Attorney General, the head of each office, division, bureau, and board within the Department shall:

(a) Direct and supervise the personnel, administration, and operation of the office, division, bureau, or board of which he is in charge.

(b) Under regulations prescribed by the Attorney General with the approval of the Director of the Bureau of the Budget, have authority to reallot funds allotted by the Administrative Assistant Attorney General and to redelegate to persons within his organizational unit authority and responsibility for the reallotment of such funds and control of obligations and expenditures within reallotments.

(c) In case of absence from his office, designate his first assistant to act in his stead during such absence: *Provided*, That in unusual circumstances, or in the absence of the first assistant, or in case there is no office of first assistant, a person other than the first assistant may be so designated.

(d) Perform such special assignments as may from time to time be made to him by the Attorney General.

§ 0.131 Designation of Acting United States Attorneys.

Each United States Attorney is authorized to designate any Assistant United States Attorney in his office to perform the functions and duties of the United States Attorney during his absence from office, and to sign all necessary documents and papers as Acting United States Attorney while performing such functions and duties.

§ 0.132 Designating officials to perform the functions and duties of certain offices in case of vacancy therein.

(a) In case of vacancy in the Office of the Attorney General, the Deputy Attorney General shall, pursuant to section 1 of Reorganization Plan No. 4 of 1953, perform the functions and duties of and act as Attorney General; and in case of vacancy in both the Office of Attorney General and the Office of the Deputy Attorney General, the Solicitor General shall perform the functions and duties of and act as Attorney General.

(b) In case of vacancy in the Office of the Deputy Attorney General or the Office of the Solicitor General, the first assistant (or his equivalent) in the respective office, or in his absence, the second assistant (or his equivalent), shall perform the functions and duties of and act as the Deputy Attorney General or the Solicitor General.

(c) In case of vacancy in the office of an Assistant Attorney General in charge of an office or division in the Department of Justice, the first assistant (or his equivalent), or in his absence, the second assistant (or his equivalent), shall perform the functions and duties of and act as Assistant Attorney General in charge of such office or division.

Subpart V—Authorizations With Respect to Personnel and Certain Administrative Matters

§ 0.135 Deputy Attorney General.

The Deputy Attorney General is authorized to exercise the power and authority vested in the Attorney General by law to take final action in matters pertaining to the employment, separation, and general administration of attorneys in the Department of Justice in all Classification Act grades up to and including GS–14 and to review any personnel action taken by any officer of the Department of Justice; and to appoint Assistant United States Attorneys and other attorneys to assist United States Attorneys when the public interest so requires, and to fix their salaries.

§ 0.136 Administrative Assistant Attorney General.

Except for the authority conferred in §§ 0.137 and 0.138, the Administrative Assistant Attorney General is authorized to exercise the power and authority vested in the Attorney General by law to take final action on matters pertaining to the employment, separation, and general administration of personnel, except attorneys, in the Department of Justice in Classification Act grades GS–1 through GS–14, and in wage board positions, and to classify positions in the Department under the Classification Act and wage board systems regardless of grade. He shall also have authority to post-audit and correct any personnel actions throughout the Department, and to inspect at any time any personnel operations of the Federal Bureau of Investigation, the Bureau of Prisons, the Federal Prison Industries, and the Immigration and Naturalization Service.

§ 0.137 Federal Bureau of Investigation.

Except as to persons in the positions of Associate Director, Assistant to the Director, and Assistant Director of the Federal Bureau of Investigation, the Director of the Federal Bureau of Investigation is authorized to exercise the power and authority vested in the Attorney General by law to take final action in matters pertaining to the employment, direction, and general administration (including appointment, assignment, training, promotion, demotion, compensation, leave, classification, and separation) of personnel, including personnel in wage board positions, in the Federal Bureau of Investigation. All personnel actions taken by the Director of the Federal Bureau of Investigation under this subsection shall be subject to post-audit and correction by the Administrative Assistant Attorney General and to review by the Deputy Attorney General.

§ 0.138 Bureau of Prisons, Federal Prison Industries, and Immigration and Naturalization Service.

The Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, and the Commissioner of Immigration and Naturalization are, as to their respective jurisdictions, authorized to exercise the power and authority vested in the Attorney General by law to take final action in matters pertaining to the employment, direction, and general administration (including appointment, assignment, training, promotion, demotion, compensation, leave, classification, and separation) of personnel, except attorneys, in the Bureau of Prisons, Federal Prison Industries, and the Immigration and Naturalization Service, respectively, in Classification

Act grades GS–1 through GS–13 and in wage board positions. All personnel actions taken under this section shall be subject to post-audit and correction by the Administrative Assistant Attorney General and to review by the Deputy Attorney General.

§ 0.139 Procurement matters.

The following shall control as to procurement matters:

(a) Except as to those matters designated by the Administrative Assistant Attorney General, to whom the responsibility for control of expenditures is assigned by § 0.75, the Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, and the Commissioner of Immigration and Naturalization are, as to their respective jurisdictions, authorized to exercise the authority vested in the Attorney General by law with respect to procurement matters.

(b) The Administrative Assistant Attorney General is authorized to post-audit and correct any procurement transactions throughout the Department, and to inspect at any time the procurement operations of the Federal Bureau of Investigation, the Bureau of Prisons, the Federal Prison Industries, and the Immigration and Naturalization Service.

§ 0.140 Authority relating to advertisements, and purchase of certain supplies and services.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, as to their respective jurisdictions, and the Administrative Assistant Attorney General, as to all other organizational units of the Department (including United States Attorneys and Marshals), are authorized to exercise the power and authority vested in the Attorney General by law to take final action in the following-described matters:

(a) Authorizing the publication of advertisements, notices, or proposals under section 3828 of the Revised Statutes of the United States (41 U.S.C. 324).

(b) Making determinations as to the acquisition of articles, materials, or supplies in accordance with sections 2 and 3 of the Buy American Act (47 Stat. 1520; 41 U.S.C. 10a, 10b).

(c) Placing orders with other agencies of the Government for materials or services, and accepting orders therefor, in accordance with section 686 of title 31 of the United States Code.

§ 0.141 Audit and ledger accounts.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, and the Commissioner of Immigration and Naturalization, are, as to their respective jurisdictions, authorized to audit vouchers and to maintain general ledger accounts with respect to appropriations allotted to them.

§ 0.142 Per diem and travel allowances.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, as to their respective jurisdictions, and the Administrative Assistant Attorney General, as to all other organizational units of the Department (including United States Attorneys and Marshals), are authorized to exercise the power and authority vested in the Attorney General by law to take final action in the following-described matters:

(a) Authorizing travel, subsistence, and mileage allowances under sections 836 and 837 of title 5 of the United States Code in accordance with regulations prescribed by the Bureau of the Budget or the Administrative Assistant Attorney General.

(b) Fixing rates under sections 836 and 837 of title 5 of the United States Code not to exceed $12 per day for subsistence or 10 cents per mile for use of privately-owned automobiles for travel within the continental United States.

(c) Authorizing travel advances pursuant to section 838 of title 5 of the United States Code.

(d) Authorizing travel at Government expense upon change of headquarters, including travel of the officer or employee transferred and transportation of his immediate family, household goods, and personal effects, under section 1 of the act of August 2, 1946, 60 Stat. 806 and section 7 of the act of August 2, 1946, as amended (5 U.S.C. 73–b–3).

(e) Authorizing or approving, for purposes of security, the use of compartments or other transportation accommodations superior to lowest first-class accommodations under applicable travel regulations subject to section 6 of the act of August 2, 1946, 60 Stat. 808.

§ 0.143 Incentive Awards Plan.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, as to their respective jurisdictions, and the Administrative Assistant Attorney General, as to all other organizational units of the Department (including United States Attorneys and Marshals), are authorized to exercise the power and authority vested in the Attorney General by law with respect to the administration of the Incentive Awards Plan and to approve honorary awards and cash awards under such plan not in excess of $500.

§ 0.144 Determination of basic work week.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, as to their respective jurisdictions, and the Administrative Assistant Attorney General, as to all other organizational units of the Department (including United States Attorneys and Marshals), are authorized to exercise the authority vested in the Attorney General by section 604 (a) of the Federal Employees Pay Act of 1945, as amended (68 Stat. 1112), to determine that the organizational unit concerned would be seriously handicapped in carrying out its functions or that costs would be substantially increased except upon modification of the basic work week, and whenever such determination is made to fix the basic work week of officers and employees of the unit concerned.

§ 0.145 Overtime pay.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, as to their respective jurisdictions, and the Administrative Assistant Attorney General, as to all other organizational units of the Department (including United States Attorneys and Marshals), may, subject to any regulations which the Attorney General may prescribe, authorize overtime pay (including additional compensation in lieu of overtime not to exceed 15 percent pursuant to section 208(a) of the Federal Employees Pay Act Amendments of 1954) for such positions as may be designated by them.

§ 0.146 Seals.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Director of the Office of Alien Property, and the Chairman of the Board of Parole shall each have custody of the seal pertaining to his respective jurisdiction and he, or such person or persons as he may designate, may execute under seal any certification required to authenticate any books, records, papers or other documents as true copies of official records of their respective jurisdictions. The Administrative Assistant Attorney General shall have custody of the seal of the Department of Justice, and he, or such person or persons as he may designate, may execute under seal any certification required to authenticate any books, records, papers or other documents as true copies of official records of the Department of Justice.

§ 0.147 Certification of obligations.

The following-designated officials are authorized to make the certifications required by section 1311(c) of the Supplemental Appropriation Act, 1955 (68 Stat. 831; 31 U.S.C. 200(c)); for the Federal Bureau of Investigation, the Assistant Director, Administrative Division; for the Bureau of Prisons, the Budget Officer; for Federal Prison Industries, the Secretary; for the Immigration and Naturalization Service, the Assistant Commissioner, Administrative Division; and for all other organizational units of the Department (including United States Attorneys and Marshals), the Administrative Assistant Attorney General.

§ 0.148 Certifying officers.

The following-named officials are authorized to designate employees to certify vouchers under section 1 of the act of December 29, 1941, 55 Stat. 875 (31 U.S.C. 82b), and to certify that such persons are bonded pursuant to the act of August 9, 1955, 69 Stat. 618; for the Federal Bureau of Investigation, the Di-

rector; for the Bureau of Prisons, the Director, and the Associate Commissioner, Federal Prison Industries; for the Federal Prison Industries, the Associate Commissioner, and the Director, Bureau of Prisons; for the Immigration and Naturalization Service, the Commissioner; and for all other organizational units of the Department (including United States Attorneys and Marshals), the Administrative Assistant Attorney General.

§ 0.149 Disbursing employees.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, and the Commissioner of Immigration and Naturalization, as to their respective jurisdictions, and the Administrative Assistant Attorney General as to all other organizational units of the Department (including United States Attorneys and Marshals), are authorized to request Treasury Department designation of disbursing employees (including cashiers), and to certify that such employees are bonded pursuant to the act of August 9, 1955, 69 Stat. 618. Existing authorizations to request designations and approve bonds shall remain in effect until terminated by the official who by this section would be authorized to request such designations.

§ 0.150 Collection of erroneous payments.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, for their respective jurisdictions, and the Administrative Assistant Attorney General, for all other organizational units of the Department (including United States Attorneys and Marshals), are authorized, in accordance with the regulations prescribed by the Attorney General under section 2 of the act of July 15, 1954, 68 Stat. 482, to collect indebtedness resulting from erroneous payments to employees. The Adminstrative Assistant Attorney General is authorized to redelegate his authority under this section to United States Marshals with respect to the collection of such indebtedness from United States Attorneys and Marshals.

§ 0.151 Administering Oath of Office.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, as to their respective jurisdictions, and the Administrative Assistant Attorney General, as to all other organizational units of the Department (including United States Attorneys and Marshals), are authorized to administer the oath of office required by section 1757 of the Revised Statutes, as amended (5 U.S.C. 16), and to administer any other oath required by law in connection with employment in the executive branch of the Federal Government.

§ 0.152 Approval of funds for attendance at meetings.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Immigration and Naturalization, as to their respective jurisdictions, and the Administrative Assistant Attorney General, as to all other organizational units of the Department (including United States Attorneys and Marshals), are authorized to exercise the power and authority vested in the Attorney General by law to prescribe regulations for the expenditure of appropriated funds available for expenses of attendance at meetings of organizations.

§ 0.153 Selection and assignment of employees for training.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, and the Commissioner of Immigration and Naturalization as to their respective jurisdictions, and the Administrative Assistant Attorney General as to all other organizational units of the Department (including United States Attorneys and Marshals), are hereby authorized to exercise the authority vested in the Attorney General by section 10 of the Government Employees Training Act (72 Stat. 332) with respect to the selection and assignment of employees for training by, in, or through Government facilities and the payment or reimbursement of expenses for such training.

§ 0.154 Advance and evacuation payments and special allowances.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, and the Commissioner of Immigration and Naturalization, as to their respective jurisdictions, and the Administrative Assistant Attorney General as to all other organizational units of the Department (including United States Attorneys and Marshals), are hereby authorized to exercise the authority vested in the Attorney General by Public Law 87–304 (75 Stat. 662), and Executive Order No. 10982 of December 25, 1961, and to administer the regulations adopted by me in Order No. 269–62 with respect to advance and evacuation payments and special allowances.

§ 0.159 Redelegation of authority.

Except as to the authority delegated by § 0.147, the authority conferred by this subpart V upon the Deputy Attorney General and the Administrative Assistant Attorney General may be redelegated by them respectively to any of their subordinates or to any other officers or employees in the Department. Subject to the same limitation, the authority conferred upon the Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, and the Director of the Office of Alien Property may be redelegated by them, respectively, to such officers and employees under their jurisdiction and to such United States Attorneys as they may designate. Existing delegations of authority to officers and employees and to United States Attorneys, not inconsistent with this subpart V, made by the officers named in this section shall continue in force and effect until modified or revoked.

Subpart W—Authority To Compromise and Close Civil Claims

§ 0.160 Offers which may be accepted by Assistant Attorneys General.

Each Assistant Attorney General is authorized with respect to matters assigned to his division, to accept offers in compromise of claims in behalf of the United States in all cases in which the gross amount of the original claim does not exceed $100,000, and of claims against the United States in all cases, or in administrative actions to settle, in which the amount of the proposed settlement does not exceed $100,000, except:

(a) When for any reason, the compromise of a particular claim, as a practical matter, will control or adversely influence the disposition of other claims totaling more than the respective amounts designated in the preceding part of this section.

(b) When the Assistant Attorney General is of the opinion that because of a question of law or policy presented, or because of opposition to the proposed settlement by the agency or agencies involved, or for any other reason, the offer should receive the personal attention of the Attorney General.

§ 0.161 Recommendations to Attorney General of acceptance of certain offers.

In all cases in which the amount of the original claim or the amount of the offer in proposed settlement exceeds the applicable amount specified in § 0.160 and in any case falling within any of the exceptions enumerated in the said section, the Assistant Attorney General concerned shall, if in his opinion the offer of compromise, or administrative action to settle, should be accepted, transmit his recommendation to the Attorney General to that effect.

§ 0.162 Offers which may be rejected by Assistant Attorneys General.

Each Assistant Attorney General is authorized, with respect to matters assigned to his division or office, to reject offers in compromise of any claims in behalf of the United States, or, in compromises or administrative actions to settle, against the United States, except in those cases which come within paragraph (b) of § 0.160.

§ 0.163 Approval by Solicitor General of action on compromise offers in certain cases.

In any Supreme Court case the acceptance, recommendation of acceptance, or rejection, under § 0.160, § 0.161, or § 0.162, of a compromise offer by the Assistant Attorney General concerned, shall have the approval of the Solicitor General. In any case in which the Solicitor General has authorized an appeal to any other court, a compromise offer, or any other action, which would terminate the appeal, shall be accepted or acted upon by the Assistant Attorney General concerned only upon advice from the Solicitor General that the principles of law involved do not require appellate review in that case.

§ 0.164 Civil Claims which may be closed by Assistant Attorneys General.

Each Assistant Attorney General is authorized, with respect to matters assigned to his division or office, to close (other than by compromise or by entry of judgment) civil claims asserted by the Government in all cases in which the gross amount of the original claim does not exceed $100,000, except:

(a) When for any reason, the closing of a particular claim, as a practical matter, will control or adversely influence the disposition of other claims the total gross amounts of which exceed $100,000.

(b) When the Assistant Attorney General concerned is of the opinion that because of a question of law or policy presented, or because of opposition to the proposed closing by the agency or agencies involved, or for any other reason, the proposed closing should receive the personal attention of the Attorney General.

§ 0.165 Recommendations to Attorney General that certain claims be closed.

In case the gross amount of the original claim asserted by the Government exceeds $100,000, or one of the exceptions enumerated in § 0.164 is involved, the Assistant Attorney General concerned shall, if in his opinion the claim should be closed, transmit his recommendation to that effect, together with a report on the matter, to the Attorney General for review and final action. Such report shall be in such form as the Attorney General may require.

§ 0.166 Memorandum pertaining to closed claim.

In each case in which a claim is closed under § 0.164, the Assistant Attorney General concerned shall execute and place in the file pertaining to the claim a memorandum which shall contain a description of the claim and a full statement of the reasons for closing it.

§ 0.167 Submission to Attorney General by Director of Office of Alien Property of certain proposed allowances and disallowances.

In addition to the matters which he is required to submit to the Attorney General under preceding sections of this Subpart W, the Director of the Office of Alien Property, shall submit to the Attorney General for such review as he may desire to make the following:

(a) Any proposed allowance by the Director, without hearing, of a title or debt claim pursuant to §§ 502.102, 502.201, or 502.202 of the Rules of Procedure of the Office of Alien Property for Claims (8 CFR 502.102, 502.201, 502.202).

(b) Any final determination of a title or debt claim, whether by allowance or disallowance, pursuant to §§ 502.22, 502.23, 502.25, 502.105 of the said Rules of Procedure for Claims (8 CFR 502.22, 502.23, 502.25, 502.105).

(c) Any proposed allowance or disallowance by the Director, without hearing, of a title claim under section 9(a) of the Trading with the Enemy Act, as amended, filed less than two years after the date of vesting in or transfer to the Alien Property Custodian or the Attorney General of the property or interest in respect of which the claim is made:

Provided, That any such title or debt claim is within one of the following-described categories.

(1) Any title claim which involves the return of assets having a value of $50,000 or more, or any debt claim in the amount of $50,000 or more.

(2) Any title claim which will, as a practical matter, control the disposition of related title claims involving, with the principal claim, assets having a value of $50,000 or more; or any debt claim which will, as a practical matter, control the disposition of related debt claims in the aggregate amount, including the principal claim, of $50,000 or more.

(3) Any title claim or debt claim presenting a novel question of law or a question of policy which, in the opinion of the Director, should receive the personal attention of the Attorney General.

(d) Any sale or other disposition of vested property involving assets of $50,000 or more.

§ 0.168 Redelegation by Assistant Attorney General in charge of Civil Division.

The Assistant Attorney General in charge of the Civil Division is authorized to redelegate, to such extent and subject to such limitations as he may deem advisable, to the First Assistant, to the Second Assistant, to section chiefs, to attorneys in charge of field offices in the Civil Division, and to United States Attorneys the authority delegated to him by §§ 0.160, 0.162, and 0.164.

§ 0.169 Redelegation by Assistant Attorney General in charge of Criminal Division.

The Assistant Attorney General in charge of the Criminal Division is authorized to redelegate, to such extent and subject to such limitations as he may deem advisable, to the First Assistant and to the Second Assistant in the Criminal Division and to United States Attorneys the authority delegated to him by §§ 0.160, 0.162, and 0.164.

§ 0.170 Redelegation by Assistant Attorney General in charge of Lands Division.

The Assistant Attorney General in charge of the Lands Division is authorized to redelegate, to such extent and subject to such limitations as he may deem advisable, to the First Assistant, to the Chief of the Land Acquisition Section, and to the Chief of the General Litigation Section in the Lands Division, and to United States Attorneys the authority delegated to him by §§ 0.160, 0.162, and 0.164.

§ 0.171 Redelegation by Assistant Attorney General in charge of Tax Division.

The Assistant Attorney General in charge of the Tax Division is authorized to redelegate, to such extent and subject to such limitations as he may deem advisable, to the First Assistant, to the Second Assistant, and to the Chief of the Compromise Section in the Tax Division, and to United States Attorneys the authority delegated to him by §§ 0.160, 0.162, and 0.164.

§ 0.172 Approval by Attorney General of redelegations.

Redelegations under §§ 0.168, 0.169, 0.170, and 0.171 shall be in writing and shall be approved by the Attorney General before becoming effective.

§ 0.173 Continuing effect of existing delegations and redelegations.

Existing delegations and redelegations of authority to the officers and attorneys by the Assistant Attorneys General specified in §§ 0.168, 0.169, 0.170, and 0.171 to compromise or close claims shall continue in force and effect until modified or revoked by the Assistant Attorney General in charge of the division concerned.

§ 0.174 Definition of "gross amount of original claim."

The phrase "gross amount of the original claim", as used in this Subpart W and as applied to any civil fraud claim described in § 0.45(d), shall mean the amount of single damages involved.

§ 0.175 Interest on monetary limits.

In computing the gross amount of the original claim and the amount of the proposed settlement pursuant to this Subpart W, accrued interest shall be excluded.

Subpart X—Orders and Memoranda

§ 0.180 Orders of the Attorney General.

All documents relating to the organization of the Department or to the assignment, transfer, or delegation of authority, functions, or duties by the Attorney General or to general departmental policy shall hereafter be designated as orders and shall be issued only by the Attorney General, Acting Attorney General, or Deputy Attorney General in a separate, numbered series. Classified orders shall be identified as such, included within the numbered series, and limited to the distribution provided for in the order or determined by the Administrative Assistant Attorney General. All documents amending, modifying, or revoking such orders, in whole or in part, shall likewise be designated as orders within such numbered series, and no other designation of such documents shall be used.

§ 0.181 Department memoranda.

All documents issued by the Administrative Assistant Attorney General relating to administrative matters which affect the Department as a whole or the field shall hereafter be designated as memoranda. All documents redelegat-

ing authority to United States Attorneys or Marshals and all documents relating to policies, procedures, regulations, or instructions issued to the United States Attorneys and Marshals by the head of any organizational unit, over the signature of the head of such unit shall likewise be designated as memoranda. The memoranda described in this subsection shall be in a separate numbered series, and they shall be numbered by the Administrative Assistant Attorney General. Documents amending, modifying, or revoking such memoranda, in whole or in part, shall likewise be designated as memoranda within such numbered series, and no other designation of such documents shall be used.

§ 0.182 Distribution of orders and memoranda.

The distribution to be given orders and memoranda issued under §§ 0.180 and 0.181 shall, unless provided by order of the Attorney General, be determined by the Administrative Assistant Attorney General.

§ 0.183 Documents of a temporary nature or limited effect.

Documents which are of a temporary nature or of limited effect (e.g., announcements, notices, bulletins, or letters) shall not be issued as orders, memoranda, or directives within the numbered series referred to in § 0.180, § 0.181, or § 0.186.

§ 0.184 Submission of proposed orders to Office of Legal Counsel.

All orders prepared for the approval or signature of the Attorney General shall be submitted to the Office of Legal Counsel for approval as to form and legality, and as to consistency and conformity with existing orders and memoranda.

§ 0.185 Requirements for documents.

Each document issued under § 0.180, § 0.181, or § 0.186 shall be given a suitable title, shall cite the authority for its issuance and shall indicate specifically the extent to which any other order or memorandum or directive is superseded, modified, or revoked by it.

§ 0.186 Documents issued by heads of organizational units.

Documents issued by the head of any organizational unit which contain delegations of authority to his subordinates or which relate to the organization, functions, policies, or procedures of the organizational unit of which he is the head shall be numbered and designated as directives (e.g., Tax Division Directive No. 1), and shall be clearly distinguishable in description and designation from the documents referred to in §§ 0.180, 0.181, and 0.183. Documents issued within the numbered series of any organizational unit shall bear the signature of the head of the unit.

§ 0.187 Permanent record and file of certain documents.

Two copies of each directive issued pursuant to § 0.186 shall, promptly upon issuance, be furnished the Administrative Assistant Attorney General, who shall maintain a permanent record and file thereof.

Subpart Y—Sections and Sub-Units

§ 0.190 Changes within organizational units.

The head of each office, division, bureau, and board may from time to time establish or terminate, or transfer the functions of, sections or other sub-units within his office, division, bureau, or board as he may deem necessary or appropriate, but shall report such action promptly to the Attorney General in writing in each instance.

§ 0.191 Continuance in effect of the existing organization of departmental units.

The existing organization of each office, division, bureau, and board with respect to sections and sub-units shall continue in full force and effect until changed in accordance with this Subpart Y.

Subpart Z—Jurisdictional Disagreements

§ 0.195 Procedure with respect to jurisdictional disagreements.

Any disagreement between or among heads of the offices, divisions, bureaus, or boards of the Department as to their respective jurisdictions shall be resolved by the Attorney General, who may, if he so desires, issue an order in the numbered series disposing of the matter.

§ 0.196 Procedure for resolving disagreements concerning mail or case assignments.

When an assignment for the handling of mail or a case has been made by the Records Administration Office through established procedures and the appropriate authorities in any organizational unit of the Department disagree concerning jurisdiction of the unit for handling the matter or matters assigned, the Records Administration Officer shall refer the disagreement, together with a statement of the view of the unit or units involved, to the Administrative Assistant Attorney General for determination. If the disagreement cannot be resolved, the matter shall be referred to the Deputy Attorney General for final disposition.

Effective date of this part. This part shall become effective upon the date of its publication in the FEDERAL REGISTER.

Date: May 29, 1962.

ROBERT KENNEDY,
Attorney General.

[F.R. Doc. 62-5400; Filed, May 31, 1962; 10:14 a.m.]

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[87th Cong., 1st Sess.]

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Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 1202; Amdt. 272]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFECTIVE JUNE 16, 1962, OR UPON DECOMMISSIONING OF SBRAZ FOR CONVERSION TO SABH.

City, Albuquerque; State, N. Mex.; Airport Name, Kirtland AFB/Municipal; Elev., 5352'; Fac. Class., SBRAZ; Ident., AQ; Procedure No. 1, Amdt. 11; Eff. Date, 24 June 61; Sup. Amdt. No. 10; Dated, 10 Sept. 60

PROCEDURE CANCELLED, EFFECTIVE JUNE 16, 1962, OR UPON DECOMMISSIONING OF FACILITY.

City, Alma; State, Ga.; Airport Name, Alma; Elev., 200'; Fac. Class., SBRAZ; Ident., AMG; Procedure No. 1, Amdt. 4; Eff. Date, 10 Sept. 55; Sup. Amdt. No. 3; Dated, 14 Nov. 54

PROCEDURE CANCELLED, EFFECTIVE JUNE 16, 1962, OR UPON DECOMMISSIONING OF SBRAZ FOR CONVERSION TO SABH.

City, Amarillo; State, Tex.; Airport Name, Amarillo AFB/Municipal; Elev., 3604'; Fac. Class., SABRAZ; Ident., AV; Procedure No. 1, Amdt. 12; Eff. Data, 19 May 62; Sup. Amdt. No. 11; Dated, 30 Sept. 61

PROCEDURE CANCELLED, EFFECTIVE JUNE 16, 1962, OR UPON DECOMMISSIONING OF SBRAZ FOR CONVERSION TO SABH.

City, El Paso; State, Tex.; Airport Name, International; Elev., 3936'; Fac. Class., SBRAZ; Ident., EP; Procedure No. 1, Amdt. 15; Eff. Date, 11 Mar. 61; Sup. Amdt. No. 14; Dated, 19 Mar. 60

Fort Wayne VOR	FA-LFR	Direct	2200	T-dn	300-1	300-1	200-½
Markle FM	FA-LFR (Final)	Direct	1500	C-dn	400-1	500-1	500-1½
				S-dn-4	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns. Aircraft will be released for final approach without procedure turn inbound on final approach course 4 miles from LFR.
Procedure turn S side of crs, 231 Outbnd, 051 Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 051°—2.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles, climb to 2300' on NE crs of FA-LFR within 20 miles.

City, Fort Wayne; State, Ind.; Airport Name, Baer Field; Elev., 801'; Fac. Class., SBMRLZ; Indent., FA; Procedure No. 1, Amdt. 9; Eff. Date, 16 June 62; Sup. Amdt. No. 8; Dated, 2 Jan. 60

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-18	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn North side of NE crs, 039° Outbnd, 189° Inbnd, 1900' within 10 miles.
Minimum altitude over facility on final approach crs, 800'.
Crs and distance, facility to airport, 183°—1.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.9 miles, climb to 1900' on SW crs KE-LFR within 20 miles.

City, Kenai; State, Alaska; Airport Name, Kenai; Elev., 93'; Fac. Class., SBRAZ; Ident., KE; Procedure No. 1, Amdt. 10; Eff. Date, 16 June 62; Sup. Amdt. No. 9; Dated, 27 Aug. 60

PROCEDURE CANCELLED, EFFECTIVE JUNE 16, 1962.

City, South Bend; State, Ind.; Airport Name, St. Joseph County; Elev., 775'; Fac. Class., SBMRAZ; Ident., SN; Procedure No. 1, Amdt. 7; Eff. Date, 2 Sept. 61; Sup. Amdt. No. 6; Dated 6 Feb. 60

PROCEDURE CANCELLED, EFFECTIVE JUNE 16, 1962, OR UPON DECOMMISSIONING OF FACILITY.

City, Tulsa; State, Okla.; Airport Name, Municipal; Elev., 674'; Fac. Class, SBRAZ; Ident., TL; Procedure No. 1, Amdt. 14; Eff. Date, 4 Feb. 61; Sup. Amdt. No. 13; Dated, 19 Apr. 57

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Elko VOR	EKO RBn	Direct	8500	T-dn	1800-2	1800-2	1800-2
Carlin FM	EKO RBn (Final)	Direct	7600	C-dn	2500-3	2500-3	2500-3
Doby Int	EKO RBn	direct	9000	A-dn	2500-3	2500-3	2500-3

Procedure turn south side of crs, 231° Outbnd, 051° Inbnd, 8500' within 10 mi.
Minimum altitude on final approach crs—7600'.
Crs and distance, facility to airport, 204°—0.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mile, climb to 6000' on crs of 040° from EKO RBn within 15 miles.
CAUTION: High terrain surrounding airport.
City, Elko; State, Nev.; Airport Name, Municipal; Elev., 5135'; Fac. Class., SABH; Ident., EKO, Procedure No. 1, Amdt. 1; Eff. Date, 16 June 62; Sup. Amdt. No. Orig.: Dated, 30 Sept. 61

Osborne Int#	LOM	Direct	2200	T-dn	300-1	300-1	200-½
Fort Wayne VOR	LOM	Direct	2100	C-dn	400-1	500-1	500-1½
Whitely Int	LOM	Direct	2200	S-dn-31	400-1	400-1	400-1
New Haven Int	LOM	Direct	2200	A-dn	800-2	800-2	800-2
Monroe Int	LOM	Direct	2200				
Rock Creek Int	LOM	Direct	2200				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side SE crs, 135° Outbnd, 315° Inbnd, 2100' within 10 miles.
Minimum altitude over LOM on final approach crs, 1600'.
Crs and distance, LOM to approach end of Runway 31, 315°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 2100' on crs of 315° within 20 miles or, when directed by ATC, make left turn, climbing to 2100' and proceed back to LOM.
#Osborne Int: Int FWA R-128 and DFI R-201.
City, Fort Wayne; State, Ind.; Airport Name, Baer Field; Elev., 801'; Fac. Class., LOM; Ident., FW; Procedure No. 1, Amdt. 7; Eff. Date, 16 June 62; Sup. Amdt. No. 6; Dated, 7 May 60

Summit Hill Int	LOM	Direct	2400	T-dn	300-1	300-1	200-½
Wallburg Int	LOM	Direct	2400	C-dn	400-1	500-1	500-1½
Greensboro VOR	LOM	Direct	2400	S-dn-14	400-1	400-1	400-1
Thomas Int	LOM	Direct	2400	A-dn	800-2	800-2	800-2
Pine Hall Int	LOM	Direct	2400				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn North side of crs, 318° Outbnd, 138° Inbnd, 2400' within 10 mi.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 138°—5.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles of LOM, climb to 2400' on 138° crs from LOM or, when directed by ATC, turn left, climb to 2500' on R-054 GSO-VOR within 20 miles or turn left, climb to 2400' and return direct to LOM.
CAUTION: 880' of construction on approach end of runway.
City, Greensboro; State, N.C.; Airport Name, Greensboro-High Point Municipal; Elev., 923'; Fac. Class., LOM; Ident., GS; Procedure No. 1, Amdt. 7; Eff. Date, 16 June 62; Sup. Amdt. No. 6; Dated, 29 July 61

Dover Int	LOM	Direct	3000	T-dn*	300-1	300-1	200-½
				C-dn	500-1	600-1	600-1½
				S-dn-13	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2
				The following minimums apply for aircraft equipped with VOR after passing TOP-VOR R-230:			
				S-dn-13	400-1	400-1	400-1

Procedure turn North side of crs, 305° Outbnd, 125° Inbnd, 2300' within 10 miles of MHW.
Minimum altitude over MHW on final approach crs, 2300'.
Crs and distance, MHW to airport, 125°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles, climb to 2400' on 125° crs within 15 miles or, when directed by ATC, (1) Turn left, climbing to 2300', proceed to TOP-VOR and hold on R-035; (2) Turn left, climbing to 2200' and proceed to TOP-VOR and hold on R-150; (3) Return to RBn, climbing to 2400'.
*No reduction in 2-engine or less takeoff minimums authorized with ILS inoperative.
City, Topeka; State, Kans.; Airport Name, Phillip Billard Municipal; Elev., 880'; Fac Class., MHW; Ident., TOP; Procedure No. 1, Amdt. 14; Eff. Date, 16 June 62; Sup. Amdt. No. 13; Dated, 1 Apr. 61

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
				T-d	300-1	NA	NA
				C-d	500-1	NA	NA
				A*	NA	NA	NA

Radar vectoring authorized in accordance with approved patterns.
Procedure turn West side of crs, 358° Outbnd, 178° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1400'.
Crs and distance, facility to airport, 178°—3.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles, climb straight ahead on R-178 of the Waterville VOR to 1500', then make a left climbing turn to 2000' and return to the Waterville VOR. Hold Southeast on Waterville VOR R-157, 1 minute, left turns.
CAUTION: Stacks 850' 1 mile SW of airport and tower 947' 2 miles SE of airport.
NOTES: Airport communications available on 122.8, sunrise to sunset. No tower communications at airport. Contact Toledo approach control for ATC clearance. Night operations NA. No airport lighting.
*No weather reporting available.
City, Bowling Green; State, Ohio; Airport Name, University; Elev., 675'; Fac. Class., BVORTAC; Ident., VWV; Procedure No. 1, Amdt. 1; Eff. Date, 16 June 62; Sup. Amdt. No. Orig.; Dated, 15 Aug. 59

Bennett Int	DEN VOR	Direct	7000	T-dn	300-1	300-1	200-½
Kiowa VOR	Watkins Int	Direct	7500	C-dn	700-1	700-1	700-1½
Watkins Int	DEN VOR	Direct	7000	C-n	700-2	700-2	700-2
Titan Int	DEN VOR	Direct	7000	A-dn	800-2	800-2	800-2
Aurora "H"	DEN VOR	Direct	7000				
Westminster Int	DEN VOR	Direct	7000				
DN LFR	DEN VOR	Direct	6600				

Radar transitions and vectoring using Denver Radar authorized in accordance with approved radar patterns.
Procedure turn N side of crs, 031° Outbnd, 211° Inbnd, 6500' within 10 mi.
Minimum altitude over facility on final approach crs, 6000'.
Crs and distance, facility to airport, 211°—8.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.2 miles after passing DEN VOR, climb to 8000' on crs of 169° within 15 mi of DEN VOR or, when directed by ATC, left turn climbing to 6500' direct to DEN VOR.
NOTE: Aircraft executing missed approach may be radar controlled after being reidentified.
CAUTION: 5570' msl tank 0.8 mi SE of MM, 5521' tower 1.5 mi S of airport.
City, Denver; State, Colo.; Airport Name, Stapleton Airfield; Elev., 5331'; Fac. Class., BVOR; Ident., DEN; Procedure No. 1, Amdt. 3; Eff. Date, 16 June 62; Sup. Amdt. No. 2; Dated, 12 May 62

Carlin FM	EKO-VOR	Direct	9000	T-dn	1800-2	1800-2	1800-2
Elko RBn	EKO-VOR	Direct	8500	C-dn	1800-2	1800-2	1800-2
				A-dn	1800-2	1800-2	1800-2

Procedure turn W side of crs, 144 Outbnd, 324 Inbnd, 8500' within 10 mi. NA beyond 10 mi. (nonstandard due to terrain).
Minimum altitude over facility on final approach crs, 7500'.
Crs and distance, facility to airport, 324°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 mi, turn left and climb to 8500' on R-144 within 10 mi.
City, Elko; State, Nev.; Airport Name, Elko Municipal; Elev., 5136'; Fac. Class. and Ident., BVORTAC-EKO; Procedure No. 1, Amdt. 4; Eff. Date, 16 July 62; Sup. Amdt. No. 3; Dated, 16 Sept. 61

				T-dn#	##300-1	##300-1	**300-1
				C-dn	900-1	900-2	900-2
				A-dn	900-2	900-2	900-2
				If aircraft is equipped with dual VOR and the Tank% and Northmore%% intersections are received the following minimums are authorized.			
				C-dn*	500-1	600-1½	600-1½

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn W side of crs, 357° Outbnd, 177° Inbnd, 2500' within 10 mi.
Minimum altitude over facility on final approach crs, 1800'; over Tank% Int, 1600'; over Northmore%% Int, 1300'.
Crs and distance, facility to airport, 177°—7.5 mi; Tank% Int to airport, 177°—2.5 mi; Northmore%% Int to airport, 177°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.5 miles of the MKC-VOR or within 1.0 mile after passing Northmore %% Int, turn right, climbing to 2500', and intercept 310° crs to Farley RBn and hold, or when directed by ATC, make immediate right turn, climb to 2500' on R-285 BSP-VOR until intercepting R-165 STJ-VOR. Proceed to Farley VHF Int and hold.
Aircraft executing missed approach may be radar controlled after being reidentified.
AIR CARRIER NOTE: ##No reduction in 2 engine takeoff except Runway 31. **200-½ authorized on Runway 31 only.
CAUTION: Obstruction 1423' MSL 2.6 miles SE airport, 1946' MSL tower 5.4 mi SE of airport, cracking plant 911' MSL and stack 835' MSL 0.5 mi ESE approach end of Runway 35. TV tower 2089' MSL 4.0 mi SSE airport.
#Unless Radar Vectored:
When making takeoffs to south or southwest if weather is below 1000-3 and route of flight is planned to south, southeast or east, a 210° ADF track from ILS-LMM or R-185 MKC-VOR should be intercepted as soon as practicable, climbing to 2500' before turning on course.
When making takeoffs to north and northeast if weather is below 1000-3 and route of flight is planned to northeast, east or southeast, a 090° ADF track from the MKC-LMM should be intercepted as soon as practicable, climbing to 2500' before turning on course.
*Circling not authorized east of airport due to obstruction above circling minimums.
%Tank Int: Int R-177 MKC-VOR and R-291 BSP-VOR or 5.0 mi DME fix.
%%Northmore Int: Int R-177 MKC-VOR and R-287 BSP-VOR or 6.6 mi DME fix.
City, Kansas City; State, Kans.; Airport Name, Fairfax Municipal; Elev., 746'; Fac. Class., BVORTAC; Ident., MKC; Procedure No. 1, Amdt. 2; Eff. Date, 16 June 62; Sup. Amdt. No. 1; Dated, 16 Sept. 61

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Clermont Int	LOU-VOR	Direct	2000	T-dn	300–1	300–1	200–½
Bourbon Int	LOU-VOR	Direct	2000	C-dn	600–2	600–2	600–1½
				S-dn-29	600–1½	600–1½	800–2
				A-dn	800–2	800–2	

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 120° Outbnd, 300° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 300°—8.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.4 miles after passing LOU-VOR, climb to 2000′ on heading 270°, intercept R-283 LOU-VOR and proceed to Corydon Int, hold West 1-minute, left turns.

City, Louisville; State, Ky.; Airport Name, Standiford Field, Elev., 497′; Fac. Class., BVORTAC; Ident., LOU; Procedure No. 1, Amdt. 5; Eff. Date, 16 June 62; Sup. Amdt. No. 4; Dated, 17 Dec. 60

Brookley 11W	MOB VOR	Direct	1400	T-dn	300–1	300–1	200–½
				C-d	500–1	500–1	500–1½
				C-n	500–2	500–2	500–2
				S-d-9	500–1	500–1	500–1
				S-n-9	500–2	500–2	500–2
				A-dn	800–2	800–2	800–2

Radar terminal area transitions: 2000′ altitude within 20 mi Brookley AFB. 2200′ altitude required from 060° to 100° mag.
Procedure turn S side of crs, 287° Outbnd, 107° Inbnd, 1400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 107°—6.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing MOB-VOR, turn left, climb to 1500′ on R-054 within 20 miles.

City, Mobile; State, Ala.; Airport Name, Bates Field; Elev., 217′; Fac. Class., BVORTAC; Ident., MOB; Procedure No. 1, Amdt. 9; Eff. Date, 16 June 62; Sup. Amdt. No. 8; Dated, 14 Jan. 61

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-d	300–1	300–1	200–½
				C-d*	400–1	500–1	500–1½
				S-d-4*	400–1	400–1	400–1
				A-d	800–2	800–2	800–2

Procedure turn S side of crs, 225° Outbnd, 045° Inbnd, 1300′ within 10 mi.
Minimum altitude over facility on final approach crs, 600′.#
Crs and distance, breakoff point to approach end of Runway 4, 040°—0.7 mi or 1-mile DME fix.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn left and climb to 1400′ on R-035 AMG-VOR within 20 miles.
NOTE: Air Carrier use NA.
#700′ msl and *500′ ceiling minimums if no DME available.

City, Alma; State Ga.; Airport Name, Alma; Elev., 200′; Fac. Class., BVORTAC; Ident., AMG; Procedure No. TerVOR-4, Amdt. 1; Eff. Date, 16 June 62; Sup. Amdt. No. Orig.; Dated, 31 Dec. 55

				T-d	300–1	300–1	200–½
				C-d*	400–1	500–1	500–1½
				S-d-22*	400–1	400–1	400–1
				A-d	800–2	800–2	800–2

Procedure turn W side of crs, 036° Outbnd, 216° Inbnd, 1400′ within 10 mi.
Minimum altitude over facility on final approach crs, 600′.#
Crs and distance, breakoff point to approach end of Runway 22, 220°—0.6 mi, or 1 mi DME Fix.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 1300′ on R-216 within 20 mi.
NOTE: Air Carrier use NA.
#800′ msl and *600′ ceiling minimums if no DME available.

City, Alma; State, Ga.; Airport Name, Alma; Elev., 200′; Fac. Class., BVORTAC; Ident., AMG; Procedure No. TerVOR-22, Amdt. 1; Eff. Date, 16 June 62; Sup. Amdt. No. Orig.; Dated, 31 Dec. 55

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Markle FM	LFR (Final)	Direct	1500	T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				S-dn-4	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2
				Aircraft equipped with VOR and LFR and FA-LFR or radar fix received, following minimums apply:			
				C-dn	400–1	500–1	500–1½
				S-dn-4	400–1	400–1	400–1

Radar vectoring authorized in accordance with approved patterns. Aircraft will be released for final approach without procedure turn inbound on final approach course 7 miles from VOR.
Procedure turn S side of crs, 229° Outbnd, 049° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1400′.*
Facility on airport.
Crs and distance, breakoff point to approach end of Runway 4, 041°—0.9 mi.; FA-LFR to Runway 4, 049°-2.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 2200′ on R-049 within 20 miles or, when directed by ATC, make right climbing turn to 2200′ and return to FWA-VOR.

City, Fort Wayne; State, Ind.; Airport Name, Baer Field; Elev., 801′; Fac. Class., BVORTAC; Ident., FWA; Procedure No. TerVOR-4, Amdt. 2; Eff. Date, 16 June 62; Sup. Amdt. No. 1; Dated, 20 Sept. 58

				T-dn	300–1	300–1	200–½
				C-dn	800–1	800–1	800–1½
				S-dn-9	800–1	800–1	800–1
				A-dn	800–2	800–2	800–2
				Aircraft equipped with VOR and LFR receivers and NW crs FA-LFR identified or radar fix obtained in lieu of NW crs, minimums are:			
				C-dn	400–1	500–1	500–1½
				S-dn-9	400–1	400–1	400–1

Radar vectoring authorized in accordance with approved patterns. Aircraft will be released for final approach without procedure turn inbound on final approach course 7 miles from VOR.
Procedure turn S side of crs, 265° Outbnd, 085° Inbnd, 2200′ within 10 mi.
Minimum altitude over facility on final approach crs, 1600′.*
Facility on airport.
Crs and distance, breakoff point to approach end of Runway 9, 090°—1.25 mi; Int NW crs FA-LFR and FWAR-265 to Runway 9, 085°—3.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 2200′ on R-085 within 20 miles or, when directed by ATC, make right climbing turn to 2200′ and return to FWA-VOR.

City, Fort Wayne; State, Ind.; Airport Name, Baer Field; Elev., 801′; Fac. Class., BVORTAC; Ident., FWA; Procedure No. TerVOR-9, Amdt. 1; Eff. Date, 16 June 62; Sup. Amdt. No. Orig.; Dated, 20 Sept. 58

				T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				S-dn-13	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2
				Aircraft equipped with VOR and ADF and Wayne Int# or radar fix received, following minimums apply:			
				C-dn	400–1	500–1	500–1½
				S-dn-13	400–1	400–1	400–1

Radar vectoring authorized in accordance with approved patterns. Aircraft will be released for final approach without procedure turn inbound on final approach course, 7 miles from VOR.
Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 2200′ within 10 mi.
Minimum altitude over facility on final approach crs, 1400′.*
Facility on airport.
Crs and distance, breakoff point to app end of Runway 13, 135°—0.8 mi; Wayne Int# to Runway 13, 140°—2.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 2200′ on R-140 within 20 miles or, when directed by ATC, make right climbing turn, climb to 2200′ and return to FWA-VOR.
#Wayne Int: Int FWA R-320 and Brg 187° to FA-LFR.

City, Fort Wayne; State, Ind.; Airport Name, Baer Field; Elev., 801′; Fac. Class., BVORTAC; Ident., FWA; Procedure No. TerVOR-13, Amdt. 2; Eff. Date, 16 June 62; Sup. Amdt. No. 1; Dated, 20 Sept. 58

Marcellus Int**	AZO-VOR	Direct	2400	T-dn	300–1	300–1	200–½
BTL-VOR	AZO-VOR	Direct	2400	C-dn	1000–1	1000–1	1000–1½
GRR-LOM	AZO-VOR	Direct	2900	S-dn-5	1000–1	1000–1	1000–1
PMM-VOR	AZO-VOR	Direct	2400	A-dn#	NA	NA	NA
ELX-VOR	AZO-VOR	Direct	2400	The following minimums apply for aircraft equipped with dual VOR and Sugar Int* identified:			
Cooper Int	AZO-VOR	Direct	2400				
Leroy Int	AZO-VOR	Direct	2400				
Lawton Int	AZO-VOR	Direct	2400				
Centerville Int	AZO-VOR	Direct	2400	C-dn	400–1	500–1	500–1½
Marcellus Int**	*Sugar Int (Final)	Direct	2100	S-dn-5	400–1	400–1	400–1

Procedure turn S side of crs, 230° Outbnd, 050° Inbnd, 2100′ within 10 mi.
Minimum altitude over facility on final approach crs, 2100′; over Sugar Int*, 2100′.
VOR on airport.
Crs and distance, Sugar Int* to airport, 050°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing AZO-VOR, make climbing left turn to 2700′ and proceed to Cooper Int via AZO R-321 or, when directed by ATC, climb to 2700′ on AZO-VOR R-050, then reverse course and proceed direct to the AZO-VOR.
NOTE: All approaches controlled by Battle Creek Approach.
Other change: Caution Note deleted.
#800-2 minimums authorized when AZO Tower operational or for Air Carrier with weather reporting service.
*Sugar Int: Int AZO R-230 and PMM R-128.
**Marcellus Int: Int AZO R-230 and PMM R-148.

City, Kalamazoo; State, Mich.; Airport Name, Kalamazoo Municipal; Elev., 874′; Fac. Class., BVOR; Ident., AZO; Procedure No. TerVOR-5, Amdt. 2; Eff. Date, 16 June 62; Sup. Amdt. No. 1; Dated, 8 Nov. 58

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300–1	300–1	200–½
				C-dn	700–1	700–1	700–1½
				S-dn-13	700–1	700–1	700–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 317° Outbnd, 137° Inbnd, 2300′ within 10 mi.
Facility on airport.
Minimum altitude over facility on final approach course, 1600′.
Crs and distance, breakoff point to approach end of Runway 13, 133°—0.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing TAX-VOR, climb to 2300′ on R-137 within 15 mi.

City, Madison; State, Wis.; Airport Name, Truax Field; Elev., 859′; Fac. Class., VORW; Ident., TAX; Procedure No. TerVOR-13, Amdt. Orig.; Eff. Date, 16 June 62

				T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				S-dn-31	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2
				Following minimums apply if College Int* received:			
				S-dn-31	400–1	400–1	400–1

Procedure turn E side of crs, 131° Outbnd, 311° Inbnd, 2300′ within 10 mi.
Facility on airport.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, breakoff point to approach end of Runway 31, 313°—0.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing TAX-VOR, climb to 2800′ on R-311 within 15 miles.
*College Int: Int TAX-VOR R-131 and 054° brng from LOM.

City, Madison; State Wis.: Airport Name, Truax Field; Elev., 859′; Fac. Class., VOR-W; Ident., TAX; Procedure No. TerVOR-31, Amdt. Orig; Eff Date, 16 June 62

OKK-VOR	MZZ-VOR	Direct	2400	T-dn	300–1	300–1	200–½
OKK-RBn	MZZ-VOR	Direct	2400	C-dn	700–1	700–1	700–1½
				S-dn-22	700–1	700–1	700–1
				A-dn#	NA	NA	NA
				%If aircraft dual omni equipped and Int* received, the following minimums apply:			
				C-dn	400–1	500–1	500–1½
				S-dn-22	400–1	400–1	400–1

Procedure turn S side of crs, 042° Outbnd, 222° Inbnd, 2400′ within 10 miles of Int* or MZZ-VOR.
Minimum altitude over MZZ-VOR on final approach crs, 1600′, over % Int* on final approach crs, 1600′.
Crs and distance, Int* to airport, 222°—2.1 mi.
Crs and distance, breakoff point to approach end of Runway 22, 218°—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 2400′ and return to MZZ-VOR.
NOTE: All aircraft except scheduled air carrier obtain Bunker Hill AFB or Fort Wayne, Ind., current weather prior to IFR approach.
*Int: Int MZZ-VOR R-042 and OKK-VOR R-090.
#800–2 alternate minimums authorized for air carrier with approved weather service at this airport.

City, Marion; State, Ind.; Airport Name, Marion Municipal; Elev., 850′; Fac. Class., BVOR; Ident., MZZ; Procedure No. Ter VOR-22, Amdt. 2; Eff. Date, 16 June 62; Sup. Amdt. No. 1; Dated, 12 May 62

				T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs. 177° Outbnd, 357° Inbnd, 2000′ within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, breakoff point to approach end of Runway 1, 007°—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2000′ on R-357 within 10 miles turn left, proceed direct to ROC-VOR at 2000′. Hold West ROC-VOR 1-minute right turns, 118° Inbnd.
AIR CARRIER NOTE: Takeoff on Runway 12 and landing on Runway 30 NA.

City, Rochester; State, N.Y.; Airport Name, Rochester-Monroe County; Elev., 560′; Fac. Class., BVOR; Ident., ROC; Procedure No. TerVOR-1, Amdt. 5; Eff. Date, 16 June 62; Sup. Amdt. No. 4; Dated, 26 May 62

				T-dn	300–1	300–1	200–½
				C-dn	500–1	600–1	600–1½
				S-dn-10	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 289° Outbnd, 109° Inbnd, 1900′ within 10 mi.
Facility on airport.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, breakoff point to approach end Runway 10, 097°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2000′ on R-109 within 10 miles. Turn right, proceed direct to ROC-VOR at 2000′. Hold West ROC-VOR 1-minute right turns, 118° Inbnd.
AIR CARRIER NOTE: Takeoff on Runway 12 and landing on Runway 30 not authorized.

City, Rochester; State, N.Y.; Airport Name, Rochester-Monroe County; Elev., 560′; Fac. Class., BVOR; Ident., ROC; Procedure No. TerVOR-10, Amdt. 2; Eff. Date, 16 June 62; Sup. Amdt. No. 1; Dated, 19 Aug. 61

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Akron VOR	LOM	Direct	2500	T-dn	300–1	300–1	200–½
Navarre VOR	LOM (Final)	Direct	2400	C-dn	400–1	500–1	500–1½
Int Navarre R-322 and 050° brng to LOM	LOM	Direct	2500	S-dn-1*	200–½	200–½	200–½
Int Navarre R-282 and 061° brng to LOM	LOM	Direct	2500	A-dn	600–2	600–2	600–2
Int Navarre R-018 and 270° brng to LOM	LOM	Direct	2500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side S crs 186° Outbnd, 006° Inbnd, 2500′ within 10 mi.
Minimum altitude at glide slope int inbnd: 2400′
Altitude of glide slope and distance to approach end of runway at OM, 2410—3.8; at MM, 1450—0.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500′ on N crs Akron-Canton ILS within 10 miles of airport or, as directed by ATC, make a right climbing turn and return to LOM at 2500′.
CAUTION: Glide slope unusable below 200′ account roughness.
*400–¾ required with glide slope inoperative.

City, Akron; State, Ohio; Airport Name, Akron-Canton; Elev., 1228′; Fac. Class., ILS; Ident., I-CAK; Procedure No. ILS-1, Amdt. 13; Eff. Date, 16 June 62; Sup. Amdt. No. 12; Dated, 30 July 60

CLE LFR	Stadium RBn	Direct	3000	T-dn	300–1	300–1	200–½
Vermillion Int	Stadium RBn	(@)	3000	C-dn#	400–1	500–1	500–1½
Sharon Int	Stadium RBn	(##)	3000	S-dn-23R*#	400–1	400–1	400–1
Mentor Int	Stadium RBn	Direct	3000	A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns. When used in lieu of procedure turn, alignment on final approach heading within 10 miles of final approach fix is required.
Procedure turn N side NE crs, 054° Outbnd, 234° Inbnd, 3000′ within 10 miles of Stadium RBn.
No glide slope or markers. Minimum altitude over Stadium RBn Inbnd final, 3000′. Minimum altitude 1500′ after RBn inbnd final until 4-mile radar fix received.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 mi after passing radar fix or 6.9 mi after RBn, make right climbing turn to 3000′ direct to CLE VOR.
CAUTION: TV towers approximately 1970′ approximately 6 miles ESE of Airport.
NOTE: Four-mile radar fix not provided by ATC unless weather is 700–1½ or below.
#When radar fix not available, 700–1½ minimums will apply.
*Descend to landing minimum after passing 4-mile radar fix.
@This transition is via CLE LFR.
##This transition is via STG VOR R-183 and the STG VOR R-036.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 789′; Fac. Class., ILS; Ident., I-CLE; Procedure No. ILS-23R, Amdt. 12; Eff. Date, 16 June 62; Sup. Amdt. No. 11; Dated, 19 May 62

DEN VOR	LOM	Direct	7000	T-dn##	300–1	300–1	200–½
Westminster Int	LOM	Direct	7000	C-dn	#400–1	500–1	500–1½
Aurora "H"	LOM	Direct	7000	S-dn-26L@*	200–½	200–½	200–½
Strasburg Int	LOM	Direct	7000	A-dn	600–2	600–2	600–2
Kiowa VOR	Watkins Int	Direct	7500				
Watkins Int	LOM (Final)	Direct	7000				
Bennett Int	LOM	Direct	7000				
Titon Int	LOM	Direct	7000				
Parker Int	LOM	Direct	7700				

Radar transitions and vectoring using Denver Radar authorized in accordance with approved radar patterns.
Procedure turn N side E crs, 7000′ within 10 miles, 076° Outbnd, 256° Inbnd.
Minimum altitude at glide slope Int Inbnd, 7000′.
Altitude of glide slope and distance to approach end of Runway at OM, 6974′—5.5 mi; at MM, 5551′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right, climbing to 6500′ direct to DEN-VOR on R-031 within 10 miles or, when directed by ATC, turn right and climb to 7000′ on N crs DN-LFR within 20 miles.
NOTE: Aircraft executing missed approach may be radar controlled after being reidentified.
CAUTION: 5570′ msl tank 0.8 mi SE of MM, 5521′ tower 1.5 mi S of airport.
NOTE: Narrow localizer course, 4°
#500–1 required for circling S of airport due to 5579′ msl tank 0.8 mi SE of MM, 5521′ tower 1.5 mi S of airport.
*400–1 required when glide slope not used.
@Runway Visual Range 2600′ also authorized for landing on Runway 26L; provided that all components of the ILS, high intensity runway lights, approach lights, condenser-discharge flashers, middle and outer compass locators and all related airborne equipment are operating satisfactorily. Descent below 5531′ msl shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
##Runway Visual Range 2600′ also authorized for takeoff on Runway 26L in lieu of 200–½ when 200–½ is authorized; provided that high intensity runway lights are operational.

City, Denver; State, Colo.; Airport Name, Stapleton Airfield; Elev., 5331′; Fac. Class., ILS; Ident., I-DEN; Procedure No. ILS-26L, Amdt. 26; Eff. Date, 16 June 62; Sup Amdt. No. 25; Dated, 12 May 62

Whitely Int	LOM	Direct	2200	T-dn	300–1	300–1	200–½
New Haven Int	LOM	Direct	2200	C-dn	400–1	500–1	500–1½
Monroe Int	LOM	Direct	2200	S-dn-31	*200–½	200–½	200–½
Fort Wayne VOR	LOM	Direct	2100	A-dn	600–2	600–2	600–2
Rock Creek Int	LOM	Direct	2200				
Osborne Int#	LOM	Direct	2300				
Kingsland Int	LOM	Direct	2300				

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn E side of SE crs, 135° Outbnd, 315° Inbnd, 2100′ within 10 miles.
Minimum Altitude at glide slope Int Inbnd, 2100′.
Altitude of glide slope and distance to approach end of runway at OM, 2045′—3.8 mi; at MM, 1075′—0.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2100′ on NW crs ILS within 20 miles or, when directed by ATC, make left turn, climbing to 2100′ and proceed back to LOM.
When authorized by ATC, DME from FWA-VOR may be used to establish position inbound at 2200′ on SE crs.
FWA ILS via 14 mi. ARC from FWA-VOR for straight-in approach with elimination of procedure turn.
*400–1 required with G/S inoperative.
#Osborne Int: Int FWA R-128 and DFI R-201.

City, Fort Wayne; State, Ind.; Airport Name, Baer Field; Elev., 801′; Fac. Class., ILS; Ident., I-FWA; Procedure No. ILS-31, Amdt. 8; Eff. Date, 16 June 62; Sup. Amdt. No. 7; Dated, 9 Sept 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Dover Int	LOM	Direct	3000	T-dn	300-1	300-1	200-½
				C-dn	500-1	600-1	600-1½
				S-dn 13*	300-¾	300-¾	300-¾
				A-dn	600-2	600-2	600-2

Procedure turn N side of crs, 305° Outbnd, 125° Inbnd, 2300' within 10 mi.
Minimum Altitude at glide slope Int Inbnd, 2300'.
Altitude of glide slope and distance to approach end of Runway at LOM 2030'—3.9 mi; at MM 1075'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2200' on SE crs of ILS within 15 mils or, when directed by ATC, turn left, climbing to 2300', proceed to TOP-VOR and hold on R-035, or turn left, climbing to 2200' and proceed to TOP-VOR and hold on R-150.
*400-¾ required when operating under the provisions of inoperative ILS components. No reduction in 2-engine or less takeoff minimums authorized with ILS inoperative.

City, Topeka; State, Kans.; Airport Name, Phillip Billard Municipal; Elev., 880'; Fac. Class., ILS; Ident., I-TOP; Procedure No. ILS-13, Amdt. 15; Eff. Date, 16 June 62; Sup. Amdt. No. 14; Dated, 1 Apr. 61

TOP-VOR	Powerhouse Int	Direct	2600	T-dn*	300-1	300-1	200-½
TOP LOM	Powerhouse Int	Direct	2600	C-dn	500-1	600-1	600-1½
Richland Int	Powerhouse Int	Direct	1700	S-ln-31	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 125° Outbnd, 305° Inbnd, 2600' within 10 mi.
No glide slope. No outer marker. No middle marker.
Minimum altitude over Powerhouse Int on final approach crs, 1700'.
Crs and distance, Powerhouse Int to airport, 305°—2.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles of Powerhouse Int, climb to 2400' on NW crs ILS within 20 mi or, when directed by ATC, turn right, proceed direct to TOP-VOR, climbing to 2100' and hold on R-035, or turn right, climbing to 2400', proceed to TOP-VOR and hold on R-150.
NOTE: Procedure authorized only for aircraft equipped to simultaneously receive ILS and VOR.
*No reduction in 2-engine or less takeoff minimums authorized with ILS inoperative.

City, Topeka; State, Kans.; Airport Name, Phillip Billard Municipal; Elev., 880'; Fac. Class., ILS; Ident., ITOP; Procedure No. ILS-31, Amdt. 5, Eff. Date, 16 June 62; Sup. Amdt. No. 4; Dated, 7 Oct. 61

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				Surveillance approach			
All directions		10–20 mi	2500				
145°	322°	0–10 mi	2500	T-dn	300-1	300-1	200-½
322°	145°	0–10 mi	2000	C-dn*	400-1	500-1	500-1½
				S-dn*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

All bearings are from radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make immediate left or right turn, climb to 2500'; proceed to OBK-VOR via ORD-VOR R-030 and OBK-VOR R-135 or, when directed by ATC, make immediate left or right turn climb to 2500' and proceed IA LOM, then direct to OBK-VOR.
NOTE: Right or left turn as appropriate for the direction of the approach.
CAUTION: Takeoffs on Runway 27 when weather is below 2000–3 will intercept ORD-VOR R-250 and climb to 2000' before proceeding westbound. Takeoffs on Runway 32L, when weather is below 2000–3, will intercept ORD-VOR R-306 and climb to 2000' before proceeding westbound.
*Runways 14L and R, 32L and R, 27, 22.#
#Do not descend below 1200' until radar advises passing 926' tower 4.2 miles from end of Runway 22.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 666'; Fac. Class. and Ident., O'Hare Radar; Procedure No. 1, Amdt. 4; Eff. Date, 16 June 62; Sup. Amdt. No. 3; Dated, 19 May 62

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on May 11, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-4749; Filed, June 1, 1962; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 15]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.315 Valencia Orange Regulation 15.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 31, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., June 3, 1962, and ending at 12:01 a.m., P.s.t., June 10, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 450,000 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 1, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-5460; Filed, June 1, 1962; 11:25 a.m.]

[Lemon Reg. 24]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.324 Lemon Regulation 24.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 29, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., June 3, 1962, and ending at 12:01 a.m., P.s.t., June 10, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 465,000 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 31, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-5425; Filed, June 1, 1962; 9:15 a.m.]

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Order Amending Order Regulating Handling of Apricots Grown in Designated Counties in Washington

§ 922.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Yakima, Washington, on January 18, 1962, upon proposed amendments to the marketing agreement and Order No. 922 (7 CFR Part 922), regulating the handling of

apricots grown in designated counties in Washington. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as hereby amended, regulates the handling of apricots grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as hereby amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The said order, as hereby amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of the apricots covered thereby; and

(5) All handling of apricots grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Determinations.* It is hereby determined that:

(1) The marketing agreement regulating the handling of apricots grown in designated counties in Washington, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the apricots covered by this order) who, during the period April 1, 1961, through March 31, 1962, shipped not less than 50 percent of the apricots covered by said order as hereby amended;

(2) The issuance of this order, amending the aforesaid order, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (April 1, 1961, through March 31, 1962) were engaged within the area in the production for market of the apricots covered by the said order; and

(3) The issuance of this order, amending the aforesaid order, is favored or approved by producers who, during the aforesaid representative period, produced for market at least two-thirds of the volume of apricots produced for market within the designated production area.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of apricots grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as hereby amended as follows:

1. Section 922.4 *Production area* is revised to read as follows:

§ 922.4 Production area.

"Production area" means the counties of Okanogan, Chelan, Kittitas, Yakima, and Klickitat in the State of Washington and all of the counties in Washington lying east thereof.

2. Section 922.13 *Handle* is revised to read as follows:

§ 922.13 Handle.

"Handle" or "ship" means to sell, consign, deliver, or transport apricots within the production area or between the production area and any point outside thereof: *Provided*, That the term "handle" shall not include the transportation within the production area of apricots from the orchard where grown to a packing facility located within such area for preparation for market.

§ 922.14 [Amendment]

3. Paragraph (a) of § 922.14 *District* is revised to read as follows:

"(a) "District 1" shall include all counties within the production area not included in District 2.

§ 922.52 [Amendment]

4. Subparagraph (3) of paragraph (a) of § 922.52 *Issuance of regulations* is amended as follows:

(3) The word "markings" is inserted immediately following the word "dimensions."

§ 922.55 [Amendment]

5. Section 922.55 *Inspection and certification* is amended by adding the following at the end thereof: "The committee may, with the approval of the Secretary, prescribe rules and regulations modifying the inspection requirements of this section as to time and place such inspection shall be performed whenever it is determined it would not be practical to perform the required inspection at a particular location: *Provided*, That all such shipments shall comply with all regulations in effect."

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, May 29, 1962, to become effective 30 days after publication in the FEDERAL REGISTER.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-5396; Filed, June 1, 1962; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER B—FEDERAL OPEN MARKET COMMITTEE

PART 271—RULES REGARDING INFORMATION, SUBMITTALS, AND REQUESTS

PART 272—RULES OF PROCEDURE

1. Effective April 17, 1962, Part 271 was amended to read as follows:

Sec.
271.1 Basis and scope.
271.2 Submittals, petitions, and requests.
271.3 Availability of information.
271.4 Subpoenas.

AUTHORITY: §§ 271.1 to 271.4 issued under sec. 12A, 48 Stat. 168; 12 U.S.C. 263.

§ 271.1 Basis and scope.

This part is issued by the Federal Open Market Committee (sometimes called the Committee in this part) pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U.S.C. 1001) and the Federal Reserve Act (sec. 12A, 48 Stat. 168; 12 U.S.C. 263). It includes the rules specified by sections 3(b) and 3(c) of the Administrative Procedure Act.

§ 271.2 Submittals, petitions, and requests.

(a) *Place.* The mailing address of the Federal Open Market Committee is: Federal Reserve Building, 20th Street and Constitution Avenue, Washington 25, D.C. The Committee customarily meets at the offices of the Board of Governors of the Federal Reserve System at that address.

(b) *Method.* All submittals, petitions, and requests, including requests for access to information, shall be made in writing and mailed to the Committee at the address stated in paragraph (a) of this section. Any petition or request shall be signed by the person making it, or his duly authorized agent, and shall, insofar as practicable, clearly, completely and concisely state his full name and address, the facts involved (including the purposes for which any unpublished information requested will be used if made available), the action desired, the person's interest in the matter, and the reasons why the petition or request should be granted.

§ 271.3 Availability of information.

(a) *Federal Register.* Rules describing the Committee's organization and procedure and any substantive rules or statements of policy which are formulated and adopted by the Committee for the guidance of the public will be published in the FEDERAL REGISTER.

(b) *Policy record.* A complete record of the actions taken by the Committee during the preceding year upon all matters of policy relating to open market operations, showing the votes taken and the reasons underlying the actions, is included in each annual report made to Congress by the Board of Governors of the Federal Reserve System in accordance with section 10 of the Federal Reserve Act.

(c) *Unpublished information.* Except as may be specifically authorized by the Committee, or as may be required in the performance of duties for, or pursuant to the direction of, the Committee, no person shall disclose, or permit the disclosure of, any unpublished information of the Committee to anyone, whether by giving out or furnishing such information or copy thereof, by allowing any person to inspect, examine or copy such information or copy thereof, or by any other means. Unpublished information of the Committee shall include all information concerning the proceedings, deliberations, discussions, and actions of the Committee and all information or advice coming to the Committee or to any member of the Committee or any officer, employee or agent of the Committee, the Board of Governors of the Federal Reserve System, or any Federal Reserve Bank, in the performance of duties for, or pursuant to the direction of, the Committee, whether contained in files, memoranda, documents, reports, books, accounts, records, or papers or otherwise acquired and whether located at the offices of the Board of Governors of the Federal Reserve System, the Federal Reserve Banks, or elsewhere: *Provided*, That it shall not include information which has been published in accordance with paragraphs (a) and (b) of this section or information which is available to the public through other sources.

(d) *Reasons for nondisclosure.* The nondisclosure of unpublished information of the Committee generally is required in the public interest for one or more of the following reasons:

(1) Disclosure of unpublished information concerning policies with respect to future open market operations which are under consideration or have been adopted by the Committee, and of unpublished information which might aid in anticipating action by the Committee, would:

(i) Interfere with the accomplishment of the objectives of the Committee's actions taken with a view to accommodating commerce and business and with regard to their bearing upon the general credit situation of the country;

(ii) Permit speculators and others to reap unfair profits or other unfair advantages by speculative trading in securities, foreign exchange, and otherwise;

(iii) Interfere with the orderly execution of policies adopted by the Committee;

(iv) Result in unnecessary and unwarranted disturbances in the securities markets;

(v) Make open market operations more costly to the Federal Reserve Banks;

(vi) Interfere with the orderly execution and accomplishment of the objectives of policies adopted by other Government agencies concerned with economic and fiscal matters; and

(vii) Cause misinterpretations and misunderstandings, with possible resultant impairment of public confidence in the Nation's financial structure.

(2) The Committee's unpublished information includes much that is furnished to it on a secret or confidential basis and its disclosure would:

(i) Have the effects described in subparagraph (1) of this paragraph;

(ii) Impede the necessary collection of information and advice, much of which cannot be obtained except on a confidential and voluntary basis; and

(iii) Unreasonably and unnecessarily disturb and interfere with individual privacy and confidential business relationships.

(e) *Requests for unpublished information.* Requests for access to unpublished information will be granted only if it clearly appears that disclosure of the information will not be contrary to the public interest for any of the reasons set forth in paragraph (d) of this section.

§ 271.4 Subpoenas.

(a) *Advice by person served.* If any person, whether or not an officer or employee of the Committee, of the Board of Governors of the Federal Reserve System, or of a Federal Reserve Bank, has unpublished information of the Committee and in connection therewith is served with a subpoena, order, or other process requiring his personal attendance as a witness or the production of documents or information upon any proceeding, he shall promptly advise the Committee of such service and of all relevant facts, including the documents and information requested and any facts which may be of assistance in determining whether such documents or information should be made available; and he shall take action at the appropriate time to advise the court or tribunal which issued the process, and the attorney for the party at whose instance the process was issued, if known, of the substance of this part.

(b) *Appearance by person served.* Except as disclosure of the relevant information has been authorized pursuant to this part, any such person who has unpublished information of the Committee and is required to respond to a subpoena or other legal process shall attend at the time and place therein mentioned and respectfully decline to produce any documents or disclose any information or give any testimony with respect thereto, basing his refusal upon this part. If, notwithstanding, the court or other body orders the production of any documents, disclosure of any information, or giving of any testimony, the person having such unpublished information of the Committee shall promptly report the facts to the Committee for such action as the Committee may deem appropriate.

2. Effective April 17, 1962, Part 272 was amended to read as follows:

Sec.
272.1 Basis and scope.
272.2 Committee action.
272.3 Notice and public procedure.
272.4 Effective date.
272.5 Submittals, petitions, and requests.

AUTHORITY: §§ 272.1 through 272.5 issued under sec. 12A, 48 Stat. 168; 12 U.S.C. 263.

§ 272.1 Basic and scope.

This part is issued by the Federal Open Market Committee (sometimes called the Committee in this part) pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U.S.C. 1001) and the Federal Reserve Act (sec. 12A, 48 Stat. 168; 12 U.S.C. 263). It includes the rules specified by section 3(a)(2) of the Administrative Procedure Act.

§ 272.2 Committee action.

The function of the Committee is the direction and regulation of open market operations which are conducted by the Federal Reserve Banks. This involves the determination of the policies which are to be pursued with respect to open market operations by the Federal Reserve Banks with a view to accommodating commerce and business and with regard to their bearing upon the general credit situation of the country, together with consideration and action upon incidental matters relating to the manner in which such operations are to be conducted. The discharge of the Committee's responsibilities requires the continuous gathering of information and study of changing financial, economic, and credit conditions and other pertinent considerations by the members of the Committee and its personnel. These activities are closely interrelated with other activities of the Board of Governors of the Federal Reserve System and the Federal Reserve Banks and all relevant information and views developed by these organizations are available to the Committee. With this background, action is taken by the Committee upon its own initiative at periodic meetings held at least four times each year and oftener if deemed necessary. Attendance at Committee meetings is restricted to members of the Committee and its official staff, including the Manager of the System Open Market Account and the Special Manager for foreign currency operations for such Account, the Presidents of Federal Reserve Banks who are not at the time members of the Committee, and such other advisers as the Committee may invite from time to time. The Committee acts through the adoption and transmittal of directives and regulations to the Federal Reserve Banks. Operations in the System Open Market Account are conducted pursuant to directives issued by the Committee.

§ 272.3 Notice and public procedure.

There ordinarily will be no published notice of proposed action by the Committee or public procedure thereon, as described in section 4 of the Administrative Procedure Act (sec. 4, 60 Stat. 238), because such notice and procedure is impracticable, unnecessary, or contrary to the public interest for one or both of the following reasons:

(a) Nondisclosure of information is required in the public interest for reasons stated in § 271.2(d) of this subchapter; and

(b) Expeditious and timely action, without the delay incident to such notice and procedure, is required in the public interest.

§ 272.4 Effective date.

Committee action ordinarily will be made effective on the date the action is taken because the nature of the subject matter and the action taken is such that the public interest and the proper discharge of the Committee's responsibilities so require.

§ 272.5 Submittals, petitions, and requests.

Submittals, petitions, and requests may be made to the Committee at any time in the manner stated in § 271.1 of this subchapter. They will be considered by members of the Committee's official staff and, where appropriate, will be brought to the attention of the members of the Committee for consideration and any necessary action.

3a. The purpose of these amendments is to reflect changes in the organization of the Committee's staff and in procedures followed in implementing the Committee's policy actions. The

amended parts are published in full for convenient reference.

b. The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with these amendments for the reasons and good cause found that such procedures are unnecessary as these parts relate only to agency organization and procedures and they would serve no useful purpose.

FEDERAL OPEN MARKET COMMITTEE,
RALPH A. YOUNG,
Secretary.

[F.R. Doc. 62-5355; Filed, June 1, 1962; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4491, 40-3480]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Public Offerings of Investment Contracts Referred to as "Equity Funding," "Secured Funding," or "Life Funding"

Reference is made to the Securities and Exchange Commission's concurrent proposal (Release 34-6809) to adopt § 240.15c2-5 of this chapter to prohibit brokers and dealers from arranging loans on securities for customers unless specified disclosures are made and other specified conditions are met. As indicated in that release, a practice has developed where in a typical case securities, particularly mutual funds, are sold to customers, and loans collateralized by the securities are then arranged, the proceeds to be used to pay the premium on a life insurance policy which is sold to the customer at or about the same time. This program is sometimes referred to as "equity funding," "secured funding," or "life funding." In some cases, additional loans are also made upon the insurance policy to provide additional funds for further investment, and other variations and additions to the basic plan may be employed. The program usually contemplates that the promoters will arrange for periodic investment and further loans, year after year, with the expectation that increasing investment values and dividend payments on the mutual fund shares will offset the sales charges and the mounting debt and interest charges.

In the opinion of the Commission such a plan in and of itself constitutes a security, i.e., an investment contract and when publicly offered is required to be registered under the Securities Act of 1933.

The investment scheme transcends its component parts, including the mutual fund shares which presumably are registered under the Securities Act of 1933 (and the issuer of which presumably is registered under the Investment Company Act of 1940) as well as the insurance policy which may be exempt under section 3(a)(8) of the Securities Act (and the issuer of which may be exempt under section 3(c)(3) of the Investment Company Act of 1940).

Equity funding may take various forms, but the basic device as above indicated is a single program for the continuing periodic purchase of investment company shares, the pledge of these shares as collateral for loans, and the use of the proceeds of the loans for the payment of the periodic premiums on the insurance policy. The program involves, in addition to these three complementary components, the services of the promoters of the program. The purchaser of the plan depends upon the promoters of the program to perform for him such services as formulating an overall program suitable to his individual needs; acting as dealer in purchasing the mutual fund securities; securing and renewing loans annually on the plan; holding the securities pledged to secure such loans; acting as agent in purchasing the insurance policy; and paying the annual insurance policy premiums as they fall due. The combination of the three components into one program and the services to be rendered in connection therewith are offered with the expectation of profits, enhanced by the leverage provided. The several components should thus be considered, realistically, as a single investment medium in which the purchaser invests his money and depends upon the efforts of the promoters or other third persons to garner for him the benefits of the enterprise. See, in this connection, the decisions in S.E.C. v. W. J. Howey Co., 328 U.S. 293 (1946); S.E.C. v. C. M. Joiner Leasing Corp., 320 U.S. 344 (1943); Los Angeles Trust Deed and Mortgage Exchange v. S.E.C., 285 F. 2d 162 (9th Cir. 1960); Blackwell v. Bentsen, 203 F. 2d 690 (5th Cir. 1953), cert. dismissed 347 U.S. 925 (1954); and our Release No. 3892 (1958) under the Securities Act of 1933, published in the FEDERAL REGISTER of February 8, 1958 (23 F.R. 840), concerning investment contracts for the acquisition, sale or servicing of mortgages or deeds of trust. We quoted in that Release from our opinion in In re National Resources Corporation, 8 S.E.C. 635, 637 that "• • • transactions which in form appear to involve nothing more than the sale of real estate, chattels, or services have been held to be investment contracts where in substance they involve the laying out of money by the investor on the assumption and expectation that the investment will return a profit without any active effort on his part, but rather as the result of the efforts of someone else."

Furthermore, it is to be borne in mind that the antifraud provisions of section 17(a) of the Securities Act of 1933 and Rules 10b-5 and 15c1-2 under the Securities Exchange Act of 1934 (§§ 240.10b-5 and 240.15c1-2 of this chapter) are applicable to the offer or sale of such investment contracts and to all advertisements, literature, statements and representations used in connection therewith.

Finally, it appears that programs of the type discussed herein may result in the creation of an investment company as defined in the Investment Company Act of 1940. Accordingly, the requirements of that Act, including particularly sections 7, 26 and 27 thereof, should be considered by the sponsors of these plans.

Accordingly, persons engaged in these activities should take steps to conform with all applicable requirements.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

MAY 22, 1962.

[F.R. Doc. 62-5361; Filed, June 1, 1962; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55629]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

PART 12—SPECIAL CLASSES OF MERCHANDISE

Additional Information Required With Invoices of Certain Imported Merchandise and Invoice for Tea

It has been decided to place all requirements for additional invoicing information in the Customs regulations for the convenience of interested parties. Some of these requirements are presently included in the regulations. Others are incorporated in § 8.13(h) by reference to the Treasury decisions containing the requirements for additional information. The additional information required remains the same but where procedures affecting the method or form of presentation of such information have changed or requirements have been modified since the Treasury decision announcing the requirements, such changes are incorporated.

To include the existing requirements for additional information on or with invoices which requirements are not now set forth in the regulations but are referred to by Treasury decision number in § 8.13(h) of the regulations, and to delete reference to additional information required for manufactures of cotton, § 8.13(h) of the Customs regulations is amended to read as follows:

(h) Under section 481(a)(10) of the tariff act, additional information shall be furnished on or with special customs or commercial invoices for the following classes of merchandise in accordance with the requirements indicated for each class:

Aluminum and alloys containing aluminum provided for in paragraphs 302(j) and 374, Tariff Act of 1930, except the coils, plates, sheets, bars, rods, circles, disks, blanks, strips, rectangles, and squares specified in paragraph 374 (T.D. 53092)—(1) Statement of the percentages by weight of any metallic element used as an alloy in the articles.

Beads (T.D. 50088)—(1) The length of the string, if strung; (2) the size of the beads expressed in millimeters; (3) the color of the beads; (4) whether the beads are opaque or transparent; (5) in the case of imitation pearl beads, the number of coats of essence used and the country of manufacture and quality of the essence.

Boots, shoes, or other footwear (including athletic or sporting boots and shoes), wholly or in part of leather (T.D. 51029)—(1) Statement whether or not the articles were sewed or stitched by the process or method known as McKay.

Braids, plaits, laces, and willow sheets or squares, in chief value of straw, chip, paper, grass, palm leaf, willow, osier, rattan, real horsehair, cuba bark, or manila hemp, and braids and plaits in chief value of ramie, all the foregoing, covered by item 1504(a), Swiss trade agreement (T.D. 48093), suitable for making or ornamenting hats, bonnets, or hoods, and containing a substantial part of rayon or other synthetic textile (but not in chief value thereof) (T.D. 49501, 52020, 52114)—(1) Statement showing the gross weight of each package and net weight per piece of each different pattern contained in each package; (2) if not containing a substantial part of rayon or other synthetic textile, a statement for each type of article whether the article is colored, dyed, or stained, and if not colored, dyed, or stained, a description of any materials or processes which removed or otherwise affected the natural color of the article or of the material from which it was made, or a statement that no such material or process has been applied.

Braids covered by the first item 1529(a), Swiss trade agreement (T.D. 48093) (including braids or bandings made wholly or in part of braids, but not including materials or articles provided for in paragraph 1504, Tariff Act of 1930), suitable for making or ornamenting hats, bonnets, or hoods, loom woven and ornamented in the process of weaving, or made by hand, or on a lace, knitting, or braiding machine, composed wholly or in chief value of rayon or other synthetic textile, or of yarn, threads or filaments other than cotton, valued at more than $1 per pound (T.D. 49501, 52020)—(1) Statement showing the gross weight of each package and net weight per piece of each different pattern contained in each package.

Church bells (T.D. 42177)—(1) Weight of each bell; (2) diameter of each bell; (3) value of each bell.

Copper, articles dutiable under the Tariff Act of 1930 and containing 4 per centum or more by weight of (including copper in alloy), except articles provided for in paragraphs 316, 380, 381, or 387, of such act (T.D. 45878, 50158)—(1) Statement of percentage of copper content by weight for each type of article or in the alternative whichever of the following statments is applicable; (a) "For the purpose of the assessment of tax under I.R.C., sec. 4541, it is conceded that copper is the component material of chief value in the articles covered by this invoice,"; (b) "Copper is not the component material of chief value of the articles covered by this invoice but for the purpose of assessment of tax under I.R.C., sec. 4541, it is conceded that they contain four per centum or more of copper by weight,"; (c) If the statement given as required by (a) or (b) applies only to part of the articles covered by the invoice, the articles to which either statement applies should be specified; (2) statement of total weight of each type of article and of the weight of the copper contained therein.

Copper-bearing ores and concentrates and other articles taxable under I.R.C., section 4541 (T.D. 45878, 50158)—(1) Statement as to the weight of the article and the weight of the copper content.

Cotton fabrics classifiable under paragraphs 903, 904, 905, 918, or 924, Tariff Act of 1930 (T.D. 49803)—(1) Marks on shipping packages; (2) numbers on shipping packages; (3) date of acceptance of the order by the seller; (4) customer's call number, if any; (5) manufacturer's marks, numbers, or symbols under which the merchandise is sold in the home market; (6) exact width of the merchandise; (7) detailed description of the merchandise; trade name, if any; whether bleached, unbleached, printed, dyed, or colored; if composed of cotton and other materials, state chief value first and give percentage (value) of each component; (8) number of single threads per square inch (All ply yarns must be counted in accordance with the number of single threads contained in the yarn; to illustrate, a cloth containing 100 two-ply yarns in one square inch must be reported as 200 single threads); (9) exact weight per square yard, in ounces; (10) average yarn number (use this formula):

$$\frac{\text{Number of single threads per square inch} \times 24}{\text{Number of ounces per square yard} \times 35} = \text{Average yarn number;}$$

(11) yarn size or sizes in the warp; (12) length of staple of the cotton in the warp; (13) yarn size or sizes in the filling; (14) length of the staple of the cotton in the filling; (15) number of colors or kinds (different yarn sizes or materials) in the filling; (16) net weight per square yard of the cotton contained therein having a staple 1⅛ inches or more in length; (17) net weight per square yard of the cotton contained therein having a staple less than 1⅛ inches in length; (18) how the cloth was woven (if on plain loom without attachment, indicate (plain); if with eight or more harnesses (O/8H), if with Jacquard (Jacq), if with Swivel (Swiv), if with Lappet (Lpt)). Customs Form 5519 is acceptable for furnishing the additional information required above.

Cotton raw—See § 13.17 of these regulations for additional information required on invoices.

Cotton waste (T.D. 50044)—(1) The name by which the cotton waste is known, such as "cotton card strips"; "cotton comber waste"; "cotton lap waste"; "cotton sliver waste"; "cotton roving waste"; "cotton fly waste"; etc.; (2) whether the length of the staple of the cotton from which any cotton card strips covered by the invoice were made is less than 1 3/16 inches or is 1 3/16 inches or more; (3) whether the length of the staple of the cotton from which any cotton comber waste covered by the invoice was made is less than 1 3/16 inches or is 1 3/16 inches or more.

Coal-tar colors, dyes, colors, stains, color acids, color bases, color lakes, leuco-compounds, indoxyl and indoxyl compounds (T.D. 53593, 53688)—(1) The specifications set forth in "Schedule A" of § 14.5(n) of these regulations are required to be furnished with each invoice of these products on separate sheets of paper under the conditions which follow and with the exceptions noted:

(a) The information is not required for second and successive shipments to the same port of identical merchandise of the same name and strength if a reference to the date of the first shipment is given.

(b) The information specified in items 10 through 15 is required only when the Schultz number, item 7, the colour index number, item 8, and U.S. standard number, item 9, are not given.

(c) The following is substituted for items 4 and 5:

4. Name(s) under which sold in country of production.

5. Name(s) of comparable American made product with name of U.S. manufacturer (if none or unknown, so state).

Earthenware or crockeryware composed of a nonvitrified absorbent body (including white granite and semiporcelain earthenware and cream-colored ware, stoneware, and terra cotta, but not including common brown, gray, red, or yellow earthenware), embossed or plain; common salt-glazed stoneware; stoneware or earthenware crucibles; Rockingham earthenware; china, porcelain, or other vitrified wares, composed of a vitrified nonabsorbent body which, when broken, shows a vitrified, vitreous, semivitrified, or semivitreous fracture; and bisque or parian wares (T.D. 53236)—(1) If in sets, the kinds of articles composing each kind of set, and the quantity of each kind of article in each set in the shipment; (2) the exact maximum diameter, expressed in inches, of each size of all plates in the shipment; (3) the unit value for each style and size of plate, cup, saucer, or other separate piece in the shipment.

Fish or fish livers imported in airtight containers (T.D. 50724, 49640)—(1) Statement whether the articles contain an oil, fat, or grease which has had a separate existence as in oil, fat, or grease; (2) the name and quantity of any such oil, fat, or grease; (3) if the articles are subject to tax under I.R.C., section 4581, the additional information called for under "Oils, or products of such oils, etc.", as listed hereafter in this paragraph is required.

Flax, hemp, and ramie fabrics and articles classifiable under paragraphs 1009, 1010, 1011, 1013, 1014, or 1016, and tablecloths, table scarves, and table doilies classifiable under paragraph 1023, Tariff Act of 1930 (T.D. 50083)—(1) Customer's call number, if any; (2) manufacturer's name and the manufacturer's marks, numbers, or symbols under which the merchandise is sold in the home market; (3) exact width of the merchandise if in the piece, otherwise the size; (4) if composed of cotton and other materials, state chief value first and give percentage (value) of each component. State also the finish of the fabric or article, e.g., "loom state", "bleached", "commercial or vat dyed"; (5) actual number of threads contained in the fabric per square inch, in condition exported. Each thread is counted as one whether or not such thread contains two or more single strands of yarn twisted to make a complete thread. To illustrate, a cloth containing 100 two-ply yarns per square inch must be reported as 100 threads; (6) exact weight per square yard, in ounces; (7) whether "hand hemmed," "machine hemmed," "unhemmed," or "in piece." Customs Form 5521 is acceptable for furnishing the additional information required above.

Fur products and furs (T.D. 53064)—(1) Name or names (as set forth in the Fur Products Name Guide (16 CFR 301.0) of the animal or animals that produced the fur, and such qualifying statements as may be required pursuant to section 7(c) of the Fur Products Labeling Act (15 U.S.C. 69e(c)); (2) a statement that the fur product contains or is composed of used fur, when such is the fact; (3) a statement that the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact; (4) a statement that the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact; (5) name

and address of the manufacturer of the fur product; (6) name of the country of origin of the furs or those contained in the fur product.

Glass mirrors framed, measuring over 144 square inches in size (T.D. 53231)—(1) Statement of the separate values of the frames; (2) statement of the values and measurements of the glass in the framed mirrors.

Glassware commercially known as plated or cased glass, and articles of every description, not specially provided for, composed wholly or in chief value of glass, blown or partly blown in the mold or otherwise, or colored, cut, engraved, etched, frosted gilded, ground (except such grinding as is necessary for fitting stoppers or for purposes other than ornamentation), painted, printed in any manner, sandblasted, silvered, stained, or decorated or ornamented in any manner; all the foregoing when imported in sets (T.D. 53079)—(1) Statement of the separate value of each component article in the set.

Grain or grain and screenings (T.D. 51284)—(1) Statement on customs invoices for cultivated grain or grain and screenings that no screenings are included with the grain, or, if there are screenings included, the percentage of the shipment which consists of screenings commingled with the principal grain.

Hats, bonnets, and hoods provided for in paragraph 1504(b) (1) or (2), Tariff Act of 1930 (T.D. 52114)—(1) Statement whether the article is colored, dyed, or stained, and, if not colored, dyed, or stained, a description of any materials or processes which removed or otherwise affected the natural color of the article or of the material from which it was made, or a statement that no such material or process has been applied.

Iron or steel, articles of, provided for in any paragraph enumerated in paragraph 305 of the Tariff Act of 1930 (T.D. 53092)—(1) Statement of the percentages by weight of any metallic element used as an alloy in the articles.

Iron oxide (T.D. 49989, 50107)—For iron oxide to which a reduced rate of duty is applicable, (1) Statement of the method of preparation of the oxide, together with the patent number, if any.

Jewelry (T.D. 51676)—(1) Design or motif; (2) component material of chief value; (3) whether or not the metal in the article is plated with platinum, gold, or silver, or is colored with gold lacquer.

Lumber (including sawed timber) planed or dressed on one or more sides (T.D. 50498, 51906)—(1) Quantity in board feet of the rough lumber before dressing; (2) sizes of the lumber in the rough before dressing.

Lumber, Northern white pine (pinus strobus), Norway pine (pinus resinosa), Western white spruce, and Englemann spruce for which exemption is claimed under I.R.C., section 4553, from the import tax prescribed by I.R.C., section 4551 (T.D. 49643 (8), 51906, 52620, 53846)—(1) For Northern white pine or Norway pine, a declaration of the shipper or other person having knowledge of the facts that the species of lumber comprising the shipment is Northern white pine (pinus strobus) or Norway pine (pinus resinosa); (2) for Western white spruce or Englemann spruce, a declaration conforming to § 10.109(a) of these regulations is required.

Machine parts (T.D. 51616)—(1) Statement specifying the kind of machine for which the parts are intended, or if this is not known to the shipper, the kind or kinds of machines for which the parts are suitable.

Madeira embroideries (T.D. 49988)—(1) With respect to the materials used, furnish: (a) Country of production; (b) width of the material in the piece; (c) name of the manufacturer; (d) kind of material, indicating manufacturer's quality number; (e) landed cost of the material used in each item; (f) date of the order; (g) date of the invoice; (h) invoice unit value in the currency of the purchase; (i) discount from purchase price allowed, if any; (2) with respect to the finished embroidered articles, furnish: (a) Manufacturer's name, design number, and quality number; (b) importer's design number, if any; (c) finished size; (d) number of embroidery points per unit of quantity; (e) for each item, the cost of embroidery labor and the cost of sewing, if any, per unit of quantity; (f) total for overhead and profit added in arriving at the price or value of the merchandise covered by the invoice.

Matting, articles made from (other than pile mats and pile floor coverings) wholly or in chief value of cocoa fiber or rattan (T.D. 49858)—(1) Statement of whether such articles were cut from continuous rolls of matting or were cut from rolls having threads omitted in the weft in the process of weaving, thereby forming a line of demarcation to indicate the length of the individual articles.

Metal, articles wholly or in chief value of, provided for under paragraph 339 or 397, Tariff Act of 1930, as modified (T.D. 49901)—(1) Name of the metal which is in chief value, (2) whether or not the article is plated; (3) if the article is plated, the name of the metal or metals with which the article is plated and the name of the metal or metals upon which the plating is plated.

Needlework tapestries composed of cotton canvas embroidered with wool yarn (T.D. 50369)—(1) Statement of the separate cost of the cotton canvas and of the wool yarn used.

Newsreel films (T.D. 44703, 44938)—(1) Statement of footage and title of each subject; (2) declaration of shipper, cameraman or other person with knowledge of the facts identifying the films with the invoice and stating that the basic films are to the best of his knowledge and belief, the manufacture of the United States, exposed abroad, and returned for use as newsreel; (3) declaration of importer that he believes the films entered by him are the ones covered by the preceding declaration and that the films are intended for use as newsreel.

Oils, or products of such oils, upon which an import tax is imposed by I.R.C., sections 4561, 4571, 4581, unless exempted from such tax by sections 4562, 4572, 4582 (T.D. 49640)—Statement of identity of the taxable article, merchandise, or combination, the name of the oils or products from which each taxable ingredient present is derived, and the percentage by weight which each ingredient present in the imported article bears to the total weight of the article imported.

NOTE: The following oils or products of oils are involved: Whale oil (except sperm oil), fish oil (except cod oil, cod-liver oil, and halibut liver oil), marine animal oil, tallow, inedible animal oils, inedible animal fats, inedible animal greases, sesame oil provided for in paragraph 1732 of the Tariff Act of 1930, sunflower oil, rapeseed oil, kapok oil, hempseed oil, perilla oil, fatty acids derived from any of the foregoing or from linseed oil, and salts of any of the foregoing (all of the foregoing whether or not refined, sulphonated, sulphated, hydrogenated, or otherwise processed); and any article, merchandise, or combination (except coconut oil, palm oil, palm-kernel oil), 10 percent or more of the quantity by weight of which consists of, or is derived directly or indirectly from, one or more of the foregoing oils or products of oils, and coconut oil, palm oil, palm-kernel oil, fatty acids derived therefrom, and salts thereof (whether or not such coconut, palm, palm-kernel oil, fatty acids or salts have been refined, sulphonated, sulphated, hydrogenated, or otherwise processed). While any oils and products thereof are exempted from tax by law, they are excepted from this statement requirement.

Paper and paper products (other than books, newspapers and periodicals which are not fashion periodicals) bearing printing of any kind, whether or not the printing was done by a lithographic process (T.D. 53056)—(1) Statement of the process employed in printing the paper or paper products.

Screenings or scalpings of grains or seeds (T.D. 51096)—(1) Whether the commodity is the product of a screening process; (2) if so, whether any cultivated grains have been added to such commodity; (3) if any such grains have been added, the kind and percentage of each.

Sugar in liquid form, and articles composed in part of beet or cane sugar (T.D. 49400)—(1) Statement for each lot of sugar in liquid form showing the percentage by weight of total soluble solids (or Brix) and the percentage by weight of total sugars; (2) statement for each kind or class of articles composed in part of cane or beet sugar showing the percentage by weight of total sugars derived from sugar beets or sugar cane.

Sugar, manufactured, articles containing 10 percent or more by weight of, as defined in I.R.C., section 4502(3) (T.D. 49867, 50106)—(1) If it is conceded that the component material of chief value in an article is manufactured sugar, a statement to that effect should be made on the invoice with a statement of the percentage of total sugars in the finished product; (2) if manufactured sugar is not conceded to be the component material of chief value, the invoice must be accompanied by a statement in the following form containing the data indicated therein in accordance with the appended instructions:

UNITED STATES CUSTOMS SERVICE

Information as to commodities containing 10 percent or more by weight of manufactured sugar, as defined in I.R.C., section 4502(3), for use of U.S. customs authorities.

Name of manufacturer _____
Address _____

1. Kind and brand of product shipped to U.S. _____
2. Quantity produced in one manufacturing lot or batch (A) _____
3. Sugar used in producing one lot or batch:

Kind of manufactured sugar	*Quantity (A)*

First cost (B)	*Additional costs (C)*

Total cost (D)

_____
_____
_____

4. Other materials used in producing one lot or batch:

Kind	*Quantity (A)*

First cost (B)	*Additional costs (C)*

Total cost (D)

_____
_____
_____

I certify that the above information is correct.

Signature _____
Title or position _____
Date _____

INSTRUCTIONS FOR COMPILING DATA TO BE SHOWN ON FORM

1. Describe the product in terms used on invoices, giving name, brand, quality, number, etc. Use a separate form for each kind.

2. Show quantity produced in one typical batch or lot, recently manufactured, as to which cost records have been maintained.

3. Manufactured sugar is defined in section 4502(3) of the Internal Revenue Code as follows: The term "manufactured sugar" means any sugar derived from sugar beets or sugar cane, which is not to be, and, which shall not be, further refined or otherwise improved in quality; except sugar in liquid form which contains nonsugar solids (excluding any foreign substance that may have been added or developed in the product) equal to more than 6 per centum of the total soluble solids and except also sirup of cane juice produced from sugar cane grown in continental United States. The grades or types of sugar within the meaning of this definition shall include, but shall not be limited to, granulated sugar, lump sugar, cube sugar, powdered sugar, sugar in the form of blocks, cones, or molded shapes, confectioners' sugar, washed sugar, centrifugal sugar, clarified sugar, turbinado sugar, plantation white sugar, muscovado sugar, refiners' soft sugar, invert sugar, mush, raw sugar, sirups, molasses, and sugar mixtures.

4. It is preferable to show each kind of material used in addition to manufactured sugar. Several materials of relatively insignificant value may be grouped together, such as "Flavoring materials", "Coloring materials", "Seasoning materials", or "All other."

A. Show unit in pounds, as well as total quantity.

B. "First Cost" is the full cost of the material laid down at the manufacturing plant, at current domestic prices, without any deduction for any drawback or refund of import duties which may have been allowed or may be allowable. The amounts of any drawback or refund of import duties which have been allowed or which are allowable by reason of exportation should be stated separately.

C. "Additional costs" include all costs of storing, examining, handling, and preparing, up to the point where the materials are ready to be combined in the manufacturing process. Manufacturing costs and general expenses, occurring thereafter, should not be included, nor should profit.

D. "Total cost" is the total of "First cost" ex factory and "Additional costs."

5. When the additional information outlined above has been furnished once by an importer with an invoice of a recognized brand or brands of merchandise, it need not be furnished again for shipments entered by him for consumption or for warehousing at the same port in the same calendar year under the same brand name, provided the formula or method of manufacture of the brand has not changed. An invoice not accompanied by such additional information should identify the last shipment entered at that port by the importer for which such additional information was furnished. If the additional information was furnished in connection with an entry at one port, and the importer can secure from the collector at such port a certified copy of the invoice and additional information there filed, he may file them to fulfill the additional invoice requirement elsewhere. However, collectors shall not furnish copies of invoices except to, or with the consent of, and at the expense of the importer or his authorized agent.

Textile fiber products (T.D. 55085)—(1) The constituent fiber or combination of fibers in the textile fiber product, designating with equal prominence each natural or manufactured fiber in the textile fiber product by its generic name in the order of predominance by the weight thereof if the weight of such fiber is 5 per centum or more of the total fiber weight of the product; (2) the percentage of each fiber present, by weight, in the total fiber content of the textile fiber product, exclusive of ornamentation not exceeding 5 per centum by weight of the total fiber content; (3) the name, or other identification issued and registered by the Federal Trade Commission, of the manufacturer of the product or one or more persons subject to section 3 of the Textile Fiber Products Identification Act (15 U.S.C. 70a) with respect to such product; (4) the name of the country where processed or manufactured.

Tobacco (including tobacco in its natural state) (T.D. 44854, 45871)—(1) Specify in detail the character of the tobacco in each bale by giving (a) country and province of origin, (b) year of production, (c) grade or grades in each bale, (d) number of carrots or pounds of each grade if more than one grade is packed in a bale, (e) the time when, place where, and from whom purchased, (f) price paid or to be paid for each bale or package, or price for the vega or lot if purchased in bulk, or if obtained otherwise than by purchase state the actual market value per bale; (2) if an invoice covers or includes bales of tobacco which are part of a vega or lot purchased in bulk, the invoice must contain or be accompanied by a full description of the vega or lot purchased; or if such description has been furnished with a previous importation, the date and identity of such shipment; (3) packages or bales containing only filler leaf shall be invoiced as filler; when containing filler and wrapper but not more than 35 percent of wrapper, shall be invoiced as mixed; and when containing more than 35 percent of wrapper, shall be invoiced as wrapper.

Toys (T.D. 49859, 50107, 52160)—For toys to which reduced rates of duty are applicable pursuant to the various trade agreements. (1) Specify the net weight of all figures or images of animate objects wholly or in chief value or metal and the value per pound of such figures or images; (2) specify whether any of the figures or images of animate objects wholly or in chief value of metal has any movable member or part and, if so, whether such figure or image has a spring mechanism; (3) specify the actual over-all height of each stuffed animal figure not having a spring mechanism.

NOTE: When justified by the facts, in lieu of the statements set forth in items (1) and (2), a certificate may be attached to or endorsed on the invoice and shall contain either or both of the following statements, as the case may be: 1. The figures and images of animate objects in this shipment which are in chief value of metal and which have no movable member or part are all valued at 21 cents or more per pound. 2. The figures and images of animate objects in this shipment which are in chief value of metal and which have movable members or parts but do not have any spring mechanism are all valued at 30 cents or more per pound.

Watch movements, and time-keeping, time-measuring, or time-indicating mechanisms, devices, and instruments, having 17 or less jewels, and dutiable under paragraph 367, Tariff Act of 1930, but not including movements designed for clocks and so stated on the invoice unless and until such time as the Commissioner of Customs issues a decision applicable to such movements. (T.D. 54286)—For all commercial shipments of such articles, there shall be required to be shown on the invoice, or on a separate sheet attached to and constituting a part of the invoice, such information as will reflect with respect to each group, class, category, type, or model of instrument in the shipment, the following:

(A) The commercial description (ebauche calibre number and ligne size) and style of each class of watch movement, time-keeping mechanism, device, or instrument covered by the invoice.

(B) The name of the manufacturer or assembler of the exported articles, and also the name of the supplier when the manufacturer or assembler is not the supplier.

(C) In the case of watch movements, the distinguishing marks (symbols) with which the watch movements are marked pursuant to the declaration annexed to the Swiss Trade Agreement.

(D) As to watch movements, time-keeping mechanisms, devices, or instruments, after the complete instruments were first assembled:

	Yes	*No*
(1) Were they tested or observed at different temperatures?	____	____
(2) Were they tested or observed for uniformity in rate as the mainspring runs down?	____	____
(3) Were corrections made to eliminate or reduce the differences in rates revealed by the tests in (1) and (2)?	____	____
(4) Were they tested or observed in more than one position?	____	____
(5) Was there a prescribed limit of 45 seconds or less between positions?	____	____
(6) Was there a prescribed tolerance of 45 seconds or less fast in any one position?	____	____
(7) Were they corrected but marked with a different number of position adjustments than the number of positions (at least two) in which tested or observed?	____	____
(8) Were corrections made, other than moving the regulator arm, which affected the rate of time-keeping in any position?	____	____
(9) Were corrections made which resulted in eliminating or reducing the differences between the rates in various positions (as revealed in the tests) to a prescribed limit of 45 seconds or less?	____	____
(10) Were corrections made which altered the difference between the rates in various positions where there was a prescribed tolerance not exceeding 45 seconds fast for one or more positions?	____	____

(E) If the answers are "yes" to questions (3), (7), (9) or (10) under (D) immediately above, and the instruments are marked unadjusted, or are marked with a lesser number of position adjustments than the number of positions in which tested, describe in detail the corrections made.

However, when the foregoing information has been filed once directly with the Bureau of Customs, Washington 25, D.C., in quadruplicate with one additional copy for each port of entry at which entries may be filed, invoices covering shipments of that item to

the ports named in the original statement or in subsequent statements filed for additional ports need only identify the item and the statement already filed. This information will then be acceptable until the facts about the item change, at which time a new statement is necessary.

Wool products, except carpets, rugs, mats, and upholsteries, and wool products made more than 20 years before importation (T.D. 50388, 51019)—(1) The percentage of the total fiber weight of the wool product, exclusive of ornamentation not exceeding 5 per centum of said total fiber weight, of (a) wool; (b) reprocessed wool; (c) reused wool; (d) each fiber other than wool if said percentage by weight of such fiber is 5 per centum or more; and (e) the aggregate of all other fibers; (2) the maximum percentage of the total weight of the wool product, of any nonfibrous loading, filling, or adulterating matter; and (3) the name of the manufacturer of the wool product, except when such product consists of mixed wastes, residues, and similar merchandise obtained from several suppliers or unknown sources.

Wool and hair—See section 13.12 of these regulations for additional information required on invoices.

(Secs. 481, 484, 624, 46 Stat. 719, 722, as amended, 759; 19 U.S.C. 1481, 1484, 1624)

Paragraph (e) of § 12.33 is amended by deleting the words "special customs" so that it will read:

(e) If the invoice has not been received, the importer may use an additional copy of the chop list and release permit required by the regulations of the Department of Health, Education, and Welfare as a pro forma invoice, marking "Pro forma invoice" across the face thereof.

(Secs. 484, 624, 46 Stat. 722, as amended, 759; 19 U.S.C. 1484, 1624)

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: May 25, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-5377; Filed, June 1, 1962; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

MOUNT McKINLEY NATIONAL PARK, ALASKA

Motorboats

Notice is hereby given that pursuant to the authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), Departmental Order 2640 (16 F.R. 5846), National Park Service Order No. 14 (19 F.R. 8824), Regional Director, Region Four, Order No. 3 (21 F.R. 1495), as amended, it is proposed to amend Title 36 CFR 7.44 as set forth below. The purpose of this amendment is to prohibit the use of motorboats on any of the ponds, lakes, and streams in Mount McKinley National Park.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Superintendent, Mount McKinley National Park, Alaska, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Paragraph (f) is added to § 7.44 to read as follows:

§ 7.44 **Mount McKinley National Park, Alaska.**

• • • • •

(f) *Motorboats.* Motorboats are prohibited on all the ponds, lakes, and streams of Mount McKinley National Park.

SAMUEL A. KING,
Superintendent,
Mount McKinley National Park.

[F.R. Doc. 62-5356; Filed, June 1, 1962; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Parts 16, 17, 18]

MARKING, BRANDING AND IDENTIFYING MEAT, MEAT BY-PRODUCTS AND MEAT FOOD PRODUCTS; LABELING; REINSPECTION AND PREPARATION OF PRODUCTS

Notice of Proposed Rule Making

Notice is hereby given in accordance with section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003(a)) that the Department of Agriculture is considering amending §§ 16.13, 17.8 and 18.7 of the Federal Meat Inspection Regulations (9 CFR 16.13, 17.8 and 18.7) pursuant to the authority conferred by the Meat Inspection Act, as amended (21 U.S.C. 71-96), and section 306 of the Tariff Act of 1930, as amended (19 U.S.C. 1306), as follows:

1. Section 16.13(e) would be amended by designating the present text as subparagraph (1) and adding a new subparagraph (2) to read:

(2) When an approved imitation smoke flavoring or an approved smoke flavoring is added to meat-food products in casings, as permitted in Part 18 of this subchapter, the product shall be legibly and conspicuously marked in an approved manner to show the statement "Unsmoked" and the statement "Imitation Smoke Flavoring Added" or "Smoke Flavoring Added", whichever may be applicable.

2. A new subparagraph (58) would be added to § 17.8(c) to read:

(58) When an approved imitation smoke flavoring or an approved smoke flavoring is added to meat food products as permitted in Part 18 of this subchapter, the word "Unsmoked" shall immediately precede the product name in the same size and style of lettering as in that product name, and there shall appear on the label in a prominent manner contiguous to the product name the statement "Imitation Smoke Flavoring Added" or "Smoke Flavoring Added" as may be applicable.

3. Section 18.7 would be amended by adding thereto new paragraphs (u) and (v) to read respectively as follows:

(u) With appropriate declarations as required by Parts 16 and 17 of this subchapter, approved imitation smoke flavoring in an approved solvent or on an approved carrier may be used in the preparation of meat food products which are of kinds not usually processed by exposure to smoke generated in the burning of hardwood or hardwood sawdust, and which were not in fact so processed.

(v) With appropriate declarations as required by Parts 16 and 17 of this subchapter, approved smoke flavoring produced by the controlled burning of hardwood and absorption of the smoke in an approved solvent under controlled conditions may be used in the preparation of meat food products which are of kinds not usually processed by exposure to smoke generated in the burning of hardwood or hardwood sawdust, and which were not in fact so processed.

The proposed amendments would permit the use of approved imitation smoke flavoring or approved smoke flavoring in the preparation of meat food products which are of kinds not usually processed by exposure to smoke generated in the burning of hardwood or hardwood sawdust, and which were not in fact so processed, and would provide marking and labeling requirements to prevent any deceptive practice when such flavorings are used. The imitation smoke flavoring consists of certain smoke fractions and natural flavoring substances. The smoke flavoring is produced by the controlled burning of hardwood and the absorption of the smoke in an approved solvent under controlled conditions. If the amendments are adopted, the safety of all such flavorings proposed for use in meat food products would be determined before approval would be given for such use.

Any person who wishes to submit written data, views or arguments concerning the proposed amendments may do so by filing them with the Director, Meat Inspection Division, Agricultural Research Service, U.S. Department of Agriculture, Washington 25, D.C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of May 1962.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62-5397; Filed, June 1, 1962; 8:49 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Parts 1003, 1016]

[Docket Nos. AO-293-A6, AO-312-A3]

MILK IN WASHINGTON, D.C., AND UPPER CHESAPEAKE BAY MARKETING AREAS

Notice of Joint Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a joint public hearing to be held at the Southern Hotel, Light and Redwood Streets, Baltimore, Maryland, begining at 10:00 a.m., e.d.s.t., on June 11, 1962, and to be continued at the Marriott Key Bridge Motor Hotel, Georgetown Room (West), Arlington, Virginia, beginning at 10:00 a.m., e.d.s.t., on June 13, 1962, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Washington, D.C., and Upper Chesapeake Bay marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposals to amend Order No. 3 regulating the handling of milk in the Washington, D.C., marketing area:

Proposed by the Maryland and Virginia Milk Producers Association, Inc.:

Proposal No. 1. In § 1003.9, revise paragraph (a)(1) to read as follows:

§ 1003.9 Pool plant.

• • • • • •

(a) • • •

(1) During any month within which a volume of milk not less than 10 percent of its receipts of milk from dairy farmers approved by a duly constituted health authority for fluid disposition is disposed of on routes as Class I milk in the marketing area: *Provided*, That the total quantity of Class I milk disposed of from such plant (inside and outside the marketing area) is equal to not less than 50 percent of such plant's total receipts from such dairy farmers: *And provided further*, That any such plant which was a nonpool plant during any of the months of October through February shall not be a pool plant in any of the immediately following months of March through September in which it was owned by the same handler or affiliate of the handler or by any person who controls, or is controlled by, the handler; or

Proposal No. 2. In that portion of the introductory text of § 1003.15 *Producer*, preceding the first proviso, delete the parenthetical portion which reads "(except a plant fully subject to the pricing provisions of another Federal order)".

Proposal No. 3. Revise § 1003.10 by adding a paragraph (c) to read as follows:

§ 1003.10 Handler.

• • • • •

(c) A cooperative association with respect to the milk of its producer members which is delivered from the farm to the pool plant of another handler for the account of the cooperative association provided the cooperative association has notified in writing the market administrator and the handler to whom the milk is delivered that it elects to be the handler for such milk.

Proposal No. 4. In § 1003.41 *Classes of utilization*, delete paragraph (b)(5) and substitute therefor provisions equivalent to those under § 1016.41(b)(5) of Federal Order No. 16 regulating the handling of milk in the Upper Chesapeake Bay (Maryland) marketing area.

Proposal No. 5. Revise § 1003.42 to read as follows:

§ 1003.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat respectively, for each handler; and

(b) Allocate the resulting amounts pro rata to skim milk and butterfat, respectively, in (1) producer milk, and receipts from a cooperative association in its capacity as a handler, and (2) other source receipts.

Proposed by the Queen City Cooperative Dairy, Inc.:

Proposal No. 6. Establish a maximum rate of shrinkage of 2 percent to be divided between the receiving and processing handlers, in the same manner as under the shrinkage provisions of Order No. 16, regulating the handling of milk in the Upper Chesapeake Bay marketing area.

Proposed by Maryland and Virginia Milk Producers Association, Inc.:

Proposal No. 7. Revise § 1003.41 *Classes of utilization*, as necessary to align the classification of cream between Federal Order No. 3, and Federal Order No. 16 regulating the handling of milk in the Upper Chesapeake Bay (Maryland) marketing area.

Proposed by Sealtest Foods, Eastern Division, Washington District, National Dairy Products Corporation:

Proposal No. 8. Amend § 1003.46 *Allocation of skim milk and butterfat classified*, according to alternative proposals "(a)" or "(b)", as follows:

(a) To provide that a reserve of 3 percent of producer milk be allocated to Class II before milk priced as Class I under another order is allocated to Class II use; or

(b) To provide a limited assignment to Class I of bulk milk obtained from handlers regulated under other Federal orders, provided the handler requesting such assignment proves to the market administrator that the producers who constitute the handler's regular source of supply were unable to meet the handler's requirements due to emergency conditions.

Proposed by the Maryland and Virginia Milk Producers Association, Inc., and the Queen City Cooperative Dairy, Inc.:

Proposal No. 9. Consider appropriate levels for Class I prices under Order No. 3 regulating the handling of milk in the Washington, D.C., marketing area.

Proposed by the Maryland and Virginia Milk Producers Association, Inc.:

Proposal No. 10. Revise § 1003.63 *Computation of base for each producer*, as follows:

(a) Delete that portion of § 1003.63(a) which reads "by the number of days beginning with the first day of receipt and through December 31", and substitute the words "by the number of days of such producer's receipt in such period".

(b) In § 1003.63 change the semicolon to a colon at the end of paragraph (a) and add a proviso to read as follows: "*Provided*, That in the case of a producer on every other day delivery, a day of nondelivery just preceding a day of delivery shall be considered as a day of delivery."

(c) Make such other changes in § 1003.63 (b), (c) and (d) as needed to be consistent with the above change.

Proposed by the Queen City Cooperative Dairy, Inc.:

Proposal No. 11. In § 1003.63 *Computation of base for each producer*, revise paragraphs (a), (b), (c) and (d) by adding the words "of receipt" at the end of the phrase "by the number of days" wherever it occurs; and by deleting the phrase "beginning with the first day of receipt (or 'such receipt') and through December 31", wherever it occurs.

Proposals to amend Order No. 16 regulating the handling of milk in the Upper Chesapeake Bay Marketing area:

Proposed by Maryland Cooperative Milk Producers, Inc.:

Proposal No. 12. In § 1016.1(c) correct the designation "Maryland State Highway 507" to read "Stoakley Road".

Proposal No. 13. Revise subparagraphs (2) and (3) of § 1016.2(e) to read as follows:

§ 1016.2 Definitions of persons.

• • • • •

(e) "Producer" • • •

(2) Diverted to a nonpool plant(s) during any of the months of October through February as the milk of a member of a cooperative association the total milk of whose members is not more than 15 percent so diverted by the cooperative association and other handlers during the month; or

(3) Diverted to a nonpool plant(s) during any of the months of October through February by a handler in his capacity as an operator of a pool plant from which not more than 15 percent during each month October–February of the producer milk there received by such a handler is so diverted: *Provided*, That before any diversion is made of milk of a member of a cooperative association pursuant to this paragraph the handler shall notify the cooperative association: *And provided further*, That diversions by such handler shall be ascribed first to nonmember producer milk.

Proposed by Capitol Milk Producers Association, Inc.:

Proposal No. 14. Revise "§ 1016.4(a)" to read as follows:

§ 1016.4 Definitions of milk and milk products.

(a) "Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), concentrated milk, and (except eggnog, milk shake mix, ice cream mix, evaporated and plain or sweetened condensed milk or skim milk and sterilized products in hermetically sealed containers) any mixture in fluid form of cream and milk or skim milk disposed of for consumption in fluid form.

Proposed by Sealtest Foods, Eastern Division, Baltimore District, National Dairy Products Corporation:

Proposal No. 15. Revise § 1016.40 to read as follows:

§ 1016.40 Skim milk and butterfat to be classified.

The skim milk and butterfat to be reported by each handler pursuant to § 1016.30 shall be classified each month by the market administrator pursuant to the provisions of §§ 1016.41 through 1016.46. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat product plus all water originally associated with such solids.

Proposal No. 16. In § 1016.41 revise the introductory text of paragraph (a) to read as follows:

§ 1016.41 Classes of utilization.

• • • • • •

(a) *Class I milk.* Class I milk shall be all skim milk (including that used to produce concentrated milk and reconstituted or fortified skim milk, except that any products which have been fortified by the addition of nonfat milk solids shall be Class I milk in an amount equal only to the weight of any equal volume of milk, skim milk or cream of the same butterfat content) and butterfat:

(1) • • •

Proposed by Maryland Cooperative Milk Producers, Inc.:

Proposal No. 17. Revise § 1016.31 by adding a new paragraph (e) as follows:

§ 1016.31 Other reports.

• • • • • •

(e) Each pool handler shall notify the market administrator not more than 24 hours after an in transit accident involving loss of producer milk stating the pounds lost subject to verification by the market administrator of claimed loss.

Proposal No. 18. Revise § 1016.41 by adding paragraph (b)(8) to read as follows:

§ 1016.41 Classes of utilization.

• • • • • •

(b) • • •

(8) Milk lost in transit as a result of accident if the conditions of § 1016.31 (e) are met by the handler.

Proposed by Green Spring Dairy:

Proposal No. 19. Revise § 1016.41 to permit Class II classification of both the butterfat and skim milk portion of "unusable returns" disposed of by dumping.

Proposal No. 20. Revise § 1016.41 to allow Class II classification of plant loss of milk received from cooperative associations in amount up to 2 percent of such receipts.

Proposed by Sealtest Foods, Eastern Division, Baltimore District, National Dairy Products Corporation:

Proposal No. 21. Amend § 1016.46 *Allocation of skim milk and butterfat classified*, according to alternative proposal "(a)" or "(b)" as follows:

(a) To provide that a reserve of 3 percent of producer milk be allocated to Class II before milk priced as Class I under another order is allocated to Class II use; or

(b) To provide a limited assignment to Class I of bulk milk obtained from handlers regulated under other Federal orders, provided the handler requesting such assignment proves to the market administrator that the producers who constitute the handler's regular source of supply were unable to meet the handler's requirements due to emergency conditions.

Proposed by Maryland Cooperative Milk Producers, Inc.:

Proposal No. 21A. Revise § 1016.46(a)(7) and (8) to read as follows:

§ 1016.46 Allocation of skim milk and butterfat classified.

• • • • • •

(a) • • •

(7) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(8) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from pool plants or from a cooperative association in its capacity as a handler pursuant to § 1016.2(g)(4) according to classification determined pursuant to § 1016.44 (a).

Proposal No. 22. Consider appropriate levels for Class I prices under Order No. 16 regulating the handling of milk in the Upper Chesapeake Bay marketing area.

Proposal No. 23. Revise paragraphs (d) and (e) of § 1016.4 to read as follows:

§ 1016.4 Definitions of milk and milk products.

• • • • • •

(d) "Base milk" means milk received from a producer by a pool handler during any of the months of February through January which is not in excess of such producer's daily base multiplied by the number of days in such month on which such producer milk was so received: *Provided*, That with respect to any producer on every other day delivery the day of nondelivery prior to day of delivery even though it shall be in the preceding month shall be considered as a day of delivery for the purpose of this paragraph and of § 1016.63.

(e) "Excess milk" means milk received during any month by a pool handler from a producer which is in excess of base milk received from such producer during such month.

Proposal No. 24. In § 1016.22 revise paragraph (j)(2), and the introductory text of paragraph (l) to read as follows:

§ 1016.22 Duties.

• • • • • •

(j) • • •

(2) The 11th day of each month, the base and excess prices computed pursuant to § 1016.71 and the producer butterfat differential computed pursuant to § 1016.81, all for the preceding month; and

• • • • • •

(l) On or before February 15th of each year notify:

(1) • • •

Proposal No. 25. Delete all of § 1016.63 and substitute therefor the following:

§ 1016.63 Computation of base for each producer.

For each of the months February through January, the market administrator shall compute, subject to the rules set forth in § 1016.64, a base for each producer described in paragraphs (b) through (e) of this section by dividing the applicable quantity of milk receipts specified in such paragraphs by the number of days in the July–December period beginning with the first day of receipt (including the day prior thereto for producers on every other day pick up whose milk was received by a pool handler on July 1st) at the plants specified in such paragraphs and continuing through December 31, but not less than 153 days nor more than 185 days: *Provided*, That any dairy farmer who failed to deliver milk to a pool plant on at least 153 days may, upon written notice to the market administrator not later than January 20th, relinquish his base and be allocated a base computed pursuant to paragraph (a) of this section.

(a) The base milk for any producer who has not established a base, including any producer for whom a base may not be computed for lack of adequate information covering such producer deliveries to a plant in the July–December period, or who elects to relinquish his base shall be a quantity computed by multiplying his deliveries to a handler(s) during the month by the appropriate monthly percentage as follows:

February	75	August	75
March	50	September	80
April	0	October	80
May	0	November	80
June	50	December	80
July	75	January	75

(b) For any producer, except as provided in paragraphs (c), (d) and (e) of this section, the quantity of milk receipts shall be the total pounds of producer milk received by all pool handlers from such producer during the preceding months of July through December;

(c) For any producer whose milk was received during the preceding months of July through December at a plant which became a pool plant after the beginning of such base-earning period, the quantity of milk receipts shall be the total pounds of milk received from such dairy farmer during such July–December period by pool handlers as producer milk or at the plant as a nonpool plant;

(d) For any producer who during the three base-earning months July 1–September 30 transferred his producer milk deliveries from a pool plant under Federal milk Order No. 3 to a pool handler under Federal Order No. 16 and was a producer under Order No. 16 during all of each of the three remaining base-earning months of October, November and December, the quantity of milk receipts shall be the total pounds of milk received from such farmers during the period July–December by pool handlers under both orders: *Provided, however*, That days of nondelivery arising from suspension by the appropriate health authority shall not disqualify milk delivered to a pool plant during the October–December producer's period from inclusion in such producers base computation;

(e) For any producer not described in paragraphs (c) or (d) of this section but whose milk was received by a handler as producer milk during the months of September, October, November and December of the preceding year at a pool plant at which receipt of his milk in the immediately preceding months of July and August would have qualified or did qualify him as a "dairy farmer

for other markets", the quantity of milk receipts shall be the total pounds of milk received from such producer by pool handlers during such months of July through December and verified receipts at the nonpool plant of the handler, affiliate of the handler, or any person who controls or is controlled by the handler during such months of July through September.

Proposal No. 26. Revise paragraphs (a) and (c) of § 1016.64 to read as follows:

§ 1016.64 Base rule.

• • • • •

(a) A base computed pursuant to § 1016.63 may be transferred in its entirety upon written notice to the market administrator on or before the tenth day of the month following the month of transfer, but only if a producer sells, leases or otherwise conveys to the transferee not less than 60 percent of cows contributing to the establishment of the base and it is established to the satisfaction of the market administrator that the conveyance of the herd was bona fide and not made for the purpose of evading any provision of this part: *Provided*, That the disposal at one or more public auctions of 40 percent of the animals in the milking herd shall preclude any transfer of base.

• • • • •

(c) Only one base shall be allotted with respect to milk produced by one or more persons where the herd, land, buildings and equipment used are jointly owned or operated: *Provided*, That if a base is established jointly before the end of the base-making period a copy of the partnership agreement, setting forth as a percentage of the total the interests of the partners in the base, is filed with the market administrator, then upon termination of the partnership agreement each partner will be entitled to the stated share of the base to hold in his own right or to transfer as provided in § 1016.64(a).

Proposal No. 27. Delete § 1016.71 and § 1016.72 and substitute therefor a new § 1016.71 to read as follows:

§ 1016.71 Computation of uniform prices for base milk and excess milk.

For each of the months of February through January the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk received from producers, each of 3.5 percent butterfat content, f.o.b. market, as follows:

(a) Compute the aggregate value of excess milk for all handlers who made reports prescribed in § 1016.30(a) for the month, and who were not in default of payments pursuant to § 1016.84 for the preceding month, as follows: (1) Multiply the hundredweight quantity of such milk which does not exceed the total quantity of producer milk received by such handlers assigned to Class II milk by the Class II milk price; (2) multiply the remaining hundredweight quantity of excess milk by the Class I milk price; and (3) add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk and round to the nearest cent. The resulting figure shall be the uniform price for excess milk;

(c) Subtract the total value of excess milk, determined by multiplying the uniform price obtained in paragraph (b) of this section by the hundredweight of excess milk, from the total value of producer milk for the month as determined as follows: (1) Combine into one total the net obligations computed pursuant to § 1016.70 for all handlers who made reports prescribed in § 1016.30(a) for the month and who were not in default of payments pursuant to § 1016.84 for the preceding month; (2) subtract, if the weighted average butterfat content of producer milk in paragraph (a) is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the producer butterfat differential computed pursuant to § 1016.81 and multiply the resulting figure by the total hundredweight of such milk; (3) add an amount equal to the sum of deductions to be made from producer payments for location differentials pursuant to § 1016.82; and (4) add an amount equal to not less than one-half of the unobligated balance on hand in the producer settlement fund;

(d) Divide the amount calculated pursuant to paragraph (c) of this section by the total hundredweight of base milk for handlers included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk.

Proposal No. 28. In § 1016.80 revise the introductory text of paragraph (a) to read as follows:

§ 1016.80 Time and method of payment.

(a) Except as provided in paragraph (b) of this section each pool handler on or before the 15th day after the end of each month shall make payment to each producer for milk which was received from such producer during the month at not less than the uniform prices for base and excess milk computed pursuant to § 1016.71 subject to the following adjustments:

Proposal No. 29. Revise § 1016.82 to read as follows:

§ 1016.82 Location differential to producers.

In making payments to producers or to a cooperative association pursuant to § 1016.80 (a) or (b) at the uniform price for base milk computed pursuant to § 1016.71 for base milk received from producers during any month(s), a handler, with respect to all such milk received at a pool plant located 75 miles by the shortest highway distance from the nearer of the City Hall, Baltimore, Maryland, or the Courthouse, Salisbury, Maryland (as determined by the market administrator), and a cooperative association, with respect to all such milk received by it in its capacity as a handler pursuant to § 1016.2(g) (3) and (4), at the location of such plant, shall deduct 12 cents per hundredweight plus an additional 1.5 cents for each additional 10-mile distance, or fraction thereof, which such plant is located from such point.

Proposed by Mr. Benjamin Crawford, R. D. #2, Middletown, Delaware:

Proposal No. 30. Amend Order No. 16 to provide for individual-handler pooling in lieu of the present marketwide pooling.

Proposal to amend Order No. 3 and Order No. 16:

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 31. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the respective Market Administrators, Mr. E. Hickman Greene, 5716 York Road, Baltimore 12, Maryland, and Mr. Edward L. St. Clair, 1801 North Moore Street, Arlington 9, Virginia, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on May 29, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-5398; Filed, June 1, 1962; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 29]

[Docket No. FDC-68]

ARTIFICIALLY SWEETENED FRUIT JELLIES AND ARTIFICIALLY SWEETENED FRUIT PRESERVES; DEFINITIONS AND STANDARDS OF IDENTITY

Findings of Fact and Tentative Order Ruling on Objections

In the matter of establishing definitions and standards of identity for artificially sweetened fruit jellies and artificially sweetened fruit preserves:

There was published in the FEDERAL REGISTER of June 20, 1958 (23 F.R. 4457), notice of the filing of a petition by the National Preservers Association proposing the establishment of standards of identity for artificially sweetened fruit jellies and artificially sweetened fruit preserves. Following consideration of the comments filed by interested persons, an order was published October 31, 1959 (24 F.R. 8896), adopting the proposed standards, with modifications. Pursuant

to the filing of objections to that order, requesting a public hearing, an announcement was published January 28, 1960 (25 F.R. 720), staying the standards of identity for the subject foods pending the outcome of the hearing.

A public hearing was held in this matter following an announcement thereof published June 4, 1960 (25 F.R. 4962). On the basis of the evidence submitted at the hearing, and pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by the Secretary to the Commissioner of Food and Drugs (25 F.R. 8625), and after consideration of written arguments and suggested findings, which are adopted in part and rejected in part as is apparent from the detailed findings herein made, it is proposed that the following order be issued:

Findings of fact.[1] 1. Definitions and standards of identity for regular fruit jellies and preserves were promulgated in 1940, under authority of the Federal Food, Drug, and Cosmetic Act. These standards have required substantial proportions of nutritive sweeteners, principally sugar, and they have not provided for the adding of any nonnutritive sweeteners such as saccharin and the cyclamate salts. By an order published in the FEDERAL REGISTER of October 31, 1959 (24 F.R. 8896), definitions and standards of identity were promulgated for artificially sweetened fruit jelly (21 CFR 29.4) and artificially sweetened fruit preserves (21 CFR 29.5). These foods were required to be made with nonnutritive artificial sweeteners. For this reason, they are substantially lower in caloric value than the regular fruit jellies and preserves, and they are intended to be used for special dietary purposes and are represented for such use rather than for general use.

Objections were filed to the order promulgating the standards for artificially sweetened fruit jellies and artificially sweetened fruit preserves. Because of these objections the order was stayed and a hearing was held on the following issues:

a. Whether the establishment of standards of identity under the names specified would promote honesty and fair dealing in the interest of consumers.

b. Whether the standards should provide for limits on fruit content other than those specified.

c. Whether the list of jelling ingredients provided in each standard should be expanded to include certain additional ingredients.

d. Whether the standards should permit the optional ingredients artificial coloring, propylene glycol, and sugar. (R. 41, 186, 203, 204, 205; Ex. 2-4)

2. For each of the two classes of foods that were the subject of the hearing, the order required that the words "artificially sweetened" were to be used as the first two words in the name, and it further required that the words "artificially sweetened" were to be prominently and conspicuously displayed in letters not smaller than the largest letter in the other words making up the name of the food. In many cases, artificially sweetened jellies and preserves have been designated as "dietetic," "dietary," or "diet." There was some evidence that the word "imitation" should be required as the first word in the names. Because they are intended for special dietary use, one of the most significant features of these foods is that they are artificially sweetened. Designations such as "dietetic," "dietary," "diet," and "imitation" do not alert purchasers to the fact that these are artificially sweetened foods. For those numerous purchasers who wish to buy for general use conventional fruit jellies and preserves that are sweetened with sugar, it is important that the artificially sweetened jellies and preserves be informatively, prominently, and conspicuously labeled "artificially sweetened."

The objectors to the order failed to prove that establishing these standards under the names "artificially sweetened jellies" and "artificially sweetened preserves" adversely affects the interests of consumers in being dealt with honestly and fairly. (R. 41, 46, 66, 84, 86, 91, 142-147, 205-207; Ex. 4, 18-20)

3. The standards for those fruit jellies and preserves intended for general use require that they be made from a mixture of not less than 45 parts of fruit to each 55 parts of sugar or other permitted nutritive sweetener. This starting mixture is then cooked and water is driven off by evaporation, so that production of each 100 pounds of sugar-sweetened fruit jelly or preserves requires the use of approximately 55 pounds of fruit. In the production of artificially sweetened jellies and preserves, the product is heated to a temperature somewhat below the boiling point and immediately filled into jars. Very little loss of water occurs. Some producers have followed formulas that yield 100 pounds of finished artificially sweetened jellies and preserves for each 45 pounds of fruit used. In order to have the fruit character of jellies and preserves intended for special dietary usage more nearly conform to the fruit character of the general-purpose foods, the producer should use not less than 55 pounds of fruit for each 100 pounds of finished food. One witness testified that he had been using 45 pounds of fruit rather than 55 pounds, and protested that going to the higher fruit level would increase the caloric value of the finished product. However, on cross-examination, he said that the increase would be only about one-tenth of one calorie per teaspoonful of the artificially sweetened food. Such a small increase is not of significance to consumers. (R. 22; 42, 59, 64, 78-79, 103, 108-109, 164-166, 184-186, 194-197, 205, 207-208)

4. The need for adding ingredients to aid in producing and maintaining a gel-like body for artificially sweetened jellies and preserves is greater than the need for such ingredients in sugar-sweetened jellies and preserves. Paragraph (a)(3) of each of the two standards listed three buffering salts: sodium citrate, sodium acetate, and potassium citrate. There was evidence that in addition to these three buffering salts the cited paragraphs should also list sodium tartrate, sodium potassium tartrate, potassium acid tartrate, and mono-, di-, and trisodium phosphate.

In paragraph (a)(5) of each standard are listed four salts that are sources of calcium ions. There was evidence to support adding calcium gluconate and calcium lactate to these lists.

Testimony at the hearing brought out that other gums and gum-like ingredients in addition to those listed in the order have been used successfully in artificially sweetened jellies and preserves. Guar gum and agar-agar were specified. There was also testimony recommending that the standards should provide a general recital making any suitable, safe hydrophilic colloid a permitted optional ingredient for artificially sweetened jellies and preserves. It is not feasible to draw findings of fact relative to the suitability for use of jelling ingredients that are entirely unspecified in the record and that may never have been used in the foods under consideration. There was testimony about the jelling ingredients covered by the food additive regulations issued under § 121.1066 *Carrageenan* and § 121.1067 *Salts of carrageenan* (21 CFR 121.1066, 121.1067). These ingredients include extract of Irish moss, which was listed in the order promulgating the standards for artificially sweetened jellies and preserves.

Substituting "carrageenan and salts of carrageenan meeting the requirements of §§ 121.1066 and 121.1067" for "extract of Irish moss" as that term is listed in paragraph (d) of each standard will substantially broaden the list of optional jelling ingredients permitted to be used in artificially sweetened jellies and preserves. (R. 20-22, 24-25, 28-32, 120-122, 149, 172, 208-209, 226; Ex. 16A; 21 CFR 121.1066, 21 CFR 121.1067)

5. Some producers of artificially sweetened jellies and preserves have used artificial colors to enhance the appearance of these foods. It is noteworthy that the colors used have been selected to match the colors of the fruits; for example, red for strawberry and yellow for pineapple. Artificially sweetened jellies and preserves were analyzed by the chemist for the National Preservers Association. He found artificial colors in products having low fruit content. Strawberries present a color problem for the producer of artificially sweetened jellies and preserves. Strawberries also pose a problem for the producer of regular sugar-sweetened jellies and jams, but it was not deemed advisable to have the standards provide for the adding of artificial red color to sugar-sweetened strawberry jelly or preserves. There was evidence that the color of artificially sweetened grape jelly could be enhanced by using more grape juice than the minimum permitted by the standard. To amend the standards for artificially sweetened jellies and preserves to provide for adding artificial colors to these foods would create a problem of likely conflict with that provision

[1] The citations following each finding of fact refer to the pages of the transcript of testimony and the exhibits received in evidence at the hearing.

in the Federal Food, Drug, and Cosmetic Act which deemes a food to be adulterated if any substance has been added to it so as to make it appear to be better or of greater value than it is. (R. 42–43, 49–52, 68, 102–103, 107, 114, 118–119, 152, 155, 158–163, 184, 190, 192–193; 208; Ex. 21 U.S.C. 342(b))

6. One objection filed in protest to the order was based on the fact that propylene glycol was not listed as a permitted optional ingredient of artificially sweetened jellies and preserves. No witness at the hearing testified in support of this objection. The objector submitted by mail an affidavit asserting that to the best of his knowledge and belief propylene glycol should be included in fruit jellies, artificially sweetened fruit jellies, and artificially sweetened fruit preserves; but the reasons advanced were mainly in support of chemical preservatives that might be used in conjunction with propylene glycol. The evidentiary value of the affidavit was impaired by lack of any opportunity for cross-examination. (R. 223, 229–232; Ex. 22)

7. A witness representing one producer recommended that the standards should be amended to provide for adding sugar to artificially sweetened jellies and preserves to bring such foods up to some predetermined caloric value. It appeared—although it was not entirely clear—that he wanted to make it permissible for each producer to select his own fixed caloric value and then to adjust upwards with sugar to bring his products, as made from different varieties of fruit (for example, from strawberries, peaches, grapes, etc.) up to the number of calories per 100 grams that his firm had chosen. The basis for his recommendation was that this would make it more convenient for physicians and dietitians when calculating diets. He suggested no maximum limit on the proportion of sugar to be permitted.

To adopt the recommendation of permitting sugar to be added as an ingredient of these foods for special dietary use would render the designation "artifically sweetened" inaccurate. It would not promote the interests of those consumers who wish to use artifically sweetened jellies and preserves in order to restrict, as much as feasible, their intake of ordinary sweets. (R. 126–129, 131–135, 157, 207; Ex. 23)

Conclusion. Upon consideration of the entire record and in conformity with the foregoing findings of fact, it is concluded that it will promote honesty and fair dealing in the interest of consumers to permit the definitions and standards of identity for artifically sweetened fruit jellies and for artifically sweetened fruit preserves, amended as hereinafter indicated to allow the use of additional gelforming ingredients, to become effective.

§ 29.4 Artificially sweetened fruit jelly; identity; label statement of optional ingredients.

(a) The artificially sweetened fruit jellies for which definitions and standards of identity are prescribed by this section are the jellied foods made from a fruit juice ingredient as specified in paragraph (b) of this section and an artificial sweetening ingredient as specified in paragraph (c) of this section, with a jelling ingredient as specified in paragraph (d) of this section. Water may be added. The quantity of the fruit juice ingredient, calculated as set out in § 29.2(b), amounts to not less than 55 percent by weight of the finished food. The article is sealed in containers and so processed by heat, either before or after sealing, as to prevent spoilage. Such food may also contain one or more of the following optional ingredients:

(1) Spice, spice oil, spice extract.

(2) A vinegar, lemon juice, lime juice, citric acid, lactic acid, malic acid, tartaric acid or any combination of two or more of these, in a quantity which reasonably compensates for deficiency, if any, of the natural acidity of the fruit juice ingredient.

(3) Sodium citrate, sodium acetate, sodium tartrate, monosodium phosphate, disodium phosphate, trisodium phosphate, sodium potassium tartrate, potassium citrate, potassium acid tartrate, or any combination thereof, in an amount not exceeding 2 ounces avoirdupois per 100 pounds of the finished food.

(4) Sodium hexametaphosphate in an amount not exceeding 8 ounces avoirdupois per 100 pounds of the finished food.

(5) Purified calcium chloride, calcium citrate, calcium gluconate, calcium lactate, calcium sulfate, monocalcium phosphate, potassium chloride, or any combination of two or more of these salts, in a quantity reasonably necessary to enable the jelling ingredients to produce a jelled finished product.

(6) Ascorbic acid, sorbic acid, sodium sorbate, potassium sorbate, sodium propionate, calcium propionate, sodium benzoate, benzoic acid, methylparaben (methyl-*p*-hydroxybenzoate), propylparaben (propyl-*p*-hydroxybenzoate), or any combination of two or more of these, in a quantity reasonably necessary as a preservative, but not to exceed 0.1 percent by weight of the finished food.

(b) The fruit juice ingredient referred to in paragraph (a) of this section is any one, or any combination of two, three, four, or five of the fruit juice ingredients complying with the requirements of § 29.2(c). Except as paragraph (d) of this section permits the use of pectin standardized with nutritive sweetener, no nutritive sweetening ingredient is added, either directly or indirectly, to the fruit juice ingredient used to make artificially sweetened fruit jelly.

(c) The artificial sweetening ingredients referred to in paragraph (a) of this section are saccharin, sodium saccharin, calcium saccharin, sodium cyclamate, potassium cyclamate, calcium cyclamate, or any combination of these.

(d) The jelling ingredients referred to in paragraph (a) of this section are pectin, agar-agar, carob bean gum (also called locust bean gum), guar gum, gum karaya, gum tragacanth, algin (sodium alginate), sodium carboxymethylcellulose, methylcellulose (meeting U.S.P. requirements and with methoxy content not less than 27.5 percent and not more than 31.5 percent on a dry-weight basis), carrageenan or salts of carrageenan complying with the requirements of § 121.1066 or § 121.1067 of this chapter, or any combination of two or more of these. Pectin may be standardized with a nutritive sweetening ingredient, but such sweetening ingredient shall not amount to more than 44 percent by weight of the standardized pectin, and the quantity of such standardized pectin used shall not exceed 3 percent by weight of the finished food.

(e) The name of each artificially sweetened fruit jelly for which a definition and standard of identity is prescribed by this section consists of the words "artificially sweetened," immediately followed by the name prescribed by § 29.2 (f) and (g)(6) for the fruit jelly which corresponds in its fruit ingredient to the artificially sweetened article. The words "artificially sweetened" shall be prominently and conspicuously displayed in letters not smaller than the largest letter used in any other word in the name of the food.

(f)(1) The jelling ingredient used shall be named on the label by a statement "---------- added" or "with added ----------," the blank being filled in with the common name of the jelling ingredient used; for example, "pectin and methylcellulose added."

(2) When one of the optional ingredients specified in paragraph (a)(1) of this section is used, the label shall bear the statement "---------- added" or "with added ----------," the blank being filled in with the words "spice," "spice oil," or "spice extract" as appropriate, but in lieu of the word "spice" in such statement the common name of the spice may be used.

(3) When the optional ingredient specified in paragraph (a)(4) of this section is used, the label shall bear the words "sodium hexametaphosphate added" or "with added sodium hexametaphosphate."

(4) When any optional ingredient listed in paragraph (a)(6) of this section is used, the label shall bear the statement "---------- added as a preservative," the blank being filled in with the common name of the preservative ingredient used as designated in paragraph (a)(6) of this section.

(g) Wherever the name of the food appears on the label of the artificially sweetened fruit jelly so conspicuously as to be easily seen under customary conditions of purchase, the words and statements specified in this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the varietal name of the fruit source of the fruit juice ingredient used in preparing such jelly may so intervene.

§ 29.5 Artificially sweetened fruit preserves, artificially sweetened fruit jams; identity; label statement of optional ingredients.

(a) The artificially sweetened fruit preserves or artificially sweetened fruit jams for which definitions and standards of identity are prescribed by this section are the viscous or semisolid foods made from a fruit ingredient as specified in paragraph (b) of this section and an artificial sweetening ingredient as specified in paragraph (c) of this section, and with or without water and a jelling ingredient as specified in paragrah (d) of this section. The quantity of the fruit ingredient amounts to not less than 55 percent by weight of the finished food. The article is sealed in containers and so processed by heat, either before or after sealing, as to prevent spoilage. Such food may also contain one or more of the following optional ingredients:

(1) Spice, spice oil, spice extract.

(2) A vinegar, lemon juice, lime juice, citric acid, lactic acid, malic acid, tartaric acid, or any combination of two or more of these, in a quantity which reasonably compensates for deficiency, if any, of the natural acidity of the fruit ingredient.

(3) Sodium citrate, sodium acetate, sodium tartrate, monosodium phosphate, disodium phosphate, trisodium phosphate, sodium potassium tartrate, potassium citrate, potassium acid tartrate, or any combination thereof, in an amount not exceeding 2 ounces avoirdupois per 100 pounds of the finished food.

(4) Sodium hexamataphosphate in an amount not exceeding 8 ounces avoirdupois per 100 pounds of the finished food.

(5) Purified calcium chloride, calcium citrate, calcium gluconate, calcium lactate, calcium sulfate, monocalcium phosphate, potassium chloride, or any combination of two or more of these salts, in a quantity reasonably necessary to enable the jelling ingredients to produce a jelled finished product.

(6) Ascorbic acid, sorbic acid, sodium sorbate, potassium sorbate, sodium propionate, calcium propionate, sodium benzoate, benzoic acid, methylparaben (methyl-*p*-hydroxybenzoate), propylparaben (propyl-*p*-hydroxybenzoate), or any combination of two or more of these, in a quantity reasonably necessary as a preservative but not to exceed 0.1 percent by weight of the finished food.

(b) The fruit ingredient referred to in paragraph (a) of this section is any one, or any combination of two, three, four or five of the fruit ingredients complying with the requirements of § 29.3 (b) and (c). Except as paragraph (d) of this section permits the use of pectin standardized with nutritive sweetener, no nutritive sweetening ingredient is added, either directly or indirectly, to the fruit ingredient used to make artificially sweetened fruit preserves or artificially sweetened fruit jam.

(c) The artificial sweetening ingredients referred to in paragraph (a) of this section are saccharin, sodium saccharin, calcium saccharin, sodium cyclamate, potassium cyclamate, calcium cyclamate, or any combination of these.

(d) The jelling ingredients referred to in paragraph (a) of this section are pectin, agar-agar, carob bean gum (also called locust bean gum), guar gum, gum karaya, gum tragacanth, algin (sodium alginate), sodium carboxymethylcellulose, methylcellulose (meeting U.S.P. requirements and with methoxy content not less than 27.5 percent and not more than 31.5 percent on a dry-weight basis), carrageenan or salts of carrageenan complying with the requirements of § 121.1066 or 121.1067 of this chapter, or any combination of two or more of these. Pectin may be standardized with a nutritive sweetening ingredient, but such sweetening ingredient shall not amount to more than 44 percent by weight of the standardized pectin, and the quantity of such standardized pectin used shall not exceed 3 percent by weight of the finished food.

(e) The name of each artificially sweetened fruit preserve or artificially sweetened fruit jam for which a definition and standard of identity is prescribed by this section consists of the words "artificially sweetened" immediately followed by the name prescribed by § 29.3 (f) and (g)(5) for the fruit preserves or jams which correspond in fruit ingredient to the artificially sweetened article. The words "artificially sweetened" shall be prominently and conspicuously displayed in letters not smaller than the largest letter used in any other word in the name of the food.

(f)(1) The jelling ingredient used shall be named on the label by a statement "---------- added" or "with added ----------," the blank being filled in with the common name of the jelling ingredient used.

(2) When one of the optional ingredients specified in paragraph (a)(1) of this section is used, the label shall bear the statement, "---------- added" or "with added ----------," the blank being filled in with the words "spice," "spice oil," or "spice extract" as appropriate, but in lieu of the word "spice" in such statement the common name of the spice may be used.

(3) When the optional ingredient specified in paragraph (a)(4) of this section is used, the label shall bear the words "sodium hexametaphosphate added" or "with added sodium hexametaphosphate."

(4) When any optional ingredient listed in paragraph (a)(6) of this section is used, the label shall bear the statement "---------- added as a preservative," the blank being filled in with the common name by which the preservative ingredient used is designated in paragraph (a)(6) of this section.

(g) Wherever the name of the food appears on the label of the artificially sweetened fruit preserve or artificially sweetened fruit jam so conspicuously as to be easily seen under customary conditions of purchase, the words and statements specified in this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the varietal name of the fruit used in preparing such preserve or jam may so intervene.

Any interested person whose appearance was filed at the hearing may, within 20 days from the date of publication of this tentative order in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed order, and shall contain specific references to the pages of the transcript of testimony or to the exhibits on which the exceptions are based. Exceptions may be accompanied by briefs in support thereof. Exceptions should be submitted in quintuplicate.

Dated: May 25, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-5370; Filed, June 1, 1962; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14580]

[47 CFR Part 15]

INCIDENTAL AND RESTRICTED RADIATION DEVICES

Order Extending Time for Filing Comments

The Commission has before it for consideration a request by the Door Operator and Remote Controls Manufacturers Association for a 60 day extension of time in which to file comments in the above-entitled proceeding.

It appearing that the Association is preparing engineering studies which should be of assistance to the Commission in resolving the issues in this proceeding; that the 60 day extension will be needed by the Association to complete these studies; and therefore that a grant of the extension will serve the public interest, convenience, and necessity;

It is ordered, This 25th day of May 1962, that the time for filing comments in this proceeding is extended to July 27, 1962, and that the time for filing reply comments is extended to August 13, 1962.

Released: May 29, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-5393; Filed, June 1, 1962; 8:48 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 154]

[Docket No. R-207]

RATE SCHEDULES AND TARIFFS

Changes in a Tariff, Executed Service Agreement or Part Thereof; Amendment to Notice of Proposed Rulemaking

MAY 28, 1962.

On February 20, 1962, the Commission issued a notice of proposed rulemaking in the above-entitled matter. The notice, which was published in the FEDERAL REGISTER on February 28, 1962 (27 F.R. 1918) and mailed to interested parties, including Federal and State agencies, invited the submission of data, views and

comments with respect to the proposed revision of § 154.63 of the regulations under the Natural Gas Act.

Many helpful comments have been received, several of which suggest specific changes in the proposed revision of the section. The staff has reviewed the proposed amendments in the light of the detailed suggestions received and has conferred informally with members of the Rate Committee of the Independent Natural Gas Association of America.

In view of the numerous changes suggested, we believe it appropriate and in the public interest that the proposals set out in the original notice be amended and a further opportunity to submit comments be afforded.

Accordingly take notice that it is now proposed to amend § 154.63 of the regulations under the Natural Gas Act (18 CFR 154.63) as proposed in the original notice herein, issued February 20, 1962 (27 F.R. 1918) with the amendments described below.

Any interested person may submit to the Federal Power Commission, Washington 25, D.C., on or before June 15, 1962, data, views and comments in writing concerning the amendments proposed herein. A further extension to June 15, 1962 is hereby granted for the submission of data, views and comments on the amendments proposed by the earlier notice issued February 20, 1962 (27 F.R. 1918) which are not superseded by the amendments proposed herein. The Commission will consider these written submittals before acting upon the proposed amendments. An original and nine (9) copies of any such submittals should be filed.

JOSEPH H. GUTRIDE,
Secretary.

Amendments to revision of 18 CFR 154.63 proposed in notice of proposed rulemaking issued February 20, 1962 (27 F.R. 1918, February 28, 1962). (New material in text is bracketed and deletions are indicated by an asterisk. "(No change)" indicates no change from February 20 notice.)

Section 154.63 *Changes in a tariff, executed service agreement or part thereof* is amended as follows: [1]

(a) *Definitions.*

(1) *Changes other than in rate level.* (No change)

(2) *Major rate increase.* (No change)

(3) *Minor rate increase.* (No change)

(4) *Rate decrease.* (No change)

(b) *Material to be submitted.*

(1) *All filings.* (No change)

(2) *Changes other than in rate level.* In addition to the material required by subparagraph (1) of this paragraph there shall be submitted a comparative statement of sales made, or transportation, exchange, etc. performed, and revenues therefrom, by months and in total, under the present and proposed tariff, contract, or part thereof, setting forth * the transactions for the twelve months immediately preceding and for the twelve months immediately succeeding the proposed effective date of the change in tariff, contract, or part thereof. Actual data shall be used as far as possible, and any estimated data shall be designated as such. The statements shall be subdivided by rate schedules, classes of service, customers, and delivery point when more than one is involved. [In the event any sale shown separately is made through more than one delivery point, and conjunctive billing is provided by the tariff, the above data may be combined for all delivery points.] Such data shall include billing quantities that are used to compute the charges including contract demands, billing demands, metered demands and volumes, heat content, rates and other determinants, in sufficient detail to permit complete verification of the revenues.

(3) *Major rate increase.* Class A companies (as defined in subchapter F, Uniform System of Accounts for Natural Gas Companies, of this chapter) shall submit, in addition to the material required by subparagraph (1) of this paragraph, Statements A to M inclusive and O and P described in paragraph (f) of this section. Class B, C and D companies, defined as above, shall file only Statements L, M, N, O and P. [Statement P required to be submitted by all classes of companies, may be furnished not later than 10 days after the date of the filing.] A natural gas company filing another major increase in rates or charges within a period of twelve months after the date of filing of Statements A through M and O and P or after the end of the test period used therein including the period of adjustments shown on Statements A through M may submit for such other increase Statements L, M and N in lieu of Statements A through M of the proposed new rate increase is filed to compensate only for an increase in the cost of purchased gas and there has been no material change in the company's facilities, sales volumes, and cost of service other than cost of purchased gas since such prior rate increase was filed.

(4) *Minor rate increase or rate decrease.* Only statements L through [N] need be filed in addition to the material required by subparagraph (1) of this paragraph. [(Statements L through N are not required to make effective rate changes or tariff provisions ordered by the Commission.)]

(c) *Submission and rejection*—(1) *Submission of material by reference.* If all or any portion of the information called for by this section has already been submitted to the Commission or is included among the data filed pursuant to this section, specific reference thereto may be made in lieu of resubmission in response to these requirements. Copies of material submitted by reference shall be made available to staff and on request to [any intervener after their intervention has been permitted by the Commission.

(2) Item by reference for major rate increase. In addition to the material required to be submitted pursuant to subparagraph (b)(3) above, the last FPC Form No. 2 of the natural gas company on file with the Commission shall be made an item by reference. In the event an FPC Form No. 2 for a later calendar year would otherwise be required to be filed with the Commission within 60 days from the end of the base period selected by the natural gas company for its rate increase filing, said FPC Form No. 2 shall be filed concurrently with the rate increase. Copies of the FPC Form No. 2 shall be made available to any intervenor on request and one copy shall be furnished to the Chief, Pipeline Division (Bureau of Natural Gas) with the rate increase filing.]

(3) *Reliance on other data.* (No change)

(4) *Rejection for non-compliance.* (No change)

(d) *Form and number of copies*—(1) *Changes other than in rate level.* (No change)

(2) *Change in executed service agreement.* (No change)

(3) *Rate changes.* (No change)

(4) *Format of statements and schedules.* Amounts purporting to represent book data included in statements and schedules required to be prepared or submitted as part of the filing shall be reported in a separate column or columns. All adjustments * to book amounts * shall also be reported in a separate column [or columns] so that book amounts, adjustments thereto and adjusted amounts will be clearly disclosed. *

(e) *Scope and composition of material for major increase*—(1) *Preparation for hearing.* (i) (No change)

(ii) The Commission is desirous of avoiding delay in processing rate filings. To this end, the material * relied on in the filing and supporting work papers should be of such composition, scope, and format that it could serve as the company's complete case-in-chief in [the event the rate is suspended and the matter is set for hearing to commence on a date within six months from the date of filing.]

(iii) [If the rate fixing adjustments presented are not in full accord with a prior Commission decision directly involving the filing company or applicable to it, the company shall include in its working papers alternate material which will reflect the effect of such prior decision. (For purpose of this provision rate of return is not a rate fixing adjustment.)]

(2) *Base and test periods.* (i) If the natural gas company has been in operation for 12 months at the time of the filing, the Statements A to M, inclusive, and O and P or, L through [N] inclusive, as appropriate, and supporting schedules, shall be based upon a test period * [which shall consist of a base period] of 12 consecutive months of most recently available actual experience, adjusted for changes in revenues and costs which are known and are measurable with reasonable accuracy at the time of the filing, and which will become effective within eight months after the last month of available actual experience utilized in the filing: *Provided, however,* That, for good cause shown, upon application of the natural gas company made to the Commission 30 days in advance of the rate filing, the Commission may allow reasonable deviation from the prescribed test period; *Provided further,* That the last day of the 12 months of actual experience shall not be more than [four] months prior to the date of filing the proposed change in rates and charges. The 12 months of experience shall be adjusted to eliminate nonrecurring items (except minor amounts), but this shall not preclude the filing company from including items which, on the basis of existing facts, it can show will be experienced or from including an appropriate normalizing adjustment, e.g., rate case expenses, in lieu of a nonrecurring item. If the natural gas company has had less than 12 months' experience, the test period may consist of 12 consecutive months ending not more than one year from filing date, provided, however, the adjustments are not included for occurrences anticipated after the one year period.

(ii) (No change)

(3) *Joint facilities.* (No change)

(4) *Working papers and supporting data.* [In the Statements which follow in paragraph (f) below, certain items are designated as being included in working papers. One set of working papers is to be furnished to the Chief, Pipeline Division (Bureau of Natural Gas) upon filing the rate increase, and a second set is to be furnished to the Head, Houston Field Office. Additionally, any portion thereof is to be made available to any intervener, upon written request, after the Commission has permitted such intervention.]

(i) (No change)

(ii) (No change), except delete last sentence.

(iii) Any company filing for a rate increase shall be responsible for perparing prior to filing and maintaining * work papers [sufficient] to support the filing. Any failure to produce promptly such working papers on request by an authorized representative of the Commission prior to Commission action on the filing shall be cause for rejection of the tendered filing in its entirety.

(iv) In addition to the working paper support the following specific material related to the [base] period [normally prepared by the filing company] shall be available for staff verification and analysis, and a copy shall be furnished on request:

(*a*) (No change)

(*b*) Copies of accounting analyses of balance sheet accounts. *

(*c*) (No change)

(*d*) (No change)

(*e*) Analyses of surplus and capital surplus accounts. *

(5) *Representation of chief accounting officer.* The filing shall include a narrative statement executed by the chief accounting officer or [other authorized accounting representative] of the filing company representing that the cost statements and supporting data submitted as a part of the filing, [as well as working papers required herein,] which purport to reflect the books of the company do, in fact, set forth the results shown by such books.

(6) *Opinion of independent public accountants.* The filing shall include an opinion obtained from independent public accountants showing that an independent examination of the book amounts and accounting adjustments [of the filing company] has been made [and the results thereof] for the [base] period.

(f) *Description of statements.* (No change)

Statement A—Overall cost of service. (No change)

Statement B—Rate base and return. (No change)

Statement C—Cost of plant. (No change)

Schedule C–1 in columnar form similar to Statement C showing for each of the above accounts the amounts by detailed plants prescribed by the Commission's Uniform System of Accounts for Natural Gas Companies (Part 201 of this chapter) with subtotals thereof by functional classifications, i.e., Intangible Plant, Manufactured Gas Production Plant, Natural Gas Production [and Gathering] Plant, Products Extraction Plant, Underground Storage Plant, Local Storage Plant, Transmission Plant, * Distribution Plant and General Plant: *Provided, however,* That to the extent plant costs are not available by detailed plant accounts they may be shown by functional classifications.

Accounts 101, 105 [and 106] shall be adjusted to exclude the cost of major items of plant, the retirement of which is expected by the end of the test period. Account * 107 shall be adjusted to exclude plant in process of construction which is not expected to be in service by the end of the test period.

Schedule C–2 (No change)

Schedule C–3, [Which is to be part of the working papers showing twelve] average monthly book balances, during [the twelve months in the base period,] for each detailed plant account, each subtotal representing functional classifications and total plant, [the sum of such twelve average balances shall be divided by 12;] and the effect of proposed adjustments on * the average [balances].

Schedule C–4, [which is to be part of the working papers,] summarizing the following by years with respect to the book changes in gas plant in service (Account 101) for the last five [calendar] years of the operations of the Company or its predecessors and proposed adjustments to such account:

(a) (No change)

(b) (No change)

(i) (No change)

(ii) Month * [placed in service or retired from service]

(iii) (No change)

(iv) (No change)

(c) * Other [major] transactions recorded, such as corrections, * [transfers,] etc. Show sufficient detail so that the nature of the * major changes will be clearly disclosed.

(d) (No change)

Schedule C–5:

(i) (No change)

(ii) [As part of the working papers,] include: . . . (balance of sentence—No change)

Schedule C–6, [which material may be contained in company's FPC Form No. 2, and cross-referenced if such report is up to date,] (balance of sentence—No change)

Schedule C–7, [which is to be part of the working papers,] if company produces gas, * a map, showing counties in the United States for * [such] producing * acreage. *

Schedule C–8, [which material may be cross-referenced from company's FPC Form No. 2,] (balance of schedule—No change)

Schedule C–9, [which is to be part of the working papers,] summarizing at end of period the cost of gathering facilities by [major] producing areas and by [major] type of plant. *

Schedule C–10, [which is to be part of the working papers,] (balance of schedule—No change)

Schedule C–11, [which is to be part of the working papers,] a summary cost of [plant in] service . . . (balance of schedule—No change).

Schedule C–12, [which is to be part of the working papers, and may be cross-referenced if such material is in the company's FPC Form No. 2,] (balance of schedule—No change)

Schedule C–13, [which is to be part of the working papers, and may be cross-referenced if such material is in the company's FPC Form No. 2,] (balance of schedule—No change)

Schedule C–14, [which is to be part of the working papers, setting forth the cost of plant in service and description thereof carried.]. (Balance of schedule—No change)

Schedule C–15, [which is to be part of the working papers,] (balance of schedule—No change)

Schedule C–16, [which is to be part of the working papers,] setting forth any operating units or systems acquired for * [which Commission approval of the final accounting has not been obtained. For such acquisitions] submit summary analysis of [the] property acquired, proposed [journal] entries to record the acquisition and [the] proposed disposition of any difference between cost [of acquisition] and net original cost.

Statement D—(No change)

Schedule D–1, [which is to be part of the working papers,] showing [twelve] average monthly book balances, during the [twelve months in the base period,] for each account and functional plant classification, [the sum of such twelve average balances shall be divided by 12;] and the effect of proposed adjustments on * the average [balances]

Schedule D–2—, [which is to be part of the working papers and may be cross-referenced from company's FPC Form No. 2] (balance of schedule—No change)

Schedule D–3—, [which is to be part of the working papers,] a description of the methods and procedures followed in depreciating, depleting, or amortizing plant and recording abandonments * by the company * if any policy change [has been made] effective [since the period covered by the last annual report on FPC Form No. 2 was filed with the Commission.] *

Schedule D–4—(No change)

Statement E

Schedule E—1st paragraph—(No change)

The components of working capital may include (a) [an amount equivalent to one-eighth of annual operating expenses, as adjusted, exclusive of the cost of gas purchased for resale; fuel gas charged to operating expenses; royalty payments on gas produced; transmission and compression of gas by others; royalty payments on products extracted; products purchased for resale; net of exchanged gas; and non-cash operating expenses such as depreciation transferred through clearing accounts to operating expenses;] and (b) (No change)

[Also, during the period the corporate tax payment provisions of the Internal Revenue Code of 1954 remain in effect] * there shall be reflected a credit * [to] the gross working capital * an amount equal to 50 percent of the * [current] portion of the claimed federal income tax allowance in the cost of service. Any working capital item claimed which is different from or in addition to those specified herein shall be * explained and [the] reasons for inclusion [therein] shall be given.

Schedule E–1 setting forth [monthly] balances . . . (remainder of paragraph—No change)

Schedule E–2 (No change)

Schedule E–3 (No change)

[1] The provisions of this section shall not be applicable to filings made pursuant to §§ 154.81 through 154.86, unless such filing results in a change in rate, charge, classification or service.

Schedule E–4 (No change)
Statement F(1) (No change), except in footnote 2

[2] [Where the capital of the filing company is not primarily obtained through its own financing, but is primarily obtained from a company by which the filing company is controlled, as defined in the Uniform System of Accounts, then the data required by those statements shall be submitted with respect to the debt capital, preferred stock capital and common stock capital of such controlling company or any intermediate company through which such funds have been secured.] Furnish [the staff] a copy of the latest prospectus issued by the natural gas company, any superimposed holding company or subsidiary companies.

Statement F(2)—This statement shall show, • based upon the company's capitalization, the cost of debt capital and preferred stock capital and the return • on the stockholder's equity [resulting from the overall rate of return claimed.]

Statement F(3)—This statement shall show the weighted average cost of debt capital based upon the following data for each class and series of long-term debt outstanding according to the balance sheet as of the [end of the] 12-months' actual experience:
(a) through (f)—(No change)
Statement F(4)—(No change)
Statement F(5)—(No change)

Statement G—(No change except for paragraph (b) as follows:) (b) Revenues by months and the totals thereof for 12 months of actual experience as adjusted for changes which are known and measurable and which are expected to be realized within • the test period . . . (balance of subsection—No change)

Statement H(1)—(No change)

Schedule H(1)—1, showing the 12 months of actual experience and the adjustments thereto, by functional classifications, the [separate amounts for (1) labor, and (2) materials and other charges included in each operation and maintenance expense account] (balance of schedule—No change)

Schedule H(1)—2 (No change, except for last phrase) . . . and, [except for (e) below] for each of the previous four [calendar or] fiscal years the annual cost of:
(a) No change
(b) No change
(c) No change
(d) No change
(e) [For the test year, overriding royalties, showing separately the annual amount and payee, only where payments are based on cents per Mcf as distinguished from a percentage of the value of the gas and only where payments exceed 3¢ per Mcf with total annual payments to a payee exceeding $50,000.
(f) Describe fully payments made under profit-sharing agreements relating to produced gas where the company is operator and net profits exceed $100,000 annually.]

Schedule H(1)—3, showing the total annual cost of gas purchased for the 12 months of actual experience, the adjustments thereto, and the total adjusted cost for the test period, with [the] data grouped • by states and producing areas • and detailed by • [contract or] rate schedule designation, field, volumes in Mcf at a common pressure base and price in total • for the contracts or rate schedules under which actual or adjusted volumes exceed [1,000,000] Mcf annually. If any of such prices are effective subject to refund, there shall be shown, [by contract and the Commission docket number, for the base period, the rate per Mcf, and the amount collected subject to refund.] Field purchases under rate schedules where the actual or adjusted volumes are less than [1,000,000] Mcf annually may be grouped by field or producing area, but with a statement of the extent to which prices effective subject to refund are included. Purchases from pipelines in any volume shall be shown in full detail by rate schedule including splits between demand and commodity charges.

In the event adjustments are made to the volumes of gas taken from any source during the 12 months of actual experience, a detailed explanation and data in support of the adjusted volumes shall be furnished. No adjustments are to be made to reflect the attachment of new gas supplies unless both the filing company and the supplier have each obtained the required [permanent or temporary] certificates of public convenience and necessity and the necessary facilities by both are or will have been in operation during the test period.

Schedule H(1)—4, [to be a part of the working papers,] (balance of schedule—No change)

Schedule H(2)—(No change, except for 3d sentence)

The bases, methods, essential computations and derivation of unit [rates] for . . .

Schedule H(2)–1—(No change)
Schedule H(2)–2—Delete in its entirety
Schedule H(3)–1, [to be a part of the working papers,] (balance of schedule—No change)
Schedule H(3)–2, [to be a part of the working papers,] (balance of schedule—No change)
Schedule H(3)–3, [to be a part of the working papers,] (balance of schedule—No change)
Schedule H(3)–4—(No change)
Schedule H(3)–5, [to be a part of the working papers,] (balance of schedule—No change)
Statement H(4)—(No change)
Schedule H(4)–1, [to be a part of the working papers, showing each kind and amount of gas utility taxes paid in each state.] All adjustments shall be fully and clearly explained.
Schedule H(4)–2, [to be a part of the working papers,] (balance of schedule—No change)
Statement I—(No change)
Schedule I–1—(No change)
Schedule I–2—(No change)
Schedule I–3—[If the revenues from field or gathering system sales are not credited to the cost of service,] then a separation of costs applicable to field or gathering system sales from costs applicable to sales from the transmission system [shall be made. If such revenues are credited to the cost of service, a statement with respect thereto should be made, together with the reasons therefor.]
Schedule I–4—(No change)
Schedule I–5—(No change)
Schedule I–6—(No change)
Schedule I–7—Change "page 117" to "page 567"
Statement J—(No change)
Schedule J–1, If the system rates are Zoned or are to be Zoned, the company shall furnish an allocation of system • costs. [If during the last five years a Commission decision was issued relating to the subject concerning the company, and the company's allocation does not follow such decision, then, in addition, the company shall also furnish in working papers a study and a classification of costs adhering to such decision.]
Schedule J–2—, [to be a part of the working papers,] (balance of schedule—No change)
Schedule J–3—, [to be a part of the working papers,] (balance of schedule—No change)
Statement K—(No change)
Schedule K–1—(No change)
Schedule K–2—, [to be a part of the working papers,] (balance of schedule—No change)
Statement L—Change "consolidating" to "consolidated"
Statement M—Change "consolidating" to "consolidated"
Statement N—(No change)
Statement O—(No change)
Statement P—(No change)

NOTE: It is proposed to make the revised regulations effective four months after issuance. However, we will urge the companies to conform, where practicable, with the new regulations for filings made prior to such date.

[F.R. Doc. 62–5381; Filed, Jun. 1, 1962; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release 34–6809]

GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Notice of Proposed Rule Making

In a release issued May 22, 1962,[1] the Commission published its opinion that the offer or sale of securities under a program which usually contemplates that the securities sold to the customer will be used as collateral for a loan, the proceeds of which are to be used to pay the premium on a life insurance policy sold to the customer at or about the same time (an activity which in various forms has come to be known as "equity funding," "secured funding," or "life funding") generally involves the offer and sale of an additional security, i.e., an investment contract, which is required to be registered under the Securities Act of 1933.[2]

Notice is hereby given that the Commission has under consideration a proposal to adopt § 240.15c2–5 (Rule 15c2–5 under the Securities Exchange Act of 1934), which would prohibit a broker or dealer from arranging a loan for a customer to whom a security is sold unless, before the transaction is entered into, the broker or dealer reasonably determines that the transaction, including the loan arrangement, is suitable for the customer, and delivers to him a written statement setting forth certain material information which the customer should have before he decides to enter the transaction. The rule would not apply to extensions of credit or loan arrangements by brokers or dealers subject to Regulation T (12 CFR Part 220) where the credit is extended or the loan is arranged in compliance with that regulation only for the purpose of purchasing or carrying the security.

Section 15(c)(2) of the Act makes it unlawful for a broker or dealer to effect or induce a transaction in a nonexempt security otherwise than on a national securities exchange in connection with which he engages in any fraudulent, deceptive or manipulative act or practice; and it provides that the Commission shall, by rules and regulations, define and prescribe means reasonably designed to prevent such acts and practices. There is now reason to believe that some dealers have been offering the investment program referred to above without adequate consideration of whether it is suitable for the particular customer, and that they have failed to furnish to the customer adequate information concerning the nature and extent of his particular obligations, the specific charges which he will incur, the risks involved in the transactions, and the commissions and other remuneration which the dealer, and others in a control relationship to him, will receive in connection with the transactions.

It has been suggested that if customers of broker-dealers are to be afforded adequate protection, and if the potentiality for fraud in these situations is to be reasonably controlled, the customer to whom this type of arrangement is offered should receive, before any of the transactions is entered into, a written statement as to the exact nature and extent of his obligations, of the risks involved, and of the commissions and other remuneration to be received by the broker or dealer and by other persons in a control relationship to him. There should also be some assurance that the broker-dealer has given adequate consideration to the customer's personal financial situation and needs and has reasonably determined that the entire transaction, including the loan arrangement, is suitable for the customer.

Proposed § 240.15c2–5 would make it a fraudulent, deceptive or manipulative act or practice as used in section 15(c)(2) of the Act for any broker or dealer to offer, sell or attempt to induce the purchase of any security by any person if the broker or dealer arranges a loan for such person unless, before the transaction is entered into, the broker or dealer (1) delivers to such person a written statement setting forth the exact nature and extent of his obligations, the risks involved, and the commissions and other remuneration to be received by the broker or dealer and by other persons in a control relationship to him, and (2) obtains from such person information concerning his financial situation and needs, reasonably determines that the entire transaction, including the loan arrangement is suitable for such person, and delivers to such person a written statement setting forth the basis upon which the broker or dealer made the determination.

Since the rule would not be intended to reach the traditional sale of securities on margin it would specifically provide that it is not applicable to an extension of credit, or the arrangement of a loan, by a broker-dealer subject to Regulation T (12 CFR Part 220) if the loan is made or arranged in compliance with that regulation only for the purpose of purchasing or carrying the security.

The text of the proposed rule (§ 240.15c2–5), which would be adopted under the provisions of the Securities Exchange Act of 1934, and particularly sections 15(c)(2) and 23(a) thereof, would read substantially as follows:

(a) It shall constitute a "fraudulent, deceptive or manipulative act or practice" as used in section 15(c)(2) of the Act for any broker or dealer to offer or sell any securities to, or to attempt to induce the purchase of any security by, any person, in connection with which such broker or dealer, directly or indirectly, offers to arrange, or participates in arranging, any loan or credit for such person unless such broker or dealer, before any purchase, loan or other related element of the transaction is entered into:

(1) Delivers to such person a written statement setting forth (i) the exact nature and extent of such person's obligations under the particular loan arrangement, including, among other things, the specific charges which such person will incur under such loan in each period during which the loan may continue or be extended, (ii) the risks which such person will incur in the entire transaction, including the loan arrangement, and (iii) all commissions, discounts, and other remuneration received and to be received by the broker or dealer or any person controlling, controlled by, or under common control with the broker or dealer, in connection with the entire transaction, including the loan arrangement; and

(2) Obtains from such person information concerning his financial situation and needs, reasonably determines that the entire transaction, including the loan arrangement, is suitable for such person, and delivers to such person a written statement setting forth the basis upon which the broker or dealer made such determination.

(b) This rule shall not apply to any credit extended or any loan arrangement by any broker or dealer subject to the provisions of Regulation T (issued by the Board of Governors of the Federal Reserve System) (12 CFR Part 220) if such credit is extended or such loan is arranged, in compliance with the requirements of such regulation, only for the purpose of purchasing or carrying the security.

(Sec. 15(c)(2), 23(a), 48 Stat. 895, 901, as amended, 15 U.S.C. 78o, 78w)

All interested persons are invited to submit their views and comments on the proposal in writing on or before June 20, 1962. All such communications will be available for public inspection.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

MAY 22, 1962.

[F.R. Doc. 62–5362; Filed, June 1, 1962; 8:45 a.m.]

[1] Securities Act Release No. 4491; Investment Company Act Release No. 3480, published in the FEDERAL REGISTER concurrently with this proposal.

[2] In Securities Exchange Act Release No. 6726, dated February 8, 1962, and published in the FEDERAL REGISTER of February 15, 1962 (27 F.R. 1415), the Commission made public an opinion of Philip A. Loomis, Jr., Director of its Division of Trading and Exchanges, discussing the application of section 11(d)(1) of the Securities Exchange Act to broker-dealers engaged in such activity.

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order No. 191; (Rev. 2)]

UNDER SECRETARY FOR MONETARY AFFAIRS ET AL.

Designation of Deputies

1. In addition to their other assignments, the following are designated to serve, at the pleasure of the Secretary, as the respective deputies of the principals indicated:

Principal and Deputy

Under Secretary for Monetary Affairs—Deputy Under Secretary for Monetary Affairs

General Counsel—Senior Assistant General Counsel

Assistant Secretary—Deputy to the Assistant Secretary

Assistant Secretary (International Finance)—Deputy Assistant Secretary (International Finance)

Assistant Secretary (Tax Policy)—Deputy Assistant Secretary (Tax Policy)

Fiscal Assistant Secretary—Assistant to the Fiscal Assistant Secretary

Administrative Assistant Secretary—Deputy Administrative Assistant Secretary

2. Each deputy shall have authority to perform, during the absence of his principal, any function his principal is authorized to perform.

3. Treasury Department Order No. 191 (Revision 1) is rescinded.

Dated: May 25, 1962.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 62-5378; Filed, June 1, 1962; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

NOTICE OF AGREEMENT WITH THE STATE OF MISSISSIPPI

Notice is hereby given that Commissioner John S. Graham, on behalf of the Atomic Energy Commission, and the Honorable Ross Barnett, Governor of the State of Mississippi have signed the attached Agreement for discontinuance of certain Commission regulatory authority. The Agreement is published in accordance with the requirements of Public Law 86-373 (section 274 of the Atomic Energy Act of 1954, as amended). The exemptions from the licensing requirements of Chapters 6, 7, and 8 of the Atomic Energy Act are contained in Part 150 of the Commission's regulations (10 CFR Part 150), which was published in the February 14, 1962, issue of the FEDERAL REGISTER (27 F.R. 1351).

Dated at Washington, D.C., this 28th day of May 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

Agreement Between the United States Atomic Energy Commission and the State of Mississippi for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended

Whereas the United States Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas the Governor of the State of Mississippi is authorized to enter into this Agreement with the Commission; and

Whereas the Governor of the State of Mississippi certified on January 29, 1962, that the State of Mississippi (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas the Commission found that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas the State recognizes the desirability and importance of maintaining continuing compatibility between its program and the program of the Commission for the control of radiation hazards in the interest of public health and safety; and

Whereas the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I

Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ARTICLE II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ARTICLE III

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ARTICLE IV

This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss of diversion of special nuclear material.

ARTICLE V

The State will use its best efforts to maintain continuing compatibility between its program and the program of the Commission for the regulation of like materials. To this end the State will use its best efforts to keep the Commission informed of proposed changes in its rules and regulations, and licensing, inspection, and enforcement policies and criteria, and of proposed requirements for the design and distribution of products containing source, byproduct, or special nuclear material, and to obtain the comments and assistance of the Commission thereon.

ARTICLE VI

The Commission will use its best efforts to keep the State informed of proposed changes in its rules and regulations, and licensing, inspection, and enforcement policies and criteria and to obtain the comments and assistance of the State thereon.

ARTICLE VII

The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ARTICLE VIII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ARTICLE IX

This Agreement shall become effective on July 1, 1962, and shall remain in effect unless, and until such time as, it is terminated pursuant to Article VIII.

Done at Jackson, State of Mississippi, in triplicate, this 18th day of May 1962.

For the United States Atomic Energy Commission.

[SEAL] JOHN S. GRAHAM,
Commissioner.

For the State of Mississippi.

[SEAL] ROSS R. BARNETT,
Governor.

[F.R. Doc. 62-5349; Filed, June 1, 1962; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 62-CE-2]

TELEVISION ANTENNA STRUCTURE

Proposed Construction; Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Bi-States Company, Television Station KHOL-TV, Holdrege, Nebraska, proposes to construct a television antenna structure at latitude 40°39'27" north, longitude 98°51'59" west. The overall height of the structure would be 3,240 feet above mean sea level (1,175 feet above ground).

The proposed structure would be located 9.2 miles southeast of the Kearney Municipal Airport and 2.9 miles south of the centerline of an approved off-airway direct route between Kearney, Nebraska, and Hastings, Nebraska.

The Air Coordinating Committee on June 21, 1960, recommended approval of a proposed television antenna structure 3,246 feet above mean sea level, (1,081 feet above the ground level) by the same company at latitude 40°38'41" north, longitude 98°43'36" west. The ACC approved site is 3.8 miles northwest of Kenesaw, Nebraska, and 7.6 miles east of the proposed site.

The Bi-States Company has abandoned its plans to erect a structure at the ACC approved site due to inadequate co-channel mileage separation from another television station. The proposed site is expected to increase the mileage separation to an acceptable minimum.

Objections were received in response to the circularization from the Air Line Pilots Association and the Air Transport Association of America on the basis that the proposed structure would increase the minimum en route altitude for an off-airway direct route between Kearney and Hastings from 3,700 feet MSL to 4,200 feet MSL, and aircraft departing Kearney en route to Hastings would be required to climb off course.

The Aircraft Owners and Pilots Association objected to the proposal on the basis that any tower above 3,049 feet MSL at this location would not be in the public interest.

No other objections were made at the Regional Informal Airspace Meeting at which the proposal was discussed.

The proposed structure would have the following effects upon aeronautical operations:

1. It would exceed the outer horizontal surface described in the regulations of the Administrator, § 626.13(a)(3)(i), as applied to the Kearney Municipal Airport, by 610 feet; however, no objections were made to this penetration of criteria.

2. It would require an increase in the minimum en route altitude of an approved off-airway direct route between Kearney and Hastings from 3,700 feet to 4,200 feet MSL. Flights departing Kearney en route to Hastings via this route would be required to cross the Kearney TVOR at 4,200 feet southeastbound.

The route described in paragraph two above is presently approved for the use of a specific air carrier with a schedule of four flights per day with the exception of Saturday and Sunday when no flights are scheduled. The increase in the MEA for this route would not have a substantial adverse effect. In addition, this route could be redesignated approximately as follows: From the Kearney VOR to the Hastings radio beacon via the Kearney VOR 080 radial and the 120 degree bearing of the Hastings radio beacon. This route would permit retention of the presently approved minimum en route altitude and would permit aircraft departing Kearney to climb on course. The overall increase in en route mileage, 1.3 miles, would not be significant. Therefore, if the proposed structure is built, and the affected air carrier so requests, the Agency would take action to coordinate, flight check and redesignate this route.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that this structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter unless an appeal is filed under § 626.34 (14 CFR 626.34). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (14 CFR 626.35).

Issued in Washington, D.C., on May 22, 1962.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 62-5351; Filed, June 1, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14583; FCC 62M-753]

FIFTH MARKET BROADCASTING CO., INC. (WGSM)

Order Continuing Hearing

In re application of Fifth Market Broadcasting Co., Inc. (WGSM), Huntington, New York, Docket No. 14583, File No. BP-14332; for construction permit.

The Hearing Examiner having under consideration the "Petition for Continuance" filed by Fifth Market Broadcasting Co., Inc. on May 23, 1962, requesting that the presently scheduled dates for further proceedings in the above-entitled matter be continued;

It appearing that because of the amount of work involved in preparation of the exhibits, the scheduled date of May 23, 1962 cannot be met and that, of necessity, the hearing set for June 4, 1962 must be continued; and

It further appearing that the Broadcast Bureau, the only other party to the proceeding, has informally consented to a continuance and to a waiver of the 4-day rule so as to permit immediate action upon the petition, and that good cause has been shown for a continuance;

It is ordered, This 24th day of May 1962, that the "Petition for Continuance" filed by Fifth Market Broadcasting Co., Inc., be, and the same is, hereby granted to the extent that the presently scheduled date of May 23, 1962 for the exchange of exhibits is hereby continued to June 13, 1962; and

It is further ordered, That the scheduled date of June 4, 1962 for the hearing is hereby continued to June 27, 1962.

Released: May 28, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-5385; Filed, June 1, 1962; 8:48 a.m.]

[Docket Nos. 14608, 14609, FCC 62M-758]

GOODWILL STATIONS, INC., AND LAKE HURON BROADCASTING CORP.

Order Continuing Hearing

In re applications of the Goodwill Stations, Inc., Flint, Michigan, for renewal of license of television Station WJRT (including TV auxiliary Stations KD-9611, KE-4899, KQK-47 Main and Alternate Main, KQK-52 and KQK-53), Docket No. 14608, File No. BRCT-505; Lake Huron Broadcasting Corporation, Flint, Michigan, for construction permit for new television broadcast station (Channel 12), Docket No. 14609, File No. BPCT-2954.

The Hearing Examiner having under consideration a change of date for commencement of hearing;

It appearing that there is a conflict of dates in the Hearing Examiner's schedule which requires a change from June 20, as currently scheduled;

It is ordered, This 25th day of May 1962, that the date for commencement of hearing is changed from June 20 to July 11, 1962.

Released: May 28, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-5386; Filed, June 1, 1962; 8:48 a.m.]

[Docket No. 14651; FCC 62-564]

KFNF BROADCASTING CORP. (KFNF)

Order Designating Application for Hearing on Stated Issues

In re application of KFNF Broadcasting Corporation (KFNF), Shenandoah, Iowa, has: 920 kc, 500 w, 1 kw-LS, U, Class III-B (Shenandoah, Iowa), req: 920 kc, 1 kw, 5 kw-LS, DA-2, U, Class III-B (Council Bluffs, Iowa), Docket No. 14651, File No. BP-14026; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 23d day of May 1962;

The Commission having under consideration the above-captioned and described application;

It appearing that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that, the application is a proposal to modify and move the applicant's existing facility at Shenandoah, Iowa to Council Bluffs, Iowa; and

It further appearing that in support of its request to move the KFNF facilities to Council Bluffs, Iowa, the applicant states that KFNF has had a protracted history of operations showing a series of operating losses; that this condition continues to exist despite the efforts of different owners, including the present management which has been successful in other markets; that Shenandoah has one other existing unlimited time station; that the frequency 920 kc can be more efficiently used at Council Bluffs, Iowa; and that the proposed move would be in the public interest because of a more effective program service; and

It further appearing that Shenandoah, Iowa has a population of 6,567 (1960 U.S. Census) and in addition to Station KFNF, one existing facility (KFA, 960 kc, 5 kw, DA-N, U); that Council Bluffs has a population of 55,641 (1960 U.S. Census) with one existing station (KSWI), 1560 kc, 500 w, Day); and that Council Bluffs is contiguous to Omaha, Nebraska, which has six existing stations; and

It further appearing that it cannot be concluded, on the basis of the limited facts set forth above, that a grant of the subject application would be in the public interest, that on the basis of such additional facts as may be developed in an evidentiary hearing, it will be necessary to determine whether the provisions of section 307(b) of the Act would be better fulfilled by the addition of a new service to Council Bluffs, Iowa, or by the retention of Station KFNF at Shenandoah, Iowa; and that in effect, the determination to be made is equivalent to the determination necessary between two competing applicants for new stations, one proposing operation at Shenandoah and the other at Council Bluffs; and [1]

It further appearing that the instant proposal of Station KFNF will cause electrical interference to Station KIOA, Des Moines, Iowa, and Station KJSK, Columbus, Nebraska; and

It further appearing that, in view of the outstanding proposed rule making proceeding in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, a grant of the proposal in this proceeding, prior to a final decision in Docket No. 14419, should be appropriately conditioned; and

It further appearing that on February 14, 1962, the Commission designated for hearing in Docket No. 14528 (FCC 62-187) an application for a new standard broadcast station at Chisholm, Minnesota on the following issue, inter alia, "To determine whether Nicholas and Victor J. Tedesco have 'trafficked' or attempted to "traffick" in broadcast authorizations"; that a grant of the instant application should be appropriately conditioned on the outcome of the proceedings in the said Docket No. 14528; and

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That pursuant to section 309(c) of the Communications Act of 1934, as amended, the instant application is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KFNF and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of Station KFNF would cause objectionable interference to Station KJSK, and Station KIOA, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine the comparative needs of the areas now served by Station KFNF, including the city of Shenandoah, Iowa and the areas to be served by Station KFNF operating as proposed including Council Bluffs, Iowa, for broadcast service and, in view thereof, whether a grant of the subject application would be in accordance with section 307(b) of the Communications Act of 1934, as amended.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That Swanco Broadcasting, Inc., of Iowa and KJSK Inc., licensees of KIOA and KJSK, respectively are made parties to the proceeding.

It is further ordered, That, in the event of a grant of the subject application, the construction permit shall be conditioned as follows:

Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

This authorization is subject to compliance by permittee with any applicable procedures of the Federal Aviation Agency.

Should the instant application of KFNF Broadcasting Corporation not be denied, final action with respect to this application shall be withheld until dispositive action is taken with respect to the proceedings in Docket No. 14528, an application for a construction permit for a new standard broadcast station in Chisholm, Minnesota.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicant and the parties respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(a) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: May 28, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-5387; Filed, June 1, 1962; 8:48 a.m.]

[Docket Nos. 14646, 14647; FCC 62M-733]

MINEOLA BROADCASTING CO. AND CENTER BROADCASTING CO., INC.

Order Scheduling Hearing

In re applications of J. A. Windham and Lee Robinson, d/b as Mineola Broadcasting Co., Mineola, Texas, Docket No. 14646, File No. BP-14244; Center Broadcasting Company, Inc., Pittsburg, Texas, Docket No. 14647, File No. BP-14418; for construction permits.

It is ordered, This 21st day of May 1962, that David I. Kraushaar will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 23, 1962, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Thursday, June 21, 1962.

Released: May 22, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-5388; Filed, June 1, 1962; 8:48 a.m.]

[Docket No. 14652; FCC 62-565]

RADIO LONGVIEW, INC. (KLUE)

Order Designating Application for Hearing on Stated Issues

In re application Radio Longview, Inc. (KLUE), Longview, Texas, Docket No. 14652, File No. BP-14272, Has: 1280 kc, 1 kw, Day, Class III, Requests: 1280 kc, 5 kw, Day, Class III; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 23d day of May 1962;

The Commission having under consideration the above-captioned and described application;

It appearing that except as indicated by the issues and conditions specified below; the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal but that the proposal of Radio Longview, Inc., would cause interference to the following existing standard broadcast stations: KLCO, Poteau, Oklahoma; KFJZ, Fort Worth, Texas; KWCL, Oak Grove, Louisiana; and KWHI, Brenham, Texas; and;

It further appearing that:

1. Objections to the instant application were filed by James E. Curtis, licensee of Station KFRO, Longview, Texas, opposing the power-increase authorization requested for KLUE, File No. BP-14272, on the ground that such an increase would create a substantial overlap of the primary service areas of KLUE and KMHT in violation of § 3.35(a) of the Commission rules;

2. By letter of July 19, 1960, Bill Wells, licensee of Station KADO, Marshall, Texas, urged the Commission to consider fully the possibility of a duopoly resulting from a grant of the application (BP-13248) for a construction permit to increase the power of Station KMHT in Marshall; by letter of March 29, 1961, the Commission advised Wells that it had found that the portion of the KLUE service area which would receive service from the proposed operation of KMHT was not substantial within the meaning of § 3.35(a) of the Commission's rules on multiple ownership, that the Commission had granted the KMHT proposal, and that the Commission would give further consideration to the multiple ownership question when the present application was reached for study;

3. On December 19, 1961, the Commission received from the applicant a notarized letter stating that "Radio Longview, Inc., * * * would be willing to accept a grant of its application on the following conditions: That program tests will not be authorized until the permittee has shown that all of its stockholders, officers, and directors have divested all interest in and severed all connections with Station KMHT, Marshall, Texas";

4. Adoption of the condition suggested by the applicant, with modifications as indicated below, would render moot the question raised by KFRO and KADO; and

It further appearing, that, in view of the outstanding rulemaking proceeding in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, any grant of the proposal in this proceeding, prior to a final decision in Docket No. 14419, should be appropriately conditioned; and

It further appearing, that in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KLUE and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of Station KLUE would cause objectionable interference to Stations KLCO, Poteau, Oklahoma; KFJZ, Fort Worth, Texas; KWCL, Oak Grove, Louisiana; and KWHI, Brenham, Texas, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience, and necessity.

It is further ordered, That Le Flore Broadcasting Company, a partnership composed of R. B. Bell and Bernice Bell, the Texas State Network, Inc., the Carroll Broadcasting Company, Inc., and Tom S. Whitehead, licensees of Stations KLCO, KFJZ, KWCL, and KWHI, respectively, are made parties to the proceeding.

It is further ordered, That, in the event of a grant of the instant application, the construction permit shall contain the following conditions:

Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is prohibited.

Construction under this authorization shall not commence until the officers, stockholders, and directors of Radio Longview, Inc., have divested themselves of all interest in and severed all connections with Station KMHT, Marshall, Texas, by filing an application for transfer of control of the Harrison County Broadcasting Company, licensee of Station KMHT, and by consummating said assignment or transfer subsequent to Commission approval thereof.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the pub-

[1] See Ark Valley Broadcasting Company, Inc. 7RR77(1951) and Pioneer States Broadcasters, Inc. (FCC 62-147)

lication of such notice as required by § 1.362(g) of the rules.

Released: May 28, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-5389; Filed, June 1, 1962; 8:48 a.m.]

[Docket Nos. 14637, 14638; FCC 62-561]

WILLIAM L. ROSS AND HUGH JORDON STOCK

Order Rescinding Memorandum Opinion and Order

In re applications of William L. Ross, Riverton, Wyoming, Docket No. 14637, File No. BP-14086, Requests: 1370 kc, 1 kw, D, Class III; Hugh Jordon Stock, Riverton, Wyoming, Docket No. 14638, File No. BP-14184, Requests: 740 kc, 1 kw, Day; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 23d day of May 1962;

The Commission having under consideration its Memorandum Opinion and Order adopted May 9, 1962, designating the above-captioned and described applications for consolidated hearing;

It appearing that the Commission desires to give further consideration to matters involved in the proceeding so designated and, therefore, is of the opinion that the aforementioned Memorandum Opinion and Order of May 9, 1962, should be rescinded.

It is ordered, That the Commission's Memorandum Opinion and Order of May 9, 1962, designating the above-captioned applications for hearing is rescinded, pending further consideration by the Commission.

Released: May 28, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-5390; Filed, June 1, 1962; 8:48 a.m.]

[Docket Nos. 14331-14333; FCC 62M-754]

SUPERIOR COMMUNICATIONS CO., INC.

Memorandum Opinion and Order Scheduling Hearing

In re applications of Superior Communications Co., Inc., Docket No. 14331, File No. 1710-C1-R-61, for renewal of the license for Station KAQ 73, a Facility in the Domestic Public Point-to-Point Microwave Radio Service at Virginia, Minnesota; Docket No. 14332, File No. 1711-C1-R-61, for renewal of the license for Station KAQ 74, a Facility in the Domestic Public Point-to-Point Microwave Radio Service at Kabetogama, Minnesota; Docket No. 14333, File No. 1712-C1-R-61; for renewal of the license for Station KAQ 75, a Facility in the Domestic Public Point-to-Point Microwave Radio Service at Gheen, Minnesota.

1. The Hearing Examiner has before him for consideration a petition for leave to amend filed by Superior Communications Co., Inc. (Superior) on May 1, 1962. In essence, Superior seeks leave to amend its original applications herein to indicate that the community antenna television system (CATV) customer receiving service from the above-captioned facilities is no longer owned or controlled by the applicant or by any of its officers, directors, principals or stockholders.

2. When the applications which are the subject of the hearing herein were originally filed it appeared that Superior would provide service only to a CATV system which was under common control with Superior. The Commission in reviewing the applications involved herein was unable to find that a grant thereof would serve the public interest, convenience and necessity primarily because Superior had been unable to show compliance with that portion of the Commission's rules, 47 CFR 21.709, which requires that, during the preceding license period, at least 50 percent of the total hours of service rendered over the radio system, and not less than 50 percent of the radio channels therein, have been used by subscribers not directly controlling or controlled by, or under direct or indirect common control with itself. The Commission therefore issued its order of designation herein, released October 30, 1961 (FCC 61-1245) wherein it required a hearing on the basic issue of the need for continued holding out of common carrier service in view of the nonuse of the facilities by public subscribers, that is persons with whom the licensee is not directly or indirectly affiliated.

3. In its petition Superior alleges that during the preliminary conference held on November 27, 1961, its counsel indicated that it intended to file an application seeking consent to a change in control; that on January 10, 1962, it filed an appropriate application for consent to the transfer, whereby, upon Commission approval, 75 percent of the stock of Superior would be owned by another person and only 25 percent would be retained by the person who also owns 75 percent of the stock of the CATV which is the sole subscriber for the service from Superior. It is further alleged that Superior had recently been advised by appropriate members of the Commission's staff that action would not be taken on the aforementioned application for consent to transfer of control of Superior until the Examiner granted leave to amend the renewal application. Accordingly the instant petition for leave to amend has now been filed.

4. Superior alleges that the above-described course of action was taken pursuant to suggestion made by the Commission in its Public Notice of October 25, 1961 (Mimeo. No. 11683) wherein the Commission stated that if licensees in this service wish to avoid formal hearings they could, among other things, make efforts "to obtain customers for the services of these point-to-point microwave facilities who are not in any way related to or under common control with the licensee." It points to the fact that its negotiations were actively pursued and that by January 10, 1962, it had made the above-described agreement and filed it with the Commission together with a request for consent to transfer. Superior therefore contends that it has exercised due diligence and demonstrated that good cause has been shown why the instant petition for leave to amend should be granted. It explains the late filing of the instant petition on the grounds that it was not aware that it was necessary but that it was filed within a week of the time the Commission's staff indicated a need therefor.

5. The basic question to be determined by the Examiner is whether Superior has shown good cause in filing the instant petition for leave to amend more than six months after the matter was designated for hearing. It appears to the Examiner that Superior moved promptly after receipt of the hearing order and the preliminary conference herein to secure a purchaser for its controlling stock and consummated the action in less than two months. The delay in filing the petition was apparently due to a misunderstanding regarding the exact procedural steps necessary and its apparent honest belief that this was not a matter to be passed upon by the Examiner. It is further to be noted that this is not a comparative proceeding and that the only other party hereto, the Commission's Common Carrier Bureau, interposes no objection to the relief requested. Furthermore a grant of the petition would enable subsequent consideration of the merits of the application for consent and if such application were granted the extent and scope of the hearing herein would be narrowed considerably. Under all of these circumstances it would appear to the Examiner that there is ample precedent for a finding that good cause has been shown for a grant of the petition.

6. The Examiner notes that, by order released January 18, 1962 (FCC 62M-90), the Examiner postponed the hearing herein without date pending action by the Commission on the aforementioned application for consent to transfer of control. The Examiner further notes that in the instant petition before him it is alleged that upon grant thereof Superior believes it will secure the required consent to the transfer of control promptly. In view of the length of time that this proceeding has been pending and in view of the fact that there is a reasonable ground to believe that there will be prompt action by the Commission on the application for consent the Examiner feels that a new hearing date should be set herein so that evidence may be taken on such issues that remain and a decision may be issued promptly. The Examiner therefore proposes to set the hearing herein for June 11, 1962, with the understanding that if the Commission shall not have acted on the application for consent by June 6, 1962, he will entertain a motion for a further postponement of the hearing date.

Accordingly, it is ordered, This 25th day of May 1962, that the petition for leave to amend is granted and that the application for consent (FCC File No. 2395-C1-TC-(3)) is accepted for filing;

It is further ordered, That the hearing herein which had heretofore been postponed without date is rescheduled to commence on June 11, 1962, at 10:00 a.m. at the Offices of the Commission at Washington, D.C.: *Provided, however,* That should the Commission not take action on the pending application for consent to transfer control by June 6, 1962, the Examiner will entertain a motion for further postponement of the date for the start of the hearing scheduled herein; and that a further prehearing conference herein shall be held at 9:30 a.m. on June 1, 1962, at the Offices of the Commission in Washington, D.C.

Released: May 28, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-5391; Filed, June 1, 1962; 8:48 a.m.]

[Docket Nos. 14603, 14604; FCC 62M-757]

WKLM-TV, INC., AND CAPE FEAR TELECASTING INC.

Order Following Prehearing Conference

In re applications of WKLM-TV, Inc., Wilmington, North Carolina, Docket No. 14603, File No. BPCT-2905; Cape Fear Telecasting, Inc., Wilmington, North Carolina, Docket No. 14604, File No. BPCT-2938; for construction permits for new Television Broadcast Stations (Channel 3).

A prehearing conference in the above-entitled proceeding having been held on May 25, 1962, and it appearing that certain agreements reached therein by the participating parties should be formalized in an order;

Accordingly, it is ordered, This 25th day of May 1962, as follows:

(1) The direct cases of the applicants will be presented by written, sworn exhibits;

(2) Copies of a proposed joint stipulation covering various matters agreed on by the applicants shall be supplied to Bureau Counsel and the Hearing Examiner by July 23, 1962;

(3) Copies of the proposed exhibits of the applicants will be exchanged by them (and also supplied to Bureau Counsel and the Hearing Examiner) by August 27, 1962;

(4) Notification as to those witnesses for the respective applicants who are to be present for cross-examination at the hearing, shall be given by September 10, 1962; and

(5) The hearing heretofore scheduled to commence on June 18, 1962 is continued to September 17, 1962, at 10:00 a.m., in the offices of the Commission, Washington, D.C.

Released: May 28, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-5392; Filed, June 1, 1962; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 1058]

NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION

Notice of Filing of Exclusive Patronage (Dual Rate) Wine and Spirits Contract

Notice is hereby given that the North Atlantic Westbound Freight Association has filed with the Commission, pursuant to section 3 of Public Law 87-346, a proposed Exclusive Patronage (Dual Rate) Wine and Spirits Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled, or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 29, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5367; Filed, June 1, 1962; 8:46 a.m.]

[Docket No. 1059]

NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the North Atlantic Westbound Freight Association has filed with the Commission, pursuant to section 3 of Public Law 87-346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled, or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: May 29, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5368; Filed, June 1, 1962; 8:46 a.m.]

H. L. ZIEGLER, INC., ET AL

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

No. 8894 between H. L. Ziegler, Inc., Houston, Texas and J. T. Steeb & Co., Inc., of Seattle, Washington, provides for the performance of mutual services by the parties at their respective ports. The entire forwarding fee is to be retained by the party performing the service; ocean freight brokerage is to be equally divided. The agreement may be terminated by either party giving 30 days' written notice to the other.

No. 8897 between H. L. Ziegler, Inc. and Markand Thakar of New York is identical to Agreement No. 8894.

No. 8893 between J. R. Michels, Inc., of Houston, Texas and H. Stone & Company of New York, provides for the performance of forwarding services by the former for the New York company. J. R. Michels, Inc., will retain all the forwarding fee and H. Stone & Co. the entire brokerage. Cancellation may be effected 30 days after written notice by either party to the other.

No. 8898 between T. J. Hanson, Beaumont, Texas and Exporters Forwarding Co., Inc. of New York, is a cooperative arrangement under which the parties will perform forwarding work for each other and receive compensation in the form of forwarding fees and brokerage, the amount of which will be determined on the basis of the value of the respective services.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to them, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: May 28, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5369; Filed, June 1, 1962; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI62-447—RI62-457]

HERITAGE PETROLEUM CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MAY 25, 1962.

Heritage Petroleum Corporation (Operator), et al., Docket No. RI62-447; Amerada Petroleum Corporation, Docket No. RI62-448; Champlin Oil & Refining Company, Docket No. RI62-449; Cabot Corporation (SW), Docket No. RI62-450; Kerr-McGee Oil Industries, Inc., Docket No. RI62-451; Phillips Petroleum Company, Docket No. RI62-452; Shell Oil Company, Docket No. RI62-453; Russell Maguire (Operator), et al., Docket No. RI62-454; Sunray Mid-Continent Oil Company, Docket No. RI62-455; The Pure Oil Company, Docket No. RI62-456; Producing Properties, Inc. (Operator), et al., Docket No. RI62-457.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 psia. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI62-447...	Heritage Petroleum Corp. (Operator), et al., 2715 Mercantile Bank Bldg., Dallas 1, Tex.	1	2	Costal Transmission Corp. (North Appling Field, Calhoun and Jackson Counties, Tex.) (R.R. District No. 2.)	$5,657	5- 7-62	[1] 7- 1-62	12- 1-62	15.5	[2] 16.5	----------
RI62-448...	Amerada Petroleum Corp., P.O. Box 2040, Tulsa 2, Okla.	93	2	Colorado Interstate Gas Co. (SW. Camp Creek Field, Beaver County, Okla.).	641	4-26-62	[1] 6- 1-62	11- 1-62	17.0	[3] 18.1	----------
RI62-448...	Amerada Petroleum Corp.	60	1	Transcontinental Gas Pipe Line Corp. (Tilden Field, McMullen County, Tex.) (R.R. District No. 1).	2,561	5- 9-62	[1] 6-22-62	11-22-62	14.19	[3] 15.20	----------
RI62-449...	Champlin Oil & Refining Co., P.O. Box 9365, Fort Worth 7, Tex.	65	7	Colorado Interstate Gas Co. (Mocane Field, Beaver County, Okla.).	7,730	4-25-62	[1] 6- 1-62	11- 1-62	{[4] 16.5035 [5] 15.0}	{[4] 17.6 [3] 16.0}	----------
RI62-450...	Cabot Corp. (SW) P.O. Box 1011, Pampa, Tex.	60	6	....do....	528	4-27-62	[1] 6- 1-62	11- 1-62	15.0	[6] 17.0	----------
RI62-451...	Kerr-McGee Oil Industries, Inc., Kerr-McGee Bldg., Oklahoma City 2, Okla.	72	2	....do....	11,097	5- 1-62	[1] 6- 1-62	11- 1-62	16.745	[3] 18.972	----------
RI62-452...	Phillips Petroleum Co., Bartlesville, Okla.	362	2	....do....	786	4-30-62	[1] 6- 1-62	11- 1-62	16.380	[3] 17.472	----------
RI62-453...	Shell Oil Co., 50 West 50th St., New York 20, N.Y.	157	2	Colorado Interstate Gas Co. (Riverside Field, Beaver County, Okla.).	1,417	4-27-62	[1] 6- 1-62	11- 1-62	17.22	[3] 18.37	----------
RI62-454...	Russell Maguire (Operator), et al., 2110 Republic National Bank Bldg., Dallas 1, Tex.	6	3	Colorado Interstate Gas Co. (Mocane Field, Beaver County, Okla.).	64,240	[14] 5- 2-62	6- 2-62	11- 2-62	15.0	[13] 17.0	----------
RI62-455...	Sunray Mid-Continent Oil Co., P.O. Box 2039, Tulsa 2 Okla.	162	4	....do....	1,299	[14] 5- 3-62	6- 3-62	11- 3-62	16.890	[4] [13] 19.006	----------
RI62-456...	The Pure Oil Co., 200 East Golf Road, Palatine, Ill.	30	16	....do....	28,168	[14] 5- 4-62	6- 4-62	11- 4-62	17.003	[4] [13] 19.270	----------
RI62-457...	Producing Properties, Inc. (Operator), et al., 35th Floor Southland Center, Dallas, Tex.	7	5	Mississippi River Fuel Corp. (Woodlawn Field, Harrison County, Tex.) (R.R. District No. 6).	1,308	[1] 5-10-62	6-10-62	11-10-62	14.3844	[2] [13] 14.8892	RI61-366

[1] The stated effective date is the effective date proposed by respondent.
[2] Periodic rate increase.
[3] Subject to downward Btu adjustment below 1000 Btu's per cu. ft.
[4] Subject to downward Btu adjustment if gas is below 1133 Btu's per cu. ft.
[5] Renegotiated rate increase.
[6] Btu adjustment does not apply to acreage included in Supplement No. 5 to Champlin's Rate Schedule No. 65.
[7] Does not include Btu adjustment.
[8] Includes base rate of 16 cents per Mcf plus Btu adjustment.
[9] Redetermined rate increase.
[10] Btu adjustment inoperative during period of temporary authorization.
[11] Base rate of 17.0 cents per Mcf plus upward Btu adjustment for gas exceeding 1100 Btu's per cu. ft.
[12] Includes base rate of 17.0 cents per Mcf plus Btu adjustment.
[13] Subject to Btu adjustment.
[14] The stated effective date is the first day after expiration of the required statutory notice.
[15] Includes 0.25 cents per Mcf dehydration charge by seller where dehydration is required.

The proposed increased rates exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above Date Suspended Until column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 9, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6352; Filed, June 1, 1962; 8:45 a.m.]

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

[Docket No. G-13183 etc.]

PLACID OIL CO. ET AL.

Notice of Postponement of Hearing and Extension of Time To File Data

MAY 25, 1962.

Placid Oil Company, Operator, et al., Docket Nos. G-13183, et al.; Mississippi River Fuel Corporation, Docket No. G-17413.

Upon requests filed by Pan American Petroleum Corporation and Staff Counsel for a postponement of the hearing now scheduled for May 29, 1962, by order issued March 7, 1962, as modified by notice issued March 27, 1962, in the above-designated matters, the hearing now scheduled for May 29, 1962, is hereby postponed to June 18, 1962, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. Paragraph (D) of said order issued March 7, 1962 is amended accordingly.

Upon consideration of the motion filed by Mississippi River Fuel Corporation in Docket No. G-17413 for an extension of time within which to serve and file with the Commission such written testimony, exhibits, and arguments as it deems material to determination of the public interest initial price or prices in those remaining proceedings consolidated by order of March 7, 1962, a further extension is granted from May 18, 1962 to June 11, 1962, within which Mississippi River Fuel Corporation may serve and file the data specified by paragraph (C) of said order issued March 7, 1962. Paragraph (C) of said order issued March 7, 1962 is amended accordingly.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5353; Filed, June 1, 1962; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Rules of Organization

Effective April 17, 1962, the Rules of Organization were amended to read as follows:

Sec.
1. Basis and scope.
2. Composition and meetings of Committee.
3. Personnel.

SECTION 1. *Basis and scope.* These rules are issued by the Federal Open Market Committee (hereinafter sometimes called the Committee) pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U.S.C. 1001) and the Federal Reserve Act, (sec. 12A, 48 Stat. 168; 12 U.S.C. 263). Included therein are the rules specified by section 3(a)(1) of the Administrative Procedure Act.

SEC. 2. *Composition and meetings of committee*—(a) *Members.* The Federal Open Market Committee consists of the members of the Board of Governors of the Federal Reserve System and five representatives of the Federal Reserve Banks who are Presidents or First Vice Presidents of such banks. The representatives of the Federal Reserve Banks, and an alternate for each representative, are elected in accordance with section 12A of the Federal Reserve Act for terms of one year commencing on March 1 of each year.

(b) *Chairman and Vice Chairman.* At its first meeting on or after March 1 of each year, the Committee selects a Chairman and a Vice Chairman from among its membership.

(c) *Meetings.* The Committee meets at Washington, D.C., on call by the Chairman of the Board of Governors of the Federal Reserve System or at the request of three members of the Committee, at least four times each year and oftener if deemed necessary.

SEC. 3. *Personnel*—(a) *Official Staff.* The official staff of the Federal Open Market Committee includes its Secretary and Assistant Secretaries, General Counsel and Assistant General Counsel, and Economist and Associate Economists, who perform the duties indicated by their titles. These staff members are selected from among the officers and employees of the Board of Governors of the Federal Reserve System and the Federal Reserve Banks. In addition, one of the Federal Reserve Banks is selected by the Committee to execute transactions for the System Open Market Account; and the Committee selects a Manager of the System Open Market Account and a Special Manager for foreign currency operations for such Account, both of whom shall be satisfactory to such Federal Reserve Bank.

(b) *Others.* The services of other officers and employees of the Board of Governors of the Federal Reserve System and Federal Reserve Banks are made available and are utilized by the Committee as required.

FEDERAL OPEN MARKET COMMITTEE,
RALPH A. YOUNG,
Secretary.

[F.R. Doc. 62-5354; Filed, June 1, 1962; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

MAY 28, 1962.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (Formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, May 29, 1962, to June 7, 1962, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 62-5357; Filed, June 1, 1962; 8:45 a.m.]

[File No. 24A-1453]

CHEMIONICS ENGINEERING LABORATORIES, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MAY 28, 1962.

I. Chemionics Engineering Laboratories, Inc., a North Carolina corporation with principal office and plant located at 6138 Germantown Avenue, Philadelphia, Pennsylvania, filed with this Commission on January 20, 1961, a notification on Form 1-A and an offering circular relating to the sale of 100,000 shares of its $0.05 par value common stock at $3.00 per share, for an aggregate offering of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, under Regulation A. The offering commenced on May 26, with Best and Garey Co., Inc. as underwriter.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that:

1. The notification filed by the issuer failed to state that an affiliate of the issuer, Visual Dynamics Corporation, contemplated an offering of securities in addition to those covered by the notification.

2. The issuer has failed to comply with Rule 254 of the Regulation since the aggregate offering price of its securities exceeded $300,000.

3. The issuer has failed to furnish an offering circular to each purchaser as required by rule 256(a).

4. The issuer has failed to file a revised offering circular as required by rule 256(a).

5. The notification filed by issuer omits jurisdictions in which securities covered by the notification were offered, as required by rule 255.

6. The report of sales filed by issuer failed to identify certain brokers or dealers who participated in the distribution of the securities offered, as required by rule 260.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The proper business address of the issuer.

2. The financial condition of the issuer at the time of the offering.

3. The existence of certain loans outstanding at the time of the offering, the identity of the lenders and relationship of issuer's counsel to one of the lenders.

4. Fees paid to Arthur Tuchinsky, a controlling person, to counsel of the issuer, and to others.

5. Certain stock option agreements made prior to the offering.

6. The existence, role and interrelationship of certain managing and controlling parties.

7. The plan of distribution and price of the stock offered.

8. Contractual arrangements for production of issuer's products.

9. The failure to disclose that counsel for the issuer was also counsel for the underwriter.

C. The issuer and its underwriter, Best and Garey Co., Inc., have engaged in transactions, practices and a course of business in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 62-5358; Filed, June 1, 1962; 8:45 a.m.]

[File No. 24SF-2959]

MEASUREMENTS SPECTRUM, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MAY 25, 1962.

I. Measurements Spectrum, Inc., 815 South Fremont Ave., Alhambra, Calif., (issuer) filed a notification and offering circular on October 9, 1961, relating to a proposed offering of 60,000 shares of its $5 par value common stock at $5 per share for an aggregate amount of $300,000. The notification and offering circular were cleared on December 1, 1961, and the offering circular was dated December 18, 1961. Adams & Company, 5455 Wilshire Boulevard, Los Angeles, California, was named as underwriter on an all-or-none best-efforts basis.

II. The Commission has reasonable cause to believe that:

A. The offering circular omitted to state material facts, contained a materially misleading presentation of facts and untrue statements of material facts as follows:

1. The offering circular failed to disclose operating losses in the amount of $33,000 which were incurred subsequent to the August 31, 1961 date of the financials but prior to the date of the offering circular.

2. The offering circular failed to disclose that the issuer issued promissory notes in the amount of $46,000 subsequent to the date of financials but prior to the date of the offering circular.

3. The offering circular failed to disclose expenses charged to the company by the underwriter of $26,000, which is $17,000 in excess of the $9,000 estimated in the officering circular as expenses of the underwriter.

4. The offering circular contains an untrue statement of material fact in that it stated promotion stock was to be escrowed when in fact (a) the underwriter re-allocated promotion stock to members of the selling group, to salesmen employed by the underwriter and to directors of the issuer, and (b) the president of the issuer re-allocated promotion stock to the underwriter and to the lenders and finders as bonuses for loans to the company.

B. The offering has been made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-5359; Filed, June 1, 1962; 8:45 a.m.]

[File No. 24 NY-5355]

VISUAL DYNAMICS CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MAY 28, 1962.

I. Visual Dynamics Corporation, 505 Park Avenue, New York, N.Y., a New Jersey corporation, filed with the Commission on January 12, 1961, a notification on Form 1-A and on offering circular relating to the sale of 100,000 shares of its 5 cents par value common stock at $3.00 per share for an aggregate offering of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, under Regulation A. The offering commenced on April 26, 1961 with Best and Garey Co., Inc., as underwriter.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that:

1. The issuer has failed to comply with Rule 254 of the Regulation since the aggregate offering price of its securities exceeded $300,000.

2. The issuer has failed to furnish an offering circular to each purchaser as required by Rule 256(a).

3. The issuer has failed to file a revised offering circular as required by Rule 256(e).

4. The notification filed by issuer omits jurisdictions in which securities covered by the notification were offered, as required by Rule 255.

5. The report of sales filed by issuer failed to identify certain brokers or dealers who participated in the distribution of the securities offered as required by Rule 260.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The proper business address of the issuer.

2. The property leased by issuer and the amount of rental paid.

3. The existence and the stage of development of Phono-visor production models.

4. The existence of formal contracts with certain celebrities in the entertainment field.

5. The identity of issuer's manufacturing source, its contractual commitment and the existence of a common director.

6. The failure to disclose fees paid to an officer and director of issuer.

7. The failure to disclose the existence of an additional vice-president as well as his compensation.

8. The failure to disclose fees paid to Arthur Tuchinsky and others as well as Tuchinsky's true relationship to the issuer.

9. The failure to disclose the full extent of the consideration to be paid to counsel for the issuer and the extent of their affiliation with the issuer.

10. The failure to disclose that counsel for the underwriter was also counsel for the underwriter.

11. The extent of the services to be performed by Sanders Lowen and Alexander.

12. The failure to disclose additional loans to the issuer and the identity of the lenders.

13. The failure to disclose additional stock options granted by the issuer.

14. The failure to divulge the true plan of distribution of its securities as well as the true price of said securities.

15. The failure of the financial statement to disclose the true cash position of the issuer at the time the offering commenced.

C. The issuer and its underwriter, Best and Garey Co., Inc., have engaged in transactions, practices and a course of business in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 62-5362; Filed, June 1, 1962; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-XI-15]

CHIEF, LOAN ADMINISTRATION SECTION

Delegation Relating to Loan Administration Functions

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division by Delegation of Authority No. 30-XI-1 (Revision 1), dated September 18, 1961 (26 F.R. 10462) there is hereby redelegated to the Chief, Loan Administration Section, the authority:

A. *Financial Assistance.* To take all necessary actions in connection with the servicing, administration, collection and/or liquidation of partially or fully disbursed loans.

B. *Administration.* To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Administration Section.

IV. All previous authority delegated by the Chief, Financial Assistance Division to the Chief, Loan Administration Section is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: September 18, 1961.

OTIS J. KING, *Chief, Financial Assistance Division, Denver Regional Office.*

[F.R. Doc. 62-5363; Filed, June 1, 1962; 8:45 a.m.]

ALLIED CONSTRUCTION CONTRACTORS

Notice of Withdrawal of Request To Operate and Participate in a Small Business Defense Production Pool

The request to Allied Construction Contractors to operate as a small business defense production pool, and to certain companies to participate in the operations of said pool, and the approval of the voluntary program submitted for the operation of said pool, as set forth in 19 F.R. 1685 (March 27, 1954), are hereby withdrawn.

Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act, which was also granted, is terminated, except that nothing stated herein shall affect the immunity of said production pool and its participating members for those acts performed or omitted during the period when such request and approval of said pool were in effect.

JOHN E. HORNE, *Administrator.*

MAY 22, 1962.

[F.R. Doc. 62-5364; Filed, June 1, 1962; 8:46 a.m.]

UNIFIED INDUSTRIES, INC.

Notice of Withdrawal of Request To Operate and Participate in a Small Business Defense Production Pool

The request of Unified Industries, Inc., to operate as a small business defense production pool, and to certain companies to participate in the operations of said pool, and the approval of the voluntary program submitted for the operation of said pool, as set forth in 24 F.R. 9297 (November 17, 1959), are hereby withdrawn.

Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act, which was also granted, is terminated, except that nothing stated herein shall affect the immunity of said production pool and its participating members for those acts performed or omitted during the period when such request and approval of said pool were in effect.

JOHN E. HORNE, *Administrator.*

MAY 22, 1962.

[F.R. Doc. 62-5365; Filed, June 1, 1962; 8:46 a.m.]

HUNTINGTON PRODUCTION POOL

Notice of Withdrawal of Request To Operate and Participate in a Small Business Defense Production Pool

The request to Huntington Production Pool to operate as a small business defense production pool, and to certain companies to participate in the operations of said pool, and the approval of the voluntary program submitted for the operation of said pool, as set forth in 21 F.R. 1689 (March 16, 1956), are hereby withdrawn.

Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act, which was also granted, is terminated, except that nothing stated herein shall affect the immunity of said production pool and its participating members for those acts performed or omitted during the period when such request and approval of said pool were in effect.

JOHN E. HORNE, *Administrator.*

MAY 22, 1962.

[F.R. Doc. 62-5366; Filed, June 1, 1962; 8:46 a.m.]

TARIFF COMMISSION

[7-114]

EARTHENWARE TABLE AND KITCHEN ARTICLES

Notice of Investigation and Hearing [1]

Investigation instituted. Upon application of The United States Potters As-

[1] Note also Tariff Commission notices issued on May 16, 1962, and May 29, 1962, instituting investigation on Household China Tableware and Kitchenware, and rescheduling public hearing thereon to begin on July 24, 1962.

sociation, received May 25, 1962, the United States Tariff Commission, on the 29th day of May 1962, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, instituted an investigation to determine whether earthenware and crockery ware composed of a nonvitrified absorbent body, including white granite and semiporcelain earthenware, and cream-colored ware, terra cotta, and stoneware, all the foregoing which are tableware, kitchenware, and table and kitchen utensils, provided for in paragraph 211 of the Tariff Act of 1930, or articles chiefly used for preparing, serving, or storing food or beverages, or food or beverage ingredients, or fine-grained earthenware or of fine-grained stoneware, provided for in items 533.23, 533.25, 533.27, 533.33, 533.35, and 533.37 of the Tariff Schedules of the United States the adoption of which is provided for in Public Law 87-456, approved May 24, 1962, are, as a result in whole or in part of the duties or other customs treatment reflecting concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Public hearing ordered. A public hearing in connection with this investigation will be held beginning at 10 a.m., e.d.s.t., on July 25, 1962, in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C. Interested parties desiring to appear and to be heard at the hearing should notify the Secretary of the Commission, in writing, at least five days in advance of the date set for the hearing.

Inspection of application. The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission located in Room 437 of the Customhouse, where it may be read and copied by persons interested.

Issued May 29, 1962.

By order of the Commission.

DONN N. BENT,
Secretary.

[F.R. Doc. 62-5394; Filed, June 1, 1962; 8:48 a.m.]

[7-113]

HOUSEHOLD CHINA TABLEWARE AND KITCHENWARE

Notice of Change in Date of Hearing [1]

Notice is hereby given that the public hearing in connection with the investigation instituted under section 7 of the Trade Agreements Extension Act of 1951 with respect to Household China Tableware and Kitchenware, heretofore scheduled for 10 a.m., e.d.s.t. on August 7, 1962 (27 F.R. 4825), has been rescheduled for 10 a.m. e.d.s.t. on July 24, 1962.

Issued May 29, 1962.

By order of the Commission, May 18, 1962.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 62-5395; Filed, June 1, 1962; 8:49 a.m.]

[1] Note also Tariff Commission notice issued May 29, 1962, instituting investigation on Earthenware Table and Kitchen articles and scheduling public hearing thereon to begin on July 25, 1962.

DEPARTMENT OF COMMERCE

Office of the Secretary

EDWARD ABBOTT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: None.
B. Additions: Commonwealth Realty Trust.

This statement is made as of May 18, 1962.

EDWARD ABBOTT.

MAY 18, 1962.

[F.R. Doc. 62-5375; Filed, June 1, 1962; 8:47 a.m.]

FREDERICK M. MAYER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: Old Republic Insurance Company.
B. Additions: Continental-Emsco Company de Mexico, S.A. de C.V.

This statement is made as of May 3, 1962.

FREDERICK M. MAYER.

MAY 22, 1962.

[F.R. Doc. 62-5376; Filed, June 1, 1962; 8:47 a.m.]

JAMES H. SANDS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: None.
B. Additions: Strong Cobb Arner, Inc., San Diego Chargers, and Occidental Petroleum Corporation.

This statement is made as of May 18, 1962.

J. H. SANDS.

MAY 21, 1962.

[F.R. Doc. 62-5383; Filed, June 1, 1962; 8:47 a.m.]

HUBERT L. BYRD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: Eastern Air Lines.
B. Additions: None.

This statement is made as of May 18, 1962.

HUBERT L. BYRD.

MAY 18, 1962.

[F.R. Doc. 62-5384; Filed, June 1, 1962; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 645]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 29, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64879. By order of May 28, 1962, the Transfer Board approved the transfer to Pioneer Transport, Inc., Matawan, N.J., of that portion of the operating rights in Certificate No. MC 51211, issued January 2, 1945, to Pioneer Trucking Corp., New York, N.Y., authorizing the transportation of general commodities, except those transported in bulk, over regular routes, between New York, N.Y., and Philadelphia, Pa., and, over irregular routes, between points in the New York, N.Y., Commercial Zone, those in Bergen and Passaic Counties, N.J., east of the Ramapo River, those in Essex and Union Counties, N.J., those in Middlesex County, N.J., north of the Raritan River, on the one hand, and, on the other, points in Massachusetts, Rhode Island, and, Connecticut. Leonard A. Jaskiewicz, 600 Munsey Building, Washington 4, D.C., attorney for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-5371; Filed, June 1, 1962; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 29, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37762: *Fresh vegetables from Jacksonville and South Jacksonville, Fla.* Filed by O. W. South, Jr., Agent (No. A4194), for interested rail carriers. Rates on vegetables, fresh or green (not cold-packed nor frozen), in carloads, as described in the application, from Jacksonville and South Jacksonville, Fla., and points grouped therewith, to Elizabeth City and New Bern, N.C.

Grounds for relief: Market competition.

Tariff: Supplement 13 to Southern Freight Association tariff I.C.C. S-178.

FSA No. 37763: *Brick or tile raw materials between points in southern territory.* Filed by O. W. South, Jr., Agent (No. A4193), for interested rail carriers. Rates on crude earth suitable only for use in the manufacture of brick or tile, as described in the application, in carloads, between points in southern territory, also Ohio and Mississippi River crossings, Virginia cities and Washington, D.C.

Grounds for relief: Truck competition and short-line distance formula.

Tariff: Supplement 45 to Southern Freight Association tariff I.C.C. S-144.

FSA No. 37764: *Hay and straw from to and between points in WTL territory.* Filed by Western Trunk Line Committee, Agent (No. A-2248), for interested rail carriers. Rates on hay, straw and related articles, in carloads, between points in western trunk-line territory, also between points in western trunk-line territory, on the one hand, and points in Wyoming, on the other.

Grounds for relief: Truck competition.

Tariffs: Supplements 56 and 7 to Western Trunk Line Committee tariffs I.C.C. A-4338 and A-4422, respectively.

FSA No. 37765: *Processed clay from southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8218), for interested rail carriers. Rates on clay, noibn, processed for neutralization, clarifying, purifying, refining, filtering and/or decolorizing oils or solvents (mineral, animal or vegetable), or fats, waxes or greases, in carloads, from specified points in southwestern territory to points in southwestern, western trunk-line, southern and official (including Illinois) territories; also from Jackson, Miss., to points in southwestern territory.

Grounds for relief: Short-line distance formula.

Tariff: Southwestern Freight Bureau tariff I.C.C. 4481.

FSA No. 37766: *Alcohols from Longview, Tex., to Chicago and Lemont, Ill.* Filed by Southwestern Freight Bureau, Agent (No. B-8219), for interested rail carriers. Rates on ethyl acetate, ethylene glycol, hexyl alcohol (other than perfumery grade), also ethyl alcohol, denatured and/or undenatured, in tank-car loads, from Longview, Tex., to Chicago, Ill. (applicable only for deliveries on railroad tracks serving the Lake River Terminals at Summit, Ill.) and Lemont, Ill. (applicable only for deliveries on railroad tracks serving the North American Car Corp. at Lemont, Ill.)

Grounds for relief: Carrier competition.

Tariff: Supplement 234 to Southwestern Freight Bureau tariff I.C.C. 4064.

FSA No. 37767: *Alcohols to Chicago and Joliet, Ill.* Filed by Southwestern Freight Bureau, Agent (No. B-8220), for interested rail carriers. Rates on ethyl acetate, ethylene glycol, hexyl alcohol (other than perfumery grade), octyl alcohol (other than perfumery grade), also methanol (methyl alcohol), in tank-car loads, from Bishop and Corpus Christi, Tex., to Chicago and Joliet, Ill., and from South Bay City, Tex., to Joliet, Ill.

Grounds for relief: Carrier competition.

Tariff: Supplement 234 to Southwestern Freight Bureau tariff I.C.C. 4064.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-5372; Filed, June 1, 1962; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—JUNE

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during June.

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PART II

FEDERAL REGISTER

VOLUME 27 NUMBER 107

Washington, Saturday, June 2, 1962

Proposed System of Account Classifications for Small Business Investment Companies

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 111]

System of Account Classifications for Small Business Investment Companies

Notice of Proposed Rule Making

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, it is proposed to adopt a new Part 111 of Subchapter B, Chapter I, of Title 13 of the Code of Federal Regulations. Prior to the final adoption of this new Part 111 consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Investment Division, Small Business Administration, Washington 25, D.C., within a period of thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Information. The proposed Part 111 prescribes the System of Account Classifications for Small Business Investment Companies. This proposed System of Account Classifications was originally issued by the Small Business Administration on August 1, 1959, as the Recommended System of Account Classifications for Small Business Investment Companies which was revised January 1, 1961, and again revised February 1, 1962.

It is proposed to adopt the new Part 111, as set forth below.

AUTHORITY: Part 111 issued under section 308, Public Law 85-699, as amended.

Asset Accounts

10-12—Cash on Hand and in Banks

100-102 Deposits in ---------- bank.
118 Cash items in process of collection.
120 Petty cash fund.

13—Investments in United States Government Securities

130 United States Government obligations, direct and fully guaranteed.

14—Notes Receivable

140 Notes receivable.

15—Accounts Receivable

150 Accounts receivable.
154 Accounts receivable for compensation on participations sold.
155 Accounts receivable for commitment fees on deferred participations and financing commitments.

16—Accrued Interest Receivable

160 Accrued interest receivable.

17—Loans to Small Business Concerns

170 Loans (section 305).
179 Funds in escrow pending closing of financing.

18—Debt Securities of Small Business Concerns

180 Debt securities, convertible, and with stock purchase warrants or options (section 304).
184 Debt securities divested of stock rights (section 304).

19—Capital Stock of Small Business Concerns

190 Convertible capital stock of SBCs.
194 Capital stock of SBCs with stock purchase warrants or options.
198 Capital stock of SBCs—other.

20—Assets Acquired in Liquidation of Loans and Debt Securities

200 Assets acquired in liquidation of loans and debt securities.

21—Amounts Due From Debtors on Sale of Assets Acquired in Liquidation of Loans and Debt Securities

210 Amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.

22—Prepaid Expenses

220 Prepaid expenses.
224 Unamortized discount on debentures payable.

23—Furniture and Equipment

230 Furniture and equipment.

24—Corporate Premises Owned

240 Corporate premises owned—land.
241 Corporate premises owned—building.
242 Leasehold improvements.

25—Other Assets

250-252 Capital stock subscriptions receivable---------- (Type and class)
253 Uncollected discount, fees, and other charges on loans (section 305).
254 Uncollected discount, fees, and other charges on debt securities (section 304).
255 Amounts due from directors, officers, and employees.
256 Organization costs.
257 Other assets.

Liability and Valuation Reserve Accounts

30—Notes and Other Obligations Payable to SBA for Funds Borrowed

300 Notes payable to SBA.
302 Debentures payable, subordinated, issued to SBA.

31—Notes and Other Obligations Payable to Other Than SBA for Funds Borrowed

310 Loans sold with recourse.
312 Debt securities, convertible, and with stock purchase warrants or options sold with recourse.
314 Debt securities divested of stock rights sold with recourse.
315 Notes payable to other than SBA.
316 Debentures payable, unsubordinated.
318 Debentures payable, subordinated, issued to other than SBA.
319 Mortgages payable.

32—Notes Payable—Other

320 Notes payable—other.

33—Participations

330 Participations of other lenders in loans.
331 Participations of other investors in debt securities.
332 Participations of other investors in capital stock of SBCs.
333 Participations in assets acquired in liquidation of loans and debt securities.
334 Participations in amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.

34—Accounts Payable

340 Accounts payable for compensation on participations purchased.
342 Accounts payable for commitment fees on deferred participations.
344 Accounts payable—other.

35—Accrued Expenses Payable

350 Accrued interest payable.
352 Accrued interest payable on participations of other lenders or investors in loans, debt securities, and amounts due from debtors.
354 Estimated Federal income taxes accrued.
356 Estimated State income taxes accrued.
358 Other accrued expenses.

36—Dividends Payable

360-362 Dividends payable on ---------- capital stock. (Type and class)
365-367 Stock dividends payable on---------- capital stock. (Type and class)

37—Deposit Liabilities

370 Federal taxes withheld.
372 State and city taxes withheld.
374 Unapplied receipts.
376 Advance interest payments.
378 Miscellaneous trust receipts.

38—Other Liabilities

380 Unamortized premium on debentures payable.
382 Unearned discount, fees, and other charges on loans (section 305).
384 Unearned discount, fees, and other charges on debt securities (section 304).
386 Other liabilities.

39—Valuation Reserves

390 Allowance for uncollectible notes and accounts receivable.
391 Allowance for uncollectible interest receivable.
392 Allowance for uncollectible loans (section 305).
393 Allowance for losses on debt securities (section 304).
394 Allowance for losses on capital stock of SBCs.
395 Allowance for losses on assets acquired in liquidation of loans and debt securities.
396 Allowance for uncollectible amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.
397 Accumulated depreciation on furniture and equipment.
398 Accumulated depreciation on corporate premises owned—building.

Capital Stock and Surplus Accounts

40-41—Capital Stock

400-404 ---------- capital stock authorized. (Type and class)
405-409 ---------- unissued capital stock. (Type and class)
410-412 ---------- capital stock subscribed. (Type and class)
415-419 Treasury stock---------- (Type and class)

42—Surplus

420 Paid-in surplus.
425 Retained earnings from net income.
426 Retained earnings from net realized gain on investments.

427 Appropriated retained earnings.
429 Profit and loss summary.
430 Realized gain and loss summary.

Income Accounts

50—Commitment Income

500 Commitment income.

51-52—Interest Income

510 Interest on U.S. Government securities.
512 Interest on loans.
514 Interest on funds in escrow pending closing of financing.
516 Interest on debt securities.
518 Interest on amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.
520 Interest income—other.

53—Compensation Income

530 Compensation income—participations sold.
532 Advisory and consulting service fees.
534 Appraisal and investigation fees.
536 Miscellaneous fees.

54—Dividends and Other Earnings

540 Dividends on capital stock of SBCs.
541 Sharings in income of SBCs.

55—Amortization of Premium on Debentures Payable

550 Amortization of premium on debentures payable.

56—Gain on Debentures Purchased and Retired

560 Gain on debentures purchased and retired.

57—Gain on Securities and Other Assets

570 Gain on U.S. Government securities.
572 Gain on debt securities (section 304).
574 Recoveries on asset losses charged to loss accounts.
576 Gain on capital stock of SBCs.
577 Gain on stock purchase warrants or options of SBCs.
578 Gain on assets acquired in liquidation of loans and debt securities.
579 Gain on other assets.

58—Miscellaneous Income

580 Rental income.
582 Income from assets acquired in liquidation of loans and debt securities.
584 Other income.

Expense Accounts

60—Commitment Expense

600 Commitment expense.

61-62—Interest Expense

610 Interest on notes payable to SBA.
614 Interest on debentures payable, issued to SBA.
618 Interest on loans sold with recourse.
620 Interest on debt securities sold with recourse.
622 Interest on notes payable to other than SBA.
624 Interest on debentures payable, issued to other than SBA.
626 Interest on mortgages payable.
628 Interest expense—other.

63—Compensation Expense

630 Compensation expense—participations purchased.

64—Debenture, Fiscal Agent, and Stock Record Expense

640 Debenture and fiscal agent expense.
642 Transfer agent and registrar expense.

65-67—Operating Expenses

650-679 Operating expenses.
650 Advertising and promotional costs.
651 Appraisal, consulting, and engineering costs.
652 Auditing and examination costs.
653 Communications.
654 Cost of space occupied.
655 Depreciation of corporate premises owned—building.
656 Depreciation of furniture and equipment.
657 Directors' and stockholders' meetings costs.
658 Insurance.
659 Investigation and financial service costs.
660 Investment adviser and supervisory costs.
661 Legal services.
662 Miscellaneous services and supplies.
663.1 Salaries of officers.
663.2 Salaries of employees.
664 Taxes, excluding Federal and State income taxes.
665 Travel.
666 Uncollectible notes and accounts.
667 Uncollectible interest receivable.
668 Uncollectible loans (section 305).
669 Uncollectible amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.
670 Maintenance and repairs.
671 Retirement benefits expense.
672 Organization expense.
673 Estimated losses on debt securities (section 304).
674 Estimated losses on capital stock of SBCs.
675 Estimated losses on assets acquired in liquidation of loans and debt securities.

68—Amortization of Discount on Debentures Payable

680 Amortization of discount on debentures payable.

69—Loss on Debentures Purchased and Retired

690 Loss on debentures purchased and retired.

70—Loss on Securities and Other Assets

700 Loss on U.S. Government securities.
702 Loss on debt securities (section 304).
706 Loss on capital stock of SBCs.
708 Loss on assets acquired in liquidation of loans and debt securities.
709 Loss on other assets.

71—Miscellaneous Expenses

710 Expense on assets acquired in liquidation of loans and debt securities.

72—Federal and State Income Taxes

720 Federal income taxes—net income.
722 Federal income taxes—net realized gain on investments.
725 State income taxes—net income.
727 State income taxes—net realized gain on investments.

Memorandum Records

Contingent Assets

CA-1 Documentary items in process of collection.
CA-2 Other contingent assets.

Contingent Liabilities

CL-6 Commitments outstanding.
CL-7 Other contingent liabilities.

Nominal Assets

NA-10 Stock purchase warrants or options on stock of SBCs.

Nominal Liabilities

NL-16.

Options on Company's Stock

OCS-1 Options on company's stock.

General Instructions

1. This system of account classifications for small business investment companies is adaptable to manual or machine accounting procedures employing the double-entry method, and is otherwise designed to meet the specific needs of companies licensed in accordance with the provisions of the Small Business Investment Act of 1958, as amended. Financial data accumulated in the manner required by this accounting system will facilitate the preparation of the annual, semiannual, and interim financial reports on SBA Form 468 to be furnished by licensed companies pursuant to the Act and Regulations.

2. Account classifications in use by companies licensed prior to issuance of this revised system shall be converted to the classifications set forth herein as soon as practicable but not later than sixty days after their publication in the FEDERAL REGISTER. If a small business investment company considers that it needs one or more additional accounts, it shall submit a detailed description of the proposed account(s) to SBA for approval.

3. Subdivisions of any account in this system of account classifications may be kept in the general ledger without the prior approval of SBA, provided that such subaccounts do not impair the integrity of the accounts set forth in the prescribed system. The titles of all such subaccounts shall refer by number and title to the accounts of which they are subdivisions, and a description of such subaccounts shall be furnished to SBA promptly upon their establishment. Use of a decimal system is required for extending the account numbers to identify such subaccounts.

4. This account classification system provides for two-digit number designations for major categories under which accounts are listed, and three-digit number designations for individual general ledger accounts. The first two digits of an individual account number refer to the major category under which the account is classified and the third digit identifies the specific account. Digits from zero through nine are used to identify specific accounts. For example, the first deposit bank account established will be designated "100" and the second "101." It will be noted that some categories encompass individual accounts in sufficient number to require assignment of more than one two-digit number to identify the category. For example, "Cash on Hand and in Banks" has been assigned category numbers "10," "11," and "12."

5. Books of account shall be maintained on an accrual basis and, at the end of each month, all transactions and accruals applicable to the month, as nearly as may be ascertained, shall be entered in the books.

6. It is very important that complete and accurate records of all contingent and nominal assets and liabilities be maintained. This is especially true with respect to outstanding commitments to finance small business concerns through

loans to them or the acquisition of their equity securities, and to make funds available to other lenders through deferred participations. A section providing for the maintenance of appropriate memorandum records is included herein, covering contingent assets, contingent liabilities, nominal assets, nominal liabilities, and options on the capital stock of the small business investment company.

7. Each small business investment company shall keep its books of account, and all other books, records, and memoranda which support in any way the entries in its books of account, in such manner as to be able readily to furnish full information on any item included in any account. The books and records referred to herein include not only accounting records in a limited technical sense, but all other records, such as minute books, capital stock records, reports, correspondence, and memoranda which may be useful in developing the history of, or facts regarding, any transaction.

8. Nothing contained in this system of account classifications can or is intended to authorize or approve any operation or action by a Licensee, or any other, not authorized by the Small Business Investment Act of 1958, as amended.

ASSET ACCOUNTS

100–102 Deposits in _____ bank.

These accounts will represent funds on demand deposit in banks, other than closed banks.

Debit:

(a) With amount of funds deposited.

Credit:

(a) With amount of funds withdrawn, and charges made by bank for such items as dishonored checks, transfer of funds by wire, collection, exchange, etc.

118 Cash items in process of collection.

This account will represent the amount of cash items placed with banks for collection.

Debit:

(a) With amount of such items placed with banks for collection.

Credit:

(a) With amount of items collected.

(b) With amount of uncollected items returned or withdrawn.

120 Petty cash fund.

This accouht will represent the imprest petty cash fund maintained for the purpose of making small disbursements.

Debit:

(a) With amount placed in the fund when established.

(b) With amount of increase in the fund.

Credit:

(a) With amount of decrease in the fund.

NOTE: The petty cash fund may be reimbursed and expenditures recorded as often as circumstances require, but must be reimbursed at the close of the company's fiscal year. Checks to replenish the fund will be drawn on a general fund bank account and include "petty cash" as a payee. Debits totaling the amount of this replenishment should be made concurrently to the appropriate accounts.

130 United States Government obligations, direct and fully guaranteed.

This account will represent the cost of temporary investments made from general cash funds in direct obligations of the United States Government and obligations guaranteed as to principal and interest by the United States Government. When United States Savings Bonds redeemable at par value on maturity are purchased at less than face value, the increase in redemption value may be periodically charged to this account with concurrent credit to account No. 510—Interest on U.S. Government securities.

Debit:

(a) With cost of such securities acquired.

(b) With increase in redemption value of United States Savings Bonds.

Credit:

(a) With redemption value of United States Savings Bonds redeemed.

(b) With cost of such securities sold or disposed of otherwise.

NOTE: Increase in value over cost of United States Treasury bills, which are issued at a discount and are non-interest bearing, will not be reflected in this account but will be debited at the end of each month to account No. 160—Accrued interest receivable, with concurrent credit to account No. 510—Interest on U.S. Government securities.

(See accounts Nos. 570 and 700)

140 Notes receivable.

This account will represent the unpaid balance of miscellaneous notes receivable. Notes representing amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities will be reflected in account No. 210.

Debit:

(a) With amount of such miscellaneous notes received.

Credit:

(a) With amount collected on principal of such miscellaneous notes.

(b) With unpaid principal balance written off or disposed of otherwise.

(See account No. 390)

150 Accounts receivable.

This account will represent the amount due on open account for advisory, consulting, appraisal, financial, and miscellaneous services rendered, declared dividends receivable on capital stock of small business concerns, amounts receivable representing sharings in the income of small business concerns, and other current receivables for which no specific accounts have been provided.

Debit:

(a) With amount due the company.

Credit:

(a) With amount collected.

(b) With amount written off or disposed of otherwise.

(See account No. 390)

154 Accounts receivable for compensation on participations sold.

This account, on the books of the "initiating" company, will represent the amount of accrued compensation receivable for services rendered to "participating" companies, such as banks, small business investment companies, and other lenders or investors, on their participations in loans (section 305), debt securities (section 304), assets acquired in liquidation of loans and debt securities, and amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities of the "initiating" company.

Debit:

(a) With amount of accrued compensation for such services rendered.

Credit:

(a) With amount of such accrued compensation collected.

(b) With amount of such accrued compensation written off or disposed of otherwise.

(See accounts Nos. 390 and 530)

155 Accounts receivable for commitment fees on deferred participations and financing commitments.

This account, on the books of the "participating" company, will represent the amount of accrued commitment fees receivable for making funds available on a deferred basis to "initiating" companies, such as banks, small business investment companies, and other lenders, in connection with their financing of, or commitments to finance, small business concerns.

In addition, an "initiating" company will use this account to record the amount of accrued commitment fees receivable for making funds available on a deferred basis on commitments to finance small business concerns.

Debit:

(a) With amount of such accrued fees.

Credit:

(a) With amount of such accrued fees collected.

(b) With amount of such accrued fees written off or disposed of otherwise.

NOTE: A deferred participation is defined as a commitment under a participation agreement whereby the "participating" company will make funds available on a deferred basis to the "initiating" company in connection with the latter's financing of, or commitment to finance, a small business concern.

(See accounts Nos. 390 and 500)

160 Accrued interest receivable.

This account will represent the amount of interest accrued on loans to and debt securities of small business concerns, United States Government obligations, direct and fully guaranteed, notes receivable, sales contracts, and other interest-bearing amounts due from debtors, including funds placed in escrow pending the closing of financing.

On the books of the "initiating" company, the full amount of interest accrued on loans (section 305) and debt securities (section 304) participated in by others will be reflected in this account pending collection from borrowers, or other disposition thereof (account No. 352 will be credited with amount due "participating" companies).

On the books of the "participating" company, interest accrued on the amount of the company's participation in loans and debt securities of others will be reflected in this account pending receipt of payment from the "initiating" company, or other disposition thereof.

Debit:

(a) With amount of accrued interest purchased, at date loans or debt securities are acquired.

(b) At the end of each month, with amount of interest accrued on all items covered by this account on that date.

(c) With amount of interest accrued during the month on such items disposed of during the month.

Credit:

(a) With amount of interest payments received.

(b) With amount of accrued interest transferred to assets acquired in liquidation of loans and debt securities.

(c) Upon disposition of loans or debt securities, with amount of accrued interest thereon included in this account.

(d) With amount of accrued interest written off or disposed of otherwise.

NOTE: At the option of the company, interest payments received in cash from debtors prior to the interest maturity date may be credited to account No. 376—Advance interest payments, until the maturity date.

170 Loans (section 305).

This account will represent the unpaid balance of net funds advanced on loans made to small business concerns pursuant to Section 305 of the Small Business Investment Act of 1958, as amended.

Debit:

(a) With face amount of direct loans.

(b) On the books of the "initiating" company, with total face amount of the loan made to borrower by both the "initiating" company and the "participating" company (account No. 330 will be credited with the portion purchased by the "participating" company).

(c) On the books of the "participating" company, with amount of participations in loans of others.

(d) With that portion of amount collected allocable to discount, fees, and other charges included in the face amount of direct loans but withheld from disbursements to debtor small business concerns (contra credit will be made to account No. 253).

(e) On the books of the "initiating" company, with total amount collected allocable to such discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, in connection with loans participated in by other lenders (contra credit will be made to account No. 253 for the "initiating" company's portion and to account No. 330 for the "participating" company's portion).

(f) On the books of the "participating" company, with amount collected allocable to that portion of such discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participations in loans of other lenders (contra credit will be made to account No. 253).

(g) With unpaid principal of loans represented by renewal notes accepted or notes taken in substitution for those held (appropriate adjustment will be made to account No. 253).

(h) With reversal of prior credits when checks received representing repayments are dishonored, etc.

Credit:

(a) With amount of uncollected discount, fees, and other charges included in the face amount of direct loans but withheld from disbursements to debtor small business concerns (contra debit will be made to account No. 253).

(b) On the books of the "initiating" company, with total amount of uncollected discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, in connection with loans participated in by other lenders (contra debit will be made to account No. 253).

(c) On the books of the "participating" company, with that portion of uncollected discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participations in loans of other lenders (contra debit will be made to account No. 253).

(d) With amount collected on face amount of direct loans.

(e) On the books of the "initiating" company, with full amount collected on unpaid principal of loans participated in by others.

(f) On the books of the "participating" company, with full amount by which participations in loans of others are reduced by repayments transmitted by the "initiating" company.

(g) With unpaid principal of loans represented by notes renewed or for which other notes have been substituted (appropriate adjustment will be made to account No. 253).

(h) With amount transferred to assets acquired in liquidation of loans and debt securities (appropriate adjustment will be made to account No. 253).

(i) With unpaid principal of loans written off or disposed of otherwise (appropriate adjustment will be made to account No. 253).

NOTE 1: It is assumed that in all loan participation arrangements the "initiating" company will service the loans.

NOTE 2: It is recommended that individual loan ledger cards or sheets be maintained for all loans. Such ledger cards or sheets should contain the detailed information needed for account No. 253—Uncollected discount, fees, and other charges on loans (section 305), account No. 330—Participations of other lenders in loans, and account No. 382—Unearned discount, fees, and other charges on loans (section 305).

(See accounts Nos. 310 and 392)

179 Funds in escrow pending closing of financing.

This account will represent the amount of funds placed in escrow pending the closing of financing for small business concerns.

Debit:

(a) With amount of funds placed in escrow.

Credit:

(a) With amount of funds withdrawn from escrow.

180 Debt securities, convertible, and with stock purchase warrants or options (section 304).

This account will represent the unpaid balance of net funds advanced on small business concerns' debt securities, convertible, and with attached stock purchase warrants or options acquired by the company pursuant to Section 304 of the Small Business Investment Act of 1958, as amended.

Debit:

(a) With face amount of debt securities, convertible, and with stock purchase warrants, or options acquired, without allocating any of the amount to nondetachable or detachable stock purchase warrants or options.

(b) On the books of the "initiating" company, with total face amount of the debt securities, convertible, and with stock purchase warrants or options purchased by both the "initiating" company and the "participating" company (account No. 331 will be credited with the portion purchased by the "participating" company).

(c) On the books of the "participating" company, with amount of participations in purchases by others of debt securities, convertible, and with stock purchase warrants or options.

(d) With that portion of amount collected allocable to discount, fees, and other charges included in the face amount of such debt securities, but withheld from disbursements to debtor small business concerns (contra credit will be made to account No. 254).

(e) On the books of the "initiating" company, with total amount collected allocable to such discount, fees, and other charges included in the face amount of such debt securities, but withheld from disbursements to debtor small business concerns, in connection with purchases of debt securities participated in by other investors (contra credit will be made to account No. 254 for the "initiating" company's portion and to account No. 331 for the "participating" company's portion).

(f) On the books of the "participating" company, with amount collected allocable to that portion of such discount, fees, and other charges included in the face amount of such debt securities, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participations in purchases by other investors of debt securities (contra credit will be made to account No. 254).

(g) With reversal of prior credits when checks received representing repayments are dishonored, etc.

Credit:

(a) With amount of uncollected discount, fees, and other charges included in the face amount of debt securities, convertible, and with stock purchase

warrants or options, but withheld from disbursements to debtor small business concerns (contra debit will be made to account No. 254).

(b) On the books of the "initiating" company, with total amount of uncollected discount, fees, and other charges included in the face amount of debt securities, convertible, and with stock purchase warrants or options, but withheld from disbursements to debtor small business concerns, in connection with purchases of debt securities participated in by other investors (contra debit will be made to account No. 254).

(c) On the books of the "participating" company, with that portion of uncollected discount, fees, and other charges included in the face amount of debt securities, convertible, and with stock purchase warrants or options, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participations in purchases by other investors of debt securities (contra debit will be made to account No. 254).

(d) With amount collected on face amount of debt securities, convertible, and with stock purchase warrants or options.

(e) On the books of the "initiating" company, with full amount collected on unpaid principal of debt securities, convertible, and with stock purchase warrants or options, through payments amortizing such securities and on partial calls of such securities.

(f) On the books of the "participating" company, with full amount by which participations in purchases by others of debt securities, convertible, and with stock purchase warrants or options, are reduced by repayments transmitted by the "initiating" company.

(g) With unpaid principal of debt securities, convertible, and with stock purchase warrants or options, or portions thereof, converted into capital stock (appropriate adjustment will be made to account No. 254).

(h) With unpaid principal of debt securities, convertible, and with stock purchase warrants or options which have been divested of stock rights through (1) the expiration of the conversion privilege, (2) the exercise or the expiration of rights conveyed by nondetachable or detachable stock purchase warrants or options, or (3) the detachment of detachable stock purchase warrants or options.

(i) With unpaid principal of debt securities, convertible, and with stock purchase warrants or options, transferred to assets acquired in liquidation of loans and debt securities (appropriate adjustment will be made to account No. 254).

(j) With unpaid principal of debt securities, convertible, and with stock purchase warrants or options, written off or disposed of otherwise (appropriate adjustment will be made to account No. 254).

NOTE 1: It is assumed that in all arrangements for participation in the purchase of debt securities, convertible, and with stock purchase warrants or options the "initiating" company will service the financing.

NOTE 2: It is recommended that individual ledger cards or sheets be maintained for all debt securities, convertible, and with stock purchase warrants or options. Such ledger cards or sheets should contain the detailed information needed for account No. 254—Uncollected discount, fees, and other charges on debt securities (section 304), account No. 331—Participations of other investors in debt securities, and account No. 384—Unearned discount, fees, and other charges on debt securities (section 304).

(See accounts Nos. 184, 312, and 393, and memorandum record No. NA–10)

184 Debt securities divested of stock rights (section 304).

This account will represent the unpaid balance of net funds advanced on small business concerns' debt securities which have been divested of stock rights through (1) the expiration of the conversion privilege of convertible debt securities, (2) the exercise or the expiration of rights conveyed by nondetachable or detachable stock purchase warrants or options of debt securities, or (3) the detachment of detachable stock purchase warrants or options, obtained in connection with the acquisition of debt securities pursuant to Section 304 of the Small Business Investment Act of 1958, as amended.

Debit:

(a) With unpaid principal of debt securities divested of stock rights through (1) the expiration of the conversion privilege, (2) the exercise or the expiration of rights conveyed by nondetachable or detachable stock purchase warrants or options, or (3) the detachment of detachable stock purchase warrants or options.

(b) On the books of the "initiating" company, with total unpaid principal of the debt securities divested of stock rights (account No. 331 will be credited with the portion purchased by the "participating" company).

(c) On the books of the "participating" company, with amount of participations in purchases by others of debt securities which have been subsequently divested of stock rights.

(d) With that portion of amount collected allocable to discount, fees, and other charges included in the face amount of such debt securities, but withheld from disbursements to debtor small business concerns (contra credit will be made to account No. 254).

(e) On the books of the "initiating" company, with total amount collected allocable to such discount, fees, and other charges included in the face amount of such debt securities, but withheld from disbursements to debtor small business concerns, in connection with purchases of debt securities participated in by other investors (contra credit will be made to account No. 254 for the "initiating" company's portion and to account No. 331 for the "participating" company's portion).

(f) On the books of the "participating" company, with amount collected allocable to that portion of such discount, fees, and other charges included in the face amount of such debt securities, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participations in purchases by other investors of debt securities (contra credit will be made to account No. 254).

(g) With reversal of prior credits when checks received representing repayments are dishonored, etc.

Credit:

(a) With amount of uncollected discount, fees, and other charges included in the face amount of debt securities divested of stock rights but withheld from disbursements to debtor small business concerns (contra debit will be made to account No. 254).

(b) On the books of the "initiating" company, with total amount of uncollected discount, fees, and other charges included in the face amount of debt securities divested of stock rights, but withheld from disbursements to debtor small business concerns, in connection with purchases of debt securities participated in by other investors (contra debit will be made to account No. 254).

(c) On the books of the "participating" company, with that portion of uncollected discount, fees, and other charges included in the face amount of debt securities divested of stock rights, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participations in purchases by other investors of debt securities (contra debit will be made to account No. 254).

(d) With amount collected on face amount of debt securities divested of stock rights.

(e) On the books of the "initiating" company, with full amount collected on unpaid principal of debt securities divested of stock rights through payments amortizing such securities and on partial calls of such securities.

(f) On the books of the "participating" company, with full amount by which participations in purchases by others of debt securities which have been subsequently divested of stock rights are reduced by repayments transmitted by the "initiating" company.

(g) With unpaid principal of debt securities divested of stock rights transferred to assets acquired in liquidation of loans and debt securities (appropriate adjustment will be made to account No. 254).

(h) With unpaid principal of debt securities divested of stock rights written off or disposed of otherwise (appropriate adjustment will be made to account No. 254).

NOTE 1: It is assumed that in all arrangements for participation in the purchase of debt securities the "initiating" company will service the financing.

NOTE 2: It is recommended that individual ledger cards or sheets be maintained for all debt securities which have been divested of stock rights. Such ledger cards or sheets should contain the detailed information needed for account No. 254—Uncollected discount, fees, and other charges on debt securities (section 304), account No. 331—Participations of other investors in debt securities, and account No. 384—Unearned discount, fees, and other charges on debt securities (section 304).

(See accounts Nos. 180, 314, and 393)

190 Convertible capital stock of SBCs.

This account will represent the value at cost of small business concerns' convertible capital stock acquired by the company pursuant to Section 304 of the Small Business Investment Act of 1958, as amended.

Debit:

(a) With cost of such convertible capital stock acquired.

(b) On the books of the "initiating" company, with total cost of the convertible capital stock of SBCs purchased by both the "initiating" company and the "participating" company (account No. 332 will be credited with the portion representing the investment of the "participating" company).

(c) On the books of the "participating" company, with amount of participations in acquisitions by others of convertible capital stock of SBCs.

Credit:

(a) With cost of such convertible capital stock converted to another class of capital stock.

(b) With cost of such convertible capital stock in connection with which the conversion privilege has expired.

(c) With cost of such convertible capital stock written off or disposed of otherwise.

NOTE 1: It is assumed that in all arrangements for participation in the acquisition of capital stock of SBCs the "initiating" company will service the financing.

NOTE: 2: It is recommended that individual ledger cards or sheets be maintained for all convertible capital stock of SBCs. Such ledger cards or sheets should contain the detailed information needed for account No. 332—Participations of other investors in capital stock of SBCs.

(See accounts Nos. 198 and 394)

194 Capital stock of SBCs with stock purchase warrants or options.

This account will represent the value at cost of small business concerns' capital stock with attached stock purchase warrants or options acquired by the company pursuant to Section 304 of the Small Business Investment Act of 1958, as amended.

Debit:

(a) With cost of such capital stock of SBCs with stock purchase warrants or options acquired, without allocating any of the cost to the nondetachable or detachable stock purchase warrants or options.

(b) On the books of the "initiating" company, with total cost of the capital stock of SBCs with stock purchase warrants or options purchased by both the "initiating" company and the "participating" company (account No. 332 will be credited with the portion representing the investment of the "participating" company).

(c) On the books of the "participating" company, with amount of participations in acquisitions by others of capital stock of SBCs with stock purchase warrants or options.

Credit:

(a) With cost of such capital stock of SBCs with stock purchase warrants or options which has been divested of stock purchase rights through either (1) the exercise or the expiration of rights conveyed by nondetachable or detachable stock purchase warrants or options, or (2) the detachment of detachable stock purchase warrants or options.

(b) With cost of such capital stock of SBCs with stock purchase warrants or options written off or disposed of otherwise.

NOTE 1: It is assumed that in all arrangements for participation in the acquisition of capital stock of SBCs with stock purchase warrants or options the "initiating" company will service the financing.

NOTE 2: It is recommended that individual ledger cards or sheets be maintained for all capital stock of SBCs with stock purchase warrants or options. Such ledger cards or sheets should contain the detailed information needed for account No. 332—Participations of other investors in capital stock of SBCs.

(See accounts Nos. 198 and 394, and memorandum record No. NA–10)

198 Capital stock of SBCs—other.

This account will represent the value at cost of small business concerns' capital stock acquired by the company without conversion privileges or stock purchase warrants or options, or existing on the books as the result of (1) the expiration of the conversion privilege of convertible capital stock of SBCs, (2) the exercise or the expiration of rights conveyed by nondetachable or detachable stock purchase warrants or options, or (3) the detachment of detachable stock purchase warrants or options, obtained in connection with the acquisition of capital stock of small business concerns pursuant to Section 304 of the Small Business Investment Act of 1958, as amended.

Debit:

(a) With cost of such capital stock of SBCs—other acquired through (1) purchase, (2) conversion of convertible debt securities or convertible capital stock of SBCs, or (3) exercise of rights conveyed by stock purchase warrants or options issued by small business concerns in connection with their debt securities or capital stock acquired by the company.

(b) With cost of such capital stock of SBCs—other resulting from (1) the expiration of the conversion privilege of convertible capital stock of SBCs, (2) the expiration of rights conveyed by nondetachable or detachable stock purchase warrants or options, or (3) the detachment of detachable stock purchase warrants or options, obtained in connection with the acquisition of capital stock of small business concerns.

(c) On the books of the "initiating" company, with total cost of the capital stock of SBCs—other acquired or subsequently existing on the books without conversion privileges or stock purchase warrants or options (account No. 332 will be credited with the portion representing the investment of the "participating" company).

(d) On the books of the "participating" company, with amount of participations in capital stock of SBCs—other acquired by or subsequently existing on the books of others without conversion privileges or stock purchase warrants or options.

Credit:

(a) With cost of such capital stock of SBCs—other written off or disposed of otherwise.

NOTE 1: It is assumed that in all arrangements for participation in capital stock of SBCs—other the "initiating" company will service the financing.

NOTE 2: It is recommended that individual ledger cards or sheets be maintained for all capital stock of SBCs—other acquired or subsequently existing without conversion privileges or stock purchase warrants or options. Such ledger cards or sheets should contain the detailed information needed for account No. 332—Participations of other investors in capital stock of SBCs.

NOTE 3: In acquisitions of capital stock through exercise of rights conveyed by stock purchase warrants or options issued by small business concerns in connection with their debt securities or capital stock previously acquired by the company, the amount of the expenditure made by the company in the current acquisition of the capital stock will be considered the cost value of the stock, without consideration of the nominal or other value of the stock purchase rights surrendered.

NOTE 4: In conversions of convertible debt securities of small business concerns into capital stock, or in conversions of convertible capital stock of SBCs into another class of capital stock, the value at cost of the particular convertible debt security or convertible capital stock may be considered the cost value of the capital stock received in the conversion for the purpose of recording the transaction in this account. In such event, any uncollected and any unearned discount or fees relating to such debt securities converted may be eliminated in clearing the debt securities account of the converted instruments. If it is preferred to value the acquired stock at the unpaid principal balance of such debt securities surrendered therefor, there should be included in the principal balance any related uncollected discount, fees, and other charges. Also, it may be appropriate to consider any related unearned discount or fees as earned as of the date of completion of the conversion.

(See accounts Nos. 190, 194, 254, 384, and 394)

200 Assets acquired in liquidation of loans and debt securities.

This account will represent the company's investment in assets acquired by foreclosure, or otherwise, in liquidation of loans (section 305) and debt securities (section 304). Judgments, sheriffs' certificates (including property acquired subject to redemption), etc., will be reflected in this account.

The investment in property at the date of acquisition by the company should be determined by the Board of Directors on the most suitable of the following bases, but not to exceed the total amount of the related loan or debt security involved: (1) Bid-in price of the property; (2) agreed consideration for the property; (3) fair appraised value of the property. Any remaining indebtedness will be written off unless the company expects further liquidation of the debt from other sources. Insofar as practicable, investment values will be determined for each individual asset, or unit, at the time such assets are recorded in this account, and when an asset is sold only an amount equal to the investment in such asset will be credited to this account.

The company's investment in judgments should be recorded at the face amount of the judgment. When the company acquires the underlying security to the related loan or debt security outright or subject to redemption, the investment in the property should be determined in accordance with the bases set forth in the second paragraph.

Debit:

(a) With amount of the company's investment in the property at the time of acquisition.

(b) With amount of the company's investment in the property at the date of judgment, sheriffs' certificate, etc.

(c) On the books of the "participating" company, with amount of participation in assets acquired in liquidation of loans and debt securities of others.

Credit:

(a) With proceeds of partial sale of property.

(b) With amount of the company's investment at date of sale, or other disposition of property.

(c) With amount written off.

NOTE 1: Collateral notes receivable acquired in the liquidation of loans and debt securities will be reflected in this account; but notes receivable that are subsequently accepted in connection with the disposition of assets acquired in the liquidation of loans and debt securities will be included in account No. 210—Amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.

NOTE 2: The full amount of assets acquired in liquidation of loans and debt securities participated in by other lenders or investors will be included in this account on the books of the "initiating" company.

NOTE 3: It is recommended that subsidiary records be maintained in sufficient detail to disclose for report and tax purpdses all transactions affecting assets acquired in liquidation of loans and debt securities.

(See accounts Nos. 170, 180, 184, 333, and 395)

210 Amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.

This account will represent the unpaid balance of accounts receivable, notes receivable, sales contracts, purchase money mortgages, and similar evidences of indebtedness to the company arising from the sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304).

Debit:

(a) With amount of such receivables.

(b) On the books of the "participating" company, with amount of participations in amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities of other lenders or investors.

Credit:

(a) With amount collected on principal of such receivables.

(b) With amount transferred to assets acquired in liquidation of loans and debt securities.

(c) With unpaid principal balance written off or disposed of otherwise.

NOTE 1: The full amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities participated in by other lenders or investors will be included in this account on the books of the "initiating" company.

NOTE 2: It is recommended that subsidiary records be maintained in sufficient detail to disclose for report and tax purposes all transactions affecting amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.

(See accounts Nos. 334 and 396)

220 Prepaid expenses.

This account will represent the unexpired or unconsumed portion of expenses expressly applicable to future periods for which no specific accounts have been provided. Such expenses should be amortized over the appropriate period.

Debit:

(a) With amount of prepaid or deferred expenses.

Credit:

(a) At the end of each month, with the proportional amount of such expenses applicable to the current month.

NOTE: Subsidiary records should be maintained to identify the items reflected in this account and to facilitate their monthly amortization.

224 Unamortized discount on debentures payable.

This account will represent the amount of the unamortized balance of discount on unmatured outstanding debentures payable sold by the company for a sum less than par.

Debit:

(a) With amount of discount on such debentures at the time of sale.

Credit:

(a) At the end of each month, with the monthly amount necessary to amortize the discount over the life of such debentures.

(b) With the unamortized portion of discount applicable to such debentures purchased and retired prior to maturity.

(c) When such debentures mature during the month, with amount of discount applicable to the portion of the month the debentures were outstanding.

(See accounts Nos. 560, 680, and 690)

230 Furniture and equipment.

This account will represent the cost of furniture, fixtures and equipment, including automobiles, owned by the company. The cost of freight, drayage, cartage, express, etc., in connection with the purchase of such items of furniture and equipment, will be included in this account.

Debit:

(a) With cost of such assets purchased.

Credit:

(a) With cost of such assets at the time of sale or other disposition.

NOTE: An inventory record should be maintained for all such assets and each item should be tagged or numbered to facilitate ready identification.

(See account No. 397)

240 Corporate premises owned—land.

This account will represent the actual cost of acquisition of the land used as the site of the company's office quarters. The account also will include the actual cost of any improvements, such as street, sidewalk and other benefits, applicable to the land.

Debit:

(a) With actual cost of acquisition of the land.

(b) With actual cost of any improvement to the land.

Credit:

(a) With the acquisition cost of the land, plus the cost of improvements made thereto, when the land is sold or disposed of otherwise.

241 Corporate premises owned—building.

This account will represent the actual cost of acquisition of the building used as the company's office quarters. The account also will include the actual cost of any improvements applicable to the building.

Debit:

(a) With actual cost of acquisition of the building.

(b) With actual cost of any improvement to the building.

Credit:

(a) With the acquisition cost of the building, plus the cost of improvements made thereto, when the building is sold or disposed of otherwise.

(See account No. 398)

242 Leasehold improvements.

This account will represent the actual cost of improvements to leased property used as the company's office quarters. The amount of this account will be amortized over the life of the lease or the life of the improvements, whichever is the shorter.

Debit:

(a) With actual cost of improvements to leasehold.

Credit:

(a) At the end of each month, with the monthly amount necessary to amortize the cost of leasehold improvements.

250–252 Capital stock subscriptions receivable ——————
(Type and class)

These accounts will represent the total unpaid balances of capital stock subscriptions receivable from subscribers of the company's authorized capital stock. A separate subscriptions receivable account should be provided for each type and class of capital stock.

Debit:

(a) With amount of such capital stock subscriptions received.

Credit:

(a) With amount collected on such capital stock subscriptions.

(b) With amount of such capital stock subscriptions cancelled or disposed of otherwise.

(See accounts Nos. 410–412)

253 Uncollected discount, fees, and other charges on loans (section 305).

This account will represent the amount of uncollected discount, fees, and other charges on loans (section 305) included in the face amount of loans charged to account No. 170—Loans (section 305).

Debit:

(a) With amount of uncollected discount, fees, and other charges included in the face amount of direct loans but withheld from disbursements to debtor small business concerns (contra credit will be made to account No. 170).

(b) On the books of the "initiating" company, with total amount of uncollected discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, in connection with loans participated in by other lenders (contra credit will be made to account No. 170).

(c) On the books of the "participating" company, with that portion of uncollected discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participations in loans of other lenders (contra credit will be made to account No. 170).

(d) With amount of any adjustment required because of adjustment of account No. 170.

Credit:

(a) On the books of the "initiating" company, with amount of uncollected discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participation in the loans (contra debit will be made to account No. 330).

(b) With that portion of amount collected allocable to discount, fees, and other charges included in the face amount of direct loans but withheld from disbursements to debtor small business concerns (contra debit will be made to account No. 170).

(c) On the books of the "initiating" company, with the "initiating" company's portion of amount collected allocable to such discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, in connection with loans participated in by other lenders (contra debit will be made to account No. 170).

(d) On the books of the "participating" company, with amount collected allocable to that portion of such discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participations in loans of other lenders (contra debit will be made to account No. 170).

(e) With amount of any adjustment required because of adjustment of account No. 170.

NOTE: Appropriate subsidiary records should be maintained for all uncollected amounts included in this account to permit identification of such amounts with the particular loans to which they relate.

(See account No. 382)

254 Uncollected discount, fees, and other charges on debt securities (section 304).

This account will represent the amount of uncollected discount, fees, and other charges on debt securities (section 304) included in the face amount of debt securities charged to account No. 180—Debt securities, convertible, and with stock purchase warrants or options (section 304), or account No. 184—Debt securities divested of stock rights (section 304).

Debit:

(a) With amount of uncollected discount, fees, and other charges included in the face amount of such debt securities but withheld from disbursements to debtor small business concerns (contra credit will be made to account No. 180 or account No. 184, as appropriate).

(b) On the books of the "initiating" company, with total amount of uncollected discount, fees, and other charges included in the face amount of such debt securities, but withheld from disbursements to debtor small business concerns, in connection with purchases of debt securities participated in by other investors (contra credit will be made to account No. 180 or account No. 184, as appropriate).

(c) On the books of the "participating" company, with that portion of uncollected discount, fees, and other charges included in the face amount of such debt securities, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participations in purchases by other investors of debt securities (contra credit will be made to account No. 180 or account No. 184, as appropriate).

(d) With amount of any adjustment required because of adjustment of account No. 180 or account No. 184.

Credit:

(a) On the books of the "initiating" company, with amount of uncollected discount, fees, and other charges included in the face amount of such debt securities, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participations in purchases of the debt securities (contra debit will be made to account No. 331).

(b) With that portion of amount collected allocable to discount, fees, and other charges included in the face amount of such debt securities but withheld from disbursements to debtor small business concerns (contra debit will be made to account No. 180 or account No. 184, as appropriate).

(c) On the books of the "initiating" company, with the "initiating" company's portion of amount collected allocable to such discount, fees, and other charges included in the face amount of such debt securities, but withheld from disbursements to debtor small business concerns, in connection with purchases of debt securities participated in by other investors (contra debit will be made to account No. 180 or account No. 184, as appropriate).

(d) On the books of the "participating" company, with amount collected allocable to that portion of such discount, fees, and other charges included in the face amount of such debt securities, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participations in purchases by other investors of debt securities (contra debit will be made to account No. 180 or account No. 184, as appropriate).

(e) With amount of any adjustment required because of adjustment of account No. 180 or account No. 184.

NOTE: Appropriate subsidiary records should be maintained for all uncollected amounts included in this account to permit identification of such amounts with the particular debt securities to which they relate.

(See account No. 384)

255 Amounts due from directors, officers, and employees.

This account will represent the unpaid balance of amounts advanced to directors, officers, and employees.

Debit:

(a) With amount of such advances made.

Credit:

(a) With amount collected on such advances.

(b) With amount transferred to appropriate expense classification upon proper authorization.

(c) With amount written off or disposed of otherwise.

(See account No. 709)

256 Organization costs.

This account will represent the amount of legal fees, promotional expense, stock certificate costs, incorporation fees, taxes, and other related costs incurred in organizing the company.

Debit:

(a) With amount of such costs incurred.

Credit:

(a) At the end of each month, with the monthly amount necessary to amortize the organization costs in accordance with Treasury regulations.

(See account No. 672)

257 Other assets.

This account will represent the amount of assets of the company not specifically provided for in other accounts, including recoverable amounts advanced for the protection and preservation of the company's investments.

Debit:

(a) With amount of the company's investment in such assets.

Credit:

(a) With amount of such assets sold or disposed of otherwise.

(See account No. 709)

Liability and Valuation Reserve Accounts

300 Notes payable to SBA.

This account will represent the unpaid principal balance of notes payable for funds borrowed from the Small Business Administration.

Debit:

(a) With amount of principal payments made on such notes.

Credit:

(a) With amount of funds borrowed.

302 Debentures payable, subordinated, issued to SBA.

This account will represent the unpaid principal balance of funds received by the company under its subordinated debenture bonds payable issued to the Small Business Administration for funds borrowed pursuant to section 302(a) of the Small Business Investment Act of 1958, as amended.

Debit:

(a) With amount of principal payments made on such debentures.

Credit:

(a) With amount of funds received under such debentures.

NOTE: The subordinated debentures purchased by the Small Business Administration under section 302(a) of the Small Business Investment Act of 1958, as amended, shall be deemed a part of the capital and surplus of the company for purposes of sections 302(a), 303(b), and 306 of the Act.

310 Loans sold with recourse.

This account will represent the unpaid balance of net funds advanced on loans outstanding to small business concerns which have been sold to individuals, banks, insurance companies, or other financial institutions with recourse upon the company in the event of default.

Debit:

(a) With amount collected on net funds advanced on such loans as reported to the company by the purchaser.

(b) With unpaid balance of net funds advanced on such loans repurchased.

Credit:

(a) With unpaid balance of net funds advanced on such loans sold.

NOTE: This account is contra to account No. 170—Loans (section 305). For balance sheet purposes account No. 310 will be deducted from account No. 170.

312 Debt securities, convertible, and with stock purchase warrants or options sold with recourse.

This account will represent the unpaid balance of net funds advanced on unmatured debt securities, convertible, and with stock purchase warrants or options, issued by small business concerns to the company, which are sold to individuals, banks, insurance companies, or other financial institutions with recourse upon the company in the event of default.

Debit:

(a) With unpaid balance of net funds advanced on such debt securities, convertible, and with stock purchase warrants or options paid on maturity as reported to the company by the purchaser.

(b) With unpaid balance of net funds advanced on such debt securities, convertible, and with stock purchase warrants or options repurchased.

Credit:

(a) With unpaid balance of net funds advanced on debt securities, convertible, and with stock purchase warrants or options sold with recourse.

NOTE: This account is contra to account No. 180—Debt securities, convertible, and with stock purchase warrants or options (section 304). For balance sheet purposes account No. 312 will be deducted from account No. 180.

314 Debt securities divested of stock rights sold with recourse.

This account will represent the unpaid balance of net funds advanced on small business concerns' unmatured debt securities divested of stock rights which are sold to individuals, banks, insurance companies, or other financial institutions with recourse upon the company in the event of default.

Debit:

(a) With unpaid balance of net funds advanced on such debt securities divested of stock rights paid on maturity as reported to the company by the purchaser.

(b) With unpaid balance of net funds advanced on such debt securities divested of stock rights repurchased.

Credit:

(a) With unpaid balance of net funds advanced on such debt securities divested of stock rights sold with recourse.

NOTE: This account is contra to account No. 184—Debt securities divested of stock rights (section 304). For balance sheet purposes account No. 314 will be deducted from account No. 184.

315 Notes payable to other than SBA.

This account will represent the unpaid principal balance of notes payable for funds borrowed from other than the Small Business Administration.

Debit:

(a) With amount of principal payments made on such notes.

Credit:

(a) With amount of funds borrowed.

316 Debentures payable, unsubordinated.

This account will represent the par value of the company's unsubordinated debenture bonds payable which are issued for funds borrowed.

Debit:

(a) With the par value of such debentures retired upon maturity.

(b) With the par value of such debentures purchased and retired by the company before maturity.

Credit:

(a) With the par value of such debentures issued for funds borrowed.

318 Debentures payable, subordinated, issued to other than SBA.

This account will represent the par value of the company's subordinated debenture bonds payable which are issued to other than the Small Business Administration for funds borrowed.

Debit:

(a) With the par value of such debentures retired upon maturity.

(b) With the par value of such debentures purchased and retired by the company before maturity.

Credit:

(a) With the par value of such debentures issued to other than the Small Business Administration for funds borrowed.

319 Mortgages payable.

This account will represent the unpaid principal balance of mortgages payable for funds borrowed on corporate premises or other real estate owned by the company. Purchase money mortgages, conditional sales contracts, or similar documentary evidence of indebtedness given by the company in the acquisition of real property will be included in this account.

Debit:

(a) With amount of principal payments made on such indebtedness.

Credit:

(a) With amount of funds borrowed.

320 Notes payable—other.

This account will represent the unpaid principal balance of notes payable in evidence of amounts owed by the company other than for funds borrowed. Notes payable, conditional sales contracts, and liens for the acquisition of furniture, fixtures, equipment, and automobiles will be included in this account.

Debit:

(a) With amount of principal payments made on such notes.

Credit:

(a) With amount of unpaid principal of such notes executed.

330 Participations of other lenders in loans.

This account will be used only by the "initiating" company and will represent the outstanding balance of participations by other lenders in net funds advanced on loans (section 305).

The total unpaid balances of net funds advanced on loans in which other lenders participate will be carried in account No. 170 by the "initiating" company for accounting convenience. The balance of this account will not be treated as a liability on the balance sheet but as an offset to the asset account.

Debit:

(a) With amount of uncollected discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participation in the loans (contra credit will be made to account No. 253).

(b) With amount of repayments transmitted by the "initiating" company to the "participating" company in reduction of such participations.

Credit:

(a) With amount of participations of other lenders in loans.

(b) With the "participating" company's portion of amount collected allocable to discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, in connection with loans participated in by other lenders (contra debit will be made to account No. 170).

NOTE 1: A participation is defined as an undivided interest shared with one or more other lenders or investors in a note, debenture bond, certificate of stock, or other instrument evidencing a loan to, or equity financing of, a small business concern.

NOTE 2: Appropriate subsidiary records should be maintained for all loan participations of other lenders reflected in this account as indicated in Note 2 of account No. 170.

(See account No. 530)

331 Participations of other investors in debt securities.

This account will be used only by the "initiating" company and will represent the outstanding balance of participations by other investors, incorporated or unincorporated, in net funds advanced on debt securities (section 304).

The total unpaid balances of net funds advanced on debt securities, convertible, and with stock purchase warrants or options, and debt securities divested of stock rights, in which other investors participate, will be carried by the "initiating" company in accounts Nos. 180 and 184, respectively, for accounting convenience. The balance of this account will not be treated as a liability on the balance sheet but as an offset to the related asset accounts.

Debit:

(a) With amount of uncollected discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participation in purchases of the debt securities (contra credit will be made to account No. 254).

(b) With amount of repayments transmitted by the "initiating" company to the "participating" company in reduction of such participations.

Credit:

(a) With amount of participations of other investors in debt securities.

(b) With the "participating" company's portion of amount collected allocable to discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, in connection with purchases of debt securities participated in by other investors (contra debit will be made to account No. 180 or account No. 184, as appropriate).

NOTE 1: A participation is defined as an undivided interest shared with one or more other lenders or investors in a note, debenture bond, certificate of stock, or other instrument evidencing a loan to, or equity financing of, a small business concern.

NOTE 2: Appropriate subsidiary records should be maintained for all participations of other investors in debt securities as indicated in Note 2 of accounts Nos. 180 and 184.

(See account No. 530)

332 Participations of other investors in capital stock of SBCs.

This account will be used only by the "initiating" company and will represent the outstanding balance of participations by other investors, incorporated or unincorporated, in capital stock of SBCs.

The total value at cost of small business concerns' capital stock in which other investors participate will be carried by the "initiating" company in accounts Nos. 190, 194, and 198, respectively, for accounting convenience. The balance of this account will not be treated as a liability on the balance sheet but as an offset to the related asset accounts.

Debit:

(a) With amount of reductions of such participations.

Credit:

(a) With amount of participations of other investors in capital stock of SBCs.

NOTE 1: A participation is defined as an undivided interest shared with one or more other lenders or investors in a note, debenture bond, certificate of stock, or other instrument evidencing a loan to, or equity financing of, a small business concern.

NOTE 2: Appropriate subsidiary records should be maintained for all participations of other investors in capital stock of SBCs as indicated in Note 2 of accounts Nos. 190, 194, and 198.

(See account No. 530)

333 Participations in assets acquired in liquidation of loans and debt securities.

This account will be used only by the "initiating" company and will represent the outstanding balance of participations by other lenders or investors in assets acquired in liquidation of loans (section 305) and debt securities (section 304). The total amount of such assets will be carried in account No. 200 by the "initiating" company for accounting convenience. The balance of this account will not be treated as a liability on the balance sheet but as an offset to the asset account.

Debit:

(a) With amount of reductions of such participations.

Credit:

(a) With amount of participations of other lenders or investors in assets acquired in liquidation of loans and debt securities.

NOTE: Appropriate subsidiary records should be maintained for all participations of other lenders or investors in assets acquired in liquidation of loans and debt securities reflected in this account as indicated in Note 3 of account No. 200.

(See account No. 530)

334 Participations in amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.

This account will be used only by the "initiating" company and will represent the outstanding balance of participations by other lenders or investors in amounts due from debtors on sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304). The total unpaid balance of such amounts due will be carried in account No. 210 by the "initiating" company for accounting convenience. The balance of this account will not be treated as a liability on the balance sheet but as an offset to the asset account.

Debit:

(a) With amount of reductions of such participations.

Credit:

(a) With amount of participations of other lenders or investors in amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.

NOTE: Appropriate subsidiary records should be maintained for all participations of other lenders or investors in amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities reflected in this account as indicated in Note 2 of account No. 210.

(See account No. 530)

340 Accounts payable for compensation on participations purchased.

This account, on the books of the "participating" company, will represent the amount of accrued compensation payable for services rendered to it on its participations in loans, debt securities, assets acquired in liquidation of loans (section 305) and debt securities (section 304), and amounts due from debtors on sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304) of the "initiating" company.

Debit:

(a) With amount of such accrued compensation paid or disposed of otherwise.

Credit:

(a) With amount of such accrued compensation.

(See account No. 630)

342 Accounts payable for commitment fees on deferred participations.

This account, on the books of the "initiating" company, will represent the amount of accrued commitment fees payable for having funds made available on a deferred basis by "participating" companies such as banks, small business investment companies, and other lenders in connection with the financing of, or commitments to finance, small business concerns.

Debit:

(a) With amount of such accrued fees paid.

Credit:

(a) With amount of such accrued fees.

NOTE: A deferred participation is defined as a commitment under a participation agreement whereby the "participating" company will make funds available on a deferred basis to the "initiating" company in connection with the latter's financing of, or commitment to finance, a small business concern.

(See account No. 600)

344 Accounts payable—other.

This account will represent amounts payable on open account for which other specific accounts have not been provided.

Debit:

(a) With amount of such indebtedness paid, or disposed of otherwise.

Credit:

(a) With amount of such indebtedness incurred.

350 Accrued interest payable.

This account will represent the amount of liability for interest accrued on the company's notes, mortgages and debentures payable, and on loans (section 305) and debt securities (section 304) of small business concerns sold with recourse upon the company in the event of default. The account also will include accrued interest payable on other interest-bearing obligations of the company except accrued interest payable provided for in account No. 352.

Debit:
(a) With amount of such interest paid or disposed of otherwise.
Credit:
(a) At the end of each month, with amount of interest accrued on all interest-bearing obligations covered by this account on that date.
(b) With amount of interest accrued during the month on such obligations paid in full or disposed of otherwise during the month.

352 Accrued interest payable on participations of other lenders or investors in loans, debt securities, and amounts due from debtors.

This account will be used only by the "initiating" company and will represent the accrued interest receivable due "participating" companies, such as other small business investment companies, banks, etc., on their participations in loans, debt securities, and amounts due from debtors on sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304).

The total accrued unpaid interest receivable on loans, debt securities, and amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities in which other lenders or investors participate will be carried in account No. 160 by the "initiating" company for accounting convenience. The balance of this account will not be treated as a liability on the balance sheet but as an offset to the asset account.
Debit:
(a) With amount of such interest paid or disposed of otherwise.
Credit:
(a) With amount due "participating" companies representing their portion of accrued interest receivable on participations in loans, debt securities, and amounts due from debtors.

354 Estimated Federal income taxes accrued.

This account will represent the balance of estimated Federal income taxes accrued which have not been remitted to the Internal Revenue Service.
Debit:
(a) With amount of such taxes paid.
Credit:
(a) With amount of such taxes accrued during the month.

(See accounts Nos. 720 and 722)

356 Estimated State income taxes accrued.

This account will represent the balance of estimated State income taxes accrued which have not been remitted to the appropriate collector of such taxes.
Debit:
(a) With amount of such taxes paid.
Credit:
(a) With amount of such taxes accrued during the month.

(See accounts Nos. 725 and 727)

358 Other accrued expenses.

This account will represent the amount of the company's liability as of the end of the month for accrued expenses, such as salaries, the company's portion of social security taxes, and other accrued expenses not provided for in other accounts.
Debit:
(a) With amount of such expenses paid or disposed of otherwise.
Credit:
(a) With amount of such expenses accrued during the month.

NOTE: Increases or decreases in the liability for accrued expenses, through accruals or adjustments, will be offset by increases or decreases, respectively, in the appropriate expense accounts.

360–362 Dividends payable on _____ capital stock.
(Type and class)

These accounts will represent the company's liability for dividends, other than stock dividends, declared by the company's Board of Directors on the respective types and classes of capital stock issued and outstanding. A separate account should be used to reflect the dividends payable for each type and class of capital stock outstanding.
Debit:
(a) With amount of such dividends paid.
Credit:
(a) With amount of such dividends declared payable by the company's Board of Directors.

365–367 Stock dividends payable on _____ capital stock.
(Type and class)

These accounts will represent the amounts of capital stock dividends declared payable by the company's Board of Directors on the respective types and classes of capital stock issued and outstanding. A separate account should be used to reflect the stock dividends payable with respect to each type and class of capital stock outstanding.
Debit:
(a) With amount of such stock dividends issued (contra credit will be made to accounts Nos. 405–409).
Credit:
(a) With amount of such stock dividends declared payable by the company's Board of Directors (contra debit will be made to account No. 420, No. 425, or No. 426, as appropriate).

NOTE: A stock dividend payable is not considered a liability, since the use of assets is not required. In instances when a statement of financial condition is prepared between the dates of declaration and payment, the stock dividend payable should be reflected in the capital stock and surplus section as an addition to the capital stock.

370 Federal taxes withheld.

This account will represent the amount of Federal income and social security taxes withheld from employees' salaries which have not been remitted to the Internal Revenue Service.
Debit:
(a) With amount of such taxes remitted to Internal Revenue Service.
Credit:
(a) With amount of such taxes withheld.

372 State and city taxes withheld.

This account will represent the amount of State income and city taxes withheld from employees' salaries which have not been remitted to the appropriate collector of such taxes.
Debit:
(a) With amount of such taxes remitted.
Credit:
(a) With amount of such taxes withheld.

374 Unapplied receipts.

This account will represent the amount of funds received by the company which have not been applied to loans (section 305), debt securities (section 304), interest receivable, etc. The account will be used only in instances when the funds received cannot be applied promptly.
Debit:
(a) With amount of such funds applied or disposed of otherwise.
Credit:
(a) With amount of funds received which cannot be applied promptly.

376 Advance interest payments.

This account will represent the amount of interest collected through cash payments by debtors on interest-bearing items prior to the interest maturity date.
Debit:
(a) On the interest maturity date with amount of such interest heretofore credited to this account as an advance payment.
Credit:
(a) With amount of interest received prior to the interest maturity date.

378 Miscellaneous trust receipts.

This account will represent the liability of the company for funds withheld or received in trust, for which no specific account is provided, including earnest money deposits, and funds withheld from employees' salaries, for the purchase of United States Savings Bonds, payment of group life insurance premiums, payment of pension fund contributions, etc.
Debit:
(a) With amount of such funds disbursed or disposed of otherwise.
Credit:
(a) With amount of such funds withheld or received.

380 Unamortized premium on debentures payable.

This account will represent the amount of the unamortized balance of premium on unmatured outstanding debentures payable sold by the company for a sum in excess of par.
Debit:
(a) At the end of each month, with the monthly amount necessary to amortize the premium over the life of such debentures.
(b) With the unamortized portion of premium applicable to such debentures purchased and retired prior to maturity.
(c) When such debentures mature during the month, with the amount of premium applicable to the portion of the month the debentures were outstanding.
Credit:
(a) With the amount of premium on such debentures at the time of sale.

(See accounts Nos. 550, 560, and 690)

382 Unearned discount, fees, and other charges on loans (section 305).

This account will represent the amount of unearned discount, fees, and other charges included in the face amount of loans made to small business concerns pursuant to Section 305 of the Small Business Investment Act of 1958, as amended, and which is withheld from disbursements to such small business concerns.
Debit:
(a) On the books of the "initiating" company, with that portion of unearned discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participation in the loans.
(b) With amount of unearned discount, fees, and other charges included in the face amount of direct loans, but withheld from disbursements to debtor small business concerns, which becomes earned through collection, passage of time, or sale of loans.
(c) On the books of the "initiating" company, with amount earned of that portion of unearned discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, which is retained by the "initiating" company in connection with loans participated in by other lenders (the amount to be recorded becomes earned through collection, passage of time, or sale of loans).
(d) On the books of the "participating" company, with amount earned of that portion of unearned discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participations in loans of other lenders (the amount to be recorded becomes earned through collection, passage of time, or sale of loans).
(e) With amount of unearned discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, which is rebated to borrowers upon early repayment of loans, or is closed into the asset account upon liquidation of loans at less than full amount.
Credit:
(a) With amount of unearned discount, fees, and other charges included in the face amount of direct loans but withheld from disbursements to debtor small business concerns.
(b) On the books of the "initiating" company, with total amount of unearned discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, in connection with loans participated in by other lenders.

(c) On the books of the "participating" company, with that portion of unearned discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participations in loans of other lenders.

NOTE 1: A participation is defined as an undivided interest shared with one or more other lenders or investors in a note, debenture bond, certificate of stock, or other instrument evidencing a loan to, or equity financing of, a small business concern.

NOTE 2: Unearned discount in this account will be transferred to account No. 512—Interest on loans, as it becomes earned, and unearned fees and other charges will be transferred to account No. 536—Miscellaneous fees, under similar circumstances.

NOTE 3: Any fees and other charges considered earned immediately upon closing of loans will be recorded in the appropriate income accounts at once without first being entered in this account.

NOTE 4: Appropriate subsidiary records should be maintained for all unearned amounts included in this account to permit identification of such amounts with the particular loans to which they relate.

(See account No. 253)

384 Unearned discount, fees, and other charges on debt securities (section 304).

This account will represent the amount of unearned discount, fees, and other charges included in the face amount of small business concerns' debt securities acquired pursuant to Section 304 of the Small Business Investment Act of 1958, as amended, and which is withheld from disbursements to such small business concerns.
Debit:
(a) On the books of the "initiating" company, with that portion of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participation in purchases of the debt securities.
(b) With amount of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, which becomes earned through collection, passage of time, or sale of debt securities.
(c) On the books of the "initiating" company, with amount earned of that portion of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, which is retained by the "initiating" company in connection with purchases of debt securities participated in by other investors (the amount to be recorded becomes earned through collection, passage of time, or sale of debt securities).
(d) On the books of the "participating" company, with amount earned of that portion of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participations in purchases by other investors of debt securities (the amount to be recorded becomes earned through collection, passage of time, or sale of debt securities).
(e) With amount of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, which is rebated to borrowers, upon early repayment of debt securities, or is closed into the asset account upon liquidation of debt securities at less than full amount.
Credit:
(a) With amount of unearned discount, fees, and other charges included in the face amount of debt securities acquired but withheld from disbursements to debtor small business concerns.
(b) On the books of the "initiating" company, with total amount of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, in connection with purchases of debt securities participated in by other investors.
(c) On the books of the "participating" company, with that portion of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participations in purchases by other investors of debt securities (the amount to be recorded becomes earned through collection, passage of time, or sale of debt securities).
(e) With amount of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, which is rebated to borrowers, upon early repayment of debt securities, or is closed into the asset account upon liquidation of debt securities at less than full amount.
Credit:
(a) With amount of unearned discount, fees, and other charges included in the face amount of debt securities acquired but withheld from disbursements to debtor small business concerns.
(b) On the books of the "initiating" company, with total amount of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, in connection with purchases of debt securities participated in by other investors.
(c) On the books of the "participating" company, with that portion of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participations in purchases by other investors of debt securities (the amount to be recorded becomes earned through collection, passage of time, or sale of debt securities).
(e) With amount of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, which is rebated to borrowers, upon early repayment of debt securities, or is closed into the asset account upon liquidation of debt securities at less than full amount.
Credit:
(a) With amount of unearned discount, fees, and other charges included in the face amount of debt securities acquired but withheld from disbursements to debtor small business concerns.
(b) On the books of the "initiating" company, with total amount of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, which is assigned to the "participating" company in connection with its participations in purchases by other investors of debt securities.

NOTE 1: A participation is defined as an undivided interest shared with one or more other lenders or investors in a note, debenture bond, certificate of stock, or other instrument evidencing a loan to, or equity financing of, a small business concern.

NOTE 2: Unearned discount in this account will be transferred to account No. 516—Interest on debt securities, as it becomes earned, and unearned fees and other charges will be transferred to account No. 536—Miscellaneous fees, under similar circumstances.

NOTE 3: Any fees and other charges considered earned immediately upon closing of financing through purchase of debt securities will be recorded in the appropriate income accounts at once without first being entered in this account.

NOTE 4: Appropriate subsidiary records should be maintained for all unearned amounts included in this account to permit identification of such amounts with the particular debt securities to which they relate.

(See account No. 254)

386 Other liabilities.

This account will represent the amount of liabilities of the company not specifically provided for in other accounts.
Debit:
(a) With amount of such liabilities paid or disposed of otherwise.
Credit:
(a) With amount of such liabilities incurred.

390 Allowance for uncollectible notes and accounts receivable.

This account will represent the valuation reserve provided for estimated

losses on notes and accounts receivable and should be maintained in an amount not less than a conservative estimate of probable losses on notes and accounts receivable. The valuation reserve will be adjusted upward as conditions make advisable, and may be adjusted downward if circumstances justify or occasion demands, in order to reflect the true value of the company's notes and accounts receivable.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount of notes and accounts receivable written off.

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

(c) With amount of recoveries on notes and accounts receivable written off.

(See account No. 666)

391 Allowance for uncollectible interest receivable.

This account will represent the valuation reserve provided for estimated losses of accrued interest receivable, and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve should be adjusted as occasion demands, so that this account will reflect the best available estimate of probable losses of accrued interest receivable.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount of accrued interest receivable written off.

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

(c) With amount of recoveries of accrued interest receivable written off.

NOTE: In instances when a loan to, or debt security of, a small business concern or an amount due from debtors on sale of assets acquired in liquidation of loans and debt securities is participated in by other lenders or investors, the valuation reserve on the books of the "initiating" company should not exceed the total accrued interest receivable, less the amount of such interest due other lenders or investors on their participations as reflected in account No. 352.

392 Allowance for uncollectible loans (section 305).

This account will represent the valuation reserve provided for estimated losses on loans (section 305) and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted upward as conditions make advisable, and may be adjusted downward if circumstances justify or occasion demands, in order to reflect the true value of the company's loans to small business concerns.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount of such loans written off.

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

(c) With amount of recoveries on such loans written off.

(See account No. 668)

393 Allowance for losses on debt securities (section 304).

This account will represent the valuation reserve provided for estimated losses on debt securities, convertible, and with stock purchase warrants or options, and debt securities divested of stock rights (all such securities section 304) and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands, so that this account will reflect the best available estimate of probable losses on debt securities of small business concerns.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount of reserve established in this account for debt securities which are sold or disposed of otherwise (contra credit will be made to account No. 673).

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

NOTE: When debt securities of small business concerns are sold by the company or disposed of otherwise, the appropriate asset account will be credited for the related cost value carried therein, and an additional credit will be made to account No. 572 if a gain is realized, or a concurrent debit will be made to account No. 702 if a loss is sustained.

(See accounts Nos. 180, 184, 572, 673, and 702)

394 Allowance for losses on capital stock of SBCs.

This account will represent the valuation reserve provided for estimated losses on convertible capital stock of SBCs, capital stock of SBCs with stock purchase warrants or options, and capital stock of SBCs—other, and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands, so that this account will reflect the best available estimate of probable losses on capital stock of SBCs.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount of reserve established in this account for capital stock which is sold or disposed of otherwise (contra credit will be made to account No. 674).

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

NOTE: When capital stock of SBCs is sold by the company or disposed of otherwise, the appropriate asset account will be credited for the related cost value carried therein, and an additional credit will be made to account No. 576 if a gain is realized, or a concurrent debit will be made to acount No. 706 if a loss is sustained.

(See accounts Nos. 190, 194, 198, 576, 674, and 706)

395 Allowance for losses on assets acquired in liquidation of loans and debt securities.

This account will represent the valuation reserve provided for estimated losses on assets acquired in liquidation of loans (section 305) and debt securities (section 304), and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands, so that this account will reflect the best available estimate of probable losses on assets acquired in liquidation of loans and debt securities.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount of reserve established in this account for assets acquired in liquidation of loans and debt securities which are sold or disposed of otherwise (contra credit will be made to account No. 675).

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

NOTE: When assets acquired in liquidation of loans and debt securities are sold by the company or disposed of otherwise, account No. 200 will be credited for the related investment carried therein, and an additional credit will be made to account No. 578 if a gain is realized, or a concurrent debit will be made to account No. 708 if a loss is sustained.

(See accounts Nos. 200, 578, 675, and 708)

396 Allowance for uncollectible amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.

This account will represent the valuation reserve provided for estimated losses of amounts due from debtors on sale of assets acquired in liquidation of loans (section 304), and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted upward as conditions make advisable, and may be adjusted downward if circumstances justify or occasion demands, in order to reflect the true value of such amounts due from debtors on the company's books.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount due from debtors on sale of assets acquired in liquidation of loans and debt securities written off.

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

(c) With amount of recoveries on such items written off.

(See accounts Nos. 210 and 669)

397 Accumulated depreciation on furniture and equipment.

This account will represent the valuation reserve provided for depreciation of furniture, fixtures, and equipment including automobiles owned by the company. This account should be maintained in an amount not less than a conservative estimate of the expired service life of such assets while owned by the company.

Debit:

(a) With amount of depreciation accumulated, when such an asset is sold or disposed of otherwise.

Credit:

(a) At the end of each month, with the monthly amount necessary to depreciate the cost of such assets over the estimated service life.

(See accounts Nos. 230 and 656)

398 Accumulated depreciation on corporate premises owned—building.

This account will represent the valuation reserve provided for depreciation of the building and other depreciable improvements of corporate premises owned and used as the company's office quarters. This account should be maintained in an amount not less than a conservative estimate of the expired service life of such building and improvements while owned by the company.

Debit:

(a) With amount of depreciation accumulated, when such an asset is sold or disposed of otherwise.

Credit:

(a) At the end of each month, with the monthly amount necessary to depreciate the cost of such assets over the estimated service life.

(See accounts Nos. 241 and 655)

Capital Stock and Surplus Accounts

400–404 _____ capital stock authorized.
(Type and class)

These accounts will represent the total par or stated value of the capital stock authorized, as provided for in the company's charter. A separate account should be provided for each type and class of capital stock authorized.

Debit:

(a) With amount of reductions of such capital stock authorized.

Credit:

(a) With original amount of such capital stock authorized.

(b) With additional amounts of such capital stock authorized.

(See accounts Nos. 405–409)

405–409 _____ unissued capital stock.
(Type and class)

These accounts will represent the total par or stated value of unissued capital stock of the company. A separate account should be provided for each type and class of unissued capital stock.

Debit:

(a) With original amount of such unissued capital stock, as provided for in the company's charter.

(b) With additional amounts of such unissued capital stock authorized.

(c) With par or stated value of capital stock retired.

Credit:

(a) With amount of such capital stock issued (contra debit will be made to accounts Nos. 410–414).

(b) With amount of reductions of capital stock authorized.

(See accounts Nos. 400–404)

410–412 _____ capital stock subscribed.
(Type and class)

These accounts will represent the total amount at the subscription price of the company's capital stock subscribed. A separate account should be provided for each type and class of capital stock subscribed. These accounts will reflect the company's responsibility to issue shares of its stock to subscribers who have made final payment of their capital stock subscriptions.

Debit:

(a) With amount at the subscription price of such subscribed capital stock issued (contra credits will be made to accounts Nos. 405–409 and, as appropriate, No. 420).

(b) With amount at the subscription price of such subscribed capital stock cancelled or disposed of otherwise.

Credit:

(a) With amount at the subscription price of such capital stock subscribed.

(See accounts Nos. 250–252)

415–419 Treasury stock _____.
(Type and class)

These accounts will represent the total amount of the company's issued capital stock which has been reacquired through purchase or donation and has not been retired. A separate account should be provided for each type and class of such capital stock held by the company.

Debit:

(a) With cost of such capital stock acquired through purchase.

(b) With amount of fair market value or par value of such capital stock acquired through donation (contra to account No. 420).

Credit:

(a) With cost of such capital stock acquired through purchase, when sold or disposed of otherwise.

(b) With amount of fair market value or par value of such capital stock acquired through donation, when sold or disposed of otherwise.

NOTE: Appropriate subsidiary records should be maintained when deemed necessary.

420 Paid-in surplus.

This account will represent the amount of surplus arising from (1) sales initially of the company's capital stock at a price in excess of par value (including amounts transferred from capital stock subscribed at a price above par, when shares are issued); (2) donations to the company of its issued capital stock carried as treasury stock at fair market value or par value; (3) retirements of capital stock purchased at less than the par value thereof; (4) sales of treasury stock in excess of its carrying value on the books of the company; (5) donations or gifts to the company of assets carried at not in excess of fair market value; (6) other capital equity transactions with stockholders.

Debit:

(a) With amount of loss on treasury stock sold which was acquired through purchase.

(b) With amount received by the company below fair market value, or par value, whichever applicable, for treasury stock sold which was acquired through donation.

(c) With amount paid by the company in excess of par value, but not to exceed the premium received initially, for shares of capital stock retired (any amount paid in excess of par plus initial premium received will be charged to retained earnings, accounts Nos. 425 and 426 as appropriate).

(d) With amount of stock dividends, at par value of the stock, declared payable out of paid-in surplus by the company's Board of Directors.

Credit:

(a) With amount paid in, or transferred from capital stock subscribed, representing the excess (after deduction of underwriters' fees and commissions) over par value of the company's capital stock, when shares are issued.

(b) With amount of fair market value or par value of the company's capital stock acquired through donation.

(c) With amount of discount below par value of the company's capital stock acquired through purchase, when such stock is retired.

(d) With amount received by the company in excess of cost, or in excess of fair market value or par value, whichever applicable, for treasury stock sold.

(e) With amount not to exceed fair market value of donations or gifts of assets to the company.

425 Retained earnings from net income.

This account will represent the accumulated balance of the company's undistributed net income since incorporation.

Debit:

(a) At the end of the fiscal year, with any debit balance reflected in the profit and loss summary account.

(b) With amount of dividends, other than stock dividends, declared payable out of retained earnings from net income by the company's Board of Directors.

(c) With amount of stock dividends, at par value of the stock, declared payable out of retained earnings from net income by the company's Board of Directors.

(d) With appropriate amount paid by the company in excess of par plus initial premium received on the type and class of shares of capital stock retired.

(e) With amounts transferred to appropriated retained earnings upon approval by the Board of Directors.

Credit:

(a) At the end of the fiscal year, with the credit balance of the profit and loss summary account.

(b) With amounts returned from appropriated retained earnings.

(See account No. 427)

426 Retained earnings from net realized gain on investments.

This account will represent the accumulated balance of the company's undistributed net realized gain on investments since incorporation.

Debit:

(a) At the end of the fiscal year, with any debit balance reflected in the realized gain and loss summary account.

(b) With amount of dividends, other than stock dividends, declared payable out of retained earnings from net realized gain on investments by the company's Board of Directors.

(c) With amount of stock dividends, at par value of the stock, declared payable out of retained earnings from net realized gain on investments by the company's Board of Directors.

(d) With appropriate amount paid by the company in excess of par plus initial premium received on the type and class of shares of capital stock retired.

(e) With amounts transferred to appropriated retained earnings upon approval by the Board of Directors.

Credit:

(a) At the end of the fiscal year, with the credit balance of the realized gain and loss summary account.

(b) With amount returned from appropriated retained earnings.

(See account No. 427)

427 Appropriated retained earnings.

This account will represent the amount of retained earnings restricted from dividend distribution and thus earmarked for some future purpose, such as the retirement of debentures payable, the acquisition of treasury stock, etc.

Debit:

(a) With amounts returned to the appropriate retained earnings account after purpose has been served.

Credit:

(a) With amounts transferred from retained earnings upon approval by the Board of Directors.

(See accounts Nos. 425 and 426)

429 Profit and loss summary.

This account will be used as a clearing account through which all income and expense accounts on the books of the company will be closed.

Debit:

(a) At the end of the fiscal year, with the debit balances of all expense and income accounts.

(b) At the end of the fiscal year, with the credit balance of the account (transfer to retained earnings from net income).

Credit:

(a) At the end of the fiscal year, with the credit balances of all income and expense accounts.

(b) At the end of the fiscal year, with the debit balance of the account (transfer to retained earnings from net income).

(See account No. 425)

430 Realized gain and loss summary.

This account will be used as a clearing account through which all accounts for realized gains and losses on investments on the books of the company will be closed.

Debit:

(a) At the end of the fiscal year, with the balances of all accounts for losses on investments.

(b) At the end of the fiscal year, with the credit balance of the account (transfer to retained earnings from net realized gain on investments).

Credit:

(a) At the end of the fiscal year, with the balances of all accounts for gains on investments.

(b) At the end of the fiscal year, with the debit balance of the account (transfer to retained earnings from net realized gain on investments).

(See account No. 426)

Income Accounts

500 Commitment income.

This account will represent the amount of income earned during the month on commitments to small business concerns for loans (section 305) and equity securities (section 304). This account, on the books of the "participating" company, will include the amount of commitment income during the month on deferred participations.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of income earned during the month on commitments and deferred participations.

NOTE: A deferred participation is defined as a commitment under a participation agreement whereby the "participating" company will make funds available on a deferred basis to the "initiating" company in connection with the latter's financing of, or commitment to finance, a small business concern.

(See account No. 155)

510 Interest on U.S. Government securities.

This account will represent the amount of interest earned during the month on United States Government obligations, direct and fully guaranteed, owned by the company.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) At the end of each month, with amount of interest earned during the period on securities owned on that date.

(b) With amount of interest earned during the month on securities disposed of during the month.

(See accounts Nos. 130 and 160)

512 Interest on loans.

This account will represent the amount of interest earned during the month on loans (section 305) to small business concerns.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) At the end of each month, with amount of interest earned during the period on loans outstanding to small business concerns on that date.

(b) With amount of interest earned during the month on loans to small business concerns paid in full during the month.

(See accounts Nos. 160, 170, and 382)

514 Interest on funds in escrow pending closing of financing.

This account will represent the amount of interest earned during the month on funds in escrow pending closing of financing for small business concerns.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) At the end of each month, with amount of interest earned during the period on funds in escrow pending closing of such financing on that date.

(b) With amount of interest earned during the month on funds in escrow pending closing, when related financing was closed during the month.

(See accounts Nos. 160 and 179)

516 Interest on debt securities.

This account will represent the amount of interest earned during the month on debt securities of small business concerns owned by the company pursuant to section 304 of the Small Business Investment Act of 1958, as amended.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) At the end of each month, with amount of interest earned during the period on such debt securities owned on that date.

(b) With amount of interest earned during the month on such debt securities paid in full or converted to capital stock during the month.

(See accounts Nos. 160, 180, 184, and 384)

518 Interest on amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.

This account will represent the amount of interest earned during the month on amounts due from debtors on sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304).

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) At the end of each month, with amount of interest earned during the period on amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities on that date.

(b) With amount of interest earned during the month on amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities paid in full or converted to capital stock during the month.

(See accounts Nos. 160 and 210)

520 Interest income—other.

This account will represent the amount of interest earned during the month on miscellaneous notes receivable. Interest earned during the month on notes representing amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities will be reflected in account No. 518. This account, however, will include interest earned on interest-bearing receivables not otherwise classified.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) At the end of each month, with amount of interest earned during the period on such receivables on that date.

(b) With amount of interest earned during the month on such receivables paid in full during the month.

(See accounts Nos. 140 and 160)

530 Compensation income—participations sold.

This account, on the books of the "initiating" company, will represent the amount of compensation earned during the month for financial services rendered in connection with participations sold.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of such compensation income.

(See account No. 154)

532 Advisory and consulting service fees.

This account will represent the amount of fees charged during the month for advisory, consulting, and related services rendered to small business concerns pursuant to section 308(b) of the Small Business Investment Act of 1958, as amended.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of such fees charged.

534 Appraisal and investigation fees.

This account will represent the amount of fees charged during the month for appraisal, investigation, and related services rendered to banks or other lenders or investors, pursuant to section 308(a) of the Small Business Investment Act of 1958, as amended. The account will exclude compensation for financial services rendered in connection with participations sold (see account No. 530).

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of such fees charged.

536 Miscellaneous fees.

This account will represent the amount of fees charged during the month for application, appraisal, investigation, and related services rendered to small business concerns.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of such fees charged.

(See accounts Nos. 382 and 384)

540 Dividends on capital stock of SBCs.

This account will represent the amount of income from declared dividends on capital stock of small business concerns.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of income from such dividends.

541 Sharings in income of SBCs.

This account will represent the amount of sharings or participations in the income of small business concerns from which the company has acquired debt securities (section 304).

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of such sharings.

550 Amortization of premium on debentures payable.

This account will represent the amount of amortization of premium on unmatured outstanding debentures payable issued by the company.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) At the end of each month, with the monthly amount necessary to amortize the premium over the life of such debentures.

(b) With the unamortized portion of premium applicable to such debentures purchased and retired prior to maturity.

(c) When such debentures mature during the month, with the amount of premium applicable to the portion of the month the debentures were outstanding.

(See account No. 380)

560 Gain on debentures purchased and retired.

This account will represent the amount of excess of (1) the par value of debentures payable purchased and retired plus unamortized premium and minus unamortized discount in connection with such debentures over (2) the cost of the principal sum of such debentures.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of such gain on debentures payable purchased and retired during the month.

(See accounts Nos. 224, 316, 318, and 380)

570 Gain on U.S. Government securities.

This account will represent the amount of gain on the sale or other disposition of United States Government obligations, direct and fully guaranteed, carried in account No. 130.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

Credit:

(a) With amount of gain on such securities sold or disposed of otherwise.

NOTE: Increase in value over cost of United States Treasury bills, which are issued at a discount and are noninterest bearing, will not be reflected in this account but will be credited at the end of each month to account No. 510—Interest on U.S. Government securities, with concurrent debit to account No. 160—Acrued interest receivable.

572 Gain on debt securities (section 304).

This account will represent the amount of gain on the sale or other disposition of debt securities (section 304) of small business concerns carried in accounts Nos. 180 and 184.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

Credit:

(a) With amount of gain on such debt securities sold or disposed of otherwise.

574 Recoveries on asset losses charged to loss accounts.

This account will represent the amount of recoveries on losses sustained through sale or other disposition of assets for which direct charges to loss accounts have been recorded.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary and realized gain and loss summary, as appropriate, on the basis of analysis of this account).

Credit:

(a) With amount collected on such items written off.

(See accounts Nos. 702, 708, and 709)

576 Gain on capital stock of SBCs.

This account will represent the amount of gain on the sale or other disposition of capital stock of small business concerns carried in accounts Nos. 190, 194, and 198.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

Credit:

(a) With amount of gain on such capital stock sold or disposed of otherwise.

577 Gain on stock purchase warrants or options of SBCs.

This account will represent the amount of gain on the sale or other disposition of detachable stock purchase warrants or options of small business concerns.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

Credit:

(a) With amount of gain on such stock purchase warrants or options sold or disposed of otherwise.

NOTE: Inasmuch as detachable stock purchase warrants or options of small business concerns are not to be established as assets on the company's books when detached from capital stock certificates or debt securities, but instead are to be entered in a memorandum record at a nominal value of one dollar ($1.00) for each such warrant or option certificate, the full amount received upon sale or other disposition of the warrants or options will constitute the gain to be recorded in this account.

(See memorandum record No. NA–10)

578 Gain on assets acquired in liquidation of loans and debt securities.

This account will represent the amount of gain on the sale or other disposition of assets acquired in liquidation of loans (section 305) and debt securities (section 304) of small business concerns carried in account No. 200.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

Credit:

(a) With amount of gain on such assets acquired in liquidation of loans and debt securities sold or disposed of otherwise.

579 Gain on other assets.

This account will represent the amount of gain on the sale or other disposition of assets not specifically provided for in other accounts.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of gain on such assets sold or disposed of otherwise.

580 Rental income.

This account will represent the income earned during the month from the leasing or renting to others of portions of corporate premises owned.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of income earned during the month.

582 Income from assets acquired in liquidation of loans and debt securities.

This account will represent the amount of income earned during the month on assets acquired in liquidation of loans (section 305) and debt securities (section 304), including the operation of properties, carried in account No. 200.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of such income earned during the month.

NOTE: In instances when a liquidating agent is employed to supervise the disposition of the assets, appropriate subsidiary accounts should be maintained by the agent. Cash collected from the sale of assets by the liquidating agent should be remitted immediately to the company. The company should maintain a local depository bank account, in which all receipts of the agent are deposited when direct remittances to the company are not feasible. Deposit balances in this account should be subject to withdrawal by check only by the company and should be reflected on the company's records in the same manner as other bank accounts.

Any advances to a liquidating agent for expenses incident to the operation of or in the disposition of assets acquired in the liquidation of loans and debt securities should be charged to account No. 220—Prepaid expenses.

584 Other income.

This account will represent the income earned during the month not specifically provided for in other accounts.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of such income earned during the month.

Expense Accounts

600 Commitment expense.

This account will represent the amount of commitment expense during the month on commitments from the Small Business Administration and on commitments from lending institutions other than the Small Business Administration.

On the books of the "initiating" company, this account also will include the the amount of commitment expense during the month on deferred participations.

Debit:

(a) With amount of expense incurred during the month on commitments and deferred partcipations.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

NOTE: A deferred participation is defined as a commitment under a participation agreement whereby the "participating" company will make funds available on a deferred basis to the "initiating" company in connection with the latter's financing of, or commitment to finance, a small business concern.

(See account No. 342)

610 Interest on notes payable to SBA.

This account will represent the amount of interest expense accrued during the month on notes payable for funds borrowed from the Small Business Administration.

Debit:

(a) With amount of such interest accrued during the month.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See accounts Nos. 300 and 350)

614 Interest on debentures payable, issued to SBA.

This account will represent the amount of interest expense accrued during the month on subordinated debentures payable, issued to the Small Business Administration.

Debit:

(a) With amount of such interest accrued during the month.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See accounts Nos. 302 and 350)

618 Interest on loans sold with recourse.

This account will represent the amount of interest expense accrued during the month on loans to small business concerns sold to individuals, banks, insurance companies, or other financial institutions with recourse upon the company in the event of default.

Debit:

(a) With amount of such interest accrued during the month.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See accounts Nos. 170, 220, and 350)

620 Interest on debt securities sold with recourse.

This account will represent the amount of interest expense accrued during the month on debt securities of small business concerns sold to individuals, banks, insurance companies, or other financial institutions with recourse upon the company in the event of default.

Debit:

(a) With amount of such interest accrued during the month.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See accounts Nos. 180, 184, and 350)

622 Interest on notes payable to other than SBA.

This account will represent the amount of interest expense accrued during the month on notes payable for funds borrowed from other than the Small Business Administration.

Debit:

(a) With amount of such interest accrued during the month.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See accounts Nos. 315 and 350)

624 Interest on debentures payable, issued to other than SBA.

This account will represent the amount of interest expense accrued during the month on subordinated and unsubordinated debentures payable, issued to other than the Small Business Administration.

Debit:

(a) With amount of such interest accrued during the month.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See accounts Nos. 316, 318, and 350)

626 Interest on mortgages payable.

This account will represent the amount of interest expense accrued during the month on mortgages payable for funds borrowed by the company, carried in account No. 319.

Debit:

(a) With amount of such interest accrued during the month.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See account No. 350)

628 Interest expense—other.

This account will represent the amount of interest expense accrued during the month on obligations of the company not specifically provided for in other accounts.

Debit:

(a) With amount of such interest accrued during the month.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See account No. 350)

630 Compensation expense—participations purchased.

This account, on the books of the "participating" company, will represent the amount of compensation expense during the month for financial services received from "initiating" companies in connection with participations purchased.

Debit:

(a) With amount of such compensation expense.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See account No. 340)

640 Debenture and fiscal agent expense.

This account will represent the amount of (1) charges by the company's fiscal agent for services rendered, including reimbursements of expenses incurred by the fiscal agent on behalf of the company, and (2) expenses directly incident to the sale, redemption, and servicing of debentures payable, including such items as commissions, advertising in financial journals, communications, printing, stationery and supplies, shipping expenses, and such other expenses as may be properly charged to the sale, redemption, and servicing of debentures.

Debit:

(a) With amount of such expenses incurred during the month.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

642 Transfer agent and registrar expense.

This account will represent the amount of charges to the company by the transfer agent and the registrar for services rendered in connection with the issuance and transfer of the company's capital stock.

Debit:

(a) With amount of such expenses incurred during the month.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

650–679 Operating expenses.

The accounts under this caption will represent the amounts of operating expenses incurred.

Debit appropriate account:

(a) With amount of operating expenses incurred during the month.

Credit appropriate account:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

650 Advertising and promotional costs.

This account will represent the cost of advertising and promoting the company's services, including the cost of entertaining prospective borrowers and clients.

651 Appraisal, consulting, and engineering costs.

This account will represent the amount of charges made by outside firms and individuals for appraisal, consulting, and engineering services rendered to the company.

652 Auditing and examination costs.

This account will represent the amount of charges for auditing, examination, and bookkeeping services rendered by accountants not on the company's payroll, and charges for services rendered by SBA examiners.

653 Communications.

This account will represent telephone, telegraph, and postage expense.

654 Cost of space occupied.

This account will represent the cost of space occupied such as rent, alterations, amortization of leasehold improvements, light, heat, power, janitor service, etc., but not including maintenance and repairs, and depreciation.

655 Depreciation of corporate premises owned—building.

This account will represent the amount of provision applicable to the fiscal year for depreciation of the building and other depreciable improvements of corporate premises owned and used as the company's office quarters.

656 Depreciation of furniture and equipment.

This account will represent the amount of provision applicable to the fiscal year for depreciation of furniture, fixtures, and equipment, including automobiles, owned by the company.

657 Directors' and stockholders' meetings costs.

This account will represent directors' fees, and travel expense for attendance at directors' and stockholders' meetings. This account also will include the cost of holding stockholders' meetings, such as rental of the meeting hall and related expenses.

658 Insurance.

This account will represent fire, theft, employee group life insurance, and other insurance expense, including fidelity bond premiums and insurance on automobiles. With respect to employee group life insurance coverage, only that portion of the premiums paid by the company will be charged to this account. The portion, if any, of employee group life insurance premiums withheld from salaries or received from employees will be reflected in account No. 378.

(Insurance premiums to be amortized will be charged to account No. 220)

659 Investigation and financial service costs.

This account will represent the amount of charges made by outside firms and individuals for investigation and financial services rendered to the company. Such services may be required in connection with applications for loans and applications for financing small business concerns through acquisition of their debt securities.

660 Investment adviser and supervisory costs.

This account will represent the amount of charges made by outside firms and individuals for furnishing advice to the company with respect to the desirability of investing in, purchasing, or selling loans, debt securities, and capital stock of small business concerns and other property, or for determining, if so empowered, what securities or other property shall be purchased or sold by the company.

661 Legal services.

This account will represent the cost of legal services rendered to the company.

662 Miscellaneous services and supplies.

This account will represent the amount of charges made to the company for custodial or safekeeping services in connection with its portfolio securities, bank service charges, exchange on checks, protest fees, and other miscellaneous service charges, and the cost of office supplies such as stationery, accounting forms, blank books, pencils, binders, etc.

663.1 Salaries of officers.

This account will represent the salary cost of all officers of the company, including directors' salaries, if any, but not directors' fees for attendance at meetings.

663.2 Salaries of employees.

This account will represent the salary cost of all employees other than officers, including salaries of any temporary or

part-time employees engaged for specific assignments.

664 Taxes, excluding Federal and State income taxes.

This account will represent the cost of all taxes, including those on corporate premises owned, motor vehicle, personal property, social security (company's portion) and other taxes charged to the company, exclusive of Federal and State income taxes.

665 Travel.

This account will represent all travel expense, including transportation charges, automobile maintenance and operating expense, meals, lodging, telephone, telegraph, and other company costs incurred by officers and employees while in a travel status.

666 Uncollectible notes and accounts.

This account will represent the amount of estimated uncollectible notes and accounts receivable applicable to the fiscal year.

667 Uncollectible interest receivable.

This account will represent the amount of estimated uncollectible interest receivable applicable to the fiscal year.

668 Uncollectible loans (section 305).

This account will represent the amount of estimated uncollectible loans (section 305) to small business concerns applicable to the fiscal year.

669 Uncollectible amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.

This account will represent the sum of estimated uncollectible amounts due from debtors on sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304) applicable to the fiscal year.

NOTE: Appropriate subsidiary accounts should be maintained when deemed necessary.

670 Maintenance and repairs.

This account will represent all maintenance and repairs expense on buildings, furniture, and equipment (other than automobiles) owned by the company.

671 Retirement benefits expense.

This account will represent the cost assumed by the company in contributing to a pension fund providing for employee retirement benefits. The portion, if any, of the cost of retirement benefits withheld from salaries or received from employees will be reflected in account No. 378.

672 Organization expense.

This account will represent the amount of legal fees, promotional expense, stock certificate costs, incorporation fees, taxes, and other related costs incurred in organizing the company, which are charged to expense (this account) as incurred or are transferred to this account periodically through the amortization of organization costs established as an asset in account No. 256.

673 Estimated losses on debt securities (section 304).

This account will represent the amount of estimated losses applicable to the fiscal year on debt securities (section 304) of small business concerns.

674 Estimated losses on capital stock of SBCs.

This account will represent the amount of estimated losses applicable to the fiscal year on capital stock of small business concerns.

675 Estimated losses on assets acquired in liquidation of loans and debt securities.

This account will represent the amount of estimated losses applicable to the fiscal year on assets acquired in liquidation of loans and debt securities.

680 Amortization of discount on debentures payable.

This account will represent the amount of amortization of discount on unmatured outstanding debentures payable issued by the company.

Debit:

(a) At the end of each month, with the monthly amount necessary to amortize the discount over the life of such debentures.

(b) With the unamortized portion of discount applicable to such debentures purchased and retired prior to maturity.

(c) When such debentures mature during the month, with the amount of discount applicable to the portion of the month the debentures were outstanding.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See account No. 224)

690 Loss on debentures purchased and retired.

This account will represent the amount of excess of (1) the cost of the principal sum of debentures payable purchased and retired over (2) the par value of such debentures plus unamortized premium and minus unamortized discount in connection with such debentures.

Debit:

(a) With amount of such loss on debentures payable purchased and retired during the month.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See accounts Nos. 224, 316, 318, and 380)

700 Loss on U.S. Government securities.

This account will represent the amount of loss on the sale or other disposition of United States Government obligations, direct and fully guaranteed, carried in account No. 130.

Debit:

(a) With amount of loss on such securities sold or disposed of otherwise.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

702 Loss on debt securities (section 304).

This account will represent the amount of loss on the sale or other disposition of debt securities (section 304) of small business concerns carried in accounts Nos. 180 and 184.

Debit:

(a) With amount of loss on such debt securities sold or disposed of otherwise.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

(See account No. 574)

706 Loss on capital stock of SBCs.

This account will represent the amount of loss on the sale or other disposition of capital stock of small business concerns carried in accounts Nos. 190, 194, and 198.

Debit:

(a) With amount of loss on such capital stock sold or disposed of otherwise.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

708 Loss on assets acquired in liquidation of loans and debt securities.

This account will represent the amount of loss on the sale or other disposition of assets acquired in liquidation of loans (section 305) and debt securities (section 304) of small business concerns carried in account No. 200.

Debit:

(a) With amount of loss on such assets sold or disposed of otherwise.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

(See account No. 574)

709 Loss on other assets.

This account will represent the amount of loss on the sale or other disposition of assets not specifically provided for in other accounts.

Debit:

(a) With amount of loss on such assets sold or disposed of otherwise.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See account No. 574)

710 Expense on assets acquired in liquidation of loans and debt securities.

This account will represent the amount of expense incurred during the month on assets acquired in liquidation of loans (section 305) and debt securities (section 304), including the operation of properties, carried in account No. 200.

Debit:

(a) With amount of such expense incurred during the month.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

NOTE: In instances when a liquidating agent is employed to supervise the disposition of the assets, appropriate subsidiary accounts should be maintained by the agent.

Cash collected from the sale of assets by the liquidating agent should be remitted immediately to the company. The company should maintain a local depository bank account, in which all receipts of the agent are deposited when direct remittances to the company are not feasible. Deposit balances in this account should be subject to withdrawal by check only by the company and should be reflected on the company's records in the same manner as other bank accounts.

Any advances to a liquidating agent for expenses incident to the operation of or in the disposition of assets acquired in the liquidation of loans and debt securities should be charged to account No. 220—Prepaid expenses.

720 Federal income taxes—net income.

This account will represent the amount of Federal income taxes applicable to net income for the current fiscal year.

Debit:

(a) With amount of such taxes accrued during the month.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See account No. 354)

722 Federal income taxes—net realized gain on investments.

This account will represent the amount of Federal income taxes applicable to net realized gain on investments for the current fiscal year.

Debit:

(a) With amount of such taxes accrued during the month.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

(See account No. 354)

725 State income taxes—net income.

This account will represent the amount of State income taxes applicable to net income for the current fiscal year.

Debit:

(a) With amount of such taxes accrued during the month.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See account No. 356)

727 State income taxes—net realized gain on investments.

This account will represent the amount of State income taxes applicable to net realized gain on investments for the current fiscal year.

Debit:

(a) With amount of such taxes accrued during the month.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary).

(See acount No. 356)

Memorandum Records

Contingent Assets

CA–1 Documentary items in process of collection.

This record will show the amount of trade acceptances, bills of sale, sight drafts, and other similar documents received by the company. It is intended that items entered in this record will not of themselves be considered collateral, but will represent instruments used in effecting collection of the proceeds of the sale of collateral which has been released on trust receipts or similar collateral documents. When collection is effected, appropriate entry will be made in this record.

CA–2 Other contingent assets.

This record will show the amount of miscellaneous contingent assets, such as postdated checks, etc.

Contingent Liabilities

CL–6 Commitments outstanding.

This record will show the amount of financing commitments made and outstanding to small business concerns, including commitments for loans and for the acquisition of small business concerns' capital stock and debt securities. This record also will show the amount of deferred participations. A deferred participation is defined as a commitment under a participation agreement whereby the "participating" company will make funds available on a deferred basis to the "initiating" company in connection with the latter's financing of, or commitment to finance, a small business concern. When funds are advanced against commitments, appropriate entry will be made in this record.

CL–7 Other contingent liabilities.

This record will show the amount of miscellaneous contingent obligations not otherwise classified.

Nominal Assets

NA–10 Stock purchase warrants or options on stock of SBCs.

This record will show the company's ownership of detachable stock purchase warrants or options which have been detached from the capital stock certificates or debt securities with which they were issued by small business concerns.

Each detachable stock purchase warrant or option certificate should be entered in this record, upon detachment, at a nominal value of one dollar ($1.00). Upon sale of a detachable stock purchase warrant or option or upon exercise or expiration of rights conveyed by a detachable stock purchase warrant or option, the entry establishing such certificate in the memorandum records is to be discharged through an equivalent credit.

Debit:

(a) With nominal value of detachable stock purchase warrants or options upon their detachment from capital stock certificates or debt securities.

Credit:

(a) With nominal value of detachable stock purchase warrants or options upon exercise or expiration of rights conveyed by such warrant or option certificates.

(b) With nominal value of detachable stock purchase warrants or options sold or disposed of otherwise.

(See accounts Nos. 180 and 194)

Options on Company's Stock

OCS–1 Options on company's stock.

This record will show details of outstanding options on the company's capital stock granted in lieu of salary or in payment for services actually rendered to the company. The following data will be included:

1. Identification of person or entity holding options.
2. Number of shares optioned.
3. Type and class of stock called for by options.
4. Dates of grant and of expiration of options.
5. Price or prices at which options exercisable, with dates they apply.
6. Fair market value, per share, of stock called for at date each option was granted.
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8. Provisions for termination of options in case of death or retirement of optionees, or other circumstances.
9. Details of authorization, shares reserved for, issuance, exercise, lapse, and forfeiture of options provided for under the company's stock option plan.

Dated: May 25, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62–5379; Filed, May 31, 1962; 8:50 a.m.]

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PART I

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MAIN READING ROOM

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Announcing first

5-year Cumulation

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Defense

Effective upon publication in the FEDERAL REGISTER, subparagraph (21) of paragraph (a) of § 6.304 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-5438; Filed, June 4, 1962; 8:49 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1962 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1962-Crop Wheat Loan and Purchase Agreement Program

A price support program has been announced for the 1962-crop of wheat. The 1962 C.C.C. Grain Price Support Bulletin 1 (27 F.R. 4411) issued by the Commodity Credit Corporation and containing the specific regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1962 is supplemented as follows:

Sec.
421.1201 Purpose.
421.1202 Availability of price support.
421.1203 Eligibility requirements.
421.1204 Eligible wheat.
421.1205 Determination of quality.
421.1206 Determination of quantity.
421.1207 Warehouse receipts.
421.1208 Warehouse charges.
421.1209 Maturity of loans.
421.1210 Inspection of wheat under purchase agreements.
421.1211 Settlement.
421.1212 Support rates.

AUTHORITY: §§ 421.1201 to 421.1212 issued under sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421.

§ 421.1201 Purpose.

This supplement states additional specific requirements which, together with the applicable provisions of the general regulations contained in the 1962 C.C.C. Grain Price Support Bulletin 1 (27 F.R. 4411) and any amendments thereto apply to loans and purchase agreements under the 1962-Crop Wheat Price Support Program.

§ 421.1202 Availability of price support.

(a) *Area.* Price support will be available through farm-storage and warehouse-storage loans and purchase agreements on eligible wheat produced in the commercial wheat-producing area of the United States. Farm-storage loans will not be available in areas where the State committee determines that wheat cannot be safely stored on the farm.

(b) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm program records for the farm.

(c) *When to apply.* Loans and purchase agreements will be available from harvest through January 31, 1963. The applicable documents must be signed by the producer and delivered to the office of the county committee not later than such date.

§ 421.1203 Eligibility requirements.

(a) *Beneficial interest.* To be eligible for price support, the beneficial interest in the wheat must be in the eligible producer tendering the wheat for loan or for delivery under a purchase agreement, and must always have been in him, or in him and a former producer whom he succeeded before it was harvested. Any producer who is in doubt as to whether his interest in the wheat complies with the requirements of this paragraph (a) should make available to the county committee, prior to filing an application, all pertinent information which will permit a determination to be made by CCC.

(b) *Succession of interest.* To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the wheat was produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

§ 421.1204 Eligible wheat.

The wheat must meet all of the applicable requirements of this section in addition to other applicable requirements of the program in order to be eligible for a loan, for delivery under a loan and for purchase under a purchase agreement.

(a) *Production.* The wheat must have been produced in the commercial wheat-producing area as designated in 7 CFR 278.1204 26 F.R. 4141, May 13, 1961, in the United States in 1962 by an eligible producer, except that wheat produced on any farm which receives an increased allotment under the provisions of 7 U.S.C. 1334(i) applicable in Modoc and Siskiyou Counties in California, shall not be eligible for price support.

(b) *Grade requirements.* Wheat at the time it is placed under loan, and wheat under purchase agreement which is in approved warehouse-storage prior to notification by the producer of his intention to sell to CCC, must meet the requirements set forth in this paragraph. The wheat must be (1) wheat of any class grading No. 3 or better; (2) wheat of any class grading No. 4 or 5 on the factor of "test weight" and/or because of containing "Durum" and/or "Red Durum" but otherwise grading No. 3 or better; or (3) wheat of the class Mixed wheat, consisting of mixtures of grades of eligible wheat as specified in subparagraph (1) or (2) of this paragraph provided such mixtures are the natural products of the field. Wheat grading Tough, Weevily, Ergoty, or Treated shall not be eligible, except that wheat represented by warehouse receipts grading "Tough" will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt substantially as follows:

CERTIFICATION

On wheat grading "Tough" delivery will be made of wheat not tough but otherwise of the same country-run quality, quantity and grade as indicated on the applicable warehouse receipt and supplemental certificates, and no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of said warehouse receipt.

Except as provided above with respect to wheat grading "Tough", wheat of the class hard red spring, durum, or red durum, shall not contain more than 14½ percent moisture, and wheat of any other class shall not contain more than 14 percent moisture.

(c) *Poisonous substances.* The wheat must not contain mercurial compounds or other substances poisonous to man or animals.

(d) *Sanitation requirements.* The wheat must not contain one or more rodent pellets, or comparable amounts of other filth, per pint of wheat (liquid measure), or 1 percent or more by weight of kernels visibly damaged by weevils or other insects.

(e) *Waiting period.* If offered as security for a farm-storage loan, the wheat must have been in store for at least 30 days prior to inspection, measurement, sampling, and sealing, unless otherwise approved by the State committee.

(f) *Purchase agreements—predelivery inspection.* Except as otherwise pro-

vided in § 421.1210(a), wheat under purchase agreement stored in other than approved warehouse storage shall not be eligible for sale to CCC if it does not meet the requirements of paragraphs (b), (c), and (d) of this section on the basis of a predelivery inspection performed by a representative of the county committee, unless the producer complies with the conditions specified in § 421.1210(a) and the wheat on the basis of the inspection made at the time of delivery meets the requirements of paragraphs (b), (c), and (d) of this section.

(g) *Deliveries under farm-storage loans.* Only wheat covered by the loan documents is eligible for delivery under farm-storage loans.

§ 421.1205 Determination of quality.

(a) *Regular grading factors.* The class, subclass, grade, grading factors and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Wheat, whether or not such determinations are made on the basis of an official inspection.

(b) *Sanitation.* Determinations with respect to sanitation requirements specified in § 421.1204(d) shall be made in accordance with instructions issued by CCC.

(c) *Smut.* In the States of California, Idaho, New Mexico, Nevada, Oregon, Utah, Washington, and the counties in Montana where it is a normal practice to determine smut on a percentage basis, the quantity of smut shall be stated in terms of half percent when smut dockage is present in a quantity equal to less than one percent, and in terms of whole percent when present in a quantity equal to one percent or more. A fraction of a half percent shall be disregarded when smut dockage is present in a quantity equal to less than one percent, and a fraction of a percent shall be disregarded when smut dockage is present in a quantity equal to one percent or more. Elsewhere the smut condition of the wheat shall be determined on a degree basis. Where applicable the words, "Light Smutty" or "Smutty" shall be added to, and made a part of the grade determination.

(d) *Garlicky.* The garlicky condition of the wheat shall be made a part of the grade designation by addition of the words "Light Garlicky" or the word "Garlicky".

(e) *Sedimentation.* Sedimentation tests for purposes of making farm storage loans and determination of settlement value of wheat delivered to bin sites will be made by ASCS State or county laboratories. The sedimentation value of wheat delivered to warehousemen who have elected to be held accountable on the basis of sedimentation shall be the value agreed to by the producer and the warehousemen as shown on the warehouse receipt or supplemental certificate, or if such persons cannot agree the value will be determined in accordance with the method prescribed in the applicable Uniform Grain Storage Agreement. In all other instances where a sedimentation test is required, it shall be determined on the basis of certificates issued by an inspector licensed or authorized by United States Department of Agriculture under the Agricultural Marketing Act of 1946, as amended, and the regulations thereunder (7 CFR Part 68). Such certificates are referred to in these regulations as official sedimentation certificates.

(f) *Protein.* Protein tests when required under § 421.1207(c) shall be made by an official protein laboratory, or by a protein laboratory approved by CCC. Protein certificates issued by such a laboratory are referred to herein as official protein certificates.

§ 421.1206 Determination of quantity.

(a) *In warehouse.* The quantity of wheat on which a warehouse storage loan shall be made and the quantity delivered to or acquired by CCC in an approved warehouse under a farm-storage loan or purchase agreement shall be the net weight specified on the warehouse receipt or on the supplemental certificate, if applicable.

(b) *On farm.* The quantity of wheat placed under farm storage loan may be determined either by weight or by measurement. The quantity delivered under a farm storage loan or a purchase agreement shall be determined by weight. When the quantity is determined by weight, a bushel shall be 60 pounds of wheat free of dockage. In determining the quantity of sacked wheat by weight, a deduction of ¾ of a pound for each sack shall be made.

(c) *Adjustment for test weight.* When the quantity is determined by measurement, a bushel shall be 1.25 cubic feet testing 60 pounds per bushel. The quantity determined for wheat of a different test weight shall be adjusted by the applicable percentage in the following table:

For wheat testing:	Percent
65 pounds or over	108
64.0 to 64.9	107
63.0 to 63.9	105
62.0 to 62.9	103
61.0 to 61.9	102
60.0 to 60.9	100
59.0 to 59.9	98
58.0 to 58.9	97
57.0 to 57.9	95
56.0 to 56.9	93
55.0 to 55.9	92
54.0 to 54.9	90
53.0 to 53.9	88
52.0 to 52.9	87
51.0 to 51.9	85
50.0 to 50.9	83

(d) *Safety margin.* A safety factor as established by the State committee shall be deducted from the net quantity as determined by measurement when wheat is offered for a farm storage loan. In the case of hard wheat the safety factor shall be not less than 5 percent.

(e) *Dockage.* The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the wheat in determining the net quantity available for loan or purchase.

(f) *Smut.* In the States of California, Idaho, New Mexico, Nevada, Oregon, Utah, Washington, and the counties in Montana where it is a normal practice to determine smut on a percentage basis, the quantity of smut determined in pounds by applying the percentage factor to the total quantity shall be deducted from the weight of the wheat after deduction of dockage.

§ 421.1207 Warehouse receipts.

Warehouse receipts representing wheat in approved warehouse storage, to be placed under a warehouse-storage loan, to be delivered in satisfaction of a farm-storage loan or, to be acquired under a purchase agreement, must meet the requirements of this section.

(a) *Manner of issuance and endorsement.* Warehouse receipts presented for warehouse-storage loans must be issued in the name of the producer and for deliveries under farm-storage loans or purchase agreements, in the name of the producer or CCC, and must be properly endorsed in blank when issued in the name of the producer so as to vest title in the holder. Receipts must be issued by a warehouse for which a Uniform Grain Storage Agreement is in effect and which is approved by CCC for price support purposes or must be receipts issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission. The term "Eastern common carriers" as used in this subpart includes the Port of New York Authority.

(b) *Entries for weight and grade (all wheat).* (1) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show: (i) Gross weight and net bushels, (ii) class and subclass, (iii) grade (including special grades), (iv) test weight, (v) dockage, (vi) any other grading factor(s) when such factor(s) and not test weight determine the grade and (vii) whether the wheat arrived by rail, truck or barge. The grading factors, classes and subclasses on the warehouse receipt must agree with the inbound inspection certificate for the car, truck or barge when such certificate is issued.

(2) If a warehouseman has furnished a statement as provided in § 421.1204(b), the supplemental certificates must show the numerical grade and the grading factors of the wheat to be delivered. Where the grade and grading factors shown on the supplemental certificate do not agree with the warehouse receipt, the factors shown on the supplemental certificate shall take precedence.

(3) A separate warehouse receipt must be submitted for each grade and quality of wheat.

(c) *Entries for grade and supplemental documents (hard wheat)*—(1) *Sedimentation warehouses.* In the case of warehouses which have elected to be held accountable on the basis of sedimentation value, whenever the sedimentation value is 40 or more, and in all cases where an official sedimentation certificate is issued, an entry indicating the sedimentation value shall be shown on the warehouse receipt or the supplemental certificate or both. In the case of wheat delivered by car, truck or barge on which inbound inspection and sedimentation certificates are issued, entries on the warehouse receipts must agree with like entries on such certificates.

(2) *Protein warehouses.* In the case of warehouses which have elected to be held accountable on the basis of protein content, each warehouse receipt shall be accompanied by an official sedimentation certificate and an official protein certificate or copies thereof whenever a sedimentation test is requested by the producer. In the case of wheat delivered by car, truck, or barge on which inbound inspection, sedimentation and protein certificates are issued, entries on the warehouse receipts must agree with like entries on such certificates.

(d) *Liens.* The warehouse receipts may be subject to liens for warehouse charges only to the extent indicated in § 421.1208(a). Warehouse receipts shall not be subject to liens for charges in connection with the making of sedimentation or protein tests.

(e) *In-transit movement.* Warehouse receipts representing wheat which has been shipped by rail or water from a country shipping point to a designated terminal point, or shipped by rail or water from a country shipping point to a storage point and stored in-transit to a designated terminal point, must be accompanied by registered freight bills or by a certificate containing similar information. These registered freight bills or certificates will be prescribed by the ASCS commodity office and shall be signed by the warehouseman and may be made a part of the supplemental certificate.

(f) *Where warehouseman is also owner.* If the receipt is issued for wheat of which the warehouseman is the owner either solely, jointly or in common with others, the fact of such ownership shall be stated on the receipt. Such receipts shall also be registered or recorded with appropriate State or local officials when required by State law. In States where the pledge of warehouse receipts by a warehouseman on his own wheat is not valid under State law and the warehouseman elects to deliver wheat to CCC under a purchase agreement for which he is eligible under this program, the warehouse receipt shall be issued in the name of CCC.

(g) *Insurance.* Each warehouse receipt or accompanying supplemental certificate representing grain stored in an approved warehouse operating under the Uniform Grain Storage Agreement shall indicate that the wheat is insured, in accordance with such agreement. Each warehouse receipt or accompanying supplemental certificate issued on warehouses operated by Eastern common carriers and representing wheat to be placed under loan shall indicate that it is insured at the full market value against loss or damage by fire, lightning, inherent explosion, windstorm, cyclone, and tornado. The cost of such insurance shall not be for the account of CCC.

§ 421.1208 Warehouse charges.

(a) *Handling and storage liens.* Warehouse receipts and the wheat represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date it is deposited in the warehouse for storage. Warehouse receipts and the wheat represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. In no event shall a warehouseman be entitled to satisfy the lien by sale of the wheat when CCC is holder of the warehouse receipt.

(b) *Deduction of storage charges—UGSA warehouses.* The table shown below provides the deduction for storage charges to be made from the amount of the loan or purchase price in the case of wheat stored in an approved warehouse operated under the Uniform Grain Storage Agreement. Such deduction shall be based on entries shown on the warehouse receipts. If written evidence is submitted with the warehouse receipt that all warehouse charges except receiving and loading out charges have been prepaid through the applicable loan maturity date, no storage deductions shall be made. If such written evidence is not submitted, the date to be used for computing the storage deduction on wheat stored in warehouses operating under the Uniform Grain Storage Agreement shall be the date of deposit or the date storage charges start, whichever is later; if neither the date of deposit nor the date storage charges start is shown, the date of the warehouse receipt shall be used.

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES BY MATURITY DATES

Feb. 28, 1963	Deduction (cents per bu.)	Mar. 31, 1963
Storage Start Date[1]		*Storage Start Date*[1]
Prior to Apr. 25, 1962	12	Prior to May 26, 1962.
Apr. 25–May 21, 1962	11	May 26–June 21, 1962.
May 22–June 17, 1962	10	June 22–July 18, 1962.
June 18–July 14, 1962	9	July 19–Aug. 14, 1962.
July 15–Aug. 10, 1962	8	Aug. 15–Sept. 10, 1962.
Aug. 11–Sept. 6, 1962	7	Sept. 11–Oct. 7, 1962.
Sept. 7–Oct. 3, 1962	6	Oct. 8–Nov. 3, 1962.
Oct. 4–Oct. 30, 1962	5	Nov. 4–Nov. 30, 1962.
Oct. 31–Nov. 26, 1962	4	Dec. 1–Dec. 27, 1962.
Nov. 27–Dec. 23, 1962	3	Dec. 28, 1962–Jan. 23, 1963.
Dec. 24, 1962–Jan. 19, 1963.	2	Jan. 24–Feb. 19, 1963.
Jan. 20–Feb. 28, 1963	1	Feb. 20–Mar. 31, 1963.

[1] All dates inclusive.

(c) *Deduction of storage charges—Eastern common carriers.* In the case of wheat stored in an approved warehouse operated by an Eastern common carrier, there shall be deducted in computing the loan or purchase price the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through the applicable maturity date unless written evidence is submitted with the warehouse receipt that such charges have been prepaid. The county office shall request the ASCS commodity office to determine the amount of such charges. Where the producer presents evidence showing the elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.1209 Maturity of loans.

Loans mature on demand but not later than February 28, 1963 on wheat stored in the States of Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia and West Virginia, and not later than March 31, 1963, in all other States.

§ 421.1210 Inspection of wheat under purchase agreement.

(a) *Predelivery inspection.* (1) Where the producer has given written notice within the 30-day period prior to the loan maturity date of his intent to sell his wheat stored in other than an approved warehouse under purchase agreement to CCC, the county office shall make an inspection, obtain a sample and submit it for grade analysis prior to delivery.

(2) If the wheat on the basis of the predelivery inspection is of a quality which meets the requirements for a farm-storage loan, the county office shall issue delivery instructions on or after the date of inspection. The producer must then complete delivery within the period specified in the delivery instructions unless the county office determines that more time is needed.

(3) The producer whose wheat is stored in other than an approved warehouse which is not of a quality eligible for a loan at the time of the predelivery inspection shall be notified in writing by the county office that his wheat is not eligible for purchase by CCC. If, nevertheless, the producer informs the county office that he will condition the wheat or otherwise take action to make it eligible and insists upon delivery of the wheat, the county office shall issue delivery instructions. In such case if the wheat does not meet the eligibility requirements of § 421.1204 (b), (c) and (d) as determined on the basis of a sample taken at the time of delivery, the wheat will not be accepted for purchase by CCC.

(4) A predelivery inspection shall not be made in unapproved warehouses where the wheat is stored commingled or is stored so that the identity of the producer's wheat is maintained but a predelivery inspection is not possible. When a predelivery inspection is not made such wheat at the time of delivery must meet the eligibility requirements of § 421.1204 (b), (c) and (d).

(b) *Inspection of wheat stored by producer after maturity date.* (1) The producer may be required to retain the wheat stored in other than approved warehouse storage under purchase agreement for a period of 60 days after the loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of the wheat covered by a purchase agreement occurring prior

to delivery to CCC except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions for wheat which was determined to be of an eligible grade and quality at the time of the predelivery inspection, and CCC cannot accept delivery within the 60-day period following the loan maturity date, the producer may notify the county office at any time after such 60-day period that it is going out of condition or is in danger of going out of condition. If the county office determines that the wheat is going out of condition or is in danger of going out of condition and it cannot be satisfactorily conditioned by the producer; and delivery cannot be accepted within a reasonable length of time, the county office shall obtain an inspection and grade and quality determination.

(2) When delivery is completed, settlement shall be made on the basis of such grade and quality determination or the grade and quality determination made at the time of delivery, whichever is higher, and on the quantity actually delivered.

§ 421.1211 Settlement.

(a) *General.* Settlement for wheat acquired by CCC under loan or purchase agreement will be made with the producer as provided in this section. The support rate per bushel at which settlement will be made for eligible wheat shall be determined under the applicable provisions of § 421.1212, and this section.

(1) *Warehouse-storage loans.* Settlement for eligible wheat acquired by CCC under warehouse-storage loans and represented by warehouse receipts shall be made on the basis of weight, grade and other quality factors shown on such warehouse receipt or accompanying documents.

(2) *Farm-storage loans and purchase agreements.* (i) Delivery will be made in accordance with instructions issued by the county office. The settlement rate for eligible wheat delivered under farm-storage loans or purchase agreements from other than approved warehouses, shall be the applicable support rate for the county in which the producers customary shipping point (as determined by the county committee) is located, except that if the producer is directed to deliver his wheat to a terminal market for which a support rate is established, settlement shall be based on the support rate for such terminal market. Settlement will be based on the quality and quantity as indicated on warehouse receipts and accompanying documents issued by an approved warehouse or if applicable, the quality and quantity as shown on Form CCC–50.

(ii) Wheat purchased under a purchase agreement shall be paid for by sight draft drawn on CCC. The producer shall indicate on commodity purchase Form 4 to whom payment shall be made.

(b) *Charges for sedimentation or protein tests.* The cost of obtaining the required sedimentation and protein tests (when applicable), on wheat delivered under loan or purchase agreement, shall not be for the account of CCC, except in the case of deliveries from farm-storage to CCC bin sites.

(c) *Settlement rate to be established.* In the case of delivery of wheat under a farm-stored loan and wheat under purchase agreement which was determined to be eligible at the time of predelivery inspection but which upon delivery is of a grade or quality for which no support rate has been established, the settlement rate shall be the applicable basic support rate adjusted by the premiums and discounts shown in § 421.1212 to the extent they apply and in addition, by the amount of market discounts, if any, as determined by the appropriate ASCS commodity office for the quality by which the wheat is lower than the quality for which such price support discounts are established: *Provided, however,* That if such wheat is sold by CCC for the purpose of determining its market price, the settlement value shall not be less than such sales price. Notwithstanding the foregoing, the settlement rate shall not in any event be more than the rate which would have been established under § 421.1212 by using the price support premiums and discounts in such section to the extent that they apply.

(d) *Compensation for hauling.* If the producer is directed by the county office to deliver his price support wheat to a point a greater distance than to his customary delivery point, the producer will be allowed compensation (as determined by the ASC State committee at not to exceed the common carrier truck rate or the rate available from local truckers) for hauling eligible wheat the additional distance: *Provided,* That if the producer is directed to deliver his wheat to a terminal market for which a support rate is established, no compensation shall be allowed for hauling. The ASC State committee, may in determining the rates of payments for any excess haul, establish reasonable mileage minimums below which producers will not receive compensation for hauling the wheat.

(e) *Track-loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on eligible wheat delivered to CCC on track at a country point.

(f) *Storage payment where CCC is unable to take delivery of wheat stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain wheat stored in other than an approved warehouse under loan or purchase agreement for a period of 60 days after the maturity date without any cost to CCC. However, if CCC is unable to take delivery of such wheat within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery to CCC: *Provided, however,* That a storage payment shall be paid a producer whose wheat is stored in other than an approved warehouse under purchase agreement only if he had properly given notice of his intention to sell the wheat to CCC and delivery cannot be accepted within the 60-day period after maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office whichever is earlier. The storage payment shall be computed at the storage rate for wheat provided for in the Uniform Grain Storage Agreement in effect at the time of such storage.

(g) *Storage deduction for early delivery.* If farm-stored wheat is delivered to CCC prior to maturity date, a deduction for storage shall be made, except that no deduction shall be made if such early delivery is made because the loan is called solely for the convenience of CCC, or if it is determined by CCC at the time of delivery that the wheat will be sold rather than stored, or if CCC requires early delivery on an area basis.

(h) *Refund of prepaid handling charges.* In the case a warehouseman charges the producer for the receiving or the receiving and loading out charges on wheat under loan or purchase agreement stored in an approved warehouse, the producer shall, upon delivery of the wheat to CCC, be reimbursed or given credit by the county office for such prepaid charges not to exceed those specified in the Uniform Grain Storage Agreement, provided the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid. In the case an approved warehouse operated by an Eastern common carrier charges the producer for the elevation charges on wheat under loan or purchase agreement, the producer shall, upon delivery of the wheat to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges specified in the applicable approved tariff; provided the producer furnishes to the county office written evidence signed by the warehouseman that such charges have been paid and that CCC has not previously given the producer credit for such charges as provided in § 421.1208(c).

(i) *Ineligible wheat inadvertently accepted by CCC.* (1) In the case of (i) ineligible wheat delivered to or acquired by CCC under a loan; (ii) wheat delivered in excess of the maximum quantity stated in the purchase agreement; (iii) ineligible wheat delivered under a purchase agreement where a predelivery inspection was not made; (iv) ineligible wheat delivered under a purchase agreement where the predelivery inspection indicated it to be of an ineligible quality, and (v) any other ineligible wheat acquired by CCC under a purchase agreement. The settlement value shall be the market price as determined by CCC, but in no event more than the applicable support rate.

(2) If CCC sells the wheat for the purpose of determining its market price, the settlement value shall be such sales price. The provisions of this paragraph do not apply to ineligible wheat covered by paragraphs (j), (k) and (l) of this section.

(j) *Fraud.* The making of any fraudulent representation by the producer, in connection with settlement or deliveries under a loan shall render the producer personally liable, aside from any additional liability under criminal and civil frauds statutes, for the amount of the loan, for any additional amounts paid to the producer on the commodity, and for all costs which the Corporation would not have incurred had it not been for the producer's fraudulent representation, together with interest at the rate of 6 percent per annum on such amounts from the date of disbursement. For the purpose of establishing any deficiency remaining due in the event the producer has made any such fraudulent representation, the value of the wheat acquired by CCC under the loan shall be the market value as determined by CCC on the date of delivery or removal in the case of farm-storage loans or the market value of the wheat as of the close of the market on the final date for repayment in the case of warehouse-storage loans, or in the case of both farm-storage and warehouse-storage loans the sales price if the wheat is sold by CCC in order to determine its market value. If the producer has made a fraudulent representation in a sale under a purchase agreement or in the purchase agreement documents, he shall be personally liable, aside from any additional liability under criminal or civil frauds statutes for any loss which CCC sustains upon the wheat delivered under the purchase agreement. For the purpose of this program, such loss shall be deemed to be the price paid to the producer on the wheat delivered under the purchase agreement plus all costs sustained by CCC in connection with the wheat, together with interest at the rate of 6 percent per annum from the date of disbursement, less the market value, as determined by CCC of the wheat as of the close of the market on the date of delivery, or the sales price if the wheat is sold in order to determine its market value.

(k) *Poisonous substances.* If wheat is delivered to CCC which contains mercurial compounds or other substances poisonous to man or animals, such wheat shall be sold for seed (in acordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such wheat for the use specified above, the settlement value shall be the market value, as determined by CCC, as of the date of delivery.

(l) *Sanitation requirements.* If the wheat delivered is of a quality which does not meet sanitation requirements, the wheat shall be sold for uses other than food for human consumption and beverages. The settlement value shall be the same as the sales price, except that if CCC is unable to sell the wheat for the use specified above, the settlement value shall be the market value determined by CCC, as of the date of delivery.

§ 421.1212 Support rates.

Basic support rates for wheat will be a part of this section to be issued at a later date. The support rate for the quality of wheat placed under a loan or acquired under a loan or a purchase agreement shall be the applicable basic support rate adjusted in accordance with the provisions of this section, and in the case of settlement of loans and purchase agreements as further provided in § 421.1211.

(a) *Discounts where weed control laws apply.* Where the State committee determines that State, district, or county weed control laws, as administered, affect the wheat crop, the support rate in the case of farm storage shall be 10 cents per bushel below the applicable county support rate unless the producer obtains a certificate from the appropriate weed control official indicating that the wheat complies with the weed control laws. In the case of warehouse storage, whenever the State committee of the State in which the wheat is stored determines that State, district or county weed control laws as administered affect wheat stored in approved warehouses, the rate shall be 10 cents per bushel below the applicable support rate unless the producer obtains a certificate from either the appropriate State, county or district weed control official or the storing warehouseman that the wheat complies with the weed control laws and in the case of a certificate from the warehouseman, that he will save CCC harmless from loss or penalty because of the weed control laws. The certificate of the warehouseman may be in substantially the following form:

CERTIFICATION

This is to certify that the grain evidenced by warehouse receipt No. ------ issued to ------ is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that should such grain be taken over by CCC in settlement of a loan or be purchased under the purchase agreement program that the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the grain was stored under the above warehouse receipt.

(Signature)

(Address)

(Date)

(b) *Support rates at designated terminal markets.* (1) The support rates established for designated terminal markets apply to wheat shipped on a domestic interstate freight rate basis. The support rate at the designated terminal market for any wheat shipped at other than the domestic interstate freight rate shall be reduced by the difference between the rate of freight paid and the domestic interstate freight rate.

(2) The support rates established for designated terminal markets also apply to wheat which has been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges. In the event the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate, if any, from the terminal market to a recognized market determined by the appropriate ASCS commodity office, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate. If the wheat is stored at any designated terminal market and neither registered freight bills nor registered freight certificates are presented, the support rate shall be equal to the terminal rate minus the actual amount of paid-in freight required to guarantee the proportional outbound rate from the terminal market to a recognized market determined by the appropriate ASCS commodity office.

(3) The support rate for wheat received by truck and stored at any designated terminal market shall be determined by deducting from the terminal rate, the actual amount of paid-in freight required to guarantee the proportional outbound rate from the terminal market to a recognized market determined by the appropriate ASCS commodity office, plus 3.25 cents per bushel.

(4) Notwithstanding the foregoing provisions of this paragraph, the support rate for wheat shipped by rail or water and stored at any of the following terminal markets shall be equal to the applicable terminal rate, less the transportation cost, if any, as determined by the appropriate ASCS commodity office, for moving the wheat to a tidewater facility located within the same switching limits:

Long Beach, Los Angeles, Oakland, San Francisco, Stockton, and Wilmington, California
Baton Rouge and New Orleans, Louisiana[1]
Baltimore, Maryland
Duluth, Minnesota
Astoria and Portland, Oregon
Albany and New York, New York
Philadelphia, Pennsylvania
Galveston, Houston, Corpus Christi and Port Arthur, Texas
Norfolk, Virginia
Kalama, Longview, Seattle, Tacoma and Vancouver, Washington
Superior, Wisconsin

(5) Notwithstanding the foregoing provisions of this paragraph, the support rate for wheat received by truck and stored at any of the terminal markets listed in subparagraph (4) of this paragraph shall be determined by making a deduction 3.25 cents per bushel from the terminal rate, plus the transportation cost, if any, as determined by the appropriate ASCS commodity office, for moving the wheat to a tidewater loading facility located within the same switching limits.

(c) *Support rates for wheat in approved warehouse storage at other than designated terminal markets.* Except for the States designated in paragraph (d) of this section, the support rate for wheat which is shipped by rail or water and which is stored in approved warehouses (other than those situated in the designated terminal markets) shall be

[1] For use in determining the support rate for wheat grown only in the commercial wheat-producing area.

determined by deducting from the rate for the appropriate designated terminal market, as determined by CCC, an amount equal to the transit balance, if any, of the through-freight rate from the point of origin for such wheat to such terminal market: *Provided*, That on any wheat shipped at other than the domestic interstate freight rate, the support rate shall be further reduced by the difference between the freight rate paid and the domestic interstate freight rate from the point of origin of such wheat to the point of destination or appropriate terminal market: *And provided further*, That in the case of wheat stored at any railroad transit point, taking a penalty by reason of out-of-line movement to the appropriate designated market, or for any other reason, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing wheat in such position.

(d) *Support rates in approved warehouse storage determined by the ASCS commodity office.* In the States of Delaware, Kentucky, Maryland, New Jersey, North Carolina, Tennessee, Virginia, and West Virginia, the ASCS commodity office shall, upon request of the county committee, determine the support rate for wheat stored in approved warehouses (except those situated at designated terminal markets) which was shipped by rail in the movement of natural market direction as approved by CCC, by adding to the county rate for the county from which the wheat was shipped an amount per bushel equal to the receiving and loading-out charges computed in accordance with the applicable rates of the Uniform Grain Storage Agreement in effect at the time the loan is made and an amount equal to the transit value of the freight paid from the points of origin to markets designated by CCC. The warehouse receipts must be accompanied by the original paid freight bills or a certificate signed by the warehouseman as set forth in § 421.1207(e). If the wheat is stored in approved warehouses located at transit points, taking a penalty by reason of backhaul, or out-of-line of normal market movements, such penalty or other costs by reason of such movement, as determined by CCC shall be deducted from the support rates as determined in this paragraph.

(e) *Basic county support rates.* (1) The basic county support rates per bushel are established for wheat grading No. 1. Farm-storage loans and county warehouse storage loans, except as otherwise provided in paragraphs (c) and (d) of this section will be based on the support rate established for the county in which the wheat is stored. The basic county support rate for wheat stored in a non-commercial county, when needed, will be furnished by the Director, Grain Division, ASCS, upon request of the State ASC committee.

(2) If two or more approved warehouses are located in the same or adjoining towns, villages, or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point and the same support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.

(f) *Discounts and premiums.* The basic support rates shall be adjusted by the following applicable premiums and discounts.

	Cents per bushel
(1) Class premiums and discounts:	
(i) Premiums: [1]	
Hard Amber Durum	+40
Amber Durum	+25
Ordinary Durum	+10
(ii) Discounts:	
Red Durum	−20
Mixed Wheats (do not apply more than 1 of the Mixed Wheat discounts):	
Mixed Wheat (including Mixed Wheat containing less than 5 percent of wheats of the classes Durum and/or Red Durum)	−2
Mixed Wheat (containing from 5 percent to 10 percent of wheat of the classes Durum and/or Red Durum)	−6
Mixed Wheat (containing more than 10 percent of wheats of the classes Durum and/or Red Durum)	−15
(2) Grade premium and discounts:	
(i) Premium:	
No. 1 Heavy (Hard Red Spring)	+1
(ii) Discounts:	
No. 2	−1
No. 3	−3
No. 4 on basis of test weight	−6
No. 5 on basis of test weight	−9
No. 4 or 5 because of containing Durum and/or Red Durum [2] and [3]	−6
Smut—Degree basis:	
Light Smutty	−2
Smutty	−6
Smut—Percentage basis:	
One-half of 1 percent	−1
One percent or over	−3
Garlic—Degree basis:	
Light Garlicky	−6
Garlicky	−15
(3) Variety discount	−20

The following varieties listed by class will be subject to discounts. This discount is in addition to any other applicable discount.

Hard Red Winter	Hard Red Spring	Durum	White	Soft Red Winter
Blue Jacket	C.T. 231	Golden Ball	Fifty-Fold	Kanqueen.
Cache [1]	Gasser	Peliss	Florence	Kawvale.
Chiefkan	Henry [1]	Pentad	Greeson	Nured.
Cimarron	Kenney		Rex	Seabreeze.
Early Blackhull	Premier		Sonora	
Kanking	Progress			
Kharkof MC 22	Russell [3]			
New Chief	Spinkcota			
Pawnee Sel. 33	Sturgeon			
Purkof				
Red Chief				
Red Hull				
Red Jacket				
Stafford				
Wasatch [4]				
Yogo				

[1] Except in Oregon, Washington, and Wisconsin.
[2] Except in Wisconsin.
[3] Except in Idaho and Utah.
[4] Except in Colorado, Utah, and Idaho.

[1] Not applicable to any of the undesirable varieties listed in the variety discount schedule.

[2] This discount is in addition to any other applicable numerical grade discount, and any other discounts which may be applicable.

[3] Not applicable to any of the Mixed Wheats or Red Durum. For discounts applicable to Mixed Wheat containing Durum and/or Red Durum, see subparagraphs (1)(ii) of this paragraph.

(4) Schedule of premiums for sedimentation values. (Not applicable to varieties listed in subparagraph (3) of this paragraph.)

Sedimentation value	*Premium (cents per bushel)*
40–41–42	3
43	4
44	5
45	6
46	7
47	8
48	9
49	10
50	11
51	12
52	13
53	14
54	15
55	16
56	17
57	18
58	19
59	20
60	21
61	22
62	23
63	24
64 and over	25

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 29, 1962.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-5435; Filed, June 4, 1962; 8:49 a.m.]

[1962 C.C.C. Cottonseed Bulletin 1]

PART 443—OILSEEDS

Subpart—1962 Cottonseed Loan Program Regulations

This bulletin states the requirements with respect to loans under the 1962 Cottonseed Price Support Program formulated by Commodity Credit Corporation (referred to in this subpart as "CCC") and the Agricultural Stabilization and Conservation Service (referred to in this subpart as "ASCS"). A separate bulletin (or bulletins) will cover purchases of cottonseed under the 1962 Cottonseed Price Support Program. The program will be carried out by ASCS under the general supervision and direction of the Executive Vice President, CCC.

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443.1822 Cooperative marketing associations.

AUTHORITY: §§ 443.1801 to 443.1822 issued under sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054, as amended, sec. 601, 70 Stat. 212; 15 U.S.C. 714 b and c, 7 U.S.C. 1447, 1421, 1446d.

§ 443.1801 Administration.

In the field, the program will be administered through Agricultural Stabilization and Conservation (referred to in this subpart as "ASC") State and county committees (referred to in this subpart as "State" and "county" committees) and the ASCS Commodity Office located at Wirth Building, 120 Marais Street, New Orleans 16, Louisiana (referred to in this subpart as "the New Orleans office"). Forms will be distributed through the offices of the State and county committees. County committees will determine or cause to be determined the quantity and grade of cottonseed, the amount of the loan, and the value of the cottonseed delivered under the loan. Loan documents will be completed in the ASCS county office (referred to in this subpart as "county office"), and copies of such documents will be retained there. All documents will be approved by the ASCS county office manager (referred to in this subpart as "county office manager") or other employee of the county office designated by him to act in his behalf. Such designation shall be on file in the county office. Program availability and maturity dates will be those specified in this subpart, except that whenever the final date of availability or the maturity date falls on a nonworkday for county offices or the New Orleans office, the applicable final date shall be extended to include the next workday. County office managers, State and county committees, and the New Orleans office do not have authority to modify or waive any of the provisions of this subpart or any amendments thereto.

§ 443.1802 Availability of loans.

(a) *General.* Loans will be available only to eligible producers on eligible farm-stored cottonseed in accordance with the requirements of this subpart.

(b) *Area.* Loans will be available on cottonseed stored in approved farm storage in all cotton-producing areas, except that no loans will be made in any area where the appropriate State committee determines that the damage hazard to farm-stored cottonseed would not warrant the making of loans.

(c) *Time.* Loans will be available through January 31, 1963. Notes and chattel mortgages must be signed by the producer and delivered or mailed to the county office on or before that date.

(d) *Source.* Loans will be made available through the county offices. Disbursements on loans will be made to producers by county offices by means of sight drafts drawn on CCC in accordance with instructions issued by ASCS to the State and county committees. Disbursements on loans will be made not later than February 15, 1963, except where specifically approved by the New Orleans office in each instance. The producer shall not present the loan documents for disbursement unless the cottonseed are in existence and in good condition. If the cottonseed are not in existence and in good condition at the time of disbursement, the proceeds shall be promptly refunded by the producer.

§ 443.1803 Eligible producer.

(a) An eligible producer shall be any individual, partnership, corporation, association, trust, estate, or other legal entity, or a State or political subdivision thereof, or an agency of such State or political subdivision, producing cottonseed in 1962 in the capacity of landowner, landlord, tenant, or sharecropper.

(b) Eligible producers who are members of cooperative marketing associations may act collectively through their associations in obtaining loans on their eligible cottonseed in accordance with the provisions of § 443.1822.

§ 433.1804 Eligible cottonseed.

Eligible cottonseed shall be cottonseed that meet the following requirements:

(a) The cottonseed must have been produced in the United States in 1962 by an eligible producer.

(b) Such cottonseed must have been produced by the person tendering them for a loan, or by the person who delivered the cottonseed to the cooperative association tendering the cottonseed for a loan, and the beneficial interest in the cottonseed must be in such person and must always have been in him or in him and a former producer whom he succeeded before the cottonseed were harvested. Cottonseed tendered by a cooperative association for a loan must have been produced and delivered to the association by its producer-members. Any person tendering cottonseed for a loan must have the legal right to mortgage the cottonseed as security for the loan.

(c) Cottonseed must be sound and clean and must not contain more than 11 percent moisture.

(d) No warehouse receipts shall be outstanding on the cottonseed.

§ 443.1805 Approved storage.

Approved storage shall consist of storage structures located on or off the farm which, as determined by the county office manager, are of such construction as to afford safe storage of cottonseed and afford protection against weather damage, poultry, livestock, and rodents, and reasonable protection against fire and theft.

§ 443.1806 Approved forms.

(a) The documents named in this section, together with the provisions of this subpart and any supplements or amendments thereto, govern the rights and responsibilities of the producers under this program. Loan documents executed by an administrator, executor, or trustee will be acceptable only where valid in law. Documents must have State and documentary revenue stamps affixed when required by law.

(b) The following documents must be delivered by the producer in support of every loan: Producer's Note and Supplemental Loan Agreement (Form CL–A) and Commodity Chattel Mortgage (Form CL–AA) covering the cottonseed tendered as security for the loan, both executed and delivered within the period prescribed in § 443.1802(c), and such other forms as prescribed by CCC.

§ 443.1807 Determination of quantity.

The quantity of cottonseed at the time a loan is made shall be determined by actual weight or by an estimate based upon measurements. When the weight of cottonseed to be placed under loan is estimated by measurement, 90 cubic feet of cottonseed shall be considered the equivalent of one ton. The quantity delivered in liquidation of the loan shall be the net weight, which shall be the gross weight of the cottonseed less a deduction for any foreign matter in excess of one percent of the gross weight.

§ 443.1808 Liens.

The cottonseed must be free and clear of all liens and encumbrances including any claim the ginner may have against the cottonseed for his regular ginning charge. If liens, ginner's claims, or encumbrances exist on the the cottonseed, proper waivers must be obtained.

§ 443.1809 Service charges.

The producer shall pay a service charge of 35 cents per ton on the number of tons placed under a loan, or $3, whichever is greater. State committees are authorized to require prepayment of $3 of the service charges. No refund of any service charge will be made.

§ 443.1810 Setoffs.

(a) If any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are payable, under the provisions of the note evidencing such loan, out of any amount due the producer under the program provided for in this subpart, the producer must designate CCC or the lending agency holding such note as payee of such amount to the extent of such installments, but not to exceed that portion of the amount remaining after deduction of service charges and amounts due prior lienholders.

(b) If the producer is indebted to CCC, or if the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt record, amounts due the producer under the program provided for in this subpart after deduction of amounts payable on farm-storage facilities or mobile drying equipment, and other amounts provided in paragraph (a) of this section,

shall be applied, as provided in the Secretary's Setoff Regulations, 7 CFR Part 13 (23 F.R. 3757), to such indebtedness.

(c) Compliance with the provisions of this section shall not deprive the producer of any right he might otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action.

§ 443.1811 Interest rate.

Loans and charges on cottonseed shall bear interest at the rate of 3½ percent per annum from the date of disbursement, except that where there has been a willful misrepresentation in obtaining the loan, the principal amount of the loan and any costs incurred by the holder of the note shall bear interest from the date of disbursement at the rate of 6 percent per annum.

§ 443.1812 Transfer of producer's equity.

The producer shall not transfer either his remaining interest in or his right to redeem cottonseed under loan.

§ 443.1813 Safeguarding of the cottonseed.

The producer who places cottonseed under a loan is obligated to maintain the storage structure in good repair and to keep the cottonseed in storage and in good condition until the loan is liquidated.

§ 443.1814 Insurance.

CCC will not require the producer to insure the cottonseed placed under a loan. However, if the producer does insure such cottonseed and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest after first satisfying the producer's equity in the cottonseed involved in the loss.

§ 443.1815 Loss or damage to the cottonseed.

The producer shall be responsible for any loss in quantity or quality of the cottonseed placed under loan, except that, subject to the provisions of § 443.1814, any physical loss or damage other than shrinkage or natural deterioration occurring after disbursement of the loan funds to the producer, without fault, negligence, or conversion on the part of the producer or any other person having control of the storage structure and resulting solely from an external cause other than insect infestation or vermin will be assumed by CCC to the extent of the loan plus interest, provided the producer or other person having control of the storage structure has given the county office immediate written notice of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan. No physical loss or damage occurring prior to disbursement of the loan funds to the producer will be assumed by CCC. The date of the draft shall constitute the date of disbursement of the funds.

§ 443.1816 Personal liability.

The making of any fradulent representations by the producer in the loan documents or in obtaining the loan, or the conversion or unlawful disposition by him of any portion of the cottonseed under loan, shall render the producer subject to criminal prosecution under Federal law and render him personally liable for the amount of the loan (including interest as provided in § 443.1811) and for any resulting expense incurred by CCC.

§ 443.1817 Maturity and liquidation of loans.

(a) Loans mature on March 1, 1963, or upon such earlier date as CCC may make written demand for payment. If the producer does not repay his loan on or before maturity, he shall deliver the mortgaged cottonseed in accordance with instructions issued on behalf of the county committee. The producer may, however, pay off his loan and redeem his cottonseed at any time prior to the delivery of the cottonseed to CCC or removal of the cottonseed by CCC. In the event the farm is sold, there is a change in tenancy, or the producer dies, the cottonseed securing a loan may be delivered before the maturity date of the loan, after obtaining delivery instructions issued on behalf of the county committee, and the cottonseed may be delivered before the maturity date of the loan for other reasons upon prior approval of the Executive Vice President, CCC.

(b) If the producer is directed to deliver cottonseed securing a loan to a point other than the normal delivery point, the producer shall be allowed compensation (as determined by CCC) for the additional cost of hauling the cottonseed any distance greater than the distance from the point where the cottonseed are stored by the producer to the normal delivery point at a rate not in excess of the commercial rate for such transportation service.

§ 443.1818 Settlement on cottonseed delivered to CCC.

If cottonseed securing a loan are delivered to CCC, a complete grade determination will be made by a cottonseed chemist licensed by the U.S. Department of Agriculture, and credit will be given for the settlement value of the cottonseed computed at the applicable settlement rate (see § 443.1821) according to the grade and/or quality so determined for the total quantity delivered. If the settlement value of the cottonseed exceeds the amount due on the loan (excluding interest) by more than $3, such excess will be paid to the producer. To avoid administrative costs of making small payments, amounts found due the producer of $3 or less will be paid only upon his request. Payments will be made by sight drafts drawn on CCC by the county office. If the settlement value of the cottonseed is less than the amount due on the loan (excluding interest), the amount of the deficiency, plus interest thereon, shall be paid to CCC by the producer, except as provided in § 443.1815, and may be set off against any payment which would otherwise be due to him under any agricultural programs administered by the Secretary of Agriculture or any other payments which are due or may become due to the producer from CCC or any other agency of the United States: *Provided*, That to avoid administrative costs of handling small accounts, a deficiency of $3 or less, including interest, may be disregarded unless demand therefor is made by CCC.

§ 443.1819 Foreclosure.

If a producer does not satisfy his loan upon maturity, the holder of the note is authorized to remove the cottonseed securing the loan from storage, and the holder is also authorized to sell the cottonseed in accordance with the provisions of the chattel mortgage (Form CL–AA). If CCC is the holder of the note, then at CCC's election, title to the cottonseed shall, without a sale thereof, immediately vest in CCC, and CCC shall have no obligation to pay for any market value which such cottonseed may have in excess of the amount of the loan indebtedness; i.e., the unpaid amount of the note plus interest and charges. Nothing herein shall preclude the making of the following payments to the producer or his personal representative only, without right of assignment to or substitution of any other party: (a) Any amount by which the settlement value of the cottonseed may exceed the principal amount of the loan, or (b) the amount by which the proceeds of sale may exceed the loan indebtedness if the loan collateral is sold to third parties rather than CCC's acquiring full title to such loan collateral. If the cottonseed removed by CCC from storage is sold at less than the amount due on the loan (excluding interest) and the quantity, grade, or quality of the cottonseed as removed is lower than that on which the loan was computed, the producer shall pay to CCC the difference between the amount due on the loan and the higher of the sales proceeds or the settlement value of the cottonseed removed by CCC, plus interest. The amount of the deficiency may be set off against any payment which would otherwise be due the producer under any agricultural program administered by the Secretary of Agriculture, or any other payments which are due or may become due the producer from CCC, or any other agency of the United States.

§ 443.1820 Release of the cottonseed under loan.

A producer may at any time obtain the release of cottonseed remaining under loan by paying to CCC the principal amount thereof, plus accrued interest, and any charges that may be due. After payment of the note has been effected, the county office manager shall, in the case of farm-storage loans, execute such release or otherwise make such arrangements as the law may require for the release of chattel mortgage. Partial release of the cottonseed securing loans prior to maturity of the loans may be arranged with the county committee by paying to CCC the amount of the loan, plus charges and accrued interest, represented by the quantity of the cottonseed to be released: *Provided, however*, That no partial release of cottonseed shall include less than the total quantity of cottonseed stored in any single commingled mass unless the appropriate county committee determines that release of a portion of such commingled mass may be made.

§ 443.1821 Loan and settlement rates.

(a) *Loan rate.* Loans on cottonseed shall be made at the rate of $48 per ton of eligible cottonseed as defined in § 443.1804.

(b) *Basic settlement rate.* The basic settlement rate for basis grade (100) cottonseed shall be $48 per net ton, f.o.b. railroad cars or trucks at delivery points designated by CCC. The settlement rate for cottonseed grading above or below basis grade (100) shall be $48 per ton plus or minus a percentage of such price equal to the percentage by which the grade of such cottonseed is above or below 100. In the case of "off-quality" or "below grade" cottonseed, as defined in the United States Official Standards for Grades of Cottonseed, CCC will sell such cottonseed pursuant to the provisions of the chattel mortgage at the current market price, and the settlement rate shall be the market price per ton determined on the basis of such sale.

§ 443.1822 Cooperative marketing associations.

(a) Cooperative marketing associations shall be eligible for loans on 1962-crop cottonseed: *Provided*, That (1) the cottonseed placed under loan are delivered to the association by eligible producers who are members of the association; (2) the association has been granted by such producer-members the legal right to mortgage the cottonseed as security for a loan; (3) the association keeps any cottonseed covered by a chattel mortgage segregated from all cottonseed not covered by the mortgage; and (4) the association undertakes to pay CCC any amounts due it under the provisions of this program at the time of settlement.

(b) Cooperative associations desiring loans may obtain documents from the county office for the county in which the association is located. The loan and settlement rates to cooperative associations will be the same as those to individual producers, and loans with respect to such associations will otherwise be on substantially the same basis as loans with respect to individual producers.

Effective date: This subpart shall be effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 31, 1962.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-5433; Filed, June 4, 1962; 8:48 a.m.]

[1962 C.C.C. Cottonseed Bulletin 2]

PART 443—OILSEEDS

Subpart—1962 Cottonseed Purchase Program Regulations

Sec.
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AUTHORITY: §§ 443.1838 to 443.1848 issued under sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054, as amended, sec. 601, 70 Stat. 212; 15 U.S.C. 714 b and c, 7 U.S.C. 1447, 1421, 1446d.

§ 443.1838 General statement.

The purchase program provided for in this subpart is a part of the 1962 Cottonseed Price Support Program formulated by Commodity Credit Corporation (referred to in this subpart as "CCC") and the Agricultural Stabilization and Conservation Service (referred to in this subpart as "ASCS"). This subpart states the terms and conditions (a) under which ginners, who file Ginner's Notice of Intention to Participate (see § 443.1844(b)) and who otherwise comply with the applicable provisions of this subpart (referred to in this subpart as "participating ginners"), may sell eligible 1962-crop cottonseed, which they have purchased from eligible producers at not less than prescribed minimum prices, to CCC in cases where refusal by oil millers to purchase such seed from participating ginners at prices not less than the f.o.b. gin price to ginners which CCC agrees to pay as provided in § 443.1843(b) makes purchases by CCC from such participating ginners necessary, and (b) under which producers may sell directly to CCC 1962-crop cottonseed in cases where nonparticipation by ginners under this subpart makes such purchases necessary. The program will be carried out by ASCS under the general supervision and direction of the Executive Vice President, CCC. The requirements with respect to loans to producers are contained in the 1962 C.C.C. Cottonseed Bulletin 1 (§§ 443.1801 to 443.1822).

§ 443.1839 Administration.

(a) Operations under the program with respect to the purchase, transportation, handling, and storage of cottonseed prior to delivery of the cottonseed to an oil miller or to a storage facility approved by the New Orleans ASCS Commodity Office (such storage facility will be referred to in this subpart as "approved storage facility") will be administered through Agricultural Stabilization and Conservation (referred to in this subpart as "ASC") State and county committees (referred to in this subpart as "State" and "county" committees). All contracts in connection with such operations may be executed on behalf of CCC only by authorized CCC contracting officers.

(b) Contracts for the storage and handling of cottonseed subsequent to delivery of the cottonseed to an oil miller or an approved storage facility, for the sale, crushing, and processing of cottonseed, and for the transportation, storage, handling, and sale of the products derived therefrom will be executed by CCC contracting officers in the New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans 16, Louisiana (referred to in this subpart as "the New Orleans office").

(c) ASC county office managers (hereinafter referred to as "county office managers"), ASC State and county committees, and the New Orleans office do not have authority to modify or waive any of the provisions of this subpart or any amendments thereto.

§ 443.1840 Availability of program.

(a) *Area.* The purchase program will be available in all cotton-producing areas of the United States.

(b) *Time.* Purchases will be made from the date of the issuance of this subpart through February 28, 1963.

(c) *Source.* (1) Purchases of eligible cottonseed will be made by participating ginners from producers. Purchases of eligible cottonseed will also be made directly from producers by CCC through county committees in areas where ginners do not participate in the program and the appropriate State Committee determines that such direct purchases are necessary in order to make the program effective. Payments to producers for cottonseed purchased by CCC and for any authorized transportation performed by the producers, in accordance with § 443.1843(a), will be made by ASCS county offices (referred to in this subpart as "county offices") by means of sight drafts drawn on CCC.

(2) Purchases of eligible cottonseed will be made by oil mills from participating ginners and others. Purchases of eligible cottonseed will also be made from participating ginners by CCC through county offices in areas where oil millers refuse to pay such ginners at least the f.o.b. price to ginners for their cottonseed which CCC agrees to pay as provided in § 443.1843(b), and the appropriate State committee determines that such purchases are necessary to make the program effective. Payments to participating ginners for cottonseed purchased by CCC will be made by county offices by means of sight drafts drawn on CCC.

(3) Lists of participating ginners will be maintained in the State and county offices.

§ 443.1841 Eligible producer.

(a) An eligible producer shall be any individual, partnership, corporation, association, trust, estate, or other legal entity, or a State or political subdivision thereof or an agency of such State or political subdivision, producing cottonseed in 1962 in the capacity of landowner, landlord, tenant, or sharecropper.

(b) Eligible producers who are members of cooperative marketing associations may act collectively through their associations in selling their eligible cottonseed: *Provided*, (1) The cottonseed

to be sold are delivered to the association by such producers; and (2) the association has been granted by such producer-members the legal right to sell the cottonseed.

§ 443.1842 Eligible cottonseed.

Eligible cottonseed shall be cottonseed which meet the following requirements:

(a) Such cottonseed must have been produced in the United States in 1962 by an eligible producer.

(b) Such cottonseed must have been produced by the person tendering the cottonseed for purchase, and the beneficial interest in the cottonseed must be in such person at the time he makes such tender or delivery and must always have been in him or in him and a former producer whom he succeeded before the cottonseed were harvested. Cottonseed tendered by a cooperative association for purchase must have been produced and delivered to the association by its producer-members. Any person tendering cottonseed for purchase must have the legal right to sell the cottonseed.

§ 443.1843 Purchase price.

(a) *Price to producers.* (1) Any direct purchases by CCC from producers will be made at the gin or other designated point of delivery at the rate of $44 per gross ton for basis grade (100) cottonseed, with premiums and discounts for other grades equal to the same percentage of such price as the percentage by which the grade of cottonseed purchased exceeds or is less than basis grade (100). The price per ton thus computed may be rounded to the nearest multiple of ten cents. The grade of eligible cottonseed purchased by CCC directly from producers shall be considered to be the average grade of cottonseed for the area in which the purchase is made (see § 443.1848) as determined on the basis of the latest cottonseed grade report for the area published by ASCS or as determined by such other method as the Executive Vice President, CCC, may approve. In areas where both upland and American-Egyptian cotton are grown, the ASCS grade report for any such area shall specify the average grade for each such type of cottonseed, and the price to be paid producers in the area shall be determined on the basis of the average grade for the area for the type of cottonseed purchased. The average grade for Sea Island and Sealand cottonseed shall be considered to be that reported for cottonseed in the area in which such cottonseed are produced. Notwithstanding the requirements in this subparagraph, if at any time while direct purchases are being made by CCC, the State ASCS executive director (referred to in this subpart as "State executive director") determines that the average grade for an area, as determined on the basis of the latest cottonseed grade report for the area published by ASCS, or such other method as the Executive Vice President may approve, is higher than the grade of cottonseed being produced in any county in such area where direct purchases are being made, the State executive director may reduce the price paid to producers in such county below the price established on the basis of the average grade for the area: *Provided*, That no producer shall be paid, during the period such reduced prices are effective, less than $44 per gross ton basis grade (100) cottonseed with price adjustments computed upon the difference between the average grade of cottonseed produced in the county during such period and basis grade (100). The average grade of cottonseed produced in the county during such period shall be determined on the basis of official chemical analysis covering cottonseed produced in such county or on such other reasonable basis as may be determined by the appropriate State executive director.

(2) The grade of any cottonseed purchased before there is sufficient information available to make a determination of the grade of cottonseed for an area shall be considered to be 90.

(3) If authorized by the county office manager, the producer may deliver the seed at an oil mill, approved storage facility, or designated concentration point rather than at the gin or designated point of delivery, and the producer will be paid for the additional transportation at a rate not in excess of the commercial rate for such transportation service.

(b) *Price to ginners.* (1) (i) Any purchases by CCC from participating ginners will be at the rate of $48 per net ton for basis grade (100) cottonseed, f.o.b. conveyance or carrier at the gin with premiums and discounts for other grades equal to the same percentage by which the grade of cottonseed purchased exceeds or is less than basis grade (100). Cottonseed which are "below grade" or "off-quality," as defined in the United States Official Standards for Grades of Cottonseed, will be purchased from participating ginners by CCC at the market value of such cottonseed as determined by CCC. The grades of cottonseed purchased by CCC from such ginners shall be determined in accordance with the United States Official Standards for Grades of Cottonseed by chemical analysis of samples drawn from the cottonseed by federally-licensed cottonseed samplers or such other persons as are approved by CCC, and forwarded to and analyzed by federally-licensed cottonseed chemists. A ginner tendering cottonseed for purchase by CCC must not have paid any producer for cottonseed purchased by the ginner on or after the date of filing notice of his intention to participate in the program less than $44 per gross ton, basis grade (100), plus or minus a percentage of such price equal to the percentage by which the average grade of cottonseed for the area in which the gin is located (see § 443.1848) exceeded or was less than basis grade (100). If the ginner is a cooperative gin, and if the marketing agreements between the ginner and its members provide for advances, the ginner may advance a part of the minimum purchase price, determined in accordance with the preceding sentence, at the time each lot of cottonseed is purchased and pay the balance after completion of ginning of 1962-crop cottonseed, but not later than July 31, 1963. Such payments may not be made, in whole or in part, by issuance of revolving-fund certificates or by any other method of retention of amounts for capital purposes. Such average grade shall be determined on the basis of the latest ASCS grade report for the area at the time of purchase from such producer or by such other method as the Executive Vice President, CCC, may approve. In areas where both upland and American-Egyptian cotton are grown, the ACSC grade report for any such area shall report the average grade for each such type of cottonseed, and the price to be paid producers in the area shall be determined on the basis of the average grade for the area for the type of cottonseed purchased. The average grade for Sea Island and Sealand cottonseed shall be considered to be that reported for cottonseed in the area in which such cottonseed are produced. If it is determined by the county office manager and the State executive director that any participating ginner paid any producer less than the prices he should have paid under the foregoing provisions of this section, such ginner shall not, without prejudice to any other rights which CCC may have, be eligible to make any further sales to CCC under the 1962 Cottonseed Price Support Program.

(ii) Notwithstanding the preceding requirements as to price, a participating ginner, after first notifying the county office manager for the county where the gin is located of his intention to do so, may reduce the price paid to producers below the price established on the basis of the average grade for the area: *Provided*, That the ginner shall not pay any producer during the period he is paying such reduced price less than $44 per gross ton, basis grade (100), with price adjustments computed upon the difference between the average grade of cottonseed produced at the gin during such period and basis grade (100). The average grade of cottonseed produced at the gin during such period shall be determined on the basis of official chemical analysis or oil mill grade reports covering such cottonseed or on such other reasonable basis as may be approved by the county office manager. The ginner shall furnish the county office with certified copies of such chemical analyses, grade reports, or other evidence satisfactory to the county office manager, showing the average grade of cottonseed produced at the gin during such period. If it is determined by the State executive director and county office manager that any participating ginner paid producers less than the prices he should have paid in accordance with the preceding three sentences, such ginner shall, without prejudice to any other rights which CCC may have, be ineligible to make any further sales to CCC under the 1962 Cottonseed Price Support Program unless he first pays all of such producers the difference between the price paid to the producers and the price they should have received.

(iii) A ginner may round per ton prices for cottonseed purchased from producers to the nearest multiple of ten cents.

(2) The grade of any cottonseed purchased from a producer before there is sufficient information available to make a determination of the grade of cottonseed for an area shall be considered to be 90.

(3) If the ginner, upon authorization by the county office manager, transports cottonseed from the gin to oil miller, or approved storage facility, or designated concentration point, the ginner will be paid for such transportation at a rate not in excess of the commercial rate for such transportation service.

§ 443.1844 Approved forms.

The approved forms, together with the provisions of this subpart and any supplements and amendments thereto, shall govern the rights and responsibilities of producers and participating ginners. Approved forms may be obtained from county offices. Any fraudulent representation made by a producer or ginner in executing an approved form may render him subject to criminal prosecution under Federal law and liable for any damages resulting from the purchase of the cottonseed involved. Documents executed by an administrator, executor, or trustee will be acceptable only where valid in law. The approved forms consist of the following:

(a) *Producers.* Producer's Voucher (CCC Cottonseed Purchase Form 5) shall be executed by the producer when the cottonseed are purchased from the producer by CCC.

(b) *Cotton ginners.* (1) Each cotton ginner desiring to sell cottonseed to CCC pursuant to this subpart shall, prior to tender of any cottonseed for sale, file with the county office for the county in which each gin is located a Ginner's Notice of Intention to Participate (CCC Cottonseed Purchase Form 1). The filing of such notice does not obligate the ginner to sell any cottonseed to CCC, but all applicable provisions of this subpart must be complied with by the ginner if any cottonseed are offered by the ginner for sale to CCC under the 1962 Cottonseed Price Support Program. Only cottonseed purchased by a participating ginner from a producer after the filing of the Ginner's Notice of Intention to Participate shall be eligible for purchase by CCC under this subpart.

(2) After the Ginner's Notice of Intention to Participate has been filed, a Ginner's Certificate (CCC Cottonseed Purchase Form 2) shall be completed and executed by the participating ginner to cover all cottonseed purchased by him from producers, and the form shall be submitted by the ginner to the appropriate county office at such times and covering such periods of time as the State executive director determines are necessary to make the program effective.

(3) If cottonseed are sold to CCC, the ginner shall prepare and execute a Ginner's Voucher and Certificate (CCC Cottonseed Purchase Form 4) covering the cottonseed and deliver the form to the county office. Each Ginner's Voucher and Certificate submitted by a ginner to the county office shall be supported by weight certificates or warehouse receipts covering the cottonseed purchased which have been issued by an oil miller, or an approved storage facility, or a representative of the county committee at a designated concentration point, and in the absence of warehouse receipts guaranteeing grade, by official chemical analysis certificates covering the cottonseed and identifying such cottonseed by lot number and/or receipt numbers and weights.

§ 443.1845 Determination of quantity.

The quantity of cottonseed purchased from the producer by CCC shall be the gross weight actually delivered to CCC as determined by a representative of the county committee, or by an approved storage facility, or by an oil miller. The quantity of cottonseed purchased from a producer by a participating ginner shall be the gross weight of the cottonseed as customarily determined by the ginner in his purchases of cottonseed from producers. The quantity of cottonseed purchased from a ginner by CCC shall be the net weight of the cottonseed at first destination after deduction of the weight of any foreign matter in excess of one percent.

§ 443.1846 Liens.

If liens or encumbrances exist on the cottonseed, proper waivers must be obtained.

§ 443.1847 Setoffs.

Where CCC makes direct purchases of cottonseed from producers, setoffs will be made as follows:

(a) If any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are payable, under the provisions of the note evidencing such loan, out of any amount due the producer under the program provided for in this subpart, the producer must designate CCC or the lending agency holding such note as payee of such amount to the extent of such installments, but not to exceed that portion of the amount remaining after deduction of service charges and amounts due prior lienholders.

(b) If the producer is indebted to CCC, or if the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt record, amounts due the producer under the program provided for in this subpart, after deduction of amounts payable on farm-storage facilities or mobile drying equipment and other amounts provided in paragraph (a) of this section, shall be applied, as provided in the Secretary's Setoff Regulations, 7 CFR Part 13 (23 F.R. 3757), to such indebtedness.

(c) Compliance with the provisions of this section shall not deprive the producer of any right he might otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action.

§ 443.1848 Grade reporting areas.

Areas for grade reporting purposes will be established by the Director, Cotton Division, ASCS, and a list of area delineation may be obtained from the applicable ASCS State office or the Director of the Cotton Division, ASCS, Washington 25, D.C.

Effective date: This subpart shall be effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 31, 1962.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-5434; Filed, June 4, 1962; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Grades of Lettuce [1]

TOLERANCES

On March 28, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 2840) regarding proposed amendments to the United States Standards for Grades of Lettuce.

Statement of considerations leading to the amendments of the grade standards. The principal change involved in the amendments of these grade standards increases the tolerance in the U.S. No. 2 grade for heads affected by decay on any portion of the head exclusive of the wrapper leaves. The tolerance is increased from 1 percent to 3 percent at shipping point and from 3 percent to 5 percent at destination.

Lettuce producers and shippers experienced difficulty in complying with the U.S. No. 2 grade shipping point tolerance for decay in the compact portion of the head in effect since July 1, 1961. They had requested that an increase in the decay tolerance be considered. However, data from inspection certificates issued in a major producing area indicated that the 3 percent tolerance at shipping point proposed on March 28, 1962 was adequate.

No opposition was registered to increasing the tolerance, but producers and shippers requested more liberal tolerances than those proposed and asked that the May 1 limit for submitting comments on the proposal be extended to permit study of additional data. An extension of time until May 15, 1962 was granted. Data from certificates issued in 1959, 1960 and 1961 in areas where decay is a problem substantiated the published proposal. After reviewing the

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State Laws and regulations.

data, industry representatives concurred in the proposal.

The change in tolerance necessitates a change in the application of tolerances section to specify the maximum number of defective heads permitted in any package for a lot tolerance of 5 percent. A change is also made to indicate the number of defective heads permitted in a carton containing 20 heads.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following amendments to the United States Standards for Grades of Lettuce are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627):

Delete § 51.2512(a) and Table I in § 51.2514(a) and substitute therefor new § 51.2512(a) and Table I in § 51.2514(a) as set forth below:

§ 51.2512 U.S. No. 2.

* * * * *

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances, by count, shall be permitted in any lot:

(1) *At shipping point.*[1] 8 percent for heads of lettuce which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than 3 percent shall be allowed for heads which are affected by decay on any portion of the head exclusive of the wrapper leaves.

(2) *En route or at destination.* 12 percent for heads of lettuce which fail to meet the requirements of this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) 8 percent for heads having permanent defects; or

(ii) 5 percent for heads which are affected by decay on any portion of the head exclusive of the wrapper leaves (see § 51.2514).

§ 51.2514 Application of tolerances.

(a) * * *

TABLE I

Lot tolerance, percent	Maximum number of defective heads permitted in any package			
	Total number of heads in package			
	24	18 or 20	30	Over 30
1	1	1	2	2
3	3	2	3	4
4	3	3	4	4
5	3	3	4	5
6	4	3	5	6
8	5	4	6	7
12	6	5	7	9

It is hereby found that good cause exists for not postponing the effective date of these amendments beyond the date of publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), in that: (1) The 1962 packing season for lettuce in the areas where decay is most troublesome is well underway and it is in the interest of the public and the industry that these amendments be placed in effect at the earliest possible date; and, (2) no special preparation is required for compliance with these amendments on the part of members of the lettuce industry or of others.

Accordingly the amendments to the United States Standards for Grades of Lettuce set forth herein shall become effective upon publication in the FEDERAL REGISTER.

Dated: May 31, 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-5426; Filed, June 4, 1962; 8:47 a.m.]

[1] Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

[Amdt. 3]

PART 722—COTTON

Subpart—Regulations Pertaining to Acreage Allotments for the 1962 Crop of Upland Cotton

TRANSFER OF FARM ALLOTMENTS IN DESIGNATED COUNTIES WHICH HAVE FLOODS OR EXCESSIVE RAINFALL

The purpose of this amendment is to implement Public Law 87–446, approved April 27, 1962 (76 Stat. 64) which amends section 344(n) of the act to provide for transfer of farm allotments in designated counties which have floods or excessive rainfall preventing the timely planting or replanting of a substantial portion of the 1962 farm allotments. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.).

In order that county committees may transfer farm allotments prior to the end of the cotton planting season, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

The regulations pertaining to acreage allotments for the 1962 crop of upland cotton, as amended (26 F.R. 9966, 11472, 11851, 11887), are hereby further amended by addition of a new paragraph (k) to § 722.517 which reads as follows:

(k) *Transfer of farm allotments in designated counties affected by a natural disaster in 1962.*—(1) *States affected by a natural disaster which prevents timely planting or replanting of a substantial portion of 1962 farm allotments.* It is hereby found and determined that a natural disaster consisting of flood or excessive rainfall has occurred in 1962 which may have prevented timely planting or replanting of a substantial portion of 1962 farm allotments in one or more counties in each of the following States:

Arkansas.	Mississippi.
Illinois.	Missouri.
Kentucky.	Tennessee.
Louisiana.	

(2) *Counties affected by flood or excessive rainfall which prevents timely planting or replanting of a substantial portion of 1962 farm allotments.* The respective State committees of the States designated in subparagraph (1) of this paragraph have designated the following counties in which a natural disaster has occurred which may have prevented timely planting or replanting of a substantial portion of the 1962 farm allotments.

ARKANSAS

Arkansas.	Lawrence.
Chicot.	Lee.
Clay.	Mississippi.
Craighead.	Monroe.
Crittenden.	Phillips.
Cross.	Poinsett.
Desha.	Prairie.
Greene.	Randolph.
Independence.	St. Francis.
Jackson.	Woodruff.

ILLINOIS

Alexander.	Pulaski.

KENTUCKY

Ballard.	Graves.
Calloway.	Hickman.
Carlisle.	McCracken.
Fulton.	Marshall.

LOUISIANA

Avoyelles.	La Salle.
Catahoula.	Madison.
Concordia.	Tensas.
East Carroll.	

MISSISSIPPI

Bolivar.	Panola.
Calhoun.	Sharkey.
Coahoma.	Tate.
DeSoto.	Tunica.
Grenada.	Warren.
Issaquena.	Washington.
Lafayette.	Yalobusha.
Marshall.	

MISSOURI

Bollinger.	Oregon.
Butler.	Ozark.
Cape Girardeau.	Pemiscot.
Carter.	Ripley.
Dunklin.	Scott.
Howell.	Stoddard.
Jefferson.	Vernon.
Mississippi.	Wayne.
New Madrid.	

TENNESSEE

Dyer.	Obion.
Lake.	Shelby.
Lauderdale.	Tipton.

(3) *Transfer of farm allotments.* The owner or operator of a farm in a county designated under subparagraph (2) of this paragraph may file a written application with the county committee for transfer of all or part of the farm allotment from such farm to another farm if such allotment cannot be timely planted or replanted because of flood or excessive rainfall. The county committee of the county in which the farm from which allotment is to be transferred is located shall approve such transfer of farm allotment if it finds the following conditions have been met:

(i) All or part of the farm allotment for the farm from which the allotment is to be transferred could not be timely planted or replanted because of flood or excessive rainfall and planting was not prohibited by the lease in case of lands owned by the Federal Government.

(ii) The farm to which the allotment is to be transferred is located in the same county or in an adjoining county in the same or another State as the farm from which the allotment is to be transferred.

(iii) One or more producers of cotton on the farm from which the allotment is to be transferred will be engaged in the production of cotton on the farm to which the allotment is to be transferred and will share in the proceeds thereof. The allotment to be transferred shall not exceed the smaller of the farm allotment less such acreage planted and not destroyed by flood or excessive rainfall or the allotment requested to be transferred. The closing date for approval of transfers by the county committee shall be July 1, 1962. If the requested transfer involves an adjoining county, the county committee for the county in which the farm from which allotment is to be transferred is located shall take all necessary action and approve transfers after consulting with the county committee for such adjoining county. The county committee shall issue revised notices of farm allotment upon approval of each transfer.

(4) *Acreage history credits.* Any farm allotment transferred under this paragraph shall be deemed to be released acreage for purposes of acreage history credits under sections 344(f)(8), 344(m)(2) and 377 of the act.

(Secs. 344(n), 375; 72 Stat. 186, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344(n), 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on May 31, 1962.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-5432; Filed, June 4, 1962; 8:48 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 3]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Determination and Proration of Area Deficits and Adjusted Quotas, for Six-Month Period Ending June 30, 1962

Basis and purpose. The purpose of this amendment to Sugar Regulation 811 is to determine and prorate a deficit in the quota for the Mainland Cane Sugar Area pursuant to the provisions of the Sugar Act of 1948, as amended (61 Stat. 922, as amended), and as further amended by Public Law 87–15, approved March 31, 1961 (hereafter called the "Act").

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area will be unable to market its quota and prescribes the manner in which any deficit in a quota for a domestic area is to be prorated to such other areas able to supply the additional sugar. Such section provides that any deficit in any domestic producing area occurring by reason of inability to market that part of the quota for such area allotted under the provisions of section 202(a)(2) of the Act, shall be prorated to other domestic areas on the basis of the quotas then in effect. On the basis of the quotas established in § 811.2 for domestic areas and the expected supply of sugar available for marketing in the continental United States from these areas for the six-month period ending June 30, 1962, it is hereby found that the Mainland Cane Sugar Area will be unable to market 70,000 short tons, raw value, of its quota. Accordingly, the deficit of 70,000 short tons, raw value, in the quota for the Mainland Cane Sugar Area is herein prorated to the Domestic Beet Sugar Area, Puerto Rico and the Virgin Islands.

The Act also provides that the quota for any area as established under the provisions of section 202 shall not be reduced by reason of any determination of a deficit.

Quotas previously established in Sugar Regulation 811 (27 F.R. 3733, 4585) included the determination of a deficit of 62,492 short tons, raw value, in the quota for Hawaii which was prorated to the Domestic Beet Sugar Area, Puerto Rico and the Virgin Islands.

The quotas and prorations established herein differ from those previously established and include deficit prorations totaling 132,492 tons. To permit areas for which larger quotas or prorations are hereby established to plan to market and to market in an orderly manner the larger quantity of sugar, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when published in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), Sugar Regulation 811 (26 F.R. 11963; 27 F.R. 3733, 4585) is hereby amended by amending § 811.4 to read as follows:

§ 811.4 Determination and proration of area deficits and adjusted quotas.

(a) *Deficit in quotas established in § 811.2.* It is hereby determined pursuant to section 204(a) of the Act, that for the six-month period ending June 30, 1962, Hawaii and the Mainland Cane Sugar Area will be unable by 62,492 and 70,000 short tons of sugar, raw value, respectively, to market the quotas established for such areas in § 811.2.

(b) *Proration of deficits and quotas in effect.* The deficits in the quotas determined in paragraph (a) of this section, amounting to a total of 132,492 short tons, raw value, are hereby prorated pursuant to section 204(a) of the Act to the other domestic areas as shown below. The quotas for the domestic areas shall be those established in § 811.2 plus the quantities prorated herein, as follows:

[Short tons, raw value]

Area	Prorated herein (1)	Quota including prorations herein (2)
Domestic beet sugar	83,249	1,138,562
Mainland cane sugar	0	324,730
Hawaii	0	388,968
Puerto Rico	48,551	604,422
Virgin Islands	662	9,060

STATEMENT OF BASES AND CONSIDERATIONS

Inventories of mainland cane sugar held by processors and refiners at the beginning of this year amounted to about 90,000 short tons, raw value. Production of sugar since the beginning of the year from 1961–1962 crop sugarcane, the processing of which was recently completed in Florida, totaled approximately 167,000 tons. Production of sugar from 1962–63 crop sugarcane does not begin until fall. Thus, a total of about 257,000 tons of mainland cane sugar is available for marketing within the quota of 324,730 tons established for the Mainland Cane Sugar Area for the first six months of 1962. In view of the limited sugar supply and the expectation that some mainland cane sugar will be held in inventory on June 30, a deficit of 70,000 tons is declared at this time in the quota for the Mainland Cane Sugar Area and reallocated to the Domestic Beet Sugar Area, Puerto Rico and the Virgin Islands.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 204; 61 Stat. 924; U.S.C. 1112. Public Law 87–15)

Done at Washington, D.C., this 31st day of May 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62-5429; Filed, June 4, 1962; 8:48 a.m.]

[Sugar Reg. 813.2 (Rescission)]

PART 813—ALLOTMENT OF SUGAR QUOTA

Domestic Beet Sugar Area; Six-Month Period Ending June 30, 1962

Basis and purpose. This revision is issued under Sec. 205(a) of the Sugar Act of 1948, as amended (hereinafter called the "Act"), for the purpose of rescinding Sugar Regulation 813.2, as amended (26 F.R. 12678, 27 F.R. 2448, 4147, 4958), which established allotments of the Domestic Beet Sugar Area quota for the six-month period ending June 30, 1962.

The full Domestic Beet Sugar Area quota for the six-month period ending June 30, 1962, was initially allotted to individual processors when the quota was 1,032,931 short tons, raw value. The quota was increased to 1,094,579 tons as the result of an increase in the determination of consumption requirements for the calendar year 1962 from 9.5 to 9.7 million tons and the proration of a deficit of 62,492 tons in the quota for Hawaii for the first six months of 1962. The proration of a 70,000-ton deficit in the quota for the Mainland Cane Sugar Area has now increased the quota for the Domestic Beet Sugar Area to 1,138,562 tons.

Even though sugar beet processors have sugar supplies in excess of the present quota balance for the six-month period ending June 30, 1962, all of such sugar stocks will not be available for marketing within the quota for the first six months of 1962. Processors must retain inventories past June 30 which are adequate to meet market demands during July, August and September. Substantial processings of new-crop sugar commence in October.

Marketings by beet sugar processors during the third quarter totaled 818,000 tons in 1961 and 741,000 tons in 1960. If marketings during the first six months of 1962 would be equivalent to the quota of 1,138,562 tons, there would remain less than 690,000 tons from January 1, 1962 effective inventories to meet third quarter needs. Accordingly, in order to maintain adequate supplies to meet third quarter demand for beet sugar, marketings during the first half of 1962 are not expected to amount to as much as the quota. Thus, it is found to be unnecessary to continue in effect the allotments of such quota and § 813.2 of this chapter is hereby rescinded.

Effective date. Because of the limited time remaining in the six months quota period to market sugar within the quota for the area, it is essential that processors be afforded as much time as possible to plan and to execute orderly marketings. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, the rescinding of Part 813 of this chapter (Sugar Regulation 813.2) made herein shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209, 61 Stat. 926, as amended, 928; 7 U.S.C. 1115, 1119)

Done at Washington, D.C., this 31st day of May 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62-5430; Filed, June 4, 1962; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 916—NECTARINES GROWN IN CALIFORNIA

Determination Relative to Expenses and Fixing of Rate of Assessment for 1962–63 Fiscal Period and Carryover of Unexpended Funds

Notice was published in the May 12, 1962, issue of the FEDERAL REGISTER (27 F.R. 4557) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the fiscal period ending February 28, 1963, under the marketing agreement and Order No. 916 (7 CFR Part 916) regulating the handling of nectarines grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Nectarine Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 916.201 Expenses and rate of assessment for the 1962–63 fiscal period.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Nectarine Administrative Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning March 1, 1962, and ending February 28, 1963, will amount to $137,495.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles nectarines shall pay as his pro rata share of the aforementioned expenses in accordance with the applicable provisions of said marketing agreement and order, is hereby fixed at two and one-half cents ($0.025) per standard lug box, or equivalent quantity of nectarines in other containers or in bulk so handled by such handler during such fiscal period.

(c) *Reserve.* Unexpended assessment funds, in excess of expenses incurred during the fiscal period ending February 28, 1963, shall be carried over as a reserve in accordance with the applicable provisions of § 916.42 of said marketing agreement and order.

It is hereby found that good cause exists for not postponing the effective time of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable nectarines from the beginning of such period; and (2) the current fiscal period began on March 1, 1962, and the rate of assessment herein fixed will automatically apply to all assessable nectarines beginning with such date.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order, and "standard lug box" shall mean the No. 26 standard lug box set forth in section 828.4 of the Agricultural Code of California.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 31, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-5427; Filed, June 4, 1962; 8:48 a.m.]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Findings and Determinations Relative to Expenses To Be Incurred and Fixing of Rates of Assessment for the 1962–63 Season

On May 15, 1962, notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 4596) regarding the expenses and the fixing of the rates of assessment for the 1962–63 season pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Control Committee (established pursuant to said amended marketing agreement and order) and set forth in the aforesaid notice, it is hereby found and determined that:

§ 917.201 Expenses and rates of assessment for the 1962–63 season.

(a) Expenses: The expenses likely to be incurred by the Control Committee during the 1962–63 season beginning March 1, 1962, and ending February 28, 1963, both dates inclusive, for the maintenance and functioning of such committee and the respective commodity committees, established pursuant to the provisions of the aforesaid amended marketing agreement and order, are as follows:

(1) Bartlett pears, $20,662.67;
(2) Early varieties of plums, $18,818.86;
(3) Late varieties of plums, $20,740.36; and
(4) Elberta peaches, $14,048.11.

(b) Rates of assessment: The following rates of assessment, which each handler shall pay in accordance with the applicable provisions of said amended marketing agreement and order, are hereby fixed as the respective handler's pro rata share of the aforesaid expenses:

(1) 8 and ½ mills ($0.0085) per standard western pear box of Bartlett pears, or its equivalent in other containers or in bulk;

(2) 8 and ½ mills ($0.0085) per standard four-basket crate of early varieties of plums, or its equivalent in other containers or in bulk;

(3) 8 and ½ mills ($0.0085) per standard four-basket crate of late varieties of plums, or its equivalent in other containers or in bulk; and

(4) 4 and ½ mills ($0.0045) per California peach box of Elberta peaches, or its equivalent in other containers or in bulk.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the relevant provisions of said amended marketing agreement and this part require that the rates of assessment fixed for a particular season be applicable to all fresh Bartlett pears, early varieties of plums, late varieties of plums and Elberta peaches from the beginning of such season; and (2) the current season began on March 1, 1962, and the rates of assessment herein fixed will automatically apply to all Bartlett pears, early varieties of plums, late varieties of plums, and Elberta peaches beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 31, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-5428; Filed, June 4, 1962; 8:48 a.m.]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Revision of Date Administrative Committee's Expenses and Rate of Assessment for 1961–62 Crop Year

The Date Administrative Committee has unanimously recommended an increase in the rate of assessment heretofore fixed for the 1961–62 crop year (26 F.R. 8374), and adopted an estimate that expenses for such year will be less than heretofore approved. The Committee is established under, and its recommendation is made pursuant to, the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. This marketing agreement and order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Expenses in the amount of $41,242 for the 1961–62 crop year which ends on July 31, 1962, were approved and a rate of assessment of 15 cents per hundredweight of assessable dates to defray such expenses was fixed in an order dated August 31, 1961 (26 F.R. 8374). The aggregate quantity of assessable dates (those handled or certified for handling or for further processing) for the 1961–62 crop year was estimated by the Committee at that time to be 27.495 million pounds.

The Committee has now concluded that: (1) The total assessable poundage will be less than that previously estimated; (2) the revenue to be collected at an assessment rate of 15 cents per hundredweight will be insufficient to meet expenses currently estimated at the smaller amount of $37,845; and (3) an assessment rate of 18 cents per hundredweight will provide the required revenue.

On the basis of the recommendation of the Date Administrative Committee, together with all data in support thereof submitted by the Committee, and other available information, it is hereby found and determined that § 987.306 (7 CFR 987.306) should be revised to read as hereinafter set forth; and it is hereby ordered that said section is revised to read:

§ 987.306 Expenses of the Date Administrative Committee and rate of assessment for the 1961–62 crop year.

(a) *Expenses.* Expenses in the amount of $37,845 are reasonable and likely to be incurred by the Date Administrative Committee during the crop year beginning August 1, 1961, for its maintenance and functioning and for such other purposes determined to be appropriate.

(b) *Rate of assessment.* Each handler shall pay to the Date Administrative Committee, in accordance with the provisions of Marketing Agreement No. 127, as amended, and this part, an assessment at the rate of 18 cents per hundredweight of dates which he handles or has certified for handling or for further processing during the crop year beginning August 1, 1961, which assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that: (1) The assessment rate of 15 cents per hundredweight will not provide sufficient funds to meet the Committee's reduced expenses and it does not now have available adequate funds to defray authorized expenses during the remainder of the crop year; (2) an increased rate, as specified herein, must be fixed and applied promptly so sufficient revenue will be obtained to enable the Committee to continue to perform its duties during the remainder of the current crop year; (3) the increase in the assessment rate for the current crop year was recommended unanimously by the Committee, which represents date growers and handlers; (4) the relevant provisons of the said marketing agreement and order require that a rate of assessment fixed for a particular crop year and any increase thereof shall apply to all dates handled or certified for handling or for further processing from the beginning of such crop year, and the handling or certification of dates for the current crop year is practically completed; and (5) the current crop year began on August 1, 1961, and the increased rate of assessment herein fixed will automatically apply to such dates beginning with that date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 31, 1962.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 62-5422; Filed, June 4, 1962; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-LA-74]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On February 16, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1461) stating that the Federal Aviation Agency was considering the alteration of VOR Federal airway No. 111 from the Salinas, Calif., VORTAC to the Oakland, Calif., VORTAC and VOR Federal airway No. 485 from the Priest, Calif., VOR to the Oakland VORTAC.

No comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 600.6111 (14 CFR 600.6111) is amended to read:

§ 600.6111 VOR Federal airway No. 111 (Big Sur, Calif., to Los Banos, Calif.).

From the Big Sur, Calif., VOR via the Salinas, Calif., VORTAC; to the INT of the Salinas VORTAC; 026° radial with the Los Banos, Calif., VOR direct radial to the Oakland, Calif., VORTAC, excluding the airspace within R–2511.

§ 600.6485 [Amendment]

2. In the text of § 600.6485 (26 F.R. 2221) "Priest VOR 334°" is deleted and "Priest VOR 331°" is substituted therefor.

These amendments shall become effective 0001 e.s.t., July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 28, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-5402; Filed, June 4, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-43]

PART 13—PROHIBITED TRADE PRACTICES

Westerman Manufacturing Co., Inc., et al.

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.510 *Foreign source.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin:* § 13.1900-30 *Foreign in general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C 45) [Cease and desist order, Westerman Manufacturing Company, Inc. et al., New York, N.Y., Docket C-43, Dec. 14, 1961]

In the Matter of Westerman Manufacturing Company, Inc., a Corporation, and David Westerman, and Joel Westerman, Individually and as Officers of Said Corporation

Consent order requiring New York City distributors of imported metal expansion watch bands sold under the trade name of "Pride", to cease selling the watch bands without revealing their foreign origin, by such practices as packaging them for display so that the word "Japan" or "Hong Kong" stamped on an inside link was not visible except by damaging the so-called "bubble pack".

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Westerman Manufacturing Company, Inc., a corporation, and its officers, and David Westerman and Joel Westerman, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of imported watch bands, or any other imported products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling, or distributing any such product which is packaged, or placed in a container, or mounted on or affixed to a card or other device, in such a manner as to conceal the country or place of origin, unless the country or place of origin is clearly and conspicuously disclosed on the package, container, card, or other device.

2. Offering for sale, selling or distributing any such product in such a manner that the country or place of origin of the product cannot be readily seen by prospective purchasers.

3. Disseminating or causing to be disseminated any display or point of sale material with respect to any such product which fails to clearly and conspicuously disclose the country or place of origin of the product.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 14, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-5412; Filed, June 4, 1962; 8:46 a.m.]

[Docket No. 7815]

PART 13—PROHIBITED TRADE PRACTICES

Chemway Corp.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.755 *Pooling orders of chain stores and buying groups.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Chemway Corporation, Wayne, N.J., Docket 7815, Dec. 15, 1961]

Order requiring a manufacturer of cosmetics, drugs, and related products with main office in Wayne, N.J., to cease discriminating in price in violation of section 2(a) of the Clayton Act by such practices as granting to certain direct buying retailer purchasers of its "Lady Esther" cosmetic products—including The Great Atlantic & Pacific Tea Company and the Reed Drug Company in Milwaukee—its wholesaler discounts of 33⅓ percent from the suggested minimum retail selling price in its price lists plus an additional 16⅔ percent of the remaining price, while at the same time granting only a straight discount of 40 percent to other competing direct buying retailer purchasers.

The order to cease and desist is as follows:

It is ordered, That respondent Chemway Corporation, a corporation, its officers, employees, agents and representatives, directly or through any corporate or other device, in or in connection with the sale of its cosmetic products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from discriminating, directly or indirectly in the price of such products of like grade and quality, by selling to any purchaser at net prices higher than the net prices charged any competing purchaser.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondent, Chemway Corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in the aforesaid initial decision.

Issued: December 15, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-5413; Filed, June 4, 1962; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

CHEWING GUM BASE

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Moore and Munger, Inc., 33 Rector Street, New York 6, New York, and Chemore Corporation, 100 East Forty-second Street, New York 17, New York, and other relevant material, has concluded that the following amendments to § 121.1059 of the food additive regulations should issue with respect to synthetic paraffin and polyvinyl acetate as ingredients in chewing gum base. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.1059 (21 CFR 121.1059; 27 F.R. 44419) of the food additive regulations is amended by changing the specifications for polyvinyl acetate and by adding a new substance, synthetic paraffin. As amended, the affected portions of this section read as follows:

§ 121.1059 Chewing gum base.

* * * * *

(a) * * *

* * * Synthetic	* * * Specifications
* * *	* * *
Paraffin (Fischer-Tropsch process).	Consisting of saturated aliphatic hydrocarbons; congealing point 200° F.-210° F., as determined by A.S.T.M. method D-938-49. Purity conforming with the specifications for paraffin wax as provided by regulation in this Subpart D or by any order extending the effective date of statute as it applies to paraffin wax.
* * *	* * *
Polyvinyl acetate....	Molecular weight, minimum 2,000.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4))

Dated: May 28, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-5419; Filed, June 4, 1962; 8:47 a.m.]

Title 27—INTOXICATING LIQUORS

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6601]

PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

Standards of Fill for Distilled Spirits

Notice of public hearing to be held in Washington, D.C., on July 27, 1960, with respect to certain proposals to amend 27 CFR Part 5 Relating to Labeling and Advertising of Distilled Spirits, was published in the FEDERAL REGISTER on July 2, 1960 (25 F.R. 6292). Upon the conclusion of the said hearing and after consideration of relevant material submitted by interested persons in connection therewith regarding the proposals, the following amendments to 27 CFR Part 5 are hereby adopted:

PARAGRAPH 1. In order to authorize the use of ⅘ pint containers for the packaging of all classes and types of distilled spirits:

(A) Section 5.73(a)(1) is amended by inserting "⅘ pint" immediately below "1 pint". As amended paragraph (a)(1) reads as follows:

(a) * * *

(1) For all distilled spirits, whether domestically manufactured, domestically bottled, or imported:

1 gallon	⅘ pint
½ gallon	½ pint
1 quart	⅛ pint
⅘ quart	1/10 pint
1 pint	

(B) Section 5.73(a) is amended by deleting subparagraph (3).

This Treasury decision shall become effective 30 days after the date of publication in the FEDERAL REGISTER.

(49 Stat. 981, as amended; 27 U.S.C. 205)

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: May 29, 1962.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-5443; Filed, June 4, 1962; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER G—PROCUREMENT

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter G is amended in detail as set forth below:

PART 590—GENERAL PROVISIONS

1. In § 590.201-54, revise list of principal purchasing offices under the heading "Quartermaster Corps," as follows:

§ 590.201-54 Principal purchasing offices.

* * * * *

QUARTERMASTER CORPS

Atlanta General Depot, United State Army, Forest Park, Ga.

Columbus General Depot, United States Army, Columbus, Ohio.

QM Research and Engineering Command, United States Army, Natick, Mass.

Schenectady General Depot, United States Army, Schenectady, N.Y.

Sharpe General Depot, United States Army, Lathrop, Calif.

United States Army Animal Procurement Office, Lackland AFB, Tex.

2. Sections 590.307 and 590.307-2 are added, and § 590.350(a) is revised, as follows:

§ 590.307 Priorities, allocations, and allotments (AR 715-5).

§ 590.307-2 Required use of priorities, allocations, and allotments clause.

Reference is made to Priorities and Allocations Manual 2-4.1 pertaining to requirements type contracts. A single rating will be assigned to requirements type contracts either C3 or C9.

§ 590.350 Advance procurement planning.

(a) Advance procurement planning will be accomplished on all procurements. The scope of such planning will vary with the complexity and dollar value of the item. Such planning will be coordinated and will consider the following procurement aspects, where applicable: development, production, future requirements, engineering, programming, fiscal, legal, and contracting. This planning must be accomplished in order that procurement actions comply with the policy set forth in § 1.300-1 of this title, which provides that procurements will be made on a competitive basis to the maximum practicable extent. Heads of procuring activities will publish such instructions consistent with Subchapter A, Chapter I of this title and this subchapter as deemed necessary to insure that procurements are made on a competitive basis to the maximum extent practicable.

3. New paragraph (i) is added to § 590.402-50; and §§ 590.1003-9 and 590.1004-1 are revised as follows:

§ 590.402-50 General responsibilities of contracting officers.

* * * * *

(i) Contracting officers have authority, when it is in the best interest of the Government to do so, to consider a contract completed even though an inconsequential quantity of items or services called for by the contract has not been delivered. This authority may be exercised only when:

(1) Payment is provided for on a unit price or other severable basis and no further performance is contemplated;

(2) Payment is made only for the performance actually rendered; and

(3) The undelivered portion is inconsequential and the cost of effecting a formal contract modification (including but not limited to taking termination action) is excessive in relation to the benefits to the Government from such action.

In order to exercise this authority the contracting officer shall make a statement in writing, setting forth data identifying the contract, describing the circumstances which show clearly that the criteria above are met, and stating that the contract is considered completed. This statement will be distributed to the contract files, the contractor, the appropriate finance officer, and to any other appropriate Government office (e.g., consignee, inspector, etc.). This statement is not necessary where quantities delivered fall within variations permitted by the contract terms.

§ 590.1003-9 Preparation and transmittal.

See § 1.1003-9 of this title.

§ 590.1004-1 Preparation and transmittal.

See § 1.1004-1 of this title.

PART 591—PROCUREMENT BY FORMAL ADVERTISING

4. Revise §§ 591.406-3, 591.406-4, and 591.406-50; and revoke §§ 591.406-51 and 591.406-52, as follows:

§ 591.406-3 Other mistakes.

(a) The authority referred to in § 2.406-3(b)(1) of this title has been delegated to the extent therein provided and, in addition, authority to make the determinations set forth in § 2.406-3(a)(1) if this title has been delegated to the head of each procuring activity with power to redelegate such authority to the chiefs of purchasing offices, as defined in § 590.201-53 of this chapter, having legal counsel available, without power of further redelegation.

(b) The action taken to verify bids, as required by § 2.406-3(e)(1) of this title must be sufficiently complete to either

reasonably assure the contracting officer that the bid, as confirmed, is without error, or elicit the anticipated allegation of a mistake by the bidder. To insure that the bidder concerned will be put on notice of a mistake suspected by the contracting officer, the bidder should be advised, as is appropriate to the particular circumstances of the case, of (1) the fact that his bid is out of line with the next low or with the other bids, (2) important or unusual characteristics of the specifications, (3) changes in requirements from previous purchases of a similar item, or (4) such other data as may be proper for such disclosure to the bidder as will give him notice of the mistake which the contracting officer suspects. Where the initial confirmation of a bid by a bidder does not dispel the suspicion of an error, the contracting officer should seek further verification or should employ other means deemed appropriate to resolve the question of a possible error in the bid.

(c) Where a mistake in bid alleged prior to award requires a determination by the Comptroller General, the matter shall be processed in accordance with § 591.451. The required file shall include, in addition to the data specified in § 2.406–3(e)(3) of this title, a statement "that an award has not been made."

§ 591.406–4 Disclosure of mistakes after award.

(a) *Correction of mistakes.* See § 2.406–4 of this title.

(b) *Rescission and reformation of contracts.* See § 2.406–4 of this title.

(c) *Designation of principal assistant.* See § 2.406–4 of this title. Each Head of a Procuring Activity may designate in writing the Deputy Head, Assistant Head, Chief of Staff or the Assistant Chief of Staff G–4, of the procuring activity as his principal assistant with authority to act for him in rescinding or reforming contracts as set forth in § 2.406–4 (a), (b), or (e) of this title. The Head of a Procuring Activity will forward a copy of the instrument designating his principal assistant for the purposes of this paragraph to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C., ATTN: Chief, Contracts Division.

(d) *Processing of cases.* See § 2.406–4 of this title.

(e) *Denial of relief.* See § 2.406–4 of this title.

(f) *Action by contracting officer.* See § 2.406–4 of this title.

(g) *Processing cases pursuant to Part 17 of this title.* See § 2.406–4 of this title. All cases not covered by § 2.406–4 (c), (b) or (e) of this title shall be processed in accordance with Part 17 of this title, subject to the limitations set forth therein. The authority of officers and officials listed in § 17.203(b) of this title, includes the authority to authorize and direct the rescission of a contract entered into on the basis of a mistake within the examples of mistakes contained in § 17.204–3 of this title; *Provided*, That the case otherwise is within the limitations of § 17.205 of this title and particularly § 17.205–2(c). Rescission can be accomplished by cancellation of the award if a formal agreement has not been executed, such cancellation to satisfy the requirements of § 17.206(a) through (c) of this title and be authorized by a Memorandum of Decision as required by § 17.208–2 of this title. Rescission may also be accomplished by an amendment to the contract in the form of a supplemental agreement which must satisfy the requirements of § 17.206 of this title and be authorized by a Memorandum of Decision as required by § 17.208–2 of this title. Where a contractor has specifically requested, in writing, that a decision be made by the Comptroller General or in a case where cognizance of the matter has been taken by that official, the matter will be processed in accordance with § 591.451. See § 17.205–2(a) of this title.

§ 591.406–50 Distribution of Administrative Determinations and Comptroller General Decisions.

(a) *To head of procuring activity.* Each head of a procuring activity will monitor and maintain records of administrative determinations made under the delegated authority referred to in §§ 591.406–3(a) and 591.406–4(c). Chiefs of purchasing offices, authorized to make administrative determinations set forth in § 2.406–3(a)(1) of this title, will forward to the Head of the Procuring Activity, by the 10th of each month, information specified in § 2.406–3(e)(3)(i) through (v) of this title together with a copy of the administrative determinations relative to each such determination made during the preceding month. Each record will contain the following information:

(1) The data listed in § 2.406–3(e)(3)(i) through (v) of this title together with a copy of the administrative determination referred to in § 2.406–3(a) of this title, where the action was taken under the authority stated in § 2.406–3(a) and (b) of this title; and

(2) The data listed in § 2.406–4(d)(2) of this title together with a copy of the administrative determination where the action was taken under the authority stated in §2.406–4 (c) and (e) of this title.

(b) *To disbursing officer.* The contracting officer will furnish a copy of the administrative determination, or a copy of the decision of the Comptroller General, if any, respecting each mistake in bid case, to the disbursing officer to support any payment made or to be made by him.

(c) *To General Accounting Office with Standard Form 1036.* (§ 2.407–7 of this title.)

(d) *To contract files.* (§ 1.308 of this title).

§ 591.406–51 Records of actions taken. [Revoked]

§ 591.406–52 Distribution of administrative determinations and Comptroller decisions. [Revoked]

PART 592—PROCUREMENT BY NEGOTIATION

5. New paragraph (e) is added to § 592.102; §§ 592.204–50, 592.210–3 and 592.606 are revised; and new § 592.606–3 is added, as follows:

§ 592.102 General requirements for negotiation.

* * * * *

(e) The requirements of § 3.102(c) of this title have been satisfied.

§ 592.204–50 Approval of award.

(a) The requirements for approval of higher authority of contracts involving personal and professional services are set forth in § 606.204–1(a) of this chapter.

(b) The requirements for review by higher authority of contracts for employment of other than experts or consultants which may involve personal or professional services are set forth in § 606.204–1(c) of this chapter.

§ 592.210–3 Limitation.

See § 3.210–3 of this title.

§ 592.606 Blanket Purchase Agreement Method.

§ 592.606–3 Conditions for use.

Individual requests placed against blanket purchase agreements for perishable subsistence may be placed in amounts in excess of $2,500 provided the Examination of Records clause, § 7.104–15 of this title, is included in DD Form 1155.

6. Paragraphs (c) and (e)(2) of § 592.650–3 are revised; the introductory portion of § 592.650–6 is revised; and § 592.650–9 is revised, as follows:

§ 592.650–3 Use in conjunction with charge accounts.

* * * * *

(c) *Limitation.* There is no limit to the total dollar value of the requests which may be placed against a charge account during an agreed billing period. Individual calls or oral requests to be placed against charge accounts will be limited to $2,500 or less.

* * * * *

(e) *Requests placed against charge accounts.* The following procedures shall govern when placing purchase requests against charge accounts:

* * * * *

(2) Competition is required when placing individual, oral or informal, requests amounting to more than $250. No individual request shall exceed $2,500, except that purchase requests may be placed for perishable subsistence without dollar limitation, provided the Examination of Records clause, § 7.104–15 of this title, is included in DD Form 1155. Price quotations may be obtained from vendor's current pricing list, if available. Records will indicate the sources of the quotation and the prices quoted. If a lower quotation is obtained from other than a charge account vendor, a separate purchase order will be issued for the item or a new charge account will be established with the low offeror.

§ 592.650–6 Use of a voucher.

See § 16.303–2(e) of this title.

§ 592.650–9 Limitations.

(a) Where additional contract clauses or deviations are required for specific purposes, prior approval for their use shall be obtained from the Chief, Contracts Division, Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C. The attaching of vendor's invoices which are required for payment, specifications, drawings, packaging, and marking instructions, and other similar data which are considered an adjunct or a part of the description of the supplies listed on the face of DD Form 1155 is authorized.

(b) DD Form 1155 shall not be utilized for the acceptance of bids after formal advertising.

PART 593—SPECIAL TYPES AND METHODS OF PROCUREMENT

7. Add new Subpart A to Part 593, as follows:

Subpart A—Procurement of Construction

Sec.
593.102 Formal advertising.
593.150 New construction.
593.151 Responsibility.
593.152 Authorization.

AUTHORITY: §§ 593.102 to 593.152 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 593.102 Formal advertising.

Unless within the authorizations set forth in Part 3 of this title and Part 592 of this subchapter, or unless authorized by law, all construction contracts shall be entered into after formal advertising on a lump sum or unit price basis.

§ 593.150 New construction.

The term "new construction" as used in this subchapter includes the advance planning, preparation of plans, specifications and estimates, design, erection, budgeting and allocation of funds, issuance of directives and provisions of necessary labor, material, equipment, supplies and transportation necessary for initial erection or installation of any building structure, plant, ground facility, utility system, wharves, airfields, etc., or other real property for the Department of the Army built separately or apart from existing facilities.

§ 593.151 Responsibility.

The Chief of Engineers is charged with the direction of all work pertaining to new construction for the Department of the Army except as otherwise directed. In the execution of new construction he is charged with the application of Department of the Army construction policies including conformance with construction standards, suitability of the project and for technical and engineering accuracy.

§ 593.152 Authorization.

All work under the supervision of the Corps of Engineers, including new work and modifications to work previously authorized shall be accomplished by formal directive issued by the Chief of Engineers. The following, however, are authorized to accomplish emergency construction and necessary repair work for all activities under their jurisdiction:

(a) Major oversea commanders.

(b) Major commanders in United States, its Territories and possessions.

(c) Attachés.

(d) Chiefs of foreign missions (Army).

(e) Chiefs of Army sections of any joint military missions not operating under the jurisdiction of a major oversea command.

PART 595—FOREIGN PURCHASES

8. New § 595.602–1 is added to Subpart F, as follows:

§ 595.602–1 General.

Instructions regarding customs clearance of emergency purchases of war material made abroad are set forth in SR 715–55–10 (Administrative Army regulations for customs clearance of emergency purchases of war materials made abroad). Chiefs of technical services, prior to delegating authority to issue duty free entry certificates under paragraph 9, SR 715–55–10, will effect a mutual agreement concerning such action with appropriate ZI army commanders pursuant to paragraph 6, SR 715–55–10. In addition, chiefs of technical services will accomplish mutual agreement with appropriate ZI army commanders prior to issuing any implementing instructions concerning duty free entry certificates for the entry of emergency purchases, and will provide ZI army commanders copies of such implementing instructions when issued.

PART 596—CONTRACT CLAUSES

9. Section 596.104–1 is revised and § 596.104–2 is revoked, as follows:

§ 596.104–1 Clauses for contracts involving construction work.

In effecting procurement outside the United States and its possessions, the Davis-Bacon Act and Copeland Act clauses shall be deleted.

§ 596.104–2 Copeland Act. [Revoked]

10. A new Subpart D is added to Part 596, as follows:

Subpart D—Clauses for Cost-Reimbursement Type Research and Development Contracts

Sec.
596.400 Scope of subpart.
596.403–50 Care of Experimental Animals Clause.

AUTHORITY: §§ 596.400 and 596.403–50 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 596.400 Scope of subpart.

See § 7.400 of this title.

§ 596.403–50 Care of Experimental Animals Clause.

In furtherance of the Department of the Army policy that all aspects of the use of experimental or laboratory animals in activities performed and sponsored by the Department of the Army agencies be in accordance with the Principles of Laboratory Animal Care as promulgated by the National Society for Medical Research, the following contract clause will be included in all contracts which may involve the use of experimental animals:

CARE OF EXPERIMENTAL ANIMALS (DEC. 1961)

(a) The contractor agrees to adhere to the following principles in the care of any experimental animals utilized in the performance of this contract:

(i) The acquisition and use of all animals for experimental purposes shall be in compliance with Federal, state, and local laws.

(ii) Research projects involving live animals must be performed by, or under the immediate supervision of, a qualified biological scientist.

(iii) The housing, care, and feeding of all experimental animals shall be supervised by a properly qualified veterinarian or other biological scientist competent in such matters.

(iv) All laboratory animals must receive every consideration for their comfort; they must be kindly treated, properly fed, and their surroundings kept in a sanitary condition.

(v) Rooms in which animals are to be housed shall be provided with a floor which can be kept clean, and the room shall be lighted and ventilated. The temperature shall be held within reasonable limits. Cages should be of sufficient size to permit the animals used to stand or lie in a normal position. It is generally conceded that animals maintained for long periods are in better physiological condition if they exercise regularly. Species housed out-of-doors should be given adequate protection from direct sunlight or inclement weather.

(vi) The food and water supplied to all experimental animals, subject to the nature of the research, must be palatable, and of sufficient quantity and proper quality to maintain the animals in good health.

(vii) In any operation likely to cause greater discomfort than that attending anesthetization, the animals shall first be rendered incapable of perceiving pain and be maintained in that condition until the operation is ended.

(A) Whenever anesthetization would defeat the purpose of the experiment then the experiment must be approved by the head of the contractor research department or directly supervised by the head of his laboratory.

(B) If an acute study does not require survival, the animal must be killed in a humane manner at the conclusion of the experiment.

(C) If the nature of the study is such as to require survival of the animal, then acceptable techniques must be followed throughout the operation.

(viii) The post-operative care of animals must be such as to minimize discomfort during convalescence in accordance with acceptable hospital practice.

(ix) The care and housing of individual species will be in accordance with the recommendations of the Institute of Laboratory Animal Resources, National Academy of Sciences, Washington 25, D.C., in effect on the date of this contract and in accordance with such supplements and amendments thereto as may be agreed upon by the contractor and the Government.

PART 598—PATENTS, COPYRIGHTS, AND TECHNICAL DATA

11. Revise §§ 598.107–1 and 598.110 to read as follows:

§ 598.107–1 General.

(a) *Appropriate contracts.* The policies stated in § 9.107–1 (a), (b), and (c) of this title shall apply to any contract or modification thereof having experimental, developmental or research work

as one of its purposes, irrespective of the contract designation or the source of funds involved. If a Government agency other than a Department of Defense agency provides all of the funds for such work and requests a special Patent Rights clause, the special clause shall be used.

(b) *Government acquisition of title.* (1) To reflect the determination required by § 9.107–1(d) of this title concerning Government acquisition of title, the file of each proposed contract or modification having experimental, developmental, or research work as one of its purposes shall include the following checklist completed and signed by the contracting officer:

(i) Does the proposed contract or modification relate to a new technological field in which there is no significant nongovernmental experience? (Yes, No.) If so, is it probable that inventions which may be made under the proposed contract or modification will dominate the field or be of critical significance in it? (Yes, No.)

(ii) Do the services of the contractor under the proposed contract or modification largely consist of coordinating and directing the work of others? (Yes, No.)

(iii) Does the proposed contract or modification require work in a field directly relating to the health and safety of the public? (Yes, No.) If so, is it probable that the availability for public use of inventions arising out of such work will not depend on patent incentives? (Yes, No.)

(iv) Does the proposed contract or modification involve circumstances similar to those of subdivisions (i), (ii), or (iii) of this subparagraph? (Yes, No.)

(2) Before including the Patent Rights (Title) clause of § 9.107–2(e) of this title in a request for proposal, approval shall be obtained from the Chief, Patents Division. Such approval shall be considered by the contracting officer as approved for deviation to the Patent Rights (License) clause of § 9.107–2(b) of this title.

(3) If, during negotiations, a contracting officer, in consultation with his technical and patent advisers, determines from facts supplied by a proposed contractor that the procurement should not entail the acquisition of title, the contracting officer has the unilateral right to delete the Patent Rights (Title) clause and insert the Patent Rights (License) clause. This decision does not require approval of higher authority but does require the contract file to be completely documented to support this new decision.

(c) *Patent rights not to be obtained.* Procuring activities are not prohibited by § 9.107–2 of this title from accepting, on behalf of the Government, any gratuitous and voluntary grant of patent license rights.

§ 598.110 Reporting of royalties.

(a) In formally advertised procurements in excess of $10,000 the contract clause set forth below shall be used. Where desired, the clause may be modified to provide for negative royalty reports.

REPORTING OF ROYALTIES

The provisions of this clause shall be applicable only if the amount of the contract is in excess of $10,000. The term "royalties" as used in this clause means any payment (whether called royalties, a rental fee, a license fee, a payment for engineering services, amortization of the cost of a paid-up license or of an assignment, or anything else) which has been or is to be paid for the use of, or rights under, either an invention (whether patented or unpatented) or technical information or know-how.

(a) The Contractor shall report in writing (in quadruplicate) to the Contracting Officer as soon as practicable after execution of this contract the payment of or the anticipated payment of royalties in excess of $250 directly to any person(s) or firm in connection with the performance of this contract. If royalties in excess of $250 have been paid, or are to be paid, to any person(s) or firm, the report shall include the following items of information with respect to such royalties (including the initial $250):

(1) The Contractor's name and address,

(2) The contract number, followed by the words "(Formally advertised)",

(3) The name and address of each licensor to whom royalties in excess of $250 have been paid or are to be paid,

(4) The patent numbers, patent application serial numbers (with filing dates), or other identification of the basis for such royalties,

(5) The manner of computing the royalties, consisting of (i) a brief identification of each royalty-bearing unit or process, (ii) the total amount of royalties, and (iii) the percentage rate or dollars and cents amount of royalties on each such unit or process; provided that if the royalties cannot be computed in terms of units or dollars and cents value, then other data showing the manner in which the Contractor computes the royalties.

(b) In lieu of furnishing a report under paragraph (a), the Contractor may furnish a single, consolidated report for each accounting period of the Contractor during which the Contractor has contracts with the Government, provided the Contractor has requested and obtained the prior written approval of the Chief, Patents Division, Office of The Judge Advocate General. Such consolidated report shall be furnished, when the furnishing thereof has been approved, in the number of copies as approved, as soon as practicable after the close of the accounting period covered by the report. Such consolidated report shall be made in accordance with Contractor's established accounting practice and shall include, for the accounting period, as to each royalty payment reported (i) the name and address of each such licensor, (ii) the patent numbers, patent application serial numbers (with filing dates), or other identification of the basis for such royalties, (iii) a brief description of the subject matter of the license under which royalties are charged, (iv) the percentage rate or unit amount, or if the royalties do not accrue by rate or unit amount, such other data showing the manner by which the royalties accrue to licensor, and (v) an estimate of approximation (without detailed accounting) of the portion of such royalties that may be attributable to the Government.

(c) In the event that the Contractor requests written approval to furnish consolidated reports under paragraph (b) above, the Chief, Patents Division, Office of The Judge Advocate General, shall promptly consider the request and furnish to the Contractor a letter stating whether or not the request is approved and, notwithstanding any such approval, the Contracting Officer shall have the right to question any such subsequently furnished report as to accuracy or completeness of data and to ask for additional information. The Contractor shall furnish a copy of such letter of approval to the Contracting Officer administering this contract.

(d) When, in accordance with § 9.110 (a)(2)(ii) of this title, the contracting officer forwards, prior to award of a contract, the "Royalty Information" received under § 9.110(a)(2)(i) of this title to personnel having cognizance of patent matters for the procuring activity concerned, for an opinion and advice as to the propriety of the royalty charge, the contracting officer shall include a statement about: First, the degree or urgency of placing the contract; second, whether the contract is to include a Price Redetermination clause or is to be of the cost-reimbursement type; and third, any information available indicating the contractor's view as to whether the royalty charge can be accurately determined prior to award of the contract. From the information presented, cognizant patent personnel will determine whether it is necessary to advise the contracting officer that the opinion cannot be given prior to award of contract.

(1) If the cognizant patent personnel decide that it is necessary to do so and the contract is neither of the cost-reimbursement type nor includes a Price Redetermination clause, the contracting officer, if the amount of the royalties is over $1,000, shall include in the contract a clause reserving, until after award of the contract, the right to determine the propriety of the royalty charge and may include such a clause if the amount of rayalties is less than $1,000. The following clause is suggested for use:

REDUCTION OF ROYALTIES

The Contractor agrees that if, in connection with this contract, either (1) the amount of royalties which the Contractor is legally obligated to pay, or (2) the amount of royalties actually paid by the Contractor, is less than the royalty charge included in the contract price, the Contractor shall reduce the contract price to the extent of the difference between such royalty charge and the smaller of the amounts in (1) or (2) above.

(2) In the case of any negotiated contract which includes the clause of § 9.110 (b)(1) of this title or a Price Redetermination clause or which is of the cost reimbursement type, the contracting officer shall advise the cognizant patent personnel when deliveries under the contract have been completed, shall obtain from the Contractor and shall furnish to such patent personnel an up-to-date report containing the information required by the clause in § 9.110(a)(2)(i) of this title together with any additional details necessary to show how the contractor determined the amount of the royalty charge (except

that if this information does not differ from that submitted prior to award, a statement to that effect will be satisfactory) and shall not finally allow the royalty charge until an opinion of the propriety of such charge has been received from such patent personnel. Upon receipt of the information from the contracting officer, such patent personnel shall determine the propriety of the royalty charge and shall furnish an opinion concerning such propriety to the contracting officer.

(3) If a contract contains a Price Redetermination clause and in connection with a price redetermination action it is considered necessary to use a reservation clause to postpone the determination of the propriety of the royalty charge, a clause substantially like the following shall be used, except under the special circumstances set forth in subparagraph (4) of this paragraph:

RESERVATION OF ROYALTY DETERMINATION (ROYALTY EXCLUDED)

The Contractor and the Government agree: (1) To exclude from the price redetermination covered by this modification, the determination of the amount of royalties which the Contractor is legally obligated to pay in connection with this contract; and (2) to continue negotiations for the purpose of determining such amount. The Government further agrees that, upon such determination, the Contractor shall be entitled to payment of such amount under this contract: *Provided, however,* That the amount to which the Contractor is entitled shall, in no event, exceed the smaller of the following two figures: (1) the amount of royalties actually paid by the Contractor in connection with this contract, whether before or after such determination, or (2) the amount which when added to the price exclusive of the royalty charge would equal the contract ceiling price.

(4) To the fullest extent possible, a clause substantially like that stated in subparagraph (3) of this paragraph shall be used. However, where the Contracting Officer determines that, under special circumstances, it would be in the best interest of the Government to do so, a clause substantially like the following may be used:

RESERVATION OF ROYALTY DETERMINATION (ROYALTY INCLUDED)

The Contractor agrees that if, in connection with this contract, either (1) the amount of royalties which the Contractor is legally obligated to pay, or (2) the amount of royalties actually paid by the Contractor, is less than the sum of (*) _____, the Contractor shall refund to the Government the difference between such sum and the smaller of the amounts in (1) or (2) above.

*Insert, in the blank, the amount of royalties which is stated in the cost breakdown submitted in connection with price redetermination.

(e) The following clause shall be included in all negotiated contracts under which subcontracts requiring approval of the Contracting Officer are anticipated:

ROYALTY INFORMATION (SUBCONTRACTS)

In connection with each subcontract estimated to exceed $10,000 for which approval of the Contracting Officer is required before the subcontract is awarded, Contractor agrees to: (1) determine from the proposed subcontractor, whether the subcontract price contains costs or charges for royalties totaling more than $250 and if so obtain from the proposed subcontractor the same information which was required by the "Royalty Information" provision of the solicitation which resulted in the contract, and (2) furnish any information thus obtained to the Contracting Officer.

(f)(1) When, in accordance with § 9.110(a)(2)(iii) of this title, the contracting officer forwards, prior to approval of a subcontract, the "Royalty Information" received under § 9.110(a)(2)(iii) of this title to personnel having cognizance of patent matters for the procuring activity concerned, for an opinion and advice as to the propriety of the royalty charge, the contracting officer shall include a statement about: First, the degree of urgency of placing the subcontract; second, whether the contract contains a provision permitting the contracting officer to determine the allowability of costs involved in the subcontract; and third, any information available indicating the view of either the contractor or the subcontractor as to whether the royalty charge can be accurately determined prior to the placing of the subcontract. On the basis of the information presented and of any other related matters, cognizant patent personel shall promptly advise the contracting officer as to appropriate action. The contracting officer shall then proceed as indicated in § 9.110(a)(2)(iii) of this title.

(2) In the case of any subcontract as to which the contract permits the contracting officer to determine the allowability of costs involved in the subcontract, the contracting officer shall advise the cognizant patent personnel when deliveries under the subcontract have been completed, shall obtain from the contractor and shall furnish to such patent personnel an up-to-date report containing the information required by § 9.110(a)(2)(iii) of this title together with any additional details necessary to show how the subcontractor determined the amount of the royalty charge (except that if this information does not differ from that submitted prior to approval of the subcontract, a statement to that effect will be satisfactory) and shall not finally allow the royalty charge until an opinion of the propriety of such charge has been received from such patent personnel. Upon receipt of the information from the contracting officer, such patent personnel shall determine the propriety of the royalty charge and shall furnish an opinion concerning such propriety to the contracting officer.

(3) If a contract contains a Price Redetermination clause and in connection with a price redetermination action it is considered necessary to use a reservation clause to postpone the determination of the propriety of the royalty charge included in the subcontract price, and the contract permits the contracting officer to determine the allowability of costs involved in the subcontract, a clause substantially like the following shall be used in the contract, except under the special circumstances set forth in subparagraph (4) of this paragraph:

RESERVATION OF ROYALTY DETERMINATION (SUBCONTRACTUAL ROYALTY EXCLUDED)

The Contractor and the Government agree (1) to exclude from the price redetermination covered by this modification, the determination of the amount of royalties which the subcontractor is legally obligated to pay in connection with the subcontract identified as (*)_____; and (2) to continue negotiations with the Contractor for the purpose of determining such amount. The Government further agrees that, upon such determination, the Contractor shall be entitled to payment of such amount under this contract: *Provided, however,* That the amount to which the Contractor is entitled shall, in no event, exceed the smaller of the following two figures: (1) The amount of royalties actually paid in connection with the identified subcontract, whether before or after such determination, or (2) the amount which, when added to the contract price exclusive of the royalty charge included in the subcontract price, would equal the contract ceiling price.

*Identify the subcontract in terms of the subcontractor's name and address and the subcontractor number and date.

(4) To the fullest extent possible, a clause substantially like that stated in subparagraph (3) of this paragraph shall be used. However, where the contracting officer determines that, under special circumstances, it would be in the best interest of the Government to do so, a clause substantially like the following may be used:

RESERVATION OF ROYALTY DETERMINATION (SUBCONTRACTUAL ROYALTY INCLUDED)

The Contractor agrees that if, in connection with the subcontract identified as (*)_____, either (1) the amount of royalties which the subcontractor is legally obligated to pay, or (2) the amount of royalties actually paid by the subcontractor, is less than the sum of (**)_____, the Contractor shall refund to the Government the difference between such sum and the smaller of the amounts in (1) or (2) above.

*Identify the subcontract in terms of the subcontractor's name and address, and the subcontract number and date.

**Insert, in this blank, the amount of royalties involved in the subcontract as stated in the cost breakdown submitted to the Contracting Officer for determination of the allowability of the subcontractual costs.

(g) The contracting officer shall furnish the head of his procuring activity for transmittal to the Chief, Patents Division, Office of The Judge Advocate General, a copy of each positive royalty report received in accordance with § 9.110(b) of this title and paragraph (a) of this section.

(h) The contracting officer is responsible for obtaining from the contractor a complete royalty report, wherever under Subchapter A, Chapter I, of this title or this subchapter such a report is required. However, the transmittal of such a report by the contracting officer does not constitute a decision that the royalty charge is proper, but merely means that the report is complete. In accordance with § 9.111 of this title, it is the responsibility of the cognizant patent personnel to determine the propriety of the royalty charge.

PART 600—FEDERAL, STATE AND LOCAL TAXES

12. In § 600.204, paragraphs (a) (3) and (b) (1) are revised to read as follows:

§ 600.204 Exemptions from other Federal taxes.

• • • • • •

(a) *Supplies for exportation or shipment to a possession or to Puerto Rico.*

• • • • • •

(3) The intention to export or ship the supplies to a possession or to Puerto Rico should be specified in the contract or by amendment thereto. If such specification is included initially in a fixed-price contract, the contract price must exclude the retailers' or manufacturers' excise tax; if such specification is included by an amendment to the contract, a downward adjustment of the contract price may be required, particularly if the contract contains a Federal, State, and local taxes clause set forth in § 11.401 of this title. In invitations for bids and contracts, the terms of which imply that the supplies will be either exported or shipped to a possession or to Puerto Rico (e.g., delivery to a port of embarkation or special packing requirements for oversea shipment) where the purchase is not substantial and it is therefore desired to purchase on a Federal excise tax-inclusive basis, the invitation for bids and the contract should clearly state that proof of export certificates will not be issued.

(b) *Supplies for vessels and airplanes.* (1) The exemption from manufacturers' excise taxes and from the retailers' excise tax on special motor fuels imposed by section 4041(b) of the 1954 Internal Revenue Code (§ 11.101–6 of this title), for sales of supplies for use in vessels of war or military aircraft, shall be used by purchasing on a tax-exclusive basis and furnishing the required exemption certificate, only if:

(i) The purchase is substantial; and

(ii) The administrative cost of insuring that such supplies are used for exempt purposes does not make the use of the exemption uneconomical. Administrative difficulties normally will not exist if the particular supply is suited exclusively for use in aircraft or vessels.

PART 602—GOVERNMENT PROPERTY

13. In § 602.502–50, regarding the second clause paragraph (f), revise explanatory note and subdivision (vii), as follows:

§ 602.502–50 Government-furnished property clause for fixed-price construction contracts.

• • • • • •

GOVERNMENT-FURNISHED PROPERTY

• • • • • •

The following provision (f) is for use in negotiated fix-price contracts except those contracts involving Government-furnished Property relating to labor surplus area or small business set-asides for which the provision (f) for advertised contracts shall be used:

(f) • • •

(vii) [Where applicable] If this contract is for the development, production, modification, maintenance or overhaul of aircraft, or otherwise involves the furnishing of aircraft by the Government, the "Ground and Flight Risk" clause of this contract shall control, to the extent it is applicable, in the case of loss or destruction of, or damage to, aircraft.

14. Section 602.504 is redesignated as § 602.504–50, and clause paragraphs (c) and (i) are revised, as follows:

§ 602.504–50 Special tooling clause for fixed-price construction contracts.

• • • • • •

SPECIAL TOOLING

• • • • • •

(c) Within 60 days after delivery of the first production end items under this contract, or such later date as may be prescribed by the Contracting Officer, the Contractor shall if the Contracting Officer so requests, furnish the Contracting Officer a list of all special tooling acquired or manufactured by the Contractor for use in the performance of this contract. The list shall specify the nomenclature, tool number and related product part number or service, and unit or group cost of the special tooling. Upon completion or termination of all or a substantial part of the work under this contract the Contractor shall furnish a final list in the same form covering all items not previously reported under this paragraph: *Provided, however,* That the Contracting Officer may by written notice waive this requirement or extend it until the completion of this contract and other contracts and subcontracts as to which approval has been obtained under paragraph (b) above. Special tooling which has become obsolete as a result of changes in design or specification need not be reported, except as provided for in paragraph (d).

• • • • • •

(i) The Contractor agrees that between the date any usable items of special tooling are no longer needed by it, within the meaning of this clause, and the date of final disposition of such items under this clause, it will take all reasonable steps necessary to maintain the identity and existing conditions of such items, unless the Contracting Officer has directed that such items be disposed of as scrap or has given notice under (f) (iv). The Contractor shall not be required to keep any such items in place.

• • • • • •

15. In § 602.1708–2, section heading and paragraphs (a) and (b) (2) are revised; and §§ 602.1712–2 (c) and (d) and 602.1714–1(b) (2) are revised to read as follows:

§ 602.1708–2 Exceptions.

(a) Property shipped out for repairs may be accounted for as a suspense item in the Military Property Account from which shipped, provided that (1) no parts or material is furnished and (2) no significant scrap will result from the repair. Accounting for property under § 30.2 of this title, is not required of contractors for property shipped out for repair under the provisions of § 596.–150–4. This exception is also applicable to repairs and utilities "off-post" as prescribed in AR 735–28 (Administrative Army Regulations).

(b) • • •

(2) The contracting officer will establish such controls as he determines expedient, considering the value of such expended items, to insure the proper consumption of the articles furnished. Any residual quantities of Government-furnished parts and materials will be returned to stock. Any consequential scrap shall be handled under appropriate disposal procedures. The contracting officer shall maintain in the contract file such record of actions taken as is considered by him to be necessary to protect the interests of the Government. This exception is also applicable to repair and utilities "on-post" and "off-post" work as prescribed in AR 735–28.

§ 602.1712–2 Records of plant equipment.

• • • • • •

(c) The duty of maintaining the purchasing office file of production equipment record form (DA Form 804, Production Equipment Record, or equivalent prior to 1 July 1961, with DD Form 1342 required for transactions after 1 July 1961) in compliance with AR 700–34 (Administrative Army Regulations), may be assigned to the property administrator or to the "Authorized Representative of the Contracting Officer for Property Matters," by the chief of the purchasing office or the contracting officer. These files are maintained for management purposes and for industrial mobilization planning, and not as "acknowledgement of receipt" as provided in paragraph 303.1(c), § 30.2 of this title.

(d) Information recorded on DA Form 804 prior to 1 July 1961 need not be transferred to DD Form 1342 retroactively. Copies of the DD Form 1342 delivered to the property administrator by the contractors will be distributed in accordance with AR 700–34. Copies of the DD Form 1342 will be retained by the property administrator in those cases where distribution of copies to PEQUA (Production Equipment Agency) is not specified in AR 700–34. [B–304.3 and C–207.5]

§ 602.1714–1 Identification marking of Government property.

• • • • • •

(b) • • •

(2) If the item is not already identified, immediately affix securely to each item of such property or equipment an appropriate temporary tag identifying the property as Government property and indicating the number of the contract for which the property or equipment was procured.

Upon notification by the contractor of receipt of property, the contracting officer will notify the property administrator and will arrange for prompt final inspection and acceptance by responsible Government personnel. After completion of the final inspection and acceptance, evidenced by DD Form 250 (Material Inspection and Receiving Report) the property administrator will insure that the temporary tag is replaced by the contractor with a permanent identification tag containing the required information.

16. Sections 602.1715–1(a), 602.1715–2(b), and 602.1716(d) (4) are revised as follows:

§ 602.1715–1 Contractor liability.

(a) No separate file of letters of advice will be maintained for the property auditors although copies of such letters when questions are raised by auditors may be furnished upon request. Channels through which such letters are reviewed by audit personnel lie within the scope of audit instructions. If such letters, however, are submitted to the Chief, U.S. Army Audit Agency, for review and he concludes that further action is desirable, he will so state in writing to the Head of the Procuring Activity concerned. Upon review of the above communication, the Head of the Procuring Activity will initiate such further action as he considers is warranted by the facts. In all cases, he shall advise the regional auditor as to the decision reached.

§ 602.1715–2 Shipment and receipt of government-furnished property.

• • • • • •

(b) It shall be considered adequate for property control purposes, and within the scope of § 30.2 of this title, for operating contractors to acknowledge receipt for new facilities constructed under separate construction contracts, direct with construction contractors, on DD Form 1354, if accompanied by supporting documents. These transactions may be considered as shipment and receipt of Government property.

§ 602.1716 Selective examination of contractor records and property.

• • • • • •

(d) • • •

(4) The selective checks of real property records will include verification of the records including assurance that physical changes to buildings, utility plants and systems, roads, fences, etc., observed by the property administrator are properly reflected on maps, drawings, plans, specification or DD Form 1354, Transfer of Construction. At such intervals as the property administrator deems necessary, he will select records of a number of units of real property and by physical inspection of such units determine whether the records are complete and properly reflect any additions, extensions, or alterations.

PART 606—SUPPLEMENTAL PROVISIONS

17. Sections 606.203–3(e) and 606.–205(a) (4) are revised as follows:

§ 606.203–3 Contracts required to be numbered.

• • • • • •

(e) The instructions contained in this section do not apply to DD Form 1155 used in connection with the Small Business Purchases Procedure (Subpart F, Part 3 of this title and Subpart F, Part 592 of this chapter).

§ 606.205 Information to be furnished when requesting approval of contracts or awards of contracts.

(a) • • •

(4) *Negotiation.* Statement of negotiation proceedings will:

(i) Set forth plans developed for negotiation following evaluation of proposals. This will include the objectives of the negotiations and plans to obtain these objectives.

(ii) List offerors with whom negotiations were conducted. If the proposal of any other offeror is lower than the proposals of the offerors with whom negotiations were conducted, justify rejection.

(iii) Provides a brief resume of negotiations conducted. This will include a summarization of changes, agreements, or offers made during negotiations.

(iv) If the award is made on the basis of the initial proposal without further negotiations, explain reasons clearly.

(v) Furnish cost and price analysis of amount recommended for award (DD Form 633, DD Form 784, or equivalent). Include statement of cost experience on any recent prior procurement of same or similar items and comments as to comparability thereof.

(vi) Give basis for contracing officer's determination of reasonableness of price (or total cost and fee), including pertinent detail concerning the main elements of price; cost of material, subcontracting, labor, manufacturing burden, G & A, and profit. The extent of price analysis, Audit Agency assistance, and effect of competition on price will be discussed in sufficient detail to support the contracting officer's determination that the price is fair and reasonable.

(vii) If the proposed award will be a cost-reimbursement type contract summarize the officer's history of cost management, the effectiveness of his cost controls, and the reliability of his cost estimates; include a summary comparison of estimated and actual costs under current or recently completed cost type contracts. Where the offeror has a history of performance under several contracts, the summary will reflect at least three which are considered representative of his experience in minimizing cost overruns.

(viii) If approval of contract is required under provisions of §§ 606.204–1, 606.204–2 and 606.204–5, furnish one copy of contract.

[C 35, APP, May 7, 1962] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62–5401; Filed, June 4, 1962; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 112—RATES AND CONDITIONS FOR SPECIFIC CLASSES

PART 151—CUSTOMS

International Mail Regulations

The regulations of the Post Office Department are amended as follows:

I. In Part 112—*Rates and conditions for specific classes,* make the following changes:

A. In § 112.1 *Letters and letter packages,* amend paragraph (e) (1) by inserting "Maldive Islands" in the alphabetical listing of countries therein which dutiable articles may not be forwarded in letter packages.

NOTE: The corresponding Postal Manual section is 222.151.

B. In § 112.9 *Combination packages and articles grouped together,* amend the introductory statement preceding the alphabetical listing of countries in paragraph (a) (3) to read as follows:

(a) *Combination packages.* • • •

(3) *Countries for which accepted.* The following countries accept combination packages as ordinary (unregistered) mail only, except as noted:

• • • • • •

NOTE: The corresponding Postal Manual section is 222.913.

II. In § 151.5 *Treatment at delivery office,* make the following changes in paragraph (i) *Forwarding or returning dutiable mail:*

A. Subparagraph (1) is amended to show that when a dutiable package is forwarded for delivery at another office in the United States the name of the port where the Customs mail entry was prepared shall be shown on Form 3814. As so amended, subparagraph (1) reads as follows:

(1) *Forwarding within the United States.* Dispatch package as prescribed in § 114.3(a) of this chapter (for postal union articles) or § 122.4(a) of this chapter (for parcel post). Allow the Customs Forms 3419 to remain attached to the redirected package in its original envelope, which is also redirected to the new address. Prepare a single copy of Form 3814, "Record of COD Parcels Held for Delivery", showing name and address of addressee forwarding address, and name of port where the duty was assessed. In Bin No. block on Form 3814, enter the 6-digit serial number from related Customs Form 3419. Mail Form 3814 to the collector of customs who issued the entry.

B. Add a new subparagraph (4) to read as follows:

(4) *By stations and branches.* Postmasters may authorize stations and branches to forward or return packages directly for those units, without sending the packages to the main office.

NOTE: The corresponding Postal Manual sections are 261.591 and 261.594.

(R.S. 161, as amended, 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62–5424; Filed, June 4, 1962; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2686]

IDAHO

Order Opening Reclamation Withdrawn Lands to Mineral Location, Entry, and Patent

By virtue of the authority contained in the act of April 23, 1932 (47 Stat. 136; 43 U.S.C. 154), it is ordered as follows:

1. Subject to valid existing rights and the provisions of existing withdrawals, the following described lands shall, at 10:00 a.m. on July 3, 1962, be open to location, entry and patent under the United States Mining laws:

BOISE MERIDIAN

a. (Idaho 012922)

T. 17 N., R. 5 W.,
Sec. 12, SW¼NE¼, S½NW¼, and N½ SW¼.

b. (Idaho 012860)

T. 9 N., R. 6 E.,
Sec. 32, lots 7, 8, 10, E½NE¼, SE¼SW¼, and SW¼SE¼;
Sec. 33, lots 3 to 7, incl., N½, and SW¼ SW¼.

c. (Idaho 012924)

T. 2 N., R. 10 E.,
Sec. 7, lots 6 and 11.

The areas described aggregate approximately 1,004 acres.

2. The opening made by this order with respect to the lands described in subparagraphs b. and c., above, shall be subject to the stipulation quoted below, and which is made a part of this order, to be executed and acknowledged in favor of the United States by the locators, for themselves, their heirs, successors, and assigns, and recorded in the county records, and in the United States Land Office at Boise, Idaho, before any rights attach by virtue of this order:

That no dredging or placer mining operations shall at any time be conducted on the premises, and no other type of prospecting or mining operation shall be carried on upon the premises, nor shall anything else be done thereon which would subject downstream irrigation facilities owned or controlled by the United States to siltation in the course of normal or extraordinary stream flow.

3. The following ways, rights, or easements in, over, through, and across the lands are reserved to the United States, and such reservation shall be specifically expressed in any patent for the lands:

a. An easement and right-of-way over and across the land for irrigation facilities, including but not limited to pipelines, ditches, canals, roads, and electrical transmission and distribution lines.

b. A flowage easement over the land for any reservoir, including the right to have full supervision and control of the area submerged, pursuant to such easement, and of a 300-foot strip parallel to and measured horizontally from the high water line of the reservoir.

c. The right to take and remove from the lands construction material for use in the construction, operation or maintenance of irrigation facilities.

d. The right to remove all buildings, structures, trees, plants, shrubs and other surface obstructions or materials interfering with or which would interfere with the construction, operation and maintenance of reservoirs or other irrigation facilities.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MAY 28, 1962.

[F.R. Doc. 62-5414; Filed, June 4, 1962; 8:46 a.m.]

[Public Land Order 2687]

MONTANA

Partly Revoking Certain Reclamation and Stock Driveway Withdrawals

By virtue of the authority contained in section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, and in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The order of the Bureau of Reclamation dated March 10, 1954, concurred in by the Bureau of Land Management on September 2, 1955, and the departmental orders of August 18, 1902, and September 14, 1932, which withdrew lands for reclamation purposes in connection with the Missouri River Basin Project, the Milk River Project, and Stock Driveway Withdrawal No. 233, Montana No. 16, respectively, and any other order or orders which withdrew lands for reclamation or stock driveway purposes, are hereby revoked so far as they affect the following described lands:

PRINCIPAL MERIDIAN

a. (Montana 044613)

Order of March 10, 1954:

T. 30 N., R. 1 W.,
Sec. 2, lot 4.

b. (Montana 050219)

Order of August 18, 1902:

T. 31 N., R. 35 E.,
Sec. 15, S½S½;
Sec. 22, N½N½.

c. (Montana 046062)

Order of September 14, 1932:

T. 23 N., R. 18 E.,
Sec. 24, lot 4, E½NW¼, and NW¼NE¼.

The areas described aggregate approximately 478 acres. With exception of Section 2, lot 4, T. 30 N., R. 1 W., the lands are patented, included in allowed homestead entries under the ordinary provisions of the homestead laws, or withdrawn for power and other purposes.

2. Subject to any valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals, the lands described in paragraph 1a, hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

(a) Until 10:00 a.m. on November 27, 1962, the State of Montana shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR.

(b) All valid applications and selections under the nonmineral public land laws other than any from the State of Montana presented prior to 10:00 a.m. on November 27, 1962, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

(c) The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws at 10:00 a.m. on November 27, 1962. The provisions of the act of August 11, 1955 (69 Stat. 681; 30 U.S.C. 621) will continue to apply to the lands in T. 23 N., R. 18 E., which are withdrawn in Power Site Classification No. 301.

3. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims, must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Montana.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MAY 29, 1962.

[F.R. Doc. 62-5415; Filed, June 4, 1962; 8:46 a.m.]

[Public Land Order 2688]

[Utah 024909]

[74973]

UTAH

Partly Revoking Reclamation Withdrawal

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The order of the Bureau of Reclamation dated March 14, 1957, concurred in by the Bureau of Land Management on July 18, 1957, which withdrew lands for reclamation purposes in connection with the Marble Canyon Project, Arizona and Utah, is hereby revoked so far as it affects the following described lands:

SALT LAKE MERIDIAN

T. 41 S., R. 1 W.,
Sec. 20, lot 1, E½, NE¼NW¼, S½NW¼, and E½SW¼;
Sec. 29, E½, E½NW¼, and NE¼SW¼;
Sec. 33, W½W½.
T. 42 S., R. 1 W.,
Sec. 5, lot 2, SW¼NE¼, and SE¼SE¼;
Sec. 8, E½NE¼, NE¼SW¼, and N½SE¼;
Sec. 9, lot 6;
Sec. 27, NW¼SW¼, and SW¼SE¼;
Sec. 29, SW¼NW¼, N½SW¼, SW¼SW¼, and NW¼SE¼;
Sec. 30, lots 2, 3, and 4, SW¼NE¼, SE¼ NW¼, E½SW¼, and SE¼;

Sec. 31, lots 1, 2, 3, and 4, E½W½, W½ SE¼, and SE¼SE¼;
Sec. 35, NW¼SE¼.
T. 43 S., R. 1 W.,
Sec. 1, lot 4, SW¼NE¼, S½NW¼, N½ SW¼, SE¼SW¼, and W½SE¼;
Sec. 5, lots 3 and 4, S½NW¼, and NE¼ SW¼;
Sec. 6, lots 1 and 2, S½NE¼;
Sec. 8, lot 2;
Sec. 9, NW¼SW¼;
Sec. 12, lots 2 and 3, SW¼NE¼, and SE¼ NW¼;
Sec. 14, W½NE¼, W½SE¼, and SE¼SE¼;
Sec. 15, SE¼SW¼;
Sec. 22, NW¼NE¼;
Sec. 23, NE¼SW¼;
Sec. 33, N½NW¼.
T. 44 S., R. 1 W.,
Sec. 3, N½N½, NW¼SW¼, and NE¼SE¼.
T. 44 S., R. 1 E.,
Sec. 5;
Sec. 6, E½;
Sec. 7, E½;
Sec. 8.

The areas described aggregate 5,805.32 acres.

2. The public lands released from withdrawal by paragraph 1 of this order are hereby restored to the operation of the public land laws subject to any valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals provided that until 10:00 a.m. on November 27, 1962, the State of Utah shall have a preferred right of application to select the lands in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

3. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a.m. on November 27, 1962.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MAY 29, 1962.

[F.R. Doc. 62-5416; Filed, June 4, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 20, 25]

ESTATE TAXES AND GIFT TAXES

Proposed Valuation of Shares in Open-End Investment Companies

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

In order to provide in the Estate Tax Regulations (26 CFR Part 20) and in the Gift Tax Regulations (26 CFR Part 25) a rule for the valuation of shares in open-end investment companies, such regulations are amended as follows:

PARAGRAPH 1. Section 20.2031–2 is amended by adding new paragraph (j) to read as follows:

§ 20.2031–2 Valuation of stocks and bonds.

* * * * *

(j) *Shares in an open-end investment company.* The fair market value of a share in an open-end investment company (commonly known as a "mutual fund") is the replacement cost for a share on the applicable valuation date as quoted by the company for that date, or if the replacement cost is calculated more than once on that date, then the mean of the highest and the lowest such replacement costs. If there is no quoted replacement cost on the applicable valuation date (e.g. the valuation date is a Saturday, Sunday, or holiday), the fair market value of the mutual fund share may be determined by taking a weighted average of the replacement cost on the first day preceding the applicable valuation date for which there is a quotation and the replacement cost on the first day succeeding the applicable valuation date for which there is a quotation, or if replacement cost is calculated more than once a day by taking a weighted average of the means of the highest and lowest replacement costs quoted on the first day preceding the applicable valuation date for which there is a quotation and the highest and lowest replacement costs quoted on the first day succeeding the applicable valuation date for which there is a quotation. The weighting of the average is to be calculated in the manner described in paragraph (b) of this section in cases in which there are no sales on the applicable valuation date. For purposes of the rule stated in this paragraph, the term "open-end investment company" includes only a company which on the applicable valuation date was engaged in offering its shares to the public in the capacity of an open-end investment company.

PAR. 2. Section 25.2512–2 is amended by adding new paragraph (g) to read as follows:

§ 25.2512–2 Stocks and bonds.

* * * * *

(g) *Shares in an open-end investment company.* The fair market value of a share in an open-end investment company (commonly known as a "mutual fund") is the replacement cost for a share on the date of the gift as quoted by the company for that date, or if the replacement cost is calculated more than once on that date, then the mean of the highest and the lowest such replacement costs. If there is no quoted replacement cost on the date of the gift (e.g. the date of the gift is a Saturday, Sunday, or holiday), the fair market value of the mutual fund share may be determined by taking a weighted average of the replacement cost on the first day preceding the applicable valuation date for which there is a quotation and the replacement cost on the first day succeeding the applicable valuation date for which there is a quotation, or if replacement cost is calculated more than once a day by taking a weighted average of the means of the highest and lowest replacement costs quoted on the first day preceding the applicable valuation date for which there is a quotation and the highest and lowest replacement costs quoted on the first day succeeding the applicable valuation date for which there is a quotation. The weighting of the average is to be calculated in the manner described in paragraph (b) of this section in cases in which there are no sales on the date of the gift. For purposes of the rule stated in this paragraph, the term "open-end investment company" includes only a company which on the date of the gift was engaged in offering its shares to the public in the capacity of an open-end investment company.

[F.R. Doc. 62–5444; Filed, June 4, 1962; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Economic Regs., Docket No. 13656]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED ROUTE AIR CARRIERS

Reporting on Accounting Machine Punched Cards or Magnetic Tapes

MAY 31, 1962.

Notice is hereby given that the Civil Aeronautics Board has under consideration several proposed amendments to Part 241 of the Economic Regulations which would provide for reporting on machine punched cards or magnetic tapes.

The principal features of the proposed amendments are recited in the explanatory statement below and the proposed amendments to Part 241 are set forth below. This regulation is proposed under authority of sections 204(a), 407 and 1103 of the Federal Aviation Act of 1958 (72 Stat. 743, 766, 797; 49 U.S.C. 1324, 1377, and 1503).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before June 19, 1962, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. In the course of developing the Board's current program of mechanizing its collection and evaluation of financial and operating data, it has become apparent that it is necessary to amend Part 241 to require that the data presently required to be reported to the Board on typed Form 41's also be submitted in machine language. Accordingly, the attached Proposed Rule would amend Part 241 so as to require accounting machine punched cards to be filed by each air carrier for each of the CAB Form 41 schedules specified in this part. It is contemplated, however, that the Chief, Office of Carrier Accounts and Statistics, would utilize his delegated authority to waive accounting and reporting requirements under § 385.18(a) of the Board's regulations by waiving this requirement for specified schedules or for those carriers not possessing the necessary facilities to prepare punched cards or to waive it on condition that magnetic tapes are submitted in lieu of the punched cards. Thus, all reporting air carriers will supply the same basic information but the form in which such data are submitted may be varied in order to suit the individual capabilities of these air carriers. Thus, the proposed amendment relates to the methods and mechanics of reporting and not to the substantive data presently required to be reported to the Board.

The proposed rule would further require that any air carrier which submits its Form 41 reports in the form of cards or tapes must also submit a machine listing thereof which in general would parallel the applicable individual columns of the present Form 41 schedules.

Furthermore, every reporting air carrier will be required to submit its Form 41 reports in their present typed form as well as in machine language form until the end of the calendar year 1962, or such longer period as may be necessary, in order to provide an appropriate opportunity for testing the mechanized reporting procedures during a transition period. Within that period it is proposed to explore the feasibility of developing a card and tape listing format which would set the minimum standards for convenience of public access to, and interpretation of, the listed data. If this problem can be resolved, such machine listings would be standardized as to format and serve as a substitute for the present typed Form 41 reports. It is also proposed to explore within this experimental period the feasibility of integrating such schedules as the present T–1, T–2 and T–3 to minimize the number of schedules to be reported and the processing burdens of both the carriers and the Board. Comments are solicited from the carriers concerning these matters. On the premise that with the submission of cards the Board can generate 12 months-to-date information on a timely basis which will meet public interest requirements, such information would no longer be required of carriers submitting cards.

It is intended to provide the maximum flexibility for administering the program and for adapting the mechanics to meet problems peculiar to individual carriers. For this reason, detailed instructions for preparing the punched cards or magnetic tapes and the tabular machine listings would not be physically included in Part 241. Instead, they would be issued as standard practice instructions under authority delegated to the Chief, Office of Carrier Accounts and Statistics.

Finally, it is proposed to make the above amendments effective with reports covering information applicable to operations on and after July 1, 1962.

By adding a new § 241.28 to read:

§ 241.28 Reporting on punched cards and magnetic tapes.

(a) A deck of 80-column accounting machine punched cards shall be filed by each air carrier for each of the CAB Form 41 schedules specified in this part. Pursuant to § 385.18(a) of this chapter, the Chief, Office of Carrier Accounts and Statistics, may waive this requirement for specified schedules or for those carriers not possessing the necessary facilities or modify it to substitute the filing of magnetic tapes in lieu of the punched cards. The filing dates for each deck of cards shall be as set forth in § 241.22(a) for the underlying schedules. The punched cards shall agree in detail with information submitted on the underlying Form 41 schedules. One copy of a tabular machine listing shall be submitted for each deck of machine punched cards or set of magnetic tapes required to be filed. Detailed instructions for the format of cards, magnetic tapes and tabular machine listing formats and the various codes used will be issued and revised from time to time by the Chief, Office of Carrier Accounts and Statistics under § 385.18(c) of this chapter. At such time as the Chief, Office of Carrier Accounts and Statistics, is satisfied that a listing format has been devised which will meet all of the substantive reporting requirements of the applicable Form 41 schedules as prescribed, he may waive the submission of manually typed reports under § 385.18(a) of this chapter. In such cases, the machine listings shall be submitted in the same number of copies as are prescribed for the applicable manually typed schedules. The submission of 12 months-to-date information otherwise prescribed will not be required for information applicable to periods after July 1, 1962, for those carriers submitting punched cards or tapes.

[F.R. Doc. 62–5447; Filed, June 4, 1962; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 62–NY–2]

FEDERAL AIRWAYS

Proposed Alteration; Supplemental Notice

In a notice of proposed rule making published as Airspace Docket 62–NY–2 in the FEDERAL REGISTER on February 22, 1962 (27 F.R. 1728), it was stated that the Federal Aviation Agency (FAA) proposed to designate a segment of Intermediate altitude VOR Federal airway No. 1683 from the Tappahannock, Va., Intersection as a 16-mile wide airway via the Hopewell, Va., VOR to the Rocky Mount, N.C., VOR.

A more recent airspace proposal being considered by the FAA and proposed herein for the alteration and extension of the segment of Intermediate altitude VOR Federal airway No. 1731 between Greensboro, N.C., and Richmond, Va., necessitates an alteration to the proposal contained in the notice.

Accordingly, notice is hereby given that the original proposal is amended to include the following airspace actions:

1. Designate a segment of Victor 1683 from the Tappahannock Intersection as a 12-mile wide airway to the Hopewell VOR; thence 16-mile wide airway to the Rocky Mount VOR.

2. Alter the segment of Victor 1731 from the Greensboro VOR as a 16-mile wide airway to the intersection of the Greensboro VOR 051° and the Richmond VOR 239° True radials; thence 20-mile wide airway to the intersection of the Richmond VOR 239° and the Raleigh-Durham, N.C., VOR 005° True radials; thence 16-mile wide airway to the intersection of the Richmond VOR 239° and the Rocky Mount, N.C., VOR 345° True radials; thence 12-mile wide airway to the Richmond VOR; thence 16-mile wide airway to the intersection of the Richmond VOR 009° and the Gordonsville, Va., VOR 074° True radials; thence 8-mile wide airway to the Washington, D.C., VOR.

The airway width reduction proposed for Victor 1683 between the Tappahannock Intersection and the Hopewell VOR would provide lateral separation from the segment of Victor 1731 proposed north of Richmond. The alteration and extension of Victor 1731 would provide a shorter route between Greensboro and Richmond and would provide a direct route for Intermediate altitude air traffic between the Richmond and Washington terminals. The proposed airway width expansion for Victor 1731 in the vicinity of South Boston, Va., would assure adequate lateral protection for aircraft operating at the maximum distance from widely separated navigational aids, where minute errors, either in ground or airborne equipment could result in more than 8 statute miles deviation from the airway centerline. The airway width reductions proposed for Victor 1731 would provide lateral separation from the Camp Pickett, Va., Restricted Area R–6602, and the Dahlgren Complex, Va., Restricted Area R–6611.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to June 30, 1962.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket 62–NY–2 is extended to June 30, 1962. Communications should be submitted in triplicate to Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on May 29, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62–5403; Filed, June 4, 1962; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62-SW-10]

Proposed Alteration

CONTROL ZONE

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to § 601.2320 of the regulations of the Administrator, the substance of which is stated below.

The Midland, Texas, control zone is designated within a 5-mile radius of the Midland Air Terminal; within 2 miles on the southeast side and 4 miles on the northwest side of the southwest course of the Midland ILS localizer extending from the localizer to a point 15 miles southwest, and within 2 miles either side of the 011.5° True radial of the Midland VOR extending from the VOR to a point 10 miles north.

The Federal Aviation Agency (FAA) has under consideration the following alterations to the Midland control zone:

1. Revoke the control zone extensions based on the Midland ILS localizer southwest course and the Midland VOR. Revised prescribed instrument approach procedures associated with these facilities have eliminated the requirement for extension of the control zone beyond the 5-mile radius for the protection of aircraft executing these approaches.

2. Designate a control zone extension within 2 miles either side of the 114° True bearing from the Midland radio beacon (latitude 31°59'18" N., longitude 102°19'30" W.) extending from the 5-mile radius zone to the radio beacon. This would provide protection for aircraft executing prescribed instrument approach procedures utilizing the radio beacon.

If this action is taken, the Midland, Texas, control zone would be redesignated within a 5-mile radius of the Midland Air Terminal (latitude 31°56'20" N., longitude 102°12'10" W.), and within 2 miles either side of the 114° True bearing from the Midland radio beacon extending from the 5-mile radius zone to the radio beacon.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on May 28, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-5404; Filed, June 4, 1962; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62-WE-64]

Proposed Alteration

TRANSITION AREA

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.10873 of the regulations of the Administrator, the substance of which is stated below.

The Milford, Utah, transition area is presently designated as that airspace extending upward from 1,200 feet above the surface within 10 miles northwest and 7 miles southeast of the Milford, Utah, VORTAC 023° and 203° True radials extending from 9 miles southwest to 20 miles northeast of the VORTAC.

The Federal Aviation Agency has under consideration the alteration of the Milford transition area to include that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Milford Municipal Airport and within 2 miles either side of the Milford VORTAC 196° True radial extending from the 5-mile radius area to 8 miles south of the VORTAC. This would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Milford Airport.

If this action is taken, the Milford, Utah, transition area would be redesignated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Milford Municipal Airport (latitude 38°25'35" N., longitude 113°00'40" W.) and within 2 miles either side of the Milford VORTAC 196° True radial extending from the 5-mile radius area to 8 miles south of the VORTAC; including the airspace extending upward from 1,200 feet above the surface within 10 miles northwest and 7 miles southeast of the Milford VORTAC 023° and 203° True radials extending from 9 miles southwest to 20 miles northeast of the VORTAC.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on May 29, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-5405; Filed, June 4, 1962; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62-WE-40]

Proposed Alteration

TRANSITION AREA

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.10883 of the regulations of the Administrator, the substance of which is stated below.

The Ellensburg, Wash., transition area is presently designated to extend upward from 1,200 feet above the surface within 7 miles northwest and 10 miles southeast of the Ellensburg VORTAC 064° and 244° True radials extending from 9 miles southwest to 20 miles northeast of the VORTAC.

The Federal Aviation Agency has under consideration the alteration of the Ellensburg transition area to include the airspace extending upward from 700 feet above the surface within a 5-mile radius of the Ellensburg Municipal Airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles northeast and 5 miles southwest of the Ellensburg VORTAC 131° True radial extending from the VORTAC to 12 miles southeast of the VORTAC. This would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Ellensburg airport.

If this action is taken, the Ellensburg, Wash., transition area would be redesignated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Ellensburg Municipal Airport (lat. 47°02'10" N., long. 120°31'50" W.); that airspace extending upward from 1,200 feet above the surface within 7 miles northwest and 10 miles southeast of the Ellensburg VORTAC 064° and 244° True radials extending from 9 miles southwest to 20 miles northeast of the VORTAC, and within 8 miles northeast and 5 miles southwest of the Ellensburg VORTAC 131° True radial extending from the VORTAC to 12 miles southeast of the VORTAC.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on May 29, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-5406; Filed, June 4, 1962; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Reports; Notice of Proposed Rule Making

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Pub. Law 85-699, 72 Stat. 694, as amended, it is proposed to amend, as set forth below, § 107.802 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations, as revised in 26 F.R. 8232-8242 and amended (27 F.R. 167, 851, 1720 and 3844). Prior to the final adoption of such amendment, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Small Business Investment Division, Small Business Administration, Washington 25, D.C., within a period of thirty days of the date of this notice in the FEDERAL REGISTER.

Information. The amendment now under consideration provides that each Licensee shall maintain its books of account in accordance with the System of Account Classifications prescribed by SBA and further provides that any custodian for the portfolio securities of a Licensee shall be located in the same city as the principal office of the Licensee.

It is proposed to amend the Regulations Governing Small Business Investment Companies as follows:

1. By deleting the period at the end of the first sentence of § 107.802(a) and inserting a comma in lieu thereof and by adding thereafter the following: "including the maintenance of books of account in accordance with the System of Account Classifications prescribed by SBA as set forth in Part 111 of the Regulations.", and by inserting after the word "Licensee" as it appears in the proviso the following: ", located in the same city as the principal office of the Licensee,". As amended, § 107.802(a) will read as follows:

§ 107.802 Reports.

(a) Each Licensee shall keep current financial records in accordance with generally accepted accounting principles, including the maintenance of books of account in accordance with the System of Account Classifications prescribed by SBA as set forth in Part 111[1] of the Regulations. All such financial records and minutes of meetings of stockholders, directors, executive committees or other officials; and all files containing pertinent documents and supporting material employed by a Licensee with respect to any and all transactions of the Licensee shall be kept at its principal place of business: *Provided, however,* That there shall be excepted from the foregoing all portfolio items held by a custodian for Licensee, located in the same city as the principal office of the Licensee, pursuant to written custodian agreement. All financial reports furnished to SBA by Licensees shall make full and complete disclosure of all matters relevant to the Act and Regulations.

Dated: May 24, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-5380; Filed, June 1, 1962; 8:47 a.m.]

[1] Published in FEDERAL REGISTER of June 2, 1962 as proposed regulation.

Notices

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

REQUIREMENTS RELATING TO BRINGING OR IMPORTING SUGAR INTO THE CONTINENTAL UNITED STATES

Importation for Refining and Storage

Pursuant to the provisions of paragraph (d) of § 817.8 (23 F.R. 671) and on the basis of information before me, I do hereby determine and give public notice that during June 1962, raw sugar may be brought or imported into the continental United States from Puerto Rico or the Republic of the Philippines without effect on the applicable quota at the time of importation for the sole purpose of refining and storage without interfering with the effective administration of the Sugar Act of 1948, as amended (60 Stat. 922, as amended).

Accordingly, notice is hereby given that during the month of June 1962, raw sugar may be authorized for release for importation by or delivery to a refiner for the sole purpose of refining and storage without effect on the applicable quota or allotment at the time of importation. Authorizations for release of sugar pursuant to this notice may be issued only to cover raw sugar to be imported by or delivered to a refiner who is the principal on a bond accepted pursuant to § 817.9 of this Part 817 under which the principal is obligated to hold at the refinery at which such sugar is received the raw value equivalent of the sugar authorized to be imported until release of such sugar within the applicable quota or allotment is authorized by the Secretary.

For the purpose of this notice, sugar held in inventory under the control of a refiner in warehouse facilities within two miles of the refinery where such sugar was received shall be deemed to be held at that refinery.

Issued at Washington, D.C., this 31st day of May 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62-5431; Filed, June 4, 1962; 8:48 a.m.]

Commodity Credit Corporation

[Amdt. 2]

SALES OF CERTAIN COMMODITIES

May 1962 Monthly Sales List

Pursuant to the policy of the Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein, the CCC Monthly Sales List for May 1962 is amended as set forth below:

The entire section relating to *Dry edible beans*, bagged, is deleted and replaced with the following:

Dry edible beans, bagged (as available).	Domestic: Domestic market price but not less than the following minimum price per hundredweight for U.S. No. 1 f.o.b. indicated points of production, amount of paid-in-freight to be added as applicable. For other grade, adjust by market differentials. In other areas, adjust by the 1961 price support differential.	
	Class	**Price per hundredweight** / **Area of production**
	Pinto	$6.86 Eastern Colorado.
	Pea	7.63 Michigan.
	Great Northern	7.50 Nebraska.
	Small Red	7.68 Washington.
	Red Kidney	9.19 Michigan. New York.
	Export: Under Announcement GR-409 the following minimum price per hundredweight for U.S. No. 1 f.o.b. indicated points of production, amount of paid-in-freight to be added as applicable.[1] In other areas, adjust by the 1961 price support differential.	
	Class	**Price per hundredweight** / **Area of production**
	Pinto	$6.37 Eastern Colorado.
	Pea	7.03 Michigan.
	Great Northern	6.99 Nebraska.
	Small Red	7.15 Washington.
	Red Kidney	8.52 Michigan. New York.
	Available: Pinto beans and Great Northern beans available at Kansas City and Portland ASCS Commodity Offices. Pea beans and Red Kidney beans available at Evanston ASCS Commodity Office. Small Red beans available at Portland ASCS Commodity Office.	

[1] Except that small red beans will be available on a competitive bid basis but not less than the listed price.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427)

Signed at Washington, D.C., on May 31, 1962.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-5436; Filed, June 4, 1962; 8:49 a.m.]

CONTRACTING OFFICERS

Delegation of Authority

Pursuant to authority vested in the Executive Vice President, Commodity Credit Corporation, by the bylaws of the Corporation, the respective chairmen or, in their absence, the acting chairmen of the Agricultural Stabilization and Conservation county committees in the cotton-producing States, or if so designated by such Agricultural Stabilization and Conservation county committees the Agricultural Stabilization and Conservation Service county office managers, are hereby appointed contracting officers of Commodity Credit Corporation with authority to execute, in the name of the Corporation, contracts, agreements, or other documents relating to the purchase, transportation, handling, and storage of cottonseed prior to the delivery of such cottonseed to an oil miller or an approved storage facility under the 1962-Crop Cottonseed Purchase Program formulated by Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service.

The foregoing authority as contracting officers shall be exercised in accordance with instructions issued by the appropriate Vice President of Commodity Credit Corporation, which shall be available for public inspection in the files of the Agricultural Stabilization and Conservation Service county offices in the respective cotton-producing States.

This notice shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 31, 1962.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-5437; Filed, June 4, 1962; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Small Tract Classification No. 59; Cancellation

MAY 29, 1962.

1. Pursuant to the authority redelegated to me from Bureau Order No. 684, dated August 28, 1961 (26 F.R. 6215) as amended, by the Alaska State Director in section 2(c) of a memorandum dated December 1, 1961, and effective immediately, Federal Register Document 52-7271 is hereby canceled in its entirety as it concerns the following described lands:

SEWARD MERIDIAN

T. 16 N., R. 2 E.,
Sec. 1: Lots 1 and 2.

Containing 44.27 acres.

2. These lands are under application for withdrawal by the Bureau of Land Management for use for public recreation purposes, Anchorage 049689.

ROBERT J. COFFMAN,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62-5417; Filed, June 4, 1962; 8:47 a.m.]

ALASKA

Small Tract Classification No. 49; Cancellation

MAY 29, 1962.

1. Pursuant to the authority redelegated to me from Bureau Order No. 684, dated August 28, 1961 (26 F.R. 6215) as amended, by the Alaska State Director in section 2(c) of a memorandum dated December 1, 1961, and effective immediately, Federal Register Document 52-602 is hereby canceled in its entirety as it concerns the following described lands:

SEWARD MERIDIAN

T. 16 N., R. 2 E.,
Sec. 1: Lot 3.

Containing 33.90 acres.

2. These lands are under application for withdrawal by the Bureau of Land Management for use for public recreation purposes, Anchorage 049689.

ROBERT J. COFFMAN,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62-5418; Filed, June 4, 1962; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-170]

ARMED FORCES RADIOBIOLOGY RESEARCH INSTITUTE

Notice of Issuance of Construction Permit Amendment

Please take notice that no request for a formal hearing having been filed following the publication of notice of the proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Amendment No. 1 to Construction Permit No. CPRR-61 authorizing the transfer of Construction Permit No. CPRR-61 from the National Naval Medical Center to the Armed Forces Radiobiology Research Institute. The TRIGA Mark F tank-type nuclear reactor is located on the grounds of the National Naval Medical Center in Bethesda, Maryland.

The amendment as issued was set forth in the Notice of Proposed Transfer of Construction Permit and Issuance of Construction Permit Amendment published in the FEDERAL REGISTER May 8, 1962, 27 F.R. 4396.

Dated at Germantown, Md., this 25th day of May 1962.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-5420; Filed, June 4, 1962; 8:47 a.m.]

[Docket No. 50-133]

PACIFIC GAS AND ELECTRIC CO.

Notice of Hearing on Provisional Operating License for Nuclear Facility

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Part 2, 10 CFR "Rules of Practice", notice is hereby given that a hearing will be held at 10:00 a.m., e.d.t. on July 5, 1961, in the Auditorium of the Atomic Energy Commission Headquarters in Germantown, Maryland, to consider the issuance of a provisional facility operating license for a period not to exceed eighteen (18) months to the above named applicant under § 104 b. of the Atomic Energy Act of 1954, as amended. The facility is a single-cycle, internal natural circulation, boiling water reactor located at the applicant's site at Buhne Point, near Eureka, California. The application and the record of prior proceedings in this matter are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

The issues to be considered at the hearing will be the following:

1. Whether the technical information omitted from and required to complete the application filed by the applicant has been submitted;

2. Whether the construction of the facility has proceeded, and there is reasonable assurance that the facility will be completed, in conformity with the construction permit and the application, as amended, the provisions of the Atomic Energy Act of 1954, as amended, and the rules and regulations of the Commission;

3. Whether there is reasonable assurance that the activities authorized by the provisional operating license can be conducted without endangering the health and safety of the public, and that such activities will be conducted in compliance with the Atomic Energy Act of 1954, as amended, and the rules and regulations of the Commission;

4. Whether the applicant is technically and financially qualified to engage in the activities authorized by the provisional operating license in accordance with the rules and regulations of the Commission;

5. Whether the applicant has furnished to the Commission proof of financial protection in accordance with 10 CFR, Part 140 "Financial Protection Requirements and Indemnity Agreements";

6. Whether there is reasonable assurance that the facility will be ready for initial loading with nuclear fuel within ninety (90) days from the date of issuance of a provisional license; and

7. Whether issuance of a provisional license to operate the facility under the terms and conditions proposed will be inimical to the common defense and security or to the health and safety of the public.

Notice is hereby given that the report of the AEC's Advisory Committee on Reactor Safeguards in this matter is available for public inspection at the Commission's Public Document Room. Copies of this report may be obtained by request to the Director, Division of Licensing and Regulation, United States Atomic Energy Commission, Washington 25, D.C.

Petitions for leave to intervene must be received in the Office of the Secretary, Atomic Energy Commission, Germantown, Maryland, or in Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than June 26, 1962, or in the event of a postponement of the hearing date specified above at such time as the Presiding Officer may provide.

Answers to this notice pursuant to § 2.705 of the Commission's rules of practice shall be filed on or before June 21, 1962 by the applicant.

Papers required to be filed with the Commission in this proceeding shall be filed by mailing to the Secretary, Atomic Energy Commission, Washington 25, D.C., or may be filed in person at the Office of the Secretary, Atomic Energy Commission, Germantown, Maryland, or at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Presiding Officer, parties shall file twenty (20) copies of each such paper with the Commission and where service of papers is required on other parties shall file five (5) copies of each.

The hearing will be conducted by a presiding officer to be designated by the Chief Hearing Examiner.

Dated at Germantown, Md., this 1st day of June 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 62-5474; Filed, June 4, 1962; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 6093 etc.]

REOPENED INTRA-ALASKA CASE (SELECTION OF CARRIER FOR ANCHORAGE-BETHEL ROUTE)

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on July 6, 1962, at 10:00 a.m., Alaska standard time, in the City Council Chamber of the Loussac Library at Fifth and F Streets, Anchorage, Alaska, before Examiner Merritt Ruhlen.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

1. Whether the public convenience and necessity require the certification of a single carrier, either PNA or NCA, to carry persons, property, and mail on a year-round or seasonal basis on a route between Anchorage and Bethel, via the intermediate points Tenalion Point, Iliamna, Big Mountain, Kulik Lake, King Salmon, and Dillingham, and if PNA is selected for such a route, whether its authority should be subject to a restriction which would prevent PNA from operating nonstop service between Anchorage and Bethel;

2. Whether the public convenience and necessity require the elimination of NCA, either completely or on a seasonal basis, if it is not selected pursuant to issue (1) above, from its Anchorage-Dillingham-Bethel and Anchorage-Tenalion Point-Iliamna-King Salmon-Dillingham routes;

3. Whether the public convenience and necessity require the elimination of PNA, if it is not selected pursuant to issue (1) above, from Iliamna and King Salmon on segment 2 of its Route 142, either on a seasonal or year-round basis;

4. If PNA is not selected pursuant to issue (1), whether the public convenience and necessity require the imposition of a restriction on PNA requiring that carrier to originate or terminate all flights to King Salmon at Seattle, Washington; and

5. Whether NCA's temporary authority for its Anchorage-Dillingham-Bethel route which expired on March 13, 1962, should be renewed.

For further details of the issues involved in this proceeding, interested persons are referred to the applications and any amendments thereto, petitions, motions, and orders entered in the docket of this proceeding, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding should file with the Board, on or before June 29, 1962, a statement setting forth the issues of fact or law to be presented.

Dated at Washington, D.C., May 29, 1962.

[SEAL] MERRITT RUHLEN,
Hearing Examiner.

[F.R. Doc. 62-5445; Filed, June 4, 1962; 8:49 a.m.]

[Docket 9767]

SERVICE TO SHEBOYGAN AND MANITOWOC, WIS., AREA

Notice of Postponement of Hearing

Reference is hereby made to a Notice of Hearing dated May 8, 1962 (27 F.R. 4532) which assigned the above-entitled matter for public hearings beginning July 17, 1962.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that public hearings in the above-entitled proceedings are hereby postponed until July 25, 1962, at 10:00 a.m. (local time) in Room 498, United States Post Office and Courthouse Building, 517 East Wisconsin Avenue, Milwaukee, Wisconsin, before the undersigned Examiner.

Dated at Washington, D.C., May 29, 1962.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 62-5446; Filed, June 4, 1962; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14651; FCC 62M-768]

KFNF BROADCASTING CORP.

Order Scheduling Hearing

In re application of KFNF Broadcasting Corporation (KFNF), Shenandoah, Iowa, Docket No. 14651, File No. BP-14026; for construction permit.

It is ordered, This 29th day of May 1962, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 30, 1962, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Monday, July 2, 1962.

Released: May 29, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-5439; Filed, June 4, 1962; 8:49 a.m.]

[Docket No. 14652; FCC 62M-769]

RADIO LONGVIEW, INC. (KLUE)

Order Scheduling Hearing

In re application of Radio Longview, Inc. (KLUE), Longview, Texas, Docket No. 14652, File No. BP-14272; for construction permit.

It is ordered, This 29th day of May 1962, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 23, 1962, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Tuesday, July 3, 1962.

Released: May 29, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-5440; Filed, June 4, 1962; 8:49 a.m.]

[Docket Nos. 14632-14634; FCC 62M-767]

TUSCARAWAS BROADCASTING CO. ET AL.

Order Rescheduling Hearing

In re applications of The Tuscarawas Broadcasting Company, Uhrichsville, Ohio, Docket No. 14632, File No. BP-13896; The Niles Broadcasting Company, Niles, Ohio, Docket No. 14633, File No. BP-13993; Punxsutawney Broadcasting Company (WPME), Punxsutawney, Pennsylvania, Docket No. 14634, File No. BP-14022; for construction permits.

Due to a conflict in the calendar of the Hearing Examiner, the prehearing conference in the above-entitled proceeding presently scheduled to be held on Friday, June 15, 1962, is rescheduled and will be held on Wednesday, June 13, 1962, beginning at 10:00 A.M. in the offices of the Commission, Washington, D.C.

It is so ordered, This the 29th day of May 1962.

Released: May 29, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-5441; Filed, June 4, 1962; 8:49 a.m.]

[FCC 62-592]

BROADCASTERS WARNED AGAINST "TEASER" OR "COME-ON" SPOTS WHERE NEITHER SPONSOR NOR SPONSOR'S PRODUCT IS ANNOUNCED

JUNE 1, 1962.

The Commission has recently received complaints that broadcast stations in various sections of the country are participating in "teaser" advertising campaigns despite previous admonitions as to their illegality. A "teaser" is in essence a short and succinct announcement utilizing catch words, slogans, symbols, etc., designed to arouse the curiosity of the public as to the identity of the advertiser or product, which is to be revealed in subsequent announcements.

The attention of all stations is called to the provisions of section 317 of the Communications Act of 1934, as amended, and §§ 3.119, 3.259, and 3.654 of the Commission's rules and regulations. The pertinent part of section 317 of the Act is quoted below:

SECTION 317. (a)(1) All matter broadcast by any radio station for which any money, service or other valuable consideration is directly or indirectly paid, or promised to or charged or accepted by, the station so broadcasting, from any person, shall, at the time the same is so broadcast, be announced as paid for or furnished, as the case may be, by such person • • •.

Therefore, stations which broadcast paid announcements which do not adequately reveal the identity of the sponsor are in direct violation of this section of the Act and the rules. In addition, there may be a falsification in the maintenance of the program log to indicate thereon that such sponsorship announcement was made as required by §§ 3.111(a)(3), 3.281(a)(3), and 3.663(a)(3) of the rules.

The Commission considers such violations to be a serious matter, subject to liability for forfeiture, and takes this opportunity to warn all stations accordingly.

Adopted: May 29, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-5442; Filed, June 4, 1962; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-20110]

GRARIDGE CORP. ET AL.[1]

Order Granting Motion To Substitute Party, Accepting Agreement and Undertaking and Discharging Agreement and Undertaking

MAY 28, 1962.

On November 13, 1961, Graridge Corporation filed a motion that it be substituted as respondent in the above-designated proceeding, and simultaneously tendered a substitute agreement and undertaking, assuming all obligations to make refunds arising on or after the proposed increased rates became effective, subject to refund, in the above-designated proceeding.[2] Said increased rates became effective subject to refund on January 13, 1960.

In support of its motion Graridge Corporation states that effective as of October 2, 1961, Graridge Corporation (a Delaware corporation) was merged into The Ibex Company, Inc. (a Texas corporation) and the name of the surviving corporation was changed to Graridge Corporation, and such surviving Texas corporation is the movant herein. Graridge Corporation also request that the agreement and undertaking of Graridge Corporation (a Delaware corporation) heretofore accepted by the Commission in order issued October 6, 1961, in the above proceeding, be discharged and terminated.

The Commission finds:

(1) Graridge Corporation (a Texas corporation) should be substituted for Graridge Corporation (a Delaware corporation) in the proceeding in Docket No. G-20110.

(2) The agreement and undertaking filed by Graridge Corporation (a Texas corporation) on November 13, 1961, appears to be satisfactory and should be accepted for filing.

(3) Graridge Corporation (a Delaware corporation) should be released from obligation to make refunds in Docket No. G-20110 and its agreement and undertaking filed in said proceeding should be discharged.

The Commission orders:

(A) Graridge Corporation (a Texas corporation) is hereby substituted for Graridge Corporation (a Delaware corporation) as respondent in the proceeding in Docket No. G-20110.

(B) The agreement and undertaking filed by Graridge Corporation (a Texas corporation) on November 13, 1961, is hereby accepted for filing.

(C) Graridge Corporation (a Delaware corporation) is hereby released from obligation to make refunds in Docket No. G-20110 and its agreement and undertaking filed in said proceeding is terminated and discharged.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-5407; Filed, June 4, 1962; 8:45 a.m.]

[Docket No. RI61-499, CI62-796]

J. C. TRAHAN, DRILLING CONTRACTOR, INC., ET AL.

Order Designating Partial Successor in Interest as Co-Respondent, Redesignating Proceeding, Requiring Undertaking To Assure Refund, Granting Temporary Authorization, and Accepting Rate Schedules for Filing Subject To Refund

MAY 28, 1962.

J. C. Trahan, Drilling Contractor, Inc. (Operator), et al., Marshall R. Young Drilling Company (Operator), et al., Docket No. RI61-499, J. C. Trahan, Drilling Contractor, Inc. (Operator), et al., Docket No. CI62-796.

On January 16, 1962, J. C. Trahan, Drilling Contractor, Inc. (Operator), et al. (Trahan) filed in Docket No. CI62-796 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas produced from certain acreage in the Ansley Field, Hancock County, Texas, to United Gas Pipe Line Company (United) pursuant to the terms of a gas purchase contract between Marshall R. Young Drilling Company (Young), seller, and United, buyer, dated March 6, 1957.

It appears that Trahan (and Pioneer Oil and Gas Co., minority interest owner) acquired the subject acreage (a part of the acreage covered by the basic contract between Young and United) by two partial assignments from Young to Trahan dated and effective December 8, 1960, and Trahan has been entitled to its share of the rates collected by Young since that date, including the increased rate of 20.5 cents which was suspended by order issued May 17, 1961, in Docket No. RI61-499 (Docket Nos. RI61-492, et al.) but which has been collected by Young, subject to refund, since November 14, 1961.

In view of the factual situation here existing, it appears that an order may appropriately be issued enlarging the proceeding in Docket No. RI61-499 to include Trahan as co-respondent and making Trahan responsible for refunding to United any monies collected as its share from the subject acreage at a rate above that finally determined in Docket No. RI61-499 on and after November 14, 1961.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that J. C. Trahan, Drilling Contractor, Inc. (Operator), et al. be joined with Marshall R. Young Drilling Company (Operator), et al. as co-respondent in the proceeding in Docket No. RI61-499; that that proceeding be redesignated accordingly; that Trahan file an agreement and undertaking as hereinafter ordered in compliance with the Commission's rules and regulations; that temporary authorization to make the subject sale to United be granted to Trahan as hereinafter ordered and conditioned; and that Trahan's proposed related rate schedule and supplements thereto be accepted for filing subject to the refund provisions of this order, effective December 8, 1960, the date of assignment of the subject acreage from Young to Trahan.

The Commission orders:

(A) Subject to the terms and conditions of this order and the applicable provisions of the Commission's suspension order heretofore issued in Docket No. RI61-499, J. C. Trahan, Drilling Contractor, Inc. (Operator), et al. is hereby joined with Marshall R. Young Drilling Company (Operator), et al. as co-respondent in that proceeding, and said proceeding is accordingly redesignated.

(B) Upon execution by Trahan of the agreement and undertaking described in paragraph (D) below and the acceptance thereof evidenced by a letter addressed to Trahan by the Secretary of the Commission, the rates and charges provided for in J. C. Trahan, Drilling Contractor, Inc. (Operator), et al. FPC Gas Rate Schedule No. 22, as supplemented, shall become effective in accordance with and as provided by paragraph (G) hereof.

(C) Trahan shall refund at such times and in such manner as may be required by final order of the Commission, the portion of the rate found by the Commission in Docket No. RI61-499 not justified, together with interest thereon at the rate of 7 percent per annum from the date of payment to Trahan until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the rate or charge effective as of December 8, 1960, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and one copy) in writing and under oath to the Commission monthly, for each billing period, the billing determinants and the revenues resulting therefrom as computed under the rates in effect immediately prior to November 14, 1961 (the effective date of Young's increase to 20.5 cents, subject to refund) and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(D) As a condition of this order, within 15 days from the date of issuance hereof, Trahan shall execute and file with the Secretary of this Commission

[1] A Texas corporation.

[2] The rate schedule filings subject to this proceeding were originally designated as Supplement Nos. 1 to Honaker-Davis Drilling Company (Operator), et al., FPC Gas Rate Schedule Nos. 1 through 5. These filings are now designated as Supplement Nos. 1 to Craridge Corporation (Operator), et al., FPC Gas Rate Schedule Nos. 7 through 11 (see orders issued August 18 and October 6, 1961, in this docket).

its written agreement and undertaking to comply with the terms of paragraph (C) hereof, evidenced by proper authority and accompanied by a certificate showing service of copies thereof upon all purchases under the rate schedule involved, as follows:

Agreement and Understanding of J. C. Trahan, Drilling Contractor, Inc. (Operator), et al. to Comply with the Terms and Conditions of Paragraph (C) of Federal Power Commission's Order Accepting Rate Schedules For Filing.

In conformity with the requirements of the order issued , 1962, in Docket No. RI61-499, J. C. Trahan, Drilling Contractor, Inc. (Operator), et al. hereby agrees to comply with the terms and conditions of paragraph (C) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereto duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto this day of , 1962.

J. C. Trahan, Drilling Contractor, Inc. (Operator), et al.

By

(E) If Trahan shall, in conformity with the terms and conditions of paragraph (C) of this order, make such refunds as may be required by order of the Commission, the undertaking shall be discharged, otherwise it shall remain in full force and effect.

(F) Trahan is hereby granted temporary authorization for the sale of natural gas to United Gas Pipe Line Company as proposed in Docket No. CI62-796, at the rate of 20.5 cents per Mcf at 15.025 psia, subject to the terms and conditions of this order and the refund provisions of this order relating thereto.

(G) FPC Gas Rate Schedule No. 22 of J. C. Trahan, Drilling Contractor, Inc. (Operator), et al., and Supplements Nos. 1 and 2 thereto are hereby accepted for filing effective as of December 8, 1960; and the rate and charge contained in Supplement No. 1 to Marshall R. Young (Operator), et al. FPC Gas Rate Schedule No. 1 shall be charged and collected commencing November 14, 1961, subject to refund as provided herein, and subject to future orders of the Commission entered in this proceeding.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-5408; Filed, June 4, 1962; 8:45 a.m.]

[Docket No. RP62-7]

MIDWESTERN GAS TRANSMISSION CO.

Order Instituting Investigation and Providing for Hearing

MAY 28, 1962.

Midwestern Gas Transmission Company (Midwestern) was authorized to construct and operate the facilities which currently constitute its Northern System, subject to the terms and conditions set out in Opinion No. 331, and accompanying order issued October 31, 1959, Midwestern Gas Transmission Company, Docket Nos. G-18313, et al.[1] Among other things, paragraph (D) (iv) of that order required that Midwestern, at the end of one year's operating experience, file with the Commission "revised rate schedules based on the company's operating experience and supporting data" whereby the Commission could determine the propriety of the rate differential reflecting lateral line charge under Midwestern's Rate Schedule CD-1 and the propriety of the relative levels of the demand and commodity components of Midwestern's rate schedules.

On December 29, 1961, Midwestern, by letter, informed the Commission that it proposed to retain in effect the present rate schedules for sales on its Northern System and therewith filed certain cost data purporting to support the presently effective rates.

The Commission finds:

(1) Midwestern's tender of December 29, 1961 does not appear to meet the requirements imposed by Opinion 331, issued October 31, 1959 in Docket No. G-18313, et al.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that an investigation be instituted by the Commission, upon its own motion, into and concerning the rates, charges, or classifications demanded, charged, or collected by Midwestern for or in connection with any transportation or sale of natural gas subject to the jurisdiction of the Commission, and any rules, regulations, practices, or contracts affecting such rates, charges or classifications.

The Commission orders:

(A) An investigation of Midwestern be and it hereby is instituted under the provisions of the Natural Gas Act, for the purpose of enabling the Commission to determine with respect to Midwestern's operations, whether in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission, any rates, charges, or classifications demanded, observed, charged, or collected, or any rules, regulations, or contracts affecting such rates, charges, or classifications are unjust, unreasonable, unduly discriminatory, or preferential.

(B) If after hearing has been had, the Commission finds that any rates, charges, or classifications, rules, regulations, practices, or contracts applicable to Midwestern's operations in its Northern System are unjust, unreasonable, unduly discriminatory, or preferential, the Commission shall thereupon determine, fix and prescribe by appropriate order or orders, just, reasonable, non-discriminatory, and non-preferential rates, charges, classifications, rules, regulations, practices, or contracts to be thereafter observed and in force in Midwestern's Northern System.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 5, 14, 15 and 16 thereof, and the Commission's rules of practice and procedure, a public hearing be held at a date later to be designated by notice from the Secretary of the Commission in a hearing room of the Commission at 441 G Street NW., Washington 25, D.C., concerning the matters specified in paragraph (A) above.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 22, 1962.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-5409; Filed, June 4, 1962; 8:46 a.m.]

[1] Opinion No. 331 (22 FPC 775), was modified by orders issued December 29, 1959 (22 FPC 1157) and January 20, 1960 (23 FPC 111), but such modifications are not material to this order.

[Docket No. RI60-116 [1]]

VEM OIL, INC., AND B.W.P., INC.

Order Making Successor in Interest Co-Respondent, Accepting Successor's Corporate Surety Bond, and Redesignating Proceeding

MAY 28, 1962.

On April 3, 1962, B.W.P., Inc. (B.W.P.) and VEM Oil, Inc. (VEM) filed a joint motion requesting (1) that B.W.P. be substituted, effective as of February 1, 1962, for VEM in Docket No. RI60-116 because B.W.P. has acquired all of VEM's rights and obligations covered by VEM's FPC Gas Rate Schedule No. 1, to which Docket No. RI60-116 relates; (2) that B.W.P.'s corporate surety bond, filed concurrently with the joint motion, be accepted to assure refund of any excess charges which might be determined by a final order in Docket No. RI60-116 to have accrued subsequent to 7:00 a.m., February 1, 1962; and (3) that VEM's obligations under its previously accepted corporate surety bond be limited to assuring refund of any excess charges which might be determined by a final order in Docket No. RI60-116 to have accrued prior to 7:00 a.m., February 1, 1962.

Concurrently with the filing of the joint motion to substitute, B.W.P. filed its Certificate of Adoption of Rate Schedule (notice of succession) covering VEM's FPC Gas Rate Schedule No. 1 and Supplements Nos. 1 and 2, thereto. By letter of May 4, 1962, the adoption was accepted for filing, and VEM's FPC Gas Rate Schedule No. 1, as supplemented, was redesignated as B.W.P.'s FPC Gas Rate Schedule No. 1, as supplemented.

In view of the fact that the joint motion requests that B.W.P. be substituted as respondent for VEM without effecting a disposition of the funds collected subject to refund by VEM prior to 7:00 a.m., February 1, 1962, B.W.P. should not be substituted as respondent for VEM, but should be made co-respondent with VEM in Docket No. RI60-116.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act that B.W.P. be made co-respondent with VEM in Docket No. RI60-116, that B.W.P.'s corporate surety bond be accepted for filing and made effective as hereinafter ordered, and that the proceedings in Docket No. RI60-116 be redesignated as VEM Oil, Inc., and B.W.P., Inc.

The Commission orders:

(A) B.W.P., Inc. is hereby joined as co-respondent with VEM Oil, Inc. in the proceeding in Docket No. RI60-116, and said proceeding is hereby redesignated as VEM Oil, Inc., and B.W.P., Inc.

(B) The corporate surety bond submitted by B.W.P., Inc. on April 3, 1962, in Docket No. RI60-116, is hereby accepted for filing, effective as of 7:00 a.m., February 1, 1962, and such bond shall assure refund of any excess charges which might be determined by a final order in Docket No. RI60-116 to have accrued subsequent to 7:00 a.m., February 1, 1962. The bond shall remain in full force and effect until discharged by the Commission.

(C) The corporate surety bond of VEM Oil, Inc., which was previously filed and accepted in Docket No. RI60-116, shall remain in full force and effect until discharged by the Commission, and shall assure refund of any excess charges which might be determined by a final order in Docket No. RI60-116 to have accrued prior to 7:00 a.m., February 1, 1962.

(D) B.W.P., Inc. shall comply with the refunding and reporting procedures required by the Natural Gas Act and § 154.102 of the regulations thereunder.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-5410; Filed, June 4, 1962; 8:46 a.m.]

[1] The proceeding in Docket No. RI60-116 was consolidated with the area rate proceeding in Docket No. AR61-1 by order of the Commission issued December 23, 1960.

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

CERTAIN OFFICIALS

Designation of Acting Community Facilities Commissioner

The designation of Acting Community Facilities Commissioner effective May 19, 1962 (27 F.R. 4792, 5/19/62), is revised to read as follows:

The officers appointed to the following listed positions in the Community Facilities Administration, Housing and Home Finance Agency, are hereby designated to serve as Acting Community Facilities Commissioner during the absence of the Community Facilities Commissioner, with all the powers, functions, and duties delegated or assigned to the Commissioner, provided that no officer is authorized to serve as Acting Community Facilities Commissioner unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Community Facilities Commissioner.
2. Assistant Commissioner (Operations and Standards).
3. Assistant Commissioner (Program Planning).
4. Chief Counsel, CFA.
5. Director, Administrative Management Division.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 5th day of June 1962.

[SEAL] ROBERT C. WEAVER,
Housing and Home Finance Administrator.

[F.R. Doc. 62-5423; Filed, June 4, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 31, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37768: *Petroleum and Petroleum products to Colorado, Wyoming and Utah.* Filed by Southwestern Freight Bureau, Agent (No. B-8221), for interested rail carriers. Rates on petroleum and petroleum products, in packages, in carloads, from Baton Rouge, New Orleans and Reserve, La., to points in Colorado, Utah and Wyoming.

Grounds for relief: Market competition, modified short-line distance formula and grouping.

Tariff: Supplement 178 to Southwestern Freight Bureau tariff I.C.C. 4066.

FSA No. 37769: *Class and commodity rates from and to Deere, Ill.* Filed by Illinois Freight Association, Agent (No. 175), for interested rail carriers. Rates on various commodities (except coal and coke), in carloads and less-than-carloads, between Deere, Ill., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: New station and grouping.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-5411; Filed, June 4, 1962; 8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—JUNE

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PART II

FEDERAL REGISTER

VOLUME 27 NUMBER 108

Washington, Tuesday, June 5, 1962

Amendments to Dangerous Cargo Regulations, Including Military Explosives and Hazardous Munitions

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER N—EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

[CGFR 62-11]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

PART 147—REGULATIONS GOVERNING USE OF DANGEROUS ARTICLES AS SHIPS' STORES AND SUPPLIES ON BOARD VESSELS

Miscellaneous Amendments

Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER on January 23, 1962 (27 F.R. 657-665), and the Merchant Marine Council Public Hearing Agenda, dated March 12, 1962 (CG-249), the Merchant Marine Council held a Public Hearing on March 12, 1962, for the purpose of receiving comments, views and data. The proposals considered were identified as Items I to IX, inclusive. Item I contained the revision of the rules and regulations for military explosives and hazardous munitions and Item II contained miscellaneous changes regarding dangerous cargoes, including ships' stores and supplies. This document is the fourth of a series covering the regulations and actions considered at this public hearing and annual session of the Merchant Marine Council.

In this document are the actions taken with respect to military explosives and hazardous munitions. A number of the comments were received and changes have been made from the proposals in 46 CFR 146.29-25 (fire and fire protection), 146.29-29 (smoking), 146.29-41 (weight per draft), 146.29-89 (portable magazine stowage), and 146.29-100 (classification, handling and stowage chart). The comments requesting that informational material entitled "List of military explosives and hazardous munitions" and "Diagrams showing typical construction requirements" be included in material published in the Code of Federal Regulations were rejected. The reason for this rejection is that material published in the Code of Federal Regulations is subject to special requirements, which provide for the codification of requirements having future force and effect. Publication of informational material in this Code would defeat the purpose for which the Code was established. One comment was received regarding Item II containing miscellaneous dangerous cargo amendments and the provisions in 46 CFR 146.22-30(c)(2) were revised. The proposal to add 46 CFR 146.26-5(b) (CG-249, II, p. 105), regarding application of requirements governing transportation of combustible liquids in portable tanks, is being included in the study of other proposals regarding "portable containers for combustible liquid cargoes." Therefore, this proposal will be studied further by a special committee before taking final action. The proposals in Items I and II as revised are accepted. These proposals were also described in the notice published in the FEDERAL REGISTER on January 23, 1962 (27 F.R. 657-658).

The provisions of R.S. 4472, as amended (46 U.S.C. 170), require that the land and water regulations governing the transportation of dangerous articles or substances shall be as nearly parallel as practical. The provisions in 46 CFR 146.02-18 and 146.02-19 make the Dangerous Cargo Regulations applicable to all shipments of dangerous cargoes by vessels. The Interstate Commerce Commission in Order Nos. 52, 53, and 54 has made changes in the ICC regulations with respect to definitions, descriptive names, classifications, specifications of containers, packing, marking, labeling, and certification for certain dangerous cargoes, which are now in effect for land transportation. Various amendments to the Dangerous Cargo Regulations in 46 CFR Part 146 have been included in this document in order that these regulations governing water transportation of certain dangerous cargoes will be as nearly parallel as practicable with the regulations of the Interstate Commerce Commission which govern the land transportation of the same commodities. For those changes in 46 CFR Part 146, which involved changes other than shippers' requirements, the proposed amendments were considered at the Merchant Marine Council Public Hearing held on March 12, 1962.

The amendments to 46 CFR Part 146, which were not described in the FEDERAL REGISTER of January 23, 1962 (27 F.R. 657-658), are considered to be interpretations of law, or revised requirements to agree with existing ICC regulations, or relaxations of previous requirements, or editorial in nature, and it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule-making procedure thereon, and effective date requirements thereof) is unnecessary with respect to such changes.

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-14, dated November 26, 1954 (19 F.R. 8026), and CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments are prescribed and shall become effective July 1, 1962:

Part 146 is amended as follows:

Subpart—General Regulations

1. Section 146.02-22 is amended by changing paragraph (b) to read as follows:

§ 146.02-22 Preservation of records.

* * * * *

(b) Any records required to be so preserved shall be produced to the Commandant of the Coast Guard or his authorized representative upon his request therefor.

Subpart—Definitions of Words and Terms Contained Within the Regulations in This Subchapter

2. Section 146.03-1 is added to read as follows:

§ 146.03-1 MIN.

The letters "MIN" refer to "Marine Inspection and Navigation", a former Bureau in the Department of Commerce whose functions are now carried out by the Coast Guard.

3. Section 146.03-19 is amended by designating the present text as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 146.03-19 Inside containers.

* * * * *

(b) The inside containers and packing, if required, shall comply with the requirements of the Interstate Commerce Commission Regulations in effect at the time of shipment.

Subpart—List of Explosives or Other Dangerous Articles Containing the Shipping Name or Description of Articles Subject to the Regulations in This Subchapter

4a. Section 146.04-5 is amended by adding certain items as follows:

§ 146.04-5 List of explosives and other dangerous articles and combustible liquids.

Article	Classed as—	Label required [1]
* * *	* * *	* * *
*Aqua ammonia solutions containing anhydrous ammonia	Noninf. G	Green.
* * *	* * *	* * *
Cyclohexanone peroxide not over 50 percent concentration	Oxy. M	Yellow.
Cyclohexanone peroxide over 50 percent concentration but not exceeding 85 percent concentration, dry.	Oxy. M	Yellow.
Cyclohexanone peroxide over 50 percent concentration but not exceeding 85 percent concentration, wet.	Oxy. M	Yellow.
* * *	* * *	* * *
Methyl magnesium bromide in ethyl ether in concentrations not over 40 percent (see: Aluminum triethyl).	Infla. L	Red.
* * *	* * *	* * *
Ortho-nitroaniline (see: nitro-chlorbenzene, meta or para, solid)	Pois. B	Poison.
* * *	* * *	* * *
Phosphorous oxybromide (see: phosphorous oxychloride)	Cor. L	White.
* * *	* * *	* * *
Uranium, normal or depleted, in solid metal form (*not borings, chips or pieces*) (see: § 146.25-25(f)).	Pois. D	Radioactive materials (red special).
* * *	* * *	* * *

[1] Unless otherwise exempt by the provisions of the detailed regulations.

4b. Section 146.04-5 is further amended by changing certain items, as follows:

Article	Classed as—	Label required [1]
* * *	* * *	* * *
Dicumyl peroxide, solid (see: oxidizing materials, N.O.S.)	Oxy. M	Yellow.
* * *	* * *	* * *
*Magnesium, metallic, powdered, pellets, turnings or ribbon	Inf. S	Yellow.
* * *	* * *	* * *
Pyroforic fuel (see: aluminum triethyl)	Inf. L	Red.
Pyroforic solutions (see: aluminum triethyl)	Inf. L	Red.
* * *	* * *	* * *
Zinc ethyl (see: aluminum triethyl)	Inf. L	Red.
* * *	* * *	* * *

[1] Unless otherwise exempt by the provisions of the detailed regulations.

Subpart—Shippers' Requirements Re: Packing, Marking, Labeling and Shipping Papers

5. Section 146.05-5 is amended by adding a new paragraph (j) to read as follows:

§ 146.05-5 I.C.C. specification containers.

* * * * *

(j) Where the regulations require specification ICC-21C fiber drums, specification 21A or 21B fiber drums manufactured prior to June 27, 1962, may be used for commodities and weights for which they were previously authorized until further order of the Interstate Commerce Commission.

6. Section 146.05-17 is amended by changing paragraph (w), and the label by inserting after "Thorium 232" the phrase "or uranium," to read as follows:

§ 146.05-17 Labels.

* * * * *

(w) Radioactive materials, such as magnesium-thorium alloys in formed shapes or uranium, normal or depleted, in solid form.

(Reduced size)
(Red printing and red-line border on white)



Subpart—Vessel's Requirements, Re: Acceptance, Handling, Stowage, Etc.

7. Section 146.06-8 is amended to read as follows:

§ 146.06-8 Handling on board vessels.

Explosives or other dangerous articles or substances shall be handled on board vessels in conformity with the provisions of the detailed regulations preceding each table of the various classifications and provisions set forth for the particular substances as shown in the tables: *Provided, however,* That railroad vehicles, highway vehicles, vans, or portable containers loaded with any permitted explosives or other dangerous articles or substances shall be handled on board the vessel in accordance with the provisions of §§ 146.07-1 to 146.07-40. Highway or railroad vehicles loaded with permitted explosives or other dangerous articles or substances shall be handled on ferry vessels in accordance with the provisions of §§ 146.08-1 to 146.08-55.

Subpart—Railroad or Highway Vehicles Loaded With Dangerous Substances and Transported on Board Vessels

8. Section 146.08-10 is amended by changing the text to read as follows:

§ 146.08-10 Tank containers.

A railroad or highway vehicle to which is attached a tank containing any explosives or other dangerous articles or substances as defined in this subchapter shall not be offered, transported, carried or conveyed on board any passenger ferry vessel unless such explosives or other dangerous articles or substances are specifically permitted by the regulations in this part to be transported, carried or conveyed on board such vessel in this manner and provided there is compliance with the provisions of this part.

Subpart—Barges

§ 146.10-50 [Amendment]

9. Section 146.10-50 *Stowage of explosives or other dangerous articles or substances on board barges* is amended as follows:

1. In column 1, "Substances" under "Poisonous Articles Class 'C'" insert:

Class "D".

2. In column 2, "Label" after "Tear Gas," insert:

"Radioactive Materials".

Subpart—Detailed Regulations Governing Explosives

10. Section 146.20-3 is amended by changing paragraph (q) to read as follows:

§ 146.20-3 Prohibited or not permitted explosives.

* * * * *

(q) New explosives except samples for laboratory examination and military explosives approved by the Chief of Ordnance, Department of the Army; Chief, Bureau of Naval Weapons, Department of the Navy; or Commander, Air Force Systems Command and Commander, Air Force Logistics Command, Department of the Air Force. All other new explosives must be approved for transportation by the Interstate Commerce Commission.

11. Section 146.20-7 is amended by changing paragraphs (k) and (p) to read as follows:

§ 146.20-7 Class A explosives.

* * * * *

(k) *Explosive projectiles.* Explosive projectiles are shells, projectiles, warheads, or rocket heads, loaded with explosives or bursting charges, with or without other materials, for use in can-

nons, guns, tubes, mortars or other firing or launching devices.

• • • • •

(p) *Rocket ammunition.* Rocket ammunition (including guided missiles) consists of a completely assembled unit for launching from a tube, launcher, rails, trough or other launching device, in which the propellant material is a solid propellant explosive. Such unit consists of an igniter, a rocket motor or jet thrust unit, and a warhead, either fuzed or unfuzed, containing high explosives or chemicals.

12. Section 146.20–11 is amended by changing paragraphs (a)(2) and (h) to read as follows:

§ 146.20–11 Class C explosives.

• • • • • •

(a) • • •

(2) Ammunition of caliber less than .75 inch (19.05 millimeters) designed to be fired from machine guns.

• • • • •

(h) Delay electric igniters consist of small metal, fiberboard, pasteboard tubes containing a wire bridge in contact with a small quantity of ignition compound. The ignition compound is in contact with or in close proximity to a short piece of safety fuse.

13. Section 146.20–17 is amended by changing the text to read as follows:

§ 146.20–17 Stowage of explosives in holds containing coal.

Unless specifically authorized by the Commandant of the Coast Guard, explosives shall not be stowed in a hold containing coal, nor shall explosives be stowed in a hold above or adjacent to a hold containing coal.

§ 146.20–100 [Amendment]

14. Section 146.20–100 *Table A—Classification: Class A; dangerous explosives* is amended as follows:

A. Amend "*Ammunition for cannon, nonexplosives*" as follows:

(1) In column 1, delete the present wording and insert:

"Ammunition, nonexplosive."

(2) In column 2, delete the present wording and insert:

Nonexplosive ammunition is defined as a device which contains no explosives or other dangerous articles, such as cartridge cases, dummy or drill cartridges; empty, sand loaded or solid projectiles with or without tracers (containing not in excess of one ounce of tracer composition), empty mines, empty bombs, solid projectiles, empty torpedoes, or practice bombs. It also includes devices containing no explosives, or other dangerous articles, except installed electric squibs, primers, propellants or thermal batteries required for the activation of the device, provided that it has been proven by test that when initiated the full energy release is contained within the outside shipping container. Rotating bands should be protected against deformation by method of packing or loading.

B. After "High explosives (*when containing not more than 75% liquid explosive ingredient*), etc.", insert the following:

(1) In column 1, insert:

High explosives (dynamite) (*when containing not more than 30% liquid explosives ingredient*).

(2) In column 2, insert:

Each outside box must be plainly marked on top and on one side or end: "High Explosives—Dangerous" except ICC–23G which must be so marked on the side or end.

The top of boxes (except ICC–23G) must be marked "This Side Up."

Observe "This Side Up" stowage.

(3) In column 3, insert:

No label required.

(4) In column 4, insert:

Stowage: Magazine.

Outside containers: Wooden boxes (ICC–14, 15A, 16A) WIC, not over 75 lb. gr. wt.

Fiberboard boxes:

(ICC–23G) containing not over one cartridge, gr. wt. not over 65 lb.

(ICC–12H, 23F, 23H) WIC, not over 65 lb. gr. wt.

(ICC–23F, 23H) WIMC, surrounded by nitro-carbo-nitrate, not over 65 lb. gr. wt.

(5) In columns 5, 6, and 7, insert:

Not permitted.

C. Amend "High explosives (*containing no liquid explosive ingredient nor any chlorate*)" as follows:

(1) In column 4, amend the last paragraph to read:

Amatol may also be shipped in: Fiber drums (ICC–21C) net weight not to exceed 200 lb.

D. Amend "High explosives (*wet with not less than 10 pounds of water to each 90 pounds of dry material*)" as follows:

(1) In column 4, under "Authorized only for 'Cyclotrimethylenetrinitramine, wet with 10% water'", change "Fiber drums (ICC–21A, 21B), etc." to read:

Fiber drum (ICC–21C) WIC, not over 225 lb. net dry wt.

§ 146.20–200 [Amendment]

15. Section 146.20–200 *Table B—Classification: Class B; less dangerous explosives* is amended as follows:

A. Amend "Propellant explosives (solid) Class B" as follows:

(1) In column 2, delete paragraph 1 and insert the following:

Propellant explosives (solid) Class B include propellant explosives (solid) for cannon, small arms, rockets, guided missiles, or other devices.

(2) In column 4, amend "Fiberboard boxes", etc. to read as follows:

Fiberboard boxes (ICC–12B, 12H, 23F, 23H) with ICC approved inside containers, not over 65 lb. gr. wt.

(3) In column 4, after "Fiberboard boxes", etc., insert:

Fiber drum (ICC–21C) WIL, not over 225 lb. net wt.

§ 146.20–300 [Amendment]

16. Section 146.20–300 *Table C—Classification: Class C; relatively safe explosives* is amended as follows:

A. Amend "Small-arms ammunition" as follows:

(1) In column 2 first paragraph after ".75", insert:

"(19.05 mm)".

Subpart—Detailed Regulations Governing Inflammable Liquids

17. Section 146.21–65 is amended by changing paragraph (c) (4), (5), and (28) and adding paragraph (c) (36), (37), (38), (39), (40), (41), and (42) as follows:

§ 146.21–65 Limited quantity shipments.

• • • • •

(c) • • •

(4) Aluminum triethyl and mixtures or solutions thereof.

(5) Aluminum trimethyl and mixtures or solutions thereof.

• • • • •

(28) Pyroforic fuel and mixtures or solutions thereof.

• • • • •

(36) Methyl magnesium bromide in ethyl ether in concentrations not over 40 percent.

(37) Triisobutyl aluminum and mixtures and solutions thereof.

(38) Ethyl aluminum sesquichloride and mixtures and solutions thereof.

(39) Diethyl aluminum chloride and mixtures and solutions thereof.

(40) Ethyl aluminum dichloride and mixtures and solutions thereof.

(41) Methyl aluminum sesquichloride and mixtures and solutions thereof.

(42) Methyl aluminum sesquibromide and mixtures or solutions thereof.

18. Section 146.21–100 *Table D—Classification: Inflammable liquids* is amended as follows:

A. Amend the following items as indicated:

1. Acetaldehyde.
2. Acetone, etc.
3. Benzene (benzol), etc.
4. Collodion.
5. Cyclohexane, etc.
6. Diethylamine, etc.
7. Ether, etc.
8. Ethyl formate.
9. Ethyl nitrate (nitric ether).
10. Ethyl nitrite (nitrous ether).
11. Gas drips, hydrocarbon, etc.
12. Hexane.
13. Isooctane, etc.
14. Isopentane, etc.
15. Methyl acetate, etc.
16. Methyl formate.
17. Motor fuel, n.o.s.
18. Neohexane.
19. Pentane, etc.
20. Propylene oxide.
21. Vinylidene chloride, inhibited.

(1) In column 4 under "Outside containers", delete the entry:

Fiber drum (ICC–21B) WIC ICC–2S, etc.

(2) In column 4, amend the entry "Fiber or plywood drums, WIC (ICC–21A, 21B, 22A, 22B) not over 1 gal. cap." to read:

Fiber or plywood drums (ICC–21C, 22A, 22B) WIC not over 1 gal. cap.

B. Amend the following items as indicated:

1. Alcohol, n.o.s., etc.
2. Allyl bromide, etc.
3. Amyl nitrite.
4. Anti-freeze compounds, liquid, etc.
5. Box toe gum.
6. Butyl acetate.
7. Butyraldehyde.
8. Cement, leather, etc.
9. Cigar and cigarette lighter fluid.
10. Coal tar distillate, etc.
11. Compounds cleaning, liquid, etc.

12. Compounds, lacquer, paint or varnish, etc. removing, etc.
13. Compounds, tree or weed killing, liquid.
14. Crotonaldehyde.
15. Crude oil, petroleum.
16. Dimethylamine, aqueous solution, etc.
17. Drugs, chemicals, medicines or cosmetics, n.o.s.
18. Ethyl acetate.
19. Ethylene dichloride.
20. Ethyl methyl ketone, etc.
21. Heptane.
22. Inflammable liquids, n.o.s.
23. Ink.
24. Insecticide, liquid (vermin exterminator).
25. Isopropyl acetate.
26. Methyl iso-propenyl ketone, inhibited.
27. Methyl methacrylate, monomer.
28. Oil, etc.
29. Paints, enamel, lacquer, stain, shellac, etc.
30. Polishes, metal, stove, furniture and wood, liquid.
31. Pyridine.
32. Resin solution (*resin compound, liquid*).
33. Road asphalt or tar, liquid.
34. Sodium methylate, alcohol mixture.
35. Solvents, n.o.s.
36. Toluol (toluene).
37. Turpentine substitutes, etc.
38. Xylol (*xylene*).

(1) In columns 4, 5, 6, and 7, if permitted, amend the entry "Fiber or plywood drums, WIC (ICC–21A, 21B, 22A, 22B) not over 1 gal. cap.", to read:

Fiber or plywood drums (ICC–21C, 22A, 22B) WIC not over 1 gal. cap.

(2) In columns 4, 5, 6, and 7, if permitted, amend the entry "Fiber drum (ICC–21B) WIC ICC–2S, etc.", to read:

Fiber drum (ICC–21C) WIC ICC–2S, ICC–2SL, not over 55 gal. cap.

C. Amend the following items as indicated:

1. Methyl dichlorosilane.
2. Trichlorosilane.

(1) In column 4, under "Steel barrels or drums" amend "ICC–5A, etc.", to read:

(ICC–5A, 5B, 5C) not over 55 gal. cap.

D. Amend "Aluminum triethyl" as follows:

(1) In column 1, add the following after methyl aluminum sesquichloride:

Methyl magnesium bromide in ethyl ether in concentrations not over 40%.
Pyroforic fuel.
Pyroforic solutions.

(2) In column 1, add the following after "Triisobutyl aluminum":

Zinc ethyl.

(3) In column 2, add the following:

Takes fire on contact with air.
Reacts violently on contact with water.

(4) In column 4, delete "containers, etc." and insert:

Outside containers:
Steel barrels or drums:
(ICC–17C) STC, WIMC not over 1 gal. cap. each, not over 35 gal. net contents.
(ICC–37A) STC, WIMC not over 1 gal. cap. each, not over 5 gal. total cap.
Above containers authorized only for pyroforic fuel mixed with solvent.
Cylinders as prescribed for any compressed gas except acetylene.
Tank cars complying with ICC regulations.
Portable tanks (ICC–51) with minimum design pressure of 100 psi, not over 8,000 lb. gr. wt.

(5) In column 4 after "Portable tanks (ICC–51), etc.", insert the following:

Methyl magnesium bromide in ethyl ether in concentrations not over 40% may be shipped as follows:
Metal drums (ICC–17C) STC not over 55 gal. cap.
Fiberboard boxes (ICC–12B) WIC not over 1 qt. cap. ea., over 65 lb. gr. wt.

E. Amend "Lacquer base or lacquer chips, plastic (wet with alcohol or solvent), etc." as follows:

(1) In columns 4, 5, 6, and 7 after "Outside containers," delete the present wording and insert:

Steel barrels or drums:
(ICC–5, 5A, 5B, 5C, 5M) not over 490 lb. gr. wt.
(ICC–6A, 6B, 6C, 6J, 6K) not over 490 lb. gr. wt.
(ICC–17C, 17E, 17H) STC not over 490 lb. gr. wt.
(ICC–37A, 37B) STC not over 480 lb. gr. wt. for 37A; 490 lb. gr. wt. for 37B.
(ICC–37P) NRC, not over 5 gal. cap.
Aluminum barrels or drums: (ICC–42B, 42C) not over 490 lb. gr. wt.
Wooden barrels or kegs:
(ICC–10A, 10B) not over 490 lb. gr. wt.
(ICC–11A, 11B) WIC, not over 490 lb. gr. wt.
Wooden boxes: (ICC–15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap.
Fiberboard boxes: (ICC–12A, 12B, 12E) WIC, not over 65 lb. gr. wt.
Fiber or plywood drums: (ICC–21C, 22A, 22B) WIC not over 1 gal. cap.
Cylinders as prescribed for any compressed gas except acetylene.

F. Amend the following items as indicated:

1. Pyroforic fuel.
2. Pyroforic solutions.
3. Zinc ethyl.

(1) In column 1, delete the entry and all wording appearing in columns 2, 3, 4, 5, 6, and 7 pertaining thereto.

G. Amend "Wet nitrocellulose colloided, granular or flake (must contain at least 20% by weight of alcohol or a solvent with flashpoint not lower than 30° F.), etc." as follows:

(1) In column 4 under "Outside containers," delete the present wording and insert:

Steel barrels or drums:
(ICC–5, 5A, 5B, 5C, 5M) not over 490 lb. gr. wt.
(ICC–6A, 6B, 6C, 6J, 6K) not over 490 lb. gr. wt.
(ICC–17C, 17E, 17H) STC not over 490 lb. gr. wt.
(ICC–37A, 37B) STC not over 480 lb. gr. wt. for 37A; 490 lb. gr. wt. for 37B.
(ICC–37P) NRC, not over 5 gal. cap.
Aluminum barrels or drums: (ICC–42B, 42C) not over 490 lb. gr. wt.
Wooden barrels or kegs:
(ICC–10A, 10B) not over 490 lb. gr. wt.
(ICC–11A, 11B) WIC, not over 490 lb. gr. wt.
Wooden boxes: (ICC–15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap.
Fiberboard boxes: (ICC–12A, 12B, 12E) WIC, not over 65 lb. gr. wt.
Fiber or plywood drums: (ICC–21C, 22A, 22B) WIC not over 1 gal. cap.
Cylinders as prescribed for any compressed gas except acetylene.
Authorized only for nitrocellulose or collodion cotton, fibrous wet, or colloided nitrocellulose, granular or flake wet:
Aluminum barrels or drums (ICC–42F) not over 490 lb. gr. wt.

Subpart—Detailed Regulations Governing Inflammable Solids and Oxidizing Materials

19. Section 146.22–25 is amended by adding an item to paragraph (d) as follows:

§ 146.22–25 Exemptions for inflammable solids and oxidizing materials.

• • • • •

(d) • • •

Cyclohexanone peroxide over 50% concentration but not exceeding 85% concentration.

• • • • •

20. Section 146.22–30 is amended by changing paragraph (c)(2) to read as follows:

§ 146.22–30 Authorization to load or discharge ammonium nitrate and ammonium nitrate fertilizers.

• • • • •

(c) • • •

(2) Ammonium nitrate and ammonium nitrate products (prills, crystals, grains or flakes) containing 90 percent or more ammonium nitrate by weight with no organic coating, including fertilizer grade, dynamite grade, nitrous oxide grade and technical grade, and ammonium nitrate phosphate (60 percent or more ammonium nitrate by weight) with no organic coating, packaged in ICC or nonspecification metal barrels or drums may be loaded or discharged at any waterfront facility which conforms to port security and local regulations. No permit is required for this transaction. The ICC or nonspecification metal barrels or drums may contain the ammonium nitrate products packaged in ICC approved plastic bags or the metal barrels or drums may contain an ICC approved plastic liner.

• • • • •

§ 146.22–100 [Amendment]

21. Section 146.22–100 *Table E—Classification: Inflammable solids and oxidizing materials* is amended as follows:

A. Amend the following items as indicated:

1. Barium peroxide.
2. Calcium, metallic.
3. Calcium peroxide.
4. Compounds, tree or weed killing, solid.
5. Drugs, chemicals, medicines, or cosmetics, n.o.s.
6. Inflammable solids, n.o.s., etc.
7. Lacquer base, or lacquer chips (nitrocellulose base).
8. Lithium peroxide.
9. Magnesium peroxide, solid.
10. Motion-picture film, old and worn out (nitrocellulose base).
11. Oxidizing materials, n.o.s.
12. *Perchlorates*, etc.
13. *Permanganates*, etc.
14. Potassium bromate.
15. Potassium nitrite.
16. Potassium peroxide.
17. Pyroxylin plastics, in sheets, rolls, rods, or tubes, etc.
18. Pyroxylin plastic scrap.
19. Rubber buffings, etc.
20. Sodium bromate.

21. Sodium methylate, dry.
22. Strontium peroxide.
23. Zinc peroxide.

(1) In columns 4, 5, 6, and 7, where applicable, delete "Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt." and insert in lieu thereof:

Fiber drum (ICC–21C) not over 225 lb. net wt.

B. Amend "Ammonium bichromate" as follows:

(1) In columns, 4, 5, 6, and 7, change "Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt." to read:

Fiber drum (ICC–21C) not over 400 lb. net wt.

C. Amend "Calcium hypochlorite compounds, dry, etc." as follows:

(1) In columns 4, 5, 6, and 7, change "Fiber drums (ICC–21B) WIL, etc." to read:

Fiber drum (ICC–21C) WIL not over 400 lb. net wt.

D. Amend "*Chlorates*, etc." as follows:

(1) In column 4, change "Fiber drums (ICC–21A, 21B), etc." to read:

Fiber drum (ICC–21C) WIMC ICC–2F not over 225 lb. net wt.

(2) In column 4, change "Plywood drums (ICC–22A, 22B) etc." to read:

Plywood drums (ICC–22A, 22B) WIMC ICC–2F not over 225 lb. net wt.

E. After "Cumene hydroperoxide (*strength not exceeding 90% in a nonvolatile solvent*), insert the following:

(1) In column 1, insert:

Cyclohexanone peroxide, not over 50% concentration.

(2) In column 2, insert:

Thick grayish white paste.
Organic peroxide compounded with nonvolatile solvent.
Keep cool.
Do not stow with explosives, acids or combustible materials.

(3) In column 3, insert:

Yellow.

(4) In column 4, insert:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks readily accessible."
Outside containers:
Steel barrels or drums:
(ICC–6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt.
(ICC–6B, 6C) not over 110 gal. cap. and not exceeding 1,760 lb. gr. wt.
(ICC–17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap.
Wooden barrels or kegs:
(ICC–10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt.
(ICC–11A, 11B), WIC, not over 600 lb. net wt.
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt.
Fiberboard boxes (ICC–12A, 12B) WIC, not over 65 lb. gr. wt.
Fiber drum (ICC–21C) not over 225 lb. net wt.
Plywood drums:
(ICC–22A) not over 225 lb. gr. wt.
(ICC–22B) WIMC, not over 225 lb. gr. wt.

(5) In column 5, insert:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks readily accessible."
Outside containers.
Steel barrels or drums: (ICC–6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt.
Wooden barrels or kegs: (ICC–11A, 11B) WIC, not over 600 lb. net. wt.
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt.
Fiberboard boxes (ICC–12A, 12B) WIC, not over 65 lb. gr. wt.

(6) In column 6, insert:

Ferry stowage (AA).
Outside containers:
Steel barrels or drums:
(ICC–6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt.
(ICC–6B, 6C) not over 110 gal. cap. and not exceeding 1,760 lb. gr. wt.
(ICC–17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap.
Wooden barrels or kegs:
(ICC–10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt.
(ICC–11A, 11B) WIC, not over 600 lb. net wt.
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt.
Fiberboard boxes (ICC–12A, 12B) WIC, not over 65 lb. gr. wt.
Fiber drum (ICC–21C) not over 225 lb. net wt.
Plywood drums:
(ICC–22A) not over 225 lb. gr. wt.
(ICC–22B) WIMC, not over 225 lb. gr. wt.

(7) In column 7, insert:

Ferry stowage (BB).
Outside containers:
Steel barrels or drums:
(ICC–6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt.
(ICC–6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt.
(ICC–17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap.
Wooden barrels or kegs:
(ICC–10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt.
(ICC–11A, 11B) WIC, not over 600 lb. net wt.
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt.
Fiberboard boxes (ICC–12A, 12B) WIC, not over 65 lb. gr. wt.
Fiber drum (ICC–21C) not over 225 pounds net wt.
Plywood drums:
(ICC–22A) not over 225 lb. gr. wt.
(ICC–22B) WIMC, not over 225 lb. gr. wt.

F. After "Cyclohexanone peroxide not over 50% concentration", insert the following:

(1) In column 1, insert:

Cyclohexanone peroxide over 50% concentration but not exceeding 85% concentration, dry.

(2) In column 2, insert:

White granules.
Organic peroxide compounded with a nonvolatile solvent.
Flammable, burns rapidly when ignited.
Keep cool.
Do not stow with combustible materials, explosives or acids.

(3) In column 3, insert:

Yellow.

(4) In column 4, insert:

Stowage:
"On deck protected."
"On deck under cover."
Outside containers:
Wooden boxes (ICC–15A, 15B) WIC not over 1 lb. cap. each, not over 50 lb. net wt.
Fiberboard box (ICC–12B) WIC not over 1 lb. cap. each, not over 50 lb. net wt.

(5) In column 5, insert:

Stowage: "On deck under cover."
Outside containers:
Wooden boxes (ICC–15A, 15B) WIC not over 1 lb. cap, each, not over 50 lb. net wt.
Fiberboard box (ICC–12B) WIC not over 1 lb. cap. each, not over 50 lb. net wt.

(6) In column 6, insert:

Ferry stowage (AA).
Outside containers:
Wooden boxes (ICC–15A, 15B) WIC not over 1 lb. cap. each, not over 50 lb. net wt.
Fiberboard box (ICC–12B) WIC not over 1 lb. cap. each, not over 50 lb. net wt.

(7) In column 7, insert:

Ferry stowage (BB).
Outside containers:
Wooden boxes (ICC–15A, 15B) WIC not over 1 lb. cap. each, not over 50 lb. net wt.
Fiberboard box (ICC–12B) WIC not over 1 lb. cap. each, not over 50 lb. net wt.

G. After "Cyclohexanone peroxide over 50% concentration but not exceeding 85% concentration, dry", insert the following:

(1) In column 1, insert:

Cyclohexanone peroxide over 50% concentration but not exceeding 85% concentration, wet.

(2) In column 2, insert:

Organic peroxide wet with water.
Keep cool.
Do not stow with combustible materials, explosives or acids.

(3) In column 3, insert:

Yellow.

(4) In column 4, insert:

Stowage:
"On deck protected."
"On deck under cover."
Outside containers:
Wooden boxes (ICC–15A, 15B, 15C) WIMC not over 1 lb. cap. each, not over 200 lb. gr.wt.
Fiberboard box (ICC–12B) WIC not over 1 lb. cap. each, not over 50 lb. net wt.
Fiber drum (ICC–21C) WIC of plastic, not over 50 lb. net wt.

(5) In column 5, insert:

Stowage:
"On deck protected."
"On deck under cover."
Outside containers:
Wooden boxes (ICC–15A, 15B, 15C) WIMC not over 1 lb. cap. each, not over 200 lb. gr. wt.
Fiberboard box (ICC–12B) WIC not over 1 lb. cap. each, not over 50 lb. net wt.
Fiber drum (ICC–21C) WIC of plastic, not over 50 lb. net wt.

(6) In column 6, insert:

Ferry stowage (AA).
Outside containers:
Wooden boxes (ICC–15A, 15B, 15C) WIMC not over 1 lb. cap. each, not over 200 lb. gr. wt.
Fiberboard box (ICC–12B) WIC not over 1 lb. cap. each, not over 50 lb. net wt.
Fiber drum (ICC–21C) WIC of plastic, not over 50 lb. net wt.

(7) In column 7, insert:

Ferry stowage (BB).
Outside containers:

Wooden boxes (ICC–15A, 15B, 15C) WIMC not over 1 lb. cap. each, not over 200 lb. gr. wt.
Fiberboard box (ICC–12B) WIC not over 1 lb. cap. each, not over 50 lb. net wt.
Fiber drum (ICC–21C) WIC of plastic, not over 50 lb. net wt.

H. The item "Dimethylhexane dihydroperoxide, dry" is amended as follows:

(1) In columns 4, 5, 6, and 7, insert:

Fiber drum (ICC–21C) WIC of plastic, not over 100 lb. net wt.

I. The item "Dimethylhexane dihydroperoxide, wet (*wet with at least 30% of water by weight*)" is amended as follows:

(1) In columns 4, 5, 6 and 7, insert:

Fiberboard box (ICC–12B) WIC, not over 1 lb. cap. each, not over 50 lb. net wt.
Fiber drum (ICC–21C) WIC of plastic, not over 100 lb. net wt.

J. Amend "Lauroyl peroxide, dry" as follows:

(1) In columns 4, 5, 6 and 7, change "Fiber drums (ICC–21A, 21B), etc." to read:

Fiber drum (ICC–21C) not over 100 lb. net wt.

K. Amend "Lithium amide, powered" as follows:

(1) In columns 4, 6 and 7, change "Fiber drums (ICC–21A, 21B), etc." to read:

Fiber drum (ICC–21C) WIMC ICC–2F not over 225 lb. net wt.

L. Amend "Magnesium metallic, powder" as follows:

(1) In column 1, delete "Magnesium metallic, powder" and insert:

Magnesium, metallic (other than scrap), powdered, pellets, turnings, or ribbon.

(2) In column 2, delete "*A white metal, in the form of powder*" and insert in lieu thereof:

A white metal (other than scrap) which may be in the form of powder, pellets, turnings, or ribbons.

(3) In column 2, delete "*It is highly inflammable, burning with intense heat and light*" and insert in lieu thereof:

In finely divided form is easily ignited and burns with intense heat and light.

(4) In column 4, delete all after "Outside containers" and insert:

Steel barrels or drums:
(ICC–6A) not over 55 gal. cap.
(ICC–6B) not over 110 gal. cap.
(ICC–17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap.
Wooden barrels or kegs:
(ICC–10A, 10B, 10C) not over 50 gal. cap.
(ICC–11A, 11B) WIC or WIML ICC–2F not over 600 lb. net wt.
Wooden boxes:
(ICC–15A, 15B) WIL (ICC–2F or 2M) not over 250 lb. gr. wt.
(ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt.
Fiberboard boxes:
(ICC–12A) WIC glass not over 5 lb. cap. ea. not over 20 lb. net wt.
(ICC–12B) WIC not over 65 lb. gr. wt.
(ICC–12B) WIC plastic not over 25 lb. net wt.
Fiber drum: (ICC–21C) not over 225 lb. net wt.
Plywood drums:
(ICC–22A) not over 220 lb. gr. wt.
(ICC–22B) WIMC, not over 220 lb. gr. wt.

M. Amend the item "Matches, book, etc." as follows:

(1) In columns 4, 5, 6 and 7, change last paragraph to read:

Book matches or strike-on-box matches in a quantity not exceeding 25 books or boxes of not over 35 matches each, packaged as required by the Postal Regulations, are also exempt from the marking requirements.

N. Amend "Phosphorus, white or yellow, in water" as follows:

(1) In column 4, after "Wooden boxes, etc.", insert the following:

Mailing tube (ICC–29) WIC not over 100 gm. net wt. of phosphorus.

O. Amend "Potassium sulphide (fused or concentrated, when ground), etc." as follows:

(1) In columns 4, 5, 6 and 7, under "Outside containers" add:

Fiber drum (ICC–21C) not over 250 lb. net wt.

P. Amend "Sodium hydrosulphite" as follows:

(1) In columns 4, 5, 6 and 7, change "Fiber drums (ICC–21A, 21B), etc." to read:

Fiber drum (ICC–21C) WIMC not over 225 lb. net wt.

Q. Amend "Sodium nitrite" as follows:

(1) In columns 4, 5, 6 and 7, change "Fiber drums (ICC–21A, 21B) not over 425 lb. gr. wt." to read:

Fiber drum (ICC–21C) not over 400 lb. net wt.

R. Amend "Urea peroxide" as follows:

(1) In column 4, change "Fiber drums coated, etc." to read:

Fiber drum (ICC–21C) coated on inside with a suitable wax not over 225 lb. net wt.

Subpart—Detailed Regulations Governing Corrosive Liquids

22. Section 146.23–30 is amended by adding an entry to the list in paragraph (c) to read as follows:

§ 146.23–30 Exemptions for corrosive liquids.

* * * * * * *

(c) * * *

Phosphorus oxybromide.

23. Section 146.23–100 *Table F—Classification: Corrosive liquids* is amended as follows:

A. Amend the following items as indicated:

1. Acids, liquids, n.o.s.
2. Alkaline battery fluid, etc.
3. Antimony pentachloride solution.
4. Boiler compound, liquid.
5. Caustic potash, liquid, etc.
6. Chromic acid solution.
7. Compounds, cleaning, liquid, etc.
8. Corrosive liquid, n.o.s.
9. Cuprietylene-diamine solution.
10. Drugs, chemicals, medicines or cosmetics, n.o.s., etc.
11. Formic acid, etc.
12. Hexamethylene diamine solution.
13. Hydriodic acid.
14. Sodium aluminate, liquid.
15. Water treatment compound, liquid.

(1) In columns 4, 5, 6, and 7, where applicable, under "Wooden barrels or kegs" delete "(ICC–10A) asphalt lined, not over 50 gal. cap." and insert in lieu thereof:

(ICC–10A) asphalt, paraffin, or wax lined not over 50 gal. cap.

(2) In columns 4, 5, 6 and 7, where applicable, delete "Fiber drum (ICC–21B), etc." and insert in lieu thereof:

Fiber drum (ICC–21C) WIC (ICC–2S, 2SL, 2U) not over 30 gal. cap.

B. Amend "Compounds, cleaning liquid (containing hydrofluoric acid), etc." as follows:

(1) In column 4, under "Outside containers", add the following:

Fiber drum (ICC–21C) WIC (ICC–2U) not over 30 gal. cap.

C. Amend "Fire extinguisher charges, etc." as follows:

(1) In columns 4, 5, 6 and 7, change "Fiber drums, etc." to read:

Fiber drum (ICC–21C) WIC, not over 35 lb. gr. wt.

D. Amend "Hydrobromic acid" as follows:

(1) In columns 4 and 7 after "For hydrobromic acid greater than 49% strength but not over 63% strength," add the following:

Steel drum (ICC–6J) WIC (ICC–2S polyethylene) not over 55 gal. cap.

E. Amend the following items as indicated:

1. Hydrochloric (muriatic) acid, etc.
2. Sodium chlorite solution, etc.

(1) In columns 4, 5, 6, and 7, change "Fiber drums, etc." to read:

Fiber drum (ICC–21C) WIC (ICC–2T, 2S, 2SL, 2U) not over 225 lb. gr. wt.

F. Amend "Hydrofluoric acid" as follows.

(1) In column 4 after "Hydrofluoric acid, not over 55% strength, etc.", add the following:

Hydrofluoric acid, not over 70% strength: Fiberboard boxes (ICC–12A, 12B) WIC polyethylene not over 1 gal. cap. ea.; ICC–12A, not over 80 lb. gr. wt.; ICC–12B, not over 65 lb. gr. wt.

G. Amend "Hydrofluosilicic acid, etc." as follows:

(1) In column 4, change "Fiber drum (ICC–21B) etc." to read:

Fiber drum (ICC–21C) WIC (ICC–2S, 2SL, 2U) not over 225 lb. gr. wt.

H. Amend "Hydrogen peroxide, etc." as follows:

(1) In column 4 after "Solution not over 52% strength by weight," insert the following:

Steel barrels or drums: (ICC–6J, 37A) STC, WIC (ICC–2S, 2SL) not over 55 gal. cap.

(2) In column 4, delete "Metal drums (ICC–6J) WIC (ICC–2S polyethylene) not over 55 gal. cap."

(I) Amend "Phosphorus oxychloride" as follows:

(1) In column 1 after "Phosphorus oxychloride," insert the following:

Phosphorus oxybromide.

(J) Amend "Phosphorus trichloride" as follows:

(1) In column 4 under "Steel barrels or drums", add the following:

(ICC–17C) STC, WIL, not over 55 gal. cap.

(K) Amend "Sulfuric acid (oil of vitriol) etc." as follows:

(1) In columns 4, 6, and 7 under "For sulfuric acid of concentration not to exceed 95%, etc.", change "Fiber drums (ICC–21B) etc." to read:

Fiber drum (ICC–21C) WIC (ICC–2T polyethylene) not over 150 lb. gr. wt.

Subpart—Detailed Regulations Governing Compressed Gases

24. Section 146.24–100 *Table G—Classification: Compressed gases* is amended as follows:

A. After "Anhydrous ammonia, etc.", insert the following:

(1) In column 1, insert:

Aqua ammonia solution containing anhydrous ammonia.

(2) In column 2, insert:

Nonflammable gas.
Toxic and suffocating even in small quantities.
Lighter than air.

(3) In column 3, insert:

Green gas.

(4) In column 4, insert:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks readily accessible."
"Under deck away from heat."
Containers: Cylinders complying with ICC Regulations (with valve protection cap) (with dished heads) (boxed).
Tank cars complying with ICC Regulations.

(5) In column 5, insert:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks readily accessible."
Containers: Cylinders complying with ICC Regulations (with valve protection cap) (with dished heads) (boxed).

(6) In column 6, insert:

Ferry stowage (AA).
Containers: Cylinders complying with ICC Regulations (with valve protection cap) (with dished heads) (boxed).
Tank motor vehicles complying with ICC Regulations.

(7) In column 7, insert:

Ferry stowage (BB).
Containers:
Cylinders complying with ICC Regulations.
Tank cars complying with ICC Regulations.

B. Delete the eight entries for "Liquefied petroleum gas" and all wording in columns 2, 3, 4, 5, 6 and 7 pertaining thereto. Insert the following in lieu thereof:

(1) In column 1, insert:

Liquefied petroleum gas.

(2) In column 2, insert:

Inflammable gas.
Heavier than air.
Mixtures in air in certain proportions will be inflammable and explosive.
Predominant components are generally butanes (normal butane or isobutane), propane, propylene, butylenes and butadiene.

(3) In column 3, insert:

Red gas.

(4) In column 4, insert:

Stowage:
"On deck protected."
"On deck under cover."
Containers:
ICC specification cylinders complying with ICC requirements for the vapor pressure of the gas and filled according to ICC regulations. Cylinders shall have valve protection caps, dished heads or be boxed.
Portable tanks, ICC–51 not over 20,000 lb. gr. wt. or Coast Guard approved. The vapor pressure of the lading at 115° F. shall not exceed the design pressure of the portable containers.
Tank cars complying with ICC regulations for vapor pressure of the gas.
Tank motor vehicle complying with ICC regulations for vapor preasure of the gas.

(5) In column 5, insert:

Stowage:
"On deck protected."
"On deck under cover."
Containers: ICC specification cylinders complying with ICC requirements for the vapor preasure of the gas and filled according to ICC regulations. Cylinders shall have valve protection caps, dished heads or be boxed.

(6) In column 6, insert:

Ferry stowage (AA).
Containers: ICC specification cylinders complying with ICC requirements for the vapor pressure of the gas and filled according to ICC regulations. Cylinders shall have valve protection caps, dished heads or be boxed.

(7) In column 7, insert:

Ferry stowage (BB).
Containers:
ICC specification cylinders complying with ICC requirements for the vapor pressure of the gas and filled according to ICC regulations. Cylinders shall have valve protection caps, dished heads or be boxed.
Tank cars complying with ICC regulations.

Subpart—Detailed Regulations Governing Poisonous Articles

25. Section 146.25–25 is amended by changing the text of paragraph (c) and by adding a new paragraph (f) to read as follows:

§ 146.25–25 Exemptions for radioactive materials.

• • • • •

(c) Radioactive materials such as ores, residues, salts of natural uranium and thorium, etc. of low activity, packed in strong tight containers, are exempt from specification packaging, marking other than name of contents, and labeling requirements for transportation on board vessels only if the gamma radiation or equivalent in any area of habitual occupancy is such that a person continually present in such an area would not be likely to receive a whole body dose of more than 500 milliroentgens a year. The consignor or consignee shall advise the person in charge of loading or discharging of the hazards of the cargo and the regulations pertaining thereto.

• • • • •

(f) Uranium, normal or depleted, in solid form (not borings, chips, or pieces) must be packed in strong, tight, wooden or plywood boxes and as such are exempt from specification packaging. Boxes weighing more than 500 lb. must be mounted on skids. Each box shall bear the radioactive materials label as prescribed in § 146.05–17(w) unless exempted under paragraph (a) or (b) of this section.

26. Section 146.25–35 is amended by changing paragraphs (a) and (b) to read as follows:

§ 146.25–35 Stowage and handling of radioactive materials on board vessels.

(a) All containers of radioactive materials stowed on board a vessel must be efficiently lashed, chocked, or braced to prevent sifting or leakage by movement of the containers in any direction. Radioactive materials shall be stowed aboard ship in areas as remote as possible from regularly occupied working spaces such as the wheelhouse, crew or passenger quarters, enginerooms, passageways, etc. In no case shall radioactive materials be stowed closer than the minimum distances provided in the following table 146.25–35:

TABLE 146.25–35—CARRIAGE BY SEA OF PACKAGES CONTAINING RADIOACTIVE MATERIALS

Total number of radiation units shown on the packages	Minimum distance [1] in feet (meters in parentheses) which must separate radioactive materials from living accommodation or regularly occupied working space			
	A	B [2]	C [2]	D [2]
Up to 1	10 (3)	10 (3)	10 (3)	15 (4.5)
2 to 5	25 (7.5)	10 (3)	10 (3)	15 (4.5)
6 to 10	35 (10.5)	15 (4.5)	10 (3)	15 (4.5)
11 to 25	60 (18)	20 (6)	10 (3)	15 (4.5)
26 to 50	90 (27)	30 (9)	10 (3)	15 (4.5)
51 to 100	135 (40.5)	40 (12)	10 (3)	15 (4.5)
101 to 200	195 (58.5)	55 (16.5)	10 (3)	15 (4.5)
201 to 300	235 (70.5)	70 (21)	10 (3)	15 (4.5)
301 to 400	265 (79.5)	80 (24)	15 (4.5)	15 (4.5)

Column A: No intervening cargo or bulkheads screening the radioactive materials from the living accommodation or regularly occupied working space.

Column B: The radioactive materials to be surrounded by at least 2 feet (0.6 m) of cargo of unit density [3] and at least one steel bulkhead between the radioactive materials and the living accommodation or regularly occupied working space.

Column C: The radioactive materials to be surrounded by at least 6 feet (2 m) of cargo of unit density [3] and at least two steel bulkheads between the radioactive materials and the living accommodation or regularly occupied working space.

Column D: The radioactive materials to be surrounded by at least 14 feet (4.2 m) of cargo of unit density and at least two steel bulkheads between the radioactive materials and the living accommodation or regularly occupied working space.

[1] Minimum distance means the minimum permissible in any direction, whether vertical or horizontal.

[2] NOTE.—In column B, C, or D, shielding thicknesses of surrounding cargo are included in the separation distances.

[3] Cargo of unit density means cargo stowed at a density of 62.5 lbs./cu. ft. Where the density is less than this, the depth of cargo specified in the notes on columns B, C, and D, i.e. 2 ft., 6 ft., and 14 ft. must be increased in proportion.

(b) No person shall remain unnecessarily in a hold or compartment or close to a hold, compartment, or deck cargo space containing radioactive materials and the shipper must furnish the carrier with such information and equipment as is necessary for the protection of the carrier's employees, stevedores, or other persons engaged in the handling of such cargo. In no instance shall any person who must necessarily remain in a hold, compartment, or deck cargo space containing radioactive material be exposed to a total of more than 100 milliroentgens of gamma radiation or equivalent in any 7-day period, provided further that a maximum whole body dose of 500 milliroentgens per year is not exceeded.

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No. 108—Pt. II——2

27. Section 146.25–200 *Table H—Classification: Class B; less dangerous poisons* is amended by revising various items as follows:

A. Amend the following items as indicated:

1. Acetone cyanhydrin.
2. Alcohol allyl, etc.
3. Arsenic acid, liquid.
4. Arsenic chloride (arsenous), liquid, etc.
5. Arsenical compounds or mixtures, n.o.s. liquid, etc.
6. Carbolic acid (phenol) liquid, etc.
7. Compounds, tree or weed killing, liquid.
8. Dinitrobenzol, liquid.
9. Dinitrophenol solutions.
10. Drugs, chemicals, medicines or cosmetics, n.o.s. liquid.
11. Insecticide, liquid.
12. Mercuric iodide solution.
13. Nicotine hydrochloride, etc.
14. Nitrobenzol, liquid (oil of mirbane) etc.
15. Nitroxylol.
16. Poisonous liquids, n.o.s., etc.
17. Parathion, liquid, etc.
18. Sodium arsenite (solution liquid).
19. Tetraethyl pyrophosphate, liquid, etc.

(1) In columns 4, 5, 6 and 7, where applicable, delete "Fiber drums (ICC–21B) WIC, etc." and insert:

Fiber drum (ICC–21C) WIC, glass, not over 1 gal. cap. each, total gr. wt. not over 225 lb.

B. Amend the following items as indicated:

1. Aldrin mixtures, dry, with more than 65% aldrin, etc.
2. Ammonium arsenate, solid.
3. Arsenic acid, solid, etc.
4. Arsenic bromide, solid, etc.
5. Arsenic sulfide (powder) solid.
6. Arsenical compounds or mixtures, n.o.s. solid.
7. Bordeau arsenites, solid, etc.
8. Cocculus, solid (*fishberry*), etc.
9. Cyanides or cyanide mixtures, dry, etc.
10. Dinitrobenzol, solid, etc.
11. Drugs, chemicals, medicines or cosmetics, n.o.s. solid.
12. Ferric arsenate, solid, etc.
13. Insecticide, dry, etc.
14. Lead arsenate, solid, etc.
15. *Mercury compounds, solid,* etc.
16. *Mercury compounds, solid*—continued.
17. Nicotine salicylate, etc.
18. Poisonous solids, n.o.s.
19. Potassium arsenate, solid, etc.
20. Thallium salts, solid, etc.
21. Zinc arsenate, etc.

(1) In columns 4, 5, 6, and 7, where applicable, under "Fiber drums" delete "ICC–21A, etc." and "ICC–21B, etc." and insert in lieu:

Fiber drum (ICC–21C) not over 225 lb. net wt.

(2) In columns 4, 5, 6 and 7, where applicable, change "Fiberboard boxes (ICC–12A, 12B, 12C) etc." to read:

Fiberboard boxes (ICC–12B, 12C) WIC, not over 50 lb. net wt.

(3) In columns 4, 5, 6 and 7, where permitted, insert:

Fiberboard box (ICC–12A) WIC, glass, not over 5 lb. cap. each; not over 20 lb. net cap. total.

C. Amend "Aldrin mixtures, liquid, with more than 60% aldrin" as follows:

(1) In columns 4, 5, 6, and 7, after "Fiberboard boxes: etc." insert:

Fiber drum (ICC–21C) WIC, glass, not over 1 gal. cap. each; total gr. wt. not over 225 lb.

D. Amend "Beryllium metal powder" as follows:

(1) In columns 4, 5, 6, and 7, under "Fiber drums" change "(ICC–21A), etc." and "(ICC–21B), etc." to read:

(ICC–21C) WIC, glass or metal not over 25 lb. cap. each, not over 225 lb. net wt.

E. Amend "Motor fuel antiknock compound" as follows:

(1) In column 2, delete paragraph 1 and insert the following in lieu thereof:

A mixture of one or more organic lead compounds such as tetraethyl lead, triethylmethyl lead, diethyldimethyl lead, ethyltrimethyl lead, and tetramethyl lead, with one or more halogen compounds such as ethylene dibromide and ethylene dichloride, or hydrocarbon solvents.

F. Amend "Nitrochlorbenzene, meta or para, solid, etc." as follows:

(1) In column 1, delete "Paranitraniline, etc." and insert the following:

Nitroaniline, ortho and para, solid.

(2) In column 2, delete "Yellow crystalline powder" and insert:

Ortho-nitroaniline is in the form of orange-red needles.
Para-nitroaniline is in the form of yellow needles.

(3) In column 4, under "Fiber drums" delete "(ICC–21A), etc." and "(ICC–21B), etc." and insert:

Authorized for nitroaniline, ortho and para, and nitrochlorbenzene, para, flaked: (ICC–21C) not over 400 lb. net wt.

G. Amend the following items as indicated:

1. Parathion mixtures, liquid (*containing not more than 50% parathion by weight*), etc.
2. Tetraethyl pyrophosphate mixtures, liquid (*containing not more than 50% tetraethyl pyrophosphate* by weight), etc.

(1) In columns 4, 5, 6, and 7, after "Fiberboard boxes (ICC–12B), etc." insert:

Fiberboard box (ICC–12A) WIC metal not over 1 gal. cap. each, not over 65 lb. gr. wt.

(2) In columns 4, 5, 6, and 7, delete "Fiber drums (ICC–21B) WIC, etc." and insert:

Fiber drum (ICC–21C) WIC glass, not over 1 gal. cap. each; total gr. wt. not over 225 lb.

H. Amend the following items as indicated:

1. Parathion mixtures, dry, etc.
2. Tetraethyl pyrophosphate mixture, dry, etc.

(1) In columns 4, 5, 6, and 7, under "Authorized for dry mixtures not exceeding 50% by weight, etc." change "(ICC–21A, 21B), etc." to read:

(ICC–21C) not over 225 lb. net wt.

(2) In columns 4, 5, 6, and 7, under "Authorized for dry mixtures not exceeding 15% by weight" insert:

Fiberboard box (ICC–12B) WIC, not over 50 lb. net wt.

28. Section 146.25–400 *Table H—Classification: Class D; radioactive materials* is amended as follows:

A. Amend the following items as indicated:

1. Radioactive materials, groups I and II, etc.
2. Radioactive materials, group III, etc.

(1) In columns 4, 5, 6, and 7, under "Fiber drums" change "(ICC–21A, 21B) WIC" to read:

(ICC–21C) not over 225 lb. net wt.

Subpart—Detailed Regulations Governing Hazardous Articles

29. Section 146.27–100 *Table K—Classification: Hazardous articles* is amended as follows:

A. Amend the item "Cylinders, empty, etc." by changing the wording in column 1 as follows:

Cylinders, empty (including ton tanks). Cylinders previously used for a compressed gas, inflammable or corrosive liquid or poison. The originating bill of lading or other shipping paper shall bear the shipper's certifying statement that the cylinders have most recently contained (name of contents) and that the contents of the cylinders have been emptied within the meaning implied by trade practices.

(R.S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U.S.C. 375, 416, 170. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198, E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Subpart—Detailed Regulations Governing the Transportation of Military Explosives and Hazardous Munitions on Board Vessels

30. Sections 146.29–1 to 146.29–100, inclusive, are amended in their entirety to read as follows:

Sec.	
146.29–1	Effective date.
146.29–3	Scope.
146.29–5	Regulations not applicable.
146.29–7	Port security regulations.
146.29–9	Import shipments.
146.29–11	Definitions and abbreviations.
146.29–13	Permit for handling military explosives.
146.29–15	Authority to load, handle or discharge; facilities and use.
146.29–17	Prohibited explosives.
146.29–19	Explosives loading supervisory detail.
146.29–21	Personnel identification.
146.29–23	Ship's officer present.
146.29–25	Fires and fire protection.
146.29–27	Fire hose.
146.29–29	Smoking.
146.29–31	Liquor or drugs.
146.29–33	Cargo working gear and equipment.
146.29–35	Lights, tools, and portable equipment.
146.29–37	Handling drafts of lumber.

Sec.
146.29–39 Handling and slinging of explosives.
146.29–41 Weight per draft.
146.29–43 Requirement for the opening of hatches.
146.29–45 Loading or unloading military explosives and other cargo.
146.29–47 Packing and marking.
146.29–49 Stowage on board barges.
146.29–51 Stowage on board vessels.
146.29–53 Stowage of military explosives in holds containing coal.
146.29–55 Stowage of military explosives in holds containing household or personal effects and/or mail as cargo.
146.29–57 "On deck" stowage.
146.29–59 Stowage adjacent to other dangerous articles.
146.29–61 Stowage with nondangerous cargo in the same hold.
146.29–63 Stowage and dunnaging of ammunition and containers of explosives in bulk.
146.29–65 Damaged or leaking containers of explosives.
146.29–67 Defective ammunition.
146.29–69 Recoopering damaged packages.
146.29–71 Constructing magazines.
146.29–73 Preparation of magazines, decks, hatches and holds for handling military explosives.
146.29–75 Location of magazines and ammunition stowage.
146.29–77 Allocation of stowage.
146.29–79 Types of stowage.
146.29–81 Magazine Stowage A.
146.29–83 Ammunition stowage.
146.29–85 Chemical ammunition stowage.
146.29–87 Special stowage.
146.29–89 Portable magazine stowage.
146.29–91 Pyrotechnic stowage.
146.29–93 Stowage of blasting caps, detonators, primer detonators, etc.
146.29–95 Ventilation of magazine.
146.29–97 Statements of characteristic properties and hazards.
146.29–99 Explosives admixture charts.
146.29–100 Classification, handling and stowage chart.

AUTHORITY: §§ 146.29–1 to 146.29–100 issued under R.S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U.S.C. 375, 416. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198, E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.

§ 146.29–1 Effective date.

The regulations in this subpart will become effective on and after July 1, 1962.

§ 146.29–3 Scope.

(a) The provisions of the regulations contained in this subpart apply to the transportation of military explosives and hazardous munitions, as cargo, on board all vessels that are subject to the regulations in this part. (See § 146.02–2.)

(b) Commercial shipments of explosives and other dangerous or hazardous articles shall be tendered and transported in compliance with the applicable provisions of the regulations contained in the other subparts of this part.

(c) Where reference is made to other dangerous articles in this subpart, the regulations contained in §§ 146.02–1 to 146.27–100, inclusive, are applicable except as noted in § 146.29–5.

§ 146.29–5 Regulations not applicable.

Sections 146.02–11, 146.02–21, 146.03–3, 146.06–9, 146.06–19, 146.09–1 to 146.09–6, inclusive, 146.10–6(b), 146.20–15 to 146.20–51, inclusive, 146.20–85, 146.20–87, 146.20–90, 146.20–100 to 146.20–300, inclusive, 146.23–25 (a), (b), 146.24–55, the entries "Chemical ammunition containing Class 'A' poisons, liquids or gases," "chemical ammunition containing Class 'B' poisons, liquids or gases," and "chemical ammunition containing Class 'C' liquids, gases or solids" appearing in §§ 146.25–100, 146.25–200, and 146.25–300; 146.27–5 to 146.27–20, 146.27–30, inclusive, and 146.27–100 are hereby declared inapplicable to the transportation of military explosives.

§ 146.29–7 Port security regulations.

The applicable provisions of 33 CFR Parts 6, and 121 to 126, inclusive, shall, unless specifically authorized to the contrary by any provision of this subpart, be complied with by vessels, masters, agents, or charterers thereof and by all persons engaged in handling, loading, stowing or unloading explosives.

§ 146.29–9 Import shipments.

Import shipments of military explosives shall be made in accordance with the provisions of the regulations in this subpart.

§ 146.29–11 Definitions and abbreviations.

For the purpose of the regulations in this subpart, certain words, phrases, and abbreviations are defined as follows:

(a) *Military explosives.* Military explosives for the purpose of this subpart consist of all Interstate Commerce Commission's Classes A, B, and C explosives as defined below shipped by, for, or to the Departments of the Army, Navy, or Air Force of the United States or similar types of explosives shipped by, for, or to the government of any country whose defense is deemed vital to the defense of the United States. However, this definition shall not include those explosives shipped by, for, or to the Corps of Engineers, Department of the Army, for use in river and harbor works or other works under permits issued by that Agency, in which case the regulations in this part pertaining to commercial explosives shall apply. Military explosives are divided into two classes, as follows:

(1) *Ammunition.* Ammunition consists of all types of projectiles, cartridges, grenades, bombs, mines, torpedoes, torpedo warheads, propellant powder charges, pyrotechnics, rockets, missiles, special weapons, chemical, smoke or incendiary ammunition, or other "made up" explosive devices that are utilized by the armed forces in the prosecution of a war.

(2) *Explosives in bulk.* Explosives in bulk consist of any high explosives, black powder, and low explosives or propellant explosives in accordance with the definitions in §§ 146.20–1, 146.20–7, and 146.20–9, when such substances are shipped in containers other than containers such as bombs, grenades, mines, torpedoes, powder bags in individual containers, cartridges, projectiles, fuzes, detonators, caps, primers, and similar "made up" ammunition devices.

(b) *Hazardous munitions.* Hazardous munitions for the purpose of these regulations are those dangerous articles used as oxidizers or fuels for missile propulsive systems. Such fuels and oxidizers are listed in Tables XI–C and XI–D and will be stowed and handled in accordance with these tables when shipped with military explosives. When shipment is made on a vessel not carrying military explosives, the hazardous munitions may be shipped under the regulations contained in 46 CFR 146.20 through 146.27.

(c) *Related terms*—(1) *Adjacent hold; hold adjacent.* Any hold which has as one of its boundaries a permanent steel bulkhead that is common, either partially or in its entirety, to another hold shall be termed "adjacent hold" or "hold adjacent" to the focal hold. This shall not be construed as meaning a hold above or a hold below said hold nor shall it include a hold that is situated diagonally from said hold and has only a corner as a common boundary.

(2) *Any hold above.* "Any hold above" shall mean any hold that is partially or entirely in the same vertical plane over another hold even though there may be a hold or holds intervening.

(3) *Any hold below.* "Any hold below" shall mean any hold that is partially or entirely in the same vertical plane under another hold even though there may be a hold or holds intervening.

(4) *Ammunition for cannon.* Ammunition for cannon is fixed, semi-fixed or separate loading ammunition which is fired from a cannon, mortar, gun, howitzer or recoilless rifle.

(5) *Ammunition for cannon with empty projectiles, inert-loaded projectiles, solid projectiles or without projectiles, and catapult charges exceeding 2 inches in diameter.* Ammunition for cannon with empty projectiles, inert-loaded projectiles, solid projectiles or without projectiles, and catapult charges exceeding 2 inches in diameter, is fixed ammunition assembled in a unit consisting of the cartridge case containing the propelling charge and primer with empty, inert-loaded, or solid projectiles, or without projectiles, which is fired from a cannon, mortar, gun, howitzer, or recoilless rifle.

(6) *Ammunition for cannon with projectiles.* Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles or illuminating projectiles is fixed ammunition assembled in a unit consisting of the cartridge case containing the propelling charge and primer, and the projectiles, fuzed or unfuzed.

(7) *Ammunition for small arms with explosive bullets or explosive projectiles.* Ammunition for small arms with explosive bullets or ammunition for small arms with explosive projectiles is fixed ammunition to be used in machine guns or similar fire arms and consists of a metallic cartridge case, the primer and the propelling charge, with explosive bullet or explosive projectile with or without detonating fuze, the component parts necessary for one firing being all in one assembly.

(8) *Boosters, bursters and supplementary charges.* Boosters and supplementary charges consist of a casing containing a high explosive and are used to increase the intensity of explosion of the detonator of a detonating fuze. Bursters consist of a casing containing a high explosive and are used to rupture a projectile or bomb to permit release of its contents.

(9) *Cargo hold.* A cargo hold is a space allotted entirely to the carriage of cargo and is bounded by permanent steel bulkheads, decks and the shell of the vessel; the deck openings being provided with means of effectively closing the hold against the weather, and in the case of superimposed holds, effectively closing off each hold.

(10) *Cargo net.* A cargo net is a net made of fiber or wire rope and used as a means of handling loose or package cargo to and from the hold of a vessel.

(11) *Chemical ammunition.* Chemical ammunition used in warfare is all kinds of explosive chemical projectiles, bombs, grenades, mines, etc., loaded with toxic, tear, or other gas, smoke or incendiary agent, also such miscellaneous apparatus as cloud-gas cylinders, smoke generators, etc., that may be utilized to project chemicals.

(12) *Compartment.* A compartment is any space formed by permanent steel bulkheads and the ship's side and decks. The limits of a compartment are determined by the integrity of the bulkheads, shell or decks forming its boundaries. Access openings fitted with doors, hatch covers (steel or wood) or bolted plates are accepted as preserving the integrity of deck, bulkhead or shell.

(13) *Complete round.* A complete round of "cannon ammunition," "artillery ammunition" or "gun ammunition" includes ammunition used in cannon or gun of caliber .75 in. and above. It includes complete round with components. The complete round comprises all of the components necessary to fire the cannon or gun once. These components are, in general, the projectile, fuze, propelling charge and primer. Depending upon both the type of propelling charge and method of loading the required components into the weapon, complete rounds of "cannon ammunition," "artillery ammunition" or "gun ammunition" are described as fixed, semifixed, separated or separate loading ammunition.

(14) *Definitions of other dangerous articles.* For definitions of:

(i) Inflammable liquids, see § 146.21–1.

(ii) Inflammable solids and oxidizing materials, see § 146.22–1.

(iii) Corrosive liquids, see § 146.23–1.

(iv) Compressed gases, see § 146.24–1.

(v) Poisons, Class A, see § 146.25–5; Class B, see § 146.25–10; Class C, see § 146.25–15; Class D, see § 146.25–20.

(vi) Combustible liquids, see § 146.26–1.

(vii) Hazardous articles, see § 146.27–1.

(15) *Detonating fuzes.* (i) Detonating fuzes, Class A are used in the military service to detonate the high explosive bursting charges of projectiles, mines, bombs, torpedoes, and grenades. In addition to a powerful detonator, they may contain several ounces of a high explosive, such as tetryl or dry nitrocellulose, all assembled in a heavy steel envelope. They may also contain a small amount of radioactive component.

(ii) Detonating fuzes, Class C are those that are so made and packed that they will not cause functioning of other fuzes, explosives, or explosive devices in the same or adjacent containers.

(16) *Division bulkhead.* (i) When part of a compartment or hold is utilized for the stowage of military explosives, the remaining portion of such compartment or hold may be utilized for the stowage of general cargo provided a temporary wooden bulkhead is constructed in the compartment or hold to completely divide and protect the stowage of military explosives from the general cargo. The scantlings and construction of such bulkheads shall be as follows: For tween deck compartments or holds construction shall be of commercial 2-inch boarding, secured on 4" x 6" uprights spaced not to exceed 30 inches center to center. For lower holds construction shall be of commercial 2-inch boarding secured on 6" x 6" uprights, spaced not more than 24 inches center to center. Random widths of boarding may be used. The boarding shall be close fitted edge to edge and butt to butt to form a smooth surface facing the explosive stowage. Nails shall not protrude beyond the surface of the boarding.

(17) *Dunnage.* Lumber of not less than 1-inch commercial thickness laid over tank tops, decks or against bulkheads, frames, plating, ladders, etc., or used for filling up voids, or fitted around the cargo for the purpose of preventing damage during transportation.

(18) *Explosive bombs.* Explosive bombs are metal or other containers filled with explosives. They are used in warfare and include aeroplane bombs and depth bombs.

(19) *Explosive mines.* Explosive mines are metal or other containers filled with a high explosive.

(20) *Explosive projectiles.* Explosive projectiles are projectiles, guided missiles with warheads, warheads, or rocket heads, loaded with explosives or bursting charges, with or without other materials, for use in cannons, guns, tubes, mortars, or other firing or launching devices.

(21) *Explosive torpedoes.* Explosive torpedoes, such as are used in warfare, are metal devices containing a means of propulsion and a quantity of high explosives.

(22) *Fixed ammunition.* Fixed ammunition describes "cannon ammunition," "artillery ammunition" or "gun ammunition" of the type comprising a cartridge case with primer, a propellant charge and a projectile (fuzed or unfuzed) all of these components being assembled as a unit for one firing.

(23) *Grenades.* Grenades, hand or rifle, are small metal or other containers designed to be thrown by hand or projected from a rifle. They are filled with an explosive or a liquid, gas or solid material such as a toxic or tear gas or an incendiary or smoke producing material and a bursting charge.

(24) *Hatch.* An opening in the weather deck and all decks below in the same vertical plane through which cargo, etc., is passed. This term is also used in the regulations in this subpart to designate the entire series of holds served through one weather deck hatch.

(25) *Igniters.* Igniters consist of fiberboard, plastic, paper or metal tubes containing a small quantity of igniting compound which is ignited by the action of a primer, pull wire or scratch composition.

(26) *Jet thrust units (jato), explosive (Class A), or igniters jet thrust (jato), explosive (Class A).* Jet thrust units (jato), explosive (Class A), are metal cylinders containing a mixture of chemicals capable of burning rapidly and producing considerable pressure. Under certain conditions the chemical fuel with which the unit is loaded may explode. Jet thrust units are designed to be ignited by an electric igniter. They are used to assist aeroplanes to take off, to propel large missiles and to drive moving targets for practice firing. Igniters jet thrust (jato), explosive (Class A), are devices consisting of an electrically operated or remotely controlled igniting element and a fast-burning composition assembled in a unit for use in igniting the propelling charge of jet thrust units. Under certain conditions the burning composition may explode.

(27) *Jet thrust units (jato), Class B.* Jet thrust units (jato), Class B are metal cylinders containing a mixture of chemicals capable of burning rapidly and producing considerable pressure. Jet thrust units are designed to be ignited by an electric igniter. They are used to assist aeroplanes to take off, to propel large missiles, and to drive moving targets for practice firing.

(i) Igniters, jet thrust (jato), Class B, are devices consisting of an electrically operated or remotely controlled igniting element and a fast-burning composition assembled in a unit for use in igniting the propelling charge of jet thrust units.

(ii) Starter cartridges, jet engine, consist of plastic and/or rubber cases, each containing a propellant explosive and having in the top of the case a small plastic compartment that encloses an electric squib and small amounts of black powder, which constitute an igniter. The starter cartridge is used to activate a mechanical starter for jet engines.

(28) *On deck.* "On deck" means that that article may be stowed on the open weather deck of the vessel.

(29) *Overstow.* The term "overstow" as used in these regulations shall mean to stow directly over.

(30) *Pallet.* A pallet is a tray so designed as to be picked up by a fork truck or similar cargo handling equipment. Pallets are not usually equipped with sideboards.

(31) *Palletized unit.* Individual packages or unpackaged items stowed in a compact mass upon a pallet or skids and

banded together and to the pallet or skids by metal straps to form a unit consisting of pallet and packages.

(32) *Partition bulkhead.* A partition bulkhead is a temporary bulkhead constructed of commercial 1-inch lumber of widths not less than 4 inches, secured alternately on both sides of the uprights and spaced not more than 6 inches apart. The uprights are at least 2" x 4" size, spaced not more than 30 inches apart.

(33) *Percussion fuzes, combination fuzes, and time fuzes.* Percussion fuzes, combination fuzes, and time fuzes are devices designed to ignite powder charges of ammunition or to initiate an intermediate charge (booster) in projectiles, bombs, etc. When such fuzes are assembled with booster charges they are properly described as "detonating fuzes."

(34) *Permitted explosives.* Permitted explosives as used in § 146.29–100 shall mean explosives that have compatibility in accordance with the admixture charts in § 146.29–99.

(35) *Pieplate.* A pieplate is the term generally applied to a round, oval or hexagonal tray without sideboards.

(36) *Primers.* Primers are devices used to ignite the powder charges of ammunition. For small-arms ammunition, the primers are "small-arms primers" or "percussion caps."

(37) *Propellant explosives, solid, Class A.* Propellant explosives, Class A, are solid chemicals or solid chemical mixtures which are designed to function by rapid combustion of successive layers, generally with little or no smoke. The combustion is controlled by composition, size, and form of grain. Propellant explosives, Class A, include some types of smokeless powder for small arms and some types of solid propellant explosives for jet thrust units, rockets, or other devices. Any propellant explosive is Class A which detonates in any one out of five trials when tested in the packages in which it is offered for transportation. In conducting the test, one propellant container shall be surrounded by inert loaded containers of the same weight, including one inert container placed on top of the propellant container. The propellant shall be ignited by means of a commercial electric squib placed within 4 inches of the bottom of the container. The presence of a crater and absence of flame shall be considered as evidences of detonation.

(38) *Propellant explosives, solid, Class B.* Propellant explosives, Class B, are solid chemicals or solid chemical mixtures which function by rapid combustion of successive layers, generally with little or no smoke. The combustion is controlled by composition, size, and form of grain. Any propellant explosive is Class B which fails to detonate in five trials when tested in the packages in which it is offered for shipment. (See (37) for test.) Propellant explosives, Class B, include smokeless powder for cannon, smokeless powder or solid propellant explosives for rockets, jet thrust units, or other devices. Black powder is not include in this classification.

(39) *Rocket ammunition.* Rocket ammunition is fixed ammunition which is fired from a tube, launcher, rails, trough, or other device as distinguished from cannon ammunition which is fired from a cannon, gun, or mortar.

(40) *Semifixed ammunition (Army).* Complete rounds composed of a projectile (fuzed) and a cartridge case with a primer and propellant charge which is in a cloth bag or bags of small size. The base of the projectile fits free in the neck of the cartridge case and may be readily detached from the cartridge case. The round is loaded into the cannon with the projectile assembled to the cartridge case and is handled similarly to fixed ammunition in loading. It may be packed with the projectile disassembled from the cartridge case containing the propellant. The projectile is usually assembled loosely in the cartridge case and is packed in the same individual container.

(41) *Semifixed ammunition (Navy).* Semifixed ammunition is ammunition in which the primer and the propellant charge are firmly secured in the cartridge case with the projectile separate from the cartridge case. The propellant charge is loaded loosely in the cartridge case, differing in this respect from that of the Army which is loaded in a bag. The end of the cartridge case is sealed with a prepared plug or disc which is fired with the powder and is usually shipped stowed in a metal tank. The projectile is shipped separate. The U.S. Army may refer to this ammunition as separate loading ammunition.

(42) *Separate loading ammunition.* Complete rounds in which the separate components—projectile, propellant charge and primer—are loaded into the cannon or gun separately are known as "separate loading ammunition." Although the propellant charge may be in one section, it is usually divided into parts with each part assembled in a bag packed in outside shipping containers which may be of wood, fiber, or metal.

(43) *Separated ammunition.* In this type of ammunition, the propellant is sealed in a metal cartridge case into which a primer is fitted and this assembly is called a propelling charge. It is separate from the projectile with which it is used but the projectile and the propelling charge are loaded into the weapon in one operation. Separated ammunition is generally used in medium caliber antiaircraft and antitank guns.

(44) *Shelter deck space.* A shelter deck space is a space available for cargo situated above the uppermost complete continuous deck (main deck) and the deck next above. Normally this space contains no permanent watertight transverse bulkheads except at its forward and aft extremities.

(45) *Shoring.* Shoring is a method of securing cargo against movement sidewise or downward. In this subpart it describes the use of timbers fitted vertically or at an angle to the side of the stowage. It may also describe the use of timber to support a stowage from moving downward.

(46) *Skipboard.* A skipboard is the term generally applied to a rectangular or square tray without sideboards.

(47) *Small-arms ammunition.* Small-arms ammunition is fixed ammunition consisting of a metallic, plastic composition or paper cartridge case, a primer, and a propelling charge, with or without bullet, shot, tear gas material, tracer components, or incendiary compositions or mixtures, but not including bullets loaded with high explosives, and is further limited to the following:

(i) Ammunition designed to be fired from a pistol, revolver, rifle, or shotgun held by the hand or to the shoulder.

(ii) Ammunition of caliber less than .75 (inch) or 19.05 mm, designed to be fired from machine guns.

(iii) Blank cartridges including canopy remover cartridges, starter cartridges, and seat ejector cartridges, containing not more than 500 grains of propellant powder.

(48) *Special fireworks.* Special fireworks are manufactured articles designed primarily for the purpose of producing visible or audible pyrotechnic effects by combustion or explosion. Examples are toy torpedoes, railway torpedoes, some firecrackers and salutes, exhibition display pieces, aeroplane flares, illuminating projectiles, incendiary projectiles or incendiary bombs and smoke projectiles or smoke bombs fuzed or unfuzed and containing expelling charges but without bursting charges, hand or rifle grenades with ignition elements but not containing bursting charges, flash powders in inner units not exceeding 2 ounces each, flash sheets in interior packages, flash powder or spreader cartridges containing not over 72 grains of flash powder each and flash cartridges consisting of a paper cartridge shell, small-arms primer, and flash composition, not exceeding 180 grains all assembled in one piece. Fireworks must be in a finished state, exclusive of mere ornamentation, as supplied to the retail trade and must be so constructed and packed that loose pyrotecnic composition will not be present in packages in transportation.

(49) *The hold above.* "The hold above" shall be a hold immediately above another hold having its deck, either partially or in its entirety, common to the overhead of the hold below.

(50) *The hold below.* "The hold below" shall be a hold immediately below another hold having its overhead, either partially or in its entirety, common to the deck of the hold above.

(51) *Tomming.* Tomming is a method of securing cargo against displacement of movement upwardly.

(52) *Tray.* A tray is any flat group of boards securely fastened to bearers in order to provide a level surface for the loading of cargo. Trays are given various names, those applied in some ports differing from those in other ports, according to (i) shape, (ii) method of securing to cargo handling gear, or (iii) use or lack of sideboards in conjunction with the tray.

(53) *Tracer fuzes and tracers.* Tracer fuzes and tracers are devices which are attached to projectiles and contain a slow-burning composition to show the flight of projectiles at night.

(54) *Tween deck height.* (i) For the purpose of load calculations the height of a tween deck is ascertained by measuring the distance from the heel of the overhead deck beam to the heel of the underdeck beam. (The thickness of the plating forming the deck is not deducted from the height.)

(ii) For height of a tween-deck affected by the sheer of a deck measure as above at both the forward and after ends of the hold and divide the sum of these heights by two.

(55) *Tween deck hold.* A tween deck hold is a space located between the weather deck and the lower hold.

(56) *Type "A" dunnage floor.* A type "A" dunnage floor shall be constructed of two layers of commercial 1-inch dunnage of widths not less than 4 inches fitted as close as possible, edge to edge, and butt to butt, the top course being laid crosswise to the lower course, or of a single layer of 2-inch lumber of widths not less than 6 inches fitted as close as possible edge to edge, and butt to butt.

(57) *Type "B" dunnage floor.* A type "B" dunnage floor shall be constructed of one layer of commercial 1-inch thick dunnage of widths not less than 4 inches fitted as close as possible, edge to edge, and butt to butt.

(58) *Van.* A van is a cargo carrying body other than a tank container which may be designed and constructed to be removed from a chassis or wheels for water transportation. Containers such as "conex" or "dravo" boxes are considered as being a part of this category. They are loaded and discharged by either a "lift-on lift-off" or "roll-on roll-off" method. Military explosives, permitted to be transported in vans, are limited to permitted explosives of Coast Guard Classes I and II, with the exception of Class II–J.

(d) *Abbreviations.*

AA	Antiaircraft.
AAC	Antiaircraft common.
AA Com	Antiaircraft common.
AC	Aircraft cannon.
AC	Hydrocyanic acid.
A.C.E.I.S	Aircraft emergency identification signals.
A.D.F	Auxiliary detonating fuse.
AIC	Ammunition identification code (Army).
ALN	Ammunition lot number.
Amm	Ammunition.
Ammo	Ammunition.
AP	Armor-piercing.
APC	Armor-piercing capped.
APT	Armor-piercing tracer.
ASSEM	Assembled.
AT	Anti-tank.
Aux	Auxiliary.
Aux Det	Auxiliary detonating fuze.
BBC	Brombenzylcyanide (tear gas).
BC	Bursting charge.
BD	Base detonating.
BDF	Base detonating fuze.
BL and P	Blind loaded and plugged.
BL and T	Blind loaded and tracer.
BP	Black powder.
BUWEPS	Bureau of Weapons.
BUR CHG	Bursting charge.
CAL	Caliber.
CCIP	Case combination ignition primer.
CHG	Charge.
CG	Phosgene.
CK	Cyanogen chloride.
CL	Chlorine.
Cml–C	Chemical Corps.
CNS	Chloracetophenone solution (tear gas).
COM	Common.
Comp A	RDX-War explosive.
Comp B	RDX–TNT explosive.
Comp C	Plastic type RDX explosive.
Cor. L	Corrosive Liquid.
CPI	Case percussion igniter.
CPP	Case percussion primer.
CT–TNT	Cast TNT.
D	Explosive "D" (ammonium picrate).
DA	Diphenylchlor arsine.
DC	Depth charge.
DDR	Dummy drill.
DEMO	Demolition.
DM	Adamsite (sneeze gas).
DP	Diphosgene.
EX	Experimental.
EXP	Expellant or explosive.
EXP "D"	Explosive "D".
F	Fuze.
FC	Full charge.
FFAR	Folding fin aircraft rocket.
FFFG	Fine fine fine grain (black powder).
FFG	Fine fine grain (black powder).
FG	Fine grain (black powder).
F.G	Flammable compressed gas.
F.L	Flammable liquid.
FM	FM smoke mix (titanium tetrachloride).
FNH	Flashless, nonhygroscopic.
FP	Flashless pellets.
FRAG	Fragmentation.
FS	FS smoke mix (sulfur trioxide).
F.S	Flammable solid.
GB	Isopropyl methylphosphonofluoridate (nerve gas).
GP	General purpose.
H	Mustard gas.
HBX, H6	RDX–TNT–AL type explosive.
HC	Hexachlorethane mixture (smoke).
HC	High capacity.
HD	Distilled mustard.
HE	High explosive.
HEAT	High explosive antitank.
HEI	High explosive incendiary.
HEIT	High explosive incendiary tracer.
HET	High explosive tracer.
HMX	Cyclotetramethylenetrinitramine.
HN	Nitrogen mustard gas.
HPAG	High performance air to ground (rocket).
HVAR	High velocity aircraft rocket.
ICC	Interstate Commerce Commission.
ILLUM	Illuminating.
IM	Thickened gasoline.
IN	Inert.
INCEND	Incendiary.
L	Lewisite.
LC	Light case.
LE	Low explosive.
L and F	Loaded and fuzed.
L and P	Loaded and plugged.
M	Model (Army).
Maj Cal	Major caliber.
MCBD	Major caliber base detonating.
MG	Magnesium.
MIN CAL	Minor caliber.
MK	Mark.
MM	Millimeter.
Mod	Modification.
MTF	Mechanical time fuze.
NC	Nitrocellulose.
NF	Nose fuze.
NH	Non-hygroscopic.
Nonf. G	Nonflammable compressed gas.
NP	Thickened gasoline.
O/H	Overhauled.
ORD	Ordnance.
Oxy M	Oxidizing material.
PD	Point detonating.
PDF	Point detonating fuze.
PENT	Pentolite.
PERC	Percussion.
Pois. A	Poison gas or liquid, Class A.
Pois. B	Poison liquid or solid, Class B.
Pois. C	Tear gas, Class C.
Pois. D	Radioactive material, Class D.
PRAC	Practice.
PRI	Primer.
PROJ	Projectile.
PS	Chlorpicrin.
PT	Thickened fuel.
PWP	Plasticized white phosphorus.
RD	Round.
RDX	Cyclotrimethylenetrinitramine (cyclonite).
SA	Small arms.
SAP	Semi-armor piercing.
SCAR	Sub-caliber aircraft rocket.
SEIS	Ship's emergency identification signals.
SF	Semi-fixed.
SQ	Super quick.
T	Tentative model designation.
TET	Tetryl (trinitrophenylmethylnitramine).
TF	Time fuze.
TH	Thermate or Thermite.
TNT	Trinitrotoluene.
TPX	Torpex.
VT	Variable time (Proximity) (VT).
w	with.
w/o	without.
WP	White phosphorous.

§ 146.29–13 Permit for handling military explosives.

(a) Shipments of military explosives and military lethal chemicals except material covered in § 146.29–100 as Coast Guard Class I shall not be laden on nor discharged from any vessel at any port or place in the United States, its territories or possessions (not including the Panama Canal Zone) until authorization has been obtained by the owner, agent, charterer, master, or person in charge of the vessel from the District Commander of the U.S. Coast Guard, Captain of the Port, or other officer designated by the District Commander.

(b) Before a permit is issued authorizing the loading or discharging of military explosives or military lethal chemicals in accordance with paragraph (a) of this section, the permittee shall file a written application for a permit authorizing the loading or discharging. When filed, the application for loading shall be accompanied by a preliminary manifest of all explosives or other dangerous articles comprising the cargo of the vessel together with a preliminary cargo stowage plan showing the proposed stowage of all such cargo. Changes in final stowage from that shown in the preliminary cargo stowage plan may be made upon approval of the issuing officer.

§ 146.29–15 Authority to load, handle or discharge; facilities and use.

(a) Military explosives, except material covered in § 146.29–100 as Coast Guard Class I, shall not be handled,

stowed, stored, loaded on, or discharged from a vessel except at one of the following:

(1) Explosives anchorages; areas upon the navigable waters that are designated explosives anchorages under the applicable provisions of 33 CFR Part 202 (Anchorage Regulations) within which a vessel may anchor or moor to handle, stow, store, load, or discharge explosives as cargo.

(2) Waterfront facilities approved by the Captain of the Port or District Commander as explosives loading piers, which should be located in isolated areas, to which a vessel may moor to handle, stow, store, load, or discharge military explosives as cargo.

(3) Waterfront facilities approved by the Captain of the Port or District Commander as ammunition loading piers to which a vessel may moor to handle, stow, store, load, or discharge ammunition as cargo except the following classes: II–A, IX–A, IX–B, IX–C, X–A, X–B, X–C, X–D, XI–A, XI–B, XI–C, and XI–D.

(4) The Captain of the Port or District Commander may designate a temporary location for a specific loading of Classes XI–A, XI–B, XI–C and XI–D ammunition.

(b) A vessel, subject to the regulations in this part, may load or discharge military explosives at any Army or Navy depot, arsenal, navy yard, port of embarkation or other facility under the direct control and operation of the Navy, or Army, provided a permit authorizing such loading has been granted to the vessel owner, agent, charterer, master, or person in charge of the vessel by the Captain of the Port. (See §§ 146.29–19 and 146.29–21.)

(c) In an emergency arising by reason of military necessity or casualty, a vessel may upon authorization by a Captain of the Port, load or discharge military explosives in any location authorized by said Captain of the Port.

§ 146.29–17 Prohibited explosives.

(a) Explosives prohibited by subsection 3 of R.S. 4472, as amended (46 U.S.C. 170) (fulminates or other detonating compounds in bulk in dry condition, or explosive compositions that ignite spontaneously or undergo marked decomposition when subjected for 48 consecutive hours to a temperature of 167 degrees Fahrenheit, or compositions containing an ammonium salt and a chlorate, or other like explosives) shall not be accepted by any vessel.

(b) A passenger vessel shall not accept any Class A or Class B military explosives for transportation as cargo.

§ 146.29–19 Explosives loading supervisory detail.

(a) There may be assigned to every vessel, subject to the regulations in this part, loading, handling, or discharging military explosives at an explosives anchorage or waterfront facility as may be approved by the Captain of the Port or the District Commander for the loading or unloading of military explosives, a Coast Guard detail to supervise such loading, handling or discharging. The owners, agents, charterers, masters or persons in charge of the vessel and all persons engaged in the handling, loading and stowage of the military explosives shall obey all orders, oral or written, that are given by the person in charge of such assigned detail.

(b) A vessel, subject to the regulations in this part, loading, handling, or discharging military explosives except material covered in § 146.29–100 as Coast Guard Class I at a Navy or Army depot, arsenal, navy yard, port of embarkation or other facility under the direct control and operation of the Navy or Army shall apply to the Captain of the Port for a permit for such loading, handling or discharging. A Coast Guard detail may be assigned to such a vessel unless the Commanding Officer of such Navy or Army facility declines the detail.

§ 146.29–21 Personnel identification.

The provisions of this section shall apply to vessels loading, handling or discharging military explosives in accordance with the provisions of § 146.29–19 (a).

(a) No person shall enter upon a vessel loading, handling, or discharging military explosives unless such person first identifies himself to the satisfaction of the Coast Guard detail.

(b) Every person who is permitted to enter into a magazine or a hold or compartment of a vessel wherein military explosives are being handled or stowed shall provide the Coast Guard representative with his name and address and the name and address of the firm employing him, furnishing satisfactory identification to substantiate such information.

(c) A person who, for any reason, is requested to leave a vessel loading, handling or discharging military explosives by the person in charge of the Coast Guard detail shall immediately obey the request and not return until permission is granted.

§ 146.29–23 Ship's officer present.

(a) During the entire operation involving the building of a magazine, the preparation of holds, and the actual handling and stowage of military explosives, it shall be the responsibility of the master of the vessel to assign a deck officer of the vessel who shall be in constant attendance. It shall be these officers' responsibility to see that the provisions of the regulations in this part insofar as such provisions apply to the vessel, are complied with.

(b) It shall be these officers' further responsibility at the end of the work shift to see that all means of access to the partially loaded holds are closed off in such a manner as to provide the maximum safety and protection for the explosives stowed within the hold.

§ 146.29–25 Fires and fire protection.

(a) No unnecessary fire shall be permitted on a dock, lighter, or vessel while loading, handling, or discharging military explosives.

(b) Every fire deemed necessary must be properly safeguarded and for the entire period of cargo transfer shall be in constant charge of a competent person assigned for that purpose by the master or by the person in charge of the vessel or by the person in charge of the dock.

(c)(1) Every vessel engaged in the handling and transfer of military explosives and equipped with means for power, heating, cooking, or lighting involving use of smoke pipes or stacks shall have such smoke pipes and/or stacks protected by spark screens. For the purpose of screening smoke pipes, vessels shall be divided into two categories. Large or ocean vessels shall have their main smoke pipes protected by corrosion resistant screens of not larger than ½-inch mesh and small or inland vessels and small or auxiliary smoke pipes on large vessels by screens not larger than ¼-inch mesh.

(2) Insofar as practicable, unless the barge, lighter, etc. is loading or discharging military explosives to or from the vessel, barges, lighters, towboats, and other types of vessels shall not come alongside a vessel handling, stowing, storing, loading, discharging or transporting military explosives opposite the area where hatches serving a hold containing explosives are open. (See § 146.–29–73(f).)

(3) This paragraph is not applicable to vessels transiting main channels contiguous to explosives loading facilities or anchorages.

(4) Vessels loading or unloading Class I ammunition at waterfront facilities not designated by the Captain of the Port as explosives loading piers do not require screening of smoke pipes and/or stacks.

(d) Welding or cutting operations involving the use of open flames or arc shall not be undertaken on a vessel having military explosives on board as cargo, except in case of an emergency affecting the security of a vessel, or for the purpose of welding pad eyes, angle bars or other devices to the deck for securing deck cargo. Such welding or cutting shall be done only on special permission of the Captain of the Port, and then only in the presence of an officer of the Coast Guard detail and in conformity with said officer's instructions.

(e) The cleaning of fireside of boilers shall not be undertaken on a vessel while at an explosives or ammunition loading facility or anchorage except upon express permission of the Captain of the Port.

(f) All tubes and uptakes of the vessel must be thoroughly swept or blown and reasonably free of soot prior to the arrival of the vessel at an explosives or ammunition loading facility or anchorage. A vessel at an explosives ammunition loading facility or anchorage shall not blow tubes or uptakes except upon permission of the Captain of the Port and then the operation shall be under the supervision of the master or person in charge of the vessel with a licensed engineer in attendance.

(g) Bunkering of a vessel shall not be done while the vessel is at an explosives loading or ammunition loading waterfront facility. When at an anchorage, an explosives laden vessel may engage in bunkering operations provided explosives are not being loaded, handled, or discharged, and all holds in which explosives are stowed are secured.

(h) A vessel at an explosives or ammunition loading facility or anchorage shall not transfer fuel oil between its own fuel oil storage tanks or from its storage tanks to the settling tank, except under the close supervision of a licensed engineer who shall be in constant attendance until the operation is completed.

(j) The transfer of lubricating oils and cleaning oils, either from containers on board the vessel or by pipeline or hose shall be prohibited at an explosives or ammunition loading facility. However, the transfer on board the vessel of galley fuel oil may be authorized by the Captain of the Port when the galley stove is cold, or when the vessel is equipped with an overflow system which returns surplus fuel oil from the galley tanks back into the main storage tanks provided such transfer is under the supervision of the master or person in charge of the vessel with a licensed engineer in attendance.

(k) The fueling of powered lifeboats or units of the vessel's machinery shall not be done while the vessel is at an explosives or ammunition loading facility.

(l) Boiler room and engine room bilges must be clean and free of oil or unnecessary residue before the vessel proceeds to an explosives or ammunition loading facility or anchorage, and it is further required that the bilges be maintained in this condition during the entire time the vessel is moored at the explosives or ammunition loading facility or anchorage. Attention is invited to the provisions of the Oil Pollution Acts of 1924 and 1961, and the Refuse Act, 1899, which prohibit the discharge of oil into the navigable waters of the United States. The term "oil" means oil of any kind or in any form, including fuel oil, oil sludge, and oil refuse.

(m) On every vessel located at explosives loading facility or anchorage or ammunition loading facility no work shall be undertaken on the main propulsion machinery, auxiliaries or boilers that will render inoperative fire pumps, electric power or propulsion of the vessel without express authority of the Captain of the Port. When the repairs authorized make inoperative the main propulsion unit an auxiliary tug shall stand by.

(n)(1) Every self-propelled vessel having on board military explosives shall at all times maintain means of propulsion. When not under way, such a vessel shall have available on deck, fore and aft, hawsers capable of being used for emergency towing. The eye of such hawser shall be clear of the chock with messenger attached and ready to run and the ship's end shall be stopped off on the bitts to permit reasonable scope of hawser for towing. A heaving line made up and secured to the rail by rope yarn shall be bent to the messenger. Fire axes shall be kept conveniently at hand, fore and aft, to be used on the ship or passed to the dock for cutting mooring lines in case of an emergency.

(2) Nonself-propelled vessels having on board military explosives when moored or anchored shall have at least one tug for each facility or area at which they are moored or anchored.

(o) Every vessel loading or unloading military explosives shall display at its masthead by day a red flag at least 16 square feet in area or at least 10 feet above the upper deck if the vessel has no mast, and at night, while fast to a dock, a red light in the position specified for the flag.

(p) Any device, such as a radio, radar, etc. capable of radiating electromagnetic energy shall be de-energized by opening the main switches thereto, and these switches shall be tagged to warn personnel against reenergizing the circuits whenever the vessel is at an explosives or ammunition handling facility, at an explosive anchorage with a barge or other type of vessel containing explosives alongside, or when a hatch containing explosives is uncovered.

§ 146.29–27 Fire hose.

(a) During the handling, loading, or unloading of military explosives the vessel shall "run out" or otherwise make ready for quick use a minimum of two lines of hose on the weather deck, one fore and one aft. These hoses shall be of sufficient length so that one or the other can reach all areas of the weather deck. The fire hose valves controlling these lines shall remain "cracked open" (except in freezing weather) so casual observation may indicate that water is available.

(b) Additional fire lines shall be "run out" or otherwise made ready at each hold or compartment working or containing military explosives when the hatch serving the hold is open. These lines shall be of sufficient length to reach all portions of the hold or compartment.

§ 146.29–29 Smoking.

(a) Smoking is prohibited on or near any vessel handling, loading or unloading military explosives at an explosives or ammunition loading pier. Smoking areas may be designated upon approval by the Captain of the Port provided such areas are located at a safe distance from the vessel. "No Smoking" warning signs shall be posted during operations of handling, loading or unloading such cargo. At least one such "No Smoking" sign shall be located on the pier at a reasonable distance from the vessel when such handling, loading, or unloading is taking place at a pier.

(b) Smoking is prohibited on or near any vessel handling, loading, or unloading explosives at an explosives anchorage, except the Captain of the Port may, with the concurrence of the master or person in charge of the vessel, designate a compartment as a smoking area. This compartment will be provided with electric lighting devices without open flame. "No Smoking" warning signs shall be posted conspicuously in other parts of the vessel during operations of handling, loading, or unloading.

(c) The Captain of the Port may approve a room aboard ship to be a designated "Smoking room for the ship's personnel only," while at a pier or anchorage; provided the necessary approved firefighting equipment is at hand and portholes, vents, and doors are effectively screened with approved copper or brass screening and electric cigarette lighting devices without open flame are provided.

§ 146.29–31 Liquor or drugs.

No person who, in the judgment of the master, person in charge of the vessel, or the officer in charge of the Coast Guard detail, is considered as being under the influence of intoxicating liquor or of drugs shall be permitted on board a vessel while operations involving the handling, loading, unloading, or transportation of explosives are being carried on, except if the person under the influence of intoxicating liquor or drugs is a bona fide member of the crew of the vessel involved, he may at the discretion of the Officer-in-Charge of the Coast Guard detail board the vessel: *Provided*, That the master or person in charge of the vessel will accept custody and full responsibility for said person: *And provided further*, That this person shall not be permitted to perform any work on the vessel while under the influence of intoxicating liquor or drugs.

§ 146.29–33 Cargo working gear and equipment.

(a) Before military explosives are loaded or unloaded on or from a vessel the master or other person in charge of the vessel is required to ascertain by examination the adequacy, the condition and working order of all working equipment including slings, crates, baskets, boxes, chutes, mattresses, and tackle.

(b) Any and all equipment, which in the judgment of the master or other person in charge of the vessel is not adequate or in safe working condition shall be rejected by him and he shall prohibit its use and shall take such precautions as he may deem necessary to be certain such rejected equipment is not used for the purpose of loading or unloading explosives. The master or other person in charge of the vessel shall keep watch of all equipment used during the transfer of explosives and if any part of the equipment shows any defect or is damaged in use, work shall be stopped and the damaged or defective equipment repaired or replaced before permitting the loading or unloading to continue.

(c) This inspection of cargo working equipment shall apply to the vessel's equipment and to stevedore's or other contractor's equipment.

(d) The Captain of the Port or his representative may prohibit the use of any cargo working gear or equipment, including stevedore equipment, which he deems unsafe.

§ 146.29–35 Lights, tools, and portable equipment.

(a) No artificial lights except electric lights, electric lamps, or electric floodlights shall be used while loading or un-

loading military explosives. Such light fixtures shall not be used unless protected against accidental breakage by metal guards. Portable electric lights shall be fitted with stout guards protecting the bulb. Wires of such lights shall be sound and show no evidence of liability to short circuit. When deemed necessary by the military service concerned with the shipment of the explosives due to the possible presence of explosive dust or vapors in the hold of the ship being worked, all electrical equipment and light fixtures used therein shall be of a type approved for the hazardous location as defined in the National Electric Code. This equipment shall be grounded and continuity of the grounding system assured by the applicable methods prescribed in the National Electric Code.

(b) Portable lights shall be so installed as to prevent any part of the light or its cable from coming in contact with the deck or the cargo. A hanging portable light shall not be suspended from its cord but shall be fitted with a gantline so installed that no strain is carried by the light cable. No portable light shall be taken into a hold or compartment in which the stowage of ammunition or explosives has been completed without prior approval by the Captain of the Port or his representative. A portable light that is permitted in a hold under these circumstances shall be so guarded and protected that neither the light nor the light cord shall be in bearing with any metal part of the vessel or with any of the ammunition or explosives, or the containers thereof.

(c) Flashlights of a non-spark type shall be provided by the vessel owner, agent or its master or other person in charge of the vessel, for personnel required to enter holds in which explosives are stowed.

(d) Members of the crew of the vessel and other persons permitted on board the vessel to aid and assist in loading, unloading or handling military explosives shall not be permitted to carry on their persons firearms, matches, flame producing devices, knives, bale hooks, metallic tools except as provided in paragraph (e) of this section or personal packages of any description, except the prohibition against knives shall not apply to the seaman's knife in possession of a member of the crew of the vessel, provided such crew member is not actually working the explosives or ammunition. Lunch boxes, pails, thermos bottles, other food containers or personal packages of any description shall not be brought on board a vessel unless such items have been examined and passed by the Coast Guard detail. Food containers that are passed on board the vessel shall not be stored in the hold in which explosives are being worked nor shall their contents be eaten in such hold. Persons engaged in handling and stowage of military explosives shall not wear shoes or boots shod or strengthened with iron nail or other spark producing metal unless such footwear is covered with rubber, leather, or other nonsparking material.

(e) The Captain of the Port may authorize the use of pinch bars of metal or wood, in "breaking out" or stowing unfuzed bombs, large caliber separate loading projectiles, and packages of ammunition shipped in heavy unit weight containers. He may also permit the use of saws and hammers that are actually powered by the hand or hand and arm, in the hold of a vessel when necessary in fitting dunnage or constructing a partition or a division bulkhead or installing protection required for the stowage of military explosives. The Captain of the Port may authorize spark proof electrically powered or pneumatic saws or hammers, but they shall not be used in any compartment containing military explosives.

(f) All electric wiring in holds in which explosives are to be stowed shall be inspected prior to the loading of explosives into the hold. The electrical circuits which terminate in holds in which explosives are to be stowed shall be deenergized by removing their fuses or inactivating their circuit breakers at the main panel prior to loading and these circuits shall remain deenergized while explosives are within the hold. The main panel shall be tagged to warn personnel against reenergizing these circuits.

§ 146.29–37 Handling drafts of lumber.

All lumber in excess of 3 feet in length shall be handled into or out of the holds of vessels loading, unloading or containing military explosives or ammunition by use of a double sling. Small pieces of lumber used in chocking and dunnaging shall be handled in trays with sideboards. Cargo nets may also be used provided they are lined with canvas or similar fabric. Dunnage shall not be lowered directly onto stowages of ammunition or explosives. Landing mats or timbers shall be laid to receive such drafts.

§ 146.29–39 Handling and slinging of explosives.

(a) All military explosives or chemical warfare agents in bulk shall be handled carefully. Packages and other containers shall not be dropped, dragged, tumbled, walked, slid over each other or over the deck or otherwise subjected to shock except that heavy containers of military explosives equipped with pulling bar assemblies and skids may be positioned in the holds of vessels by using the pulling bar assemblies to maneuver the containers for short distances at slow speed. Packages and other containers shall not be rolled unless rolling is specifically permitted by the provisions governing handling as set forth in § 146.29–100.

(b) In transferring military explosives between pier facilities and vessels or from vessel to vessel, or within the hold of a vessel the items may be handled by hand, power operated mechanical hoist or power operated conveyor approved by the Captain of the Port, power operated cargo lift truck, hand truck or nonpowered (gravity) roller conveyor (hand controlled); or unless specifically prohibited by the regulations in this subpart, a specification chute and mattress may be used. (Refer to §§ 146.09–11 and 146.09–12 for specifications of chute and mattress.)

(c) Military explosives shall be hoisted and lowered carefully onto a mattress or other shock absorbing material. The Captain of the Port may authorize omission of a mattress when its use is unnecessary due to use of pallets or other special gear except when Classes III, VI, VIII and IX–C are being handled, loaded or unloaded.

(d) The Captain of the Port may permit the use of cargo-handling vehicles or equipment powered by internal combustion engines on docks, wharves or piers for the handling of military explosives under such conditions as he may prescribe. Such type vehicles or equipment shall not be used within a hatch of a vessel having military explosives in any hold within said hatch. Electric or battery powered vehicles or equipment of explosion-proof or spark-proof type may be used to handle military explosives on docks, wharves, piers or in the holds of vessels under such conditions as the Captain of the Port may prescribe. All power-operated cargo-handling vehicles or equipment shall at all times be maintained in safe mechanical, electrical and operating condition. The use of cargo-handling vehicles or equipment may be suspended or prohibited by the Captain of the Port or his representative when he considers such use inimical to safety.

(e) When handling, loading or unloading by mechanical means, all military explosives shall be handled in the type equipment specified for the various classes of explosives in § 146.29–100. Military explosives shall be arranged on trays so that no portion of the military explosives or containers overhangs the tray. For trays provided with sideboards, military explosives or containers shall not extend above the sideboards to a height exceeding one-third of the vertical dimension of the item as stowed on the tray. Rope net slings with pieplates, pallet, skipboard or similar base shall be so loaded that when lifted a minimum displacement of items shall occur and the cargo net shall completely encompass the entire load except on its topside.

(f) The mesh of a cargo net shall be of such size as will prevent any item or container of military explosives in the draft from passing through the mesh under any possible circumstances.

(g) Drafts shall not be raised or stopped in lowering by sudden application of power or brake. Drafts shall not be unloaded by tripping or freeing one side of the net, tray, or pallet and tumbling the ammunition or explosives out of the gear. All drafts, beams, shackles, bridles, slings, hooks, etc. shall be hand freed before the winch takes control. Slings shall not be disengaged by hand unhooking and then dragged from under draft by means of winch. Handles or

beckets on ammunition packages shall not be used for slinging purposes.

(h) Blasting caps, detonators, primer-detonators, fulminate of mercury and irritating or priming explosives as defined in the regulations in this part shall be considered as constituting a distinct class of dangerous explosives, and because of the hazard involved they shall be handled with extreme care.

(j) "Cant" or barrel hooks shall not be used for raising or lowering a barrel, drum, depth bomb, depth charge or other container of military explosives. Metal bale hooks shall not be used in handling packages of explosives.

(k) Combination woven rope and wire slings are not permitted for use in handling explosives. A sling that is formed by use of an open hook shall not be used in hoisting or lowering a draft of military explosives.

(l) Wire rope or wire rope assemblies including splices or fittings thereof, used in handling military explosives shall be kept bare to permit ready inspection of its safe working condition. Mechanical type endings may be used in lieu of hand splices provided such endings have a minimum breaking strength equal to the catalog strength of wire rope from which it is made.

(m) Bombs shall not be handled by attaching ship's cargo gear to the lifting lug or suspension lugs.

§ 146.29–41 Weight per draft.

To eliminate excessive drift, slings will be as short as practicable when handling military ammunition or explosives. The maximum permitted weight per draft of all classes of military explosives shall be as follows for a 5-ton boom. The weights per draft may be increased proportionately for booms of greater capacity. In all instances the allowance shall remain as 10 percent. For example, in paragraph (d)(2) of this section, the maximum weight of drafts consisting of one or more palletized units of Class V or VII military explosives shall not exceed 4,400 pounds when using a five ton boom; however, if a ten ton boom is used the weight of the draft may be increased to 8,800 pounds (8,000 pounds plus 10 percent of same).

(a) *Class I.* (1) When handled by pallet, skipboard, or tray fitted with cargo net or sideboards shall not exceed 3,000 pounds plus 10 percent.

(2) Drafts consisting of one or more palletized units shall not exceed 4,000 pounds plus 10 percent.

(b) *Classes II–A, II–B, II–C, II–D, II–E, II–F, II–G, II–H, II–J, IV, IX–A, IX–B.* (1) When handled by pallet, skipboard, tray, or pieplate fitted with cargo net or sideboards shall not exceed 2,400 pounds plus 10 percent.

(2) Drafts consisting of one or more palletized units shall not exceed 4,000 pounds plus 10 percent.

(c) *Classes III, VI.* (1) When handled by tray fitted with sideboards shall not exceed 2,400 pounds plus 10 percent.

(2) Drafts consisting of one or more palletized units shall not exceed 4,000 pounds plus 10 percent.

(d) *Classes V, VII.* (1) When handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2,400 pounds plus 10 percent.

(2) Drafts consisting of one or more palletized units shall not exceed 4,000 pounds plus 10 percent.

(3) Single shells weighing in excess of 2,200 pounds must be loaded or unloaded one at a time.

(e) *Class VIII.* (1) When handled by tray fitted with sideboards shall not exceed 1,000 pounds plus 10 percent.

(2) Drafts consisting of one or more palletized units shall not exceed 2,400 pounds plus 10 percent.

(3) The maximum permitted weight for lift of a portable magazine containing Class VIII ammunition shall not exceed 2,400 pounds plus 10 percent.

(f) *Class IX–C.* (1) When handled by tray fitted with sideboards shall not exceed 1,000 pounds plus 10 percent.

(2) The maximum permitted weight for purpose of lift of a portable magazine containing IX–C explosives shall not exceed 2,400 pounds plus 10 percent.

(g) *Classes X–A, X–B, X–C, X–D.* (1) When handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2,400 pounds plus 10 percent.

(2) When handling bombs, more than one to a draft, by sling method or in palletized units, the draft shall not exceed 4,000 pounds plus 10 percent.

(3) Table of limiting loads applicable when handling bombs by sling method:

Weight of individual bomb or cluster:	*Maximum limits in units per 1 draft*
1 pound to 250 pounds plus 10 percent per unit	8
276 to 500 pounds plus 10 percent per unit	6
551 to 1,000 pounds plus 10 percent per unit	4
1,101 to 2,000 pounds plus 10 percent per unit	2
Over 2,200 pounds	1

(4) Single items or assembled units (other than palletized), designed to be handled as a unit, may be loaded regardless of weight provided the cargo handling gear is of a design capable of handling a working load at least 50 percent additional to the actual weight of the item or unit comprising the draft, and provided further the integrity of the cargo handling gear is unimpaired.

(h) *Classes XI–A, XI–B, XI–C, XI–D.* (1) When handled by trays, skipboards, pallets or pieplates fitted with cargo nets or sideboards shall not exceed 2,400 pounds plus 10 percent.

(2) Drafts consisting of one or more palletized units shall not exceed 4,000 pounds plus 10 percent.

(3) Single bombs or other unit containers weighing in excess of 2,200 pounds must be loaded or unloaded one at a time.

(j) A tray with a top and so constructed that it may be considered equivalent to a palletized unit may, subject to the approval of the Captain of the Port, be permitted a maximum weight per draft of 4,000 pounds plus 10 percent. This top may be constructed of other material than the tray, provided it serves to make the tray an integral unit.

(k) Vans and portable magazines containing permitted explosives of Coast Guard Classes I and II, designed to be loaded and discharged in a loaded condition by "lift-on lift-off" method may be handled regardless of weight provided the rated working capacity of the cargo handling gear is not exceeded and provided further that the integrity of the handling gear is unimpaired.

§ 146.29–43 Requirement for the opening of hatches.

(a) *Vessels at explosives loading piers or at ammunition loading piers.* (1) A weather deck hatch through which ammunition or explosives are being worked shall have sufficient hatch covers and hatch beams removed across the entire width of the hatch so that the resulting opening, measured parallel to the side of the vessel, is at least equal to twice the longest axis of the largest draft being loaded.

(2) Strongbacks or hatch beams left in place shall be firmly secured by hatch batten or other approved means.

(b) *Vessels at explosives anchorages.* A weather deck hatch through which ammunition or explosives are being worked shall have all hatch covers and all hatch beams removed unless otherwise authorized by the Captain of the Port.

(c) *Vessels at explosives anchorages having a magazine constructed in the square of a weather deck hatch.* Sufficient hatch covers and hatch beams shall be removed from the weather deck hatch to expose the entire magazine.

(d) *General requirements.* (1) During the working of ammunition and explosives to or from the deep holds, the 'tween-deck hatch openings shall at all times be equal to, if not greater than, the weather deck hatch openings.

(2) The use of open hooks in removing or replacing hatch beams or hatch strongbacks is prohibited. Closed hooks, shackles or T bars shall be used in this operation.

§ 146.29–45 Loading or unloading military explosives and other cargo.

(a) Military explosives shall not be loaded or unloaded in a hatch at the same time that other cargo is being worked in any of the holds serviced through said hatch.

(b) Military explosives shall not be loaded or unloaded from the same hatch from both sides of the ship simultaneously, unless the hatch is fitted with cargo handling gear located at both the forward and after ends of the hatch. A vessel so equipped may also use both sets of cargo handling gear simultaneously from the same side of the vessel.

(c) When military explosives are stowed in a hold below one in which any cargo is being worked the 'tween-deck hatch dividing the two holds will have all of its covers securely in place.

(d) Military explosives may be loaded in a hold before or after other cargo,

provided that all precautions are taken to assure full protection to the explosives against the hazard of articles being dropped from the cargo sling. When possible hatches should be partially covered to assure such protection.

(e) Cargo drafts being loaded or unloaded shall not be handled over explosives or other dangerous articles that are stowed "On deck".

(f) Any deck loads over which military explosives must be passed shall be limited in height to that of the hatch coaming, bulwark, or three feet, whichever is greater.

§ 146.29–47 Packing and marking.

Military explosives shall not be offered to vessels or accepted by vessels subject to the regulations in this part unless they are in proper condition for transportation and are packed, marked, labeled, described, certified and otherwise acceptable in accordance with the applicable provisions of the regulations in this part.

§ 146.29–49 Stowage on board barges.

(a) Barges subject to the regulations in this part, engaged in the transfer of explosives between receiving points and delivery points within the harbors, bays, sounds, lakes, and rivers, including the explosives anchorages on the navigable waters, shall conform to the applicable provisions of §§ 146.10–1 to 146.10–50, inclusive. Ammunition or explosives in bulk, in combustible outside packages, stowed "On deck in open" shall after loading and during transportation be covered by fire resistant and/or flame proof tarpaulins securely lashed in place.

(b) Notwithstanding the requirements of this subpart relative to the stowage of detonators, blasting caps and fuzes, Class VIII, such articles may be stowed "On deck" on Class AA and Class AB barges with other ammunition or explosives in bulk stowed thereon, provided a sandbag barrier of at least 2 feet in thickness intervenes between the ammunition or explosives in bulk and the detonators, blasting caps or fuzes. When both are stowed "On deck" the height of this barrier shall be at least equal to the height of the stowage of the detonators, blasting caps or fuzes, or the ammunition or explosives in bulk, whichever is highest. The barrier shall either completely surround the detonators, blasting caps or fuzes or extend across the width of the barge. With this type of barrier no additional separation is required. For Class AC barges, the stowage of detonators, blasting caps or fuzes, Class VIII, shall, when no permanent steel bulkhead intervenes, be separated from the stowage of ammunition or explosives in bulk by a distance of 40 feet; with a permanent steel bulkhead intervening, detonators, blasting caps or fuzes shall be separated from the stowage of explosives in bulk by a distance of 25 feet and from the stowage of ammunition by a distance of 10 feet. If, under deck, a 2-foot sandbag barrier is utilized to intervene between the stowage of ammunition or explosives in bulk, it shall be considered as though a permanent steel bulkhead or deck intervenes. Nothwithstanding the provisions of § 146.10–50, Class CA and Class CB barges may transport ammunition on deck.

§ 146.29–51 Stowage on board vessels.

(a) All articles of cargo classified as military explosives by the regulations in this subpart shall be stowed on board a vessel in conformity with the provisions of the regulations in this subpart.

(b) Mixed stowage of ammunition or explosives in bulk with other ammunition or explosives, or other dangerous articles or substances, or combustible liquids or hazardous articles shall be in conformity with the provisions of the explosives and hazardous munitions admixture charts, § 146.29–99, the classification, handling and stowage chart § 146.29–100 and other applicable specific provisions of this subpart.

(c) Specifications governing construction and location of magazines and lockers and the preparation of cargo compartments to be used in the stowage of military ammunition are detailed in §§ 146.29–71 to 146.29–95, inclusive.

§ 146.29–53 Stowage of military explosives in holds containing coal.

Unless expressly authorized by the Commandant of the Coast Guard military explosives shall not be stowed in a hold containing coal as cargo nor in any hold above, below or adjacent to one containing coal.

§ 146.29–55 Stowage of military explosives in holds containing household or personal effects and/or mail as cargo.

Unless expressly authorized by the Commandant of the Coast Guard, military explosives shall not be stowed in a hold containing household or personal effects and/or mail as cargo, nor in the hold above or below the hold containing any of these items. However, this requirement shall not apply to vessels having on board military explosives of the Class I category only.

§ 146.29–57 "On deck" stowage.

(a) Articles classified as military explosives, the stowage of which is permitted "On deck" by the regulations in this subpart shall be properly secured. Such security may be obtained by using existing vessel's structures such as bulwarks, hatch coamings, shelter deck and poop bulkheads, as part boundaries and effectively closing in the cargo by fitting angle bar closing means, secured by bolting to clips or other parts of the ship's structure. Lashing of deck stowage permitted provided eye pads are fitted to carry such lashings. Guard rails shall not be used to secure such lashings.

(b) Bulky articles may be secured by lashing with individual wire rope lashing or other equally efficient means.

(c) Shoring of such bulky articles of cargo shall be in addition to the foregoing means of securing.

(d) Military explosives stowed "On deck" shall not be stowed within a distance of 20 feet of an incinerator, the topside terminus of an ash hoist or a coal or oil fire galley or bake shop. For vessels fitted with electrically operated galleys and bake shops, the military explosives stowed on deck may be stowed not closer than 10 feet of such galleys and bake shop provided no incinerator or topside terminus ash hoist is within a distance of 20 feet of such stowage.

(e) Deck boxes, portable magazines or vans containing military explosives shall meet the requirements of this section when stowed "On deck." Compatibility of the explosives within the deck box, portable magazine or van shall be in accordance with § 146.29–99 and § 146.29–100. A deck box, portable magazine or van containing permitted military explosives shall be separated from other deck boxes, portable magazines or vans containing permitted explosives of incompatible classes by the bridge structure or if the height of the container does not exceed that of the hatch coaming, by the weather deck hatch. Fire plugs and sounding pipes and access ways shall be maintained free and clear.

§ 146.29–59 Stowage adjacent to other dangerous articles.

As noted in § 146.29–11, missile and rocket fuels or oxidizers listed in Classes XI–C and XI–D of § 146.29–100 are excluded from the provisions of this section when shipped with military explosives, and compatibility will be in accordance with the chart in § 146.29–99.

(a) *Flammable liquids.* (1) Military explosives shall not be stowed in the same hold, nor in any hold below, any hold above or a hold adjacent to one in which flammable liquids are stowed. Military vehicles including ducks, buffaloes, alligators and similar amphibious types of craft, referred to in this subpart as "vehicles" or "military vehicles", using a flammable liquid as fuel may be stowed in holds adjacent to a hold in which military explosives are stowed provided the fuel is confined to the vehicle's tank and is not in excess of approximately 75 percent of the capacity of the fuel tank.

(2) Military vehicles, landing craft and small boats using flammable liquid as fuel and having the fuel confined to the vehicle's or boat's tank and not in excess of approximately 75 percent of the capacity of said tank may be stowed "On deck" over a hold in which military explosives are stowed: *Provided,* That the weather deck is tight and the cargo hatch is fitted with a tight raised coaming and that such stowage is not made over the square of the hatch, except that amphibious type vehicles, landing craft or boats having fuel tanks installed within a tight hull may be stowed over the square of a hatch.

(3) Flammable liquids as cargo shall not be stowed "On deck" immediately above a hold in which military explosives are stowed. The applicable provisions of §§ 146.21–1 to 146.21–100, inclusive, shall be observed in the stowage of flammable liquids "On deck".

(b) *Flammable solids or oxidizing materials.* (1) Military explosives shall not be stowed in the same hold nor in any hold above or below or a hold adjacent to one in which flammable solids or oxidizing materials are stowed except as specifically authorized by the provisions of § 146.29–100.

(2) Flammable solids or oxidizing materials may be stowed "On deck" over a hold in which military explosives are stowed: *Provided,* That the weather deck is tight and the cargo hatch is fitted with a tight raised coaming and such stowage is accomplished by means of a crib and platform so constructed as to provide a free space of at least 6 inches in height between the deck and the floor of the crib in such a manner as to allow flushing of any leakage that may occur: *And provided further,* That such stowage is not made over the square of the hatch.

(c) *Corrosive liquids.* (1) Military explosives shall not be stowed in the same hold nor in the hold below one in which corrosive liquids are stowed except as specifically authorized by the provisions of § 146.29–100. Corrosive liquids may be stowed "On deck" over a hold in which military explosives are stowed: *Provided,* That the weather deck is tight and the cargo hatch is fitted with a tight raised coaming and such stowage is accomplished by means of a crib and a platform so constructed as to provide a free space of at least 6 inches in height between the deck and the floor of the crib in such a manner as to allow flushing of any leakage that may occur: *And further provided,* That such stowage is not made over the square of the hatch.

(2) The substances listed below shall not be transported on board a vessel which is carrying in excess of 100 tons of ammunition or explosives:

Acid sludge.
Bromine.
Chloracetyl chloride.
Dimethyl sulfate.
Hydrofluoric acid, anhydrous.
Nitrating (mixed) acid.
Nitric acid.
Phosphorus oxychloride.
Phosphorus tribromide.
Phosphorus trichloride.
Spent acid (sulfuric or mixed).
Sulfur chloride.

(d) *Military vehicles with electrolyte.* Notwithstanding the provisions of §§ 146.23–1 to 146.23–100, electrolyte of not over 47 percent strength (39° Baumé) may be accepted for transportation and be stowed on board vessels carrying military explosives under the following conditions of packing:

(1) In glass or earthenware containers, not exceeding 160 ounces capacity (one imperial gallon) in fiberboard cartons of a size to permit cushioning with an incombustible, absorbent material of a sufficient amount to absorb the contents of the container in event of breakage. The outside container shall consist of a wooden box (ICC 15A, 16B or Army Specification) in which 1, 2, 3, or 4 fiberboard cartons may be packed. The outside containers shall carry the white (acid) label. No military ammunition shall be included within this package.

(2) Electrolyte packed in accordance with provisions set forth in subparagraph (1) of this paragraph may be stowed:

(i) "On deck in open" including deck areas over holds containing military explosives.

(ii) "Tween-deck" or "Under deck" in holds adjacent to or in any hold below a hold containing military explosives.

(3) Electrolyte, when packed in accordance with the provisions of subparagraph (1) of this paragraph, may be accepted for transportation when securely fastened within or on a military vehicle or other military equipment whether such vehicle or equipment is shipped crated, boxed, or without crating or boxing. Such military vehicles or military equipment, when shipped crated or boxed, may be accepted for transportation when the container of electrolyte is securely fastened on the inside of the shipping crate or box containing the vehicle or military equipment. When so shipped, the overall crate or box shall carry the white (acid) label and shall be marked "This side up" and "Inside packages comply with prescribed specifications."

(4) Electrolyte packed in accordance with the provisions of subparagraph (1) of this paragraph when offered for transportation under the conditions set forth in subparagraph (3) of this paragraph, may be stowed as follows:

(i) "On deck in open", including deck areas over holds containing military explosives;

(ii) "Tween-deck" or "Under deck" in holds adjacent, any hold below or any hold above holds containing military explosives; or,

(iii) In the same hold containing Class I, IV, V, VII, X–A, X–B, X–C, or X–D, provided the stowage of military vehicles and the stowage of ammunition are separated by a division bulkhead or a 2-inch dunnage floor.

(5) Military vehicles (crated or uncrated) containing an electrolyte storage battery shall not be stowed in the same hold over military explosives stowed therein. Such vehicles may be stowed in the same hold under or alongside of military explosives stowed therein: *Provided,* That all the applicable provisions of this section are observed: *And provided further,* That the vehicles are processed, the fuel tank drained dry, the battery terminal leads disconnected, taped and protected against short circuit.

(6) Military vehicles or military equipment as used in this section includes naval vehicles or naval equipment.

(e) *Flammable compressed gases.* (1) Military explosives shall not be stowed in the same hold nor in any hold below, any hold above or a hold adjacent to one in which flammable compressed gases are stowed.

(2) Flammable compressed gases shall not be stowed "On deck" over a hold in which any Class II–A, II–C, II–D, II–E, II–G, V, VI, VII, VIII, IX–A, IX–B, IX–C, X–A, X–B, X–C, X–D, XI–A, XI–B, or XI–C is stowed.

(3) Flammable compressed gases may be stowed "On deck" over a hold in which Class I, II–B, II–F, II–J, III, or IV is stowed: *Provided,* That, the weather deck is tight and the cargo hatch is fitted with a tight raised coaming, and such stowage is accomplished by means of skids at least 6 inches in height off the deck or a crib and platform so constructed as to provide a free space of at least 6 inches in height between the deck and the floor of the crib. Other applicable provisions of §§ 146.24–1 to 146.24–100, inclusive, shall be observed. Stowage may be over the square of the hatch.

(f) *Non-flammable compressed gases.* Ammunition of the following Classes I, II–B, II–G, IV, V, and VII may be stowed in the same hold or compartment with non-flammable compressed gases provided the two stowages are separated by a type "A" dunnage floor or a division bulkhead. This mixed stowage is not permitted for the following non-flammable gases: Boron trifluoride, chlorine, oxygen and sulphur dioxide.

(g) *Poisons*—(1) *Class "A".* Classes I and II–F ammunition may be stowed in the same hold or compartment with Class "A" poisons provided the two stowages are separated by a type "A" dunnage floor or a division bulkhead.

(2) *Class "B".* Ammunition of the following classes, I, II–B, II–F, IV, V, VII, XI–A, and XI–B may be stowed in the same hold or compartment with class "B" poisons: *Provided,* That the two stowages are separated by a type "A" dunnage floor or a division bulkhead.

(3) *Class "C" (tear gas).* Ammunition of the following classes I, II–B, II–F, II–G, IV, V, VII, XI–A, and XI–B may be stowed in the same hold or compartment with Class "C" poisons: *Provided,* That the two stowages are separated by a type "A" dunnage floor or a division bulkhead. Class II–A, propellant charges, may also be stowed in the same hold with Class "C" poisons: *Provided,* That the two stowages are separated by a type "A" dunnage floor or a division bulkhead: *And provided further,* That the Class II–A, propellant charges, ammunition is given top stowage.

(4) *Radioactive materials.* Military explosives shall not be stowed in the same hold in which radioactive materials are stowed.

(h) *Hazardous articles.* Military explosives shall not be stowed in the same hold or in the hold below, the hold above or a hold adjacent to one in which hazardous articles are stowed.

(j) *Combustible liquids.* (1) Military explosives shall not be stowed in the same hold nor in the hold below one in which combustible liquids are stowed.

(2) Combustible liquids may be stowed "On deck" over a hold in which military explosives are stowed: *Provided,* That the weather deck is tight and the cargo hatch is fitted with a tight raised coaming and such stowage is accomplished by means of a crib and a platform so constructed as to provide a free space of at least 6 inches in height between the deck and the floor of the crib in such a manner as to allow flushing of any leakage that may occur. *And provided further,* That

such stowage is not made over the square of a hatch.

(k) *"On deck" stowage.* When containers of flammable liquids, flammable solids or oxidizing materials, corrosive liquids, compressed gases, poisons, combustible liquids or hazardous articles are stowed "On deck", such containers shall not be stowed within 12 inches of any steam pipe fitted on deck.

§ 146.29–61 Stowage with nondangerous cargo in the same hold.

(a) Military explosives that are stowed in the same hold with nondangerous cargo shall be protected from damage likely to be caused by heavy nondangerous cargo. Shafting, steel bar, steel shapes, pipe, heavy machinery, military vehicles (uncrated), and similar types of cargo shall, when stowed in the same hold with military explosives be so isolated or dunnaged or secured as to prevent damage to military explosives or magazines containing said substances, or temporary bulkheads protecting explosive stowages, under any conditions likely to be encountered during the voyage.

(b) When nondangerous cargo is to be stowed adjacent to the exterior of a magazine, wooden cargo battens of not less than commercial 2'' x 4'' size spaced not more than 12 inches, center to center, shall be fitted horizontally to the uprights forming the frame of the magazine.

§ 146.29–63 Stowage and dunnaging of ammunition and containers of explosives in bulk.

(a) Military explosives shall be so stowed and dunnaged as to prevent damage to the cargo or the vessel from shifting cargo caused by forces incident to the voyage of the vessel. Nothing within this paragraph shall be construed as requiring the entire interior of the cargo compartment to be covered with dunnage.

(b) Containers of military explosives marked, "This side up" or otherwise marked directing their stowage shall be so stowed.

(c) Kegs of black powder shall be stowed in an upright position, the bungs or other filling openings "up". Each tier shall be floored off.

(d) Metal containers or metal tanks or other containers of propellant charges having closure means which protrude beyond the chime or the surface of the container shall be so dunnaged as to prevent damage occuring to such closures.

(e) The uppermost tier of military explosives shall be so secured to the mutual satisfaction of the Captain of the Port and the Master of the vessel by tomming, bracing, strapping, top stowing with permissible cargo of sufficient unit weight and quantity or other effective means that no displacement can occur either upwardly or laterally.

(f) Military explosives shall be so stowed that they or the containers are not liable to be pierced by the dunnaging or crushed by superimposed weight.

(g) Containers of military explosives shall not be "cant" stowed. They shall be stowed in full bearing on dunnage or both end and center bearing on dunnage. Broken stowage may at the turn of the bilge, be dunnaged out with cordwood or otherwise so cribbed as to provide maximum bearing attainable for the container to be stowed in the tier above. Broken stowage in other locations in the hold may be compensated for by cribbing out or by the insertion of sufficient dunnage to provide proper bearing for packages in the tier above.

(h) Fixed or semifixed ammunition in fiber containers, crated or uncrated, may be stowed on its base or on its side. Dunnaging shall be accomplished in such manner as to bear only upon the metal part of the container. No dunnage or weight shall bear directly upon the fiber portion of the container.

(j) Separate-loading projectiles, boxed, crated, unboxed, or uncrated may be stowed on their bases or on their sides except as otherwise provided for Army WP filled ammunition in the stowage requirements for Class II–D ammunition, § 146.29–100.

(k) When tween-deck holds of cargo vessels are utilized for the stowage of military explosives, the maximum permissible deck load for such tween decks shall not be in excess of 45 pounds per square foot of tween-deck space for each foot of tween-deck height, except where the deck and hatch structure of ships have been specially designed or reinforced for the carriage of heavy loads the Captain of the Port may permit loading in accordance with these schedules of increased intensity of loading when they are furnished by the master or operator.

§ 146.29–65 Damaged or leaking containers of explosives.

(a) Any container of explosives or chemical warfare agents showing evidence of failure, leaking of a liquid ingredient or inability to retain its contents shall not be accepted for transportation, storage, or stowage on board any vessel.

(b) Any container of an explosive when offered for transportation, storage, or stowage, showing excessive dampness or which is moldy or shows outward signs of any oil stain or other indications that absorption of the liquid part of the explosive is not perfect, or that the amount of the liquid part of the explosive is greater than the absorbent can carry, shall not be accepted for transportation. The shipper must substantiate any claim that a stain is due to accidental contact with grease, oil, or similar substances. In case of doubt the container shall be refused.

§ 146.29–67 Defective ammunition.

Ammunition found to be defective while being unloaded from a barge, freight car, or other vehicle, shall not be placed on board a vessel. If found to be defective while on board the vessel, it shall, if at all possible, be removed from the vessel to an isolated location as quickly as possible.

§ 146.29–69 Recoopering damaged packages.

Defective packages shall not be recoopered in the hold of a vessel. Such packages shall not be recoopered elsewhere on board the vessel except upon conditions authorized by the Captain of the Port. Replacing bomb shipping bands, loose covers, nose plugs or strapping containers is not classed as recoopering.

§ 146.29–71 Constructing magazines.

(a) All work in connection with the construction of a magazine, or other conditioning of holds, decks, or hatches shall be completed before the actual loading of military explosives is undertaken except as provided in §§ 146.29–35 (e) and 146.29–81(b). Magazine construction or other conditioning of a hold in which military explosives are not actually being loaded or which do not contain any military explosives is permitted.

(b) Sizes of material used for the construction of a magazine or other conditioning of holds, decks, or hatches, as set forth in the regulations in this subpart, are minimum. Increased sizes may be used, if desired. Nails shall not protrude beyond the surface of the lumber or other material authorized.

§ 146.29–73 Preparation of magazines, decks, hatches and holds for handling military explosives.

(a) All magazines and holds shall be cleared of all rubbish and discarded dunnage and be swept, hosed down or cleaned by such other efficient method that will insure the compartment to be broom clean and free of any residue from cargo before commencing to load any military explosives. Bilges, overhead deckbeams and strongbacks shall be examined and any residue of previous cargo removed therefrom.

(b) All decks, gangways, and hatches over or through which military explosives must be passed or handled in loading or unloading shall be freed of all loose material and shall be swept broom clean both before and after loading or unloading.

(c) The hatches or cargo ports opening into a compartment in which military explosives are stowed shall be kept closed at all times except during the operation of loading or unloading of the compartments or during periods of short stoppages such as lunch breaks or while shifting of barges or railway vehicles. During the period of such stoppages the hold shall be protected as prescribed by the Captain of the Port. When a hatch is closed wooden hatch covers shall be covered with tarpaulins.

(d) No debris of any description which creates a fire hazard or a hazardous condition for persons engaged in the explosives handling operation shall be permitted to stand on the weather deck of a vessel while military explosives are being worked.

(e)(1) Hatch beams and hatch covers shall, where possible, be stowed on

the opposite side of the hatch from that over which the military explosives are being worked. If this is impossible, they may be stowed on the working side of the hatch.

(2) Hatch beams shall be stowed or secured in a manner that will prevent them from rolling, rocking, turning or sliding.

(3) Hatch covers shall be so stowed as to form as level a platform as possible.

(f) During the time a hatch is open and military explosives are being worked or stowed, the vessel's officer on duty supervising the handling of explosives shall warn the masters of other vessels coming alongside and the operator of any dock equipment (capable of producing sparks) to stay clear of the area adjacent to open hatches as far as practicable.

§ 146.29–75 Location of magazines and ammunition stowage.

(a) A cool location being an important factor, magazines shall be built and military explosives stowed in an authorized location in accordance with the following factors in the order listed. The Captain of the Port may authorize in his discretion a modification of the below established location priorities when circumstances so justify:

(1) A tween-deck hold, preferably a lower tween-deck.

(2) A lower hold.

(3) In the square of a hatch.

(4) A shelter deck in a location as far removed from uptakes or engine casing as possible.

(5) A forecastle, poop or permanent deck house provided the space is ventilated and does not contain any "In use" crew accommodations, nor vessel stores, and can be closed off from traffic while at sea.

(6) "On deck" stowage.

(7) Insulated spaces normally comprising refrigerator spaces may be used for the stowage of all classes of military explosives, except Class II–J chemical ammunition: *Provided,* That all regulations relative to stowage of explosives with other dangerous articles of cargo are observed and the spaces may be ventilated sufficiently to provide a temperature consistent with the temperature of other holds of the vessel. When such spaces are fully ceiled, the entire compartment will be considered as a magazine, however, any pipes within the compartment shall be protected by horizontal cargo battens of a size not less than commerical 2'' x 4'', spaced not more than 12 inches apart, center to center and secured to 4'' x 6'' uprights spaced not more than 36 inches apart. Refrigerator spaces, the floors of which are lined with lead, shall not be used as a stowage for picric acid in bulk or ammonium picrate.

(b) When it is necessary to construct a magazine or to stow ammunition adjacent to the engine room, boiler room or coal bunker bulkheads, or the engine or boiler room uptakes or casings, the following provisions shall be complied with:

(1) A tight wooden temporary bulkhead shall be constructed at least one foot off the permanent bulkheads, uptakes or casings with the smooth side facing the stowage of the explosives or ammunition.

(2) When the permanent bulkhead is smooth on the cargo side, construction shall be of commercial 2-inch boarding secured to uprights of 4'' x 6'' size spaced not more than 30 inches apart in the 'tween or shelter deck, or 6'' x 6'' size spaced not more than 24 inches apart in the lower hold. Uprights shall not be stepped directly onto a metal deck or overhead. A 2'' x 6'' bearer to carry the upright shall be laid on the metal deck, and a 2'' x 6'' header shall be fitted against the underside of the overhead deck to receive the top of uprights. Top of uprights fitted against overhead deck beams may be wedged direct to the beam with 2'' x 4'' spacers fitted between. Suitable horizonal stringers shall be fitted between temporary and permanent bulkhead at the top and bottom, as well as intermediate stringers spaced a maximum of 5 feet. Uprights shall be securely fastened to horizontal stringers or horizontally braced at the top, bottom and center.

(3) When the permanent bulkhead stiffeners are on the cargo side, suitable uprights of not less than 2'' x 4'' may be installed against the permanent vertical stiffeners to give the required 12 inches off the bulkhead. If the permanent stiffeners are over 30 inches apart, center to center, 2½-inch boarding shall be used. Uprights shall be stepped and braced as required by the provisions of subparagraph (2) of this paragraph. Bulkhead stiffeners that do not extend the full depth of the cargo space shall not be used for this purpose.

(4) Other methods of construction using steel or wooden uprights, bolted to plates or lugs welded to deck beams, decks, or tank tops may be used provided the strength is equivalent to that obtained by the foregoing methods of construction.

(c) Stowage provided for military explosives shall be dry and except for deep tanks well ventilated.

(d) Ammunition as cargo shall not be stowed within a distance of 10 feet of a vessel's radio shack, receiving or transmitting apparatus, radio antenna or antenna lead-in. The same restriction applies to radar equipment.

§ 146.29–77 Allocation of stowage.

Military explosives that are tendered to a vessel for transportation as cargo shall be stowed on board the vessel utilizing the type of stowage authorized for the particular ammunition or explosives in bulk by the provisions of § 146.29–100.

§ 146.29–79 Types of stowage.

The types of stowage prescribed for military explosives are described as follows:

(a) Magazine stowage A.
(b) Ammunition stowage.
(c) Chemical ammunition stowage.
(d) Special stowage.
(e) Portable magazine stowage.
(f) Pyrotechnic stowage.
(g) Stowage of blasting caps, detonators, primer detonators, etc.
(h) Deck box and van.

§ 146.29–81 Magazine Stowage A.

The following shall be observed in the construction of a magazine required by the table in § 146.29–100 for "Magazine A" type of stowage:

(a) Magazines may be constructed of steel or wood.

(b) Magazines constructed of steel shall have the whole of the interior thoroughly protected by wood dunnage of a minimum thickness of ¾ inch. This lining may be installed during the progress of the stowage. Metal stanchions within the magazine shall be boxed with wood of a thickness of not less than ¾ inch. Bulkhead stiffeners or other structural members extending into the stowage spaces shall not be protected by dunnaging but shall be completely boarded over. When bare steel decks or tank tops are utilized to form the floor of a magazine, a wooden floor consisting of at least two layers of commercial 1-inch thick dunnaging shall be laid, the top course being laid crosswise to the lower course. When steel decks or tank tops are originally fitted with a wood flooring or are ceiled, it shall be necessary to fit one course of dunnage. All flooring formed by these methods shall be laid with commercial 1-inch lumber of widths not less than 4 inches, fitted as close as possible, edge to edge and butt to butt.

(c) Magazines constructed of wood shall have the bulkheads forming the sides and ends constructed of commercial 1-inch lumber, of ¾-inch tongue and groove sheathing, or of ¾-inch plywood, secured to uprights of at least a 3'' x 4'' size, spaced not more than 18 inches apart and secured at top, bottom and center with horizontal bracing. When ¾-inch plywood is used, the uprights may be spaced on 24-inch centers. Uprights shall not be stepped directly onto a metal deck. A 2'' x 4'' bearer to carry the uprights shall be laid upon the metal deck. A 2'' x 4'' header shall be fitted against the underside of an overhead deck to receive the top of uprights. Top of uprights fitted against channel beams may be wedged directly to the beam with 2'' by 4'' spacers fitted between. Care shall be taken in securing upright framing that no nails penetrate to the interior of the magazine. When a magazine is constructed as a permanent compartment in the vessel, increased size and finish of lumber and other methods of fastening may be used provided such fastenings are recessed below the surface of the boarding to avoid projections within the interior of the magazine. All boardings shall be fitted and finished so as to form a smooth surface within the interior of the magazine. Construction shall be such as to separate all containers of explosives from contact with metal surfaces of the structure of the vessel. When a metal stanchion, post or other obstruction is located within the interior area of the magazine, such obstruction must be completely covered with wood of a thickness of at least ¾ inch secured in place with

nails or screws. When screws are used for fastening, the screwheads shall be countersunk below the surface of the wood. The floor of the magazine shall conform to the provisions of paragraph (b) of this section. The door of the magazine shall be of substantial construction, fitted reasonably tight into its jamb. The door may be secured in place by the use of extension battens and wedges.

(d) A magazine constructed in accordance with the provisions of paragraphs (b) and (c) of this section, in which it is proposed to stow containers of explosives within 12 inches of the overdeck beams, or hatch coaming, shall have such deck beams and coaming sheathed with wood similar to that required for metal stanchions, posts or other obstructions by the provisions of paragraph (c) of this section.

(e) When a Class A magazine measures more than 40 feet in any direction, a partition bulkhead shall be fitted within the magazine as near half length as practicable, extending from the deck to at least the top of the stowage. Such partition bulkhead shall be constructed to the same scantlings as the sides of the magazine, except the boardings may be spaced not more than 6 inches apart alternately on both sides of the uprights. This bulkhead shall be constructed before loading commences and care shall be exercised that nail points do not protrude beyond the surface of the boarding.

(f) A magazine constructed in accordance with the provisions of paragraphs (b) and (c) of this section shall comply with the provisions of § 146.29-75(c).

§ 146.29-83 Ammunition stowage.

Military explosives that are authorized to be given ammunition stowage by the provisions of § 146.29-100 shall be stowed in a location selected in accordance with the provisions of § 146.29-75. Dunnage shall be laid over metal decks or tank tops, except that dunnage is not required when decks or tank tops are coated with mastic, magnesite, or other equivalent material, and when palletized units are used and the pallets are constructed of wood. Dunnaging shall be fitted to protect packages or articles or military explosives from damage. Nothing within this paragraph shall be construed as requiring the entire interior of the cargo compartment to be covered with dunnage.

§ 146.29-85 Chemical ammunition stowage.

Chemical ammunition or chemical agents in bulk that are authorized to be given chemical ammunition stowage by the provisions of § 146.29-100 shall be stowed under the following conditions:

(a) Shall be afforded the same protection as required for ammunition stowage.

(b) Stowage shall preferably be in a deep tank or a lower hold.

(c) When stowed in a deep tank, pump suctions shall be effectively sealed off to prevent the escape of any leakage which may take place. Sealing off shall be accomplished by inserting a blank flange in way of the suction side of the bilge pump manifold.

(d) When stowed in a lower hold or other compartment, the hatch covers, ventilators and pump's suction shall be effectively sealed off to prevent the escape of any leakage which may take place. Sealing off the pump's suction shall be accomplished by inserting a blank flange in way of the suction side of the bilge pump manifold.

(e) When the quantity of chemical ammunition or chemical agents in bulk exceeds the capacity of deep tanks and lower holds, other holds may be used, preference being given to other lower holds or to a tween-deck hold directly over a lower hold in which such substances are stowed.

(f) Chemical ammunition or containers of chemical agents in bulk stowed in a tween-deck shall not be stowed within 8 feet of the side of the vessel.

(g) When the quantity of chemical ammunition to be stowed on board the vessel does not justify the use of a deep tank or lower hold, a suitable tween-deck space may be selected and the ammunition stowed in a portable magazine especially constructed to prevent any leakage from the ammunition escaping outside of the magazine. Such portable magazine shall be located at least 8 feet from the ship's side.

(h) Before entering a deep tank, lower hold or other compartment containing chemical ammunition the air inside the compartment must be tested by competent personnel to ascertain if leakage has taken place. If leakage has occurred, the operation of removing the ammunition or chemical agent shall be conducted by skilled personnel, preferably representatives of the appropriate Army Technical Service (Chemical Corps or Ordnance Corps) or Navy Department.

§ 146.29-87 Special stowage.

Special stowage may be on deck protected from the elements, in a deck house, mast house, mast locker or in a vacant stateroom: *Provided*, That such a location conforms to the distance separation rule applicable to the item so stowed and adjacent military ammunition: *And provided further*, That the space is ventilated and does not contain any vessel stores or machinery or equipment used during the navigation of the vessel and can be closed off from traffic while at sea. Dunnage shall be fitted to protect packages from damage by contacting any metal parts of the ship.

§ 146.29-89 Portable magazine stowage.

Military explosives authorized to be given portable magazine stowage by the provisions of § 146.29-100 shall be stowed under the following conditions:

(a) Shall be located in a hold or on deck in accordance with the provisions of § 146.29-99 and § 146.29-100 for the particular class of military explosive stowed therein. "On deck" stowage shall also meet the requirements of § 146.29-57.

(b) Portable magazines shall be constructed of wood, or of metal lined with wood ¾-inch minimum thickness, and not more than 100 cubic feet plus 10 percent (gross) of explosives shall be stowed therein.

(c) All inner surfaces of the magazine shall be smooth and free of nails, screws, or other projections.

(d) When constructed of wood the scantlings shall not be less than those required for a type "A" magazine in § 146.29-79, and a strong, close fitting hinged cover or door with an effective means of securing shall be provided.

(e) When constructed of metal, the minimum thickness of the metal shall be not less than ⅛-inch sheet, or formed material.

(f) Ammunition or containers of ammunition or explosives in bulk when stowed in a portable magazine shall be so stowed and secured that no displacement can occur either upwardly or laterally.

(g) When stowed on deck the magazine shall be protected from the direct rays of the sun and elements. Runners, bearers, skids, or other suitable means shall be provided to elevate it a minimum of 4 inches from the deck. Pad eyes, ring bolts, or other suitable means shall be provided for lashing the magazines and they shall be so lashed, chocked or braced as to prevent movement in any direction.

(h) Portable magazines shall carry the legend "Inflammable—Keep Lights and Fire Away," or "Flammable—Keep Lights and Fire Away." When used in lieu of ammunition stowage, the legend shall indicate the Coast Guard class or classes of military explosives stowed therein.

§ 146.29-91 Pyrotechnic stowage.

(a) Pyrotechnic ammunition shall be afforded ammunition stowage or special stowage in a location away from heat and so protected as to insure no moisture contacting the packages. This class of ammunition shall not be stowed in a hold or compartment with any other military explosives, except as permitted by the admixture charts (§ 146.29-99). Pyrotechnics shall not be overstowed with other cargo.

(b) For limited quantities of pyrotechnic ammunition an alternate stowage may be utilized consisting of stowing in metal lockers or portable magazines so located as to conform with the provisions of paragraph (a) of this section as regards other explosives, over-stowage, heat, and moisture.

§ 146.29-93 Stowage of blasting caps, detonators, primer detonators, etc.

Stowage of Classes III, VI and VIII type ammunition shall conform to the provisions of §§ 146.29-99 and 146.29-100, and to the following requirements:

(a) Class VIII ammunition, when stowed on board the same vessel with Classes II, IV, V, or VII military explosives, shall be separated as follows:

(1) With a permanent steel deck or bulkhead intervening, the separation shall not be less than 10 feet in any direction.

(2) Without a permanent steel deck or bulkhead intervening, the separation shall not be less than 25 feet in any direction.

(b) Class VIII ammunition, when stowed on board the same vessel with Classes IX, X, or XI military explosives, shall be separated as follows:

(1) With a permanent steel deck or bulkhead intervening, the separation shall not be less than 25 feet in any direction.

(2) Without a permanent steel deck or bulkhead intervening, the separation shall be not less than 40 feet in any direction.

(c) Class VIII ammunition shall not be stowed within 8 feet of the vessel's side, except blasting caps stowed in a portable magazine "On deck" need not meet this requirement.

(d) When Class VIII ammunition is stowed over tween-deck hatch covers, and military explosives are stowed in a hold below, a single layer of commercial 2-inch lumber is required over the tween-deck hatch cover to form the floor of the magazine. Under these conditions, wooden hatch covers may be considered an integral part of the permanent steel deck and the separation requirements of paragraphs (a)(1) and (b)(1) of this section shall apply.

(e) When Class III or VI ammunition is stowed with Class VIII ammunition the provisions governing the stowage and separations of Class VIII shall apply.

(f) When a portable magazine is used for detonator stowage, such magazine may be stowed in the square of a weather deck hatch.

(g) Upon approval by the Captain of the Port, a portable magazine containing Class VIII ammunition may be stowed in an isolated cabin or steel deck house secure from aircraft machine-gun fire and not subject to casual contact by persons on board the vessel.

§ 146.29-95 Ventilation of magazine.

A magazine that is not fitted with ventilating ducts to the atmosphere shall be ventilated by omitting the top course of boarding on the sides of the magazine to provide a clear space at least 1 inch and not more than 6 inches below the lower flange or toe of the deck beam within the compartment or hold in which the magazine is constructed. Ventilators of systems feeding directly into a magazine or a hold in which military explosives are stowed shall be covered with a double layer of wire screen of not less than ⅛-inch mesh at the weather end of the cowl. This screen shall be attached securely in place in such a manner as to insure a positive closure.

§ 146.29-97 Statements of characteristic properties and hazards.

(a) In § 146.29-100 there are statements in italics setting forth certain characteristics and hazards of the substances or articles listed therein. It is not intended, nor shall it be assumed, that these statements set forth all of the characteristic properties or hazards of the particular substance or article and such statements as are shown are informative only.

(b) For the purpose of the regulations in this subpart Army Class XII explosives are treated as follows:

(1) Ammonium nitrate is classified as an oxidizing material.

(2) Dinitrotoluene (DNT) is classified as a high explosive Class IX.

(3) Wet nitrocellulose wet with 20 percent of water is classified as a flammable solid.

(4) Wet nitrocellulose wet with 30 percent of alcohol or flammable solvent is classified as a flammable liquid.

§ 146.29-99 Explosives admixture charts.

(a) Chart A of this section indicates the compatibility of the various classes of ammunition described in § 146.29-100. Chart B of this section indicates the compatibility within the class of items of Classes XI-C and XI-D.

(b) A shaded block at an intersection of horizontal and vertical columns in Chart A indicates that the particular class of military explosives shown by the heading of the horizontal column to the left must NOT be stowed in the same hold or compartment with the particular class of military explosives indicated by the heading of the vertical column at the top of the chart. A shaded block at the intersection of horizontal and vertical columns in Chart B indicates that that particular item shown by the heading of the horizontal column to the left must NOT be stowed "On deck" together unless separated by the superstructure, or in the same hold or compartment with the item indicated by the heading of the vertical column at the top of the chart. For specific provisions of stowage, and items included in each class, refer to § 146.29-100.

(c) In the charts the letters refer to the following notes:

NOTE A: Class II-F may be stowed in the same lower hold or tween-deck hold with Classes II-C, II-E, II-G, and III provided the Class II-F ammunition is bottom stowed and provided further that no other class of explosive or ammunition is stowed in the hold or tank below.

NOTE B: Class II-F may be stowed in the same deep tank, lower hold or tween-deck hold with Classes II-B, IV, V, VII: *Provided*, That the Class II-F ammunition is bottom stowed: *And provided further*, That no other class of explosives or ammunition is stowed in the hold or tank below.

NOTE C: Propellant charges Class II-A for separate loading artillery projectile filled with Class XI-A or XI-B chemical may be stowed together in the same hold or compartment: *Provided*, That the propellant charges are "top stowed," the two items being separated by a type "A" dunnage floor. When so stowed the propellant charges shall not be overstowed with any other cargo.

NOTE D: Class II-J TH incendiary filled ammunition shall be stowed only in a deep tank or lower hold, and in all cases, bottom stowed, except that a limited quantity shipment not in excess of 500 lbs. net TH content may be stowed on deck in a special magazine constructed of material as set forth in § 146.29-81(c) and provided such magazine has an insulation of sand at least 1 foot thick on the bottom. This magazine shall be so mounted that there is at least 1 foot void between its bottom and the deck on which it is mounted, and its preferred location is aft. There shall be one charged fire hose in the immediate vicinity of this magazine when this class ammunition is stowed therein. There shall be only one such stowage per vessel and that stowage shall not be over living quarters or hatches in which military explosives, other dangerous articles, or ship's stores are stowed below.

NOTE E: Class V (unfuzed and no fuzes packed in container) and Class VII (unfuzed and no fuzes packed in container) may be stowed with Class X-A.

NOTE F: See Chart B for compatibility of items within this class.

NOTE G: May be stowed together if separate stowage is not available.

CHART A—COMPATIBILITY CHART FOR VARIOUS CLASSES OF MILITARY EXPLOSIVES AND HAZARDOUS MUNITIONS

Legend: *Refers to different ICC classes: F.L., F.G., Cor. L., Oxy. M., etc. ● Shall NOT be stowed together. □ May be stowed together. A, B, C, D, E, F, and G—Check notes in § 146.29–99 for proper stowage.

I.C.C. class		Class	I	II-A	II-B	II-C	II-D	II-E	II-F	II-G	II-H	II-J	III	IV	V	VI	VII	VIII	IX-A	IX-B	IX-C	X-A	X-B	X-C	X-D	XI-A	XI-B	XI-C	XI-D	Class
C	Small-arms ammunition w/o explosive bullets, mechanical time fuze and like items	I	□	□	□	□	□	□	□	□	●	D	□	□	□	□	□	□	□	□	□	●	●	●	□	●	□	●	I
B	Bulk propellants, such as ballistite, cordite, FNH, NH, and NC powder, "Made-up bag charges" in outside shipping containers	II-A	□	□	□	●	●	●	●	●	●	D	●	●	□	□	□	□	●	●	●	●	●	●	C	C	●	●	II-A
		II-B	□	□	□	●	●	●	●	●	●	D	●	●	□	□	□	□	●	●	●	●	●	●	□	□	●	●	II-B
B	Fixed ammunition w/o explosive projectiles and like items	II-C	□	□	□	●	□	□	□	B	●	D	●	●	□	□	□	□	●	●	●	●	●	●	●	●	●	●	II-C
B or C	Pyrotechnics (fireworks)	II-D	□	□	□	●	●	□	□	A	●	D	●	●	□	□	□	□	●	●	●	●	●	●	●	●	●	●	II-D
*Var.	Chemical ammunition—WP or PWP filled (solid)	II-E	□	□	□	●	□	●	□	A	□	A	●	●	□	□	□	□	●	●	●	●	●	●	●	●	●	●	II-E
*Var.	Chemical ammunition—HC filled (solid)	II-F	□	□	□	●	B	A	●	A	□	A	●	●	A	B	●	B	●	●	●	●	●	●	●	●	●	●	II-F
*Var.	Chemical ammunition—FS or FM filled smoke (liquid)																												
*Var.	Chemical ammunition—IM, NP, or PT filled, incendiary composition (oil gel)	II-G	□	●	●	●	●	●	□	A	□	●	D	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	II-G
		II-H	●	●	●	●	●	●	●	●	□	●	□	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	II-H
None	Chemical ammunition—water activated	II-J	D	●	D	D	●	●	●	●	●	□	●	D	●	●	●	●	●	●	●	●	●	●	●	●	●	●	II-J
*Var.	Chemical ammunition—TH filled incendiary composition (solid)																												
B or C	Fuzes, PD w/o booster; fuzes AT mine (nonchemical) w/o booster; fuzes, bomb tail w/o booster; fuzes, tracer; primers; primer detonators, etc	III	□	●	□	●	●	□	A	●	●	●	●	□	□	□	□	□	●	●	●	●	●	●	●	●	●	●	III
		IV	□	□	□	●	●	□	B	●	●	D	□	□	□	□	□	□	●	●	●	●	●	●	●	●	●	●	IV
A	Fixed and semifixed ammunition with explosive loaded projectile	V	□	□	□	●	●	□	B	●	●	□	□	□	□	□	□	□	●	●	●	E	●	●	●	●	●	●	V
A	Separate loading projectiles filled with explosive "D"																												
A	BD fuzes; PD fuzes with booster; bomb fuzes with booster; rocket fuzes with booster; and like items	VI	□	●	□	●	●	□	B	●	●	□	●	□	□	●	□	□	●	●	●	●	●	●	●	●	●	●	VI
		VII	□	●	□	●	●	□	B	●	●	□	●	□	□	□	●	□	●	●	●	●	●	●	●	●	●	●	VII
		VIII	□	●	●	●	●	●	●	●	●	□	●	□	□	□	□	●	●	●	●	●	●	●	●	●	●	●	VIII
A	Separate loading proj. filled with HE other than explosive "D"																												
A or C	Blasting caps; detonators; AT mine fuzes (chemical); etc	IX-A	□	□	□	●	●	●	●	●	●	□	●	□	□	●	□	□	●	●	●	●	●	●	●	●	●	●	IX-A
A or B	Explosives in bulk, such as black powder, propellant explosives for small arms, etc	IX-B	□	□	□	●	●	●	●	●	●	□	●	□	□	●	□	□	●	●	●	●	●	●	●	●	●	●	IX-B
		IX-C	□	□	□	●	●	●	●	●	●	□	●	□	□	●	□	□	●	●	●	●	●	●	●	●	●	●	IX-C
A	High explosives, such as dynamite, TNT, demolition blocks, etc	X-A	□	□	□	●	●	●	●	●	●	□	●	□	□	●	□	□	●	●	●	●	●	●	●	●	●	●	X-A
A	Initiating and priming explosives in bulk	X-B	●	●	●	●	●	●	●	●	●	●	●	●	E	●	●	●	●	●	●	●	●	●	●	●	●	●	X-B
A	Explosive bombs, mines, torpedoes, etc	X-C	●	●	□	●	●	●	●	●	●	●	●	●	E	●	●	●	●	●	●	●	●	●	●	●	●	●	X-C
A	Explosive bombs, mines, etc. packed with fuze in integral package																												
A	Guided missiles with solid propellant motors, w, w/o HE warhead	X-D	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	X-D
A	Guided missiles with liquid petroleum fueled propellant motors, HE warhead	XI-A	□	C	●	●	●	●	●	□	□	□	●	●	●	●	●	●	●	●	●	●	●	●	□	□	●	●	XI-A
A or Pois. A	Chemical ammunition—lethal	XI-B	□	C	□	●	●	●	●	□	□	□	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	XI-B
A or Pois. C	Chemical ammunition—nonlethal	XI-C	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	F	●	XI-C
*Var.	Fuels in containers for missile and rocket engines	XI-D	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	F	XI-D
*Var.	Oxidizers in containers for missile and rocket engines																												

CHART B—COMPATIBILITY CHART FOR VARIOUS ITEMS WITHIN CLASS XI-C AND CLASS XI-D

Legend: ●● Shall NOT be stowed together □□ May be stowed together G Check note for proper stowage

	Nomenclature	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z	aa	
a	Acids; i. e., nitric sulfuric; fuming red nitric; fuming white nitric; etc	□□																											a
b	Liquid hydrogen	●●	□□																										b
c	Liquid fluorine	●●	●●	□□																									c
d	Liquid oxygen	●●	●●	●●	□□																								d
e	Liquid nitrogen tetroxide	●●	●●	●●	●●	□□																							e
f	Anhydrous ammonia	●●	●●	●●	●●	●●	□□																						f
g	Diborane; pentaborane	●●	●●	●●	●●	●●	●●	□□																					g
h	Aluminum borohydrides	●●	●●	●●	●●	●●	●●	●●	□□																				h
i	Diethylene glycol dinitrate, liquid	●●	●●	●●	●●	●●	●●	●●	●●	□□																			i
j	Nitroglycerine, liquid	●●	●●	●●	●●	●●	●●	●●	●●	●●	□□																		j
k	Hydrogen peroxide	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	□□																	k
l	Hydrazine; hydrazine hydrate	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	□□																l
m	Dimethyl hydrazine, unsymmetrical	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	□□															m
n	Alcohol-ethyl, methyl, furfuryl	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	□□														n
o	Gasoline (AVGAS)	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	□□													o
p	Heptane; kerosene; octane	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	□□												p
q	Pentane	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	□□											q
r	Aniline	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	□□										r
s	Monoethylaniline	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	□□									s
t	Nitromethane, tetranitromethane	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	□□								t
u	Diethylene triamine	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	□□							u
v	Acetonitrile (methyl cyanide)	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	□□						v
w	Potassium cuprocyanide	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	□□					w
x	Sodium permanganate, solid	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	□□				x
y	Calcium permanganate, solid	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	□□			y
z	Lithium, metallic	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	□□		z
aa	Metals, powdered	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	●●	□□	aa
		a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z	aa	

§ 146.29–100 Classification, handling and stowage chart.

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
I Small-arms ammunition w/o explosive bullets, mechanical time fuze and like items.	Small-arms ammunition is a variety of fired ammunition and includes rifle and shotgun shells designed to be fired from a pistol, revolver, rifle, shotgun, or similar weapon held by the hand, or by the hand and shoulder, or machine guns of caliber less than 0.75 in. (19.05mm), or blank remover cartridges for pilot test ejectors and canopy removing catapults, and consists of a metallic, plastic composition or paper case with a primer and propellant with or without bullet, pellets, or other filling material, tracer compounds or incendiary compositions or mixtures, but not including bullets loaded with high explosives. (For small arms ammunition with explosive bullets or projectiles see Class IV.) Other items of ammunition or component parts of small-arms ammunition are also included in this class. Includes but is not limited to: Cartridges (small-arms type, less than 0.75 inch or 19.05mm): Aircraft engine starter. Armor piercing. Armor piercing incendiary. Armor piercing incendiary tracer. Ball. Blank. Carbine. Catapult, aircraft ejection seat. Dummy. High pressure test. Ignition. Impulse charges, ICC Class C. Incendiary. Initiator. Powder actuated tool, shipped separately. Remover, aircraft canopy. Rifle grenade. Slick marker (M.K1). Tear gas. Thruster. Tracer. Cartridge w/cartridge: Aircraft ejection seat. Chemical delay pencil. Detonating cord. Detonating fuses, ICC Class C. Empty cartridge w/o primer. Fuze, detonator, ICC Class C, mechanical time fuze and like item. Fuse, blasting cap. Grenade projection adapter and similar inert devices when packed with blank small-arms cartridge. Grenades, empty primed. Igniter, torpedo. Match, time fuse. Miniature practice bomb signal. Powder actuated tool w/cartridge packed in the same outside box. Primer, lock combination. Primer, lock electric. Primer, percussion. Primer, percussion cap (such as used in small-arms ammunition). Remover w/cartridge, aircraft canopy, M1. Shell, shotgun. Small-arms ammunition w/o explosive bullets. Trotter (M.K5). NOTE: The U. S. Army and Navy definitions of small-arms is based on tactical considerations. The Coast Guard definition shall take precedence in all cases involving transportation, handling, and stowage, as the regulations in this subchapter are applied to the regulated merchant vessels which it inspects. The Coast Guard class does not require a permit. See § 146.29-13 and § 146.29-15.	"Cannon primer." "Combination primers." "Cordeau detonant." "Empty cartridge primed." "Explosive cable cutters." "Explosive rivets" "Fuse lighters" "Grenades, empty, primed." "Percussion caps." "Percussion fuse." "Safety fuse." "Small-arms ammunition, tear gas cartridge." "Small-arms primers." "Time fuse (mechanical) w/o booster).	0 0 0 0 0 0 0 0 0 0 0 0 0 0	The principal hazard in connection with the stowage of this class of ammunition is its involvement in fire from outside sources. Under such conditions the presence of this type of ammunition will not contribute excessively to the fire. Fire may be controlled and or extinguished by flooding or spraying with large amounts of water. Missiles from burning ammunition will not be projected with any considerable force. Fire fighting personnel should take normal precautions and not expose themselves unnecessarily.	Any compartment or hold..... May be stowed in any hold above, any hold below, in which flammable liquids, flammable solids or oxidizing materials, flammable compressed gases, hazardous articles or combustible liquids are stowed. Provisions of § 146.29-99 (Stowage adjacent to other dangerous articles) shall be complied with unless specifically exempted by the table therein. Must be protected. May be transported in vans stowed on deck.	1. Observe marking on package to be certain that no explosive ammunition with explosive bullets is included. 2. Do not subject packages to rough handling. 3. Maximum weight per draft shall not exceed 3,000 lbs. plus 10%. 4. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 5. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 6. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
II-A						
Bulk propellants such as: Ballistite, Cordite, FNH, NH, and NC powders; propellant charges, "Madeup bag charges" in outside shipping containers.	Propellant explosives for cannon in bulk. Rocket propellants in bulk. Propellant charges (made-up charges) in cloth powder bags with igniter attached and with or without its primer and packed in outside metal or fiberpack containers. Includes but is not limited to: Ballistite (bulk) for any purpose in large grains, sheets, or masses. Cartridge starter, jet engine. Charge, propelling for rod, earth blast driven. Cordite. FNH powder. NC powder (8PD). NH powder (8PDN). Propellant charges for separate loading ammunition such as: 6", 8", 12", 14", 16", 155mm, 240mm, 280mm. 8PCA powder. 8PCG powder.	"Propellant explosives, solid, Class A." "Propellant explosives, solid, Class B." "Starter cartridge, jet engine."	A B B	Loose powder may be ignited by spark, friction, or intense heat. Powder dust is especially hazardous. Burns rapidly with excessive heat. Burning powder in ships hold may explode, producing structural damage and missiles. If involved in a fire, immediately apply water freely and in quantity.	*AMMUNITION STOWAGE OR PORTABLE MAGAZINE* Shall not be overstowed with any other kind of cargo except bomb fin assemblies, empty water fillable practice bombs and empty auxiliary gas tanks. When Class I ammunition is stowed in the same hold or magazine with this class, the two stowages must be separated by a partition bulkhead or type "A" dunnage floor. Propellant charges of this class, for separate loading artillery projectile, filled with Class XI-A or XI-B chemical may be stowed together in the same hold or compartment provided the propellant charges are "top-stowed," the two items being separated by a type "A" dunnage floor. When so stowed, the propellant charges shall not be overstowed with any other cargo. For stowage adjacent to other dangerous articles see § 146.29-59. Bulk propellants shall not be loaded at an ammunition loading pier. May be transported in vans stowed on deck.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Packages shall be handled in such a manner as to insure that no spark or friction will occur. 4. Observe packages or containers for evidence of sifting or inability to retain contents and reject any showing such signs. 5. In event a package is damaged and powder is spilled, immediately stop operations and sweep up any loose powder. 6. Remove damaged container and residue of powder to a safe location. 7. Gravity roller conveyor shall not be used unless authorized by the Captain of the Port in ports or facilities under his jurisdiction. At other ports or facilities authority for such use may be granted by the Officer in Charge. 8. Cargo handling stevedore gear may be trays, skipboards, pallets, or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 9. Cargo nets w/o trays, skipboards, pallets, or pieplates are not permitted. 10. The maximum permitted weight per draft when handled by pallet, skipboard, tray, or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 11. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 12. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 13. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.
II-B						
Fixed ammunition without explosive projectile and like items.	**Fixed ammunition with solid projectile, blind loaded projectile, empty projectile or without projectile—(the explosive components consisting of the primer and powder charges in a cartridge case); cartridge cases primed and containing powder charges; practice grenades; practice and target rockets.** Includes but is not limited to: Ammunition for cannon: Blank. Blind loaded and plugged (BL & P). Blind loaded with tracer (BL & T). Empty projectile. Solid projectile. Without projectile. Ammunition, armor piercing, shot (w/o HE). Cartridges, blank, saluting. Cartridges, impulse. Cartridges, semi-fixed for Navy type guns: 8"/28, 8"/51, 8"/54, 6"/47. Cartridges, semi-fixed 120mm (Army w/o projectile). Charges: Catapult (other than aircraft personnel). Grenade, hand, practice. Jato (ICC Class B). Rocket—target. Rocket motors (w/o rocket heads). Rocket, packed with but not assembled to inert rocket heads. Rocket, practice, assembled with inert head.	"Ammunition for cannon with empty projectile." "Ammunition for cannon with inert-loaded projectile." "Ammunition for cannon with solid projectile." "Ammunition for cannon w/o projectile." "Jet thrust units (JATO) Class B." "Special fireworks"...	B B B B B B	The principal hazard associated with this class of ammunition is involvement in a fire. Pressures which would cause serious structural damage are not usually generated. If involved in a fire, it is possible the fire may be controlled or extinguished by flooding or spraying with large amounts of water. Fire-fighting personnel should take appropriate precautions and not expose themselves.	*AMMUNITION STOWAGE OR PORTABLE MAGAZINE* Boxed and crated ammunition may be overstowed with nondangerous cargo and permitted explosives. Tanked ammunition may be overstowed with bomb fin assemblies, empty water fillable practice bombs and empty auxiliary gas tanks. May be stowed in the same deep tank, lower hold or tweendeck hold with Class II-F ammunition provided the Class II-F is bottom stowed and provided further that no other class of military explosives is stowed in the hold or the tank below. May be stowed in the same deep tank or lower hold with Class II-J ammunition provided the Class II-J is bottom stowed. For stowage adjacent to other dangerous articles see § 146.29-59.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Cargo handling stevedore gear may be trays, skipboards, pallets, or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 4. Cargo nets without trays, skipboards, pallets or pieplates are not authorized. 5. The maximum permitted weight per draft when handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 6. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 7. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 8. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
II-C						
Pyrotechnics (fireworks).	**Fireworks are all manufactured articles designed primarily for the purpose of producing visible or audible pyrotechnic effects by combustion or explosion.** Includes but is not limited to: Blue sump. Bomb, target identification. Cartridge igniter, turbo jet engine. Delay electric igniters. Depth charge markers, day. Destroyer, document, No. 3. Firecrackers, except M80. Fire starter. Fireworks—bombs. Fireworks—projectile. Flares of all types, such as: Aircraft. Airport. Bombardment. Float. High altitude parachute. Parachute. Parachute trip. Tow target. Trip. Flash cartridge 72 grains or under. Flash reducer (non black powder). Flash sheets (ltd. packing, ICC). Float lights. Fuse igniters. Fuse lighters. Fusee, warning, railroad. Igniters, M1 and M2. Illuminating grenades and projectiles. Metal powders (ltd. packing ICC). Photoflash bomb M122. Photographic flash powder (ltd. packing ICC). Pull wire fuse lighter. Pyrotechnic mixture, 72 grains or under. Quick match. Roman candles. Salutes. Signals: Aircraft float light. Day distress aircraft. Distress hand smoke. Double star. Drift day (bronze powder, inert). Drift night (red phosphorous). Emergency identification: smoke, star submarine. Ground cluster. Ground high burst ranging. Ground parachute smoke. Ground parachute star. Highway. Pistol rocket: Comet shower, smoke star. Single star. Submarine float. Simulator: Boobytrap, flash, illuminating, whistling, 72 grains or under. Hand grenade, M116. Smoke pots w/o oil. Squibs of all kinds. Tear gas pot fuse. Torpedo signalling, railway. Tracers. Very signal lights.	"Common fireworks." "Electric squibs"... "Fuse igniters"... "Fuse lighters"... "Igniter"... "Railway fusee"... "Railway torpedoes"... "Safety squibs"... "Special fireworks"...	C C C C C B C B	The principal hazard is involvement in a fire. Some pyrotechnics may ignite spontaneously if exposed to moisture or high temperatures, but under these conditions most types tend to become less sensitive and more difficult to ignite. Aircraft flares and high burst ranging ground signals involved in a fire may explode. Most other types burn with intense heat and without serious explosion. If involved in a fire immediately apply water freely and in quantity. Steam or fog is also effective but less so than water. Fire fighting personnel should work from behind barriers and not expose themselves unnecessarily.	*AMMUNITION STOWAGE, DEEP TANK STOWAGE, PORTABLE MAGAZINE OR PYROTECHNIC LOCKER* Shall be stowed away from heat and in a dry location, protected against moisture contacting the stowage. Shall not be overstowed with any other kind of cargo May be stowed in the same deep tank, lower hold or tween-deck hold with II-F provided the Class II-F ammunition is bottom stowed and provided that no other class of explosives or ammunition is stowed in the hold below such stowage. May be stowed in the same deep tank or lower hold as Class II-J provided the II-J ammunition is bottom stowed. For stowage adjacent to other dangerous articles see § 146.29-59. May be transported in vans stowed on deck.	1. Handle by hand or mechanical means. 2. Do not drag, drop, tumble, walk or otherwise subject packages to shock. 3. Do not load during excessive rainy weather, unless complete protection against moisture coming in contact with the package is provided. 4. Do not use chute in loading or unloading. 5. Cargo handling stevedore gear may be trays, skipboards, pallets, or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 6. Cargo nets without trays, skipboards, pallets, or pieplates are not permitted. 7. Packages or containers shall be stowed in the position indicated by their marking. 8. The maximum permitted weight per draft when handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 9. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 10. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 11. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
II-D						
Chemical ammunition. WP or PWP filled (solid).	All chemical ammunition, including fixed, semi-fixed and separate loading, filled with WP or PWP (white phosphorus) when assembled or packed with or w/o their ignition elements, bursting charges, fuzes or propellants. WP or PWP shipped in bulk in drums, barrels, or other authorized shipping containers shall be classified as a flammable solid. WP or PWP when shipped in authorized ICC specification containers or Chemical Corps specification containers of integrity equal to ICC containers (including projectiles, bombs, and rocket heads, w/o ignition elements, bursting charges or fuzes), may be handled and stowed either as a flammable solid or as chemical ammunition Class II-D. Includes but is not limited to: Bombs, aircraft, WP or PWP filled. British Calling Cards. Fire leaves. Grenades, hand, WP or PWP filled. Grenades, rifle, WP or PWP filled. Igniters, phosphorus filled. Projectiles, WP or PWP filled packed w/ or w/o propellants. Rockets Heads, WP or PWP filled. Rockets, assembled w/motors, WP or PWP filled. NOTE: The U. S. Army and Navy, when shipping ammunition filled with white phosphorus, mark such ammunition and the containers thereof with the word "smoke" and the symbol WP or PWP. The ammunition is also marked with one yellow band.	"Ammunition for cannon with explosive projectile." "Ammunition for cannon with smoke projectile." "Explosive bomb" "Explosive projectile." "Igniter" "Special fireworks" Shipping name of item when shipped as flammable solid.	A A A A C B F. S.	The principal characteristic of white phosphorus is that of spontaneously igniting upon exposure to air, burning with an intensely hot flame, and giving off large volumes of white smoke. The fumes are highly discomforting. Burning phosphorus gives off phosphorus oxide which is toxic upon sustained exposure thereto. Phosphorus is intensely poisonous when taken internally. It becomes liquid at 111° F. Leakage which sometimes occurs, usually gives warning by smoke. Ammunition fitted with fuzes and boosters, if involved in a fire will usually explode with moderate violence thus tending to spread the fire rapidly. Apply water freely and in quantity to control spread of fire. Steam or fog is also effective but less so than water. It is necessary to keep the loose WP or PWP completely covered with water to prevent reignition. Organic material contaminated with WP or PWP such as dunnage in the holds of vessels, must be removed and disposed of by burning. Otherwise after drying out, these substances are likely to reignite. Rockets, WP filled, assembled with motor and involved in a fire will present an additional hazard due to the propulsive nature of the rocket. Loose phosphorus in contact with skin tissue will adhere causing painful burns and continue to consume skin tissue until removed. A solution of copper sulphate is effective in counteracting this action. Use rubber protective gloves, boots, aprons, and gas masks to provide effective protection.	*AMMUNITION STOWAGE, CHEMICAL AMMUNITION STOWAGE, PORTABLE MAGAZINE, OR DEEP TANK STOWAGE* It is important to stow in locations not subject to temperatures above 100° F. When shipments of Army ammunition cannot be so stowed the following shall be complied with: WP or PWP filled items of ammunition shall be stowed in a nose up position unless other requirements are specified by the Army. The position of the nose end of the item of ammunition is marked on the outside package or container. Drums or other authorized ICC or Chemical Corps specification containers filled with WP or PWP may be stowed in the same hold or compartment with chemical ammunition Class II-D. For stowage adjacent to other dangerous articles see § 146.29-59. When given chemical ammunition stowage, see § 146.29-85 for additional requirements. May be transported in vans stowed on deck.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not use chute in loading or unloading. 4. Observe packages or projectiles for leakage and reject any showing such signs. 5. Packages or containers shall be stowed in the position indicated by their marking. 6. Cargo handling stevedore gear may be trays, skipboards, pallets, or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 7. Cargo nets w/o trays, skipboards, pallets, or pieplates are not permitted. 8. The maximum permitted weight per draft when handled by pallet, skipboard, tray, or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 9. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 10. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 11. Wire rope slings are permitted when handling unboxed bombs or containers filled with WP or PWP. (See table Limiting Loads, Class X-A.) 12. Drums of WP or PWP shall not be handled by attaching hooks to the chime of the drums. 13. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
II-E						
Chemical ammunition. HC filled (solid).	All chemical ammunition including fixed, semi-fixed and separate loading, filled with HC (Hexachlorethane, a smoke mixture) when assembled or packed w/ or w/o their ignition elements, bursting charges, ejection charges, fuzes or propellants. HC mixture shipped in bulk in drums, barrels or other authorized shipping containers shall be classified as an oxidizing material. HC mixture when shipped in authorized ICC specification containers or Chemical Corps specification containers of integrity equal to ICC containers (including projectiles and bombs w/o ignition elements, bursting charges or fuzes) may be handled and stowed either as an oxidizing material or as chemical ammunition Class II-E. Includes but is not limited to: Bombs, aircraft, smoke, HC filled. Bombs, floating, smoke, HC filled. Bombs, smoke identification, HC filled. Float, smoke, HC filled. Grenades, hand, HC filled. Grenades, signal, HC filled. Grenades, colored smoke, HC filled. Pots, smoke, HC filled. Projectiles, artillery, smoke, HC filled. Projectiles, mortar, smoke, HC filled. NOTE: The U. S. Army and Navy, when shipping ammunition filled with HC smoke or colored smoke, mark such ammunition HC smoke or colored smoke and mark the ammunition with one yellow band.	"Ammunition for cannon with smoke projectile." "Explosive bomb" "Explosive projectile." "Special fireworks" Shipping name of item when shipped as oxidizing material.	A A A B Oxy. M.	HC (hexachlorethane mixture) is subject to spontaneous ignition through the action of moisture on the HC mixture. Once started, the temperature rises quickly and may be sufficient to cause adjacent containers of HC to ignite. The reaction once started is self-supporting and requires no oxygen. Water can be applied freely to prevent spread of fire. The use of Foamite, CO_2 or fog is less effective. Personnel fighting fire involving HC articles of ammunition especially when stowed in the hold of a vessel, should avoid working in dense smoke if not wearing rescue breathing apparatus or gas masks. As there will probably be an oxygen deficiency in dense smoke, self-contained breathing apparatus should always be used in preference to gas masks.	*AMMUNITION STOWAGE, CHEMICAL AMMUNITION STOWAGE, PORTABLE MAGAZINE, OR DEEP TANK STOWAGE* It is important to stow in locations not subject to temperatures above 100° F. and protected from moisture. Stowage shall be accessible from cargo hatch or other access means to the hold or compartment. Drums or other authorized ICC or Chemical Corps specification containers filled with HC may be stowed in the same hold or compartment with chemical ammunition Class II-E. May be stowed in the same deep tank, lower hold or tween-deck hold with Class II-F provided the Class II-F ammunition is bottom stowed and provided further that no other class of military explosives is stowed in the hold or tank below. For stowage adjacent to other dangerous articles see § 146.29-59. When given chemical ammunition stowage, see § 146.29-85 for additional requirements. May be transported in vans stowed on deck.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not use chute in loading or unloading. 4. Observe packages or projectiles for leakage and reject any showing such signs. 5. Packages or containers shall be stowed in the position indicated by their markings. 6. Cargo handling stevedore gear may be trays, skipboards, pallets, or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 7. Cargo nets w/o trays, skipboards, pallets, or pieplates are not permitted. 8. The maximum permitted weight per draft when handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 9. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 10. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 11. Wire rope slings are permitted when handling unboxed bombs or containers filled with HC mixture. (See table of Limiting Loads, Class X-A.) 12. Drums of HC mixture shall not be handled by attaching hooks to the chime of the drums. 13. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
II-F						
Chemical ammunition. FS or FM smoke filled (liquid).	All chemical ammunition including fixed, semi-fixed and separate loading filled with smoke, FS (sulfur trioxide in chlorsulfonic acid) or FM (titanium tetrachloride) when assembled or packed with or w/o their bursting charges, fuzes, or propellants. FS or FM shipped in drums, barrels, cylinders or other authorized containers shall be classified as a corrosive liquid. FS or FM when shipped in authorized ICC specification containers or Chemical Corps specification containers of integrity equal to ICC containers (including rocket heads, w/o bursting charges or fuzes) may be handled and stowed either as corrosive liquid or as a chemical ammunition Class II-F. Includes but is not limited to: Grenades, frangible, smoke FS or FM filled. Grenades, smoke, FS or FM filled. Rockets, FS or FM filled. Projectile, artillery, FS or FM filled. Projectile, mortar, FS or FM filled. Spotting charges, FS filled. NOTE: The U. S. Army and Navy, when shipping ammunition filled with FS or FM smoke, mark such ammunition and the containers thereof with the word "Smoke" and the symbol FS or FM. The ammunition is also marked with one yellow band.	"Ammunition for cannon with smoke projectile." "Explosive projectile." "Rocket ammunition with smoke projectile." Shipping name of item when shipped as corrosive liquid.	A A A Cor. L.	FS (sulfur trioxide in chlorsulfonic acid) and FM (titanium tetrachloride) are liquids which fume badly when hot. They react violently with small amounts of water and form a dense white smoke upon release to the atmosphere. FS is highly corrosive both as a liquid and as a smoke. FM is corrosive in liquid only, but its smoke is very irritating. Leakage of FS or FM should be washed off immediately with large volumes of water. Personnel working in a confined space where high concentrations of FS or FM smoke exists should use rubber protective gloves, boots, aprons and gas masks for effective protection.	*AMMUNITION STOWAGE, CHEMICAL AMMUNITION STOWAGE, PORTABLE MAGAZINE, OR DEEP TANK STOWAGE* It is important to stow away from heat and to protect from moisture. May be stowed in the same deep tank, lower hold or tween-deck hold with Classes II-C, II-E, II-G, and III provided the Class II-F ammunition is bottom stowed and provided further that no other class of explosives or ammunition is stowed in the hold or tank below. May be stowed in the same deep tank, lower hold or tween-deck hold with Classes II-B, IV, V, and VII provided the Class II-F ammunition is bottom stowed and provided further that no other class of explosives or ammunition is stowed in the hold or tank below. Drums or other authorized ICC or Chemical Corps specification containers filled with FS or FM may be stowed in the same hold or compartment with chemical ammunition Class II-F. Shall not be stowed over other types of ammunition. For stowage adjacent to other dangerous articles see § 146.29-50. When given chemical ammunition stowage, see § 146.29-85 for additional requirements. May be transported in vans stowed on deck.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Observe packages or projectiles for leakage and reject any showing such signs. 4. Containers or projectiles shall be stowed in the position indicated by their marking. 5. Cargo handling stevedore gear may be trays, skipboards, pallets, or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 6. Cargo nets w/o trays, skipboards, pallets, or pieplates are not permitted. 7. The magimum permitted weight per draft when handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 8. Drafts consisting of one or more palletised units shall not exceed 4,000 lbs. plus 10%. 9. Lifts of palletised units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 10. Drums of FS or FM shall not be handled by hooks attached to the chime of the drums. 11. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
II-G						
Chemical ammunition. Incendiary composition, IM, PT or NP filled (oil gel).	Chemical ammunition filled with IM, PT or NP (thickened fuels) when assembled or packed with or w/o ignition elements, bursting charges or fuzes. IM, PT or NP shipped in drums, barrels or other authorized shipping containers shall be classified as a flammable solid. IM, PT or NP when shipped in authorized ICC specification containers or Chemical Corps specification containers of integrity equal to ICC containers (including bombs w/o ignition elements, bursting charges or fuzes) may be handled and stowed either as a flammable solid or as chemical ammunition Class II-G. Includes but is not limited to: Bombs. Bombs, cluster incendiary. Frangible grenades. NOTE: The U. S. Army and Navy, when shipping ammunition filled with these incendiary compositions, mark such ammunition or containers thereof with the Chemical Corps symbol of the filler and one purple band.	"Explosive bomb"... "Grenade, hand".... "Special fireworks"... Shipping name of item when shipped as flammable solid.	A A B F. S.	The principal hazard of IM, PT or NP filled items is involvement in a fire. They burn rapidly with intense heat. Extinguishment of fires is best accomplished by means of water fog. Fog foam or a foam steam (mechanical or chemical) is likewise effective. CO_2 should not be used unless the fire is small and in its incipient stage. In holds of a vessel large volumes of water are recommended as a cooling agent provided such may be employed without "floating off" burning gel. The vapors from heated napalm are toxic and rescue breathing apparatus should be worn while working in noticeable concentrations. Clusters of incendiary bombs in this category may contain a certain percentage of bombs having a high explosive charge capable of causing fragments which could be dangerous to fire-fighting personnel. Incendiaries of this type may contain ignition components of WP adding an additional hazard.	*AMMUNITION STOWAGE, CHEMICAL AMMUNITION STOWAGE, PORTABLE MAGAZINE, OR DEEP TANK STOWAGE* Shall not be stowed within 10 feet of a heat bulkhead. May be stowed in the same deep tank, lower hold or tween deck hold with Class II-F provided the Class II-F ammunition is bottom stowed and provided further that no other class of explosives or ammunition is stowed in the hold or tank below. May be stowed in a deep tank or lower hold with Class II-J incendiary ammunition provided the Class II-J is bottom stowed. For stowage adjacent to other dangerous articles, see § 146.29-50. When given chemical ammunition stowage, see § 146.29-85 for additional requirements. May be transported in vans stowed on deck.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages, containers or bombs to shock. 3. Do not use chute in loading or unloading. 4. Observe packages, containers or bombs for failure or inability to retain contents and reject any showing such signs. 5. Packages, or containers shall be stowed in the position indicated by their marking. 6. Cargo handling stevedore gear may be trays, skipboards, pallets, or pieplates provided they are fitted with nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 7. Cargo nets w/o trays, skipboards, pallets or pieplates are not permitted. 8. The maximum permitted weight per draft when handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 9. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 10. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 11. Wire rope slings are permitted when handling unboxed bombs or containers filled with IM, PT or NP. (See table of Limiting Loads, Class X-A.). 12. Drums of IM, PT, or NP shall not be handled by attaching hooks to the chime of the drums. 13. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.
II-H						
Chemical ammunition. Water activated.	Chemical ammunition filled with sodium, calcium carbide, calcium phosphide, lithium hydride, with or w/o explosive components. Includes but is not limited to: Beacons, NEA. Can, false target. Depth charge markers, night Grenades, sodium filled. Igniters, sodium filled. Pots, torpedo torch. Projectile, false target.	There are no provisions in the current ICC regulations for the marking of this class of ammunition.	----------	On contact with moisture, metallic sodium or lithium hydride will liberate large quantities of hydrogen gas thus producing an explosive hazard. The reaction of metallic sodium with water is sufficiently violent to cause ignition of the liberated hydrogen. Fumes from burning sodium are caustic. On contact with moisture, calcium carbide or calcium phosphide will liberate phosphine and acetylene gases. The phosphine is toxic but extremely unstable, ignites spontaneously and at the same time ignites the acetylene gas. Fires involving these items cannot be extinguished by water, carbon dioxide or foam. Smothering with an inert substance such as dry sand or dry soda ash offers effective control. Jettisoning should not be accomplished in a port or roadstead as the floats will continue to burn until filler is consumed jeopardizing other vessels and piers.	*SPECIAL STOWAGE* On deck in a portable magazine, in a deck house or other location readily accessible for jettisoning. Stowage shall be waterproof. Shall not be stowed with any other class of military explosives or any other dangerous articles. May be transported in vans stowed on deck.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not use chute in loading or unloading. 4. Do not load during excessive rainy weather unless complete protection against moisture coming in contact with the package is provided. 5. Observe packages or containers for evidence of sifting or inability to retain contents and reject any showing such signs. 6. In event a package is damaged and powder is spilled, immediately stop operations and sweep up any loose powder. 7. Remove damaged container and residne of powder to a safe location. 8. Cargo handling stevedore gear may be trays, skipboards, pallets, or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 9. Cargo nets w/o trays, skipboards, pallets or pieplates are not permitted. 10. The maximum permitted weight per draft when handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 11. Drafts consisting of one or more palletised units shall not exceed 4,000 lbs. plus 10%. 12. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 13. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
II-J						
Chemical ammunition. TH incendiary composition filled (solid).	All chemical ammunition filled with incendiary composition TH (thermite, thermate or thermate magnesium) with or w/o fuze or explosive element. Includes but is not limited to: Bombs, incendiary cluster. Grenades, thermate. Incendiary safe destroyers. Thermite burning charges. Thermite charges under water. Thermite igniters. Thermite units 10 lbs. NOTE: The U. S. Army and Navy, when shipping ammunition filled with these incendiary compositions, mark such ammunition or containers thereof with the Chemical Corps symbol of the filler and with one purple band.	"Explosive bomb".. "Grenade, hand".... "Igniter".. "Special fireworks"..	A A C B	The principal hazard of TH filled items is involvement in a fire. They burn rapidly with intense heat and usually form large quantities of molten iron. The presence of a small explosive charge in some TH items forms an additional hazard in case of a fire. Carbon dioxide and carbon tetrachloride extinguishers should not be used to combat fires involving TH because the reaction of carbon tetrachloride with molten metal produces toxic gases and that of carbon dioxide on magnesium may produce an explosion. In the hold of a vessel large volumes of water are recommended as an extinguishing agent. Fire fighters should work from behind barriers when possible.	*DEEP TANK STOWAGE, AMMUNITION STOWAGE OR PORTABLE MAGAZINE* Shall be stowed only in a deep tank or lower hold, and in all cases bottom stowed. For stowage adjacent to other dangerous articles see section 146.29-50. For limited quantity shipments not in excess of 500 lbs. net TH content, see § 146.29-99 (b), NOTE D.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not use chute in loading or unloading. 4. Observe packages or containers for evidence of failure or inability to retain contents and reject any showing such signs. 5. Cargo handling stevedore gear may be trays, skipboards, pallets or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 6. Cargo nets w/o trays, skipboards, pallets or pieplates are not permitted. 7. The maximum permitted weight per draft when handled by pallet, skipboard, tray or pieplate, fitted with cargo net or sideboards shall not exceed 4,000 lbs. plus 10%. 8. Drafts consisting of one or more palletised units shall not exceed 4,000 lbs. plus 10%. 9. Lifts of palletised units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 10. Wire rope slings are permitted when handling unboxed bombs or containers filled with TH. (See table of Limiting Loads, Class X-A.) 11. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.
III						
Fuses, PD w/o boosters; fuses, AT mine, non-chemical, w/o boosters; fuses, bomb tail, w/o boosters; fuses, tracer; primer detonators; primers, etc.	Point fuses w/o boosters for projectiles and rockets; anti-tank mine fuses (non-chemical) w/o booster; bomb tail fuses w/o boosters; primer detonators, cannon primers, other than lock primers, when packed in separate shipping containers. Includes but is not limited to: Case combination primer. Case electric primer. Case percussion ignition primer. Case percussion primer. Combination electric and percussion primer. Fuse, anti-tank, mine (non-chemical) w/o booster. Fuse, base percussion. Fuse, bomb tail, w/o booster. Fuse, PD w/o booster. Fuse, percussion. Fuse, MTSQ w/o booster. Fuse, tracer. Fuse, TSQ w/o booster. Igniter, Jato, such as M151. Igniter for rockets, i. e. M12, M18, M20. Magazine, extension primers. Mines practice with spotting charge and/or fuse. Percussion primers other than lock. Primer, detonators, fuse, bomb, various delays.	"Cannon primers".. "Combination fuses." "Combination primers." "Igniter, jet thrust". "Percussion caps".. "Percussion fuses".. "Time fuses".. "Tracer fuses"..	C C C B C C C C	The amount of explosives in single items of this class varies from 30 to 500 grains. It is likely they will explode progressively. Structural damage caused by the pressures generated would probably be limited to the immediate vicinity. Missiles are light and usually fall within 300 feet. These types of ammunition are loaded with explosives that are sensitive to shock and friction. Shock and fire are the principal hazards to this type of ammunition. If involved in a fire, fire fighting personnel should take normal precautions and not expose themselves unnecessarily. Fire may be controlled and extinguished by flooding or spraying with large amounts of water.	*AMMUNITION STOWAGE, SPECIAL STOWAGE, OR PORTABLE MAGAZINE WHICH MAY BE STOWED IN A HOLD OR ON DECK.* This class of ammunition shall not be overstowed with any other cargo or ammunition except Classes VI and VIII. May be stowed in the same lower hold or tween-deck hold with Class II-F provided the Class II-F is bottom stowed and provided further that no other class of military explosives is stowed in the hold below or the deep tank directly below. For stowage adjacent to other dangerous articles see § 146.29-50.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Gravity roller conveyors not authorized. 4. Do not use chute in loading or unloading. 5. Trays with sideboards shall be used when loading by mechanical means. 6. Packages shall not be stacked on a tray to a height above its sideboards. 7. Trays shall not be swung unnecessarily over open hatches or holds containing military explosives or other dangerous cargo. 8. Trays shall be hoisted and lowered carefully and deposited without undue shock on a mattress or other shock absorbing material. 9. Packages shall be stowed in the position indicated by their markings. 10. The maximum permitted weight per draft when handled by tray with sideboards shall not exceed 2,400 lbs. plus 10%. 11. Drafts consisting of one or more palletised units shall not exceed 4,000 lbs. plus 10%. 12. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tiers from shifting or falling from the draft. 13. A portable magazine in which this class of ammunition is stowed and hoisted on board a vessel as a unit load shall not exceed 4,000 lbs. plus 10%. 14. The limiting weights noted above are for a 5-ton boom. See § 146.29-41

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
IV						
Fixed and semifixed ammunition with explosive loaded projectile.	Fixed and semifixed ammunition, packed as complete rounds (including artillery, mortar and gun ammunition) grenades and rockets, when assembled with explosive projectiles or bursting charge. Small-arms ammunition with explosive bullets or projectiles. Includes but is not limited to: Anti-personnel mine, M2 and M3. Artillery ammunition of calibers 0.75" to 5" inclusive, with explosive, illuminating or incendiary projectiles. Grenades, hand, defensive. Grenades, hand, defensive, TNT filled, fuzed or unfuzed. Grenades, hand, fragmentation. Grenades, rifle, AT. Grenades, rifle, HE filled. Gun ammunition of calibers 0.75" to 5" inclusive, with explosive, illuminating or incendiary projectiles. Mortar ammunition (explosive or illuminating). Rockets, with explosive heads packed in the same container with, but not assembled to motors. Rockets, 2.75" FFAR, assembled or unassembled. Rockets, 3.5" HEAT. Small-arms ammunition with explosive bullets.	"Ammunition for cannon with explosive projectile." "Ammunition for cannon with incendiary projectile." "Ammunition for small arms with explosive bullets." "Ammunition for small arms with explosive projectile." "Hand grenades"... "Rifle grenades".... "Rocket ammunition with explosive projectile." "Rocket ammunition with illuminating projectile."	A A A A A A A A	Articles in this class present a severe fire hazard and usually explode progressively, only a few boxes at a time, many explosions of individual rounds being of a very low order. Pressure which would cause serious structural damage is not usually generated. Most missiles would fall within 600 feet. If involved in a fire it is possible the fire may be controlled or extinguished by flooding or spraying with large amounts of water. Fire fighting personnel should take appropriate precautions and not expose themselves unnecessarily.	*AMMUNITION STOWAGE OR PORTABLE MAGAZINE* Boxed and crated ammunition may be overstowed with nondangerous cargo and permitted explosives. Tanked ammunition may be overstowed with bomb fin assemblies, empty water fillable practice bombs and empty auxiliary gas tanks. May be stowed in the same deep tank, lower hold or tween-deck hold with Class II-F ammunition provided the Class II-F is bottom stowed and provided further that no other class of military explosives is stowed in the hold or tank below. May be stowed in the same deep tank or lower hold with Class II-J ammunition provided the Class II-J is bottom stowed. For stowage adjacent to other dangerous articles see § 146.29-50.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not use chute in loading or unloading. 4. Bare projectiles shall not be rolled except under hand control and on a level surface without appreciable incline. 5. Protect rotating bands from damage. Avoid injury to or removal of paint or grease from bourrelet. 6. When handling items packed in outside containers, cargo handling stevedore gear may be trays, skipboards, pallets, or pieplates, provided they are fitted with cargo nets or sideboards. Boxes or trays with removable sides are authorized. 7. Projectile tongs or lifting stud and eye are authorized. Wire slings of a design approved by the Captain of the Port may be used. 8. Cargo nets without trays, skipboards, pallets, or pieplates are not permitted. 9. The maximum permitted weight per draft when handled by tray, skipboard, pallet, or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 10. Single projectiles weighing in excess of 2,201 lbs. must be loaded or unloaded one at a time. 11. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 12. Lifts of palletized units shall not be tiered except when using a sling so designed so as to prevent the upper tier or tiers from shifting or falling from the draft. 13. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.
V						
Separate loading projectiles filled with explosive "D".	Separate loading projectiles of all calibers filled with explosive "D", fuzed or unfuzed; and projectiles filled with explosives "D", fuzed or unfuzed, not assembled to or packed with cartridge cases. Explosive "D" is used as a bursting charge for all projectiles which must withstand severe stresses and shocks before detonating; such as armor-piercing projectiles. Includes but is not limited to: Armor piercing projectiles. Deck piercing projectiles. NOTE: In general, Classes V and VII types of projectiles will be shipped in accordance with the following basic rules: Point fuzed projectiles with false ogives will be crated. Point fuzed projectiles without false ogives will have grommets and eyebolt lifting plugs. Base fuzed projectiles with relatively fragile parts such as false ogives, steel caps and windshields will be crated. Base fuzed projectiles without false ogives will not be crated but will have grommets. All Navy 6" through 16" separate loading projectiles are explosive "D" loaded.	"Explosive projectile".	A	If involved in a fire will very likely detonate as a result of exposure to heat. These projectiles usually explode one at a time and in practically all cases with low order explosion. There is no certainty that en masse explosion will not occur. Most missiles will fall within 1,200 feet.	*AMMUNITION STOWAGE OR PORTABLE MAGAZINE* This ammunition, boxed, unboxed, or palletized units thereof, may be overstowed. Care must be taken not to damage rotating bands of projectiles that are not in containers. May be stowed in the same deep tank, lower hold or tween deck hold with Class II-F ammunition provided the Class II-F is bottom stowed and provided further that no other class of military explosives is stowed in the same hold below or in the tank below. Class V when unfuzed and no fuzes packed in container may be stowed with Class X-A. For stowage adjacent to other dangerous articles see section 146.29-50.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not use chute in loading or unloading. 4. Bare projectiles shall not be rolled except under hand control and on a level surface without appreciable incline. 5. Protect rotating bands from damage. Avoid injury to or removal of paint or grease from bourrelet. 6. When handling items packed in outside containers, cargo handling stevedore gear may be trays, skipboards, pallets, or pieplates, provided they are fitted with cargo nets or sideboards. Boxes or trays with removable sides are authorized. 7. Projectile tongs or lifting stud and eye are authorized. Wire slings of a design approved by the Captain of the Port may be used. 8. Cargo nets without trays, skipboards, pallets, or pieplates are not permitted. 9. The maximum permitted weight per draft when handled by tray, skipboard, pallet, or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 10. Single projectiles weighing in excess of 2,201 lbs. must be loaded or unloaded one at a time. 11. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 12. Lifts of palletized units shall not be tiered except when using a sling so designed so as to prevent the upper tier or tiers from shifting or falling from the draft. 13. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
VI						
BD fuses. Bomb fuses with boosters. PD fuses with boosters. Rocket fuses with boosters.	Base detonating fuses (for all calibers) and PD fuses with boosters; bomb and rocket fuses with boosters; auxiliary booster assembled to or packed with the fuse; depth charge pistol with detonator and with or without booster assembled to or packed with pistol. (For boosters, auxiliary boosters, bursters, etc., having no initiating or priming elements and packed independently, see Class X–A). Includes but is not limited to: Adapter booster, with detonator. Auxiliary booster, with detonator. Boosters. Burster, with detonator. Depth charge pistol, with detonator and with or without booster. Detonating fuses, Class A. Fuse: Auxiliary detonating. Base detonating (for all calibers). Bomb nose. Bomb tail with booster. Hydrostatic bomb. Hydrostatic bomb tail. Point detonating with booster. Rocket. Fuses with boosters assembled thereto. Mine, anti-personnel, non-metallic, M14. Mine firing mechanism, C–1.	"Detonating fuzes, Class A".	A	The amount of explosives in single items does not usually exceed one-half pound. It is likely they would explode progressively. Structural damage caused by the pressure generated would probably be limited to the immediate vicinity. Missiles are light and usually fall within 600 feet. These types of ammunition are loaded with explosives that are sensitive to shock and heat. If involved in a fire, it is possible the fire may be controlled or extinguished by flooding or spraying with large amounts of water. Fire-fighting personnel shall take appropriate precautions and not expose themselves unnecessarily.	*AMMUNITION STOWAGE, SPECIAL STOWAGE, OR PORTABLE MAGAZINE, WHICH MAY BE STOWED IN A HOLD OR ON DECK* This class of ammunition shall not be overstowed with any other cargo or military explosives except Classes III and VIII. For stowage adjacent to other dangerous articles see § 146.29–59.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Gravity roller conveyors not authorized. 4. Do not use chute in loading or unloading. 5. Trays with sideboards shall be used when loading by mechanical means. 6. Packages shall not be stacked on a tray to a height above its sideboards. 7. Trays shall not be swung unnecessarily over open hatches or holds containing military explosives or other dangerous cargo. 8. Trays shall be hoisted and lowered carefully and deposited without undue shock on a mattress or other shock-absorbing material. 9. Packages shall be stowed in the position indicated by their markings. 10. The maximum permitted weight per draft when handled by tray with sideboards shall not exceed 2,400 lbs. plus 10%. 11. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10 %. 12. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 13. A portable magazine in which this class of ammunition is stowed and hoisted on board a vessel as a unit load shall not exceed 4,000 lbs. plus 10%. 14. The limiting weights noted above are for a 5-ton boom. See § 146.29–41.
VII						
Separate loading HE projectiles, mass, detonating, with other than explosive "D".	Separate loading projectiles of all calibers, fuzed or unfuzed, except those loaded with explosive "D"; and loaded projectiles except those loaded with explosive "D", fused or unfuzed, not assembled to or packed with cartridge cases; fuzed cluster fragmentation bombs, rocket heads fuzed or unfuzed and less than 200 lbs. gross weight, anti-tank mines, packed with fuzes in same container or box. Includes but is not limited to: Anti-tank mines, packed with fuzes in same container or box. Cluster, fragmentation bomb (with individual bombs fuzed but without cluster fuzed). High explosive anti-tank projectile. High explosive projectile. Rocket heads fuzed or unfuzed and under 200 lbs. not assembled to or shipped with rocket motors. Wafers of fragmentation bombs (with individual bombs fuzed). NOTE: In general, Classes V and VII types of projectiles will be shipped in accordance with the following basic rules: Point fuzed projectile with false ogives will be crated. Point fuzed projectile without false ogives will have grommets and eyebolt lifting plugs. Base fuzed projectile with relatively fragile parts such as false ogives, steel caps, and windshields will be crated. Base fuzed projectiles without false ogives will not be grated but will have grommets to protect rotating bands.	"Explosive bomb"... "Explosive mine"... "Explosive projectile".	A A A	The principal hazard in transportation will be involvement in fire from sources other than the ammunition itself. Projectiles or bombs in this class may explode progressively but very likely en masse. Most missiles will fall within 1,800 feet and detonation will result in severe structural damage increasing in severity and range in relation to the amount of high explosives involved.	*AMMUNITION STOWAGE OR PORTABLE MAGAZINE* This ammunition boxed, unboxed, or palletized units thereof, may be overstowed. Care must be taken not to damage rotating bands of unboxed projectiles. This class of ammunition when unfuzed and no fuzes packed in container may be stowed with Class X–A. For stowage adjacent to other dangerous articles see § 146.29–59.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not use chute in loading or unloading. 4. Bare projectiles shall not be rolled except under hand control and on a level surface without appreciable incline. 5. Protect rotating bands from damage. Avoid injury to or removal of paint or grease from bourrelet. 6. When handling items packed in outside containers, cargo handling stevedore gear may be trays, skipboards, pallets or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with removable sides are authorized. 7. Projectile tongs or lifting stud and eye are authorized. Wire slings of a design approved by the Captain of the Port may be used. 8. Cargo nets without trays, skipboards, pallets, or pieplates are not permitted. 9. The maximum permitted weight per draft when handled by tray, skipboard, pallet, or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 10. Single projectiles weighing in excess of 2,201 lbs. must be loaded or unloaded one at a time. 11. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 12. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 13. The limiting weights noted above are for a 5-ton boom. See § 146.29–41.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
VIII						
AT mine fuzes (chemical), etc. Blasting caps. Detonators.	Blasting caps of all types; detonators; grenade fuzes, detonating type; fuzes, anti-tank mine (chemical). Includes but is not limited to: Blasting caps. Blasting caps with safety fuze. Destructor, explosive, M10 and MK2 Mod O. Detonating grenade fuzes. Detonators, all types. Detonators, torpedo. Electric blasting caps. Fuzes, AT mine (chemical). Percussion elements (Army). Primers, electric. Priming assembly for demolition outfit MK104.	"Blasting caps"..... "Blasting caps with safety fuze." "Boosters (explosive)". "Detonating fuses, Class A". "Electric blasting caps". "Precussion caps"... "Percussion fuzes".. "Time fuzes".....	(*) (*) A A (*) C C C *Class A (more than 1000). Class C (1000 or less).	The two primary hazards in the transportation of these devices are shock and involvement in fire. A collateral hazard is the effect of the detonating of these articles upon other explosives or ammunition stowed in proximity to such articles. All of this class ammunition in a unit stowage may explode at one time, but as the total amount of explosives involved is limited structural damage would not tend to be great. Light missiles having limited range would be formed.	*MAGAZINE STOWAGE "A", SPECIAL STOWAGE, OR PORTABLE MAGAZINE, WHICH MAY BE STOWED IN A HOLD OR ON DECK* The location of magazines is restricted to a hold or compartment in which no other explosives or ammunition (except Classes I, III, and VI) are stowed. Shall not be stowed within 8 feet of the vessel's side except blasting caps stowed in a portable magazine "On deck" need not meet this requirement. This class of ammunition shall not be overstowed with any other cargo. For detail of stowage see § 146.29–93. For stowage with other dangerous articles see § 146.29–59.	Ammunition of Class VIII constitutes a distinct class of ammunition when not assembled in projectiles, bombs, or other ammunition. These types of ammunition are loaded with explosives that are sensitive to shock. The handling and stowage provisions of these regulations give consideration to the probable effect accidental detonation of these devices may have upon other ammunition or explosives stowed within the vessel. 1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Gravity roller conveyors are not authorized. 4. Do not use chute in loading or unloading. 5. Trays with sideboards shall be used when loading by mechanical means. 6. Packages shall not be stacked on a tray to a height above its sideboards. 7. Trays shall not be swung unnecessarily over open hatches or holds containing military explosives or other dangerous articles. 8. Trays shall be hoisted and lowered carefully and deposited without undue shock on a mattress or other shock absorbing material. 9. Packages shall be stowed in the position indicated by their markings. 10. The maximum permitted weight per draft when handled by tray with sideboards shall not exceed 1,000 lbs. plus 10%. 11. Drafts consisting of one or more palletized units shall not exceed 2,400 lbs. plus 10%. 12. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 13. A portable magazine in which this class of ammunition is stowed and hoisted on board a vessel as a unit load shall not exceed 2,400 lbs. plus 10%. 14. The limiting weights noted above are for a 5-ton boom. See § 146.29–41.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
IX-A						
Explosives in bulk such as: Black powder. Propellant explosives for small-arms, etc.	Black powder in bulk, ballistite for small-arms, propellant explosives for small-arms, black blasting powder, flash powder and powder having similar hazard characteristics to those named: Includes but is not limited to: Ballistite for small-arms. Black blasting powder. Black fuze powder. Black pellet powder. Black powder. Black powder and magnesium mixtures. Black powder, unglazed. Black rifle powder. Black shell powder. Bull's eye powder #2. Cannon powder. Charges, Lyle gun. Charges, spotting, black powder, M1A1, M3, M4. E. C. blank fire powder. FF black powder. Firecracker, M80. FFFG black powder. Flash cartridges over 72 grains. Flash powder sheets inner unit over 2 ounces. Flash reducer (black powder with potassium sulfate). Flash sheets in bulk. Flashlight powder in bulk. High vel #65. Igniter pads. IMR #1185. IMR #4166. IMR #4676. Low blasting explosives. Pistol powder #6. Propellant explosives (for small arms). Pyrotechnic mixture, in excess of 72 grains. Rifle powder. Simulator: Boobytrap, flash, illuminating, whistling, in excess of 72 grains. Boobytrap, whistling, M114. Gunflash, M110. Projectile, air burst. Projectile, ground burst M115. Smoke puff charge. Sodium nitrate black powder. Spherehexagonal black powder. Sporting powder. Sulfurless black powder.	"Black powder" "High explosives" "Low explosives" "Propellant explosives, solid, Class A." "Propellant explosives, solid, Class B."	A A A A B	Group IX-A explosives constitute a group having relatively similar hazard characteristics which principally consists of being very susceptible to ignition by spark or friction. They burn with explosive violence and under even slight confinement are likely to explode en masse. They are adversely affected by high temperature. Powder dust is especially hazardous.	*MAGAZINE STOWAGE "A"* When Class I ammunition is stowed in the same hold or magazine with this Class the two stowages must be separated by a partition bulkhead or type "A" dunnage floor. Shall not be overstowed with any other kind of cargo. For stowage with other dangerous articles see § 146.29-50. Shall not be loaded at an ammunition loading pier.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Packages shall be handled in such a manner as to insure that no spark or friction will occur. 4. Observe packages or containers for evidence of sifting or inability to retain contents and reject any showing such signs. 5. In event a package is damaged and powder is spilled, immediately stop operations and sweep up any loose powder. 6. Remove damaged container and residue of powder to a safe location. 7. Gravity roller conveyor not authorized. 8. Drums and kegs shall be stowed on end with bungs up. Metal cans shall be stowed with filling openings up. Packages or containers shall be stowed in the position indicated by their markings. 9. Cargo handling stevedore gear may be trays, skipboards, pallets, or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 10. Cargo nets without trays, skipboards, pallets, or pieplates are not permitted. 11. The maximum permitted weight per draft when handled by tray, skipboard, pallet, or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 12. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 13. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 14. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
IX-B						
High explosives such as: Demolition blocks, etc. Dynamite. TNT.	High explosives in bulk, items of high explosive such as shaped charges for demolition or other purposes, and powder in bulk, possessing the characteristics of being likely to detonate en masse. Includes but is not limited to: Amatex. Amatol. Ammonite. Ammonium picrate. Ammonol. Anchor charges. Aqueous snakes. A. S. A. pellets. Atlas amodyn. Balls of cellulose nitrate. Baranol. Beehive charges. Blasting gelatin. British beehive. C. E. pellet. Charge, demolition, block. Charge, demolition, chain. Chlorate explosives, dry. Chlorate propellants. Clams, M3. Composition "A," etc. Composition "B," "B2," etc. Composition "C," "C2," etc. Cratering charges. Cyclonite, RDX. Cyclotol. Demolition blocks. Depth bomb explosives. Dynamite. Ednatol. Explosive "D." (Ammonium picrate.) Explosive gelatin. 808 plastic. Gelatin dynamite. Gelignite. General wade. Grenite. Guncotton. HBX. H6. Haleite. Hayrick charges. Hexomite. Hexogen. HMX. Limpet. Minol. Negative cotton. Nitrocellulose, dry. Nitroguanidine, dry. Nitrostarch, dry. Nitrourea. Nobel's ammonal (704B). Nobel's explosives (808). PEP 1, 2, and 3. Pentolite. Picrates, dry. Picric acid, dry or wet. Plastic explosives. PTX, 1 and 2. RDX. Reddy Fox. Seashest demolition blocks. Shaped charges. Shellite. Snake demolition explosive charges. Supplementary charges. Tetryl. Tetrytol. TNT. TNX. Torpex.	"High explosives"	A	High explosives in bulk, and demolition blocks have relatively similar hazard characteristics. They may be considered stable in stowage. Can be ignited by spark or friction and detonated by shock. When ignited will burn vigorously. Bulk shipments in amounts likely to be found on board vessels would, if ignited be very likely to detonate.	*AMMUNITION STOWAGE OR PORTABLE MAGAZINE* Shall not be stowed in the same hold or compartment with other permitted ammunition, or explosives, unless the two are separated by a partition bulkhead or a Type "A" dunnage floor. Shall not be overstowed with any other kind of cargo. For stowage adjacent to other dangerous articles see § 146.29-50. Shall not be loaded at an ammunition loading pier. Military dynamite when transported on a commercial vessel simultaneously with commercial dynamite, and no other military explosives are on board, shall be shipped under those requirements set forth for the shipment of commercial dynamite.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble or walk or otherwise subject packages to shock. 3. Do not use chute in loading or unloading. 4. Packages shall be handled in such a manner as to insure that no spark or friction will occur. 5. Observe packages or containers for evidence of sifting or inability to retain contents and reject any showing such signs. 6. In event a package is damaged and powder is spilled, immediately stop operations and sweep up loose powder. 7. Remove damaged containers and residue of powder to a safe location. 8. Gravity roller conveyors not authorized. 9. Packages or containers shall be stowed in the position indicated by their markings. 10. Cargo handling stevedore gear may be trays, skipboards, pallets, or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 11. Cargo nets without trays, skipboards, pallets, or pieplates are not permitted. 12. The maximum permitted weight per draft when handled by pallet, skipboard, tray, or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 13. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 14. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent the upper tier or tiers from shifting or falling from the draft. 15. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
IX-B—Con.						
High explosives such as: Demolition blocks, etc. Dynamite. TNT. Continued.	High explosives in bulk, etc.—Continued Includes but is not limited to: Tridite. Trilite. Trimonite. Trinitroaniline. Trinitrobenzene. Trinitrocresol. Trinitrophenylmethylnitramine. Trinitroresorcinol. Trinitronal. Trinitrotoluene. Trinitroxylene. Trinitroxylol. Triton blocks. Trojan powder. Urea nitrate, dry or wet.					
IX-C						
Initiating and priming explosives in bulk.	Initiating and priming explosives when shipped in bulk. Includes but is not limited to: Diazodinitrophenol (DDNP, DINOL). Guanyl-nitrosamino-guanilidene-hydrazine. Guanyl-nitrosamino-guanyl-tetrazene. Lead azide. Lead styphnate. Lead trinitroresorcinate. Mercury fulminate. Nitro mannite. Nitroseguanidine. Pentaerythrite tetranitrate. PETN. Tetrasene. NOTE: Bulk priming or initiating explosives in dry condition are not permitted to be transported on board vessels.	"Initiating explosive"	A	Bulk initiating and priming explosives constitute a distinct class of explosives. They are extremely sensitive to shock. The only permitted packing for transportation in bulk consists of a sift proof cotton duck, rubber or rubberized cloth bag in a metal barrel or drum or wooden barrel or keg and wet with 20 to 40% of water or water alcohol mixture. Mercury fulminate and lead azide also have 3" of saw dust saturated with water between the bag and the outer container.	*MAGAZINE STOWAGE "A", SPECIAL STOWAGE OR PORTABLE MAGAZINE STOWAGE* Shall not be stowed in the same magazine with other ammunition or explosives. When tiering containers of explosives of this class in a magazine, have each tier floored off with a type "A" dunnage floor. The location of a magazine is restricted to a hold or compartment in which no other military ammunition (except Class I) is stowed. Shall not be stowed within 8 feet of vessel's side. This class of ammunition shall not be overstowed with any other cargo. For stowage adjacent to other dangerous articles see §146.29-59. Shall not be loaded at an ammunition loading pier.	1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not use chute in loading or unloading. 4. Do not roll barrels on their bilges. 5. Gravity roller conveyer not authorized. 6. Barrels or drums contain 20 to 40% water or water alcohol mixture. 7. Observe barrels, drums or containers for evidence of leakage or inability to retain contents and reject any showing such signs. 8. In event a container is damaged immediately stop operations and carefully remove damaged container to a safe location. 9. Drums and kegs shall be stowed on end with bungs up. Containers shall be stowed in the position indicated by their markings. 10. Trays with sideboards shall be used when handling by mechanical means. 11. Containers shall not be stacked on a tray to a height above its sideboards. 12. The maximum permitted weight per draft when handled by tray fitted with sideboards shall not exceed 1,000 lbs. plus 10%. 13. Trays shall be hoisted and lowered carefully and deposited without undue shock on a mattress or other shock absorbing material. 14. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
X-A						
Explosive bombs, mines, torpedoes, etc.	Bombs, bomb clusters, mines, depth charges, warheads (all unfuzed), rocket heads (fuzed or unfuzed and without motors 200 lbs. or more gross weight); torpedo bangalore (unfuzed); and other unfuzed ammunition filled with relatively large amounts of HE; all possessing a similar hazard characteristic of en masse detonation. Includes but is not limited to: Activator—without detonator. Bombs: Armor-piercing. Demolition. Depth. Depth charge. Fragmentation. G. P. Photoflash. S. A. P. Shallow water depth. Boosters—without detonators. Boosters, adapter—without detonators. Burster—without detonator. Mines: Aerial. Aircraft. Anti-personnel (unfuzed). Anti-personnel fragmentation (unfuzed). Anti-tank (unfuzed). Anti-tank non-metallic (unfuzed). Grenade. High explosive. Land. Rocket heads (fuzed or unfuzed and without motors 200 lbs. or more gross weight). Signal, underwater sound, w/o fuze. Torpedo bangalore. Torpedo warheads.	"Booster (explosive)." "Burster (explosive)." "Explosive bombs". "Explosive mines". "Explosive projectiles." "Explosive torpedoes."	A A A A A A	Fire and shock are the primary hazards to this class of ammunition. They are particularly dangerous because of their tendency to detonate en masse if involved in a fire or subjected to shock. Detonation will result in severe structural damage, increasing in severity and range in relation to the amount of high explosives involved. All high explosive loaded items in this class having thin container walls are relatively easily ruptured or dented. Denting of the container walls by impacts, though not sufficiently severe to rupture them has occasionally resulted in partial or complete detonation, and such kind of ammunition is said to possess "container-dent sensitivity." A certain degree of confinement combined with local heating of the contained explosive by a particular kind of impact apparently causes instantaneous explosive action. But whatever may be the actual mechanics of this phenomenon, the kinds of impacts known to have caused explosion of these items include such impacts as dropping on or striking against a rounded corner, similar to a hatch coaming, impact of one bomb against another, or being struck by handling and transportation equipment. In placing or removing dunnage, an accidental or misdirected blow from a sledge hammer, pinch bar or other hand tool may cause such explosions. The impact need not be violent. A short drop of only 2 feet caused a low order detonation of a depth bomb. Warheads, depth bombs, depth charges, Naval mines, and like items are in the "Container-dent sensitivity" category. All of the foregoing also apply in substantial effect to containers of this class of ammunition that are not thin walled.	*AMMUNITION STOWAGE OR PORTABLE MAGAZINE* Items in this class having thin container walls and said to possess "container-dent sensitivity" shall not be tiered one layer on top of another unless they are boxed crated or dunnaged in such a manner that they are properly protected to withstand the superimposed weight. Items having thin walls and possessing "container-dent sensitivity" may be overstowed only with very light cargo such as bomb fin assemblies, empty water fillable practice bombs and empty auxiliary gas tanks. Items of this class having thick walled containers may be tiered one layer on top of another provided they are so stowed, dunnaged, blocked and/or braced as to prevent movement that is likely to damage the ammunition, the vessel or other cargo. Shall not be overstowed with inert permitted cargo having lesser bearing surface or greater unit weight than any item stowed below. Class X-A items shall not be stowed in the same hold or compartment with permitted military explosives other than this class or Class X-B unless the two are separated by a partition bulkhead or a type "A" dunnage floor. Except for wooden barrels or boxes and fiberboard containers, no flammable or combustible material as cargo shall be stowed in a hold or compartment in which this class of ammunition is stowed. When photoflash bombs are stowed with any other military explosive, including items of this class the two stowages must be separated by a partition bulkhead or a type "A" dunnage floor. For stowage adjacent to other dangerous articles see § 146.29-59. Shall not be loaded at an ammunition loading pier.	1. Handle by hand or mechanical means. 2. Do not drop, drag, slide, tumble, walk or otherwise subject these articles to shock. 3. Do not use chute in loading or unloading. 4. Cargo nets shall not be used except to enclose a pallet, skipboard, or tray, or as a preventer or save-all. 5. Bombs, not crated or boxed, without external fittings or with external fittings protected by lug guards, may be rolled only under continuous hand control on level surfaces or on non-powered roller conveyors, provided these surfaces or conveyors are relatively level and free from projections. 6. Unboxed or uncrated warheads, depth bombs, depth charges, or other thin walled items shall not be tiered in "making up" drafts (hoists). 7. No "cant" or barrel hooks shall be used on this class of ammunition. 8. Depth charges and rocket heads that are not boxed or crated shall be loaded by use of pallet, skipboard or tray fitted with cargo net or sideboards. 9. Bombs, except depth bombs, may be loaded by use of wire rope slings, or by pallet, skipboard or tray fitted with cargo net or sideboards. 10. Depth bombs shall be loaded only by using pallet, skipboard, or tray fitted with cargo net or sideboards. (See § 146.29-39.) 11. Slings for use in hoisting this class of ammunition must be approved for use by the Captain of the Port. 12. Single slings made up in multiple assembly with spreader may be used in handling bombs that do not exceed 1,101 pounds each. Two-legged slings shall be used in handling bombs of more than 1,101 pounds each. *TABLE OF LIMITING LOADS* (Applicable when handling bombs by sling method) Weight of individual bomb or cluster: — *Maximum units in one draft* 1 lb. to 250 lbs.[1] — 8 276 lbs. to 500 lbs.[1] — 6 551 lbs. to 1,000 lbs.[1] — 4 1,101 lbs. to 2,000 lbs.[1] — 2 Over 2,200 lbs — 1 [1]A tolerance of 10% per unit is allowed. (For example, a bomb weighing 550 lbs. may be considered as coming within the 500 lb. group.) 13. Naval mines, uncrated and fitted with lifting eye shall be loaded by using wire rope and shackle. 14. Naval mines, uncrated and not fitted with lifting eye may be loaded by use of wire rope slings or trays fitted with sideboards. 15. The following items when boxed or crated shall be loaded by the use of pallet, skipboard or tray fitted with cargo net or sideboards, photoflash bombs, antitank mines, antipersonnel mines, naval mines, warheads, depth charges, torpedo bangalore, projector charges and rocket heads. 16. Warheads, crated in such a manner that the nose lifting ring is exposed may be loaded by means of said ring. 17. The maximum permitted weight per draft, when handled by pallet, skipboard, tray or pie-plate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 18. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 19. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent, by means of sideboards or netting extended upward to the uppermost height of the draft, the upper tier or tiers from shifting or falling from the draft. 20. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
X-B Explosive bombs, mines, torpedoes, etc., packed with fuzes in integral packages. (Fuzes will not detonate item with which packaged nor adjacent packages.)	Bombs, bomb clusters, mines, depth charges warheads (all unfused), projector charges (unfuzed and without motors), torpedo bangalore (unfuzed), and other unfuzed ammunition filled with relatively large amounts of HE; all possessing a similar hazard characteristic of en masse detonation. The fuze is packed integral with the item, but the fuze will not detonate the item with which packaged nor adjacent packages. Includes but is not limited to: Bombs: Armor-piercing. Demolition. Depth. Depth charge. Fragmentation. G. P. Photoflash (except M-122). S. A. P. Shallow water depth. Mines: Aerial. Aircraft. Anti-personnel (unfuzed). Anti-personnel fragmentation (unfuzed). Anti-tank (unfuzed). Anti-tank non-metallic (unfuzed). Grenade. High explosive. Land. Nuclear weapons (see para. 21 under "Handling"). Signals, underwater sound, w/fuze. Torpedo bangalore. Torpedo warheads.	"Explosive bombs". "Explosive mines". "Explosive projectiles." "Explosive torpedoes."	A A A A	Fire and shock are the primary hazards to this class of ammunition. They are particularly dangerous because of their tendency to detonate en masse if involved in a fire or subjected to shock. Detonation will result in severe structural damage, increasing in severity and range in relation to the amount of high explosives involved. All high explosive loaded items in this class having thin container walls are relatively easily ruptured or dented. Denting of the container walls by impacts, though not sufficiently severe to rupture them has occasionally resulted in partial or complete detonation, and such kind of ammunition is said to possess "container-dent sensitivity." A certain degree of confinement combined with local heating of the contained explosive by a particular kind of impact apparently causes instantaneous explosive action. But whatever may be the actual mechanics of this phenomenon, the kinds of impacts known to have caused explosion of these items include such impacts as dropping on or striking against a rounded corner, similar to a hatch coaming, impact of one bomb against another, or being struck by handling and transportation equipment. In placing or removing dunnage, an accidental or misdirected blow from a sledge hammer, pinch bar or other hand tool may cause such explosions. The impact need not be violent. A short drop of only 2 feet caused a low order detonation of a depth bomb. Warheads, depth bombs, depth charges, Naval mines, and like items are in the "Container-dent sensitivity" category. All of the foregoing also apply in substantial effect to containers of this class of ammunition that are not thin walled.	*AMMUNITION STOWAGE OR PORTABLE MAGAZINE* Items in this class having thin container walls and said to possess "container-dent sensitivity" shall not be tiered one layer on top of another unless they are boxed, crated or dunnaged in such a manner that they are properly protected to withstand the superimposed weight. Items having thin walls and possessing "container-dent sensitivity" may be overstowed only with very light cargo such as bomb fin assemblies, empty water fillable practice bombs and empty auxiliary gas tanks. Items of this class having thick walled containers may be tiered one layer on top of another provided they are so stowed, dunnaged, blocked and/or braced as to prevent movement that is likely to damage the ammunition, the vessel or other cargo. Shall not be overstowed with inert permitted cargo having lesser bearing surface or greater unit weight than any item stowed below. Class X-B items shall not be stowed in the same hold or compartment with permitted military explosives other than this class or Class X-A unless the two are separated by a partition bulkhead or a type "A" dunnage floor. Except for wooden barrels or boxes and fiberboard containers no flammable or combustible material as cargo or containers of same shall be stowed in a hold in which this class of ammunition is stowed. When photoflash bombs are stowed with any other military explosive, including items of this class, the two stowages must be separated by a partition bulkhead or a type "A" dunnage floor. For stowage adjacent to other dangerous articles see § 146.29-60. Shall not be loaded at an ammunition loading pier.	1. Handle by hand or mechanical means. 2. Do not drop, drag, slide, tumble, walk or otherwise subject these articles to shock. 3. Do not use chute in loading or unloading. 4. Cargo nets shall not be used except to enclose a pallet, skipboard, or tray, or as a preventor or save-all. 5. Bombs, not crated or boxed, without external fittings or with external fittings protected by lug guards, may be rolled only under continuous hand control on level surfaces or on non-powered roller conveyors, provided these surface or conveyors are relatively level and free from projections. 6. Unboxed or uncrated warheads, depth bombs, depth charges, or other thin walled items shall not be tiered in "making up" drafts (hoists). 7. No "cant" or barrel hooks shall be used on this class of ammunition. 8. Depth charges and rocket heads that are not boxed or crated shall be loaded by use of pallet, skipboard or tray fitted with cargo net or sideboards. 9. Bombs, except depth bombs, may be loaded by use of wire rope slings, or by pallet, skipboard or tray fitted with cargo net or sideboards. 10. Depth bombs shall be loaded only by using pallet, skipboard, or tray fitted with cargo net or sideboards. (See § 146.29-39.) 11. Slings for use in hoisting this class of ammunition must be approved for use by the Captain of the Port. 12. Single slings made up in multiple assembly with spreader may be used in handling bombs that do not exceed 1,101 pounds each. Two legged slings shall be used in handling bombs of more than 1,101 pounds each. (See table of Limiting Loads, Class X-A). 13. Naval mines, uncrated and fitted with lifting eye shall be loaded by using wire rope and shackle. 14. Naval mines, uncrated and not fitted with lifting eye may be loaded by use of wire rope slings or trays fitted with sideboards. 15. The following items when boxed or crated shall be loaded by the use of pallet, skipboard or tray fitted with cargo net or sideboards; photoflash bombs, antitank mines, antipersonnel mines, naval mines, warheads, depth charges, torpedo bangalore, projector charges and rocket heads. 16. Warheads, crated in such a manner that the nose lifting ring is exposed may be loaded by means of said ring. 17. The maximum permitted weight per draft, when handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 18. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 19. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent, by means of sideboards or netting extended upward to the uppermost height of the draft, the upper tier or tiers from shifting or falling from the draft. 20. The limiting weights noted above are for a 5-ton boom. See § 146.29-41. 21. Nuclear weapons, warheads, and their components shall be handled and transported in accordance with pertinent military service directives.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
X-C Guided missiles, solid propellant motors, packed with or without HE warheads.	Completely assembled missiles or rockets with ICC Class A solid fuel motors. Projector charges. Rocket motors, Class A.	"Rocket ammunition with explosive projectiles." Jato units, Class A. Jet, thrust units, Class A.	A	Fire and shock are the primary hazards to this class of ammunition. They are particularly dangerous because of (1) their tendency to detonate en masse if involved in a fire or subjected to shock, and (2) the combustibility and toxicity of the fuel if involved in a fire. All high explosive loaded items of this class having thin container walls are relatively easily ruptured or dented. Denting of the container walls by impact, though not sufficiently severe to rupture them may result in a partial or complete detonation. A certain degree of confinement combined with local heating of the contained explosive by a particular kind of impact causes instantaneous explosive action. These kinds of impacts are, striking against a rounded corner similar to a hatch coaming, impact of one missile against another, or being struck by handling or transportation equipment. Toxicity by inhalation of fumes is increased when fuels are ignited as the intensity of poisonous fumes is increased. Care should be exercised to minimize the exposure of personnel to the toxic effects of these mixtures and to prevent damage to the container with resulting leakage or spillage.	*AMMUNITION STOWAGE OR PORTABLE MAGAZINE* Class X-C items shall not be stowed in the same hold or compartment with permitted military explosives other than this class or Classes II-B, IV, and VII unless the two are separated by a partition bulkhead or a type "A" dunnage floor. Except for wooden boxes or barrels and fiberboard containers, no flammable or combustible material shall be stowed in a hold or compartment in which this class of ammunition is stowed. Shall not be overstowed with any other kind of cargo. May be stowed on deck protected, except on the square of a hatch. For stowage adjacent to other dangerous articles see § 146.29-59. Shall not be loaded at an ammunition loading pier.	1. Handle by hand or mechanical means. 2. Do not drop, drag, slide, tumble, walk or otherwise subject these articles to shock. 3. Do not use chute in loading or unloading. 4. Cargo nets shall not be used except to enclose a pallet, skipboard, or tray, or as a preventor or save-all. 5. Missiles, not crated or boxed, without external fittings or with external fittings protected by lug guards, may be rolled only under continuous hand control on level surfaces or on non-powered roller conveyors, provided these surfaces or conveyors are relatively level and free from projections. 6. Unboxed or uncrated missiles shall not be tiered in "making up" drafts (hoists). 7. No "cant" or barrel hooks shall be used on this class of ammunition. 8. May be loaded by use of wire rope slings, or by pallet, skipboard or tray fitted with cargo net or sideboards. 9. Slings for use in hoisting this class of ammunition must be approved for use by the Captain of the Port. 10. Single slings made up in multiple assembly with spreader may be used in handling missiles that do not exceed 1,101 pounds each. Two legged slings shall be used in handling missiles of more than 1,101 pounds each. (See table of Limiting Loads, Class X-A). 11. The maximum permitted weight per draft, when handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 12. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 13. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent, by means of sideboards or netting extended upward to the uppermost height of the draft, the upper tier or tiers from shifting or falling from the draft. 14. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
X-D						
Guided missiles, liquid propellant motors, packed with HE warheads.	Completely assembled missiles or rockets with liquid petroleum fueled motors.	"Rocket ammunition with explosive projectiles."	A	Fire and shock are the primary hazards to this class of ammunition. They are particularly dangerous because of (1) their tendency to detonate en masse if involved in a fire or subjected to shock, and (2) the combustibility and toxicity of the fuel if involved in a fire. All high explosive loaded items of this class having thin container walls are relatively easily ruptured or dented. Denting of the container walls by impact, though not sufficiently severe to rupture them may result in a partial or complete detonation. A certain degree of confinement combined with local heating of the contained explosive by a particular kind of impact causes instantaneous explosive action. These kinds of impacts are, striking against a rounded corner, similar to a hatch coaming, impact of one missile against another, or being struck by handling or transportation equipment. Toxicity by inhalation of fumes is increased when fuels are ignited as the intensity of poisonous fumes is increased. Care should be exercised to minimize the exposure of personnel to the toxic effects of these mixtures and to prevent damage to the container with resulting leakage or spillage.	*AMMUNITION STOWAGE* Class X-D items shall not be stowed in the same hold or compartment with other military explosives, other dangerous cargo, or regulated items. Shall be stowed only in a lower hold, or "On deck protected," not on the square of a hatch. Shall not be overstowed. For stowage adjacent to other dangerous articles see § 146.29–50. Shall not be loaded at an ammunition loading pier. Must be stowed so that superstructure intervenes between it and other items that require "On deck" stowage. Preferred "On deck" stowage is aft. Missiles with liquid petroleum fueled motors may be stowed at any level in any hatch provided leakage of the fuel will drain directly into the bilges.	1. Handle by hand or mechanical means. 2. Do not drop, drag, slide, tumble, walk or otherwise subject these articles to shock. 3. Do not use chute in loading or unloading. 4. Cargo nets shall not be used except to enclose a pallet, skipboard, or tray, or as a preventor or save-all. 5. Missiles, not crated or boxed, without external fittings or with external fittings protected by lug guards, may be rolled only under continuous hand control on level surfaces or on non-powered roller conveyors, provided these surfaces or conveyors are relatively level and free from projections. 6. Unboxed or uncrated missiles shall not be tiered in "making up" drafts (hoists). 7. No "cant" or barrel hooks shall be used on this class of ammunition. 8. May be loaded by use of wire rope slings, or by pallet, skipboard or tray fitted with cargo net or sideboards. 9. Slings for use in hoisting this class of ammunition must be approved for use by the Captain of the Port. 10. Single slings made up in multiple assembly with spreader may be used in handling missiles that do not exceed 1,101 pounds each. Two legged slings shall be used in handling missiles of more than 1,101 pounds each. (See table of Limiting Loads, Class X–A). 11. The maximum permitted weight per draft, when handled by pallet, skipboard, tray or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 12. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 13. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent, by means of sideboards or netting extended upward to the uppermost height of the draft, the upper tier or tiers from shifting or falling from the draft. 14. The limiting weights noted above are for a 5-ton boom. See § 146.29–41.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
XI-A						
Chemical ammunition, lethal.	Chemical ammunition filled with lethal gases such as mustard gas (H), lewisite gas (L), nerve gas (GB and VX), BW agents, phosgene gas (CG), hydrocyanic acid (AC), nitrogen mustard gas (HN), diphosgene (DP), chlorpicrin gas (PS), cyanogen chloride (CK) when shipped assembled with or without their ignition elements, bursting charges or fuzes. When these substances are shipped in drums, barrels, cylinders or other authorized containers they shall be classified Class A, Poison Gas. When these substances are shipped in authorized ICC specification containers or Chemical Corps specification containers of integrity equal to ICC containers (including projectiles, bombs and rockets without ignition elements, bursting charges or fuzes) they may be handled and stowed either as Class A poison gas or chemical ammunition Class XI–A. Includes but is not limited to the following items when filled with any of the above agents: Ammunition for guns with gas projectile. Bombs, chemical. Bombs, clusters, chemical. Frangible grenade. Hand grenade. Howitzer projectile. Land mine. Mortar projectile. Rockets, chemical. Separate loading projectile. NOTE: The U. S. Army Chemical Corps or U. S. Navy, when shipping chemical ammunition, mark such ammunition and the containers thereof, in general, as follows: (a) By the use of color bands painted upon the ammunition the containers thereof; by letter symbol to indicate the particular kind of chemical therein and the word "Gas" stenciled upon the ammunition of the containers thereof. (b) Persistent gases are marked with two (2) green bands. Nonpersistent gases with one (1) green band. (c) The word "Gas" will be stenciled upon projectiles and upon the outside container of projectiles, grenades, bombs, candles, etc., the stenciling to be of the same color as the designating band. (d) The bodies of all ammunition containing gas will be painted gray.	"Ammunition for cannon with gas projectile." "Explosive bomb".. "Explosive projectile." "Explosive mine"... "Hand grenade".... "Rifle grenade".... "Rocket ammunition with gas projectile." Shipping name of item when shipped as Class A poison.	A A A A A A A Pois. A	This type of ammunition or bulk shipments of these substances in containers other than ammunition, represents a particular and special hazard. Minute quantities of either liquid or vapor can cause serious burns and death. The liquid or vapor will contaminate everything with which it comes in contact, cause serious and painful burns to exposed portions of the body and the eyes, and attack the respiratory system usually with fatal results. Nerve gas is highly toxic, quick acting nerve poison. It can be absorbed through any body surface including the respiratory tract, skin, eyes, and gastrointestinal tract. The rapidity of action of nerve gas and absence of identifying symptoms may incapacitate a person so rapidly that he may be unable to take individual protective measures.	*CHEMICAL AMMUNITION STOWAGE, SPECIAL STOWAGE, OR PORTABLE MAGAZINE* Bulk shipments of chemical agents in ICC cylinders, tanks or Chemical Corps specification containers of integrity equal to ICC containers may be stowed in a shelter deck space or in a deck house suitable for such stowage. Chemical ammunition (explosive) shall be stowed in a deep tank, lower hold or between deck, and such stowage shall be effectively sealed off to prevent the escape of any leakage which may take place. (See § 146.29–85.) Drums or other authorized ICC or Chemical Corps specification containers filled with Class A poison gas may be stowed in the same hold or compartment with chemical ammunition Class XI–A. For stowage adjacent to other dangerous articles see § 146.29–50. May be loaded at a temporary location authorized by the Captain of the Port for the specific loading. When given chemical ammunition stowage, see § 146.29–85 for additional requirements.	When possible and the amount of such ammunition or containers of these chemical substances warrants, a technical representative of the appropriate Army technical service (Chemical or Ordnance Corps) or Navy Department shall be present during the loading and stowage. 1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not use chute in loading or unloading. 4. Shall not be rolled except under hand control and on a level surface without appreciable incline. 5. Packages shall be braced so as to prevent any movement. Top tiers shall be braced to prevent upward movement. 6. Packages or containers shall be stowed in the position indicated by their markings. When not so marked, boxes shall be stowed on the most stable side and arranged in such a manner that the joints between boxes are staggered. 7. No packages shall be "cant" stowed. 8. Dunnage shall be applied to the sides, ends and tops of the boxes before bracing is applied. 9. Cargo handling stevedore gear may be trays, skipboards, pallets, or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with removable sides are authorized. 10. Cargo nets without trays, skipboards, pallets or pieplates are not permitted. 11. Wire rope slings are permitted when handling unbored bombs or containers filled with this class of chemical warfare material. 12. The maximum permitted weight per draft when handled by tray, skipboard, pallet, or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 13. Single bombs or other unit containers weighing in excess of 2,200 lbs. must be loaded or unloaded one at a time. 14. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 15. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent, by means of sideboards or netting extended upward to the uppermost height of the draft, the upper tier or tiers from shifting or falling from the draft. 16. The limiting weights noted above are for a 5-ton boom. See § 146.29–41.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
XI-B						
Chemical ammunition, nonlethal.	Chemical ammunition filled with non-lethal gases such as Chloracetophenone gas (CN), Chloracetophenone solution (CNB) or (CNS), Brombenzylcyanide (BBC) and Adamsite (DM) when shipped assembled with or without their ignition elements, bursting charges or fuzes. When these substances are shipped in drums, barrels, cylinders or other authorized containers, they shall be classified as tear gasses or irritating substances, Class C—poisons. When these substances are shipped in authorized ICC specification containers or Chemical Corps containers of integrity equal to ICC containers (including projectiles, bombs and rockets, without ignition elements, bursting charges or fuzes) they may be handled and stowed either as Class C—poisons or as chemical ammunition Class XI-B. Includes but is not limited to the following items when filled with any of the above agents: Ammunition for cannon with gas projectile. Bombs, aircraft. Bombs, aircraft cluster. CN capsules. Gas identification sets. Grenades, hand. Grenades, frangible, hand. Grenades, rifle. Rockets. Projectiles, mortar. Tear gas candles. Tear gas pots. NOTE: The U. S. Army and Navy when shipping harassing gas ammunition, mark such ammunition and the containers thereof with the word "gas" and Chemical Corps symbol of the gas with one red band.	"Ammunition for cannon with gas projectile." "Explosive bomb" "Explosive projectile." "Hand grenade" "Rifle grenade" "Tear gas candle" "Tear gas grenade" "Rocket ammunition with gas projectile." Shipping name of item when shipped as Class C poison.	A A A A A Pois. C Pois. C A Pois. C	Fire and intolerable vapors. The fire hazard of some of these items is similar to that of smokeless powder. The vapors are rarely lethal as concentrations far below the lethal range are intolerable. Gas mask provides complete protection.	*CHEMICAL AMMUNITION STOWAGE, SPECIAL STOWAGE, OR PORTABLE MAGAZINE* It is important to stow in locations not subject to temperatures above 100° F. Stowage shall be accessible from cargo hatch or other access means to the hold or compartment. Drums or other authorized ICC or Chemical Corps specification containers filled with Class C poison gas may be stowed in the same hold or compartment with chemical ammunition, Class XI-B. For stowage adjacent to other dangerous articles see § 146.29-50. May be loaded at a temporary location authorized by the Captain of the Port for the specific loading. When given chemical ammunition stowage, see § 146.29-85 for additional requirements.	When possible and the amount of such ammunition or containers of these chemical substances warrants, the loading and stowage of chemical ammunition or chemical agents for such should be supervised by a representative of the appropriate Army technical service (Chemical or Ordnance Corps) or Navy Department. 1. Handle by hand or mechanical means. 2. Do not drop, drag, tumble, walk or otherwise subject packages to shock. 3. Do not use chute in loading or unloading. 4. Shall not be rolled except under hand control and on a level surface without appreciable incline. 5. Packages shall be braced so as to prevent any movement. Top tiers shall be braced to prevent upward movement. 6. Packages or containers shall be stowed in the position indicated by their markings. When not so marked, boxes shall be stowed on the most stable side and arranged in such a manner that the joints between boxes are staggered. 7. No packages shall be "cant" stowed. 8. Dunnage shall be applied to the sides, ends and tops of the boxes before bracing is applied. 9. Cargo handling stevedore gear may be trays, skipboards, pallets, or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with removable sides are authorized. 10. Cargo nets without trays, skipboards, pallets or pieplates are not permitted. 11. Wire rope slings are permitted when handling unboxed bombs or containers filled with this class of chemical warfare material. 12. The maximum permitted weight per draft when handled by tray, skipboard, pallet or pieplate fitted with cargo net or sideboards shall not exceed 2,400 lbs. plus 10%. 13. Single bombs or other unit containers weighing in excess of 2,200 lbs. must be loaded or unloaded one at a time. 14. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 15. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent, by means of sideboards or netting extended upward to the uppermost height of the draft, the upper tier or tiers from shifting or falling from the draft. 16. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.

Classification, handling and stowage chart—Continued

Class	Description	I. C. C. marking	I. C. C. class	Hazard	Stowage	Handling
XI-C						
Fuels in containers for guided missiles and rockets.	Missile fuels are usually non-corrosive, highly combustible mixtures, shipped in drums of aluminum or glass containers, used as fuels for guided missiles or rockets. Includes but is not limited to: Acetonitrile (methyl cyanide). Aluminum borohydride. Anhydrous ammonia. Aniline. Diborane. Diethylene triamine. Diethylene glycol dinitrate, liquid. Dimethyl hydrazine, unsymmetrical. Ethyl alcohol. Furfuryl alcohol. Gasoline (AVGAS). Heptane. Hydrazine. Hydrazine hydrate. Kerosene. Liquid fluorine. Liquid hydrogen. Methyl alcohol. Monoethylaniline. Nitroglycerine, liquid. Nitromethane. Octane. Pentaborane. Pentane. Potassium cuprocyanide. Tetranitromethane.	Shipping name of item.	F. G. F. L. F. S. Oxy. M. Nonf. G. Pois. B.	The principal hazard is its involvement in a fire since all of the fuels are highly combustible and toxic and under certain conditions will explode. Aniline-furfuryl alcohol mixtures are toxic through inhalation of the fumes or vapors, ingestion, and absorption through the skin. Toxicity by inhalation of fumes is increased when fuels are ignited as the intensity of poisonous fumes is increased. Care should be exercised to minimize the exposure of personnel to the toxic effects of these mixtures and to prevent damage to the containers with resulting leakage or spillage.	This class will *not* be stowed with any corrosive liquid (acids, etc.), oxidizing agents, or explosives. For stowage adjacent to other dangerous articles see § 146.29-50. May be stowed "On deck" and protected from direct rays of the sun and inclement weather, or may be stowed in a deep tank and such stowage shall be effectively sealed off to prevent the escape of any leakage which may take place. Pertinent parts of § 146.29-85 apply. Compatibility of items within this class shall be in accordance with § 146.29-99, Chart B. Must be stowed so that superstructure intervenes between it and other items that require "On deck" stowage. This requirement also applies to non-compatible items within this class. Preferred "On deck" stowage is aft. Drums may be tiered 2-high by use of metal dunnage of aluminum. When stowed on deck, the weather deck must be tight and the cargo hatch fitted with a tight raised coaming. The stowage must be accomplished by means of a crib and a platform so constructed as to provide a free space of at least six inches in height between the deck and the floor of the crib in such a manner as to allow flushing of any leakage that may occur. The stowage must not be made over the square of the hatch. If stowed aboard a vessel carrying no other military explosives, see § 146.29-11(b).	When possible, and the amount of substance warrants, the loading and stowage of fuels should be supervised by a representative of the appropriate Army technical service (Ordnance Corps) or Navy Department. 1. Handle by hand or mechanical means using extreme care against damage to the container resulting in leakage or spillage. 2. Do not drop, drag, tumble, walk or otherwise subject packages or drums to shock. Drums will *not* be rolled. 3. Packages shall be stowed in the position indicated by their markings; drums and kegs shall be stowed on end with bung holes up. 4. Do not use chute in loading or unloading. 5. Observe packages or drums for leakage or spillage and for odor of aniline or alcohol in the case of aniline-furfuryl alcohol shipments. If no odor is present and no evidence of leakage is present, the shipment is assumed to be in safe working condition and the cargo can be handled by personnel wearing the usual type of leather gloves and safety shoes. No other type of protective clothing will be required; however, in this operation as well as all other operations involving aniline-furfuryl alcohol mixtures, treadle type of deluge shower and a container of approximately 5% solution of acetic acid or strong vinegar must be available. 6. In the event of damage to a container resulting in leakage or spillage, stop operations, clear area of all personnel, render first-aid to personnel affected and spray copious amount of water on area affected. Decontamination must be handled with a minimum delay by personnel trained in this procedure and equipped with protective clothing and self-contained breathing apparatus. 7. Cargo handling stevedore gear may be trays, skipboards, pallets, or pieplates provided they are fitted with cargo nets or sideboards. Boxes or trays with fixed or removable sides are authorized. 8. Cargo nets without trays, skipboards, pallets or pieplates are not permitted. 9. Lifts of palletized units shall not be tiered except when using a sling so designed as to prevent, by means of sideboards or netting extended upward to the uppermost height of the draft, the upper tier or tiers from shifting or falling from the draft. 10. The maximum permitted weight per draft, when handled by pallet, skipboard, tray or pieplate fitted with cargo nets or sideboards shall not exceed 2,400 lbs. plus 10%. 11. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 12. The limiting weights noted above are for a 5-ton boom. See § 146.29-41.

Classification, handling and stowage chart—Continued

Class	Description	I. O. C. marking	I. O. C. class	Hazard	Stowage	Handling
XI-D Oxidizers in containers for guided missiles and rockets.	Oxidizers for use with guided missiles and rockets are non-flammable liquids; however, they are strong oxidizers and if allowed to come in contact with readily organic materials or metallic powders, may cause spontaneous combustion. They are highly toxic producing poisonous vapors and fumes and solutions of products are harmful or death if improperly handled. Fuming nitric acid vigorously attacks most metals, particularly iron and steel. Includes but is not limited to: Compressed gas, oxygen. Hydrogen peroxide. Liquid nitrogen tetroxide. Liquid oxygen. Mixed acid (nitric-sulfuric). Red nitric acid, fuming. White nitric acid, fuming.	Shipping name of item.	Cor. L. Nonf. G. Oxy. M.	The principal hazards arise from the combustibility of contact materials when in contact with acids and the toxicity of fumes and vapors produced. The oxides of nitrogen, referred to as nitrous fumes or mixed acid fumes, may cause severe damage to respiratory and pulmonary tissues and, under certain conditions, may result in death. Odor of the fumes is not an index to their toxicity. All nitric acid fumes are dangerous. Contact with the skin results in severe burns and may result in permanent damage to the eyes may cause blindness. Red Fuming Nitric Acid (RFNA) is not flammable in itself and cannot be detonated, but the combustibility of all organic material is greatly increased in contact with this acid. This acid is very hygroscopic (completely soluble), and water should not be used to fight fires involving nitric acid. The use of large quantities of water, as a spray rather than a stream, to dilute the acid and flush it from the fire is effective. Firefighters of a suitable type should be provided wherever this acid is handled or stowed.	This class will not be stowed with any flammable liquid fuels, metallic powders, or explosives. For stowage adjacent to other dangerous articles see § 146.29–30. May be stowed "On deck" and protected from direct rays of the sun and inclement weather, or may be stowed in a deep tank and such stowage shall be effectively sealed off to prevent the escape of any vapors which may take place. Pertinent parts of § 146.29–85 apply. Compatibility of items within this class shall be in accordance with § 146.29–90. Chart. Must be stowed so that superstructure intervenes between it and other items that require "On deck" stowage. This requirement also applies to combustible materials within this class. Preferred "On deck" stowage is aft. Drums may be tiered 2-high by use of metal dunnage of aluminum. When stowed on deck, the weather deck must be light and the cargo hatch fitted with a tight raised coaming. The stowage must be accomplished as to provide a free space of at least 1 inches between it and the floor of the crib in such a manner as to allow flushing of any leakage that may occur. The stowage must not be made over the square of the hatch. If stowed aboard a vessel carrying no other military explosives, see § 146.29–11(b).	When possible, and the amount of substance warrants, the loading and stowage of oxidizers and acids should be supervised by a representative of the appropriate Army technical service (Chemical Corps or Ordnance Corps) or Navy Department. 1. Handle by hand or mechanical means using extreme care to avoid damage to the container resulting in leakage or spillage. 2. Do not drop, drag, tumble, walk, or otherwise subject packages or drums to shock. Drums will not be rolled. 3. Packages shall be stowed in the position indicated that arrows or drums and legs shall be stowed on end with bung holes up. 4. Do not use chute in loading or unloading. 5. Visually inspect packages or drums for evidence of spillage or leakage and for odor of nitrous dioxide fumes in the case of fuming nitric acid shipments. If no odor is detected and no leaks are evident, this shall be assumed to be safe working condition and the cargo can be handled by personnel wearing gloves and aprons of acid-resistant material, safety shoes and eye goggles. No other type of protective clothing will be required; however, two complete sets of acid-resistant protective clothing, consisting of an approved type, must always be immediately available for emergency use. In this operation, as well as all other operations involving fuming nitric acid, treadle type of deluge showers and a container of approximately 5% solution of acetic acid or strong vinegar must be available. 6. In the event of damage to a container resulting in leakage, spillage or fumes, stop operations, clear area of all personnel, render first-aid to personnel affected and spray copious amount of water on area affected. Decontamination must be handled with a minimum of delay by personnel fitted with a positive pressure type with approved type of protective clothing and self-contained breathing apparatus. Damaged containers will be removed only by such personnel. 7. Cargo handling stevedore gear may be type, skidboards, pallets, or pallets provided they are fitted with fixed or removable sides or trays fitted with fixed or removable sides are authorized. 8. Cargo nets without trays, skipboards, pallets or pleplates are not permitted. 9. Lifts of palletized units shall not be tiered except when using skidboards or nesting extended upward to the uppermost height of the draft, the upper tier or tiers from shifting or falling from the draft. 10. The maximum permitted weight per draft, when handled by pallet, skipboards, trays or pleplates fitted with sides or sideboards shall not exceed 2,400 lbs. plus 10% for pallets. 11. Drafts consisting of one or more palletized units shall not exceed 4,000 lbs. plus 10%. 12. The limiting weights noted above are for a 5-ton boom. See § 146.29–41.

§ 147.05–100 [Amendment]

II. In Part 147—Regulations Governing Use of Dangerous Articles as Ships' Stores and Supplies on Board Vessels, § 147.05–100 *Table S—Classification: Ships' stores and supplies of a dangerous nature* is amended as follows:

A. Amend the entry, "Motion picture film" as follows:

(1) In column 2, change paragraph 2 to read as follows:

Film used in providing entertainment for the passengers and crew. Only slow burning (cellulose acetate) film is permitted.

(R.S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U.S.C. 375, 416, 170. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198, E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Dated: May 28, 1962.

[SEAL]

A. C. RICHMOND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 62–5346; Filed, June 4, 1962; 8:45 a.m.]

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Defense

Effective upon publication in the FEDERAL REGISTER, subparagraph (6) is added to paragraph (a) of § 6.104 as set out below.

§ 6.104 Department of Defense.

(a) *Office of the Secretary.* • • •

(6) Director of Policy Review, Office of the Assistant Secretary of Defense (International Security Affairs).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-5468; Filed, June 5, 1962; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER D—SPECIAL FEED GRAIN PROGRAM

[1962 Feed Grain Program, Supp. 1, Amdt. 3]

PART 775—FEED GRAINS

Subpart—1962 Feed Grain Program Regulations

BARLEY; CALIFORNIA AND NEW YORK

Section 775.152, of the 1962 Feed Grain Program Regulations, Supplement 1 (27 F.R. 160 and 164) is amended by adding county average yields and payment rates for barley for Alpine County, California, and Albany County, New York.

Section 775.152 is amended by adding county average yields, county minimum payment rates (50 percent payment rate per acre), and additional acre payment rates (60 percent payment rate per acre) for barley as follows:

CALIFORNIA

District	County	1959–60 average yield	50 percent payment rate per acre	60 percent payment rate per acre
6	Alpine	*Bushels* 40.0	$19.80	$23.80

NEW YORK

6	Albany	*Bushels* 22.0	$16.60	$20.00

(Sec. 18(d), 49 Stat. 1151, as amended; 16 U.S.C. 590 p.)

Effective date: Date of publication.

Issued at Washington, D.C., this 1st day of June 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-5493; Filed, June 5, 1962; 8:52 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Undershipments

Notice was published in the FEDERAL REGISTER issue of April 25, 1962 (27 F.R. 3923), that the Department was giving consideration to a proposed addition to the rules and regulations (Subpart—Rules and Regulations, 7 CFR 912.120; 27 F.R. 92) currently in effect pursuant to the applicable provisions of the marketing agreement and Order No. 912 (7 CFR Part 912; 27 F.R. 87), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was submitted by the Indian River Grapefruit Committee, established under said marketing agreement and order as the agency to administer the terms and provisions thereof, it is hereby found that the addition, as hereinafter set forth, to the said rules and regulations is in accordance with the provisions of said marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended. Such addition is hereby approved and the regulatory provisions of § 912.51 of the said marketing agreement and Order No. 912 are modified by the following new section:

§ 912.140 Undershipments.

If any person handles during any week a quantity of grapefruit, covered by a regulation issued pursuant to § 912.47, in an amount less than the total allotment available to him for such week, he may handle, during the next succeeding week, a quantity of grapefruit, in addition to that permitted by the allotment available to him for such week, equivalent to such undershipment or 25 percent of the allotment issued to him for the week during which the undershipment was made, whichever is the lesser.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated June 1, 1962, to become effective 30 days after publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-5489; Filed, June 5, 1962; 8:52 a.m.]

[Elberta Peach Reg. 1]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grades and Sizes

§ 917.307 Elberta Peach Regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Elberta Peach Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Elberta peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 15, 1962. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop and adequate information thereon was not available to the Elberta Peach Commodity Committee until May 18, 1962; recommendation as to the need for, and the extent of, regulation of shipments of such peaches was made at the meeting of said committee on May 18, 1962, after consideration of all available information relative to the supply and demand conditions for such peaches, at which time the recommendation and supporting information were

submitted to the Department; shipments of the current crop of such peaches are expected to begin on or about June 15, 1962, and this section should be applicable to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 15, 1962, and ending at 12:01 a.m., P.s.t., November 2, 1962, no shipper shall ship:

(i) Any package or container of Elberta peaches unless such peaches meet the requirements of the U.S. No. 1 grade: *Provided*, That with respect to ripe Elberta peaches, a tolerance of 10 percent, by count, for bruises not causing serious damage is allowed in addition to the tolerances provided for such U.S. No. 1 grade;

(ii) Any package or container of Elberta peaches unless at least 85 percent, by count, of such peaches are well matured (as such term is defined in subparagraph (2) of this paragraph);

(iii) Any package or container of Elberta peaches containing more than one peach which is immature: *Provided*, That no lot of packages or containers of Elberta peaches may be shipped if more than one-half of one percent, by count, of the peaches in the lot are immature; or

(iv) Any package or container of Elberta peaches unless at least 85 percent of the Elberta peaches contained in such package or container measured not less than 2⅜ inches in diameter: *Provided*, That, Elberta peaches (*a*) when packed in a 12B California peach box, which are of the size that will pack, in accordance with the requirements prescribed for a standard pack, 65 peaches in said box, or (*b*) when packed in either a No. 26 standard lug box or a No. 27 standard lug box, which are of the size that will pack, in accordance with the requirements prescribed for a standard pack, not more than 80 peaches in the respective lug box, shall be deemed to meet the said minimum diameter requirement: *And provided, further*, That for the purpose of determining whether ripe Elberta peaches meet the said standard pack requirements, such peaches may be fairly tightly packed rather than tightly packed.

(2) Peaches which are "well matured" means peaches which, at the time of picking, (i) are not hard; (ii) have shoulders and sutures well filled out; (iii) when ring cut, have flesh that separates from the pit readily and cleanly, and is red colored next to the pit; and (iv) have skin and flesh yellowish green to yellow in color. "Peaches which are not hard" yield to moderate pressure at least slightly at the suture and tip and at least very slightly elsewhere.

(3) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of Elberta peaches. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(4) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said amended marketing agreement and order; "U.S. No. 1," "bruises," "defects," "damage," "serious damage," "standard pack," "tightly packed," and "fairly tightly packed" shall have the same meaning as when used in the United States Standards for Peaches (§§ 51.1210 to 51.1223 of this title); "No. 26 standard lug box" and "No. 27 standard lug box," respectively, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California; "No. 12B California peach box" shall have the same meaning as set forth in section 828.25 of the Agricultural Code of California; and "diameter" shall mean the distance through the widest portion of the cross section of a peach at right angles to a line running from the stem to the blossom end.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 1, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-5490; Filed, June 5, 1962; 8:52 a.m.]

[Plum Order 2; Amdt. 1]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Sizes

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of plums grown in California.

(b) It is, therefore, ordered that the provisions of paragraph (b)(2) of § 917.302 (Plum Order 2; 27 F.R. 4729) are hereby amended to read as follows:

(2) During each day of the period beginning at 12:01 a.m., P.s.t., June 5, 1962, and ending at 12:01 a.m., P.s.t., November 1, 1962, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed sixty-six and two-thirds (66⅔) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirements of said subparagraph (1) of this paragraph: *Provided*, That the individual packages or containers of such smaller plums in each lot of such plums handled shall not exceed two-thirds (⅔) of the total packages or containers of plums in such lot, and: *Provided further*, That all such smaller plums meet the following requirements:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 5 x 5 standard pack;

(ii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth (¼) inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(c) Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provisions of said Plum Order 2; or (2) as releasing or extinguishing any violation of Plum Order 2 which has occurred or which, prior to the effective time of the provision hereof, may occur.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 4, 1962, to be effective on and after 12:01 a.m., P.s.t., June 5, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-5549; Filed, June 5, 1962; 8:53 a.m.]

[Tomato Reg. 7, Amdt. 1]

PART 980—VEGETABLES; IMPORT REGULATIONS

Tomatoes

Pursuant to the requirements of section 8e (7 U.S.C. 608e) of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674) the regulation, published in the FEDERAL REGISTER April 12, 1962 (27 F.R. 3507), restricting the importation of tomatoes is hereby amended as set forth below.

Order, as amended. In § 980.200 *Tomato Regulation No. 7* (27 F.R. 3507), delete paragraphs (d) and (e), and substitute new paragraphs (d) and (e), as follows:

§ 980.200 Tomato Regulation No. 7.

* * * * *

(d) *Designation of Governmental inspection services.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are hereby designated as governmental inspection services for the purpose of certifying the grade, size, quality, and maturity of tomatoes that are imported, or to be imported, into the United States under the provisions of section 8e of the act.

(e) *Inspection and official inspection certificates.* (1) Inspection by the Federal or Federal-State Inspection Service, by the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, or by such other governmental inspection service as may be designated, or approved, by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, with appropriate evidence thereof in the form of an official inspection certificate issued by the respective service and applicable to a particular shipment of tomatoes, is required. Each such lot shall be made available and accessible for inspection. Such inspection and certification will be made available in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables and other products (Part 51 of this title). Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of uninspected and uncertified tomatoes should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the tomatoes will be imported.

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, P.O. Box 111, 222 McClendon Bldg., 305 E. Jackson St., Harlingen, Tex. (Tel. Garfield 3-5644).	1 day.
All Arizona points.	R. H. Bertelson, 136 Grand Ave., P.O. Box 1646, Nogales, Ariz. (Tel. Atwater 7-2902).	Do.
All California points.	Carley D. Williams, 294 Wholesale Terminal Bldg., 784 S. Central Ave., Los Angeles 21, Calif. (Tel. Madison 2-8756).	3 days.
New York City.	Edward J. Heller, 346 Broadway, Room 306, New York 13, N.Y. (Tel. Rector 2-8000, Ext. 807).	1 day.
All other points.	E. E. Conklin, Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, AMS, Washington 25, D.C. (Tel. Dudley 8-5870).	3 days.

(2) Inspection certificates shall cover only the quantity of tomatoes that is being imported at a particular port of entry by a particular importer.

(3) The inspections performed, and certificates issued, by the Federal or Federal-State Inspection Service, or the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(4) Each inspection certificate issued with respect to any tomatoes to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks of the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant; Meets U.S. Import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

This amendment facilitates the importation of tomatoes in the United States from Canada by permitting the Canadian Inspection Service to certify that tomatoes being imported from Canada meet the requirements of this section. Accordingly, notice of rule making and publication procedure hereon are unnecessary and impractical and there is no reason to postpone the effective date of this amendment beyond June 2, 1962 (5 U.S.C. 1001–1011).

Dated: June 1, 1962, to become effective June 2, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-5491; Filed, June 5, 1962; 8:52 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

PART 1195—TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

Subpart—Expenses and Rate of Assessment

Correction

In F.R. Doc. 62-5312, appearing at page 5076 of the issue for Wednesday, May 30, 1962, the last word in the sixth line of the last paragraph presently reading "section" is changed to read "action".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 1201; Amdt. 22-13; Supp. 3]

PART 22—LIGHTER-THAN-AIR PILOT CERTIFICATES

Miscellaneous Amendments; Correction

On May 17, 1962, Amendment 22-13 to Part 22 of the Civil Air Regulations was inadvertently published in the FEDERAL REGISTER (27 F.R. 4663) without an effective date. This amendment is hereby corrected to include the statement: "This amendment shall become effective May 17, 1962."

Issued in Washington, D.C., on May 29, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-5470; Filed, June 5, 1962; 8:48 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

SUBCHAPTER A—GENERAL RULES

PART 3—ORGANIZATION

[Docket No. R-214; Order No. 245]

Correction

MAY 16, 1962.

Order No. 245, Adopting Revised Statement of Organization (18 CFR Part 3), issued April 30, 1962 and published in the FEDERAL REGISTER, May 4, 1962 (F.R. Doc. 62-4354; 27 F.R. 4276): Under § 3.5 *Delegations of final authority* paragraph (a)(18) correct "* * * protests on petitions to intervene * * *" to read "* * * protests or petitions to intervene * * *".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5449; Filed, June 5, 1962; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER B—AIRCRAFT

PART 825—AIRCRAFT ARRESTING SYSTEMS

SUBCHAPTER G—PERSONNEL

PART 890—MEDICAL, DENTAL, AND VETERINARY CARE FROM CIVILIAN SOURCES

1. In Subchapter B, a new Part 825 is added as follows:

Sec.
825.1 Purpose.
825.2 Use of arresting systems by non-U.S. Government aircraft.

AUTHORITY: §§ 825.1 and 825.2 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.
SOURCE: AFR 55-42, Jan. 4, 1962.

§ 825.1 Purpose.

Sections 825.1 and 825.2 outline the responsibilities for operating aircraft arresting systems at Air Force installations and joint-use civil airports.

§ 825.2 Use of arresting systems by non-U.S. Government aircraft.

Arresting systems installed by the Air Force at Air Force or joint-use airfields in the United States or overseas may be used in an emergency, at the pilot's request, by non-U.S. Government aircraft. The Air Force will accept no liability for damages resulting from attempted engagement by such aircraft.

2. In Subchapter G, Part 890 is revised to read as follows:

Sec.
890.1 Purpose.
890.2 Definitions.
890.3 Policies.
890.4 Care authorized from civilian sources.
890.5 For whom authorized.
890.6 Who authorizes.
890.7 When not authorized.
890.8 Emergencies.
890.9 Eye refractions obtained by individuals.
890.10 Surgical and orthopedic appliances.
890.11 Information required on statements and bills from civilian hospitals, physicians, dentists, and nurses.
890.12 Veterinary care authorized.
890.13 When to authorize civilian veterinary care.
890.14 Bills for veterinary service.

AUTHORITY: §§ 890.1 to 890.14 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 10 U.S.C. 672(d), 8721-8723, 9385.
SOURCE: AFR 160-53, Dec. 22, 1961.

§ 890.1 Purpose.

Sections 890.1 to 890.14 tell how to authorize and reimburse at Air Force expense for:

(a) Essential medical and dental care from civilian sources for Air Force members on active duty where Government facilities are unavailable;

(b) Supplemental medical care necessary for uniformed service members while under treatment at Air Force medical treatment facilities; and

(c) Veterinary service for Air Force-owned animals when Government veterinary service is unavailable.

§ 890.2 Definitions.

For the purpose of §§ 890.1 to 890.14, the following terms will apply:

(a) *Civilian medical care.* Physical examination, professional advice, and treatment provided by a civilian physician or civilian medical agency to sick or injured military personnel. The term includes nursing, hospital care, medicine, whole blood or blood derivatives, laboratory and X-ray services, physical therapy, etc.

(b) *Civilian physician.* Any person legally qualified and licensed without limitation to administer drugs and to perform surgical procedures in the geographic area where such service is provided.

(c) *Civilian dentist.* Any person legally qualified and licensed without limitation in the geographic area concerned to administer drugs and to perform all procedures related to the teeth, jaws, and structures contiguous to one or the other.

(d) *Emergency care.* Medical or dental care required to save life, limb, sight, or to prevent undue suffering.

(e) *Uniformed services.* The Army, Navy, Air Force, Marine Corps, Coast Guard, the Commissioned Corps of the Coast and Geodetic Survey, and the Commissioned Corps of the Public Health Service.

(f) *Member of a uniformed service.* A person appointed, enlisted, inducted, called, ordered, or conscripted into a uniformed service who is serving on active duty or active duty for training.

(g) *Civilian veterinary service.* Treatment, surgery, or hospitalization by a civilian veterinarian. This term includes surgical appliances and medicine where indicated.

(h) *Civilian veterinarian.* Any person legally qualified and licensed without limitation to practice veterinary medicine where the veterinary service is performed.

§ 890.3 Policies.

(a) *When treatment is authorized.* Civilian medical and dental attendance for Air Force military personnel at public expense is authorized only when the required treatment cannot be obtained from available facilities of the Air Force or other Government agencies such as Army, Navy, Veterans' Administration, and U.S. Public Health Service.

(b) *Paying civilian agencies.* Vouchers for payment to civilian agencies will ordinarily be prepared by the director of base medical services of the Air Force installation nearest the civilian facility which provided the medical care and will be processed through the local accounting and finance officer for payment. Approving authority, see § 890.6, or certifying officers, will prepare vouchers at locations where there is no director of base medical services.

(c) *Itemized statement.* When charges appear excessive, an itemized statement will be obtained from the doctor or hospital before payment is made. The itemized statements should be submitted to the local medical society or referred to the next Air Force echelon of command for evaluation. This will avoid placing the Air Force medical facility commander in a position of controversy with doctors or hospitals.

§ 890.4 Care authorized from civilian sources.

Medical and dental care from civilian sources at Air Force expense is limited to that which would be provided by Air Force medical or dental facilities if they were available. Such care is authorized at Air Force expense as follows:

(a) When an Air Force member within the meaning of § 890.5 requires essential medical or dental care and there is neither an Air Force medical or dental facility nor any other Government medical or dental facility available.

(b) When an Air Force medical or dental facility is unable to provide an essential medical or dental service for a uniformed service member due to a limitation of the facility or its staff.

(c) Civilian ambulance service at Air Force expense is authorized to move an Air Force member who is absent without leave or in desertion to a civilian medical facility or place of treatment or to a Government medical facility if the Air Force member is returned to military control or custody during or directly after such transportation or treatment.

§ 890.5 For whom authorized.

Medical and dental care from civilian sources in the absence of Air Force or other Government medical facilities is authorized at Air Force expense for the following Air Force personnel:

(a) Active duty military personnel of the Air Force, including Air Force Academy cadets and aviation cadets, on a duty status or in authorized absence, i.e., leave, pass, or authorized travel.

(b) Members of the Air Force Reserve who are injured or contract a disease in line of duty while on active duty or who are injured in line of duty while performing inactive-duty training or while voluntarily participating in an aerial flight in a Government-owned aircraft under proper authority and as an incident of training. Rehospitalization may be authorized under the provisions of this section for the same condition for which hospitalization at Air Force expense was initially required until no improvement will derive from further treatment.

(c) Members of the Air National Guard who are injured or become ill in line of duty when on active duty for the purpose of performing Air Force directed missions such as ferrying aircraft, runway alert, or such other duties as the Secretary of the Air Force may direct on competent Air Force orders. (Air National Guard members who are on active duty for training or inactive-duty training are also eligible for medical and dental care from civilian sources in accordance with ANG directives at Air National Guard expense. Such hospitalization may be authorized by the Air National Guard organization or Air Force base commander. This does not preclude admission and treatment of Air National Guard members at Air Force medical facilities.

(d) Members of Air Force Reserve Officer Training Corps (AFROTC) who are injured or become ill in line of duty while en route to or from or while participating in summer encampments only. An AFROTC member is not entitled to medical service from civilian sources at Air Force expense beyond the training period specified in his training orders.

§ 890.6 Who authorizes.

Authority to approve civilian medical and dental attendance at Air Force expense is the responsibility:

(a) In emergencies, of the commander of the Air Force base or his authorized representative nearest the civilian medical facility providing the medical care. Emergency medical service will not be delayed pending approval (see § 890.8).

(b) In other than emergencies, of the Air Force base commander or his authorized representative under whose jurisdiction the member requiring medical care is assigned, or the commander of the unit to which a member is assigned in cases where the member's organization is not at an Air Force base.

(c) For supplemental care, of the director of base medical services.

§ 890.7 When not authorized.

Civilian medical or dental care at Air Force expense is not authorized for:

(a) Persons other than those stated in § 890.5. (For dependents, see AFR 160-41 (Dependents' Medical Care) and AFR 160-29 (Civilian Medical Care for Eligible Dependents in Areas Other than ConUS, Alaska, Hawaii and Puerto Rico).)

(b) Elective treatment.

(c) Treatment when adequate medical or dental service is available from an Air Force or other Government medical or dental facility.

(d) Retired or discharged members of the Air Force. (An exception will be made for periodic examination, in whole or in part of Air Force members temporarily retired for disability (TDRL) when ordered by competent authority to civilian medical facilities for such examination.)

(e) Air Force military personnel absent without leave or in desertion.

NOTE: Charges incurred for civilian medical care when absent without authority are the sole responsibility of the individual concerned. Payment of charges for civilian medical care obtained after return of the individual to military control may be made from Air Force funds. Return to military control is effected when an absentee or deserter surrenders to, is delivered to, or is apprehended by an agent of the Armed Forces authorized to apprehend. (For ambulance service see § 890.4(c).)

(f) Air Force Reserve, Air National Guard, and AFROTC members other than those listed in § 890.5.

§ 890.8 Emergencies.

Emergency civilian medical or dental care at Air Force expense may be obtained without prior authority by or in behalf of Air Force members authorized in § 890.5. Emergency dental care is limited to relief of pain, treatment of acute septic conditions, or essential correction of dental injuries requiring immediate correction.

§ 890.9 Eye refractions obtained by individuals.

In the absence of an Air Force medical facility, and when eye refraction cannot be obtained from other Government agencies, refractive examinations necessary for the fitting of spectacles may be obtained from a civilian physician or licensed optometrist at Air Force expense by Air Force personnel on active duty only.

(a) *Authority.* Eye refraction under this section shall be approved by the authority in § 890.6 (a) or (b). Exception: Prior authority will not be required for refractions for Air Force personnel on duty in foreign countries away from a uniformed service unit.

(b) *Prescribing lenses.* Civilian physicians or optometrists performing refractions for Air Force personnel will be requested to prescribe lenses to the closest ¼ diopter.

(c) *Costs.* The charge for refraction should be at local rates and should include the adjustment of frames and fitting of spectacles when delivered.

(d) *Procuring spectacles.* Procurement at Government expense of spectacles from civilian physicians or optometrists who perform refractions is not authorized. Spectacles are supplied and will be shipped to the Air Force member for whom prescribed.

§ 890.10 Surgical and orthopedic appliances.

Items authorized for base procurement may be provided by the civilian medical facility in connection with treatment and services otherwise authorized by §§ 890.1 to 890.14.

§ 890.11 Information required on statements and bills from civilian hospitals, physicians, dentists, and nurses.

(a) *Hospital service.* (1) Hospitalization charges at the daily or weekly rate will be shown with applicable dates.

(2) Charges for services not included in the daily or weekly rate including dates of such charges as, use of operating room, laboratory service, X-ray, medicine, ambulance service, etc., will be shown as follows:

(i) X-rays: Aggregate.
(ii) Routine laboratory tests: Aggregate.
(iii) Special laboratory tests by name.
(iv) Medicines: Aggregate.
(v) First aid or emergency treatment: State the exact nature of the services.
(vi) Ambulance service: Show the mileage involved and the flat rate or rate per mile, as the case may be. See § 890.3(c).
(vii) Long distance telephone call or telegram charges: Must be accompanied by certificate or copy of telegram.
(viii) Use of operating room: Indicate if this includes administration of anesthetic and if administered by a member of hospital staff. If not, show the charge separately in the name of the person administering the anesthetic. If the hospital has paid anesthetist, charge may be listed on hospital voucher, but must be accompanied by receipted bill from the anesthetist showing payment by hospital.
(ix) Items incident to treatment: List and itemize separately, crutches, special therapy, etc.
(x) Physician and nurses: Include only those regularly employed on a salary basis by the hospital and for whose services payments are due to the hospital. If this is the case, state that nurse or physician is a salaried member of hospital staff. If the hospital has paid physicians and nurses who are not salaried members of the staff, such charge may be included in the hospital bill but must be accompanied by a receipted bill showing payment by the hospital.

(b) *Bills for physicians' or surgeons' services.* (1) Visits: Show where visits were made, i.e., hospital, doctor's office, patient's home, etc. List date and charge for each visit chronologically. If two or more visits are made on any one day, enter the number for each day and mark them "first visit" and "second visit," etc. List date and charge for operations separately. List chronologically the date of each visit after the operation and itemize the charges and the services rendered.

(2) Other services (such as X-rays, laboratory services, and medicines): Aggregate.

(3) Medicines: Aggregate. If furnished from physician's own stock, certify on the voucher that they were furnished from his stock, charges, etc.

(c) *Special nursing service.* Indicate place where service was rendered, the hour it began and ended, the number of hours served each day or night, the rate per day or night, and the number of days or nights served.

NOTE: If a nurse went on duty at 11:00 p.m. on one day and went off duty at 7:00 a.m. the next day, only one night will be counted, although two dates are involved.

(d) *Dental services.* (1) Show each service rendered, such as extraction, filling, etc., and the charge for each. Identify each tooth involved. Show the number of tooth surfaces involved and filling material used.

(2) Filling operations, treatment of chronic lesions, prosthetic replacements, dental repair, and prolonged or extensive procedures, such as those required following the relief of immediate emergency, require prior approval of the authority cited in § 890.6.

§ 890.12 Veterinary care authorized.

Veterinary care is limited to that which would be available from an Air Force veterinarian if he were available. Civilian veterinary care for Government-owned animals assigned to Air Force units only is authorized at Air Force expense within the limitations of §§ 890.1 to 890.14.

§ 890.13 When to authorize civilian veterinary care.

Civilian veterinary care is authorized only in emergencies where the services of a military veterinarian are not economically available.

§ 890.14 Bills for veterinary service.

(a) List each service rendered, such as X-rays, laboratory service, hospitalization, medical treatment, splints, pins, etc., and the charge for each.

(b) Indicate on the vouchers if veterinary care was provided in an emergency.

For the Secretary of the Air Force.

CARROLL W. KELLEY,
Lieutenant Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 62-5448; Filed, June 5, 1962; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2689]

[1951769]

CALIFORNIA

Order Opening Public Lands

1. Public Land Order No. 948 of March 29, 1954, revoked Public Land Order No. 125 of May 20, 1943, so far as the latter order affected approximately 4,320 acres, and provided that the following described lands should not become subject to the initiation of any rights or to any disposition under the public land laws pending issuance of an order opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended:

SAN BERNARDINO

T. 6 N., R. 3 W.,
Sec. 21, NW¼.

Containing 160 acres.

2. The lands are hereby restored to the operation of the public land laws, including the mining laws, effective at 10:00 a.m. on July 6, 1962, subject to any valid existing rights, the requirements of applicable law, rules and regulations, and the provisions of existing withdrawals.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Riverside, California.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

MAY 31, 1962.

[F.R. Doc. 62-5454; Filed, June 5, 1962; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Radio Equipment List

The Commission having under consideration § 2.541 of its rules, *Radio equipment list;* and

It appearing, that the Radio Equipment List is revised and published at irregular intervals as the need arises and that § 2.541 should be amended to more accurately reflect this fact; and

It further appearing, that the amendment adopted herein is editorial in nature, and hence that compliance with the public notice, procedural, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary; and

It further appearing, that authority for issuance of this amendment is contained in sections 4(i), 5(d), and 303(e) and 303(r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority, and Other Information;

It is ordered, This 28th day of May 1962, that effective June 11, 1962, § 2.541 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: June 1, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 2.541 is amended to read as follows:

§ 2.541 Radio equipment list.

A list of type approved and type accepted equipment is published periodically by the Commission. Public notice of type acceptance and type approval will be by publication in the equipment list, a copy of which will be furnished each manufacturer of listed equipment. Equipment which was listed prior to May 16, 1955, will be continued on the list unless it is removed by Commission action in accordance with the provisions of § 2.522. Copies of the Radio Equipment List are available for inspection at the Commission offices in Washington, D.C., and at each of its field offices. The Radio Equipment List is published in three parts:

Part A, Television Broadcast Equipment
Part B, Aural Broadcast Equipment
Part C, Other than Broadcast Equipment

[F.R. Doc. 62-5484; Filed, June 5, 1962; 8:51 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Parts 1001, 1006, 1007, 1014, 1015]

[Docket Nos. AO-14-A 33, AO-203-A 15, AO-204-A 15, AO-302-A 7, and AO-305-A 6]

MILK IN GREATER BOSTON, SPRINGFIELD, AND WORCESTER, MASS.; SOUTHEASTERN NEW ENGLAND; AND CONNECTICUT MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Greater Boston, Massachusetts; Springfield, Massachusetts; Worcester, Massachusetts; Southeastern New England; and Connecticut marketing areas.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 7th day after publication of this decision in the FEDERAL REGISTER. Seven copies of such exceptions should be filed.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders, were formulated, was conducted at Boston, Massachusetts, on April 2-4, 1962, pursuant to notice thereof which was issued March 21, 1962 (27 F.R. 2802).

The material issues on the record of the hearing relate to:

1. Extension of city plant pricing area;
2. Qualifications for determining pool plant status under each of the New England orders;
3. Revision of the nearby farm location differential provisions of each New England order;
4. Revision of the diversion provisions of the Southern New England order; and and
5. Miscellaneous, administrative and conforming changes affecting the several orders.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Definition of "city plant".* The Greater Boston order should be amended to provide that the "city plant" price differentials be applied to all pool plants within 80 miles of Boston.

Under the present provisions of the order all plants located within 40 miles of the State House in Boston are subject to zone price differentials over the 21st zone of 54 cents on Class I milk and on milk received from producers and of 5.8 cents on Class II milk. The 54-cent differential allows for the cost of moving milk from country plants to the marketing area and other factors, including a handling allowance to compensate for the additional costs of first receiving milk at country plants and then transporting it to city distributing plants. The 5.8 cent differential on Class II milk compensates for the cost of moving cream and nonfat dry milk, which are among the principal products made from Class II milk. These differentials are based solely on plant location and do not take into consideration whether a plant is a distributing plant or a supply plant.

Historically, with few exceptions, distributing plants have been located within a short distance of the major retail outlets served. Supply plants, on the other hand, are located in the major production areas of Vermont, New Hampshire, and Maine. Until recently the present definition of "city plant" has not caused problems as between distributing plants and supply plants.

Because of recent technological changes within the industry, distributing plant operators have expanded considerably the areas in which they distribute milk on routes. As distribution areas have expanded, distributing plants may become regulated by virtue of route sales within the marketing area even though the plants are located outside the 40-mile boundary that now distinguishes "city plants" from "country plants".

Under the present terms of the Boston order, a distributing plant located just beyond the 40-mile boundary would account for Class I milk at 17 cents per hundredweight less than plants located within the 40-mile boundary. In December 1961, a plant located in the Worcester marketing area and previously regulated under the Worcester order became regulated for one month under the Greater Boston order because its route sales within the Boston marketing area were greater than its route sales in the Worcester marketing area. The price at which the handler accounted for his Class I milk under the Boston order was 17 cents less than that applicable under the Worcester order, because the plant was so situated as to be a city plant under the Worcester order but a country plant, in the 41-60 mile zone, under the Boston order.

Another effect of the plant's shift from city plant status to country plant status was that for the month involved the minimum blended price payable to the producers was a country plant price, rather than a city plant price as was the case under the Worcester order. This country plant blended price was 17 cents less than the city plant blended price under the Boston order.

This change merely restores the previous price levels payable at this plant and will have no effect on the long-run total income from Class I sales for the two markets.

The proposed amended definition of "city plant" will cause it to encompass all distributing plants now serving the Greater Boston market with the exception of a plant located at Bellows Falls, Vermont. Although this plant qualifies for pooling as a distributing plant on the basis of its route distribution in the marketing area, it also meets the order requirements for pooling as a supply plant. To require this plant to account for Class I milk on the same basis as distributing plants that are located in close proximity to city markets, would place it at a competitive disadvantage in relation to supply plants in the same general area in which it procures milk from producers.

2. *Qualifications for pool plant status—*(a) *Distributing plants.* The requirement under which a plant must dispose of at least 50 percent of its total receipts of fluid milk products as Class I milk to qualify as a "distributing plant" under the five New England orders should not be changed. However, a distributing plant which otherwise qualifies as a pool plant but which fails to meet such minimum percentage requirements should not be disqualified as a pool plant until the third consecutive month in which it has so failed to meet such requirements.

A proposal to reduce the Class I utilization requirements for distributing plants was offered by a cooperative association representing producers in all 5 New England markets. This producer association was concerned that in the present surplus situation, certain distributing plants might not meet the total Class I requirement and consequently would lose their pool status. The proposal presented would reduce the total Class I requirement from 50 to 25 percent in all months or, in the alternative, to the same level as the respective shipping percentage applicable to supply plants in such market.

In support of its proposal, the cooperative stated that the present utilization requirement has worked a hardship on distributing plants, and especially on those handlers receiving milk from local producers only. It was pointed out that such handlers are not able to adjust receipts to Class I needs as readily as are multiple plant operators receiving milk from supply plants. Plants receiving milk from local producers must either receive all the milk of their normal com-

plement of producers or seek a temporary outlet through diversion or assignment of certain producers to other plants. When all the milk normally received by such handlers is not needed, it is generally the proponent cooperative which assumes the responsibility of providing a market for such milk.

It is recognized that the present requirements may at times place a burden on certain distributing plants and also on cooperative associations which have assumed supply balancing functions for the several markets. However, the important consideration in establishing standards for association with the marketwide pool is to distinguish between plants primarily engaged in Class I operations and properly part of the Class I market and those primarily engaged in manufacturing operations.

The present 50 percent Class I utilization requirements for distributing plants were included in Connecticut and Southeastern New England orders at their inception and were incorporated in the other New England orders on September 1, 1960. There has been only one instance of a plant losing pool status for failure to meet the stated Class I utilization requirements. This plant failed to qualify by a very small margin. Although evidence was presented with regard to problems encountered in allocating milk supplies in a manner to insure pool status of some plants, the remedy proposed is extreme for the circumstances found.

There are serious consequences involved to a handler and to his producers when a plant loses its pool status.

Allowing a plant which fails to meet the 50 percent requirement to have pool status, as otherwise provided, for a period sufficiently long to give the plant operator time to adjust his operations in a manner which will insure continued pool status will alleviate the problems cited. This may be accomplished by providing that a distributing plant which fails to meet the Class I utilization requirements may have such pool status for two consecutive months before being excluded from pooling for failure to meet the specified requirements.

(b) *System pooling.* The pooling requirements for supply plants under the Greater Boston order should be modified to provide more flexibility for plants pooling on a "system" basis.

The Boston order now permits system pooling during the months of August through November for two or more supply plants operated by the same handler if the total shipments to regulated distributing plants in each month of the July–November period are at least 15 percent of the combined dairy farmer receipts in the month and if each plant in the system ships at least 15 percent of its dairy farmer receipts in the month of July.

A proposal presented would modify the system pooling provisions of the Boston order so that the system pooling could apply in July also, with each plant in a pooled system having the choice of shipping 15 percent in any one of the months of July through November. Under the proposal the system as a whole would continue to be required to ship 15 percent in each of the months of July through November.

The provision that each plant in a system ship 15 percent in the first month of the qualifying period is intended to demonstrate such plant's ability and right to association with the pool. Demonstration of the ability to ship from a particular plant is a reasonable requirement for its participation in the pool and should be continued. However, requiring each plant in a system to meet the specified shipping percentage in the month of July tends to nullify in that month the objectives of the system pooling provisions.

In multiple plant operations it is normally more economical to ship milk from certain supply plants closest to the market while more distant milk is held up country for manufacturing purposes. Requiring all plants in a system to ship 15 percent in the same month may result in uneconomic "back hauling" of milk and increased hauling charges for milk received from more distant plants.

The objectives of orderly marketing of supply plant milk will be maintained and the marketwide pool adequately protected if each supply plant in a system is allowed to make its qualifying shipment in any one of the months of July through November. The system in its entirety, however, should be required to ship 15 percent of the total dairy farmer receipts in each of these months. As is presently provided, a plant entering the system for the first time should establish its association with the pool by making a qualifying shipment apart from the remainder of the system in the first month in which it becomes associated with the market.

In opposition it was stated that the adoption of this proposal would make it easier for handlers to qualify plants. However, since each plant will continue to be required to make individual shipments in at least one month and since a system must continue, as before, to ship not less than 15 percent of its total dairy farmer receipts in each month of the qualifying period, the pooling standards will not be significantly changed.

(c) *Pooling cooperatives supply plants under the Connecticut order.* The Connecticut order pool plant provisions should be amended to facilitate the pooling of producer-operated supply plants that serve a supply-balancing function for the market.

A proposal to provide automatic pool status for a plant operated by a cooperative association was supported by two major cooperative associations in the market. Representatives of both cooperatives testified that such a provision should apply to plants that serve an essential supply-balancing function for the market. It was suggested by one of the cooperatives that an appropriate method might be to designate a cooperatively-owned plant as a pool plant if a large percentage of the member dairy farmers delivering to such plant are in the Connecticut order nearby farm location differential area.

Each of the two cooperatives supporting the proposal operates plants now pooled as supply plants under the Connecticut order. Although their operations differ in some respects, both cooperatives perform important supply-balancing functions for Connecticut proprietary handlers and insure markets for member producers.

One of the cooperative plants, located at Great Barrington, Massachusetts, regularly receives the milk of certain producers for sale in various markets. Milk is assembled at Great Barrington for regular delivery to Connecticut order distributing plants in the quantities needed to fulfill day-to-day fluid requirements of its buying handlers. On days when distributing plants supplied by this plant are not operating, milk is shipped from Great Barrington for disposition in outside markets.

In addition to supplying handlers directly from its Great Barrington plant, the cooperative also supplies milk to Connecticut distributing plants in bulk tank trucks. Frequently, when this milk is not needed by the handler, it is moved to the Great Barrington plant as producer milk and there assembled for outside disposition. In this manner the cooperative not only serves as a supply plant for certain distributing plants but also assists such plants by marketing milk of its members which is normally delivered to such plants directly from farms.

The other cooperative operates a supply plant at Hartford, Connecticut, at which milk is received from member producers. In addition, member milk is moved directly from farms to some 65 buying handlers' distributing plants. A portion of the milk received at the cooperative's supply plant is moved regularly to distributing plants and some is used as supplemental supplies for buying handlers who normally receive milk directly from cooperative members' farms. On weekends and on other days when distributing plants are not operating, the milk normally received at buying handlers' plants is received as producer milk at the Hartford plant. Most buying handlers receive only the amount of milk needed to fulfill their fluid needs. When necessary the cooperative obtains outside milk to fulfill handlers' requirements.

The plants for which automatic pooling was requested perform an essential and necessary service to the market in supplying handlers' needs and in providing a market for milk in excess of fluid requirements. The amount of milk supplied to distributing plants by proponent cooperatives would be more than ample to qualify such plants if received there and then moved on to the proprietary handler, but with the wide use of bulk tank delivery it is more economical in most cases to cause such milk to be delivered directly from the farm to distributing plants. When moved by the latter method the milk, of course, is not available as a qualifying shipment from the cooperative's plant.

Each cooperative's plant is so located that member milk could be first received there and then transported to buying handlers' distributing plants. This would facilitate the qualification of such plants but could force producer associations to make uneconomical movements of milk for the sole purpose of assuring pool status for their plants.

The proponent cooperatives supply a large percentage of their members' milk deliveries to distributing plants, either directly or through the supply plants for which automatic pooling is requested. This service provided by proponent cooperatives may be appropriately recognized in the pooling of such supply plants.

The order should allow a cooperative association to pool automatically one supply plant if the total deliveries of milk of member producers to Connecticut distributing plants, either directly or through its supply plants, are equal to at least 50 percent of the total receipts of producer milk marketed by such cooperative. Such a provision will make it possible for a cooperative to direct producer milk from the farms to distributing plants when this method is more economical than receiving such milk at its plant. The amendment would base such qualification of a cooperative's supply plant on the aggregate, and continuing, delivery performance and service to the market and would be available on the above basis to any cooperative association performing a similar service.

Although one of the proponent cooperatives presently has two supply plants pooled under the order, it was stated by a representative of such association that the provision should be limited to their plant closest to the marketing area, which plant is presently performing the services described. Limiting the proposed provision to a cooperative's plant closest to the marketing area is reasonable in view of the underlying considerations.

The suggestion that a cooperative's supply plant be designated as a pool plant if the members delivering to such plant are located in a certain designated area would not base the plant's qualification on performance of a service to the market and should not be adopted for that reason.

If a cooperative elects to have a plant which qualifies partially on the basis of direct-shipped milk included as a part of a plant system, the shipment requirements for system pooling should be the determining factor for qualifying such plant within the unit.

(d) *Other pool plant proposals.* Other proposals to change the performance standards for supply plants to pool under the various orders should not be adopted.

There were two proposals to alter the New England order shipping percentages for supply plants. One proposal would lower the Connecticut, Southeastern New England, Springfield and Worcester shipping percentages to 15 percent, the level now contained in the Boston order. The other proposal would raise the Boston order shipping requirement to 30 percent, the level presently contained in the other four New England orders. Another proposal to amend only the Southeastern New England pooling provisions would require the pooling provisions of such order to be met before a country plant could be pooled under the order, notwithstanding that the plant was pooled in the qualifying months under another order.

For the most part the proposals to alter the shipping percentages and related proposals were intended to facilitate movements of milk among the markets and thereby promote better intermarket price alignment.

The evidence presented in support of the proposal to reduce pooling requirements for supply plants was concerned primarily with marketing under the Southeastern New England order, although proponent indicated the desirability of modifying corresponding provisions in the other orders to correlate them with any amendments adopted in the Southeastern New England order. However, no specific problems were presented with respect to the other New England orders. As was suggested by certain witnesses, the pooling problems described at this hearing are intricately involved with the considerations also inherent in the proper delineation of marketing areas.

The record of this hearing is not sufficiently comprehensive to determine the overall impact of the various proposals on marketing under the New England orders. Although some immediate problems might be alleviated temporarily by changing the pooling requirements under the Southeastern New England order, problems of pooling under other New England orders might also be raised by such action.

It is concluded that action to amend the supply plant pooling requirements on the basis of this record be deferred pending another hearing review, at which time alternative solutions also may be explored, including proposals to consider consolidating two or more of the New England orders.

3. *Nearby farm location differentials.* The town of Brookline, Vermont, should be included in the 23-cent per hundredweight nearby farm differential area of the Springfield order. No other change should be made in the nearby farm location differential provisions of the five New England Federal orders.

A producer in the Springfield market whose farm is located in the southern half of the town of Brookline, Vermont, proposed that the southern portion of such town be added to the present 23-cent nearby farm differential area of the Springfield order. Recent legal action over disputed town boundary lines has resulted in a change in the boundary between the town of Brookline and the adjoining town of Putney from that which existed at the time the present 23-cent nearby farm differential area was established. As a result of this action, the southern boundary of the town of Brookline was moved southward to adjoin the Vermont town of Dummerston. This places the major portion of the town of Brookline south of the northern limit of the current 23-cent nearby farm differential area in the adjoining towns of Putney and Newfane. Also, the enlarged town of Brookline now encompasses a previous portion of the town of Putney which currently is in the 23-cent differential area. The proponent contends that this major portion of the town of Brookline logically should be included in that differential area.

In conformity with the practice under the Springfield order of defining nearby farm differential areas by town boundaries, the Springfield order should be amended to include the town of Brookline in its entirety within the 23-cent nearby farm differential area under that order. This will provide more equitable pricing to any Springfield producer with a farm located in the town of Brookline as compared with neighboring Springfield producers and will insure continuance of the differential payment to any Springfield producer formerly in the town of Putney who similarly may have been affected by the shift of boundaries.

3a. *Common nearby farm differential area.* Three cooperative associations proposed that the nearby farm differential provisions of all the New England orders be amended to provide that any producer whose farm is located in New England and who now receives a nearby farm differential (either 46 cents or 23 cents, as the case may be) shall be paid a similar differential irrespective of the New England order under which his milk is pooled. The proponents contended that changes in recent years in the marketing of milk in the five markets necessitate further coordination of the nearby farm differentials of these orders.

Conversion to bulk tank delivery of milk from farm to market, closing and consolidation of distributing plants with remaining plants serving more than one market, shifting of plants between markets on a month-to-month basis, and recent expansion of Federal order regulation to the Southeastern New England and Connecticut markets in recent years were given as factors causing some producers to become disassociated with their customary market. The shifting of producers to other markets has resulted, in some cases, in a reduction in returns to such producers because of a change in the nearby farm differential to which they are entitled. When producers must be transferred to another market, the cooperative association shifting the milk considers it imperative to find a new market which will entitle the producers involved to the same nearby farm differential which they had received previously. Lack of uniformity in the nearby farm differential zones of the five orders was described as an impediment to the maintenance of customary returns to producers. Proponents indicated that common nearby farm differential areas for all five orders would contribute to the natural and orderly movement of producer milk to the several New England markets, and would allow the shifting of individual producers between markets without undue loss in their returns.

These orders presently provide that there be deducted from the respective pools sufficient funds to return to producers located in specified areas relatively near to the respective marketing areas either 46 cents or 23 cents per hundredweight in excess of the applicable blended price, depending upon lo-

cation. These provisions were established in recognition of the customary pattern of prices that existed in these markets prior to Federal order regulation. Such prices reflected the higher returns received by nearby producers because of their proximity to the principal consumption areas as compared with lower returns received by producers more distant from such areas. As pointed out in the record, the problems described by the proponents at this hearing do not warrant such a change in the nearby farm differential provisions at the present time. The plan suggested by proponents would result in a pricing structure for producers under the five orders considerably different from the historical price patterns on which the present provisions were based. In many cases producers who customarily have received a 23-cent nearby farm differential or none at all might become eligible to receive a higher differential in markets with which they have not had an historical association. As long as pricing is maintained by individual market areas, the function of the nearby farm differential properly is related to the orientation of supplies for the several markets individually.

The several individual cases of producer shifts between markets, which were cited by the proponents to illustrate the need for more uniform nearby farm differentials among the five markets, indicate that at least some of the problems encountered by the proponents have not been of a continuing nature. In certain instances the cooperative associations involved were able to shift their producer members to other markets without loss in returns, and in at least one instance specific amendment action was taken by the Department to alleviate the problem.

As suggested in the record, factors such as the rapid conversion to bulk tank delivery of milk and the closing and consolidation of distributing plants indicate the pertinency of review of the present structure of nearby farm differential areas in relation to any proposed changes in the scope of the regulation. The record of this hearing, however, does not contain evidence that is sufficiently exploratory or comprehensive in nature to support a substantial deviation from the present design of the nearby farm differential provisions.

On the basis of the record of this hearing, it is therefore concluded that no changes, other than as described for the Springfield order, should be made in the nearby farm location differential provisions of the New England orders.

4. *Diversion provisions.* The producer definition of the Southeastern New England order should be amended to provide for more flexible diversion privileges than it now provides.

The definition of producer sets forth the requirements which a dairy farmer must meet if he is to qualify as a producer under the order. Stipulated in these requirements are certain limitations regarding any diversion of his milk from the pool plant where it is customarily received to an unregulated plant. Should a dairy farmer's milk be diverted in excess of the prescribed limits, such person would become ineligible as a producer for the entire month in which the "over-diversion" occurred. The present provisions allow diversions without limitation during any of the months of April through June. During July, August, or September, however, the milk of a producer may not be diverted on more than 8 days per month (4 days in the case of every-other-day delivery). During each of the remaining months of October through March, diversions are limited to 12 days per month (6 days in the case of every-other-day delivery).

A proprietary handler proposed that the diversion provisions under the Southeastern New England order be made identical to those of the Greater Boston order. A witness representing a cooperative association which has members delivering milk to the proponent's plant gave testimony in support of this proposal. Each stressed that the present diversion provisions are too stringent and work a hardship on handlers and cooperative associations in keeping dairy farmers qualified as producers. They contended that handlers should be permitted to match their diversion schedules against their supply-demand patterns. Such factors as a substantial oversupply of milk in certain months, the loss of major outlets such as military installations, and unusual circumstances causing disruptions in plant operations create the need for greater flexibility in the diversion provisions for producer milk. They indicated that diversion provisions similar to those in the Greater Boston, Springfield, and Worcester orders would provide such flexibility without need to increase the total number of days on which the milk of a producer could be diverted.

The diversion limitations now prescribed for milk diverted from a pool plant to an unregulated plant should be modified to permit diversion of a producer's milk on any day: Provided that his milk is not diverted on more days during the 12 months ending with the current month than the number of days in the 12-month period it is delivered to a pool plant. Under this arrangement diversion would not be tied to monthly limits. Instead, the allowable number of days on which producer milk might be diverted could accumulate over a period of several months. Such a modification would not result in an increase in the total number of allowable days of diversion. In fact, on an annual basis five fewer days of diversion would be allowed. The modification would provide, however, an element of flexibility in the diversion of milk to an extent heretofore not possible under the terms of the Southeastern New England order.

The diversion provisions proposed herein would afford a handler the opportunity of adjusting more efficiently his milk supply to his fluid milk requirements. Any unusual marketing conditions or unexpected interruptions in plant operations would tend to have a less disruptive effect on the daily coordination of a handler's supply with his sales. From time to time handlers find it necessary, for the purpose of keeping dairy farmers qualified as producers, to move milk which is surplus to their operation from farms to their distributing plants, unload and reload the milk at that point, and move the milk to manufacturing plants located nearer such farms than the distributing plants. Also, the handler occasionally finds it to his advantage to release producers rather than to over-divert their milk, inasmuch as over-diversion results in the receipt of other source milk, with possible adverse effects on cost to the handler. More flexible diversion privileges would promote more orderly marketing of milk.

A corollary provision should be included to accommodate the producer whose milk may be over-diverted by virtue of being moved from the farm in a tank truck, and therein commingled with milk of other producers which is diverted within the limits proposed herein. Such producer's milk would not be considered as being over-diverted if the diversion of milk from a majority of the other producers on the truck is held within the prescribed limits.

5. *Miscellaneous, administrative and conforming changes*—(a) *New England Class I price formula.* One of the factors used in the New England Class I price formulas is the United States Wholesale Commodity Price Index. This index is compiled and issued by the Bureau of Labor Statistics, U.S. Department of Labor.

Until March 1962 this index had been reported with 1947–49 as the base years. Beginning with March 1962 the Bureau updated its formula and began reporting this index with the years 1957–59 as the base period.

The Class I price formula contains a conversion factor (1.19) which has been used to convert the monthly index to a 1958 equivalent, the base year used for computing all Class I pricing factors.

Because of the time lag in the use of the price index, the months of November 1957 through October 1958 would have been used to compute the Class I prices for the months in 1958. The average of the monthly indexes for this period, on a 1957–59 base, is 100.25.

Accordingly, the factor 1.0025 should replace the factor 1.19 for the purpose of converting the monthly wholesale commodity price indexes to a 1958 equivalent. This amendment does not change the New England basic Class I price but is necessary to accommodate the Department of Labor's revised method of reporting the index.

Another factor used in the Class I pricing formula is the per capita disposable income in the United States as computed by the U.S. Department of Commerce. Until recently this income series carried a reference "continental United States". The reference to the word "continental" is no longer employed by the Department of Commerce and the New England orders should be amended accordingly.

(b) *Classification of transfers and diversions.* The Connecticut order should be amended to provide that during the months of July through November milk transferred or diverted in bulk, or transferred as a packaged fluid milk product containing at least 3 percent butterfat, to pool plants under the New York-New Jersey Federal order shall be classified as Class I milk to the extent of that amount of such milk assigned to Class I–A under the New York-New Jersey order and not subject to compensatory payments under such order.

The Connecticut order presently provides that milk moved from a plant regulated under that order to a New York-New Jersey plant shall be classified as Class II milk, regardless of its ultimate use or assignment under the New York-New Jersey order. One exception is made, however, in that a Class I classification is given to any milk so moved which is classified as Class I–B milk under the New York-New Jersey order. In his decision issued February 11, 1959 (24 F.R. 1049) with respect to the promulgation of the Connecticut order, the Secretary stated that such a provision was established in recognition of those instances when Connecticut handlers might find it more convenient and economical to move surplus milk to nearby New York-New Jersey distributing plants rather than to more distant manufacturing plants.

Such a movement of milk could occur even though the New York-New Jersey plants customarily obtain their milk supplies from the New York-New Jersey milkshed and such milkshed has ample supplies for all the fluid milk needs of that market. The Secretary further stated that the Connecticut milk so moved should be considered as surplus to the needs of the Connecticut market. The classification provisions of the two orders were coordinated in this manner to provide for the appropriate classification of milk moved from Connecticut plants to New York-New Jersey plants in accordance with these findings.

Unusual marketing conditions, however, such as those resulting from the strike of employees at New York City milk plants in October and November 1961 which led to the shipment to New York City of considerable quantities of bottled milk from Connecticut regulated plants, may cause producer milk under the Connecticut order to be priced in certain months of the year in a manner which does not return to the producers the full use value of the milk.

In the specific case referred to, New York-New Jersey supply plants moved bulk milk to Connecticut plants for processing and packaging, and these plants in turn moved packaged fluid milk products to New York-New Jersey plants from which the milk was disposed of on routes in the New York-New Jersey marketing area. Because the amount of milk moved from Connecticut plants to New York-New Jersey plants for distribution was at least equal to the amount moved to the Connecticut plants from the New York-New Jersey supply plants, the New York-New Jersey order milk so moved was required to be classified as Class I–A milk under that order. No compensatory charges under the New York-New Jersey order were applicable on the milk received from the Connecticut plants since an equivalent amount of Class I–A milk had been moved to Connecticut plants.

The Connecticut order provides that during the months of July through November the lesser of (a) 15 percent of producer receipts, or (b) the amount of Class II utilization remaining after the assignment of receipts of other source milk from non-Federal order sources, be set aside prior to the assignment of receipts of milk from other Federal order markets.

In the cases cited, this procedure resulted in the assignment of milk received from New York-New Jersey plants to the Class I utilization of the Connecticut plants in these months. Consequently, an equal amount of Connecticut producer milk had to be assigned to Class II utilization at those plants.

The set-aside provision in the Connecticut order was established in recognition that the months of July through November were the months of greatest demand for fluid milk in the market in relation to regular supplies and, hence, the months in which supplemental supplies most likely would be needed by Connecticut plants. The New York-New Jersey milk moved to Connecticut plants was moved back to New York-New Jersey plants in pacakaged form for disposition in the New York-New Jersey marketing area and was not used to supplement the Connecticut market under conditions of inadequate supplies. The Connecticut producer milk, on the other hand, which was classified as Class II milk because of its sale into a New York-New Jersey order pool plant, was in fact used for Class I purposes in the Connecticut market. Thus, the returns to the Connecticut producers did not reflect the actual utilization of the milk in the market for which it was produced.

To achieve equitable pricing of the milk of Connecticut producers under unusual marketing conditions such as herein described, it is concluded that the classification provisions of the Connecticut order should be amended as provided herein.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreements upon which a hearing has been held.

Recommended marketing agreements and orders amending the orders. The following orders amending the orders regulating the handling of milk in the Greater Boston, Mass.; Springfield, Mass.; Worcester, Mass.; Southeastern New England and Connecticut marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended:

Amendments to Greater Boston order provisions. 1. In § 1001.3, the number "40" in paragraphs (b) and (c) is changed to "80" and paragraph (f) is revised as follows:

§ 1001.3 Definitions of plants.

* * * * *

(f) "Distributing plant" means any processing and packaging plant: (1) With route disposition in the marketing area in the month of not less than 10 percent of its receipts from dairy farmers or of its total receipts of fluid milk products; and (2) with total Class I disposition in the month or in either of the two preceding months of at least 50 percent of its total receipts of fluid milk products in the corresponding month.

2. In § 1001.20(d), the word "August" in the language preceding subparagraph (1) is changed to "July" and a new subparagraph (3) is added as follows:

§ 1001.20 Basic pooling requirements.

* * * * *

(d) * * *

(3) No plant shall be eligible for pool plant status under this paragraph in November of any year unless it has met the requirements of paragraph (c) of this section in one of the months of July through October of that year.

§ 1001.42 [Amendment]

3. In § 1001.42(c), the phrase "Within 40" in Column A of the table is changed to "Within 80" and the second, third and fourth lines in Columns A, B, C and D of the table are revoked.

4. In § 1001.48(a) the word "continental" in subparagraph (2) is changed to "the" and subparagraph (1) is revised as follows:

§ 1001.48 Computation of New England basic Class I price.

• • • • • •

(a) • • •

(1) Divide by 1.0025 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1957–59 as the base period.

Amendments to Springfield order provisions. 1. In § 1006.3, paragraph (f) is revised as follows:

§ 1006.3 Definitions of plants.

• • • • • •

(f) "Distributing plant" means any processing and packaging plant: (1) With route disposition in the marketing area in the month of not less than 10 percent of its receipts from dairy farmers or of its total receipts of fluid milk products; and (2) with total Class I disposition in the month or in either of the two preceding months of at least 50 percent of its total receipts of fluid milk products in the corresponding month.

2. In § 1006.48(a), the word "continental" in subparagraph (2) is changed to "the" and subparagraph (1) is revised as follows:

§ 1006.48 Computation of New England basic Class I price.

• • • • • •

(a) • • •

(1) Divide by 1.0025 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1957–59 as the base period.

§ 1006.64 [Amendment]

3. In § 1006.64(a), add the town of "Brookline" to the list of Vermont towns.

Amendments to Worcester order provisions. 1. In § 1007.3, paragraph (f) is revised as follows:

§ 1007.3 Definitions of plants.

• • • • • •

(f) "Distributing plant" means any processing and packaging plant: (1) With route disposition in the marketing area in the month of not less than 10 percent of its receipts from dairy farmers or of its total receipts of fluid milk products; and (2) with total Class I disposition in the month or in either of the two preceding months of at least 50 percent of its total receipts of fluid milk products in the corresponding month.

2. In § 1007.48(a) the word "continental" in subparagraph (2) is changed to "the" and subparagraph (1) is revised as follows:

§ 1007.48 Computation of New England basic Class I price.

• • • • • •

(a) • • •

(1) Divide by 1.0025 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1957–59 as the base period.

Amendments to Southeastern New England order provisions. 1. In § 1014.2, paragraph (e) is revised as follows:

§ 1014.2 Definitions of persons.

• • • • •

(e) "Producer" means any dairy farmer (except a dairy farmer for other markets, a dairy farmer with respect to exempt milk delivered, any person holding producer-handler status under any Federal order, or a dairy farmer who is a producer under another Federal order with respect to milk diverted from a plant subject to such other order) whose milk is delivered from his farm to a pool plant or is diverted from a pool plant to a plant specified in subparagraphs (1) through (3) of this paragraph if the handler, in filing his monthly report pursuant to § 1014.30, reports the milk as receipts from a producer at such pool plant: *Provided*, That any dairy farmer whose milk is diverted on more than the number of days specified shall not be considered to qualify under this paragraph with respect to any of his deliveries of milk during such month:

(1) A regulated plant of another handler;

(2) A regulated plant of the same handler in the same plant zone; or

(3) An unregulated plant under the following conditions:

(i) Milk moved from such farm is not diverted to an unregulated plant from such pool plant on more days during the 12 months ending with the current month than it is delivered to such pool plant; or

(ii) Milk moved from such farm is moved in a tank truck in which it is commingled with milk from other farms, the milk from a majority of which farms is diverted from such pool plant during the month in accordance with subdivision (i) of this subparagraph.

2. In § 1014.3 paragraphs (c)(1) and (d) are revised as follows:

§ 1014.3 Definitions of plants.

• • • • • •

(c) • • •

(1) Any receiving plant (except the plant of a producer-handler under any Federal order) with route disposition in the marketing area in the month of not less than 10 percent of its receipts from dairy farmers and with total Class I disposition in the month or in either of the two preceding months of at least 50 percent of its total receipts of fluid milk products in the corresponding month, unless the market administrator determines that such plant disposed of a greater proportion of its Class I milk in another Federal order marketing area on routes than was so disposed of in this marketing area.

• • • • • •

(d) "Regulated plant" means (1) any pool plant, or (2) any other plant (except the plant of a producer-handler under any Federal order) with route disposition in the marketing area in the month of not less than 10 percent of its total receipts of fluid milk products and with total Class I disposition in the month or in either of the two preceding months of at least 50 percent of its total receipts of fluid milk products in the corresponding month, unless the market administrator determines that such plant disposed of a greater proportion of its Class I milk in another marketing area on routes.

3. In § 1014.41(a), the word "continental" in subparagraph (2) is changed to "the" and subparagraph (1) is revised as follows:

§ 1014.41 Computation of New England basic Class I price.

• • • • • •

(a) • • •

(1) Divide by 1.0025 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1957–59 as the base period.

Amendments to Connecticut order provisions. 1. In § 1015.3, a colon is placed after the word "means" which immediately precedes paragraph (c)(1), the reference "subdivision (i) through (v)" in the introductory text of paragraph (c)(2) is changed to "subdivisions (i) through (vi)", paragraph (c)(1) is revised, a new paragraph (c)(2)(vi) is added and paragraph (d) is revised as follows:

§ 1015.3 Definitions of plants.

• • • • • •

(c) • • •

(1) Any receiving plant (except the plant of a producer-handler under any Federal order) with route disposition in the marketing area in the month of not less than 10 percent of its receipts from dairy farmers and with total Class I disposition in the month or in either of the two preceding months of at least 50 percent of its total receipts of fluid milk products in the corresponding month, unless the market administrator determines that such plant disposed of a greater proportion of its Class I milk in another marketing area on routes than was so disposed of in this marketing area.

(2) • • •

(vi) That receiving plant operated by an association of producers (which shall be the plant closest to Hartford, Connecticut, if more than one is operated by such association) shall be a pool plant in any month in which the total quantity of milk shipped therefrom to a pool plant qualified pursuant to subparagraph (1) of this paragraph, to a producer-handler or to a regulated plant other than a pool plant, plus the total quantity of milk received directly from farms at pool plants qualified pursuant to subparagraph (1) of this paragraph from producers who are members of such association, is at least 50 percent of the aggregate deliveries during such month of dairy farmer-member milk to all pool plants and to the receiving plant for which pooling qualification pursuant to this subdivision is requested on or before the 15th day of such month: *Provided*, That a receiving plant which has pooling status under this subdivision shall continue in such status unless the operating association submits, on or before the 15th day of the month to which nonpool status is to apply, a written request to the market administrator to withdraw such plant from pool plant status, and, if so withdrawn, such plant may not requalify under this subdivision prior to the next following July: *Provided further*, That qualification for pooling under this subdivision shall not affect in any way the requirements of subdivision (v) of this subparagraph for unit pooling: *And provided also*, That any plant fully regulated under another Federal order during the month may not qualify for pooling in such month under the terms of this subdivision.

(d) "Regulated plant" means (1) any pool plant, or (2) any other plant (except the plant of a producer-handler under any Federal order) with route disposition in the marketing area in the month of not less than 10 percent of its total receipts of fluid milk products and with total Class I disposition in the month or in either of the two preceding months of at least 50 percent of its total receipts of fluid milk products in the corresponding month, unless the market administrator determines that such plant disposed of a greater proportion of its Class I milk in another marketing area on routes.

2. In § 1015.22(c), the period at the end of subparagraph (2) is changed to a colon and a proviso is added thereafter as follows:

§ 1015.22 Transfers and diversions of fluid milk products.

• • • • • •

(c) • • •

(2) • • • *Provided*, That during the months of July through November such skim milk or butterfat so transferred or diverted shall be classified as Class I milk to the extent that it is assigned to Class I–A under Federal Order No. 2 and not subject to charges specified in § 1002.83 of such order.

3. In § 1015.41(a) the word "continental" in subparagraph (2) is changed to "the" and subparagraph (1) is revised as follows:

§ 1015.41 Computation of New England basic Class I price.

• • • • • •

(a) • • •

(1) Divide by 1.0025 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1957–59 as the base period.

Signed at Washington, D.C., on May 31, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62–5494; Filed, June 5, 1962; 8:53 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601, 608]

[Airspace Docket No. 62–WA–62]

SPECIAL USE AIRSPACE, FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Proposed Revocation of Restricted Areas, Federal Airways and Control Area Extensions; Proposed Alteration of Federal Airways and Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6014, 600.6102, 600.6280, 600.6079, 600.6076, 600.1618, 600.1614, 600.1630, 600.6284, 600.6060, 600.6062, 600.1540, 600.6068, 601.6280, 601.1456, and 608.63 of the regulations of the Administrator, the substance of which is stated below.

The Department of the Air Force has declared a requirement for their undergraduate pilot training activities to be conducted in segregated airspace surrounding six selected Air Force bases. The bulk of this training involves students with little or no actual flight training and it is the contention of the Air Force that this activity should be segregated from nonparticipating aircraft. The Air Training Command has indicated a requirement for segregated airspace in the amount of 8,000 square miles surrounding each location to contain this activity.

In addition to United States students, students from approximately fifty other nations undergo flight training in the Undergraduate Pilot (UPT) program. The Air Force states that approximately 6,000 student and support missions are flown monthly in jet trainers with approximately 63 sorties airborne at each base continuously during daylight hours when VFR weather conditions exist. The majority of the training sorties consist of acrobatic maneuvers performed at high speeds, which are not adaptable to air traffic control and cannot be conducted on Federal airways. The ability of the student pilot to perform maneuvers while at the same time maintaining the necessary degree of vigilance for other aircraft is problematical, and his reactions are unpredictable. The Air Force states that approximately 80 per cent of the flights are made with instructors aboard the aircraft.

The UPT program is the consolidation of all phases of undergraduate pilot training and is scheduled in three phases of instruction: Preflight, primary flight training, and basic flight training. During the primary and basic flight periods students perform a considerable amount of solo flight, (approximately 20 percent) and it is during these phases, considering the type of maneuvers performed, that the need for segregation from other flight activities becomes more apparent.

The effective operating range of the types of aircraft being used, T–37s, T–33s, and T–38s, and the types of training being conducted dictate the outer limits of the flight training areas. In order for the missions to be effectively accomplished, the training areas for the T–37 and T–33 type aircraft must be located within 75 nautical miles of the base.

Training activities in these aircraft which require segregation can be conducted below 23,500 feet MSL. T–38 aircraft are being phased into the program and will eventually replace the T–33s. The T–38 is capable of supersonic speeds and missions in these aircraft can be accomplished effectively in areas located within 100 nautical miles of the base. The bulk of their activity can be conducted between FL 240 and FL 450. In view of this, the Department of the Air Force has declared a requirement for 8,000 square miles of segregated airspace within 75 nautical miles of each UPT base below FL 240, and for 10,000 square miles of segregated airspace within 100 nautical miles of each UPT base above FL 240.

Since 1959 the UPT flight training at Webb AFB, Texas, and at Reese AFB, Texas, has been conducted within five restricted areas which were designated for this purpose. Training areas at the other UPT bases have been situated in a manner to avoid Federal airways. However, such off-airway areas are becoming increasingly difficult to find and, for the most part, are beyond the operating range of the aircraft used in the UPT program. The Department of the Air Force has indicated they will consider any feasible means of providing segregation, other than restricted airspace.

The problem has been carefully studied and the Federal Aviation Agency is considering the provision of the required segregation through the establishment of "Intensive Student Jet Training Areas" at each UPT base. This notice is concerned with the airspace surrounding Webb AFB, Texas, and Reese AFB, Texas.

To insure the maximum degree of safety and minimum conflict between student jet training flights and other aircraft operations, it is proposed to concurrently rescind the existing Webb/Reese Restricted Areas and describe the areas where student jet training activity requires segregation as "Intensive Student Jet Training Areas". To accomplish this, it is proposed to realign certain low and intermediate altitude airways adjacent to and through the proposed areas and redefine certain airways with maximum authorized altitudes (beneath the floor of the training areas) above which IFR flight will not be conducted without approval by the El Paso Center. The airway proposals contained

herein would permit uninterrupted flow of nonparticipating aircraft around the proposed training areas during times when the areas are in use.

These "Intensive Student Jet Training Areas" will be clearly depicted on all aeronautical charts. The activities being conducted within them will be described in the Airman's Guide and other aeronautical publications. These areas will be stratified by altitudes as required and are designed to have the least possible effect on Federal airways and to allow free transit below 12,000 feet MSL by nonparticipating aircraft. During the time these areas are in use, IFR flights by nonparticipating aircraft will not be cleared to transit the areas. VFR flights will not be denied access to the areas; however, they will be advised of the training activities and given traffic advisory information.

These "Intensive Student Jet Training Areas" will be used as such only for activity that cannot be conducted on a see-and-be-seen basis.

The "Intensive Student Jet Training Areas" in the low and intermediate altitude structures are proposed to extend upward from a floor of 12,000 feet MSL to an upper limit of 23,000 feet MSL. This will meet the requirements for all the T–37 type aircraft which will use a maximum altitude of 23,000 feet MSL as stated by the Air Force. Except for basic instrument maneuvers, this altitude stratum will also conform to the altitude requirements for the T–33 type aircraft. The floor of 12,000 feet MSL will provide airspace beneath the areas for general aviation. A floor below this limit in the Webb/Reese area would cause the pilots of light aircraft to operate in lower levels of considerable turbulence during the summer months.

The high altitude "Intensive Student Jet Training Area" is proposed to be stratified procedurally to provide maximum airspace utilization for nonparticipating aircraft.

The Air Force states a requirement for 8,000 square miles for each UPT base below FL 240. This amounts to a total of 16,000 square miles for both Webb and Reese Air Force Bases. The areas specified in this proposal will provide a total of approximately 13,390 square miles in the strata up to 23,000 feet MSL. The high altitude stratum provides approximately 7,750 square miles. The low/intermediate altitude areas are within 75 nautical miles of the respective bases, and the high-altitude areas meet the 100-nautical-mile requirement.

The proposed "Intensive Student Jet Training Areas" for Webb and Reese Air Force Bases and the associated proposed realignment and redescription of airways for each are described as follows:

LOW AND INTERMEDIATE ALTITUDE STRATA

1. *Reese One.* Rescind existing R–6304 and depict on charts an "Intensive Student Jet Training Area" to be identified as Reese One. This area contains 1,450 square miles with a floor at 12,000 feet MSL and a top at 23,000 feet MSL.

To facilitate the flow of IFR traffic around and under this area, it is proposed to realign V–102, V–14, V–1618 as direct between the Roswell, New Mexico, and Lubbock, Texas, VORs and to rescind the south alternate of V–14 from Roswell to Lubbock.

Traffic along V–60S and V–62S between Texico, N. Mex., and Lubbock, Tex., can use altitudes up to and including 11,000 feet MSL at all times and above 11,000 feet only when training activities are not being conducted.

At this time, V–1618 between Roswell and Lubbock is unusable during periods when Reese Air Force Base is using R–6304 or R–6305; V–1618 encroaches upon both of these restricted areas. The proposed realignment of V–1618 and the proposed boundaries of the training areas will resolve this encroachment.

Adoption of these proposals will:

(1) Provide direct low and intermediate altitude airways between Roswell and Lubbock, and

(2) Allow Reese AFB aircraft to effect more efficient utilization of an enlarged training area northwest of the base.

2. *Reese Two.* Rescind existing R–6305 and R–6307 and depict on charts an "Intensive Student Jet Training Area" to be identified as Reese Two. This area contains 3,650 square miles with a floor at 12,000 feet MSL and a top at 23,000 feet MSL.

To facilitate the flow of IFR traffic around and under this area, it is proposed to realign V–1614 from over Salt Flat, Texas, VOR to the Carlsbad, New Mexico, VOR, thence via the Carlsbad VOR 009° M radial to intercept the Roswell, New Mexico, VOR 068° M radial; thence via the proposed realigned V–1618 radials to the Lubbock VOR.

This realignment will reduce the distance between Salt Flat and Lubbock by five miles as compared to the present route via Hobbs and the Welch Intersection.

IFR traffic along Victor 79 and 79 west alternate will continue to be cleared at altitudes below the base of the training areas when they are in use.

The segment of V–1540 between Wink, Texas, VOR and Big Spring, Texas, VOR encroaches upon a small portion of the southern part of the proposed training area. This encroachment would be resolved by realigning V–1540 from the Wink VOR via the intersection of the Wink VOR 057° M (068° T) and the Big Spring VOR 245° M (256° T) radials to the Big Spring VOR.

Adoption of these proposals will:

(1) Result in reduced intermediate altitude airline mileage between the Salt Flat and Lubbock VORs, and

(2) Provide more efficient utilization of airspace for the UPT program.

3. *Webb/Reese Three.* Rescind existing R–6308 and depict on charts an "Intensive Student Jet Training Area" to be identified as Webb/Reese Three. This area contains 4,251 square miles with a floor at 12,000 MSL and a top at 23,000 MSL. (R–6308 is presently jointly used by Webb and Reese and it appears practicable to continue this arrangement.)

Intermediate altitude airway V–1622 extends in part between the Lubbock VOR and the Abilene VOR and encroaches upon R–6308. The training area boundaries are proposed so that there will be no encroachment on this airway.

Except for V–76 North and V–1630 between the Lubbock VOR and the Big Spring VOR, there will be no encroachment on Federal airways. IFR traffic filing via V–1630 between Lubbock and Big Spring is currently being rerouted via V–1541 and V–1540, or via V–1541 to Midland and V–1550 to points south of Big Spring. It is proposed to designate V–76 North alternate between Lubbock and Big Spring VORs so that altitudes above 11,500 would be employed for IFR traffic only during those periods when the proposed training area is not in use. V–1630 between Lubbock and Big Spring VORs would be employed by the El Paso ARTC Center only during those periods when the proposed training area is not in use.

Adoption of these proposals will provide:

(1) Adequate training area in close proximity to Webb AFB, and

(2) Unrestricted use of V–1622 between Lubbock and Big Spring.

4. *Webb One.* Rescind existing R–6306 and depict on charts an "Intensive Student Jet Training Area" to be identified as Webb One. This area contains 2,900 square miles with a floor at 12,000 MSL and a top at 23,000 MSL.

The southern boundary of R–6306 encroaches upon intermediate altitude airway V–1542 between the Fort Stockton VORTAC and the Junction VOR. The proposed boundaries of the training area will clear V–1542.

The floor of R–6306 is established at 10,000 feet MSL. The proposed floor of the training area is 12,000 feet MSL. This will provide additional usable altitudes for IFR traffic using V–68S between Midland and San Angelo and V–284N between Fort Stockton and San Angelo. It will also provide higher altitudes for VFR flights operating beneath the area, where turbulence is prevalent during summer months.

It is proposed to redesignate V–68 south alternate as from the Midland VOR via the intersection of the Midland VOR 128° and the San Angelo VOR 278° True radials, to the San Angelo VOR.

It is proposed to designate the above segments of V–284 North and V–68 South so that altitudes above 11,500 would be employed for IFR traffic only during those periods when the proposed training area is not in use.

Adoption of these proposals will provide:

(1) Adequate clearance of intermediate altitude airway V–1542,

(2) Additional usable altitudes for light aircraft to avoid turbulence, and

(3) Permit continuous use of all altitudes below 11,500 feet and use of the altitudes above 11,500 when training activities are not in progress.

5. *Webb Two.* Depict on charts an "Intensive Student Jet Training Area" to be identified as Webb Two southeast of Webb AFB with a floor of 12,000 feet MSL on the upper limit of 23,000 feet MSL. This area will include some 1,175 square miles.

This area would encroach upon low altitude airways V–76 North and V–76 between the Big Spring VOR and the San Angelo VOR and upon intermediate altitude airway V–1630 between Big Spring and San Angelo. It is proposed to rescind V–76 North between Big Spring and San Angelo. IFR traffic on V–76 between Big Spring and San Angelo will be assigned altitudes of 11,000 feet MSL and below while training activities are in progress. IFR traffic filed on V–1630 from San Angelo over Big Spring to Lubbock, or points north of Lubbock, will be rerouted via V–1550 between San Angelo and Midland and via V–1541 between Midland and Lubbock. The El Paso Center is currently rerouting intermediate altitude traffic via these routes while R–6308 is in use by the Air Force. It is proposed to designate the above segment of V–76 so that altitudes above 11,500 feet would be employed for IFR traffic only during those periods when the proposed training area is not in use. V–1630 between San Angelo and Big Spring would be employed by the El Paso ARTC Center only during those periods when the proposed training area is not in use.

Adoption of these proposals would:

(1) Increase the training area for Webb AFB UPT use by 1,175 square miles,

(2) Require rescission of V–76 North between Big Spring and San Angelo (presently proposed), and

(3) Not seriously affect IFR users.

HIGH ALTITUDE STRATA

1. *Reese Four.* Depict on charts a high altitude "Intensive Student Jet Training Area" north of jet route J–4 in the area between Webb and Reese Air Force Bases. This area will be stratified procedurally into layers to provide maximum airspace utilization for nonparticipating aircraft.

The area which includes 7,750 square miles is designed so that it does not conflict with any existing jet routes.

It is not intended that the high altitude area north of J–4 be used solely by Reese AFB at the present time. The Air Training Command has agreed to cooperate to their maximum capability by combining the activities of the two bases into the same area where possible. Also, they will make use of only the minimum number of areas that are required.

Since there is no stated requirement for segregation of the flying activity that may be conducted at night, it is proposed that the depiction of all the intensive Student Jet Training Areas include, "Normally Used During Daylight Hours, Monday through Friday." Their actual use will be disseminated by the El Paso Center daily to the FAA Flight Service Stations within, and adjacent to, the areas and to the adjacent Air Route Traffic Control Centers.

This will allow nonparticipating jet aircraft to make planned use of the areas during the night hours and, of course, during the daytime hours when the areas are not in use.

The training areas are designed to contain the training activity that requires segregation from nonparticipating aircraft. Transition of the student aircraft between the bases and the training areas will be conducted under VFR conditions on a see-and-be-seen basis, using the appropriate VFR hemispherical altitudes or flight levels.

A congestion of VFR student jet traffic exists on, or adjacent to, Federal airways at Reese AFB, Webb AFB, and Colorado City Auxiliary Airport at Colorado City, Texas, and at Terry County Air Force Auxiliary Airport located 23 nautical miles southwest of Reese AFB. Practice holding, jet penetrations and approaches to runways are performed at these airports.

Air Force representatives have however expressed the opinion that complete segregation is not necessary at these airports since the jet aircraft will have completed their penetration turns before descending below the floor of the training areas. They have advised that the remaining flight path to the airport will not require unusual maneuvers that would necessitate segregation from nonparticipating aircraft.

This type of activity being conducted outside of the training areas will continue to be published in the Airman's Guide.

Since the proposal to alter V–14 between Roswell, New Mexico, and Lubbock, Texas, rescinds a segment of an airway being utilized by aircraft flying between Roswell and Texico, New Mexico, it is proposed to alter V–280 between Roswell and Texico VOR as follows: Roswell, N. Mex., VOR; intersection of the Roswell VOR 063° and the Texico VOR 216° True radials; Texico VOR, including a south alternate from the Roswell VOR via the intersection of the Roswell VOR 080° and the Texico 216° True radials.

The geographic descriptions of the proposed intensive Student Jet Training Areas to be depicted on all aeronautical charts are listed below. Lack of prominent ground terrain features, because its location is in the Staked Plains area of West Texas, makes the use of geographic coordinates necessary.

1. Name: Reese One Intensive Student Jet Training Area—

Boundary: Beginning at latitude 33°46'00" N., longitude 103°21'00" W; to latitude 34°01'15" N., longitude 103°02'45" W; counterclockwise along the arc of a 30-mile radius circle centered at latitude 34°23'01" N., longitude 103°18'58" W; to latitude 34°19'00" N., longitude 102°48'00" W.; to latitude 34°19'00" N., longitude 102°40'00" W.; to latitude 34°01'00" N., longitude 102°06'00" W.; to latitude 33°44'30" N., longitude 102°17'00" W.; to latitude 33°39'30" N., longitude 102°53'00" W.; to latitude 33°41'00" N., longitude 102°53'00" W.; to latitude 33°39'00" N., longitude 103°21'00" W.; to the point of beginning.

2. Name: Reese Two Intensive Student Jet Training Area—

Boundary: Beginning at latitude 33°37'00" N., longitude 102°01'00" W.; to latitude 33°30'00" N., longitude 102°51'00" W.; to latitude 33°29'00" N., longitude 102°51'00" W.; to latitude 33°24'30" N., longitude 103°14'00" W.; to latitude 33°22'00" N., longitude 103°30'00" W.; to latitude 32°57'00" N., longitude 103°26'00" W.; to latitude 32°56'00" N., longitude 103°00'00" W.; to latitude 32°32'00" N., longitude 102°44'00" W.; to latitude 32°20'00" N., longitude 102°28'00" W.; to latitude 32°20'25" N., longitude 102°13'30" W.; to the point of beginning.

3. Name: Webb/Reese Three Intensive Student Jet Training Area—

Boundary: Beginning at latitude 32°35'00" N., longitude 100°12'00" W.; to latitude 32°57'00" N., longitude 100°24'00" W.; to latitude 33°24'00" N., longitude 100°44'00" W.; to latitude 33°34'00" N., longitude 101°44'00" W.; to latitude 33°28'00" N., longitude 101°51'30" W.; to latitude 32°35'30" N., longitude 102°00'00" W.; to latitude 32°31'30" N., longitude 101°43'45" W.; clockwise along an arc of a circle with a 15 nautical mile radius centered on the Big Spring, Texas, VOR to latitude 32°28'40" N., longitude 101°12'40" W.; to latitude 32°32'00" N., longitude 100°28'00" W.; to the point of beginning.

4. Name: Webb One Intensive Student Jet Training Area—

Boundary: Beginning at latitude 31°31'00" N., longitude 102°45'00" W.; to latitude 31°-01'00" N., longitude 102°15'00" W.; to latitude 30°55'00" N., longitude 101°26'00" W.; to latitude 31°18'00" N., longitude 100°55'-00" W.; to latitude 31°28'00" N., longitude 100°55'00" W.; to latitude 31°48'00" N., longitude 101°50'00" W.; to latitude 31°31'45" N., longitude 102°02'00" W.; clockwise along the arc of a 30 nautical mile radius circle centered at the Midland, Texas, VOR to latitude 31°37'30" N., longitude 102°33'30" W.; to the point of beginning.

5. Name: Webb Two Intensive Student Jet Training Area—

Boundary: Beginning at latitude 31°37'00" N., longitude 100°52'00" W.; to latitude 31°-37'00" N., longitude 100°26'00" W.; to latitude 32°08'00" N., longitude 100°09'30" W.; to latitude 32°05'30" N., longitude 100°45'-00" W.; to latitude 31°57'00" N., longitude 101°16'00" W.; to latitude 31°43'00" N., longitude 101°06'00" W.; to the point of beginning.

6. Name: Reese Four Intensive Student Jet Training Area—

Boundary: Beginning at latitude 32°44'00" N., longitude 103°46'00" W.; to latitude 32°-30'00" N., longitude 103°30'00" W.; to latitude 32°24'00" N., longitude 102°55'00" W.; to latitude 32°33'00" N., longitude 102°00'-00" W.; to latitude 32°33'00" N., longitude 100°29'00" W.; to latitude 32°56'00" N., longitude 100°29'00" W.; to latitude 33°20'00" N., longitude 100°43'00" W.; to latitude 33°-19'00" N., longitude 103°46'00" W.; to the point of beginning.

The above described Intensive Student Jet Training Areas will be operated under the following conditions:

1. All student jet training flights will be conducted only during VFR weather conditions.

2. Each day, excluding Saturday and Sunday, before beginning student flight training, Webb AFB and Reese AFB shall notify the El Paso ARTC Center of their requirements for specific areas, including time of usage and the maximum flight level to be utilized in Reese Four area. When any or all training areas are required during periods other than specified above, the Webb or Reese AFB shall notify the ARTC Center at least 24 hours in advance. Upon termination of use of any, or all, of the training areas, Webb or Reese AFB shall immediately notify the ARTC Center.

3. FAA Flight Service Stations within 100 nautical miles of Webb AFB or Reese AFB shall broadcast, following each scheduled weather broadcast, information concerning the operations status of each Intensive Student Jet Training Area from sunrise to sunset Monday through Friday.

4. When the training areas are to be used during times other than sunrise to

sunset Monday through Friday, the ARTC Center shall notify the appropriate Flight Service Stations to resume broadcasting information concerning the usage of specified training areas.

5. The Reese AFB Tower and Webb AFB Tower shall provide traffic advisory information upon request during periods when the training areas are in use by the Air Force.

6. Transition of jet traffic between "Intensive Student Jet Training Areas" shall be in accordance with appropriate hemispherical altitudes or flight levels.

7. Terms of use for the proposed "Intensive Student Jet Training Areas" will be set forth in Letters of Agreement between the El Paso ARTC Center and appropriate military authority.

Accordingly, the Federal Aviation Agency is considering the following actions:

1. Revoke the following restricted areas:

R–6304 Reese AFB, Texas.
R–6305 Reese AFB, Texas.
R–6306 Webb AFB, Texas.
R–6307 Webb AFB, Texas.
R–6306 Webb AFB, Texas.

2. Alter the segment of VOR Federal airway No. 1618 which is presently designated from the Roswell, N. Mex., VOR; as a 16-mile wide airway via the intersection of the Roswell VOR 063° and the Lubbock, Texas, VOR 277° True radials to the Lubbock VOR. It is proposed to realign this airway segment from the Roswell VOR, 10-mile wide airway to the intersection of the Roswell VOR 080° and the Texico, N. Mex., VOR 212° True radials; thence 14-mile wide airway to the intersection of the Lubbock VOR 262° and the Hobbs, N. Mex., VOR 003° True radials; thence 12-mile wide airway to the intersection of the Lubbock VOR 262° and the Hobbs VOR 014° True radials; thence 10-mile wide airway to the Lubbock VOR. This would provide a shorter route by aligning the airway segment direct from Roswell to Lubbock.

3. Alter the segment of Intermediate altitude VOR Federal airway No. 1614 which is presently designated from the Salt Flat, Texas, VOR as a 16-mile wide airway via the intersection of the Salt Flat VOR 055° and the Hobbs VOR 242° True radials; to the Hobbs VOR; thence 10-mile wide airway via the intersection of the Hobbs VOR 077° and the Lubbock VOR 188° True radials; to the Lubbock VOR. It is proposed to realign this airway segment from the Salt Flat VOR as a 16-mile wide airway to the Carlsbad, N. Mex., VOR; thence 10-mile wide airway to the intersection of the Carlsbad VOR 021° and the Roswell VOR 115° True radials; thence 14-mile wide airway to the intersection of the Carlsbad VOR 021° and the Roswell VOR 089° True radials; thence 16-mile wide airway to the intersection of the Carlsbad VOR 021° and the Roswell VOR 080° True radials; thence 14-mile wide airway to the intersection of the Roswell VOR 080° and the Hobbs VOR 003° True radials; thence 12-mile wide airway to the intersection of the Lubbock VOR 262° and the Hobbs VOR 014° True radials; thence 10-mile wide airway to the Lubbock VOR. This realignment would reduce the route mileage between Salt Flat and Lubbock by approximately 5 miles and would facilitate the movement of air traffic between these points upon the establishment of the "Reese Two" Intensive Student Jet Training Area.

4. Alter the segment of Intermediate altitude VOR Federal airway No. 1540 which extends in part from the Wink, Texas, VOR; 16-mile wide airway via the intersection of the Wink VOR 066° and the Big Spring, Texas, VOR 260° True radials to the Big Spring VOR. It is proposed to realign this airway segment from the Wink VOR; as a 16-mile wide airway via the intersection of the Wink VOR 068° and the Big Spring VOR 256° True radials to the Big Spring VOR. This realignment would provide lateral separation between Victor 1540 and the proposed "Reese Two" Intensive Student Jet Training Area.

5. Redesignate the segment of Intermediate altitude VOR Federal airway No. 1630 from the Lubbock VOR via the Big Spring VOR to the San Angelo, Texas, VOR as being available during the periods when employed by the El Paso, Texas, Air Route Traffic Control Center. This would permit use of this airway segment during the periods when the "Webb/Reese Three" and "Webb Two" proposed Intensive Student Jet Training Areas are not being utilized for their established purpose.

6. Alter the segment of Low altitude VOR Federal airway No. 14 which extends in part from the Roswell, N. Mex., VOR via the intersection of the Roswell VOR 063° and the Lubbock, Texas, VORTAC 277° True radials; to the Lubbock VORTAC, including a south alternate from the Roswell VOR direct to the Lubbock VORTAC. It is proposed to revoke the south alternate and redesignate Victor 14 from the Roswell VOR direct to the Lubbock VORTAC. This would permit operations to be conducted along Victor 14 simultaneously with activities within "Reese One" and "Reese Two" Intensive Student Jet Training Areas.

7. Alter the segment of Low altitude VOR Federal airway No. 68 south alternate which extends in part from the Midland, Texas, VOR via the intersection of the Midland VOR 146° and the San Angelo, Texas, VOR 278° True radials; to the San Angelo VOR. It is proposed to redesignate this segment of Victor 68 south alternate from the Midland VOR via the intersection of the Midland VOR 128° and the San Angelo VOR 278° True radials; to the San Angelo VOR. This segment of Victor 68 South would be designated so that altitudes above 11,500 feet MSL would be employed for IFR traffic only during those periods when the proposed training area is not in use. This would permit operations to be conducted along Victor 68 simultaneously with activities within "Webb One" Intensive Student Jet Training Area below 11,500 feet and above 11,500 when the training area is not in use.

8. Alter the segment of Low altitude VOR Federal airway No. 102 which extends in part from the Roswell VOR via the intersection of the Roswell VOR 080° and the Texico, N. Mex., VOR 216° True radials, the intersection of the Texico VOR 216° and the Lubbock VORTAC 277° True radials; to the Lubbock VORTAC. It is proposed to realign this segment of Victor 102 from the Roswell VOR direct to the Lubbock VORTAC. This would align Victor 102 with the proposed alignment of Victor 14 and permit operations to be conducted along the airways simultaneously with activities within "Reese One" and "Reese Two" Intensive Student Jet Training Areas.

9. Alter Low altitude VOR Federal airway No. 280 which extends in part from the Roswell VOR via the intersection of the Roswell VOR 080° and the Texico VOR 216° True radials; to the Texico VOR. It is proposed to redesignate this segment of Victor 280 and its associated control areas from the Roswell VOR via the intersection of the Roswell VOR 063° and the Texico VOR 216° True radials; to the Texico VOR, including a south alternate via the intersection of the Roswell VOR 080° and the Texico VOR 216° True radials. This altered segment of Victor 280 would replace the revoked segment of Victor 14 between Roswell VOR and the intersection of the Roswell VOR 063° and the Texico VOR 216° True radials and permit retention of the more direct route between Roswell and Texico. The proposed south alternate would provide an airway for aircraft to climb to and descend from assigned altitudes on Victor 280.

10. Alter Low altitude VOR Federal airway No. 79 which extends in part from the Hobbs, N. Mex., VOR via the intersection of the Hobbs VOR 077° and the Lubbock VORTAC 188° True radials (Welch Intersection); to the Lubbock VORTAC, including a west alternate from the Hobbs VOR direct to the Lubbock VORTAC. It is proposed to designate Victor 79 between Hobbs VOR and the Welch Intersection so that altitudes above 11,500 would be employed for IFR traffic only during those periods when the proposed training area is not in use. Victor 79 west alternate between Hobbs VOR and Lubbock VORTAC would be similarly designated. This would permit operation to be conducted along the airways simultaneously with activities within "Reese Two" Intensive Student Jet Training Area below 11,500 and above 11,500 when training activities are not being conducted.

11. Alter Low altitude VOR Federal airway No. 76 which extends in part from the Lubbock VORTAC via the intersection of the Lubbock VORTAC 188° and the Big Spring VOR 286° True radials to the Big Spring VOR, including a north alternate from the Lubbock VORTAC direct to the Big Spring VOR; San Angelo VOR; including a north alternate from the Big Spring VOR via the intersection of the Big Spring VOR 124° and the San Angelo VOR 024° True radials. It is proposed to revoke the north alternate between Big Spring and San Angelo and so designate the main airway between Big Spring and San Angelo and the north alternate between Lubbock and Big Spring so that altitudes above 11,500 would be employed for IFR traffic only during those periods when the proposed training area is not in use. The north alternate between Big Spring and San Angelo is seldom used for IFR traffic and is unjustified as an assignment of airspace.

12. Alter Low altitude VOR Federal airway No. 284 north alternate which extends in part from the Fort Stockton, Texas, VORTAC to the San Angelo VOR. It is proposed to designate this segment of Victor 284 north alternate so that altitudes above 11,500 would be employed for IFR traffic only during those periods when the proposed training area is not in use. This would permit operations to be conducted along the airway below 11,500 simultaneously with activities within "Webb One" Intensive Student Jet Training Area and above 11,500 when the training area is not in use.

13. Alter Low altitude VOR Federal airway Nos. 60 and 62 south alternates which extend in part from the Lubbock VORTAC to the Texico VOR by designating the airspace above 11,500 along these segments similar to the above segments of V–284 and V–284 North. This would permit operations to be conducted along the airway segments below 11,500 simultaneously with activities within "Reese One" Intensive Student Jet Training Area and above 11,500 when training is not being conducted. With the exception of Victor 280, the control areas associated with these airway segments are so designated that they would automatically conform to the altered airways. The vertical extent of these control areas would remain as designated pending review of the adjacent airways. Separate actions will be initiated to implement on an area basis amendment 60–21 to Part 60 of the Civil Air Regulations.

14. Revoke § 601.1456 *Control Area Extension (El Paso, Texas) (Webb/Reese Areas)*.

The proposals in this notice have been informally discussed with representatives of a majority of the aviation organizations and the Air Force. In view of this, and due to the need for expediency in this case, it is felt that fifteen days will be sufficient time for comments on the notice.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within fifteen days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conference must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 4, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc., 62–5495; Filed, June 5, 1962; 8:53 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 9]

[Docket No. 14657; FCC 62–576]

AERONAUTICAL MULTICOM STATION

Proposed New Class of Station

In the matter of amendment of Parts 2 and 9 of the Commission's rules to establish a new class of station operating on the frequency 122.9 Mc/s, called aeronautical multicom station, Docket No. 14657.

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. The Commission receives numerous requests for permission to use the aviation safety frequencies, 108–135 Mc/s, for purposes in addition to the safety of aircraft. Such requests have come from persons engaged in activities such as aerial application, forest fire fighting, parachute jumping and others engaged in activities involving ground-to-air and air-to-air communications not provided for in the Aviation Services. In addition, the National Aviation Trades Association (NATA) has recently submitted a request along similar lines. Further, the Aircraft Owners and Pilots Association (AOPA) has requested use of the frequency 122.9 Mc/s for air-to-air communications to relieve congestion on 122.8 Mc/s.

3. For the most part, the reason given for the requests is that in order for an aircraft to communicate in both the Aviation Services and other services, it would be necessary to install two entirely separate stations aboard the aircraft since transmitters are not generally available which are both (a) type accepted in the Aviation Services and another service and (b) capable of selection of a channel in either of the services without extensive transmitter adjustments.

4. In view of these requirements, it is proposed that a frequency presently allocated for the aeronautical service be made available for communications relating to activities enumerated in Paragraph 2. The frequency would be available to private aircraft to communicate with other private aircraft and with aeronautical multicom stations. The frequency 122.9 Mc/s appears to be appropriate for this purpose since it is presently allocated for use by private aircraft stations and most of the aircraft radio stations currently in use have this frequency capability. In addition, this frequency presently is not used to capacity. This frequency, like other aviation frequencies, will be assigned on a shared basis with the licensees being responsible for conducting their operations in such a way as to minimize harmful interference to other licensees and thereby make the most effective use of the frequency. The name "Multicom" is a contraction of the words multiple communications. It was selected because it affords a brief, distinctive and descriptive name of the service to be provided by the station.

5. In view of the above, it is proposed to amend the Commission's rules to make the frequency 122.9 Mc/s available to a new class of ground station, aeronautical multicom stations, for communications with private aircraft stations. Section 9.331 is proposed to be amended to allow communications between private aircraft in flight, and between private aircraft stations and aeronautical multicom stations in accordance with the scope of service for the latter class of station as set forth below.

6. Comments are invited particularly to the provisions of § 9.1504 *Scope of service.* This section sets forth the categories of persons who may use the service and the types of communications which they may transmit.

7. The proposed amendments to the Rules, as set forth below, are issued pursuant to the authority contained in section 303 (a), (b), (c), (f), and (r) of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before June 26, 1962, and reply comments on or before July 6, 1962. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

9. In accordance with the provisions of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: May 29, 1962.

Released: June 1, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Footnote US31 to § 2.106 is amended to read as follows:

§ 2.106 Table of frequency allocations.

* * * * *

US31 The band 121.975–123.075 Mc/s is for use by private aircraft stations. In addition, the frequencies 122.8 and 123.0 Mc/s may be used by aeronautical advisory stations and the frequency 122.9 Mc/s may be used by aeronautical multicom stations.

2. Section 9.3 is amended to add the following definitions in alphabetical order:

§ 9.3 Definition of terms.

* * * * *

Aeronautical multicom land station. An aeronautical station operating in the aeronautical multicom service.

Aeronautical multicom mobile station. A mobile station operating in the aeronautical multicom service.

Aeronautical multicom service. A mobile service not open to public correspondence, used to provide communications essential to conduct of activities being performed by or directed from private aircraft.

3. Section 9.193 is amended to read as follows:

§ 9.193 Permissible communications.

All ground stations in the aviation services shall transmit only communications for the safe, expeditious and economical operation of aircraft and the protection of life and property in the air: *Provided, however,* That aeronautical public service stations, aeronautical advisory stations, aeronautical multicom stations, and Civil Air Patrol land and mobile stations may communicate in accordance with the particular section of this part which govern the operation of these classes of stations, and any station in the Aviation Services in Alaska, regardless of class in which licensed, may transmit messages concerning sickness, death, weather, ice conditions, or other matters relating to safety of life and property if:

(a) There is no established means of communication between the points in question;

(b) No charge is made for the communication service; and

(c) A copy of each message so transmitted is kept on file at the transmitting station in accordance with § 9.153.

4. In § 9.331, paragraphs (b) and (c) are amended to read as follows:

§ 9.331 Frequencies available.

* * * * *

(b) These frequencies are available to private aircraft for air traffic control operations: 122.00, 122.05, 122.10, 122.15, 122.20, 122.25, 122.30, 122.35, 122.40, 122.45, 122.50, 122.55, 122.60, 122.65, 122.70, 122.75, 122.85, 122.95, and 123.05 Mc/s.

(c) 122.9 Mc/s, 6A3 emission: Private aircraft stations to aeronautical multicom stations in accordance with the scope of service set forth in § 9.1504. Between private aircraft stations while in flight for communications pertaining to safety; agricultural, ranching and conservation activities; forest fire fighting; aerial application; aerial advertising; and parachute jumping.

5. Part 9 is amended by the addition of the following new Subpart Y:

Subpart Y—Aeronautical Multicom Stations

Sec.
9.1501 Frequency available.
9.1502 Power output.
9.1503 Eligibility.
9.1504 Scope of service.

§ 9.1501 Frequency available.

122.9 Mc/s, 6A3 emission: This frequency is available on the condition that no harmful interference is caused to the aeronautical advisory service.

§ 9.1502 Power output.

The power output of aeronautical multicom stations shall not exceed 10 watts.

§ 9.1503 Eligibility.

An authorization for an aeronautical multicom station will be granted only to a person requiring communications within the scope of service for this class of station. A showing, satisfactory to the Commission, of the need for such communication shall accompany each application for license.

§ 9.1504 Scope of service.

Communications pertaining to agricultural, ranching, and conservation activities; forest fire fighting; aerial application; aerial advertising; and parachute jumping are permitted. Such communications shall be limited to the directing of ground activities from the air, the directing of aerial activities from the ground and air-to-air communications where such communications are otherwise not provided for in the part: *Provided, however,* That applicants unable to meet the special requirements for aeronautical advisory stations under § 9.1001, and at locations where Aeronautical Advisory Service is not available, may be authorized, upon proper showing to the Commission, to conduct communications, on the frequency 122.9 Mc/s, in accordance with the following provisions:

(a) Shall not be used for air traffic control purposes;

(b) Shall be limited to the necessities of safe and expeditious operation of private aircraft, pertaining to the conditions of runways, types of fuel available, wind conditions, weather information, dispatching or other necessary information: *Provided, however,* That on a secondary basis, communications may be transmitted which pertain to the efficient portal-to-portal transit of which the flight is a portion, such as requests for ground transportation and food or lodging required during transit.

[F.R. Doc. 62-5479; Filed, June 5, 1962; 8:50 a.m.]

[47 CFR Parts 2, 9]

[Docket No. 14656; FCC 62-575]

CIVIL AIR PATROL STATIONS

Proposed Use of Certain Frequency

In the matter of amendment of Parts 2 and 9 of the Commission's rules to provide for the use of the frequency 26.62 Mc/s for Civil Air Patrol stations in the United States, Docket No. 14656.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission is in receipt of a letter from the Department of the Air Force requesting that the Commission's rules be amended to make the frequency 26.62 Mc/s available for assignment in the Continental United States to land and mobile stations of the Civil Air Patrol, the civilian adjunct of the Air Force.

3. The frequency 26.62 Mc/s is assigned nationally to government radio services. The interested Government agencies have no objection to the proposed use of the frequency by the Civil Air Patrol.

4. Authority for the proposed amendment, as set forth below, is contained in sections 4(i) and 303 (c), (f), and (r) of the Communications Act of 1934, as amended.

5. Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before July 9, 1962, and reply comments on or before July 19, 1962. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

6. In accordance with the provisions of § 1.54 of the Commission's rules, an original and fourteen copies of all statements, briefs or comments shall be furnished to the Commission.

Adopted: May 29, 1962.

Released: June 1, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Footnote US10 to § 2.106 of the Commission's rules and regulations is amended to read as follows:

§ 2.106 Table of frequency allocations.

* * * * *

US10 The use of the frequencies 26.62 Mc/s (in all areas), 143.91 Mc/s (in the continental United States excluding Alaska), and 148.14 Mc/s (in all areas) may be authorized to Civil Air Patrol land stations and Civil Air Patrol mobile stations on the condition that harmful interference will not be caused to Government stations.

2. Section 9.912(g) is amended to read as follows:

§ 9.912 Frequencies available.

* * * * *

(g) 26.62 Mc/s, A-3 emission, 5 watts maximum power. In the state of Hawaii, A-1, A-2, A-3 emission 250 watts maximum power is permissible.

[F.R. Doc. 62-5480; Filed, June 5, 1962; 8:50 a.m.]

[47 CFR Parts 2, 9]

[Docket No. 14655; FCC 62-573]

AIRBORNE DOPPLER RADARS

Proposed Deletion of Temporary Band Provision

In the matter of amendment of Parts 2 and 9 of the Commission's rules and regulations to delete the temporary provision for airborne Doppler radars in the band 9750-9850 Mc/s, Docket No. 14655.

1. The Commission adopted a Memorandum Opinion and Order on April 16, 1958 (FCC 58-379), published in the FEDERAL REGISTER on April 23, 1958 (23 F.R. 2676), which, among other things, amended Parts 2 and 9 of the Commission's rules to provide temporarily for the use of Government and non-Government airborne Doppler radars in the bands 8750-8850 Mc/s and 9750-9850 Mc/s until moved to frequency bands allocated to the Aeronautical Radionavigation Service.

2. On July 30, 1958, the Commission adopted a First Report and Order in Docket 12404 (FCC 58-750), published in the FEDERAL REGISTER on August 9, 1958 (23 F.R. 6111), which allocated the band 13,250-13,400 Mc/s to the Aeronautical Radionavigation Service for the exclusive use of Government and non-Government airborne Doppler radars.

3. The Third Memorandum Opinion and Order in Docket 13928 (FCC 62-276) adopted by the Commission on March 15, 1962, and published in the FEDERAL REGISTER on March 23, 1962 (27 F.R. 2735), amended footnote US53 of the Table of Frequency Allocations in Part 2 to permit the use of airborne Doppler radars in the 8750-8850 Mc/s band, subject to any interference which may be experienced from stations in the Radiolocation Service in the band 8500-10,000 Mc/s.

4. It should be noted that the Geneva (1959) Radio Regulations make no provision for the use of the 9750-9850 Mc/s band by airborne Doppler navigation aids, this band being allocated to the Radiolocation Service.

5. In view of the foregoing and the Commission's belief that there is no present or proposed use of the band 9750-9850 Mc/s for Doppler navigation aids, and to align the national allocation of this band with the Geneva (1959) Radio Regulations, the Commission proposes to amend § 2.106 by deleting the Footnote designator US57 in Column 6 opposite 9500-10,000 Mc/s in Column 5 and by deleting Footnote US57 in the Table; § 9.312 is amended by deleting paragraph (w).

6. All interested persons are invited to file, on or before July 6, 1962, comments supporting or opposing the proposal set out in this notice, or outlining any modifications or counter-proposals the parties may wish to submit. Comments in reply thereto may be submitted on or before July 16, 1962. The Commission will consider all comments filed hereunder prior to taking final action in this matter provided that, notwithstanding the provisions of § 1.213 of the rules, the Commission will not be limited solely to the comments filed in this proceeding.

7. Authority for the amendments is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

8. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, the original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: May 29, 1962.

Released: June 1, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-5481; Filed, June 5, 1962; 8:50 a.m.]

[47 CFR Part 3]

[Docket No. 14658 (RM-326); FCC 62-591]

TABLE OF ASSIGNMENTS FOR CERTAIN TELEVISION BROADCAST STATIONS IN PUERTO RICO

Notice of Proposed Rule Making

In the matter of amendment of § 3.606 *Table of assignments,* television broadcast stations (Mayaguez, Ponce, San Juan, Puerto Rico), Docket No. 14658 (RM-326).

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition for proposed rule making filed on April 24, 1962, by the Antilles Broadcasting Corporation, San Juan, Puerto Rico, requesting an amendment of the Television Table of Assignments, § 3.606, to permit the addition of UHF Channels 16 to Mayaguez, 22 to Ponce, and 19 to San Juan, Puerto Rico.

3. The Antilles Broadcasting Corporation requests that the Table of Assignments, Television Broadcast Stations, § 3.606 of the Commission rules, be amended with respect to the aforementioned cities as follows:

Cities	Channel No.	
	Present	Proposed
Mayaguez, P.R.	3+, 5−	3+, 5−, 16
Ponce, P.R.	7+, 9−	7+, 9−, 22
San Juan, P.R.	2+, 4−, *6+	2+, 4−, *6+, 19

4. The populations of Mayaguez, Ponce, and San Juan are 83,850, 145,586, and 588,805 respectively, according to the 1960 U.S. Census. Channel 12 is assigned to Aguadilla-Arecibo and is presently operating as a commercial station. This station, however, delivers a city-grade signal to Aguadilla and to Mayaguez, and the Commission has granted a waiver of § 3.652(a) of its rules to permit the station to identify itself as an Aguadilla-Mayaguez station.

5. The petitioner asserts that there are no UHF station assignments presently made to Puerto Rico and that the proposed assignments meet the separation requirements of the Commission rules. It further states that it intends to apply for authorization to operate on the three UHF channels herein petitioned for if they are assigned to Mayaguez, Ponce, and San Juan, Puerto Rico.

6. The Commission is of the view that rule making should be instituted on this proposal in order that all interested parties may submit their views and relevant data.

7. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested parties may file comments on or before July 9, 1962, and reply comments on or before July 19, 1962. In reaching its decision on the rule amendment which is proposed herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

9. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished the Commission.

Adopted: May 29, 1962.

Released: June 1, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-5482; Filed, June 5, 1962; 8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[Public Announcement No. 25, Amdt. 4]

COLUMBIA BASIN PROJECT, WASHINGTON

Public Announcement of the Sale of Full-Time Farm Units

Public announcement of the sale of farm units in the South Columbia Basin Irrigation District, Columbia Basin Project, Washington, dated October 18, 1956, published in the FEDERAL REGISTER at 21 F.R. 8822, and subsequently amended, is further amended by adding to the last sentence of section 16.d. the following: "• • • except that for Farm Unit 56, Irrigation Block 16, and only that unit, the latest permissible date for initiating residence will be extended for two years."

The purpose of this amendment is to allow additional time to arrange financing for the construction of a dwelling on the farm unit.

FLOYD E. DOMINY,
Commissioner.

MAY 31, 1962.

[F.R. Doc. 62-5455; Filed, June 5, 1962; 8:46 a.m.]

Office of the Secretary

[Order 2865]

COMMISSIONER, BUREAU OF INDIAN AFFAIRS, AND AREA DIRECTOR, GALLUP AREA OFFICE, BUREAU OF INDIAN AFFAIRS

Delegation of Authority To Negotiate Contracts for Construction Work

SECTION 1. *Delegation.* The Commissioner, Bureau of Indian Affairs, and the Area Director, Gallup Area Office, Bureau of Indian Affairs, are authorized, subject to the provisions of section 2 of this order, to exercise the authority delegated by the Administrator of General Services to the Secretary of the Interior (27 F.R. 3017) to negotiate, without advertising, under section 302(c)(10) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 252 et seq.), contracts for construction of irrigation work on the Mescalero Indian Reservation in New Mexico; and earth moving on the Navajo Indian Reservation in Arizona.

SEC. 2. *Limitation: exercise of authority.* (a) The authority delegated by section 1 of this order shall be exercised in accordance with all provisions of Title III of the Act with respect to negotiated contracts, all other provisions of law, and applicable regulations of the Department.

(b) The authority delegated by section 1 of this order shall expire on June 30, 1962.

SEC. 3. *Redelegation.* The authority delegated by section 1 of this order may not be redelegated.

STEWART L. UDALL,
Secretary of the Interior.

MAY 29, 1962.

[F.R. Doc. 62-5456; Filed, June 5, 1962; 8:46 a.m.]

[Order 2864]

BONNEVILLE POWER ADMINISTRATION

Negotiation of Contracts for Experimental Supplies and Equipment for Direct-Current Test Line and Terminals; Correction

MAY 29, 1962.

On page 3861 of the FEDERAL REGISTER dated April 21, 1962, there appears a notice of Delegation of Authority from the Secretary of the Interior to the Administrator Bonneville Power to negotiate contracts for experimental supplies and equipment for direct current test lines and terminals. The FEDERAL REGISTER citation in section 2 reading "(24 CFR 1921)" is corrected to read "(27 F.R. 3017)".

D. OTIS BEASLEY,
Administrative Assistant Secretary.

MAY 29, 1962.

[F.R. Doc. 62-5457; Filed, June 5, 1962; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

ORGANIZATION, FUNCTIONS AND AUTHORITIES

I. *Purpose.* This memorandum outlines the basic functions, authorities and organizational structure of the Agricultural Research Service (ARS) established under Secretary's Order of December 24, 1953 (19 F.R. 74), as amended, and assignments of overall responsibilities and authorities within the Service (Administrative Memorandum 101.1). The "Notice of Organization, Functions and Authorities of the Agricultural Research Service" effective February 21, 1957 (22 F.R. 2679), as amended, is hereby superseded.

II. *Functions of the Agricultural Research Service—A. Assignment of functions.* The Agricultural Research Service is responsible for:

1. Coordination of research activities of the Department, including examination and analysis of such activities current and contemplated, review and approval of projects or proposals prior to initiation, advice and consultation on planning with heads of agencies, and reports and recommendations to the Secretary.

2. The following research programs: Production and utilization (except forestry) research, including research under Title I of the Research and Marketing Act of 1946 (7 U.S.C. 427 et. seq.); soil conservation, except the national soil survey; grass, and control of undesirable plants; range management (except on forest ranges and adjacent integrated non-forest lands), cotton ginning and processing; under section 7(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98f); under the Housing Act of 1949 (42 U.S.C. 1471 et seq.).

3. The research, investigations, inspections, experimentations, demonstrations, development work, service and regulatory work, and control and eradication of insects, plant and animal pests and diseases provided for under the heading "Agricultural Research Administration" in the Department of Agriculture Appropriation Act of 1954 (except forest pests and diseases, and research on off-farm handling, transportation and storage of agricultural products including investigations of insect infestations of off-farm stored products), and the following services conducted under sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622 and 1624): inspection and certification, and standardization incidental thereto, of food for dogs, cats, and other carnivora, of animal byproducts not capable of use as human food, and of human food articles derived wholly or in part from meat, meat byproducts or meat food products and not subject to the Federal meat inspection laws but for which the mark of Federal meat inspection is requested, identification service for federally inspected meat, meat byproducts and meat food products, and certification service for livestock products for export for human food purposes.

4. Administration of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135–135k).

5. The agricultural research and extension service programs in the Virgin Islands of the United States as provided in Public Law 228, 82nd Congress, October 29, 1951.

6. Eradication of foot-and-mouth and other contagious diseases of animals and poultry.

7. Hog Cholera Serum and Virus Marketing Agreement Act (7 U.S.C. 851–855).

8. Administration of Title III of the Research and Marketing Act (7 U.S.C. 1628–1629).

9. All administrative functions on behalf of the Secretary relating to the acquisition and administration of patent rights.

10. Administration of the provisions of section 408(1) of the Federal Food, Drug and Cosmetic Act, as added by section 3 of the Act of July 22, 1954 (Public Law 518, 83d Congress), providing for certification with respect to certain pesticide chemicals for which tolerances or exemptions are sought.

11. Administration of responsibilities with respect to preemergency planning and emergency operations covering defense against biological and chemical warfare in relation to crops, livestock and products thereof and determination of the effects of biological and chemical warfare agents on agriculture; inspection of livestock, meat and meat products in slaughtering and processing plants subject to continuous inspection to insure wholesomeness and safety from biological and chemical warfare agents and radioactive contamination; research in support of assigned defense planning and anticipated emergency operations; information and advice concerning equipment, chemicals and other requisites needed in support of assigned activities; and organizing, equipping, and directing a Department-wide system of radiological monitoring.

12. The use, administration and disposition under Title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1012) and the related provisions of Title IV thereof of lands which have heretofore been transferred or which hereafter may be transferred by agreement between the interested agencies with the approval of the Assistant Secretary.

13. Administration of the Federal Plant Pest Act of May 23, 1957 (Public Law 85–36).

14. All administrative functions on behalf of the Secretary relating to radiological safety within the Department, including control of the acquisition, use and disposition, from the standpoint of radiological safety, of all materials and equipment which are sources of actual and potential radiation hazard.

15. Administration of sections 4 and 5 of the Humane Slaughter Act (Public Law 85–765).

16. Coordination of all foreign translation activities in the Department, including liaison with the National Science Foundation and other Government agencies on all matters pertaining to this program except as reserved to the Department Library and the Office of Budget and Finance.

17. Utilization research in aid of market development under section 104(a) of the Agricultural Trade and Development Act of 1954, as amended (Public Law 480, 83d Congress); and a foreign contracts and grants program of farm, forestry, marketing, and utilization research, under section 104(k) of such Act, in cooperation with Agricultural Marketing Service, Forest Service, Economic Research Service and Statistical Reporting Service, in their respective areas of responsibility. Foreign activities under this assignment are subject to the coordinating responsibilities of the Foreign Agricultural Service.

B. *Reservations—1. The following are reserved to the Secretary.* a. Final action on regulations under the Hog Cholera Serum and Virus Marketing Agreement Act.

b. The issuance, amendment, termination or suspension of any marketing agreement or order or any provision thereof.

c. Designation of members of advisory committees under Title III of the Research and Marketing Act (7 U.S.C. 1628–1629).

d. Determination as to the measure and character of cooperation with Mexico in the Foot-and-Mouth Disease Program pursuant to section I of the Act of February 28, 1947 (21 U.S.C. 114b), the designation of members of advisory committees, and the appointment of Commissioners on any joint commission with the Government of Mexico set up under such Program.

e. Approval of requests for apportionment of reserves for emergency outbreaks of insect pests and plant diseases.

f. Determination of emergencies in connection with the eradication of foot-and-mouth disease and other contagious diseases of animals and poultry.

g. Designation of members of the Advisory Committee, under section 5 of the Humane Slaughter Act (Public Law 85–765).

2. *The following is reserved to the Judicial Officer.* a. Final action in proceedings pursuant to sections 7 and 8 of the Administrative Procedure Act, except orders in rulemaking proceedings under the Hog Cholera Serum and Virus Marketing Agreement Act.

III. *Assignment of responsibilities and authorities within ARS—A. Administrator—1. Responsibilities.* The Administrator is responsible for the programs and activities of ARS. The Administrator reports to the Assistant Secretary for Federal-States Relations.

2. *Authorities.* Subject to the reservations of authority contained in IIIB above, the Administrator is authorized to execute any document, authorize any expenditure, and promulgate any rule, regulation, order or instruction required by law or deemed by him to be necessary and proper to the discharge of the functions assigned to the Agricultural Research Service, and to delegate and provide for the redelegation of his authority to appropriate officers and employees consistent with and with due regard to his personal responsibilities for the proper discharge of the functions assigned to the Service. The Associate Administrator is authorized to act for the Administrator in performing all functions for which the Administrator is responsible.

3. *Delegation of authorities.* There are hereby delegated to Deputy Administrators and Division Directors, and to those officers they designate to act for them, the authorities not specifically reserved herein which are necessary to the discharge of responsibilities assigned to the Agricultural Research Service. This delegation does not apply to authorities which are reserved by Administrative Regulation of the Department. No delegation herein shall preclude the Administrator from exercising any of the powers or functions, or from performing any of the duties herein, and any such delegation is subject at all times to withdrawal or amendment. Redelegations to others shall be made only with specific approval of the Administrator.

4. *Reservations.* There are hereby reserved to the Administrator or Acting Administrator the following authorities and/or responsibilities:

a. The initiation, change or discontinuance of major areas of research or regulatory and control activities conducted by ARS.

b. The issuance of regulations pursuant to law.

c. The transfer of functions, funds, property or personnel between divisions of ARS.

d. The approval of any change in the formal organization of ARS at the section, or equivalent level, and above.

e. Authority to establish, consolidate, change location, or abolish, or to recommend such action to the Department with respect to (1) any field office (except temporary offices), and (2) any regional or other administrative area that includes two or more States or that cuts across a State line.

f. All appointments and promotions to GS–14 and above, and all reassignments in GS–14 and above involving a basic change in the nature of the assignment.

g. Authorization and recommendation to the Department for approval of attendance at international and foreign meetings and foreign travel.

h. Approval of budget estimates.

i. Approval of work projects and recommendation of financial projects to the Department.

B. *Responsibilities of divisions and staff offices reporting to the Administrator—1. Foreign Research and Technical Programs Division.* Responsible for the foreign research contract and grant activities for the Department of Agriculture carried out by foreign governments and scientific organizations under Public Law 480 and related legislation with respect to functions assigned under IIA 16 and 17.

2. *Information Division.* Responsible for the overall information program for research and regulatory and control activities of ARS.

3. *Internal Audit Staff.* Responsible for the conduct of audits, inspections and reviews of ARS organizations and programs to assist the Administrator in maintaining effective and efficient administration of assignment and responsibilities.

4. *Emergency Programs Staff.* Responsible for developing and coordinating civil defense emergency programs concerning the protection of the Nation's crops, livestock and products thereof with respect to functions assigned under IIA 11.

5. *Legislation and Special Assignments Staff.* Responsible for advising and assisting the Administrator on matters relating to the ARS legislative programs, committee management and secretarial and congressional correspondence.

C. *General responsibilities of Deputy Administrators and Division Directors.* The Deputy Administrators and through them the Division Directors, have the following general responsibilities:

1. *Responsibility to the Administrator.* Keeping the Administrator advised with respect to major problems and develop-

ments and consulting with him, or in his absence, the Acting Administrator, before taking actions which involve policy questions or major questions involving relationships with other Federal agencies, other agencies of this Department or State agencies.

2. *Responsibility for coordination of policies and operations.* Consulting and cooperating with appropriate officials when their activities relate to, affect, or are affected by, the work of other organizational units of the Service, and assuring the coordination of such activities with such other organizational units in order to achieve maximum unity and effectiveness of ARS operations.

3. *Responsibility for efficient operation.* Assuring the efficient administration of work assigned to them and the fullest possible benefit to the public for the funds expended. To this end, they shall provide for the periodic review of programs and operations as required by Executive Order 10072 and 5 U.S.C. 1151.

D. *Specific responsibilities*—1. *Deputy Administrators.* Responsible for:

a. Assisting and acting for and as the Administrator in the overall planning and administration of all programs and activities of ARS.

b. Approval of line projects within their respective areas.

c. Directing and coordinating the overall program within their respective areas as indicated below.

2. *Deputy Administrator, Farm Research.* The following Farm Research Divisions and Staff offices report to the Deputy Administrator, Farm Research, and directly or in cooperation with Federal, State, public and private agencies as appropriate, plan, organize, provide leadership, coordinate and direct a national program of farm research with respect to functions assigned under IIA 2, 3, 5, and 14.

Agricultural Engineering Research Division.
Animal Disease and Parasite Research Division.
Animal Husbandry Research Division.
Crops Research Division.
Entomology Research Division.
Soil and Water Conservation Research Division.
Biometrical Services Staff.
Radiological Safety Staff.

3. *Deputy Administrator, Utilization Research and Development.* The following Utilization Research and Development Divisions and Staff office report to the Deputy Administrator, Utilization Research and Development, and directly or in cooperation with Federal, State, public and private agencies as appropriate, plan, organize, provide leadership, coordinate and direct a national program of research and development to provide new, wider and more effective uses for agricultural products and by-products with respect to functions assigned under IIA 2 and 3.

Eastern Utilization Research and Development Division.
Northern Utilization Research and Development Division.
Southern Utilization Research and Development Division.
Western Utilization Research and Development Division.
Product and Process Evaluation Staff.

4. *Deputy Administrator, Regulatory and Control.* The following Regulatory and Control Divisions report to the Deputy Administrator, Regulatory and Control, and directly or in cooperation with Federal, State, public and private agencies as appropriate, plan, organize, provide leadership, coordinate and direct a national program on regulatory and control functions and related functions with respect to functions assigned under IIA 3, 4, 6, 7, 10, 13, and 15.

Animal Disease Eradication Division.
Animal Inspection and Quarantine Division.
Meat Inspection Division.
Pesticides Regulation Division.
Plant Pest Control Division.
Plant Quarantine Division.

5. *Deputy Administrator, Research Planning and Coordination.* The Deputy Administrator, Research Planning and Coordination, has responsibility for reviewing and concurring in all line projects in the Department. The following Staff offices report to the Deputy Administrator, Research Planning and Coordination, and assist him in providing for the coordination of research activities of the Department and in providing special assistance to the Administrator in planning research programs with respect to functions assigned under IIA 1 and 8.

Research Advisory Committee Staff.
Central Project Office.

6. *Deputy Administrator, Nutrition and Consumer-Use Research.* The following Nutrition and Consumer-Use Research Divisions report to the Deputy Administrator, Nutrition and Consumer-Use Research and directly or in cooperation with Federal, State, public and private agencies as appropriate, plan, organize, provide leadership, coordinate and direct national programs of research with respect to functions assigned under IIA 2 and 3.

Clothing and Housing Research Division.
Consumer and Food Economics Research Division.
Human Nutrition Research Division.

7. *Deputy Administrator, Administrative Management.* The Deputy Administrator, Administrative Management, has Service-wide responsibility for administrative management, including policy formulation, program development and effectiveness of operations. The Deputy Administrator, Administrative Management, is also specifically responsible for:

a. Administrative functions on behalf of the Secretary of Agriculture relating to the acquisition and administration of patent rights.

b. The execution of cooperative agreements and Master Memoranda of Understanding; all agreements between ARS and another agency of the Department or with another agency of the Federal Government; and all agreements which would require signature by more than one Deputy Administrator.

c. Approval of attendance at national meetings.

d. Approval of restricted categories of purchases as required by Department regulations.

The following Administrative Management Divisions and offices report to the Deputy Administrator, Administrative Management, and are responsible for developing and recommending policies, programs, plans and procedures, and for providing technical and administrative direction and coordination in the execution, review and evaluation of approved policies and programs in their respective areas. The Director, Administrative Services Division, is responsible for the execution of domestic research contracts (including RMA contracts).

Administrative Services Division.
Budget and Finance Division.
Data Processing Division.
Management Research and Organization Division.
Personnel Division.
Regional Business Offices.
Agricultural Research Center Operations.

Done at Washington, D.C., this 31st day of May 1962.

B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 62-5492; Filed, June 5, 1962; 8:52 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

CHIEF, OFFICE OF SHIP CONSTRUCTION

Delegation of Authority

Pursuant to the provisions of section 4.03 of Department of Commerce Order No. 117 (Revised), and the specific approval granted thereunder by the Secretary of Commerce under date of May 10, 1962, the Maritime Subsidy Board hereby delegates to the Chief, Office of Ship Construction authority to approve changes in contract plans and specifications of ships constructed, reconstructed, or reconditioned under contracts with the Maritime Subsidy Board, and authority to approve changes in cost and delay in delivery, if any, resulting from such changes provided such changes do not result in a cost change in excess of $50,000 in any one instance and provided the aggregate cost of the changes does not increase the cost of the ship by more than 2 percent of the single vessel contract price. Actions taken under this authority shall be reported monthly to the Maritime Subsidy Board.

This delegation of authority is not to be construed as affecting the validity of any actions taken prior thereto by the Chief, Office of Ship Construction, which were in consonance with the provisions of section 8.02 of Department Order No. 117 (Revised).

Effective date: This delegation is effective as of May 10, 1962.

Dated: June 4, 1962.

DONALD W. ALEXANDER,
Chairman, Maritime Subsidy Board,
Maritime Administrator.

[F.R. Doc. 62-5496; Filed, June 5, 1962; 8:53 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13576]

NO-SHOW RULE

Notice of Prehearing Conference

In the matter of the no-show penalty exception of the Local Service Carriers et al.

Notice is hereby given that a prehearing conference on the above-entitled matter is assigned to be held on June 14, 1962 at 10 a.m., e.d.s.t., in Room 803, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William J. Madden.

Dated at Washington, D.C., May 31, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-5472; Filed, June 5, 1962; 8:48 a.m.]

FEDERAL AVIATION AGENCY

GENERAL AVIATION DISTRICT OFFICE AT SIOUX FALLS, SOUTH DAKOTA

Notice of Closing

Notice is hereby given that on June 1, 1962, the General Aviation District Office in Sioux Falls, South Dakota, will be closed.

(Sec. 313(a), 72 Stat. 752, 49 U.S.C. 1354)

Issued in Washington, D.C., on May 29, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-5471; Filed, June 5, 1962; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14320; FCC 62M-772]

CERACCHE & CO., INC.

Memorandum Opinion and Order Continuing Hearing

In re application of Ceracche & Company, Incorporated, Connecticut Hill, New York, Docket No. 14320, File No. 1676-C1-R-61; for renewal of the license for Station KEG51, a facility in the Domestic Public Point-to-Point Microwave Radio Service.

1. *Preliminary statement.* The Hearing Examiner has before him a petition for leave to amend and for continuance as well as a supplement thereto filed by Ceracche & Company, Incorporated (Ceracche) on May 17, 1962, and May 21, 1962, respectively. In essence, Ceracche asks leave to amend its original application herein to provide an additional point of communications to serve a customer with which the applicant allegedly has no identity of interest, ownership or otherwise either directly or indirectly and further seeks to have the procedural dates and the scheduled date for the start of the hearing specified in the Examiner's order released March 9, 1962 (FCC 62M-352) continued without date.

2. *Background.* As originally filed, the application which is the subject of the hearing herein contemplated that communications service would be provided to a community antenna television system (CATV) which was owned or controlled by Ceracche. Upon consideration of this application, the Commission released its order of designation on October 30, 1961 (FCC 61-1242), wherein it stated that it was unable to find that a grant of the application would serve the public interest, convenience or necessity and, therefore, required a hearing on the specified issues. Two prehearing conferences were held herein on November 27 and January 29, respectively. After the second of such hearings, the Examiner by order released January 31, 1962 (FCC 62M-144) scheduled the hearing herein to commence on April 5, 1962. Thereafter, upon motion of Ceracche, a further prehearing conference was held and by the aforementioned order of the Examiner released March 9, 1962, the hearing was rescheduled for June 7, 1962.

3. *The instant pleading.* In the instant petition Ceracche alleges that it has, both prior to the designation of its application for hearing and at all times subsequent thereto, attempted actively to obtain additional independent customers; that these attempts culminated successfully only when it received a firm order for services on April 26, 1962; and that as quickly thereafter as possible the instant petition and appropriate amendment to its application were prepared. It is further alleged that there is no identity of interest or ownership between the applicant or any of its principals and the proposed new customer; that the new customer would be a "public subscriber" pursuant to the Commission's definition as set forth in its order of designation; and that a grant of the amended application by the Commission would provide grounds for the filing of a petition for reconsideration and grant without hearing thereby obviating the need for further hearing in the instant proceeding.

4. In its petition Ceracche calls attention to the fact that certain procedural dates have heretofore been specified by the Examiner in the aforementioned order released on March 9, 1962, and the hearing itself is presently scheduled to commence on June 7, 1962. It requests that the procedural dates and hearing date be continued until such time as the Commission may have acted on its application for amendment and its proposed petition for reconsideration and grant without hearing.

5. On the basis of all of the foregoing, it is argued that Ceracche has at all times acted with due diligence and good faith and has shown good cause why its petition should be granted. Ceracche further requests that, in view of the aforementioned time schedule now fixed, the provisions of the Commission's rules (47 CFR 1.43) relating to deferral action for a four-day period be waived. Finally, it is alleged that the Common Carrier Bureau, the only other party to this proceeding, has no objection to a grant of the relief requested herein nor to a waiver of the aforementioned four-day rule.

6. *Discussion.* The basic question to be determined by the Examiner at this stage of the proceeding is whether Ceracche has shown good cause for a grant of its petition filed approximately seven months after the matter was designated for hearing. In this connection, it is to be noted first, that the applicant has been attempting to consummate the agreement which is the subject of the amendment to its application even before the order of designation was issued. The delay in filing the instant petition apparently results from the fact that it had been unable to find the customer it was seeking and to consummate the agreement with such customer until the latter part of April of this year. Secondly, it appears that this entire matter has been set for hearing solely because the applicant was unable to secure the requisite percentage of customers who are not affiliated with it. The Examiner is aware that the Commission made a suggestion in its public notice of October 25, 1961. (Mimeo No. 11683) that if licensees in this service wished to avoid a formal hearing they could, among other things, make efforts to obtain customers for the services of these point-to-point microwave facilities which are not in any way related to our other common control with the licensee. The Examiner is further aware that in a Memorandum Opinion and Order In re Application of Western Television Relay, Inc., Docket No. 14317, released May 8, 1962 (FCC 62-472), the Commission in a situation which appears to be similar to that which would obtain herein if the amendment were to be accepted, renewed the license of an applicant and terminated the proceeding. Finally, it is noted that the only other party hereto, the Commission's Common Carrier Bureau, interposes no objection to a grant of the petition. Under all of these circumstances, it would appear to the Examiner that the requisite good cause has been shown for a prompt grant of both the petition and the request for a continuance without date.

7. The proposed amendment does, however, present several other problems which should be disposed of herein. First of all, at the prehearing conference held on January 29, 1962, the Examiner's attention was called to the fact that, when an amendment of the type herein involved is tendered for filing, the Commission's Common Carrier Bureau normally assigns a file number to it. The Commission's rules specifically provide, however (47 CFR 21.20(c)), that the assignment of a file number of such applications is for the administrative convenience of the Commission and does not indicate the acceptance of the applications for filing and processing. Secondly, it appears that under the requirements of statute (47 USC 309(b)(A)) and the Commission's rules (47 CFR 21.27 and 21.33), certain types of amendments require that a specified period elapse after public notice is given of

their filing before definitive action thereon may be taken. Accordingly, the action of the Hearing Examiner herein in granting the Petition for Leave to Amend is to be construed only as authorization for the tendering of the application for filing without in any way passing upon the technical acceptability thereof. Furthermore, it is in no way intended to, and in fact cannot, toll the applicable public notice periods provided for by the statute and the rules. Finally, it is clear that the petition for reconsideration referred to by Ceracche cannot be filed until after full compliance with the aforementioned statutory and regulatory provisions has been achieved and the grant of the petition herein is so conditioned.

Accordingly, it is ordered, This 29th day of May 1962, that the Petition for Leave to Amend is granted subject to the requirements of 47 CFR 21.20(c) with respect to defective applications and the provisions of 47 CFR 21.27 and 21.33 with respect to public notice; and

It is further ordered, That the procedural dates heretofore specified by the Examiner are cancelled and that the hearing heretofore scheduled to commence on June 7, 1962, is continued until further order of the Examiner pending action by the Commission on the amendment authorized hereby and on a petition for reconsideration and grant without hearing to be filed: *Provided, however*, That any party to the proceeding may for good cause shown file a motion requesting that the hearing be held on a date certain.

Released: May 31, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-5475; Filed, June 5, 1962; 8:49 a.m.]

[Docket No. 14579; FCC 62M-776]

WARREN J. CURRENCE

Order Continuing Hearing

In the matter of Warren J. Currence, Elkins, West Virginia, Docket No. 14579; order to show cause why there should not be revoked the License for Radio Station 4W0152 in the Citizens Radio Service.

The Hearing Examiner having under consideration the informal request of counsel for the applicant, Warren J. Currence, communicated through Commission counsel, for a continuance of the hearing date presently scheduled herein, and the informal concurrence of Commission counsel in such request;

It is ordered, This 29th day of May 1962, that the hearing herein heretofore scheduled to commence on June 6, 1962, is continued to June 21, 1962, in Elkins, West Virginia.

Released: May 31, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-5476; Filed, June 5, 1962; 8:49 a.m.]

[Docket Nos. 14552-14556; FCC 62M-774]

LARAMIE COMMUNITY TV CO. ET AL.

Order Scheduling Prehearing Conference

In re applications of Laramie Community TV Company, Division of Collier Community TV Company, Inc., Laramie, Wyoming, et al., Docket Nos. 14552, 14553, 14554, File Nos. BPTTV-78, BPTTV-79, VPTTV-80; Albany Electronics, Inc., Laramie, Wyoming, Docket Nos. 14555, 14556, File Nos. BPTTV-539, BPTTV-540; for construction permits for VHF Translator Stations.

The Hearing Examiner having under consideration his Order Following Prehearing Conference (FCC 62M-673) released May 11, 1962, wherein the parties were required to confer among and between themselves regarding the nature of the evidence to be presented in response to certain issues specified in the order of designation herein, released March 5, 1962 (FCC 62-250), in an attempt to arrive at appropriate stipulations with respect thereto and, further, to consult regarding their respective desires that other parties produce data and material from their files, all in an attempt to arrive at agreements with respect to these matters, and wherein the parties were further required to advise the Examiner no later than May 28, 1962, whether they have reached such stipulations and agreements and, if not, the nature and extent of the disagreements which exist;

It appearing, that the Examiner has been informally advised by counsel for two of the parties that they have not been able to arrive at the aforementioned stipulations and agreements;

It further appearing, that in the aforementioned order following prehearing conference the Examiner indicated that, upon failure of the parties to arrive at such stipulations or agreements they should be prepared to attend a further prehearing conference on June 7 to make such formal requests of the Examiner as they may desire regarding these matters;

It is ordered, This 29th day of May 1962, that a further prehearing conference with respect to the matters hereinabove specified and such other matters as the parties may properly desire to raise shall be held at the Offices of the Commission in Washington, D.C., beginning at 9:00 a.m., on June 7, 1962.

Released: May 31, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-5477; Filed, June 5, 1962; 8:49 a.m.]

[Docket No. 14330; FCC 62M-773]

NEW YORK PENN MICROWAVE CORP.

Order Continuing Hearing

In re application of New York Penn Microwave Corporation, Canisteo, New York, Docket No. 14330, File No. 2590-C1-R-61; for renewal of the license for Station KEG41, a facility in the Domestic Public Point-to-Point Microwave Radio Service.

The Hearing Examiner having under consideration a Petition for Leave to Amend and for continuance as well as a supplement thereto filed by New York Penn Microwave Corporation (New York Penn) on May 17, 1962, and May 21, 1962, respectively, wherein New York Penn asks leave to amend its original application to provide an additional point of communication to serve a customer with which the applicant allegedly has no identity of interest, ownership or otherwise, directly or indirectly, and wherein New York Penn further seeks to have the procedural dates and the scheduled date for the start of the hearing specified in the Examiner's order released on March 9, 1962 (FCC 62M-353), continued without date;

It appearing, that the Examiner has this date issued a Memorandum Opinion and Order In re Application of Ceracche & Company, Incorporated, Docket No. 14320, wherein he considered a substantially identical pleading filed on behalf of that company by the counsel who also represents New York Penn;

It further appearing, that except for the scheduled date for the start of the hearing herein, the background, the arguments of counsel in behalf of a grant and the considerations upon which the Examiner determined to make the grant as conditioned, set forth in the aforementioned Memorandum Opinion, paragraphs 2 through 7, are fully applicable to the instant matter and are incorporated herein as if set forth fully herein:

It further appearing, in view of the foregoing that good cause has been shown for a prompt grant of both the petition and the request for continuance without date;

It is ordered, This 29th day of May 1962, that the Petition for Leave to Amend is granted subject to the requirements of 47 CFR 21.20(c) with respect to defective applications, and the provisions of 47 CFR 21.27 and 21.33 with respect to public notice; and

It is further ordered, That the procedural dates heretofore specified by the Examiner are cancelled and that the hearing heretofore scheduled to commence on June 11, 1962, is continued until further order of the Examiner pending action by the Commission on the amendment authorized hereby and on a petition for reconsideration and grant without hearing to be filed: *Provided, however*, That any party to the proceeding may for good cause shown file a motion requesting that the hearing be held on a date certain.

Released: May 31, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-5478; Filed, June 5, 1962; 8:49 a.m.]

[Docket No. 14650; FCC 62-533]

DOMESTIC TELEGRAPH SERVICE

Memorandum Opinion and Order Instituting Investigation

1. *Preliminary statement.* In recent years there have been far-reaching developments in the art of domestic telecommunications. These developments have given rise to new methods of communication and new services to supply the growing demands of industry and government. The domestic communication carriers have been affected by these developments in varying degrees. Substantial changes have been experienced in the demand for long-established services, particularly, the message telegraph services. It appears to the Commission that the pace and tempo of the above-described developments are accelerating and that even greater changes may be expected in the next several years. Accordingly, the Commission feels that it should be more fully advised on a current basis regarding potential developments as well as the effects that they may have upon the availability to the public of rapid, efficient, nationwide message telegraph and other communication services with adequate facilities at reasonable charges.

2. *Background.* For all practical purposes, the landline system of The Western Union Telegraph Company (Western Union) is the domestic message telegraph industry in the continental United States excluding Alaska, although there are some 40 small telephone, railroad, and telegraph companies, with which Western Union connects, rendering message telegraph service. In addition to providing service between points in the continental United States,[1] Western Union through its connections in Mexico and Canada provides service between Canada and Mexico and between the United States and these countries. Western Union is the sole agency for the landline handling of overseas and shipshore messages originating or terminating in the continental United States outside of the so-called gateway cities. Western Union also furnishes private line and other communication services, such as telegraphic money orders.

3. In its Supplemental Application for Merger of The Western Union Telegraph Company and Postal Telegraph, Inc., in Docket No. 6517, Western Union represented that a grant of its application would serve the public interest by facilitating improvements and economies in telegraph service. Following public hearings, the application was granted on September 27, 1943, and the implementation of the merger was substantially completed during 1945. During the period 1945-1960, however, the volume of telegraph messages handled by Western Union declined 47 percent, from 245 million messages to 131 million messages a year; the number of public telegraph offices in the United States declined about 37 percent, from 29,687 to 18,849 offices, and message telegraph rates, in the aggregate, have about doubled. The company's message volume continues to decline and applications for authority to close telegraph offices or to reduce their hours of service continue to be filed with the Commission. Western Union attributes this decline in message business largely to:

(a) Telephone competition—as the number of telephone installations increased following the war, social telegraphing diminished;

(b) TWX expansion, which cut heavily into Western Union's business telegraphing;

(c) Diversion of message traffic to private wire services of both Western Union and the Bell System;

(d) Improved and expanded air mail service which adversely affected Western Union's deferred overnight message traffic; and

(e) Shrinkage effect of increased prices for message telegraph services comprised of rate increases required to offset wage increases and a continuation of the Federal excise tax on telegrams.

4. In contrast to the declining message business, private line telegraph and teletypewriter exchange type services are growing. Annual private line telegraph revenue of Western Union increased from $6 million in 1945 to $57 million in 1960. During the same period the Bell System's private line telegraph revenue increased from $24 million to $116 million a year and its annual teletypewriter exchange service (TWX) revenue from $17 million to $63 million. Telex, Western Union's service which is directly competitive with TWX, was first offered in 1958. Considerable expansion of Telex service is planned but, at present, it produces limited revenue for Western Union. During 1945-1960, Western Union's share of total domestic telegraph communications revenues declined from 80.7 percent to 58.0 percent, while Bell's share increased from 19.3 percent to 42.0 percent.

5. In March 1943, the Domestic Merger Act (section 222 of the Communications Act), 57 Stat. 5, was enacted. In addition to providing for the merger or consolidation of any two or more domestic telegraph carriers, the Act also made provision "for any domestic telegraph carrier, as a part of any such consolidation or merger or thereafter, to acquire all or any part of the domestic telegraph properties, domestic telegraph facilities, or domestic telegraph operations of any carrier which is not primarily a telegraph carrier." However, Western Union has been unable to reach agreement with the Bell System for the acquisition of its TWX service.

6. On June 22, 1953, the Subcommittee on a Communications Study of the Senate Interstate and Foreign Commerce Committee issued a Report of the Subcommittee (Senate Document No. 53, 83d Congress—1st Session) dealing with the problems confronting the domestic telegraph industry. The Subcommittee's report concludes, in part, as follows:

> Your subcommittee believes that attention must be given to three alternatives. The adoption of one or more of these would in varying degrees either alleviate the present problems of the domestic telegraph company, or place the company in a sound position to render an effective telegraph service, or insure the operation of an effective nationwide telegraph service. These alternatives, the last of which your subcommittee feels is the only one acceptable in the public interest, are:
>
> 1. Authorize the Western Union Co. to drastically reduce its nationwide service to a smaller, special-class operation serving from 25 to 125 large key cities, thus handling only the large-volume, more profitable, traffic. There is, of course, no positive assurance that Western Union could survive as a financially sound enterprise under such a curtailed plan of operation, but an analysis of costs and revenues on such a projection indicates it would be profitable. Operation of domestic telegraph service under such a policy would deny record message service to thousands of towns and villages as well as medium-sized cities, and result, of course, in serious unemployment to telegraph employees by probable reductions from 10 to 30 percent or more in the present force of nearly 42,000 employees.
>
> 2. Permit or require the American Telephone & Telegraph Co. (The Bell System) to take over the domestic telegraph operations of the Western Union Co. This would provide telegraph service (much of it relayed by telephone) throughout the United States, although the extension of the dial system has eliminated hundreds of small-town central offices and great difficulty would be experienced in furnishing a personal service to some telegraph users. It should be emphasized that the Bell System has expressed no interest in taking over telegraph operations and there are serious legal questions as to whether it could legislatively be required to do so, or whether it would do so, if legislatively permitted to acquire these telegraph operations. Moreover, it is logical to assume that the telephone company would not want to take over any telegraph services which are not lucrative and which do not fit into its pattern of operations. Acquisition of the domestic telegraph business by the telephone company might be expected to bring about a major diminution in the total labor force now employed by the Western Union since many telegraph operations undoubtedly would be integrated into existing telephone service. One definite result would be a complete monopoly in one company, bereft of all competition, of all methods of electric communications, both record and voice, within the United States.
>
> 3. Acquisition by the Western Union Co. of the private line telegraph service and the teletypewriter exchange service now operated by the American Telephone & Telegraph Co., such services to be operated at rates approved by the Federal Communications Commission. Such acquisition, which would carry out the congressional intent as outlined in Senate Report 769, would depend upon the reaching of an agreement on a price fair to both seller and buyer, and the ability of the buyer to obtain the necessary funds to make the purchase.
>
> These alternatives sharply point up the problem that faces the citizens of this country today with respect to the domestic telegraph business. Your subcommittee has in the past and is now reluctant to recommend mandatory measures but is of the opinion that the conclusions reached by your subcommittee in its Report No. 769 of the 76th Congress set forth above are sound and correct. It is even more evident today that the acquisition of the teletypewriter and leased wire services from the telephone companies would strengthen and stabilize the financial structure and competitive position of the

[1] By connection with the Alaska Communications System of the United States Army at Seattle, Washington, Western Union renders service to and from Alaska.

telegraph system. However, it goes without question that the sounder the financial position and the more effective the competitive position of the Nation's telegraph system, the greater the benefits in the public interest. Therefore, your subcommittee commends the respective companies for their efforts to settle this problem through negotiations and is hopeful that such negotiations will soon be successfully consummated.

Following an offer by Western Union in October 1953, subsequent to the Subcommittee Report, to purchase the TWX service and the private line teletypewriter and morse service of the telephone companies, the American Telephone and Telegraph Company has advised Western Union that it does not desire to dispose of any of its telegraph services.

7. *Current status.* Notwithstanding the substantial decline in the message business described above, as of December 31, 1960, Western Union's landline system comprised a gross investment in plant of $398 million ($229 million after allowance for depreciation); it had 18,849 telegraph offices in the United States, of which 2,005 were company-operated offices and the remainder were agency offices operated by railroads, small telephone companies, and miscellaneous small businesses; and it employed 32,643 people including 5,280 messengers but excluding telegraph agencies and their employees. During 1960, the company had landline revenue of $262 million including $190 million for message telegraph services, more than $56.5 million for private wire services and $8.7 million from money order premium charges. During the same period, Western Union handled about 131 million messages, including the landline handling of almost 11 million overseas and ship-shore messages. Current landline earnings of about $10 million a year are approximately 4 percent of the company's net investment in its landline system. Thus, there is a sizeable demand for message telegraph service in the United States and substantial resources are employed in its rendition. However, it seems clear that a continuation of the decline in message volume and the consequent reduction in the number of public telegraph offices raise a serious question as to the continued availability to the public of a nationwide message telegraph service.

8. About a year ago, the President of Western Union reviewed with the Commission certain factors affecting the telegraph company's ability to maintain a high quality of message service. Western Union stated that the Bell System's activities in the telegraph field have been the most critical external factor affecting the telegraph company's operations since the merger with Postal Telegraph in 1943. Western Union alleged "loss-leader" price cutting and "cream skimming" of record communications by the telephone company as illustrated by returns of less than 2 percent on Bell's TWX and Private Line Telegraph Services prior to 1953 and 1958, respectively, in contrast with a return of more than 10 percent on its noncompetitive Private Line Telephone Service before the private line telephone rates were reduced in 1958 at the Commission's order. The preservation of a nationwide public telegraph system, urged Western Union, requires the adoption of five basic policy suggestions as follows:

(1) Requirement that all private wire telegraph services, including TELPAK and multiple channel services, stand on their own full-cost rate bases and that rates for these services be fully compensatory.

(2) Positive support by the Commission of Western Union efforts to acquire TWX as being directly competitive with telegraphic message services; and requirement, meanwhile, that TWX stand on its own full-cost rate base and that rates for this service be fully compensatory.

(3) Requirement of industry-wide interconnection among common carriers for voice, alternate record-voice, TV and other telecommunications services, as well as for telegraph services.

(4) That the Commission reconsider or at least limit the future effectuation of the private microwave decision.

(5) That the Commission maintain, on a continuing basis, surveillance of the record activities of telephone companies, for the purpose of ensuring continuance of equitable competitive conditions in the communications industry once they have been established.

9. The rates and regulations applicable to the private wire services, including TELPAK and multiple channel services, are subjects of formal proceedings before the Commission in which Western Union is a party. By Memorandum Opinion and Order dated September 28, 1960, the Commission reconsidered its Report and Order of August 6, 1959, In the Matter of Allocation of Frequencies in the Bands above 890 Mc., Docket No. 11866 (29 F.C.C. 825) dealing, among other things, with the licensing of private microwave communication systems. As we stated at that time, we propose to keep constant watch over the development of private services and the impact of such services upon the operations of the communication carriers.

10. From the foregoing, it appears to the Commission that:

(a) Although message service has declined in volume, and relative importance, there is still a definite need for the continuation and improvement of this service to a substantial segment of the community and the public interest requires that effective measures be taken to meet the needs of this segment of the public;

(b) Western Union faces serious problems which could very well affect its ability to provide the requisite standard of service to an important segment of the using public;

(c) As the responsible government agency in this field, the Commission should investigate this matter and take such steps as appear to it to be most appropriate and feasible to assure continuation and improvement of essential telecommunications services in the domestic field;

(d) At the present time, the Commission does not have available sufficient information upon which to base either recommendations or action;

(e) That the necessary information can best be secured through a formal investigation; and

(f) That the Telephone and Telegraph Committees of the Commission are best equipped to conduct such an investigation on behalf of the Commission and to prepare a report summarizing the findings made and recommending the action which it is believed to be both appropriate and necessary.

1. *Accordingly, it is ordered,* That, pursuant to sections 4(i), 215(b), 218, 219(b) and 403 of the Communications Act of 1934, as amended, an investigation be, and it is hereby instituted, on the Commission's own motion, regarding domestic telegraph operations and services within the United States;

2. *It is further ordered,* That, without in any way limiting the scope of the investigation, it shall include inquiry into the following specific matters:

(a) The extent to which Western Union's domestic message telegraph services are required to meet the public needs for communications services and for the purpose of the national defense;

(b) The scope and extent of the various domestic telegraph services of Western Union and the Bell System, the facilities employed in the rendition of each such service, the profitability of each service, and the plans of each of these entities with respect to each service as well as any other services they may plan to offer in the future;

(c) The operating practices of Western Union, the efficiency thereof, and the manner in which increased efficiency could be achieved;

(d) The speed and reliability of Western Union's domestic message telegraph service and the manner in which such speed and reliability can be improved;

(e) The extent to which Western Union provides a comprehensive nationwide system for domestic message telegraph and other communication services, investigations made and standards and policies followed by Western Union in planning extensions and curtailments of its services and the geographic scope of such services which Western Union should provide in order to meet public requirements for domestic telegraph services;

(f) Western Union's plans and programs for expanding and improving its services and reducing the costs thereof, the progress heretofore made in carrying out Western Union's mechanization and expansion programs, its schedule for completing such programs, and the specific benefits to Western Union and to the public likely to result from such programs;

(g) The relationship between expected volume of service and Western Union's plant capacity and whether Western Union will have sufficient volumes of business to make efficient and economic use of its proposed expanded plant capacity;

(h) The ability of Western Union, with expansion of facilities and reduction of rates, to handle greater volumes of communications services at a profit;

(i) The basis upon which Western Union formulates its policies with respect to developing its domestic communications services, the degree to which it makes or employs statistical, economic, and other studies or investigations to determine public requirements for or public reaction to the services offered or proposed to be offered by it, and the nature, extent, and reliability of such studies;

(j) Western Union's patent structure and patent agreements, and the degree to which Western Union avails itself of technical developments and improvements in telecommunications or may be barred from the use of such improvements by patent restrictions imposed by others;

(k) The status of Western Union's contracts and arrangements with telephone carriers, the extent and nature of reliance on the facilities of telephone carriers for the conduct of its operations, its future plans with respect to such matters, and the differences between the terms and conditions under which facilities of telephone carriers are furnished Western Union for the conduct of its operations and the terms and conditions under which such facilities are furnished to members of the public for the conduct of their business;

(l) The extent and area of competition between Western Union's communications services, on the one hand, and the telegraph, other record and telephone services of the Bell System and the air mail services, on the other hand; the ability of Western Union to meet such competition, and the plans made and the action taken by it to do so;

(m) Western Union's capital position and financial status and prospects of its ability to continue operation on a sound financial basis;

(n) The steps which should be taken to improve Western Union operations and strengthen its financial position so that it can provide the people of the United States with rapid, efficient domestic message telegraph services on a comprehensive nation-wide basis with adequate facilities at reasonable charges, and for purposes of the national defense;

(o) Whether such steps to be taken in the public interest should include the divestment by the Bell System of its teletypewriter exchange or other telegraph services and their acquisition by Western Union;

(p) In the event it should appear that Western Union for financial or other reasons should be or become unable to provide service to meet the standards described in subparagraph (n) above:

i. Whether the telephone companies in the United States should be required to provide such services;

ii. Whether governmental assistance or intervention in any form will be necessary or should be recommended to assure a comprehensive nationwide domestic telegraph communications service;

iii. What other steps should be taken to assure such service and if so the nature, extent and scope of such steps; and

iv. Whether something less than a comprehensive nationwide domestic message telegraph service would be in the public interest and, if so, the nature, extent and scope of such service, and the steps to be taken to assure the ability of Western Union to provide it.

3. *It is further ordered,* That The Western Union Telegraph Company and the American Telephone & Telegraph Company be and they are hereby made parties respondent herein, and that copies of this Memorandum Opinion and Order shall be sent to the respondents;

4. *It is further ordered,* That copies of this Memorandum Opinion and Order be sent to the Governor of each state, the United States Independent Telephone Association, The Commercial Telegraphers' Union, the American Communications Association, the United States Chamber of Commerce, the National Association of Manufacturers, the American Newspaper Publishers Association, the National Association of Railroad and Utilities Commissioners, the Administrator of General Services, the Postmaster General, and the Secretary of Defense, all of whom are invited to submit such facts and comments as they may have for the consideration of the Commission in this matter;

5. *It is further ordered,* That the hearings in this proceeding shall be held before the Telephone and Telegraph Committees of the Commission, or before a hearing examiner whom they may designate to act for them with respect to certain or all of such hearings, at such times and at such places as may hereafter be fixed by such committees, or by such hearing examiner acting under authority of such committees;

6. *It is further ordered,* That the Telephone and Telegraph Committees of the Commission shall proceed promptly with the investigation and shall, at the close thereof, issue a Report embodying such recommendations as appear appropriate and necessary in light of the information and other data adduced with respect to each of the matters herein above specified.

Adopted: May 23, 1962.

Released: May 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-5483; Filed, June 5, 1962; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN PRESIDENT LINES ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8485-B, between American President Lines, Ltd., Pacific Far East Line, Inc. and American Mail Line, Ltd., is a supplemental agreement to approved Agreement 8485, between the same parties, which covers an arrangement for the appointment of a coordinating committee of representatives of each of these companies to prepare studies and make recommendations for further cooperation between said companies in order to effect economies and more efficient operations in their trans-Pacific service. Agreement 8485-B, covers an arrangement for the joint cooperation on insurance matters by American President Lines and Pacific Far East Line, to which American Mail Line consents to its execution but advised that it will not participate therein.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 1, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5485; Filed, June 5, 1962; 8:51 a.m.]

ATLANTIC PASSENGER STEAMSHIP CONFERENCE AND TRANS-ATLANTIC PASSENGER STEAMSHIP CONFERENCE

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 7840-49, between the member lines of the Atlantic Passenger Steamship Conference, modifies the basic agreement of that Conference (No. 7840), which governs all trans-Atlantic passenger traffic between European, Mediterranean, Black Sea, Moroccan, Madeiran and Azorian ports and ports of the East Coast of North America (including Gulf ports, Canada and Newfoundland). The purpose of this modification is to add a commentary to Provision 7 of Annex 1 of the conference agreement extending the application of the present free passage facility available to party organizers to provide one free round trip passage to a bona fide party conductor for every party of 25 or more adult passengers sailing round trip at round trip party fares in low season.

Agreement 120-77, between the member lines of the Trans-Atlantic Passenger Steamship Conference, modifies the approved agreement of that Conference (120, as amended), which covers an arrangement for the coordination and regulation of all actions and matters, other than the fixing of fares and commissions, relating to the operation and enforcement in the United States and Canada of the Atlantic Passenger Steamship Conference (Agreement 7840, as amended) the scope of which is set forth

in the above paragraph under Agreement 7840-49. The purpose of the modification is to expand the scope of Conference Agreement 120, as amended, to include ports on the St. Lawrence River and Great Lakes.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 10 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 1, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5486; Filed, June 5, 1962; 8:51 a.m.]

[Docket No. 1010]

CANAL, CENTRAL AMERICA NORTHBOUND CONFERENCE

Amended Notice of Filing of Exclusive Patronage (Dual Rate) Contracts

The first paragraph of notice in Docket 1010, which appeared in the FEDERAL REGISTER of May 29, 1962, page number 5010, is hereby amended to read as follows:

Notice is hereby given that the Canal, Central America Northbound Conference has filed with the Commission, pursuant to section 3 of Public Law 87-346, proposed Exclusive Patronage (Dual Rate) Contracts, modified for the purpose of conforming such contracts to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contracts should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b. One contract applies only to Cuba, and the other contract only to the other trade areas covered by the conference.

Dated: June 1, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5488; Filed, June 5, 1962; 8:52 a.m.]

[Docket No. 1035]

PACIFIC COAST/CARIBBEAN SEA PORTS CONFERENCE

Amended Notice of Filing of Exclusive Patronage (Dual Rate) Contracts

The first paragraph of notice in Docket 1035, which appeared in the FEDERAL REGISTER of May 30, 1962, page number 5105, is hereby amended to read as follows:

Notice is hereby given that the Pacific Coast/Caribbean Sea Ports Conference has filed with the Commission, pursuant to Section 3 of Public Law 87-346, proposed Exclusive Patronage (Dual Rate) Contracts, modified for the purpose of conforming such contracts to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contracts should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b. One contract applies only to "Shippers" (Shippers Rate Agreement) and the other only to "Receivers" (Receivers Rate Agreement).

Dated: June 1, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5487; Filed, June 5, 1962; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-222]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application and Date of Hearing

MAY 29, 1962.

Take notice that on March 26, 1962, Michigan Wisconsin Pipe Line Company (Applicant), 645 Griswold Street, Detroit 26, Michigan, filed in Docket No. CP62-222, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing June 19, 1962, and the operation of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally co-extensive with said system.

The total cost of the proposed facilities will not exceed $3,000,000, and no single project will exceed a cost of $500,000. The application states that the proposed facilities will be financed from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 3, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 22, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-5451; Filed, June 5, 1962; 8:45 a.m.]

[Docket No. CP62-203]

UNITED GAS PIPE LINE CO.

Notice of Application and Date of Hearing

MAY 29, 1962.

Take notice that on February 28, 1962, United Gas Pipe Line Company (Applicant), 1525 Fairfield Avenue, Shreveport, Louisiana, filed in Docket No. CP62-203 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 18.37 miles of pipeline, looping four existing lateral pipelines in Mississippi in order to sell and deliver additional volumes of natural gas to United Gas Corporation (United Gas) for resale in order to meet the increased requirements of towns now being served by the latter in Northwest Mississippi, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate:

(a) approximately 2.7 miles of 4-inch pipeline loop on Applicant's Charleston-Crowder Lateral, Tallahatchie County, Mississippi;

(b) approximately 2.83 miles of 4-inch pipeline loop on Applicant's Lamber-Marks Lateral, Quitman County, Mississippi;

(c) approximately 5 miles of 6-inch pipeline loop on Applicant's Oxford-Water Valley Lateral, Lafayette County, Mississippi; and

(d) approximately 7.79 miles of 4-inch pipeline loop on Applicant's Senatobia-Como Lateral, Tate County, Mississippi.

Applicant indicates that it relies on the purchase of additional gas supplies from Tennessee Gas Transmission Company (Tennessee) in order to render the proposed increased service.

Applicant states that the construction of the proposed facilities will not be commenced until (1) Tennessee has been authorized by the Commission to sell and deliver additional firm quantities of natural gas to Applicant and Tennessee has accepted such authorization, and (2) Tennessee has prepared and entered into new service agreements with Applicant providing for such additional quantities of firm natural gas.

The application shows that the cost of the proposed facilities is estimated to be $428,600, which cost will be financed from current working funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 3, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 22, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-5452; Filed, June 5, 1962; 8:45 a.m.]

[Docket No. RI62-349 etc.]

GRAHAM-MICHAELIS DRILLING CO. ET AL.

Correction

MAY 23, 1962.

In the order providing for hearings on and suspension of proposed changes in rates, isued March 8, 1962 and published in the FEDERAL REGISTER, March 15, 1962 (F.R. Doc. 62-2489; 27 F.R. 2493). In the chart, Docket No. RI62-349, with regards to Rate Schedule No. 49: under column headed "Supp. No." delete "1" and substitute "2".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5450; Filed, June 5, 1962; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

CONTINENTAL BANK AND TRUST CO.

Order Continuing Date for Show Cause Hearing

In the matter of The Continental Bank and Trust Company, Salt Lake City 10, Utah.

On June 28, 1961, the Board of Governors of the Federal Reserve System issued an order for a hearing to be held commencing on September 6, 1961, in the offices of the Salt Lake City, Utah, Branch of the Federal Reserve Bank of San Francisco, at which The Continental Bank and Trust Company, Salt Lake City, Utah, Respondent herein, should show cause why the Board should not require Respondent to surrender its stock in the Federal Reserve Bank of San Francisco and to forfeit all rights and privileges of membership in the Federal Reserve System for failure to comply with Condition of Membership No. 2 imposed upon Respondent by the Board pursuant to section 9 of the Federal Reserve Act. That Condition of Membership, in substance, requires that the net capital and surplus funds of the Respondent should be adequate in relation to the character and condition of its assets and to its deposit liabilities and other corporate responsibilities, and that its capital shall not be reduced except with the permission of the Board of Governors of the Federal Reserve System.

By order of August 21, 1961, the Board of Governors granted a joint motion for continuance of the show cause order for hearing, continuing said hearing to a date 30 days following announcement by the United States Court of Appeals for the District of Columbia of its decision in the appeal taken by the Respondent from the June 27 and August 5, 1961 orders of the United States District Court for the District of Columbia in Civil Action No. 5097-60, The Continental Bank and Trust Company v. Martin et al.

May 3, 1962, the United States Court of Appeals for the District of Columbia Circuit unanimously affirmed the District Court's orders of June 27, 1961, and August 5, 1961.

Under the Board's August 21, 1961 order, the hearing to show cause will commence on June 3, 1962, unless otherwise ordered. However, it is understood by the Board of Governors that the convenience of the parties hereto requires a continuance of the said June 3, 1962 date, and it is understood further that the parties hereto are in agreement as to the need for such continuance.

Accordingly, it is hereby ordered:

1. That the show cause hearing in this matter scheduled to commence on June 3, 1962, shall be continued to commence at 10 a.m. on July 23, 1962, in the offices of the Salt Lake City, Utah, Branch of the Federal Reserve Bank of San Francisco.

2. That the said hearing be held in accordance with the substantive and procedural requirements designated and specified in the Board's original order for hearing dated June 28, 1961, except that paragraph numbered 4. of the said order is amended to provide that the July 23, 1962 hearing now scheduled will be private, attended only by the representatives, counsel, and witnesses of Respondent and of the Board of Governors of the Federal Reserve System, unless Respondent makes a written request to the Hearing Examiner that other persons be permitted to attend or that the hearing be made public, in which event such other persons may attend or the hearing shall be open to the public as so requested.

3. That a certified copy of this order be forthwith served upon the Respondent by postage prepaid, registered mail, return receipt requested.

Dated at Washington, D.C., this 28th day of May, 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-5453; Filed, June 5, 1962; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4042]

CONSOLIDATED NATURAL GAS CO. ET AL.

Notice of Filing of Application

MAY 28, 1962.

In the matter of Consolidated Natural Gas Company, 30 Rockefeller Plaza, New York 20, New York; The East Ohio Gas Company, Lake Shore Pipe Line Company, 1717 East Ninth Street, Cleveland 14, Ohio; Hope Natural Gas Company, 445 West Main Street, Clarksburg, West Virginia; New York State Natural Gas Corporation, The Peoples Natural Gas Company, Two Gateway Center, Pittsburgh 22, Pennsylvania.

Notice is hereby given that Consolidated Natural Gas Company (Consolidated), a registered holding company and its wholly-owned subsidiary companies, The East Ohio Gas Company (East Ohio), Lake Shore Pipe Line Company (Lake Shore), Hope Natural Gas Company (Hope), New York State Natural Gas Corporation (New York State), and The Peoples Natural Gas Company (Peoples) have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 (a) and (b), 7, 9(a), 10, 12 (b) and (f) of the Act and Rules 43, 45, 50(a) (2) and (3), and 70(a)(4)(D) promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said joint application-declaration on file at the office of this Commission for a statement of the proposed transactions which are summarized as follows:

To provide funds for four of its subsidiary companies to purchase inventory gas for storage, Consolidated proposes to issue and sell to commercial banks an aggregate of $40,000,000 face amount of unsecured promissory notes having a maturity of not more than twelve months from the date of the first issuance. The interest rate on the notes will be the prime rate of interest of The Chase Manhattan Bank (Chase) in effect on the date of the first borrowing. The notes may be prepaid in whole or in part, from time to time, upon ten days' prior written notice, without premium.

The names of the banks and the face amount of the notes to be issued and sold to such banks are indicated below:

Bank	Participation
New York City:	
The Chase Manhattan Bank	$13,775,000
The First National City Bank of New York	3,500,000
Morgan Guaranty Trust Co. of New York	3,200,000
Manufacturers Hanover Trust Co	2,250,000
Bankers Trust Co	1,750,000
Chemical Bank New York Trust Co	1,750,000
Irving Trust Co	1,750,000
OHIO	
Cleveland:	
The National City Bank of Cleveland	$2,700,000
Union Commerce Bank	1,250,000
Central National Bank of Cleveland	400,000
Society National Bank of Cleveland	350,000
Akron:	
First National Bank of Akron	250,000
Akron Dime Bank	175,000
The Firestone Bank	175,000
Ashtabula:	
The Farmers National Bank & Trust Co of Ashtabula	50,000
Canton:	
The Harter Bank & Trust Co	200,000
First National Bank of Canton	175,000
The Canton National Bank	75,000
The Peoples-Merchants Trust Co	75,000
Painesville:	
The Lake County National Bank of Painesville, Ohio	50,000
Warren:	
The Second National Bank of Warren	50,000
The Union Savings & Trust Co	50,000
Youngstown:	
The Mahoning National Bank of Youngstown	400,000
The Union National Bank of Youngstown, Ohio	175,000
PENNSYLVANIA	
Pittsburgh:	
Pittsburgh National Bank	$1,600,000
Mellon National Bank and Trust Co	1,500,000
The Union National Bank of Pittsburgh	500,000
Altoona:	
Altoona Central Bank and Trust Co	125,000
Johnstown:	
Johnstown Bank and Trust Co	50,000
United States National Bank in Johnstown	50,000
NEW YORK	
Elmira:	
Marine Midland Trust Co. of Southern New York	$550,000
Syracuse:	
Marine Midland Trust Co. of Central New York	550,000
WEST VIRGINIA	
Clarksburg:	
The Empire National Bank of Clarksburg	$125,000
The Union National Bank of Clarksburg	125,000
Morgantown:	
The First National Bank of Morgantown	125,000
Parkersburg:	
The Parkersburg National Bank	125,000
	40,000,000

Four subsidiary companies of Consolidated propose to issue and sell, and Consolidated proposes to acquire, short-term notes aggregating $40,000,000. The notes will mature not more than twelve months from the date of the first borrowing by each subsidiary, will mature on or before the maturity date of Consolidated's related notes to banks and will bear the same rate of interest as such notes. The respective amounts of the subsidiary companies' short-term notes to be issued are as follows:

East Ohio	$11,000,000
Hope	7,000,000
New York State	21,000,000
Peoples	1,000,000
	40,000,000

The above notes of the subsidiary companies and, in turn the related notes of Consolidated, will be paid as gas is withdrawn from storage and sold during the 1962–1963 heating season.

To provide part of the funds for financing their 1962 construction programs, three subsidiary companies of Consolidated propose to issue and sell, and Consolidated proposes to acquire, an aggregate of $23,000,000 face amount of non-negotiable long-term notes from time to time during 1962. These notes will bear an interest rate of 4.60 percent per annum which is based on, and is substantially equal to, the effective cost of money obtained by Consolidated through the issuance and sale in March 1962 of its 4½ percent Debentures due March 1, 1987. These long-term notes will be issued in the face amounts and will mature as set forth below:

East Ohio, maturing $400,000 each Feb. 28, 1967 to 1986, inclusive; and $2,000,000 on Feb. 28, 1987	$10,000,000
Hope, maturing $325,000 each Feb. 28, 1967 to 1986, inclusive; and $1,500,000 on Feb. 28, 1987	8,000,000
Peoples, maturing $200,000 each Feb. 28, 1967 to 1986, inclusive; and $1,000,000 in Feb. 28, 1986	5,000,000
	23,000,000

Lake Shore proposes to increase its authorized capital stock, par value $10 per share, from 62,000 to 82,000 shares and issue and sell such additional 20,000 shares to Consolidated, from time to time during 1962. Such shares will be sold for cash equal to their aggregate par value of $200,000, and the proceeds thereof will be used for the purpose of financing Lake Shore's 1962 construction program.

It is represented that the following State commissions, of the States in which the companies are doing business, have jurisdiction over the proposed transactions:

The Ohio Public Utilities Commission has jurisdiction over the issuance and sale of long-term notes proposed by East Ohio and the issuance and sale of capital stock by Lake Shore; The Public Service Commission of West Virginia has jurisdiction over the issuances and sales of long-term notes and short-term notes proposed by Hope; The Pennsylvania Public Utility Commission has jurisdiction over the issuance and sale of long-term notes proposed by Peoples. Applications have been filed with the respective State commissions and the orders of such commissions, when issued, will be filed by amendment.

It is estimated that the fees and expenses in connection with the proposed transactions will not exceed $1,000 exclusive of charges for services rendered at cost by the system service company.

Notice is further given that any interested person may, not later than June 13, 1962, request in writing that a hearing be held on such matters stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the joint application-declaration which he desires to controvert; or he may reqeust that he be notified if the Commission should order a hearing thereon. Any request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants-declarants, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after that date, the joint application-declaration, as amended, may be granted and permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 62-5458; Filed, June 5, 1962; 8:47 a.m.]

[File No. 24SF-2986]

IMPERIAL MINING, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Thereof and Notice of Opportunity for Hearing

MAY 31, 1962.

I. Imperial Mining, Inc. (the issuer), 130 Fourth Street, Las Vegas, Nevada, filed with the Commission on November 15, 1961, a Notification and Offering Circular relating to an offering of 3,000,000 shares of $.10 par value common stock, all for the aggregate price of not to exceed $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3(b) thereof and regulation A promulgated thereunder.

II. The Commission has reason to believe that:

A. The issuer in the offer and sale of its securities is using an Offering Circular filed May 11, 1962, dated March 10, 1962, which was not filed as an exhibit to the Notification pursuant to Rule 256(a) of Regulation A and Form 1-A thereunder, does not contain the information specified in Schedule I of Form 1-A and omits to state material facts necessary to make the statements made therein not misleading, with respect to:

1. The offering price of the shares offered,
2. The interests of officers, directors, promoters and affiliates in the issuer,
3. The names of the promoters,
4. The annual remuneration of officers and directors,
5. The nature and quality of the mineralized deposits and risks of title to mining claims,
6. A description of the securities offered,
7. The right of shareholders to determine, under certain circumstances, the use to which the proceeds will be put, including the right to return of unexpended funds by liquidation of issuer,
8. The nature of the property interests of the issuer in its mining properties,
9. The procuring of new properties and selling of present interests,
10. The expenses of the offering,
11. The intention of issuer as to employment of an engineering and mining superintendent and the use of proceeds in paying his salary.

B. The offering is being and would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be and hereby is, temporarily suspended.

Notice is hereby given that any person having an interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 62-5459; Filed, June 5, 1962; 8:47 a.m.]

TARIFF COMMISSION

[87-456-1]

CERTAIN PROVISIONS OF THE TARIFF SCHEDULES

Notice of Hearing and Opportunity To Present Written Views

The United States Tariff Commission hereby gives notice that on June 18, 1962, a public hearing will be held for the purpose of affording interested parties an opportunity to be heard in connection with the Commission's further consideration of certain provisions of the Tariff Schedules of the United States which are identified in Annex I of this notice. This action is taken pursuant to sections 101 (b) (4) and (c) of the Tariff Classification Act of 1962 (Public Law 87-456, approved May 24, 1962) on the basis of further information received by the Tariff Commission which in its judgment justifies further consideration of the provisions in question.

The Tariff Schedules of the United States are set forth in the report of the Tariff Commission entitled "Tariff Classification Study, Proposed Revised Tariff Schedules of the United States," dated November 15, 1960, as changed by the "First Supplemental Report" of January 1962. Copies of the above mentioned Tariff Schedules are available for inspection at the office of the Tariff Commission in Washington, D.C., and at its New York office, at United States customhouses, at Department of Commerce field offices, and at most large libraries in the United States; copies may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C.

Information and views may be submitted either in writing or by oral testimony at the public hearing, or both. Fifteen (15) copies of written statements must be submitted. Each such statement should be submitted as early as possible, and, in order to assure due consideration, must be submitted not later than June 22, 1962. Written statements and oral testimony must be limited to the provisions identified in Annex I of this notice. Submissions which deal with other matters are not relevant and will not be entertained.

Request for appearance at the public hearing. Request to appear at the hearing must be filed in writing with the Secretary of the Commission not later than June 13, 1962. Any such request must include (1) the name, address, telephone number, and organization of the person filing the request, and the name or names of any witness or witnesses who will testify; (2) the particular provision on which testimony will be presented.

The public hearing will begin at 10 a.m. e.d.s.t. on Monday, the 18th day of June 1962, in the Hearing Room of the Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Parties who have properly entered an appearance by June 13, 1962, as indicated above, will be notified individually of the date on which they are scheduled to appear. Such notice will be sent as soon as possible after June 13, 1962 (the closing date for requests to appear).

All communications regarding this public hearing, including requests to appear, should be addressed to the Secretary, United States Tariff Commission, Washington 25, D.C.

Issued: June 1, 1962.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

ANNEX I

PROVISIONS OF THE TARIFF SCHEDULES OF THE UNITED STATES UNDER CONSIDERATION

1. Headnote 10(e)(1) of the general headnotes and rules of interpretation relating to classifications controlled by use other than actual use. Further consideration is being given to determine whether clarification is required.

2. Items 148.42-.50, part 9B, schedule 1, covering *olives, in brine.* Further consideration is being given to determine whether the existing rates of duty expressed on a gallon basis should be converted to a pound basis.

3. Item 167.15, part 12B, schedule 1, covering *cider.* Further consideration is being given to determine whether the product description for this product is too restrictive.

4. Item 182.32, part 15B, schedule 1, covering *chewing gum.* Further consideration is being given to determine whether the rate of duty in rate column numbered 1 is incorrect.

5. Items 245.00-.30, part 3, schedule 2, covering *hardboard.* Further consideration is being given to determine whether changes are required for purposes of clarification and for properly reflecting the equivalent of the existing tariff levels.

6. Headnote 4, part 2D, schedule 6, in regard to *continuous cast aluminum products.* Further consideration is being given to determine whether this headnote should be deleted or changed.

7. Items 649.43-.49, part 3E, schedule 6, covering *interchangeable tools for hand tools or for machine tools.* Further consideration is being given to determine whether separate subordinate description should be inserted for certain files (including rotary files) and rasps to avoid significant rate increases on such products.

8. Headnote 3(b), part 1A, schedule 7. Further consideration is being given to determine whether changes should be made in that part of this headnote which provides that *footwear* in item 700.50, if wholly or in part of natural rubber, shall be dutiable on the basis of American selling price.

9. Items 709.01-.27, part 2B, schedule 7, *medical, dental, surgical and veterinary instruments and apparatus, and parts thereof.* Further consideration is being given to determine whether subordinate provisions should be inserted for *percussion hammers* and *otoscopes* to avoid significant increases in the rates of duty applicable thereto.

10. Headnote 2(b), part 4B, schedule 7, defining "inlaid" as used with regard to *linoleum* (item 728.05). Further consideration is being given to determine whether the headnote requires clarification to avoid a possible unwarranted rate increase on certain types of linoleum.

11. Item 808.00, part 1C, schedule 8, covering *substantial containers and holders.* Further consideration is being given to determine whether this provision should be enlarged to provide for the free entry of containers and holders which are determined by the Secretary of the Treasury to be instruments of international traffic.

[F.R. Doc. 62-5462; Filed, June 5, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 646]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 1, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Com-

merce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65067. By order of May 29, 1962, the Transfer Board approved the transfer to A. F. Murch Company, a corporation, Paw Paw, Mich., of Permit No. MC 119394, issued February 16, 1961, to Leonard McKee, doing business as Leonard McKee Lines, Kalamazoo, Mich., authorizing the transportation of: Waste paper and scrap paper stock, from points in New York (except points on Long Island) Connecticut, Maryland, Massachusetts, New Jersey, Pennsylvania, and Rhode Island, to Plainwell, Mich., and points in Kalamazoo County, Mich. J. M. Neath, Jr., 300 Michigan Trust Building, Grand Rapids 2, Mich., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-5464; Filed, June 5, 1962; 8:47 a.m.]

[Notice 449]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 1, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers of brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below.

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witness shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicants' company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicants' company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will at the time of offer, be subject to the same rules as if the evidence was produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 4966 (Sub-No. 11) (CORRECTION), filed March 2, 1962, published FEDERAL REGISTER, issue of May 9, 1962, corrected May 28, 1962, and republished, as corrected, this issue. Applicant: JONES TRANSFER COMPANY, a corporation, 927 Washington Street, Monroe, Mich. Applicant's attorney: William B. Elmer, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requring special equipment), serving the site of the plant of Ford Motor Co. located at the intersection of 23 Mile Road and Mound Road, Macomb County, Mich., as an off-route point in connection with applicant's presently authorized regular-route operations to and from Detroit, Mich.

NOTE: The purpose of this republication is to correct the authority sought to operate over *regular routes* in lieu of *irregular routes* as previously published and to specifically locate the proposed plant site.

HEARING: Remains as assigned June 14, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 59185 (Sub-No. 27), filed May 25, 1962. Applicant: HIGHWAY EXPRESS, INC., 2416 West Superior Avenue, Cleveland 13, Ohio. Applicant's representative: G. H. Dilla, 5275 Ridge Road, Cleveland 29, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk and commodities requiring special equipment), serving the site of the Ford Motor Company plant at or near the junction of Mound Road and 23 Mile Road in Macomb County, Mich., as an off-route point in connection with applicant's regular-route operations.

HEARING: June 14, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 115331 (Sub-No. 23) (AMENDMENT), filed December 13, 1962, published FEDERAL REGISTER, issue May 16, 1962, amended May 31, 1962, and republished as amended this issue. Applicant: TRUCK TRANSPORT, INC., Highway 61, Crystal City, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anyhdrous ammonia, aqua ammonia, and fertilizers*, in bulk, from Muscatine, Iowa, and points within five (5) miles thereof, to points in Illinois, Iowa, Indiana, Kansas, Kentucky, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE: The purpose of this republication is to broaden the scope of the authority previously sought.

HEARING: June 27, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Richard White.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-5465; Filed, June 5, 1962; 8:48 a.m.]

[Notice 213]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 1, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(c)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 6894 (Deviation No. 3), MELVIN TRUCKING COMPANY, 1818 South Washington Street, Peoria, Ill., filed May 25, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Keokuk, Iowa and St. Louis, Mo., over U.S. Highway 61, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Peoria, Ill., over Illinois Highway 88 to junction Illinois Highway 93, thence over Illinois Highway 93 to junction Illinois Highway 91, (formerly portion Illinois Highway 93), thence over Illinois Highway 91 to junction U.S. Highway 34, thence over U.S. Highway 34 to Kewanee, Ill., return over U.S. Highway 34 to junction Illinois Highway 91, thence over U.S. Highway 34 to junction U.S. Highway 67, thence over U.S. Highway 67 to Macomb, Ill., thence over U.S. Highway 136 to the Illinois-Iowa State line, thence across the Mississippi River to Keokuk; from Peoria, Ill., over U.S. Highway 24 to Banner, Ill., thence over Illinois Highway 9 to Niota, Ill., thence across the Mississippi River to Fort Madison, Iowa, thence over U.S. Highway 61 to Keokuk; from Peoria, Ill., over U.S. Highway 150 to Morton, Ill., thence over Illinois Highway 121 to Lincoln, Ill.; and from Chicago, Ill., over U.S. Highway 66 to junction Alternate U.S. Highway 66, thence over Alternate U.S. Highway 66 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway, thence over unnumbered highway, via Staunton, Ill., to junction Illinois Highway 4, thence over Illinois Highway 4 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction City U.S. Highway 66, thence over City U.S. Highway 66 to St. Louis, and return over the same routes.

No. MC 30311 (Deviation No. 3), A.C.E.—FREIGHT, INC., 395 Baird Street, Akron, Ohio, filed May 24, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) from Cleveland, Ohio, over Interstate Highway 90 to junction New York Thruway, thence over New York Thruway to junction Massachusetts Turnpike, thence over Massachusetts Turnpike to Boston, Mass., (B) from Chicago, Ill., over Indiana Turnpike to junction Ohio Turnpike, thence over Ohio Turnpike to junction Pennsylvania Turnpike, thence over Pennsylvania Turnpike to junction New Jersey Turnpike, thence over New Jersey Turnpike to Newark, N.J., thence over U.S. Highway 1 to junction Interstate Highway 95, (C) from Newark, N.J., over New Jersey Turnpike to junction U.S. Highway 46, thence over U.S. Highway 46 to junction U.S. Highway 1, thence over U.S. Highway 1 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction Connecticut Turnpike, thence over Connecticut Turnpike to the Connecticut-Rhode Island State line, thence over U.S. Highway 6 to Providence, R.I., (D) from Hartford, Conn., over Interstate Highway 91 to Springfield, Mass., (E) from Hartford, Conn., over U.S. Highway 44 to junction Interstate Highway 84, thence over Interstate Highway 84 to Sturbridge, Mass., (F) from the junction of Rhode Island Highway 3 and Interstate Highway 95, near Nooseneck Hill, R.I., over Interstate Highway 95 to junction Rhode Island Highway 2, thence over Rhode Island Highway 2 to junction Rhode Island Highway 3; (G) from Boston, Mass., over Massachusetts Highway 28 to junction Massachusetts Highway 24, thence over Massachusetts Highway 24 to Fall River, Mass.; (H) from Providence, R.I., over Interstate Highway 195 to junction U.S. Highway 6, thence over U.S. Highway 6 to Fall River, Mass.; (I) from Akron, Ohio, over Ohio Highway 18 to junction Interstate Highway 71, thence over Interstate Highway 71 to junction U.S. Highway 36, thence over U.S. Highway 36 to Delaware, Ohio, thence over U.S. Highway 42 to junction U.S. Highway 40, also continuing on Interstate Highway 71 to junction Interstate Highway 270, when completed, thence over Interstate Highway 270 to junction U.S. Highway 40, thence over U.S. Highway 40, including relocated U.S. Highway 40 or Interstate Highway 70, when completed, to Indianapolis, Ind.; and (J) from Fremont, Ohio, over U.S. Highway 20 to junction Alternate U.S. Highway 20, at Maumee, Ohio, thence over Alternate U.S. Highway 20 to junction U.S. Highway 20, thence over U.S. Highway 20 to Elkhart, Ind., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Akron, over Ohio Highway 8 to Cleveland, thence over U.S. Highway 20 to New York Highway 78, thence over New York Highway 78 to junction New York Highway 5, thence over New York Highway 5 to Schenectady, N.Y., thence over New York Highway 7 to Troy, N.Y., thence over New York Highway 2 to the New York-Massachusetts State line, thence over Massachusetts Highway 2 to junction Massachusetts Highway 2A, near Westminster, Mass., thence over Massachusetts Highway 2A to junction Massachusetts Highway 2, thence over Massachusetts Highway 2 to Boston; from Chicago over U.S. Highway 41 to junction U.S. Highway 30, thence over U.S. Highway 30 to Van Wert, Ohio, thence over U.S. Highway 30N to Beaver Dam, Ohio, thence over U.S. Highway 25 to Findlay, Ohio, thence over U.S. Highway 224 to New Castle, Pa., thence over U.S. Highway 422 to Ebensberg, Pa., thence over U.S. Highway 22 to Newark, thence over U.S. Highway 1 to Providence; from Hartford over U.S. Highway 5 to Springfield; from Hartford over U.S. Highway 44 to junction Connecticut Highway 30, thence over Connecticut Highway 30 to junction Connecticut Highway 20, thence over Connecticut Highway 20 to junction Connecticut Highway 19, at Stafford Springs, Conn., thence over Connecticut Highway 19 to junction Connecticut Highway 15, thence over Connecticut Highway 15 to the Connecticut-Massachusetts State line, thence over Massachusetts Highway 15 to Sturbridge; from Nooseneck Hill over Rhode Island Highway 3 to junction Rhode Island Highway 2; from Boston over Massachusetts Highway 138 to Fall River; from Providence over U.S. Highway 6 to Fall River; from Akron over Ohio Highway 18 to junction U.S. Highway 42, at Medina, Ohio, thence over U.S. Highway 42 to junction U.S. Highway 30, at Mansfield, Ohio, thence over U.S. Highway 30N to Beaver Dam, thence over U.S. Highway 25 to Wapakoneta, Ohio, thence over U.S. Highway 33 to junction Ohio Highway 29, thence over Ohio Highway 29 to the Ohio-Indiana State line, thence over Indiana Highway 67 to Indianapolis; and from Fremont over U.S. Highway 6 to junction U.S. Highway 33, thence over U.S. Highway 33 to Elkhart, and return over the same routes.

No. MC 69116 (Deviation No. 13), SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago 8, Ill., filed May 21, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Peoria, Ill., and Indianapolis, Ind., over Interstate Highway 74, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presetly authorized to transport the same commodities over a pertinent service route as follows: From Peoria over U.S. Highway 24 to junction U.S. Highway 52, thence over U.S. Highway 52 to Indianapolis, and return over the same route.

No. MC 98088 (Deviation No. 1), LINDLEY TRUCKING SERVICE, INC., 3818 Vandalia Road, Des Moines, Iowa, filed May 21, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From National Stockyards, Ill., over U.S. Highway 67 to Jacksonville, Ill., thence over Illinois Highway 104 to Meredosia, Ill., thence over Illinois Highway 99 to Mt. Sterling, Ill., thence over U.S. Highway 24 to Taylor, Mo., thence over U.S. Highway 61 to Wayland, Mo., thence over U.S. Highway 136 to Kahoka, Mo., and (B) from National Stockyards, Ill., over U.S. Highway 67 to Jacksonville, Ill., thence over Illinois Highway 104 to Meredosia, Ill., thence over Illinois Highway 99 to Mt. Sterling, Ill., thence over U.S. Highway 24 to Quincy, Ill., thence over Illinois Highway 96 to Hamilton, Ill., thence over U.S. Highway 136 to Kahoka, Mo., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Kahoka over U.S. Highway 136 to junction U.S. Highway 61, thence over U.S. Highway 61, via Taylor, to St. Louis, Mo., thence across the Mississippi River to National Stockyards, and return over the same route.

No. MC 109972 (Deviation No. 6), HARRIS EXPRESS, INC., 1425 North Tryon Street, P.O. Box 10091, Charlotte 1, N.C., filed May 21, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of By-Pass U.S. Highway 158 and U.S. Highway 15, two miles south of Oxford, N.C., over By-Pass U.S. Highway 158 to Henderson, N.C., thence over Interstate

Highway 85 to junction U.S. Highway 1, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Durham, N.C., over U.S. Highway 15 to Oxford, thence over U.S. Highway 158 to Henderson, thence over U.S. Highway 1 to Baltimore, Md., and return over the same route.

No. MC 112713 (Deviation No. 6), YELLOW TRANSIT FREIGHT LINES, INC., 92d at State Line, Kansas City 14, Mo., filed May 23, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route between Dallas and Houston, Tex., over Interstate Highway 45, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Dallas over U.S. Highway 75 to Houston, and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Deviation No. 79), THE GREYHOUND CORPORATION, 1740 Main Street, Kansas City 8, Mo., filed May 24, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From the junction of Wisconsin Highway 67 (formerly Wisconsin Highway 57), and Wisconsin Highway 57, one mile east of Kiel, Wis., over relocated Wisconsin Highway 57 to junction Wisconsin Highway 23 (formerly Wisconsin Highway 57), and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Milwaukee, Wis., over Milwaukee County Highway D to junction Wisconsin Highway 57, thence over Wisconsin Highway 57 to Green Bay, Wis., and return over the same route.

No. MC 1501 (Deviation No. 80), THE GREYHOUND CORPORATION, 1740 Main Street, Kansas City 8, Mo., filed May 25, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From the junction of U.S. Highway 66 and Interstate Highway 44, east of Tulsa, Okla., over Interstate Highway 44 to junction U.S. Highway 66, southwest of Tulsa, Okla., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over pertinent service routes as follows: From Baxter Springs, Kans., over U.S. Highway 66, via Commerce and Sapulpa, Okla., to junction unnumbered highway (formerly U.S. Highway 66) near Edmond, Okla., thence over unnumbered highway to Edmond, Okla., thence over Oklahoma Highway 77 to Oklahoma City, Okla., thence over U.S. Highway 66, via Amarillo, Tex., to Albuquerque, N. Mex.; also from Baxter Springs over U.S. Highway 66 to junction U.S. Highway 69, thence over U.S. Highway 69 to Commerce, Okla., and return over the same routes.

No. MC 109736 (Deviation No. 3), CAPITOL BUS COMPANY, Fourth and Chestnut Street, Harrisburg, Pa., filed May 10, 1962. Attorney James E. Wilson, 1111 E Street NW., Washington 4, D.C. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route between Harrisburg, Pa. and Baltimore, Md., over Interstate Highway 83, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Harrisburg over U.S. Highway 15 to junction Pennsylvania Highway 94, thence over Pennsylvania Highway 94 to the Pennsylvania-Maryland State line, thence over Maryland Highway 30 to junction U.S. Highway 140, thence over U.S. Highway 140 to Baltimore, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-5466; Filed, June 5, 1962; 8:48 a.m.]

[Notice 448]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 1, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers of brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1494 (Sub-No. 20), filed April 2, 1962. Applicant: GROSS COMMON CARRIER, INC., 660 West Grand Avenue, Wisconsin Rapids, Wis. Applicant's attorney: Edward Solie, 1 South Pinckney Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Milwaukee, Wis., and junction Wisconsin Highway 57 and Wisconsin Highway 23 (east of Plymouth, Wis.); from Milwaukee over Wisconsin Highway 57 to junction with Wisconsin Highway 23, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular-route operations, and (2) between Milwaukee, Wis., and Sheboygan, Wis.; from Milwaukee over U.S. Highway 141 to Sheboygan, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular-route operations.

HEARING: July 19, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96.

No. MC 10761 (Sub-No. 121), filed April 16, 1962. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Room 1210–12, Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving De Kalb, Ill., as an intermediate point in connection with applicant's regular-route operation between Chicago, Ill., and Jefferson, Iowa.

HEARING: July 16, 1962, at the Midland Hotel, 172 West Adams Street, Chicago, Ill., before Joint Board No. 149.

No. MC 10761 (Sub-No. 122), filed April 16, 1962. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis Room 1210–12, Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Carlinville, Ill., as an off-route point in connection with applicant's regular-route operations between Chicago, Ill., and St. Louis, Mo.

HEARING: July 16, 1962, at the Midland Hotel, 172 West Adams Street, Chicago, Ill., before Joint Board No. 149.

No. MC 26771 (Sub-No. 14), filed March 26, 1962. Applicant: NESTOR BROS., INC., 8 Loder Avenue, Endicott, N.Y. Applicant's attorney: Glenn F. Morgan, 925 Whitfield Avenue, Sarasota, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving points in Westchester County, N.Y., as off-route points in connection with applicant's present regular-route authority between New York, N.Y., and Binghamton, N.Y.

HEARING: July 9, 1962, at 346 Broadway, New York, N.Y., before Examiner W. Elliott Neflen.

No. MC 29079 (Sub-No. 13), filed May 24, 1962. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1200 Home Avenue, Kokomo, Ind., Applicant's attorney: Howell Ellis, Suite 1210–12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and liquid commodities), in bulk, serving the plant site of the Ford Motor Co., located at the intersection of 23 Mile Road and Mound Road, Macomb County, Mich., as an off-route point in connection with applicant's authorized regular route operations.

HEARING: June 14, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate before Examiner William E. Messer.

No. MC 29963 (Sub-No. 4), filed March 15, 1962. Applicant: R. T. GIFFORD TRANSPORTATION, INC., 336 Allens Avenue, Providence, R.I. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), as follows: (1) between Middleboro, Mass., and Plymouth, Mass., (2) between Providence, R.I., and Plymouth, Mass., and (3) between Providence, R.I., and North Attleboro, Mass.

HEARING: July 9, 1962, at the Federal Building, Providence, R.I., before Joint Board No. 18.

No. MC 31367 (Sub-No. 21), filed April 26, 1962. Applicant: H. F. CAMPBELL & SON, INC., R.D. 1, Millerstown, Pa. Applicant's attorney: John M. Musselman, 400 North Third Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and vegetables*, (1) from Centre Hall, and points in Potter Township, Centre County, Pa., to Birmingham, Ala., Atlanta, Ga., Jacksonville, Miami, and Tampa, Fla., Chicago, Ill., Lake Odessa, Mich., Asheville, Charlotte, and Raleigh, N.C., and Cleveland and Toledo, Ohio, (2) from Clayton, Del., to Cleveland and Toledo, Ohio, and Centre Hall, and points in Potter Township, Centre County, Pa., (3) from Ridgely, Md., to Chicago, Ill., Cleveland, Napoleon, and Toledo, Ohio, and Centre Hall, and points in Potter Township, Centre County, Pa., and (4) from Whiteford, Md., to Chicago, Ill., Cleveland and Toledo, Ohio, and Centre Hall, and points in Potter Township, Centre County, Pa., and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities above, on return.

HEARING: July 10, 1962, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Joseph A. Reilly.

No. MC 31389 (Sub-No. 51), filed April 23, 1962. Applicant: McLEAN TRUCKING COMPANY, a corporation, P.O. Box 213, Winston-Salem, N.C. Applicant's attorney: David G. Macdonald, 1000 16th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in North Carolina within 100 miles of High Point, N.C., other than authorized regular-route service points, as off-route points, in connection with applicant's authorized service routes in North Carolina within 100 miles of High Point set forth in MC 31389, restricted to shipments to, from or through Winston-Salem, N.C.

NOTE: Applicant states "it now holds authority to serve points within 100 miles of High Point in North Carolina as off-route points in connection with its regular-route between High Point and New York, N.Y., and presently transports shipments between such points in the 100 mile area and Winston-Salem through use of that authority in combination with regular-route authorities between High Point and Winston-Salem and Greensboro and Winston-Salem. The purpose of this application is to permit direct movement to and from Winston-Salem which serves as applicant's principal break-bulk terminal." Applicant further states "it controls Hayes Freight Lines, Inc., which holds authority issued in Docket No. MC 42329."

HEARING: July 13, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 103, or, if the Joint Board waives its right to participate, before Examiner Laurence E. Masoner.

No. MC 31520 (Sub-No. 2), filed April 10, 1962. Applicant: SALVATORE SOLDANT, doing business as SOLDANT OF BOSTON, 362 Levin Road, Rockland, Mass. Applicant's representative: Gerard J. Donovan, 37 Leighton Road, Hyde Park 36, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New upholstered furniture, uncrated, and damaged, defective and returned shipments of new upholstered furniture*, between Boston and Somerville, Mass., and points in New York on U.S. Highway 9–W between and including Newburgh, N.Y., and Albany, N.Y., Mount Kisco, N.Y., and points on U.S. Highway 9 between and including Poughkeepsie, N.Y., and Albany, N.Y.

HEARING: July 11, 1962, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 191.

No. MC 42487 (Sub-No. 553), filed May 23, 1962. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: R. E. Poelman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, (1) from points in California, Oregon, and Washington to points in Idaho, Utah, Montana, Wyoming, Colorado, and Nevada, and (2) from points in Idaho and Utah to points in Montana, Wyoming, Colorado, Nevada, and Oregon.

NOTE: Applicant states it is a wholly owned subsidiary of Consolidated Freightways, Inc., a noncarrier, as is Missouri Consolidated Freightways Corporation (MC 52746), and, in addition, applicant owns all of the outstanding stock of New York Consolidated Freightways Corporation (MC 222). Applicant also owns all of the outstanding stock of Foster Freight Lines, Inc. (an Indiana intrastate carrier), Wheeler Transfer and Storage Company (a Wisconsin intrastate carrier), and Canadian Freightways, Ltd., a motor carrier operating in Canada.

HEARING: June 22, 1962, at the Utah Public Commission, Salt Lake City, Utah, before Examiner Donald R. Sutherland.

No. MC 45544 (Sub-No. 3), filed April 30, 1962. Applicant: SILVER LINE, INC., 196 Stanton Street, New York 2, N.Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York 16, N.Y. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Materials and equipment used in the manufacture of wearing apparel, paper and paper containers used in the packing thereof, and wearing apparel*, between points in Carbon, Northampton, Lehigh, Monroe, Luzerne, Schuylkill, and Philadelphia Counties, Pa.

HEARING: July 16, 1962, in Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Joseph A. Reilly.

No. MC 46829 (Sub-No. 9), filed April 2, 1962. Applicant: ALLARD EXPRESS, INC., 806 Elm Street, Watertown, Wis. Applicant's attorney: Edward Solie, 1 South Pinckney Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Waupun, Wis., and junction Wisconsin Highway 103 and U.S. Highway 151 (near Lamartine, Wis.); from Waupun over U.S. Highway 151 to junction Wisconsin Highway 103, and return over the same route, serving no intermediate points, but serving the junction Wisconsin Highway 103 and U.S. Highway 151 for joinder purposes only, as an alternate route for operating convenience only in connection with applicant's regular-route operations, (2) between Wyocena, Wis. and Montello, Wis.; from Wyocena over Wisconsin Highway 22 to Montello, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular-route operations, (3) between Waterloo, Wis., and junction Wisconsin Highway 89 and Wisconsin Highway 33 (near Randolph, Wis.); from Waterloo over Wisconsin Highway 89 to junction Wisconsin Highway 33, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular-route operations, (4)

between Oconomowoc, Wis., and junction U.S. Highway 16 and U.S. Highway 45; from Oconomowoc over U.S. Highway 16 to junction with U.S. Highway 45, and return over the same route, serving no intermediate points, but serving junction of U.S. Highway 16 and U.S. Highway 45 for joinder purposes only, as an alternate route for operating convenience only, in connection with applicant's regular-route operations between Chicago, Ill., and Oconomowoc, Wis., and (5) between junction Wisconsin Highway 67 and Wisconsin Highway 33 (south of Mayville, Wis.) and junction Wisconsin Highway 33 and U.S. Highway 45; from junction Wisconsin Highway 67 and Wisconsin Highway 33 over Wisconsin Highway 33 to junction U.S. Highway 45, and return over the same route, serving no intermediate points, but serving junction Wisconsin Highway 33 and U.S. Highway 45 for joinder purposes only, as an alternate route for operating convenience only in connection with applicant's regular-route operations between Chicago, Ill., and Mayville, Wis.

HEARING: July 19, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96.

No. MC 48958 (Sub-No. 58), filed March 26, 1962. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, but (excluding household goods as defined by the Commission, livestock, commodities in bulk, commodities of unusual value, those requiring special equipment, and those injurious or contaminating to other lading), between the junction of New Mexico Highway 83 and New Mexico Highway 529 at or near Loco Hills, N. Mex., and the junction of New Mexico Highway 8 and U.S. Highway 62, approximately fourteen miles west of Hobbs, N. Mex., from the junction of New Mexico Highway 83 and New Mexico Highway 529 over New Mexico Highway 529 to its junction with New Mexico Highway 8 thence over New Mexico Highway 8 to its junction with U.S. Highway 62 and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with other authorized routes.

HEARING: July 11, 1962, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 48958 (Sub-No. 59), filed May 7, 1962. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, including Classes A and B explosives, but excepting household goods as defined by the Commission, commodities in bulk, commodities of unusual value, those requiring special equipment, and those injurious or contaminating to other lading, between Amarillo, Tex., and San Jon, N. Mex., as follows: From Amarillo over U.S. Highway 66 to San Jon and return over the same route, serving no intermediate points, but operating in connection with presently authorized routes and service.

HEARING: July 13, 1962, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 33, or, if the Joint Board waives its right to participate before Examiner Henry A. Cockrum.

No. MC 66129 (Sub-No. 3), filed April 27, 1962. Applicant: HUGHES BROS. TRANSPORTATION COMPANY, INC., 113 Metropolitan Avenue, Brooklyn, N.Y., Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing ink*, in bulk, in tank vehicles, from Lodi, N.J., to Providence, R.I., and *returned, refused and rejected shipments*, on return.

HEARING: July 12, 1962, at 346 Broadway, New York, N.Y., before Examiner W. Elliott Neffen.

No. MC 69116 (Sub-No. 66), filed April 16, 1962. Applicant: SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago, Ill. Applicant's attorney: Davil Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of the plant of Haloid Xerox, Inc., at Webster, N.Y., as an off-route point in connection with carrier's authorized regular route operations.

HEARING: July 19, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Lyle C. Farmer.

No. MC 69116 (Sub-No. 67), Filed May 21, 1962. Applicant: SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago 8, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment., as alternate routes for operating convenience only, (1) between Hartford, Conn., and junction U.S. Highway 6 and U.S. Highway 9W; from Hartford over U.S. Highway 6 to junction U.S. Highway 9W, and return over the same route, serving no intermediate points, and serving the junction of U.S. Highway 6 and Connecticut Highway 25 as a point of joinder only, and (2) between Bridgeport, Conn., and junction Connecticut Highway 25 and U.S. Highway 6, from Bridgeport over Connecticut Highway 25 to junction U.S. Highway 6, and return over the same route, serving no intermediate points, and serving the junction of U.S. Highway 6 and Connecticut Highway 25, as a point of joinder only.

HEARING: July 17, 1962, at the Hartford Statler Hilton, Hartford, Conn., before Examiner W. Elliott Neffen.

No. MC 78786 (Sub-No. 241), filed April 24, 1962. Applicant: PACIFIC MOTOR TRUCKING COMPANY, a corporation, 110 Market Street, San Francisco 11, Calif. Applicant's attorney: John MacDonald Smith, 65 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, those injurious or contaminating to other lading, commodities in bulk, and household goods as defined by the Commission), between El Paso, Tex., and Tucumcari, N. Mex.; from El Paso over U.S. Highway 54 to Tucumcari, and return over the same route, serving all intermediate points and off-route points within five (5) miles of the above route which are stations on the line of Southern Pacific Company. Service shall be subject to the following conditions: (1) Service shall be limited to that which is auxiliary to, or supplemental of, railroad service of Southern Pacific Company. (2) Carrier shall not transport shipments between El Paso, Tex., on the one hand, and, on the other, Tucumcari, N. Mex., or through both of said points. (3) Service is subject to such further conditions which the Commission may in the future impose to restrict carrier's operations to service which is auxiliary to, or supplemental of, railroad service.

NOTE: Applicant holds contract authority in MC 78787 and Subs thereunder. Applicant states it is a wholly owned subsidiary of Southern Pacific Company, a carrier by railroad.

HEARING: July 12, 1962, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 33, or, if the Joint Board waives its right to participate before Examiner Henry A. Cockrum.

No. MC 89529 (Sub-No. 10), filed April 5, 1962. Applicant: UNITED PARCEL SERVICE OF PENNSYLVANIA, INC., 2600 North Broad Street, Philadelphia, Pa. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are sold by department stores and retail specialty shops*, between Camden and Cherry Hill, N.J., and points in Pennsylvania and Delaware, within 60 (sixty) miles of Camden, N.J.

NOTE: Applicant states it proposes to operate between department stores and retail specialty shops or warehouses thereof in Camden and Cherry Hill, N.J., and customers of said stores and shops in Pensylvania and Delaware, within 60 miles of Camden, N.J. Applicant further states it is a wholly owned subsidiary of United Parcel Service of America, Inc., which also owns and controls United Parcel Service, Inc., New York, N.Y., United Parcel Service, Inc., Cincinnati, Ohio, and indirectly owns and controls United Parcel Service of Portland, Oreg.

HEARING: July 18, 1962, in Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Joseph A. Reilly.

No. MC 89684 (Sub-No. 39), filed April 23, 1962. Applicant: WYCOFF COMPANY, INC., 560 South Second Street, West, Salt Lake City, Utah. Applicant's attorney: Harry D. Pugsley, Continental Bank Building, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, in express service (excluding commodities in bulk, household goods and those requiring special equipment by reason of size or weight), (1) between Salt Lake City, Utah, and Preston, Idaho, over U.S. Highway 91, returning over the same route, serving all intermediate points; (2) between Salt Lake City, Utah, and the Thiokol Chemical Plant and Air Force Plant No. 78, located approximately 20 miles west of Corinne, Utah, over U.S. Highway 91 to Brigham City, Utah, and thence over Utah Highway 83 through Corinne to the said plant sites, returning over the same route, serving all intermediate points.

HEARING: July 25, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 258, or, if the Joint Board waives its right to participate before Examiner Henry A. Cockrum.

No. MC 93682 (Sub-No. 8), filed April 12, 1962. Applicant: COLE'S EXPRESS, a corporation, 76 Dutton Street, Bangor, Maine. Applicant's attorney: Francis E. Barrett, Jr., Professional Building, 25 Bryant Avenue, East Milton 86 (Boston), Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined in *Practices of Motor Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and articles of unusual value); (1) Between Bangor, Maine, and Port of Entry on the International Boundary line between the United States and Canada at or near Calais, Maine, serving no intermediate points, restricted to international traffic; (a) from Bangor over Maine Highway 9 to junction U.S. Highway 1 at or near Baring, Maine, and thence over U.S. Highway 1 to Calais, and return over the same route, and (b) from Bangor over alternate U.S. Highway 1 to Ellsworth, Maine, thence over Maine Highway 182 to junction U.S. Highway 1 at or near Cherryfield, Maine, thence over U.S. Highway 1 to junction Maine Highway 191 at or near Machias, Maine, thence over Maine Highway 191 to junction U.S. Highway 1 at or near Baring, and thence over U.S. Highway 1 to Calais, and return over the same route. (2) Between Bangor, Maine, and Port of Entry on the International Boundary line between the United States and Canada at or near Vanceboro, Maine, restricted to international traffic, serving no intermediate points; (a) from Bangor over U.S. Highway 2 to Lincoln, Maine, and thence over Maine Highway 6 to Vanceboro, and return over the same route, and (b) from Bangor over Maine Highway 9 to junction U.S. Highway 1 at or near Baring, Maine, thence over U.S. Highway 1 to junction Maine Highway 6 at or near Topsfield, Maine, thence over Maine Highway 6 to Vanceboro, and return over the same route.

NOTE: Applicant states it is currently operating W. J. Foley Trucking Co., MC–60907, pursuant to docket MC–F 7825.

HEARING: July 19, 1962, at The State House, Augusta, Maine, before Joint Board No. 115.

No. MC 93682 (Sub-No. 9), filed April 12, 1962. Applicant: COLE'S EXPRESS, a corporation, 76 Dutton Street, Bangor, Maine. Applicant's attorney: Francis E. Barrett, Jr., Professional Building, 25 Bryant Avenue, East Milton 86 (Boston), Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and articles of unusual value), between Portland, Maine, and Bangor, Maine; from Portland over U.S. Highway 1 to Brunswick, Maine, thence over U.S. Highway 201 to Waterville, Maine, through Augusta, Maine (also from Augusta over Maine Highway 11 to Waterville), thence over Maine Highway 11 to Newport, Maine, thence over U.S. Highway 2 to Bangor, and return over the same routes, serving all intermediate points.

NOTE: Applicant states it is currently operating W, J. Foley Trucking Co., MC–60907, pursuant to docket MC–F 7825.

HEARING: July 20, 1962, at The State House, Augusta, Maine, before Joint Board No. 70.

No. MC 95540 (Sub-No. 428), filed May 14, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Minnesota, to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, and Tennessee.

NOTE: Applicant states it is under common control with Arctic Express, Inc., through stock ownership in Bill Watkins and Watkins Motor Lines, Inc.

HEARING: July 10, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 96485 (Sub-No. 4), filed April 11, 1962. Applicant: MELVIN J. ROBINSON, Colden, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, P.O. Box 25, Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, alloy scrap, refractories, crucibles, grinding wheels, refractory cements* and *abrasive grains*, from Niagara Falls, N.Y., to Hamburg, N.Y.

HEARING: July 19, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Lyle C. Farmer.

No. MC 103493 (Sub-No. 5), filed April 3, 1962. Applicant: ROBINSON TRANSFER COMPANY, INC., 103 North Front Street, La Crosse, Wis. Applicant's attorney: Claude J. Jasper, Provident Building, 111 South Fairchild Street, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Merchandise such as is dealt in by wholesale, retail, and chain grocery and food business houses*, and in connection therewith, *equipment, materials* and *supplies* used in the conduct of such business, under a continuing contract with Gateway Grocery Co. of La Crosse, Wis., between La Crosse, Wis., on the one hand, and on the other points in Blackhawk, Buchanan, Butler, Cerro Cordo, Franklin, and Worth Counties, Iowa.

HEARING: July 24, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 181.

No. MC 103993 (Sub-No. 163), filed May 16, 1962. Applicant: MORGAN DRIVE-AWAY, INC., 500 Equity Building, Elkhart, Ind., Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements in truckaway service, from points in Maine to points in the United States, including Alaska, but excluding Hawaii; (2) *campers* and *camper coaches*, designed for installation on pick-up trucks, in truckaway service, from points in Maine to points in the United States, including Alaska but excluding Hawaii; and (3) *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in (1) and (2) above, on return.

HEARING: July 26, 1962, at the New Post Office and Court House Building, Boston, Mass., before Examiner W. Elliott Neffen.

No. MC 107439 (Sub-No. 5), filed April 30, 1962. Applicant: C. C. BARNES AND C. C. SIMONSON, a partnership, doing business as THE BARNES TRUCK COMPANY, 101 South First Street, Riverton, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Petroleum coke*, in bulk, in tank vehicles, dry, from Billings and Laurel, Mont., to the site of Columbia Geneva Steel Mill located at or near Atlantic City, Wyo. (27 miles southwest of Lander, Wyo.); from Billings and Laurel over Interstate Highway 90 and U.S. Highway 10, thence over U.S. Highways 312 and 310 to Greybull, Wyo.; thence over U.S. Highway 20 to Shoshoni, Wyo., thence over U.S. Highway 26 and Wyoming Highway 789 to Lander, Wyo.; thence over U.S. Highway 287 and Wyoming Highway 28 to Atlantic City, Wyo., and return over the same route, serving no intermediate or off-route points.

HEARING: July 27, 1962, at the Wyoming Public Service Commission, Chey-

enne, Wyo., before Joint Board No. 123, or, if the Joint Board waives its right to participate before Examiner Henry A. Cockrum.

No. MC 107515 (Sub-No. 396), filed May 10, 1962. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, Grant Building, Atlanta 2, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from points in Minnesota to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, and Virginia, traversing the States of Iowa, Wisconsin, Illinois, and Indiana for operating convenience only.

NOTE: Applicant states that its president, owner of half its stock, holds contract carrier permits under MC-104589 and subs.

HEARING: July 10, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 107839 (Sub-No. 42), filed January 25, 1962. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 4716 Humboldt Street, Denver, Colo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Meats, meat products, meat byproducts*, (b) *dairy products*, and (c) *articles distributed by meatpacking houses* as defined by the Commission in *Modification of Permits of Motor Contract Carriers of Packinghouse Products*, 46 M.C.C. 23, and (d) *frozen fruits, vegetables* and *fish* between Albuquerque, N. Mex., on the one hand, and, on the other, points in Arizona.

HEARING: July 9, 1962, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 129, or, if the Joint Board waives its right to participate before Examiner Henry A. Cockrum.

No. MC 108207 (Sub-No. 89), filed February 16, 1962. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Dallas, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yeast*, from St. Louis, Mo., to Memphis, Tenn., and points in Mississippi and Louisiana.

HEARING: July 10, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Examiner Samuel C. Shoup.

No. MC 108207 (Sub-No. 90), filed March 2, 1962. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, Dallas, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) from points in Minnesota and Iowa, to points in Kansas and Missouri, (2) from Frankfort, Mich., to points in Iowa.

HEARING: July 9, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Examiner Samuel C. Shoup.

No. MC 108207 (Sub-No. 92), filed April 25, 1962. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Dallas, Tex. Applicant's attorney: Carl L. Phinney, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meatpacking houses*, as defined by the Commission, in vehicles equipped with mechanical refrigeration, from Dodge City, Kans., to points in Minnesota, Wisconsin, Illinois, Michigan, and Indiana.

HEARING: July 19, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Samuel C. Shoup.

No. MC 108207 (Sub-No. 94), filed May 21, 1962. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Minnesota to points in Alabama, Arkansas, Louisiana, Mississippi, Missouri, Nebraska, Kansas, Texas, Oklahoma, Iowa, and Memphis, Tenn.

HEARING: July 10, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 108428 (Sub-No. 9), filed April 30, 1962. Applicant: DINO D'AGATA, Northeast Corner 25th and Dickinson, Philadelphia 24, Pa. Applicant's representative: G. Donald Bullock, Box 103, Wynocote, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Philadelphia, Pa., and points in Pennsylvania within twenty-five (25) miles of Philadelphia, to points in West Virginia, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

HEARING: July 17, 1962, in Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Joseph A. Reilly.

No. MC 108449 (Sub-No. 144), filed March 14, 1962. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from points in the Minneapolis-St. Paul, Minn., Commercial Zone (as defined by the Commission), and points within 25 miles thereof, to points in Minnesota, Iowa, Wisconsin, North Dakota, South Dakota, and the Upper Peninsula of Michigan.

NOTE: Applicant states that Moore Motor Freight Lines, Inc., MC 17481, is a wholly owned subsidiary.

HEARING: July 12, 1962, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner James Anton.

No. MC 108586 (Sub-No. 54), filed April 26, 1962. Applicant: STEFFKE FREIGHT CO., a corporation, 3100 South Wolcott Avenue, Chicago 8, Ill. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Rock Island, Ill., and Peoria, Ill, as follows: From Rock Island over U.S. Highway 67 to junction with Illinois Highway 92, thence over Illinois Highway 92 to junction with U.S. Highway 150, thence over U.S. Highway 150 to Peoria, and return over the same route, serving no intermediate or off-route points.

NOTE: Applicant states that this operation will be restricted against the transportation of traffic originating at or destined to Peoria and points within its commercial zone. Applicant further states that it is a wholly owned subsidiary of Spector Freight System, Inc.

HEARING: July 18, 1962, at the Midland Hotel, 172 West Adams Street, Chicago, Ill., before Joint Board No. 54.

No. MC 109708 (Sub-No. 21), filed April 19, 1962. Applicant: ERVIN J. KRAMER, doing business as MARYLAND TANK TRANSPORTATION CO., 401 Highland Street, Frederick, Md. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Grape juice and grape juice concentrate*, in bulk, in tank vehicles, (1) from Westfield, Hammondsport, and Clermont, N.Y., and points in Columbia, Dutchess, and Ulster Counties, N.Y., to points in Virginia, Maryland, Florida, and North Carolina, and Atlanta, Ga., Nashville, Tenn., and Birmingham, Ala., and (2) from Geneva, Ohio, to Hanover, Pa., and Baltimore, Md., and (B) *Wine*, in bulk, in tank vehicles, from Petersburg, Va., to Canandaigua, N.Y., and Baltimore, Md.

HEARING: July 11, 1962, at 346 Broadway, New York, N.Y., before Examiner W. Elliott Neffen.

No. MC 109847 (Sub-No. 7), filed May 3, 1962. Applicant: BOSS LINGO LINES, INC., 226 Ohio Street, Buffalo, N.Y. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Binghamton, N.Y., and New York, N.Y., as follows: (1) from Binghamton over U.S. Highway 11 to Scranton, Pa., thence over U.S. Highway 611 to junction U.S. Highway 46 near Columbia, N.J., thence over U.S. Highway 46 to Clifton, N.J., thence over New Jersey Highway 3 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, and return over the same route, serving no intermediate points. (2) From Binghamton over New York Highway 17 to the New York-New Jersey state line, near Suffern, N.Y., thence over New Jersey Highway 17 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, and return over the same route, serving no intermediate points.

NOTE: Applicant states that service over the above routes is proposed for operating convenience only in connection with applicant's otherwise authorized regular route operations but with service at Binghamton, N.Y., for joinder only, limited to the transportation of shipments originating at, delivered to, or interchanged at New York, N.Y., and all points within 25 miles of Newark, N.J., on the one hand, and, on the other, Jamestown and Olean, N.Y., and points on its authorized regular routes in Chautauqua, Cattaraugus, and Allegany Counties, N.Y., and Warren, McKean, and Potter Counties, Pa.

HEARING: July 20, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Lyle C. Farmer.

No. MC 110525 (Sub-No. 502), filed May 11, 1962. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium chloride*, in bulk, from Akron, Ohio, to points in New York.

HEARING: July 12, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

No. MC 110656 (Sub-No. 3), filed May 9, 1962. Applicant: PARKER MOTOR FREIGHT, INC., 128 Fulton Street, Petoskey, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment). (1) Between Cadillac and Petoskey, Mich.: From Cadillac over U.S. Highway 131 to junction with Michigan Highway 113, thence over Michigan Highway 113 to junction with Michigan Highway 37, thence over Michigan Highway 37 to junction with U.S. Highway 31, thence over U.S. Highway 31 to Petoskey, and return over the same route. (To substitute Michigan Highway 37 where existing authority incorrectly refers to Michigan Highway 42). (2) Between the junction of U.S. Highway 131 and Michigan Highway 186 to junction with Michigan Highway 113: From junction of U.S. Highway 131 and Michigan Highway 186, thence over Michigan Highway 186 to junction with Michigan Highway 113, and return over the same route. (To correct existing inaccurate description resulting from highway relocation and renumbering.) (3) Between Kalkaska and Acme, Mich.: From Kalkaska over Michigan Highway 72 to junction with U.S. Highway 31 at Acme, and return over the same route. (To substitute Michigan Highway 72 for incorrect reference to County Highway 612, and clarify route description.) (4) Between Ellsworth and Kewadin, Mich.: From Ellsworth over County Highway 593 through Central Lake and Alden to junction with U.S. Highway 31 at Kewadin, and return over the same route. (To combine and clarify two existing routes.) (5) Between Central Lake and junction with County Highway 593: From Central Lake over Michigan Highway 88 to Bellaire, thence over County Highway 620 to junction with County Highway 593, and return over the same route. (To redescribe present authority.)

NOTE: Applicant herein seeks changes in descriptions of certain authorized routes to correct existing inaccuracies. Authority is sought to serve all intermediate points on the above-described routes, and the off-route point of Rapid City, Mich.

HEARING: July 13, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 110884 (Sub-No. 5), filed May 14, 1962. Applicant: FRANCIS A. AUBREY, 240 Hillside Avenue, Cranford, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical wiring plugs, receptacles, rosettes, sockets and parts thereof, electrical cord sets and fuse plugs*, in packages, from Farmingdale, N.Y., and New York, N.Y., to Chicago, Ill., Cincinnati, Ohio, Detroit, Mich., Philadelphia, and Pittsburgh, Pa.; and (2) *Steel junction boxes with or without interior fittings, including electrical switches*, and *rejected shipments*, from Farmingdale, N.Y., to Chicago, Ill., Cincinnati, Ohio, Detroit, Mich., Philadelphia, and Pittsburgh, Pa.

HEARING: July 12, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Dallas B. Russell.

No. MC 111228 (Sub-No. 5), filed May 10, 1962. Applicant: JAMES F. DAVIS, doing business as DAVIS TRUCKING COMPANY, Pottsville Boulevard Box 464, Pottsville, Pa. Applicant's attorney: George W. Heffner, 501 West Market Street, Pottsville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap metal, cast iron*, in bulk, in dump vehicles, from Bronx, N.Y., to the site of the Leed Foundry, Inc., located at Pottsville, Pa., and (2) *broken glass*, in bulk, in dump vehicles, from Jersey City, N.J., to the plant site of the Maryland Glass Company located at Baltimore, Md.

HEARING: July 17, 1962, in Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Joseph A. Reilly.

No. MC 111383 (Sub-No. 12), filed May 21, 1962. Applicant: BRASWELL MOTOR FREIGHT LINES, INC., 301 Raynolds Street (P.O. Box 9518), El Paso, Tex. Applicant's attorney: T. S. Christopher, Continental Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Houston and Freeport, Tex., (a) from Houston, over Texas Highway 35 to its junction with Texas Highway 288, thence over Texas Highway 288 to Freeport, and return over the same route, serving no intermediate points, (b) from Houston, over Texas Highway 288 to Freeport, and return over the same route, serving no intermediate points, and (2) between Rosenburg and Freeport, Tex., from Rosenburg, over Texas Highway 36 to Freeport, and return over the same route, serving no intermediate points, with service at Rosenburg for the purpose of joinder of routes only, subject to the restriction that no traffic shall be transported over such route that moves from or to Rosenburg, Tex.

NOTE: Applicant proposes to coordinate service over the proposed route with service over its existing routes. Common control may be involved.

HEARING: June 14, 1962, at the Texas State Hotel, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate before Examiner C. Evans Brooks.

No. MC 111981 (Sub-No. 8), filed May 4, 1962. Applicant: ROBIDEAU'S EXPRESS, INC., 460 Oregon Avenue, Philadelphia, Pa. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food* and *food products*, in vehicles equipped with mechanical refrigeration, from Doylestown and Philadelphia, Pa., Wilmington, Del., Hammonton, Braddock, and Glassboro, N.J., to points in New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia.

HEARING: July 19, 1962, in Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner Joseph A. Reilly.

No. MC 112020 (Sub-No. 155), filed February 26, 1962. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils, animal fats*, and *products and blends thereof*, in bulk, in tank vehicles, (1) from points in the St. Louis, Mo., Commercial Zone to points in Albama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin, and (2) from points in Alabama, Arkansas, Colorado,

Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin to points in the St. Louis, Mo., commercial zone.

NOTE: Applicant states that it is owned and controlled by the same stockholders who own and control Commercial Oil Transport of Oklahoma, Inc.

HEARING: July 17, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Examiner Samuel C. Shoup.

No. MC 112590 (Sub-No. 5), filed April 30, 1962. Applicant: UNITED MOTOR FREIGHT, INC., 919 Call Street, Lansing, Mich. Applicant's attorney: Ronald R. Pentecost, 1400 Michigan National Tower, Lansing 8, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Owosso, Mich., and points within 8 miles thereof, on the one hand, and, on the other, Willow Run Airport, and Detroit Metropolitan Airport, Wayne County, Mich.

NOTE: Applicant states the proposed service shall be subject to the restriction that all traffic transported shall have immediately prior or immediately subsequent movement by air carrier, interstate.

HEARING: July 12, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 112617 (Sub-No. 109), filed February 26, 1962. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup and blends thereof*, in bulk, from Louisville, Ky., to points in Arkansas, Illinois, Indiana, Kentucky, Missouri, Ohio, Tennessee, Virginia, and West Virginia.

HEARING: July 18, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Examiner Samuel C. Shoup.

No. MC 112750 (Sub-No. 95), filed March 12, 1962. Applicant: ARMORED CARRIER CORPORATION, DeBevoise Building, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Claude J. Jasper, 111 South Fairchild Street, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments* (except coin, currency, bullion and negotiable securities) as are used in the conduct of the business of banks and banking institutions, between Chicago, Ill., on the one hand, and, on the other, points in Columbia, Dodge, Jefferson, Kenosha, and Walworth Counties, Wis.

NOTE: Applicant states "Arthur DeBevoise owns stock of applicant and also Carolina-Virginia Couriers Inc. (MC 123486), Southern Couriers Inc. (MC 123304) and Ohio Couriers, Inc. (MC 124068)".

HEARING: July 23, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board 17.

No. MC 113267 (Sub-No. 61), filed February 26, 1962. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Frederick H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, articles distributed by meatpacking houses, those commodities used by meatpackers in the conduct of their business when destined to and for use by meatpackers*, in vehicles equipped with mechanically temperature controlled refrigeration, from Wichita, Kans., to Shreveport, La.

NOTE: Applicant states that its officers are officers and stockholders in the following motor carriers of passengers their baggage, and express: Industrial Bus Lines, Inc., MC 114168, Vandalia Bus Line, Inc., MC 2698. In addition thereto Oliver and Kathryn Anderson are officers and stockholders in Caseyville Bus Lines, Inc., MC 110845.

HEARING: July 11, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Examiner Samuel C. Shoup.

No. MC 113267 (Sub-No. 62), filed March 16, 1962. Applicant: CENTRAL AND SOUTHERN TRUCK LINES, INC., 312 West Morris St., Caseyville, Ill. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen and prepared foods*, from O'Fallon and National Stockyards (corporate and RR name National City, St. Clair County), Ill., and St. Louis, Mo., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri; Nebraska, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE: Common control may be involved.

HEARING: July 12, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Examiner Samuel C. Shoup.

No. MC 113267 (Sub-No. 63), filed March 19, 1962. Applicant: CENTRAL AND SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge, 312 West Morris Street, Caseyville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foods* from Mount Summit and Shirley, Ind. to points in Iowa and Nebraska.

NOTE: Applicant states that its officers are stockholders and officers in Industrial Bus Lines, Inc., and Vandalia Bus Line, Inc., and that Oliver and Kathryn Anderson, its president and secretary-treasurer, are officers and stockholders in Caseyville Bus Lines, Inc.

HEARING: July 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Examiner Samuel C. Shoup.

No. MC 113362 (Sub-No. 13), filed April 26, 1962. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's attorney: Stephen Robinson, 412 Equitable Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in packages and containers other than bulk, and (2) *lubricating grease*, in packages and containers other than bulk, from Bradford, Franklin, Rouseville, Reno, and Oil City, Pa., to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, Kansas, and Missouri.

HEARING: July 18, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Lyle C. Farmer.

No. MC 113495 (Sub-No. 7), filed March 13, 1962. Applicant: GREGORY HEAVY HAULERS, INC., 2 Main Street, Nashville, Tenn. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride*, in bags, from Ludington and Midland, Mich., to points in Tennessee, Virginia, and West Virginia.

HEARING: July 17, 1962, at the Detroit-Leland Hotel, Detroit, Mich., before Examiner James Anton.

No. MC 113509 (Sub-No. 2), filed April 23, 1962. Applicant: DANTE GENTILINI TRUCKING, INC., 1636 West 125th Street, Chicago, Ill. Applicant's attorney: Bernard G. Colby, 1 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vermiculite, aluminum siding, insulating material, and plaster*, from the site of the Zonolite Company plant in Calumet Township, Cook County, Ill., to points in southeastern Michigan, on, south, and west of a line beginning with the western terminus of Michigan Highway 20 near Lake Michigan, north of the city of Muskegon, thence east over Michigan Highway 20 to the intersection of U.S. Highway 31, north of the city of Muskegon, thence over U.S. Highway 31, to the intersection of U.S. Highway 31 and U.S. Highway 16 southeast of the city of Muskegon, thence east over U.S. Highway 16 to the intersection of U.S. Highway 16 and Michigan Highway 66, thence south over Michigan Highway 66 to the intersection of Michigan Highway 66 and Michigan Highway 78, thence south over Michigan Highway 78 to the intersection of Michigan Highway 78 and U.S. Highway 12, thence east over U.S. Highway 12 to the intersection of U.S. Highway 12 and U.S. Highway 27, thence south over U.S. Highway 27 to the Indiana-Michigan State line, thence west along the Indiana-Michigan State line to Lake Michigan, thence north along the western boundary of Lake Michigan to point of origin, and *rejected shipments*, on return. RESTRICTION: Applicant states the proposed operations will be limited to a transportation service to be performed under a continuing contract or contracts with the Zonolite Company.

HEARING: July 17, 1962, at the Midland Hotel, 172 West Adams Street, Chicago, Ill., before Joint Board No. 73.

No. MC 113828 (Sub-No. 11), Filed April 2, 1962. Applicant: O'BOYLE TANK LINES, INCORPORATED, Arlington Towers, Arlington, Va. Applicant's attorney: Dale C. Dillon, 1835 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk and in bags, from Winston-Salem, N.C., to points in South Carolina.

NOTE: Common control may be involved.

HEARING: July 12, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 2, or if, the Joint Board waives its right to participate, before Examiner Laurence E. Masoner.

No. MC 113843 (Sub-No. 46), filed May 7, 1962. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and essence of fruit or berries*, from points in New York located on and west of a line beginning at Oswego, N.Y., and extending along New York Highway 57, to Syracuse, N.Y., and thence along U.S. Highway 11 to the New York-Pennsylvania State line, to points in Delaware, Kentucky, Maryland, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, and *returned, rejected and refused shipments of commodities specified above*, on return.

NOTE: Common control may be involved.

HEARING: July 17, 1962, at the Federal Building, Syracuse, N.Y., before Examiner Lyle C. Farmer.

No. MC 113843 (Sub-No. 47), filed May 11, 1962. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs*, from points in Maine (except points in Aroostook County), to points in New York, Pennsylvania, Ohio, Indiana, Michigan, Illinois, Wisconsin, Missouri, Iowa, Minnesota, Nebraska, Kansas, Oklahoma, Colorado, and Baltimore, Md., and Washington, D.C., Commercial Zone, and *returned, rejected, and refused shipments of the commodities specified above*, on return.

NOTE: Common control may be involved.

HEARING: July 25, 1962, at the New Post Office and Court House Building, Boston, Mass., before Examiner W. Elliott Neffien.

No. MC 113843 (Sub-No. 48), filed May 28, 1962. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*, frozen or unfrozen, from Lake City, Pittsburgh, and Saltsburg, Pa., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia, and *returned, rejected and refused shipments* of the above-specified commodities, on return.

HEARING: June 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Henry C. Darmstadter.

No. MC 113843 (Sub-No. 49), filed May 31, 1962. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Elmira, N.Y., to points in Indiana, Illinois, Maryland, Michigan, Missouri, Pennsylvania, Ohio, Virginia, and the District of Columbia, and *returned, rejected and refused shipments* of the above-specified commodities, on return.

NOTE: Common control may be involved.

HEARING: June 13, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel C. Shoup.

No. MC 114045 (Sub-No. 87), filed April 25, 1962. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, as defined by the Commission in *Descriptions in Motor Carrier Certificates*, Appendix I, 61 M.C.C. 209, and (2) *commodities exempt from regulation*, under section 203(b)(6) of the Interstate Commerce Act, when moving in the same vehicle as the same time with dairy products, as defined by the Commission in *Descriptions in Motor Carrier Certificates*, Appendix I, 61 M.C.C. 209, from points in Missouri, Kansas, Oklahoma, and Arkansas, to points in Washington, Oregon, Idaho, Montana, Nevada, Utah, and Wyoming, and (3) *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, and *exempt commodities*, on return trips.

HEARING: July 20, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Samuel C. Shoup.

No. MC 114364 (Sub-No. 63), filed April 19, 1962. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Streets, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dried beet pulp pellets*, from Bayard, Gering, Mitchell, and Scottsbluff, Nebr., Brighton, Eaton, Fort Collins, Fort Morgan, Greeley, Johnstown, Longmont, Loveland, Ovid, Sterling, Windsor, Ordway, Rocky Ford, Sugar City, and Brush, Colo., to points in Arizona and Blythe, Calif., and (2) *cottonseed cake products*, from points in Arizona and El Paso, Tex., to points in Colorado and Wyoming (except El Paso, Tex., to Wyoming).

NOTE: Applicant states it is controlled by Earl Bray, Inc. (Docket No. MC-F-6984).

HEARING: July 16, 1962, at the New Customs House, Denver, Colo., before Examiner Henry A. Cockrum.

No. MC 114457 (Sub-No. 7), filed March 16, 1962. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul 4, Minn. Applicant's attorney: Charles W. Singer, 33 North LaSalle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Macon, Marshall, Carrollton, Moberly, and Milan, Mo., to Fargo, N. Dak., and points in Missouri.

HEARING: July 16, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Examiner Samuel C. Shoup.

No. MC 115523 (Sub-No. 97), filed March 26, 1962. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 Beck Street, Salt Lake City, Utah. Applicant's attorneys: Marshall G. Berol *and* Edward M. Berol, 100 Bush Street, 21st Floor, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer, dry fertilizer ingredients*, and *dry fertilizer compounds*, (a) from points in Bonneville, Power, and Minidoka Counties, Idaho, to points in Montana and Wyoming; (b) between points in Malheur, Harney, and Baker Counties, Oreg., and points in Owyhee, Canyon, Ada, Gem, Payette, Washington, Power, and Adams Counties, Idaho; (c) from points in Utah to points in Colorado, New Mexico, Arizona, California, and Nevada; (d) between points in Utah and Colorado; and (e) from points in California to points in Idaho, Utah, Nevada, and Oregon.

HEARING: July 24, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Henry A. Cockrum.

No. MC 115523 (Sub-No. 98), filed March 26, 1962. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 Beck Street, Salt Lake City, Utah. Applicant's attorney: Marshall G. Berol, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beet pulp* and *beet pulp pellets* (a) between points in Oregon and Idaho; and (b) from points in Oregon, Idaho, Utah, Washington, and South Dakota to points in Utah, Idaho, Wyoming, Montana, Washington, North Dakota, South Dakota, Nebraska, California, Arizona, New Mexico, Texas, and Nevada.

HEARING: July 23, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Henry A. Cockrum.

No. MC 115668 (Sub-No. 3), filed April 23, 1962. Applicant: WARREN G. HARDING, Box 394, East Albion Street, Avilla, Ind. Applicant's attorney: Ferdinand Born, Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Handi-pie* (*a small packaged pie*) from Detroit, Mich., to Chicago, Ill., and

only *empty containers or such other incidental facilities* (not specified) used in transporting the above commodity, on return trips.

HEARING: July 17, 1962, at the Midland Hotel, 172 West Adams Street, Chicago, Ill., before Joint Board No. 73.

No. MC 116144 (Sub-No. 11), filed April 3, 1962. Applicant: ARTHER W. SORENSEN, doing business as SORENSEN TRANSPORTATION COMPANY, Amity Street, Bethany, Conn. Applicant's attorney: Hugh M. Joseloff, 410 Aslyum Street, Hartford 3, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bags, (1) from Cambridge, Mass., to points in Connecticut (except Bridgeport and Torrington, Conn.), (2) from North Weymouth, Mass., to points in Connecticut (except points in Tolland County and Bridgeport and Torrington, Conn.), and (3) from Carteret, N.J., to points in Connecticut, and points in Berkshire and Hampden Counties, Mass. (except Bridgeport and Torrington, Conn.).

NOTE: The purpose of proposed service is to remove the restriction on present authority against serving incorporated cities and boroughs in Connecticut (except with respect to Bridgeport and Torrington against which there is no restriction).

HEARING: July 16, 1962, at the Hartford Statler Hilton, Hartford, Conn., before Examiner W. Elliott Neffen.

No. MC 116434 (Sub-No. 19), filed January 12, 1962. Applicant: HUGH MAJOR, 150 Sinclair, South Roxana, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Water well casing, pipe, tubing, pipe fittings and protectors, and steel*, between points in Alabama, Florida, Georgia, Kansas, Louisiana, Maryland, Michigan, Mississippi, New Jersey, New York, North Dakota, South Dakota, North Carolina, South Carolina, Oklahoma, Pennsylvania, Texas, Virginia, and West Virginia, on the one hand, and, on the other, Sparta, Carlinville, Centralia, Cairo, Irvington, and Olney, Ill., and Louisiana, Mo.

HEARING: July 9, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Leo M. Pellerzi.

No. MC 116527 (Sub-No. 2), filed January 24, 1962. Applicant: E. J. MILLER, Box 145, New Milford, Ohio. Applicant's attorney: Charles R. Iden, 500 First National Tower, Akron 8, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Precast concrete roof and floor slabs, concrete columns, beams, cribbing, pipe, blocks, steel headers* and *other miscellaneous articles required for the manufacture, support, unloading and erection of structures*, (a) from Kent, Ohio, to points in the lower peninsula of Michigan, Indiana, and Kentucky, and (b) from Livonia, Mich., to points in Ohio; and (2) *construction materials* and *damaged items* on return to either of the above points of origin.

NOTE: Applicant advises that the destination points are construction sites.

HEARING: July 11, 1962, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner James Anton.

No. MC 117119 (Sub-No. 53), filed May 10, 1962. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark., *and* A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Minnesota to points in Alabama, Arkansas, Iowa, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Texas, Illinois, Tennessee, and Nebraska.

HEARING: July 10, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 117816 (Sub-No. 1), filed April 2, 1962. Applicant: NORTHEASTERN-MALDEN BARREL CO., INC., 104 Suffolk Street, Malden, Mass. Applicant's attorney: Edward L. Hefron, 7 Water Street, Boston 9, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New empty steel barrels, drums and containers*, from Jersey City, N.J., to points in Vermont, New Hampshire, and Maine.

HEARING: July 23, 1962, at the New Post Office and Court House Building, Boston, Mass., before Examiner W. Elliott Neffen.

No. MC 118115 (Sub-No. 1), filed February 15, 1962. Applicant: VIRGIL M. JENKINS, doing business as JENKINS TRUCK LINE, 1815 Jackson, Kansas City, Mo. Applicant's attorney: Tom B. Kretsinger, 510 Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and food products*, (A) from points in California, Idaho, Utah, Oregon, and Washington, to points in Arkansas, Iowa, Kansas, Missouri, Nebraska, and Oklahoma, and (B) from points in Iowa, Kansas, Missouri, Minnesota, Nebraska, and South Dakota, to points in California, Idaho, Oregon, and Washington.

HEARING: July 23, 1962, at Park East Hotel, Kansas City, Mo., before Examiner Samuel C. Shoup.

No. MC 118721 (Sub-No. 2), filed April 9, 1962. Applicant: WILLIAM McSPIRIT, Hurley, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, from Kingston, N.Y., to points in New Jersey.

HEARING: July 9, 1962, at the Federal Building, Albany, N.Y., before Examiner Lyle C. Farmer.

No. MC 119164 (Sub-No. 13), filed April 20, 1962. Applicant: J-E-M TRANSPORTATION CO., INC., Box 444, Middletown, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone*, in bulk, (1) from Canaan, Conn., to Brooklyn, N.Y., and (2) from Newton, N.J., to Brooklyn, N.Y.

NOTE: Applicant states there is common control with J. Everitt Morley (MC 102232).

HEARING: July 10, 1962, at 346 Broadway, New York, N.Y., before Examiner W. Elliott Neffen.

No. MC 119502 (Sub-No. 1), filed May 4, 1962. Applicant: UNITED TRANSPORT LINES, INC., 71 Elm Street, Westfield, Mass. Applicant's representative: William L. Mobley, Rooms 311–315, 1694 Main Street, Springfield 3, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, in bulk, in tank vehicle, from Springfield, Mass., to points in New Hampshire and Vermont on and south of U.S. Highway 4.

HEARING: July 17, 1962, at The Hartford Statler Hilton, Hartford, Conn., before Examiner W. Elliott Neffen.

No. MC 119531 (Sub-No. 13), filed January 8, 1962. Applicant: DIECKBRADER EXPRESS, INC., 5391 Eastern Avenue, Cincinnati 26, Ohio. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard boxes*, from the plant site of the Container Corporation of America at or near the village of Carol Stream, Du Page County, Ill., to points in Indiana, Michigan, and Ohio.

HEARING: July 12, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Leo M. Pellerzi.

No. MC 119543 (Sub-No. 1), filed May 14, 1962. Applicant: HENRY N. LANCIANI, Leominster Road, Sterling, Mass. Mailing address: R.F.D. Leominster, Mass. Applicant's representative: Arthur A. Wentzell, 539 Hartford Turnpike, Shrewsbury, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, in dump trucks, from New Haven, Conn., to Athol, West Concord, Charlton Depot, Orange, and Graniteville (Westford), Mass.

NOTE: Applicant states the proposed operation will be limited to truckload shipments, only.

HEARING: July 12, 1962, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 22.

No. MC 119641 (Sub-No. 35), filed April 20, 1962. Applicant: RINGLE EXPRESS, INC., 405 South Grant Avenue, Flower, Ind. Applicant's attorney: Robert C. Smith, 912 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements*, from points in Wisconsin, to ports of entry on the International Boundary Line between the United States and Canada, at or near Port Huron and Detroit, Mich., and *damaged and rejected shipments*, on return.

NOTE: Applicant states proposed service will be restricted to traffic moving to points in Canada.

HEARING: July 11, 1962, at the Federal Building, Lansing, Mich., before Joint Board 95.

No. MC 119710 (Sub-No. 3), filed April 12, 1962. Applicant: JOHN L. SHUPE AND IVAN D. SHUPE, a partnership, doing business as SHUPE BROS., P.O. Box 919, Greeley, Colo. Applicant's attorney: Paul F. Sullivan, Sundial House—1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, and *pepper* in mixed shipments with salt, from Saltair, Utah, to points in South Dakota on and west of U.S. Highway 83, points in Wyoming north of a line starting at the Wyoming-Nebraska State line and proceeding along U.S. Highway 20 to Shoshoni, Wyo., thence north on said U.S. Highway 20 to Thermopolis, Wyo., then northwest on Wyoming Highway 120 to junction of Wyoming Highway 120 and U.S. Highway 20 near Cody, Wyo., thence over U.S. Highway 20 to Cody, Wyo., thence northeast over Wyoming Highway 14 to Garland, Wyo., thence north on Wyoming Highway 114 to Deaver, Wyo., thence north on U.S. Highway 310 to the Montana-Wyoming border, to points in Colorado south of U.S. Highway 50, and to points in Kansas on and west of U.S. Highway 83.

NOTE: Applicants states it proposes to transport exempt agricultural commodities, on return. Applicant further states the proposed operation will be performed under contract with the Morton Salt Company.

HEARING: July 16, 1962, at the New Customs House, Denver, Colo., before Examiner Henry A. Cockrum.

No. MC 119974 (Sub-No. 3) (SECOND AMENDMENT), filed October 20, 1962, published FEDERAL REGISTER issue of May 9, 1962, amended May 14, 1962, and republished, as amended, May 23, 1962, and further amended May 22, 1962, and republished, as further amended, this issue. Applicant: L. C. L. TRANSIT COMPANY, a corporation, 520 North Roosevelt Street, Green Bay, Wis. Applicant's attorney: Edward Solie, 1 South Pinckney Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products* and *meat byproducts, dairy products*, and *articles distributed by meatpacking houses*, as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and 766, and *packinghouse supplies*, (1) between Albert Lea, Minn., and Cedar Rapids, Iowa, on the one hand, and, on the other, points in that part of Wisconsin north of a line beginning at Marinette, Wis., and extending along Wisconsin Highway 64 to Merrill, Wis., thence along U.S. Highway 51 to Wausau, Wis., thence along Wisconsin Highway 29 to junction U.S. Highway 12, near Elk Mound, Wis., and thence along U.S. Highway 12 to the Wisconsin-Minnesota state line, (2) between Rochelle, Ill., on the one hand, and, on the other, points in that part of Wisconsin in the Wisconsin territory described immediately above, and those in St. Croix, Dunn, Chippewa, Eau Claire, Pepin, Pierce, Buffalo, Trempealeau, Jackson, La Crosse, and Monroe Counties, Wis., and (3) between South St. Paul, Minn., on the one hand, and, on the other, points in that part of Wisconsin west of a line beginning at La Crosse, Wis., thence along U.S. Highway 53 to Cameron, Wis., and north of a line beginning at Cameron, Wis., and extending along U.S. Highway 8 to the Wisconsin-Michigan State line.

NOTE: This second proposed amendment seeks to *add South St. Paul, Minn.*, as an additional service point and avoid duplication of operating rights now held by applicant.

HEARING: Remains as assigned June 26, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Abraham J. Essrick.

No. MC 123242 (Sub-No. 6), filed March 19, 1962. Applicant: MISSOURI LUMBER TRANSPORTS, INC., P.O. Box 231, Arcadia, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wooden pallets, pallet materials and charcoal*, from points in Missouri, on, east and south of a line beginning at the Missouri-Arkansas State line, near Gainesville, Mo., and extending along Missouri Highway 5 to junction U.S. Highway 66 near Lebanon, Mo., thence along U.S. Highway 66 to the Missouri-Illinois State line at the Mississippi River, to Louisville, Ky., Milwaukee, Wis., and points in Illinois, Indiana, and Ohio.

NOTE: Applicant states "Commodities exempt from Commission Regulation under Sec. 203(b)(6), Interstate Commerce Act," will be transported, on return.

HEARING: July 12, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Examiner Samuel C. Shoup.

No. MC 123511 (Sub-No. 3), filed May 3, 1962. Applicant: GRINGERI BROS. TRANSPORTATION CO., INC., 10 Baskin Road, Lexington, Mass. Applicant's attorney: Jeanne M. Hession, 64 Harvest Street, Dorchester, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mattresses, bedding, children's car beds and car seats*, from Newton, Mass., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Philadelphia, Pa., Baltimore, Md., and Washington, D.C., (2) *foam rubber, padding, and raw materials* dealt in and used in connection with the manufacture of the foregoing, from points in New York and New Jersey, to Newton, Mass., and (3) *refused and rejected shipments* of the commodities specified in (1) and (2) above, on return.

HEARING: July 24, 1962, at the New Post Office and Court House Building, Boston, Mass., before Examiner W. Elliott Neffen.

No. MC 124188, filed February 5, 1962. Applicant: DAVID S. WRIGHT, doing business as D. S. WRIGHT, Depot Road, Hollis, N.H. Applicant's attorney: Kenneth F. McLaughlin, 27 Elm Street, Nashua, N.H. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lime* (quick and hydrated), in bags and in bulk, *including mixtures thereof with sand and cement*, in bags and in bulk, of *packaged sand*, in bags, and of *packaged asphalt patching mix*, in bags, and of *limestone, limestone products* and *limestone byproducts*, in bags and in bulk, from Lee, West Stockbridge, and North Adams, Mass., to points in New Hampshire; and (2) *fertilizer* and *fertilizer products* from Cambridge, Weymouth, and Lowell, Mass., to points in New Hampshire.

HEARING: July 27, 1962, at the New Hampshire Public Service Commission, Concord, N.H., before Joint Board No. 189.

No. MC 124261 (AMENDMENT), filed March 8, 1962, published in the FEDERAL REGISTER issue of April 11, 1962, republished this issue as amended May 15, 1962. Applicant: R. & O. DELIVERY, INC., 509 West 52d Street, New York, N.Y. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Books, files, interoffice correspondence and memoranda, advertising matter used in connection therewith, and empty containers or other such incidental facilities* (not specified) used in transporting the stated commodities, between Saddle Brook, N.J., on the one hand, and on the other, New York, N.Y.

NOTE: The purpose of this republication is to change the operation from a "from and to" service to a "between" service.

HEARING: July 23, 1962, at 346 Broadway, New York, N.Y., before Examiner Joseph A. Reilly.

No. MC 124268, filed March 12, 1962. Applicant: ROLAND T. ARBO, doing business as ARBO'S GARAGE, Haviland Street, Waterville, Maine. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Disabled, collision-damaged, and repossessed motor vehicles*, by use of a wrecker, from points in Maine to points in Massachusetts and New Hampshire.

HEARING: July 18, 1962, at The State House, Augusta, Maine, before Joint Board No. 69.

No. MC 124269, filed March 9, 1962. Applicant: ROBERT J. DOLLARD, doing business as DOLLARD TRUCKING, Dana Street, P.O. Box 489, Sheridan, Wyo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bulk cement*, in special dump trailers, and (2) *sack cement*, between Rapid City, S. Dak., and points in Sheridan County, Wyo.

HEARING: July 27, 1962, at the Wyoming Public Service Commission, Cheyenne, Wyo., before Joint Board No. 183, or, if the Joint Board waives its right to participate before Examiner Henry A. Cockrum.

No. MC 124292, filed March 22, 1962. Applicant: COWAN AND SHAIN, INC., 14 Stevens Street, Haverhill, Mass. Applicant's attorney: Dean E. Nicholson, 3 Washington Square, Haverhill, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over ir-

regular routes, transporting: *Textile products* between Lawrence and Haverhill, Mass., on the one hand, and, on the other, Providence and Pawtucket, R.I.

HEARING: July 12, 1962, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 190.

No. MC 124296, filed March 23, 1962. Applicant: GEORGE L. BIGELOW, Wright Street, Delavan, Wis. Applicant's attorney: William C. Dineen, 746 Empire Building, 710 North Plankinton Avenue, Milwaukee 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, (1) from Madison, Wis. (under a continuing contract with Roysters Guano Co., of Madison, Wis.), and from Whitewater, Wis. (under a continuing contract with Federal Chemical Co., of Whitewater, Wis.), to points in Illinois on and north of U.S. Highway 6, and (2) from Streator, Ill. (under a continuing contract with Smith Douglas Fertilizer Co., Streator, Ill.), and from Union and Chicago Heights, Ill. (under a continuing contract with International Fertilizer Co. of Union and Chicago Heights, Ill.), from Dubuque, Iowa (under a continuing contract with V C Fertilizer Co., Dubuque, Iowa), and from Danville, Ill. (under a continuing contract with Federal Chemical Company, of Whitewater, Wis.), to points in Wisconsin on and south of U.S. Highway 10.

HEARING: July 24, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board 111.

No. MC 124301, filed March 26, 1962. Applicant: JOHN PERRY, 14 Brewster Street, South Dartmouth, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over a regular route, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, between New Bedford, Mass., and East Providence, R.I., from New Bedford over U.S. Highway 6 to the Seekonk, Mass.-East Providence, R.I., city line, thence over city streets to the site of the Mobiloil Co. plant in East Providence, and return over the same route, serving no intermediate points.

HEARING: July 10, 1962, at the Federal Building, Providence, R.I., before Joint Board No. 18.

No. MC 124326, filed April 5, 1962. Applicant: TAVENS TRANSPORTATION CORP., 2806 East 51st Street, Cleveland, Ohio. Applicant's attorney: Edwin C. Reminger, 905 The Leader Building, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper articles, packaging materials, and machinery, equipment, materials and supplies used or useful in the manufacture of paper, paper articles, and packaging materials*, and (2) *waste materials, for conversion or reclamation, and machinery, equipment, materials and supplies used or useful in the conversion or reclamation of waste materials*, between points in Ohio, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia.

NOTE: Applicant states the proposed operation will be conducted under a continuing contract with Tavens Container Corp., Cleveland, Ohio, and Acme Waste Products, Inc., Cleveland, Ohio.

HEARING: July 13, 1962, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner James Anton.

No. MC 124340 (Sub-No. 1) (AMENDMENT), filed April 9, 1962, published FEDERAL REGISTER issue of May 9, 1962, amended May 25, 1962, and republished, as amended, this issue. Applicant: A-P-A TRANSPORT CORP., 2110 85th Street, North Bergen, N.J. Applicant's attorney: Herbert Burstein, 160 Broadway, New York 38, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated boxes and corrugated paper products, fiberboard boxes and fiberboard paper products, pulp board boxes* and *pulp board paper products*, and *store display racks* of the above-specified commodities, from points in Pennsauken Township, N.J., to points in Delaware, points in Maryland (except points in Garrett and Allegany Counties), points in Pennsylvania on and east of the western boundary of Tioga, Lycoming, Union, Mifflan, Juniata, and Franklin Counties, and the District of Columbia, and (2) *rejected, damaged*, and *returned shipments* of the commodities specified in (1) above, from the above-specified areas to points in Pennsauken Township, N.J.

NOTE: Applicant states it proposes to provide the proposed service under continuing contracts with the Weyerhaeuser Company. The purpose of this republication is to broaden the scope of the authority sought.

HEARING: Remains as assigned June 27, 1962, at 346 Broadway, New York, N.Y., before Examiner Garland E. Taylor.

No. MC 124354, filed May 2, 1962. Applicant: PARENTE TRUCKING SERVICE, INC., 80-18 31st Avenue, Jackson Heights, Queens, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carbonated beverages*, in bottles, in cases, and cartons, from Newark, N.J., to Yonkers, N.Y.; (2) *carbonated beverages*, in cans, and in cartons, from New York, N.Y., to Asbury Park, Newark, North Brunswick and Paterson, N.J., and (3) *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodities, in connection with (1) and (2) above, on return.

HEARING: July 13, 1962, at 346 Broadway, New York, N.Y., before Examiner W. Elliott Neffen.

No. MC 124356 (Sub-No. 1), filed April 16, 1962. Applicant: JULIUS E. BLAESS, AND WILLIAM K. BLAESS, a copartnership, doing business as BLAESS ELEVATOR COMPANY, 11800 Dexter Chelsea Road, Chelsea, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed*, from the site of Blaess Elevator Company located approximately three (3) miles east of Chelsea, Mich., to points in Ohio and Indiana, and (2) *ingredients used or useful in the manufacture of animal and poultry feed*, from points in Ohio and Indiana to the site of Blaess Elevator Company approximately three (3) miles east of Chelsea, Mich.

NOTE: Applicant states the proposed transportation is to be performed under a continuing contract with Larrowe Feed Co.

HEARING: July 13, 1962, at the Federal Building, Lansing, Mich., before Joint Board 9.

No. MC 124363 (Sub-No. 1), filed April 16, 1962. Applicant: GEORGE R. EDDLEMAN, CLARENCE J. EDDLEMAN, CHARLIE R. EDDLEMAN AND JOE W. EDDLEMAN, a partnership, doing business as EDDLEMAN BROTHERS, 6051 Ivanhoe Street, Denver 16, Colo. Applicant's attorney: Herbert M. Boyle, 738 Majestic Building, Denver 2, Colo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, articles distributed by meat packinghouses*, as defined by the Commission, and *frozen foods*, between points in Denver, Adams, Jefferson, Arapahoe, and Weld Counties, Colo., and points in Texas, Arizona, California, Oregon, Washington, and Utah.

NOTE: Applicant states it also proposes to transport exempt agricultural commodities.

HEARING: July 17, 1962, at the New Customs House, Denver, Colo., before Examiner Henry A. Cockrum.

No. MC 124375, filed April 16, 1962. Applicant: UTILITY TRANSPORTATION CORPORATION, 24-14 Steinway Street, Astoria 3, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cameras*, and *cinema and photographic materials*, between New York, N.Y., and Teterboro and South Hackensack, N.J.

HEARING: July 10, 1962, at 346 Broadway, New York, N.Y., before Examiner W. Elliott Neffen.

No. MC 124377, filed April 18, 1962. Applicant: REFRIGERATED FOODS, INC., 3200 Blake Street, Denver 5, Colo. Applicant's attorney: John R. Barry, 738 Majestic Building, Denver 2, Colo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, articles distributed by meat packinghouses*, as defined by the Commission, from points in York County, Nebr., and Denver County, Colo., to points in El Paso County, Tex., and points in Wyoming, Montana, Colorado, Arizona, New Mexico, Utah, Idaho, Washington, Oregon, Nevada, and California; and *exempt* commodities (fish and horticultural commodities) on return trips.

HEARING: July 19, 1962, at the New Customs House, Denver, Colo., before Examiner Henry A. Cockrum.

No. MC 124382, filed April 19, 1962. Applicant: RUSSELL HOLMES, R.R. No. 1, Cardinal, Ontario, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bagged and bulk gluten meal and feed* from ports of entry on the international boundary line between United States and Canada, to points in New York.

NOTE: Applicant indicates that the proposed operations will be under contract with Canada Starch Co., Ltd., Cardinal, Ontario, Canada.

HEARING: July 16, 1962, at the Federal Building, Syracuse, N.Y., before Examiner Lyle C. Farmer.

No. MC 124387, filed April 16, 1962. Applicant: JAMES A. NICHOLS, EDWARD H. HILDEBRAND AND ROBERT C. HILDEBRAND, doing business as NICHOLS & HILDEBRAND, INC., 5301 East 61st Way, Denver 16, Colo. Applicant's attorney: Herbert M. Boyle, 738 Majestic Building, Denver 2, Colo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as defined by the Commission, between points in Denver, Arapahoe, Jefferson, Adams, Weld, and Pueblo Counties, Colo., Cheyenne, Dawson, York, Lancaster, Otoe, and Douglas Counties, Nebr., Pottawattamie County, Iowa, Sedgwick, Wyandotte, and Shawnee Counties, Kans., Yellowstone County, Mont., Goshen County, Wyo., and Canyon County, Idaho, on the one hand, and, on the other, points in Los Angeles, San Diego, Kern, and San Francisco Counties, Calif.; and *exempt commodities* on return trips.

HEARING: July 18, 1962, at the New Customs House, Denver, Colo., before Examiner Henry A. Cockrum.

No. MC 124392, filed April 20, 1962. Applicant: VICTOR McCOLLUM, doing business as H. C. BYROL TRUCKING COMPANY, 920 Bellefonte Avenue, Lock Haven, Pa. Applicant's attorney: Edward L. Willard, 201 East Beaver Avenue, State College, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crated, uncrated and partially crated airplanes and airplane parts*, from Lock Haven, Pa., to Teterboro Airport, Bergen County, N.J., Newark Airport, Newark, N.J., Idlewild Airport in the Borough of Queens, County of Queens, and State of New York, and La Guardia Airport in the Borough of Queens, and State of New York, Zone 1, Borough of Manhattan, 145th Street and south thereof; Borough of Bronx, The Borough of Bronx on the south of the following described line: 149th Street from Harlem River to the east side of Park Avenue; east side of Park Avenue to 152d Street; 152d Street to Prospect Avenue; Prospect Avenue to Southern Boulevard and 149th Street; 149th Street to the East River; Borough of Brooklyn, The Borough of Brooklyn west of and including points from the East River at and including Newton Creek to Metropolitan Avenue to Liberty Avenue; thence Liberty Avenue to East New York Avenue; East New York Avenue to Utica Avenue to Linden Boulevard; Linden Boulevard to Redford Avenue; Redford Avenue to Church Avenue; Church Avenue to Ocean Parkway; Ocean Parkway to Cortelyou Road; Cortelyou Road to 16th Avenue; 16th Avenue to 65th Street; thence Westerly on 65th Street to Fourth Avenue; then along Fourth Avenue to Bay Ride Avenue; thence Westerly on Bay Ridge Avenue to Staten Island Ferry Slip and New York Bay; Borough of Queens, The Borough of Queens within the following limits: The East River and Flushing Bay; Grand Central Parkway Extension from Flushing Bay to Interborough Parkway; Interborough Parkway to the Brooklyn Borough Line and the Brooklyn Borough line to the East River. Zone 2, Borough of Manhattan, remainder of Borough not included in Zone 1, Borough of Bronx, remainder of Borough not included in Zone 1, Borough of Brooklyn, remainder of Borough not included in Zone 1, Borough of Queens, East of Zone 1 to and including the following line; Bell Boulevard from Little Bay to Northern Boulevard; Northern Boulevard to 156th Street; 156th Street and Oak Avenue to Kissena Boulevard; Kissena Boulevard to 73d Avenue; 73d Avenue to Parsons Boulevard; Parsons Boulevard to Hillside Avenue; Hillside Avenue to 190th Street; 190th Street to Farmers Boulevard; Farmers Boulevard to Rockaway Boulevard; Rockaway Boulevard to the eastern boundary of Idlewild Airport; thence along the eastern boundary of Idlewild Airport to Jamaica Bay thence along the North Shore of Jamaica Bay to the Queens-Kings County Line; Borough of Richmond, Staten Island in its entirety, and points in Essex, Union, Bergen, Middlesex, and Hudson Counties, N.J., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: July 11, 1962, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Joseph A. Reilly.

No. MC 124394, filed April 23, 1962. Applicant: NELSON TRUCKING, INC., 620 Industrial Avenue, Mount Pleasant, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Oil and gas well equipment, machinery, supplies and materials*, between points in Michigan, on the one hand, and, on the other, points in Michigan, Indiana, and Ohio.

HEARING: July 12, 1962, at the Federal Building, Lansing, Mich., before Joint Board 9.

No. MC 124395, filed April 20, 1962. Applicant: GUSTAVE CLAVEAU AND RAYMOND J. CLAVEAU, a partnership, doing business as CLAVEAU TRANSPORTATION, Mill Street, Ashland, N.H. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquefied petroleum gas*, in cylinders, and bulk, and (2) *related accessories, such as hoods, regulators, pigtails, and stands*, from Fairlee, Vt., to points in New Hampshire.

HEARING: July 27, 1962, at the New Hampshire Public Service Commission, Concord, N.H., before Joint Board No. 132.

No. MC 124398, filed April 23, 1962. Applicant: ALBEE TRUCKING COMPANY, INC., 1820 Center Street, Wolfeboro, N.H. Applicant's attorney: George W. Walker, Rochester Realty Building, Rochester, N.H. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, loose and containerized, between points in New Hampshire.

HEARING: July 26, 1962, at the New Hampshire Public Service Commission, Concord, N.H., before Joint Board No. 186.

No. MC 124400 (Sub-No. 1), filed April 26, 1962. Applicant: TELISCHAK TRUCKING, INC., 12300 Farmington Road, Livonia, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete slabs and beams of such size and weight as to require special equipment, and accessories and materials incidental to the installation thereof*, (1) from the plant site of Price Brothers located at Livonia, Mich., to points in Ohio, Indiana, Pennsylvania, and Kentucky, (2) from the plant site of Lake Erie Flexicore Co., Inc., wholly owned subsidiary of Price Brothers, located at Kent, Ohio, to points in Michigan, Indiana, Pennsylvania, and Kentucky, and (3) from the plant site of Price Brothers located at Dayton, Ohio to points in Michigan, Indiana, Pennsylvania, and Kentucky; and *returned and rejected shipments, supplies and materials, incidental to the manufacture of prestressed and reinforced concrete beams and slabs*, on return.

NOTE: Applicant states the proposed service will be performed under a continuing contract, or contracts, with Price Brothers Company. Applicant further states, "in the event the instant contract carrier authority is granted, covering the entire State of Ohio, it is agreeable to the cancellation of authority granted in the Sub 9 proceeding." Applicant has common carrier authority in MC 107376 and Sub-No. 6 thereunder; therefore, dual operations may be involved.

HEARING: July 16, 1962, at the Detroit-Leland Hotel, Detroit, Mich., before Examiner James Anton.

No. MC 124404, filed April 25, 1962. Applicant: MILTON H. LORD, R.F.D. No. 1, Warwick, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer*, from South Kearny, Englishtown, and Yardville, N.J., to points in Orange County, N.Y., and (2) *limestone*, in bags, from Limecrest, and Franklin, N.J., to points in Orange County, N.Y.

HEARING: July 12, 1962, at 346 Broadway, New York, N.Y., before Examiner W. Elliott Neffen.

No. MC 124406 (Sub-No. 1), filed April 27, 1962. Applicant: CARL W.

ARNOLD, doing business as CARL'S TRUCKING, P.O. Box 754, Lander, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood products* and *forest products* from mill sites in Fremont County, Wyo., to Riverton, Wyo., for subsequent movement to points outside Wyoming by other authorized carriers.

HEARING: July 27, 1962, at the Wyoming Public Service Commssion, Cheyenne, Wyo., before Joint Board No. 197, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 124422, filed April 30, 1962. Applicant: T. & F. QUINN TRUCKING CO., INC., 532 West 46th Street, New York 19, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities such as are dealt in by an importer of photographic paper, film* and *related materials and supplies*, from the site of the warehouse of The Gevaert Co. of America, Inc., Teterboro, N.J., to New York, N.Y., and points in Nassau County, N.Y., and *returned and damaged shipments of the same commodities* on return.

NOTE: Applicant states that the operations will be under a continuing contract with The Gevaert Company, whom it has been serving within New York, N.Y., for 35 years.

HEARING: July 13, 1962, at 346 Broadway, New York, N.Y., before Examiner W. Elliott Neffien.

No. MC 124423, filed May 2, 1962. Applicant: JET MESSENGER SERVICE, INC., Hillsdale Road, Oak Tree, N.J. Applicant's attorney: Leroy Danziger, 334 King Road, North Brunswick, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), moving in express service in station wagons and panel trucks, between points in Bergen, Essex, Hudson, Middlesex, Morris, Monmouth, Passaic, Somerset, Sussex, and Union Counties, N.J., on the one hand, and, on the other, New York, N.Y., points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., points in Connecticut, Boston, Mass., and points in Massachusetts within 25 miles of Boston, points in Philadelphia, Delaware, Lehigh and Northampton Counties, Pa., Wilmington, Del., and points in Bergen, Essex, Hudson, Middlesex, Passaic, Somerset, and Union Counties, N.J.

HEARING: July 9, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John L. York.

No. MC 124428 (Sub-No. 1), filed May 8, 1962. Applicant: EDWARD C. KEEFE, doing business as KEEFE'S EXPRESS, Newington Road, Portsmouth, N.H. Applicant's attorney: Francis E. Barrett, Jr., 25 Bryant Avenue, East Milton 86 (Boston), Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except explosives), in packages, or parcels not exceeding 75 pounds each, in retail delivery service, from Portsmouth, N.H., to points in Rockingham and Strafford Counties, N.H., and Kittery, Maine; and *returned and damaged shipments of the above commodities* from above destination points to Portsmouth, N.H.

NOTE: Applicant states that the operations will be restricted to traffic having a prior or subsequent movement by freight forwarder. Applicant further states that it owns shares in Associated Deliveries, Inc., a freight forwarder operating under authority of this Commission.

HEARING: July 25, 1962, at the New Hampshire Public Service Commission, Concord, N.H., before Joint Board No. 114.

No. MC 124430, filed May 4, 1962. Applicant: BLAIR T. CLAYPOOLE AND RODERICK C. CLAYPOOLE, doing business as CLAYPOOLE TRUCKING, R.D. No. 1, Worthington, Pa. Applicant's attorney: H. Ray Pope, Jr., Clarion, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay products* from St. Marys, Pa., to points in New York, Maine, New Jersey, Massachusetts, Connecticut, Maryland, Virginia, West Virginia, Rhode Island, Delaware, New Hampshire, Vermont, and the District of Columbia; and (2) *empty containers or other such incidental facilities* (not specified) used in transporting the commodities above, and *commodities used or useful in the manufacture of clay products*, in return movements.

NOTE: Applicants state that Blair T. Claypoole presently holds contract authority under MC-115411; that application to change that authority to common carrier authority is in process; and that after such change is made, transfer of said authority to applicants will be requested.

HEARING: July 9, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Francis A. Welch.

No. MC 124431, filed May 3, 1962. Applicant: RICHARD G. LAWS, doing business as D. & S. LEASING SERVICE, Wetzell Road, Liverpool, N.Y. Applicant's attorney: Francis E. Barrett, Jr., Professional Building, 25 Bryant Avenue, East Milton 86, Boston, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sheet steel cans*, from Boston, Mass., to points in New York on and north of U.S. Highway 6.

NOTE: Applicant states that the proposed operation is under a continuing contract with Stern Can Co., Inc.

HEARING: July 11, 1962, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 191.

MOTOR CARRIERS OF PASSENGERS

No. MC 172 (Sub-No. 2), filed April 19, 1962. Applicant: ARNOLD E. WADE, 1312 Helderberg Avenue, Schenectady 6, N.Y. Applicant's attorney: Edward L. Merrigan, 425 13th Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, (1) in one-way and round-trip charter operations from points in that part of New York bounded by a line beginning at Windham, N.Y., and extending through Gilboa to Cooperstown, thence through Sharon Springs to Amsterdam, thence through Hoffmans to Schenectady and thence through South Berne to point of beginning to points in the United States, including Alaska and including Ports of Entry on the International Boundary line between the United States and Canada and (2) in round-trip, special operations beginning and ending at points in that part of New York bounded by a line beginning at Windham, N.Y., and extending through Gilboa to Cooperstown, thence through Sharon Springs to Amsterdam, thence through Hoffmans to Schenectady and thence through South Berne to point of beginning to points in the United States, including Alaska and including Ports of Entry on the International Boundary line between the United States and Canada.

HEARING: July 10, 1962, at the Federal Building, Albany, N.Y., before Examiner Lyle C. Farmer.

No. MC 668 (Sub-No. 80), filed April 16, 1962. Applicant: INTER-CITY TRANSPORTATION CO., INC., 730 Madison Avenue, Paterson, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express and newspapers*, in the same vehicle with passengers, between New York City, N.Y., and Babylon, N.Y., from New York City, over New York Highway 24 (also known as Long Island Expressway) to junction New York Highway 24 and access roads leading to Guinea Woods Road (also known as Glen Cove Road) near East Hills, N.Y., thence over such access roads to Guinea Woods Road, thence over Guinea Woods Road to junction Jericho Turnpike in North Hempstead, near Carle Place, thence over Jericho Turnpike to junction Mineola Boulevard, in Mineola, thence over Mineola Boulevard until it becomes Franklin Avenue at the Mineola-Garden City municipal line, thence over Franklin Avenue until it becomes North Franklin Street at the Hempstead-Garden City municipal line, thence over North Franklin Street to junction New York Highway 24A in Hempstead, thence over New York Highway 24A through Hempstead, Uniondale, East Meadow, Levittown, Plainedge, and Farmingdale, N.Y., to junction New York Highway 110 near East Farmingdale in Suffolk County, N.Y., thence over New York Highway 110 to junction New York Highway 27A in Amityville, N.Y., thence over New York Highway 27A to Babylon, and return over the same route (except that on such return westbound access roads from Guinea Woods Road to New York Highway 24 must be used) serving all intermediate points.

NOTE: Applicant proposes to segment the proposed route to its existing authority in MC 668 whereby it provides regular route service in the states of New Jersey and New York as set forth therein.

NOTE: Common control may be involved.

HEARING: July 25, 1962, at 346 Broadway, New York, N.Y., before Examiner Joseph A. Reilly.

No. MC 1501 (Sub-No. 256) (AMENDMENT), filed December 18, 1961, published FEDERAL REGISTER issue of March 7, 1962, amended April 30, 1962, and republished, as amended, this issue. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Thomas F. Kilroy, Suite 912 Federal Bar Building, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers* and *mail*, in the same vehicle with passengers, between the junction of U.S. Highways 25 and 176 south of Hendersonville, N.C., and Spartanburg, S.C., over U.S. Highway 176 and return over the same route, serving no intermediate points.

NOTE: The purpose of this republication is to change the route description.

HEARING: July 9, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 2, or, if the Joint Board waives its right to participate before Examiner Laurence E. Masoner.

No. MC 1934 (Sub-No. 7), filed April 20, 1962. Applicant: THE ARROW LINE, INC., 70 Florence Street, Hartford, Conn. Applicant's attorney: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special round-trip operations, beginning and ending at Hartford, Meriden, Wallingford, New Haven, and Bridgeport, Conn., and extending to the sites of Yankee Stadium and the New York Polo Grounds, New York, N.Y.

HEARING: July 18, 1962, at the Hartford Statler Hilton, Hartford, Conn., before Examiner W. Elliott Neffien.

No. MC 85028 (Sub-No. 10), filed March 2, 1962. Applicant: BERKSHIRE STREET RAILWAY COMPANY, a corporation, 1277 East Street, Pittsfield, Mass. Applicant's attorney: Edward N. Gadsby, 200 Maryland Avenue NE., Washington 2, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, mail*, and *newspapers*, in the same vehicle with passengers, between Pittsfield, Mass., and Albany, N.Y.; from Pittsfield at Park Square over U.S. Highway 20 to the intersection of Massachusetts Highway 41, thence over Massachusetts Highway 41 to the intersection of Massachusetts Highway 295, thence over Massachusetts Highway 295 to the Massachusetts-New York State line, continuing on New York Highway 295 to Chatham, N.Y., thence over New York Highway 203 to the Valatie, N.Y., thence over New York Columbia County Road 28 through Niverville, N.Y., to its intersection with U.S. Highway 9, thence over U.S. Highway 9 to its intersection with U.S. Highway 20 at East Greenbush, N.Y., thence over U.S. Highway 20 to Albany, and return over the same route, serving Canaan, East Chatham, Chatham, Valatie, and Niverville, N.Y., as intermediate points.

HEARING: July 12, 1962, at the Federal Building, Albany, N.Y., before Examiner Lyle C. Farmer.

No. MC 93443 (Sub-No. 4), filed May 17, 1962. Applicant: SCHENECTADY TRANSPORTATION CORPORATION, 1344 Albany Street, Schenectady 4, N.Y. Applicant's attorney: Harry Shereff, 292 Madison Avenue, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, in special operations, from Schenectady, N.Y., and points within 35 miles of Schenectady, to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, the District of Columbia, and New York, and return.

HEARING: July 13, 1962, at the Federal Building, Albany, N.Y., before Examiner Lyle C. Farmer.

No. MC 109665 (Sub-No. 6), filed April 18, 1962. Applicant: ARGENTINE TRANSIT LINES, INC., 1707 WEST 39th Avenue, Kansas City, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicles with passengers, (1) between 58th and Lamar Streets, and Southwest Boulevard, Kansas City, Kans., as an extension of applicant's authorized regular route (Shawnee), as follows: From 58th and Lamar Streets, north on Lamar to 53d Street, thence east on 53d to Outlook Street, thence south on Outlook to 55th Street, thence east on 55th to Nall Street, thence east on Nall to Sycamore Street, thence northeast on Sycamore to Linden Street, thence north on Linden to 51st Street, thence east on 51st to Santa Fe Drive, thence east on Santa Fe to Buena Vista Drive, thence east on Buena Vista to 52d Street, thence northeast on 52d to Clark Drive, thence south on Clark to Neosho Street, thence north on Neosho to 50th Street, thence east on 50th to Mission Road, thence north on Mission to 47th Street, thence east on 47th to Rainbow Street, thence north on Rainbow to Southwest Boulevard, and return over the same route, serving all intermediate points; and (2) between 48th and Melody and 34th and Steele Road, in Kansas City, Kans., as an extension of applicant's present Quivira Line, between Kansas City, Kans. and Kansas City, Mo., as follows: From 34th Street and Steele Road, thence south on 34th to Shawnee Drive, thence east on Shawnee Drive to 28th Street, thence south on 28th to Hageman Street, thence west on Hageman to 34th, thence south on 34th to Woodend Street, thence west on Woodend to 37th Street, thence north on 37th to Shawnee Drive, thence west on Shawnee Drive to 42d Street, thence north on 42d to Gibbs Road, thence west on Gibbs to 51st Street, thence south on 51st Street through Highland Crest Addition to Crest Drive, thence west on Crest to 51st Terrace, thence north on 51st Terrace to Alma, thence west on Alma to 53d Street, thence south on 53d to Locust, thence east on Locust to Shawnee Drive, thence northeast on Shawnee to 48th Street, thence north on 48th to Woodend Road, thence east on Woodend to 47th Street, thence north on 47th to Crest Drive, thence west on Crest Drive to 48th Street, thence north on 48th to Melody, and return over the same route, serving all intermediate points.

HEARING: July 25, 1962, at Park East Hotel, Kansas City, Mo., before Joint Board No. 36, or, if the Joint Board waives its right to participate, before Examiner Samuel C. Shoup.

No. MC 110373 (Sub-No. 6), filed April 30, 1962. Applicant: NORTHEAST COACH LINES, 730 Madison Avenue, Paterson, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* and *express* and *newspapers*, in the same vehicle with passengers, between Pequannock Township and Wayne Township, N.J.; from junction Jackson Avenue (also known as Pompton Plains Crossroad) and Newark and Pompton Turnpike in Pequannock Township, over Jackson Avenue to junction Black Oak Ridge Road (also known as U.S. Highway 202), thence over U.S. Highway 202 to junction Ratzer Road and New Jersey Highway 23 in Wayne Township, and return over the same route, serving all intermediate points.

NOTE: Applicant states "the President of the applicant herein owns and controls Inter-City Transportation Co., Inc., a corporation authorized in Docket MC 668 to transport passengers and their baggage via regular routes between New York and Hokokus, Ridgewood, Midland Park, and Paterson, serving all intermediate points on specified routes. Regular route service is also provided between New York, N.Y., and points in Sullivan and Ulster Counties, N.Y., via New Jersey. His acquisition of control of the applicant was authorized in Docket MC-F-4231. Applicant's President also controls Warwick-Greenwood Lake and New York Transit, Inc., Docket MC 123577 and sub numbers thereunder, which operates between New York, N.Y., and Warwick, N.Y., via New Jersey, such control being acquired in Docket MC-F-7645."

HEARING: July 9, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 115891 (Sub-No. 2), filed May 1, 1962. Applicant: INTER-COUNTY MOTOR COACH, INC., 243 Deer Park Avenue, Babylon, N.Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, be-

tween New York, N.Y., and Babylon, N.Y., from New York over New York Highway 24 (Long Island Expressway) in Nassau County, N.Y., to junction with access roads leading to Guinea Woods Road, thence over access roads to Guinea Woods Road, thence over Guinea Woods Road to its junction with Jericho Turnpike, thence over Jericho Turnpike to its junction with Mineola Boulevard, in Mineola, N.Y., thence over Mineola Boulevard to its junction with Franklin Avenue, thence over Franklin Avenue through Garden City, N.Y., to its junction with North Franklin Street, thence over North Franklin Street to its junction with New York Highway 24A in Hempstead, N.Y., thence over New York Highway 24A through East Meadow, Levittown, Plainedge, and Farmingdale to its junction with New York Highway 110 in Suffolk County, N.Y., thence over New York Highway 110 to its junction with New York Highway 27A in Amityville, N.Y., thence over New York Highway 27A to Babylon, and return over the same route (except from Guinea Woods Road to New York Highway 24 using access roads provided for use in such reverse direction), serving all intermediate points.

HEARING: July 25, 1962, at 346 Broadway, New York, N.Y., before Examiner Joseph A. Reilly.

No. MC 123748 (Sub-No. 4), filed May 14, 1962. Applicant: CONNECTICUT LIMOUSINE SERVICE, INC., 156 Humphrey Street, New Haven, Conn. Applicant's attorney: Palmer S. McGee, Jr., 750 Main Street, Hartford 3, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between New Haven and Waterbury, Conn. on the one hand, and on the other, the site of the World's Fair at Flushing Meadows Park, New York, N.Y., over the following routes and serving the stated intermediate points: (1) Originating at New Haven, proceeding over New Haven city streets to U.S. Interstate Highway 95 (also called the Connecticut Turnpike); thence over U.S. Interstate Highway 95 to the Connecticut-New York state line; thence over U.S. Interstate Highway 95 (also called the New England Thruway) to the New York City line; thence over New York City streets, boulevards, expressways and avenues, and Whitestone Bridge or Throggs Neck Bridge to the World's Fair site at Flushing Meadows Park, New York City, and return along a reverse of the foregoing routes, serving the intermediate points of Bridgeport, Fairfield, Westport, Norwalk, Darien, Stamford, Greenwich, and Stratford, Conn.; and (2) originating at Waterbury, proceeding over Waterbury city streets to Connecticut Highway 8; thence over Connecticut Highway 8 to Bridgeport; thence over Bridgeport city streets to Stratford; thence over Stratford city streets to U.S. Interstate Highway 95 (also called the Connecticut Turnpike); thence over U.S. Interstate Highway 95 to Fairfield; thence over the route described in (1) above to the World's Fair site at Flushing Meadows Park, New York City, and return over the same route, serving the intermediate points of Naugatuck, Seymour, Derby, Stratford, and Bridgeport, Conn.

NOTE: Applicant states that the proposed operation will be seasonal between the opening and closing dates of the World's Fair. Applicant further states that it proposes to coordinate and join the service here proposed with operations conducted by it between New Haven and Waterbury, Conn. (and various intermediate points) and New York International Airport (Idlewild), N.Y., and La Guardia Airport, N.Y., and to transfer passengers to and from the two New York airports.

HEARING: July 19, 1962, at the Hartford Statler Hilton, Hartford, Conn., before Examiner W. Elliott Neffen.

No. MC 124433, filed May 7, 1962. Applicant: C. H. NORTON, R.R. No. 1, Burlington, Ontario, Canada. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and charter operations, from Ports of Entry on the International Boundary line between the United States and Canada at the St. Lawrence, Niagara, Detroit, St. Clair, St. Mary, Pigeon, and Rainy Rivers, to points in the United States (except Alaska and Hawaii), and return.

NOTE: Applicant states all special or chartered trips shall originate and terminate in the Province of Ontario, Canada.

HEARING: July 23, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Lyle C. Farmer.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12697 (Sub-No. 1), filed May 3, 1962. Applicant: ESTHER BRIGGS DEA JAMES, 460 Seventh Avenue, Salt Lake City, Utah. Applicant's attorney: Irene Warr, 419—Judge Building, Salt Lake City, Utah. For a license (BMC 5) to engage in operations as a *broker* at Salt Lake City, Utah, in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, in special and charter operations, beginning and ending at points in Utah, Idaho, Arizona, Nevada, and California, and extending to points in the United States.

HEARING: July 26, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 207, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 12798 (CLARIFICATION), filed March 19, 1962, published FEDERAL REGISTER issue April 25, 1962, and republished as clarified this issue. Applicant: DENVER-BOULDER BUS COMPANY, a corporation, doing business as DENVER TRAVEL AGENCY, 1805 Broadway, Denver 2, Colo. Applicant's attorney: David Butler, 500 Equitable Building, Denver 2, Colo. For a license (BMC 5) to engage in operations as a *broker* at Denver, Colo., in arranging for transportation by motor vehicle in interstate or foreign commerce of *passengers and their baggage*, in the same vehicle, both as individuals and in groups, in round trip all-expense tours, between points in the United States.

NOTE: The purpose of this republication is to broaden the scope of the authority sought.

HEARING: Remains as assigned June 25, 1962, at the Albany Hotel, Denver, Colo., before Joint Board No. 126, or, if the Joint Board waives its right to participate, before Examiner Donald R. Sutherland.

No. MC 12803, filed April 12, 1962. Applicant: WHALE TOURS COMPANY, 18 North Main Street, Fall River, Mass. For a license (BMC 5) to engage in operations as a *broker* at Fall River, Mass., in arranging for transportation in interstate or foreign commerce by motor vehicle, of *passengers and their baggage*, in the same vehicle with passengers, both as individuals and groups (including civic, religious, fraternal and industrial), in round trip, special, conducted, and charter operations consisting of educational, historical and sightseeing tours, beginning and ending at Fall River, Mass., and extending to points in the United States.

HEARING: July 13, 1962, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 231.

No. MC 12804, filed April 13, 1962. Applicant: WEIDNER TRAVEL BUREAU, INC., 83 State Street, Springfield 3, Mass. Applicant's attorney: Francis V. Goggins, 60 East 42d Street, New York, N.Y. For a license (BMC 5) to engage in operations as a *broker* at Springfield, Mass., in arranging for transportation in interstate or foreign commerce, by motor vehicle of *passengers and their baggage*, in the same vehicle, both as individuals and groups, between points in the United States.

HEARING: July 16, 1962, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 231.

No. MC 12805, filed April 17, 1962. Applicant: RUTTENBERG TRAVEL SERVICE, 443 Washington Street, Reading, Pa. For a license (BMC 5) to engage in operations as a *broker* at Reading, Pa., in arranging for transportation by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, in the same vehicle, in groups, between points in the United States.

HEARING: July 9, 1962, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Joint Board No. 65, or, if the Joint Board waives its right to participate before Examiner Joseph A. Reilly.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 56661 (Sub-No. 7), filed May 24, 1962. Applicant: LUCAS MOTOR EXPRESS, INC., 1006 East Main Street, P.O. Box 27, Greensburg, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), serving Letts and Westport, Ind., located on Indiana Highway 3 south of Greensburg, Ind., as off-route points in connection with carrier's authorized regular-route operations to and from Greensburg, Ind.

No. MC 69274 (Sub-No. 6), filed May 14, 1962. Applicant: M & R TRANSPORTATION CO., INC., 147 Park Street, Akron, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of applicant's new terminal located between U.S. Highway 5 and U.S. Highway Alternate 5 approximately fourteen (14) miles north of Hartford, Conn., and thirteen (13) miles south of Springfield, Mass., as an off-route point in connection with applicant's regular route operation.

No. MC 111496 (Sub-No. 6), filed May 24, 1962. Applicant: TWIN CITY-FARGO FREIGHT, INC., 122 Southeast Eighth Street, Minneapolis, Minn. Applicant's attorney: W. E. Hustleby, 1681 Highland Parkway, St. Paul 16, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Camp Ripley, Morrison County, Minn., as an intermediate point in connection with applicant's regular-route operations between Little Falls, Minn., and Randall, Minn.

No. MC 115162 (Sub-No. 74), filed May 24, 1962. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, 3020 West Fairview Avenue, Montgomery 2, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Marathon, Marinette, Forest, Waupaca, Winnebago, and Wood Counties, Wis., to points in Mississippi, Louisiana and points in Alabama on and south of U.S. Highway 80.

No. MC 115162 (Sub-No. 76), filed May 24, 1962. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, 3020 West Fairview Avenue, Montgomery 2, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Berkeley County, W. Va., to points in Alabama on and south of U.S. Highway 80.

No. MC 121140 (Sub-No. 1), filed May 25, 1962. Applicant: STATEWIDE TRANSPORT, INC., 7103 Folk Street, Boise, Idaho. Applicant's attorney: J. Charles Blanton, Box 1253, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction, mining, and logging machinery, equipment and supplies, and heavy hauling* (items of unusual weight, size or dimensions requiring special equipment to load, unload or transport), in furtherance of applicant's authority under the second proviso of section 206(a)(1) of the Interstate Commerce Act to engage in operations in interstate commerce or foreign commerce to the same extent that applicant is authorized to engage in intrastate commerce, to provide that in transporting shipments between points in Idaho south of Boise, on the one hand, and, on the other, points in north Idaho, applicant may travel into the States of Oregon and Washington as may be required by circumstances, and to provide that in transporting shipments between points in eastern Idaho south of Salmon, on the one hand, and, on the other, points in northern Idaho, applicant may travel though the State of Montana as may be required by circumstances.

No. MC 124034 (Sub-No. 6), filed May 23, 1962. Applicant: SCHWERMAN TRUCKING CO. OF N.Y. INC., 620 South 29 Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk and in packages, from Boston, Mass., to points in Massachusetts, New Hampshire, Rhode Island, Maine, Connecticut, and Vermont.

NOTE: Applicant states it holds contract carrier cement authority under MC 117538 and Subs thereto, and, therefore, dual operations may be involved. Applicant further states it is controlled by Schwerman Trucking Co. (approved in Docket MC-F-6963). Schwerman Trucking Co. (Wisconsin parent corporation) also controls Schwerman Trucking Co. of Ohio and Schwerman Co. of Pa., Inc. (approved in Docket No. MC-F-4623) Schwerman Trucking Co. of Indiana, Inc. (approved in MC-F-5793) Schwerman Trucking Co. of Ill., Inc. (approved in MC-F-6124) and Schwerman Trucking Co. of Texas (approved in MC-F-6834).

MOTOR CARRIERS OF PASSENGERS

No. MC 55312 (Sub-No 10), filed May 25, 1962. Applicant: CONTINENTAL TENNESSEE LINES, INC., 418 Fifth Avenue, South, Nashville, Tenn. Applicant's attorney: Warren A. Goff, 315 Continental Avenue, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicles with passengers, between Hartsville and Lafayette, Tenn., as follows: From Hartsville over Tennessee Highway 25 to junction of Tennessee Highways 25 and 10; thence over Tennessee Highway 10 to Lafayette, serving all intermediate points and returning over the same route.

NOTE: Applicant is a subsidiary of Transcontinental Tennessee Lines, Inc.

PETITION

No. MC 119493 (CORRECTION) (PETITION FOR FORMAL INTERPRETATION), filed February 20, 1961, published FEDERAL REGISTER, issue of May 16, 1962, and republished as corrected this issue. Petitioner: MONKEM COMPANY, INC., Joplin, Mo. Petitioner's attorney: James F. Miller, 500 Board of Trade Building, Kansas City 5, Mo. The notice in the FEDERAL REGISTER, issue of May 16, 1962, indicated that applicant's petition was filed February 20, 1962, in error. The petition was filed February 20, 1961.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 2111 (Sub-No. 7), filed May 22, 1962. Applicant: BRUNO BROTHERS, INC., Felton Road, Norristown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Ephrata, Akron, Denver, Terre Hill, New Holland, Adamstown, Hopeland, Lincoln, Stevens, Blue Ball, East Earl, Goodville, Churchtown, Groffdale, Bareville, Farmersville, Brunnerville, Clay, Brickerville, Lexington, Schoeneck, Rothsville, Millway, Leola, Reamstown, Brownstown, Reinholds, Honey Brook, Elverson, Guthriesville, and Morgantown, Pa. (2) Between Ephrata, Akron, Denver, Terre Hill, New Holland, Adamstown, Hopeland, Lincoln, Stevens, Blue Ball, East Earl, Goodville, Churchtown, Groffdale, Bareville, Farmersville, Brunnerville, Clay, Brickerville, Lexington, Schoeneck, Rothsville, Millway, Leola, Reamstown, Brownstown, Reinholds, Honey Brook, Elverson, Guthriesville, and Morgantown, Pa., on the one hand, and, on the other, Philadelphia, Pa. (3) Between Downingtown, Pa., and Ephrata, Pa.

NOTE: This application is filed concurrently with section 5 and directly related with MC-F 8154 published this issue.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8152. Authority sought for purchase by JEFF A. ROBERTSON, an individual, doing business as TOPEKA MOTOR FREIGHT, 705 East Highway 24, Topeka, Kans., of the operating rights of E. A. HOFFMAN (LUCY WRIGHT, EXECUTRIX), doing business as THE GRODICK TRANSFER AND STORAGE CO., 115 South Fourth Street, Atchison, Kans. Applicants' attorney: Jeff A. Robertson, 610 First National Bank

Building, Topeka, Kans. Operating rights sought to be transferred: *Dangerous explosives* and *general commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Atchison, Kans., and St. Joseph, Mo., and *groceries and alcohol*, between Kansas City, Mo., and Atchison, Kans., serving no intermediate points; and *household goods*, over irregular routes, between Atchison, Kans., and points within 50 miles thereof, on the one hand, and, on the other, points in Kansas and Missouri. Vendee presently holds no operating rights issued by the Interstate Commerce Commission, or operates as a carrier. However, in No. MC–FC 64735 (published in the February 10, 1962 issue of the FEDERAL REGISTER, effective March 7, 1962), transfer to JEFF A. ROBERTSON, doing business as TOPEKA MOTOR FREIGHT, of the interstate operating rights of TOPEKA MOTOR FREIGHT, INC., was approved by the Commission, The Transfer Board. If the transfer is consummated, in compliance with requirements of the order, vendee will have the rights to operate as a *common carrier* in Kansas and Missouri. Application has been filed for temporary authority under section 210 a(b).

No. MC–F–8153. Authority sought for purchase by MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, P.O. Box 747, Sioux Falls, S. Dak., of the operating rights of NORTHWESTERN TRANSIT, INC. (HARRY A. ASH, TRUSTEE), Michigan City, Ind., and for acquisition by H. LAUREN LEWIS, also of Sioux Falls of control of such rights through the purchase. Applicants' attorneys: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr., and Leonard Gesas, 100 West Monroe, Chicago, Ill. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Chicago, Ill., and Detroit, Mich., between New Buffalo, Mich., and Niles, Mich., between Michigan City, Ind., and South Bend, Ind., serving certain off-route points, between junction U.S. Highway 6 and Indiana Highway 55 and Michigan City, Ind., between Michigan City, Ind., and Valparaiso, Ind., and between Michigan City, Ind., and La Porte, Ind., serving all intermediate points, between Detroit, Mich., and junction U.S. Highway 112 and U.S. Highway 112 By-Pass., serving certain intermediate points, between junction U.S. Highway 20 and Indiana Highway 43 and Lafayette, Ind., serving all intermediate points, and between junction U.S. Highway 421 and Indiana Highway 10 (near San Pierre, Ind.), and North Judson, Ind., serving no intermediate points, and over various alternate routes for operating convenience only; *general commodities*, excepting, among others, commodities in bulk, but not excepting household goods, between junction Michigan Highway 17 and unnumbered highways, and any entrance to Ford Willow Run Plant, between junction U.S. Highway 112 and unnumbered highways and any entrance to Ford Willow Run Plant, serving no intermediate points, between Detroit, Mich., and junction U.S. Highway 112 and Michigan Highway 17, serving the intermediate point of the Ford Willow Run Plant, east of Ypsilanti, Mich.; and *mining machinery* and *air compressors* requiring special equipment and handling, over irregular routes between Michigan City, Ind., on the one hand, and, on the other, points in Illinois, Indiana and Michigan. Vendee is authorized to operate as a *common carrier* in South Dakota, Washington, Oregon, Minnesota, Iowa, Utah, California, Nebraska, Nevada, Idaho, Illinois, Missouri, North Dakota, Wisconsin, Montana, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, New York, Pennsylvania, Colorado, Michigan, Indiana, Ohio, Kentucky, Kansas, Virginia, North Carolina, Arizona, West Virginia, Maryland, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8154. Authority sought for purchase by BRUNO BROTHERS, INC., Felton Road, Norristown, Pa., of the operating rights of WALTER D. WOLF, an individual, doing business as EPHRATA MOTOR EXPRESS, 353 Duke Street, Ephrata, Pa., and for acquisition by BENJAMIN MATUSOW, and JOSHUA MATUSOW, 103 East Sharpnack Street, Philadelphia, Pa., JANICE L. FORD, 852 Medway Road, Philadelphia, Pa., and JOSEPH B. ATKINSON, CHARLES H. ATKINSON, and ELIZABETH M. ATKINSON, all of 4222 Main Street, Philadelphia 27, Pa., of control of such rights through the purchase. Applicants' attorney: Morris J. Winokur, 1920 Two Penn Center Plaza, Philadelphia 2, Pa. Operating rights sought to be transferred: Operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act in the State of Pennsylvania, covering the transportation of *general commodities*, excepting, among others, household goods and commodities in bulk, as a common carrier over irregular routes between Ephrata, Akron, Denver, Terre Hill, New Holland, Adamstown, Hopeland, Lincoln, Stevens, Blue Ball, East Earl, Goodville, Churchtown, Groffdale, Bareville, Farmersville, Brunnerville, Clay, Brickerville, Lexington, Schoeneck, Rothsville, Millway, Leola, Reamstown, Brownstown, Reinholds, Honey Brook, Elverson, Guthriesville, Morgantown, Pa., between the points named above, on the one hand, and, on the other, Philadelphia, Pa., and between Downingtown, Pa., and Ephrata, Pa. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Delaware, Maryland, New York, New Jersey, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

NOTE: No. MC–2111 Sub 7 is a matter directly related.

No. MC–F–8155. Authority sought for control by HELEN E. SMITH AND LAWRENCE E. SMITH, 646 Coffeen Street, Watertown, N.Y., of PULP TRANSPORT, LTD., 644 Coffeen Street, Watertown, N.Y. Applicants' attorney: Francis E. Barrett, Jr., 25 Bryant Avenue, East Milton 86, Mass. Operating rights sought to be controlled: Authority applied for by PULP TRANSPORT, LTD., in pending application (Docket No. MC–124024 Sub-1) covering the transportation of *wood pulp*, as a *contract carrier* over irregular routes, under a continuing contract with Thurso Pulp and Paper Company, Thurso, Canada, from the International Boundary Line between the United States and Canada at or near Ogdensburg, N.Y., to points in New York. HELEN E. SMITH AND LAWRENCE E. SMITH hold no authority from this Commission. However, they are the principal stockholders of W. T. BYRNS MOTOR EXPRESS, INC., 646 Coffeen Street, Watertown, N.Y., which is authorized to operate as a *common carrier* in New York, New Jersey, Pennsylvania, Massachusetts, Connecticut, Delaware, Rhode Island, Maryland, Illinois, Michigan, Ohio, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8156. Authority sought for control by ALVIN R. HOLMES, an individual, doing business as HOLMES TRANSPORTATION SERVICE and/or JONES EXPRESS, 214 Shrewsbury Street, Worcester, Mass., of JOHNSON MOTOR TRANSPORT, 75–81 St. John Street, Portland, Maine. Applicants' attorney: Kenneth B. Williams, 111 State St., Boston 9, Mass. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Portland, Maine, and Boston, Mass., serving all intermediate and certain off-route points, between Portland, Maine, and Bangor, Maine, serving all intermediate routes, and over an alternate route for operating convenience only; *paper and paper products*, over irregular routes, from Brunswick, Portland, South Windham, Pejepscot Mills, Bucksport, and Mechanic Falls, Maine, to Northbridge, Fitchburg, Springfield, Watchusetts, North Leominster, Gardiner, Mount Tom, New Bedford and Shrewsbury, Mass., from Portland, South Windham, Cumberland Mills, Sanford, and Bucksport, Maine, to Northumberland, Berlin, Manchester, Rochester, Milton, Milford, and Concord, N.H., and from Bucksport, South Windham, and Brunswick, Maine, to Pawtucket, Providence, and Woonsocket, R.I., *cardboard partitions*, from Bucksport, Mechanic Falls, Augusta, Pejepscot Mills, and Rumford, Maine, to Worcester, Shrewsbury, Holyoke, Springfield, Webster, North Adams, and Pittsfield, Mass., *cookies*, from North Adams, Mass., to Lewiston, Maine, and *general commodities*, with the exceptions listed above, between certain points in Maine, on the one hand, and, on the other, points in Massachusetts within 25 miles of Boston, including Boston. ALVIN R. HOLMES, doing business as HOLMES TRANSPORTATION SERVICE and/or JONES EXPRESS, is authorized to operate as a *common carrier* in Massachusetts, New Hampshire, Vermont, Rhode Island, Connecticut, Maine, New Jersey, New York, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8157. Authority sought for purchase by GLENN McCLENDON TRUCKING COMPANY, INC., Opelika Road, Lafayette, Ala., of a portion of the operating rights of NILSON MOTOR EXPRESS, INC., Meyers P.O. Box 6038, Hibernia Heights, Charleston, S.C., and for acquisition by GLENN McCLENDON and WALTER McCLENDON, both of Lafayette, Ala., of control of such rights through the purchase. Applicants' attorneys: D. H. Markstein, Jr., 818 Massey Building, Birmingham 3, Ala., and Frank Graham, 707 Security Federal Building, Columbia, S.C. Operating rights sought to be transferred: *New beverage bottles and glass food containers*, as a *common carrier* over irregular routes from Laurens, S.C., to points in Kentucky, Mississippi, New Jersey, and Tennessee, *glass containers*, from Laurens, S.C., to all points in Alabama, except Montgomery, Florence, Decatur, Gadsden, and Birmingham, all points in Louisiana, except New Orleans, Gretna, and Destrehan, all points in Arkansas, all points in Pennsylvania, except Philadelphia, and all points in New York, except those in the New York, N.Y., Commercial Zone, and from Laurens, S.C., to points in Texas, and *asphalt and asbestos roofing and roofing materials, and asphalt and asbestos siding*, from New Orleans, La., to points in North Carolina and South Carolina. Vendee is authorized to operate as a *common carrier* in Florida, Georgia, Alabama, Mississippi, North Carolina, Tennessee, and South Carolina. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8158. Authority sought for purchase by THE SHORT LINE, INC., Court House Square, Newport, R.I., of the operating rights and property of JOHNSON BUS LINES, INC., 1099 Social Street, Woonsocket, R.I., and for acquisition by GEORGE M. SAGE, also of Newport, of control of such rights and property through the purchase. Applicants' attorney: S. Harrison Kahn, 1110–1114 Investment Building, Washington 5, D.C. Operating rights sought to be transferred: *Passengers* and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, and *baggage of* passengers in a separate vehicle, as a *common carrier* over regular routes between the Town of Millbury, Mass., and Uxbridge, Mass., between junction Massachusetts Highway 146 and unnumbered highway (Purgatory Road), and Whitinsville, Mass., between Millville, Mass., and North Smithfield, R.I., and between Providence, R.I., and Fitchburg, Mass., serving all intermediate points, *passengers* and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, between Providence, R.I., and Worcester, Mass., between Boston, Mass., and Woonsocket, R.I., between Hopkinton, Mass., and Wrentham, Mass., and between Medway, Mass., and Woonsocket, R.I., serving all intermediate points; *passengers* and their baggage, and mail, in the same vehicle with passengers, between North Providence, R.I., and Narragansett Park, Pawtucket, R.I., serving all intermediate points, over an alternate route for operating convenience only; *passengers* and their baggage, restricted to traffic originating in the territory and at the points indicated, in charter operations, over irregular routes from points in Massachusetts; Brattleboro, and Manchester, Vt., Old Orchard Beach, Maine, Manchester, Keene, and Washington, N.H., and Syracuse and Oswego, N.Y., to points in Massachusetts, Vermont, New Hampshire, Maine, Connecticut, Rhode Island, New York, Virginia, North Carolina, the Great Smoky Mountains National Park (in Tennessee), Asbury Park, and Atlantic City, N.J., Philadelphia, Pittsburgh, and Harrisburg, Pa., and the District of Columbia, and *passengers* and their baggage, in the same vehicle with passengers, in special operations, for the purpose of participating in Beano and Bingo games, beginning and ending at Framingham, Holliston, Medway, Marlboro, Southboro, Hopkinton, Milford, and Franklin, Mass., and extending to Manville and Central Falls, R.I. Vendee is authorized to operate as a *common carrier* in Rhode Island, Massachusetts, and Connecticut. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8159. Authority sought for control by EDWARD M. RUDE CARRIER CORP., RFD No. 1, Falling Waters, W. Va., of WEST VIRGINIA MOTOR EXPRESS, INC., Clarksburg, W. Va., and for acquisition by EDWARD M. RUDE, also of Falling Waters of control of WEST VIRGINIA MOTOR EXPRESS, INC., through the acquisition by EDWARD M. RUDE CARRIER CORP. Applicant's attorney: Arch M. Cantrall, 701 Goff Building, Clarksburg, W. Va. Operating rights sought to be controlled: *Glass*, as a *common carrier* over irregular routes from Clarksburg, W. Va., to New York, N.Y., and Cincinnati, Ohio, *groceries*, from Cincinnati, Ohio, to Clarksburg, W. Va., *glass and glassware*, from Clarksburg, Fairmount, Weston, and Sistersville, W. Va., to Baltimore, Md., Washington, D.C., Philadelphia, Pa., and points within 25 miles of Philadelphia, *linoleum*, from Lancaster, Pa., to Clarksburg, W. Va., and points in West Virginia within 50 miles thereof, *sugar and groceries*, from Philadelphia, Pa., and Baltimore, Md., and points within 25 miles of each, to Clarksburg, W. Va., and points in West Virginia within 50 miles thereof, *glass and glass products*, from Clarksburg, and Fairmount, W. Va., to certain points in Pennsylvania, Maryland, and Virginia, *groceries and grocery store merchandise*, from Westminster and New Windsor, Md., and Littlestown, Pa., to Clarksburg, W. Va., and points in West Virginia within 50 miles thereof, *seeds and spray materials*, from Baltimore, Md., to Clarksburg, W. Va., *beer*, from Bellaire, Ohio, to Clarksburg, W. Va., *empty beer containers*, from Clarksburg, W. Va., to Bellaire, Ohio, *general commodities*, excepting, among others, household goods and commodities in bulk, between points in West Virginia, on the one hand, and, on the other, Clarksburg, W. Va., and Cumberland, Md., *beer and empty beer containers*, between Clarksburg, W. Va., and Cincinnati, Ohio, and *cork, felt base floor covering or tiling, asphalt composition tiling*, and *supplies and equipment* used in the installation of such commodities and linoleum, from Lancaster, Pa., to Clarksburg, W. Va., and points in W. Va., within 50 miles of Clarksburg. EDWARD M. RUDE CARRIER CORP., is authorized to operate as a *contract carrier* in Pennsylvania, New Jersey, West Virginia, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Delaware, Maryland, Virginia, Ohio, Kentucky, Tennessee, North Carolina, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–5467; Filed, June 5, 1962; 8:48 a.m.]

[Investigation and Suspension Docket No. 7839]

HOLDING OF LOADED GRAIN CARS AT HOLDING POINT WHEN DESTINED TO TEXAS GULF PORTS FOR EXPORT

MAY 31, 1962.

Notice is hereby given that the Interstate Commerce Commission, Washington, D.C., in Investigation and Suspension Docket No. 7839, has suspended to and including December 23, 1962, the operation of certain schedules published in Supplements 2, 3, 4, and 5, to tariff I.C.C. 957 of Texas-Louisiana Freight Bureau, Agent, Dallas, Tex., and has instituted an investigation into and concerning the lawfulness of the rates and charges, rules, regulations, and practices contained in said schedules.

The suspended schedules propose to establish a new provision permitting the holding of loaded cars of bulk grain, bulk flax seed or soy beans, for export at Texas Gulf Ports, at an available hold point short of destination, and in that event notice shall not be given until car has arrived at destination. In such instances, the free time to be computed from the first 7:00 a.m. after notice is sent or given.

Any persons interested in any of the matters contained in this investigation may, on or before July 2, 1962, file a letter with this Commission either supporting or opposing the matters under investigation. Upon expiration of the above date, the proceeding will be assigned for either oral hearing or for handling under modified procedure described in Rules 1.45 to 1.54 of the Commission's general rules of practice.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–5469; Filed, June 5, 1962; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 1, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37770: *Scrap iron or steel from Muskegon, Mich., to Hamilton, Ontario.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2622), for interested rail carriers. Rates on scrap iron or steel (not copper clad), as described in the application, in carloads, from Muskegon, Mich., to Hamilton, Ontario, Canada.

Grounds for relief: Water competition.

Tariff: Supplement 81 to Grand Trunk Western Railroad Company tariff I.C.C. A–100.

FSA No. 37771: *Alcohols from Geismar, La., to Seneca, Ill.* Filed by O. W. South, Jr., Agent (No. A4195), for interested rail carriers. Rates on diethylene glycol and proprietary anti-freeze preparations, in tank-car loads, from Geismar, La., to Seneca, Ill.

Grounds for relief: Carrier competition.

Tariff: Supplement 308 to Southern Freight Association tariff I.C.C. 400.

FSA No. 37772: *Cement and related articles from Castle Hayne, N.C.* Filed by O. W. South, Jr., Agent (No. A4196), for interested rail carriers. Rates on cement and related articles, as described in the application, in carloads, from Castle Hayne, N.C., to points in southern territory, also Ohio and Mississippi River crossings and points in Virginia and West Virginia.

Grounds for relief: Market competition.

Tariff: Supplement 44 to Southern Freight Association tariff I.C.C. S–157.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-5463; Filed, June 5, 1962; 8:47 a.m.]

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Title 46 (Parts 150–end) — 1.25
Title 47 (Parts 1–29) — 1.50

Previously announced: Title 3, 1954–1958 Compilation ($4.00); 1961 Supplement to Title 3 ($0.60); Title 5 ($0.50); Title 7, Parts 1–50 ($0.65); Parts 51–52 ($0.70); Parts 53–209 ($0.60); Parts 210–399 ($0.40); Parts 900–944 (Revised) ($1.00); Parts 945–980 (Revised) ($1.00); Parts 981–999 (Revised) ($0.55); Parts 1000–1029 (Revised) ($1.00); Parts 1030–1059 (Revised) ($1.50); Parts 1060–1089 (Revised) ($1.00); Parts 1090–1119 (Revised) ($1.25); Parts 1120 to end (Revised) ($1.00); Title 8 ($0.50); Title 9 ($0.65); Title 14, Parts 1–19 (Revised) ($2.50); Parts 20–199 (Revised) ($1.75); Parts 200–399 (Revised) ($1.00); Parts 400–599 (Revised) ($0.65); Parts 600 to end (Revised) ($0.70); Title 15 ($1.25); Title 16 ($0.45); Title 17 ($1.00); Title 18 ($0.35); Title 19 ($0.35); Title 20 ($0.40); Title 21 ($2.25); Titles 22–23 ($0.55); Title 25 ($0.50); Title 26, Part 1 (§§ 1.0–1—1.400) ($0.40); Part 1 (§§ 1.401—1.860) ($0.55); Part 1 (§ 1.861 to end) to Part 19 ($0.30); Parts 20–29 ($0.30); Parts 30–39 ($0.30); Parts 40–169 ($0.50); Parts 170–299 ($0.50); Parts 300–499 ($0.35); Parts 500–599 ($0.30); Parts 600 to end ($0.30); Title 27 ($0.30); Titles 28–29 ($2.25); Titles 30–31 ($1.00); Title 32, Parts 1–39 ($0.50); Parts 40–399 ($0.40); Parts 400–589 (Revised) ($3.50); Parts 800–999 ($0.50); Parts 1000–1099 ($1.75); Title 32A ($0.75); Title 35 ($0.30); Title 36 ($0.35); Title 37 ($0.30); Title 38 ($1.25); Title 39 (Revised) ($5.25); Titles 40–41 (Revised) ($1.75); Title 42 ($0.40); Title 43 ($1.25); Title 44 ($0.30); Title 45 ($0.45); Title 46, Parts 1–145 ($1.50); Parts 146–149 (1961 Supplement 2) ($1.25); Title 47, Parts 30 to end ($0.40); Title 49, Parts 1–70 ($1.00); Parts 71–90 ($1.25); Parts 91–164 ($0.55); Parts 165 to end ($0.30); Title 50 ($0.40)

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Washington, Thursday, June 7, 1962

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11024

EXEMPTION OF ALAN T. WATERMAN FROM COMPULSORY RETIREMENT FOR AGE

WHEREAS Dr. Alan T. Waterman, Director of the National Science Foundation, will, during the month of June 1962, become subject to compulsory retirement for age under the provisions of the Civil Service Retirement Act, unless exempted therefrom by Executive order; and

WHEREAS, in my judgment, the public interest requires that Dr. Waterman be exempted from such compulsory retirement:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by section 5 of the Civil Service Retirement Act, 70 Stat. 748 (5 U.S.C. 2255), I hereby exempt Alan T. Waterman from compulsory retirement for age for an indefinite period of time.

JOHN F. KENNEDY

THE WHITE HOUSE,
June 4, 1962.

[F.R. Doc. 62-5609; Filed, June 5, 1962; 4:02 p.m.]

Memorandum of June 1, 1962

[COMMENDATION MEDAL AWARD]

Memorandum for the Secretary of Defense

THE WHITE HOUSE,
Washington, June 1, 1962.

Under uniform regulations to be prescribed by you, the Secretary of a military department may award the Commendation Medal of his department to a member of the armed forces of a friendly foreign nation who, after the date of this memorandum, distinguishes himself by an act of heroism, extraordinary achievement, or meritorious service which has been of mutual benefit to a friendly foreign nation and the United States.

This memorandum shall be published in the FEDERAL REGISTER.

JOHN F. KENNEDY

[F.R. Doc. 62-5643; Filed, June 6, 1962; 11:22 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Housing and Home Finance Agency

Effective upon publication in the FEDERAL REGISTER, subparagraph (3) of paragraph (d) of § 6.342 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-5543; Filed, June 6, 1962; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Foreign Cotton and Covers

MISCELLANEOUS AMENDMENTS

On April 12, 1962, there was published in the FEDERAL REGISTER (27 F.R. 3519) a notice of proposed rule making concerning amendments of 7 CFR 319.8–1, 319.8–3, 319.8–5, 319.8–8, 319.8–9(b) 319.8–10(a), and 319.8–11 through 319.8–27 (Regulations supplemental to Foreign Cotton and Covers Quarantine No. 8). After due consideration of all matters presented, and pursuant to sections 5, 7, and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 159, 160, 162), the Administrator of the Agricultural Research Service hereby amends the aforesaid sections and paragraphs as follows:

A. In § 319.8–1, paragraphs (p), (r), and (aa) are amended; and paragraphs (dd) and (ee) are added, respectively, to read as follows:

§ 319.8–1 Definitions.

* * * * *

(p) *Approved areas of Mexico.* Any areas of Mexico, other than those described in paragraphs (q) and (r) of this section, which are designated by the Director as areas in which cotton and cotton products are produced and handled under conditions comparable to those under which like cotton and cotton products are produced and handled in the generally infested pink bollworm regulated area in the United States.

* * * * *

(r) *Northwest Mexico.* All of the State of Baja California, Mexico, and that part of the State of Sonora, Mexico, lying between San Luis Mesa and the Colorado River.

* * * * *

(aa) *Inspector.* A properly identified employee of the U.S. Department of Agriculture or other person authorized by the Department to enforce the provisions of the Plant Quarantine Act.

* * * * *

(dd) *Pink bollworm regulated area; generally infested pink bollworm regulated area.* The pink bollworm regulated area consists of those States or parts thereof designated as regulated area in Administrative Instructions issued under § 301.52–2 of this chapter. The generally infested pink bollworm regulated area is that part of the regulated area designated as generally infested in the said Administrative Instructions.

(ee) *Approved mill or plant.* A mill or plant operating under a signed agreement with the Division required for approval of a mill or plant as specified in § 319.8–8(a)(2).

B. Section 319.8–3 is amended to read as follows:

§ 319.8–3 Refusal and cancellation of permits.

(a) Permits for entry from the West Coast of Mexico as authorized in § 319.8–12 of lint, linters, waste, cottonseed, and cottonseed hulls may be refused and existing permits cancelled by the Director if he has determined that the pink bollworm is present in the West Coast of Mexico or in Northwest Mexico, or that other conditions exist therein that would increase the hazard of pest introduction into the United States.

(b) Permits for entry from Northwest Mexico as authorized in § 319.8–13 of lint, linters, waste, cottonseed, cottonseed hulls, and covers that have been used for cotton, may be refused and existing permits cancelled by the Director if he has determined that the pink bollworm is present in Northwest Mexico or in the West Coast of Mexico, or that other conditions exist therein that would increase the hazard of pest introduction into the United States.

C. Section 319.8–5 is amended to read as follows:

§ 319.8–5 Marking of containers.

Every bale or other container of cotton lint, linters, waste, or covers imported or offered for entry shall be plainly marked or tagged with a bale number or other mark to distinguish it from other bales or containers of similar material. Bales of lint, linters, and waste from approved areas of Mexico, the West Coast of Mexico, or Northwest Mexico shall be tagged or otherwise marked to show the gin or mill of origin unless they are immediately exported.

D. In § 319.8–8 paragraphs (a)(1)(iii) and (b)(1)(iii) are amended; a new paragraph (b)(1)(iv) is added; and paragraph (b)(2) is amended, respectively, to read as follows:

§ 319.8–8 Lint, linters, and waste.

(a) *Compressed to high density.* (1) * * *

(iii) Such lint, linters, and waste compressed to high density arriving at a port in the State of California where there are no approved fumigation facilities may be entered for immediate transportation in bond via an all-water route if available, otherwise by overland transportation in van-type trucks or box cars after approved surface treatment, or under such other conditions as may be deemed necessary and are prescribed by the inspector, to (*a*) any port where approved fumigation facilities are available, there to receive the required vacuum fumigation before release, or (*b*) to an approved mill or plant for utilization.

* * * * *

(b) *Uncompressed or compressed.* (1) * * *

(iii) Compressed lint, linters, and waste arriving at a port in the State of California where there are no approved fumigation facilities may be entered for immediate transportation in bond by an all-water route if available, otherwise by overland transportation in van-type trucks or box cars after approved surface treatment, or under such other conditions as may be deemed necessary and are prescribed by the inspector, to any port in California or any northern port where approved fumigation facilities are available, there to receive the required vacuum fumigation before release, or to any northern port for movement to an approved mill or plant for utilization.

(iv) Uncompressed lint, linters, and waste arriving at a port in the State of California where there are no approved fumigation facilities may be entered for immediate transportation in bond by an all-water route to any port in California or any northern port where approved fumigation facilities are available, there to receive the required vacuum fumigation before release, or to a northern port for movement to an approved mill or plant for utilization.

(2) Entry without vacuum fumigation will be authorized for compressed lint, linters, and waste, and for uncompressed waste derived from cotton milled in countries that do not produce cotton,[1] arriving at a northern port, subject to movement to an approved mill or plant.

[1] For the purposes of this subpart the following countries are considered to be those in which cotton is not produced: Austria, Belgium, Canada, Denmark, Republic of Ireland (Eire), Finland, France, Germany (both East and West), Great Britain and Northern Ireland (United Kingdom), Iceland, Liechtenstein, Luxembourg, Netherlands, Norway, Portugal, Sweden, and Switzerland.

E. Section 319.8–9(b) is amended to read as follows:

§ 319.8–9 Hull fiber and gin trash.

* * * * *

(b) Gin trash may be imported only under the provisions of § 319.8–19.

F. Section 319.8–10(a) is amended to read as follows:

§ 319.8–10 Covers.

(a) Entry of covers (including bags, slit bags, and parts of bags) which have been used as containers for cotton grown or processed in countries other than the United States may be authorized either (1) through a Mexican border port named in the permit for vacuum fumigation by an approved method in that part of the United States within the generally infested pink bollworm regulated area; or (2) through a northern port or a port in the State of California subject to vacuum fumigation by an approved method or without vacuum fumigation when the covers are to be moved to an approved mill or plant for utilization. When such covers are forwarded from a northern port to a mill or plant in California for utilization, or from a California port to another California or northern port for vacuum fumigation thereat or for movement to a mill or plant for utilization such movement shall be made by an all-water route unless the bales are compressed to a density of 20 pounds or more per cubic foot in which case the bales may be moved overland in van-type trucks or box cars if all-water transportation is not available. Such overland movement may be made only after approved surface treatment or under such other conditions as may be deemed necessary and are prescribed by the inspector. When such covers arrive at a port other than a northern, California, or Mexican border port they will be required to be transported therefrom immediately in bond by an all-water route to a northern or California port where approved vacuum fumigation facilities are available for vacuum fumigation thereat by an approved method or for forwarding therefrom to an approved mill or plant for utilization.

G. The center title "Other Conditions Applicable to Cotton and Covers from Mexico," preceding § 319.8–11, is amended to read "Special Conditions for the Entry of Cotton and Covers from Mexico."

H. Section 319.8–11 is amended to read as follows:

§ 319.8–11 From approved areas of Mexico.

(a) Entry of lint, linters, and waste (including gin and oil mill wastes) which were derived from cotton grown in, and which were produced and handled only in approved areas of Mexico[7] may be authorized through Mexican Border ports in Texas named in the permits (1) for movement into the generally infested pink bollworm regulated area such products becoming subject immediately upon release by the inspector to the requirements, in § 301.52 of this chapter, applicable to like products originating in the pink bollworm regulated area, or (2) for movement to an approved mill or plant for utilization, or (3) for movement to New Orleans for immediate vacuum fumigation.

(b) Entry of cottonseed or cottonseed hulls in bulk, or in covers that are new or which have not been used previously to contain cotton or unmanufactured cotton products, may be authorized through Mexican Border ports in Texas named in the permits, for movement into the generally infested pink bollworm regulated area when certified by an inspector as having been produced in an approved area and handled subsequently in a manner satisfactory to the inspector. Upon arrival in the generally infested pink bollworm regulated area such cottonseed or cottonseed hulls will be released from further plant quarantine entry requirements and shall become subject immediately to the requirements in § 301.52 of this chapter.

I. Section 319.8–12 is amended to read as follows:

§ 319.8–12 From the West Coast of Mexico.

Contingent upon continued freedom of the West Coast of Mexico and of Northwest Mexico from infestations of the pink bollworm, entry of the following products may be authorized under permit subject to inspection to determine freedom from hazardous plant pest conditions:

(a) Compressed lint and linters.

(b) Uncompressed lint and linters for movement into the generally infested pink bollworm regulated area, movement thereafter to be in accordance with § 301.52 of this chapter.

(c) Compressed or uncompressed cotton waste for movement under bond to Fabens, Texas, for vacuum fumigation after which it will be released from further plant quarantine entry requirements.

(d) Cottonseed when certified by an inspector as having been treated, stored, and transported in a manner satisfactory to the Director.

(e) Untreated, non-certified cottonseed contained in new bags for movement by special manifest to any destination in the generally infested pink bollworm regulated area, movement thereafter to be in accordance with § 301.52 of this chapter.

(f) Cottonseed hulls when certified by an inspector as having been treated, stored, and transported in a manner satisfactory to the Director.

(g) Any cotton products for movement through Mexican border ports in Texas directly into the generally infested pink bollworm regulated area, movement thereafter to be in accordance with § 301.52 of this chapter.

J. Section 319.8–13 is amended to read as follows:

§ 319.8–13 From Northwest Mexico.

Contingent upon continued freedom of Northwest Mexico and of the West Coast of Mexico from infestations of the pink bollworm and other plant pest conditions that would increase risk of pest introduction into the United States with importations authorized under this section, entry of the following products may be authorized under permit subject to inspection upon arrival to determine freedom from hazardous plant pest conditions:

(a) Lint, linters, and waste.

(b) Cottonseed.

(c) Cottonseed hulls.

(d) Covers that have been used for cotton only.

K. Section 319.8–14 is amended as follows:

§ 319.8–14 Mexican cotton and covers not otherwise enterable.

Mexican cotton and covers not enterable under § 319.8–11, § 319.8–12, or § 319.8–13 may be entered in accordance with §§ 319.8–6 through 319.8–10 and §§ 319.8–15 through 319.8–19 insofar as said sections are applicable.

§ 319.8–15 [Deletion]

L. The present § 319.8–15 is deleted.

§§ 319.8–16 to 319.8–27 [Redesignation]

M. The present §§ 319.8–16 through 319.8–27 are redesignated, respectively, as §§ 319.8–15 through 319.8–26.

N. The redesignated § 319.8–16 (c) and (f) are amended, respectively, to read as follows:

§ 319.8–16 Importation for exportation, and importation for transportation and exportation; storage.

* * * * *

(c) Entry under permit of lint, linters, or waste compressed to high density will be authorized for purposes of storage in the north pending exportation, fumigation, or utilization in an approved mill or plant provided the owner or operator of such proposed storage place has executed an agreement with the Division similar to those required for mills or plants to utilize lint, linters, and waste as specified in § 319.8–8(a)(2), and provided further that (1) inspectors are available to supervise the storage, (2) the bales of material to be stored are free from surface contamination, (3) the material is kept segregated from other cotton and covers in a manner satisfactory to the inspector, and (4) the waste is collected and disposed of in a manner satisfactory to the inspector.

* * * * *

(f) Entry of uncompressed lint, linters, and waste from Mexico may be authorized at ports named in the permit for exportation at ports within the generally infested pink bollworm regulated area or for transportation and exportation via rail to Canada under such conditions and over such routes as may be specified in the permit.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interpret or apply secs. 5, 7, 37 Stat. 316, 317, as amended; 7 U.S.C. 159, 160. 19 F.R. 74, as amended)

[7] See § 319.8–1(p) for definition of "Approved areas of Mexico." These are within that part of Mexico not included in the "West Coast of Mexico" (§ 319.8–1(q)) or "Northwest Mexico" (§ 319.8–1(r)).

These amendments adapt quarantine procedures to changes in commercial and regulatory practices that have taken place since the regulations were last revised. Some of the amendments are occasioned by the development of the port of Ensenada, in the State of Baja California, Mexico, resulting in changes in the method of transportation and exportation of Mexican cotton. Another amendment recognizes the extension to additional areas of cooperative United States-Mexican supervision of gins in the pink bollworm infested area of Mexico. Also, the quarantine has been adjusted to allow surface transportation of certain imported cotton and clovers under suitable safeguards when all-water transportation is unavailable. A further amendment provides for storage of imported cotton in the north pending exportation, fumigation, or supervised utilization.

These amendments shall become effective July 9, 1962

Done at Washington, D.C., this 4th day of June 1962.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62–5551; Filed, June 6, 1962; 8:53 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 15,923]

PART 523—MEMBERS OF BANKS

Adjustments in Stock Holdings

JUNE 1, 1962.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment of § 523.6 of the Regulations for the Federal Home Loan Bank System (12 CFR § 523.6) for the purpose of having a cross-reference to section 6(1) of the Federal Home Loan Bank Act in the first sentence of said § 523.6 changed to section 6(c) so as to conform to changes in section 6 of the Federal Home Loan Bank Act, as amended by Public Law 87–210 (87th Cong. 1st Sess.), effective January 1, 1962, which resulted in the repeal of section 6(1) and making section 6(c) the applicable section governing stock holdings of member institutions, and, for the purpose of effecting such amendment, hereby amends the aforesaid § 523.6 as follows, effective June 7, 1962:

The first sentence of § 523.6 is amended by deleting the language "section 6(1)" and inserting in lieu thereof the language "section 6(c)". As so amended, § 523.6 reads as follows:

§ 523.6 Adjustments in stock holdings.

The board of directors of any Bank may increase or decrease the amount of stock of any member from time to time so that the stock held by each member shall conform to the provisions of section 6(c) of the act." In any case in which the amount of stock held by a member is decreased upon proper application of such member, the Bank shall pay for each share of stock, upon its surrender, an amount equal to the value thereof, which value shall be determined as provided in section 6(i) of the act, or, at its election, apply the whole or any part of such payment as a credit upon the indebtedness of the member to the Bank. A Bank may require a member to give 30 days' written notice of its intention to make an application to the Bank for a decrease in the amount of stock held by it. In no case shall there be a reduction in the amount of stock held by any member to an amount less than that required by section 10(c) of the act. The board of directors of any Bank may, by resolution, designate the duly constituted executive committee or any officer of such Bank to exercise the powers granted by this section.

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, since this is in the nature of a technical amendment to delete a cross-reference to a section of the law which has been repealed, and to substitute a proper cross-reference, and since such amendment is essential to give effect to the provisions of Public Law 87–210 governing stock holdings of members of the Federal Home Loan Bank System without further delay, the Board hereby finds and determines that notice and public procedure with respect to said amendments would be impracticable under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) or section 4(a) of the Administrative Procedure Act, and, for the same reasons, the Board hereby finds and determines that deferment of the effective date of such amendments under section 4(c) of said Act would be impractical and not in the public interest, and accordingly, the amendment shall be effective upon publication in the FEDERAL REGISTER.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 62–5552; Filed, June 6, 1962; 8:53 a.m.]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 15,908]

PART 543—INCORPORATION, ORGANIZATION, AND CONVERSION

Organization After Conversion

JUNE 1, 1962.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of liberalization of § 543.12 of the rules and regulations for the Federal Savings and Loan System (12 CFR 543.12), relating to initial meetings of members and of the board of directors in cases of the conversion of an institution into a Federal savings and loan association, by deletion from said section of the last sentence thereof, which provides that such association shall not represent itself as a Federal association until the meetings have been held and the required actions taken as set forth in said sentence, and for the purpose of effecting such liberalization, hereby amends said § 543.12 to read as follows, effective June 7, 1962.

§ 543.12 Organization after conversion.

Upon issuance of a Federal charter, as provided in § 543.11, a legal meeting of the members of such Federal association shall be held promptly, after due notice unless held upon a valid adjournment of a previous legal meeting. At such meeting directors shall be elected and such other action shall be taken as is necessary fully to carry into effect the conversion as approved by the Board and to operate such Federal association in accordance with the law and the rules and regulations in this subchapter. Immediately thereafter the board of directors shall meet, elect officers, and transact such other business as may be necessary and proper.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, as said amendment only relieves restriction, the Board hereby finds that notice and public procedure thereon are unnecessary under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) or section 4(a) of the Administrative Procedure Act and, as said amendment relieves restriction, deferment of the effective date thereof is not required under section 4(c) of said Act.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 62–5553; Filed, June 6, 1962; 8:54 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 1062; Amdt. 42–40]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Proving Period for Large Airplanes

A notice of proposed rule making was published in the FEDERAL REGISTER on February 9, 1962 (27 F.R. 1219), and circulated to the industry as Civil Air Regulations Draft Release No. 62–5 dated February 5, 1962, which proposed to amend Part 42 of the Civil Air Regulations to provide for proving tests for large aircraft not previously proved for use in air carrier operations and large aircraft which have been previously proved but which are materially altered in design or are to be used by an air

carrier or commercial operator who has not previously proved the aircraft.

In general, the comments received were in favor of requiring proving tests for large aircraft and reflected endorsement of the principles of the proposal. However, there was some concern relative to the applicability of this revision to a type of an aircraft previously proved by operators other than the affected carrier, and whether or not the rule would apply to all aircraft in use before or after the effective date of the rule.

With regard to the applicability of this amendment, it is not intended to require retroactive proving periods for large aircraft placed into service by an air carrier or commercial operator prior to the effective date of this amendment. However, after the effective date of this amendment, it is intended to require proving periods for large aircraft not previously proven for use in air carrier or commercial operations and large aircraft which have been previously proven but which are materially altered in design or are to be used by an air carrier or commercial operator who has not previously proven the aircraft.

Suggestions were also made that air taxi operators and operators using aircraft under the provisions of Part 43 should be required to conduct proving flights. Since this would be the subject of a separate study it is not considered pertinent to this amendment.

In proposing this amendment, the Agency considered the fact that for a number of years proving periods for aircraft placed into service by air carriers operating under the provisions of Part 40, 41, or 46 of the Civil Air Regulations have been required in accordance with the applicable provisions of these Civil Air Regulations before being used in air carrier operations. These proving periods have been conducted under the surveillance of the Federal Aviation Agency or its predecessor agencies.

There are two primary reasons for requiring a proving period: (1) It provides the Administrator with basic information to assist him in determining that an air carrier or commercial operator can safely operate a new or different type of aircraft; and (2) it affords the air carrier or commercial operator an opportunity to acquire, first hand, the experience necessary to operate new equipment with the highest degree of safety. Proving periods are also of value since they help to familiarize the operator's personnel with the peculiarities of new or different types of aircraft with regard to operations, maintenance, servicing, and handling.

Until recently, aircraft placed into service by an air carrier or commercial operator operating under the provisions of Part 42 were not required to undergo any specific proving period. Prior to the adoption of this amendment, it was the responsibility of the Administrator to find the aircraft safe for the service offered. This determination did not pose any problem in the past since the aircraft placed in service by operators had undergone a previous proving period either when operated by a scheduled air carrier or had been proven by virtue of many years of safe and successful operation by the military services. Recently, however, newly certificated aircraft not previously proved, and previously proved aircraft which were subsequently altered in design, have been placed into service by certain supplemental and irregular operators operating under the provisions of Part 42. Prior to utilizing these aircraft in operations under the provisions of Part 42, the operators concerned conducted fairly extensive familiarization and training programs. While these programs did, to some extent, accomplish many of the objectives of the proving period, they did not fully comply with, or were not as comprehensive as, the specific proving period requirements set forth in either Part 40, 41, or 46. Accordingly, it is determined that there is a requirement for proving periods for large aircraft in Part 42.

Interested persons have been afforded an opportunity to participate in the making of this regulation (27 F.R. 1219), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) is hereby amended by adding a new § 42.17 to read as follows, effective July 9, 1962:

§ 42.17 Proving tests for large aircraft.

(a) A type of aircraft not previously proved for use in air carrier operation shall have at least 100 hours of proving tests, in addition to the aircraft certification tests, accomplished under the supervision of an authorized representative of the Administrator. As part of the 100-hour total, at least 50 hours shall be flown in en route operation and at least 10 hours shall be flown at night.

(b) A type of aircraft which has been previously proved for use in air carrier operation shall be tested for at least 50 hours, of which at least 25 hours shall be flown in en route operation, unless deviations are specifically authorized by the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements of this paragraph unnecessary for safety, when the aircraft:

(1) Is materially altered in design, or

(2) Is to be used by an air carrier who has not previously proved such a type.

NOTE: A type of aircraft will be considered to be materially altered in design when the alterations include, but are not necessarily limited to: (a) Installation of powerplants other than the powerplants of a type similar to those with which the aircraft is certificated; (b) major alteration to the aircraft or its components which materially affects the flight characteristics.

(c) During proving tests only those persons required to make the test and those designated by the Administrator shall be carried. Mail, express, and other cargo may be carried when approved.

(Secs. 313(a), 601, 605; 72 Stat. 752, 775, 778; 49 U.S.C. 1354, 1421, 1425)

Issued in Washington, D.C., on May 31, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-5535; Filed, June 6, 1962; 8:49 a.m.]

[Reg. Docket No. 1235; Amdt. 49-4]

PART 49—TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Authorization for Use of Facsimile Signature

Section 49.13(a) of the Civil Air Regulations prohibits a shipper from offering, or an air carrier or other operator of civil aircraft from knowingly accepting, explosives and other dangerous articles for carriage by air unless the package is accompanied by or shows a clear and plainly visible statement signed by the shipper or his duly authorized agent that the shipment complies with the requirements of Part 49 of the Civil Air Regulations. Section 49.13(b) requires that this certification of compliance be made upon the ICC label affixed to each package when there is a provision on the face of the label for such certification. When the label used does not have such a provision, the certification must be made in duplicate and signed by the shipper or his duly authorized agent for each consignment.

The increase in the manufacture of new chemicals and other restricted materials has resulted in a greater demand for the shipment of these articles by air. Manufacturers who produce and ship by air large quantities of these articles have met with delays in preparing them for shipment because of the necessity of having each label or statement actually signed by the shipper or a duly authorized agent. It has been recommended that the shipper be permitted to have the label or statement stamped with a facsimile signature of the shipper or his authorized agent as an alternative to the actual signature. This practice is permitted in other forms of transportation which are regulated by the Interstate Commerce Commission. It has been determined that the use of the stamped certificate of compliance is satisfactory and has caused no safety problems.

The authorization for the use of a facsimile signature under Part 49 would conform with the requirements for the shipment of these articles in other forms of transportation and thus facilitate their acceptance for shipment by air. The use of a facsimile signature identifies the shipper as clearly as an actual signature, thus meeting that purpose of the regulation.

Since this amendment relieves a restriction and imposes no additional burden on any person, I find that notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days' notice.

In consideration of the foregoing, Part 49 of the Civil Air Regulations (14 CFR Part 49) is hereby amended as follows, effective June 7, 1962:

1. By amending § 49.13(a) by substituting for the first sentence in that section the following two sentences: "No shipper shall offer, and no air carrier or other operator of aircraft shall knowingly accept, explosives and other dangerous articles for carriage by air unless the package is accompanied by, or shows, a clear and plainly visible statement that the shipment complies with the requirements of this part which shall be signed by the shipper or his duly authorized agent. The shipper or his duly authorized agent may use a facsimile stamp of his signature in lieu of his actual signature."

2. By amending the Note following § 49.13(a) by inserting in the first sentence the words "or stamped with the facsimile signature of" after the words "signed by".

3. By amending § 49.13(b) by inserting in the second sentence the words "or stamped with the facsimile signature of" after the words "signed by".

4. By amending § 49.13(b) by inserting in two places in the third sentence between the words "signed" and "copy" the words "or stamped".

(Secs. 313(a), 601, 604, 902; 72 Stat. 752, 775, 778, 784; 49 U.S.C. 1354(a), 1421, 1424, 1472)

Issued in Washington, D.C., on May 31, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-5536; Filed, June 6, 1962; 8:50 a.m.]

[Reg. Docket No. 1049; Amdt. 49-3]

PART 49—TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS MATERIALS

Transportation of Magnetized Materials

A notice of proposed rule making was published in the FEDERAL REGISTER on February 6, 1962 (27 F.R. 1073), and circulated as Draft Release No. 62-3 dated January 29, 1962, which proposed to amend Part 49 of the Civil Air Regulations to provide for the transportation of magnetic materials.

The comments received were generally in favor of requiring that certain safeguards be taken in the shipment of magnets or magnetic material by air and reflected endorsement of the principles of the proposal. However, there was some concern noted relative to the possible obscuration of warning markers on the packages of magnetized material which might occur during the loading of this cargo. The comments also reflected concern over requiring that keeper bars only be installed on magnets "where possible," and indicated the need to have keepers bars installed on magnets at all times or a need for other means of protection to be provided to prevent the magnetic field from adversely affecting the magnetic compass.

In proposing this amendment, the Agency considered that explosives and other dangerous articles as defined by Part 49 of the Civil Air Regulations do not include magnetic materials. Air shipments of magnets and magnetic devices can adversely influence the accuracy of magnetic compasses unless they are properly packed and kept at a safe distance from the aircraft's compass. In order to safeguard the navigation of the aircraft, it is necessary to require the shippers of magnetic materials to mark clearly any packages containing magnetized materials and to install keeper bars on permanent magnets at all times or provide other protection to prevent the magnetic field from adversely affecting the magnetic compass.

There are a number of magnetic shield materials available which are being used as dust covers on some airborne weather radar units. These dust covers are sufficiently effective as magnetic shielding devices so that compass external compensating magnets are not required.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 49 of the Civil Air Regulations (14 CFR Part 49, as amended) is hereby amended as follows, effective July 9, 1962:

§ 49.1 [Amendment]

1. By amending § 49.1(a) by adding between the words "articles" and "shall" the phrase ", or any other articles specifically regulated by the rules of this part,".

2. By adding a new § 49.16 to read as follows:

§ 49.16 Packing and marking requirements for magnetized materials.

No shipper shall offer magnetized materials for shipment by air unless:

(a) The outside of the package has been plainly marked "Magnetized Materials";

(b) Magnets or magnetized devices such as magnetrons and light meters have been packed so that the polarities of the individual units oppose one another; and

(c) Permanent magnets have keeper bars installed, or are shielded so as to prevent the magnetic field from affecting the magnetic compass.

3. By amending § 49.21 by adding a new paragraph (d) to read as follows:

§ 49.21 Cargo location.

* * * * *

(d) Magnetized materials shall not be loaded on the aircraft in the vicinity of the magnetic compasses or compass master units which are a part of the instrument equipment of the aircraft so as to affect their operation. If it is not possible to meet this requirement, a special aircraft swing and compass calibration shall be made. Care shall be taken so that warning markers are not obscured upon cargo loading.

NOTE: Magnetized material as used herein is that material which is magnetized to the extent that it might affect the magnetic compass and produce an erroneous compass reading.

(Secs. 313(a), 601, 604, 902; 72 Stat. 752, 775, 778, 784; 49 U.S.C. 1354, 1421, 1424, 1472)

Issued in Washington, D.C., on May 31, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-5537; Filed, June 6, 1962; 8:50 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1236; Amdt. 448]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing 707/720 Series and Douglas DC-8 Series Aircraft

Investigation has shown that extensions of repetitive inspection intervals based on service experience may be granted to some operators of Boeing 707/720 Series and Douglas DC-8 Series aircraft in complying with Amendment 369, 26 F.R. 10963 (AD 61-24-1), as amended by Amendment 397, 27 F.R. 1313. Accordingly, this amendment is being published to permit extension of inspection intervals where justified.

Since this amendment provides a procedure by which a different inspection interval may be established for the operators concerned, and thus relieves a present restriction, compliance with notice and public procedure hereon is unnecessary, and it may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 369, 26 F.R. 10963 (AD 61-24-1), as amended by Amendment 397, 27 F.R. 1313, Boeing 707/720 Series and Douglas DC-8 Series aircraft, is further amended by adding the following paragraph before the parenthetical reference statement:

Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This amendment shall become effective June 7, 1962.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 31, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-5538; Filed, June 6, 1962; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-44]

PART 13—PROHIBITED TRADE PRACTICES

Imperial International Corp. et al.

Subpart—Misbranding or mislabeling: § 13.1325 *Source or origin:* § 13.1325-70

Place: § 13.1325–70(g) *Imported product or parts as domestic.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees;* § 13.1745 *Source or origin:* § 13.1745–70 *Place:* § 13.1745–70 (c) *Imported product or parts as domestic.* Subpart—Using misleading name—Vendor: § 13.2395 *Individual or private business being association or guild.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Imperial International Corporation et al., New York, N.Y., Docket C–44, Dec. 15, 1961]

In the Matter of Imperial International Corporation, a Corporation, Cutlers Guild, Ltd., a Corporation, and K. Peter Lekisch and W. George Lekisch, Individually and as Officers of Both Corporations

Consent order requiring a New York City concern and its subsidiary sales agent, engaged in packaging stainless steel tableware imported from Japan and selling it to domestic retailers, to cease labeling the boxes falsely "Made and Printed in U.S.A." and making similar statements on inserts; stating "Lifetime Guarantee" on inserts without disclosing the limitations on their performance; and using the word "Guild" in the name of their business operated for private profit.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Imperial International Corporation, a corporation, and its officers, and Cutlers Guild, Ltd., a corporation, and its officers, and K. Peter Lekisch and W. George Lekisch, individually and as officers of said corporations, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution, in commerce, as "commerce" is defined in the Federal Trade Commission Act, of foreign made tableware, or any other products, do forthwith cease and desist from, directly or by implication:

(1) Representing that products made in Japan, or any other foreign country, are made in the United States of America.

(2) Failing to disclose clearly, conspicuously and unambiguously the country of origin of foreign made products in such a manner as to be readily apparent to prospective purchasers of such products.

(3) Representing that said products are "guaranteed" unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

(4) Using the word "Guild" as part of their trade or corporate name, or otherwise representing that their business is anything other than a commercial enterprise operated for profit.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 15, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62–5500; Filed, June 6, 1962; 8:45 a.m.]

[Docket C–45]

PART 13—PROHIBITED TRADE PRACTICES

Globe Products Corp. et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–80 *Textile Fiber Products Identification Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–70 *Textile Fiber Products Identification Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Globe Products Corporation et al., Baltimore, Md., Docket C–45, Dec. 18, 1961]

In the Matter of Globe Products Corporation, a Corporation, and Paul Huddles, and Esther Huddles, Individually and as Officers of Said Corporation

Consent order requiring Baltimore sellers to cease violating the Textile Fiber Products Identification Act by such practices as labeling as nylon, "Re-Cord" and "Re-Tape and Re-Cord" kits for the repair of Venetian blinds which contained substantial amounts of rayon, and failing to label such kits with the true generic name of the fibers present and the percentage thereof.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Globe Products Corporation, a corporation, and its officers, and Paul Huddles and Esther Huddles, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported, in commerce, or the importation into the United States of textile fiber products; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of textile fiber products which have been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber products, whether in their original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products as to the name or amount of constituent fibers contained therein;

2. Failing to affix labels to such products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act, where required by such Act or by the rules and regulations promulgated thereunder.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 18, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62–5501; Filed, June 6, 1962; 8:45 a.m.]

[Docket C–46]

PART 13—PROHIBITED TRADE PRACTICES

L. Hammel Dry Goods Co.

Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements: § 13.1852–35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, L. Hammel Dry Goods Company, Mobile, Ala., Docket C–46, Dec. 18, 1961]

Consent order requiring a Mobile, Ala., department store to cease violating the Fur Products Labeling Act by making price and value claims in newspaper advertisements of fur products without maintaining adequate records disclosing the facts upon which such representations were based.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That L. Hammel Dry Goods Company, a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Making claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: December 18, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62–5502; Filed, June 6, 1962; 8:45 a.m.]

[Docket C–47]

PART 13—PROHIBITED TRADE PRACTICES

Egyptian Vault Co. and Ulys Pyle

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits;* § 13.70 *Fictitious or misleading guarantees;* § 13.170 *Qualities or properties of product or service:* § 13.170–30 *Durability or permanence.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Egyptian Vault Company et al., Carmi, Ill., Docket C–47, Dec. 18, 1961]

In the Matter of Egyptian Vault Company, a Corporation, and Ulys Pyle, Individually and as an Officer of Said Corporation

Consent order requiring an individual manufacturer of burial vaults in Carmi, Ill., to cease representing falsely in advertising in newspapers, trade journals, brochures, and otherwise, that his vaults were "Virtually indestructible," "Impervious to all known elements in the earth", with "No Limit on Warranty", etc.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Egyptian Vault Company, a corporation, and its officers, and Ulys Pyle, individually and as an officer of said corporate respondent, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of burial vaults, or any related product, do forthwith cease and desist from:

1. Representing, directly or by implication, that:

(a) Respondents' products are impervious to all known elements in the earth.

(b) Respondents' products will not corrode or decay.

(c) Respondents' products will last over the ages or will last for any other indefinite period of time, are indestructible, or are more durable than other vaults.

(d) Respondents' products are warranted or guaranteed unless the nature and extent of the warranty or guarantee and the manner in which the guarantor will perform are clearly set forth.

2. Furnishing to others any means or instrumentality by or through which the public may be misled as to the inhibitions set forth in paragraph 1 of this order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 18, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62–5503; Filed, June 6, 1962; 8:45 a.m.]

[Docket C–48]

PART 13—PROHIBITED TRADE PRACTICES

Einiger Mills, Inc., and Jack H. Einiger

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Einiger Mills, Inc., et al., New York, N.Y., Docket C–48, Dec. 18, 1961]

In the Matter of Einiger Mills, Inc., a Corporation, Jack H. Einiger, Individually and as an Officer of Said Corporation

Consent order requiring New York City manufacturers to cease violating the Wool Products Labeling Act by failing to disclose on labels on fabrics the true generic name of the fibers present and the percentage thereof, and by describing a portion of the fiber content of certain fabrics on labels as "Angora" instead of using the true generic name.

The order to cease and desist, together with further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, Einiger Mills, Inc., a corporation, and its officers, and Jack H. Einiger, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of fabrics or any other "wool products", as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to or place on each product, a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner, each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Failing to identify each of the fibers contained in such products by its common generic name.

It is further ordered, That respondents Einiger Mills, Inc., a corporation and its officers, and Jack H. Einiger, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of fabric or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of constituent fibers contained in such products on invoices or shipping memoranda applicable thereto or in any other manner.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 18, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62–5504; Filed, June 6, 1962; 8:45 a.m.]

[Docket C–49]

PART 13—PROHIBITED TRADE PRACTICES

Robin Rousseau et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Robin Rousseau, trading as Alaska Sew & Fur Shop, etc., Spenard, Alaska, Docket C–49, Dec. 21, 1961]

In the Matter of Robin Rousseau, an Individual Trading as Alaska Sew & Fur Shop and Bobbie's Fur Shop

Consent order requiring a furrier in Spenard, Alaska, to cease violating the

Fur Products Labeling Act by failing to show on labels the true animal name of the fur used in fur products and to disclose when fur was dyed; and by failing to comply with invoicing requirements.

The order to cease and desist, together with further order requiring report of compliance therewith, is as follows:

It is ordered, That Robin Rousseau, an individual trading as Alaska Sew & Fur Shop and Bobbie's Fur Shop, or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, manufacture for introduction, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce of fur products or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5 (b) (1) of the Fur Products Labeling Act.

B. Failing to set forth the item number or mark assigned to a fur product.

It is further ordered, That the respondent shall, within sixty (60) days after service upon her of this order, file with the Commission a report in writing setting forth in detail the manner and form in which she has complied with this order.

Issued: December 21, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-5505; Filed, June 6, 1962; 8:45 a.m.]

[Docket C-50]

PART 13—PROHIBITED TRADE PRACTICES

Bell Importing Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–75 *Foreign branches, operations, etc.;* § 13.15–235 *Producer status of dealer or seller:* § 13.15–235(m) *Manufacturer.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–90 *Wool Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–90 *Wool Products Labeling Act;* § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–80 *Wool Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–80 *Wool Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900–90 *Wool Products Labeling Act:* § 13.1900–90(a) *Maker or seller.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Bell Importing Company et al., Mississippi City, Miss., Docket C–50, Dec. 21, 1961]

In the Matter of Bell Importing Company, a Corporation, Crown Colony Shops, Inc., a Corporation, and John E. Bell, Sr., Mary Canon Bell and John E. Bell, Jr., Individually and as Officers of Said Corporations

Consent order requiring two associated sellers of men's and women's clothes, with headquarters in Mississippi City, Miss., and two branch stores in Biloxi—taking measurements of customers who made a selection from samples or swatches and placing the filled-in orders with a tailor in the Crown Colony of Hong Kong, China, who shipped the completed garments to respondents—to cease violating the Wool Products Labeling Act by tagging as "Super Cashmere", "Cashmere", and "Mohair", men's coats and samples which contained a substantial quantity of other fibers, and failing to disclose on the labels the true generic names of the fibers present, the percentage thereof, and the registered identification number of the manufacturer; falsely representing various men's coats as entirely composed of vicuna, on invoices, shipping memoranda, etc.; and representing falsely that they manufactured their products and had a place of business in Hong Kong.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents Bell Importing Company, a corporation, Crown Colony Shops, Inc., a corporation, and John E. Bell, Sr., Mary Canon Bell, and John E. Bell, Jr., individually and as officers of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce or the offering for sale, sale, transportation, distribution, delivery for shipment, or shipment in commerce, of wool products, as the terms "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein.

2. Failing to affix labels to such products showing each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as "cashmere" or "mohair" without setting forth the actual percentages of the cashmere or mohair contained therein.

4. Failing to affix labels to samples, swatches or specimens of wool products used to promote or effect sales of wool products, showing each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondents Bell Importing Company, a corporation, Crown Colony Shops, Inc., a corporation, and John E. Bell, Sr., Mary Canon Bell, and John E. Bell, Jr., individually and as officers of said corporations and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of articles of wearing apparel or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Misrepresenting the character and amount of constituent fibers contained in such products on invoices or shipping memoranda applicable thereto or in any other manner.

B. Representing in any manner, contrary to fact, that respondents own, operate, or control the factory in which such products are tailored or manufactured, or that respondents, have a place of business in the Crown Colony of Hong Kong.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 21, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-5506; Filed, June 6, 1962; 8:45 a.m.]

[Docket C-51]

PART 13—PROHIBITED TRADE PRACTICES

White Stag Manufacturing Co.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary;* § 13.155–45 *Fictitious marking;* § 13.230 *Size or weight.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055–50 *Preticketing merchandise misleadingly.* Subpart—Misbranding or mislabeling: § 13.1280 *Price;* § 13.1323 *Size or weight.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1811 *Fictitious preticketing.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, White Stag Manufacturing Co., Portland, Oreg., Docket C–51, Dec. 21, 1961]

Consent order requiring a manufacturer in Portland, Oreg., to cease misrepresenting the usual prices and size of its sleeping bags by printing on attached labels and in catalogs a fictitious figure, in excess of the regular retail price, and stating the "cut size" on labels, which was larger than the finished size of the bags.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent White Stag Manufacturing Co., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the manufacture, offering for sale, sale or distribution of sleeping bags or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Advertising, labeling, representing in a catalog or otherwise representing the "cut size" or dimensions of material used in their construction, unless such representation is accompanied by a description of the finished or actual size, with the latter description being given at least equal prominence;

2. Misrepresenting the size of such products on labels or in any other manner;

3. Representing, directly or by implication, by means of preticketing or by stating in a catalog, or in any other manner, that any amount is the usual and regular retail price of merchandise when such amount is in excess of the price at which said merchandise is usually and regularly sold at retail in the trade area or areas where the representations are made;

4. Furnishing to others any means or instrumentality by or through which the public may be misled as to the usual and regular retail price of respondent's merchandise;

5. Putting any plan into operation through the use of which retailers or others may misrepresent the usual and regular retail price of merchandise;

6. Using the word "Price" or any other word or expression of the same import to describe or refer to the retail price of respondent's merchandise unless such price is the usual and regular retail price of said merchandise.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: December 21, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-5507; Filed, June 6, 1962; 8:45 a.m.]

[Docket C-52]

PART 13—PROHIBITED TRADE PRACTICES

Raphael's, Inc., and S. M. Bauer

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900–40 *Fur Products Labeling Act:* § 13.1900–40 (b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f). [Cease and desist order, Raphael's, Inc., et al., Mobile, Ala., Docket C–52, Dec. 21, 1961]

In the Matter of Raphael's, Inc., a Corporation, and S. M. Bauer, Individually and as an Officer of Said Corporation

Consent order requiring a furrier in Mobile, Ala., to cease violating the Fur Products Labeling Act by failing to show on invoices the true animal name of the fur used in fur products and the country of origin of imported furs, and failing to maintain adequate records disclosing the facts upon which advertised price and value claims were based.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Raphael's Inc., a corporation, and its officers, and S. M. Bauer, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products; or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Falsely or deceptively invoicing fur products by:

(A) Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 5 (b) (1) of the Fur Products Labeling Act.

2. Making claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 21, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-5508; Filed, June 6, 1962; 8:45 a.m.]

[Docket 8339 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Chemical Compounds, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–60 *Exclusive distributor or producer;* § 13.15–278 *Time in business;* § 13.235 *Source or origin:* § 13.235–60 *Place:* § 13.235–60(a) *Domestic products as imported.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, C. D. Liggett, Robert P. DeHart, and James C. Hill, individually, St. Joseph, Mo., Docket 8339, Dec. 21, 1961]

In the Matter of Chemical Compounds, Inc., a Corporation, and Ralph D. Ligett, Robert P. DeHart and James C. Hill, Individually and as Officers of Said Corporation

Consent order requiring three individuals, formerly officers of a company liquidated before complaint issued, to cease representing falsely in advertising that their "STP" oil additive was "German developed", that they were its sole distributors, and that they had been selling it for 17 years.

The order to cease and desist is as follows:

It is ordered, That respondents C. D. Liggett (erroneously named in the complaint as Ralph D. Ligett), Robert P. DeHart and James C. Hill, individually, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of oil additives, or any other related product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Misrepresenting, directly or by implication:

(a) The country of origin of their product.

(b) That they are the only distributor of the product in the United States; or in any other manner misrepresent their status as distributor of the product.

(c) The number of years in which they have been conducting their business.

(d) The time during which they have been selling their product.

2. Placing any means or instrumentalities in the hands of others by and through which the public may be misled as to the inhibitions set forth in paragraph 1 of this order.

It is further ordered, That subparagraphs 1 of Paragraphs Four and Five of the complaint issued herein be, and they are hereby, dismissed as to all respondents.

Also, it is further ordered, That the complaint be, and it is hereby, dismissed as to respondent Chemical Compounds, Inc., and as to respondents Ralph D. Ligett, Robert P. DeHart, and James C. Hill as officers of respondent Chemical Compounds, Inc.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents C. D. Liggett (erroneously named in the complaint as Ralph D. Ligett), Robert P. DeHart and James C. Hill, individually, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 21, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-5509; Filed, June 6, 1962; 8:46 a.m.]

PART 29—ACCIDENT AND HEALTH INSURANCE INDUSTRY

Rescission of Trade Practice Rules

Whereas, the Commission promulgated trade practice rules for the Accident and Health Insurance Industry on June 15, 1956; and

Whereas, subsequent court decisions have necessitated redefinement of the jurisdiction on which such rules are premised, and the rescission of such rules does not have the effect of abridging, in any way, the statutory jurisdiction of the Commission with respect to trade practices in such industry;

It is ordered, That the trade practice rules for the Accident and Health Insurance Industry be and the same are hereby rescinded.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-5533; Filed, June 6, 1962; 8:49 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 262—MISCELLANEOUS

Actuarial Advisory Committee

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (50 Stat. 314, 45 U.S.C. 228j), § 262.19 of Part 262 (20 CFR 262.19) of the regulations under such act is deleted by Board Order 62-63, dated May 23, 1962, and § 262.18. (20 CFR 262.18) is amended, by Board Order 62-63, to read as follows:

§ 262.18 Actuaries to be recommended by employees and carriers.

(a) One member of the Actuarial Advisory Committee shall be selected by recommendations made by "carrier representatives." "Carrier representatives," as used in this section, shall mean any organization formed jointly by the express companies, sleeping-car companies and carriers by railroad subject to Part I of the Interstate Commerce Act which own or control more than 50 percent of the total railroad mileage within the United States.

(b) The other member of the Actuarial Advisory Committee to be selected by the Board shall be recommended by "representatives of employees."

(c) "Representatives of employees," as used in this section, shall mean any organization or body formed jointly by a majority of railway labor organizations organized in accordance with the provisions of the Railway Labor Act, as amended, or any individual or committee authorized by a majority of such railway labor organizations to make such recommendation.

(Sec. 10, 50 Stat. 314, 45 U.S.C. 228j)

Dated: May 31, 1962.

By authority of the Board.

LAWRENCE GARLAND, *Acting Secretary of the Board.*

[F.R. Doc. 62-5522; Filed, June 6, 1962; 8:47 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 1—GENERAL RULES AND REGULATIONS

Fishing

On page 3468 of the FEDERAL REGISTER of April 11, 1962, there was published a notice and text of a proposed amendment to Part 1 of Title 36, Code of Federal Regulations. The purpose of the amendment is to require any person fishing in the waters of the national monuments in Alaska to secure a State of Alaska sport fishing license in conformity with the laws of that State.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

Paragraph (a) of § 1.4 is amended and revised to read as follows:

§ 1.4 Fishing.

(a) Any person fishing in the waters of the Yosemite, Sequoia, Kings Canyon, Lassen Volcanic, Grand Canyon, Rocky Mountain, Grand Teton, Acadia, Wind Cave, Great Smoky Mountains, Shenandoah, Everglades, and Zion National Parks, and the monuments under the jurisdiction of the National Park Service, must secure a sport fishing license, as required by the laws of the State in which such park or monument, or portion thereof, is situated. Fishing in all parks and monuments shall be done in conformity with the laws of the State in which such park or monument, or portion thereof, is situated, regarding open seasons, size of fish, and limit of catch, except as otherwise provided in the following paragraphs of this section.

(39 Stat. 535; 16 U.S.C. 3)

STEWART L. UDALL, *Secretary of the Interior.*

MAY 31, 1962.

[F.R. Doc. 62-5510; Filed, June 6, 1962; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 95—TRANSPORTATION OF MAIL BEYOND BORDERS OF UNITED STATES

Compensation for Transportation of Empty Air Mail Sacks

The regulations of the Post Office Department in § 95.4 *Compensation for transportation of surface mail* are amended by making the following changes:

I. That part of paragraph (a) preceding the rate schedule is amended by adding "The term 'foreign closed transit mail' includes air mail sacks being returned to country of origin by the United States". As so amended, that part of paragraph (a) preceding the rate schedule reads as follows:

(a) Definite rates: Payment shall be made for the transportation of United States mail and foreign closed transit mail on steamships of the United States and foreign registry at the rates specified in the schedule below. The word "mails" includes parcel post. The term "foreign closed transit mail" includes empty air mail sacks being returned to country of origin by the United States.

II. Paragraph (c) is amended for the purpose of clarification by striking out "bags" where it appears therein and inserting in lieu thereof "sacks"; and by adding "(other than air mail)" immediately following the second reference to the revised word "sacks". As so amended, paragraph (c) reads as follows:

(c) The rates prescribed in paragraph (a) of this section, while measured by the net weight of the mails alone, are intended to include payment for the transportation, at the companies' expense and without additional payment by the Post Office Department, of the covering mail sacks, the return of the empty mail sacks (other than air mail sacks), and the truck transportation from the post offices to the piers. Acceptance by steamship companies of mails for transportation constitutes an acceptance of this method of computing payment.

(R.S. 161 as amended; 5 U.S.C. 22, 18 U.S.C. 1724, 39 U.S.C. 501, 6101, 6409)

LOUIS J. DOYLE, *General Counsel.*

[F.R. Doc. 62-5520; Filed, June 6, 1962; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 95—CAR SERVICE

[Rev. S.O. 939]

Utilization of Fifty-Foot Long or Longer Plain Box Cars and Plain Box Cars Forty-Foot Long or Longer With Side Door Openings Eight-Foot Wide or Wider

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 4th day of June A.D. 1962.

It appearing that an acute shortage of box cars fifty-foot long or longer and box cars forty-foot long or longer with side door openings eight-foot wide or more; and it appearing that the present carrier rules, regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of box cars of these dimensions to the railroads owning such cars are ineffective; the Commission is of the opinion that an emergency exists requiring immediate action in all parts of the country, and that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 95.939 Utilization of fifty-foot long or longer plain box cars and plain box cars forty-foot long or longer with side door openings eight-foot wide or wider.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce and obey the following rules, regulations and practices with respect to its car service:

(1) The provisions of this section apply to plain (XM, XME, and XI) forty-foot or longer box cars with side door openings of eight-foot or wider and plain (XM, XME, and XI) fifty-foot or longer box cars with any size side door opening of all ownerships, including all box cars with plug doors.

(2) For purposes of this section, districts as shown in the Official Railway Equipment Register, ICC R.E.R.-No. 343, supplements thereto or subsequent reissues thereof govern. These districts are identified as Association of American Railroads car selection chart showing home districts for all principal freight car ownership.

(3) Cars locating in a home district may be used only for loading to a destination on or via owner's rails or to a junction with the owner.

(4) Cars locating in a district adjacent to a home district may be used only for loading to a home district or beyond if routed via the owner.

(5) Cars locating in other districts (not home districts or districts adjacent thereto) may be used for loading to, via, or in the direction of the owner, or to any destination within a home district or within a district adjacent or intermediate to a home district.

(6) Cars locating empty at a junction with the owner must be loaded to or via the owning road or delivered owner empty at that junction.

(7) In the absence of proper loading, cars must be moved, to the owner empty under Association of American Railroads Car Service Rules or Special Car Order 90.

(b) *Application.* The provisions of this section shall apply to intrastate and interstate commerce.

(c) *Effective date.* This section shall become effective at 12:01 a.m., June 5, 1962.

(d) *Expiration date.* This section shall expire at 11:59 p.m., December 31, 1962, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1 (10-17), 15(4), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4))

It is further ordered, That this order vacates and supersedes Corrected Service Order No. 939 and that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-5548; Filed, June 6, 1962; 8:52 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Aleutian Islands National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ALASKA

ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

Sport fishing on the Aleutian Islands National Wildlife Refuge, Alaska is permissible only under the following conditions:

(a) Species permitted to be taken: As permitted by Alaska regulations.

(b) Open season: No closed season.

(c) Daily creel limits: As prescribed by Alaska regulations.

(d) Methods of fishing: With a single line having attached to it not more than one plug, spoon, spinner or series of spinners, or two flies or two hooks and as otherwise permitted by Alaska regulations.

(e) Description of areas open to fishing: Fishing is permitted in accordance with (a) above on all of the waters within the Aleutian Islands National Wildlife Refuge.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective through December 31, 1962.

URBAN C. NELSON, *Regional Director, Bureau of Sport Fisheries and Wildlife.*

MAY 24, 1962.

[F.R. Doc. 62-5511; Filed, June 6, 1962; 8:46 a.m.]

PART 33—SPORT FISHING

Arctic National Wildlife Range, Alaska

The following special regulation is issued.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ALASKA

ARCTIC NATIONAL WILDLIFE RANGE

Sport fishing on the Arctic National Wildlife Range, Alaska is permissible only under the following conditions:

(a) Species permitted to be taken: Arctic char, grayling, lake trout, sheefish and whitefish.

(b) Open season: No closed season.

(c) Daily creel limits: As prescribed by Alaska regulation.

(d) Methods of fishing: With a single line having attached to it not more than one plug, spoon, spinner or series of spinners, or two flies or two hooks and as otherwise permitted by Alaska regulation.

(e) Description of areas open to fishing: Fishing is permitted in accordance with (a) above all of the waters within the Arctic National Wildlife Range.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations

which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective through December 31, 1962.

URBAN C. NELSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MAY 24, 1962.

[F.R. Doc. 62-5512; Filed, June 6, 1962; 8:46 a.m.]

PART 33—SPORT FISHING

Bering Sea National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ALASKA

BERING SEA NATIONAL WILDLIFE REFUGE

Sport fishing on the Bering Sea National Wildlife Refuge, Alaska is permissible only under the following conditions:

(a) Species permitted to be taken: As permitted by Alaska regulations.

(b) Open season: No closed season.

(c) Daily creel limits: As prescribed by Alaska regulations.

(d) Methods of fishing: With a single line having attached to it not more than one plug, spoon, spinner or series of spinners, or two hooks or two flies and as otherwise permitted by Alaska regulations.

(e) Description of areas open to fishing: Fishing is permitted in accordance with (a) above on all waters within the Bering Sea National Wildlife Refuge.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective through December 31, 1962.

URBAN C. NELSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MAY 24, 1962.

[F.R. Doc. 62-5513; Filed, June 6, 1962; 8:46 a.m.]

PART 33—SPORT FISHING

Clarence Rhode National Wildlife Range, Alaska

The following special regulation is issued.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ALASKA

CLARENCE RHODE NATIONAL WILDLIFE RANGE

Sport fishing on the Clarence Rhode National Wildlife Range, Alaska is permissible only under the following conditions:

(a) Species permitted to be taken: As permitted by Alaska regulations.

(b) Open season: No closed season.

(c) Daily creel limits: As prescribed by Alaska regulations.

(d) Methods of fishing: With a single line having attached to it not more than one plug, spoon, spinner or series of spinners, or two flies or two hooks and as otherwise permitted by Alaska regulations.

(e) Description of areas open to fishing: Fishing is permitted in accordance with (a) above on all of the waters within the Clarence Rhode National Wildlife Range.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective through December 31, 1962.

URBAN C. NELSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MAY 24, 1962.

[F.R. Doc. 62-5514; Filed, June 6, 1962; 8:46 a.m.]

PART 33—SPORT FISHING

Izembek National Wildlife Range, Alaska

The following special regulation is issued.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ALASKA

IZEMBEK NATIONAL WILDLIFE RANGE

Sport fishing on the Izembek National Wildlife Range, Alaska is permissible only under the following conditions:

(a) Species permitted to be taken: Salmon, rainbow and dolly varden trout.

(b) Open season: No closed season.

(c) Daily creel limits: As prescribed by Alaska regulation.

(d) Methods of fishing: With a single line having attached to it not more than one plug, spoon, spinner or series of spinners, or two flies or two hooks and as otherwise permitted by Alaska regulation.

(e) Description of areas open to fishing: Fishing is permitted in accordance with (a) above on all of the waters within the Izembek National Wildlife Range.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective through December 31, 1962.

URBAN C. NELSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MAY 24, 1962.

[F.R. Doc. 62-5515; Filed, June 6, 1962; 8:46 a.m.]

PART 33—SPORT FISHING

Kenai National Moose Range, Alaska

The following special regulation is issued.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ALASKA

KENAI NATIONAL MOOSE RANGE

Sport fishing on the Kenai National Moose Range, Alaska is permissible only under the following conditions:

(a) Species permitted to be taken: As permitted by Alaska regulations.

(b) Open season: January 1–March 31 and May 26—December 31.

(c) Daily creel limits: As prescribed by Alaska regulations.

(d) Methods of fishing: With a single line having attached to it not more than one plug, spoon, spinner or series of spinners, or two hooks or two flies and as otherwise permitted by Alaska regulations.

(e) Description of areas open to fishing: Fishing is permitted in accordance with (a) above on all waters within the Kenai National Moose Range.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective through December 31, 1962.

URBAN C. NELSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MAY 24, 1962.

[F.R. Doc. 62-5516; Filed, June 6, 1962; 8:46 a.m.]

PART 33—SPORT FISHING

Kodiak National Wildlife Refuge, Alaska

The folowing special regulation is issued.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ALASKA

KODIAK NATIONAL WILDLIFE REFUGE

Sport fishing on the Kodiak National Wildlife Refuge, Alaska is permissible only under the following conditions:

(a) Species permitted to be taken: As permitted by Alaska regulations.

(b) Open season: No closed season.

(c) Daily creel limits: As prescribed by Alaska regulations.

(d) Methods of fishing: With a single line having attached to it not more than one plug, spoon, spinner or series of spinners, or two hooks or two flies and as otherwise permitted by Alaska regulations.

(e) Description of areas open to fishing: Fishing is permitted in accordance with (a) above on all waters within the Kodiak National Wildlife Refuge.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective through December 31, 1962.

URBAN C. NELSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MAY 24, 1962.

[F.R. Doc. 62-5517; Filed, June 6, 1962; 8:46 a.m.]

PART 33—SPORT FISHING

Nunivak Island National Wildlife Refuge, Alaska

The folowing special regulation is issued.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ALASKA

NUNIVAK ISLAND NATIONAL WILDLIFE REFUGE

Sport fishing on the Nunivak National Wildlife Refuge, Alaska is permissible only under the following conditions:

(a) Species permitted to be taken: As permitted by Alaska regulations.

(b) Open season: No closed season.

(c) Daily creel limits: As prescribed by Alaska regulations.

(d) Methods of fishing: With a single line having attached to it not more than one plug, spoon, spinner or series of spiners, or two hooks or two flies and as otherwise permitted by Alaska regulations.

(e) Description of areas open to fishing: Fishing is permitted in accordance with (a) above on all waters within the Nunivak Island National Wildlife Refuge.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective through December 31, 1962.

URBAN C. NELSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MAY 24, 1962.

[F.R. Doc. 62-5518; Filed, June 6, 1962; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Parts 1005, 1011, 1065, 1066, 1071–1076, 1090, 1094, 1096, 1098, 1101–1107, 1120, 1126–1130, 1132, 1134, 1135, 1137]

HANDLING OF MILK IN CERTAIN MARKETING AREAS

Supplemental Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

In the matter of:

7 CFR Part; Docket No.; and Marketing Area		
1005	AO–177–A20	Tri-State.
1011	AO–251–A4	Appalachian.
1065	AO–86 –A14	Nebraska-Western Iowa.
1066	AO–122–A9	Sioux City, Iowa.
1071	AO–227–A13	Neosho Valley.
1072	AO–235–A4	Sioux Falls-Mitchell, S. Dak.
1073	OA–173–A14	Wichita, Kans.
1074	AO–249–A4	Southwest Kansas.
1075	AO–248–A3	Black Hills, S. Dak.
1076	AO–260–A4	Eastern South Dakota.
1090	AO–266–A3	Chattanooga, Tenn.
1094	AO–103–A20	New Orleans, La.
1096	AO–257–A8	Northern Louisiana.
1098	AO–184–A18	Nashville, Tenn.
1101	AO–195–A10	Knoxville, Tenn.
1102	AO–237–A6	Fort Smith, Ark.
1103	AO–252–A7	Central Mississippi.
1104	AO–298–A2	Red River Valley.
1105	AO–297–A2	Mississippi Delta.
1106	AO–210–A14	Oklahoma Metropolitan.
1107	AO–304–A3	Mississippi Gulf Coast.
1120	AO–328–A1	Lubbock-Plainview, Tex.
1126	AO–231–A19	North Texas.
1127	AO–232–A11	San Antonio, Tex.
1128	AO–238–A13	Central West Texas.
1129	AO–256–A7	Austin-Waco, Tex.
1130	AO–259–A7	Corpus Christi, Tex.
1132	AO–262–A8	Texas Panhandle.
1134	AO–301–A2	Western Colorado.
1135	AO–300–A4	Colorado Springs-Pueblo.
1137	AO–326–A1	Eastern Colorado.

Notice was issued May 22, 1962, and published in the FEDERAL REGISTER on May 25, 1962 (27 F.R. 4919) of a joint public hearing with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in 24 of the marketing areas specified above, with sessions of such public hearing to be held as follows: June 7, 1962, at the Lassen Motel, 155 North Market Street, Wichita, Kansas; June 12, 1962, at the Alama Plasa Courts, 450 Murfreesboro Road, Nashville, Tennessee; and June 14, 1962, at the Monte Leone Hotel, 214 Royal Street, New Orleans, Louisiana.

Notice is hereby given that at the session of the hearing to be held beginning at 10:00 a.m., June 14 at the Monte Leone Hotel, 214 Royal Street, New Orleans, Louisiana, evidence will also be received with respect to identical proposed amendments with respect to the tentative marketing agreements and to the orders regulating the handling of milk in the Lubbock-Plainview, Tex.; North Texas; San Antonio, Tex.; Central West Texas; Austin-Waco, Tex.; Corpus Christi, Tex.; and Texas Panhandle marketing areas.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Additional proposals with respect to the matters set forth below have been made by the following:

The North Texas Producers Association
The Milk Producers Association of San Antonio, Inc.
The Mid-Tex Milk Producers Association
The Coastal Bend Milk Producers Association
The Central West Texas Producers Association

Proposal No. 1. (As set forth in the original notice of hearing). That the basic formula price to be used in computing the price for Class I milk under each of the following orders shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the applicable month, adjusted to a 3.5 percent butterfat basis by a butterfat differential computed by multiplying the Chicago 92-score butter price by 0.12. Adjustments of the several Class I price differentials appropriate in relation to the proposed change in the basic formula price will also be considered.

This proposal affects the following additional marketing areas and order provisions:

Marketing area	*Provisions affected (section)*
Lubbock-Plainview, Tex	(1)
North Texas	1126.50
San Antonio, Tex	(1)
Central West Texas	(1)
Austin-Waco, Tex	(1)
Corpus Christi, Tex	(1)
Texas Panhandle	1132.50

[1] Class I price based on that of Order No. 126 for North Texas marketing area.

Under this proposal evidence will be received only with respect to change in the basic formula prices used to compute Class I prices. To the extent that prices now stated as basic formula prices or alternative basic formula prices in any of the orders are used to compute prices for other classes of milk, it is anticipated that amendment of such orders on the basis of this proposal will require conforming changes to preserve present pricing provisions for such classes.

Proposal No. 2. (As set forth in the original notice of hearing.) That all class and producer prices under the orders for the following marketing areas be stated on a 3.5 percent butterfat basis:

Additional markets affected:
Lubbock-Plainview, Tex.
North Texas.
San Antonio, Tex.
Central West Texas.
Austin-Waco, Tex.
Corpus Christi, Tex.
Texas Panhandle.

Copies of this supplemental notice of hearing and the orders may be inspected at the office of the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be procured from the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., or from the offices of the market administrators listed below or may be there inspected:

3621 West Mockingbird Lane, Dallas 35, Tex.
634 Brooklyn Avenue, San Antonio 12, Tex.
1950 East Avenue, Austin 2, Tex.
112 Tarlton Street, Corpus Christi, Tex.
4023 W. 50th Street, Amarillo, Tex.

Signed at Washington, D.C., on June 4, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-5550; Filed, June 6, 1962; 8:53 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 48, 60]

[Reg. Docket No. 1234; Draft Release 62-26]

OPERATION RULES FOR ROCKETS

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR 405), notice is hereby given that the Federal Aviation Agency (FAA) has under consideration a proposal to amend Parts 48 and 60 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received prior to August 6, 1962, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. Because of the large number of comments anticipated in response to this proposal, we will be unable to acknowledge receipt of each reply.

Part 48 now governs the operation of moored balloons and kites. The amendment to Part 48 proposed herein would incorporate regulations regarding the operation of rockets. Part 60 contains the Air Traffic Rules governing the operation of aircraft, including rockets. The amendment to Part 60 proposed herein would exclude rockets subject to Part 48.

On February 25, 1961, in Draft Release No. 61-4 (26 F.R. 1666), the FAA proposed regulations pertaining to the operation of rockets and missiles. That proposal generated a great deal of interest, as evidenced by the large number of comments received. Rocket enthusiasts generally opposed the requirements advanced, while civil aviation interests endorsed the proposal. Satisfactory resolution of the many comments to the draft release would have resulted in a regulation substantially different from that originally proposed. The Agency, therefore, has developed the new proposed rule making contained herein, based on the valuable comments received.

In developing this proposal, the Agency has taken cognizance of the broad meaning which can be attached to the term "rocket." The earlier draft release spoke of "rockets and missiles" and made no differentiation between amateur rockets and model rockets. In this proposal, we consider the term "rocket" to include "missile" and have exempted model rocketry from regulation herein if certain conditions are met. Typically, model rockets are made of paper, wood, or fragile plastic, contain no substantial metal parts, and are powered by a premixed propellant. Under these conditions, provided reasonable weights are not exceeded, no real hazard appears to exist and this proposal would not govern such operations.

Activity in the field of rocket operations is steadily increasing, especially experimental amateur rocketry. Amateur rocketry, unlike model rocketry, concerns itself with metallic rockets which have a far greater thrust due to the use of more powerful homemade fuels; utilizes rocket systems which require extensive safety precautions and expert supervision; and requires a greater amount of land and airspace to contain the operations. The bulk of the amateur activity is carried on by youthful individuals, high school and college classes, local recreation department groups, and various rocket clubs. As these activities increase there is an increasing possibility of hazard to aircraft and to persons and property on the surface. Therefore, it has been determined that rules which will control the indiscriminate firing of rockets without unduly suppressing such activities are both necessary and reasonable. This proposal recognizes this need and contains regulatory measures regarding weather conditions, type of airspace, notification, and proximity of the operation to persons and airports.

The Agency recognizes that amateur rocketry has established a good safety record. No doubt this is due to the keen interest of the rocketeer and the realization of his legal and moral responsibilities. Also, many of the known rocket launchings have taken place in restricted areas under adult and military supervision. However, even there, elaborate safety precautions were taken, such as mobile fire equipment, protective type vehicles, heavily reinforced bunkers, and supervision by military ordnance experts.

These precautions emphasize the unpredictability and hazard of rocket operations. When launchings are confined to such approved areas and are properly supervised, the hazard to aircraft is greatly reduced; however, there is no assurance that rocket launchings will continue under such favorable conditions.

Members of this Agency have been present at several of the rocket meets held within restricted areas. They observed rockets ranging in sizes up to 11 feet long with diameters up to three inches. For the most part, these rockets were constructed of aluminum or steel tubing. They were powered by fuel mixtures such as zinc and sulphur or nitrate and sugar. In one instance the fuel alone weighed 31 pounds. The average weight was not ascertained, however, some amateur rockets have a gross weight of 65–75 pounds and are capable of reaching altitudes of over five miles. Since there are over 5,000 amateur rocket societies in the United States with over 40,000 members actively engaged in rocket activities, the potential hazard to aircraft created by amateur rocket operations is evident.

This proposal seeks to achieve two safety objectives. First, the possibility of hazard to aircraft would be minimized by prohibiting the operation of rockets within five miles of airports or within controlled airspace; and by charging the operator with the responsibility to operate the rocket in a manner that will not create a hazard to aircraft in flight. These provisions would restrict potentially hazardous objects from areas of concentrated air traffic and would make rocket operations more compatible with the activities of other airspace users. Second, protection to persons not associated with the operation would be provided by prescribing minimum separation standards between the rocket operation and such persons. This requirement would apply regardless of the location of the launching area.

"Controlled airspace" is a term referring to designated airspace of defined dimensions. It includes control zones, control areas, transition areas, and the Continental Control Area. Controlled airspace is designated to contain the vast network of airways and the various areas of more concentrated air activity. The sizes and shapes of controlled airspace vary with the exception of the Continental Control Area. The latter consists of airspace of the 48 contiguous states and the District of Columbia at and above 14,500 feet mean sea level. Therefore, the proposed rule would allow rocket operations to be conducted up to 14,500 feet mean sea level if all other types of controlled airspace are avoided. In conjunction with this, however, the operator must assure that the rocket remains clear of clouds; that the cloud cover or obscuring phenomena in the area of operation does not cover more than five tenths of the sky; and that the horizontal visibility from the rocket is at least five miles during the entire operation. These limitations are specified so that the operator may visually scan the area and conduct his operation with due regard for the safety of aircraft.

The proposed regulation would require the operator of a rocket to give prior notice of the operation to the nearest FAA air traffic control facility. This information would be incorporated in a Notice to Airmen (NOTAM) informing airspace users of the existence and general location of the rocket operations, the duration of such activities, and the maximum altitude to which the rocket/s will be operated.

Section 60.1 of the Air Traffic Rules states in part, "the air traffic rules of this part shall apply to aircraft operated anywhere in the United States, * * *" Since rockets are within the definition of aircraft, they are subject to all the provisions contained therein. The scope of Part 60 would be amended so that rockets which are subject to the provisions of Part 48 would be excluded from the provisions of Part 60.

This proposal is subject to the FAA Recodification Program, recently announced in Draft Release No. 61-25 (26 F.R. 10698). The final rule, if adopted, may be in a recodified form, however, the recodification itself will not alter the substantive contents proposed herein.

In consideration of the foregoing, notice is hereby given that Parts 48 and 60 of the Civil Air Regulations are proposed to be amended as follows:

1. By amending § 48.1 to read:

§ 48.1 Applicability.

This part applies to the operation of moored balloons, kites and rockets in the United States.

NOTE: Radio transmitting equipment used in conjunction with operations under this part must be licensed as required by the Federal Communications Commission, Washington 25, D.C.

2. By amending § 48.3 by adding in proper alphabetical order the following new definitions:

§ 48.3 Definitions.

"Airport" means a defined area on land or water, including any buildings and installations, normally used for the take-off and landing of aircraft.

* * * * * *

"Rocket" means an unmanned aircraft, whose flight in the air is derived from the thrust of ejected expanding gases generated in the engine from self-contained fuels or propellants and is not dependent on the intake of outside substance. It includes any part which becomes separated during the operation.

3. By amending Part 48 to include a new Subpart C to read:

Subpart C—Rockets

§ 48.20 Applicability.

This subpart applies to the operation of rockets in the United States, except

those exempted in § 48.21. Operations conducted within restricted areas shall comply only with § 48.22(7) and with such additional limitations as may be imposed by the using agency or controlling agency.

§ 48.21 Exempt operations.

This subpart does not apply to the following:

(a) Operations conducted under a written agreement reached by the operator with the Federal Aviation Agency.

(b) Static testing activities in which the rocket is not operated in flight.

(c) Pyrotechnics, such as firework displays, etc., conducted in accordance with local, county or state ordinances.

(d) Model rocket activities, if:

(1) Conducted in a manner that does not create a hazard to aircraft, persons, or property;

(2) No more than four ounces of propellant is used; and

(3) The model rocket is made of paper, wood or breakable plastic, contains no substantial metal parts, and weighs no more than 16 ounces, including the propellant.

§ 48.22 Operational limitations.

A rocket may not be operated:

(a) In a manner that creates a collision hazard with aircraft;

(b) In controlled airspace;

(c) Within five miles of the boundary of any airport;

(d) At altitudes where clouds or obscuring phenomena of more than five tenths coverage prevail;

(e) Into any cloud;

(f) Unless the horizontal visibility from the rocket is at least five miles during the entire operation;

(g) Within 1500 feet of any persons not associated with the operation; or

(h) During the hours of darkness.

§ 48.23 Notice requirements.

A rocket may not be operated unless at least 24 hours, but not more than 48 hours, prior notice is given to the nearest FAA air traffic control facility. This notice shall include:

(a) Name and address of the person in charge of the operation;

(b) The number of rockets to be operated;

(c) The maximum altitude to which the rocket will be operated;

(d) The geographical location of the operation;

(e) Date, time and duration of operation; and

(f) Other pertinent information requested by air traffic control.

4. By amending § 60.1 of Part 60 to include a new paragraph (c), to read:

§ 60.1 Scope.

* * * * *

(c) Rockets which are subject to the provisions of Part 48 of this chapter.

This amendment is proposed under the authority of section 307 of the Federal Aviation Act of 1958 (72 Stat. 749, 49 U.S.C. 1348).

Issued in Washington, D.C., on May 31, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-5529; Filed, June 6, 1962; 8:49 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 62-SW-23]

FEDERAL AIRWAY

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6022 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 22 extends in part from the Sabine Pass, Texas, VOR to the Tibby, La., VOR including a north alternate from the intersection of the Sabine Pass VOR 090° and the Lake Charles, La., VOR 218° True radials via the Lake Charles VOR to the intersection of the Lake Charles VOR 119° and the Tibby VOR 271° True radials. The Federal Aviation Agency is considering the revocation of this north alternate of Victor 22 and its associated control areas.

The Federal Aviation Agency's latest traffic surveys indicate no instrument flight rule traffic on this north alternate of Victor 22. It would appear, therefore, that retention of this segment of the airway is unjustified as an assignment of airspace.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on May 31, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-5539; Filed, June 6, 1962; 8:50 a.m.]

[14 CFR Parts 600, 601, 602]

[Airspace Docket No. 61-NY-101]

FEDERAL AIRWAYS, CONTROL AREAS, REPORTING POINTS AND JET ROUTES

Proposed Designation and Alteration of Federal Airways and Associated Control Areas, Proposed Alteration of Jet Routes, and Proposed Alteration of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600, 601 and 602 of the regulations of the Administrator which would alter the airway and jet route structure in the New York Metropolitan area. The proposed actions would provide the required lateral separation between en route aircraft and aircraft executing the new holding pattern procedures recently implemented by the Federal Aviation Agency, and provide the designated airways required by the revised New York terminal area traffic control procedures. The proposed actions are as follows:

1. Low altitude VOR Federal airway No. 1 is designated in part from Barnegat, N.J., to Wilton, Conn. It is proposed to extend this segment of Victor 1 and its associated control areas from the Wilton, Conn., VOR; to the Poughkeepsie, N.Y., VOR.

2. Low altitude VOR Federal airway No. 6 is designated in part from Solberg, N.J. to Idlewild, N.Y. It is proposed to realign this segment of Victor 6 and its associated control areas from the Solberg VORTAC via the intersection of the Solberg VORTAC 095° and the Idlewild VORTAC 259° True radials; to the Idlewild VORTAC.

3. Low altitude VOR Federal airway No. 30 is designated in part from Colts Neck, N.J., to Red Bank, N.J. It is proposed to extend and realign this segment of Victor 30 and its associated control areas from the Colts Neck VOR via the intersection of the Colts Neck VOR 089° and the Idlewild VORTAC 195° True radials; to the Idlewild VORTAC.

4. Low altitude VOR Federal airway No. 34 is designated in part from Wilton, Conn., to Saybrook, Conn. It is proposed to redesignate this segment of Victor 34 and its associated control areas from the Wilton VOR to the Riverhead, N.Y., VORTAC.

5. Low altitude VOR Federal airway No. 36 is designated in part from Sparta, N.J., to Paterson, N.J. It is proposed to redesignate this segment of Victor 36 and its associated control areas from the Sparta VORTAC to the Riverhead, N.Y., VORTAC.

6. Low altitude VOR Federal airway No. 46 is designated in part from Glen Cove, N.Y., to Hampton, N.Y. It is proposed to extend and realign this segment of Victor 46 and its associated control areas from the Idlewild, N.Y., VORTAC via the Deer Park, N.Y., VOR; Beach, N.Y. intersection (intersection of the Deer Park VOR 095° and the Hampton VOR 223° True radials); including a north alternate from the Deer Park VOR to the Beach intersection via the Riverhead, N.Y., VORTAC; to the Hampton VOR.

7. Low altitude VOR Federal airway No. 91 is designated in part from Idlewild, N.Y., to Poughkeepsie, N.Y. It is proposed to redesignate this segment of Victor 91 and its associated control areas from the Riverhead, N.Y., VORTAC to the Poughkeepsie VOR.

8. Low altitude VOR Federal airway No. 123 is designated in part from Robbinsville, N.J., to Wilton, Conn. It is proposed to realign this segment of Victor 123 and its associated control areas from the Robbinsville VOR via the intersection of the Solberg, N.J., VORTAC 110° and the Idlewild, N.Y., VORTAC 232° True radials; the LaGuardia, N.Y., VOR; to the Wilton VOR.

9. Low altitude VOR Federal airway No. 140 is designated in part from Coyle, N.J., to Idlewild, N.Y. It is proposed to redesignate this segment of Victor 140 and its associated control areas from the Coyle VORTAC via the intersection of the Coyle VORTAC 031° and the Colts Neck, N.J., VOR 179° True radials; Colts Neck VOR; to the intersection of the Colts Neck VOR 335° and the Solberg, N.J., VORTAC 110° True radials.

10. Low altitude VOR Federal airway No. 153 is designated in part from Stillwater, N.J., to Caldwell, N.J. It is proposed to realign and extend this segment of Victor 153 and its associated control areas from the Stillwater VORTAC via the intersection of the Stillwater VORTAC 110° and the LaGuardia, N.Y., VOR 280° True radials; LaGuardia VOR; to the intersection of the LaGuardia VOR 059° True radial with the direct radial between the Idlewild VORTAC and the Hartford, Conn., VOR.

11. Low altitude VOR Federal airway No. 157 is designated in part from Robbinsville, N.J., to Idlewild, N.Y. It is proposed to realign this segment of Victor 157 and its associated control areas from the Robbinsville VOR via the Colts Neck, N.J., VOR; intersection of the Colts Neck VOR 089° and the Idlewild VORTAC 195° True radials; to the Idlewild VORTAC.

12. Low altitude VOR Federal airway No. 167 is designated in part from Point Pleasant, N.J., to Idlewild, N.Y. It is proposed to realign and extend this segment of Victor 167 and its associated control areas from the Coyle, N.J., VORTAC via the intersection of the Coyle VORTAC 047° and the Idlewild VORTAC 195° True radials; to the Idlewild VORTAC.

13. Low altitude VOR Federal airway No. 213 is designated in part from Woodstown, N.J., to Columbus, N.J. It is proposed to extend this segment of Victor 213 and its associated control areas from the Woodstown VOR via the intersection of the Pottstown, Pa., VOR 104° True radial with the direct radial between the Robbinsville, N.J., VOR and the New Castle, Del., VORTAC; the Robbinsville VOR; to the Idlewild, N.Y., VORTAC.

14. Low altitude VOR Federal airway No. 226 is designated in part from Stillwater, N.J., to Paterson, N.J. It is proposed to realign and extend this segment of Victor 226 and its associated control areas from the Stillwater VORTAC via the intersection of the Stillwater VORTAC 110° and the Idlewild N.Y., VORTAC 297° True radials; to the Idlewild VORTAC.

15. Low altitude VOR Federal airway No. 232 is designated in part from Tannersville, Pa., to Somerset, N.J. It is proposed to extend this segment of Victor 232 and its associated control areas from the Tannersville VORTAC via the intersection of the Tannersville VORTAC 114° and the Solberg, N.J., VORTAC 051° True radials; to the Idlewild, N.Y., VORTAC.

16. Low altitude VOR Federal airway No. 249 is designated in part from Sparta, N.J., to Huguenot, Pa. It is proposed to extend Victor 249 and its associated control areas from the Sparta VORTAC via the intersection of the Sparta VORTAC 170° and the Colts Neck, N.J., VOR 314° True radials; to the Colts Neck VOR.

17. Low altitude VOR Federal airway No. 251 is designated in part from Pottstown, Pa., to Sparta, N.J. It is proposed to extend Victor 251 and its associated control areas from the Sparta VORTAC direct to the Hartford, Conn., VOR.

18. Low altitude VOR Federal airway No. 252 is designated in part from Huguenot, Pa., to Paterson, N.J. It is proposed to realign and extend this segment of Victor 252 and its associated control areas from the Huguenot VORTAC via the Sparta, N.J., VORTAC; to the intersection of the Sparta VORTAC 144° and the Solberg, N.J., VORTAC 051° True radials.

19. Low altitude VOR Federal airway No. 268 is designated in part from Baltimore, Md., to Salisbury, Md. It is proposed to realign and extend this segment of Victor 268 and its associated control areas from the Baltimore VORTAC via the intersection of the Baltimore VORTAC 097° and the Kenton, Del., VORTAC 242° True radials; Kenton VORTAC; to the intersection of the Kenton VORTAC 086° and the Sea Isle, N.J., VOR 049° True radials.

20. Low altitude VOR Federal airway No. 433 is designated in part from the Yardley, Pa., VOR to the Newark, N.J., ILS outer marker. It is proposed to realign and extend this segment of Victor 433 and its associated control areas from the Yardley VOR via the intersection of the Yardley VOR 059° and the La Guardia, N.Y., VOR 231° True radials; the La Guardia VOR; Wilton, Conn., VOR; to the intersection of the Wilton VOR 090° and the Norwich, Conn., VOR 227° True radials.

21. It is proposed to designate low altitude VOR Federal airway No. 467 and its associated control areas from the Huguenot, Pa., VORTAC via the intersection of the Huguenot VORTAC 132° and the La Guardia, N.Y., VOR 338° True radials; to the La Guardia VOR.

22. It is proposed to designate low altitude VOR Federal airway No. 445 and its associated control areas from the Clermont, N.Y., VOR via the intersection of the Clermont VOR 192° and the LaGuardia, N.Y., VOR 338° True radials; to the LaGuardia VOR.

23. Low altitude VOR Federal airway No. 837 is designated in part from Kenton, Del., to Hampton, N.Y. It is proposed to realign this segment of Victor 837 from the Kenton VORTAC via the intersection of the Kenton VORTAC 086° and the Sea Isle, N.J., VOR 049° True radials; intersection of the Sea Isle VOR 049° and the Hampton VOR 223° True radials; Hampton VOR, including the airspace between lines diverging from the Sea Isle VOR to a point of tangency to a circle with a 9-statute mile radius centered at the intersection of the Sea Isle VOR 049° and the Hampton VOR 223° True radials; within the circumference of the circle and between lines tangent to that circle converging to the Hampton VOR. The portion of this airway below 2,000 feet MSL that lies outside the continental limits of the United States and the portion below 3,000 feet MSL between the 087° and the 141° True radials of the Idlewild, N.Y., VORTAC are excluded.

24. Low altitude VOR Federal airway No. 885 is designated in part from Kenton, Del., to the intersection of the Riverhead VORTAC 218° and the Idlewild, N.Y., VORTAC 083° True radials. It is proposed to realign Victor 885 from the Kenton VORTAC via the Millville, N.J., VOR; Atlantic City, N.J., VORTAC; Barnegat, N.J., VOR; intersection of the Coyle, N.J., VOR 057° and the Riverhead, N.Y., VORTAC 218° True radials; to the intersection of the Riverhead VORTAC 218° and the Idlewild, N.Y., VORTAC 083° True radials. The portion of this airway below 2,000 feet MSL that lies outside of the United States is excluded. The portion of this airway that coincides with the Warren Grove, N.J., Restricted Area R-5002 is excluded.

25. Intermediate altitude VOR Federal airway No. 1658 is designated in part from Baltimore, Md., to the Price Intersection (intersection of the Baltimore VOR 097° and the Kenton, Del., VOR 242° True radials). It is proposed to extend Victor 1658 as a 10-mile wide airway from the Price Intersection via the Kenton VOR; intersection of the Kenton VOR 086° and the Barnegat, N.J., VOR 233° True radials; to the Barnegat VOR.

26. Jet Routes No. 6, No. 8 and No. 42 are designated in part from Front Royal, Va., to Idlewild, N.Y. It is proposed to realign these segments of J-6, J-8 and J-42 from the Front Royal VOR via the Yardley, Pa., VOR; to the Idlewild VORTAC.

27. Jet Route No. 64 is designated in part from Pittsburgh, Pa., via Coyle, N.J.; to Idlewild, N.Y. It is proposed to

realign this segment of J-64 from the Pittsburgh VORTAC via the Yardley, Pa., VOR; to the Idlewild VORTAC.

28. Jet Route No. 70 is designated in part from Erie, Pa., via Thornhurst, Pa.; to Idlewild, N.Y. It is proposed to realign this segment of J-70 from the Erie VORTAC via the Huguenot, N.Y., VORTAC; to the Idlewild VORTAC.

29. Jet Route No. 95 is designated in part from Buffalo, N.Y., via Thornhurst; to Idlewild. It is proposed to realign this segment of J-95 from the Buffalo VORTAC via the Huguenot, Pa., VORTAC; to the Idlewild VORTAC.

30. Jet Route No. 63 is designated from Syracuse, N.Y., direct to Idlewild, N.Y. It is proposed to realign J-63 from the Syracuse VORTAC via the Huguenot, N.Y., VORTAC; to the Idlewild VORTAC.

Victor 268 presently describes one boundary of the Dover, Del., control area extension (§ 601.1341). Since Victor 268 would be altered by the action contained herein, it is proposed to substitute low altitude VOR Federal airway No. 29 for Victor 268 in the description of this control area extension. Controlled airspace designated elsewhere in Part 601 of the regulations of the Administrator would cover the airspace which would be deleted from the Dover control area extension by this action.

Upon completion of action being taken in Airspace Docket No. 61-NY-110 to realign Victors 1, 44 and 238 in the vicinity of the Millville, N.J., VOR and the Atlantic City, N.J., VORTAC, VOR Federal airway Nos. 837 and 885 will overlie existing VOR Federal airways. The reduced width for the proposed segment of Victor 1658 between Price and Barnegat would provide the required lateral separation between aircraft operating along this airway segment and aircraft operating along parallel segments of intermediate altitude VOR Federal airways Nos. 1501 and 1548 which will become effective May 31, 1962. The control areas associated with those segments of airways proposed herein would extend upward from 700 feet above the surface to the base of the continental control area. Separate actions would be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations. The jet advisory areas associated with the jet routes to be altered herein are so designated that they would automatically conform to the new alignment of these jet routes.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on May 31, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-5540; Filed, June 6, 1962; 8:51 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62-KC-10]

TRANSITION AREA

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.10849 of the regulations of the Administrator, the substance of which is stated below.

The Vichy, Mo., transition area is designated as that airspace extending upward from 1,200 feet above the surface within 10 miles southeast and 7 miles northwest of the Vichy 239° and 059° True radials extending from 20 miles southwest to 9 miles northeast of the VORTAC.

The Federal Aviation Agency has under consideration the alteration of the Vichy transition area to include the airspace extending upward from 700 feet above the surface within a 5-mile radius of the Rolla National Airport (latitude 38°07'40" N., longtitude 91°46'10" W.); within 2 miles either side of the Vichy VORTAC 067° True radial extending from the 5-mile radius area to 8 miles northeast of the VORTAC. This would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Rolla National Airport.

If this action is taken, the Vichy, Mo., transition area would be redesignated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Rolla National Airport (latitude 38°07'40" N., longitude 91°46'10" W.); within 2 miles either side of the Vichy VORTAC 067° True radial extending from the 5-mile radius area to 8 miles northeast of the VORTAC; and the airspace extending upward from 1,200 feet above the surface within 10 miles southeast and 7 miles northwest of the Vichy VORTAC 239° and 059° True radials extending from 20 miles southwest to 9 miles northeast of the VORTAC.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on May 31, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-5541; Filed, June 6, 1962; 8:51 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 61-WA-239]

JET ROUTES AND JET ADVISORY AREAS

Proposed Alteration and Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to §§ 602.100 and 602.200 of the regulations of the Administrator, the substance of which is stated below.

Jet Route No. 54 presently extends from Garden City, Kans., via Ponca City, Okla., to Springfield, Mo.

The Federal Aviation Agency has under consideration the revocation of the segment of J-54 between Ponca City and Springfield and redesignating J-54 from the Atlanta, Ga., VORTAC via the Birmingham, Ala., Little Rock, Ark., Tulsa, Okla., Ponca City, Okla., and Garden City, Kans., VORTACs to the Alamosa, Colo., VORTAC. In addition, an en route radar jet advisory area would be designated within 16 statute miles either side of J-54 from Atlanta to Garden City from flight level 240 to flight level 390, inclusive, and an en route nonradar jet advisory area within 16 statute miles either side of J-54 from Garden City to Alamosa from flight level 270 to flight level 310 inclusive, and from flight level 370 to flight level 390 inclusive. The Fiscal Year 1961 Peak Day Instrument Flight Rule Air Traffic Survey indicated no use of J-54 between Ponca City and Springfield. The redesignation of J-54 as proposed herein would provide an alternate routing for jet aircraft operating between Atlanta, Ga., and Los Angeles, Calif. The designation of the proposed en route jet advisory areas would provide defined areas wherein jet advisory service would be provided to civil turbojet aircraft while operating on J-54 between Atlanta and Los Angeles.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

In § 73.23 amend paragraph (a) (15 F.R. 8277, Dec. 2, 1950) to read as follows:

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on May 31, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-5542; Filed, June 6, 1962; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 73]

[Docket No. 3666; Notice 55]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Notice of Proposed Rule Making

JUNE 4, 1962.

In the notice of proposed rule making in the above-entitled docket, dated May 18, 1962 (volume 27, number 106), under the heading Part 73—Shippers, several proposed amendments were inadvertently omitted immediately preceding the proposed amendment to § 73.32 beginning "In § 73.32 amend paragraph (e) (2) (24 F.R. 5639, July 14, 1959) to read as follows".

The omitted material reads as follows:

Subpart A—Preparation of Articles for Transportation by Carriers by Rail Freight, Rail Express, Highway, or Water

In § 73.23 amend paragraph (a) (15 F.R. 8277, Dec. 2, 1950) to read as follows:

§ 73.23 Closures for containers.

(a) Outside containers must be closed for shipment as prescribed in the specifications for the container unless otherwise authorized for the particular article being shipped and in addition, closures of inside containers must be secured in a manner that will prevent leakage of contents under conditions of normal transportation. Gasketed closures must be fitted with gaskets of efficient material which will not be deteriorated by the contents of the container.

In § 73.28 amend paragraph (h) (25 F.R. 3098, Apr. 12, 1960) to read as follows:

§ 73.28 Reused containers.

* * * * *

(h) Single-trip containers made under specifications prescribed in Part 78 of this chapter, from which contents have once been removed following use for shipment of any article, must not be again used as shipping containers for explosives, flammable liquids, flammable solids, oxidizing materials, corrosive liquids, or poisons, class B, C, or D, as defined in this part: *Provided*, That during the present emergency and until further order of the Commission, single-trip containers may be reused if retested in accordance with methods approved by the Bureau of Explosives before each reuse and approved for service for specific commodities or classes of commodities. Applications for permission for reuse should be made to the Bureau of Explosives, 63 Vesey Street, New York 7, New York.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-5547; Filed, June 6, 1962; 8:52 a.m.]

Notices

POST OFFICE DEPARTMENT

ORGANIZATION AND ADMINISTRATION

Regional Director

The statement of the Department's Organization and Administration, as published in the FEDERAL REGISTER of July 12, 1960, at pages 6526 through 6545, and amended by 26 F.R. 626–627, 26 F.R. 3726, 26 F.R. 6863–6864, 26 F.R. 9957–9958, and 27 F.R. 2375–2378 is further amended by making the following changes in Part 825—Regional Director, to reflect functional changes in the regional offices.

I. In 825.5—Personnel Division, delete paragraph "f".

II. In 825.7—Local Services Division, add a new paragraph "e" to read as follows:

e. Makes determination of legitimate receipts and classification of post office.

III. In 825.72—Delivery Services Branch, amend paragraph "a" to read as follows:

a. Establishes and adjusts patterns of delivery services.

IV. In 825.9—Engineering and Facilities Division, amend paragraph "f" to read as follows:

f. Provides Government vehicle maintenance guidance and technical direction to post offices; assists the Training Branch in implementing and improving vehicle maintenance training programs; analyzes cost control reports; and administers the vehicle disposal program.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62–5521; Filed, June 6, 1962; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

MODIFICATION OF MORATORIUM ON APPLICATIONS AND PETITIONS

1. Pursuant to the authority granted to Secretary of Interior by sections 453 and 2478 of the Revised Statutes (43 U.S.C. 2 and 1201), as amended, and otherwise, the moratorium on applications and petitions directed by the Secretary of the Interior on February 14, 1961, and published on page 1382 of the FEDERAL REGISTER for February 16, 1961, is hereby modified to exclude from its provisions public lands in the State of Alaska.

2. Beginning at 10:00 a.m. on June 1, 1962, the manager of the land office at 516 Second Avenue, Fairbanks, Alaska, who has jurisdiction over public lands in the Fairbanks Land District of Alaska, and the Manager of the land office in the Cordova Building, Sixth and Cordova Streets, Anchorage, Alaska, who has jurisdiction over public lands in the Anchorage Land District of Alaska, will resume, pursuant to and subject to the regulations in Title 43 of the Code of Federal Regulations, the receipt of applications for rights and privileges, acceptance of which was suspended by the moratorium referred to in section 1 of this order.

STEWART L. UDALL,
Secretary of the Interior.

MAY 31, 1962.

[F.R. Doc. 62–5519; Filed, June 6, 1962; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

UNITED STATES LINES CO.

Notice of Application

Notice is hereby given that United States Lines Company has applied to consolidate its subsidized freight services on Trade Route No. 5–7–8–9, presently designated as Lines B, C, and F to provide for a minimum of 220 and maximum of 254 sailings with freight ships "Between United States North Atlantic ports (Maine-Virginia, inclusive) and ports in the United Kingdom, Republic of Ireland, and Atlantic Europe (Germany to the northern border of Portugal): *Provided*, That outward sailings shall be made direct to each of the following areas at a rate of not less than approximately weekly frequency: Germany; Belgium and the Netherlands; West Coast United Kingdom; and France and East Coast United Kingdom."

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should by the close of business on June 19, 1962, notify the Secretary, Maritime Subsidy Board in writing, in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: May 31, 1962.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62–5497; Filed, June 6, 1962; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 115–3]

CONSUMERS PUBLIC POWER DISTRICT, POWER DEMONSTRATION REACTOR PROJECT (HALLAM)

Order Reconvening Hearing

On May 24, 1962, and following the regular hearing convened by the Commission and held on May 17, 1962, North American Aviation, Inc., as Applicant herein, filed a Motion requesting that the hearing in this proceeding be reconvened on June 8, 1962, for the purpose of receiving into the record made at the public hearing the results of the hot sodium circulation tests. These tests were in progress and incomplete at the time of the hearing held on May 17. The Staff testified at the hearing that the hot sodium circulation tests and an evaluation thereof, were necessary for a determination of the safety of the Hallam reactor project. At the hearing, inquiry was made by the Presiding Officer whether the record of this proceeding should be kept open to permit a statement respecting that evaluation to be made at the public hearing. Some objection was indicated to the necessity of keeping this record open for that purpose. The Presiding Officer stated:

It is my understanding that the purpose of these hearings was to provide a public hearing for the presentation of all matters relating to safety on the public record, so that all matters could be presented for such inquiry and examination • • • by participants, and intervenors, if any.

In the consent filed on May 30, 1962 to a reopening of the hearing, the Staff stated:

The Regulatory Staff consents to this motion in order to avoid delay but specifically emphasizes that such consent should not be construed as Staff concurrence in the position that the rules and regulations of the Commission require that this proceeding be reopened for the presentation of evidence with respect to the completeness of the "Hot Sodium Circulation Test" before the Presiding Officer is authorized to issue a provisional operating authorization in the form proposed by Staff Exhibit No. 5.

This hearing is reopened for the express purpose of, and in accordance with the Commission direction in proceedings of this kind, to require that all matters of safety evaluations be presented upon a record at a public hearing to permit inquiry and examination of such safety evaluations by the participants[1] and intervenors, if any. The Staff consent herein is no limitation on this Commission direction.

[1] This opportunity for public examination of a Staff evaluation of safety may be particularly important to the participant, North American Aviation, Inc., as Applicant, which has differed in some other and unrelated particulars with the Staff.

It appears that by June 8, 1962, additional evidence may also be available concerning certain design modifications and construction completions that were not available for the May 17, 1962, hearing and an opportunity should be provided for the presentation of such additional evidence in that regard as will bring the record up-to-date in these respects.

Wherefore, it is ordered:

A. The Motion of North American Aviation, Inc., filed on May 24, 1962, is granted and the hearing in this proceeding shall reconvene at 10:00 a.m., e.d.t., June 8, 1962, in the auditorium of the Atomic Energy Commission, Germantown, Maryland, to consider the evidence of the results of the hot sodium circulation tests performed at the Hallam reactor project, as well as the evidence from the Staff, and others respecting the evaluation thereof.

B. In addition to the evidence concerning the hot sodium circulation test, other evidence may be presented concerning the design modifications and construction completions, which were pending at the time of the hearing held on May 17, 1962.

C. The schedule heretofore designated at the hearing held on May 17, 1962 for the filing of briefs and other submittals is cancelled in view of the reconvening of the hearing, and a substitute similar schedule will be provided at the June 8, 1962, hearing.

Issued May 31, 1962, Germantown, Md.

SAMUEL W. JENSCH,
Presiding Officer.

[F.R. Doc. 62–5473; Filed, June 6, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14269, 14270; FCC 62M–785]

HERSHEY BROADCASTING CO., INC., AND READING RADIO, INC.

Order Re Procedural Dates

In re applications of Hershey Broadcasting Company, Inc., Hershey, Pennsylvania, Docket No. 14269, File No. BPH–3246; Reading Radio, Inc., Reading, Pennsylvania, Docket No. 14270, File No. BPH–3322; for construction permits.

The Hearing Examiner having under consideration a "Petition for Change of Exchange and Prehearing Dates" filed May 25, 1962, by Hershey Broadcasting Company, Inc., and

It appearing that granting of the petition will not materially affect the date for the closing of the record and that good cause for granting the petition has been shown,

It is ordered, This 1st day of June 1962, that the aforesaid petition is granted and that, accordingly, the presently scheduled exchange date of May 29, 1962, is changed to June 12, 1962, and the presently scheduled further prehearing conference date of June 5, 1962, is changed to 2:00 p.m., June 15, 1962, in the Commission's offices in Washington, D.C.

Released: June 1, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–5544; Filed, June 6, 1962; 8:52 a.m.]

[Docket No. 14651; FCC 62M–787]

KFNF BROADCASTING CORP. (KFNF)

Order Rescheduling Prehearing Conference

In re application of KFNF Broadcasting Corporation (KFNF), Shenandoah, Iowa, Docket No. 14651, File No. BP–14026; for construction permit.

On the oral request of counsel for the applicant: *It is ordered*, This 1st day of June 1962, that the prehearing conference is rescheduled from July 2 to Tuesday, June 19, 1962, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: June 4, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–5545; Filed, June 6, 1962; 8:52 a.m.]

[Docket No. 14510 etc.; FCC 62–577]

ROCKLAND BROADCASTING CO. ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Sidney Fox, George Dacre, Harry Edelstein d/b as Rockland Broadcasting Company, Blauvelt, New York, Docket No. 14510, File No. BP–13477; Delaware Valley Broadcasting Co. (WAAT), Trenton, New Jersey, Docket No. 14511, File No. BP–14054; Rockland Radio Corporation, Spring Valley, New York, Docket No. 14512, File No. BP–14461; Rockland Broadcasters, Inc., Spring Valley, New York, Docket No. 14513, File No. BP–14462; Asbury Park Press, Inc. (WJLK), Asbury Park, New Jersey, Docket No. 14514, File No. BP–14469; City of Camden (WCAM), Camden, New Jersey, Docket No. 14616, File No. BP–14638; for construction permits.

1. The Commission has before it for consideration two petitions, filed March 5, 1962, by Rockland Radio Corporation and Rockland Broadcasters, Inc., respectively. Responsive pleadings were filed by the two petitioners, Asbury Park Press, Inc., Rockland Broadcasting Company and the Broadcast Bureau.

2. The hearing issues in this proceeding include the following: (a) the standard populations and areas issues; (b) interference issues; (c) a 10 percent rule issue; (d) an issue under § 3.30(a) of the Rules to determine whether the proposal for Blauvelt, New York would serve a particular city, town or other political subdivision; (e) 2 and 25 mv/m overlap issues as to Rockland Broadcasters, Inc., and as to Asbury Park Press; and (f) the following two issues the interpretation and scope of which are the subject of the referenced pleadings:

(14) To determine, in the light of the section 307(b) of the Communications Act of 1934, as amended, which one of the proposals for Spring Valley, New York, or the proposal for Trenton, New Jersey, or the proposal for Asbury Park, New Jersey, or the proposal for Blauvelt, New York (should Issue No. 10[1] be decided favorably for Rockland Broadcasting Company), would best provide a fair, efficient and equitable distribution of radio service.

(15) To determine in the event it is concluded pursuant to Issue No. 14 that one of the proposals for Spring Valley, New York, or the proposal for Blauvelt, New York, should be favored, which of the said proposals would best serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the said applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

(b) The proposal of each with respect to the management and operation of the proposed station.

(c) The programming services proposed in each of the said applications.

307(b) AND STANDARD COMPARATIVE ISSUES

3. Both of the Spring Valley applicants propose modifications in the phraseology of Issue 14. Rockland Radio Corporation's proposed modification is based upon its concern that Issue 14, as presently phrased, would permit the grant of only one of the proposals in this proceeding. Rockland Broadcasters, Inc., on the other hand, is concerned that Issue 14, if modified as proposed by Rockland Radio Corporation, would exclude a determination of 307(b) differences between its proposal and that of Rockland Radio Corporation; it therefore suggests alternative phrasing to require a determination of such differences. Both the Broadcast Bureau and the Blauvelt applicant contend that the meaning and scope of Issue 14 is perfectly plain and free of ambiguity, and they therefore oppose any change in phraseology. Though the Bureau did not respond directly to the proposed modification offered by Rockland Broadcasters, Inc., it does assert that differences in the efficiency of proposals for the same community are to be considered in connection with the standard comparative issue.

4. Rockland Radio Corporation also requests the deletion from Issue 15 of any reference to the applicant for Blauvelt. It argues that a choice between the Blauvelt proposal as against either of the Spring Valley proposals must be based solely upon 307(b) considerations. The other Spring Valley applicant, Rockland Broadcasters, Inc., argues that the proposed modification of Issue 15 does

[1] Issue 10 requires a determination as to whether Rockland Broadcasting Corporation would serve primarily a particular city, town, or other political subdivision as contemplated by § 3.30(a) of the rules.

not go far enough; it requests deletion of the entire issue. In support of this request, it maintains that the engineering differences between the two Spring Valley proposals are sufficiently significant to eliminate the necessity of any further comparison under the standard comparative issue. Thus, it points out that it proposes 1000 watts as against 500 watts proposed by Rockland Radio Corporation; that it would serve 224,415 persons as against the 182,949 persons who would receive the service of Rockland Radio Corporation; and that its proposal would receive interference affecting only 5.75 percent of the population within its normally protected contour as against a minimum of 9.05 percent interference loss in the case of Rockland Radio Corporation.

5. The Blauvelt applicant and the Broadcast Bureau oppose any change in Issue 15 as presently phrased. In opposition to the deletion of the reference in Issue 15 to the Blauvelt applicant, it is alleged that the Blauvelt proposal would serve Spring Valley with a signal intensity no less than 5 mv/m, and that it would provide no less than a 10 mv/m signal over the Spring Valley (population 6,539) business district. It is further alleged that Spring Valley and Blauvelt are only six miles apart; that the three transmitter sites are less than five miles from one another; that the three proposals would have substantially similar coverage; and that each community would constitute only a small part of the total populations and areas which would be served by each of the three proposals. For all these reasons it is concluded that the Blauvelt proposal must be compared with the Spring Valley proposals under the standard comparative issue.

6. Rockland Radio Corporation and the Broadcast Bureau oppose the deletion of Issue 15. The former does not regard the 307(b) differences between the two Spring Valley proposals as sufficiently significant to eliminate the necessity of comparing the proposals under the standard comparative issue. The Bureau's opposition to the request that the Spring Valley applicants not be compared under the standard comparative issue is that differences in the efficiency between the two proposals for the same community can never be so great as to permit a choice of applicants on this basis alone. According to the Bureau, applicants for the same community must always be compared under the standard comparative issue. The Bureau does, however, concede that differences in efficiency must also be weighed in the balance, but it suggests that differences in efficiency are within the scope of the standard comparative issue. The Bureau does not discuss the weight, if any, which is to be given to 307(b) "equitable" differences between applicants for the same community.

7. The divergence in the parties' views as to the appropriate areas of comparison of the various applicants is in large part attributable to their varying assessments of the facts now available. Thus, on the basis of extremely limited factual allegations, Rockland Broadcasters, Inc., is requesting the Commission to rule that a choice between it and the other Spring Valley applicant can be based solely on 307(b) considerations. On a similarly limited set of factual allegations, the other Spring Valley applicant asserts that a choice between the Spring Valley proposals as against the Blauvelt proposal can be made solely on the basis of 307(b) considerations. The Broadcast Bureau, on the basis of limited engineering allegations, would have the Commission determine at this time that a choice between the Blauvelt and two Spring Valley proposals cannot be made without considering the three proposals under the standard comparative issue. The Broadcast Bureau would likewise have us conclude, prior to the evidentiary hearing, that a choice between the Spring Valley proposals must be based upon their differences in efficiency and the showing made by them under the standard comparative issue. By implication, the Broadcast Bureau would preclude, and we think improperly so, consideration of any "equitable" 307(b) differences between the Spring Valley proposals.

8. It is neither essential nor desirable, prior to the evidentiary hearing, to make the determinations urged upon us. As was indicated in Kent-Ravenna Broadcasting Co., 22 RR 605, FCC 61–1350, it is better practice to avoid refinement of issues where the refinement is based upon the assumption of detailed facts not yet established. The applications in this proceeding were consolidated for hearing because of interference problems between them. Relevant to a determination as to which of the applications should be granted are the "fair, efficient and equitable" considerations specified by section 307(b) of the Communications Act of 1934, as amended. The standard 307(b) issue is designed for this purpose. Until the evidence has been adduced at the hearing under this issue, however, it cannot be determined conclusively whether a choice between applicants can be made solely on the basis of 307(b) considerations. For example, if the evidence adduced at the hearing shows that mutually exclusive applicants for different communities will not provide service to the principal community of the other, the choice between them would in the first instance be based upon 307(b) considerations. Unless the 307(b) differences between them are insubstantial, further comparison of the applicants is foreclosed, and the applicant for the community favored under 307(b) would, if otherwise qualified, be granted. See Allentown v. FCC, 349 U.S. 358 (1955). If, on the other hand, the community that was preferred under 307(b) would receive service with the required signal strength from two or more applicants in the proceeding, it might be appropriate to make a further comparison of the applicants under the contingent standard comparative issue.[2] In such a case, the differences between the applicants under the "fair, efficient and equitable" criteria of section 307(b) of the Act would be weighed in conjunction with their differences under the contingent standard comparative issue in making an ultimate choice of the applications to be granted.

9. The examples set forth in the preceding paragraph serve to illustrate that a determination of whether section 307(b) considerations should be the sole basis of choice, or whether comparison under the standard comparative issue would also be appropriate, is dependent upon the facts of the particular case. It is neither necessary nor desirable to prejudge these facts in advance of an evidentiary hearing. To frame the issues on the basis of such prejudgment may foreclose the parties from presenting evidence which should appropriately be considered in making an ultimate choice of applicants; at the other extreme, it may result in the adduction of a mass of irrelevant evidence.[3] The inclusion in the hearing Order of the standard 307(b) issue and the contingent standard comparative issue permits avoidance of both of these results. They leave to the Hearing Examiner the responsibility of determining, after the evidence under the 307(b) issue has been adduced, whether a determination may be made solely on the basis of 307(b) considerations or whether it would be appropriate to adduce evidence under the contingent standard comparative issue. To assist him in making the determination, the Hearing Examiner may, in his discretion, hear oral argument and require briefs. Should there be a substantial doubt as to whether 307(b) considerations alone would be determinative, evidence under the contingent standard comparative issue should be adduced.

10. Consistent with the foregoing, the Commission will delete existing Issues 14 and 15, and adopt in their stead the standard 307(b) issue and the contingent standard comparative issue. This action renders it unnecessary to prejudge the contentions of the parties before us as to the comparisons which will be required in the instant proceeding. In addition to the substitution of issues, an issue will also be added to determine the applicability of the program origination requirements of § 3.30(a) of the rules to any applicant which would provide service with the required signal strength to the community which, under the 307(b) issue, was preferred to such applicant's principal city, and, if applicable, to determine whether there are circumstances which would warrant waiver of these requirements.

TEN PERCENT AND OVERLAP ISSUES

11. The requests for deletion of the ten percent issue and overlap issue will be denied. In the case of the former, the factual allegations as to the extent of interference are contradictory and the ultimate facts can best be determined on the basis of a hearing record. The same problem exists as to the requested deletion of the overlap issue.

Accordingly, it is ordered, This 29th day of May 1962, that the petitions filed March 5, 1962, by Rockland Radio Corporation and Rockland Broadcasters, Inc., respectively, are denied; and

It is further ordered, On the Commission's own motion, that Issues 14 and 15 are deleted, that Issue 16 is renumbered as Issue 17; and that the following new issues are added:

14. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

15. In the event that any applicant seeks comparative consideration on the ground that it provides service with the required signal strength to a community other than its principal city, to determine the applicability of the program origination requirement of § 3.30(a) and, if applicable, to determine whether there are circumstances which would warrant waiver of those requirements.

16. To determine, in the event it is concluded that a choice between the instant applications should not be made solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station.

(b) The proposals of each of the instant applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the instant applications.

Released: June 4, 1962.

FEDERAL COMMUNICATIONS COMMISSION,[4]
BEN F. WAPLE,
Acting Secretary.

[SEAL]

[F.R. Doc. 62-5546; Filed, June 6, 1962; 8:52 a.m.]

[2] We need not determine for present purposes the impact of the program origination requirements of § 3.30(a) of the rules on the question of whether comparative consideration may be accorded to an applicant whose principal community was not the favored community under section 307(b). In order to assure a complete record, an issue is being added to determine whether these requirements of § 3.30(a) have been met, and, if not, whether there are circumstances which would warrant a waiver of these requirements.

[3] An example of such a case would be one in which the issues require a comparison under the standard comparative issue between two applicants for different communities, and at the hearing the evidence showed that neither applicant would provide service with the required signal strength to the community of the other.

[4] Statement of Commissioner Ford concurring in part and dissenting in part filed as part of original document.

FEDERAL POWER COMMISSION

[Docket No. RI62-8]

ARKANSAS LOUISIANA GAS CO.

Order Providing for Hearing on and Suspending Proposed Change in Rates, and Allowing Increased Rates To Become Effective Subject To Refund

MAY 31, 1962.

On April 30, 1962, Arkansas Louisiana Gas Company (Respondent) filed Second Revised Sheet No. 51 to its FPC Gas Tariff, Original Volume No. 2 proposing an increase in rates for sales of natural gas in the Jefferson Field, Marion County, Texas, under Rate Schedule XFS–2 to Texas Eastern Transmission Corporation. Respondent requests that the tender be allowed to become effective as soon as possible and that if the proposed increase is suspended, that the suspension period be made as brief as possible.

The proposed increase is based on reimbursement of seven-eighths of the Texas Dedicated Reserve Gas Tax, which tax became effective September 1, 1961. The proposed increase is from 14.6 cents per Mcf (no tax reimbursement) to 14.8436 cents per Mcf (0.2436 cent tax reimbursement).

In support of the proposed increase, Respondent submitted a balance sheet, income statement and an abbreviated statement of principal determinants to test reasonableness of the rate.

The Commission is advised that the validity of the Texas Dedicated Reserve Gas Tax is presently being contested in the courts of Texas. In consideration of this fact, and in order to assure appropriate refund in the event the subject tax should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increase in rates and charges until June 1, 1962, and thereafter to permit them to become effective as of that date; provided, that within 20 days from the date of this order Respondent shall file with the Secretary of the Commission an appropriate undertaking to assure such refund as may be ordered.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated revised tariff sheet be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Respondent's proposed increase in rates be made effective as hereinafter provided and that Respondent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in Respondent's FPC Gas Tariff, Original Volume No. 2, as proposed to be amended by the above-designated tender.

(B) Pending such hearing and decision thereon, Second Revised Sheet No. 51 to Respondent's FPC Gas Tariff, Original Volume No. 2 is hereby suspended and the use thereof deferred until June 1, 1962, and thereafter until such further time as it may be made effective in the manner hereinafter prescribed.

(C) The rates, charges, classifications, and services set forth in the above-designated filing shall be effective as of June 1, 1962: *Provided, however*, That, within 20 days from the date of this order, Respondent shall file a motion as required by section 4(e) of the Natural Gas Act to place the filing in effect on such date and shall execute and file with the Secretary of the Commission an appropriate agreement and undertaking requiring Respondent to make any appropriate refunds that may be required by final order of the Commission in this proceeding. Unless Respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(D) If Respondent shall, in conformity with the terms and conditions of its agreement and undertaking and the terms and conditions of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged, otherwise it shall remain in full force and effect.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.37(f)) on or before July 16, 1962.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-5498; Filed, June 6, 1962; 8:45 a.m.]

[Docket No. G-19495]

MISSISSIPPI RIVER FUEL CORP.

Notice of Application To Amend

MAY 31, 1962.

Take notice that on March 13, 1962, Mississippi River Fuel Corporation (Applicant), 9900 Clayton Road, St. Louis 24, Missouri, filed in Docket No. G-19495 an application to amend the Commission's order issued January 4, 1960, as amended, in Docket No. G-19495 so as to authorize the construction during

1962 and operation of additional 675 horsepower compressor facilities in the Woodlawn Field, Harrison County, Texas, all as more fully set forth in the application on file with the Commission and open to public inspection.

The order of January 4, 1960, as amended, authorized Applicant, among other things, to construct and operate additional compressor horsepower on its field supply system in the Woodlawn Field in order to take into its system gas from producers' wells in said field. Applicant now has in operation on the system ten field compressors with an aggregate of 3,594 horsepower. It is stated that as a result of the decline in field pressures in the Woodlawn Field, compression facilities have been required for some years and that up to 675 horsepower of additional compressor facilities may be needed during 1962.

The application shows that the cost of the proposed facilities is estimated to be $125,000, which cost will be financed from cash on hand.

Protests, requests for hearing, or petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 22, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5499; Filed, June 6, 1962; 8:45 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING REGIONAL ADMINISTRATOR, REGION V, FORT WORTH

Designation

The officers appointed to the following listed positions in Region V are hereby designated to act in the place and stead of the Regional Administrator for Region V, with the title of "Acting Regional Administrator" and with all the powers, functions, duties, and responsibilities delegated or assigned to the Regional Administrator, during the absence or disability of the Regional Administrator, provided that no officer shall have authority to act as "Acting Regional Administrator" unless all those whose titles appear before his in this designation are unable to act by reason of absence or disability:

(1) Assistant to the Regional Administrator.
(2) Regional Director of Community Facilities.
(3) Regional Director of Urban Renewal.
(4) Regional Counsel.
(5) Director, Community Requirements Branch.

This designation supersedes the designation effective October 19, 1961 (26 F.R. 10009, October 25, 1961), which is hereby revoked.

(Housing and Home Finance Administrator's delegation effective May 4, 1962 (27 F.R. 4319, May 4, 1962))

Effective as of the 7th day of June 1962.

[SEAL] R. A. BETHUNE,
Regional Administrator, Region V.

[F.R. Doc. 62-5534; Filed, June 6, 1962; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4579]

AUTOMATED PROCEDURES CORP.

Order Summarily Suspending Trading

JUNE 1, 1962.

The Class A stock, par value 5 cents per share, of Automated Procedures Corp., being listed and registered on The National Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on The National Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, June 4, 1962, to June 13, 1962, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 62-5523; Filed, June 6, 1962; 8:48 a.m.]

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Amending Notice of Hearing and Time and Date for Registrant To File Answer

JUNE 1, 1962.

I. The Commission by an order dated May 8, 1962, scheduled a public hearing pursuant to section 19(a)(2) of the Securities Exchange Act of 1934 (Exchange Act) to be held at 10 a.m., e.d.s.t., June 4, 1962, at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C. in the matter of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Company) (registrant), to determine whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding 12 months, or to withdraw, the registration of the common stock of the registrant on the San Francisco Mining Exchange for failure to comply with section 13 of the Exchange Act and the rules and regulations adopted thereunder.

The Commission by the order dated May 8, 1962, further ordered that the registrant file an answer to the allegations contained in that order for proceedings on or before May 28, 1962, as provided by Rule 7 of the Commission's rules of practice (17 CFR 201.7).

II. The chairman of the board of directors of the registrant and the counsel for the Division of Corporation Finance requested that the hearing be postponed to allow time for the serving of notice upon the registrant. Notice had been mailed to the address of the registrant's agent for service, but had been returned unclaimed.

III. *It is ordered*, That the hearing scheduled for June 4, 1962, be and hereby is postponed to June 21, 1962, at 10 a.m., e.d.s.t., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington, D.C.

It is further ordered, That the registrant file an answer to the allegations contained in the Commission's order dated May 8, 1962, and as amended on or before June 19, 1962 as provided by Rule 7 of the Commission's rules of practice (17 CFR 201.7).

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 62-5524; Filed, June 6, 1962; 8:48 a.m.]

[File No. 1-4597]

INDUSTRIAL ENTERPRISES, INC.

Order Summarily Suspending Trading

JUNE 1, 1962.

The Common assessable stock, $1.00 par value, of Industrial Enterprises, Inc., being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, June 4, 1962 to June 13, 1962, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 62-5525; Filed, June 6, 1962; 8:48 a.m.]

[File No. 1-4583]

PRECISION MICROWAVE CORP.

Order Summarily Suspending Trading

JUNE 1, 1962.

The Common Stock, Par Value $1.00, of Precision Microwave Corp., being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, June 3, 1962 to June 12, 1962, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 62-5526; Filed, June 6, 1962; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 380]

SOUTH DAKOTA

Declaration of Disaster Area

Whereas, it has been reported that during the month of May, 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Davison and Charles Mix Counties in the State of South Dakota;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on or about May 21, 1962.

Offices—
Small Business Administration Regional Office, Lewis Building, 603 Second Avenue, South, Minneapolis 2, Minn.
Small Business Administration Branch Office, Leaders Building, 109½ N. Main Avenue, Sioux Falls, S. Dak.

2. A temporary field office will be established at Mitchell, South Dakota, address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequently to November 30, 1962.

Dated: May 24, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-5527; Filed, June 6, 1962; 8:48 a.m.]

[Declaration of Disaster Area 381]

MINNESOTA

Declaration of Disaster Area

Whereas, it has been reported that during the month of May, 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Rice County in the State of Minnesota;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on or about May 22, 1962.

Office—
Small Business Administration Regional Office, Lewis Building, 603 Second Avenue, South, Minneapolis 2, Minn.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1962.

Dated: May 24, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-5528; Filed, June 6, 1962; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[No. MC-C-3626]

MOTOR TRANSPORTATION OF PROPERTY WITHIN A SINGLE STATE

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 21st day of May A.D. 1962:

It appearing that there has developed a difference of opinion between Divisions of the Commission as to whether transportation by for-hire motor carriers of property within a State of goods which have moved or will move to or from points outside the State by private motor carriers, the entire movement being continuous, is interstate commerce subject to the Interstate Commerce Act or whether it is intrastate transportation; that decisions illustrative of the divergent views are Dora Motor Carrier Operations Within Arizona, 48 M.C.C. 171, Eldon Miller, Inc., Extension—Illinois, 63 M.C.C. 313, and Hafner and Hanson Com. Car. App., 69 M.C.C. 581, holding that the described for-hire motor transportation within a State is subject to regulation under the Interstate Commerce Act and requires operating authority, and Holiday v. Liberty, 53 M.C.C. 22, and Iron and Steel, Central Territory, 53 M.C.C. 769, holding that such transportation is not subject to regulation under the Interstate Commerce Act and that rates for such service need not be filed with the Commission under the Act; that by petition filed January 15, 1962, South Paterson Trucking Co., Inc., of Paterson, N.J., seeks a declaratory order making definite and certain the application of section 206(a) of the Act when merchandise is transported into a State in proprietary (private) carriage and is ultimately delivered to points in the same State by a for-hire carrier; and that it is desirable that the matter be considered and resolved by the Commission by the issuance of an interpretative ruling; therefore:

It is ordered, That a proceeding be, and it is hereby, instituted under the authority of Part II of the Interstate Commerce Act, including particularly sections 203(a)(10) and (11), 204(a)(6), 206(a)(1), 209(a)(1), and 217, and section 4 of the Administrative Procedure Act, with the view to resolving the above-indicated issues for the future by the issuance of an interpretative ruling.

It is further ordered, That no hearing be scheduled for receiving oral testimony unless a need therefor shall later appear, but that motor, rail, and water carriers, and any other interested person or persons may participate in this proceeding by submitting, for consideration, written statements of facts, views, and arguments, by filing with the Commission at its offices in Washington, D.C., on or before July 13, 1962, fifteen copies of such statements, one copy of which shall be signed. All such statements shall be considered as a part of the record in the proceeding. Any interested person desiring to receive notice by mail of notices, reports, or orders hereafter issued in the proceeding may file request therefor in writing with the Secretary of the Commission.

And it is further ordered, That a copy of this order be served on the public service commissions or boards of each State having jurisdiction over motor transportation; that a copy be posted in the office of the Secretary of the Commission for public inspection; and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-5531; Filed, June 6, 1962; 8:49 a.m.]

[Notice 647]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 4, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64749. By order of May 29, 1962, the Transfer Board approved the transfer to Issy Lepchitz, Pulaski, Va., of a portion of the operating rights of Certificates Nos. MC 33131 and MC 33131 Sub-1 issued May 3, 1941, and October 24, 1941, respectively, to O. H. Frazier, Peterstown, W. Va., authorizing the transportation of: General commodities, excluding household goods, and other specified commodities (1) between Peterstown, W. Va., on the one hand, and, on the other, points in Virginia and West Virginia within 50 miles of Peterstown and (2) between points in Monroe County, W. Va., on the one hand, and, on the other, points in that part of Virginia and West Virginia within 50 miles of Monroe County, W. Va. Charles E. Anderson, P. O. Box 3164, Charleston 32, W. Va., attorney for applicants.

No. MC-FC 64777. By order of May 31, 1962, the Transfer Board approved the transfer to Brokamp & Bressler, Inc., Cincinnati, Ohio, of Certificate No. MC 93705, issued May 24, 1949, to Thomas Trabish, Jr., doing business as Trabish Trucking, Mount Washington, Ohio, authorizing the transportation of: Sand, gravel, cinders, earth, brick, coal, and building materials, in dump trucks only, over irregular routes, between points in Ohio within 50 miles of Cincinnati, Ohio, including Cincinnati. Jack B. Josselson, 700 Atlas Bank Building, Cincinnati 2, Ohio, attorney for transferee. Noel F. George, Atlas Bank Building, Cincinnati, Ohio, attorney for transferor.

No. MC-FC 64884. By order of May 31, 1962, the Transfer Board approved the transfer to Lewis Motor Service, Inc., Newburgh, N.Y., of Certificate No. MC 123206, issued January 3, 1962, to Abraham Mestman, Rose Mestman, and Hyman Horowitz, a partnership, doing business as Lewis Motor Service, Newburgh, N.Y., authorizing the transportation of: Cut goods and materials for ladies' and children's garments, from New York, N.Y., to Newburgh, N.Y.; and Ladies' and children's garments, from Newburgh, N.Y., to New York, N.Y., Food products and advertising material used in the sale and distribution of food products, from New York, N.Y., and Bayonne, N.J., to Newburgh and Poughkeepsie, N.Y., and Deteriorated food products and empty food product containers, from Newburgh and Poughkeepsie, N.Y., to New York, N.Y., and Bayonne, N.J. Charles H. Trayford, 220 E. 42d Street, New York 17, N.Y., representative for applicants. Isadore Shapiro, 144 Broadway, Newburgh, N.Y., attorney for applicants.

No. MC-FC-64886. By order of May 31, 1962, the Transfer Board approved the transfer to D & B Motor Transportation Co., Inc., Erie, Pa., of Permits Nos. MC 17860 and MC 17860 Sub-2, issued June 1, 1942 and April 16, 1954, respectively, to B & A Motor Transportation Co., Inc., Fulton, N.Y., authorizing the transportation of: Roofing materials, building paper, asphalt cement, and paint, over irregular routes, between Fulton, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Massachusetts, Connecticut, and Rhode Island, and also, from Fulton, N.Y., to points in Vermont, and roofing materials, from points in Vermont to Fulton, N.Y. Raymond A. Richards, P.O. Box 25, 35 Curtice Park, Webster, N.Y., representative for applicants.

No. MC-FC 64912. By order of May 31, 1962, the Transfer Board approved the transfer to Heick Moving and Storage, Inc., 2262 Winnebago Street, Madison, Wis., of Certificate No. MC 77380, issued March 20, 1958, to Dorothy Jorgenson, doing business as Heick Transfer & Storage Co., 2262 Winnebago Street, Madison, Wis., authorizing the transportation of Household goods, as defined by the Commission, between Madison, Wis., and points within 15 miles of Madison, on the one hand, and, on the other, points in Illinois and Minnesota.

No. MC-FC 64914. By order of May 31, 1962, the Transfer Board approved the transfer to Woodfin Brothers, Incorporated, Richmond, Va., of the operating rights in Permit No. MC 29748, issued March 10, 1950, to Lionel M. Woodfin, Mercel D. Woodfin, and Milton C. Woodfin, a partnership, doing business as Woodfin Brothers, Richmond, Va., authorizing the transportation, over irregular routes, of pipe and sheet iron products, between Richmond, Va., on the one hand, and, on the other, points in Virginia, North Carolina, and South Carolina, and fertilizer, doors, windows, door and window frames, boxes, box shoots, lumber, sash weights, steel bars, metal laths, expansion joint materials, and wire forms, from Richmond, Va., to points in Virginia and North Carolina. Edward P. McGehee, Jr., 615 American Building, Richmond 19, Va., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-5532; Filed, June 6, 1962; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 4, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37773: *Joint motor-rail rates between the East and West.* Filed by Rocky Mountain Motor Tariff Bureau, Inc., Agent (No. 10), for interested carriers. Rates on various commodities moving on class and commodity rates, over joint routes of applicant rail and motor carriers, between points in Colorado and Wyoming, on the one hand, and points east of such points, on the other.

Grounds for relief: Motor-rail competition.

Tariffs: Various revised pages to Rocky Mountain Motor Tariff Bureau tariffs MF-I.C.C. 137 and MF-I.C.C. 115, as named in the application.

FSA No. 37774: *Pig iron to points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 439), for interested rail carriers. Rates on pig iron, in carloads, from Beaumont, Corpus Christi, Freeport, Galveston, Houston, Orange, Port Arthur, and Texas City, Tex. (import traffic only), to points in Texas.

Grounds for relief: Intrastate competition.

Tariff: Supplement 30 to Texas-Louisiana Freight Bureau tariff I.C.C. 950.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-5530; Filed, June 6, 1962; 8:49 a.m.]

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JUN 19 1962
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Presidential Documents

Title 3—THE PRESIDENT

Reorganization Plan No. 2 of 1962

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 29, 1962, pursuant to the provisions of the Reorganization Act of 1949, 63 Stat. 203, as amended.[1]

CERTAIN SCIENCE AGENCIES AND FUNCTIONS

PART I—OFFICE OF SCIENCE AND TECHNOLOGY

SECTION 1. *Office of Science and Technology.* There is hereby established in the Executive Office of the President the Office of Science and Technology, hereafter in this Part referred to as the Office.

SEC. 2. *Director and deputy.* (a) There shall be at the head of the Office the Director of the Office of Science and Technology, hereafter in this Part referred to as the Director. The Director shall be appointed by the President by and with the advice and consent of the Senate and shall receive compensation at the rate of $22,500 per annum.

(b) There shall be in the Office a Deputy Director of the Office of Science and Technology, who shall be appointed by the President by and with the advice and consent of the Senate and receive compensation at the rate of $20,500 per annum. The Deputy Director shall perform such functions as the Director may from time to time prescribe and shall act as Director during the absence or disability of the Director or in the event of vacancy in the office of Director.

(c) No person shall while holding office as Director or Deputy Director engage in any other business, vocation, or employment.

SEC. 3. *Transfer and performance of functions.* (a) There are hereby transferred from the National Science Foundation to the Director:

(1) So much of the functions conferred upon the Foundation by the provisions of section 3(a)(1) of the National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)) as will enable the Director to advise and assist the President in achieving coordinated Federal policies for the promotion of basic research and education in the sciences.

(2) The functions conferred upon the Foundation by that part of section 3(a)(6) of the National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(6)) which reads as follows: "to evaluate scientific research programs undertaken by agencies of the Federal Government."

(b) In carrying out the functions transferred by the provisions of section 3(a) of this reorganization plan, the Director shall assist the President as he may request with respect to the coordination of Federal scientific and technological functions and agencies.

(c) The Director may from time to time make such provisions as he deems appropriate authorizing the performance of any of his functions by any other officer, or by any employee or agency, of the Office.

SEC. 4. *Personnel.* The Director may appoint employees necessary for the work of the Office under the classified civil service and fix their compensation in accordance with the classification laws.

[1] Effective June 8, 1962, under the provisions of section 6 of the act; published pursuant to section 11 of the act (63 Stat. 203; 5 U.S.C. 133z).

PART II—NATIONAL SCIENCE FOUNDATION

SEC. 21. *Executive Committee.* (a) There is hereby established the Executive Committee of the National Science Board, hereafter in this Part referred to as the Executive Committee, which shall be composed of five voting members. Four of the members shall be elected as hereinafter provided. The Director provided for in section 22 of this reorganization plan, ex officio, shall be the fifth member and the chairman of the Executive Committee.

(b) At its annual meeting held in 1964 and at each of its succeeding annual meetings the National Science Board, hereafter in this Part referred to as the Board, shall elect two of its members as members of the Executive Committee, and the Executive Committee members so elected shall hold office for two years from the date of their election. Any person who has been a member of the Executive Committee (established by this reorganization plan) for six consecutive years shall thereafter be ineligible for service as a member thereof during the two-year period following the expiration of such sixth year. For the purposes of this subsection, the period between any two consecutive annual meetings of the Board shall be deemed to be one year.

(c) At its first meeting held after the effective date of this section the Board shall elect four of its members as members of the Executive Committee. As designated by the Board, two of the Executive Committee members so elected shall hold office as such members until the date of the annual meeting of the Board held in 1964 and the other two members so elected shall hold such office until the annual meeting of the Board held in 1965.

(d) Any person elected as a member of the Executive Committee to fill a vacancy occurring prior to the expiration of the term for which his predecessor was elected shall be elected for the remainder of such term.

(e) The functions conferred upon the Executive Committee now existing under the provisions of the National Science Foundation Act of 1950, by the provisions of section 6 of the National Science Foundation Act of 1950 (42 U.S.C. 1865) or otherwise, are hereby transferred to the Executive Committee established by the provisions of this Part; and the authority of the National Science Board to assign its powers and functions to the now-existing Executive Committee, and statutory limitations upon such assignment, shall hereafter be applicable to the Executive Committee established by the provisions of this Part.

SEC. 22. *Director.* (a) There is hereby established in the National Science Foundation a new office with the title of Director of the National Science Foundation. The Director of the National Science Foundation, hereafter in this Part referred to as the Director, shall be appointed by the President by and with the advice and consent of the Senate. Before any person is appointed as Director the President shall afford the Board an opportunity to make recommendations to him with respect to such appointment. The Director shall receive compensation at the rate of $21,000 per annum and shall serve for a term of six years unless sooner removed by the President. The Director shall not engage in any business, vocation or employment other than that of serving as such Director, nor shall he, except with the approval of the Board, hold any office in, or act in any capacity for, any organization, agency, or institution with which the Foundation makes any contract or other arrangement under the National Science Foundation Act of 1950.

(b) Except to the extent inconsistent with the provisions of section 23(b)(2) of this reorganization plan, all functions of the office of Director of the National Science Foundation abolished by the provisions of section 23(a)(2) hereof are hereby transferred to the office of Director established by the provisions of subsection (a) of this section.

(c) The Director, ex officio, shall be an additional member of the Board and, except in respect of compensation and tenure, shall be coordinate with other members of the Board. He shall be a voting member of the Board and shall be eligible for election by the Board as chairman or vice chairman of the Board.

SEC. 23. *Abolitions.* (a) The following agencies, now existing under the National Science Foundation Act of 1950, are hereby abolished:

(1) The Executive Committee of the National Science Board (section 6 of Act; 42 U.S.C. 1865).

(2) The office of Director of the National Science Foundation (sections 2 and 5 of Act; 42 U.S.C. 1861; 1864).

(b) There are also hereby abolished:

(1) The functions conferred upon the National Science Board by that part of section 6(a) of the National Science Foundation Act of 1950 (42 U.S.C. 1865(a)) which reads "The Board is authorized to appoint from among its members an Executive Committee".

(2) The functions of the Director of the National Science Foundation provided for in sections 4(a) and 5(a) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(a); 1864(a)) with respect to serving as a nonvoting member of the Board and his functions with respect to serving as a nonvoting member of the Executive Committee provided for in section 6(b) of that Act (42 U.S.C. 1865(b)).

(3) So much of the functions conferred upon divisional committees by the provisions of section 8(d) of the National Science Foundation Act of 1950 (42 U.S.C. 1867(d)) as consists of making recommendations to, and advising and consulting with, the Board.

(c) The provisions of sections 23(a)(1) and 23(b)(1) hereof shall become effective on the date of the first meeting of the Board held after the effective date of the other provisions of this reorganization plan.

PART III—TRANSITIONAL PROVISIONS

SEC. 31. *Incidental transfers.* (a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, held, used, available, or to be made available, in connection with the functions transferred by the provisions of section 3 of this reorganization plan as the Director of the Bureau of the Budget shall determine shall be transferred to the Office of Science and Technology at such time or times as the said Director shall direct.

(b) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem to be necessary in order to effectuate the transfers provided for in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

SEC. 32. *Interim officers.* (a) The President may authorize any person who immediately prior to the effective date of Part I of this reorganization plan holds a position in the Executive Office of the President to act as Director of the Office of Science and Technology until the office of Director is for the first time filled pursuant to the provisions of this reorganization plan or by recess appointment, as the case may be.

(b) The President may authorize any person who immediately prior to the effective date of section 22 of this reorganization plan holds any office existing under the provisions of the National Science Foundation Act of 1950 to act as Director of the National Science Foundation until the office of Director is for the first time filled pursuant to the provisions of this reorganization plan or by recess appointment, as the case may be.

(c) The President may authorize any person who serves in an acting capacity under the foregoing provisions of this section to receive the compensation attached to the office in respect of which he so serves. Such compensation, if authorized, shall be in lieu of, but not in addition to, other compensation from the United States to which such person may be entitled.

[F.R. Doc. 62-5373; Filed, June 7, 1962; 8:45 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 30—ANNUAL AND SICK LEAVE REGULATIONS

Appendix A—List of Officers Excluded From Coverage Pursuant to Section 202(c)(1)(C) of the Annual and Sick Leave Act of 1951, as Amended

Appendix A is amended by the deletion of the following positions:

DEPARTMENT OF THE INTERIOR

Secretary of the Territory of Alaska.
Secretary of the Territory of Hawaii.

DEPARTMENT OF COMMERCE

Commissioner of Patents.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Commissioner of Education.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Member, Board of Commissioners.

(Sec. 206, 65 Stat. 681; 5 U.S.C. 2065)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.D. Doc. 62-5610; Filed, June 7, 1962; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-CE-37]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2076 of the regulations of the Administrator is to alter the description of the Topeka, Kans., control zone.

The Topeka control zone is presently designated, in part, with reference to the Forbes AFB, Kans., radio range. The Department of the Air Force has stated that they no longer have a requirement for retention of the Forbes AFB radio range and requests approval to decommission this facility. The Federal Aviation Agency concurs with this request and action is taken herein to revoke the control zone extension based on this facility.

Since the change effected by this amendment is less restrictive in nature than the present requirements, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) § 601.2076 (14 CFR 601.2076) is amended to read:

§ 601.2076 Topeka, Kans., control zone.

Within an 8-mile radius of the Phillip Billard Airport, Topeka, Kans. (latitude 39°04'09" N., longitude 95°37'18" W.); within a 5-mile radius of Forbes AFB, Kans. (latitude 38°57'10" N., longitude 95°39'50" W.); within 2 miles either side of the Topeka ILS localizer NW course extending from the Phillip Billard 8-mile radius zone to 15 miles NW of the localizer; and within 2 miles either side of the Topeka VORTAC 040° radial extending from the Phillip Billard 8-mile radius zone to 10 miles NE of the VORTAC.

This amendment shall become effective 0001, e.s.t., July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 2, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-5556; Filed, June 7, 1962; 8:45 a.m.]

[Airspace Docket No. 62-CE-36]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zones

The purpose of these amendments to §§ 601.1983, 601.2454, 601.2493 and 601.2505 of the regulations of the Administrator is to alter the time of designation of the Oshkosh, Wis., control zone, the Pontiac, Mich., control zone, the St. Charles, Ill., control zone and the Milwaukee, Wis. (Timmerman Airport), control zone.

The effective hours of the Oshkosh, Pontiac, St. Charles and the Milwaukee, Wis. (Timmerman Airport), control zones are designated in terms of local standard time. However, to preclude repeated rule making action to accommodate seasonal changes associated with daylight time in these areas, action is taken herein to designate the effective hours of these control zones in local time.

Since these amendments are minor in nature, and impose no additional burden on any person, notice and public procedure hereon are unnecessary, and they may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

1. In the text of § 601.1983 (26 F.R. 717) "Milwaukee, Wis.: Timmerman Airport (latitude 43°06'40" N., longitude 88°02'05" W.), from 0600 to 2200 hours, local standard time, daily." is deleted and "Milwaukee, Wis., Timmerman Airport (latitude 43°06'40" N., longitude 88°-02'05" W.), from 0600 to 2200 hours, local time, daily." is substituted therefor.

2. In the text of § 601.2454 (26 F.R. 7329) "local standard time," is deleted and "local time," is substituted therefor.

3. In the text of § 601.2493 (26 F.R. 8668, 10125) "local standard time" is deleted and "local time," is substituted therefor.

4. In the text of § 601.2505 (27 F.R. 3539) "local standard time," is deleted and "local time," is substituted therefor.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 2, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-5557; Filed, June 7, 1962; 8:45 a.m.]

[Airspace Docket No. 62-CE-38]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2116 of the regulations of the Administrator is to alter the Moline, Ill., control zone.

The Moline control zone is presently designated, in part, on a line extending from the center of the approach end of runway 4 through the Moline VOR to 12 miles southwest of the VOR.

There is no prescribed VOR instrument approach procedure at Moline and a recent flight evaluation of the Moline VOR revealed that a VOR approach procedure using DME is unsatisfactory. However, since adequate ILS, ADE and low frequency range instrument procedures are available, it has been determined that the control zone extension to the southwest is no longer required for air traffic control purposes. Therefore, action is taken herein to revoke this portion of the Moline control zone.

Since the change effected by this amendment is less restrictive in nature than the present requirements, and imposes no additional burden on any per-

son, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than thirty days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2116 (14 CFR 601.2116) is amended to read:

§ 601.2116 Moline, Ill., control zone.

Within a 5-mile radius of the Quad City Airport, Moline, Ill. (latitude 41°26'54" N., longitude 90°30'30" W.); within 2 miles either side of the Quad City ILS localizer W course extending from the 5-mile radius zone to 12 miles W of the OM; and within 2 miles either side of the Quad City ILS localizer E course extending from the 5-mile radius zone to 12 miles E of the INT of the localizer E course and the Cordova, Ill., VOR 199° radial.

This amendment shall become effective 0001, e.s.t., July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 2, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-5558; Filed, June 7, 1962; 8:45 a.m.]

[Airspace Docket No. 62-SO-3]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

On March 10, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 2323) stating that the Federal Aviation Agency proposed to alter the Tri-City, Tenn., control zone.

The Air Transport Association of America (ATA), although not objecting specifically to the airspace action proposed, recommended that the Tri-City terminal area procedures and instrument approach procedures be modified, as a package, to provide a more efficient IFR operation at Tri-City, and thus eliminate certain undesirable minimum procedural altitudes and restrictions which have resulted from the designation of the present Tri-City transition area extending upward from 1,200 feet above the surface. The ATA requested that the transition area be redesignated to extend upward from 700 feet above the surface, as necessary, to conform to the modified procedures, and that the control zone be redesignated accordingly. This, the ATA believes, would preclude the requirement for the proposed control zone extensions beyond the ILS outer marker and the Boone radio beacon.

The Aircraft Owners and Pilots Association (AOPA) also recommended a review of the instrument approach procedures at Tri-City and the designation of a transition area to extend upward from 700 feet above the surface. The AOPA contends that such action would then permit a substantial reduction of the two control zone extensions.

Since the adoption of Amendment 60-29 to Civil Air Regulations, Part 60, Air Traffic Rules, which redefined the term "transition area," studies have been under way in connection with making appropriate adjustments to the instrument procedures at Tri-City, and developing a suitable 700-foot "floor" transition area configuration at this location. However, this review has not been completed. Since it is urgent that controlled airspace be provided for the protection of aircraft executing the present instrument approach procedures, it is considered inappropriate to delay the action proposed in the Notice pending completion of the area study. Therefore, action is taken herein to alter the Tri-City control zone as proposed. Upon completion of the area study attendant to the provision contained in the revised definition of the term transition area, separate airspace action will be initiated proposing further alteration of the Tri-City control zone, and appropriate adjustments to the floor of the Tri-City transition area.

No other comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 601.2169 (26 F.R. 9508) is amended to read as follows:

§ 601.2169 Tri-City, Tenn., control zone.

Within a 5-mile radius of the Tri-City, Tenn., Airport (latitude 36°28'30" N., longitude 82°24'20" W.), within 2 miles either side of the Tri-City ILS localizer NE course extending from the 5-mile radius zone to 8 miles NE of the OM, and within 2 miles either side of the 043° and 223° bearings from the Boone RBN extending from the 5-mile radius zone to 8 miles SW of the RBN.

This amendment shall become effective 0001, e.s.t., July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 2, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-5559; Filed, June 7, 1962; 8:45 a.m.]

[Airspace Docket No. 62-SO-28]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone and Control Area Extension

The purpose of these amendments to §§ 601.2130 and 601.1052 of the regulations of the Administrator is to alter the descriptions of the Atlanta, Ga., control zone and the Atlanta control area extension.

The Atlanta control zone and control area extension are designated, in part, with reference to the Atlanta radio range. The Federal Aviation Agency is converting this facility to a radio beacon. Therefore, action is taken herein to substitute the Atlanta radio beacon for the Atlanta radio range in the descriptions of the Atlanta control zone and control area extension.

Since these amendments are editorial in nature, and impose no additional burden on any person, notice and public procedure hereon are unnecessary and they may be made effective July 2, 1962.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. Section 601.2130 (14 CFR 601.2130) is amended to read:

§ 601.2130 Atlanta, Ga., control zone.

Within a 5-mile radius of the Atlanta, Ga., Municipal Airport (latitude 33°38'-42" N., longitude 84°25'37" W.); within 2 miles either side of the 146° bearing from the Atlanta RBN extending from the 5-mile radius zone to 11 miles SE of the RBN; within 2 miles either side of the Atlanta ILS localizer W course extending from the 5-mile radius zone to 5 miles W of the OM; and within 2 miles either side of the Atlanta ILS localizer E course extending from the 5-mile radius zone to 13 miles E of the localizer; and within 2 miles either side of the Atlanta VORTAC 017° and 197° radials extending from the 5-mile radius zone to 5 miles S of the VORTAC.

§ 601.1052 [Amendment]

2. In the text of § 601.1052 (26 F.R. 11486, 11822) "Within a 50-mile radius of the Atlanta RR;" is deleted and "Within a 50-mile radius of the Atlanta, Ga., RBN;" is substituted therefor.

These amendments shall become effective 0001, e.s.t., July 2, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 2, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-5560; Filed, June 7, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WA-27]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Route and Jet Advisory Area

On March 29, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 2935) stating that the Federal Aviation Agency proposed to extend Jet Route No. 90 and its associated en route radar jet advisory area from Northbrook, Ill., to Windsor, Ontario, Canada.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In § 602.100 *Jet routes* (14 CFR 602.100) Jet Route No. 90 is amended as follows:

(a) In the caption "Northbrook, Ill." is deleted and "the United States/Canadian Border" is substituted therefor.

(b) In the text "radials, to Northbrook." is deleted and "radials; Northbrook; INT of the Northbrook 093° and the Windsor, Ontario, 261° radials; to the INT of the Windsor 261° radial and the United States/Canadian Border." is substituted therefor.

2. In § 602.200 *En route jet advisory areas* (14 CFR 602.200) Jet Route No. 90 is amended to read:

Jet Route No. 90 jet advisory area. Radar—Seattle, Wash., to the United States/Canadian Border.

These amendments shall become effective 0001, e.s.t., July 26, 1962.

(Sec. 307(a) 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 2, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-5561; Filed, June 7, 1962; 8:45 a.m.]

[Airspace Docket No. 61-WA-217]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Designation of Jet Route and Jet Advisory Area

On March 24, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 2776) stating that the Federal Aviation Agency proposed to designate a jet route and an associated en route radar jet advisory area from New Orleans, La., to Birmingham, Ala.

The Air Transport Association of America concurred with the proposal. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (26 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In § 602.100 *Jet routes* (14 CFR 602.100) the following is added:

Jet Route No. 31 (New Orleans, La., to Birmingham, Ala.).

From New Orleans, La., via the INT of the New Orleans 021° and the Birmingham, Ala., 232° radials to Birmingham.

2. In § 602.200 *En route jet advisory areas* (14 CFR 602.200) the following is added:

Jet Route No. 31 jet advisory area. Radar—New Orleans, La., to Birmingham, Ala.

These amendments shall become effective 0001, e.s.t., July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 2, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-5562; Filed, June 7, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WA-23]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Route and Jet Advisory Area

On March 22, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 2704) stating that the Federal Aviation Agency (FAA) proposed to extend Jet Route No. 40 from Charleston, S.C., via Wilmington, N.C., and the intersection of the Wilmington VORTAC 012° and the Norfolk, Va., VORTAC 229° True radials, to Norfolk and to designate an en route jet advisory area from Montgomery, Ala., to Norfolk.

The Department of the Air Force made the following statements in objection to this proposal:

The proposed jet route would conflict with existing jet instrument (penetration) procedures for Myrtle Beach AFB and pilots could anticipate holding due to en route aircraft since there is no radar available for separation purposes. These high altitude procedures as they exist, are not satisfactory and are presently being revised. The designation of J-40 between Charleston and Wilmington will further complicate the formulation of adequate procedures for Myrtle Beach AFB.

The designation of J-40 as proposed would conflict with a proposed high altitude refueling area from just north of Charleston, S.C. to Wilmington, N.C., and extending into (Warning Area) W-523.

VFR operations within the local area would be hampered by the designated radar advisory area due to ground controlled intercepts and air combat maneuvering training being accomplished in this area.

The Department of the Air Force stated additionally that heavy traffic can be anticipated entering and leaving (Warning Area) W-177 as jet aircraft enter and leave from air-to-air gunnery training as well as accomplishing supersonic runs in the same area. The altitudes involved are from flight level 240 through flight level 400.

The FAA does not consider a jet route, based on a navigational aid, to be in conflict with terminal procedures based on the same navigational aid nor does such designation of a jet route indicate that en route aircraft would necessarily require holding of aircraft destined for Myrtle Beach AFB. Should a high altitude refueling area be established as suggested by the Department of the Air Force, Air Route Traffic Control will not normally clear IFR traffic through such area while in use unless adequate separation between such IFR traffic and tanker/receiver aircraft is provided by an FAA facility. With regard to ground controlled intercepts and air combat maneuvering training, the FAA considers that there is sufficient area free of jet advisory areas in the vicinity of Myrtle Beach AFB, including W-177, to conduct such activities so as not to endanger IFR aircraft utilizing J-40. Also, it appears that traffic from Myrtle Beach AFB to and from W-177 can do so with little or no complications with J-40 as proposed. The Air Transport Association endorsed this proposal. No other comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the Notice, the following actions are taken:

1. In § 602.100 *Jet routes* (26 F.R. 10097) Jet Route No. 40 is amended as follows:

a. In the caption "Charleston, S.C." is deleted and "Norfolk, Va." is substituted therefor.

b. In the text "Macon; to Charleston, S.C." is deleted and "Macon; Charleston, S.C.; Wilmington, N.C.; INT of the Wilmington 012° and the Norfolk, Va., 229° radials; to Norfolk." is substituted therefor.

2. In § 602.200 *En route jet advisory areas* (26 F.R. 7082) the following is added:

Jet Route No. 40 jet advisory area. Radar—Montgomery, Ala., to Norfolk, Va.

These amendments shall become effective 0001, e.s.t., July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 2, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-5563; Filed, June 7, 1962; 8:45 a.m.]

[Airspace Docket No. 62-EA-28]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to § 608.66 of the regulations of the Administrator is to alter the Chesapeake Bay, Va., Restricted Area R-6603.

The Department of the Navy has stated that all of the activities conducted in R-6603 can be contained within the

altitude limits of surface to 15,000 feet MSL. Therefore, the airspace from 15,000 feet MSL to flight level 300 is unjustified as an assignment of airspace and revocation thereof will be in the public interest. Such action is taken herein.

The Department of the Navy has also stated that all of the activities conducted in R–6603 can be accomplished from 0800 to 1700 local time, Monday through Friday. Therefore, the present time of designation of "continuous" is also unjustified and action is taken herein to amend the time of designation accordingly.

Since this amendment reduces a burden on the public, notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In § 608.66 *Virginia* (14 CFR 608.66) the Chesapeake Bay, Va., Restricted Area R–6603 is amended to read:

R–6603 Chesapeake Bay, Va.

Boundaries. Beginning at latitude 37°-43'33" N., longitude 76°00'45" W.; to latitude 37°33'00" N., longitude 76°03'55" W.; to latitude 37°33'00" N., longitude 76°08'34" W.; to latitude 37°45'00" N., longitude 76°-09'48" W.; to latitude 37°45'00" N., longitude 76°08'51" W.; counterclockwise along the arc of a circle with a radius of 5 nautical miles centered at latitude 37°47'54" N., longitude 76°09'48" W.; to the point of beginning.

Designated altitudes. Surface to 15,000 feet MSL.

Time of designation. 0800 to 1700 local time, Monday through Friday.

Using agency. Coordinator, Virginia Capes Operating Area, Naval Base, Norfolk, Va.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 2, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–5564; Filed, June 7, 1962; 8:45 a.m.]

[Airspace Docket No. 62–PC–6]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area; Correction

On May 5, 1962, there was published in the FEDERAL REGISTER (27 F.R. 4327) an amendment to § 608.31 of the regulations of the Administrator which altered the Kahuku Point, Oahu, Hawaii, Restricted Area R–3106.

In the text of the amendment under "Designated altitudes" the area designated "surface to 6,000 feet MSL" was incorrectly described as "southwest" of a line bisecting R–3106. Action is taken herein to correctly describe this area as "southeast" of the bisecting line.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In the text of § 608.31, R–3106 Kakuku Point, Oahu, Hawaii, (27 F.R. 4327), "Designated altitudes. The area northwest of a line drawn between latitude 21°39'08" N., longitude 157°55'05" W.; and latitude 21°40'18" N., longitude 157°52'20" W., surface to 15,000 feet MSL; the area southwest of this line, surface to 6,000 feet MSL." is deleted and "Designated altitudes. The area northwest of a line drawn between latitude 21°39'08" N., longitude 157°55'05" W. and latitude 21°40'18" N., longitude 157°52'20" W., surface to 15,000 feet MSL; the area southeast of this line, surface to 6,000 feet MSL." is substituted therefor.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 2, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–5565; Filed, June 7, 1962; 8:45 a.m.]

[Airspace Docket No. 62–CE–40]

PART 608—SPECIAL USE AIRSPACE

Modification of Restricted Area

The purpose of this amendment to § 608.36 of the regulation of the Administrator is to change the using agency of the Brookville, Kans., Restricted Area R–3601.

The Department of the Air Force has requested that the using agency for Restricted Area R–3601 be changed from "Commander, 802d Air Division, Schilling AFB, Kans." to "Commander, Schilling AFB, Kans." in order to designate the command presently responsible for utilization of airspace within the area.

Since this amendment imposes no additional burden on the public, notice and public procedures hereon are unnecessary, and it may be made effective upon publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In the text of § 608.36 Kansas, R–3601 Brookville, Kans. (14 CFR 608.36) "Using agency. Commander, 802d Air Division, Schilling AFB, Kans." is deleted and "Using agency. Commander, Schilling AFB, Kans." is substituted therefor.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 2, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–5566; Filed, June 7, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7491 c.]

PART 13—PROHIBITED TRADE PRACTICES

Oxwall Tool Co., Ltd., et al.

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.510 *Foreign source.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin:* § 13.1900–35 *Foreign product as domestic.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Oxwall Tool Company, Ltd., et al., New York, N.Y., Docket 7491, Dec. 26, 1961]

In the Matter of Oxwall Tool Company, Ltd., a Corporation, and Harry Greenberg, Max J. Blum, and Sidney Blum, Individually and as Officers of Said Corporation

Order requiring New York City distributors of hand tools, some imported from Japan and Germany—of which imports some were packaged for sale in kits, some in kits containing other tools of domestic manufacture, and some were sold separately—to cease selling such imported tools with markings of their country of origin so small and indistinct as not to constitute adequate notice to buyers of their foreign source, or with no such markings at all, or packaged or assembled so as to conceal the markings.

The order to cease and desist is as follows:

It is ordered, That respondents Oxwall Tool Company, Ltd., a corporation, and its officers, and respondents Max J. Blum and Sidney Blum, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of imported merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing said products without affirmatively and clearly disclosing in a conspicuous place on the products themselves the country of origin thereof.

2. Offering for sale, selling or distributing said products in containers or with attachments in a manner which causes the mark on the products identifying the country of origin to be hidden or obscured without clearly disclosing the country of origin of the products in a conspicuous place on the container or attachment.

It is further ordered, That the complaint against Harry Greenberg, individually and as an officer of said corporate respondent, be dismissed without prejudice to the right of the Commission to take such further action as future circumstances may warrant.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondents, Oxwall Tool Company, Ltd., Max J. Blum, and Sidney Blum, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 26, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62–5575; Filed, June 7, 1962; 8:46 a.m.]

[Docket 8277 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Stern & Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary;* § 13.155–45 *Fictitious marking.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Stern & Co. et al., Philadelphia, Pa., Docket 8277, Dec. 26, 1961]

In the Matter of Stern & Company, a Corporation, and Harris I. Stern, Joseph Shanis, David Solis, Jr., and Leonard Brecher, Individually and as Officers of Said Corporation

Consent order requiring a department store chain with its main office in Philadelphia and operating stores in Pennsylvania, New Jersey, and Delaware, to cease such ficitious pricing practices as advertising "Englander Inner-Spring Mattress and Box Spring" "2 for the Nationally Advertised Price of 1", "69.95 for both. Were 139.90"; and to cease using the words "guaranteed" and "10-year guarantee" in advertising certain merchandise when the guarantees were limited and conditional.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Stern & Company, a corporation, and its officers, and Harris I. Stern and Joseph Shanis, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that:

(a) Any amount is the usual and customary retail price of respondents' merchandise when such amount is in excess of the price at which said merchandise is usually and customarily sold at retail by respondents in the recent regular course of business.

(b) Any saving from respondents' usual and regular retail price is afforded to the purchasers of respondents' merchandise unless the price at which it is offered constitutes a reduction from the price at which said merchandise has been usually and customarily sold by respondents in the recent regular course of their business.

2. Using the words "were" and "formerly", or any other words or terms of the same import, to describe or refer to prices of merchandise unless respondents have sold said merchandise at such prices.

3. Misrepresenting in any manner the amount of savings available to purchasers of respondents' merchandise or the amounts by which the prices of said merchandise are reduced from the prices at which said merchandise is usually and customarily sold by respondents in the recent regular course of their business.

4. Representing, directly or by implication, that merchandise offered for sale or sold by respondents is guaranteed unless the terms and conditions and extent to which such guarantee applies and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

It is further ordered, That the complaint be dismissed as to David Solis, Jr. and Leonard Brecher.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 26, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary

[F.R. Doc. 62–5576; Filed, June 7, 1962; 8:46 a.m.]

[Docket 8317 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Kimbriel & Co., Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Kimbriel & Co., Inc., Pharr, Tex., Docket 8317, Dec. 27, 1961]

Consent order requiring a packer of citrus fruit in Pharr, Tex., to cease violating section 2(c) of the Clayton Act by granting commissions or brokerage on a large number of sales to direct buyers purchasing for their own accounts for resale.

The order to cease and desist is as follows:

It is ordered, That the respondent, Kimbriel & Co., Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of citrus fruit or fruit products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Paying, granting or allowing, directly or indirectly, to any buyer or to anyone acting for or in behalf of, or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of citrus fruit or fruit products to such buyer for his own account.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: December 27, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62–5577; Filed, June 7, 1962; 8:47 a.m.]

[Docket 8359 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Pride O'Texas Citrus Association, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Pride O'Texas Citrus Association, Inc., Mission, Tex., Docket 8359, Dec. 27, 1961]

Consent order requiring packers of citrus fruit in Mission, Tex., selling its products both through brokers and direct to customers, to cease paying brokerage or discounts in lieu thereof to direct buyers purchasing for their own accounts for resale.

The order to cease and desist is as follows:

It is ordered, That the respondent, Pride O'Texas Citrus Association, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the sale of citrus fruit or fruit products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from; Paying, granting or allowing, directly or indirectly, to any buyer or to anyone acting for or in behalf of, or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of citrus fruit or fruit products to such buyer for his own account.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: December 27, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary*.

[F.R. Doc. 62-5578; Filed, June 7, 1962; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Subpart B—Informal Statements of General Policy or Interpretation

EXEMPTION FROM CERTAIN DRUG-LABELING REQUIREMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055, as amended; 21 U.S.C. 371) and delegated to the Commissioner by the Secretary (25 F.R. 8625), and pursuant to the Administrative Procedure Act (sec. 3, 60 Stat. 237; 5 U.S.C. 1002), § 3.515 (21 CFR 3.515; 26 F.R. 12563) is amended as set forth below:

1. Section 3.515(b) is amended by revising the introduction to the paragraph; by changing the item "Aminophylline" to read as set forth below; and by adding thereto certain new items. As amended, paragraph (b) reads as follows:

§ 3.515 Exemption from certain drug-labeling requirements.

• • • • • •

(b) The Commissioner of Food and Drugs has considered submitted material covering a number of drug products and has offered the opinion that the following drugs, when intended for those human uses for which they are now generally employed by the medical profession, should be exempt from the requirements of § 1.106(b)(3) of this chapter, provided that they meet the conditions prescribed in this paragraph. Preparations that are not in dosage unit form (for example, solutions) will be regarded as meeting the conditions with respect to the maximum quantity of drug per dosage unit if they are prepared in a manner that enables accurate and ready administration of a quantity of drug not in excess of the stated maximum per dosage unit:

Aminophylline. For oral use, not in excess of 200 milligrams per dosage unit, with or without not in excess of 33 milligrams of phenobarbital.
Atropine methyl nitrate. For oral use, not in excess of 1.0 milligram per dosage unit.
Atropine sulfate. For oral use, not in excess of 0.54 milligram per dosage unit; for injection, not in excess of 0.54 milligram (1/120-grain) per dosage unit.
Barbiturates. For oral use, not in excess of 100 milligrams per dosage unit; for use as suppositories, not in excess of 130 milligrams per suppository.
Chloral hydrate. For oral use, not in excess of 500 milligrams per dosage unit; for use as suppositories, not in excess of 1.0 gram per suppository.
Codeine phosphate. For oral use, not in excess of 65 milligrams per dosage unit; for injection, not in excess of 65 milligrams per dosage unit.
Codeine sulfate. For oral use, not in excess of 65 milligrams per dosage unit; for injection, not in excess of 65 milligrams per dosage unit.
Digitalis. Preparations of whole leaf digitalis including forms such as digitalis tincture. For oral use, containing the equivalent of not more than 1 U.S.P. digitalis unit per dosage unit.
Dihydrocodeinone bitartrate. For oral use, not in excess of 10 milligrams per dosage unit.
Dihydromorphinone hydrochloride. For oral use, not in excess of 4 milligrams per dosage unit.
Epinephrine injection, 1: 1,000.
Erythrityl tetranitrate. For oral use, not in excess of 30 milligrams per dosage unit.
Homatropine methylbromide. For oral use, not in excess of 5 milligrams per dosage unit.
Hyoscyamine hydrobromide. For oral use, not in excess of 1 milligram per dosage unit.
Hyoscyamine sulfate. For oral use, not in excess of 1 milligram per dosage unit.
Hyoscyamus tincture. For oral use, not in excess of 2 milliliters per dosage unit.
Mannitol hexanitrate. For oral use, not in excess of 32 milligrams per dosage unit.
Methenamine. For oral use, not in excess of 1 gram per dosage unit.
Morphine phosphate. For oral use, not in excess of 33 milligrams per dosage unit; for injection, not in excess of 33 milligrams per dosage unit.
Morphine sulfate. For oral use, not in excess of 33 milligrams per dosage unit; for injection, not in excess of 33 milligrams per dosage unit.
Nitroglycerin. For oral use, not in excess of 0.65 milligram per dosage unit.
Pentaerythritol tetranitrate. For oral use, not in excess of 20 milligrams per dosage unit.
Pentaerythritol tetranitrate with phenobarbital. For oral use, not in excess of 20 milligrams of pentaerythritol tetranitrate and 35 milligrams of phenobarbital.
Quinidine sulfate. For oral use, not in excess of 325 milligrams per dosage unit.
Scopolamine methylbromide. For oral use, not in excess of 2.5 milligrams per dosage unit.
Sodium chloride injection.
Sodium nitrite. For oral use, not in excess of 60 milligrams per dosage unit.
Theobromine. For oral use, not in excess of 325 milligrams per dosage unit.
Thyroid. For oral use, not in excess of 220 milligrams per dosage unit.
Water for injection, sterile.

2. Section 3.515 is further amended by adding thereto a new paragraph (c), incorporating veterinary drugs.

(c) The Commissioner of Food and Drugs has considered submitted material covering a number of drug products and has offered the opinion that the following drugs, when intended for those veterinary uses for which they are now generally employed by the veterinary medical profession, should be exempt from the requirements of § 1.106(c)(3) of this chapter, provided that they meet the conditions prescribed in this paragraph. Preparations that are not in dosage unit form (for example, solutions) will be regarded as meeting the conditions with respect to the maximum quantity of drug per dosage unit if they are prepared in a manner that enables accurate and ready administration of a quantity of drug not in excess of the stated maximum per dosage unit:

Atropine sulfate. As an injectable for cattle, goats, horses, pigs, and sheep, not in excess of 15 milligrams per dosage unit; as an injectable for cats and dogs, not in excess of 0.6 milligram per dosage unit.
Barbital sodium. For oral use in cats and dogs, not in excess of 300 milligrams per dosage unit.
Epinephrine injection, 1:1,000. For cats, dogs, cattle, goats, horses, pigs, and sheep.
Morphine sulfate. As an injectable for dogs, not in excess of 15 milligrams per dosage unit.
Pentobarbital sodium. For oral use in cats, and dogs, not in excess of 100 milligrams per dosage unit.
Phenobarbital sodium. For oral use in cats and dogs, not in excess of 100 milligrams per dosage unit.
Procaine hydrochloride injection. Containing not in excess of 2 percent procaine hydrochloride, with or without epinephrine up to a concentration of 1:50,000. For use in cats, dogs, cattle, goats, horses, pigs, and sheep.
Thyroid. For oral use in dogs, not in excess of 60 milligrams per dosage unit.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: May 31, 1962.

JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 62-5590; Filed, June 7, 1962; 8:48 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 18—MILK AND CREAM; DEFINITIONS AND STANDARDS OF IDENTITY

Evaporated Milk; Effective Date of Order Amending Standard of Identity

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is hereby given that no objections were filed to the order published in the FEDERAL REGISTER of April 5, 1962 (27 F.R. 3253), amending the standard of identity for evaporated milk. Accordingly, the amendment promulgated by that order will become effective June 4, 1962.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated May 31, 1962.

JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 62-5591; Filed, June 7, 1962; 8:48 a.m.]

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

Cream Cheese; Effective Date of Order Amending Standard of Identity

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is hereby given that no objections were filed to the order published in the FEDERAL REGISTER of April 5, 1962 (27 F.R. 3254), amending the standard of identity for cream cheese to add guar gum to the list of permitted stabilizing ingredients. Accordingly, the definition and standard of identity promulgated by that order will become effective June 4, 1962.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended; 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: May 31, 1962.

JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 62-5592; Filed, June 7, 1962; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commission of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), hereby orders that §§ 121.90 and 121.91 of the food additive regulations be amended as set forth below:

1. Section 121.90 (21 CFR 121.90) is amended as follows:

a. By changing the item "Butylated hydroxyanisole" to read:

§ 121.90 Further extensions of effective date of statute for certain specified food additives as direct additives to food.

• • • • • •

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—
Butylated hydroxyanisole (26 F.R. 5502).....	Antioxidant in mixed dried glaceed fruit; limit 0.0032%.	[1] July 1, 1963

[1] Progress report required by Jan. 1, 1963.

b. By adding thereto the following new items:

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—	Progress report required by—
Petrolatum N.F. and U.S.P.: Ultraviolet absorptivity (as defined in ASTM E-131) at 280 mμ/liters per gram centimeter: 2.0 maximum.	Component of protective coating for cheese.	Jan. 1, 1963	.....
Polysorbate 80.....	Emulsifier in flavors and essential oils; limit 9 parts emulsifier to 1 part flavor or essential oil.	....do.....	.....
• • •	• • •	• • •	• • •

SYNTHETIC FLAVORING SUBSTANCES AND ADJUNCTS

Dihydroanethol (para-propyl anisole).....	Flavoring substance.....	Jan. 1, 1963	.....

2. Section 121.91 (21 CFR 121.91) is amended as follows:

a. By changing the item "*N*-Octylbicycloheptene dicarboximide" to read:

§ 121.91 Further extensions of effective date of statute for certain specified food additives as indirect additives to food.

• • • • • • • •

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—
• • •	• • •	• • •
N-Octylbicycloheptene dicarboximide (26 F.R. 7963).	Component of insecticide for control of infestation in food-storage areas; limit 20 p.p.m. on food.	[1] July 1, 1963

[1] Progress report due Jan. 1, 1963.

b. By adding thereto the following new items:

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—	Progress report required by—
• • •	• • •	• • •	• • •
n-Butyl acetate.....	Solvent for coatings for polyolefin films for food packaging; limit 0.1% residue on film.	Jan. 1, 1963	.....
n-Butyl alcohol.....	....do.....	....do.....	.....
Methyl ethyl ketone.....	....do.....	....do.....	.....
Stearyl palmitate and/or palmityl stearate.	Plasticizers and/or lubricants employed in the manufacture of food-packaging materials.	....do.....	.....
Toluene.....	Solvent for coatings for polyolefin films for food packaging; limit 0.1% residue on film.	....do.....	.....

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Food Additives Amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87–19 as a relief of restrictions on the food-processing industry.

Effective date. This order shall become effective as of the date of signature.

(Sec. 6(c), Public Law 85–929, as amended sec. 2, Public Law 87–19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: May 31, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62–5593; Filed, June 7, 1962; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

SODIUM NITRATE

The Commissioner of Food and Drugs has reviewed the information submitted by Mallinckrodt Chemical Works, St. Louis 7, Missouri, concerning the requirement in § 121.1063 for adequate directions for use on the labeling of packages of sodium nitrate. The data furnished indicates that there is no need for directions for use on commercial packages as distinguished from household packages. The Commissioner therefore concludes that the regulation should be amended to relieve this requirement.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.1063(b) (2) and (3) is amended to read as follows:

§ 121.1063 Sodium nitrate.

* * * * *

(b) * * *

(2) If in a retail package intended for household use, the label and labeling of the additive, or of a mixture containing the additive, shall bear adequate directions for use to provide a final food product that complies with the limitations prescribed in paragraph (a) of this section.

(3) If in a retail package intended for household use, the label of the additive, or of a mixture containing the additive, shall bear the statement "Keep out of the reach of children".

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendment relaxes existing requirements.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d))

Dated June 1, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62–5594; Filed, June 7, 1962; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

SODIUM NITRITE

The Commissioner of Food and Drugs has reviewed the information submitted by Mallinckrodt Chemical Works, St. Louis 7, Missouri, concerning the requirement in § 121.1064 for adequate directions for use on the labeling of packages of sodium nitrite. The data supplied indicates that there is no need for directions for use on commercial packages of this article, as distinguished from household packages. The Commissioner therefore concludes that the regulation should be amended to relieve this requirement.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (Sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.1064(b) (2) and (3) is amended to read as follows:

§ 121.1064 Sodium nitrite.

* * * * *

(b) * * *

(2) If in a retail package intended for household use, the label and labeling of the additive, or of a mixture containing the additive, shall bear adequate directions for use to provide a final food product which complies with the limitations prescribed in paragraph (a) of this section.

(3) If in a retail package intended for household use, the label of the additive, or of a mixture containing the additive, shall bear the statement "Keep out of the reach of children".

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendment relaxes the existing requirements.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d))

Dated: June 1, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62–5595; Filed, June 7, 1962; 8:50 a.m.]

SUBCHAPTER C—DRUGS

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Animal Feed Containing Antibiotic Drugs

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), paragraphs (a) and (b)(1)(v) of § 146.26 *Animal feed containing penicillin* * * * are amended as set forth below to provide for the use of furazolidone and nitrofurazone, with or without 3-nitro-4-hydroxyphenylarsonic acid, in animal feed containing certifiable antibiotic drugs.

1. Paragraph (a)(5) is amended to read as follows:

(5) Furazolidone 0.00083 percent with or without nitrofurazone 0.0056 percent and/or 3-nitro-4-hydroxyphenylarsonic acid not less than 0.0025 percent and not more than 0.0075 percent.

2. Paragraph (b)(1)(v) is changed to read:

(v) Furazolidone 0.00083 percent, nitrofurazone 0.0056 percent, with or without 3-nitro-4-hydroxyphenylarsonic acid not less than 0.0025 percent and not more than 0.0075 percent.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendments are intended to clarify existing language. I further find that animal feeds containing antibiotics and the other drugs specified in these amendments need not comply with the requirements of sections 502(l) and 507 of the Federal Food, Drug, and Cosmetic Act in order to insure their safety and efficacy, provided they comply with the regulations set forth in § 146.26.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: May 31, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62–5596; Filed, June 7, 1962; 8:50 a.m.]

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Tetracycline (or Tetracycline Hydrochloride) and Oleandomycin Phosphate (or Triacetyloleandomycin) Capsules

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for certification of chlortetracycline and chlortetracycline-containing drugs (21 CFR 146c.231) are amended as follows:

In § 146c.231 *Capsules tetracycline and oleandomycin phosphate* * * *, paragraph (a)(2) is changed to read:

(a) * * *

(2) The moisture content of the capsule is not more than 6 percent.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the increase of moisture content permitted by this amendment will not affect the safety and efficacy of the drugs involved.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: May 31, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62–5597; Filed, June 7, 1962; 8:50 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Small-Arms Ammunition; Exemption From Labeling Requirements

Pursuant to an order published in the FEDERAL REGISTER of December 15, 1961 (26 F.R. 12035) in which small-arms ammunition was exempted from certain labeling requirements of section 2(p)(1) of the Federal Hazardous Substances Labeling Act, the Commissioner of Food and Drugs received certain additional data and comments from interested persons. The Commissioner has determined, on the basis of the additional data accumulated that the regulations issued should be amended as set forth below.

Therefore, pursuant to the provisions of the Federal Hazardous Substances Labeling Act (sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262) and under the authority vested in the Secretary of Health, Education, and Welfare and delegated to the Commissioner (25 F.R. 8625), § 191.63(f) (21 CFR 191.63; 26 F.R. 12035) is amended by adding to subparagraph (2) the words "or its practical equivalent" and by deleting from the last sentence of paragraph (f) the words "and shall also include empty primed shells and cases." As amended, subparagraph (2) and the concluding sentence to paragraph (f) read as follows:

§ 191.63 Exemptions for small packages, minor hazards, and special circumstances.

* * * * *

(f) * * *

(2) The statement: "Warning—keep out of the reach of children," or its practical equivalent.

* * * * *

The term "ammunition" as used in this paragraph includes small-arms ammunition and loads for powder-actuated tools in a form ready for use in a pistol, revolver, rifle, shotgun, or powder-actuated tool, including blank cartridges and shells.

Notice and public procedure are not necessary prerequisites for the promulgation of this order, and I so find, since the amendments are in the interests of public health and safety, and serve only to clarify existing regulations.

Effective date. This order shall be effective on its date of publication in the FEDERAL REGISTER.

(Sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262)

Dated June 1, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62–5598; Filed, June 7, 1962; 8:50 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

MISCELLANEOUS AMENDMENTS

1. In § 3.850, paragraph (c) is amended to read as follows:

§ 3.850 General.

* * * * *

(c) Where a child is in the custody of a natural, adoptive or stepparent, benefits payable on behalf of such child, may be paid to the parent as custodian of the child without prior reference to the Chief Attorney.

2. In § 3.852, paragraphs (a), (b), and (d) are amended to read as follows:

§ 3.852 Institutional awards.

(a) When an incompetent veteran entitled to pension, compensation or retirement pay is a patient in a hospital or other institution, payments on his account may be made to the chief officer of a Veterans Administration or non-Veterans Administration institution:

(1) When no fiduciary has been appointed or when payments to an unsatisfactory fiduciary have been discontinued;

(2) When the Chief Attorney certifies that a fiduciary is not furnishing the chief officer funds required for the veteran's comforts and desires not otherwise provided by the institution;

(3) When a fiduciary requests that an institutional award be made or continued, and the Chief Attorney approves the request.

(b) In an institutional award of pension, compensation or retirement pay there may be paid to the chief officer of a non-Veterans Administration institution on behalf of the veteran an amount not in excess of $30 per month. An institutional award of disability pension will not exceed $10 per month if the award is apportionable under § 3.454(a).

(1) All sums, otherwise payable in excess of the institutional award, apportionments or awards to fiduciaries, will be deposited in Personal Funds of Patients.

(2) There may be paid on behalf of a veteran, having no wife, child or dependent parent and receiving care in a non-Veterans Administration institution, such additional amount, within the limit of the total payable and as may be certified by the Chief Attorney, needed for the benefit of the veteran and to pay for his care and maintenance. Moneys on deposit in Personal Funds of Patients will not be used for this purpose except as authorized by the Chief Attorney under § 13.72 of this chapter.

(3) If the veteran has dependents, or more is payable under his rating, or there are funds to his credit in "Funds Due Incompetent Beneficiaries," such additional amount as may be needed will be allowed on the basis of a certification by the chief officer with respect to need and amount required.

* * * * *

(d) There will be paid to the chief officer of a Veterans Administration institution all sums otherwise payable in excess of apportionments or awards to fiduciaries.

3. Immediately following § 3.852 a new cross reference is added so that the cross references read as follows:

CROSS REFERENCES: Veterans Benefits Apportionable. See § 3.452. Payment to Chief Officer of Institution. See § 13.61 of this chapter.

4. Section 3.853 is revoked.

§ 3.853 Chief officer. [Revoked]

5. In § 3.856 the headnote and section are revised to read as follows:

§ 3.856 Change of name of female fiduciary.

If a female guardian or legal custodian receiving benefits in such capacity marries or is restored to her former name by divorce decree, her statement setting forth her present name may be accepted.

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective June 8, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62–5599; Filed, June 7, 1962; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 905]

[Docket No. AO 85-A4]

HANDLING OF ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Notice of Hearing With Respect to Proposed Amendments to Amended Marketing Agreement and Order

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Auditorium, Florida Citrus Mutual Building, Lakeland, Florida, at 10 a.m., e.s.t., June 27, 1962, with respect to proposed further amendments to the marketing agreement and Order No. 905 (7 CFR Part 905), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments, which are hereinafter set forth, and appropriate modifications thereof.

The following amendments to the marketing agreement and order were proposed by the Growers Administrative Committee, the administrative agency established pursuant to the marketing agreement and order:

1. Revise § 905.4 *Fruit* to read as follows:

§ 905.4 Fruit.

"Fruit" means any or all varieties of the following types of citrus fruits grown in the production area, except Calamondins.

(a) Citrus sinensis, Osbeck, commonly called "oranges";

(b) Citrus Paradisi, MacFadyen, commonly called "grapefruit";

(c) Citrus nobilis deliciosa, commonly called "tangerines";

(d) Citrus reticulata blanco, commonly called "mandarins";

(e) Temple oranges;

(f) Murcott honey oranges; and

(g) Tangelos.

2. Revise § 905.5 *Variety* to read as follows:

§ 905.5 Variety.

"Variety" or "varieties" means any one or more of the following classifications or groupings of fruit: (a) Early and mid-season oranges (including navel and other types commonly called "round oranges"), except Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type; (b) Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type; (c) Temple oranges; (d) Marsh and other seedless grapefruit, excluding pink grapefruit; (e) Duncan and other seeded grapefruit, excluding pink grapefruit; (f) Pink seedless grapefruit; (g) Pink seeded grapefruit; (h) Tangelos; (i) Murcott honey oranges; (j) Dancy, Robinson, and similar type tangerines; and (k) Mandarins (including the King and Satsuma varieties) and tangerines (including Clementine and Ponkan varieties), excluding Murcott honey oranges and Dancy, Robinson, and similar type tangerines.

§ 905.31 [Amendment]

3. Delete paragraph (i) from § 905.31 *Duties of Growers Administrative Committee* and redesignate paragraph (j) of such section as paragraph (i).

§ 905.50 [Amendment]

4. Delete paragraph (d) of § 905.50 *Marketing policy* and insert in lieu thereof the following:

(d) The Growers Administrative Committee shall transmit a copy of each marketing policy report or revision thereof to the Secretary and to each grower and handler who files a request therefor. Copies of all such reports shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

§ 905.51 [Amendment]

5. Delete paragraph (c) of § 905.51 *Recommendations for regulations* and insert in lieu thereof the following:

(c) The Growers Administrative Committee shall give notice of any meeting to consider the recommendation of regulations pursuant to § 905.52 by mailing a notice of meeting to each handler who has filed his address with said committee for this purpose. The said committee shall give the same notice of any such recommendation before the time it is recommended that such regulation become effective.

§ 905.52 [Amendment]

6. Delete paragraph (b) of § 905.52 *Regulation by Secretary* and insert in lieu thereof the following:

(b) Prior to the beginning of any such regulations, the Secretary shall notify the Growers Administrative Committee of the regulation issued by him, which committee shall notify all handlers by mailing a copy thereof to each handler who has filed his address with said committee for this purpose.

§ 905.54 [Deletion]

7. Delete § 905.54 *Exemptions.*

The Fruit and Vegetable Division, Agricultural Marketing Service, has proposed that consideration be given to making such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., or the Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, P.O. Box 19, Lakeland, Florida.

Dated: June 5, 1962.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 62-5612; Filed, June 7, 1962; 8:52 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 1193]

[Docket No. A.O. 345]

RYEGRASS SEED

Notice of Hearing With Respect to Proposed Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674), and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the time and place hereinafter specified with respect to a proposed marketing agreement and order regulating the handling of ryegrass seed. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The public hearing will be held at the Meeting Hall, Fair Grounds, Albany, Oregon, beginning on June 26, 1962. Each day's session of the hearing will commence at 9:00 a.m., local time, unless the Presiding Officer otherwise specifies during the course of the hearing.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the provisions of the proposed marketing agreement and order hereinafter set forth, and to any appropriate modifications thereof. Although the area to be covered by the proposal is defined in section 4 in terms of "marketing area," evidence will also be received and consideration given to defining the area to be covered in terms of "production area."

The Oregon Ryegrass Growers Association, 427 West First Avenue, Albany, Oregon, submitted and requested the hearing on the proposed marketing agreement and order, the terms of which are set forth below.

It is concluded that there is reason to believe that the issuance of an order will tend to effectuate the declared policy of the Act and that a hearing thereon should be held.

Signed at Washington, D.C., on June 6, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

DEFINITIONS

§ 1193.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to perform the duties of the Secretary under the Act.

§ 1193.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31 as amended; 7 U.S.C. 601, et seq.).

§ 1193.3 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1193.4 Marketing area.

"Marketing area" means the continental United States.

§ 1193.5 Ryegrass.

"Ryegrass" means ryegrass seed of those annual and perennial grasses identified as the species Lolium.

§ 1193.6 Grower.

"Grower" is synonymous with "producer" and means any person engaged in a proprietary capacity in the production of ryegrass.

§ 1193.7 Handle.

"Handle" means to sell, consign, transport (except as a common or contract carrier of ryegrass owned by another person) or acquire ryegrass: *Provided,* That (a) acquire means to purchase ryegrass from or handle on behalf of the grower thereof; and (b) handle shall not include the transportation of ryegrass by the grower thereof for purposes of cleaning and/or storage within the state of origin.

§ 1193.8 Handler.

"Handler" means any person who handles ryegrass.

§ 1193.9 District.

"District" means the following areas or such other areas as may be prescribed pursuant to § 1193.20:

(a) District 1—shall include Linn County, Oregon

(b) District 2—shall include Benton, Lane and Polk Counties, Oregon

(c) District 3—shall include the rest of the marketing area.

§1193.10 Crop Year.

"Crop Year" means the 12 months from July 1 to the following June 30 inclusive, or such other period as the Committee, with the approval of the Secretary, may establish.

§ 1193.11 Committee.

"Committee" means the Ryegrass Orderly Marketing Committee established pursuant to this part.

§ 1193.12 Quantity.

"Quantity" means the weight of cleaned ryegrass.

§ 1193.13 Part and subpart.

"Part" means the order regulating the handling of ryegrass and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of ryegrass shall be a "subpart" of such part.

RYEGRASS ORDERLY MARKETING COMMITTEE

§ 1193.20 Establishment and membership.

(a) There is hereby established a Ryegrass Orderly Marketing Committee consisting of 12 members, each of whom shall have an alternate. Reference to the term "member" throughout this subpart, unless otherwise specified, shall also refer to both the member and his respective alternate. Nine of the members shall be growers or officers or employees of growers. Six of the grower members shall be producers of ryegrass in District 1, two in District 2, and one in District 3. Three of the members shall be handlers or officers or employees of handlers. The handler members shall represent the marketing area at large.

(b) The Committee, with the approval of the Secretary, may redefine the districts, and reapportion the representation of any district on the Committee: *Provided,* That any such changes shall reflect, insofar as practicable, shifts in ryegrass production within the districts.

§ 1193.21 Eligibility for membership and voting.

Each grower member of the Committee shall be, at the time of his selection and during his term of office, a grower or an officer or employee of a grower in the district for which selected. Each handler member of the Committee shall be, at the time of his selection and during his term of office, a handler of ryegrass or an officer or employee of a handler. For purposes of eligibility under this section and voting under section 22, a person who is both a grower and a handler shall be considered a handler only if ninety percent or more of the total quantity of ryegrass handled is produced by other persons.

§ 1193.22 Nominations.

(a) *General.* Separate nominations shall be made for each member and each alternate position listed in § 1193.20. Nominations shall be certified by the Committee and submitted to the Secretary by June 1 of each crop year, together with information deemed by the Committee to be pertinent or requested by the Secretary. If nominations for any position are not submitted in the specified manner by such date, the Secretary may select the representative for that position without nomination.

(b) *Grower members.* The Committee shall hold or cause to be held a meeting of growers in each district for the purpose of electing nominees for grower member positions on the Committee and shall give reasonable publicity to such nomination meetings. Only growers eligible to serve on the Committee from the district in which the nomination meeting is held shall be eligible to vote and each grower shall have one vote for each position to be filled. No grower shall participate in the election of nominees in more than one district.

(c) *Handler nominations.* The Committee shall conduct nominations for handler members through meetings or ballots to be mailed by the Committee to all known eligible handlers. Each handler shall have one vote for each position to be filled.

(d) *Initial nominations.* For the purpose of obtaining the initial nominations, the Secretary shall perform the functions of the Committee.

§1193.23 Selection.

(a) *Selection.* Members shall be selected by the Secretary from nominees submitted by the Committee or from among other eligible persons.

(b) *Term of office.* The term of office of the initial Committee shall be established by the Secretary so that three grower members and one handler member shall be for a one-year term, three grower members and one handler member shall be for a two-year term, and three grower members and one handler member for a three-year term. Successor members of the Committee shall serve for terms of three years. Each member shall serve until his successor is selected and has qualified.

§ 1193.24 Acceptance.

Each person selected by the Secretary as a member shall qualify by filing a written acceptance with the Secretary within 15 days after being notified of his selection.

§ 1193.25 Vacancy.

To fill any vacancy occasioned by the death, removal, resignation, or disqualification of any member of the Committee, a successor for his unexpired term shall be nominated and selected in the manner provided in §§ 1193.22 and 1193.23, so far as applicable.

§ 1193.26 Alternates.

(a) An alternate for a member of the Committee shall act in the place of such member in his absence, or in the event of his death, removal, resignation, or disqualification, until a successor for his unexpired term has been selected and has qualified.

(b) If both a member and his alternate are unable to attend a Committee meeting, the Committee may designate any other alternate from the same district and group (Grower or Handler) to serve in the member's place.

§ 1193.27 Procedure.

(a) Nine members of the Committee shall constitute a quorum at an assembled meeting of the Committee, and any action of the Committee shall require the concurring vote of at least seven members. At any assembled meeting all votes shall be cast in person.

(b) The Committee may vote by mail, telephone, telegraph, or other means of communication: *Provided*, That any telephone votes shall be confirmed in writing. A reasonable time limit may be set by the Committee for receipt of ballots. Ten concurring votes and no dissenting vote shall be required for approval of a Committee action by such method.

(c) The members of the Committee and their alternates shall serve without compensation, but shall receive such expenses, actual or per diem, while serving on the Committee or appointed subcommittees, as may be approved by the Committee.

§ 1193.28 Powers.

The Committee shall have the following powers.

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of this part;

(d) To recommend to the Secretary amendments to this part.

§ 1193.29 Duties.

The Committee shall have among others the following duties:

(a) To select from among its members a chairman and such other officers as may be necessary; define the duties of such officers; and adopt such rules and bylaws for the conduct of its meetings as it deems necessary;

(b) To appoint such employees and subcommittees as it may deem necessary, and to determine the compensation and to define the duties of each;

(c) To submit to the Secretary for his approval as soon as practicable after the beginning of each crop year a budget for such period, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such period;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the Committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the Committee and to make copies of each such statement available to growers and handlers for examination at the office of the Committee;

(f) To cause the books of the Committee to be audited by a competent accountant at least once each crop year and at such other times as the Committee may deem necessary or as the Secretary may request, to submit two copies of each such audit report to the Secretary, and to make available a copy which does not contain confidential data for inspection at the office of the Committee by growers and handlers;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to ryegrass;

(i) To submit to the Secretary such available information as he may request or the Committee may deem desirable and pertinent;

(j) To notify growers and handlers of all regulatory actions taken affecting growers and handlers;

(k) To give the Secretary the same notice of meetings of the Committee as is given to its members; and

(l) To investigate compliance with the provisions of this part.

§ 1193.30 Marketing research and development.

The Committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing distribution and utilization of ryegrass. The expense of such projects shall be paid from funds collected pursuant to § 1193.56.

REGULATIONS

§ 1193.35 Marketing policy.

(a) Prior to and as far in advance of the ensuing crop year as it finds feasible, but in any event not later than September 15, except that for initial crop year as soon as practicable, the Committee shall evaluate the various factors of supply and demand that will affect the marketing of ryegrass during the ensuing crop year, including:

(1) *Carryin.* The estimated quantity of ryegrass available for sale in all hands (growers, handlers, brokers, and wholesalers) at the beginning (July 1) of the crop year.

(2) *Trade demand.* The prospective domestic and export trade demand, taking into consideration prospective imports.

(3) *Carryout.* The quantity to be carried out in all hands at the end (June 30) of the crop year.

(b) On the basis of these factors, the Committee shall recommend to the Secretary the maximum quantity of ryegrass that should be allotted for handling during the crop year. In the event of subsequent changes in these supply and demand factors, the Committee may recommend a change in the quantity for such crop year. Recommendations for a reduction may not be made after the beginning of harvest (July 1) or such other date as the Committee with the approval of the Secretary may establish. Such evaluation and the recommendations derived therefrom shall constitute the Committee's marketing policy.

(c) On the basis of the Committee's recommendations the Secretary shall determine and announce such maximum quantity of ryegrass which may be handled and which is hereinafter referred to as the desirable quantity of ryegrass.

§ 1193.36 Limitation on handling.

The Secretary shall regulate the handling of ryegrass as authorized by this subpart whenever he finds from the recommendations and information submitted by the Committee that such regulation may tend to effectuate the declared policy of the Act. Such regulation may:

(a) Limit the quantity and quality of ryegrass all handlers may handle pursuant to this part.

(b) Limit the handling of ryegrass differently for different periods, for regions, for different kinds and varieties or for different purposes, or any combination of the foregoing.

VOLUME REGULATION

§ 1193.40 Desirable quantity.

Whenever a desirable quantity of ryegrass which all handlers may handle in the crop year has been established, the Committee shall equitably apportion such quantity among producers by establishing allocation bases and allotments as follows:

(a) *Allocation base.* Each grower shall be apportioned an allocation base, which shall be established as follows:

(1) Growers eligible for an allocation base shall be those growers filing with the Committee a record of their production of ryegrass during one or more of the crop years 1959, 1960, 1961, and 1962.

(2) Allocation bases for the crop year 1963 shall be determined by dividing by four (4) the total quantity of the grower's ryegrass marketed from his production in 1959, 1960, 1961, and 1962 and the quantity of the grower's ryegrass available for marketing July 1, 1963, or such other date as the Committee, with the approval of the Secretary, may determine.

(3) Allocation bases for the crop year 1964 shall be determined by dividing by five (5) the total quantity of the grower's ryegrass marketed from his production in 1959, 1960, 1961, 1962, and 1963 and the quantity of the grower's ryegrass certified for handling that is available for marketing at the beginning of the 1964 crop year.

(4) Allocation bases for the crop year 1965 shall be determined by dividing by six (6) the total quantity of the grower's ryegrass marketed from his production in 1959, 1960, 1961, 1962, 1963, and 1964 and the quantity of the grower's ryegrass certified for handling that is available for marketing at the beginning of the 1965 crop year.

(5) Allocation bases for the crop year 1966 shall be determined by dividing by seven (7) the total quantity of the grower's ryegrass marketed from his production in 1959, 1960, 1961, 1962, 1963, 1964, and 1965 and the quantity of the grower's ryegrass certified for handling that is available for marketing at the beginning of the 1966 crop year.

(6) Allocation bases for the crop year 1967 and crop years thereafter shall be determined by dividing by four (4) the total quantity of the grower's ryegrass marketed during the four years immediately preceding the crop year for which the allocation base is being determined and the quantity of the grower's ryegrass for which an allotment has been issued that is available for marketing at the beginning of such crop year.

(7) Separate allocation bases for annual and perennial ryegrass shall be established for each grower by dividing the grower's allocation base according to the ratio between the acreage of such grower's respective kinds of ryegrass available for harvest in 1962. The Committee may adjust this ratio to reflect changes in the desirable quantity of each variety.

(8) The Committee may provide for adjustment of a grower's allocation base upon a showing that such grower's production or marketings in the base period as provided in subparagraphs (2), (3), (4), (5), and (6) of this section were not representative due to conditions such as: Adverse weather, insects, disease, fire or participation in the Conservation Reserve Program.

(9) If the sum of the desirable quantity in any crop year exceeds the sum of the allocation bases of the preceding crop year, the Committee may determine a portion of the difference between such sums which may be apportioned as an allocation base to persons who are not growers of ryegrass and who can establish that they have the ability to produce.

(b) *Application.* Each grower desiring an allocation base shall not later than 6 weeks preceding the crop year, or prior to such date as the Committee may otherwise prescribe, file with the Committee or other agency specified by the Committee an application therefor on forms prescribed by the Committee, which shall supply all pertinent information required by the Committee. The burden of supplying and supporting all such information filed with the Committee shall rest upon the producer.

(c) *Committee verification.* The Committee or agency shall check and determine the accuracy of the information submitted pursuant to this section and shall be authorized to make a thorough investigation of any application. Whenever the Committee finds an error, omission, false statement or inaccuracy in any such application, it shall correct the same and shall give the person who submitted the application a reasonable opportunity to discuss with the Committee or agency the factors considered in making the corrections. In the event of correction of an allocation base, the allotment apportioned to the grower pursuant to paragraph (d) of this section shall likewise be corrected.

(d) *Allotments.* Each grower who has an allocation base shall be apportioned separate annual allotments of annual and perennial ryegrass which handlers may acquire or receive from such grower for their account or the account of such grower during the crop year. Such allotments shall be computed by dividing the desirable quantity of annual and perennial ryegrass established pursuant to this part by the sum of the separate annual and perennial allocation bases of all producers and multiplying such grower's separate allocation base by the resulting percentage figures for each variety. The results shall be the grower's allotment of the established desirable quantity of annual and perennial ryegrass for the crop year. Each allotment shall be expressed in pounds of cleaned ryegrass. If a grower produces less than his annual allotment, he may (1) fill such allotment from ryegrass of his own previous production or (2) request that the deficiency be added to his allotment for the ensuing year.

(e) *Certification of allotments.* The Committee, with the approval of the Secretary, may establish by regulation such means of certification or identification with respect to allotments of producers as may be required to effectuate the purposes of any regulation issued under this part.

(f) *Duration of allocation base.* If a grower does not produce ryegrass for three consecutive crop years, after the effective date of this part, the allocation base shall be cancelled.

(g) *Transfer between persons.* Growers' allotments shall be nontransferrable except in conjunction with the transfer of an allocation base. Growers' allocation bases shall not be transferrable except as authorized by regulations recommended by the Committee and approved by the Secretary, and then only in the event of the transfer of the acreage on which the original allocation base was established.

§ 1193.41 Ryegrass harvested prior to effective date of this part.

(a) Any person in the possession of ryegrass harvested prior to the effective date of this part or such date as the Committee may determine, but not more than 90 days following the effective date of this part, shall be entitled, upon application to the Committee to have such ryegrass so designated, and upon so doing, the ryegrass may be certified for handling without regard to any allotment: *Provided*, That the amount certified for handling under this section in any one crop year may be limited by the Committee to not less than 25 percent of the total amount originally so designated.

§ 1193.42 Ryegrass scalped from screenings of other seeds.

The Committee upon application may certify for handling ryegrass screened or scalped from cleaning of other seeds. Application for handling such ryegrass under this section shall be processed by the Committee in the same manner as provided for in § 1193.41.

§ 1193.43 Foundation and registered ryegrass seed.

The handling of foundation and registered ryegrass seed shall be subject to this part.

INSPECTION AND IDENTIFICATION

§ 1193.45 Quality regulation.

Subject to §§ 1193.40 and 1193.41 all ryegrass seed shall meet regulations of Federal and State seed acts prior to sale. The Committee, with the approval of the Secretary, may establish requirements which will prohibit the handling of seed containing viable quack grass, wild garlic, wild onion seed, or any other undesirable seed. The Committee shall notify growers at least two crop years in advance before any quality regulation requiring change in production practices shall become effective. No ryegrass shall be handled unless it meets the quality standards established under this part.

§ 1193.46 Identification.

All ryegrass put into channels of trade by all handlers must be identified as eligible seed under rules prescribed by the Committee. This identification must be maintained until the identity of the seed is lost by blending or mixing with other seed. Adequate records shall be maintained by each designated handler of all transactions involving ryegrass seed.

UNFAIR TRADE PRACTICES

§ 1193.50 Authorization for prohibition.

(a) Whenever the Secretary finds, upon recommendation of the Committee or other information that continuance of certain unfair practices in trade channels would tend to interfere with the achieving of the objectives of this part, he may prohibit handlers from using such practices for any period or periods.

(b) Prior to any such practices being prohibited for any period, the Committee shall recommend, for the approval of the Secretary, such rules and procedures and such record keeping requirements as are necessary to administer these prohibitions and obtain compliance therewith.

EXPENSES AND ASSESSMENTS

§ 1193.55 Expenses.

The Committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the Committee for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions hereof. The funds to cover such expenses shall be paid to the Committee by handlers in the manner prescribed in § 1193.56.

§ 1193.56 Assessments.

(a) As his pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the Committee during a crop year, each handler shall pay to the Committee, upon demand, assessments on all ryegrass he handles as the first handler thereof, during such period. The payment of assessments for the maintenance and functioning of the Committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the uniform rate of assessment to be paid by

each handler during a crop year in an amount designed to secure sufficient funds to cover the expenses which may be incurred during such period and to accumulate and maintain a reserve fund not to exceed one crop year's expenses: *Provided*, That such rate of assessment, including any increase thereof, shall not exceed 10 cents per 100 pounds of cleaned seed handled. At any time during or after the crop year, the Secretary, upon recommendation of the Committee, may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all ryegrass handled during the applicable crop year. In order to provide funds for the administration of the provisions of this part during the first part of a crop year before sufficient operating income is available from assessments, the Committee may accept the payment of assessments in advance, and may also borrow money for such purposes.

§ 1193.57 Accounting.

(a) If, at the end of a crop year, the assessments collected are in excess of expenses incurred, the Committee with the approval of the Secretary, may carry over such excess into subsequent crop years as a reserve: *Provided*, That funds already in the reserve do not exceed approximately one crop year's expenses. Such reserve funds may be used (1) to cover any expenses authorized by this part and (2) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, it shall be refunded proportionately to the handlers from whom assessments were collected. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the Committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the Committee and its members to account for all receipts and disbursements.

REPORTS AND RECORDS

§ 1193.60 Reports.

(a) *Inventory.* Each handler shall file with the Committee a certified report, showing such information as the Committee may specify with respect to any ryegrass held by him on such dates as the Committee may designate.

(b) *Receipts.* Each handler shall, upon request of the Committee, file with the Committee a certified report showing for each lot of ryegrass received or handled, the identifying marks, variety, weight, place of production, and the grower's name and address on such date(s) as the Committee may designate.

(c) *Other reports.* Upon the request of the Committee, with the approval of the Secretary, each handler shall furnish to the Committee such other information as may be necessary to enable it to exercise its powers and perform the duties under this part.

§ 1193.61 Records.

Each handler shall maintain such records pertaining to all ryegrass acquired from, or handled on behalf of all producers as will substantiate the required reports and such others as may be prescribed by the Committee. All such records shall be maintained for not less than two years after the termination of the crop year to which such records relate.

§ 1193.62 Verification of reports and records.

For the purpose of assuring compliance with record keeping requirements and verifying reports filed by handlers, the Secretary and the Committee, through its duly authorized employees, shall have access to any premises where applicable records are maintained, where ryegrass is received or held, and at any time during reasonable hours, shall be permitted to inspect such handler premises, and any and all records of such handlers with respect to matters within the purview of this part.

§ 1193.63 Confidential information.

All reports and records furnished or submitted by growers and handlers to or obtained by the employees of the Committee, which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operation of the particular grower or handler from whom received, shall be treated as confidential and the reports and all information obtained from records shall at all times be kept in the custody and under control of one or more employee of the Committee who shall disclose such information to no person other than the Secretary.

MISCELLANEOUS PROVISIONS

§ 1193.70 Compliance.

Except as provided in this subpart;

(a) No handler shall handle ryegrass, the handling of which has been prohibited under the provisions of this subpart, and no handler shall handle ryegrass except in conformity with the provisions of this subpart.

(b) No handler shall purchase from or otherwise handle on behalf of a grower any amount of ryegrass that, together with all other marketings of such grower during the crop year, would exceed the apportioned allotment of such grower.

§ 1193.71 Right of the Secretary.

The members of the Committee (including successors, and alternates), and any agent or employee appointed or employed by Committee, shall be subject on just cause to removal or suspension at any time by the Secretary. Each and every order, regulation, decision, determination or other act of said Committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval the disapproved action of the said Committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 1193.72 Effective time.

The provisions of this subpart shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in § 1193.73.

§ 1193.73 Termination or suspension.

(a) The Secretary may, as hereinafter set forth, terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the Act.

(c) The Secretary shall terminate the provisions of this part at the end of any crop year whenever he finds that such termination is favored by a majority of producers who, during the preceding crop year, have been engaged in the production of ryegrass seed for sale in the marketing area: *Provided*, That such majority has, during such period produced more than fifty percent of the volume of such ryegrass seed sold in the marketing area; but such termination shall be effective only if announced at least 30 days prior to the end of the then crop year.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the Act authorizing them cease to be in effect.

§ 1193.74 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the members of the Committee then functioning shall continue as joint trustees, for the purpose of liquidating their affairs and of all the funds and property then in the possession of or under their control, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Committee or the joint trustees pursuant to this subpart.

§ 1193.75 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or any regulation issued pursuant to this subpart or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 1193.76 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 1193.77 Agents.

The Secretary may, by designation in writing, name any person including any officer or employee of the Government, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 1193.78 Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the Act or otherwise, or in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1193.79 Personal liability.

No member or alternate of the Committee nor any employee or agent thereof, may be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent except for acts of dishonesty.

§ 1193.80 Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 1193.81 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ 1193.82 Additional parties.

After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

§ 1193.83 Order with marketing agreement.

Each signatory handler favors and approves the issuance of an order by the Secretary regulating the handling of ryegrass in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the Act such an order.[1]

[1] Applicable only to the proposed marketing agreement.

[F.R. Doc. 62-5662; Filed, June 7, 1962; 8:52 a.m.]

DEPARTMENT OF LABOR

Public Contracts Division

[41 CFR Part 50–202]

CONVEYORS AND CONVEYING EQUIPMENT INDUSTRY

Hearing To Determine Prevailing Minimum Wages

Pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), notice is hereby given that a hearing to determine the prevailing minimum wages in the conveyors and conveying equipment industry under section 1 of the Walsh-Healey Public Contracts Act (41 U.S.C. 35) will be held on July 10, 1962, at 10 o'clock, a.m., e.d.s.t., in Conference Room B, Departmental Auditorium, Constitution Avenue between Twelfth and Fourteenth Streets NW., Washington, D.C.

The conveyors and conveying equipment industry is defined tentatively as that industry which manufactures and furnishes conveyors and conveying equipment for factory, warehouse, mine, and other industrial and commercial installations. It includes, but without limitation, the following types of conveyors and conveying systems: gravity conveyors, trolley conveyors, pneumatic conveyors, portable conveyors (except farm), bulk material conveyors including underground mine conveyors, package (unit) conveyors and moving walks; and parts, attachments, and accessories specifically designed for conveyors and conveying systems.

Specifically excluded from the definition are: Passenger, freight, or farm elevators; dumb waiters; moving stairways; overhead traveling cranes; hoists; monorail systems (systems which contain no chain or other continuous propelling media); and parts commonly recognized as products of industries other than the conveyors and conveying equipment industry, such as engines, motors, mechanical power transmission equipment including bearings and speed changers, electrical and electronic controls, and conveyors belting. (This definition is based on code 3535, SIC Manual, 1957 edition.)

Interested persons may appear at the hearing to submit evidence relative to the subjects and issues herein set out. (1) Should amendments be made in the tentative definition of the industry contained in this notice? (2) Does the geographic area of competition for contracts subject to the Walsh-Healey Public Contracts Act for products of the industry extend to all the area in which the industry has its plants, so as to require an industry-wide minimum wage determination, or is such competition limited to smaller geographic localities (including the boundaries of such areas) so as to authorize separate minimum wage determinations for each such locality? (3) What are the prevailing minimum wages in the industry or in the localities for which minimum wage determinations should be made? Interested persons may also submit evidence on the question of whether there is good cause to delay the effective date of any prevailing minimum wage determination made in any final decision in this proceeding for more than seven days after it is published in the FEDERAL REGISTER.

Data relating to competition in this industry for contracts subject to the Walsh-Healey Public Contracts Act have been collected by the Department of Labor. Employment and wage data in this industry for the payroll period ending nearest December 15, 1961 have also been gathered. This information will be submitted for consideration at the hearing and is now available to interested persons.

Written statements may be filed with the Chief Hearing Examiner at any time prior to the hearing by persons who cannot appear personally. An original and three copies of any such statement shall be filed, and shall include the reason or reasons for non-appearance. Such statements shall be under oath or affirmation, and will be offered in evidence at the hearing. If objection is made to the admission of any such statement, the presiding officer shall determine whether it will be received in evidence.

To the extent possible, the evidence of each witness and any sworn or affirmed statements of persons who cannot appear personally should permit evaluation on a plant-by-plant basis, and should state: (1) The number and location of the plants in the industry to which the testimony of such witness or such written statement is applicable, (2) the number of workers in each such plant, (3) the minimum wage paid to covered workers (41 CFR 50–201.102) presently and, if possible, on or about December 15, 1961, and the number of covered workers at each such plant receiving such wages, and (4) the identity of any product not now included in the tentative definition of the industry set forth in this notice which should be included and of any product now included which should be excluded.

The hearing shall be conducted pursuant to the rules of practice for minimum wage determinations under the Walsh-

Healey Public Contracts Act (41 CFR Part 50–203, Subpart C).

Signed at Washington, D.C., this 4th day of June 1962.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62–5585; Filed, June 7, 1962; 8:47 a.m.]

Wage and Hour Division

[29 CFR Part 530]

TERMINATION OF HOMEWORKER CERTIFICATES

Notice of Proposed Rule Making

Pursuant to section 11 of the Fair Labor Standards Act of 1938 (52 Stat. 1066; 29 U.S.C. 211), reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A (15 F.R. 3290) of the Secretary of Labor, it is hereby proposed to amend 29 CFR 530.6(a) in the manner indicated below. The proposal would delete the provision in this section presently delimiting the period of any certificate authorizing industrial homework to not more than 12 months.

Interested persons may submit written data, views, and arguments regarding the proposal to the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D.C., within fifteen days following its publication in the FEDERAL REGISTER.

The proposed amendment of 29 CFR 530.6(a) reads as follows:

§ 530.6 Termination of certificates.

(a) A certificate shall be valid under the terms set forth in the certificate for a period to be designated by the Administrator or his authorized representative. Application for renewal of any certificate shall be filed in the same manner as an original application under this part.

Signed at Washington, D.C., this 1st day of June 1962.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 62–5580; Filed, June 7, 1962; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Ronnel; Notice of Proposal To Add to List of Cholinesterase-Inhibiting Compounds

Data in the possession of the Food and Drug Administration show that ronnel (*O,O*-dimethyl *O*-(2, 4, 5-trichlorophenyl) phosphorothioate) is a cholinesterase-inhibiting compound. Tolerances are established for ronnel at 0.5 part per million on bananas (of which residue zero shall be in the pulp after peel is removed and discarded) and at zero in the uncooked meat and meat byproducts from cattle.

After consideration of the data available and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), it is proposed by the Commissioner, on his own initiative, that the regulations for tolerances for pesticide chemicals be amended, as follows:

By adding in alphabetical order, to the list of cholinesterase-inhibiting compounds in paragraph (e)(5) of § 120.3 *Tolerances for related pesticide chemicals*, the item "Ronnel" immediately after the item "Parathion."

A person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing ronnel may request within 30 days from the publication of this proposal in the FEDERAL REGISTER that the proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person is invited at any time within 30 days from the date of publication of this notice in the FEDERAL REGISTER to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written comments on the proposal. Comments may be accompanied by a memorandum or brief in support thereof.

All documents shall be filed in quintuplicate.

Dated: May 31, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62–5599; Filed, June 7, 1962; 8:50 a.m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Meat of Horses and Goats; Proposal To Establish Tolerances for Residues of Pesticide Chemicals

The U.S. Department of Agriculture advises that the need for use of insecticides to combat insect pests on horses and goats is similar to the need with regard to cattle and sheep. That Department advises that the spraying of insecticides on horses is generally less than on cattle and that residue analyses made on horse meat support extension of the tolerances established on the meat of cattle to the meat of horses. It has information on the spraying of sheep and goats that supports the extension of tolerances from sheep meat to goat meat.

On the basis of safety data on these pesticides, it is concluded that the proposed extension of tolerance will involve no hazard to health.

Accordingly, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (b), (e), 68 Stat. 514; 21 U.S.C. 346a (b), (e)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), it is proposed by the Commissioner, on the basis of data supplied by the U.S. Department of Agriculture, that the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) be amended as follows:

1. By adding to § 120.111 *Tolerances for residues of malathion* a tolerance of 4 parts per million for residues of this insecticide in or on the meat and meat byproducts from horses and a provision that the tolerance level shall not be exceeded in any cut of meat or in any meat byproduct from horses.

2. By adding to § 120.120 *Tolerances for residues of methoxychlor* a tolerance of 3 parts per million for residues of this insecticide in the fat of meat from horses and goats.

3. By adding to § 120.133 *Tolerances for residues of lindane* a tolerance of 7 parts per million for residues of this insecticide in or on fat of meat from horses.

4. By adding to § 120.138 *Tolerances for residues of toxaphene* a tolerance of 7 parts per million for residues of this insecticide in or on fat of meat from horses.

5. By adding to § 120.147 *Tolerances for residues of DDT* a tolerance of 7 parts per million for residues of this insecticide in the fat of meat from horses and goats.

6. By adding to § 120.171 *Tolerances for residues of 2,3-p-dioxanedithiol S,S-bis(0,0-diethylphosphorodithioate)* a tolerance of 1 part per million for residues of this insecticide in or on the fat of meat from horses.

Any person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the insecticides covered by this proposal may request, within 30 days from the publication of this proposal in the FEDERAL REGISTER, that the propasal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written comments on the proposal. Comments may be accompanied by a memorandum or brief in support thereof.

All documents shall be filed in quintuplicate.

Dated: May 31, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62–5600; Filed, June 7, 1962; 8:50 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 692) has been filed by Minnesota Mining and Manufacturing Company, 900 Bush Avenue, Saint Paul 6, Minnesota, proposing the amendment of § 121.2518 *Chromium* • • • to provide for the safe use of chromium III complexes of sulfonic acids containing a perfluoro alkyl group in or on paper and paperboard for food packaging.

Dated: May 31, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62–5601; Filed, June 7, 1962; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 1237]

BEECH AIRCRAFT

Proposed Airworthiness Directive

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the hubs on Beech Model 278 propellers and replacement of any cracked hubs.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before July 10, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

BEECH. Applies to all Model 278 propellers with more than 200 hours time in service installed in single engine tractor type aircraft such as Beech Model A45 (T–34A), B45, D45 (T–34B), H35 and subsequent Bonanza aircraft.

Compliance required as indicated.

Cracks have occurred in the welded joint where the aft side of the hub barrel is joined to the hydraulic cylinder. Such cracks could lead to serious oil loss.

(a) Within the next 25 hours of time in service after the effective date of this AD, and thereafter within each 100 hours' time in service, remove the propeller spinner and visually inspect for cracks and oil leaks in the weld area where the aft side of the hub barrel is joined to the hydraulic cylinder.

(b) At each propeller overhaul inspect the hub by magnetic particle inspection or FAA approved equivalent method. Give particular attention to the weld area where the aft side of the barrel is joined to the hydraulic cylinder.

(c) Replace cracked parts with new parts prior to further flight.

NOTE: Repairs are not permissible.

(Beech Propeller Service Bulletin No. 6 dated January 1962, applies to this subject.)

Issued in Washington, D.C., on June 1, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62–5567; Filed, June 7, 1962; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Notice of Proposed Rule Making

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Pub. Law 85–699, 72 Stat. 694, as amended, it is proposed to amend, as set forth below, §§ 107.102 and 107.704 (c) of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations, as revised in 26 F.R. 8232–8242 and amended (27 F.R. 167, 851, 1720 and 3844). Prior to the final adoption of such amendments, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Small Business Investment Division, Small Business Administration, Washington 25, D.C., within a period of twenty-one days of the date of this notice in the FEDERAL REGISTER.

Information. The amendment to § 107.102, now under consideration, provides that a Part III (Financial Statement) shall be filed only in cases where formation SBA funds are requested. The amendment to § 107.704(c), now under consideration, provides that a Part III (Financial Statement) shall accompany any post-licensing amendment involving a change in the officers, directors, or owners of ten percent or more of the stock of a Licensee having formation SBA funds.

It is proposed to amend the Regulations Governing Small Business Investment Companies as follows:

1. By adding the following at the end of paragraph (a) of § 107.102: "Part III shall be filed only in those instances where the Proposed Operator is requesting SBA funds pursuant to § 107.301 (c)."

As amended, § 107.102(a) would read as follows:

§ 107.102 Proposal.

(a) A Proposal shall be submitted on SBA Form No. 414 to SBID through a Regional Office of SBA. The Proposal consists of three parts: Part I deals with the plans of operation; Part II deals with the experience of the proposed operators; and Part III is a financial statement of each proposed officer, director and ten or more percent stockholder. Part III shall be filed only in those instances where the Proposed Operator is requesting SBA funds pursuant to § 107.301(c).

2. By deleting the last sentence of § 107.704(c)(1) and substituting the following: "Any post-licensing amendment involving a change in the officers, directors, or owners of ten or more percent of the stock of a Licensee that has borrowed funds outstanding from SBA, pursuant to § 107.301(c), or to which SBA is committed to disburse funds pursuant to a Subordinated Debenture executed by such Licensee under such section, shall include as a part thereof an executed Part III (Financial Statement) of SBA Form 414 for each such officer, director, or stockholder." As amended, § 107.704(c)(1) would read as follows:

§ 107.704 Activities of Licensee.

• • • • • •

(c)(1) Licensee shall not voluntarily at any time reduce or increase its paid-in capital and paid-in surplus without the prior written consent of SBA. A Licensee shall not change its investment policy, plans to raise additional capital, borrowing or other plans previously submitted to SBA in its Proposal or in any other document at any other time, without the prior written consent of SBA. Any change in the officers, directors, or owners of ten or more percent of its stock, as set forth in its Proposal or otherwise previously submitted to SBA, shall be reported immediately to SBA. All such changes shall be filed in the form of a post-licensing amendment and shall be subject to the approval of SBA as a condition for the continuance of the License of such Licensee. Any conditions imposed by SBA in connection with the latter shall be complied with by the Licensee. Any post-licensing amendment involving a change in the officers, directors, or owers of ten or more percent of the stock of a Licensee that has borrowed funds outstanding from SBA, pursuant to § 107.301(c) or to which SBA is committed to disburse funds pursuant to a Subordinated Debenture executed by such Licensee under such section of the Regulations, shall include as a part thereof an executed Part III (Financial Statement) of SBA Form 414 for each such officer, director, or stockholder.

Dated: June 4, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62–5588; Filed, June 7, 1962; 8:48 a.m.]

Notices

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

BIOLOGICAL PRODUCTS

Notice is hereby given that pursuant to section 351 of the Public Health Service Act, as amended (42 U.S.C. 262), and regulations issued thereunder (42 CFR Part 73), the following establishments are licensed as of April 15, 1962, for the production of the biological products set forth under each establishment. Such licenses are effective until suspended or revoked in accordance with such Act and regulations.

This notice will be amended from time to time in the FEDERAL REGISTER to indicate any suspensions or revocations of licenses as well as the licensing of additional establishments and products.

Part I. Establishments Arranged by License Number Showing the Products for Which Each Establishment Is Licensed

LICENSED ESTABLISHMENTS

License No. 1—Parke, Davis & Co., Detroit, Mich.

Antitoxins

B. oedematiens Antitoxin.
Diphtheria Antitoxin.
Dysentery Antitoxin, Shiga.
Perfringens Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.
V. septique Antitoxin.

Blood and Blood Derivatives

Fibrinolysin and Desoxyribonuclease Combined (Bovine).
Histamine Azoprotein.
Immune Serum Globulin (Human).
Poliomyelitis Immune Globulin (Human).
Thrombin.

Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Pertussis Vaccine Aluminum Phosphate Adsorbed.
Typhoid and Paratyphoid Vaccine.
Two polyvalent bacterial vaccines with "No U.S. Standard of Potency."

Bacterial Antigens

Two polyvalent bacterial antigens with "No U.S. Standard of Potency."

Modified Bacterial Antigens

One polyvalent modified bacterial antigen with "No U.S. Standard of Potency."

Bacterial Vaccines and Antigens Combined

Two polyvalent bacterial vaccines and bacterial antigens with "No U.S. Standard of Potency."

Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Diphtheria Toxoid Aluminum Phosphate Adsorbed.
Staphylococcus Toxoid.
Tetanus Toxoid.
Tetanus Toxoid Aluminum Phosphate Adsorbed.

Multiple Antigen Preparations

Adenovirus and Influenza Virus Vaccines Combined Aluminum Phosphate Adsorbed.
Diphtheria and Tetanus Toxoids and Pertussis and Poliomyelitis Vaccines Aluminum Phosphate Adsorbed.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.
Diphtheria and Tetanus Toxoids Combined.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Adsorbed.
Diphtheria Toxoid and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.
Staphylococcus Toxoid and Bacterial Antigen made from Staphylococcus (Albus and Aureus).

Viral and Rickettsial Vaccines

Adenovirus Vaccine.
Influenza Virus Vaccine.
Poliomyelitis Vaccine.
Poliomyelitis Vaccine Aluminum Phosphate Adsorbed.
Rabies Vaccine.
Smallpox Vaccine.

Diagnostic Substances for Dermal Tests

Blastomycin.
Diphtheria Toxin for Schick Test.
Histoplasmin.
Tuberculin, Old.
Tuberculin, Purified Protein Derivative.

Diagnostic Substances for Laboratory Tests

Anti-Influenza Virus Serum for the Hemagglutination Inhibition Test.
Influenza Virus Hemagglutinating Antigen.

Miscellaneous

Allergenic Extracts.
Oxophenarsine Hydrochloride.
Poison Ivy Extract.

License No. 2—Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point, Pa.

Antitoxins

Tetanus Antitoxin.

Blood and Blood Derivatives

Fibrinogen (Human).
Fibrinolysin and Desoxyribonuclease Combined (Bovine).
Fibrinolysin (Human).
Human Blood Cells.
Immune Serum Globulin (Human).
Normal Bovine Serum.
Normal Horse Serum.
Normal Human Plasma.
Normal Serum Albumin (Human).
Poliomyelitis Immune Globulin (Human).

Bacterial Vaccines

Cholera Vaccine.
Typhoid and Paratyphoid Vaccine.
Three polyvalent bacterial vaccines with "No U.S. Standard of Potency".

Sensitized Bacterial Vaccines

Cholera Vaccine.
Typhoid and Paratyphoid Vaccine.
Three polyvalent sensitized bacterial vaccines with "No U.S. Standard of Potency".

Bacterial Antigens

Bacterial Antigen with Antihistaminic.
Three polyvalent bacterial antigens with "No U. S. Standard of Potency".

Toxoids and Toxins for Immunization

Staphylococcus Toxoid.
Tetanus Toxoid.

Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Alum Precipitated and Poliomyelitis Vaccine.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitated.
Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use).

Viral and Rickettsial Vaccines

Influenza Virus Vaccine.
Poliomyelitis Vaccine.
Rocky Mountain Spotted Fever Vaccine.
Typhus Vaccine.

Diagnostic Substances for Dermal Tests

Tuberculin, Purified Protein Derivative.

Miscellaneous

Antivenin (*Latrodectus mactans*).
Blood Group Specific Substances A and B.
Poison Ivy Extract.

License No. 3—Wyeth Laboratories, Inc., Marietta, Pa.

Antitoxins

Diphtheria Antitoxin.
Gas Gangrene Polyvalent Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.

Therapeutic Immune Serums

Antipertussis Serum.

Blood and Blood Derivatives

Normal Horse Serum.

Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.

Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Diphtheria Toxoid Aluminum Phosphate Adsorbed.
Tetanus Toxoid.
Tetanus Toxoid Aluminum Phosphate Adsorbed.

Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids Alum Precipitated and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids Combined Alum Precipitated.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Adsorbed.
Diphtheria Toxoid Alum Precipitated and Pertussis Vaccine Combined.
Diphtheria Toxoid Aluminum Phosphate Adsorbed and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitated (For Adult Use).
Tetanus and Diphtheria Toxoids Combined Aluminum Phosphate Adsorbed (For Adult Use).
Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use).

Viral and Rickettsial Vaccines

Adenovirus Vaccine.
Influenza Virus Vaccine.
Poliomyelitis Vaccine.
Poliovirus Vaccine, Live, Oral, Type 1.
Poliovirus Vaccine, Live, Oral, Type 2.
Smallpox Vaccine.

Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Scarlet Fever Streptococcus Toxin for Dick Test.
Schick Test Control.
Tuberculin, Old.

Miscellaneous

Allergenic Extracts.
Antivenin (Crotalidae) Polyvalent.
Poison Ivy Extract.
Poison Oak Extract.
Poison Ivy-Oak-Sumac Extracts Combined.

License No. 8—Cutter Laboratories, Berkeley, Calif.

Antitoxins

B. oedematiens Antitoxin.
Diphtheria Antitoxin.
Gas Gangrene Polyvalent Antitoxin.
Perfringens Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.
V. septique Antitoxin.

Blood and Blood Derivatives

Antihemophilic Globulin (Human).
Fibrinogen (Human).
Immune Serum Globulin (Human).
Mumps Immune Globulin (Human).
Normal Human Plasma.
Normal Serum Albumin (Human).
Pertussis Immune Globulin (Human).
Plasma Protein Fraction (Human).
Poliomyelitis Immune Globulin (Human).
Tetanus Immune Globulin (Human).
Thrombin.

Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Pertussis Vaccine Aluminum Hydroxide Adsorbed.
Plague Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.
Two polyvalent bacterial vaccines with "No U. S. Standard of Potency."

Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Diphtheria Toxoid Aluminum Hydroxide Adsorbed.
Tetanus Toxoid.
Tetanus Toxoid Aluminum Hydroxide Adsorbed.

Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitated.
Diphtheria and Tetanus Toxoids Aluminum Hydroxide Adsorbed and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids Combined.
Diphtheria and Tetanus Toxoids Combined Aluminum Hydroxide Adsorbed.
Diphtheria Toxoid Aluminum Hydroxide Adsorbed and Pertussis Vaccine Combined.
Diphtheria Toxoid and Pertussis Vaccine Combined.
Tetanus Toxoid and Pertussis Vaccine Combined.
Tetanus and Diphtheria Toxoids Combined Aluminum Hydroxide Adsorbed (For Adult Use).

Viral and Rickettsial Vaccines

Equine Encephalomyelitis Vaccine (Eastern).
Equine Encephalomyelitis Vaccine (Western).
Poliomyelitis Vaccine.
Smallpox Vaccine.

Diagnostic Substances for Dermal Tests

Coccidioidin.
Diphtheria Toxin for Schick Test.
Schick Test Control.
Tuberculin, Old.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.

Miscellaneous

Allergenic Extracts.
Poison Ivy Extract.
Poison Oak Extract.

License No. 11—Institut Pasteur, Paris, France

Antitoxins

Diphtheria Antitoxin.
Tetanus Antitoxin.

Bacterial Vaccines

Cholera Vaccine.
Typhoid Vaccine.

Toxoids and Toxins for Immunization

Staphylococcus Toxoid.

License No. 14—New York City Department of Health, Bureau of Laboratories, New York, N.Y.

Antitoxins

Tetanus Antitoxin.

Blood and Blood Derivatives

Normal Horse Serum.

Toxoids and Toxins for Immunization

Diphtheria Toxoid Aluminum Phosphate Adsorbed.
Tetanus Toxoid.

Viral and Rickettsial Vaccines

Smallpox Vaccine.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Human Serum.

License No. 17—Lederle Laboratories Division, American Cyanamid Co., Pearl River, N.Y.

Antitoxins

B. histolyticus Antitoxin.
B. oedematiens Antitoxin.
B. sordellii Antitoxin.
Botulism Antitoxin.
Diphtheria Antitoxin.
Gas Gangrene Polyvalent Antitoxin.
Perfringens Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.
V. septique Antitoxin.

Therapeutic Immune Serums

Antirabies Serum.

Blood and Blood Derivatives

Immune Serum Globulin (Human).
Poliomyelitis Immune Globulin (Human).

Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Typhoid and Paratyphoid Vaccine.
Four polyvalent bacterial vaccines with "No U.S. Standard of Potency."

Toxoids and Toxins for Immunization

Staphylococcus Toxoid.
Tetanus Toxoid.
Tetanus Toxoid Aluminum Phosphate Adsorbed.

Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Adsorbed.
Tetanus and Diphtheria Toxoids Combined Aluminum Phosphate Adsorbed (For Adult Use).

Viral and Rickettsial Vaccines

Influenza Virus Vaccine.
Mumps Vaccine.
Poliovirus Vaccine, Live, Oral, Type 1.
Poliovirus Vaccine, Live, Oral, Type 2.
Poliovirus Vaccine, Live, Oral, Type 3.
Q Fever Vaccine.
Rabies Vaccine.
Rocky Mountain Spotted Fever Vaccine.
Smallpox Vaccine.
Typhus Vaccine (Epidemic).

Diagnostic Substances for Dermal Tests

Lymphogranuloma Venereum Antigen.
Tuberculin, Patch Test.
Tuberculin, Tine Test.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh_o (Anti-D).
Anti-Rh_o' (Anti-CD).
Anti-Human Serum.

Miscellaneous

Allergenic Extracts.
Streptokinase—Streptodornase.
Trichinella Extract.

License No. 30—Sherman Laboratories, Detroit, Mich.

Bacterial Vaccines

Pertussis Vaccine.
Eleven polyvalent bacterial vaccines with "No U.S. Standard of Potency".

Bacterial Antigens

One polyvalent bacterial antigen with "No U.S. Standard of Potency".

Miscellaneous

Allergenic Extracts.
Poison Ivy Extract.
Poison Oak Extract.
Poison Ivy-Poison Oak Extracts Combined.

License No. 43—Abbott Laboratories, North Chicago, Ill.

Blood and Blood Derivatives

Radio-Iodinated (I^{131}) Serum Albumin (Human).

Miscellaneous

Allergenic Extracts.

License No. 51—The Upjohn Company, Kalamazoo, Mich.

Blood and Blood Derivatives

Thrombin.

License No. 52—E. R. Squibb & Sons, Division of Olin Mathieson Chemical Corp., Biological Laboratories, New Brunswick, N.J.

Blood and Blood Derivatives

Fibrinogen (Human).
Immune Serum Globulin (Human).
Normal Serum Albumin (Human).
Poliomyelitis Immune Globulin (Human).
Radio-Iodinated (I^{131}) Serum Albumin (Human).

Multiple Antigen Preparations

Staphylococcus Toxoid and Bacterial Antigen made from Staphylococcus (Albus and Aureus).

Diagnostic Substances for Dermal Tests

Lymphogranuloma Venereum Antigen.

License No. 56—Eli Lilly and Company, Indianapolis, Ind.

Antitoxins

Diphtheria Antitoxin.
Perfringens Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.
V. septique Antitoxin.

Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.
Six polyvalent bacterial vaccines with "No U.S. Standard of Potency".

Bacterial Antigens

Seven polyvalent bacterial antigens with "No U.S. Standard of Potency".

Toxoids and Toxins for Immunization

Tetanus Toxoid.

Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitated.
Diphtheria and Tetanus Toxoids Combined.
Diphtheria and Tetanus Toxoids Combined Alum Precipitated.
Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use).

Viral and Rickettsial Vaccines

Influenza Virus Vaccine.
Mumps Vaccine.
Poliomyelitis Vaccine.
Rabies Vaccine.
Smallpox Vaccine.
Typhus Vaccine.

Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Histoplasmin.
Mumps Skin Test Antigen.
Tuberculin, Old.

Miscellaneous

Allergenic Extracts.

License No. 64—Massachusetts Public Health Biologic Laboratories, Boston, Mass.

Antitoxins

Diphtheria Antitoxin.
Tetanus Antitoxin.

Blood and Blood Derivatives

Immune Serum Globulin (Human).
Normal Serum Albumin (Human).
Poliomyelitis Immune Globulin (Human).

Bacterial Vaccines

Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.

Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Tetanus Toxoid.

Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Precipitated.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Precipitated.

Viral and Rickettsial Vaccines

Smallpox Vaccine.

Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Schick Test Control.
Tuberculin, Old.

License No. 73—Connaught Medical Research Laboratories, University of Toronto, Toronto, Canada

Antitoxins

Diphtheria Antitoxin.
Staphylococcus Antitoxin.
Tetanus Antitoxin.

Blood and Blood Derivatives

Normal Serum Albumin (Human).

Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Staphylococcus Toxoid.
Tetanus Toxoid.

Diagnostic Substances for Dermal Tests

Tuberculin, Purified Protein Derivative.

Distributor—Panray-Parlam Corp., Englewood, N.J.

License No. 84—Terrell's Laboratories, Fort Worth, Tex.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

Miscellaneous

Allergenic Extracts.

License No. 91—Hollister-Stier Laboratories, Spokane, Wash.; Chicago, Ill.; Yeadon, Pa.; Los Angeles, Calif.; and Atlanta, Ga.

Bacterial Vaccines

Two polyvalent bacterial vaccines with "No U.S. Standard of Potency".

Miscellaneous

Allergenic Extracts.
Poison Ivy Extract.
Poison Oak Extract.

License No. 97—Behringwerke AG., Marburg-Lahn, Germany

Miscellaneous

Streptokinase-Streptodornase.

License No. 99—Division of Laboratories, Michigan Department of Health, Lansing, Mich.

Antitoxins

Diphtheria Antitoxin.
Tetanus Antitoxin.

Therapeutic Immune Serums

Anti-Hemophilus Influenzae Type b Serum.

Blood and Blood Derivatives

Antihemophilic Globulin (Human).
Citrated Whole Blood (Human).
Fibrinogen (Human).
Immune Serum Globulin (Human).
Normal Horse Serum.
Normal Rabbit Serum.
Normal Serum Albumin (Human).

Bacterial Vaccines

Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.

Toxoids and Toxins for Immunization

Diphtheria Toxoid Aluminum Phosphate Adsorbed.
Tetanus Toxoid Aluminum Phosphate Adsorbed.

Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Adsorbed.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.

Viral and Rickettsial Vaccines

Rabies Vaccine.
Smallpox Vaccine.

Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Histoplasmin.
Schick Test Control.
Tuberculin, Old.

Diagnostic Substances for Laboratory Tests

Pneumococcus Typing Serum.

License No. 101—The National Drug Company, Division of Richardson-Merrell, Inc., Philadelphia, Pa.

Antitoxins

Diphtheria Antitoxin.
Gas Gangrene Polyvalent Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.

Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.
Two polyvalent vaccines with "No U.S. Standard of Potency".

Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Scarlet Fever Streptococcus Toxin for Immunization.
Staphylococcus Toxoid.
Streptococcus Erythrogenic Toxin.
Tetanus Toxoid.

Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids Alum Precipitated and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids Combined Alum Precipitated.
Diphtheria Toxoid Alum Precipitated and Pertussis Vaccine Combined.
Staphylococcus Toxoid—Bacterial Vaccine made from Staphylococcus (Aureus).
Staphylococcus Toxoid—Streptococcus Toxin—Bacterial Vaccine made from Staphylococcus (Aureus), Streptococcus (Hemolyticus), Pneumococcus Hemophilus Influenzae.
Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use).

Viral and Rickettsial Vaccines

Influenza Virus Vaccine.
Rabies Vaccine.
Smallpox Vaccine.
Typhus Vaccine (Epidemic).
Yellow Fever Vaccine.

Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Scarlet Fever Streptococcus Toxin for Dick Test.
Schick Test Control.

License No. 102—Mulford Colloid Laboratories, Philadelphia, Pa.

Miscellaneous

Poison Ivy Extract.
Poison Oak Extract.
Tincture Poison Ivy.

License No. 103—Allergy Laboratories, Oklahoma City, Okla.

Miscellaneous

Allergenic Extracts.

License No. 105—C. F. Kirk Laboratories, Inc., New York, N.Y.

Miscellaneous

Allergenic Extracts.

License No. 107—Porrò Biological Laboratories, Tacoma, Wash.

Miscellaneous

Allergenic Extracts.

License No. 108—Laboratoire du Bacteriophage, Paris, France

Bacterial Antigens

Fifteen bacterial antigens with "No U.S. Standard of Potency".

License No. 110—Pitman-Moore Company, Division of The Dow Chemical Company, Indianapolis, Ind.

Antitoxins

Perfringens Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.
V. septique Antitoxin.

Blood and Blood Derivatives

Immune Serum Globulin (Human).
Poliomyelitis Immune Globulin (Human).

Bacterial Vaccines

Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.
One polyvalent bacterial vaccine with "No U.S. Standard of Potency".

Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Staphylococcus Toxoid.
Tetanus Toxoid.

Multiple Antigen Preparations

Adenovirus and Influenza Virus Vaccines Combined Aluminum Hydroxide Adsorbed.
Diphtheria and Tetanus Toxoids Alum Precipitated and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids and Pertussis and Poliomyelitis Vaccines Aluminum Phosphate Adsorbed.
Diphtheria and Tetanus Toxoids and Poliomyelitis Vaccine.
Diphtheria and Tetanus Toxoids Combined Alum Precipitated.
Diphtheria Toxoid Alum Precipitated and Pertussis Vaccine Combined.

Viral and Rickettsial Vaccines

Adenovirus Vaccine.
Influenza Virus Vaccine.
Poliomyelitis Vaccine.
Rabies Vaccine.
Typhus Vaccine.

Diagnostic Substances for Dermal Tests

Tuberculin, Old.

Miscellaneous

Poison Ivy-Poison Oak Extract.

License No. 111—The Wm. S. Merrell Company, Division of Richardson-Merrell, Inc., Cincinnati, U.S.A., Cincinnati, Ohio

Bacterial Vaccines

One polyvalent bacterial vaccine with "No U.S. Standard of Potency".

License No. 113—Michael Reese Research Foundation, Chicago, Ill.

Therapeutic Immune Serums

Measles Immune Serum (Human).
Mumps Immune Serum (Human).
Poliomyelitis Immune Serum (Human).
Scarlet Fever Immune Serum (Human).

Blood and Blood Derivatives

Antihemophilic Plasma (Human).
Citrated Whole Blood (Human).
Normal Human Plasma.
Normal Human Serum.
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum
Anti-Rh Typing Serums:
Anti Rh_o (Anti-D).
Anti-Rh_o' (Anti-CD).
Anti-Rh_o'' (Anti-DE).
Anti-Rh_o rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-K Serum (Anti-Kell).
Anti-M Serum.
Anti-N Serum.
Anti-Human Serum.

Miscellaneous

Blood Group Specific Substance A.
Blood Group Specific Substance B.
Blood Group Specific Substances A and B.

License No. 119—Barry Laboratories, Inc., Detroit, Mich.

Bacterial Vaccines

Nine polyvalent bacterial vaccines with "No U.S. Standard of Potency".

Miscellaneous

Allergenic Extracts.
Poison Ivy Extract.
Poison Ivy Extract Alum Precipitated.
Poison Ivy-Oak-Sumac Extracts Combined.
Poison Sumac Extract.

License No. 120—Bureau of Biologic Products, Illinois Department of Public Health, Division of Laboratories, Chicago, Ill.

Bacterial Vaccines

Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.

Toxoids and Toxins for Immunization

Diphtheria Toxoid.

Multiple Antigen Preparations

Diphtheria Toxoid Alum Precipitated and Pertussis Vaccine Combined.

Viral and Rickettsial Vaccines

Rabies Vaccine.

Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.

License No. 121—Texas State Department of Health, Austin, Tex.

Bacterial Vaccines

Pertussis Vaccine.
Typhoid Vaccine.

Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Diphtheria Toxoid Aluminum Hydroxide Precipitated.
Tetanus Toxoid.
Tetanus Toxoid Aluminum Hydroxide Precipitated.

Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Hydroxide Precipitated.
Diphtheria and Tetanus Toxoids Combined Aluminum Hydroxide Precipitated.
Diphtheria Toxoid and Pertussis Vaccine Combined Alum Precipitated.
Tetanus and Diphtheria Toxoids Combined Aluminum Hydroxide Precipitated (For Adult Use).

Viral and Rickettsial Vaccines

Rabies Vaccine.

Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Schick Test Control.
Tuberculin, Old.

License No. 125—Hynson, Westcott & Dunning, Baltimore, Md.

Miscellaneous

Cobra Venom Solution.
Cobra Venom with Silicic and Formic Acids.

License No. 129—Wellcome Research Laboratories, Beckenham, Kent, England

Miscellaneous

Russell Viper Venom.
Streptokinase-Streptodornase.

License No. 135—Myers Laboratories, Inc., Warren, Pa.

Bacterial Antigens

One polyvalent bacterial antigen with "No U.S. Standard of Potency."

License No. 139—Philadelphia Serum Exchange, Philadelphia, Pa.

Therapeutic Immune Serums

Pertussis Immune Serum (Human).

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Serum.
Poliomyelitis Immune Globulin (Human).
Single Donor Plasma (Human).

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C)
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-K Serum (Anti-Kell).
Anti-M Serum.
Anti-N Serum.
Anti-Human Serum.

License No. 140—Hyland Laboratories, Los Angeles, Calif.

Therapeutic Immune Serums

Anti-Hemophilus Influenzae Type b Serum.

Blood and Blood Derivatives

Antihemophilic Plasma (Human).
Citrated Whole Blood (Human).
Fibrinogen (Human).
Immune Serum Globulin (Human).
Mumps Immune Globulin (Human).
Normal Human Plasma.
Normal Serum Albumin (Human).
Packed Red Blood Cells (Human).
Pertussis Immune Globulin (Human).
Plasma Protein Fraction (Human).
Poliomyelitis Immune Globulin (Human).
Resuspended Red Blood Cells (Human).

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum.
Group AB Serum (Human).
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-rh^w (Anti-C^w).
Anti-K Serum (Anti-Kell).
Anti-Le^a Serum (Anti-Lewis).
Anti-M Serum.
Anti-N Serum.
Anti-Human Serum.
Anti-Human Precipitin Serum.

Haemophilus influenzae Typing Serum.

License No. 147—Endo Laboratories, Inc., Richmond Hill, N.Y.

Miscellaneous

Allergenic Extracts.

License No. 149—Armour Pharmaceutical Company, Chicago, Illinois, Kankakee, Ill.

Blood and Blood Derivatives

Immune Serum Globulin (Human).
Normal Human Plasma.
Normal Serum Albumin (Human).
Poliomyelitis Immune Globulin (Human).

License No. 152—Gotham Pharmaceutical Co., Brooklyn, N.Y.

Miscellaneous

Allergenic Extracts.

License No. 154—John Elliott Blood Bank of Dade County, Inc., Miami, Fla.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 155—Wiener Serum Laboratory, Brooklyn, N.Y.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-Fy^a Serum (Anti-Duffy).
Anti-k Serum (Anti-Cellano).
Anti-K Serum (Anti-Kell).
Anti-rh^w and Anti-K Serum (Anti-(C^w+Kell)).
Anti-M Serum.
Anti-N Serum.
Anti-Human Serum.
Anti-Human Precipitin Serum.

License No. 156—Ortho Pharmaceutical Corporation, Raritan, N.J.

Blood and Blood Derivatives

Fibrinogen (Human).
Fibrinolysin (Human).
Immune Serum Globulin (Human).
Normal Serum Albumin (Human).
Profibrinolysin (Human).
Thrombin.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A, B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).

Anti-Rh Typing Serums—Continued
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-rh^w (Anti-C^w).
Anti-Fy^a Serum (Anti-Duffy).
Anti-k Serum (Anti-Cellano).
Anti-K Serum (Anti-Kell).
Anti-M Serum.
Anti-N Serum.
Anti-P Serum.
Anti-S Serum.
Anti-Human Chorionic Gonadotropic Serum.
Anti-Human Serum.

License No. 157—Certified Blood Donor Service, Inc., Jamaica, N.Y.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A, B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-rh^w (Anti-C^w).
Anti-Fy^a Serum (Anti-Duffy).
Anti-k Serum (Anti-Cellano).
Anti-K Serum (Anti-Kell).
Anti-M Serum.
Anti-N Serum.
Anti-P Serum.
Anti-S Serum.
Anti-Human Serum.
Anti-Human Precipitin Serum.

License No. 158—Washington Blood Laboratory, Washington, D.C.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-Human Serum.

License No. 159—Blood Grouping Laboratory of Boston, Inc., Boston, Mass.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-rh^w (Anti-C^w).
Anti-Rh$_o$+Rh$_o$ (Anti-D+D^u).
Anti-Fy^a Serum (Anti-Duffy).
Anti-Gr (V$_w$) Serum.
Anti-K Serum (Anti-Kell).
Anti-Kp^a Serum (Anti-Penney).
Anti-Kp^b and Anti-K Serum (Anti-Rautenberg and Anti-Kell).
Anti-Le^a Serum (Anti-Lewis).
Anti-Le^b Serum.
Anti-M Serum.
Anti-M^g Serum.
Anti-P Serum.
Anti-s Serum.
Anti-Wr^a Serum (Anti-Wright).
Anti-Human Serum.

License No. 161—Blood Transfusion Association, New York, N.Y.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$rh'rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-Human Serum.

License No. 162—Blood and Plasma Bank—New York University-Bellevue Medical Center, New York, N.Y.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.

License No. 163—High Titer Serum Laboratory, New York, N.Y.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).

License No. 164—Knickerbocker Biologicals, Inc., New York, N.Y.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-rh^w (Anti-V).
Anti-rh^w (Anti-C^w).
Anti-Di^a Serum (Anti-Diego).
Anti-Fy^a Serum (Anti-Duffy).
Anti-Jk^a Serum (Anti-Kidd).
Anti-Jk^b Serum.
Anti-K Serum (Anti-Kell).
Anti-Kp^a Serum (Anti-Penney).
Anti-Kp^b Serum (Anti-Rautenberg).
Anti-k Serum (Anti-Cellano).
Anti-Le^a Serum (Anti-Lewis).
Anti-M Serum.
Anti-P Serum.
Anti-S Serum.
Anti-s Serum.
Anti-Human Serum.
Reagent Red Blood Cells (Human).

Miscellaneous

Blood Group Specific Substance A.
Blood Group Specific Substance B.

License No. 165—Blood Bank Foundation, Nashville, Tenn.

Blood and Blood Derivatives

Antihemophilic Plasma (Human).
Citrated Whole Blood (Human).
Normal Human Plasma.
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-K Serum (Anti-Kell).
Anti-Human Serum.

License No. 166—Belle Bonfils Memorial Blood Bank, Denver, Colo.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-K Serum (Anti-Kell).

License No. 167—J. K. and Susie L. Wadley Research Institute and Blood Bank, Dallas, Tex.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-Human Serum.

License No. 168—Mount Sinai Medical Research Foundation, Chicago, Ill.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-M Serum.
Anti-N Serum.
Anti-Human Serum.

License No. 169—Chicago Blood Donor Service, Inc., Chicago, Ill.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Heparinized Whole Blood (Human).
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

License No. 170—Jackson Blood Bank and Medical Laboratory, Jackson, Tenn.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 171—Courtland Laboratories, Los Angeles, Calif.

Therapeutic Immune Serums

Chickenpox Immune Serum (Human).
Measles Immune Serum (Human).
Mumps Immune Serum (Human).
Pertussis Immune Serum (Human).
Scarlet Fever Immune Serum (Human).

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Immune Serum Glooulin (Human).
Normal Serum Albumin (Human).
Normal Human Plasma.
Poliomyelitis Immune Globulin (Human).

License No. 173—Interstate Blood Bank, Inc., Memphis, Tenn.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 174—Lloyd Brothers, Pharmacists, Inc., Cincinnati, Ohio

Miscellaneous

Tincture Poison Ivy.

License No. 175—Inter-County Blood Banks, Inc., Jamaica, N.Y.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).

License No. 176—Laboratorios Myn, Mexico D.F., Mexico

Miscellaneous

Antivenin, Scorpion.

License No. 178—California Transfusion Service, Los Angeles, Calif.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 179—Dade Reagents, Inc., Miami, Fla.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-Fy^a Serum (Anti-Duffy).
Anti-k Serum (Anti-Cellano).
Anti-K Serum (Anti-Kell).
Anti-M Serum.
Anti-N Serum.
Anti-Human Serum.

Miscellaneous

Reagent Blood Group Specific Substances A and B.

License No. 181—Jacksonville Blood Bank, Inc., Jacksonville, Fla.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Human Serum.

License No. 182—Irwin Memorial Blood Bank of the San Francisco Medical Society, San Francisco, Calif.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).

License No. 183—Southwest Blood Banks, Inc., Scottsdale, Ariz.

This establishment license includes the following locations:
Southwest Blood Bank of Albuquerque, Albuquerque, N. Mex.
Southwest Blood Bank of Alexandria, Alexandria, La.
Southwest Blood Bank of Cheyenne, Cheyenne, Wyo.
Southwest Blood Bank of El Paso, El Paso, Tex.
Southwest Blood Bank of Fargo, Fargo, N. Dak.
Southwest Blood Bank of Harlingen, Harlingen, Tex.
Southwest Blood Bank of Houston, Houston, Tex.
Southwest Blood Bank of Kansas, Wichita, Kans.
Southwest Blood Bank of Little Rock, Little Rock, Ark.
Southwest Blood Bank of Los Angeles, Glendale, Calif.
Southwest Blood Bank of Lubbock, Lubbock, Tex.
Southwest Blood Bank of Meridian, Meridian, Miss.
Southwest Blood Bank of Minot, Minot, N. Dak.
Southwest Blood Bank of Phoenix, Phoenix, Ariz.
Southwest Blood Bank of Reno, Reno, Nev.
Southwest Blood Bank of San Antonio, San Antonio, Tex.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Single Donor Plasma (Human).

License No. 184—Travenol Laboratories, Inc., Morton Grove, Ill., Los Angeles, Calif., and Cleveland, Miss.

Therapeutic Immune Serums

Antimumps Serum (Human).
Antipertussis Serum (Human).

Bacterial Antigens

Pseudomonas Polysaccharide.

Blood and Blood Derivatives

Antihemophilic Plasma (Human).
Immune Serum Globulin (Human).
Normal Human Plasma.
Normal Serum Albumin (Human).
Poliomyelitis Immune Globulin (Human).

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum.
Group AB Serum (Human).
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-M Serum.
Anti-N Serum.
Anti-Human Serum.
Anti-Human Precipitin Serum.

License No. 185—Minneapolis War Memorial Blood Bank, Minneapolis, Minn.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).
Single Donor Plasma (Human).

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).

License No. 187—Milwaukee Blood Center, Inc., Milwaukee, Wis.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.
Single Donor Plasma (Human).

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-Human Serum.

License No. 188—Research Foundation and University of Illinois, Chicago, Ill.

Bacterial Vaccines

BCG Vaccine.

License No. 190—The American National Red Cross, Washington, D.C.

This establishment license includes the following locations:
American Red Cross Blood Center, Hato Rey, Puerto Rico.
Appalachian Regional Blood Center, Roanoke, Va.
Asheville Regional Blood Center, Asheville, N.C.
Atlanta Regional Blood Center, Atlanta, Ga.
Badger Regional Blood Center, Madison, Wis.
Baltimore Regional Blood Center, Baltimore, Md.
Beaver County Regional Blood Center, New Brighton, Pa.
Birmingham Regional Blood Center, Birmingham, Ala.
Black Hawk County Regional Blood Center, Waterloo, Iowa.
Boise Regional Blood Center, Boise, Idaho.
Buffalo Regional Blood Center, Buffalo, N.Y.
Central Texas Regional Blood Center, Waco, Tex.
Columbia River Regional Blood Center, Yakima, Wash.
Columbus Regional Blood Center, Columbus, Ohio.
Connecticut Red Cross Blood Center, Hartford, Conn.
Detroit Regional Blood Center, Detroit, Mich.
Douglas County Regional Blood Center, Lawrence, Kans.
Fort Wayne Regional Blood Center, Fort Wayne, Ind.
Four County Regional Blood Center, San Jose, Calif.
Greater Toledo Regional Blood Center, Toledo, Ohio.
Huntington Regional Blood Center, Huntington, W. Va.
Intermountain Regional Blood Center, Salt Lake City, Utah.
Johnstown Regional Blood Center, Johnstown, Pa.
Knox County Regional Blood Center, Galesburg, Ill.
Lansing Regional Blood Center, Lansing, Mich.
Los Angeles-Orange Counties Regional Blood Center, Los Angeles, Calif.
Louisville Regional Blood Center, Louisville, Ky.
Massachusetts Regional Blood Center, Boston, Mass.
Mobile Regional Blood Center, Mobile, Ala.
Montana Red Cross Blood Center, Great Falls, Mont.
Muskegon County Regional Blood Center, Muskegon, Mich.
Nashville Regional Blood Center, Nashville, Tenn.
Nebraska-Iowa Regional Blood Center, Omaha, Nebr.
New York Regional Blood Center, New York, N.Y.
Northeastern Pennsylvania Regional Blood Center, Wilkes-Barre, Pa.
Northern Ohio Red Cross Blood Center, Cleveland, Ohio.
Pacific Northwest Regional Blood Center, Portland, Oreg.
Peoria Regional Blood Center, Peoria, Ill.
Philadelphia Regional Blood Center, Philadelphia, Pa.
Piedmont Carolinas Regional Blood Center, Charlotte, N.C.
Red River Regional Blood Center, Wichita Falls, Tex.
Rochester Regional Blood Center, Rochester, N.Y.
South Atlantic Regional Blood Center, Savannah, Ga.
South Carolina Red Cross Blood Center, Columbia, S.C.
Southern Arizona Red Cross Blood Center, Tucson, Ariz.
Springfield Regional Blood Center, Springfield, Mo.
St. Louis Regional Blood Center, St. Louis, Mo.
St. Paul Regional Blood Center, St. Paul, Minn.
Syracuse Regional Blood Center, Syracuse, N.Y.
Tidewater Regional Blood Center, Norfolk, Va.
Tulsa County Regional Blood Center, Tulsa, Okla.
Vermont-New Hampshire Regional Blood Center, Burlington, Vt.
Volusia Flagler Regional Blood Center, Daytona Beach, Fla.
Washington, D.C. Regional Blood Center, Washington, D.C.
Wichita Regional Blood Center, Wichita, Kans.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Heparinized Whole Blood (Human).
Normal Human Plasma.
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

License No. 191—Blood Bank of the Alameda-Contra Costa Medical Association, Oakland, Calif.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).
Single Donor Plasma (Human).

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.

License No. 192—King County Central Blood Bank, Inc., Seattle, Wash.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.

License No. 193—Center Laboratories, Port Washington, N.Y.

Miscellaneous

Allergenic Extracts.

License No. 194—Sacramento Medical Foundation Blood Bank, Sacramento, Calif.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

License No. 195—Peninsula Memorial Blood Bank, Burlingame, Calif.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 197—Sonoma County Community Blood Bank, Santa Rosa, Calif.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 198—Tri-Counties Blood Bank, Santa Barbara, Calif.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 199—Blood Bank of Hawaii, Honolulu, Hawaii

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 201—San Diego Blood Bank, San Diego, Calif.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 202—Tacoma-Pierce County Blood Bank, Tacoma, Wash.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

License No. 203—Spokane & Inland Empire Blood Bank, Spokane, Wash.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Single Donor Plasma (Human).

License No. 204—Virginia Blood Bank, Inc., Richmond, Va.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

Diagnostic Substances for Laboratory Tests

Anti-B Blood Grouping Serum.

License No. 209—Maxwell Blood Bank, The Children's Memorial Hospital, Chicago, Ill.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 212—District of Columbia General Hospital, Washington, D.C.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 213—Blood Bank of the Washington Hospital Center, Washington, D.C.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 214—Doctors Hospital Blood Bank, Washington, D.C.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 215—Blood Grouping Laboratory, Washington, D.C.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).

License No. 218—Providence Hospital Blood Bank, Washington, D.C.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 220—Broome County Blood Center, Binghamton, N.Y.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 221—Essex County Blood Bank, Inc., East Orange, N.J.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).

License No. 222—Aurora Blood Bank and Donors Society, Aurora, Ill.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Heparinized Whole Blood (Human).
Packed Red Blood Cells (Human).

License No. 224—Community Blood and Plasma Service, Inc., Birmingham, Ala., and New York, N.Y.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 226—Blood Bank of San Bernardino and Riverside Counties, Inc., San Bernardino, Calif.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 227—Central Florida Blood Bank, Incorporated, Orlando, Fla.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 228—Southwest Florida Blood Bank, Inc., Tampa, Fla.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 229—Bender Laboratory Blood Bank, Albany, N.Y.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 231—Dubuque Blood Bank Association, Dubuque, Iowa

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.

License No. 232—Holy Cross Hospital Research Foundation, Salt Lake City, Utah

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-hr' (Anti-c).
Anti-Human Serum.

License No. 233—Ochsner Foundation Hospital Blood Bank, New Orleans, La.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 234—Central Blood Bank of Pittsburgh, Pittsburgh, Pa.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 235—University of Cincinnati Blood Transfusion Service, Cincinnati, Ohio

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).

License No. 236—Medical Center-State Health Department Blood Bank, Grand Forks, N. Dak.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 237—Shreveport Emergency Blood Bank, Inc., Shreveport, La.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 238—Istituto Sieroterapico Vaccinogeno Toscano Sclavo, Siena, Italy

Antitoxins

Diphtheria Antitoxin.
Tetanus Antitoxin.

Therapeutic Immune Serums

Antirabies Serum.

Toxoids and Toxins for Immunization

Diphtheria Toxoid Aluminum Hydroxide Adsorbed.
Diphtheria Toxoid Aluminum Phosphate Adsorbed.
Staphylococcus Toxoid.
Tetanus Toxoid Aluminum Hydroxide Adsorbed.

License No. 239—Houchin Community Blood Bank, Bakersfield, Calif.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 240—Memphis Blood Center, Inc., Memphis, Tenn.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 241—Community Blood and Plasma Service, Inc. of Texas, Houston, Tex.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 243—The Blood Plasma Corporation of Japan, Osaka, Japan

Blood and Blood Derivatives

Normal Human Plasma.

License No. 244—Travis County Medical Society Blood Bank, Austin, Tex.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 245—Nihon Seiyaku Co., Ltd., Tokyo, Japan

Blood and Blood Derivatives

Normal Human Plasma.

License No. 246—Potter County Memorial Blood Center, Inc., Amarillo, Tex.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 248—Central Blood Bank, Inc., South Bend, Ind.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 249—Northern Illinois Blood Bank, Inc., Rockford, Ill.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 250—St. Luke's Hospital Blood Bank, Aberdeen, S. Dak.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 251—Jacob Blumberg Memorial Blood Bank, Inc., of the Lake County Medical Society, Waukegan, Ill.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 252—Detroit Blood Service, Inc., Detroit, Mich.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

License No. 254—Knoxville Blood Center, Inc., Knoxville, Tenn.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 257—Chek-Lab. Inc., Chicago, Ill.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$' (Anti-CD).
Anti-Human Serum.

License No. 258—Osterreichisches Institut für Haemoderivate, Vienna, Austria

Distributor—Philips Roxane, Inc., Columbus, Ohio

Blood and Blood Derivatives

Immune Serum Globulin (Human).
Plasma Protein Fraction (Human).
Poliomyelitis Immune Globulin (Human).

License No. 259—Holston Valley Community Hospital Blood Bank, Kingsport, Tenn.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 260—St. Francis Hospital Blood Bank, Trenton, N.J.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 261—Hospital Blood Service, Inc., Detroit, Mich.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 263—The Community Blood Bank, Norton, Va.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 264—Mid-West Blood Bank and Plasma Service, Kansas City, Mo.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 265—W. E. Stewart Blood Bank, Inc., Tyler, Tex.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 266—Blood Bank of The Bryn Mawr Hospital, Bryn Mawr, Pa.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 267—Blood Bank of St. Luke's Hospital (Duluth), Duluth, Minn.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 268—Interstate Blood Bank, Inc., St. Louis, Mo.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 269—Beverly Blood Center, Inc., Chicago, Ill.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 270—Marietta Memorial Hospital, Marietta, Ohio

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 271—St. Luke's Memorial Hospital Blood Bank, Racine, Wis.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 272—Southern Michigan Blood Center, Inc., Detroit, Mich.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Single Donor Plasma (Human).

License No. 273—Oklahoma City Community Blood Bank, Inc., Oklahoma City, Okla.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 274—Bergen Community Blood Bank, Paramus, N.J.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 276—Western Pennsylvania Blood Center, Inc., Pittsburgh, Pa.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 277—Community Memorial General Hospital, La Grange, Ill.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 278—Brooklyn Donor Center, Inc., Brooklyn, N.Y.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 279—Menolasino Laboratories, Melrose Park, Ill.

Diagnostic Substances for Laboratory Tests

Anti-Human Serum.

License No. 280—Ward Laboratories, Durham, N.C.

Diagnostic Substances for Laboratory Tests

Anti-Fy^a Serum (Anti-Duffy).
Anti-K Serum (Anti-Kell).
Anti-Human Serum.

License No. 281—Nuclear Consultants Corporation, St. Louis, Mo.

Blood and Blood Derivatives

Radio-Iodinated (I^{131}) Serum Albumin (Human).

License No. 283—Hoffmann Laboratories, Inc., Paterson, N.J.

Bacterial Antigens

One polyvalent bacterial antigen with "No U.S. Standard of Potency".

License No. 284—Rhode Island Hospital Blood Bank, Providence, R.I.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 285—Marathon County Blood Bank, Inc., Wausau, Wis.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 286—Edgewater Hospital Blood Bank, Chicago, Ill.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 288—Delta Blood Bank, Stockton, Calif.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 289—Hospital University of Pennsylvania Blood Bank, Philadelphia, Pa.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A, B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-K Serum (Anti-Kell).
Anti-Human Serum.

License No. 290—Pineview General Hospital Blood Bank, Valdosta, Ga.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 291—Sci Lab, Derby, Colo.

Diagnostic Substances for Dermal Tests

Blastomycin, Pin Test.
Coccidioidin, Pin Test.
Histoplasmin, Pin Test.
Tuberculin, Pin Test.

License No. 292—Graham Laboratories, Inc., Dallas, Tex.

Miscellaneous

Allergenic Extracts.

License No. 293—Passaic Blood Bank, Inc., Passaic, N.J.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 295—Community Blood Bank and Serum Service, Hoboken, N.J.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Heparinized Whole Blood (Human).

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-Fy^a Serum (Anti-Duffy).
Anti-K Serum (Anti-Kell).
Anti-Human Serum.

License No. 296—Midwest Blood Service, Inc., Detroit, Mich.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 297—Chas. Pfizer & Co., Inc., New York, N.Y., Terre Haute, Ind.

Toxoids and Toxins for Immunization

Diphtheria Toxoid Alum Precipitated.
Tetanus Toxoid Alum Precipitated.

Viral and Rickettsial Vaccines

Influenza Virus Vaccine.
Poliomyelitis Vaccine.

License No. 298—Lewiston-Clarkston Blood Bank, Lewiston, Idaho

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 299—Delmont Laboratories, Inc., Swarthmore, Pa.

Bacterial Antigens

One polyvalent bacterial antigen with "No U.S. Standard of Potency".

License No. 300—Massachusetts General Hospital Blood Bank, Boston, Mass.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 301—Cleveland Biologicals, Inc., Cleveland, Ohio

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 302—Community Blood Bank of the Kansas City Area, Inc., Kansas City, Mo.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

License No. 303—Delta Biochemicals, Inc., San Antonio, Tex.

Diagnostic Substances for Laboratory Tests

Anti-Human Serum.

License No. 304—Lane Memorial Blood Bank, Eugene, Oreg.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 305—Interstate Blood Bank, Inc. of Chicago, Illinois, Chicago, Ill.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 306—Purex Laboratories, Inc., Staten Island, N.Y.

Miscellaneous

Allergenic Extracts.

License No. 307—Cappel Laboratories, Inc., West Chester, Pa.

Diagnostic Substances for Laboratory Tests

Anti-Human Serum.

License No. 308—Greer Drug & Chemical Corporation, Lenoir, N.C.

Miscellaneous

Allergenic Extracts.

License No. 309—Suburban Hospital Blood Bank, Bethesda, Md.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 310—Arlington Hospital Blood Bank, Arlington, Va.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 311—Clark-West Division, Syntex Laboratories, Inc., New York, N.Y.

Miscellaneous

Poison Ivy Extract Alum Precipitated.

License No. 312—World Blood Bank, Inc., Kansas City, Kans.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 313—Southeastern General Hospital, Inc., Lumberton, N.C.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 314—Blood Bank, N.C. Memorial Hospital, University of North Carolina, Chapel Hill, N.C.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Single Donor Plasma (Human).

License No. 315—Central California Blood Bank, Fresno, Calif.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 316—Maine Medical Center Blood Bank, Portland, Maine

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 317—St. Vincent Hospital Blood Bank, Erie, Pa.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 318—Chicago Wesley Memorial Hospital Blood Bank, Chicago, Ill.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 319—Institute for Applied Immunology, Chicago, Ill.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 320—Garden State Blood Bank, Newark, N.J.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 321—National Blood Bank, Inc., New York, N.Y.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 322—Reid Memorial Hospital Blood Bank, Richmond, Ind.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 323—Volk Radiochemical Company, Chicago, Ill.

Blood and Blood Derivatives

Radio-Iodinated (I^{131}) Serum Albumin (Human).

License No. 325—A/B Kabi, Stockholm, Sweden

Miscellaneous

Streptokinase.

License No. 326—James Walker Memorial Hospital Blood Bank, Wilmington, N.C.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 327—The Elizabeth General Hospital and Dispensary, Elizabeth, N.J.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 329—Paterson Blood Bank, Inc., Paterson, N.J.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 330—Municipal Blood Bank, Inc., Kansas City, Kans.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 331—J. Daniels Laboratories, Inc., Brooklyn, N.Y.

Miscellaneous

Allergenic Extracts.

License No. 332—Tri-Cities Blood Service, Inc., Johnson City, Tenn.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 333—Central Blood Service, Inc., Baltimore, Md.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 334—Berkeley Biologicals, Berkeley, Calif.

Miscellaneous

Allergenic Extracts.

License No. 335—Universal Blood Service, Jamaica, N.Y.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 336—Eastern Blood Bank, Jersey City, N.J.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 337—Glaxo Laboratories, Ltd., Greenford, Middlesex, England

Distributor—Scientific Instrument Company, Inc., 50 Park Ave., Bay Shore, New York, N.Y.

Diagnostic Substances for Dermal Tests

Tuberculin Purified Protein Derivative.

License No. 338—Pfizer, Ltd., Sandwich, Kent, England

Distributor—Pfizer Laboratories, New York, N.Y.

Viral and Rickettsial Vaccines

Poliovirus Vaccine, Live, Oral, Type 1.
Poliovirus Vaccine, Live, Oral, Type 2.
Poliovirus Vaccine, Live, Oral, Type 3.

License No. 339—Harrison County Blood Bank, Clarksburg, W. Va.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 340—Orangeburg Regional Hospital Blood Bank, Orangeburg, S.C.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 341—Mid-State Blood Center, Nashville, Tenn.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 342—Charleroi Monessen Hospital, North Charleroi, Pa.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 343—Specific Serums, Inc., Hoboken, N.J.

Diagnostic Substances for Laboratory Tests

Anti-B Blood Grouping Serum.

License No. 344—Spectra Biologicals, Inc., East Brunswick, N.J.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh_0 (Anti-D).
Anti-Rh_0 rh' rh'' (Anti-CDE).
Anti-Human Serum.

Part II. List of Biologic Products With License Numbers of Establishments Licensed for Each Product

Antitoxins

B. histolyticus Antitoxin—17.
B. oedematiens Antitoxin—1, 8, 17.
B. sordellii Antitoxin—17.
Botulism Antitoxin—17.
Diphtheria Antitoxin—1, 3, 8, 11, 17, 56, 64, 73, 99, 101, 238.
Dysentery Antitoxin, Shiga—1.
Gas Gangrene Polyvalent Antitoxin—3, 8, 17, 101.
Perfringens Antitoxin—1, 8, 17, 56, 110.
Staphylococcus Antitoxin—73.
Tetanus Antitoxin—1, 2, 3, 8, 11, 14, 17, 56, 64, 73, 99, 101, 110, 238.
Tetanus and Gas Gangrene Polyvalent Antitoxin—1, 3, 8, 17, 56, 101, 110.
V. septique Antitoxin—1, 8, 17, 56, 110.

Therapeutic Immune Serums

Anti-Hemophilus Influenzae Type b Serum—99, 140.
Antimumps Serum—184.
Antipertussis Serum—3, 184.
Antirabies Serum—17, 238.
Chickenpox Immune Serum (Human)—171.
Measles Immune Serum (Human)—113, 171.
Mumps Immune Serum (Human)—113, 171.
Pertussis Immune Serum (Human)—139, 171.
Poliomyelitis Immune Serum (Human)—113.
Scarlet Fever Immune Serum (Human)—113, 171.

Blood and Blood Derivatives

Antihemophilic Globulin (Human)—8, 99.
Antihemophilic Plasma (Human)—113, 140, 165, 184.
Citrated Whole Blood (Human)—84, 99, 113, 139, 140, 154, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 173, 175, 178, 181, 182, 183, 185, 187, 190, 191, 192, 194, 195, 197, 198, 199, 201, 202, 203, 204, 209, 212, 213, 214, 215, 218, 220, 221, 222, 224, 226, 227, 228, 229, 231, 233, 234, 235, 236, 237, 239, 240, 241, 244, 246, 248, 249, 250, 251, 252, 254, 259, 260, 261, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 276, 277, 278, 284, 285, 286, 288, 289, 290, 293, 295, 296, 298, 300, 301, 302, 304, 305, 309, 310, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 326, 327, 329, 330, 332, 333, 335, 336, 339, 340, 341, 342.
Fibrinogen (Human)—2, 8, 52, 99, 140, 156.
Fibrinolysin (Human)—2, 156.
Fibrinolysin and Desoxyribonuclease Combined (Bovine)—1, 2.
Heparinized Whole Blood (Human)—169, 190, 222, 295.
Histamine Azoprotein—1.
Human Blood Cells—2.
Immune Serum Globulin (Human)—1, 2, 8, 17, 52, 64, 99, 110, 140, 149, 156, 171, 184, 258.
Mumps Immune Globulin (Human)—8, 140.
Normal Bovine Serum—2.
Normal Horse Serum—2, 3, 14, 99.
Normal Human Plasma—2, 8, 113, 140, 149, 162, 165, 171, 182, 184, 185, 187, 190, 192, 215, 231, 243, 245.
Normal Human Serum—113, 139.
Normal Rabbit Serum—99.
Normal Serum Albumin (Human)—2, 8, 52, 64, 73, 99, 140, 149, 156, 171, 184.
Packed Red Blood Cells (Human)—113, 140, 161, 165, 166, 169, 175, 181, 182, 185, 190, 191, 194, 202, 215, 221, 222, 235, 252, 302.
Pertussis Immune Globulin (Human)—8, 140.
Plasma Protein Fraction (Human)—8, 140, 258.
Poliomyelitis Immune Globulin (Human)—1, 2, 8, 17, 52, 64, 110, 139, 140, 149, 171, 184, 258.
Profibrinolysin (Human)—156.
Radio-Iodinated (I^{131}) Serum Albumin (Human)—43, 52, 281, 323.
Resuspended Red Blood Cells (Human)—113, 140, 165, 166, 182, 185, 191, 215, 235.
Single Donor Plasma (Human)—139, 161, 169, 181, 183, 185, 187, 190, 191, 194, 202, 203, 252, 272, 302, 314.
Tetanus Immune Globulin (Human)—8.
Thrombin—1, 8, 51, 156.

Bacterial Vaccines

BCG Vaccine—188.
Cholera Vaccine—1, 2, 3, 8, 11, 17, 56, 101.
Pertussis Vaccine—1, 3, 8, 17, 30, 56, 64, 99, 101, 110, 120, 121.
Pertussis Vaccine Aluminum Hydroxide Adsorbed—8.
Pertussis Vaccine Aluminum Phosphate Adsorbed—1.
Plague Vaccine—8.
Typhoid Vaccine—3, 8, 11, 56, 64, 99, 101, 110, 120, 121.
Typhoid and Paratyphoid Vaccine—1, 2, 3, 8, 17, 56, 64, 99, 101, 110, 120.
Polyvalent bacterial vaccines with "No U.S. Standard of Potency"—1, 2, 8, 17, 30, 56, 91, 101, 110, 111, 119.

Sensitized Bacterial Vaccines

Cholera Vaccine—2.
Pertussis Vaccine—2.
Typhoid Vaccine—2.
Typhoid and Paratyphoid Vaccine—2.
Polyvalent sensitized bacterial vaccines with "No U.S. Standard of Potency"—2.

Bacterial Antigens

Bacterial Antigen with Antihistaminic—2.
Pseudomonas Polysaccharide—184.
Polyvalent bacterial antigens with "No U.S. Standard of Potency"—1, 2, 30, 56, 108, 135, 283, 299.

Modified Bacterial Antigens

Polyvalent modified bacterial antigens with "No U.S. Standard of Potency"—1.

Toxoids and Toxins for Immunization

Diphtheria Toxoid—1, 3, 8, 64, 73, 101, 110, 120, 121.
Diphtheria Toxoid Alum Precipitated—297.
Diphtheria Toxoid Aluminum Hydroxide Adsorbed—8, 238.
Diphtheria Toxoid Aluminum Hydroxide Precipitated—121.
Diphtheria Toxoid Aluminum Phosphate Adsorbed—1, 3, 14, 99, 238.
Scarlet Fever Streptococcus Toxin for Immunization—101.
Staphylococcus Toxoid—1, 2, 11, 17, 73, 101, 110, 238.
Streptococcus Erythrogenic Toxin—101.
Tetanus Toxoid—1, 2, 3, 8, 14, 17, 56, 64, 73, 101, 110, 121.
Tetanus Toxoid Alum Precipitated—297.
Tetanus Toxoid Aluminum Hydroxide Adsorbed—8, 238.
Tetanus Toxoid Aluminum Hydroxide Precipitated—121.
Tetanus Toxoid Aluminum Phosphate Adsorbed—1, 3, 17, 99.

Multiple Antigen Preparations

Adenovirus and Influenza Virus Vaccines Combined Aluminum Hydroxide Adsorbed—110.
Adenovirus and Influenza Virus Vaccines Combined Aluminum Phosphate Adsorbed—1.
Diphtheria and Tetanus Toxoids and Pertussis and Poliomyelitis Vaccines Aluminum Phosphate Adsorbed—1, 110.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Alum Precipitated and Poliomyelitis Vaccine—2.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined—1, 8, 56, 101.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitated—2, 8, 56.
Diphtheria and Tetanus Toxoids Alum Precipitated and Pertussis Vaccine Combined—3, 101, 110.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed—1, 3, 17, 99.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Precipitated—64.
Diphtheria and Tetanus Toxoids Aluminum Hydroxide Adsorbed and Pertussis Vaccine Combined—8.
Diphtheria and Tetanus Toxoids Aluminum Hydroxide Adsorbed Combined—8.
Diphtheria and Tetanus Toxoids and Poliomyelitis Vaccine—110.
Diphtheria and Tetanus Toxoids Combined Aluminum Hydroxide Precipitated—121.
Diphtheria and Tetanus Toxoids Combined—1, 8, 56.
Diphtheria and Tetanus Toxoids Combined Alum Precipitated—3, 56, 101, 110.
Diptheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Hydroxide Precipitated—121.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Adsorbed—1, 3, 17, 99.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Precipitated—64.
Diphtheria Toxoid Aluminum Hydroxide Adsorbed and Pertussis Vaccine Combined—8.
Diphtheria Toxoid and Pertussis Vaccine Combined—8.
Diphtheria Toxoid and Pertussis Vaccine Combined Alum Precipitated—121.
Diphtheria Toxoid Alum Precipitated and Pertussis Vaccine Combined—3, 101, 110, 120.

Diphtheria Toxoid and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed—1.
Diphtheria Toxoid Aluminum Phosphate Adsorbed and Pertussis Vaccine Combined—3.
Staphylococcus Toxoid-B. Vaccine made from Staphylococcus (Aureus)—101.
Staphylococcus Toxoid and Bacterial Antigen made from Staphylococcus (Albus and Aureus)—1, 52.
Staphylococcus Toxoid—Streptococcus Toxin-B. Vaccine made from Staphylococcus (Aureus), Streptococcus (Hemolyticus), *D. pneumonia* and *H. influenzae*—101.
Tetanus Toxoid and Pertussis Vaccine Combined—8.
Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use)—2, 3, 56, 101.
Tetanus and Diphtheria Toxoids Combined Aluminum Hydroxide Adsorbed (For Adult Use)—8.
Tetanus and Diphtheria Toxoids Combined Aluminum Hydroxide Precipitated (For Adult Use)—121.
Tetanus and Diphtheria Toxoids Combined Aluminum Phosphate Adsorbed (For Adult Use)—3, 17.

Viral and Rickettsial Vaccines

Adenovirus Vaccine—1, 3, 110.
Equine Encephalomyelitis Vaccine (Eastern)—8.
Equine Encephalomyelitis Vaccine (Western)—8.
Influenza Virus Vaccine—1, 2, 3, 17, 56, 101, 110, 297.
Mumps Vaccine—17, 56.
Poliomyelitis Vaccine—1, 2, 3, 8, 56, 110, 297.
Poliomyelitis Vaccine, Live, Oral, Type 1—3, 17, 338.
Poliomyelitis Vaccine, Live, Oral, Type 2—3, 17, 338.
Poliomyelitis Vaccine, Live, Oral, Type 3—17, 338.
Poliomyelitis Vaccine Aluminum Phosphate Adsorbed—1.
Q Fever Vaccine—17.
Rabies Vaccine—1, 17, 56, 99, 101, 110, 120, 121.
Rocky Mountain Spotted Fever Vaccine—2, 17.
Smallpox Vaccine—1, 3, 8, 14, 17, 56, 64, 99, 101.
Typhus Vaccine—2, 56, 110.
Typhus Vaccine (Epidemic)—17, 101.
Yellow Fever Vaccine—101.

Diagnostic Substances for Dermal Tests

Blastomycin—1.
Blastomycin, Pin Test—291.
Coccidioidin—8.
Coccidioidin, Pin Test—291.
Diphtheria Toxin for Schick Test—1, 3, 8, 56, 64, 99, 101, 120, 121.
Histoplasmin—1, 56, 99.
Histoplasmin, Pin Test—291.
Lymphogranuloma Venereum Antigen—17, 52.
Mumps Skin Test Antigen—56.
Scarlet Fever Streptococcus Toxin for Dick Test—3, 101.
Schick Test Control—3, 8, 64, 99, 101, 121.
Tuberculin, Old—1, 3, 8, 56, 64, 99, 110, 121.
Tuberculin, Patch Test—17.
Tuberculin, Pin Test—291.
Tuberculin, Purified Protein Derivatives—1, 2, 73, 337.
Tuberculin, Tine Test—17.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum—8, 14, 17, 113, 139, 140, 155, 156, 157, 158, 159, 161, 163, 164, 165, 166, 167, 168, 179, 181, 184, 185, 187, 191, 232, 235, 257, 289, 295, 344.
Anti-B Blood Grouping Serum—8, 14, 17, 113, 139, 140, 155, 156, 157, 158, 159, 161, 163, 164, 165, 166, 167, 168, 179, 181, 184, 185, 187, 191, 204, 232, 235, 257, 289, 295, 343, 344.
Anti-A,B Blood Grouping Serum—113, 139, 140, 156, 157, 158, 164, 165, 179, 184, 289, 295, 344.
Absorbed Anti-A Serum—113, 139, 140, 155, 156, 157, 158, 159, 163, 164, 165, 179, 184.
Group AB Serum (Human)—140, 184.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D)—14, 17, 113, 139, 140, 155, 156, 157, 158, 159, 161, 163, 164, 165, 166, 167, 168, 179, 181, 184, 185, 187, 232, 235, 289, 295, 344.
Anti-Rh$_o$' (Anti-CD)—14, 17, 113, 139, 140, 155, 156, 157, 158, 159, 161, 163, 164, 165, 166, 167, 179, 184, 185, 187, 232, 257, 295.
Anti-Rh$_o$'' (Anti-DE)—113, 139, 140, 155, 156, 157, 158, 163, 164, 165, 179, 184.
Anti-Rh$_o$ rh' rh'' (Anti-CDE)—113, 139, 140, 156, 157, 158, 161, 164, 165, 179, 184, 187, 295, 344.
Anti-rh' (Anti-C)—113, 139, 140, 155, 156, 157, 158, 159, 161, 163, 164, 165, 167, 179, 184, 185, 295.
Anti-rh'' (Anti-E)—113, 139, 140, 155, 156, 157, 158, 159, 161, 163, 164, 165, 166, 167, 179, 184, 185, 295.
Anti-hr' (Anti-c)—113, 139, 140, 155, 156, 157, 158, 159, 164, 165, 166, 167, 179, 184, 185, 232, 295.
Anti-hr'' (Anti-e)—139, 140, 155, 156, 157, 159, 164, 165, 166, 179, 295.
Anti-hr^v (Anti-V)—164.
Anti-rh^w (Anti-C^w)—140, 156, 157, 159, 164.
Anti-Rh$_o$+Rh$_o$ (Anti-D+D^u)—159.
Anti-Di^a Serum (Anti-Diego)—164.
Anti-Fy^a Serum (Anti-Duffy)—155, 156, 157, 159, 164, 179, 280, 295.
Anti-Gr (V$_w$) Serum—159.
Anti-Jk^a Serum (Anti-Kidd)—164.
Anti-Jk^b Serum—164.
Anti-k Serum (Anti-Cellano)—155, 156, 157, 164, 179.
Anti-K Serum (Anti-Kell)—113, 139, 140, 155, 156, 157, 159, 164, 165, 166, 179, 280, 289, 295.
Anti-Kp^a Serum (Anti-Penney)—159, 164.
Anti-Kp^b Serum (Anti-Rautenberg)—164.
Anti-Kp^b and Anti-K Serums (Anti-Rautenberg and Anti-Kell)—159.
Anti-rh^w and Anti-K Serum (Anti-(C^w+Kell))—155.
Anti-Le^a Serum (Anti-Lewis)—140, 159, 164.
Anti-Le^b Serum—159.
Anti-M Serum—113, 139, 140, 155, 156, 157, 159, 164, 168, 179, 184.
Anti-M^s Serum—159.
Anti-N Serum—113, 139, 140, 155, 156, 157, 168, 179, 184.
Anti-P Serum—156, 157, 159, 164.
Anti-S Serum—156, 157, 164.
Anti-s Serum—159, 164.
Anti-Wr^a Serum (Anti-Wright)—159.
Anti-Human Chorionic Gonadotropic Serum—156.
Anti-Human Serum—14, 17, 113, 139, 140, 155, 156, 157, 158, 159, 161, 164, 165, 167, 168, 179, 181, 184, 187, 232, 257, 279, 280, 289, 295, 303, 307, 344.
Anti-Human Precipitin Serum—140, 155, 157, 184.
Haemophilus influenzae Typing Serum—140.
Anti-Influenza Virus Serum for the Hemagglutination Inhibition Test—1.
Influenza Virus Hemagglutinating Antigen—1.
Pneumococcus Typing Serum—99.
Reagent Red Blood Cells (Human)—164.

Miscellaneous

Allergenic Extracts—1, 3, 8, 17, 30, 43, 56, 84, 91, 103, 105, 107, 119, 147, 152, 193, 292, 306, 308, 331, 334.
Antivenin (*Latrodectus mactans*)—2.
Antivenin (Crotalidae) Polyvalent—3.
Antivenin, Scorpion—176.
Blood Group Specific Substance A—113, 164.
Blood Group Specific Substance B—113, 164.
Blood Group Specific Substances A and B—2, 113.
Cobra Venom Solution—125.
Cobra Venom with Silicic and Formic Acids—125.
Oxophenarsine Hydrochloride—1.
Poison Ivy Extract—1, 2, 3, 8, 30, 91, 102, 119.
Poison Ivy Extract Alum Precipitated—119, 311.
Poison Ivy-Poison Oak Extracts Combined—30, 110.
Poison Ivy-Oak-Sumac Extracts Combined—3, 119.
Poison Oak Extract—3, 8, 30, 91, 102.
Poison Sumac Extract—119.
Reagent Blood Group Specific Substances A and B—179.
Russell Viper Venom—129.
Streptokinase—325.
Streptokinase - Streptodornase — 17, 97, 129.
Tincture Poison Ivy—102, 174.
Trichinella Extract—17.

Part III. Licensed Establishments Arranged Alphabetically

A. Domestic Establishments

	United States license No.
Abbott Laboratories, North Chicago, Ill	43
Allergy Laboratories, Oklahoma City, Okla	103
American National Red Cross, Washington, D.C	190
Arlington Hospital Blood Bank, Arlington, Va	310
Armour Pharmaceutical Co., Chicago, Ill., Kankakee, Ill	149
Aurora Blood Bank and Donors Society, Aurora, Ill	222
Barry Laboratories, Inc., Detroit, Mich	119
Belle Bonfils Memorial Blood Bank, Denver, Colo	166

A. Domestic Establishments—Continued

	United States license No.
Bender Laboratory Blood Bank, Albany, N.Y	229
Bergen Community Blood Bank, Paramus, N.J	274
Berkeley Biologicals, Berkeley, Calif	334
Beverly Blood Center, Inc., Chicago, Ill	269
Blood and Plasma Bank—New York University-Bellevue Medical Center, New York, N.Y	162
Blood Bank of The Bryn Mawr Hospital, Bryn Mawr, Pa	266
Blood Bank Foundation, Nashville, Tenn	165
Blood Bank of Hawaii, Honolulu, Hawaii	199
Blood Bank, N.C. Memorial Hospital, University of North Carolina, Chapel Hill, N.C	314
Blood Bank of the Alameda-Contra Costa Medical Association, Oakland, Calif	191
Blood Bank of St. Luke's Hospital (Duluth), Duluth, Minn	267
Blood Bank of San Bernardino and Riverside Counties, Inc., San Bernardino, Calif	226
Blood Bank of the Washington Hospital Center, Washington, D.C	213
Blood Grouping Laboratory, Washington, D.C	215
Blood Grouping Laboratory of Boston, Inc., Boston, Mass	159
Blood Transfusion Association, New York, N.Y	161
Broome County Blood Center, Binghamton, N.Y	220
Brooklyn Donor Center, Inc., Brooklyn, N.Y	278
Cappel Laboratories, Inc., West Chester, Pa	307
C. F. Kirk Laboratories, Inc., New York, N.Y	105
California Transfusion Service, Los Angeles, Calif	178
Center Laboratories, Port Washington, N.Y	193
Central Blood Bank, Inc., South Bend, Ind	248
Central Blood Bank of Pittsburgh, Pittsburgh, Pa	234
Central Blood Service, Inc., Baltimore, Md	333
Central California Blood Bank, Fresno, Calif	315
Central Florida Blood Bank, Incorporated, Orlando, Fla	227
Certified Blood Donor Service, Inc., Jamaica, N.Y	157
Charleroi-Monessen Hospital, North Charleroi, Pa	342
Chas. Pfizer & Co., Inc., New York, N.Y., Terre Haute, Ind	297
Chek-Lab, Inc., Chicago, Ill	257
Chicago Blood Donor Service, Inc., Chicago, Ill	169
Chicago Wesley Memorial Hospital Blood Bank, Chicago, Ill	318
Clark-West Division, Syntex Laboratories, Inc., New York, N.Y	311
Cleveland Biologicals, Inc., Cleveland, Ohio	301
Community Blood Bank, Norton, Va	263

A. Domestic Establishments—Continued

	United States license No.
Community Blood Bank and Serum Service, Hoboken, N.J	295
Community Blood and Plasma Service, Inc., Birmingham, Ala., and New York, N.Y	224
Community Blood and Plasma Service, Inc., of Texas, Houston, Tex	241
Community Blood Bank of the Kansas City Area, Inc., Kansas City, Mo	302
Community Memorial General Hospital, La Grange, Ill	277
Courtland Laboratories, Los Angeles, Calif	171
Cutter Laboratories, Berkeley, Calif	8
Dade Reagents, Inc., Miami, Fla	179
Delmont Laboratories, Inc, Swarthmore, Pa	299
Delta Biochemicals, Inc., San Antonio, Tex	303
Delta Blood Bank, Stockton, Calif	288
Detroit Blood Service, Inc., Detroit, Mich	252
District of Columbia General Hospital, Washington, D.C	212
Doctors Hospital Blood Bank, Washington, D.C	214
Dubuque Blood Bank Association, Dubuque, Iowa	231
Eastern Blood Bank, Jersey City, N.J	336
Edgewater Hospital Blood Bank, Chicago, Ill	286
Eli Lilly and Company, Indianapolis, Ind	56
Elizabeth General Hospital and Dispensary, Elizabeth, N.J	327
Endo Laboratories, Inc., Richmond Hill, N.Y	147
E. R. Squibb and Sons, Division of Olin Mathieson Chemical Corporation, Biological Laboratories, New Brunswick, N.J	52
Essex County Blood Bank, Inc., East Orange, N.J	221
Garden State Blood Bank, Newark, N.J	320
Gotham Pharmaceutical Company, Brooklyn, N.Y	152
Graham Laboratories, Inc., Dallas, Tex	292
Greer Drug & Chemical Corporation, Lenoir, N.C	308
Harrison County Blood Bank, Clarksburg, W. Va	339
High Titer Serum Laboratory, New York, N.Y	163
Hoffmann Laboratories, Inc., Paterson, N.J	283
Hollister-Stier Laboratories, Chicago, Ill.; Yeadon, Pa.; Spokane, Wash.; Los Angeles, Calif.; Atlanta, Ga	91
Holston Valley Community Hospital Blood Bank, Kingsport, Tenn	259
Holy Cross Hospital Research Foundation, Salt Lake City, Utah	232
Hospital Blood Service, Inc., Detroit, Mich	261
Hospital University of Pennsylvania Blood Bank, Philadelphia, Pa	289

A. Domestic Establishments—Continued

	United States license No.
Houchin Community Blood Bank, Bakersfield, Calif	239
Hyland Laborstories, Los Angeles, Calif	140
Hynson, Westcott and Dunning, Baltimore, Md	125
Illinois Department of Public Health, Bureau of Biologic Products, Division of Laboratories, Chicago, Ill	120
Institute for Applied Immunology, Chicago, Ill	319
Inter-County Blood Banks, Inc., Jamaica, N.Y	175
Interstate Blood Bank, Inc., Memphis, Tenn	173
Interstate Blood Bank, Inc., St. Louis, Mo	268
Interstate Blood Bank, Inc. of Chicago, Illinois, Chicago, Ill	305
Irwin Memorial Blood Bank of the San Francisco Medical Society, San Francisco, Calif	182
J. Daniels Laboratories, Inc., Brooklyn, N.Y	331
J. K. and Susie L. Wadley Research Institute and Blood Bank, Dallas, Tex	167
Jackson Blood Bank and Medical Laboratory, Jackson, Tenn	170
Jacksonville Blood Bank, Inc., Jacksonville, Fla	181
Jacob Blumberg Memorial Blood Bank, Inc., of the Lake County Medical Society, Waukegan, Ill	251
James Walker Memorial Hospital Blood Bank, Wilmington, N.C	326
John Elliott Blood Bank of Dade County, Inc., Miami, Fla	154
King County Central Blood Bank, Inc., Seattle, Wash	192
Knickerbocker Biologicals, Inc., New York, N.Y	164
Knoxville Blood Center, Inc., Knoxville, Tenn	254
Lane Memorial Blood Bank, Eugene, Oreg	304
Lederle Laboratories Division, American Cyanamid Co., Pearl River, N.Y	17
Lewiston-Clarkston Blood Bank, Lewiston, Idaho	298
Lloyd Brothers, Pharmacists, Inc., Cincinnati, Ohio	174
Maine Medical Center Blood Bank, Portland, Me	316
Marathon County Blood Bank, Inc., Wausau, Wis	285
Marietta Memorial Hospital, Marietta, Ohio	270
Massachusetts General Hospital Blood Bank, Boston, Mass	300
Massachusetts Public Health Biologic Laboratories, Boston, Mass	64
Maxwell Blood Bank, The Children's Memorial Hospital, Chicago, Ill	209
Medical Center, State Health Department Blood Bank, Grand Forks, N. Dak	236
Memphis Blood Center, Inc., Memphis, Tenn	240

A. DOMESTIC ESTABLISHMENTS—Continued

	United States license No.
Menolasino Laboratories, Melrose Park, Ill	279
Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point, Pa	2
Michael Reese Research Foundation, Chicago, Ill	113
Michigan Department of Health, Division of Laboratories, Lansing, Mich	99
Mid-State Blood Center, Nashville, Tenn	341
Mid-West Blood Bank and Plasma Center, Kansas City, Mo	264
Midwest Blood Service, Inc., Detroit, Mich	296
Milwaukee Blood Center, Inc., Milwaukee, Wis	187
Minneapolis War Memorial Blood Bank, Minneapolis, Minn	185
Mount Sinai Medical Research Foundation, Chicago, Ill	168
Mulford Colloid Laboratories, Philadelphia, Pa	102
Municipal Blood Bank, Inc., Kansas City, Kans	330
Myers Laboratories, Inc., Warren, Pa	135
National Blood Bank, Inc., New York, N.Y	321
National Drug Company, Division of Richardson-Merrell Inc., Philadelphia, Pa	101
New York City Department of Health, Bureau of Laboratories, New York, N.Y	14
Northern Illinois Blood Bank, Inc., Rockford, Ill	249
Nuclear Consultants Corporation, St. Louis, Mo	281
Ochsner Foundation Hospital Blood Bank, New Orleans, La	233
Oklahoma City Community Blood Bank, Inc., Oklahoma City, Okla	273
Orangeburg Regional Hospital Blood Bank, Orangeburg, S.C	340
Ortho Pharmaceutical Corporation, Raritan, N.J	156
Parke, Davis & Company, Detroit, Mich	1
Passaic Blood Bank, Inc., Passaic, N.J	293
Paterson Blood Bank, Inc., Paterson, N.J	329
Peninsula Memorial Blood Bank, Burlingame, Calif	195
Philadelphia Serum Exchange, Philadelphia, Pa	139
Pineview General Hospital Blood Bank, Valdosta, Ga	290
Pitman-Moore Company, Division of The Dow Chemical Company, Indianapolis, Ind	110
Porro Biological Laboratories, Tacoma, Wash	107
Potter County Memorial Blood Center, Inc., Amarillo, Tex	246
Providence Hospital Blood Bank, Washington, D.C	218
Purex Laboratories, Inc., Staten Island, N.Y	306
Reid Memorial Hospital Blood Bank, Richmond, Ind	322
Research Foundation and University of Illinois, Chicago, Ill	188
Rhode Island Hospital Blood Bank, Providence, R.I	284

A. DOMESTIC ESTABLISHMENTS—Continued

	United States license No.
Sacramento Medical Foundation Blood Bank, Sacramento, Calif	194
San Diego Blood Bank, San Diego, Calif	201
Sci Lab, Derby, Colo	291
Sherman Laboratories, Detroit, Mich	30
Shreveport Emergency Blood Bank, Inc., Shreveport, La	237
Sonoma County Community Blood Bank, Santa Rosa, Calif	197
Southeastern General Hospital, Inc., Lumberton, N.C	313
Southern Michigan Blood Center, Inc., Detroit, Mich	272
Southwest Blood Banks, Inc., Scottsdale, Ariz	183
Southwest Florida Blood Bank, Inc., Tampa, Fla	228
Specific Serums, Inc., Hoboken, N.J	343
Spectra Biologicals, Inc., East Brunswick, N.J	344
Spokane & Inland Empire Blood Bank, Spokane, Wash	203
St. Francis Hospital Blood Bank, Trenton, N.J	260
St. Luke's Hospital Blood Bank, Aberdeen, S. Dak	250
St. Luke's Memorial Hospital Blood Bank, Racine, Wis	271
St. Vincent Hospital Blood Bank, Erie, Pa	317
Suburban Hospital Blood Bank, Bethesda, Md	309
Tacoma-Pierce County Blood Bank, Tacoma, Wash	202
Terrell's Laboratories, Fort Worth, Tex	84
Texas State Department of Health, Austin, Tex	121
Travenol Laboratories, Inc., Morton Grove, Ill	184
Travis County Medical Society Blood Bank, Austin, Tex	244
Tri-Cities Blood Service, Inc., Johnson City, Tenn	332
Tri-Counties Blood Bank, Santa Barbara, Calif	198
Universal Blood Service, Inc., Jamaica, N.Y	335
University of Cincinnati Blood Transfusion Service, Cincinnati, Ohio	235
Upjohn Company, Kalamazoo, Mich	51
Virginia Blood Bank, Inc., Richmond, Va	204
Volk Radiochemical Company, Chicago, Ill	323
Ward Laboratories, Durham, N.C	280
Washington Blood Laboratory, Washington, D.C	158
W. E. Stewart Blood Bank, Inc., Tyler, Tex	265
Western Pennsylvania Blood Center, Inc., Pittsburgh, Pa	276
Wiener Serum Laboratory, Brooklyn, N.Y	155
Wm. S. Merrell Company, Division of Richardson-Merrell, Inc., Cincinnati, U.S.A., Cincinnati, Ohio	111
World Blood Bank, Inc., Kansas City, Kans	312
Wyeth Laboratories, Inc., Marietta, Pa	3

B. FOREIGN ESTABLISHMENTS

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A/B Kabi, Stockholm, Sweden	325
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The Blood Plasma Corp. of Japan, Osaka, Japan	243
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Institut Pasteur, Paris, France	11
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[SEAL] RODERICK MURRAY,
Director, Division of Biologics Standards, National Institutes of Health, Public Health Service, U.S. Department of Health, Education, and Welfare.

Approved:

STEWART HUNTER,
Assistant to the Surgeon General for Information, Public Health Service, U.S. Department of Health, Education and Welfare.

[F.R. Doc. 62-5587; Filed, June 7, 1962; 8:48 a.m.]

Food and Drug Administration

SODIUM 2,2-DICHLOROPROPIONATE

Notice of Establishment of Temporary Tolerance

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and in accordance with authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (§ 120.31(c), (d)), notice is given that at the request of The Dow Chemical Company, Midland, Michigan, temporary tolerances are established for residues of the herbicide sodium 2,2-dichloropropionate as 2,2-dichloropropionic acid in or on corn grain and corn (kernels and kernels plus cob with husk removed) at 10 parts per million, and in or on corn fodder and corn forage at 5 parts per million. Included in the conditions of granting the temporary tolerances are:

1. The herbicide will not be marketed for use in the production of corn for general sale, but will be supplied to qualified persons as permitted in the experimental permit issued by the U.S. Department of Agriculture for bona fide experimental use.

2. The total amount of the finished product to be used in the production of corn under this experimental program will not exceed 16,000 pounds, of which 85 prcent is sodium 2,2-dichloropropionate.

This temporary tolerance expires May 17, 1963.

Dated: May 31, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-5602; Filed, June 7, 1962; 8:51 a.m.]

SALAD DRESSING, MAYONNAISE, AND FRENCH DRESSING DEVIATING FROM IDENTITY STANDARDS

Notice of Issuance of Temporary Permit To Cover Market Testing

Pursuant to § 3.12(j) of Title 21, Code of Federal Regulations, concerning temporary permits to facilitate market testing of foods varying from the requirements of standards of identity promulgated pursuant to Section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to the National Tea Company, 1000 Crosby Street, Chicago 80, Illinois, to cover interstate marketing tests of mayonnaise, french dressing, and salad dressing each containing not more than 75 parts per million of calcium disodium ethylenediaminetetraacetate and to be labeled with the statement "Calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate) added as a preservative." This permit expires May 24, 1963.

Dated: June 1, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-5603; Filed, June 7, 1962; 8:51 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570; 1961 Rev. Supp. No. 24]

UNITED BENEFIT FIRE INSURANCE COMPANY, OMAHA, NEBR.

Termination of Authority To Qualify as Surety on Federal Bonds

Notice is hereby given that the annual certificate of authority issued by the Secretary of the Treasury on May 1, 1961, to the United Benefit Fire Insurance Company, Omaha, Nebraska, under the provisions of the Act of Congress approved July 30, 1947 (6 U.S.C. 6–13), to qualify as sole surety on recognizances, stipulations, bonds and undertakings, permitted or required by the laws of the United States, has been extended to June 30, 1962. A new annual certificate of authority will not be issued to the company and the name of the company will not, therefore, appear in the 1962 Revision of Department Circular 570.

In order that there may be a coordinated record showing the status of outstanding bonds of this company in favor of the United States, bond-approving officers are requested to examine carefully the records of their offices and report to the Surety Bonds Branch, Bureau of Accounts, Treasury Department, all outstanding bonds accepted by them and executed by United Benefit Fire Insurance Company as surety or co-surety on which the liability of the company has not terminated as of June 30, 1962.

It is also requested that the Surety Bonds Branch be advised as expeditiously as possible as to all facts, in detail, relating to any existing claim, or with respect to the occurrence of any event or the existence of any circumstance which may hereafter result in a claim against United Benefit Fire Insurance Company.

In furnishing the above information bond-approving officers will please give the name of the principal on the bond, the date and penalty of the bond, and with respect to claims, the nature of the claim, the circumstances out of which it arose, and its status at the time of the report.

Bond-approving officers and other agents of the Government charged with the duty of taking bonds, recognizances, stipulations or undertakings should proceed immediately to secure new bonds, where necessary, with acceptable sureties, in lieu of bonds executed by United Benefit Fire Insurance Company.

[SEAL] J. DEWEY DAANE,
Acting Fiscal Assistant Secretary.

[F.R. Doc. 62-5604; Filed, June 7, 1962; 8:51 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

DIRECTOR FOR FEDERAL ASSISTANCE

Delegation of Authorities and Functions for Administration of the Civil Defense Programs of Contributions and of Donation of Surplus Property

References: (a) E.O. 10952, dated July 20, 1961, assigning Civil Defense responsibilities to the Secretary of Defense and others; (b) Department of Defense Organizational Statement, Assistant Secretary of Defense (Civil Defense), filed September 13, 1961 (26 F.R. 8604); (c) Civil Defense Functions Transferred to the Secretary of Defense, Interim Administration, filed August 22, 1961 (26 F.R. 7840); (d) Department of Defense Delegation of Authority for Operation of the Program for Donation of Surplus Property for Civil Defense Purposes, filed December 22, 1961 (26 F.R. 12305).

The following redelegation of authorities and functions is hereby approved:

1. Pursuant to the authorities vested in the Assistant Secretary of Defense (Civil Defense) under reference (b) hereof, there are redelegated to the Director for Federal Assistance, Office of Civil Defense, the authorities and functions necessary and proper to the effective administration of the following programs, pursuant to the Federal Civil Defense Act of 1950, as amended (hereinafter referred to as the Act):

(a) The program for the payment of travel and per diem expenses of students, under section 201(e) of the Act.

(b) The program for financial contributions for civil defense equipment, under section 201(i) of the Act.

(c) The program for financial contributions for civil defense personnel and administrative expenses, under section 205 of the Act.

The authorities and functions delegated by this paragraph 1 include, without limitation, those previously delegated the Acting Defense Representative under OCD Administrative Instruction No. 2, "Delegation of Authority to Make Contributions to the States for P & A Expenses," and under paragraph (f) "of Sec. 22 of Attachment A to reference (c)" of reference (c) hereof, which specific delegations are hereby revoked. The authorities and functions delegated by this paragraph 1. also include, without limitation, the authority to withhold payment as authorized by section 401(h) of the Act.

2. Pursuant to the authorities vested in the Assistant Secretary of Defense (Civil Defense) under reference (b) hereof, there are redelegated to the Director for Federal Assistance, Office of Civil Defense, the authorities and functions necessary and proper to the effective administration of the program for the donation of surplus property for civil defense purposes, under sections 203(j), (k) and (n) of the Federal Property and Administrative Services Act of 1949, as amended. The authorities and functions delegated by this paragraph 2. are in addition to those previously delegated the Director for Federal Assistance under reference (d) hereof, and shall be interpreted consonant with the delegation to the respective Regional Directors contained therein.

3. The authorities and functions herein delegated include, without limitation, the issuing of rules and regulations, and amendments thereto, under the imprinted signature of the Assistant Secretary of Defense (Civil Defense) and the issuing of manuals and other administrative directives and amendments thereto.

4. The authorities and functions herein delegated include, without limitation, the disposition of matters of compliance and of appeal. Determinations of appeals from decisions of Regional Directors shall be issued under the imprinted signature of the Assistant Secretary of Defense (Civil Defense).

5. The authorities and functions herein delegated shall be exercised consonant with all delegations to the respective Regional Directors as currently or hereafter in effect.

6. The authorities and functions herein delegated shall be exercised under the direction, authority and control of the Secretary of Defense and the Assistant Secretary of Defense (Civil Defense).

7. The authorities and functions herein delegated cannot be redelegated. However, without being relieved of his

responsibility therefor, the Director for Federal Assistance is authorized to exercise and perform any of his authorities and functions through such personnel in his office as he may designate.

8. This delegation of authorities and functions is effective immediately.

Dated: June 2, 1962.

STEUART L. PITTMAN,
Assistant Secretary of Defense,
(Civil Defense).

[F.R. Doc. 62-5586; Filed, June 7, 1962; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-147]

NORTH AMERICAN AVIATION, INC.

Notice of Issuance of Amended Utilization Facility License

Please take notice that no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on April 27, 1962, 27 F.R. 4036, the Atomic Energy Commission has issued Amendment No. 2 to Utilization Facility License No. CX-17, which authorizes North American Aviation, Incorporated, to operate its separable-half type critical experiment facility located in Ventura County, California.

Dated at Germantown, Md., this 28th day of May 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-5554; Filed, June 7, 1962; 8:45 a.m.]

[Docket No. 50-148]

UNIVERSITY OF KANSAS

Notice of Issuance of Amendment to Utilization Facility License

Please take notice that the Atomic Energy Commission has issued Amendment No. 2, set forth below, to Facility License No. R-78. The license authorizes The University of Kansas to possess and operate its nuclear reactor which is located on the University's campus in Lawrence, Kansas. Pursuant to the University's applications for amendment dated September 18, 1961, November 16, 1961, November 29, 1961, December 12, 1961, and January 25, 1962, this amendment authorizes The University of Kansas (1) to replace all existing poison rods in their nuclear reactor with control rods of a design described in the above applications; (2) to increase the allowable excess reactivity to 0.94 per cent delta k/k when no fixed experiments are in or near the core; and (3) to form a new "Committee on Radiation Sources" to replace the "University Committee on Radioactive Substances".

The Commission has found that:

(1) Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

(3) Prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license, as amended, will not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operation.

Within not less than fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's Regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment see (1) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) the licensee's applications for license amendment dated September 18, 1961, November 16, 1961, November 29, 1961, December 12, 1961, and January 25, 1962, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 28th day of May 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-78; Amdt. No. 2]

License No. R-78, as amended, which authorizes The University of Kansas to possess and operate the nuclear reactor located on its campus in Lawrence, Kansas, is hereby further amended as follows:

1. The University of Kansas is authorized to replace all existing poison rods in their nuclear reactor with control rods of a design described in their applications for amendment dated November 16, 1961, November 29, 1961, December 12, 1961, and January 25, 1962.

2. The University of Kansas is authorized to form a new "Committee on Radiation Sources" to replace the "University Committee on Radioactive Substances". The new Committee, whose organization and functions are described in the University's submittals dated May 16, 1961, September 18, 1961, and November 16, 1961, is responsible for insuring that the University satisfies the licensing requirements and radiation protection standards of the U.S. Atomic Energy Commission and the State of Kansas and for safeguarding personnel, installations and the general community from hazards arising from work employing radioactive substances and other sources of high energy radiation and particles.

3. The University of Kansas shall submit a report to the Commission on the measurements of width, thickness, bow, twist and channel clearance of each control rod, made prior to and immediately after installation of the new control rods and a report on similar measurements which will be taken approximately 90 days or 1500 kw-hrs. after criticality is achieved with the proposed control rods.

4. Paragraph 1. of License No. R-78, as amended, is hereby amended to read as follows:

1. This license applies to the light water-moderated and -cooled pool-type nuclear reactor (hereinafter referred to as "the reactor") which is owned by The University of Kansas and located on the University's campus in Lawrence, Kansas, and described in the University's application for license dated August 5, 1959, and amendments thereto dated November 23, 1960, January 25, 1961, January 30, 1961, April 6, 1961, May 16, 1961, September 18, 1961 (letter from W. J. Argersinger to J. R. Mason) November 16, 1961, November 29, 1961, December 12, 1961, and January 25, 1962, (hereinafter collectively referred to as "the application") and authorized for construction by Construction Permit No. CPRR-52 issued to The University of Kansas on April 7, 1960.

5. Paragraph 4.C. of License No. R-78, as amended, is hereby amended to read as follows:

4.C. Exclusive of the reactivity worth of any fixed experiments, the reactor shall be loaded to no more than 0.94 percent delta k/k excess reactivity.

Date of issuance: May 28, 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-5555; Filed, June 7, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 12548 etc.; Order No. E-18401]

AAXICO AIRLINES, INC., AND WORLD AIRWAYS, INC.

Applications for Exemptions To Provide Certain Military Transportation Services

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of June 1962.

In the matter of applications by AAXICO Airlines, Inc., Docket 12548, World Airways, Inc., Dockets 12557, 12958; for exemptions to provide certain military transportation services.

By Order E-17462, September 15, 1961, the Board, inter alia, granted AAXICO Airlines, Inc. (Docket 12548) and World Airways, Inc. (Dockets 12557 and 12958) exemptions from sections 401 and 403 of the Federal Aviation Act of 1958 to perform certain cargo transportation services (Logair) between various military installations in this country during fiscal year 1962 under contract to the Military Air Transport Service. These exemptions were subject to the proviso that the rate of compensation be no less than $1.44 per aircraft statute mile flown (course flown basis) with DC-6A aircraft.

AAXICO and World have petitioned for reconsideration of the DC-6A minimum rate and have requested establishment of a minimum rate of $1.55 per mile flown. These carriers have also filed three motions for leave to submit additional materials in support of their petitions for reconsideration and a motion for oral argument. Riddle Airlines, Inc., has filed an answer opposing in part the petition filed January 23, 1962. Zantop Air Transport, Inc., has filed a petition for leave to intervene in these proceedings.

The material which AAXICO and World seek leave to submit to supplement their petitions for reconsideration appear pertinent to the matters before us. These motions will be granted.

AAXICO, and World jointly request that the Board hear oral argument in this matter "* * * so that the Board may determine to what extent, if any, the Board wishes to foster the aircraft modernization program by the establishment of minimum rates for military contract air transportation. Conversely, the Board cannot make a proper determination in this proceeding by relying entirely on statistical data or, indeed, strict adherence to normal rate-making practices." We see no need for oral argument. Neither do we know of any considerations or information which the carriers could present at oral argument which have not been covered by the lengthy series of pleadings already on file. The Board is fully aware of the need for aircraft modernization in the interest of national defense and the relation thereto of fair and reasonable rates for military airlift services performed. This motion will be denied.

The principal thrust of the petitions for reconsideration goes to the depreciation basis for the DC-6A aircraft used in these Logair services. The carriers' forecasts of operating expenses submitted in connection with the determination of the minimum rate now under reconsideration reflected a three-year service life with no residual value in the case of AAXICO and a three-year life with 10 percent residual for World. The Board, however, employed a five-year depreciation life and a 15 percent residual value.

The essence of the carriers' case is that the outlook for future use of the DC-6A is so limited that these aircraft should be written off either fully or to 10 percent of original cost by June 30, 1964. World and AAXICO also argue that the reduction of the interim Logair rate of $1.55 per aircraft mile results in inadequate earnings thereby imperiling the aircraft modernization program.

World and AAXICO contend that there is no foreseeable commercial market in which they could dispose of their DC-6A's at such time as those aircraft are phased out of the Logair operations. By the same token, they argue that the DC-6A usefulness is limited to a portion of the domestic Logair services for a maximum of three years, one of which is almost over. Although the DC-6A aircraft are today in limited use in MATS overseas services, this is said to be due to CL-44 integration problems and that the use of the DC-6A will terminate by the end of fiscal year 1962. In support of some of these contentions, World and AAXICO have submitted statements furnished them by three consulting firms.[1] All three consultants state their belief that the market for the DC-6A will be extremely limited in the future, that this will result in very low market prices and that the aircraft now owned by AAXICO and World will depreciate in value very rapidly. They recommend that the carriers employ a rapid rate of depreciation. In addition, World also cites its purchase of a DC-6A in November 1961 for $475,000 as evidence of a sharp decline in market values of this type of aircraft since the spring of 1961 when it purchased several of the aircraft it now uses in the Logair service at an average price of $700,000 per ship.

AAXICO and World also argue that the three-year depreciation period they propose is in line with historic industry practice as regards the depreciation of that type of aircraft. They purport to support this contention with data showing that most DC-6 aircraft of all types are today full depreciated. The carriers also note the Administration's reported intention to liberalize tax depreciation policies aimed at modernization of plant and factories in support of their contention for a short depreciation life on the DC-6A for rate purposes.

The determination of a depreciation policy for rate purposes is a judgment matter since no one can predict with certainty the future useful life of an aircraft or the price at which it can be disposed of. The Board has traditionally used a seven-year depreciation life and 15 percent residual value for the DC-6 types of aircraft for rate-making purposes. This policy was developed and applied for the most part in the earlier years of use of the DC-6's. The industry has likewise generally followed that policy.[2]

There is little question, however, that all aircraft reach a point of declining life expectancy and shorter depreciation lives are then warranted. It was on this theory that we adopted a five-year life in connection with the establishment of the "final" Logair minimum rates. We do not accept the carriers' contention, however, that their DC-6A's will be without any possible further use and virtually valueless in another two years. Insofar as the Logair services are concerned the Board is not aware that a replacement for the DC-6A is even under serious consideration. In addition, there are indications of continuing interest in these aircraft. In the first nine months of 1961, 32 DC-6 aircraft of all types, excluding the AAXICO and World aircraft, were sold by U.S. air carriers to various purchasers around the world at prices averaging $478,000 per aircraft. The current level of rentals commanded by DC-6 type aircraft, ranging from $20,000 to $30,000 per month, suggests that productive use can still be made of these aircraft. Finally, Federal Aviation Agency records indicate that 43 such aircraft were owned by private corporations and individuals as of July 1, 1961.

We have also reviewed the depreciation status of all DC-6 aircraft owned by U.S. air carriers. As of November 31, 1961, these carriers owned 260 DC-6 aircraft of all types. Of that total, 165 were depreciated to residual value by last December 31, and the remaining 83[3] will be depreciated to residual value in the next four years, that is by the end of 1965. Twenty-three of those will not reach a fully depreciated status until 1965.

On the basis of our further consideration of this matter, the Board is of the view that an adjustment in the Logair rates to reflect a somewhat shorter service life is indicated. The Board has traditionally applied conservative depreciation policies for regulatory purposes in the interest of minimizing the possibility of capital losses on disposition of aircraft and assisting in the development and acquisition of modern aircraft types. In line with this policy and on the basis of the facts and considerations now before us, we conclude that it would be more appropriate to permit a more rapid write-off of these aircraft for rate-making purposes. We believe that a total depreciation period of four years, which involves about three years from the present time, is the shortest reasonable period for such purpose. A four-year service life would extend only one year beyond the termination of the present Logair contracts and would result in those aircraft becoming fully depreciated in the same year (1965) as the last group of DC-6's owned by other U.S. carriers. The 15 percent residual equates to about $115,000 per aircraft which is closely in line with the average residual value of the 165 DC-6's now fully depreciated and is moderately below the average residual value of the 83 DC-6's which will reach a fully depreciated status in the next three years. Our further review of the 15 percent residual value convinces us that no modification is warranted. Accordingly, we conclude that the DC-6A minimum rate should be increased to $1.485 per statute mile flown to reflect

[1] Frederick B. Ayer & Associates, William C. Wold Associates, and Systems Analysis and Research Corporation.

[2] Notwithstanding World's and AAXICO's statement that a three-year life is standard, as of December 31, 1961, 13 U.S. carriers, other than AAXICO, World and Zantop, owned 83 DC-6 type aircraft still subject to depreciation. Only three carriers involving six aircraft are using a three-year or shorter service life. The others all use four, five, or seven-year lives.

[3] Exclusive of the 12 aircraft owned by AAXICO and World.

the shorter service life found warranted herein.[4] We are satisfied that such rate level will afford these carriers an opportunity to achieve fair and reasonable earnings which, in turn, will foster the acquisition of more modern and efficient aircraft types.[5]

The current-year Logair contracts provide in essence that rate modifications would be retroactive to the beginning of operations unless precluded by the Board. The "final" rates announced last September were permitted to be effective retroactively, i.e., from July 1, 1961. Consistent with our action at that time, we find no basis to preclude such application. As noted in our earlier order in this matter, the Board is dealing with rates established by contract pursuant to exemption from the tariff provisions of the statute rather than tariff rates. Our action rests on the contractual situation here presented. By the same token, our determination in this regard should not be construed as an endorsement of retroactive rate revisions in general. On the contrary, the Board adheres to the view that retroactive rate adjustments should be avoided under ordinary circumstances. On the basis of these considerations, the Board has decided to amend the minimum rate provisions in connection with the exemption authority granted by Order E–17462 to AAXICO and World to perform their respective Logair services during the fiscal year ending June 30, 1962. In addition, with respect to the minimum rates for application to transportation by DC–6A aircraft on and after July 1, 1962, for the reasons stated herein, the Board does not intend to grant future exemptions from the provisions of the Act to permit performance of Logair contracts at a rate of less than $1.485 per mile flown for such aircraft.

Zantop's petition to intervene appears to presume some further procedings in this matter after disposition of the instant petitions for reconsideration.[6] However, we anticipate this order will close the matter. In any event, the considerations and information submitted by Zantop have been taken into consideration in our resolution of the entire matter. Therefore, we see no useful purpose in permitting Zantop's intervention.

Accordingly, pursuant to the provisions of the Federal Aviation Act of 1958, particularly sections 204(a) and 416(b) thereof,

It is ordered, That:

1. The motion of World Airways, Inc. for leave to supplement petition for reconsideration and the motions of AAXICO Airlines, Inc. and World Airways, Inc. for leave to submit additional information are granted.

2. The joint motion of AAXICO Airlines, Inc. and World Airways, Inc. for oral argument herein is denied.

3. The exemptions granted to AAXICO Airlines, Inc. and World Airways, Inc. by Order E–17072, June 30, 1961, and to World Airways, Inc. by Order E–17399, September 1, 1961, and to AAXICO Airlines, Inc. and World Airways, Inc. by Order E–17462, September 15, 1961, are amended to provide that the rates of compensation be no less than $1.485 per aircraft statute mile (course flown basis) for DC–6A services.

4. Except insofar as granted herein, the petitions of AAXICO Airlines, Inc. and World Airways, Inc. for reconsideration of Order E–17462 are denied.

5. The petition of Zantop Air Transport, Inc. for leave to intervene in Dockets 12548, 12557 and 12958 is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62–5605; Filed, June 7, 1962; 8:51 a.m.]

[Docket 13284]

AMERICAN AIRLINES SERVICE TO MIDLAND-ODESSA CASE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on July 10, 1962, at 10:00 a.m. (local time) in the First National Room, First National Bank Building, Wall and Colorado Streets, Midland, Texas, before the undersigned Examiner.

Dated at Washington, D.C., June 5, 1962.

[SEAL] THOMAS L. WRENN, *Associate Chief Examiner.*

[F.R. Doc. 62–5606; Filed, June 7, 1962; 8:51 a.m.]

[Docket 12446]

CITY MESSENGER SERVICE OF HOLLYWOOD, INC., d/b/a CITY MESSENGER AIR EXPRESS AND/OR C.M.A.X.; ENFORCEMENT PROCEEDING

Notice of Reassignment of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is reassigned to be held before the undersigned Examiner on July 16, 1962, at 10:00 a.m. (Pacific daylight saving time) in Room 256, U.S. Post Office and Court House Building, 312 North Spring Street, Los Angeles, California.

Dated at Washington, D.C., June 5, 1962.

[SEAL] RICHARD A. WALSH, *Hearing Examiner.*

[F.R. Doc. 62–5607; Filed, June 7, 1962; 8:52 a.m.]

[Docket 13564; Order No. E–18400]

SOUTHERN AIRWAYS, INC.

"Use It or Lose It" Investigation and Route Realignment; Supplemental Order Expanding Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 4th day of June 1962.

National Airlines, Inc. (National) has submitted a petition for Reconsideration of Order E–18246 dated April 23, 1962, which instituted this proceeding, requesting that the Board include as an issue in the investigation the deletion of National's authority to serve Gulfport, Mississippi.

In support of its petition, National alleges that its authority to serve Gulfport was suspended in the Southeastern Area Case by the Board's original opinion in that case, Order No. E–14754, adopted December 18, 1959; that its suspension at Gulfport is for the period during which Southern Airways, Inc. (Southern) is authorized to serve Gulfport as an intermediate point between Mobile, Alabama and New Orleans, Louisiana, on Segment 4; that the instant investigation, among other things, includes issues of termination of Southern's Segment 4, in whole or in part, and of possible consolidation of part of Segment 4, (including Gulfport) with Segment 3, now permanently certificated on Southern's route; and that termination of Southern's authority for Segment 4 would technically terminate National's authority to suspend service at Gulfport, even though Southern may be authorized to serve this point on Segment 3.

Southern, on May 7, 1962, filed an Answer in Support of National's petition for reconsideration. No answers in opposition have been filed.

Upon consideration of the matters submitted by National in its petition for reconsideration, we find it appropriate to consolidate in this proceeding the issue of the deletion of authority to serve Gulfport from National's certificate for route 39, and that the inclusion of such an issue will not unduly expand the scope of the proceeding.

Accordingly it is ordered,

1. That the investigation in Docket 13564 be and it hereby is expanded to include the issue of the deletion of National's authority to serve Gulfport, Mississippi, from its certificate for route 39; and

[4] The revised depreciation basis produces an allowable depreciation cost per mile of 23.25 cents and 21.57 cents for AAXICO and World, respectively. The amounts are 4.54 cents and 4.24 cents, respectively, greater than the depreciation elements considered in determining the $1.44 minimum rate. On the basis thereof, we have concluded that the minimum rate for DC–6A Logair services should be increased by 4.5 cents per mile.

[5] To the extent that the carriers elect to utilize more rapid depreciation rates on their books and thereby reduce current reported profits from operations, this is a matter within the carriers' managerial discretion for which the Board can accept no responsibility.

[6] Zantop, in addition to supporting World and AAXICO with respect to depreciation, also contends that the operation it was awarded is more costly than anticipated because it was awarded only one-half of the operation on which it bid and that this reduces aircraft utilization and increases depreciation and other costs.

2. That a copy of this order be served on all persons made parties to this proceeding by Order E–18246; and

3. That a copy of this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62–5608; Filed, June 7, 1962; 8:52 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 999]

AMERICAN GREAT LAKES–MEDITERRANEAN EASTBOUND FREIGHT CONFERENCE; SURCHARGE ON SHIPMENTS FROM BUFFALO, NEW YORK

Order To Show Cause

On June 5, 1962, the Federal Maritime Commission entered the following order:

In April 1962, the American Great Lakes-Mediterranean Eastbound Freight Conference filed with this Commission an amendment to its Freight Tariff No. 4 entitled Correction No. 423, which provides as follows:

Surcharge on Shipments from Buffalo, New York. Effective June 1, 1962, 10 percent surcharge is established on all rates and charges on shipments from Buffalo, New York.

On May 31, 1962, the Honorable Nelson A. Rockefeller, Governor of the State of New York, under the authority provided by section 16 First of the Shipping Act, 1916 (46 U.S.C. 815), filed a protest and petition with the Commission alleging that: (1) The 10 percent surcharge to be imposed on all rates and charges on shipments from Buffalo, New York, unjustly discriminates against the State of New York in violation of section 16, Shipping Act, 1916, in that a surcharge against any single port creates undue and unreasonable prejudice against that port and preference to other ports, and (2) the determination by this steamship conference and its members to impose a surcharge on shipments from Buffalo, New York, as set forth in the aforementioned Correction No. 423 is discriminatory in violation of section 17, Shipping Act, 1916 (46 U.S.C. 816).

Now, therefore, it is ordered, Pursuant to section 16, First, Shipping Act, 1916, that the American Great Lakes-Mediterranean Eastbound Freight Conference and its member lines including:

American Export Lines, Inc.
(Concordia Line—Great Lakes Service) Joint Service of:
Concordia Line A/S
Fred Olsen & Co.
Britain Steamship Company, Ltd. (Watts Watts Line)
Compagnie de Navigation Fraissinet et Cyprien Fabre
Kulukundis Lines, Ltd. (Crescent Line)
(Montship-Capo Great Lakes Service) Joint Service of:
Montship Lines Limited
Gestioni Beerenio Navi—G.E.N.
Hellenic Lines, Limited
Orient Mid-East Lines
(Niagara Line) Joint Service of:
Oranje Lijn (Maatschappij Zeetransport) N.V.
Aktieselskapet Lukasfjell
Aktieselskapet Dovrefjell
Aktieselskapet Falkefjell
Aktieselskapet Rudolph
(Nedlloyd Line) Joint Service of:
N.V. Stoomvaart Maatschappij "Nederland"
Koninklijke Rotterdamsche Lloyd N.V.

are hereby named respondents in this proceeding and are ordered to show cause why said surcharge should not be set aside.

It is further ordered, That a public hearing be held before an examiner of the Commission's Office of Hearing Examiners at a date and place to be determined and announced by the Chief Examiner in accordance with this order to receive evidence in this proceeding to provide an adequate record for proper disposition of the issues and an initial decision shall be issued.

It is further ordered, That respondents shall file an answer to the Protest and Petition of the Governor of the State of New York on or before June 18, 1962. The hearing shall be commenced as soon thereafter as possible and the Examiner shall issue an initial decision at the earliest practicable date, in no event later than September 18, 1962. Exceptions to the Examiner's initial decision shall be filed 10 days after the date of service thereof with replies to exceptions to be filed within 10 days thereafter.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 62–5611; Filed, June 7, 1962; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–5471, G–11982, G–17218 and G–19064]

ALABAMA-TENNESSEE NATURAL GAS CO.

Order Setting Oral Argument, Providing for Participation of Amici Curiae and for Filing of Briefs

JUNE 1, 1962.

Among other matters, there is in issue in these rate proceedings the question of the treatment of liberalized depreciation deductions in the computation of income taxes to be allowed Alabama-Tennessee Natural Gas Company for rate-making purposes. The existing precedent as set out in Opinion No. 326, El Paso Natural Gas Company, Docket No. G–4769, 22 FPC 260, 266–267, is to the effect that a natural-gas company will be permitted to include in its cost of service income taxes on the basis of straight line depreciation, while paying such taxes on the basis of liberalized depreciation. In opinion No. 342, Northern Natural Gas Company, et al., Docket Nos. G–19040, etc., 25 FPC 431, it is concluded that the aforementioned use of liberalized depreciation should be taken into consideration in fixing a rate of return for the pipeline company by including the amounts in the deferred income tax account resulting therefrom as part of the company's capitalization and providing for an allowance of 1.5 percent return thereon.

This Commission has indicated in a number of recent orders that it proposes to reexamine this matter.[1]

It is appropriate, in the circumstances, that we provide for oral argument in these proceedings on the question of the treatment for rate-making purposes to be accorded the use of liberalized depreciation deductions by a pipeline company in the computation of its income taxes and of accumulated deferred taxes in the determination of rate of return.

Specifically, we desire to hear arguments directed toward the several possibilities for handling this matter, namely, use of the present procedure with rates of return at 0, 1.5, or such higher rate as may be deemed to be in the public interest, or alternatively, use of the so-called "flow-through" principle under which the reduction in taxes through the use of liberalized depreciation instead of straight-line depreciation, would be reflected in income taxes included in the pipeline's cost of service. We believe we would be aided in our consideration of this problem by the participation as amici either in the oral argument, or by the filing of written briefs, by any person, company, association or governmental authorities having an interest in the problem. In order, however, to keep the proceeding within manageable bounds we shall direct all such persons to state the position which they wish to advocate in their requests for participation, and we reserve the right to specify by subsequent order that persons taking the same position file joint briefs or designate a single member of their group to present the oral argument.

The Commission orders:

(A) Oral argument before the Commission on the issue of the treatment to be accorded for rate-making purposes of liberalized depreciation deductions under section 167 of the Internal Revenue Code used by a pipeline company in the computation of its income taxes and of accumulated deferred taxes in the determination of the rate of return and the alternatives specifically set forth above, shall be held on July 10, 1962, at 10:00 a.m., e.d.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

(B) Any person, company, association, or governmental authority having an interest in the problem shall file on or before June 14, 1962, a request to participate either as amicus in the oral argument or to file written briefs and shall, in that request, specify the position it proposes to advocate in this matter.

(C) Any parties to these proceedings who intend to participate in the oral

[1] See orders issued February 13, 1962, in Idaho Power Company, Project Nos. 18 and 503; Minnesota Power & Light Company, Project Nos. 346 and 419; Southern California Edison Company, Project Nos. 67, 120 and 382; order issued February 28, 1962, in the Matter of New England Power Company; and order issued April 2, 1962, in California Electric Power Company, Project Nos. 344, et al.

argument and any amici granted permission to present oral argument shall notify the Secretary of the Commission on or before June 29, 1962, of the time requested for presentation of such argument.

(D) Any party to these proceedings or any amici granted permission by the Commission to do so may file a written brief on the issue herein set for oral argument on or before July 3, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5568; Filed, June 7, 1962; 8:46 a.m.]

[Docket No. G-16128 etc.]

ATLANTIC REFINING CO. ET AL.

Notice of Applications and Date of Hearing

JUNE 1, 1962.

The Atlantic Refining Company, Docket No. G-16128; F. L. Randel and J. L. Randel, Docket No. G-18012; A. F. Brann, Docket No. CI61-1065; Gulf Oil Corporation, Docket No. CI62-1048; C. C. Dauchy d.b.a. Milam Drilling Company, et al., Docket No. CI62-1138; Gulf Oil Corporation, Docket No. CI62-1173.

Take notice that each of the above Applicants seeks permission and approval to abandon natural gas service pursuant to section 7(b) of the Natural Gas Act as hereinafter described, all as more fully described in the respective applications which are on file with the Commission and open to public inspection.

In each case the application states that the volume of gas available for delivery under the contract involved has declined to the point where it is no longer economically feasible to continue the operation .

The pertinent facts in each application are as follows:

Docket No. Location, Purchaser, and Docket No. in Which Sale Was Authorized

G-16128; Indian Lake Field, Madison Parish, Louisiana; United Fuel Gas Company; G-8719.

G-18012; Indian Lake Field, Madison Parish, Louisiana; United Fuel Gas Company; G-8753.

CI61-1065; Liggett Unit, Camrick Southeast Field, Texas County, Oklahoma; Natural Gas Pipeline Company of America; G-11153.

CI62-1048; Stone "C" Unit No. 1, Barber County, Kansas; Cities Service Gas Company; G-13604.

CI62-1138; Borosa Field, Starr County, Texas; Coastal Transmission Corporation; G-10952, G-10953.

CI62-1173; New Ulm Field, Austin County, Texas; Gulf Oil Corporation; G-7140.

In each case the respective Applicant has filed a notice of cancellation of its related FPC Gas Rate Schedule.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 3, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2), of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 22, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5569; Filed June 7, 1962; 8:46 a.m.]

[Docket No. CP62-218]

EASTERN SHORE NATURAL GAS CO.

Notice of Application and Date of Hearing

JUNE 1, 1962.

Take notice that on March 27, 1962, Eastern Shore Natural Gas Company (Applicant), 120 East Main Street, Salisbury, Maryland, filed in Docket No. CP62-218 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a 2-inch lateral line from Applicant's existing 6-inch transmission pipeline in Kent County, Delaware, together with a meter station, in order to deliver natural gas on a firm basis to the Killen Grain Company (Killen) for use in the latter's new plant near Harrington, Delaware, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application shows that Applicant will tap its existing transmission line south of Harrington and construct a 960 foot extension, including necessary metering facilities. Maximum daily deliveries to Killen are estimated to be 80 Mcf; annual deliveries are estimated to be 5,000 Mcf.

Killen will use the natural gas as a fuel in the operation of a grain dryer. The application shows that natural gas will be the most economic fuel for the subject operation.

Applicant and Killen have entered into a contract, dated March 15, 1962, providing for the sale to Killen.

The delivery and sale of gas will be made as part of Applicant's existing contract demand with its sole supplier, Transcontinental Gas Pipe Line Corporation.

The cost of the proposed construction is estimated to be $4,100.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 5, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 25, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5570; Filed, June 7, 1962; 8:46 a.m.]

[Docket No. CP62-241]

UNITED FUEL GAS CO.

Notice of Application and Date of Hearing

JUNE 1, 1962.

Take notice that on April 17, 1962, United Fuel Gas Company (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia, filed in Docket No. CP62-241 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of an 1,100 horsepower compressor unit at its Glenville Compressor Station, Gilmer County, West Virginia, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application shows that the proposed compressor unit will be used as a standby unit for the older existing compressors at the Glenville Station, three of which are 1,350 horsepower compressor units, placed in operation in 1909, and one of which is a 1,000 horsepower compressor unit placed in operation in 1926.

Applicant states that, based on its latest estimates of gas requirements, it has now reached total utilization of its existing equipment at the Glenville Station and proposes the additional unit to assure continuity of service to an existing wholesale customer, The Manufacturers Light and Heat Company. Applicant states further that the difficulty in obtaining replacement parts for its older equipment has substantially lengthened the time for normal maintenance and replacement operations, and that it is, therefore, essential to provide some standby compressor capacity to assure service continuity not only during periods of maximum utilization, but also during scheduled maintenance and replacement operations.

The estimated cost of the proposed facilities is $305,000, which cost will be financed by Applicant's parent, The Columbia Gas System, Inc.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 9, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 27, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5571; Filed, June 7, 1962; 8:46 a.m.]

[Docket No. CP62-247]

UNITED GAS PIPE LINE CO.

Notice of Application and Date of Hearing

JUNE 1, 1962.

Take notice that on April 26, 1962, United Gas Pipe Line Company (Applicant), 1525 Fairfield Avenue, Shreveport, Louisiana, filed in Docket No. CP62-247 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 1.97 miles of 30-inch pipeline loop, beginning at a point near milepost 245.6 on Applicant's existing Jackson Compressor Station-to-Kosciusko 30-inch pipeline and extending in a northeasterly direction to milepost 247.5 on said line, all in the Pelahatchie Creek Area of Rankin County, Mississippi, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that the Pearl River Valley Water Supply District is now in the process of building the Pearl River Reservoir which will cover a portion of Applicant's 30-inch pipeline extending from South Louisiana to Kosciusko, Mississippi. Applicant believes that a loop line should be constructed as a safety measure to assure the continued and uninterrupted flow of natural gas in the event of the necessity of making repairs on the submerged line which repairs will be difficult and time-consuming.

Applicant estimates the cost of the facilities to be $538,712, and the annual operating expenses to be $87,501. The proposed facilities would be financed from current working funds and Applicant anticipates partial reimbursement from the Pearl River Valley Water Supply District.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 5, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 25, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5572; Filed, June 7, 1962; 8:46 a.m.]

[Docket No. CP62-204]

UNITED GAS PIPE LINE CO.

Notice of Application and Date of Hearing

JUNE 1, 1962.

Take notice that on February 28, 1962, as supplemented on April 26, 1962, United Gas Pipe Line Company (Applicant), 1525 Fairfield Avenue, Shreveport, Louisiana, filed in Docket No. CP62-204 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 0.0076 mile of 2-inch pipeline, a sales meter station, and appurtenant facilities near milepost 123.2 on Applicant's Napoleonville-to-Kosciusko 30-inch pipeline in St. Helena Parish, Louisiana, for the sale of natural gas to Mississippi Gas Corporation (Mississippi) for resale and distribution in Ward 5, St. Helena Parish, Louisiana, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

The estimated gas requirements for the area to be served under the subject application are as follows:

	Mcf at 14.9 psia		
	1st year	2d year	3d year
Peak day	176	210	243
Annual	13,118	15,402	17,794

Applicant proposes to construct the subject facilities at an estimated cost of $4,961 to be financed from current working funds. The estimated cost of the distribution system to be constructed by Mississippi is $113,000.

The proposed sale will be made under Rate Schedule G-J of Applicant's FPC Gas Tariff, First Revised Volume No. 1.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 5, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Com-

mission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 25, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5573; Filed, June 7, 1962; 8:46 a.m.]

[Docket No. CP60-50]

TRANSWESTERN PIPELINE CO.

Notice of Application To Amend

JUNE 1, 1962.

Take notice that on January 8, 1962, Transwestern Pipeline Company (Applicant), P.O. Box 1502, Houston, Texas, filed in Docket No. CP60-50 an application to amend the Commission's order issued October 13, 1960, in Docket No. CP60-50, all as more fully set forth in the application on file with the Commission and open to public inspection.

The order of October 13, 1960, authorized Applicant to construct and operate approximately 7 miles of 6-inch pipeline and 18.6 miles of 4-inch pipeline in Chaves County, New Mexico, and in Pecos County, Texas, respectively, in order to receive natural gas purchased from certain producers in the Chenot Field.

Applicant actually constructed 7.4 miles of 6-inch pipeline in Chaves County and 17.8 miles of 6-inch pipeline and 4.6 miles of 4-inch pipeline in Pecos County. Applicant states herein that the changes in actual construction from that authorized were required to transport the anticipated volumes of gas without pressure drop and to connect another well in the same area. Applicant requests, therefore, that the subject order be amended so as to conform the authorization therein with the facilities as actually constructed.

Protests, requests for hearing or petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 26, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5574; Filed, June 7, 1962; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

JUNE 4, 1962.

The common stock, $1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, June 5, 1962, to June 14, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-5581; Filed, June 7, 1962; 8:47 a.m.]

UNITED STATES INFORMATION AGENCY

[Delegation of Authority No. 19E; Public Notice No. 10]

CERTAIN OFFICIALS

Delegation of Authority for Procurement Transactions

By virtue of the authority vested in me there is hereby delegated to the Chief and the Deputy Chief, Contract and Procurement Division, authority to make purchases and contracts chargeable to any allotment made to an organizational element of the United States Information Agency, and to sign and issue purchase orders, contracts, Government Bills of Lading, and certificates of awards in connection therewith. This delegation includes authority to make purchases and contracts, and determinations and decisions in connection therewith, pursuant to the provisions of Title III of Public Law 152, 81st Congress (63 Stat. 377) as amended, subject to the provisions of the delegation of authority from the Administrator of General Services Administration dated March 26, 1962, and specific limitations below. The authority hereby delegated is subject to all other applicable provisions of law, and to all instructions, regulations, and directives which are now in effect or which may be issued hereafter by the United States Information Agency, or by any other Government agency of competent jurisdiction, governing purchasing and contracting functions. The authority hereby delegated may be redelegated by the Chief, Contract and Procurement Division, to other appropriate officers of the Agency.

The Chief, Administrative Services Division, is also hereby authorized to purchase supplies, equipment, and services from the General Services Administration and to sign and issue Government Bills of Lading; and to designate in writing and delegate such authority to appropriate officers in the Administrative Services Division. Copies of such delegations will be sent to the Finance Division and to the Management Division.

Limitations. 1. No authority is delegated to make determinations or decisions specified in Public Law 152, as amended, paragraphs (12) and (13) of section 302(c). Authority to make determinations or decisions specified in paragraph (11) of section 302(c) is delegated only to the Chief, Contract and Procurement Division, and only with respect to contracts which will not require the expenditure of more than $25,000. Authority to authorize cost, cost-plus-a-fixed-fee contracts, or any other incentive-type contract, either within or outside the United States and its possessions, and to make the determinations and decisions specified in sections 304(b) and 305(c) is delegated to the Chief, Contract and Procurement Division only.

2. The Chief, Contract and Procurement Division, may, in his own discretion, impose such limitations on the authorities granted to his subordinates, as may be administratively necessary. Such limitations shall be made in writing and copies filed with the Management Division and the Finance Division.

3. The Chief, Contract and Procurement Division, may designate appropriate officers of the Agency in writing and delegate to them authority to (a) make purchases under open-end contracts chargeable to appropriate allotments of the Agency, and (b) purchase supplies and services provided no single purchase may be in excess of $2,500.

4. The Chief, Contract and Procurement Division, may designate appropriate officers of the Agency in writing and delegate to them authority to sign and issue Government Bills of Lading.

Ratifications. 1. Nothing contained herein shall affect the validity of any contractual instrument executed by duly authorized Agency contracting officials pursuant to Delegation of Authority No. 19D, dated April 27, 1959.

2. All redelegations of authority, issued pursuant to Delegation of Authority No. 19C and No. 19D, dated November 5, 1958 and April 27, 1959, respectively, remain in effect unless specifically cancelled.

This delegation of authority is effective March 26, 1962, and supersedes Delegation of Authority No. 19D, dated April 27, 1959 (59 F.R. 3665).

EDWARD R. MURROW,
Director.

[F.R. Doc. 62-5582; Filed, June 7, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 648]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 5, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64906. By order of May 31, 1962, the Transfer Board approved the transfer to Henry Hales and Roy Hales, a partnership, doing business as H & R Hales Transfer, 40 Addison Street, Hartford, Conn., of a portion of Certificate No. MC 3154, issued April 7, 1949, to Edmund Zinser, doing business as Harris Express, 41 Cedar Street, East Hartford, Conn., authorizing the transportation of Household goods as defined by the Commission, between Hartford, Conn., and points within 10 miles thereof, on the one hand, and, on the other, points in Massachusetts, Rhode Island and New York.

No. MC-FC 64925. By order of May 31, 1962, the Transfer Board approved the transfer to H. E. Edgar Moving Co., Inc., Newton, Mass., of Certificate No. MC 79657, issued June 3, 1960, to James D. Marino, doing business as H. E. Edgar Moving Co., Newton Highlands, Mass., authorizing the transportation of: Household goods, between Newton, Mass., and points within 15 miles thereof, on the one hand, and, on the other, points in Massachusetts, New Hampshire, Maine, Vermont, Rhode Island, Connecticut, New York, and New Jersey. Joseph A. Kline, 185 Devonshire Street, Boston 10, Mass., attorney for applicants.

No. MC-FC 64934. By order of May 31, 1962, the Transfer Board approved the transfer to Wayne M. Lutz, doing business as Lutz Truck Lines, St. John, Kansas, of Certificate No. MC 44057, issued February 14, 1958, to J. O. Turner and Wayne Lutz, a partnership, doing business as Turner and Lutz Truck Line, St. John, Kansas, authorizing the transportation of: Livestock, from Larned, Kans., and points within 25 miles thereof, to Kansas City, Mo., and feed and building materials, from Kansas City, Mo., to Larned, Kans., and points within 25 miles of Larned. John E. Jandera, 641 Harrison Street, Topeka, Kans., attorney for applicants.

No. MC-FC 64956. By order of May 31, 1962, the Transfer Board approved the transfer to Hershel Lewis and Noal Lewis, a partnership, doing business as Duncan Van & Storage, Duncan, Okla., of Certificate No. MC 14948 Sub 1, issued June 22, 1955, to Ross R. Gandy, Wilson, Okla., authorizing the transportation of: Household goods, between points in Carter County, Okla., on the one hand, and, on the other, points in Texas. Rufus H. Lawson, P.O. Box 5114, Oklahoma City 7, Okla., attorney for applicants.

No. MC-FC 64959. By order of May 31, 1962, the Transfer Board approved the transfer to Hyer Trucking Co., Inc., Perth Amboy, N.J., of that portion of Corrected Permit No. MC 59375, issued March 8, 1957, to Hyer P. Larsen, Anton Larsen, Petra Larsen and Marguerite Larsen, a partnership, doing business as Hyer Trucking Company, Limited, Perth Amboy, N.J., authorizing the transportation of: Felt base carpeting, asphalted, plain, painted or decorated, from Perth Amboy, N.J., to White Plains, Newburgh, and New York, N.Y., Philadelphia, Pa., and Baltimore, Md., and Roofing, roofing material and supplies, asphalt, paint, shingles, asbestos, asbestos products, felt and cement, from points in Middlesex County, N.J., to points in New Jersey, Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, and the District of Columbia, and from points in the above-named states to Perth Amboy, N.J. Bert Collins, 140 Cedar Street, New York 6, N.Y., representative for applicants.

No. MC-FC 65072. By order of May 31, 1962, the Transfer Board approved the transfer to Charles E. Morris, doing business as Morris Trucking, Philadelphia, Pa., of a portion of Certificate No. MC 15617 issued November 9, 1959, to Phil's Express, Inc., South River, N.J., authorizing the transportation of office furniture, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, Baltimore, Md., and Washington, D.C., soap, soap products, washing, cleaning, and bleaching compounds, soda ash, carbonate of soda, and laundry supplies, between Philadelphia, Pa., on the one hand, and, on the other, Providence, R.I., New Haven, Conn., Watertown, Conn., Wilmington, Del., Baltimore, Md., New Brunswick, N.J., and Washington, D.C., frozen berries, from Baltimore, Md., to New York, N.Y., groceries, from Philadelphia, Pa., and New York, N.Y., to Perryville, Havre de Grace, and Baltimore, Md., and damaged or rejected groceries, from Perryville, Havre de Grace and Baltimore, Md., to Philadelphia, Pa., and New York, N.Y. Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J., attorney for transferor. Franklin B. Blocksom, 133 Warrior Road, Drexel Hill, Pa., representative for transferee.

No. MC-FC 65076. By order of May 31, 1962, the Transfer Board approved the transfer to Darvin Erickson, Kenyon, Minn., of the operating rights in Certificate No. MC 113922, issued April 27, 1955, to Ewald Kitzman, Kenyon, Minn., authorizing the transportation, over irregular routes, of animal and poultry feed, from New Richmond, Wis., to West Concord, Minn., and points within 15 miles of West Concord. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., applicants' representative.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-5584; Filed, June 7, 1962; 8:47 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

IRENE PIDSLEY ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Irene Pidsley, 42 Dogsthorpe Road, Peterborough, Northants, England; $86.51 in the Treasury of the United States.

Olivier Roger Emery, 67 Avenue Gambetta, Bagnolet, Seine, France; $43.25 in the Treasury of the United States.

Miss Christiane Noele Emery, Auberge de la Chalotiere, La Mele s/Sarthe (Orne), France; $43.25 in the Treasury of the United States.

John Irving Cowan, 67 Balham Park Road, London, England, $86.51 in the Treasury of the United States.

Mrs. Nona Eva Bell, 107, Poplar Avenue, Hove, Sussex, England; $86.51 in the Treasury of the United States.

Mrs. Sylvia L. Dale, "Woodlands", Long Road, Cambridge, England; $86.51 in the Treasury of the United States.

Joachim Arnold Jacobson, 9 Carolinenstrasse, Hamburg 6, Germany; $216.28 in the Treasury of the United States.

Mrs. Ingeborg G. F. Wittenbruch, 36 Bügerweide, Hamburg 25, Germany; $216.28 in the Treasury of the United States.

Mrs. Margot Curland Rothschuh, 32 Bayerischestrasse, Berlin W 15, Germany; $432.56 in the Treasury of the United States.

Mrs. Irma Alice Unger, Idlehill, Milland, nr Liphook, Hampshire, England; $432.56 in the Treasury of the United States.

Mrs. Selma Tiburtius, Badener Ring 38, Berlin-Neutempelhof, Germany, $432.56 in the Treasury of the United States.

Werner A. Cohen, c/o Eberhard von Minckwitz, Binger Strasse 74, Berlin-Wilmersdorf, Germany; $216.28 in the Treasury of the United States.

Hans J. W. Cohen, Erfurter Strasse 1, Berlin-Schöneberg, Germany; $216.28 in the Treasury of the United States.

Claim No. 62429. Vesting Order No. 7232.

Executed at Washington, D.C., on June 2, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62-5579; Filed, June 7, 1962; 8:47 a.m.]

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VOLUME 27 NUMBER 112

Washington, Saturday, June 9, 1962

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JUN 19 1962
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Latest Revision

GUIDE TO RECORD RETENTION REQUIREMENTS

[Updated to January 1, 1962]

Lists (1) published requirements (in laws and regulations) on the keeping of non-Federal records, (2) what records must be kept and who must keep them, and (3) retention periods.

Price: 15 cents

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration
Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11025

CREATING A BOARD OF INQUIRY TO REPORT ON A LABOR DISPUTE AFFECTING THE AIRCRAFT INDUSTRY OF THE UNITED STATES

WHEREAS, there exists a labor dispute between Republic Aviation Corporation, Farmingdale, Long Island, New York, and certain of its employees represented by Republic Lodge 1987, International Association of Machinists, AFL–CIO; and

WHEREAS, such dispute has resulted in a strike which, in my opinion, affects a substantial part of the aircraft industry, an industry engaged in trade, commerce, and transportation among the several States and with foreign nations, and which strike will, if permitted to continue, imperil the national health and safety:

NOW THEREFORE, by virtue of the authority vested in me by Section 206 of the Labor Management Relations Act, 1947, 61 Stat. 155 (29 U.S.C. 176), I hereby create a Board of Inquiry, consisting of Honorable Lloyd K. Garrison, Chairman, Honorable James C. Hill, and Honorable Arthur Stark as members to inquire into the issues involved in such dispute.

The Board shall have powers and duties as set forth in Title II of such Act. The Board shall report to the President in accordance with the provisions of Section 206 of such Act on or before June 14, 1962.

Upon submission of its report, the Board shall continue in existence to perform such other functions as may be required under such Act.

JOHN F. KENNEDY

THE WHITE HOUSE,
June 7, 1962.

[F.R. Doc. 62-5742; Filed, June 8, 1962; 10:08 a.m.]

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Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER D—SPECIAL FEED GRAIN PROGRAM

[1962 Feed Grain Program, Supp. 1, Amdt. 2]

PART 775—FEED GRAINS

Subpart—1962 Feed Grain Program Regulations

Corn and Grain Sorghums

The 1962 Feed Grain Program Regulations, Supplement 1, as amended (27 F.R. 155, January 6, 1962, and 27 F.R. 2307, March 10, 1962), are further amended by adding two new sections (§§ 775.153 and 775.154) to provide county average yields and county payment rates for corn and grain sorghums. Such sections shall read as follows:

§ 775.153 County average yields and county payment rates for corn.

County average yields and county minimum acre payment rates (50 percent payment rate per acre) and additional acre payment rates (60 percent payment rate per acre) for corn are as follows:

1962 FEED GRAIN PROGRAM

County 1959–60 Adjusted Average Yields and Per Acre Payment for Corn

ALABAMA

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Colbert	26.0	$16.50	$19.80
	Fayette	25.0	15.90	19.00
	Franklin	24.8	15.70	18.90
	Lamar	22.8	14.50	17.40
	Marion	24.2	15.40	18.40
2	Lauderdale	25.4	16.10	19.30
	Lawrence	26.8	17.00	20.40
	Limestone	31.7	20.10	24.10
	Madison	32.7	20.80	24.90
	Marshall	29.8	18.90	22.70
	Morgan	26.2	16.60	19.90
2A	Bibb	25.5	16.30	19.40
	Blount	27.4	17.40	20.80
	Chilton	27.0	17.10	20.60
	Cullman	29.5	18.80	22.50
	Jefferson	29.2	18.50	22.20
	Saint Clair	26.2	16.60	19.90
	Shelby	24.8	15.70	18.90
	Walker	25.8	16.40	19.70
	Winston	26.5	16.80	20.20
3	Calhoun	26.9	17.00	20.40
	Cherokee	25.2	16.00	19.20
	Cleburne	25.3	16.00	19.30
	De Kalb	30.3	19.30	23.10
	Etowah	28.2	17.90	21.50
	Jackson	30.0	19.00	22.90
4	Greene	22.0	14.00	16.80
	Hale	21.6	13.70	16.50
	Marengo	21.2	13.50	16.10
	Pickens	22.2	14.10	16.90
	Sumter	20.2	12.80	15.40
	Tuscaloosa	23.0	14.60	17.50
5	Autauga	26.4	16.80	20.10
	Dallas	26.0	16.50	19.80
	Elmore	26.2	16.60	19.90
	Lowndes	25.0	15.90	19.00

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Corn—Continued

ALABAMA—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
5	Montgomery	23.4	$14.90	$17.80
	Perry	25.4	16.10	19.30
	Wilcox	24.8	15.70	18.90
6	Chambers	22.0	14.00	16.80
	Clay	23.2	14.70	17.70
	Coosa	24.5	15.70	18.90
	Lee	23.9	15.20	18.20
	Macon	22.1	14.00	16.90
	Randolph	23.3	14.70	17.80
	Russell	23.4	14.90	17.80
	Talladega	23.3	14.70	17.80
	Tallapoosa	20.5	13.00	15.60
7	Baldwin	35.8	22.70	27.30
	Choctaw	23.8	15.10	18.20
	Clarke	24.2	15.40	18.40
	Mobile	31.1	19.80	23.70
	Washington	25.7	16.30	19.60
8	Butler	27.6	17.50	21.10
	Conecuh	26.2	16.60	19.90
	Covington	25.1	16.00	19.20
	Crenshaw	25.8	16.40	19.70
	Escambia	29.9	19.00	22.70
	Monroe	28.2	17.90	21.50
9	Barbour	24.2	15.40	18.40
	Bullock	22.8	14.50	17.40
	Coffee	24.0	15.20	18.30
	Dale	24.0	15.20	18.30
	Geneva	25.2	16.00	19.20
	Henry	25.8	16.40	19.70
	Houston	26.7	17.00	20.30
	Pike	24.0	15.20	18.30

ARIZONA

		Bushels		
2	Apache	11.0	$7.40	$8.80
	Coconino	11.1	7.50	9.00
	Mohave	20.0	13.40	16.10
	Navajo	15.2	10.20	12.20
	Yavapai	25.8	17.30	20.80
5	Maricopa	57.5	38.60	46.20
	Pinal	51.0	34.20	41.00
7	Yuma	50.0	33.50	40.20
9	Cochise	49.9	34.00	40.90
	Gila	45.0	30.20	36.20
	Graham	45.0	30.20	36.20
	Greenlee	42.5	28.40	34.20
	Pima	50.0	33.50	40.20
	Santa Cruz	45.0	30.20	36.20

ARKANSAS

		Bushels		
1	Benton	39.8	$24.90	$29.90
	Boone	40.2	25.10	30.10
	Carroll	44.6	27.90	33.50
	Madison	40.1	25.00	30.10
	Newton	33.6	21.00	25.20
	Washington	41.4	25.90	31.00
2	Baxter	33.8	21.10	25.40
	Cleburne	27.2	17.00	20.40
	Fulton	35.8	22.40	26.90
	Izard	29.5	18.50	22.10
	Marion	39.3	24.50	29.50
	Searcy	30.6	19.10	23.00
	Sharp	31.4	19.60	23.50
	Stone	33.3	20.80	25.00
	Van Buren	25.9	16.20	19.40
3	Clay	32.8	20.50	24.60
	Craighead	30.8	19.20	23.10
	Greene	28.4	17.80	21.20
	Independence	41.5	26.00	31.10
	Jackson	38.8	24.20	29.10
	Lawrence	36.2	22.60	27.10
	Mississippi	44.6	27.90	33.50
	Poinsett	35.7	22.20	26.80
	Randolph	35.4	22.10	26.50
	White	29.8	18.60	22.40
4	Crawford	32.1	20.00	24.10
	Franklin	33.0	20.60	24.80
	Johnson	32.6	20.40	24.50
	Logan	35.7	22.20	26.80
	Polk	28.5	17.80	21.40
	Pope	29.2	18.20	21.50

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Corn—Continued

ARKANSAS—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
4	Scott	25.9	$16.20	$19.40
	Sebastian	28.0	17.50	21.00
	Yell	31.1	19.50	23.40
5	Conway	26.0	16.20	19.50
	Faulkner	24.4	15.20	18.20
	Garland	26.6	16.60	20.00
	Grant	32.5	20.20	24.40
	Hot Spring	30.0	18.80	22.50
	Perry	28.2	17.60	21.10
	Pulaski	41.0	25.60	30.80
	Saline	33.9	21.20	25.40
6	Arkansas	22.4	14.00	16.80
	Crittenden	33.2	20.80	24.90
	Cross	27.7	17.20	20.80
	Lee	27.6	17.20	20.80
	Lonoke	28.0	17.50	21.00
	Monroe	27.3	17.00	20.50
	Phillips	28.1	17.50	21.10
	Prairie	26.7	16.80	20.00
	Saint Francis	31.5	19.80	23.60
	Woodruff	34.8	21.80	26.10
7	Hempstead	24.5	15.20	18.40
	Howard	27.4	17.10	20.50
	Lafayette	29.8	18.60	22.40
	Little River	30.7	19.20	23.00
	Miller	27.0	16.90	20.20
	Montgomery	27.4	17.10	20.50
	Pike	29.6	18.50	22.20
	Sevier	27.2	17.00	20.40
8	Bradley	22.0	13.80	16.50
	Calhoun	25.8	16.10	19.40
	Clark	26.6	16.60	20.00
	Cleveland	26.8	16.80	20.10
	Columbia	20.6	12.90	15.50
	Dallas	26.4	16.50	19.80
	Nevada	23.0	14.40	17.20
	Ouachita	19.8	12.40	14.90
	Union	15.9	10.00	11.90
9	Ashley	31.3	19.50	23.50
	Chicot	27.2	17.00	20.40
	Desha	32.4	20.20	24.20
	Drew	24.5	15.20	18.40
	Jefferson	30.4	19.00	22.80
	Lincoln	32.6	20.40	24.50

CALIFORNIA

		Bushels		
1	Mendocino	45.0	$30.20	$36.20
2	Shasta	39.0	26.10	31.40
3	Lassen	35.0	23.40	28.10
4	Alameda	50.0	33.50	40.20
	Contra Costa	68.5	45.80	55.10
	Lake	69.0	46.20	55.50
	Monterey	72.0	48.20	57.90
	Napa	64.0	42.90	51.50
	San Benito	60.0	40.20	48.20
	San Luis Obispo	65.0	43.60	52.30
	Santa Clara	73.0	48.90	58.70
	Sonoma	69.5	46.60	55.90
5	Butte	71.0	47.60	57.10
	Colusa	56.0	37.50	45.00
	Glenn	56.5	37.80	45.40
	Sacramento	81.0	54.30	65.10
	Solano	87.5	58.70	70.40
	Sutter	73.0	48.90	58.70
	Tehama	76.0	50.90	61.10
	Yolo	86.5	57.90	69.50
	Yuba	45.5	30.50	36.60
5a	Fresno	64.0	42.90	51.50
	Kern	63.5	42.60	51.10
	Kings	56.5	37.80	45.40
	Madera	63.5	42.60	51.10
	Merced	66.5	44.60	53.70
	San Joaquin	72.5	48.50	58.30
	Stanislaus	57.5	38.60	46.20
	Tulare	66.5	44.50	53.50
6	Amador	51.0	34.20	41.00
	Inyo	51.0	34.20	41.00
	Mono	40.0	26.80	32.20
	Placer	65.0	43.60	52.30
8	Imperial	66.5	45.80	55.10
	Los Angeles	75.5	50.70	60.70
	Orange	37.0	24.80	29.70
	Riverside	60.0	40.20	48.20
	San Bernardino	66.0	44.20	53.10

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Corn—Continued

CALIFORNIA—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
8	San Diego	58.0	$38.90	$46.60
	Santa Barbara	80.0	53.60	64.30
	Ventura	75.0	50.20	60.30

COLORADO

		Bushels		
2	Boulder	73.0	$45.30	$54.30
	Jefferson	40.0	25.00	30.00
	Larimer	74.0	45.50	54.60
	Logan	58.4	35.60	42.70
	Morgan	75.5	46.10	55.30
	Sedgwick	57.5	35.10	42.10
	Weld	73.0	44.50	53.40
6	Adams	66.0	40.60	48.70
	Arapahoe	34.0	21.10	25.30
	Cheyenne	21.4	13.20	15.70
	Douglas	25.0	15.60	18.80
	Elbert	15.4	9.50	11.40
	El Paso	18.0	11.20	13.50
	Kiowa	32.5	20.10	24.20
	Kit Carson	48.4	29.50	35.40
	Lincoln	21.6	13.40	16.10
	Phillips	24.8	15.10	18.20
	Washington	33.0	20.10	24.20
	Yuma	26.7	16.30	19.50
7	Archuleta	32.0	20.60	24.80
	Delta	66.5	43.50	52.30
	Dolores	16.5	10.90	13.20
	Garfield	40.5	26.50	31.80
	La Plata	35.4	23.20	27.80
	Mesa	65.5	43.00	51.50
	Montezuma	42.6	28.30	34.00
	Montrose	64.5	42.20	50.70
	Ouray	59.5	39.60	47.50
	San Miguel	39.5	26.30	31.50
8	Alamosa	50.0	31.50	37.80
	Conejos	49.0	31.10	37.30
	Costilla	48.0	30.00	36.00
	Rio Grande	51.0	32.90	39.50
	Saguache	49.0	31.10	37.30
9	Baca	31.0	19.40	23.20
	Bent	54.0	33.80	40.50
	Crowley	53.5	33.50	40.10
	Custer	25.0	15.60	18.80
	Fremont	42.5	26.50	31.90
	Huerfano	37.5	23.50	28.10
	Las Animas	31.2	19.50	23.40
	Otero	57.5	36.00	43.10
	Prowers	56.8	35.20	42.30
	Pueblo	57.0	35.60	42.80

CONNECTICUT

		Bushels		
	Fairfield	60.0	$40.80	$49.00
	Hartford	67.0	45.60	54.70
	Litchfield	69.5	47.30	56.70
	Middlesex	67.5	46.00	55.10
	New Haven	62.5	42.40	51.00
	New London	59.0	40.10	48.10
	Tolland	66.5	45.20	54.30
	Windham	66.0	44.90	53.90

DELAWARE

		Bushels		
2	New Castle	65.0	$42.60	$51.10
5	Kent	60.0	39.30	47.20
8	Sussex	57.4	37.60	45.10

FLORIDA

		Bushels		
1	Bay	27.0	$17.10	$20.60
	Calhoun	29.0	18.40	22.10
	Escambia	32.4	20.60	24.60
	Gadsden	35.2	22.40	26.80
	Gulf	28.0	17.80	21.30
	Holmes	25.0	15.90	19.00
	Jackson	30.1	19.00	23.00
	Jefferson	29.4	18.70	22.40
	Leon	28.4	18.00	21.60
	Liberty	23.1	14.70	17.70
	Okaloosa	27.0	17.10	20.60
	Santa Rosa	33.2	21.10	25.30
	Wakulla	21.7	13.70	16.50
	Walton	27.0	17.10	20.60
	Washington	27.0	17.10	20.60

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Corn—Continued

FLORIDA—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
3	Baker	20.0	$12.70	$15.20
	Columbia	27.0	17.10	20.60
	Dixie	26.5	16.80	20.20
	Duval	42.5	26.90	32.40
	Hamilton	30.4	19.30	23.10
	Lafayette	28.0	16.50	19.80
	Madison	29.0	18.40	22.10
	Nassau	26.5	16.80	20.20
	Suwannee	27.0	17.10	20.60
	Taylor	29.0	18.40	22.10
5	Alachua	30.7	19.60	23.40
	Bradford	25.0	15.90	19.00
	Citrus	22.0	14.00	16.80
	Clay	30.0	19.00	22.90
	Flagler	34.0	21.60	25.90
	Gilchrist	27.2	17.30	20.70
	Hernando	27.5	17.50	21.00
	Hillsborough	28.5	18.00	21.70
	Lake	31.5	20.10	24.00
	Levy	29.0	18.40	22.10
	Marion	29.0	18.40	22.10
	Orange	42.5	26.90	32.40
	Osceola	37.5	23.90	28.60
	Pasco	32.5	20.60	24.80
	Polk	30.2	19.20	23.00
	Putnam	37.1	23.60	28.30
	St. Johns	36.5	23.10	27.80
	Seminole	40.0	25.40	30.50
	Sumter	30.0	19.00	22.90
	Union	27.0	17.10	20.60
	Volusia	38.0	24.10	29.00
8	Dade	42.5	26.90	32.40
	De Soto	25.0	15.90	19.00
	Glades	27.0	17.10	20.60
	Hardee	23.0	14.60	17.50
	Hendry	50.0	31.80	38.10
	Highlands	40.0	25.40	30.50
	Lee	27.0	17.10	20.60
	Manatee	28.5	18.00	21.70
	Okeechobee	40.0	25.40	30.50
	Palm Beach	50.0	31.80	38.10

GEORGIA

		Bushels		
1	Bartow	25.5	$16.30	$19.40
	Catoosa	37.6	23.90	28.70
	Chattooga	25.6	16.30	19.60
	Dade	31.6	20.10	24.10
	Floyd	29.8	18.90	22.70
	Gordon	26.3	16.80	20.10
	Murray	29.4	18.70	22.40
	Paulding	21.3	13.50	16.30
	Polk	25.9	16.50	19.70
	Walker	30.6	19.40	23.40
	Whitfield	28.2	17.90	21.50
2	Barrow	19.7	12.40	15.00
	Cherokee	29.4	18.70	22.40
	Clarke	26.1	16.50	19.90
	Cobb	21.5	13.70	16.40
	Dawson	31.2	19.80	23.70
	De Kalb	24.2	15.40	18.40
	Fannin	41.0	26.00	31.20
	Forsyth	27.2	17.30	20.70
	Fulton	23.6	15.00	18.00
	Gilmer	39.0	24.80	29.70
	Gwinnett	21.0	13.30	16.00
	Hall	27.6	17.50	21.10
	Jackson	24.8	15.70	18.90
	Lumpkin	40.2	25.50	30.60
	Oconee	22.4	14.20	17.00
	Pickens	34.3	21.80	26.20
	Towns	47.4	30.10	36.10
	Union	44.2	28.10	33.70
	Walton	22.8	14.50	17.40
	White	37.0	23.50	28.20
3	Banks	20.5	13.00	15.60
	Elbert	20.9	13.20	15.90
	Franklin	24.0	15.20	18.30
	Habersham	33.4	21.20	25.40
	Hart	23.0	14.60	17.50
	Lincoln	18.8	10.30	12.30
	Madison	21.6	13.70	16.50
	Oglethorpe	19.2	12.20	14.60
	Rabun	45.1	28.70	34.40
	Stephens	28.4	18.00	21.60
	Wilkes	19.7	12.40	15.00
4	Carroll	23.5	15.00	17.90
	Chattahoochee	16.2	10.30	12.30
	Clayton	19.7	12.40	15.00
	Coweta	24.6	15.60	18.80
	Douglas	21.7	13.70	16.50
	Fayette	25.1	16.00	19.20
	Haralson	21.0	13.30	16.00
	Harris	19.8	12.60	15.10

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Corn—Continued

GEORGIA—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
4	Heard	22.8	$14.50	$17.40
	Henry	23.4	14.90	17.80
	Lamar	24.8	15.70	18.90
	Macon	28.6	18.20	21.80
	Marion	18.0	11.40	13.70
	Meriwether	25.2	16.00	19.20
	Muscogee	20.6	13.10	15.70
	Pike	24.4	15.50	18.50
	Schley	27.0	17.10	20.60
	Spalding	29.0	18.40	22.10
	Talbot	18.2	11.60	13.80
	Taylor	27.2	17.30	20.70
	Troup	23.2	14.70	17.70
	Upson	20.0	14.00	16.80
5	Baldwin	26.0	16.50	19.80
	Bibb	33.2	21.10	25.30
	Bleckley	26.8	17.00	20.40
	Butts	23.4	14.90	17.80
	Crawford	22.0	14.00	16.80
	Dodge	25.0	15.90	19.00
	Greene	20.4	13.00	15.50
	Hancock	17.4	11.00	13.20
	Houston	34.9	22.10	26.50
	Jasper	23.8	15.10	18.20
	Johnson	19.2	12.20	14.60
	Jones	22.2	14.10	16.90
	Laurens	23.2	14.70	17.70
	Monroe	24.6	15.60	18.80
	Montgomery	25.7	16.30	19.60
	Morgan	21.3	13.50	16.20
	Newton	26.1	16.50	19.90
	Peach	36.8	23.40	28.10
	Pulaski	27.0	17.10	20.60
	Putnam	19.2	12.20	14.60
	Rockdale	23.5	15.00	17.90
	Telfaferro	15.6	9.90	11.90
	Trentlen	21.0	13.30	16.00
	Twiggs	20.6	13.10	15.70
	Washington	26.2	16.60	19.90
	Wheeler	22.7	14.50	17.30
	Wilkinson	17.2	10.90	13.10
6	Bulloch	29.1	18.50	22.20
	Burke	25.5	16.30	19.40
	Candler	24.1	15.20	18.40
	Columbia	18.6	11.80	14.20
	Effingham	27.0	17.10	20.60
	Emanuel	22.5	14.20	17.10
	Glascock	20.4	13.00	15.50
	Jefferson	25.9	16.50	19.70
	Jenkins	25.2	16.00	19.20
	McDuffie	19.4	12.30	14.70
	Richmond	21.1	13.50	16.10
	Screven	30.4	19.30	23.10
	Warren	21.4	13.60	16.30
7	Baker	25.4	16.10	19.30
	Calhoun	32.6	20.70	24.90
	Clay	31.6	20.10	24.10
	Decatur	30.0	19.00	22.90
	Dougherty	29.4	18.70	22.40
	Early	33.2	21.10	25.30
	Grady	34.6	22.00	26.40
	Lee	33.2	21.10	26.30
	Miller	27.6	17.50	21.10
	Mitchell	31.2	19.80	23.70
	Quitman	27.6	17.50	21.10
	Randolph	29.0	18.40	22.10
	Seminole	26.8	17.00	20.40
	Stewart	24.0	15.20	18.30
	Sumter	33.6	21.30	25.70
	Terrell	34.4	21.80	26.20
	Thomas	36.6	23.20	27.90
	Webster	22.0	14.00	16.80
8	Atkinson	34.7	22.10	26.40
	Ben Hill	31.0	19.70	23.60
	Berrien	33.5	21.30	25.50
	Brooks	30.8	19.60	23.50
	Clinch	29.8	18.90	22.70
	Coffee	33.6	21.30	25.70
	Colquitt	37.6	23.90	28.70
	Cook	35.5	22.60	27.10
	Crisp	30.9	19.60	23.50
	Dooley	25.8	16.40	19.70
	Echols	32.8	20.80	25.00
	Irwin	34.8	21.80	26.30
	Jeff Davis	26.8	17.00	20.40
	Lanier	30.4	19.30	23.10
	Lowndes	30.0	19.00	22.90
	Telfair	21.1	13.50	16.10
	Tift	33.0	21.00	25.10
	Turner	27.2	17.30	20.70
	Wilcox	29.8	17.00	20.40
	Worth	30.2	19.20	23.00
9	Appling	26.9	17.00	20.40
	Bacon	27.5	17.50	21.00
	Brantley	33.6	21.30	25.70
	Bryan	31.2	19.80	23.70
	Camden	29.6	18.80	22.60

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Corn—Continued

GEORGIA—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
9	Charlton	25.4	$16.10	$19.30
	Chatham	25.7	16.30	19.60
	Evans	32.8	20.80	25.00
	Glynn	21.0	13.30	16.00
	Liberty	24.6	15.60	18.80
	Long	31.2	19.80	23.70
	McIntosh	23.8	15.10	18.20
	Pierce	31.9	20.30	24.30
	Tattnall	30.8	19.60	23.50
	Toombs	29.6	18.80	22.60
	Ware	35.4	22.50	26.90
	Wayne	26.4	23.10	27.70

IDAHO

		Bushels		
1	Bonner	35.0	$22.60	$27.10
	Idaho	56.0	23.20	27.90
	Kootenai	40.0	25.80	31.00
	Latah	36.0	23.20	27.90
	Nez Perce	36.0	23.20	27.90
7	Ada	76.2	49.10	59.00
	Adams	45.0	29.00	34.80
	Canyon	76.4	49.30	59.10
	Elmore	72.0	46.40	55.70
	Gem	72.5	46.70	56.10
	Owyhee	80.5	51.90	62.30
	Payette	74.5	48.00	57.70
	Washington	71.0	45.80	55.00
8	Blaine	50.0	32.20	38.70
	Cassia	65.0	41.90	50.30
	Gooding	58.2	37.50	45.00
	Jerome	69.2	44.60	53.50
	Lincoln	55.8	36.00	43.20
	Minidoka	65.0	41.90	50.30
	Twin Falls	73.8	47.60	57.10
9	Bannock	60.0	38.70	46.40
	Bingham	60.0	38.70	46.40
	Bonneville	55.0	35.50	42.60
	Caribou	48.0	31.00	37.20
	Clark	40.0	25.80	31.00
	Custer	35.0	22.60	27.10
	Franklin	60.0	38.70	46.40
	Fremont	45.0	29.00	34.80
	Jefferson	50.0	32.20	38.70
	Lemhi	35.0	22.60	27.10
	Madison	50.0	32.20	38.70
	Oneida	55.0	35.50	42.60
	Power	60.0	38.70	46.40

ILLINOIS

		Bushels		
1	Bureau	78.2	$47.30	$56.70
	Carroll	78.4	46.60	55.90
	Henry	72.8	43.70	52.40
	Jo Daviess	70.1	41.60	50.10
	Lee	77.6	46.90	56.40
	Mercer	69.0	41.00	49.30
	Ogle	78.2	45.10	54.10
	Putnam	72.6	43.90	52.80
	Rock Island	67.8	40.30	48.40
	Stephenson	77.6	46.60	55.90
	Whiteside	76.4	45.50	54.50
	Winnebago	73.0	43.80	52.60
3	Boone	73.0	44.20	53.00
	Cook	62.9	38.00	46.00
	De Kalb	74.0	44.80	53.70
	Du Page	68.6	41.80	50.30
	Grundy	71.8	43.40	52.20
	Kane	75.4	46.00	55.10
	Kendall	73.3	44.30	53.20
	Lake	61.9	37.80	45.30
	La Salle	76.5	45.20	55.50
	McHenry	68.4	41.40	49.60
	Will	63.6	38.80	46.60
4	Adams	62.7	37.70	45.10
	Brown	58.2	35.20	42.20
	Fulton	65.2	39.40	47.30
	Hancock	64.6	38.80	46.60
	Henderson	72.2	43.00	51.50
	Knox	70.2	42.50	50.90
	McDonough	68.2	40.90	49.10
	Schuyler	60.9	36.80	44.20
	Warren	76.1	45.60	54.80
4a	Bond	51.6	31.50	37.80
	Calhoun	57.9	35.10	42.00
	Cass	70.2	42.80	51.40
	Christian	70.6	43.10	51.70
	Greene	62.8	38.30	46.00
	Jersey	58.8	35.90	43.10
	Macoupin	60.1	36.60	44.00
	Madison	56.6	34.50	41.50
	Montgomery	63.7	38.80	46.60

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Corn—Continued

ILLINOIS—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
4a	Morgan	72.2	$44.00	$52.80
	Pike	61.0	36.90	44.30
	Sangamon	70.2	42.80	51.40
	Scott	64.0	39.00	46.80
5	De Witt	74.5	45.00	54.10
	Logan	76.4	46.60	55.90
	McLean	77.6	46.90	56.30
	Macon	80.7	48.90	58.60
	Marshall	72.6	44.30	53.20
	Mason	65.3	39.80	47.80
	Menard	67.6	41.20	49.50
	Peoria	68.4	41.40	49.60
	Stark	77.7	46.90	56.40
	Tazewell	72.0	43.60	52.70
	Woodford	76.3	46.60	55.90
6	Champaign	74.0	44.40	53.30
	Ford	67.8	40.70	48.80
	Iroquois	68.6	41.50	49.90
	Kankakee	70.0	42.40	50.80
	Livingston	72.9	44.00	52.90
	Piatt	82.8	49.70	59.60
	Vermilion	70.6	42.40	50.90
6a	Clark	59.8	36.20	43.40
	Clay	45.0	27.40	32.90
	Coles	65.4	39.20	47.00
	Crawford	52.4	32.00	38.30
	Cumberland	59.0	35.70	42.80
	Douglas	74.0	44.40	53.30
	Edgar	69.4	41.60	49.90
	Effingham	54.2	33.10	39.60
	Fayette	51.8	31.60	37.90
	Jasper	56.0	34.20	41.00
	Lawrence	48.5	29.80	35.80
	Marion	46.3	28.30	33.90
	Moultrie	70.7	42.50	50.90
	Richland	48.4	29.80	35.70
	Shelby	62.7	38.00	45.50
7	Alexandria	47.0	28.90	34.70
	Clinton	50.4	30.70	36.80
	Jackson	48.8	30.00	36.00
	Johnson	41.8	25.70	30.90
	Monroe	58.7	36.20	43.30
	Perry	41.1	25.30	30.40
	Pulaski	46.2	28.40	34.10
	Randolph	50.6	31.10	37.40
	St. Clair	56.6	34.80	41.80
	Union	51.2	31.50	37.80
	Washington	51.0	31.40	37.60
	Williamson	37.6	23.10	27.80
9	Edwards	55.6	34.20	41.10
	Franklin	43.2	26.60	31.90
	Gallatin	51.2	31.50	37.80
	Hamilton	44.7	27.60	33.00
	Hardin	40.9	25.30	30.40
	Jefferson	46.7	28.80	34.20
	Massac	46.2	28.40	34.10
	Pope	39.4	24.20	29.00
	Saline	47.4	29.20	34.90
	Wabash	55.3	33.90	40.80
	Wayne	46.4	28.30	33.90
	White	53.3	32.70	39.40

INDIANA

		Bushels		
1	Benton	77.3	$46.70	$56.10
	Jasper	72.0	43.60	52.30
	Lake	66.7	40.40	48.40
	La Porte	70.6	42.70	51.30
	Newton	74.6	45.10	54.20
	Porter	72.4	43.80	52.50
	Pulaski	65.8	39.80	47.80
	Starke	64.9	39.20	47.10
	White	76.0	46.00	55.20
2	Carroll	76.4	46.20	55.40
	Cass	70.6	42.70	51.30
	Elkhart	58.0	35.10	42.10
	Fulton	62.4	37.80	45.30
	Kosciusko	62.0	37.50	45.00
	Marshall	63.3	38.20	46.00
	Miami	70.6	42.70	51.30
	St. Joseph	62.6	37.90	45.50
	Wabash	69.6	42.10	50.60
3	Adams	61.4	37.10	44.50
	Allen	65.0	39.30	47.20
	De Kalb	59.7	36.10	43.30
	Huntington	64.2	38.80	46.60
	Lagrange	62.0	37.50	45.00
	Noble	61.4	37.10	44.50
	Steuben	61.8	37.40	44.90
	Wells	63.4	38.40	46.00
	Whitley	58.4	35.30	42.40
4	Clay	66.3	39.80	47.80
	Fountain	67.1	40.30	48.40
	Montgomery	71.1	42.70	51.20

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Corn—Continued

INDIANA—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
4	Owen	56.9	$34.10	$40.90
	Parke	64.6	38.80	46.60
	Putnam	65.8	39.80	47.80
	Tippecanoe	76.4	45.80	55.00
	Vermillion	63.6	38.20	45.80
	Vigo	58.2	34.90	41.90
	Warren	72.3	43.40	52.10
5	Bartholomew	56.7	35.90	42.90
	Boone	69.0	41.70	50.10
	Clinton	77.8	47.10	56.50
	Decatur	68.0	41.50	49.80
	Grant	69.0	41.70	50.10
	Hamilton	68.7	41.60	49.90
	Hancock	63.2	38.20	45.90
	Hendricks	70.8	42.80	51.40
	Howard	80.0	48.40	58.10
	Johnson	62.0	37.50	45.00
	Madison	72.0	43.60	52.30
	Marion	61.2	37.00	44.40
	Morgan	60.7	36.80	44.00
	Rush	65.8	39.80	47.80
	Shelby	63.0	38.10	45.70
	Tipton	81.2	49.10	58.90
6	Blackford	61.1	37.00	44.40
	Delaware	64.8	39.20	47.10
	Fayette	66.9	40.40	48.50
	Henry	69.8	42.20	50.70
	Jay	53.8	32.50	39.10
	Randolph	62.1	37.50	45.10
	Union	71.8	43.40	52.20
	Wayne	65.2	39.40	47.30
7	Daviess	67.0	40.90	49.00
	Dubois	59.0	36.00	43.20
	Gibson	57.3	34.20	42.30
	Greene	56.8	34.40	41.30
	Knox	58.1	35.40	42.60
	Martin	57.3	34.90	42.00
	Pike	52.0	31.70	38.10
	Posey	59.4	36.50	43.80
	Spencer	47.9	29.50	35.30
	Sullivan	56.3	34.40	41.20
	Vanderburgh	60.4	37.10	44.50
	Warrick	51.0	31.40	37.60
8	Brown	51.6	31.20	37.50
	Crawford	46.0	28.30	33.90
	Floyd	44.9	27.60	33.10
	Harrison	55.0	33.80	40.60
	Jackson	56.0	34.20	41.00
	Lawrence	53.5	32.70	39.20
	Monroe	54.1	32.70	39.30
	Orange	54.0	32.90	39.50
	Perry	46.2	28.40	34.10
	Washington	52.0	32.00	38.40
9	Clark	49.0	30.10	36.20
	Dearborn	56.5	34.70	41.70
	Franklin	53.2	35.60	46.20
	Jefferson	54.9	33.70	40.50
	Jennings	52.7	32.20	38.60
	Ohio	52.1	32.00	38.50
	Ripley	55.3	33.70	40.50
	Scott	50.0	30.80	36.90
	Switzerland	52.8	32.50	39.00

IOWA

		Bushels		
1	Buena Vista	70.6	$39.50	$47.50
	Cherokee	66.8	37.70	45.30
	Clay	62.0	34.70	41.70
	Dickinson	57.1	31.70	38.10
	Emmet	60.1	33.30	40.10
	Lyon	57.8	32.10	38.50
	O'Brien	65.4	36.60	43.90
	Osceola	59.0	32.70	39.30
	Palo Alto	61.8	34.30	41.20
	Plymouth	58.0	32.80	39.30
	Pocahontas	66.6	37.30	44.80
	Sioux	62.2	34.80	41.80
2	Butler	65.9	37.60	45.00
	Cerro Gordo	65.4	36.80	43.90
	Floyd	64.7	36.60	43.80
	Franklin	68.9	38.90	46.70
	Hancock	64.6	36.20	43.50
	Humboldt	66.4	37.20	44.60
	Kossuth	63.7	35.60	42.80
	Mitchell	63.3	35.40	42.60
	Winnebago	65.8	36.80	44.20
	Worth	62.8	35.20	42.20
	Wright	66.4	37.20	44.60
3	Allamakee	66.2	38.10	45.70
	Black Hawk	69.2	39.80	47.70
	Bremer	66.5	37.80	45.50
	Buchanan	66.1	38.30	46.10
	Chickasaw	61.7	35.10	42.20
	Clayton	63.6	36.90	44.30
	Delaware	67.7	39.50	47.50

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Corn—Continued

IOWA—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
3	Dubuque	69.9	$41.30	$49.40
	Fayette	64.4	37.40	44.80
	Howard	58.5	33.30	40.00
	Winneshiek	61.9	35.60	42.70
4	Audubon	66.5	38.20	45.90
	Calhoun	69.2	39.10	46.90
	Carroll	69.0	39.30	47.20
	Crawford	67.1	38.30	45.90
	Greene	69.2	39.40	47.30
	Guthrie	62.8	36.10	43.40
	Harrison	63.0	36.50	43.80
	Ida	68.6	38.80	46.60
	Monona	59.2	34.00	40.80
	Sac	70.8	40.00	48.00
	Shelby	73.0	42.00	50.40
	Woodbury	59.0	33.30	40.00
5	Boone	69.7	39.70	47.70
	Dallas	65.9	38.00	45.40
	Grundy	75.8	43.20	51.90
	Hamilton	72.2	40.80	48.90
	Hardin	73.9	42.20	50.50
	Jasper	67.1	38.60	46.30
	Marshall	72.2	41.20	49.40
	Polk	65.5	37.70	45.20
	Poweshiek	65.6	37.70	45.30
	Story	71.5	40.80	48.90
	Tama	73.5	42.30	50.70
	Webster	69.2	39.10	46.90
6	Benton	73.5	43.10	51.60
	Cedar	73.5	43.80	52.50
	Clinton	73.5	43.80	52.50
	Iowa	66.0	38.60	46.30
	Jackson	69.6	41.40	49.70
	Johnson	67.0	39.50	47.40
	Jones	73.5	43.40	52.00
	Linn	68.0	39.80	47.70
	Muscatine	67.0	39.90	47.80
	Scott	73.5	43.80	52.50
7	Adair	62.4	36.20	43.40
	Adams	58.8	34.40	41.30
	Cass	65.9	38.30	45.80
	Fremont	61.5	36.00	43.20
	Mills	62.8	36.70	44.10
	Montgomery	60.4	35.30	42.40
	Page	60.3	35.30	42.40
	Pottawattamie	65.6	38.40	46.10
	Taylor	51.1	30.00	35.90
8	Appanoose	51.5	30.60	36.70
	Clarke	49.8	29.10	35.00
	Decatur	46.9	27.40	32.90
	Lucas	50.6	29.60	35.60
	Madison	60.5	35.00	42.10
	Marion	59.5	34.60	41.40
	Monroe	49.8	29.10	35.00
	Ringgold	49.7	29.00	34.90
	Union	54.0	31.60	37.90
	Warren	58.5	33.90	40.70
	Wayne	49.4	28.90	34.60
9	Davis	51.0	30.10	36.10
	Des Moines	71.0	42.20	50.70
	Henry	63.3	37.60	45.20
	Jefferson	58.0	34.20	41.10
	Keokuk	63.0	36.90	44.20
	Lee	62.2	37.00	44.40
	Louisa	62.0	36.90	44.30
	Mahaska	63.0	36.20	43.50
	Van Buren	55.8	32.90	39.50
	Wapello	57.9	33.90	40.60
	Washington	63.0	37.20	44.60

KANSAS

		Bushels		
1	Cheyenne	29.4	$17.60	$21.10
	Decatur	25.0	14.90	17.80
	Graham	29.8	17.70	21.30
	Norton	23.5	13.90	16.60
	Rawlins	26.0	15.60	18.70
	Sheridan	31.8	18.90	22.70
	Sherman	52.0	31.50	37.80
	Thomas	36.0	21.80	26.10
4	Gove	30.5	18.50	22.30
	Greeley	64.0	39.40	47.20
	Lane	67.5	41.60	49.80
	Logan	49.5	30.30	36.20
	Ness	32.7	20.20	24.10
	Scott	74.0	45.50	54.60
	Trego	26.7	16.30	19.50
	Wallace	43.0	26.20	31.50
	Wichita	66.0	40.60	48.70
7	Clark	35.0	21.70	26.00
	Finney	68.0	41.80	50.20
	Ford	31.2	19.20	23.00
	Grant	83.0	51.00	61.30
	Gray	55.5	34.20	41.00
	Hamilton	46.5	28.50	34.30

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Corn—Continued

KANSAS—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
7	Haskell	73.5	$45.30	$54.20
	Hodgeman	27.8	17.10	20.50
	Kearny	54.6	33.60	40.30
	Meade	71.0	44.00	52.80
	Morton	55.2	34.20	41.00
	Seward	72.0	44.60	53.60
	Stanton	63.0	38.70	46.50
	Stevens	59.4	36.80	44.10
2	Clay	40.5	23.60	28.40
	Cloud	41.0	24.00	28.80
	Jewell	40.0	23.20	27.80
	Mitchell	38.6	22.80	27.40
	Osborne	45.5	26.90	32.20
	Ottawa	36.6	21.60	26.00
	Phillips	30.5	17.80	21.40
	Republic	42.0	24.40	29.20
	Rooks	29.5	17.60	21.10
	Smith	32.0	18.60	22.30
	Washington	41.5	24.30	29.10
5	Barton	23.0	13.90	16.70
	Dickinson	36.0	21.40	25.70
	Ellis	28.5	17.00	20.50
	Ellsworth	32.5	19.20	23.00
	Lincoln	34.3	20.50	24.50
	McPherson	39.0	23.40	28.10
	Marion	36.0	21.60	25.90
	Rice	30.0	18.20	21.80
	Rush	50.5	30.50	36.70
	Russell	29.0	17.30	20.70
	Saline	36.5	21.70	26.10
8	Barber	27.8	17.20	20.70
	Comanche	30.6	19.00	22.80
	Edwards	36.0	15.90	19.00
	Harper	28.5	17.60	21.20
	Harvey	34.5	21.00	25.30
	Kingman	29.0	17.80	21.40
	Kiowa	28.0	17.20	20.70
	Pawnee	43.8	26.70	32.10
	Pratt	29.5	18.20	21.80
	Reno	30.5	18.50	22.30
	Sedgwick	42.5	26.10	31.40
	Stafford	27.1	16.60	19.90
	Sumner	41.5	25.80	30.90
3	Atchison	47.5	28.60	34.20
	Brown	55.0	32.40	38.90
	Doniphan	55.5	33.10	39.60
	Jackson	40.5	24.00	28.90
	Jefferson	46.5	27.80	33.50
	Leavenworth	50.0	30.20	36.30
	Marshall	41.0	24.00	28.80
	Nemaha	41.0	24.20	29.00
	Pottawatomie	44.0	26.00	31.20
	Riley	42.5	24.80	29.80
	Wyandotte	54.5	32.90	39.60
6	Anderson	53.5	32.40	38.80
	Chase	47.0	28.20	33.80
	Coffey	46.5	28.10	33.80
	Douglas	54.0	32.40	38.90
	Franklin	47.0	28.40	34.10
	Geary	45.0	26.80	32.10
	Johnson	50.0	30.20	36.30
	Linn	47.0	28.70	34.40
	Lyon	41.5	25.00	29.90
	Miami	47.5	28.80	34.50
	Morris	38.0	22.80	27.40
	Osage	44.0	26.40	31.70
	Shawnee	49.0	29.20	35.00
	Wabaunsee	45.0	26.80	32.10
9	Allen	46.0	28.10	33.70
	Bourbon	44.0	26.80	32.20
	Butler	46.0	28.10	33.70
	Chautauqua	41.5	25.80	30.90
	Cherokee	37.5	23.30	27.90
	Cowley	50.5	31.20	37.60
	Crawford	43.5	26.80	32.10
	Elk	45.0	27.90	33.50
	Greenwood	44.0	26.80	32.20
	Labette	37.5	23.30	27.90
	Montgomery	42.5	26.30	31.60
	Neosho	44.0	27.10	32.50
	Wilson	46.5	28.50	34.30
	Woodson	44.5	27.10	32.60

KENTUCKY

		Bushels		
1	Ballard	45.0	$27.90	$33.50
	Calloway	41.5	26.00	31.10
	Carlisle	42.0	26.00	31.20
	Fulton	50.8	31.50	37.80
	Graves	41.8	25.90	31.10
	Hickman	49.8	30.90	37.10
	Livingston	42.0	26.00	31.20
	Lyon	40.5	25.50	30.60
	McCracken	40.0	24.80	29.80

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Corn—Continued

KENTUCKY—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Marshall	35.0	$21.00	$26.20
	Trigg	45.5	29.00	34.70
2	Caldwell	42.0	26.50	31.80
	Christian	53.2	33.80	40.50
	Crittenden	40.0	24.80	29.80
	Daviess	50.0	31.00	37.20
	Hancock	43.5	27.00	32.40
	Henderson	49.2	30.50	36.60
	Hopkins	42.0	26.50	31.80
	Logan	48.2	30.60	36.70
	McLean	45.8	28.60	34.40
	Muhlenberg	37.8	23.80	28.60
	Ohio	39.0	24.40	29.20
	Simpson	51.5	33.00	39.60
	Todd	53.2	33.80	40.50
	Union	59.2	36.70	44.00
	Webster	47.2	29.50	35.40
3	Adair	40.0	25.60	30.70
	Allen	40.0	25.60	30.70
	Barren	44.2	28.10	33.70
	Breckinridge	44.5	27.50	33.10
	Bullitt	46.5	29.00	34.90
	Butler	37.8	23.80	28.60
	Casey	42.5	27.10	32.60
	Clinton	41.5	26.80	32.10
	Cumberland	41.0	26.20	31.50
	Edmonson	37.8	23.80	28.60
	Grayson	39.2	24.50	29.40
	Green	46.8	30.00	36.00
	Hardin	49.8	31.10	37.40
	Hart	49.8	31.60	38.00
	Jefferson	52.5	32.50	39.10
	Larue	51.2	32.30	38.70
	Marion	51.8	32.90	39.50
	Meade	48.0	29.80	35.70
	Metcalfe	40.8	26.10	31.40
	Monroe	41.8	26.80	32.10
	Nelson	50.5	31.80	38.20
	Russell	41.2	26.60	31.90
	Taylor	51.8	32.90	39.50
	Warren	45.8	29.10	34.90
4	Boone	28.8	18.00	21.60
	Bracken	60.8	38.30	46.00
	Campbell	49.2	30.50	36.60
	Carroll	49.2	30.50	36.60
	Gallatin	47.0	29.10	35.00
	Grant	43.8	27.40	32.90
	Henry	52.8	33.00	39.60
	Kenton	48.5	30.00	36.10
	Oldham	51.5	32.00	38.30
	Owen	48.2	30.10	36.10
	Pendleton	48.8	30.50	36.60
	Trimble	53.5	33.20	39.90
5	Anderson	45.5	29.00	34.70
	Bath	48.8	31.50	37.80
	Bourbon	61.5	39.40	47.20
	Boyle	54.0	34.60	41.50
	Clark	59.2	38.20	45.90
	Fayette	62.0	39.70	47.60
	Fleming	57.8	36.70	44.10
	Franklin	53.8	33.90	40.70
	Garrard	54.2	35.00	41.90
	Harrison	58.8	37.30	44.80
	Jessamine	51.0	32.90	39.50
	Lincoln	52.5	33.80	40.60
	Madison	49.8	32.10	38.60
	Mason	64.5	41.50	49.80
	Mercer	53.8	34.40	41.30
	Montgomery	53.5	34.60	41.40
	Nicholas	48.2	30.80	37.00
	Robertson	48.5	30.70	37.00
	Scott	52.8	33.50	40.30
	Shelby	54.5	34.00	40.90
	Spencer	54.0	33.50	40.50
	Washington	50.2	31.90	38.20
	Woodford	50.5	32.30	38.80
6	Bell	43.5	28.10	33.70
	Boyd	51.0	32.60	39.20
	Breathitt	36.0	23.20	27.90
	Carter	39.0	25.00	30.00
	Clay	38.0	24.50	29.40
	Elliott	40.8	26.30	31.60
	Estill	42.0	27.10	32.50
	Floyd	36.5	23.50	28.30
	Greenup	42.8	27.20	32.60
	Harlan	31.8	22.40	27.00
	Jackson	39.8	25.70	30.80
	Johnson	42.5	27.60	33.20
	Knott	31.0	20.00	24.00
	Knox	38.8	25.00	30.10
	Laurel	41.0	26.40	31.70
	Lawrence	39.0	25.20	30.20
	Lee	40.5	26.10	31.30
	Leslie	32.3	20.90	25.00
	Letcher	33.5	21.70	25.90
	Lewis	46.5	29.20	35.20
	McCreary	36.0	23.20	27.90
	Magoffin	41.8	27.00	32.40

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Corn—Continued

KENTUCKY—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
6	Martin	31.5	$20.10	$24.40
	Menifee	39.5	25.50	30.60
	Morgan	45.2	29.20	35.00
	Owsley	43.8	28.30	33.90
	Perry	33.5	21.70	25.90
	Pike	36.2	23.30	28.00
	Powell	40.8	26.30	31.60
	Pulaski	42.5	27.30	32.90
	Rockcastle	45.8	29.50	35.50
	Rowan	40.8	26.30	31.60
	Wayne	44.0	28.40	34.10
	Whitley	35.0	22.60	27.10
	Wolfe	42.0	27.10	32.50

LOUISIANA

		Bushels		
1	Bossier	39.8	$24.90	$29.90
	Caddo	35.6	22.20	26.80
	De Soto	20.4	12.80	15.20
	Red River	30.3	19.00	22.80
	Webster	19.9	12.50	14.90
2	Bienville	21.8	13.60	16.40
	Caldwell	35.0	21.90	26.20
	Claiborne	20.5	12.80	15.40
	Jackson	27.0	16.90	20.20
	Lincoln	20.0	12.50	15.00
	Quachita	35.7	22.20	26.80
	Union	23.6	14.80	17.80
	Winn	24.7	15.50	18.50
3	East Carroll	41.7	26.00	31.20
	Franklin	22.4	14.00	16.80
	Madison	43.0	26.90	32.20
	Morehouse	34.4	21.50	25.80
	Richland	22.5	14.00	16.90
	Tensas	39.3	24.50	29.50
	West Carroll	22.2	13.90	16.60
4	Natchitoches	33.8	21.10	25.40
	Sabine	24.6	15.40	18.50
5	Avoyelles	32.0	20.00	24.00
	Catahoula	28.0	17.50	21.00
	Concordia	38.6	24.10	29.00
	Evangeline	26.0	16.20	19.50
	Grant	22.2	20.10	24.10
	La Salle	27.0	16.90	20.20
	Pointe Coupee	38.0	23.80	28.50
	Rapides	37.8	23.60	28.40
	Saint Landry	28.0	17.50	21.00
	West Baton Rouge	39.3	24.50	29.50
6	East Baton Rouge	34.8	21.80	26.10
	East Feliciana	25.5	16.00	19.10
	Livingston	36.8	23.00	27.60
	Saint Helena	22.6	14.10	17.00
	Saint Tammany	29.8	18.60	22.40
	Tangipahoa	31.4	19.60	23.50
	Washington	33.4	20.90	25.00
	West Feliciana	35.2	22.00	26.40
7	Acadia	23.0	14.40	17.20
	Allen	27.1	17.00	20.40
	Beauregard	27.6	17.20	20.80
	Calcasieu	31.2	19.50	23.40
	Cameron	29.1	18.20	21.90
	Jefferson Davis	27.3	17.00	20.50
	Vermilion	28.9	18.00	21.60
8	Assumption	30.0	18.80	22.50
	Iberia	30.0	18.80	22.50
	Iberville	35.4	22.10	26.50
	Lafayette	26.1	16.20	19.60
	Saint Martin	27.0	16.90	20.20
	Saint Mary	30.0	18.80	22.50
9	Ascension	32.4	20.20	24.20
	Jefferson	30.2	18.90	22.60
	Lafourche	22.0	13.80	16.50
	Orleans	30.0	18.80	22.50
	Pinquemines	30.0	18.80	22.50
	Saint Bernard	30.2	18.90	22.60
	Saint Charles	27.8	17.40	20.90
	Saint James	30.0	18.80	22.50
	St. John the Baptist	30.0	18.80	22.50
	Terrebonne	23.4	14.60	17.50

MAINE

		Bushels		
1	Aroostook	54.0	$36.70	$44.10
2	Hancock	59.5	40.50	48.60
	Penobscot	56.0	38.10	45.70
	Piscataquis	60.0	40.80	49.00
	Somerset	56.0	38.10	45.70
	Waldo	61.0	41.50	49.80

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Corn—Continued

MAINE—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
2	Washington	54.0	$36.70	$44.10
3	Androscoggin	56.0	38.10	45.70
	Cumberland	53.5	36.40	43.70
	Franklin	61.0	41.50	49.80
	Kennebec	55.0	37.40	44.90
	Knox	60.5	41.10	49.40
	Lincoln	54.0	36.70	44.10
	Oxford	62.0	42.20	50.60
	Sagadahoc	58.0	39.40	47.30
	York	54.0	36.70	44.10

MARYLAND

		Bushels		
1	Allegany	42.1	$27.50	$33.10
	Garrett	52.6	34.50	41.40
2	Baltimore	64.2	42.10	50.40
	Carroll	61.8	40.50	48.60
	Cecil	62.8	41.10	49.40
	Frederick	60.8	39.80	47.80
	Harford	68.8	45.10	54.10
	Howard	65.3	42.70	51.40
	Kent	65.0	42.60	51.10
	Montgomery	53.8	35.20	42.30
	Queen Annes	60.0	39.30	47.20
	Washington	57.7	37.70	45.30
8	Anne Arundel	53.7	35.10	42.20
	Calvert	43.4	28.40	34.10
	Charles	47.9	31.40	37.60
	Prince Georges	45.9	30.10	36.00
	St. Marys	47.0	30.80	36.90
9	Caroline	54.4	35.60	42.70
	Dorchester	56.6	37.10	44.50
	Somerset	53.6	35.10	42.20
	Talbot	58.0	38.00	45.60
	Wicomico	50.0	32.80	39.30
	Worcester	53.8	35.20	42.30

MASSACHUSETTS

		Bushels		
	Barnstable	44.5	$30.20	$36.30
	Berkshire	68.0	46.20	55.50
	Bristol	56.5	38.40	46.10
	Dukes	40.5	27.50	33.00
	Essex	51.0	34.70	41.60
	Franklin	69.0	46.90	56.30
	Hampden	68.0	46.20	55.50
	Hampshire	64.0	43.50	52.20
	Middlesex	59.0	40.10	48.10
	Norfolk	55.5	31.00	37.10
	Plymouth	50.5	34.30	41.20
	Worcester	53.0	36.00	43.20

MICHIGAN

		Bushels		
1	Alger	27.0	$16.70	$20.10
	Baraga	27.0	16.70	20.10
	Chippewa	27.0	16.70	20.10
	Delta	32.7	20.30	24.30
	Dickinson	32.0	19.80	23.80
	Gogebic	27.0	16.70	20.10
	Houghton	27.0	16.70	20.10
	Iron	27.0	16.70	20.10
	Keweenaw	27.0	16.70	20.10
	Luce	27.0	16.70	20.10
	Mackinac	27.0	16.70	20.10
	Marquette	27.0	16.70	20.10
	Menominee	42.2	26.20	31.40
	Ontonagon	27.0	16.70	20.10
	Schoolcraft	27.0	16.70	20.10
2	Antrim	36.5	22.60	27.20
	Benzie	37.8	23.40	28.10
	Charlevoix	34.3	21.30	25.50
	Emmet	31.4	19.50	23.30
	Grand Traverse	42.0	26.00	31.20
	Kalkaska	34.0	21.10	25.30
	Leelanau	36.5	22.60	27.20
	Manistee	39.8	24.70	29.60
	Missaukee	40.0	24.80	29.80
	Wexford	38.6	23.90	28.80
3	Alcona	28.8	17.90	21.50
	Alpena	32.6	19.80	23.80
	Cheboygan	28.6	17.70	21.30
	Crawford	27.0	16.70	20.10
	Iosco	39.2	24.30	29.10
	Montmorency	28.2	17.50	21.00
	Ogemaw	39.7	24.60	29.50
	Oscoda	31.5	19.60	23.40
	Otsego	27.8	17.20	20.70
	Presque Isle	29.5	18.40	21.90

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Corn—Continued

MICHIGAN—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
3	Roscommon	27.0	$16.70	$20.10
4	Lake	32.4	20.10	24.10
	Mason	51.8	32.10	38.60
	Muskegon	48.3	30.00	36.60
	Newaygo	48.8	30.30	36.30
	Oceana	44.5	27.50	33.10
5	Clare	48.9	30.30	36.30
	Gladwin	44.2	27.40	32.90
	Gratiot	65.4	40.20	48.20
	Isabella	53.7	33.00	39.60
	Mecosta	50.6	31.10	37.40
	Midland	51.9	32.00	38.30
	Montcalm	57.5	35.40	42.40
	Osceola	45.3	28.00	33.70
6	Arenac	41.2	25.50	30.60
	Bay	60.4	37.40	44.90
	Huron	56.6	35.10	42.20
	Saginaw	56.8	34.90	41.90
	Sanilac	47.6	29.30	35.20
	Tuscola	61.0	37.50	45.00
7	Allegan	53.2	32.50	38.90
	Berrien	60.0	36.30	43.60
	Cass	53.3	32.80	38.70
	Kalamazoo	50.3	30.70	36.80
	Kent	48.4	29.80	35.70
	Ottawa	47.8	29.60	35.60
	Van Buren	44.6	27.00	32.40
8	Barry	48.7	29.80	35.60
	Branch	56.6	34.50	41.50
	Calhoun	58.2	35.50	42.60
	Clinton	59.0	36.30	43.50
	Eaton	59.2	36.40	43.70
	Hillsdale	53.4	32.60	39.00
	Ingham	63.8	39.20	47.10
	Ionia	51.8	31.90	38.30
	Jackson	53.2	32.70	39.20
	St. Joseph	52.0	31.50	37.80
	Shiawassee	62.2	38.30	45.90
9	Genesee	48.6	29.90	35.90
	Lapeer	50.4	31.00	37.10
	Lenawee	67.6	41.60	49.90
	Livingston	49.2	30.30	36.30
	Macomb	45.9	28.30	33.80
	Monroe	66.1	40.60	48.80
	Oakland	49.4	30.40	36.40
	St. Clair	43.8	26.90	32.30
	Washtenaw	51.2	31.50	37.80
	Wayne	60.2	37.00	44.40

MINNESOTA

		Bushels		
1	Becker	38.0	$20.90	$25.10
	Clay	40.0	21.80	26.20
	Clearwater	40.0	22.00	26.40
	Kittson	30.0	16.40	19.60
	Mahnomen	40.0	21.80	26.20
	Marshall	36.0	19.60	23.50
	Norman	40.0	21.80	26.20
	Pennington	37.0	20.20	24.20
	Polk	41.0	22.30	26.80
	Red Lake	39.0	21.30	25.50
	Roseau	30.0	16.40	19.60
2	Beltrami	38.0	20.90	25.10
	Cass	33.0	18.30	22.00
	Hubbard	36.0	19.80	23.80
	Itasca	37.0	20.70	24.90
	Koochiching	30.4	16.80	20.20
	Lake of the Woods	30.0	16.50	19.80
3	Cook			
	Lake			
	St. Louis	34.0	19.00	22.80
4	Bigstone	41.0	22.30	26.80
	Chippewa	49.8	27.40	32.90
	Douglas	45.5	25.00	30.00
	Grant	42.0	23.10	27.70
	Lac qui Parle	47.8	26.10	31.30
	Otter Tail	39.0	21.40	25.70
	Pope	42.8	23.80	28.50
	Stevens	44.0	24.20	29.00
	Swift	45.2	25.10	30.10
	Traverse	39.4	21.70	25.70
	Wilkin	36.8	20.10	24.10
	Yellow Medicine	52.0	28.60	34.30
5	Benton	46.0	26.00	31.20
	Carver	66.0	37.60	45.10
	Kandiyohi	52.6	29.50	35.40
	McLeod	66.0	37.30	44.70
	Meeker	57.0	32.20	38.60
	Morrison	40.0	22.20	26.60
	Renville	57.0	31.90	38.30
	Scott	61.0	34.50	41.40
	Sherburne	44.0	24.90	29.80
	Sibley	63.0	35.60	42.70
	Stearns	45.0	25.40	30.50
	Todd	40.0	22.20	26.60

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Corn—Continued

MINNESOTA—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
5	Wadena	38.0	$19.40	$23.30
	Wright	58.0	32.80	39.30
6	Aitkin	43.0	24.10	28.90
	Anoka	48.0	27.40	32.80
	Carlton	36.5	20.40	24.50
	Chisago	53.0	29.90	35.90
	Crow Wing	35.0	19.40	23.30
	Hennepin	58.0	33.10	39.70
	Isanti	46.0	26.00	31.20
	Kanabec	45.0	25.40	30.50
	Mille Lacs	47.0	26.60	31.90
	Pine	42.0	23.50	28.20
	Ramsey	50.0	28.50	34.20
	Washington	55.0	31.40	37.60
7	Cottonwood	53.0	29.40	35.30
	Jackson	56.0	30.80	37.00
	Lincoln	45.0	24.50	29.40
	Lyon	52.0	28.60	34.30
	Murray	51.0	28.00	33.70
	Nobles	52.6	28.90	34.80
	Pipestone	45.0	24.80	29.70
	Redwood	56.0	31.10	37.30
	Rock	49.0	27.00	32.30
8	Blue Earth	62.0	34.70	41.70
	Brown	62.0	34.70	41.70
	Faribault	64.0	35.20	42.20
	Freeborn	64.0	35.80	43.00
	La Seur	63.0	35.60	42.70
	Martin	60.0	33.00	39.60
	Nicollet	63.0	35.60	42.70
	Rice	61.0	34.50	41.40
	Steele	62.0	34.70	41.70
	Waseca	64.0	35.80	43.00
	Watonwan	58.0	32.20	38.60
9	Dakota	60.0	33.50	40.70
	Dodge	61.0	34.20	41.00
	Fillmore	63.5	35.60	42.70
	Goodhue	67.0	37.90	45.40
	Houston	69.0	39.00	46.80
	Mower	60.0	33.60	40.30
	Olmsted	62.5	34.90	42.00
	Wabasha	68.0	38.40	46.10
	Winona	66.5	37.50	45.10

MISSISSIPPI

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Bolivar	32.8	$20.50	$24.60
	Coahoma	40.0	25.00	30.00
	Quitman	34.7	21.80	26.00
	Tallahatchie	33.7	21.00	25.20
	Tunica	33.8	21.10	25.40
2	Benton	29.4	18.40	22.00
	Calhoun	23.8	14.90	17.90
	De Soto	31.4	19.60	23.50
	Grenada	25.6	16.00	19.20
	Lafayette	27.2	17.00	20.40
	Marshall	29.7	18.50	22.20
	Panola	33.6	21.00	25.20
	Tate	35.7	22.20	26.80
	Yalobusha	27.0	16.90	20.20
3	Alcorn	29.5	18.50	22.10
	Itawamba	26.8	15.80	20.10
	Lee	27.2	17.00	20.40
	Pontotoc	30.2	18.90	22.60
	Prentiss	29.8	18.60	22.40
	Tippah	29.4	18.40	22.00
	Tishomingo	25.5	16.00	19.10
	Union	27.5	17.20	20.60
4	Humphreys	32.8	20.50	24.60
	Issaquena	51.5	32.40	38.90
	Leflore	31.6	19.80	23.80
	Sharkey	51.2	32.00	38.40
	Sunflower	31.0	19.40	23.20
	Washington	42.2	26.40	31.60
	Yazoo	34.0	21.20	25.50
5	Attala	26.8	16.80	20.10
	Carroll	28.6	17.80	20.40
	Choctaw	26.2	16.40	19.60
	Holmes	29.6	18.50	22.20
	Leake	23.6	14.80	17.80
	Madison	24.0	15.00	18.00
	Montgomery	25.6	16.00	19.20
	Rankin	26.8	16.80	20.10
	Scott	28.5	17.80	21.40
	Webster	28.3	17.80	21.20
6	Chickasaw	23.6	14.80	17.80
	Clay	22.9	14.20	17.10
	Kemper	20.6	12.90	15.50
	Lowndes	20.3	12.80	15.20
	Monroe	23.2	14.50	17.40
	Neshoba	25.5	16.00	19.10
	Noxubee	20.9	13.00	15.60
	Oktibbeha	22.2	13.90	16.60
	Winston	26.2	16.40	19.60
7	Adams	25.6	16.00	19.20

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Corn—Continued

MISSISSIPPI—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
7	Amite	27.4	$17.10	$20.50
	Claiborne	40.0	25.00	30.00
	Copiah	35.1	22.00	26.40
	Franklin	30.8	19.20	23.10
	Hinds	31.0	19.40	23.20
	Jefferson	34.0	21.20	25.50
	Lincoln	32.2	20.10	24.10
	Warren	43.0	26.90	32.20
	Wilkinson	30.7	19.20	23.00
8	Covington	29.2	18.20	21.90
	Jefferson Davis	29.8	18.60	22.40
	Lamar	30.0	18.80	22.50
	Lawrence	27.8	17.40	20.90
	Marion	28.6	17.80	21.50
	Pike	28.9	18.00	21.60
	Simpson	27.6	17.20	20.80
	Smith	29.4	18.40	22.00
	Walthall	31.5	19.80	23.60
9	Clarke	27.1	17.00	20.40
	Forrest	32.9	20.50	24.60
	George	26.6	16.60	20.00
	Greene	25.0	15.60	18.80
	Hancock	33.7	21.00	25.20
	Harrison	32.0	20.00	24.00
	Jackson	28.0	17.50	21.00
	Jasper	28.1	17.50	21.10
	Jones	31.8	19.90	23.90
	Lauderdale	27.7	17.20	20.80
	Newton	27.0	16.90	20.20
	Pearl River	31.7	19.80	23.80
	Perry	31.0	19.40	23.20
	Stone	27.1	17.00	20.40
	Wayne	26.4	16.50	19.80

MISSOURI

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Andrew	61.2	$36.40	$43.70
	Atchison	61.8	36.50	43.80
	Buchanan	56.4	34.10	40.90
	Caldwell	50.3	30.70	36.80
	Clay	58.6	35.70	42.90
	Clinton	51.2	31.20	37.50
	Daviess	54.2	32.50	39.00
	De Kalb	53.4	32.00	38.40
	Gentry	51.7	30.70	36.90
	Harrison	53.1	31.70	38.00
	Holt	58.7	35.00	41.90
	Nodaway	53.0	31.30	37.50
	Platte	55.4	33.80	40.50
	Ray	57.4	35.00	42.00
	Worth	52.6	31.00	37.30
2	Adair	50.4	30.20	36.20
	Carroll	64.4	39.30	47.10
	Chariton	61.3	37.30	44.90
	Grundy	49.4	29.60	35.50
	Linn	51.2	31.00	37.30
	Livingston	49.8	30.10	36.20
	Macon	50.3	30.70	36.80
	Mercer	50.2	29.60	35.50
	Putnam	46.2	27.50	33.00
	Randolph	50.3	30.70	36.80
	Schuyler	54.8	32.60	39.20
	Sullivan	48.6	29.20	35.00
3	Audrain	51.5	33.20	39.90
	Clark	54.6	32.80	39.40
	Knox	58.0	34.80	41.80
	Lewis	56.8	34.10	40.90
	Marion	54.0	32.40	38.90
	Monroe	54.5	33.20	39.90
	Pike	54.6	33.20	39.80
	Ralls	54.0	32.70	39.20
	Scotland	53.0	31.80	38.20
	Shelby	56.6	34.20	41.10
4	Bates	49.6	30.30	36.40
	Cass	52.4	32.00	38.30
	Cedar	43.5	26.80	32.10
	Henry	46.6	28.40	34.20
	Jackson	58.3	35.60	42.70
	Johnson	54.0	32.90	39.50
	Lafayette	63.2	38.60	46.20
	St. Clair	44.8	27.60	33.10
5	Vernon	46.0	28.30	33.90
	Benton	46.5	28.30	34.00
	Boone	54.6	33.30	40.00
	Callaway	50.0	30.50	36.60
	Camden	38.6	23.90	28.80
	Cole	49.9	30.80	36.80
	Cooper	54.0	32.90	39.50
	Dallas	41.6	25.80	31.00
	Hickory	42.4	26.10	31.20
	Howard	56.3	34.40	41.20
	Laclede	39.8	24.70	29.60
	Maries	37.2	23.10	27.70
	Miller	45.4	28.10	33.70
	Moniteau	48.5	29.80	35.80

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Corn—Continued

MISSOURI—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
5	Morgan	44.8	$27.60	$33.10
	Osage	49.5	30.50	36.50
	Pettis	51.1	31.20	37.50
	Phelps	38.5	23.80	28.60
	Polk	43.4	26.90	32.20
	Pulaski	41.8	25.90	31.10
	Saline	65.4	39.90	47.80
6	Crawford	38.6	23.90	28.80
	Franklin	48.2	29.60	35.50
	Gasconade	52.2	32.10	38.50
	Jefferson	49.4	30.40	36.40
	Lincoln	51.0	31.10	37.30
	Montgomery	54.8	33.40	40.10
	Perry	53.8	33.40	40.10
	St. Charles	55.6	33.90	40.70
	St. Francois	45.0	27.90	33.50
	Ste. Genevieve	52.0	32.00	38.40
	St. Louis	52.4	32.20	38.60
	Warren	52.0	31.70	38.10
	Washington	40.0	24.80	29.80
7	Barry	45.0	27.90	33.50
	Barton	43.3	26.80	32.20
	Christian	43.3	26.80	32.20
	Dade	42.1	26.00	31.20
	Greene	46.0	28.50	34.20
	Jasper	46.0	28.50	34.20
	Lawrence	46.0	28.50	34.20
	McDonald	44.2	27.40	32.90
	Newton	42.6	26.40	31.70
	Stone	39.6	24.60	29.50
8	Bollinger	39.8	24.70	29.60
	Carter	38.8	24.10	28.90
	Dent	36.7	22.80	27.30
	Douglas	40.0	24.80	29.80
	Howell	42.8	26.50	31.90
	Iron	39.8	24.70	29.60
	Madison	40.0	24.80	29.80
	Oregon	41.8	25.90	31.10
	Ozark	36.8	22.80	27.40
	Reynolds	39.4	24.40	29.30
	Ripley	37.8	23.40	28.10
	Shannon	41.2	25.50	30.60
	Taney	40.6	25.20	30.30
	Texas	39.3	24.30	29.30
	Wayne	38.8	24.10	28.90
	Webster	40.8	25.30	30.40
	Wright	40.4	25.00	30.00
9	Butler	38.8	24.10	28.90
	Cape Girardeau	54.2	33.60	40.30
	Dunklin	53.0	32.90	39.40
	Mississippi	68.2	42.20	50.70
	New Madrid	60.2	37.30	44.80
	Pemiscot	57.1	35.50	42.50
	Scott	59.8	37.10	44.50
	Stoddard	56.6	35.10	42.20

MONTANA

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Flathead	40.7	$24.90	$29.80
	Lake	50.0	30.50	36.60
	Mineral	50.0	30.50	36.60
	Missoula	50.0	30.50	36.60
	Powell	50.0	30.50	36.60
	Ravalli	62.3	38.10	45.60
	Sanders	50.0	30.50	36.60
2	Blaine	37.6	22.90	27.60
	Chouteau	36.4	22.20	26.60
	Hill	28.2	17.20	20.60
	Liberty	28.2	17.20	20.60
	Phillips	55.7	33.90	40.70
	Pondera	43.2	26.40	31.60
	Teton	43.2	26.40	31.60
	Toole	28.2	17.20	20.60
3	Daniels	16.0	9.80	11.70
	Dawson	17.0	10.40	12.40
	Garfield	15.0	9.20	11.00
	McCone	14.8	9.00	10.90
	Richland	22.9	13.90	16.70
	Roosevelt	16.0	9.80	11.70
	Sheridan	20.2	12.30	14.90
	Valley	20.5	12.40	15.00
5	Broadwater	69.5	42.50	50.90
	Cascade	75.0	45.80	54.90
	Fergus	27.5	16.80	20.10
	Golden Valley	22.1	13.40	16.20
	Judith Basin	32.6	19.90	23.90
	Lewis and Clark	73.4	44.80	53.70
	Musselshell	38.4	23.40	28.10
	Petroleum	45.0	27.40	32.90
7	Gallatin	67.5	41.20	49.40
	Jefferson	50.0	30.50	36.60
	Madison	50.0	30.50	36.60
8	Big Horn	61.3	37.30	44.90
	Carbon	79.4	48.40	58.10
	Stillwater	69.9	42.70	51.10

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Corn—Continued

MONTANA—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
8	Treasure	63.8	$38.80	$46.70
	Yellowstone	80.8	49.30	59.20
9	Carter	12.4	7.60	9.00
	Custer	40.6	24.80	29.80
	Fallon	14.0	8.50	10.20
	Powder River	14.1	8.50	10.40
	Prairie	25.2	15.40	18.40
	Rosebud	46.2	28.20	33.80
	Wibaux	15.6	9.50	11.50

NEBRASKA

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Banner	29.8	$17.90	$21.50
	Box Butte	40.2	23.90	28.70
	Cheyenne	43.5	26.20	31.30
	Dawes	22.8	13.60	16.30
	Devel	55.5	33.40	40.00
	Garden	50.0	29.80	35.70
	Kimball	40.5	24.20	29.20
	Morrill	59.0	35.40	42.50
	Scotts Bluff	75.6	45.40	54.50
	Sheridan	25.2	14.90	17.80
	Sioux	59.6	35.80	43.00
2	Arthur	22.6	13.30	16.00
	Blaine	28.5	16.30	19.70
	Boyd	30.6	17.30	20.80
	Brown	28.4	16.20	19.40
	Cherry	16.5	9.50	11.50
	Garfield	46.8	26.90	32.30
	Holt	35.9	20.30	24.30
	Hooker	17.8	10.30	12.40
	Keya Paha	26.9	15.30	18.40
	Logan	26.6	15.60	18.70
	Loup	42.4	24.40	29.20
	McPherson	15.7	9.10	11.00
	Rock	25.5	14.60	17.40
	Thomas	20.0	11.60	13.90
	Wheeler	38.8	22.30	26.80
3	Antelope	41.8	23.60	28.40
	Boone	47.4	27.00	32.40
	Burt	55.2	31.70	38.10
	Cedar	45.8	25.90	31.10
	Cuming	54.8	31.20	37.50
	Dakota	50.8	28.70	34.50
	Dixon	44.5	25.10	30.20
	Knox	40.4	22.80	27.30
	Madison	44.5	25.30	30.40
	Pierce	44.3	25.10	30.10
	Stanton	48.6	27.70	33.30
	Thurston	48.3	27.30	32.80
	Wayne	46.6	26.30	31.60
5	Buffalo	59.6	34.30	41.20
	Custer	41.0	23.80	28.50
	Dawson	70.5	40.80	49.10
	Greeley	41.8	24.00	28.90
	Hall	68.0	39.10	46.90
	Howard	43.4	25.00	29.90
	Sherman	41.0	23.80	28.50
	Valley	47.4	27.30	32.70
6	Butler	54.8	31.50	37.80
	Case	52.4	30.40	36.40
	Colfax	50.9	29.20	35.10
	Dodge	54.0	31.00	37.30
	Douglas	53.2	30.90	37.00
	Hamilton	70.6	40.60	48.80
	Lancaster	47.0	27.00	32.40
	Merrick	62.9	36.10	43.40
	Nance	46.8	26.90	32.30
	Platte	51.6	29.70	35.60
	Polk	66.5	38.20	45.90
	Sarpy	54.5	31.60	37.90
	Saunders	50.5	29.00	34.80
	Seward	54.0	31.00	37.30
	Washington	59.6	34.60	41.50
	York	65.5	37.70	45.20
7	Chase	26.0	15.50	18.60
	Dundy	23.0	13.70	16.40
	Frontier	24.3	14.30	17.10
	Hayes	21.4	12.70	15.20
	Hitchcock	39.4	23.40	28.10
	Keith	57.6	34.30	41.20
	Lincoln	45.7	26.70	32.10
	Perkins	25.8	15.40	18.40
	Redwillow	37.2	21.90	26.30
8	Adams	64.4	37.30	44.40
	Franklin	55.4	31.90	38.20
	Furnas	44.7	26.20	31.40
	Gosper	52.8	30.90	37.10
	Harlan	42.2	24.50	29.30
	Kearney	65.9	38.00	45.40
	Phelps	64.6	37.50	45.00
	Webster	42.0	24.20	29.00
9	Clay	69.4	39.90	47.80
	Fillmore	59.8	34.40	41.30

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Corn—Continued

NEBRASKA—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
9	Gage	43.4	$25.20	$30.20
	Jefferson	42.3	24.60	29.50
	Johnson	42.3	24.80	29.70
	Nemaha	50.8	29.70	35.70
	Nuckolls	54.6	31.40	37.70
	Otoe	47.2	27.40	32.80
	Pawnee	42.0	24.60	29.50
	Richardson	49.4	28.90	34.60
	Saline	46.3	26.90	32.20
	Thayer	61.4	35.30	42.30

NEVADA

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Churchill	45.9	$31.00	$37.10
	Humboldt	36.0	24.30	29.20
	Lyon	45.0	30.40	36.40
	Pershing	34.5	23.20	27.90
	Washoe	51.0	34.40	41.30
3	White Pine	36.0	24.30	29.20
8	Clark	42.0	28.40	34.00
	Esmeralda	36.0	24.30	29.20
	Lincoln	42.0	28.40	34.00
	Nye	48.0	32.40	38.90

NEW HAMPSHIRE

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
	Belknap	52.0	$35.40	$42.40
	Carroll	38.0	25.80	31.00
	Cheshire	46.8	31.80	38.20
	Coos	52.8	35.90	43.10
	Grafton	47.6	32.40	38.90
	Hillsborough	46.4	31.60	37.80
	Merrimack	50.0	34.00	40.80
	Rockingham	46.0	31.30	37.50
	Strafford	48.8	33.20	39.80
	Sullivan	53.6	36.40	43.80

NEW JERSEY

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
2	Bergen	64.0	$42.60	$51.10
	Essex	68.0	45.20	54.30
	Hudson	73.5	48.90	58.70
	Hunterdon	73.5	48.90	58.70
	Morris	80.0	53.20	63.80
	Passaic	70.5	46.80	56.30
	Somerset	75.0	49.90	59.80
	Sussex	79.5	52.90	63.40
	Union	70.5	46.80	56.30
	Warren	77.0	51.20	61.40
5	Burlington	67.0	44.60	53.50
	Mercer	76.0	50.50	60.60
	Middlesex	68.0	45.20	54.30
	Monmouth	72.5	48.10	57.90
	Ocean	71.5	47.60	57.10
8	Atlantic	63.0	41.90	50.30
	Camden	57.5	38.30	45.90
	Cape May	62.0	41.20	49.50
	Cumberland	65.5	43.60	52.30
	Gloucester	61.0	40.60	48.70
	Salem	65.0	43.20	51.90

NEW MEXICO

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Bernalillo	49.3	$32.20	$38.80
	McKinley	18.4	12.10	14.40
	Rio Arriba	23.5	15.50	18.50
	Sandoval	32.7	21.50	25.70
	San Juan	43.2	28.30	33.90
	Santa Fe	27.2	17.80	21.40
	Taos	23.7	15.50	18.60
	Valencia	28.4	18.60	22.30
3	Colfax	30.5	19.90	24.00
	Curry	48.1	31.40	37.90
	De Baca	50.6	33.10	39.80
	Guadalupe	28.0	18.30	22.00
	Harding	15.0	9.80	11.80
	Mora	16.8	11.00	13.20
	Quay	39.2	25.70	30.80
	Roosevelt	33.1	21.70	26.10
	San Miguel	17.5	11.50	13.80
	Torrance	24.2	15.90	19.00
	Union	21.4	14.00	16.80
7	Catron	28.8	18.90	22.70
	Grant	43.3	28.30	34.10
	Hidalgo	52.5	34.30	41.30

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Corn—Continued

NEW MEXICO—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
7	Luna	56.0	$36.70	$44.00
	Sierra	47.0	30.80	36.90
	Socorro	44.8	29.30	35.20
9	Chaves	57.4	37.60	45.10
	Dona Ana	52.5	34.30	41.30
	Eddy	53.5	35.10	42.10
	Lea	40.0	26.20	31.40
	Lincoln	35.5	23.30	27.90
	Otero	48.5	31.70	38.10

NEW YORK

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
2	Jefferson	49.5	$32.70	$39.20
	Lewis	44.5	29.30	35.20
	St. Lawrence	43.5	28.80	34.50
3	Clinton	46.0	30.40	36.40
	Essex	47.0	31.00	37.20
	Franklin	45.0	29.70	35.60
	Warren	50.0	33.00	39.60
4	Erie	56.0	37.00	44.40
	Genesee	54.0	35.60	42.80
	Livingston	59.0	38.90	46.70
	Monroe	59.0	38.90	46.70
	Niagara	51.5	34.10	40.80
	Ontario	63.0	41.60	49.90
	Orleans	55.0	36.30	43.60
	Seneca	58.5	38.50	46.30
	Wayne	53.5	35.40	42.40
	Wyoming	58.0	38.30	45.90
	Yates	53.5	35.40	42.40
5	Cayuga	56.0	37.00	44.40
	Chenango	58.5	38.50	46.30
	Cortland	57.5	38.00	45.50
	Herkimer	54.5	35.90	43.20
	Madison	52.5	34.60	41.60
	Oneida	54.5	35.90	43.20
	Onondaga	54.5	35.90	43.20
	Oswego	49.0	32.30	38.80
	Otsego	52.5	34.60	41.60
6	Albany	50.5	33.30	40.00
	Fulton	45.5	30.10	36.00
	Montgomery	54.0	35.60	42.80
	Rensselaer	50.0	33.00	39.60
	Saratoga	54.0	35.60	42.80
	Schenectady	50.0	33.00	39.60
	Schoharie	68.5	45.10	54.30
	Washington	54.5	35.90	43.20
7	Allegany	51.5	34.10	40.80
	Cattaraugus	59.0	38.90	46.70
	Chautauqua	55.0	36.30	43.60
	Steuben	59.0	38.90	46.70
8	Broome	54.0	35.60	42.80
	Chemung	63.0	41.60	49.90
	Schuyler	51.5	34.10	40.80
	Tioga	62.0	40.90	49.10
	Tompkins	54.5	35.90	43.20
9	Columbia	51.5	34.10	40.80
	Delaware	52.0	34.30	41.20
	Dutchess	55.5	36.70	44.00
	Greene	54.0	35.60	42.80
	Orange	62.5	41.20	49.50
	Putnam	57.0	37.60	45.10
	Sullivan	54.5	35.90	43.20
	Ulster	54.5	35.90	43.20
	Westchester	57.0	37.60	45.10
9A	Suffolk	56.5	37.20	44.70

NORTH CAROLINA

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Alleghany	58.8	$37.90	$45.50
	Ashe	59.0	38.10	45.70
	Avery	54.6	35.20	42.30
	Caldwell	45.4	29.30	35.10
	Surry	42.8	27.60	33.20
	Watauga	61.7	39.70	47.70
	Wilkes	43.4	28.00	33.50
	Yadkin	40.5	26.10	31.30
4	Buncombe	45.6	29.40	35.30
	Burke	42.9	27.60	33.20
	Cherokee	45.2	29.20	35.00
	Clay	50.6	32.60	39.20
	Graham	49.2	31.70	38.10
	Haywood	52.4	33.80	40.60
	Henderson	54.3	35.10	42.00
	Jackson	50.6	32.60	39.20
	McDowell	44.5	28.60	34.40
	Macon	53.3	34.30	41.30
	Madison	51.8	33.40	40.10
	Mitchell	57.9	37.40	44.80
	Polk	34.8	22.40	27.00
	Rutherford	36.0	24.50	29.40
	Swain	45.5	29.40	35.20

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Corn—Continued

NORTH CAROLINA—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
4	Transylvania	55.6	$35.90	$43.10
	Yancey	56.2	36.20	43.50
2	Alamance	41.5	26.80	32.10
	Caswell	34.8	22.40	27.00
	Durham	40.1	25.80	31.10
	Forsyth	38.1	24.50	29.50
	Franklin	37.0	23.90	28.60
	Granville	33.0	21.30	25.50
	Guilford	39.8	25.70	30.80
	Orange	41.3	26.60	32.00
	Person	33.0	21.30	25.50
	Rockingham	34.8	22.40	27.00
	Stokes	36.3	23.50	28.10
	Vance	34.1	21.90	26.40
	Warren	34.6	22.30	26.80
5	Alexander	38.2	24.60	29.50
	Catawba	39.2	25.30	30.30
	Chatham	39.2	25.30	30.30
	Davidson	40.1	25.80	31.10
	Davie	40.0	25.80	31.00
	Iredell	38.6	24.90	30.00
	Lee	37.5	24.20	29.00
	Randolph	41.0	26.40	31.70
	Rowan	40.2	26.00	31.10
	Wake	39.4	25.40	30.40
8	Anson	32.7	21.20	25.30
	Cabarrus	32.4	20.90	25.00
	Cleveland	34.2	22.10	26.40
	Gaston	34.6	22.30	26.80
	Lincoln	37.1	24.00	28.80
	Mecklenburg	33.3	21.40	25.80
	Montgomery	36.6	23.60	28.40
	Moore	33.2	21.40	25.70
	Richmond	30.6	19.80	23.70
	Stanly	38.0	24.50	29.40
	Union	37.5	24.30	29.00
3	Bertie	54.5	35.10	42.20
	Camden	67.5	43.60	52.20
	Chowan	56.3	36.40	43.60
	Currituck	71.3	45.90	55.20
	Dare	42.5	27.30	32.90
	Edgecombe	47.8	30.80	37.00
	Gates	52.0	33.50	40.20
	Halifax	45.5	29.40	35.20
	Hertford	52.4	33.80	40.50
	Martin	53.2	34.30	41.20
	Nash	46.8	30.20	36.20
	Northampton	49.6	32.00	38.40
	Pasquotank	66.6	43.00	51.60
	Perquimans	66.8	43.10	51.70
	Tyrrell	54.4	35.10	42.10
	Washington	59.0	38.10	45.70
6	Beaufort	56.1	36.10	43.50
	Carteret	47.2	30.40	36.50
	Craven	43.2	27.90	33.40
	Greene	50.8	32.80	39.30
	Hyde	60.5	39.00	46.80
	Johnston	43.6	28.10	33.80
	Jones	46.2	29.80	35.70
	Lenoir	48.8	31.50	37.80
	Pamlico	49.2	31.70	38.10
	Pitt	48.5	31.20	37.50
	Wayne	48.0	31.00	37.20
	Wilson	50.9	32.80	39.30
9	Bladen	40.5	26.10	31.30
	Brunswick	38.0	24.50	29.40
	Columbus	45.0	29.00	34.80
	Cumberland	36.0	23.20	27.90
	Duplin	48.5	31.20	37.50
	Harnett	40.4	26.10	31.20
	Hoke	36.8	23.70	28.50
	New Hanover	40.4	26.10	31.20
	Onslow	43.0	27.70	33.30
	Pender	43.3	27.90	33.50
	Robeson	33.4	21.50	25.80
	Sampson	45.6	29.40	35.30
	Scotland	34.9	22.40	27.00

NORTH DAKOTA

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Burke	20.0	$10.80	$13.00
	Divide	19.0	10.30	12.30
	Mountrail	20.2	10.90	13.10
	Renville	22.3	12.10	14.50
	Ward	23.0	12.40	14.90
	Williams	20.4	11.00	13.20
2	Benson	26.0	14.00	16.80
	Bottineau	23.5	12.70	15.20
	McHenry	23.6	12.70	15.30
	Pierce	25.5	13.80	16.50
	Rolette	22.5	12.10	14.60
3	Cavalier	28.0	15.10	18.10
	Grand Forks	32.0	17.30	20.70
	Nelson	26.8	14.50	17.40
	Pembina	31.0	16.70	20.10

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Corn—Continued

NORTH DAKOTA—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
3	Ramsey	25.5	$13.80	$16.50
	Towner	22.5	12.10	14.60
	Walsh	30.0	16.20	19.40
4	Dunn	20.0	10.80	13.00
	McKenzie	22.5	12.10	14.60
	McLean	23.2	12.50	15.00
	Mercer	21.7	11.70	14.00
	Oliver	22.0	11.90	14.30
5	Eddy	26.0	14.00	16.80
	Foster	27.5	14.90	17.80
	Kidder	20.7	11.20	13.40
	Sheridan	23.5	12.70	15.20
	Stutsman	26.5	14.30	17.20
	Wells	26.0	14.00	16.80
6	Barnes	27.0	14.60	17.50
	Cass	31.0	18.40	22.00
	Griggs	26.0	14.00	16.80
	Steele	27.0	14.60	17.50
	Traill	33.0	17.80	21.40
7	Adams	16.0	8.60	10.40
	Billings	17.0	9.20	11.00
	Bowman	16.4	8.90	10.60
	Golden Valley	17.0	9.20	11.00
	Hettinger	17.0	9.20	11.00
	Slope	16.1	8.60	10.50
	Stark	18.0	9.70	11.70
8	Burleigh	19.9	10.80	12.90
	Emmons	21.5	11.70	13.90
	Grant	18.3	9.90	11.90
	Morton	18.0	9.70	11.70
	Sioux	16.0	8.60	10.40
9	Dickey	25.9	14.00	16.70
	La Moure	25.4	13.70	16.40
	Logan	22.0	11.90	14.30
	McIntosh	22.0	11.90	14.30
	Ransom	29.0	15.70	18.80
	Richland	35.0	18.90	22.70
	Sargent	29.0	15.70	18.80

OHIO

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Allen	60.0	$36.60	$43.90
	Defiance	60.5	36.80	44.30
	Fulton	72.8	44.80	53.80
	Hancock	66.8	41.10	49.30
	Henry	72.8	44.80	53.80
	Lucas	71.0	44.00	52.80
	Paulding	60.0	36.60	43.90
	Putnam	66.5	40.80	49.10
	Van Wert	65.5	40.00	47.90
	Williams	58.7	35.90	42.90
	Wood	69.5	43.20	51.70
2	Ashland	65.2	41.10	49.30
	Crawford	64.8	40.20	48.20
	Erie	72.8	45.90	55.10
	Huron	64.5	40.60	48.80
	Lorain	64.2	40.80	48.90
	Ottawa	65.7	41.00	49.20
	Richland	60.5	37.80	45.40
	Sandusky	71.5	44.80	53.60
	Seneca	66.0	40.90	49.10
	Wyandot	62.2	38.60	46.30
3	Ashtabula	57.8	37.30	44.80
	Columbiana	59.5	38.40	46.10
	Cuyahoga	54.5	34.80	41.90
	Geauga	67.0	43.20	51.90
	Lake	59.2	38.20	45.80
	Mahoning	63.5	41.00	49.10
	Medina	65.2	41.40	49.70
	Portage	63.8	41.20	49.40
	Stark	63.2	40.40	48.50
	Summit	59.5	38.10	45.70
	Trumbull	60.5	39.00	46.80
	Wayne	75.5	48.00	57.50
4	Auglaize	63.0	38.40	46.10
	Champaign	71.0	43.70	52.40
	Clark	71.0	43.70	52.40
	Darke	65.2	39.80	47.70
	Hardin	68.0	41.80	50.20
	Logan	64.8	39.90	47.80
	Mercer	61.0	37.20	44.70
	Miami	65.0	39.60	47.60
	Shelby	60.7	37.10	44.40
5	Delaware	64.8	40.20	48.20
	Fairfield	67.2	42.00	50.40
	Fayette	71.5	44.40	53.20
	Franklin	62.2	38.60	46.30
	Knox	62.0	38.80	46.50
	Licking	63.8	39.90	47.90
	Madison	70.2	43.50	52.20
	Marion	63.0	39.10	46.90
	Morrow	58.5	36.50	43.90
	Pickaway	70.5	43.60	52.50
	Ross	69.8	43.60	52.40
	Union	63.5	39.10	46.90

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Corn—Continued

OHIO—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
6	Belmont	54.2	$35.00	$41.90
	Carroll	57.8	37.30	44.80
	Coshocton	60.0	43.80	52.60
	Harrison	58.0	37.40	44.90
	Holmes	70.5	44.70	53.70
	Jefferson	59.2	38.20	45.80
	Tuscarawas	65.2	41.70	50.00
7	Butler	60.0	36.60	43.90
	Clermont	50.6	31.40	37.70
	Clinton	71.8	44.20	53.00
	Greene	72.8	44.80	53.90
	Hamilton	59.2	36.40	43.70
	Montgomery	62.5	38.10	45.60
	Preble	62.3	38.10	45.60
	Warren	61.8	38.00	45.60
8	Adams	58.0	36.20	43.50
	Brown	52.9	33.00	39.60
	Gallia	54.5	34.50	41.50
	Highland	65.2	40.40	48.50
	Jackson	56.0	35.30	42.30
	Lawrence	53.2	33.50	40.20
	Pike	58.8	36.80	44.10
	Scioto	57.2	35.80	42.90
9	Athens	56.8	36.10	43.30
	Guernsey	57.0	36.50	43.80
	Hocking	61.5	38.80	46.50
	Meigs	52.3	33.30	39.90
	Monroe	57.0	36.80	44.10
	Morgan	55.5	35.30	42.30
	Muskingum	60.8	38.60	46.40
	Noble	56.5	36.10	43.40
	Perry	59.0	37.20	44.60
	Vinton	55.0	34.60	41.60
	Washington	58.0	37.10	44.50

OKLAHOMA

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Beaver	29.0	$18.30	$21.90
	Cimarron	24.3	15.40	18.40
	Ellis	22.9	14.40	17.30
	Harper	20.6	13.00	15.60
	Texas	63.8	40.20	48.30
2	Alfalfa	24.9	15.60	18.60
	Garfield	24.7	15.60	18.60
	Grant	28.4	17.90	21.40
	Kay	42.0	26.50	31.80
	Major	20.6	13.00	15.60
	Noble	36.7	23.20	27.70
	Woods	26.9	16.90	20.30
	Woodward	22.5	14.10	17.00
3	Craig	33.5	21.20	25.30
	Delaware	35.3	22.20	26.70
	Mayes	30.4	19.20	23.00
	Nowata	37.1	23.40	28.10
	Osage	35.3	22.20	26.70
	Ottawa	32.9	20.70	24.80
	Pawnee	36.3	22.90	27.50
	Rogers	31.6	19.90	23.90
	Tulsa	36.5	22.90	27.60
	Wagoner	30.6	19.30	23.20
4	Washington	32.4	20.40	24.40
	Beckham	38.6	24.30	29.20
	Blaine	23.7	14.90	17.90
	Custer	30.0	18.90	22.70
	Dewey	24.8	15.60	18.80
	Roger Mills	25.5	16.10	19.30
	Washita	30.6	19.30	23.20
5	Canadian	41.4	26.10	31.20
	Cleveland	39.2	24.70	29.60
	Creek	29.4	18.50	22.20
	Grady	41.6	26.20	31.50
	Kingfisher	27.3	17.10	20.70
	Lincoln	29.9	18.90	22.60
	Logan	30.2	19.00	22.80
	McClain	39.0	24.60	29.50
	Okfuskee	28.0	17.60	21.20
	Oklahoma	46.3	29.20	35.00
	Payne	32.2	20.30	24.30
	Pottawatomie	42.3	26.70	32.00
	Seminole	29.8	18.80	22.60
6	Adair	33.8	21.30	25.60
	Cherokee	30.2	19.00	22.80
	Haskell	29.4	18.50	22.20
	Hughes	29.4	18.50	22.20
	McIntosh	32.2	20.30	24.30
	Muskogee	25.9	16.40	19.80
	Okmulgee	27.7	17.40	20.90
	Pittsburg	27.0	17.00	20.40
	Sequoyah	28.8	18.10	21.80
7	Caddo	31.4	19.80	23.70
	Comanche	32.2	20.30	24.30
	Cotton	43.9	27.70	33.10
	Greer	29.4	18.50	22.20
	Harmon	26.0	16.40	19.70
	Jackson	31.9	20.20	24.10

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Corn—Continued

OKLAHOMA—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
7	Kiowa	31.8	$20.00	$24.10
	Tillman	26.5	16.60	20.00
8	Atoka	25.5	16.10	19.30
	Bryan	31.0	19.50	23.40
	Carter	34.1	21.40	25.80
	Coal	33.8	21.30	25.60
	Garvin	45.1	28.50	34.10
	Jefferson	23.7	14.90	17.90
	Johnston	32.6	20.50	24.70
	Love	22.1	13.90	16.80
	Marshall	29.4	18.50	22.20
	Murray	31.4	19.80	23.70
	Pontotoc	36.5	22.90	27.60
	Stephens	28.7	18.10	21.70
9	Choctaw	29.1	18.40	22.00
	Latimer	26.3	16.60	19.90
	Le Flore	29.4	18.50	22.20
	McCurtain	34.0	21.40	25.70
	Pushmataha	29.4	18.50	22.20

OREGON

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Benton	60.0	$39.30	$47.20
	Clackamas	60.0	39.30	47.20
	Columbia	60.0	39.30	47.20
	Lane	60.0	39.30	47.20
	Linn	60.0	39.30	47.20
	Marion	60.0	39.30	47.20
	Multnomah	60.0	39.30	47.20
	Polk	60.0	39.30	47.20
	Washington	60.0	39.30	47.20
	Yamhill	60.0	39.30	47.20
2	Gilliam	60.0	39.30	47.20
	Hood River	62.0	40.60	48.70
	Morrow	83.2	54.50	65.40
	Sherman	60.0	39.30	47.20
	Wasco	86.0	56.30	67.60
3	Baker	82.0	53.70	64.50
	Umatilla	86.6	56.70	68.10
7	Douglas	67.5	44.30	53.10
	Jackson	43.4	28.40	34.10
	Josephine	78.0	51.10	61.30
8	Crook	60.0	39.30	47.20
	Deschutes	32.0	21.00	25.20
	Jefferson	75.0	49.10	59.00
	Malheur	76.6	50.20	60.30

PENNSYLVANIA

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Crawford	62.1	$40.90	$49.20
	Erie	58.8	38.80	46.60
	Forest	57.5	38.00	45.50
	Mercer	63.2	41.70	50.00
	Venango	57.2	37.80	45.30
	Warren	56.4	37.20	44.60
2	Bradford	57.0	37.60	45.10
	Cameron	53.2	35.10	42.10
	Clinton	62.5	41.20	49.50
	Elk	64.2	42.40	50.80
	Lycoming	65.2	43.00	51.60
	McKean	60.3	39.80	47.80
	Potter	59.0	38.90	46.70
	Sullivan	62.8	41.40	49.80
	Tioga	60.2	39.70	47.70
3	Lackawanna	61.5	40.70	48.70
	Susquehanna	59.2	39.10	46.90
	Wayne	64.8	42.80	51.30
	Wyoming	66.8	44.10	52.90
4	Armstrong	58.2	38.40	46.10
	Beaver	57.7	38.00	45.70
	Butler	60.2	39.70	47.70
	Clarion	57.9	38.30	45.80
	Indiana	56.6	37.40	44.90
	Jefferson	54.2	35.80	42.90
	Lawrence	60.6	40.00	48.00
5	Blair	64.4	42.50	51.00
	Cambria	54.6	36.00	43.30
	Centre	64.5	42.50	51.10
	Clearfield	52.2	34.50	41.30
	Columbia	61.2	40.40	48.40
	Dauphin	57.8	38.10	45.80
	Huntingdon	50.8	39.50	47.40
	Juniata	62.2	41.10	49.20
	Mifflin	63.8	42.10	50.60
	Montour	54.6	36.00	43.30
	Northumberland	59.5	39.30	47.10
	Perry	61.2	40.40	48.40
	Snyder	57.8	38.10	45.80
	Union	62.4	41.20	49.40
6	Carbon	54.6	36.00	43.30
	Lehigh	65.6	43.30	52.00
	Luzerne	58.0	38.30	45.90

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Corn—Continued

PENNSYLVANIA—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
6	Monroe	60.8	$40.10	$48.20
	Northampton	62.6	41.30	49.60
	Pike	64.0	42.20	50.70
	Schuylkill	56.6	37.40	44.90
7	Allegheny	55.0	36.30	43.60
	Fayette	60.0	39.60	47.50
	Greene	56.6	37.40	44.90
	Somerset	60.6	40.00	48.00
	Washington	56.3	37.20	44.60
	Westmoreland	57.4	37.90	45.40
8	Adams	57.5	38.00	45.50
	Bedford	59.4	39.20	47.00
	Cumberland	61.4	40.50	48.60
	Franklin	59.5	39.30	47.10
	Fulton	58.9	38.80	46.60
	York	60.8	40.10	48.20
9	Berks	60.2	39.70	47.70
	Bucks	60.6	40.00	48.00
	Chester	64.7	42.80	51.20
	Delaware	58.0	38.30	45.90
	Lancaster	72.0	47.50	57.00
	Lebanon	61.6	40.70	48.80
	Montgomery	58.6	38.70	46.50
	Philadelphia	60.2	39.70	47.70

RHODE ISLAND

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
	Bristol	45.5	$31.00	$37.10
	Kent	45.5	31.00	37.10
	Newport	36.5	24.80	29.80
	Providence	51.3	34.80	41.90
	Washington	47.4	32.20	38.60

SOUTH CAROLINA

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Anderson	24.7	$15.90	$18.90
	Cherokee	24.2	15.50	18.60
	Greenville	27.5	17.70	21.10
	Laurens	23.1	14.80	17.80
	Oconee	20.2	13.70	22.40
	Pickens	26.6	17.00	20.60
	Spartanburg	26.2	16.80	20.10
	Union	19.8	12.70	15.20
2	Chester	22.8	14.60	17.50
	Fairfield	20.9	13.30	16.00
	Kershaw	25.5	16.40	19.60
	Lancaster	23.6	15.10	18.20
	York	23.8	15.20	18.30
3	Chesterfield	24.3	15.60	18.70
	Darlington	34.2	21.90	26.20
	Dillon	34.6	22.10	26.60
	Florence	32.1	20.50	24.70
	Georgetown	30.4	19.50	23.30
	Horry	35.4	22.70	27.10
	Marion	34.6	22.10	26.60
	Marlboro	28.4	18.20	21.80
	Williamsburg	33.2	21.20	25.50
4	Abbeville	22.8	14.60	17.50
	Aiken	22.5	14.30	17.30
	Edgefield	22.3	14.30	17.20
	Greenwood	24.2	15.50	18.60
	McCormick	18.9	12.00	14.50
	Newberry	23.1	14.80	17.80
	Saluda	26.5	16.90	20.40
5	Calhoun	31.2	20.00	23.90
	Clarendon	29.8	19.10	22.90
	Lee	33.0	21.10	25.30
	Lexington	26.2	16.80	20.10
	Orangeburg	26.6	17.00	20.50
	Richland	29.4	18.80	22.50
	Sumter	29.7	18.90	22.80
8	Allendale	34.0	21.80	26.10
	Bamberg	30.0	19.20	23.00
	Barnwell	27.6	17.70	21.20
	Beaufort	36.9	23.60	28.30
	Berkeley	33.2	21.20	25.50
	Charleston	33.0	21.10	25.30
	Colleton	31.0	19.80	23.80
	Dorchester	29.9	19.20	22.90
	Hampton	37.7	24.10	28.90
	Jasper	35.2	22.50	27.00

SOUTH DAKOTA

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Butte	48.5	$27.60	$33.20
	Corson	16.5	9.20	11.10
	Dewey	14.7	8.30	9.90
	Harding	16.2	9.20	11.10
	Perkins	14.0	7.90	9.50

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Corn—Continued

SOUTH DAKOTA—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Ziebach	13.5	$7.70	$9.20
2	Brown	25.2	13.70	16.50
	Campbell	21.4	11.80	14.10
	Edmunds	20.4	11.10	13.30
	Faulk	21.3	11.70	14.10
	McPherson	22.5	12.20	14.70
	Potter	20.7	11.50	13.80
	Spink	24.1	13.10	15.80
	Walworth	23.0	12.80	15.30
3	Clark	25.1	13.70	16.50
	Codington	26.5	14.40	17.30
	Day	24.0	13.10	15.70
	Deuel	34.6	18.90	22.70
	Grant	36.2	19.70	23.70
	Hamlin	32.9	17.90	21.50
	Marshall	28.7	15.70	18.70
	Roberts	35.0	19.10	22.90
4	Haakon	15.6	8.70	10.50
	Jackson	15.7	8.80	10.60
	Lawrence	32.0	18.20	21.90
	Meade	18.2	10.30	12.30
	Pennington	14.5	8.20	9.90
	Stanley	16.6	9.30	11.20
5	Aurora	27.0	14.70	17.70
	Beadle	23.8	13.00	15.60
	Brule	23.4	12.80	15.30
	Buffalo	22.3	12.20	14.60
	Hand	22.8	12.40	14.90
	Hughes	18.8	10.30	12.40
	Hyde	21.8	12.00	14.40
	Jerauld	24.5	13.30	16.00
	Sully	18.4	10.10	12.10
6	Brookings	35.5	19.40	23.20
	Davison	29.4	16.00	19.20
	Hanson	32.2	17.50	21.00
	Kingsbury	33.0	18.00	21.60
	Lake	39.5	21.60	25.80
	McCook	35.0	19.10	22.90
	Miner	29.4	16.00	19.20
	Minnehaha	43.8	23.90	28.70
	Moody	39.8	21.70	26.10
7	Sanborn	27.4	14.90	17.90
	Bennett	20.0	11.40	13.70
	Custer	42.8	25.00	30.10
	Fall River	41.7	24.50	29.50
	Shannon	22.8	13.20	15.90
	Washabaugh	17.0	9.60	11.50
8	Gregory	28.3	15.50	18.50
	Jones	15.4	8.60	10.30
	Lyman	22.3	12.30	14.70
	Mellette	16.9	9.40	11.30
	Todd	16.5	9.20	11.10
	Tripp	23.8	13.10	15.70
9	Bon Homme	33.4	18.20	21.80
	Charles Mix	27.2	14.80	17.80
	Clay	44.8	24.40	29.30
	Douglas	27.8	15.20	18.20
	Hutchinson	32.6	17.80	21.40
	Lincoln	43.8	23.90	28.70
	Turner	40.8	22.20	26.70
	Union	48.8	26.60	31.90
	Yankton	39.0	21.30	25.50

TENNESSEE

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Dyer	45.0	$28.10	$33.80
	Lake	58.8	36.80	44.10
	Lauderdale	39.5	24.80	29.60
	Obion	49.0	30.60	36.80
	Shelby	34.0	21.20	25.50
	Tipton	41.5	26.00	31.10
2	Carroll	36.5	22.90	27.60
	Chester	37.0	23.30	28.00
	Crockett	36.8	23.20	27.80
	Fayette	34.2	21.50	25.80
	Gibson	37.0	23.10	27.80
	Hardeman	33.8	21.30	25.60
	Haywood	35.2	22.20	26.60
	Henderson	37.2	23.40	28.10
	Henry	38.2	24.10	28.90
	McNairy	32.2	20.40	24.50
	Madison	37.2	23.40	28.10
	Weakley	36.8	23.00	27.60
3	Benton	30.8	19.60	23.50
	Cheatham	39.2	24.90	29.80
	Decatur	35.8	22.70	27.30
	Dickson	38.5	24.40	29.30
	Hardin	29.5	18.80	22.50
	Hickman	43.8	27.80	33.40
	Houston	35.2	22.40	26.80
	Humphreys	43.8	27.80	33.40
	Lawrence	31.0	19.70	23.60
	Lewis	33.5	21.30	25.50
	Montgomery	42.5	26.90	32.40
	Perry	35.0	22.20	26.70

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Corn—Continued

TENNESSEE—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
3	Robertson	44.2	$28.10	$33.70
	Steward	37.4	23.70	28.40
	Wayne	34.5	21.80	26.30
4	Bedford	38.2	24.40	29.30
	Cannon	38.2	24.60	29.50
	Clay	37.5	24.30	29.00
	Davidson	36.6	23.40	28.20
	De Kalb	40.8	26.30	31.60
	Giles	31.5	20.10	24.00
	Jackson	38.6	24.50	29.40
	Lincoln	34.8	22.10	26.50
	Macon	35.0	22.40	26.90
	Marshall	36.5	23.50	28.30
	Maury	35.5	22.60	27.10
	Moore	36.8	23.70	28.50
	Rutherford	36.2	23.20	27.80
	Smith	41.8	26.80	32.10
	Sumner	38.8	24.80	29.80
	Trousdale	36.3	23.30	27.90
	Williamson	35.8	22.90	27.50
	Wilson	38.2	24.40	29.30
5	Bledsoe	43.2	27.90	33.40
	Coffee	42.2	27.00	32.40
	Cumberland	43.6	28.10	33.80
	Fentress	42.6	27.50	33.00
	Franklin	46.2	29.30	35.20
	Grundy	47.7	30.70	36.90
	Marion	44.0	28.20	33.80
	Morgan	41.7	26.80	32.20
	Overton	37.0	23.90	28.60
	Pickett	44.8	28.90	34.70
	Putnam	36.0	23.20	27.90
	Scott	46.2	29.80	35.70
	Sequatchie	48.2	31.10	37.30
	Van Buren	41.8	27.00	32.40
	Warren	42.0	27.10	32.50
	White	41.0	26.40	31.70
6	Anderson	42.2	27.20	32.60
	Blount	45.2	29.20	35.00
	Bradley	40.4	26.10	31.20
	Campbell	41.0	26.40	31.70
	Carter	52.8	34.10	40.90
	Claiborne	47.8	30.80	37.00
	Cocke	45.8	29.50	35.50
	Grainger	42.2	27.20	32.60
	Greene	47.2	30.40	36.50
	Hamblen	43.2	27.90	33.40
	Hamilton	34.8	22.40	27.00
	Hancock	50.0	32.20	38.70
	Hawkins	47.0	30.30	36.40
	Jefferson	46.1	29.70	35.70
	Johnson	66.8	43.10	51.70
	Knox	41.8	27.00	32.40
	Loudon	43.2	27.90	33.40
	McMinn	38.5	24.80	29.80
	Meigs	39.2	25.30	30.30
	Monroe	39.2	25.30	30.30
	Polk	38.6	24.90	29.90
	Rhea	41.0	26.40	31.70
	Roane	38.7	25.00	29.90
	Sevier	44.5	28.60	34.40
	Sullivan	43.6	28.10	33.80
	Unicoi	50.0	32.20	38.70
	Union	38.6	24.90	29.90
	Washington	53.5	34.60	41.40

TEXAS

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1–N	Armstrong	22.9	$14.50	$17.40
	Briscoe	32.5	20.60	24.80
	Carson	75.4	47.90	57.40
	Castro	74.7	47.50	56.90
	Dallam	32.7	20.80	24.90
	Deaf Smith	64.5	40.90	49.10
	Floyd	71.1	45.20	54.20
	Gray	34.6	22.00	26.40
	Hale	73.2	46.50	55.80
	Hansford	73.3	46.50	55.90
	Hartley	59.3	37.60	45.20
	Hemphill	37.2	23.60	28.30
	Hutchinson	85.0	54.00	64.80
	Lipscomb	65.9	41.90	50.20
	Moore	94.6	60.10	72.10
	Ochiltree	68.3	43.40	52.10
	Oldham	50.0	31.80	38.10
	Parmer	73.2	46.50	55.80
	Potter	55.8	35.40	42.50
	Randall	47.8	30.40	36.40
	Sherman	74.3	47.20	56.60
	Swisher	81.6	51.80	62.20
1–S	Andrews	14.0	8.90	10.70
	Bailey	39.1	24.90	29.80
	Cochran	23.6	15.00	18.00
	Crosby	39.6	25.10	30.20
	Dawson	19.8	12.60	15.10

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Corn—Continued

TEXAS—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1–S	Gaines	19.4	$12.30	$14.70
	Glasscock	52.2	33.10	39.80
	Hockley	42.6	27.10	32.50
	Howard	19.6	12.40	15.00
	Lamb	62.2	39.50	47.40
	Lubbock	30.1	19.00	23.00
	Lynn	30.4	19.30	23.10
	Martin	13.2	8.40	10.00
	Midland	40.1	25.40	30.60
	Terry	24.2	15.40	18.40
	Yoakum	35.0	22.20	26.70
2–N	Borden	20.0	12.70	15.20
	Childress	23.0	14.60	17.50
	Collingsworth	32.7	20.80	24.90
	Cottle	22.0	14.00	16.80
	Dickens	14.6	9.30	11.20
	Donley	32.0	20.30	24.40
	Foard	37.2	23.60	28.30
	Garza	27.6	17.50	21.10
	Hall	18.2	11.60	13.80
	Hardeman	20.4	13.00	15.50
	Kent	19.5	12.40	14.90
	King	15.0	9.50	11.40
	Motley	20.3	13.00	15.50
	Wheeler	21.0	13.30	16.00
	Wichita	28.4	18.00	21.60
	Wilbarger	21.2	13.50	16.10
2–S	Baylor	19.8	12.60	15.10
	Coleman	15.6	9.90	11.90
	Fisher	14.2	9.00	10.80
	Haskell	18.6	11.80	14.20
	Jones	16.2	10.30	12.30
	Knox	27.4	17.40	20.80
	Mitchell	18.0	11.40	13.70
	Nolan	14.0	8.90	10.70
	Runnels	20.5	13.00	15.60
	Scurry	14.0	8.90	10.70
	Stonewall	19.2	12.20	14.60
	Taylor	18.5	11.70	14.10
3	Archer	27.0	17.10	20.60
	Brown	20.3	13.00	15.50
	Callahan	14.2	9.00	10.80
	Clay	19.7	12.40	15.00
	Comanche	22.0	14.00	16.80
	Eastland	18.6	11.80	14.20
	Erath	17.8	11.30	13.60
	Hood	19.5	12.40	14.90
	Jack	15.8	10.00	12.10
	Mills	20.6	13.10	15.70
	Montague	21.6	13.70	16.50
	Palo Pinto	15.2	9.70	11.60
	Parker	27.7	17.50	21.10
	Shackelford	20.0	12.70	15.20
	Somervell	19.5	12.40	14.90
	Stephens	16.4	10.40	12.40
	Throckmorton	17.2	10.90	13.10
	Wise	22.3	14.20	17.00
	Young	14.6	9.30	11.20
4	Bell	30.6	19.40	23.40
	Bosque	23.4	18.00	21.60
	Collin	33.5	21.30	25.50
	Cooke	32.4	20.60	24.60
	Coryell	25.6	16.30	19.60
	Dallas	27.8	17.70	21.20
	Delta	23.2	14.70	17.70
	Denton	31.3	19.80	23.90
	Ellis	23.2	14.70	17.70
	Falls	25.8	16.40	19.70
	Fannin	29.0	18.40	22.10
	Grayson	33.2	21.10	25.30
	Hamilton	21.0	13.30	16.00
	Hill	26.4	16.80	20.10
	Hunt	29.2	18.10	16.90
	Johnson	26.6	16.90	20.30
	Kaufman	22.7	14.50	17.30
	Lamar	27.1	17.30	20.70
	Limestone	17.4	11.00	13.20
	McLennan	27.1	17.30	20.70
	Milam	26.3	16.80	20.10
	Navarro	22.1	14.00	16.80
	Rockwall	27.8	17.70	21.20
	Tarrant	28.3	18.00	21.60
	Williamson	26.2	16.60	19.90
5–N	Anderson	22.4	14.20	17.00
	Bowie	39.0	24.80	29.70
	Camp	28.0	17.80	21.30
	Cass	28.2	17.90	21.50
	Cherokee	29.0	18.40	22.10
	Franklin	32.3	20.60	24.60
	Gregg	24.3	15.50	18.50
	Harrison	26.8	17.00	20.40
	Henderson	26.4	16.80	20.10
	Hopkins	25.5	16.30	19.40
	Houston	25.5	16.30	19.40
	Marion	18.6	11.80	14.20
	Morris	27.7	17.50	21.10
	Nacogdoches	30.0	19.00	22.90

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Corn—Continued

TEXAS—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
5–N	Panola	29.6	$18.80	$22.60
	Rains	22.6	14.40	17.30
	Red River	28.5	18.00	21.70
	Rusk	26.1	16.50	19.90
	Shelby	29.6	18.80	22.60
	Smith	28.6	18.20	21.80
	Titus	34.2	21.70	26.00
	Upshur	29.2	18.50	22.20
	Van Zandt	26.6	16.90	20.30
	Wood	29.8	18.90	22.70
5–S	Angelina	25.7	16.30	19.60
	Brazos	23.2	14.70	17.70
	Freestone	18.6	11.80	14.20
	Grimes	24.5	15.50	18.70
	Hardin	25.8	16.40	19.70
	Jasper	28.0	17.80	21.30
	Leon	21.4	13.60	16.30
	Madison	20.4	13.00	15.50
	Montgomery	21.7	13.70	16.50
	Newton	23.8	15.10	18.20
	Polk	25.0	15.90	19.00
	Robertson	23.9	15.20	18.20
	Sabine	27.1	17.30	20.70
	San Augustine	23.0	14.60	17.50
	San Jacinto	20.2	12.80	15.40
	Trinity	24.6	15.60	18.80
	Tyler	24.2	15.40	18.40
	Walker	19.4	12.30	14.70
	Waller	29.4	18.70	22.40
6	Brewster	30.6	19.40	23.40
	Crane			
	Culberson	30.5	19.30	23.20
	Ector			
	El Paso	30.2	19.20	23.00
	Hudspeth	32.5	20.60	24.80
	Jeff Davis	30.5	19.30	23.20
	Pecos	59.4	37.70	45.20
	Presidio	27.9	17.80	21.30
	Reeves	29.8	18.90	22.70
	Terrell	29.5	18.80	22.50
	Ward	30.0	19.00	22.90
	Winkler			
7	Bandera	19.6	12.40	15.00
	Blanco	19.8	12.60	15.10
	Burnet	24.4	15.50	18.50
	Coke	19.4	12.30	14.70
	Concho	23.0	14.60	17.50
	Crockett	40.0	25.40	30.50
	Edwards	17.5	11.20	13.30
	Gillespie	20.3	13.00	15.50
	Kendall	19.6	12.40	15.00
	Kerr	23.6	15.00	18.00
	Kimble	22.0	14.00	16.80
	Kinney	56.8	36.10	43.30
	Lampasas	22.0	14.00	16.80
	Llano	17.6	11.20	13.50
	McCulloch	19.6	12.40	15.00
	Mason	21.4	13.60	16.30
	Menard	17.0	10.80	13.00
	Reagan	40.0	25.40	30.50
	Real	21.2	13.50	16.10
	San Saba	21.4	13.60	16.30
	Schleicher	21.2	13.50	16.10
	Sterling	30.2	31.90	38.30
	Sutton	26.2	16.60	19.90
	Tom Green	30.6	19.40	23.40
	Uvalde	45.2	28.70	34.40
	Val Verde	30.5	19.30	23.20
8–N	Austin	25.4	16.10	19.30
	Bastrop	20.0	12.70	15.20
	Bee	20.0	12.70	15.20
	Bexar	20.4	13.00	15.50
	Burleson	25.2	16.00	19.20
	Caldwell	28.2	17.90	21.50
	Colorado	30.2	19.20	23.00
	Comal	20.2	12.80	15.40
	De Witt	20.4	13.00	15.50
	Fayette	26.0	16.50	19.80
	Goliad	24.4	15.50	18.50
	Gonzales	21.6	13.70	16.50
	Guadalupe	23.2	14.70	17.70
	Hays	23.9	15.20	18.20
	Karnes	18.2	11.60	13.80
	Lavaca	23.4	14.90	17.80
	Lee	23.6	15.00	18.00
	Medina	28.4	18.00	21.60
	Travis	22.7	14.50	17.30
	Washington	28.9	18.30	22.00
	Wilson	21.9	14.00	16.60
8–S	Aransas	26.0	16.50	19.80
	Kleberg	17.6	11.20	13.50
	Nueces	28.4	18.00	21.60
	Refugio	26.4	16.10	19.30
	San Patricio	23.4	14.90	17.80
9	Brazoria	21.0	13.30	16.00
	Calhoun	22.7	14.50	17.30
	Chambers	25.8	16.40	19.70
	Fort Bend	23.2	34.70	17.70

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Corn—Continued

TEXAS—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
9	Galveston	31.4	$19.90	$23.90
	Harris	25.8	16.40	19.70
	Jackson	22.4	14.20	17.00
	Jefferson	21.0	13.30	16.00
	Liberty	20.2	12.80	15.40
	Matagorda	18.0	11.40	13.70
	Orange	23.7	15.00	18.00
	Victoria	23.0	14.60	17.50
	Wharton	29.8	18.90	22.70
10–N	Atascosa	17.2	10.90	13.10
	Brooks	16.2	10.30	12.30
	Dimmit	28.2	17.90	21.50
	Duval	13.0	8.30	9.90
	Frio	27.8	17.70	21.20
	Jim Hogg	18.0	11.40	13.70
	Jim Wells	22.0	14.00	16.80
	La Salle	21.4	13.60	16.30
	Live Oak	23.1	14.70	17.70
	McMullen	24.4	15.50	18.50
	Maverick	51.8	32.90	39.50
	Starr	20.4	13.00	15.50
	Webb	19.7	12.40	15.00
	Zapata	15.2	9.70	11.60
	Zavala	52.2	33.10	39.80
10–S	Cameron	33.0	21.00	25.10
	Hidalgo	35.5	22.60	27.00
	Willacy	33.7	21.30	25.70

UTAH

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Box Elder	50.6	$33.90	$40.70
	Cache	52.3	35.10	42.10
	Davis	60.8	40.70	48.90
	Morgan	48.4	32.40	38.90
	Rich	41.6	27.90	33.50
	Salt Lake	50.1	33.50	40.30
	Tooele	45.8	30.70	36.80
	Weber	50.1	33.50	40.30
5	Juab	47.4	31.80	38.10
	Millard	50.8	34.00	40.90
	Sanpete	43.0	28.80	34.60
	Sevier	48.1	32.20	38.70
	Utah	52.4	35.10	42.10
6	Carbon	39.7	26.50	31.90
	Daggett	38.7	26.00	31.10
	Duchesne	37.7	25.20	30.30
	Emery	43.2	28.90	34.70
	Grand	39.6	26.50	31.90
	San Juan	31.3	20.90	25.20
	Summit	38.7	26.00	31.10
	Uintah	42.0	28.10	33.80
	Wasatch	38.7	26.00	31.10
7	Beaver	45.3	30.30	36.40
	Garfield	40.0	26.80	32.20
	Iron	37.7	25.20	30.30
	Kane	38.7	26.00	31.10
	Piute	31.6	21.20	25.50
	Washington	35.9	24.10	28.80
	Wayne	41.1	27.60	33.10

VERMONT

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
	Addison	53.0	$36.00	$43.20
	Bennington	69.5	47.30	56.70
	Caledonia	56.4	38.40	46.00
	Chittenden	66.0	44.90	53.90
	Essex	51.5	35.10	42.00
	Franklin	53.0	36.00	43.20
	Grand Isle	50.5	34.30	41.20
	Lamoille	57.5	39.20	46.90
	Orange	64.0	43.50	52.20
	Orleans	56.4	38.40	46.00
	Rutland	53.0	36.00	43.20
	Washington	64.5	43.80	52.60
	Windham	65.0	44.20	53.00
	Windsor	55.5	37.80	45.30

VIRGINIA

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
2	Clarke	57.0	$37.30	$44.80
	Culpeper	50.0	32.80	39.30
	Fairfax	55.0	36.00	43.20
	Fauquier	52.0	34.10	40.90
	Frederick	49.0	32.10	38.50
	Loudoun	59.5	39.00	46.80
	Madison	48.0	31.40	37.70
	Page	49.5	32.50	38.90
	Prince William	60.0	39.30	47.20
	Rappahannock	51.5	33.80	40.50

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Corn—Continued

VIRGINIA—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
2	Rockingham	57.0	$37.30	$44.80
	Shenandoah	54.5	35.60	42.80
	Stafford	47.0	30.80	36.90
	Warren	52.0	34.10	40.90
4	Alleghany	58.5	38.30	46.00
	Augusta	63.5	41.70	49.90
	Bath	61.5	40.30	48.30
	Botetourt	51.5	33.80	40.50
	Craig	59.5	39.00	46.80
	Highland	59.5	39.00	46.80
	Roanoke	50.0	32.80	39.30
	Rockbridge	53.4	35.00	41.90
5	Albemarle	45.0	29.50	35.40
	Amelia	40.5	26.50	31.80
	Amherst	40.5	26.50	31.80
	Appomattox	41.0	26.90	32.20
	Bedford	42.5	27.80	33.40
	Buckingham	41.0	26.90	32.20
	Campbell	38.0	24.90	29.90
	Caroline	46.5	30.40	36.50
	Chesterfield	42.5	27.80	33.40
	Cumberland	41.0	26.90	32.20
	Fluvanna	46.0	30.10	36.20
	Goochland	41.0	26.90	32.20
	Greene	44.6	29.20	35.10
	Hanover	44.0	28.80	34.60
	Henrico	46.5	30.40	36.50
	Louisa	48.0	31.40	37.70
	Nelson	50.0	32.80	39.30
	Orange	49.0	32.10	38.50
	Powhatan	41.5	27.20	32.60
	Prince Edward	39.0	25.50	30.70
	Spotsylvania	50.5	33.00	39.70
6	Accomack	57.5	37.70	45.20
	Charles City	54.5	35.60	42.80
	Elizabeth City	52.0	34.10	40.90
	Essex	51.5	33.80	40.50
	Gloucester	52.0	34.10	40.90
	James City	54.0	35.40	42.40
	King and Queen	50.5	33.00	39.70
	King George	48.5	31.70	38.10
	King William	50.5	33.00	39.70
	Lancaster	52.0	34.10	40.90
	Mathews	50.5	33.00	39.70
	Middlesex	49.0	32.10	38.50
	New Kent	55.5	36.40	43.60
	Northampton	52.0	34.10	40.90
	Northumberland	55.9	36.70	43.90
	Richmond	51.5	33.80	40.50
	Warwick	52.0	34.10	40.90
	Westmoreland	51.8	33.90	40.70
	York	52.0	34.10	40.90
7	Bland	58.0	38.00	45.60
	Buchanan	43.0	28.20	33.80
	Carroll	54.0	35.40	42.40
	Dickenson	46.0	30.10	36.20
	Floyd	58.0	38.00	45.60
	Giles	48.0	31.40	37.70
	Grayson	63.0	41.30	49.50
	Lee	53.0	34.70	41.70
	Montgomery	51.0	33.40	40.10
	Pulaski	53.5	35.10	42.10
	Russell	54.0	35.40	42.40
	Scott	48.5	31.70	38.10
	Smyth	60.0	39.30	47.20
	Tazewell	57.5	37.70	45.20
	Washington	57.5	37.70	45.20
	Wise	47.5	31.20	37.30
	Wythe	55.0	36.00	43.20
8	Charlotte	33.0	21.60	25.90
	Franklin	38.0	24.90	29.90
	Halifax	32.0	21.00	25.20
	Henry	32.0	21.00	25.20
	Lunenburg	36.8	24.10	29.00
	Nottaway	45.5	29.90	35.80
	Patrick	47.5	31.20	37.30
	Pittsylvania	32.0	21.00	25.20
9	Brunswick	34.0	22.30	26.70
	Dinwiddie	40.0	26.20	31.40
	Greensville	41.0	26.90	32.20
	Isle of Wight	52.0	34.10	40.90
	Mecklenburg	32.3	21.20	25.40
	Nansemond	52.0	34.10	40.90
	Norfolk	63.0	41.30	49.50
	Prince George	48.5	31.70	38.10
	Princess Anne	64.5	42.20	50.70
	Southampton	52.5	34.30	41.30
	Surry	54.0	35.40	42.40
	Sussex	48.0	31.40	37.70

WASHINGTON

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
2	Benton	77.8	$50.20	$60.20
	Kittitas	71.8	46.30	55.60
	Yakima	77.5	50.10	60.00

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Corn—Continued

WASHINGTON—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
5	Adams	89.0	$57.40	$68.90
	Franklin	88.2	56.90	68.20
	Grant	90.2	58.20	69.80
9	Columbia	45.0	29.00	34.80
	Walla Walla	54.0	34.80	41.80

WEST VIRGINIA

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
2	Barbour	63.6	$41.70	$50.00
	Brooke	54.4	35.60	42.70
	Doddridge	55.2	36.20	43.40
	Hancock	43.3	28.30	34.10
	Harrison	50.0	32.80	39.30
	Lewis	56.8	37.20	44.70
	Marion	51.2	33.50	40.20
	Marshall	54.0	35.40	42.40
	Monongalia	57.2	37.50	44.90
	Ohio	58.6	38.40	46.10
	Pleasants	46.8	30.70	36.80
	Preston	50.3	33.00	39.60
	Ritchie	46.0	30.10	36.20
	Taylor	42.9	28.00	33.70
	Tyler	52.0	34.10	40.90
	Upshur	50.8	33.30	40.00
	Wetzel	48.4	31.70	38.00
	Wood	57.6	37.70	45.30
4	Boone	43.4	28.40	34.10
	Braxton	53.1	34.80	41.80
	Cabell	43.4	28.40	34.10
	Calhoun	44.0	28.80	34.60
	Clay	42.8	28.00	33.70
	Fayette	47.2	30.90	37.10
	Gilmer	47.7	31.20	37.50
	Jackson	48.8	32.00	38.40
	Kanawha	42.8	28.00	33.70
	Lincoln	36.9	24.10	29.00
	Logan	33.6	22.00	26.50
	Mason	51.0	33.40	40.10
	McDowell	32.0	21.00	25.20
	Mercer	45.0	29.50	35.40
	Mingo	32.0	21.00	25.20
	Nicholas	57.0	37.30	44.80
	Putnam	46.8	30.70	36.80
	Raleigh	46.0	30.10	36.20
	Roane	48.8	32.00	38.40
	Wayne	39.6	25.90	31.20
	Webster	55.4	36.30	43.50
	Wirt	52.6	34.50	41.40
	Wyoming	32.1	21.00	25.30
6	Berkeley	55.6	36.40	43.80
	Grant	54.4	35.60	42.70
	Greenbrier	58.3	38.30	45.80
	Hampshire	51.8	33.90	40.70
	Hardy	53.9	35.40	42.30
	Jefferson	53.4	35.00	41.90
	Mineral	50.7	33.30	39.80
	Monroe	57.1	37.50	44.90
	Morgan	48.0	31.40	37.70
	Pendleton	51.2	33.50	40.20
	Pocahontas	58.7	38.50	46.10
	Randolph	56.0	36.70	44.00
	Summers	42.6	27.90	33.50
	Tucker	60.8	39.80	47.80

WISCONSIN

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Barron	55.5	$32.80	$39.30
	Bayfield	44.2	26.30	31.50
	Burnett	44.5	26.20	31.50
	Chippewa	56.0	33.30	40.00
	Douglas	37.2	21.90	26.30
	Polk	53.0	31.30	37.50
	Rusk	51.0	30.30	36.40
	Sawyer	49.2	29.30	35.10
	Washburn	45.2	26.70	32.00
2	Ashland	47.2	28.30	34.00
	Clark	56.8	34.10	40.90
	Iron	40.0	24.20	29.00
	Lincoln	55.0	33.30	39.90
	Marathon	60.0	36.30	43.60
	Oneida	39.5	24.20	28.90
	Price	53.5	32.20	38.50
	Taylor	54.8	32.90	39.50
	Vilas	45.0	27.40	32.90
3	Florence	42.4	25.90	31.00
	Forest	43.5	26.60	31.80
	Langlade	57.0	34.80	41.70
	Marinette	55.0	33.60	40.30
	Oconto	57.0	34.80	41.70
	Shawano	60.0	36.60	43.90
4	Buffalo	64.8	38.20	45.90
	Dunn	57.0	33.60	40.40

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Corn—Continued

WISCONSIN—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
4	Eau Claire	63.0	$37.50	$45.00
	Jackson	59.5	35.50	42.50
	La Crosse	69.8	41.20	49.40
	Monroe	65.2	38.80	46.50
	Pepin	64.2	37.90	45.40
	Pierce	62.0	36.60	43.90
	St. Croix	59.0	34.80	41.80
	Trempealeau	64.2	37.90	45.40
5	Adams	50.2	30.10	36.10
	Green Lake	68.8	41.60	50.00
	Juneau	56.0	33.60	40.30
	Marquette	57.2	34.50	41.50
	Portage	57.0	34.50	41.40
	Waupaca	62.0	37.80	45.40
	Waushara	53.8	32.50	39.10
	Wood	54.8	32.90	39.50
6	Brown	64.0	39.00	46.80
	Calumet	65.0	39.60	47.60
	Door	55.8	34.30	41.20
	Fon du Lac	66.0	41.10	49.40
	Kewaunee	64.0	39.40	47.20
	Manitowoc	62.0	38.10	45.80
	Outagamie	69.5	42.10	50.50
	Sheboygan	65.2	39.80	47.70
	Winnebago	65.5	40.00	47.90
7	Crawford	65.0	38.40	46.00
	Grant	64.8	40.60	48.70
	Iowa	69.0	41.40	49.70
	Lafayette	70.0	42.00	50.40
	Richland	64.8	38.60	46.30
	Sauk	67.8	40.70	48.80
	Vernon	63.0	37.20	44.60
8	Columbia	71.2	43.10	51.70
	Dane	75.0	45.40	54.40
	Dodge	74.5	45.00	54.10
	Green	71.8	43.10	51.70
	Jefferson	73.0	44.20	53.00
	Rock	72.5	43.80	52.60
9	Kenosha	69.0	42.10	50.50
	Milwaukee	62.2	37.90	45.50
	Ozaukee	63.8	38.90	46.70
	Racine	71.0	43.30	52.00
	Walworth	72.0	43.60	52.30
	Washington	69.0	41.70	50.10
	Waukesha	72.8	44.00	52.90

WYOMING

		Bushels		
1	Big Horn	67.0	$40.90	$49.00
	Fremont	63.0	38.40	46.10
	Hot Springs	64.0	39.00	46.80
	Park	66.0	40.30	48.30
	Washakie	66.0	40.30	48.30
2	Campbell	17.0	10.40	12.40
	Crook	30.7	18.80	22.40
	Johnson	55.0	33.60	40.30
	Sheridan	43.1	26.40	31.60
	Weston	20.2	12.30	14.80
4	Natrona	44.0	26.80	32.20
5	Converse	30.7	18.80	22.40
	Goshen	65.3	39.80	47.80
	Laramie	27.4	16.70	20.00
	Niobrara	20.7	12.70	15.10
	Platte	56.6	34.50	41.50

§ 775.154 County average yields and county payment rates for grain sorghums.

County average yields and county minimum acre payment rates (50 percent payment rate per acre) and additional acre payment rates (60 percent payment rate per acre) for grain sorghums are as follows:

1962 FEED GRAIN PROGRAM

County 1959–60 Adjusted Average Yields and Per Acre Payment for Grain Sorghums

ALABAMA

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Colbert	19.6	$11.00	$13.20
	Fayette	19.6	11.00	13.20
	Franklin	25.4	14.20	17.00
	Lamar	15.0	8.40	10.10
	Marion	25.0	14.00	16.80
2	Lauderdale	24.1	13.40	16.20
	Lawrence	28.5	15.90	19.20
	Limestone	25.2	14.10	16.90
	Madison	31.3	17.50	21.10
	Marshall	26.2	14.70	17.60
	Morgan	21.3	11.90	14.30
2A	Bibb	29.6	16.60	19.90
	Blount	28.4	14.20	17.00
	Chilton	22.0	12.30	14.80
	Cullman	23.2	13.00	15.60
	Jefferson	23.2	13.00	15.60
	Saint Clair	29.0	16.20	19.50
	Shelby	29.0	16.20	19.50
	Walker	26.8	15.00	18.00
	Winston	22.5	12.50	15.10
3	Calhoun	20.8	11.60	14.00
	Cherokee	28.6	16.00	19.30
	Cleburne	20.5	11.40	13.80
	De Kalb	26.5	14.80	17.80
	Etowah	24.0	13.40	16.10
	Jackson	26.5	14.80	17.80
4	Greene	19.0	10.60	12.80
	Hale	19.0	10.60	12.80
	Marengo	27.0	15.10	18.10
	Pickens	27.0	15.10	18.10
	Sumter	23.0	12.90	15.50
	Tuscaloosa	24.5	13.70	16.50
5	Autauga	20.6	11.50	13.90
	Dallas	19.0	10.60	12.80
	Elmore	27.5	15.50	18.50
	Lowndes	19.5	11.00	13.10
	Montgomery	23.0	12.90	15.50
	Perry	23.0	12.90	15.50
	Wilcox	22.5	12.50	15.10
6	Chambers	15.8	8.80	10.60
	Clay	19.5	11.00	13.10
	Coosa	12.3	6.90	8.30
	Lee	20.7	11.60	13.90
	Macon	26.2	14.70	17.60
	Randolph	15.6	8.70	10.50
	Russell	22.5	12.50	15.10
	Talladega	26.0	14.60	17.50
	Tallapoosa	15.0	8.40	10.10
7	Baldwin	35.5	19.90	23.90
	Choctaw	23.0	12.90	15.50
	Clarke	23.2	13.00	15.60
	Mobile	30.0	16.80	20.20
	Washington	24.8	13.90	16.70
8	Butler	23.0	12.90	15.50
	Conecuh	23.0	12.90	15.50
	Covington	23.1	13.00	15.60
	Crenshaw	20.6	11.50	13.90
	Escambia	28.0	15.70	18.80
	Monroe	32.1	17.90	21.60
9	Barbour	26.2	14.70	17.60
	Bullock	27.5	15.50	18.50
	Coffee	24.2	13.60	16.20
	Dale	20.0	11.20	13.40
	Geneva	20.0	11.20	13.40
	Henry	22.5	12.50	15.10
	Houston	20.3	11.40	13.70
	Pike	21.6	12.10	14.60

ARIZONA

		Bushels		
2	Apache	20.0	$9.70	$11.60
	Coconino	20.0	9.70	11.60
	Mohave	60.0	29.10	34.90
	Navajo	20.0	9.70	11.60
	Yavapai	30.0	15.00	18.00
5	Maricopa	59.5	37.20	44.60
	Pinal	59.5	37.20	44.60
7	Yuma	46.0	29.20	35.10
9	Cochise	63.0	36.00	44.20
	Gila	40.0	19.00	22.80
	Graham	51.0	28.30	34.00

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Grain Sorghums—Continued

ARIZONA—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
9	Greenlee	56.5	$26.80	$32.20
	Pima	53.5	33.00	39.50
	Santa Cruz	40.0	24.00	28.80

ARKANSAS

		Bushels		
1	Benton	26.8	$14.10	$16.90
	Boone	17.3	9.30	11.20
	Carroll	28.8	15.30	18.30
	Madison	34.1	17.80	21.30
	Newton	20.0	10.80	13.00
	Washington	27.0	14.20	17.00
2	Baxter	28.5	15.50	18.60
	Cleburne	27.6	16.40	19.80
	Fulton	27.6	15.60	18.80
	Izard	18.0	9.90	11.90
	Marion	25.0	13.50	16.20
	Sharey	20.0	10.80	13.00
	Sharp	21.0	11.90	14.20
	Stone	45.0	25.00	30.00
	Van Buren	18.2	10.30	12.30
3	Clay	27.9	16.70	19.90
	Craighead	25.6	15.20	18.30
	Greene	23.0	13.70	16.40
	Independence	27.1	15.60	18.70
	Jackson	29.1	17.40	20.80
	Lawrence	19.5	11.70	13.90
	Mississippi	28.5	16.90	20.30
	Poinsett	28.5	16.90	20.30
	Randolph	26.6	21.80	26.20
	White	25.9	15.50	18.40
4	Crawford	22.3	11.90	14.20
	Franklin	24.0	12.80	15.40
	Johnson	45.4	24.50	29.40
	Logan	20.2	10.80	12.90
	Polk	43.6	22.90	27.50
	Pope	16.2	8.80	10.60
	Scott	50.0	26.20	31.50
	Sebastian	27.0	14.30	17.20
	Yell	25.6	14.00	16.80
5	Conway	16.5	9.50	11.50
	Faulkner	18.5	10.90	13.10
	Garland	10.7	5.90	7.00
	Grant	22.5	12.30	14.80
	Hot Spring	21.8	12.00	14.40
	Perry	20.2	11.00	13.20
	Pulaski	28.8	17.00	20.40
	Saline	25.9	14.60	17.40
6	Arkansas	27.8	16.50	19.90
	Crittenden	20.5	12.10	14.50
	Cross	31.6	18.80	22.60
	Lee	43.9	26.20	31.30
	Lonoke	19.3	11.40	13.80
	Monroe	43.0	25.60	30.70
	Phillips	22.7	13.60	16.20
	Prairie	22.6	13.40	16.20
	Saint Francis	20.4	12.10	14.50
	Woodruff	29.2	17.40	20.80
7	Hempstead	23.3	12.50	15.10
	Howard	25.4	13.60	16.30
	Lafayette	25.1	13.60	16.30
	Little River	17.7	9.40	11.30
	Miller	13.2	7.10	8.50
	Montgomery	16.5	8.80	10.60
	Pike	40.0	21.60	25.90
	Sevier	40.6	21.30	25.60
8	Bradley	8.4	4.60	5.40
	Calhoun	34.4	18.90	22.70
	Clark	22.4	12.20	14.60
	Cleveland	19.1	10.80	12.90
	Columbia	27.5	14.90	17.80
	Dallas	18.7	10.30	12.30
	Nevada	35.4	19.10	22.90
	Ouachita	17.5	9.60	11.40
	Union	16.5	8.90	10.70
9	Ashley	17.4	9.50	11.30
	Chicot	22.2	12.20	14.60
	Desha	20.1	11.80	14.30
	Drew	21.4	12.10	14.50
	Jefferson	25.8	15.10	18.10
	Lincoln	25.8	15.20	18.30

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Grain Sorghums—Continued

CALIFORNIA

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Humboldt	25.0	$14.60	$17.60
	Mendocino	25.0	15.50	18.60
4	Alameda	57.0	37.90	45.50
	Contra Costa	90.0	59.80	71.80
	Lake	49.5	31.50	37.70
	Monterey	35.0	22.40	26.90
	Napa	39.5	26.10	31.30
	San Benito	37.5	24.30	29.00
	San Luis Obispo	40.0	25.00	30.00
	Santa Clara	55.0	36.60	43.90
	Sonoma	43.0	28.40	34.10
6	Butte	66.0	42.20	50.70
	Colusa	55.2	42.10	50.40
	Glenn	62.0	39.40	47.20
	Sacramento	79.0	52.50	63.00
	Solano	71.2	47.00	56.40
	Sutter	70.5	45.80	55.00
	Tehama	55.0	34.10	40.90
	Yolo	70.0	45.80	55.00
	Yuba	55.0	35.90	42.90
8a	Fresno	61.0	39.80	47.20
	Kern	59.0	36.90	44.20
	Kings	51.0	32.90	39.50
	Madera	63.0	41.00	49.10
	Merced	54.5	35.90	43.20
	San Joaquin	68.5	46.20	55.50
	Stanislaus	71.0	47.20	56.70
	Tulare	61.2	39.20	47.00
6	Amador	61.0	40.60	48.70
	Eldorado	45.0	29.20	35.10
	Inyo	30.0	17.20	20.70
	Placer	71.0	46.50	55.80
8	Imperial	60.5	39.00	46.80
	Los Angeles	67.5	44.60	53.50
	Orange	27.5	17.90	21.40
	Riverside	61.5	39.40	47.20
	San Bernardino	87.5	57.40	68.80
	San Diego	38.0	24.10	29.00
	Santa Barbara	72.0	45.40	54.40
	Ventura	70.5	46.50	55.80

COLORADO

		Bushels		
1	Boulder	41.9	$20.60	$21.60
	Jefferson	24.4	12.00	14.30
	Larimer	30.2	19.20	23.00
	Logan	20.9	10.30	12.20
	Morgan	20.2	9.90	11.90
	Sedgwick	25.9	12.70	15.20
	Weld	22.2	10.90	13.00
4	Adams	17.6	8.60	10.40
	Arapahoe	16.0	7.80	9.40
	Cheyenne	14.5	7.10	8.50
	Douglas	13.2	6.50	7.70
	Elbert	13.2	6.50	7.70
	El Paso	15.4	7.50	9.00
	Kiowa	14.9	7.30	8.70
	Kit Carson	17.5	8.60	10.30
	Lincoln	15.6	7.60	9.20
	Phillips	21.6	10.60	12.70
	Washington	16.5	8.00	9.70
	Yuma	20.2	9.90	11.90
7	Delta	48.0	23.50	28.20
	Dolores	15.0	7.40	8.80
	Garfield	44.5	21.80	26.20
	La Plata	16.5	8.00	9.70
	Mesa	56.5	27.60	33.20
	Montezuma	17.0	8.30	10.00
	Montrose	37.4	18.30	22.00
9	Baca	21.0	10.60	12.70
	Bent	52.0	25.50	30.60
	Crowley	41.0	20.10	24.10
	Custer	12.6	6.20	7.40
	Fremont	37.0	18.10	21.80
	Huerfano	19.6	9.60	11.60
	Las Animas	15.4	7.50	9.00
	Otero	48.3	23.70	28.40
	Prowers	37.4	18.30	22.00
	Pueblo	30.1	14.70	17.70

CONNECTICUT

		Bushels		
	Hartford	52.5	$30.10	$36.20
	Litchfield	54.4	31.30	37.50
	New Haven	48.9	28.10	33.70

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Grain Sorghums—Continued

DELAWARE

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
2	New Castle	55.0	$31.60	$38.00
6	Kent	52.0	29.90	35.90
8	Sussex	46.0	26.40	31.70

FLORIDA

		Bushels		
1	Calhoun	44.0	$24.60	$29.60
	Escambia	45.0	25.20	30.20
	Gadsden	42.0	23.50	28.20
	Holmes	36.5	20.40	24.50
	Jackson	40.0	22.40	26.90
	Jefferson	39.0	21.80	26.20
	Leon	38.0	21.30	25.50
	Okaloosa	39.0	21.80	26.20
	Santa Rosa	44.0	24.60	29.60
	Walton	39.0	21.80	26.20
	Washington	39.0	21.80	26.20
3	Columbia	37.0	20.70	24.90
	Hamilton	38.0	21.30	25.50
	Lafayette	35.5	19.90	23.90
	Madison	37.0	20.70	24.90
	Suwannee	37.0	20.70	24.90
5	Alachua	36.0	20.20	24.20
	Gilchrist	36.0	20.20	24.20
	Hernando	38.0	21.30	25.50
	Lake	39.0	21.80	26.20
	Levy	37.0	20.70	24.90
	Marion	37.0	20.70	24.90
	Osceola	39.0	21.80	26.20
	Putnam	41.0	23.00	27.60
8	Okeechobee	39.0	21.80	26.20

GEORGIA

		Bushels		
1	Bartow	19.0	$10.90	$13.10
	Catoosa	42.0	24.30	29.10
	Chattooga	23.8	13.70	16.40
	Dade	18.0	10.40	12.40
	Floyd	26.0	15.00	17.90
	Gordon	27.5	15.90	19.00
	Murray	20.2	11.60	13.90
	Paulding	20.0	11.50	13.80
	Polk	21.2	12.20	14.60
	Walker	40.0	23.00	27.60
	Whitfield	27.5	15.90	19.00
2	Barrow	39.0	22.40	26.90
	Cherokee	22.0	12.60	15.20
	Clarke	35.2	20.20	24.30
	Cobb	31.5	18.20	21.70
	Dawson	27.0	15.50	18.60
	De Kalb	20.0	11.50	13.80
	Fannin	26.0	15.00	17.90
	Forsyth	27.0	15.50	18.60
	Fulton	45.8	26.30	31.60
	Gilmer	26.0	15.00	17.90
	Gwinnett	20.8	12.00	14.40
	Hall	31.0	17.80	21.40
	Jackson	33.2	19.10	22.90
	Lumpkin	27.0	15.50	18.60
	Oconee	17.8	10.20	12.30
	Pickens	26.0	15.00	17.90
	Towns	30.0	17.20	20.70
	Union	26.2	15.10	18.10
	Walton	33.8	19.40	23.30
3	White	27.0	15.50	18.60
	Banks	32.2	18.50	22.20
	Elbert	24.2	13.90	16.70
	Franklin	16.0	9.20	11.00
	Habersham	28.0	16.10	19.30
	Hart	20.8	12.00	14.40
	Lincoln	15.0	8.60	10.40
	Madison	20.5	11.70	14.10
	Oglethorpe	16.0	10.40	12.40
	Rabun	30.0	17.20	20.70
	Stephens	28.2	16.20	19.40
	Wilkes	20.8	12.00	14.40
4	Carroll	27.0	15.50	18.60
	Chattahoochee	16.0	10.40	12.40
	Clayton	24.8	14.30	17.10
	Coweta	16.0	9.20	11.00
	Douglas	14.2	8.20	9.80
	Fayette	35.7	20.50	24.60
	Haralson	21.2	12.20	14.60
	Harris	16.5	9.40	11.40
	Heard	35.7	20.50	24.60
	Henry	16.2	9.30	11.20
	Lamar	15.0	8.60	10.40

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Grain Sorghums—Continued

GEORGIA—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
4	Macon	30.0	$17.20	$20.70
	Marion	26.0	15.00	17.90
	Meriwether	34.8	20.00	24.00
	Muscogee	18.0	10.40	12.40
	Pike	22.8	13.10	15.80
	Schley	40.0	23.00	27.60
	Spalding	25.8	16.60	19.90
	Talbot	30.0	17.20	20.70
	Taylor	27.5	15.90	19.00
	Troup	22.0	12.60	15.20
	Upson	24.0	13.80	16.60
5	Baldwin	27.8	16.00	19.20
	Bibb	19.4	11.20	13.30
	Bleckley	25.0	14.40	17.20
	Butts	25.0	25.90	31.00
	Crawford	20.8	12.00	14.40
	Dodge	29.2	16.80	20.10
	Greene	15.0	8.60	10.40
	Hancock	26.5	15.20	18.30
	Houston	21.2	12.20	14.60
	Jasper	28.0	16.10	19.30
	Johnson	18.0	10.40	12.40
	Jones	32.2	18.50	22.20
	Laurens	24.2	13.90	16.70
	Monroe	30.0	17.20	20.70
	Montgomery	17.2	9.90	11.80
	Morgan	28.5	16.30	19.70
	Newton	30.0	17.20	20.70
	Peach	24.0	13.80	16.60
	Pulaski	25.8	14.80	17.80
	Putnam	18.8	10.80	13.00
	Rockdale	24.5	14.00	16.90
	Taliaferro	18.0	10.40	12.40
	Treutlen	20.0	11.50	13.80
	Twiggs	20.2	11.60	13.90
	Washington	18.0	10.40	12.40
	Wheeler	24.0	13.80	16.60
	Wilkinson	37.0	21.30	25.60
6	Bulloch	22.0	12.60	15.20
	Burke	28.8	16.60	19.90
	Candler	15.8	9.10	10.90
	Columbia	18.0	10.40	12.40
	Effingham	22.0	12.60	15.20
	Emanuel	27.5	15.90	19.00
	Glascock	17.0	9.80	11.70
	Jefferson	18.8	10.80	13.00
	Jenkins	23.8	13.70	16.40
	McDuffie	19.0	10.90	13.10
	Richmond	14.5	8.30	10.00
	Screven	20.0	11.50	13.80
	Warren	19.5	11.30	13.50
7	Baker	24.2	13.90	16.70
	Calhoun	27.5	15.90	19.00
	Clay	25.8	14.80	17.80
	Decatur	28.2	16.20	19.40
	Dougherty	20.2	11.60	13.90
	Early	20.8	12.00	14.40
	Grady	19.0	10.90	13.10
	Lee	22.2	12.80	15.30
	Miller	18.2	10.50	12.50
	Mitchell	27.5	15.90	19.00
	Quitman	26.6	15.30	18.40
	Randolph	27.2	15.60	18.70
	Seminole	29.5	17.00	20.40
	Stewart	21.0	12.10	14.50
	Sumter	23.8	13.70	16.40
	Terrell	15.8	9.10	10.90
	Thomas	23.5	13.60	16.20
	Webster	22.0	12.60	15.20
8	Atkinson	28.2	16.20	19.40
	Ben Hill	24.5	14.00	16.90
	Berrien	30.4	17.50	20.90
	Brooks	16.2	9.30	11.20
	Clinch	20.0	11.50	13.80
	Coffee	30.7	12.00	14.30
	Colquitt	32.8	18.90	22.70
	Cook	15.0	8.60	10.40
	Crisp	22.2	12.80	15.30
	Dooley	20.0	11.50	13.80
	Echols	21.5	12.40	14.80
	Irwin	23.8	13.70	16.40
	Jeff Davis	28.4	16.30	19.60
	Lanier	15.0	8.60	10.40
	Lowndes	22.0	12.60	15.20
	Telfair	30.8	17.70	21.20
	Tift	29.5	17.00	20.40
	Turner	23.0	13.20	15.90
	Wilcox	23.8	18.90	22.70
	Worth	31.6	12.50	15.10
9	Appling	28.2	19.10	22.90
	Bacon	30.6	17.60	21.20
	Brantley	28.5	14.70	17.60
	Bryan	22.0	12.60	15.20

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Grain Sorghums—Continued

GEORGIA—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
9	Camden	22.0	$12.60	$15.20
	Charlton	20.0	11.50	13.80
	Chatham	22.0	12.60	15.20
	Evans	17.6	10.10	12.20
	Glynn	22.0	12.60	15.20
	Liberty	20.0	11.50	13.80
	Long	20.0	11.50	13.80
	McIntosh	20.0	11.50	13.80
	Pierce	22.7	13.10	15.60
	Tattnall	25.8	14.80	17.80
	Toombs	24.8	14.30	17.10
	Ware	30.0	17.20	20.70
	Wayne	34.0	19.60	23.50

IDAHO

		Bushels		
7	Ada	58.0	$28.40	$34.10
	Canyon	58.0	28.40	34.10
	Elmore	58.0	28.40	34.10
	Owyhee	60.0	29.40	35.30
	Payette	57.0	27.90	33.50
	Washington	56.0	27.40	32.90
8	Gooding	55.0	27.00	32.30
	Lincoln	45.0	22.00	26.50
	Twin Falls	57.0	27.90	33.50
9	Bingham	48.0	23.50	28.20
	Clark	38.0	18.60	22.30
	Jefferson	38.0	18.60	23.30

ILLINOIS

		Bushels		
1	Bureau	70.5	$37.00	$44.40
	Henry	66.0	34.60	41.60
	Lee	57.8	30.30	36.40
	Mercer	65.0	34.10	41.00
	Ogle	69.5	36.50	43.80
	Putnam	69.0	36.20	43.50
	Rock Island	69.5	36.50	43.90
	Whiteside	68.3	35.90	43.00
	Winnebago			
3	De Kalb	69.1	36.30	43.60
	Du Page	61.1	32.10	38.50
	Grundy	66.0	34.60	41.60
	Kane	69.1	36.30	43.60
	Kendall	76.2	35.30	42.30
	Lake	55.0	28.90	34.60
	La Salle	69.0	36.20	43.50
	Will	58.6	30.80	37.00
4	Adams	57.4	30.10	36.10
	Brown	54.1	28.40	34.10
	Fulton	59.1	31.10	37.30
	Hancock	58.3	30.70	36.80
	Henderson	67.5	35.50	42.50
	Knox	66.1	34.60	41.70
	McDonough	65.0	34.10	41.00
	Schuyler	56.0	29.40	35.30
	Warren	74.1	38.80	46.70
4a	Bond	47.0	24.70	29.60
	Calhoun	52.0	27.30	32.80
	Cass	63.2	33.20	39.80
	Christian	65.0	34.10	41.00
	Greene	58.0	30.40	36.50
	Jersey	53.5	28.10	33.70
	Macoupin	54.5	28.60	34.30
	Madison	49.5	26.00	31.20
	Montgomery	66.5	34.90	41.90
	Morgan	65.1	34.20	41.10
	Pike	57.4	30.10	36.10
	Sangamon	61.5	32.30	38.70
	Scott	59.0	31.00	37.20
5	De Witt	66.5	34.90	41.90
	Logan	69.0	36.20	43.50
	McLean	71.5	37.60	45.00
	Macon	71.3	37.40	44.90
	Marshall	69.0	36.20	43.50
	Mason	58.2	30.60	36.60
	Menard	58.1	30.40	36.60
	Peoria	58.1	30.40	36.60
	Tazewell	68.1	35.70	42.90
6	Champaign	68.2	35.80	42.90
	Ford	65.0	34.10	41.00
	Iroquois	61.3	32.10	38.60
	Kankakee	63.0	33.10	39.70
	Livingston	66.0	34.60	41.60
	Piatt	72.0	37.80	45.40
6a	Vermilion	61.9	32.60	39.00
	Clark	55.0	28.90	34.60
	Clay	43.0	22.60	27.10
	Coles	64.5	33.80	40.60
	Crawford	49.0	25.70	30.90
	Cumberland	52.5	27.50	33.10
	Douglas	66.5	34.90	41.90

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Grain Sorghums—Continued

ILLINOIS—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
6a	Edgar	63.1	$33.20	$39.80
	Effingham	49.3	25.90	31.10
	Fayette	50.4	26.50	31.70
	Jasper	51.1	26.90	32.20
	Lawrence	45.4	23.80	28.60
	Marion	42.1	22.00	26.60
	Moultrie	64.1	33.60	40.40
	Richland	46.2	24.30	29.10
	Shelby	62.8	33.00	39.60
7	Alexander	45.1	23.70	28.50
	Clinton	50.3	26.50	31.70
	Jackson	45.0	23.60	28.40
	Johnson	43.5	22.90	27.40
	Monroe	52.6	27.60	33.20
	Perry	40.5	21.20	25.50
	Pulaski	45.1	23.70	28.50
	Randolph	53.5	28.10	33.70
	St. Clair	53.6	28.10	33.80
	Union	49.0	25.70	30.90
	Washington	54.8	28.80	34.50
	Williamson	37.1	19.50	23.40
9	Edwards	51.6	27.10	32.60
	Franklin	40.2	21.10	25.30
	Gallatin	48.1	25.20	30.30
	Hamilton	44.8	23.50	28.20
	Hardin	38.8	20.40	24.50
	Jefferson	42.6	22.40	26.90
	Massac	41.1	21.60	25.90
	Pope	37.0	19.40	23.30
	Saline	45.0	23.60	28.40
	Wabash	50.5	26.50	31.80
	Wayne	41.5	21.80	26.10
	White	49.1	25.80	31.00

INDIANA

		Bushels		
1	Benton	49.0	$26.00	$31.20
	Jasper	55.0	29.20	35.00
	Lake	55.0	29.20	35.00
	La Porte	50.0	26.50	31.80
	Newton	55.0	29.20	35.00
	Porter	55.0	29.20	35.00
	Pulaski	55.0	29.20	35.00
	Starke	52.5	27.80	33.40
	White	57.4	30.40	36.50
2	Carroll	70.5	37.30	44.80
	Cass	53.0	28.10	33.70
	Elkhart	51.5	27.30	32.80
	Fulton	53.0	28.10	33.70
	Kosciusko	53.0	28.10	33.70
	Marshall	50.7	26.90	32.20
	Miami	53.0	28.10	33.70
	St. Joseph	50.0	26.50	31.80
	Wabash	53.0	28.10	33.70
3	Adams	58.0	30.70	36.90
	Allen	45.0	23.80	28.60
	De Kalb	45.0	23.80	28.60
	Huntington	45.0	23.80	28.60
	Lagrange	45.0	23.80	28.60
	Noble	45.0	23.80	28.60
	Steuben	45.0	23.80	28.60
	Wells	45.0	23.80	28.60
	Whitley	45.0	23.80	28.60
4	Clay	40.8	21.60	26.00
	Fountain	66.6	35.30	42.40
	Montgomery	55.5	29.50	35.30
	Owen	54.5	28.80	34.70
	Parke	52.5	27.80	33.40
	Putnam	48.5	25.70	30.80
	Tippecanoe	52.2	27.70	33.20
	Vermillion	57.5	30.50	36.60
	Vigo	50.8	26.90	32.30
	Warren	52.5	27.80	33.40
5	Bartholomew	66.0	35.00	42.00
	Boone	66.0	35.00	42.00
	Clinton	66.0	35.00	42.00
	Decatur	62.4	33.10	39.60
	Grant	62.0	32.90	39.40
	Hamilton	62.0	32.90	39.40
	Hancock	61.0	32.30	38.80
	Hendricks	62.0	32.90	39.40
	Howard	63.5	33.70	40.40
	Johnson	77.5	41.10	49.30
	Madison	62.0	32.90	39.40
	Marion	62.5	33.10	39.80
	Morgan	62.0	32.90	39.40
	Rush	68.0	36.00	43.20
	Shelby	62.0	32.90	39.40
	Tipton	64.8	34.30	41.20
6	Blackford	52.5	27.80	33.40
	Delaware	45.0	23.80	28.60
	Fayette	45.0	23.80	28.60
	Henry	45.0	23.80	28.60
	Jay	45.0	23.80	28.60
	Randolph	45.0	23.80	28.60

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Grain Sorghums—Continued

INDIANA—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
6	Union	45.0	$23.80	$28.60
	Wayne	52.5	27.80	33.40
7	Daviess	55.0	29.20	35.00
	Dubois	54.0	28.60	34.30
	Gibson	57.6	30.50	36.70
	Greene	53.3	28.20	33.90
	Knox	58.8	31.20	37.40
	Martin	50.5	26.70	32.10
	Pike	51.0	27.00	32.40
	Posey	49.0	26.00	31.20
	Spencer	51.9	27.60	33.00
	Sullivan	48.4	25.70	30.70
	Vanderburgh	59.0	31.30	37.50
	Warrick	48.2	25.50	30.60
	Brown	39.0	20.70	24.80
	Crawford	39.0	20.70	24.80
	Floyd	39.0	20.70	24.80
	Harrison	47.6	25.20	30.30
	Jackson	54.7	29.00	34.90
	Lawrence	40.2	21.30	25.50
8	Monroe	38.4	20.40	24.40
	Orange	62.6	33.20	39.90
	Perry	46.0	24.40	29.30
	Washington	49.5	26.30	31.50
9	Clark	46.0	24.40	29.30
	Dearborn	46.0	24.40	29.30
	Franklin	52.5	27.80	33.40
	Jefferson	46.0	24.40	29.30
	Jennings	46.0	24.40	29.30
	Ohio	46.0	24.40	29.30
	Ripley	46.0	24.40	29.30
	Scott	46.0	24.40	29.30
	Switzerland	46.0	24.40	29.30

IOWA

		Bushels		
1	Buena Vista	71.8	$38.10	$45.70
	Cherokee	68.4	36.90	44.20
	Clay	57.2	30.30	36.40
	Dickinson	57.6	30.20	36.30
	Emmet	52.2	27.10	32.60
	Lyon	62.0	33.50	40.20
	O'Brien	70.8	38.20	45.90
	Osceola	67.8	36.60	44.00
	Palo Alto	48.8	25.60	30.90
	Plymouth	59.0	31.00	38.20
	Pocahontas	61.2	32.10	38.50
	Sioux	68.4	36.90	44.30
2	Butler	50.6	25.60	30.70
	Cerro Gordo	59.0	30.10	36.10
	Floyd	45.0	22.70	27.30
	Franklin	51.0	26.30	31.50
	Hancock	55.8	28.70	34.50
	Humboldt	60.6	31.80	38.20
	Kossuth	51.6	26.60	31.90
	Mitchell	61.7	31.10	37.40
	Winnebago	51.6	26.30	31.60
	Worth	45.5	23.00	27.60
	Wright	60.4	31.40	37.70
3	Allamakee	53.5	27.10	32.40
	Black Hawk	48.4	24.40	29.30
	Bremer	43.8	22.10	26.60
	Buchanan	53.5	27.10	32.40
	Chickasaw	46.0	23.20	27.90
	Clayton	51.5	26.10	31.20
	Delaware	53.5	27.10	32.40
	Dubuque	59.5	30.10	36.10
	Fayette	43.4	21.90	26.30
	Howard	46.5	23.40	28.20
	Winneshiek	49.0	24.70	29.70
4	Audubon	54.0	29.40	35.30
	Calhoun	55.6	29.70	35.70
	Carroll	57.9	31.60	37.90
	Crawford	64.6	35.50	42.70
	Greene	52.9	28.20	33.90
	Guthrie	57.0	30.80	36.90
	Harrison	52.3	28.80	34.50
	Ida	69.0	37.30	44.70
	Monona	53.0	29.20	35.00
	Sac	68.5	36.90	44.40
	Shelby	68.4	37.60	45.10
	Woodbury	50.6	27.30	32.80
5	Boone	50.0	26.50	31.80
	Dallas	53.0	28.10	33.70
	Grundy	62.0	31.60	37.90
	Hamilton	53.0	27.80	33.40
	Hardin	50.0	25.80	30.90
	Jasper	53.0	27.80	33.40
	Marshall	61.8	33.70	40.50
	Polk	57.0	30.20	36.30
	Poweshiek	54.8	27.70	33.20
	Story	57.8	30.30	36.40
	Tama	55.0	28.00	33.70
	Webster	57.5	30.50	36.60
6	Benton	52.0	26.30	31.50

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Grain Sorghums—Continued

IOWA—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
6	Cedar	50.0	$25.20	$30.30
	Clinton	67.8	34.20	41.10
	Iowa	49.7	25.00	30.10
	Jackson	57.1	28.90	34.60
	Johnson	60.0	34.80	41.80
	Jones	61.8	31.20	37.50
	Linn	59.2	29.90	35.90
	Muscatine	39.8	20.10	24.10
	Scott	33.2	16.80	20.10
7	Adair	34.5	29.40	35.30
	Adams	51.0	26.00	33.70
	Cass	60.6	37.90	45.60
	Fremont	66.4	36.50	43.80
	Mills	62.2	34.20	41.00
	Montgomery	57.2	31.50	37.70
	Page	58.2	32.30	38.70
	Pottawattamie	60.8	33.40	40.20
	Taylor	45.2	25.10	30.10
8	Appanoose	43.2	23.50	28.20
	Clarke	47.6	25.90	31.20
	Decatur	32.6	17.90	21.60
	Lucas	41.2	22.50	26.90
	Madison	55.1	29.50	35.40
	Marion	55.3	29.50	35.50
	Monroe	48.4	26.10	31.30
	Ringgold	41.1	22.70	27.20
	Union	48.0	26.40	31.70
	Warren	50.0	27.00	32.40
	Wayne	32.7	18.00	21.60
9	Davis	42.7	23.10	27.60
	Des Moines	53.0	27.90	33.50
	Henry	44.1	23.10	27.80
	Jefferson	44.2	23.40	28.10
	Keokuk	35.8	18.80	22.60
	Lee	32.7	17.40	20.80
	Louisa	35.6	18.00	21.60
	Mahaska	52.9	28.00	33.60
	Van Buren	45.6	24.20	29.00
	Wapello	55.2	29.50	35.40
	Washington	49.0	25.50	30.60

KANSAS

		Bushels		
1	Cheyenne	19.5	$9.60	$11.50
	Decatur	28.0	14.00	16.80
	Graham	28.4	14.20	17.00
	Norton	25.0	12.60	15.20
	Rawlins	23.2	11.40	13.60
	Sheridan	33.6	16.60	20.00
	Sherman	23.4	11.50	13.70
	Thomas	27.6	13.50	16.30
4	Gove	34.0	16.80	20.20
	Greeley	19.0	9.30	11.20
	Lane	29.9	14.80	17.70
	Logan	24.9	12.20	14.60
	Ness	28.8	14.40	17.30
	Scott	42.2	20.70	24.80
	Trego	30.5	15.20	18.30
	Wallace	23.7	11.60	13.90
	Wichita	38.6	18.90	22.70
7	Clark	23.5	11.80	14.10
	Finney	45.6	22.60	27.10
	Ford	29.6	14.80	17.80
	Grant	40.8	20.60	24.70
	Gray	39.0	19.50	23.40
	Hamilton	23.2	11.40	13.60
	Haskell	58.0	29.30	35.10
	Hodgeman	27.5	13.80	16.50
	Kearny	38.2	18.70	22.40
	Meade	36.8	18.40	22.10
	Morton	27.4	14.10	16.90
	Seaward	30.4	15.70	18.70
	Stanton	39.8	20.10	24.10
	Stevens	28.4	14.60	17.50
2	Clay	37.8	19.80	23.80
	Cloud	41.2	21.40	25.70
	Jewell	39.0	19.90	23.90
	Mitchell	39.1	20.00	24.00
	Osborne	34.0	17.30	20.80
	Ottawa	36.0	18.50	22.20
	Phillips	28.0	14.10	17.00
	Republic	45.0	23.40	28.10
	Rooks	29.5	14.90	17.90
	Smith	32.0	16.30	19.60
	Washington	48.2	25.30	30.30
4	Barton	36.1	18.20	21.90
	Dickinson	38.0	19.80	23.70
	Ellis	28.5	14.30	17.30
	Ellsworth	35.5	18.20	21.70
	Lincoln	38.0	19.40	23.30
	McPherson	40.0	20.40	24.50
	Marion	36.5	18.70	22.60
	Rice	38.6	19.70	23.70
	Rush	33.2	16.80	20.10
	Russell	34.5	17.40	20.90

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Grain Sorghums—Continued

KANSAS—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
5	Saline	39.4	$20.10	$24.10
8	Barber	27.0	13.60	16.40
	Comanche	23.0	11.60	13.90
	Edwards	29.9	15.20	18.10
	Harper	33.0	16.80	20.20
	Harvey	44.4	22.90	27.40
	Kingman	29.0	14.80	17.70
	Kiowa	27.3	13.70	16.60
	Pawnee	33.6	17.00	20.40
	Pratt	30.2	15.30	18.30
	Reno	35.7	18.20	21.80
	Sedgwick	46.3	23.90	28.60
	Stafford	33.9	17.20	20.50
	Sumner	45.0	23.20	27.80
3	Atchison	47.5	26.40	31.60
	Brown	57.0	31.10	37.30
	Doniphan	58.0	31.60	37.90
	Jackson	44.5	24.20	29.10
	Jefferson	46.0	25.30	30.40
	Leavenworth	52.0	29.40	35.30
	Marshall	48.5	25.70	30.80
	Nemaha	49.0	26.20	31.50
	Pottawatomie	47.5	25.50	30.50
	Riley	45.0	23.80	28.60
	Wyandotte	47.0	26.00	31.90
6	Anderson	52.0	28.30	34.00
	Chase	46.5	24.40	29.30
	Coffey	43.5	23.50	28.20
	Douglas	50.5	31.00	37.30
	Franklin	48.0	26.40	31.70
	Geary	46.5	24.40	29.30
	Johnson	55.5	30.90	37.00
	Linn	47.0	25.80	31.00
	Lyon	42.0	22.30	26.70
	Miami	45.0	24.80	29.70
	Morris	41.0	21.50	25.80
	Osage	45.5	24.60	29.50
	Shawnee	48.5	26.10	31.40
	Wabaunsee	47.0	25.10	30.20
9	Allen	46.5	25.10	30.10
	Bourbon	47.0	25.40	30.60
	Butler	47.0	24.20	29.00
	Chautauqua	39.5	20.80	24.90
	Cherokee	42.5	22.50	27.00
	Cowley	47.5	24.50	29.40
	Crawford	45.5	24.40	29.20
	Elk	39.0	20.50	24.60
	Greenwood	39.0	20.50	24.60
	Labette	42.0	22.30	26.70
	Montgomery	47.0	24.90	29.90
	Neosho	44.5	23.80	28.60
	Wilson	46.0	24.40	29.30
	Woodson	45.0	24.10	28.90

KENTUCKY

		Bushels		
1	Ballard	39.0	$21.80	$26.20
	Calloway	46.8	26.20	31.50
	Carlisle	34.0	19.00	22.80
	Fulton	57.8	32.40	38.90
	Graves	38.8	21.70	26.10
	Hickman	50.5	28.20	33.90
	Livingston	39.0	21.80	26.20
	Lyon	51.2	28.70	34.40
	McCracken	36.0	20.20	24.20
	Marshall	33.0	18.50	22.20
	Trigg	47.5	26.70	31.90
2	Caldwell	44.5	24.90	29.90
	Christian	50.2	28.10	33.70
	Crittenden	28.8	16.10	19.40
	Daviess	45.0	25.20	30.20
	Hancock	66.5	37.20	44.70
	Henderson	42.2	23.60	28.30
	Hopkins	38.2	20.30	24.30
	Logan	44.5	25.10	30.10
	McLean	32.5	18.10	21.80
	Muhlenberg	33.2	18.60	22.30
	Ohio	33.5	18.80	22.50
	Simpson	48.2	27.00	32.40
	Todd	47.8	26.80	32.10
	Union	44.2	24.80	29.70
	Webster	32.5	18.10	21.80
3	Adair	30.5	17.00	20.50
	Allen	31.5	17.70	21.20
	Barren	37.8	21.20	25.40
	Breckenridge	46.0	25.80	30.90
	Bullitt	30.5	17.00	20.50
	Butler	46.5	26.00	31.20
	Casey	40.0	22.40	26.90
	Clinton	30.8	17.20	20.70
	Cumberland	53.0	29.70	35.60
	Edmonson	46.5	26.00	31.20
	Grayson	31.0	17.40	20.80
	Green	33.2	18.60	22.30
	Hardin	46.0	25.80	30.90

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Grain Sorghums—Continued

KENTUCKY—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
3	Hart	31.8	$17.80	$21.40
	Jefferson	33.8	18.90	22.70
	Larue	41.8	23.40	28.10
	Marion	46.0	25.80	30.90
	Meade	41.8	23.40	28.10
	Metcalfe	32.5	18.10	21.80
	Monroe	37.2	20.80	25.00
	Nelson	57.5	32.30	38.60
	Russell	30.5	17.00	20.50
	Taylor	46.8	26.20	31.50
	Warren	48.0	26.90	32.30
4	Carroll	31.5	17.70	21.20
	Gallatin	30.0	16.80	20.20
	Henry	46.2	25.90	31.00
	Oldham	44.0	24.60	29.60
	Owen	26.5	14.80	17.80
	Pendleton	40.9	22.80	27.40
	Trimble	35.6	19.90	24.00
5	Anderson	34.0	19.00	22.80
	Bourbon	39.8	33.50	40.20
	Boyle	31.8	17.80	21.40
	Clark	31.8	17.80	21.40
	Fayette	66.2	37.10	44.50
	Franklin	31.5	17.70	21.20
	Garrard	35.0	19.60	23.50
	Jessamine	30.8	17.20	20.70
	Madison	44.0	24.60	29.60
	Mason	55.0	30.80	37.00
	Mercer	30.8	17.20	20.70
	Montgomery	30.8	17.20	20.70
	Scott	50.0	28.00	33.60
	Shelby	40.0	22.40	26.90
	Spencer	44.0	24.60	29.60
	Washington	45.0	25.20	30.20
	Woodford	32.5	18.10	21.80
6	Greenup	24.8	13.90	16.70
	Laurell	30.8	17.20	20.70
	Pulaski	40.0	22.40	26.90
	Rockcastle	46.0	25.80	30.90
	Wayne	47.0	26.30	31.60

LOUISIANA

		Bushels		
1	Bossier	39.0	$21.80	$26.20
	Caddo	31.8	17.80	21.40
	De Soto	42.5	23.70	28.60
	Red River	25.0	14.00	16.80
	Webster	36.4	20.40	24.40
2	Bienville	20.0	11.20	13.40
	Caldwell	22.0	12.30	14.80
	Claiborne	20.0	11.20	13.40
	Jackson			
	Lincoln	20.0	11.20	13.40
	Ouachita	22.6	12.70	15.20
	Union	20.0	11.20	13.40
	Winn			
3	East Carroll	34.6	19.40	23.30
	Franklin	23.0	12.90	15.50
	Madison	36.5	20.40	24.50
	Morehouse	26.0	14.60	17.50
	Richland	27.5	15.50	18.50
	Tensas	30.0	16.80	20.30
	West Carroll	27.0	15.10	18.10
4	Natchitoches	39.2	22.00	26.30
	Vernon	25.0	14.00	16.80
5	Avoyelles	35.0	19.60	23.50
	Catahoula	27.8	15.60	18.70
	Concordia	28.3	15.90	19.00
	Evangeline	22.5	12.80	15.30
	Grant	33.0	18.50	22.20
	Rapides	30.0	16.80	20.30
6	East Feliciana	37.0	20.70	24.90
	West Feliciana	37.0	20.70	24.90
7	Acadia	19.0	10.60	12.80
	Allen	25.8	14.10	17.00
	Beauregard	20.0	11.20	13.40
	Calcasieu	24.2	13.60	16.20
	Jefferson Davis	19.4	10.80	13.00
	Vermillion	22.0	12.30	14.80
8	Iberia	22.0	12.30	14.80
9	Ascension	22.0	12.30	14.80
	Saint Charles	22.0	12.30	14.80
	Saint James	45.0	25.20	30.20

MARYLAND

		Bushels		
2	Baltimore	47.0	$27.00	$32.40
	Carroll	47.0	27.00	32.40
	Cecil	47.0	27.00	32.40
	Frederick	47.0	27.00	32.40
	Harford	47.0	27.00	32.40
	Kent	32.5	30.10	36.20

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Grain Sorghums—Continued

MARYLAND—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
2	Montgomery	47.0	$27.00	$32.40
	Queen Annes	47.5	27.40	32.80
	Washington	47.0	27.00	32.40
8	Calvert	38.0	21.80	26.20
	St. Marys	38.0	21.80	26.20
9	Caroline	43.0	24.70	29.70
	Dorchester	46.5	26.70	32.10
	Somerset	41.0	23.60	28.30
	Talbot	46.5	26.70	32.10
	Worcester	41.0	23.60	28.30

MICHIGAN

		Bushels		
1	Menominee	28.5	$14.80	$17.80
5	Montcalm	38.5	20.00	24.00
6	Tuscola	40.7	21.20	25.40
7	Kent	31.8	16.50	19.90
	Ottawa	31.5	16.40	19.70
8	Branch	37.7	19.60	23.50
	Calhoun	38.3	20.00	23.90
	Clinton	39.1	20.40	24.40
	Eaton	38.9	20.20	24.20
	Ionia	34.2	17.80	21.30
	St. Joseph	34.2	17.80	21.30
9	Genesee	32.1	16.60	20.10
	Lenawee	44.4	23.10	27.70
	Monroe	43.5	22.70	27.10
	Washtenaw	34.1	17.70	21.30

MINNESOTA

		Bushels		
4	Bigstone	30.5	$15.40	$18.50
	Lac qui Parle	37.0	18.70	22.40
	Pope	34.0	17.20	20.60
	Stevens	34.0	17.20	20.60
	Swift	36.5	18.40	22.10
	Traverse	29.5	14.90	17.90
	Yellow Medicine	42.4	21.40	25.70
5	Kandiyohi	44.0	22.20	26.70
	Meeker	47.0	23.70	28.50
	Renville	49.0	24.70	29.70
	Scott	52.0	26.30	31.50
	Sherburne	33.3	16.80	20.20
	Stearns	36.0	18.20	21.80
	Todd	32.0	16.20	19.40
	Wright	49.0	24.70	29.70
6	Chisago	43.5	22.00	26.40
	Hennepin	48.5	24.40	29.40
	Pine	33.0	16.70	20.00
7	Cottonwood	43.0	21.70	26.10
	Jackson	45.5	23.00	27.60
	Lincoln	34.9	17.60	21.10
	Lyon	40.0	20.20	24.20
	Murray	41.5	21.00	25.10
	Nobles	43.5	22.00	26.40
	Pipestone	39.0	19.70	23.60
	Redwood	45.0	22.70	27.30
	Rock	39.0	19.70	23.60
8	Blue Earth	51.0	25.80	30.90
	Brown	52.0	26.30	31.50
	Faribault	53.0	26.80	32.10
	Freeborn	52.0	26.30	31.50
	Le Sueur	52.0	26.30	31.50
	Martin	51.0	25.80	30.90
	Nicollet	54.0	27.30	32.70
	Waseca	53.0	26.80	32.10
	Watonwan	44.0	22.20	26.70
9	Dakota	50.0	25.20	30.30
	Fillmore	55.0	27.80	33.30
	Mower	49.0	24.70	29.70

MISSISSIPPI

		Bushels		
1	Bolivar	36.5	$20.40	$24.50
	Coahoma	28.6	16.00	19.30
	Quitman	42.5	23.70	28.60
	Tallahatchie	43.0	24.10	28.90
	Tunica	28.0	15.70	18.80
2	Benton	21.5	12.10	14.40
	Calhoun	25.5	14.30	17.10
	De Soto	29.5	16.60	19.80
	Grenada	24.0	13.40	16.10
	Lafayette	25.0	14.00	16.80
	Marshall	28.5	15.90	19.20
	Panola	36.5	20.40	24.50
	Tate	39.5	22.20	26.50
	Yalobusha	22.0	12.30	14.80
3	Alcorn	23.0	12.90	15.50
	Itawamba	25.0	14.00	16.80

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Grain Sorghums—Continued

MISSISSIPPI—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
3	Lee	22.5	$12.50	$15.10
	Pontotoc	21.5	12.10	14.40
	Prentiss	31.0	17.40	20.80
	Tippah	32.5	18.10	21.80
	Tishomingo	25.0	14.00	16.80
	Union	25.0	14.00	16.80
4	Humphreys	40.0	22.40	26.90
	Issaquena	35.5	19.90	23.90
	Leflore	38.0	21.30	25.50
	Sharkey	30.1	16.80	20.30
	Sunflower	42.5	23.70	28.60
	Washington	34.1	19.00	23.00
	Yazoo	38.5	21.50	25.90
5	Attala	26.1	14.60	17.60
	Carroll	31.5	17.70	21.20
	Choctaw	28.0	15.70	18.80
	Holmes	34.0	19.00	22.80
	Leake	26.0	14.60	17.50
	Madison	37.0	20.70	24.90
	Montgomery	38.0	21.30	25.50
	Rankin	26.0	14.60	17.50
	Scott	26.0	14.60	17.50
	Webster	26.6	14.90	17.90
6	Chickasaw	28.0	15.70	18.80
	Clay	37.0	20.70	24.90
	Kemper	19.2	10.80	12.90
	Lowndes	26.0	14.60	17.50
	Monroe	31.0	17.40	20.80
	Neshoba	30.0	16.80	20.20
	Noxubee	28.0	15.70	18.80
	Oktibbeha	34.0	19.00	22.80
	Winston	29.5	16.60	19.80
7	Adams	22.0	12.30	14.80
	Amite			
	Claiborne	35.5	19.90	23.90
	Copiah	31.0	17.40	20.80
	Franklin			
	Hinds	31.5	17.70	21.20
	Jefferson	26.0	14.60	17.50
	Lincoln	20.0	11.20	13.40
	Warren			
8	Wilkinson	27.0	15.10	18.10
	Covington	27.5	15.50	18.50
	Marion	35.0	19.60	23.50
	Pike	25.0	14.00	16.80
	Simpson	26.0	14.60	17.50
	Smith	26.0	14.60	17.50
	Walthall	33.0	18.50	22.20
9	Clarke	20.1	11.20	13.60
	Forrest	27.5	15.50	18.50
	George	26.5	14.80	17.80
	Greene	21.5	12.10	14.40
	Jackson	25.0	14.00	16.80
	Jasper	33.0	18.50	22.20
	Jones	25.0	14.00	16.80
	Lauderdale	21.2	11.90	14.20
	Newton	25.0	14.00	16.80
	Pearl River	32.5	18.10	21.80
	Perry	25.0	14.00	16.80
	Stone	27.0	15.10	18.10
	Wayne	30.0	16.80	20.20

MISSOURI

		Bushels		
1	Andrew	45.2	$26.00	$31.20
	Atchison	58.0	32.50	39.00
	Buchanan	48.7	28.10	33.60
	Caldwell	41.0	23.60	28.30
	Clay	43.8	25.20	30.20
	Clinton	47.6	27.40	32.90
	Daviess	42.3	24.20	29.00
	De Kalb	41.6	23.90	28.80
	Gentry	37.4	21.10	25.30
	Harrison	40.4	22.40	26.90
	Holt	52.0	29.40	35.30
	Nodaway	50.0	28.20	33.90
	Platte	52.8	30.40	36.50
	Ray	50.1	28.80	34.60
	Worth	40.3	22.80	27.30
2	Adair	51.4	28.00	33.60
	Carroll	47.2	27.14	32.50
	Charlton	44.2	25.20	30.20
	Grundy	48.4	27.30	32.80
	Linn	39.6	22.40	26.90
	Livingston	42.1	23.90	28.80
	Macon	44.0	24.40	29.30
	Mercer	36.6	20.50	24.60
	Putnam	41.8	23.20	27.90
	Randolph	46.7	26.20	31.40
	Schuyler	46.3	25.30	30.30
	Sullivan	37.4	20.90	25.10
3	Audrain	42.8	23.30	28.00
	Clark	44.8	24.20	29.10
	Knox	46.8	25.30	30.30
	Lewis	48.7	26.40	31.50

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Grain Sorghums—Continued

MISSOURI—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
3	Marion	42.0	$22.70	$27.20
	Monroe	43.0	23.60	28.40
	Pike	46.0	24.60	29.50
	Ralls	42.8	23.30	28.00
	Scotland	44.6	24.10	28.90
	Shelby	42.3	23.30	27.90
4	Bates	47.6	26.20	31.50
	Cass	46.4	25.50	30.60
	Cedar	36.3	19.70	23.50
	Henry	40.4	22.20	26.60
	Jackson	54.8	31.20	37.50
	Johnson	46.8	26.70	32.00
	Lafayette	54.5	31.30	37.60
	St. Clair	38.8	21.10	25.40
	Vernon	45.6	24.60	29.60
5	Benton	51.0	28.80	34.60
	Boone	46.0	25.30	30.40
	Callaway	42.2	22.80	27.30
	Camden	33.4	17.40	20.90
	Cole	42.1	22.70	27.30
	Cooper	54.6	30.30	36.40
	Dallas	36.4	19.10	22.90
	Hickory	36.2	19.40	23.20
	Howard	47.5	26.80	32.10
	Laclede	34.4	17.90	21.40
	Maries	32.6	17.40	21.00
	Miller	38.4	20.70	24.80
	Moniteau	50.6	27.80	33.40
	Morgan	42.3	23.50	28.20
	Osage	41.8	22.40	26.90
	Pettis	52.6	29.70	35.70
	Phelps	33.8	17.90	21.50
	Polk	34.8	18.40	22.20
	Pulaski	32.0	16.80	20.20
	Saline	52.2	29.80	35.70
6	Crawford	30.0	16.20	19.40
	Franklin	37.4	20.40	24.40
	Gasconade	43.4	23.40	28.10
	Jefferson	39.8	22.70	27.20
	Lincoln	41.4	21.90	26.30
	Montgomery	43.8	23.70	28.40
	Perry	55.0	31.40	37.60
	St. Charles	48.6	26.70	32.10
	St. Francois	35.5	20.50	24.50
	Ste. Genevieve	55.0	31.40	37.60
	St. Louis	50.8	27.90	33.60
	Warren	36.9	20.10	24.10
	Washington	35.5	20.30	24.30
7	Barry	32.3	17.00	20.40
	Barton	43.4	23.20	27.80
	Christian	35.2	18.80	22.60
	Dade	39.4	20.90	25.00
	Greene	44.6	23.90	28.70
	Jasper	41.4	21.90	26.30
	Lawrence	31.9	18.30	21.90
	McDonald	32.8	17.20	20.70
	Newton	31.4	16.50	19.70
	Stone	38.4	20.50	24.60
8	Bollinger	37.2	21.60	25.90
	Carter	32.0	17.30	20.70
	Dent	30.0	15.80	18.90
	Douglas	31.8	17.20	20.60
	Howell	34.0	18.70	22.40
	Iron	32.0	18.40	22.10
	Madison	30.0	17.20	20.70
	Oregon	34.2	19.20	23.00
	Ozark	30.8	21.70	26.10
	Reynolds	32.0	16.80	20.20
	Ripley	32.2	19.20	23.00
	Shannon	32.0	17.30	20.70
	Taney	38.0	20.30	24.40
	Texas	32.0	17.30	20.70
	Wayne	37.6	22.20	26.70
	Webster	40.0	21.20	25.40
	Wright	31.2	16.80	20.20
9	Butler	29.5	17.60	21.10
	Cape Girardeau	30.4	21.30	25.50
	Dunklin	30.6	18.20	21.80
	Mississippi	44.5	26.20	31.30
	New Madrid	35.3	20.90	25.20
	Pemiscot	44.8	26.70	32.00
	Scott	34.0	20.10	24.10
	Stoddard	37.8	22.30	26.80

NEBRASKA

		Bushels		
1	Banner	20.7	$10.20	$12.20
	Box Butte	30.2	14.80	17.70
	Cheyenne	24.8	12.20	14.60
	Dawes	20.2	9.90	11.90
	Deuel	32.0	15.70	18.80
	Garden	32.7	16.10	19.20
	Kimball	26.4	12.90	15.50
	Morrill	29.9	14.70	17.50
	Scotts Bluff	30.3	14.90	17.80

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Grain Sorghums—Continued

NEBRASKA—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Sheridan	22.1	$10.80	$13.00
	Sioux	20.5	10.00	12.10
2	Arthur	13.5	6.70	7.90
	Blaine	18.2	8.90	10.70
	Boyd	36.0	18.50	22.20
	Brown	27.6	13.50	16.30
	Cherry	13.0	6.40	7.60
	Garfield	36.8	18.20	21.90
	Holt	34.8	17.60	21.10
	Hooker	12.6	6.20	7.40
	Keya Paha	21.5	10.60	12.60
	Loup	26.0	12.70	15.30
	McPherson	13.3	6.50	7.80
	Rock	28.8	14.10	17.00
	Thomas	13.0	6.40	7.60
	Wheeler	28.5	15.10	18.10
3	Antelope	52.5	27.50	33.10
	Boone	43.9	23.30	27.90
	Burt	50.4	27.70	33.20
	Cedar	48.4	26.10	31.30
	Cuming	53.8	28.60	35.50
	Dakota	40.2	26.80	31.90
	Dixon	42.8	23.10	27.80
	Knox	44.5	23.70	28.50
	Madison	49.3	26.30	31.70
	Pierce	45.5	24.40	29.20
	Stanton	46.8	25.30	30.30
	Thurston	48.4	26.40	31.90
	Wayne	46.6	25.20	30.20
4	Buffalo	46.8	23.40	28.10
	Custer	39.0	19.10	22.90
	Dawson	49.3	24.40	29.30
	Greeley	37.7	19.40	23.30
	Hall	60.8	30.70	36.90
	Howard	43.2	21.80	26.20
	Sherman	40.2	19.90	23.90
	Valley	41.1	20.40	24.50
6	Butler	65.2	35.50	42.60
	Cass	63.3	34.40	41.40
	Colfax	55.8	30.40	36.50
	Dodge	58.2	32.00	38.40
	Douglas	57.0	31.40	37.60
	Hamilton	66.0	34.30	41.20
	Lancaster	55.0	29.70	35.60
	Merrick	53.3	27.90	33.60
	Nance	53.4	28.60	34.20
	Platte	58.0	31.30	37.60
	Polk	62.8	33.60	40.30
	Sarpy	62.0	34.10	40.90
	Saunders	66.0	30.80	37.00
	Seward	61.4	33.50	40.10
	Washington	59.8	32.90	39.50
	York	62.9	33.30	40.00
7	Chase	22.5	11.20	13.40
	Dundy	21.4	10.50	12.50
	Frontier	24.8	12.30	14.80
	Hayes	23.4	11.50	13.70
	Hitchcock	27.1	13.30	16.00
	Keith	35.5	17.40	20.90
	Lincoln	32.3	15.90	19.00
	Perkins	23.4	11.50	13.70
	Redwillow	29.8	14.80	17.70
8	Adams	53.8	27.40	32.90
	Franklin	43.4	21.90	26.30
	Furnas	32.9	16.40	19.70
	Gosper	36.4	18.20	21.80
	Harlan	37.4	18.90	22.60
	Kearney	52.0	26.30	31.50
	Phelps	53.0	26.80	32.10
	Webster	40.0	20.40	24.50
9	Clay	55.6	29.20	35.10
	Fillmore	55.2	29.00	34.80
	Gage	52.4	28.30	33.90
	Jefferson	49.6	26.30	31.60
	Johnson	52.0	28.10	33.70
	Nemaha	54.8	29.60	35.50
	Nuckolls	48.4	25.20	30.20
	Otoe	53.8	29.10	34.90
	Pawnee	52.0	27.80	33.40
	Richardson	58.0	31.00	37.20
	Saline	51.1	27.40	32.80
	Thayer	56.8	29.80	35.80

NEVADA

		Bushels		
1	Churchill	36.0	$18.70	$22.50
	Lyon	36.0	18.70	22.50
	Pershing	37.1	14.10	17.00
8	Nye	37.6	19.60	23.80

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Grain Sorghums—Continued

NEW JERSEY

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
2	Bergen	44.8	$25.80	$30.90
	Essex	47.6	27.40	32.90
	Hudson	51.4	29.60	35.40
	Hunterdon	51.4	29.60	35.40
	Morris	56.0	32.20	38.60
	Passaic	49.4	28.40	34.00
	Somerset	52.5	30.10	36.20
	Sussex	55.6	32.00	38.40
	Union	49.4	28.40	34.00
	Warren	53.9	31.00	37.10
5	Burlington	46.9	26.90	32.30
	Mercer	53.2	30.60	36.70
	Middlesex	47.6	27.40	32.90
	Monmouth	50.8	29.20	35.10
	Ocean	50.0	28.80	34.50
8	Atlantic	44.1	25.30	30.50
	Camden	40.2	23.10	27.70
	Cape May	43.4	25.00	29.90
	Cumberland	45.8	26.30	31.60
	Gloucester	42.7	24.60	29.40
	Salem	45.5	26.20	31.40

NEW MEXICO

		Bushels		
1	Bernalillo	50.0	$26.50	$31.80
	Santa Fe	25.0	13.20	15.90
	Taos	25.0	13.20	15.90
	Valencia	38.5	20.40	24.50
3	Colfax	18.4	9.80	11.70
	Curry	47.2	25.00	30.00
	De Baca	45.0	23.80	28.60
	Guadalupe	18.1	9.50	11.60
	Harding	23.2	12.30	14.70
	Mora	27.4	14.50	17.40
	Quay	30.4	16.10	19.30
	Roosevelt	26.2	13.90	16.60
	San Miguel	20.0	10.60	12.70
	Torrance	30.4	16.10	19.30
	Union	22.0	11.70	14.00
7	Catron	24.0	12.70	15.30
	Grant	60.0	31.80	38.20
	Hidalgo	47.6	25.50	30.60
	Luna	61.0	32.60	39.20
	Sierra	44.5	23.50	28.30
	Socorro	47.5	25.20	30.30
9	Chaves	53.2	28.20	33.80
	Dona Ana	51.5	27.30	32.80
	Eddy	52.5	28.00	33.60
	Lea	37.8	20.00	24.10
	Lincoln	30.6	16.90	19.10
	Otero	43.2	24.00	28.70

NEW YORK

		Bushels		
	All counties	44.8	$25.80	$30.90

NORTH CAROLINA

		Bushels		
1	Caldwell	35.5	$20.50	$24.50
	Surry	33.5	19.30	23.10
	Wilkes	30.5	17.50	21.00
	Yadkin	30.0	17.20	20.70
4	Buncombe	32.5	18.60	22.40
	Burke	29.5	17.00	20.40
	Henderson	30.5	17.50	21.00
	Jackson	26.5	15.20	18.30
	McDowell	32.5	18.60	22.40
	Madison	27.0	15.50	18.60
	Polk	26.0	15.00	17.90
	Rutherford	26.0	15.00	17.90
2	Alamance	34.5	19.80	23.80
	Caswell	31.5	18.20	21.70
	Durham	36.0	20.70	24.80
	Forsyth	32.5	18.60	22.40
	Franklin	31.0	17.80	21.40
	Granville	30.0	17.20	20.70
	Guilford	31.5	18.20	21.70
	Orange	29.0	16.70	20.00
	Person	34.0	19.60	23.50
	Rockingham	31.5	18.20	21.70
	Stokes	32.5	18.60	22.40
	Vance	33.0	19.00	22.80
	Warren	35.0	20.10	24.20

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Grain Sorghums—Continued

NORTH CAROLINA—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
5	Alexander	26.0	$15.40	$18.50
	Catawba	34.0	19.60	23.50
	Chatham	30.5	17.50	21.00
	Davidson	34.0	19.60	23.50
	Davie	31.5	18.20	21.70
	Iredell	32.5	18.60	22.40
	Lee	37.0	21.30	25.50
	Randolph	38.5	22.10	26.60
	Rowan	34.0	19.60	23.50
	Wake	36.0	20.70	24.80
8	Anson	39.0	22.40	26.90
	Cabarrus	33.5	19.30	23.10
	Cleveland	31.5	18.20	21.70
	Gaston	33.5	19.30	23.10
	Lincoln	30.0	17.20	20.70
	Mecklenburg	26.0	16.10	19.30
	Montgomery	27.5	15.90	19.00
	Moore	30.5	17.50	21.00
	Richmond	34.0	19.60	23.50
	Stanly	36.5	20.90	25.20
	Union	39.5	22.80	27.30
3	Bertie	34.0	19.60	23.50
	Camden	32.5	18.60	22.40
	Chowan	34.0	19.60	23.50
	Currituck	30.0	17.20	20.70
	Edgecombe	34.0	19.60	23.50
	Gates	31.0	17.80	21.40
	Halifax	34.5	19.80	23.80
	Hertford	29.0	16.70	20.00
	Martin	23.5	13.60	16.20
	Nash	28.0	16.10	19.30
	Northampton	29.5	17.00	20.40
	Pasquotank	38.5	22.10	26.60
	Perquimans	33.5	19.30	23.10
	Tyrrell	33.5	19.30	23.10
	Washington	37.5	21.60	25.90
6	Beaufort	39.0	22.40	26.90
	Carteret	33.0	19.00	22.80
	Craven	36.0	20.70	24.80
	Greene	28.0	16.10	19.30
	Johnston	28.0	16.10	19.30
	Jones	27.0	15.50	18.60
	Lenoir	25.0	14.40	17.20
	Pamlico	33.0	19.00	22.80
	Pitt	32.0	19.00	22.80
	Wayne	25.5	14.70	17.60
	Wilson	27.0	15.50	18.60
9	Bladen	30.5	17.60	21.00
	Brunswick	26.5	15.20	18.30
	Columbus	33.5	19.30	23.10
	Cumberland	31.5	18.20	21.70
	Duplin	26.0	15.00	17.90
	Harnett	28.0	16.10	19.30
	Hoke	26.5	15.20	18.30
	New Hanover	26.5	15.20	18.30
	Pender	28.0	16.10	19.30
	Robeson	26.5	15.20	18.30
	Sampson	26.5	15.20	18.30
	Scotland	27.0	15.50	18.60

NORTH DAKOTA

		Bushel		
2	Benson	22.0	$10.80	$12.90
	McHenry	20.0	9.80	11.80
3	Grand Forks	27.0	13.20	15.90
	Ramsey	20.0	9.80	11.80
4	Mercer	19.0	9.30	11.20
	Oliver	19.0	9.30	11.20
5	Foster	23.0	11.30	13.50
	Sheridan	20.0	9.80	11.80
	Wells	22.0	10.80	12.90
6	Barnes	23.0	11.30	13.50
	Cass	29.0	14.20	17.10
	Griggs	22.0	10.80	12.90
	Steele	23.0	11.30	13.50
	Traill	25.0	12.20	14.70
7	Adams	15.0	7.40	8.80
	Golden Valley	16.0	7.80	9.40
	Hettinger	16.0	7.80	9.40
	Stark	16.0	7.80	9.40
8	Emmons	18.0	8.80	10.60
	Grant	16.0	7.80	9.40
	Sioux	15.0	7.40	8.80
9	Dickey	22.0	10.80	12.90
	La Moure	22.0	10.80	12.90
	Logan	19.0	9.30	11.20
	Ransom	24.0	11.80	14.10
	Richland	30.0	14.70	17.60
	Sargent	25.0	12.20	14.70

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Grain Sorghums—Continued

OHIO

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Allen	49.6	$26.30	$31.60
	Defiance	48.4	25.70	30.70
	Lucas	56.8	30.10	36.10
	Paulding	48.0	25.40	30.50
	Putnam	53.6	28.40	34.10
	Van Wert	52.4	27.80	33.30
	Williams	48.4	25.70	30.70
	Wood	55.6	29.50	35.40
2	Erie	58.2	30.80	37.00
	Ottawa	53.6	28.40	34.10
	Sandusky	57.2	30.30	36.40
	Seneca	52.8	28.00	33.60
	Wyandot	49.8	26.40	31.70
3	Ashtabula	46.2	24.50	29.40
4	Auglaize	49.6	26.30	31.60
	Champaign	62.8	33.30	40.00
	Darke	52.6	27.90	33.50
	Hardin	54.4	28.80	34.60
	Logan	52.2	27.70	33.20
	Mercer	49.6	26.30	31.60
	Miami	52.4	27.80	33.30
	Shelby	49.8	26.40	31.70
5	Delaware	51.8	27.50	33.00
	Fairfield	53.8	28.50	34.20
	Franklin	50.2	26.60	31.90
	Knox	49.6	26.30	31.60
	Licking	52.2	27.70	33.20
	Madison	56.6	30.00	36.00
	Marion	50.0	26.50	31.80
	Ross	55.8	29.60	35.50
	Union	50.0	26.50	31.80
6	Tuscarawas	53.2	28.20	33.80
7	Butler	48.8	25.90	31.10
	Clermont	43.6	23.10	27.80
	Clinton	57.8	30.60	36.80
	Greene	58.2	30.80	37.00
	Warren	49.4	26.20	31.40
8	Brown	44.4	23.50	28.20
	Gallia	45.4	24.10	28.80
	Highland	52.2	27.70	33.20
	Jackson	45.0	23.80	28.60
	Scioto	46.2	24.50	29.40
9	Guernsey	45.6	24.20	29.00
	Morgan	44.4	23.50	28.20
	Muskingum	48.6	25.80	31.00
	Vinton	44.0	23.30	28.00

OKLAHOMA

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Beaver	24.7	$12.90	$15.40
	Cimarron	25.1	13.20	15.90
	Ellis	19.4	10.10	12.10
	Harper	19.0	9.90	11.90
	Texas	30.4	16.00	19.10
2	Alfalfa	28.8	15.10	18.20
	Garfield	27.7	14.50	17.40
	Grant	29.7	15.10	18.20
	Kay	35.9	18.20	21.70
	Major	24.1	12.60	15.20
	Noble	31.0	16.10	19.30
	Woods	24.2	12.60	15.10
	Woodward	20.7	10.80	12.90
3	Craig	34.5	18.20	21.90
	Delaware	28.6	15.00	18.10
	Mayes	27.3	14.40	17.40
	Nowata	26.9	14.20	17.10
	Osage	25.3	12.90	15.50
	Ottawa	34.1	17.80	21.50
	Pawnee	25.2	13.20	15.90
	Rogers	25.4	13.20	15.80
	Tulsa	26.8	13.80	16.60
	Wagoner	30.0	15.90	19.10
	Washington	28.3	14.90	17.80
4	Beckham	26.5	14.00	16.90
	Blaine	27.8	14.70	17.70
	Custer	30.2	16.00	19.20
	Dewey	21.7	11.30	13.60
	Roger Mills	23.2	12.20	14.60
	Washita	30.0	15.90	19.10
5	Canadian	33.7	17.80	21.40
	Cleveland	27.9	14.80	17.70
	Creek	22.6	12.00	14.40
	Grady	33.2	17.60	21.10
	Kingfisher	30.8	16.30	19.60
	Lincoln	24.2	12.80	15.40
	Logan	23.4	12.40	14.80
	McClain	29.5	15.70	18.80
	Okfuskee	26.9	14.20	17.10
	Oklahoma	33.6	17.80	21.40
	Payne	22.2	11.80	14.10
	Pottawatomie	25.5	13.60	16.20
	Seminole	24.7	13.10	15.70
6	Adair	23.1	11.70	14.00
	Cherokee	24.8	13.10	15.80
	Haskell	22.0	11.10	13.30

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Grain Sorghums—Continued

OKLAHOMA—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
6	Hughes	27.5	$14.60	$17.50
	McIntosh	23.4	12.40	14.80
	Muskogee	26.5	14.00	16.90
	Okmulgee	24.5	12.90	15.60
	Pittsburg	24.4	12.90	15.50
	Sequoyah	21.8	11.00	13.20
7	Caddo	30.0	15.90	19.10
	Comanche	25.8	13.70	16.40
	Cotton	27.3	14.40	17.40
	Greer	26.2	13.90	16.60
	Harmon	26.5	14.00	16.90
	Jackson	34.2	18.10	21.70
	Kiowa	31.0	16.40	19.70
	Tillman	34.2	18.10	21.70
8	Atoka	25.6	13.60	16.30
	Bryan	24.0	12.70	15.30
	Carter	22.8	12.10	14.50
	Coal	27.9	14.80	17.70
	Garvin	34.7	18.40	22.00
	Jefferson	23.5	12.50	14.90
	Johnston	23.2	12.30	14.70
	Love	26.4	14.10	16.90
	Marshall	27.1	14.40	17.30
	Murray	26.5	14.00	16.90
	Pontotoc	32.2	17.10	20.50
	Stephens	27.8	14.70	17.70
9	Choctaw	25.7	13.60	16.30
	Latimer	21.8	11.00	13.20
	Le Flore	23.7	11.50	14.30
	McCurtain	25.6	12.90	15.60
	Pushmataha	31.2	15.90	19.10

OREGON

		Bushels		
1	Clackamas	40.0	$21.20	$25.40
3	Umatilla	60.0	31.80	38.20
8	Malheur	60.0	31.80	38.20

PENNSYLVANIA

		Bushels		
	All counties	45.7	$26.20	$31.50

SOUTH CAROLINA

		Bushels		
1	Anderson	24.8	$14.30	$17.10
	Cherokee	25.0	14.40	17.20
	Greenville	24.1	13.80	16.70
	Laurens	21.4	12.30	14.70
	Oconee	24.0	13.80	16.50
	Pickens	22.0	12.60	15.20
	Spartanburg	22.8	13.10	15.80
	Union	23.0	13.20	15.90
2	Chester	25.8	14.80	17.80
	Fairfield	22.4	12.90	15.40
	Kershaw	17.5	10.10	12.10
	Lancaster	29.4	16.90	20.20
	York	25.2	14.50	17.40
3	Chesterfield	24.6	14.10	17.00
	Darlington	26.8	15.40	18.50
	Dillon	25.1	14.50	17.40
	Florence	29.6	17.00	20.50
	Georgetown	33.0	19.00	22.80
	Horry	23.8	13.70	16.40
	Marion	20.0	11.50	13.80
	Marlboro	21.1	12.20	14.60
	Williamsburg	23.4	13.50	16.10
4	Abbeville	23.2	13.30	16.00
	Aiken	23.2	13.30	16.00
	Edgefield	20.9	12.00	14.40
	Greenwood	20.4	11.70	14.00
	McCormick	20.0	11.50	13.80
	Newberry	19.4	11.20	13.30
	Saluda	23.0	13.20	15.90
5	Calhoun	20.8	12.00	14.40
	Clarendon	20.2	11.60	13.90
	Lee	20.0	11.50	13.80
	Lexington	18.0	10.40	12.40
	Orangeburg	27.1	15.60	18.70
	Richland	26.0	15.00	17.90
	Sumter	20.0	11.50	13.80
8	Allendale	26.2	15.10	18.00
	Bamberg	23.6	13.60	16.30
	Barnwell	21.8	12.50	15.10
	Beaufort	20.0	11.50	13.80
	Berkeley	18.8	10.80	13.00
	Charleston	22.6	13.00	15.60
	Colleton	20.0	11.50	13.80
	Dorchester	21.6	12.40	15.00
	Hampton	20.4	11.70	14.00
	Jasper	20.0	11.50	13.80

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Grain Sorghums—Continued

SOUTH DAKOTA

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1	Butte	39.5	$19.40	$23.20
	Corson	15.5	7.60	9.10
	Dewey	13.2	6.50	7.70
	Harding	16.5	8.00	9.70
	Perkins	11.2	5.50	6.60
	Ziebach	7.8	3.80	4.60
2	Brown	24.0	11.80	14.10
	Campbell	14.0	6.90	8.20
	Edmunds	18.5	9.00	10.90
	Faulk	24.2	11.90	14.20
	McPherson	15.8	7.70	9.30
	Potter	13.9	6.90	8.10
	Spink	20.1	14.50	17.30
	Walworth	15.0	7.40	8.80
3	Clark	26.0	13.00	15.60
	Codington	24.9	12.40	14.90
	Day	20.5	10.00	12.10
	Deuel	21.6	10.90	13.10
	Grant	26.0	12.70	15.30
	Hamlin	28.2	14.20	17.10
	Marshall	24.1	11.80	14.20
4	Roberts	30.2	14.80	17.70
	Haakon	12.8	6.30	7.50
	Jackson	23.2	11.40	13.60
	Lawrence	12.0	5.90	7.10
	Meade	10.8	5.30	6.40
	Pennington	10.2	5.00	6.00
	Stanley	17.2	8.40	10.10
5	Aurora	29.0	14.90	17.90
	Beadle	23.5	11.80	14.10
	Brule	23.2	11.70	14.00
	Buffalo	17.3	8.70	10.50
	Hand	24.1	11.90	14.40
	Hughes	19.2	9.40	11.30
	Hyde	16.8	8.20	9.90
	Jerauld	22.5	11.40	13.80
	Sully	16.6	8.10	9.80
6	Brookings	35.2	18.30	21.90
	Davison	32.0	16.60	20.00
	Hanson	37.2	19.30	23.20
	Kingsbury	34.8	17.70	21.30
	Lake	38.5	20.20	24.10
	McCook	39.2	20.60	24.70
	Miner	35.2	18.30	21.90
	Minnehaha	47.8	25.30	30.40
	Moody	39.5	20.80	24.90
7	Bennett	14.2	7.00	8.30
	Custer	11.5	5.70	6.90
	Fall River	15.5	7.60	9.10
	Shannon	10.5	5.10	6.20
	Washabaugh	10.5	5.10	6.20
	Washington			
8	Gregory	25.0	12.60	15.20
	Jones	16.2	7.90	9.30
	Lyman	23.6	11.70	14.10
	Mellette	19.0	9.30	11.20
	Todd	16.9	8.20	9.90
	Tripp	26.7	13.30	15.90
9	Bon Homme	40.8	21.60	26.00
	Charles Mix	34.1	17.80	21.50
	Clay	51.2	29.30	35.10
	Douglas	31.0	16.30	19.50
	Hutchinson	36.0	18.90	22.70
	Lincoln	55.5	30.00	36.00
	Turner	48.8	25.90	31.10
	Union	58.5	31.50	37.80
	Yankton	46.8	25.30	30.30

TENNESSEE

		Bushels		
1	Dyer	38.0	$21.30	$25.50
	Lake	58.8	32.90	39.50
	Lauderdale	30.0	16.80	20.20
	Obion	46.6	26.10	31.40
	Shelby	31.6	19.40	23.30
	Tipton	35.5	19.90	23.90
2	Carroll	29.4	16.50	19.70
	Chester	31.6	17.70	21.30
	Crockett	33.4	18.70	22.40
	Fayette	23.6	13.20	15.90
	Gibson	33.3	18.60	22.40
	Hardeman	36.0	20.20	24.20
	Haywood	42.6	23.90	28.70
	Henderson	43.8	24.50	29.50
	Henry	31.2	17.50	20.90
	McNairy	29.0	16.20	19.50
	Madison	35.8	20.00	24.10
	Weakley	23.0	12.90	15.50
3	Benton	32.9	18.40	22.10
	Cheatham	20.6	11.50	13.80
	Decatur	35.5	19.90	23.90
	Dickson	20.4	11.40	13.70
	Hardin	40.1	22.40	27.00
	Hickman			

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Grain Sorghums—Continued

TENNESSEE—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
3	Houston	37.8	$21.20	$25.40
	Humphreys	31.6	17.70	21.30
	Lawrence	25.3	14.10	17.00
	Lewis	28.4	14.80	17.70
	Montgomery	35.6	19.90	24.00
	Perry	31.2	17.50	20.90
	Robertson	40.6	22.70	27.30
	Stewart	40.7	22.80	27.30
	Wayne	36.3	20.40	24.40
4	Bedford	28.9	16.10	19.40
	Cannon	37.1	20.80	25.00
	Clay	31.6	17.70	21.30
	Davidson	31.3	17.50	21.10
	De Kalb	40.0	22.40	26.90
	Giles	29.8	16.70	20.00
	Jackson	32.0	17.90	21.50
	Lincoln	31.2	17.50	20.90
	Macon	37.2	20.80	25.00
	Marshall	34.5	19.30	23.20
	Maury	35.5	19.90	23.90
	Moore	30.0	16.80	20.20
	Rutherford	32.0	17.90	21.50
	Smith	30.9	17.30	20.70
	Sumner	38.2	21.40	25.60
	Trousdale	40.8	22.80	27.40
	Williamson	30.0	16.80	20.20
	Wilson	33.4	18.70	22.40
8	Bledsoe	41.4	23.20	27.80
	Coffee	27.8	15.60	18.70
	Fentress	34.2	19.20	23.00
	Franklin	34.8	19.50	23.40
	Grundy	43.6	24.40	29.30
	Marion	42.6	23.90	28.70
	Morgan	25.0	14.00	16.80
	Overton	33.6	18.80	22.60
	Pickett	44.2	24.80	29.70
	Putnam	32.2	18.00	21.60
	Sequatchie	28.6	16.00	19.30
	Van Buren	25.0	14.00	16.80
	Warren	29.7	16.60	19.90
	White	28.6	16.10	19.40
9	Anderson	25.0	14.00	16.80
	Blount	44.5	24.90	29.90
	Bradley	38.4	21.50	25.80
	Claiborne	25.0	14.00	16.80
	Grainger	28.9	16.10	19.40
	Greene	40.0	22.40	26.80
	Hamblen	24.5	13.70	16.50
	Hamilton	37.0	20.70	24.90
	Hawkins	27.5	15.50	18.50
	Jefferson	26.5	14.30	17.10
	Knox	37.1	20.80	25.00
	Loudon	26.9	15.00	18.00
	McMinn	38.3	21.50	25.80
	Meigs	32.9	18.40	22.10
	Monroe	33.4	18.70	22.40
	Polk	37.8	21.20	25.40
	Rhea	27.6	15.50	18.60
	Roane	32.9	18.40	22.10
	Sevier	47.5	26.70	31.90
	Washington	30.0	16.80	20.20

TEXAS

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1-N	Armstrong	44.6	$23.60	$28.40
	Briscoe	49.0	26.00	31.20
	Carson	46.1	24.40	29.40
	Castro	73.0	38.70	46.40
	Dallam	29.1	15.50	18.60
	Deaf Smith	70.0	37.10	44.50
	Floyd	66.2	35.10	42.10
	Gray	28.5	15.10	18.10
	Hale	70.2	37.20	44.60
	Hansford	70.0	37.10	44.50
	Hartley	27.4	14.50	17.40
	Hemphill	23.8	12.60	15.20
	Hutchinson	68.3	36.20	43.50
	Lipscomb	28.1	14.80	17.90
	Moore	63.2	33.50	40.20
	Ochiltree	57.2	30.30	36.40
	Oldham	54.4	28.80	34.60
	Parmer	76.2	40.40	48.40
	Potter	48.0	25.40	30.50
	Randall	54.3	28.80	34.60
	Roberts	42.4	22.50	26.90
	Sherman	44.9	23.70	28.50
	Swisher	71.4	37.80	45.40
1-S	Andrews	16.8	8.40	10.10
	Bailey	36.4	19.30	23.10
	Cochran	27.8	14.70	17.70
	Crosby	33.3	17.60	21.20
	Dawson	20.1	10.60	12.80
	Gaines	22.8	12.10	14.50
	Glasscock	18.6	9.90	11.90
	Hockley	28.8	15.30	18.30

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Grain Sorghums—Continued

TEXAS—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
1-S	Howard	17.8	$9.40	$11.30
	Lamb	43.4	23.00	27.60
	Lubbock	38.5	20.40	24.50
	Lynn	22.9	12.10	14.50
	Martin	18.8	10.00	12.00
	Midland	18.6	9.90	11.90
	Terry	26.5	14.00	16.90
	Yoakum	23.2	12.30	14.70
2-N	Borden	19.2	10.20	12.20
	Childress	21.8	11.60	13.90
	Collingsworth	27.2	14.40	17.30
	Cottle	17.6	9.30	11.20
	Dickens	21.1	11.20	13.50
	Donley	21.0	11.10	13.40
	Foard	26.8	14.20	17.10
	Garza	17.8	9.40	11.30
	Hall	24.4	12.90	15.50
	Hardeman	24.0	12.70	15.30
	Kent	17.4	9.20	11.00
	King	18.3	9.80	11.70
	Motley	22.0	11.70	14.00
	Wheeler	19.7	10.40	12.50
	Wichita	27.6	14.80	17.80
	Wilbarger	29.8	15.80	19.00
2-S	Baylor	27.9	14.80	17.70
	Coleman	22.0	12.10	14.50
	Fisher	35.8	19.00	22.80
	Haskell	26.5	14.00	16.90
	Jones	33.6	17.80	21.40
	Knox	25.4	13.50	16.10
	Mitchell	26.0	13.80	16.50
	Nolan	33.4	17.70	21.20
	Runnels	38.2	20.80	25.00
	Scurry	28.7	15.30	18.20
	Stonewall	20.0	10.60	12.70
	Taylor	32.6	17.60	21.20
3	Archer	19.6	10.40	12.50
	Brown	18.7	10.50	12.50
	Callahan	19.2	10.50	12.50
	Clay	29.0	15.80	19.00
	Comanche	19.6	11.00	13.20
	Eastland	15.9	8.80	10.40
	Erath	21.6	12.00	14.40
	Hood	22.6	12.70	15.20
	Jack	22.3	12.30	14.70
	Mills	23.0	13.10	15.70
	Montague	20.4	11.20	13.40
	Palo Pinto	20.3	11.20	13.40
	Parker	22.4	12.70	15.10
	Shackelford	23.0	12.40	14.90
	Somervell	26.5	14.90	18.00
	Stephens	16.6	9.10	11.00
	Throckmorton	19.5	10.80	12.90
	Wise	27.4	15.30	18.40
	Young	19.5	10.80	12.90
4	Bell	29.9	17.70	21.10
	Bosque	29.4	16.90	20.20
	Collin	37.1	21.00	25.20
	Cooke	29.6	16.30	19.60
	Coryell	25.8	17.30	20.80
	Dallas	33.0	18.80	22.60
	Delta	20.3	11.20	13.40
	Denton	36.2	20.30	24.30
	Ellis	29.0	16.80	20.20
	Falls	29.6	17.60	21.20
	Fannin	27.9	15.50	18.60
	Grayson	29.6	16.40	19.80
	Hamilton	29.6	16.70	20.10
	Hill	29.8	17.30	20.80
	Hunt	23.9	13.40	16.00
	Johnson	29.8	17.00	20.40
	Kaufman	22.6	12.90	15.50
	Lamar	26.7	15.80	18.90
	Limestone	20.4	12.20	14.60
	McLennan	31.6	18.60	22.40
	Milan	33.5	20.20	24.10
	Navarro	24.2	14.30	17.10
	Rockwall	29.7	16.60	19.90
	Tarrant	29.5	17.00	20.40
	Williamson	35.6	21.20	25.50
5-N	Anderson	23.6	14.00	16.90
	Bowie	42.7	23.80	28.40
	Camp	30.0	17.00	20.30
	Cass	27.0	15.10	18.10
	Cherokee	23.5	14.00	16.80
	Franklin	23.2	13.10	15.70
	Gregg	23.2	13.30	16.00
	Harrison	43.0	24.50	29.40
	Henderson	24.2	14.00	16.80
	Hopkins	28.4	15.80	18.90
	Houston	30.8	17.70	21.20
	Marion	32.5	18.30	22.00
	Morris	28.2	15.90	19.10
	Nacogdoches	28.8	17.10	20.60
	Panola	31.8	18.40	22.20
	Rains	24.0	13.70	16.40
	Red River	26.3	15.60	18.80
	Rusk	23.0	13.30	16.00

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Grain Sorghums—Continued

TEXAS—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
5-N	Shelby	26.2	$15.50	$18.80
	Smith	25.4	14.70	17.60
	Titus	28.1	15.80	19.10
	Upshur	24.0	13.70	16.40
	Van Zandt	22.6	12.90	15.50
	Wood	30.4	17.30	20.70
5-S	Angelina	27.7	16.80	20.30
	Brazos	32.0	19.50	23.40
	Freestone	17.8	10.60	12.70
	Grimes	22.2	19.80	23.70
	Hardin	16.0	9.80	11.70
	Leon	24.4	14.60	17.50
	Madison	32.2	19.60	23.50
	Montgomery	25.6	16.00	19.20
	Newton	18.0	10.90	13.10
	Polk	18.2	11.20	13.40
	Robertson	28.4	17.00	20.40
	Sabine	21.5	12.70	15.20
	San Augustine	17.1	10.10	12.20
	San Jacinto	25.3	15.60	18.60
	Trinity	19.0	11.70	14.00
	Walker	19.7	12.20	14.60
	Waller	26.8	16.80	20.10
6	Culberson	36.8	19.50	23.40
	Ector	45.0	23.80	28.60
	El Paso	52.4	27.80	33.30
	Hudspeth	51.8	27.50	33.00
	Jeff Davis	45.0	23.80	28.60
	Loving	31.0	16.40	19.70
	Pecos	43.6	23.10	27.80
	Presidio	28.4	15.10	18.00
	Reeves	58.1	30.70	37.00
	Ward	31.1	16.50	19.80
	Winkler	18.8	10.00	12.00
7	Bandera	25.5	15.40	18.40
	Blanco	22.4	13.20	15.80
	Burnet	22.6	13.10	15.80
	Coke	20.4	10.80	12.90
	Concho	31.4	17.30	20.70
	Crockett	31.0	16.40	19.70
	Edwards	30.0	16.40	19.60
	Gillespie	28.4	17.00	20.40
	Irion	23.0	12.20	14.60
	Kendall	23.6	14.20	17.00
	Kerr	17.0	10.20	12.30
	Kimble	32.7	18.20	21.80
	Kinney	36.4	20.90	25.10
	Lampasas	26.1	15.00	18.70
	Llano	20.6	11.80	14.30
	McCulloch	19.8	11.00	13.20
	Mason	21.2	11.90	14.20
	Menard	19.6	10.80	13.00
	Reagan	40.4	21.40	25.70
	Real	22.0	13.70	16.40
	San Saba	26.5	14.80	17.80
	Schleicher	25.5	13.60	16.20
	Sterling	19.6	10.40	12.50
	Sutton	25.0	13.20	15.90
	Tom Green	38.3	20.40	24.40
	Upton	53.2	28.20	33.80
	Uvalde	28.0	16.70	20.00
	Val Verde	45.0	25.40	30.50
8-N	Austin	26.4	16.50	19.80
	Bastrop	29.2	17.80	21.00
	Bee	28.0	17.80	21.30
	Bexar	28.3	17.30	20.70
	Burleson	26.6	16.20	19.50
	Caldwell	31.6	19.00	22.80
	Colorado	30.5	18.70	22.50
	Comal	23.9	14.50	17.30
	De Witt	26.4	16.10	19.30
	Fayette	30.3	18.50	22.20
	Goliad	30.0	18.60	22.30
	Gonzales	29.3	17.50	21.10
	Guadalupe	27.2	16.50	19.70
	Hays	27.8	16.50	19.90
	Karnes	27.4	17.00	20.30
	Lavaca	26.0	15.90	19.00
	Lee	29.6	18.10	21.70
	Medina	30.7	18.50	22.10
	Travis	28.3	16.90	20.20
	Washington	29.8	18.30	22.00
	Wilson	27.8	17.00	20.40
8-S	Aransas	26.5	16.80	20.20
	Kleberg	34.6	21.80	26.20
	Nueces	37.1	23.60	28.30
	Refugio	31.6	19.60	23.60
	San Patricio	35.3	22.40	26.90
9	Brazoria	23.9	15.00	17.90
	Calhoun	28.5	17.50	21.00
	Chambers	24.2	14.80	17.70
	Fort Bend	24.8	15.50	18.60
	Galveston	19.6	12.20	14.80
	Harris	22.2	13.90	16.60
	Jackson	23.8	14.80	17.40
	Jefferson	16.5	10.10	12.20
	Liberty	20.2	12.60	15.10
	Matagorda	25.9	16.00	19.10

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Grain Sorghums—Continued

TEXAS—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushels		
9	Orange	18.5	$10.00	$12.10
	Victoria	30.0	18.40	22.10
	Wharton	28.5	17.60	21.20
10–N	Atascosa	26.0	15.90	19.00
	Brooks	20.8	12.70	15.20
	Dimmit	29.0	18.70	20.00
	Duval	21.0	13.00	15.60
	Frio	32.8	19.50	23.40
	Jim Hogg	19.0	11.60	13.90
	Jim Wells	27.9	17.80	21.20
	Kenedy	31.0	19.20	23.10
	La Salle	23.3	13.70	16.50
	Live Oak	29.0	18.10	21.80
	McMullen	22.7	14.00	16.70
	Maverick	46.4	26.70	32.00
	Starr	20.7	12.30	14.60
	Webb	24.8	14.90	17.90
	Zapata	23.0	13.60	16.30
	Zavala	38.8	22.30	26.80
10–S	Cameron	39.1	23.30	28.00
	Hidalgo	42.5	25.20	30.30
	Willacy	39.8	23.70	28.40

UTAH

		Bushels		
1	Salt Lake	60.0	$29.40	$35.30
5	Juab	20.0	9.80	11.80
	Millard	40.0	19.60	23.50
	Sanpete	45.0	22.00	26.50
	Utah	70.0	34.30	41.20
6	Carbon	40.0	19.60	23.50
	Duchesne	40.0	19.60	23.50
7	Washington	50.0	24.50	29.40

VERMONT

		Bushels		
	All counties	45.0	$25.90	$31.00

VIRGINIA

		Bushels		
2	Clarke	40.0	$23.00	$27.60
	Culpeper	33.0	19.00	22.80
	Fairfax	35.0	20.10	24.20
	Fauquier	33.0	19.00	22.80
	Frederick	40.0	23.00	27.60
	Loudoun	40.0	23.00	27.60
	Madison	35.0	20.10	24.20
	Page	40.0	23.00	27.60
	Prince William	35.0	20.10	24.20
	Rappahannock	35.0	20.10	24.20
	Rockingham	45.5	26.20	31.40
	Shenandoah	45.5	26.20	31.40
	Stafford	40.0	23.00	27.60
	Warren	40.0	23.00	27.60
4	Alleghany	40.0	23.00	27.60
	Augusta	44.0	25.30	30.40
	Bath	40.0	23.00	27.60
	Botetourt	33.5	19.30	23.10
	Craig	38.0	21.80	26.20
	Highland	40.0	23.00	27.60
	Roanoke	38.5	22.10	26.60
	Rockbridge	39.5	22.80	27.30
5	Albemarle	33.0	19.00	22.80
	Amelia	38.0	21.80	26.20
	Amherst	35.0	20.10	24.20
	Appomattox	34.5	19.80	23.80
	Bedford	35.5	20.50	24.50
	Buckingham	34.5	19.80	23.80
	Campbell	38.1	21.80	26.30
	Caroline	32.0	18.40	22.10
	Chesterfield	40.0	23.00	27.60
	Cumberland	39.1	22.50	27.00
	Fluvanna	33.0	19.00	22.80
	Goochland	32.5	18.60	22.40
	Greene	33.0	19.00	22.80
	Hanover	34.5	19.80	23.80
	Smyth	36.0	20.70	24.80
	Tazewell	36.0	20.70	24.80
	Washington	35.0	20.10	24.20
	Wise	32.5	18.60	22.40
	Wythe	35.0	20.10	24.20
8	Charlotte	36.0	20.70	24.80
	Franklin	30.5	17.50	21.00
	Halifax	35.5	20.50	24.50
	Henry	30.2	17.40	20.80
	Lunenburg	30.5	17.50	21.00
	Nottoway	30.0	17.20	20.70

1962 FEED GRAIN PROGRAM—Continued

County 1959–60 Adjusted Average Yields and Per Acre Payment for Grain Sorghums—Continued

VIRGINIA—continued

District	County	1959–60 adjusted average yield	50 percent payment rate per acre	60 percent payment rate per acre
		Bushel		
8	Patrick	33.0	$19.00	$22.80
	Pittsylvania	31.0	17.80	21.40
9	Brunswick	30.5	17.50	21.00
	Dinwiddie	38.0	21.80	26.20
	Greensville	30.5	17.50	21.00
	Isle of Wight	41.0	23.60	28.30
	Mecklenburg	30.5	17.50	21.00
	Nansemond	33.0	19.00	22.80
	Norfolk	32.5	18.60	22.40
	Prince George	39.0	22.40	26.90
	Princess Anne	33.8	19.40	23.30
	Southampton	35.5	20.50	24.50
	Surrey	33.5	19.30	23.10
	Sussex	34.5	19.80	23.80
	Henrico	36.0	20.70	24.80
	Louisa	35.5	20.50	24.50
	Nelson	35.0	20.10	24.20
	Orange	32.0	18.40	22.10
	Powhatan	35.0	20.10	24.20
	Prince Edward	32.0	18.40	22.10
	Spotsylvania	33.0	19.00	22.80
6	Accomack	41.0	23.60	28.30
	Charles City	33.0	19.00	22.80
	Elizabeth City	38.0	21.80	26.20
	Essex	35.0	20.10	24.20
	Gloucester	41.0	23.60	28.30
	James City	37.0	21.30	25.50
	King and Queen	33.0	19.00	22.80
	King George	35.5	20.50	24.50
	King William	34.0	19.60	23.50
	Lancaster	41.0	23.60	28.30
	Mathews	41.0	23.60	28.30
	Middlesex	32.5	18.60	22.40
	New Kent	33.0	19.00	22.80
	Northampton	34.0	19.60	23.50
	Northumberland	41.0	23.60	28.30
	Richmond	34.0	19.60	23.50
	Warwick	38.0	21.80	26.20
	Westmoreland	38.0	21.80	26.20
	York	38.0	21.80	26.20
7	Bland	36.0	20.70	24.80
	Buchanan	32.5	18.60	22.40
	Carroll	35.0	20.10	24.20
	Dickenson	35.0	20.10	24.20
	Floyd	40.0	23.00	27.60
	Giles	38.0	21.80	26.20
	Grayson	35.0	20.10	24.20
	Lee	40.0	23.00	27.60
	Montgomery	36.0	20.70	24.80
	Pulaski	36.0	20.70	24.80
	Russell	37.0	21.30	25.50
	Scott	38.0	21.80	26.20

WASHINGTON

		Bushels		
2	Benton	58.0	$30.70	$36.90
	Yakima	56.0	29.70	35.60
5	Adams	77.0	40.80	49.00
	Franklin	76.0	40.30	48.30
	Grant	78.0	41.30	49.60
9	Walla Walla	47.0	24.90	29.90

WEST VIRGINIA

		Bushels		
6	Monroe	38.0	$21.80	$26.20

WISCONSIN

		Bushels		
1	Burnett	30.0	$15.20	$18.20
	Washburn	30.0	15.20	18.20
3	Oconto	30.0	15.20	18.20
4	Monroe	30.0	15.20	18.20
	St. Croix	30.0	15.20	18.20
	Trempealeau	30.0	15.20	18.20
5	Adams	30.0	15.20	18.20
	Green Lake	30.0	15.20	18.20
	Waushara	30.0	15.20	18.20
6	Door	30.0	15.20	18.20
	Kewaunee	30.0	15.20	18.20
7	Grant	30.0	15.20	18.20
	Iowa	30.0	15.20	18.20
	Richland	30.0	15.20	18.20
	Sauk	30.0	15.20	18.20
8	Green	30.0	15.20	18.20
9	Racine	30.0	15.20	18.20
	Waukesha	30.0	15.20	18.20

(Sec. 16(d), 49 Stat. 1151, as amended; sec. 105, 72 Stat. 993, as amended; sec. 133, 75 Stat. 303, 7; 16 U.S.C. 590p; 7 U.S.C. 1441 note)

Issued at Washington, D.C., this 31st day of May 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-5461; Filed, June 8, 1962; 12:03 p.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 11]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.327 Grapefruit Regulation 11.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905 as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on June 4, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title; 26 F.R. 163).

(2) During the period beginning at 12:01 a.m., e.s.t., June 11, 1962, and ending at 12:01 a.m., e.s.t., June 18, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, except pink seedless grapefruit, grown in the production area, which do not grade at least U.S. No. 1: *Provided*, That such grapefruit may have discoloration to the extent permitted under the U.S. No. 2 Russet grade, and may have slightly rough texture caused only by speck type melanose;

(ii) Any pink seedless grapefruit, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(iii) Any seeded grapefruit, grown in the production area, which are smaller than $3\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iv) Any seedless grapefruit, grown in the production area, which are smaller than $3\frac{7}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 6, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-5658; Filed, June 8, 1962; 8:50 a.m.]

[Orange Reg. 11]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.328 Orange Regulation 11.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on June 4, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title; 25 F.R. 8211).

(2) During the period beginning at 12:01 a.m., e.s.t., June 11, 1962, and ending at 12:01 a.m., e.s.t., June 18, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than $2\frac{8}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2\frac{8}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2\frac{1}{16}$ inches in diameter or smaller; or

(iii) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 6, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-5659; Filed, June 8, 1962; 8:50 a.m.]

[Valencia Orange Reg. 16]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.316 Valencia Orange Regulation 16.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established un-

der the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 7, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., June 10, 1962, and ending at 12:01 a.m., P.s.t., June 17, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 375,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 8, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–5748; Filed, June 8, 1962; 11:27 a.m.]

[Lemon Reg. 25]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.325 Lemon Regulation 25.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 5, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., June 10, 1962, and ending at 12:01 a.m., P.s.t., June 17, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 465,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 7, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–5694; Filed, June 8, 1962; 8:52 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Justice

1. Effective June 30, 1962, subparagraph (3), paragraph (b) of § 6.108, having expired by its own terms, is revoked.

2. Effective June 30, 1962, paragraph (c) is added to § 6.208 as set out below.

(c) Positions of Port Receptionist and Supervisory Port Receptionist, Immigration and Naturalization Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62–5635; Filed, June 8, 1962; 8:47 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Executive Office of the President

1. Effective upon publication in the FEDERAL REGISTER, § 6.115, paragraph (a) (1), is added to Part 6 as set out below.

§ 6.115 Executive Office of the President.

(a) *Office of Science and Technology.* (1) All professional positions on the Staff of the Office.

2. Effective upon publication in the FEDERAL REGISTER, paragraph (c), subparagraphs (1) and (2), is added to § 6.315 as set out below.

§ 6.315 Executive Office of the President.

(a) *Office of Science and Technology.* (1) One Confidential and Secretarial Assistant to the Director.

(2) One Confidential and Secretarial Assistant to the Deputy Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62–5650; Filed, June 8, 1962; 8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

Pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, are hereby amended to read respectively, as follows:

§ 74.2 Designation of free and infected areas.

(a) Notice is hereby given that sheep in the following States, Territories, and District, or parts thereof as specified, are not known to be infected with scabies, and such States, Territories, District, and parts thereof, are hereby designated as free areas:

(1) Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Louisiana, Maine, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, North Carolina, North Dakota, Oregon, Puerto Rico, Rhode Island, South Carolina, Texas, Utah, Vermont, Washington, and Wyoming;

(2) The following Counties in South Dakota: McPherson, Edmunds, Faulk, Hand, Jerauld, Aurora, and Douglas, and all Counties in the State of South Dakota lying west thereof;

(3) The following Counties in Nebraska: Arthur, Banner, Blaine, Box Butte, Brown, Chase, Cherry, Cheyenne, Dawes, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Morrill, Perkins, Rock, Sheridan, Sioux, Scotts Bluff, and Thomas;

(4) That portion of McKinley and San Juan Countries in New Mexico occupied by the Navajo Indian Reservation;

(5) The following Counties in Kansas: Republic, Cloud, Ottawa, Saline, McPherson, Harvey, Sedgwick, and Sumner, and all Counties in the State of Kansas lying west thereof.

(6) The following Counties in Michigan: Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft.

(b) Notice is hereby given also that sheep scabies exists in all States and Territories and parts of States not designated as free areas in paragraph (a) of this section, and they are hereby designated as infected areas.

§ 74.3 Designation of eradication areas.

(a) Notice is hereby given that sheep in the following States, Territories, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep and such States, Territories, and parts thereof, are hereby designated as eradication areas:

(1) Hawaii, Illinois, New Jersey, New York, Pennsylvania, Tennessee, and Wisconsin.

(2) The following Counties in South Dakota: Brown, Spink, Beadle, Sanborn, Davison, Hutchinson, and Bon Homme, and all Counties in the State of South Dakota lying each thereof;

(3) All Counties in Nebraska except Arthur, Banner, Blaine, Box Butte, Brown, Chase, Cherry, Cheyenne, Dawes, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Morrill, Perkins, Rock, Sheridan, Sioux, Scotts Bluff, and Thomas;

(4) All Counties in New Mexico except that portion of McKinley and San Juan Counties occupied by the Navajo Indian Reservation.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment adds specified Counties in the State of Michigan to the list of free areas and deletes such Counties from the list of infected and eradication areas as sheep scabies is no longer known to exist in these specified Counties. Hereafter, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will not apply to these Counties. However, the restrictions in said Part 74 pertaining to the interstate movement of sheep from or into free areas will apply thereto.

The amendment relieves certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 5th day of June 1962.

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 62–5660; Filed, June 8, 1962; 8:51 a.m.]

PART 77—TUBERCULOSIS IN CATTLE

Restrictions on Interstate Movement of Cattle Because of Tuberculosis

Pursuant to § 77.3 of the regulations restricting the movement of cattle because of tuberculosis (9 CFR Part 77), issued under the provisions of sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 and 5 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 120, 121), and upon the basis of determinations made by the Director of the Animal Disease Eradication Division under said section, § 77.3a of Part 77, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, is hereby amended to read:

§ 77.3a Modified accredited areas.

The following areas are hereby designated as modified accredited areas: The District of Columbia and all portions of all States and Territories of the United States, other than the State of Hawaii and Grand Traverse, Kent, Ogemaw, and Sanilac Counties in the State of Michigan.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended; 21 U.S.C. 111–113, 120, 121; 19 F.R. 74, as amended; 9 CFR 77.3)

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment removes Grand Traverse, Kent, Ogemaw, and Sanilac Counties in the State of Michigan from the areas designated as modified accredited areas because they do not meet the qualifications of such an area as set out in § 77.3.

This amendment imposes certain restrictions necessary to prevent the spread of tuberculosis in cattle and should be made effective promptly in order to accomplish its purpose in the public interest. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to this amendment are impracticable and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of June 1962.

E. E. SAULMON,
Acting Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 62–5661; Filed, June 8, 1962; 8:51 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Technical Specifications

Statement of considerations. The following amendments are designed to clarify the extent to which licensees may make changes, and conduct tests and experiments, which are not specifically provided for in their facility licenses. The amendments reflect consideration of comments received following publication of an earlier draft of these amendments in the FEDERAL REGISTER on April 8, 1961. The amendments substantially revise § 50.36 *Designation of technical specifications*, add a new § 50.59 *Author-*

ization of changes, tests and experiments; and add an Appendix A, "Contents of Technical Specifications". The revisions for §§ 50.36 and 50.59 are based upon the provisions incorporated in License No. DPR–1 pursuant to the Commission's Memorandum and Order dated November 2, 1960 (in the matter of General Electric, Vallecitos Boiling Water Reactor, Docket No. 50–18).

Basically the amendments provide that:

(1) Certain significant design and operating limitations and procedures will be designated as technical specifications which must be adhered to in the absence of specific authorization from the Commission. The technical specifications will reflect in such form limits in design and procedures approved by the Commission. They will represent in essence those parameters which define the boundaries of licensed activity which the Commission has evaluated and approved from a safety standpoint.

(2) The licensee may make changes in the facility, make changes in the procedures described in the hazards summary report, and conduct tests or experiments, unless the proposed change, test or experiment involves a change in the technical specifications or "an unreviewed safety question", as defined. Records of changes, tests and experiments which do not involve a change in the technical specifications or "an unreviewed safety question" must be kept and included in those made available for inspection by authorized representatives of the Commission and summarized in reports to be periodically submitted to the Commission.

(3) If a proposed change, test or experiment involves a change in the technical specifications or an unreviewed safety question, it may not be carried out unless authorized by the Commission. The request for such authorization must include an appropriate hazards analysis.

(4) Except as noted in paragraph (5), the Commission may authorize any proposed change, test or experiment upon finding that there is reasonable assurance that the health and safety of the public will not be endangered.

(5) With respect to power and testing reactors, the Commission may authorize a proposed change, test or experiment and a change in technical specifications upon determining that it does not present significant hazards considerations not previously described or implicit in the hazards summary report and upon finding that there is reasonable assurance that the public health and safety would not be endangered. If the proposed change involves significant hazards considerations not previously described or implicit in the hazards summary report, the proposed change, test or experiment must be referred to the Advisory Committee on Reactor Safeguards for report and must be scheduled for public hearing.

In conjunction with the adoption of these proposed amendments, the Commission plans to delegate appropriate authority to the staff to determine whether proposed changes, tests and experiments involve a significant hazards considerations not described or implicit in the hazards summary report and to issue authorization for changes which the rule does not require be referred to the ACRS and to public hearing.

All reports, requests, determinations and authorizations will be made part of the public record of the licensing proceedings.

In order to provide guidance to licensees and applicants, the proposed amendments would add an Appendix A to Part 50 containing a list of matters which are typical of those the Commission would generally expect to be covered by technical specifications in operating licenses. It is emphasized, however, that considerable variation from the subjects listed in Appendix A may be warranted in any particular case. The wide variations found in facility design and operation prevent any listing from being complete. Conversely, it is anticipated that some of the items listed would not be covered in specific operating licenses because of the nature of the particular design or proposed operation.

The proposed amendments would apply to all reactor operating licenses. With respect to existing licenses which do not designate particular portions of the hazards summary report as "technical specifications", the entire report would be designated as "technical specifications". The proposed rules permit amendment of the license upon application by the licensee, or on the Commission's own motion, to designate as "technical specifications" appropriate portions of the hazards summary report.

Notice is hereby given that pursuant to the Administrative Procedures Act and the Atomic Energy Act of 1954, as amended, the following amendments are published as a document subject to codification, to be effective 30 days after publication in the FEDERAL REGISTER.

1. Section 50.36 is amended to read as follows:

§ 50.36 Designation of technical specifications.

(a) Each applicant for a license authorizing operation of a production or utilization facility shall, and each applicant for a construction permit may, designate those provisions of his hazards summary report which he proposes be incorporated as technical specifications in the license or construction permit.

(b) Each license authorizing operation of a production or utilization facility of a type described in § 50.21 or § 50.22 will include technical specifications. The technical specifications incorporated in a license will be designed to include those significant design features, operating procedures and operating limitations which are considered important in providing reasonable assurance that the facility will be constructed and operated without undue hazard to public health and safety. Appendix A is provided as a guide to the type of matters which the Commission would generally expect to be covered by the technical specifications. The Commission may include technical specifications on such additional matters as the Commission finds appropriate to provide reasonable assurance that the facility will be constructed and operated without undue hazard to public health and safety; and may omit items listed in Appendix A if such omission is consistent with the protection of the health and safety of the public.

(c) This section shall not be deemed to modify the technical specifications included in any license issued prior to the effective date of this section. A license issued prior to the effective date of this section in which technical specifications have not been designated, shall be deemed to include the entire hazards summary report as technical specifications. At the initiative of the Commission or the licensee, any license may be amended to include technical specifications of the scope and content which would be required if a new license were being issued.

2. Add the following new § 50.59:

§ 50.59 Authorization of changes, tests and experiments.

(a) The holder of a license authorizing construction or operation of a production or utilization facility may (1) make changes in the facility as described in the hazards summary report, (2) make changes in the procedures as described in the hazards summary report, and (3) conduct tests or experiments not described in the hazards summary report, unless the proposed change, test or experiment involves a change in the technical specifications incorporated in the license or an unreviewed safety question, as defined in paragraph (c) of this section. If the proposed change, test or experiment involves a change in the technical specifications or an unreviewed safety question, it shall not be carried out unless authorized by the Commission pursuant to the procedures set forth in this section.

(b) The licensee shall maintain records of changes in the facility and of changes in procedures made without prior Commission approval pursuant to this section, to the extent that such changes constitute changes in the facility as described in the hazards summary report or constitute changes in procedures as described in the hazards summary report. The licensee shall also maintain records of tests and experiments carried out without prior Commission approval pursuant to this section. The licensee shall furnish annually to the Commission, or at such shorter intervals as may be specified in the license, a report containing a brief description of such changes, tests and experiments.

(c) A proposed change, test or experiment shall be deemed to involve an unreviewed safety question if (1) the probability of occurrence of an accident previously analyzed in the hazards summary report may be increased; or (2) if consequences of an accident previously analyzed in the hazards summary report may be increased; or (3) if a possibility for a nuclear accident of a different type than any analyzed in the hazards summary report may be created.

(d) The licensee shall file a request for authorization of a change in technical specifications or of any change, test or experiment which requires authorization by the Commission pursuant to paragraph (a) of this section. The request shall include an appropriate hazards analysis. Each such request shall be filed with the Atomic Energy Commission, Attention: Director, Division of Licensing and Regulation. The licensee shall file three signed originals and 19 additional copies.

(e) With respect to request for changes, tests or experiments or for changes in technical specifications for a facility of a type described in § 50.21(b) or § 50.22, or a testing facility:

(1) If the Commission determines that the proposed change, test or experiment presents significant hazards considerations not described or implicit in the hazards summary report it will refer the request to the Advisory Committee on Reactor Safeguards and will order a public hearing in accordance with applicable procedures. The Commission will promptly notify the licensee of any referral to the Advisory Committee on Reactor Safeguards.

(2) If the Commission determines that the proposed change, test or experiment does not present significant hazards considerations not described or implicit in the hazards summary report, it may authorize such change, test or experiment, without referral to the Advisory Committee on Reactor Safeguards for a report and without a prior public hearing, upon finding that there is reasonable assurance that the health and safety of the public will not be endangered.

(f) With respect to requests for changes, tests or experiments or for changes in technical specifications for a production or utilization facility which is not of a type described in § 50.21(b) or § 50.22 or a testing facility, the Commission may authorize the proposed change, test or experiment upon finding that there is reasonable assurance that the health and safety of the public will not be endangered.

(g) Any report or request for authorization submitted by a licensee, and any determination by the Commission, or authorization issued by the Commission, pursuant to this section, will be made a part of the public record of the licensing proceeding. An authorization issued by the Commission will include appropriate changes in the technical specifications.

3. Add the following Appendix A:

APPENDIX A—GUIDE TO CONTENTS OF TECHNICAL SPECIFICATIONS FOR NUCLEAR REACTORS

1. This Appendix is a guide to matters which are typical of those the Commission would generally expect to be covered by technical specifications in operating licenses for nuclear reactors. The generalized form of the guide results in inclusion of items not common to all reactors, and should be used in preparation of technical specifications for a particular facility only to the extent the matters listed are applicable. Conversely, technical specifications are expected to include items other than those listed if such matters could have an effect on the safety of operations comparable in significance to the effect of the following items:

A. Site. 1. Physical location of the reactor plant.

2. Minimum distance to boundary of the exclusion area.

3. Principal activities carried on within the exclusion area.

B. Containment. 1. Design pressure and maximum total leakage rate at design pressure of the containment vessel (including penetrations).

2. Overall dimensions, materials of construction and approximate free volume of containment barrier.

3. Principal types of containment vessel penetrations, and for each type, the approximate number and methods of closure and sealing (including piping, duct work, and access openings).

4. Shell maximum design pressure under minimum temperature conditions and methods of protection against the cold.

5. Frequency, pressure, and methods of testing of the containment vessel and penetrations.

C. Primary coolant system. 1. General system specifications, and major primary system components including:

(a) Number of loops.

(b) Number of isolation and check valves per loop.

(c) Number of steam generators per loop.

(d) Method of coolant circulation and heat removal.

(e) Number of pumps per loop.

(f) Reactor coolant piping material and size.

(g) Volume of primary coolant.

2. Principal reactor vessel design features including:

(a) Temperature and pressure rating (design and operating).

(b) Materials of construction (base metal and cladding).

(c) Overall dimensions.

(d) Types and locations of nozzle connections with respect to core.

(e) Number of and types of penetrations.

(f) Type of closure and any limiting features.

3. Primary coolant specifications:

(a) Materials.

(b) Method of pressurization.

(c) Coolant chemistry limits.

(d) Impurity limits.

4. Operating variables, including:

(a) Minimum core inlet pressure.

(b) Maximum and minimum flow rate through the core.

(c) Maximum core exit bulk temperature.

(d) Maximum heat up and cool down rates of major components.

(e) Reactor vessel pressure limitations as a function of temperature and integrated neutron flux.

5. Principal design features of major components, including:

(a) Primary heat exchanger type and rating.

(b) Type of pump and pump drive.

(c) Isolation valve type and modes of operation.

(d) Check valve type and pressure design.

6. Materials and general configuration of primary system shielding.

D. Primary plant auxiliary systems. 1. Principal design features of major components including:

(a) Relief valve types, minimum capacity, relief settings, points for pressure discharge.

(b) Demineralizer type and product specifications.

(c) Pressurizer type and surge capacity.

(d) Coolant charging pump, number, charging rate and pressure design.

(e) Core water injection and containment spray system pumps, number, capacity, injection rate and design pressure.

(f) Reactor plant component cooling system pumps and heat exchanger, number, capacity and pressure design.

(g) Reactor plant control air design pressure, compressor type and rating.

2. Operating limitations, including:

(a) Water chemistry.

(b) Minimum reserve capacity of core water injection and containment spray systems.

(c) Maximum and minimum ambient operating temperature of reactor room.

(d) Minimum level of primary shield tank water level.

E. Secondary coolant system. 1. General system design specifications, including:

(a) Coolant.

(b) Maximum pressure, operating and design.

(c) Maximum temperature, operating and design.

(d) Coolant flow rate—maximum and minimum.

(e) Minimum makeup coolant temperature.

(f) Maximum differential temperature and pressure between primary and secondary systems.

(g) Coolant chemistry limits.

2. Principal operating limitations established from considerations of nuclear safety, including:

(a) Loading.

(b) Turbine control.

(c) Steam dumping or bypassing.

(d) Power network interconnections.

(e) Maximum radioactivity.

F. Reactor core. 1. Principal core design features, including:

(a) Moderator material.

(b) Reflector material and thickness.

(c) Fuel material, enrichment, and melting or boiling point.

(d) Minimum number of fuel thermocouples, where provided as a safeguard.

(e) Clad material and method of bonding.

(f) Minimum number of clad thermocouples where provided as a safeguard.

(g) Brief fuel element description including nominal dimensions, overall and internal element supports and orificing.

(h) Maximum total mass of core and of fuel in the core.

(i) Maximum number of fuel elements in the core.

(j) Maximum fuel burnup (MWD).

(k) Maximum or minimum void coefficient of reactivity, and maximum operating void fraction.

(l) Temperature and pressure reactivity coefficients, ambient to operating.

(m) Form of burnable poison and method of attachment.

(n) Maximum and minimum reactivity worth of burnable poison.

(o) Brief description of source including minimum initial strength and type.

(p) Number of passes and flow direction through the core.

2. Principal design core temperatures and thermal characteristics, including:

(a) Maximum thermal power.

(b) Maximum local core heat flux (maximum with respect to all variables at rated power).

(c) Minimum burnout safety factor (on heat flux) and correlation method used.

(d) Maximum fuel surface and central temperatures at designated points.

G. Control and safety systems. 1. Reactivity control system design and operating limits, including:

(a) Number installed and minimum number of operative control elements and drives.

(b) Principal design features including control element materials, control rod guides, minimum operating clearances, use of followers, limits on allowable operating temperatures and pressures and rod coupling method.

(c) Maximum reactivity worth of automatic control systems and of entire control system for both operating temperatures (hot) and cold plant conditions.

(d) Maximum reactivity worth of any individual control system component or gang, for hot and cold conditions.

(e) Minimum shutdown control margin for hot and cold conditions.

(f) Minimum number of least reactive control elements corresponding to minimum shutdown margin.

(g) Maximum reactivity addition rate by control elements.

(h) Maximum excess reactivity above cold clean critical.

(i) Automatic modes of reactivity insertion and shutdown and maximum total scram delay time and safety element insertion time.

(j) Type, minimum reactivity worth, conditions of use, and principal design features of auxiliary poison systems.

(k) Rod position indication method and minimum accuracy limits.

(l) Minimum worth of safety control elements cocked during startup, fuel loading and other core manipulations.

(m) Minimum reactor power for automatic control.

2. Nuclear instrumentation system design and operating limits including:

(a) Brief description of the system including ranges, types, and sensitivities of instrument channels and detectors, their degree of independence of operation, and use of redundancy or coincidence circuitry.

(b) Minimum number and ranges of operative level safety and period safety channels during startup and power operation.

(c) Setting of scram points.

(d) Automatic control system inputs.

3. Characteristics of safety control systems auxiliary to the reactivity control and nuclear instrumentation systems including:

(a) Emergency power supply availability, and total loading with respect to minimum capacity.

(b) Devices which are activated on automatic building closure.

(c) Type, functions, and conditions of use of interlocks.

(d) Items which may be bypassed, method of bypassing, and conditions under which bypassing will be used.

(e) Conditions which would automatically cause reactor scram or building closure and activation points for these actions.

(f) Devices causing scram or partial insertion of rods and scram point settings.

(g) Instrumentation primarily or solely provided for analysis of conditions following an accident.

H. *Monitoring systems.* General design features and specific operating limits, including:

1. Stack, activity discharge rate averaged over a year and minimum number and sensitivity of operating monitors.

2. Maximum instantaneous stack activity discharge rate.

3. Fuel element failure detection equipment sensitivity, localization and sampling interval (if not continuous).

4. Minimum number and sensitivity of monitors for radiation level detection in accessible areas.

5. Minimum number and sensitivity of monitors of liquid radioactive effluents including primary coolant leak detectors.

6. Criticality monitors in fuel storage areas.

I. *Waste disposal systems.* Design and operating features including:

1. Principal features of equipment for removal of gases or other materials from primary and secondary coolant, moderator, reflector, or shield; equipment capacity and mode of use (continuous or intermittent).

2. Stack height.

3. Minimum waste holdup capacities, storage and processing methods and maximum radioactivity inventories during normal operations, maintenance and refueling.

J. *Ventilation systems.* 1. Brief description of principal features of systems providing safeguards functions, including:

(a) Fans used, capacities and approximate numbers.

(b) Direction of atmospheric pressure gradient across walls, doorways, and other important barriers of the facility and minimum atmospheric pressure differentials across principal barriers where pertinent to contamination control.

(c) Minimum ventilation rates where applicable.

(d) Provisions for ventilation system closure.

(e) Provisions for relief of positive or negative pressures within the enclosed areas upon ventilating system closure.

(f) Location of ventilation system inlets and outlets.

(g) Location, type, and procedures for maintenance of filtering or other air cleaning systems.

K. *Emergency cooling and decay heat removal systems.* 1. Principal system design features.

2. Minimum capacity of emergency heat exchangers.

3. Type, minimum coolant supply, flow rate, and power requirement of emergency cooling systems.

4. Total cooling time made available by emergency cooling systems.

5. Conditions which would automatically cause emergency actions.

6. Source and availability of emergency power.

L. *Fuel storage.* 1. Brief descriptions of physical means by which fuel elements are to be transported within the facility, and conditions under which they are stored.

2. Amount and arrangement (spacing) of special nuclear material to be stored.

3. Basic method or methods by which nuclear safety against inadvertent criticality is assured (mass, geometry).

4. Procedural limitations on quantities to be removed or inserted in storage area at any one time.

5. Means of providing personnel protections against radiation hazards from spent fuel.

M. *Experimental facilities including.* 1. Brief description of principal design features of experimental facilities.

2. Maximum excess reactivity allowed for experiments.

3. Maximum individual reactivity increase to be allowed for any experiment or experimental facility by flooding, draining, poison removal, fueled experiment addition, or other method.

4. For each loop or other experimental facility:

(a) Types of sensors for process variables, output actions, and redundant or coincidence provisions.

(b) Minimum cooling capacity to each experiment, method of cooling, and emergency cooling provisions.

(c) General geometry, minimum pressure resistance, and maximum leak rate of experiment containment barriers.

(d) Significant controls, signals, or other safety mechanisms by which experiments or experimenters (manually or automatically) may shutdown the reactor.

(e) Types of experiments to be conducted and limits on experimental programs, considering such effects as corrosion, explosion, and instrument shadowing.

5. Argon and other activation product limitations.

N. *Administrative and procedural safeguards.* 1. Brief coverage of the following:

(a) The availability of detailed written procedures for operations that might affect nuclear safety and for emergencies.

(b) The manner whereby operating procedures are reviewed and approved for use.

2. Brief description of the following controls procedures and tests:

(a) Administrative organization and controls to the extent that these have potential effect on safety.

(b) General operating principles having a potential effect on safety, including those for initial startup, routine operation, maintenance, refueling, conduct and operation of experiments, power escalation from criticality to full design power, and emergencies; minimum staffing requirements for such operations where applicable.

(c) Postcritical schedule of maintenance and recalibrating tests of safety system components, monitors, and other equipment having a potential safeguards function including items such as reactor control instruments, control rod systems, effluent release monitors, personnel protection monitors, portable detectors, building leakage and emergency systems.

(d) Procedures for the review within the licensee's organization of proposed modifications in the facility or in operating procedures, and of the design and conduct of experiments.

(Sec. 103, 68 Stat. 936, sec. 104, 68 Stat. 937, sec. 161, 68 Stat. 948, sec. 182, 68 Stat. 953, sec. 183, 68 Stat. 954; 42 U.S.C. 2133, 2134, 2201, 2232, 2233)

Dated at Germantown, Md., this 31st day of May 1962.

For the Atomic Energy Commission.

WOODFORD B. McCOOL,
Secretary.

[F.R. Doc. 62-5615; Filed, June 8, 1962; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-357]

PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND OF FOREIGN AIR CARRIERS

Carriers' Billing and Payment Rules; Postponement of Effective Date

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of June 1962.

On May 8, 1962, the Board adopted Amendment No. 11 to Part 221 of its Economic Regulations, Docket 11509, ER-353, 27 F.R. 4509, in which it added a new § 221.38(i) to Part 221 which requires all direct and indirect air carriers and foreign air carriers to state in their tariffs governing the transportation of property, their rules, regulations and practices relating to the billing of shippers for transportation services rendered and the payment of rendered bills by shippers for such services. This rule was to become effective on June 11, 1962.

Fifteen domestic scheduled air carriers filed a joint petition on June 4, 1962, Docket 11509, requesting the Board to postpone the effective date of § 221.38(i) until August 10, 1962. In support of the petition the petitioners allege in substance that: (1) since all air carriers are required to publish billing and payment rules, their publication in a consolidated tariff involves a matter of considerable complexity and expense, (2) air carriers need more time to devise new billing and payment rules and methods of publishing such rules, and (3) the postponement for 60 days of the effective date of § 221.38(i) will not have an adverse effect upon shippers and will permit the development of clear and concise rules which will have a beneficial effect upon shippers as well as air carriers.

The Board is of the opinion that good cause has been shown in the petition for postponing the effectiveness of § 221.38 (i) until August 10, 1962.

Since this action does not impose a restriction or duty on any person, notice and public procedure thereon are unnecessary and this amendment may be made effective upon publication in the FEDERAL REGISTER.

Accordingly, the Civil Aeronautics Board hereby modifies Amendment No. 11 of Part 221 of its Economic Regulations (14 CFR Part 221) by changing, effective upon publication in the FEDERAL REGISTER, the effective date of § 221.38(i) from June 11, 1962, to August 10, 1962.

(Sec. 204, Federal Aviation Act of 1958, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-5706; Filed, June 8, 1962; 8:52 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-EA-40]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extension

The purpose of this amendment to § 601.1043 of the regulations of the Administrator is to alter the description of the Bowling Green, Ky., control area extension.

The Bowling Green control area extension is designated, in part, with reference to the Bowling Green radio range northwest and southeast courses. The Federal Aviation Agency has determined that the controlled airspace designated on this navigational aid is no longer required for air traffic control purposes and may be revoked. Accordingly, such action is taken herein.

Since the change effected by this amendment is less restrictive in nature than present requirements, and impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than thirty days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.1043 (14 CFR 601.1043) is amended to read:

§ 601.1043 Control area extension (Bowling Green, Ky.).

Within a 15-mile radius of the Bowling Green, Ky., VORTAC and that airspace W of Bowling Green bounded on the N by latitude 37°00'00" N., on the SE by VOR Federal airway No. 57, and on the W by VOR Federal airway No. 7.

This amendment shall become effective 0001 e.s.t., July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 4, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-5617; Filed, June 8, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WA-48]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2025 of the regulations of the Administrator is to alter the description of the Big Spring, Texas, control zone.

The Big Spring control zone is designated, in part, on the Big Spring radio range. The Federal Aviation Agency has scheduled the conversion of this facility to a radio beacon on or about June 18, 1962. Therefore, action is taken herein to substitute the Big Spring radio beacon for the Big Spring radio range in the description of the Big Spring control zone.

Since this amendment is editorial in nature, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective June 18, 1962.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2025 (14 CFR 601.2025) is amended to read:

§ 601.2025 Big Spring, Texas, control zone.

Within a 5-mile radius of Webb AFB (latitude 32°12'53" N., longitude 101°-31'21" W.), Big Spring, Texas; within 2 miles either side of the 251° bearing from the Big Spring RBN extending from the 5-mile radius zone to 10 miles W of the RBN; and within 2 miles either side of the Big Spring VOR 191° radial extending from the 5-mile radius zone to the VOR.

This amendment shall become effective 0001 e.s.t., June 18, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 4, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-5618; Filed, June 8, 1962; 8:45 a.m.]

[Airspace Docket No. 62-CE-34]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2054 of the regulations of the Administrator is to alter the Hutchinson, Kans., control zone.

The Hutchinson control zone is presently designated, in part, with reference to the Hutchinson radio range. The Federal Aviation Agency has programmed the decommissioning of this facility and the control zone extension based on this navigational aid will no longer be required for air traffic control purposes. Therefore, action is taken herein to revoke the control zone extension based on the Hutchinson radio range.

Since the change effected by this amendment is less restrictive in nature than present requirements, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than thirty days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) § 601.2054 (14 CFR 601.2054) is amended to read:

§ 601.2054 Hutchinson, Kans., control zone.

Within a 5-mile radius of the geographical center of the Hutchinson, Kans., Municipal Airport (latitude 38°04'00" N., longitude 97°51'35" W.); within an 8-mile radius of the geographical center of the Hutchinson ANG Field (latitude 37°55'35" N., longitude 97°54'20" W.) and within 2 miles either side of the Hutchinson VORTAC 222° radial extending from the Hutchinson ANG Field 8-mile radius zone to 12 miles SW of the VORTAC.

This amendment shall become effective 0001 e.s.t., July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 4, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-5619; Filed, June 8, 1962; 8:46 a.m.]

[Airspace Docket No. 62-EA-36]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2223 of the regulations of the Administrator is to alter the description of the Charleston, W. Va., control zone.

The Charleston control zone is designated, in part, with reference to the Charleston radio range. The control zone extensions based on the east and west courses of this navigational aid are no longer required for air traffic control purposes. Therefore, action is taken herein to revoke the control zone extensions based on the Charleston radio range.

Since the changes effected by this amendment are less restrictive in nature than present requirements, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than thirty days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2223 (14 CFR 601.2223) is amended to read:

§ 601.2223 Charleston, W. Va., control zone.

Within a 5-mile radius of the Kanawha County Airport (latitude 38°22'21" N., longitude 81°35'35" W.), Charleston, W. Va.; within 2 miles either side of the Charleston ILS localizer NE course extending from the 5-mile radius zone to 10 miles NE of the OM; and within 2 miles either side of the Charleston VORTAC 087° radial extending from the 5-mile radius zone to the VORTAC.

This amendment shall become effective 0001 e.s.t., July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 4, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-5620; Filed, June 8, 1962; 8:46 a.m.]

[Airspace Docket No. 62-WA-58]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Reporting Points

The purpose of these amendments to § 601.5001 of the regulations of the Administrator is to redesignate certain compulsory reporting points.

The Federal Aviation Agency is converting the Tallahassee, Fla., and Pensacola, Fla., L/MF ranges to radio beacons. The actions taken herein reflect the conversion of these facilities.

Since these amendments are of a procedural nature and do not assign or reassign the use of navigable airspace, compliance with the notice and public procedure of the Administrative Procedure Act is unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In § 601.5001 "Pensacola, Fla., RR" is deleted from the reporting points listed below and "Pensacola, Fla., RBN" is substituted therefor.

Neptune Int. (25 F.R. 9436).
Viperfish Int. (26 F.R. 9708).
Pallfish Int. (26 F.R. 9708).

2. In § 601.5001 "Tallahassee, Fla., RR" is deleted from the reporting point listed below and "Tallahassee, Fla., RBN" is substituted therefor.

Crab Int. (25 F.R. 9436)

These amendments shall become effective 0001 e.s.t., July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 4, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-5621; Filed, June 8, 1962; 8:46 a.m.]

[Airspace Docket No. 62-WA-15]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Route and Jet Advisory Area

On April 6, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 3296) stating that the Federal Aviation Agency (FAA) proposed to extend Jet Route No. 79 and its associated radar jet advisory area from Wilmington to the boundary of the continental control area via the Wilmington VORTAC 192° True radial and to realign J-79 from Wilmington direct to Norfolk, Va.

The Department of the Navy expressed concern over the proximity of the Wilmington-Norfolk segment of realigned J-79 to high altitude holding patterns based on the Elizabeth City, N.C., VOR. The Navy "views with concern the possible intermingling of the VFR traffic on J-79 and the high altitude holding patterns." The FAA feels that proper observance of established procedures will preclude derogation of safety with regard to aircraft utilizing J-79 and aircraft holding at Elizabeth City. There appears to be insufficient reason to withhold public use of such airspace.

The Air Transport Association of America endorsed the proposed amendment. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

1. In § 602.100 (14 CFR 602.100) Jet Route No. 79 is amended to read:

Jet Route No. 79 (Miami, Fla., to Idlewild, N.Y.). From Miami, Fla., to West Palm Beach, Fla. From the boundary of the continental control area S of Wilmington, N.C., via the Wilmington, 192° radial; Wilmington; Norfolk; INT or the Norfolk 023° and the Coyle, N.J., 208° radials; Coyle, to Idlewild, N.Y.

2. In § 602.200 en route jet advisory areas (14 CFR 602.200) Jet Route No. 79 jet advisory area is amended to read:

Jet Route No. 79 jet advisory area. Radar—Miami, Fla., to West Palm Beach, Fla. From the boundary of the continental control area via the Wilmington, N.C., 192° radial; Wilmington, to Idlewild, N.Y.

These amendments shall become effective 0001 e.s.t., July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 4, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-5622; Filed, June 8, 1962; 8:46 a.m.]

[Airspace Docket No. 62-WA-60]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Routes and Jet Advisory Areas

The purpose of these amendments to §§ 602.100 and 602.300 of the regulations of the Administrator is to alter segments of Jet Routes Nos. 75 and 101; and alter the descriptions of terminal jet advisory areas at Houston, Tex., and New Orleans, La.

J-75 presently extends in part from the Miami, Fla., VORTAC via the intersection of the Miami VORTAC 296° and the Lakeland, Fla., VOR 175° True radials to the Lakeland VOR. The Federal Aviation Agency (FAA) is realigning this segment of J-75 via the Miami VORTAC 297° True radial which will cause it to directly overlie intermediate altitude VOR Federal airway No. 1519 and will simplify transition between the intermediate altitude and jet route structures.

J-101 presently extends in part from the Springfield, Ill., VOR via the intersection of the Springfield VOR 036° and the Joliet, Ill., VORTAC 205° True radials to the Joliet VORTAC. The FAA is realigning this segment of J-101 via the Joliet VORTAC 204° True radial which will cause it to coincide with Jet Route No. 35 and directly overlie intermediate altitude VOR Federal airway No. 1527 and will simplify transitions between the intermediate altitude and jet route structure.

Additionally, when Part 602 was reissued as Airspace Docket No. 60-WA-34 (26 F.R. 7079), in § 602.300 *Terminal jet advisory areas*, under Houston, Tex., (f) reference was made to the Smithfield, Tex., intersection. The correct name of this intersection is Smithville, Tex. Also, under New Orleans, La., (j) reference was made to the Picayune, Miss., 171° radial. The correct radial is 161°. Action is taken herein to make these editorial changes.

Since these amendments are minor and editorial in nature and impose no additional burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit the appropriate changes to Jet Routes Nos. 75 and 101 to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

1. In § 602.100 *Jet routes* (14 CFR 602.100, 27 F.R. 2174, 2312) the following changes are made:

a. In the text of Jet Route No. 75 "Miami 296°" is deleted and "Miami 297°" is substituted therefor.

b. In the text of Jet Route No. 101 "Joliet, Ill., 205°" is deleted and "Joliet, Ill., 204°" is substituted therefor.

2. In § 602.300 *Terminal jet advisory areas* (14 CFR 602.300, 27 F.R. 4834) the following changes are made:

a. Under Houston, Tex., jet advisory area—Radar (f), "Smithfield, Tex., INT" is deleted and "Smithville, Tex., INT" is substituted therefor.

b. Under New Orleans, La., jet advisory area—Radar (j), "Picayune, Miss., 171°" is deleted and "Picayune, Miss., 161°" is substituted therefor.

These amendments shall become effective 0001 e.s.t., July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 4, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-5623; Filed, June 8, 1962; 8:46 a.m.]

[Airspace Docket No. 62-WA-33]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

Designation of Jet Advisory Area

On April 20, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 3821), stating that the Federal Aviation Agency was considering the designation of an en route radar jet advisory area within 16 miles either side of Jet Route No. 17 from flight level 240 to flight level 390 inclusive, between Amarillo, Tex., and Denver, Colo.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me be the Administrator (25 F.R. 12582) and for reasons stated in the notice, the following action is taken:

In the text of § 602.200 *Enroute jet advisory areas* (14 CFR 602.200) the following is added:

Jet Route No. 17 jet advisory area. Radar—Amarillo, Tex., to Denver, Colo.

This amendment shall become effective 0001 e.s.t., July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C., 1348)

Issued in Washington, D.C., on June 4, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-5624; Filed, June 8, 1962; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8275 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Harry's Linoleum Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–60 *Exclusive distributor or producer;* § 13.70 *Fictitious or misleading guarantees;* § 13.75 *Free goods or services;* § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary;* § 13.170 *Qualities or properties of product or service:* § 13.170–30 *Durability or permanence.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Harry's Linoleum Company et al., Cincinnati, Ohio, Docket 8275, Dec. 27, 1961]

In the Matter of Harry's Linoleum Company, a Corporation, Harry's Corner, Inc., an Ohio Corporation, Buckeye Linoleum and Wallpaper Headquarters, Inc., a Corporation, Harry's Corner, Inc., a Kentucky Corporation, Harco Distributing Corp., a Corporation, and Harry Goldstein, individually and as an Officer of the Said Corporations

Consent order requiring five affiliated concerns, all with the same Cincinnati address, and operating retail stores in Ohio and Kentucky, to cease representing falsely in newspaper advertising that fictitiously high amounts were regular prices for their carpeting, counter topping, paint, and other merchandise; that certain carpeting was guaranteed unconditionally for lifetime or five years; that purchasers of one gallon of paint would receive a second gallon "free"; that certain nylon carpet was "indestructible"; and that they were the only sellers of that carpeting in their trade area.

The order to cease and desist is as follows:

It is ordered, That respondents Harry's Linoleum Company, a corporation, Harry's Corner Inc., an Ohio corporation, Buckeye Linoleum and Wallpaper Headquarters Inc., a corporation, Harry's Corner Inc., a Kentucky corporation and Harco Distributing Corp., a corporation, and their respective officers, and Harry Goldstein, individually and as an officer of the said corporations and respondents' agents, representatives and employees, directly or through any corporate device, in connection with the offering for sale, and sale and distribution of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication:

(a) That any amount is respondents' usual and customary retail price of merchandise unless such amount is the price at which the merchandise has been usually and customarily sold at retail by respondents in the recent regular course of business.

(b) That any saving is afforded in the purchase of merchandise from the respondents' retail price unless the price at which the merchandise is offered constitutes a reduction from the price at which said merchandise is usually and customarily sold at retail by the respondents in the recent regular course of business.

(c) That any merchandise, sold or offered for sale is guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

(d) That any merchandise is given away "free" with a purchase of other merchandise, or in any other manner, unless such is the fact.

(e) That carpeting made from DuPont 501 Nylon is indestructible.

(f) That respondents are the only sellers of DuPont 501 Nylon carpeting in a trade area where such a representation is made, unless such is the fact.

2. Using the words "made to sell for" or any other words or terms of similar import in connection with prices of merchandise unless such prices are those at which the merchandise has been sold by respondents in the recent regular course of business, or unless such prices are those at which the merchandise has usually and customarily been sold at retail in the trade area where the representations are made.

3. Misrepresenting in any manner, the amount of savings available to purchasers of respondents' merchandise, or the amount by which the price of merchandise has been reduced either from the price at which it has been usually and customarily sold by respondents in the recent regular course of business, or from the price at which it has been usually and customarily sold at retail in the trade area where the representation is made.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in

writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 27, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-5629; Filed, June 8, 1962; 8:46 a.m.]

[Docket 6807 o.]

PART 13—PROHIBITED TRADE PRACTICES

Helbros Watch Co., Inc., et al.

Subpart—*Advertising falsely or misleadingly:* § 13.70 *Fictitious or misleading guarantees;* § 13.130 *Manufacture or preparation;* § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary;* § 13.155–45 *Fictitious marking;* § 13.170 *Qualities or properties of product or service:* § 3.170–4 *Shock-resistant;* § 13.170–96 *Waterproof, waterproofing, water-repellent;* § 13.175 *Quality of product or service.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055–50 *Preticketing merchandise misleadingly.* Subpart—Misbranding or mislabeling: § 13.1255 *Manufacture or preparation;* § 13.1280 *Price;* § 13.1295 *Quality or grade;* § 13.1355 *Value.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1811 *Fictitious preticketing.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Helbros Watch Company, Inc., et al., New York, N.Y., Docket 6807, Dec. 26, 1961]

In the Matter of Helbros Watch Company, Inc., a Corporation, William Helbein, Jack Diamond, Nat Prigozen, Larry Prigozen, Carl Avner, Jack Nadel, Individually and as Officers of Said Corporation

Order requiring New York City distributors of watches to many classes of customers including jobbers, premium users, industrial firms, wholesalers, mail order firms, credit jewelers, and house-to-house canvassers, to cease making such false statements concerning their watches—by means of tags and labels, promotional material, circulars, display sheets, advertising mats supplied to dealers, and otherwise—as "With Lifetime Ruby Jewels", "Water resistant", "Shock protected", and "Each watch is guaranteed to give you a lifetime of true time"; and to cease affixing to each watch or to the plastic container, price tags, and placing in the hands of dealers price lists, bearing fictitious amounts, represented thus as usual retail selling prices.

The order to cease and desist, as modified by the Commission, is as follows:

It is ordered, That respondent Helbros Watch Company, Inc., a corporation, and its officers, and individual respondents Jack Diamond, Nat Prigozen, Larry Prigozen and Carl Avner, individually and as officers of said corporation, their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of watches or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That their watches contain ruby jewels;

(b) That their watches are water resistant or otherwise resistant or impervious to water, unless such is the fact, or are shockproof or shock protected;

(c) That their watches are guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder, are clearly and conspicuously disclosed;

(d) That their watches are guaranteed when a service charge is imposed, unless the fact that such service charge is imposed and the amount thereof is clearly and conspicuously disclosed;

(e) That certain amounts are the usual and regular retail prices of respondents' merchandise when such amounts are in excess of the prices at which such merchandise is usually and regularly sold at retail, by the class of retailers selling such merchandise, in the trade area or areas where the representation is made.

2. Engaging in any practice or plan which will provide retailers of their merchandise with the means of misrepresenting the usual and regular retail prices of such merchandise.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to respondent Willliam Helbein.

By "Final Order", report of compliance was required as follows:

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the initial decision.

By the Commission.

Issued: December 26, 1961.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-5630; Filed, June 8, 1962; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. FDC-71]

PART 37—FISH; DEFINITIONS AND STANDARDS OF IDENTITY; STANDARDS OF FILL OF CONTAINER

Fish Flour; Identity; Postponement of Public Hearing

In the FEDERAL REGISTER of April 28, 1962 (27 F.R. 4063), there was published a notice of a hearing on objections to the order establishing a standard of identity for fish flour under authority of section 401 of the Federal Food, Drug, and Cosmetic Act. This notice was based on formal objections to the order received from Honorable Paul H. Douglas, United States Senate; Mr. Harold Putnam, on behalf of VioBin Corporation, Monticello, Illinois; and Mr. Vincent A. Kleinfeld of Bernstein, Kleinfeld and Alper, on behalf of Gulf Menhaden Company, Cameron, Louisiana, the members of Industrial Products Division, National Fisheries Institute, Inc., Washington, D.C., the members of Virginia Fishermen's Assocation, Reedville, Virginia, and Fish Products Company, Lewes, Delaware.

The Commissioner of Food and Drugs is now in receipt of requests from Senator Douglas, Mr. Putnam, and Mr. Kleinfeld requesting that the hearing be postponed.

In response to these requests, notice is given that the prehearing conference scheduled for June 12, 1962, and the hearing scheduled for June 18, 1962, will not be held until further notice. This is without prejudice to the objectors' requesting that the hearing be rescheduled at a later date.

(Sec. 701(e)(2), 70 Stat. 919; 21 U.S.C. 371 (e)(2))

Signed: June 6, 1962.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 62-5666; Filed, June 8, 1962; 8:51 a.m.]

SUBCHAPTER C—DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Miscellaneous Amendments

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for certification of penicillin and penicillin-containing drugs (21 CFR 146a.14, 146a.53, 146a.92, 146a.106, 146a.107; 27 F.R. 619, 828) are amended as follows:

1. In § 146a.14, paragraph (b) is amended to read as follows:

§ 146a.14 Sodium oxacillin capsules.

• • • • • •

(b) *Packaging; labeling; request for certification, samples; fees.* Sodium oxacillin capsules conform to all requirements and procedures prescribed for sodium oxacillin tablets by § 146a.13 (b), (c), (d), and (e), except with respect to disintegration time.

2. Section 146a.53(b) is amended as follows:

a. The introduction to the paragraph is amended to read as follows:

§ 146a.53 Capsules penicillin and novobiocin.

• • • • • •

(b) *Packaging; labeling; request for certification, samples; fees.* Capsules penicillin and novobiocin conform to all requirements and procedures prescribed for crystalline penicillin G tablets by § 146a.27 (b), (c), (d), and (e), except with respect to disintegration time, and except that:

b. Subparagraph (3)(i) is amended to read:

(i) $1.00 for each capsule submitted in accordance with the requirements of § 146a.27(d)(3)(i)(*a*) (*1*) and (*3*).

3. In § 146a.92, paragraph (d) is amended to read as follows:

§ 146a.92 Tablets benzathine penicillin G and crystalline penicillin.

• • • • • •

(d) The fee for the services rendered shall be $1.00 for each tablet submitted in accordance with the requirements of § 146a.27(d)(3)(i)(*a*) (*1*) and (*3*).

4. In § 146a.106, paragraph (d)(1) is amended to read as follows:

§ 146a.106 Tablets benzathine penicillin G and penicillin V.

• • • • • •

(d) • • •

(1) $1.00 for each tablet submitted in accordance with § 146a.27(d)(3)(i)(*a*) (*1*) and (*3*).

5. Section 146a.107 is amended to read as follows:

§ 146a.107 Capsules penicillin V.

Capsules penicillin V are capsules that conform to all the requirements and are subject to all procedures prescribed by § 146a.27 for tablets penicillin V, except with respect to disintegration time, and except that the moisture content of such capsules is not more than 2 percent.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the amendments are editorial in nature and serve to clarify existing regulations.

Effective date. This order shall become effective on the date of publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: June 4, 1962.

JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 62-5640; Filed, June 8, 1962; 8:48 a.m.]

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

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PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

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PART 146e—CERTIFICATION OF BACITRACIN OR BACITRACIN-CONTAINING DRUGS

Antibiotic Drugs in Tablet Form; Disintegration-Time Requirements

The Commissioner of Food and Drugs has considered the comments received in response to the notices of proposed rule making published in the FEDERAL REGISTER of February 15, 1962 (27 F.R. 1421, 1422), with reference to amending the regulations covering tablets of antibiotic and antibiotic-containing drugs, to provide for tests and methods of assay and certification procedure adequate to assure proper disintegration time of such drugs. One of the comments received involved a veterinary article that, because of its size, is exempt from the requirement of the regulation proposed. Another comment involved a moisture requirement that has been recently amended. A third comment was received from a manufacturer of a penicillin tablet intended to release penicillin more slowly from the gastrointestinal tract than other penicillin tablets. The batches of this drug that the Food and Drug Administration have tested, however, met the time of disintegration requirement proposed by this order. Under these circumstances, there is no basis for exempting this manufacturer's penicillin tablets from the time of distintegration requirement.

On the basis of the data before him, the Commissioner has concluded that in order to insure the safety and efficacy of these drugs, the antibiotic regulations should be amended as set forth below. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507(f), 59 Stat. 463, as amended 61 Stat. 11, 63 Stat. 409, 67 Stat. 389), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625): *It is ordered,* That such regulations be amended as follows:

§ 141a.9 [Amendment]

1. By adding to § 141a.9 *Penicillin tablets* the following new paragraph (c):

(c) *Disintegration time.*—(1) *Uncoated tablets.* Proceed as directed in the U.S.P., using simulated gastric fluid test solution. The tablets are satisfactory if they disintegrate within 1 hour.

(2) *Plain coated tablets.* Proceed as directed in the U.S.P. If the tablets have not distintegrated after 30 minutes in the gastric fluid, use simulated intestinal fluid for an additional 30 minutes. The tablets are satisfactory if they disintegrate within 1 hour.

§ 141a.16 [Amemdment]

2. By adding to § 141a.16 *Tablets aluminum penicillin* the following new paragraph (c):

(c) *Disintegration time.* Proceed as directed in § 141a.9(c).

§ 141a.64 [Amendment]

3. By adding to § 141a.64 *Penicillin-sterptomycin tablets* • • • the following new paragraph (c):

(c) *Disintegration time.* Proceed as directed in § 141a.9(c).

§ 141a.70 [Amendment]

4. By adding to § 141a.70 *Tablets benzathine penicillin G and crystalline penicillin* the following new paragraph (c):

(c) *Disintegration time.* Proceed as directed in § 141a.9(c).

§ 141a.84 [Amendment]

5. By adding to § 141a.84 *Tablets benzathine penicillin G and penicillin V* the following new paragraph (c):

(c) *Disintegration time.* Proceed as directed in § 141a.9(c).

§ 141a.101 [Amendment]

6. By adding to § 141a.101 *Phenethicillin potassium (potassium α-phenoxyethyl penicillin) tablets* the following new paragraph (c):

(c) *Disintegration time.* Proceed as directed in § 141a.9(c).

§ 141a.105 [Amendment]

7. By adding to § 141a.105 *Sodium oxacillin tablets* the following new paragraph (c):

(c) *Disintegration time.* Proceed as directed in § 141a.9(c).

§ 141b.109 [Amendment]

8. By adding to § 141b.109 *Streptomycin tablets* the following new paragraph (c):

(c) *Disintegration time.* Proceed as directed in § 141a.9(c).

§ 141b.112 [Amendment]

9. By adding to paragraph (a) of § 141b.112 *Streptomycin-polymyxin-bacitracin tablets* the following new subparagraph (3):

(c) *Disintegration time.* Proceed as directed in § 141a.9(c).

§ 141b.136 [Amendment]

10. By adding to § 141b.136 *Streptomycin-polymyxin tablets* • • • the following new paragraph (c):

(c) *Disintegration time.* Proceed as directed in § 141a.9(c).

§ 141c.207 [Amendment]

11. By adding to § 141c.207 *Chlortetracycline tablets* • • • the following new paragraph (c):

(c) *Disintegration time.* Proceed as directed in § 141a.9(c).

§ 141c.225 [Amendment]

12. By redesignating paragraph (a)(1)(iii) of § 141c.225 *Tetracycline hydrochloride-nystatin tablets* as subparagraph (2) and by adding to paragraph (a) a new subparagraph (3):

(3) *Disintegration time.* Proceed as directed in § 141a.9(c).

§ 141c.228 [Amendment]

13. By adding to § 141c.228 *Tetracycline hydrochloride-neomycin tablets* the following new paragraph (c):

(c) *Disintegration time.* Proceed as directed in § 141a.9(c).

§ 141c.238 [Amendment]

14. By adding to § 141c.238 *Tablets tetracycline hydrochloride and novobiocin* the following new paragraph (d):

(d) *Disintegration time.* Proceed as directed in § 141a.9(c).

§ 141d.310 [Amendment]

15. By adding to § 141d.310 *Chloramphenicol tablets* the following new paragraph (d):

(d) *Disintegration time.* Proceed as directed in § 141a.9(c).

§ 141e.403 [Amendment]

16. By adding to § 141e.403 *Bacitracin tablets* • • • the following new paragraph (c):

(c) *Disintegration time.* Proceed as directed in § 141a.9(c).

§ 141e.410 [Amendment]

17. By adding to paragraph (a) of § 141e.410 *Bacitracin-neomycin tablets* • • • the following new subparagraph (3):

(3) *Disintegration time.* Proceed as directed in § 141a.9(c).

§ 141e.412 [Amendment]

18. By adding to § 141e.412 *Bacitracin-polymyxin tablets* the following new paragraph (c):

(c) *Disintegration time.* Proceed as directed in § 141a.9(c).

§ 141e.426 [Amendment]

19. By adding to § 141e.426 *Tablets bacitracin methylene disalicylate and streptomycin sulfate oral veterinary* the following new paragraph (c):

(c) *Disintegration time.* Proceed as directed in § 141a.9(c).

20. Section 146a.13 is amended as follows:

a. By changing paragraph (a) to read:

§ 146a.13 Sodium oxacillin tablets.

(a) *Standards of identity, strength, quality, and purity.* Sodium oxacillin tablets are tablets composed of sodium oxacillin, with or without one or more suitable and harmless buffer substances, diluents, binders, lubricants, colorings, and flavorings. The potency of each tablet is not less than 250 milligrams. Its moisture content is not more than 6.0 percent. Tablets not exceeding 15 millimeters in diameter or not intended only for preparing solutions shall disintegrate within 1 hour. The sodium oxacillin conforms to the requirements of § 146a.12(a). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

b. By changing paragraph (d) (1), (2)(i) and (3)(i) to read:

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of sodium oxacillin tablets shall submit with his request a statement showing the batch mark, the number of tablets in such batch, the number of tablets of the batch packaged into dispensing-size containers during each day's packaging operations, the batch mark (and unless it was previously submitted) the date on which the latest assay of the sodium oxacillin used in making such batch was completed, the number of milligrams in each tablet, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

(2) • • •

(i) The batch:

(*a*) If the person who requests certification is the manufacturer of the batch: Average potency, average moisture, and, if required by paragraph (a) of this section, disintegration time of tablets collected during the time of tableting the batch; and, unless the tablets are packaged into dispensing-size containers immediately after they are compressed, average moisture of tablets collected during each day of packaging the batch.

(*b*) If the person who requests certification is not the manufacturer of the batch: Average potency, average moisture, and, if required by paragraph (a) of this section, disintegration time of tablets collected during each day the tablets are being packaged into dispensing-size containers.

• • • • •

(3) • • •

(i) The batch:

(*a*) For potency and moisture:

(*1*) If the person who requests certification is the manufacturer of the batch: One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets, collected by taking single tablets at such intervals throughout the entire time of tableting the batch that the quantities tableted during the intervals are approximately equal;

(*2*) If, after tableting, such person packages the batch into dispensing-size containers: 20 tablets collected at equal intervals during each day the tablets are being packaged, except that this sample is not required if the tablets are packaged immediately after they are compressed;

or

(*3*) If the person who requests certification is not the manufacturer of the batch (for the purposes of certification, a batch shall be that number of tablets filled by such person into dispensing-size containers during each day's packaging operations): One tablet for each 5,000 tablets, but in no case less than 30 tablets collected by taking single tablets at such intervals throughout each day of packaging the tablets that the quantities packaged during the intervals are approximately equal.

(*b*) For disintegration time: 6 tablets.

c. By changing paragraph (e)(1) to read:

(1) $0.75 for each tablet in the samples submitted in accordance with paragraph (d)(3)(i)(*a*) (*1*) and (*3*) of this section; $3.00 for the samples submitted in accordance with paragraph (d)(3)(i)(*a*)(*2*) and (*b*) of this section; $5.00 for each package in the sample submitted in accordance with paragraph (d)(3)(ii) of this section; $4.00 for each package in the sample submitted in accordance with paragraph (d)(3)(iii) of this section.

21. Section 146a.17 (21 CFR 146a.17; 27 F.R. 619, 829) is amended as follows:

a. By changing paragraph (a) to read:

§ 146a.17 Phenethicillin potassium (potassium α-Phenoxyethyl penicillin) tablets.

(a) *Standards of identity, strength, quality, and purity.* Phenethicillin potassium tablets are tablets composed of phenethicillin potassium, with or without one or more suitable and harmless buffer substances, diluents, binders, lubricants, colorings, and flavorings, and with or without one or more suitable analgesic substances, antihistaminics, and vasoconstrictors. The potency of each tablet is not less than 50,000 units, and if it is less than 100,000 units it is unscored. Its moisture content is not more than 1.5 percent unless the person who requests certification has submitted to the Commissioner information adequate to prove that his drug is stable when it has a moisture content exceeding this amount. In no case shall its moisture content exceed 2.0 percent. Tablets not exceeding 15 millimeters in diameter or not intended only for preparing solutions shall disintegrate within 1 hour. The phenethicillin potassium conforms to the requirements of § 146a.16(a). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed by such official compendium.

b. By changing paragraph (d)(2)(i)(*a*) and (*b*) to read:

(*a*) If the person who requests certification is the manufacturer of the batch: Average potency, average moisture, and, if required by paragraph (a) of this section, disintegration time of tablets collected during the time of tableting the batch; and, unless the tablets are packaged into dispensing-size containers immediately after they are compressed, average moisture of tablets collected during each day of packaging the batch.

(*b*) If the person who requests certification is not the manufacturer of the batch: Average potency, average moisture, and, if required by paragraph (a) of this section, disintegration time of tablets collected during each day the tablets are being packaged into dispensing-size containers.

c. By changing paragraph (d)(3)(i) to read:

(i) The batch:

(*a*) For potency and moisture:

(*1*) If the person who requests certification is the manufacturer of the batch: One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets collected by taking single tablets at such intervals throughout the entire time of tableting the batch that the quantities tableted during the intervals are approximately equal;

(*2*) If, after tableting, such person packages the batch into dispensing-size containers: 20 tablets collected at equal intervals during each day the tablets are being packaged, except that this sample is not required if the tablets are packaged immediately after they are compressed; or

(*3*) If the person who requests certification is not the manufacturer of the batch (for the purposes of certification, a batch shall be that number of tablets filled by such person into dispensing-size containers during each day's packaging operations): One tablet for each 5,000 tablets, but in no case less than 30 tablets collected by taking single tablets at such intervals throughout each day of packaging the tablets that the quantities packaged during the intervals are approximately equal.

(*b*) For disintegration time: 6 tablets.

d. By changing the introduction to paragraph (e) and subparagraph (1) of that paragraph to read:

(e) *Fees.* The fees for the services rendered with respect to each batch of phenethicillin potassium under the regulations in this section shall be:

(1) $0.75 for each tablet in the samples submitted in accordance with paragraph (d)(3)(i)(*a*) (*1*) and (*3*) of this section; $3.00 for the sample submitted in accordance with paragraph (d)(3)(i)(*a*)(*2*) and (*b*) of this section; $5.00 for each package in the sample submitted in accordance with paragraph (d)(3)(ii) of this section; $4.00 for each package in the sample submitted in accordance with paragraph (d)(3)(iii) of this section.

§ 146a.27 [Amendment]

22. Section 146a.27 *Penicillin tablets* (21 CFR 146a.27; 27 F.R. 619) is amended as follows:

a. By inserting in paragraph (a) the following new sentence between the fifth and sixth sentences: "Tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour."

b. By changing paragraph (d)(2)(i)(*a*) and (*b*) to read:

(*a*) If the person who requests certification is the manufacturer of the batch: Average potency, average moisture, and, if required by paragraph (a) of this section, disintegration time of tablets collected during the time of tableting the batch; and, unless the tablets are packaged into dispensing-size containers immediately after they are compressed, average moisture of tablets collected during each day of packaging the batch.

(*b*) If the person who requests certification is not the manufacturer of the batch: Average potency, average moisture, and, if required by paragraph (a) of this section, disintegration time of tablets collected during each day the tablets are being packaged into dispensing-size containers.

c. By changing paragraph (d)(3)(i) to read:

(i) The batch:

(*a*) For potency and moisture:

(*1*) If the person who requests certification is the manufacturer of the batch: One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets collected by taking single tablets at such intervals throughout the entire time of tableting the batch that the quantities tableted during the intervals are approximately equal;

(*2*) If, after tableting, such person packaged the batch into dispensing-size containers: 20 tablets collected at equal intervals during each day the tablets are being packaged, except that this sample is not required if the tablets are packaged immediately after they are compressed; or

(*3*) If the person who requests certification is not the manufacturer of the batch (for the purposes of certification, a batch shall be that number of tablets filled by such person into dispensing-size containers during each day's packaging operations): One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets collected by taking single tablets at such intervals throughout each day of packaging the tablets that the quantities packaged during the intervals are approximately equal.

(*b*) For disintegration time: 6 tablets.

d. By amending paragraph (e)(1) to read:

(1) $0.75 for each tablet in the samples submitted in accordance with paragraph (d)(3)(i)(*a*) (*1*) and (*3*) of this section; $3.00 for the samples submitted in accordance with paragraph (d)(3)(i)(*a*)(*2*) and (*b*) of this section; $4.00 for each package submitted in accordance with paragraph (d)(3)(ii) and (iii) of this section.

§ 146a.34 [Amendment]

23. Section 146a.34 *Tablets aluminum penicillin* (21 CFR 146a.34; 27 F.R. 619) is amended as follows:

a. By inserting in paragraph (a) the following new sentence between the fourth and fifth sentences: "Tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour."

b. By changing paragraph (d)(2)(i)(*a*) and (*b*) to read:

(*a*) If the person who requests certification is the manufacturer of the batch: Average potency, average moisture, and, if required by paragraph (a) of this section, disintegration time of tablets collected during the time of tableting the batch; and, unless the tablets are packaged into dispensing-size containers immediately after they are compressed, average moisture of tablets collected during each day of packaging the batch.

(*b*) If the person who requests certification is not the manufacturer of the batch: Average potency, average moisture, and, if required by paragraph (a) of this section, disintegration time of tablets collected during each day the tablets are being packaged into dispensing-size containers.

c. By changing paragraph (d)(3)(i) to read:

(i) The batch:

(*a*) For potency and moisture:

(*1*) If the person who requests certification is the manufacturer of the batch: One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets collected by taking single tablets at such intervals throughout the entire time of tableting the batch that the quantities tableted during the intervals are approximately equal;

(*2*) If, after tableting, such person packaged the batch into dispensing-size containers: 20 tablets collected at equal intervals during each day the tablets are being packaged, except that this sample is not required if the tablets are packaged immediately after they are compressed; or

(*3*) If the person who requests certification is not the manufacturer of the batch (for the purposes of certification

a batch shall be that number of tablets filled by such person into dispensing-size containers during each day's packaging operations): One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets collected by taking single tablets at such intervals throughout each day of packaging the tablets that the quantities packaged during the intervals are approximately equal.

(*b*) For distintegration time: 6 tablets.

d. By amending paragraph (e)(1) to read:

(1) $0.75 for each tablet in the samples submitted in accordance with paragraph (d)(3)(i)(*a*) (*1*) and (*3*) of this section; $3.00 for the samples submitted in accordance with paragraph (d)(3)(i)(*a*)(*2*) and (*b*) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d)(3)(ii) and (iii) of this section.

§ 146a.88 [Amendment]

24. In § 146a.88 *Penicillin streptomycin tablets; penicillin dihydrostreptomycin tablets* (21 CFR 146a.88; 27 F.R. 610), paragraph (b)(1) is changed to read as follows:

(1) $1.00 for each tablet submitted in accordance with the requirements of § 146a.27(d)(3)(i)(*a*) (*1*) and (*3*).

§ 146b.104 [Amendment]

25. Section 146b.104 *Streptomycin tablets; dihydrostreptomycin tablets* is amended as follows:

a. By inserting in paragraph (a) the following new sentence between the fourth and fifth sentences: "Tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour."

b. By changing paragraph (d)(2)(i) to read:

(i) The batch: Average potency per tablet, average moisture, and if required by paragraph (a) of this section, disintegration time.

c. By changing paragraph (d)(3)(i) to read:

(i) The batch:

(*a*) For potency and moisture: One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets, collected by taking single tablets throughout the entire time of tableting so that the quantities tableted during the intervals are approximately equal.

(*b*) For disintegration time: 6 tablets.

d. By amending paragraph (e)(1) to read:

(1) $0.75 for each tablet in the sample submitted in accordance with paragraph (d)(3)(i)(*a*) of this section; $3.00 for all tablets submitted in accordance with paragraph (d)(3)(i)(*b*) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d)(3)(ii) and (iii) of this section.

§ 146b.107 [Amendment]

26. Section 146b.107 *Streptomycin-polymyxin-bacitracin tablets* is amended as follows:

a. By inserting in paragraph (a) the following new sentence between the third and fourth sentences: "Tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour."

b. By changing paragraph (d)(2)(i) to read:

(i) The batch: Average potency per tablet, average moisture, and if required by paragraph (a) of this section, disintegration time.

c. By changing paragraph (d)(3)(i) to read:

(i) The batch:

(*a*) For potency and moisture: One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets, collected by taking single tablets throughout the entire time of tableting so that the quantities tableted during the intervals are approximately equal.

(*b*) For disintegration time: 6 tablets.

d. By amending paragraph (e)(1) to read:

(1) $1.00 for each tablet in the sample submitted in accordance with paragraph (d)(3)(i)(*a*) of this section; $3.00 for all tablets submitted in accordance with paragraph (d)(3)(i)(*b*) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d)(3)(ii), (iii), (iv), and (v) of this section.

§ 146c.207 [Amendment]

27. Section 146c.207 *Chlortetracycline hydrochloride tablets* is amended by adding to paragraph (a) the following new sentences: "In addition to the requirements prescribed by § 146c.204, tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour. A person who requests certification shall therefore also submit for disintegration-time studies, results of this test made by him and a sample of 6 tablets. The fee for the tablets submitted for disintegration-time studies shall be $3.00."

28. Section 146c.225 is amended by adding thereto three new sentences. As amended, this section reads as follows:

§ 146c.225 Tetracycline hydrochloride-nystatin tablets.

Tetracycline hydrochloride-nystatin tablets are tablets that conform to all requirements and are subject to all procedures prescribed by § 146c.224 for tetracycline hydrochloride-nystatin capsules, except that the expiration date is the date that is 24 months after the month during which the batch was certified. In addition to the requirements prescribed by § 146c.224, tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour. A person who requests certification shall therefore also submit for disintegration-time studies, results of this test made by him and a sample of six tablets. The fee for the tablets submitted for disintegration-time studies shall be $3.00.

§ 146c.228 [Amendment]

29. Section 146c.228 *Tetracycline hydrochloride-neomycin tablets* is amended as follows:

a. By adding to paragraph (a) the following new sentence: "Tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour."

b. By changing paragraph (c) to read:

(c) In addition to complying with the requirements of § 146c.204(d), a person who requests certification of a batch shall submit with his request a statement showing the number of milligrams of tetracycline hydrochloride and neomycin in each tablet of the batch, the batch mark, and, if required by paragraph (a) of this section, disintegration time, and (unless it was previously submitted) the results and the date of the latest tests and assays of the neomycin used in making the batch for potency, toxicity, moisture, and pH. He shall also submit in connection with his request (unless it was previously submitted) a sample consisting of 5 packages containing approximately equal portions of not less than 0.5 gram each of the neomycin used in making such batch, and a sample of 6 tablets for disintegration-time studies.

c. By amending paragraph (d) to read as follows:

(d) The fees for the services rendered with respect to the samples submitted in accordance with the requirements of this section shall be:

(1) $1.00 for each tablet submitted in accordance with the requirements of § 146c.204(d)(3)(i).

(2) $3.00 for all tablets submitted for disintegration-time studies in accordance with paragraph (c) of this section.

§ 146c.238 [Amendment]

30. Section 146c.238 *Tablets tetracycline hydrochloride and novobiocin* is amended as follows:

a. By changing paragraph (b) to read:

(b) The moisture content of the tablets is not more than 6 percent. Tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour.

b. By changing paragraph (d) to read:

(d) In addition to complying with the requirements of § 146c.204, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, and if required by paragraph (b) of this section, disintegration time, and (unless previously submitted) the results and the date of the latest tests and assays of the novobiocin used in making the batch for potency, toxicity, pH, crystallinity, and moisture. He shall submit a sample of 6 tablets for disintegration-time studies. He shall also submit in connection with his request (unless previously submitted) a sample consisting of 10 packages, each containing approximately equal portions of not less than 300 milligrams of the novobiocin used in making the batch.

c. By changing paragraph (e) to read:

(e) The fees for the services rendered with respect to the samples submitted in accordance with the requirements of this section shall be:

(1) $1.00 for each tablet submitted in accordance with the requirements of § 146c.204(c)(3)(i).

(2) $3.00 for all tablets submitted for disintegration-time studies in accordance with paragraph (d) of this section.

31. Section 146d.310 is amended by adding thereto three new sentences. As amended, this section reads as follows:

§ 146d.310 Chloramphenicol tablets.

Chloramphenicol tablets are tablets that conform to all requirements and are subject to all procedures prescribed by § 146d.302 for chloramphenicol capsules, except that the expiration date of such tablets shall be 24 months after the month during which the batch was certified. In addition to the requirements prescribed by § 146d.302, tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour. A person who requests certification shall submit for disintegration-time studies results of this test made by him and a sample of 6 tablets. The fee for the tablets submitted for the disintegration-time studies shall be $3.00.

§ 146e.403 [Amendment]

32. Section 146e.403 *Bacitracin tablets* • • • is amended as follows:

a. By changing paragraph (a) to read:

(a) *Standards of identity, strength, quality, and purity.* Bacitracin tablets, zinc bacitracin tablets, and bacitracin methylene disalicylate tablets are tablets composed of bacitracin, zinc bacitracin, or bacitracin methylene disalicylate, with or without kaolin and pectin and with or without one or more suitable and harmless buffer substances, diluents, binders, lubricants, colorings, and flavorings, and with or without a suitable amebicidal agent. The potency of each tablet is not less than 1,000 units nor more than 10,000 units. Its moisture content is not more than 5 percent. Tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour. The bacitracin used conforms to the standards prescribed therefor by § 146e.401(a), except § 146e.401(a)(2), (4), and (8). The zinc bacitracin used conforms to the requirements of § 146e.418(a). The bacitracin methylene disalicylate used conforms to the requirements of § 146e.416(a). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

b. By changing paragraph (d)(2)(i) to read:

(i) The batch: Average potency per tablet, average moisture, and if required by paragraph (a) of this section, disintegration time.

c. By changing paragraph (d)(3)(i) to read:

(i) The batch:

(*a*) For potency and moisture: One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets, collected by taking single tablets throughout the entire time of tableting so that the quantities tableted during the intervals are approximately equal.

(*b*) For disintegration time: 6 tablets.

d. By amending paragraph (e)(1) to read:

(1) $0.75 for each tablet in the sample submitted in accordance with paragraph (d)(3)(i)(*a*) of this section; $3.00 for all tablets submitted in accordance with paragraph (d)(3)(i)(*b*) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d)(3)(ii), (iii), (iv), and (v) of this section.

§ 146e.426 [Amendment]

33. Section 146e.426 *Tablets bacitracin methylene disalicylate and streptomycin sulfate oral veterinary* is amended as follows:

a. By changing paragraph (a) to read as follows:

(a) Each tablet shall contain not less than 150 units of bacitracin activity and not less than 15 milligrams of streptomycin activity. Tablets not exceeding 15 millimeters in diameter, or not intended only for preparing solutions, shall disintegrate within 1 hour.

b. By changing paragraph (c) to read as follows:

(c) In lieu of the directions for sampling the batch as prescribed in § 146e.417(d)(3)(i), the batch shall be sampled as follows:

(1) For potency and moisture: One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets, collected by taking single tablets throughout the entire time of tableting so that the quantities tableted during the intervals are approximately equal.

(2) For disintegration-time studies: 6 tablets.

c. By amending paragraph (d) to read:

(d) The fees for the services rendered with respect to the tablets submitted in accordance with the requirements prescribed therefor by paragraph (c) of this section shall be:

(1) $1.00 for each tablet submitted in accordance with paragraph (c)(1) of this section.

(2) $3.00 for all tablets submitted in accordance with paragraph (c)(2) of this section.

Because of amendments to §§ 146a.16, 146a.27, 146a.34, and 146a.88 made subsequently to the proposal, the changes in these sections were based upon the intervening amendments. Although the amendments in § 141a.105 and 146a.13, involving sodium oxacillin tablets, were not included in the proposed order, the Commissioner concludes that the requirements for disintegration-time studies for these tablets should be consistent with those prescribed for tablets of similar dosage form.

Effective date. This order shall become effective 30 days from the date of publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: June 4, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-5641; Filed, June 8, 1962; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Gasparilla Sound, Fla.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.245 is hereby amended prescribing subparagraph (i)(3–a) to govern the operation of the Seaboard Air Line Railroad Company bridge across Gasparilla Sound, Florida, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

• • • • • •

(i) *Waterways discharging into Gulf of Mexico east of Mississippi River.* • • •

(3–a) Gasparilla Sound, Fla.; Seaboard Air Line Railroad Company bridge between the mainland and Gasparilla Island. Between the hours of 6:00 p.m. and 6:00 a.m. the following day, the southerly swingspan in the bridge need not be opened for the passage of vessels.

[Regs., May 18, 1962, 285/111 (Gasparilla Sound, Fla.)—ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62-5614; Filed, June 8, 1962; 8:45 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 53—GRANTS FOR SURVEY, PLANNING AND CONSTRUCTION OF HOSPITALS AND MEDICAL FACILITIES

Distribution of Beds for Acute and Long-Term Illness

Notice of proposed rule making, public rule making procedures and post-

ponement of effective date have been omitted in the issuance of the following amendment of this part, which relates solely to grants to States, political subdivisions and public or other nonprofit agencies for the construction of public and other nonprofit hospitals and medical facilities.

Paragraph (a) of § 53.12 is amended to read as follows:

§ 53.12 Distribution.

(a) The construction program under the State plan shall provide for the distribution of beds, within the allowances set forth in § 53.11, by one of the following methods:

(1) General hospital beds shall be distributed to the different areas of the State in such numbers as will meet the needs of each area, except that the number of beds allocated to any area shall not be less than 1.5 beds (existing and proposed) per thousand population. Nursing home beds and chronic disease hospital beds shall be distributed to the different areas of the State in such numbers as will meet the needs of each area for such beds, except that the total number of nursing home and chronic disease beds so allocated shall not be less than 1 bed (existing and proposed) per thousand population. If the State agency does not allocate all beds required under § 53.11 to specific areas, such unallocated beds shall be held in reserve for future distribution; or

(2) General hospital, chronic disease hospital, and nursing home beds shall be distributed to the different areas of the State in such numbers and combinations as will meet the general hospital, chronic disease hospital, and nursing home bed needs of each area except that the combination of such beds allocated to any area shall not be less than 2.5 beds (existing and proposed) per thousand population. If the State agency does not allocate all beds required under § 53.11 to specific areas, such unallocated beds shall be held in reserve for future allocation.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 622, 60 Stat. 1042, sec. 653, 68 Stat. 463; 42 U.S.C. 291e, 291u)

This amendment was approved by the Federal Hospital Council on April 5, 1962, and shall become effective immediately upon publication in the FEDERAL REGISTER.

Dated: May 17, 1962.

[SEAL] ARNOLD B. KURLANDER,
Acting Surgeon General.

Approved:
LUTHER L. TERRY,
Chairman, Federal Hospital Council.

Approved: June 4, 1962.
ABRAHAM RIBICOFF,
Secretary.

[F.R. Doc. 62-5642; Filed, June 8, 1962; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2690]

[Nevada 051740]

NEVADA

Revoking Executive Order No. 7435 of August 19, 1936

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 7435 of August 19, 1936, as amended by Proclamation No. 2416 of July 25, 1940, withdrawing the public lands within the following described area, together with all lands of the United States within the meander line of Winnemucca Lake and east of the eastern boundary of the Pyramid Lake Indian Reservation, for use as a refuge and breeding ground for migratory birds, and other wildlife, as the Winnemucca National Wildlife Refuge, is hereby revoked:

MOUNT DIABLO MERIDIAN

T. 24 and 25, N., R. 23 E.,
All east of the Pyramid Lake Indian Reservation.
T. 27 N., R. 23 E.,
Secs. 2, 11, and 14;
Secs. 15, 22, and 23, all east of the Pyramid Lake Indian Reservation.
T. 28 N., R. 23 E.,
Sec. 12, lots 3 to 6, incl., NE¼SW¼, SW¼SW¼, and NW¼SE¼;
Sec. 13;
Sec. 14, lot 1, NE¼SE¼, and SW¼SE¼;
Sec. 23, lots 1 to 4, incl., and NE¼SW¼;
Sec. 26;
Sec. 35, lots 1, 2, 4, and 5, E½NW¼, and NE¼SW¼.
T. 24 N., R. 24 E.,
Sec. 4, W½W½;
Secs. 5 and 8;
Sec. 9, W½W½;
Sec. 16, W½W½;
Secs. 17 and 19;
Sec. 20, lots 1 and 2, SE¼NW¼, and N½SW¼;
Sec. 30.
T. 25 N., R. 24 E.,
Sec. 5, lots 2 to 6, incl., SW¼NE¼, and W½SE¼;
Sec. 8, lots 1 to 4, incl., W½NE¼, NE¼SW¼, and W½SE¼;
Sec. 17, lots 1 to 4, incl., NW¼NE¼, S½NE¼, and E½SE¼;
Sec. 20;
Sec. 21, W½W½;
Sec. 28, W½W½;
Secs. 29 and 32;
Sec. 33, W½W½.
T. 26 N., R. 24 E.,
Sec. 4, lots 3 and 4;
Sec. 5, lots 1 to 4, incl.;
Sec. 7, lot 1;
Sec. 8, lots 1 to 4, incl., and E½SW¼;
Sec. 17, lots 1, 2, and 3, N½NW¼, and SE¼NW¼;
Sec. 18;
Sec. 20, lots 1 to 4, incl.;
Sec. 29, lots 1 to 4, incl.;
Sec. 32, lots 1 to 5, incl., and NE¼SE¼.
T. 27 N., R. 24 E.,
Sec. 4, lots 3 to 6, incl.;
Secs. 5 and 8;
Sec. 16, lots 1, 2, and 3;
Secs. 17 and 21;
Sec. 22, lots 1, 2, and 3;
Sec. 27, lots 1 to 4, incl.;
Sec. 33, lots 1 and 2;
Sec. 34, lots 1 and 2.
T. 28 N., R. 24 E.,
Sec. 16, lots 1 and 2;
Sec. 17, lots 1 to 4, incl.;
Sec. 18;
Sec. 21, lots 1 to 4, incl.;
Sec. 28, lots 1 to 4, incl.;
Sec. 33, lots 1 to 4, incl.

The areas described aggregate approximately 65,444 acres.

2. The refuge was originally established for the protection of water fowl. The lands have been dry for several years, and no longer serve the purpose for which they were set aside. Most of the land is withdrawn for Reclamation purposes in connection with the Newlands Project.

3. The public lands released from withdrawal by this order are hereby restored to the operation of the public land laws, effective at 10:00 a.m. on July 11, 1962, subject to any valid existing rights, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals.

4. The public lands outside of the area withdrawn for reclamation purposes have been open to applications and offers under the mineral leasing laws and to location for metalliferous minerals. They will be open to location for nonmetalliferous minerals beginning at 10:00 a.m. on July 11, 1962.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JUNE 5, 1962.

[F.R. Doc. 62-5631; Filed, June 8, 1962; 8:46 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

PART 530—INTERPRETATIONS AND STATEMENTS OF POLICY

Interpretation of Shipping Act, 1916

Pursuant to section 43 of the Shipping Act, 1916 (46 U.S.C. 842), and section 3(a)(3) of the Administrative Procedure Act (5 U.S.C. 1002(a)(3)), the Commission hereby amends § 530.3 *Further interpretation of Shipping Act, 1916,* to read as follows:

§ 530.3 Further interpretation of Shipping Act, 1916.

(a) Section 3 of Public Law 87-346 provides as follows:

SEC. 3. Notwithstanding the provisions of sections 14, 14b, and 15, Shipping Act, 1916, as amended by this Act, all existing agreements which are lawful under the Shipping Act, 1916, immediately prior to enactment of this Act, shall remain lawful unless disapproved, canceled, or modified by the Commission pursuant to the provisions of the Shipping Act, 1916, as amended by this Act: *Provided, however,* That all such existing agreements which are rendered unlawful by the provisions of such Act as hereby amended must be amended to comply with the provisions of such Act as hereby amended, and if such amendments are filed for approval within six months after the enactment of this Act, such agreements so amended shall be lawful for a further period of not to exceed one year after such filing. Within such year the Commission shall approve, disapprove, cancel or modify all such agreements and amendments in accordance with the provisions of this Act.

(b) The Federal Maritime Commission interprets such section and section 14b of the Shipping Act, 1916, as prohibiting a carrier or conference of carriers from denying contract rates for a period of one year after it has filed an amended contract rate agreement pursuant to section 3 of Public Law 87-346, or until such amended contract rate agreement has been approved, disapproved, canceled or modified by the Federal Maritime Commission, whichever first occurs, to a contract shipper who on April 2, 1962, was a party to a lawful contract rate agreement and who prior to April 3, 1962, or prior to the date of first shipment in the trade covered by the contract after April 2, 1962, advises said conference in writing or by telegram that he agrees to be bound by said contract rate agreement amended to the extent necessary to comply with the provisions of section 14b of the Shipping Act, 1916; *Provided,* That the conference has filed with the Federal Maritime Commission a proposed form of contract pursuant to section 3 of Public Law 87-346. Unless the conference has filed such a proposed form of contract, the use of any contract system will be unlawful.

(c) Furthermore, on and after April 3, 1962, the provisions of any contract rate agreement which has been modified in order to comply with the proviso clause of section 3 of Public Law 87-346 are lawful and enforceable as between the parties only to the extent that such provisions (1) were lawful on April 2, 1962, and are not inconsistent with the requirements of section 14b of the Shipping Act, 1916, or (2) are required to make said contract rate agreement comply with section 14b of the Shipping Act, 1916. Any other provision of any such contract rate agreement is unlawful and may not be applied or enforced directly or indirectly, until such provision has been approved by the Commission. If any such contract rate agreement, on and after April 3, 1962, does not contain provisions required by section 14b, such contract rate agreement shall be applied or enforced as if it contained all provisions required by section 14b.

By the Commission.

THOMAS LISI,
Secretary.

JUNE 5, 1962.

[F.R. Doc. 62-5657; Filed, June 8, 1962; 8:50 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Miscellaneous Amendments

By Notice of Proposed Rule Making published in the FEDERAL REGISTER on May 1, 1962 (27 F.R. 4153), notification was given that the Secretary of the Interior proposed to amend Part 10, Title 50, Code of Federal Regulations. These amendments specify open seasons, certain closed seasons, shooting hours, bag and possession limits, hunting methods, and possession, transportation, and importation controls for migratory game birds.

In this connection the public was notified that certain specific amendments to Part 10 concerning hunting methods and possession, transportation, and importation controls were being proposed for immediate consideration. These specific amendments constitute a revision of existing regulations for clarification purposes and do not reflect any significant departure from the intent, purpose, or effect of the existing regulations. The text of these specific amendments was set forth in detail and interested persons were invited to submit their written views on these specific proposals to the Director, Bureau of Sport Fisheries and Wildlife, within 30 days of the date of publication in the FEDERAL REGISTER.

The public was also notified that amendments to Part 10 which would prescribe open seasons, bag and possession limits, and shooting hours for doves and pigeons in Puerto Rico and the Virgin Islands would be proposed for adoption on or about June 1, 1962, and interested persons were invited to submit their views, data, or recommendations regarding these matters prior to June 1.

Accordingly, after giving due consideration to the comments received within the 30-day period and to all other relevant matters presented, the specific amendments proposed are adopted without change as set forth below, and open seasons, bag and possession limits, and shooting hours for doves and pigeons in Puerto Rico and the Virgin Islands are adopted as set forth below.

The taking of doves and pigeons in Puerto Rico and the Virgin Islands is presently prohibited. These amendments will permit the taking of these species within designated periods of time beginning as early as July 1, 1962. Since these amendments benefit the public by relieving existing restrictions and serve to clarify existing regulations, they shall become effective upon publication in the FEDERAL REGISTER.

1. Paragraphs (c) and (h) of § 10.2 are amended to read as follows:

§ 10.2 Definition of terms.

* * * * * *

(c) *Take.* Pursue, hunt, shoot, capture, collect, kill, trap, or attempt to pursue, hunt, shoot, capture, collect, kill, or trap.

* * * * * *

(h) *Sinkbox.* A raft or any type of low floating device having a depression which affords the hunter a means of concealing himself below the surface of the water.

2. Subparagraphs (2) and (3) of paragraph (a), and subparagraphs (4) and (8) of paragraph (b) of § 10.3 are amended to read as follows:

§ 10.3 Hunting methods.

* * * * * *

(a) *Permitted methods.* Migratory game birds may be taken only:

* * * * * *

(2) In the open or from a blind or other place of concealment (except a sinkbox) on land or water;

(3) From any floating craft except a sinkbox, and excluding any boat or other craft having a motor attached or any sailboat unless such boat or other craft with motor attached or such sailboat is beached, resting at anchor, or fastened within or tied immediately alongside of any type of fixed hunting blind: *Provided,* That rails (but not including coots or gallinules) may be taken from a boat with motor attached when (i) the source of power has been completely shut off; (ii) the forward progress of the boat due to the automotive power has ceased; and (iii) the boat is immobile or is being propelled by paddle, oars, or pole;

* * * * * *

(b) *Prohibited methods.* Migratory game birds may not be taken:

* * * * * *

(4) From or by means of any boat or other craft having a motor attached or any sailboat unless such boat or other craft with motor attached or such sailboat is beached, resting at anchor, or fastened within or tied immediately alongside of any type of fixed hunting blind, or is used solely as a means of picking up dead or injured birds;

* * * * * *

(8) By means or aid of any motor-driven land, water, or air conveyance or any sailboat used for the purpose of or resulting in the concentrating, driving, rallying, or stirring up of waterfowl, coots, or cranes; or

3. Paragraph (b) of § 10.4 is amended to read as follows:

§ 10.4 Open seasons, limits, and other provisions.

* * * * * *

(b) No person may take in any one day more than the daily bag limit or aggregate daily bag limit, whichever applies. No person may possess more birds lawfully taken in the United States than the possession limit or the aggregate possession limit, whichever applies. No person on the opening day of the season

may possess any freshly killed migratory game birds in excess of the daily bag limit or aggregate daily bag limit, whichever applies, and no person may possess any freshly killed migratory game birds during the closed season.

4. Paragraph (a) of § 10.7 is amended to read as follows:

§ 10.7 Importations from Canada, Mexico, or other foreign country.

* * * * *

(a) The following listed birds shall be limited as to the numbers permitted to be entered and transported by one person, either in a single shipment or by multiple shipments, as follows:

From—	*Not to exceed*—
Provinces of Alberta, Manitoba, or Saskatchewan, Canada.	10 ducks and 10 geese per season.
Province of British Columbia, Canada	12 ducks and 10 geese per season.
Province of Ontario, Canada	10 ducks and 10 geese per calendar week.[1]
Any other province of Canada	12 ducks and 10 geese per calendar week.[1]
Mexico or any other foreign country (except Canada) or subdivision thereof.	10 ducks and 5 geese per calendar week.[1]
Any foreign country or subdivision thereof:	
Pigeons (all species)	10 of each species per calendar week.[1]
Doves (all species)	25, singly or in the aggregate of all species, per calendar week.[1]
Rails (except sora and coot)	30, singly or in the aggregate of all species, per calendar week.[1]
Coots	25 per calendar week.[1]
Sora rails	25 per calendar week.[1]
Wilson's snipe	8 per calendar week.[1]
Woodcock	8 per calendar week.[1]
Brant	6 per calendar week.[1]

[1] A calendar week begins on Sunday.

5. Section 10.9 is revised to read as follows:

§ 10.9 Possession for purposes of processing, transportation, or storage.

(a) No hunter who legally takes and possesses any migratory game birds shall place or leave any such birds in the custody of any other person for picking, cleaning, processing, shipping, transportation, or storage (including temporary storage) unless such birds have a tag attached signed by the hunter stating his address, the total number and kinds of birds, and the date such birds were killed.

(b) No person may receive or have in custody any migratory game birds belonging to another person unless such birds are tagged as required under paragraph (a) of this section.

(c) No hunter who legally takes and possesses any migratory game birds shall place or leave such birds at any place for storage (including temporary storage) other than at his personal abode unless such birds are tagged as required under paragraph (a) of this section. Legally possessed migratory game birds being transported in any vehicle as the personal baggage of the possessor shall not be deemed to be in storage or temporary storage.

(d) Any commercial picking establishment or cold-storage or locker plant receiving, possessing, or having in custody any migratory game birds shall maintain accurate records showing the numbers and kinds of such birds, the dates received and disposed of, and the names and addresses of the persons from whom such birds were received and to whom such birds were delivered. Any person authorized to enforce this part may enter such establishments or plants at all reasonable hours and inspect the records and the premises where operations are being carried on. The records required to be maintained shall be retained by the person or persons responsible for their preparation and maintenance for a period of one year following the close of the open season on migratory game birds prescribed for the State in which such picking establishment or cold-storage or locker plant is located.

6. Section 10.10 is amended to read as follows:

§ 10.10 Termination of possession by hunters.

For the purposes of this part, the possession of birds legally taken by any hunter shall be deemed to have ceased when such birds have been delivered by him to another person as a gift; or have been delivered by him to a post office, a common carrier, or a commercial cold-storage or locker plant for transportation by the postal service or a common carrier to some person other than the hunter.

7. Section 10.14 is amended to read as follows:

§ 10.14 Wanton waste of migratory game birds.

No person shall kill or cripple any migratory game bird pursuant to this part without making a reasonable effort to retrieve the bird and include it in his daily bag limit.

8. A new § 10.31 is added to Part 10 to read as follows:

§ 10.31 State laws for the protection of migratory birds.

Nothing in this part shall be construed to authorize the taking, possession, exchange, or transportation of migratory game birds or parts thereof in any State contrary to the laws and regulations of that State: *Provided*, That such laws and regulations are for the purpose of giving further protection to such birds and are not inconsistent with the conventions between the United States and any foreign country for the protection of migratory birds or with the Migratory Bird Treaty Act.

9. Section 10.52 is revised to read as follows:

§ 10.52 Migratory game bird hunting seasons for Puerto Rico and the Virgin Islands.

Subject to the applicable provisions of the preceding sections of this part, the open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) *Puerto Rico.*

	Doves (all species) (singly or in the aggregate)	Pigeons (all species) (singly or in the aggregate)
Daily bag limit	15	[1] 8
Possession limit	15	[1] 8
Open season dates	July 1–Sept. 30.	July 1–Sept. 30.
Shooting hours	One-half hour before sunrise until sunset.	

[1] On Mona Island the daily bag and possession limit on pigeons is 15, singly or in the aggregate all species.

(b) *Virgin Islands.*

	Doves (all species) (singly or in the aggregate)	Pigeons (all species) (singly or in the aggregate)
Daily bag limit	10	Closed season.
Possession limit	20	Do.
Open season dates	July 15–Sept. 30.	Closed season.
Shooting hours	One-half hour before sunrise until sunset.	

(Sec. 3, 40 Stat. 755, as amended; 16 U.S.C. 704; E.O. 10250, 16 F.R. 5385, 3 CFR, 1949–1953 Comp., p. 757)

STEWART L. UDALL,
Secretary of the Interior.

JUNE 5, 1962.

[F.R. Doc. 62-5632; Filed, June 8, 1962; 8:46 a.m.]

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER G—PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

PART 260—INSPECTION AND CERTIFICATION

Approved Identification

On page 1771 of the FEDERAL REGISTER of February 24, 1962, there was published a notice and text of a proposed amendment to part 260 of Title 50, Code of Federal Regulations, by the addition of a new paragraph (e) to § 260.86.

The purpose of the addition of the new provision is to require accountability by the processor for the removal or stripping of official United States Department of the Interior (USDI) shields from packages of mislabeled fishery products.

Interested persons were given until March 24, 1962, to submit written comments, suggestions, or objections to the proposed amendment. One comment was received and considered. Accordingly, a minor change has been adopted to further clarify § 260.86(e) relating to

the removal of labels bearing inspection marks.

The proposed amendment is hereby adopted with the minor change and is set forth below. This amendment shall become effective 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Dated: June 5, 1962.

STEWART L. UDALL,
Secretary of the Interior.

§ 260.86 Approved identification.

* * * * *

(e) *Removal of labels bearing inspection marks.* At the time a lot of fishery products is found to be mislabeled and the labels on the packages are not removed within ten (10) consecutive calendar days, the following procedure shall be applicable:

(1) The processor, under the supervision of the inspector, shall clearly and conspicuously mark all master cases in the lot by means of a "Rejected by USDI Inspector" stamp provided by the Department.

(2) The processor shall be held accountable to the Department for all mislabeled products until the products are properly labeled.

(3) Clearance for the release of the relabeled products shall be obtained by the processor from the inspector.

[F.R. Doc. 62-5633; Filed, June 8, 1962; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Parts 1135, 1137]

[Docket Nos. AO-300-A5, AO-326-A2]

MILK IN COLORADO SPRINGS-PUEBLO AND EASTERN COLORADO MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Townhouse Motor Hotel, 8th and Santa Fe Streets, Pueblo, Colorado, beginning at 10:00 a.m., local time on June 26, 1962, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Colorado Springs-Pueblo and Eastern Colorado marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposal relative to a redefinition of the Colorado Springs-Pueblo marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed amendments to Colorado Springs-Pueblo Order:

Proposed by the Eastern Colorado Dairymen Association:

Proposal No. 1. Amend § 1135.6 to read as follows:

§ 1135.6 Colorado Springs-Pueblo marketing area.

"Colorado Springs-Pueblo marketing area", hereinafter called the "marketing area" means all territory within the boundaries of the counties of El Paso, Pueblo, Huerfano, Teller, Las Animas, Otero, Kiowa, Crowley, Lincoln and Cheyenne, all in the State of Colorado, and of the counties of Wallace, Cheyenne and Sherman, all in the State of Kansas.

Proposed by Beatrice Foods Company of Pueblo, Colorado; Beatrice Foods Company of Colorado Springs, Colorado; the Sinton Dairy Company of Colorado Springs, Colorado; and the Carnation Company of Colorado Springs, Colorado:

Proposal No. 2. Amend § 1135.6 to include the Colorado counties of Los Animas, Otero, Crowley, Kiowa, Fremont and Custer, and the Kansas counties of Cheyenne, Sherman, Wallace and Logan.

Proposed by the Eastern Colorado Dairymen Association:

Proposal No. 3. Amend § 1135.10 to read as follows:

§ 1135.10 Producer.

"Producer" means any person, other than a producer-handler or a dairy farmer with respect to milk delivered to a pool plant which qualifies as producer milk under another Federal milk order who produces milk eligible for distribution as Grade A milk in compliance with the fluid milk product requirements of a duly constituted health authority, whose milk is:

(a) Received at a pool plant; or

(b) Diverted from a pool plant to a nonpool plant for the account of the handler operating the pool plant or of a cooperative association: *Provided*, That the quantity of milk so diverted does not exceed ten percent in the months of September, October, November, December, January and February, and 20 percent in the months of March, April, May, June, July and August, of the total producer milk pooled by such handler or cooperative association: *And provided further*, That the definition of producer, in respect to diverted milk, shall not include any person whose milk is not received at a pool plant for at least five days during the month: *And further provided*, That milk from producers may be diverted by a handler operating a pool plant for Class II uses only to the extent milk so diverted plus milk transferred from such pool plant for Class II uses does not exceed 30 percent of the total producer milk pooled by such handler; and

(c) For purposes of the requirements of § 1135.7, milk diverted for the account of the operator of a pool plant shall be included in the receipts of the pool plant from which diverted, and for purposes of location adjustments pursuant to § 1135.81, milk diverted to a nonpool plant shall be considered to have been received at the location of the nonpool plant to which diverted.

Proposed by Beatrice Foods Company of Pueblo, Colorado; Beatrice Foods Company of Colorado Springs, Colorado; Sixton Dairy Company of Colorado Springs, Colorado; and Carnation Company of Colorado Springs, Colorado:

Proposal No. 4. Amend the producer-handler definition to conform to such definition as contained in the Eastern Colorado Order No. 137 as follows:

§ 1135.11 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a milk processing plant which distributes fluid milk products on routes in the marketing area and who receives no fluid milk products during the month from dairy farmers or any other source except by transfer from a pool plant. Such person must provide proof satisfactory to the market administrator that the care and management of all the dairy animals and other resources necessary to produce the entire volume of fluid milk products (excluding transfers from pool plants) and the operation of the processing and distribution business is the personal enterprise of and at the personal risk of such person.

Proposed by the Hillside Dairy, Pueblo, Colorado:

Proposal No. 5. Amend § 1135.11 by adding to the end thereof the following: "except that a producer-handler may purchase other source milk or milk from other producers in an amount not to exceed a maximum of 20 percent of such producer-handler's total sales during the month, providing, that such producer-handler shall pay for such other source milk or milk from other producers the established Class I price plus pool charges".

Proposal No. 6. Amend § 1135.13 by specifying the exact meaning of the words "reprocess" and "converted to another product", and amend § 1135.11 to permit a producer-handler to reprocess manufactured dairy products without losing his producer-handler status.

Proposed by Beatrice Foods Company of Pueblo, Colorado; Beatrice Foods Company of Colorado Springs, Colorado; Sinton Dairy Company of Colorado Springs, Colorado; and Carnation Company of Colorado Springs, Colorado:

Proposal No. 7. Amend § 1135.30 to change the handlers report due date to the seventh working day of the month. (Saturdays, Sundays, and Holidays are not to be considered as working days.)

Proposed by the Eastern Colorado Dairymen Association:

Proposal No. 7A. Amend § 1135.44(f) by adding at the end "unless a classification is mutually agreed upon at the time of reporting".

Proposed by Borden's Carlson-Frink Company of Denver, Colorado:

Proposal No. 8. Amend § 1135.46 and any other section so that all packaged products classified and priced as Class I under the Eastern Colorado order which are received and distributed from a Colorado Springs-Pueblo order pool plant be deducted from Class I.

Proposal No. 9. Amend § 1135.70 so that compensatory payments would not be assessed against products priced under the Eastern Colorado order which are distributed from a Colorado Springs-Pueblo order pool plant.

Proposed by Beatrice Foods Company of Denver, Colorado:

Proposal No. 10. Amend the order so that packaged milk could move between plants in the Colorado Springs-Pueblo marketing area and plants in the Eastern Colorado area without penalty payments for the plants involved.

Proposal No. 11. Clarify § 1135.41(b)(6). Inventories of fluid milk products on hand at the end of the month.

Proposed by the Eastern Colorado Dairymen Association:

Proposal No. 12. Amend the provisions to clarify the authority of the market administrator and provide additional authority, if necessary, relative to checking the testing and weighing of milk, and requiring payment on the basis of the tests and weights as determined by the market administrator.

Proposal No. 13. Amend § 1135.80(d)(2) to read as follows:

(2) The total pounds and the average butterfat content of milk received from such producer, supported by itemized weight tickets and the butterfat tests covering each shipment of milk from such producer;

Proposed by the Milk Marketing Orders Division, Agriculture Stabilization and Conservation Service:

Proposal No. 14. Make such changes as may be necessary to make the entire marketing agreement and the order regulating the handling of milk in the Colorado Springs-Pueblo marketing area conform with any amendments thereto that may result from this hearing.

Proposed amendment of Eastern Colorado Order:

Proposed by the Eastern Colorado Dairymen Association:

Proposal No. 15. Amend the Eastern Colorado order by removing the Colorado counties of Lincoln and Cheyenne from the counties listed in the marketing area definition.

Copies of this notice of hearing and the orders may be procured from the Market Administrator, N. Alan Luke, 121 East Boulder, Colorado Springs, Colorado, and 2765 South Colorado Boulevard, Denver 22, Colorado, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on June 6, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-5663; Filed, June 8, 1962; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Great Lakes Pilotage Administration

[46 CFR Part 401]

GREAT LAKES PILOTAGE REGULATIONS

Notice of Proposed Rule Making

Notice is hereby given that amendments to the Great Lakes Pilotage Regulations as amended (46 CFR Part 401) set forth in tentative form below are proposed to be promulgated by the Administrator, Great Lakes Pilotage Administration. Prior to the adoption of such amendments a hearing will be held by the Administrator at 10:00 a.m. on June 27, 1962 in the Commerce Building, Room No. 5855, Washington, D.C.

Interested persons may submit such written data, views and arguments as they may desire directly to the Administrator, Great Lakes Pilotage Administration, U.S. Department of Commerce, Washington 25, D.C., prior to completion of the hearing. Persons desiring to present their views at the hearing are requested to notify the Administrator prior to the hearing.

The proposed amendments to the regulations are to be issued under the authority contained in section 5 of the Great Lakes Pilotage Act of 1960 (74 Stat. 260, 261; 46 U.S.C. 216).

Dated: June 1, 1962.

A. T. MESCHTER,
Administrator,
Great Lakes Pilotage Administration.

Explanatory statement. Pursuant to the authority of Section 5 of the Great Lakes Pilotage Act of 1960, the Administrator, Great Lakes Pilotage Administration on January 31, 1961, issued Great Lakes Pilotage Regulations. On September 29, 1961 the Great Lakes Pilotage Regulations, after publication of proposed changes and public hearing, were amended (26 F.R. 9646). Certain amendments to the regulations are now proposed, among other things, to include rates for services not heretofore provided and to adjust for inequities in the existing rates, charges and conditions for pilotage services. Part 401, Chapter III of Title 46 of the Code of Federal Regulations is amended as follows:

Subpart D—Rates, Charges and Conditions for Pilotage Services

Section 401.400 is amended to read as follows:

§ 401.400 Rates and charges on designated waters.

(a) The following rates and charges shall be payable for all services performed by United States or Canadian registered pilots in the following areas of the United States waters of the Great Lakes described in § 401.300, pursuant to the written arrangements between United States and Canada of May 1, 1961:

(1) *District No. 1.* (i) Snell Lock to Cape Vincent	$200
(ii) Trips commencing or terminating at any intermediate point within the District, an amount computed on a pro-rata basis set forth in (i) according to the distance piloted shall be charged as pilotage dues with a minimum charge therefor of	50
(2) *District No. 2.* (i) The Welland Canal	$125
(ii) Trips commencing or terminating at any intermediate point within the Welland Canal an amount computed on the basis of $3 for each mile of distance piloted plus $10 for each lock transited except that the minimum charge for such part pilotage shall be	30
and the maximum charge for such part pilotage shall not exceed	125
(iii) Southeast Shoal (pilots board at the Welland Canal) to Lake Huron Lightship (includes direct transit of undesignated Lake Erie waters)	125
(iv) Southeast Shoal (pilots board at the Welland Canal) to any point on Lake Erie west of Southeast Shoal (includes direct transit of undesignated Lake Erie waters)	80
(v) Southeast Shoal (pilots board at the Welland Canal) to any point on the Detroit River (includes direct transit of undesignated Lake Erie waters)	80
(vi) Any point on Lake Erie west of Southeast Shoal to any point on the St. Clair River or to Lake Huron Lightship	125
(vii) Any point on Lake Erie west of Southeast Shoal to any point on the Detroit River	80
(viii) Any point on the Detroit River to any point on the St. Clair River to Lake Huron Lightship	80
(ix) Any point on the Detroit River or the St. Clair River to any point on the same river, or from any point on Lake Erie west of Southeast Shoal to any other point on Lake Erie west of Southeast Shoal	50
(3) *District No. 3.* (i) Detour Reef Light to Gros Cap Reefs Light	200
(ii) Detour Reef Light to Sault Ste. Marie, Mich. or Sault Ste. Marie, Ontario	165
(iii) Detour Reef Light to Algoma Steel Corp. Wharf at Sault Ste. Marie, Ontario	200
(iv) Sault Ste. Marie, Mich. or Sault Ste. Marie, Ontario including the Algoma Steel Corp. Wharf to Gros Cap Reefs Light	75
(v) Harbor movement of vessels within District No. 3, per movement	50

(b) When a vessel in transit of a District puts into a port for the purpose of loading or discharging cargo, or otherwise interrupts her passage through the District for the convenience of the vessel, excluding ice, weather and traffic delay, and the pilot remains on board for the convenience of the vessel, an additional charge of $5 per hour, with a maximum of $50 for each 24-hour period, shall be payable.

Section 401.410 is amended to read as follows:

§ 401.410 Rates and charges on undesignated waters.

The rates or charges for all pilotage services performed by United States or Canadian registered pilots in the undesignated waters, other than the direct

transit of Lake Erie covered by the rates as specified in District No. 2, paragraph (a)(2) (iii), (iv) and (v) of § 401.400, payable for each 24-hour period or part thereof shall be $50, plus a charge of $25 for docking or undocking the vessel upon arrival or departure, or a harbor moveage, if performed by the pilot, plus any expenses reasonably incurred by the pilot both injoining the vessel and in returning to his base.

Section 401.420 is amended to read as follows:

§ 401.420 Cancellation of services.

When a pilot reports for service and the service is cancelled within one hour of the time of his reporting, a charge of $25 shall be made and if the service is cancelled after one hour a further charge of $5 per hour for each hour after the first hour shall be charged, but the aggregate amount of these charges shall not exceed $50 for any one 24-hour period. When a pilot reports for service and the rendition of his services is delayed for the convenience of the vessel for more than one hour, or when the pilot has completed his services and he is delayed for the convenience of the vessel for more than one hour in debarking from the vessel, a further charge of $5 for each hour after the first hour shall be made, but the aggregate amount of these charges shall not exceed $50 for any one 24-hour period.

[F.R. Doc. 62-5648; Filed, June 8, 1962; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 840) has been filed by E. I. du Pont de Nemours and Company, Inc., 1007 Market Street, Wilmington 98, Delaware, proposing the amendment of paragraph (c)(5) of § 121.2520 *Adhesives* to provide for the use of trimethylol propane in the production of polyurethane resins intended for use in food-packaging adhesives.

Dated: June 4, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-5636; Filed, June 8, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 807) has been filed by Marathon, A Division of American Can Company, Menasha, Wisconsin, proposing the issuance of a regulation to provide for the safe use of calcium lignosulfonate as a dispersing agent and stabilizer for pesticide sprays and dips for pre- and postharvest application to bananas.

Dated: June 4, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-5637; Filed, June 8, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), the following notice is issued:

A petition (FAP 715) has been filed by Rohm and Haas Company, 222 West Washington Square, Philadelphia, Pennsylvania, proposing the issuance of a regulation to establish a tolerance of 175 parts per million for residues of nickel sulfate (calculated as Ni) in the bran of barley, oats, rice, rye, and wheat resulting from carryover and concentration of residues of this pesticide chemical in the growing grain crops treated under an experimental permit issued by the U.S. Department of Agriculture and for which a temporary tolerance has been established.

Dated: June 1, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-5638; Filed, June 8, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Order Denying Proposed Regulation

In the matter of Food Additive Petition No. 736, received from Thiokol Chemical Corporation, 780 North Clinton Avenue, Trenton 7, New Jersey:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1)(B), (e), (f), 72 Stat. 1786; 21 U.S.C. 348(c)(1)(B), (e), (f)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the Commissioner of Food and Drugs hereby issues his findings and order in the above-identified matter:

Findings. 1. The petitioner proposed the issuance of a regulation prescribing safe conditions of use for di(butoxy-ethoxy-ethyl)formal as a plasticizer in natural and synthetic rubber formulations used to produce articles that contact food. Twenty to fifty parts by weight of the plasticizer is used per 100 parts by weight of the base-rubber component.

2. The petitioner was requested to supply extraction or migration data to reflect the maximum amount of the plasticizer expected to migrate to food under use conditions. Such data were not submitted.

3. The petitioner, in accordance with § 121.51(e)(1) of the food additive regulations requested, in writing, that the petition be filed as submitted. The petition was filed March 30, 1962, and notice thereof was published in the FEDERAL REGISTER April 11, 1962 (27 F.R. 3469), and the petitioner was so notified.

Conclusion. Insufficient data are available to evaluate the safety of di(butoxy-ethoxy-ethyl)formal under the conditions of use proposed in the petition as filed.

Order. Therefore, the proposal of the petitioner to establish a regulation to permit the use of this food additive as a plasticizer in natural and synthetic rubber formulations used to produce articles that contact food is denied, and it is so ordered.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1)(B), (e), (f), 72 Stat. 1786; 21 U.S.C. 348(c)(1)(B), (e), (f))

Dated: June 4, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Foods and Drugs.

[F.R. Doc. 62-5639; Filed, June 8, 1962; 8:47 a.m.]

Notices

FEDERAL RESERVE SYSTEM

MARINE CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of The Marine Corporation for prior approval of acquisition of voting shares of Security State Bank, Madison, Wisconsin.

There has come before the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and § 222.4(a)(2) of the Board's Regulation Y (12 CFR 222.4(a)(2)), an application by The Marine Corporation, Milwaukee, Wisconsin, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Security State Bank, Madison, Wisconsin. A Notice of Application was published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10709), providing for the filing of comments and views regarding the proposed acquisition; the time provided by the notice for filing comments and views has expired and no comments or views have been filed.

It is ordered, For the reasons set forth in the Board's Statement[1] of this date, that the said application be and hereby is granted, provided that the acquisition so approved shall not be consummated (a) sooner than seven calendar days after the date of this Order or (b) later than three months after said date.

Dated at Washington, D.C., this 4th day of June 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-5628; Filed, June 8, 1962; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Chicago.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

June 1962 Monthly Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

These prices at which Commodity Credit Corporation commodity holdings are available for sale during June 1962 were also announced by the U.S. Department of Agriculture in a press release of May 31, 1962. The following commodities are available: Butter, cheddar cheese, nonfat dry milk, cotton (upland and extra long staple), peanuts, wheat, corn, oats, barley, rye, grain sorghums, soybeans, dry edible beans, and gum turpentine.

Additions to the list for June are soybeans and the following classes of dry edible beans, as announced earlier: Red Kidney (added May 8, press release USDA 1696-62) and Small Red and Great Northern (added May 18, press release USDA 1858-62).

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Price Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C.

All commodities except oats currently offered for sale by CCC, plus tobacco from CCC loan stocks, are eligible for special export sale under the CCC Export Credit Sales Program. The following commodities are currently eligible for barter: Nonfat dry milk, butter, cotton, tobacco, wheat, corn, rye, barley, grain sorghums, and pea beans. This list is subject to change from time to time.

Interest rates per annum under the CCC Export Credit Sales Program for June 1962 are 3½ percent for periods up to 12 months, and 4 percent for periods from over 12 months up to a maximum of 36 months. (As announced May 4—press release USDA 1664-62—the interest rate periods have been revised to provide only two rather than the former three periods.)

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC storage within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington 25, D.C., with respect to all commodities or—for specified commodities—with the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

If CCC does not have adequate information as to the financial responsibility of a prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyers's financial responsibility to be inadequate CCC reserves the right (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the ASCS Office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS Office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions, and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States

Government agencies, with only minor exceptions, will constitute a domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Notice to exporters. The Department of Commerce, Bureau of International Programs (the Bureau of Foreign Commerce until Aug. 9, 1961), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities (except absorbent cotton and sterilized gauze and bandages with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled area of the Far East including Communist China, North Korea, and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Programs.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, 15 CFR 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirements for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule, 15 CFR 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Programs or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

Commodity	Sales price or method of sale
Dairy products	Sales are in carlots only in store at storage location of products. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to the Portland ASCS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati ASCS Commodity Office.
Butter	Domestic, unrestricted use: Announced prices, under LD-29 as amended: 65.75 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 65.0 cents per pound—Washington, Oregon, and California. All other States 64.75 cents per pound. Export: Competitive bid under LD-33 as amended, pursuant to invitations to bid to be issued by Cincinnati ASCS Commodity Office. Announced prices under LD-35: When sales are made under LD-33, as amended, above any butter offered but not sold under the invitation to bid will be offered for sale through the following Wednesday at prices announced in Washington each Thursday.
Nonfat dry milk	Domestic, unrestricted use: Announced prices, under LD-29, as amended: Spray process, U.S. extra grade, 17.40 cents per pound. Roller process, U.S. extra grade, 15.40 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati and Portland ASCS Commodity Offices. Announced prices under LD-35: When sales are made under LD-33, as amended, above, any nonfat dry milk offered but not sold under the invitation to bid will be offered for sale through the following Monday at prices announced in Washington each Tuesday.
Cheddar Cheese (standard moisture basis)	Domestic, unrestricted use: Announced prices under LD-29 as amended: 39.75 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 38.75 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati ASCS Commodity Office. Announced prices under LD-35: When sales are made under LD-33, as amended, above, any cheese offered but not sold under the invitation to bid will be offered for sale through the following Wednesday at prices announced in Washington each Thursday.
Cotton, upland	Domestic, unrestricted use: Competitive bid under the terms and conditions of Announcement NO-C-16 (sale of Upland Cotton for Unrestricted Use). Under this Announcement, upland cotton acquired under price support programs will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price plus reasonable carrying charges or (b) the market price of such cotton, as determined by CCC. Export, CCC Credit Sales: Competitive bid under the terms and conditions of Announcements CN-EX-14 (acquisition of Cotton for Export under Credit Sales Program) and NO-C-17 (sale of Upland Cotton (for Credit Sales)). Cotton to be sold at the highest price offered but in no event at less than the higher of (a) 105 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the market price for such cotton, as determined by CCC, less in either case an amount equal to the payment-in-kind cotton export payment rate in effect on the date of the acceptance of an offer.
Cotton, extra long staple	Domestic or export, unrestricted use: Competitive bid under the terms and conditions of Announcement NO-C-6 (revised July 22, 1960), as amended and NO-C-10, as amended. Under these announcements extra long staple cotton will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price plus reasonable carrying charges, or (b) the domestic market price as determined by CCC.
Catalogs	Catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans ASCS Commodity Office.
Wheat, bulk	Domestic, unrestricted use: Market price basis in store,[1] but not less than 1961 applicable support price for the class, grade, and quality of the wheat plus the amount shown below applicable to the type of carrier involved.

Unit	Received by—		Examples of minimum prices (exrail or barge)		
	Truck	Rail or barge	Terminal	Class and grade	Price
	Cents	*Cents*			
Wheat (commercial area)[2] Bushel	26	22	Chicago	No. 1 RW	$2.31
			Minneapolis	No. 1 DNS	2.38
			Kansas City	No. 1 HW	2.31
			Portland	No. 1 SW	2.21

Export:
(1) Under Announcement GR-345 (revised June 30, 1960), as amended, for redemption of certificates under export payment-in-kind program, (2) under Announcement GR-212 (Revision 2, Jan. 9, 1961), for specified offerings as announced and (3) as wheat under Announcement GR-261 (Revision 2, Jan. 9, 1961) or as flour under Announcement GR-262 (Revision 2, Jan. 9, 1961), for application under arrangements for barter which permits exportation of wheat as flour and approved credit sales only at prices determined daily.
Available Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. (At Portland ASCS Commodity Office hard red winter wheat is not available for barter or Title I, P.L. 480 transactions.)

See footnotes at end of table.

Commodity	Sales price or method of sale	Unit	In store at—		Examples of minimum prices (exrail or barge)		
			Point of production	Other point	Terminal	Class and grade	Price
			Cents	*Cents*			
Barley, bulk (continued)	Export announcement sales: Under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program, and under Announcement GR-212 (revision 2, Jan. 9, 1961), for application to arrangements for barter, approved credit and emergency sales, CCC reserves the right to determine the class, grade, quality, and quantity to be made available for the sales under these announcements. Available: Evanston, Dallas, and Kansas City ASCS Commodity Offices. Nonstorable (as available): At not less than market price as determined by CCC through the grain ASCS commodity offices listed on page 19. Export announcement sales: Under announcement GR-368 (revised Aug. 31, 1959, as amended) for feed grain export payment-in-kind program, and under Announcement GR-212 (revision 2, Jan. 9, 1961), for application to arrangements for barter, approved credit and emergency sales. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of such grain from bin sites, contact the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. For information on the availability of such grain from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, or Portland ASCS Commodity Offices.						
	Domestic and export: Storable: A. Redemption of feed grain program certificates:[1] Such CCC dispositions of storable barley as may be designated by CCC, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. Redemptions will be made at applicable market price at point of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of corn that will be made available for redemption. CCC also reserves the right to restrict the availability of barley at any location when-ever such action is deemed necessary. For information on the availability of such grain from bin sites, contact ASCS State or county offices. For information on the availability of such grain from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, or Portland ASCS Commodity Offices. B. General sales:[1] Market price basis in store,[2] but not less than 105 percent of the applicable 1961 support price,[3] for the class, grade, and quality of the corn plus the amount shown below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added to the above.	Bushel	12	15	Chicago[4]	No. 2 YC (13% moisture 2% foreign material).	$1.6134
	For information on the availability of such corn from bin sites, contact ASCS State or county offices. For information on the availability of such corn from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis and Portland ASCS Commodity Offices. Nonstorable (as available): At not less than market price as determined by CCC through the grain ASCS commodity offices listed on page 19. Export announcement sales: Under announcement GR-368 (revised Aug. 31, 1959, as amended) for feed grain export payment-in-kind program, and under Announcement GR-212 (revision 2, Jan. 9, 1961), for application to arrangements for barter, approved credit and emergency sales. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of such grain from bin sites. CCC stocks of corn in Portland ASCS Commodity Office area available for sale under these export announcements, except such corn shall not be eligible for application to Title I, P.L. 480 purchase authorizations or for barter. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is the adjusted support price referred to in subparagraph B on the preceding page. Available: Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.						
Corn, bulk							

Commodity	Sales price or method of sale	Unit	Received by—		Examples of minimum prices (exrail or barge)		
			Truck	Rail or barge	Terminal	Class and grade	Price
			Cents	*Cents*			
Rye, bulk	Domestic, unrestricted use: Storable: Market price basis in store,[1] but not less than 105 percent of the applicable support price for the class, grade, and quality of the grain plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added to the above.	Bushel	14	11	Minneapolis	No. 2 or better (or No. 3 on TW only).	$1.42
	Available: At bin sites through ASCS County Offices. At other locations through the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. Nonstorable (as available): At not less than market price as determined by CCC through the ASCS grain offices listed on page 19. Export: Under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program, and under Announcement GR-212 (revision 2, Jan. 9, 1961), for application to arrangement for barter, approved credit and emergency sales. Available: Evanston, Dallas, Kansas City, and Portland ASCS Commodity Offices, also Minneapolis ASCS Commodity Office as available in terminal location in Minneapolis area.						
Barley, bulk	Storable: A. Redemption of feed grain program certificates:[1] Such CCC dispositions of storable barley as may be designated by CCC, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. Redemptions will be made at applicable market prices at point of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of such barley that will be made available for redemption. CCC also reserves the right to restrict the availability of barley at any location when-ever such action is deemed necessary. For information on the availability of such barley from bin sites, contact the ASCS State or county offices. For information on the availability of such barley from other locations, contact the Evanston, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. B. General sales:[1] Market price basis in store,[2] but not less than 105 percent of the applicable support price,[3] for the class, grade, and quality of the barley plus the amount shown below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added to the above.						

Commodity	Unit	Received by—		Examples of minimum prices (exrail or barge)		
		Truck	Rail or barge	Terminal	Class and grade	Price
		Cents	*Cents*			
Barley	Bushel	13	11	Minneapolis	No. 2 or better	$1.32

Available: For information on the availability of such grain from bin sites, contact ASCS State or county offices. For information on the availability of such grain from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.
Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS commodity offices listed on page 19.

See footnotes at end of table.

Commodity	Sales price or method of sale
Grain sorghums, bulk (continued).	Export announcement sales: Under Announcement GR-368 (revised Aug. 31, 1959, as amended) for feed grain export payment-in-kind program, and under Announcement GR-402 (revision 2, Jan. 9, 1961), for application to arrangements for barter and for sales for dollar credits and emergency sales, the CCC stocks of grain sorghums stored in California export terminals are the commodities on which CCC offers to sell grain for export, except that such grain shall not be eligible for application to Title I, P.L. 480 purchase authorizations or for barter. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for sale under these announcements. Available: Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. The statutory minimum price referred to in the price support provisions of these export sales announcements is the adjusted support price referred to in subparagraph B above. Domestic or export: Market price basis in-store but not less than the 1961 basic loan rate for No. 2, basis in-store point of storage, plus 10½ cents per bushel, plus the value of discounts for quality factors. Market price basis for the class, grade, and quality of the applicable 1961 support price below applicable to the storage point involved. The value of quality factors will be applied to the basic price to determine the quality price. Available: Evanston, Minneapolis, Kansas City, Dallas ASCS Commodity Offices.
Soybeans, bulk (as available).	Domestic or export: Market price basis in-store but not less than the 1961 basic loan rate for No. 2, basis in-store point of storage, plus 10½ cents per bushel, plus the value of discounts for quality factors. Market price basis for the class, grade, and quality of the applicable 1961 support price below applicable to the storage point involved. The value of quality factors will be applied to the basic price to determine the quality price. Available: Evanston, Minneapolis, Kansas City, Dallas ASCS Commodity Offices.
Dry edible beans, Bagged (as available).	Domestic: Domestic market price, but not less than the following minimum price per hundredweight: For U.S. No. 1, indicated points of production, amount of paid-in-freight to be added as applicable. For other grades, adjust by market differentials. In other areas, adjust by the 1961 price support differential.

Class	Price per hundredweight	Area of production
Red Kidney	$9.22	Michigan.
Great Northern	7.75	New York.
Small Red	7.70	Nebraska.
Pinto	6.88	Washington.
Pea	7.95	Eastern Colorado.
		Michigan.

Export: Under Announcement GR-409 the following price per hundredweight for U.S. No. 1 f.o.b. indicated points of production, amount of paid-in-freight to be added as applicable. In other areas, adjust by the 1961 price support differential.

Class	Price per hundredweight	Area of production
Red Kidney	$8.52	Michigan.
Great Northern	6.99	New York.
Small Red	7.15	Nebraska.
Pinto	6.87	Eastern Colorado.
Pea	7.03	Michigan.

Available: Pinto beans and Great Northern beans available at Kansas City, Portland, and Minneapolis ASCS Commodity Offices. Small Red and Small Red Kidney beans available at Evanston ASCS Commodity Office. Small Red beans available at Portland ASCS Commodity Office.

Domestic for unrestricted use: Competitive bid under CCC Peanut Announcement (revised), Jan. 4, 1962), as amended.

Domestic, unrestricted use:

Kansas City, Minneapolis, and Portland ASCS Commodity Offices.

B. General sales:[9] Market price basis in store,[4] but not less than 105 percent of the applicable 1961 support price below applicable to the storage point involved. Price basis in store at other than the point of production the freight from point of production to the present point of storage will also be added.

Commodity	Sales price or method of sale
Oats, bulk	Domestic and export: Storable: A. Redemption of feed grain program certificates:[10] Such CCC dispositions of storable oats as may be designated by CCC, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. Redemptions will be made at applicable market price at point of delivery, as determined by CCC. At other locations CCC offers to sell such oats that will be made available for sale under these announcements. Available: Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. The statutory minimum price referred to in the price support provisions of these export sales announcements is the adjusted support price referred to in subparagraph B above. Domestic or export: Market price basis in-store but not less than the 1961 basic loan rate for No. 2, basis in-store point of storage, plus 10½ cents per bushel, plus the value of discounts for quality factors. Market price basis for the class, grade, and quality of the applicable 1961 support price below applicable to the storage point involved. The value of quality factors will be applied to the basic price to determine the quality price. Available: Evanston, Minneapolis, Kansas City, Dallas ASCS Commodity Offices.

Unit	Examples of minimum prices (exrail or barge)			
	In store at—			
	Point of production	Other point	Terminal	Class and grade
	Cents	*Cents*		
Bushel	12	14	Chicago[4]	No. 3

Unit	Examples of minimum prices (exrail or barge)			
	Received by			
	Truck	Rail or barge	Terminal	Class and grade
	Cents	*Cents*		
Hundredweight	27	21	Kansas City	No. 2 or better

Class and grade	Price
No. 3	$0.89½
No. 2 or better	$2.61

For information on the availability of such oats from bin sites, contact ASCS State or county offices. For information on the availability of such oats from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, or Portland ASCS Commodity Offices.

Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS county offices listed on page 10. At other locations through the ASCS Commodity Offices listed on page 10.

Domestic and export:

Storable: A. Redemption of feed grain program certificates: Such CCC dispositions of storable sorghums as may be designated by CCC, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. Redemptions will be made at applicable market price at point of delivery, as determined by CCC. At other locations CCC reserves the right to determine the sorghums that will be made available for redemption. Quantity of sorghums that will be made available for sale under these announcements also is determined by CCC. CCC also reserves the right to restrict the availability of grain sorghums from bin sites, at any location whenever such action is deemed necessary.

For information on the availability of such grain sorghums from bin sites, contact ASCS State or county offices. For information on the availability of such grain sorghums from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.

Nonstorable (as available): Market price[4] but not less than 105 percent of the applicable support price[5] for the class, grade, and quality of the grain sorghums plus the amount shown below applicable to the type of freight involved. If delivery is outside the area of production, applicable freight will be added to the above.

For information on the availability of such grain sorghums from bin sites[7] contact ASCS State or county offices. For information on the availability of such grain sorghums from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.

Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the grain ASCS Commodity Offices listed on page 10.

[1] On bin site sales such delivery basis shall be f.o.b. buyers conveyance at the bin site.
[2] Noncompetitive equal producing area wheat shall be on the same basis as commercial producing area wheat except increased applicable support price by 33 percent.
[3] On bin site sales such delivery basis shall be f.o.b. buyers conveyance at the site.
[4] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown above and any applicable freight.
[5] Such dispositions shall be for domestic unrestricted use or for export, except that certain sales of barley from bin sites under A above shall be for use only for feeding the buyer's livestock and poultry.
[6] Such dispositions shall be for domestic unrestricted use or for export, except that certain sales of bin site grain sorghums, under A above in the Kansas City ASCS Commodity Office area, shall be for use only for feeding the buyer's livestock and poultry.
[7] Except that Small Red beans will be available on a competitive bid basis but not less than the listed price.
[8] Such dispositions shall be for use only for feeding the buyer's livestock and poultry.
[9] On bin site sales, the delivery basis shall be f.o.b. buyers conveyance at the bin site.

See footnotes at end of table.

[1] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown above and any applicable freight.
[2] Such dispositions shall be for domestic unrestricted use or for export.
[3] Woodford County, Illinois, origin.
[4] Such dispositions shall be for domestic unrestricted use or for export, except that certain sales of oats from bin sites under A above shall be for use only for feeding the buyer's livestock and poultry.
[5] Such dispositions shall be for domestic unrestricted use or for export, except that certain sales of bin site grain sorghums, under A above in the Kansas City ASCS Commodity Office area, shall be for use only for feeding the buyer's livestock and poultry.
[6] Except that Small Red beans will be available on a competitive bid basis but not less than the listed price.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427)

Signed at Washington, D.C., on June 6, 1962.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 62-5664; Filed, June 8, 1962; 8:51 a.m.]

Office of the Secretary

FORT LEONARD WOOD MILITARY RESERVATION, MISSOURI

Order Interchanging Administrative Jurisdiction of Military and National Forest Lands

By virtue of the authority vested in the Secretary of the Army and the Secretary of Agriculture by the Act of July 26, 1956 (70 Stat. 656), it is ordered as follows:

1. The lands described in Exhibit A, attached hereto and made a part hereof, which lie within or adjacent to the exterior boundaries of the Mark Twain National Forest, Missouri, are hereby transferred from the jurisdiction of the Secretary of the Army to the jurisdiction of the Secretary of Agriculture.

2. The lands described in Exhibit B, attached hereto and made a part hereof which lie within the boundaries of Fort Leonard Wood, Missouri, are hereby transferred from the jurisdiction of the Secretary of Agriculture to the jurisdiction of the Secretary of the Army.

Pursuant to section 2 of the aforesaid Act of July 26, 1956, the National Forest lands transferred to the Secretary of the Army by this order are hereafter subject only to the laws applicable to other military lands comprising the Fort Leonard Wood Military Reservation. The military lands transferred to the Secretary of Agriculture by this order are hereafter subject to the laws applicable to lands acquired under the Act of March 1, 1911 (36 Stat. 961), as amended.

This order shall be effective upon publication in the FEDERAL REGISTER.

ELVIS J. STAHR, Jr.,
Secretary of the Army.

APRIL 5, 1962.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

APRIL 17, 1962.

EXHIBIT A

LANDS TRANSFERRED FROM THE SECRETARY OF THE ARMY TO THE SECRETARY OF AGRICULTURE

Fifth Principal Meridian

T. 35 N., R. 10 W.,
Sec. 4, that part lying west of the left bank of the Big Piney River;
Secs. 5 to 7 inclusive;
Sec. 8, N½, that part of the SW¼ north of the Bing Piney River, and that part of the W½SE¼ north of Big Piney River;
Sec. 9, that portion of the N½ lying south and west of the left bank of the Big Piney River and that portion of the S½ lying north of the left bank of the Big Piney River;
Sec. 10, that part lying south, west and north of the left bank of the Big Piney River;
Sec. 28, NE¼.
T. 36 N., R. 10 W.,
Sec. 31, S½;
Sec. 32, S½;
Sec. 33, that part of the SW¼ lying south of the left bank of the Big Piney River.
T. 34 N., R. 11 W.,
Sec. 1, W½ lot 1 NW¼, W½W½ lot 2 NW¼;
Sec. 12, that part of the NW¼NW¼ lying west of the county road, excepting a parcel described as follows: beginning at the southwest corner of the NW¼ NW¼, thence east 8.70 chains, thence north 5.425 chains, thence west 8.70 chains to section line, thence south 5.425 chains to place of beginning.
T. 35 N., R. 11 W.,
Sec. 1, lots 1 and 2 NE¼, W½ lot 2 NW¼, E½SE¼;
Sec. 18, N½NE¼, lot 1 NW¼, lot 1 SW¼, S½ lot 2 SW¼;
Sec. 19, SW¼NE¼, S½ lot 1 NW¼, lot 2 NW¼, lot 1 SW¼, S½SE¼;
Sec. 30, E½NE¼, SW¼NE¼, S½ lot 1 SW¼, lots 1 and 2 NW¼, SW¼SE¼, E½SE¼;
Sec. 31.
T. 36 N., R. 11 W.,
Sec. 36, S½.
T. 36 N., R. 12 W.,
Sec. 1, lots 1, 2 and 3, E½ lots 4 and 5, E½ and E½W½ lot 6, and lot 7 of the NE¼, lots 1 to 5 inclusive, W½ lot 6, and lot 7 of the NW¼;
Sec. 2, lots 1 to 7, inclusive, of the NE¼, lots 1 to 7 inclusive, of the NW¼;
Sec. 3, lot 1, E½ lot 6, and those portions of lots 2 to 6, inclusive, lying south and east of the right bank of the Roubidoux River, all in the NE¼, and that portion of lot 1 in the NW¼ lying south and east of the right bank of the Roubidoux River.
T. 35 N., R. 12 W.,
Sec. 24, E½;
Sec. 25, E½NE¼, SW¼NE¼, NW¼NW¼;
Sec. 35, S½S½;
Sec. 36, SE¼, E½SW¼, SW¼SW¼.
T. 36 N., R. 12 W.,
Sec. 36, that part of S½S½SE¼ described as follows: Beginning at a point which is N. 79° W. from the southeast corner of said section 36, T. 36 N., R. 12 W., a distance of 1.90 chains; thence N. 79° W. on conditional line 38.82 chains to the half section line of said section 36; thence south with said half section line to south quarter corner of said section 36, thence easterly along the south line of said section 36 to the point of intersection with the line which runs S. 15°30' W. from the point of beginning, thence N. 15°30' W. to the point of beginning containing 14 acres more or less.

The described areas aggregate approximately 9,795.10 acres.

EXHIBIT B

LANDS TRANSFERRED FROM THE SECRETARY OF AGRICULTURE TO THE SECRETARY OF THE ARMY

Fifth Principal Meridian

T. 35 N., R. 10 W.,
Sec. 18, beginning at the corner common to secs. 7, 8, 17, and 18;
Thence due W., 29.27 chs.,
S. 31° W., 6.25 chs.,
S. 52° W., 5.85 chs.,
S. 63° W., 8.41 chs.,
N. 85° W., 5.64 chs.,
N. 72° W., 6.43 chs.,
N. 52° W., 5.51 chs.,
N. 41° W., 4.41 chs.,
N. 51° W., 5.42 chs., to sec. line,
W. 12.25 chs. to NW corner sec. 18,
S. along sec. line 34.00 chs.,
S. 32° E., 7.25 chs.,
S. 81° E., 3.40 chs.,
S. 84° E., 12.31 chs.,
S. 63° E., 16.00 chs.,
S. 71° E., 13.48 chs.,
S. 39° E., 21.80 chs.,
Due N., 10.40 chs.,
Due E., 15.06 chs.,
N. 40° E., 2.50 chs.,
N. 19° E., 6.60 chs.,
N. 2° E., 2.70 chs.,
N. 8° W., 2.00 chs.,
N. 10° W., 4.00 chs.,
N. 16° W., 11.50 chs.,
N. 6° W., 5.25 chs.,
N. 8° W., 4.00 chs.,
N. 10° W., 6.75 chs.,
N. 18° E., 3.00 chs.,
E. 5.16 chs. to sec. line,
North along sec. line 13.21 chs. to point of beginning;
Excepted from the above is a tract of 94.50 acres, situated within the S½ of sec. 18, previously transferred by the Department of Agriculture to the Department of the Army by order published in the FEDERAL REGISTER dated 16 August, 1957;
Sec. 31, that part of the S½SE¼ lying north and west of the left bank of the Big Piney River.
T. 34 N., R. 11 W.,
Sec. 1, lot 7 NE¼, lot 7 NW¼;
Sec. 2, lots 3, 4, and 5 NE¼;
Sec. 3, lots 1 and 2 NE¼, E½ and E½W½ lot 7 NE¼, lots 1 and 2 NW¼, N½SE¼;
Sec. 5, E½ lot 1 NW¼;
Sec. 6, W½ lot 5 NW¼;
Sec. 8, S½;
Sec. 9, SW¼NW¼, W½SW¼;
Sec. 14, W½NE¼, E½NW¼;
Sec. 16, SE¼SW¼, SW¼SE¼;
Sec. 17, NW¼;
Sec. 18, lot 1 SW¼, SW¼SE¼;
Sec. 19, S½NE¼, NW¼NE¼, lot 1 NW¼, NE¼SE¼;
Sec. 20, S½NW¼;
Sec. 21, SE¼SW¼, SE¼;
Sec. 22, E½NE¼, N½SW¼, SW¼SW¼;
Sec. 23, that part of the NE¼NE¼ consisting of a strip of land one and ninety hundredths (1.90) chains wide, the center line of which is described as follows:
Beginning at a point 0.95 chains south of the northwest corner of the said NE¼ NE¼;
Thence S. 86° E., 16.50 chs.,
Thence S. 60° E., 4.50 chs., to the point of intersection with the east line of sec. 23, NW¼NE¼, N½NW¼, SE¼NW¼;
Sec. 31, SE¼NE¼, W½NE¼, lots 1 and 2 NW¼, lots 1 and 2 SW¼, SE¼.
T. 35 N., R. 11 W.,
Sec. 2, lots 1 and 2 NE¼, W½ of lots 1 and 2 NW¼, SE¼;
Sec. 3, NE¼SE¼;
Sec. 11, W½NE¼;
Sec. 12, SW¼;
Sec. 13, NW¼NE¼, SE¼NE¼, NW¼NW¼;

Sec. 16, S½;
Sec. 17, SE¼, W½SW¼;
Sec. 20, NW¼, N½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 21;
Sec. 25, SW¼NE¼ excepting that portion described as follows:
Beginning at the southwest corner of the SW¼NE¼;
Thence due E., 20.00 chs.,
Due N., 2.80 chs.,
S. 87° W., 4.80 chs.,
S. 80°30' W., 15.45 chs. to the point of beginning;
Sec. 26, NE¼, E½NW¼, N½SE¼, SE¼SE¼;
Sec. 27, SE¼NW¼;
Sec. 28, NE¼, SW¼, N½SE¼;
Sec. 29, SW¼NE¼;
Sec. 35, NE¼, S½SW¼SW¼;
Sec. 36, SW¼NW¼NE¼, NW¼, S½SW¼.

T. 34 N., R. 12 W.,
Sec. 2, SW¼SW¼;
Sec. 3, SE¼SE¼ except a tract of approximately 8 acres described as follows:
That part of the SE¼SE¼ lying north and west of the road which traverses the NW corner of said SE¼SE¼;
Sec. 9, SE¼;
Sec. 10, NE¼NE¼ except a tract of 6.36 acres described as follows:
Beginning at the southeast corner of said NE¼NE¼ thence north 3.18 chains, thence west 20 chains to the point of intersection with the west line of above described 40 acres, thence south 3.18 chains, thence east along the south line of the 40 acres to the point of beginning;
Sec. 11, NW¼NW¼ except a tract of about 8.58 acres described as follows:
Beginning at the southwest corner of the NW¼NW¼ thence north 3.18 chains, thence east 10.63 chains, thence south .34 chains, thence north 60° east to the point of intersection with the east line of the NW¼NW¼, thence south 8.25 chains, thence west 20 chains to the point of beginning, S½SW¼;
Sec. 14, N½SW¼, SW¼SW¼;
Sec. 15, NW¼NE¼, N½NW¼, SE¼NW¼, N½SE¼;
Sec. 16, E½NE¼, NW¼NE¼, NE¼SE¼;
Sec. 22, E½NE¼, S½SW¼, SE¼SE¼;
Sec. 23, SE¼SE¼;
Sec. 25, W½NW¼, E½SE¼;
Sec. 27, NW¼NE¼, NW¼;
Sec. 28, NE¼;
Sec. 33, W½NE¼;
Sec. 35, W½NW¼, SE¼NW¼;
Sec. 36, E½NE¼, SW¼, SE¼.

The described areas aggregate approximately 9,941.46 acres.

[F.R. Doc. 62-5645; Filed, June 8, 1962; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

FLATHEAD INDIAN RESERVATION

Transfer of Land Records to Billings Area Office

In accordance with 25 CFR 120 and pursuant to authority delegated by Amendment No. 49 to Secretarial Order 2508 (26 F.R. 11395), notice is hereby given that all source title documents and land records pertaining to trust or restricted Indian-owned lands on the Flathead Indian Reservation in the State of Montana, have been transferred from the City of Washington, D.C., to the Billings Area Office, Bureau of Indian Affairs, 804 North 29th Street, Billings, Montana.

Effective June 18, 1962, the Billings Area Office will be the office for the maintenance of records for all such trust and restricted lands.

JOHN O. CROW,
Acting Commissioner.

JUNE 5, 1962.

[F.R. Doc. 62-5634; Filed, June 8, 1962; 8:47 a.m.]

SWINOMISH INDIAN RESERVATION

Transfer of Land Records to Portland Area Office

MAY 29, 1962.

In accordance with 25 CFR 120 and pursuant to authority delegated by Amendment No. 49 to Secretarial Order 2508 (26 F.R. 11395), notice is hereby given that all source title documents and land records pertaining to trust or restricted Indian-owned lands on the Swinomish Indian Reservation in the State of Washington, have been transferred from the City of Washington, D.C., to the Portland Area Office, Bureau of Indian Affairs, 1002 Northeast Holliday Street, Portland 8, Oregon.

Effective May 28, 1962, the Portland Area Office will be the office for the maintenance of records for all such trust and restricted lands.

PHILLEO NASH,
Commissioner.

[F.R. Doc. 62-5647; Filed, June 8, 1962; 8:49 a.m.]

Bureau of Land Management

[BLM 063476]

FLORIDA

Notice of Filing of Plat of Survey

JUNE 4, 1962.

The Plat of Survey of the lands described below will be officially filed in this office effective 10 a.m. on July 16, 1962.

TALLAHASSEE MERIDIAN

	Area (acres)
T. 10 S., R. 26 E.:	
Sec. 33,	
lot 7	2.87
lot 8	8.87
lot 9	16.06
lot 10	7.47
Sec. 34, lot 11	3.65
T. 11 S., R. 26 E.:	
Sec. 3, lot 5	.82
Sec. 4,	
lot 5	11.46
lot 6	4.63
lot 7	1.81

The area described aggregates 57.64 acres.

The survey was made as an administrative measure to identify certain islands in the St. John River not heretofore included in the original surveys in these townships as shown on the respective plats of the townships.

The lands included in this survey are of a black clay loam formation and are low level land, reaching from 1 to 2 feet above water level of the St. Johns River. The timber species consists of ash, maple, elm, water oak, black gum, cypress, and cabbage palm; the undergrowth is young timber and vines, with some palmetto found. The formation of the islands is similar to that of the low land on the mainland that was included within the Joseph M. Hernandez grant; the timber growth is also similar to that found on the low land on the mainland and ranges in size from 4 to 30 inches in diameter. This attests to the fact that the islands have been in existence since 1845, when Florida was admitted into the Union, at the dates of the original surveys and resurveys, and all subsequent dates, and therefore have the status of public land.

The islands are swamp and overflow in character, and at times during extreme high tides, are inundated several days in succession.

The public lands affected by this notice are hereby open to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals and the requirements of applicable law, rules and regulations.

All inquiries relating to the lands should be directed to the Manager, Land Office, Division of Field Services, Bureau of Land Management, Washington 25, D.C.

H. K. SCHOLL,
Manager, Land Office.

[F.R. Doc. 62-5646; Filed, June 8, 1962; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

WEATHER BUREAU

Field Organization

MAY 24, 1962.

The following Appendix A to the order was issued by the Acting Secretary of Commerce on May 24, 1962. The material appearing at 26 F.R. 6746–6747 of July 27, 1961, is superseded as follows:

APPENDIX A

Field organization and location

The following abbreviations are used in this list:

DMO—District Meteorologist Office.
NHRP—National Hurricane Research Project.
NSSP—National Severe Storms Project.
NWRC—National Weather Records Center.
WBAS—Weather Bureau Airport Station.
WBO—Weather Bureau Office.
WBSC—Weather Bureau State Climatologist.
WBASO—Weather Bureau Agriculture Service Office.
WRPC—Weather Records Processing Center.
PSO—Pacific Supervisory Office.
RAO—Regional Administrative Office.
RFC—River Forecast Center.

WBAS, Abilene, Tex.
WBO, Agana, Guam, Mariana Islands.
WBAS, Akron, Ohio.
WBAS, Alamosa, Colo.
WBAS, WBO, Albany, N.Y.
WBAS, Albuquerque, N. Mex.
WBAS, Alexandria, La.
WBAS, Allentown, Pa.
WBAS, Alpena, Mich.
WBAS, Amarillo, Tex.
RAO, WBAS, WBSC, Anchorage, Alaska.
WBAS, Annette, Alaska.
WBO, Apalachicola, Fla.
WBO, NWRC, Asheville, N.C.
WBAS, Astoria, Oreg.

WBAS, WBSC, Athens, Ga.
WBAS, Atlanta, Ga.
WBAS, Atlantic City, N.J.
WBAS, RFC, Augusta, Ga.
WBAS, Austin, Tex.
WBAS, Bakersfield, Calif.
WBAS, Baltimore, Md.
WBAS, Barrow, Alaska.
WBAS, Barter Island, Alaska.
WBAS, Baton Rouge, La.
WBAS, Bethel, Alaska.
WBAS, Billings, Mont.
WBAS, Binghamton, N.Y.
WBAS, Birmingham, Ala.
WBAS, Bishop, Calif.
WBAS, Bismarck, N. Dak.
WBAS, Block Island, R.I.
WBAS, Blue Canyon, Calif.
WBAS, Boise, Idaho.
WBAS, WBSC, Boston, Mass.
WBAS, Bridgeport, Conn.
WBAS, Bristol, Tenn.
WBSC, Brookings, S.Dak.
WBAS, Brownsville, Tex.
WBAS, Buffalo, N.Y.
WBAS, Burbank, Calif.
WBAS, Burlington, Iowa.
WBAS, Burlington, Vt.
WBO, Burns, Oreg.
WBO, Burrwood, La.
WBO, Cairo, Ill.
WBSC, Champaign, Ill.
WBAS, Canton Island, Pacific.
WBO, Cape Hatteras, N.C.
WBO, Cape Henry, Va.
WBAS, Caribou, Maine.
WBAS, Casper, Wyo.
WBAS, Charleston, S.C.
WBAS, Charleston, W. Va.
WBAS, Charlotte, N.C.
WBAS, WRPC, Chattanooga, Tenn.
WBAS, Cheyenne, Wyo.
WBAS (Midway), Chicago, Ill.
WBAS (O'Hare), Chicago, Ill.
WBO (University), Chicago, Ill.
WBO (Downtown), Chicago, Ill.
WBAS, WBO, RFC, Cincinnati, Ohio.
WBAS, Clayton, N. Mex.
WBAS, Cleveland, Ohio.
WBAS, Cold Bay, Alaska.
WBAS, Colorado Springs, Colo.
WBAS, WBSC, Columbia, Mo.
WBAS, Columbia, S.C.
WBAS, Columbus, Ga.
WBAS, WBSC, Columbus, Ohio.
WBAS, Concord, N.H.
WBAS, Concordia, Kans.
WBAS, Cordova, Alaska.
WBAS, Corpus Christi, Tex.
WBASO, Corvallis, Oreg.
WBAS, Dallas, Tex.
WBAS, Dayton, Ohio.
WBAS, Daytona Beach, Fla.
WBO, Del Rio, Tex.
WBAS, WBSC, Denver, Colo.
WBAS, WBSC, Des Moines, Iowa.
WBAS (Willow Run), Detroit, Mich.
WBAS (Metropolitan), Detroit, Mich.
WBAS (City Airport), Detroit, Mich.
WBO, Devils Lake, N. Dak.
WBAS, Dodge City, Kans.
WBAS, Dubuque, Iowa.
WBAS, Duluth, Minn.
WBAS, Elkins, W. Va.
WBAS, Elko, Nev.
WBAS, El Paso, Tex.
WBAS, Ely, Nev.
WBAS, Erie, Pa.
WBO, Escanaba, Mich.
WBAS, Eugene, Oreg.
WBO, Eureka, Calif.
WBAS, Evansville, Ind.
WBAS, Fairbanks, Alaska
WBAS, Fargo, N. Dak.
WBAS, Flagstaff, Ariz.
WBAS, Flint, Mich.
WBAS, Florence, S.C.
WBAS, Fort Myers, Fla.
WBAS, Fort Smith, Ark.
WBAS, Fort Wayne, Ind.
RAO, WBAS, RFC, Fort Worth, Tex.
WBAS, Frederick, Md.
WBAS, Fresno, Calif.
WBSC, Gainesville, Fla.
WBAS, WBO, Galveston, Tex.
WBAS, Glasgow, Mont.
WBAS, Goodland, Kans.
WBAS, Grand Island, Nebr.
WBAS, Grand Junction, Colo.
WBAS, Grand Rapids, Mich.
WBAS, Great Falls, Mont.
WBAS, Green Bay, Wis.
WBAS, Greensboro, N.C.
WBAS, Greenville, S.C.
WBAS, Harrisburg, Pa.
WBAS, RFC, Hartford, Conn.
WBAS, Havre, Mont.
WBAS, Helena, Mont.
WBAS, Hilo, Hawaii
PSO, WBAS, WBSC, Honolulu, Hawaii
WBAS, Houston, Tex.
WBAS, Huntington, W. Va.
WBAS, Huntsville, Ala.
WBAS, Huron, S. Dak.
WBAS, Indianapolis, Ind.
WBAS, International Falls, Minn.
WBSC, Ithaca, N.Y.
WBAS, Jackson, Miss.
WBASO, Jackson, Tenn.
WBAS, Jacksonville, Fla.
WBAS, Johnston Island, Pacific
WBAS, Juneau, Alaska
WBAS, Kahului, Hawaii
WBAS, Kalispell, Mont.
RAO, DMO, WBAS, RFC, Kansas City, Mo.
WRPC, NSSP, Kansas City, Mo.
WBASO, Kearneysville, W. Va.
WBASO, Keiser, Ark.
WBAS, Key West, Fla.
WBAS, King Salmon, Alaska
WBAS, Klamath Falls, Oreg.
WBAS, Knoxville, Tenn.
WBO, Koror, Pacific.
WBAS, Kotzebue, Alaska.
WBAS, LaCrosse, Wis.
WBSC, Lafayette, Ind.
WBAS, Lake Charles, La.
WBO, Lakeland, Fla.
WBO, Lancaster, Pa.
WBAS, Lander, Wyo.
WBAS, WBASO, Lansing, Mich.
WBAS, Laredo, Tex.
WBAS, Las Vegas, Nev.
WBAS, Lewiston, Idaho.
WBAS, Lexington, Ky.
WBAS, Lihue, Hawaii.
WBO, Lincoln, Nebr.
WBAS, Little Rock, Ark.
WBAS, Long Beach, Calif.
WBAS, WBO, Los Angeles, Calif.
WBAS, Louisville, Ky.
WBAS, Lubbock, Tex.
WBAS, Lynchburg, Va.
WBAS, McGrath, Alaska.
WBAS, Macon, Ga.
WBAS, WBSC, Madison, Wis.
WBAS, Majuro, Pacific.
WBAS, Mansfield, Ohio.
WBO, Marguette, Mich.
WBAS, Meacham, Oreg.
WBAS, Medford, Oreg.
WBAS, WBO, Memphis, Tenn.
WBAS, Meridian, Miss.
DMO, WBAS, NHRP, Miami, Fla.
WBAS, Midland, Tex.
WBAS, Milford, Utah
WBAS, Milwaukee, Wis.
WBAS, WBO, Minneapolis, Minn.
WBAS, Missoula, Mont.
WBAS, Mobile, Ala.
WBAS, Moline, Ill.
WBAS, Montgomery, Ala.
WBO, Mount Shasta, Calif.
WBAS, Muskegon, Mich.
WBAS, Nantucket, Mass.
WBAS, Nashville, Tenn.
WBASO, New Brunswick, N.J.
WBAS, New Haven, Conn.
WBAS, WBO, New Orleans, La.
RAO, WBO, New York, N.Y.
WBAS (International), New York, N.Y.
WBAS (LaGuardia), New York, N.Y.
WBAS, Newark, N.J.
WBAS, Nome, Alaska.
WBAS, Norfolk, Nebr.
WBAS, Norfolk, Va.
WBAS, North Platte, Nebr.
WBAS, Oakland, Calif.
WBAS, WBSC, Oakland City, Okla.
WBAS, Olympia, Wash.
WBAS, Omaha, Nebr.
WBAS, Orlando, Fla.
WBO, Parkersburg, W. Va.
WBAS, Pendleton, Oreg.
WBO, Pensacola, Fla.
WBAS, Peoria, Ill.
WBAS, Philadelphia, Pa.
WBAS, Phoenix, Ariz.
WBAS, WBO, Pittsburgh, Pa.
WBAS, Pittsfield, Mass.
WBAS, Pocatello, Idaho.
WBO, Pomona, Calif.
WBO, Ponape, Pacific.
WBASO, Portageville, Mo.
WBAS, Port Arthur, Tex.
WBAS, Portland, Maine.
WBAS, WBO, RFC, Portland, Oreg.
WBAS, Prescott, Ariz.
WBAS, Providence, R.I.
WBAS, Pueblo, Colo.
WBAS, Raleigh, N.C.
WBAS, Rapid City, S. Dak.
WBAS, Raton, N. Mex.
WBO, Reading, Pa.
WBAS, Red Bluff, Calif.
WBO, Redding, Calif.
WBAS, Reno, Nev.
WBAS, Richmond, Va.
WBAS, Roanoke, Va.
WBAS, Rochester, Minn.
WBAS, Rochester, N.Y.
WBAS, Rockford, Ill.
WBAS, Rome, Ga.
WBAS, Roseburg, Oreg.
WBAS, Roswell, N. Mex.
WBAS, WBO, Sacramento, Calif.
WBAS, St. Cloud, Minn.
WBAS, St. Joseph, Mo.
WBAS, RFC, St. Louis, Mo.
WBAS, St. Paul Island, Alaska.
WBAS, Salem, Oreg.
RAO, WBAS, Salt Lake City, Utah.
WBAS, San Angelo, Tex.
WBAS, San Antonio, Tex.
WBO, Sandberg, Calif.
WBAS, San Diego, Calif.
WBO, Sandusky, Ohio.
WBAS, WBSC, WRPC, San Francisco, Calif.
WBAS, WBSC, San Juan, P.R.
WBAS, Santa Maria, Calif.
WBAS, Sault Ste Marie, Mich.
WBAS, Savannah, Ga.
WBAS, Scottsbluff, Nebr.
WBAS, Scranton, Pa.
WBAS (Boeing), Seattle, Wash.
WBAS (Seattle-Tacoma), WBO, Seattle, Wash.
WBO, Sexton Summit, Oreg.
WBAS, Shemya, Alaska.
WBAS, Sheridan, Wyo.
WBAS, Shreveport, La.
WBAS, Silver City, N. Mex.
WBAS, Sioux City, Iowa.
WBAS, Sioux Falls, S. Dak.
WBAS, South Bend, Ind.
WBAS, Spartanburg, S.C.
WBAS, Spokane, Wash.
WBAS, Springfield, Ill.
WBAS, Springfield, Mo.
WBO, Stampede Pass, Wash.
WBASO, Stoneville, Miss.
WBO, Swan Island, West Indies.
WBAS, Syracuse, N.Y.
WBAS, Tallahassee, Fla.
WBAS, Tampa, Fla.
WBO, Tatoosh Island, Wash.
WBAS, Texarkansas, Ark.
WBO, Thomasville, Ga.
WBASO, Tifton, Ga.
WBAS, Toledo, Ohio.
WBAS, WBSC, Topeka, Kans.
WBO, Trenton, N.J.
WBAS, Truk, Pacific.

WBAS, Tucson, Ariz.
WBAS, RPC, Tulsa, Okla.
WBASO, Twin Falls, Idaho.
WBAS, Valdosta, Ga.
WBAS, Valentine, Nebr.
WBO, Vicksburg, Miss.
WBAS, Victoria, Tex.
WBAS, Waco, Tex.
WBAS, Wake Island, Pacific.
WBO, Walla Walla, Wash.
DMO, Washington, D.C.
WBAS, Waterloo, Iowa.
WBO, Wenatchee, Wash.
WBAS, Wendover, Utah.
WBASO, Weslaco, Tex.
WBAS, West Palm Beach, Fla.
WBAS, Wichita, Kans.
WBAS, Wichita Falls, Tex.
WBAS, Williamsport, Pa.
WBAS, Williston, N. Dak.
WBAS, Wilmington, Del.
WBAS, Wilmington, N.C.
WBAS, Winnemucca, Nev.
WBAS, Winslow, Ariz.
WBAS, Winston Salem, N.C.
WBAS, Worcester, Mass.
WBAS, Yakima, Wash.
WBAS, Yakutat, Alaska.
WBO, Yap, Pacific.
WBAS, Youngstown, Ohio.
WBAS, Yuma, Ariz.

JOHN PRINCE,
Deputy Assistant Secretary for Administration.

[F.R. Doc. 62-5649; Filed, June 8, 1962; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-181]

MARTIN-MARIETTA CORP.

Notice of Proposed Issuance of Byproduct Material License

Please take notice that Martin-Marietta Corporation, Baltimore, Maryland, holder of Construction Permit No. CPCSF-1, has amended its application to delete operations with Curium 242 and its contaminants, including special nuclear material. The amended application concerns Strontium 90 and its associated contaminants and no longer concerns special nuclear material. Accordingly, the application is no longer subject to the requirements of Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", but is subject to the requirements of Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material." This facility will not be a "Production facility" as defined in section 11t. of the Atomic Energy Act of 1954, as amended, and § 50.2(a) of the Commission regulations, 10 CFR Part 50. Therefore, the publication in the FEDERAL REGISTER on March 21, 1961 (26 F.R. 2376), with respect to this facility, entitled, "Notice of Interim Establishment of Required Financial Protection and Indemnification Fee" should be disregarded, and neither financial protection will be required of nor will indemnity be extended to this licensee under section 170c of the Atomic Energy Act of 1954, as amended. However, there is Price-Anderson indemnity coverage under a contract between the Commission and Martin-Marietta pursuant to section 170d of the Atomic Energy Act of 1954, as amended.

Accordingly, please take notice that the Atomic Energy Commission proposes to issue to Martin-Marietta Corporation a byproduct material license substantially in the form set forth below.

The proposed license will authorize the possession and use of 500,000 curies of Strontium 90 and its associated radioactive contaminants for the production of isotopic power sources at the Martin-Marietta Corporation laboratory in Quehanna, Pennsylvania.

The Commission has found that the application as amended complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR.

Prior to issuance of the license, the facility will be inspected by representatives of the Commission to determine whether it has been constructed in accordance with the provisions of Construction Permit No. CPCSF-1.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the proposed issuance of this license may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this proposed issuance see (1) the application and amendments thereto and (2) the related safety analysis prepared by Process Evaluation Branch of the Division of Licensing and Regulation, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of Item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director of Licensing and Regulation.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

JUNE 6, 1962.

BYPRODUCT MATERIAL LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended, 10 CFR Part 30, "Licensing of Byproduct Material", and in reliance upon the statements and representations contained in the application dated January 25, 1961 and amendments thereto dated January 30, 1961; October 10, 1961; October 17, 1961; November 28, 1961; March 27, 1962; April 24, 1962; and May 10, 1962; (hereinafter collectively referred to as "the application"), Martin-Marietta Corporation, Baltimore, Maryland, (hereinafter referred to as "the licensee") is hereby authorized to receive, possess and use byproduct material at the licensee's laboratory at Quehanna, Pennsylvania, for the production of isotopic power sources.

The licensee shall be subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation", all other applicable rules, regulations, orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess Strontium 90 and its attendant radioactive impurities in excess of the below possession limits:
(a) 500,000 curies of Strontium 90.
(b) 150,000 curies of Strontium 89.
(c) 2,500 curies of Cerium 144.
(d) 2,500 curies of gross fission products other than Strontium 90, Strontium 89 and Cerium 144.

2. In lieu of the control device specified in § 20.203(c)(2) of Part 20, Title 10, Chapter I, CFR, control to high radiation areas shall be restricted by a "special absolute integrity locking system" as described in the licensee's document titled "V. Administrative Control."

3. Technical specifications: The entire application, as related to Strontium 90 processing, shall be considered as the technical specifications except in cases where said application conflicts with, or is more restrictive than, the following listed specifications. In such cases, the licensee is merely bound to the following listed specifications:
(a) The licensee may receive, possess and use Strontium 90 and its attendant radioactive impurities in the quantities specified in Section I of the licensee's application amendment dated March 27, 1962.
(b) The type and location of chemical reagents shall not be changed from, nor shall the quantity and average concentration of chemical reagents exceed, that which is specified in Figures IV-1 and IV-2 of the licensee's application amendment, dated March 27, 1962.
(c) Limitations on materials other than reagents in hot cells shall be as presented in Table IV-3 of the licensee's application amendment dated March 27, 1962.
(d) Process conditions of temperature and pressure shall not exceed those shown in Section V, MND-2410, Revision A, except that the process description therein is considered to be deleted.

Except as hereinafter provided, the licensee shall operate the facility only in accordance with the technical specifications. No changes shall be made in the technical specifications unless authorized by the Commission pursuant to paragraph 4 below.

4. Authorization of changes and experiments:
(a) The licensee may (i) make changes in the facility, (ii) make changes in the procedures, and (iii) conduct tests or experiments, unless the proposed change, test or experiment involves a change in the technical specifications or an unreviewed safety question, as defined in paragraph (b) of this section. The licensee shall maintain records of each change, test or experiment carried out pursuant to the authorization granted in this paragraph. If the proposed change, test or experiment involves a change in the technical specifications or an unreviewed safety question, it shall not be carried out unless authorized by the Commission pursuant to the procedures set forth in this section.
(b) A proposed change, test or experiment shall be deemed to involve an unreviewed safety question if (i) the probability of occurrence of a type of accident analyzed in the application may be increased; or (ii) if consequences of any type of accident analyzed in the application may be increased; or (iii) if such change, test or experiment may create a credible probability of a radiation accident of a different type than any analyzed in the application.
(c) With respect to any change, test or experiment which must be authorized by the Commission pursuant to paragraph (a) of this section, the licensee shall submit a request for such authorization accompanied by an appropriate safety analysis.
(d) The Commission may authorize the proposed change, test or experiment upon finding that there is reasonable assurance that the health and safety of the public will not be endangered.

5. Byproduct material shall be used by, or under the supervision of, Howard D. Cross, Robert M. Duff, John M. Glasgow, William K. Goodman, George W. Karl, John W. Meade, Elmer E. Shields, Donald Spangler, or William S. Stringham.

6. This license is effective as of the date of issuance and shall expire two (2) years from the last day of the month in which this license is issued.

Dated at Germantown, Md., this ------ day of ------, 1962.

For the Atomic Energy Commission.

[F.R. Doc. 62-5665; Filed, June 8, 1962; 8:51 a.m.]

[Docket No. 50-13]

BABCOCK AND WILCOX CO.

Notice of Issuance of Amendment to Utilization Facility License

Please take notice that the Atomic Energy Commission has issued Amendment No. 5, set forth below, to Facility License No. CX-10. The amendment authorizes The Babcock and Wilcox Company, as requested by its application for license amendment dated March 12, 1962, and the supplement thereto dated April 24, 1962, to conduct certain experiments using light and heavy water mixtures as moderator at power levels up to one kilowatt thermal in its Spectral Shift Control Reactor Critical Experiment Facility ("the facility") situated in Bay No. 2 in its Critical Experiment Laboratory located near Lynchburg, Virginia.

The Commission has found that:

1. Operation of the facility in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

2. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

3. Prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the facility in accordance with the license, as amended, will not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operations.

Within not less than fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment see (1) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) the licensee's applications for license amendment dated March 12, 1962 and April 24, 1962, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 31st day of May 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. CX-10; Amdt. 5]

License No. CX-10 issued to The Babcock and Wilcox Company ("the licensee") is hereby amended in the following respects:

1. In addition to the activities previously authorized by the Commission by License No. CX-10, as amended, the licensee is authorized, as requested by its application for license amendment dated March 12, 1962 as supplemented by an amendment thereto dated April 24, 1962, (both hereinafter referred to as the application) to conduct certain experiments using light and heavy water mixtures as moderator at power levels up to one kilowatt thermal in its Spectral Shift Control Reactor Critical Experiment Facility ("the facility") situated in Bay No. 2 in its Critical Experiment Laboratory located near Lynchburg, Virginia.

The experiments shall be conducted in accordance with the procedures and subject to the limitations in License No. CX-10, as amended, in the application for license amendment and the following additional conditions:

a. The licensee shall inspect the cadmium-stainless steel control blades at least once every six weeks to determine if any separation of the sheets has occurred. A written record shall be made by the licensee of each such inspection.

b. The fuel loading in the facility shall be such that the total excess reactivity above cold, clean critical does not exceed 2 percent delta k/k.

c. The minimum shutdown margin with the most reactive control blade withdrawn completely from the core shall be at least 1 percent delta k/k.

d. The maximum rate at which reactivity may be inserted through normal withdrawal of control blades from the reactor core shall not exceed 0.05 percent delta k/k second.

e. At any time when k effective of the facility is greater than 0.98, the reactivity rate resulting from the addition of moderator shall not be permitted to exceed 0.05 percent delta k/k second.

2. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", the licensee is authorized to receive, possess and use in connection with the conduct of the experiments authorized by this Amendment No. 5 up to 575 kilograms of contained uranium-235 and up to 160 grams of plutonium contained in plutonium-beryllium neutron sources.

3. Pursuant to the Act and Title 10, CFR, Chapter I, Part 40, "Licensing of Source Material", the licensee is authorized to receive, possess and use in connection with the conduct of the experiments authorized by this Amendment No. 5 up to 1155 kilograms of ThO_2.

4. As promptly as practicable, but no later than 60 days after the initial criticality attained in the facility during the conduct of the experiments authorized by this Amendment No. 5, the licensee shall submit a written report to the Commission describing the measured values obtained during the initial criticality of the nuclear parameters listed below and evaluating any significant variation of a measured parameter from the corresponding predicted value:

a. Total worth of the control blades;
b. Minimum shutdown margin both at room and operating temperature;
c. Maximum worth of the single control blade of highest reactivity value; and
d. Maximum total and individual worth of any fixed or movable experiments inserted in the reactor.

5. The licensee shall promptly submit a written report to the Commission whenever, during operation of the facility subsequently to initial criticality, any of the nuclear characteristics of the facility, including those described in paragraph 4 above and the application, is observed to vary significantly from its predicted value.

This amendment is effective as of the date of issuance.

Date of issuance: May 31, 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-5616; Filed, June 8, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13674; Order No. E-18411]

NORTH CENTRAL AIRLINES, INC.

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of June 1962.

In the matter of the North Central Airlines, Inc. "Use It or Lose It" Investigation of Transborder Route 86F.

The Board in the past three and one-half years has made extensive awards to local service carriers subject to its "use it or lose it" policy. This policy contemplates an early reassessment of the traffic response to the newly authorized services in order to determine whether sufficient use was being made of them to warrant their continuation. The Board specifically set a minimum standard of use which required that each city, whether certificated on a temporary or an indefinite basis, originate an average of five passengers daily for the twelve months following the initial six months of service, and indicated that it would, in the absence of unusual or compelling circumstances, institute a formal investigation to determine whether a city should lose its air service for lack of use in the event it does not meet the standard. Further, the Board stated that it would similarly reassess the traffic results on each route segment for the same twelve-month period. The minimum standard in this regard required an average passenger load of seven passengers per flight during the trial period,

and provided that an inadequate traffic response on any segment would result in the institution of appropriate proceedings to determine whether the subject segment should be suspended or deleted. In addition, with respect to those segments experiencing average passenger loads ranging between five and seven passengers per flight, it was provided that formal proceedings looking toward the termination of service would be instituted, except in those situations in which unusual circumstances such as extreme isolation or national defense may dictate the contrary. (Seven States Area Investigation, Order E–13254, December 8, 1958).

Pursuant to Order E–15741, served September 7, 1960, North Central Airlines, Inc. (North Central) inaugurated service on December 1, 1960, between the terminal point Duluth, Minn.-Superior, Wisconsin and the terminal point Port Arthur-Fort William, Ontario, Canada (segment 2); and between the terminal point Hancock-Houghton, Michigan, and the terminal point Port Arthur-Fort William, Ontario, Canada (segment 3).

In accordance with the Board's "Use It or Lose It" policy, the designated review period for segments 2 and 3 of route 86F elapsed on May 31, 1962. As indicated by Appendix A[1] to this order, use of both segments has been substantially below the minimum standards established by the Board. Moreover, originations at Port Arthur-Fort William, for segments 2 and 3 combined, averaged only 6.5 passengers per day for the 12 months ending March 31, 1962, thus failing to achieve the minimum of 5 passengers per day for each segment. No trend is presently evident which would result in the attainment of even the minimum standards in a reasonable length of time.

In view of the foregoing, the Board is hereby instituting an investigation to determine whether the public convenience and necessity require the continuation, and if so for what period, or the suspension or elimination of North Central's authority to serve segment 2 and segment 3 of its route 86F. We will not consider new or previously filed route applications of any carrier nor possible certificate modifications, except as contemplated herein, and we intend that this investigation shall be conducted so that it may proceed promptly and be disposed of in the shortest possible time allowing for a decision upon an adequate record. For the guidance of the parties in presenting their respective cases, we note that data reflecting traffic, service, and costs will be of particular significance in reaching our decision in this investigation, and we expect North Central to submit as direct exhibits in this case data which reflect the quality, quantity, and other characteristics of service it has provided over the segments and at the points here in issue.

Accordingly, it is ordered:

1. That an investigation be and hereby is instituted pursuant to section 401(g) of the Act to determine whether the public convenience and necessity require the continuation, and if so, for what period or suspension or elimination of the authority of North Central to serve:

Segment 2 of Route 86F: between Duluth, Minn.-Superior, Wis. and Port Arthur-Fort William, Ontario, Canada.

Segment 3 of Route 86F: between Hancock-Houghton, Mich. and Port Arthur-Fort William, Ontario, Canada.

2. That this investigation, to be known as the North Central Airlines, Inc., "Use It or Lose It" Investigation of Transborder Route 86F, Docket 13674 shall be set down for hearing before an Examiner of the Board at a time and place to be hereafter determined;

3. That a copy of this order shall be served upon North Central Airlines, Inc.; and the cities of Duluth, Minn.; Superior, Wis.; Hancock, Michigan; Houghton, Mich.; Port Arthur, Ontario, Canada; and Fort William, Ontario, Canada, who are hereby made parties to this proceeding; and

4. That a copy of this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62–5651; Filed, June 8, 1962; 8:49 a.m.]

[1] Filed as part of the original document.

FEDERAL MARITIME COMMISSION

[Commission Order 1 (Amended), Amdt. 2]

ORGANIZATION AND FUNCTIONS

Delegation of Authority To Special Permission Committee

The basic order is hereby amended by a restatement of section 8 in its entirety, as follows:

SEC. 8 *Specific authorities delegated to the Special Permission Committee (Secretary, Executive Director, and the Regulations Consultant).*

8.01 Authority, acting as the Special Permission Committee, to approve Special Permission applications for relief from a statutory and/or Commission tariff requirement for any relief sought beyond that delegated to the Executive Director in section 7.02 of this order.

8.02 In the absence of the Executive Director or the Secretary to whom this authority is delegated the Deputy Executive Director and the Assistant Secretary are authorized to act for their respective supervisors.

8.03 The Executive Director is designated as the Chairman of the Special Permission Committee with authority to prescribe rules for the conduct of Committee activities, including the recording of actions and recommendations.

Dated: June 1, 1962.

THOS. E. STAKEM,
Chairman.

[F.R. Doc. 62-5652; Filed, June 8, 1962; 8:49 a.m.]

CAROLINA SHIPPING CO. AND UNIVERSAL TRANSPORT CORP.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreement has been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 8878, between Carolina Shipping Company and Universal Transport Corp., provides for a non exclusive cooperative working arrangement with regard to forwarding and brokerage fees. The parties have agreed to divide the forwarding, service, and brokerage fees, for each shipment handled on behalf of the other, as per negotiation. Both parties have received an application number as an independent ocean freight forwarder. This agreement will be terminated upon written notice to the other, and upon prompt notice to the Federal Maritime Commission.

Interested persons may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to it, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: June 6, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5653; Filed, June 8, 1962; 8:49 a.m.]

T. J. HANSON ET AL.

Notice of Agreements Filed for Approval; Correction Notices

Agreement No. 8854 between T. J. Hanson (Beaumont, Texas) and Universal Transport Corp. (New York, New York), appearing in the FEDERAL REGISTER May 1, 1962, has been withdrawn by the parties. This action was taken because an agreement with the same terms (8844) had been previously filed. Agreement No. 8844 appeared in the FEDERAL REGISTER on April 20, 1962.

Agreement No. 8824 between T. J. Hanson (Beaumont, Texas) and W. R. Zanes and Company (Houston, Texas), appearing in the FEDERAL REGISTER on April 20, 1962, has been withdrawn by the parties. Agreement No. 8856 between these parties takes the place of Agreement No. 8824. Agreement No. 8856 appeared in the FEDERAL REGISTER on May 22, 1962.

Dated: June 6, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5654; Filed, June 8, 1962; 8:49 a.m.]

STONE FORWARDING CO., INC., AND A. V. BERNER AND CO., INC.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agrement has been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 8901, between the Stone Forwarding Company, Inc. and A. V. Berner and Company, Inc., provides for a nonexclusive cooperative working arrangement. The parties agree to divide forwarding fees for shipments handled on behalf of the other as per negotiation. Ocean freight brokerage shall be divided 50%/50%. This agreement may be terminated by the parties upon written notice to the other. Both parties have received an application number as an independent ocean freight forwarder.

Interested persons may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation Federal Maritime Commission, Washington 25, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to it, and their position as to aproval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: June 6, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5655; Filed, June 8, 1962; 8:50 a.m.]

[Docket No. 1060]

FEDERAL AND ATLANTIC LAKES LINES

Notice of Filing of Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Federal and Atlantic Lakes Lines has filed with the Commission, pursuant to section 3 of Public Law 87–346, a proposed Exclusive Patronage (Dual Rate) Contract, modified for the purpose of conforming such contract to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b.

Interested parties may inspect a copy of the contract at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: June 6, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5656; Filed, June 8, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2100]

DEPARTMENT OF WATER RESOURCES OF STATE OF CALIFORNIA

Notice of Application for Amendment of License

JUNE 4, 1962.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Department of Water Resources of the State of California (correspondence to Alfred R. Golze, Chief Engineer, Department of Water Resources, State of California, P.O. Box 388, Sacramento 2, California) for amendment of the license for water-power Project No. 2100, to be known as "Oroville Division, State Water Facilities" (formerly known as the Feather River Project, Oroville Division), and located on the Feather River and its tributaries near Oroville in Butte County, California, and affecting navigable waters of the United States and lands of the United States, some of which are within the Plumas and Lassen National Forests and certain lands held in trust by the United States for Indians, to revise the proposed project so that it would be described as follows: Oroville Dam and Reservoir: An earth-fill dam across the Feather River about 5.5 miles upstream from Oroville, about 735 feet high above streambed with crest length of 6,800 feet including gated spillway and flood control outlet section on the right abutment; three auxiliary earth-fill dams at low points in the periphery of the reservoir; and a reservoir with storage capacity of 3,484,200 acre-feet and water surface of 15,485 acres at normal surface elevation 900; Oroville Power Plant: An underground powerhouse located in the left abutment of Oroville Dam with installation of three 117,000-kilowatt conventional generating units and three combined pump-turbine, motor-generator units each rated 87,000 kilowatts as generator; two 22-foot penstocks from intake structure to the powerhouse and two 35-foot tailrace tunnels from powerhouse to the Feather River at the toe of the dam; step-up transformers; and an access tunnel from the surface adequate for railroad rolling stock (Future development contemplates doubling the capacity at Oroville with six units in a separate powerhouse); Thermalito Diversion Dam: A concrete gravity overflow type dam across Feather River about 0.85 mile above the Oroville-Chico highway bridge at Oroville, about 151 feet high above streambed, with crest length of 1,280 feet including 630 feet of radial crest gates, impounding a reservoir with storage capacity of 13,400 acre-feet at normal water surface elevation 225; Thermalito Power Canal: An earth-cut canal extending approximately two miles between Thermalito Diversion Dam and Thermalito Forebay, originally to have capacity of 16,400 cfs and to be enlarged to 32,800 cfs capacity ultimately; Thermalito Forebay Dam: An earth-fill dam located in sec. 10, T. 19 N., R. 3 E., MDB&M, about 70 feet high with crest length of 1,220 feet and forming, with approximately 2½ miles of earth levee, a reservoir with 11,750 acre-feet of storage capacity at normal water surface elevation 225; and Thermalito Power Plant at the right end of the dam with initial installation of one 31,800-kilowatt conventional generating unit and two combined pump-turbine, motor-generator units each rated 30,100 kilowatts as generator with step-up transformers, and with provisions for future construction to enlarge plant capacity; Thermalito Afterbay Dam: An earth-fill dam with maximum height of 30 feet and total length of 41,400 feet located in secs. 18, 19, 30, 31, 32, 33 and 34 T. 19 N., R. 3 E., MDB&M, impounding a reservoir with gross storage capacity of 57,500 acre-feet, of which 45,000 acre-feet will be active storage, such reservoir to be supplied by an earth-cut channel from the tailrace of Thermalito Power Plant; Two 230-Kilovolt Switchyards: One located on the left bank of Feather River immediately downstream from Oroville Dam; the other downstream and to the right of Thermalito Forebay Dam; Thermalito-Oroville Transmission Line: A 230-kilovolt line between 230-kilovolt switchyards at Thermalito and Oroville Power Plants; Palermo Outlet Works: A tunnel through left abutment of Oroville Dam, to supply Palermo Irrigation Canal; and Feather River Hatchery: A concrete gravity overflow type Fish Barrier Dam across Feather River about ¼ mile above the Oroville-Chico highway bridge at Oroville, about 30 feet high above streambed and 600 feet long; a fish ladder from the river just below the dam to the hatchery facilities on the right bank; a gathering and spawning building; hatchery building; an artificial spawning channel; and holding tanks, nursery tanks, and rearing ponds. Other License Changes: The application further proposes the deletion of license Articles 33 and 34 and the modification of license Article 29, all of which pertain to the protection of fish resources; and the modification of license Article 38 as it pertains to the clearing of land within Oroville Reservoir.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or

petitions may be filed is July 9, 1962. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5625; Filed, June 8, 1962; 8:46 a.m.]

[Docket No. G-13183 etc.]

PLACID OIL CO. ET AL.

Notice of Severance, Extension of Time and Postponement of Hearing

JUNE 4, 1962.

Placid Oil Company, Operator, et al., Docket Nos. G-13183, et al.; Beck Oil Company, et al., Docket No. G-17402.

Upon consideration of the request filed by Applicant in the above-designated matter, notice is hereby given that Docket No. G-17402, Beck Oil Company, is hereby severed from the proceedings consolidated by order issued March 7, 1962, as modified by notice issued May 24, 1962, under the lead docket, Placid Oil Company, Operator, et al., Docket Nos. G-13183, et al.

An extension is hereby granted to the participant in the proceeding severed hereby to and including June 18, 1962 within which to serve and file data specified by Paragraph (C) of the Commission's order issued March 7, 1962; and that a hearing in the severed proceeding is scheduled to commence at 10:00 a.m., June 29, 1962, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5626; Filed, June 8, 1962; 8:46 a.m.]

[Docket No. CP62-240]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application and Date of Hearing

JUNE 4, 1962.

Take notice that on April 13, 1962, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 296, Houston, Texas, filed in Docket No. CP62-240 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon its 8-inch Chester Coke Lateral previously used in rendering natural gas service to Philadelphia Electric Company for use in its coke oven plant in Chester, Pennsylvania, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that the plant served by the subject pipeline is no longer operated for the purpose for which it was receiving gas and that sales are no longer being made by Applicant at this location. Applicant has entered into an agreement with Philadelphia Electric Company to sell the line for $3,087, which is more than could be obtained through an attempt to salvage the pipe, Applicant states.

The subject facilities were authorized by the Commission in Docket No. G-704.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 10, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 29, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5627, Filed, June 8, 1962; 8:46 a.m.]

FEDERAL TRADE COMMISSION

[File No. 21-546]

KOSHER FOOD PRODUCTS AND KOSHER PRODUCTS INDUSTRY

Notice of Trade Practice Conference

A trade practice conference for the Kosher Food Products and Kosher Products Industry will be held under the auspices of the Federal Trade Commission commencing at 10 a.m., e.s.t., on Thursday, June 28, 1962, in the Assembly Room at 2 Rector Street, New York, New York.

The conference will be held under the general supervision of the Honorable Sigurd Anderson, Federal Trade Commissioner, and will constitute the first step in a proceeding authorized by the Commission to establish trade practice rules for this industry.

Members of this industry are persons, firms, corporations, and organizations including manufacturers, wholesalers, jobbers, distributors, importers, retailers, and others engaged in the sale, offering for sale, or distribution of industry products such as, but not limited to, soups, bakery products, fish, pickles, condiments, soaps, cleansing powders, and polishes. Meats and poultry are excluded. All industry products are identified by an inscription on the product, or the container thereof, of the word Kosher in any language, or the use of a six-pointed star or other symbol, or the use of English text drawn to suggest or simulate Hebrew text.

The purpose of the conference is to afford all members of this industry an opportunity to consider, and propose for establishment, subject to the Commission's approval, rules designed to eliminate and prevent unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses violative of laws administered by the Commission. Any industry member may submit suggested trade practice rules for consideration at the conference and take part in the consideration and discussion of proposals or suggestions presented by others.

Among the subjects for rules which have been suggested for consideration at the conference are: Exclusive Dealing, Fictitious Pricing, Misrepresentation in General and Inducing Breach of Contract as well as discriminatory and preferential treatment to favored retail outlets by the furnishing of special displays or return privileges not accorded all competing customers.

After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

Authorized: March 27, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-5701; Filed, June 8, 1962; 8:52 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 382]

CONNECTICUT

Declaration of Disaster Area

Whereas, it has been reported that during the month of May 1962, because of the effects of certain disasters, damage resulted to residences and business property located in New Haven County in the State of Connecticut;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on or about May 24, 1962.

OFFICES

Small Business Administration Regional Office,
42 Broadway,
New York 4, N.Y.

Small Business Administration Branch Office,
44 Gillett Street,
Hartford, Conn.

2. A temporary field office will be established at Waterbury, Connecticut, address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1962.

Dated: May 25, 1962.

C. R. LANMAN,
Deputy Administrator.

[F.R. Doc. 62-5686; Filed, June 8, 1962; 8:51 a.m.]

[Declaration of Disaster Area 383]

TEXAS

Declaration of Disaster Area

Whereas, it has been reported that during the month of May 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Haskell County in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on or about May 26, 1962.

OFFICES

Small Business Administration Regional Office,
Fidelity Building,
1000 Main Street,
Dallas 2, Tex.

Small Business Administration Branch Office,
Veterans Administration Building, Room 212,
1616 19th Street,
Lubbock, Tex.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1962.

Dated: May 29, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-5687; Filed, June 8, 1962; 8:51 a.m.]

OFFICES

Small Business Administration Regional Office,
42 Broadway,
New York 4, N.Y.

Small Business Administration Branch Office,
44 Gillett Street,
Hartford, Conn.

2. A temporary field office will be established at Waterbury, Connecticut, address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1962.

Dated: May 25, 1962.

C. R. LANMAN,
Deputy Administrator.

[F.R. Doc. 62-5686; Filed, June 8, 1962; 8:51 a.m.]

[Declaration of Disaster Area 383]

TEXAS

Declaration of Disaster Area

Whereas, it has been reported that during the month of May 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Haskell County in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on or about May 26, 1962.

OFFICES

Small Business Administration Regional Office,
Fidelity Building,
1000 Main Street,
Dallas 2, Tex.

Small Business Administration Branch Office,
Veterans Administration Building, Room 212,
1616 19th Street,
Lubbock, Tex.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1962.

Dated: May 29, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-5687; Filed, June 8, 1962; 8:51 a.m.]

[Declaration of Disaster Area 384]

KANSAS

Declaration of Disaster Area

Whereas, it has been reported that during the month of May 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Reno and Harvey Counties in the State of Kansas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on or about May 24, 1962.

OFFICES

Small Business Administration Regional Office,
Home Savings Building, Fifth Floor,
1006 Grand Avenue,
Kansas City 6, Mo.

Small Business Administration Branch Office,
Board of Trade Building, Room 215,
120 South Market Street,
Wichita 2, Kans.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1962.

Dated: May 29, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-5688; Filed, June 8, 1962; 8:52 a.m.]

[Declaration of Disaster Area 385]

OKLAHOMA

Declaration of Disaster Area

Whereas, it has been reported that during the month of May 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Washita County in the State of Oklahoma;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on or about May 25, 1962.

OFFICES

Small Business Administration Regional Office,
Fidelity Building,
1000 Main Street,
Dallas 2, Tex.

Small Business Administration Branch Office,
U.S. Post Office Building, Room 807,
3d and Robinson,
Oklahoma City 2, Okla.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1962.

Dated: May 29, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-5689; Filed, June 8, 1962; 8:52 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 6, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37776: *Lumber to points in WTL territory.* Filed by Western Trunk Line Committee, Agent (No. A-2255), for interested rail carriers. Rates on lumber and lumber articles, as described in the application, in carloads, from Clearmont, Parkman, Ranchester, Riverton and Sheridan, Wyo., to points in western trunk-line territory.

Grounds for relief: Market competition.

Tariffs: Supplement 24 to Chicago and North Western Railway tariff I.C.C. 11349 and supplement 51 to Chicago, Burlington & Quincy Railroad tariff I.C.C. 20452.

FSA No. 37777: *Iron and steel articles to points in Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-8223), for interested rail carriers. Rates on iron and steel articles, as described in the application, in carloads, from points in Illinois, Minnesota, Missouri, and Oklahoma, also Minnequa, Colo., and Milwaukee, Wis., to Fondren, Nadeau, San Leon and Seabrook, Tex.

Grounds for relief: Market competition.

Tariff: Supplement 257 to Southwestern Freight Bureau tariff I.C.C. 4308.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-5644; Filed, June 8, 1962; 8:48 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 5, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37775: *Substituted service—NYNH&H for Darcy Transportation Company, et al.* Filed by The New York, New Haven and Hartford Railroad Company, for itself and interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Harlem River, N.Y., on the one hand, and Boston, Mass., and Providence, R.I., on the other, on traffic originating at such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-5583; Filed, June 7, 1962; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—JUNE

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VOLUME 27 NUMBER 113

Washington, Tuesday, June 12, 1962

THE UNIVERSITY OF MICHIGAN
JUN 19 1962
MAIN READING ROOM

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Title 3—THE PRESIDENT

Proclamation 3478

FLAG DAY, 1962

By the President of the United States of America

A Proclamation

WHEREAS the American flag symbolizes the strength, honor, ideals, and national purposes of our Nation; and

WHEREAS under this flag people of diverse origins and religious beliefs have found surcease from oppression and an opportunity for a better life; and

WHEREAS the Stars and Stripes have always inspired our men to deeds of valor and sacrifice in safeguarding our heritage and advancing the cause of world freedom; and

WHEREAS in these challenging times this generation of Americans is once again called upon to muster the courage, steadfastness, and vigilance needed to protect the principles symbolized by our flag; and

WHEREAS the Congress, by a joint resolution approved August 3, 1949 (63 Stat. 492), designated June 14 of each year as Flag Day in commemoration of the adoption of the flag of the United States by the Continental Congress on June 14, 1777, and requested the President to issue annually a proclamation calling for its observance:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby direct that the flag of the United States be displayed on all Government buildings on Thursday, June 14, 1962; and I call upon the people to observe that day with appropriate ceremonies designed to honor our national emblem.

I also urge our citizens to pause during this day to rededicate themselves to the principles and ideals for which our flag stands.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this sixth day of June in the year of our Lord nineteen hundred and sixty-two, and of the [SEAL] Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-5755; Filed, June 8, 1962; 2:17 p.m.]

Executive Order 11026

AMENDMENT OF EXECUTIVE ORDER NO. 11025,[1] CREATING A BOARD OF INQUIRY TO REPORT ON A LABOR DISPUTE AFFECTING THE AIRCRAFT INDUSTRY OF THE UNITED STATES

By virtue of the authority vested in me by Section 206 of the Labor Management Relations Act, 1947, 61 Stat. 155 (29 U.S.C. 176), I hereby amend the first paragraph of Executive Order No. 11025 of June 7, 1962, entitled "Creating a Board of Inquiry to Report on a Labor Dispute Affecting the Aircraft Industry of the United States," to read as follows:

"WHEREAS, there exists a labor dispute between Republic Aviation Corporation, Farmingdale, Long Island, New York, and certain of its employees represented by Republic Lodge 1987, International Association of Machinists, AFL–CIO; Local Union 775, United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, AFL–CIO; International Brotherhood of Electrical Workers, Local Union 25, AFL–CIO; Local Union 1318, United Brotherhood of Carpenters and Joiners of America, AFL–CIO; and International Union of Operating Engineers, Local Unions 30 and 30–A, AFL–CIO; and between John G. Sharp, Cafeteria Concessionaire at this Republic Aviation Corporation facility and certain employees represented by Local 164, Hotel and Restaurant Employees and Bartenders International Union, AFL–CIO; and"

JOHN F. KENNEDY

THE WHITE HOUSE,
June 8, 1962.

[F.R. Doc. 62–5801; Filed, June 11, 1962; 10:50 a.m.]

[1] 27 F.R. 5467.

Executive Order 11027

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE NEW YORK CENTRAL RAILROAD COMPANY SYSTEM AND THE PITTSBURGH AND LAKE ERIE RAILROAD COMPANY AND CERTAIN OF THEIR EMPLOYEES

WHEREAS a dispute exists between the New York Central Railroad Company System and the Pittsburgh and Lake Erie Railroad Company and certain of their employees represented by the Order of Railroad Telegraphers; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by Section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board of three members, to be appointed by me, to investigate this dispute. No member of the board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

The board shall report its findings to the President with respect to this dispute within thirty days from the date of this order.

As provided by Section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the New York Central Railroad Company System and the Pittsburgh and Lake Erie Railroad Company, or by their employees, in the conditions out of which this dispute arose.

JOHN F. KENNEDY

THE WHITE HOUSE,
June 8, 1962.

[F.R. Doc. 62-5802; Filed, June 11, 1962; 10:50 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 28—COTTON CLASSING, TESTING, AND STANDARDS

Subpart C—Standards

AMENDED OFFICIAL COTTON STANDARDS OF THE UNITED STATES FOR THE GRADE OF AMERICAN UPLAND COTTON

On May 12, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 4557) regarding proposed revisions in the Official Cotton Standards of the United States for the Grade of American Upland Cotton (7 CFR 28.401—28.481), also termed "Universal Standards for American Cotton," pursuant to authority contained in section 10 of the United States Cotton Standards Act, as amended (42 Stat. 1519; 7 U.S.C. 61), and in section 4854 of the Internal Revenue Code of 1954 (68A Stat. 580; 26 U.S.C. 4854).

Statement of considerations. In early March 1962 proposed revised physical standards for the grades of White, Spotted, and Tinged cotton were developed by a working group representing cotton producers, ginners, shippers, manufacturers and the cotton standards staff of the Department. Subsequently, these proposed standards were displayed and explained at eight central locations in the United States, and at several locations abroad for the overseas Signatory Associations of the Universal Cotton Standards Agreement. The proposed standards were then considered at the Universal Cotton Standards Conference held at the Department on May 24–25. All overseas Signatory Associations and 42 domestic cotton associations of producers, ginners, manufacturers, shippers, and exchanges were represented at this conference. The conference recommended the proposed standards for adoption after the following adjustments were made: (1) replacement of one sample in the Strict Low Middling standard; (2) slight adjustment for preparation in one sample in the Middling Tinged standard; and (3) replacement of 4 samples in the Strict Middling Tinged standard. These adjustments are minor and it appears that further rule making procedure under section 4 of the Administrative Procedure Act prior to the issuance of the revised standards would not make additional information available to the Department. Therefore, under said section 4 it is found upon good cause that such further rule making procedure is unnecessary.

For the purposes of the aforesaid acts and pursuant to the authority contained therein, and after consideration of all relevant written and oral data, views, and arguments concerning the proposals, including those presented at the 1962 Universal Cotton Standards Conference, the provisions in §§ 28.402, 28.403, 28.405, 28.407, 28.409, 28.411, 28.413, 28.431, 28.432, 28.433, 28.434, 28.441, 28.442, 28.443, 28.444 and 28.475 of said standards are hereby revised to read respectively as follows, effective on and after June 15, 1963:

§ 28.402 Good Middling.

Good Middling is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Good Middling, effective June 15, 1963."

§ 28.403 Strict Middling.

Strict Middling is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Middling, effective June 15, 1963."

§ 28.405 Middling.

Middling is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Middling, effective June 15, 1963."

§ 28.407 Strict Low Middling.

Strict Low Middling is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Low Middling, effective June 15, 1963."

§ 28.409 Low Middling.

Low Middling is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Low Middling, effective June 15, 1963."

§ 28.411 Strict Good Ordinary.

Strict Good Ordinary is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Good Ordinary, effective June 15, 1963."

§ 28.413 Good Ordinary.

Good Ordinary is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Good Ordinary, effective June 15, 1963."

§ 28.431 Strict Middling Spotted.

Strict Middling Spotted is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Middling Spotted, effective June 15, 1963."

§ 28.432 Middling Spotted.

Middling Spotted is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Middling Spotted, effective June 15, 1963."

§ 28.433 Strict Low Middling Spotted.

Strict Low Middling Spotted is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Low Middling Spotted, effective June 15, 1963."

§ 28.434 Low Middling Spotted.

Low Middling Spotted is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Low Middling Spotted, effective June 15, 1963."

§ 28.441 Strict Middling Tinged.

Strict Middling Tinged is American upland cotton which in color, leaf, and preparation is within the range repre-

sented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Middling Tinged, effective June 15, 1963."

§ 28.442 Middling Tinged.

Middling Tinged is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Middling Tinged, effective June 15, 1963."

§ 28.443 Strict Low Middling Tinged.

Strict Low Middling Tinged is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Low Middling Tinged, effective June 15, 1963."

§ 28.444 Low Middling Tinged.

Low Middling Tinged is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Low Middling Tinged, effective June 15, 1963."

§ 28.475 Below Grade Cotton.

Below Grade cotton is American upland cotton which is lower in grade than Good Ordinary, or Low Middling Light Spotted, or Low Middling Spotted, or Low Middling Tinged, or Middling Yellow Stained, or Strict Low Middling Gray. In cotton classification, the official designation for such cotton is Below Grade. The term Below Good Ordinary, or Below Low Middling Light Spotted, or Below Low Middling Spotted, or Below Low Middling Tinged, or Below Middling Yellow Stained, or Below Strict Low Middling Gray and other additional explanatory terms considered necessary to describe adequately the condition of the cotton may be entered on classification memorandums or certificates.

(Secs. 6 and 10, 42 Stat. 1518, as amended, 1519, 7 U.S.C. 56, 61; sec. 4854, 68A Stat. 580, 26 U.S.C. 4854)

Dated: June 7, 1962.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 62-5697; Filed, June 11, 1962; 8:48 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 613, 3d Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—European Chafer

REVISION OF ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS UNDER EUROPEAN CHAFER QUARANTINE AND REGULATIONS

Pursuant to the authority conferred by § 301.77-2 of the regulations supplemental to the European chafer quarantine (7 CFR 301.77-2), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), administrative instructions appearing as 7 CFR 301.77-2a are hereby amended to read as follows:

§ 301.77-2a Administrative instructions designating regulated areas under the European chafer quarantine and regulations.

Infestations of the European chafer have been determined to exist in the counties and other civil divisions, and parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such civil divisions and parts thereof because of their proximity to infestation or their inseparability for quarantine purposes from infested localities. Accordingly, such counties and other civil divisions, and parts thereof, are hereby designated as European chafer regulated areas within the meaning of the provision in this subpart:

CONNECTICUT

New Haven County. That area, comprising part of the town of Meriden, included within a circle having a 1-mile radius and center at the intersection of Wilber Cross Parkway (Connecticut Route 15) and U.S. Highway 5.

NEW YORK

Chemung County. The towns of Ashland, Big Flats, Elmira, Horseheads, Southport, and the city of Elmira.

Erie County. The towns of Cheektowaga and Tonawanda, and the cities of Buffalo and Tonawanda.

Kings County. The entire county.

Monroe County. The entire county.

New York County. Governors Island.

Niagara County. The towns of Lewiston, Lockport, and Niagara, and the cities of Lockport and Niagara Falls.

Onondaga County. Towns of Camillus, Cicero, Clay, De Witt, Geddes, Lysander, Manlius, Onondaga, Salina, and Van Buren, and the city of Syracuse.

Ontario County. Towns of Canandaigua, Farmington, Geneva, Gorham, Hopewell, Manchester, Phelps, Seneca, and Victor, and the cities of Canandaigua and Geneva.

Seneca County. Towns of Junius, Tyre, and the village and town of Waterloo.

Wayne County. The entire county.

WEST VIRGINIA

Hampshire County. District of Bloomery and town of Capon Bridge.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161. 19 F.R. 74, as amended; 7 CFR 301.77-2)

These administrative instructions shall become effective June 12, 1962, when they shall supersede administrative instructions effective March 26, 1960 (7 CFR 301.77-2a).

This revision relieves restrictions insofar as it removes from the regulated areas the town of Minetto, Oswego County, New York. It also imposes restrictions insofar as it adds to the regulated areas in Chemung, Erie, and Niagara Counties in New York. The restrictions imposed are necessary in order to prevent the interstate spread of the European chafer. This revision should be made effective promptly in order to accomplish its purpose in the public interest, and in order to be of maximum benefit in permitting the interstate movement without restriction under the quarantine of regulated products from the town being removed from designation as a regulated area. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing revision are impracticable, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of June 1962.

[SEAL] D. R. SHEPHERD,
Acting Director, Plant Pest Control Division.

[F.R. Doc. 62-5699; Filed, June 11, 1962; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 911—LIMES GROWN IN FLORIDA

Determination Relative to Expenses and the Fixing of the Rate of Assessment for the 1962–63 Fiscal Year

Notice was published in the May 24, 1962, issue of the FEDERAL REGISTER (27 F.R. 4886), that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the 1962–63 fiscal year under the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Florida Lime Administrative Committee, established pursuant to the aforesaid amended marketing agreement and order, it is hereby found and determined that:

§ 911.201 Expenses and rate of assessment for the 1962–63 fiscal year.

(a) *Expenses.* The expenses that are reasonable an likely to be incurred by the Florida Lime Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning of such committee, in accordance with the provisions thereof, during the fiscal year beginning April 1, 1962, and ending March 31, 1963, will amount to $7,545.

(b) *Rate of assessment.* The rate of assessment which each handler who first handles limes shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order is hereby fixed at three cents ($0.03) per bushel, or equivalent quantity of limes handled by such handler during the 1962–63 fiscal year.

(c) *Reserve.* Unexpended assessment funds, in excess of expenses incurred during the fiscal year ended March 31, 1962, shall be carried over as a reserve in accordance with the applicable provisions of § 911.42 of said amended marketing agreement and order.

(d) Terms used in the said amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable limes from the beginning of such year; and (2) the current fiscal year began April 1, 1962, and the rate of assessment herein fixed will automatically apply to all assessable limes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 6, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-5696; Filed, June 11, 1962; 8:48 a.m.]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Determination Relative to Expenses and the Fixing of the Rate of Assessment for the 1962–63 Fiscal Year

Notice was published in the May 24, 1962, issue of the FEDERAL REGISTER (27 F.R. 4887) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the fiscal year (April 1, 1962, through March 31, 1963) under the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Avocado Administrative Commitee (established pursuant to the said amended marketing agreement and order), it is hereby found and determined that:

§ 915.201 Expenses and rate of assessment for the 1962–63 fiscal year.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Avocado Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning of such committee, in accordance with the provisions thereof, during the said fiscal year beginning April 1, 1962, and ending March 31, 1963, will amount to $7,545.

(b) *Rate of assessment.* The rate of assessment which each handler who first handles avocados shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order is hereby fixed at four and one-half cents ($0.045) per bushel, or equivalent quantity of avocados handled by such handler during the 1962–63 fiscal year.

(c) *Reserve.* Unexpended assessment funds, in excess of expenses incurred during the fiscal period ended March 31, 1962, shall be carried over as a reserve in accordance with the applicable provisions of § 915.42 of the amended marketing agreement and order.

(d) Terms used in said amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable avocados from the beginning of such year; and (2) the current fiscal year began on April 1, 1962, and the rate of assessment herein fixed will automatically apply to all assessable avocados beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 6, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-5695; Filed, June 11, 1962; 8:47 a.m.]

[Cherry Reg. 1]

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

§ 923.301 Cherry Regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 923 (7 CFR Part 923), regulating the handling of sweet cherries grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Washington Cherry Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of cherries, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 13, 1962. A reasonable determination as to the supply of, and the demand for, cherries must await the development of the crop and adequate information thereon was not available to the Washington Cherry Marketing Committee until June 4, 1962; recommendation as to the need for, and the extent of, regulation of shipments of such cherries was made at the meeting of said committee on June 4, 1962, after consideration of all available information relative to the supply and demand conditions for such cherries, at which time the recommendation and supporting information were submitted to the Department; necessary supplemental data for consideration in connection with the specification of the provisions of this section were not available until June 7, 1962; shipments of the current crop of such cherries will begin on or about June 13, 1962, and this section should be applicable, insofar as practicable, to all shipments of such cherries in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 13, 1962, and ending at 12:01 a.m., P.s.t., September 1, 1962, no handler shall handle:

(i) Any lot of cherries unless such cherries grade at least U.S. No. 1, except the contents of individual packages in any lot are not restricted as to the percentage of defects: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade;

(ii) Any lot of cherries, unless at least 95 percent, by count, of such cherries measure at least 4/64 inch in diameter;

(iii) Any lot of cherries in faced packs unless at least 90 percent, by count, of such cherries measure at least 5/64 inch in diameter; or

(iv) Any lot of cherries in any pack other than faced packs in any container having a capacity greater than that of a container with inside dimensions of 15⅛ by 10½ by 4 inches, unless the net weight of the cherries in such container is not less than 20 pounds, and at least 90 percent, by count, of such cherries measure at least 5/64 inch in diameter.

(2) Notwithstanding any other provisions of this regulation, any individual shipment of cherries which, in the aggregate, does not exceed 100 pounds, net weight, may be handled without regard to the restrictions specified in this paragraph (b) or in § 923.41 or § 923.55.

(c) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said marketing agreement and order; "U.S. No. 1" and "diameter" shall have the same meaning as when used in the United States Standards for Sweet Cherries (§§ 51.2646–51.2657 of this title); and "faced pack" means that the cherries in the top layer in any container are so placed that the stem ends are pointing downward toward the bottom of the container.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 8, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-5773; Filed, June 11, 1962; 8:51 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Health, Education, and Welfare

Effective upon publication in the FEDERAL REGISTER, subparagraph (18) is added to paragraph (a) of § 6.314 as set out below.

§ 6.314 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* • • •

(18) One Assistant to the Under Secretary (Manpower Training).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-5711; Filed, June 11, 1962; 8:49 a.m.]

PART 27—EXCLUSION FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

Psychology Student Trainee

1. Effective June 15, 1962, § 27.1 is amended by the addition of the following item:

§ 27.1 Exclusion from provisions of Federal Employees Pay Act and Classification Act.

• • • • •

Psychology student trainee, Department of the Navy, approved postgraduate training in a summer practicum following attainment of bachelor's degree.

2. Effective June 15, 1962, § 27.2 is amended by the addition of the following item:

§ 27.2 Maximum stipends prescribed.

• • • • •

Psychology student trainee, Department of the Navy, approved postgraduate training in a summer practicum following attainment of bachelor's degree, no stipend other than any maintenance provided.

(61 Stat. 727, 728, as amended; 5 U.S.C. 1051–1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-5700; Filed, June 11, 1962; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. U]

PART 221—LOANS BY BANKS FOR PURPOSE OF PURCHASING OR CARRYING REGISTERED STOCKS

"Living Expenses" Loans

§ 221.114 Bank loans to purchase stock of American Telephone and Telegraph Company under Employees' Stock Plan.

(a) The Board of Governors recently interpreted Part 221 (Regulation U) in connection with proposed loans by a bank to persons who are purchasing shares of stock of American Telephone and Telegraph Company pursuant to its Employees' Stock Plan.

(b) According to the current offering under the Plan, an employee of the AT&T system may purchase shares through regular deductions from his pay over a period of 24 months. At the end of that period, a certificate for the appropriate number of shares will be issued to the participating employee by AT&T. Each employee is entitled to purchase, as a maximum, shares that will cost him approximately three-fourths of his annual base pay. Since the program extends over two years, it follows that the payroll deductions for this purpose may be in the neighborhood of 38 percent of base pay and a larger percentage of "take-home pay." Deductions of this magnitude are in excess of the saving rate of many employees.

(c) Certain AT&T employees, who wish to take advantage of the current offering under the Plan, are the owners of shares of AT&T stock that they purchased under previous offerings. A bank proposed to receive such stock as collateral for a "living expenses" loan that will be advanced to the employee in monthly installments over the 24-month period, each installment being in the amount of the employee's monthly payroll deduction under the Plan. The aggregate amount of the advances over the 24-month period would be substantially greater than the maximum loan value of the collateral as prescribed in § 221.4, the Supplement to Regulation U (30 percent, at the present time).

(d) In the opinion of the Board of Governors, a loan of the kind described would violate Part 221 if it exceeded the maximum loan value of the collateral. The regulation applies to any stock-secured loan for the purpose of purchasing or carrying stock registered on a national securities exchange (§ 221.1(a)). Although the proposed loan would purport to be for living expenses, it seems quite clear, in view of the relationship of the loan to the Employees' Stock Plan, that its actual purpose would be to enable the borrower to purchase AT&T stock, which is registered on a national securities exchange. At the end of the 24-month period the borrower would acquire a certain number of shares of that stock and would be indebted to the lending bank in an amount approximately equal to the amount he would pay for such shares. In these circumstances, the loan by the bank must be regarded as a loan "for the purpose of purchasing" the stock, and therefore it is subject to the limitations prescribed by Part 221. This conclusion follows from the provisions of the part, and it may also be observed that a contrary conclusion could largely defeat the basic purpose of the margin regulations.

(e) Accordingly, the Board concluded that a loan of the kind described may not be made in an amount exceeding the maximum loan value of the collateral, as prescribed by the current Supplement to Regulation U (§ 221.4).

(Sec. 23(a), 48 Stat. 901, as amended; 15 U.S.C. 78w. Interprets or applies secs. 3, 7, 17, 48 Stat. 882, 886, 897, as amended; 15 U.S.C. 78c, 78g, 78q)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-5676; Filed, June 11, 1962; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Viscous Products Containing Petroleum Distillates; Exemption From Labeling Requirements

There has been submitted to the Commissioner of Food and Drugs, pursuant to section 3(c) of the Federal Hazardous Substances Labeling Act and § 191.62 of the regulations thereunder, a number of requests to exempt containers of liquid and semisolid products such as viscous-type paints, varnishes, lacquers, roof coatings, rubber-vulcanizing preparations, floor-covering adhesives, glazing compounds, and other viscous products containing petroleum distillates from the labeling requirements of the act and the regulations thereunder applicable to such products.

Special labeling requirements are necessary for products containing 10 percent or more of petroleum distillates such as kerosene, mineral seal oil, naphtha, gasoline, benzine, mineral spirits, paint thinner, and Stoddard solvent. The reason for this requirement is the special hazard of aspiration of the substance into the lungs either during or subsequent to ingestion, resulting in chemical pneumonitis, pneumonia, and pulmonary edema. From a study of the data supplied by the petitioners and obtained by independent investigations, the Commissioner has concluded that no reasonably foreseeable aspiration hazard is presented by these products when the viscosity of such products is above 150 Saybolt Universal Seconds at a temperature of 100° F.; and therefore the labeling required by § 191.7(b)(3) of the regulations is not necessary for the adequate protection of the public health and safety.

Pursuant to the provisions of the Federal Hazardous Substances Labeling Act (sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262) and under the authority vested in the Secretary of Health, Education, and Welfare and delegated to the Commissioner (25 F.R. 8625), § 191.63 is amended by adding thereto a new paragraph (m), reading as follows:

§ 191.63 Exemptions for small packages, minor hazards, and special circumstances.

• • • • •

(m) Containers of liquid and semisolid substances such as viscous-type paints, varnishes, lacquers, roof coatings, rubber-vulcanizing preparations, floor-covering adhesives, glazing compounds, and other viscous products containing petroleum distillates in concentrations described in § 191.7(a)(4) are exempt from the labeling requirements of § 191.7(b)(3) insofar as this paragraph applies to petroleum distillates; *Provided*, That the viscosity of the substance, or of any liquid that may separate or be present in the container, is not less than 150 Saybolt Universal Seconds at 100° F.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the Federal Hazardous Substances Labeling Act contemplates such modification of labeling requirements under certain conditions.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262)

Dated: June 5, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-5704; Filed, June 11, 1962; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

MISCELLANEOUS AMENDMENTS

1. In § 3.1001, the headnote, introductory paragraph and paragraph (b) are amended and subparagraph (6) of paragraph (a) is canceled to read as follows:

§ 3.1001 Hospitalized competent veterans.

The provisions of this section apply only to the payment of amounts actually withheld on a running award under § 3.551(b) which are payable in a lump sum after the veteran's death.

(a) *Basic entitlement.* • • •

(6) [Canceled.]

(b) *Claim.* Applications must be filed with the Veterans Administration within 5 years after the death of the veteran. If, however, any person otherwise entitled is under legal disability at the time of the veteran's death, the 5-year period will run from the date of termination or removal of the legal disability.

(1) There is no time limit on the retroactive period of an award or for furnishing evidence.

(2) Failure to file timely claim, or a waiver of rights, by a preferred dependent will not serve to vest title in a person in a lower class or a claimant for reimbursement; neither will such failure or waiver by a person or persons in a joint class serve to increase the amount payable to another or others in the class.

2. Section 3.1002 is revised to read as follows:

§ 3.1002 Political subdivisions of United States.

No part of any accrued benefits will be used to reimburse any political subdivision of the United States for expenses incurred in the last sickness or burial of any beneficiary. (See § 3.1(o).)

(38 U.S.C. 3021(b), 3202(d), and 3203(a)(2)(A))

3. Section 3.1007 is revised to read as follows:

§ 3.1007 Hospitalized incompetent veterans.

Where an award of disability pension, compensation or retirement pay for an incompetent veteran without dependents was reduced under § 3.551(b) because of hospitalization, institutional or domiciliary care by the Veterans Administration, or was discontinued under § 3.557(b) because the veteran was hospitalized by the United States or a political subdivision and had an estate which equaled or exceeded $1,500, and the veteran dies before payment of amounts withheld or not paid by reason of such care, no part of such amount will be paid to any person. The provisions of this section are applicable to amounts withheld for periods prior to as well as subsequent to the rating of incompetency. The term "dies before payment" includes cases in which a check was issued and the veteran died before negotiating the check.

(38 U.S.C. 3203(b))

4. Section 3.1009 is added to read as follows:

§ 3.1009 Personal funds of patients.

The provisions of this section are applicable to gratuitous benefits deposited by the Veterans Administration either before, on, or after December 1, 1959, in a personal funds of patients account for an incompetent veteran. Where the veteran died after November 30, 1959:

(a) *Eligible persons.* Gratuitous benefits shall be paid to the living person first listed as follows:

(1) His spouse, as defined in § 3.1000(d)(1);

(2) His children (in equal shares), as defined in § 3.57 but without regard to their age or marital status;

(3) His dependent parents (in equal shares) as defined in § 3.59 or the surviving parent, provided that the parent was dependent within the meaning of § 3.250 at the date of the veteran's death.

(4) In all other cases, only so much may be paid as may be necessary to reimburse a person who bore the expense of last sickness or burial. (See § 3.1002.)

(38 U.S.C. 3202(d))

(b) *Claim.* Application must be filed with the Veterans Administration within 5 years after the death of the veteran. If, however, any person otherwise entitled is under legal disability at the time of the veteran's death, the 5-year period will run from the date of termination or removal of the legal disability.

(1) There is no time limit for the submission of evidence.

(2) Failure to file timely claim, or a waiver of rights, by a preferred dependent will not serve to vest title in a person in a lower class or a claimant for reimbursement; neither will such failure or waiver by a person or persons in a joint class serve to increase the amount payable to another or others in the class.

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective June 12, 1962.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 62-5747; Filed, June 11, 1962; 8:50 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Necedah National Wildlife Refuge, Wisconsin

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WISCONSIN

NECEDAH NATIONAL WILDLIFE REFUGE

Sport fishing on the Necedah National Wildlife Refuge, Wisconsin, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 500 acres or 10 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, yellow perch, bullheads, and other minor species permitted under State regulations.

(b) Open season: July 1, 1962, through September 15, 1962; daylight hours only.

(c) Daily creel limits:

Northern pike—5.

Yellow perch and bullheads—no limit.

Creel limits for other minor species are as prescribed by State regulations.

(d) Methods of fishing. (1) No more than two lines or two poles with one line attached to each pole, and with one hook or bait on each line, may be used for fishing, except that fishermen using only one line or one pole with one line attached thereto may use not more than two lures or two hooks.

(2) No snag hook, snag line or snag pole may be used to take fish.

(3) The use of boats, without motors, is permitted.

(e) Other provisions. (1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to September 16, 1962.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 4, 1962.

[F.R. Doc. 62-5680; Filed, June 11, 1962; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-SO-6]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On April 12, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 3522) stating that the Federal Aviation Agency was considering the alteration of intermediate altitude VOR Federal airway No. 1519 from Cross City, Fla., to Albany, Ga.

The Air Transport Association of America submitted a comment concurring with the proposal. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 600.1519 (26 F.R. 1083, 27 F.R. 562, 2398) is amended as follows:

In the text "Cross City, Fla., VOR; thence to the INT of the Cross City VOR 333° and the Tallahassee, Fla., VOR 090° radials; INT of the Albany, Ga., VOR 152° and the Marianna, Fla., VOR 058° radials; thence 10-mile wide airway to the Albany VOR;" is deleted and "Cross City, Fla., VOR; thence via the INT of the Cross City VOR 333° and the Tallahassee, Fla., VOR 090° radials to the INT of the Albany, Ga., VOR 153° and the Marianna, Fla., VOR 058° radials; thence 10-mile wide airway to the Albany VOR;" is substituted therefor.

This amendment shall become effective 0001, e.s.t., July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 5, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-5672; Filed, June 11, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WA-64]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Route and Jet Advisory Area

The purpose of these amendments to §§ 602.100 and 602.200 is to extend Jet Route No. 49 from Presque Isle, Maine, to the United States/Canadian Border northeast of Presque Isle and to extend the en route radar jet advisory area associated with J-49 from Bangor, Maine, via Presque Isle to the United States/Canadian Border.

The Canadian Department of Transport has requested expeditious action regarding this designation to "facilitate high performance traffic operating between Goose Bay and the New York-Boston area." The jet advisory area associated with Jet Route No. 55 presently includes the area to be designated herein. Since the changes effected by these amendments impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In § 602.100 *Jet routes* (14 CFR 602.100) Jet Route No. 49 is amended to read:

Jet Route No. 49 (Pittsburgh, Pa., to the United States/Canadian Border). From Pittsburgh, Pa., via Phillipsburg, Pa.; Albany, N.Y.; Bangor, Maine; Presque Isle, Maine; to INT of the Presque Isle 038° radial and the United States/Canadian Border.

In § 602.200, *Enroute jet advisory areas* (14 CFR 602.200), the jet advisory area associated with Jet Route No. 49 is amended to read:

Jet Route No. 49 jet advisory area. Radar—Phillipsburg, Pa., to the United States/Canadian Border.

These amendments shall become effective 0001, e.s.t., July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 5, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-5673; Filed, June 11, 1962; 8:45 a.m.]

[Reg. Docket No. 1213; Amdt. 273]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
MOT VOR	MT LFR	Direct	3000	T-dn	300-1	300-1	200-½
Logan Int	MT LFR (Final)	Direct	2400	C-dn	600-1	600-1	600-1½
				S-dn	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2
				The following minimums apply for aircraft equipped to receive LFR and VOR simultaneously and the College Int♯ received:			
				C-dn*	500-1	500-1	500-1½

Procedure turn E side of SE crs, 122° Outbnd, 302° Inbnd, 2900′ within 10 miles.
Minimum Altitude over facility on final approach crs, 2400′.
Crs and distance, facility to airport, 305°—2.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles after passing MT-LFR or within 1.5 miles after passing College Int♯, make left climbing turn to 4200′ on the SW crs of MT-LFR within 20 miles.
NOTES: 1. ADF approach not authorized. 2. Final approach from holding pattern at LFR not authorized. Procedure turn required.
CAUTION: 2042′ MSL antenna 1.6 mi West of MT LFR. 1900′ MSL water tower 1.0 mi West of airport.
♯College Int: Int SE crs MT-LFR & R-222 MOT-VOR.
*Descent below 2300′ not authorized until after passing College Int♯.

City, Minot; State, N. Dak.; Airport Name, International; Elev., 1723′; Fac. Class., BMRLZ; Ident., MT; Procedure No. 1, Amdt. 8; Eff. Date, 23 June 62; Sup. Amdt. No. 7; Dated, 10 Sept. 60

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-2	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with radar procedures.
Procedure turn W side SW crs, 218° Outbnd, 038° Inbnd, 1500′ within 10 miles. (Nonstandard to avoid obstruction.)
Minimum Altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 018°—1.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.7 miles, climb to 1500′ on N crs Richmond LFR within 10 miles.

City, Richmond; State, Va.; Airport Name, Byrd Field; Elev., 167′; Fac. Class., SBRAZ; Indent., RC; Procedure No. 1, Amdt. 6; Eff. Date, 23 June 62; Sup. Amdt. No. 5; Dated, 7 Oct. 61

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
York VOR	AKY RBn	Direct	2300	T-dn	500-1	500-1	NA
Huntington RBn	AKY RBn	Direct	2300	C-dn	1000-1	1000-1	NA
Huntington LOM	AKY RBn	Direct	2300	S-dn-10	1000-1	1000-1	NA
Crown City Int	AKY RBn	Direct	2300				
Newcombe VOR	AKY RBn	Via ECB R-021	2300				

Procedure turn North side of crs, 290° Outbnd, 110° Inbnd, 2300′ within 10 miles. Nonstandard due to traffic.
Facility on airport.
Minimum altitude over facility on final approach crs, 1500′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make climbing left turn to 2300′, return to Ashland MHW, hold West, right turns, one-minute, 110° inbnd.

City, Ashland; State, Ky.; Airport Name, Ashland Boyd County; Elev., 546′; Fac. Class., MHW; Ident., AKY; Procedure No. 1, Amdt. Orig.; Eff. Date, 23 June 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300–1	300–1	300–1
				C-dn	500–1	500–1	500–1½
				A-dn	NA	NA	NA

Radar vectoring by Boston radar authorized. All fixes may be supplemented by radar.
Procedure turn North side of crs, 334° Outbnd, 154° Inbnd, 1600′ within 10 mi.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport 154°—2.2 NM.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.2 miles, make left climbing turn to 1600′ and return to TOF MHW. Hold left turns, one minute pattern inbound bearing 158°.
CAUTION NOTE: Hill with lighted obstructions 0.2 NM South of approach end of Runway 33.
NOTE: Aircraft required to monitor Boston approach control until landing assured.

City, Boston-Beverly; State, Mass.; Airport Name, Beverly; Elev., 108′; Fac. Class., MHW; Ident., TOF; Procedure No. 1, Amdt. 1; Eff. Date, 23 June 62; Sup. Amdt. No. Orig.; Dated, 22 Oct. 60

				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn North side of crs, 050° Outbnd, 230° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 214°—0.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.8 mile, climb to 2000′ on crs of 230°, turn left and return to BUF MHW. Hold BUF MHW, right turns, one-minute, 230° inbnd.
CAUTION: 1349′ TV tower 5 miles WNW of airport.
Other change: Deletes transition from Wolcottsville FM.

City, Buffalo; State, N.Y.; Airport Name, Greater Buffalo Intl.; Elev., 711′; Fac. Class., MHW; Ident., BUF; Procedure No. 2, Amdt. 1; Eff. Date, 23 June 62; Sup. Amdt. No. Orig.; Dated, 12 Aug. 61

				T-d	1100–2	1100–2	NA
				T-n	1600–2	1600–2	NA
				C-d	1600–2	1600–2	NA
				C-n	2100–2	2100–2	NA
				A-d*	NA	NA	NA

Procedure turn South side of crs, 290° Outbnd, 110° Inbnd, 3200′ within 10 mi.
Facility on airport.
Minimum altitude over facility on final approach crs, 2800′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 4000′ on bearing 127° from Pittsfield RBn within 10 miles, reverse course, maintain 4000′ and return to Pittsfield RBn. Hold SE, one-minute left turns, 307° inbnd.
AIR CARRIER NOTE: Reduction of visibility not authorized by application of sliding scale for local visibility conditions for landing or for reduction of takeoff minimums.
NOTE: Facility must be monitored aurally during this approach.
*Alternate weather minimums of 2800–2 for those having approved arrangement for weather service at the airport.

City, Pittsfield; State, Mass.; Airport Name, Pittsfield Municipal; Elevation, 1170′; Fac. Class., MHW; Ident., PSF; Procedure No. 1, Amdt. Orig.; Eff. Date, 23 June 62

Flat Rock VOR	LOM	Direct	2000	T-dn	300–1	300–1	200–½
Richmond LFR	LOM	Direct	1500	C-dn	400–1	500–1	500–1½
Manakin RBn	LOM	Direct	2000	S-dn-6	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved radar procedures.
Procedure turn South side of crs, 243° Outbnd, 063° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 063°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 1500′ on crs 063° within 10 miles of LOM or, when directed by ATC, make a left climbing turn to 1500′ on N crs Richmond LFR within 10 miles.

City, Richmond; State, Va.; Airport Name, Byrd Field; Elev., 167′; Fac. Class., LOM; Ident., RI; Procedure No. 1, Amdt. 11; Eff. Date, 23 June 62; Sup. Amdt. No. 10; Dated, 7 Oct. 61

Wansson Int	LOM	Direct	2000	T-dn	300–1	300–1	200–½
Toledo LFR	LOM	Direct	2000	C-dn	500–1	500–1	500–1½
Waterville VOR	LOM	Direct	2000	S-dn-7	500–1	500–1	500–1
Weston Int	LOM	Direct	2000	A-dn	800–2	800–2	800–2
Harbor View Int	LOM	Direct	2000				
McClure Int	LOM	Direct	2000				
Int TOL ILS SW crs & R-275 VWV-VOR	LOM	Direct	2000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn South side of crs, 249° Outbnd, 069° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 069°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles, make climbing right turn to 2000′ and proceed to Waterville VOR or, when directed by ATC, make climbing left turn to 2000′ and return to LOM.
CAUTION: Building 865′ 1¾ miles South of LMM.

City, Toledo; State, Ohio; Airport Name, Toledo Express; Elev., 684′; Fac. Class., LOM; Ident., TO; Procedure No. 1, Amdt. 3; Eff. Date, 23 June 62; Sup. Amdt. No. 2; Dated, 4 Oct. 58

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
YNG VOR	LOM	Direct	2600	T-dn	300–1	300–1	200–½
YNG LFR	LOM	Direct	2600	C-dn	400–1	500–1	500–1½
Hubbard RBn	LOM (Final)	Direct	2600	S-dn-32	400–1	400–1	400–1
Mercer Int	Hubbard RBn	Direct	2600	A-dn	800–2	800–2	800–2
Sharpsville Int	Hubbard RBn	Direct	2600				
Palestine Int	Hubbard RBn	Direct	3000				
Canfield Int	Hubbard RBn	Direct	3000				

Procedure turn North side of crs, 139° Outbnd, 319° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2600′.
Crs and distance, facility to airport, 319°—4.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing LOM, climb straight ahead to 2600′, make right turn and proceed to Youngstown LFR. Hold North 005° magnetic from LFR, 185° magnetic inbnd 1-min. right turns at 2600′.

City, Youngstown; State, Ohio; Airport Name, Youngstown Municipal; Elev., 1196′; Fac. Class., LOM; Ident., YN; Procedure No. 1, Amdt. 7; Eff. Date, 23 June 62; Sup. Amdt. No. 6; Dated, 27 Jan. 62

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	800–1	800–1	200–½
				C-dn	900–2	900–2	900–2
				A-dn	1000–2	1000–2	1000–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn South side of crs, 264° Outbnd, 084° Inbnd, 3000′ within 10 mi.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 084°—8.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.1 miles, climb to 2000′ on CRW VOR R–084, then make a right climbing turn to 3000′ and proceed direct to CRW VOR, maintain 3000′, hold CRW-VOR R-192 one-minute, right turns.
Other change: Deletes transition from CRW-LFR.

City, Charleston; State, W. Va.; Airport Name, Kanawha County; Elev., 982′; Fac. Class., BVORTAC; Ident., CRW; Procedure No. 1, Amdt. 1; Eff. Date, 23 June 62; Sup. Amdt. No. Orig.; Dated, 9 May 59

MYR-VOR	Skipper Int (Final)*	Direct	700	T-dn	300–1	300–1	200–½
				C-dn	700–1	700–1	700–1½
				S-dn-5	700–1	700–1	700–1
				A-dn#	800–2	800 2	800–2
				If aircraft equipped with VOR and ADF receivers operating normally and Skipper Int* received, the following minimums are authorized:			
				C-dn	400–1	500–1	500–1½
				S-dn-5	400–1	400–1	400–1

Procedure turn West side of crs, 241° Outbnd, 061° Inbnd, 1200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′; over Skipper Int, 700′.
Crs and distance, facility to airport, 061°—9.2 mi; Skipper Int* to airport, 061°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing Skipper Int* or 9.5 miles after passing MYR-VOR, climb to 1500′ on R-056 of MYR-VOR or, when directed by ATC, turn left, climb to 1500′ and proceed to MYR-VOR via MYR R–061.
NOTE: Procedure may be authorized for air carriers having approval of the arrangement for communications and weather service at this airport.
*Skipper Int: Int MYR-VOR R–061 and 123° crs from MTL "H."
#Alternate usage authorized for air carrier only.

City, Crescent Beach; State, S.C.; Airport Name, Crescent Beach/Myrtle Beach; Elev., 32′; Fac. Class., BVOR; Ident., MYR; Procedure No. 1, Amdt. 1; Eff. Date, 23 June 62; Sup. Amdt. No. Orig.; Dated, 26 May 62

JOT-VOR	DPA-VOR	Direct	2500	T-dn	900–1	900–1	NA
API-VOR	DPA-VOR	Direct	2500	C-d	900–1	900–1½	NA
Elgin Int	DPA-VOR	Direct	2500	C-n	900–1	900–2	NA
Acorn Int	DPA-VOR	Direct	2500	A-dn	NA	NA	NA
Hinckley Int	DPA-VOR	Direct	2500				
Malta Int	DPA-VOR	Direct	2500				

Radar vectoring to final approach course authorized by Chicago Center Radar.
Procedure turn West side of crs, 193° Outbnd, 013° Inbnd, 2500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 013°—11.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing DPA-VOR, make left turn climb to 2500′ and return to VOR or, when directed by ATC, make left turn to 2500′ and proceed to Malta Int via ORD-VOR R-267 and PLL-VOR R-085.
CAUTION: 1039′ tower 1 mile West of airport.

NOTES

Aircraft will be released for final approach 3 miles from VOR inbound on final approach course to contact DuPage Tower over the VOR.
Minimum altitudes are 2900′ within 20 mi of DPA-VOR; 2500′ within 10 mi of DPA-VOR.
No weather service—obtain O'Hare or Midway weather prior to beginning approach.
Aircraft executing missed approach may, after being reidentified, be radar controlled.
Close IFR flight plan with DuPage Tower.
Operations from 5.5 miles North of VOR to airport will be conducted in accordance with Visual Flight Rules.

City, Elgin; State, Ill.; Airport Name, Elgin; Elev., 782′; Fac. Class., BVOR; Ident., DPA; Procedure No. 1, Amdt. Orig.; Eff. Date, 23 June 62

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T–dn	300–1		
				C–d	500–1		
				C–n	500–2		
				A–dn	NA		

Procedure turn East side of crs, 303° Outbnd, 123° Inbnd, 2500′ within 8 mi of BSP VOR.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 123°—2.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles after passing BSP-VOR, make right climbing turn to 2500′. Return to BSP-VOR on R-148. Hold SE on R-148 BSP-VOR one-minute pattern right turns.
NOTES: 1. Radar vectoring to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound course at least 5 miles from BSP-VOR. 2. This procedure is Not Authorized unless MKC ASR in operation.
CAUTION: 1946′ and 2049′ TV towers approximately 15 miles NW of airport. East/West runway lighted only.

City, Grain Valley; State, Mo.; Airport Name, East Kansas City; Elev., 840′; Fac. Class., BVOR; Ident., BSP; Procedure No. 1, Amdt. Orig.; Eff. Date, 23 June 62

JOT-VOR	DPA-VOR	Direct	2500	T–dn	700–1	700–1	NA
API-VOR	DPA-VOR	Direct	2500	C–d	700–1	700–1	NA
Elgin Int	DPA-VOR	Direct	2500	C–n	700–2	700–2	NA
Acorn Int	DPA-VOR	Direct	2500	A–dn	NA	NA	NA
Hinckley Int	DPA-VOR	Direct	2500	When equipped with dual omni and Donna Int* received, minimums are:			
Malta Int	DPA-VOR	Direct	2500	C–dn	400–1	500–1	NA

Radar vectoring to final approach course authorized by Chicago Center Radar.
Procedure turn West side of crs 006° Outbnd, 186° Inbnd, 2500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1600′; over Donna Int*, 1400′.
Crs and distance, facility to airport, 215°—9.0 mi; Donna Int* to airport, 215°—2.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.0 miles after passing DPA-VOR or 2.9 mi after passing Donna Int*, make right turn, climb to 2500′ and return to DPA-VOR or, when directed by ATC, make right turn, climb to 3000′, proceed on 270° crs until intercepting JOT-VOR R-314, then proceed to Malta Int.

NOTES

Aircraft will be released for final approach inbound on final approach course 3 miles from VOR to contact DuPage tower.
Minimum radar altitudes are 2900′ within 20 miles of DPA-VOR; 2500′ within 10 mi of DPA-VOR.
Close IFR flight plan with DuPage Tower when landing assured.
No weather service available—obtain Joliet or Midway weather prior to beginning approach.
Aircraft executing missed approach may, after being reidentified, be radar controlled.
*Donna Int: Int DPA-VOR R-215 and API-VOR R-278.

City, Sugar Grove; State, Ill.; Airport Name, Aurora Municipal; Elev., 706′; Fac. Class., BVOR; Ident., DPA; Procedure No. 1, Amdt. Orig.; Eff. Date, 23 June 62

				T–dn	300–1	300–1	200–½
				C–d	1000–1	1000–1	1000–1½
				C–n	1000–2	1000–2	1000–2
				A–dn	1000–3	1000–3	1000–3

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 140° Outbnd, 320° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 320°—10.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles, make a climbing right turn and return to Waterville VOR at 2000′.
NOTE: If after establishing contact 6 mi from VOR, visual referenced ground cannot be maintained, execute missed approach procedure.

City, Toledo; State, Ohio; Airport Name, Toledo Express; Elev., 684′; Fac. Class., BVORTAC; Ident., VWV; Procedure No. 1, Amdt. 1; Eff. Date, 23 June 62; Sup. Amdt. No. Orig.; Dated, 29 Jan. 55

JOT-VOR	DPA-VOR	Direct	2500	T–dn	300–1	300–1	300–1
API-VOR	DPA-VOR	Direct	2500	C–d	500–1	500–1	500–1½
Elgin Int	DPA-VOR	Direct	2500	C–n	500–1	500–1½	500–1½
Acorn Int	DPA-VOR	Direct	2500	A–dn	NA	NA	NA
Hinckley Int	DPA-VOR	Direct	2500				
Malta Int	DPA-VOR	Direct	2500				

Radar vectoring to final approach course authorized by Chicago Center Radar.
Procedure turn North side of crs, 249° Outbnd, 069° Inbnd, 2500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 069°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing DPA-VOR, make left turn climb to 2500′ and return to VOR or, when directed by ATC, make left turn climb to 3000′, proceed on 340° course until intercepting ORD-VOR R-267 and PLL-VOR R-085 and proceed to Malta Int.

NOTES

Aircraft will be released for final approach inbound on final approach course 3 miles from VOR to contact DuPage Tower.
Altitudes are 2900′ within 20 miles of DPA-VOR; 2500′ within 10 miles of DPA-VOR.
No weather service—obtain O'Hare or Midway weather prior to beginning approach.
Aircraft executing missed approach may, after being reidentified, be radar controlled.

City, West Chicago; State, Ill.; Airport Name, DuPage County; Elev., 758′; Fac. Class., BVOR; Ident., DPA; Procedure No. 1, Amdt. Orig.; Eff. Date, 23 June 62

				T–dn	300–1	300–1	
				C–d	500–1	500–1	
				C–n	500–2	500–2	
				A–dn	NA	NA	

Procedure turn West side of crs, 021° Outbnd, 201° Inbnd, 3900′ within 10 mi.
Minimum altitude over facility on final approach crs, 3900′.
Crs and distance, facility to airport, 201°—6.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.6 miles after passing ISD-VOR, make right climbing turn to 3000′ and return to ISD-VOR. Hold NE on R-021.
NOTE: 122.1 receiver remoted to Pierre FSS from Winner VOR.

City, Winner; State, S. Dak.; Airport Name, Winner Municipal; Elev., 2083′; Fac. Class., BVORTAC; Ident., ISD; Procedure No. 1, Amdt. Orig.; Eff. Date, 23 June 62

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
CRL-VOR	YIP-VOR	Direct	2300	T–dn	300–1	300–1	200–½
SVM-VOR	YIP-VOR	Direct	2300	C–dn	500–1	500–1	500–1½
Canard Int	Trenton Int*	Via YIP R-108	2300	S–dn–27L	500–1	500–1	500–1
Trenton Int*	Huron Int (Final)#	Via YIP R-108	2300	A–dn	800–2	800–2	800–2
				When radar fix is obtained in lieu of Huron Int# or when aircraft is equipped with dual VORs and Huron Int# received, following apply:			
				S–dn–27L	400–1	400–1	400–1

Radar transitions authorized in accordance with approved patterns.
Procedure turn North side of crs, 108° Outbnd, 288° Inbnd, 2300′ within 10 mi.
Minimum altitude over facility on final approach crs, 1200′; over Huron Int#, 2300′.
Crs and distance, breakoff point to Runway 27L, 272°—0.75 mi; Huron Int# to Runway 27L, 4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make right turn, climb to 2600′, proceed direct to SVM-VOR or, when directed by ATC, climb to YI LOM.
*Trenton Int: Int YIP-VOR R-108 and CRL-VOR R-061.
#Huron Int: Int YIP-VOR R-108 and CRL-VOR R-015.

City, Detroit; State, Mich.; Airport Name, Willow Run; Elev., 716′; Fac. Class., VOR; Ident., YIP; Procedure No. TerVOR-27L, Amdt. Orig.; Eff. Date, 23 June 62

Covert Int*	ITH-VOR (Final)	Direct	1600	T–dn#	300–1	300–1	NA
				C–dn	500–1	500–1	NA
				S–dn–14	500–1	500–1	NA
				A–dn	NA	NA	NA

Procedure turn West side of crs, 315° Outbnd, 135° Inbnd, 2500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1600′.
VOR on airport. Breakoff point to approach end of runway, 142°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing Ithaca VOR, make an immediate right climbing turn, climb to 3500′ on Ithaca VOR R-315 within 10 miles. Then return to Ithaca VOR at 3500′, hold NW one-minute right turns, inbnd crs 135°.
CAUTION: High terrain and radio tower 2112′ MSL 3 miles SE of airport.
NOTE: No tower communications at airport. Contact Elmira, N.Y., approach control for clearance. Weather available through Elmira approach control 0600–2100 EST Monday through Saturday, 0900–2300 Sunday.
*Int Ithaca VOR R-315 and Watkins Glen VOR R-039.
#Make a right turn after takeoff on Runway 14, climb on Ithaca VOR R-236 until reaching MEA.

City, Ithaca; State, N.Y.; Airport Name, Tompkins County; Elev., 1094′; Fac. Class., BVOR; Ident., ITH; Procedure No. TerVOR-14, Amdt. 1; Eff. Date, 23 June 62; Sup. Amdt. No. VOR 1, Orig.; Dated, 20 Sept. 58

Bridgeport VOR	HVN VOR	Direct	1500	T–d	300–1	300–1	200–½
				C–d	600–1	600–1	600–1½
				S–d–1	600–1	600–1	600–1

Procedure turn East side of crs, 205° Outbnd, 025° Inbnd, 1300′ within 10 miles.
Minimum altitude over facility on final approach, 600′.
Crs and distance, breakoff point to approach end of Runway, 016°—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, make a climbing right turn and climb to 1300′ on R-205 within 10 miles of TVOR.

NOTES

Weather reporting by U.S. Weather Bureau 0700 to 1700 local time.
Airport communication available on 122.8 from sunrise to sunset.
No tower communication at airport. Contact Westchester approach control for ATC clearance.
Medium intensity runway lights on all runways available upon prior request to Airport Manager.
Other change: Deletes alternate minimums.

City, New Haven; State, Conn.; Airport Name, New Haven; Elev., 15′; Fac. Class., VORW (Nonfederal facility); Ident., HVN; Procedure No. TerVOR-1, Amdt. 1; Eff. Date, 23 June 62; Sup. Amdt. No. Orig.; Dated, 6 June 59

Flat Rock VOR	RIC VOR	Direct	2000	T–dn	300–1	300–1	200–½
Manakin RBn	RIC VOR	Direct	2000	C–dn*	500–1	500–1	500–1½
Hopewell VOR	RIC VOR	Direct	1500	S–dn–6*	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved radar procedures.
Procedure turn South side of crs, 236° Outbnd, 056° Inbnd, 1500′ within 10 mi of RIC VOR.
Minimum altitude until over Stack Int# on final approach crs, 900′.
Crs and distance, breakoff point to approach end of runway, 063°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of RIC VOR, climb to 1500′ on R-056 of RIC VOR within 10 miles or, when directed by ATC, make left climbing turn to 1500′ on the N crs of RC-LFR within 10 miles.
*If Stack Int not received, maintain 900′ over RIC-VOR (minimums of 700–1 will apply).
#Int R-236 RIC-VOR and NW crs RC-LFR.

City, Richmond; State, Va.; Airport Name, Byrd Field; Elev., 167′; Fac. Class., BVOR; Ident., RIC; Procedure No. TerVOR-6, Amdt. 5; Eff. Date, 23 June 62; Sup. Amdt. No. 4; Dated, 7 Oct. 61

Flat Rock VOR	RIC VOR	Direct	2000	T–dn	300–1	300–1	200–½
Biltmore Int*	RIC VOR (Final)	Direct	**900	C–dn	700–1	700–1	700–1½
Manakin RBn	RIC VOR	Direct	2000	S–dn–15	700–1	700–1	700–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved radar procedures.
Procedure turn North side of crs, 347° Outbnd, 167° Inbnd, 1400′ within 10 miles.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, breakoff point to approach end of Runway, 154°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2000′ on R-158 RIC-VOR within 10 miles.
*Biltmore Int: Int R-085 Flat Rock VOR and R-347 Richmond VOR.
**Do not descend below 1400′ until after passing Biltmore Int inbnd.

City, Richmond; State, Va.; Airport Name, Byrd Field; Elev., 167′; Fac. Class., BVOR; Ident., RIC; Procedure No. TerVOR-15, Amdt. 7; Eff. Date, 23 June 62; Sup. Amdt. No. 6; Dated, 7 Oct. 61

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Whitehouse Int*----------	RIC VOR (Final)----------	Direct----------	1300	T–dn----------	300–1	300–1	200–½
				C–dn----------	600–1	600–1	600–1½
				S–dn–24----------	600–1	600–1	600–1½
				A–dn----------	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved radar procedures.
Procedure turn N side of final approach crs, 075° Outbnd, 255° Inbnd, 1300′ within 10 mi. Do not descend below 1300′ until passing Meadow Int**.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, breakoff point to approach end of Rnwy 24, 243°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1500′, proceed to OM and hold NE.
*Whitehouse Int—Int R–075 Richmond VOR and Int R–025 Hopewell VOR.
**Meadow Int—Int R–075 Richmond VOR and Int R–346 Hopewell VOR.

City, Richmond; State, Va.; Airport Name, Byrd Field; Elev., 167′; Fac. Class., BVOR; Ident., RIC; Procedure No. TVOR–24, Amdt. 1; Eff. Date, 23 June 62; Sup. Amdt. No. Orig.; Dated, 26 Aug. 61

Flat Rock VOR----------	RIC VOR----------	Direct----------	2000	T–dn----------	300–1	300–1	200–½
Hopewell VOR----------	RIC VOR----------	Direct----------	1500	C–dn----------	600–1	600–1	600–1½
Manakin RBn----------	RIC VOR----------	Direct----------	2000	S–dn–33----------	600–1	600–1	600–1
				A–dn----------	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved radar procedures.
Procedure turn North side of crs, 138° Outbnd, 318° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, breakoff point to approach end of runway, 334°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of RIC VOR, make a right climbing turn to 1500′ on R–360 of RIC VOR or, when directed by ATC, make a right climbing turn to 1500′ on N crs of RIC–LFR within 10 miles.

City, Richmond; State, Va.; Airport Name, Byrd Field; Elev., 167′; Fac. Class., BVOR; Ident., RIC; Procedure No. Ter VOR–33, Amdt. 4; Eff. Date, 23 June 62; Sup Amdt. No. 3; Dated, 7 Oct. 61

5. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR–DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
10-mile DME Fix R–205----------	0-mile DME Fix R–205----------	Direct----------	3000	T–dn----------	300–1	300–1	200–½
0-mile DME Fix R–025----------	5-mile DME Fix R–025----------	Direct----------	2000	C–dn----------	400–1	500–1	500–1½
5-mile DME Fix R–025----------	8.3-mile DME Fix R–025----------	Direct----------	1700	S–dn–02----------	400–1	400–1	400–1
				A–dn----------	800–2	800–2	800–2

Procedure turn E side of crs, 205° Outbnd, 025° Inbnd, 3000′ within 10 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 8.3-mile DME Fix R–025, turn right, climb to 3000′ on RST R–076 within 20 miles or, when directed by ATC, turn right, climb to 3000′ and proceed direct to RST–VOR.
NOTE: When authorized by ATC, DME may be used to position aircraft on final approach course at 3000′ in all directions via 10-mile DME arc with the elimination of procedure turn.

City, Rochester; State, Minn.; Airport Name, Municipal; Elev., 1310′; Fac. Class., BVOR–DME; Ident., RST; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. Date, 23 June 62

10-mile DME Fix R–260----------	6-mile DME Fix R–260----------	Direct----------	8200	T–dn----------	300–1	300–1	200–½
6-mile DME Fix R–260----------	3-mile DME Fix R–260----------	Direct----------	7300	C–dn----------	600–1	600–1	600–1½
				S–dn–7----------	500–1	500–1	500–1½
				A–dn----------	800–2	800–2	800–2

Procedure turn South side of crs, 260° Outbnd, 080° Inbnd, 9000′ within 10 miles
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 3-mile DME fix, climb to 9100′ on R–081 within 10 miles.
NOTE: When authorized by ATC, DME may be used within 25 miles between radials 243 clockwise to 160 at 9100′ to position aircraft for final approach, with the elimination of a procedure turn.

City, Rock Springs; State, Wyo.; Airport Name, Rock Springs Municipal; Elev., 6752′; Fac. Class., BVORTAC; Ident., RKS; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. Date, 23 June 62

15-mile DME Fix R–081----------	7-mile DME Fix R–081----------	Direct----------	9100	T–dn----------	300–1	300–1	200–½
7-mile DME Fix R–081----------	3-mile DME Fix R–081----------	Direct----------	8700	C–dn----------	600–1	600–1	600–1½
3-mile DME Fix R–081----------	0-mile DME Fix R–081----------	Direct----------	7800	S–dn–25----------	500–1	500–1	500–1½
0-mile DME Fix R–267----------	1.9-mile DME Fix R–267----------	Direct----------	7300	A–dn----------	800–2	800–2	800–2

Procedure turn North side of crs, 081° Outbnd, 251° Inbnd, 9100′ within 10 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.9 miles, climb to 10,000′ on R–260 within 20 miles.
NOTE: When authorized by ATC, DME may be used within 25 miles between radials 243 clockwise to 160 at 9100′ to position aircraft for final approach, with the elimination of a procedure turn.

City, Rock Springs; State, Wyo.; Airport Name, Rock Springs Municipal; Elev., 6752′; Fac. Class., BVORTAC; Ident., RKS; Procedure No. VOR/DME No. 2, Amdt. Orig.; Eff. Date, 23 June 62

6. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedures, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Talmadge Int----------	Derby Int (Final)----------	Direct----------	2800	T–dn----------	300–1	300–1	200–½
Sharon Int----------	Derby Int----------	Direct----------	2800	C–dn----------	400–1	500–1	500–1½
Akron-Canton LOM----------	Derby Int----------	Direct----------	2800	S–dn–19----------	400–1	400–1	400–1
				A–dn----------	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side N crs, 006° Outbnd, 186° Inbnd, 2800′ within 10 mi of Derby Int (nonstandard due to traffic).
No glide slope, markers or compass locators. Descend to airport minimums after passing Derby Int or 5.8 mi Radar Fix.
Minimum altitude over Derby Int or 5.8 mi Radar Fix, 2800′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 mi after passing Derby Int, climb to 2500′ on S crs ILS to LOM.

City, Akron; State, Ohio; Airport Name, Akron-Canton; Elev., 1228′; Fac. Class., ILS; Ident., I–CAK; Procedure No. ILS–19, Amdt. 6; Eff. Date, 23 June 62; Sup. Amdt. No. 5; Dated, 23 July 60

DL LOM----------	Clifton Int*----------	Direct----------	3000	T–dn----------	300–1	300–1	200–½
DLH VOR----------	Clifton Int*----------	Direct----------	3000	C–d----------	400–1	500–1	500–1½
				C–n----------	400–1½	500–1½	500–1½
				S–dn–27----------	400–1	400–1	400–1
				A–dn----------	800–2	800–2	800–2

Procedure turn North side of crs, 088° Outbnd, 268° Inbnd, 3000′ within 10 mi. of Clifton Int*.
Minimum altitude over Clifton Int*, 2100′.
Crs and distance, Clifton Int* to airport, 268°—3.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles after passing Clifton Int*, climb to 2700′, proceed to DL LOM.
CAUTION: 2049′ tower 4.5 miles SE of airport.
*Clifton Int: Int R–058 DLH–VOR and E crs ILS.

City, Duluth; State, Minn.; Airport Name, Municipal; Elev., 1430′; Fac. Class., ILS; Ident., I–DLH; Procedure No ILS–27, Amdt. Orig.; Eff. Date, 23 June 62

MS LOM----------	Hopkins Int*----------	Direct----------	2500	T–dn----------	300–1	300–1	200–½
FCM–VOR----------	Hopkins Int*----------	Direct----------	2500	C–dn----------	500–1	500–1	500–1½
MSP–VOR----------	Wayzata Int**----------	Direct----------	2500	S–dn–11R----------	400–1	400–1	400–1
Loretto Int----------	Wayzata Int**----------	Direct----------	2500	A–dn----------	800–2	800–2	800–2
Wayzata Int**----------	Hopkins Int* (Final)----------	Direct----------	2500				
Int FGT–VOR R–291 and MSP–VOR R–205.	Wayzata Int**----------	Direct----------	2500				

Radar transitions to final approach crs authorized according to approved patterns. Aircraft will be released for final approach without procedure turn on inbound final approach crs at least 2 miles NW of Hopkins Int.*
Procedure turn South side of crs, 295° Outbnd, 115° Inbnd, 2500′ within 10 mi of Hopkins Int*. No glide slope, outer or middle marker, and no approach lights.
Minimum altitude over Hopkins Int* on final approach crs, 2500′; over Washburn Int#, 1400′.
Crs and distance, Hopkins Int* to airport, 115°—6 mi; Washburn Int# to airport, 115°—2.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing Hopkins Int*, climb to 2200′ on SE crs ILS within 10 mi of MS LOM or, when directed by ATC, make right climbing turn to 2300′ and proceed to AP LOM.
NOTE: This procedure authorized only for aircraft equipped to receive VOR and ILS simultaneously, unless radar controller advises passing Hopkins Int* and Washburn Int#.
*Hopkins Int: Int NW crs ILS and FCM–VOR R–028.
**Wayzata Int: Int NW crs ILS and MSP–VOR R–205.
#Washburn Int: Int NW crs ILS and FCM–VOR R–050.

City, Minneapolis; State, Minn.; Airport Name, Minneapolis-St. Paul International; Elev., 840′; Fac. Class., ILS; Ident., I–MSP; Procedure No. ILS–11R, Amdt. 7; Eff. Date, 23 June 62; Sup. Amdt. No. 6; Dated, 26 Mar. 60

Toledo LFR----------	LOM----------	Direct----------	2000	T–dn----------	300–1	300–1	200–½
Waterville VOR----------	LOM----------	Direct----------	2000	C–dn----------	500–1	500–1	500–1½
Wauseon Int----------	LOM----------	Direct----------	2000	S–dn–7----------	*300–¾	*300–¾	*300–¾
Weston Int----------	LOM----------	Direct----------	2000	A–dn----------	600–2	600–2	600–2
Harbor View Int----------	LOM----------	Direct----------	2000				
McClure Int----------	LOM----------	Direct----------	2000				
Int TOL ILS SW crs and R–275 VWV–VOR.	LOM----------	Direct----------	2000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 249° Outbnd, 069° Inbnd, 2000′ within 10 miles.
Minimum altitude at glide slope int inbnd, 2000′.
Altitude of glide slope and distance to approach end of Runway at OM, 1975′—4.1 mi; at MM, 919′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make climbing right turn to 2000′ and proceed to Waterville VOR or, when requested by ATC, make climbing left turn to 2000′ and return to LOM.
CAUTION: (1) Building 865′ 1¾ miles South of LMM. (2) Trees to 747′ msl at 2080′ from approach end of Runway 7.
*400–¾ if glide slope inoperative.

City, Toledo; State, Ohio; Airport Name, Toledo Express; Elev., 684′; Fac. Class., ILS; Ident., ITOL; Procedure No. ILS–7, Amdt. 3; Eff. Date, 23 June 62; Sup. Amdt. No. 2; Dated, 4 Oct. 58

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Youngstown VOR	LOM	Direct	2600	T-dn	300–1	300–1	200–½
Youngstown LFR	LOM	Direct	2600	C-dn	400–1	500–1	500–1½
Hubbard RBn	LOM (Final)	Direct	2600	S-dn-32	200–½	200–½	200–½
Mercer Int	Hubbard RBn	Direct	2600	A-dn	600–2	600–2	600–2
Sharpsville Int	Hubbard RBn	Direct	3000				
Palestine Int	Hubbard RBn	Direct	3000				
Canfield Int	Hubbard RBn	Direct	3000				

Procedure turn N side of crs, 139° Outbnd, 319° Inbnd, 2600′ within 10 mi.
Minimum altitude at Glide Slope interception Inbnd, 2600′.
Altitude of G.S. and distance to approach end of rny at OM 2630′—4.7 mi; at MM 1385′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums of if landing not accomplished climb to 2600′ straight ahead, make right turn and proceed to Youngstown VOR. Hold North on R–005 YNG–VOR, 1-min. right turns, 185° Inbnd at 2600′.

City, Youngstown; State, Ohio; Airport Name, Youngstown; Elev., 1196′; Fac. Class., ILS; Ident., I–YNG; Procedure No. ILS–32, Amdt. 8; Eff. Date, 23 June 62; Sup. Amdt. No. 7; Dated, 3 Mar. 62

7. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				Surveillance approach			
All directions		Within 15 mi*	2900	T-dn	300–1	300–1	#200–½
All directions		Within 10 mi**	2000	C-dn	500–1	500–1	600–1½
				S-dn–1 and 19	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runway 1: Climb to 2000′ on R–010 ALB–VOR within 10 mi, make left turn, return to ALB–VOR. Hold ALB–VOR R–356, one-minute right turns, 176° inbnd.
Runway 19: Climb to 3000′ on R–194 ALB–VOR to Greenbush Int. Hold at Greenbush Int one-minute right turns R–194 ALB–VOR, 014° inbnd.
*2600′ msl authorized when aircraft on R–194 ALB–VOR.
**Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of 1520′ tower 7.5 mi East, 1833′ tower 10.7 mi SE and 1900′ terrain and tower 11.5 mi 220° through 315°.
#CAUTION: 300–1 required for all takeoffs on Runways 10, 28, 15 and 33.

City, Albany; State, N.Y.; Airport Name, Albany County; Elev., 288′; Fac. Class. and Ident., Albany Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 23 June 62

Radar terminal area maneuvering altitudes by sectors and limiting distances	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
	Surveillance approach			
Within 10 Miles: 344°–028°, 3000′; 028°–054°, 2000′; 054°–128°, 1500′; 182°–182°, 2200′; 182°–215°, 1500′; 215°–259°, 1000′; 259°–344°, 3200′.	T-dn	300–1	300–1	200–½
Within 20 Miles: 340°–018°, 6000′; 018°–037°, 7000′; 037°–045°, 4500′; 045°–080°, 2500′; 080°–128°, 1500′; 128°–194°, 2500′; 194°–215°, 1500′; 215°–250°, 1000′; 250°–262°, 2000′; 262°–303°, 4000′; 303°–328°, 3600′; 328°–340°, 3500′.	C-dn#	500–1	500–1	600–1½
Within 30 Miles: 340°–357°, 6000′; 357°–010°, 7500′; 010°–037°, 9000′; 037°–045°, 7200′; 045°–051°, 5000′; 051°–057°, 4500′; 057°–062°, 3000′; 062°–086°, 2500′; 086°–128°, 1500′; 128°–194°, 2500′; 194°–215°, 1500′; 215°–250°, 1000′; 250°–256°, 2000′; 256°–262°, 3000′; 262°–285°, 4500′; 285°–303°, 4000′; 303°–312°, 4500′; 312°–340°, 5000′.	S-dn–21	500–1	500–1	600–1½
	A-dn*	800–2	800–2	800–2

All bearings are from radar site with sector azimuths progressing clockwise. Radar transitions and vectoring via approved radar patterns authorized.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb straight head to intercept the Los Angeles VOR R–255; climb via the LAX VOR R–255 to cross Pt. Dume Int at minimum altitude 3000′.
CAUTION: Building 599′ msl, 332°—1.7 mi from airport.
*Weather Service 0700 to 2300.
#Maneuvering North of the Airport Not Authorized.

City, Santa Monica; State, Calif.; Airport Name, Municipal; Elev., 175′; Fac. Class. and Ident., Los Angeles Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 23 June 62

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on May 17, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62–4984; Filed, June 11, 1962; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 48—OPTIONAL RETIREMENT

The Secretary of Defense approved the following revised Part 48 for use by members of the uniformed services. Part 48, as revised, is effective as of October 4, 1961.

Subpart A—General Information

Sec.
48.101 Purpose.
48.102 Definitions.

Subpart B—Election of Options

48.201 Options.
48.202 Limitation on number of annuities.
48.203 Election of options.
48.204 Change or revocation of election.
48.205 Statement from member who does not desire coverage.
48.206 Election form.
48.207 Information regarding elections.

Subpart C—Designation of Beneficiaries

48.301 Designation.
48.302 Substantiating evidence regarding dependency and age of dependents.
48.303 Condition affecting entitlement of widow or widower.

Subpart D—Reduction of Retired Pay

48.401 Computation of reduction.
48.402 Effective date of reduction.
48.403 Payment of nonwithheld reduction of retired pay.
48.404 Ages to be used.
48.405 Action upon removal from temporary disability retired list.
48.406 Withdrawal for severe financial hardship.

Subpart E—Annuity

48.501 General information.
48.502 Effective date of annuity.
48.503 Claims for annuity payments.
48.504 Payment to children.
48.505 Establishing eligibility of annuitants.
48.506 Recovery of erroneous annuity payments.
48.507 Restriction on participation.

Subpart F—Miscellaneous

48.601 Annual report.
48.602 Organization.
48.603 Correction of administrative deficiencies.
48.604 Transition and protective clauses.

AUTHORITY: §§ 48.101 to 48.604 issued under sec. 1444, 70A Stat. 111; 10 U.S.C. 1444. Interpret or apply E.O. 10499, 18 F.R. 7003, 3 CFR, 1953 Supp.

Subpart A—General Information

§ 48.101 Purpose.

The purpose of the Retired Serviceman's Family Protection Plan (Title 10, United States Code, sections 1431–1446, as amended) is to permit each member of the uniformed services to elect to receive a reduced amount of any retired pay which may be awarded him as a result of service in his uniformed service in order to provide one or more of the annuities specified in Title 10, United States Code, section 1434, payable after his death in a retired status to his widow, child, or children, subject to certain limitations specified in the law and elaborated in the regulations in this part.

§ 48.102 Definitions.

(a) The term "Plan" as used in this part means the Retired Serviceman's Family Protection Plan.

(b) The term "uniformed services" means the Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service.

(c) The term "member" means a commissioned officer, commissioned warrant officer, warrant officer, nurse, flight officer, or a person in an enlisted grade (including an aviation cadet) of any of the uniformed services, and a person in any of those categories who is entitled to or is in receipt of retired pay except persons excluded in Title 10, United States Code, section 1431a, as amended.

(d) The term "widow" includes "widower" and refers to the lawful spouse of the member on the date of retirement with pay.

(e) The term "child" means, in all cases, a member's child, as hereafter defined, who was born and is living and meets the following requirements on the date of retirement of the member with pay or November 1, 1953—whichever is later:

(1) A legitimate child under 18 years of age and unmarried.

(2) A stepchild, under 18 years of age and unmarried, who is in fact dependent on the member for support (see (f) and (g) below).

(3) A legally adopted child, under 18 years of age and unmarried.

(4) A child, as defined above, who is over 18 years of age and unmarried, and who is incapable of self-support because of being mentally defective or physically incapacitated if that condition existed prior to reaching age 18.

(f) The term "stepchild" means a child of a member's spouse by a former marriage. The stepchild relationship terminates upon the divorce of the parent spouse but not upon the death of the parent spouse.

(g) The term "in fact dependent" means that the stepchild must be dependent on the member for over half of his or her support.

(h) The term "retirement" means retirement with eligibility to receive pay (unless otherwise indicated).

(i) The term "retired pay" includes retired, retirement, equivalent, and retainer pay.

(j) The term "reduced retired pay" means the retired pay remaining after the cost of participation in the Plan has been subtracted.

(k) The term "department concerned" means (1) the Department of the Army with respect to the Army, (2) the Department of the Navy with respect to the Navy and Marine Corps, (3) the Department of the Air Force with respect to the Air Force, (4) the Treasury Department with respect to the Coast Guard, (5) the Department of Commerce with respect to the Coast and Geodetic Survey, and (6) the Department of Health, Education, and Welfare with respect to Public Health Service.

(l) The term "dependents" means the prospective annuitants described in subsections 102d and 102e.

(m) The term "Board of Actuaries" means the Government Actuary, the Chief Actuary of the Social Security Administration, and a member of the Society of Actuaries appointed by the President to advise the Secretary of Defense on the administration of the Plan.

(n) The term "Joint Board" means representatives of the uniformed services appointed under the provisions of § 48.602.

(o) The term "years of service" means years of service creditable in the computation of basic pay.

Subpart B—Election of Options

§ 48.201 Options.

As provided in § 48.203, a member may elect one or more of the following annuities in amounts equal to one-half, one-quarter, or one-eighth of the reduced amount of his retired pay. Such amounts must be specified at the time of election:

(a) Option 1 is an annuity payable to or on behalf of his widow, the annuity to terminate upon her death or remarriage.

(b) Option 2 is an annuity payable to or on behalf of his surviving child or children, the annuity to terminate when there ceases to be at least one such surviving child eligible to receive the annuity. Each payment under such annuity shall be paid in equal shares to or on behalf of the surviving children remaining eligible at the time the payment is due.

(c) Option 3 is an annuity to or on behalf of his widow and surviving child or children. Such annuity shall be paid to the widow until death or remarriage, and thereafter each payment under such annuity shall be paid in equal shares to or on behalf of the surviving children remaining eligible at the time the payment is due. A member may provide for allocating during the period of the surviving spouse's eligibility, a part of the annuity under this section for payment to those of his surviving children who are not children of that spouse.

(d) Option 4 provides that no further deductions shall be made from the retired pay of the member commencing with the first day of the month following that in which there is no beneficiary eligible to receive an annuity payable under the election made by him in paragraphs (a), (b), or (c) of this section.

§ 48.202 Limitation on number of annuities.

Where a member desires to provide both the annuity provided by Option 1 and Option 2, he may elect either one-quarter or one-eighth of his reduced retired pay for each option elected. The reduction in his retired pay on account of each annuity, and the amount of each annuity shall be determined separately. A member may not elect Option 1 and Option 3 or 2 and 3 for any amount either with or without Option 4.

§ 48.203 Election of options.

(a) A member who has completed less than 18 years of service may elect to receive a reduced amount of any retired pay which may be awarded him as the result of service in his uniformed service in order to provide one or more of the annuities as specified in §§ 48.201 and 48.202 payable after his death in a retired status to or on behalf of his surviving widow, child or children. To be effective the election by such member must be dated, signed, witnessed and delivered to appropriate service officials, or postmarked, not later than midnight on the day in which he completes 18 years of service. Such an election, if not effectively changed or revoked, will become effective immediately upon subsequent retirement.

(b) A member who fails or declines to make an election before completion of 18 years of service may make an election after that time. However, unless the election is made at least three years prior to the date the member becomes entitled to receive retired pay, and on or after October 4, 1961, it will not be effective.

(c) A member retired for physical disability who is awarded retired pay on or after October 4, 1961, and prior to the completion of 18 years of service (and who had not already made an election prior to October 4, 1961), may make an election which is subject to the restrictions set forth in § 48.507. The election of the Plan by such member shall be made at the time of retirement if not made earlier.

(d) If, because of military operations, a member is assigned to an isolated station or is missing, interned in a neutral country, captured by a hostile force, or beleaguered or besieged, and for that reason is unable to make an election before completing 18 years of service, he may make the election within one year after he ceases to be assigned to that station or returns to the jurisdiction of his service as the case may be, and such election shall become effective immediately.

(e) A member to whom retired pay is granted retroactively, and who is otherwise eligible to make an election, may make the election within 90 days after receiving notice that such pay has been granted him.

(f) Whenever a member is determined to be mentally incompetent by medical officers of the uniformed services or of the Veterans Administration, or is adjudged mentally incompetent by a court of competent jurisdiction and because of such mental incompetency is incapable of making any election within the time limitations prescribed by the Plan, the Secretary of the department concerned may make the appropriate election on behalf of such member upon request of the spouse, or if there be no spouse by or on behalf of the child or children of such member. If such member is subsequently determined to be mentally competent by the Veterans Administration or a court of competent jurisdiction, he may, within 180 days after such determination or judgment, change or revoke the election made on his behalf. In such a case, the change or revocation will be effective on the date of the member's request for such change or revocation. Deductions previously made shall not be refunded.

(g) If an election made is found to be void for any reason except fraud or willful intent of the member making the election, he may make a corrected election at any time within 90 days after he is notified in writing that the election is void. A corrected election made under this paragraph is effective as of the date of the voided election it replaces.

§ 48.204 Change or revocation of election.

(a) A change of election is a change in the percentage of the reduced amount of retired pay under any option, or a change in any option or options selected. A revocation is a cancellation of a previous election and constitutes a withdrawal from coverage under the Plan.

(b) A member may change the terms of his election as often as he may desire prior to his retirement. Such change shall become effective three years after the date of execution unless the member is retired in the interim period (see §§ 48.203(f) and 48.604(d) for exceptions).

(c) A member may revoke an election at any time. However, if the member becomes entitled to retired pay within three years thereafter, such revocation shall have no effect (see §§ 48.203(f) and 48.604(d) for exceptions). After a revocation has been submitted, the member may make a new election.

(d) A member in receipt of, or entitled to receive retirement pay may not change or revoke his election except when made under § 48.203(f).

(e) Notification of a change of dependent is not a change of election.

§ 48.205 Statement from member who does not desire coverage.

(a) It is desirable that all members who do not elect to participate make a positive statement of declination of coverage under the Plan. Such members may endorse the election form stating that no election is desired.

(b) A member who stated his declination or made no statement of an election may subsequently elect to be covered by the Plan as specified in §§ 48.201 and 48.202. In order to be effective, the election must be made before completion of 18 years of service, or at least three years before the first day of retirement (see § 48.203 (d) and (e) for exceptions).

§ 48.206 Election form.

The form for making elections will be submitted as directed by the department concerned. All copies forwarded will be signed, and any signed copy may be used to substantiate the fact of election or declination.

§ 48.207 Information regarding elections.

(a) All members of the reserve components on inactive duty who have completed 17 years of service will be provided an individual letter of instructions and an option election form.

(b) It is the responsibility of the department concerned to provide election forms and to promulgate information concerning the benefits of the Plan to all members so as to allow a timely election.

(c) Members retiring for physical disability prior to the completion of 18 years of service will be counseled and furnished information concerning the operation of the Plan prior to retirement.

Subpart C—Designation of Beneficiaries

§ 48.301 Designation.

If a member has dependents they should be named at the time of election or when they are acquired. The dependents named in an election option may be changed until the date of retirement provided such changes are limited to the same option. In any case all legal beneficiaries described in § 48.102 must be named at the date of retirement pursuant to the option elected. Although a member without dependents may also make an election, it will not be effective unless he has eligible dependents at the time of his retirement.

§ 48.302 Substantiating evidence regarding dependency and age of dependents.

At the time of submitting the election (or prior to the time of retirement), the member must indicate the date and place of his marriage and the full name of his wife prior to their marriage. If requested by the department concerned, he must also submit proof of dissolution of prior marriages, if any, of either spouse. The age of the dependents must be substantiated by a birth certificate or other competent evidence. The birth date of a member must be verified by his service record.

§ 48.303 Condition affecting entitlement of widow or widower.

A member may have a different lawful spouse at the time of retirement than the lawful spouse he had at the time of election. The lawful spouse at the time of retirement is the spouse eligible for an annuity.

Subpart D—Reduction of Retired Pay

§ 48.401 Computation of reduction.

(a) The reduction to be made in the retired pay of a member who has made an election shall be computed by the uniformed service concerned in each individual case based upon tables [1] showing percentage reduction in retired pay. These tables are published as Tables of Percentage Reduction of Retired Pay and Conversion Tables under the Retired Serviceman's Family Protection Plan. The computation shall be based upon the applicable table in effect on the date of retirement.

(b) If the member has no eligible dependents under the option(s) elected on the effective date of retirement, no reduction in retired pay shall be made.

(c) An adjustment may be made in the reduction of retired pay upon the finding of an administrative error or a mistake of fact.

[1] Filed as part of original document.

(d) If a member elects to be covered by Option 3, or 3 and 4, and on the date he is awarded retired pay has no children eligible for the annuity, he shall have his costs computed as though he had elected Option 1, or 1 and 4. If he elects Option 3, or 3 and 4, and on the date he is awarded retired pay has no wife eligible for the annuity, he shall have his costs computed as though he had elected Option 2, or 2 and 4.

(e) The percentage of reduction and the annuity payable established for each individual at the time of his retirement shall remain unaltered regardless of future pay increases or decreases.

§ 48.402 Effective date of reduction.

The effective date of reduction in retired pay will be the effective date of retirement with pay or November 1, 1953, whichever is later. The reduction in retired pay will be terminated on the date the member ceases to be entitled to retired pay or, in the case of members electing Option 4, on the first day of the month following that in which there is no eligible dependent.

§ 48.403 Payment of nonwithheld reduction of retired pay.

(a) A member of a uniformed service who is entitled to retired pay and has made an election shall, during any period in which he is not receiving retired pay (including periods of active duty), deposit the amount which would have been withheld from his retired pay had he been receiving that pay.

(b) Such deposit will be payable to the Treasurer of the United States and shall be forwarded monthly to the disbursing office which would normally pay the member his retired pay.

(c) The disbursing office will in all cases inform the member of the amount to be deposited and when such deposits are to be made.

(d) In the event deposits are not made within 30 days of the due date, the disbursing office will inform the member concerned that he is delinquent from such due date and thereafter his designated beneficiaries will not be eligible for the annuity provided under the Plan until the arrears have been paid. The notification of delinquency will advise the member that 15 additional days have been granted to him in which to remit his deposit, and that if the arrears are not deposited within that period the member will be charged interest to include the first day of delinquency. In no case will the expiration date of the 15 days exceed a date later than 45 days from the date the deposit was due. The interest will be computed monthly and the rate will be that used in computing the tables of reduction in retired pay in effect on the date of the member's retirement. If such member later becomes in receipt of retired pay, any arrears with compound interest will be withheld.

§ 48.404 Ages to be used.

Ages to be used for calculating reductions of retired pay will be the ages of the member and his eligible dependents on their nearest birthday as of the date of the member's retirement, or November 1, 1953, whichever is later.

§ 48.405 Action upon removal from temporary disability retired list.

(a) Any member on the temporary disability retired list established pursuant to Title 10, United States Code, chapter 61, who has elected to receive reduced retired pay in order to provide one or more of the annuities specified in the Plan, and who is subsequently removed from the list due to any reason other than permanent retirement, shall have refunded to him a sum which represents the difference between the amount by which his retired pay has been reduced and the cost of an amount of term insurance which is equal to the protection provided his dependents during the period he was on the temporary disability retired list.

(b) If the member concerned is returned to active duty, he may continue the election as previously made or he may change or revoke the election as provided in § 48.204.

(c) Service creditable for the purpose of the three year interval of active duty required to make a change, revocation or new election valid includes service before, during and after temporary disability retirement. (See §§ 48.203 and 48.204 and CompGen decision B 144158, December 23, 1960.) Active duty after removal from a temporary disability retired list is a necessity in such a case.

§ 48.406 Withdrawal for severe financial hardship.

(a) The Secretary of the department concerned may allow withdrawal from the Plan in those rare cases when, because of a member's severe financial hardship, enforced continued participation in the Plan would violate equity and good conscience. The absence of an eligible beneficiary shall not of itself be a basis for withdrawal. If a member is allowed to withdraw from the Plan, deductions from his retired pay or deposits in lieu of deductions for all periods prior to the effective date of withdrawal will not be refunded. A member allowed to withdraw may not at any time thereafter participate in the Plan unless the withdrawal occurred while the member was on a temporary retired list and he was later returned to duty.

(b) Requests for withdrawal shall be submitted to the Secretary concerned through prescribed channels. A member requesting withdrawal must furnish:

(1) A balance sheet document with itemized listing of all assets (real estate, stocks, bonds, personal property, etc.) owned by the member, spouse and dependent children. All outstanding liens, mortgages, and other indebtedness reducing the member or family equity in the assets shall be listed.

(2) A listing of all life insurance policies, with cash value and outstanding loans, carried on the life of the member, his spouse, and/or his dependent children.

(3) A statement of all salaries, wages, commissions, pensions, annuities, dividends and income from any other source received by the member, spouse, and dependent children during the past twelve months. Amounts withheld for taxes or other deductions shall be identified and included as income.

(4) An itemized statement of actual expenses for the past twelve months and estimated expenses for the next twelve months.

(5) A list of all obligations not otherwise shown.

(6) A statement of the events which have caused the member's living expenses or obligations to increase beyond that which might have been reasonably predicted prior to the time the member could have revoked an election to participate in the Plan.

(7) Any other information required by the Secretary concerned.

(8) An attested statement that all information furnished by the member is, to the best of his knowledge, true and correct.

(c) All requests for withdrawal shall be reviewed and evaluated as directed by the Secretary concerned. If he considers it desirable he may request the Joint Board described in § 48.602(a) to also review the request and to furnish him a recommendation of approval or disapproval. Any recommendation of the Joint Board shall require the concurrence of at least four services.

(d) After reviewing all evidence available including the recommendation of the Joint Board, the Secretary of the department concerned shall approve or disapprove the request for withdrawal. If the request is approved, it shall become effective at the end of the month in which approved. At that time deductions from retired pay will cease and in the event of the death of the member after that time no annuity will be payable.

(e) The applicant will be notified of secretarial action.

(f) If the request for withdrawal is approved, the service concerned will furnish the Board of Actuaries pertinent details of the case for inclusion in the annual report on the operation of the Plan.

Subpart E—Annuity

§ 48.501 General information.

No annuity payable under the Plan shall be assignable, or subject to execution, levy, attachment, garnishment, or other legal process. Annuities payable under this Plan shall be in addition to any pensions or other payments to which the beneficiaries may now or hereafter be entitled under other provisions of law (except as provided in § 48.507), and may not be considered as income under any law administered by the Veterans Administration except for the purposes of Title 38, United States Code, section 415 (g) and chapter 15.

§ 48.502 Effective date of annuity.

All annuities payable under this Plan shall accrue from the first day of the month in which the retired member dies and shall be due and payable not later than the 15th day of each month following that month and in equal monthly installments thereafter, except that no annuity shall accrue or be paid for the month in which entitlement to that annuity terminates.

§ 48.503 Claims for annuity payments.

Upon official notification of the death of a retired member who has elected under the Plan, the department concerned shall forward to the eligible surviving dependents the necessary information and forms for making application for annuity payments. Such information shall include the place to which the application should be forwarded and to which questions regarding annuity payments should be addressed.

§ 48.504 Payment to children.

Annuities for a child or children will be paid to the child's guardian, or if there is no guardian to the person(s) who has care, custody, and control of the child or children.

§ 48.505 Establishing eligibility of annuitants.

(a) Eligibility for the annuity will be established by such evidence as may be required by the department concerned.

(b) If a child as defined in § 48.102(e)(4) is a designated annuitant, the department concerned shall require proof that the incapacity for self-support existed prior to the child reaching age 18, and proof that continued incapacitation exists shall be required at least every two years after the child passes the age of 18 years.

§ 48.506 Recovery of erroneous annuity payments.

(a) The Secretary of the department concerned is empowered to use any means provided by law to recover amounts of annuities erroneously paid to any individual under the Plan. He may authorize such recovery by adjustment in subsequent payments to which the individual is entitled.

(b) There need be no recovery when in the judgment of the Secretary of the department concerned and the Comptroller General of the United States, the individual to whom the erroneous payment was made is without fault and recovery would be contrary to the purpose of the Plan or would be against equity and good conscience.

§ 48.507 Restriction on participation.

(a) If on or after 4 October 1961, a person who has made an election under the Plan is retired by reason of physical disability prior to completion of 18 years of service and hereafter dies, his beneficiaries are not entitled to the annuities provided under §§ 48.201 and 202 until they have submitted proof to the department concerned that they are not eligible for benefits under Title 38, United States Code, chapter 11 or 13. If either the widow or children is eligible for the latter benefits, then payment of annuities under the Plan may not be made to any member of the family.

(b) Upon notification of the death of the member in such a case the department concerned will take the following action:

(1) Forward to the eligible widow and/or children an application for survivor benefits under Title 38, United States Code, chapter 11 or 13, and instructions for completion and submission of the application to the office of the nearest Veterans Administration Regional Office. These instructions will include information concerning the conditions that must be met prior to any payment of annuity or refund of deductions.

(2) Notify the Central Office of the Veterans Administration of the death of the member and request that the department concerned be advised if an award is made under chapter 11 or 13 of Title 38, United States Code.

(c) If the beneficiaries on whose behalf the election was made are restricted under paragraph (a) of this section from participating in the annuities provided, the amounts withheld from the elector's retired pay shall be refunded to the beneficiaries, less the amount of any annuities paid under the provisions of the Retired Serviceman's Family Protection Plan, without interest.

Subpart F—Miscellaneous

§ 48.601 Annual report.

Information and data for the preparation of the annual report of the Board of Actuaries will be compiled by the Department of the Air Force after promulgation of appropriate instructions to each of the uniformed services. These instructions will be in consonance with Executive Order 10499 directing the Secretary of Defense to administer the provisions of the law.

§ 48.602 Organization.

(a) The Joint Committee for the Uniformed Services Contingency Option Act of 1953 is hereby redesignated as the Joint Board for the Retired Serviceman's Family Protection Plan.

(b) The Joint Board shall consist of a principal and alternate members appointed by each Secretary concerned. Alternate members will be authorized to act in the absence of the principal. The Board shall meet on call of the chairman. A quorum shall consist of representatives of at least four of the participating services.

(c) The Board shall establish procedures for the orderly conduct of business to be approved by the Assistant Secretary of Defense (Manpower).

(d) The duties of the Board will include but not be limited to the following:

(1) Making recommendations to the Secretary of Defense for:

(i) Changes to the Executive order delegating to him functions conferred on the President by the law,

(ii) Changes to the regulations in this part,

(iii) Changes to the law, and

(iv) Measures to insure uniform operating policies.

(2) Promulgating tables of percentage reduction of retired pay as prescribed by the Board of Actuaries.

(3) Promulgating the cost of term insurance as required in § 48.405.

(4) Preparing appropriate informational brochures concerning the Retired Serviceman's Family Protection Plan for distribution by the uniformed services.

(5) When requested, making recommendation for approval or disapproval of withdrawal from the Plan as set forth in § 48.406.

(e) The chairmanship of this Joint Board will be rotated annually on a fiscal year basis in the order of Air Force, Navy, and Army.

§ 48.603 Correction of administrative deficiencies.

(a) The Secretary of the Department concerned may correct any election or any change or revocation of an election when he considers it necessary to correct an administrative error. Information on such corrections shall be compiled by each department for inclusion in the report prescribed by § 48.601.

(b) Except when procured by fraud, a correction under this section is final and conclusive on all officers of the United States.

(c) Information on all corrections to elections under this Plan which are made under Title 10, United States Code, section 1552, shall be compiled and this information forwarded to the Board of Actuaries for an actuarial analysis.

§ 48.604 Transition and protective clauses.

(a) A revocation or change of election filed prior to October 4, 1961 shall become effective three years from the date made or on October 4, 1961, whichever is later, provided the member has not become entitled to receive retired pay in the interim.

(b) A member who made an election prior to October 4, 1961 and who is subsequently retired for physical disability with less than 18 years of service shall be considered as having applicable to him all the provisions of Title 10, United States Code, chapter 73, existing prior to October 4, 1961, except that any revocation or change in election will be effective three years from the date of filing, or October 4, 1961, whichever is later provided he has not become entitled to retired pay in the interim.

(c) A revocation or change of an election must be submitted not less than three years before the retirement of the elector in order to be effective except as noted in paragraph (d) of this section.

(d) A change or revocation of an election made under Title 10, United States Code, section 1431, by (1) an officer who is retired under section 10, act of July 12, 1960 (74 Stat. 396), (2) an officer who is retired under section 3, act of August 11, 1959 (73 Stat. 336), or (3) an officer who is retired under the provisions of Title 14, United States Code, section 235, is effective if made at such a time that it would have been effective had he been retired on the earliest date prescribed for an officer of his kind by Title 10, United States Code, sections 3916, 3921, 6376, 6377, 6379, 8916, or 8921, or Title 14, United States Code, section 248, as appropriate.

MAURICE W. ROCHE,
Administrative Secretary, OSD.

[F.R. Doc. 62-5692; Filed, June 11, 1962; 8:47 a.m.]

Chapter VII—Department of the Air Force

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter VII of this title is amended as follows:

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 805—SAFEGUARDING MILITARY INFORMATION

In Part 805, § 805.6 is deleted and reserved.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.)
[AFR 205-1C, Dec. 18, 1961]

SUBCHAPTER B—AIRCRAFT

PART 826—NON-AIR FORCE PILOTS FLYING AIR FORCE TEST AIRCRAFT

A new Part 826 is added as follows:

Sec.
826.1 Purpose.
826.2 Explanation of test aircraft.
826.3 Who may fly Air Force test aircraft.
826.4 Approval of flights.

AUTHORITY: §§ 826.1 to 826.4 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.
SOURCE: AFB 60-30, November 24, 1961.

§ 826.1 Purpose.

This part authorizes the flying of Air Force test aircraft by non-Air Force pilots, and tells who may approve such flights.

§ 826.2 Explanation of test aircraft.

A test aircraft is any aircraft undergoing USAF research and development testing or used by the USAF for conducting component or related tests in the research and development program. Initial models of production aircraft undergoing acceptance testing are not included.

§ 826.3 Who may fly Air Force test aircraft.

Non-Air Force pilots who possess qualifications comparable to Air Force standards may fly Air Force test aircraft provided:

(a) Flights are in the interest of the Air Force development program and do not hinder the Air Force testing program.

(b) A report of the findings of each flight is submitted to the Air Force. The person making the flight will submit the report to the agency which approved the flight.

(c) Classified information is not disclosed or revealed except with specific approval.

§ 826.4 Approval of flights.

(a) The Director of Systems Acquisition, Headquarters USAF, is authorized to approve:

(1) Flying of Air Force test aircraft by:

(i) Persons sponsored by or representing foreign governments.

(ii) Other non-United States citizens.

(iii) United States citizens who are not members of the Department of Defense, NASA, or FAA.

(2) Flying research or scarce experimental aircraft by persons not directly involved in the testing program for that aircraft.

(b) The Commander, AFSC, is authorized to approve test flight requests of:

(1) United States citizens who are members of the Department of Defense, NASA, or FAA.

(2) Civilian contractor personnel actively engaged in approved USAF test programs.

(c) The cognizant Air Force representative will approve flights of contractor personnel in Air Force test aircraft provided through bailment agreement in accordance with Parts 1013 and 1059, Subchapter J of this chapter.

PART 827—ORIENTATION AND INDOCTRINATION FLIGHTS

3. A new Part 827 is added as follows:

Sec.
827.1 Purpose.
827.2 Definitions.
827.3 Who may approve flights.
827.4 Requirements for flights.
827.5 Limitations placed on flights.
827.6 Certificate authorized.

AUTHORITY: §§ 827.1 to 827.6 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.
SOURCE: AFR 190-24, March 9, 1962.

§ 827.1 Purpose.

This part authorizes orientation and indoctrination flights for selected passengers in Air Force aircraft and states the limitations and requirements for such flights. It also authorizes a certificate of achievement in recognition of an orientation or indoctrination flight.

§ 827.2 Definitions.

Terms used in this part are explained as follows:

(a) *Orientation and indoctrination flight.* A flight in an Air Force aircraft, with take-off and landing at the same base, carrying a selected passenger(s) to familiarize him (them) with the aircraft—its operating capabilities and concept of employment—in furtherance of public understanding and appreciation of the Air Force.

(b) *Selected passenger.* An influential person who because his position permits ready contact with the various segments of the public, can improve understanding and appreciation of the Air Force. Also includes military and civilian foreign nationals of allied countries who have a similar position in their country.

§ 827.3 Who may approve flights.

Major air commanders may approve orientation and indoctrination flights on an unclassified basis for selected passengers, when such flights are, in their opinion, of value in promoting greater public understanding and appreciation of the Air Force and the problems associated with its operations.

(a) The Commander, Tactical Air Command, may delegate to the 4520th Aerial Demonstration Squadron Commander authority to approve orientation flights.

(b) An orientation flight, which is likely to cause unusual or national interest will not be authorized without approval of the Secretary of the Air Force (SAFOI-3c). Examples are: A flight during which a record attempt is made; a first flight of an aircraft just accepted into Air Force inventory carrying a media representative; or the first media flight over an isolated geographical area.

§ 827.4 Requirements for flights.

(a) *Selection of crew.* Highly qualified Air Force personnel will be selected to conduct orientation and indoctrination flights.

(b) *Briefing passenger(s).* The designated officers will:

(1) Require each passenger to sign a release as required in AFR 76-6 (Responsibilities and Policies for Movement of Traffic on Other Than MATS Scheduled Aircraft), absolving the Government of liability in case of accident.

(2) Brief each passenger as specified in AFR 60-16 (General Flight Rules). Include any other information that may be pertinent for passenger safety and comfort. Tactfully explain each item in the briefing to avoid passenger fear or apprehension.

(3) Orient passenger(s) on the aircraft's exterior if considered appropriate.

(4) Brief passenger(s) on procedures, controls, and instrumentation if he (they) will occupy a crew member's position.

§ 827.5 Limitations placed on flights.

The following limitations apply to orientation and indoctrination flights.

(a) Flights will terminate at point of origin.

(b) Flights will be performed during daylight visual flight conditions with minimum ceiling of 5,000 feet and visibility of 5 miles which has existed for at least 1 hour before take-off and is forecast to exist for one hour after landing. However, on flights of several hours' duration, weather minimums will be as prescribed by the approving authority.

(c) Provisions of AFR 50-27 (AF Physiological Training Program) pertaining to flight altitudes and physiological training apply to passengers receiving orientation and indoctrination flights in all types of aircraft.

(d) Formation flying will not be performed unless required for a specific purpose and authorized by the approving authority.

§ 827.6 Certificate authorized.

The certificate of achievement is suggested as an award for the passenger in recognition of his flight. Appropriate photographs may also be presented to the passenger.

SUBCHAPTER E—POST SERVICES

PART 859—CHARGES FOR CERTAIN GOVERNMENT SERVICES AND PROPERTY

4. A new Part 859 is added as follows:

Sec.
859.1 Purpose.
859.2 General policy.
859.3 Determining costs and fees for special services.
859.4 Determining charges for lease or sale.

AUTHORITY: §§ 859.1 to 859.4 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.
SOURCE: AFR 177-8, February 19, 1962.

§ 859.1 Purpose.

Sections 859.1 to 859.4 prescribe general policy for developing an equitable and uniform system of charges for certain Government services and property.

§ 859.2 General policy.

A reasonable charge, as described in this section, should be made to each identifiable recipient for a measurable unit or amount of Government service or property from which he derives a special benefit.

(a) *Special services.* Where a service or privilege provides special benefits to an identifiable recipient above and beyond those which accrue to the public at large, a charge should be imposed to recover the full cost of rendering that service. No charge should be made for services when the identification of the ultimate beneficiary is obscure and the service can be primarily considered as broadly benefiting the general public. For example, a special benefit will be considered to accrue and a charge should be imposed when an Air-Force-rendered service:

(1) Enables the beneficiary to obtain more immediate or substantial gains or values, which may or may not be measurable in monetary terms, than those which accrue to the general public.

(2) Provides business stability or assures public confidence in the business activity of the beneficiary.

(3) Is performed at the request of the recipient and is above and beyond the services regularly received by other members of the same industry or group, or of the general public.

(b) *Lease or sale.* Where federally owned resources or property are leased or sold, a fair market value should be obtained.

§ 859.3 Determining costs and fees for special services.

(a) *Determining costs.* Costs shall be determined or estimated from the best available records in the Air Force activity, and cost accounting systems will not be established solely for this purpose. The cost computation shall cover the direct and indirect costs incurred by the activity performing the service, including but not limited to:

(1) Civilian salaries, military pay and allowances at standard rates, employee leave, travel expense, cost of fee collection, postage, material and supplies used, maintenance and operation of buildings and equipment (including depreciation when appropriate), and personnel costs other than direct salaries (e.g., retirement and employee insurance).

(2) A proportionate share of the management and supervisory costs of the activity performing the service.

(3) The costs of research, establishing standards, enforcements, and regulation, to the extent they are determined by the Air Force activity to be properly chargeable to the services performed.

(b) *Establishing fees to recover costs.* Fees will be established in accordance with the policies and procedures of §§ 859.1 to 859.4 (§ 859.2). However, the provisions of §§ 859.1 to 859.4 are not to be construed in such a way as to reduce or eliminate fees and charges in effect on the date of its issuance. The maximum fee for a special service will be governed by its total cost and not by the values of the service to the recipient. (If the amount of the fee can be determined in advance, it should normally be collected before rendering the service). The cost of providing the service shall be reviewed every year and the fees adjusted as needed. In establishing new fees and increasing existing fees, exceptions may be made to the general policy which requires a reasonable charge (§ 859.2), under such conditions as follows:

(1) If the cost of collecting the fees would be unduly large in proportion to the receipts from the activity.

(2) If the furnishing of the service without charge is an appropriate courtesy to a foreign country or international organization; or comparable fees are set on a reciprocal basis with a foreign country.

(3) If the recipient is engaged in a non-profit activity designed for the public safety, health, or welfare.

(4) If payment of the full fee by a State, local government, or nonprofit group would not be in the interest of the program.

§ 859.4 Determining charges for lease or sale.

Where federally owned resources or property are leased or sold, a fair market value should be obtained. Charges should be determined, so far as practicable and feasible, in accordance with comparable commercial practices. Charges need not be limited to the recovery of costs—they may produce net revenues to the Government.

For the Secretary of the Air Force.

M. R. TIDWELL, JR.,
Major General, U.S. Air Force, The Assistant Judge Advocate General, United States Air Force.

[F.R. Doc. 62-5667; Filed, June 11, 1962; 8:45 a.m.]

SUBCHAPTER G—PERSONNEL

PART 887—APPOINTMENT OF OFFICER PERSONNEL

Appointment of Medical and Dental Officers in the Regular Air Force; Appointment of Disintinguished Air Force ROTC Graduates as Officers in the Regular Air Force

1. Revise § 887.3(f)(2) to read as follows:

§ 887.3 Eligibility for appointment.

* * * * *

(f) *Background.*

(2) The person who resigns, is dismissed, is disenrolled, or is eliminated from an officer training program of the Army, Navy, or Air Force for reasons of Honor Code violation, military inaptitude, indifference, undesirable traits of character, or disciplinary reasons, is not eligible under §§ 887.1 to 887.7. However, superintendents of service academies and commanders of officer training programs may recommend waivers to this policy to the Secretary of the Air Force in exceptional cases worthy of consideration.

§ 887.6 [Amendment]

2. In § 887.6, *Action by the applicant,* amend the symbol "(AFPTR–P–3A)" in paragraphs (c)(2), (d), and (e) to read: "(AFPTR–PR–3A)."

3. Former §§ 887.20 to 887.28 are deleted and the following substituted therefor:

APPOINTMENT OF DISTINGUISHED AIR FORCE ROTC GRADUATES AS OFFICERS IN THE REGULAR AIR FORCE

Sec.
887.20 Purpose.
887.21 Recognizing outstanding cadets and graduates.
887.22 General eligibility requirements.
887.23 Selecting distinguished cadets.
887.24 Selecting distinguished graduates.
887.25 When cadets must apply.
887.26 Final selection.
887.27 Appointment.
887.28 Probationary period.

AUTHORITY: §§ 887.20 to 887.28 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 70A Stat. 507; 10 U.S.C. 8284.
SOURCE: AFR 36-54, March 30, 1962.

§ 887.20 Purpose.

Sections 887.20 to 887.28 set forth the general policy, eligibility requirements and special criteria, for submitting applications for appointment in the Regular Air Force. It applies only to distinguished Air Force ROTC cadets and graduates.

§ 887.21 Recognizing outstanding cadets and graduates.

The Air Force recognizes those persons who have distinguished themselves academically and have demonstrated outstanding qualities of leadership for service in the Air Force during Air Force ROTC training.

(a) The Professor of Air Science first designates distinguished Air Force ROTC cadets from those best qualified. Graduates from this group who apply and are selected will be offered Regular Air Force commissions.

(b) Final selections are made by a board of officers at Headquarters USAF. Recommendations of the board are final, except that the President of the United States may remove the name of any officer on the list who, in his opinion, is not qualified for appointment.

(c) Distinguished graduates who do not apply for Regular appointment under §§ 887.20 to 887.28 will be given appropriate consideration when they become eligible for Regular appointment under other directives.

§ 887.22 General eligibility requirements.

Each selected applicant must meet the following requirements at time of appointment:

(a) *Distinguished graduates.* Only a selected applicant designated as a distinguished Air Force ROTC graduate may be appointed.

(b) *Age.* At the time of application, an applicant may not be over 30 years old, unless he has served on active duty as a commissioned officer in the Armed Forces of the United States (in which case, the applicant cannot be more than 30 years old by more than the number of years, months, and days he has served as an active duty commissioned officer). An applicant may make a written request for a waiver of the age limitation, but the waiver is subject to final approval by the Secretary of the Air Force. However, a person may not be appointed if he will reach his 55th birthday before he completes 20 years of active Federal commissioned service. The Regular appointment of any person selected who is under 21 years of age will be withheld until he has reached his 21st birthday.

(c) *Citizenship.* An applicant must be a citizen of the United States. If he is not a citizen by birth, he must furnish a certificate by an officer, notary public, or any other person authorized by law to administer oaths, giving the following information:

I certify that I have this date seen the original Certificate of Citizenship Number ------ (or certified copy of court order establishing citizenship) stating that ---------- was admitted to
(Full name)
United States citizenship by the ---------- Court of ----------
(District or county)
---------- on ----------
(State) (date)

NOTE: Making any kind of copy of naturalization certificates is strictly prohibited. 18 USC 1426(h) states: "Whoever, without lawful authority, prints, photographs, makes, or executes any print or impression in the likeness of a certificate of arrival, declaration of intention to become a citizen, or certificate of naturalization or citizenship, or any part thereof, shall be fined not more than $5,000 or imprisoned not more than five years, or both."

(d) *Medical.* After selection, physical qualification is a prerequisite to appointment. An applicant must be qualified according to the physical standards for commission.

(e) *Background.* (1) The appointee's character and reputation must be such as to insure that appointment into the Regular Air Force is clearly consistent with the best interests of the Air Force.

(2) The person who resigns, is dismissed, disenrolled, or eliminated from an officer training program of the Army, Navy, or Air Force for Honor Code violation, military inaptitude, indifference, undesirable traits of character, or disciplinary reasons, is not eligible under §§ 887.20 to 887.28. However, superintendents of service academies and commanders of officer training programs may recommend waivers to this policy to the Secretary of the Air Force in exceptional cases worthy of consideration.

(f) *Dependents.* A male applicant is not restricted as to dependents.

§ 887.23 Selecting distinguished cadets.

(a) *Criteria.* To be selected as a distinguished Air Force ROTC cadet by the Professor of Air Science, an individual must meet the following requirements:

(1) Possess outstanding qualities of leadership and high moral character. He must have definite aptitude for the military service.

(2) Demonstrate leadership ability through his achievements while participating in recognized campus activities.

(3) Attain an academic standing in the upper one-half of his graduating class.

(4) Attain an academic standing in the upper one-third of his class in military subjects.

(5) Attain a standing in the upper one-half of all cadets at his Air Force ROTC summer training unit if he has attended the summer training unit before entry into Air Science IV.

(b) *Designation procedure.* (1) A cadet who meets the requirements of paragraph (a) of this section may be designated a distinguished Air Force ROTC cadet by the Professor of Air Science.

(2) The institution head or his representative must approve all designations before they are made official.

(3) Official designation will be made by letter after the cadet completes the Summer Training Unit (STU) requirement, and not later than 30 days after cadets begin Air Science IV. This designation may be withdrawn at any time before the date the cadet becomes eligible for graduation.

(4) A qualified cadet who is scheduled to complete Air Science IV before academic graduation will be designated a distinguished Air Force ROTC cadet concurrently with those cadets who are scheduled to complete Air Science IV on the same date.

(5) A qualified cadet who is unable to attend Air Force ROTC summer training between the first and second year of the advanced course may be designated a distinguished Air Force ROTC cadet. A cadet in this category is officially designated at the same time as other members of the Air Science IV class. He will also be eligible to apply for a Regular Air Force commission concurrently with those attending their normal Air Force ROTC summer training phase.

§ 887.24 Selecting distinguished graduates.

(a) *Criteria.* To be designated a distinguished graduate by the Professor of Air Science, a distinguished Air Force ROTC cadet must meet the following requirements:

(1) Be designated by Professor of Air Science as a distinguished cadet.

(2) Maintain required standards outlined in § 887.23(a) between time of designation as a distinguished cadet and date of commissioning.

(3) Complete Air Science IV and Air Force ROTC summer training.

(4) Receive a baccalaureate degree.

(b) *Designation procedure.* When the above criteria have been met, a distinguished Air Force ROTC graduate will be designated by official letter as follows:

(1) When the distingushed Air Force cadet has successfully completed Air Science IV before his graduation, and graduation is from an institution having no Air Force ROTC unit, the designation will be made by the Professor of Air Science of the Air Force ROTC unit where he completed his work. The Professor of Air Science will insure that cadets in this category have maintained the prescribed standards in the period between the completion of Air Science IV and graduation.

(2) A distinguished Air Force ROTC cadet will not be designated as a distinguished Air Force ROTC graduate until his designation has been approved by the institution head or his representative.

(3) A distinguished Air Force ROTC cadet who does not apply for Regular appointment but completes the requirements given in paragraph (a) of this section may be designated a distinguished Air Force ROTC graduate.

(4) When the cadet is to be commissioned at the STU, the Professor of Air Science will furnish an undated letter of designation to the STU commander for delivery upon commissioning, provided the cadet remains eligible.

§ 887.25 When cadets must apply.

Applicants will normally be notified whether they are selected or not approximately 6 months following close of application period, which is as follows:

(a) Between October 1st and 31st, annually, for those cadets who are qualified and graduate between May and August of the next calendar year.

(b) Between March 1st and 31st annually, for those cadets who are qualified and graduate between September of that calendar year and April of the next calendar year.

§ 887.26 Final selection.

Applicants will be notified whether they are selected or not through the Commander, Air University.

§ 887.27 Appointment.

Department of the Air Force Special Orders will announce the appointment, which may be withdrawn for cogent reasons or declined at any time before actual acceptance.

§ 887.28 Probationary period.

The appointment of any person under §§ 887.20 to 887.28 is probationary for 3 years and may be revoked by the Secretary of the Air Force at any time before the third anniversary of its acceptance.

For the Secretary of the Air Force.

M. R. TIDWELL, JR.,
Major General, U.S. Air Force, The Assistant Judge Advocate General, United States Air Force.

[F.R. Doc. 62-5668; Filed, June 11, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8330 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Fox Knapp Manufacturing Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–80 *Textile Fiber Products Identification Act;* § 13.1185–90 *Wool Products Labeling Act;* § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–80 *Textile Fiber Products Identification Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130, 72 Stat. 1717; 15 U.S.C. 45, 68, 70) [Cease and desist order, Fox Knapp Manufacturing Company et al., New York, N.Y., Docket 8330, Dec. 27, 1961]

In the Matter of Fox Knapp Manufacturing Company, a Corporation, and David B. Knapp and Joseph Knapp, Individually and as Officers of Said Corporation

Consent order requiring New York City manufacturers to cease violating the Wool Products Labeling Act by labeling and tagging cotton corduroy jackets with the name "Woolmaster" when the only wool content was reprocessed woolen fibers in the interlining, and failing to comply in other respects with requirements of said Act; to cease violating the Textile Fiber Products Identification Act by such practices as attaching to a knitted sweater of Orlon acrylic and cotton a label reading ". . . styled by Woolmaster Co.", thus implying falsely that it contained wool, and by placing the label showing the required information in an inconspicuous place on the garment; and to cease violating the Federal Trade Commission Act by advertisements of their sportswear in the New York Times which implied falsely, by the statement "DYNEL Woolmaster", that the garments depicted were made of wool.

The order to cease and desist is as follows:

It is ordered, That respondents Fox Knapp Manufacturing Company, a corporation, and its officers, and David B. Knapp and Joseph Knapp, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, and the Wool Products Labeling Act of 1939, of wool products as "wool products" are defined in and subject to said Wool Products Labeling Act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to affix labels to wool products showing each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Fox Knapp Manufacturing Company, a corporation, and its officers, and David B. Knapp and Joseph Knapp individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising or offering for sale, in commerce, or in the transportation or causing to be transported in commerce, or the importation into the United States of textile fiber products; or in connection with the selling, offering for sale, advertising, delivering, transporting or causing to be transported, after shipment in commerce, of textile fiber products, either in their original state or which were contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from misbranding textile fiber products by:

1. Falsely and deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of constituent fibers contained therein;

2. Using any word or term on a label which constitutes or implies the name or designation of a fiber not present in the product to which the label or tag is attached;

3. Failing to attach a label showing the information required to be disclosed under section 4(b) of the Textile Fiber Products Identification Act in a conspicuous place on the product to which it relates.

It is further ordered, That respondents Fox Knapp Manufacturing Company, a corporation, and its officers, and David B. Knapp and Joseph Knapp, individually and as officers of said corporation, and their representatives, agents and employees, directly or through any corporate or other device in connection with the advertising, offering for sale, sale, or distribution of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using in advertisements the words "wool" or "Woolmaster" or any other word indicative of wool, to designate or describe any product which is not composed entirely of wool, provided, however, in the case of a product composed in part of wool and in part of other fibers or materials, such words may be used as descriptive of the wool content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words designating such other constituent fibers or materials.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Fox Knapp Manufacturing Company, a corporation, and David B. Knapp and Joseph Knapp, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 27, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-5677; Filed, June 11, 1962; 8:46 a.m.]

[Docket C-54]

PART 13—PROHIBITED TRADE PRACTICES

Thomas F. Lannin et al.

Subpart—Discriminating in price under Sec. 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Thomas F. Lannin doing business as Lannin Sales Company, etc., Chicago, Ill., Docket C-54, Dec. 27, 1961]

In the Matter of Thomas F. Lannin, an Individual Doing Business as Lannin Sales Company and Trell Company

Consent order requiring a Chicago selling agent for a number of manufacturers of automotive parts, supplies, and related products, doing business also as a wholesale distributor of such products, to cease accepting brokerage on purchases for his own account for resale, such as a commission of 7½ percent of the sales price of oil measures, oil can spouts, and can crushers he bought for the account of his wholesale firm from the Swingspout Measure Company for which he was a direct factory representative.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered That respondent Thomas F. Lannin, individually and doing business as the Lannin Sales Company and the Trell Company, and respondent's agents, representatives and employees, directly or through any corporate, partnership, sole proprietorship, or other device, in connection with the purchase of automotive parts, supplies and related products in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from: Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance of discount in lieu thereof, upon or in connection with any purchase of automotive parts, supplies and related products for respondent's own account, or where respondent is the agent, representative, or other intermediary acting for or in behalf, or is subject to the direct or indirect control, of any buyer.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: December 27, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-5678; Filed, June 11, 1962; 8:46 a.m.]

[Docket C-53]

PART 13—PROHIBITED TRADE PRACTICES

Utrecht Linens, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–260 *Retailer as wholesaler, jobber, or factory distributor;* § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Utrecht Linens, Inc., et al., Brooklyn, N.Y., Docket C-53, Dec. 27, 1961]

In the Matter of Utrecht Linens, Inc., a Corporation, and Harold E. Gulamerian, and Norman S. Gulamerian, Individually and as Officers of Said Corporation

Consent order requiring a Brooklyn seller of water and oil colors, art linens, brushes, etc., to some retailers but mainly to consumers, to cease representing falsely that "list prices" higher than those at which they were offering merchandise for sale were the usual retail prices and that purchasers could save the difference between the two; and that they were wholesalers selling at wholesale prices.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, Utrecht Linens, Inc., a corporation, and its officers, and Harold E. Gulamerian and Norman S. Gulamerian, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of water colors, art linens, brushes and oil colors, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "list price" or any other words of similar import or meaning in connection with a stated amount higher than that at which merchandise is offered for sale by respondents when such stated higher amount is in excess of the usual and customary retail price of said merchandise in the trade area or areas where the representation is made; or representing in any other manner that any amount is the usual and customary retail price of merchandise when it is in excess of the price at which the merchandise is usually and customarily sold at retail in the trade area or areas where the representation is made;

2. Representing in any manner that savings are afforded in the purchase of merchandise from respondents from the usual and customary retail price in a trade area unless the price at which such merchandise is offered constitutes a reduction from the price at which the merchandise is usually and customarily sold at retail in the trade area or areas where the representation is made; or misrepresenting in any manner the amount of savings available to purchasers of respondents' merchandise;

3. Using the word "wholesale", or representing in any other manner that they sell at wholesale or wholesale prices, in connection with sales made at the retail level.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 27, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-5679; Filed, June 11, 1962; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2691]

[Fairbanks 026126]

ALASKA

Power Site Cancellation No. 161; Partly Revoking Power Site Classification No. 403; Opening Lands Under Section 24 of the Federal Power Act

On March 29, 1950, the Acting Director of the Geological Survey classified the following-described lands, among others, as power sites insofar as title remained in the United States, and subject to valid existing rights:

SALMON LAKE

All lands within 1 mile of Kruzgamepa River from the confluence of Crater Creek upstream to Salmon Lake.

All lands within 1 mile of the shore of Salmon Lake, east of longitude 165° West.

All lands adjacent to Salmon Lake and Grand Central River, west of longitude 165° West and below an elevation of 500 feet above sea level as shown on the Grand Central Special topographic map.

By virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission dated June 30, 1961, and docketed as DA–76–Alaska, it is ordered as follows:

1. The order of March 29, 1950, creating Power Site Classification No. 403, is hereby cancelled so far as it affects the following-described lands:

(a) All lands adjacent to Salmon Lake and the Kruzgamepa River lying between longitude 165° West and a line through the centers of Sec. 34, T. 6 S., R. 31 W., and Sec. 3, T. 7 S., R. 31 W., as shown on the protracted survey, which lie outside of any smallest legal subdivision any part of which is less than 500 feet in elevation.

(b) All lands on the Kruzgamepa River lying east of a line through the centers of Sec. 34, T. 6 S., R. 31 W., and Sec. 3, T. 7 S., R. 31 W.

Containing approximately 4,200 acres.

2. In its determination of June 30, 1961 (DA–76–Alaska), the Federal Power Commission determined that the value of the lands remaining in Power Site Classification No. 403, after the elimination therefrom of the lands described in Paragraph 1, hereof, will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act, as amended, and subject to the condition that in the event the said lands are required for power purposes, any improvements or structures placed thereon which shall be found to interfere with said development shall be removed or relocated as may be necessary to eliminate interference with power development at no cost to the United States, its permittees or licensees.

The remaining lands to which the Commission thus referred are those lands, any part of which are less than 500 feet in elevation, lying west of a line through the centers of Sec. 34, T. 6 S., R. 31 W., and Sec. 3, T. 7 S., R. 31 W. These lands, which are the subject of the Commission's favorable determination, may be described in terms of protracted surveys, as follows:

KATEEL RIVER MERIDIAN

PROTRACTED (UNSURVEYED)

T. 6 S., R. 31 W.,
Sec. 32, S½SW¼ and SE¼;
Sec. 33, S½;
Sec. 34, S½NW¼ and SW¼.
T. 7 S., R. 31 W.,
Sec. 3, NW¼;
Secs. 4 and 5;
Sec. 6, S½NE¼, SE¼NW¼, and S½;
Secs. 7 and 8;
Sec. 9, N½NW¼ and SW¼NW¼;
Sec. 17, W½NE¼, NW¼, N½SW¼, SE¼SW¼, and W½SE¼;
Sec. 18, N½N½ and S½NE¼.

T. 6 S., R. 32 W.,
Sec. 33, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 34, W½SW¼.
T. 7 S., R. 32 W.,
Sec. 1, S½S½;
Sec. 2, SE¼SE¼;
Sec. 3, W½NW¼, SE¼NW¼, SW¼, W½SE¼, and SE¼SE¼;
Sec. 4, NE¼, E½NW¼, and SE¼;
Sec. 9, N½NE¼ and SE¼NE¼;
Sec. 10, N½, N½SW¼, SE¼SW¼, and SE¼;
Secs. 11 and 12;
Sec. 13, N½N½ and S½NW¼;
Sec. 14, N½N½, S½NE¼, and SE¼NW¼;
Sec. 15, N½NE¼.

Containing approximately 6,674 acres.

3. The lands are located in the southern part of the Seward Peninsula, about 30 miles northeast of Nome, Alaska. Topography is level to gently rolling. The vegetative cover consists mostly of berry bushes and mat vegetation, with a scattered overstory of alder.

4. Until 10:00 a.m. on September 5, 1962, the State of Alaska shall have (1) a preferred right to select the lands in accordance with and subject to the limitations and requirements of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76, and (2) a preferred right to apply for the reservation to it or to any of its political subdivisions under any statute or regulation applicable thereto of any of the lands required for a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, in accordance with the provisions of section 24 of the Federal Power Act, supra.

5. This order shall not otherwise be effective to change the status of the lands until 10:00 a.m. on September 5, 1962. At that time the said lands shall be open to the operation of the public land laws generally, subject to valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals.

6. Any disposals of the lands described in paragraph 2 of this order shall be subject to the provisions of section 24 of the Federal Power Act, as amended, and to the condition recited in paragraph 2, hereof, as specified by the Federal Power Commission in its determination (DA-76-Alaska).

7. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JUNE 6, 1962.

[F.R. Doc. 62-5681; Filed, June 11, 1962; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 62-596]

PART 1—PRACTICE AND PROCEDURE

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Interim Ship Radio Station Licenses

In the matter of amendment of Parts 1 and 8 of the Commission's rules to allow applicants, in Alaska, to obtain interim ship radio station licenses by mail from the FCC Field Engineering Office at Anchorage, Alaska.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 6th day of June 1962:

The Commission having under consideration the above-captioned matter;

It appearing that under the present rules, applicants for interim ship radiotelephone and radar station licenses are required to bring their applications in person, or by an agent, to the Commission's sub-office at Juneau, Alaska, or to the Commission's Anchorage, Alaska, field engineering office; and

It further appearing that the Commission is closing its sub-office at Juneau, Alaska; and

It further appearing that the public interest will be served by allowing all applicants, in Alaska, for ship radiotelephone and radar licenses to submit their applications by mail to the Anchorage, Alaska, field engineering office when the applications are accompanied by written requests for interim licenses; and

It further appearing that while the rule amendments adopted herein provide for submission of applications by mail, they do not preclude an applicant, in Alaska, from bringing his application in person, or by agent, to the Anchorage field office, and receiving his interim license at that time; and

It further appearing that where the application is submitted by mail, the interim license will be sent to the applicant by mail; and

It further appearing that section 4 (a) and (b) of the Administrative Procedure Act need not be complied with since these rule amendments are procedural in nature, and, furthermore, adherence to the public notice procedures is impracticable in view of the imminence of the closure date, July 1, 1962, for the Commission's Juneau, Alaska, sub-office; and

It further appearing that section 4(c) of the Administrative Procedure Act need not be complied with since these rule amendments relieve an existing restriction;

It is ordered, That pursuant to the authority contained in section 4(i) of the Communications Act of 1934, as amended, Parts 1 and 8 of the Commission's rules are amended as set forth below, effective July 1, 1962.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: June 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

A. Part 1 is amended as follows:

Section 1.502(c) is amended to read as follows:

§ 1.502 Where the applications are to be filed.

* * * * *

(c) Formal applications for ship station licenses for use of radiotelephone or radar transmitting apparatus or both and applications for modification of such licenses shall, when accompanied by requests for interim ship station licenses, be filed in accordance with § 8.35 of this chapter and presented in person by applicants or their agents at the nearest field office of the Commission as shown in section 0.49 (a) and (b) of the Commission's Statement of Organization, Delegations of Authority, and Other Information, or at the Commission's main office in Washington, D.C.: *Provided*, That, as an alternative procedure, an applicant, in Alaska, for such a ship station license may submit an application by mail to the Commission's Field Engineering Office at Anchorage, Alaska, when accompanied by a written request for an interim ship station license. Applications for renewal of ship station licenses are not subject to the provisions of this paragraph.

B. Part 8 is amended as follows:

Section 8.35(a) is amended to read as follows:

§ 8.35 Request for interim ship station license.

(a) A formal application for ship station license, or for modification of existing license including modification to cover replacement of radiotelephone transmitting apparatus and/or radar (but not including renewal of station license), to authorize the use of telephony and/or radar on board a vessel when accompanied by a request for an interim ship station license, shall be filed in accordance with § 8.36 and presented in person by the applicant or his agent at the nearest Field Engineering Office of the Commission or at the Commission's main office in Washington, D.C.: *Provided*, That, as an alternative procedure, an applicant, in Alaska, for such a ship station license may submit an application by mail to the Commission's Field Engineering Office at Anchorage, Alaska, when accompanied by a written request for an interim ship station license.

[F.R. Doc. 62-5719; Filed, June 11, 1962; 8:50 a.m.]

[Docket No. 13458 (RM-92); FCC 62-608]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations in New York

The original proposal and comments thereon. 1. In a notice of proposed rule making (FCC 60-358) adopted on April 8, 1960, in response to a petition filed by the Springfield Television Broadcasting Corporation (RM-92) suggesting that Channel 37 be deleted from Clymer, New York, and assigned to Syracuse, New York, the Commission invited comments on the following proposal:

City	Channel No.	
	Present	Proposed
Syracuse, N.Y.	3-, 8, *43+	3-, 8, 37-, *43+
Clymer, N.Y.	37	

Springfield indicated that it was well aware of the handicaps it would face in attempting to establish a UHF station in a multiple VHF market, but that if Channel 37 were assigned to Syracuse it would apply for a permit and construct on that channel, absorbing the anticipated initial losses from its broadcasting operations elsewhere.

2. Parties filing comments and reply comments after the release of the notice fell into two categories: (1) Members of the broadcasting industry, and (2) groups interested primarily in the science of radio astronomy. The parties were identified and their viewpoints were summarized in our report and further notice of proposed rule making (FCC 62-197) released February 16, 1962.

3. Although not all of the broadcasting interests set forth the same arguments, the sum total of their principal arguments, briefly stated, was that (1) there were no UHF receivers in Syracuse, (2) experience has shown that a UHF station cannot successfully compete with two VHF stations in the same market and that therefore the introduction of a UHF station would not satisfy the need of Syracuse for a third competitive service, (3) therefore the Commission should proceed to press forward as promptly as possible to the assignment of a third VHF channel to Syracuse, (4) this should be done whether or not the Commission assigned a UHF channel to Syracuse, and (5) any UHF permittee or licensee would soon bend its efforts toward obtaining a VHF authorization or attempting to have Syracuse deintermixed.

4. Similarly, the aggregate of the main arguments of astronomy interests was that Channel 37 is of great importance to the science of radio astronomy, and that therefore (1) the Springfield proposal should be denied, (2) a UHF channel other than 37 should be assigned to Syracuse, or (3) action upon the Springfield request should be held in abeyance until it could be considered in conjunction with a request for proposed rule making filed by the University of Illinois to delete Channel 37 from the broadcast service and allocate it to radio astronomy.

Subsequent events. 5. Subsequent to the filing of the aforementioned comments and reply comments, the Commission, in a Memorandum Opinion and Order released on March 13, 1961 (RM-180, FCC 61-327), denied the petition of the University of Illinois to allocate Channel 37 to radio astronomy. A petition for reconsideration of that order is being held in abeyance by the Commission until it is considered in conjunction with action on Docket No. 11997.

6. Still later, on July 27, 1961, the Commission adopted a Report and Order in the rule making proceeding in Docket No. 13858 (FCC 61-1014) assigning a third VHF channel to Syracuse—Channel 9.

The alternative proposal and comments thereon. 7. In the light of those two developments, the Commission decided to explore the possibility of assigning a UHF channel other than 37 to Syracuse and to inquire whether the addition of a third VHF channel to that city had effected any modification of thinking of the parties herein. Accordingly, in a report and further notice of proposed rule making (FCC 62-197) released on February 16, 1962, we invited comments and reply comments on the following proposal without precluding the possibility of assigning Channel 37 to Syracuse.

City	Channel No.	
	Present	Proposed
Syracuse, N.Y.	3-, 5-, 9-, *43+	3-, 5-, 9-, 33-, *43+
Batavia, N.Y.	33-	
Watertown, N.Y.	48	

8. No comments opposing the assignment of Channel 33 to Syracuse were filed. The National Academy of Sciences and the University of Illinois supported the proposal.

Present status of the channels involved. 9. Presently assigned to Syracuse are Channels 3, 5, 9 and 43 with the latter reserved for educational use. Station WSYR-TV operates on Channel 3. A construction permit has been issued for educational Channel 43, but the station has never been on the air.

10. With regard to Channels 5 and 9, the situation is as follows: In the Report and Order of the rule making proceeding in Docket No. 13858 adopted July 27, 1961, Channel 9 was assigned, as a third VHF channel, to Syracuse, and Channel 5 was substituted for Channel 8, the licensee of Station WHEN-TV (Channel 8) having consented to the change. WHEN-TV is temporarily operating on Channel 8. As announced in Public Notice, April 12, 1962, the Commission on that date granted a construction permit to Channel 9 Syracuse, Inc., representative of applicants for that channel in Syracuse, for rendering interim service until an applicant for regular service is selected and regular service begins. The application granted calls for joint operation by 9 of the 10 applicants with the other applicant favoring it and indicating a desire to participate.

11. Channel 33 in Batavia, Channel 37 in Clymer, and Channel 48 in Watertown are unused, no applications ever having been made for them.

Decision of the Commission. 12. As mentioned in paragraph 10 above, steps to satisfy the need of Syracuse for a third VHF station have been taken not only by assigning a third such channel to that city, but also by granting authorization to permit interim operation pending the outcome of what might well be a lengthy comparative hearing involving the 10 applicants for the channel. In view of this, we believe that the principal argument of broadcast interests opposing a UHF assignment to Syracuse—that a UHF channel could not satisfy the need for a third competitive service—falls. This seems to be substantiated by the fact that such interests filed no comments opposing assignment of a UHF channel to Syracuse in response to the Report and Further Notice of Proposed Rule Making. Because of this, and because of Springfield's expressed interest in utilizing such a channel, we are of the opinion that it is in the public interest to assign a UHF channel to Syracuse, generally ranked as about the 50th market in the country, population 216,038, which is located in Onondaga county with a population of 423,028 according to the 1960 U.S. Census.

13. Inasmuch as a reallocation proposal involving the use of Channel 37 for radio astronomy is pending (see paragraph 5 above), we favor the assignment of Channel 33 to Syracuse. Although the choice of antenna sites is slightly more limited for that channel than for Channel 37, we believe that this is not of overriding significance.

14. Since no active interest has been manifested, we find it desirable in the public interest to defer action on making available substitute UHF channels for Batavia and Watertown, New York, until decisions are reached in Docket No. 14229 concerning the future methods of assigning stations on UHF channels.

15. Syracuse is less than 250 miles from the U.S.-Canadian border and thus the assignment of Channel 33 to that city requires the concurrence of Canada under the provisions of the U.S.-Canadian Agreement of 1952 (TIAS 2594). Consistent with the "Working Arrangement for Allocations of VHF Television Broadcast Stations Under the Canadian-U.S.A. Television Agreement of 1952" made public on March 29, 1961, the Canadian authorities have indicated no objection to the assignment.

Authority and order. 16. Authority for the adoption of the amendments herein is contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

17. In view of the foregoing: *It is ordered*, That, effective July 16, 1962, the Table of Assignments contained in § 3.606 of the Commission rules and regulations is amended to (1) change the

Syracuse entry under the State of New York to read:

	Channel No.
Syracuse	3—, 5—, 9—, 33—, *43+

and (2) delete the entries for Batavia, New York, and Watertown, New York.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: June 6, 1962.

Released: June 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-5720; Filed, June 11, 1962; 8:50 a.m.]

PART 12—AMATEUR RADIO SERVICE

Operator Examination Points

In the matter of amendment of Appendix 1, Part 12, regarding Amateur Radio operator examination points for the purpose of making certain editorial changes therein.

The Commission having under consideration the amendment of Appendix 1, Part 12 of the rules governing the Amateur Radio Service, to effect certain editorial changes described below;

It appearing that the Commission's district sub-office at Juneau, Alaska is being closed, effective July 1, 1962; and

It further appearing that the Alaska Communications System will administer amateur license examinations; and

It further appearing that the amendments adopted herein pertain to Commission management and organization and that such amendments are editorial in nature, and hence that compliance with the requirements of section 4 of the Administrative Procedures Act is unnecessary; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Delegations of Authority;

It is ordered, This 6th day of June 1962, that effective July 1, 1962, Appendix 1 to Part 12 is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155)

Released: June 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Appendix 1 of Part 12 is amended as follows:

a. The second paragraph is amended by deleting "Juneau, Alaska".

b. The last paragraph is amended by changing the entry for Alaska to read:

Alaska: Alaska Communications System stations.

[F.R. Doc. 62-5718; Filed, June 11, 1962; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Oil Import Administration

[32A CFR Ch. X]

[Oil Import Reg. 1 (Rev. 2)]

ALLOCATIONS OF CRUDE OIL AND UNFINISHED OILS

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by Proclamation 3279, as amended (24 F.R. 1781, 3527, 10133; 25 F.R. 13945; 26 F.R. 507), it is proposed to amend as indicated below sections 10, 11, 15, 16, 21 and 22 of Oil Import Regulation 1 (Revision 2) as amended (25 F.R. 4957; 26 F.R. 2121, 11973; 27 F.R. 2603).

The incremental steps in the schedules contained in paragraph (b) of section 10 and of section 11, respectively, would be reduced to four. This amendment will simplify the computation of allocations on the basis of inputs and will result in broader and more realistic grouping of refiners in terms of the magnitude of operations. The proposed changes in the "Percent of Input" and the "historical percentages" in these sections reflect the amounts of oil which will be available for allocation for the period beginning July 1, 1962. The proposed amendment to the term "refinery inputs" is designed to make it clear that what may be referred to as field condensate (except that brought in as exempt imports) may be counted as inputs but that "natural gasoline" and "plant condensate", as defined, cannot be so counted. The proposed amendment relating to the effective date of decisions of the Oil Import Appeals Board will avoid an increase in the imports of crude oil or unfinished oils for a particular period because of action by the Board. The requirement that, in order to be effective, decisions of the Board must be made and the Oil Import Administration notified at least 30 days before the beginning of an allocation period will assist the Administration to make allocations promptly. The proposed amendments to sections 15 and 16 (relating to Puerto Rico) merely make these sections applicable for the allocation period beginning July 1, 1962; they would also make such routine changes unnecessary for the future.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Administrator, Oil Import Administration, Washington 25, D.C., on or before June 18, 1962.

STEWART L. UDALL,
Secretary of the Interior.

JUNE 11, 1962.

1. Section 10 of Oil Import Regulation 1 (Revision 2) as amended (26 F.R. 11973) to be amended to read as follows:

Sec. 10. Allocations of crude oil and unfinished oils—Districts I–IV.

(a) The quantity of imports of crude oil an unfinished oils determined to be available for allocation in Districts I–IV for the allocation period July 1, 1962 through December 31, 1962 shall be allocated by the Administrator among eligible applicants as provided in paragraphs (b) and (c) of this section.

(b) Except as provided in paragraph (c) of this section, each eligible applicant shall receive an allocation based on refinery inputs for the year ending March 31, 1962, and computed according to the following schedule:

Average B/D input:	Percent of input
0–10,000	12.0
10–30,000	10.2
30–100,000	8.2
100,000 plus	5.2

(c) If an eligible applicant has been importing crude oil pursuant to an allocation under the Voluntary Oil Import Program and if an allocation computed under paragraph (b) of this section would be less than 70 percent of the applicant's last allocation of imports of crude oil under the Voluntary Oil Import Program, the applicant shall, nevertheless, receive an allocation under this section equal to 70 per cent of his last allocation of imports of crude oil under the Voluntary Oil Import Program.

2. Section 11 of Oil Import Regulation 1 (Revision 2) as amended (26 F.R. 11973) to be amended to read as follows:

Sec. 11. Allocations of crude oil and unfinished oils—District V.

(a) The quantity of imports of crude oil and unfinished oils determined to be available for allocation in District V for the allocation period July 1, 1962 through December 31, 1962 shall be allocated by the Administrator among eligible applicants as provided in paragraphs (b) and (c) of this section.

(b) Except as provided in paragraph (c) of this section, each eligible applicant shall receive an allocation based on refinery inputs for the year ending March 31, 1962, and computed according to the following schedule:

Average B/D input:	Percent of input
0–10,000	52.0
10–30,000	34.9
30–100,000	15.6
100,000 plus	11.0

(c) If an eligible applicant has been importing crude oil pursuant to an allocation under the Voluntary Oil Import Program and if an allocation computed under paragraph (b) of this section would be less than 70 per cent of the applicant's last allocation of imports of crude oil under the Voluntary Oil Import Program, the applicant shall, nevertheless, receive an allocation under this section equal to 70 percent of his last allocation of imports of crude oil under the Voluntary Oil Import Program.

3. Section 15 of Oil Import Regulation 1 (Revision 2) as amended (26 F.R. 11973) to be amended to read as follows:

Sec. 15. Allocation of crude oil and unfinished oils—Puerto Rico.

(a) For the allocation period July 1, 1962 through December 31, 1962, and succeeding allocation periods, the Administrator shall allocate to each eligible applicant for an allocation for Puerto Rico quantities of imports of crude oil and unfinished oils in proportion to the applicant's average barrels daily of refinery input (adjusted by the Administrator for downtime) in Puerto Rico during the months of July, August, and September of the year 1958.

(b) In the event that the maximum levels of imports of crude oil and unfinished oils are increased or decreased pursuant to paragraph (b) of section 14, the Administrator shall increase or decrease individual allocations in the proportion that each allocation bears to the total allocations of crude oil and unfinished oils.

(c) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

4. Section 16 of Oil Import Regulation 1 (Revision 2) as amended (26 F.R. 11973) to be amended to read as follows:

Sec. 16. Allocations of finished products—Puerto Rico.

(a) for the allocation period July 1, 1962 through December 31, 1962, and succeeding allocation periods, the Administrator shall allocate to each eligible applicant for an allocation for Puerto Rico a quantity of imports of finished products equal to the applicant's average barrels daily of imports of such products during the last six months of the calendar year 1958. Separate allocations shall be made for imports of residual fuel oil to be used as fuel and of imports of finished products other than residual fuel oil to be used as fuel.

(b) In the event that the maximum level of imports of residual fuel oil to be used as fuel or of finished products other than residual fuel oil to be used as fuel is increased or decreased pursuant to paragraph (b) of section 14, the Administrator shall increase or decrease individual allocations in the proportion that each allocation bears to the total allocations of residual fuel oil to be used as fuel or of finished products other than residual fuel oil to be used as fuel, respectively.

(c) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

Sec. 21. [Amendment]

5. Paragraph (c) of section 21 to Oil Import Regulation 1 (Revision 2) (26 F.R. 2124) to be amended to read as follows:

(c) The modification or grant of an allocation by the Appeals Board shall become effective in the allocation period, as provided in section 3 of this regulation, which succeeds the allocation period during which the Board's decision is made. However, no decision of the Appeals Board shall become effective unless it is made and the Administrator is notified more than thirty calendar days before the beginning of an allocation period.

Sec. 22. [Amendment]

6. Paragraph (k) of section 22 of Oil Import Regulation 1 (Revision 2) (26 F.R. 2123) to be amended to read as follows:

(k) (1) "Refinery inputs" include (i) crude oil, (ii) mixtures of hydrocarbons that exist in a reservoir in a vaporous phase and that are recovered as a liquid the gravity of which does not exceed 65 degrees API, and (iii) imported unfinished oils which are further processed other than by blending by mechanical means, but

(2) "Refinery inputs" do not include (i) unfinished oils that have not been imported (ii) natural gasoline or plant condensate, or (iii) for the purpose of computing allocations under section 10 or section 11 of this regulation, any crude oil, unfinished oils, or liquids which have been recovered from mixtures of hydrocarbons that existed in reservoirs in a vaporous phase, if such crude oil, unfinished oils, or liquids were imported into the United States by pipeline, rail, or other means of overland transportation from the country where they were produced, which country, in the case of unfinished oils, is also the country of production of the crude oil or liquids from which the unfinished oils were processed or manufactured.

7. A new paragraph (n) to be added to section 22 of Oil Import Regulation 1 (Revision 2) (26 F.R. 2123) to read as follows:

(n) "Natural gasoline" or "plant condensate"—a product which is derived by a process of absorption, adsorption, compression, refrigeration, cycling, or a combination of such processes, from a mixture of hydrocarbons recovered in a vaporous state from a reservoir and which without further processing, is suitable for use as a carburant in internal combustion engines or as a blending component of another finished product.

[F.R. Doc. 62-5807; Filed, June 11, 1962; 11:42 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 70, 81]

POULTRY AND POULTRY PRODUCTS

Mandatory Inspection, Voluntary Grading and Inspection, and United States Classes, Standards, and Grades

Notice is hereby given that the United States Department of Agriculture is considering amendments of the Regulations Governing the Inspection of Poultry and Poultry Products (7 CFR, as amended, Part 81) pursuant to authority contained in the Poultry Products Inspection Act (71 Stat. 441; 21 U.S.C. 451 et seq.) and the Regulations Governing the Grading and Inspection of Poultry and Edible Products Thereof and United States Classes, Standards, and Grades with Respect Thereto (7 CFR, as amended, Part 70) pursuant to authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.). Changes would be made in regulations which relate to export certificates and exemptions of products from classification as poultry products. Minor changes in requirements of the regulations for freezing and in the standards for quality are also proposed.

Statement of considerations leading to the proposed amendments—Export certificates. The Department has determined that the making of a special inspection and the issuance of an export certificate by an inspector other than within an official establishment for products inspected under the Poultry Products Inspection Act is a special benefit not required by that Act and as such should not be financed by funds appropriated for the conduct of the inspection program pursuant to the Act. Therefore, it is proposed to amend the provisions relating to export certificates set forth in the regulations governing said program to limit such export certification accordingly.

There exists a need for export certificates to cover products exported to certain foreign countries, and it is contemplated that export inspection would be provided and covering certificates would be issued pursuant to the Agricultural Marketing Act of 1946, as amended, under regulations set forth in Part 70 for product initially inspected and passed under the Poultry Products Inspection Act and offered for export certification outside of an official establishment. Export certification would also be provided for products not required to be inspected under that Act. In performing inspection pursuant to the regulations set forth in Part 70 and Part 81, it is proposed that the procedures relating to the making of inspection and issuance of export certificates be changed in order to provide better service to the exporters, as well as importers.

During the past few years, inspectors and graders have been issuing an increasing number of certificates to document shipments of exported products. There have been occasions when the products that were shipped did not match the description of the products as shown on the export certificate. On other occasions, exporters have neglected to have their products inspected and covered by export certificates as required by some foreign countries. While much of the poultry that has been exported has been in good condition and of the quality desired, there have been complaints from importers as to appearance, styling, and packaging of some of the products. In some instances, the products had deteriorated to the point of being unwholesome. The validity of these complaints has been confirmed by members of industry and Department officials who have visited foreign countries.

The Department must take all steps necessary to correct situations whereby the integrity of official certificates is jeopardized.

It is proposed to issue export certificates at point of export (dockside, airport, etc.) and at processing plants or warehouses. Export certificates issued at processing plants or warehouses would be invalid unless the products covered by them are shipped in officially sealed cars or trucks on through bills of lading to the exporting carriers and the products covered by them are loaded aboard the exporting carriers within 14 days of the date of issuance. The reasons for this proposed action are:

1. It would aid in fixing responsibility in the event of damage in transit.

2. There would be less opportunity for mistakes involving the export shipment of poultry.

3. This procedure would minimize the chance of off-condition poultry being exported.

The Department would issue export certificates for inspected and passed products in an official establishment under the Poultry Products Inspection Act at no cost other than as provided for in § 81.170 of the regulations with respect to overtime service. Export certificates issued for such products at a point other than in an official establishment or for products not required to be inspected under that Act would be issued pursuant to Part 70, after adequate inspection of the poultry. A copy of each export certificate issued at a point other than at point of export would be sent by the inspector to the AMS Poultry Division office, located nearest the export point. A re-examination of any product covered by a valid export certificate would be authorized to be made at point of export at the discretion of the Administrator. Product offered for export inspection at warehouses would have to be made accessible so that the inspector could draw a representative sample of the lot.

Export certificates would be issued with respect to products outside of an official establishment only if they are in the same form (chilled or frozen) in which they were shipped from an official establishment.

Exemptions of human food products containing poultry. The amendments would delete the provisions relating to the use of the kind name on products exempted by § 81.208 of the regulations from classification as poultry products. Jurisdiction as to the labeling of the exempted products would rest with the Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 and following). Additional changes are proposed to clarify the definitions of products which are exempted from classification as poultry products.

Freezing requirements. Changes proposed in freezing requirements of the regulations would clarify the conditions under which the use of such terms as "fresh frozen", "quick frozen", or "frozen fresh" would be permitted for labeling purposes and provide for the use of the term "frozen" on product which is frozen under Department of Agriculture supervision and is in fact in a frozen state.

Change in standards of quality of ready-to-cook poultry. The amendments would permit ducks and geese which otherwise are of A Quality to be classified and labeled as A Quality although portions of both wings are removed at the second joint. In processing, these portions of the wings are subject to laceration and when so affected must be removed. Removal of the portion from only one wing would detract from the appearance of the carcass and raise a question in the buyer's mind as to the cause of removal. Removal of portions from both wings when either or both are lacerated would not detract from the appearance of the carcass or raise such question and would not diminish the edible meat yield.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendments should file the same with the Chief, Standardization and Marketing Practices Branch, Poultry Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 30 days following publication of this notice in the FEDERAL REGISTER.

The proposed amendments are as follows:

A. It is proposed to amend the provisions of the regulations under the Poultry Products Inspection Act appearing in 7 CFR 81.50(f)(1), 81.118, and 81.208 to read, respectively, as follows:

§ 81.50 Temperatures and cooling and freezing procedures.

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(f) *Freezing.* (1) Dressed and ready-to-cook poultry which is to be or is labeled with descriptive terms such as "fresh frozen", "quick frozen", or "frozen fresh" or any other term implying a rapid change from a fresh state to a frozen state shall be placed into a freezer within 48 hours after initial chilling. During this maximum 48-hour period, if such poultry is not immediately placed into a freezer after chilling and packaging, it shall be held at 36° F. or lower. Dressed or ready-to-cook poultry handled in any manner other than as specified in this subparagraph and in subparagraph (2) may be labeled "frozen" if it is frozen under Department supervision and is in fact in a frozen state.

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§ 81.118 Export certificates.

(a) Upon request, any inspector is authorized to issue an export certificate with respect to the shipment to any foreign country of any inspected and passed product, after adequate inspection of the product has been made by the inspector to determine its identity as inspected and passed and eligible for export: *Provided*, That the product is offered for inspection at an official establishment. The export certificate shall become invalid if the product covered by it is not shipped in an officially sealed car or truck on a through bill of lading to the exporting carrier and loaded aboard the exporting carrier within 14 days of the date of issuance of the certificate. Export certificates will be issued only upon condition that the products covered thereby shall be subject to reinspection at any place and at any time prior to exportation to determine the identity of the products and their eligibility for certification, and such certificates shall become invalid if such reinspection is refused or discloses that the products are not eligible for such certification.

(b) The original and a duplicate of each export certificate shall be delivered to the person who requested such certificate or his agent. Additional copies of export certificates shall be prepared and distributed by the inspector in accordance with the instructions of the Administrator.

§ 81.208 Exemption of certain human food products which contain poultry.

(a) The human food products listed in this section, which consist in part of edible parts of poultry, are hereby exempted from classification as poultry products under the Act: *Provided*, That the poultry used in such products is federally inspected or inspected under an approved foreign inspection system and the other conditions set forth herein are met.

(1) Soups which, on a ready-to-serve basis, when prepared in accordance with the serving directions on the consumer package, contain less than 2 percent cooked poultry meat computed on the basis of moist, deboned, cooked poultry meat.

(2) Dehydrated soup mixes which, when reconstituted in accordance with the serving directions on the consumer package, contain less than 2 percent cooked poultry meat computed on the basis of moist, deboned, cooked poultry meat.

(3) Soup bases:

(i) Soup bases (in consumer packages) which, when reconstituted in accordance with the directions on the consumer packages, contain less than 2 percent cooked poultry meat computed on the basis of moist, deboned, cooked poultry meat.

(ii) Soup bases (in institutional packs) which are prepared for sale to institutional users, such as hotels, restaurants and boarding houses, which contain less than 15 percent cooked poultry meat based on the weight of the soup base product and computed on the basis of moist, deboned, cooked poultry meat.

(4) Bouillon cubes, poultry broths, poultry fat capsules, and sandwiches containing poultry product.

(5) Poultry dishes used in meals that are prepared by caterers or restaurants and served by such caterers or restaurants direct to consumers.

(6) Any human food product not otherwise provided for in this section, which contain less than 10 percent cooked poultry skins, giblets, fat or meat, separately or in any combination: *Provided*, That, it contains less than 2 percent poultry meat, computed on the basis of moist deboned cooked poultry.

(b) For the purposes of this section only, the term "poultry meat" shall be construed to mean deboned white or dark poultry meat, or both.

B. It is proposed to amend the definition of "product" in the regulations under the Agricultural Marketing Act of 1946, appearing in 7 CFR 70.1 and the provisions of said regulations appearing in 7 CFR 70.4(d), 70.170(c), 70.173, 70.284(f)(1), and 70.353(f) to read, respectively, as follows:

§ 70.1 Definitions.

"Product" means each of the following: (1) Dressed poultry; (2) ready-to-cook poultry; (3) edible poultry by product; (4) poultry food product; (5) food product containing poultry product; and (6) with respect to grading service only, live poultry.

§ 70.4 Grading and inspection services available.

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(d) Inspection service:

(1) In an official plant.

(2) At terminal markets and other receiving points.

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§ 70.170 Forms of inspection certificates.

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(c) Each export inspection certificate issued pursuant to the regulations in this part shall show the respective name of the exporter and the consignee, the destination of the products, the shipping marks, the names of the products, the total net weight thereof, and such other information as the Administrator may prescribe or approve.

§ 70.173 Export certificates.

(a) Upon request, any inspector is authorized to issue an export certificate with respect to the shipment to any foreign country of any product inspected and passed under the regulations in Part 81 of this chapter after adequate inspection of the product has been made by the inspector to determine its identity as inspected and passed and eligible for export, at either the point of export (e.g., dockside or airport) or at a warehouse other than the point of export.

(b) Upon request, any inspector is authorized to issue an export certificate with respect to the shipment to any foreign country of any products exempted from inspection under Part 81 of this chapter which are inspected and certified under this Part 70.

(c) Export certificates will be issued under this part for products only if they are in the same form (e.g. frozen or unfrozen) as they were at the time they were inspected and passed by the inspector at the official establishment where processed. Export certificates issued under this part shall become invalid if the product is not shipped from the point of inspection other than (the point of export) in an officially sealed car or truck on a through bill of lading to the export carrier and loaded aboard the exporting carrier within 14 days of the date of issuance of the certificate.

Export certificates will be issued only upon condition that the products covered thereby shall be subject to reinspection at any place and at any time prior to exportation to determine the identity of the products and their eligibility for certification, and such certificates shall become invalid if such reinspection is refused or discloses that the products are not eligible for such certification.

(d) The original and a duplicate of each export certificate shall be delivered to the person who requested such certificate. Additional copies of export certificates shall be prepared and distributed by the inspector in accordance with the instructions of the Administrator.

§ 70.284 Temperatures and cooling and freezing procedures.

* * * * *

(f) *Freezing.* (1) Dressed and ready-to-cook poultry which is to be or is labeled with descriptive terms such as "fresh frozen", "quick frozen", or "frozen fresh" or any other term implying a rapid change from a fresh state to a frozen state shall be placed into a freezer within 48 hours after initial chilling. During this maximum 48-hour period, if such poultry is not immediately placed into the freezer after chilling and packaging, it shall be held at 36° F. or lower. Dressed or ready-to-cook poultry handled in any manner other than as specified in this subparagraph and in subparagraph (2) may be labeled "frozen" if it is frozen under Department supervision and is in fact in a frozen state.

* * * * *

§ 70.353 A Quality.

* * * * *

(f) *Disjointed and broken bones and missing parts.* Parts are free of broken bones. The carcass is free of broken bones and has not more than one disjointed bone. The wing tips may be removed at the joint, and, in the case of ducks and geese, the parts of the wing beyond the second joint may be removed if removed at the joint and both wings are so treated. The tail may be removed at the base. Cartilage separated from the breastbone is not considered as a disjointed or broken bone.

Done at Washington, D.C., this 7th day of June 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-5721; Filed, June 11, 1962; 8:50 a.m.]

[7 CFR Part 912]

[Docket No. AO 383-A1]

HANDLING OF GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Notice of Hearing With Respect to Proposed Amendments to the Marketing Agreement and Order

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19.48 Stat. 31, as amended; 7 U.S.C. 601-674) and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Community Building, 21st Street and 14th Avenue, Vero Beach, Florida, at 9 a.m., e.s.t., July 2, 1962, with respect to proposed amendments to the marketing agreement and Order No. 912 (7 CFR Part 912), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of grapefruit grown in the Indian River District in Florida. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments, which are hereinafter set forth, and appropriate modifications thereof.

The following amendments to the marketing agreement and order were proposed by the Indian River Grapefruit Committee, the administrative agency established pursuant to the marketing agreement and order:

§ 912.32 [Amendment]

1. Revise paragraph (b) of § 912.32 *Procedure of Committee* to read as follows:

(b) For any decision or recommendation with report to regulations to be effective during any calendar week except a week during the period beginning with and including the first full calendar week in January and ending with but not including the first full calendar week in May, twelve members shall constitute a quorum and twelve concurring votes shall be required. The same quorum and voting requirements shall be necessary to make a recommendation for regulation for any week immediately following 3 or more continuous weeks of regulation. The requirements of this paragraph shall not apply to recommendations to amend an existing regulation.

§ 912.46 [Amendment]

2. Revise paragraph (a) of § 912.46 *Recommendation for volume regulation* to read as follows:

(a) The committee may, during any week recommend to the Secretary the total quantity of grapefruit which it deems advisable to be handled during the next succeeding week: *Provided,* That (1) During the period beginning with and including the first full calendar week in January and ending with but not including the first full calendar week in May, the committee shall be precluded from recommending regulations for an aggregate period of not less than 42 days; and (2) If, at any time during this period, the committee is authorized to make a recommendation for regulation but fails to do so, it is precluded from making a recommendation for regulation for the next succeeding week but this restriction shall not apply after the committee has complied with subparagraph (1) of this paragraph.

3. Revise § 912.47 *Issuance of volume regulation* to read as follows:

§ 912.47 Issuance of volume regulation.

(a) Whenever the Secretary finds, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of grapefruit which may be handled during a specified week will tend to effectuate the declared policy of the act, he shall fix such quantity; except that the Secretary shall not limit the volume of grapefruit for three periods of 14 days each during the period beginning with and including the first full calendar week in January and ending with but not including the first full week in May.

(b) The quantity so fixed for any week may be increased by the Secretary at any time during such week.

(c) The Secretary may, upon the recommendation of the committee, except as provided for in paragraph (a) or upon other available information, issue, terminate, or suspend any regulation at any time.

§ 912.48 [Amendment]

4. Delete paragraph (d) from § 912.48 *Prorate bases* and substitute therefor the following:

(d) Each week during the marketing season when volume regulation is likely to be recommended, the committee shall compute a prorate base for each person who has made application in accordance with the provisions of this section. Such prorate base for each handler shall, except as provided in paragraph (e) of this section, be the seasonal average quantity of grapefruit shipped by him during the immediately preceding 3 marketing seasons.

§ 912.52 [Amendment]

5. Revise paragraph (a) of § 912.52 *Allotment loans* to read as follows:

(a) A person to whom allotments have been issued may lend such allotments to other persons to whom allotments have also been issued. Each party to any such loan agreement shall, prior to completion of the agreement, notify the committee of the proposed loan and obtain the committee's approval of the agreement. Each such agreement shall specify the date, during the then current fiscal period, for the repayment of the loan.

The Fruit and Vegetable Division, Agricultural Marketing Service, has proposed that consideration be given to making such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., or the Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, P.O. Box 19, Lakeland, Florida.

Dated: June 6, 1962.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 62-5698; Filed, June 11, 1962; 8:48 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Parts 9, 9a]

CARGO GEAR CERTIFICATION

Notice of Proposed Rule Making

Notice is hereby given that pursuant to section 41 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941) it is proposed to implement the provisions of 29 CFR 9.12(c) by providing the procedure and standards to govern the accreditation by the Bureau of Labor Standards of persons considered competent to make entries in the cargo gear registers of vessels and to issue certificates indicating that the cargo gear has been tested, examined, and annealed in accordance with specified standards. In addition, it is proposed to make editorial changes in 29 CFR 9.3(e) and 9.12(a) intended to reflect with more precision the intent of these provisions.

Interested persons may submit written data, views, and argument relating to the proposals to the Secretary of Labor, United States Department of Labor, Washington 25, D.C., within forty-five days from the publication in the FEDERAL REGISTER.

The proposals are set forth below.

1. Section 9.3(e) would be amended to read as follows:

§ 9.3 Definitions.

* * * * *

(e) The term "vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, including any floating structure.

2. Section 9.12 (a) and (c) would be amended to read as follows:

§ 9.12 Gear certification.

(a) The employer shall not use the vessel's cargo handling gear until he has ascertained that the vessel has a current and valid cargo gear register and certificates which in form and content are in substantial accordance with the recommendations of the International Labor Office, as set forth in Appendix I of this Part 9, and as provided by International Labor Organization Convention No. 32, and which indicates that the cargo gear has been tested, examined and heat treated by or under the supervision of persons or organizations defined as competent to make register entries and issue certificates pursuant to paragraph (c) of this section.

* * * * *

(c) Persons or organizations competent to make entries in the registers and issue the certificates required by paragraph (a) of this section shall be: (1) those acceptable as such to any foreign nation, (2) those acceptable to the Commandant of the United States Coast Guard, or (3) those currently accredited by the Bureau of Labor Standards, United States Department of Labor, as provided in Part 9a of this subtitle.

3. A new Part 9a would be added to Title 29 of the Code of Federal Regulations, which would read as follows:

PART 9a—GEAR CERTIFICATION

Subpart A—General Provisions

Sec.
9a.1 Purpose and scope.
9a.2 Definition of terms.

Subpart B—Procedure Governing Accreditation

9a.3 Application for accreditation.
9a.4 Action upon application.
9a.5 Duration and renewal of accreditation.
9a.6 Criteria governing accreditation.
9a.7 Voluntary amendment or termination of accreditation.
9a.8 Suspension or revocation of accreditation.
9a.9 Reconsideration and review.

Subpart C—Duties of Accredited Persons

9a.10 General duties; exemptions.
9a.11 Recordkeeping and related procedures concerning records in custody of accredited persons.
9a.12 Recordkeeping and related procedures concerning records in custody of the vessel.

Subpart D—Certification of Cargo Gear

9a.13 General.
9a.14 Initial tests of cargo gear and tests after alterations, renewals, or repairs.
9a.15 Periodic tests, examinations and inspections.
9a.16 Heat treatment.
9a.17 Exemptions from heat treatment.
9a.18 Grace periods.
9a.19 Gear requiring welding.
9a.20 Components damaged in test.
9a.21 Marking and posting of safe working loads.
9a.22 Requirements governing breaking devices and power sources.
9a.23 Means of derrick attachment.
9a.24 Limitations on use of wire rope.
9a.25 Limitations on use of chains.

Subpart E—Tests and Proof Loads; Heat Treatment; Competent Persons

9a.26 Visual inspection before tests.
9a.27 Unit proof tests—winches, derricks, and gear accessory thereto.
9a.28 Unit proof tests—cranes and gear accessory thereto.
9a.29 Stability limitations on safe working loads and proof loads.
9a.30 Examination subsequent to unit tests.
9a.31 Proof tests—loose gear.
9a.32 Specially designed blocks and components.
9a.33 Proof tests—wire rope.
9a.34 Proof tests after repairs or alterations.
9a.35 Order of tests.
9a.36 Heat treatment.
9a.37 Competent persons.

AUTHORITY: §§ 9a.1 to 9a.37 issued under sec. 41, 44 Stat. 1444, 72 Stat. 825; 33 U.S.C. 941.

Subpart A—General Provisions

§ 9a.1 Purpose and scope.

The regulations in this part implement § 9.12(c)(3). They provide the procedures and standards governing accreditation of persons by the Bureau for the purpose of certificating vessels' cargo gear and the manner in which such gear certification shall be performed. Subparts C, D, and E, of this part are not applicable to gear certification performed for vessels under the authority of the United States Coast Guard[1] or for vessels certificated under the requirements of a foreign nation or persons acceptable for certification purposes by a foreign nation.

§ 9a.2 Definition of terms.

(a) "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, including any floating structure.

(b) "Cargo gear" includes that gear which is used for the handling of cargo other than bulk liquids, but does not include gear which is used only for handling or holding hoses, handling ship's stores, handling the gangway, or boom conveyor belt systems for the self-unloading of bulk cargo vessels.

(c) "Derrick" means a mechanical device for lifting, including a boom which is suspended at its head by a topping lift from a mast, king post or similar structure, controlled in the horizontal plane by vangs, and used either singly or in pairs with married falls.

(d) "Crane" means a mechanical device intended for lifting or lowering a load and moving it horizontally, in which the hoisting mechanism is an integral part of the machine. A crane may be a fixed or mobile machine.

(e) "Director" means the Director of the Bureau of Labor Standards, United States Department of Labor, or his authorized representative.

(f) "Bureau" means the Bureau of Labor Standards, United States Department of Labor.

(g) "Person" includes any individual, partnership, corporation, agency, association or organization.

(h) "Competent person" means an individual qualified to perform gear certification functions as specifically set forth in § 9a.37.

(i) "Ton" means a ton of 2,240 pounds.

Subpart B—Procedure Governing Accreditation

§ 9a.3 Application for accreditation.

(a) *Application.* Any person seeking accreditation pursuant to § 9.12(c)(3)

[1] Jurisdiction of the United States Coast Guard extends to matters within the scope of Title 52 of the Revised Statutes and Acts supplementary or amendatory thereto (46 U.S.C. 1-1388, passim); to matters within the regulatory authority of the U.S. Coast Guard under the provisions of the Espionage Act of June 15, 1917, as amended (40 Stat. 220; 50 U.S.C. 191 et seq.; 22 U.S.C. 401 et seq.) or to matters within the regulatory authority of the U.S. Coast Guard under section 4(e) of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462; 43 U.S.C. 1333).

shall file an original and duplicate copy of an application for accreditation with the Director of the Bureau of Labor Standards, United States Department of Labor, Washington 25, D.C., on a form provided by the Bureau for this purpose. Each application shall be signed and certified by the applicant and, if the applicant is an agency or organization, by a responsible officer of such agency or organization.

(b) *Contents of application.* The application form shall include the following information:

(1) A statement detailing the applicable types of work performed by the applicant in the past, noting the amount and extent of such work performed within the previous three years, listing representative vessels involved, and including representative job orders if available, or equivalent evidence;

(2) Descriptive details concerning any testing instruments and heat treatment furnaces which are to be used in conducting required tests or heat treatments. Test reports indicating that instruments meet the accuracy standards set forth in this part shall be included;

(3) A list setting forth the ports in which applicant currently conducts his business as well as those in which he proposes to conduct gear certification activities;

(4) A list of the applicant's responsible qualified personnel, both supervisory and managerial and including any surveyors, with resumes of their individual experience in the testing, examination, inspection and heat treatment of cargo gear. Such list shall include any branch office personnel or surveyors appointed to act in the applicant's behalf in any of the ports of the United States;

(5) A detailed schedule of the fees proposed to be charged for the various gear certification services;

(6) Evidence of financial stability;

(7) Names of at least three business references who will furnish information regarding work performed by applicant;

(8) Any additional information the applicant deems to be pertinent.

§ 9a.4 Action upon application.

(a) Upon receipt of an application for accreditation, the Director shall approve or deny the application. The Director may conduct an investigation, which may include a hearing, prior to approving or denying an application. To the extent he deems appropriate, the Director may provide an opportunity to other interested persons to present data and views on the application prior to approval or denial.

(b) Any application which fails to present the information required by the prescribed form may be returned to the applicant with a notation of deficiencies and without prejudice to submission of a new or revised application.

(c) If the application is approved, notice of approval shall be mailed to the applicant. If the application is denied, notice of such denial shall be mailed to the applicant and such denial shall be without prejudice to any subsequent application except where such action is deemed to be in the public interest. In the event an application is denied with prejudice, the provisions of § 9a.9 shall be applicable.

(d) A copy of the notice of accreditation shall be kept on file by applicant at the applicant's place of business.

§ 9a.5 Duration and renewal of accreditation.

The period of accreditation shall not exceed three years. Applications for renewal of accreditation shall be made on the same form as described in § 9a.3. No accreditation shall expire until action on an application for renewal shall have been finally determined, provided that such application has been properly executed in accordance with § 9a.3 and filed with and received by the Director not less than 15 nor more than 60 days prior to the expiration date. A final determination means either the approval or initial denial of the application for renewal. The procedure specified in § 9a.4 shall be applicable to all applications for renewal.

§ 9a.6 Criteria governing accreditation.

(a) A person applying for accreditation to issue registers and pertinent certificates, to maintain registers and appropriate records, and to conduct initial, annual and quadrennial surveys, shall be engaged in one or more of the following activities:

(1) Classification of vessels;

(2) Certification of vessels' cargo gear;

(3) Shipbuilding or ship repairing, or both insofar as related to work on vessels' cargo handling gear;

(4) Unit and loose gear testing of vessels' cargo handling gear.

(b) A person applying for accreditation to carry out tests of loose gear or wire rope, or both, or to carry out heat treatments, and to issue the related certificates, shall be engaged in one or both of the following activities:

(1) Testing of loose gear or wire rope, or both;

(2) Heat treatment of chains and loose cargo gear.

(c) A person applying for accreditation shall be staffed by individuals technically qualified to conduct the inspections and examinations and to conduct or supervise tests and heat treatments prescribed in this part. Any representatives, agents or surveyors acting on behalf of a person applying for accreditation in ports in which such operations are conducted shall be similarly qualified.

(d) A person applying for accreditation as specified in paragraph (a) of this section shall be prepared to carry out all of the requirements of Subparts C, D, and E, of this part except that loose gear and wire rope tests and heat treatments may be carried out by the manufacturer of the gear concerned or by another person accredited specifically for this purpose.

(e) A person applying for accreditation shall have a satisfactory record of performance, and shall be in sound financial condition.

§ 9a.7 Voluntary amendment or termination of accreditation.

The accreditation of any person may be voluntarily amended or terminated upon written request filed with the Director.

§ 9a.8 Suspension or revocation of accreditation.

The Director may suspend or revoke an accreditation of any person for cause. Except in cases of willfulness or cases in which the public interest requires otherwise, before any accreditation is suspended or revoked, facts or conduct which may warrant such action shall be called to the attention of the person involved in writing and that person shall be afforded an opportunity to achieve or demonstrate compliance.

§ 9a.9 Reconsideration and review.

(a) Any person aggrieved by the action of the Director or his authorized representative in denying, granting, suspending or revoking an accreditation under this part may within 15 days after such action, (1) file a written request for reconsideration thereof by the Director or the authorized representative of the Director who made the decision in the first instance, or (2) file a written request for review of the decision by the Director or an authorized representative of the Director who has taken no part in the action which is the subject for review.

(b) A request for reconsideration shall be granted where the applicant shows that there is additional evidence which may materially affect the decision and that there were reasonable grounds for failure to adduce such evidence in the original proceedings.

(c) Any person aggrieved by the action of the Director or authorized representative of the Director in denying a request for reconsideration may, within 15 days after the denial of such request, file with the Director or his authorized representative a written request for review.

(d) Any person aggrieved by the reconsidered determination of the Director or authorized representative of the Director, may, within 15 days after such determination, file with the Director a written request for review.

(e) A request for review shall be granted where reasonable grounds for the review are set forth in the request.

(f) If a request for reconsideration or review is granted, all interested persons shall be afforded an opportunity to present their views.

(g) No cargo gear certification functions shall be performed by any person seeking reconsideration or review under this section pending the final decision with respect to such reconsideration or review.

Subpart C—Duties of Accredited Persons

§ 9a.10 General duties: exemptions.

(a) Except as noted in § 9a.1 and in paragraph (h) of this section, the requirements set forth in Subparts D and E of this part shall be strictly adhered to in all testing, examinations, inspections and heat treatments.

(b) Supervision of all testing, examinations, inspections, and heat treatments shall be carried out only by such

persons as are listed in the application for accreditation or subsequent supplements thereto, submitted pursuant to this part.

(c) The certificates issued by an accredited person shall be signed and all register entries made only by an authorized agent of such accredited person.

(d) Dynamometers and other recording test equipment used in carrying out the tests prescribed in this part shall be tested for accuracy every six months by a competent testing laboratory and a copy of such test reports shall be sent to the nearest local office of the Bureau. This requirement shall apply whether or not the testing equipment is the property of the accredited person.

(e) An accredited person shall, upon request, provide the nearest local office of the Bureau with advance information as to testing schedules or such other functions as are performed and facilitate the Bureau's observation of any such activities as it may desire to witness.

(f) All cargo gear registers or certificates issued by an accredited person shall be made on forms prescribed or approved by the Bureau.

(g) Unless otherwise instructed by the Director in specific instances, any person accredited under § 9a.6(a) shall accept certificates relating to loose gear or wire rope tests or to heat treatments which are issued by the manufacturer of the gear concerned or by another person accredited specifically by the Director for this purpose. Such certificates shall either be attached as a part of the vessel's certification or shall be used as the basis for the issuance of the accredited person's own loose gear, wire rope, or heat treatment certificates. In the latter case, the original certificates shall be kept on file by the accredited person as part of the permanent record of the vessel concerned.

(h) In case of practical difficulties or unnecessary hardships, the Director in his discretion may grant exemptions from any provision of Subparts C, D, and E of this part.

§ 9a.11 Recordkeeping and related procedures concerning records in custody of accredited persons.

(a) An accredited person shall maintain records of all work performed under Subparts D and E of this part.

(b) An accredited person shall maintain a continuous record of the status of the certification of each vessel issued a register by such person.

(c) The records required in paragraphs (a) and (b) of this section shall be available for examination by the Director.

(d) When annual or quadrennial tests, inspections, examinations, or heat treatments are performed by an accredited person, other than the person who originally issued the vessel's register, such accredited person shall furnish copies of any certificates issued and information as to register entries to the person originally issuing the register.

(e) An accredited person shall inform the nearest local office of the Bureau whenever a vessel is initially certificated under these regulations and a register in the prescribed form has been issued.

(f) A copy of each certificate relating to unit tests or thorough examinations, except those issued by the manufacturer, shall be sent to the nearest local office of the Bureau within 10 days after issuance.

(g) An accredited person shall promptly notify the nearest local office of the Bureau with respect to any changes in technical personnel, in fee schedules, in geographical areas in which operations are conducted, or other pertinent substantial changes in its organization or operations.

§ 9a.12 Recordkeeping and related procedures concerning records in custody of the vessel.

(a) A fully completed and up-to-date register shall be kept in the form prescribed or approved by the Bureau, giving the particulars required with respect to:

(1) The inspections and thorough examinations required by § 9a.15(a) (1) and (2).

(2) The thorough examinations required by § 9a.15(a)(3).

(3) The thorough examination required by § 9a.17.

(4) The heat treatment required by § 9a.16 (a) and (b), and § 9a.19.

(b) Certificates in the form prescribed or approved by the Bureau shall be kept up-to-date, be attached to the register, and shall contain the particulars required with respect to:

(1) The testing and examinations required by §§ 9a.14, 9a.15(a)(1), and 9a.19.

(2) The heat treatment required by §§ 9a.16 and 9a.19.

(c) The certificates and entries in the register shall be signed by a person qualified under § 9a.37.

(d) Adequate means shall be provided to enable persons examining the register, or any certificate attached thereto, to identify items of cargo gear referred to therein. Small items of gear, such as shackles, shall bear a mark to indicate that they have been initially tested.

(e) Records shall be kept aboard vessels identifying articles of loose gear or wire rope obtained from time to time and required to be certificated under the regulations of this part.

(f) An accredited person shall instruct the vessel's officers that the vessel's register and certificates shall be preserved for at least four years after the date of the latest entry except in the case of nonrecurring test certificates concerning gear which is kept in use for a longer period, in which event the pertinent certificates shall be retained so long as that gear is continued in use.

Subpart D—Certification of Cargo Gear

§ 9a.13 General.

Except as noted in § 9a.1 and as provided in exemptions under § 9a.10(h), certification performed by accredited persons shall conform to the requirements contained in this subpart.

§ 9a.14 Initial tests of cargo gear and tests after alterations, renewals or repairs.

(a)(1) Before being taken into use, hoisting machines, fixed gear aboard vessels accessory thereto, and loose gear and wire rope used in connection therewith, shall be tested and examined and the safe working load thereof certified in the manner set forth in Subpart E of this part.

(2) Replacement or additional loose gear and wire rope obtained from time to time shall also be tested and examined in the manner set forth in subparagraph (1) of this paragraph. However, the replacement of a component part of an article of loose gear, such as a sheave, pin, or bushing does not require a new test certificate so long as the new component at least equals in all particulars the part replaced.

(b) In the case of untested gear which has been in use, an initial test in conformance with paragraph (a)(1) of this section shall be carried out: *Provided, however,* That existing standing rigging and wire rope will not be required to be tested but shall be thoroughly examined to ascertain its fitness for continued use in conformance with the requirements of §§ 9a.24 and 9a.25.

(c) In the case of important alterations or renewals of the machinery and gear and also after repairs due to failure of or damage to other than loose components, a test as required in paragraph (a)(1) of this section shall be carried out.

§ 9a.15 Periodic tests, examinations and inspections.

(a) After being taken into use, every hoisting machine, all fixed gear aboard vessels accessory thereto and loose gear used in connection therewith, shall be tested, thoroughly examined or inspected as follows:

(1) Derricks with their winches and accessory gear, including the attachments, as a unit; and cranes and other hoisting machines with their accessory gear, as a unit, shall be tested and thoroughly examined every four years in the manner set forth in Subpart E.

(2) Derricks, their permanent attachments and any other fixed gear the dismantling of which is especially difficult shall be visually inspected every twelve months.

(3) All hoisting machines (e.g., cranes, winches), blocks, shackles, and all other accessory gear not included in subparagraph (2) of this section, shall be thoroughly examined every twelve months by means of a visual examination, supplemented if necessary by other means, such as a hammer, electronic, or ultrasonic test, carried out as carefully as conditions permit in order to arrive at a reliable conclusion as to the safety of the parts examined. If necessary, parts of the machines or gear shall be dismantled.

§ 9a.16 Heat treatment.

(a) All chains (other than bridle chains attached to derricks or masts), rings, hooks, shackles, and swivels made

of wrought iron, which are used in hoisting or lowering, shall be annealed in accordance with § 9a.36 at the following intervals:

(1) Half inch and smaller chains, rings, hooks, shackles, and swivels in general use, at least once every six months; and

(2) All other chains, rings, hooks, shackles, and swivels in general use, at least once every twelve months.

(3) In the case of gear used solely on lifting machinery worked by hand, twelve months shall be substituted for six months in subparagraph (1) of this paragraph and two years for twelve months in subparagraph (2) of this paragraph.

(4) When used in this paragraph, the term "in general use" means used on fifty-two or more days in a year. In any case, however, the period between annealings shall not exceed two years.

(b) Chains, rings, hooks, shackles and swivels made of material other than wrought iron shall be heat treated, when necessary in accordance with § 9a.36.

§ 9a.17 Exemptions from heat treatment.

Gear that contains (as in ball bearing swivels), or is permanently attached to (as with blocks), equipment made of materials which cannot be subjected to heat treatment, shall be exempt from the requirements of § 9a.16. Such gear, however, shall be thoroughly examined in the manner described in § 9a.15(a)(3).

§ 9a.18 Grace periods.

Grace periods allowed in connection with the requirements of this subpart are as follows:

(a) Annual or six-month requirements—by the end of the voyage during which they become due;

(b) Quadrennial requirements—within six months after the date when due;

(c) Grace periods shall not be deemed to extend subsequent due dates.

§ 9a.19 Gear requiring welding.

Chains or other gear which have been lengthened, altered or repaired by welding, shall be properly heat treated and, before again being put into use, shall be tested and reexamined in the manner set forth in Subpart E of this part.

§ 9a.20 Components damaged in test.

No certificate shall be issued until any components which are injured or permanently deformed by the proof load have been replaced.

§ 9a.21 Marking and posting of safe working loads.

(a) The safe working load for the assembled gear and the mininum angle to the horizontal at which this load may be applied shall be plainly marked at the heels of all booms along with the date of test.

(b) The safe working load shall be marked on all blocks used in hoisting or lowering.

(c) When the capacity of the boom of a crane or derrick has been or will be rated in accordance with the variance of its radius, the maximum safe working loads for the various working angles of the boom and the maximum and minimum radius at which the boom may be safely used, shall be conspicuously posted near the controls and visible to the crane operator.

§ 9a.22 Requirements governing braking devices and power sources.

All types of winches and cranes shall be provided with means to stop and hold the proof load in any position, and the efficiency of such means shall be demonstrated. Electric winches, electrohydraulic winches fitted with electromagnetic or hydraulic brakes at the winch, or electric cranes, shall be equipped so that a failure of the electric power shall stop the motion and set the brakes without any action on the part of the operator. Current for operation of electric winches and cranes during the tests shall be taken from the vessel's circuits. Shore current may be used if it passes through the vessel's main switchboard.

§ 9a.23 Means of derrick attachment.

Appropriate measures shall be taken to prevent the foot of a derrick from being accidently lifted from its socket or support during the test.

§ 9a.24 Limitations on use of wire rope.

(a) An eye splice made in any wire rope shall have at least three tucks with a whole strand of rope and two tucks with one-half of the wires cut out of each strand. However, this requirement shall not operate to preclude the use of another form of splice or connection which can be shown to be as efficient and which is not prohibited by Part 9 of this subtitle.

(b) Except for eye splices in the ends of wires, each wire rope used in hoisting or lowering, in guying derricks, or as a topping lift, preventer or pendant, shall consist of one continuous piece without knot or splice.

(c) Eyes in the ends of wire rope cargo falls shall not be formed by knots and, in single part falls, shall not be formed by wire rope clips.

(d) The ends of falls shall be secured to the winch drum by clamps, U-bolts, shackles or some other equally strong method. Fiber rope fastenings shall not be used.

(e) Wire rope shall not be used for the vessel's cargo gear if in any length of eight diameters, the total number of visible broken wires exceeds ten percent of the total number of wires, or if the rope shows other signs of excessive wear, corrosion or defect.

§ 9a.25 Limitations on use of chains.

Chains forming a part of vessel's cargo gear shall not be used when, due to stretch, the increase of length of a measured section exceeds five percent, when a link is damaged, or when other external defects are evident. Chains shall not be shortened by bolting, wiring or knotting.

Subpart E—Tests and Proof Loads; Heat Treatment; Competent Persons

§ 9a.26 Visual inspection before tests.

Before any test under this Subpart E is carried out, a visual inspection of the gear involved shall be conducted and any visibly defective gear shall be replaced or repaired.

§ 9a.27 Unit proof tests—winches, derricks and gear accessory thereto.

(a) Winches, with the whole of the gear accessory thereto (including derricks, goosenecks, eye plates, eye bolts, or other attachments), shall be tested with a proof load which shall exceed the safe working load as follows:

Safe working load:	*Proof load*
Up to 20 tons	25 percent in excess.
20–50 tons	5 tons in excess.
Over 50 tons	10 percent in excess.

(b) The proof load shall be lifted with the vessel's normal tackle with the derrick at an angle not more than 15 degrees to the horizontal, or, at the designed minimum angle when this is greater, or, when this is impracticable, at the lowest practicable angle. The angle at which the test was made shall be stated in the certificate of test. After the proof load has been lifted, it shall be swung as far as possible in both directions. In applying the proof load, the design factors of the gear concerned will determine whether the load is applied with a single part fall or with a purchase, and the certificate of test shall state the means used. Where winches are fitted with mechanical brakes for manual operation they shall be demonstrated to be in satisfactory operating condition.

(c) In the case of heavy lift derrick barges, proof loads shall be applied, except as limited by design and stability considerations, at the maximum and minimum radius for which designed, as well as at any intermediate radius which the surveyor may deem necessary, and shall be swung as far as possible in both directions. Data with respect to each proof load applied shall be entered in the test certificate.

(d) No items of cargo gear furnished by outside sources shall be used in conjunction with the vessel's gear for the purpose of accomplishing the proof test.

(e) All tests prescribed by this section should in general be carried out by dead load except that, in the case or replacements or renewals, spring or hydraulic balances may be used where dead loads are not reasonably available. However, no exception shall be allowed in the case of gear on new vessels.

(f) Where a spring or hydraulic balance is used, it shall be certified for accuracy within 1 percent of the proof load. The test shall not be regarded as satisfactory unless the indicator remains constant under the proof load for a period of at least five minutes.

(g) The safe working load, determined pursuant to the requirements of this section, shall be applicable only to a swinging derrick. When using fixed derricks, such as "union purchase" rigs, the safe working load should generally be reduced; in any case, it shall be determined with due regard to the actual conditions of use.

(h) When necessary in the proof testing of heavy derricks, the appropriate shrouds and stays shall be rigged.

§ 9a.28 Unit proof tests—cranes and gear accessory thereto.

(a) Cranes, and other hoisting machines, together with gear accessory thereto, shall be tested with a proof load which shall exceed the safe working load as follows:

Safe working load:	*Proof load*
Up to 20 tons	25 percent in excess.
20–50 tons	5 tons in excess.
Over 50 tons	10 percent in excess.

(b) The proof load shall be lifted and swung as far as possible in both directions. If the jib or boom of the crane has a variable radius, it shall be tested with proof loads, as specified in paragraph (a) of this section, at the maximum and minimum radius. In the case of hydraulic cranes, when owing to the limitation of pressure it is impossible to lift a load twenty-five percent in excess of the safe working load, it will be sufficient to lift the greatest possible load.

(c) Proof tests of cranes shall be made only with a dead load.

§ 9a.29 Stability limitations on safe working loads and proof loads.

The proof loads specified by §§ 9a.27 and 9a.28 shall be adjusted as necessary to meet any pertinent stability limitations and the safe working loads shall be reduced accordingly.

§ 9a.30 Examinations subsequent to unit tests.

(a) After satisfactory completion of the unit proof load tests required by §§ 9a.27 and 9a.28, the cargo gear and all component parts thereof shall be given a thorough visual examination, supplemented as necessary by other means such as a hammer test or with electronic or ultrasonic devices, to determine if any of the parts were damaged, deformed, or otherwise rendered unsafe for further use.

(b) When the test of gear referred to in paragraph (a) of this section is being conducted for the first time on a vessel, accessory gear shall be dismantled or disassembled for examination after the test. The sheaves and pins of the blocks included in this test need not be removed unless there is evidence of deformation or failure.

(c) For subsequent tests such parts of the gear shall be dismantled or disassembled after the test as necessary to determine their suitability for continued service.

§ 9a.31 Proof tests—loose gear.

(a) Chains, rings, shackles and other loose gear (whether accessory to a machine or not) shall be tested with a proof load equal to that shown against the article in the following table:

Article of gear:	*Proof load*
Chain, ring, hook, shackle or swivel.	100 percent in excess of the safe working load.
Blocks:	
Single sheave block	300 percent in excess of the safe working load.[1]
Multiple sheave block with safe working load up to and including 20 tons.	100 percent in excess of the safe working load.
Multiple sheave block with safe working load over 20 tons up to and including 40 tons.	20 tons in excess of the safe working load.
Multiple sheave block with safe working load over 40 tons.	50 percent in excess of the safe working load.
Pitched chains used with hand-operated blocks and rings, hooks, shackles, or swivels permanently attached thereto.	50 percent in excess of the safe working load.
Hand-operated blocks used with pitched chains and rings, hooks, shackles or swivels permanently attached thereto.	50 percent in excess of the safe working load.

[1] The proof load applied to the block is equivalent to twice the maximum resultant load on the eye or pin of the block when lifting the nominal safe working load defined in (i) below. The proof load is, therefore, equal to four times the safe working load as defined in (i) below or twice the safe working load as defined in (ii) below.

(i) The nominal safe working load of a single-sheave block should be the maximum load which can be safely lifted by the block when the load is attached to a rope which passes around the sheave of the block.

(ii) In the case of a single-sheave block where the lead is attached directly to the block instead of to a rope passing around the sheave, it is permissible to lift a load equal to twice the nominal safe working load of the block as defined in (i) above.

(iii) In the case of a lead block so situated that an acute angle cannot be formed by the two parts of the rope passing over it (i.e., the angle is always 90° or more), the block need not have a greater nominal safe working load than one-half the maximum resultant load which can be placed upon it, and it shall be tested accordingly.

(b) Testing devices used in carrying out the loose gear tests shall be certified for accuracy within one percent of the proof load applied. If, in the case of small testing devices, the design makes it impractical to arrive at this figure, the testing device shall be certified for accuracy within three percent of the proof load applied.

(c) After being tested as required by paragraph (a) of this section, and before being taken into use, all chains, rings, hooks, shackles, blocks or other loose gear, except as noted in § 9a.32, shall be thoroughly examined, the sheaves and the pins of the blocks being removed for this purpose, to determine whether any part has been injured or permanently deformed by the test. Defective gear shall be replaced before the certificate is issued.

§ 9a.32 Specially designed blocks and components.

(a) Blocks and connecting components of an unusual nature which are specially designed and constructed as an integral part of a particular lifting unit and are either permanently affixed or of such design that two or more components must be tested together need not be considered as loose gear for purposes of § 9a.31.

(b) In lieu of the loose gear proof test required by § 9a.31(a), design data shall be submitted to the Bureau indicating design and material specifications and analyses whereby the designed strength of such gear may be determined.

(c) Subsequent to the test of the lifting unit as a whole, a thorough visual examination shall be made of disassembled parts and an electronic or ultrasonic test shall be made of those parts not dismantled to ensure the safe condition of such parts.

§ 9a.33 Proof tests—wire rope.

Wire rope, except as provided in § 9a.14(b), shall be tested by sample, a piece being tested to destruction, and the safe working load of running ropes shall not exceed one-fifth of the breaking load of the sample tested. In the case of running ropes used in gear with a safe working load exceeding 10 tons, the safe working load shall not exceed one-fourth of the breaking load of the sample tested.

§ 9a.34 Proof tests after repairs or alterations.

When proof loads are applied after repairs or alterations, all parts of the assembled gear shall be examined as required in §§ 9a.30, 9a.31(c), or 9a.32(c), whichever is applicable.

§ 9a.35 Order of tests.

When both unit and loose gear proof load tests are required, the loose gear test may be carried out after completion of the unit test.

§ 9a.36 Heat treatment.

(a) The annealing of wrought iron gear required by this part shall be accomplished at a temperature between 1100° and 1200° F. and the exposure shall be of between thirty and sixty minutes duration. After being annealed, the gear shall be allowed to cool slowly and shall then be carefully inspected. All annealing shall be carried out in a closed furnace.

(b) When heat treatment of loose gear made of other than wrought iron is recommended by the manufacturer, it shall be carried out in accordance with the specifications of the manufacturer.

§ 9a.37 Competent persons.

All gear certification functions shall be performed by competent persons as set forth in the following table:

Functions	Competent person
Any testing, examination, inspection or heat treatment required in United States ports.	Responsible individual, surveyor or other authorized agent of a person accredited by the bureau under the regulations contained in this part.
Any testing, examination, inspection or heat treatment required to be performed while the vessel is in other than United States ports.	Responsible individual, surveyor or other authorized agent of persons recognized by the commandant of the United States Coast Guard or by a foreign nation whose certification is accepted by the Bureau as being in substantial accordance with § 9.12(a) of this subtitle.
Testing, examination, inspection or heat treatment of loose gear or wire rope.	Employees or authorized agents of persons accredited specifically by the Bureau for this purpose under the regulations contained in this part, or the manufacturer of the gear concerned unless disapproved by the Director.

Signed at Washington, D.C., this 4th day of June 1962.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62-5682; Filed, June 11, 1962; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 8]

COLOR ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 52 Stat. 1055, 21 U.S.C. 376(d)), notice is given that a petition (CAP 2) has been filed by Smith Kline and French Laboratories, 1500 Spring Garden Street, Philadelphia, Pennsylvania, proposing the issuance of a regulation to provide for the safe use of iron oxide as a color for ingested and topically applied drugs.

Dated: June 6, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-5705; Filed, June 11, 1962; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601, 608]

[Airspace Docket No. 62-CE-35]

FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND SPECIAL USE AIRSPACE

Proposed Alteration of Positive Control Area, Continental Control Area, Federal Airways and Proposed Alteration and Revocation of Restricted Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6450, 600.1502, 601.7101, 601.9011, and 608.69 of the regulations of the Administrator, the substance of which is stated below.

The Sheboygan, Wisconsin, Restricted Areas R-6902 and R-6903 contain 1564 square miles and are assigned to the Navy and the Wisconsin Air National Guard for air to air gunnery, rocket firing, and low altitude bombing. A further requirement has been developed by Continental Air Command to practice capsule recovery techniques. R-6902 is designated from the surface to FL 650 from 0730 to 1700 c.s.t.; R-6903 is designated from the surface to FL 450 from sunrise to sunset.

The Federal Aviation Agency has under consideration a proposal to revoke R-6902 and alter R-6903 to the extent necessary to contain all activities now being conducted within the two areas. R-6903 would be designated from the surface to FL 450 from 0600 to 2200 c.s.t. May 1 through September 30 and from 0800 to 1600 c.s.t. October 1 through April 30.

Although this revocation and alteration would result in an over-all reduction of approximately 314 square miles of special use airspace in the Sheboygan area, it would entail the inclusion of approximately 495 square miles of airspace not previously designated as a part of R-6903.

In order to provide for the most efficient utilization of the airspace, R-6903 would be included in the description of the continental control area and the Chicago, Ill., ARTC Center would be designated as the controlling agency.

As described herein, R-6903 would impinge upon a portion of low altitude VOR Federal airway No. 450. Therefore, it is proposed to alter the description of Victor 450 to permit use of the airway only after obtaining prior approval from appropriate authority. Further, it is proposed to align the segment of intermediate altitude VOR Federal airway No. 1502 between Green Bay, Wis., and White Cloud, Mich., via the intersection of the Green Bay VOR 116° and the White Cloud VOR 302° True radials. This realigned segment of Victor 1502 would then overlie low altitude VOR Federal airway No. 26 which would improve the transitioning of air traffic between the low and intermediate airway systems. It is further proposed to redesignate Victor 1502 as a 15-mile-wide airway (8 miles to the north and 7 miles to the south of the centerline) between the Green Bay VOR and the intersection of the Green Bay VOR 116° and the White Cloud VOR 302° True radials. This reduction of airway width on the south side of Victor 1502 would provide lateral separation from the northern boundary of R-6903 as proposed herein.

The description of the Chicago-Indianapolis positive control area would be altered to include portions of the special use airspace proposed herein for revocation. In addition, it would continue to be described so as to avoid coincidence with R-6903 as redesignated.

Therefore the following actions are proposed:

1. R-6902 would be revoked.

2. R-6903 would be designated as follows:

R-6903 Sheboygan, Wisconsin.

Boundaries. Beginning at latitude 43°19'-00" N., longitude 87°41'00" W.; to latitude 44°05'30" N., longitude 87°29'45" W.; to latitude 44°02'00" N., longitude 87°02'30" W.; to latitude 43°15'30" N., longitude 87°-14'00" W.; to the point of beginning.

Designated altitudes. Surface to flight level 450.

Time of designation. 0600 to 2200 c.s.t., May 1 through September 30, and from 0800 to 1600 c.s.t., October 1 through April 30.

Controlling agency. Federal Aviation Agency, Chicago ARTC Center.

Using agency. Commander, Volk Field, Wisconsin.

3. Low altitude VOR Federal airway No. 450 would be altered to permit use of the portion within R-6903 only after obtaining prior approval from appropriate authority.

4. The segment of intermediate altitude VOR Federal airway No. 1502 extending from the Green Bay VOR to the White Cloud VOR would be realigned via the Green Bay 116° radial and the White Cloud 302° radial. In addition, the segment extending from the Green Bay VOR to the intersection of the White Cloud 302° radial would be designated a 15-mile wide airway (8 miles to the north and 7 miles to the south of the centerline).

5. Restricted Area R-6903 would be designated as part of the continental control area.

6. The Chicago-Indianapolis positive control area would be redescribed in part by deleting;

Thence to latitude 43°40'00" N., longitude 87°40'00" W.; thence to latitude 43°14'20" N., longitude 87°44'30" W.; thence to latitude 43°16'00" N., longitude 86°30'00" W.; thence to latitude 43°20'00" N., longitude 86°30'00" W.; thence to latitude 43°30'00" N., longitude 86°45'00" W.; thence to latitude 44°20'00" N., longitude 84°50'00" W.

and substituting therefor:

Thence to latitude 43°40'00" N., longitude 87°36'15" W.; thence to latitude 43°19'00" N., longitude 87°41'00" W.; thence to latitude 43°15'30" N., longitude 87°14'00" W.; thence to latitude 44°20'00" N., longitude 84°50'00" W.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 5, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-5674; Filed, June 11, 1962; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62-EA-45]

CONTROL ZONE

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of a control zone at the Dulles International Airport, Chantilly, Va. The proposed control zone would be designated within a 5-mile radius of the Dulles International Airport (latitude 38°56'39" N., longitude 77°27'22" W.); within 2 miles either side of the Dulles runway 1-R ILS localizer south course extending from the 5-mile radius zone to the runway 1-R ILS outer marker (latitude 38°50'49" N., longitude 77°26'16" W.); within 2 miles either side of the Dulles runway 19-R ILS localizer north course extending from the 5-mile radius zone to 2 miles north of the runway 19-R ILS outer marker (latitude 39°01'51" N., longitude 77°27'32" W.); within 2 miles either side of the Herndon, Va., VOR 161° True radial extending from the 5-mile radius zone to the VOR; and within 2 miles either side of the extended centerline of runway 30 extending from the 5-mile radius zone to 4 miles northwest of the lift-off end of runway 30.

The 5-mile radius zone would provide protection for aircraft executing proposed instrument approach and departure procedures within the immediate vicinity of the airport. The proposed control zone extensions would provide controlled airspace for the following flight operations:

1. The extension based on the Dulles runway 1-R ILS localizer south course would provide protection for aircraft executing proposed runway 1-R ILS instrument approach procedures and for aircraft departing runway 19-L.

2. The extension based on the Dulles runway 19-R ILS localizer north course would provide protection for aircraft executing proposed runway 19-R ILS approach procedures; for aircraft executing proposed approach procedures based on a radio beacon to be installed near Poolesville, Md., at latitude 39°-05'32" N., longitude 77°27'28" W.; and for aircraft departing runway 1-L.

3. The extension based on the Herndon VOR 161° True radial would provide protection for aircraft departing runway 1-R via the Herndon VOR to the assigned route of flight.

4. The northwest extension would provide protection for aircraft departing runway 30.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 5, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-5670; Filed, June 11, 1962; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62-SO-17]

CONTROL ZONE

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Raleigh, N.C., control zone is designated within a 5-mile radius of the Raleigh-Durham Airport and within 2 miles either side of the southeast course of the Raleigh radio range, extending 10 miles southeast of the radio range. Effective June 28, 1962, the control zone extension based on the radio range will be revoked (Airspace Docket No. 62-WA-38, 27 F.R. 3845).

The Federal Aviation Agency has under consideration the alteration of the Raleigh control zone by designating an extension within 2 miles either side of the Raleigh-Durham ILS localizer southwest course extending from the 5-mile radius zone to the outer marker (latitude 35°47'48" N., longitude 78°53'-00" W.). The proposed control zone extension would provide protection for aircraft executing the revised ILS instrument approach procedures based on the relocated ILS outer marker at Raleigh-Durham.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 52 Fairlie Street NW., Atlanta 3, Ga. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 5, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-5671; Filed, June 11, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570; 1962 Revision]

COMPANIES HOLDING CERTIFICATES OF AUTHORITY AS ACCEPTABLE SURETIES ON FEDERAL BONDS AND AS ACCEPTABLE REINSURING COMPANIES

Companies Holding Certificates of Authority From Secretary of the Treasury Under Act of Congress Approved July 30, 1947 (6 U.S.C. 6–13) as Acceptable Sureties on Federal Bonds *

MAY 1, 1962.

This circular is published solely for the information of Federal bond-approving officers and persons required to give bonds to the United States. Information contained in this circular was formerly published as Treasury Department Form 356—Revised.

The following companies, except where otherwise noted, have complied with the law and the regulations of the Treasury Department and are acceptable as sureties on Federal bonds, to the extent and with respect to the localities indicated opposite their respective names.

[SEAL]

J. DEWEY DAANE,
Acting Fiscal Assistant Secretary of the Treasury.

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) (b)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
The Aetna Casualty and Surety Co., Hartford, Conn.	$26,801,000	All except Canal Zone, Virgin Islands	CONN.—All except Virgin Islands.
Aetna Insurance Co., Hartford, Conn.	11,927,000	All except Canal Zone	CONN.—All except Canal Zone, Hawaii, Virgin Islands.
Agricultural Insurance Company, Watertown, N.Y. (auth. Aug. 21, 1961).[1]	2,222,000	All except Canal Zone, Puerto Rico, Virgin Islands	N.Y.—All except Ala., Alaska, Canal Zone, Conn., Del., Ga., Hawaii, seIll., Ind., Ky., Maine, Md., Mass., Mich., Miss., N.H., N.J., N.C., neOkla., Pa., Puerto Rico, R.I., S.C., Tenn., Vt., Va., Virgin Islands, W. Va., eWis.
Allegheny Mutual Casualty Co., Meadville, Pa.	99,000	Fla., Ind., Md., Mich., N.J., Ohio, Pa., Wis	PA.—D.C., sFla., nInd., Md., eMich., N.J., Ohio, eWis.
American Automobile Insurance Co., Newark, N.J.	5,646,000	All except Canal Zone, Puerto Rico, Virgin Islands	MO.—All except Canal Zone, Puerto Rico, Virgin Islands.
American Casualty Co. of Reading, Pennsylvania, Reading, Pa.	2,954,000	All except Canal Zone, Virgin Islands	PA.—All except Virgin Islands.
American Central Insurance Co., New York, N.Y.	976,000	All except Canal Zone, Del., Idaho, La., Oreg., Puerto Rico, S.C., Virgin Islands.	MO.—All except Alaska, Canal Zone, Idaho, N. Mex., Puerto Rico, wTex., Virgin Islands.
American Credit Indemnity Co. of New York, Baltimore, Md.	1,914,000	Calif., Colo., Conn., Del., Ill., Ind., Iowa, Ky., Md., Mass., Mich., Minn., Mo., N.J., N. Mex., N.Y., N.C., Ohio, Okla., Pa., R.I., Vt., Wash., W. Va., Wis.	N.Y.—D.C.
American Employers' Insurance Co., Boston, Mass.	3,205,000	All except Canal Zone	MASS.—All.
American Fidelity Co., Manchester, N.H.	333,000	Conn., Maine, Mass., Miss., N.H., R.I., Vt	VT.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
American Fire and Casualty Company, Orlando, Fla. (auth. Nov. 27, 1961).	315,000	Ala., Ark., Colo., D.C., Fla., Ga., Kans., Ky., La., Md., Miss., Mo., N.C., Okla., Puerto Rico, S.C., Tenn., Tex., Va.	FLA.—Ala., Ark., Colo., D.C., Ga., Kans., Ky., La., Md., Miss., Mo., N.C., Okla., S.C., Tenn., Tex., Va.
American and Foreign Insurance Co., New York, N.Y. (auth. July 27, 1961).	1,329,000	All except Canal Zone, Del., Ga., Kans., La., Mass., Mo., Oreg., Puerto Rico, S.C., Tenn., Va., Virgin Islands, Wis.	N.Y.—D.C., nTex.
American General Insurance Co., Houston, Tex.	3,290,000	Ala., Ariz., Ark., Colo., D.C., Fla., La., Miss., N. Mex., Okla., Pa., Tex.	TEX.—All except Conn., Del., Hawaii, Ill., eKy., Maine, Md., Mass., Mich., N.H., N.J., N.Y., Ohio, Puerto Rico, R.I., eTenn., Vt., Virgin Islands, W. Va.
American Guarantee and Liability Insurance Co., Chicago, Ill.	1,027,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—Alaska, Calif., Conn., D.C., nFla., nsGa., nsIll., nInd., Maine, Md., Mass., eMich., Minn., Mo., N.H., N.J., N. Mex., Ohio, Pa., nswTex., Vt.
American Home Assurance Co., New York, N.Y.	2,377,000	All except Canal Zone, Idaho, Oreg., Puerto Rico, Tenn., Virgin Islands.	N.Y.—D.C.
American Indemnity Co., Galveston, Tex.	572,000	All except Alaska, Ariz., Canal Zone, Conn., Del., Hawaii, Idaho, Maine, Md., Mass., Mont., Nebr., Nev., N.H., N.J., N. Mex., N.Y., N. Dak., Oreg., Pa., Puerto Rico, R.I., S. Dak., Utah, Vt., Virgin Islands, Wash., W. Va., Wyo.	TEX.—All except Alaska, wArk., Canal Zone, Hawaii, wMich., nOkla., Puerto Rico, Virgin Islands, wVa.
The American Insurance Co., Newark, N.J.	13,255,000	All except Canal Zone, Puerto Rico, Virgin Islands	N.J.—All except Canal Zone, Puerto Rico, Virgin Islands.
American Manufacturers Mutual Insurance Co., Chicago, Ill. (auth. June 15, 1961).	614,000	All except Canal Zone, Conn., Del., Fla., Hawaii, Idaho, La., Oreg., Puerto Rico, S.C., S. Dak., Tenn., Va., Virgin Islands.	N.Y.—
American Motorists Insurance Co., Chicago, Ill.	1,103,000	All except Alaska, Ark., Del., Hawaii, Idaho, Oreg., Puerto Rico, Virgin Islands, Wyo.	ILL.—All except Alaska, Ark., Canal Zone, Del., Fla., Hawaii, Idaho, Nev., N. Mex., Oreg., Puerto Rico, Tenn., Virgin Islands, Wyo.
American Mutual Liability Insur. Co., Wakefield, Mass.	4,043,000	All except Canal Zone, Puerto Rico, Virgin Islands	MASS.—D.C.
American National Fire Insurance Co., New York, N.Y.	956,000	All except Alaska, Ariz., Canal Zone, Conn., Del., Idaho, Kans., La., Maine, Mass., Mich., N.J., N.C., N. Dak., Pa., Puerto Rico, S.C., S. Dak., Tenn., Va., Virgin Islands, Wis.	N.Y.—All except Alaska, Ariz., Canal Zone, Conn., Del., Idaho, Kans., La., Maine, Mass., Mich., N.J., N.C., N. Dak., wePa., S.C., S. Dak., Tenn., Va., Wis.
American Re-Insurance Co., New York, N.Y.	3,674,000	All except Canal Zone, Fla., N. Mex., Puerto Rico, Virgin Islands.	N.Y.—All.
American States Insurance Co., Indianapolis, Ind.	1,872,000	Colo., Ill., Ind., Iowa, Kans., Ky., Mich., Mo., Ohio, Pa., Wis.	IND.—D.C., Ill., Iowa, Ky., Mich., Ohio.
American Surety Co., of New York, New York, N.Y.	3,009,000	All	N.Y.—All.
Argonaut Insurance Co., Menlo Park, Calif.	437,000	Ariz., Ark., Calif., Colo., D.C., Hawaii, Idaho, Ill., Iowa, La., Mass., Minn., Miss., Mont., Nev., N. Mex., N. Dak., Okla., Oreg., S.C., Tex., Utah, Vt., Wash., Wyo.	CAL.—D.C., nGa., Idaho.
Associated Indemnity Corp., Newark, N.J.	1,463,000	All except Canal Zone, Puerto Rico, Virgin Islands	CALIF.—nAla., Ariz., D.C., sFla., eMo., Mont., Nebr., Nev., sN.Y., wOkla., Oreg., Tex., Utah, Wash.
Atlantic Insurance Co., Dallas, Tex. (auth. Dec. 8, 1961).	1,191,000	Cal., Ill., Ind., Mo., Nev., N. Mex., N.C., Ohio, Okla., Tex., Utah.	TEX.—Colo., D.C., Kans., N. Mex., wOkla., Utah.
Atlantic Mutual Insurance Co., New York, N.Y.	$3,865,000	All except Ala., Canal Zone, Del., Hawaii, La., Maine, Mass., Puerto Rico, S.C., S. Dak., Tenn., Tex., Va., Virgin Islands.	N.Y.—D.C.
Auto-Owners Insurance Co., Lansing, Mich.	1,391,000	Ala., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., Mich., Minn., Mo., Nebr., N.C., N. Dak., Ohio, Pa., S.C., S. Dak., Tenn., Wis.	MICH.—D.C., Fla., Ill., Ind., Iowa, Minn., Mo., N. Dak., Ohio, S. Dak.
Bankers and Shippers Insurance Co. of New York, New York, N.Y.	1,209,000	All except Alaska, Canal Zone, Hawaii, Maine, Puerto Rico, Virgin Islands, W. Va.	N.Y.—mAla., eArk., Del., D.C.
Beneficial Fire and Casualty Insurance Co., Los Angeles, Calif.	184,000	Alaska, Ariz., Calif., Colo., D.C., Md., Minn., Nebr., Nev., N. Mex., Okla., R.I., Wash., Wyo.	CALIF.—D.C.
Birmingham Fire Insurance Co., of Pennsylvania, Pittsburgh, Pa.	650,000	All except Ark., Canal Zone, Del., Ga., Hawaii, Idaho, Mass., N.H., N.J., Oreg., Puerto Rico, S.C., Tex., Virgin Islands.	PA.—D.C.
Boston Insurance Co., Boston, Mass.	3,807,000	All except Canal Zone, Idaho, Oreg	MASS.—All except Alaska, Canal Zone, Hawaii, Idaho, N. Dak., Oreg., Puerto Rico, Virgin Islands.
The Buckeye Union Casualty Co., Columbus, Ohio.	1,823,000	Ill., Ind., Ky., Md., Mich., Mo., Ohio, Pa., Va., W. Va.	OHIO—D.C., Ill., Ind., Ky., Mich., Minn., Pa., eTenn., Wash., W. Va.
The Camden Fire Insurance Association, Camden, N.J.	2,536,000	Alaska, Ariz., Colo., Conn., Ill., Ind., Iowa, Ky., Md., Mass., Mich., Nev., N.J., N. Mex., N.Y., N. Dak., Ohio, Okla., R.I., S.C., Vt., Wyo.	N.J.—D.C.
Capitol Indemnity Corp., Madison, Wis.	105,000	Iowa, Wis	WIS.—D.C., nGa., Ill., sInd., Iowa, Mich., Minn.
Capitol Indemnity Insurance Co., Indianapolis, Ind.	45,000	Ill., Ind., Ky., Mo., Tenn	IND.—All except Alaska, Hawaii, Puerto Rico, Virgin Islands.
Carolina Casualty Insurance Co., Jacksonville, Fla.	185,000	All except Canal Zone, Conn., Hawaii, N.H., N.J., N.Y., Oreg., Puerto Rico, R.I., Tex., Virgin Islands.	N.C.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Cascade Insurance Co., Tacoma, Wash.	218,000	Calif., Idaho, Mont., Nev., Oreg., Utah., Wash	WASH.—All except Canal Zone, Puerto Rico, Virgin Islands.
The Celina Mutual Insurance Co., Celina, Ohio.	231,000	Colo., D.C., Ill., Ind., Ky., Md., Mich., Ohio, Pa., Va., W. Va., Wis.	OHIO.—D.C.
Centennial Insurance Co., New York, N.Y.	891,000	All except Ala., Canal Zone, Del., La., Maine, Mass., Puerto Rico, S.C., S. Dak., Tenn., Tex., Va., Virgin Islands.	N.Y.—D.C.
Central Mutual Insurance Co., Van Wert, Ohio.	1,625,000	Alaska, Ariz., Calif., Colo., D.C., Ind., Iowa, Md., Mo., Nev., N. Mex., Ohio, Pa., R.I., Utah, Vt., Wash., W. Va., Wyo.	OHIO.—D.C.
Central Surety and Insurance Corp., Kansas City, Mo.	963,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	MO.—All except Virgin Islands.
The Cincinnati Insurance Co., Cincinnati, Ohio.	194,000	Fla., Ga., Ind., Ky., Ohio	OHIO.—D.C., sFla., sInd., Ky.
Citizens Casualty Co. of New York, New York, N.Y.	203,000	All except Canal Zone, Hawaii, Virgin Islands	N.Y.—All except Canal Zone, Hawaii, Virgin Islands.
Citizens Insurance Co. of New Jersey, Hartford, Conn.	781,000	All except Canal Zone, Puerto Rico, Virgin Islands	N.J.—All except Alaska, Canal Zone, Hawaii, Kans., Ky., La., Maine, Nebr., N.H., N. Dak., Puerto Rico, R.I., Vt., Va., Virgin Islands, W. Va.
Columbia Casualty Co., New York, N.Y.	1,096,000	All except Alaska, Ariz., Canal Zone, Miss., Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, Virgin Islands.
Commercial Insurance Co. of Newark, N.J., Newark, N.J.	1,971,000	All except Puerto Rico	N.J.—All.
Commercial Standard Insurance Co., Fort Worth, Tex.	426,000	Ala., Ark., Calif., Colo., D.C., Ind., Iowa, Kans., Minn., Miss., Mo., Mont., Nebr., Nev., N. Mex., N.C., N. Dak., Okla., S. Dak., Tenn., Tex., Utah., Va., Wyo.	TEX.—All except Alaska, Canal Zone, Hawaii, Minn., Miss., Puerto Rico, S. Dak., Virgin Islands.
Commercial Union Insurance Co. of New York, New York, N.Y. (auth. July 18, 1961).	1,339,000	All except Canal Zone, Puerto Rico, Virgin Islands	N.Y.—All except Alaska, Canal Zone, Idaho, N. Mex., Puerto Rico, R.I., wVa., Virgin Islands, Wyo.
The Commonwealth Insurance Co. of New York, New York, N.Y.	923,000	All except Ala., Canal Zone, Conn., Del., Idaho, N.J., Oreg., Puerto Rico, Va., Virgin Islands.	N.Y.—All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
The Connecticut Fire Insurance Co., Hartford, Conn.	6,419,000	All except Canal Zone, Puerto Rico, Virgin Islands	CONN.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
The Connecticut Indemnity Co., New Haven, Conn.	683,000	All except Alaska, Canal Zone, Del., Hawaii, Oreg., Puerto Rico, S.C., Va., Virgin Islands.	CONN.—All except Alaska, Ariz., Calif., Canal Zone, Hawaii, Idaho, Mont., Nev., Oreg., Puerto Rico, Utah, Virgin Islands, Wash.
Consolidated Mutual Insurance Co., Brooklyn, N.Y.	871,000	All except Ala., Alaska, Ariz., Ark., Canal Zone, Colo., Del., Hawaii, Kans., La., Mich., Oreg., R.I., S.C., S. Dak., Tenn., Va., Wis.	N.Y.—D.C.
Continental Casualty Co., Chicago, Ill.	27,801,000	All	ILL.—All except Canal Zone, Virgin Islands.
The Continental Insurance Co., New York, N.Y.	101,370,000	All except Hawaii, Oreg., Puerto Rico, Virgin Islands	N.Y.—nCalif., Del., D.C., Hawaii, nIll., Mont., wWash.
Cosmopolitan Mutual Insurance Co., New York, N.Y.	852,000	Conn., D.C., Md., Mass., N.H., N.J., N.Y., Pa., R.I., Vt., Va., W. Va.	N.Y.—D.C.
Employers Casualty Co., Dallas, Tex.	896,000	Ariz., Ark., Calif., Colo., Ill., Ind., Iowa, Ky., Minn., Miss., Mo., Mont., Nebr., Nev., N. Mex., Okla., Tex., Utah, Wash., Wyo.	TEX.—D.C.
The Employers' Fire Insurance Co., Boston, Mass.	1,621,000	All except Canal Zone	MASS.—All except Canal Zone, Virgin Islands.
Employers Mutual Casualty Co., Des Moines, Iowa.	1,484,000	All except Ala., Canal Zone, Conn., Del., Fla., Ga., Hawaii, Ky., La., Maine, Mass., Mont., Nev., Puerto Rico, R.I., Tenn., Utah, Virgin Islands.	IOWA—Alaska, Colo., D.C., Ill., Ind., Kans., Md., Minn., Miss., Mo., Nebr., N.C., N. Dak., Ohio, Okla., Oreg., Pa., S.C., S. Dak., Wis.
Employers Mutual Liability Insurance Co. of Wisconsin, Wausau, Wis.	6,866,000	All except Canal Zone, Virgin Islands	WIS.—D.C.
Employers Reinsurance Corp., Kansas City, Mo.	$3,693,000	All except Canal Zone, Puerto Rico, Virgin Islands	MO.—All.
Equitable Fire and Marine Insurance Co., Providence, R.I.	1,934,000	All except Alaska, Ark., Canal Zone, Idaho, La., Oreg., Puerto Rico, S.C., Virgin Islands.	R.I.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Farmers Elevator Mutual Insurance Co., Des Moines, Iowa.	317,000	Colo., Ill., Iowa, Kans., Minn., Nebr., Okla., S. Dak., Tex., Wis., Wyo.	IOWA.—Colo., D.C., Ill., Kans., Nebr., Okla., S. Dak.
Federal Insurance Co., New York, N.Y.	14,178,000	All	N.J.—All.
The Fidelity and Casualty Co. of New York, New York, N.Y.	12,568,000	All except Puerto Rico, Virgin Islands	N.Y.—All except Hawaii, Puerto Rico, Virgin Islands.
Fidelity and Deposit Co. of Maryland, Baltimore, Md.	6,290,000	All	MD.—All.
Fidelity-Phenix Insurance Co., New York, N.Y.	3,859,000	All except Canal Zone, Oreg., Puerto Rico, Virgin Islands.	N.Y.—All except Virgin Islands.
Fireman's Fund Insurance Co., San Francisco, Calif.	23,096,000	All except Canal Zone	CALIF.—All.
Firemen's Insurance Co. of Newark, New Jersey, Newark, N.J.	11,954,000	All except Puerto Rico	N.J.—All except Canal Zone.
First Insurance Company of Hawaii, Limited, Honolulu, Hawaii.[2]	593,000	Guam, Hawaii, Oreg	HAWAII.—D.C.
Florida Home Insurance Co., Miami, Fla.	220,000	Fla	FLA.—D.C.
Founders' Insurance Co., Los Angeles, Calif.	195,000	Ariz., Calif., Colo., Fla., Ga., Hawaii, La., Miss., Nev., N. Mex., N.Y., Tex., Wash., Wyo.	CALIF.—Colo., D.C., Mont., Nebr., sOhio, Oreg., sTex.

See footnotes at end of table.

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) see footnote (b)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
The Fulton Insurance Co., New York, N.Y.	$228,000	All except Ala., Del., Ga., Hawaii, Idaho	N.Y.—All except Ala., Canal Zone, Del., Ga., Hawaii, Idaho, Puerto Rico, Virgin Islands, eWash.
General Fire and Casualty Co., New York, N.Y.	642,000	All except Ala., Alaska, Ariz., Ark., Canal Zone, Conn., Del., Ga., Hawaii, Idaho, Kans., Maine, Mont., N. Mex., N. Dak., Oreg., Puerto Rico, S. C., S. Dak., Tenn., Virgin Islands, Wash., Wyo.	N.Y.—D.C.
General Insurance Co. of America, Seattle, Wash.	11,836,000	All except Puerto Rico, Virgin Islands	WASH.—All except Puerto Rico, Virgin Islands.
General Insurance Corp., Fort Worth, Tex.	329,000	Ala., Ariz., Calif., Colo., Fla., Ga., Ind., Kans., Ky., La., Minn., Nev., N. Mex., N. Dak., Okla., Tex.	TEX.—D.C.
General Reinsurance Corp., New York, N.Y.	6,996,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands	N.Y.—All except Canal Zone, Virgin Islands.
Glens Falls Insurance Co., Glens Falls, N.Y.	7,735,000	All except Canal Zone, Puerto Rico, Virgin Islands	N.Y.—All except Puerto Rico, Virgin Islands.
Globe Indemnity Co., New York, N.Y.	5,926,000	All except Canal Zone, Puerto Rico, Virgin Islands	N.Y.—All except Alaska, Virgin Islands.
Grain Dealers Mutual Insurance Co., Indianapolis, Ind.	1,450,000	All except Ala., Alaska, Canal Zone, Del., Hawaii, Idaho, La., Maine., Nev., Oreg., Puerto Rico, R.I., Tenn., Virgin Islands.	IND.—eArk., Colo., D.C., Ill., Iowa, Kans., Nebr., Ohio, wOkla.
Granite State Insurance Co., Manchester, N.H.	599,000	All except Canal Zone, Del., Hawaii, Idaho, Oreg., Puerto Rico, Virgin Islands.	N.H.—All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Great America Insurance Co., New York, N.Y.	24,965,000	All except Canal Zone	N.Y.—All except Canal Zone.
Great Northern Insurance Co., Minneapolis, Minn. (auth. Oct. 11, 1961).	595,000	Ill., Iowa, Minn., Mo., Mont., N.Y., N. Dak., S. Dak., Wis., Wyo.	MINN.—D.C.
Gulf American Fire and Casualty Co., Montgomery, Ala.	106,000	Ala., Fla., Ga., Miss., S.C., Tenn	ALA.—D.C., mnGa., sMiss.
Gulf Insurance Company, Dallas, Tex. (auth. Dec. 8, 1961).	4,654,000	Ark., Calif., Colo., Ill., Ind., Kans., La., Mich., Mo., Nev., N. Mex., N.C., Ohio, Okla., Pa., Tex., Utah, Wyo.	TEX.—Colo., D.C., Kans., N. Mex., wOkla., Utah.
The Hanover Insurance Co., New York, N.Y.[3]	5,314,000	All except Canal Zone, Hawaii, Idaho, Puerto Rico, Virgin Islands.	N.Y.—All except sAla.
Hardware Mutual Casualty Co., Stevens Point, Wis.	1,295,000	All except Canal Zone, Hawaii, Idaho, Puerto Rico, Virgin Islands.	WIS.—D.C.
Hartford Accident and Indemnity Co., Hartford, Conn.	20,422,000	All except Virgin Islands	CONN.—All except Virgin Islands.
Hartford Fire Insurance Co., Hartford, Conn.	52,086,000	All except Canal Zone, Puerto Rico	CONN.—Ariz., Calif., D.C., La., N.Y.
Hawkeye-Security Insurance Co., Des Moines, Iowa.	1,061,000	Colo., D.C., Fla., Idaho, Ill., Ind., Iowa, Kans., Md., Mich., Minn., Mo., Mont., Nebr., Nev., N. Mex., Ohio, Pa., S. Dak., Utah, Va., Wyo.	IOWA—Colo., D.C., Fla., Ill., sInd., Kans., wMich., Mo., Nebr., N. Mex., S. Dak., Wyo.
The Home Indemnity Co., New York, N.Y.	6,382,000	All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, Hawaii, Puerto Rico, Virgin Islands.
The Home Insurance Co., New York, N.Y.	33,955,000	All	N.Y.—D.C.
Houston Fire and Casualty Insurance Co., Fort Worth, Tex.	436,000	Ala., Ariz., Ark., Calif., Colo., Fla., Ga., Ill., Ind., Kans., La., Minn., Miss, Mo., Nev., N. Mex., N. Dak., Okla., Pa., Tenn., Tex.	TEX.—D.C., N. Mex., neOkla, emTenn.
Hudson Insurance Co., New York, N.Y.	344,000	N.Y.	N.Y.—D.C.
Illinois National Insurance Co., Springfield, Ill. (auth. Oct. 17, 1961).	427,000	Ill., Ind., Iowa, Kans., Ky., Mich., Minn., Mo., Nebr., Ohio.	ILL.—All except mAla., Alaska, Ariz., Canal Zone, Del., sFla., Hawaii, Mass., nMiss., wMo., Mont., N.H., ewN.Y., mN.C., Puerto Rico, wS.C., ewTenn., eTex., Virgin Islands, eWash., wWis., Wyo.
Industrial Indemnity Co., San Francisco, Calif.	1,224,000	Alaska, Ariz., Ark., Calif., Colo., Fla., Guam, Hawaii, Idaho, Ill., La., Mo., Mont., Nebr., Nev., N. Mex., N.C., Okla., Oreg., Tex., Utah, Wash., Wyo.	CALIF.—Alaska, Ariz., Colo., D.C., Hawaii, Idaho, Mont., Nev., N. Mex., Oreg., Tex., Utah, Wash., Wyo.
Inland Insurance Co., Lincoln, Nebr.	228,000	Nebr	NEBR.—Ariz., Ark., Colo., D.C., Ill., Iowa, Kans., Ky., Minn., eMo., Mont., Nev., N. Mex., N. Dak., Ohio, Okla., Oreg., S. Dak., Tex., Utah, Wash., Wyo.
Insurance Co., of North America, Philadelphia, Pa.	66,003,000	All except Canal Zone	PA.—All except Canal Zone.
The Insurance Co. of the State of Pennsylvania, Philadelphia, Pa.	1,007,000	All except Alaska, Ariz., Canal Zone, Hawaii, Idaho, N. Mex., N. Dak., Oreg., Puerto Rico, S. Dak., Tenn., Virgin Islands.	PA.—D.C.
International Fidelity Insurance Co., Jersey City, N.J.	105,000	Md., Mass., Mich. (Fidelity only), N.J., N.Y., Pa	N.J.—All except Alaska, Virgin Islands.
Iowa Mutual Insurance Co., DeWitt, Iowa.	218,000	Ala., Colo., Fla., Ga., Ill., Iowa, Kans., La., Minn., Mont., Nebr., N.C., N. Dak., Okla., Oreg., S.C., S. Dak.	IOWA—nAla., Colo., D.C., sIll., Kans., Minn., Mont., Nebr., wN.C., wOkla., Oreg., S. Dak.
Jersey Insurance Co. of New York, New York., N.Y.	790,000	All except Alaska, Ariz., Canal Zone, Del., D.C., Hawaii, Maine, Nev., N.H., N. Mex., N. Dak., Puerto Rico, S. Dak., Vt., Virgin Islands, W. Va., Wyo.	N.Y.—mAla., eArk., D.C.
The Kansas Bankers Surety Co., Topeka, Kans.	79,000	Kans	KANS.—D.C.
Kansas City Fire and Marine Insurance Co., Kansas City, Mo.	471,000	Ala., Ark., Colo., Ind., Iowa, Kans., Ky., Miss., Mo., Mont., N. Mex., N.Y., Okla., Pa., R.I., Tex., Vt., W. Va.	MO.—D.C.
Liberty Mutual Insurance Co., Boston, Mass.	12,345,000	All except Virgin Islands	MASS.—All except Canal Zone.
Lumbermens Mutual Casualty Co., Chicago, Ill.	5,250,000	All except Canal Zone, Puerto Rico, Virgin Islands	ILL.—All except Alaska, Canal Zone, Hawaii, La., Puerto Rico, Virgin Islands.
Maine Bonding and Casualty Co., Portland, Maine.	258,000	Ala., Ariz., Calif., Colo., Fla., Ga., Ky., Maine, Md., Minn., Miss., N.H., N.J., N. Mex., Okla., Oreg., Pa., Tenn., Tex., Vt., Va., Wash.	MAINE.—Conn., D.C., Mass., N.H., R.I., Vt.
Maryland Casualty Co., Baltimore, Md.	9,890,000	All	MD.—All.
The Mercantile Insurance Co. of America, New York, N.Y.	866,000	All except Canal Zone, Conn., Del., Ga., Idaho, La., N.J., Oreg., Puerto Rico, Virgin Islands.	N.Y.—All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Merchants Fire Assurance Corp. of New York, New York, N.Y.	6,576,000	All except Alaska, Ark., Canal Zone, Del., Fla., Ga., Hawaii, Idaho, Kans., La., Maine, Nev., N. Dak., Oreg., Puerto Rico, S.C., S. Dak., Tex., Vt., Va., Virgin Islands, Wyo.	N.Y.—Calif., D.C., Fla., nIll., eLa., Maine, Md., Mass., Mich., Minn., wN.C., N. Dak., Oreg., ePa., eS.C., wsTex., Vt., eVa., wWash.
Merchants Indemnity Corp. of New York, New York, N.Y.	2,870,000	Calif., Conn., D.C., Ill., Ind., Iowa, Md., Mich., Minn., Mo., Nebr., N.J., N.Y., Ohio, Pa., Utah, Wash., Wis.	N.Y.—D.C., nGa., N.J., Ohio, wWash.
Michigan Millers Mutual Insurance Co., Lansing, Mich.	968,000	All except Ala., Alaska, Ariz., Canal Zone, Fla., Ga., Hawaii, Idaho, La., Maine, Md., Mich., Nev., N. Mex., Oreg., Puerto Rico, S.C., Virgin Islands, Wyo.	MICH.—eArk., Calif., Colo., D.C., Ill., Ind., Iowa, Kan. eKy., Minn., Miss., Mo., Mont., Nebr., nwN.Y., N. Dak., Ohio, wOkla., S. Dak., wmTenn., Utah, wWash.
Mid-Century Insurance Co., Los Angeles, Calif.	825,000	Ariz., Ark., Calif., Colo., Idaho, Ill., Ind., Iowa, Kans., Mich., Minn., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Ohio, Okla., Oreg., S. Dak., Tex., Utah, Vt., Wash., Wis., Wyo.	CALIF.—Ariz., Colo., D.C., Idaho, Mont., Nebr., Nev., N. Mex., Utah, Wash., Wyo.
The Millers Mutual Fire Insurance Co., Harrisburg, Pa. (auth. June 16, 1961).	320,000	Ark., Ind., Pa., S.C., Vt	PA.—D.C.

See footnotes at end of table.

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) see footnote (b)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
The Millers Mutual Fire Insurance Co. of Texas, Fort Worth, Tex.	$576,000	Ark., Ill., Ind., Iowa, Kans., Mich., Minn., Mont., Nebr., N. Mex., N.Y., N. Dak., Ohio, Okla., S. Dak., Tex., Utah.	TEX.—D.C., Okla.
Millers' Mutual Insurance Association of Illinois, Alton, Ill.	1,283,000	Ark., Colo., Ill., Ind., Iowa, Kans., Md., Mich., Minn., Mo., Mont., N.C., N. Dak., Ohio, Okla., Pa., S. Dak., Tex., Vt., Wash., Wis., Wyo.	ILL.—nmAla., Ark., Colo., D.C., Ind., Iowa Kans., Minn Mo., Mont., N. Dak., S. Dak.
Millers National Insurance Co., Chicago, Ill.	503,000	All except Ala., Alaska, Canal Zone, Del., Hawaii, La., Maine, Miss., Nebr., Puerto Rico, Tenn., Vt., Va.	ILL.—Ariz., sCalif., Colo., Ind., Iowa, Kans., Ky., Mass., Mich., Minn., Mo., Mont., Nev., N. Mex., N. Dak., R.I., S. Dak., nwsTex., Utah, wWis., Wyo., D.C.
Milwaukee Insurance Co. of Milwaukee, Wis., Milwaukee, Wis.	2,549,000	All except Canal Zone, Puerto Rico, Virgin Islands	WIS.—All.
Mutual Boiler and Machinery Insurance Co., Waltham, Mass. (auth. Dec. 18, 1961).	1,337,000	Alaska, Ariz., Calif., Colo., Conn., D.C., Ind., Iowa, Ky., Mass., Mich., Minn., Mont., Nev., N.H., N.J., N. Mex., N.Y., N.C., R.I., Tex., Utah, Vt., W. Va., Wis., Wyo.	MASS.—
National Automobile and Casualty Insurance Co., Los Angeles, Calif.	280,000	Alaska, Ariz., Ark., Calif., Colo., Idaho, Ill., Ind., Kans., Ky., La., Mich., Mo., Mont., Nev., N. Mex., Okla., Oreg., Tenn., Tex., Utah, Wash., Wyo.	CALIF.—All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
National-Ben Franklin Insurance Co. of Pittsburgh, Pa., Pittsburgh, Pa.	1,203,000	All except Canal Zone, Del., Hawaii, Oreg., Puerto Rico, Tex., Virgin Islands, W. Va.	PA.—D.C.
National Casualty Co., Detroit, Mich.	700,000	All except Alaska, Ariz., Ark., Canal Zone, Fla., Ga., Hawaii, Idaho, Mass., Oreg., Puerto Rico, S.C., Virgin Islands.	MICH.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
National Fire Insurance Co. of Hartford, Hartford, Conn.	9,335,000	All except Canal Zone, Hawaii, Va., Virgin Islands	CONN.—All except Alaska, Ariz., Canal Zone, Hawaii, Idaho, Nev., nN.Y., Vt., Virgin Islands.
National Grange Mutual Insurance Co., Keene, N.H.	1,660,000	Conn., D.C., Fla., Ill., Ind., Maine, Md., Mass., Mich., Minn., N.H., N.J., N.Y., N.C., Ohio, Pa., R.I., S.C., Vt., Wis.	N.H.—All except Alaska, Canal Zone, Hawaii, Virgin Islands.
Pacific National Insurance Co., San Francisco, Calif.[4]	2,929,000	All except Canal Zone, Puerto Rico, Virgin Islands	CALIF.—All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Peerless Insurance Co., Keene, N.H.	757,000	All except Canal Zone, Hawaii, Puerto Rico	N.H.—All except Hawaii, Virgin Islands.
The Pennsylvania Insurance Co., Philadelphia, Pa.	2,166,000	All except Canal Zone, Idaho, Puerto Rico, Virgin Islands	PA.—All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands, eWash.
Pennsylvania Millers Mutual Insurance Co., Wilkes-Barre, Pa. (auth. Nov. 3, 1961).	1,085,000	Pa	PA.—D.C.
Pennsylvania Threshermen & Farmers' Mutual Casualty Insurance Co., Harrisburg, Pa.	1,231,000	Ala., D.C., Ill., Iowa, Kans., Ky., Md., Mich., Minn., Miss., Mo., Nebr., N.J., N.C., Okla., Pa., R.I., S.C., Tenn., Utah, Vt., Va., W. Va., Wis., Ind.	PA.—D.C., Kans., Md., Mo., N.J., N.C., Okla., Tenn., Va.
Phoenix Assurance Co. of New York, New York, N.Y.	1,834,000	All except Canal Zone, Puerto Rico, Virgin Islands	N.Y.—All except Alaska, Canal Zone, Puerto Rico, Virgin Islands.
The Phoenix Insurance Co., Hartford, Conn.	16,506,000	All except Canal Zone, Puerto Rico, Virgin Islands	CONN.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Progressive Mutual Insurance Co., Cleveland, Ohio.	440,000	Ohio	OHIO.—D.C.
Providence Washington Insurance Co., Providence, R.I.	1,755,000	All except Canal Zone, Del., Fla., Idaho, La., Oreg., Puerto Rico, Virgin Islands.	R.I.—Conn., D.C., Mass., N.H., N.J., N.Y., Pa., Vt.
Provident Insurance Co. of New York, New York, N.Y.	408,000	All except Ariz., Canal Zone, Conn., Del., Ga., Hawaii, Idaho, Kans., La., Maine, Mich., Miss., Mont., Oreg., Puerto Rico, S.C., S. Dak., Virgin Islands.	N.Y.—sCalif., D.C., eN.C., Tenn., Va., W. Va.
The Prudential Insurance Co. of Great Britain Located in New York, New York, N.Y.	911,000	Calif., N.Y., Pa	N.Y.—D.C.
Public Service Mutual Insurance Co., New York, N.Y.	1,143,000	Conn., Del., D.C., Fla., Ga., Mo., Md., N.H., N.J., N.Y., N.C., Pa., W. Va.	N.Y.—D.C., sFla., ePa., wTex.
Queen Insurance Co. of America, New York, N.Y.	4,361,000	All except Canal Zone, Idaho, Oreg., Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, Canal Zone, Hawaii, Idaho, Virgin Islands, Wyo.
The Reinsurance Corp. of New York, New York, N.Y.	2,442,000	Alaska, Calif., Colo., Ga., Ill., Ind., Iowa, Mich., Mont., Nebr., Nev., N.J., N.Y., N. Dak., Ohio, Okla., W. Va., Wyo.	N.Y.—D.C.
Reliance Insurance Co., Philadelphia, Pa.	11,287,000	All except Canal Zone, Puerto Rico, Virgin Islands	PA.—All except Canal Zone, Virgin Islands.
Republic Insurance Co., Dallas, Tex.	2,609,000	Ariz., Ark., Calif., Colo., Conn., D.C., Ill., Ind., Iowa, Kans., La., Md., Mich., Minn., Miss., Mo., N.J., N. Mex., N.Y., N.C., Ohio, Okla., Pa., Tex., Utah, Va., Wash., W. Va., Wis.	TEX.—D.C.
Resolute Insurance Co., Providence, R.I. (auth. July 11, 1961).	701,000	Ala., Alaska, Ariz. (surety only), Ark., Calif. (surety only), Colo., Conn., Del., D.C., Fla., Ga., Idaho (surety only), Ill., Ind., Iowa, Kans., Maine, Md., Mass., Mich., Minn., Mo., Mont., Nebr., Nev., N.H., N.J., N. Mex., N.C., N. Dak., Ohio, Okla., Oreg., Pa., R.I., S.C., Tex., Utah (surety only), Vt., W. Va., Wis., Wyo.	R.I.—Ariz., sCalif., Colo., Conn., Del., D.C., sFla., neIll., sInd., Iowa, Kans., Md., Minn., eMiss., Mo., N. Dak., Ohio, nwOkla., ePa.
Royal Indemnity Co., New York, N.Y.	4,588,000	All except Virgin Islands	N.Y.—All except Virgin Islands.
Safeguard Insurance Co., Hartford, Conn.	1,613,000	All except Canal Zone, Del., Idaho, La., Puerto Rico, Virgin Islands.	CONN.—All except Ark., Canal Zone, Ga., Ky., La., Miss., N.C., Okla., Puerto Rico, S.C., Tenn., nweTex., Vt., Virgin Islands, wVa., W. Va.
St. Paul Fire and Marine Insurance Co., St. Paul, Minn.	21,098,000	All except Canal Zone	MINN.—All.
St. Paul Mercury Insurance Co., St. Paul, Minn.	2,578,000	All except Canal Zone, Puerto Rico, Virgin Islands	MINN.—All.
National Indemnity Co., Omaha, Nebr.	434,000	All except Ark., Canal Zone, Conn., Fla., Ga., Hawaii, La., Maine, Mass., N.H., N.J., N.Y., Ohio, Oreg., Pa., Puerto Rico, R.I., S.C., Tenn., Vt., Virgin Islands.	NEBR.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Vt., Virgin Islands.
National Standard Insurance Co., Houston, Tex.	257,000	Calif., Colo., La., Nebr., N. Mex., Okla., Tex	TEX.—D.C.
National Surety Corp., Principal Office: New York, N.Y.; Home Office: San Francisco, Calif.	4,773,000	All except Puerto Rico, Virgin Islands	N.Y.—All.
National Union Fire Insurance Co. of Pittsburgh, Pa., Pittsburgh, Pa.	4,282,000	All except Canal Zone, Hawaii, Idaho, Puerto Rico, Virgin Islands.	PA.—All except Alaska, Canal Zone, Puerto Rico, Virgin Islands.
National Union Indemnity Co., Pittsburgh, Pa.	596,000	All except Alaska, Ark., Canal Zone, Hawaii, Idaho, Maine, Oreg., Puerto Rico, Virgin Islands.	PA.—All except Alaska, Canal Zone, Puerto Rico, Virgin Islands.
New Amsterdam Casualty Co., Baltimore, Md.	4,000,000	All except Canal Zone, Idaho, Virgin Islands	N.Y.—All except Canal Zone, Virgin Islands.
New England Insurance Co., Springfield, Mass.	1,583,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	MASS.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
New Hampshire Insurance Co., Manchester, N.H.	3,972,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	N.H.—All except Canal Zone, Hawaii, Virgin Islands.
New York Underwriters Insurance Co., New York, N.Y.	1,986,000	All except Canal Zone, Puerto Rico, Virgin Islands	N.Y.—All except Canal Zone, Hawaii, Kans., Ky., La., Maine, Minn., N.H., N.J., N. Dak., Puerto Rico, R.I., Vt., Va., Virgin Islands, W. Va.
Newark Insurance Co., Milford, N.J.	1,703,000	All except Canal Zone, Idaho, Oreg., Puerto Rico, Virgin Islands.	N.J.—All except Alaska, nCalif., Canal Zone, Hawaii, Idaho, Virgin Islands, Wyo.
Niagara Fire Insurance Co., New York, N.Y.	22,501,000	All except Canal Zone, Hawaii, Oreg., Virgin Islands	N.Y.—D.C.

See footnotes at end of table.

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North American Reinsurance Corp., New York, N.Y.	$3,750,000	All except Canal Zone, Ga., N. Dak., Puerto Rico, S. Dak., Tenn., Va., Virgin Islands.	N.Y.—All except Canal Zone, Puerto Rico, Virgin Islands.
The North River Insurance Co., New York, N.Y.	6,063,000	All except Alaska, Canal Zone, Hawaii, Puerto Rico.	N.Y.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Northeastern Insurance Co. of Hartford, Des Moines, Iowa.	1,274,000	Calif., Colo., Conn., Ill., Iowa, Mich., N.H., N.J., N.Y., Ohio, Tex.	CONN.—D.C.
The Northern Assurance Co. of America, Boston, Mass. (auth. July 18, 1961).	1,059,000	All except Canal Zone	MASS.—All except Canal Zone, Minn., eTenn., Virgin Islands, sW. Va.
Northern Insurance Co. of New York, New York, N.Y.	4,121,000	All except Ark., Canal Zone, Conn., Fla., Hawaii, Idaho, Kans., La., N.H., Oreg., Puerto Rico, S.C., Tenn., Va., Virgin Islands.	N.Y.—D.C., Maine.
The Ohio Casualty Insurance Co., Hamilton, Ohio.	3,300,000	All except Alaska, Canal Zone, Hawaii, Idaho, Maine, N.Y., Puerto Rico, Virgin Islands.	OHIO.—All except Canal Zone, Hawaii, Virgin Islands.
Ohio Farmers Insurance Co., LeRoy, Ohio.	1,525,000	All except Ala., Alaska, Canal Zone, Fla., Ga., Hawaii, Idaho, Ky., La., Maine, Miss., Nebr., N.H., Puerto Rico, S.C., Tenn., Tex., Vt., Virgin Islands, Wyo.	OHIO.—Ariz., Ark., Calif., Colo., Conn., D.C., Fla., Idaho, Ill., Ind., Iowa, Ky., Md., Mass., wMich., Minn., Nev., N.J., N. Mex., nsN.Y., N.C., Okla., Oreg., emPa., Tex., Utah, eVa., Wash., W. Va., Wis.
Old Colony Insurance Co., Boston, Mass.	960,000	All except Canal Zone, Hawaii, Idaho, Oreg., Puerto Rico, S. Dak., Virgin Islands.	MASS.—All except Alaska, Canal Zone, Hawaii, Idaho, Nev., N. Dak., Oreg., Puerto Rico, Virgin Islands.
Pacific Employers Insurance Co., Los Angeles, Calif.	1,077,000	All except Ala., Ark., Canal Zone, Conn., D.C., Fla., Ga., Hawaii, Ky., La., Maine, Md., Mass., Mich., N.H., N.Y., N.C., N. Dak., Pa., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, W. Va., Wis.	CALIF.—Ariz., Conn., Del., D.C., sFla., wKy., Md., Mass., N. Mex., N.Y., Ohio, R. I., wTex., W. Va., Wis.
Pacific Indemnity Co., Los Angeles, Calif.	2,454,000	All except Canal Zone, Puerto Rico, Virgin Islands	CALIF.—All except Conn., Maine, N.H., Vt., Virgin Islands.
Pacific Insurance Co., Limited, Honolulu, Hawaii.	292,000	Hawaii	HAWAII.—D.C.
Pacific Insurance Co. of New York, New York, N.Y.	1,769,000	All except Alaska, Canal Zone, D.C., Hawaii, Maine, N.H., N. Dak., Puerto Rico, S. Dak., Vt., Virgin Islands, W. Va.	N.Y.—mAla., eArk., Del., D.C.
Seaboard Surety Co., New York, N.Y.	2,087,000	All	N.Y.—All.
Secured Insurance Co., Indianapolis, Ind.	335,000	Ark., Ga., Ill., Ind., Iowa, Mich., Ohio, Pa., Wis.	IND.—D.C., Ga.
Security Insurance Co. of New Haven, New Haven, Conn.	5,699,000	All except Canal Zone, Del., Hawaii, Miss., Oreg., Puerto Rico, S.C., Virgin Islands.	CONN.—All except Ariz., Cal., Canal Zone, Hawaii, Idaho, Mont., Nev., Oreg., Puerto Rico, Utah, Virgin Islands, Wash.
Security Mutual Casualty Co., Chicago, Ill.	2,125,000	All except Alaska, Ariz., Canal Zone, Hawaii, Idaho, N. Mex., N. Dak., Puerto Rico, Tenn., Virgin Islands.	ILL.—D.C.
Security National Insurance Co., Dallas, Tex.	322,000	Ark., Calif., Ind., Mich., Okla., Tex.	TEX.—All except Canal Zone, Mont.
Select Insurance Co., Dallas, Tex. (auth. Dec. 8, 1961).	322,000	Colo., Fla., Tex., Wyo.	TEX.—Colo., D.C., Kans., N. Mex., wOkla., Utah.
Southern General Insurance Co., Atlanta, Ga. (auth. Nov. 20, 1961).	280,000	Ala., Calif., D.C., Fla., Ga., Ind., Ky., La., Md., Miss., Mo., N.J., N.C., Oreg., S.C., Tenn., Tex., Utah, Wash., Wis.	GA.—
Springfield Insurance Co., Springfield, Mass.	10,056,000	All except Canal Zone, Puerto Rico, Virgin Islands	MASS.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Standard Accident Insurance Co., Detroit, Mich.	4,298,000	All except Canal Zone, Virgin Islands	MICH.—All except Canal Zone, Virgin Islands.
The Standard Insurance Co., Tulsa, Okla.	233,000	Alaska, Ark., Colo., Idaho, Ill., Ind., Iowa, Kans., Minn., Miss., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Okla., S. Dak., Tex., Utah, Wis., Wyo.	OKLA.—Ala., Alaska, Ark., Colo., Del., D.C., Fla., Ga., Idaho, Ill., Ind., Iowa, Kans., Ky., La., Md., Mass., Mich., Miss., Mo., Mont., Nebr., Nev., N.J., N. Mex., esN.Y., N. Dak., ePa., R.I., eS.C., S. Dak., Tenn., Tex., Utah, Wis., Wyo.
State Automobile Mutual Insurance Co., Columbus, Ohio.	2,584,000	Ala., Fla., Ga., Ind., Ky., Md., Mich., Miss., Mo., N.C., Ohio, Pa., Tenn., W. Va.	OHIO.—D.C., Ky., Md., Mich., Tenn., W. Va.
State Fire and Casualty Co., Miami, Fla.	74,000	Del., Fla., Ill. (surety only), La., Md. (surety only)	FLA.—D.C.
State Surety Co., Des Moines, Iowa (auth. Jan. 3, 1962).	42,000	Iowa, Mo.	IOWA.—eArk., D.C., Mo.
The Stuyvesant Insurance Co., Allentown, Pa.	847,000	All except Canal Zone, Hawaii, Virgin Islands	N.Y.—All except Alaska, Canal Zone, Hawaii, Virgin Islands.
Sun Insurance Co. of New York, New York, N.Y.	1,177,000	All except Canal Zone, Hawaii, Idaho, La., Miss., Oreg., Puerto Rico, S.C., Virgin Islands.	N.Y.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Superior Risk Insurance Co., LeRoy, Ohio.	653,000	All except Ala., Alaska, Canal Zone, Fla., Ga., Hawaii, Idaho, Kans., La., Maine, Miss., Mo., Mont., Nebr., N.H., N. Dak., Oreg., Puerto Rico, S.C., S. Dak., Tenn., Tex., Utah., Vt., Virgin Islands, Wyo.	OHIO.—All except Ala., Alaska, Canal Zone, Fla., Ga., Hawaii, Kans., La., Maine, Miss., Mo., Mont., Nebr., N.H., eN.Y., N. Dak., Puerto Rico, R.I., S.C., S. Dak. Tenn., Tex., Vt., wVa., Virgin Islands, Wyo.
Traders & General Insurance Co., Dallas, Tex.	225,000	Ark., Colo., Kans., La., Miss., Mo., N. Mex., Okla., Tex.	TEX.—D.C.
Transcontinental Insurance Co., Hartford, Conn.	2,774,000	All except Canal Zone, Del., Hawaii, La., Oreg., Va., Virgin Islands.	N.Y.—All except Alaska, Canal Zone, Del., msGa., Hawaii, La., Miss., Oreg., Puerto Rico, S.C., Vt., Virgin Islands.
Transit Casualty Co., St. Louis, Mo.	600,000	All except Alaska, Ariz., Canal Zone, Colo., Conn., Del., Fla., Ga., Hawaii, Idaho, Kans., La., Maine, Mass., Minn., N.H., N. Mex., N.Y., Oreg., Pa., Puerto Rico, S.C., S. Dak., Tenn., Tex., Va., Virgin Islands, W. Va.	MO.—D.C.
Transportation Insurance Co., Chicago, Ill.	780,000	All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	ILL.—All except Alaska, nCalif., Canal Zone, Conn., sFla., Hawaii, eKy., Minn., wMo., Nev., N.H., wN.Y., Ohio, ePa., Puerto Rico, S.Dak., Virgin Islands, wWash., nW. Va., Wis.
The Travelers Indemnity Co., Hartford, Conn.	20,000,000	All	CONN.—All.
Trinity Universal Insurance Co., Dallas, Tex.	1,849,000	All except Alaska, Canal Zone, Conn., Del., Hawaii, Idaho, Maine, Md., Mass., Mont., Nev., N.H., N.J., N.Y., Puerto Rico, R.I., S.C., Tenn., Utah, Vt., Va., Virgin Islands, W. Va., Wyo.	TEX.—All.
Tri-State Insurance Co., Tulsa, Okla.	158,000	Ala., Alaska, Ariz., Ark., Colo., Fla., Idaho, Ill., Ind., Iowa, Kans., Ky., La., Minn., Miss., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Okla., S. Dak., Tenn., Tex., Utah, Wash., Wyo.	OKLA.—Ala., Alaska, Ariz., Ark., Colo., D.C., Fla., Ga., Idaho, Ill., Ind., Iowa, Kans., Ky., La., Minn., Miss., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., S. Dak., Tenn., Tex., Utah, Wash., Wyo.
United Bonding Insurance Co., Indianapolis, Ind.	64,000	Ala., Alaska, Ariz., Ark., Calif., Colo., Del., D.C., Fla., Ga., Idaho, Ill., Ind., Iowa, Kans., Ky., La., Md., Mass., Mich., Minn., Miss., Mo., Nev., N.H., N.J., N. Mex., N.C., Ohio, Okla., Oreg. (surety only), Pa., R.I., Tenn., Tex., Utah, Va., Wash. (surety only), Wis., Wyo.	IND.—All except nsAla., Canal Zone, Conn., Del., Hawaii, Maine, Mass., Mont., N.Y., mN.C., N. Dak., Puerto Rico, S.C., meTenn., Vt., Virgin Islands.
United Pacific Insurance Co., Tacoma, Wash.	1,145,000	All except Ala., Canal Zone, Conn., Del., Fla., Ga., Hawaii, La., Maine, Md., Mass., N.J., N.C., Pa., Puerto Rico, R.I., S.C., Vt., Virgin Islands, Va., W. Va.	WASH.—All except Canal Zone, Puerto Rico, Virgin Islands.
United States Casualty Co., New York, N.Y.	931,000	All except Canal Zone, Hawaii	N.Y.—All except Alaska, Canal Zone, Hawaii, wLa.
United States Fidelity and Guaranty Co., Baltimore, Md.	25,239,000	All	MD.—All.
United States Fire Insurance Co., New York, N.Y.	10,282,000	All except Canal Zone, Virgin Islands	N.Y.—All except Alaska, Canal Zone, Hawaii, Virgin Islands.

See footnotes at end of table.

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) see footnote (b)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
Universal Surety Co., Lincoln, Nebr.	$121,000	Ariz., Colo., Iowa, Kans., Ky., Minn., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Ohio, Okla., S. Dak., Wyo.	NEBR.—Ariz., Ark., Colo., D.C., Ill., Iowa, Kans., Ky., Minn., Mo., Mont., Nev., N. Mex., N. Dak., Ohio, Okla., Oreg., S. Dak., Tex., Utah, Wash., Wyo.
Valley Forge Insurance Co., Reading, Pa.	1,046,000	Ala., Ark., Colo., Ga., Ill., Iowa, Md., Mass., Mich., Minn., Mo., Mont., Nev., N.J., N.Y., N. Dak., Ohio, Pa., Tex., Utah, Vt., Va., Wash., W. Va., Wis.	PA.—All except Virgin Islands, Wis.
Vigilant Insurance Co., New York, N.Y.	1,810,000	All except Alaska, Canal Zone, Hawaii, Puerto Rico	N.Y.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Virginia Surety Co., Inc., Toledo, Ohio.	104,000	All except Ala., Ariz., Calif., Canal Zone, Conn., Del., Fla., Hawaii, Idaho, Kans., La., Maine, Mich., N.Y., Ohio, Oreg., Puerto Rico, S.C., S. Dak., Tenn., Tex., Virgin Islands, Wash., Wis.	VA.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Wabash Fire and Casualty Insurance Co., Indianapolis, Ind.	234,000	All except Ala., Alaska, Ark., Canal Zone, Ga., Hawaii, Idaho, La., Maine, Mass., Miss., N.H., N.J., N.C., Oreg., Puerto Rico, S.C., S. Dak., Tex., Utah, Vt., Virgin Islands, W. Va.	IND.—All except Ala., Alaska, Ark., Canal Zone, Conn., Ga., Hawaii, La., Maine, Mass., Miss., N.H., N.J., eN.Y., N.C., Oreg., Puerto Rico, R.I., S.C., Utah, Vt., Virgin Islands, W. Va.
West American Insurance Co., Los Angeles, Calif.	379,000	Ark., Calif., Colo., D.C., Ill., Ind., Iowa, Kans., Ky., La., Md., Mich., Minn., Mo., Nebr., Nev., N. Mex., N. Dak., Ohio, Okla., Oreg., Pa., Utah, Va., Wash., Wis., Wyo.	CAL.—Ala., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., eLa., Md., Mich., Minn., Mo., Nev., N. Mex., N. Dak., Ohio, nOkla., Oreg., Pa., mTenn., Tex., Utah, Va., Wash., Wis., Wyo.
Westchester Fire Insurance Co., New York, N.Y.	6,085,000	All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
The Western Casualty and Surety Co., Fort Scott, Kans.	2,197,000	All except Alaska, Canal Zone, Conn., Del., Hawaii, Maine, Mass., N.H., N.Y., N.C., Pa., Puerto Rico, R.I., Vt., Virgin Islands, Va., W. Va.	KANS.—All except Puerto Rico, Virgin Islands.
The Western Fire Insurance Co., Fort Scott, Kans.	997,000	Ariz., Ark., Calif., Colo., Fla., Ill., Ind., Iowa, Kans., Ky., Mich., Minn., Miss., Mo., Nebr., Nev., N. Mex., N.Y., N. Dak., Ohio, Okla., S. Dak., Tenn., Utah, Wash., Wis., Wyo.	KANS.—All except Puerto Rico, Virgin Islands.
Western Surety Co., Sioux Falls, S. Dak.	540,000	All except Ala., Alaska, Canal Zone, D.C., Fla., Ga., Hawaii, Maine, N.H., N.Y., N.C., Puerto Rico, S.C., Vt., Va., Virgin Islands, W. Va.	S. DAK.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Wolverine Insurance Co., Battle Creek, Mich.	570,000	Alaska, Ark., Calif., Fla., Ga., Ill., Ind., Iowa, Kans., Mich., Minn., Nebr., Nev., N. Mex., N. Dak., Ohio, Pa., S. Dak., Vt., W. Va., Wyo.	MICH.—D.C., Ga., Ill., Ind., Iowa., Minn., Ohio, S. Dak.
The Yorkshire Insurance Co. of New York, New York, N.Y.	640,000	All except Canal Zone, Hawaii, La., Puerto Rico, S. Dak., Virgin Islands.	N.Y.—All except Alaska, Puerto Rico, Virgin Islands.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM THE SECRETARY OF THE TREASURY AS ACCEPTABLE REINSURING COMPANIES UNDER TREASURY CIRCULAR NO. 297, DATED JULY 5, 1922, AS AMENDED

Names of companies	Underwriting limitations (net limit on any one risk)	Judicial districts in which process agents have been appointed
Accident and Casualty Insurance Co. of Winterthur, Switzerland (U.S. Office, New York, N.Y.)	$1,145,000	D.C.
Alliance Assurance Co., Ltd., London, England (U.S. Office, New York, N.Y.)	594,000	D.C.
American Independent Reinsurance Co., Orlando, Fla. (auth. Nov. 27, 1961)	309,000	D.C.
Constellation Insurance Co., New York, N.Y.	309,000	D.C.
The Employers' Liability Assurance Corp., Ltd., London, England (U.S. Office, Boston, Mass.)	5,285,000	D.C.
General Security Assurance Corp., of New York, New York, N.Y.	276,000	D.C.
The Guarantee Co. of North America, Montreal, Canada (U.S. Office, New York, N.Y.)	140,000	D.C.
The London Assurance, London, England (U.S. Office, New York, N.Y.)	634,000	D.C.
London Guarantee and Accident Co., Ltd., London, England (U.S. Office, New York, N.Y.)	1,362,000	D.C.
The London & Lancashire Insurance Co., Ltd., London, England (U.S. Office, Hartford, Conn.)	784,000	D.C.
The Marine Insurance Co., Ltd., London, England (U.S. Office, New York, N.Y.)	725,000	D.C.
Munich Reinsurance Co., Munich, Germany (U.S. Office, New York, N.Y.)	1,050,000	D.C.
The Netherlands Insurance Co., Est., 1845, The Hague, Holland (U.S. Office, Keene, N.H.)	571,000	D.C.
North British and Mercantile Insurance Co., Ltd., London, England and Edinburg, Scotland (U.S. Office, New York, N.Y.)	1,486,000	D.C.
The Ocean Accident and Guarantee Corp., Ltd., London, England (U.S. Office, New York, N.Y.)	2,074,000	D.C.
The Royal Exchange Assurance, London, England (U.S. Office, New York, N.Y.)	901,000	D.C.
Royal Insurance Co., Ltd., Liverpool, England (U.S. Office, New York, N.Y.)	3,253,000	D.C.
The Sea Insurance Co., Limited, of Liverpool, England (U.S. Office, New York, N.Y.)	706,000	D.C.
The Skandia Insurance Co., Stockholm, Sweden (U.S. Office, New York, N.Y.)	931,000	D.C.
Sun Insurance Office, Limited, London, England (U.S. Office, New York, N.Y.)	1,111,000	D.C.
Swiss Reinsurance Co., Zurich, Switzerland (U.S. Office, New York, N.Y.)	3,299,000	D.C.
Transatlantic Reinsurance Co., New York, N.Y.	201,000	D.C.
The Unity Fire and General Insurance Co., New York, N.Y.	471,000	D.C.

NOTES

(a) All certificates of authority expire April 30, and are renewable May 1, annually.

(b) Treasury regulations do not limit the penal sum of bonds which surety companies may execute. The net retention, however, cannot exceed the underwriting limitation and excess risks must be protected by reinsurance or co-insurance in accordance with Treasury regulations. When excess risks on bonds in favor of the United States are protected by reinsurance, such reinsurance is to be effected by use of Treasury Form 569 to be filed with the bond or within 45 days thereafter. Risks in excess of limit fixed herein must be reported for quarter in which they are executed. In protecting such excess, the rating in force on the date of the execution of the risk will govern absolutely. This limit applies until a new rating is established by the Treasury Department.

(c) The term "other areas" includes Canal Zone, Puerto Rico and Virgin Islands.

(d) Abbreviated capital letters preceding judicial districts indicate State in which the company is incorporated. Process agents are required in the following districts: Where principal resides; where obligation is to be performed; and where bond is returnable or filed. No process agent required in State wherein company is incorporated. Letters "n, s, e, m, and w" preceding names of States indicate respectively the Northern, Southern, Eastern, Middle, and Western judicial districts of States indicated. If letters do not precede names of States, process agents have been appointed in all judicial districts of such States.

[1] Anchor Casualty Co. merged with this company, effective Dec. 31, 1961.
[2] Formerly Home Insurance Co. of Hawaii, Ltd. Name changed effective Aug. 11, 1961.
[3] Massachusetts Bonding and Insurance Co. merged with this company, effective June 30, 1961.
[4] Formerly Pacific National Fire Insurance Co. Name changed effective Jan. 2, 1962.

[F.R. Doc. 62-5613; Filed, June 11, 1962; 8:45 a.m.]

Bureau of Customs

[T.D. 55633]

ARGENTINE PESO

Rates of Exchange Between April 20 and May 18, 1962

T.D. 55620 (27 F.R. 4769), effective on the date, May 19, 1962, of publication in the FEDERAL REGISTER removed Argentina from the list of quarterly rate countries named in paragraph (d) of § 16.4, Customs Regulations, whose currencies are subject to conversion at the rate of exchange first certified by the Federal Reserve Bank of New York for a day in each calendar quarter.

T.D. 55620 included certified rates of exchange beginning with the daily rate of the Argentine peso for April 10, 1962, and the rate for each business day thereafter through April 19, 1962, rates published for customs conversions in view of the daily variance by 5 per centum or more from the rate first certified by the Bank for a date, April 1, 1962, in the quarter.

Each daily rate certified during the period April 20 through May 18, 1962, likewise so varies. Therefore, whenever, for an exportation that occurred on one of the dates listed below it is necessary for customs purposes to convert Argentine currency into currency of the United States, conversion shall be at the rate of exchange for such date certified by the Bank, as hereby published:

Argentine peso:

Apr. 20, 1962	$.00992575
Apr. 23, 1962	.00937337
Apr. 24, 1962	.00949539
Apr. 25, 1962	.00983374
Apr. 26, 1962	.0103809
Apr. 27, 1962	.0103639
Apr. 30, 1962	.0104238
May 1, 1962	.0102366
May 2, 1962	.0102853
May 3, 1962	.0101640
May 4, 1962	.0102187
May 7, 1962	.0101206
May 8, 1962	.0101010
May 9, 1962	.0100830
May 10, 1962	.0100050
May 11, 1962	.00986689
May 14, 1962	.00952380
May 15, 1962	.00959984
May 16, 1962	.00963475
May 17, 1962	.00965384
May 18, 1962	.00955406

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

[F.R. Doc. 62-5703; Filed, June 11, 1962; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13671]

AIR AMBULANCE SERVICE; TRANS-BORDER CANADIAN

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled matter is assigned to be held on June 20, 1962 at 9:15 a.m., e.d.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., June 7, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-5707; Filed, June 11, 1962; 8:49 a.m.]

[Docket No. 13541]

LAKE CENTRAL-DELTA ENFORCEMENT CASE

Notice of Hearing

In the matter of the complaint of Lake Central Airlines, Inc., Complainant v. Delta Air Lines, Inc., Respondent.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on June 26, 1962 at 10 a.m., e.d.s.t., in Room 803, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Leslie G. Donahue.

Dated at Washington, D.C., June 7, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-5708; Filed, June 11, 1962; 8:49 a.m.]

[Docket No. 7100]

NORTHERN CONSOLIDATED-CHEVRON CONTROL CASE

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on Monday, July 16, 1962, at 10:00 a.m. (Alaska Standard Time) in the City Council Chamber of the Loussac Library at Fifth and F Streets, Anchorage, Alaska, before Examiner Merritt Ruhlen.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

A. *Jurisdiction.* 1. Are Mr. Petersen and Mrs. Petersen persons in control of an air carrier (Northern Consolidated Airlines, Inc.) who have acquired control of a person engaged in a phase of aeronautics otherwise than as an air carrier (Chevron) within the meaning of section 408(a)(6)?

2. Is Northern Consolidated an air carrier which has officers or directors (Mr. & Mrs. Petersen) who are members in another person who is engaged in a phase of aeronautics (Chevron), within the meaning of section 409(a)(1)?

3. Are Mr. Petersen and/or Mrs. Petersen persons who are officers or directors of an air carrier (Northern Consolidated) who are members of a person who is engaged in any phase of aeronautics (Chevron) within the meaning of section 409(a)(3)?

4. Does Chevron operate as a ground facility reasonably incidental to the performance by NCA on any of its services and therefore the subject relationships fall within the exception to sections 408 and 409 contained in 408(c)?

B. *Merits.* In the event that the subject relationships do not fall within the exemption contained in section 408(c):

1. Is the common control (if such exists) of Northern Consolidated and Chevron by Mr. Petersen and/or Mrs. Petersen inconsistent with the public interest within the meaning of section 408(b)?

2. Will such common control result in creating a monopoly or monopolies and thereby restrain competition or jeopardize another air carrier not a party to the relationship within the meaning of section 408(b)?

3. Are the subject interlocking relationships adverse to the public interest within the meaning of section 409?

4. If the subject control and interlocking relationships are approved what, if any, terms and conditions should be attached to that approval? E.g., A requirement for the reporting of all transactions between Chevron and NCA and all other air carriers on an annual basis plus a profit and loss statement and balance sheet.

For further details of the issues involved in this proceeding interested persons are referred to the applications and any amendments thereto, petitions, motions, and orders entered in the docket of this proceeding, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding should file with the Board, on or before July 9, 1962, a statement setting forth the issues of fact or law to be presented.

Dated at Washington, D.C., June 6, 1962.

[SEAL] MERRITT RUHLEN,
Hearing Examiner.

[F.R. Doc. 62-5709; Filed, June 11, 1962; 8:49 a.m.]

[Docket No. 13672]

WEST COAST AIR SERVICES LTD.; TRANSBORDER CANADIAN

Notice of Hearing

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled matter is assigned to be held on June 20, 1962, at 9:45 a.m., e.d.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues, NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., June 7, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-5710; Filed, June 11, 1962; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14641; FCC 62M-804]

GOODLAND CHAMBER OF COMMERCE

Order Continuing Prehearing Conference

In re application of Goodland Chamber of Commerce, Goodland, Kansas, Docket No. 14641, File No. BPTTV-1221; for construction permit for a new VHF television broadcast translator station.

On the Hearing Examiner's own motion: *It is ordered*, This 5th day of June 1962, that the prehearing conference in the above-entitled matter presently scheduled for June 13, 1962, at 10:00 a.m., be, and the same is, hereby continued to a date to be set by subsequent order.

Released: June 6, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-5712; Filed, June 11, 1962; 8:49 a.m.]

[Docket No. 14611; FCC 62M-808]

PROGRESS BROADCASTING CORP. (WHOM)

Order Continuing Hearing

In re application of Progress Broadcasting Corporation (WHOM), New York, New York, Docket No. 14611, File No. BP-13915; for construction permit.

Pursuant to prehearing conference held on June 1, 1962; *It is ordered*, This 6th day of June 1962, that the hearing herein now scheduled for June 29, 1962, be and the same is hereby rescheduled for July 5, 1962, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: June 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-5713; Filed, June 11, 1962; 8:49 a.m.]

[Docket No. 14588; FCC 62M-807]

WIVY, INC. (WIVY)

Order Continuing Hearing

In re application of WIVY, Inc. (WIVY), Jacksonville, Florida, Docket No. 14588, File No. BP-13385; for construction permit.

Pursuant to verbal request of counsel for applicant and with concurrence of counsel for the Broadcast Bureau; *It is ordered*, This 6th day of June 1962, that the hearing herein now scheduled for June 18, 1962, be and the same is hereby rescheduled for July 18, 1962, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: June 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-5714; Filed, June 11, 1962; 8:49 a.m.]

[Docket No. 14662; FCC 62-611]

DOVER BROADCASTING CO.

Order To Show Cause

In the matter of revocation of licenses of the Dover Broadcasting Company, for Standard Broadcast Station WDOV and FM Broadcast Station WDOV-FM, Dover, Delaware, Docket No. 14662.

The Commission having under consideration (1) the outstanding licenses issued to the Dover Broadcasting Company, to operate Stations WDOV and WDOV-FM on the frequencies 1410 kc and 94.7 Mc, respectively, at Dover, Delaware; (2) the licensee's conduct and statements made to the Commission concerning emergency operation of Station WDOV, pursuant to § 2.405 of the Commission's rules, on September 19, 1961; and (3) other information available to the Commission; and

It appearing, that on September 19, 1961, Station WDOV was operated after its licensed hours, pursuant to § 2.405 of the Commission's rules, because of emergency conditions posed by Hurricane Esther; and

It further appearing, that a letter dated September 22, 1961, signed by Mr. William S. Cook, was received by the Commission reporting the conditions surrounding the period of emergency operation of Station WDOV on the evening of September 19, 1961, in which letter Mr. Cook stated in part: "There was no commercial time sold on WDOV-AM after 7:15 p.m. on Tuesday, September 19th;" and

It further appearing, that Mr. William S. Cook, in addition to being Station Manager of Stations WDOV and WDOV-FM, is also Vice-President, Director and a stockholder of Dover Broadcasting Company, licensee of said stations; and

It further appearing, that on September 19, 1961, Stations WDOV and WDOV-FM were simulcasting until sign-off at 11:05 p.m.; and

It further appearing, that the joint program log submitted to the Commission by WDOV and WDOV-FM does not contain any entries indicating the broadcast of any commercial programs or commercial spot announcements after 7:15 p.m., the WDOV licensed sign-off time on September 19, 1961; and

It further appearing, that other evidence available to the Commission indicates that, in violation of § 2.405 of the Commission's rules, commercial programs were in fact broadcast by Station WDOV after 7:15 p.m. on September 19, 1961, i.e., commercial network news programs were broadcast at approximately 7:30 p.m., 8:05 p.m., and 9:30 p.m.; and were logged as sustaining programs, and programs sponsored by H. B. Appleford were broadcast at approximately 7:39 p.m., 8:54 p.m., and 9:26 p.m., but were not entered on the log; and

It further appearing, that the failures to log the above-described network news programs as commercial and the failures to log the programs sponsored by H. B. Appleford constitute violations of § 3.111 (a)(2) of the Commission's rules, and that said rule was further violated in that eight Public Service announcements, listed on the program log for Stations WDOV and WDOV-FM for September 19, 1961, with a beginning and ending time, indicated for each, were actually not broadcast, i.e., Social Security, 7:29 to 7:30; Blind, 7:39 to 7:40; V. A., 7:54 to 7:55; Handicapped, 7:59:10 to 8:00; Savings Bonds, 8:29:10 to 8:30; U.S. Army Reserves, 8:36 to 8:37; Navy, 8:54 to 8:55; and Care, 8:59:10 to 9:00; and

It further appearing, that the joint program log originally submitted to the Commission by WDOV and WDOV-FM for September 19, 1961, as the actual program log for that date was, in fact, typed and filled in with hand-writing several days after the date it purported to represent with the object of deceiving the Commission; and

It further appearing, that licensee admits that no program log actually was kept during the simulcast operation of WDOV and WDOV-FM after 7:15 p.m. on September 19, 1961, and that the log purporting to be the program log for that evening was prepared at a later date from recollection and from rough notes, although such notes were not preserved and made a part of the complete log as required by § 3.116; and

It further appearing, that licensee has displayed a lack of candor in revealing the circumstances surrounding the sale of the Hurricane Reports to H. B. Appleford and the broadcast thereof, and has displayed a similar lack of candor in revealing the facts concerning the preparation of its program log for September 19, 1961; and

It further appearing, that the above-described violations of § 2.405, 3.111(a)(2) and 3.116 of the Commission's rules were willful and/or repeated, and that the false program log of Station WDOV and WDOV-FM for September 19, 1961, together with the above-quoted statement in the licensee's letter of September 22, 1961, and licensee's lack of candor with regard to other circumstances surrounding his emergency operation of September 19, 1961, constitute misrepresentations made with the intention of misleading the Commission; and

It further appearing, that evidence available to the Commission indicates that licensee has engaged in the practice of "double-billing" certain local advertisers in order to deceive national business concerns as to the advertising rate actually charged the local advertisers, with the result that the national concerns have paid a greater share of the

expense of cooperative advertising than they believed they were paying; and

It further appearing, that the aforesaid practice of "double-billing" raises serious questions as to the character qualifications of licensee and as to whether it has in fact operated its station in the public interest, in that such practices are morally reprehensible;

It is ordered, This 6th day of June 1962, that pursuant to the provisions of section 312 (a) (1), (2), (4), and (c) of the Communications Act of 1934, as amended, that the Dover Broadcasting Company is directed to show cause why an order revoking its licenses for Stations WDOV and WDOV-FM, Dover, Delaware, should not be issued, and to appear and give evidence with respect thereto at a hearing to be held at Dover, Delaware, at a time and place to be specified by subsequent order, said time in no event to be less than 30 days after receipt of the order; and

It is further ordered, That, upon the basis of the hearing record, the Hearing Examiner and the Commission will consider whether the public interest would be better served by issuance of an Order for Forfeiture, pursuant to section 503 (b) of the Communications Act of 1934, as amended, in the amount of $10,000, or some lesser amount, in lieu of an order for revocation of licenses, and that for said purpose this Order is to be considered as a notice of apparent liability pursuant to section 503(b)(2) of the Communications Act; and

It is further ordered, That the Acting Secretary of the Commission send a copy of this order by Certified Mail—Return Receipt Requested to Dover Broadcasting Company.

Released: June 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-5715; Filed, June 11, 1962; 8:49 a.m.]

STATEMENT OF ORGANIZATION, DELEGATIONS OF AUTHORITY, AND OTHER INFORMATION

Editorial Changes

The Commission, having under consideration section 0.49(a) of its Statement of Organization, Delegations of Authority, and Other Information; and

It appearing, that the Baltimore District Office has been relocated from its former address to the Customhouse; and

It further appearing, that the Commission's district sub-office at Juneau, Alaska is being closed, effective July 1, 1962; and

It further appearing, that the Monitoring Station formerly located at Millis, Massachusetts has been closed and the facility relocated at Canandaigua, New York; and

It further appearing, that the amendment adopted herein pertains to Commission management and organization and that such amendment is editorial in nature, and hence that compliance with the requirements of section 4 of the Administrative Procedure Act is unnecessary; and

It further appearing, that the amendment adopted herein is issued pursuant to authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Delegations of Authority;

It is ordered, This 6th day of June 1962, that effective July 1, 1962, section 0.49 of the Commission's Statement of Organization, Delegations of Authority, and Other Information is amended as set forth below.

Released: June 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

A. The table in section 0.49(a) is amended as follows:

(1) The sub-office entry for Juneau, Alaska in Column 2 for Radio District 23 is deleted.

(2) The address in Column 2 for Radio District 4 is amended to read: U.S. Customhouse, Gay and Water Streets, Baltimore 2, Maryland.

B. In section 0.49(c), the entry for Millis, Massachusetts is deleted and the following is substituted therefor: Federal Communications Commission, P.O. Box 374, Canandaigua, New York.

[F.R. Doc. 62-5716; Filed, June 11, 1962; 8:49 a.m.]

[FCC 62-597]

STATEMENT OF ORGANIZATION, DELEGATIONS OF AUTHORITY, AND OTHER INFORMATION

Applications for Interim Ship Station Licenses

In the matter of amendment of Part O, Statement of Organization, Delegations of Authority, and Other Information, to allow applicants, in Alaska, to obtain interim ship radio station licenses by mail from the FCC Field Engineering Office at Anchorage, Alaska.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 6th day of June 1962;

The Commission having under consideration the above-captioned matter;

It appearing, that under the present rules, applicants for interim ship radiotelephone and radar station licenses are required to bring their applications in person, or by an agent, to the Commission's sub-office at Juneau, Alaska, or to the Commission's Anchorage, Alaska, field engineering office; and

It further appearing, that the Commission is closing its sub-office at Juneau, Alaska; and

It further appearing, that the public interest will be served by allowing all applicants, in Alaska, for ship radiotelephone and radar licenses to submit their applications by mail to the Anchorage, Alaska, field engineering office when the applications are accompanied by written requests for interim licenses; and

It further appearing, that while the amendments adopted herein provide for submission of applications by mail, they do not preclude an applicant, in Alaska, from bringing his application in person, or by agent, to the Anchorage field office, and receiving his interim license at that time; and

It further appearing, that where the application is submitted by mail, the interim license will be sent to the applicant by mail; and

It further appearing, that section 4(a) and (b) of the Administrative Procedure Act need not be complied with since these amendments are procedural in nature, and, furthermore, adherence to the public notice procedures is impracticable in view of the imminence of the closure date, July 1, 1962, for the Commission's Juneau, Alaska, sub-office; and

It further appearing, that section 4(c) of the Administrative Procedure Act need not be complied with since these amendments relieve an existing restriction;

It is ordered, That pursuant to authority contained in section 4(i) of the Communications Act of 1934, as amended, the Commission's Statement of Organization, Delegations of Authority, and Other Information is amended as set forth below, effective July 1, 1962.

Released: June 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 0.414 is amended to read as follows:

SEC. 0.414 *Applications for interim ship station licenses.* Formal applications for ship station licenses for use of radiotelephone or radar transmitting apparatus or both and applications for modification of such licenses shall, when accompanied by requests for interim ship station licenses, be filed in accordance with § 8.35 of the Commission's rules and presented in person by applicants or their agents at the nearest field office of the Commission as shown in section 0.49 (a) and (b) or at the Commission's main office in Washington, D.C.: *Provided*, That, as an alternative procedure, an applicant, in Alaska, for such a ship station license may submit an application by mail to the Commission's Field Engineering Office at Anchorage, Alaska, when accompanied by a written request for an interim ship station license. Applications for renewal of ship station licenses are not subject to the provisions of this section.

[F.R. Doc 62-5717; Filed, June 11, 1962; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 999]

AMERICAN GREAT LAKES-MEDITERRANEAN EASTBOUND FREIGHT CONFERENCE; SURCHARGE ON SHIPMENTS FROM BUFFALO, NEW YORK

Order To Show Cause; Supplemental Order

On June 7, 1962, the Federal Maritime Commission entered the following Supplemental Order to the original order in this proceeding dated June 5, 1962.

On June 5, 1962, the Federal Maritime Commission ordered the American Great Lakes-Mediterranean Eastbound Freight Conference and its member lines to show cause why a 10 percent surcharge on shipments from Buffalo, New York, should not be set aside.

The Commission's order named the above conference and its enumerated members as respondents; however, a member line, Zim Israel Navigation Company, Ltd., was unintentionally omitted from the list of conference members; therefore:

It is ordered, That Zim Israel Navigation Company, Ltd. is hereby made a respondent in these proceedings and is subject to all of the provisions of the Commission's order to show cause of June 5, 1962, as if originally named therein.

Dated: June 7, 1962.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5702; Filed, June 11, 1962; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2113]

WISCONSIN VALLEY IMPROVEMENT CO.; RAINBOW AND PICKEREL RESERVOIRS

Notice of Land Withdrawal

JUNE 6, 1962.

Conformable to the provisions of Section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the hereinafter described lands, insofar as title thereto remains in the United States are included in power Project No. 2113 for which completed application for license was filed May 4, 1962. Under said section 24 all lands of the United States lying within the boundaries of the project, or below the 1,598 foot contour elevation, as delimited upon the map filed in support of the application for license, are from said date of filing reserved from entry, location or other disposal under the laws of the United States until otherwise directed by Congress or by the Commission.

4th Principal Meridian, Wisconsin; T. 39 N., R. 9 E., Sec. 6: Lot 5.

The area of United States land reserved pursuant to the filing of this application for license is approximately 17.15 acres, according to United States survey, plat approved June 9, 1864, all of which has been heretofore reserved for power under Power Site Classification No. 298.

A copy of project map, Exhibit "K" Sheet 9 (FPC No. 2113-55) filed in the Commission May 4, 1962 is being transmitted to the Geological Survey and Bureau of Land Management.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5675; Filed, June 11, 1962; 8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

Utilization and Disposal Service

[Wildlife Order 63]

HARRIS NECK AIR FIELD, McINTOSH COUNTY, GEORGIA

Transfer of Property

Pursuant to section 2 of Public Law 537, Eightieth Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By letter from the General Services Administration, dated May 25, 1962, the property known as Harris Neck Air Field, situated in McIntosh County, Georgia, and more particularly described in said letter, has been transferred, effective May 25, 1962, to the Department of the Interior.

2. The above-described property was transferred to the Department of the Interior for wildlife conservation purposes in accordance with the provisions of section 1 of the said Public Law 537 (16 U.S.C. 667b).

Dated: May 31, 1962.

J. E. MOODY,
Commissioner, Utilization and Disposal Service.

[F.R. Doc. 62-5684; Filed, June 11, 1962; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4044]

NEW JERSEY POWER AND LIGHT CO.

Notice of Proposed Issuance of Notes to Banks

JUNE 5, 1962.

Notice is hereby given that New Jersey Power & Light Company ("New Jersey"), Madison Avenue at Punch Bowl Road, Morristown, New Jersey, an electric utility subsidiary company of General Public Utilities Corporation ("GPU"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) thereof as applicable to the proposed transaction. All interested persons are referred to the application, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized below.

New Jersey proposes to have outstanding to a group of banks, from time to time not later than December 31, 1963, up to an aggregate of $6,700,000 of promissory notes. The notes will be dated in each case as of the date of the borrowing and will mature not later than nine months from the date of issuance and in any event not later than December 31, 1963. They will bear interest from the date thereof at the prime rate in effect in New York City at the date of issue (presently 4½ percent per annum) and will be prepayable at any time, in whole or in part, without penalty or premium.

The proposed notes would aggregate approximately 10 percent of the principal amount and par value of New Jersey's other securities outstanding, and any amount in excess of 5 percent may be exempted only pursuant to an order under section 6(b) of the Act. The filing requests the Commission's approval for the issuance of such excess amount.

Although no commitments or agreements for such borrowing have been made, New Jersey expects that, as and to the extent that its construction program requires the issuance and sale of unsecured notes, borrowings will be effected from among the following banks, the maximum to be borrowed and outstanding at any one time from each such bank being as follows:

Fidelity Union Trust Company, Newark, N.J.	$1,500,000
Chase Manhattan Bank, New York, N.Y.	4,280,000
Trust Company of Morris County, Morristown, N.J.	400,000
First National Iron Bank, Morristown, N.J.	300,000
National Union Bank, Dover, N.J.	220,000
Total	6,700,000

The proceeds from the proposed borrowing will be used in part to pay New Jersey's outstanding short-term notes which at March 31, 1962, amounted to $2,820,000, and the balance will be used for construction expenditures or to reimburse the treasury therefor. New Jersey represents that if any permanent debt securities are issued and sold by it prior to maturity of all notes proposed to be issued hereunder, the net proceeds therefrom will be applied to reduction or total payment of such notes, and that the maximum notes authorized to be outstanding hereunder will be reduced by the amount of net proceeds from such sale of permanent debt securities.

The application states that New Jersey's expenses incident to the proposed issuance of notes will be approximately $2,200 and that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than June

19, 1962, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant, and proof of service (by affidavit or, in case of any attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-5685; Filed, June 11, 1962; 8:47 a.m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

ATLANTA REGIONAL OFFICE

Officials Authorized To Serve as Acting Regional Director

Effective June 1, 1962, Section I *Description of agency and programs*, is hereby amended as follows:

Paragraph F is amended by changing the list of officials authorized to serve as Acting Regional Director in the Atlanta Regional Office to read as follows:

1. Ernest J. Moyle, Assistant Director for Management.
2. Erman R. Williams, Assistant Director for Development.

Approved: June 5, 1962.

[SEAL] MARIE C. MCGUIRE, *Commissioner.*

[F.R. Doc. 62-5683; Filed, June 11, 1962; 8:47 a.m.]

OFFICE OF EMERGENCY PLANNING

KENTUCKY

Amendment to Notice of Major Disaster

Notice of Major Disaster, published April 11, 1962, for the Commonwealth of Kentucky (27 F.R. 3476) is hereby amended to include the following among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 12, 1962:

Adair.	Lewis.
Ballard.	Lincoln.
Bath.	Livingston.
Boyd.	Mason.
Casey.	Menifee.
Daviess.	Ohio.
Elliott.	Owen.
Estill.	Pendleton.
Fulton.	Pulaski.
Henderson.	Rockcastle.
Jackson.	Rowan.

Dated: June 4, 1962.

EDWARD A. MCDERMOTT, *Director, Office of Emergency Planning.*

[F.R. Doc. 62-5669; Filed, June 11, 1962; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 7, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37778: *Newsprint paper to Norfolk, Newport News and Richmond, Va.* Filed by O. W. South, Jr., Agent (No. A4197), for interested rail carriers. Rates on newsprint paper, as described in the application, in carloads, from Childersburg, Coosa Pines and Mobile, Ala., also Calhoun, Tenn., to Norfolk, Newport News and Richmond, Va.

Grounds for relief: Carrier competition.

Tariff: Supplement 22 to Southern Freight Association tariff I.C.C. S-230.

FSA No. 37779: *Clay, kaolin or pyrophyllite from Hillsboro, N.C.* Filed by O. W. South, Jr., Agent (No. A4198), for interested rail carriers. Rates on clay, kaolin or pyrophyllite, as described in the application, in carloads, from Hillsboro, N.C., to points in southwestern territory.

Grounds for relief: Market competition.

Tariff: Supplement 14 to Southern Freight Association tariff I.C.C. S-206.

FSA No. 37780: *Woodpulp from the south to New England points.* Filed by O. W. South, Jr., Agent (No. A4199), for interested rail carriers. Rates on woodpulp, not powdered, noibn, in carloads, from points in southern territory, to Claremont Center, West Claremont, N.H., and Monroe Bridge, Mass.

Grounds for relief: Market competition, and short-line distance formula.

Tariff: Supplement 24 to Southern Freight Association tariff I.C.C. S-143.

FSA No. 37781: *Wheat and flour from Collinsville and Owasso, Okla.* Filed by The Atchison, Topeka and Santa Fe Railway Company (No. 91-A), for themselves and interested rail carriers. Rates on wheat and flour manufactured directly from wheat, as described in the application, in carloads, from Collinsville and Owasso, Okla., to Beaumont, Corpus Christi, Galveston, Houston, Port Arthur and Texas City, Tex. (for export).

Grounds for relief: Market competition.

Tariff: Supplement 5 to Atchison, Topeka and Santa Fe Railway tariff I.C.C. 14945.

FSA No. 37782: *Newsprint paper from Pine Bluff, Ark., and Herty, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-8225), for interested rail carriers. Rates on newsprint paper, as described in the application, in carloads, from Pine Bluff, Ark., and Herty, Tex., to Fort Lauderdale, Miami, St. Petersburg and Tampa, Fla.

Grounds for relief: Market competition.

Tariff: Supplement 10 to Southwestern Freight Bureau tariff I.C.C. 4442.

FSA No. 37783: *Roofing and building materials from Little Rock, Ark., and Houston, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-8222), for interested rail carriers. Rates on roofing and building materials, as described in the application, in carloads, from Little Rock, Ark., and Houston, Tex., to St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Market competition.

Tariffs: Supplements 280 and 99 to Southwestern Freight Bureau tariffs I.C.C. 4187 and 4370, respectively.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-5690; Filed, June 11, 1962; 8:47 a.m.]

[Notice 649]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 7, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64823. By order of June 4, 1962, the Transfer Board approved the transfer to Beckman Lumber Service, Inc., Long Beach, Calif., of Certificates Nos. MC 1025 and MC 1025 Sub 1, both issued April 29, 1958, to Charles L. Beckman, Robert A. Beckman, and John M. Beckman, doing business as Beckman Lumber Service, Long Beach, Calif., authorizing the transportation of: Lumber, from Los Angeles Harbor and Long Beach, Calif., to Los Angeles, Huntington Park, Inglewood, Ontario, Pasadena, Hynes, and Alhambra, Calif., and from points in the Los Angeles, Calif., Commercial Zone, to points in the Los Angeles, Harbor, Calif., Commercial Zone, restricted to shipments moving to territories and possessions of the United States; and plywood, veneer, wallboard, and materials and supplies used in cabinetmaking and in the manufacture of furniture, bicycles, bicycle parts, wire, canvas duck, tents, glass, paint, and paper bags, from Los Angeles Harbor and Long Beach, Calif., to Los Angeles, Calif. Schultheis & Laybourne, 621 South Spring Street, Los Angeles 14, Calif., attorneys for applicants.

No. MC-FC 64942. By order of June 4, 1962, the Transfer Board approved the transfer to Frank O. Wood, Fort Worth, Tex., of Certificate No. MC 117975, issued October 10, 1961, to F. G. Hutchins, Houston, Tex., authorizing the transportation of: Bananas, from Galveston, Tex., to Monroe, La., Roswell, N. Mex., and points in Texas, and from New Orleans, La., to Houston and Beaumont, Tex. Reagan Sayers, 304 Century Life Building, Fort Worth 2, Tex., attorney for applicants.

No. MC-FC 64976. By order of June 4, 1962, the Transfer Board approved the transfer to Morris April, Max April, Edwin April, and Leon April, a partnership, doing business as Morris April Bros., 136 South Pearl Street, Bridgeton, N.J., of Certificate No. MC 36992, issued June 9, 1949, to Morris April, Samuel April, Max April, Edwin April, and Leon April, a partnership, doing business as Morris April Bros., 136 South Pearl Street, Bridgeton, N.J., authorizing the transportation of: Fresh fruits and vegetables, from Bridgeton, N.J., to Hartford, New Haven, and New London, Conn., Boston and Worcester, Mass., New York and Rochester, N.Y., Philadelphia and Wilkes-Barre, Pa., Baltimore, Md., Cleveland, Ohio, Providence, R.I., and Washington, D.C., and fertilizer, from Baltimore, Md., and Philadelphia, Pa., to Bridgeton, N.J., and seeds, from Orange, Conn., to points in Atlantic, Burlington, Cumberland, Gloucester, and Salem Counties, N.J.

No. MC-FC 65043. By order of June 4, 1962, the Transfer Board approved the transfer to John F. Oliver, Mexico, Mo., of a portion of Certificate No. MC 39392, issued July 31, 1958, to James E. O'Brien, doing business as O'Brien Transfer, Mexico, Mo., authorizing the transportation of: Refractory clay products, between Mexico, Mo., and points within 10 miles thereof, and points in Iowa on and east of U.S. Highway 69 and those in Illinois. Herman W. Huber, 101 East High Street, Jefferson City, Mo., attorney for applicants.

No. MC-FC 65077. By order of June 4, 1962, the Transfer Board approved the transfer to Acme Transfer & Storage, Inc., Lexington, Ky., of Permit No. MC 114485 Sub 1 issued April 3, 1956, to Chester K. Wrenn, doing business as Acme Moving Service, Lexington, Ky., authorizing the transportation of meats, meat products and meat byproducts, dairy products, and articles distributed by meatpacking houses, as described in Appendix I to the report in Descriptions of Motor Carrier Certificates, 61 M.C.C. 209, 272, and 766, over irregular routes, from Lexington, Ky., to points in Fayette, Bourbon, Nicholas, Robertson, Fleming, Mason, Lewis, Bath, Rowan, Elliott, Morgan, Menifee, Wolfe, Breathitt, Owsley, Lee, Powell, Estill Jackson, Clay, Laurel, Rockcastle, Madison, Clarke, Harrison, Bracken, Pendleton, Campbell, Kenton, Boone, Grant, Gallatin, Carroll, Owen, Scott, Franklin, Woodford, Jessamine, Garrard, Lincoln, Pulaski, Casey, Boyle, Mercer, Anderson, Shelby, Jefferson, Oldham, Henry, Washington, Spencer, Bullitt, Hardin, Larue, Marion, Taylor, Adair, Nelson and Montgomery Counties, Ky., restricted to the distribution of pool-car and pool-truck shipments. James B. Miniard, 705 Central Bank Building, Lexington, Ky., attorney for applicants.

No. MC-FC 65081. By order of June 4, 1962, the Transfer Board approved the transfer to Steve's Express, Inc., Hoboken, N.J., of the operating rights in Permit No. MC 82872 Sub 1, issued June 2, 1960, to Steve Marino, doing business as Marino's Express, Hoboken, N.J., authorizing the transportation, over irregular routes, of such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, between points in a described portion of New York, New Jersey, and Connecticut. Edward M. Alfano, 2 West 45th Street, New York 36, N.Y., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-5691; Filed, June 11, 1962; 8:47 a.m.]

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VOLUME 27 NUMBER 114

Washington, Wednesday, June 13, 1962

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JUN 19 1962
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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11028

TRANSFERRING LANDS BETWEEN THE CLARK AND MARK TWAIN NATIONAL FORESTS (MISSOURI) AND ADDING CERTAIN LANDS TO THE HIAWATHA NATIONAL FOREST (MICHIGAN)

By virtue of the authority vested in me by section 24 of the Act of March 3, 1891 (26 Stat. 1103; 16 U.S.C. 471), the Act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and as President of the United States, and upon the recommendation of the Secretary of Agriculture, it is ordered as follows:

1. That part of the Clark National Forest lying in townships 23 north to 27 north, inclusive, and ranges 1 and 2 east and 1 to 5 west, inclusive, Fifth Principal Meridian, Missouri, as proclaimed by Proclamation No. 2363 of September 11, 1939 (54 Stat. 2657), as modified by Executive Order No. 10932 of April 7, 1961 (26 F.R. 3051), is hereby transferred to and made a part of the Mark Twain National Forest.

2. That part of the Mark Twain National Forest lying in townships 31 north to 37 north, inclusive, and ranges 9 west to 13 west, inclusive, Fifth Principal Meridian, Missouri, as proclaimed by Proclamation No. 2362 of September 11, 1939 (54 Stat. 2655), as modified by Executive Order No. 10932 of April 7, 1961 (26 F.R. 3051), is hereby transferred to and made a part of the Clark National Forest.

3. Lot 1, section 25, township 40 north, range 3 west, Michigan Meridian (Round Island) is hereby added to and made a part of the Hiawatha National Forest (Michigan) as proclaimed by Proclamation of January 16, 1931 (46 Stat. 3043), as modified by Proclamation No. 2318 of January 3, 1939 (53 Stat. 2518), Executive Order No. 10932 of April 7, 1961 (26 F.R. 3051), and Executive Order No. 10993 of February 9, 1962 (27 F.R. 1312).

This order shall become effective on July 1, 1962.

JOHN F. KENNEDY

THE WHITE HOUSE,
June 9, 1962.

[F.R. Doc. 62-5833; Filed, June 12, 1962; 10:03 a.m.]

Rules and Regulations

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 70—MEDICAL CARE FOR DEPENDENTS OF MEMBERS OF THE UNIFORMED SERVICES

The Secretary of Defense and the Secretary of Health, Education, and Welfare approved the following revised Part 70 on April 25, 1962.

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70.701 Medical care for members of the uniformed services.

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70.801 Retired members eligible for care.
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Subpart I—Budgeting and Accounting for Medical and Dental Care Furnished in Facilities of the Uniformed Services

70.903 Budgeting and accounting.

Subpart J—Implementation

70.1001 Implementation.

AUTHORITY: §§ 70.101 to 70.1001 issued under 10 U.S.C. 1071–1085.

Subpart A—General Information

§ 70.101 Purpose.

The purpose of this part is to prescribe policy for administering Chapter 55, Title 10, United States Code.

§ 70.102 Scope.

This part is applicable to the uniformed services.

§ 70.103 Definition of terms used in this part.

(a) "Uniformed services" means the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the Commissioned Corps of the Coast and Geodetic Survey, and the Commissioned Corps of the Public Health Service.

(b) "Member of a uniformed service" means a person appointed, enlisted, inducted or called, ordered or conscripted in a uniformed service who is serving on active duty or active duty for training pursuant to a call or order that does not specify a period of thirty days or less.

(c) "Retired member of a uniformed service" means a member or former member of a uniformed service who is entitled to retired, retirement, or retainer or equivalent pay as a result of service in a uniformed service, other than a member or former member entitled to retired or retirement pay under Title III of the Army and Air Force Vitalization and Retirement Equalization Act of 1948 who has served less than eight years on full-time duty in active military service other than active duty for training.

(d) "Dependent" means any person who bears to a member or retired member of a uniformed service, or to a person who died while a member or retired member of a uniformed service, any of the following relationships:

(1) The lawful wife;

(2) The unremarried widow;

(3) The lawful husband, if he is in fact dependent on the member or retired member for over one-half of his support;

(4) The unremarried widower, if he was in fact dependent upon the member or retired member at the time of her death for over one-half of his support because of a mental or physical incapacity;

(5) An unmarried legitimate child (including an adopted child or stepchild), if such child has not passed his twenty-first birthday;

(6) A parent or parent-in-law, if the said parent or parent-in-law is, or was, at the time of the member's or retired member's death, in fact dependent on said member or retired member for over one-half of his support and is, or was, at the time of the member's or retired member's death, actually residing in the household of said member or retired member. For the purposes of this part, the requirement of actually residing in the household shall be fulfilled when the parent or parent-in-law actually resides, or was residing at the time of death of a member or retired member, in a dwelling place provided or maintained by said member or retired member; or

(7) An unmarried legitimate child (including an adopted child or stepchild) who (i) has passed his twenty-first birthday if the child is incapable of self-support because of a mental or physical incapacity that existed prior to his reaching the age of twenty-one and is, or was at the time of the member's or retired member's death, in fact dependent on him for over one-half of his support, or (ii) has not passed his twenty-third birthday and is enrolled in a full-time course of study in an institution of higher learning as approved by the Secretary of Defense or Secretary of Health, Education, and Welfare and is, or was at the time of the member's or the retired member's death, in fact dependent on him for over one-half of his support.

(e) "Dependents eligible for civilian medical care" means the lawful wife or the dependent lawful husband (spouses) and children who are dependents of members of the uniformed services.

(f) "Secretary of a uniformed service" means the Secretary of the Army, Navy (for the Navy and Marine Corps), or Air Force, or for the other uniformed services (Coast Guard, Public Health Service, Coast and Geodetic Survey), the Secretary of Health, Education, and Welfare. The latter may delegate his duties and responsibilities in relation to dependent medical care to The Surgeon General of the Public Health Service.

(g) "The United States" means all of the States and the District of Columbia.

(h) "Executive agent" means the party who acts for the uniformed services in negotiating and administering contracts for medical (physicians) and

hospital services under the policy guidance of the Department of Defense.

(i) "Contractor" means the legal entity with which the Government enters into a contract for the purpose of implementing Chapter 55, Title 10, United States Code, such as a State medical society, an insurance company, Blue Shield, or Blue Cross.

(j) Miscellaneous medical and technical terminology:

(1) *Diagnosis.* A determination of the existence and nature, or absence, of disease or injury by history with physical and mental findings, including physical examinations and the utilization of medically accepted diagnostic procedures, e.g., laboratory tests and pathology and X-ray examinations.

(2) *Outpatient care.* The medical services which are normally performed in locations such as the home, a physician's office, or the outpatient department of a hospital, clinic, or dispensary.

(3) *Maternity and infant care.* Medical and surgical care for the mother incident to pregnancy including prenatal care, delivery, postnatal care, including care of the infant, and treatment of complications of pregnancy.

(4) *Domiciliary care.* Care which is normally given in a nursing home, convalescent home, or similar institution to a patient who requires personal care rather than active and definitive treatment in a hospital for an acute medical or surgical condition. It includes but is not limited to nursing care required as a result of old age or chronic disease.

(5) *Chronic disease.* This term shall be construed to include nonacute conditions and disabilities in which the prognosis indicates long continued duration of the ailment.

(6) *Nervous and mental disorders.* This term means those conditions classified as neuroses, psychoneuroses, psychopathies, or psychoses.

(7) *Dental care as a necessary adjunct to medical or surgical treatment.* Dental care determined by the cognizant physician and dentist to be required for the proper treatment of a medical or surgical condition.

(8) *Adjuncts to medical care.* Prosthetic devices such as artificial limbs, artificial eyes, hearing aids, orthopedic footwear, spectacles, and similar medical supports or aids.

(9) *Adjuncts to dental care.* Removable or fixed prosthetic or fixed prosthodontic restorations and similar dental supports or aids.

§ 70.104 Administration.

(a) The Secretary of Defense has jurisdiction over the Army, Navy, Air Force, Marine Corps, and the Coast Guard when operating as a service with the Navy.

(b) The Secretary of Health, Education, and Welfare has jurisdiction over the Public Health Service and for medical care purposes over the Coast and Geodetic Survey, and the Coast Guard when not in service with the Navy.

Subpart B—Determination of Eligibility and Identification of Dependents

§ 70.201 Determination of dependents' eligibility.

(a) The uniformed services will require dependents (or their sponsors) who request medical care to furnish proof of their eligibility for such care. In order to develop uniformity in the criteria utilized by the uniformed services to determine dependents eligible for medical care, the uniformed services will utilize DD Form 1172, "Application for Uniformed Services Identification and Privilege Card". Modifications of DD Forms 1172 and 1173 [1] may be made subject to the approval of the Secretary of Defense.

(1) *Medicare eligibility date.* Each DD Form 1173, "Uniformed Services Identification and Privilege Card", issued will show the date on which a dependent became eligible to receive civilian medical and hospital care at Government expense. This eligibility date will be determined in accordance with Department of Defense Instruction No. 1000.7, Subject: "Uniformed Services Identification and Privilege Card".

(b) The Secretaries of the uniformed services and their designees are hereby authorized to make determinations of dependency for purposes of this part.

§ 70.202 Identification of dependents.

(a) Upon an affirmative determination by the Secretary of a uniformed service or his designee that a dependent is eligible for medical care, such dependent will be issued a "Uniformed Services Identification and Privilege Card", DD Form 1173. The DD Form 1173 will serve as the primary means of identifying dependents eligible for medical care.

(b) The administrative provisions governing the application for the DD Form 1173 and its issuance to dependents of members and dependents of retired members of the uniformed services and dependents of a person who died while a member or a retired member of a uniformed service, will be as prescribed by the Secretary of the uniformed service concerned. However, such regulations for active duty members with dependents will include but not be limited to provisions for the following:

(1) *Issuance.* Application for, and issuance of, DD Form 1173 will be accomplished at the following times:

(i) Upon entry on active duty for a period in excess of 30 days.

(ii) Upon re-enlistment.

(iii) Upon change in dependency status stated on current authorization card.

(iv) Upon certification of loss.

(v) Upon retirement or death.

(2) *Surrender.* The DD Form 1173 shall be surrendered:

(i) Whenever a new card is issued except to replace loss.

(ii) Upon expiration date.

(iii) Whenever the cardholder becomes ineligible.

(iv) Upon death, retirement, or release of member to inactive duty.

(3) *Expiration date.* The DD Form 1173 shall be effective for the contracted period of service of the sponsor upon whom the entitlement is based in the case of dependents of the uniformed services, or in the case of minors the twenty-first birthday if it occurs prior to the termination of the service of the sponsor, except that for entitlement to medical care, the provisions of § 70.103 (d) (7) will apply. The departments will insure that sponsors are directed to notify the appropriate authority immediately upon any change in status that would terminate or modify the right to any of the benefits for which the card may be used.

(4) *Dependents listed.* Each dependent, ten years or over, entitled to medical care, will be issued DD Form 1173. Certification of minor dependents, under ten years of age, for eligibility for medical care will be the respsonsibility of the dependent, accompanying parent, member, or acting guardian.

(5) *Entitlement to care in civilian facilities.* All DD Forms 1173 will contain an appropriate notation as to those dependents who have entitlement to medical care at both medical facilities of the uniformed services and civilian medical facilities. Thus, each card covering a dependent eligible for civilian medical care (see § 70.103(e)) will have a notation thereon showing that care in civilian facilities is authorized even though the situations in which such care may be obtained at Government expense are limited. For example, such a dependent residing with the sponsor, or living in an area to which the sponsor is assigned, and whose right of election has been restricted pursuant to § 70.302, shall be entitled to receive medical care in civilian facilities at Government expense only in the case of an emergency and under other circumstances outlined in this part or in the Joint Regulations.

(c) The issuance and use of the DD Form 1173 will be accomplished by all the uniformed services.

Subpart C—Determination of Sources From Which Eligible Dependents Receive Medical Care

§ 70.301 Among uniformed services facilities.

Normally, a dependent requesting care at a uniformed services facility will be expected to use the facilities servicing the area in which the dependent resides.

§ 70.302 Between civilian medical facilities and uniformed services facilities within the United States and Puerto Rico.

(a) Dependents eligible for civilian medical care who are not residing with their sponsors, or in an area to which their sponsor is assigned, shall have right of election between uniformed services medical facilities and civilian medical facilities.

(b) Outpatient medical care at Government expense for dependents eligible for civilian medical care is not authorized from civilian sources, except that certain specified treatment for such dependents who are not hospitalized, will be authorized when in accordance with §§ 70.502(f); 70.503(d) (1), (2), and (3); or 70.506(i).

(c) Dependents eligible for civilian medical care who reside with their sponsors, or in an area to which their sponsor is assigned, shall have right of election between uniformed services medical facilities and civilian medical facilities except that the Secretary of a uniformed service with the approval of the Secretary of Defense or the Secretary of Health, Education, and Welfare, as appropriate, may require such dependents in a prescribed area to seek medical care in a uniformed services medical facility if he finds that:

(1) The uniformed services medical facility is adequate to care for the dependents of members assigned to that area; and

(2) The use of civilian medical facilities by the dependents in that area has affected adversely the optimum economic utilization of the uniformed services medical facility.

(d) When necessary restrictions on right of election for a particular medical facility are imposed, the Secretary of a uniformed service may prescribe a local geographic area which the medical facility concerned shall serve normally. In determining the boundaries of the geographic area, consideration shall be given to normal commuting time, distance, and usual geographic and transportation factors such as toll bridges or ferries which would increase unreasonably the time and expense of travel. It shall be the responsibility of the Secretary of a uniformed service, when imposing restrictions upon the right of election of a dependent, to insure liaison and coordination among all uniformed services and civilian medical facilities in and adjacent to the geographical area in which restrictions have been imposed. When any restrictions on right of election have been imposed or removed, the Executive Agent shall be so advised.

(e) In lieu of the restrictions described in paragraphs (c) and (d) of this section, the Secretary of Defense may specify a date as of which the restrictions described below will be effective. On and after the specified date, a restriction on right of election shall be effective as to dependents in the United States and Puerto Rico, who are eligible for civilian medical care, who reside with their sponsors, or in an area to which their sponsor is assigned, who require care authorized under this part from civilian sources but have not commenced receiving such care from civilian sources on the aforesaid specified date (or, in the case of a maternity patient, whose care by her civilian physician on that date has not reached the second trimester), and who reside in an area where adequate medical facilities of a uniformed service are available for such dependents. No restriction on right of election will be imposed on such dependents residing in areas where adequate medical facilities of a uniformed service are not available. However, in order that the restriction may be appropriately administered, each dependent who resides with the sponsor, or in an area to which the sponsor is assigned, and who requires care authorized under this part from civilian sources but has not commenced receiving such care from civilian sources on the specified date (or, in the case of a maternity patient, whose care by her civilian physician on that date has not reached the second trimester), will be required to contact a uniformed services installation. For those residing in areas where an adequate medical facility of a uniformed service is not available, DD Form 1251, "Nonavailability Statement",[1] authorizing care from civilian sources at Government expense will be issued. Such a statement may also be issued to a dependent residing with the sponsor, or residing in an area to which the sponsor is assigned, when the capability does not exist in the medical facility (or facilities) of the uniformed services in the area to provide the required care because of lack of necessary staff, facilities, or space. The DD Form 1251, issued in the manner described above, shall be evidence of entitlement of the dependent to care authorized under this part from civilian sources at Government expense. In determining whether a dependent covered under this § 70.302(e) is residing in an area where adequate medical facilities of a uniformed service are available, the criteria outlined in paragraphs (c) and (d) of this section shall apply. Detailed procedures concerning the format of the DD Form 1251 and the manner in which it is to be issued may be set forth in the Joint Regulations. Spouses and children are considered to be residing with their sponsor if they reside in the area to which the sponsor is assigned, in the area of his permanent duty station, or the home port or home yard of a ship, even though the sponsor may be temporarily away, by reason of temporary duty with his unit or ship, from the area to which he is assigned, the permanent duty station or his home port or home yard respectively, or by reason of the sponsor's absence on individual temporary duty or temporary additional duty order.

§ 70.303 Exceptions; emergency care and other circumstances.

(a) Any restrictions on right of election and the requirement for the DD Form 1251 described in § 70.302(e) shall be waived:

(1) When circumstances indicate that it was necessary for the eligible dependent to obtain authorized medical care from civilian facilities due to a bona fide emergency, e.g. serious injury following an accident or illness of sudden onset requiring immediate treatment authorized to be obtained from civilian sources at the nearest available medical facility to preserve life, health, or to prevent undue suffering.

(2) During the period of absence on a trip of the eligible dependent from the area to which the sponsor is assigned. This exception is not to be used to circumvent the restrictions imposed on right of election.

(3) When an eligible dependent wife, whose husband dies while on active duty, is pregnant at the time of his death. (See § 70.505(d).)

(b) Additionally, the restrictions initially imposed by the Secretary of Defense on a specified date pursuant to § 70.302(e) and the requirement for a DD Form 1251 described therein shall be waived with regard to any eligible dependent who has commenced receiving care authorized under this part from civilian sources prior to that specified date (except that, for maternity patients, care in the second trimester by her civilian physician on that date must have commenced prior thereto). The dependent involved will be entitled to complete any care which was authorized under this part prior to the date specified by the Secretary of Defense and which has been commenced in accordance with the preceding sentence.

§ 70.304 Between civilian medical facilities and uniformed services facilities outside the United States and Puerto Rico.

Dependents eligible for civilian medical care who are not residing with their sponsors, or in an area to which their sponsor is assigned, shall have right of election between uniformed services medical facilities and professionally acceptable local civilian sources. Where medical facilities of the uniformed services are available within the area and are capable of providing the required care, spouses and children outside the United States and Puerto Rico who are residing with their sponsors, or in an area to which their sponsor is assigned, will utilize these facilities for such care. In areas where medical facilities of the uniformed services are nonexistent or incapable of providing adequate medical care, spouses and children who are residing with their sponsors, or in an area to which their sponsor is assigned, may be authorized civilian medical care from professionally acceptable local sources in accordance with this part.

Subpart D—Medical Care for Dependents at Medical Facilities of the Uniformed Services

§ 70.401 Authority for providing medical care to dependents.

Whenever requested, medical care shall be given dependents of members and dependents of retired members of the uniformed services, and dependents of a person who died while a member or a retired member of a uniformed service, in medical facilities of the uniformed services subject to the availability of space and facilities, and the capabilities of the professional staff. Determinations made by the medical officer in charge of the medical facility, or by his designee, as to availability of space, facilities, and the capabilities of the professional staff,

[1] Filed as part of the original document.

[1] Filed as part of the original document.

shall be conclusive. The furnishing of medical care to dependents shall not interfere with the primary mission of those facilities.

§ 70.402 Facilities available.

In making the determination of the availability of medical facilities at a specific location, the following criteria shall be applied:

(a) Mission of the uniformed services medical facility.

(b) Adequacy of professional care available for diagnosis and treatment.

(c) Maximum number of patients who can be treated without sacrificing high professional medical standards.

(d) Optimum utilization of facilities of the uniformed services.

§ 70.403 Medical care authorized.

(a) Medical care of dependents in the facilities of the uniformed services shall be limited to the following:

(1) Diagnosis.

(2) Treatment of acute medical conditions, including acute exacerbations or acute complications of chronic diseases.

(3) Treatment of surgical conditions.

(4) Treatment of contagious diseases.

(5) Immunization.

(6) Obstetrical and infant care.

(b) Treatment may be provided for acute emergencies of any nature which are a threat to the life, health, or well-being of the patient including acute emotional disorders. Hospitalization is authorized at Government expense for such emergencies only pending completion of arrangements for care elsewhere unless the illness or condition also qualifies for care under paragraph (a) (1), (2), (3), (4), or (6) of this section. With special exceptions as authorized by the Surgeon General of a uniformed service, additional care in a hospital of the uniformed services on a space available basis may be provided in accordance with § 70.404 (b).

(c) When a hospitalized dependent patient requires care beyond the capabilities of the medical facility, the commanding officer or officer-in-charge of the facility is authorized to:

(1) Transfer the patient to the nearest medical facility of the uniformed services where the required treatment is available. Government transportation may be utilized to effect such transfer; or

(2) Procure from civilian sources the necessary suplemental material and professional and personal services required for the proper care and treatment of the patient in his facility.

The authorization provided by this § 70.403(c) is applicable after admission of the patient when the patient's condition so requires.

§ 70.404 Medical care not authorized.

Dependents shall not be provided:

(a) Hospitalization at medical facilities of the uniformed services for the following:

(1) Chronic diseases. (See §§ 70.103 (j) (5) and 70.403(a) (2).)

(2) Nervous and mental disorders. (See § 70.103(j) (6).)

(3) Medical or surgical care that is desired or requested by the patient which, in the opinion of cognizant medical authority, is not medically indicated; e.g. surgery solely for cosmetic purposes.

(4) Domiciliary care. (See § 70.103(j) (4).)

(b) However, in special and unusual cases, exceptions may be made by a Surgeon General of the uniformed services and hospitalization may be provided for such disorders or diseases as set forth in paragraph (a) (1) and (2) of this section. In no instance may the period of hospitalization exceed 12 months.

(c) Artificial limbs, artificial eyes, hearing aids, orthopedic footwear and spectacles, except that outside the United States and at remote stations within the United States, as designated by the Secretary of the uniformed service concerned and approved by the Secretary of Defense, or designated by the Surgeon General, U.S. Public Health Service, and approved by the Secretary of Health, Education, and Welfare, where adequate civilian facilities are not available, those items, if available from Government stocks, may be provided to dependents at invoice cost to the Government.

(d) Ambulance service, except in acute emergency as determined by the medical officer in charge.

(e) Home calls, except in special cases where it is determined by the cognizant medical authority to be medically necessary.

§ 70.405 Dental care.

(a) Dental care for dependents is not authorized except:

(1) Emergency dental care to relieve pain and suffering but not to include any permanent restorative dentistry or dental prosthesis.

(2) Dental care as a necessary adjunct to medical or surgical treatment. (See § 70.103(j) (7).)

(3) Outside the United States, and in remote areas within the United States as designated by the Secretary of the Army, Navy, or Air Force and approved by the Secretary of Defense where adequate civilian dental facilities are not available to personnel at or near military installations; or as designated by the Surgeon General, U.S. Public Health Service, and approved by the Secretary of Health, Education, and Welfare for those facilities over which jurisdiction is provided in § 70.104(b).

§ 70.406 Admission of dependents for medical care.

(a) As indicated in §§ 70.201 and 70.202, the DD Form 1173 will serve as the primary means of identifying dependents eligible for medical care.

(b) Procedures for admission of dependents requesting medical care at uniformed services medical facilities will be as follows:

(1) Identification will be by means of a DD Form 1173. Uniformed services medical facilities may prescribe such additional local procedures as necessary. However, these procedures should not complicate, delay or preclude treatment of an eligible dependent nor discriminate against the dependent of members of other services.

(2) Under emergency conditions and similar circumstances, the admitting authority may waive the requirement of producing DD Form 1173. However, in each such instance at uniformed services medical facilities, certification will be required attesting to the dependent's eligibility for medical care. This certification will be executed by either the dependent, the member, retired member, parent or guardian as appropriate.

§ 70.407 Cross-utilization of service medical facilities.

To provide effective cross-utilization of medical facilities of the uniformed services, eligible dependents, regardless of service affiliation, shall be given equal opportunity for medical care. Such dependents may request and be furnished medical care at the medical facility of the uniformed service serving the area in which they reside or in the medical facility of the sponsor's own uniformed service depending upon the capability of the medical facilities concerned. In areas where medical facilities of two or more uniformed services are available, the appropriate officials of each service, with due consideration for the relative size and capabilities of the medical facilities, shall participate jointly in determining the capabilities and establishing areas of medical responsibility. Delineation of such areas shall be published jointly and will include zones in which dependents are permitted to use either the facilities of the sponsor's own service or the facilities which have medical responsibility for the area in which the dependent resides. In addition, commanders of uniformed services hospitals will establish necessary liaison and coordination with the representatives of the local medical society and the civilian hospital facilities as appropriate, to insure, to the maximum extent possible, the smooth referral of excess dependent patient loads to civilian medical facilities when such referrals appear desirable.

§ 70.408 Charges for dependent medical care.

When medical care is provided dependents in facilities of the uniformed services, the patient shall pay the following charges:

(a) *Inpatient care.* The per diem rate of charge for inpatient care provided dependents is $1.75 which includes cost of subsistence.

(b) *Outpatient care.* As a restraint on excessive demands for medical care, uniform minimal charges may be imposed for outpatient care only after a special finding by the Secretary of Defense after consultation with the Secretary of Health, Education, and Welfare that such charges are necessary. The Secretaries of the uniformed services shall have continuing responsibility for determining the nature and extent of possible abuses of outpatient care in uniformed services medical facilities and shall so advise the Secretary of Defense when their findings are in the affirmative.

§ 70.409 Transportation of patients.

Commercial or civilian transportation to move dependent patients to medical facilities of the uniformed services, between medical facilities of the uniformed services, or from a civilian medical facility to a medical facility of the uniformed services is not authorized at Government expense.

Subpart E—Medical Care in Civilian Facilities

§ 70.501 Eligibility for civilian medical care.

Under the provisions of this subpart, wives, dependent husbands and children who are dependents of members of the uniformed services are eligible to receive at Government expense specified medical or dental care from civilian sources. A full payment concept is followed in operating the Dependents' Medical Care Program. Under this concept the participating civilian physician and other sources of civilian care agree to accept the amounts allowable under the program as full payment for their services. Eligible dependents should ascertain that the civilian sources of medical care desire to participate in the Medicare Program. Following acceptance of the patient under the Medicare Program by the civilian source of care, the patient and his sponsor are not responsible for the payment of any amount for authorized care except as specified in § 70.506.

§ 70.502 Medical and hospital care authorized from civilian sources.

Medical and surgical care from civilian sources is authorized for spouses and children who are dependents of members of the uniformed services for the following:

(a) Treatment of acute medical conditions, including acute exacerbations or acute complications of chronic diseases only during hospitalization except as otherwise provided in this part.

(b) Treatment of surgical conditions only during hospitalization except as otherwise provided in this part. (See § 70.504(c).

(c) Treatment of contagious diseases during hospitalization.

(d) Complete obstetrical and maternity care.

(e) Three hundred sixty-five days' hospitalization in semiprivate accommodations for each admission, including all necessary services and supplies furnished by the hospital during hospitalization.

(f) Services required of a physician or surgeon prior to and following hospitalization for a bodily injury or surgical operation.

(g) Treatment in a hospital for an acute emotional disorder is authorized provided that such disorder is considered to constitute an emergency which is a threat to the life or health of a patient. In general, care will be provided for an acute emotional disorder under this subpart only until the disorder subsides, until arrangements are made for care elsewhere, or until the end of 21 days of hospitalization, whichever occurs earliest. Under procedures to be established by the Executive Agent, or his representative, within the United States and Puerto Rico, and by the Secretaries of the uniformed services, or their representatives, outside the United States and Puerto Rico, extension beyond 21 days may be granted on a case-by-case basis where the member or the dependent, or the representative of either, shows that, due to absence (e.g., overseas assignment when dependent is in the United States), the member was unable to make arrangements for care elsewhere within the 21-day period. With special exceptions, as authorized by the Surgeon General of a uniformed service, additional care for an acute emotional disorder in a hospital of the uniformed services on a space available basis may be provided in accordance with § 70.404(b). The commanding officer of a uniformed services hospital, or the Surgeon General of a uniformed service having jurisdiction over a hospital, may authorize transfer of any patient, hospitalized in a civilian hospital under any of the above subparagraphs, to that uniformed services medical facility on the basis of space, facility, and personnel availability. (See §§ 70.402 and 70.403.) In cases covered by the two preceding sentences, Government transportation may be utilized to effect transfer to a uniformed services hospital.

(h) Diagnostic tests and procedures including laboratory tests and pathology and X-ray examinations, when ordered by the attending physician, only during hospitalization, except as otherwise provided in this part.

(i) Dental care which is a necessary adjunct to medical or surgical treatment rendered in a hospital to a dependent who is a hospital inpatient. Such dental care shall not include removable or fixed prosthodontic restorations, orthodontia, restorative dentistry, and prolonged periodontal treatment.

(j) Notwithstanding those other provisions of this part with reference to dental care and to the care of chronic conditions, patients suffering from recurrently progressive debilitating diseases may be hospitalized to receive inpatient surgical care, legitimately performed by a dentist, which has been determined by the cognizant physician and dentist to be a necessary adjunct to, and required for, the proper treatment of such conditions.

§ 70.503 Terms of reference and rules for the provision of authorized medical care from civilian sources.

(a) *Applicable terms.*

NOTE: These terms are primarily for use in the United States and Puerto Rico and may be modified in other areas.

(1) *Hospital.* The word "hospital" shall mean only an institution which is operated in accordance with the laws of the jurisdiction in which it is located pertaining to institutions identified as hospitals, is primarily engaged in providing diagnostic and therapeutic facilities for surgical and medical diagnosis, treatment and care of injured and sick persons by or under the supervision of staff physicians or surgeons, and continuously provides 24-hour nursing service by registered graduate nurses. It shall specifically exclude any institution which is primarily a place of rest, a place for the aged, a place for the treatment of drug addiction or alcoholism, a nursing home, a convalescent home, or a facility operated by the Federal Government or any agency thereof, except Freedmen's Hospital, Washington, D.C. If the experience of the Executive Agent indicates that the care provided in a hospital is substandard, or charges of a hospital are excessive, Government approval of its use in the future may be withdrawn and payment of charges by the Government denied for patients admitted subsequent to the withdrawal of approval unless the case is certified as an emergency by the attending physician or surgeon.

(2) *Semiprivate accommodations.* The term "semiprivate accommodations" signifies the presence of 2, 3, or 4 beds in a room in which a patient is hospitalized. "Private accommodations" means one bed in a room.

(3) *Ward accommodations.* The term "ward accommodations" signifies the presence of 5 or more beds in a room in which the patient is hospitalized. Where ward accommodations are furnished under the circumstances described herein, a portion of the cost will be borne by the Government in accordance with § 70.506(a). Ward facilities may be used for pediatric cases whenever this is the normal medical practice. Further, when the attending physician admits his patient to a hospital in which all semiprivate accommodations are occupied, care furnished therein shall be considered authorized care, but the patient should be transferred to a semiprivate accommodation as soon as possible. Finally, when the patient is admitted to an otherwise eligible institution which furnishes only ward accommodations, care furnished therein shall be considered authorized care.

(4) *Necessary services and supplies.* Those services and supplies ordered by the attending physician which are customarily provided and charged for by the hospital.

(5) *Physician or surgeon.* A person who is legally qualified to prescribe and administer all drugs and to perform all surgical procedures.

(6) *Dentist.* A person who is legally qualified to prescribe and administer all drugs and perform all procedures related to the teeth, jaws, and to structure contiguous to one or the other.

(7) *Local schedule of allowances.* The allowances for payment of physicians' services applicable to a local area negotiated with the physicians' representatives and approved by the Executive Agent for the Department of Defense and Department of Health, Education, and Welfare.

(b) *Hospital care.* (1) Hospital care under this section is defined as inpatient care for 18 consecutive hours or more, except for shorter periods of hospitalization for surgical procedures, treatment of fractures or other bodily injuries, or in instances in which death occurs in a lesser period of time.

(2) Hospital care shall include board and room and necessary services and supplies up to a maximum of 365 days for each admission.

(c) *Nursing care.* If, while receiving authorized hospital care, private-duty nursing care is required for proper care and treatment, and if the patient's attending physician certifies to such a requirement, a portion of the cost will be borne by the Government in accordance with § 70.506(e).

(d) *Professional services—(1) Professional services related to hospitalization.* (i) Payment to physicians, including necessary consultants, in accordance with local Schedules of Allowances, for treatment of medical and surgical conditions during a period of hospitalization, is authorized.

(ii) All diagnostic and therapeutic tests and procedures authorized by the attending physician and accomplished during a period of hospitalization are authorized for payment by the Government. In those instances during the period of hospitalization when treatment by the use of X-ray, radium or radioisotopes is prescribed, such treatment may be continued or carried out on an outpatient status.

(iii) The approved local schedules of allowances payable to a physician or surgeon for treatment in a hospital of a bodily injury or for a surgical procedure shall include prehospitalization care and normal after-care following a period of hospitalization.

(iv) Those surgical procedures that are legitimately cared for by a dentist (e.g. cleft lip, cleft palate, etc.) may be treated by a dentist who is a member of the staff of a hospital and normally performs these surgical procedures in that hospital. The removal of teeth, gingivectomies, and alveolectomies are not authorized surgical procedures under the Program unless they meet the criteria of adjunctive dental care as defined in this part. When authorized surgical treatment is performed by a dentist, other procedures, diagnostic tests, services, and supplies authorized or ordered by him may be paid to the same extent as if a physician or surgeon authorized or ordered them under this part.

(v) Although Chapter 55, Title 10, United States Code provides primarily for professional services during hospitalization and does not permit medical care normally considered to be outpatient care at Government expense, certain limited benefits are authorized as indicated elsewhere in this subpart, and below:

(*a*) Payment is authorized in an amount not to exceed $75.00 at Government expense for necessary diagnostic tests and procedures performed or authorized by the attending physician prior to hospitalization for the same bodily injury or surgical procedure for which hospitalized.

(*b*) Payment is authorized in an amount not to exceed $50.00 at Government expense for necessary tests and procedures performed or authorized by the attending physician for proper aftercare of the same bodily injury or surgical procedure for which hospitalized.

(*c*) The monetary limitations in (*a*) and (*b*) of this subdivision are intended only to define the liability of the Government under the stated conditions and in no way modify, alter, or affect the fees for individual procedures contained in the local schedules of allowances; and also, they do not restrict the physician in the performance or authorization of necessary tests or procedures.

(*d*) The monetary limitations in (*a*) and (*b*) of this subdivision may be exceeded only in special and extraordinary cases provided that the physician authorizing the tests and procedures, for which charges exceed the amounts specified above, submits a special report which shall be reviewed by a contractor's physician review board. This board will make appropriate recommendations to the Executive Agent who may authorize such additional payments.

(2) *Obstetrical and maternity services.* (i) Complete obstetrical and maternity services shall include prenatal care, delivery, and postnatal care in a hospital, office, or home. Payments for prenatal care, delivery, and postpartum care shall be made to the physician performing the respective service in accordance with the local schedules of allowances. Allowances are authorized for laboratory tests, pathology or radiology examinations, and other procedures performed or authorized by the attending physician in the management of the pregnancy. In instances of home or office confinements, payments are not authorized for the purchase or rental of beds, bassinets, or similar equipment, or for services of private-duty nurses. (See § 70.506(f).)

(ii) Where a consultant's services are required for proper care and treatment of the patient, such care is authorized.

(iii) Necessary or required infant care shall be provided during the period of hospitalization following delivery. If the infant requires further hospitalization following delivery, such care is authorized as a continuation of the original admission. Also, in the case of a home or office delivery, necessary or required infant care may be provided on an outpatient basis for a period not to exceed 10 days following the date of delivery.

(iv) Under procedures established by the Executive Agent, or his representative, within the United States and Puerto Rico, and by the Secretaries of the uniformed services, or their representatives, outside the United States and Puerto Rico, required in-hospital care can be furnished to obstetrical and maternity patients who develop acute emotional disorders complicating pregnancy or constituting postpartum psychosis occurring within the six weeks postpartum period authorized for maternity care.

(3) *Other professional services.* The authorized payments for the treatment of bodily injuries when a patient is not hospitalized, including diagnostic and therapeutic tests and procedures authorized by the attending physician, are limited to treatment of fractures, dislocations, lacerations, and other wounds as prescribed in the local schedules of allowances. Treatment of fractures, dislocations, lacerations, and other wounds that are legitimately cared for by dentists, including related diagnostic and therapeutic tests and procedures authorized by the attending dentist, may also be paid for hereunder. (See § 70.506(i).)

(e) *Supporting services.* Wherever the attending physician authorizes the services of a physical therapist or of an anesthetist who is other than a physician in rendering authorized care to an eligible dependent, and certifies as to the necessity therefor, the services may be paid for hereunder.

§ 70.504 Medical care not authorized.

Medical care specified in this subpart shall not be authorized for any of the following:

(a) Chronic diseases. (See §§ 70.103 (j)(5) and 70.502(a).)

(b) Nervous and mental disorders (see § 70.103(j)(6)), including acute emotional disorders except that (1) care of this type may be furnished to a dependent requiring same during the period of hospitalization of that dependent for a condition that does qualify as authorized care under § 70.502 (a) through (f); (2) care for acute emotional disorders may be furnished in connection with obstetrical and maternity services in accordance with § 70.503(d)(2)(iv); and (3) care for acute emotional disorders may be furnished in accordance with § 70.502(g).

(c) Services of a surgical nature desired or requested by the patient which are not medically indicated. The opinion of the cognizant medical authority (charge physician) will determine whether the services are medically indicated and therefore payable under this part, except that the types of surgery described in subparagraph (1) of this paragraph are not authorized for payment under this part under any circumstances; and the types of surgery described in subparagraph (2) of this paragraph are authorized only under the conditions stipulated therein.

(1) *Examples of types of surgical care not authorized.* (i) Cosmetic surgery—any surgery for improvement or change of appearance or for psychological reasons.

(ii) Ears—reconstruction and/or revision of the external ear; surgery based on psychological reasons.

(iii) Congenital defects of skeletal and/or central nervous system which are readily identifiable as representing chronic long-term conditions and characteristically respond poorly to surgical intervention.

(iv) Sterilization procedures for multiparity and/or socioeconomic reasons. (See subparagraph (2)(xi) of this paragraph.)

(v) Procedures designed to correct a state of infertility or sterility.

(vi) Removal of tattoos.

(2) *Examples of types of inpatient surgical care authorized for payment only if certain conditions prevail.* (i) Ears—surgery for restoration or improvement of hearing is allowable.

(ii) Eyes—surgery for glaucoma, cataracts, strabismus (squint) or other conditions to aid or improve vision of the affected eye(s) is allowable.

(iii) Harelip and/or cleft palate—surgery for initial repairs, including surgery for subsequent repair known and established as a requirement at the time of original surgery is authorized. Subsequent revisions are not authorized.

(iv) Rhinoplasties—authorized only for improvement of nasal respiratory physiology.

(v) Skeletal defects (e.g. club foot, congenital dislocated hip)—surgical treatment is authorized only when treatment is required as an "in-hospital" patient to improve function. Care normally provided on an outpatient basis and not requiring hospitalization is not authorized.

(vi) Surgical treatment for removal of supernumerary digits or for correction of syndactylism is authorized only for improvement of function.

(vii) Scars—surgical treatment is authorized only when a scar is ulcerated, shows clinical evidence of malignancy, or when a contracture impairing anatomical function is present.

(viii) Surgical treatment for removal of nevi, hemangiomas and/or telangiectatic lesions is authorized only if they are bleeding, ulcerated, painful, or show clinical evidence of malignancy, or if size and location produce functional impairment.

(ix) Surgical treatment for removal of plantar warts, verrucae, sebaceous cysts, condylomata or moles is authorized only if they are bleeding, ulcerated, painful, or show clinical evidence of malignancy, or if size and location produce functional impairment.

(x) Mammoplasty is authorized only when severe pain or marked disability is present.

(xi) Tubal ligation or other sterilization procedures—surgical procedure is authorized only when, in the opinion of the charge physician and consulting physician(s), the procedure is a necessary requirement in the proper management of a medical or surgical condition for which treatment is authorized under this part.

(d) Non-acute medical conditions (see § 70.502(a)). Examples of types of care not authorized are set forth below:

(1) Procedures designed to determine state of infertility or sterility.

(2) Pseudocyesis (false pregnancy) or pregnancy suspected but not proven.

(3) Tests to determine pregnancy, except when patient is in fact pregnant and when tests are required for proper conduct of maternity or postpartum care (hydatid mole).

(4) Diagnostic evaluation and hospital admissions in connection therewith when patients are not acutely ill or when diagnostic surveys are not followed by surgery.

(5) Rehabilitation procedures for persons with congenital defects, cerebral palsy, or poliomyelitis (except when related to "in-hospital" care of surgical procedure performed for improvement or restoration of function).

(6) Treatment for tuberculosis—inactive (non-acute) when determined by clinical tests. Treatment is authorized only for the active (acute) phase as determined by acceptable medical standards (positive sputa; positive gastric washings; or positive chest or other X-rays).

(7) Tests and procedures such as the following:

(i) Psychological, psychometric, or intelligence measuring tests.

(ii) Speech and/or hearing therapy, remedial reading, or orthoptic training.

(iii) Child guidance therapy.

(e) Domiciliary care. (See § 70.103 (j)(4).)

(f) Treatment or procedures normally considered to be outpatient care.

(g) Ambulance service, or other civilian transportation used for movement of spouses or children to or between civilian medical facilities or from a civilian medical facility to a medical facility of the uniformed services.

(h) Adjuncts to medical care. (See § 70.103(j)(8).)

§ 70.505 Admission of dependents for medical care to civilian sources.

Dependents requesting medical care from civilian sources will be required to observe the following procedures:

(a) Identification will be established by DD Form 1173 and such other means of identification provided by the uniformed services. In addition, dependents or their parent, sponsor, or guardian, as appropriate, will be required to execute a certification form to be prescribed by the Executive Agent and made available to the source of medical care. This form will serve the purpose of assisting both in the identification of dependents and the ultimate billing made by civilian physicians, surgeons, and civilian medical facilities. In developing this form, the Executive Agent will insure that it will include appropriate provision for:

(1) Identification of the patient.

(2) Identification of sponsoring member of uniformed service on active duty.

(3) Certification of the dependent, accompanying parent, member or acting guardian as to the eligibility of the dependent for care under Chapter 55, Title 10, United States Code.

(4) Diagnosis, medical services furnished and charges.

(5) Certification by the source of medical care that services were provided in accordance with Chapter 55, Title 10, United States Code.

(6) Under emergency conditions and similar circumstances, the admitting authority may waive the requirement of producing a DD Form 1173. However, in each instance of this nature, the form prescribed by the Executive Agent and referred to in this § 70.505(a) will be executed.

(b) On and after the effective date specified by the Secretary of Defense pursuant to § 70.302(e), an eligible dependent who is residing with the sponsor, or in the area to which the sponsor is assigned, and who has not commenced receiving care from civilian sources prior to that date (or, in the case of a maternity patient, whose care from her civilian physician on that date has not reached the second trimester), in addition to complying with § 70.505 (a) and (b), will be required to present a DD Form 1251, "Nonavailability Statement," to the attending physician and the hospital, when both are involved, and to the appropriate party when only one is involved, for attachment to the claim form. Sources of civilian care other than the hospital or the attending physician may, in lieu of attaching a DD Form 1251 to the claim form, accept a statement from the person signing the certification in accordance with § 70.505 (a) that a DD Form 1251 has been furnished to the attending physician (identifying him by name) or to the hospital (identifying it by name). The DD Form 1251 shall be obtained from uniformed services installations and shall cover only care authorized to be obtained from civilian sources under this part. A statement by the person signing the certification in accordance with § 70.505(a) that the patient is not residing with the sponsor, or in the area to which the sponsor is assigned, may be accepted by the source of care unless that source has actual knowledge to the contrary. The requirement for the DD Form 1251 shall be waived in the case of an emergency, and in other circumstances outlined in § 70.303. A statement from the attending physician on the claim form that the case is an emergency (see § 70.303(a)(1)) will be sufficient to justify an exception. Also, a statement by the person signing the certification in accordance with § 70.505(a) that the patient is away on a trip from the area to which the sponsor is assigned will be sufficient to justify an exception, unless the source of care has actual knowledge to the contrary. Where representations are made by the source of civilian medical care that it was not aware of the requirements contained in this § 70.505 (b) and that it furnished care authorized under this part to a person claiming to be a spouse or child eligible for civilian medical care, and possessing a valid DD Form 1173, then the matter will be brought to the attention of the uniformed service concerned for determination whether a Nonavailability Statement can be issued. If it is determined by the uniformed service concerned that the DD Form 1251 cannot be furnished, then the matter will be brought to the attention of the member concerned as an unpaid debt. In special circumstances, and where the source of civilian care shows that collection has not been possible, then the Executive Agent or his designee may authorize payment to be made to that source, provided the claim covers care authorized under this part and was otherwise executed in accordance with all requirements except those set forth above concerning the Nonavailability Statement.

(c) In cases of spouses and children receiving treatment in a civilian medical facility at Government expense at the time entitlement to receive medical care from civilian sources ceases (by reason of release from active duty, or otherwise), the Government's responsibility ceases, insofar as the source of civilian care is concerned, as of the date of receipt of knowledge by the source of care that the dependent's entitlement to medical care

from civilian sources has terminated or the normal expiration date on the DD Form 1173, whichever is earlier. In any case, the Government's responsibility ceases, insofar as the dependent or member is concerned, as of the date the dependent ceases to be entitled to receive care (by reason of release of the member from active duty, or otherwise) from civilian sources at Government expense. (See § 70.202(b)(5).) Notwithstanding the foregoing, the Government will be responsible for paying for care rendered to patients covered by § 70.505(b), only if the conditions set forth in that section are met.

(d) Exceptions to the policy in § 70.505 (c) are authorized under the following circumstances:

(1) Spouses and children of members of uniformed services receiving treatment in a civilian medical facility at Government expense at the time of death of the member, or such spouses and children requiring care in a civilian facility as a result of being in the same accident or the same episode which proved fatal to the member, if continued hospitalization is required, shall be transferred to a uniformed services medical facility as soon as the physical condition of the patient permits, subject tc space, facilities, and personnel availability. Government transportation may be utilized to effect transfer to a uniformed services hospital. The cost of medical and hospital care authorized from civilian sources (see § 70.502) which was furnished to the dependent during the period of hospitalization in the civilian facility shall be borne by the Government subject to the charges provided in § 70.506, but not after the date on which feasible arrangements for transfer have been made.

(2) Additionally, a dependent wife who is eligible for civilian medical care (see § 70.103(e)), whose husband dies while on active duty and who is pregnant at the time of his death, may be provided from civilian sources at Government expense the obstetrical and maternity care authorized under this part to include, where applicable, prenatal care, delivery, and postpartum care. Neonatal care authorized elsewhere in this part is authorized for a child born under these circumstances. This special provision is applicable only to those maternity cases in which delivery occurs on or after 28 July 1959. Dependents covered in this § 70.505(d)(2) may elect to receive the authorized care described above either in uniformed services medical facilities or from civilian sources.

§ 70.506 Charges.

(a) When the entire period of hospitalization has been in other than private accommodations, the patient shall pay to the hospital the greater of subparagraph (1) or (2) of this paragraph:

(1) The first twenty-five dollars ($25.00) of the expense incurred.

(2) An amount determined by multiplying the number of days of hospitalization by the per diem rate established in § 70.408(a).

(b) If hospital care in a private room is obtained by the patient because it is required for the proper care and treatment, and if the patient's attending physician so certifies, the amount of private room charge less the patient's payment set forth below will be paid by the Government. The patient will be required to pay to the hospital the greater of subparagraph (1) or (2) in addition to (3) of this paragraph:

(1) The first twenty-five dollars ($25.00) of the expense incurred.

(2) An amount determined by multiplying the number of days of hospitalization by the per diem rate established in § 70.408(a).

(3) Twenty-five per cent (25%) of the difference between private room charges and weighted average cost of semiprivate room charges, when private room charges are more costly.

NOTE: For hospitals having only private rooms, the term "weighted average cost of semiprivate room charges" is defined as 90 per cent of the daily hospital charges for the room furnished the dependent or $15.00 per day, whichever is lesser.

(c) If hospital care in a private room is provided at the specific request or desire of the patient or of the sponsor, the patient will be required to pay to the hospital the greater of subparagraph (1) or (2), and in addition (3) of this paragraph:

(1) The first twenty-five dollars ($25.00) of the expense incurred.

(2) An amount determined by multiplying the number of days of hospitalization by the established per diem rate.

(3) The difference between private room charges and weighted average cost of semiprivate room charges, when private room charges are more costly.

(d) Except as provided in paragraph (b)(3) of this section, if hospital care in a private room is provided in a hospital which has only private rooms, the Government will pay 90 per cent of the daily hospital charges for the room provided the dependent, or $15.00 per day, whichever is the lesser. The patient will be required to pay the hospital the greater of subparagraph (1) or (2), and in addition (3) of this paragraph:

(1) The first twenty-five dollars ($25.00) of the expense incurred.

(2) An amount determined by multiplying the number of days of hospitalization by the established per diem rate. (See § 70.408(a).)

(3) Ten per cent (10%) of the daily hospital charges for the private room provided the dependent or the total daily hospital charges for such room, less $15.00 per day, whichever is the greater.

(e) If, while receiving authorized hospital care, private-duty nursing care is required for proper care and treatment, and if the patient's attending physician so certifies, 75 per cent of the charges in excess of $100.00 for such private-duty nursing care will be paid by the Government.

(f) All admissions to a hospital of an obstetrical patient as an inpatient for care required in direct connection with the pregnancy, including admissions for direct complications thereof, during the period of pregnancy up to and including delivery, and those for postpartum inpatient care for complications of pregnancy where the complication arises within the authorized six weeks postpartum period and where treatment is commenced by the attending physician within that period, shall be considered as one admission for the purpose of determining charges to the dependent. Admission for a non-obstetrical diagnosis in the course of but not connected with a pregnancy would require the patient to pay the charges for a separate admission. Patients who are delivered in a home or office shall pay the first $15.00 of charges in connection with the delivery, if not hospitalized in direct connection with the pregnancy.

(g) Patients who previously were admitted to a hospital for authorized care, who paid at least $25.00 of the hospital charges for that admission and who are readmitted to a civilian hospital within 14 days following discharge from the previous admission for authorized treatment of the original condition for which initially hospitalized, or direct complications thereof, will not be required to pay the first twenty-five dollars ($25.00) of subsequent hospitalizations, but will be required to pay an amount determined by multiplying the number of days of the current hospitalization by the established per diem rate (see § 70.408(a)), plus any additional charges that might be specified elsewhere herein. Hospitals will be responsible for obtaining from the patient, physician, sponsor, or other hospital(s) satisfactory evidence that the patient is entitled to the lesser charge.

(h) When a patient who in an inpatient status is transferred to another hospital to obtain as an inpatient necessary treatment not available in the first hospital and no break in hospitalization occurs except for the time in transit, it shall be considered one admission for the purpose of payment of charges by the patient in accordance with this section.

(i) When a patient is treated for injury other than as an inpatient in a hospital in accordance with § 70.503(d)(3), the payments made shall be in accordance with the local schedules of allowances. Payments not to exceed a maximum of $75.00, except as provided for under § 70.503(d)(1)(v)(d), are also authorized for laboratory tests, pathology and radiology examinations provided they are procedures performed by or authorized by the attending physician or surgeon. Payment of charges is also authorized for use of hospital outpatient facilities required for the treatment of the injury, e.g., a cast room. The patient shall pay the first $15.00 of the physician's charges for each different cause or accident for which treatment and services are rendered, except that multiple injuries to the same person resulting from a single accident shall be considered as one injury for payment of the maximum required fee ($15.00) by the patient. The Government shall pay for all costs in excess of $15.00 as authorized in the local schedules of allowances. However, payment by the Government for laboratory tests and pathology and radiology examinations shall not exceed the $75.00 maximum except as provided for under § 70.503(d)(1)(v)(d).

§ 70.507 Administration.

(a) The Secretary of the Army, acting as Executive Agent for the Secretary of Defense, shall contract for medical care under the full payment concept within the United States and Puerto Rico in accordance with the Armed Services Procurement Regulations with authority to redelegate such responsibilities within the Department of the Army. The Department of the Army personnel authorization and funds will be increased by the Secretary of Defense, upon justification, to provide for the personnel required for the Dependents' Medical Care Program and to carry out the responsibilities of the Executive Agent. The Secretary of the Army shall be responsible for the provision of personnel, space, equipment, facilities and supplies, including related budgeting, funding, administrative control of funds, facility control, training, manpower control and utilization, personnel administration, security administration, and other administrative provisions and services necessary to carry out assigned missions as Executive Agent. The Executive Agent's authority does not extend to the conduct of the medical care program in medical facilities of the uniformed services.

(b) The Executive Agent shall be responsible within the United States and Puerto Rico for the following:

(1) Preparation of the terms and placement of the contract or contracts to be established to include but not limited to:

(i) Local schedules of allowances to be used in full payment of bills presented by physicians and surgeons.

(ii) A provision for review and, if necessary, an adjustment of administrative payments not later than 120 days after the first year the plan or plans have been in effect and each year thereafter.

(iii) Determination of administrative responsibilities of the contractors and methods of determining administrative costs.

(iv) Adequate procedures for paying claims for authorized care provided to eligible dependents by physicians, treatment facilities, dentists, private-duty nurses, physical therapists and anesthetists.

NOTE: Claims may be paid under a contract or by appropriate arrangements such as direct billings between the Government and claimants. Detailed procedures may be covered in the Joint Regulations or in contracts.

(2) *Administration of the contract.*

(i) Liaison activities with the contractor.

(ii) Payment of bills.

(iii) The development of any budgetary information required by the uniformed services as prescribed by the Joint Regulations.

(iv) Audit.

(v) Preparation of such statistical information as may be necessary including that for the annual report of the Secretary of Defense to Congress.

(vi) The Executive Agent's responsibility shall not include as a matter of routine a detailed supervision of civilian medical procedures or a detailed inspection of civilian medical facilities.

(vii) The Executive Agent shall be responsible for the processing of complaints with reference to civilian medical care and hospitalization.

(viii) Contractors shall have detailed responsibility for resolving medical disputes through local grievance committees composed of civilian physicians.

(3) Reimbursement to dependents or sponsors for authorized care obtained by dependents at personal expense in accordance with the procedures set forth in the Joint Regulations subject to the proviso that such reimbursement will not exceed that portion of the charge which the Government would have paid had contract facilities or services been utilized.

(c) *Care in civilian facilities outside the United States and Puerto Rico.* The Secretary of a uniformed service is authorized, with authority to redelegate such responsibilities as appropriate, to contract or provide for payment for authorized civilian medical care for spouses and children outside the United States and Puerto Rico. (See § 70.304.) The responsibilities of the uniformed services, where appropriate, shall be the same as those listed for the Executive Agent in § 70.507(b).

(d) *Responsibility of a Secretary of a uniformed service.* A Secretary of a uniformed service shall be responsible for the following:

(1) Initial eligibility determinations and means of identification of the dependent for medical care as prescribed in this part in §§ 70.201 and 70.202.

(2) Budgeting and funding for that portion of the total cost including administrative expenses which is properly attributable to his service.

(3) Reimbursement in accordance with cross-servicing agreements for care contracted by one service for dependents of another service. Any amounts received through such reimbursement shall be deposited to the credit of the appropriation supporting such contracts for medical care.

(4) Furnishing such information as required by the Executive Agent for the performance of his duties, including such data as the Executive Agent may require on dependents' medical care from sources overseas other than uniformed services facilities.

§ 70.508 Hospitalization beyond period of 365 days.

When a spouse or child, who is a dependent, requires a period of hospitalization in excess of 365 days, the hospital shall notify the contractor who shall forward a copy of this notification to the Executive Agent or his representative. This notification normally will be submitted not later than 300 days after admission of the patient. Advance notice will permit arrangements to be made for proper transfer of the patient to a hospital of the uniformed services if this is determined to be feasible. Government transportation may be utilized to effect transfer to a uniformed services hospital. When transfer is not feasible, continuation of care in the civilian hospital at the expense of the Government may be authorized subject to the Joint Regulations.

§ 70.509 Government liability for payment of civilian medical care costs.

As prescribed in Subpart B of this part, the uniformed services shall provide dependents with means of identification. When spouses and children of members of the uniformed services are provided civilian medical care, it is expected that the attending physician and medical facility will use reasonable care and precaution in identifying them. When medical care has been provided in good faith by the attending physician and medical facility and it is subsequently determined that the persons concerned were not in fact entitled to medical care at Government expense under Chapter 55, Title 10, United States Code, collection and other legal action shall be taken only against the sponsor or individual who was not entitled to the medical care. Where fraud is involved, the matter may be referred to the Attorney General of the United States with recommendation for prosecution. Notwithstanding the foregoing, the Government will be responsible for paying for care rendered to patients covered by § 70.505(b), only if the conditions set forth in that section are met.

§ 70.510 Administration of changes to this part effective 1 January 1960.

(a) The changes to this part made effective on January 1, 1960 (referred to in this § 70.510 as the "effective date") restored certain types of care to the Medicare Program. On and after that date certain additional treatment specified in those changes constitutes authorized care which was not authorized on the preceding day. That additional treatment is referred to generally in this § 70.510 as care of a type restored to the Program. The following rules are promulgated governing administration of treatment of certain patients who commenced receiving that type of care before the effective date.

(1) *Hospitalized patients.* Where a patient is admitted to a hospital before the effective date for a type of care restored to the Program and is still in the hospital on that date receiving that care, payment may be made to the sources furnishing that care for the current uninterrupted period of hospitalization. Where a period of hospitalization commencing prior to that day is payable, then payment for pre- and post-hospitalization diagnostic tests and procedures which were considered necessary by the attending physician or dentist and were performed by or authorized by him are payable in accordance with § 70.503(d)(1)(v).

(2) *Outpatient injury cases.* Section 70.503(d)(3) covers care of this type that has been restored to the Program. Payment is authorized for care covered by that section furnished to a patient by an authorized civilian source only in those cases where the injury occurred prior to the effective date but subsequent to 1 December 1959 and where the patient is still under the care of a physi-

cian on or after the effective date, for the same injury, from the date of commencement of care. Payment is also authorized, in cases covered by the preceding sentence, for necessary laboratory tests, pathology and radiology examinations if the procedures are performed by or authorized by the attending physician or dentist. (See §§ 70.503(d)(3) and 70.506(l).)

(b) Nothing in this § 70.510 shall waive the restrictions on right of election set forth in § 70.302(e) nor the requirement for payment by the patient of the charges specified in § 70.506.

Subpart F—Medical Care in Medical Facilities Not Otherwise Provided for

§ 70.601 Medical care in medical facilities not otherwise provided for.

(a) When dependents eligible for civilian medical care receive medical care authorized by this part, on an emergency basis, in a medical facility which is not included in the definition of a hospital as provided for in § 70.503(a)(1) or is not a uniformed services medical facility, the dependent will pay the charges listed in § 70.506, and the Government will pay the difference between the amount payable by the dependent and the reimbursable cost. Payments by the Government for such care rendered in Federal medical facilities other than those of a uniformed service will be on a reimbursable basis between the Executive Agent and the department or agency concerned. This section does not apply to paragraph (c) of this section.

(b) When dependents receive medical care authorized by this part in the governmental facilities of a foreign Government (not civilian), the dependent will pay the charges listed in § 70.506 and the difference between the total cost and the amount paid by the dependent will be paid by the United States Government. In instances where a reciprocal agreement between a foreign Government and the United States is in effect, which provides for no charge or a lesser charge to the dependent than those listed in § 70.506, such charges, if any, under the reciprocal agreement shall prevail.

(c) This part does not affect dependents' medical care furnished under the provisions of section 105 of Public Law 153, 83d Congress, as amended by section 107 of Public Law 453, 83d Congress, which authorizes medical and dental care for eligible dependents of military personnel in Canal Zone Government medical facilities.

Subpart G—Medical Care for Members of the Uniformed Services

§ 70.701 Medical care for members of the uniformed services.

Persons in the uniformed services on active duty or active duty for training are entitled to and shall be provided medical and dental care and adjuncts thereto. Under ordinary circumstances, such members will receive medical care at the medical facility of the uniformed service which serves the organization to which the member is assigned. A member who is away from his duty station or is on duty where there is no medical facility of his own service available, may receive care at the nearest available medical facility of the uniformed services. Commissioned officers and warrant officers on active duty or active duty for training shall pay an amount equal to the portion of the charge established under § 70.408(a) that is attributable to subsistence when hospitalized in a medical facility of the uniformed services. Nothing in this part shall affect the existing provision for providing medical care to members of the uniformed services through civilian or other sources.

Subpart H—Medical Care for Retired Members of the Uniformed Services

§ 70.801 Retired members eligible for care.

Retired members shall be furnished required medical and dental care and adjuncts thereto to the same extent as provided for active duty members in any medical facility of a uniformed service, subject to mission requirements and the availability of space, facilities, and capabilities of the medical staff as determined by the cognizant medical authority in charge of the medical facility. Nothing in this part is intended to change or modify the provisions of Executive Order 10122, 14 April 1950, as amended by Executive Order 10400, 27 September 1952.

§ 70.802 Ration allowance for retired enlisted members.

Retired enlisted personnel, including members of the Fleet Reserve and the Fleet Marine Corps Reserve, shall not be charged for subsistence when hospitalized in a medical facility of a uniformed service.

§ 70.803 Charge for officers' subsistence.

Retired commissioned officers and retired warrant officers shall pay an amount equal to the portion of the charge established under § 70.408(a) that is attributable to subsistence when hospitalized in a medical facility of the uniformed services.

Subpart I—Budgeting and Accounting for Medical and Dental Care Furnished in Facilities of the Uniformed Services

§ 70.901 Budgeting and accounting.

The Secretaries of the uniformed services shall budget for supporting the maintenance and operation and/or subsistence of their service medical facilities for the medical and dental care of their members, retired members and dependents furnished in the medical facilities of their respective service. The Secretaries of the uniformed services shall also budget for reimbursement for the medical and dental care of their members, retired members, and dependents receiving inpatient care in facilities of another uniformed service. Reimbursement shall be made between departments (Army, Navy, Air Force, and U.S. Public Health Service) for inpatient care furnished by one service for members, retired members, and dependents of another service at rates to be prescribed by the Bureau of the Budget to reflect the average cost of providing such care. Any amounts received through reimbursement or through local collection for subsistence and/or medical care in facilities of the uniformed services shall be deposited to the credit of the appropriation(s) supporting the operation and maintenance of the service medical facility furnishing care.

Subpart J—Implementation

§ 70.1001 Implementation.

Joint implementation in accordance with this part, covering care of dependents, shall be accomplished as appropriate by the uniformed services.

Effective date. This part is effective immediately.

MAURICE W. ROCHE,
Administrative Secretary,
Office of the Secretary of Defense.

[F.R. Doc. 62-5693; Filed, June 12, 1962; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Office of Civil and Defense Mobilization and Office of Emergency Planning

§ 6.363 [Amendment]

1. Effective upon publication in the FEDERAL REGISTER, paragraphs (a), (b), (m), (n), (o), and (p) of § 6.363 are revoked.

2. Effective upon publication in the FEDERAL REGISTER, a new § 6.321 is added as set forth below.

§ 6.321 Office of Emergency Planning.

(a) *Office of the Director.* (1) Two Administrative Assistants to the Director.

(2) One Courier.

(3) One Receptionist.

(4) One Special Assistant to the Director.

(b) *Office of the Deputy Director.* (1) One Special Assistant to the Deputy Director.

(2) Two Confidential Administrative Assistants to the Deputy Director.

(c) *Office of the Assistant Director for Telecommunications Management.* (1) One Confidential Administrative Assistant to the Assistant Director.

(d) *Office of the Assistant Director for Federal-State Relations.* (1) One Confidential Administrative Assistant to the Assistant Director.

(e) *Office of the Assistant Director for Resources and Economic Affairs.* (1) One Confidential Administrative Assistant to the Assistant Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-5760; Filed, June 12, 1962; 8:49 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Peace Corps

Effective upon publication in the FEDERAL REGISTER, paragraph (r) is added to § 6.368 as set out below.

§ 6.368 Peace Corps.

• • • • •

(r) Chief, Division of Training.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-5761; Filed, June 12, 1962; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 39]

PART 1039—MILK IN MILWAUKEE, WIS., MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Milwaukee, Wisconsin, marketing area (7 CFR Part 1039), it is hereby found and determined that:

(a) The following provision of the order does not tend to effectuate the declared policy of the Act for June, July, and August 1962: That portion of § 1039.44(d), which reads, "located within the State of Wisconsin or not more than 150 miles by the shortest highway distance as determined by the market administrator, from the City Hall of Milwaukee, Wisconsin."

(b) Notice of proposed rule making, public procedure thereon and 30 days notice of effective date hereof are impractical, unnecessary and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension action is requested by cooperative associations representing approximately 80 percent of producers and handlers of more than 70 percent of the milk in the market because increased production is making it necessary to transfer and divert milk to distant nonpool plants for manufacturing purposes.

(4) The suspension will provide for transfer and diversion of milk excess to fluid bottling requirements to nonpool plants at distant locations for Class II use during the remaining heavy production months.

Therefore, good cause exists for making this order effective June 1, 1962.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the months of June, July and August 1962.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: June 1, 1962.

Signed at Washington, D.C., on June 7, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-5775; Filed, June 12, 1962; 8:51 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS

Miscellaneous Amendments

On December 28, 1961, and January 13, 1962, there were published in the FEDERAL REGISTER notices of proposed amendments of the regulations in Part 92, Title 9, Code of Federal Regulations, relating to the importation of animals and animal products.

After due consideration of all relevant material submitted in connection with such notices and pursuant to provisions of sections 6, 7, 8, and 10 of the Act of August 30, 1890, as amended (21 U.S.C. 102-105), section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), and section 306 of the Act June 17, 1930, as amended (19 U.S.C. 1306), Part 92, Code of Federal Regulations, is amended in the following respects:

§ 92.4 [Amendment]

1. Section 92.4 is amended by changing paragraphs (a) and (b) to read as follows:

(a) *Application for permit.* (1) For ruminants, swine, poultry, and animal semen intended for importation from any part of the world, except as otherwise provided in §§ 92.19, 92.27, and 92.31, the importer shall first apply for and obtain from the Division an import permit. The application shall specify the name and address of the importer, the species, breed, number or quantity, purpose of importation, the country of origin, the port of embarkation in the foreign country, the mode of transportation, route of travel, the port of entry in the United States, and the proposed date of arrival of the animals or animal semen to be imported, and the name of the person to whom the animals or animal semen will be delivered and the location of the place in the United States to which delivery will be made from the port of entry. Additional information may be required in the form of certificates concerning specific diseases to which the animals are susceptible, as well as vaccinations or other precautionary treatments to which the animals or animal semen have been subjected. Notice of any such requirement will be given to the applicant in each case.

(2) An application for permit to import will be denied for domestic ruminants or swine, or semen from ruminants or swine, from any country where it has been declared, under section 306 of the Act of June 17, 1930, that foot-and-mouth disease or rinderpest has been determined to exist.

(3) An application for permit to import ruminants, swine, poultry, or animal semen may also be denied because of: Communicable disease conditions in the area or country of origin, or in a country where the shipment has been or will be held or through which the shipment has been or will be transported; deficiencies in the regulatory programs for the control or eradication of animal diseases and the unavailability of veterinary services in the above mentioned countries; the importer's failure to provide satisfactory evidence concerning the origin, history, and health status of the animals or animal semen; the lack of satisfactory information necessary to determine that the importation will not be likely to transmit any communicable disease to livestock or poultry of the United States; or any other circumstances which the Director believes require such denial to prevent the dissemination of any communicable disease of livestock or poultry into the United States.

(b) *Permit.* When a permit is issued, the original and two copies will be sent to the importer. It shall be the responsibility of the importer to forward the original permit and one copy to the shipper in the country of origin, and it shall also be the responsibility of the importer to insure that the shipper presents the copy of the permit to the carrier and makes proper arrangements for the original permit to accompany the shipment to the specified U.S. port of entry for presentation to the collector of customs. Animals and animal semen for which a permit has been issued will be received at the specified port of entry within the 14-day period prescribed in the permit, after which time the permit shall be void. Ruminants, swine, poultry, and animal semen for which a permit is required by these regulations will not be eligible for entry if a permit has not been issued; if shipment is from any port other than the one designated in

the permit; if arrival in the United States is at any port other than the one designated in the permit; or if the animals or semen are not handled as outlined in the application for the permit and as specified in the permit issued.

2. Section 92.7 is amended to read:

§ 92.7 Declaration and other documents for animals and animal semen.

(a) The certificates, declarations, and affidavits required by the regulations in this part shall be presented by the importer or his agent to the collector of customs at the port of entry, upon arrival of animals or animal semen at such port, for the use of the veterinary inspector at the port of entry.

(b) For all animals and animal semen offered for importation, the importer or his agent shall first present two copies of a declaration which shall list the port of entry, the name and address of the importer, the name and address of the broker, the origin of the animals or animal semen, the number, breed, species, and purpose of the importation, the name of the person to whom the animals or animal semen will be delivered, and the location of the place to which such delivery will be made.

3. Section 92.19 is amended to read:

§ 92.19 Import permit and declaration for animals and animal semen.

(a) For ruminants, swine, poultry, and animal semen intended for importation from Canada, the importer shall first apply for and obtain from the Division an import permit as provided in § 92.4: *Provided*, That an import permit is not required for poultry offered for entry at a land border port designated in § 92.3 (b); and *Provided further*, That an import permit is not required for a ruminant or swine offered for entry at a land border port designated in § 92.3(b) if such animal: (1) Was born in Canada or the United States, and (2) has been in no country other than Canada or the United States, and (3) has not, during the preceding 60 days, been corralled, pastured, or held with, or bred by, or inseminated with semen from, any ruminants or swine for which a permit would be required under this part, and (4) is not pregnant as a result of having been bred by, or artificially inseminated with semen from, a ruminant or swine for which a permit would be required under this part.

(b) For all animals and animal semen offered for importation from Canada, the importer or his agent shall present two copies of a declaration as provided in § 92.7.

4. Section 92.27 is amended to read:

§ 92.27 Import permit and declaration for animals and animal semen.

(a) For ruminants, swine, poultry, and animal semen intended for importation from countries of Central America or of the West Indies, the importer shall first apply for and obtain from the Division an import permit as provided in § 92.4: *Provided*, That the Director of the Division, when he finds that such action may be taken without endangering the livestock or poultry industry of the United States, may, upon request by any person, authorize the importation by such person, without such application or permit, from the British Virgin Islands into the Virgin Islands of the United States, of animals consigned for immediate slaughter, and such authorization may be limited to a particular shipment or extend to all shipments under this paragraph by such person during a specified period of time. The importation of cattle from any area infested with cattle fever ticks is prohibited except as provided in paragraph (c) of § 92.28.

(b) For all animals and animal semen offered for importation from countries of Central America or of the West Indies, the importer or his agent shall present two copies of a declaration as provided in § 92.7.

5. Section 92.31 is amended to read:

§ 92.31 Import permit and application for inspection for animals and animal semen.

(a) For ruminants, swine, poultry, and animal semen intended for importation from Mexico, the importer shall first apply for and obtain from the Division an import permit as provided in § 92.4: *Provided*, That an import permit is not required for a ruminant or swine offered for entry at a land border port designated in § 92.3(c) if such animal: (1) Was born in the Mexican States of Tamaulipas, Nuevo Leon, Coahuila, Chihuahua, Sonora, Durango, or Baja California, or the United States, and (2) has been in no country other than the United States or Mexico, and in no Mexican State other than those specified above, and (3) has not, during the preceding 60 days, been corralled, pastured, or held with, or bred by, or inseminated with semen from, any ruminants or swine for which a permit would be required under this part, and (4) is not pregnant as a result of having been bred by, or artificially inseminated with semen from, a ruminant or swine for which a permit would be required under this part.

(b) For ruminants, swine, horses, and poultry potentially eligible for importation into the United States from Mexico, the importer or his agent shall deliver to the veterinary inspector at the port of entry an application, in writing, for inspection, so that the veterinary inspector and customs representatives may make mutually satisfactory arrangements for the orderly inspection of the animals. The veterinary inspector at the port of entry will provide the importer or his agent with a written statement assigning a date when the animals may be presented for import inspection.

6. Section 92.32 is amended to read:

§ 92.32 Declaration for animals and animal semen.

For all animals and animal semen offered for importation from Mexico, the importer or his agent shall present two copies of a declaration as provided in § 92.7.

(Secs. 6, 7, 8, 10, 26 Stat. 416, as amended, 417, sec. 2, 32 Stat. 792, as amended, sec. 306, 46 Stat. 689, as amended; 21 U.S.C. 102–105, 111; 19 U.S.C. 1306; 19 F.R. 74, as amended)

Effective date. The foregoing amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

The amendments impose certain restrictions necessary to prevent the introduction and dissemination of diseases into the United States, provide procedures for more effective distribution of information concerning provisions of the individual import permits to carriers and other interested persons, and clarify certain provisions of the regulations. Certain amendments proposed in the notices of rulemaking published December 28, 1961, and January 13, 1962, were not adopted.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., this 7th day of June 1962.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62-5774; Filed, June 12, 1962; 8:51 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 112—DOMINIC NUCLEAR TEST SERIES, 1962

Johnston Island; Danger Area

On June 9, 1962, Joint Task Force-8 issued public notice of an extension of the danger area surrounding Johnston Island effective June 12, 1962, in connection with the DOMINIC nuclear test series now being conducted in the Pacific.

To avoid any unnecessary delay or interruption of that test activity, and to protect the health and safety of the public, the Atomic Energy Commission has amended Part 112 of its regulations. This amendment which increases the danger area encompassing Johnston Island will be effective upon filing with the FEDERAL REGISTER.

In view of the importance of these tests to the national defense, the potential hazard to the health and safety of individuals who enter the danger area as amended, and the early date planned for tests within the area surrounding Johnston Island, the Atomic Energy Commission has found that general notice of proposed rule-making and the public procedure thereon would be contrary to the public interest; and that good cause exists why this amendment should be made effective without the customary period of notice.

Pursuant to the Administrative Procedure Act, Public Law 404, 79th Congress, 2d Session, the following rules are published as a document subject to codification, to be effective upon filing with the FEDERAL REGISTER:

Section 112.3(a)(3) is deleted and the following new § 112.3(a)(3) is added:

(3) That area established, effective June 12, 1962, until a date to be announced, consisting of a zone encompassing Johnston Island and which is a circle of 530 nautical miles radius at the surface gradually extending to a circle of 570 nautical miles radius at an altitude of 5,000 feet, then gradually extending to a circle of 650 nautical miles radius at an altitude of 10,000 feet, then gradually extending to a circle of 860 nautical miles radius at an altitude of 20,000 feet, then gradually extending to a circle of 990 nautical miles radius at an altitude of 30,000 feet, then gradually extending to a circle of 1,050 nautical miles radius at an altitude of 40,000 feet and above, centered at the following geographic coordinates:

16°45′ N., and 169°31′ W.

(Secs. 161 p., 72 Stat. 337; 42 U.S.C. 2201(p). Interpret or apply secs. 2, 3, 91, 68 Stat. 921, as amended, 922, 936; 42 U.S.C. 2012, 2013, 2121)

Dated at Germantown, Md., this 11th day of June 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 62-5822; Filed, June 12, 1962; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-NY-104]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation and Designation of Control Zones; Modification of Amendment

On April 21, 1962, there was published in the FEDERAL REGISTER (27 F.R. 3845) an amendment to § 601.2267 of the regulations of the Administrator. This amendment redesignated the Baltimore, Md., control zone.

Upon publication of the FEDERAL REGISTER on April 21, 1962, it was noted that the control zone extension based on the Baltimore VORTAC 088° True radial was described as extending from the 5-mile radius zone to 6 miles east. To correctly define the intended extent of this control zone extension, action is taken herein to describe the extension as terminating 6 miles east of the VORTAC.

Since this amendment is editorial in nature and imposes no additional burden on any person, the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 60-NY-104 (27 F.R. 3845) is hereby modified as follows:

In the text of § 601.2267 (27 F.R. 3845) "within 2 miles either side of the Baltimore VORTAC 088° radial extending from the 5-mile radius zone to 6 miles E;" is deleted and "within 2 miles either side of the Baltimore VORTAC 088° radial extending from the 5-mile radius zone to 6 miles E of the VORTAC;" is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 6, 1962.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 62-5723; Filed, June 12, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WA-63]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Change in Extent of Jet Advisory Areas

The purpose of this amendment to § 602.50 is to eliminate dual designation of airspace. Jet advisory areas which are designated within positive control airspace are without effect since positive control pre-empts advisory service. The action taken herein will exclude airspace designated as jet advisory area when such area is within positive control airspace. This action will also serve to clarify operational procedures and to facilitate aeronautical charting.

Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In § 602.50 (14 CFR 602.50) *Extent of jet advisory areas*, the last sentence is amended to read: "Jet advisory areas exclude the airspace within positive control areas, prohibited areas and restricted areas except those restricted areas specified in Subpart H of Part 601 of this title."

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 6, 1962.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 62-5724; Filed, June 12, 1962; 8:45 a.m.]

[Reg. Docket No. 1014; Amdt. 88]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Subpart D—Designated Mountainous Areas

CORRECTION

Amendment 88 to Part 610 of the regulations of the Administrator published in the FEDERAL REGISTER May 8, 1962, (27 F.R. 4356) is hereby corrected as follows:

In § 610.8(e) the coordinates that read "thence to latitude 18°05′ N., longitude 65°57′ W" should read "thence to latitude 18°05′ N., longitude 66°57′ W".

(Secs. 307(c), 313(a), 601; 72 Stat. 749, 752, 775; 49 U.S.C. 1348, 1354, 1421)

Issued in Washington, D.C., on June 6, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-5725; Filed, June 12, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-55]

PART 13—PROHIBITED TRADE PRACTICES

Tucker Furs, Inc., and Morris Tucker

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900–40 *Fur Products Labeling Act:* § 13.1900–40 (b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Tucker Furs, Inc., et al., Chicago, Ill., Docket C-55, Dec. 27, 1961.]

In the Matter of Tucker Furs, Inc., a Corporation, and Morris Tucker, Individually and as an Officer of Said Corporation

Consent order requiring Chicago furriers to cease violating the Fur Products Labeling Act by failing to show on invoices the true animal name of the fur used in a fur product and the country of origin of imported furs, and to disclose when fur was artificially colored; and failing to maintain adequate records as a basis for price and value claims made in connection with their Incentive Award Programs whereby they advertised cer-

tain fur products for use by business firms as incentive awards to employees.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Tucker Furs, Inc., a corporation, and Morris Tucker, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale, in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

1. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

2. Making claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 27, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-5737; Filed, June 12, 1962; 8:46 a.m.]

[Docket 7736 o.]

PART 13—PROHIBITED TRADE PRACTICES

Colgate-Palmolive Co. and Ted Bates & Co.

Subpart—Advertising falsely or misleadingly: § 13.190 *Results.* Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2075 *Television "mock ups", etc.*[1]

[1] New.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Colgate-Palmolive Company et al., New York, N.Y., Docket 7736, Dec. 29, 1961]

In the Matter of Colgate-Palmolive Company, a Corporation, and Ted Bates & Company, Inc., a Corporation

Order requiring a well-known manufacturer of shaving cream, among other products, and its advertising agency, to cease representing falsely in television advertising of its "Palmolive Rapid Shave"—by use of a "mock up" composed of glass or plexiglass to which sand had been applied so as to simulate sandpaper—that the "moisturizing" action of its said shaving cream was such as to make it possible to apply it to coarse sandpaper and forthwith shave off the rough surface, and that such demonstration proved the "moisturizing" properties of the product.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Colgate-Palmolive Company, a corporation, and its officers, and Ted Bates & Company, Inc., a corporation, and its officers, and the agents, representatives, and employees of respondents, directly or through any corporate or other device, in the advertising, offering for sale, sale, or distribution of shaving cream or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Representing, directly or by implication, in describing, explaining, or purporting to prove the quality or merits of any product, that pictures, depictions, or demonstrations, either alone or accompanied by oral or written statements, are genuine or accurate representations, depictions, or demonstrations of, or prove the quality or merits of, any product, when such pictures, depictions, or demonstrations are not in fact genuine or accurate representations, depictions, or demonstrations of, or do not prove the quality or merits of, any such product.

And further, in the advertising, offering for sale, sale, or distribution of "Palmolive Rapid Shave," or any other shaving cream, in commerce, as "commerce" is defined in the Federal Trade Commission Act, from:

Misrepresenting, in any manner, directly or by implication, the quality or merits of any such product.

It is further ordered, That respondents, Colgate-Palmolive Company and Ted Bates & Company, Inc., shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 29, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-5738; Filed, June 12, 1962; 8:46 a.m.]

[Docket 8064]

PART 13—PROHIBITED TRADE PRACTICES

William Buehl Eidson et al.

Subpart—Discriminating in price under section 2, Clayton Act—payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers;* § 13.822 *Lowered price to buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, William Buehl Eidson et al. doing business as Eidson Produce Company, Birmingham, Ala., Docket 8064, Jan. 3, 1962]

In the Matter of William Buehl Eidson, Annie Katherine Eidson, Marie Ponder, William C. Howard, Jr., and Bennie E. Crowe, Individually and as Copartners Doing Business as Eidson Produce Company

Order requiring wholesale distributors of food products, including citrus fruits, vegetables, and produce, in Birmingham, Ala., to cease receiving from suppliers a commission on substantial purchases of food products for their own account for resale, such as a discount, usually at the rate of 10 cents per 1⅗ bushel box of citrus fruit from a number of Florida packers.

The order to cease and desist is as follows:

It is ordered, That respondents William Buehl Eidson, Annie Katherine Eidson, Marie Ponder, William C. Howard, Jr., and Bennie E. Crowe, individually and as copartners, doing business as Eidson Produce Company, and respondents' agents, representatives and employees, directly or through any corporate, partnership, sole proprietorship, or other device, in connection with the purchase of citrus fruit or any other food products, in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of citrus fruit or any other food products for respondents' own account, or where respondents are the agents, representatives, or other intermediaries acting for or in behalf, or are subject to the direct or indirect control, of any buyer.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That respondents, William Buehl Eidson, Annie Katherine Eidson, Marie Ponder, William C. Howard, Jr., and Bennie E. Crowe, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the initial decision.

Issued: January 3, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-5739; Filed, June 12, 1962; 8:46 a.m.]

[Docket 8197 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

A. J. Hollander & Co., Inc., et al.

Subpart—Claiming or using indorsements or testimonials falsely or misleadingly: § 13.330 *Claiming or using indorsements or testimonials falsely or misleadingly:* § 13.330-69 *Prominent persons.* Subpart—Misbranding or mislabeling: § 13.1235 *Indorsements, approval, or awards.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, A. J. Hollander & Co., Inc., et al., New York, N.Y., Docket 8197, Jan. 3, 1962]

In the Matter of A. J. Hollander & Co., Inc., a Corporation, and Martin Blumenthal, Sidney Weingarten, Myron M. Schwarzschild, and Frank J. Offenbacher, Individually and as Officers of Said Corporation; Olympic Sporting Goods Company, Inc., a Corporation, and Herman N. Ullman and Allen D. Ullman, Individually and as Officers of the Said Corporation; Cambridge Sporting Goods Corp., a Corporation, and Joseph Greenberg, Individually and as an Officer of Said Corporation

Consent order requiring an importer and two distributors of Japanese baseball gloves, all of New York City, to cease representing falsely that prominent baseball players used or endorsed their gloves by imprinting thereon in block letters the names of well-known players, such as "Tony Kubek Model", "Elston Howard Model", etc.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That A. J. Hollander & Co., Inc., a corporation, its officers and Martin Blumenthal, individually and as an officer of said corporation, and Sidney Weingarten, Myron M. Schwarzschild and Frank J. Offenbacher, as officers of said corporation, Olympic Sporting Goods Company, Inc., a corporation, its officers, and Herman N. Ullman and Allen D. Ullman, individually and as officers of said corporation, and Cambridge Sporting Goods Corp., a corporation, its officers, and Joseph Greenberg, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of baseball gloves or any other product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing baseball gloves upon which the names of prominent or well known baseball players are printed, either accompanied or unaccompanied by the words "Model" or "User Approved," or any other words of the same import, when in fact, such baseball gloves have not been used, approved or endorsed by such persons.

2. Representing, in any manner, directly or by implication, that a person has used, approved, or endorsed a product, when such is not the fact.

3. Placing in the hands of others any means or instrumentality by or through which they may mislead the public as to any of the matters and things set out in paragraphs 1 and 2 above.

It is further ordered, That the complaint insofar as it relates to the respondents, Sidney Weingarten, Myron M. Schwarzschild and Frank J. Offenbacher, in their individual capacities, be, and the same hereby is, dismissed.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 3, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-5740; Filed, June 12, 1962; 8:47 a.m.]

[Docket 8337 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Pressing Supply Co. et al.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055-50 *Preticketing merchandise misleadingly.* Subpart—Misbranding or mislabeling: § 13.1280 *Price.* Subpart—Misrepresenting oneself and goods—PRICES: § 13.1811 *Fictitious preticketing.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Sanford A. Specht and Annette Specht doing business as S. A. Specht Associates, New York, N.Y., Docket 8337, Jan. 3, 1962]

In the Matter of Pressing Supply Company, a Corporation, Ironfast Products Company, a Corporation, and Jerome Silk and Sidney Cozen, Individually and as Officers of Said Corporations; and Sanford A. Specht and Annett Specht, Doing Business Under the Name of S. A. Specht Associates

Consent order requiring the New York City sales representative of two affiliated Philadelphia concerns—who themselves agreed to a similar order on July 25, 1961 (26 F.R. 7771, Aug. 19, 1961)—to cease imprinting on the containers of their ironing board covers fictitiously high prices represented thereby as the usual retail prices.

The order to cease and desist is as follows:

It is ordered, That Respondents Sanford A. Specht and Annette Specht, individually and as copartners doing business under the name of S. A. Specht Associates, or under any other name or names, and Respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of ironing board covers or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, in any manner, that any amount is the usual and regular retail price of merchandise when such amount is in excess of the price at which such merchandise is usually and regularly sold at retail in the trade area or areas where the representation is made;

2. Putting any plan into operation whereby retailers or others may misrepresent the regular and usual retail prices of merchandise.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That Respondents Sanford A. Specht and Annette Specht, doing business under the name of S. A. Specht Associates, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: January 3, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-5741; Filed, June 12, 1962; 8:47 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Docket No. R-217; Order 248]

PART 1—RULES OF PRACTICE AND PROCEDURE

Custody, Authentication and Certification of Documents

JUNE 7, 1962.

This order amends §§ 1.2(a) and 1.14(b), respectively, of the Commission's rules of practice and procedure so as to reflect certain procedures previously established by administrative order.

The Commission finds:

(1) The adoption of appropriate amendments will correlate pertinent sections of the rules of practice and procedure with Administrative Order No. 89.

(2) The promulgation and adoption of the following amendments are necessary for the purposes of administration of both the Federal Power Act and the Natural Gas Act.

(3) Since the amendments herein adopted involve matters of practice and procedure, notice or hearing under section 4(a) of the Administrative Procedure Act is not required.

The Commission, acting pursuant to authority granted by the Federal Power Act, particularly sections 308 and 309 thereof (49 Stat. 858; 16 U.S.C. 825g, 825h), and the Natural Gas Act, as amended, particularly sections 15 and 16 thereof (52 Stat. 829, 830; 15 U.S.C. 717n, 717o), orders:

(A) Part 1, Rules of Practice and Procedure, of Subchapter A, General Rules, Chapter I of Title 18 of the Code of Federal Regulations, is amended as follows:

1. In § 1.2 *The Secretary*, paragraph (a) is amended to read as follows:

(a) *Official records.* (1) The Secretary shall have custody of the Commission's seal, the minutes of all action taken by the Commission, its rules and regulations and its administrative orders.

(2) The Records Officer shall have custody of all records of the Commission except those designated in subparagraph (1) of this paragraph.

2. In § 1.14 *Filings; docket; hearing calendar*, paragraph (b) *Docket* is amended by changing "Secretary" to read "Records Officer". As amended, paragraph (b) reads as follows:

(b) *Docket.* The Records Officer shall maintain a docket of all proceedings, and each proceeding as initiated shall be assigned an appropriate designation. The docket shall be available for inspection and copying by the public during the office hours of the Commission insofar as consistent with the proper discharge of the Commission's duties.

(Secs. 308, 309, 49 Stat. 858, secs. 15, 16, 59 Stat. 829, 830; 16 U.S.C. 825g, 825h; 15 U.S.C. 717n, 717o)

(B) These amendments shall become effective upon issuance of this order.

(C) The Secretary shall cause publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62-5735; Filed, June 12, 1962; 8:46 a.m.]

[Docket No. R-216; Order 247]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Gas Purchase Facilities; Budget-Type Certificate Applications; Pipeline Companies

JUNE 7, 1962.

The Commission has before it for consideration the issuance of a statement of general policy by the addition of a new § 2.58 to Part 2, Subchapter A, General Rules, Chapter I of Title 18, Code of Federal Regulations.

After considering certain suggestions made in a rulemaking proceeding, Docket No. R-145, then pending before it, the Commission issued its Order No. 185 on February 8, 1956 (15 FPC 793; 21 F.R. 1485) stating therein that

> • • • the Commission advises any interested natural gas company, subject to the Natural Gas Act, that it may file under Section 157.6 of the Rules, a single certificate application covering in general outline along the lines of a budget estimate the proposed routine construction intended to be undertaken by it during the current or ensuing fiscal year, listing the facilities proposed, the estimated cost of each item, the capacity, purpose and time of intended construction, customers affected by each facility proposed, effect of proposals upon gas supply and deliverability, rates, service and other pertinent information. A hearing could then be held on such a proposal and certificate issued in accordance with the general application. At the end of the period, a statement shall be filed, showing the action taken under the certificate and any authority thereunder which was not exercised. (Id. at 794.)

Pursuant to our suggestion in that order, natural gas pipeline companies have filed applications for budget authority to construct and operate gas purchase facilities. Authorizations have been issued during the past several years on a case-by-case basis. It is believed that the industry should now be informed as to the factors we will consider in the issuance of such budgetary authorizations based upon our experience in disposing of such applications. Accordingly, we are issuing the statement adopted herein.

The Commission finds:

(1) The amendment to Part 2 of the Commission's rules herein adopted represents matters of policy and procedure which do not require notice or hearing under section 4(a) of the Administrative Procedure Act.

(2) Adoption and promulgation of the proposed amendment is necessary and appropriate for the purpose of administration of the Natural Gas Act.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, as amended, particularly sections 7 and 16 thereof (52 Stat. 824, 830; 56 Stat. 83; 15 U.S.C. 717f, 717o), orders:

(A) Part 2, Subchapter A, General Rules, Chapter I of Title 18 of the Code of Federal Regulations is amended by adding a new § 2.58 to read as set out below.

(B) The statement and amendment herein prescribed shall become effective upon the issuance of this order.[1]

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

§ 2.58 Budget-type certificate applications—gas purchase facilities.

In accordance with the Commission's advice in Order No. 185, issued February 8, 1956 (15 FPC 793 at 794) and unless prevented by other factors, such as interventions in opposition, we will issue budget-type authorizations to natural gas pipeline companies covering the construction and operation of gas purchase facilities, after hearing under the abridged procedure, upon applications for certificates of public convenience and necessity, filed under § 157.6 of this chapter, provided that:

(a) The total estimated cost of the facilities to be installed in a given twelve-month period does not exceed 1½ percent of the applicant company's plant account or $5,000,000 whichever is the lesser.

(b) The total cost of any single project facilities to be installed during the authorization period does not exceed 25 percent of the total budget amount or $500,000, whichever is the lesser.

(c) The applicant agrees to file with the Commission, within sixty days after expiration of the authorization, a statement showing for each individual project:

(1) Description of facilities installed, i.e., miles and size of pipelines, compressor horsepower, metering facilities.

(2) Location of facilities.

(3) Actual installed cost of facilities subdivided by size of pipe, compressing, metering and appurtenant facilities.

(4) Estimated recoverable gas reserves in Mcf at 14.73 psia made available to applicant by means of the facilities.

(5) Names of fields connected.

(6) The names of the independent producers from whom the gas is being purchased together with the respective dates of the gas sales contracts and the docket number of the related seller.

(d) "Gas purchase facilities" means those facilities necessary to connect the applicant's system with the facilities of a seller authorized by this Commission to make a sale for resale in interstate commerce to the applicant.

(Sec. 7, 56 Stat. 83; sec. 16, 52 Stat. 830; 15 U.S.C. 717f, 717o)

[F.R. Doc. 62-5736; Filed, June 12, 1962; 8:46 a.m.]

[1] Commission Order No. 231 issued December 21, 1960 (25 F.R. 13882, December 29, 1960), prescribed F.P.C. Form Nos. 301-A and 301-B as the annual financial report for independent producers of natural gas.

[Docket No. R-211; Order 249]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Order Promulgating a Revised Annual Report Form for Class C and Class D Natural Gas Companies

JUNE 6, 1962.

Revision of Annual Report Form Prescribed for Class C and Class D Natural Gas Companies Subject to the Natural Gas Act, F.P.C. Form No. 2-A, Docket No. R-211.

The Commission has under consideration in this proceeding the revision of its F.P.C. Form No. 2-A, Annual Report Form Prescribed for Class C and Class D Natural Gas Companies[1] Subject to the Provisions of the Natural Gas Act and § 260.2, Part 260, Subchapter G, Approved Forms, Natural Gas Act, Chapter I, Title 18, Code of Federal Regulations (CFR), prescribing F.P.C. Form No. 2-A. That Report Form, as revised, is prescribed hereinafter effective for use in reporting for the calendar year beginning January 1, 1961 or subsequently during the calendar year 1961 if an established fiscal year is other than the calendar year, and years thereafter.

The various schedules comprising F.P.C. Form No. 2-A now prescribed in § 260.2 (18 CFR 260.2), correspond to, and appear as pages 1-19 of the Commission's F.P.C. Form No. 2-A, Natural Gas Companies, Class C and Class D.[2]

This proceeding was commenced by notice of proposed rule making served upon interested parties, including State and Federal regulatory agencies, and by publication in the FEDERAL REGISTER on April 4, 1962 (27 F.R. 3207). As proposed, the subject matters and revisions in § 260.2, and the General Instructions and other Schedules comprising F.P.C. Form No. 2-A were set forth in the notice of proposed rule making and attached forms of proposed revised Schedules served upon the aforesaid interested parties and filed as a part of the notice submitted to the office of the Federal Register for publication. The notice of proposed rule making invited the submission to the Commission of written data, views, comments and suggestions concerning the proposed revisions of F.P.C. Form No. 2-A and Part 260 on or before April 20, 1962. No filing responsive to the notice of proposed rule making has been received.

The exact nature of each of the revisions in Form 2-A is fully set forth in the respective accompanying schedule pages. The changes would be accomplished mainly through modification of existing schedules. Six new schedules would be added. Security Holders and Voting Powers; Officers and Directors; Capital Stock; Long-Term Debt; Sales of Natural Gas for Resale; and Gas Purchases. Two existing schedules will be omitted: Gas Plant in Process of Reclassification, and System Map (Class C Natural Gas Companies). The revised Annual Report Form has been adapted to changes prescribed in the Uniform System of Accounts, prescribed for Natural Gas Companies effective January 1, 1961.

The Commission finds:

(1) The notice and opportunity to comment in this rule making proceeding with respect to the matters presently before the Commission in the manner as described above are consistent and in accordance with the procedural requirements of section 4 of the Administrative Procedure Act.

(2) In view of the foregoing, and upon consideration of all relevant matters presented it is necessary and appropriate for the purposes of the Natural Gas Act that:

(a) The revised Annual Report Form as set forth in annexed Appendix A be adopted and promulgated as this Commission's F.P.C. Form No. 2-A effective for use in reporting for the calendar year beginning January 1, 1961 or subsequently during the calendar year if an established fiscal year is other than the calendar year, and years thereafter; all as hereinafter provided.

(b) Section 260.2, Part 260, Subchapter G, Approved Forms, Natural Gas Act, Chapter I, Title 18, Code of Federal Regulations be amended to read as hereinafter provided.

(3) Good cause exists for the adoption and promulgation of the matters referred to above immediately upon issuance of this order; all as hereinafter provided.

The Commission acting pursuant to the Natural Gas Act, as amended, particularly sections 8, 9, 10 and 16, thereof (52 Stat. 825, 826, 826, 830; 15 U.S.C. 717g, 717h, 717i and 717o) orders:

(A) The revised Report Form as set forth in annexed Appendix A is adopted and promulgated as this Commission's F.P.C. Form No. 2-A effective for use in reporting for the calendar year beginning January 1, 1961, or subsequently during the calendar year 1961 if an established fiscal year is other than the calendar year, and years thereafter.

(B) Section 260.2, Part 260, Subchapter G, Approved Forms, Natural Gas Act, Chapter I, Title 18, Code of Federal Regulations, is amended to read as follows:

§ 260.2 Form No. 2-A; Annual report for natural gas companies (Class C and Class D).

(a) The form of Annual Report for natural gas companies, Class C and Class D, designated as F.P.C. Form No. 2-A[3] in the Commission's regulations under the Natural Gas Act is prescribed for the year 1961 and thereafter.

(b) Each natural gas company, as defined in the Natural Gas Act which is included in Class C or Class D as defined in the Commission's Uniform System of Accounts Prescribed for Natural Gas Companies, effective January 1, 1961, shall prepare and file with the Commission for the year beginning January 1, 1961, or subsequently during the calendar year 1961 if its established fiscal year is other than the calendar year, and for each year thereafter, on or before the last day of the third month following the close of the calendar year or other established fiscal year (except that such reports for the calendar year 1961 or a fiscal year beginning during 1961 may be filed on or before July 16, 1962, or one month after the end of the fiscal year whichever is later) an original and one conformed copy of the above-designated F.P.C. Form 2-A, all properly filled out and verified. One copy of said report should be retained by the correspondent in its files. The conformed copy may be a carbon copy if legible.

(c) This annual report contains the following schedules:

Identification.
General Instructions.
General Information.
Security Holders and Voting Powers.
Officers and Directors.
Comparative Balance Sheet.
Accumulated Provision for Depreciation, Depletion and Amortization of Utility Plant.
Capital Stock.
Long-Term Debt.
Condensed Income Statement for the Year.
Earned Surplus.
Gas Sales Data for the Year.
Gas Operation and Maintenance Expenses.
Sales for Resale—Natural Gas.
Gas Purchases.
Utility Plant Natural Gas Companies.
Gas Account—Natural Gas.
General Information Concerning Plant and Operations.
Verification.

(Sec. 8, 9, 10 and 16, 52 Stat. 825, 826, 826, 830; 15 U.S.C. 717g, 717h, 717i and 717o)

(C) This order shall be effective upon the date of issuance thereof.

(D) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62-5734; Filed, June 12, 1962; 8:45 a.m.]

[1] Form No. 2-A was prescribed by Order No. 90 of February 7, 1942 (7 F.R. 1018, February 17, 1942). It was thereafter amended by Order No. 150 of November 22, 1949 (14 F.R. 7248, December 2, 1949) and by Order No. 171-A of May 17, 1954 (19 F.R. 2965, May 21, 1954).

[2] Form filed as part of original document.

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Mammoth Cave National Park, Kentucky; Limitation on Load and Weight of Vehicles

On page 4031 of the FEDERAL REGISTER of April 27, 1962, there was published a notice and text of a proposed amendment to § 7.36 of Title 36, Code of Federal Regulations. The purpose of the amendment is to control load and weight limitations on roads and ferries within Mammoth Cave National Park.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

A new paragraph (e) is added to § 7.36 to read as follows:

§ 7.36 Mammoth Cave National Park.

• • • • • •

(e) *Limitation on load and weight of vehicles.* (1) Vehicles with a gross weight in excess of 8 tons (16,000 pounds) are prohibited from using the roads or ferries within Mammoth Cave National Park, except that vehicles in excess of 8 tons carrying passengers and/or their luggage, camping equipment and related items for vacation or recreational purposes may use park roads.

(2) The Superintendent may, in his discretion when it has been administratively determined to be in the best interest of the government, issue a special permit for the moving of vehicles with a gross weight in excess of 8 tons over park roads, but in no case may the 8 ton load limit on the ferries be exceeded.

(39 Stat. 535; 16 U.S.C. 3)

PERRY E. BROWN,
Superintendent,
Mammoth Cave National Park.

[F.R. Doc. 62-5745; Filed, June 12, 1962; 8:47 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 2—DELEGATIONS OF AUTHORITY

Director of Compensation and Pension Service et al.

Section 2.68 is revised to read as follows:

§ 2.68 Director, Compensation and Pension Service, Deputy Director for Program Administration, Chiefs of Consultants Staffs, and persons acting in such positions, Chairmen and Section Chairmen, Committees on Waivers authorized to take final action in waiver of recovery of payments from any person pursuant to provisions of 38 U.S.C. 3102 subject to any limitations imposed by current Veterans Administration regulations and instructions.

This delegation of authority is identical to § 3.100(b) of this chapter.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 62-5756; Filed, June 12, 1962; 8:49 a.m.]

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

DELEGATIONS OF AUTHORITY

In § 3.100, paragraph (b) is amended to read as follows:

§ 3.100 Delegations of authority.

* * * * *

(b) The Director, Compensation and Pension Service, the Deputy Director for Program Administration, Chiefs of Consultants Staffs, and persons acting in such positions, Chairmen and Section Chairmen, Committees on Waivers, are delegated authority to take final action in the waiver of the recovery of payments from any person pursuant to the provisions of 38 U.S.C. 3102 subject to any limitations imposed by current Veterans Administration regulations and instructions.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective June 13, 1962.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 62-5758; Filed, June 12, 1962; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2692]

[1846286]

ALASKA

Partly Revoking Air Navigation Site No. 183 at Aniak; Reserving Certain Airspace for Federal Aviation Agency

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, and in furtherance of the objectives of section 16 of the Federal Airport Act of May 13, 1946 (60 Stat. 179; 49 U.S.C. 1115), it is ordered as follows:

1. The airspace above the following-described lands, at any height above an imaginary inclined plane, starting at 500 feet from the centerline of the Aniak Airstrip (U.S. Survey No. 2638), thence rising one foot vertically for each seven feet of horizontal distance from the said starting point, is hereby reserved and set aside under jurisdiction of the Federal Aviation Agency for the free and unobstructed passage of aircraft by whomsoever owned or operated, in, through, and across such lands:

Beginning at Corner No. 1, U.S. Survey 2638; thence N. 57°10' W., 1,649.31 feet to Corner No. 2 of said Survey; S. 30°34' W., 94.00 feet to a point which lies approximately 250 feet from the centerline of the existing airstrip; S. 59°26' E., 2,563.00 feet to meander Corner No. 17 of said U.S. Survey No. 2638; N. 57°35' W., 914.76 feet to the point of beginning.

The tract described contains 2.8 acres.

2. The Departmental Order of July 21, 1942, creating Air Navigation Site Withdrawal No. 183 is hereby revoked so far as it affects the lands described in Paragraph 1 of this order. This revocation is made in furtherance of a Federal land program in aid of which the lands will be disposed of as a townsite under Section 11 of the Act of March 3, 1891 (26 Stat. 1099; 48 U.S.C. 355), and the Act of May 25, 1926 (44 Stat. 629; 48 U.S.C. 355a), as amended. This restoration is therefore not subject to the provisions contained in the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and section 6g of the Act of July 7, 1958 (72 Stat. 339), granting certain preference rights of selection to the State of Alaska upon revocation of an order of withdrawal.

3. Any entry for such lands under the public lands laws, or selection or location thereof or the acquisition of any interest therein, shall be subject to the reservation made by this order and to the right of the Federal Aviation Agency to clear and keep clear the lands described, of any and all obstructions extending above the applicable height limits prescribed hereby, together with the right of ingress to, egress from and passage over the lands for the purpose of effecting and maintaining such clearance.

4. In the event the said land or any interest therein is disposed of by the United States, the instrument of conveyance shall reserve to the United States, such aviation easements or rights-of-way, and such rights of entry, and of egress and ingress as may be necessary to effectuate and preserve the objectives of this order.

5. The reservation made by this order shall be revoked upon a determination by the Federal Aviation Agency that the airspace over the lands had ceased to be used for airport purposes, or need no longer to be reserved for airport purposes, or that such airspace is no longer reasonably necessary for carrying out a project under the Federal Airport Act of May 13, 1946.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JUNE 7, 1962.

[F.R. Doc. 62-5743; Filed, June 12, 1962; 8:47 a.m.]

[Public Land Order 2693]

CALIFORNIA

Establishing Certain National Cooperative Land and Wildlife Management Areas

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the public lands in the following-described areas in California are hereby withdrawn from application under the nonmineral public land laws and from disposition under the homestead, desert land and scrip selection laws, and designated as National Cooperative Land and Wildlife Management Areas, as indicated, to be managed by the Bureau of Land Management for the development, conservation, utilization and maintenance of their natural resources, including their recreational and wildlife resources:

CLEAR LAKE NATIONAL COOPERATIVE LAND AND WILDLIFE MANAGEMENT AREA

Unit No. 1

[Sacramento 051360]

MOUNT DIABLO MERIDIAN

T. 12 N., R. 4 W.,
Sec. 5, SW¼NW¼, N½SW¼ and SW¼SW¼;
Sec. 6, lots 6 and 7, S½NE¼, E½SW¼, and SE¼;
Sec. 7;
Sec. 8, W½NW¼ and SW¼;
Sec. 9, E½E½;
Sec. 10;
Sec. 11, SW¼NE¼, W½SW¼, SE¼SW¼, and W½SE¼;
Sec. 13, W½W½;
Secs. 14 and 15;

Sec. 17, W½E½, W½, and SE¼SE¼;
Sec. 18;
Sec. 19, lots 1 and 2, E½, and E½NW¼;
Sec. 20;
Sec. 21, SE¼NE¼, NW¼, N½SW¼, SW¼SW¼, and E½SE¼;
Sec. 22;
Sec. 23, all except the S½SE¼;
Sec. 24, NW¼NE¼ and W½;
Sec. 25, NW¼NW¼;
Sec. 26, W½W½;
Sec. 27;
Sec. 28, E½NE¼, NW¼NW¼, SW¼, NE¼SE¼, and S½SE¼;
Sec. 29;
Sec. 30, N½NE¼, SE¼NE¼, N½SE¼, and SE¼SE¼;
Sec. 31, E½NE¼ and NE¼SE¼;
Sec. 32, N½ and N½S½;
Sec. 33, N½ and N½S½;
Sec. 34;
Sec. 35, W½ and S½SE¼.
T. 12 N., R. 5 W.,
Sec. 1, S½N½ and S½;
Secs. 2, 3, and 4;
Sec. 5, lots 1 to 4, incl., S½N½;
Sec. 9, NE¼ and N½SE¼;
Sec. 10;
Sec. 11, N½, SW¼, and SW¼SE¼;
Sec. 12;
Sec. 13, E½, E½NW¼, and NE¼SW¼;
Sec. 14, all except the NE¼NE¼;
Sec. 15, all except the W½SW¼;
Sec. 22, E½, E½NW¼, and SW¼NW¼;
Sec. 23, N½ except that portion included in lot 39, all public land in the SW¼;
Sec. 24, E½NE¼;
Sec. 25, SW¼NW¼ except that portion in lot 39;
Sec. 26, N½ except that portion in lot 39;
Sec. 27, N½NE¼, SE¼NE¼, and NE¼SE¼.
T. 13 N., R. 5 W.,
Sec. 5, S½NW¼ and S½;
Sec. 6;
Sec. 7, N½NE¼, SW¼NE¼, and S½;
Sec. 8, all except the NW¼NW¼;
Sec. 9, W½NW¼;
Sec. 17;
Sec. 18, E½;
Sec. 20, N½;
Sec. 21, all except NE¼NE¼;
Sec. 22, S½SW¼;
Sec. 27, NW¼NW¼, S½SW¼, and SW¼SE¼;
Sec. 28, N½NE¼, SE¼NE¼, NE¼NW¼, and S½SW¼;
Secs. 31 to 34, incl.;
Sec. 35, SW¼NW¼ and S½.
T. 14 N., R. 5 W.,
Sec. 31, lot 4, SE¼SW¼, W½SE¼, and SE¼SE¼;
T. 12 N., R. 6 W.,
Sec. 1, lots 6 and 7, SW¼NW¼;
Sec. 2, lots 3 and 4, S½NW¼;
Sec. 3, lots 1 to 4, incl., S½N½, and NE¼SE¼;
Sec. 4, lots 1 to 4, incl.;
Sec. 5, lots 1 to 4, incl., SW¼NE¼, SE¼NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 6, lot 1.
T. 13 N., R. 6 W.,
Sec. 1, lots 1 and 2, S½NE¼, and S½;
Sec. 2, lot 1, SE¼NE¼, S½SW¼, and SE¼;
Sec. 3, SE¼SW¼ and SE¼;
Sec. 13, SW¼NW¼ and SW¼;
Sec. 14, S½NE¼, SW¼SW¼, and SE¼;
Sec. 15, S½SW¼ and SE¼SE¼;
Sec. 17, W½NE¼, SE¼NE¼, SW¼, and W½SE¼;
Sec. 18, lots 2, 3, and 4, W½NE¼, SE¼NE¼, E½NW¼, E½SW¼, and SE¼;
Sec. 19;
Sec. 20, N½NW¼, SW¼NW¼, NW¼SW¼, and E½SE¼;
Sec. 21, all except the NW¼NW¼;
Secs. 22 and 23;
Sec. 24, W½ and W½SE¼;
Secs. 25 to 28, incl.;
Sec. 29, N½NE¼, SE¼NE¼, W½SW¼, SE¼SW¼, and NE¼SE¼;
Sec. 30, lots 1, 2, and 3, W½NE¼, NE¼NE¼, E½NW¼, and NE¼SW¼;
Sec. 31, SE¼NE¼ and NE¼SE¼;
Sec. 32, NE¼, NE¼NW¼, and S½;
Secs. 33 to 35, incl.
T. 13 N., R. 7 W.,
Sec. 13, S½NE¼ and SE¼;
Sec. 24, E½;
Sec. 25, N½ and SE¼;
Sec. 26, NE¼NE¼.

(Approximately 41,304 acres.)

Unit No. 2

[Sacramento 051807]

MOUNT DIABLO MERIDIAN

T. 11 N., R. 4 W.,
Sec. 7, SW¼NE¼, SE¼NW¼, N½SE¼, and SE¼SE¼;
Sec. 8, S½SW¼;
Sec. 17, NW¼, N½SW¼, W½SE¼, and SE¼SE¼;
Sec. 18, S½ lot 1, lots 2 and 3, S½NE¼, and E½SW¼;
Sec. 19, NE¼NW¼ and SE¼;
Sec. 20, NE¼NE¼ and W½SW¼;
Sec. 29, NW¼NW¼;
Sec. 30, lots 1 and 2, NE¼, and E½NW¼.
T. 11 N., R. 5 W.,
Sec. 1, S½NW¼ and SW¼;
Sec. 2, lots 1 to 4, incl., E½NW¼, SW¼, E½SE¼;
Sec. 3, lot 1, and lots 5 to 13, incl., N½SW¼, SE¼, except 90.35 acres contained in lots 5 to 10, incl., and NE¼SW¼ which is M.S. patent #1071439, dated August 8, 1934, to Red Elephant Quicksilver Mfg. Co.;
Sec. 4, lots 3 to 11, incl., SW¼NW¼, and S½SE¼;
Sec. 6, lots 1 to 4, incl., and lots 6 and 7, E½SW¼, and SW¼SE¼;
Sec. 7, lots 5 to 12, incl., N½NE¼, and E½SW¼;
Sec. 8, W½W½;
Sec. 9, N½NE¼ and NE¼NW¼;
Sec. 10, lots 1 to 6, incl., N½SE¼;
Sec. 11, lots 1 to 9, incl., W½NE¼, and N½NW¼;
Sec. 12, lots 1 to 6, incl., N½NE¼, NE¼NW¼, S½NW¼, and SW¼;
Sec. 13, lots 1 to 12, incl., NW¼;
Sec. 14, lots 1 to 12, incl., NE¼;
Sec. 15, E½E½ and SW¼SE¼;
Sec. 17, lots 1 to 4, incl., SW¼;
Sec. 18, lots 13 to 16, incl.;
Sec. 20, lots 1 to 4, incl., NW¼, E½SW¼, N½SE¼, and SE¼SE¼;
Sec. 21, lots 1 to 14, incl., S½SE¼;
Sec. 22, lots 5 and 6, E½NE¼, and SE¼;
Sec. 23, lots 1 to 14, incl., N½SW¼;
Sec. 24, lots 1 to 10, incl., S½NW¼, and SW¼;
Sec. 25, lots 2 and 3, S½NE¼, NW¼, W½SW¼, and SE¼SW¼;
Sec. 26, lots 1 to 8, incl., NE¼;
Sec. 27, lots 1 to 5, incl., NE¼, N½SE¼, and SE¼SE¼;
Sec. 28, lots 1 and 2, NE¼, and NE¼SE¼;
Sec. 29, NE¼NE¼;
Sec. 35, lots 3, 4, 5, 6, 8, 9, 10, 11, and 12.
T. 14 N., R. 5 W.,
Sec. 6, lots 1 to 7, incl., S½NE¼, and E½SE¼;
Sec. 18, lots 1, 2, and 3, SE¼NE¼, W½NE¼, E½NW¼, NE¼SW¼, and N½SE¼;
Sec. 30, lots 1 and 2, E½NW¼.
T. 15 N., R. 5 W.,
Sec. 18, lot 4;
Sec. 19, lots 2, 3, and 4;
Sec. 30, lots 1 to 4, incl., SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 31, lots 1 to 4, incl., E½W½, and W½E½.
T. 11 N., R. 6 W.,
Sec. 1, lots 1 and 5, E½SE¼;
Sec. 12, E½NE¼, SW¼NE¼, and SE¼;
Sec. 13, E½, E½NW¼, and NE¼SW¼;
Sec. 24, N½NE¼.
T. 14 N., R. 6 W.,
Sec. 1, lots 1 to 4, incl., S½N½, and S½;
Sec. 2, lots 1 to 4, incl., S½N½, and S½;
Sec. 3, lots 1, 2, and 4, S½N½, and S½;
Sec. 5, SW¼;
Sec. 6, lots 5, 6, and 7, E½SW¼, and SE¼;
Sec. 7, lot 1, N½NE¼, SE¼NE¼, NE¼NW¼, SE¼SW¼, S½SE¼, and NE¼SE¼;
Sec. 8, N½, NW¼SW¼, and S½S½;
Sec. 9, S½N½;
Sec. 10, N½, E½SW¼, and SE¼;
Sec. 11, W½E½ and W½;
Sec. 12;
Sec. 13, N½, N½SW¼, and SW¼SW¼;
Sec. 14;
Sec. 15, E½, E½W½, and SW¼SW¼;
Sec. 17, E½, E½W½, and NW¼NW¼;
Sec. 18, lot 4, NW¼NE¼, E½SW¼, and SW¼SE¼;
Sec. 19, lot 1, E½, and E½W½;
Sec. 20, E½, S½NW¼, and SW¼;
Sec. 22, N½, SW¼, and NE¼SE¼;
Sec. 23, N½N½, SW¼NE¼, S½NW¼, NW¼SW¼, and NW¼SE¼;
Sec. 24, E½, E½NW¼, NW¼NW¼, and NE¼SW¼;
Sec. 25, NE¼NE¼;
Sec. 27, NW¼NW¼;
Sec. 28, N½S½ and SW¼SW¼;
Sec. 29;
Sec. 30, NE¼, N½SE¼, and SE¼SE¼;
Sec. 31, NE¼NE¼;
Sec. 32, N½.
T. 15 N., R. 6 W.,
Sec. 2, lots 1, 2, and 3, E½ lot 5, lot 6, W½ lot 7, lot 8, SW¼, and NW¼SE¼;
Sec. 3, lots 5 and 8, N½SW¼, SW¼SW¼, and E½SE¼;
Sec. 4, lots 2 to 8, incl., N½S½, SE¼SW¼, and S½SE¼;
Sec. 5;
Sec. 6;
Sec. 7, lots 1 to 4, incl., NE¼, E½W½, and N½SE¼;
Sec. 8, NE¼, W½, and NE¼SE¼;
Sec. 9, NE¼NE¼, S½NE¼, SW¼NW¼, and SE¼;
Sec. 10, NE¼NE¼, S½NE¼, W½NW¼, and S½;
Sec. 11, W½;
Sec. 12, S½NW¼ and SW¼;
Secs. 13 to 15, incl.;
Sec. 17, SW¼NW¼ and W½SW¼;
Sec. 18, lots 2, 3, and 4, SE¼NE¼, E½SW¼, and SE¼;
Sec. 19;
Sec. 20, W½W½;
Sec. 21, E½;
Secs. 22 to 27, incl.;
Sec. 28, E½E½, and NW¼NE¼;
Sec. 29, W½;
Sec. 30;
Sec. 31, lots 1, 2, and 3, NE¼, E½W½, and SE¼;
Sec. 32, W½;
Sec. 33, E½E½;
Sec. 34, N½, NW¼SW¼, and SE¼;
Sec. 35.
T. 16 N., R. 6 W.,
Sec. 3, lot 4, SW¼NW¼;
Sec. 4;
Sec. 9, W½ and W½SE¼;
Sec. 21, S½NE¼, W½, and SE¼;
Sec. 22, NE¼NE¼, S½NE¼, SE¼NW¼, and S½;
Sec. 23, SW¼NW¼, SW¼, and SW¼SE¼;
Sec. 26, W½ and W½E½;
Secs. 27 and 28;
Sec. 33, N½, N½S½, S½SW¼, and SW¼SE¼;
Sec. 34, N½ and N½S½;
Sec. 35, W½NE¼, NW¼, N½SW¼, and SE¼.
T. 14 N., R. 7 W.,
Sec. 1, lots 1 to 4, incl., S½N½, N½S½, SE¼SW¼, and S½SE¼;

Sec. 2, lots 1 and 2, S½NE¼, N½NW¼, SE¼NW¼, and SE¼;
Sec. 3, lots 1 to 4, incl., S½N½, SW¼, and W½SE¼;
Sec. 4;
Sec. 5, lots 1 to 4, incl., S½N½, and NE¼SE¼;
Sec. 6, lot 1, SE¼NE¼;
Sec. 9, NE¼, E½NW¼, and N½SE¼;
Sec. 10, lots 1 to 16, incl.;
Sec. 11, W½W½;
Sec. 12, N½NE¼;
Sec. 13, E½SE¼;
Sec. 24, NE¼NE¼.

T. 15 N., R. 7 W.,
Sec. 8, N½, N½S½, SE¼SW¼, and S½SE¼;
Sec. 9, N½, NW¼SW¼, S½S½, and NE¼SE¼;
Sec. 10, NW¼NW¼, SW¼, W½SE¼, and SE¼SE¼;
Sec. 11, N½ and N½SE¼;
Sec. 12, N½, N½SW¼, and NW¼SE¼;
Sec. 13, NE¼NE¼, S½N½, and S½;
Secs. 14, 15, 24, 25, and 31;
Sec. 34, S½NE¼, SE¼NW¼, SW¼, W½SE¼;
Sec. 35, N½, E½SW¼, and SE¼.

(Approximately 59,507 acres.)

Unit No. 3

[Sacramento 053906]

MOUNT DIABLO MERIDIAN

T. 9 N., R. 2 W.,
Sec. 19, lots 1, 2, 3, and 4, E½NW¼, and NE¼SW¼;
Sec. 30, lots 2, 3, and 4, SE¼NW¼, and E½SW¼;
Sec. 31, lots 1, 2, 3, and 4, E½W½, and SE¼.

T. 9 N., R. 3 W.,
Sec. 1, NW¼SW¼ and S½S½;
Sec. 2;
Sec. 3, lots 1, 2, 3, and 4, S½N½, and N½S½;
Sec. 4, lot 2, S½NE¼;
Sec. 10, NE¼, E½NW¼, SW¼NW¼, NE¼SW¼, S½SW¼, N½SE¼, and SE¼SE¼;
Secs. 11 and 12;
Sec. 13, N½ and SW¼;
Sec. 14, N½N½, S½NW¼, NW¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 23, NE¼ and N½SE¼;
Sec. 24.

T. 10 N., R. 3 W.,
Sec. 22, SW¼SE¼;
Sec. 26, SW¼;
Sec. 27;
Sec. 28, SW¼NE¼, S½NW¼, and S½;
Sec. 33, E½, E½NW¼, and NE¼SW¼;
Sec. 34;
Sec. 35, SW¼NE¼, W½, and SE¼.

T. 18 N., R. 5 W.,
Sec. 7, lots 1, 2, 3, and 4, W½E½, and SE¼SE¼;
Sec. 18, lots 1, 2, and 3, W½NE¼, SE¼NE¼, and SE¼;
Sec. 19, E½;
Sec. 20, SW¼NW¼, and SW¼;
Sec. 29, W½W½, SE¼SW¼, and SW¼SE¼;
Sec. 30, NE¼ and N½SE¼;
Sec. 32, W½ and NW¼NE¼.

T. 18 N., R. 6 W.,
Sec. 1, E½SE¼;
Sec. 12, E½E½;
Sec. 13, NE¼NE¼.

(Approximately 11,277 acres.)

OTAY NATIONAL COOPERATIVE LAND AND WILDLIFE MANAGEMENT AREA

[Los Angeles 0140244]

SAN BERNARDINO MERIDIAN

T. 18 S., R. 1 E.,
Sec. 1, lots 3, 4, S½NW¼, SW¼, and SW¼SE¼;
Sec. 2, S½;
Sec. 3, SE¼NW¼, S½SW¼, NE¼SW¼, and SE¼;
Sec. 9, SE¼NE¼ and E½SE¼;
Sec. 10, N½NE¼, W½, W½SE¼, and SE¼SE¼;
Sec. 11, N½, NE¼SW¼, S½SW¼, and SE¼;
Secs. 12 to 15, incl.;
Sec. 17, S½;
Sec. 18, SE¼;
Sec. 20, NE¼, N½NW¼, and SE¼NW¼;
Sec. 21, S½NE¼, NW¼, N½SW¼, SE¼SW¼, and SE¼;
Secs. 22 to 27, incl.;
Sec. 28, S½NE¼, S½NW¼, N½SW¼, and SE¼;
Sec. 29, NW¼;
Sec. 33, N½NE¼;
Sec. 34;
Sec. 35, lot 1, NE¼, N½NW¼, and SW¼NW¼.

T. 18 S., R. 2 E.,
Sec. 17, NE¼NE¼, S½NE¼, S½NW¼, and S½;
Sec. 18, lots 2, 3, and 4, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 19, lots 1, 2, 3, and 4, W½NE¼, E½NW¼, E½SW¼, and W½SE¼;
Sec. 20, NE¼, E½NW¼, E½SW¼, and SE¼;
Sec. 21, N½, SW¼, and NW¼SE¼;
Sec. 27, N½NW¼;
Sec. 28, N½NE¼, N½NW¼, SW¼NW¼, and W½SW¼;
Sec. 29, NE¼, E½NW¼, E½SW¼, and SE¼;
Sec. 30, lots 1, 2, 3, and 4, W½NE¼, E½NW¼, E½SW¼, and W½SE¼;
Sec. 31;
Sec. 32, lot 1, N½NW¼.

(Approximately 15,437 acres.)

JACUMBA NATIONAL COOPERATIVE LAND AND WILDLIFE MANAGEMENT AREA

[Los Angeles 0146497]

SAN BERNARDINO MERIDIAN

T. 17 S., R. 8 E.,
Secs. 15, 21, 22, 26, 27, and 28;
Sec. 33, N½, N½S½, and S½SE¼;
Secs. 34 and 35.

T. 18 S., R. 8 E.,
Sec. 2, SW¼NW¼, W½SW¼, NE¼SW¼, and NW¼SE¼;
Sec. 3, lots 1, 2, 3, and 4, S½NE¼, SE¼NW¼, NE¼SW¼, and SE¼.

(Approximately 6,400 acres.)

The areas described in this order, including the public and nonpublic lands, total in the aggregate approximately 133,925 acres.

For the purpose of furthering the objectives of this order, the Bureau of Land Management shall manage the lands in cooperation with the Bureau of Sport Fisheries and Wildlife, the State of California (through its appropriate agencies or instrumentalities), and with such other interested parties as the Bureau of Land Management, the State, and the Bureau of Sport Fisheries and Wildlife may agree should participate in the appropriate development, conservation, utilization, and maintenance of the lands and resources thereon.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JUNE 7, 1962.

[F.R. Doc. 62-5744; Filed, June 12, 1962; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 1—GENERAL RULES OF PRACTICE

Administrative Finality of Division Decisions

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 7th day of June A.D. 1962.

There being under consideration § 1.101 of the Commission's general rules of practice, and good cause appearing therefor:

It is ordered, That subparagraph (2) of paragraph (a) of § 1.101 be, and it is hereby, amended to read as follows:

(2) *Administrative finality of division decisions.* All decisions, orders, or requirements of a division of the Commission in any proceeding shall be considered administratively final, except those involving issues of general transportation importance, those wherein the division reverses, changes, or modifies a prior decision by a hearing officer, and those wherein the initial decision is made by a division: *Provided, however*, That this subparagraph shall not preclude the seasonable filing of a petition for relief under paragraphs (b) and (c) of this section, to be considered and disposed of by the division or appellate division which made the decision, order, or requirement as to which relief is sought.

It is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D.C., and that notice of this amendment be filed with the Director, Division of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended, secs. 204, 205, 49 Stat. 546, as amended, 548, as amended, sec. 304, 54 Stat. 933, sec. 403, 56 Stat. 285; 49 U.S.C. 12, 17, 304, 305, 904, 1003)

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-5770; Filed, June 12, 1962; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

CANNED PLUMS

Proposed United States Standards for Grades [1]

Notice is hereby given that the United States Department of Agriculture is considering amendments to the United States Standards for Grades of Canned Plums (7 CFR 52.1781–52.1796) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627). The amendments as hereinafter set forth would (1) combine the two categories of "green gage plum groups" and "yellow egg plum groups" into one classification; and (2) provide for "whole" plums to be peeled as well as unpeeled.

Statement of consideration. Under former marketing practices light-colored plums suitable for canning were divided into two basic groups: (a) Green gage plum groups and (b) yellow egg plum groups. In each of these light-colored plum groups are specific varieties of plums, which upon canning, resemble each other as to color and other characteristics depending upon the degree of maturity at time of canning. In the canned product it is difficult to differentiate between plums of the two groups, and confusion arises in buying and selling when either of the two varietal groups are specified. The current practice of canners is to process several varieties of light-colored plums all of which may be offered interchangeably as greenish-yellow or yellow plums. The change in the definition for whole plums to include "peeled" style is proposed to accommodate the increased volumes of this style which are now being canned.

The proposed amendments, if adopted, should assist processors and others in marketing canned plums more effectively on the basis of current commercial practices.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendments should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

[1] Compliance with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

The proposed amendments are as follows:

1. Change § 52.1782 to read:

§ 52.1782 **Varietal types of canned plums.**

(a) Purple plum groups.

(b) Green-yellow and yellow plum groups.

2. Change paragraph (a) of § 52.1783 to read:

§ 52.1783 **Styles of canned plums.**

(a) "Whole" canned plums are whole, unpitted plums which may or may not be peeled.

(Sec. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627)

Dated: June 8, 1962.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 62-5772; Filed, June 12, 1962; 8:50 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 1047]

[Docket No. AO-33-A25]

MILK IN FORT WAYNE, INDIANA, MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Fort Wayne, Indiana, on February 5, 1962, pursuant to notice thereof issued on December 29, 1961 (27 F.R. 121).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary of Agriculture on May 18, 1962 (27 F.R. 4841; F.R. Doc. 62-4973) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (27 F.R. 4841; F.R. Doc. 62-4973) are hereby approved and adopted and set forth in full herein.

The material issues on the record of the hearing relate to:

1. Extension of the marketing area;
2. Class II milk price;
3. Revision of obligations of a handler operating a nonpool distributing plant;
4. Modification of provisions regarding pool plants which also meet the pooling requirements of another Federal order; and
5. Administrative and conforming changes.

Issues 3 and 4 were considered separately in a decision issued by the Assistant Secretary on April 30, 1962 (27 F.R. 4282) and amendments related thereto were made effective as of May 16, 1962. The remaining issues 1, 2, and 5 are considered herein.

Findings and conclusions. The following findings and conclusions on material issues 1, 2, and 5 are based on evidence presented at the hearing and of the record thereof.

1. The Fort Wayne marketing area should be expanded to include the Indiana counties of Blackford, Jay and Wabash. Addition to these three counties will result in a marketing area more closely conforming with the sales territory of presently regulated handlers and will fully regulate two milk distributors in Wabash County and partially regulate an additional distributor because of sales in Jay County.

Three presently regulated Fort Wayne handlers account for approximately 49 percent of the fluid milk distribution in Jay County. Twenty-six percent of the sales in this county is made by Indianapolis regulated handlers and approximately 5 percent is made by a regulated handler under the North Central Ohio order from a plant at Lima, Ohio. The remaining 20 percent of the fluid sales in this county emanate from a nonpool plant at New Bremen, Ohio, and represents about 4 percent of the total fluid milk distribution from this plant.

Approximately 30 percent of the fluid milk distribution in Wabash County is made by Fort Wayne regulated handlers. Indianapolis regulated handlers likewise account for about 30 percent and a South Bend handler has approximately 10 percent of the total fluid sales in this county. Two presently unregulated handlers with plants located in Wabash County, account for the remaining 30 percent.

Wabash County was also proposed to be added to the Indianapolis, Indiana, marketing area at a recent hearing held in Indianapolis. Although distribution in Wabash County from regulated sources is about equally divided between Fort Wayne and Indianapolis handlers, this county is more closely associated with the Fort Wayne market. The two unregulated milk distributors with plants located in Wabash County also distribute fluid milk products in Huntington County, which is presently part of the Fort Wayne marketing area.

Inclusion of Wabash County in the Fort Wayne marketing area will fully regulate the two presently unregulated milk distributors selling in this county. Regulated handlers will, therefore, be assured that no procurement or sales

advantage can accrue to handlers with whom they compete for sales in this county. Presently, these two handlers are unregulated. They have a competitive advantage over Fort Wayne handlers on distribtuion in Wabash County, since although they have a high utilization the prices paid dairy farmers by these handlers are based on the Fort Wayne blend price.

Addition of Wabash County to the Indianapolis marketing area would tend to compound the problem of shifts in regulation of Fort Wayne handlers between orders whereas inclusion of this county in the Fort Wayne area will not so affect Indianapolis handlers having approximately the same proportion of sales in both markets. Official notice is taken of the amendment to the Fort Wayne order effective May 16, 1962, designed to mitigate such shifts in regulation.

Blackford County, Indiana, should also be added to the Fort Wayne marketing area, since it constitutes an important segment of the distribution area of Fort Wayne handlers. Approximately 72 percent of the fluid distribution in the County is made by three fully regulated Fort Wayne handlers and the remaining 28 percent is distributed by five Indianapolis regulated handlers. Since all of the milk presently sold in this county is from regulated sources, the addition of this county to the Fort Wayne marketing area will bring no additional handlers under regulation.

2. The Class II price under the order should be established at the level of the basic formula price but not to exceed the price resulting from the present Class II butter-powder formula plus ten cents. The basic formula price incorporated in the order, effective March 1, 1962, is established as the average price per hundredweight paid for manufacturing grade milk in the States of Minnesota and Wisconsin as reported by the Department of Agriculture, adjusted to a 3.5 percent butterfat test.

At the present time the Class II price is based on the higher of two alternative formulae, one based on the market prices of butter and nonfat dry milk and the other based on the reported paying prices of a group of Midwestern condenseries located in Michigan and Wisconsin. Originally there were 18 plants in the group but recently the number had dwindled until now there are only 7 plants reporting.

So that the Class II price may accurately reflect the nationwide market for most manufactured dairy products, the Class II price should be based on the average price paid dairy farmers as determined by the Minnesota-Wisconsin price series. This price for manufacturing grade milk in Minnesota and Wisconsin is issued by the State-Federal Crop Reporting Service on about the 5th day of each month for milk received at manufacturing plants in these states in the previous month. Plant operators report the pounds of manufacturing grade milk received from farmers, the butterfat content and the total money paid to farmers for milk delivered at their plants. This two-state area is one in which there is a heavy concentration of manufacturing grade milk and where many plants are competing for the supply. In Minnesota about 80 percent, and in Wisconsin about 65 percent, of the milk sold off farms is of manufacturing grade. About half of all the manufacturing grade milk sold off farms in the United States is produced in these two states.

Since the Minnesota-Wisconsin price as announced is that paid for milk of the actual butterfat test received by the plants, it will be necessary to adjust the announced price to reflect the value of milk of 3.5 percent butterfat content. As in the case of the basic formula now used for pricing Class I milk, this would be done by using a differential equal to 0.12 times the average quotation for the month for Grade A (92-score) butter at Chicago.

Until more experience has been gained with this new price series, it should also be provided that in no event should the Class II price exceed the present butter-powder formula plus ten cents. Such a limitation would prevent the Class II price from being overly affected in the unlikely event that supply-demand conditions peculiar to a particular segment of the manufactured milk industry were to exert an undue influence on the Minnesota-Wisconsin price. Under the provisions as recommended herein, the price for milk in excess of the market's needs for fluid use will be maintained at the maximum level consistent with facilitating the movement of such milk to manufacturing outlets.

The bulk of the market's milk in excess of fluid requirements, cottage cheese and ice cream, is handled by the cooperative associations and manufactured into butter, nonfat dry milk solids and hard cheese. It is expected that the Class II price herein recommended will accommodate the needs of the market and promote the orderly disposal of milk surplus to the market's fluid requirements.

Producers proposed that the Class II price be based on the Minnesota-Wisconsin price but that such Class II price be limited to the price resulting from the present butter-powder formula plus five cents. The ten-cent limitation is more appropriate and will return producers a value for their milk consistent with the value of milk used in the manufacture of similar products in nearby markets, the milksheds of which overlap that of the Fort Wayne market. Several Northeastern Ohio pool plants handling reserve milk are located in the Fort Wayne milkshed and one such plant is located in the Fort Wayne marketing area proper. Manufacturing outlets for the Indianapolis market are also located in the Fort Wayne milkshed. In these circumstances, prices for reserve milk should be closely aligned among these orders. The recommended Class II price will be identical to the price established for milk utilized in the manufacture of butter, hard cheese, nonfat dry milk solids and similar products under the nearby Northeastern Ohio and Indianapolis Federal orders. Official notice is hereby taken of the decision issued by the Assistant Secretary of Agriculture on May 11, 1962, which established the Indianapolis Class II price identical to that herein recommended for the Fort Wayne market.

5. Recommended changes in the order language, other than provisions heretofore specifically discussed, are clarifying and conforming changes necessary to implement substantive amendments. These include revision of the order language regarding inventories of fluid milk products. The changes herein recommended express more clearly and precisely than does the language of the present order that the reclassification charge on fluid milk inventories disposed of the following month should apply to the quantities of such inventories derived from milk of producers which was classified and priced as Class II the previous month and other source milk which was not classified and priced under another Federal order. Such revision will in no way change the application of this or any other provisions of the order.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. No exceptions were filed on behalf of interested parties and the major cooperative serving the market supported the findings, conclusions and the amendments to the order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handing of Milk in the Fort Wayne, Indiana, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Fort Wayne, Indiana, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Fort Wayne, Indiana, marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of January 1962 is hereby determined to be the representative period for the conduct of such referendum.

Richard J. Connally is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on June 7, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Fort Wayne, Indiana, Marketing Area

§ 1047.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Fort Wayne, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, four cents per hundredweight or such amount not to exceed four cents per hundredweight as the Secretary may prescribe, with respect to:

(a) All receipts within the month of milk from producers, including milk of such handler's own production;

(b) Any other source milk allocated to Class I pursuant to § 1047.46 (c) and (d) and the corresponding steps of § 1047.47; and

(c) The amount of milk for which a payment is computed pursuant to § 1047.62 (a) (2) or (b) (2).

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Fort Wayne, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended as follows:

1. Section 1047.6 is revised to read as follows:

§ 1047.6 Marketing area.

Fort Wayne, Indiana, marketing area, hereinafter called the "marketing area", means all the territory within the counties of Adams, Allen, Blackford, De Kalb, Huntington, Jay, La Grange, Noble, Steuben, Wabash, Wells and Whitley, all in the State of Indiana, together with all municipal corporations therein and all institutions owned or operated by the Federal, State or County Government located wholly or partially within the county.

2. Section 1047.51(b) is revised to read as follows:

§ 1047.51 Class prices.

* * * * *

(b) *Class II milk price.* The price per hundredweight for Class II milk of 3.5 percent butterfat content shall be the basic formula price: *Provided,* That such Class II price shall not exceed the price computed from the sum of subparagraphs (1) and (2) of this paragraph rounded to the nearest cent plus ten cents:

(1) From the Chicago butter price subtract three cents and multiply by 4.2; and

(2) From the simple average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month to the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

3. Part 1047 is amended by adding a new § 1047.49 to read as follows:

§ 1047.49 Inventory reclassification.

From any skim milk or butterfat assigned to Class I milk pursuant to § 1047.46(f) and the corresponding step of § 1047.47 subtract in the following order the skim milk and butterfat, respectively, assigned during the preceding month to Class II milk (except shrinkage) pursuant to §§ 1047.46 and 1047.47 in:

(a) Producer milk and receipts of fluid milk products from other pool plants; and

(b) Other source milk classified and priced as Class I milk pursuant to another Federal order.

4. Section 1047.70 (d) and (f) are revised to read as follows:

§ 1047.70 Computation of value of producer milk.

* * * * * *

(d) Multiply the hundredweight of skim milk and butterfat subtracted pursuant to § 1047.49(a) by the difference between the Class II price for the preceding month and the Class I price for the current month;

* * * * *

(f) Multiply the hundredweight of skim milk and butterfat remaining after the calculation pursuant to § 1047.49(b) by the rate pursuant to § 1047.63(b).

[F.R. Doc. 62-5776; Filed, June 12, 1962; 8:51 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

FEDERAL AVIATION AGENCY

[14 CFR Part 48]

[Reg. Docket No. 1234; Draft Release 62-26]

OPERATION RULES FOR ROCKETS

Notice of Proposed Rule Making

Correction

In F.R. Doc. 62-5529 appearing at page 5403 of the issue for Thursday, June 7, 1962, the section number reference appearing in the fifth line of § 48.20 should read "§ 48.22(g)" instead of "§ 48.22(7)".

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14661 (RM-227); FCC 62-609]

RADIO BROADCAST SERVICES

Proposed Use of Automatic Logging Devices

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. Commission rules require that each standard, FM, and TV broadcast station maintain both program and operating logs. The program log contains entries relating to the content of the programs which are broadcast. Revision in the manner of keeping this log are the subject of another rule making proceeding and is not discussed herein. The instant proceeding deals only with proposals to revise the method of keeping the operating log. The operating log is for the purpose of keeping a performance record of the operation of the transmitter and associated equipment. Among other items it is required that entries be recorded in the log each half hour of the operating constants of the last stage of the transmitter, the transmission line meter or antenna current, and readings of the frequency monitor.

3. On January 13, 1961, the National Association of Broadcasters (NAB) filed a petition for the institution of rule making to permit the use of automatic logging devices for recording information now required to be entered manually in the operating logs of standard broadcast, FM broadcast, and television broadcast stations. The NAB states that equipment is readily available to the broadcast industry which will permit logs to be kept automatically with equal or better accuracy than is possible by manual methods and that an automatic log will enable readings to be made on a more frequent basis than now required by the rules.

4. Radio stations WSJS, Winston-Salem, N.C. (600 kc, 5 kw, DA-2) and Washington, D.C. stations WTOP-FM (96.3 mc, 20 kw ERP) and WTOP-TV (Channel 9, 316 kw ERP) have conducted extensive experiments with automatic logging equipment obtaining the required information with instruments located at the transmitter site, and stations WTOP-AM (1500 kc, 50 kw, DA-2), KFI (640 kc, 50 kw, non-directional), Los Angeles, California, and WIP (610 kc, 5 kw, DA-1), Philadelphia, Pennsylvania conducted similar experiments automatically recording the desired parameters with recording devices located at remote control points.

5. In general, all of these systems are operated either by use of a selector switch which feeds the desired information in a pre-determined sequence to a common recorder located at the transmitter site, or should the recorder be located at a remote point which is usually the studio, the desired information is first delivered to a telephone line and then to the remote control point where the information is fed into the recorder which automatically prints the readings on logging paper. One system employed individual recorders for recording each parameter at the transmitter site, thereby making it unnecessary to use a selector switch. A rubber stamp mark is placed on each daily log to identify the parameters contained thereon and to provide correction factors to be applied to the recordings to convert them to absolute values. If a recorded parameter is not within preset values an alarm circuit is actuated. As proof of the practicability and accuracy of these automatic recorders, the NAB submitted both the manually and automatically recorded logs of the following stations for the indicated periods: WTOP-AM, 10 days; WTOP-TV, 10 days; WTOP-FM, 10 days; WSJS, one day; and WIP, 34 days.

6. Related to the instant proceeding is a petition filed March 13, 1958, by the same petitioner requesting that AM frequency monitor readings be recorded only twice a day instead of each half hour, as is now required. This petition was denied on October 10, 1960, but in so doing the Commission stated that it would reconsider the matter when a petition for the use of automatic logging devices was filed. On its own motion the Commission on November 28, 1960 issued a notice of proposed rule making (Docket No. 13854) concerning frequency monitor requirements for television broadcast stations in which it was proposed that television stations make measurements only once each day instead of having a continuously operating frequency monitor as required by the present rules. In view of this proposed relaxation in the TV frequency monitors requirements and our earlier statement with regard to reconsideration, the NAB in the instant petition has renewed its request that we likewise relax the AM and FM requirements. This matter has been given careful study but we are not convinced that a relaxation of the AM and FM frequency monitoring requirements would be in the public interest. Our observations indicate that there continues to be a significant number of AM and FM stations not operating within the prescribed frequency limits. We believe that the half hourly reading of the monitors as now required serves a useful purpose. Frequent recording of the monitor readings assists the operator in maintaining the performance of the transmitter in accordance with Commission requirements and is a reminder of the need for continuous surveillance of this important aspect of station operation. Neither do we believe would there be any particular gain in eliminating the requirement of an approved frequency monitor leaving the method of checking the station frequency to the discretion of the station licensee as we have proposed in TV. Existing stations are presently equipped with approved type monitors and the change suggested would not affect a significant cost saving.

7. In view of the showing made in the NAB petition on the use of automatic logging devices by standard, FM, and TV broadcast stations, we believe a rule making should be instituted. In addition, we propose to make certain other changes in our logging requirements as described below.

8. The type of information required to be entered in the operating log is usually set forth in the various sections of the rules pertinent to the subject. The particular section of the rules pertaining to the keeping of the operating log does not, however, repeat all of these various requirements. We are, therefore, proposing to repeat in the rules dealing with the keeping of logs all of the requirements related to this subject. We are also of the view that recording of the information now required in the operating log could be simplified by keeping the data in two separate logs. The operating log would continue to contain those entries closely associated with the operation of the transmitter. A second record to be known as the maintenance log would contain only those entries which relate to the maintenance of the equipment and which are performed on a less frequent basis. The additional log will also serve to reduce the number of omissions that are due to inadvertence or lack of familiarity with the requirements of certain sections of the rules which apply only infrequently.

9. Commission records reveal an increasing carelessness with respect to operating requirements and equipment performance standards. The provisions of the rules which no longer require all operators to hold first-class radiotelephone operator licenses, for example, are not intended to lower the technical standards of operation or to imply that stations can be operated without adequately qualified technical supervision. In order to encourage more responsibility in this area, it is proposed to require that the supervising radio operator of a station operating as above be required to make entries concerning the maintenance and operation of the station equipment in the maintenance log at least once each day.

10. The Commission requests that interested parties submit their views and relevant data on the proposed rules outlined below.

11. Authority for the adoption of the amendment proposed herein is contained in Sections 4(i) and 303(j) of the Communications Act of 1934, as amended.

12. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules and regulations, interested persons may file comments on or before July 20, 1962, and reply comments on or before August 1, 1962. In reaching its decision on the rules and standards of general applicability which are proposed herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

13. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished the Commission.

Adopted: June 6, 1962.

Released: June 8, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

It is proposed to amend Part 3 of the Commission's rules as follows:

1. Section 3.39 is amended by deleting the text of paragraph (h) and inserting "[Reserved]" as follows:

§ 3.39 Indicating instruments—specifications.

* * * * * * *

(h) [Reserved]

2. Section 3.56(b)(1) is amended to read:

§ 3.56 Modulation monitors.

* * * * * * *

(b) * * *

(1) Appropriate entries shall be made in the maintenance log of the station showing the date and time the monitor was removed from and restored to service.

3. Section 3.58(b)(1) is amended to read:

§ 3.58 Indicating instruments.

* * * * * * *

(b) * * *

(1) Appropriate entries shall be made in the maintenance log of the station showing the date and time the meter was removed from and restored to service.

4. Section 3.60(b)(1) is amended to read:

§ 3.60 Frequency monitor.

* * * * * * *

(b) * * *

(1) Appropriate entries shall be made in the maintenance log of the station showing the date and time the monitor was removed from and restored to service.

5. In § 3.111, the introductory text and paragraphs (b) and (c) are amended and paragraphs (d) and (e) are added as follows:

§ 3.111 Logs.

The licensee or permittee of each standard broadcast station shall maintain program, operating, and maintenance logs, and other records, and shall require entries to be made as follows:

* * * * * * *

(b) In the operating log:

(1) An entry of the time the station begins to supply power to the antenna and the time it stops.

(2) An entry of each interruption to the carrier wave and its cause and duration, followed by the signature of the person restoring operation.

(3) An entry, each half-hour, of the following (actual readings observed prior to making any adjustments to the equipment) and, when appropriate, an indication of corrections made to restore parameters to normal operating values:

(i) Operating constants of the last radio stage (total plate current and plate voltage).

(ii) Antenna current or common point current if directional.

(iii) Frequency monitor reading.

(4) An entry each day of the following where applicable:

(i) Antenna base currents for each mode of operation where remote antenna meters or a common point meter are normally employed but are defective.

(ii) Where there is a remote control operation of a directional antenna station, readings for each pattern taken at the transmitter (within two hours of commencement of operation) of:

(*a*) Common point current.

(*b*) Base current(s).

(c) Phase monitor sample loop current(s).

(*d*) Phase indications.

(5) Any other entries required by the instrument of authorization or the rules.

(c) In the maintenance log:

(1) An entry, each week, of the following where applicable:

(i) A notation indicating calibration of the remote reading antenna ammeter(s) against the regular antenna ammeter(s).

(ii) Time and result of test of auxiliary transmitter.

(iii) A notation of all frequency checks and measurements made independently of the frequency monitor and of the correlation of these measurements and frequency monitor indications.

(iv) A notation of the calibration check of automatic recording devices as required by paragraph (d) of this section.

(2) An entry of the date and time of removal from and restoration to service of any of the following equipment in the event it becomes defective:

(i) Modulation monitor.

(ii) Frequency monitor.

(iii) Final stage plate voltmeter.

(iv) Final stage plate ammeter.

(v) Base current ammeter(s).

(vi) Common point ammeter.

(3) Record of tower light inspections where required by § 17.38 of this chapter (Part 17—Construction, Marking, and Lighting of Antenna Structures).

(4) Entries shall be made so as to fully describe any operation during the experimental period other than regular operation.

(5) A daily inspection of all transmitting equipment in use shall be made by an operator meeting the requirements of § 3.93(c), upon completion of which the operator shall enter a signed statement that the required inspection has been made and noting in detail the repairs and maintenance work which were accomplished in order to ensure operation in accordance with the Commission's rules and the current instrument of authorization for that station. If complete repair could not be effected, the statement shall set forth in detail the items of equipment concerned, the manner and degree in which they are defective, and the reasons for failure to make satisfactory repairs.

(6) Any other entries required by the instrument of authorization or the rules.

(d) Automatic devices accurately calibrated and with appropriate time, date, and circuit functions may be utilized to record the entries in the operating log provided they do not affect the operation of circuits or accuracy of indicating instruments of the equipment being recorded. The recording devices must have an accuracy equivalent to the accuracy of the indicating instruments and the calibration shall be checked against the original indicators at least once a week and the results noted in the maintenance log. Should any of the automatic log readings not be within the tolerances or other requirements specified in the rules or instrument of authorization, provisions shall be made to automatically actuate an alarm circuit warning of such condition. If the station is not remotely controlled the automatic recording devices shall be located at the transmitter location. Should the station be remotely controlled the automatic recording equipment shall be located at the remote control point. The automatic devices shall be located convenient to the operator on duty and shall be inspected periodically during the broadcast day.

(e) In addition to the logs the following records are required:

(1) Latest measurement of audio proof of performance.

(2) Copy of antenna resistance measurements submitted with Form 302.

(3) Copy of field intensity measurements to establish performance of directional antennas as required by § 3.151.

6. Section 3.113 is amended to read:

§ 3.113 Logs and records; by whom kept.

(a) Each log shall be kept by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again when going off duty.

(b) The logs and records shall be made available upon request by an authorized representative of the Commission.

7. Section 3.252(b)(1) is amended to read:

§ 3.252 Frequency monitor.

* * * * * * *

(b) * * *

(1) Appropriate entries shall be made in the maintenance log of the station showing the date and time the monitor was removed from and restored to service.

UNIVERSITY OF MICHIGAN LIBRARIES

8. Section 3.253(b)(1) is amended to read:

§ 3.253 Modulation monitor.

• • • • • •

(b) • • •

(1) Appropriate entries shall be made in the maintenance log of the station showing the date and time the monitor was removed from and restored to service.

9. Section 3.258(b)(1) is amended to read:

§ 3.258 Indicating instruments.

• • • • • •

(b) • • •

(1) Appropriate entries shall be made in the maintenance log of the station showing the date and time the meter was removed from and restored to service.

10. In § 3.281, the introductory text and paragraphs (b) and (c) are amended and paragraphs (d) and (e) are added as follows:

§ 3.281 Logs.

The licensee or permittee of each FM broadcast station shall maintain for each station, separate program, operating, and maintenance logs, and other records, and shall require entries to be made as follows: *Provided, however,* If the same licensee or permittee operates an FM broadcast station and a standard broadcast station and simultaneously broadcasts the same programs over the facilities of both such stations, one program log may be maintained for both stations for such periods as both stations simultaneously broadcast the same programs:

• • • • • •

(b) In the operating log:

(1) An entry of the time the station begins to supply power to the antenna and the time it stops.

(2) An entry of each interruption to the carrier wave and its cause and duration, followed by the signature of the person restoring operation.

(3) An entry, each half-hour, of the following (actual readings observed prior to making any adjustments to the equipment):

(i) Operating constants of last radio stage (total plate current and plate voltage).

(ii) RF transmission line meter reading.

(iii) Frequency monitor reading.

(4) Any other entries required by the instrument of authorization or the rules.

(c) In the maintenance log:

(1) An entry each week of the time and result of test of auxiliary transmitter.

(2) A notation of all frequency checks and measurements made independently of the frequency monitor and of the correlation of these measurements and frequency monitor indications.

(3) A notation each week of the calibration check of automatic recording devices as required by paragraph (d) of this section.

(4) An entry of the date and time of removal from and restoration to service of any of the following equipment in the event it becomes defective:

(i) Modulation monitor.

(ii) Frequency monitor.

(iii) Final stage plate voltmeter.

(iv) Final stage plate ammeter.

(v) Transmission line radio frequency voltage current or power meter.

(5) Record of tower light inspections where required by § 17.38 of this chapter (Part 17—Construction, Marking, and Lighting of Antenna Structures).

(6) Entries shall be made so as to fully describe any operation during the experimental period other than regular operation.

(7) A daily inspection of all transmitting equipment in use shall be made by an operator meeting the requirements of § 3.265(c), upon completion of which the operator shall enter a signed statement that the required inspection has been made and noting in detail the repairs and maintenance work which were accomplished in order to ensure operation in accordance with the Commission's rules and the current instrument of authorization for that station. If complete repair could not be effected, the statement shall set forth in detail the items of equipment concerned, the manner and degree in which they are defective, and the reasons for failure to make satisfactory repairs.

(8) Any other entries required by the instrument of authorization or the rules.

(d) Automatic devices accurately calibrated and with appropriate time, date, and circuit functions may be utilized to record the entries in the operating log provided they do not affect the operation of circuits or accuracy of indicating instruments of the equipment being recorded. The recording devices must have an accuracy equivalent to the accuracy of the indicating instruments and the calibration shall be checked against the original indicators at least once a week and the results noted in the maintenance log. Should any of the automatic log readings not be within the tolerances or other requirements specified in the rules or instruments of authorization, provisions shall be made to automatically actuate an alarm circuit warning of such condition. If the station is not remotely controlled the automatic recording devices shall be located at the transmitter location. Should the station be remotely controlled the automatic recording equipment shall be located at the remote control point. The automatic devices shall be located convenient to the operator on duty and shall be inspected periodically during the broadcast day.

(e) In addition to the logs, the record of latest measurement of audio proof of performance is required to be kept available.

11. Section 3.283 is amended to read:

§ 3.283 Logs and records; by whom kept.

(a) Each log shall be kept by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again when going off duty.

(b) The logs and records shall be made available upon request by an authorized representative of the Commission.

12. Section 3.320 is amended by deleting the text of paragraph (e) and inserting "[Reserved]" as follows:

§ 3.320 Indicating instruments—specifications.

• • • • • •

(e) [Reserved]

13. Section 3.552(b)(1) is amended to read:

§ 3.552 Frequency monitor.

• • • • • •

(b) • • •

(1) Appropriate entries shall be made in the maintenance log of the station showing the date and time the monitor was removed from and restored to service.

14. Section 3.553(b)(1) is amended to read:

§ 3.553 Modulation monitor.

• • • • • •

(b) • • •

(1) Appropriate entries shall be made in the maintenance log of the station showing the date and time the monitor was removed from and restored to service.

15. Section 3.558(b)(1) is amended to read:

§ 3.558 Indicating instruments.

• • • • • •

(b) • • •

(1) Appropriate entries shall be made in the maintenance log of the station showing the date and time the meter was removed from and restored to service.

16. In § 3.581 the introductory text and paragraphs (b) and (c) are amended and paragraphs (d) and (e) are added as follows:

§ 3.581 Logs.

The licensee or permittee of each noncommercial educational FM broadcast station shall maintain program, operating, and maintenance logs, and other records, and shall require entries to be made as follows:

• • • • • •

(b) In the operating log:

(1) An entry of the time the station begins to supply power to the antenna and the time it stops.

(2) An entry of each interruption to the carrier wave and its cause and duration, followed by the signature of the person restoring operation.

(3) For each station licensed for transmitter power output above 10 watts, an entry of the following each half-hour (actual readings observed prior to making any adjustments to the equipment):

(i) Operating constants of last radio stage (total plate current and plate voltage).

(ii) RF transmission line meter reading.

(iii) Frequency monitor reading.

(4) Any other entries required by the instrument of authorization or the rules.

(c) In the maintenance log:

(1) An entry each week of the time and result of test of auxiliary transmitter.

(2) A notation of all frequency checks and measurements made independently of the frequency monitor and of the correlation of these measurements and frequency monitor indications.

(3) A notation each week of the calibration check of automatic recording devices as required by paragraph (d) of this section.

(4) An entry of the date and time of removal from and restoration to service of any of the following equipment in the event it becomes defective:

(i) Modulation monitor.

(ii) Frequency monitor.

(iii) Final stage plate voltmeter.

(iv) Final stage plate ammeter.

(v) Transmission line radio frequency voltage current or power meter.

(5) Record of tower light inspections where required by § 17.38 of this chapter (Part 17—Construction, Marking and Lighting of Antenna Structures).

(6) Entries shall be made so as to fully describe any operation during the experimental period other than regular operation.

(7) A daily inspection of all transmitting equipment in use shall be made by an operator meeting the requirements of § 3.565(c), upon completion of which the operator shall enter a signed statement that the required inspection has been made and noting in detail the repairs and maintenance work which were accomplished in order to ensure operation in accordance with the Commission's rules and the current instrument of authorization for that station. If complete repair could not be effected, the statement shall set forth in detail the items of equipment concerned, the manner and degree in which they are defective, and the reasons for failure to make satisfactory repairs.

(8) Any other entries required by the instrument of authorization or the rules.

(d) Automatic devices accurately calibrated and with appropriate time, date, and circuit functions may be utilized to record the entries in the operating log provided they do not affect the operation of circuits or accuracy of indicating instruments of the equipment being recorded. The recording devices must have an accuracy equivalent to the accuracy of the indicating instruments and the calibration shall be checked against the original indicators at least once a week and the results noted in the maintenance log. Should any of the automatic log readings not be within the tolerances or other requirements specified in the rules or instrument of authorization, provisions shall be made to automatically actuate an alarm circuit warning of such condition. If the station is not remotely controlled the automatic recording devices shall be located at the transmitter location. Should the station be remotely controlled the automatic recording equipment shall be located at the remote control point. The automatic devices shall be located convenient to the operator on duty and shall be inspected periodically during the broadcast day.

(e) In addition to the logs, the record of latest measurement of audio proof of performance is required to be kept available.

17. Section 3.583 is amended to read:

§ 3.583 Logs and records; by whom kept.

(a) Each log shall be kept by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again when going off duty.

(b) The logs and records shall be made available upon request by an authorized representative of the Commission.

18. In § 3.663, the introductory text and paragraphs (b) and (c) are amended and paragraph (d) is added as follows:

§ 3.663 Logs.

The licensee or permittee of each television station shall maintain program, operating, and maintenance logs, and shall require entries to be made as follows:

• • • • • •

(b) In the operating log:

(1) An entry of the time the station begins to supply power to the antenna and the time it stops.

(2) An entry of each interruption to the carrier wave and its cause and duration, followed by the signature of the person restoring operation.

(3) An entry of the following each half-hour (actual readings observed prior to making any adjustments to the equipment):

(i) Operating constants of last radio stage of aural transmitter (total plate current and plate voltage).

(ii) Transmission line meter readings for both transmitters.

(iii) Any other entries required by the instrument of authorization or the rules.

(c) In the maintenance log:

(1) A daily comparison of the transmitter frequency with the reference source.

(2) An entry each week of the time and result of test of auxiliary transmitters.

(3) A notation each week of the calibration check of automatic recording devices as required by paragraph (d) of this section.

(4) A monthly comparison of the transmitter frequency with an external primary standard.

(5) An entry of the method used and results of camparing the frequency deviation of the station with an external frequency source whenever the local visual or aural frequency reference source becomes defective.

(6) An entry of the date and time of removal from and restoration to service of any of the following equipment in the event it becomes defective.

(i) Visual modulation monitoring equipment or aural modulation monitor.

(ii) Visual or aural frequency monitor.

(iii) Final stage plate voltmeters of aural and visual transmitters.

(iv) Final stage plate ammeters of aural and visual transmitters.

(v) Visual and aural transmitter transmission line radio frequency voltage, current or power meter.

(7) Record of tower light inspections where required by § 17.38 of this chapter (Part 17—Construction, Marking and Lighting of Antenna Structures).

(8) Entries shall be made so as to fully describe any operation.

(9) Any other entries required by the instrument of authorization or the rules.

(d) Automatic devices accurately calibrated and with appropriate time, date, and circuit functions may be utilized to record the entries in the operating log provided they do not affect the operation of circuits or accuracy of indicating instruments of the equipment being recorded. The recording devices must have an accuracy equivalent to the accuracy of the indicating instruments and the calibration shall be checked against the original indicators at least once a week and the results noted in the maintenance log. Should any of the automatic log recordings not be within the tolerances or other requirements specified in the rules or instrument of authorization, provisions shall be made to automatically actuate an alarm circuit warning of such condition. The automatic devices shall be located convenient to the operator on duty and shall be inspected periodically during the broadcast day.

19. Section 3.688 is amended by deleting paragraph (d) and inserting "Reserved", and paragraph (f)(1) is amended to read:

§ 3.688 Indicating instruments.

• • • • • •

(d) [Reserved]

• • • • • •

(f) • • •

(1) Appropriate entries shall be made in the maintenance log of the station showing the date and time the meter was removed from and restored to service.

20. Section 3.690(b)(1) is amended to read:

§ 3.690 Frequency monitors.

• • • • • •

(b) • • •

(1) Appropriate entries shall be made in the maintenance log of the station to show the date and time the equipment was removed from and restored to service.

21. Section 3.691(b)(1) is amended to read:

§ 3.691 Modulation monitors.

• • • • • •

(b) • • •

(1) Appropriate entries shall be made in the maintenance log of the station to show the date and time the equipment was removed from and restored to service.

[F.R. Doc. 62-5762; Filed, June 12, 1962; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 136]

[Ex Parte No. 171]

AUTOMATIC BLOCK SIGNAL SYSTEMS, INTERLOCKING, TRAFFIC CONTROL SYSTEMS, AUTOMATIC TRAIN STOP, TRAIN CONTROL, AND CAB SIGNAL SYSTEMS, AND OTHER SIMILAR APPLIANCES, METHODS, AND SYSTEMS

Proposed Rules, Standards, and Instructions for Installation, Inspection, Maintenance, and Repair

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 25th day of May A.D. 1962.

Notice is hereby given pursuant to provisions of section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1,003) of the institution by the Interstate Commerce Commission, on its own motion, under authority of section 25 of the Interstate Commerce Act as amended (49 CFR Part 26) of an investigation for the purpose of revising, amending, and modifying the Rules, Standards, and Instructions for Installation, Inspection, Maintenance, and Repair of Automatic Block-Signal Systems, Interlocking, Traffic Control Systems, Automatic Train Stop, Train Control and Cab Signal Systems and Other Similar Appliances, Methods, and Systems, prescribed by the Commission's order of June 29, 1950, as amended.

Reasons for investigation. Since the prescription of Rules, Standards, and Instructions, which have been in effect for nearly 12 years, technological developments have made it necessary that certain rules be modernized and clarified to meet the changes in conditions and equipment. In some respects said Rules, Standards, and Instructions are incomplete and inadequate to carry out the purposes of section 25 of the Interstate Commerce Act.

Proposed Rules, Standards, and Instructions. The Rules, Standards, and Instructions tentatively proposed herein as substitutes for the corresponding Rules, Standards, and Instructions prescribed by the Commission's order of June 29, 1950, are set forth below. These proposed Rules, Standards, and Instructions are subject to any change or changes that may be made as a result of this investigation.

Submission of written views, arguments, or suggestions. Any interested person may, on or before August 1, 1962, file with the Commission's Secretary at Washington, D.C., an original and six copies of verified statements containing views, arguments, or suggestions to be considered in this connection and may request oral argument thereon. The statements (affidavits) with or without exhibits attached, must be signed in ink and must show the post office address of affiant. Unless otherwise ordered, after consideration of representations so received and with such changes as may seem warranted because of them, an order will be entered making the revised Rules, Standards, and Instructions effective after due notice to all carriers which will be subject thereto.

Notice to parties in interest. Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, and by serving copies on each common carrier by railroad subject to the Interstate Commerce Act and on each national organization of railroad employees.

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY, *Secretary.*

Proposed revisions:

§ 136.2 Grounds.

Each circuit, the functioning of which affects the safety of train operation, shall be kept free of any ground or combination of grounds which will permit a flow of current equal to or in excess of 75 percent of the release valve of any relay or other electromagnetic device in the circuit, except circuits which include any track rail and except the common return wires of single-wire, single-break, signal control circuits using a grounded common, and alternating current power distribution circuits which are grounded in the interest of safety.

§ 136.6 Hand-operated switch equipped with switch circuit controller.

Hand-operated switch equipped with switch circuit controller connected to the point, or with facing-point lock and circuit controller, shall be so maintained that when point is open one-fourth inch or more on facing-point switch and three-eighths inch or more on trailing-point switch, track or control circuits will be open or shunted or both, and if equipped with facing-point lock with circuit controller, switch cannot be locked. Switch circuit controllers, facing-point locks and switch-and-lock movements and their connections on such hand-operated switch shall be securely fastened in place, and contracts maintained with an opening of not less than one-sixteenth inch when open.

§ 136.11 Adjustment, repair or replacement of defective component.

When any component of a system or interlocking, except track rails, the proper functioning of which is essential to the safety of train operation, is defective to such an extent that it fails to perform its intended function, it shall be adjusted, repaired or replaced without undue delay.

§ 136.51 Track circuit requirements.

Track relay shall be in deenergized position whenever any of the following conditions exists, and the track circuit of an automatic train-stop, train-control, or cab-signal system shall be deenergized in the rear of the point where any of the following conditions exists:

(a) When a rail is broken or a rail or switch-frog is removed except when a rail is broken or removed in the shunt fouling circuit of a turnout or crossover, provided, however, that shunt fouling circuit may not be used in a turnout through which permissible speed is greater than 45 miles per hour. It shall not be a violation of this requirement if a track circuit is energized: (1) When a break occurs between the end of rail and track circuit connector; within the limits of rail-joint bond, appliance or other protective device, which provides a bypath for the electric current, or (2) as result of leakage current or foreign current in the rear of a point where a break occurs or a rail is removed.

(b) When a train, locomotive, or car occupies any part of a track circuit, including fouling section of turnout except turnouts of hand-operated main track crossover. It shall not be a violation of this requirement where the presence of sand, rust, dirt, grease, or other foreign matter on the rail prevents effective shunting.

(c) Where switch shunting circuit is used:

(1) Switch point is not closed in normal position.

(2) A switch is not locked where facing-point lock with circuit controller is used.

(3) An independently operated fouling-point derail equipped with switch circuit controller is not in derailing position.

§ 136.201 Track-circuit control of signals.

The control circuits for signal aspects with indications more favorable than "proceed at restricted speed" shall be controlled automatically by track circuits extending through the entire block.

§ 136.204 Track signaled for movements in both directions, requirements.

On track signaled for movements in both directions, a train shall cause one or more opposing signals immediately ahead of it to display the most restrictive aspect, the indication of which shall not be more favorable than "proceed at restricted speed." Signals shall be so arranged and controlled that if opposing trains can simultaneously pass signals displaying proceed aspects, and the next signal in advance of each such signal then displays an aspect requiring a stop, or its most restrictive aspect, the distance between opposing signals displaying such aspects shall be not less than the aggregate of the stopping distances for movements in each direction. Where such opposing signals are spaced stopping distance apart for movements in one direction only, signals arranged to display restrictive aspects shall be provided in approach to at least one of the signals. Where such opposing signals are spaced less than stopping distance apart for movements in one direction, signals arranged to display restrictive aspects shall be provided in approach to both such signals. In absolute permissive block signaling when a train enters the block between sidings the opposing head block signals shall display an aspect requiring a stop.

§ 136.301 Where signals shall be provided.

Signals shall be provided to govern the train movements into and through the interlocking, except that a signal shall not be required to govern movements over a hand-operated switch into the interlocking if the switch is provided with an electric lock and a derail at the clearance point, either pipe-connected to the switch or independently locked electrically.

NOTE: Relief from the requirements of this section will be granted upon an adequate showing by an individual carrier. Relief heretofore granted to any carrier by order of the Commission shall constitute relief to the same extent from the requirements of this part.

§ 136.302 Track circuits and route locking.

Track circuits and route locking shall be provided throughout the interlocking. Route locking shall become effective when the first pair of wheels of a locomotive or car passes a point not more than five feet in advance of the signal governing its movement.

NOTE: Relief from the requirements of this section will be granted upon an adequate showing by an individual carrier. Relief heretofore granted to any carrier by order of the Commission shall constitute relief to the same extent from the requirements of this part.

§ 136.303 Control circuits for signals, selection through circuit controller operated by switch points or by switch locking mechanism.

The control circuit for each aspect with indication more favorable than "proceed at restricted speed" of power-operated signal governing movements over switches, movable-point frogs and derails shall be selected through circuit controller operated directly by switch points or by switch locking mechanism, or through relay controlled by such circuit controller, for each switch, movable-point frog, and derail in the routes governed by such signal. Circuits shall be arranged so that such signal can display an aspect more favorable than "proceed at restricted speed," only when each switch, movable-point frog, and derail in the route is in proper position.

NOTE. Relief from the requirements of this section will be granted upon an adequate showing by an individual carrier. Relief heretofore granted to any carrier by order of the Commission shall constitute relief to the same extent from the requirements of this part.

§ 136.305 Approach or time locking.

Approach or time locking shall be provided in connection with signals displaying aspects with indications more favorable than "proceed at restricted speed."

§ 136.311 Signal control circuits, selection through track relays, and through signal mechanism contacts and time releases at automatic interlocking.

The control circuits for aspects with indications more favorable than "proceed at restricted speed" shall be selected through track relays for all track circuits in the route governed or through repeating relays for such track relays. At automatic interlocking, signal control circuit shall be selected (a) through track relays for all track circuits in the route governed and in all conflicting routes within the interlocking or through repeating relays for such track relays; (b) through signal mechanism contacts or relay contacts closed when signals for such conflicting routes display stop aspects; and (c) through normal contacts of time releases for such conflicting routes or contacts of relays repeating the normal position of contacts of such time releases.

NOTE: Relief heretofore granted to any carrier by order of the Commission shall constitute relief to the same extent from the requirements of this part.

§ 136.312 Movable bridge, interlocking of signal appliances with bridge devices.

When movable bridge is protected by interlocking the signal appliances shall be so interlocked with bridge devices that before a signal governing movements over the bridge can display an aspect to proceed the bridge must be locked and the track alined, with the bridge locking members within one inch of their proper positions and with the track rail on the movable span within three-eighths inch of correct surface and alinement with rail on bridge abutment or fixed span.

§ 136.314 Electric lock for hand-operated switch or derail.

Electric lock shall be provided for each hand-operated switch or derail within the interlocking, except where train movements are made at not exceeding 20 miles per hour. At manually operated interlocking it shall be controlled by operator of the machine and shall be unlocked only after signals governing movements over such switch or derail display aspects indicating stop. Approach or time locking shall be provided.

NOTE: Relief from the requirements of this section will be granted upon an adequate showing by an individual carrier. Relief heretofore granted to any carrier by order of the Commission shall constitute relief to the same extent from the requirements of this part.

§ 136.328 Plunger of facing-point lock.

Plunger of lever operated facing-point lock shall have at least 8-inch stroke. When lock lever is in unlocked position the end of the plunger shall clear the lock rod not more than one inch.

§ 136.339 Mechanical locking, maintenance requirements.

Locking and connections shall be maintained so that, when a lever or latch is mechanically locked, the following will be prevented:

(a) *Mechanical machine*—(1) *Latch-operated locking.* Raising lever latch block so that bottom thereof is within three-eighths inch of top of quadrant.

(2) *Lever-operated locking.* Moving lever latch block more than three-eighths inch on top of quadrant.

(b) *Electromechanical machine*—(1) *Lever moving in horizontal plane.* Moving lever more than five-sixteenths inch when in normal position or more than nine-sixteenths inch when in reverse position.

(2) *Lever moving in arc.* Moving lever more than 5°.

(c) *Power machine*—(1) *Latch-operated locking.* Raising lever latch block so that bottom thereof is within seven thirty-seconds inch of top of quadrant.

(2) *Lever moving in horizontal plane.* Moving lever more than five-sixteenths inch when in normal position or more than nine-sixteenths inch when in reverse position.

(3) *Lever moving in arc.* Moving lever more than 5°.

§ 136.402 Signals controlled by track circuits and control operator.

The control circuits for signal aspects with indications more favorable than "proceed at restricted speed" shall be controlled by track circuits extending through entire block. Also, in addition, at controlled point they shall be controlled by control operator, and, at manually operated interlocking, manually in cooperation with control operator.

§ 136.404 Signals at adjacent controlled points.

Signals at adjacent controlled points shall be so inter-connected that aspects with indications more favorable than "proceed at restricted speed" cannot be displayed simultaneously for conflicting movements.

§ 136.405 Track signaled for movements in both directions, change of direction of traffic.

On track signaled for movements in both directions, occupancy of the track between opposing signals at adjacent controlled points shall prevent changing the direction of traffic from that which obtained at the time the track became occupied, except that when a train having left one controlled point reaches a section of track immediately adjacent to the control point at which switching is performed, an aspect permitting an opposing movement at not exceeding restricted speed may be displayed into the occupied block.

§ 136.407 Approach or time locking, where required.

Approach or time locking shall be provided for all controlled signals.

§ 136.502 Automatic brake application, initiation by restrictive block conditions stopping distance in advance.

An automatic train-stop or train-control system shall operate to initiate an automatic brake application at least stopping distance from the entrance to a block, wherein any condition described in § 136.205 obtains, and at each main track signal requiring a reduction in speed.

§ 136.504 Operation interconnected with automatic block-signal system.

An automatic train-stop or train-control system shall operate in connection with an automatic block-signal system and shall be so interconnected with the signal system as to perform its intended function in event of failure of the engineman to obey a main track signal requiring a reduction in speed.

§ 136.553 Seal or lock, where required.

Seal shall be maintained on any device, other than double heading cock, by means of which the operation of the pneumatic portion of automatic train-stop or train-control apparatus can be cut out.

§ 136.564 Acknowledging time.

Acknowledging time of intermittent automatic train-stop device shall be not more than 30 seconds.

§ 136.576 Roadway element.

Roadway elements, except track circuits, including those for test purposes, shall be gaged monthly for height and alinement, and shall be tested at least every 6 months.

§ 136.587 Departure test.

A test of the automatic train-stop, train-control or cab-signal apparatus on each locomotive, except locomotives and multiple-unit cars equipped with mechanical trip stop only, shall be made over track elements or test circuits or with portable test equipment, either on departure of locomotive from its initial terminal or, if locomotive apparatus is cut out between initial treminal and equipped territory, prior to entering equipped territory, to determine if such apparatus is in service and is functioning properly. If a locomotive makes more than one trip in any 24-hour period only one departure test shall be required in such 24-hour period. If departure test is made by an employee other than engineman, the engineman shall be informed of the results of such test and a record kept thereof.

§ 136.602 Operation in conjunction with automatic block-signal system. [Deleted]

[F.R. Doc. 62-5750; Filed, June 12, 1962; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 83]

ARIZONA

Small Tract Classification

1. Pursuant to authority delegated to me by Bureau Order No. 684, dated August 28, 1961 (26 F.R. 8216), I hereby classify the following described public lands, totaling 1196.77 acres in Pinal County, Arizona, as suitable for disposal under the provisions of the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 USC 682a) as amended:

GILA AND SALT RIVER MERIDIAN

T. 10 S., R. 11 E.,
Sec. 33, lots 1, 2 and lots 5-19 inclusive;
Sec. 34, NE¼, E½NW¼, and lots 1-8 inclusive.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order, subject to the provisions of paragraph 4, shall not become subject to disposal under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 USC 682a), as amended until it is so provided by an order to be issued by an authorized officer, opening the lands to bid under public auction procedure.

4. There are no preference right applications as provided for by 43 CFR 257.5.

Dated June 1, 1962.

RAYMOND C. CLEGHORN,
Acting State Director.

[F.R. Doc. 62-5757; Filed, June 12, 1962; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-155]

CONSUMERS POWER CO.

Order Postponing Hearing

A Notice of Hearing on Provisional Operating License for Nuclear Facility in the above-captioned matter was published on May 30, 1962, at 27 F.R. 5101. The notified hearing date was July 2, 1962. By joint motion the applicant and the AEC regulatory staff have requested that the hearing be postponed to July 10, 1962.

Good cause for granting the motion is found in the showing that the applicant, after issuance of the Notice of Hearing, has filed Amendment No. 12 to its license application setting out additional information concerning limitations on maximum heat flux at overpower and increasing the reactor core size from 56 to 78 fuel bundles in the proposed operation. This Amendment No. 12, as well as the application and the record of prior proceedings in this matter, are available for public inspection at the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

It is found: That the requested hearing postponement will conduce to the orderly dispatch of the Commission's business; that the issues specified in the Notice of Hearing (27 F.R. 5101) are unchanged; that the time for filing petitions for leave to intervene and the time for filing answer should be extended; and that this order should be promptly published in the FEDERAL REGISTER.

Accordingly, it is ordered, This 6th day of June 1962 pursuant to § 2.718 of the Commission's rules that the hearing upon the pending application for a provisional operating license (including Amendment No. 12 thereto) shall be convened at 10 a.m., e.d.t., on Tuesday, July 10, 1962, in the Auditorium of the Atomic Energy Commission Headquarters in Germantown, Maryland, upon the issues specified in the Notice of Hearing as published at page 5101 of the FEDERAL REGISTER dated May 30, 1962: *And it is further ordered,* That petitions for leave to intervene pursuant to § 2.714 of the Commission's rules may be filed not later than July 5, 1962, and answers to the Notice of Hearing shall be filed on or before June 26, 1962; and

It is further ordered, That this order shall be published in the FEDERAL REGISTER.

Issued: June 6, 1962, Germantown, Md.

ATOMIC ENERGY COMMISSION,
J. D. BOND,
Presiding Officer.

[F.R. Doc. 62-5722; Filed, June 12, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13670; Order No. E-18423]

ZANTOP AIR TRANSPORT, INC.

Application for Exemptions To Provide Certain Military Transportation Services in Fiscal Year 1962

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of June 1962.

On June 4, 1962, Zantop Air Transport, Inc. (Zantop) filed an application requesting exemption from the provisions of sections 401 and 403 of the Federal Aviation Act of 1958 and from the provisions of Part 207 of the Board's Economic Regulations to perform certain "Logair" cargo transportation services with C-46 and DC-6 aircraft between various military installations in this country under contract to the Military Air Transport Service for fiscal year 1962.

By Order E-18318 dated May 9, 1962, the Board, inter alia, approved the transfer of Coastal Air Lines' temporary certificate of public convenience and necessity for supplemental air service to Zantop, effective June 8, 1962.

Concurrent with its application for exemption, Zantop filed motions for leave to file additional information and for extension of reconsideration to C-46 rates in the matter, inter alia, of exemptions and minimum rates for certain certificated scheduled and supplemental air carriers performing "Logair" cargo transportation services between various military installations in this country and for grant of Zantop's petition to intervene in that proceeding.[1]

Zantop's application indicates that it is performing Logair services with C-46 aircraft at a rate of $0.5777 per aircraft mile, except certain changes ordered since the contract award date for which the rate is $0.5977 per aircraft mile, and with DC-6 aircraft at a rate of $1.445 per aircraft mile. The current Logair minima are $.60 for C-46 aircraft[2] and $1.485 for DC-6A aircraft.[3]

Zantop alleges in its application and separate petitions and motions that it has suffered losses under its contract rates for both C-46 and DC-6 services and that it requires a C-46 rate of $0.68 per aircraft mile and a DC-6 rate higher than the superseded rate of $1.44 per mile.[4]

In consideration of the necessity for uninterrupted continuity of Zantop's Logair services for the military establishment, and the impracticability of an adequate examination of Zantop's claims for higher rates in the few days between the time its petition was filed and June 8, 1962, when its exemption must become effective, we deem it appropriate to grant Zantop exemption to perform Logair services for the remainder of fiscal year 1962 subject to the same minimum rates in effect for other Logair operators in fiscal year 1962. The present Logair minimum rates for C-46 and DC-6 aircraft are slightly higher than Zantop's current contract rates and accordingly will mitigate the financial problem alleged by the carrier.[5] More-

[1] AAXICO (Docket 12548) and World (Dockets 12557 and 12958).
[2] Order E-17462 dated September 15, 1961.
[3] Order E-18401 dated June 4, 1962.
[4] The DC-6A rate was increased to $1.485 per aircraft mile by Order E-18401 on June 4, 1962, which Zantop apparently was not aware of when it filed its current application for exemption. Although Zantop's petition for leave to intervene was dismissed, as indicated in that order "the considerations and information submitted by Zantop have been taken into consideration in our resolution of the entire matter."
[5] Zantop's application states that after certification and grant of exemption by the Board, the contract price will be that established by the Board as the minimum rate.

over, the present minimum rates were developed on the basis of careful consideration by the Board of the costs of performing Logair services by other carriers and are considered by the Board to be reasonable minimum rates for such services.

We have earlier dismissed a Zantop petition to intervene in Docket 12548 et al., and, accordingly, we will deny the carrier's instant motion insofar as it renews that request and seeks reconsideration of the C–46 minimum rates heretofore established.* We will grant that part of the carrier's instant motion asking leave to file additional information bearing on proper C–46 minimum rates for the future.

The process of issuing a certificate of public convenience and necessity could not be completed in time for Zantop to provide the transportation for which exemption is requested. There is involved here an over-all government procurement policy which constitutes unusual circumstances affecting the operations of Zantop. The operation is of limited extent both in terms of the total transportation provided and in the particular transportation for which exemption is sought.

The rates and charges for the services, as well as the rules, regulations, practices, and services in connection with the proposed transportation, have been or will be specified in contracts. The nature of the transportation precludes its use except by the defense agencies. Compliance with section 403 of the Act would serve no statutory purpose in these circumstances.

We have already found fair and reasonable the rates on the basis of which the exemption will be granted. Zantop has indicated it has executed a CRAF Standby Contract. It is evident that the Air Force considers this contract to be in furtherance of the mission of the defense establishment.

The Board finds that the enforcement of sections 401 and 403 of the Federal Aviation Act of 1958 would be an undue burden on Zantop in connection with the military transportation services during the period June 8 through June 30, 1962, as described in Zantop's exemption application, by reason of the limited extent of, and unusual circumstances affecting, its operations and is not in the public interest, provided that the rates of compensation for such services are no less than as hereinafter specified.

Therefore, pursuant to sections 204(a) and 416(b) of the Federal Aviation Act of 1958,

It is ordered:

1. That an exemption is granted to Zantop Air Transport, Inc. from the requirements of sections 401 and 403 of the Federal Aviation Act of 1958 to perform the Logair transportation services as described in its application from June 8 through June 30, 1962, provided that the rate of compensation is no less than $0.60 per aircraft statute mile (course flown basis) for C–46 aircraft and $1.485 per aircraft statute mile (course flown basis) for DC–6 aircraft.

2. That Zantop's motion filed June 4, 1962, for leave to submit additional information related to rates for C–46 Logair services is granted.

3. That, except as herein granted, Zantop's motion filed June 4, 1962, is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62–5759; Filed, June 12, 1962; 8:49 a.m.]

*Order E–18401, June 4, 1962.

FEDERAL AVIATION AGENCY

[OE Docket No. 62–CE–6]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The General Electric Company, Lynchburg, Virginia, proposes to construct a radio antenna structure near Stephan, South Dakota, at latitude 44°21'09" north, longitude 99°27'34" west. The overall height of the structure would be 2,575 feet above mean sea level (400 feet above ground).

Objections were made in response to the circularization by the Air Transport Association of America and the Aircraft Owners and Pilots Association on the basis that the proposed structure would require an increase in the minimum en route altitude on VOR Federal airways Nos. 26 and 26 South between the Pierre, South Dakota, VOR and the Huron, South Dakota, VOR from 3,400 feet to 3,600 feet.

At the Kansas City Informal Airspace Meeting the ATA withdrew its objection.

The proposed structure would be located approximately 34.8 miles east of the Pierre VOR, 4.1 miles south of the centerline of Victor 26, seven miles north of the centerline of Victor 26S, and 2.2 miles south of a direct course between the Pierre Airport and the Howes Airport at Huron, South Dakota. It would exceed the hazards to air navigation criteria as defined in § 626.12 of the regulations of the Administrator as applied to Victor 26 between the Pierre VOR and the Huron VOR and would require an increase in the MEA of this airway segment from 3,400 feet to 3,600 feet. The Federal Aviation Agency 1961 peak day IFR traffic count for the affected airway segment was two flights. The Agency study disclosed that this increase in minimum en route altitude would have no substantial adverse effect upon aeronautical operations. It was determined that the proposed structure would not affect the minimum en route altitude or the minimum obstruction clearance altitude established for Victor 26S.

The FAA report of VFR general aviation operation for fiscal year 1961, indicates that there were approximately 120 Visual Flight Rules flight plans filed for direct route between the Pierre Airport and the Howes Airport, approximately 60 of which filed a flight altitude of 3,000 feet. The balance filed a flight altitude in excess of 3,000 feet. However, aircraft which file VFR at 3,000 via direct route between the above airports, should pass two miles north of the proposed structure at an elevation 425 feet higher than the proposed structure. Logical routing for VFR flight between Pierre and Huron other than direct would be via the airway Victor 26 or via the prominent highway and railroad between Pierre and Huron which parallels the direct route still farther north of the proposed structure. Therefore, the study disclosed that the proposed structure would have no adverse effect upon VFR operations between Pierre and Huron.

The Agency study disclosed that no other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33), it is concluded that the erection of the proposed antenna structure at the location and mean sea level elevation specified herein would have no substantial adverse effect upon aeronautical operations, and it is hereby determined that the structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter unless an appeal is filed under § 626.34 (14 CFR 626.34). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination whichever is later. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (14 CFR 626.35).

Issued in Washington, D.C., on June 4, 1962.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 62–5726; Filed, June 12, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12920; FCC 62–604]

ATLASS BROADCASTING CO., INC. (KKHI)

Order Designating Application for Hearing on Stated Issues

In re application of Atlass Broadcasting Co., Inc. (KKHI), San Francisco, California, Docket No. 12920, File No. BP–12744; has: 1550 kc, 10 kw, DA–2, U, Class II, req: 1550 kc, 10 kw, 50 kw–LS, DA–2, U, Class II; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 6th day of June 1962;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The proposal of Atlass Broadcasting Co., Inc. causes objectionable interference to Station KFBK, Sacramento, California.

2. The Commission is unable to find that the applicant is financially qualified to construct and operate the proposal because the cost estimates ($125,000) of the proposed construction were prepared by a previous licensee and current information is required; that the financial data filed with the application for assignment to the instant applicant (BAL–4277) does not show funds available or plans for financing the proposed construction.

It further appearing, that, in view of the outstanding proposed rule-making proceeding in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, a grant of the proposal in this proceeding, prior to a final decision in Docket No. 14419, should be appropriately conditioned; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KKHI and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal Station KKHI would cause objectionable interference to Station KFBK, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether Atlass Broadcasting Co., Inc. is financially qualified to construct and operate its proposed station.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That McClatchy Newspapers, licensee of Station KFBK, is made a party to the proceeding.

It is further ordered, That, in the event of a grant of the subject application, the construction permit shall be conditioned as follows:

Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

Before program tests are authorized, the permittee shall submit new common point impedance measurements and sufficient field intensity measurement data to clearly show that new tower construction and adjustment of the daytime directional array has not adversely affected the operation of the nighttime directional array.

The permittee shall accept such interference as may be received in the event of a subsequent grant of the Radio KCVR application, File No. BP–14792.

The permittee shall assume responsibility for the installation of suitable filter circuits or other equipment that may be necessary to attenuate any second harmonic radiation below the present noise level or not exceed a maximum of 2 microvolts per meter at the Alameda Naval Air Station (NAS) site.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: June 8, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–5763; Filed, June 12, 1962; 8:50 a.m.]

[Docket No. 14659; FCC 62–602]

CHERRYVILLE BROADCASTING CO., INC.

Order Designating Application for Hearing on Stated Issues

In re application of Cherryville Broadcasting Co., Inc., Cherryville, North Carolina, Docket No. 14659, File No. BP–14041, requests: 1590 kc, 500 w, day; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 6th day of June 1962;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The applicant will cause interference to Station WGIV, Charlotte, North Carolina.

2. The proposed operation will receive interference from existing stations which would affect more than ten percent of the population within the proposed normally protected service area in contravention of § 3.28(d)(3) of the Commission's rules.

It further appearing, that, in view of the proposed rule making proceeding in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, any grant of the proposal in this proceeding, prior to a final decision in Docket No. 14419, should be appropriately conditioned; and

It further appearing, that examination of the application indicates that an elevated water tank and factory smoke stacks are located near the proposed antenna site; that the applicant indicates that appropriate steps will be taken to prevent reradiation from man-made structures and further indicates that radiation will be restricted by means of a series loss resistance if necessary; therefore, any grant of the application will be subject to the condition that the permittee shall submit a complete nondirectional proof of performance to establish that the radiation pattern has not been seriously distorted and that radiation has been restricted as proposed; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the instant proposal and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal would cause objectionable interference to Station WGIV, Charlotte,

North Carolina, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether interference received from existing operations would affect more than ten percent of the population within the normally protected primary service area of the instant proposal, in contravention of § 3.28(d) (3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, Charlotte Radio and Television Corporation, licensee of Station WGIV, Charlotte, North Carolina, is made a party to the proceeding.

It is further ordered, That, in the event of a grant of the instant proposal, the construction permit shall contain the following conditions:

Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilties, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

Before program tests are authorized, permittee shall submit a complete non-directional proof of performance to establish that the proposed non-directional radiation pattern has not been seriously distorted due to reradiation from man-made structures in the immediate vicinity of the proposed antenna and to establish that radiation has been restricted to essentially 177 mv/m as proposed.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: June 8, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-5764; Filed, June 12, 1962; 8:50 a.m.]

[Docket No. 14662; FCC 62M-812]

DOVER BROADCASTING CO.

Order Scheduling Hearing and Prehearing Conference

In the matter of revocation of licenses of the Dover Broadcasting Company for Standard Broadcast Station WDOV and FM Broadcast Station WDOV-FM, Dover, Delaware, Docket No. 14662.

It is ordered, This 7th day of June 1962, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 27, 1962, in Dover, Delaware; and: *It is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Tuesday, July 10, 1962, in the Offices of the Commission, Washington, D.C.

Released: June 8, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-5765; Filed, June 12, 1962; 8:50 a.m.]

[Docket Nos. 14455, 14456]

JEFFERSON RADIO CO. (WIXI) AND VOICE OF THE MID SOUTH

Notice of Place of Hearing

In re applications of W. D. Frink, tr/as Jefferson Radio Company (WIXI), Docket No. 14455, File No. BL-8187, for license to cover construction permit BP-10672 authorizing a new standard broadcast station at Irondale, Alabama; Fred H. Davis and W. D. Frink, d/b as Voice of the Mid South, Docket No. 14456, File No. BP-14110, for construction permit to build a new standard broadcast station at Centreville, Alabama.

The hearing on the above-entitled matter presently scheduled for Monday, June 18, 1962, will be held at 10:00 a.m. in Judge Lynne's Courtroom, third floor, west side, U.S. Post Office and Court House Building, Birmingham, Alabama.

Dated: June 8, 1962.

Released: June 8, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-5766; Filed, June 12, 1962; 8:50 a.m.]

[Docket Nos. 13067, 13068; FCC 62M-803]

NEWTON BROADCASTING CO. AND TRANSCRIPT PRESS, INC.

Order Scheduling Hearing

In re applications of Charles A. Bell, George J. Helmer, III, Wayne H. Lewis and Edward Bleier, d/b as Newton Broadcasting Company, Newton, Massachusetts, Docket No. 13067, File No. BP-12884, Transcript Press, Inc., Dedham, Massachusetts, Docket No. 13068, File No. BP-12901; for construction permits.

The Hearing Examiner having under consideration agreement of parties participating at prehearing conference on June 5, 1962, regarding date for hearing;

It is ordered, This 5th day of June 1962, that the hearing is scheduled for October 29, 1962, at 10:00 a.m.

Released: June 6, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-5767; Filed, June 12, 1962; 8:50 a.m.]

[Docket No. 14510 etc.; FCC 62M-809]

ROCKLAND BROADCASTING CO. ET AL.

Order Rescheduling Hearing

In re applications of Sidney Fox, George Dacre, Harry Edelstein, d/b as Rockland Broadcasting Company, Blauvelt, New York, Docket No. 14510, File No. BP-13477; Delaware Valley Broadcasting Co. (WAAT), Trenton, New Jersey, Docket No. 14511, File No. BP-14054; Rockland Radio Corporation, Spring Valley, New York, Docket No. 14512, File No. BP-14461; Rockland Broadcasters, Inc., Spring Valley, New York, Docket No. 14513, File No. BP-14462; Asbury Park Press, Inc. (WJLK), Asbury Park, New Jersey, Docket No. 14514, File No. BP-14469; City of Camden (WCAM), Camden, New Jersey, Docket No. 14616, File No. BP-14638; for construction permits.

On the petition of City of Camden (WCAM), filed May 31, 1962, and without objection by the other parties; *It is ordered*, This 7th day of June, 1962, that the time for exchanging direct engineering testimony by Delaware Valley Broadcasting Co. (WAAT), Asbury Park Press, Inc. (WJLK), and City of Camden (WCAM) is extended from June 11 to July 3, 1962. This extension will not affect the scheduled engineering hearing date for the other applicants, namely, June 25, 1962. A date for the engineering hearing on the applications of WAAT, WJLK, and WCAM will be set by later order.

Released: June 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-5768; Filed, June 12, 1962; 8:50 a.m.]

[Docket Nos. 14635, 14636; FCC 62M-810]

SALEM BROADCASTING CO. (WJBD) AND LEADER BROADCASTING CO.

Order After Prehearing Conference

In re applications of Thomas S. Land and Bryan Davidson d/b as Salem Broadcasting Company (WJBD), Salem, Illinois, Docket No. 14635, File No. BP-14073; Donald E. Condee and Ned M. Webber d/b as Leader Broadcasting Co., Edwardsville, Illinois, Docket No. 14636, File No. BP-14530; for construction permits.

Prehearing conference in the above-entitled proceeding was held June 7 at 9:00 a.m. as finally scheduled. The agreements of the parties as approved by the hearing examiner are a matter of record and the transcript of the prehearing conference will be incorporated by reference herein and may be cited should any questions pertaining thereto arise.

It is therefore ordered, This 7th day of June 1962, in accordance with agreements reached during prehearing conference, that the hearing which is presently scheduled to commence on July 19, 1962, is hereby rescheduled to commence on Wednesday, September 19, 1962, at 10 a.m., at the Commission's offices, Washington, D.C.; that direct case exhibits are to be exchanged among counsel (with one copy to the hearing examiner) by August 6 and rebuttal exhibits by August 27; and that as stated above the transcript of the prehearing conference is hereby incorporated by reference herein with the same force and effect as if it were set forth in extenso.

Released: June 7, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-5769; Filed, June 12, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. CP62-28, CI62-53]

EL PASO NATURAL GAS CO. AND SHELL OIL CO.

Notice of Applications, Consolidation, and Date of Hearing

JUNE 6, 1962.

Take notice that on August 2, 1961, El Paso Natural Gas Company, El Paso, Texas (El Paso) filed an application in Docket No. CP62-28, as supplemented on December 13, 1961, requesting authorization to operate an existing 2.4 miles of 4½ inch field line necessary to purchase gas from Shell Oil Company (Shell) for resale in interstate commerce. El Paso states that since May 28, 1958, it has been purchasing gas from Shell under short term contracts and transporting the gas through this field line and its existing Eunice-Carlsbad transmission line for resale in intrastate commerce. El Paso now proposes to transport this gas through the above-mentioned existing field line and its existing Eunice-Carlsbad transmission line for resale in interstate commerce. El Paso further states that it has negotiated a long term gas purchase contract with Shell covering this gas, which is located in the Los Medanos Field, Eddy County, New Mexico.

The cost of constructing this line was $27,667.00. No additional markets are proposed to be served.

Take further notice that on July 18, 1961, Shell filed its related certificate application in Docket No. CI62-53 for authorization to sell gas to El Paso for resale in interstate commerce from the above-mentioned field pursuant to a gas sales contract dated May 25, 1961, tentatively designated Shell Oil Company FPC Gas Rate Schedule No. 253. Shell owns a 100 percent working interest in the acreage dedicated to the above-mentioned contract. Shell's facilities consist of the customary lease equipment.

Deliveries are proposed to be made at the wellhead at an initial price of 15.5 cents per Mcf at 14.65 psia plus 0.0017 cent per Mcf tax reimbursement, or total price of 15.5017 cents per Mcf. The contract provides that beginning on the date of initial deliveries thereunder and continuing until January 1, 1965, El Paso will take or pay for a minimum of 2,000 Mcf per day. After January 1, 1965, El Paso will pay for a minimum of 1,000 Mcf for each 7,300 MMcf of reserves underlying the acreage dedicated to the contract, whether taken or not. The contract further provides that El Paso has 20 years from the date of initial delivery to take any gas paid for but not taken. However, if the price in effect at the time the make up gas is taken is in excess of the price in effect at the time the gas was paid for but not taken, El Paso must make up the difference.

El Paso states that the total recoverable reserves underlying the acreage dedicated to the contract are 3,500 MMcf of gas.

Additional information concerning the above applications is contained in the applications as supplemented, on file with the Commission and open to public inspection.

These matters are interrelated and should be disposed of on a consolidated record.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 10, 1962, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 29, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5727; Filed, June 12, 1962; 8:45 a.m.]

[Docket No. CP62-255]

MOUNTAIN FUEL SUPPLY CO.

Notice of Application and Date of Hearing

JUNE 6, 1962.

Take notice that on May 3, 1962, as supplemented on May 14, 1962, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City 10, Utah, filed in Docket No. CP62-255 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 59.93 miles of 20-inch O.D. pipeline in Wyoming between Applicant's East Hiawatha Field and Kanda Junction replacing the existing 16-inch pipeline between these points, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

The application states that the existing line was constructed in 1929 and contains numerous "wrinkle belly" expansion joints which has caused collection of liquids, low transmission efficiency, and pipeline failures during periods of low temperatures. The proposed replacement will eliminate the above operating problems and will provide the needed capacity to meet the firm peak-load requirements for the coming 1962-1963 winter season, Applicant states.

Applicant estimates that its firm peak-day requirements during the winter season of 1962-1963 will be approximately 347,000 Mcf of which 341,000 Mcf are in its Utah service area. Applicant expects to obtain 87,000 Mcf per day from its intrastate facilities, leaving 260,000 Mcf per day, an increase of 22,000 Mcf, to be obtained from its interstate system. It is estimated that the increased capacity of 22,000 Mcf per day will not be required more than 60 days during the winter season and that the increased sales will be about 1,751,000 Mcf per year.

The estimated cost of the proposed replacement, including removal of the existing pipeline, is $3,510,000, which will be financed from internal sources and short term bank loans.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 28, 1962, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 25, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and con-

currence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5728; Filed, June 12, 1962; 8:45 a.m.]

[Docket No. CP62-153]

OHIO FUEL GAS CO.

Notice of Application

JUNE 6, 1962.

Take notice that on December 29, 1961, The Ohio Fuel Gas Company, an Ohio corporation whose principal place of business is 99 North Front Street, Columbus, Ohio, filed an application, as supplemented on January 22, 1962, under section 7, paragraphs (b) and (c) of the Natural Gas Act. Applicant seeks permission to abandon by sale, certain of its facilities located in Ohio to Columbia Gas of Ohio, Inc., a newly formed subsidiary of the Columbia Gas System. Applicant also requests a certificate of public convenience and necessity to sell gas to Columbia Gas of Ohio, Inc., for resale in existing markets and construct and operate 93 town border meter stations at proposed delivery points to Columbia Gas of Ohio. Total estimated cost of the new meter stations is $492,045. The aggregate book value of assets to be transferred to Columbia of Ohio, as of June 30, 1961, less related reserves and cash to be paid for utility accounts receivable, was $122,700,400. No change in service to ultimate consumers is proposed.

Additional information concerning the above proposal is contained in the application as supplemented, on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 29, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5729; Filed, June 12, 1962; 8:45 a.m.]

[Project No. 2312]

PENOBSCOT CHEMICAL FIBRE CO.

Notice of Application for License

JUNE 6, 1962.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Penobscot Chemical Fibre Company (correspondence to: George Alexander, Treasurer, Penobscot Chemical Fibre Company, 211 Congress Street, Boston, Massachusetts) for license for constructed Project No. 2312, located on Penobscot River in the Great Works section of Old Town, Penobscot County, Maine.

The project consists of: a rock-filled log and plank main dam approximately 20 feet high and 777 feet long with a 250-foot concrete and stone capped wing-section, creating river pondage extending upstream to the tailrace of the Milford Dam of the Bangor Hydro-Electric Company; fishway; log sluice; spillways, ten operating sluice gates leading to ten water wheels connected to twelve generating units (two of the water wheels being connected to two generators each) having a total installed capacity of 3380 kw of alternating current and 2150 kw of direct current.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is July 31, 1962. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5730; Filed, June 12, 1962; 8:45 a.m.]

[Docket No. CP62-258]

SOUTHERN NATURAL GAS CO.

Notice of Application and Date of Hearing

JUNE 6, 1962.

Take notice that on May 7, 1962, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham 2, Alabama, filed in Docket No. CP62-258 an application for a certificate of public convenience and necessity authorizing the operation of a tap and metering and regulating station (Mitchell Village tap) at milepost 150.399 on Applicant's Montgomery-Columbus line in Macon County, Alabama, and the sale of natural gas to the City of Tuskegee, Alabama, for resale and distribution, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that the facilities to be used in connection with the sale are already in existence and that no construction will be required of either Applicant or the City for the contemplated service.

The application further states that the City has recently purchased property in Macon County, Alabama, which, during World War II was owned and operated by the United States Army. The Army had purchased natural gas from Applicant for use on the property, which gas was delivered at the line tap described above. The property was subsequently sold to private interests and became known as Mitchell Village. Applicant has continued to deliver natural gas to Mitchell Village, selling it to the owners who distributed the gas to dwellings on said property but who did not resell the gas.

The City, the present owner of the property, has advised Applicant that it desires to resell gas, purchased from Applicant, to the occupants of the dwellings on the property. The distribution would be made through the existing distribution system. Applicant and the City have entered into a service agreement providing for the sale by Applicant and the purchase by the City of the City's natural gas requirements for Mitchell Village up to a maximum delivery obligation of 50 Mcf per day at 14.73 psia for a period of 20 years under Applicant's G-2 rate schedule which is on file with the Commission. There will be no cost to Applicant not now being incurred.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 10, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 29, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5731; Filed, June 12, 1962; 8:45 a.m.]

[Docket No. CP62-173]

TOWN OF STEELE, ALABAMA

Notice of Application

JUNE 6, 1962.

Take notice that on January 25, 1962, the Town of Steele, Alabama (Applicant) filed an application, as supplemented on February 23, 1962, March 12, 1962, and March 28, 1962, pursuant to section 7 (a) of the Natural Gas Act for an order directing Southern Natural Gas Company (Southern) to establish physical connection of its facilities with those which Applicant proposes to construct and to sell and deliver up to 169 Mcf of natural gas per day to Applicant for resale and distribution in the Town of Steele and the territory surrounding said municipality all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

In its answer filed on February 26, 1962, Southern expressed its consent to the issuance of the order requested: *Provided:*

(1) That the Commission find that Applicant's proposed project is economically feasible, and

(2) That the point of interconnection between Applicant's proposed supply line and Southern's Gadsden lateral line be at or near milepost 25 of Southern's Gadsden lateral line, in the NE¼ of SE¼ of Section 6, T13S, R5E, Etowah County, Alabama.

Applicant's Supplement of March 12, 1962 expressed approval of the delivery point proposed by Southern in its answer.

Protests, request for hearing or petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 29, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5732; Filed, June 12, 1962; 8:45 a.m.]

[Docket No. CP62-237]

UNITED GAS PIPE LINE CO.

Notice of Application and Date of Hearing

JUNE 6, 1962.

Take notice that on April 10, 1962, United Gas Pipe Line Company (Applicant), 1525 Fairfield Avenue, Shreveport, Louisiana, filed in Docket No. CP62-237 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a pipeline loop in order to sell and deliver additional quantities of natural gas to United Gas Corporation (UGC) for resale in the Town of Poplarville, Mississippi, in order to meet the increased requirements of Poplarville, a present customer of UGC, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 3.4 miles of 4-inch pipeline loop beginning at the point of tie-in of Applicant's existing Poplarville 2-inch lateral with Applicant's existing Baxterville Field-to-Mobile Junction 20-inch pipeline, Lamar County, Mississippi, and extending southerly to a point in Pearl River County, Mississippi.

Applicant states that it will provide the increased requirements of Poplarville from its present gas supply.

The third year peak day sales to Poplarville are estimated at 1,050 Mcf.

The application shows that the cost of the proposed facilities is estimated to be $68,500, which cost will be financed from current working funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 9, 1962, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 28, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5733; Filed, June 12, 1962; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

JUNE 7, 1962.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, June 8, 1962, to June 17, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-5746; Filed, June 12, 1962; 8:47 a.m.]

TARIFF COMMISSION

[87-456-1]

CERTAIN PROVISIONS OF THE TARIFF SCHEDULES

Notice of Supplemental Hearing

Because of inadvertent delay in publication in the FEDERAL REGISTER of the notice of the hearing scheduled for June 18, 1962 in connection with the Commission's further consideration of certain provisions of the Tariff Schedules of the United States included in Annex I to the Commission's public notice issued June 1, 1962 (27 F.R. 5359) and to assure that all interested parties will have an ample opportunity to be heard in connection therewith, notice is hereby given that a supplemental public hearing has been scheduled to begin at 10 a.m., e.d.s.t., on Friday, the 29th day of June 1962, in the Hearing Room of the Tariff Commission Building, Eighth and E Streets NW., Washington, D.C.

Issued: June 12, 1962.

By order of the Commission, June 12, 1962.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 62-5844; Filed, June 12, 1962; 11:01 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 214]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 8, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be

numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 43), ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 471, Akron 9, Ohio, filed May 31, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Ohio Highway 440 and Interstate Highway 70, near Springfield, Ohio, over Interstate Highway 70 to junction Ohio Highway 440, east of Lewisburg, Ohio, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route between the same points over Ohio Highway 440.

No. MC 2202 (Deviation No. 44), ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 471, Akron 9, Ohio, filed June 1, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From the junction of Illinois Highway 47 and Interstate Highway 90, over Interstate Highway 90 to junction U.S. Highway 20, east of Rockford, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From the junction of Illinois Highway 47 and U.S. Highway 20, over U.S. Highway 20 to Rockford, and return over the same route.

No. MC 2202 (Deviation No. 45), ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 471, Akron 9, Ohio, filed June 4, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highways 30 and 202, over U.S. Highway 202 to junction Interstate Highway 80S, near King of Prussia, Pa., thence over Interstate Highway 80S to Philadelphia, Pa., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From the junction of U.S. Highways 30 and 202, over U.S. Highway 30 to Philadelphia, and return over the same route.

No. MC 9942 (Deviation No. 8), HALL FREIGHT LINES, INC., 12–18 College Street, Danville, Ill., filed May 18, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Illinois Highway 1 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction U.S. Highway 41, at Kentland, Ind., thence over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to Lafayette, Ind., thence over Indiana Highway 231 to Crawfordsville, Ind., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago over Illinois Highway 1, via Watseka, Ill., to Danville, Ill., thence over U.S. Highway 136 to Crawfordsville, and return over the same route.

No. MC 38541 (Deviation No. 2), WHITE MOTOR EXPRESS, INCORPORATED, 321 Benedict Street, Nashville 6, Tenn., filed May 31, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Nashville, Tenn., over U.S. Highway 70N to Lebanon, Tenn., thence over U.S. Highway 70N to junction Tennessee Highway 109, thence over Tennessee Highway 109 to junction U.S. Highway 31E, at Gallatin, Tenn., thence over U.S. Highway 31E to Hodgenville, Ky., thence over Kentucky Highway 61 to Elizabethtown, Ky., thence over U.S. Highway 31W to Louisville, Ky., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Louisville over U.S. Highway 31W to Elizabethtown, thence over Kentucky Highway 61 to Hodgenville, thence over U.S. Highway 31E to Westmoreland, Tenn., thence over Tennessee Highway 52 to Lafayette, Tenn., thence over Tennessee Highway 10 to junction Tennessee Highway 25, near Hartsville, Tenn., thence over Tennessee Highway 25 to junction U.S. Highway 231, thence over U.S. Highway 231 to Lebanon; also from Lafayette, Tenn., over Tennessee Highway 52 to Celina, Tenn., thence over Tennessee Highway 53 to Chestnut Mound, Tenn., thence over U.S. Highway 70N to junction unnumbered highway, near Chestnut Mound, Tenn., thence over unnumbered highway to junction Tennessee Highway 56, thence over Tennessee Highway 56 to Smithville, Tenn., thence over Tennessee Highway 26 to Lebanon; from Nashville over U.S. Highway 31E to junction Tennessee Highway 52, thence over Tennessee Highway 52 to Lafayette, Tenn.; and from Nashville over U.S. Highway 31E to Westmoreland, Tenn., and return over the same routes.

No. MC 55896 (Deviation No. 4), R. W. EXPRESS, INC., 4840 Wyoming Avenue, Dearborn 2, Mich., filed May 25, 1962. Attorney William B. Elmer, 1800 Buhl Building, Detroit 26, Mich. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Muncie, Ind., over Indiana Highway 67 to junction U.S. Highway 36, at or near Anderson, Ind., and (B) from the junction of Indiana Highway 212 and U.S. Highway 12, near Michigan City, Ind., over Indiana Highway 212 to junction U.S. Highway 20, thence over U.S. Highway 20 to Gary, Ind., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Muncie over Indiana Highway 32 to junction Indiana Highway 67; and from the junction of U.S. Highway 12 and Indiana Highway 212 over U.S. Highway 12 to Gary, and return over the same routes.

No. MC 59474 (Deviation No. 1), DAUM OVER-NITE EXPRESS, INC., 615 Indiana Building, Indianapolis 4, Ind., filed May 31, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Chicago, Ill., and Indianapolis, Ind., over Interstate Highway 65, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to Indianapolis, and return over the same route.

No. MC 78632 (Deviation No. 15) HOOVER MOTOR EXPRESS COMPANY, INC., P.O. Box 450, Polk Avenue, Nashville, Tenn., filed June 4, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Milwaukee, Wis., over U.S. Highway 41 to junction Wisconsin Highway 20, approximately 6 miles west of Racine, Wis., thence over Wisconsin Highway 20 to Racine, Wis., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago, Ill., over Illinois Highway 42 to the Illinois-Wisconsin State line, thence over Wisconsin Highway 32 (formerly Wisconsin Highway 42) to Carrollville, Wis., thence over Wisconsin Highway 100 to junction Milwaukee County Highway H, thence over Milwaukee County Highway H to Milwaukee; from Chicago, Ill. over Illinois Highway 21 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction Wisconsin Highway 36, thence over Wisconsin Highway 36 to Milwaukee; from Chicago, Ill., over U.S. Highway 41 to Milwaukee, thence over city streets to West Allis, Wis.; from Chicago, Ill., over Illinois Highway 42 to the Illinois-Wisconsin State line, thence over Wisconsin Highway 32 (formerly Wisconsin Highway 42) to Milwaukee, thence over city streets to West Allis, Wis.; and from Chicago, Ill., over Eden's Expressway to junction U.S. Highway 41, and return over the same routes.

No. MC 78632 (Deviation No. 16) HOOVER MOTOR EXPRESS COMPANY, INC., P.O. Box 450, Polk Avenue, Nashville, Tenn., filed June 4, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Milwaukee, Wis., over U.S. Highway 41 to junction Wisconsin Highway 158, approximately 4 miles west of Kenosha, Wis., thence over Wisconsin Highway 158 to Kenosha, Wis., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago, Ill., over Illinois Highway 42 to the Illinois-Wisconsin State line, thence over Wisconsin Highway 32 (formerly Wisconsin Highway 42) to Carrollville, Wis., thence over Wisconsin Highway 100 to junction Milwaukee County Highway H, thence over Milwaukee County Highway H to Milwaukee; from Chicago, Ill., over Illinois Highway 21 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction Wisconsin Highway 36, thence over Wisconsin Highway 36 to Milwaukee; from Chicago, Ill., over U.S. Highway 41 to Milwaukee; from Chicago, Ill., over Illinois Highway 42 to the Illinois-Wisconsin State line, thence over Wisconsin Highway 32 (formerly Wisconsin Highway 42) to Milwaukee, thence over city streets to West Allis, Wis.; and from Chicago, Ill., over Eden's Expressway to junction U.S. Highway 41, and return over the same routes.

No. MC 91707 (Deviation No. 1), MAFFET TRANSFER LINE, Elizabethtown, Ky., filed May 21, 1962. Attorney Harry V. McChesney, Jr., McClure Building, Frankfort, Ky. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Radcliff and Elizabethtown, Ky., over New U.S. Highway 31W, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Radcliff over Kentucky Highway 447 to Elizabethtown, and return over the same route.

No. MC 108185 (Deviation No. 5), DIXIE HIGHWAY EXPRESS, INC., 1600 B Street, P.O. Box 631, Meridian, Miss., filed June 4, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Opelika and Selma, Ala., over Alabama Highway 14, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Opelika over U.S. Highway 29 to junction U.S. Highway 80, thence over U.S. Highway 80 to Selma, and return over the same route.

No. MC 109972 (Deviation No. 7), HARRIS EXPRESS, INC., 1425 North Tryon Street, P.O. Box 10091, Charlotte 1, N.C., filed May 28, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 29 and Interstate Highway 85, near Belmont, N.C., over Interstate Highway 85 to junction U.S. Highway 29, approximately 6 miles north of Charlotte, N.C., thence over U.S. Highway 29 to junction Interstate Highway 85, near China Grove, N.C., thence over Interstate Highway 85 to junction U.S. Highway 15, approximately 6 miles north of Durham, N.C., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Greenville, S.C., over U.S. Highway 29 to Charlotte; and from Charlotte over U.S. Highway 29 to Greensboro, N.C., thence over U.S. Highway 70 to Durham, thence over U.S. Highway 15 to Oxford, N.C., and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Deviation No. 81), THE GREYHOUND CORPORATION, 5260 Peachtree Industrial Boulevard, Chamblee, Ga., filed June 4, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From Jacksonville, Fla., over Interstate Highway 10 to junction U.S. Highway 90, near Sanderson, Fla., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Chattanooga, Tenn., over U.S. Highway 41, via Macon, Ga., to Lake City, Fla., thence over U.S. Highway 90 to Jacksonville, and return over the same route.

No. MC 1501 (Deviation No. 82), THE GREYHOUND CORPORATION, 5260 Peachtree Industrial Boulevard, Chamblee, Ga., filed June 4, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From the junction of U.S. Highway 21 and Interstate Highway 77, at or near Fairplain, W. Va., over Interstate Highway 77 to junction U.S. Highway 21, at or near White Chapel, W. Va., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Parkersburg, W. Va., over U.S. Highway 21 to Ripley, W. Va., thence over relocated U.S. Highway 21 to Fairplain, thence over U.S. Highway 21, via Oak Hill and Glen Jean, W. Va., to Beckley, W. Va., and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-5752; Filed, June 12, 1962; 8:48 a.m.]

[Notice 450]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 8, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers of brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below.

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicants' company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicants' company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will at the time of offer, be subject to the same rules as if the evidence was produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 1550 (Sub-No. 14), filed May 24, 1962. Applicant: ADVANCE-UNITED EXPRESSWAYS, INC., 2601 Broadway Road NE., Minneapolis, Minn. Applicant's attorney: Will S. Tomljanovich, 2327 Wycliff Street, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes and potato products*, raw and processed, including blanched, cooked, and frozen, from Grand Forks and Grafton, N. Dak., Crookston, East Grand Forks, and Barnesville, Minn., to points in Minnesota and Wisconsin and those points in Illinois on and north of U.S. Highway 30.

HEARING: July 31, 1962, in the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 30844 (Sub-No. 74), filed May 14, 1962. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O.

Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes, and potato products*, frozen and unfrozen, cooked, uncooked and blanched, (1) from Grand Forks, Fargo, and Grafton, N. Dak., and Crookston, Mankato, and Barnesville, Minn., and Sioux City, Iowa, to points in Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, and West Virginia, and (2) from Grand Forks and Grafton, N. Dak., to Mankato, Minn.

HEARING: July 31, 1962, in the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 43475 (Sub-No. 49), filed March 15, 1962. Applicant: GLENDENNING MOTORWAYS, INC., 1665 West County Road C, Roseville, St. Paul 13, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes and potato products*, frozen and unfrozen, cooked and uncooked, or blanched, from Grand Forks and Grafton, N. Dak., Crookston, Barnesville, and Mankato, Minn., to points in Minnesota, Wisconsin, and those in that part of Illinois, on and north of U.S. Highway 30.

HEARING: July 31, 1962, in the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 42487 (Sub-No. 551), filed May 11, 1962. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *potato products*, not frozen, (1) from points in North Dakota and Minnesota to points in North Dakota, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio, Missouri, Louisville, Ky., and points in Iowa on and east of U.S. Highway 69; and (2) from points in the Chicago, Ill., commercial zone, as defined by the Commission, to points in Minnesota, Wisconsin, Illinois, Michigan, Indiana, Ohio, Missouri, Louisville, Ky., and points in Iowa on and east of U.S. Highway 69.

NOTE: Applicant states that it and Missouri Consolidated Freightways Corporation are wholly owned subsidiaries of Consolidated Freightways Inc., a non-carrier; and that applicant owns all outstanding stock of New York Consolidated Freightways Corporation, Foster Freight Lines, Wheeler Transfer & Storage Company and Canadian Freightways, Ltd.

HEARING: July 31, 1962, in the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 95540 (Sub-No. 408), filed March 9, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorneys: Donald E. Leonard and Duane W. Acklie, 605 south 12th Street, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Potatoes* and *potato products*, frozen and unfrozen, cooked, uncooked and blanched (1) from Grand Forks, Fargo, and Grafton, N. Dak., and Crookston and Barnesville, Minn., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Washington and Wisconsin, (2) from Grand Forks, Fargo, and Grafton, N. Dak., to Mankato, Minn., and (b) *frozen foods*, from Mankato, Minn., and Sioux City, Iowa, to points in the destination states indicated in a(1) above.

NOTE: Common control may be involved.

HEARING: July 31, 1962, at the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 103435 (Sub-No. 113), filed April 26, 1962. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, 900 East Omaha, Rapid City, S. Dak. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes and potato products*, frozen and unfrozen, cooked, uncooked, and blanched, from Fargo, Park River, Grafton, and points in Grand Forks County, N. Dak., and Crookston, Mankato, Barnesville, and East Grand Forks, Minn., to points in Illinois, Iowa, Kansas, Missouri, Nebraska, and South Dakota.

HEARING: July 31, 1962, in the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 111812 (Sub-No. 160), filed April 5, 1962. Applicant: MIDWEST COAST TRANSPORT, INC., Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes, and potato products, frozen and unfrozen, cooked and uncooked, and blanched*, from Fargo, Park River, Grafton, and points in Grand Forks County, N. Dak., Crookston, Mankato, Barnesville, Hopkins, and East Grand Forks, Minn., to points in the United States (except points in Alaska, and Hawaii).

NOTE: Common control may be involved.

HEARING: July 31, 1962, in the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 117119 (Sub-No. 52), filed May 3, 1962. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark.; A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes* and *potato products*, frozen and unfrozen, cooked, uncooked, and blanched, (1) from Fargo, Park River, Grafton, and points in Grand Forks County, N. Dak., and Crookston, Mankato, Barnesville, and East Grand Forks, Minn., to points in Florida, Georgia, South Carolina, North Carolina, Alabama, Tennessee, Mississippi, Louisiana, Arkansas, Oklahoma, Missouri, Kansas, and Texas; (2) from points in Grand Forks County, Park River, and Grafton, N. Dak., and Crookston and East Grand Forks, Minn., to Mankato, Minn., and Sioux City, Iowa; and (3) from Sioux City, Iowa, and Carthage, Mo., to points in Florida, Georgia, South Carolina, North Carolina, Alabama, Tennessee, Mississippi, Louisiana, Arkansas, Oklahoma, Missouri, Kansas, and Texas; and *empty containers*, or other such incidental facilities (not specified) used in transporting the above commodities on return.

NOTE: Applicant states that it is authorized to lease temporarily the properties of Pellham Transportation Company, Inc.

HEARING: July 31, 1962, in the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 117686 (Sub-No. 11), filed March 9, 1962. Applicant: RAYMOND C. HIRSCHBACK, doing business as HIRSCHBACH MOTOR LINES, 3324 U.S. Highway 75 North, Sioux City, Iowa. Applicant's attorney: J. Max Harding, Box 2041, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Potatoes* and *potato products*, frozen and unfrozen, cooked, uncooked, and blanched, (a) from Grand Forks, Fargo, and Grafton, N. Dak., and Crookston and Barnesville, Minn., to points in Alabama, Arizona, Arkansas, California, Florida, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Oregon, Tennessee, Texas, and Washington (b) from Grand Forks, Fargo and Grafton, N. Dak., to Mankato, Minn., and (2) *frozen foods*, from Mankato, Minn., and Sioux City, Iowa, to points in Alabama, Arizona, Arkansas, California, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Washington and Wisconsin, (2) from Grand Forks, Fargo, and Grafton, N. Dak., to Mankato, Minn., and (b) *frozen foods*, from Mankato, Minn., and Sioux City, Iowa, to points in the destination states indicated in a(1) above.

NOTE: Common control may be involved.

HEARING: July 31, 1962, at the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 111812 (Sub-No. 160), filed April 5, 1962. Applicant: MIDWEST COAST TRANSPORT, INC., Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes, and potato products, frozen and unfrozen, cooked and uncooked, and blanched*, from Fargo, Park River, Grafton, and points in Grand Forks County, N. Dak., Crookston, Mankato, Barnesville, Hopkins, and East Grand Forks, Minn., to points in the United States (except points in Alaska, and Hawaii).

NOTE: Common control may be involved.

HEARING: July 31, 1962, in the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 117119 (Sub-No. 52), filed May 3, 1962. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark.; A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes* and *potato products*, frozen and unfrozen, cooked, uncooked, and blanched, (1) from Fargo, Park River, Grafton, and points in Grand Forks County, N. Dak., and Crookston, Mankato, Barnesville, and East Grand Forks, Minn., to points in Florida, Georgia, South Carolina, North Carolina, Alabama, Tennessee, Mississippi, Louisiana, Arkansas, Oklahoma, Missouri, Kansas, and Texas; (2) from points in Grand Forks County, Park River, and Grafton, N. Dak., and Crookston and East Grand Forks, Minn., to Mankato, Minn., and Sioux City, Iowa; and (3) from Sioux City, Iowa, and Carthage, Mo., to points in Florida, Georgia, South Carolina, North Carolina, Alabama, Tennessee, Mississippi, Louisiana, Arkansas, Oklahoma, Missouri, Kansas, and Texas; and *empty containers*, or other such incidental facilities (not specified) used in transporting the above commodities on return.

NOTE: Applicant states that it is authorized to lease temporarily the properties of Pellham Transportation Company, Inc.

HEARING: July 31, 1962, in the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 117686 (Sub-No. 11), filed March 9, 1962. Applicant: RAYMOND C. HIRSCHBACK, doing business as HIRSCHBACH MOTOR LINES, 3324 U.S. Highway 75 North, Sioux City, Iowa. Applicant's attorney: J. Max Harding, Box 2041, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Potatoes* and *potato products*, frozen and unfrozen, cooked, uncooked, and blanched, (a) from Grand Forks, Fargo, and Grafton, N. Dak., and Crookston and Barnesville, Minn., to points in Alabama, Arizona, Arkansas, California, Florida, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Oregon, Tennessee, Texas, and Washington (b) from Grand Forks, Fargo and Grafton, N. Dak., to Mankato, Minn., and (2) *frozen foods*, from Mankato, Minn., and Sioux City, Iowa, to points in Alabama, Arizona, Arkansas, California, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Washington and Wisconsin, (2) from Grand Forks, Fargo, and Grafton, N. Dak., to Mankato, Minn., and (b) *frozen foods*, from Mankato, Minn., and Sioux City, Iowa, to points in the destination states indicated in a(1) above.

NOTE: Common control may be involved.

HEARING: July 31, 1962, at the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 103435 (Sub-No. 113), filed April 26, 1962. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, 900 East Omaha, Rapid City, S. Dak. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes and potato products*, frozen and unfrozen, cooked, uncooked, and blanched, from Fargo, Park River, Grafton, and points in Grand Forks County, N. Dak., and Crookston, Mankato, Barnesville, and East Grand Forks, Minn., to points in Illinois, Iowa, Kansas, Missouri, Nebraska, and South Dakota.

HEARING: July 31, 1962, in the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 111812 (Sub-No. 160), filed April 5, 1962. Applicant: MIDWEST COAST TRANSPORT, INC., Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes, and potato products, frozen and unfrozen, cooked and uncooked, and blanched*, from Fargo, Park River, Grafton, and points in Grand Forks County, N. Dak., Crookston, Mankato, Barnesville, Hopkins, and East Grand Forks, Minn., to points in the United States (except points in Alaska, and Hawaii).

NOTE: Common control may be involved.

HEARING: July 31, 1962, in the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 117119 (Sub-No. 52), filed May 3, 1962. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark.; A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes* and *potato products*, frozen and unfrozen, cooked, uncooked, and blanched, (1) from Fargo, Park River, Grafton, and points in Grand Forks County, N. Dak., and Crookston, Mankato, Barnesville, and East Grand Forks, Minn., to points in Florida, Georgia, South Carolina, North Carolina, Alabama, Tennessee, Mississippi, Louisiana, Arkansas, Oklahoma, Missouri, Kansas, and Texas; (2) from points in Grand Forks County, Park River, and Grafton, N. Dak., and Crookston and East Grand Forks, Minn., to Mankato, Minn., and Sioux City, Iowa; and (3) from Sioux City, Iowa, and Carthage, Mo., to points in Florida, Georgia, South Carolina, North Carolina, Alabama, Tennessee, Mississippi, Louisiana, Arkansas, Oklahoma, Missouri, Kansas, and Texas; and *empty containers*, or other such incidental facilities (not specified) used in transporting the above commodities on return.

NOTE: Applicant states that it is authorized to lease temporarily the properties of Pellham Transportation Company, Inc.

HEARING: July 31, 1962, in the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 117686 (Sub-No. 11), filed March 9, 1962. Applicant: RAYMOND C. HIRSCHBACK, doing business as HIRSCHBACH MOTOR LINES, 3324 U.S. Highway 75 North, Sioux City, Iowa. Applicant's attorney: J. Max Harding, Box 2041, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Potatoes* and *potato products*, frozen and unfrozen, cooked, uncooked, and blanched, (a) from Grand Forks, Fargo, and Grafton, N. Dak., and Crookston and Barnesville, Minn., to points in Alabama, Arizona, Arkansas, California, Florida, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Oregon, Tennessee, Texas, and Washington (b) from Grand Forks, Fargo and Grafton, N. Dak., to Mankato, Minn., and (2) *frozen foods*, from Mankato, Minn., and Sioux City, Iowa, to points in Alabama, Arizona, Arkansas, California, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Washington and Wisconsin, (2) from Grand Forks, Fargo, and Grafton, N. Dak., to Mankato, Minn., and (b) *frozen foods*, from Mankato, Minn., and Sioux City, Iowa, to points in the destination states indicated in a(1) above.

NOTE: Common control may be involved.

HEARING: July 31, 1962, at the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 103435 (Sub-No. 113), filed April 26, 1962. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, 900 East Omaha, Rapid City, S. Dak. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes and potato products*, frozen and unfrozen, cooked, uncooked, and blanched, from Fargo, Park River, Grafton, and points in Grand Forks County, N. Dak., and Crookston, Mankato, Barnesville, and East Grand Forks, Minn., to points in Illinois, Iowa, Kansas, Missouri, Nebraska, and South Dakota.

HEARING: July 31, 1962, in the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 111812 (Sub-No. 160), filed April 5, 1962. Applicant: MIDWEST COAST TRANSPORT, INC., Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes, and potato products, frozen and unfrozen, cooked and uncooked, and blanched*, from Fargo, Park River, Grafton, and points in Grand Forks County, N. Dak., Crookston, Mankato, Barnesville, Hopkins, and East Grand Forks, Minn., to points in the United States (except points in Alaska, and Hawaii).

NOTE: Common control may be involved.

HEARING: July 31, 1962, in the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 117119 (Sub-No. 52), filed May 3, 1962. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark.; A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes* and *potato products*, frozen and unfrozen, cooked, uncooked, and blanched, (1) from Fargo, Park River, Grafton, and points in Grand Forks County, N. Dak., and Crookston, Mankato, Barnesville, and East Grand Forks, Minn., to points in Florida, Georgia, South Carolina, North Carolina, Alabama, Tennessee, Mississippi, Louisiana, Arkansas, Oklahoma, Missouri, Kansas, and Texas; (2) from points in Grand Forks County, Park River, and Grafton, N. Dak., and Crookston and East Grand Forks, Minn., to Mankato, Minn., and Sioux City, Iowa; and (3) Sioux City, Iowa, and Carthage, Mo., to points in Florida, Georgia, South Carolina, North Carolina, Alabama, Tennessee, Mississippi, Louisiana, Arkansas, Oklahoma, Missouri, Kansas, and Texas.

HEARING: July 31, in the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-5753; Filed, June 12, 1962; 8:48 a.m.]

[Notice 451]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 8, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers of brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 504 (Sub-No. 52), filed May 9, 1962. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's attorney: Grimm & Postell, 1375 Peachtree Street, NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory grain, kyanite* and *mullite*, other than in bulk, from points in Wilkes and Lincoln Counties, Ga., and McCormick County, S.C., to points in Ohio, Missouri, Illinois, Indiana, Michigan, and Kentucky.

HEARING: July 24, 1962, at 680 West Peachtree Street, NW., Atlanta, Ga., before Examiner Wm. N. Culbertson.

No. MC 1222 (Sub-No. 20), filed May 23, 1962. Applicant: THE REINHARDT TRANSFER COMPANY, a corporation, 1410 10th Street, Portsmouth, Ohio. Applicant's attorney: Robert H. Kinker, Seventh Floor McClure Building, P.O. Box 127, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foam, cellular, expanded*, or *sponge plastic articles, and materials*, from Hanging Rock, Ohio (just west of Ironton), to points in Indiana, Kentucky, West Virginia, and those points in Pennsylvania on and west of U.S. Highway 219, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: Applicant states duplication with present authority to be eliminated.

HEARING: July 23, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William R. Tyers.

No. MC 2309 (Sub-No. 46), filed May 22, 1962. Applicant: GILLETTE MOTOR TRANSPORT, INC., 2311 Butler Street, Dallas, Tex. Applicant's representative: R. L. Carraway, P.O. Box 35706, Dallas 35, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except articles of unusual value, Classes A and B explosives (other than explosives, incendiary, gas, smoke or tear-producing ammunition falling within that category), household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Houston, Tex., and Freeport, Tex.; (1) from Houston over Texas Highway 288 to Freeport, and (2) from Houston over Texas Highway 35 to junction with Texas Highway 288 at or near Angleton, Tex., thence over Texas Highway 288 to Freeport, and return over the same routes, serving no intermediate points and correlating service with applicant's present service over its existing authorized route to and from Houston, Tex.

HEARING: June 14, 1962, at the Texas State Hotel, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 2960 (Sub-No. 5), filed June 4, 1962. Applicant: D. A. BEARD TRUCK LINES COMPANY, a corporation, 6002 Harvey Wilson, Houston, Tex. Applicant's attorney: Joe G. Fender, P.O. Box 66787, Houston 6, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Ammunition (explosives, incendiary, or gas, smoke, or tear producing), manufactured ingredients and component parts of ammunition, and* (2) *general commodities* (except those of unusual value, Classes A and B explosives, other than ammunition and manufactured ingredients and component parts of ammunition as specified above, livestock, rock, gravel, sand, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), between Houston, and Freeport, Tex., (1) from Houston, over Texas Highway 288 to Freeport, and (2) from Houston, over Texas Highway 35 to junction with Texas Highway 288 at or near Angleton, thence over Texas Highway 288, to Freeport, and return over the same routes, serving no intermediate points, and coordinating service with Applicant's regular route operations to and from Houston, Tex.

NOTE: Common control may be involved.

HEARING: June 14, 1962, at the Texas State Hotel, Houston, Tex., before Examiner C. Evans Brooks.

No. MC 2980 (Sub-No. 1), filed April 26, 1962. Applicant: LANDGREBE MOTOR TRANSPORT, INC., State Road No. 130, Valparaiso, Ind. Applicant's attorney: William J. Guenther, 1212 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Valparaiso, Ind., and Wanatha, Ind.; over U.S. Highway 30, and return over the same route, serving all intermediate points.

HEARING: July 26, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 149.

No. MC 4405 (Sub-No. 392), filed May 25, 1962. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semitrailers* and *trailer chassis and semitrailer chassis* (except those designed to be drawn by passenger automobiles) in initial movements, in truckaway and driveaway service, from Findlay, Ohio, to points in the United States, including Alaska but excluding Hawaii, and (2) *tractors*, in secondary driveway service, only when drawing trailers moving in initial driveaway service, from Findlay, Ohio, to points in Alaska, Arizona, Nevada, Oregon, and Vermont.

NOTE: Applicant states "W. F. Carey and Bert B. Beveridge who control applicant also control Automobile Carriers, Inc., and C. & J. Commercial Driveaway Company, Inc."

HEARING: July 18, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 10761 (Sub-No. 120), filed April 16, 1962. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Room 1210–12, Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); serving Utica, Mich. located in Macomb County, as an off-route point in connection with applicant's regular-route operations between Detroit, Mich., and Bay City, Mich.

HEARING: August 2, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 10928 (Sub-No. 44), filed June 7, 1962. Applicant: SOUTHERN-PLAZA EXPRESS, INC., 2001 Irving Boulevard, Dallas, Tex. Applicant's attorney: Dale Woodall, P.O. Box 2408, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), be-

tween Houston, and Freeport, Tex., (a) from Houston, over Texas Highway 288, to Freeport, and return over the same route, serving no intermediate points, and (b) from Houston, over Texas Highway 35, to junction of Texas Highway 35, and Texas Highway 288, thence over Texas Highway 288, to Freeport, and return over the same route, serving no intermediate points.

NOTE: Common control may be involved.

HEARING: June 14, 1962, at the Texas State Hotel, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 20994 (Sub-No. 2), filed April 13, 1962. Applicant: INTER CITY AUTO FREIGHT, INC., 1821 Dock Street, Tacoma, Wash. Applicant's attorneys E. K. Murray and E. M. Murray, 1125 Rust Building, Tacoma 2, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk): (1) Between Everett, Wash., and Diablo, Wash.; over presently authorized routes, serving all intermediate points. (2) Between Diablo Dam and the Summit of The Cascade Mountains near Rainy Pass, Wash.; from Diablo Dam over unnumbered highway through Fourth of July Pass to the junction of Ruby Creek and Cabin Canyon Creek, thence over unnumbered highway to Rainy Pass, thence to the Summit of The Cascade Mountains and return over the same route, serving all intermediate points.

NOTE: The purpose of this application is to enable applicant in (1) above to permit service to all intermediate points unrestricted, and in (2) above to extend carrier's present regular-route authority and also amend carriers present regular-route authority by removing therefrom, where same presently exists, restrictions prohibiting the transportation of "commodities requiring special equipment."

HEARING: July 26, 1962, at the Washington Public Service Commission, Insurance Building, Olympia, Wash., before Joint Board No. 80, or, if the Joint Board waives its right to participate before Examiner Richard H. Roberts.

No. MC 22195 (Sub-No. 89), filed May 7, 1962. Applicant: DAN S. DUGAN, doing business as DUGAN OIL & TRANSPORT CO., P.O. Box 946, 41st Street and Grange Avenue, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas and natural gasoline*, in bulk, in tank vehicles, from Mentor, Minn., and points within 5 miles thereof to points in North Dakota, South Dakota, Iowa, Wisconsin, and the upper peninsula of Michigan and to points in North Dakota and Minnesota on the International Boundary Line between the United States and Canada, and *rejected shipments*, of the above specified commodities, on return.

HEARING: July 17, 1962, in Room 393, Federal Building, and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Leo. M. Pellerzi.

No. MC 22195 (Sub-No. 90), filed May 14, 1962. Applicant: DAN S. DUGAN, doing business as DUGAN OIL & TRANSPORT CO., P.O. Box 946, 41st Street and Grange Avenue, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, as described in Appendix XIII to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209, from West Fargo, N. Dak., and points within five (5) miles thereof, to points in Minnesota, South Dakota, Iowa, and Nebraska, and *rejected shipments* of the commodities specified above, on return.

HEARING: July 16, 1962, in Room 393, Federal Building, and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Leo M. Pellerzi.

No. MC 23939 (Sub-No. 142), filed May 21, 1962. Applicant: ASBURY TRANSPORTATION CO., a corporation, 2222 East 38th Street, Los Angeles 58, Calif. Applicant's attorney: Warren N. Grossman, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids and rocket propellant fuels*, in bulk, in specially designed tank trailers, between missile sites, production plants, and missile test facilities in the States of Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

NOTE: Applicant states it presently holds permanent authority to transport certain of the above-identified commodities between specified points and states encompassed within the territorial description above set forth. Applicant seeks no duplicating operating authority.

HEARING: July 17, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Wm. N. Culbertson.

No. MC 28478 (Sub-No. 18), filed April 5, 1962. Applicant: GREAT LAKES EXPRESS CO., a corporation, 172 Davenport Street, Saginaw, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), serving points within five (5) miles of Howell, Mich., as off-route points in connection with carrier's authorized regular route operations to and from Howell.

HEARING: July 30, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 30224 (Sub-No. 21), filed May 28, 1962. Applicant: TRANSPORT SERVICE, INC., first and Capitol Street, Yankton, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer* and *empty beer containers*, from Minneapolis and Saint Paul, Minn., to Yankton, S. Dak., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities above, on return trips.

HEARING: July 27, 1962, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board No. 366, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi.

No. MC 30844 (Sub-No. 73), filed May 11, 1962. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Applicant's attorney: J. Max Harding, Box 2041, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, as described by the Commission in Appendix I, 61 M.C.C. 209, (a) from Luverne, Minn., to points in Connecticut, Delaware, Illinois, Indiana, Kansas, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Washington, D.C., and (b) from Sioux City, Iowa, to Luverne, Minn.

NOTE: Applicant states the proposed service as shown in (b) above will be restricted to traffic moving beyond Luverne, Minn., to points in the destination states specified in (a) above.

HEARING: July 23, 1962, at the U.S. Court Rooms, Sioux City, Iowa, before Examiner Leo M. Pellerzi.

No. MC 30844 (Sub-No. 63) (CORRECTION), filed March 9, 1962, published in FEDERAL REGISTER issue of May 16, 1962, corrected May 28, 1962, and republished, as corrected, this issue. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (1) from Iowa City, Iowa, to Downingtown, Pa., and (2) from Council Bluffs, Iowa to Pittsburgh, Greensburg, Carbon Center, and Scranton, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: The purpose of this republication is to designate the destination point of "Carbon Center, Pa." in lieu of "Carbon, Pa." as previously published.

HEARING: Remains as assigned June 20, 1962, at the Federal Office Building, Omaha, Nebr., before Examiner Richard White.

No. MC 46280 (Sub-No. 44), filed March 1, 1962. Applicant: DARLING FREIGHT, INC., 4000 Division Avenue S., Grand Rapids 8, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between Detroit, Mich., on the one hand, and on the other, Grand Ledge, Mich.

HEARING: July 31, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 50069 (Sub-No. 257), filed May 18, 1962. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Huron, Ohio, and points within five (5) miles thereof, to points in Minnesota, New York, Wisconsin, Illinois, Indiana, and Michigan.

HEARING: July 16, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Edith H. Cockrill.

No. MC 52657 (Sub-No. 622), filed May 21, 1962. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semitrailers, trailer chassis, semitrailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements in driveaway service, from Exeter, Pa., to points in the United States, including Alaska (except points in Hawaii), and (2) *tractors*, in secondary driveaway service, only when drawing trailers in initial movements, from Exeter, Pa., to points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia.

HEARING: July 18, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 52657 (Sub-No. 623), filed May 21, 1962. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semitrailers, trailer chassis, semitrailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements in truckaway and driveaway service, from Findlay, Ohio, to points in the United States, including Alaska (except points in Hawaii), (2) *tractors*, in secondary driveaway service, only when drawing trailers in initial movements, from Findlay, Ohio, to points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia, (3) *trailers, semitrailers* (except those designed to be drawn by passenger automobiles), in secondary movements in truckaway and driveaway service, from Exeter, Pa., to points in the United States, including Alaska (except points in Hawaii), and (4) *tractors*, in secondary driveaway service, only when drawing trailers in secondary movements, from Exeter, Pa., to points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia.

NOTE: Applicant states the proposed service as shown in (3) and (4) above, is restricted to the transportation of trailers and semitrailers that were manufactured or assembled in Findlay, Ohio, and were transported to Exeter, Pa., for the purpose of assembling or installing bodies or other equipment.

HEARING: July 18, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 52657 (Sub-No. 624), filed May 21, 1962. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor vehicles*, in initial driveaway and truckaway service, from points in Schuylkill County, Pa., to points in the United States, including Alaska (except in Hawaii), and (2) return of *motor vehicles*, from points in the United States, including Alaska (except points in Hawaii), to points in Schuylkill County, Pa.

NOTE: Applicant states the return shipments to be restricted to motor vehicles that were manufactured or assembled at points in Schuylkill County, Pa., and returned because of rejection, damaged, repairs, conversion or further research development.

HEARING: July 17, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 52861 (Sub-No. 4), filed March 26, 1962. Applicant: HAROLD W. STEWART, INC., 102 Andrus Road, Toledo, Ohio. Applicant's representative: Earl J. Thomas, Thomas Building, 5844–5850 North High Street, Worthington, Ohio. Applicant's attorneys: Herbert Baker and James Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk* (except liquid commodities and cement), between points in Lucas County, Ohio, on the one hand, and, on the other, points in Ohio, Indiana, and Michigan (except those points in Michigan within 40 mile radius of Monroe, Mich.).

HEARING: July 19, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 9.

No. MC 52861 (Sub-No. 5), filed March 26, 1962. Applicant: HAROLD W. STEWART, INC., 102 Andrus Road, Toledo, Ohio. Applicant's representative: Earl J. Thomas, Thomas Building, 5844–5850 North High Street, Worthington, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk commodities* (except liquid commodities), between Monroe, Mich., and points within 40 miles of Monroe, on the one hand, and, on the other, points in Ohio within 40 miles of Monroe.

HEARING: July 20, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 57.

No. MC 55896 (Sub-No. 14), filed May 15, 1962. Applicant: R.W. EXPRESS, INC., 4840 Wyoming Avenue, Dearborn, Mich. Applicant's attorney: William B. Elmer, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except Classes A and B explosives, household goods as defined in 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment), from Goshen, Ind., to Marion, Ind.; from Goshen over Indiana Highway 15 to Marion, and return over the same route, serving no intermediate points as an alternate route for operating convenience only in connection with applicant's regular-route operations.

HEARING: July 27, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 149.

No. MC 61396 (Sub-No. 90), filed May 23, 1962. Applicant: HERMAN BROS., INC., 2501 North 11th Street, P.O. Box 189, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Oyster shells, fish meal, fish scrap*, and *animal feed grade sugar*, from Council Bluffs, Iowa, and Omaha, Nebr., to points in Iowa, Nebraska, Minnesota, Missouri, North Dakota, South Dakota, and Kansas. (2) *Salt*, from Council Bluffs, Iowa, to points in Kansas. (3) *Returned and rejected shipments*, on return in (1) and (2) above.

HEARING: July 19, 1962, in Room 393, Federal Building, and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Leo M. Pellerzi.

No. MC 61506 (Sub-No. 14) (AMENDMENT), filed February 21, 1962, published FEDERAL REGISTER issue May 30, 1962, amended May 31, 1962, and republished as amended this issue. Applicant: RUSSELL TRANSFER COMPANY, INC., Athens-Augusta Highway, Washington, Ga. Applicant's attorney: Theodore M. Forbes, Jr., Suite 825, The Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, other than gasoline, kerosene, refined, and crude oils, between Charleston, S.C., and Savannah, Ga., on the one hand, and, on the other, points in Georgia and South Carolina.

NOTE: The purpose of this republication is to change the proposed operation to a "be-

tween" movement in lieu of a "from and to" movement.

HEARING: Remains as assigned July 13, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 131.

No. MC 64994 (Sub-No. 37), filed May 24, 1962. Applicant: HENNIS FREIGHT LINES, INC., P.O. Box 612, Winston-Salem, N.C. Applicant's representative: Frank C. Philips (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, wrapping paper* and *activated carbon*, from Covington, Va., to points in Ohio, Indiana, those in Michigan on and south of U.S. Highway 21 and those in the Chicago, Ill., Commercial Zone as defined by the Commission.

HEARING: July 23, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alfred B. Hurley.

No. MC 65802 (Sub-No. 23), filed April 2, 1962. Applicant: LYNDEN TRANSFER, INC., P.O. Box 433, Lynden, Wash. Applicant's attorney: James T. Johnson, 609–11 Norton Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pyrite cinders*, from the Port of Entry on the International Boundary Line between the United States and Canada at or near Blaine, Wash., to Bellingham, Wash.

NOTE: Applicant states it and Milky Way, Inc., holder of authority issued in Docket No. MC 110899, are controlled by Henry Jansen.

HEARING: July 27, 1962, at the Washington Public Service Commission, Insurance Building, Olympia, Wash., before Joint Board No. 237, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 66340 (Sub-No. 4), filed May 17, 1962. Applicant: MILLIS TRANSPORTATION CO., INC., 91 Union Street, Millis, Mass. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building and roofing materials, wrapping paper, and materials, equipment, and supplies used in the manufacturing or shipping of building and roofing materials*, between Millis, Mass., and points within ten (10) miles thereof, on the one hand, and, on the other, points in Connecticut, Maine, New Hampshire, Vermont, and points in Massachusetts within ten (10) miles of Boston.

HEARING: July 16, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 67916 (Sub-No. 22), filed April 5, 1962. Applicant: NEW YORK CENTRAL TRANSPORT COMPANY, a corporation, 230 Park Avenue, New York, N.Y. Applicant's attorney: Herbert Burstein, 160 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk in tank vehicles, and motor vehicles when transported in special equipment), between Detroit, Mich., and Saginaw, Mich.; from Detroit over Expressway out of Detroit over Northwestern Highway to U.S. Highway 24 to the U.S. Highway 10 Bypass; U.S. Highway 10 to U.S. Highway 23; thence over U.S. Highway 23 to Michigan Highway 46, thence over Michigan Highway 46 to Saginaw, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular-route operations between Detroit and Midland, Mich.

NOTE: Applicant states it is a subsidiary of the New York Central Railroad Company (Central). Central, as the parent railroad company, controls other carrier corporations, which are members of a group known as The New York Central System. The Alleghany Corp., in turn, controls Central and its affiliated carriers.

HEARING: July 30, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 69876 (Sub-No. 10), filed April 25, 1962. Applicant: BURKS PELZ TRANSFER, INC., 801–B North Wabash Street, Evansville, Ind. Applicant's attorney: William J. Guenther, 1212 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities such as are usually handled by wholesale hardware houses*, from Evansville, Ind., to points in Cumberland, Fayette, Effingham, Jasper, Crawford, Marion, Clay, Richland, Lawrence, Clinton, Washington, Jefferson, Wayne, Edwards, Wabash, Randolph, Perry, Franklin, Hamilton, White, Jackson, Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski and Massac Counties, Ill., and points in Ballard, McCracken, Carlisle, Hickman, Fulton, Graves, Marshall, Calloway, Lyon, Trigg, Christian, Caldwell, Todd, Warren, Barren, Butler, Muhlenberg, Hopkins, Webster, Union, Henderson, Daviess, Hancock, Ohio, Livingston, Crittenden, and McLean Counties, Ky.

NOTE: Applicant states that the proposed transportation will be under a continuing contract with Boettcher & Kellogg Co., Inc., of Evansville, Ind.

HEARING: July 23, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 1.

No. MC 71219 (Sub-No. 4), filed April 18, 1962. Applicant: FRIEDMAN TRANSFER & CONSTRUCTION CO., INC., 19 East Commerce Street, Youngstown, Ohio. Applicant's attorney: Samuel W. Earnshaw, 983 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as building contractor's equipment, heavy and bulky articles, machinery and machine parts, the transportation of which because of size or weight requires the use of specialized handling or rigging* (except iron and steel and iron and steel articles, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and such other commodities, as are used in connection with the construction of pipelines), between points in Columbiana, Trumbull, and Mahoning Counties, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, and the lower peninsula of Michigan.

NOTE: Applicant states it "now possesses most of the requested authority and does not seek duplicating or overlapping rights; the purpose is to make the Westbound and the Eastbound commodity and service descriptions identical with each other, and also more consistent with its grandfather description."

HEARING: July 24, 1962, at the New Federal Building, Pittsburgh, Pa., before Examiner Gorgon M. Callow.

No. MC 74857 (Sub-No. 6), filed January 31, 1962. Applicant: FULLER MOTOR DELIVERY CO., a corporation, 1111 West Court Street, Cincinnati, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel, iron, copper, brass*, and *aluminum items*, such as are stored, handled, and shipped by steel and metal warehouses and service centers, from points in Hamilton County, Ohio, to points in Ohio on and south of U.S. Highway 30 and on and west of U.S. Highway 21; and *returned or rejected shipments of the above commodities* on return.

HEARING: July 17, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 76177 (Sub-No. 288), filed May 3, 1962. Applicant: BAGGETT TRANSPORTATION COMPANY, a corporation, 2 South 32d Street, Birmingham 5, Ala. Applicant's attorney: Harold G. Hernly, Suite 605, 711 14th Street, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives*, from Milan Arsenal, near Milan, Tenn., to Eglin Air Force Base, near Valparaiso, Fla.

NOTE: Applicant holds contract authority under MC 89778, therefore dual operations may be involved. Applicant states that it controls Alabama Highway Express.

HEARING: July 20, 1962, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Wm. N. Culbertson.

No. MC 77135 (Sub-No. 18), filed April 10, 1962. Applicant: PACIFIC TRUCK SERVICE, INC., 600 Park Avenue, San Jose, Calif. Applicant's attorney: Edward M. Berol, 100 Bush Street, 21st Floor, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, (1) between points in California, on the one hand, and, on the other, points in Montana, (2) between points in Oregon, on the one hand, and, on the other, points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming, and (3) between points in Washington, on the one hand, and, on the other, points in Arizona, Colorado, Nevada, New Mexico, Utah, and Wyoming.

HEARING: August 7, 1962, in the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner Richard H. Roberts.

No. MC 77656 (Sub-No. 3), filed March 26, 1962. Applicant: JOHNSTOWN MOTOR FREIGHT, INC., 438 Belmont Street, Johnstown, Pa. Applicant's attorney: S. Harrison Kahn, Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Empty cans* from Baltimore, Md., to Tipton, Pa.; and (2) *groceries* from Baltimore, Md., to Tyrone, Tipton, and Altoona, Pa.

NOTE: Applicant states that its president manages the operations of Vincent S. Lowman, MC–31953.

HEARING: July 26, 1962, at the New Federal Building, Pittsburgh, Pa., before Examiner Gordon M. Callow.

No. MC 82079 (Sub-No. 5), filed April 20, 1962. Applicant: KELLER TRANSFER LINE, INC., 1239 Randolph Street SW., Grand Rapids, Mich. Applicant's attorney: J. M. Neath, Jr., Michigan Trust Building, Grand Rapids 2, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk flour* between Chicago, Ill., and points in its commercial zone, on the one hand, and on the other, Grand Rapids, Lowell, Ionia, and Quincy, Mich., and points in their respective commercial zones.

HEARING: August 3, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 73.

No. MC 87231 (Sub-No. 18), filed May 24, 1962. Applicant: BAY & BAY TRANSFER CO., INC., 815 North Fourth Street, Minneapolis, Minn. Applicant's attorney: Val M. Higgins, One Thousand First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and bags, from Minneapolis and St. Paul, Minn., and points within 25 miles thereof, to points in Minnesota, Wisconsin, North Dakota, and South Dakota.

HEARING: July 12, 1962, at the Old Post Office Building, Public Square and Superior Avenues, Cleveland, Ohio, before Examiner James Anton.

No. MC 88856 (Sub-No. 2), filed April 26, 1962. Applicant: GAY C. HOWREY, La Porte City, Iowa. Applicant's attorney: William B. Mooney, First National Bank Building, Waverly, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over-irregular routes, transporting: *Concrete pipe products of all sizes*, from Waterloo, Iowa, (1) to points in Minnesota on and south of U.S. Highway 12, (2) to points in Wisconsin lying on and south of U.S. Highway 8, and on and west of U.S. Highway 51, and (3) to points in Illinois lying on and north of U.S. Highway 6 and on and west of U.S. Highway 51, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: July 24, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Bernard J. Hasson, Jr.

No. MC 90230 (Sub-No. 4), filed March 19, 1962. Applicant: BISETT TRUCKING CO., a corporation, 142 Davis Street, Bradford, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk commodities*, such as are transported in dump vehicles, from points in Chautauqua, Cattaraugus, Allegany, and Steuben Counties, N.Y., to points in Warren, McKean, Potter, and Tioga Counties, Pa.

NOTE: Applicant states that at present "the above-specified service is restricted to hauls of not more than 25 miles from point of origin to points of destination, except asphaltic concrete which is restricted to hauls of not more than 50 miles from point of origin to point of destination. This application is to respectfully request the deletion of the above mileage restrictions. No other changes in territory are requested."

HEARING: July 27, 1962, at the New Federal Building, Pittsburgh, Pa., before Examiner Gordon M. Callow.

No. MC 90373 (Sub-No. 16), filed January 29, 1962. Applicant: C & R TRUCKING CO., INC., Inman Avenue, Avenel, N.J. Applicant's attorney: LeRoy Danziger, 334 King Road, North Brunswick, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Phthalic anhydride and metalic soaps of fatty acids*, from Perth Amboy, N.J., to points in Westchester County, N.Y., and New York, N.Y., Pennsylvania and Connecticut, and *empty containers or other such incidental facilities* used in transporting the above-described commodities and *returned and rejected commodities*, on return.

HEARING: July 19, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

No. MC 90373 (Sub-No. 17), filed March 1, 1962. Applicant: C & R TRUCKING CO., a corporation, Inman Avenue, Avenel, N.J. Applicant's attorney: Leroy Danziger, 334 King Road, North Brunswick, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Petty's Island, N.J., to Coraopolis (Moon Township) and New Kensington, Pa., and *empty containers, returned and rejected commodities, or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: Common control may be involved.

HEARING: July 20, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 94265 (Sub-No. 83), filed April 18, 1962. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meatpacking houses*, as listed in parts A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Perry, Iowa, to points in Delaware, North Carolina, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia.

HEARING: July 26, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Bernard J. Hasson, Jr.

No. MC 94265 (Sub-No. 84), filed April 24, 1962. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 12388, Thomas Corner Station, Norkfolk, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meatpacking houses*, as listed in parts A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, from Denison and Fort Dodge, Iowa, to points in Delaware, Maryland, North Carolina, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

HEARING: July 27, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Bernard J. Hasson, Jr.

No. MC 94265 (Sub-No. 85), filed May 11, 1962. Applicant: BONNEY MOTOR EXPRESS, INC., Thomas Corner Station, Norfolk, Va. Applicant's attorney: J. Max Harding, Box 2041, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, as described by the Commission in Appendix I, 61 M.C.C. 209, (a) from Luverne, Minn., to points in Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, Virginia, Washington, D.C., and West Virginia, and (b) from Sioux City, Iowa, to Luverne, Minn.

NOTE: Applicant states the proposed service in (b) above will be restricted to traffic moving beyond Luverne, Minn., to points in the destination States specified in (a) above.

HEARING: July 23, 1962, at the U.S. Court Rooms, Sioux City, Iowa, before Examiner Leo M. Pellerzi.

No. MC 94265 (Sub-No. 86), filed May 21, 1962. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products* and *frozen foods* from Norfolk, Va., to points in Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, Texas, Arkansas, Tennessee, Oklahoma, Maryland, Delaware, West Virgina, Kentucky, Kansas, Nebraska, Illinois, Iowa, Missouri, Indiana, Ohio, Pennsylvania, New York, Michigan, Minnesota, Colorado, New Jersey, and the District of Columbia.

HEARING: July 30, 1962, at the Offices of the Interstate Commerce Commission,

Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 94759 (Sub-No. 1), filed April 30, 1962. Applicant: ARROW TOWING SERVICE, INC., 1136 SW. Montgomery Street, Portland 1, Oreg. Applicant's attorney: Earle V. White, Fifth Avenue Building, Portland 1, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles*, moved by means of wrecker-type equipment, between points in Oregon on the one hand, and on the other, points in Idaho, Montana, Nevada, and California.

HEARING: July 30, 1962, at the Interstate Commerce Commission Hearing Room, 410 SW. 106th Avenue, Portland, Oreg., before Examiner Richard H. Roberts.

No. MC 95540 (Sub-No. 420), filed April 18, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Road, Thomasville, Ga. Applicant's attorney: Duane W. Acklie, 605 South 12th Street, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, as described by the Commission in Appendix I, 61 M.C.C. 209, (A) from Luverne, Minn., to points in Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Delaware, New Jersey, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Oklahoma, Arkansas, Tennessee, Kentucky, Ohio, Indiana, Illinois, Missouri, Washington, D.C., and Denver, Colo., and (B) from Sioux City, Iowa, to Luverne, Minn.

NOTE: Applicant states the proposed operation in (B) is restricted to traffic moving beyond Luverne, Minn. to points in the destination states specified in (A) above. Applicant further states it is under common control with Arctic Express, Inc., through stock ownership in Bill Watkins and Watkins Motor Lines, Inc.

HEARING: July 23, 1962, at the U.S. Court Rooms, Sioux City, Iowa, before Examiner Leo M. Pellerzi.

No. MC 95540 (Sub-No. 424), filed April 25, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, from points in Sumter County, Ga., to points in Alabama, Connecticut, Delaware, Florida, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia. Note: Common control may be involved.

HEARING: July 23, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Wm. N. Culbertson.

No. MC 95540 (Sub-No. 427) (CORRECTION), filed April 30, 1962, published in the FEDERAL REGISTER, issue of May 16, 1962, republished this issue as corrected June 4, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*.

NOTE: The purpose of this republication is to indicate the *correct spelling* of *Saltsburg*, Pa., one of the origin points.

HEARING: Remains as assigned June 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Henry C. Darmstadter.

No. MC 101075 (Sub-No. 74), filed April 30, 1962. Applicant: TRANSPORT, INC., 1215 Center Avenue, Moorhead, Minn. Applicant's attorney: Ronald B. Pitsenbarger (same address is applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Fargo, N. Dak., and points within 15 miles thereof, to points in Minnesota, South Dakota, Nebraska, and Iowa, and *rejected shipments*, on return.

NOTE: Applicant states no duplicating authority requested.

HEARING: July 16, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Leo M. Pellerzi.

No. MC 103378 (Sub-No. 235), filed May 16, 1962. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Phosphatic fertilizer solutions and dry chemicals*, in bulk, in tank vehicles and hopper-type vehicles, from points in Richmond County, Ga., to points in Richmond County, Ga., and points in Alabama, Florida, Louisiana, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, and (2) *acids and chemicals*, in bulk, in tank vehicles and hopper-type vehicles, from points in Richmond County, Ga., to points in Alabama, Florida, Louisiana and Mississippi.

HEARING: July 26, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Wm. N. Culbertson.

No. MC 103654 (Sub-No. 67), filed May 25, 1962. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 1145 Homer Street, St. Paul 16, Minn. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acid*, in bulk, in tank vehicles, from points in Minneapolis-St. Paul Commercial Zone to points in North Dakota, South Dakota, and Wisconsin.

HEARING: July 27, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner J. Thomas Schneider.

No. MC 105813 (Sub-No. 65), filed April 25, 1962. Applicant: BELFORD TRUCKING CO., INC., 1299 NW. 23d Street, Miami, Fla. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate, chocolate coating, cocoa*, and *ice cream coating*, from Milwaukee, Wis., and Newark, N.J., to points in North Carolina, South Carolina, Georgia, Florida, Indiana, Kentucky, Tennessee, Virginia, Mississippi, Alabama, West Virginia, and Louisiana.

HEARING: July 30, 1962, at Midland Hotel, Chicago, Ill., before Examiner Bernard J. Hasson, Jr.

No. MC 105813 (Sub-No. 68), filed May 10, 1962. Applicant: BELFORD TRUCKING CO., INC., 1299 NW. 23d Street, Miami, Fla. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Deerfield, Ill., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis).

HEARING: August 2, 1962, at Midland Hotel, Chicago, Ill., before Examiner Bernard J. Hasson, Jr.

No. MC 106223 (Sub-No. 61), filed May 3, 1962. Applicant: GREENLEAF MOTOR EXPRESS, INC., 4606 State Avenue, Ashtabula, Ohio. Applicant's attorney: Edwin C. Reminger, 905 The Leader Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plasticizer* (synthetic gum or resin) in bulk, in tank vehicles, from Avon Lake, Ohio, to points in Illinois (except Chicago).

HEARING: July 17, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 58.

No. MC 106644 (Sub-No. 44), filed May 18, 1962. Applicant: SUPERIOR TRUCKING COMPANY, INC., 520 Bedford Place NE., Atlanta, Ga. Applicant's attorney: Guy H. Postell, 1375 Peachtree Street NE., Suite 693, Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard sheets and boards*, in flat-bed vehicles, from Catawba, S.C., and points within five (5) miles thereof, to points in Iowa, Kansas, Maine, New Hampshire, Oklahoma, Vermont, and Wisconsin.

HEARING: July 16, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Armin G. Clement.

No. MC 107107 (Sub-No. 211), filed April 13, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Deerfield, Ill., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis).

HEARING: August 2, 1962, at Midland Hotel, Chicago, Ill., before Examiner Bernard J. Hasson, Jr.

No. MC 107107 (Sub-No. 215), filed May 21, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery*, and (2) *advertising, promotional, and display materials*, and *food* and *beverage dispensers*, from Jacksonville, Fla., to points in Tennessee.

HEARING: July 17, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 107107 (Sub-No. 218), filed May 31, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chilled citrus products*, not frozen and not canned, in vehicles equipped with mechanical refrigeration, from Waycross, Ga., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, Vermont, West Virginia, Wisconsin, and the District of Columbia.

HEARING: June 15, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 107403 (Sub-No. 404), filed May 18, 1962. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lacquers, paints, and varnishes*, in bulk, in tank vehicles, from points in Allegheny, Beaver, and Westmoreland Counties, Pa., to points in Maryland, Michigan, New Jersey, New York, Ohio, and West Virginia.

HEARING: July 13, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 107403 (Sub-No. 406), filed May 22, 1962. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum sulphate*, in bulk, from Cleveland, Ohio, to points in New York on and west of New York Highway 14.

HEARING: July 18, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Walter R. Lee.

No. MC 107403 (Sub-No. 407), filed May 22, 1962. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium sulphate*, in bulk, from Front Royal, Va., to points in Maryland, Pennsylvania and West Virginia.

HEARING: July 24, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard A. White.

No. MC 107496 (Sub-No. 243), filed May 9, 1962. Applicant: RUAN TRANSPORT CORPORATION, 408 SE. 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, P.O. Box, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from points in Hennepin, Ramsey, Washington, Anoka, Garver, Scott, Dakota, and Chisago Counties, Minn., to points in Minnesota, Iowa, Wisconsin, North Dakota, South Dakota, and the Upper Peninsula of Michigan.

NOTE: Applicant states that it is wholly owned by John Ruan, and it in turn controls and owns all of the outstanding capital stock of Illinois-Ruan Transport Corp. Note also that applicant holds contract carrier authority under MC 119136 and subs thereunder.

HEARING: July 23, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Bernard J. Hasson, Jr.

No. MC 107515 (Sub-No. 400), filed May 22, 1962. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue, SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic packaging material*, requiring temperature control in transit in vehicles equipped with mechanical refrigeration, from Atlanta, Ga., to points in Mississippi, Louisiana, Texas, South Carolina, West Virginia, Indiana, Kentucky, Tennessee, Virginia, Alabama, Ohio, Illinois, Florida, North Carolina, Arkansas, Oklahoma, Kansas, and Missouri.

NOTE: Common control may be involved.

HEARING: July 24, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Wm. N. Culbertson.

No. MC 107544 (Sub-No. 47), filed May 22, 1962. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, P.O. Box 580, Marion, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen tetroxide*, in bulk, in tank vehicles, moving on Government bills of lading, from Hopewell, Va., to missile sites at or near Davis Monthan Air Force Base, Ariz., Little Rock Air Force Base, Ark., and McConnell Air Force Base, Kans.

NOTE: Applicant holds contract carrier authority in MC 113959, therefore, dual operations may be involved.

HEARING: July 25, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 107544 (Sub-No. 49), filed June 1, 1962. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, P.O. Box 580, Marion, Va. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington 7, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Chattanooga, Tenn., and points within ten (10) miles thereof, to points in Georgia, Alabama, North Carolina, South Carolina, and Virginia.

NOTE: Applicant holds contract authority in MC 113959; therefore, dual operations may be involved.

HEARING: July 13, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 108158 (Sub-No. 52), filed May 4, 1962. Applicant: MID-CONTINENT FREIGHT LINES, INC., 11 Oak Street SE., Minneapolis, Minn. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, and ammunition not so classified and component parts of ammunition, however classified, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), over the following alternate routes for operating convenience only, in connection with applicant's regular route operations, (1) between junction U.S. Highway 66 and U.S. Highway 24, near Chenoa, Ill., and Dallas, Tex., from junction U.S. Highway 66 and U.S. Highway 24 near Chenoa, over U.S. Highway 66 to Venita, Okla., thence over U.S. Highway 69 to junction U.S. Highway 75, thence over U.S. Highway 75, to Dallas, and return over the same route, serving no intermediate points, (2) between Minneapolis, Minn., and Tulsa, Okla., from Minneapolis, over U.S. Highway 65 to Springfield, Mo., thence over U.S. Highway 66 to Tulsa, and return over the same route, serving no intermediate points, (3) betwen Tulsa, Okla., and Dallas, Tex., from Tulsa, over U.S. Highway 75, to Dallas, and return over the same route, serving no intermediate points, (4) between Minneapolis, Minn., and Dallas, Tex., from Minneapolis, over U.S. Highway 65 to Springfield, Mo., thence over U.S. Highway 66 to Venita, Okla., thence over U.S. Highway 69, to junction U.S. Highway 75, thence over U.S. Highway 75, to Dallas, and return over the same route, serving no intermediate points, (5) between Rock Island and the junction of U.S. Highways 61 and 24 at or near Taylor, Mo. (serving said junction at or near Taylor, Mo., as a point of joinder only), from Rock Island, over U.S. Highway 61, to junction U.S. Highway 24 at or near Taylor, and return over the same route serving no intermediate points, (6) between Rock Island, Ill., and Chicago, Ill., (a) from Rock Island, over U.S. Highway 150 to junction Illinois Highway 92, thence over Illinois Highway 92 to junction Illinois Highway 2, thence over Illinois Highway 2 to junction U.S. Highway 30, thence over U.S. Highway 30, to junction East-West Tollway near Aurora, Ill., thence over East-West Tollway, to Chicago, Ill., and return over the same route, serving no intermediate points, (b) from Rock

Island, over Illinois Highway 92 to junction Illinois Highway 2, thence over Illinois Highway 2 to junction Alternate U.S. Highway 30 near Galt, Ill., thence over Alternate U.S. Highway 30, to Chicago, Ill., and return over the same route, serving no intermediate points, and (7) between Rock Island, Ill., and Milwaukee, Wis., from Rock Island, over U.S. Highway 150, to junction Illinois Highway 2, thence over Illinois Highway 2 to junction Wisconsin Highway 15, thence over Wisconsin Highway 15 to Milwaukee, and return over the same route, serving no intermediate points.

NOTE: The service proposed in Nos. (6) and (7) above, will be restricted against local service between Rock Island, and Chicago, Ill., and Rock Island, and Milwaukee, Wis., respectively.

HEARING: July 18, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Leo M. Pellerzi.

No. MC 108449 (Sub-No. 146), filed May 4, 1962. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Oyster shells, fish meal, fish scrap,* and *animal feed grade sugar*, and (2) *salt*, (a) *from* Council Bluffs, Iowa, and Omaha, Nebr., to points in Iowa, Nebraska, Minnesota, North Dakota, South Dakota, Missouri, and Kansas, and (b) from Council Bluffs, Iowa, to points in Kansas.

NOTE: Applicant states Moore Motor Freight Lines, Inc., MC 17481 is a wholly owned subsidiary.

HEARING: July 19, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Leo M. Pellerzi.

No. MC 108449 (Sub-No. 148), filed May 9, 1962. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, from West Fargo, N. Dak., to points in Minnesota, South Dakota, Iowa, and Nebraska.

NOTE: Applicant states that Moore Motor Freight Lines, Inc., MC 17481 is a wholly owned subsidiary.

HEARING: July 16, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Leo M. Pellerzi.

No. MC 108449 (Sub-No. 150), filed May 24, 1962. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West Count Road "C", St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas and natural gasoline*, in bulk, in tank vehicles, from Mentor, Minn., and points within 5 miles thereof to points in North Dakota, South Dakota, Iowa, Wisconsin, and the Upper Peninsula of Michigan and to points in Minnesota and North Dakota located on the International Boundary Line between the United States and Canada.

HEARING: July 17, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Leo M. Pellerzi.

No. MC 109170 (Sub-No. 3), filed May 10, 1962. Applicant: WILLIAM ENGEL, doing business as ENGEL'S TRUCKING, 125 South 13th Street, Sharpsville, Pa. Applicant's attorney: Martin E. Cusick, First Federal Building, Sharon, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel products and materials and supplies used in the manufacture of iron and steel, mill supplies used in the operation of the plants, mills, mines and offices of iron and steel manufacturers, processors and fabricators* (excluding liquid commodities usually transported in bulk and tank trucks), (1) between Sharpsville (Mercer County), Pa., and points in Ohio and New York, (2) between Neville Island (Allegheny County), Pa., and points in Ohio and New York, (3) between Dover and New Philadelphia (Tuscarawas County), Ohio, and points in Pennsylvania and New York, and (4) between Lackawanna (Erie County), N.Y., and points in Pennsylvania and Ohio.

NOTE: Applicant states the proposed operation will be for Shenango Furnace Company and Luzerne Coke Company.

HEARING: July 23, 1962, at the New Federal Building, Pittsburgh, Pa., before Examiner Gordon M. Callow.

No. MC 110252 (Sub-No. 55), filed April 12, 1962. Applicant: JAMES J. WILLIAMS, INC., 1108 North Pearl Street, Spokane, Wash. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers and dry fertilizer compounds*, (1) from ports of entry on the International Boundary Line between the United States and Canada near Northport, Wash., and (2) from Velox, and Trentwood, Wash., to points in Adams, Valley, Washington, Gem, Payette, Boise, Canyon, Ada, Elmore, and Owyhee Counties, Idaho.

HEARING: July 19, 1962, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 169, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 110525 (Sub-No. 505), filed May 18, 1962. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz and Ronald N. Colbert, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from West Conshohocken, Pa., to points in Maryland.

HEARING: July 20, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 199.

No. MC 110525 (Sub-No. 507), filed May 29, 1962. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum sulphate*, in bulk, from Cleveland, Ohio, to points in New York on and west of New York Highway 14.

HEARING: July 18, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Walter R. Lee.

No. MC 110525 (Sub-No. 508), filed May 29, 1962. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium sulphate*, in bulk, from Front Royal, Va., to points in Pennsylvania, Maryland, and West Virginia.

HEARING: July 24, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard A. White.

No. MC 110698 (Sub-No. 213), filed May 15, 1962. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Winston Salem Road, Greensboro, N.C. Applicant's attorney: Dale Woodall, P.O. Box 2408, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry chemicals* in bulk, in hopper vehicles, from points in Richmond County, Ga., to points in Richmond County, Ga. and points in Alabama, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia; and (2) *liquid chemicals* in bulk, in tank vehicles, from points in Richmond County, Ga., to points in Alabama, Florida, Louisiana and Mississippi.

NOTE: Common control may be involved.

HEARING: July 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Walter R. Lee.

No. MC 110525 (Sub-No. 508), filed May 29, 1962. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium sulphate*, in bulk, from Front Royal, Va., to points in Pennsylvania, Maryland, and West Virginia.

HEARING: July 24, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard A. White.

No. MC 110698 (Sub-No. 213), filed May 15, 1962. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Winston Salem Road, Greensboro, N.C. Applicant's attorney: Dale Woodall, P.O. Box 2408, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry chemicals* in bulk, in hopper vehicles, from points in Richmond County, Ga., to points in Richmond County, Ga. and points in Alabama, Florida, Kentucky, Louisiana, Mississippi, Tennessee, and Virginia; and (2) *liquid chemicals* in bulk, in tank vehicles, from points in Richmond County, Ga., to points in Alabama, Florida, Louisiana and Mississippi.

NOTE: Common control may be involved.

HEARING: July 28, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Wm. N. Culbertson.

No. MC 111812 (Sub-No. 138), (REPUBLICATION), filed November 3, 1961, published in FEDERAL REGISTER issue of December 6, 1961, and republished as amended this issue. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. The subject application as originally filed and published sought authority as a *common carrier*, over irregular routes, in the transportation of *canned goods* (a) from Penn Yan, Red Creek and Waterloo, N.Y., and points within five (5) miles of each, to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin and (b) from points in Monroe, Orleans, and Wayne Counties, N.Y., to points in Wisconsin. The application was amended January 18, 1962 to include the transportation of *Gelatin*, in packages, when moving in mixed loads with canned goods, from Hamlin, N.Y., to points in Wisconsin and Minnesota. Notice of the application as amended was not republished. At the hearing held April 9, 1962, at Chicago, Ill., Hearing Examiner Lyle Farmer presiding, the issues presented and considered included the broadening amendment. The purpose of this republication is to allow any person or persons who might have been prejudiced by lack of notice as to the inclusion of the gelatine in the authority sought, may, within 30 days from the date of this republication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 111812 (Sub-No. 161), filed April 5, 1962. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points east of U.S. Highway 383 and 183 on and south of U.S. Highway 30 in Nebraska (except Omaha, and Lincoln, Nebr.), to points in North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, Illinois, Michigan, Indiana, Ohio, Kentucky, Virginia, West Virginia, Maryland, Delaware, District of Columbia, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine New Mexico, Arizona, and California.

NOTE: Common control may be involved.

HEARING: July 16, 1962, at South Court Room, Old Post Office Building, 16th and Dodge Streets, Omaha, Nebr., before Examiner Bernard J. Hasson, Jr.

No. MC 112020 (Sub-No. 154) (AMENDMENT), filed February 26, 1962, published issue of March 7, 1962, amended June 1, 1962, and republished as amended this issue. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fatty acid esters, glycerides, vegetable oils, corn syrups, animal oils,* and *blends of each*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Arkansas, Missouri, Illinois, Indiana, and Kentucky, and (2) *vegetable oils, corn syrups, animal oils,* and *blends of each*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Ohio and New York.

HEARING: June 18, 1962, at the Claridge Hotel, Memphis, Tenn., before Examiner Armin G. Clement.

No. MC 112520 (Sub-No. 73), filed May 15, 1962. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Phosphatic fertilizer solution and dry chemicals*, in bulk, in tank or hopper-type vehicles, from points in Richmond County, Ga., to points in Richmond County, Ga., and points in Alabama, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, and (2) *liquid chemicals*, in bulk, in tank vehicles, from points in Richmond County, Ga., to points in Alabama, Florida, Louisiana, and Mississippi.

HEARING: July 26, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Wm. N. Culbertson.

No. MC 113855 (Sub-No. 61), filed February 1, 1962. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52, South, Rochester, Minn. Applicant's attorney: Franklin J. Van Osdel, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* between points in Montana on the one hand, and on the other, points in Minnesota and points in North Dakota, except those located in the southwest portion of the State which is bounded on the north by U.S. Highway 10, and on the east by U.S. Highway 83, but including points on both of said highways.

HEARING: July 23, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner J. Thomas Schneider.

No. MC 113908 (Sub-No. 94), filed May 3, 1962. Applicant: ERICKSON TRANSPORT CORPORATION, 706 West Tampa, Springfield, Mo. Applicant's attorney: Turner White, 805 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, between points in Nebraska, on the one hand, and, on the other points in Kansas, Iowa, Missouri, and South Dakota.

HEARING: July 19, 1962, at South Court Room, Old Post Office Building, 16th and Dodge Streets, Omaha, Nebr., before Examiner Bernard J. Hasson, Jr.

No. MC 114126 (Sub-No. 2), (REPUBLICATION), filed October 18, 1961, published FEDERAL REGISTER, issue of November 29, 1961, and republished this issue. Applicant: ASSOCIATED ENTERPRISES, LTD., a corporation, Box 139, Salmo, British Columbia, Canada. Applicant's attorney: Carl P. Jensen, 1114 Norton Building, Seattle 4, Wash. By application filed October 18, 1961, applicant sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ore and ore concentrates*, from points on the International Boundary Line between the United States and Canada located in Montana, and Ports of Entry at/or near Porthill and Eastport, Idaho, Oroville, Ferry, Danville, Cascade, and Northport, Wash., to points in Washington, Idaho, and Montana. Cascade is located in British Columbia across from Laurier, Wash., and Nelway is across from Metaline Falls, Wash. Previous notice erroneously omitted Nelway and designated Cascade as a Washington point. Hearing was held January 10, 1962, the application was amended to substitute Laurier for Cascade and Metaline Falls was named in place of the omitted point of Nelway. A Report of the Commission, served May 7, 1962, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in foreign commerce, over irregular routes, of *ore concentrates*, in bulk, from ports of entry on the International Boundary Line between the United States and Canada at or near Oroville, Ferry, Danville, Laurier, Northport, and Metaline Falls, Wash., and Porthill and Eastport, Idaho, to Tacoma, Wash., and Kellogg, Idaho, and that unless otherwise ordered, a certificate authorizing such operations should be granted, subject to the condition that issuance of a certificate will be withheld for a period of 30 days after publication in the FEDERAL REGISTER of a description of the authority granted herein, during which time any interested party may file an appropriate pleading.

No. MC 114533 (Sub-No. 45), filed April 3, 1962. Applicant: B. D. C. CORPORATION, 4658 South Kedzie Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Eye Glasses, frames, lenses, and parts thereof*, between Detroit, Mich., on the one hand, and, on the other, Cleveland and Toledo, Ohio.

HEARING: August 1, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 57.

No. MC 115915 (Sub-No. 12), filed May 28, 1962. Applicant: FRED E. HAGEN, doing business as HAGEN TRUCK LINES, 4120 Floyd Avenue, Sioux City, Iowa. Applicant's attorney: J. Max Harding, Box 2041, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products, dairy products, and articles distributed by meat packinghouses*, as described in Appendix I to *Descriptions in Motor Carrier Certificate* 61 M.C.C. 209, from Sioux City, Iowa, to points in California.

NOTE: Applicant states all service to be limited to a transportation service to be performed under a continuing contract with Sioux City Dressed Pork, Inc., Sioux City, Iowa. Applicant further states that it is a partner of Dahl Truck Lines, Sioux City, Iowa (MC 109746).

HEARING: July 25, 1962, at the U.S. Court Rooms, Sioux City, Iowa, before Examiner Leo M. Pellerzi.

No. MC 116067 (Sub-No. 4), filed April 10, 1962. Applicant: NEBRASKA SHORT LINE CARRIERS, INC., 605 South 12th Street, Lincoln, Nebr. Applicant's attorney: Duane W. Acklie, 1319 First National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, as described by the Commission in Appendix I, sections A, B, and C, 61 MCC 209, from Omaha, Nebr., to points in Ohio and Detroit, Mich.

NOTE: Common control may be involved.

HEARING: July 18, 1962, at South Court Room, Old Post Office Building,

16th and Dodge Streets, Omaha, Nebr., before Examiner Bernard J. Hasson, Jr.

No. MC 116442 (Sub-No. 1), filed May 24, 1962. Applicant: BAKER'S EXPRESS CO., INC., Dagsboro, Del. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime* and *limestone* from the site of the Warner Company plant at Devault, Pa., to points in Delaware, Maryland, and Virginia east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal.

HEARING: July 24, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William A. Royall.

No. MC 116544 (Sub-No. 20), filed March 26, 1962. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Street, Carthage, Mo. Applicant's attorney: Robert R. Hendon, 3200 Cummings Lane, Chevy Chase 15, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes* and *potato products*, frozen and unfrozen, cooked, uncooked and blanched, from Hastings, Nebr., and Carthage, Mo., to points in Florida, Georgia, South Carolina, North Carolina, Alabama, Tennessee, Missouri, Louisiana, Arkansas, Oklahoma, Mississippi, Texas, and Kansas, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: July 20, 1962, at South Court Room, Old Post Office Building, 16th and Dodge Streets, Omaha, Nebr., before Examiner Bernard J. Hasson, Jr.

No. MC 116646 (Sub-No. 2), filed February 28, 1962. Applicant: JOHN P. FONTANA, 100 Florida Street, Laurium, Mich. Applicant's attorney: Michael D. O'Hara, Spies Building, Menominee, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages* from points in Houghton County, Mich., to Virginia and Duluth, Minn., Hurley, Superior, and Ashland, Wis., and points in Marinette, Oconto, Brown, and Florence Counties, Wis., and (2) *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return, the proposed operations to be for the Bosch Brewing Company.

NOTE: Applicant states that he is a partner in J & J Transport (MC-116483).

HEARING: July 31, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 282.

No. MC 116949 (Sub-No. 1), filed April 6, 1962. Applicant: AVERY J. BURNS, 2210 Leech Street, Sioux City, Iowa. Applicant's attorney: William B. Jensen, 222 Davidson Building, Sioux City 1, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *New and used semi-trailers, wrecked trailers, new and used parts for semi-trailers*, including towaway, but excluding other means of motor hauling, between Sioux City, Iowa, and points in Maine, Vermont, New Hampshire, Massachusetts, New York, Delaware, Pennsylvania, West Virginia, Virginia, Maryland, North Carolina, South Carolina, Georgia, Florida, Kentucky, Ohio, Tennessee, California, Alabama, Mississippi, Louisiana, Arkansas, Oregon, Washington, Nevada, Arizona, Utah, Michigan, Rhode Island, Connecticut, New Jersey, and the District of Columbia; and (2) *new, used, and wrecked truck tractors* between (A) Omaha, Nebr., and (B) Sioux City, Iowa, and points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

HEARING: July 25, 1962, at the U.S. Court Rooms, Sioux City, Iowa, before Examiner Leo M. Pellerzi.

No. MC 117344 (Sub-No. 90), filed April 16, 1962. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, feritlizer compounds, fertilizer ingredients, and fertilizer materials*, from Cincinnati, Ohio, to points in Indiana and Kentucky, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: Applicant has contract carrier authority in MC 50404 Sub-No. 87 thereunder, therefore, dual operations may be involved.

HEARING: July 18, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 208.

No. MC 117427 (Sub-No. 29), filed May 25, 1962. Applicant: G. G. PARSONS TRUCKING CO., a corporation, P.O. Box 746, North Wilkesboro, N.C. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard sheets and boards*, from Catawba, S.C., and points within five (5) miles thereof, to points in Iowa and Wisconsin.

NOTE: Applicant holds contract authority in MC 116145; therefore, dual operations may be involved.

HEARING: July 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles J. Murphy.

No. MC 117686 (Sub-No. 14), filed April 16, 1962. Applicant: RAYMOND CO. HIRSCHBACH, doing business as HIRSCHBACH MOTOR LINES, 3324 U.S. Highway 75 North, Sioux City, Iowa. Applicant's attorney: J. Max Harding, 1319 First National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packing house products*, as described by the Commission in Appendix I, 61 M.C.C. 209, from Luverne, Minn., and Sioux City, Iowa, to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, South Carolina, Tennessee, and Texas.

HEARING: July 23, 1962, at the U.S. Court Rooms, Sioux City, Iowa, before Examiner Leo M. Pellerzi.

No. MC 118991 (Sub-No. 2), filed May 11, 1962. Applicant: COAST TO COAST TRUCKING, CO., a corporation, 856 Warner Street SW., Atlanta 10, Ga. Applicant's attorney: William T. Croft, 912 Federal Bar Building, 1815 H. Street NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpets, rugs, cotton, rayon, and wool fabrics, cotton, rayon, and synthetic fibres and yarns, and machinery for the manufacture of all of the foregoing*, from points in Georgia, North Carolina, South Carolina, and Tennessee, to points in California, and Arizona, and (2) *Electrical appliances and parts thereof, heating and cooking equipment and parts thereof, hot water heaters and parts thereof, air conditioning equipment and parts thereof, rubber floor mats, cleaning and scouring compounds, paint removing compounds, cooling and freezing machines and parts thereof, sheet aluminum, garbage disposal units and parts thereof, musical instruments, plastic articles, and outdoor or porch furniture*, from points in California, to points in Texas, Louisiana, Mississippi, Alabama, Georgia, Tennessee, Florida, North Carolina, and South Carolina.

NOTE: Applicant states the proposed service is to be restricted to that performed under a continuing contract with Shipper's Cooperative, Inc., a corporation of 5330 Lankerskim Boulevard, Los Angeles, Calif.

HEARING: July 30, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Wm. N. Culbertson. This assignment is for applicant's presentation only. A continued hearing for additional evidence to be submitted at Los Angeles, Calif., is contemplated at the discretion of the presiding examiner.

No. MC 119256 (Sub-No. 7), filed May 14, 1962. Applicant: PETROLEUM TRANSIT CORPORATION OF SOUTH CAROLINA, P.O. Box 921 East Second Street, Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* from Chattanooga, Tenn., and points within 10 miles thereof, to points in Georgia, Alabama, North Carolina, and South Carolina.

NOTE: Common control may be involved (MC-FC-61150).

HEARING: July 13, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 119555 (Sub-No. 1) (AMENDMENT), filed April 2, 1962, published in

FEDERAL REGISTER issue of May 9, 1962, republished, as amended June 4, 1962, this issue. Applicant: OIL INDUSTRY SUPPLIERS, LIMITED, 400 Archibald Street, St. Boniface, Man., Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean oil, petro chemicals, petroleum products* and *food products*, in bulk, in tank vehicles, from Belmond and Sioux City, Iowa, Minneapolis, Saint Paul, and Savage, Minn., Wood River, Ill., and Grand Forks, N. Dak., to the port of entry on the international boundary between United States and Canada at Noyes, Minn.

NOTE: The purpose of this republication is to add Sioux City, Iowa and Savage, Minn., as points of origin.

HEARING: Remains as assigned July 6, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Abraham J. Essrick.

No. MC 119777 (Sub-No. 7), filed May 22, 1962. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer 31, Madisonville, Ky. Applicant's attorney: Robert M. Pearce, 221 St. Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets, skids, bases, boxes, crating, veneer, baskets, oak treads, oak risers, oak sills, oak molding, cardboard cartons nails* and *lumber*, between points in Logan and Whitley Counties, Ky., Adams, Tenn. and points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Oklahoma, Texas, and all States east of the Mississippi River namely: Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, the District of Columbia, Virginia, West Virginia, Ohio, Illinois, Indiana, Michigan, Wisconsin, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Mississippi, Alabama, and Florida.

NOTE: Applicant states the following restriction: No lumber shall be transported from Arkansas, Louisiana, points in Texas east of U.S. Highway 77, Georgia, South Carolina, Alabama, and North Carolina.

HEARING: July 20, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William E. Messer.

No. MC 119777 (Sub-No. 8), filed May 24, 1962. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer 31, Madisonville, Ky. Applicant's attorney: Robert M. Pearce, 221½ St. Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated pipe and fittings, wrought iron*, and *steel pipe and fittings*, from Jeffersonville and Indiana Harbor, Ind., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia; and *rejected or damaged shipments of above commodities* and *empty containers or other such incidental facilities* (not specified) used in transporting above commodities, on return.

HEARING: July 25, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Garland E. Taylor.

No. MC 119792 (Sub-No. 4), filed May 4, 1962. Applicant: CHICAGO SOUTHERN TRANSPORTATION COMPANY, a corporation, 4000 Packers Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods*, from Deerfield, Ill., to points in Alabama, Arkansas, Mississippi, Louisiana, Georgia, Florida, North Carolina, South Carolina, and Tennessee.

HEARING: August 2, 1962, at Midland Hotel, Chicago, Ill., before Examiner Bernard J. Hasson, Jr.

No. MC 120841 (Sub-No. 2), filed April 4, 1962. Applicant: WALTER J. DUNLAP AND W. A. BIRCKBICHLER, a partnership, doing business as BLACK AND WHITE EXPRESS, 217 American Avenue, Butler, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packing house products*, from McKeesport, Pa., to points in Allegheny, Westmoreland, Armstrong, and Butler Counties, Pa.

HEARING: July 25, 1962, at the New Federal Building, Pittsburgh, Pa., before Examiner Gordon M. Callow.

No. MC 121312. Applicant: HAROLD H. SCHLICHTING, doing business as HAROLD'S RENT-A-TRUCK, Mile 2, Seward Highway, Anchorage, Alaska. Applicant's attorney: John M. Stern, Jr., P.O. Box 1672, Anchorage, Alaska. Assigned for hearing to determine whether Permit No. 5 issued August 7, 1961, by the Alaska Public Service Commission constitutes a certificate of public convenience and necessity within the meaning of the second proviso of section 206(a)(1) of the act.

HEARING: July 9, 1962, at the Federal Building, Anchorage, Alaska, before Examiner Frank R. Saltzman.

No. MC 123242 (Sub-No. 6) (AMENDMENT), filed March 19, 1962, published FEDERAL REGISTER issue June 6, 1962, amended and republished in this issue. Applicant: MISSOURI LUMBER TRANSPORTS, INC., P.O. Box 231, Arcadia, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except flooring), *wooden pallets, pallet materials and charcoal*, from points in Missouri, on, east and south of a line beginning at the Missouri-Arkansas State line, near Gainesville, Mo., and extending along Missouri Highway 5 to junction U.S. Highway 66 near Lebanon, Mo., thence along U.S. Highway 66 to the Missouri-Illinois State line at the Mississippi River, to Louisville, Ky., Milwaukee, Wis., and points in Illinois, Indiana, and Ohio.

NOTE: Applicant states *"Commodities exempt* from Commission Regulation under section 203(b)(b), Interstate Commerce Act," will be transported, on return. The purpose of this republication is to clarify the commodities proposed to be transported.

HEARING: Remains as assigned, July 12, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Examiner Samuel C. Shoup.

No. MC 123391 (Sub-No. 2), filed May 23, 1962. Applicant: NICHOLAS TUSO, JR., doing business as INTERSTATE TRANSPORTATION COMPANY, Third and Chestnut Avenue, P.O. Box 55, Vineland, N.J. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Jet fuel and aviation gasoline*, in bulk, in tank vehicles, between Burlington and Jacksonville, N.J., on the one hand, and, on the other, points in Delaware and those in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 15 to its junction with U.S. Highway 522, and thence along U.S. Highway 522 to the Pennsylvania-Maryland State line.

NOTE: Applicant states he presently holds authority to transport jet fuel and aviation gasoline, in bulk, in tank vehicles, from certain named points in Pennsylvania and Delaware to Burlington and Jacksonville, N.J. No duplicating authority is herein sought.

HEARING: July 24, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John B. Mealy.

No. MC 123783 (Sub-No. 2), filed May 7, 1962. Applicant: WALT JONES WRECKER SERVICE, INC., 432 Whitehall Street SW., Atlanta, Ga. Applicant's attorney: Bates Block, 1220 First National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled trucks, tractors* and *semi-trailers* (excluding mobile homes), and *serviceable replacements therefor*, in wrecker towaway service, between points in Georgia on the one hand, and on the other, points in North Carolina, South Carolina, Virginia, West Virginia, Kentucky, Tennessee, Mississippi, Louisiana, Alabama, and Florida.

HEARING: July 25, 1962, at 680 West Peachtree Street, NW., Atlanta, Ga., before Examiner Wm. N. Culbertson.

No. MC 124105 (Sub-No. 7), filed April 19, 1962. Applicant: BAGGETT BULK TRANSPORT, INC., 2 South 32d Street, Birmingham 5, Ala. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* and *lime*, and *limestone*, in bulk and in packages, from the site of the Longview Lime Corporation plant, Longview, Ala., to points in Alabama, Florida, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: Applicant states it is a wholly owned subsidiary of Baggett Transportation Company, a motor carrier under Certificate

No. MC 76177 and a contract carrier under MC 89778, which corporation controls Alabama Highway Express, Inc., under approval of this Commission. Applicant also has contract carrier authority under MC 119223 Sub-Nos. 3 through 14; therefore dual authority may be involved.

HEARING: July 18, 1962, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Wm. N. Culbertson.

No. MC 124105 (Sub-No. 8), filed April 27, 1962. Applicant: BAGGETT BULK TRANSPORT, INC., 2 South 32d Street, Birmingham 5, Ala. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement and lime*, in bags and in bulk, from the plant site of Southern Cement Company, Division of Martin-Marietta Corporation, Magnolia, Ga., to points in Alabama, Florida, North Carolina, South Carolina, and Tennessee.

NOTE: Applicant states it is a wholly owned subsidiary of Baggett Transportation Company, MC 76177. Applicant has pending applications in MC 119223 and Subs thereunder for contract carrier authority.

HEARING: July 19, 1962, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Wm. N. Culbertson.

No. MC 124109 (Sub-No. 2), filed April 23, 1962. Applicant: B.F.C. TRANSPORTATION, INC., P.O. Box 985, Cedar Rapids, Iowa. Applicant's attorney: William A. Landau, 1307 East Walnut, Des Moines, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated shipping containers, partitions and parts thereof, corrugated sheets*, and (other than corrugated shipping containers), between Cedar Rapids, Iowa, on the one hand, and, on the other, points in Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Alton, East St. Louis, Fulton, Quincy, Rock Island, and Savannah, Ill., and La Crosse, and Prairie du Chien, Wis.

HEARING: July 24, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Bernard J. Hasson, Jr.

No. MC 124159, filed January 22, 1962. Applicant: DAGGETT TRUCK LINE, INC., Frazee, Minn. Applicant's attorney: Gene P. Johnson, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and tile*, from Adel, Fort Dodge, Mason City, and Sioux City, Iowa, to points in Minnesota and North Dakota.

NOTE: Applicant states it proposes to transport exempt commodities on return.

HEARING: July 30, 1962, in the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 124175 (Sub-No. 1) (CORRECTION), filed May 4, 1962. Applicant: ALBERT DE LOTTO AND JOHN PETERSON, doing business as PLAZA TRUCKING CO., 97 Charles Street, New York, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fishing tackle, reels, lines, lures, spools, rods, hooks, leaders, sinkers, tackle boxes, floats, oils, greases, advertising materials, parts and blanks*, used in connection with the business and sale of fishing tackle and supplies, (1) from New York, N.Y., to the plant site of The Garcia Corp., Teaneck, N.J.; and (2) from the plant site of The Garcia Corp. in Teaneck, N.J., to New York, N.Y.

NOTE: The purpose of this republication is to indicate the name of applicant as above instead of John Peterson and Albert De Lotto, as shown in previous publication.

HEARING: Remains as assigned June 29, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 124252 (Sub-No. 1), filed May 23, 1962. Applicant: HAROLD P. COLLIER, doing business as HAROLD COLLIER TRUCKING, Pittsburgh Road, Uniontown, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Milwaukee, Wis., to Uniontown, Washington, Greensburg, McKeesport, Carrolltown, Johnstown, and Belle Vernon, Pa., and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodities, on return.

HEARING: July 25, 1962, at the New Federal Building, Pittsburgh, Pa., before Examiner Gordon M. Callow.

No. MC 124256, filed March 5, 1962. Applicant: ROBERT BATES, INC., 12320 Southwest-Denfield Road, Beaverton, Oreg. Applicant's attorney: William F. White, 1200 Jackson Tower, Portland 5, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* and *groceries*, in truckload lots only, from Sacramento, Stockton, Modesto, Newman, Tracy, Crockett, Hayward, Oakland, and Alameda, Calif., to Spokane, Wash.

NOTE: Applicant states it proposes to transport *exempt commodities*, on return.

HEARING: July 20, 1962, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 5, or, if the Joint Board waives its right to participate before Examiner Richard H. Roberts.

No. MC 124267, filed March 12, 1962. Applicant: WARREN S. BRUGH, doing business as FREMONT GAS MARKET, 207 South Bell Street, Fremont, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles* from points in Iowa, Kansas, Colorado, and South Dakota to Fremont, Nebr.

HEARING: July 19, 1962, at South Court Room, Old Post Office Building, 16th and Dodge Streets, Omaha, Nebr., before Examiner Bernard J. Hasson, Jr.

No. MC 124273, filed March 13, 1962. Applicant: ORAL W. PETERSEN, doing business as PETE'S TOWING SERVICE, 21841 Pacific Highway South, Midway, Wash. Applicant's attorney: George H. Hart, Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile Homes and Trailers*, designed to be towed by passenger vehicles, in towaway service, between points in Washington, Oregon, California, Montana, and Alaska.

HEARING: July 23, 1962, at the Washington Public Service Commission, Insurance Building, Olympia, Wash., before Examiner Richard H. Roberts.

No. MC 124315, filed March 28, 1962. Applicant: Robert Lukenbill and Dwight Johnson, doing business as J & L Co., 6517 North Smith Street, Spokane, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from Spokane, Wash., to Newport, Pullman, and Colville, Wash., and Wallace, Lewiston, Moscow, Plummer, Coeur d'Alene, Sandpoint, and Kellogg, Idaho, and *rejected and stale bakery products and empty containers*, on return.

HEARING: July 20, 1962, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 169, or, if the Joint Board waives its right to participate before Examiner Richard H. Roberts.

No. MC 124320, filed April 4, 1962. Applicant: STANLEY TRUCKING CO., INC., 2406 Wycliff Avenue, St. Paul, Minn. Applicant's attorney: Harold J. Soderberg, 845 Northwestern Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Surplus Government property* from Pueblo Ordnance Depot, Colo., Memphis General Depot, Tenn., Brookley Air Force Base (near Mobile), Ala., Naval Air Station, Jacksonville, Fla., Marine Supply Center, Albany, Ga., Atlanta General Depot, Ga., Naval Supply Center, Norfolk, Va., Fort Holabird, Baltimore, Md., Gentile Air Force Depot (near Dayton), Ohio, Philadelphia Naval Shipyard, Pa., Schenectady General Depot, N.Y., and Newport Naval Supply Depot, R.I., to Minneapolis and St. Paul, Minn.

HEARING: July 26, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner J. Thomas Schneider.

No. MC 124338, filed April 9, 1962. Applicant: RUFUS W. PARKER, doing business as PARKER REFRIGERATED SERVICE, 1301 Collins Road, Tacoma 44, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *canned goods* between Milton-Freewater, Oreg., on the one hand, and on the other, points in California, Oregon, Idaho, Utah, and Washington, including ports of entry in Washington and Idaho on the United States-Canadian international boundary line.

NOTE: Since applicant holds common carrier authority under MC 123478, dual operations may be involved.

HEARING: July 25, 1962, at the Washington Public Service Commission, Insurance Building, Olympia, Wash., before Examiner Richard H. Roberts.

No. MC 124341, filed April 6, 1962. Applicant: LAWRENCE LAWYER, 757 North Indiana Street, Mooresville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Expanded shale*, also *expanded shale, ground or crushed*, in dump trailers, from Brooklyn, Ind., to points in Ohio on and west of U.S. Highway 23.

HEARING: July 27, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 60.

No. MC 124347, filed April 9, 1962. Applicant: FRANK M. FREEBORN, doing business as A-VOGUE TRANSFER LTD., 3719 West First Avenue, Vancouver 8, B.C., Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pianos, benches and stools*, between Ports of Entry on the International Boundary line between the United States and Canada located at the State of Washington and points in Whatcom, Skagit, Snohomish, and King Counties, Wash.

NOTE: Applicant states the proposed service will be limited to movements to and from British Columbia, Canada.

HEARING: July 24, 1962, at the Washington Public Service Commission, Insurance Building, Olympia, Wash., before Joint Board No. 237, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 124371, filed April 16, 1962. Applicant: JACK VINCENT, 1306 10th Street, Nevada, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and blending equipment used to erect and install fertilizer blending plants*, from Nevada, Iowa, to plant erection sites located at points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and Indiana, and *damaged and rejected shipments*, on return.

HEARING: July 25, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Bernard J. Hasson, Jr.

No. MC 124378, filed April 18, 1962. Applicant: OTIS WRIGHT & SONS, INC., 632 South Union Street, Lima, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, tile and clay products*, from Canton, Port Washington, Somerset, Sugarcreek, and Uhrichsville, Ohio, to points in Indiana, and Illinois, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above on return.

NOTE: Applicant states the proposed service will be under a continuing contract or contracts with The Belden Brick Company, Canton, Ohio.

HEARING: July 16, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 58.

No. MC 124379, filed April 18, 1962. Applicant: WEBSTER McGIFFEN, R.R. No. 3, Vincennes, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Sour cream, sour cream mixtures, imitation cream, flavored milk, low fat milk, liquid dietary foods, fruit segments, ice cream mix, orange juice, fruit juice drinks, cottage cheese*, and other *dairy products* as described in Subdivision B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 273, in containers, in vehicles equipped with temperature control devices, from Louisville, Ky., to points in Indiana on and south of Indiana Highway 18, points in Illinois bounded on the north by U.S. Highway 36 and on the west by Illinois Highway 49 from its junction with U.S. Highway 36 to intersection with Illinois Highway 33; thence over Illinois Highway 33 to Newton, Ill.; thence over Illinois Highway 130 to the Indiana-Illinois State line near Grayville, Ind., serving points on and within one (1) mile of said highways in addition to points located within the territory bounded by said highways, and (B) *returned and rejected products* described in (A) above and *empty cases and containers*, from the destinations described in (A) to Louisville, Ky.

NOTE: Applicant states "all movements to be made under contract with Sealtest Foods Division of National Dairy Products Corporation, or under contract with distributors for Sealtest Foods Division of National Dairy Products Corporation".

HEARING: July 24, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 1.

No. MC 124403, filed April 20, 1962. Applicant: C. M. BROWN, doing business as GLENDIVE TRANSFER AND STORAGE COMPANY, 113 South Merrill Avenue, Glendive, Mont. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New and used mobile homes*, in primary and secondary movements, in truckaway service, between points in Montana, North Dakota, South Dakota, and Wyoming.

HEARING: July 16, 1962, at 1:00 p.m., at the Yellowstone County Court House, Billings, Mont., before Examiner Richard H. Roberts.

No. MC 124461, filed May 21, 1962. Applicant: RUDOLPH S. REHAK, doing business as THREE R. TRANSPORT COMPANY, Box 347, Big Falls, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, fire arms, and liquid bulk or household goods), between International Falls, Minn., and points in the Chicago, Ill., Commercial Zone.

HEARING: July 20, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Leo M. Pellerzi.

No. MC 124469, filed May 23, 1962. Applicant: WILFORD GERDIN, Princeton, Minn. Applicant's attorney: William S. Rosen, 400 Minnesota Building, St. Paul 1, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Seat covers*, from St. Cloud, Minn., to Salt Lake City, Utah, and Los Angeles and San Francisco, Calif., and *exempt commodities*, on return.

HEARING: July 20, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Leo M. Pellerzi.

No. MC 124471 EX, filed May 18, 1962. Applicant: HARRY L. HOMSHER, JR., doing business as MAGNOLIA ESCORT SERVICE, 6807 Magnolia Avenue, Riverside, Calif. A Certificate of Exemption sought under Section 204(a)(4a), Part II, in the conduct of operations as a *common carrier*, by motor vehicle (motorcycles) over irregular routes, transporting: *Papers and small packages* wholly within the State of California, between Riverside, Calif., and points within 100 miles thereof.

HEARING: August 6, 1962, in the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner Richard H. Roberts.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 3379 (Sub-No. 45), filed May 28, 1962. Applicant: SNYDER BROS. MOTOR FREIGHT, INC., P.O. Box 830, Akron, Ohio. Applicant's attorney: Edwin C. Reminger, 905 The Leader Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), between Akron, Ohio, and the site of the motor carrier terminal operated by A.C.E. Freight, Inc., located at Ohio Highway No. 8 and Twinsburg Road, Northfield Township, Summit County, Ohio, serving that terminal site as an off-route point in connection with applicant's authorized regular-route operations from and to Akron, Ohio, serving no intermediate points, but serving said terminal for the purpose of interchange only.

No. MC 11710 (Sub-No. 16), filed May 28, 1962. Applicant: VALLEY FREIGHT LINES, INC., New Castle, R.D. No. 2, Pa. Applicant's attorney: Edwin C. Reminger, 905 The Leader Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between New Castle, Pa. and Akron and Cleveland, Ohio, with service to and from the site of the motor carrier

terminal operated by A.C.E. Freight, Inc., located at Ohio Highway No. 8 and Twinsburg Road, Northfield Township, Summit County, Ohio, in connection with applicant's authorized regular-route operations, from and to Akron and Cleveland, Ohio, serving no intermediate points, but serving the site of the said terminal as an off-route point for the purpose of interchange only.

No. MC 33641 (Sub-No. 49), filed June 5, 1962. Applicant: INTERSTATE MOTOR LINES, INC., 235 West Third South, Salt Lake City 1, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Tulare and Los Angeles, Calif., from Tulare, over U.S. Highway 99 and Interstate Highway 5, to Los Angeles, and return over the same route serving no intermediate points, as a connecting route for operating convenience only, in connection with carrier's presently authorized regular-route operations to and from Los Angeles and Tulare, Calif.

No. MC 48957 (Sub-No. 22), filed May 31, 1962. Applicant: CROWN MOTOR FREIGHT CO., a corporation, 832 East 28th Street, Paterson 3, N.J. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rayon yarn, rayon products, synthetic yarn, synthetic fibre, synthetic staple fibre, synthetic fibre products* and *materials and supplies* used in packing and shipping such commodities, between Meadville, Pa., on the one hand, and, on the other, Parkersburg, W. Va., and Lewistown, Pa., restricted to the transportation of traffic having a prior or subsequent movement by motor carrier, and (2) *warp beams*, in cradles and racks, between Parkersburg, W. Va., and Meadville, Pa.

No. MC 66562 (Sub-No. 1891), filed May 31, 1962. Applicant: RAILWAY EXPRESS AGENCY INCORPORATED, 219 East 42d Street, New York, N.Y. Applicant's attorney: Slovacek & Galliani, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Kansas City and Clinton, Mo., as follows: From Kansas City, Mo., over U.S. Highway 71 to intersection of Missouri Highway 7; thence over Missouri Highway 7 to intersection of Missouri Highway 13; thence Missouri Highway 13 to Clinton, a distance of 81 miles, and return over the same route serving no intermediate or off-route points.

NOTE 1: Applicant states this is an application "for authority to substitute motor for rail operation in the rendition of existing express service. As a substituted service application, same is made for *RESTRICTED* authority, as follows: To be limited to transportation of general commodities *moving in express service;* the general restriction "moving in express service" to be supplemented by the following specified conditions: (1) The service to be performed shall be limited to that which is auxiliary to, or supplemental of, express service; (2) shipments transported shall be limited to those moving on through bills of lading or express receipts of Railway Express Agency, Inc.; (3) such further conditions as the Commission in the future may find necessary to impose in order to restrict applicant's operation to service which is auxiliary to, or supplemental of, express service.

NOTE 2: Applicant is owned by 65 rail carriers and operates under the provisions of the Standard Agreement between it and said railroads (Docket 33140).

No. MC 86782 (Sub-No. 5), filed May 28, 1962. Applicant: RICHARD L. EDGAR, doing business as SAMSON TRUCK LINE, East Highway 30, P.O. Box 456, Mountain Home, Idaho. Applicant's attorney: Kenneth G. Bergquist, Sonna Building, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, and commodities requiring special equipment), between Boise, Idaho, and Mountain City, Nev.; from Boise over U.S. Highway 30 to Mountain Home, Idaho, thence over Idaho Highway 51 to Idaho-Nevada State line, thence over Nevada Highway 11 A to Mountain City, and return over the same route, serving off-route points within 35 miles of said route, except the Mountain Home Air Force Base, near Mountain Home, Idaho.

No. MC 105275 (Sub-No. 25), filed May 28, 1962. Applicant: W. T. BYRNS MOTOR EXPRESS, INC., 646 Coffeen Street, Watertown, N.Y. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in the *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, over an alternate route, for operating convenience only, between Rochester and Maple View, N.Y., from Rochester, over U.S. Highway 104, to Maple View, and return over the same route, serving no intermediate points (except Oswego, N.Y., which applicant is presently authorized to serve), and for the purpose of joinder only.

NOTE: Common control may be involved.

No. MC 105632 (Sub-No. 27), filed June 5, 1962. Applicant: CENTRAL OF GEORGIA MOTOR TRANSPORT COMPANY, a corporation, 227 West Broad Street, Savannah, Ga. Applicant's attorney: William H. Teasley, P.O. Box 2126, Savannah, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving by Railway Express, in service auxiliary to or supplemental of the rail service of Central of Georgia Railway Company, between Cedartown, and Atlanta, Ga., from Cedartown, over U.S. Highway 27 (Georgia Highway 1), to Carrollton, Ga., thence over Highway 15, to Newnan, Ga., thence over U.S. Highway 29, to Atlanta, and return over the same route, serving all intermediate points between Cedartown and Newnan as presently authorized, but serving none between Newnan and Atlanta, Ga.

NOTE: Common control may be involved.

No. MC 109772 (Sub-No. 22), filed May 28, 1962. Applicant: ROBERTSON TRUCK-A-WAYS, INC., 7101 East Slauson Avenue, Los Angeles 22, Calif. Applicant's attorney: Charles Pieroni, 4000 West Sample Street, South Bend 21, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (except trailers), in truckaway service, in secondary movements, between points in Nevada and that part of California south of the northern boundaries of San Luis Obispo, Kern and San Bernardino Counties, Calif. RESTRICTION: The service authorized to be restricted against the transportation of new motor vehicles in connection with the rights held by Dallas & Mavis Forwarding Co., Inc., for the through transportation of traffic under such combination of rights.

NOTE: Applicant states this is a gateway removal application. Applicant is presently authorized to and engages in the transportation of similar commodities between California and Nevada by conducting such operations through an Arizona gateway as authorized in MC 109772 Subs 11 and 13. No duplicating authority is sought. Applicant further states it is a wholly owned subsidiary of Dallas & Mavis Forwarding Co., Inc., a common motor carrier.

No. MC 110525 (Sub-No. 510), filed May 29, 1962. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium sulfate and sodium thiocyanate*, in bulk, in tank vehicles, from Phillipsburg, N.J., to Solvay, N.Y.

No. MC 112617 (Sub-No. 120), filed May 25, 1962. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Mount Vernon, Ind., and points within five (5) miles thereof, to points in Illinois, Kentucky, and Missouri, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

No. MC 123989 (Sub-No. 2), filed May 28, 1962. Applicant: JAMES R. BENNETT AND FRANCIS R. WEYANDT, doing business as B. & W. TRANSPORT COMPANY, Box 327, Austell, Ga. Applicant's attorney: S. W. Earnshaw, 983 National Press Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Latex, latex compounds, and materials and supplies, used and useful in the compounding, production and distribution thereof*, between the plant-sites of Southern Latex Corporation, located at Austell, and Dalton, Ga., and Concord, N.C., on the one hand, and, on the other, points in Alabama, Arkansas, Georgia Louisiana, Mississippi, Tennessee, North Carolina, South Carolina, Virginia, and Cheswold, Del.

NOTE: Applicant states the proposed service will be for the account of Southern Latex Corporation, Austell, Ga., and of International Latex Corporation, Dover, Del.

No. MC 124133 (Sub-No. 2) filed May 24, 1962. Applicant: BERT H. MILLER, JR., doing business as MILLER'S GARBAGE SERVICE, 5900 Bunker Hill Drive, Southaven, Miss. Applicant's attorney: R. Connor Wiggins, Jr., 824 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Garbage and refuse*, from points in De Soto County, Miss., on and north of Mississippi Highway 304, to points in Shelby County, Tenn., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

MOTOR CARRIERS OF PASSENGERS

No. MC 124502, filed June 4, 1962. Applicant: QUEEN CITY BUS LINES, INC., 1000 La Fayette Avenue, Cumberland, Md. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, in the same vehicle with passengers*, between Cumberland, Md., and Carpenters Addition, Ridgeley, and Wiley Ford, W. Va., from Cumberland, over city streets to the Maryland-West Virginia State line, thence over Ridgeley city streets and West Virginia Highway 28, to Carpenters Addition, Ridgeley, and Wiley Ford, and return over the same route, serving the unincorporated areas along the routes specified above.

NOTICE OF FILING OF PETITIONS

No. MC 8015 and No. MC 88130 (PETITION OF APPLICANT FOR REOPENING OF "GRANDFATHER" DOCKET AND MODIFICATION OF CERTIFICATES), filed May 21, 1962. Petitioner: CAPITOL TRUCKING CORPORATION, 14 Hope Street, Brooklyn, N.Y. Certificate No. MC 8015 embraces among other authority, the following, issued in Docket No. MC 88130: *Floor covering and related products* from New York, N.Y., to points in Nassau and Westchester Counties, N.Y., and those in Essex, Bergen, Hudson, Passaic and Union Counties, N.J. Said Certificate did not embrace all of the operations performed by petitioner's predecessor in interest. It is requested that the "grandfather" docket in proceeding originally instituted by Capitol Trucking and Forwarding Co. Inc., be reopened and a revised certificate be issued to petitioner as set forth therein to cover the operations for which petitioner is entitled to authority but which are not covered by its present certificate and are as follows: *General commodities* with the usual exceptions, over irregular routes, Between New York, N.Y., on the one hand, and, on the other, points in Westchester County, N.Y., and those in Essex, Hudson, Bergen, Passaic, Union, Morris, and Somerset Counties, N.J., or, in the alternative this petition be scheduled for oral hearing so that petitioner will have the opportunity to submit evidence concerning the operations of its predecessors instituted prior to June 1, 1935 and conducted continuously since that time. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 30374 (PETITION FOR WAIVER OF RULE 101(e) OF GENERAL RULES OF PRACTICE AND PETITION TO REOPEN AND AMEND CERTIFICATE), filed May 18, 1962. Petitioner: MOEY LIHN AND MAX LIHN, doing business as TRI-STATE TRANSPORTATION CO., West and Railroad Avenue, Vineland, N.J. Petitioner's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Petitioners have been on, prior and since June 1, 1935 transporting Wearing Apparel and Materials, Supplies and Equipment used in the manufacture of Wearing Apparel: Between Medford, N.J., on the one hand, and, on the other, Philadelphia, Pa., and points in the New York, N.Y., Commercial Zone, as defined by the Commission.

It was recently called to Petitioners attention that their certificate does not include authority to serve Medford, N.J. Petitioners submit that the authority granted to it does not reflect its "grandfather" operations in that the point of Medford N.J., was omitted from their Certificate. Petitioners request the Commission to reopen the "Grandfather" application in No. MC 30374. Petitioner has also filed a BMC 78 application in No. MC 30374 (Sub-No. 12) for the same authority. Any person or persons desiring to participate in this proceeding may, within 30 days from the date of this notice in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8160. Authority sought for purchase by MORRIS MOTOR EXPRESS, INC., 505 Springdale Street, Cumberland, Md., of the operating rights of CHARLES WOLLENWEBER, 209 West Camden Street, Baltimore, Md., and for acquisition by GLENN MORRIS, also of Cumberland, Md., of control of such rights through the purchase. Applicants' representative: Peter J. Decker, Traffic Consultant, 917 Grand Avenue, Cumberland, Md. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over a regular route, between Baltimore, Md., and Washington, D.C., serving certain intermediate and off-route points. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Maryland, West Virginia, Virginia, Delaware, New Jersey, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8161. Authority sought for purchase by SAM LOWENSTEIN and STANLEY LOWENSTEIN, a partnership, doing business as SUPER M FOODS DELIVERY, 204 Franklin Street, New York 13, N.Y., of the operating rights of EDWARD BRADY, 72-32 66th Place, Glendale 27, N.Y. Applicants' representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Operating rights sought to be transferred: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, and, in connection therewith, *equipment, materials*, and *supplies*, used in the conduct of such businesses, as a *contract carrier* over irregular routes between points within the territory bounded by a line beginning at Flushing Bay, on the north shore of Long Island, N.Y., and extending south along Lawrence Street to North Hempstead Turnpike, thence east along North Hempstead Turnpike to Kissena Boulevard, thence south along Kissena and Parsons Boulevards to Hillside Avenue, thence west along Hillside Avenue to Sutphin Boulevard, thence south along Sutphin Boulevard to intersection with Rockaway Boulevard, thence in a southeasterly direction along Rockaway Boulevard, to the Queens-Nassau County line at head of Jamaica Bay, thence to Broad Channel Station, thence through Jamaica Bay to Rockaway Point, and thence in a northeasterly, northwardly, and southwesterly direction along the shores of Long Island to Flushing Bay, including points on the indicated portions of the highways specified, and between points in the aforementioned territory on the one hand, and, on the other, points in New York, Bronx, Kings, Queens, and Richmond Counties, N.Y., and those in Hudson, Bergen, Essex, and Passaic Counties, and the City of Elizabeth, N.J. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8162. Authority sought for purchase by LOUIS J. KENNEDY, 342 Schuyler Avenue, Kearny, N.J., of the operating rights and certain property of MICHAEL V. MEROLA, an individual, doing business as AMERICAN TRANSPORT COMPANY, 1A Harvard Place, Belleville, N.J. Applicants' representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Operating rights sought to be transferred: *Building materials*, except liquids, in bulk, in tank trucks, as a *contract carrier* over irregular routes, from Kearny, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, and Rhode Island, within 200 miles of Kearny, *such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between certain points in New Jersey, and between those certain points on the one hand, and, on the other,

points in New York, Bronx, Kings, Queens, and Nassau Counties, N.Y., and Paterson, Hawthorne, and Edgewater, N.J., *fruits, vegetables, farm products, poultry* and *sea food*, in the respective seasons of their production, from certain points in New Jersey to points in above-specified territory, with the RESTRICTION that the operations described herein are limited to a transportation service to be performed under special and individual contracts or agreements with persons (as defined in section 203(a) of the Interstate Commerce Act), who operate retail stores, the business of which is the sale of food, for the transportation of the commodities indicated and in the manner specified above. Vendee is authorized to operate as a *contract carrier* in New York, Pennsylvania, Connecticut, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, Delaware, and Maryland. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8163. Authority sought for purchase by DE ROSA TRANSPORTATION, INC., 2380 South Halsted Street, Chicago 8, Ill., of a portion of the operating rights of EXPRESSWAYS, INC. (JOHN G. REIBER, TRUSTEE), 3200 Maumee Avenue, Fort Wayne, Ind., and for acquisition by D & A EQUIPMENT CO., and in turn by DOMINIC DE ROSA, both of Chicago of control of such rights through the purchase. Applicants' attorneys and representative respectively: David Axelrod, Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill., Lesow and Lesch 3737 North Meridian Street, Indianapolis, Ind., and John G. Reiber, 315 Gettle Building, Fort Wayne, Ind. Operating rights sought to be transferred: *General commodities*, as a *common carrier* over regular routes between Fort Wayne, Ind., and certain points in Michigan, between Angola, Ind., and Orland, Ind., serving all intermediate points, between Waterloo, Ind., and Corunna, Ind., serving no intermediate points, *general commodities*, excepting, among others, household goods and commodities in bulk, betwen Marshall, Mich., and Lansing, Mich., between Tekonsha, Mich., and Lansing, Mich., between Coldwater, Mich., and Marshall, Mich., between Marshall, Mich., and Jackson, Mich., serving all intermediate points, with the RESTRICTION that the above authority between Marshall, and Tekonsha, Mich., and intermediate points thereto is restricted against any service except on traffic moving to or from other points on the above-specified routes; between Adrian, Mich., and Lansing, Mich., between Tecumseh, Mich., and Adrian, Mich., and between Adrian, Mich., and Morenci, Mich., serving no intermediate points, over an alternate route for operating convenience only. Vendee is authorized to operate as a *common carrier* in Illinois, Indiana, Michigan, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-5754; Filed, June 12, 1962; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 8, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37784: *Insulating material between points in WTL territory.* Filed by Western Trunk Line Committee, Agent (No. A-2249), for interested rail carriers. Rates on insulating material, as described in the application, in carloads, between points in western trunk-line territory.

Grounds for relief: Contract motor carrier competition, short-line distance formula and grouping.

Tariff: Supplement 57 to Western Trunk Line Committee tariff I.C.C. A-4338.

FSA No. 37785: *Liquid fertilizers from Idaho and Utah.* Filed by Western Trunk Line Committee, Agent (No. A-2251), for interested rail carriers. Rates on liquid fertilizers, as described in the application, in tank-car loads, from specified points in Idaho and Utah, to points in western trunk-line territory.

Grounds for relief: Market competition, modified short-line distance formula and grouping.

Tariff: Supplement 18 to Western Trunk Line Committee tariff I.C.C. A-4411.

FSA No. 37786: *Returned petroleum products between points in WTL territory.* Filed by Western Trunk Line Committee, Agent (No. A-2253), for interested rail carriers. Rates on petroleum products, in packages, in carloads, returned from original destination to original point of shipment, between points in western trunk-line territory.

Grounds for relief: Carrier competition.

FSA No. 37787: *Lumber and lumber articles from, to and between points in southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8212), for interested rail carriers. Rates on wooden fall-out shelter sections, consisting of studs with plywood glued or not glued on one side, ramin or emri lumber and articles made from ramin or emri lumber, between points in southwestern territory; between points in southwestern territory, on the one hand, and points in western trunk-line territory, also points in Illinois, Kentucky, Tennessee, and Mississippi River crossings Memphis, Tenn., and south thereof, on the other hand.

Grounds for relief: Carrier competition.

Tariffs: Supplement 139 to Southwestern Freight Bureau tariff I.C.C. 3850, and 14 other schedules named in the application.

FSA No. 37788: *Fresh vegetables from Cullman, Ala.* Filed by O. W. South, Jr., Agent (No. A4200), for interested rail carriers. Rates on vegetables, fresh or green (not cold-packed nor frozen), in carloads, as described in the application, from Cullman, Ala., to Kenova, W. Va.

Grounds for relief: Market competition.

Tariff: Supplement 15 to Southern Freight Association tariff I.C.C. S-178.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-5751; Filed, June 12, 1962; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

EDMUND W. DUGAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of June 1, 1962.

EDMUND W. DUGAN.

JUNE 1, 1962.

[F.R. Doc. 62-5749; Filed, June 12, 1962; 8:47 a.m.]

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Washington, Thursday, June 14, 1962

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[87th Cong., 1st Sess.]

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Rules and Regulations

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 815.3, Amdt. 3]

PART 815—ALLOTMENT OF SUGAR QUOTAS—PUERTO RICO

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (hereinafter called the "Act"), for the purpose of further amending Sugar Regulation 815.3 (27 F.R. 3275, 4148, 4874), which allots the sugar quota for Puerto Rico for the six-month period ending June 30, 1962, for consumption in the continental United States (including raw sugar transferred for further processing and shipment within the direct-consumption portion of such quota) and the sugar quota for local consumption in Puerto Rico for the six-month period ending June 30, 1962, among persons who process Puerto Rican sugarcane into sugar (1) to be brought into the continental United States and (2) to be marketed for local consumption in Puerto Rico.

The sugar quota for Puerto Rico for consumption in the continental United States is referred to herein as "mainland quota" and allotments thereof are referred to as "mainland allotments". The sugar quota for consumption in Puerto Rico and allotments thereof are referred to as "local quota" and "local allotments", respectively.

Revision of Sugar Regulation 815.3 is necessary to allot the increase of 25,667 short tons, raw value, in the mainland quota for the area established by Sugar Regulation 811, Amendment 3 (27 F.R. 5255) and to substitute in the determination of allotments final data for the estimated data on 1961 marketings used in determining the allotments in effect prior to this amendment. Such data are reflected in the following table together with the measures of the three factors, "processings • • • from proportionate shares • • •", "past marketings", and "ability to market":

Processor	Processings—Average 1959–60 and 1960–61 crop year production		Past marketings—Average annual mainland and local marketings, 1957 through 1961		Ability to market—Highest annual production, 1959–60 and 1960–61 crops		Combined allotments of mainland and local quotas		Average 1960 and 1961 local marketings
	Short tons, raw value (1)	Percent of total (2)	Short tons, raw value (3)	Percent of total (4)	Short tons, raw value (5)	Percent of total (6)	Percent of total (7)	Short tons, raw value (8)	Short tons, raw value (9)
Antonio Roig Sucesores, S. en C.	40,125	3.770	41,888	4.065	41,484	3.717	3.904	28,476	25,116
Asociacion Azucarera Cooperativa	29,525	2.774	28,084	2.726	30,835	2.763	2.747	20,037	00
Central Aguirre Sugar Co., a trust	119,684	11.246	118,597	11.510	129,637	11.615	11.470	83,662	366
Central Coloso, Inc.	73,998	6.953	66,638	6.467	74,852	6.707	6.649	48,498	172
Central Eureka, Inc.	38,323	3.601	36,454	3.538	41,567	3.724	3.600	26,258	666
Central Guananani, Inc.	13,311	1.251	13,286	1.289	13,702	1.228	1.264	9,220	00
Central Igualdad, Inc.	46,704	4.389	44,181	4.288	49,672	4.451	4.354	31,758	21,645
Central Juanita, Inc.	27,848	2.617	31,907	3.097	28,167	2.523	2.834	20,671	206
Central Mercedita, Inc.	84,718	7.960	77,104	7.483	89,442	8.014	7.735	56,419	37,645
Central Monserrate, Inc.	27,286	2.564	24,431	2.371	27,906	2.500	2.452	17,885	00
Central San Francisco	13,852	1.302	12,626	1.225	14,495	1.299	1.263	9,212	2,048
Central San Vicente, Inc.	39,542	3.715	42,581	4.132	41,088	3.682	3.915	28,556	00
Compania Azucarera del Caimy, Inc.	17,118	1.608	14,506	1.408	17,893	1.603	1.507	10,992	00
Compania Azucarera del Toa	22,856	2.148	24,334	2.362	23,599	2.114	2.247	16,390	00
Cooperativa Azucarera Los Canos	33,476	3.146	31,907	3.097	33,924	3.040	3.095	22,575	14
C. Brewer Puerto Rico, Inc.	166,033	15.601	170,966	16.592	171,221	15.341	16.032	116,938	17,564
Land Authority of Puerto Rico	65,550	6.159	62,772	6.092	65,736	5.890	6.058	44,187	0
Mario-Mercado e Hijos	30,627	2.878	29,262	2.840	33,523	3.004	2.890	21,080	509
Plata Sugar Company	53,504	5.027	50,675	4.937	53,659	4.808	4.927	35,938	0
Soller Sugar Company	13,827	1.299	13,174	1.278	13,862	1.242	1.274	9,293	0
So. Puerto Rico Sugar Corp.	106,343	9.992	94,819	9.203	119,814	10.735	9.783	71,357	17,616
Total	1,064,250	100.000	1,030,392	100.000	1,116,078	100.000	100.000	729,402	123,567

It was found after notice and public hearing that this order shall be revised without further notice or hearing for the purpose of substituting revised estimated or final data for estimated data which are applicable in the determination of allotments and revising allotments to give effect to any increase, or decrease, in mainland or local quotas due to action pursuant to sections 201, 202(a), or 203 of the Act or from the proration of a deficit in the quota for any area pursuant to section 204(a) or section 408(b)(2) of the Act. The revised allotments are determined by the same method used in the initial order, Sugar Regulation 815.3, effective April 6, 1962.

Change in part heading. The heading of Part 815 is changed to read as follows: "Allotment of Sugar Quotas, Puerto Rico". This change is made because the allotment of the mainland and local quotas, as well as the allotment of the direct-consumption portion of the mainland quota, is carried under Part 815.

Effective date. Allotments established in this amendment are larger than the allotments established in S.R. 815.3, Amendment 2 (27 F.R. 4874). Since relatively little time remains in the allotment period to arrange for and make shipments to the mainland, it is imperative that this amendment become effective at the earliest possible date in order to permit continued orderly marketing of sugar. Accordingly, it is hereby found that compliance with the 30-day effective date requirements of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and consequently this order shall be effective when published in the FEDERAL REGISTER.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act: It is hereby ordered, that the heading of § 815.3 and paragraph (a) of § 815.3 be amended to read as follows:

§ 815.3 Allotment of the mainland and local sugar quotas for Puerto Rico for the six-month period ending June 30, 1962.

(a) *Allotments.* The sugar quota for Puerto Rico for the six-month period ending June 30, 1962, for consumption in the continental United States (including raw sugar to be further processed and marketed within the direct-consumption portion of such quota) and the sugar quota for local consumption in Puerto Rico for the six-month period ending June 30, 1962, are hereby allotted, to the extent shown in this section, to the following processors in amounts which appear in columns (1) and (2) opposite their respective names:

[Short tons, raw value]

Processor	Allotments	
	Mainland (1)	Local (2)
Antonio Roig Sucesores, S. en C.	15,264	13,212
Asociacion Azucarera Cooperativa	20,037	0
Central Aguirre Sugar Co., a Trust	83,469	193
Central Coloso, Inc.	48,407	91
Central Eureka, Inc.	25,908	350
Central Guamani, Inc.	9,220	0
Central Igualdad, Inc.	20,372	11,386
Central Juanita, Inc.	20,583	108
Central Mercedita, Inc.	36,617	19,802
Central Monserrate, Inc.	17,885	0
Central San Francisco	8,135	1,077
Central San Vicente, Inc.	28,556	0
Compania Azucarera del Camuy, Inc.	10,992	0
Compania Azucarera del Toa	16,390	0
Cooperativa Azucarera Los Canos	22,568	7
C. Brewer Puerto Rico, Inc.	107,699	9,230
Land Authority of Puerto Rico	44,187	0
Mario Mercado e Hijos	20,812	268
Plata Sugar Company	35,938	0
Soller Sugar Company	9,293	0
So. Puerto Rico Sugar Corp.	62,090	9,267
All other persons, liquid sugar only	20	0
Total	661,422	65,000

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926; as amended, 928; 7 U.S.C. 1115, 1119; sec. 1, Public Law 87-15)

Done at Washington, D.C., this 8th day of June 1962.

ROBERT G. LEWIS,
Deputy Administrator,
Price and Production.

[F.R. Doc. 62-5830; Filed, June 13, 1962; 8:51 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 94]

PART 1094—MILK IN NEW ORLEANS MARKETING AREA

Order Amending Order

§ 1094.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New Orleans marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than July 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued April 13, 1962, and the decision containing all amendment provisions of this order, was issued May 11, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective July 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the New Orleans marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1a. In § 1094.10(a), the phrase reading "§ 1094.61 or" is deleted.

1b. Change § 1094.10(a)(1) to read as follows:

(1) Disposition in the marketing area of fluid milk products on routes is at least the lesser of a daily average of 1,500 pounds or 20 percent of receipts from dairy farmers, cooperatives in their capacities as handlers pursuant to § 1094.12(d) and supply plants; and

2. Change § 1094.14 to read as follows:

§ 1094.14 Producer.

"Producer" means any person, except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority which milk is received at a pool plant or by a cooperative association pursuant to § 1094.12(d) or is diverted pursuant to paragraphs (a) through (c) of this section: *Provided*, That milk so diverted shall be deemed to have been received at the location of the pool plant from which diverted:

(a) To the pool plant of another handler;

(b) To a nonpool plant during any month(s) of December and February through August;

(c) Except as provided in subparagraphs (1) and (2) of this paragraph, to a nonpool plant during each month of January and September through November, but not more than 15 days production of any dairy farmer during any such month: *Provided*, That if this limit is exceeded for any dairy farmer, such dairy farmer shall be a producer only with respect to that milk physically received at pool plants during such month:

(1) A cooperative association may divert for its account the milk of any member producer without limit during the month if the total volume of milk so diverted does not exceed 20 percent of its member producer milk received by all pool handlers during the month: *Provided*, That if this percentage limitation is exceeded all diversions by such association during the month shall be subject to the 15-day limitation prescribed above.

(2) A handler in his capacity as the operator of a pool plant may divert for his account the milk of any nonmember producer without limit during the month if the total volume of nonmember milk so diverted does not exceed 20 percent of the nonmember producer milk received at such pool plant during the month: *Provided*, That if this percentage limitation is exceeded all diversions by such handler during the month shall be subject to the 15-day limitation prescribed above.

3. In the preamble of § 1094.30, the phrase reading "§ 1094.61 or" is deleted.

4. Delete § 1094.33 in its entirety.

5. In paragraph (c) of § 1094.50 change the present operator and plant location listed as "Wilson and Company, Macon, Mississippi" to "The Borden Company, Macon, Mississippi".

6. Delete § 1094.61 in its entirety.

7. In the preamble of § 1094.62, the phrase reading "§ 1094.61 or" is deleted.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: July 1, 1962.

Signed at Washington, D.C., on June 8, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-5829; Filed, June 13, 1962; 8:50 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 204—PETITION FOR IMMIGRANT STATUS AS A HIGHLY SKILLED PERSON OR AS A MINISTER

PART 282—FORMS FOR SALE TO PUBLIC

PART 299—IMMIGRATION FORMS

Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. Section 204.1 is amended to read as follows:

§ 204.1 Petition.

The petition required by section 204 of the Act shall be filed on a separate Form I-140 for each beneficiary and shall be accompanied by a fee of $10. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter.

2. Section 282.1 is amended to read as follows:

§ 282.1 Forms printed by the Public Printer.

The Public Printer is authorized to print for sale to the public by the Superintendent of Documents the following forms prescribed by subchapter B of this chapter: G-28, I-20, I-94, I-95, I-129B, I-130, I-131, I-140, and I-418.

§ 299.1 [Amendment]

3. The list of forms in § 299.1 *Prescribed forms* is amended by adding the following form and reference thereto:

Form No.	*Title and description*
I-140	Petition To Classify Immigrant Status of Alien Whose Services Are Needed in the United States.

4. Section 299.2 is amended to read as follows:

§ 299.2 Forms available from the Superintendent of Documents.

The following forms required for compliance with the provisions of subchapter B of this chapter may be obtained, upon prepayment, from the Superintendent of Documents, Government Printing Office, Washington, D.C.: G-28, I-20, I-94, I-95, I-129B, I-130, I-131, I-140, and I-418. A small supply of those forms shall be set aside by immigration officers for free distribution and official use.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on July 1, 1962. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to agency procedure.

Dated: June 8, 1962.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 62-5806; Filed, June 13, 1962; 8:48 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 4]

PART 105—STANDARDS OF CONDUCT

Miscellaneous Amendments

In Part 105, §§ 105.4-2, 105.4-3 and 105.10 (26 F.R. 8447) are revised to read as follows:

§ 105.4-2 Interest in firms receiving SBA assistance.

No employee, his or her spouse, nor members of his or her immediate household shall purchase or otherwise acquire any interest, as a stockholder or otherwise, in any concern while an application of such concern for assistance from the Small Business Administration is pending and for a period of two years after such assistance is granted, regardless of whether the concern is a publicly held corporation.

§ 105.4-3 Assistance by the Administration to businesses owned by or employing officers or employees of the Federal Government.

No assistance, other than disaster loans, shall be furnished to a business enterprise when the sole proprietor, a partner, an officer or director thereof, or a stockholder with a ten or more percent interest therein:

(a) Is (1) an employee of the Administration or an employee in Grade GS-13 or its equivalent, or higher, of any other department in the executive branch, or (2) an officer of the rank of major or lieutenant commander or its equivalent, or higher, in the Armed Services of the United States, or (3) an appointed consultant of the Administration, or a member of a Small Business Advisory Council, or (4) a spouse of any of the above,

without the prior approval of the Ad Hoc Committee, or

(b) Is (1) an employee in Grade GS-12 or its equivalent or lower, of any other department in the executive branch, or (2) a member of the Armed Services of the United States of the rank of captain or lieutenant senior grade, or its equivalent, or lower, or (3) a spouse of any of the above,

without a prior written statement of no objection by the pertinent department or Armed Service of the United States.

§ 105.10 Ad Hoc Committee.

An Ad Hoc Committee composed of the General Counsel, serving as Chairman thereof, the Assistant Administrator for Management and the Assistant Administrator for Information Services, is created for the purpose of advising and aiding the Administrator in the promulgation and administration of pertinent conflict of interest agency regulations, and in the determination of specific instances of possible conflicts of interest, including the requirements of section 105.4-3. All requests for determinations, whenever necessary, under these standards of conduct shall be addressed through proper channels to this Committee.

Effective date: June 5, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-5799; Filed, June 13, 1962; 8:48 a.m.]

[Rev. 2; Amdt. 11]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Government Procurement

On January 30, 1962, there was published in the FEDERAL REGISTER (27 F.R. 865) a notice of hearing to be held for the construction industry (except hydraulic dredgers) to determine the appropriate small business size standard to be applied to that industry. On February 20, 1962, such hearing was held and testimony received.

Interested persons were given an opportunity to present their comments or suggestions pertaining to the amendment of the definition of small business for the construction industry to the Office of Small Business Size Standards. Generally, the comments indicated that the existing size standard was inaccurate as it pertained to concerns which bid on Government construction projects. There was a clear indication that a higher figure of average annual receipts for concerns in the construction industry would permit many small businesses within the industry the opportunity to receive procurement assistance from the Small Business Administration.

After consideration of all such relevant matter as was presented by interested persons regarding the size stand-

ard for the construction industry, the amendment set forth below is hereby adopted.

Included in this amendment is the definition of a small business in the hydraulic dredging industry. On January 30, 1962, after an industry hearing, notice was published in the FEDERAL REGISTER (27 F.R. 865) that the size standard for the hydraulic dredging industry should remain at $5,000,000.

The Small Business Size Standards Regulation (Revision 2) (26 F.R. 812), as amended (26 F.R. 1441, 1983, 2778, 3064, 5708, 6642, 8592, 10633, 10634, 12069) is hereby further amended by deleting § 121.3–8(a)(2) and substituting in lieu thereof new § 121.3–8(a)(2) and adding new § 121.3–8(a)(13) as follows:

§ 121.3–8 Definition of small business for Government procurement.

(a) *Small business definitions.* • • •

(2) *Construction contracts.* For the purpose of bidding on construction contracts, any concern is small if its average annual receipts for the preceding three fiscal years do not exceed $7,500,000.

• • • • •

(13) *Hydraulic dredging contracts.* For the purpose of bidding on hydraulic dredging contracts, any concern is small if its average annual receipts for the preceding three fiscal years do not exceed $5,000,000.

Effective date: This amendment shall become effective on August 1, 1962.

Dated: June 1, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62–5800; Filed, June 13, 1962; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1170; Amdt. 450]

PART 507—AIRWORTHINESS DIRECTIVES

Navion & Twin Navion Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the nose gear retract link assembly on Navion and Twin Navion aircraft and replacement of cracked parts with a redesigned assembly was published in 27 F.R. 3999.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

NAVION AND TWIN NAVION. Applies to all Navion Serial Numbers NAV–4–2 and up and all Twin Navion aircraft, Camair Model 480, Dauby, Riley, and Temco Models D–16 and D–16A.

Compliance required within the next 50 hours' time in service after the effective date of this AD unless already accomplished within the last 50 hours' time in service and thereafter every 100 hours' time in service from the last inspection.

Inspect by magnetic particle method or FAA approved equivalent, the nose gear retract link assembly P/N 145–34106 or 145–34106–10, for cracks in or near end fitting welds. Replace all cracked parts prior to further flight with Navion P/N 145–34106–20, Camair P/N 1–6031, or FAA approved equivalent, incorporating a longer lap weld center section that completely covers the turned down part of the end fitting. The inspection required by this AD may be discontinued after Navion P/N 145–34106–20, Camair P/N 1–6031, or FAA approved equivalent is installed.

This amendment shall become effective July 16, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 7, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62–5779; Filed, June 13, 1962; 8:45 a.m.]

[Reg. Docket No. 1158; Amdt. 451]

PART 507—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft JT3D Series Engines

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring rework of the fourth stage turbine rotor blades of Pratt & Whitney Aircraft JT3D Series engines was published in 27 F.R. 3820.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. Subsequent to the publication of the notice of proposed rule making, the manufacturer issued a service bulletin to combine the Service Department letters, sketches and drawings referred to in the proposal. Reference to the service bulletin is substituted for the other documents in the AD.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

PRATT & WHITNEY. Applies to all Pratt & Whitney Aircraft JT3D–1, JT3D–1–MC6, JT3D–1–MC7 and JT3D–3 turbofan engines equipped with fourth stage turbine rotor blades P/N 395304 Change H or earlier and P/N 434104 Change C or earlier.

Compliance required at first engine overhaul after the effective date of this AD unless already accomplished.

As the result of fourth stage turbine rotor blade failures, the following is required.

Rework all P/N 395304 Change H or earlier and P/N 434104 Change C or earlier, fourth stage turbine rotor blades as follows:

(a) Rework these blades to incorporate a 55° tip shroud lock angle in accordance with P&WA telegraphic message dated August 17, 1961, to all JT3D operators.

(b) Rework the first serration of the blade root at both rear corner radii and the entire trailing edge of the airfoil section in accordance with Pratt & Whitney Aircraft Service Bulletin No. 387 together with P&WA telegraphic message dated March 15, 1962, to all JT3D operators. Each blade must be flouroescent penetrant inspected prior to and after rework. Blades exhibiting any indications must be rejected.

(c) After completion of inspection, stress relieve all reworked blades at 1500° F. plus or minus 25° for four (4) hours. Glass bead peen the reworked area of the airfoil trailing edge in accordance with AMS–2430 to an intensity of 15N2.

NOTE: This AD does not apply to engines equipped with blades P/N 395304 Change J or later, P/N 434104 Change D or later, or P/N 434104 which carry the inscription PL–5651 or PL–5670 on the blade root.

(Pratt & Whitney Aircraft Service Bulletin No. 387 and P&WA telegraphic messages dated August 17, 1961, March 15, 1962, and March 21, 1962, to all JT3D operators, cover this same subject.)

This amendment shall become effective July 16, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 8, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62–5780; Filed, June 13, 1962; 8:45 a.m.]

[Reg. Docket No. 1207; Amdt. 449]

PART 507—AIRWORTHINESS DIRECTIVES

Pratt & Whitney JT4A Series Turbojet Engines

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an amendment to AD 62–10–4, Amendment 432, 27 F.R. 3971, was adopted on May 14, 1962, and made effective immediately as to all known United States operators of Pratt & Whitney JT4A Series turbojet engines. This amendment was adopted to permit greater latitude in complying with the turbine blade replacement provisions of AD 62–10–4.

Since this amendment relaxed a requirement and imposed no additional burden on any person, notice and public procedure thereon were unnecessary and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Pratt & Whitney JT4A Series turbojet engines by individual telegrams dated May 14, 1962. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR 507) to make it effective as to all persons.

Amendment 432, Pratt & Whitney JT4A Series turbojet engines (27 F.R. 3971), is hereby amended by changing

the second sentence of the second paragraph to read as follows:

If any blade looseness or rattling is found, remove the engine for blade replacement prior to further flight, except that an operator conducting more frequent periodic inspections than at the 85-hour intervals may delay replacement of loose blades for one additional 15-hour period of time in service provided that time in service since a known no-loose blade condition will not exceed 85 hours.

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by individual telegrams dated May 14, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 7, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62–5781; Filed, June 13, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–NY–68]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS AND POSITIVE CONTROL AREAS

Alteration of Federal Airway and Associated Control Areas

On March 15, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 2481) stating that the Federal Aviation Agency proposed to amend §§ 600.6454 and 601.6454 of the regulations of the Administrator by extending VOR Federal airway No. 454 and its associated control areas from Lawrenceville, Va., to Hopewell, Va.

The Air Transport Association of America concurred with the proposed amendments. The Department of the Air Force offered no objection to the proposed amendments provided that no additional delays or restrictions would be imposed upon military aircraft executing TACAN approach procedures at Byrd Field, Richmond, Va. They suggested that the proposed airway be aligned with VOR Federal airway No. 157 from Lawrenceville to the Dalton Intersection (intersection of the Lawrenceville VOR 044° and the Flat Rock, Va., VORTAC 168° radials) thence to Hopewell.

Airspace protection requirements for the TACAN approaches in relation to the proposed airway extension are virtually the same as those established in relation to Victor 157. Therefore, no additional delays or restrictions to the TACAN approaches are anticipated. For the same reason, no advantage would be gained by aligning the proposed airway via the Dalton Intersection. No other comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 600.6454 (14 CFR 600.6454) is amended as follows:

a. In the caption "Lawrenceville, Va." is deleted and "Hopewell, Va." is substituted therefor.

b. In the text "to the Lawrenceville, Va., VOR." is deleted and "Lawrenceville, Va., VOR; to the Hopewell, Va., VORTAC." is substituted therefor.

2. In the caption of § 601.6454 (14 CFR 601.6454) "Lawrenceville, Va." is deleted and "Hopewell, Va." is substituted therefor.

These amendments shall become effective 0001 e.s.t., July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 7, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62–5782; Filed, June 13, 1962; 8:45 a.m.]

[Airspace Docket No. 62–WE–62]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airways and Controlled Airspace

The purpose of these amendments to the regulations of the Administrator is to change the name of the Fallon, Nev., VOR wherever it appears in Parts 600 and 601. This action is taken to preclude misunderstanding the Fallon VOR for the Fallon TACAN in radio communication.

Since these changes are editorial in nature and will not assign or reassign the use of navigable airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

1. In the text of the following sections "Fallon" is deleted wherever it appears and "Hazen" is substituted therefor.

a. Section 600.6006 (14 CFR 600.6006, 26 F.R. 11823).

b. Section 600.6494 (26 F.R. 11824).

c. Section 600.1738 (26 F.R. 1093, 12215).

2. In the text of § 601.7001 (26 F.R. 6710) "Fallon, Nev., VOR" is deleted and "Hazen, Nev., VOR" is substituted therefor.

These amendments shall become effective 0001 e.s.t., July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 7, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62–5783; Filed, June 13, 1962; 8:45 a.m.]

[Airspace Docket No. 62–LA–10]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Transition Area

On March 9, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 2292) stating that the Federal Aviation Agency proposed to designate a transition area at Fillmore, Calif.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.10958 Fillmore, Calif., transition area.

That airspace extending upward from 1,200 feet above the surface bounded on the N and NE by VOR Federal airway No. 12, on the E by VOR Federal airway No. 107, on the S by VOR Federal airway No. 25, and on the W by VOR Federal airway No. 25 and VOR Federal airway No. 485.

This amendment shall become effective 0001 e.s.t., August 23, 1962.

(307(a), 72 Stat. 749, 49 U.S.C. 1348)

Issued in Washington, D.C., on June 7, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62–5784; Filed, June 13, 1962; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

On April 5, 1962, and on April 12, 1962, there were published in the FEDERAL REGISTER (27 F.R. 3259, 3521), notices with respect to proposals to amend § 74.3 (a), Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations. After due consideration of all relevant material and pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), § 74.3(a) of said Part 74 is hereby amended to read as follows:

§ 74.3 Designation of eradication areas.

(a) Notice is hereby given that sheep in the following States, Territories, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep and such States, Territories, and parts thereof, are hereby designated as eradication areas:

(1) Hawaii, Illinois, Kentucky, New Jersey, New York, Pennsylvania, Tennessee, and Wisconsin;

(2) The following counties in South Dakota: Brown, Spink, Beadle, Sanborn, Davison, Hutchinson, and Bon Homme, and all counties in the State of South Dakota lying east thereof;

(3) All counties in Nebraska except Arthur, Banner, Blaine, Box Butte, Brown, Chase, Cherry, Cheyenne, Dawes, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Morrill, Perkins, Rock, Sheridan, Sioux, Scottsbluff, and Thomas;

(4) All counties in New Mexico except that portion of McKinley and San Juan Counties occupied by the Navajo Indian Reservation;

(5) The following counties in Michigan: Alcona, Alpena, Antrim, Benzie, Charlevoix, Cheboygan, Crawford, Emmet, Grand Traverse, Kalkaska, Leelanau, Manistee, Missaukee, Montmorency, Oscoda, Otsego, Presque Isle, Roscommon, and Wexford.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126); 19 F.R. 74, as amended)

Effective date. The foregoing amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

The amendment adds the State of Kentucky and Alcona, Alpena, Antrim, Benzie, Charlevoix, Cheboygan, Crawford, Emmet, Grand Traverse, Kalkaska, Leelanau, Manistee, Missaukee, Montmorency, Oscoda, Otsego, Presque Isle, Roscommon, and Wexford Counties in the State of Michigan to the list of eradication areas since the cooperative sheep scabies eradication program is now being conducted in such State and specified counties. This State and the specified counties are presently included in the infected areas as sheep scabies is known to exist therein. Hereafter, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will apply to such State and specified counties.

Done at Washington, D.C., this 8th day of June 1962.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62–5809; Filed, June 13, 1962; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7590]

PART 13—PROHIBITED TRADE PRACTICES

Automotive Jobbers, Inc., et al.

Subpart—Discriminating in price under section 2, Clayton Act—Knowingly inducing or receiving discriminating price under 2(f): § 13.855 *Inducing and receiving discriminations.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Automotive Jobbers, Inc. (Dallas, Tex.), et al., Docket 7590, Jan. 4, 1962]

In the Matter of Automotive Jobbers, Inc., a Corporation; Mrs. Neva Baker, Doing Business Under the Firm Name and Style of Baker Auto Supply, a Sole Proprietorship; E. L. Bauer, Doing Business Under the Firm Name and Style of Bauer Auto Supply, a Sole Proprietorship; Blue Ribbon Auto Supply, Inc., a Corporation, H. B. Braden, Jr., Doing Business Under the Firm Name and Style of Braden's Automotive, a Sole Proprietorship; J. W. Mitchell and W. L. Brown, Copartners Doing Business Under the Firm Name and Style of Brown Auto Supply; John M. Carter, Doing Business Under the Firm Name and Style of Carter Auto Supply, a Sole Proprietorship; James Lacey, Doing Business Under the Firm Name and Style of Central Grinding & Auto Supply, a Sole Proprietorship; Thomas Clark, Doing Business Under the Firm Name and Style of Clark Auto Parts Supply, a Sole Proprietorship; Ralph Clark, Doing Business Under the Firm Name and Style of Ralph Clark Company, a Sole Proprietorship; C. E. Holder and M. W. Edgmon, Copartners Doing Business Under the Firm Name and Style of Edgmon-Holder Motor Supply; Eugene Straach, Doing Business Under the Firm Name and Style of Grove Auto Supply, a Sole Proprietorship; Rex Grove Auto Supply Company, Inc., a Corporation; M. R. Walker, B. C. McKinley and J. O. Thompson, Copartners Doing Business Under the Firm Name and Style of Jobbers Warehouse Service; Sam Murphy, Doing Business Under the Firm Name and Style of Murphy Automotive Supply, a Sole Proprietorship; L. E. Shafer, Doing Business Under the Firm Name and Style of Senior Auto Parts, a Sole Proprietorship; Phil Crawford, O. J. Chase and R. R. Crawford, Copartners Doing Business Under the Firm Name and Style of Texas Automotive Supply; Vernon Pennington, Doing Business Under the Firm Name and Style of Vernon Parts Company, a Sole Proprietorship; James E. Walker, Doing Business Under the Firm Name and Style of Walker Auto Parts, a Sole Proprietorship; Ethel Waugh and Guy V. Cope, Copartners Doing Business Under the Firm Name and Style of A. G. Waugh Company; and Madie E. Wood, Doing Business Under the Firm Name and Style of Wood Tire & Supply Co., a Sole Proprietorship

Order requiring a Texas association of jobbers of automotive products and supplies, which was simply a bookkeeping device and served as agent through which members were billed and made settlement for purchases, and its 19 members, to cease violating section 2(f) of the Clayton Act by inducing and receiving from suppliers what they knew were "discriminatory and illegal prices, discounts, allowances and rebates" resulting from their combined bargaining power and not available to their competitors.

The order to cease and desist is as follows:

It is ordered, That respondent Automotive Jobbers, Inc., a corporation; Mrs. Neva Baker, doing business under the firm name and style of Baker Auto Supply, a sole proprietorship; E. L. Bauer, doing business under the firm name and style of Bauer Auto Supply, a sole proprietorship; Blue Ribbon Auto Supply, Inc., a corporation; H. B. Braden, Jr., doing business under the firm name and style of Braden's Automotive, a sole proprietorship; J. W. Mitchell and W. L. Brown, copartners doing business under the firm name and style of Brown Auto Supply; John M. Carter, doing business under the firm name and style of Carter Auto Supply, a sole proprietorship; Thomas Clark, doing business under the firm name and style of Clark Auto Parts Supply, a sole proprietorship; Ralph Clark doing business under the firm name and style of Ralph Clark Company, a sole proprietorship; C. E. Holder and M. W. Edgmon, copartners doing business under the firm name and style of Edgmon-Holder Motor Supply; Eugene Straach, doing business under the firm name and style of Grove Auto Supply, a sole proprietorship; Rex Grove Auto Supply Company, Inc., a corporation; M. R. Walker, B. C. McKinley and J.O. Thompson, copartners doing business under the firm name and style of Jobbers Warehouse Service; Sam Murphy, doing business under the firm name and style of Murphy Automotive Supply, a sole proprietorship; L. E. Shafer, doing business under the firm name and style of Senior Auto Parts, a sole proprietorship; Phil Crawford, O. J. Chase and R. R. Crawford, copartners doing business under the firm name and style of Texas Automotive Supply; Vernon Pennington, doing business under the firm name and style of Vernon Parts Company, a sole proprietorship; James E. Walker, doing business under the firm name and style of Walker Auto Parts, a sole proprietorship; Ethel Waugh and Guy V. Cope, copartners doing business under the firm name and style of A. G. Waugh Company; and Madie E. Wood, doing business under the firm name and style of Wood Tire & Supply Company, a sole proprietorship; and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering to purchase or purchase of any automotive products or supplies in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Knowingly inducing or knowingly receiving or accepting any discrimination in the price of such products and supplies, by directly or indirectly inducing, receiving, or accepting from any seller a net price known by respondent to be below the net price at which said products and supplies of like grade and quality are being sold by such seller to other customers, where the seller is competing with any other seller for respondents' business, or where respondents are competing with other customers of the seller.

For the purpose of determining "net price" under the terms of this order, there shall be taken into account discounts, rebates, allowances, deductions or other terms and conditions of sale by which net prices are effected.

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to James Lacey, now deceased.

By "Final Order", report of compliance was required as follows:

It is further ordered, That all of the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: January 4, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62–5790; Filed, June 13, 1962; 8:46 a.m.]

[Docket 7665]

PART 13—PROHIBITED TRADE PRACTICES

Pati-Port, Inc., and Al B. Wolf

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices;* § 13.155–10 *Bait;* § 13.155–40 *Exaggerated as regular and customary.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45 [Cease and desist order, Pati-Port, Inc. (Baltimore, Md.), et al., Docket 7665, Jan. 4, 1962]

In the Matter of Pati-Port, Inc., a Corporation, and Al B. Wolf, Individually and as an Officer of Said Corporation

Order requiring Baltimore installers of patios and carports, to cease using bait advertisements to get leads to prospects whom they then urged and frequently persuaded to buy much higher priced items; and representing falsely that the usual price of their carport and patio was $249 but they were offering it at a special low price of $77, that the merchandise was guaranteed, and that it was "all aluminum".

The order to cease and desist is as follows:

It is ordered, That respondent, Pati-Port, Inc., a corporation, and its officers, and respondent Abraham B. Wolf, also known as Al B. Wolf, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of carports, patios or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That any merchandise is offered for sale when such offer is not a bona fide offer to sell the merchandise so offered;

2. That any amount is respondents' usual and regular retail price of merchandise, when such amounts are in excess of the price at which said merchandise is usually and regularly sold at retail by respondents in the trade area or areas where the representations are made;

3. That merchandise is sold at a special or reduced price unless such price constitutes a reduction from the price at which the merchandise has been usually and regularly sold by respondents in the recent regular course of business;

4. That any merchandise sold or offered for sale is guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed;

5. That said merchandise is of all-aluminum construction, or otherwise misrepresenting the materials of which any product is made.

By "Order Denying Petition for Review, Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That respondents Pati-Port, Inc. and Abraham B. Wolf, also known as Al B. Wolf, shall within sixty (60) days after service upon them of this order file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the initial decision.

Issued: January 4, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62–5791; Filed, June 13, 1962; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

Anti-Biotic Drugs in Tablet Form; Disintegration-Time Requirements

Correction

In F.R. Doc. 62–5641, appearing at page 5500 of the issue for Saturday, June 9, 1962, the subparagraph (3) added to § 141b.112(a) should read as follows:

(3) *Disintegration time.* Proceed as directed in § 141a.9(c).

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Miscellaneous Amendments

The regulations of the Post Office Department in Part 168—Directory of International Mail, are amended by making the following changes in § 168.5 *Individual country regulations:*

I. In the country "Algeria" as amended by 27 F.R. 3738, under Parcel Post, amend the second paragraph of the item *Prohibitions and import restrictions* by striking out "30,000" in the first sentence and inserting "300" in lieu thereof; and by deleting the last sentence. As so amended, the second paragraph reads as follows:

Prohibitions and import restrictions.

* * * * * *

Import licenses must be obtained for all commercial shipments and for gift parcels weighing 10 kilograms (22 pounds) or more, or valued at 300 francs ($61) or more. Gift parcels under that weight and value and for the personal use of the addressees and their families are exempt from import licensing, provided they are sent infrequently.

II. In the country "Brazil" under Parcel Post, the fourth paragraph under the item *Observations* is amended to read as follows:

Observations.

* * * * *

If parcels are found on arrival in Brazil to be in violation of any of the import regulations, they will be withheld from delivery and the addressees may be required to pay fines in addition to the customs duty. If the charges are not paid, the parcels are liable to seizure and are not released even if senders have requested return through the postal service.

III. In the country "Central African Republic", as amended by 27 F.R. 3738, make the following changes:

A. Under Postal Union Mail, amend the item *Prohibitions* to read as follows:

Prohibitions. Coins; paper money; values payable to bearer; manufactured or unmanufactured gold, silver or platinum; precious stones, jewelry or other precious articles.

Also the articles prohibited as parcel post.

B. Under Parcel Post, insert a new item *Prohibitions* immediately following the item *Observations* to read as follows:

Prohibitions. All articles prohibited to France.

Pamphlets and leaflets containing propaganda derogatory to the countries of Equatorial Africa.

Tobacco products, unless the immediate container (box, case or cigarette package) is marked "Vente en U.D.E." (Sale in Equatorial Customs Union) below the trademark.

Medical or pharmaceutical products, unless addressed to licensed pharmacists.

Arms, unless importation is authorized by the Central African Republic authorities.

IV. In the country "Chad (Republic Of)", as amended by 27 F.R. 3738, make the following changes:

A. Under Postal Union Mail, amend the item *Prohibitions* to read as follows:

Prohibitions. Coins; paper money; values payable to bearer; manufactured or unmanufactured gold, silver or platinum; precious stones, jewelry or other precious articles.

Also the articles prohibited as parcel post.

B. Under Parcel Post, insert a new item *Prohibitions* immediately following the item *Observations* to read as follows:

Prohibitions. All articles prohibited to France.

Pamphlets and leaflets containing propaganda derogatory to the countries of Equatorial Africa.

Tobacco products, unless the immediate container (box, case or cigarette package) is marked "Vente en U.D.E." (Sale in Equatorial Customs Union) below the trademark.

Medical or pharmaceutical products, unless addressed to licensed pharmacists.

Arms, unless importation is authorized by the Chad authorities.

V. In the country "Comoro Islands", as amended by 27 F.R. 3738, under Postal Union Mail, and Parcel Post, delete the item "Prohibitions" together with the material thereunder.

VI. In the country "Congo (Republic Of) (Brazzaville)", as amended by 27 F.R. 3738, make the following changes:

A. Under Postal Union Mail, amend the item *Prohibitions* to read as follows:

Prohibitions. Coins; paper money; values payable to bearer; manufactured or unmanufactured gold, silver or platinum; precious stones, jewelry or other precious articles.

Also the articles prohibited as parcel post.

B. Under Parcel Post, insert a new item *Prohibitions* immediately following the item *Observations* to read as follows:

Prohibitions. All articles prohibited to France.

Pamphlets and leaflets containing propaganda derogatory to the countries of Equatorial Africa.

Tobacco products, unless the immediate container (box, case or cigarette package) is marked "Vente en U.D.E." (Sale in Equatorial Customs Union) below the trademark.

Medical or pharmaceutical products, unless addressed to licensed pharmacists.

Arms, unless importation is authorized by the Congo authorities.

VII. In the country "Congo (Republic Of The) (Leopoldville)", make the following changes:

A. Under Postal Union Mail, strike out the item *Prohibitions and import restrictions*, and insert in lieu thereof the following:

Prohibitions. Articles relating in any manner to "snowball" (Chain Letter Type) operations.

Articles relating to magic, except those of scientific nature.

B. Under Parcel Post, the item *Prohibitions* is amended to read as follows:

Prohibitions. Firearms of any caliber.

C. Under Parcel Post, delete the item *Import restrictions.*

VIII. In the country "Cyprus", as amended by 27 F.R. 3738, make the following changes:

A. Under Postal Union Mail, strike out the item *Prohibitions and import restrictions*, and insert in lieu thereof the following:

Import restrictions. Same as for parcel post.

B. Under Parcel Post, delete the item *Prohibitions*, and amend the item *Import restrictions* to read as follows:

Import restrictions. The attention of senders should be called to the following requirement which is to be met by addressees:

Import licenses are required for parcels exceeding $2.80 in value. To avoid delay in customs, the addressee should obtain the license before the parcel arrives.

IX. In the country "Dahomey (Republic Of)", as amended by 27 F.R. 3738, make the following changes:

A. Under Postal Union Mail, delete the item *Prohibitions and import restrictions.*

B. Under Parcel Post, delete the items *Prohibitions*, and *Import restrictions.*

X. In the country "Finland" as amended by 27 F.R. 3738, make the following changes:

A. Under Parcel Post, the item *Observations* is amended to read as follows:

Observations. The Finnish customs authorities permit duty-free entry and exemption from import license for gift parcels, or groups of such parcels containing only the articles listed below, provided no parcel or group exceeds 22 pounds in weight or 5,000 Finnish marks (about $15.60) in value:

Foodstuffs other than coffee, cocoa, tea, or candy.

Coffee, cocoa, and candy up to 2 pounds 3 ounces each and tea up to 8¼ ounces.

Tobacco products not exceeding 100 cigarettes, 30 cigarillos, 25 cigars, or 3½ ounces of pipe tobacco.

Small quantities of clothing (new as well as used), soap, leather goods, razor blades, and similar articles of small value, not to be sold or used in commerce or trade.

If gift parcels contain articles exceeding the above limits, the addressees will be required to obtain import licenses and pay custom charges.

B. Under Parcel Post, the item *Import restrictions* is amended to read as follows:

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

See "Observations" concerning import licenses.

The authorization of the Ministry of the Interior is required for the importation of meat and meat products, crude animal products, rags, and firearms.

XI. In the country "Gabon Republic", as amended by 27 F.R. 3738, make the following changes:

A. Under Postal Union Mail, amend the item *Prohibitions* to read as follows:

Prohibitions. Coins; paper money; values payable to bearer; manufactured or unmanufactured gold, silver or platinum; precious stones, jewelry or other precious articles.

Also the articles prohibited as parcel post.

B. Under Parcel Post, insert a new item *Prohibitions* immediately following the item *Observations* to read as follows:

Prohibitions. All articles prohibited to France.

Pamphlets and leaflets containing propaganda derogatory to the countries of Equatorial Africa.

Tobacco products, unless the immediate container (box, case or cigarette package) is marked "Vente en U.D.E." (Sale in Equatorial Customs Union) below the trademark.

Medical or pharmaceutical products, unless addressed to licensed pharmacists.

Arms, unless importation is authorized by the Gabon authorities.

XII. In the country "Ghana", as amended by 27 F.R. 3738, and 27 F.R. 1010–1011, make the following changes:

A. Under Postal Union Mail, strike out the item *Prohibitions and import restrictions*, and insert in lieu thereof the following:

Import restrictions. Same as for parcel post.

B. Under Parcel Post, delete the item *Prohibitions.*

XIII. In the country "Indonesia", under Parcel Post, make the following changes:

A. In the item *"Observations"*, delete the third paragraph. As so amended the item reads as follows:

Observations. Commercial parcels are accepted only if the sender has marked the customs declaration with the number and date of the Indonesian import permit issued to the addressee for the parcel. A copy of the sender's invoice, also bearing the Indonesian permit number and date, must be enclosed in each parcel.

The following articles are not admitted in commercial parcels: Articles of gold and silver, including tableware; pens and pencils ornamented with precious metal; calendar watches; linen clothing; natural silk goods; children's toys operated by steam or electricity; leather goods; coffee essences and coffee substitutes; molasses and other substitutes for sugar.

Customs declarations must show both the gross weight of the entire parcel and the net weight of each item.

Parcel post service from Indonesia to the United States is suspended.

B. Amend the item *Import restrictions* to read as follows:

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by the addressees:

Import licenses are required for all gift parcels exceeding about $13 in value, and for those which contain any articles which may be considered by the Indonesian authorities as luxury items.

Special authorization is required for the following: Arms and parts thereof; motion-picture films which must be inspected and approved by an official commission at Djakarta; antibiotic drugs.

XIV. In the country "Ivory Coast (Republic Of)" as amended by 27 F.R. 3738, under Postal Union Mail, and Parcel Post, delete the item *Prohibitions and import restrictions.*

XV. In the country "Kenya and Uganda", as amended by 27 F.R. 3738, under Parcel Post, amend the first paragraph of item *Prohibitions* to show that switchblade knives are prohibited to Uganda. As so amended the first paragraph under item *Prohibitions* reads as follows:

Prohibitions. For reasons of public safety. Arms including air guns of all kinds, safety pistols, toy pistols, alarm pistols, parts of the foregoing, and any articles resembling deadly weapons or capable of being converted into deadly weapons, are prohibited to Kenya. They may be imported into Uganda with special permission from the authorities of that territory. Switchblade knives, also known as "flick knives", are prohibited to Uganda.

XVI. In the country "Madagascar (Malagasy Republic), Madagascar, Ste. Marie-De-Madagascar and Nossi-Be", as amended by 27 F.R. 3738, under Postal Union Mail, and Parcel Post, delete the item *Prohibitions.*

XVII. In the country "Mali (Republic Of)" as amended by 27 F.R. 3738, make the following changes:

A. Under Postal Union Mail, amend the item *Prohibitions and import restrictions*, to read as follows:

Prohibitions and import restrictions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

B. Under Parcel Post, strike out the item *Prohibitions and import restrictions*, and immediately following the item *Observations*, add two new items to read as follows:

Prohibitions. Daggers, sword-canes, blackjacks and other concealable weapons except firearms and airguns (see "Import restrictions" below).

Articles with markings, labels or wrappings indicating falsely that they are of French origin. Articles having the "Red Cross" or "Geneva Cross" as a trademark.

Preserved fish, vegetables and plums, unless marked plainly with country of origin. Boxes of fish weighing more than one kilogram.

Weights and measures not of the metric system.

Import restrictions. The attention of senders should be called to the following requirements which are to be met by the addressees:

The following articles are subject to special regulations on importation: Firearms and airguns. Distilling apparatus. Saccharine and artificial flavors for beverages and confectionery. Phonograph records. Arabic books and prints.

XVIII. In the country "Mauritania (Islamic Republic)," as amended by 27 F.R. 3738, under Postal Union Mail, and Parcel Post, delete the item *Prohibitions and import restrictions.*

XIX. In the country "Mexico" as amended by 27 F.R. 776, and 27 F.R. 3738, under Postal Union Mail, amend the item *Observations* to read as follows:

Observations. The Mexican requirements for import licenses and commercial invoices given in the item "Observations" under "Parcel Post" apply also to postal union mail packages.

Combination mailings as defined in § 112.9(a) of this chapter are accepted.

XX. In the country "Nigeria," as amended by 27 F.R. 3738, make the following changes:

A. Under Postal Union Mail, delete the item *Prohibitions.*

B. Under Parcel Post, delete the item *Observations*, and *Prohibitions.*

XXI. In the country "Philippines (Republic of the)," as amended by 27 F.R. 3738, under Parcel Post, make the following changes:

A. In the list of post offices and provinces which limit parcels to 22 pounds in weight, insert the following post offices and provinces in their alphabetical sequence:

Post Office	*Province*
* * * * *	
Bacalod	Lanao del Norte.
Callang	Isabela.
Cumadcad	Castilla, Sorsogon.
Lamut	Mountain Province.
Lutopan	Toledo, Cebu.
Maitum	Cotabate.
Mangagoy	Bislig, Surigao del Sur.
Matag-ob	Leyte.
Panukulan	Quezon.
Real	Quezon.
Sultan Sa Barongia	Cotabato.

B. Amend the list of post offices and provinces which limit parcels to 11 pounds in weight to read as follows:

Post Office	*Province*
Alcantara	Romblon.
Alilem	Ilocos Sur.
Ampatuan	Cotabato.
Anao-aon	Surigao del Norte.
Angaki	Ilocos Sur.
Baguias	Mt. Province.
Bagulin	La Union.
Bakum	Mt. Province.
Barlig	Mt. Province.
Barobo	Surigao del Sur.
Busuanga	Palawan.
Buug	Zamboanga del Sur.
Cabatuan	Isabela.
Cagayancillo	Palawan.
Camaligan	Carmarines Sur.
Claver	Surigao del Norte.
Compostela	Davao.
Dagohoy	Bohol.
Diffun	Nueva Viscaya.
Esperanza	Masbate.
Famy	Laguna.
General Nakar	Quezon.
Hungduan	Ifugao, Mt. Province.
Isabela Capitol	Ilagan, Isabela.
Isulan	Cotabato
Ivana	Batanes.
Kabayan	Mt. Province.
Kibungan	Mt. Province.
Kumalarang	Zamboanga del Sur.
Lawaan	Samar.
Linamon	Lanao del Norte.
Llanera	Nueva Ecija.
Lupi	Camarines Sur.
Lidlidda	Ilocos Sur.
Magsaysay	Isabela.
Mahatao	Batanes.
Matanao	Davao.
Mayoyao	Mt. Province.
Natonin	Mt. Province.
Palanan	Isabela.
Pantabangan	Nueva Ecija.
Pinukpuk	Ilocos Sur.
Potia	Mt. Province.
Quezon	Isabela.
Ramon Magsaysay	Zamboanga del Sur.
Saguday	Nueva Viscaya.
Salvador	Lanao del Norte.
Samar Institute of Technology	Samar.
San Emilio	Ilocos Sur.
San Isidro	Samar.
San Pablo	Zamboanga del Sur.
San Policarpo	Samar.
Santo Tomas	Davao.
Slay	Zamboanga del Sur.
Sibul Spring	Bulacan.
Sigay	Ilocos Sur.
Tabuelan	Cebu.
Tanudan	Mt. Province.
Tuba	Mt. Province.
Tubod	Surigao del Norte.
Upi Agricultural High School	Cotabato.
Uyugan	Batanes.

XXII. In the country "Senegal (Republic Of)", as amended by 27 F.R. 3738, make the following changes:

A. Under Postal Union Mail, amend the item *Prohibitions and import restrictions* to read as follows:

Prohibitions and import restrictions. Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

B. Under Parcel Post, strike out the item *Prohibitions and import restrictions*, and immediately following the item *Observations*, add two new items to read as follows:

Prohibitions. Daggers, sword canes, blackjacks and other concealable weapons except firearms and airguns (see "Import restrictions" below).

Articles with markings, labels or wrappings indicating falsely that they are of French orjgin. Articles having the "Red Cross" or "Geneva Cross" as a trademark.

Preserved fish, vegetables and plums, unless marked plainly with country of origin. Boxes of fish weighing more than one kilogram.

Weights and measures not of the metric system.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by the addressees:

The following articles are subject to special regulations on importation: Firearms and airguns. Distilling apparatus. Saccharine and artificial flavors for beverages and confectionery. Phonograph records. Arabic books and prints.

XXIII. In the country "Syria" as amended by 27 F.R. 404–405, under Parcel Post, amend the item *Import restrictions* to read as follows:

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressees:

Addressees are required to obtain import licenses for gift parcels exceeding 200 Syrian pounds ($56.00) in value, and for all commercial parcels.

Special permission is required for the importation of the following:

Certain vegetable and fish oils, unless denatured for soapmaking.

Sporting guns.

Cigarettes, cigars, leaf tobacco and tumbeki.

XXIV. In the country "Togo", as amended by 27 F.R. 3738, under Parcel Post, insert a new item *Observations* immediately following the item *Indemnity* to read as follows:

Observations. Postage covers conveyance only to Lomé; additional charges for conveyance to destination are collected from the addressees.

XXV. In the country "Trinidad and Tobago", as amended by 27 F.R. 3738, under Parcel Post, the first paragraph under the item *Prohibitions* is amended to read as follows:

Prohibitions. Disguised firearms, switchblade knives (also known as "flick knives"), and sword canes. Other arms require the permission of the Trinidad police authorities.

XXVI. In the country "Tunisia (Tunis)", as amended by 27 F.R. 3738, under Parcel Post, amend the item *Import restrictions* to read as follows:

Import restrictions. Addressees are required to obtain import licenses for all commercial parcels, and for gift parcels of the following categories: (1) Containing articles not for the addressee's personal use; (2) exceeding 22 pounds in weight or 10 dinars (about $24) in value; (3) containing jewelry, precious metals, medicines, or cotton or woolen piece goods or hosiery; or (4) sent frequently or in large numbers.

Annual quotas are fixed by decree covering the importation of pure or mixed cotton fabrics, plain or twilled, and ticking, damasks and figured fabrics, clothing, lingerie and clothing accessories, with or without handwork.

XXVII. In the country "Union of Soviet Socialist Republics", under Parcel Post, make the following changes:

A. In the item *Observations*, delete the first paragraph therein.

B. In the item *Prohibitions and import restrictions*, make the following changes:

1. Add a new paragraph immediately following paragraph 1 to show that used clothing, linen and footwear are prohibited. As so amended, paragraphs 1, 2, and 3 of the item *Prohibitions and restrictions* read as follows:

Prohibitions and import restrictions. Addressees are required to obtain import licenses for all commercial parcels, and for gift parcels unless they contain exclusively articles shown in the following list, for the personal use of the addressee, and not exceeding in amount the quotas indicated. Import licenses are required for all parcels mailed by commercial firms, and when a number of parcels appear to have been mailed systematically.

Used clothing, linen and footwear are prohibited.

Foodstuffs are admitted in gift parcels without quantity limitation, except perishable foods, foods and drinks in glass containers and hermetically sealed foodstuffs, which are prohibited.

2. In the "List of articles allowed to enter without a permit when intended for personal use", amend the material under the column heading, *Name of commodity*, opposite item nos. 15, 16, 17, 19, 20, and 21 to read as follows:

Item No.	*Name of commodity*
15	Clothing (new coats, suits, shawls).
16	Body linen, bed linens and table linen (new).
17	Shirts and blouses (new).
19	Headwear, all kinds (new).
20	Footwear, all kinds (new).
21	Haberdashery: (a) Socks, stockings (new). (b) Gloves (new). (c) Briefcases and handbags. (d) All other articles of haberdashery.

XXVIII. In the country "Upper Volta (Republic Of)", make the following changes:

A. Under Postal Union Mail, make the following changes:

1. Amend the item *Special Delivery* to read as follows:

Special Delivery. No service.

2. Add a new item *Money orders*, immediately following the item *Special delivery* to read as follows:

Money orders. Yes. See § 61.2 of this chapter.

B. Under Parcel Post, delete the item *Prohibitions and import restrictions.*

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-5808; Filed, June 13, 1962; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

Miscellaneous Amendments

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 6th day of June, 1962:

The Commission having under consideration Public Law 87–192, which broadens the Commission's authority to delegate its functions and which revises in certain respects the procedural provisions of the Communications Act of 1934, as amended; and a Report and Order (FCC 62–612) adopted this date establishing a Review Board and assigning specified functions to that Board; and

It appearing, That the Commission's rules of practice and procedure should be revised to implement Public Law 87–192, to establish procedures applicable to Review Board proceedings, and to expedite the conduct of Commission proceedings; and

It further appearing, that the amendments herein adopted are issued pursuant to authority contained in sections (4)i, 5(d), 303(r), 405, and 409 of the Communications Act of 1934, as amended; and

It further appearing, that the amendments adopted herein pertain to matters of procedure, and hence that section 4 of the Administrative Procedure Act is inapplicable;

It is ordered, Effective August 1, 1962, that Part 1, rules of practice and procedure, is amended as set forth below: *Provided, however*, That parties to any proceeding designated for hearing prior to August 31, 1961, are entitled to file exceptions to initial decisions with the Commission and to oral argument before the Commission en banc.

(Sec. 4, 48 Stat. 1066 as amended; 47 U.S.C. 154. Interpret or apply sec. 5, 303, 405, 409, 66 Stat. 713, 48 Stat. 1082, 1095; 47 U.S.C. 155, 303, 405, 409)

Released: June 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Sections 1.13, 1.16, the undesignated center heading preceding § 1.41, and §§ 1.41–1.47 are amended, and § 1.48 is added, to read as follows:

§ 1.13 Oppositions and replies to oppositions.

Except as otherwise provided in this chapter, oppositions to motions, petitions, or other pleadings shall be filed within 10 days after such motions, petitions, or other pleadings are filed with the Commission, and replies to such oppositions shall be filed within 5 days after such oppositions are filed with the Commission: *Provided, however*, That oppositions to requests for stay of any order or decision of the Commission, or to other temporary relief, must be filed within 5 days after such requests are filed and replies thereto within 3 days after such oppositions are filed. No further pleadings may be filed unless specifically requested or authorized by the Commission or by the Review Board.

§ 1.16 Reconsideration on Commission's own motion.

The Commission may, on its own motion, set aside any action made or taken by it within 30 days after release of the document containing the full text of such action, or, in case such a document is not released, after release of a "Public Notice" announcing the action in question. (See also § 1.84 on reconsideration on motion of parties or others.)

INTERLOCUTORY ACTIONS IN HEARING PROCEEDINGS

§ 1.41 General provisions.

Interlocutory matters in hearing proceedings are acted upon by the Review Board, the Chief Hearing Examiner, or the presiding officer(s). The matters upon which such persons may act are specified in detail in Part 0, the Commission's Statement of Organization, Delegations of Authority, and Other Information. (See §§ 0.207, 0.218, 0.224, and 0.231.) The procedural rules governing disposition of motions, petitions, and other pleadings by such persons are set forth in §§ 1.42–1.46. The rules governing reconsideration of, and appeals from, interlocutory rulings made by the presiding officer are set forth in §§ 1.47 and 1.48. The rules governing reconsideration and review of interlocutory rulings made by the Review Board, and the Chief Hearing Examiner are set forth in §§ 1.81–1.87.

§ 1.42 Number of copies.

An original and nine copies of each motion, petition, or other pleading to be acted upon by the Review Board, Chief Hearing Examiner, or presiding officer shall be filed.

§ 1.43 Oppositions and replies.

(a) Any party may file an opposition to a motion, petition, or other pleading to be acted upon by the Review Board, Chief Hearing Examiner, or presiding officer.

(b) Oppositions to pleadings to be acted upon by the Review Board shall be filed within 10 days after the pleading is filed. Replies to such oppositions shall be filed within 5 days after the opposition is filed, and shall be limited to matters raised in the opposition.

(c) Oppositions to pleadings to be acted upon by the Chief Hearing Examiner or presiding officer shall be filed within 4 days after the pleading is filed. Replies to such oppositions will not be entertained. (See, however, § 1.432.)

§ 1.44 Service.

No pleading filed pursuant to § 1.42 or § 1.43 will be considered unless it is accompanied by proof of service upon the parties to the proceeding.

§ 1.45 Oral argument.

Oral argument with respect to any contested motion, petition, or other pleading before the Review Board, Chief Hearing Examiner, or presiding officer will be held when, in the opinion of the person or Board who is to make the ruling, the ends of justice will be best served thereby. Timely notice will be given of the date, time, and place of any such oral argument.

§ 1.46 Rulings; time for action.

(a) Unless it is found that irreparable injury would be caused one of the parties or that the public interest so requires, or unless all parties have consented, the Review Board, Chief Hearing Examiner, or presiding officer shall withhold consideration of any motion, petition, or other pleading until the time for filing oppositions (and replies, if replies are allowed) has expired.

(b) The Review Board, Chief Hearing Examiner, or presiding officer will dispose of any pending matter by written order which shall be released promptly. The order upon contested matters shall contain a statement of the reasons for the ruling therein, unless such order is self-explanatory or is merely an affirmance of a prior denial in which reasons have been given.

(c) Matters raised orally on the record of a hearing proceeding may, however, be disposed of orally by the presiding officer.

APPEAL AND RECONSIDERATION OF PRESIDING OFFICER'S RULING

§ 1.47 Appeal from the presiding officer's adverse ruling; effective date.

(a) Any party to a hearing proceeding may file an appeal from an adverse ruling made by the presiding officer. If a hearing examiner is presiding, the appeal will be acted on by the Review Board. If a commissioner or panel of commissioners is presiding, the appeal will be acted on by the Commission.

(b) The appeal shall be filed within five days after the order is released or the ruling is made. Oppositions to such appeals shall be filed within five days after the appeal is filed. Replies to oppositions shall be filed within five days after the opposition is filed and shall be limited to matters raised in the opposition. Appeals, oppositions, and replies shall be submitted to the Secretary, Federal Communications Commission, Washington 25, D.C., and shall be served upon parties to the proceeding. Appeals and oppositions shall not exceed 15 double spaced typewritten pages. Replies shall not exceed 10 double spaced typewritten pages.

(c) Appeals, oppositions, and replies shall conform to the requirements of §§ 1.52, 1.54, and 1.55.

(d) The failure to file an appeal shall not preclude parties adversely affected from filing exceptions to rulings of the presiding officer.

(e) Unless the presiding officer orders otherwise, interlocutory rulings made by him shall be effective when the order is released or the ruling is made. If an appeal is filed, the Review Board or the Commission, as the case may be, may in its discretion stay the effect of the ruling until its review of the matters at issue has been completed.

NOTE: Unless the ruling complained of is fundamental and affects the conduct of the entire case, appeals should be deferred and raised as exceptions.

§ 1.48 Reconsideration of presiding officer's adverse ruling.

Any party may, after obtaining the oral consent of the presiding officer, file a petition requesting the presiding officer to reconsider an oral ruling or a written order. Such petitions will be considered in accordance with the provisions of §§ 1.42–1.46.

2. Sections 1.51 and 1.78(c) are amended to read as follows:

§ 1.51 Length of pleadings.

(a) Affidavits, statements, and other materials which are submitted with and factually support a pleading are not counted in determining the length of the pleading. Other materials submitted with the pleading will be disregarded.

(b) Timely requests by a party for permission to file pleadings in excess of the length prescribed by the provisions of this chapter may be granted upon good cause shown. Where the filing period is 10 days or less, the request shall be made within 2 business days after the period begins to run. Where the filing period is more than 10 days, the request shall be filed at least 10 days before the filing date. (See § 1.18.) If a timely request is made, the pleading need not be filed earlier than two business days after the Commission acts upon the request.

§ 1.78 Revocation and/or cease and desist proceedings; after waiver of hearing.

* * * * * *

(c) Whenever a hearing is waived by the occurrence of any of the events or circumstances listed in paragraph (a) of this section, the Review Board at the earliest practicable date shall issue an order reciting the events or circumstances constituting a waiver of hearing, terminating the hearing proceeding, and certifying the case to the Commission. Such order shall be served upon the respondent.

3. New sections 1.81–1.87 are added to read as follows:

RECONSIDERATION AND REVIEW OF ACTIONS TAKEN PURSUANT TO DELEGATED AUTHORITY; RECONSIDERATION OF ACTIONS TAKEN BY THE COMMISSION

§ 1.81 General provisions.

Under section 5(d) of the Communications Act of 1934, as amended, the Commission is authorized, by rule or order, to delegate certain of its functions to a panel of commissioners, an individual commissioner, an employee board, or an individual employee. Section 0.201(a) of the Commission's Statement of Organization, Delegations of Authority, and Other Information describes in general terms the basic categories of delegations which are made by the Commission. Subpart B of Part 0, the Statement of Delegations of Authority, sets forth all delegations which have been made by rule. Sections 1.82–1.87 set forth procedural rules governing reconsideration and review of actions taken pursuant to authority delegated under section 5(d) of the Communications Act, and reconsideration of actions taken by the Commission. As used in §§ 1.82–1.87, the term "designated authority" means any person, panel, or board which has been authorized by rule or order to exercise authority under section 5(d) of the Communications Act.

§ 1.82 Effective dates of actions taken pursuant to delegated authority.

(a) *Final actions following review of an initial decision.* (1) Final decisions of the Review Board, a commissioner, or panel of commissioners following review of an initial decision shall be effective 40 days after public release of the full text of such final decision.

(2) If a petition for reconsideration of such final decision is filed, the effect of the decision is stayed until 40 days after release of the final order disposing of the petition.

(3) If an application for review of such final decision is filed, or if the Commission on its own motion orders the record of the proceeding before it for review, the effect of the decision is stayed until the Commission's review of the proceeding has been completed.

(b) *Non-hearing and interlocutory actions.* (1) Non-hearing or interlocutory actions taken pursuant to delegated authority shall, unless otherwise ordered by the designated authority, be effective upon release of the document containing the full text of such action, or in the event such a document is not released, upon release of a public notice announcing the action in question.

(2) If a petition for reconsideration of a non-hearing action is filed, the designated authority may in its discretion stay the effect of its action pending disposition of the petition for reconsideration. Petitions for reconsideration of interlocutory actions will not be entertained.

(3) If an application for review of a non-hearing or interlocutory action is filed, or if the Commission reviews the action on its own motion, the Commission may in its discretion stay the effect of any such action until its review of the matters at issue has been completed.

§ 1.83 Preserving the right of review; deferred consideration of application for review.

(a) The provisions of this section apply to all final actions taken pursuant to delegated authority, including final decisions of the Review Board following review of an initial decision and final actions taken by members of the Commission's staff-on non-hearing matters. They do not apply to interlocutory actions of the Review Board or the Chief Hearing Examiner in hearing proceedings. (See § 1.85(e).)

(b) Any person desiring Commission consideration of a final action taken pursuant to delegated authority shall file either a petition for reconsideration or an application for review (but not both) within 30 days from the date of release of the document containing the full text of such action, or in case such document is not released, after release of a public notice announcing the action in question. The petition for reconsideration will in all cases be acted upon by the designated authority. The application for review will in all cases be acted upon by the Commission.

(c) If in any matter one party files a petition for reconsideration and a second party files an application for review, the Commission will withhold action on the application for review until final action has been taken on the petition for reconsideration.

(d) Any person who has filed a petition for reconsideration may file an application for review within 30 days after final action on his petition. If a petition for reconsideration has been filed, any person who has filed an application for review may, within 30 days after final action on the petition for reconsideration, amend or withdraw his application for review or substitute an amended application therefor.

§ 1.84 Petition for reconsideration of final action taken by the Commission en banc or by a designated authority pursuant to a delegation.

(a) Petitions requesting reconsideration of a final action taken pursuant to delegated authority will be acted on by the designated authority. Petitions requesting reconsideration of a final Commission action will be acted on by the Commission. Petitions requesting reconsideration of an interlocutory ruling made by the Commission, the Review Board, or the Chief Hearing Examiner will not be entertained. See § 1.85(e)(2). (For purposes of reconsideration, an order disposing of a petition to intervene or a petition to deny, or designating a case for hearing, is not an interlocutory ruling.)

(b) Except where the Commission has denied an application for review without specifying reasons therefor, any party to the proceeding, or any other person aggrieved or whose interests are adversely affected by any action taken by the Commission or by the designated authority, may file a petition requesting reconsideration of the action taken. If the petition is filed by a person who is not a party to the proceeding, it shall state with particularity the manner in which he is aggrieved or his interests are adversely affected by the action taken, and shall show good reason why it was not possible for him to participate in the earlier stages of the proceeding.

(c) A petition for reconsideration which relies on facts which have not previously been presented to the Commission or to the designated authority, as the case may be, will be granted only under the following circumstances:

(1) The facts relied on relate to events which have occurred or circumstances which have changed since the last opportunity to present such matters;

(2) The facts relied on were unknown to petitioner until after his last opportunity to present such matters, and he could not through the exercise of ordinary diligence have learned of the facts in question prior to such opportunity; or

(3) The Commission or the designated authority determines that consideration of the facts relied on is required in the public interest.

(d)(1) The petition for reconsideration shall, where appropriate, cite the findings of fact and/or conclusions of law which petitioner believes to be erroneous, and shall state with particularity the respects in which he believes such findings and conclusions should be changed. The petition may request that additional findings of fact and conclusions of law be made.

(2) The petition shall state with particularity the respects in which petitioner believes the action taken by the designated authority should be changed.

(3) The petition shall state specifically the form of relief sought and, subject to this requirement, may contain alternative requests.

(e) Where a petition for reconsideration is based upon a claim of electrical interference, under appropriate rules in this chapter, to an existing station or a station for which a construction permit is outstanding, such petition, in addition to meeting the other requirements of this section, must be accompanied by an affidavit of a qualified radio engineer. Such affidavit shall show, either by following the procedures set forth in this chapter for determining interference in the absence of measurements, or by actual measurements made in accordance with the methods prescribed in this chapter, that electrical interference will be caused to the station within its normally protected contour.

(f) The petition for reconsideration and any supplement thereto shall be filed within 30 days from the date of release of the document containing the full text of the action taken or, in case such document is not released, after release of a public notice announcing the action in question, and shall be served upon parties to the proceeding. The petition for reconsideration shall not exceed 25 double spaced typewritten pages. No supplement or addition to a petition for reconsideration which has not been acted upon by the Commission or by the designated authority, filed after expiration of the 30 day period, will be considered except upon leave granted upon a separate pleading for leave to file, which shall state the grounds therefor.

(g) Oppositions to a petition for reconsideration shall be filed within 10 days after the petition is filed, and shall be served upon petitioner and parties to the proceeding. Oppositions shall not exceed 25 double spaced typewritten pages.

(h) Petitioner may reply to oppositions within seven days after the last day for filing oppositions, and any such reply shall be served upon parties to the proceeding. Replies shall not exceed 10 double spaced typewritten pages, and shall be limited to matters raised in the opposition.

(i) Petitions for reconsideration, oppositions, and replies shall conform to the requirements of §§ 1.52, 1.54, and 1.55 and shall be submitted to the Secretary, Federal Communications Commission, Washington 25, D.C.

(j) The Commission or designated authority may grant the petition for reconsideration in whole or in part or may deny the petition. Its order will contain a concise statement of the reasons for the action taken. Where the petition for reconsideration relates to an instrument of authorization granted without hearing, the Commission or designated authority will take such action within 90 days after the petition is filed.

(k)(1) If the Commission or designated authority grants the petition for reconsideration in whole or in part, it may, in its order, rule on the merits of the petition.

(2) In the alternative, the Commission or designated authority may, in its order granting the petition, order such further procedure as may be useful to it in reaching a decision on the merits of the petition. In that event, its ruling on the merits will be deferred pending completion of such procedure.

(3) In ruling on the merits of the petition, the Commission or designated authority may affirm, reverse, modify or set aside its original action, or may remand the proceeding for such further action, including rehearing, as may be appropriate. Any order disposing of a petition for reconsideration which reverses, changes, or modifies the original order is subject to the same provisions with respect to reconsideration as the original order.

(l) No evidence other than newly discovered evidence, evidence which has become available only since the original taking of evidence, or evidence which the Commission or the designated authority believes should have been taken in the original proceeding shall be taken on any rehearing ordered pursuant to the provisions of this section.

(m)(1) The filing of a petition for reconsideration is not a condition precedent to judicial review of any action taken by the Commission or by the designated authority, except where the person seeking such review was not a party to the proceeding resulting in the action, or relies on questions of fact or law upon which the Commission or designated authority has been afforded no opportunity to pass. (See § 1.85(c).) Persons in those categories who meet the requirements of this section may qualify to seek judicial review by filing a petition for reconsideration.

(n) Without special order of the Commission, the filing of a petition for reconsideration shall not excuse any person from complying with or obeying any decision, order, or requirement of the Commission, or operate in any manner to stay or postpone the enforcement thereof. However, upon good cause shown, the Commission will stay the effectiveness of its order or requirement pending a decision on the petition for reconsideration. (This paragraph applies only to actions of the Commission en banc. For provisions applicable to actions under delegated authority, see § 1.82.)

§ 1.85 Application for review of action taken pursuant to delegated authority.

(a) Any person aggrieved by any action taken pursuant to delegated authority may file an application requesting review of that action by the Commission. Any person filing an application for review who has not previously participated in the proceeding shall include with his application a statement describing with particularity the manner in which he is aggrieved by the action taken and showing good reason why it was not possible for him to participate in the earlier stages of the proceeding. Any application for review which fails to make an adequate showing in this respect will be dismissed.

(b)(1) The application for review shall concisely and plainly state the questions presented for review with reference, where appropriate, to the findings of fact or conclusions of law.

(2) The application for review shall specify with particularity, from among the following, the factor(s) which warrant Commission consideration of the questions presented:

(i) The action taken pursuant to delegated authority is in conflict with statute, regulation, case precedent, or established Commission policy.

(ii) The action involves a question of law or policy which has not previously been resolved by the Commission.

(iii) The action involves application of a precedent or policy which should be overturned or revised.

(iv) An erroneous finding as to an important or material question of fact.

(v) Prejudicial procedural error.

(3) The application for review shall state with particularity the respects in which the action taken by the designated authority should be changed.

(4) The application for review shall state the form of relief sought and, subject to this requirement, may contain alternative requests.

NOTE: If the Commission grants an application for review of a final decision of the Review Board, it will, as the usual practice, permit the parties to file briefs and present oral argument. The Commission will rarely dispose of the merits of a case upon the basis of the application for review and related pleadings. Thus, except where the matter is interlocutory in nature, the application for review should be prepared with the understanding that its purpose is not to obtain a Commission decision on the merits of the issues but rather to convince the Commission to review those issues.

(c) No application for review will be granted if it relies on questions of fact or law upon which the designated authority has been afforded no opportunity to pass.

NOTE: Subject to the requirements of § 1.84, new questions of fact or law may be presented to the designated authority in a petition for reconsideration.

(d) Except as provided in paragraph (e) of this section, the application for review and any supplement thereto shall be filed within 30 days from the date of release of the document containing the full text of such action, or in case such a document is not released, after release of a public notice announcing the action in question. Oppositions to the application shall be filed within 15 days after the application is filed. Replies to oppositions shall be filed within 10 days after the opposition is filed and shall be limited to matters raised in the opposition.

(e)(1) Applications for review of interlocutory rulings made by the Review Board or the Chief Hearing Examiner shall be filed within five days after the order is released or the ruling is made. Oppositions to such applications shall be filed within five days after the application is filed. Replies to such oppositions shall be filed within five days after the opposition is filed and shall be limited to matters raised in the opposition.

(2) The failure to file an application for review of an interlocutory ruling, or the denial of such application by the Commission, shall not preclude any party entitled to file exceptions to the initial decision from requesting review of the ruling at the time when exceptions are filed. Such requests will be considered in the same manner as exceptions are considered.

NOTE: Unless the ruling complained of is fundamental and affects the conduct of the entire proceeding, requests for review should be deferred until the time when exceptions are filed.

(f) Applications for review and oppositions shall conform to the requirements of §§ 1.52, 1.54, and 1.55, and shall be submitted to the Secretary, Federal Communications Commission, Washington 25, D.C. The application for review shall be served upon the parties to the proceeding. Oppositions to the application for review shall be served on the person seeking review and parties to the proceeding. Applications for review and oppositions shall not exceed 25 double spaced typewritten pages and, in the case of interlocutory matters, shall not exceed 10 double spaced typewritten pages. Replies to oppositions shall not exceed 10 double spaced typewritten pages.

(g) The Commission may grant the application for review in whole or in part, or may deny the application, without specifying reasons for the action taken. No petition requesting reconsideration of an order which denies an application for review without specifying reasons therefor will be entertained.

(h) If the Commission grants the application for review, it may order such

further procedure, including briefs and oral argument, as it may deem useful, or may stay the effect of the action taken pursuant to delegated authority pending its further consideration of the matters at issue. (See § 1.82.)

(i) With or without any such additional procedure, the Commission may either affirm, reverse, modify, or set aside the action taken, or remand the proceeding to the designated authority for reconsideration in accordance with its instructions. If an evidentiary hearing has been held, the Commission may remand the proceeding to the person(s) who conducted the hearing for rehearing on such issues and in accordance with such instructions as may be appropriate. An order of the Commission which reverses or modifies the action taken pursuant to delegated authority, or remands the matter for further proceedings, is subject to the same provisions with respect to reconsideration as an original action of the Commission.

(j) No evidence other than newly discovered evidence, evidence which has become available only since the original taking of evidence, or evidence which the Commission believes should have been taken in the original proceeding shall be taken on any rehearing ordered pursuant to the provisions of this section.

(k) The filing of an application for review shall be a condition precedent to judicial review of any action taken pursuant to delegated authority.

§ 1.86 Review on motion of the Commission.

(a) Within 40 days after public notice is given of any action taken pursuant to delegated authority, the Commission may on its own motion order the record of the proceeding before it for review.

(b) If the Commission reviews the proceeding on its own motion, it may order such further procedure as may be useful to it in its review of the action taken pursuant to delegated authority.

(c) With or without such further procedure, the Commission may either affirm, reverse, modify, or set aside the action taken, or remand the proceeding to the designated authority for reconsideration in accordance with its instructions. If an evidentiary hearing has been held, the Commission may remand the proceeding to the person(s) who conducted the hearing for rehearing on such issues and in accordance with such instructions as may be appropriate. An order of the Commission which reverses or modifies the action taken pursuant to delegated authority, or remands the matter for further proceedings, is subject to the same provisions with respect to reconsideration as an original action of the Commission.

§ 1.87 Action modified or set aside by person, panel, or board.

(a) Within 30 days after public notice has been given of any action taken pursuant to delegated authority, the person, panel, or board taking the action may modify or set it aside on its own motion.

(b) Within 60 days after notice of any sanction imposed under delegated authority has been served on the person affected, the person, panel, or board which imposed the sanction may modify or set it aside on its own motion.

(c) Petitions for reconsideration and applications for review shall be directed to the actions as thus modified, and the time for filing such pleadings shall be computed from the date upon which public notice of the modified action is given or notice of the modified sanction is served on the person affected.

4. Sections 1.111(b), 1.131(a), 1.140 (c), 1.143(a), 1.152, and 1.154 (c) and (e) are amended, and section 1.154(f) is added, to read as follows:

§ 1.111 Prehearing conferences; hearing conferences.

* * * * *

(b) The presiding officer (or the Commission or a panel of commissioners in a case over which it presides), on his own initiative or at the request of any party, may direct the parties or their attorneys to appear at a specified time and place for a conference prior to or during the course of a hearing, or to submit suggestions in writing, for the purpose of considering any of the matters set forth in paragraph (c) of this section.

§ 1.131 Who may sign and issue.

* * * * *

(a) Hearings before the Commission en banc, an individual commissioner, or a panel of commissioners: By any commissioner participating in the conduct of the hearing.

§ 1.140 Procedure when an application is designated for hearing.

* * * * *

(c) In order to avail himself of the opportunity to be heard, the applicant, in person or by his attorney, shall, within 20 days of the mailing of the notice of designation for hearing by the Secretary, file with the Commission, in triplicate, a written appearance stating that he will appear on the date fixed for hearing and present evidence on the issues specified in the order. Where an applicant fails to file such a written appearance within the time specified, or has not filed prior to the expiration of that time a petition to dismiss without prejudice, or a petition to accept, for good cause shown, such written appearance beyond expiration of said 20 days, the application will be dismissed with prejudice for failure to prosecute.

§ 1.143 Designation of presiding officer.

(a) Hearings will be conducted by the Commission, by one or more commissioners, or by an examiner designated pursuant to section 11 of the Administrative Procedure Act. If a presiding officer becomes unavailable to the Commission prior to the taking of testimony, another presiding officer will be designated.

§ 1.152 Delegation of review function; waiver of initial or recommended decision.

(a) The Commission may direct, by order or rule, that its review function in a case or category of cases be performed by a commissioner, a panel of commissioners, or by the Review Board, in which event the commissioner, panel, or board shall exercise the authority and perform the functions which would otherwise have been performed by the Commission under §§ 1.151–1.155 and § 1.157.

NOTE: Parties to any proceeding designated for hearing prior to August 31, 1961, are entitled to file exceptions to initial decisions with the Commission and to oral argument before the Commission en banc.

(b) At the conclusion of the hearing or within 20 days thereafter, all parties to the proceeding may agree to waive an initial or recommended decision, and may request that the Commission issue a final decision or order in the case. If the Commission has directed that its review function in the case be performed by a commissioner, a panel of commissioners, or by the Review Board, the request shall be directed to the appropriate review authority. The Commission or such review authority may in its discretion grant the request, in whole or in part, if such action will best conduce to the proper dispatch of business and to the ends of justice.

§ 1.154 Exceptions; oral argument.

* * * * *

(c) Exceptions or supporting statements may be accompanied by a separate brief or memorandum of law in support thereof. Except by special permission, such brief or memorandum of law will not be accepted if it exceeds 50 double spaced typewritten pages in length. Within 10 days, or such other time as the Commission may specify, after the time for filing exceptions has expired, any other party may file a reply brief to which the same limitation in length applies. If exceptions have been filed, any party may request oral argument not later than five days after the time for filing replies to the exceptions has expired. The Commission in its discretion will, by order, grant or deny the request for oral argument. Within five days after release of the Commission's order designating an initial decision for oral argument, as provided in paragraph (d) of this section, any party who wishes to participate in oral argument shall file written notice of intention to appear and participate in oral argument; and failure to file written notice shall constitute a waiver of the opportunity to participate.

* * * * *

(e) Within 10 days after a transcript of oral argument has been filed in the office of the Secretary of the Commission, any party who participated in the oral argument may file with the Commission a motion requesting correction of the transcript, which motion shall be accompanied by proof of service thereof upon all other parties who participated in the oral argument. Within 5 days after the filing of such a motion, other parties may file a pleading in support of or in opposition to such motion. Thereafter, the officer who presided at the oral argument shall, by order, specify the corrections to be made in the transcript, and a copy of the order shall be served upon all parties to the proceeding. The officer who presided at the oral argument may, on his own initiative, by order, specify corrections to be made in the transcript on 5 days' notice of the proposed corrections to all parties who participated in the oral argument.

(f) Any commissioner or member of the Review Board who is not present at oral argument and who is otherwise authorized to participate in a final decision may participate in making that decision after reading the transcript of oral argument.

§ 1.191 [Deletion]

5. Section 1.191 is deleted.

6. Sections 1.192 and 1.316(b)(1) are amended to read as follows:

§ 1.192 Petition for reconsideration and grant without hearing.

Where the Commission has designated an application for hearing, the applicant may file a petition requesting reconsideration and grant of the application without hearing. The petition shall not exceed 30 double spaced typewritten pages in length. Oppositions to the petition shall not exceed 20 double spaced typewritten pages. Replies to oppositions shall not exceed 10 double spaced typewritten pages, and shall be limited to matters raised in the opposition.

§ 1.316 Agreements between parties for amendment or dismissal of, or failure to prosecute broadcast applications.

* * * * *

(b)(1) Whenever two or more conflicting applications for construction permits for broadcast stations pending before the Commission involve a determination of fair, efficient and equitable distribution of service pursuant to section 307(b) of the Communications Act, and an agreement is entered into to procure the withdrawal (by amendment to specify a different community or by dismissal pursuant to § 1.312) of the only application or applications seeking the same facilities for one of the communities involved, all parties thereto shall file the joint request and affidavits specified in paragraph (a) of this section. If upon examination of the proposed agreement the Commission finds that withdrawal of one of the applications would unduly impede achievement of a fair, efficient and equitable distribution of radio service among the several States and communities, then the Commission shall order that further opportunity be afforded for other persons to apply for the facilities specified in the application or applications to be withdrawn before acting upon the pending request for approval of the agreement.

[F.R. Doc. 62-5823; Filed, June 13, 1962; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 185]

MINERAL DEPOSITS

Common Varieties; Proposed Definition

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 1, 61 Stat. 681, as amended; 30 U.S.C. 611, it is proposed to amend 43 CFR 185.121(b) as set forth below. The purpose of these amendments is to more clearly define "common varieties" consistent with the expressed intent of the Congress as set forth in the reports of the respective Commitees on Interior and Insular Affairs in favorably recommending action on the bills that led to the Act of July 23, 1955.

It is the policy of the Department of the Interior wherever practicable, to afford the public an oportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Paragraph (b) of § 185.121 is revised in its entirety as follows (and the footnote 2 deleted):

(b) "Common varieties" includes deposits which, although they may have value for use in trade, manufacture, the sciences, or in the mechanical or ornamental arts, do not possess a distinct, special economic value for such use over and above the normal uses of the general run of such deposits. Mineral materials which occur commonly shall not be deemed to be "common varieties" if a particular deposit has distinct and special properties making it commercially valuable for use in a manufacturing, industrial, or processing operation. In the determination of commerical value, such factors may be considered as quality and quantity of the deposit, geographical location, proximity to market or point of utilization, accessibility to transportation, requirements for reasonable reserves consistent with usual industry practices to serve existing or proposed manufacturing, industrial, or processing facilities, and feasible methods for mining and removal of the material. Materials that are commercially valuable because of "distinct and special" properties, such as, for example, limestone suitable for use in the production of cement, metallurgical or chemical grade limestone, gypsum, and the like, are not "common varieties." This subsection does not relieve a claimant from any requirements of the mining laws.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JUNE 8, 1962.

[F.R. Doc. 62-5794; Filed, June 13, 1962; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 8]

COLOR ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (Sec. 706(d), 52 Stat. 1055, 21 U.S.C. 376(d)), notice is given that a petition (CAP 4) has been filed by Ethicon, Inc., Somerville, New Jersey, proposing the issuance of a regulation to provide for the safe use of 1,4-di-*p*-toluidino anthraquinone (presently known as D&C Green No. 6) as a color for polyethylene terephthalate sutures, including sutures for ophthalmic use.

Dated: June 6, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-5803; Filed, June 13, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that petitions (FAP 808, 843) have been filed by Chemical Products Division—Darworth Incorporated, Simsbury, Connecticut, proposing the issuance of a regulation to provide for the safe use of wood preservatives on articles in contact with food. The formulations contain the following substances:

Copper-8-quinolinolate.
Hydrogenated methyl ester of rosin.
Mineral spirits.
Paraffin wax.
Petroleum hydrocarbon resin.
Zinc salt of sulfonated petroleum.

Dated: June 8, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-5804; Filed, June 18, 1962; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 602]

[Airspace Docket No. 62-WA-61]

JET ADVISORY AREAS

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to § 602.300 of the regulations of the Administrator, the substance of which is stated below.

The FAA has under consideration the designation of terminal radar jet advisory areas at New Orleans, La., Houston, Tex., and Brownsville, Tex., from flight level 240 to 390, inclusive, and within 16 miles either side of the following routes:

a. New Orleans, La., VORTAC via the New Orleans VORTAC 220° True radial to the boundary of the Continental Control Area.

b. Houston, Tex., VORTAC via the Houston VORTAC 198° True radial to the boundary of the Continental Control Area.

c. Houston, Tex., VORTAC via the Houston VORTAC 207° True radial to the boundary of the Continental Control Area.

d. Galveston, Tex..RBN via the Galveston RBN 185° True bearing to the boundary of the Continental Control Area.

e. Brownsville, Tex., VORTAC via the Brownsville VORTAC 024° True radial to the boundary of the Continental Control Area.

The designation of these proposed terminal radar jet advisory areas would provide defined areas wherein jet advisory service would be provided to civil turbojet aircraft.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 7, 1962.

CLIFFORD P. BURTON,
Chief,
Airspace Utilization Division.

[F.R. Doc. 62-5778; Filed, June 13, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 4]

[Docket No. 14660; FCC 62-607]

EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

Notice of Proposed Rule Making

In the matter of amendment of Parts 2 and 4 of the Commission rules and regulations concerning the use of remote pickup broadcast stations for emergency communications and other special purposes and for the operation of other classes of stations governed by Part 4, during emergencies, Docket No. 14660.

1. The National Industry Advisory Committee (NIAC) has informally discussed certain matters relating to the use of Remote Pickup Broadcast Stations by stations participating in the Emergency Broadcast System, or related emergency Survival Communications Systems for the purpose of providing program transmission circuits from places where official broadcasts of warnings, instructions, and information might originate and to provide a means of relaying such broadcast material between broadcasting stations participating in the Emergency Broadcast System. It is the view of NIAC that these broadcast auxiliary stations can serve as back-up circuits in case wirelines or commercial radio circuits normally used for such purposes are disrupted or destroyed and provide stand-by circuits from places where broadcast programs do not normally originate such as Civil Defense Headquarters, local government offices, etc. The discussions also touched upon the possibility that present restrictions which prevent the use of remote pickup stations for STL and intercity relay circuits or to provide a mobile telephone service for station personnel, might be relaxed to provide an incentive to broadcasters to invest in transmitting equipment.

2. We find merit in the suggested use of remote pickup facilities in the emergency or when an emergency is impending. We are not persuaded that relaxing the present restrictions so as to permit the use of remote pickup facilities to provide a mobile telephone service for station personnel or permit the use of remote pickup frequencies for fixed STL (studio-transmitter link) stations or intercity relay stations on a regular basis would do more than load these bands with nonconforming uses and thus diminish their availability for out-of-studio programming. Mobile telephone service is available to broadcasters from communication common carriers or by means of private mobile systems licensed in the Business Radio Service or Citizens Radio Service. Studio-transmitter links and intercity relay stations are available on frequencies allocated for that purpose under Subpart E of Part 4 of our rules or they may be obtained from communication common carriers.

3. Therefore, we propose to amend the rules relating to remote pickup stations to permit the installation of remote pickup base stations at suitable locations from which official broadcasts may originate in the event of war, a threat of war, a state of public peril or disaster, or other national, state or local emergency constituting a threat to the safety of life and property, and at suitable locations to interconnect broadcasting stations operating in the Emergency Broadcast System. Except for periodic tests or drills of short duration, stations installed at such locations may not be used for any purpose other than emergency communications intended to advise, inform or instruct the public or to coordinate the efforts of broadcasting stations to achieve that end.

4. At the same time, we are carrying forward with slight changes in wording the present provisions of § 2.405 of our rules relating to the use of all classes of stations during an emergency, in the form of a new § 4.21. This section will deal specifically with the use during communications emergencies of stations licensed under Part 4 of our rules. This is done primarily for the benefit of stations licensed under Part 4 which may not have access to Part 2 of our rules.

5. We also propose to make other changes in the rules governing remote pickup broadcast stations to clarify the permissible uses under normal conditions, provide for certain additional uses, and permit more freedom in the use of mobile stations with other broadcasting stations.

6. The proposed amendments are set forth below. Interested parties are invited to submit comments regarding the proposal on or before July 16, 1962, and replies to such comments on or before July 26, 1962. The Commission will consider all such comments filed but in reaching a final decision in this matter of general rule making, will not be limited to consideration of comments of record and will take into account all relevant information obtained from informed sources.

7. Authority for adoption of the proposed amendments is contained in sections 4(i) and 303(b) of the Communications Act of 1934, as amended.

8. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: June 6, 1962.

Released: June 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. The following definitions now appearing in § 2.1 are proposed to be amended to read as follows:

§ 2.1 **Definitions.**

* * * * * *

Remote pickup broadcast base station. A base station licensed for communicating with remote pickup broadcast mobile stations.

Remote pickup broadcast mobile station. A land mobile station licensed for the transmission of program material and related communications from the scene of events occurring outside a studio, to broadcasting stations.

2. It is proposed to add a new § 4.21 to read as follows:

§ 4.21 **Operation during an emergency.**

(a) In an emergency where normal communication facilities have been disrupted or destroyed by storms, floods or other disasters, the stations licensed under the rules of this part may be operated for the purpose of transmitting essential communications intended to alleviate distress, dispatch aid, assist in rescue operations, maintain order, or otherwise promote the safety of life and property. In the course of such operation, a station of any class may communicate with stations of other classes and in other services. However, such operation shall be conducted only on the frequency or frequencies for which the station is licensed and the power used shall not exceed the maximum power authorized in the station license. In cases where such operation involves the use of frequencies shared with other stations, licensees are expected to cooperate fully to avoid unnecessary or disruptive interference.

(b) Whenever such operation involves communications of a nature other than those for which the station is licensed to perform, the licensee shall, at the earliest practicable time, notify the Commission in Washington, D.C., and the Engineer-in-charge of the radio district in which the operation occurs, of the nature of the emergency and the use to which the station is being put and shall subsequently notify the same offices when the emergency operation has been terminated.

(c) Emergency operation undertaken pursuant to the provisions of this section shall be discontinued as soon as substantially normal communications facilities have been restored. The Commission may at any time order discontinuance of such operation.

3. It is proposed to amend § 4.401 to read as follows:

§ 4.401 **Definitions.**

Associated broadcasting station. The broadcasting station with which a remote pickup broadcast base or mobile station is licensed as an auxiliary and with which it is principally used.

Operational communications. Communications related to the technical operation of a broadcasting station and its auxiliaries, other than the transmission of program material and cues and orders directly concerned therewith.

Remote pickup broadcast base station. A base station licensed for communicating with remote pickup broadcast mobile stations.

Remote pickup broadcast mobile station. A land mobile station licensed for the transmission of program material and related communications from the scene of events, which occur outside a studio, to broadcasting stations. (As used in this Part, land mobile station includes hand-carried, pack-carried, and other portable transmitters.)

Remote pickup broadcast station. The term "remote pickup broadcast station" as used in this subpart includes "remote pickup broadcast base station" and "remote pickup broadcast mobile station" as defined in this section.

Studio. Any room or series of rooms equipped for the production of broadcast programs of various kinds. A broadcasting booth at a stadium, convention hall, church, or other similar place is not considered to be a studio.

4. It is proposed to amend § 4.403(b) to read as follows:

§ 4.403 Frequency selection to avoid interference.

* * * * *

(b) The following order of priority of transmissions shall be observed on all frequencies except those listed in § 4.402 (a)(3):

(1) The transmission of program material for broadcast.

(2) The transmission of cues and orders immediately necessary thereto.

(3) Operational communications.

(4) Tests or drills to check the performance of stand-by emergency circuits. During an emergency or impending emergency, transmissions directly related to the safety of life and property shall take precedence over all other transmissions.

5. It is proposed to amend § 4.431 to read as follows:

§ 4.431 Permissible service.

(a) Remote pickup broadcast mobile stations may be used for the transmission of broadcast program material from the scene of events which occur outside a studio and for the transmission of cues and orders and other related communications necessary to the accomplishment of such broadcasts. The program material transmitted over a remote pickup broadcast mobile station shall be intended for simultaneous or delayed broadcasting either by its associated broadcasting station or some other broadcasting station or stations. Editing or rearranging such material to suit the needs of the broadcasting station is not precluded. Remote pickup broadcast mobile stations may communicate with the broadcasting station with which it is operating, with the base station or stations with which it is associated, and with other remote pickup broadcast mobile stations. Remote pickup broadcast mobile stations may relay the transmissions of other remote pickup broadcast mobile stations.

(b) Remote pickup broadcast base stations may be used for the transmission of cues, orders, and instructions to remote pickup broadcast mobile stations for the purpose of dispatching them to the scenes of events to be broadcast, and providing cues. Cueing may include the transmission of program material to the remote pickup unit, if necessary. Manually operated remote pickup broadcast base stations may be used to relay the transmissions of remote pickup broadcast mobile stations. Remote pickup broadcast base stations licensed pursuant to the provisions of § 4.432(d)(2) and (4) may communicate with other remote pickup broadcast base stations.

(c) Remote pickup broadcast base and mobile stations in Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands may be used for any purpose related to the operation of the broadcasting station except for transmissions intended for direct reception by the general public.

(d) Remote pickup broadcast base and mobile stations may be used for operational communications on condition that such use does not interfere with the transmission of program material or preparations for the transmission of program material by other remote pickup stations.

(e) In the event of damage or impairment of the regular communication and program circuits of a broadcasting station due to storms, floods, fires, strikes, equipment failures, or other similar causes, remote pickup broadcast base and mobile stations may be used to provide such temporary circuits as may be needed to continue the broadcasting operation, pending the restoration of the regular circuits.

(f) Remote pickup base and mobile stations associated with broadcasting stations participating in the Emergency Broadcast System or related emergency survival communications systems may be used: (1) For the transmission, for broadcasting, of warnings, instructions and information relating to war, threat of war, a state of public peril or disaster, or other national, state, or local emergency constituting a threat to the safety of life or property; (2) for coordination of effort in connection with such broadcasts; and (3) for periodic tests or drills to ascertain the reliability of the circuit. Tests or drills should not be conducted more than once a week and should be completed as quickly as possible. The conduct of a test or drill is subject to the condition that no interference will be caused to remote pickup broadcast base or mobile stations engaged in the transmission of program material, the preparation for such transmission, or other authorized operation.

(g) Remote pickup broadcast mobile stations may be operated in conjunction with other broadcasting stations in the area in which it is licensed, at the discretion of the licensee. Remote pickup broadcast mobile stations may be operated in conjunction with broadcasting stations in other areas without prior authority of the Commission, provided that whenever the transmitting equipment will be out of the area in which it is licensed to operate, for more than one day, the Commission in Washington, D.C., the Engineer-in-charge of the radio district in which the remote pickup station is licensed to operate, and the Engineer-in-charge of the radio district in which the operation will occur, are notified in writing in advance of such operation. In cases where the decision to continue operation for more than one day is not made until the operation has begun, the advance notice requirement is waived and the written notice shall be given when such decision is made. The same Commission offices shall be notified when the transmitting equipment has been returned to its licensed area. The licensee of the remote pickup station shall be responsible for the proper use and operation of the equipment regardless of whether it is used with its associated broadcasting station or with other broadcasting stations in the same or in other areas.

(h) The license of a remote pickup broadcast base or mobile station authorizes operation on only one of the assigned frequencies at any one time. A licensee may operate two or more remote pickup broadcast base or mobile stations simultaneously on different frequencies.

6. It is proposed to amend § 4.432 to read as follows:

§ 4.432 Licensing policies.

(a) A license for a remote pickup broadcast base or mobile station will be issued only to the licensee of a standard, FM, or television broadcasting station. More than one remote pickup broadcast base and mobile station may be authorized to a single licensee. A separate license is required for each transmitter. An application for a new remote pickup broadcast base or mobile station shall specify the frequency or frequencies desired and the transmitter shall be capable of operating on each frequency requested.

(b) The applicant shall specify the broadcasting station with which the remote pickup station is to be used principally and the area of operation shall be considered to be the community which the associated broadcasting station is licensed to serve and the surrounding area. In cases where the applicant is the licensee of more than one class of broadcasting station (standard, FM, or television) in the same area, it may select one for designation as the associated broadcasting station; such designation does not preclude use with other broadcasting stations in the same area at the discretion of the licensee. Remote pickup broadcast mobile stations will not be licensed for operation in more than one area; such operation may be conducted pursuant to the provisions of § 4.431(f).

(c) Portable transmitters designed to be carried to the scene of events to be broadcast or mobile transmitters, i.e., those permanently installed in mobile vehicles and capable of being operated while in motion as well as during halts at unspecified places, will both be licensed as remote pickup broadcast mobile stations. Portable transmitters should normally be stored at the studio or transmitter location of the associated broadcasting station when not in use. Vehicles equipped with mobile transmitters should be stored, when not in use, so as to be available for inspection upon request by any authorized representative of the Commission. In cases where a series of broadcasts are to be made from the same location, portable or mobile transmitters may be left at such locations for the duration of the series of broadcasts, provided that the transmitting apparatus is properly secured so that it may not be operated by unauthorized persons when unattended and it can be made available for inspection upon request by any authorized representative of the Commission.

(d) Transmitters permanently installed at fixed locations will be licensed as remote pickup broadcast base stations. The location of the transmitter will be specified in the station license and it may not be operated at any other location without prior authority of the Commission. Base stations will be licensed only for the following purposes:

(1) To provide communication with remote pickup broadcast mobile stations. Base stations licensed for this purpose will normally be located at the studio or transmitter location of the associated broadcasting station. Any of the frequencies listed in § 4.402 may be used for this purpose.

(2) To provide one-way or two-way voice communication between the studio and transmitter of a broadcasting station which is the licensee of an aural or television broadcast STL station used for program transmission between the same two points or to provide such voice communication between the point of origin and the destination of an aural or television broadcast intercity relay system operated by the same licensee. Such operation is limited to the frequencies listed in Groups I and J of § 4.402. Intermediate relay stations will not be authorized.

(3) To operate as program circuits between the studio and transmitter or to relay programs between broadcasting stations in Alaska, Guam, Hawaii, Puerto Rico, or the Virgin Islands. Except in emergencies, such use is not permitted within the 48 contiguous United States or the District of Columbia. Any of the frequencies listed in § 4.402 as available in the above place, may be used.

(4) Base stations may be authorized at suitable locations to provide: (1) Stand-by program circuits from places where official broadcasts may be made during a war, threat of war, or a state of local emergency constituting a threat to the safety of life and property; and (2) circuits to interconnect broadcasting stations participating in the Emergency Broadcast System or related emergency survival communications systems. Any of the frequencies listed in § 4.402 may be used for this purpose.

[F.R. Doc. 62-5826; Filed, June 13, 1962; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 142]

[Ex Parte No. 73]

EXTENSION OF CREDIT TO SHIPPERS

Payment of Rates and Charges; Petition for Modification of Rules

MAY 31, 1962.

Notice is hereby given that the National Association of Freight Forwarders, Inc., 3401 West Pershing Road, Chicago 32, Illinois, by its secretary Mr. Leonard Stelzer, has filed a petition (Ex Parte No. 73) with the Interstate Commerce Commission praying that the Commission enter an order modifying the existing railroad credit regulations as provided in § 142.8 of the Code of Federal Regulations, to require that sufficient information to render a freight bill be made available to the railroad within a reasonable period of time after delivery, or after shipment leaves origin, such determination to be made by the Commission after investigation of the matter.

Any persons interested in any of the matters in said petition may, on or before July 9, 1962, file replies to the petition supporting or opposing the relief sought. An original and 14 copies of such replies must be filed with the Commission and must show service of two copies upon the petitioner's secretary at the above address.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-5820; Filed, June 13, 1962; 8:49 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ARKANSAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87–128 (7 U.S.C. 1961) it has been determined that in Boone County, Arkansas, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 8th day of June 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62–5810; Filed, June 13, 1962; 8:48 a.m.]

FORT LEONARD WOOD MILITARY RESERVATION, MISSOURI

Order Interchanging Administrative Jurisdiction of Military and National Forest Land

Correction

In F.R. Doc. 62–5645, appearing at page 5515 of the issue for Saturday, June 9, 1962, the following corrections are made in the land description:

1. Under Exhibit A, "T. 36 N., R. 12 W.," should read "T. 34 N., R. 12 W.,".

2. Under Exhibit B, the second comma should be deleted from the Section 15 listing under T. 34, N., R. 12 W., so that the opening coordinates read as follows: "Sec. 15, NW¼NE¼, * * *".

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM 063465]

MINNESOTA

Notice of Filing of Plat of Survey

JUNE 6, 1962.

The Plats of Surveys of the lands described below will be officially filed in this office effective 10 a.m. on July 16, 1962.

FIFTH PRINCIPAL MERIDIAN

T. 132 N., R. 29 W.,
Sec. 5, lot 5, 0.17 acre.
T. 140 N., R. 29 W.,
Sec. 22, lot 9, 0.74 acre.

T. 132 N., R. 40 W.,
Sec. 25, lot 7, 2.02 acres.
T. 138 N., R. 42 W.,
Sec. 5, lot 9, 4.43 acres.
Sec. 6, lot 11, 2.74 acres; lot 12, 1.36 acres.
T. 138 N., R. 43 W.,
Sec. 1, lot 13, 0.83 acre.

The area described aggregates 12.29 acres.

The surveys were made as an administrative determination based upon requests and applications for surveys filed by interested parties.

The omitted land areas of the islands included in these surveys are largely rolling uplands of sandy loam formation, with some stone. Timber is largely elm, boxelder, basswood, poplar, willow and cottonwood with some ash, birch, pine, cedar and maple. All of the islands are upland in character.

The formation of the islands are similar to that of the upland on the mainland, and the species and size of the timber growth is also similar to that on the mainland. This fact attests that the islands were in existence in 1858, when Minnesota was admitted into the Union, and at the dates of the original surveys, and at all subsequent dates, and therefore the islands have the status of public land.

The public lands affected by this notice are hereby opened to the operations of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals and the requirements of applicable law, rules and regulations.

All inquiries relating to the lands should be directed to the Manager, Land Office, Division of Field Services, Bureau of Land Management, Department of the Interior, Washington 25, D.C.

H. K. SCHOLL,
Manager, Land Office.

[F.R. Doc. 62–5792; Filed, June 13, 1962; 8:47 a.m.]

[I–44]

UTAH

Notice of Proposed Withdrawal of Lands for Reclamation Purposes

JUNE 7, 1962.

The Bureau of Reclamation, United States Department of the Interior, has filed an application, serial number Utah 087798, for the withdrawal of lands described below, located in Wasatch and Summit Counties, Utah, under the First Form of withdrawal for reclamation purposes in connection with the Provo River Channel Revision, Provo River Project. The withdrawal, if effected, will modify the continuing full operation of the public land laws to restrict from the withdrawn area the construction of any camping, picnic, recreational, or other facilities that would be subject to flooding or would interfere with the conveyance of project water or with the operation and maintenance of the river channel. However, the Forest Service may develop small areas of high ground within the withdrawal boundaries which the Service considers adaptable for camping, picnicking, or recreational purposes, whenever it determines that such developments can be made without interference or conflict to the primary purposes of the withdrawal.

The proposed withdrawal covers lands essential for conveying imported project water along with natural stream flow in the river channel and control and maintenance of the river channel where necessary. The proposed use will not result in contamination of the area.

The withdrawal is requested under authority of section 3 of the Act of June 17, 1902 (32 Stat. 388) and would continue indefinitely.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the State Director for Utah, Bureau of Land Management, P.O. Box 777, Salt Lake City 10, Utah. If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application for withdrawal will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE BASE AND MERIDIAN, UTAH

T. 3 S., R. 7 E.,
Sec. 1: Lots 3, 4, N½ Lot 5, N½S½ Lot 5, N½ Lot 6, N½S½ Lot 6, N½ Lot 7, N½NW¼ Lot 8, S½N½ Lot 8, N½S½ Lot 8;
Sec. 2: NW¼NE¼SW¼NE¼, N½NW¼SW¼NE¼, SW¼NW¼SW¼NE¼, SE¼SW¼NW¼, E½NE¼SW¼NW¼.
T. 3 S., R. 8 E.,
Sec. 2: NW¼NW¼NW¼SW¼;
Sec. 3: SE¼SE¼ Lot 1, E½SE¼NE¼ E½NW¼SE¼NE¼, SW¼SE¼NE¼, NE¼SE¼SE¼SW¼, S½SE¼SE¼SW¼, N½NE¼SE¼, SW¼NE¼SE¼, NW¼SE¼NE¼SE¼, NE¼NE¼NW¼SE¼, S½NE¼NW¼SE¼, SE¼NW¼SE¼, NE¼SW¼SE¼, NE¼NW¼SW¼SE¼, S½NW¼SW¼SE¼, SW¼SW¼SE¼, N½SE¼SW¼SE¼, SW¼SE¼SW¼SE¼, NE¼NW¼SE¼SE¼, W½NW¼SE¼SE¼;
Sec. 5: W½NE¼SW¼NW¼, SE¼NW¼SW¼NW¼, SW¼SW¼NW¼, W½SE¼SW¼NW¼, SE¼SE¼SW¼NW¼, SW¼SW¼SE¼NW¼, NW¼NE¼NE¼SW¼, S½NE¼NE¼SW¼, NW¼NE¼SW¼, S½NE¼SW¼, NE¼NW¼SW¼, E½NW¼NW¼SW¼, NW¼NW¼NW¼SW¼, N½SE¼NW¼SW¼, W½SW¼NE¼SE¼, SE¼SW¼NE¼SE¼, S½NW¼NW¼SE¼, S½NW¼SE¼, NW¼NE¼SE¼SE¼, S½NE¼SE¼SE¼, NW¼SE¼SE¼, S½SE¼SE¼;
Sec. 6: SW¼NW¼ Lot 1, SW¼ Lot 1, SW¼SE¼ Lot 1, S½NE¼ Lot 2, NW¼ Lot 2, N½SE¼ Lot 2, E½NE¼ Lot 3, SW¼NE¼ Lot 3, S½NW¼ Lot 3, N½SW¼ Lot 3, SW¼SW¼ Lot 3, S½ Lot 4, E½SE¼NE¼, NE¼NW¼SE¼NE¼;
Sec. 9: S½N½NE¼, SW¼NE¼NE¼NW¼, NW¼NE¼NW¼, NE¼SW¼NE¼NW¼, SE¼NE¼NW¼, NE¼NW¼NW¼, N½NW¼NW¼NW¼;
Sec. 10: NW¼NE¼NW¼NE¼, NW¼NW¼NE¼, NW¼SW¼NW¼NE¼, N½NE¼NW¼, S½NE¼NW¼NW¼, S½NW¼NW¼.

The above area aggregates 701.19 acres.

R. D. NIELSON,
State Director.

[F.R. Doc. 62–5795; Filed, June 13, 1962; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27–2]

CROSSROADS MARINE DISPOSAL CORP. AND ALLIED-CROSSROADS NUCLEAR CORP.

Notice of Transfer of License

Please take notice that the Atomic Energy Commission has issued Amendment No. 6 to License No. 20–685–2 which authorizes the transfer of the license from Crossroads Marine Disposal Corporation to Allied-Crossroads Nuclear Corporation.

License No. 20–685–2 authorizes the possession, storage, and disposal of waste byproduct, source, and special nuclear material.

Allied-Crossroads Nuclear Corporation will:

(1) Purchase all the physical assets, property and equipment now owned by Crossroads Marine Disposal Corporation

(2) Employ the present employees of Crossroads Marine Disposal Corporation

(3) Conduct its operations at the location specified in the license and in accordance with its terms and conditions.

The amendment to the license provides that the transfer will be effective upon receipt by the Commission of a notice, in writing, signed by an officer of Crossroads Marine Disposal Corporation and an officer of Allied-Crossroads Nuclear Corporation, or counsel therefor, that all assets of Crossroads Marine Disposal Corporation have been transferred to Allied-Crossroads Nuclear Corporation and Allied-Crossroads Nuclear Corporation has assumed control of and full responsibility for all activities conducted under the license.

The Commission has determined, pursuant to the provisions of §§ 30.38, 40.46, and 70.36, 10 CFR Parts 30, 40, and 70, respectively, that Allied-Crossroads Nuclear Corporation is qualified to be the holder of the license and that transfer of the license is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

In accordance with the Commission's "Rules of Practice", Title 10, Code of Federal Regulations, Chapter I, Part 2, the Commission will direct the holding of a formal hearing upon receipt of a request from the licensee or an intervener within fifteen (15) days after publication of this notice. A copy of the application for transfer of the license is on file in Docket No. 27–2 in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

The text of the amendment is set forth below.

Dated at Germantown, Md., June 8, 1962.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[License No. 20–685–2 (D64); Amdt. 6]

In accordance with application dated April 24, 1962, License No. 20–685–2 is amended as follows:

License No. 20–685–2 is transferred from Crossroads Marine Disposal Corporation to Allied-Crossroads Nuclear Corporation provided, however, that this condition shall not be effective until notice in writing signed by an officer of Crossroads Marine Disposal Corporation and Allied-Crossroads Nuclear Corporation, or counsel therefore, has been filed by deposit in the mail addressed to the Director, Division of Licensing and Regulation, U.S. Atomic Energy Commission, Washington 25, D.C., stating that:

(1) All assets of Crossroads Marine Disposal Corporation have been transferred to Allied-Crossroads Nuclear Corporation, and

(2) Allied-Crossroads Nuclear Corporation has assumed control of and full responsibility for all activities conducted under the license.

Upon such notification all references in the license to "Crossroads Marine Disposal Corporation" shall read "Allied-Crossroads Nuclear Corporation". All other conditions and limitations specified in the license remain the same.

Date of issuance: June 8, 1962.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 62–5777; Filed, June 13, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11898]

CUNARD EAGLE AIRWAYS LTD.

Notice of Cancellation of Prehearing Conference

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that the prehearing conference in the above-entitled proceeding now assigned for June 12, 1962, is canceled.

Dated at Washington, D.C., June 8, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62–5831; Filed, June 13, 1962; 8:51 a.m.]

[Docket 7723 etc.]

REOPENED TRANSPACIFIC ROUTE CASE

Notice of Oral Argument

Pursuant to Board Order E–18429, notice is hereby given that oral argument with respect to the U.S. mainland-Tahiti portion of the above-entitled proceeding is assigned to be heard on June 27, 1962, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., June 11, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62–5832; Filed, June 13, 1962; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 62–612]

STATEMENT OF ORGANIZATION, DELEGATIONS OF AUTHORITY, AND OTHER INFORMATION

In the matter of amendment of Part O, the Commission's Statement of Organization, Delegations of Authority, and Other Information to Implement Public Law 87–192, FCC Reorganization Act.

1. On August 31, 1961, S. 2034, 87th Cong., was signed by the President and became Public Law 87–192 (75 Stat. 420). The purpose of that law is set out in the House Report (No. 723), 87th Cong., 1st sess., p. 1:

> The purpose of this legislation is to modify the Communications Act of 1934 so that the Federal Communications Commission will be able, by making better use of its own time and more effective use of its experienced and technically qualified personnel, to handle its large workload of adjudication cases with greater speed and efficiency than is presently possible.
>
> It is hoped and believed that these changes in the law will enable the Commission to devote more of its time to major matters of policy and planning and to the more significant adjudication cases—primarily these involving issues of general communications importance.

See, also, S. Rept. No. 576, 87th Cong., 1st sess., p. 5. The Commission, in the attached appendices, has set forth the rule changes which it believes will best accomplish that purpose.

2. Review Board: The crux of the rule changes is the creation of a new Review Board, as contemplated by Public Law 87–192. That Board will consist of not less than three experienced Commission employees, who will be designated by the Commission and will continue to serve indefinitely. The Board will be responsible only to the Commission, but the Commission will not discuss the merits of any matter pending before the Board with the Board or any of its members.

3. Interlocutory matters: We have authorized the Review Board to take original action on the following interlocutory matters previously acted upon by the Commission, the Motions Commissioner, or the Chief Hearing Examiner (see section 0.207(b)):

(1) Petitions to amend, modify, enlarge, or delete issues upon which the hearing was ordered.

(2) Petitions to intervene.

(3) Requests for leave to file additional pleadings provided for in § 1.13 of the Commission's rules.

(4) Petitions by adverse parties requesting dismissal of an application.

(5) Joint requests for approval of agreements filed pursuant to § 1.316 of the Commission's rules, and, if further hearing is not required on issues other than those arising out of the agreement, to terminate the proceeding and make appropriate disposition of all applications.

(6) Petitions for waiver of § 1.362 of the Commission's rules insofar as that section requires that local notice of hearing be given within a certain time, at a certain place, or in a certain manner.

(7) Dismissal of applications with prejudice for failure to comply with the local notice requirements of § 1.362 of the Commission's rules.

(8) Dismissal of cease and desist, suspension, and revocation proceedings.

(9) Petitions for acceptance of late written appearances pursuant to § 1.77 (c), and petitions for acceptance of late written statements pursuant to § 1.78(b) of the Commission's rules.

(10) Termination of hearing proceedings in accordance with § 1.78(c) of the Commission's rules.

(11) All pleadings filed in cases or matters which are before the Board.

The office of Motions Commissioner is abolished. The Review Board also will act on all appeals from interlocutory rulings of the hearing examiner (0.207 (c)). The Chief Hearing Examiner will continue to act on those original interlocutory matters peculiar to the hearing process itself (section 0.224; e.g., time and place of hearings; designation of the hearing examiner). Interlocutory matters arising in the course of the hearing, not delegated to the Review Board or to the Chief Hearing Examiner, are ruled upon by the presiding officer, under the authority vested in him to control the conduct of the hearing. See sections 7 (a) and (b) of the Administrative Procedure Act.

4. Review of initial decisions: The Commission has determined to assign certain categories of cases to the Review Board, for review of the exceptions to the initial decision. Other cases will be assigned on a case-to-case basis, either at the time of designation for hearing or after the filing of exceptions. The categories of cases delegated to the Board for review are set out in section 0.207(a), and are as follows:

(a) All AM and FM proceedings, except (i) revocation, renewal, cease and desist and forfeiture proceedings; (ii) 319(c) proceedings; and (iii) proceedings involving Class II A operation on clear channel frequencies;

(b) TV translator proceedings;

(c) Proceedings on applications of communications common carriers filed under Title III of the Communications Act;

(d) Proceedings involving complaints against communications common carriers for recovery of overcharges;

(e) Safety and Special Radio Services proceedings;

(f) Proceedings involving suspension of operators permits.

Unless the Commission specifies to the contrary, usually at the time of designation for hearing, all cases falling within the above categories will be reviewed by the Board. Further, after designation the Commission will not entertain any request that it, rather than the Board, review the initial decision; a party may bring such a delegated case to the Commission only by application for review of the Board's decision. (See infra, par. 7.) A party may, however, petition the Board to certify the case to the Commission for decision (see infra, par. 5(ii); section 0.206(b)).

5. We have chosen the foregoing categories after careful study of the possibilities and in the light of the legislative history of Public Law 87-192. It is, of course, difficult to draw lines in this area of appropriate categories for delegations to the Review Board. But if we are to accomplish the salutary purpose of Public Law 87-192, a choice must be made and, in our view, it can best be made along the foregoing lines.[1]

We further recognize that some cases not falling within the categories should nevertheless be heard by the Board, and that some others, within the categories, should more appropriately be considered by the Commission. As to the first group, we would delegate review of such cases to the Board either at the time of designation or after filing of exceptions. As to the second category, we think there are the following safeguards:

(i) At the time of designation (when, significantly, the Commission has in mind the issues of the case), the Commission may, in view of some unusual feature of the case, specify that any review be before the Commission, not the Board.[2]

(ii) If an apparently routine case takes on unexpected importance because of some development at the hearing, the Board is given the authority to certify such a case to the Commission and request that the Commission review the case (section 0.206(b)). We would expect the Board to employ this authority whenever a novel or important question of law or policy is presented to it, since it would make little sense for the Board to review such a question, knowing that there would have to be full review of its own decision by the Commission.

(iii) Similarly, when the Commission determines that a matter before the Board involves a novel or important issue of law or policy warranting review by the full Commission, it may order that the matter be certified to it for decision (0.206(c)).

(iv) Assuming that a case involving a novel or important question of law or policy is not picked up under any of the above procedures (and we think this most unlikely), the Commission would have the final remedy of granting the application for review of the Board's decision or, indeed, of reviewing the case on its own initiative.

6. Panels of Commissioners: In line with the new law, we have amended sections 0.218 and 1.152 to permit delegation of review of initial decision to a Commissioner or panel of Commissioners. The Commission will determine, on a case by case basis, what cases shall be delegated to a Commissioner or panel for review.

7. Review of delegated decisions: Review of actions taken by designated authorities such as a panel, the Review Board, the Chief Hearing Examiner, or the Chief of the Broadcast Bureau, may be obtained only by filing an application for review to the Commission. (See § 1.85.) Such an application may be granted or denied without specifying any reasons, and no petition for reconsideration of the Commission's grant or denial will be entertained. Interlocutory rulings of the presiding officer are not made under a delegation pursuant to section 5(d) of the Communications Act but rather under the authority vested in the examiner by section 7 of the Administrative Procedure Act; appeals from interlocutory rulings of the hearing examiner must be filed with the Review Board, which must rule on the merits of the appeal. (See § 1.47.) We shall briefly set out the procedures applicable to review (a) of interlocutorics, and (b) of all other delegated actions.

(a) *Interlocutories.* In the case of the examiner's ruling, an appeal may be filed with the Review Board within five days of the ruling. Oppositions may be filed within five days after the appeal is filed, and replies within 5 days thereafter. In the case of a ruling on an interlocutory matter by the Board or Chief Hearing Examiner, an application for review may be filed with the Commission within five days after release of the Board's or Chief Hearing Examiner's final order. Oppositions may be filed within five days after the application for review is filed, and replies within five days thereafter. If the Commission grants the application, it may order such further procedure as it deems useful (e.g., submission of additional memoranda; oral presentation). However, the Commission will often dispose of the matter on the basis of the application and related pleadings. If the Commission denies the application for review, the party may still, upon filing exceptions to the initial decision, request review of the ruling complained of.

(b) *Other delegated actions.* The effective dates of actions taken pursuant to delegated authority are set out in § 1.82. Final decisions of the Review Board, a Commissioner or a panel of Commissioners designated to review an initial decision shall be effective 40 days after release of the full text of the decision, unless an application for review or a petition for reconsideration is filed; in the former event the effect of the decision is stayed until the Commission's review is completed; in the latter, until 40 days after release of the final order disposing of the petition for reconsideration. All other delegated actions become effective immediately, unless the Commission or the designated authority stays their effect.

After release of an action taken pursuant to delegated authority, a party or person aggrieved or adversely affected has 30 days within which to file a petition for reconsideration or an application for review (but not both). If in a multi-party proceeding one party files a petition for reconsideration and a second party files an application for review, the Commission will withhold action on the latter until final action has been taken on the petition for reconsideration; at that time, the applicant for review has 30 days to amend or withdraw his application for review or substitute a new application (see § 1.83).

The application for review cannot rely on any question of fact or law upon which the designated authority has been afforded no opportunity to pass. The application, which may not exceed 25 double-spaced typewritten pages in length, should concisely and plainly state the questions presented for review and the factors warranting review by the Commission. See § 1.85(b). Oppositions, also limited to 25 pages, must be filed within 15 days, and replies, limited to ten pages, are to be filed within 10 days thereafter. If the Commission denies the application, that is the end of the case at the administrative level; it is then ripe for judicial review.

If the Commission grants the application, it will, as the usual practice, permit the parties to file briefs and, if thought to be useful, present oral argument. It is important for the parties to bear this in mind. For, it means that except where the matter is interlocutory in nature, the application for review should be prepared with the understanding that its purpose is not to obtain Commission decision on the merits of the issues presented but rather to convince the Commission to review those issues. Other than in the interlocutory field, the Commission will rarely dispose of the merits of a case upon the basis of the application for review and related pleadings.

8. Oral argument: Section 1.154 has been amended to delete its mandatory oral argument provisions. The Commission or other designated authority will now specify when oral argument will be afforded. Oral argument will be the usual course in cases involving review of an initial decision by the Commission, a panel, or the Review Board; only rarely would it not be afforded. However, oral presentation will be the rare exception in the case of appeals or review of interlocutory matters.

9. Conclusion: Under section 4 of the Administrative Procedure Act, the attached rules, being of a procedural or organizational nature, may be adopted without notice of rule making. We have elected to follow this course. We recognize that the rules may not be perfect. Indeed, we think it most likely that as experience is gained some revisions will be required. But it is our view that this scheme constitutes the one most likely to achieve the statutory purpose and that with procedural changes of this nature, experience is by far the best guide to future revisions. For that reason, we intend to review the entire subject at periodic intervals. And, in connection with this review, we would especially welcome the suggestions of the Bar and other interested parties, based on their experience in working with the rules.

10. The amendments herein adopted are issued pursuant to authority contained in sections 4(i), 5(d), 303(r), 405 and 409 of the Communications Act of 1934, as amended.

Accordingly, it is ordered, Effective August 1, 1962, that Part O, the Statement of Organization, Delegations of Authority, and Other Information, is amended as set forth below. A companion Order (FCC 62-613) amending Part 1, Rules of Practice and Procedure, in accordance with this report and order was adopted this date.

Adopted: June 6, 1962.

Released: June 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION[3]

[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Sections 0.201, 0.202, the undesignated center heading "Motions Commissioner", and §§ 0.221, 0.222, and 0.223 are deleted.

2. New sections 0.201, 0.202, 0.206, and 0.207 are added to read as follows:

GENERAL

SEC. 0.201 *General provisions.* (a) There are three basic categories of delegations made by the Commission pursuant to section 5(d) of the Communications Act of 1934, as amended:

(1) *Delegations to act in non-hearing matters and proceedings.* The great bulk of delegations in this category are made to bureau chiefs and other members of the Commission's staff. This category also includes delegations to individual commissioners and to boards or committees of commissioners, such as the Telegraph and Telephone Committees.

(2) *Delegations to rule on interlocutory matters in hearing proceedings.* Delegations in this category are made to the Review Board and to the Chief Hearing Examiner.

NOTE: Interlocutory matters which are delegated neither to the Review Board nor to the Chief Hearing Examiner are ruled on by the presiding officer by virtue of the authority vested in him to control the course and conduct of the hearing. This authority stems from section 7 of the Administrative Procedure Act and section 409 of the Communications Act rather than from delegations of authority made pursuant to section 5(d) of the Communications Act. (See §§ 0.218 and 0.231.)

(3) *Delegations to review an initial decision.* Delegations in this category are made to individual commissioners, to panels of commissioners, or to the Review Board.

(b) Delegations are arranged in this subpart under headings denoting the person, panel, or board to whom authority has been delegated, rather than by the categories listed in paragraph (a) of this section.

(c) Procedures pertaining to the filing and disposition of interlocutory pleadings in hearing proceedings are set forth in §§ 1.41-1.46 of the Commission's rules. Procedures pertaining to appeals from rulings of the presiding officer are set forth in § 1.47. Procedures pertaining to reconsideration of the presiding officer's rulings are set forth in § 1.48. Procedures pertaining to reconsideration and review of actions taken pursuant to delegated authority are set forth in §§ 1.81-1.87. Procedures pertaining to exceptions to initial decisions are set forth in §§ 1.53-1.55.

(d) The Commission, by vote of a majority of the members then holding office, may delegate its functions either by rule or by order, and may at any time amend, modify, or rescind any such rule or order.

(1) Functions of a continuing or recurring nature are delegated by rule. The rule is published in the FEDERAL REGISTER and is included in this subpart.

(2) Functions pertaining to a particular matter or proceeding are delegated by order. The order is published in the FEDERAL REGISTER and associated with the record of that matter or proceeding, but neither the order nor any reference to the delegation made thereby is included in this subpart.

SEC. 0.202 *Authority of person, panel, or board to which functions are delegated.* (a) The person, panel, or board

[1] The alternative would be for the Commission, at the time of exceptions, to consider whether a case should be reviewed by the Commission or the Review Board. But this would require Commission analysis of what is involved in the case; and while we recognize that such analysis need not be of the thorough character required for actual decision on the merits, it is nevertheless time-consuming and a burden on the Commission. Since the whole purpose is to avoid such burdens and to cut down so-called administrative lag, this extra step in the already complex hearing process should be avoided, if some reasonable alternative procedure can be devised to accomplish the Commission's essential goal of having the important case reviewed by itself and the routine case by the Board. We think that the above-described delegations would accomplish that goal.

[2] There is a delegation to the Chief of the Broadcast Bureau, to designate for hearing mutually exclusive applications for new or modified AM and FM facilities (section 0.241 (b)), but this authority is exercised by that official only where the case is clearly routine in nature. Where there are unusual features, the case is brought to the Commission's attention.

[3] Statement of Commissioner Ford concurring in part and dissenting in part, in which Commissioner Lee joins, filed as part of original document.

to which functions are delegated shall, with respect to such functions, have all the jurisdiction, powers, and authority conferred by law upon the Commission, and shall be subject to the same duties and obligations.

(b) Except as provided in § 1.82 of the Commission's rules, any action taken pursuant to delegated authority shall have the same force and effect and shall be made, evidenced, and enforced in the same manner as actions of the Commission.

REVIEW BOARD

SEC. 0.206 *Review Board.* (a) The Review Board is a permanent body with continuing functions. The main function of the Board is to review matters referred to it by the Commission in hearing proceedings. The Board also takes original action on certain interlocutory matters which arise during the course of hearing proceedings. The hearing matters referred to the Board on a regular basis are listed in § 0.207. Other hearing matters may be referred to the Board for review on a case by case basis, either at the time of designation for hearing or upon consideration of exceptions. The Commission may, from time to time, assign the Board additional duties not inconsistent with these functions.

(b) Any matter referred to the Board on a regular basis or otherwise may, on its own motion or upon its consideration of the motion of any party, be certified by the Board to the Commission, with a request that the matter be reviewed by the Commission, if in the Board's judgment the matters at issue are of such a nature as to warrant Commission review of any decision which the Board might otherwise have made. If a majority of the members of the Commission then holding office vote to grant the Board's request, the matter shall be reviewed by the Commission.

(c) Whenever the Commission determines that a matter pending before the Board involves a novel or important issue of law or policy, it may, on its own motion, by the vote of a majority of the members then holding office, direct that any matter before the Board be certified to the Commission for decision. However, no petition requesting the Commission to take such action will be entertained.

(d) The Review Board shall decide each matter before it by majority vote in accordance with the Communications Act of 1934, as amended, rules and regulations, case precedent, and established policies of the Commission. In reviewing initial decisions referred to it, the Review Board is authorized to perform all of the review functions which would otherwise have been performed by the Commission under §§ 1.151–1.155 and § 1.157 of the rule of practice and procedure.

(e) The Review Board is composed of three or more Commission employees. Members of the Board are designated by the Commission, serve indefinitely on a full-time basis, and are responsible only to the Commission. Neither the Commission nor any of its members will discuss the merits of any matter pending before the Board with the Board or any of its members.

(f) A minimum of three members will participate in each case referred to the Board. A majority of the members who participate in a case shall constitute a quorum. Any member assigned to a case who is not present at oral argument may, after reading the transcript of oral argument, participate in the Board's decision. However, so far as practicable, all of the members of the Board assigned to a case shall hear oral argument.

(g) Except in interlocutory matters, each opinion of the Review Board will be signed by one of its members, who shall be responsible for its preparation.

(h) Actions taken by the Review Board shall be recorded in writing and filed in the official minutes of the Commission.

SEC. 0.207 *Authority delegated to the Review Board on a regular basis.* (a) *Review of initial decisions.* Unless the Commission specifies to the contrary at the time of designation for hearing or otherwise, the Review Board shall review initial decisions of hearing examiners in the following proceedings:

(1) Television translator proceedings.

(2) Standard (AM) and FM broadcast proceedings, except as follows:

(i) Revocation, renewal, cease and desist, and forfeiture proceedings.

(ii) Proceedings which involve section 319(c) of the Communications Act of 1934, as amended.

(iii) Proceedings which involve initial application for construction permit for a Class II–A station on clear channel frequencies.

(3) Proceedings on applications of communications common carriers filed under Title III of the Communications Act.

(4) Proceedings involving complaints against communications common carriers for recovery of overcharges.

(5) Safety and Special Radio Services proceedings.

(6) Proceedings involving suspension of operator licenses or permits.

(b) *Original action on interlocutory matters.* The Review Board shall take original action on the following interlocutory matters in proceedings conducted by hearing examiners:

(1) Petitions to amend, modify, enlarge, or delete issues upon which the hearing was ordered.

(2) Petitions to intervene.

(3) Requests for leave to file additional pleadings provided for in § 1.13 of the Commission's rules.

(4) Petitions by adverse parties requesting dismissal of an application.

(5) Joint requests for approval of agreements filed pursuant to § 1.316 of the Commission's rules, and, if further hearing is not required on issues other than those arising out of the agreement, to terminate the proceeding and make appropriate disposition of all applications.

(6) Petitions for waiver of § 1.362 of the Commission's rules insofar as that section requires that local notice of hearing be given within a certain time, at a certain place, or in a certain manner.

(7) Dismissal of applications with prejudice for failure to comply with the local notice requirements of § 1.362 of the Commission's rules.

(8) Dismissal of cease and desist, suspension, and revocation proceedings.

(9) Petitions for acceptance of late written appearances pursuant to § 1.77 (c), and petitions for acceptance of late written statements pursuant to § 1.78(b) of the Commission's rules.

(10) Termination of hearing proceedings in accordance with § 1.78(c) of the Commission's rules.

(11) All pleadings filed in cases or matters which are before the Board.

(c) *Action on appeals from interlocutory rulings.* The Review Board shall act on appeals from interlocutory rulings of the hearing examiner.

3. Sections 0.218, 0.224, and 0.231 are amended to read as follows:

SEC. 0.218 *Authority of, and delegated to, an individual commissioner or commissioners.* (a) One or more members of the Commission may be designated to preside in a hearing proceeding. The commission or commissioners designated to preside at such a hearing shall fix the time and place of the hearing and shall act upon all motions, petitions or other matters which may arise while the proceeding is in hearing status.

(b) One or more members of the Commission may be designated to review an initial decision issued in any hearing case.

CHIEF HEARING EXAMINER

SEC. 0.224 *Authority delegated.* The Chief Hearing Examiner shall act on the following matters in proceedings conducted by hearing examiners:

(a) Initial specifications of the time and place of hearings where not otherwise specified by the Commission and excepting actions under authority delegated by section 0.255.

(b) Designation of the hearing examiner to preside at hearings.

(c) Orders directing the parties or their attorneys to appear at a specified time and place before the hearing examiner for an initial prehearing conference in accordance with § 1.111(a) of the Commission's rules. (The hearing examiner named to preside at the hearing may order an initial prehearing conference although the Chief Hearing Examiner may not have seen fit to do so and may order supplementary prehearing conferences in accordance with § 1.111(b) of the Commission's rules.)

(d) Petitions requesting the first change in the place of a hearing where the hearing is scheduled to begin in the District of Columbia.

(e) Petitions of applicants requesting permission to file written appearances beyond expiration of the 20 day period provided for in § 1.140(c) of the Commission's rules.

(f) Dismissal of applications with prejudice in accordance with the provisions of § 1.140(c) of the Commission's rules.

(g) Petitions filed by an applicant requesting that its application or the proceedings thereon be dismissed, except as such petitions are acted on by the Review Board under section 0.207(b).

(h) In the absence of the hearing examiner who has been designated to preside in a proceeding, to discharge the hearing examiner's functions.

(i) All pleadings (such as motions for extension of time) which are related to matters to be acted upon by the Chief Hearing Examiner.

SEC. 0.231 *Authority of Hearing Examiner.* After a hearing examiner has been designated to preside at a hearing and until he has issued an initial decision or certified the record to the Commission for decision, or the proceeding has been transferred to another hearing examiner, all motions, petitions and other pleadings shall be acted upon by such hearing examiner, except the following:

(a) Those which are to be acted upon by the Review Board under section 0.207 (b).

(b) Those which are to be acted upon by the Chief Hearing Examiner under section 0.224.

[F.R. Doc. 62–5824; Filed, June 13, 1962; 8:50 a.m.]

STATEMENT OF ORGANIZATION, DELEGATIONS OF AUTHORITY, AND OTHER INFORMATION

The Commission having under consideration sections 0.93, 0.126, and 0.271 of its Statement of Organization, Delegations of Authority, and Other Information; and

It appearing that references in sections 0.93 and 0.126 to the Office of Civil and Defense Mobilization, and the reference in section 0.271 to the Airspace Subcommittee of the Air Coordinating Committee, are obsolete, and that these references should be replaced by references to the Office of Emergency Planning and the Federal Aviation Agency respectively; and

It further appearing that the amendments adopted herein are editorial in nature, and hence that compliance with the public notice, procedural, and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary; and

It further appearing that authority for issuance of these amendments is contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 8th day of June 1962, that effective June 14, 1962, the Commission's Statement of Organization, Delegations of Authority, and Other Information is amended as set forth below.

Released: June 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

SEC. 0.93 *Division of Defense Coordination.*

(a) • • •

(7) To serve as agency representative of the Commission for liaison and coordination of defense activities (other than CONELRAD and radio frequency management activities of the Chief Engineer) with staff representatives of the Office of Emergency Planning, other federal agencies, and local civil defense authorities.

• • • • •

(11) To coordinate the activities of the Commission's Damage Assessment Unit and the Commission's Damage Assessment Officer assigned to the Office of Emergency Planning.

SEC. 0.126 *Frequency Allocation and Treaty Division.* The Frequency Allocation and Treaty Division makes continuing studies of new technical developments affecting frequency requirements and of utilization of the frequencies between the several radio services to establish their allocation requirements; proposes adjustments in the Table of Frequency Allocation when necessary; provides Commission representation on, and coordination with, the Interdepartment Radio Advisory Committee and, as may be required, on other national and international telecommunication bodies; coordinates frequency allocation policy matters involving government users of radio with the Office of Emergency Planning; maintains the Commission's master frequency record of assignments made; notifies United States frequency assignments to the International Frequency Registration Board of the International Telecommunication Union; performs staff functions relating to international communications conferences and agreements having to do with frequency allocation and assignment; and communicates as necessary with administrations in foreign countries, through appropriate channels, concerning matters which relate to assignment of radio frequencies and to control of radio interference.

SEC. 0.271 *Matters delegated to the Bureau Chief and Chief, Field Operating Division.*

(a) • • •

(1) Except as otherwise provided in §1.67 of the Commission's rules, with respect to the construction, marking and lighting of antenna towers and supporting structures, to exercise the functions of the Commission as set forth in Part 17 of its rules and regulations: *Provided, however*, That in cases in which the Federal Aviation Agency recommends denial of any application, the Chief of the Field Engineering and Monitoring Bureau advises the Bureau concerned in order that it may submit the application to the Commission for appropriate action.

[F.R. Doc. 62–5825; Filed, June 13, 1962; 8:50 a.m.]

[Canadian List No. 171]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections in Assignments

MAY 18, 1962.

Notification under the provisions of Part III Section 2 of the North American Regional Broadcasting Agreement. List of changes, proposed changes, and corrections in Assignments of Canadian Broadcast Stations Modifying Appendix containing assignments of Canadian Broadcast Stations (Mimeograph No. 47214–3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		790 kilocycles				
New	Port Credit, Ontario	1	DA-1	U	III	BIO 5-15-62.
		1400 kilocycles				
CKSW	Swift Current, Saskatchewan.	1D/0.25N	ND	U	II	NIO with increased daytime power.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–5827; Filed, June 13, 1962; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

CITY OF PORT HURON AND PORT HURON TERMINAL CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 8795, between the city of Port Huron (Port) and the Port Huron Terminal Company (Operator), provides for a 5-year lease of certain terminal property and facilities in the city of Port Huron, Michigan. The Operator shall be responsible for the handling of all cargo and shall provide for storage, stevedoring and other services customarily furnished by marine terminals. All terminal charges assessed by the Operator shall be subject to Port approval. The Port may by regulation limit the tonnage of any one commodity not to

exceed 50 percent of the total tonnage handled.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 11, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5828; Filed, June 13, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. AR61-1 etc.]

AREA RATE PROCEEDING ET AL.

Order Terminating Proceedings as to Certain Respondents

JUNE 7, 1962.

Area Rate Proceeding, Docket No. AR61-1, Claude E. Aikman, Docket No. G-18466, et al., North Central Oil Corporation, Docket No. CI60-435, et al.

The Commission, in its order issued herein on December 23, 1960, instituting the area rate proceeding, designated the following named parties as respondents in these consolidated proceedings.

R. C. Barnes.
Bayview Oil Corporation.
Bond Oil Corporation.
Coronet Oil Company.
Ben Dansby, Jr.
Falcon Oil Corporation.
Hanlon-Boyle Inc.
Alvin H. Howard and D. E. Vassar.
Indian Royalty Co.
H. Bryan Poff.
Katherine Ryan.
James H. Snowden.

A subsequent review of the Commission records indicated that the sales of gas by these respondents in the Permian Basin Area were under percentage type casinghead gas contracts. Accordingly, by Commission letter these respondents were advised that their respective rate schedules were rejected for the reason that the sales of gas involved were made under percentage-type gas contracts which under § 154.91(e) of the Commission's regulations are not permitted to be filed as rate schedules. Additionally, these respondents were advised that the certificates authorizing their sales of gas from the Permian Basin area covered by the rejected rate schedules were terminated.

In view of such facts, these proceedings should be terminated as to the above-named respondents.

The Commission finds: It is necessary and appropriate in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act for the reasons hereinbefore stated that these proceedings be terminated as to the above-named respondents as hereinafter ordered.

The Commission orders: These proceedings are terminated as to Respondents: R. C. Barnes, Bayview Oil Corporation, Bond Oil Company, Coronet Oil Co., Ben Dansby, Jr., Falcon Oil Corp., Hanlon-Boyle, Inc., Alvin H. Howard and D. E. Vassar, Indian Royalty Co., H. Bryan Poff, Katherine Ryan, and James H. Snowden.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5811; Filed, June 13, 1962; 8:48 a.m.]

[Docket No. G-9262 etc.]

FLORIDA GAS TRANSMISSION CO. AND COASTAL TRANSMISSION CORP.

Order Accepting Proposed Settlement, Modifying Certificates of Public Convenience and Necessity, Severing and Terminating Certain Proceedings, Terminating Other Proceedings in Part, and Discharging Refund Obligations

JUNE 8, 1962.

Florida Gas Transmission Company,[1] Docket Nos. G-9262, RP61-3, RP62-4; Coastal Transmission Corporation, Docket Nos. G-9960, RP61-4.

On April 18, 1962, Florida Gas Transmission Company (Florida Gas) and Coastal Transmission Corporation (Coastal) submitted a proposed settlement in the above-listed consolidated proceedings. The hearing on the consolidated proceedings was recessed on April 2, 1962, for the purpose of holding conferences, looking towards limitation and settlement of issues. On April 30, 1962, the Presiding Examiner certified to the Commission the stipulation and agreement (Tr. 4586 to 4617) which resulted from said conference.[2] No objections to the proposed settlement have been received from any party to these proceedings.

The proceeding in Docket No. RP61-3 involves proposed increases in rates by Florida Gas under its Rate Schedules G, T-1, and T-2, and a discount under its Rate Schedule G for gas used by consumers for winter heating and summer cooling. The proceedings in Docket Nos. G-9262 and G-9960 involve proposed modifications of the certificates of public convenience and necessity issued to Florida Gas and Coastal (16 FPC 118) to eliminate specific requirements as to rate of return, form of tariff and separation of charges for sales and transportation. Coastal's proposed amendment to its certificate resulted in an increase in its cost of service tariff for sales of natural gas for resale to Florida Gas, which proposed increase was suspended in Docket No. RP61-4. The proceeding in Docket No. RP62-4 involves a proposed waiver of the minimum bill provisions under Florida Gas' Rate Schedule I.

The offer of settlement provides that Florida Gas will file with the Commission revised tariff sheets proposed to be effective as of May 1, 1962, containing the following base rates:

Rate Schedule G, 57.0 cents per MMBtu base price; 15.0 cents per MMBtu air conditioning discount.
Rate Schedule T-1, 14.5 cents per MMBtu.
Rate Schedule T-2, 18.5 cents per MMBtu.

In addition, the revised tariff sheets would change the present application of the minimum bill provision in Rate Schedule G from a monthly basis to a calendar year basis, include a one-year make up provision for gas paid for but not taken by the buyer under such rate schedule provision, and would reduce the minimum bill in Florida Gas' Rate Schedule I to zero. It is further stipulated that Florida Gas will not file for increases in its Rate Schedules G, I, T-1 and T-2 above the rates contained in the agreement, which would be made effective (after suspension) prior to January 1, 1964, except to recoup increased costs resulting from purchased gas costs and increased taxes where the aggregate effect could result in an annual increase of $200,000 or more in costs applicable to resale jurisdictional sales.

The aforesaid stipulation and agreement provide that two issues be reserved for further conference and hearing, if necessary, in the proceedings in Docket Nos. RP61-3 and RP61-4. Those issues involve: (1) The proper cost for accounting purposes under the Uniform System of Accounts of constructing the facilities of Florida Gas and (2) the accrual for Federal income taxes on the books of Coastal for accounting purposes under the Uniform System of Accounts.

The offer of settlement also provides that the rate conditions set forth in the Commission's order and opinion issued December 28, 1956 in Docket Nos. G-9262 and G-9960 (16 FPC 118) be amended so that the words "in accordance with usual Commission standards and based on an annual rate of return of not in excess of 6 percent" be deleted from ordering clause (B)(1) and that ordering clause (C)(3) be changed by substituting 6.5 for 6 percent in such clause on and after May 1, 1962. The modification of Florida Gas' certificate will enable it to file a tariff change, under section 4 of the Natural Gas Act and the regulations with respect thereto, without requesting or obtaining prior or concurrent modification under section 7 of the Natural Gas Act of its certificates of public convenience and necessity presently outstanding.

In their offer of settlement, Florida Gas and Coastal state and agree that they will diligently prosecute their application, filed on April 2, 1962 in Docket No. CP62-232, to merge Coastal into Florida Gas.

Our review of the terms of the settlement agreement and the studies in support thereof indicates that said agreement and settlement of these proceedings is in the public interest and should be approved.

The Commission finds: The proposed settlement submitted by Florida Gas and Coastal on April 18, 1962 in these proceedings[3] is reasonable and proper and in the public interest in carrying out the provisions of the Natural Gas Act, and should be approved as hereinafter provided.

The Commission orders:

(A) The increased rates and charges filed by Florida Gas and Coastal in these consolidated proceedings are hereby disallowed and denied, as of May 1, 1962.

(B) The settlement of these proceedings on the basis of the stipulation and agreement set forth in the transcript of these proceedings (Tr. 4586 to 4617), is approved and made effective, subject to the terms and conditions hereinafter specified.

(C) Within 30 days after the date of issuance of this order, Florida Gas shall file, in a form satisfactory to the Commission, revised tariff sheets in conformity with the requirements of the said stipulation to be effective as of May 1, 1962.

(D) Ordering Clause (B)(1) of the order issued December 28, 1956 (16 FPC 118 at p. 144) is amended to read as follows: The rates set forth in the tariffs for firm sales for resale, interruptible sales, and for transportation, shall be commensurate with the cost of service determined on a reasonable allocation of costs between these services.

(E) Ordering Clause (C)(3) of the order issued December 28, 1956 (16 FPC 118 at p. 145) is hereby modified to the extent and only to the extent of substituting "6.5" percent for "6" percent in such clause, effectiye on and after May 1, 1962.

(F) Within 60 days from the date of issuance of this order, the Commission staff shall convene a conference between the parties and intervenerr in Docket Nos. RP61-3 and RP61-4 at a convenient date and place for the purpose of discussing and deciding upon the procedure to be followed in disposing of the reserved issues set forth in Article VI of said stipulation and, if possible, to define and reduce said reserved issues.

(G) Upon full compliance by Florida Gas and Coastal with all the terms and provisions of this order and the said stipulation, each of the above-entitled proceedings are hereby severed from the above-entitled consolidated proceedings and shall be deemed terminated, except as to the reserved issues defined in Article VI of said stipulation, which issues remain outstanding in Docket Nos. RP61-3 and RP61-4.

(H) Upon compliance with paragraph (C) above, Florida Gas and Coastal are hereby released and discharged from any and all obligations under their respective bonds filed in these proceedings.

(I) This order is without prejudice to any findings or orders which have been or may hereafter be made by the Commission and is without prejudice to any claims or contentions which may be made by the Commission, Florida Gas, Coastal or any other part affected by this order, in any proceeding now pending or hereafter instituted by or against Florida Gas and/or Coastal or any other person.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5812; Filed, June 13, 1962; 8:48 a.m.]

[Docket No. RI62-193 etc.]

T. L. JAMES & CO., INC., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates and Making Rates Effective Subject To Refund; Correction

JUNE 6, 1962.

T. L. James & Company, Inc., et al., Docket No. RI62-193, et al.; Chanplin Oil & Refining Company (Operator), et al., Docket No. RI62-194.

In the order providing for hearings on and suspension of proposed changes in rates and making rates effective subject to refund, issued November 22, 1961 and published in the FEDERAL REGISTER December 1, 1962 (F.R. Doc. 61-11358; 26 F.R. 11398): In the chart, under Docket No. RI62-194, Chanplin Oil & Refining Company (Operator), et al., change *Producing Area* from "Stratton-Agua Dulce Field, Nueces and Jim Wells Counties, Texas (R.R. Dist. No. 4)" to "San Salvador Field, Hidalgo County, Texas."

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5813; Filed, June 13, 1962; 8:48 a.m.]

[Docket No. RI62-421 etc.]

J. RAY McDERMOTT & CO., INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates; Correction

JUNE 6, 1962.

J. Ray McDermott & Company, Inc., et al., Docket No. RI62-421, et al.; United Producing Company, Inc. (Operator) et al., Docket No. RI62-426.

In the order providing for hearing on and suspension of proposed changes in rates, issued May 11, 1962 and published in the FEDERAL REGISTER May 18, 1962 (F.R. Doc. 62-4811; 27 F.R. 4745): In the chart, Docket No. RI62-426, United Producing Company, Inc. (Operator), et al., under column headed "Supp. No." change 6 to read 8.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5814; Filed, June 13, 1962; 8:48 a.m.]

[Docket No. CP62-246]

MISSISSIPPI RIVER FUEL CORP.

Notice of Application and Date of Hearing

JUNE 8, 1962.

Take notice that on April 23, 1962, Mississippi River Fuel Corporation (Applicant), 9900 Clayton Road, St. Louis 24, Missouri, filed in Docket No. CP62-246 an application for a certificate of public convenience and necessity authorizing the construction during the calendar year 1962 and the operation of certain miscellaneous natural gas transmission facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it may become necessary or desirable to move, relocate, alter or reconstruct existing facilities, or to construct and operate substitute facilities for existing facilities, in order to accommodate the desires or activities of others, including governmental authorities, landowners, and direct industrial and resale customers. For the most part, such changes would be made in response to requests of others. The cost of relocating or altering Applicant's facilities in such instances will usually be borne entirely or partly by the party desiring the change and will not ordinarily involve any increase or decrease in the designed capacity of the particular facilities being altered or replaced, nor any essential change in the character of Applicant's service to any of its customers.

Applicant further states that it will not undertake more than nine projects during the calendar year 1962. The total cost of the facilities will not exceed $500,000, with no single project to exceed a cost of $200,000. The foregoing amounts represent Applicant's gross costs which may be offset entirely or reduced by reimbursement from others.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 12, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance

[1] Formerly Houston Texas Gas and Oil Corporation.

[2] Filed as Exhibit I as part of the original document. For convenience only, the text of the agreement and Appendix B were attached as part of the original. Appendices A, C, and D, not here reproduced, are comprised of revised tariff sheets to be filed by the companies pursuant to the terms of the settlement.

with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 2, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5815; Filed, June 13, 1962; 8:49 a.m.]

[Docket No. RI62-431 etc.]

SHELL OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

JUNE 6, 1962.

Shell Oil Company (Operator), et al., Docket Nos. RI62-431, et al.; Shell Oil Company, Docket No. RI62-432.

In the order providing for hearings on and suspension of proposed changes in rates, issued May 23, 1962 and published in the FEDERAL REGISTER May 30, 1962 (F.R. Doc. 62-5210; 27 F.R. 5112): In the chart, Docket No. RI62-432, under column headed "Rate Schedule No." change "157" to read "166".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5816; Filed, June 13, 1962; 8:49 a.m.]

[Docket No. RI62-407 etc.]

UNION OIL COMPANY OF CALIFORNIA, ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

JUNE 6, 1962.

Union Oil Company of California, et al., Docket Nos. RI62-407, et al.; Texaco Inc., Docket No. RI62-416.

In the order providing for hearings on and suspension of proposed changes in rates, issued April 27, 1962 and published in the FEDERAL REGISTER May 4, 1962 (F.R. Doc. 62-4335; 27 F.R. 4317): In the chart, Docket No. RI62-416, under column headed "Amount of Annual Increase", change "30,267" to read "$16,647".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5817; Filed, June 13, 1962; 8:49 a.m.]

[Docket Nos. RI62-458—RI62-460]

SUTTON PRODUCING CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JUNE 6, 1962.

Sutton Producing Company (Operator), et al., Docket No. RI62-458; Gulf Oil Corporation, Docket No. RI62-459; Nafco Oil and Gas, Inc. (Operator), et al., Docket No. RI62-460.

The above named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI62-458	Sutton Producing Co. (Operator), et al. P.O. Box 6446, San Antonio 9, Tex.	[2]	3	Transcontinental Gas Pipe Line Corp. (S. E. Dilworth Field, McMullen County, Tex.) (R.R. District No. 1).	$4,949	5-11-62	6-22-62	11-22-62	[3] 14.1890	[3] [4] 15.2025	----------
RI62-459	Gulf Oil Corp., P.O. Drawer 2100, Houston 1, Tex.	57	5	El Paso Natural Gas Co. (Big Piney and East La Barge Pools, Sublette County, Wyo.).	9,984	5-9-62	6-10-62	11-10-62	[4] [5] 15.0	[4] [6] 16.0	----------
RI62-460	Nafco Oil and Gas Inc. (Operator), et al., Fourth Floor, C & I Bldg., Houston 2, Tex.	18	4	Natural Gas Pipeline Co. of America (Spearman and Twin Fields, Hansford County, Tex.) (R.R. District No. 10).	4,957	5-10-62	6-10-62	11-10-62	[4] [6] 16.0	[4] [6] 17.0	----------

[1] The stated effective date is the first day after expiration of the required statutory notice, or, if later, the date proposed by the respondent.
[2] Pressure base is 14.65 psia.
[3] Periodic rate increase.
[4] Subject to downward Btu adjustment.
[5] Pressure base is 15.025 psia.
[6] Referred to as "Rate Schedule No. 3" in the Notice of Change.

The proposed increased rates exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 24, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5786; Filed, June 13, 1962; 8:45 a.m.]

[Docket No. CP62-69]

UNITED GAS PIPE LINE CO.

Notice of Application and Date of Hearing

JUNE 7, 1962.

Take notice that on September 19, 1961, as supplemented on May 3, 1962, United Gas Pipe Line Company (Applicant) 1525 Fairfield Avenue, Shreveport, Louisiana, filed in Docket No. CP62-69 an application for a certificate of public convenience and necessity authorizing the construction and operation of approximately 0.0076 miles of 2-inch pipeline, a sales meter station, and appurtenant facilities near milepost 119 on Applicant's Napoleonville-to-Kosciusko-30-inch pipeline in St. Helena Parish, Louisiana, for the sale and delivery of natural gas to Othur K. Herring d.b.a. Herring Utilities (Herring), for resale and distribution in the northeast section of Livingston Parish, Louisiana, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

Herring has received a franchise to construct and operate the proposed distribution system from the Police Jury of Livingston Parish and estimates the annual and peak day requirements of the area to be served as follows:

	Mcf at 14.9 psia		
	1st year	2d year	3d year
Peak day	315	320	325
Annual	23,136	23,435	23,747

The application states that the facilities necessary for the delivery of gas to Herring will cost $6,162.

The proposed sale would be made pursuant to Rate Schedule G-J of Applicant's FPC Gas Tariff, First Revised Volume No. 1.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 12, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 2, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5787; Filed, June 13, 1962; 8:46 a.m.]

[Docket No. RP62-8]

ARKANSAS LOUISIANA GAS CO.

Order Providing for Hearing on and Suspending Proposed Change in Rates, and Allowing Increased Rates To Become Effective Subject To Refund

Correction

In F.R. Doc. 62-5498, appearing at page 5411 of the issue for Thursday, June 7, 1962, the Docket No. appearing in the bracket heading should read as set forth above.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

FEDERAL RESERVE SYSTEM

THE BANK OF WOOD COUNTY COMPANY

Order Approving Consolidation of Banks

In the matter of the application of The Bank of Wood County Company for approval of consolidation with The Perrysburg Banking Company.

There has come before the Board of Governors, pursuant to the "Bank Merger Act of 1960" (12 U.S.C. 1828(c)), an application for the Board's prior approval of the consolidation of The Bank of Wood County Company, Bowling Green, Ohio, a member bank of the Federal Reserve System, with The Perrysburg Banking Company, Perrysburg, Ohio, under the charter and title of the former, the office of The Perrysburg Banking Company to be operated as a branch of The Bank of Wood County Company.

Pursuant to said Act, notice of the proposed consolidation, in form approved by the Board of Governors, has been published and reports on the competitive factors involved in the proposed transaction have been furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice and have been considered by the Board.

It is ordered, For the reasons set forth in the Board's Statement [1] of this date, that said application be, and hereby is approved, provided that said consolidation shall not be consummated (a) sooner than seven calendar days after the date of this order or (b) later than three months after said date.

Dated at Washington, D.C., this 8th day of June, 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-5788; Filed, June 13, 1962; 8:46 a.m.]

THE CONTINENTAL BANK AND TRUST COMPANY

Order Making Show Cause Hearing Open to the Public

In the matter of The Continental Bank and Trust Company, Salt Lake City 10, Utah.

The Board's Order of May 28, 1962 (27 F.R. 5357) continuing the date for the commencement of a Show Cause Hearing in this matter to July 23, 1962, provided that such hearing shall be held in accordance with the substantive and procedural requirements designated and specified in the Board's Order for Hearing dated June 28, 1961, except that the hearing would be private, attended only by representatives, counsel, and witnesses of Respondent and of the Board of Governors of the Federal Reserve System, "unless Respondent makes a written request to the Hearing Examiner that other persons be permitted to attend or that the hearing be made public, in which event such other persons may attend or the hearing shall be open to the public as so requested."

In a letter addressed to the Board, dated June 4, 1962, counsel of record for the Respondent requested that the hearing so scheduled be open to the public. This request has been referred to the Hearing Examiner designated to conduct the hearing in this matter for inclusion in the record of such hearing and, in view of the provisions of the Board's Order of May 28, 1962,

It is hereby ordered, That the request that the Show Cause Hearing scheduled in this matter be open to the public is hereby granted and the Board's Secretary is instructed to make the docket in this proceeding available to the public, provided, however, that, in accordance with the limitation set forth in the Board's Order of June 28, 1961, the names or identities of persons indebted to Respondent shall not in any way be disclosed or introduced in evidence.

Dated at Washington, D.C., this 8th day of June 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-5789; Filed, June 13, 1962; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Cleveland.

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-592]

D & Z EMPLOYEES' TRUST FUND

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JUNE 7, 1962.

Notice is hereby given that D & Z Employees' Trust Fund ("Applicant"), 1700 Sansom Street, Philadelphia 3, Pennsylvania, a trust organized under Pennsylvania law and an open-end, non-diversified management company registered under the Investment Company Act of 1940 ("Act") has filed an application pursuant to section 8(f) of the Act for an order declaring that it has ceased to be an investment company. All interested persons are referred to the application on file with the Commission which is summarized below.

D & Z Employees' Trust Fund was organized in 1939 to provide a medium by which employees of Day & Zimmermann, Inc. could, by means of a relatively small weekly or other periodic payments, acquire Day & Zimmermann's outstanding common stock with the view of confining the ownership of such stock to persons employed by the company. During 1961, H. L. Yoh Company, Inc. acquired con-

trol of Day & Zimmermann, Inc. and Applicant's assets, consisting primarily of the common stock of Day & Zimmermann, Inc. were distributed to the Unit holders of the Applicant in accordance with the amended Declaration of Trust. The final distribution of Applicant's assets was completed on December 18, 1961, and the trust was thereby terminated.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 25, 1962, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneouly with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-5796; Filed, June 13, 1962; 8:47 a.m.]

[File No. 31-664]

PETROLANE GAS SERVICE, INC.

Notice of Filing of Application for Exemption

JUNE 7, 1962.

Notice is hereby given that Petrolane Gas Service, Inc. ("Petrolane"), Signal Hill, California, has filed with this Commission an application, pursuant to section 3(a)(3) of the Public Utility Holding Company Act of 1935 ("Act"), for exemption of itself, as a holding company, and of its subsidiary companies, as such, from the provisions of the Act.

All interested persons are referred to the application on file at the office of the Commission for a statement of the asserted grounds for exemption and the facts in support thereof, which are summarized as follows:

Petrolane asserts that it is only incidentally a holding company, being primarily engaged in a business other than the business of a public-utility company and not deriving, directly or indirectly, any material part of its income from any one or more subsidiary companies, the principal business of which is that of a public-utility company. As the factual basis for such assertion, the application states as follows:

Petrolane is a California corporation engaged directly and through subsidiary companies in the sale and distribution, both at wholesale and retail, of liquefied petroleum gas in eleven western States and in Alaska, Illinois, Indiana, and Missouri. Petrolane has 73 subsidiary companies, all but two of which distribute liquefied petroleum gas in portable containers. Two subsidiary companies, Desert Gas Co., Inc. ("Desert Gas") and Nevada Gas Utilities, Inc. ("Neveda Gas"), distribute propane-air gas through underground pipe lines, in Twentynine Palms, California, and in Carson City, Nevada, respectively. These companies obtain their supplies of propane from other system companies. Seventy of the subsidiary companies, including Desert Gas and Nevada Gas, are wholly-owned; the other three companies are owned 80 percent or more.

At December 31, 1961, the consolidated capitalization of Petrolane and its subsidiaries consisted of $7,209,449 of long-term debt, $229,297 of minority interests, and $7,454,915 of common capital stock and surplus. As of the same date, the consolidated assets, less reserves for depreciation, aggregated $19,212,369, and the consolidated plant and property, less $4,465,158 reserves for depreciation, aggregated $12,523,650. The combined assets of Desert Gas and Nevada Gas, as of the same date, amounted to $363,636, and their combined plant and property, less $56,202 reserves for depreciation, was $299,021.

For its fiscal year ended September 30, 1961, the consolidated revenues and net income of Petrolane and its subsidiaries were $18,970,801 and $1,625,796, respectively. For the year ended December 31, 1961, the combined revenues and combined net incomes of Desert Gas and Nevada Gas were $206,072 and $17,216, respectively.

Notice is further given that any interested person may, not later than June 28, 1962, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted; or the Commission may take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-5797; Filed, June 13, 1962; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 386]

KANSAS

Declaration of Disaster Area

Whereas, it has been reported that during the month of June 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Sedgwick and Harvey Counties in the State of Kansas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from rain and flood and accompanying conditions occurring on or about June 1, 1962.

Offices—

Small Business Administration Regional Office,
Home Savings Building, Fifth Floor,
1006 Grand Avenue,
Kansas City 6, Mo.

Small Business Administration Branch Office,
Board of Trade Building, Room 215,
120 South Market Street,
Wichita 2, Kans.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1962.

Dated: June 5, 1962.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62-5798; Filed, June 13, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 650]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 11, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64825. By order of June 5, 1962, the Transfer Board approved the transfer to Alfred Bergman and Melvin Bergman, a partnership, doing business as A & A Bergman, Pigeon, Mich., of the operating rights in Permit No. MC 110981, issued August 6, 1956, to Alfred Bergman and Adolph Bergman, a partnership, doing business as A. & A. Bergman, Pigeon, Mich., authorizing the transportation, over irregular routes, of sweet cream, plain and sweetened condensed skimmed milk, plain and sweetened whole milk, cottage cheese, butter, and animal feed, from Bad Axe and Detroit, Mich., to Columbus and Cleveland, Ohio, and Parkersburg and Huntington, W. Va. William D. Elmer, 1800 Buhl Building, Detroit, 26, Mich., applicants' attorney.

No. MC-FC 64846. By order of June 5, 1962, the Transfer Board approved the transfer to Alfred Bergman and Melvin Bergman, a partnership, doing business as A & A Bergman, Pigeon, Mich., of the operating rights in Permit No. MC 55893, issued August 15, 1960, to Century Produce System, Inc., Zeeland, Mich., authorizing the transportation, over irregular routes, of beans, from a described portion of Michigan to Ashland and Paducah, Ky., Wheeling, Huntington, and Parkersburg, W. Va., points in Illinois, Indiana, and Ohio, points in a described portion of Iowa, and points in a described portion of Missouri, fertilizer, from Lockland and Columbus, Ohio, to points in a described portion of Michigan, feed, from Chicago, Ill., to points in a described portion of Michigan, and from points in the Chicago, Ill., Commercial Zone, to points in a described portion of Michigan, and fence materials, from Sterling, Ill., to points in a described portion of Michigan. William B. Elmer, 1800 Buhl Building, Detroit 26, Mich, applicants' attorney.

No. MC-FC 64856. By order of June 5, 1962, the Transfer Board approved the transfer to Allen Transfer Co., A Corporation, Longmont, Colo., of Certificate No. MC 83216, issued November 23, 1956, to The McKie Transfer Company, A Corporation, Longmont, Colo., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Denver, Colo., and Berthoud, Colo., serving the intermediate point of Longmont, Colo., and those between Berthoud and Longmont: From Denver over U.S. Highway 287 to Berthoud and return over the same route. John P. Thompson, 220 Denver Club Building, Denver 2, Colo., attorney for applicants.

No. MC-FC 64969. By order of June 5, 1962, the Transfer Board approved the transfer to J. P. Graham III, doing business as J. P. Graham Transfer, Rochester, Pa., of Certificates Nos. MC 21779, and MC 21779 Sub 1, issued January 22, 1947 and October 17, 1950, respectively, to Joseph P. Graham, Jr., doing business as J. P. Graham Transfer, Rochester, Pa., authorizing the transportation of: general commodities with the usual exceptions including household goods and commodities in bulk, and Petroleum products in containers, iron and steel and products thereof, borax and borax products, zinc oxide, empty containers for the above commodities, copper, brass, and bronze articles, burlap bags, chemicals, and empty chemical containers, from, to or between specified points in Ohio, Pennsylvania, and West Virginia. J. Frank Kelker, Esq., 233 Brighton Avenue, Rochester, Pa., attorney for applicants.

No. MC-FC 64983. By order of June 5, 1962, the Transfer Board approved the transfer to Edward D. Marshall, St. Louis, Mo., of Certificate No. MC 117807, issued June 8, 1959, to John F. Anders, doing business as Anders Service, St. Louis, Mo., authorizing the transportation of: Wrecked and disabled motor vehicles, by use of wrecker equipment only, between St. Louis, Mo., and points in St. Louis County, Mo., on the one hand, and, on the other, points in Arkansas and Illinois. A. A. Marshall, 305 Buder Building, St. Louis 1, Mo., applicants' representative.

No. MC-FC 65003. By order of June 5, 1962, the Transfer Board approved the transfer to Cape Transport Co., a corporation, Cape Girardeau, Mo., of Permit No. MC 123411, issued February 5, 1962, to E. D. Grojean, doing business as Cape Transport Company, Cape Girardeau, Mo., authorizing the transportation of: Building materials except cement and pre-cast concrete, from Cape Girardeau, Mo., to specified points in Illinois, Arkansas and Kentucky. Herman W. Huber, 101 East High Street, Jefferson City, Mo., attorney for applicants.

No. MC-FC 65093. By order of June 5, 1962, the Transfer Board approved the transfer to Thomas James Gemmell and Matthew Maines Gemmell, a partnership, doing business as Gemmells Transfer, 205 Commerce Street, Box 694, Pulaski, Va., of Certificate No. MC 65410 issued March 18, 1954, to C. C. Abell, Dora Highway, Pulaski, Va., authorizing the transportation of household goods, over irregular routes, between Pulaski, Va., and points in Virginia within 25 miles of Pulaski, on the one hand, and, on the other, points in North Carolina, West Virginia, and Tennessee.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-5819; Filed, June 13, 1962; 8:49 a.m.]

[No. 34034]

OKLAHOMA INTRASTATE FREIGHT RATES AND CHARGES

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 1st day of June A.D. 1962.

It appearing that in the ex parte proceedings set out in Appendix A hereto the Commission authorized carriers subject to the Interstate Commerce Act parties thereto to make certain increases in their freight rates and charges for interstate application throughout the United States, and that increases under such authorizations have been made;

It further appearing that a petition dated March 30, 1962, has been filed on behalf of The Arkansas Western Railway Company and other common carriers by railroad operating to, from, and between points in the State of Oklahoma, named in Appendix A to the petition, averring that the Oklahoma Corporation Commission has refused to authorize or permit increases in rates and charges on the commodities described in Appendices B thru M to the petition moving in intrastate commerce corresponding to the increases authorized by the Commission in the proceedings listed in said Appendix A hereto on interstate traffic as more fully set forth in the petition;

It further appearing that petitioners allege that the failure of the Oklahoma Corporation Commission to permit the increases in rates and charges on intrastate traffic, referred to in the preceding paragraph, causes and results in undue and unreasonable advantage, preference and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and in undue, unreasonable and unjust discrimination against, and undue burden on, interstate and foreign commerce, in violation of section 13 of the Interstate Commerce Act;

And it further appearing that there have been brought in issue by the said petition rates and charges made or imposed by authority of the State of Oklahoma:

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other persons interested to determine whether the said rates and charges of the common carriers by railroad, or any of them, operating in the State of Oklahoma for the intrastate transportation of the commodities listed in the appendices to the petition, made or imposed by authority of the State of Oklahoma, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commission for interstate traffic

in the proceedings listed in said Appendix A hereto, any undue or unreasonable advantage, preference or prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable or unjust discrimination against, or undue burden on, interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum, rates and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, discrimination, or undue burden, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of Oklahoma, subject to the jurisdiction of this Commission, be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents, and that the State of Oklahoma be notified of the proceeding by sending copies of this order and of said petition by certified mail to the Governor of the said State and to the Oklahoma Corporation Commission at Oklahoma City, Okla.;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C.;

And it is further ordered, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter designate.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

Ex Parte No. 162—*Increased Railway Rates, Fares, and Charges, 1946*—264 I.C.C. 695, 266 I.C.C. 537.

(See Appendix "B" to the petition.)

Ex Parte No. 166—*Increased Freight Rates, 1947*—269 I.C.C. 33, 270 I.C.C. 81, 270 I.C.C. 93, 270 I.C.C. 403.

(See Appendices "C", "D", and "E" to the petition.)

Ex Parte No. 168—*Increased Freight Rates, 1948*—272 I.C.C. 695, 276 I.C.C. 9.

Ex Parte No. 175—*Increased Freight Rates, 1951*—280 I.C.C. 179, 281 I.C.C. 557, 284 I.C.C. 589.

(See Appendices "F", "G", and "H" to the petition.)

Ex Parte No. 196—*1956 Increased Freight Rates*—298 I.C.C. 279.

(See Appendix "I" to the petition.)

Ex Parte No. 206—*Increased Freight Rates, Eastern and Western Territories, 1956*—299 I.C.C. 429, 299 I.C.C. 557.

(See Appendix "J" to the petition.)

Ex Parte No. 206—*Increased Freight Rates, Eastern, Western and Southern Territories, 1956*—300 I.C.C. 633.

(See Appendix "K" to the petition.)

Ex Parte No. 212—*Increased Freight Rates, 1958*—302 I.C.C. 665, 304 I.C.C. 289.

(See Appendix "L" to the petition.)

Ex Parte No. 223—*Increased Freight Rates, 1960*—311 I.C.C. 373.

(See Appendix "M" to the petition.)

[F.R. Doc. 62-5821; Filed, June 13, 1962; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 11, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37789: *Pipe line coating from Cody, Wyo., to WTL territory.* Filed by Western Trunk Line Committee, Agent (No. A-2250), for interested rail carriers. Rates on moisture or condensation or rust preventative pipe line coating, in carloads, from Cody, Wyo., to points in Western trunk-line territory.

Grounds for relief: Market competition, modified short-line distance formula and grouping.

Tariff: Supplements 8 and 9 to Western Trunk Line Committee tariff I.C.C. A-4422.

FSA No. 37790: *Tin or terne plate to Galveston, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-8224), for interested rail carriers. Rates on tin or terne plate and tin mill black plate, as described in the application, in carloads, from points in official (including Illinois), southern, southwestern, and western trunk-line territories, to Galveston, Tex.

Grounds for relief: Market competition.

Tariff: Supplement 257 to Southwestern Freight Bureau tariff I.C.C. 4308.

FSA No. 37791: *Feather meal between points in southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8227), for interested rail carriers. Rates on feather meal, in carloads, between points in southwestern territory, also between points in southwestern territory, on the one hand, and Memphis, Tenn., Natchez, and Vicksburg, Miss., on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 17 to Southwestern Freight Bureau tariff I.C.C. 4454.

FSA No. 37792: *Scrap from and to points in Wyoming.* Filed by Western Trunk Line Committee, Agent (No. A-2252), for interested rail carriers. Rates on scrap, aluminum, brass, bronze or copper, in carloads, between points in Wyoming, on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief: Market competition, modified short-line distance formula and grouping.

Tariff: Supplement 8 to Western Trunk Line Committee tariff I.C.C. A-4422.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-5818; Filed, June 13, 1962; 8:49 a.m.]

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PART II

FEDERAL REGISTER

VOLUME 27 NUMBER 115

Washington, Thursday, June 14, 1962

Federal Aviation Agency

Proposed Recodification of Procedural Rules

FEDERAL AVIATION AGENCY

[14 CFR Parts 11 [New], 13 [New], 15 [New], 405, 406, 408, 409]

[Reg. Docket No. 1242, Draft Release No. 62-27]

PROCEDURAL RULES

Notice of Proposed Rule Making

Notice is hereby given that there is under consideration a proposal to recodify Parts 405, 406, 408, and 409 of the regulations of the Administrator. Chapter I of Title 14 of the Code of Federal Regulations would be amended by adding a Subchapter B—Procedural Rules [New] containing the proposed recodified regulations.

Interested persons are invited to participate in the proposed recodification by submitting such written information and views as they desire. Communications may be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All comments received before July 20, 1962 will be considered before taking action of the proposed recodification. The proposal may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Docket Section for examination by interested persons.

This proposal is a part of the program of the Federal Aviation Agency to recodify its regulatory material. It conforms to the "Outline and Analysis" for the proposed recodification contained in Draft Release 61-25 and published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698). The object of the new chapter is to restate existing regulations, not to make new ones. The pertinent provisions have been freely reworded and rearranged, subject to every precaution against disturbing existing rights, privileges, duties or functions. In addition, in cases where well established administrative practice or construction has established authoritative interpretations, the revised language reflects the interpretations.

Each proposed recodified section is followed by a note citing the present section of the regulations upon which it is based. A cross-reference table has been placed at the end of each recodified part to permit easy access from the old regulations to the new. Internal cross references to parts or sections that are not yet recodified contain a blank space for later insertion of the correct recodified number with the present number contained in brackets. When a part or section that is referred to in a cross reference is later recodified, the correct number will be inserted and the bracketed number will be dropped.

No substantive change has been made in the regulations, the purpose of the recodification project being simply to streamline and clarify present regulatory language and to delete obsolete or redundant provisions. It should be noted that the definitions, abbreviations, and rules of construction contained in Part 1 [New] published in the FEDERAL REGISTER on May 15, 1962 (27 F.R. 4587) would apply to proposed Subchapter B [New].

When finally adopted, the new subchapter will include the substance of any applicable rules or amendments adopted and effective during the period between the date of the notice and the effective date of the final rule, and may also include applicable rules on which individual notices of proposed rule making have been issued and the comment period has expired, but which have not been theretofore adopted.

Consideration is being given to splitting up current Part 406 by transferring the provisions applicable to the several types of certification to the parts relating to that type of certification. For example, if the transfers were made, those sections of Part 406 dealing with procedures for medical certification would be transferred to proposed Part 67—Medical Standards and Certification [New], now under notice of proposed rule making (see 27 F.R. 4175). Similarly, provisions of Part 406 relating to airman certification and airworthiness certification would be transferred to the basic parts relating to those subjects. As transferred, the pertinent provisions would be labeled as procedural material. Many provisions currently in Part 406 duplicate provisions in other parts and thus require the issuance of two amendments when a change is necessary. Further, an interested person today must obtain Part 406 in addition to that part which contains the substantive requirements for the certificate he seeks. Comment is particularly invited as to whether the changes proposed in this paragraph would be a convenience to the user or whether a recodification and continuation of present Part 406 (as set forth in this notice) would be more convenient. It is emphasized that the transfers of the provisions of Part 406 to other regulations would not result in substantive changes, but in its placement with other materials to which it is closely related.

Throughout the revised subchapter, the elimination of unnecessary and inconsistent regulatory materials has been done only in a manner which results, not in any increased regulatory burden on the public, but in lessening that burden.

In view of the foregoing, it is proposed to amend Chapter III of Title 14 of the Code of Federal Regulations by deleting Parts 405, 406, 408, and 409, and to amend Chapter I of Title 14 by adding Subchapter B [New] reading as hereinafter set forth.

This amendment is proposed under the authority of sections 303(d), 313(a), 501-505, 601-608, and 1001 of the Federal Aviation Act of 1958 (49 U.S.C. 1344(d), 1354(a), 1401-1405, 1421-1428, and 1481).

Issued in Washington, D.C., on June 8, 1962.

N. E. HALABY,
Administrator.

SUBCHAPTER B—PROCEDURAL RULES [New]

Part
11 General Rule-Making Procedures [New].
13 General Certification Procedures [New].
15 Enforcement Procedures [New].

PART 11—GENERAL RULE-MAKING PROCEDURES [New]

Subpart A—General

Sec.
11.1 Applicability.
11.11 Docket.

Subpart B—Rules Other Than Airspace Assignment and Use

11.21 Scope.
11.23 Initiating rule-making procedures.
11.25 Petitions for rule making or exemption.
11.27 Action on petitions for rule making or exemption.
11.29 Notice of proposed rule making.
11.31 Participation of interested person in rule-making procedures.
11.33 Additional rule-making proceedings.
11.35 Participation by Civil Aeronautics Board in rule-making proceedings.
11.37 Requests for informal appearances.

Subpart C—Processing of Rules Other Than Airspace Assignment and Use

11.41 Scope.
11.43 Processing of petitions for rule making or exemption from parts of this chapter, except Part 67.
11.45 Issue of notice of proposed rule making.
11.47 Proceedings after notice of proposed rule making.
11.49 Adoption of final rules.
11.51 Denial of petition for rule making.
11.53 Grant or denial of exemption, other than from Part 67.
11.55 Exemptions from Part 67.

Subpart D—Rules and Procedures for Airspace Assignment and Use

11.61 Scope.
11.63 Filing of proposals.
11.65 Issue of notice of proposed rule making.
11.67 Hearings.
11.69 Adoption of rules or orders.
11.71 Exemptions.
11.73 Petitions for rehearing or reconsideration of rules or orders.
11.75 Petitions for revoking or modifying rules or orders.

Subpart A—General

§ 11.1 Applicability.

This part applies to the issue, amendment, and repeal of—

(a) Rules and orders for airspace assignment and use issued under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); and

(b) Other substantive rules, including those applicable to a class of persons, and those addressed to and served on named persons whenever the Administrator decides to use public rule-making procedures in such a case.

[Revision note: Combines §§ 405.11(a) and 409.11(a)]

§ 11.11 Docket.

Official FAA records relating to rule-making actions, including proposals, notices of proposed rule making, written material received in response to notices, petitions for rule making, petitions for rehearing or reconsideration, petitions for modification or revocation, notices granting or denying exemptions, reports of proceedings conducted under § 11.47, notices denying proposals, and final rules or orders are maintained in docket form in the Office of the General Counsel. Any interested person may examine any docketed material at that office, except material that is ordered withheld from the public under section 1104 of the Federal Aviation Act of 1958 (49 U.S.C. 1504), and may obtain a photostatic or duplicate copy of it upon paying the cost of the copy.

[Revision note: Combines §§ 405.28 (last sentence of (b)), 405.33, and 409.19]

Subpart B—Rules Other Than Airspace Assignment and Use

§ 11.21 Scope.

(a) Unless the Administrator, for good cause, finds that notice is impracticable, unnecessary, or contrary to the public interest, and incorporates that finding and a brief statement of the reasons for it in the rule, the FAA issues notices of proposed rule making and allows interested persons to participate in rule-making proceedings involving a substantive rule.

(b) Unless the Administrator determines that notice and rule-making procedures are to be followed, interpretive rules, general statements of policy, and rules of FAA organization, procedure, or practice are prescribed as final without notice or rule-making procedures.

(c) Whenever the Administrator so determines, the procedures prescribed in this subpart apply to exempting persons and classes from the requirements of a susbtantive rule.

[Revision note: Based on § 405.11 (less (a))]

§ 11.23 Initiating rule-making procedures.

The Administrator initiates rule-making procedures upon his own motion. However, in doing so, he considers the recommendations of other agencies of the United States and the petitions of other interested persons.

[Revision note: Based on § 405.12]

§ 11.25 Petitions for rule-making or exemptions.

(a) Any interested person may petition the Administrator to issue, amend, or repeal a rule whether or not it is a substantive rule within the meaning of § 11.21, or for an exemption from any rule issued under Title III or VI of the Federal Aviation Act of 1958.

(b) A petition filed under this section must—

(1) Set forth the text or substance of the rule or amendment proposed, or of the rule from whose requirements the exemption is sought, or specify the rule the petitioner seeks to have repealed, as the case may be;

(2) Contain information, views, and arguments that the petitioner considers support the action he seeks; and

(3) Indicate the interest of the petitioner in the action he seeks.

[Revision note: Combines §§ 405.13 and 405.19]

NOTE: §§ 405.13 (last sentence) and 405.19 (last sentence) are omitted as covered by § 11.25 of this chapter.

§ 11.27 Action on petitions for rule making or exemption.

(a) No public hearing, argument, or other formal proceeding is held directly on a petition filed under § 11.25, before its disposition by the FAA.

(b) If the Administrator determines that the petition discloses adequate reasons, he issues a notice of proposed rule making, or adopts a final rule, or, if it is in the public interest, grants the exemption.

(c) If the Administrator determines that the petition does not justify instituting rule-making procedures or granting the requested exemption, he notifies the petitioner to that effect.

[Revision note: Combines §§ 405.14 and 405.20]

§ 11.29 Notice of proposed rule making.

(a) Each general notice of proposed rule making is published in the FEDERAL REGISTER, unless all persons subject to it are named and are personally served with a copy of it.

(b) Each notice, whether published in the FEDERAL REGISTER or personally served, includes—

(1) A statement of the time, place, and nature of the proposed rule-making proceeding;

(2) A reference to the authority under which it is issued;

(3) A description of the subjects and issues involved or the substance and terms of the proposed rule;

(4) A statement of the time within which written comments must be submitted and the required number of copies; and

(5) A statement of how and to what extent interested persons may participate in the proceeding, as prescribed by §§ 11.31 and 11.33.

[Revision note: Based on § 405.15]

§ 11.31 Participation of interested persons in rule-making procedures.

(a) Each interested person is entitled to participate in rule-making proceedings by submitting written information, views, or arguments. In addition, he may comment on the original information, views, and arguments submitted by other persons, if, after receiving them, the Administrator considers it desirable.

(b) In any appropriate case, the Administrator also allows interested persons to participate in the rule-making procedures described in § 11.33.

[Revision note: Based on § 405.16]

§ 11.33 Additional rule-making proceedings.

(a) The rule-making procedure also includes any further procedural steps that best serve the purposes of a particular proceeding. For example, interested persons may be allowed to make oral arguments, participate in conferences between the Administrator or his representative and interested persons and organizations, appear at informal hearings presided over by a designated FAA official at which a stenographic transcript is made, or participate in any other procedure whenever it is desirable and appropriate to assure informed administrative action and adequate protection of private interests.

(b) Any appropriate combination of the procedures described in paragraph (a) of this section may be used in addition to the basic procedure of allowing interested persons to participate in rule-making proceedings by submitting written information, views, or arguments.

[Revision note: Based on § 405.17]

§ 11.35 Participation by Civil Aeronautics Board in rule-making proceedings.

(a) Under section 1001 of the Federal Aviation Act of 1958 (49 U.S.C. 1481), the Civil Aeronautics Board may appear and participate as an interested party in any proceeding conducted by the Administrator under Title III of that Act, and in any proceeding under Title VI of that Act that cannot be appealed to the Board.

(b) To indicate its intention to participate in any proceeding described in paragraph (a) of this section, the Board may file written information, views, or arguments in response to a notice of proposed rule making issued by the Administrator. The Board is entitled to the procedural privileges accorded other parties and is equally free to participate.

[Revision note: Based on § 405.18]

§ 11.37 Requests for informal appearances.

(a) Upon his request, any interested person may appear informally before an appropriate official of the FAA to present, adjust, or determine a question or controversy relating to a rule-making function of the FAA.

(b) A request for an appearance under this section must be sent in writing to the Federal Aviation Agency, Washington 25, D.C., or to the Regional or District Office nearest to the person making the request.

[Revision note: Based on § 405.21]

Subpart C—Processing of Rules Other Than Airspace Assignment and Use

§ 11.41 Scope.

(a) This subpart prescribes the supplemental procedures to be followed by the Offices and Services of the FAA in rule-making proceedings and in granting or denying exemptions from rules. It also designates the Office or Service that is authorized to act for the Administrator in connection with those proceedings and exemptions.

(b) This subpart does not apply to rule-making procedures under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

[Revision note: Based on § 405.25]

§ 11.43 Processing of petitions for rule making or exemptions from parts of this chapter, except Part 67.

Whenever the FAA receives a petition for rule making or for an exemption (other than from Part 67 of this chapter), a copy of the petition is referred for action, as provided in § 11.27 to the Office or Service having substantive responsibility for the subject involved.

[Revision note: Combines §§ 405.26 and 405.31(a) (1st two sentences)]

NOTE: §§ 405.26 (last sentence) and 405.31(a) (2d sentence) are omitted as covered by § 11.11 of this chapter.

§ 11.45 Issue of notice of proposed rule making.

Whenever he determines that a notice of proposed rule making is necessary or desirable, the head of the Office or Service concerned may, subject to the approval of the General Counsel with respect to form and legality, issue the notice provided for in § 11.29. In addition, he may grant or deny any request to extend the time specified in a notice for submitting information, views, or arguments in response thereto.

[Revision note: Based on § 405.27]

NOTE: § 405.27 (last sentence) is omitted as covered by § 11.11 of this chapter.

§ 11.47 Proceedings after notice of proposed rule making.

(a) Each person who submits written information, views, or arguments in response to a notice of proposed rule making, or during additional rule-making proceedings in connection with such a notice, must file the number of copies specified in the notice.

(b) Whenever the head of the Office or Service concerned determines that additional rule-making proceedings of the kind described in § 11.33 are necessary or desirable, he may designate representatives to conduct those proceedings.

[Revision note: Based on § 405.28 (less last sentence of (b))]

NOTE: § 405.28(a) (last sentence) is omitted since it is only internal FAA in effect.

§ 11.49 Adoption of final rules.

After the Office or Service concerned has completed its analysis and evaluation of the information, views, and arguments submitted with respect to a proposed rule, representatives of that Office or Service and the Office of the General Counsel prepare an appropriate rule, subject to the approval of the General Counsel as to form and legality. The rule is then submitted, with the recommendations of the head of the Office or Service concerned and the General Counsel, to the Administrator for his consideration. If he adopts the rule, it is published in the FEDERAL REGISTER.

[Revision note: Based on § 405.29]

NOTE: § 405.29 (last 10 words of last sentence) is omitted as covered by § 11.25 of this chapter.

§ 11.51 Denial of petition for rule making.

Whenever it is determined that a petition for rule making filed under § 11.25 should be denied, the Office or Service concerned prepares, subject to the approval of the General Counsel with respect to form and legality, a notice of denial for the Administrator's signature.

[Revision note: Based on § 405.30]

NOTE: § 405.30 (last sentence) is omitted as covered by § 11.11 of this chapter.

§ 11.53 Grant or denial of exemption, other than from Part 67.

(a) The head of the Office or Service concerned may, subject to the approval of the General Counsel with respect to form and legality, grant or deny any petition for an exemption (other than from Part 67 of this chapter). However, if the head of the Office or Service concerned finds that the grant or denial involves a technical or policy determination that should be made by the Administrator, he refers the petition and his recommendations and those of the General Counsel to the Administrator for final action.

(b) Whenever a petition is granted or denied under this section, the Office or Service concerned prepares, subject to the approval of the General Counsel with respect to form and legality, a notice to the petitioner informing him of the action taken.

[Revision note: Based on § 405.31 (less 1st two sentences of (a))]

NOTE: § 405.31(b) (last sentence) is omitted as covered by § 11.11 of this chapter.

§ 11.55 Exemptions from Part 67.

(a) A copy of each petition for an exemption from any provision of Part 67 of this chapter, and the medical information that the Aviation Medical Service has concerning the petitioner, is referred to an appropriate advisory panel of medical specialists for their recommendation.

(b) The function of the advisory panel of medical specialists is to examine the petitioner's medical condition and advise the Administrator whether it considers that the specific nature of the applicant's medical defect that makes him unable to meet the medical standards for his certificate is such that he can be exempted from those standards without endangering public safety during the period the medical certificate would be in effect. The panel shall obtain the views of the Civil Air Surgeon on the matters involved in each petition for exemption.

(c) If the advisory panel desires additional medical information or further medical examination of the petitioner, it shall so advise the Civil Air Surgeon who shall send the request to the petitioner. The Civil Air Surgeon shall give any information so obtained to the panel immediately after he receives it and shall send a copy to be placed in the official rule-making docket.

(d) The Civil Air Surgeon shall make the facilities of his Service available to the advisory panel to the extent it considers helpful, furnish it with such administrative services as it requests in connection with a petition for exemption, and advise the panel of his views on each petition.

(e) Based on the public interest and in light of the specific situation involved, the Administrator grants or denies the petition after receiving the panel's recommendation. A notice of the action taken by the Administrator is sent to the petitioner.

[Revision note: Based on § 405.32]

NOTE: § 405.32 (a) (1st and last sentences) and (e) (last sentence) is omitted as covered by § 11.11 of this chapter.

Subpart D—Rules and Procedures for Airspace Assignment and Use

§ 11.61 Scope.

(a) This subpart establishes procedures for initiating, processing, issuing, and publishing rules and orders issued under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)), including—

(1) Designations of Federal airways, control zones, control areas, control area extensions, terminal control areas, positive control route segments, coded jet routes, transition areas, and antenna farm areas;

(2) Assignments of segments or parts of the navigable airspace for special use purposes, such as restricted areas, military climb corridors, and experimental flight test areas; and

(3) Special rules or orders relating to the assignment or use of navigable airspace.

(b) This subpart does not apply to emergency cases and cases in which the procedures described in paragraph (a) of this section are found to be impractical, unnecessary, or contrary to the public interest.

[Revision note: Based on § 409.11 (less (a))]

§ 11.63 Filing of proposals.

(a) Each proposal, except one arising in the FAA, for the designation of Federal airways or other areas for normal air traffic use, the assignment of navigable airspace for special use purposes, or the issue of a special rule or order relating to the use of navigable airspace, must be filed in writing, in triplicate, with a Regional Assistant Administrator or the Director of the Air Traffic Service.

(b) The director may, on his own motion, initiate the procedures prescribed in this subpart for proposals arising within the FAA.

(c) A proposal requesting the assignment of navigable airspace for special use purposes, or for the designation of an area for air traffic purposes, must include at least the following:

(1) The location and a description of the airspace desired for assignment or designation.

(2) A complete description of the activity or use to be made of that airspace, including a detailed description of the type, volume, duration, time, and place of the operations to be conducted in the assigned or designated area.

(3) A description of the air navigation, air traffic control, surveillance, and communication facilities available and to be provided if the assignment or designation is made.

(4) The name and location of the agency, office, facility, or person to whom authority would be delegated to permit the use of the airspace during those times it would not be used for the purpose to which it would be assigned.

(d) Subject to the approval of the General Counsel with respect to form and legality, the Director issues a notice of any rejected proposal.

[Revision note: Based on § 409.12]

§ 11.65 Issue of notice of proposed rule making.

(a) If it is determined that the subject matter of a proposal should be submitted to the rule-making process, or if rule-making action is to be taken on his own motion, the Director of the Air Traffic Service, subject to the approval of the General Counsel with respect to form and legality, issues a notice of proposed rule making.

(b) Normally, a notice of proposed rule making is issued within approximately 30 days after receipt of a proposal with respect to which it has been determined that action might be taken.

(c) Each notice of proposed rule making is published in the FEDERAL REGISTER and includes at least the following:

(1) A statement of the time, place, and nature of the public rule-making proceedings.

(2) A reference to the authority under which it is proposed.

(3) Either the terms or substance of the proposed action or a description of the subjects and issues involved.

(d) Approximately 30 days are allowed for submitting written information, views, or arguments on the notice.

(e) If a public hearing is to be held, either the original notice of proposed rule making or a revised notice gives approximately 30 days notice. The Director may grant or deny any request to extend the time specified in the notice for submitting written material and may change the date of any hearing previously noticed.

(f) Written information, views, and arguments submitted in response to a notice of proposed rule making, or that are requested after the notice, must be submitted in triplicate.

(g) Each interested person is entitled to discuss or confer informally with appropriate FAA officials concerning a proposed action. However, to become a part of the formal record for consideration, any information, views, or arguments presented during a conference must also be submitted in writing in accordance with the notice.

[Revision note: Based on § 409.13]

§ 11.67 Hearings.

(a) Sections 7 and 8 of the Administrative Procedures Act do not apply to proceedings used to formulate rules under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)). Whenever the Director of the Air Traffic Service, in his discretion, considers that a hearing is necessary to provide informed Administrative action and assure adequate protection of private or public interests, he may hold an informal public hearing. However, any rule or order issued in a case in which such a hearing is held is not based exclusively on the record of the hearing.

(b) The Director designates a presiding officer for each hearing and the General Counsel designates a legal adviser.

(c) Normally, hearings held under this section are held in the vicinity of the affected airspace. Interested persons are allotted time to make an oral presentation without interruption and a verbatim transcript is made of the proceedings by a certified court reporter.

(d) The procedure in hearings held under this section is as follows:

(1) The presiding officer makes an opening statement with particular reference to the notice of proposed rule making.

(2) The presiding officer designates interested persons or their authorized representatives to speak at the hearing.

(3) The presiding officer allots enough time to each interested person on an equal basis so that his position may be expressed fully and placed on the record, with those who favor it speaking first followed by those who oppose it, initial statements being made as far as possible without interruption, and questions permitted after initial statements have been made by all designated persons.

(4) Arguments and oral statements are limited to the subject named in the notice of proposed rule making.

(5) Written information, views, arguments, or briefs may be offered for the record, but may not be accepted after the hearing unless good cause is shown or the submission is requested by the presiding officer or the Director.

(e) The presiding officer of a hearing may deviate from the procedures prescribed in this section to assure a more complete and informative record.

[Revision note: Based on § 409.14]

§ 11.69 Adoption of rules or orders.

(a) After the closing date for submitting written comments on a notice or, if a hearing is held, after the hearing, the Airspace Utilization Division of the Air Traffic Service studies the entire matter of a proposed rule or order. It then recommends a rule, order, or notice of denial to the Director of the Air Traffic Service. If the Director approves it, he sends it, subject to the approval of the General Counsel with respect to form and legality, to the Administrator for his action.

(b) Each rule or order issued by the Administrator is published in the FEDERAL REGISTER and in such other publications as the Director considers desirable. Each notice of denial is sent to the person who made the proposal and to such other interested persons as the Director considers desirable.

(c) Each rule or order issued under this subpart becomes effective not less than 30 days after it is published, except in an emergency, or when it is impractical, unnecessary, or contrary to the public interest.

[Revision note: Based on § 409.15]

§ 11.71 Exemptions.

(a) A petition for an exemption from any rule or order issued under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) may be filed with the Director of the Air Traffic Service. Such a petition must be in triplicate and state clearly the nature of the requested exemption and the reasons why it should be granted.

(b) The Director may, subject to the approval of the General Counsel with respect to form and legality, grant or deny any petition filed under this section and shall notify the petitioner of his action.

[Revision note: Based on § 409.16]

§ 11.73 Petitions for rehearing or reconsideration of rules or orders.

(a) Any interested person may petition the Administrator for a rehearing on, or for reconsideration of, any rule or order issued under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)). Such a petition must be filed, in triplicate, within 30 days after the rule or order is published in the FEDERAL REGISTER. It must contain a brief statement of the complaint and an explanation as to how the rule or order is contrary to the public interest.

(b) If the petitioner requests the consideration of additional facts, he must state their nature and purpose, and the reason they were not presented at the hearing or in writing within the allotted time.

(c) The Administrator does not consider repetitious petitions.

(d) Unless the Administrator orders otherwise, the filing of a petition under this section does not stay the effect of a rule or order.

[Revision note: Based on § 409.17]

§ 11.75 Petitions for revoking or modifying rules or orders.

(a) Any interested person may petition to revoke or modify any rule or order covered by this subpart. Such a petition must be filed, in triplicate, with the Director of the Air Traffic Service and must clearly state the information, views, and arguments the petitioner considers necessary to support the requested action and must clearly indicate the effect the action would have on the use of navigable airspace.

(b) A petition filed under this section is processed in the same manner as an original proposal, or in any other manner that the Director considers necessary or desirable.

[Revision note: Based on § 409.18]

PART 11—DISTRIBUTION TABLE

Present section	Revised section	Present section	Revised section
405.1	[1]	405.29	11.49
405.11(a)	11.1	405.30	11.51
405.11 (less (a))	11.21	405.31(a) (1st two sentences)	11.43
405.12	11.23	405.31 (less 1st two sentences of (a))	11.53
405.13	11.25	405.32	11.55
405.14	11.27	405.33	11.11
405.15	11.29	409.1	[1]
405.16	11.31	409.11(a)	11.1
405.17	11.33	409.11 (less (a))	11.61
405.18	11.35	409.12	11.63
405.19	11.25	409.13	11.65
405.20	11.27	409.14	11.67
405.21	11.37	409.15	11.69
405.25	11.41	409.16	11.71
405.26	11.43	409.17	11.73
405.27	11.45	409.18	11.75
405.28 (less last sentence of (b))	11.47	409.19	11.11
405.28 (last sentence of (b))	11.11		

[1] Transferred to Part 1.

PART 13—GENERAL CERTIFICATION PROCEDURES

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13.5 Applications.
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Subpart E—Air Carrier Certificates

13.61 Applicability.
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Subpart G—Air Navigation Certificates and Notices

13.81 Applicability.
13.83 Authority to operate a true light.
13.85 Notice of construction or alteration of structures or establishment, alteration, or deactivation of a landing area.

Subpart H—Crewmember Certificates

13.91 Applicability.
13.93 Application and issue.

Subpart A—General

§ 13.1 Applicability.

(a) This part prescribes the general procedures that apply to the issuance, by the FAA, of—

(1) Medical certificates;
(2) Airman certificates;
(3) Aircraft certificates;
(4) Air carrier certificates; and
(5) Air agency certificates.

(b) Specific requirements for the issuance of the certificates named in paragraph (a) of this section are set out in Subchapters C, D, and H of this chapter, and in this part.

[Revision note: Based on § 406.11(c)]

§ 13.3 Forms and documents.

Forms and documents prescribed in this part that refer to specific units of FAA organization are not affected by changes in the names of those units. Such a form or document continues in use until it is superseded or revoked.

[Revision note: Based on § 406.2]

§ 13.5 Applications.

Except as otherwise prescribed in this part, an application for a certificate named in § 13.1 may be obtained from, and should be submitted to, any representative of the FAA or any regional, district, or field office of the FAA.

[Revision note: Based on § 406.11(a)]

§ 13.7 Tests and medical examinations.

(a) A representative of the FAA gives each theoretical or written test that is required by this chapter. However, a flight instructor may test a student pilot on the regulations of this chapter.

(b) Written tests required by this chapter are given at FAA Flight Standards Service District Offices and at selected recognized airports. Itineraries of the inspectors who give the tests are posted at most airports or are mailed to any person at his request.

(c) Aviation medical examiners give the required medical examinations, as provided in Subpart B of this part.

[Revision note: Based on § 406.11 (less (a) and (c))]

Subpart B—Medical Certificates

§ 13.11 General.

(a) Medical certificates are issued on Form FAA—1004.1, "Medical Certificate", with the appropriate class named thereon.

(b) The specific medical requirements for medical certificates are set forth in Part 67 of this chapter.

[Revision note: Based on § 406.12 (a) (3) and (4), (b) (3) and (4), and (c) (3) and (4)]

§ 13.13 First class.

(a) Each applicant for an airline transport pilot certificate, and each holder of such a certificate who exercises its privileges, must have a current first class medical certificate.

(b) Any aviation medical examiner who is specifically designated for the purpose may give the examination for the first class certificate. Any interested person may obtain a list of these aviation medical examiners, in any area, from the FAA Assistant Administrator of the region in which the area is located.

[Revision note: Based on § 406.12(a) (1) and (2)]

§ 13.15 Second class.

(a) Each applicant for a commercial pilot certificate, air-traffic control-tower operator certificate, flight navigator certificate, or flight engineer certificate, and each holder of such a certificate who exercises its privileges, must have at least a current second class medical certificate, except as provided in section -- of this chapter [present § 20.102].

(b) Any aviation medical examiner may give the examination for the second class certificate. Any interested person may obtain a list of aviation medical examiners, in any area, from the FAA Assistant Administrator of the region in which the area is located.

[Revision note: Based on § 406.12(b) (1) and (2)]

§ 13.17 Third class.

(a) Each applicant for a student pilot certificate, private pilot certificate, or free balloon pilot certificate, and each holder of such a certificate who exercises its privileges, must have at least a current third class medical certificate, except as provided in section -- of this chapter [present §§ 20.82 and 20.92].

(b) Any aviation medical examiner may give the examination for the third class certificate. Any interested person may obtain a list of aviation medical examiners, in any area, from the FAA Assistant Administrator of the region in which the area is located.

[Revision note: Based on § 406.12(c) (1) and (2)]

§ 13.19 Delegation authority.

(a) The authority of the Administrator, under section 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1422), to issue or deny medical certificates is delegated to the Civil Air Surgeon, to the extent necessary to—

(1) Examine applicants for and holders of medical certificates for compliance with applicable medical standards; and

(2) Issue, renew, or deny medical certificates to applicants and holders based upon compliance or noncompliance with applicable medical standards.

Subject to limitations in this chapter, the authority delegated in subparagraphs (1) and (2) of this paragraph is also delegated to aviation medical examiners and to authorized representatives of the Civil Air Surgeon within the FAA.

(b) The authority of the Administrator, under subsection 314(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1355(b)), to reconsider the action of a medical examiner is delegated to the Civil Air Surgeon, and his authorized representatives within the FAA. However, any action taken under this paragraph by such a representative is subject to reconsideration by the Civil Air Surgeon.

(c) The authority of the Administrator, under section 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1429), to re-examine any civil airman, to the extent necessary to determine an airman's qualification to continue to hold an airman medical certificate, is delegated to the Civil Air Surgeon and his authorized representatives within the FAA.

[Revision note: Based on § 406.12(d)]

§ 13.21 Denial of medical certificate.

(a) Any person who is denied a medical certificate by an aviation medical examiner or a representative of the Civil Air Surgeon may, within 30 days after the date of the denial, apply in writing to the Civil Air Surgeon, Federal Aviation Agency, Washington 25, D.C., for reconsideration of that denial. He must send with his application a copy of it addressed to the aviation medical examiner, or representative of the Civil Air Surgeon, concerned. If he does not apply for reconsideration during 30 days after the date of denial, he is considered to have withdrawn his application for a medical certificate.

(b) The denial of a medical certificate by an aviation medical examiner or a representative of the Civil Air Surgeon is not a denial by the Administrator under section 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1422). The denial of a medical certificate by the Civil Air Surgeon is considered to be a denial by the Administrator under that section.

[Revision note: Based on § 406.12(e)]

§ 13.23 Medical certificates by senior flight surgeons of armed forces.

(a) The FAA has designated senior flight surgeons of the armed forces on specified military posts, stations, and facilities, as aviation medical examiners.

(b) An aviation medical examiner described in paragraph (a) of this section may give physical examinations to applicants for FAA medical certificates who are on active duty or who are, under Department of Defense medical programs, eligible for FAA medical certification as civil airmen. In addition, such an examiner may issue or deny an appropriate FAA medical certificate in accordance with the regulations of this chapter and the policies of the FAA.

(c) Any interested person may obtain a list of the military post, stations, and facilities at which a senior flight surgeon has been designated as an aviation medical examiner, from the Surgeon General of the armed force concerned or from the Chief of the Medical Certification Division, AM-30, Federal Aviation Agency, Washington 25, D.C.

[Revision note: Based on § 406.12 (less (a)-(f))]

§ 13.25 Medical records.

Whenever the Administrator finds that additional medical history is necessary to determine whether an applicant for or the holder of a medical certificate meets the physical standards for it, he requests that person to authorize any clinic, hospital, doctor, or other person to release to the Administrator any available information or records concerning that medical history. If the applicant, or holder, refuses to authorize the release, the Administrator may suspend, modify, or revoke any medical certificate that he holds or may, in the case of an applicant, refuse to issue a medical certificate to him.

[Revision note: Based on § 406.31]

Subpart C—Airman Certificates

§ 13.31 Applicability.

(a) This subpart describes the airman certificates that are issued to qualified applicants and the general procedures for obtaining those certificates.

(b) The specific requirements for airman certificates and the privileges they confer are set forth in Subchapter D of this chapter.

[Revision note: Based on § 406.13 (introductory paragraph), (a)(4), (b)(4), (c)(4), (d)(4), (e)(4), (f)(4), (g)(4), (h)(4), (i)(4), (j)(4), and (k)(4)]

§ 13.33 Kinds of certificates; authority; forms.

The kinds of airmen certificates issued by the FAA, the authority they confer upon the holders thereof, and the forms for their application and issue are as follows:

Kind of certificate	Authorizes holder to—	Apply on form—	Issued on form—
Student Pilot	Pilot aircraft in accordance with applicable provisions of this chapter and the limitations prescribed on the certificate.	FAA-355 "Application for Student or Private Pilot Certificate."	FAA-340
Private Pilot	...do...	FAA-355 "Application for Student or Private Pilot Certificate" or Form FAA-356 "Application on Basis of Military Competence."	FAA-1710
Commercial Pilot	...do...	FAA-342 "Application for Commercial Pilot or Flight Instructor Certificate or Rating" or Form FAA-356 "Application on Basis of Military Competence."	FAA-1710
Flight Instructor	Instruct in the piloting of aircraft, in accordance with applicable provisions of this chapter and the limitations prescribed on the certificate.	FAA-342 "Application for Commercial Pilot or Flight Instructor Certificate or Rating."	FAA-1710
Airline Transport Pilot	Pilot aircraft in accordance with the applicable provisions of this chapter and the limitations prescribed on the certificate.	FAA-342A "Application for Airline Transport Pilot Certificate or Rating Thereon."	FAA-1710
Lighter-than-air Pilot	Pilot lighter-than-air aircraft in accordance with applicable provisions of this chapter and the limitations prescribed on the certificate.	FAA-355 "Application for Student or Private Pilot Certificate."	FAA-1710
Special Purpose Pilot	Pilot aircraft in accordance with applicable provisions of this chapter and the limitations prescribed on the certificate.	FAA-355 or FAA-342, as appropriate.	----------
Free Balloon Pilot	Pilot free balloons in accordance with applicable provisions of this chapter and the limitations prescribed on the certificate.	FAA-355 "Application for Student or Private Pilot Certificate."	FAA-1710
Flight Engineer	Assist pilot in the mechanical operation of aircraft in accordance with applicable provisions of this chapter and the limitations prescribed on the certificate.	FAA-1863A "Application for a Flight Engineer Certificate."	FAA-1710
Flight Navigator	Navigate aircraft in accordance with applicable provisions of this chapter and the limitations prescribed on the certificate.	FAA-1863 "Application for a Flight Navigator Certificate."	FAA-1710
Air-traffic control-tower Operator	Control air-traffic in accordance with applicable provisions of the chapter and the limitations prescribed on the certificate.	FAA-374 "Application for Control-tower Operator or Aircraft Dispatcher Certificate and Rating."	FAA-1710
Aircraft Dispatcher	Exercise responsibility with the pilot in command in the operational control of aircraft in accordance with this chapter and the limitations prescribed on the certificate.	FAA-374 "Application for Control-tower Operator or Aircraft Dispatcher Certificate and Rating."	FAA-7110
Mechanic	Perform or supervise the maintenance or alteration of an aircraft, or part thereof, in accordance with this chapter and the limitations prescribed on the certificate.	FAA-363 "Application for Airman Mechanic, Repairman, or Parachute Rigger Certificate or Rating."	FAA-1710
Repairman	Perform or supervise the maintenance of an aircraft, or part thereof, in accordance with this chapter and the limitations prescribed on the certificate.	FAA-363 "Application for Airman Mechanic, Repairman, or Parachute Rigger Certificate or Rating."	FAA-1710
Parachute Rigger	Pack, maintain, or alter any parachute for which he is rated, in accordance with this chapter and the limitations prescribed on the certificate.	FAA-363 "Application for Airman Mechanic, Repairman, or Parachute Rigger Certificate or Rating."	FAA-1710

[Revision note: Based on § 406.13 (a) (less (4)), (b) (less (4)), (c) (less (4)), (d) (less (4)), (e) (less (4)), (f) (less (4)), (g) (less (4)), (h) (less (4)), (i) (less (4)), (j) (less (4)), and (k) (less (4))]

Subpart D—Aircraft Certificates

§ 13.41 Applicability.

This subpart describes the aircraft certificates that are issued to qualified applicants and the general procedures for obtaining those certificates.

[Revision note: Supplied]

§ 13.43 Type certificate.

(a) A type certificate certifies that an aircraft, aircraft engine, propeller, or appliance specified in the regulations in this chapter as eligible for a type certificate is of proper design, material, specifications, construction, and performance for safe operation, and meets the requirements of this chapter.

(b) An application for a type certificate is made on Form FAA-312 "Application for a Type Certificate" obtained from, and submitted to, the Engineering and Manufacturing Branch of the FAA regional office for the area in which the manufacturer's plant is located. The certificate is issued on Form FAA-331.

(c) The specific requirements for a type certificate are set forth in Part -- of this chapter [present Part 1].

[Revision note: Based on § 406.14(a) (less (4))]

§ 13.45 Production certificate.

(a) A production certificate certifies that a manufacturing facility is adequate for producing duplicates of a product for which a type certificate is in effect.

(b) An application for a production certificate is made on Form FAA-332 "Application for Production Certificate" obtained from, and submitted to, the Engineering and Manufacturing Branch of the FAA regional office for the area in which the manufacturer's plant is located. A person who desires an amend-

ment to a production certificate also applies to that regional office. The certificate is issued on Form FAA–333 and includes a Form FAA–333A "Production Limitation Record" that sets forth the applicable type certificate.

(c) The specific requirements for a production certificate are set forth in Part -- of this chapter [present Part 1].

[Revision note: Based on § 406.14(b) (less (4))]

§ 13.47 Aircraft registration certificate.

(a) An aircraft registration certificate satisfies the provisions of the Federal Aviation Act of 1958 that require that an aircraft be registered by its owner before it is operated or navigated.

(b) An application for a registration certificate is obtained from any Flight Standards Service District Office and is made on Form FAA–500, consisting of three Parts: Part A "Certificate of Registration"; Part B "Application for Registration"; and Part C "Bill of Sale". The applicant must mail the original and duplicate of Part A, the original of Part B, and the original of Part C (or any other bill of sale or form of conveyance described in section -- of this chapter [present § 501.4(b)(2)]), and a fee of $4.00 to the FAA Aircraft Registration Branch, Oklahoma City, Oklahoma. If he also submits a contract of conditional sale, he must send an additional fee of $4.00 for recording it. The certificate is issued on Form FAA–500, Part A "Certificate of Registration".

(c) The specific requirements for the registration certificate are set forth in Part -- of this chapter [present Part 501].

[Revision note: Based on § 406.14(c)]

NOTE: § 406.14(c)(2) (last sentence) is omitted as covered by section -- of this chapter [present § 501.3(a)(4)]

§ 13.49 Dealer's aircraft registration certificate.

(a) A dealer's aircraft registration certificate provides an alternate form of registration to permit the operation, demonstration, and merchandising of civil aircraft moving in ordinary trade channels from a manufacturer, distributor, or dealer to an ultimate buyer.

(b) An application for a dealer's aircraft registration certificate is obtained from any Flight Standards Service District Office and is made on Form FAA–1706 "Application for Issuance of Dealer's Aircraft Registration Certificate(s)". It requires a statement of the dealer's citizenship and information concerning his status as a bona fide dealer in aircraft. He must submit an application each time he requests certificates, for as many certificates as he needs at that time. The application is obtained from, and returned to, the Engineering and Manufacturing Branch of the FAA regional office for the area in which the applicant's business is located. The fee is $5.00 for the first certificate and $1.00 for each later certificate issued to the same dealer. The certificate is issued on Form FAA–1707 "Dealer's Aircraft Registration Certificate", and is valid for 12 months. The FAA does not issue duplicates.

(c) The specific requirements for the dealer's registration certificate are set forth in Part -- of this chapter [present Part 502].

[Revision note: Based on § 406.14(d)]

§ 13.51 Aircraft airworthiness certificate.

(a) An aircraft airworthiness certificate certifies that the aircraft identified thereon is airworthy when maintained and operated in accordance with applicable requirements of this chapter.

(b) An application for an aircraft airworthiness certificate is made on Form FAA–305 "Application for Airworthiness Certificate and/or Annual Inspection of an Aircraft." Ordinarily, the aircraft manufacturer obtains the certificate, and it thereafter remains with the aircraft. If the manufacturer does not obtain it, the registered owner of the aircraft, or his agent, may apply for it. The certificate is issued on Form FAA–1362A or FAA–1362B "Certificate of Airworthiness," whichever is applicable.

(c) The specific requirements for an airworthiness certificate are set forth in Part -- of this chapter [present Part 1].

[Revision note: Based on § 406.14(e)]

§ 13.53 Special flight permits.

(a) A special flight permit is an airworthiness certificate that authorizes the flight of an aircraft that may not meet the applicable airworthiness requirements of this chapter, but is capable of safe flight.

(b) An application for a special flight permit is made, in duplicate, on Form FAA–1779 "Application and Authorization for Ferry Permit" by the registered owner of the aircraft or his agent. It consists of two parts. The applicant completes Part I, giving a description of the aircraft and details of the proposed flight. The permit is issued by completion of Part II of the form by the Administrator, prescribing the conditions and limitations under which the flight is to be made. However, in appropriate cases, an application for, and the issuing of the permit, may be made by telephone or telegraph.

(c) The specific requirements for a special flight permit are set forth in Part -- of this chapter [present Part 1].

[Revision note: Based on § 406.14(f)]

§ 13.55 Export certificate of airworthiness.

(a) An export certificate of airworthiness certifies that the type-certificated product concerned meets certain general and special requirements for export to a particular foreign citizen or country.

(b) An application for an export certificate of airworthiness is made on Form FAA–306 "Application for Export Certificate of Airworthiness." It is issued on Form FAA–26 "Export Certificate of Airworthiness."

[Revision note: Based on § 406.14(g)]

Subpart E—Air Carrier Certificates

§ 13.61 Applicability.

This subpart describes the air carrier certificates that are issued to qualified applicants and the general procedures for obtaining those certificates.

[Revision note: Supplied]

§ 13.63 Air Carrier operating certificates.

(a) An air carrier operating certificate describes the operations authorized for an air carrier. It is required for all air carrier engaged in scheduled, supplemental or air taxi, operations.

(b) Application for a scheduled air carrier operating certificate is made by letter. An application for a supplemental or air taxi air carrier operating certificate is made on Form FAA–1602 "Application for Certificates under CAR 42, 45, or 47". Each person applying for a certificate under this section shall send the application to the FAA regional office or the appropriate Air Carrier or General Aviation District Office for the area in which the applicants' principal office is located.

(c) The specific requirements for air carrier operating certificates are set forth in Parts --, --, --, and -- of this chapter [present Parts 40, 41, 42 and 47].

[Revision note: Based on § 406.15]

Subpart F—Air Agency Certificates

§ 13.71 Applicability.

(a) This subpart describes the air agency certificates and ratings that are issued to qualified applicants and the general procedures for obtaining those certificates.

(b) The specific requirements for air agency certificates are set forth in Subchapter H of this chapter.

[Revision note: Based on § 406.16 (a)(5), (b)(5), (c)(5), (d)(5), (e)(5), (f)(5), (g)(4), (h)(5), (i)(4), (j)(4), and (k)(4)]

§ 13.73 Kinds of certificates; authority; forms; reports.

The kinds of air agency certificates issued by the FAA, the authority they confer on the holders thereof, the forms for their application and issue, and the reports required under them are as follows:

Kind of certificate or rating—	Authorizes holder to—	Apply on Form—	Issued on Form—	Reports required—
Basic ground school rating.	Operate as a basic ground school.			
Advanced ground school rating.	Operate as an advanced ground school.			
Primary flying school rating.	Operate as a primary flying school.	FAA–387 "Application for Airmen Agency Certificate and Rating, and Inspection Report" (a new application is required at least every 2 years).	FA–390 "Air Agency Certificate."	Form FAA–1784 "Air Agency Activity Report," whenever holder is able to report on 32 students, but at least each 6 months.
Commercial flying school rating.	Operate as a commercial flying school.			
Instrument flying school rating.	Operate as an instrument flying school.			
Flight Instructor school rating.	Operate as a flight instructor flying school.			
Repair station certificate.	Perform and approve for return to service, maintenance and alterations on airframes, powerplants, propellers, instruments, radios, or accessories for which rated.	FAA–394 Parts I and II "Application for Repair Station Certificate and Rating."	FAA–390 "Air Agency Certificate" (Form FAA–390.1 "Repair Stations Operations Specifications" is a part of the certificate).	
Mechanic school certificate.	Operate as a mechanic school.	FAA–614 "Mechanic School Application and Inspection Report."	FAA–390 "Air Agency Certificate."	
Parachute loft certificate.	Perform maintenance and alterations on parachutes for which rated.	FAA–1371 "Application for a Parachute Loft Certificate and Rating."	FAA–390 "Air Agency Certificate."	
Ground Instructor Certificate and Rating.	Serve as a ground instructor.	FAA–360 "Application for Ground Instructor Certificate or Rating."	FAA–1710	
Commercial operator certificate.	Serve as a commercial operator.	FAA–1602 "Application for a certificate under CAR 42, 45, or 47."	FAA–1603	

[Revision note: Based on § 406.16 (a) (less (5)), (b) (less (5)), (c) (less (5)), (d) (less (5)), (e) (less (5)), (f) (less (5)), (g) (less (4)), (h) (less (5)), (i) (less (4)), (j) (less (4)), and (k) (less (4))]

Subpart G—Air Navigation Certificates and Notices

§ 13.81 Applicability.

This subpart describes the air navigation certificates that are issued to qualified applicants, the notices of construction or alteration affecting air navigation that are required, and the general procedure for obtaining those certificates and notices.

[Revision note: Based on § 406.17 (less (a) and (b))]

§ 13.83 Authority to operate a true light.

(a) An applicant who certifies that he will, in accordance with applicable requirements of the FAA, establish, maintain, and operate a light as an aid to air navigation is entitled to an authorization to operate that light as a "true light".

(b) An application for authority to operate a true light is made on Form FAA–114 "Certification and Lawful Authority To Operate a True Light".

[Revision note: Based on § 406.17(a)]

§ 13.85 Notice of construction or alteration of structures or establishment, alteration, or deactivation of an airport.

(a) Each person who proposes to construct or alter certain structures, as set forth in Part -- of this chapter [present Part 626], that may affect navigable airspace, shall send a notice to the Administrator, in the manner required by that part, on Form FAA–117 "Notice of Proposed Construction or Alteration."

(b) Each person who proposes to establish, alter, or deactivate an airport shall send a notice to the Administrator, in triplicate, in the manner prescribed in Part -- of this chapter [present Part 625], on Form FAA–2681 "Notice of Proposed Establishment, Alteration, or Deactivation of Landing Area".

[Revision note: Based on § 406.17(b)]

Subpart H—Crewmember Certificate

§ 13.91 Applicability.

This subpart describes the certificates that are issued to United States citizens who are employed by air carriers or commercial operators as flight crewmembers or crewmembers on United States registered aircraft engaged in international air commerce. The purpose of the certificate is to facilitate the entry and clearance of those members into ICAO contracting states. They are issued under Annex 9, as amended, to the Convention on International Civil Aviation.

[Revision note: Based on § 406.19(a)]

§ 13.93 Application and issue.

(a) An application for a crewmember certificate is made on Form FAA–2116 "Application for Crewmember Certificate", to the Air Carrier District Office in charge of the air carrier or commercial operator by whom the applicant is employed. The certificate is issued on Form FAA–2116.1 "Crewmember Certificate".

(b) The holder of a certificate issued under this subpart, or the air carrier or commercial operator by whom he is employed, shall surrender the certificate for cancellation at the nearest Air Carrier District Office at the end of the holder's assignment in international air commerce with that carrier or operator.

[Revision note: Based on § 406.19 (less (a))]

PART 13—DISTRIBUTION TABLE

Present section	Revised section
406.1	[1]
406.2	13.3
406.11(a)	13.5
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406.12(a) (1) and (2)	13.13
406.12 (a) (3) and (4), (b) (3) and (4), and (c) (3) and (4)	13.11
406.12(b) (1) and (2)	13.15
406.12(c) (1) and (2)	13.17
406.12(d)	13.19
406.12(e)	13.21
406.12(f)	[2]
406.12 (less (a)–(f))	13.23
406.13 (introductory paragraph), (a)(4), (b)(4), (c)(4), (d)(4), (e)(4), (f)(4), (g)(4), (h)(4), (i)(4), (j)(4), and (k)(4)	13.31
406.13 (a) (less (4)), (b) (less (4)), (c) (less (4)), (d) (less (4)), (e) (less (4)), (f) (less (4)), (g) (less (4)), (h) (less (4)), (i) (less (4)), (j) (less (4)), and (k) (less (4))	13.33
406.14(a) (less (4))	13.43
406.14(a)(4)	[3]
406.14(b) (less (4))	13.45
406.14(b)(4)	[3]
406.14(c)	13.47
406.14(d)	13.49
406.14(e)	13.51
406.14(f)	13.53
406.14(g)	13.55
406.15	13.63
406.16(a)(5), (b)(5), (c)(5), (d)(5), (e)(5), (f)(5), (g)(4), (h)(5), (i)(4), (j)(4), and (k)(4)	13.71
406.16(a) (less (5)), (b) (less (5)) (c) (less (5)), (d) (less (5)), (e) (less (5)), (f) (less (5)), (g) (less (4)), (h) (less (5)), (i) (less (4)) (j) (less (4)), and (k) (less (4))	13.73
406.17(a)	13.83
406.17(b)	13.85
406.17 (less (a) and (b))	13.81
406.19(a)	13.91
406.19 (less (a))	13.93
406.31	13.25

[1] Transferred to Part 1.
[2] Surplusage.
[3] Transferred to Part 21.

PART 15—ENFORCEMENT PROCEDURES [New]

Subpart A—Enforcement Processes

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15.3 Investigations.

Subpart B—Enforcement Actions

15.11 Reports for record.
15.13 Reprimands.
15.15 Civil penalties.
15.17 Seizure of aircraft.
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15.35 Request for hearing.
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Subpart A—Enforcement Processes

§ 15.1 Reports of violations.

(a) Any person who knows of a violation of the Federal Aviation Act of 1958, or of any regulation or order issued under it, may report it to appropriate personnel of an FAA regional or district office.

(b) Each report made under this section is investigated by FAA personnel. The results of that investigation are the basis for determining the enforcement action that the FAA will take.

[Revision note: Based on § 408.11]

§ 15.3 Investigations.

(a) Under section 313 of the Federal Aviation Act of 1958 (49 U.S.C. 1354), the Administrator may conduct public hearings or investigations and take evidence and depositions, issue subpoenas, and compel testimony as provided in section 1004 of the Act (49 U.S.C. 1484).

(b) For the purpose of investigating alleged violations of the Act, or any regulation or order issued under it, the Administrator's authority under sections 313 and 1004 has been delegated to the General Counsel, the Deputy General Counsel, each Associate General Counsel, and each Regional Counsel.

[Revision note: Based on § 408.12]

Subpart B—Enforcement Actions

§ 15.11 Reports for record.

If, after his investigation, it appears to the reporting inspector that a violation of the Federal Aviation Act of 1958, or an order or regulation issued under it, was so minor and unintentional as not to require disciplinary or remedial action, he may, in accordance with standard Agency practices file a report of that violation for the record or may terminate the report by a letter of correction. The Regional Flight Standards Office and the Regional Counsel concerned may review each action under this section.

[Revision note: Based on § 408.21]

§ 15.13 Reprimands.

The General Counsel or the Regional Counsel concerned may send a letter of reprimand to any person who commits a minor violation of the Federal Aviation Act of 1958, or any rule or order issued under it. A letter of reprimand terminates the action, but the violation will be considered in determining the action to be taken on any future violation committed by that person.

[Revision note: Based on § 408.22]

§ 15.15 Civil penalties.

(a) Under section 901 of the Federal Aviation Act of 1958 (49 U.S.C. 1471), a person who violates any provision of Title III, V, VI, or XII of that Act, or any regulation or order issued under one of those titles, is subject to a civil penalty of not more than $1,000 for each violation.

(b) The Administrator may compromise any civil penalty. If a civil penalty is contemplated and it is considered advisable to compromise it, the General Counsel or the Regional Counsel concerned sends a letter to the person charged with the violation, advising him of the charges against him and the law, regulation, or order that he is charged with violating, and offering to compromise the penalty. The person charged with the violation may present, to the official who signed the letter, any oral or written material or information in answer to the charges, explaining, mitigating, or denying the violation, or showing extenuating circumstances. Material or information so presented is considered in making the final determination as to probable liability for a civil penalty, or the amount for which it will be compromised.

(c) If the person charged with the violation offers to compromise for a specific amount, he shall send a certified check or money order for that amount, payable to the Federal Aviation Agency. The General Counsel or the Regional Counsel concerned may accept or refuse it.

(d) If the compromise amount is accepted, the person charged with the violation is notified, by letter, that the acceptance is full settlement of the civil penalty for the violation.

(e) If a compromise settlement of the civil penalty cannot be made, the Administrator may instigate proceedings in a United States District Court, under section 903 of the Act (49 U.S.C. 1473), to collect the penalty.

[Revision note: Based on § 408.23]

§ 15.17 Seizure of aircraft.

(a) Under section 903 of the Federal Aviation Act of 1958 (49 U.S.C. 1473), a State or Federal law enforcement officer, or a Federal Aviation Agency safety inspector, authorized in an order of seizure issued by the Assistant Administrator of the region in which the aircraft is located, may summarily seize an aircraft that is involved in a violation for which a civil penalty may be imposed on its owner or operator.

(b) Each person seizing an aircraft under this section shall place it in the nearest available and adequate public storage facility in the judicial district in which it was seized.

(c) The Assistant Administrator, without delay, sends a written notice and a copy of this section, to the registered owner of the seized aircraft, and to each other person shown by FAA records to have an interest in it, stating the—

(1) Time, date, and place of seizure;

(2) Name and address of the custodian of the aircraft;

(3) Reasons for the seizure, including the violations believed, or judicially determined, to have been committed; and

(4) Amount that may be tendered as—

(i) A compromise of a civil penalty for the alleged violation; or

(ii) Payment for a civil penalty imposed by a Federal court for a proven violation.

(d) The Regional Counsel of the region in which an aircraft is seized under this section immediately sends a report to the United States District Attorney for the judicial district in which it was seized, requesting him to institute proceedings to enforce a lien against the aircraft.

(e) The Assistant Administrator directs the release of a seized aircraft whenever—

(1) The alleged violator pays a civil penalty or an amount agreed upon in compromise, and the costs of seizing, storing, and maintaining the aircraft;

(2) The aircraft is seized under an order of a Federal Court in proceedings in rem to enforce a lien against the aircraft, or the United States Attorney for the judicial district concerned notifies the FAA that he refuses to institute those proceedings; or

(3) A bond in the amount and with the sureties prescribed by the Assistant Administrator is deposited, conditioned on payment of the penalty, or the compromise amount, and the costs of seizing, storing, and maintaining the aircraft.

[Revison note: Based on § 408.24]

§ 15.19 Certificate action.

(a) Under section 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1429), the Administrator may reinspect any civil aircraft, aircraft engine, propeller, appliance, air navigation facility, or air agency, and may re-examine any civil airman.

(b) If, as a result of such a re-inspection, re-examination, or other investigation made by him, the Administrator determines that the public interest and safety in air commerce requires it, he may issue an order amending, suspending, or revoking, all or part of any type certificate, production certificate, airworthiness certificate, airman certificate, air carrier operating certificate, air navigation facility certificate, or air agency certificate.

(c) Before issuing an order under paragraph (b) of this section, the General Counsel or the Regional Counsel concerned advises the certificate holder of the charges or other reasons upon which the Administrator bases the proposed action and, except in an emergency, allows the holder to answer any charges and to be heard as to why the certificate should not be amended, suspended, or revoked. The holder may elect to—

(1) Admit the charges and surrender his certificate;

(2) Answer the charges in writing;

(3) Request an opportunity to be heard in an informal conference with the FAA counsel; or

(4) Have a formal hearing, either in place of or in addition to the informal conference, before a Hearing Officer appointed by and representing the Administrator.

Unless the holder has submitted a request for a formal hearing, the General Counsel or the Regional Counsel concerned, after considering the answer and information submitted by the holder, issues the order of the Administrator. If the holder requests a formal hearing, the Hearing Officer shall issue an oral or written Order of the Administrator after holding a hearing in accordance with this part.

(d) Any person whose certificate is affected by an order issued under this section may appeal to the Civil Aeronautics Board. If the certificate holder files an appeal with the Board, the Administrator's order is stayed unless he advises the board that an emergency exists and safety in air commerce requires that the order becomes effective immediately. If he so advises the Board, the order remains effective and the Board shall finally dispose of the appeal within 60 days after the date of the advise.

[Revision note: Based on § 408.25]

§ 15.21 Military aircraft.

If a report made under this Part indicates that, while performing his official duties, a member of the armed forces, or a civilian employee of the Department of Defense who is subject to the Uniform Code of Military Justice (10 U.S.C. Ch. 47), has violated the Federal Aviation Act of 1958, or a regulation or order issued under it, the General Counsel or the Regional Counsel concerned sends a copy of the report to the appropriate military authority for such disciplinary action as that authority considers appropriate and a report to the Administrator thereon.

[Revision note: Based on § 408.26]

§ 15.23 Criminal penalties.

(a) Sections 902 and 1203 of the Federal Aviation Act of 1958 (49 U.S.C. 1472 and 1523), provide criminal penalties for any person who knowingly and willfully violates specified provisions of that Act or any regulation or order issued under those provisions.

(b) If an inspector or other employee of the FAA becomes aware of a possible violation of any criminal provision of that Act (except a violation of section 902 (i) through (m) which is reported directly to the Federal Bureau of Investigation), he shall report it to the Office of the General Counsel or the Regional Counsel concerned. If appropriate, that office refers the report to the Department of Justice for criminal prosecution of the offender. If such an inspector or other employee becomes aware of a possible violation of a Federal statute that is within the investigatory jurisdiction of another Federal Agency, he shall immediately report it to that agency according to standard Agency practices.

[Revision note: Based on § 408.27]

Subpart C—Rules of Practice for Hearings in FAA Certificate Proceedings

§ 15.31 Applicability of rules.

This subpart applies to all proceedings before a Hearing Officer of the FAA in which the holder of an airman certificate requests a hearing in response to a Notice of Proposed Certificate Action that proposes to amend, suspend, or revoke his certificate.

[Revision note: Based on § 408.31]

§ 15.33 Appearances.

Any party to a proceeding under this subpart may appear and be heard in person or by attorney.

[Revision note: Based on § 408.32]

§ 15.35 Request for hearing.

(a) If, after a Notice of Proposed Certificate action is issued, the certificate holder concerned elects to have a formal hearing, he shall request it by checking the appropriate box on the form that is sent to him with the Notice of Proposed Certificate Action. He shall return the form, and his answer to the allegations in the Notice, to the FAA counsel. He must return the form, and, except as provided in § 15.49, his answer, with a postmark of not later than 15 days after the date he received the notice.

(b) If the certificate holder submits a Request for a Hearing after that 15-day period, but before an order is issued, the FAA counsel shall send it to the Hearing Officer. If, in the opinion of the Hearing Officer, there was good cause for the failure to request a hearing within the 15-day period he may, in his discretion, order a hearing.

(c) If, upon request, the certificate holder has an informal conference with FAA counsel, he then has 10 days from the date of the conference within which to request a formal hearing. The FAA counsel shall forward the Request and Answer to the Hearing Officer, together with a copy of the Notice of Proposed Certificate Action. The Hearing Officer shall docket the Notice, Request, and Answer, as of the time he receives them.

[Revision note: Combines §§ 408.33, 408.37, and 408.38 (1st sentence)]

§ 15.37 Hearing officer's powers.

Any Hearing Officer may—

(a) Give notice concerning, and hold, prehearing conferences and hearings;

(b) Administer oaths and affirmations;

(c) Examine witnesses;

(d) Issue subpoenas and take depositions or cause them to be taken;

(e) Rule on offers of proof;

(f) Receive evidence;

(g) Regulate the course of the hearing;

(h) Hold conferences, before and during the hearing, to settle and simplify issues by consent of the parties;

(i) Dispose of procedural requests and similar matters; and

(j) Issue an order.

[Revision note: Based on § 408.34]

§ 15.39 Disqualification of Hearing Officer.

The Hearing Officer shall withdraw from a case if, at any time, he considers himself to be disqualified.

[Revision note: Based on § 408.35]

§ 15.41 Pleadings.

(a) In cases sent to the Hearing Officer, the Notice of Proposed Certificate Action constitutes the statement of the facts upon which the action is proposed.

(b) The certificate holder's Answer must be responsive to the allegations set out in the Notice. Any allegation that is not denied is considered to be admitted.

(c) Averments in an Answer, or other pleading, to which no responsive pleading is required, are considered to be denied.

[Revision note: Based on § 408.36]

NOTE: § 408.36(b) (1st sentence) is omitted as covered by § 15.35 of this chapter.

§ 15.43 Service and filing of pleadings, motions, and documents, other than Answer.

Each pleading, motion, or document, other than an Answer, must at the time of filing, be served on each other party, by delivering a copy to him or by mailing a copy to him at the last address filed with the FAA by the certificate holder as required by this chapter. However, if a party is represented by an attorney, the service shall be made upon him.

[Revision note: Based on § 408.38 (less 1st sentence)]

§ 15.45 Amendment of Notice and Answer.

At any time more than 10 days before the date of hearing, any party may amend his Notice, Answer, or other pleading, by filing the amendment with the Hearing Officer and serving a copy of it on each other party. After that time, he may amend it only in the discretion of the Hearing Officer. If an amendment to an initial pleading has been allowed, the Hearing Officer shall allow the other parties a reasonable opportunity to answer. A pleading may be amended at any time to conform to the evidence.

[Revision note: Based on § 408.39]

§ 15.47 Withdrawal of Notice or Request for hearing.

At any time before hearing, the FAA counsel may withdraw the Notice of Proposed Certificate Action and the certificate holder may withdraw his Request for Hearing.

[Revision note: Based on § 408.40]

§ 15.49 Motions.

(a) *Motion to dismiss.* A respondent may, in place of his Answer, file a motion to dismiss, for failure of the allegations of the Notice to state a violation of this chapter, or for lack of qualification of the respondent. If the Hearing Officer denies the motion, the respondent shall file his Answer within 10 days.

(b) *Motion for judgment on the pleadings.* After the pleadings are closed, either party may move for a judgment on the pleadings.

(c) *Motion to strike.* Upon motion of either party, the Hearing Officer may order stricken, from any pleading, any insufficient allegation or defense, or any immaterial, impertinent, or scandalous matter.

(d) *Motion for more definite statement.* The certificate holder may, in place of his Answer, file a motion that the allegations in the Notice be made more definite and certain. If the Hearing Officer grants the motion, the Agency

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counsel shall comply within 10 days after the date it is granted. If the Hearing Officer denies the motion the certificate holder shall file his Answer within 10 days after the date it is denied.

(e) *Motion for production of documents.* Upon motion of any party showing good cause, the Hearing Officer may, in the manner provided by Rule 34, Federal Rules of Civil Procedure, order any party to produce any designated document, paper, book, account, letter, photograph, object, or other tangible thing, that is not privileged, that constitutes or contains evidence relevant to the subject matter of the hearing, and that is in the party's possession, custody, or control.

(f) *Consolidation of motions.* A party who makes a motion under this section shall join with it all other motions that are then available to him. Any objection that he does not so raise is considered to be waived.

[Revision note: Based on § 408.41]

§ 15.51 Intervention.

Any person may move for leave to intervene in a proceeding and may become a party thereto, if the Hearing Officer, after the case is sent to him for hearing, finds that the person may be bound by the order to be issued in the proceeding or has a property or financial interest that may not be adequately represented by existing parties, and that the intervention will not unduly broaden the issues or delay the proceedings. Except for good cause shown, a motion for leave to intervene may not be considered if it is filed less than 10 days before the hearing.

[Revision note: Based on § 408.42]

§ 15.53 Depositions.

After the respondent has filed a Request for Hearing and an Answer, either party may take testimony by deposition in accordance with section 1004 of the Federal Aviation Act of 1958 (49 U.S.C. 1484) or Rule 26, Federal Rules of Civil Procedure.

[Revision note: Based on § 408.43]

§ 15.55 Notice of hearing.

The Hearing Officer to whom the case is assigned shall give the parties adequate notice of the date of the hearing and the place where it will be held. The Hearing Officer may hold the hearing at the city in which there is located the Regional Headquarters of the FAA, the originating FAA office, or the Flight Standards District office nearest to the residence of the certificate holder, or at any other location that the Hearing Officer directs.

[Revision note: Based on § 408.44]

§ 15.57 Subpoenas and witness fees.

(a) The Hearing Officer to whom a case is assigned may, upon application by any party to the proceeding, issue subpoenas requiring the attendance of witnesses or the production of documentary or tangible evidence at a hearing or for the purpose of taking depositions. However, the application for producing evidence must show its general relevance and reasonable scope. This paragraph does not apply to the attendance of FAA employees or to the production of documentary evidence in the custody of such an employee at a hearing.

(b) A person who applies for the production of a document in the custody of an FAA employee must follow the procedure in § 15.49(e). If he applies for the attendance of an FAA employee, he must send the application, in writing, to the Hearing Officer, setting forth the need for that employee's attendance.

(c) A witness in a proceeding under this subpart is entitled to the same fees and mileage as is paid to a witness in a court of the United States under comparable circumstances. The party at whose instance the witness is subpoenaed or appears shall pay the witness his fees.

[Revision note: Based on § 408.45]

§ 15.59 Evidence.

(a) Each party to a hearing may present his case or defense by oral or documentary evidence, submit evidence in rebuttal, and conduct such cross-examination as may be needed for a full disclosure of the facts.

(b) Except with respect to affirmative defenses, the burden of proof is upon the FAA counsel.

[Revision note: Based on § 408.46]

§ 15.61 Argument and submittals.

The Hearing Officer shall give the parties adequate opportunity to present arguments in support of motions, objections, and the final order. The Hearing Officer may determine whether arguments are to be oral or written. At the end of the hearing, each party is entitled to submit, in writing, proposed findings and conclusions and supporting reasons for them.

[Revision note: Based on § 408.47]

§ 15.63 Record.

The testimony and exhibits presented at a hearing, together with all papers, requests, and rulings filed in the proceedings are the exclusive basis for the issuance of an order. Either party may obtain a transcript from the official reporter upon payment of the fees fixed therefor.

[Revision note: Based on § 408.48]

§ 15.65 Federal Rules of Civil Procedure.

The Federal Rules of Civil Procedure, where applicable, govern any situation arising in a hearing that is not provided for or controlled by this subpart.

[Revision note: Based on § 408.49]

§ 15.67 Order of Hearing Officer.

(a) The Hearing Officer shall include in the Order a statement of findings and conclusions upon all material issues of fact and law presented in the record and the appropriate sanction or denial thereof.

(b) If the order is issued in writing, it shall be served upon the parties.

(c) The order of the Hearing Officer may amend, suspend, or revoke the respondent's certificate as proposed, or in a lesser degree, may rescind the Notice of Proposed Certificate Action, or may, if the Hearing Officer considers it to be equitable and in the public interest, terminate the action upon agreement by the parties for the payment of a civil penalty in an agreed amount.

(d) If the order amends, suspends, or revokes the respondent's certificate, the Hearing Officer shall state in the order that the respondent has a right of appeal to the Civil Aeronautics Board.

[Revision note: Based on § 408.50]

NOTE: § 408.50(a) is omitted as covered by § 15.19 of this chapter.

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[F.R. Doc. 62-5771; Filed, June 13, 1962; 8:45 a.m.]

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11029

AMENDMENT OF EXECUTIVE ORDER NO. 11025[1] CREATING A BOARD OF INQUIRY TO REPORT ON A LABOR DISPUTE AFFECTING THE AIRCRAFT INDUSTRY OF THE UNITED STATES

By virtue of the authority vested in me by Section 206 of the Labor Management Relations Act, 1947, 61 Stat. 155 (29 U.S.C. 176), I hereby amend the title of Executive Order No. 11025 of June 7, 1962, to read as follows: "Creating a Board of Inquiry to Report on Labor Disputes Affecting the Tactical Fighter Production Industry, which is part of the Aircraft Industry of the United States."

By virtue of the above stated authority I further amend Executive Order No. 11025 by substituting the following for the first and second paragraphs:

"WHEREAS, there exists a labor dispute between Republic Aviation Corporation, Farmingdale, Long Island, New York, and certain of its employees represented by the International Association of Machinists; Republic Lodge 1987, International Association of Machinists, AFL–CIO; Local Union 775, United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, AFL–CIO; International Brotherhood of Electrical Workers, Local Union 25, AFL–CIO; Local Union 1318, United Brotherhood of Carpenters and Joiners of America, AFL–CIO; and International Union of Operating Engineers, Local Unions 30 and 30–A, AFL–CIO; and between John G. Sharp, Cafeteria Concessionaire at this Republic Aviation Corporation facility and certain employees represented by Local 164, Hotel and Restaurant Employees and Bartenders International Union, AFL–CIO; and"

"WHEREAS, such disputes have resulted in a strike which, in my opinion, affects a substantial part of the tactical fighter production industry, an industry engaged in trade, commerce, and transportation among the several states and with foreign nations, and which strike will, if permitted to continue, imperil the national safety:"

JOHN F. KENNEDY

THE WHITE HOUSE,
June 13, 1962.

[F.R. Doc. 62-5925; Filed, June 14, 1962; 11:48 a.m.]

[1] 27 F.R. 5467.

Rules and Regulations

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 15,936]

PART 545—OPERATIONS

Amendments Relating to Loans

JUNE 8, 1962.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of liberalization of the provisions of § 545.6–1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6–1) by increasing to 30 years the limitation of 25 years contained in paragraph (a) of said § 545.6–1, and for the purpose of effecting such liberalization, hereby amends said § 545.6–1 as follows, effective June 15, 1962:

1. So much of paragraph (a) of said § 545.6–1 as precedes subdivision (i) of subparagraph (1) of said paragraph is hereby amended to read as follows:

(a) *Homes or combination of homes and business property*—(1) *Monthly installment loans.* Installment loans may be made on homes or combination of homes and business property for an amount not in excess of 75 percent of the value thereof, repayable monthly within 30 years or, if an insured or guaranteed loan, within the period acceptable to the insuring or guaranteeing agency: *Provided,* That, when the members of such an association have authorized loans to be made for an amount exceeding 75 percent of the value, such loans may be made up to the percentage of value authorized by the members but not in excess of:

2. So much of subparagraph (4) of paragraph (a) of said § 545.6–1 as precedes subdivision (i) of said subparagraph is hereby amended to read as follows:

(4) *Loans in excess of 80 percent of value.* The limitation of 80 percent set forth in subdivision (i) of subparagraph (1) of this paragraph shall be 90 percent of so much of such value as does not exceed $25,000 plus 80 percent of so much of such value as exceeds $25,000 in the case of any loan which is made in an amount not in excess of $26,500 and with respect to which the following requirements are met:

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, as said amendments only relieve restriction, the Board hereby finds that notice and public procedure thereon are unnecessary under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) or section 4(a) of the Administrative Procedure Act and, as said amendments relieve restriction, deferment of the effective date thereof is not required under section 4(c) of said Act.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 62-5847; Filed, June 14, 1962; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7713 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Simpson Timber Co. and Simpson Redwood Co.

Subpart—Acquiring stock or assets of competitor: § 13.5 *Acquiring stock or assets of competitor.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Divestiture order, Simpson Timber Company et al., Seattle, Wash., Docket 7713, Jan. 4, 1962]

Consent order requiring a substantial producer of redwood lumber, and its wholly owned subsidiary, both of Seattle, Wash.—which in 1955 occupied fourth position among major sellers of redwood, and which in 1956 acquired companies rating sixth and fifteenth, respectively, as well as another company's extensive redwood timber and timberlands, combined 1955 sales for which merging companies exceeded sales of the industry leader—to divest themselves of ownership of 500 million board feet of redwood lumber within a 13-year period, as in the order below in detail set out.

The order to divest is as follows:

I. 1. *It is ordered,* That respondents, Simpson Timber Company and Simpson Redwood Company, corporations, their subsidiaries, officers, directors, agents, representatives, and employees shall sell and divest themselves absolutely and in good faith within 13 years from January 1, 1961, of ownership of an amount of redwood timber and/or redwood logs equal to 500,000,000 board feet, not less than 90 percent of which shall be old growth and 10 percent of which may be second growth, in accordance with the following provisions of this order.

2. In disposing of the total amount required to be divested by this order, respondents, during each twelve-month period beginning January 1, 1961, shall sell and divest to purchasers, as purchasers are hereinafter defined, not less than 35,000,000 board feet of redwood timber and/or redwood logs. In the event respondents shall sell more than 55,000,000 board feet of redwood cutting rights and/or redwood logs in any one year, the amount by which such sales exceed 55,000,000 board feet shall not be credited against the total amount to be divested pursuant to this order. Respondents may average sales of redwood timber and/or logs over any three consecutive calendar years in complying with this order; *Provided however,* That any three consecutive years may exclude any year or years in which respondents are unable to sell 35,000,000 board feet at prices equal to or above the minimum prices specified in paragraph 5 of this section of this order. Sales to others than purchasers shall not be credited against the total amount to be divested.

3. The redwood timber and/or logs to be divested by respondents pursuant to this order may be any redwood timber and/or logs owned by respondents, whether or not acquired as a result of respondents' acquisition of M&M Woodworking Company.

4. In the event respondents shall sell redwood-type timberlands to purchasers during the period of this order, the board feet of redwood timber so sold may be credited against the total board feet required to be divested by this order or may be apportioned equally over the period ending December 31, 1973, in determining the minimum amount which respondents are required to sell and the maximum amount permitted to be credited in each calendar year. In the event respondents shall enter into cutting contracts for the sale of timber or into long-term contracts for the sale of logs with purchasers during the period of this order, the board feet of redwood timber and/or logs so sold or contracted to be sold may be apportioned equally over the term of such contracts or over the period ending December 31, 1973, in determining the minimum amount which respondents are required to sell and the maximum amount permitted to be credited in each calendar year. In the event respondents elect to apportion sales of redwood timber and/or logs under this paragraph 4 of this section of this order, all such amounts apportioned shall be credited against the total amount to be divested pursuant to this order, except to the extent that such apportionment results in a total amount for any calendar year which is greater than 55,000,000 board feet.

5. Respondents shall not be required during the 13-year period beginning January 1, 1961, to sell and divest redwood timber and/or logs at prices which are less than $20 per thousand board feet for stumpage, plus 8 percent per annum compounded from January 1, 1961, to cover actual carrying costs. In the event respondents perform the logging function of such redwood logs, the cost of logging shall be added to said price. Such costs of logging to be applied in de-

termining said minimum price shall be the actual logging costs of respondent Simpson Redwood Company for the preceding calendar year, and shall be verified by reports of independent certified public accountants of recognized standing from the books and records of respondent Simpson Redwood Company.

6. In the event respondents have not divested the total amount of 500,000,000 board feet during the 13-year period January 1, 1961, to December 31, 1973, this order shall remain in full force and effect until such date as total divestiture is completed or until December 31, 1980, whichever date is earlier, whereupon this order shall terminate: *Provided however*, That for any amount in excess of 100,000,000 board feet which has not been sold and divested by December 31, 1973, the minimum prices shall be reduced to an amount equal to 80 percent of the minimum prices provided for in paragraph 5 of this section of this order.

7. In the event respondents, acting in accordance with the provisions of this order, have divested the total of 500,000,000 board feet required to be divested prior to the expiration of 13 years from January 1, 1961, then, and in that event, this order shall terminate.

II. *It is further ordered:* 1. For the duration of this order respondents shall not acquire any interest whatsoever in redwood-type timberlands, old growth redwood cutting rights or old growth redwood logs containing a combined total of more than 100 million board feet of old growth redwood during the period of this order, and in the event respondents purchase redwood-type timberlands, old growth redwood cutting rights or old growth redwood logs containing in excess of 50 million board feet of old growth redwood during the period of this order, respondents shall divest themselves of an amount of old growth redwood timber and/or logs equal to the amount by which such purchases exceed 50 million board feet in accordance with the terms of this order.

In determining whether timberlands are redwood-type, such determination shall be made on the basis of forty (40) acre parcels.

2. For a period of 10 years from January 1, 1961, respondents shall not acquire any interest whatsoever in any old growth redwood sawmill; nor in any plant or company producing more than 10 percent old growth redwood plywood; nor in any plant or company producing more than 10 percent redwood pipes and tanks.

3. During the effective period of this order respondents' ownership of redwood-type timberlands shall not exceed 202,000 acres.

4. Nothing contained in this order shall apply to purchases by respondents of redwood timber or logs from lands owned or controlled by the United States Forest Service, Bureau of Indian Affairs, Bureau of Land Management, or the State of California.

5. In the event respondents make trades with purchasers, as purchasers are defined herein, of any of their old growth redwood timber or redwood-type timberlands for other timber or timberlands, including old growth redwood timber and redwood-type timberlands, the net balance of old growth redwood and/or redwood-type timberlands disposed of or obtained shall be subject to all of the terms and conditions of this order with such net balance being credited as either a divestiture or acquisition.

6. In the event of an act of God or major catastrophe, including but not limited to, fire, insect infestation or disease, which the respondents allege results in a substantial change of conditions in reference to their redwood timber holdings, the Commission shall, upon respondents' petition and affidavit, reopen the proceeding for reception of evidence as to whether the changed conditions require an alteration or modification of this order.

III. *It is further ordered*, That by such divestitures none of the redwood timber and/or logs required to be divested by this order shall be sold or transferred, directly or indirectly, to anyone who at the time of the divestiture is a stockholder, officer, director, employee, or agent of, or otherwise directly or indirectly connected with or under the control of, respondents or any of their subsidiaries or affiliated companies.

DEFINITIONS

1. "Purchasers" as referred to herein, shall include any person, partnership or firm engaging in the ownership or cutting of old growth redwood logs or timber or the production of redwood lumber therefrom, and shall exclude the following-named companies and their subsidiaries, affiliates, agents or representatives:

The Pacific Lumber Co.
The Georgia Pacific Corp.
Union Lumber Co.
Arcata Redwood Co.
Willits Redwood Products Co.

2. "Old growth" redwood timber means timber which is described interchangeably as "old growth" or "virgin" timber, as distinguished from what is commonly referred to as "young growth" or "second growth" timber. This includes redwood logs produced from felled redwood trees and timber cutting contracts as well as uncut redwood trees on the stump. "Old growth" redwood excludes "second growth" or "young growth" redwood timber which has grown on fully or partially cut-over lands subsequent to the logging of such lands and which is less than one hundred years of age.

3. "Cutting rights" or "cutting contracts" mean contracts for the purchase and sale of uncut redwood trees. Such contracts may or may not specify a third party, individual or firm who shall perform the logging, that is, the cutting and removal of the trees. They may or may not specify that the logging shall be done by the seller or purchaser.

4. "Redwood-type" timberlands means redwood timberlands, as defined by the U.S. Forest Service in Forest Survey Release No. 25, page 56, that is, forests in which 20 percent or more of the original stand is or was redwood.

5. "Board feet" means the unit of measure of volume of redwood timber and/or logs based on the Humboldt scale.

By "Final Order," report of compliance was required as follows:

It is further ordered, That respondents Simpson Timber Company, a corporation, and Simpson Redwood Company, a corporation, shall, on March 1, 1962, and at the expiration of each calendar year until termination of the order contained in the initial decision as provided by the terms thereof, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order contained in said initial decision.

Issued: January 4, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-5841; Filed, June 14, 1962; 8:45 a.m.]

[File No. 21-538]

PART 61—STATIONERS INDUSTRY

Promulgation of Trade Practice Rules

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, to be promulgated as of June 15, 1962.

Statement by the Commission. Trade practice rules for the Stationers Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

The industry for which these rules are established is composed of persons, firms, corporations and organizations (including manufacturers, wholesalers, distributors, jobbers, importers, retailers and others) engaged in the sale, offering for sale, or distribution, in commerce, of any products of the industry which are as follows: Inks, other than printing inks, pastes, blank books, tablets, social stationery, art supplies, calendars, paper clips, crayons, filing cabinets and filing supplies, globes, maps, pencil sharpeners, rubber bands, staples and staplers, stenographic supplies, desk accessories and other office supplies and equipment except furniture not specified above and furnishings such as rugs, draperies and pictures. Also not included are products of the following industries for which trade practice rules already exist:

Gummed Paper and Sealing Tape Industry.
Fountain Pen and Mechanical Pencil Industry.
Marking Devices Industry.
Wood Cased Lead Pencil Industry.
Engraved Stationery and Allied Products Industry of the New York City Trade Area.
Luggage and Related Products Industry.
Manifold Business Forms Industry.
Fine and Wrapping Paper Distributing Industry.
School Supply and Equipment Industry.
Office Machine Marketing Industry.

Proceedings for the establishment of these rules were instituted pursuant to an industry application. A general industry conference was held under Commission auspices in Chicago, Illinois, at which proposals for rules were submitted for consideration by the Commission. Thereafter, proposed rules were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, or amendments as they desired to offer, and to be heard in the premises. Pursuant to such notice a public hearing was held in Chicago, Illinois, and all matters there presented or otherwise received in the proceeding, were considered by the Commission.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth.

The rules, as approved, become operative thirty (30) days after the date of of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

The unfair trade practices embraced in the rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission, and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

Sec.
61.0 Definitions.
61.1 Deception (general).
61.2 Misleading illustrations.
61.3 Misrepresentation as to character of business.
61.4 Deceptive pricing.
61.5 Misuse of terms "close-outs," "discontinued lines," "special bargains," etc.
61.6 Substitution of products.
61.7 Use of the word "free."
61.8 Guarantees, warranties, etc.
61.9 Misrepresentation as to origin and disclosure of foreign origin.
61.10 Deceptive use and imitation of trade or corporate names, trade-marks, etc.
61.11 False invoicing.
61.12 Commercial bribery.
61.13 Consignment distribution.
61.14 Inducing breach of contract.
61.15 Defamation of competitors or false disparagement of their products.
61.16 Enticing away employees of competitors.
61.17 Push money.
61.18 Prohibited forms of trade restraints (unlawful price fixing, etc.).
61.19 Prohibited discrimination.
61.20 Exclusive dealing.
61.21 Tie-in sales—coercing purchase of one product as a prerequisite to the purchase of other products.

AUTHORITY: §§ 61.0 to 61.21 issued under sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.

§ 61.0 Definitions.

As used in this part the terms "industry products" and "industry member" shall have the following meanings, respectively:

(a) *Industry products.* Inks (other than printing inks), pastes, blank books, tablets, social stationery, art supplies, calendars, paper clips, crayons, filing cabinets and filing supplies, globes, maps, pencil sharpeners, rubber bands, staples and staplers, stenographic supplies, desk accessories, and other office supplies and equipment except furniture not specified above and furnishings such as rugs, draperies and pictures. In addition to the products indicated which are not included, products of the following industries for which trade practice rules already exist are also excluded:

Gummed Paper and Sealing Tape Industry.
Fountain Pen and Mechanical Pencil Industry.
Marking Devices Industry.
Wood Cased Lead Pencil Industry.
Engraved Stationery and Allied Products Industry of the New York City Trade Area.
Luggage and Related Products Industry.
Manifold Business Forms Industry.
Fine and Wrapping Paper Distributing Industry.
School Supply and Equipment Industry.
Office Machine Marketing Industry.

(b) *Industry member.* Any person, firm, corporation, or organization (including manufacturers, wholesalers, distributors, jobbers, importers, retailers and others) engaged in the sale, offering for sale, or distribution, in commerce, of industry products as defined above.

§ 61.1 Deception (general).

(a) It is an unfair trade practice for an industry member to sell or offer for sale any industry product under any representation, description, circumstance, or condition having the capacity and tendency or effect of deceiving purchasers or prospective purchasers thereof as to the type, kind, grade, quality, quantity, content, size, weight, color, character, substance, durability, serviceability, origin, price, value, preparation, production, manufacture or distribution of such industry product, or which has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public in any other material respect.

(b) The prohibitions of this section are applicable to all forms of advertising, whether in periodicals, on the radio or television, and whether written or oral, and to any form of marking or labeling of products or their containers. [Rule 1]

§ 61.2 Misleading illustrations.

It is an unfair trade practice, in connection with the offering for sale, sale, or distribution of industry products, to use, as part of any packaging material, label, advertisement, or other sales promotion matter, any visual representation, picture, illustration, diagram, or other depiction which, either alone or in conjunction with any accompanying words or phrases, has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers concerning the type, kind, grade, quality, quantity, content, size, weight, color, character, substance, durability, serviceability, origin, preparation, production, manufacture or distribution of any industry product, or which has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public in any other material respect. [Rule 2]

§ 61.3 Misrepresentation as to character of business.

It is an unfair trade practice for any member of the industry to represent, directly or indirectly, through the use of any word or term in his corporate or trade name, in his advertising, or otherwise, that he is a producer, manufacturer, wholesaler, distributor, importer or retailer of products of the industry, when such is not the fact, or in any other manner to misrepresent the character, extent, volume, or type of his business. [Rule 3]

§ 61.4 Deceptive pricing.

(a) It is an unfair trade practice for any member of the industry to represent directly or indirectly in advertising or otherwise that an industry product may be purchased for a specified price, or at a saving, or at a reduced price, when such is not the fact; or otherwise to deceive purchasers or prospective purchasers with respect to the price of any product offered for sale; or to furnish any means or instrumentality by which others engaged in the sale of industry products may make any such representation.

(b) Among the practices prohibited by this section are:

(1) Representing or implying that a stated price is the seller's usual and regular price of an industry product when in fact such stated price is in excess of the price at which such product is regularly and customarily sold by the seller in the usual and recent course of business.

NOTE: The words and phrases "regularly," "usually," "formerly," "was ------ now ------," "------% off" and "You save $------" when used in connection with prices constitute representations of the advertiser's former usual and customary prices in recent course of business.

(2) Representing or implying that a stated price constitutes a reduction from the trade area price unless the saving or reduction is from the usual and customary price of an industry product in the trade area, or areas where the representation is made.

NOTE: The words and phrases "manufacturer's suggested list $------—our price

$_____$" "sold nationally at $_____" and "value $_____" constitute representations of an article's usual and customary retail price in the trade area where the representations are made.

(3) Pre-ticketing a product with any price figure or otherwise representing, contrary to the fact, that there is a usual and customary price for the product in the trade area where it is offered for sale and that the usual and customary price is the pre-ticketed price, or pre-ticketing a product with any price if the pre-ticketed product is usually and customarily sold at a lower price or at a variety of prices significantly lower than the pre-ticketed price in the trade area or areas where it is offered for sale.

(4) Disseminating pre-ticketed price figures for use in connection with the offer for sale of products at retail by others (even though they themselves are not engaged in retail sales) when the price figures do not meet the standard set forth in this section.

(5) Placing in the hands of others, a means or instrumentality by which they may mislead the public. For the purposes of this section pre-ticketing includes the use of price figures.

(i) Affixed to the product by tag, label or otherwise, or

(ii) In such a form as to be affixed to the product by others, or

(iii) In material, such as display placards, which are used, or designed to be used, with the product at point of sale to the consuming public.

EXAMPLE: A manufacturer pre-tickets his products with "Price $12.95." Although this price prevails in many trade areas, in other areas the product generally sells for $10.95. The pre-ticketed price would violate this section in any trade area where the $12.95 price was not the usual and customary retail price.

NOTE: Guides Against Deceptive Pricing adopted by the Commission October 2, 1958, are now in the process of revision. The new guides will supplement this section by affording additional guidance on the subject. When approved, the new guides will be published in the FEDERAL REGISTER and copies thereof will be furnished upon request.

[Rule 4]

§ 61.5 Misuse of terms "close-outs," "discontinued lines," "special bargains," etc.

It is an unfair trade practice to offer for sale, sell, advertise, describe, or otherwise represent, industry products as "Close-Outs," "Discontinued Lines," or "Special Bargains," by use of such terms, or by words or representations of similar import, when such either is false, or has the capacity and tendency or effect of leading the purchasing or consuming public to believe such products are being offered for sale or sold at greatly reduced prices, or at so-called "bargain" prices, when such is not the fact. [Rule 5]

§ 61.6 Substitution of products.

It is an unfair trade practice for a member of the industry to make unauthorized substitutions of products, where such substitutions have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers, by:

(a) Shipping or delivering industry products which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without advising the purchaser of the substitution and obtaining his consent thereto prior to making shipment or delivery; or

(b) Falsely representing the reason for making substitutions. [Rule 6]

§ 61.7 Use of the word "free."

In connection with the sale, offering for sale, or distribution of industry products, it is an unfair trade practice to use the word "free," or any other word or words of similar import, in advertisements or in other offers to the public, as descriptive of an article of merchandise, or service, which is not an unconditional gift, under the following circumstances:

(a) When all the conditions, obligations, or other prerequisites to the receipt and retention of the "free" article of merchandise or service offered are not clearly and conspicuously set forth at the outset so as to leave no reasonable probability that the terms of the offer will be misunderstood, and, regardless of such disclosure:

(b) When, with respect to any article of merchandise required to be purchased in order to obtain the "free" article or service, the offerer (1) increases the ordinary and usual price of such article of merchandise, or (2) reduces its quality, or (3) reduces the quantity on size thereof.

NOTE: The disclosure required by paragraph (a) of this section shall appear in close conjunction with the word "free" (or other word or words of similar import) wherever such word first appears in each advertisement or offer. A disclosure in the form of a footnote, to which reference is made by use of an asterisk or other symbol placed next to the word "free," will not be regarded as compliance.

[Rule 7]

§ 61.8 Guarantees, warranties, etc.

(a) It is an unfair trade practice to represent in advertising or otherwise that a product is "guaranteed" without clear and conspicuous disclosure in conjunction therewith of:

(1) The nature and extent of the guarantee, and

(2) Any material conditions or limitations in the guarantee which are imposed by the guarantor, and

(3) The manner in which the guarantor will perform thereunder, and

(4) The identity of the guarantor.

Representations that a product is "guaranteed for life" or has a "lifetime guarantee" in addition to meeting the above requirements, shall contain a conjunctive and conspicuous disclosure of the meaning of "life" or "lifetime" as used (whether that of the purchaser, the product or otherwise).

(b) Guarantees shall not be used which under normal conditions are impractical of fulfillment or which are for such a period of time or are otherwise of such nature as to have the capacity and tendency of misleading purchasers or prospective purchasers into the belief that the product so guaranteed has a greater degree of serviceability, durability or performance capability in actual use than is true in fact.

(c) This section has application not only to "guarantees" but also to "warranties," to purported "guarantees" and "warranties," and to any promise or representation in the nature of a "guarantee" or "warranty." [Rule 8]

§ 61.9 Misrepresentation as to origin and disclosure of foreign origin.

(a) It is an unfair trade practice to misrepresent the place of origin, production, or manufacture of industry products or their components.

(b) It is an unfair trade practice to offer for sale, sell, or distribute any industry product manufactured or produced in a foreign country, or any industry product containing a substantial or material part or parts manufactured or produced in a foreign country, without affirmatively disclosing thereon, or in immediate conjunction therewith, by a truthful, conspicuous and nondeceptive mark, stamp, brand, or label, the country of origin of such product, or part, where failure to so disclose the country of origin has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public. [Rule 9]

§ 61.10 Deceptive use and imitation of trade or corporate names, trademarks, etc.

It is an unfair trade practice for any member of the industry, to use any trade name, corporate name, trade-mark or other trade designation, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the character, name, nature, or origin of any product of the industry, or of any material used therein, or which is false or misleading in any other material respect. (See also § 61.3.) [Rule 10]

§ 61.11 False invoicing.

Withholding from or inserting in invoices or sales slips any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices or sales slips, with the capacity and tendency or effect of thereby misleading or deceiving purchasers, prospective purchasers, or the consuming public, in any material respect, is an unfair trade practice. [Rule 11]

§ 61.12 Commercial bribery.

It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products sold or offered for sale by such industry member, or to influence such employers or principals to refrain from

dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 12]

§ 61.13 Consignment distribution.

(a) It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment without the express request or prior consent of the purchasers.

(b) Nothing in this section shall be construed to authorize any understanding or agreement, combination or conspiracy, or planned common course of action, by and between industry members, mutually to conform or restrict their practice of shipping goods on consignment. [Rule 13]

§ 61.14 Inducing breach of contract.

(a) Knowingly inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or between competitors and their suppliers, or interfering with or obstructing the performance of any such contractual duties or services, under any circumstance having the capacity and tendency or effect of substantially injuring or lessening competition, is an unfair trade practice.

(b) Nothing in this section is intended to imply that it is improper to solicit the business of a customer of a competing industry member; nor is the section to be construed as in anywise authorizing any agreement, understanding, or planned common course of action by two or more industry members not to solicit business from, or to sell to, the customers of either of them, or customers of any other industry member. [Rule 14]

§ 61.15 Defamation of competitors or false disparagement of their products.

The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of competitors' products in any respect, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. [Rule 15]

§ 61.16 Enticing away employees of competitors.

It is an unfair trade practice for any member of the industry wilfully to entice away employees or sales-contact personnel of competitors with the intent and effect of thereby hampering or injuring competitors in their business or destroying or substantially lessening competition: *Provided*, That nothing in this section shall be construed as prohibiting such persons from seeking more favorable employment, or as prohibiting employers from hiring or offering employment to employees of a competitor in good faith and not for the purpose of inflicting competitive injury. [Rule 16]

§ 61.17 Push money.

It is an unfair trade practice for any industry member to pay or contract to pay anything of value to a salesperson employed by a customer of the industry member, as compensation for, or as an inducement to obtain, special or greater effort or service on the part of the salesperson in promoting the resale of products supplied by the industry member to the customer:

(a) When the agreement or understanding under which the payment or payments are made or are to be made is without the knowledge and consent of the salesperson's employer; or

(b) When the terms and conditions of the agreement or understanding are such that any benefit to the salesperson or customer is dependent on lottery; or

(c) When any provision of the agreement or understanding requires or contemplates practices or a course of conduct unduly and intentionally hampering sales of products of competitors of an industry member; or

(d) When, because of the terms and conditions of the agreement or understanding, including its duration, or the attendant circumstances, the effect may be to substantially lessen competition or tend to create a monopoly; or

(e) When similar payments are not accorded to salespersons of competing customers on proportionally equal terms in compliance with sections 2 (d) and (e) of the Clayton Act.

NOTE: Payments made by an industry member to a salesperson of a customer under any agreement or understanding that all or any part of such payments is to be transferred by the salesperson to the customer, or is to result in a corresponding decrease in the salesperson's salary, are not to be considered within the purview of this section, but are to be considered as subject to the requirements and provisions of section 2(a) of the Clayton Act, as amended.

[Rule 17]

§ 61.18 Prohibited forms of trade restraints (unlawful price fixing, etc.).[1]

It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 18]

§ 61.19 Prohibited discrimination.

(a) *Prohibited discriminatory prices, rebates, discounts, etc.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE 1: Cost justification under subparagraph (2) of this paragraph depends upon net savings in cost based on all facts relevant to the transactions under the terms of such subparagraph. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

NOTE 2: In determining whether a price differential based on cost savings under subparagraph (2) of this paragraph is warranted there shall be taken into account any portion of the goods involved which are returned by the customer-purchaser to the seller for credit or refund. See also Note 2 under paragraph (e) of this section.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in re-

[1] The prohibitions of this section are subject to Public Law 542, approved July 14, 1952—66 Stat. 632 (the McGuire Act, commonly referred to as the Fair Trade Amendment) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

sponse to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor.

NOTE: Subsection (b) of section 2 of the Clayton Act, as amended, reads as follows: "Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor."

(b) *Examples of prohibited price differential practices.* The following are examples of price differential practices to be considered as subject to the prohibitions of paragraph (a) of this section when involving goods of like grade and quality which are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and which are not purchased by schools, colleges, universities, public libraries, churches, hospitals, or charitable institutions not operated for profit, as supplies for their own use, and when:

(1) The commerce requirements specified in paragraph (a) of this section are present; and

(2) The price differential has a reasonable probability of substantially lessening competition or tending to create a monopoly in any line of commerce, or of injuring, destroying, or preventing competition with the industry member or with the customer receiving the benefit of the price differential, or with customers of either of them; and

(3) The price differential is not justified by cost savings (see paragraph (a) (2) of this section); and

(4) The price differential is not made in response to changing conditions affecting the market for or the marketability of the goods concerned (see paragraph (a) (4) of this section); and

(5) The lower price was not made to meet in good faith an equally low price of a competitor (see paragraph (a) (5) of this section).

EXAMPLE 1. At the end of a given period an industry member grants a discount to a customer equivalent to a fixed percentage of the total of the customer's purchases during such period and fails to grant a discount of the same percentage to other customers on their purchases during such period.

EXAMPLE 2. An industry member sells goods to one or more of his customers at a higher price than he charges other customers for like merchandise. It is immaterial whether or not such discrimination is accomplished by misrepresentation as to the grade and quality of the products sold.

(c) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(d) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is made known to and is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

NOTE 1: Industry members giving advertising allowances to competing customers must exercise precaution and diligence in seeing that all of such allowances are used in accordance with the terms of their offers.

NOTE 2: When an industry member gives allowances to competing customers for advertising in a newspaper or periodical, the fact that a lower advertising rate for equivalent space is available to one or more, but not all, such customers, is not to be regarded by the industry member as warranting the retention by such customer or customers of any portion of the allowance for his or their personal use or benefit.

(e) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

NOTE 1: Subsection (b) of section 2 of the Clayton Act, as amended, which is set forth in the note concluding paragraph (a) of this section is applicable to this paragraph.

NOTE 2: Among the practices prohibited by this paragraph is that of an industry member according to one or more customers the privilege of returning for credit or refund any or all of the goods purchased by them and failing to accord the same privilege to another or other competing customers on proportionally equal terms. In this connection see also Note 2 under cost justification proviso (paragraph (a) (2) of this section).

(f) *Inducing or receiving an illegal discrimination in price, advertising or promotional allowances, or services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price, advertising or promotional allowances, or services or facilities, prohibited by the foregoing provisions of this section. [Rule 19]

§ 61.20 Exclusive dealing.

It is an unfair trade practice for any member of the industry to lease, contract to sell or sell any industry product, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use or deal in the products of a competitor or competitors of such industry member, where the effect of such sale or contract for sale, or of such condition, agreement, or understanding, may be substantially to lessen competition or tend to create a monopoly in any line of commerce. [Rule 20]

§ 61.21 Tie-in sales—coercing purchase of one product as a prerequisite to the purchase of other products.

The practice of coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be substantially to lessen competition or tend to create a monopoly or unreasonably to restrain trade, is an unfair trade practice. [Rule 21]

Authorized: May 29, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-5805; Filed, June 14, 1962; 8:45 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Docket No. R-213; Order 250]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Revised Annual Report Form for Class C and Class D Public Utilities and Licensees

JUNE 11, 1962.

The Commission has under consideration in this proceeding the revision of its F.P.C. Form No. 1-F, Annual Report Form Prescribed for Class C and Class D Public Utilities and Licensees Subject to the Provisions of the Federal Power Act and § 141.2, Part 141, Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18, Code of Federal Regulations (CFR), prescribing F.P.C. Form No. 1-F. That form, as revised, is prescribed hereinafter effective for use in reporting for the calendar year beginning January 1, 1961 or subsequently during the calendar year 1961 if an established fiscal year is other than the calendar year, and years thereafter.

The various schedules comprising F.P.C. Form No. 1-F now prescribed in § 141.2 (18 CFR 141.2) correspond to, and appear as pages 1-6 of the Commission's F.P.C. Form No. 1-F, Public Utilities and Licensees, Class C and Class D.[1]

This proceeding was commenced by notice of proposed rule making served upon interested parties, including State and Federal regulatory agencies, and by publication in the FEDERAL REGISTER on April 4, 1962 (27 F.R. 3206). As proposed, the subject matters and revisions in § 141.2, and the General Instructions and other Schedules comprising F.P.C. Form No. 1-F were set forth in the notice of proposed rule making and attached forms of proposed revised Schedules served upon the aforesaid interested parties and filed as a part of the notice submitted to the Office of the Federal Register for publication. The notice of proposed rule making invited the submission to the Commission of written data, views, comments and suggestions concerning the proposed revisions of F.P.C. Form No. 1-F and Part 141 on or before April 20, 1962. No filing responsive to the notice of proposed rule making has been received.

The exact nature of each of the revisions in Form 1-F is fully set forth in the respective accompanying schedule pages. The changes would be accomplished mainly through modification of existing schedules. One new schedule, Transmission Lines Added During the Year, has been added. The revised Annual Report Form has been adapted to changes prescribed in the Uniform System of Accounts, Prescribed for Public Utilities and Licensees effective January 1, 1961.

The Commission finds:

(1) The notice and opportunity to comment in this rule making proceeding with respect to the matters presently before the Commission in the manner as described above are consistent and in accordance with the procedural requirements of section 4 of the Administrative Procedure Act.

(2) In view of the foregoing, and upon consideration of all relevant matters presented it is necessary and appropriate for the purposes of the Federal Power Act that:

(a) The revised Annual Report Form as set forth in annexed Appendix A be adopted and promulgated as this Commission's F.P.C. Form No. 1-F effective for use in reporting for the calendar year beginning January 1, 1961, or subsequently during the calendar year if an established fiscal year is other than the calendar year, and years thereafter; all as hereinafter provided.

(b) Section 141.2, Part 141, Subchapter D—Approved Forms Federal Power Act, Chapter I, Title 18, Code of Federal Regulations be amended to read as hereinafter provided.

(3) Good cause exists for adoption and promulgation of the matters referred to above immediately upon issuance of this order; all as hereinafter provided.

The Commission acting pursuant to the Federal Power Act, as amended particularly sections 3(13), 4 (a), (b), (c), 301(a), 302, 304, 309, and 311 thereof (16 U.S.C. 796 (13), 797 (a), (b), (c), 825(a), 825a, 825c, 825h, and 825j) orders:

(A) The revised Report Form as set forth in annexed Appendix A is adopted and promulgated as this Commission's F.P.C. Form No. 1-F effective for use in reporting for the calendar year beginning January 1, 1961, or subsequently during the calendar year 1961 if an established fiscal year is other than the calendar year, and years thereafter.

(B) Section 141.2, Part 141, Subchapter D—Approved Forms, Federal Power Act, of Chapter I of Title 18 of the Code of Federal Regulations, is amended to read as follows:

§ 141.2 Form No. 1-F; Annual Report for public utilities and licensees, (Class C and Class D).

(a) (1) The form of Annual Report for public utilities and licensees, Class C and Class D, designated as F.P.C. Form No. 1-F[2] in the Commission's regulations under the Federal Power Act is prescribed for the year 1961 and thereafter.

(2) This report form is not prescribed for municipalities as defined in section 3 of the Federal Power Act; i.e., a city, county, irrigation district, drainage district, or other political subdivision or agency of a State competent under the laws thereof to carry on the business of developing, transmitting, utilizing, or distributing power.

(b) Each public utility or licensee, as defined in the Federal Power Act which is included in Class C or Class D as defined in the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees, effective January 1, 1961, shall prepare and file with the Commission for the year beginning January 1, 1961, or subsequently during the calendar year 1961 if its established fiscal year is other than the calendar year, and for each year thereafter, on or before the last day of the third month following the close of the calendar year or other established fiscal year (except that such reports for the calendar year 1961 or a fiscal year beginning during 1961 may be filed on or before July 16, 1962, or one month after the end of the fiscal year whichever is later) an original and one conformed copy of the above-designated F.P.C. Form 1-F, all properly filled out and verified. One copy of said report should be retained by the correspondent in its files. The conformed copy may be a carbon copy if legible.

(c) This annual report contains the following schedules:

Identification.
General Instructions.
General Information.
Security Holders and Voting Powers.
Officers and Directors.
Comparative Balance Sheet.
Accumulated Provision for Depreciation and Amortization of Utility Plant.
Capital Stock.
Long-Term Debt.
Condensed Income Statement.
Earned Surplus.
Electric Sales Data for the Year.
Sales of Electricity for Resale.
Electric Operation and Maintenance Expenses.
Purchased Power.
Utility Plant.
Generating Station Statistics.
Transmission Line Statistics.
Transmission Lines Added During Year.
Verification.

(Secs. 3(13), 4 (a), (b), (c), 41 Stat. 1065, as amended, secs. 301(a), 302, 304, 309, 311, 49 Stat. 838, 839, 854, 855, 858, 859; 16 U.S.C. 796(13), 797 (a), (b), (c), 825(a), 825a, 825c, 825h, 825j)

(C) This order shall be effective upon the date of issuance thereof.

(D) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62-5840; Filed, June 14, 1962; 8:45 a.m.]

[1] For reporting years 1939 through 1958 this Commission had separate annual report forms for Class C and Class D electric utilities and licensees. The report form for Class C companies was prescribed by Order No. 55 of September 7, 1938 (3 F.R. 2254, September 20, 1938) and amended by Order No. 76 of September 24, 1940 (5 F.R. 3860, October 1, 1940), Order No. 110 of December 21, 1943 (8 F.R. 17337, December 28, 1943), and Order No. 150 of November 22, 1949 (14 F.R. 7248, December 2, 1949). The report form for Class D companies was prescribed by Order No. 56 of September 7, 1938 (3 F.R. 2255, September 20, 1938), and amended by Order No. 77 of September 24, 1940 (5 F.R. 3860, October 1, 1940), Order No. 111 of December 21, 1943 (8 F.R. 17337, December 28, 1943), and by Order No. 150 of November 22, 1949 (14 F.R. 7248, December 2, 1949).

The combined report form, for Class C and Class D companies, F.P.C. Form No. 1-F was promulgated by Order No. 212 of March 26, 1959 (24 F.R. 2526, April 1, 1959).

[2] Form filed as part of original document.

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2694]

[Arizona 026036]

ARIZONA

Revoking Air Navigation Site Withdrawal No. 143; Partly Revoking Air Navigation Site Withdrawal No. 158

By virtue of the authority vested in the Secretary of the Interior by section 4 of the act of May 24, 1928 (45 Stat. 728; 49 U.S.C. 214), it is ordered as follows:

1. The departmental orders of July 31, 1940, and April 9, 1941, so far as they withdrew the following described public lands for use of the Department of Commerce in the maintenance of air navigation facilities, are hereby revoked, as indicated:

GILA AND SALT RIVER MERIDIAN

(a) Order of July 31, 1940 (Air Navigation Site No. 143).

T. 1 N., R. 3 W.,
Sec. 7, W½NE¼ and E½NW¼.

(b) Order of April 9, 1941 (Air Navigation Site No. 158).

T. 3 N., R. 20 W.,
Sec. 16, S½SW¼SW¼, SE¼SW¼, SW¼NW¼SE¼, and N½SW¼SE¼;
Sec. 20, N½NW¼NE¼, N½NE¼NE¼, SW¼NW¼NE¼, and SE¼NE¼NW¼;
Sec. 21, NW¼NW¼NW¼.

Containing 320 acres.

2. The lands in subparagraph (a), above, are located some three miles north of the Town of Buckeye; those in (b), about 12 miles south and west of Quartzsite, Arizona. Vegetation consists of the usual southern desert types.

3. The lands are hereby restored to the operation of the public land laws, subject to any valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals provided, that, until 10:00 a.m. on December 10, 1962, the State of Arizona shall have a preferred right of application to select the lands in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws beginning 10:00 a.m. on December 10, 1962.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JUNE 11, 1962.

[F.R. Doc. 62-5875; Filed, June 14, 1962; 8:48 a.m.]

[Public Land Order 2695]

[Wyoming 0118976]

WYOMING

Withdrawing Public Lands for Reclamation Purposes; Savery-Pot Hook Project

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, for reclamation purposes, for making surveys, and irrigation investigations in connection with the Savery-Pot Hook Project:

SIXTH PRINCIPAL MERIDIAN

T. 13 N., R. 89 W.,
Sec. 11, SE¼NW¼, NE¼SW¼, and SW¼SW¼;
Sec. 15, SW¼SE¼.
T. 14 N., R. 89 W.,
Sec. 2, lots 5, 6, 7, and NE¼NW¼.
T. 15 N., R. 89 W.,
Sec. 25, lot 6;
Sec. 35, lots 1 to 5, incl., SE¼NW¼, and SW¼.
T. 12 N., R. 90 W.,
Sec. 1, lot 1;
Sec. 8, SE¼;
Sec. 17, NE¼NE¼;
Sec. 19, lots 1 and 2.
T. 13 N., R. 91 W.,
Sec. 27, SW¼NW¼;
Sec. 34, lot 1.
T. 12 N., R. 93 W.,
Sec. 17, SW¼NE¼, S½NW¼, and S½;
Sec. 18, SE¼SE¼;
Sec. 19, lot 2;
Sec. 20, lots 1 and 2;
Sec. 21, lots 1 and 2.

The areas described aggregate 1,485.45 acres.

The lands shall be administered by the Bureau of Land Management under appropriate public land laws until such time as they or any portion thereof are needed for project works or irrigation purposes.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JUNE 11, 1962.

[F.R. Doc. 62-5876; Filed, June 14, 1962; 8:48 a.m.]

[Public Land Order 2696]

IDAHO AND CALIFORNIA

Opening Lands Under Section 24 of the Federal Power Act

By virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to determinations of the Federal Power Commission docketed as DA-556, 560-Idaho, and DA-987-California, it is ordered as follows:

1. The following-described lands are hereby restored to the operation of the public land laws, subject to valid existing rights and equitable claims, the requirements of applicable law, rules and regulations and the provisions of any existing withdrawals:

[Idaho 013072, 013088]

IDAHO

BOISE MERIDIAN

T. 25 N., R. 1 E. (Project 2273),
Sec. 14, lot 1, less patented M.S. No. 2381).
T. 6 S., R. 12 E. (Project 1975),
Sec. 9, lots 4 and 5.

[Sacramento 062877]

CALIFORNIA

MOUNT DIABLO MERIDIAN

T. 16 N., R. 6 E.,
Sec. 28, lot 13.

Containing 141.89 acres.

2. Until 10:00 a.m. on December 10, 1962, the State of California shall have (1) a preferred right of application to select the California lands in accordance with subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and (2) a preferred right to apply for the reservation to it or to any of its political subdivisions, under any statute or regulation applicable thereto, of any of the lands required for a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways.

3. Disposals of any of the lands described in this order shall be subject to the provisions of Section 24 of the Federal Power Act, as amended. Disposals of the lands in T. 25 N., R. 1 E., shall be further subject to the condition that in the event the land is required for power purposes, any improvements or structures placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with power development at no cost to the United States, its permittees or licensees. Disposals of the lands in T. 6. S., R. 12 E., shall be further subject to the prior rights of the licensee for Project No. 1975 and its successors to use the affected portion of the lands for project purposes as contemplated in the license for said project.

4. The State of Idaho has waived its preference rights under the Act of August 27, 1958, and under section 24 of the Federal Power Act, supra.

5. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621). The lands in Projects 2273 and 1975 shall be open to mining location, subject to the stipulations prescribed by the Commission in its determinations, beginning at 10:00 a.m. on July 17, 1962.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho, or Sacramento, California, as appropriate.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JUNE 11, 1962.

[F.R. Doc. 62-5877; Filed, June 14, 1962; 8:48 a.m.]

[Public Land Order 2697]

[1609198, 1633262]

ARIZONA AND NEW MEXICO

Modification of Grazing Districts; New Mexico No. 3 and Arizona No. 4

By virtue of the authority contained in the act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315 et seq.), as amended, known as the Taylor Grazing Act, it is ordered as follows:

1. The order of the Bureau of Land Management of March 24, 1953 (18 F.R. 1761), excluding the following described lands from New Mexico Grazing District No. 3 and adding them to Arizona Grazing District No. 4, is hereby revoked, and the lands shall resume their status as, and be administered as a part of New Mexico Grazing District No. 3:

NEW MEXICO PRINCIPAL MERIDIAN

T. 20 S., R. 19 W.,
Sec. 27, W½;
Secs. 28 to 33, incl.;
Sec. 34, W½.

T. 21 S., R. 19 W.,
Secs. 4 to 9, incl.
T. 16 S., R. 20 W.,
Sec. 18, S½, E½NW¼, and SW¼NW¼;
Secs. 19, 30, and 31.
T. 17 S., R. 20 W.,
Sec. 4, E½, E½W½, and W½SW¼;
Sec. 5, S½;
Secs. 6 to 9, incl.;
Secs. 17 to 21, incl.;
Sec. 22, N½NW¼, SW¼NW¼, and NW¼SW¼;
Sec. 28, N½ and NW¼SW¼;
Sec. 29, N½, N½SE¼, and NE¼SW¼;
Secs. 30 and 31.
T. 18 S., R. 20 W.,
Sec. 6, W½ and W½NE¼;
Sec. 7, W½;
Sec. 18, W½NW¼ and NW¼SW¼.
T. 19 S., R. 20 W.,
Sec. 7, SW¼ and SW¼SE¼;
Sec. 17, S½ and SW¼NW¼;
Secs. 18 to 20, incl.;
Sec. 21, W½SW¼ and SE¼SW¼;
Sec. 27, W½W½ and SE¼SW¼;
Secs. 28 to 33, incl.;
Sec. 34, W½ and W½SE¼.
T. 20 S., R. 20 W.,
Sec. 3, W½, W½E½, and NE¼SE¼;
Secs. 4 to 9, incl.;
Sec. 10, W½ and W½E½;
Sec. 15, W½ and W½E½;
Secs. 16 to 21, incl.;
Sec. 22, W½ and W½E½;
Secs. 25 to 36, incl.
T. 21 S., R. 20 W.,
Secs. 1 to 31, incl.;
Sec. 32, NW¼, N½SW¼, SW¼SW¼, W½NE¼, and NE¼NE¼;
Sec. 33, N½ and NE¼SE¼;
Sec. 34;
Sec. 35, N½ and N½SW¼;
Sec. 36, N½NW¼ and SW¼NW¼.
T. 22 S., R. 20 W.,
Sec. 3, NW¼NE¼, NE¼NW¼ (lots 2 and 3).
T. 16 S., R. 21 W.,
Secs. 2 to 11, incl.;
Sec. 12, W½ and W½E½;
Sec. 13, W½, W½E½, E½SE¼, and SE¼NE¼;
Secs. 14 to 36, incl.
T. 17 S., R. 21 W.
T. 18 S., R. 21 W.,
Secs. 1 to 22, incl.;
Sec. 23, N½;
Sec. 24, NW¼ and W½NE¼;
Secs. 27 to 34, incl.;
Sec. 35, S½.
T. 19 S., R. 21 W.,
Secs. 2 to 11, incl.;
Sec. 12, W½, SE¼, and S½NE¼;
Secs. 13 to 36, incl.
T. 20 S., R. 21 W.
T. 21 S., R. 21 W.
T. 22 S., R. 21 W.
Secs. 6 and 7;
Secs. 18 and 19;
Sec. 30, W½.
T. 23 S., R. 21 W.,
Secs. 30 and 31.
T. 25 S., R. 21 W.,
Secs. 6 and 7;
Secs. 16 to 21, incl.;
Sec. 27, W½;
Secs. 28 to 33, incl.;
Sec. 34, W½.
T. 26 S., R. 21 W.,
Secs. 4 to 9, incl.;
Sec. 15, W½;
Secs. 16 to 21, incl.;
Sec. 22, W½ and S½SE¼;
Secs. 27 to 34, incl.
T. 27 S., R. 21 W.,
Secs. 3 to 10, incl.;
Sec. 14, W½;
Secs. 15 to 22, incl.;
Sec. 23, W½, SE¼, and SW¼NE¼;
Sec. 26, NW¼ and NW¼NE¼;
Sec. 27, N½, SW¼, N½SE¼, and SW¼SE¼;
Secs. 28, 29, 30, 31, 32, and 33;
Sec. 34, W½ and NW¼NE¼.
T. 28 S., R. 21 W.,
Sec. 3, W½W½ and SE¼SW¼;
Secs. 4 to 10, incl.;
Sec. 11, W½, SE¼, and SW¼NE¼;
Secs. 13 to 23, incl.;
Sec. 24, W½ and W½NE¼;
Sec. 25, NW¼;
Secs. 26 to 34, incl.
T. 29 S., R. 21 W.,
Secs. 3 to 10, incl.;
Sec. 11, W½ and W½NE¼;
Sec. 14, N½NW¼;
Sec. 15, N½, N½S½, and SW¼SW¼;
Secs. 16 to 20, incl.;
Sec. 21, N½, SW¼, and NW¼SE¼;
Sec. 22, NW¼NW¼;
Sec. 28, W½NW¼ and SW¼SW¼;
Secs. 29 to 32, incl.;
Sec. 33, W½.
T. 30 S., R. 21 W.,
Sec. 4, W½ and SE¼;
Secs. 5 to 9, incl.;
Secs. 17 and 18.
T. 34 S., R. 21 W.,
Sec. 4, W½W½;
Secs. 5 to 8, incl.;
Sec. 9, W½W½;
Sec. 15, N½;
Sec. 16;
Sec. 17, N½NW¼ and SW¼NW¼;
Sec. 18;
Sec. 19.
Tps. 26, 27, 28, 29, and 30 S., R. 22 W.
T. 31 S., R. 22 W.,
Secs. 1 and 2;
Secs. 11 and 12.
T. 34 S., R. 22 W.

2. The following described lands, not now a part of any Grazing District, are hereby added to and made a part of New Mexico Grazing District No. 3:

NEW MEXICO PRINCIPAL MERIDIAN

T. 15 S., R. 7 W.,
Sec. 23, S½;
Sec. 24, S½;
Secs. 25, 26, 27, 33, 34, 35, and 36.
T. 16 S., R. 7 W.,
Secs. 2, 3, 4, 9, and 10.
T. 15 S., R. 6 W.,
Sec. 31.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JUNE 11, 1962.

[F.R. Doc. 62-5878; Filed, June 14, 1962; 8:48 a.m.]

[Public Land Order 2698]

[Anchorage 027817]

ALASKA

Withdrawing Lands for Use of the Department of the Army

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved under jurisdiction of the Department of the Army for the protection of Nike Site facilities erected on the lands:

SEWARD MERIDIAN

T. 14 N., R. 1 W.,
Sec. 31, N½SW¼.

Containing 80 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JUNE 11, 1962.

[F.R. Doc. 62-5879; Filed, June 14, 1962; 8:48 a.m.]

[Public Land Order 2699]

[Nevada 057553, 1916095]

NEVADA

Partly Revoking Public Land Order No. 6 of July 26, 1942

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 6 of July 26, 1942, withdrawing lands for use of the War Department as an air base, is hereby revoked so far as it affects the following described lands:

MOUNT DIABLO MERIDIAN

T. 20 N., R. 19 E.,
Sec. 4, the south 200 ft. of S½SW¼.

Containing 12.11 acres.

2. The lands are subject to rights-of-way to the State of Nevada for material sites under section 17 of the Federal Aid Highway Act of November 9, 1921 (42 Stat. 216; 23 U.S.C. 18), as amended. At 10:00 a.m. on July 17, 1962, the lands shall be subject to such forms of use and disposition as may by law be made of lands so appropriated (61 I.D. 255).

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JUNE 11, 1962.

[F.R. Doc. 62-5880; Filed, June 14, 1962; 8:48 a.m.]

[Public Land Order 2700]

[Oregon 011894]

OREGON

Revoking Reclamation Withdrawal; Vale Project

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental order of March 18, 1929, and any other order or orders which withdrew lands for reclamation purposes under the provisions of the act of June 17, 1902, supra, are hereby revoked so far as they affect the following described lands:

WILLAMETTE MERIDIAN

T. 21 S., R. 36 E.,
Sec. 21, W½W½;
Sec. 27, E½SW¼;
Sec. 28, SW¼NE¼, E½NW¼, and W½SE¼;
Sec. 33, NE¼NE¼;
Sec. 34, NE¼, NW¼NW¼, and SW¼SW¼.

T. 22 S., R. 36 E.,
Sec. 2, lot 3 and SW¼SE¼;
Sec. 3, lot 2, SW¼NE¼, and W½SE¼;
Sec. 10, E½E½;
Sec. 11, NE¼NE¼, NW¼SW¼, and S½SW¼;
Sec. 12, NW¼ and NE¼SW¼;
Sec. 13, W½E½ and E½SW¼;
Sec. 14, W½NE¼, E½NW¼, NE¼SW¼, S½SW¼, and NW¼SE¼;
Sec. 21, SE¼;
Sec. 22, N½S½;
Sec. 23, W½NW¼;
Sec. 24, NW¼NE¼, SE¼NE¼, and E½SE¼;
Sec. 25, SW¼NW¼;
Sec. 26, S½NW¼ and S½;
Sec. 27, S½N½ and SE¼SE¼;
Sec. 28, NE¼;
Sec. 34, E½E½;
Sec. 35, NW¼, SW¼, and NW¼SE¼.
T. 23 S., R. 36 E.,
Sec. 2, lots 3, 4, SW¼NW¼, NW¼SW¼, and S½SW¼;
Sec. 3, lots 1, 2, S½NE¼, and SE¼;
Sec. 11, SW¼NE¼, NW¼, N½SW¼, SW¼SW¼, and NW¼SE¼;
Sec. 13, W½W½ and E½SW¼;
Sec. 14, E½, N½NW¼, and SE¼NW¼;
Sec. 24, N½.
T. 22 S., R. 37 E.,
Sec. 19, lot 4;
Sec. 30, N½NW¼, SE¼NW¼, W½SE¼, and SE¼SE¼;
Sec. 31, N½NE¼, SE¼NE¼, and NE¼SE¼;
Sec. 32, W½W½.
T. 23 S., R. 37 E.,
Sec. 4, SW¼SW¼;
Sec. 5, lots 3, 4, NE¼SW¼, W½SE¼, S½NW¼, and SE¼SE¼;
Sec. 7, SE¼SW¼ and SW¼SE¼;
Sec. 8, NE¼NE¼, S½NE¼, and SE¼;
Sec. 9, NW¼;
Sec. 18, NE¼NW¼;
Sec. 19, lots 1, 2, and E½NW¼.

The areas described aggregate approximately 7,533 acres.

2. The lands are hereby restored to the operation of the public land laws, effective at 10:00 a.m. on July 17, 1962, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules, and regulations.

3. The State of Oregon has waived the preference right of application granted to it by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JUNE 11, 1962.

[F.R. Doc. 62-5881; Filed, June 14, 1962; 8:48 a.m.]

[Public Land Order 2701]

[Colorado 014413 etc.]

COLORADO

Opening Lands Under Section 24 of the Federal Power Act; Power Site Reserve No. 124, Power Site Classification No. 176

1. In DA Nos. 385, 393, 432, 437, and 439-Colorado, the Federal Power Commission determined that the value of the following-described lands will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended:

SIXTH PRINCIPAL MERIDIAN

T. 1 N., R. 90 W.,
Sec. 20, lots 5 and 7.
T. 1 N., R. 91 W.,
Sec. 25, lots 5, 8, 9, and 10;
Sec. 35, lot 1 and SW¼NE¼.

Containing approximately 140 acres.

2. The lands are situated along the North Fork of the White River, from three to eight miles upstream from Buford, Colorado.

3. Subject to any valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

(a) Until 10:00 a.m. on December 10, 1962, the State of Colorado shall have (1) a preferred right of application to select the lands described in Paragraph 1 hereof, in accordance with subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and (2) a preferred right to apply for the reservation to it or to any of its political subdivisions under any statute or regulation applicable thereto, of any of the lands required for a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, in accordance with the provisions of section 24 of the Federal Power Act, as amended.

(b) All valid applications and selections under the nonmineral public land laws other than any from the State of Colorado presented prior to 10:00 a.m. on December 10, 1962, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Any disposals of the lands described in this order shall be subject to the provisions of section 24 of the Federal Power Act, supra, as specified by the Federal Power Commission in its determinations.

5. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

6. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims, must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JUNE 11, 1962.

[F.R. Doc. 62-5882; Filed, June 14, 1962; 8:48 a.m.]

Chapter II—Bureau of Reclamation, Department of the Interior

PART 416—RECLASSIFICATION AS IRRIGABLE OF HIGH LAND IN FARM UNITS, COLUMBIA BASIN PROJECT, WASHINGTON

The purpose of this amendment is to prescribe the policies and procedures under which high land in farm units on the Columbia Basin Project, Washington, may be reclassified as irrigable and eligible to receive project irrigation water. Notice and publication procedures thereon are deemed unnecessary. This part has been prepared after receiving comments of the three Columbia Basin Irrigation Districts as representatives of the affected water users and reflects their approval in accordance with existing law and repayment contracts. The procedures herein are effective on approval of each application and contract and by the individual affected and the irrigation district in which the land is located. These regulations are hereby adopted and shall become effective upon publication in the FEDERAL REGISTER.

A new Part 416 is added to Title 43, Chapter II, reading as follows:

Sec.
416.1 Purpose.
416.2 Definitions; address.
416.3 Filing of application.
416.4 Conditions precedent to reclassification.
416.5 Contract with the United States and the Irrigation District.
416.6 Execution of contract by the Irrigation District and the United States.
416.7 Recording of contract.
416.8 Water service charge when no assessment.

AUTHORITY: §§ 416.1 to 416.8 issued under sec. 8, 57 Stat. 14 et seq.; 16 U.S.C. 835 et seq.

§ 416.1 Purpose.

The regulations in this part prescribe the policies and procedures under which high land in farm units on the Columbia Basin Project, Washington, may be reclassified as irrigable so that the high land will be eligible to receive project irrigation water on the same basis as other lands in farm units of similar quality classed as irrigable.

§ 416.2 Definitions; address.

As used in this part:

(a) "Project Manager" means the Project Manager, Columbia Basin Project, Bureau of Reclamation. Communications should be addressed to that officer at Ephrata, Washington.

(b) "Project Act" means the Columbia Basin Project Act (16 U.S.C. 835 et seq.) as amended.

(c) "Farm unit" means a farm unit on the Columbia Basin Project as referred to in the Project Act.

(d) "Landowner" has the meaning ascribed to it in the Project Act.

(e) "High land" means land within a farm unit which land, although arable, is classified as nonirrigable because of higher elevation or location with respect to the turnout and measuring device provided for delivery of water from the Project irrigation system to the farm unit or portion therof.

(f) "Reclassified high land" means high land which the United States has reclassified as irrigable.

(g) "Irrigation District" means the particular irrigation district on the Columbia Basin Project in which the farm unit is located.

§ 416.3 Filing of application.

A landowner or contract purchaser holding a farm unit containing high land may make application to the Project Manager through the Irrigation District, on a form to be provided by the Project Manager, to have all or a portion of the high land in the farm unit reclassified as irrigable.

§ 416.4 Conditions precedent to reclassification.

As a condition precedent to reclassification as irrigable, following receipt of an application therefor, the Project Manager shall determine that:

(a) The irrigation block, as defined in the Reclamation Project Act of 1939, containing the high land is in the development period, established pursuant to the repayment contract between the United States and the Irrigation District, and the irrigable area of the block has not yet been finally determined by the Secretary of the Interior.

(b) The total irrigable area of the farm unit, including the high land sought to be reclassified, does not exceed 160 acres or a nominal quarter section.

(c) The total irrigable acreage of farm units held by the landowner and eligible for water, including such high land covered by the application as is classified as irrigable, does not exceed the maximum permitted by law and regulations thereunder.

(d) Capacity in the Project irrigation distribution system is available under normal conditions to serve the high land.

(e) Reclassification of the high land as irrigible is in the interests of sound Project development and the land may reasonably be expected to support project irrigation charges over a continuing period.

§ 416.5 Contract with the United States and the Irrigation District.

If the Project Manager makes those determinations listed in § 416.4, he shall present a form of contract to the applicant which will reclassify the high land as irrigable and will contain the following provisions and such others as may be appropriate:

(a) The Contractor agrees that the reclassified high land will be subject to irrigation assessments for construction, development period water rental, operation and maintenance, and other charges, to land classification and water allotment determinations, and to other provisions of the repayment contract between the United States and the District and to laws, rules and regulations in the same manner and to the same extent as lands in farm units heretofore classified as irrigable.

(b) The District will pay the United States on behalf of the reclassified high land, pursuant to the provisions of its repayment contract with the United States, the construction, development period water rental, operation and maintenance, and other charges applicable to such land at the same times and at the same rates as for other lands in Project farm units of similar land class.

(c) An allotment of water will be available to the reclassified high land in the same quantity per acre as for other lands in Project farm units of the same water requirement class or classes (such classes being provided for in the said repayment contract). Irrigation water for the reclassified high land will be delivered through the turnout or turnouts serving the farm unit in which the reclassified high land is located as the turnout or turnouts now exist or may hereafter be reconstructed. Irrigation water shall be conveyed by the Contractor from the said turnout or turnouts to the reclassified high land at his own expense and without cost to the United States or the District for construction or operation and maintenance of any special facilities required to make water available to the reclassified high land, provided, that the Contractor shall not maintain the water surface in the head ditch or ditches receiving water from the said turnout or turnouts at higher than the level established by the United States or the District as the delivery water surface elevation for the turnout involved.

(d) The Contractor, in consideration of the reclassification of high land as irrigable as provided for herein and the agreement to furnish water to such land, expressly waives any rights with respect to the reclassified high land which may be available under laws of the State of Washington or otherwise, such as for decreased construction, development period water rental, operation and maintenance, and other charges, on account of benefits from the Columbia Basin Project being less for the reclassified high land because of location as compared to the other lands and the added costs and inconvenience to him of his serving such lands.

(e) Subject to the Federal Reclamation Laws and the above said repayment contract, as the same may be amended, the provisions of this contract shall be binding on the heirs, devisees, successors or assigns of the Contractor and the successors and assigns of the United States and the District, and all such provisions are covenants that shall run with and bind the high land. This contract may not be terminated or amended by or at the request of the Contractor, and it will be understood that the same is for the permanent reclassification of high land as irrigable and is in no sense a temporary contract.

§ 416.6 Execution of contract by the Irrigation District and the United States.

Upon execution of the contract by the landowner and, if the farm unit is under contract of sale, the vendee, and its return to the Project Manager, the latter shall submit the contract to the Irrigation District for execution if satisfactory. Upon execution by the Irrigation District, the Project Manager will execute the contract on behalf of the United States, if satisfactory.

§ 416.7 Recording of contract.

After execution by all parties thereto, each contract shall be recorded by the United States in the office of the appropriate county auditor. The cost of recording shall be borne by the landowner or contract purchaser.

§ 416.8 Water service charge when no assessment.

If a contract is fully executed and recorded prior to the end of an irrigation season but subsequent to the date of the annual levy of assessments for the season, the landowner or contract purchaser will be required, as a condition precedent to receiving water service for the reclassified high land that year, to make appropriate payment to the Irrigation District for the water service which will be available to the reclassified high land during that irrigation season or the remaining portion thereof.

STEWART L. UDALL,
Secretary of the Interior.

JUNE 11, 1962.

[F.R. Doc. 62-5883; Filed, June 14, 1962; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 61, 65, 106, 132, 166, 167, 169, 181, 185, 186, 192, 216, 234, 240, 244, 270, 273]

SERVICE FEES AND CHARGES

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by Title II of the act of July 14, 1960 (74 Stat. 506), and section 2478 of the Revised Statutes (43 U.S.C. 1201), it is proposed to amend portions of 43 CFR, Chapter I, as set forth below. The purpose of the amendment is to establish reasonable filing fees, service fees and charges and commissions with respect to applications and other documents relating to public lands and resources administered by the Bureau of Land Management in lieu of existing fees, charges, and commissions which were established by acts of the Congress and which are no longer reasonable under existing conditions.

Section 201 of the act of 1960, supra, provides that before any action is taken thereunder, the Secretary of the Interior shall publish in the FEDERAL REGISTER notice of his intention to take such action, and shall afford interested parties a period of at least 30 days within which to submit data, views and arguments either in writing or in open hearing. Accordingly, interested persons may submit written data, views and arguments, and comments, suggestions, or objections with respect to the proposed amendment to the Bureau of Land Management, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

§ 61.16 [Revocation]

1. Section 61.16 is revoked.

Section 61.17 is renumbered § 61.16 and revised to read as follows:

§ 61.16 Entry and final certificate.

The application and proof filed therewith will be carefully examined and, if all be found regular, the application will be allowed and final certificate issued upon the payment of a service charge of $25 and in the absence of objections shown by the records.

2. Section 61.18 is renumbered § 61.17 and revised to read as follows:

§ 61.17 Scrip which may and may not be located in Alaska.

No scrip or lieu rights can be located in Alaska except soldier's additional homestead rights.

3. Section 65.24 is revised to change the heading and to read as follows:

§ 65.24 Payments required at the time of entry and proof; form of remittances.

(a) When a homesteader applies to make entry he must pay an application nonrefundable service charge of $25. In addition, he must pay with his final proof, a nonrefundable service charge of $25. A successful contestant for the lands, pursuant to the Act of May 14, 1880 (21 Stat. 143; 43 U.S.C. 185), as amended, must pay, as a nonrefundable cancellation service charge, an additional $10. On all final proofs made before the manager, or before any other officer authorized to take proofs, the claimant must pay to the manager the costs of reducing the testimony to writing, as determined by the manager. No proof shall be accepted or approved until all charges have been paid.

(b) Remittances other than cash or currency are to be made payable to the Bureau of Land Management. Checks or drafts are accepted subject to collection and final payment without cost to the government.

4. Section 106.15 is added reading as follows:

§ 106.15 Reducing testimony to writing.

On all final proofs made before the manager, or before any other officer authorized to take proofs, the claimant must pay to the manager the costs of reducing the testimony to writing, as determined by the manager. No proof shall be accepted or approved until such payment has been made.

5. Section 132.13 is revised to read as follows:

§ 132.13 Allowance of application and issuance of final certificate.

A soldier's additional application does not segregate the land nor prohibit the filing of other applications for such land until after its allowance. The entry and final certificate should bear the same date. The manager, after collecting a service charge of $25, will issue final certificate.

§ 166.1 [Amendment]

6. Paragraphs (c), (d), and (e) of § 166.1 are revoked in their entirety.

7. The heading and present text of § 166.8 are amended to read as follows:

§ 166.8 Payments required at the time of entry and proof; form of remittance.

(a) When a homesteader applies to make entry he must pay a nonrefundable application service charge of $25. In addition, he must pay with his final proof, a nonrefundable service charge of $25. A successful contestant for the lands, pursuant to the act of May 14, 1880 (21 Stat. 141; 43 U.S.C. 185), as amended, must pay, as a cancellation service charge, an additional $10, which is not returnable. On all final proofs made before the manager, or before any other officer authorized to take proofs, the claimant must pay to the manager the costs of reducing the testimony to writing, as determined by the manager. No proof shall be accepted or approved until all charges have been paid.

(b) Remittances other than cash or currency are to be made payable to the Bureau of Land Management. Checks or drafts are accepted subject to collection and final payment without cost to the government.

8. The heading and present text of § 167.4 are amended to read as follows:

§ 167.4 Compactness; payments, forms of remittances.

(a) A tract included in an entry under the Enlarged Homestead Acts or in any entry under the general law, and an additional entry under said acts, should be in compact form, and such claim may not be permitted to entirely surround a subdivision of unappropriated lands subject to entry under said acts.[2]

(b) When a homesteader applies to make entry, he must pay a nonrefundable application service charge of $25. In addition, he must pay with his final proof, a nonrefundable service charge of $25. A successful contestant for the lands pursuant to the act of May 14, 1880 (21 Stat. 141; 43 U.S.C. 185), as amended, must pay, as a nonrefundable cancellation service charge, an additional $10. On all final proofs made before the manager, or before any other officer authorized to take proofs, the claimant must pay to the manager the costs of reducing the testimony to writing, as determined by the manager. No proof shall be accepted or approved until all charges have been paid.

(b) Remittances other than cash or currency are to be made payable to the Bureau of Land Management. Checks or drafts are accepted subject to collection and final payment without cost to the government.

9. The heading and present text of § 169.10 are amended to read as follows:

§ 169.10 Payments required at the time of entry and proof; form of remittances.

(a) When a homesteader applies to make entry, he must pay a nonrefundable application service charge of $25. In addition, he must pay with his final proof, a nonrefundable service charge of $25. A successful contestant for the lands, pursuant to the act of May 14, 1880 (21 Stat. 141; 43 U.S.C. 185), as amended, must pay, as a nonrefundable cancellation service charge, an additional $10. On all final proofs made before the manager, or before any other officer authorized to take proofs, the claimant must pay to the manager the costs of reducing the testimony to writing, as determined by the manager. No proof shall be accepted or approved until all charges have been paid.

(b) Remittances other than cash or currency are to be made payable to the Bureau of Land Management. Checks or drafts are accepted subject to collection and final payment without cost to the government.

[2] An original entry under the Enlarged Homestead Acts may not exceed one and one-half miles in extreme length (47 L.D. 370).

officer authorized to take proofs, the claimant must pay to the manager the costs of reducing the testimony to writing, as determined by the manager. No proof shall be accepted or approved until all charges have been paid.

(b) Remittances other than cash or currency are to be made payable to the Bureau of Land Management. Checks or drafts are accepted subject to collection and final payment without cost to the government.

10. Paragraph (a) of § 181.6 is revised to read as follows:

§ 181.6 Soldiers' and sailors' declaratory statements.

(a) "Veterans of other wars" may initiate a homestead entry by filing a soldiers' and sailors' declaratory statement. Veterans who served between May 9, 1916, and March 3, 1921, must file their statements in person on Form 4-546. Others may file either on Form 4-545 through an agent acting under power of attorney, or on Form 4-546 when filing in person. Such statements must be accompanied by a nonrefundable application service charge of $10.

11. Paragraph (b) of § 185.36 is amended to read as follows:

§ 185.36 Mineral locations in reclamation withdrawals.

* * * * *

(b) Application to open lands to location under the act may be filed by a person, association or corporation qualified to locate and purchase claims under the general mining laws. The application must be executed in duplicate and filed in the land office of the district in which the lands are situated, must describe the land the applicant desires to locate, by legal subdivision if surveyed, or by metes and bounds if unsurveyed, and must set out the facts upon which is based the knowledge or belief that the lands contain valuable mineral deposits, giving such detail as the applicant may be able to furnish as to the nature of the formation, kind and character of the mineral deposits. Each application shall be accompanied by a $10 nonrefundable service charge.

12. The heading and present text of § 185.84 are amended to read as follows:

§ 185.84 Service charge.

The service charge payable to the Bureau of Land Management for filing and acting upon applications for mineral-land patents is $25 to be paid by the applicant for patent at the time of filing, and a sum of $10 is payable by an adverse claimant at the time of filing his adverse claim. These charges are nonrefundable.

13. The present text of § 185.86 is designated as paragraph (a) and a new paragraph (b) added as follows:

§ 185.86 Protest against mineral applications.

* * * * *

(b) Such protest filed by any party, other than a Federal agency, must be accompanied by a $10 nonrefundable service charge.

14. Paragraph (a) of § 185.96 is amended to read as follows:

§ 185.96 Filing of petition for deferment, contests.

(a) In order to obtain temporary deferment, the claimant must file with the manager of the land office for the district in which the lands are situated, a petition in duplicate requesting such deferment. No particular form of petition is required, but the applicant must attach to one copy thereof a copy of the notice to the public required by the act which shows that it has been filed or recorded in the office in which the notices or certificates of location were filed or recorded. The petition and duplicate should be signed by at least one of the owners of each of the locations involved, shall give the names of the claims, dates of location, and the date of the beginning of the one-year period for which deferment is requested. Each petition shall be accompanied by a $10 nonrefundable service charge.

15. A new subparagraph (4) is added to paragraph (c) of § 186.10 reading as follows:

§ 186.10 Request for publication of notice of Leasing Act filing; supporting instruments.

(c) * * *

(4) A nonrefundable $10 remittance to cover service charge.

16. Section 192.60 is amended to read as follows:

§ 192.60 Application to exchange lease for a new lease.

Any lease which issued for a term of 20 years, or any renewal thereof, or which issued in exchange for a 20-year lease prior to August 8, 1946, may be exchanged for a new lease. Such new lease will be issued for a primary term of five years and so long thereafter as oil or gas is produced in paying quantities and will contain the rental and royalty rates prescribed in §§ 192.80, 192.81, and 192.82. An application to exchange a lease for a new lease should be filed in triplicate by the lessee with the manager of the appropriate land office, must show full compliance by the applicant with the terms of the lease and applicable regulations, and must be accompanied by a nonrefundable filing fee of $10.

17. Paragraph (a) of § 192.61 is amended to read as follows:

§ 192.61 Application for renewal.

(a) Twenty-year leases or renewals thereof may be renewed for successive terms of 10 years at the rental and royalty rates specified for such renewal leases in §§ 192.80, 192.81, and 192.82. An application to renew should be filed in triplicate, in the proper office as prescribed in § 192.42(b), at least 90 days, but not more than six months, prior to the expiration of its term, and must be accompanied by a nonrefundable filing fee of $10. Such application should be made by the record title holder or holders of the lease and may be joined in or consented to by the operator of record. The application should show whether all moneys due the United States have been paid and whether operations under the lease have been conducted in accordance with the regulations of the Department.

18. Part 216 is revised in its entirety to read as follows:

PART 216—PAYMENTS

Sec.
216.1 Amount of payments.
216.2 Forms of remittances.

§ 216.1 Amount of payments.

(a) The amount of payments required in connection with the processing of any application, sale, entry, lease, permit, or other transaction governed by the regulations in this chapter are set forth in applicable regulations.

(b) The amount of payments required for copies and abstracts of records, including plats and diagrams showing the status of lands, are determined as provided in Part 2 of this title.

§ 216.2 Forms of remittances.

(a) Subject to the condition set forth in paragraph (b) of this section, forms of remittances that will be accepted in payment of fees, rentals, purchase price, and other charges required by the regulations in this Chapter include cash and currency of the United States and checks, money orders, and bank drafts if they are made payable to the Bureau of Land Management. Checks or drafts are accepted subject to collection and final payment without cost to the Government.

(b) Personal checks are an acceptable form of remittance except where the regulations in this chapter specifically provide otherwise.

19. The text of § 234.4 preceding the lettered paragraphs of that section, is amended to read as follows:

§ 234.4 Application.[1]

Any qualified applicant desiring to explore for water under the terms of this act should file with the manager of the land office of the district in which the land is situated, an application for permit, together with a corroborated statement as to the character of the land, and pay a nonrefundable application service fee of $75. The application should be filed in duplicate and cover the following points:

Paragraph (f) of § 234.11 is added to read as follows:

§ 234.11 Final proof.

* * * * *

(f) The claimant must pay to the manager a nonrefundable service charge of $25 and also the costs of reducing testimony to writing, as determined by the manager.

§§ 240.9, 240.11, 240.12 [Revocations]

20. Sections 240.9, 240.11, and 240.12 are revoked in their entirety.

[1] 18 U.S.C. 1001 makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

21. Section 244.30 and the text of § 244.31 preceding the lettered paragraphs of that section are revised to read as follows:

§ 244.30 Declaratory statement.

To apply for a reservoir site under §§ 244.29 to 244.37, the applicant must file with the manager a declaratory statement drawn in accordance with Form 7,[1] together with a nonrefundable application service fee of $10. No other application is necessary.

§ 244.31 Action on declaratory statements; size, location, and number of reservoir sites.

In acting upon these statements the following general rules will be applied:

22. Paragraph (e) of § 270.3 and paragraph (b) of § 270.9 are revised to read as follows:

§ 270.3 Applications for selection.

* * * * *

(e) Applications for selection must be accompanied by a nonrefundable application service charge of $5.

§ 270.9 Applicable regulations.

* * * * *

(b) Section 270.3(c)(1) is modified to require reference to the appropriate granting act; § 270.3(c)(3) is modified to require a statement testifying to the nonmineral character of each smallest legal subdivision of the selected land; § 270.3(d)(2) is modified to permit as much as 6,400 acres in a single selection; § 270.3(e) is modified to require a nonrefundable application service fee of $10, and § 270.3(c)(2)(v) is modified to require a certificate that the selection and those pending, together with those approved, do not exceed the total amount granted for the stated purpose of the grant.

23. Sections 273.70 and 273.73 are revised to read as follows:

§ 273.70 Applications.

Application, and supporting evidence, must be filed by the carrier in the proper land office, accompanied by a nonrefundable application service charge of $10. The lands listed in any one application must be limited to those embraced in a single sale upon which the claim for patent is based. The application should state that it is filed under the railroad land grant act involved, properly cited, and subsection (b) of section 321, Part II, Title III of the Transportation Act of 1940 (54 Stat. 954). The application must be supported by a showing that the land is of the character which would pass under the grant involved, and was not by some superior or prior claim, withdrawal, reservation, or other reason, excluded from the operation of the grant. Full details of the alleged sale must be furnished, such as dates, the terms thereof, the estate involved, consideration, parties, amounts and dates of payments, made, and amounts due, if any, description of the land, and transfers of title. The use, occupancy, and cultivation of the land and the improvements placed thereon by the alleged purchaser should be described. All statements should be duly corroborated. Available documentary evidence, including the contract or deed, should be filed, which may be authenticated copies of the originals. An abstract of title may be necessary, dependent upon the circumstances of the particular case. No application for a patent under this act will be favorably considered unless it be shown that the alleged purchaser is entitled forthwith to the estate and interest transferred by such patent. Evidence of a recorded deed of conveyance from the carrier to the purchaser may be required. Where the company has on file an application in which the sold land is embraced, it need not file a new application, but may file a request for amendment of the pending application to come under the Transportation Act of 1940, together with the showing, supra, required as to the bona fide sale.

[1] See appendix for forms.

§ 273.73 Patents.

If all be found regular and in conformity with the governing law and regulations, patent shall be issued in the name of the grantee under the railroad grant, the carrier paying the costs of preparation and issuance of the patent.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JUNE 11, 1962.

[F.R. Doc. 62-5884; Filed, June 14, 1962; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 131]

HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

Proposed Rule Making With Respect to Approval of Budget and Fixing of Rate of Assessment for the Year

Consideration is being given to the approval of a budget of expenses of the Control Agency established under the marketing agreement and the marketing order (9 CFR 131.1 et seq.), regulating the handling of anti-hog-cholera serum and hog-cholera virus, and the fixing of the rate of assessment to be paid by handlers, for the calendar year 1962, as follows:

§ 131.162 Budget of expenses and rates of assessment for the calendar year 1962.

(a) *Budget of expenses.* The expenses which will necessarily be incurred by the Control Agency, established pursuant to the provisions of the marketing agreement and of the marketing order, for the maintenance and functioning of said Agency during the calendar year 1962, will amount to $45,115.00 under the recommendation of the Control Agency, from which shall be deducted the unexpended balance of $10,014.31 on hand with said Control Agency on January 1, 1962, from assessments collected during the calendar year 1961, leaving a balance of $35,100.69 to be collected during the calendar year 1962.

(b) *Rates of assessment.* Of the amount of $35,100.69 to be collected during the calendar year 1962, the sum of $27,694.44 shall be assessed against handlers who are manufacturers, and $7,406.25 shall be assessed against handlers who are wholesalers. The pro rata share of the expenses of the Control Agency to be paid for the calendar year 1962 by each handler who is a manufacturer shall be $14.67 for each ten thousand dollars or fraction thereof of serum and virus sold by such handler during the calendar year 1961 and the pro rata share of such expenses to be paid for the calendar year 1962 by each handler who is a wholesaler shall be $25.00 for the first ten thousand dollars or fraction thereof and $5.43 for each additional ten thousand dollars or fraction thereof of serum and virus sold by such handler. Such assessments shall be paid by each respective handler in accordance with the applicable provisions of the marketing agreement and order.

(c) *Terms.* As used herein, the terms "handler", "manufacturer", "wholesaler", "virus", and "serum" shall have the same meaning as is given to each such term in said marketing agreement and marketing order.

Interested parties may obtain copies of the budget mentioned herein from the Executive Secretary of the Control Agency, 714 Veterans of Foreign Wars Building, Kansas City 11, Missouri.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid consideration shall file the same with the Hearing Clerk, Room 112, Building A, United States Department of Agriculture, Washington 25, D.C., not later than the close of business on the thirtieth (30th) day after the publication of this notice in the FEDERAL REGISTER. All documents shall be filed in quadruplicate.

(49 Stat. 781; 7 U.S.C. 851 et seq.)

Issued this 12th day of June 1962.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62-5850; Filed, June 14, 1962; 8:46 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R-218]

INDEPENDENT PRODUCER PRICING AREAS

Notice of Proposed Revision of Boundaries

JUNE 11, 1962.

1. Notice is hereby given of a proposed revision of the boundaries of the pricing areas set out in the appendix to Statement of General Policy No. 61-1 issued by the Commission September 28, 1960 (24 FPC 818 at 820, 25 F.R. 13969, 18 CFR 2.56), and the establishment of certain new areas.

2. In our Statement of Policy we stated "as experience and changing factors may indicate, we will change or alter these areas from time to time in order to eliminate such inequities as may appear to exist because of our use of geographical boundaries." Experience in the 20 months since these boundaries were established has suggested the need for some revisions. Geological considerations (nature, size and location of production areas), purchasing patterns in the areas of the major sources of supply and other pertinent factors have been taken into account. They indicate that certain pricing areas originally established should be altered and that some new boundaries should be established.

3. Accordingly, we are proposing to revise some of the boundaries of the pricing areas set out in the appendix to Policy Statement No. 61-1 and to establish certain other areas, all as described in the attachment hereto [1] and delineated on the appendix map.[1]

4. A comparison of the areas proposed to be established with those now in use will disclose, in general terms:

(a) There are no changes in the areas comprised of Texas Railroad Commission Districts Nos. 1, 5, 7-b, 9, and 10, or the States of Louisiana (northern and southern) and Kansas.

(b) Existing pricing areas have been divided or consolidated to form new areas as follows:

Texas Districts 2, 3, and 4 have been consolidated into the Texas Gulf Coast Area.

Texas Districts 7-c and 8 have been combined with the existing New Mexico Permian Basin Area.

Ten southwestern counties in Colorado have been combined with the existing San Juan Basin Area.

Existing Oklahoma Panhandle and Carter-Knox areas have been combined with northwestern Oklahoma counties into the Anadarko Basin Area.

(c) Proposed areas, including States or parts thereof, not heretofore included when pricing areas were originally established are as follows:

Aneth Field Areas consist of a portion of San Juan County, Utah.

Uintah-Green River Basin Area includes eight northeastern counties of Utah and portions of the existing Colorado and Wyoming areas.

Colorado-Julesburg Basin Area includes eleven northwestern counties of Nebraska and portions of the existing Colorado and Wyoming areas.

Montana-Wyoming Area includes nine Montana counties and the northern portion of the existing Wyoming area.

Montana-Dakota Area (entirely new) combines all of North Dakota with portions of Montana and South Dakota.

Oklahoma-Arkansas Area includes the portion of Arkansas east of Oklahoma and the adjoining eastern and southern portions of the existing Oklahoma area.

East Texas-Arkansas Area includes the southern tier of counties of Arkansas and the existing Texas District No. 6 area.

Mississippi Area includes four Alabama counties and the existing Mississippi area.

Illinois Basin Area (all new) includes the State of Illinois and the western portion of Kentucky.

Appalachian Area includes, in addition to the existing West Virginia area, the State of Ohio, the eastern portion of Kentucky, the western portions of Maryland, Pennsylvania and New York, and Buchanan County, Virginia.

5. Although section 4 of the Administrative Procedure Act does not, in our opinion, contemplate that prior notice be given of a proposal of this nature, the Commission will welcome the comments and suggestions of interested parties thereon and is accordingly following the formal rulemaking procedure.

6. The proposed revision of the boundaries of the pricing areas heretofore established, and the establishment of new areas as described in the attachments hereto, would be issued under the authority granted to the Federal Power Commission by the Natural Gas Act, particularly sections 4, 5, 7, and 16 thereof (52 Stat. 822, 823, 824, 830; 56 Stat. 83; 76 Stat. 72; 15 U.S.C. 717c, 717o).

7. Any interested person may submit to the Federal Power Commission, Washington 25, D.C., on or before July 11, 1962, data, views, and comments in writing concerning the proposals set forth herein. The Commission will consider these written submittals before acting upon the proposals. An original and nine (9) copies of any such submittals should be filed.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5839; Filed, June 14, 1962; 8:45 a.m.]

[1] Filed as part of original document.

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1962 Rev. Supp. No. 1]

POTOMAC INSURANCE COMPANY

Surety Company Acceptable on Federal Bonds

JUNE 11, 1962.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6–13, as an acceptable surety on Federal bonds.

An underwriting limitation of $3,874,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1963. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

State in Which Incorporated, Name of Company and Location of Principal Executive Office

PENNSLYVANIA

Potomac Insurance Co., Philadelphia, Pa.

[SEAL] J. DEWEY DAANE,
Acting Fiscal Assistant Secretary.

[F.R. Doc. 62–5849; Filed, June 14, 1962; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 60; Offer 21]

NEW MEXICO

Small Tract Classification

1. Pursuant to authority delegated to me by Bureau Order No. 684, dated August 28, 1961 (26 F.R. 8216), I hereby offer for sale at public auction under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, 140 tracts listed in Part 3 of this order.

2. Units Nos. 1 through 25 are located ½ mile south of the Village of Chamberino and 23 miles south of Las Cruces, New Mexico, and west of the Rio Grande. An existing unimproved road crosses Lots 22, 29, 30, 31, 36, 38, 39, and 44 of Sec. 24 and provides public access to the 25 tracts. The topography is flat to rolling with east-facing breaks along the east half of the tract. The soil is sandy and the area is cut by numerous arroyos. Vegetation consists of creosote bush, mesquite, chamisa, cacti, sand dropseed and grama grass. Units Nos. 26 through 140 are located along U.S. Highway 80–85 and near the interchange on Interstate Highway 10. Lots 14, 15, and 28 of Sec. 11 and Lots 1, 22, 23, 44, and 45 of Sec. 14 are traversed by a frontage road accessory to the Interstate Highway, and Lots 66, 67, and 88 of Sec. 14 are traversed by U.S. Highway 80–85. These tracts are located 4 miles north of Anthony, New Mexico; 20 miles north of El Paso, Texas; and 24 miles southeast of Las Cruces, New Mexico. The topography is level to undulating with mesquite-covered sand dunes. The soil is sandy to gravelly loam with slight gully erosion and moderate wind erosion. Vegetation consists of mesquite, creosote bush, chamisa, snakeweed, Russian thistle, and yucca.

The highest and best use for these lands is for desert homesite development and a limited number of business sites. These areas afford an excellent view of the Organ Mountains, the Franklin Range and the Rio Grande Valley. There are no zoning restrictions. Each area is accessible by improved county dirt roads or from paved highways. Anthony, New Mexico; El Paso, Texas; and Las Cruces, New Mexico; afford medical, educational, recreational, and religious facilities.

The climate is mild and semi-arid; the average frost-free season is about 212 days; and the annual precipitation is 9 inches. Electric power is available from nearby installations and suppliers of bottled gas, for heating purposes, are located in the nearby communities. Culinary water can be obtained by drilling domestic wells. The minerals will be reserved to the United States. The units vary in size from 2.17 acres to 5.02 acres and will be sold subject to existing rights-of-way, together with rights-of-way shown under Part 3, hereof.

3. The unit numbers, legal description by lot number, sides with 33-foot right-of-way reservations, and the appraised value are shown below:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

[T. 26 S., R. 2 E., Sec. 24]

Unit	Lot	33' R/W	Acres	Value
1	14	North	2.17	$200
2	15	....do	2.50	200
3	16	North and West	2.50	200
4	17	North and East	2.50	200
5	18	East and South	2.50	200
6	19	West and South	2.50	200
7	20	South	2.29	175
8	22	North and West	2.49	175
9	23	North and East	2.49	200
10	24	North and West	5.00	300
11	25	North and East		
	26	East	4.98	300
12	27	West		
	28	East	2.36	200
13	29	West	2.41	200
14	30	....do	4.98	300
15	31	East		
	32	West		
16	33	East	2.49	200
17	34	East and South	2.49	200
18	35	West and South	2.49	175
19	36	South and East	2.49	200
20	37	West	2.46	200
21	38	....do	2.49	200
22	39	North and East	4.98	300
	40	North and West		
23	41	North and East	2.49	200
24	42	South	4.98	300
	43	....do		
25	45	West and South	2.48	200

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

[T. 26 S., R. 3 E., Sec. 11]

Unit	Lot	33' R/W	Acres	Value
*26	2	South	2.48	$375
*27	3	South and West	2.48	375
28	4	South and East	2.48	375
29	5	South	2.48	375
*30	6	....do	2.48	375
31	7	South and West	2.48	375
32	8	North and West	2.48	375
33	9	North	2.48	375
34	10	....do	2.47	375
35	11	North and East	2.49	375
*36	12	North and West	2.49	375
37	13	North	4.97	375
38	14	....do	4.97	475
*39	15	South	2.48	375
*40	16	....do	2.48	375
*41	17	South and West	2.48	375
42	18	South and East	2.48	375
43	19	South	2.48	375
44	20	....do	2.48	375
45	21	South and West	2.48	375
46	22	North and West	2.48	375
47	23	North	2.48	375
48	24	....do	2.47	375
49	25	North and East	2.49	375
*50	26	North and West	2.49	375
*51	27	North	4.98	475
*52	28	....do		

[T. 26 S., R. 3 E., Sec. 14]

*53	1	South	5.02	$475
*54	2	....do	2.51	375
*55	3	South and West	2.50	375
*56	4	South and East	2.51	375
57	5	South	2.50	375
*58	6	....do	2.50	375
59	7	South and West	2.50	375
60	8	South and East	2.50	375
61	9	South	2.50	375
*62	10	....do	2.49	375
63	11	South and West	2.50	375
64	12	North and West	2.50	375
*65	13	North	2.50	375
66	14	....do	2.50	375
67	15	North and East	2.50	375
68	16	North and West	2.51	375
69	17	North	2.50	375
70	18	....do	2.51	375
*71	19	North and East	2.51	375
*72	20	North and West	5.01	475
*73	21	North	5.02	475
*74	22	....do	2.51	375
*75	23	South	2.52	375
*76	24	....do	2.50	375
*77	25	South and West	2.50	375
78	26	South and East	2.50	375
79	27	South	2.50	375
80	28	....do	2.50	375
81	29	South and West	2.50	375
82	30	South and East	2.50	375
83	31	South	2.50	375
*84	32	....do	2.49	375
85	33	South and West	2.50	375
86	34	North and West	2.50	375
87	35	North	2.50	375
88	36	....do	2.50	375
*89	37	North and East	2.50	375
90	38	North and West	2.50	375
*91	39	North	2.50	375
92	40	....do	2.51	375
*93	41	North and East	2.51	375
*94	42	North and West	2.51	375
*95	43	North	5.01	475
96	44	....do	5.02	475
*97	45	South	2.51	375
*98	46	....do	2.51	375
*99	47	South and West	2.50	375
100	48	South and East	2.51	375
101	49	South	2.50	375
102	50	....do	2.50	375
103	51	South and West	2.50	375
104	52	South and East	2.50	375
105	53	South	2.50	375
106	54	....do	2.50	375
107	55	South and West	2.50	375
108	56	North and West	2.50	375
109	57	North	2.50	375
110	58	....do	2.51	375
111	59	North and East	2.50	375
112	60	North and West	2.51	375
*113	61	North	2.51	375
114	62	....do	2.51	375
115	63	North and East	2.52	375
*116	64	North and West	2.51	375
*117	65	North and East	5.01	700
118	66	North and West		

See footnote at end of table.

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

[T. 26 S., R. 3 E., Sec. 14]

Unit	Lot	33' R/W	Acres	Value
*119	67	South and West	5.01	$700
*120	68	South and East	2.51	375
*121	69	South and West	2.52	375
*122	70	South and East	2.51	375
123	71	South	2.50	375
124	72	....do	2.51	375
125	73	South and West	2.51	375
126	74	South and East	2.50	375
127	75	South	2.50	375
128	76	....do	2.50	375
129	77	South and West	2.50	375
130	78	North and West	2.50	375
131	79	North	2.50	375
132	80	....do	2.50	375
133	81	North and East	2.51	375
134	82	North and West	2.51	375
135	83	North	2.51	375
136	84	....do	2.51	375
137	85	North and East	2.51	375
*138	86	North and West	2.51	375
139	87	North and East	2.51	375
*140	88	North and West	5.02	708

*Covered by applications from persons entitled to preference right as provided by 43 CFR 257.5.

4. The above-described units will be sold at public auction at a public sale to be held at the Federal Court Room, Post Office Building, Las Cruces, New Mexico, beginning at 10 a.m. on September 12, 1962.

Bids may be made personally by the bidder or his agent at the sale or may be mailed. Bids sent by mail will be considered only if received at the Santa Fe Land Office, Bureau of Land Management, prior to 10 a.m. on September 10, 1962. (See mailing address below.) No sealed bid will be accepted if it is less than the appraised value of the tract. Oral bidding will be in increments to be announced at the sale. See Part 3 above for appraised values.

5. Persons who have previously acquired a tract under the Small Tract Act are not qualified to purchase a tract at the sale unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

6. Each bid sent by mail must clearly show (a) the name and post office address of the bidder, (b) Offer No. 21, and (c) the land description of the tract for which the bid is made, described in accordance with Paragraph 3 of this order. Each bid must be accompanied by the full amount bid in the form of a certified or cashier's check, post office money order, or bank draft made payable to the Bureau of Land Management. Each bid must be enclosed in a separate envelope but payment need accompany only the highest bid, provided all other bids designate the envelope containing the payment. Each envelope must carry on its reverse the following information and nothing else: (a) Offer No. 21, September 12, 1962, (b) the number of the tract for which the bid is made, described in accordance with Paragraph 3 of this order.

7. Each tract will be awarded to the highest qualified bidder. If the highest bid is oral, the bidder will be required to make payment for the tract at the close of bidding and a personal check will be acceptable for that purpose. Any person who is declared high bidder for any tract will automatically be disqualified from consideration for other tracts at the sale.

8. Any tracts not sold when offered in the course of bidding (and on which no qualifying mailed bid has been received) will be reoffered at public auction upon the motion of any qualified bidder beginning at 10:30 a.m., September 19, 1962, at the Bureau of Land Management, Greer Building, 113 Washington Avenue, Santa Fe, New Mexico. The remaining tracts will continue to be subject to nomination and auction at that place each succeeding Wednesday at 10:30 a.m. (except holidays) until all tracts are sold or until the termination of the sale, March 13, 1963.

9. Inquiries concerning these lands should be addressed to the Manager, Land Office, Bureau of Land Management, Post Office Box 1251, Santa Fe, New Mexico.

Dated: June 5, 1962.

CHESLEY P. SEELY,
State Director.

[F.R. Doc. 62–5793; Filed, June 14, 1962; 8:45 a.m.]

CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Land

JUNE 5, 1962.

The United States Department of Agriculture has cancelled its proposed Withdrawal Application Serial No. Sacramento 050595 insofar as it involves the land described below, in order that conflicting Forest Exchange Application Serial No. Sacramento 065506 may be processed. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, such land will be at 10:00 a.m. on July 10, 1962, relieved of the segregative effect of the aforementioned proposed Withdrawal Application Serial No. Sacramento 050595.

The land involved in this notice of termination is:

MOUNT DIABLO MERIDIAN

TAHOE NATIONAL FOREST

Cedar Point

T. 16 N., R. 14 E.,
Sec. 12: SW¼SW¼.

WALTER E. BECK,
Manager, Land Office,
Sacramento.

[F.R. Doc. 62–5842; Filed, June 14, 1962; 8:45 a.m.]

Fish and Wildlife Service

ADMINISTRATION; PERSONNEL

Amendment to Delegations of Authority

On pages 6655 and 6656 of the FEDERAL REGISTER of July 14, 1960, there were published delegations of authority with respect to personnel of the Bureau of Commercial Fisheries. These regulations were amended by FEDERAL REGISTER issuances of August 17, 1960; August 31, 1960; and February 17, 1962. Further amendment of these regulations is as follows:

SERIES 2000—ADMINISTRATION

TITLE 2300—PERSONNEL

In Chapter 2310—Policy and Delegation of Authority:

2311.5 *Redelegation.* * * *

(1) The Chief, Division of Administration, may redelegate to the Chief, Branch of Personnel Management, the authorities contained in section 2311.3 with authority to redelegate to the Assistant Personnel Officer (Compensation and Labor Relations) authority for position classification, pay and wage administration, and the authority to redelegate to the Supervisory Personnel Management Specialist in charge of the Washington personnel operations section all of the authorities stated in section 2311.3 with respect to positions through Grade GS–11.

Sections of the FEDERAL REGISTER issuance of February 17, 1962, relating to testimony of government employees, are renumbered to read as follows:

2312.1 *Policy.* It is the policy of the Director, Bureau of Commercial Fisheries, to delegate to Regional and Area Directors, and such others as are specified in this delegation, all authority necessary for carrying out the responsibilities of their offices. Such delegation of authority is subject to review by persons authorized to make such review.

2312.2 *Testimony of employees.* 43 CFR 2.20 requires written approval from the head of the Bureau, or his designee, before any employee of the Department of the Interior may testify concerning matters relating to the business of the government. The section contains requirements for the submission of affidavit requests by parties desiring the testimony. Some attorneys outside the Federal service may not be familiar with this requirement. Requests for testimony generally come on extremely short notice and it is felt that fewer delays will be entailed by delegating the authority included in 43 CFR 2.20 to those offices having the greatest need for such authority.

Consultation with the nearest Regional or Field Solicitor's office is suggested prior to the granting of permission. When the Regional or Area Director is of the opinion that a request should be denied, the request must be forwarded to the Director with an appropriate recommendation.

2312.3 *Delegation.* The Chief, Division of Administration and Regional and Area Directors are severally authorized, unless specifically excepted to the extent stated in each case or in section 2312.4, Limitations, to exercise the authority of the Director with respect to administrative matters concerning the granting of written approval for employees to testify as set forth in section 2312.2 herein.

2312.4 *Limitations.*

A. Where requests may be made for the Chief, Division of Administration or Regional or Area Directors to testify, written authority must be obtained in

each instance from the Director, Bureau of Commercial Fisheries.

B. The foregoing authorization shall be exercised in strict conformity with applicable laws, regulations, policies and administrative procedures.

HAROLD E. CROWTHER,
Acting Director.

JUNE 11, 1962.

[F.R. Doc. 62-5845; Filed, June 14, 1962; 8:45 a.m.]

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order 272-62]

DEPARTMENT OF JUSTICE UNIT OF NATIONAL DEFENSE EXECUTIVE RESERVE

Abolishment

By virtue of the authority vested in me by section 161 of the Revised Statutes (5 U.S.C. 22) I hereby abolish the Department of Justice Unit of the National Defense Executive Reserve, and Order No. 136-56 of November 29, 1956, and Memorandum No. 209 of November 29, 1956, which established that Unit and prescribed the policies and procedures with respect thereto, are hereby revoked.

Dated: June 12, 1962.

ROBERT F. KENNEDY,
Attorney General.

[F.R. Doc. 62-5848; Filed, June 14, 1962; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL AND SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of full-time students (29 CFR Part 519), and Administrative Order No. 561 (27 F.R. 4001) the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below.

The following certificates were issued pursuant to § 519.6 (c) and (g) providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

Region II

J. J. Newberry Co., Main Street, Hackettstown, N.J.; effective 6-10-62 to 6-9-63 (variety department store; 46 employees).

J. J. Newberry Co., 77 Broad Street, Red Bank, N.J.; effective 6-10-62 to 6-9-63 (variety department store; 49 employees).

J. J. Newberry Co., 3306 Pacific Avenue, Wildwood, N.J.; effective 6-10-62 to 6-9-63 (variety department store; 11 employees).

McCrory Stores Corp., Store No. 240, 271 Main Street, Orange, N.J.; effective 6-10-62 to 6-9-63 (variety retail store; 86 employees).

McCrory Stores Corp., 701 Broad Street, Newark, N.J.; effective 6-10-62 to 6-9-63 (variety retail store; 227 employees).

McCrory-McLellan-Green Stores, 1017 Springfield Avenue, Irvington, N.J.; effective 6-10-62 to 6-9-63 (variety retail store; 68 employees).

McCrory-McLellan-Green Stores, No. 301, 1008 Stuyvesant Avenue, Union, N.J.; effective 6-10-62 to 6-9-63 (variety retail store; 46 employees).

Newberry Asbury Park Corp., Asbury Park, N.J.; effective 6-10-62 to 6-9-63 (variety department store; 98 employees).

Newberry Dover Corp., 1-5 West Blackwell Street, Dover, N.J.; effective 6-10-62 to 6-9-63 (variety department store; 105 employees).

Region VII

Ball's Super Market, Inc., 5420 Leavenworth Road, Kansas City, Kans.; effective 6-10-62 to 6-9-63 (retail grocery; 29 employees).

Ball's Thrift-Way Market, Inc., 3400 State Avenue, Kansas City, Kans.; effective 6-10-62 to 6-9-63 (retail grocery; 18 employees).

J. J. Newberry Co., 114 West Ninth Street, Coffeyville, Kans.; effective 6-10-62 to 6-9-63 (variety department store; 37 employees).

McCrory-McLellan-Green Store, 814 Main Street, Winfield, Kans.; effective 6-10-62 to 6-9-63 (variety retail store; 23 employees).

North Carolina

Boone Crest 5-10-25¢ Stores Co., Boone, N.C.; effective 6-10-62 to 5-31-63 (variety retail store; 18 employees).

H. S. Cohen Co., Inc., Shelby, N.C.; effective 6-10-62 to 5-31-63 (department store; 29 employees).

McCrory-McLellan Stores, Albemarle, N.C.; effective 6-10-62 to 5-31-63 (variety retail store; 20 employees).

McCrory-McLellan-Green Stores, Durham, N.C.; effective 6-10-62 to 5-31-63 (variety retail store; 34 employees).

McCrory-McLellan-Green Stores Corp., Raleigh, N.C.; effective 6-10-62 to 5-31-63 (variety retail store; 53 employees).

McCrory-McLellan-Green Stores No. 283, Roanoke Rapids, N.C.; effective 6-10-62 to 5-31-63 (variety retail store; 36 employees).

North Wilkesboro Crest 5-10-25¢ Stores Co., North Wilkesboro, N.C.; effective 6-10-62 to 5-31-63 (variety retail store; 22 employees).

Rose's 5-10-25¢ Store, Ahoskie, N.C.; effective 6-10-62 to 5-31-63 (variety retail store; 21 employees).

Rose's 5-10-25¢ Store No. 145, Asheville, N.C.; effective 6-10-62 to 5-31-63 (variety retail store; 33 employees).

Rose's 5-10-25¢ Store, Burlington, N.C.; effective 6-10-62 to 5-31-63 (variety retail store; 32 employees).

Rose's 5-10-25¢ Store, Chapel Hill, N.C.; effective 6-10-62 to 5-31-63 (variety retail store; 18 emlpoyees).

Rose's 5-10-25¢ Store, Dunn, N.C.; effective 6-10-62 to 5-31-63 (variety retail store; 25 employees).

Rose's 5-10-25¢ Store No. 99, Greenville, N.C.; effective 6-10-62 to 5-31-63 (variety retail store; 32 employees).

Rose's Stores, Inc., Henderson, N.C.; effective 6-10-62 to 5-31-63 (variety retail store; 50 employees).

Rose's 5-10-25¢ Store No. 60, Marion, N.C.; effective 6-10-62 to 5-31-63 (variety retail store; 39 employees).

Rose's 5-10-25¢ Store No. 51, Morganton, N.C.; effective 6-10-62 to 5-31-63 (variety retail store; 15 employees).

Rose's 5-10-25¢ Store, North Wilkesboro, N.C.; effective 6-10-62 to 5-31-63 (variety retail store; 13 employees).

Rose's 5-10-25¢ Store, Sanford, N.C.; effective 6-10-62 to 5-31-63 (variety retail store; 32 employees).

Rose's 5-10-25¢ Store, Tarawa Terrace, N.C.; effective 6-10-62 to 5-31-63 (variety retail store; 23 employees).

Rose's 5-10-25¢ Store No. 143, Wilson, N.C.; effective 6-10-62 to 5-31-63 (variety retail store; 50 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Dated: June 7, 1962.

ROBERT G. GRONEWALD,
Authorized Representative, of the Administrator.

[F.R. Doc. 62-5843; Filed, June 14, 1962; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-151]

BOARD OF TRUSTEES OF UNIVERSITY OF ILLINOIS

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 2, set forth below, to Facility License No. R-69. The license authorizes The Board of Trustees of The University of Illinois to operate its TRIGA Mark II nuclear reactor, located in Urbana, Illinois. The amendment authorizes the licensee to perform an experiment which will produce a linear ramp change in reactivity in the reactor as described in the licensee's application for license amendment dated April 3, 1962.

The Commission has found that:

(1) Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(3) Prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license, as amended, will not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operation.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's Regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) a related hazards analysis prepared by the Test & Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) the licensee's application for license amendment dated April 3, 1962, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room or upon request, addressed to the Atomic Energy Commission, Washington, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 1st day of June 1962.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test & Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-69; Amdt. 2]

License No. R-69, as amended, issued to The Board of Trustees of The University of Illinois, is hereby amended in the following respects:

In addition to the activities previously authorized by the Commission in License No. R-69, as amended, The Board of Trustees of The University of Illinois is authorized to perform an experiment which will produce a linear ramp change in reactivity with the University's TRIGA Mark II nuclear reactor located on the University's campus in Urbana, Illinois, as described in its application for license amendment dated April 3, 1962. Operation of the reactor shall be performed in accordance with the procedures and subject to the limitations contained in License No. R-69, as amended, and in the application for license amendment dated April 3, 1962.

This amendment is effective as of the date of issuance.

Date of issuance: June 1, 1962.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-5834; Filed, June 14, 1962; 8:45 a.m.]

[Docket No. 50-111]

NORTH CAROLINA STATE COLLEGE

Notice of Issuance of Amendment to Utilization Facility License

Please take notice that the Atomic Energy Commission has issued Amendment No. 2, set forth below, to Facility License No. R-63. The amendment authorizes North Carolina State College, as requested by its application for license amendment dated December 20, 1961, and supplements thereto dated April 11 and April 19, 1962, to conduct experiments for the measurement of effective delayed neutron fraction in its nuclear reactor located on its campus in Raleigh, North Carolina. The amendment also authorizes the installation of an auxiliary control rod and drive system in the reactor, as requested by the applicant, for use in the conduct of the experiments.

The Commission has found that:

1. Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

2. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

3. Prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license, as amended, will not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operations.

Within not less than fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's Regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment see (1) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) the licensee's application for license amendment dated December 20, 1961 and supplements thereto dated April 11 and April 19, 1962, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 4th day of June 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-63; Amdt. 2]

In addition to the activities previously authorized by License No. R-63, as amended, North Carolina State College is hereby authorized, as requested by its application for license amendment dated December 20, 1961, and supplements thereto dated April 11, 1962, and April 19, 1962, to install an auxiliary control rod and drive system in its reactor located in Raleigh, North Carolina, for use in the conduct of experiments for the measurement of effective delayed neutron fraction, and to conduct the described experiments in the reactor. Installation of the auxiliary control rod and drive system and conduct of the experiments shall be in accordance with the procedures and subject to the limitations in License No. R-63, as amended, the procedures and limitations set forth in the application for license amendment dated December 20, 1961, and the supplements thereto dated April 11, 1962, and April 19, 1962 and the following additional conditions:

1. Prior to performance of the ramp experiments, the reactivity worth of the auxiliary rod shall be determined experimentally to be no greater than 0.4 percent.

2. A written record of the determination in 1 above shall be placed in the official reactor log.

This amendment is effective as of the date of issuance.

Date of issuance: June 4, 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-5835; Filed, June 14, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Order E-18433]

NORTHEAST AIRLINES, INC.

Order Tentatively Granting Suspension Authority and Disapproving Airport Notices

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of June 1962.

Northeast Airlines, Inc. (Northeast) filed with the Board on March 16, 1962, pursuant to § 202.3 of the Economic Regulations, a notice of its intention to serve Bar Harbor, Maine, through Dow Air Force Base at Bangor, Maine, on or

about June 15, 1962. On April 4, the carrier filed additional notices of its intention to serve Auburn-Lewiston, Maine, through the Portland Municipal Airport; Houlton, Maine, through the Presque Isle Municipal Airport; Lawrence, Mass., through Logan International Airport; Rockland, Maine, through State Airport; Laconia, N.H., through Manchester Municipal Airport, all on or after April 29, 1962, and Newport, Vt., through the Barre-Montpelier Airport, on or after June 15, 1962.

Subsequently, on April 12, 1962, Northeast filed a statement waiving the thirty-day rule provisions of section 202 of the Economic Regulations and saying that it will not take action pursuant to said notices until such time as the Board acts affirmatively thereon.

In its notices Northeast states that Lewiston and Auburn are 34 and 30 miles, respectively, from Portland via limited access turnpike; that Houlton is approximately one-hour driving time from the Presque Isle Airport; that Lawrence is less than an hour's driving time from Logan Airport; that Rockland is approximately an hour's drive from the Augusta Airport; that Laconia is about an hour's drive from the Manchester Airport; and that Newport is approximately one hour's driving time from the Barre-Montpelier Airport.

Northeast's proposal at Bar Harbor contemplates a scheduled limousine service at the Bar Harbor Airport meeting its arrivals and departures at Dow Air Force Base. No such arrangements have been made at any of the other points for which an airport notice was filed.

Northeast has submitted a memorandum in support of the April 4 airport notices. The carrier states that its New England service is extremely costly and that it no longer has the financial means of sustaining those losses and that traffic at these points is not significant—Houlton and Newport generate less than two passengers a day; Rockland and Laconia, four and seven daily passengers, respectively, including summer seasonal traffic; Lawrence, slightly over three passengers a day and Auburn-Lewiston, six daily passengers.

Memoranda in opposition to the Laconia, N.H., airport notice were filed by the State of New Hampshire, the City of Laconia, the Laconia Airport Authority, the Greater Laconia-Weirs Beach Chamber of Commerce, the Laconia Industrial Development Corporation, and the Town of Meredith, N.H. Opposition was also registered by individuals and firms that would be affected.

Other memoranda were submitted by the State of Vermont in opposition to the Newport notice, the Commonwealth of Massachusetts and the City of Lawrence, Mass., in opposition to the Lawrence airport notice, the Cities of Auburn and Lewiston, Maine, in opposition to the Auburn-Lewiston airport notice, the Town of Bar Harbor, Maine, in opposition to the Bar Harbor airport notice and the State of Maine in opposition to the Bar Harbor, Auburn-Lewiston, Houlton, and Rockland airport notices.

The memorandum of the State of Maine (Maine), which is representative of the many objections filed, alleges that the airport notice is not the proper vehicle in which to discontinue service to the named communities notified; that instead of providing regular services to these communities, the notices indicate a reduction and discontinuance of regular service; and that such discontinuance of service should not be allowed without giving the affected communities an opportunity to be heard. Additionally, Maine states that approval would adversely affect the public interest, especially since many of these points are tourist areas and the summer season, which offers the greatest demand for air service, will just be getting under way; that curtailment of air services will be a serious blow to these areas, in view of the discontinuance of rail travel; that other areas will be affected in their industrial development; that Northeast's notices constitute a prejudgment of the Board's New England Regional Airport Investigation; and that there is doubt that elimination of service to these communities will remove Northeast from the "crossroads" of survival. Many of the objections dispute the nearness in travel time of adjacent airports as alleged by Northeast in its notices, and urge that the matter be explored in the Board's investigation.

Northeast's entire support for the proposals is predicated upon its poor financial condition, the low traffic generation at the various points and the losses sustained in serving these points. However, it has submitted no economic data with respect to the amount of cost savings which it might realize from its proposed action. Indeed, as we note below, there is a real question as to savings at some of these points during the peak summer months. Nevertheless, we are concerned with Northeast's perilous financial condition and are therefore appraising the merits of the proposed service at these seven points, on the basis of information readily available within the Board. Having carefully weighed the relative passenger inconvenience against the possible cost savings at each of these points, we tentatively conclude that a suspension of service is warranted at four of these points—Newport, Houlton, Lawrence, and Lewiston-Auburn.

While, as noted above, the carrier has not provided us with an estimate of cost saving, our own study of Northeast's operations indicates that the carrier could effect a net cost reduction estimated to be some $275,000 annually at all these points through its proposed pattern of service. (See Appendix A.)[1] Necessarily, we have relied on judgment in some areas of our analysis. The estimated expense savings have been based upon Northeast's 1961 schedule pattern and operations actually performed at each of these points. Direct costs have been computed by applying standard costing techniques.

Although we do not have precise information as to surface travel time to the alternate airports selected by Northeast, only the Laconia and Newport airports are more than 40 miles from their respective alternate airports. Newport, which is a seasonal point, enplaned only 2.3 daily passengers in 1961, Houlton generated 1.8, Lawrence 2.3 and Lewiston-Auburn 6.2 daily passengers. While admittedly Lewiston-Auburn would be marginal under "use-it-or-lose-it" standards, the relative convenience of the alternate airport is not in dispute. The Portland Airport is only 27 miles farther than the Lewiston-Auburn airport via a limited-access turnpike. These circumstances indicate that Northeast's proposed service to these four points would not have any serious adverse effect on the overall public interest.

Although Northeast's proposals at these four points were filed with the Board as airport notices, in our opinion the proposals must more properly be considered to be requests for suspension of service. It is apparent that the findings made herein with respect to the justification for the proposals go beyond the matters normally considered in connection with a change of airport. Instead they are concerned with the lack of economic support for service to the point in the light of the cost of the service, and with other matters considered in suspension requests. Rather than require new filings by the carrier, however, we have concluded that we should treat the notices as service suspension requests filed pursuant to Part 205 of the Board's regulations. In order to provide adequate notice of the matter of suspension, however, we have decided to tentatively approve the suspension, subject to the condition referred to hereinafter, and to give interested persons a reasonable period, not exceeding 14 days, in which to file comments. Such comments should conform to the requirements of Part 205.

Under its request as filed, Northeast proposed to show service to such points through nearby airports in its timetables and schedules. The suspension of service at such points, however, would normally require Northeast to delete them from its timetables and schedules. In the light of Northeast's proposal and the fact that the relative proximity of such airports has been considered by the Board in reaching its tentative conclusion to suspend, we have in this instance also tentatively decided to make our approval subject to the condition that Northeast can continue to show such points in its timetables and schedules, but only if adequate ground transportation is available between the suspended points and the airports specified in the airport notices.

While the annual average of passenger enplanements at any of the points included in Northeast's proposal is not large,[2] the seasonal average of daily passengers at Bar Harbor, Laconia and Rockland is significantly higher, with third quarter daily enplanements of 7.7, 21.6, and 12.1, respectively. Assuming an equal number of deplanements, we are concerned here with a total of 15, 43, and 24 passengers daily. We do not know that the summer service pattern as previously operated by Northeast at these three points will cause a drain on the carrier's resources; and in fact, such seasonal service may contribute to the carrier's net cash position. Therefore, we will disapprove the notices for these three points. Cessation of direct service at the other four points should permit Northeast to save at least $140,000 in net costs.

It should be noted that our proposed action would not involve a prejudgment of the issues in the forthcoming New England Airport Investigation. Decision in that case must necessarily depend on the record to be developed therein. Our tentative conclusions here are based upon the immediate and serious financial situation in which Northeast finds itself, and our belief that the overall public interest warrants immediate action in this area to prevent any reasonably avoidable drain on its resources. However, we will make the term of any action authorized pursuant to these tentative conclusions effective until 60 days after final order in the airport investigation.

In view of the foregoing, the Board tentatively finds that suspension of service at Newport, Vt., Lawrence, Mass., and Houlton and Lewiston-Auburn, Maine, would be in the public interest and we have tentatively determined to authorize such suspension. This order, constituting notice of such tentative determination, will be served upon all necessary parties and published in the FEDERAL REGISTER, and interested persons will be afforded an opportunity to comment on the Board's tentative decision.

Accordingly, it is ordered, That:

1. The services to Laconia, N.H., and Bar Harbor and Rockland, Maine, proposed by Northeast pursuant to the airport notices, herein, shall not be inaugurated as proposed;

2. All interested persons be and they hereby are directed to show cause within 14 days from the date of this order why the authority of Northeast Airlines, Inc., to serve Auburn-Lewiston, Houlton, Lawrence, and Newport should not be suspended as proposed herein;

3. The suspension authority tentatively approved herein be subject to the condition that Northeast can continue to show each such point in its timetables and schedules, but only if adequate ground transportation is available between such point and the airport specified in the airport notice filed by Northeast;

4. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-5851; Filed, June 14, 1962; 8:46 a.m.]

[1] Filed as part of the original document.

[2] The appendix filed as part of the original document indicates that only three of the points—Bar Harbor, Lawrence, and Lewiston-Auburn—exceed the "use-it-or-lose-it" standard customarily applied to new local service route authorizations.

[Docket No. 12377; Order E-18432]

REEVE ALEUTIAN AIRWAYS, INC.

Application for Amendment of Route Certificate; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of June 1962.

Reeve Aleutian Airways, Inc. (Reeve) is a corporation organized and existing under the laws of the State of Alaska and authorized to engage in the air transportation of persons, property and mail over route 127, consisting of the following two segments:

1. Between the terminal point Anchorage, the intermediate points King Salmon, Port Heiden, Chignik, Ivanof Bay, Sand Point, Cold Bay, Sarichef-Scotch Cap, Dutch Harbor, St. George Island, St. Paul Island, Umnak Island, Atka Island, Adak Island, and the terminal point Shemya Island.

2. Between the terminal point Anchorage, the intermediate points Kodiak and Sitkinak, and the terminal point Port Heiden.

By Order E-14786, approved October 29, 1959, Reeve was authorized by certificate amendment to serve Shemya and Segment 2 until March 13, 1962.

Order E-15938, adopted October 19, 1960, authorized Reeve to serve Attu Island, which is west of Shemya, on segment 1, by exemption until March 13, 1962. The Board has extended that authority until 60 days after final decision in this docket by Order E-18092, adopted March 9, 1962.

On May 1, 1961, Reeve filed an application requesting certain certificate amendments:

1. Extension for an indefinite period of the authorization to serve segment 2 and to serve Shemya Island on segment 1;

2. Elimination of Sitkinak as an intermediate point on segment 2;

3. Substitution of Attu Island for Shemya Island as the western terminal point on segment 1, and redesignation of Shemya Island as an intermediate point on segment 1, for an indefinite period;

4. Addition of Dillingham as an intermediate point between King Salmon and Port Heiden; Port Moller between Ivanof Bay and Sand Point; Driftwood Bay between St. Paul Island and Umnak Island; and Nakolski between Umnak Island and Atka Island, all on segment 1; and

5. Deletion from its certificate of condition 5 which provides that "[f]lights scheduled to serve both Anchorage and King Salmon shall originate or terminate at Port Heiden or a point west thereof."[1]

The Board has tentatively concluded that the public convenience and necessity require the approval of the first three of Reeve's amendment requests. Reeve presently provides the only air service along the route under consideration. Except for an occasional surface carrier, no other transportation to the islands in the Aleutian archipelago exists. The service consists primarily of supplying the national defense facilities and attendant activities in the islands from the Alaskan mainland. The volume of traffic which Reeve has carried to and between the islands, including Shemya and Attu, indicates that the factors which justified initiation of these services on segment 2 and to Shemya and Attu continue to exist. Furthermore, Reeve has provided them without requiring subsidy payments, having operated without such assistance since 1957. Its financial situation appears sound and its profits have steadily increased during its operations under its temporary authority.

Termination of Reeve's authority to serve Shemya and Attu and segment 2 at this time might impede the national defense effort and impose a hardship on the traveling public in this area. On the other hand, an indefinite extension of Reeve's authority to operate this service of limited scope and extent will not adversely affect any other carrier.

The intermediate point Sitkinak on segment 2 is not now served, nor has service ever been inaugurated by Reeve, and we are not aware of any recent request that service be provided thereto. Segment 2 is presently served with DC-4 aircraft, and Sitkinak airfield, under the jurisdiction of the Coast Guard, consists of a single graveled strip 5,000 feet in length, having no lights. There are no radio aids to navigation and approach facilities and the Federal Aviation Agency has no plans for improving the airfield.

The Board has concluded that the last two of Reeve's amendment requests should be dismissed without prejudice to Reeve's right to reapply for such certificate amendment.

The addition of Dillingham as an intermediate point between King Salmon and Port Heiden, and the alteration of conditions on service in the Anchorage and King Salmon markets necessarily involve complex and controversial issues concerning competition in those markets. At this time, the Board does not have before it sufficient information, as to these issues, upon which to base tentative conclusions in this show cause order. Rather than have these portions of the application remain on the Board's docket, we are, pursuant to Rule 12(d) of the Board's rules of practice, dismissing them without prejudice.

There is already implicit in Reeve's certificate the authority to serve the other proposed intermediates on segment 1, Port Moller, Driftwood Bay, and Nakolski, since none is more than 25 miles off the airline course over Reeve's route and none is named in the certificate of another carrier.[2] We are not aware of any restriction or burden which would

[1] A motion to consolidate this application for hearing in the Reopened Intra-Alaska Case (King Salmon), Docket 6093, et al., was denied by Order E-17300, adopted August 9, 1961.

[2] Condition 2 in Reeve's certificate.

befall Reeve in serving these points as a result of their omission as specifically named points, nor would Reeve realize any particular benefit in serving them should the requested amendment be granted. Conversely, the inclusion of the requested intermediates could result in a future subsidy burden to the Government or the imposition of a service requirement on the carrier should circumstances change.

Based on the foregoing, it is the tentative conclusion of the Board that the public convenience and necessity require that Reeve's certificate should be amended to designate Attu Island as a terminal point and Shemya Island as an intermediate point on segment 1, such amendment and the authority to serve these points to be for an indefinite period; that Sitkinak be eliminated as an intermediate point on segment 2, and that Reeve's certificate be amended to authorize service on segment 2 for an indefinite period.

That part of Reeve's application which requests authorization to serve certain intermediate points on segment 1 and the removal of condition 5 from its certificate will be dismissed without prejudice.

Accordingly, it is ordered:

1. That all interested persons be and they hereby are ordered to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein to amend Reeve Aleutian Airways, Inc.'s certificate for route 127 by designating Attu Island as a terminal point and Shemya Island as an intermediate point on segment 1, such amendment and the authority to serve these points to be for an indefinite period; by eliminating Sitkinak as an intermediate point on segment 2; and by authorizing service on segment 2 to be for an indefinite period;

2. That any interested person having objection to the issuance of an order making final the findings and conclusions herein shall, within 15 days from the date hereof, file with the Board written notice of objections;[1]

3. That if no objections are filed, further procedural steps shall be deemed waived and the matter submitted to the Board for issuance of a final order;

4. That if objections are filed, the matters or issues thereby raised will be afforded consideration before further action is taken by the Board;

5. That those portions of Reeve's application which request that Dillingham be added as an intermediate point between King Salmon and Port Heiden; Port Moller between Ivanof Bay and Sand Point; Driftwood Bay between St. Paul Island and Umnak Island; and Nakolski between Umnak Island and Atka Island, all on segment 1; and that Condition 5 in its certificate be deleted; are hereby dismissed without prejudice.

6. That copies of this order shall be served upon Pacific Northern Airlines, Inc.; Northern Consolidated Airlines, Inc.; the Alaska Division of Aviation; the Secretary of Defense; the Commandant, United States Coast Guard; the Postmaster General, and Reeve Aleutian Airways, Inc.; and

7. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-5852; Filed, June 14, 1962; 8:47 a.m.]

[1] Since an ample opportunity to object or comment regarding the scope and the issues of this proceeding is provided for herein, a petition for reconsideration of this order would be cumulative and will not be entertained.

[Docket No. 13041]

BRANIFF AIRWAYS, INC.; SERVICE TO CHATTANOOGA CASE

Notice of Prehearing Conference

In the matter of the application of Braniff Airways, Inc. in Docket 13041 for amendment of its certificate for its route so as to delete therefrom the intermediate point, Chattanooga, Tennessee. See Order E-17874.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 21, 1962, at 10 a.m., e.d.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Leslie G. Donahue.

Dated at Washington, D.C., June 12, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-5853; Filed, June 14, 1962; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-246]

MISSISSIPPI RIVER FUEL CORP.

Notice of Application and Date of Hearing

JUNE 8, 1962.

Take notice that on April 23, 1962, Mississippi River Fuel Corporation (Applicant), 9900 Clayton Road, St. Louis 24, Missouri, filed in Docket No. CP62-246 an application for a certificate of public convenience and necessity authorizing the construction during the calendar year 1962 and the operation of certain miscellaneous natural gas transmission facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it may become necessary or desirable to move, relocate, alter or reconstruct existing facilities, or to construct and operate substitute facilities for existing facilities, in order to accommodate the desires or activities of others, including governmental authorities, landowners, and direct industrial and resale customers. For the most part, such changes would be made in response to requests of others. The cost of relocating or altering Applicant's facilities in such instances will usually be borne entirely or partly by the party desiring the change and will not ordinarily involve any increase or decrease in the designed capacity of the particular facilities being altered or replaced, nor any essential change in the character of Applicant's service to any of its customers.

Applicant further states that it will not undertake more than nine projects during the calendar year 1962. The total cost of the facilities will not exceed $500,000, with no single project to exceed a cost of $200,000. The foregoing amounts represent Applicant's gross costs which may be offset entirely or reduced by reimbursement from others.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 12, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 2, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5838; Filed, June 14, 1962; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 651]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 12, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64744. By order of June 7, 1962, the Transfer Board approved the transfer to Harold W. Morgan, doing business as Dunn's Delivery, Sharon, Pa., of Certificate No. MC 109860, issued September 12, 1956, to Robert J. Dunn, doing business as Dunn's Delivery, Sharon, Pa., authorizing the transportation of: Such merchandise as is dealt in by retail merchandising establishments, and used contractors outfits, except machinery, from, to, or between specified points in Pennsylvania and Ohio. Leo L. Luchette, 1 Valley View Drive, Brookfield, Ohio, attorney for applicants.

No. MC-FC 65033. By order of June 7, 1962, the Transfer Board approved the transfer to Victor C. McCollum, doing business as H. C. Byrol Trucking Company, Lock Haven, Pa., of Certificate No. MC 102350, issued October 24, 1941, to Helen C. Byrol, Lock Haven, Pa., authorizing the transportation of: Airplanes, crated, and airplane parts, from Lock Haven, Pa., to New York, N.Y., Sitka spruce, from Utica and New York, N.Y., to Lock Haven, Pa., airplane parts, damaged airplanes, and damaged airplane parts, between Lock Haven, Pa., on the one hand, and, on the other, points in Delaware, Maryland, Michigan, New Jersey, New York, Ohio, Virginia, West Virginia, and the District of Columbia, restricted to shipments to or from disabled airplanes. Edward L. Willard, 201 East Beaver Avenue, State College, Pa., attorney for applicants.

No. MC-FC 65053. By order of June 7, 1962, the Transfer Board approved the transfer to John J. Byers, Duluth, Minn., of Certificate No. MC 118853, issued August 22, 1960, to Asa Lyons, Inc., Duluth, Minn., authorizing the transportation of: Passengers and their baggage, in round trip charter and special service, beginning and ending at points in Saint Louis County, Minn., and extending to points in Michigan, North Dakota, South Dakota, and Wisconsin. Joseph B. Johnson, 811 First American National Bank Building, Duluth 2, Minn., attorney for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-5846; Filed, June 14, 1962; 8:46 a.m.]

OFFICE OF EMERGENCY PLANNING

INVESTIGATION OF IMPORTS OF SURPLUS MILITARY RIFLES

Notice of Publication of Report

The Director of the Office of Emergency Planning made public on June 5, 1962, his report in the above matter. The report is made in the form of a "Memorandum of Decision" and concludes an investigation on application of the President of the Sporting Arms and Ammunition Manufacturer's Institute on behalf of six American manufacturers of sporting firearms, on June 29, 1959, under authority of section 8 of the Trade Agreements Extension Act of 1958.

The Director found that surplus military rifles are not being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

Dated: June 8, 1962.

EDWARD A. MCDERMOTT,
Director,
Office of Emergency Planning.

[F.R. Doc. 62-5836; Filed, June 14, 1962; 8:45 a.m.]

INVESTIGATION OF IMPORTS OF TRANSISTORS AND RELATED PRODUCTS

Notice of Publication of Report

The Director of the Office of Emergency Planning made public on May 29, 1962, his report in the above matter. The report is made in the form of a "Memorandum of Decision" and concludes an investigation on application of the Electronic Industries Association on September 17, 1959, under authority of Section 8 of the Trade Agreements Extension Act of 1958.

The Director found that transistors and related products are not being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

Dated: June 8, 1962.

EDWARD A. MCDERMOTT,
Director,
Office of Emergency Planning.

[F.R. Doc. 62-5837; Filed, June 14, 1962; 8:45 a.m.]

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Washington, Saturday, June 16, 1962

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Executive Office of the President

Federal Register Document 62-5650, filed June 8, 1962, is corrected by changing paragraph "(a) *Office of Science and Technology*" in § 6.315 to paragraph "(c) *Office of Science and Technology*."

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-5898; Filed, June 15, 1962; 8:51 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter V—Agricultural Marketing Service, Department of Agriculture

SUBCHAPTER B—EXPORT AND DOMESTIC CONSUMPTION PROGRAMS

PART 535—COTTON AND ITS BY-PRODUCTS

Subpart—1962-63 Cotton and its By-Products Diversion Program Regulations

Sec.
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535.2 Administration.
535.3 Area.
535.4 Period of program.
535.5 Rate of payment.
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535.15 Set-off.
535.16 Joint payee or assignment.
535.17 Officials not to benefit.
535.18 Amendment and termination.

AUTHORITY: §§ 535.1 to 535.18 issued under sec. 32, 49 Stat. 774, as amended: 7 U.S.C. 612c.

§ 535.1 General statement.

(a) In order to encourage the domestic consumption of cotton produced in the continental United States and by-products of such cotton by diverting them from normal channels of trade and commerce, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, offers to make payments for the diversion of such cotton and cotton by-products for use as bagging for packaging cotton produced in the United States, subject to the terms and conditions hereinafter set forth.

(b) Information pertaining to this program may be obtained from the following:

Director, Cotton Division, Agricultural Marketing Service (hereinafter called "AMS"), United States Department of Agriculture (hereinafter called "USDA"), 12th and C Streets SW., Annex Building, Washington 25, D.C. (The term "the Director" as used in this subpart means the Director of the Cotton Division or any authorized representative of the Director of the Cotton Division.)

Manager, Western Area,
Cotton Division, AMS, USDA,
P.O. Box 2328,
Phoenix 2, Ariz.

Manager, Southwestern Area,
Cotton Division, AMS, USDA,
708 Jackson Street, Room 404,
Dallas 2, Tex.

Manager, South Central Area,
Cotton Division, AMS, USDA,
Drawer C, White Station,
Memphis 17, Tenn.

Manager, Southeastern Area,
Cotton Division, AMS, USDA,
Box 7068, Station C,
Atlanta 9, Ga.

§ 535.2 Administration.

The program provided for in this subpart will be administered under the general direction and supervision of the Director and in the field will be carried out by the Managers of the AMS Cotton Division Areas specified in § 535.1. Such managers or their authorized representatives do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements to this subpart.

§ 535.3 Area.

The diversion must take place in the continental United States.

§ 535.4 Period of program.

Applications for participation in the program must be received by the Director no later than December 1, 1962. Diversion of cotton and cotton by-products by the diverter must have begun no earlier than the date of approval of the diverter's application and must be completed no later than June 30, 1963. Invoices for final settlement must be received by the Director no later than June 30, 1963.

§ 535.5 Rate of payment.

The rate of payment applicable to cotton and cotton by-products diverted for use as cotton bagging as prescribed in this subpart will be $1.00 per pattern. (For the purpose of this subpart, a pattern means two pieces of bagging of the size specified in § 535.9 and suitable to wrap one bale of cotton.)

§ 535.6 Eligibility for payment.

Payments will be made under this program to any individual, partnership, association of growers, or corporation located in the continental United States:

(a) Who executes and submits an application, in quadruplicate, to obtain and use cotton bagging, as provided in § 535.7,

(b) Whose application is approved by the Director,

(c) Who diverts cotton or cotton by-products as prescribed in this subpart, either directly or through another person or firm,

(d) Who files claim as provided in § 535.12 of this subpart,

(e) Who otherwise complies with all of the terms and conditions of this subpart.

§ 535.7 Application and approval for participation.

Applications to participate in the program by using cotton bagging for packaging cotton must be submitted to the Director. Each application shall specify the number of patterns to be used, the manufacturer from which it is proposed such patterns will be procured, the name and address of each gin which will use such patterns, the approximate number of patterns to be used by each gin, and all other pertinent information. The funds available for payments under this program will be allocated among the production areas specified below, based upon the proportionate cotton production in each such area during the 1961 season, as follows:

Southeastern Area, 13 percent (Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia).
South Central Area, 31 percent (Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, Tennessee).
Southwestern Area, 34 percent (Kansas, Oklahoma and Texas except Culberson, El Paso, Hudspeth and Presidio counties).
Western Area, 22 percent (Arizona, California, New Mexico, Nevada, and Culberson, El Paso, Hudspeth and Presidio counties in Texas).

Applications from applicants located in each such area will be considered in the order received in accordance with the availability of funds in the area. On July 15, 1962, or such later date as may be deemed necessary by the Director to insure that possible users in all areas have adequate opportunity to obtain information pertaining to the program and submit applications hereunder, any funds remaining available from undersubscribed areas will be transferred to any areas which are oversubscribed in such manner as the Director determines will be of maximum benefit to the program. If funds are still available after oversubscriptions are considered, appli-

cations will thereafter be approved without regard to area until funds are exhausted or December 1, 1962, whichever is earlier. Each applicant will be notified by the Director of the approval or nonapproval of his application. An approved applicant is referred to in this subpart as "the diverter".

§ 535.8 Diversion.

For the purpose of this subpart, diversion means the use of cotton and cotton by-products, in the form of bagging meeting the requirements of § 535.9, for packaging cotton produced in the United States.

§ 535.9 Diversion specifications.

In order to be eligible for diversion under this subpart, cotton and cotton byproducts must have been manufactured by a manufacturer who is approved under § 535.10 into all-cotton bagging which meets the following requirements:

(a) Acceptable materials: Cotton, cotton gin waste, cotton linters, cotton mill waste, or any combination of these materials produced in the United States.
(b) Weave: Plain.
(c) Sizing: None.
(d) Construction:
(1) Warp: 5 ends per inch minimum.
(2) Filling: 5 picks per inch minimum.
(e) Width: 45 inches when relaxed. Length: 108-inch panels when relaxed.
(f) Weight: 6 pounds per panel.
(g) Average breaking strength:
(1) Warp: 350 pounds minimum.
(2) Filling: 175 pounds minimum.
(h) Tolerances:
(1) Width: Plus 5 inches or minus 1 inch.
(2) Length of panel: Plus or minus 2¾ inches.
(3) Weight: Plus or minus ½ lb/panel.
(i) Method of testing: Tests for breaking strength by the grab method with the following exceptions:
(1) The face of one jaw of each pair shall be 1 inch by 3 inches.
(2) The face of the other jaw in each pair shall be at least 1 inch by 3 inches.
(3) The long dimensions of the jaws shall be perpendicular to the direction of the application of load.
(4) The distance between the two pairs of jaws shall be 7 inches at the start of the test.
(5) The test specimens shall be 10 inches by 12 inches.
(j) Details for two fabrics which have been tested and found acceptable under this program are listed below as examples:

Item	Type A	Type B
Yarns:		
Warp	4 ply	3 ply.
Filling	2 ply	2 ply.
Construction:		
Warp	90 ends/12"	128 ends/12".
Filling	69 picks/12"	69 picks/12".
Breaking strength:		
Warp	Over 500 pounds	Over 500 pounds.
Filling	Over 175 pounds	Over 175 pounds.

§ 535.10 Approved manufacturers.

Any manufacturer who desires to manufacture bagging for use by diverters under this program must execute and submit to the Director no later than September 1, 1962, an application, in quadruplicate, listing the materials proposed to be used, the proposed fabric construction(s), estimated amount of production, and other pertinent information. The manufacturer will be notified by the Director of the approval or nonapproval of his application. The submission of the application by the manufacturer and the approval of the application by the Director shall constitute an agreement between the Secretary of Agriculture and the manufacturer under which the Secretary of Agriculture agrees to make payments to diverters who divert, in accordance with this subpart, bagging produced by the manufacturer and meeting the requirements of § 535.9 and, in consideration thereof, the manufacturer agrees that:

(a) He will notify the Director of the period during which such bagging will be manufactured at least two weeks prior to the beginning of such period.

(b) USDA Inspectors designated by the Director may inspect the materials being used or to be used and the processing of the bagging at any reasonable time prior to the end of the manufacturing period and may inspect the bagging at any time prior to shipment.

(c) Within one week after any such bagging is shipped, he will notify the Director of the name and address of the customer and the quantity of bagging shipped and will send one copy of the bill of lading covering such shipment to Eastern Area Administrative Division, AMS, USDA, Washington 25, D.C. Such bill of lading shall specify the number of patterns being shipped.

(d) He will submit to the Director certifications, in form acceptable to the Director, that the bagging in each such shipment meets the requirements of § 535.9 and, except as otherwise specified in such certifications, conforms to the specifications in the application or any modification thereof approved by the Director.

(e) He will keep accurate records and accounts with respect to such bagging, will permit authorized representatives of USDA at any reasonable time to inspect, examine, and make copies of such records and accounts in order to determine to what extent there is or has been compliance with the provisions of this section and will retain all such records and accounts for three years after the final delivery of bagging to customers.

§ 535.11 Inspection.

Within one week after receipt of bagging eligible to be used under this program, and at least one week before such bagging is to be used, unless otherwise approved by the Director, the diverter shall notify the Area Manager, as listed in § 535.1(b), of the area in which the bagging will be used of the bagging manufacturer's name and address, the total number of patterns received, the names and addresses of the gins at which the bagging will be used, the approximate number of patterns to be used by each gin, the earliest dates on which the bagging will be available for inspection at each gin, and the approximate dates on which the bagging will be used by each gin. USDA Inspectors designated by the Director shall have the right to inspect the bagging and the use of the bagging at any reasonable time. Costs of inspection will be borne by USDA.

§ 535.12 Claim for payment.

In order to obtain payment, the diverter shall submit an invoice, in duplicate, not later than June 30, 1963 to:

Eastern Area Administrative Division, A.M.S.,
U.S. Department of Agriculture,
Washington 25, D.C.

This invoice shall show the name and address of the manufacturer of the bagging, the number of patterns diverted, the amount of diversion payments earned, the names and addresses of gins at which the bagging was used, the number of patterns used at each gin, and the number assigned by the Director to the diverter's approved application, and shall contain the following certification: "I certify that the above bill is correct, that the transactions enumerated above were performed as stated, and that the payment claimed is authorized to be made under the program." This invoice shall be supported by lists showing the gin bale numbers of the bales on which such bagging was used, and, if such bagging was used by other individuals or firms for wrapping bales of cotton, certifications by such individuals or firms as to the diversion of such bagging.

§ 535.13 Compliance with program.

If USDA determines that any quantity of cotton or cotton byproducts with respect to which payment is claimed under this program was not used exclusively for packaging cotton, whether such failure was caused directly by the diverter or by any other person or persons, the diverter shall not be entitled to diversion payments in connection with such cotton or cotton byproducts, shall refund to USDA any payment made in connection with such cotton or cotton byproducts, and shall be liable to USDA for the cost of inspections and all other damages incurred as a result of such failure to use the cotton or cotton byproducts exclusively for packaging cotton. USDA may deny any diverter the right to participate in this program or the right to receive payments in connection with any diversion previously made under this program, or both, if USDA determines that: (a) The diverter has failed to use or caused to be used any quantity of cotton or cotton byproducts with respect to which payment is claimed under this program exclusively for packaging cotton, whether such failure was caused directly by the diverter or by any other person or persons, (b) the diverter has not acted in good faith in connection with any transaction under this program, or (c) the diverter has failed to discharge fully any obligation assumed by him under this program. Persons making any misrepresentation of facts in connection with this program for the purpose of defrauding USDA will be subject to the applicable civil and criminal provisions of the United States Code.

§ 535.14 Records and accounts.

The diverter shall keep accurate records and accounts with respect to all cotton and cotton byproducts diverted under this program. The diverter shall permit authorized representatives of USDA at any reasonable time to inspect, examine and make copies of such records and accounts, and of any other records and accounts upon which his claim is based, in order to determine to what extent there is or has been compliance with the provisions of this program. All such records and accounts shall be retained by the diverter for three years after the date of the final payment to him under this program.

§ 535.15 Set-off.

If the diverter is indebted to USDA or to any other agency of the United States, set-off may may be made against any amount due to the diverter hereunder. Such set-off shall not deprive the diverter of the right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

§ 535.16 Joint payee or assignment.

The diverter may name a joint payee on the claim for payment or may assign, in accordance with the provisions of the Assignment of Claims Act of 1940, Public Law 811, 76th Congress, as amended (31 U.S.C. 203, 41 U.S.C. 15), the proceeds of any claim to a bank, trust company, Federal lending agency, or other recognized financing institution: *Provided*, That such assignment shall be recognized only if and when the assignee thereof files written notice of the assignment with the Director, together with a true copy of the instrument of assignment, in accordance with the instructions on Form AMS–66, "Notice of Assignment," which form must be used in giving notice of asignment to the Director. The "Instrument of Assignment" may be executed on Form AMS–347 or the assignee may use his own form of assignment. The AMS forms may be obtained from the persons listed in § 535.1(b).

§ 535.17 Officials not to benefit.

No member of, or delegate to, Congress, or Resident Commissioner, shall be admitted to any share or part of any contract resulting from this program or to any benefits that may arise therefrom, but this provision shall not be construed to extend to such a contract if made with a corporation for its general benefit or to any such person acting in his capacity as a farmer.

§ 535.18 Amendment and termination.

This subpart may be amended or terminated at any time, but the amendment or termination shall not be effective earlier than the date of filing with the Federal Register Division. No amendment shall be applicable to any bagging purchased under an approved application before the effective time of such amendment or termination.

NOTE: The record-keeping and reporting requirements contained herein have been approved by, and subsequent requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This subpart shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 13, 1962.

STANLEY C. RADEMAKER,
Authorized Representative of the Secretary of Agriculture.

[F.R. Doc. 62-5904; Filed, June 15, 1962; 8:52 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 12]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.329 Grapefruit Regulation 12.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905 as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on June 12, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title; 26 F.R. 163).

(2) During the period beginning at 12:01 a.m., e.s.t., June 18, 1962, and ending at 12:01 a.m., e.s.t., June 25, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, except pink seedless grapefruit, grown in the production area, which do not grade at least U.S. No. 1: *Provided*, That such grapefruit may have discoloration to the extent permitted under the U.S. No. 2 Russet grade, and may have slightly rough texture caused only by speck type melanose;

(ii) Any pink seedless grapefruit, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(iii) Any seeded grapefruit, grown in the production area, which are smaller than 3 15/16 inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iv) Any seedless grapefruit, grown in the production area, which are smaller than 3 7/16 inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 13, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-5926; Filed, June 15, 1962; 8:53 a.m.]

[Orange Reg. 12]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.330 Orange Regulation 12.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on June 12, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title; 25 F.R. 8211).

(2) During the period beginning at 12:01 a.m., e.s.t., June 18, 1962, and ending at 12:01 a.m., e.s.t., June 25, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2$^{8}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2$^{8}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$^{11}/_{16}$ inches in diameter or smaller; or

(iii) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 13, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–5927; Filed, June 15, 1962; 8:53 a.m.]

[Valencia Orange Reg. 17]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.317 Valencia Orange Regulation 17.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 14, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., June 17, 1962, and ending at 12:01 a.m., P.s.t., June 24, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement.

(ii) District 2: 350,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 15, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–5983; Filed, June 15, 1962; 11:59 a.m.]

[Lemon Reg. 26]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.326 Lemon Regulation 26.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 12, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., June 17, 1962, and ending at 12:01 a.m., P.s.t., June 24, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 348,750 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 14, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–5928; Filed, June 15, 1932; 8:53 a.m.]

[Lime Order 2, Amdt. 1]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size Regulation

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 18, 1962. Shipments of Florida limes are currently regulated pursuant to Lime Regulation 2 (27 F.R. 3589) and, unless sooner terminated, will continue to be so regulated until April 30, 1963; determinations as to the need for, and extent of, continued regulation of Florida lime shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of lime shipments subsequent to June 18, 1962, and in the manner herein provided, were promptly submitted to the Department after an open meeting of the Florida Lime Administrative Committee on June 12, 1962, held to consider recommendations for regulation; the provisions of this amendment are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among handlers of Florida limes; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective as hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) It is, therefore, ordered that the provisions of paragraph (b)(2)(ii) of § 911.302 (Lime Order 2; 27 F.R. 3589) are hereby amended to read as follows:

(ii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which do not grade at least U.S. Combinations, Mixed Color, with not less than 75 percent, by count, of the limes in each container thereof grading at least U.S. No. 1, Mixed Color, and the remainder thereof grading not less than U.S. No. 2, Mixed Color; or

(c) The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., June 18, 1962.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 14, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division.

[F.R. Doc. 62–5984; Filed, June 15, 1962; 11:59 a.m.]

[Peach Order 3]

PART 918—FRESH PEACHES GROWN IN GEORGIA

Limitation of Shipments

§ 918.303 Peach Order 3.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 918, as amended (7 CFR Part 918), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that this order will tend to effectuate the declared policy of the act with respect to shipments of fresh peaches grown in the State of Georgia.

(2) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 17, 1962. Shipments of the current crop of peaches are now being made and this section should be

applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) Peach Order 2 (§ 918.302; 27 F.R. 4551) is hereby terminated at 12:01 a.m., e.s.t., June 17, 1962.

(2) During the period beginning at 12:01 a.m., e.s.t., June 17, 1962, and ending at 12:01 a.m., e.s.t., September 1, 1962, no handler shall ship (except peaches in bulk to destinations in the adjacent markets):

(i) Any peaches which are smaller than 2 inches in diameter, except that not more than ten (10) percent, by count, of such peaches in any bulk lot or any lot of packages, and not more than fifteen (15) percent, by count, of such peaches in any container in any such lot, may be smaller than 2 inches in diameter; or

(ii) Any peaches which do not meet the requirements of the U.S. No. 1 grade except that not to exceed fifteen (15) percent, by count, of the peaches contained in any bulk lot or any lot of packages may consist of peaches which do not meet the requirements of such grade, but not more than ten (10) percent, by count, of the peaches in any such lot shall consist of peaches with defects causing serious damage, and not more than one (1) percent, by count, of the peaches in any such lot shall consist of peaches which are not free from decay.

(c) The maturity regulations contained in § 918.400 are hereby suspended with respect to shipments of peaches to destinations other than in the adjacent markets during the period specified in paragraph (b)(2) of this regulation.

(d) When used herein, the terms "handler," "adjacent markets," "peaches," "peaches in bulk," and "ship" shall have the same meaning as when used in the aforesaid amended marketing agreement and order, and the terms "U.S. No. 1," "serious damage," and "diameter" shall have the same meaning as when used in the revised United States Standards for Peaches (§§ 51.1210–51.1223 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Dated: June 15, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–5985; Filed, June 15, 1962; 11:59 a.m.]

[Lime Reg. No. 1, Amdt. 1]

PART 944—FRUITS; IMPORT REGULATIONS

Limes

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) of § 944.200 (Lime Regulation 1; 27 F.R. 3797) are hereby amended to read as follows:

(a) On and after 12:01 a.m., e.s.t., June 21, 1962, the importation into the United States of any limes is prohibited unless such limes are inspected and meet the following requirements:

(1) Such limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms) meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(2) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) grade at least U.S. Combination, Mixed Color, with not less than 75 percent, by count, of the limes in each container thereof grading not less than U.S. No. 1, Mixed Color, and the remainder thereof grading not less than U.S. No. 2, Mixed Color; and

(3) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) are of a size not smaller than 1⅞ inches in diameter: *Provided*, That not to exceed 10 percent, by count, of the limes in any container may fail to meet this requirement.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 1001–1011) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions being made applicable to domestic shipments of limes under Amendment 1 to Lime Regulation 2 (§ 944.200), which becomes effective June 18, 1962; (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; (d) notice hereof in excess of 3 days, the minimum that is prescribed by said section 8e, is given with respect to such regulation; and (e) such notice is hereby determined, under the circumstances, to be reasonable.

(Secs. 1–19, 48 Stat. 31 ,as amended; 7 U.S.C. 601–674)

Dated, June 14, 1962, to become effective at 12:01 a.m., e.s.t., June 21, 1962.

FLOYD F. HEDLUND,
Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–5986; Filed, June 15, 1962; 11:59 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 17—LABELING

Smoked Hams and Similar Pork Products

On June 11, 1962, the United States District Court for the District of Columbia issued a preliminary injunction in the case of Armour and Company v. Freeman, et al. restraining the Department of Agriculture from requiring that smoked hams and similar pork products, containing not in excess of 10 percent added moisture, be labeled as "Imitation" under § 17.8(b) of the Meat Inspection Regulations (9 CFR 17.8(b)). The injunction is to remain in effect until a final judicial determination is made in the case. By reason of the injunction, it is necessary to amend § 17.8(b) immediately to require informative labeling of such products in order to protect the public. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that notice of rule-making and other public procedure on such amendment are impracticable, and good cause is found for making the amendment effective less than 30 days after its publication in the FEDERAL REGISTER.

Accordingly, under paragraphs 5 and 19 of the Meat Inspection Act, as amended (21 U.S.C. 75 and 89), and in order to prevent the sale of meat and meat food products under false or deceptive names, § 17.8(b) of the meat inspection regulations (9 CFR 17.8(b)) is hereby amended by adding at the end thereof the following new sentence: "Hams and other pork products of the kinds specified in the provisions in §§ 17.8(c) (49), (54), and (57), which do not conform to such provisions because they contain added moisture not in excess of 10 percent of the weight of the fresh, uncured products, shall in lieu of complying with the preceding sentence, bear on their labels the term 'Water Added' immediately following the product name and in the same size and style of lettering as in that name."

This amendment shall become effective at 12:01 a.m. on June 16, 1962, except that it shall not preclude the voluntary use at federally inspected establishments, for a transition period of not in excess of 60 days after issuance hereof, of existing stocks of approved labels for the products affected by this amendment, or other labels approved by the Inspector-in-Charge for temporary use.

Done at Washington, D.C., this 13th day of June 1962.

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 62–5905; Filed, June 15, 1962; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Regulation No. PR–64]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Subpart I—Rules Applicable to Route Proceedings Under Sections 401 and 402 of the Act

EVIDENCE IN ROUTE PROCEEDINGS

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of June 1962.

A notice of proposed rule making proposing to amend § 302.24(b) of the rules of practice in Economic Proceedings (14 CFR 302.24(b)) was published in the FEDERAL REGISTER on October 27, 1961 (26 F.R. 10099) and circulated to the industry as PDR–11, Docket 13126. It was proposed to add a new second sentence to Rule 24(b) to provide that in hearings on applications for certificates or amendments thereof, applicants for certificate authority may not introduce evidence in support of the award to them of routes which does not relate to the points, routes or areas specifically described in their respective applications pursuant to § 201.4(c) (3) and (4) of the economic Regulations. The amendment does not affect the right of a party to any proceeding to introduce proper rebuttal evidence, whether or not related to proposals contained in his own application. Neither does it affect the right of the Board to make such awards as it might deem in the public interest on the basis of all the evidence in a proceeding, whether or not such awards conform to the specific proposals of the parties.

Two of the air carriers who filed comments expressed apprehension that the proposed amendment would operate unfairly to applicants in a situation where an order of the Board expands the issues in a proceeding after the prehearing conference or such earlier cut-off date as may have been fixed by the Board, because under Rule 12 it would then be too late to move for the consolidation of an application which is germane to the issues as expanded. Particular concern was expressed by some respondents that this situation might arise when applications by civic interests for new services are consolidated into a pending route proceeding after the cut-off date.

The contention that the amendment might operate unfairly in the circumstances above described overlooks the fact that Rule 12(b) specifically provides that a late motion to enlarge, expand and change the issues may be received upon a showing of good cause for failure to submit it prior to the applicable cut-off date. Expansion of the issues after that date obviously would constitute good cause for application amendments genuinely responsive to such expansion.

One carrier suggested that the language of the regulation as proposed might be interpreted to exclude evidence relating to traffic between points not applied for but which might support the new service. The rule does not have that effect. Obviously the hearing examiner may admit all permissible evidence which is probative with respect to the service proposed in the application, even though it involves points not included therein.

Other comments have been reviewed by the Board. It is found that they do not justify any change in the regulation as proposed.

Since the Board has decided to add a new Subpart I—Rules Applicable to Route Proceedings, to Part 302, the proposed provision is being placed in that new Subpart rather than inserted in § 302.24. The language of the provision has also been improved, without change of meaning.

Interested persons have been afforded an opportunity to participate in the formulation of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 302 of the Procedural Regulations (14 CFR Part 302) by adding thereto a new Subpart I as set forth below. This amendment shall be effective July 16, 1962, provided that § 302.930 shall be applicable only to proceedings set for hearing after said date.

GENERAL PROVISIONS

§ 302.901 Applicability.

This subpart sets forth the special rules applicable to proceedings for conferment and/or modification of route authority under sections 401 and 402 of the Federal Aviation Act of 1958. For information as to other applicable rules, reference should be made to Subpart A of this part, to the Federal Aviation Act and to the substantive rules (see Parts 201 and 211 of the Economic Regulations as to the form of applications) and orders of the Board.

CONDUCT OF ROUTE PROCEEDINGS

§ 302.930 Evidence in route proceedings.

(a) *Route authority not specifically applied for.* Applicants for certificate authority under Section 401 of the Act may not introduce, in support of awards to them of route authority, evidence which does not support service to the points, routes or areas specifically described in their applications pursuant to § 201.4(c) (3) and (4) of Part 201 of this chapter.

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324; Sec. 1001, 72 Stat. 788, 49 U.S.C. 1481)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62–5909; Filed, June 15, 1962; 8:53 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–LA–78]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration and Designation of Federal Airways

On March 2, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 2054) stating that the Federal Aviation Agency proposed the alteration of the segment of Intermediate altitude VOR Federal airway No. 1605 between Williams, Calif., and Red Bluff, Calif., and the designation of Intermediate altitude VOR Federal airway No. 1767 from the intersection of the Napa, Calif., VOR 182° and the Sacramento, Calif., VOR 232° True radials to the Red Bluff, Calif., VOR.

No comments were received regarding the proposed actions. However, the Federal Aviation Agency, in restudying the proposal has determined that a better transition for air traffic operating between the low altitude airway system and Victor 1767 would result by designating Victor 1767 to begin at the intersection of the Napa, Calif., VOR 182° and the Sacramento, Calif., VOR 233° radials. This minor alteration would permit Victor 1767 to begin at the center line of Intermediate altitude VOR Federal airways Nos. 1510 and 1512 and would not alter the airspace configuration, as contained in the notice.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. Part 600 (14 CFR 600) is amended by adding the following:

§ 600.1767 VOR Federal airway No. 1767 (Napa, Calif., to Red Bluff, Calif.).

From the INT of the Napa, Calif., VOR 182° and the Sacramento, Calif., VOR 233° radials 8-mile wide airway to the Napa VOR; thence 10-mile wide airway to the INT of the Napa VOR 004° and the Williams, Calif., VOR 251° radials; thence 14-mile wide airway to the Red Bluff, Calif., VOR.

§ 600.1605 [Amendment]

2. In the text § 600.1605 (26 F.R. 1087) "INT of the Williams VOR 329° and the Red Bluff, Calif., VOR 179° radials;" is deleted and "INT of the Williams VOR 002° and the Red Bluff, Calif., VOR 158° radials;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 8, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-5857; Filed, June 15, 1962; 8:45 a.m.]

[Airspace Docket No. 60-NY-34]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On December 13, 1961, Federal Register Document 61-11751 was published in the FEDERAL REGISTER (26 F.R. 11893) and amended in part, Part 600 of the regulations of the Administrator by designating VOR Federal airway No. 475 from the Deer Park, N.Y., VOR via the New Haven, Conn., VOR; to the Putnam, Conn., VORTAC, including an east alternate via the Norwich, Conn., VORTAC.

Subsequent to publication of the document, the name of the New Haven VOR has been changed to the Madison, Conn., VOR. Action is taken herein to reflect this name change in the description of Victor 475.

Since this alteration is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the effective date of the final rule as amended in Federal Register Document 61-11751 may be retained.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) effective immediately, Federal Register Document 61-11751 (26 F.R. 11893) is altered by amending § 600.6475 to read:

§ 600.6475 VOR Federal airway No. 475 (Deer Park, N.Y., to Putnam, Conn.).

From the Deer Park, N.Y., VOR via the Madison, Conn., VOR; to the Putnam, Conn., VORTAC, including an E alternate via the Norwich, Conn., VORTAC.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 8, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-5856; Filed, June 15, 1962; 8:45 a.m.]

[Airspace Docket No. 62-CE-32]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone, Federal Airways and Revocation of Reporting Point

The purpose of these amendments to Parts 600 and 601 of the regulations of the Administrator is to alter the Duluth, Minn., control zone, and Blue Federal airway No. 9, and revoke the Duluth radio range reporting point.

The Duluth control zone, and Blue 9 are presently designated, in part, with reference to the Duluth radio range. The Federal Aviation Agency is converting the radio range to a nondirectional radio beacon with transcribed weather broadcast facilities. Therefore, action is taken herein to substitute the Duluth radio beacon for the radio range in the description of the Duluth control zone and Blue 9. In addition, action is taken herein to revoke the Duluth radio range reporting point.

Since these amendments are editorial or procedural in nature, and impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

§ 600.609 [Amendment]

1. In the text of § 600.609 (14 CFR 600.609) "Duluth, Minn., RR" is deleted and "Duluth, Minn., RBN" is substituted therefor.

2. Section 601.2094 (14 CFR 601.2094) is amended to read:

§ 601.2094 Duluth, Minn., control zone.

Within a 5-mile radius of the Williamson-Johnson Airport, Duluth, Minn. (lat. 46°50'28" N., long. 92°11'25" W.) and within 2 miles either side of the 198° bearing from the Duluth RBN extending from the 5-mile radius zone to 10 miles south of the RBN.

3. Part 601 (14 CFR Part 601) is amended by revoking the following section:

§ 601.4609 Blue Federal airway No. 9 (Duluth, Minn., to United States/Canadian border). [Revoked]

These amendments shall become effective 0001 e.s.t. July 26, 1962.

(Sec. 307(a), 72 Stat. 749; U.S.C. 1348)

Issued in Washington, D.C., on June 11, 1962.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 62-5858; Filed, June 15, 1962; 8:45 a.m.]

[Airspace Docket No. 61-NY-121]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airway; Modification

On May 15, 1962, Federal Register Document 62-4664 was published in the FEDERAL REGISTER (27 F.R. 4592) and amended in part, § 601.6297 of the regulations of the Administrator by altering VOR Federal airway No. 297 from Johnstown, Pa., to Carleton, Mich.

In describing the caption of the amended section, the words "control areas" were not included. Corrective action is taken herein.

Since this alteration is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective immediately.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Federal Register Document 62-4664 (27 F.R. 4592) is altered by amending Item 10 to read as follows:

The caption of § 601.6297 (14 CFR 601.6297) is amended to read:

§ 601.6297 VOR Federal airway No. 297 control areas (Johnstown, Pa., to Akron, Ohio, and Mansfield, Ohio, to Carleton, Mich.).

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 12, 1962.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 62-5859; Filed, June 15, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WA-34]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

Designation of Jet Advisory Areas

On May 2, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 4202), stating that the Federal Aviation Agency was considering the designation of an en route radar jet advisory area on the segment of Jet Route No. 15 from Wink, Tex., to Albuquerque, N. Mex., and a terminal radar jet advisory area at Midland, Tex.

No comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In § 602.200 *En route jet advisory areas* (14 CFR 602.200) the following is added:

Jet Route No. 15 jet advisory area.
Radar—Wink, Texas, to Albuquerque, N. Mex.

2. In § 602.300 *Terminal jet advisory areas* (14 CFR 602.300) the following is added:

Midland, Texas, jet advisory area—Radar: Midland, Texas, via Midland 283° radial to INT with Jet Route No. 15.

These amendments shall become effective 0001 e.s.t., July 26, 1962.

Issued in Washington, D.C., on June 12, 1962.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 62-5860; Filed June 15, 1962; 8:46 a.m.]

[Airspace Docket No. 62-SO-8]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On March 28, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 2860), stating that the Federal Aviation Agency was considering an amendment to § 608.30 to alter the designated boundaries of the Fort Benning, Ga., Restricted Area R-3002 so that the restricted area boundary would more closely parallel that of the existing military reservation and slightly reduce the overall size of the current restricted area.

The Department of the Army in commenting on the Notice proposed a slight modification to the boundary to include firing ranges adjacent to Dixie Road east of Lawson AAF. Since this change is minor in nature and imposes no additional burden on the public, action is taken herein to accomplish the proposal.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following action is taken:

In § 608.30 *Georgia* (14 CFR 608.30) R-3002 Fort Benning, Ga., is amended to read:

R-3002 Fort Benning, Ga.

Boundaries. Beginning at latitude 32°-30'50" N., longitude 84°52'15" W.; along the Central of Georgia Railroad to latitude 32°-32'10" N., longitude 84°40'40" W.; to latitude 32°29'10" N., longitude 84°39'25" W.; to latitude 32°18'30" N., longitude 84°39'25" W.; along the Central of Georgia Railroad to latitude 32°20'54" N., longitude 84°47'20" W.; to latitude 32°15'25" N., longitude 84°47'20" W.; to latitude 32°15'25" N., longitude 84°-53'10" W.; along the Chattahoochee River to latitude 32°14'40" N., longitude 84°55'30" W.; to latitude 32°14'40" N., longitude 84°-58'42" W.; to latitude 32°20'15" N., longitude 84°53'42" W.; along northwest side of Dixie Road to latitude 32°21'10" N., longitude 84°-56'45" W.; to latitude 32°22'30" N., longitude 84°56'45" W.; along Upatoi Creek to latitude 32°24'00" N., longitude 84°53'30" W.; to point of beginning.

Designated altitudes. Surface to 32,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding Officer, Fort Benning, Ga.

This amendment shall become effective 0001 e.s.t., August 23, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 11, 1962.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 62-5861; Filed, June 15, 1962; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8403]

PART 13—PROHIBITED TRADE PRACTICES

Robot Time, Inc., et al.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055-50 *Preticketing merchandise misleadingly.* Subpart—Misbranding or mislabeling: § 13.1280 *Price.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1811 *Fictitious preticketing.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Robot Time, Inc., et al., New York, N.Y., Docket 8403, Jan. 5, 1962]

In the Matter of Robot Time, Inc., a Corporation, and Louis Silverman, and Pearl Silverman, Individually and as Officers of Said Corporation

Order requiring New York City assemblers of so-called "Robot watches" from imported movements with cases, dials, bracelets, and other parts purchased from other manufacturers, to cease using fictitious prices in connection with the sale of their watches to wholesalers, retailers, etc., through such practices as affixing to each watch a ticket or metallic tag printed with an excessive amount, represented thus as the usual retail price.

The order to cease and desist is as follows:

It is ordered, That Robot Time, Inc., a corporation, Louis Silverman, individually and as an officer of said corporation, and Pearl Silverman, as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of watches, or any other product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing by pre-ticketing or in any other manner, that any amount is the usual and regular retail price of any product when such amount is in excess of the price at which such product is usually and regularly sold at retail in the trade area or areas where the representation is made; and

2. Furnishing any means or instrumentality to others by and through which they may misrepresent the usual and regular retail price of any of respondents' products; and

It is further ordered, That the complaint herein be, and the same hereby is, dismissed as respects respondent Pearl Silverman, in her individual capacity, but not to the extent that she may be subject to this order as an officer or agent of the corporate respondent.

By "Decision of the Commission," etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: January 5, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-5873; Filed, June 15, 1962; 8:47 a.m.]

[Docket C-57]

PART 13—PROHIBITED TRADE PRACTICES

Standard Handkerchief Co., Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* § 13.1053-80 *Textile Fiber Products Identification Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-70 *Textile Fiber Products Identification Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Standard Handkerchief Co., Inc., et al., New York, N.Y., Docket C-57, Jan. 5, 1962]

In the Matter of Standard Handkerchief Co., Inc., a Corporation, and Henry Smooke and Joseph Dickstien, Individually and as Officers of Said Corporation

Consent order requiring New York City manufacturers to cease violating the Textile Fiber Products Identification Act by failing to label handkerchiefs as required, failing to label each individual product contained in a package, and furnishing false guaranties that their products were not misbranded.

The order to cease and desist, together with further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Standard Handkerchief Co., Inc., a corporation, and its officers, and Henry Smooke and Joseph Dickstien, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce", and "textile fiber product" are defined in the Textile

Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Failing to affix labels to such products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

2. Failing to label each individual product contained in packages where it is the common or accepted practice to break the package and sell or deliver individual products therefrom.

B. Furnishing false guaranties that textile fiber products are not misbranded or falsely invoiced under the provisions of the Textile Fiber Products Identification Act.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 5, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-5872; Filed, June 15, 1962; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55637]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

Changes in the Customs Field Organization; Ports of Entry

JUNE 13, 1962.

By virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 1 (26 F.R. 11877), and under the authority contained in section 2 of the Act of July 5, 1884, as amended (46 U.S.C. 2), and section 1 of the Act of February 16, 1925, as amended (46 U.S.C. 18), the designations of Beaufort, North Carolina, as a customs port of entry and port of documentation, and of Morehead City, North Carolina, as a customs port of entry, both in Customs Collection District No. 15 (North Carolina), are revoked, and there is designated in said district a consolidated customs port of entry and port of documentation to be known as Beaufort-Morehead City, North Carolina.

The port of entry of Beaufort-Morehead City, North Carolina, shall include all that area in Carteret County, North Carolina, bounded by a line beginning at the point of intersection of Mansfield Parkway and U.S. Highway 70; thence east along U.S. Highway 70 to intersection with corporate limits of Morehead City; thence north and east along corporate limits of Morehead City to intersection with west bank of Newport River; thence north along shoreline of Newport River to Crab Point; thence in a direct line eastward across Newport River to the mouth of Wading Creek; thence east along the south bank of Wading Creek to intersection with North Carolina State Route 101; thence south along State Route 101 to intersection with U.S. Highway 70; thence south along U.S. Highway 70 to intersection with Lenoxville Road; thence east along Lenoxville Road to Lenoxville Point; thence southwest across Taylor Creek and west along the southern shore of Carrot Island to a point opposite the western end of Horse Island; thence in a direct line westward to the southern tip of Radio Island; thence in a northwesterly direction to the southwest tip of the North Carolina State Port Terminal; thence west along the north shore of Bogue Sound to a point directly south of Mansfield Parkway; thence north along Mansfield Parkway to point of beginning.

Beaufort-Morehead City, North Carolina, is designated the home port of all vessels home ported at Beaufort, North Carolina, on the effective date of this change. Vessels marked with the name of Beaufort as home port shall be deemed to have been properly marked within the meaning of section 4178 of the Revised Statutes, as amended (46 U.S.C. 46), and the applicable regulations issued thereunder.

Section 1.1(c), Customs Regulations, is amended by deleting "*Beaufort" and "Morehead City (E.O. 7482, Oct. 30, 1936; 1 F.R. 1703)" and by adding "*Beaufort-Morehead City (T.D. 55637)", in the column headed "Ports of entry" in District No. 15 (North Carolina).

Notice of the proposed revocation of the designations of Beaufort as a customs port of entry and port of documentation and of Morehead City as a customs port of entry, and the proposed designation of a consolidated port of entry and port of documentation to be known as Beaufort-Morehead City, was published in the FEDERAL REGISTER of April 4, 1962 (27 F.R. 3204), pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003). No objections were received.

For statistical and record-keeping purposes it is deemed advisable to make this change effective with the beginning of Fiscal Year 1963. Accordingly, this Treasury Decision shall be effective on July 1, 1962.

(R.S. 161, as amended, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1, 2, 66, 1624)

[SEAL] JAMES A. REED, *Assistant Secretary of the Treasury.*

[F.R. Doc. 62-5900; Filed, June 15, 1962; 8:51 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of Endosulfan

A petition was filed with the Food and Drug Administration by Niagara Chemical Division, FMC Corporation, Middleport, New York, requesting the establishment of tolerances for residues of the insecticide endosulfan, the common name for 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3-oxide, in or on cherries, cucumbers, head lettuce, melons, plums, prunes, pumpkins, summer squash, watercress, and winter squash at 2 parts per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.182) are amended by changing the section title and the introduction to § 120.182 to include the common name "endosulfan", and by adding to the section tolerances for residues of this pesticide chemical in or on the above-named raw agriculture commodities. As amended, § 120.182 reads as follows:

§ 120.182 Tolerances for residues of endosulfan.

Tolerances are established for residues of the insecticide endosulfan (6,7,8,9,10,-10-hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3-oxide) in or on raw agricultural commodities, as follows:

2 parts per million in or on apples, apricots, artichokes, cherries, cucumbers, eggplants, grapes, head lettuce, melons, nectarines, peaches, pears, peppers, plums, prunes, pumpkins, strawberries, summer squash, tomatoes, watercress, winter squash.

Zero in meat and milk.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: June 11, 1962.

JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 62-5892; Filed, June 15, 1962; 8:49 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of Tetradifon

A petition was filed with the Food and Drug Administration by Niagara Chemical Division, FMC Corporation, Middleport, New York, requesting the establishment of tolerances for residues of the insecticide tetradifon, the common name for 2,4,5,4'-tetrachlorodiphenyl sulfone, in or on peppermint and spearmint at 100 parts per million, and in or on melons, pumpkins, and winter squash at 1 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.174) are amended by changing the section title and the introduction to § 120.174 to include the common name "tetradifon", by adding to the section tolerances for peppermint, pumpkins, spearmint, and winter squash, and by changing the tolerances for cantaloupes, honeydew melons, and muskmelons to include all melons. As amended, the affected portions of § 120.174 read as follows:

§ 120.174 Tolerances for residues of tetradifon.

Tolerances are established for residues of the insecticide tetradifon (2,4,5,4'-tetrachlorodiphenyl sulfone) in or on raw agricultural commodities, as follows:

100 parts per million in or on peppermint, spearmint.

* * * * *

1 part per million in or on cucumbers, melons, pumpkins, tomatoes, winter squash.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: June 11, 1962.

JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 62-5893; Filed, June 15, 1962; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), hereby authorizes the use of the following food additives, under the conditions prescribed in this order.

Section 121.90 (21 CFR 121.90 is amended by adding thereto the following new items:

§ 121.90 Further extensions of effective date of statute for certain specified food additives as direct additives to food.

* * * * *

FLAVORING SUBSTANCES AND NATURAL SUBSTANCES USED IN CONJUNCTION WITH FLAVORS

Product	Specified uses or restrictions	Effective date of statute extended to—	Progress report required by—
* * *	* * *	* * *	* * *
Birch, sweet, oil; *Betula lenta* L.		Jan. 1, 1963	
Ho oil; *Cinnamomum camphora* Sieb. var. *linaloolifera* Fujita		do	
Quebracho bark, extract; *Aspidosperma quebracho-blanco* Schlecht		do	

SYNTHETIC FLAVORING SUBSTANCES AND ADJUNCTS

* * *	* * *	* * *	* * *
Cinnamaldehyde ethylene glycol acetal (cinncloval)		Jan. 1, 1963	
3-Ethyl-2-methyl-2-nonenoic acid		do	
Styralyl benzylic ether (methyl phenylcarbinyl benzylic ether, methylbenzyl benzylic ether).		do	
Vetiverol (vetivenol, vetivol)		do	

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Food Additives Amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87-19 as a relief of restrictions on the food-processing industry.

Effective date. This order shall become effective as of the date of signature.

(Sec. 6(c), Public Law 85-929 as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: June 11, 1962.

JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 62-5891; Filed, June 15, 1962; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

SUGAR BEET EXTRACT-FLAVOR BASE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by International Minerals and Chemical Corporation, 5401 Old Orchard Road, Skokie, Illinois, and other relevant material, has concluded that the following regulation should issue with respect to the food additive sugar beet extract-flavor base as a flavor adjuvant in foods. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart D the following new section:

§ 121.1086 Sugar beet extract-flavor base.

Sugar beet extract-flavor base may be safely used in food in accordance with the provisions of this section.

(a) Sugar beet extract-flavor base is the concentrated residue of soluble sugar beet extractives from which sugar and glutamic acid have been recovered, and which has been subject to ion exchange to minimize the concentration of naturally occurring trace minerals.

(b) It is used as a flavor in food.

Any persons who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 11, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-5890; Filed, June 15, 1962; 8:49 a.m.]

SUBCHAPTER C—DRUGS

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Definitions and Interpretations

Effective as of the date of publication of this order in the FEDERAL REGISTER, § 146.1(g) is amended to read as follows, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 507, 701, 52 Stat. 1055, 59 Stat. 463 as amended; 21 U.S.C. 357, 371) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625):

§ 146.1 Definitions and interpretations applicable to Parts 146, 146a, 146b, 146c, 146d, 146e, and 147.

* * * * *

(g) Except as specifically provided by regulations in Parts 146, 146a, 146b, 146c, 146d, 146e, and 147 of this chapter, no provision of any regulation in such parts shall be construed as exempting any drug from any applicable provision of the act or any regulation thereunder.

This amendment is editorial in nature, providing only for changes made necessary by recodification of the parts in Title 21 involving antibiotic drugs and notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order.

(Secs. 507, 701, 52 Stat. 1055, 59 Stat. 463 as amended; 21 U.S.C. 357, 371)

Dated: June 11, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-5888; Filed, June 15, 1962; 8:48 a.m.]

PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

Antibiotic Sensitivity Discs; Tests and Methods of Assay and Certification for Antibiotic-Dehydrated Media-Triphenyltetrazolium Chloride Sensitivity Discs

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357), and the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the regulations for tests and methods of assay and certification of antibiotic sensitivity discs (21 CFR Part 147) are amended by adding thereto the following new sections:

§ 147.3 Antibiotic-dehydrated media-triphenyltetrazolium chloride sensitivity discs; tests and methods of assay.

(a) *Potency.* Proceed as directed in § 147.1, except paragraph (f) of that section and except that:

(1) In the assay of kanamycin, neomycin, and oleandomycin, use the following inoculum and media:

Antibiotic	Suspension added to each 100 ml. of seed agar used for test	Suspension number	Medium	
			Base layer	Seed layer
	Milliters			
Kanamycin	1.0	9	C	C
Neomycin	1.0	9	C	C
Oleandomycin	2.0	3	C	C

(2) Each disc used for the standard curve shall have a diameter of one-half inch.

(3) Prepare an aqueous stock solution as follows, and sterilize by filtration:

Dehydrated brain-heart infusion	6.105 gm.
Dibasic sodium phosphate	1.410 gm.
Yeast extract	3.300 gm.
Dextrose	1.645 gm.
Sodium lactate (about 60 percent) syrup	2.750 ml.
Triphenyltetrazolium chloride	1.2375 gm.
Polysorbate 80	0.75 ml.
Distilled water, q.s.	1,000.0 ml.

pH 7.35 ±0.05 after sterilization.

(4) Use the solution described in subparagraph (3) of this paragraph to prepare the antibiotic stock solution, which shall contain per 0.06 milliliter the appropriate concentrations for the standard curve. In the case of chloramphenicol and erythromycin, the antibiotics shall be first dissolved in methyl alcohol to a concentration of an estimated 10,000 μg. per milliliter.

(5) Add 0.06 milliliter increments of the appropriate stock solution to the discs used for the standard curve.

(6) In addition to the five antibiotic control discs for the standard curve, place on the agar surface one of the antibiotic-free discs used in making the batch. If any zone of inhibition is produced by the antibiotic-free disc, it must be smaller than that produced by the disc containing the lowest concentration of antibiotic, and it shall not be used in the equation for calculating the best straight line.

(7) If the sample discs are curled, press them flat prior to placement on agar. When placing them on agar, tap lightly to insure that they lie evenly on the surface.

(8) Its potency is satisfactory if the disc contains not less than 67 percent and not more than 150 percent of that represented and if any zone of inhibition that may be produced by the antibiotic-free disc of the batch is smaller than that produced by each of the antibiotic-dehydrated media-triphenyltetrazolium chloride discs.

(b) *Performance*—(1) *Culture medium.* Prepare the following medium: (In lieu of the individual ingredients, it may be made from a dehydrated mixture which, when reconstituted with distilled water, has the same composition as such medium.)

Calf brains, infusion from	200 gm.
Beef heart, infusion from	250 gm.
Proteose peptone	10 gm.
Dextrose	2 gm.
Salt	5 gm.
Sodium phosphate monobasic (Na_2HPO_4)	2.5 gm.
Distilled water, q.s.	1,000.0 ml.

pH 7.4 after sterilization.

(2) *Preparation of test organism suspensions.* Maintain the following test organisms on slants of Medium E as described in § 147.1(a)(5), and transfer to fresh agar slants once weekly:

Organisms	*A.T.C.C. No.*
Pseudomonas aeruginosa	14504
Streptococcus faecalis	14508
Proteus rettgeri	14505
Streptococcus faecalis	14506
Streptococcus faecalis	14507
Staphylococcus aureus	6538P
Staphylococcus epidermidis	12228

From fresh agar slants, inoculate separate portions of the medium described in subparagraph (1) of this paragraph and incubate 16 hours to 24 hours at 37° C. Prepare a 1–10 dilution of each of these fresh broth cultures, using the medium described in subparagraph (1) of this paragraph as the diluent.

(3) *Susceptible organisms.* Use the organism indicated for the following antibiotics:

Antibiotic	*Organism*
Penicillin G	Streptococcus faecalis, A.T.C.C. 14506.
Streptomycin	Pseudomonas aeruginosa, A.T.C.C. 14504.
Tetracycline	Streptococcus faecalis, A.T.C.C. 14506.
Chloramphenicol	Pseudomonas aeruginosa, A.T.C.C. 14504.
Bacitracin	Streptococcus faecalis, A.T.C.C. 14506.
Erythromycin	Streptococcus faecalis, A.T.C.C. 14506.
Kanamycin	Proteus rettgeri, A.T.C.C. 14505.
Neomycin	Staphylococcus epidermidis, A.T.C.C. 12228.
Novobiocin	Streptococcus faecalis, A.T.C.C. 14506.
Oleandomycin	Streptococcus faecalis, A.T.C.C. 14506.
Polymyxin B	Pseudomonas aeruginosa, A.T.C.C. 14504.
Ristocetin	Streptococcus faecalis, A.T.C.C. 14506.

(4) *Resistant organisms.* Use the organism indicated for the following antibiotics:

Antibiotic	*Organism*
Penicillin G	Pseudomonas aeruginosa, A.T.C.C. 14504.
Streptomycin	Proteus rettgeri, A.T.C.C. 14505.
Tetracycline	Streptococcus faecalis, A.T.C.C. 14508.
Chloramphenicol	Proteus rettgeri, A.T.C.C. 14505.
Bacitracin	Proteus rettgeri, A.T.C.C. 14505.
Erythromycin	Streptococcus faecalis, A.T.C.C. 14508.
Kanamycin	Streptococcus faecalis, A.T.C.C. 14507.
Neomycin	Streptococcus faecalis, A.T.C.C. 14506.
Novobiocin	Proteus rettgeri, A.T.C.C. 14505.
Oleandomycin	Proteus rettgeri, A.T.C.C. 14505.
Polymyxin B	Proteus rettgeri, A.T.C.C. 14505.
Ristocetin	Pseudomonas aeruginosa, A.T.C.C. 14504.

(5) *Procedure for the tests.* To three replicate discs, aseptically add 0.15 milliliter of the sensitive organism suspension described in subparagraph (3) of this paragraph. To three additional discs, aseptically add 0.15 milliliter of the resistant organism suspension described in subparagraph (4) of this paragraph. In the same manner, add the sensitive organism suspension to three antibiotic-free discs used in making the batch, and add the resistant organism suspension to three additional such discs. If the batch is packaged in multiple-disc containers, use sterile, clear glass or plastic culture dishes for the tests. If the batch is packaged in containers that are intended for use in the clinical performance of the test, such containers shall be used for these tests. Immediately place in incubator at 37° C. and incubate for 6 hours. (During this period, do not expose the discs to light.) After incubation, observe the discs. The sample is satisfactory if the control discs and the three discs inoculated with the resistant organism suspension have changed to a definite shade of red or purple; and if the three discs inoculated with the sensitive organism suspension have undergone no change, or appreciably less change, in comparison to the change in color in the antibacterial-free control disc inoculated with the same organism suspension.

(c) *Sterility.* To each of six discs, aseptically add 0.15 milliliter of the medium described in paragraph (b)(1) of this section. If the batch is packaged in multiple-disc containers, use sterile, clear glass or plastic culture dishes for this test. If it is packaged in containers that are intended for use in the clinical performance of the test, use such containers for this test. Immediately place in incubator and incubate overnight at 37° C. (During this period do not expose the discs to light.) The sample is satisfactory if no discs have changed color.

§ 147.4 Antibiotic-dehydrated media-triphenyltetrazolium chloride sensitivity discs; certification procedure.

Antibiotic-dehydrated media-triphenyltetrazolium chloride sensitivity discs are discs that conform to all requirements and to all procedures prescribed by § 147.2 for antibiotic sensitivity discs, except the requirement for uniformity, and except that:

(a)(1) Each disc shall contain penicillin G, streptomycin, tetracycline, chloramphenicol, or bacitracin. If it is tetracycline, it shall contain 5 micrograms.

(2) Each disc shall be impregnated with the microbial growth-supporting solution described in § 147.3(a)(3).

(3) Under the conditions of use, no (or appreciably less) change in comparison to the change in color in the control disc shall occur when the disc is tested against a sensitive organism, but its color shall change to definite shades of red or purple when tested against a resistant organism.

(4) The disc shall be sterile.

(5) Each disc shall have a diameter of one-half inch.

(b) In all cases, the immediate container shall be sterile at the time of filling and closing. If it is a packaged combination, such package shall contain only those discs described in paragraph (a) of this section, with or without discs, of one or more of the following antibiotics: Erythromycin, kanamycin, neomycin, novobiocin, oleandomycin, polymycin B, and ristocetin. Such other discs shall conform to the standards prescribed by paragraph (a) of this section, except subparagraph (1).

(c) In addition to complying with the requirements of § 147.2(c), the label and labeling shall also bear:

(1) Information that the discs contain a dehydrated microbial growth-supporting medium and triphenyltetrazolium chloride.

(2) The statement "Keep under refrigeration."

(3) The statement "Expiration date _____," the blank being filled in with the date that is 6 months after the month during which the batch was certified.

(d) In lieu of the requirements prescribed by § 147.2(d) (2) and (3), the person who requests certification of a batch shall submit in connection with his request:

(1) Results of the tests and assays made by him on an accurately representative sample of the batch for potency, performance, and sterility, and of the medium and the triphenyltetrazolium chloride used in making the batch; and

(2) An accurately representative sample of the batch consisting of one disc for each 5,000 discs in the batch, but in no case less than 48 discs. Such discs shall be collected as follows:

(i) For potency testing: 24 discs collected by taking single discs at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) For performance testing: 12 discs collected as described in subdivision (i) of this subparagraph, except that if the immediate container is intended for use in the clinical performance of the test, such sample shall consist of 12 discs packed in their final immediate containers.

(iii) For sterility testing: Five immediate containers, except if the immediate container is intended for use in the clincial performance of the test, such sample shall consist of 12 discs packed in their final immediate containers.

(3) In addition to the samples required by subparagraph (2) of this

paragraph, such person shall submit 36 discs that contain the solution described in § 147.3(a)(3) used in making the batch, but which do not contain the antibiotic.

(e) In lieu of the fee prescribed by § 147.2(e)(1), the fee shall be $0.35 for each disc of the samples submitted in accordance with paragraph (d)(2)(i) and (ii) of this section; $7.50 for all discs submitted in accordance with paragraph (d)(2)(iii) and (3) of this section.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendments are noncontroversial in nature and provide for certification of and necessary tests and methods of assay for antibiotic sensitivity discs, deemed necessary for the protection of the public health.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: June 11, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-5889; Filed, June 15, 1962; 8:48 a.m.]

Title 29—LABOR

Chapter XI—Office of Welfare and Pension Plans, Department of Labor

PART 1302—CERTIFICATION OF INFORMATION BY INSURANCE CARRIERS OR SERVICE OR OTHER ORGANIZATIONS

Pursuant to sections 5 and 7 of the Welfare and Pension Plans Disclosure Act (72 Stat. 999, 1000; 29 U.S.C. 304, 306), as amended by the Welfare and Pension Plans Disclosure Act Amendments of 1962 (secs. 7, 13, 76 Stat. 36, 37), and Secretary of Labor's Order 15–62 (27 F.R. 4977), Title 29 of the Code of Federal Regulations is hereby amended by adding thereto a new chapter, designated Chapter XI, which is hereinafter set forth.

The amendment shall become effective on June 18, 1962. Good cause is hereby found to make this rule without the notice and public procedure otherwise required by section 4 of the Administrative Procedure Act. Such notice and public procedure are found unnecessary because the amendment contains only minor rules imposing no substantial obligation not also required by the express terms of section 7 of the Act as amended. Good cause is also found for providing no further delay in effective date because the date corresponds with that of the Welfare and Pension Plans Disclosure Act Amendments of 1962, and the amendment requires persons affected thereby to take no action which they would not be required to take under those Amendments.

The amendment of Title 29, Code of Federal Regulations, reads as follows:

Sec.
1302.1 Purpose and scope.
1302.2 Information to be certified.
1302.3 Period of coverage.
1302.4 Optional use of forms.
1302.5 Certification.
1302.6 Time for submission of information.

AUTHORITY: §§ 1302.1 through 1302.6 issued under secs. 5 and 7, 72 Stat. 999, 1000; secs. 7 and 13, 76 Stat. 36, 37; 29 U.S.C. 304, 306.

§ 1302.1 Purpose and scope.

Section 7 of the Welfare and Pension Plans Disclosure Act, as amended by section 13 of the Welfare and Pension Plans Disclosure Act Amendments of 1962, provides, in part, for the publication of annual financial reports by administrators of welfare or pension benefit plans. In the case of plans under which all or some of the benefits are provided by an insurance carrier, or service or other organization (hereinafter referred to in this part as "the carrier"), it further requires that the carrier is to certify to the administrator of the plan reasonable information determined by the Secretary to be necessary to enable the administrator to publish the annual financial report. The purpose of this part is to prescribe the information to be certified to administrators of welfare or pension benefit plans by carriers, if some or all of the benefits under such plans are provided by such carriers.

§ 1302.2 Information to be certified.

The information required to be certified by the carrier to a plan administrator shall be that which is specified in section 7(d)(2) of the Act. However, in the case of an employee pension benefit plan, the information specified in section 7(f)(2) of the Act shall also be included.

§ 1302.3 Period of coverage.

The information certified by the carrier to the administrator of a plan shall be for the period covered by the plan's annual report; *Provided however*, If the information is not available for such period, information for the latest completed policy year may be certified.

§ 1302.4 Optional use of forms.

The transmission to a plan administrator of a properly completed and certified Exhibit A–1, or A–3, of United States Department of Labor Form D–2, whichever is applicable, and, if the carrier provides pension benefits for the plan, a properly completed and certified Exhibit A–2 by the carrier required to certify information to an administrator of a welfare or pension benefit plan under section 7 of the Act, shall meet the requirements of section 7(g) of the Act and § 1302.2.. United States Department of Labor Form D–2 is available from the Office of Welfare and Pension Plans, United States Department of Labor, Washington 25, D.C.

§ 1302.5 Certification.

Any document containing the information required by this part to be certified to a plan administrator shall be signed by either the President, Vice-President, or Secretary-Treasurer, or any corresponding principal officer of the carrier.

§ 1302.6 Time for submission of information.

Information required to be certified as provided in this part must be certified to the administrator of a welfare or pension benefit plan within 120 days after the end of the calendar, policy, or other fiscal year on which the annual financial report of the plan is based.

Signed at Washington, D.C., this 13th day of June 1962.

JAMES J. REYNOLDS,
Assistant Secretary of Labor.

[F.R. Doc. 62-5933; Filed, June 15, 1962; 8:54 a.m.]

PART 1303—PROCEDURE FOR REQUESTING VARIATIONS FROM PUBLICATION REQUIREMENTS

Pursuant to section 5 of the Welfare and Pension Plans Disclosure Act (72 Stat. 999, 29 U.S.C. 304), as amended by section 7 of the Welfare and Pension Plans Disclosure Act Amendments of 1962 (76 Stat. 36), and Secretary of Labor's Order 15–62 (27 F.R. 4977), Chapter XI of Title 29, Code of Federal Regulations, is hereby amended by adding thereto a new part, designated Part 1303, which is hereinafter set forth.

The amendment shall become effective upon June 18, 1962. The rules contained therein are procedural, and the public procedure and delay in effective date provisions of section 4 of the Administrative Procedure Act do not apply.

The new 29 CFR Part 1303 reads as follows:

Subpart A—General Rules

Sec.
1303.1 Definitions.
1303.2 Application of this part.
1303.3 Petition for rule granting variation.
1303.4 Review of petition; informal conferences.
1303.5 Consolidation.
1303.6 Denials.
1303.7 Opportunity for hearing.

Subpart B—Hearing Procedures

1303.8 Notice.
1303.9 Designation of Hearing Examiner; disqualification.
1303.10 Powers of Hearing Examiners.
1303.11 Transcripts.
1303.12 Appearances; representation.
1303.13 Evidence and procedure.
1303.14 Rights of participants.
1303.15 Objections to evidence.
1303.16 Certification of record.
1303.17 Tentative decisions.
1303.18 Exceptions to tentative decisions.
1303.19 Final decision.
1303.20 Official notice.

AUTHORITY: §§ 1303.1 through 1303.20 issued under sec. 5, 72 Stat. 999; sec. 7, 76 Stat. 36; 29 U.S.C. 304.

Subpart A—General Rules

§ 1303.1 Definitions.

(a) "Interested person" means any person whose interests are or will be affected by the granting or denying of any variation as to the manner or period for publication of information required to be contained in any plan description or annual report.

(b) "Act" means the Welfare and Pension Plans Disclosure Act as amended by the Welfare and Pension Plans Disclosure Act Amendments of 1962.

(c) "Assistant Secretary" means the Assistant Secretary of Labor for Labor-Management Relations.

(d) "Parties of record" mean interested persons entering appearances at a hearing.

(e) "Person" means an individual, partnership, corporation, mutual company, joint-stock company, trust, unincorporated organization, association, or employee organization.

§ 1303.2 Application of this part.

Section 5(a) of the Act provides for the publication of a plan description and an annual financial report for an employee welfare benefit plan or an employee pension benefit plan containing the information required in section 6 and 7 of the Act, respectively, and in the form and detail prescribed by the Secretary of Labor. The form and detail of such publication are prescribed in § 2.11 of this title. It further provides that if the Secretary finds, on the record after giving interested persons an opportunity to be heard, that specific information on plans of certain kinds or on any class or classes of benefits provided by such plans cannot in the normal method of operation of such plans be practicably ascertained or made available for publication in the manner or for the period prescribed by the Act, or that the information if published in such manner or for such period would be duplicative or uninformative, the Secretary may by regulation prescribe such other manner or such other period for the publication of such information as he may determine to be necessary and appropriate to carry out the purposes of the Act. The purpose of this part is to provide procedures to govern the application, consideration, and decision upon petition for a variation as to the manner or period of publishing information on plan descriptions or annual reports under section 5(a) of the Act.

§ 1303.3 Petition for rule granting variation.

(a) Any interested person may petition the Assistant Secretary, on behalf of a welfare or pension benefit plan, or on behalf of welfare or pension benefit plans of certain kinds, or with respect to information on any class or classes of benefits provided by such plans, for a rule prescribing a different manner or period for publication of certain information than is otherwise required by the Act and § 2.11 of this title.

(b) A petition shall be submitted in writing, accompanied by three copies, and shall set out in detail:

(1) The name of the plan, or if the petition concerns a type or class of plan, a complete description of such type or class of plan;

(2) If the petition concerns a class or type of benefit provided by the plan, a description of the benefit provided;

(3) The petitioners capacity or function with respect to the plan, or otherwise his interest in obtaining the variation requested;

(4) The information concerning which the variation as to the filing and publication is requested;

(5) Whether the petition concerns the "plan description" as provided for in section 6 of the Act, or the "annual report" as provided for in section 7 of the Act, or both;

(6) Whether the petition concerns publication to participants or beneficiaries as provided for in section 8(a) of the Act, or filing as provided in section 8(b) of the Act or both.

(7) Whether the petition concerns the manner or period prescribed for publication or filing or both.

(8) A full explanation as to why the information desired to be reported in a different manner or for a different period than prescribed cannot be practicably ascertained or made available for publication in the manner or for the period prescribed by the Act, or why such information if published in such manner or for such period would be duplicative or uninformative.

(c) Where the Assistant Secretary deems a variation from reporting as set out in section 5(a) of the Act necessary and appropriate to carry out the purposes of the Act, he may initiate the rule-making process provided in this part on his own motion.

§ 1303.4 Review of petition; informal conferences.

Petitions described in § 1303.3 shall be reviewed by appropriate personnel of the Department of Labor. Notice of receipt of the petition may be accorded other interested persons as is deemed appropriate. The petitioner and other interested persons may be requested to confer informally regarding the petition, and the petitioner may be required to submit additional information concerning the petition.

§ 1303.5 Consolidation.

Upon motion and good cause shown or upon his own initiative, the Assistant Secretary may at any stage in the consideration of a petition or petitions as set out in this part, contemporaneously consider or consolidate for hearing, or for other purposes, two or more proceedings if he finds such action appropriate and equitable to all interested persons.

§ 1303.6 Denials.

Upon consideration of the facts and reasons stated in a petition, the Assistant Secretary may without further proceedings deny in whole or in part the petition on the ground that it fails to allege facts entitling the petitioner to the variation requested, or on such other grounds as shall be stated in notice given to the petitioner.

§ 1303.7 Opportunity for hearing.

(a) Upon consideration and investigation of the facts and reasons stated in a petition, or with respect to a proposal on his own motion, the Assistant Secretary may take the action prescribed in either paragraph (b) or (c) of this section.

(b) The Assistant Secretary may set the petition, or other proposed action, for hearing before a Hearing Examiner.

(c) The Assistant Secretary may notify the petitioner and such other persons as he deems appropriate of, and publish in the FEDERAL REGISTER, a proposed finding or rule with respect to the petition, or with respect to a proposal made on his own motion, for variation from publication and reporting. In the event that the Assistant Secretary promulgates a proposed finding or rule, a minimum of 15 days shall be allowed following publication thereof within which the Assistant Secretary shall receive objection and request for hearing from any interested person. Upon receipt of objection and request for hearing, the Assistant Secretary shall set the petition for hearing before a Hearing Examiner. If no objection and request for hearing is received within 15 days the Assistant Secretary shall issue a final finding or rule.

Subpart B—Hearing Procedures

§ 1303.8 Notice.

Notice of the time, place, the nature of any hearing, the terms or substance of the proposed rule or the subjects and issues involved, and the authority under which the rule is proposed, shall be published in the FEDERAL REGISTER and may also otherwise be given to all known interested persons at least 15 days prior to the date of such hearing.

§ 1303.9 Designation of Hearing Examiner; disqualification.

The Assistant Secretary shall designate a Hearing Examiner appointed pursuant to section 11 of the Administrative Procedure Act to preside at the hearing. To the extent practicable, the name of the Hearing Examiner designated will be included in the notice of hearing, or if omitted from the notice, made known to the persons as soon as possible thereafter, prior to the holding of the hearing. A Hearing Examiner may withdraw from a proceeding if he considers himself disqualified. In addition an interested person may by the filing of a sufficient affidavit prior to completion of a hearing, present to the Assistant Secretary the issue of the personal bias or disqualification of such officer; thereupon the Assistant Secretary shall determine the matter as part of the record and decision in the case.

§ 1303.10 Powers of Hearing Examiners.

(a) A Hearing Examiner shall have the authority between the time he is designated and certification of the record to the Assistant Secretary:

(1) To give notice concerning, and to conduct, hearings.

(2) To administer oaths and affirmations.

(3) To rule upon offers of proof and receive relevant evidence.

(4) To take or cause depositions to be taken whenever the ends of justice would be served thereby.

(5) To regulate the course of the hearing.

(6) To hold conferences for the settlement or simplification of the issues by consent of the parties.

(7) To dispose of procedural requests or other matters.

(8) To call, examine, and cross-examine witnesses, and to introduce into the record documentary or other evidence.

(9) To limit the number of witnesses at hearings, and exclude evidence or testimony which may be irrelevant, immaterial or cumulative.

(10) If appropriate or necessary, to exclude persons or counsel from participation in hearings for refusing any proper request for information or documentary evidence, or for contumacious conduct.

(11) To grant continuances or reschedule hearings for good cause shown.

(12) To consider and decide procedural matters.

(13) To take any other action authorized by this part.

(b) The Hearing Examiner's authority in the proceeding shall terminate upon certification of the record to the Assistant Secretary, or when he shall have withdrawn from the case upon considering himself disqualified, or upon termination of his authority by the Assistant Secretary for good cause stated. However, the Hearing Examiner's authority may be reinstated upon referral of the issues by the Assistant Secretary for rehearing of all or some of the issues. This authority will again terminate upon certification of the rehearing record to the Assistant Secretary.

§ 1303.11 Transcripts.

The hearing shall be stenographically reported and a transcript shall be made available to interested persons on terms prescribed by the Hearing Examiner.

§ 1303.12 Appearances; representation.

The Department of Labor does not maintain a register of persons or attorneys who may practice at hearings. Any interested person may appear and be heard in person or be represented by counsel.

§ 1303.13 Evidence and procedure.

(a) Formal rules of evidence or procedure in use in courts of law or equity shall not apply. However, it shall be the policy to exclude testimony or matter which is irrelevant, immaterial or unduly repetitious. Contumacious or disorderly conduct at a hearing may be ground for exclusion therefrom. The refusal of a witness at any hearing to answer any questions which have been ruled to be proper shall, in the discretion of the Hearing Examiner, be ground for striking all testimony previously given by such witness on related matter.

(b) Where evidence might involve extensive technical or statistical data, the Hearing Examiner may require or permit such material to be submitted in orderly documentary form rather than be read into the record by witnesses. At any stage of the hearing the Hearing Examiner may call for further evidence or testimony on any matter. After the hearing has been closed, no further information shall be received on any matter, unless provision shall have been made for it at the hearing, or except as the Assistant Secretary may direct by reopening the hearing.

§ 1303.14 Rights of participants.

Each interested person shall have the right to present oral or documentary evidence, to submit evidence in rebuttal, and to conduct such cross-examination as may be required for a full and true disclosure of the facts (all subject to the rulings of the Hearing Examiner), and to object to admissions or exclusions of evidence.

§ 1303.15 Objections to evidence.

Objections to the admission or exclusion of evidence shall be in short form, stating the grounds for such objection. The transcript shall not include argument thereon except as required by the Hearing Examiner. Rulings on such objections shall be a part of the transcript. No such objection shall be deemed waived by further participation in the hearing. Formal exceptions to rulings on objections are unnecessary.

§ 1303.16 Certification of record.

With reasonable dispatch after the close of the hearing, the Hearing Examiner shall certify to the Assistant Secretary a complete record of the proceedings. All parties of record shall be notified of the certification of the record to the Assistant Secretary.

§ 1303.17 Tentative decision.

Upon conclusion of the hearing, within such time as the Hearing Examiner shall provide, parties of record shall be accorded opportunity to submit proposed findings and conclusions. Thereafter, the Assistant Secretary shall serve a tentative decision on all interested persons participating in the hearing: *Provided, however,* That in any case in which the Assistant Secretary finds upon the record that due and timely execution of his functions imperatively and unavoidably so require, he may issue a final decision without having issued a prior tentative decision.

§ 1303.18 Exceptions to tentative decisions.

Within 20 days following a tentative decision, parties of record may file exceptions to such decision and supporting reasons therefor for consideration by the Assistant Secretary. Exceptions shall be in writing (original and two copies), and shall refer to the specific findings of facts or conclusions of law excepted to.

§ 1303.19 Final decision.

Within a reasonable time following expiration of the period for filing exceptions, the Assistant Secretary shall issue a final decision granting or denying in whole or in part a variation as to the manner or period for the publication of information.

§ 1303.20 Official notice.

The Hearing Examiner or the Assistant Secretary may at any stage of the Hearing Procedure take official notice of matters not appearing in the evidence in the record: *Provided, however,* That any parties of record on timely request shall be afforded an opportunity to show the contrary.

Signed at Washington, D.C., this 13th day of June 1962.

JAMES J. REYNOLDS,
Assistant Secretary of Labor.

[F.R. Doc. 62-5932; Filed, June 15, 1962; 8:54 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER I—MISCELLANEOUS

PART 896—EXPERIMENTAL ANIMALS

A new Part 896 is added as follows:

Sec.
896.1 Purpose.
896.2 Definition.
896.3 Responsibilities.
896.4 Care of experimental animals.

AUTHORITY: §§ 896.1 to 896.4 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 169-2, January 29, 1962.

§ 896.1 Purpose.

This part states responsibilities and procedures for the care and use of experimental animals of Air Force medical research programs.

§ 896.2 Definitions.

For the purpose of this part, "experimental animals" are those used in support of Air Force medical research, research-laboratory operations, development, tests, experiments, and evaluation programs.

§ 896.3 Responsibilities.

(a) *Contracting activities.* Air Force contractors will insure that contracts for research which may require use of experimental animals contain a proviso that the research will be conducted according to the National Society for Medical Research (NSMR), "Principles of Laboratory Animal Care."

(b) *Animal handlers and laboratory staffs.* Personnel in charge of experimental animals will insure that the animals are treated kindly, fed properly, and housed as comfortably and sanitarily as possible at all times (including time of transportation).

§ 896.4 Care of experimental animals.

Laboratory staffs and animal-housing facilities of all Air Force agencies or Air Force-sponsored civilian contractors must be able to (a) provide high standards of care, sanitation, and cleanliness of facilities and equipment and (b) minimize the spread of disease among animals.

For the Secretary of the Air Force.

CARROLL W. KELLEY,
Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 62-5854; Filed, June 15, 1962; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER L—MINERAL LANDS

[Circular 2081]

PART 192—OIL AND GAS LEASES

PART 200—MINERAL DEPOSITS IN ACQUIRED LANDS AND UNDER RIGHTS-OF-WAY

Miscellaneous Amendments

A notice of the proposed amendments of 43 CFR, Parts 192 and 200 was published in the FEDERAL REGISTER of December 5, 1961, on pages 11493-11494. The principal purpose of the amendments is to clarify the intent that the public domain oil and gas leasing regulations shall be applicable to acquire lands leasing.

Interested parties were given 30 days from date of publication within which to submit written comments, suggestions or objections with regard to the proposed amendments. As the result of and after consideration of all of the comments, suggestions and objections received the proposed amendments are hereby adopted with the following changes.

Section 192.100: The maximum amount of the bond which a successful bidder at a competitive lease offering must furnish has been changed to $10,000, to conform with the principal amount of a drilling bond as provided for in § 192.100(c) of the regulations.

Section 192.143: The phrase "all or of" which was included inadvertently in this section has been deleted.

Section 200.8(c) has been supplemented by adding a sentence, now in the present regulation, which was inadvertently omitted from this section as published.

Section 200.8(d)(1): We have substituted for the word "of" preceding the phrase "six surveyed sections" the words "not exceeding."

These amended regulations shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

JUNE 11, 1962.

1. Paragraph (j) of § 192.42 is amended to read as follows:

§ 192.42 Offer to lease, and issuance of lease.

* * * * * *

(j) If any of the land described in item 2 of the offer is open to oil and gas filing when the offer is filed but is omitted from the lease for any reason and thereafter becomes available for leasing to the offeror, the original lease will be amended to include the omitted land unless, before the issuance of the amendment, the land office receives a withdrawal of the offer with respect to such land or an election to receive a separate lease in lieu of an amendment. Such election shall consist of a signed statement by the offeror asking for a separate lease accompanied by a new offer on the required form describing the remaining lands in his original offer, executed pursuant to this section. The new offer will have the same priority as the old offer. It need not be accompanied by the filing fee. The rental payment held on the original offer will be applied to the new offer. The rental and the lease term for the land added by such an amendment shall be the same as if the land had been included in the original lease when it was issued. If a separate lease is issued, it will be dated in accordance with § 192.40a.

2. Paragraph (a) of § 192.100 is amended to read as follows:

§ 192.100 Amount of bonds required of lessee.

(a) The successful bidder for a competitive lease prior to the issuance of the lease must furnish a corporate surety bond in the sum of at least double the amount of the $2 per acre annual rental but in no case less than $1,000 nor more than $10,000 conditioned on compliance with all the terms of the lease, and such a bond also must be filed when all or any part of the land in a lease issued noncompetitively is included within the limits of a known geologic structure of a producing oil or gas field.

3. Section 192.143 is amended to read as follows:

§ 192.143 Effect of assignment of particular tracts or undivided interests therein.

An assignment of a definitely described portion of the lands in a lease segregates the assigned and the retained portions into separate and distinct leases. An assignment of an undivided interest either in the entire leasehold or in any definitely described portion thereof shall not segregate or have the effect of segregating the lease into separate or distinct leases.

4. Section 200.4 is amended to read as follows:

§ 200.4 Other regulations applicable; lease forms, applications, and offers.

Except as otherwise specifically provided in §§ 200.1 to 200.10 inclusive, the regulations prescribed under the mineral leasing laws, and contained in Parts 191 to 198, inclusive, of this chapter, shall govern the disposal and development of minerals under the act to the extent that they are not inconsistent with the provisions of the act. All oil and gas leases for existing interest on acquired lands whether the Government's interest be full or fractional shall be issued on Form 4-1196. Leases of future interest and fractional future interest shall be issued on Form 4-1097.

5. Section 200.8 is amended to read as follows:

§ 200.8 Offer to lease and issuance of lease.

(a) To obtain a noncompetitive oil and gas lease of an existing mineral interest whether the Government's interest be whole or fractional, an offer to lease must be made on Form 4-1196, "Offer to Lease and Lease for Oil and Gas; Noncompetitive Acquired Lands" or unofficial copies of that form in current use: *Provided,* That the copies are exact reproductions of one page of both sides of the official approved one-page form and are without additions, omissions or other changes or advertising. Form 4-1196, or a valid reproduction, will also constitute the lease, when signed by the authorized signing officer of the Bureau of Land Management.

(b) Seven copies of Form 4-1196 or valid reproduction thereof, for each offer to lease shall be filed in the land office for the State or land district in which the land is situated, or for land or deposits in States for which there are no land offices, with the Bureau of Land Management, Washington 25, D.C., except that offers for lands or deposits in North or South Dakota, must be filed in the land office at Billings, Montana; for lands or deposits in Nebraska or Kansas in the land office at Cheyenne, Wyoming; and for lands or deposits in Oklahoma and Texas in the land office at Santa Fe, New Mexico. If less than seven copies are filed, the offer will not be rejected, if not otherwise subject to rejection, until 30 days from filing have elapsed and if during that period the remaining required copies are filed, the offeror's priority will date from the date of the first filing. If the additional copies are not filed within the 30-day period, the offer will be rejected and returned and will afford no priority to the offeror. Should the additional copies be filed after the 30-day period but before the offer has been rejected, the offeror will have a priority as of the later filing date. For the purpose of this part an offer will be considered file when it is received in the proper office during business hours.

(c) Each offer must describe the lands as required by § 200.5(a) and may not include more than 2,560 acres except where the rule of approximation applies. That portion of § 192.42(d) of this chapter providing that an offer may not be made for less than 640 acres is not applicable to acquired lands lease offers. Each offer should specify, if possible, the name of the governmental agency having jurisdiction over the surface of the land and also the unit of the project involved.

(d) Except as provided in § 192.42 (g)(2) of this chapter an offer will be rejected and returned to the offeror and

will afford the applicant no priority if the offer is defective for the reasons set forth in § 192.42 (g)(1), (iii), (iv), and (v), of this chapter or if:

(1) The land description does not comply with the requirements of § 200.5 (a) or the lands are not entirely within an area of six miles square or an area not exceeding six surveyed sections in length or width.

(2) The total acreage exceeds 2,560 acres, except where the rule of approximation applies.

(3) Less than seven copies of the offer are filed and the copies lacking are not received in the land office before the expiration of 30 days from the date of receipt of the copies first filed.

(4) There is noncompliance with item 5(a) of the Special Instructions.

(e) Leases for a whole or fractional future interest will be issued on Form 4–1097. Such leases will be sent to applicant or offeror for execution and return to the proper land office for execution by the appropriate officer. Thereafter, an executed copy will be mailed to lessee.

§ 200.11 [Revocation]

6. Section 200.11 is revoked in its entirety.

[F.R. Doc. 62-5874; Filed, June 15, 1962; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Atlantic Ocean Off Delaware Coast

Pursuant to the provisions of Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3), § 204.25 is hereby amended revising paragraph (a) in its entirety to redesignate the boundaries of the area in the Atlantic Ocean off the Delaware Coast, and revising the note under paragraph (b)(2) prescribing the periods of use of the area during the calendar year 1962, effective upon publication in the FEDERAL REGISTER since firing is scheduled for July 2, as follows:

§ 204.25 Atlantic Ocean off Delaware Coast; antiaircraft artillery firing area, Second Army.

(a) *The danger zone.* An area east of Bethany Beach described as follows: Beginning at a point on the shore at latitude 38°31'15''; thence to latitude 38°33'45'', longitude 74°59'33''; thence to latitude 38°26'45'', longitude 74°-59'15''; thence to a point on the shore at latitude 38°29'03''; and thence northerly along the shore to the point of beginning.

NOTE: The danger zone will be marked by buoys.

(b) *The regulations.* • • •

(2) Firing will take place on certain days other than Saturdays, Sundays and national holidays, as listed in public notice to be issued each year by the District Engineer, U.S. Army Engineer District, Philadelphia, Pennsylvania.

NOTE: Firing is scheduled to take place on the following days in 1962 (all dates inclusive):

July 2 to 3, 5 to 6, 9 to 13.
August 20 to 24, 27 to 31.

[Regs., June 5, 1962, 285/111 (Atlantic Ocean, Del.)—ENGCW-ON] (40 Stat. 892; 33 U.S.C. 3)

JULIAN A. WILSON,
Major General, U.S. Army,
Acting The Adjutant General.

[F.R. Doc. 62-5855; Filed, June 15, 1962; 8:45 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 62-EA-17]

FEDERAL AIRWAYS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6140 and 600.6008 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 140 is designated in part from the Casanova, Va., VORTAC via the intersection of the Casanova VORTAC 079° and the Washington, D.C. VOR 175° True radials, Washington VOR; Baltimore, Md., VORTAC; to the Millville, N.J., VOR. Low altitude VOR Federal airway No. 8 south alternate is designated from the Martinsburg, W. Va., VORTAC to the intersection of the Martinsburg VORTAC 168° and the Linden, Va., VORTAC 095° True radials.

The Federal Aviation Agency has under consideration the following actions:

1. Alter Victor 140 from the Casanova VORTAC via the intersection of the Herndon, Va., VORTAC 144° and the Washington VOR 245° True radials; Washington VOR; Baltimore VORTAC; to the Millville VOR. Approval from the appropriate authority would be required prior to using the airspace within R–4001.

2. Realign Victor 8 south alternate from the Martinsburg VORTAC to the intersection of the Martinsburg VORTAC 167° and the Linden VORTAC 095° True radials.

The proposed alteration of Victor 140 would align this airway via a standard departure route out of Washington. This would improve air traffic service by reducing air traffic control clearance phraseology. R–4001 is designated on a joint use basis, and since Victor 140 is aligned through the restricted area, conditional use of this airway segment should be included in the airway description. The proposed alteration of Victor 8 south alternate would align this airway segment via a common intersection with low altitude VOR Federal airways Nos. 39, 144, and 174 in the vicinity of Haymarket, Va.

The control areas associated with these airway segments are so designated that they would automatically conform to the altered airways. The vertical extent of these control areas would remain as designated pending review of the adjacent airspace. Separate action will be initiated to implement on an area basis Amendments 60–21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 8, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-5863; Filed, June 15, 1962; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62-SO-36]

CONTROLLED AIRSPACE

Proposed Alteration of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2145 of the regulations of the Administrator, the substance of which is stated below.

The Greenville, S.C., control zone is designated within a 5-mile radius of the Greenville Airport; within a 5-mile radius of Donaldson AFB and within 2 miles either side of the 219° True bearing from the Greenville ILS outer marker extending from the Donaldson AFB 5-mile radius zone to 12 miles southwest of the outer marker.

The Federal Aviation Agency has under consideration the following alterations to the Greenville control zone:

1. Designate a 5-mile radius zone around the Piedmont Airport. This would provide protection for aircraft executing prescribed instrument approach and departure procedures at this new airport which is scheduled to commence operations approximately October 15, 1962.

2. Designate an extension 2 miles either side of the Piedmont ILS localizer southwest course extending from the Piedmont 5-mile radius zone to the outer marker. This would provide protection for aircraft executing prescribed ILS instrument approach procedures based on the Piedmont ILS which is to be commissioned on or about October 15, 1962.

The proposed control zone alteration will provide controlled airspace for the protection of aircraft arriving and departing the Piedmont Airport, Greenville Municipal Airport and Donaldson AFB. The FAA control tower at the Piedmont Airport is scheduled to be commissioned concurrently with the activation of the airport and will provide approach control service for the three airports.

If this action is taken, the Greenville control zone would be redesignated within a 5-mile radius of the Greenville Airport (latitude 34°50'50'' N., longitude 82°21'05'' W.) Greenville, S.C.; within a 5-mile radius of Donaldson AFB (latitude 34°45'00'' N., longitude 82°22'00'' W.); within a 5-mile radius of the Piedmont Airport (latitude 34°53'48'' N., longitude 82°13'04'' W.); within 2 miles either side of the 219° True bearing from the Greenville ILS outer marker extending from the Donaldson AFB 5-mile radius zone to 12 miles southwest of the Greenville ILS outer marker and within 2 miles either side of the Piedmont ILS localizer southwest course extending from the Piedmont Airport 5-mile radius zone to the Piedmont ILS outer marker (latitude 34°48'56'' N., longitude 82°16'51'' W.).

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 52 Fairlie Street NW., Atlanta 3, Ga. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 11, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-5864; Filed, June 15, 1962; 8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 62-SW-27]

JET ROUTE

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to § 602.100 of the regulations of the Administrator, the substance of which is stated below.

Jet Route No. 13 is presently designated in part from the Truth or Consequences, N. Mex., VOR via the intersection of the Truth or Consequences VOR 021° and the Albuquerque, N. Mex., VORTAC 169° True radials to the Albuquerque VORTAC. The FAA has under consideration the alteration of this segment of J-13 by realigning it via the direct radials from the Truth or Consequences VOR to the Albuquerque VORTAC. Such action would provide a more direct route between Truth or Consequences and Albuquerque, reduce the route mileage, and provide more precise navigational guidance between these points.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 8, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-5865; Filed, June 15, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. I]

[No. 34013]

ASSEMBLING AND PRESENTING OF COST EVIDENCE

Notice of Proposed Rule Making

JUNE 4, 1962.

Notice is hereby given that the National Motor Freight Traffic Association, Inc., Washington, D.C., has filed a petition for postponement of the date of filing and for clarification of notice in Docket 34013, Rules to Govern the Assembling and Presenting of Cost Evidence (27 F.R. 4102; April 28, 1962). In compliance with this request, the time for filing statements of fact or opinions or argument has been extended from July 2, 1962, to October 1, 1962, and the time for filing replies to statements has been extended from August 20, 1962, to November 20, 1962. An original signed copy and 25 additional copies of statements shall be filed with the Secretary of the Interstate Commerce Commission. Any written statements so filed shall be verified and shall conform to the specifications in § 1.15 of the Commission's general rules of practice.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-5896; Filed, June 15, 1962; 8:51 a.m.]

RAILROAD RETIREMENT BOARD

[20 CFR Ch. II]

COORDINATION ALLOWANCES, DISMISSAL ALLOWANCES, AND SIMILAR PAYMENTS

Notice of Hearing To Determine Definitions

The Railroad Retirement Board, pursuant to sections 5 and 12 of the Railroad Unemployment Insurance Act, Part 319 of its regulations under that Act (20 CFR, Part 319), section 10 of the Railroad Retirement Act, and §§ 250.7-250.15 of its regulations under that Act (20 CFR 250.7-250.15), has ordered (Board Order 61-185, November 22, 1961) that a hearing be held for the purpose of determining whether coordination allowances under the Washington Agreement, dismissal allowances under the Oklahoma Conditions and Burlington Conditions, and similar payments, are "pay for time lost", "remuneration", and "compensation" under the Railroad Unemployment Insurance Act (45 U.S.C. 351-367) and the Railroad Retirement Act (45 U.S.C. 215-228z-1); whether the Chicago and North Western Railway Company, the Texas and New Orleans Railroad Company, the Lehigh Valley Railroad Company, the Baltimore and Ohio Railroad Company, and other railroads, should report such allowances as "compensation", and should pay contributions under section 8 of the Railroad Unemployment Insurance Act and make reimbursements to the Board under section 2(f) of that Act with respect to such allowances; and whether individuals are entitled to benefits under the Acts upon the basis of such allowances.

Notice is hereby given that a hearing in this matter will be held on Wednesday, June 27, 1962, at 9:30 a.m., c.d.s.t., in Room 534, 844 North Rush Street, Chicago, Illinois, before Mr. David M. Goldman, the Examiner appointed by the Board.

All parties properly interested may participate in the hearing and will be afforded an opportunity to present evidence and to make arguments before the Examiner.

The hearing will be held upon the following questions:

(a) Are coordination allowances under the Washington Agreement dismissal allowances under the Burlington Conditions and Oklahoma Conditions, and similar payments, "pay for time lost", "remuneration", and "compensation" as those terms are defined in the Railroad Retirement Act and the Railroad Unemployment Insurance Act?

(b) Should the railroads heretofore mentioned, and others, report such payments as compensation, and pay contributions and make section 2(f) reimbursements to the Board with respect to them?

(c) Are individuals entitled to benefits under the Acts upon the basis of such payments?

(d) Any other question or questions the settlement of which may appear to the Examiner to be essential to the conclusive determination of the controversies which have arisen between the Board and certain employers regarding the treatment of the payments under the Acts.

DAVID M. GOLDMAN,
Examiner.

JUNE 11, 1962.

[F.R. Doc. 62-5910; Filed, June 15, 1962; 8:53 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570; 1962 Revision]

COMPANIES HOLDING CERTIFICATES OF AUTHORITY AS ACCEPTABLE SURETIES ON FEDERAL BONDS AND AS ACCEPTABLE REINSURING COMPANIES

Companies Holding Certificates of Authority From Secretary of the Treasury Under Act of Congress Approved July 30, 1947 (6 U.S.C. 6-13) As Acceptable Sureties on Federal Bonds

Correction

In F.R. Doc. 62-5613, appearing at page 5572 of the issue for Tuesday, June 12, 1962, the following correction is made in the tabular material:

That matter which begins with and includes the entry for National Indemnity Co., Omaha, Nebr. (eleventh entry from the bottom of page 5575) and ends with and includes the entry for Pacific Insurance Co. of New York, New York, N.Y. (twelfth entry from the top of page 5576), should appear immediately following the entry for National Grange Mutual Insurance Co., Keene, N.H. (tenth entry from the top of page 5575).

DEPARTMENT OF DEFENSE

Office of the Secretary

DIRECTOR, ADMINISTRATIVE SERVICES ET AL.

Delegation of Administrative Authorities for Civil Defense Functions

References: (a) E.O. 10952, dated July 20, 1961, assigning Civil Defense responsibilities to the Secretary of Defense and others; (b) Department of Defense Organizational Statement, Assistant Secretary of Defense (Civil Defense), filed September 13, 1961 (26 F.R. 8604); (c) Delegation of Administrative Authorities for Civil Defense Functions dated January 20, 1962 (27 F.R. 903).

The following amendment to reference (c) is hereby approved:

(1) Paragraphs (f), (g) and (m) of section 1 are hereby deleted.

(2) Section 4 of reference (c) is revised to read as follows:

4. *Executive Assistant to the Assistant Secretary of Defense (Civil Defense); Director for Plans and Programs; Director for Research; Director for Technical Operations.* Pursuant to the authority vested in the Assistant Secretary of Defense (Civil Defense) under reference (b), and a Delegation of Authorities of even date herewith, the Executive Assistant to the Assistant Secretary of Defense (Civil Defense), the Director for Plans and Programs, the Director for Research, the Director for Technical Operations, or, in the absence of any or all of them, the persons acting for them, respectively, are hereby delegated, subject to the direction, authority, and control of the Secretary of Defense, and in accordance with DOD policies, directives, and instructions, and pertinent OSD regulations, authority as required in the administration and operation of the Office of Civil Defense and its subordinate activities to:

(a) Authorize and approve travel for civilian officers and employees in connection with civil defense activities in accordance with the Standardized Government Travel Regulations, as amended (BOB Circular A-7, Revised).

(3) A new paragraph 6 is added after paragraph 5, *Director for Federal Assistance* as follows:

6. *Director of Security.* Pursuant to the authority vested in the Assistant Secretary of Defense (Civil Defense) under reference (b), and a Delegation of Authorities of even date herewith, the Director of Security, or, in the absence of the Director of Security, the person acting for him is hereby delegated, subject to the direction, authority, and control of the Secretary of Defense, and in accordance with DOD policies, directives, and instructions, and pertinent OSD regulations, authority as required in the administration and operation of the Office of Civil Defense and its subordinate activities to:

(a) In accordance with the provisions of the Act of August 26, 1950, as amended (5 U.S.C. 22-1); Executive Order 10450, dated April 27, 1953, as amended; and DOD Directive 5210.7, dated August 12, 1953 (as revised):

(1) Designate any position in the Office of Civil Defense and its subordinate activities as a "sensitive" position;

(2) Authorize, in case of an emergency, the appointment of a person to a sensitive position in the Office of Civil Defense and its subordinate activities for a limited period of time for whom a full field investigation or other appropriate investigation, including the National Agency Check, has not been completed; and

(3) Authorize the suspension, but not the termination, of the services of an employee in the interest of national security in positions within the Office of Civil Defense and its subordinate activities.

(b) Clear civil defense personnel and such other individuals as may be appropriate for access to classified Defense material and information in accordance with the provisions of DOD Directive 5210.8, dated June 29, 1955 (as revised), "Policy on Investigation and Clearance of Department of Defense Personnel for Access to Classified Defense Information" and of Executive Order 10501, dated November 5, 1953, as amended.

(c) Promulgate the necessary security regulations for the protection of property and places under the jurisdiction of the Assistant Secretary of Defense (Civil Defense), pursuant to paragraphs III.A and V.B. of DOD Directive 5200.8, dated August 20, 1954, and section 403(a) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2255(a)).

This amendment to the Delegation of Administrative Authorities for Civil Defense Functions is effective immediately.

Dated this 4th day of May 1962.

STEUART L. PITTMAN,
Assistant Secretary of Defense, (Civil Defense).

[F.R. Doc. 62-5899; Filed, June 15, 1962; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Land

JUNE 8, 1962.

The United States Department of Agriculture has cancelled its proposed Withdrawal Application Serial No. Sacramento 050013 insofar as it involves the land described below, in order that conflicting Forest Exchange Applications Serial Nos. Sacramento 070689, 070691, and other exchanges in the process of negotiation may be processed. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m. on July 13, 1962, relieved of the segregative effect of the afore-mentioned proposed Withdrawal Application Serial No. Sacramento 050013.

The land involved in this notice of termination is:

MOUNT DIABLO MERIDIAN

ELDORADO NATIONAL FOREST

Public Service Site

Al Tahoe

T. 12 N., R. 18 E.,
Sec. 3: Lots 15 and 16, Tracts A and B (formerly Lots 2 and 3).

Roadside Zone Along U.S. Highway No. 50

California State Highway No. 32

A strip of land 200 feet wide on either side of the centerline of existing U.S. Highway No. 50 through the following legal subdivision:

T. 12 N., R. 18 E.,
Sec. 3: Lots 15 and 16, Tracts A and B (formerly Lots 2 and 3).

Roadside Zone Along California State Highway No. 89

California Forest Highway No. 30

A strip of land 200 feet wide on either side of the centerline of the existing California State Highway No. 89 through the following legal subdivision:

T. 13 N., R. 17 E.,
Sec. 5: Lot 1.

WALTER E. BECK,
Manager, Land Office,
Sacramento.

[F.R. Doc. 62-5885; Filed, June 15, 1962; 8:47 a.m.]

Office of the Secretary

NEW MEXICO

Order Revising Boundaries of El Morro National Monument

Whereas the act of June 14, 1950 (64 Stat. 211), authorized the Secretary of the Interior to procure certain described lands for the protection and preservation of El Morro National Monument, and further provided that lands so acquired shall become a part of said monument and subject to the laws and regulations applicable thereto upon the issuance of an appropriate order, or orders, by the Secretary of the Interior published in the FEDERAL REGISTER setting forth the revised boundaries of said monument, and

Whereas in township 9 north, range 14 west, New Mexico Principal Meridian, the United States of America has acquired valid title to lot 1 in section 6 and to the northeast quarter of the northwest quarter of section 6 thereof, said land being a part of the land authorized for procurement under the act of June 14, 1950:

Now, therefore, it is ordered, That the following is a description of the revised boundaries of El Morro National Monument established by Proclamation No. 695, dated December 8, 1906 (34 Stat. 3264), and enlarged by Proclamation No. 1377, dated June 18, 1917 (40 Stat. 1673), and by order of the Secretary of the Interior, dated January 25, 1952 (17 F.R. 935):

NEW MEXICO PRINCIPAL MERIDIAN

T. 9 N., R. 14 W.
Sec. 5 all;
Sec. 6, Lot 1, NE¼NW¼, SE¼NW¼, S½NE¼, N½SE¼, NE¼SW¼.
Containing 959.92 acres.

Issued at Washington, D.C., this 11th day of June 1962.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 62-5886; Filed, June 15, 1962; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

STONE FORWARDING CO., INC., ET AL.

Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 8778 between Stone Forwarding Company, Inc. with offices in Galveston, Houston, Corpus Christi and Dallas, Texas, and Trans International Forwarders, Inc., New York, New York, is a cooperative working arrangement under which the parties will perform freight forwarding services for each other. Forwarding fees will be divided according to the amount of service performed by each; ocean freight brokerage shall be divided equally.

Agreement No. 8877 is between Morris and Company, Lake Charles, Louisiana, and H. Stone and Company of New York, New York. Morris and Company will perform forwarding work for H. Stone and Company, retaining the entire forwarding fee; the New York firm will keep the ocean freight brokerage.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to them, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Commission.

Dated: June 13, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5894; Filed, June 15, 1962; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 12778, etc.]

BOISE-LAS VEGAS SERVICE CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on July 10, 1962, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., June 13, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-5906; Filed, June 15, 1962; 8:52 a.m.]

[Docket 13541]

LAKE CENTRAL-DELTA ENFORCEMENT CASE

Notice of Prehearing Conference and of Cancellation of Hearing Assigned To Be Held on June 26, 1962

In the matter of the complaint of Lake Central Airlines, Inc., Complainant v. Delta Air Lines, Inc., Respondent.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, (1) that a prehearing conference in the above proceeding will be held on the 15th day of August 1962, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner; and (2) that the hearing heretofore assigned to be held in the said proceeding on June 26, 1962, is canceled.

Dated at Washington, D.C., June 12, 1962.

[SEAL] LESLIE G. DONAHUE,
Hearing Examiner.

[F.R. Doc. 62-5907; Filed, June 15, 1962; 8:52 a.m.]

[Docket 13564]

SOUTHERN AIRWAYS, INC., "USE IT OR LOSE IT" INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 10, 1962, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., June 13, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-5908; Filed, June 15, 1962; 8:53 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 442]

CLEVELAND UNION STOCK YARDS CO.

Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on November 17, 1960 (19 A.D. 1246), which as modified by orders issued May 18, 1961 (20 A.D. 471), September 6, 1961 (20 A.D. 921), and May 31, 1962, authorizes the respondent, Cleveland Union Stock Yards Company, Cleveland, Ohio, to assess the current temporary schedule of rates and charges to and including November 30, 1962, unless modified or extended by further order before the latter date.

By petition filed on May 29, 1962, the respondent requested authority to modify the current temporary schedule of rates and charges by adding a new item to read as set forth below:

SECTION 1—YARDAGE

* * * * *

(e) Exceptions.

* * * * *

(3) On all live stock offered for sale through the Cleveland Union Stock Yards Auction Sale, the following special charge will be made:

Cattle and calves..... 30 cents per head.

The above charge is in addition to other charges made in this section, and is to be applied to all the live stock offered in the auction ring.

The above charge is to cover expense of auctioneers, clerks, and other expense incident to the auction sale.

The modification, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 13th day of June 1962.

GLENN G. BIERMAN,
Acting Director, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62-5901; Filed, June 15, 1962; 8:51 a.m.]

[P. & S. Docket No. 1558]

MISSISSIPPI VALLEY STOCKYARDS, INC.

Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on December 21, 1960 (19 A.D. 1466), authorizing the respondent, Mississippi Valley Stockyards, Inc., St. Louis, Missouri, to assess the current temporary schedule of rates and charges to and including November 30, 1962, unless modified or extended by further order before the latter date.

On May 17, 1962, a petition was filed on behalf of the respondent which as amended by a document filed May 31, 1962, requested authority to modify, as soon as possible, the current temporary schedule of rates and charges as indicated below, and requested that the current schedule, as so modified, be continued in effect to and including November 30, 1964.

YARDAGE ON ALL CLASSES OF ORIGINAL RECEIPTS AND RESALES

	Rates per head							
	Commission division		Direct to packers		Dealer resale local delivery		Dealer resale shipment	
	Present	Proposed	Present	Proposed	Present	Proposed	Present	Proposed
Bulls (800 lbs. and over)	$1.65	$1.75	$0.83	$0.90	$0.44	$0.45	$0.25	$0.25
Cattle (400 lbs. or over)	1.00	1.10	.50	.55	.29	.30	.13	.13
Calves (less than 400 lbs.)	.56	.62	.28	.32	.18	.19	.09	.09
Hogs	.36	.40	.18	.20	.10	.11	.07	.07
Sheep and goats	.24	.30	.12	.15	.07	.08	.05	.05
Boars	1.00	1.10	.50	.55	.14	.15	.09	.09
Horses and mules	1.00	1.00						

The modification, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition as amended and the contents thereof should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 13th day of June 1962.

GLENN G. BIERMAN,
Acting Director, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62-5902; Filed, June 15, 1962; 8:51 a.m.]

[P. & S. Docket No. 308]

MARKET AGENCIES AT THE SIOUX CITY STOCK YARDS, SIOUX CITY, IOWA

Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on July 26, 1960 (19 A.D. 707), authorizing the respondents, Market Agencies at the Sioux City Stock Yards, Sioux City, Iowa, to assess the current temporary schedule of rates and charges to and including July 31, 1962, unless modified or extended by further order before the latter date.

On May 31, 1962, a petition was filed on behalf of the respondents requesting authority to modify the current temporary schedule of rates and charges as indicated below, and requesting that the current schedule, as so modified, be continued in effect to and including July 31, 1964, unless extended or further modified by order entered prior to that date.

SELLING AND RESELLING CHARGES

* * * * *

SECTION C

Sheep	Present rate per head	Proposed rate per head
Consignments of 1 head and 1 head only	$0.60	$0.65
Consignments of more than one head:		
First 10 head in each 225 head in each consignment	.40	.45
Next 20 head in each 225 head in each consignment	.31	.36
Next 30 head in each 225 head in ect consignment	.27	.32
Next 40 head in each 225 head in each consignment	.18	.23
Next 125 head in each 225 head in each consignment	.12	.17
Cripples or subjects	.65	.70

The modification, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 13th day of June 1962.

GLENN G. BIERMAN,
Acting Director, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62-5903; Filed, June 15, 1962; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2286]

KEYSTONE PUMPED-STORAGE PROJECT, PUBLIC SERVICE COMPANY OF OKLAHOMA

Notice of Land Withdrawal; Oklahoma

JUNE 12, 1962.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States are included in power Project No. 2286 (Keystone Pumped-Storage Project) for which application for license was filed December 5, 1960, by the Public Service Company of Oklahoma, 600 South Main Street, Tulsa, Oklahoma. Under said section 24 these lands are from said date of filing reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

The area reserved by the filing of this application is approximately 62 acres, all of which are acquired lands under the jurisdiction of the Corps of Engineers, Department of the Army.

INDIAN MERIDIAN

All portions of the following described subdivisions lying within the boundaries of the project as delimited on map exhibits entitled "Public Service Company of Oklahoma, Keystone Pumped-Storage Project, Project Map and General Map" (FPC Nos. 2286-1 and 2) filed in the Federal Power Commission on December 5, 1960:

ACQUIRED LANDS

T. 20 N., R. 10 E.,
Sec. 21: S½SE¼;
Sec. 22: W½W½SW¼;
Sec. 28: N½N½NE¼.

Copies of the project map exhibits (FPC Nos. 2286-1 and 2) have been transmitted to the Bureau of Land Management, Geological Survey, and Corps of Engineers.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5866; Filed, June 15, 1962; 8:47 a.m.]

[Docket No. AR61-2, etc.]

AREA RATE PROCEEDING AND UNION OIL COMPANY OF CALIFORNIA

Order Severing Proceeding and Denying Motion To Terminate Proceeding

JUNE 12, 1962.

On June 3, 1960, Union Oil Company of California (Union) tendered for filing a proposed increased rate for the jurisdictional sale of natural gas to West Lake Natural Gasoline Company (West Lake), in Texas Railroad Commission District No. 7-B. The proposed increased rate was suspended and subsequently made effective subject to refund, in Docket No. RI60-431.

The proceeding in Docket No. RI60-431 was consolidated with the proceedings in Docket No. AR61-2, et al., by Commission order issued May 10, 1961, 25 FPC 942. Inasmuch as it appears that no part of this sale is made within the geographical area delineated by the aforementioned order of May 10, 1961, the proceeding in Docket No. RI60-431 should be severed from the proceedings in Docket No. AR61-2, et al.

On November 14, 1960, Union filed a motion to terminate the proceeding in Docket No. RI60-431. In support of its motion, Union states that the increased rate does not exceed the applicable area price level as set forth in the Commission's Statement of General Policy No. 61-1, issued September 28, 1960, 24 FPC 818.

Union sells its gas under the rate schedule involved herein to West Lake for resale to El Paso Natural Gas Company. Union's increased rate is directly predicated upon the resale rate of West Lake, which rate is subject to determination by the Commission in the pending proceeding in Docket No. RI60-30. Accordingly, it would not be appropriate to terminate the above-entitled proceeding prior to a determination of the rate of West Lake in Docket No. RI60-30.

The Commission finds:

(1) For the foregoing reasons it would not be appropriate or in the public interest to grant Union's motion to terminate the proceeding in Docket No. RI60-431.

(2) It is appropriate and in the public interest that the proceeding in Docket No. RI60-431 be severed from the proceedings in Docket No. AR61-2, et al.

The Commission orders:

(A) Union's motion to terminate the proceeding in Docket No. RI60-431 is hereby denied.

(B) The proceeding in Docket No. RI60-431 is hereby severed from the proceedings in Docket No. AR61-2, et al.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5867; Filed, June 15, 1962; 8:47 a.m.]

[Docket No. CP62-194]

MEDINA GATHERING CORP.

Notice of Postponement of Hearing

JUNE 12, 1962.

Take notice that the hearing in the above-docketed proceedings heretofore scheduled to commence on June 26, 1962, by notice issued May 18, 1962, and published in the FEDERAL REGISTER on May 25, 1962 (27 F.R. 4944) is hereby postponed to a date to be fixed by further notice.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5868; Filed, June 15, 1962; 8:47 a.m.]

[Docket No. CP60-92]

SOUTHERN NATURAL GAS CO.

Notice of Petition To Amend

JUNE 12, 1962.

Take notice that on May 7, 1962, Southern Natural Gas Company (Petitioner), P.O. Box 2563, Birmingham 2, Alabama, filed in Docket No. CP60-92 a petition to amend the order (Docket Nos. G-18338, et al.) in said docket issued on August 9, 1961, to authorize Petitioner to construct and operate a measuring and regulating station larger than that authorized in said docket, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

The Commission's order of August 9, 1961, authorized Petitioner to construct and operate a metering and regulating station in Washington Parish, Louisiana, for the sale of up to 12,600 Mcf of natural gas to Coastal Transmission Corporation (Coastal). The petition states that the authorized facilities have not yet been completed and that Coastal has requested that Petitioner construct facilities which would be adequate under normal operating conditions to deliver up to approximately 75,000 Mcf of gas per day to Coastal. The petition further states that Coastal has informed Petitioner that the point of delivery of Petitioner's gas is Coastal's only gas input point east of the Mississippi River, and that Coastal desires to be in a position to request and receive from Petitioner quantities of gas substantially greater than the 12,600 Mcf of contract demand authorized in Petitioner's certificate in the event that one or more of Coastal's Mississippi River crossing lines should be washed out or some other emergency occur.

The tariff provisions under which Petitioner is authorized to sell gas to Coastal contemplate that volumes in excess of contract demand may be supplied by prior arrangement of the parties. The sale of the first 12,600 Mcf of gas per day would be made under Petitioner's Rate Schedule CDL-1; the sale of additional gas would be made under Petitioner's Rate Schedule AOL-1.

The petition states that Coastal has agreed to reimburse Petitioner in an amount equal to the difference between the actual cost of constructing metering and regulating facilities designed to deliver up to 75,000 Mcf of gas per day and the estimated cost of constructing metering and regulating facilities designed to deliver the contract quantity of 12,600 per day. It is estimated that the cost of constructing the former facilities will exceed the cost of constructing the latter facilities by approximately $3,500.

The petition further states that Coastal has informed Petitioner that no new facilities will be required for receipt of the additional quantities of gas.

Protests, requests for hearing, or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 2, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5869; Filed, June 15, 1962; 8:47 a.m.]

[Docket Nos. G-20270, G-20272]

UNITED FUEL GAS CO. AND ATLANTIC SEABOARD CORP.

Notice of Postponement of Hearing

JUNE 12, 1962.

Take notice that the hearings in the above-designated matters now scheduled for June 18, 1962 are hereby postponed to June 25, 1962, at 10:00 a.m., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5870; Filed, June 15, 1962; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

VALLEY BANCORPORATION

Notice of Receipt of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that the Board of Governors of the Federal Reserve System has received an application by Valley Bancorporation, Appleton, Wisconsin, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), for the Board's prior approval of action to become a bank holding company through acquisition by that corporation of 80 percent or more of the voting shares of Appleton State Bank, Appleton, Wisconsin, Bank of Black Creek, Black Creek, Wisconsin, and Northern State Bank, Appleton, Wisconsin, a proposed new bank.

In determining whether to approve this application, the Board is required by said Act to take into consideration the following factors: (1) The financial history and condition of the company and the banks concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than 30 days after the publication of this notice in the FEDERAL REGISTER, Comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C., this 12th day of June 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-5871; Filed, June 15, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 13, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37793: *Soda ash to Plainfield, Ill.* Filed by O. W. South, Jr., Agent (No. A4203), for interested rail carriers. Rates on soda ash, in carloads, from Baton Rouge and North Baton Rouge, La., to Plainfield, Ill.

Grounds for relief: Market competition.

Tariff: Supplement 245 to Southern Freight Association tariff I.C.C. 452.

FSA No. 37794: *Asphalt from Irondale, Ala., to Council Bluffs, Iowa.* Filed by O. W. South, Jr., Agent (No. A4201), for interested rail carriers. Rates on asphalt (asphaltum), natural, byproduct or petroleum, other than paint, stain, or varnish, in packages, in carloads, from Irondale, Ala., to Council Bluffs, Iowa.

Grounds for relief: Market competition.

Tariff: Supplement 88 to Southern Freight Association tariff I.C.C. 446.

FSA No. 37795: *Class and commodity rates from and to Stagg, Ky.* Filed by O. W. South, Jr., Agent (No. A4202), for interested rail carriers. Rates on various commodities, in carloads and less-than-carloads between Stagg, Ky., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: Grouping.

FSA No. 37796: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 440), for interested rail carriers. Rates on bean dip, feed and feed ingredients, scrap brass, bronze or copper, metal, metal products, and nonferrous metals, also pipe or tubing, in carloads, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief: Intrastate rates and maintenance of rates from and to points in other states not subject to the same competition.

Tariff: Supplement 30 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

FSA No. 37798: *Bituminous coal to Baileytown, Ind.* Filed by Illinois Freight Association, Agent (No. 155), for interested rail carriers. Rates on bituminous coal, in carloads, subject to minimum shipment of 1,000 tons of 2,000 pounds, as described in the application, from mine origins in Illinois and western Kentucky groups to Baileytown, Ind.

Grounds for relief: Intrastate competition.

Tariffs: Supplement 48 to Illinois Freight Association tariff I.C.C. 966, and 3 other schedules named in the application.

FSA No. 37799: *Bituminous fine coal to Mason City, Iowa.* Filed by Illinois Freight Association, Agent (No. 178), for interested rail carriers. Rates on bituminous coal, as described in the application, in carloads, from mine origins in Illinois, Indiana, and western Kentucky groups to Mason City, Iowa.

Grounds for relief: Natural gas competition.

Tariffs: Supplement 48 to Illinois Freight Association tariff I.C.C. 966, and 8 other schedules named in the application.

FSA No. 37800: *Seatrain—Textile Machinery to the South.* Filed by Seatrain Lines, Inc. (No. 23), for itself and interested rail carriers. Rates on textile machines and textile parts, as described in the application, in carloads, from Worcester, Mass., to points in Alabama, Georgia, and Tennessee.

Grounds for relief: Rail competition.

Tariff: Supplement 69 to Seatrain Lines, Inc., tariff I.C.C. 159.

FSA No. 37801: *Lead ore from Flin Flon, Manitoba, Canada, to Herculaneum, Mo.* Filed by Southwestern Freight Bureau, Agent (No. B-8228), for interested rail carriers. Rates on lead ore or concentrates, in carloads, from Flin Flon, Manitoba, Canada, to Herculaneum, Mo.

Grounds for relief—Carrier competition.

Tariff—Supplement 44 to Southwestern Freight Bureau tariff I.C.C. 4406.

FSA No. 37802: *Joint motor-rail rates from and to points in southwest.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 213), for interested carriers. Rates on various commodities moving on class and commodity rates, loaded in highway trailers of the motor carriers over the highways, thence transported on railroad flat cars of the railroads between points in Arkansas, Missouri, Oklahoma, and Texas, on the one hand, and points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and District of Columbia, on the other.

Grounds for relief: Motor-truck competition.

Tariff: 10th revised page 48-A to Eastern Central Motor Carriers Association, Inc., tariff MF-I.C.C. A-171.

AGGREGATE-OF-INTERMEDIATES

FSA No. 37797: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 441), for interested rail carriers. Rates on bean dip, sulphuric acid, beer, army tanks, and other commodities named in the application, in carloads, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 30 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-5895; Filed, June 15, 1962; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4583]

PRECISION MICROWAVE CORP.

Order Summarily Suspending Trading

JUNE 12, 1962.

In the matter of trading on the American Stock Exchange in the common stock, par value $1.00 of Precision Microwave Corp., File No. 1-4583.

The common stock, par value $1.00, of Precision Microwave Corp., being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, June 13, 1962, to June 22, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-5887; Filed, June 15, 1962; 8:48 a.m.]

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[Updated to January 1, 1962]

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VOLUME 27 NUMBER 118

Washington, Tuesday, June 19, 1962

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Title 32 (Parts 700–799) (Revised) 5.00
Title 32 (Parts 1100–end) (Revised) 4.50

Previously announced: Title 3, 1954–1958 Compilation ($4.00); 1961 Supplement to Title 3 ($0.60); Title 5 ($0.50); Title 6 ($2.00); Title 7, Parts 1–50 ($0.65); Parts 51–52 ($0.70); Parts 53–209 ($0.60); Parts 210–399 ($0.40); Parts 900–944 (Revised) ($1.00); Parts 945–980 (Revised) ($1.00); Parts 981–999 (Revised) ($0.55); Parts 1000–1029 (Revised) ($1.00); Parts 1030–1059 (Revised) ($1.50); Parts 1060–1089 (Revised) ($1.00); Parts 1090–1119 (Revised) ($1.25); Parts 1120 to end (Revised) ($1.00); Title 8 ($0.50); Title 9 ($0.65); Titles 10–13 ($1.25); Title 14, Parts 1–19 (Revised) ($2.50); Parts 20–199 (Revised) ($1.75); Parts 200–399 (Revised) ($1.00); Parts 400–599 (Revised) ($0.65); Parts 600 to end (Revised) ($0.70); Title 15 ($1.25); Title 16 ($0.45); Title 17 ($1.00); Title 18 ($0.35); Title 19 ($0.35); Title 20 ($0.40); Title 21 ($2.25); Titles 22–23 ($0.55); Title 24 (Revised) ($3.00); Title 25 ($0.50); Title 26, Part 1 (§§ 1.0–1—1.400) ($0.40); Part 1 (§§ 1.401—1.860) ($0.55); Part 1 (§ 1.861 to end) to Part 19 ($0.30); Parts 20–29 ($0.30); Parts 30–39 ($0.30); Parts 40–169 ($0.50); Parts 170–299 ($0.50); Parts 300–499 ($0.35); Parts 500–599 ($0.30); Parts 600 to end ($0.30); Title 27 ($0.30); Titles 28–29 ($2.25); Titles 30–31 ($1.00); Title 32, Parts 1–39 ($0.50); Parts 40–399 ($0.40); Parts 400–589 (Revised) ($3.50); Parts 590–699 (Revised) ($4.25); Parts 800–999 ($0.50); Parts 1000–1099 ($1.75); Title 32A ($0.75); Titles 33–34 (Revised) ($8.25); Title 35 ($0.30); Title 36 ($0.35); Title 37 ($0.30); Title 38 ($1.25); Title 39 (Revised) ($5.25); Titles 40–41 (Revised) ($1.75); Title 42 ($0.40); Title 43 ($1.25); Title 44 ($0.30); Title 45 ($0.45); Title 46, Parts 1–145 ($1.50); Parts 146–149 (1961 Supplement 2) ($1.25); Parts 150 to end ($1.25); Title 47, Parts 1–29 ($1.50); Parts 30 to end ($0.40); Title 49, Parts 1–70 ($1.00); Parts 71–90 ($1.25); Parts 91–164 ($0.55); Parts 165 to end ($0.30); Title 50 ($0.40)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Health, Education, and Welfare

Effective upon publication in the FEDERAL REGISTER, subparagraph (3) of paragraph (d) of § 6.114 is amended as set out below.

§ 6.114 **Department of Health, Education, and Welfare.**

• • • • • •

(d) *Social Security Administration.*

• • •

(3) Not to exceed 150 positions directly concerned with programs conducted by the Department in connection with the problems of Cuban refugees: *Provided*, That employment under this authority shall be temporary and no employment shall be made under it after June 30, 1963.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-5937; Filed, June 18, 1962; 8:48 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Peace Corps

Effective upon publication in the FEDERAL REGISTER, paragraph (b) of § 6.168 is amended as set out below.

§ 6.168 **Peace Corps.**

• • • • • •

(b) Thirty-five positions, filled by temporary appointment of two years or less, on the staff of the Peace Corps training camp in Puerto Rico.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-5938; Filed, June 18, 1962; 8:49 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

General Services Administration

Effective upon publication in the FEDERAL REGISTER, subparagraph (16) is added to paragraph (a) of § 6.333 as set out below.

§ 6.333 **General Services Administration.**

(a) *Office of the Administrator.* • • •

(16) One Assistant to the Assistant Administrator for Congressional and Public Affairs.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-5939; Filed, June 18, 1962; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-WA-59]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Reporting Points

The purpose of these amendments to Subparts E and G of Part 601 is to revoke some existing reporting points and modify others to designate them according to the direction of flight.

At present, all of the VOR, VORTAC and TACAN navigation facilities named in the description of Intermediate altitude airways in Part 600 and coded Jet routes in Part 602 are designated as Intermediate altitude VOR and High altitude VOR reporting points, respectively. The continued introduction of additional navigation facilities in these airway/route structures for such purposes as better navigational guidance, refinement of structure configuration, etc., has added VOR reporting points not necessary for air traffic control purposes. For this reason, action is being taken herein to designate only those Intermediate altitude and High altitude VOR reporting points necessary for the efficient management of air traffic. In addition, action is taken herein to cancel those low altitude reporting points which, due to procedural and system changes, are no longer necessary for air traffic control purposes.

There are instances where a reporting point has been designated because the position report was necessary for air traffic control purposes on only one or more particular intersecting airways or perhaps for only one direction on a specific airway. These designations require unnecessary position reporting by flights not on those airways or flying in the other direction, and thereby place an undue burden on both the user and the air traffic control system. To alleviate this situation, action is taken herein to designate these reporting points as applicable only to specific airways and/or directions of flight. Symbology has been developed to enable cartographic depiction of directional reporting point requirements. This symbology will appear on aeronautical charts which will be effective concurrently with this airspace action.

Action is also being taken herein to designate all reporting points under a single subpart in Part 601 and to categorize these reporting points within this subpart in a manner more consistent with their intended use.

Since these amendments are procedural in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), Part 601 (14 CFR Part 601) is amended as follows:

1. Subpart G—VOR Federal airway Reporting Points is deleted in its entirety and "Subpart G—Reserved" is substituted therefor.

§ 601.2 [Amendment]

2. Section 601.2(g) is amended to read:

"Reporting Point" shall mean a geographic location, designated in Subpart E of this part, in relation to which the position of an aircraft shall be reported in accordance with the requirements of § 60.47 of this title.

3. Subpart E is amended to read as follows:

Subpart E—Reporting Points

Sec.
601.4001 Designation of reporting points.

DOMESTIC REPORTING POINTS

601.4101 Low altitude reporting points.
601.4102 Intermediate altitude reporting points.
601.4103 High altitude reporting points.

OTHER REPORTING POINTS

601.4201 Other reporting points.

ALASKAN REPORTING POINTS

601.4301 Low altitude reporting points.
601.4302 High altitude reporting points.

HAWAIIAN REPORTING POINTS

601.4401 Hawaiian reporting points.

AUTHORITY: §§ 601.4001-601.4401 issued under sec. 307(a), 72 Stat. 749, 49 U.S.C. 1348.

§ 601.4001 Designation of reporting points.

The locations described in Subpart E are designated as reporting points. Unless otherwise designated, each reporting point shall be applicable to all directions of flight. Where a geographical location is designated as a reporting point for a particular airway/s or for a particular direction of flight along an airway/s only, it is so indicated by the inclusion of the airway/s and/or direction of flight in the designation of the geographical location. Unless otherwise specified, place names appearing in the reporting point descriptions indicate VOR or VORTAC facilities identified by such names.

DOMESTIC REPORTING POINTS

§ 601.4101 Low altitude reporting points.

The reporting points listed in this section are designated up to but not including 14,500 feet MSL.

Aberdeen, S. Dak.
Aberdeen, S. Dak., RR.
Abilene, Tex.
Akron, Colo.; VOR Federal airway No. 8N, VOR Federal airway No. 80, VOR Federal airway No. 846, VOR Federal airway No. 8, VOR Federal airway No. 220, VOR Federal airway No. 8S, VOR Federal airway No. 132.
Alamosa, Colo.
Albany, Ga.
Albany, N.Y.
Albuquerque, N. Mex.
Alexandria, La.
Alexandria, Minn.
Allendale, S.C.
Allentown, Pa.
Alma, Ga.
Altoona INT: The INT of the Johnstown, Pa., 092° and the Phillipsburg, Pa., 202° radials.
Amarillo, Tex.
Anton Chico, N. Mex.
Appleton, Ohio
Ardmore, Okla.
Asheville, N.C.
Augusta, Ga.
Augusta, Maine.
Austin, Tex.
Avenal, Calif.
Baker, Oreg.
Baker, Oreg., RR.
Bakersfield, Calif.
Baltimore, Md.
Bangor, Maine.
Barnegat, N.J.
Barstow INT: The INT of the Hector, Calif., 265° and the Daggett, Calif., 234° radials; VOR Federal airway No. 8N, VOR Federal airway No. 12 westbound, VOR Federal airway No. 210 southwestbound.
Baton Rouge, La.
Battle Mountain, Nev.
Baxley, INT: The INT of the Jacksonville, Fla., 334° the Alma, Ga., 035° radials; VOR Federal airway No. 5E, VOR Federal airway No. 267.
Bay Point INT: The INT of the Oakland, Calif., 039° and the Napa, Calif., 117° radials.
Beatty, Nev.
Beaumont, Tex.
Bellingham, Wash.
Bellingham, Wash., RR.
Ben Hill INT: The INT of the Atlanta, Ga., 007° radial and the Atlanta ILS localizer W course.
Bible Grove, Ill.
Big Spring, Tex.
Big Sur, Calif.
Billings, Mont.
Binghamton, N.Y.
Birmingham, Ala.
Biscayne Bay, Fla.
Bismarck, N. Dak.
Bluefield, W. Va.
Blue Springs, Mo.
Blythe, Calif.
Bobby Jones INT: The INT of the Atlanta, Ga., 034° and the McDonough, Ga., 333° radials.
Boise, Idaho.
Boise, Idaho, RR.
Bolton INT: The INT of the Myrtle Beach, S.C., 033° and the Wilmington, N.C., 263° radials.
Bonneville, Utah.
Boston, Mass.
Bowling Green, Ky.
Bozeman, Mont.
Bradford, Ill.
Bridgeport, Tex.
Britton, Tex.
Brooke, Va.
Brookley, Ala.; VOR Federal airway No. 22.
Brownsville, Tex.
Brunswick, Ga.
Bryce Canyon, Utah.
Buckeye, Ariz.
Buffalo, N.Y.
Burley, Idaho, RR.
Burlington, Iowa.
Burlington, Vt.
Butler, Mo.
Carleton, Mich.; VOR Federal airway No. 10, VOR Federal airway No. 188.
Carlsbad, N. Mex.
Casa Grande, Ariz.
Casper, Wyo.
Cedar Rapids, Iowa.
Centralia, Ill.
Chadron, Nebr.
Chanute, Ill.
Charleston, S.C.
Charleston, W. Va.
Charlo INT: The INT of the Mullan Pass, Idaho, 089° and the Missoula, Mont., 354° radials.
Chattanooga, Tenn.
Cherokee, Wyo.
Cheyenne, Wyo.
Chicago Heights, Ill.; VOR Federal airway No. 7, VOR Federal airway No. 51, VOR Federal airway No. 97, VOR Federal airway No. 177, VOR Federal airway No. 126, VOR Federal airway No. 8 westbound, VOR Federal airway No. 92 westbound, VOR Federal airway No. 819.
Childress, Tex.
Cimarron, N. Mex.
Cincinnati, Ohio.
Cleveland, Ohio.
Coaldale, Nev.
Cochise, Ariz.
Cofield, N.C.
Coldwater INT: The INT of the Fort Wayne, Ind., 148° and the Findley, Ohio, 249° radials; VOR Federal airway No. 14.
Columbia, S.C.
Columbus, Ga.
Columbus, Miss.
Columbus, N. Mex.
Concord, N.H.
Coopersburg INT: The INT of the Allentown, Pa., 188° and the East Texas, Pa., 102° radials.
Cordova, Ill.
Corona, N. Mex.
Corpus Christie, Tex.
Cotulla, Tex.
Coyle, N.J.
Crazy Woman, Wyo.
Crescent City, Calif.
Crestview, Fla.
Cross City, Fla.
Crossville, Tenn.
Crown Point, N. Mex.
Culberson, Tex.; VOR Federal airway No. 222 southeastbound, VOR Federal airway No. 66.
Currant, Nev.
Cut Bank, Mont.
Dalhart, Tex.
Dallas, Tex.
Daytona Beach, Fla.
Dayton, Ohio.
Decatur, Ill.
DeLancy, N.Y.
Delta, Utah.
Deming, N. Mex.
Denver, Colo.
Des Moines, Iowa.
Dickinson, N. Dak.
Dillon, Mont.
Doby INT: The INT of the Wells, Nev., 256° and the Elko, Nev., 338° radials.
Dothan, Ala.
Douglas, Ariz.
Douglas, Wyo.
Drake, Ariz.; VOR Federal airway No. 12.
Dublin, Ga., VOR Federal airway No. 5E, VOR Federal airway No. 267.
Dubois, Idaho.
Dubuque, Iowa.
Duluth, Minn.
Duluth, Minn., RBN.
Dunkirk, N.Y.
Dupree, S. Dak.
Dyersburg, Tenn.
Eagle Lake, Tex.
Eau Clair, Wis.
Edgerton INT: The INT of the Fort Wayne, Ind., 040° and the Waterville, Ohio, 273° radials; VOR Federal airway No. 92, VOR Federal airway No. 126.
El Centro, Calif.
El Dorado, Ark.
Elkins, W. Va.
Elko, Nev.
Ellensburg, Wash.
Ellensburg, Wash., RR.
Elmira, N.Y.
El Paso, Tex.
Ephrata, Wash.
Erie, Pa.
Eugene, Oreg.
Eugene, Oreg., RR.
Evansville, Ind.
Evergreen, Ala.
Falmouth, Ky.; VOR Federal airway No. 57, VOR Federal airway No. 44, VOR Federal airway No. 478, VOR Federal airway No. 502.
Fargo, N. Dak.
Farmington, Minn.
Farmington, Mo.
Farmington, N. Mex.
Fayetteville, Ark.
Fayetteville, N.C.
Fellows, Calif.
Fillmore, Calif.
Findlay, Ohio.
Fitzgerald, Pa.
Flat Rock, Va.
Flint, Mich.
Flint Stone INT: The INT of the Grantsville, Md., 082° and the Martinsburg, W. Va., 297° radials.
Flippin, Ark.
Florence, S.C.
Fort Bridger, Utah.
Fort Jones, Calif.
Fort Jones, Calif., RR.
Fort Mill, S.C.
Fort Myers, Fla.
Fort Smith, Ark.
Fort Stockton, Tex.
Fortuna, Calif.
Fort Wayne, Ind.
Franklin, Va.
Fresno, Calif.
Front Royal, Va.; VOR Federal airway No. 4, VOR Federal airway No. 853.
Gage, Okla.
Gainesville, Fla.
Garden City, Kans.
Garrett INT: The INT of the Goshen, Ind., 108° and the Fort Wayne, Ind., 018° radials; VOR Federal airway No. 8, VOR Federal airway No. 422, VOR Federal airway No. 885.
Garrison INT: The INT of the Drummond, Mont., 091° and the Butte, Mont., 002° radials; VOR Federal airway No. 257.
Gaviota, Calif., VOR Federal airway No. 27.
Gila Bend, Ariz.
Gill, Colo.

Gill INT: The INT of the Jefferson, Ohio, 279° and the Cleveland, Ohio 024° radials.
Goffs, Calif.
Goodland, Kans.
Gordonsville, Va.
Goshen, Ind., VOR Federal airway No. 8, VOR Federal airway No. 92, VOR Federal airway No. 126.
Graham, Tenn.
Grand Forks, N. Dak., RR.
Grand Isle, La., RBN.
Grand Junction, Colo.
Grantsburg, Wis.
Grantsville, Md.
Great Falls, Mont.
Green Bay, Wis.
Greensboro, N.C.
Greenville INT: INT of the Tallahassee, Fla., 090° and the Valdosta, Ga., 235° radials.
Greenwood, Miss.
Greenwood, S.C.
Gregg County, Tex.
Gulfport, Miss.
Guthrie, Tex.
Hallsville, Mo.
Hamilton INT: The INT of the Birmingham, Ala., 298° and the Columbus, Miss., 035° radials.
Hanksville, Utah.
Harcum, Va.
Harrisburg, Pa.
Hartford, Conn.
Hattiesburg, Miss.
Hayes Center, Nebr.
Hazen, Nev.
Hector, Calif.; VOR Federal airway No. 8, VOR Federal airway No. 21, VOR Federal airway No. 12N, VOR Federal airway No. 442, VOR Federal airway No. 12 eastbound and VOR Federal airway No. 210 eastbound.
Helena, Mont.
Herndon, Va., VOR Federal airway No. 4, VOR Federal airway No. 853.
Hickory, N.C.
Hidden Hills INT: The INT of the Las Vegas, Nev., 266° and the Beatty, Nev., 142° radials.
Highway INT: The INT of the Nashville, Tenn., 064° and the Crossville, Tenn., 343° radials.
Hill City, Kans.
Hobart, Okla.
Hobbs, N. Mex.
Hoquiam, Wash.
Holston Mountain, Tenn.
Houston, Tex.
Hudspeth, Tex.
Huntsville, Ala.
Huron, S. Dak.
Huron, S. Dak., RR.
Hutchinson, Kans., VOR Federal airway No. 10, VOR Federal airway No. 132, VOR Federal airway No. 280, VOR Federal airway No. 125, VOR Federal airway No. 10S, VOR Federal airway No. 234, VOR Federal airway No. 10N.
Indianapolis, Ind.
Jacks Creek, Tenn.
Jackson, Mich., VOR Federal airway No. 100, VOR Federal airway No. 116, VOR Federal airway No. 221.
Jackson, Miss.
Jacksonville, Fla.
Jamestown, N. Dak.
Janesville, Wis.
Joliet, Ill.
Junction, Tex.
Kansas City, Mo.
Keeler, Mich., VOR Federal airway No. 100, VOR Federal airway No. 116, VOR Federal airway No. 218, VOR Federal airway No. 277, VOR Federal airway No. 880.
Kennebunk, Maine.
Kenton, Del.
Key West, Fla.
Key West, Fla., RR.
Kirksville, Mo.
Klamath Falls, Oreg.
Klamath Falls, Oreg., RR.
Knoxville, Tenn.
Kremmling, Colo.
LaBelle, Fla.
Lafayette, Ind.
Lafayette, La.
Lake Charles, La.
Lakeland, Fla.
Lamar, Colo.
Lamont, Iowa.
Lancaster, Pa.
Lansing, Mich.
Laramie, Wyo.; VOR Federal airway No. 4, VOR Federal airway No. 4N.
Laredo, Tex.
Las Vegas, Nev.
Lawrenceville, Va.
Leona, Tex.
Leslie INT: The INT of the Salem, Mich., 272° and the Lansing, Mich., 159° radials; VOR Federal airway No. 170, VOR Federal airway No. 880.
Lewis, Ind.; VOR Federal airway No. 12, VOR Federal airway No. 12S, VOR Federal airway No. 171, VOR Federal airway No. 802.
Lewistown, Mont.
Liberal, Kans.
Liberty, N.C.; VOR Federal airway No. 454; VOR Federal airway No. 194N.
Linden, Calif.
Linden, Va.
Litchfield, Mich.; VOR Federal airway No. 10, VOR Federal airway No. 90, VOR Federal airway No. 30.
Lithonia INT: The INT of the McDonough, Ga., 345° and Atlanta, Ga., 053° radials; VOR Federal airway No. 5E, VOR Federal airway No. 51.
Little Rock, Ark.
Livingston, Mont.
Llano, Tex.
Lometa, Tex.
London, Ky.
Lone Rock, Wis.
Long Beach, Calif.
Los Angeles, Calif.
Los Banos, Calif.
Louisville, Ky.
Lovelock, Nev.
Lubbock, Tex.
Lucin, Utah.
Lufkin, Tex.
Macon, Ga.; VOR Federal airway No. 56.
Malad City, Idaho.
Malden, Miss.
Mansfield, Ohio.
Maples, Mo.
Marathon, Fla., RBN.
Marianna, Fla.
Martinsburg, W. Va.; VOR Federal airway No. 8, VOR Federal airway No. 44.
Massena, N.Y.
Mason City, Iowa.
McAlester, Okla.
McComb, Miss.
Medford, Oreg.
Medford, Oreg., RR.
Medicine Bow, Wyo.
Memphis, Tenn.
Meridian, Miss.
Miami, Fla.
Miami, Fla., RBN.
Midland, Tex.
Miles City, Mont.
Milford, Utah.
Millinocket, Maine.
Millinocket, Maine, RR.
Milton, Pa.
Millville, N.J.
Milwaukee, Wis.
Mina, Nev.
Mineral Wells, Tex.
Minneapolis, Minn.
Minot, N. Dak.
Minot, N. Dak., RR.
Missoula, Mont.
Mobile, Ala.
Moline, Ill.; VOR Federal airway No. 38, VOR Federal airway No. 434.
Monroe, La.
Montebello, Va.
Montgomery, Ala.
Mormon Mesa, Nev.
Morgantown, W. Va.
Mount Pleasant INT: The INT of the SE course of the Pittsburgh, Pa., RR and the NE course of the Morgantown, W. Va., RR.
Mullan Pass, Idaho.
Muscle Shoals, Ala.
Muskegon, Mich.
Myrtle Beach, S.C.
Nabb, Ind.; VOR Federal airway No. 44, VOR Federal airway No. 47, VOR Federal airway No. 49.
Nantucket, Mass.
Naperville, Ill.; VOR Federal airway No. 6, VOR Federal airway No. 8, VOR Federal airway No. 10.
Nashville, Tenn.
Needles, Calif.
Neola, Iowa.
Neosho, Mo.
Newman, Tex.
New Orleans, La.
Newport, Oreg.
Nodine, Minn.
North Bend, Oreg.
Northbrook, Ill.
North Platte, Nebr.; VOR Federal airway No. 6, VOR Federal airway No. 6N, VOR Federal airway No. 172.
Nottely INT: The INT of the Chattanooga, Tenn., 088° and the Knoxville, Tenn., 181° radials.
Nottingham, Md.
Oakland, Fla.
Ocala, Fla.
Oceanside, Calif.; VOR Federal airway No. 208.
Ogden, Utah.
Oklahoma City, Okla.
Omaha, Nebr.
Ontario, Calif.
Orlando, Fla.
Oshkosh, Wis.
Paducah, Ky.
Pahokee, Fla.; VOR Federal airway No. 267, VOR Federal airway No. 51.
Palacios, Tex.
Palmdale, Calif.
Palm Springs INT: The INT of the Twenty-Nine Palms, Calif., 244° and the Thermal, Calif., 340° radials; VOR Federal airway No. 16.
Parker, Ariz.
Parkersburg, W. Va.
Paso Robles, Calif.
Pawnee City, Nebr.
Paynesville INT: The INT of the Bluefield, W. Va., 264° and the Blackford, Va., 009° radials; VOR Federal airway No. 35, VOR Federal airway No. 881.
Peach Springs, Ariz.
Pellston, Mich.
Pembina, N. Dak., RR.
Pendleton, Oreg.
Pendleton, Oreg., RR.
Peoria, Ill.
Peotone, Ill.
Phillipsburg, Pa.
Phoenix, Ariz.
Pierre, S. Dak.
Pine Bluff, Ark.; VOR Federal airway No. 16, VOR Federal airway No. 16N, VOR Federal airway No. 16S, VOR Federal airway No. 69, VOR Federal airway No. 887, VOR Federal airway No. 830.
Pioneer INT: The INT of the Fort Wayne, Ind., 040° and the Waterville, Ohio, 288° radials.
Pittsburgh, Pa.
Plattsburgh, N.Y.; VOR Federal airway No. 196, VOR Federal airway No. 104, VOR Federal airway No. 431.
Pocatello, Idaho.
Point Reyes, Calif.; VOR Federal airway No. 25, VOR Federal airway No. 27.
Ponca City, Okla.
Porterdale INT: The INT of the McDonough, Ga., 063° and the Norcross, Ga., 150° radials.
Portland, Oreg.
Portland, Oreg., RR.
Poughkeepsie, N.Y.

Power Point INT: The INT of the Briggs, Ohio, 084° and the Akron, Ohio, 130° radials.
Prescott, Ariz.
Presque Isle, Maine.
Priest, Calif.; VOR Federal airway No. 485.
Princeton, Maine.
Providence, R.I.
Provo, Utah.
Pueblo, Colo.
Pulaski, Va.
Pullman, Mich.
Quakerstown INT: The INT of the Pottstown, N.Y., 042° and the Yardley, Pa., 284° radials.
Quincy, Ill.
Quitman, Tex.
Raleigh-Durham, N.C.
Rapid City, S. Dak.
Readsville, Mo.
Red Bluff, Calif.
Red Bluff, Calif., RR.
Redmond, Oreg.
Redmond, Oreg., RR.
Redwood Falls, Minn.
Reno, Nev.
Rhinelander, Wis.
Richwoods, Mo.
Roberts, Ill.
Rochester, Minn.
Rochester, N.Y.
Rockford, Ill.; VOR Federal airway No. 100, VOR Federal airway No. 218, VOR Federal airway No. 171, VOR Federal airway No. 810, VOR Federal airway No. 855.
Rocksprings, Tex.
Rock Springs, Wyo.
Rosewood, Ohio.
Roswell, N. Mex.
Royston, Ga.
Sacramento, Calif.
Saginaw, Mich.
St. John, Ariz.
St. Louis, Mo.
St. Petersburg, Fla.
Salem, Mich.
Salina, Kans.
Salisbury, Md.
Salt Flat, Tex.; VOR Federal airway No. 222 northwest bound, VOR Federal airway No. 16, VOR Federal airway No. 16N, VOR Federal airway No. 94.
Salt Lake City, Utah; VOR Federal airway No. 32, VOR Federal airway No. 484, VOR Federal airway No. 810.
Samsville, Ill.
San Angelo, Tex.
San Antonio, Tex.
Sandberg INT: The INT of the Gorman, Calif., 099° and the Lake Hughes, Calif., 339° radials.
San Luis Obispo, Calif.
San Simon, Ariz.
Santa Barbara, Calif.; VOR Federal airway No. 12, VOR Federal airway No. 25, VOR Federal airway No. 183.
Santa Fe, N. Mex.
Saufley, Fla.
Savannah, Ga.
Saybrook INT: The INT of the Wilton, Conn., 090° and the Riverhead, N.Y., 046° radials.
Sayre, Okla.
Scipio INT: The INT of the Syracuse, N.Y., 211° and the Georgetown, N.Y., 272° radials.
Scotland, Ind.
Scottsbluff, Nebr.
Sea Isle, N.J.
Seattle, Wash.
Seattle, Wash., RR.
Selinsgrove, Pa.
Shelbyville, Ind.; VOR Federal airway No. 12, VOR Federal airway No. 12S, VOR Federal airway No. 97, VOR Federal airway No. 97W, VOR Federal airway No. 51, VOR Federal airway No. 124, VOR Federal airway No. 819.
Sheppards INT: The INT of the Gordonsville, Va., 207° and the Flat Rock, Va., 257° radials.
Sheridan, Wyo.
Shreveport, La.
Sidney, Nebr.
Sioux City, Iowa.
Sioux Falls, S. Dak.
Sioux Falls, S. Dak., RR.
Smithwick, S. Dak.
Snow Hill, Md.
South Bend, Ind.
South Boston, Va.
Spokane, Wash.
Springfield, Ill.
Springfield, Mo.
Stansbury INT: The INT of the Salt Lake City, Utah, 265° and the Ogden, Utah, 212° radials.
Sterling INT: The INT of the Providence, R.I., 270° and the Norwich, Conn., 043° radials; VOR Federal airway No. 16.
Stevens Point, Wis.; VOR Federal airway No. 55.
Stockton, Calif.
Sulphur Springs, Tex.
Syracuse, N.Y.
Tallahassee, Fla.
Texarkana, Ark.
The Dalles, Oreg.
The Dalles, Oreg., RR.
Thermal, Calif.
Thornhurst, Pa.
Thurman, Colo.
Tidioute, Pa.
Tipton INT: The INT of the Needles, Calif., 004° and the Las Vegas, Nev., 121° radials.
Tiverton, Ohio; VOR Federal airway No. 443, VOR Federal airway No. 881, VOR Federal airway No. 133, VOR Federal airway No. 210.
Tobe, Colo.
Topeka, Kans.; VOR Federal airway No. 4N, VOR Federal airway No. 4S, VOR Federal airway No. 131, VOR Federal airway No. 77, VOR Federal airway No. 280.
Tower City, Pa.
Traverse City, Mich.
Troy, Ill.
Truth or Consequences, N. Mex.
Tuba City, Ariz.
Tucson, Ariz.
Tucumcari, N. Mex.
Tulsa, Okla.
Turlock, INT: The INT of the Fresno, Calif., 322° and the Castle, Calif., 010° radials.
Tuskegee, Ala.; VOR Federal airway No. 134, VOR Federal airway No. 159.
Twenty-Nine Palms, Calif.
Tyrone, Pa.; VOR Federal airway No. 276.
Ukiah, Calif.
Vance, S.C.
Vandalia, Ill.
Ventura, Calif.
Vero Beach, Fla.
Vichy, Mo.
Vienna, Ga.
Waco, Tex.
Walnut Ridge, Ark.
Waterloo, Iowa.
Watertown, N.Y.
Watertown, S. Dak.
Waterville, Ohio.
Waukon, Iowa.
Wausau, Wis.
West Chester, Pa.
West Palm Beach, Fla.
West Point, Ind.; VOR Federal airway No. 53, VOR Federal airway No. 128.
White Cloud, Mich., VOR Federal airway No. 26.
Whitehall, Mont.
Whitmore, Calif., RR.
Wichita, Kans.
Wichita Falls, Tex.
Wilkes-Barre, Pa.
Williams, Calif.
Williamsport, Pa.
Wilmington, N.C.
Wilton, Conn.
Wink, Tex.
Winner, S. Dak.
Winslow, Ariz.
Woodside, Calif.
Woodstown, N.J.
Yakima, Wash.; VOR Federal airway No. 4.
Yakima, Wash., RR.
York, Ky.
Youngstown, Ohio.
Yuma, Ariz.
Zuni, N. Mex.

§ 601.4102 Intermediate altitude reporting points.

The reporting points listed in this section are designated from 14,500 feet MSL up to but not including 24,000 feet MSL.

Abilene, Tex.
Akron, Colo.; VOR Federal airway No. 1512, VOR Federal airway No. 1713, VOR Federal airway No. 1543.
Akron, Ohio.
Alamosa, Colo.
Albany, Ga.
Albany, N.Y.
Albuquerque, N. Mex.
Alexandria, La.
Alexandria, Minn.
Allendale, S.C.; VOR Federal airway No. 1669.
Allentown, Pa.
Alma, Ga.
Amarillo, Tex.
Appleton, Ohio.
Ardmore, Tex.
Atlanta, Ga.
Attica, Ohio; VOR Federal airway No. 1518.
Augusta, Ga.
Austin, Tex.
Avenal, Calif.; VOR Federal airway No. 1559.
Baker, Oreg.
Bakersfield, Calif.
Bangor, Maine.
Battle Mountain, Nev.
Bellingham, Wash.
Big Piney, Wyo.
Big Spring, Tex.
Big Sur, Calif.
Billings, Mont.
Binghamton, N.Y.; VOR Federal airway No. 1698, VOR Federal airway No. 1670, VOR Federal airway No. 1679.
Birmingham, Ala.
Biscayne Bay, Fla.
Bismark, N. Dak.
Bluefield, W. Va.
Blue Springs, Mo.; VOR Federal airway No. 1524, VOR Federal airway No. 1533, VOR Federal airway No. 1535.
Blythe, Calif.
Boise, Idaho.
Bonneville, Utah.
Boston, Mass.
Bowling Green, Ky.
Boysen Reservoir, Wyo.
Bradford, Ill.; VOR Federal airway No. 1514.
Bradford, Pa.; VOR Federal airway No. 1504, VOR Federal airway No. 1683, VOR Federal airway No. 1686.
Bridgeport, Tex.
Briggs, Ohio; VOR Federal airway No. 1516.
Britton, Tex.
Brownsville, Tex.
Bryce Canyon, Utah.
Buffalo, N.Y.
Burley, Idaho.
Burlington, Vt.
Butler, Mo.
Cambridge, N.Y.; VOR Federal airway No. 1502, VOR Federal airway No. 1693.
Cape Charles, Va.
Casper, Wyo.; VOR Federal airway No. 1506, VOR Federal airway No. 1547, VOR Federal airway No. 1662, VOR Federal airway No. 1688, VOR Federal airway No. 1722.
Cedar Rapids, Iowa.
Chadron, Nebr.
Charleston, S.C.
Charleston, W. Va.
Chattanooga, Tenn.
Cherokee, Wyo.; VOR Federal airway No. 1547, VOR Federal airway No. 1744.
Cheyenne, Wyo.; VOR Federal airway No. 1709, VOR Federal airway No. 1635, VOR Federal airway No. 1713.

Chicago Heights, Ill.; VOR Federal airway No. 1515.
Childress, Tex.
Cimarron, N. Mex.
Cincinnati, Ohio.
Clarion, Pa.
Coaldale, Nev.
Cochise, Ariz.; VOR Federal airway No. 1542.
Cofield, N.C.
Columbia, S.C.
Columbus, N. Mex.
Cordova, Ill.
Corona, N. Mex.
Corpus Christi, Tex.
Coyle, N.J.
Crazy Woman, Wyo.; VOR Federal airway No. 1724, VOR Federal airway No. 1709.
Crestview, Fla.
Cross City, Fla.
Crossville, Tenn.
Crown Point, N. Mex.
Culberson, Tex.
Currant, Nev.
Cut Bank, Mont.
Daggett, Calif.
Dalhart, Tex.
Dallas, Tex.
Dayton, Ohio.
Daytona Beach, Fla.
Delta, Utah.
Deming, N. Mex.
Denver, Colo.; VOR Federal airway No. 1717, VOR Federal airway No. 1635, VOR Federal airway No. 1529, VOR Federal airway No. 1531, VOR Federal airway No. 1707, VOR Federal airway No. 1666.
Des Moines, Iowa.
Dickinson, N. Dak.
Dillon, Mont.
Dubois, Idaho.
Dubuque, Iowa.
Duluth, Minn.
Dunoir, Wyo.
Dupree, S. Dak.
Eau Claire, Wis.
El Centro, Calif.
Elkins, W. Va.
El Paso, Tex.
Ephrata, Wash.
Erie, Pa.
Eugene, Oreg.; VOR Federal airway No. 1557.
Evergreen, Ala.
Farmington, Mo.
Farmington, N. Mex.
Fayetteville, Ark.
Fillmore, Calif.
Flat Rock, Va.; VOR Federal airway No. 1731.
Flippin, Ark.
Florence, S.C.
Fort Bridger, Wyo.; VOR Federal airway No. 1510 westbound, VOR Federal airway No. 1734 and VOR Federal airway No. 1736 southwestbound.
Fort Mill, S.C.
Fort Myers, Fla.
Fort Smith, Ark.
Fort Stockton, Tex.
Fortuna, Calif.
Fort Wayne, Ind.
Fresno, Calif.
Front Royal, Va.; VOR Federal airway No. 1520, VOR Federal airway No. 1646.
Gage, Okla.
Garden City, Kans.
Georgetown, N.Y.
Gila Bend, Ariz.
Goffs, Calif.; VOR Federal airway No. 1545, VOR Federal airway No. 1613.
Gordonsville, Va.
Goshen, Ind.; VOR Federal airway No. 1510, VOR Federal airway No. 1514, VOR Federal airway No. 1518, VOR Federal airway No. 1522.
Grand Island, Nebr.
Grand Junction, Colo.
Great Falls, Mont.
Gregg County, Tex.
Green Bay, Wis.
Greensboro, N.C.
Greenwood, Miss.; VOR Federal airway No. 1544.
Greenwood, S.C.
Gunnison, Colo.
Guthrie, Tex.
Hallsville, Mo.
Hampton, N.Y.
Hanksville, Utah.
Harrisburg, Pa.
Hartford, Conn.
Hayes Center, Nebr.
Hazen, Nev.
Hector, Calif.
Helena, Mont.
Herndon, Va.; VOR Federal airway No. 1540.
Hill City, Kans.
Hobbs, N. Mex.
Holston Mountain, Tenn.
Hoquiam, Wash.
Houston, Tex.
Hugo, Colo.; VOR Federal airway No. 1531, VOR Federal airway No. 1726, VOR Federal airway No. 1644.
Huguenot, N.Y.
Huron, S. Dak.
Hutchinson, Kans.
Indianapolis, Ind.
Jackson, Miss.
Jacksonville, Fla.
Jamestown, N. Dak.
Janesville, Wis.
Jefferson, Ohio; VOR Federal airway No. 1506.
Johnstown, Pa.; VOR Federal airway No. 1538.
Joliet, Ill.
Junction City INT: The INT of the Macon, Ga., 267° and the Atlanta, Ga., 179° radials; VOR Federal airway No. 1519.
Junction, Tex.
Kansas City, Mo.
Keating, Pa.
Keeler, Mich.
Kennebunk, Maine.
Kenton, Del.
Key West, Fla.
Kingfisher, Okla.
Kirksville, Mo.
Klamath Falls, Oreg.; VOR Federal airway No. 1555.
Knoxville, Tenn.
Kremmling, Colo.
Lake Charles, La.
Lakeland, Fla.
Lakeview, Oreg.
Lamar, Colo.
Lamoni, Iowa; VOR Federal airway No. 1522, VOR Federal airway No. 1637.
Laramie, Wyo.; VOR Federal airway No. 1744, VOR Federal airway No. 1732, VOR Federal airway No. 1627, VOR Federal airway No. 1707, VOR Federal airway No. 1510.
Laredo, Tex.
Leona, Tex.; VOR Federal airway No. 1711.
Lewis, Ind.
Lewistown, Mont.
Lexington, Ky.; VOR Federal airway No. 1534, VOR Federal airway No. 1667.
Liberal, Kans.
Linden, Calif.; VOR Federal airway No. 1732 eastbound, VOR Federal airway No. 1512 northeastbound, VOR Federal airway No. 1551.
Little Rock, Ark.
Lometa, Tex.
London, Ky.
Lone Rock, Wis.; VOR Federal airway No. 1518 southeastbound, VOR Federal airway No. 1504.
Long Beach, Calif.
Los Angeles, Calif.
Los Banos, Calif.
Las Vegas, Nev.
Louisville, Ky.
Lovelock, Nev.
Lubbock, Tex.
Lucin, Utah; VOR Federal airway No. 1510.
Lufkin, Tex.
Macon, Ga.
Macon, Mo.
Malad City, Utah.
Marianna, Fla.; VOR Federal airway No. 1536 eastbound.
Martinsburg, W. Va.
Mason City, Iowa.
McAlester, Okla.
McCall, Idaho.
McComb, Miss.
McDonough, Ga.
Medford, Oreg.
Medicine Bow, Wyo.; VOR Federal airway No. 1668, VOR Federal airway No. 1529.
Memphis, Tenn.
Meridian, Miss.
Miami, Fla.
Midland, Tex.
Miles City, Mont.
Milford, Utah.
Millinocket, Maine.
Milwaukee, Wis.
Mineral Wells, Tex.
Minneapolis, Minn.
Minot, N. Dak.
Missoula, Mont.
Mobile, Ala.
Moline, Ill.
Monroe, La.
Montebello, Va.; VOR Federal airway No. 1540, VOR Federal airway No. 1673.
Montgomery, Ala.
Montrose, INT: The INT of the Alma, Ga., 335° and the Macon, Ga., 103° radials; VOR Federal airway No. 1513.
Morgantown, W. Va.; VOR Federal airway No. 1520, VOR Federal airway 1534, VOR Federal airway No. 1538.
Mormon Mesa, Nev.
Mullan Pass, Idaho.
Muscle Shoals, Ala.
Myton, Utah.
Nabb, Ind.; VOR Federal airway No. 1526.
Naperville, Ill.; VOR Federal airway No. 1508, VOR Federal airway No. 1512, VOR Federal airway No. 1518, VOR Federal airway No. 1714.
Nashville, Tenn.
Needles, Calif.
Neola, Iowa.
New Castle, Del.; VOR Federal airway No. 1685, VOR Federal airway No. 1733.
Newman, Tex.
New Orleans, La.
Nodine, Minn.; VOR Federal airway No. 1518 northwestbound.
Norcross, Ga.
North Bend, Oreg.
Northbrook, Ill.
North Platte, Nebr.; VOR Federal airway No. 1508, VOR Federal airway No. 1510, VOR Federal airway No. 1543.
Ocala, Fla.
Ogden, Utah; VOR Federal airway No. 1510.
Oklahoma City, Okla.
Okmulgee, Okla.
Omaha, Nebr.
O'Neill, Nebr.
Orlando, Fla.
Oswego, Kans.
Paducah, Ky.
Page, Okla.
Pahokee, Fla.; VOR Federal airway No. 1507 Southbound, VOR Federal airway No. 1509 southbound, VOR Federal airway No. 1515 southbound.
Palacios, Tex.
Palmdale, Calif.
Parker, Calif.; VOR Federal airway No. 1624.
Parkersburg, W. Va.
Paso Robles, Calif.
Pawnee City, Nebr.
Peach Springs, Ariz.
Pembina, N. Dak., RR.
Pendleton, Oreg.
Peotone, Ill.
Philipsburg, Pa.
Phoenix, Ariz.
Pierre, S. Dak.
Pine Bluff, Ark.; VOR Federal airway No. 1527, VOR Federal airway No. 1540.
Pittsburgh, Pa.
Plattsburgh, N.Y.; VOR Federal airway No. 1691, VOR Federal airway No. 1712.
Pocatello, Idaho; VOR Federal airway No. 1551, VOR Federal airway No. 1744.
Ponca City, Okla.; VOR Federal airway No. 1530, VOR Federal airway No. 1644.

Portland, Oreg.
Pottstown, Pa.; VOR Federal airway No. 1534.
Poughkeepsie, N.Y.
Prescott, Ariz.
Presque Isle, Maine.
Pueblo, Colo.
Pulaski, Va.
Raleigh-Durham, N.C.; VOR Federal airway No. 1505, VOR Federal airway No. 1546.
Rapid City, S. Dak.
Readsville, Mo.
Red Bluff, Calif.
Redmond, Oreg.
Redwood Falls, Minn.
Reno, Nev.
Rewey, Wis.
Richmond, Va.; VOR Federal airway No. 1505.
Roberts, Ill.
Rochester, Minn.
Rockdale, N.Y.
Rocksprings, Tex.
Rock Springs, Wyo.
Rocky Mount, N.C.; VOR Federal airway No. 1677.
Rome, Oreg.
Rosewood, Ohio.
Roswell, N. Mex.
Royston, Ga.
Sacramento, Calif.
St. Johns, Ariz.
St. Louis, Mo.
St. Petersburg, Fla.
Salina, Kans.
Salisbury, Md.
Salt Flat, Tex.; VOR Federal airway No. 1614.
Salt Lake City, Utah.
Samsville, Ill.
San Angelo, Tex.
San Antonio, Tex.
Santa Barbara, Calif.; VOR Federal airway No. 1609.
San Diego, Calif.
San Luis Obispo, Calif.
San Simon, Ariz.
Sante Fe, N. Mex.
Savannah, Ga.
Sayre, Okla.
Sea Isle, N.J.
Seattle, Wash.
Selinsgrove, Pa.; VOR Federal airway No. 1508, VOR Federal airway No. 1510, VOR Federal airway No. 1514, VOR Federal airway No. 1522.
Sheridan, Wyo.
Shreveport, La.
Sidney, Nebr.
Sioux City, Iowa.
Sioux Falls, S. Dak.
Smithwick, S. Dak.; VOR Federal airway No. 1722.
South Bend, Ind.
Spartanburg, S.C.
Spokane, Wash.
Springfield, Ill.
Springfield, Mo.
Stockton, Calif.; VOR Federal airway No. 1518, VOR Federal airway No. 1559, VOR Federal airway No. 1528.
Stonyfork INT: The INT of the Wilkes-Barre, Pa., 279° and the Phillipsburg, Pa., 031° radials.
Syracuse, N.Y.
Tallahassee, Fla.
Taylor, Fla.
Texarkana, Ark.
The Dalles, Oreg.
Thermal, Calif.; VOR Federal airway No. 1536, VOR Federal airway No. 1624.
Thornhurst, Pa.; VOR Federal airway No. 1672.
Thurman, Colo.
Tidioute, Pa.
Tiverton, Ohio.
Tobe, Colo.
Topeka, Kans.; VOR Federal airway No. 1637.
Tower City, Pa.; VOR Federal airway No. 1516.
Troy, Ill.
Truth or Consequences, N. Mex.
Tuba City, Ariz.
Tucumcari, N. Mex.
Tulsa, Okla.; VOR Federal airway No. 1532, VOR Federal airway No. 1538, VOR Federal airway No. 1626, VOR Federal airway No. 1644.
Tuscon, Ariz.
Tuskegee, Ala.; VOR Federal airway No. 1521.
Twenty-Nine Palms, Calif.
Tyrone, Pa.; VOR Federal airway No. 1516.
Uklah, Calif.
Vandalia, Ill.
Vero Beach, Fla.
Vichy, Mo.
Waco, Tex.
Walnut Ridge, Ark.
Watertown, S. Dak.
Waterville, Ohio.
West Chester, Pa.; VOR Federal airway No. 1532.
West Palm Beach, Fla.
Wichita Falls, Tex.
Wichita, Kans.
Wilkes-Barre, Pa.
Williamsport, Pa.
Wilmington, Del.
Wink, Tex.
Winner, S. Dak.
Winslow, Ariz.
Wolbach, Nebr.
Woodstown, N.J.
York, Ky.
Yuma, Ariz.
Zuni, N. Mex.

§ 601.4103 High altitude reporting points.

The reporting points listed in this section are designated at Flight Level 240 and above.

Aberdeen, S. Dak.
Alamosa, Colo.
Albany, N.Y.
Albuquerque, N. Mex.
Alexandria, La.
Allendale, S.C.
Allentown, Pa.
Alma, Ga.
Amarillo, Tex.
Appleton, Ohio.
Atlanta, Ga.
Augusta, Ga.
Austin, Tex.
Bakersfield, Calif.
Baltimore, Md.
Bangor, Maine.
Billings, Mont.
Birmingham, Ala.
Boise, Idaho.
Boston, Mass.
Bradford, Ill.
Brownsville, Tex.
Bryce Canyon, Utah.
Buffalo, N.Y.
Butler, Mo.
Charleston, W. Va.
Cleveland, Ohio.
Columbia, S.C.
Coyle, N.J.
Crazy Woman, Wyo.
Crestview, Fla.
Dayton, Ohio.
Denver, Colo.; Jet Route No. 30, Jet Route No. 60, Jet Route No. 80, Jet Route No. 20, Jet Route No. 10, Jet Route No. 56.
Des Moines, Iowa.
Dickinson, N. Dak.
Dillon, Mont.
Duluth, Minn.
Dupree, S. Dak.
Elko, Nev.
El Paso, Tex.
Erie, Pa.
Evansville, Ind.
Fargo, N. Dak.
Farmington, Mo.
Farmington, N. Mex.
Fort Stockton, Tex.
Flat Rock, Va.
Flippin, Ark.
Florence, S.C.
Fresno, Calif.
Front Royal, Va.
Gainesville, Fla.
Garden City, Kans.
Gila Bend, Ariz.
Gordonsville, Va.; Jet Route No. 75, Jet Route No. 37, Jet Route No. 22, Jet Route No. 77.
Grand Junction, Colo.
Great Falls, Mont.
Green Bay, Wis.
Greenwood, Miss.; Jet Route No. 52.
Hector, Calif.
Herndon, Va.
Hill City, Kans.
Houston, Tex.
Idlewild, N.Y.
Indianapolis, Ind.
Jackson, Miss.
Jacksonville, Fla.
Joliet, Ill.; Jet Route No. 26, Jet Route No. 60, Jet Route No. 64, Jet Route No. 30, Jet Route No. 35, Jet Route No. 87.
Kansas City, Mo.
Kennebunk, Maine.
Key West, Fla.
Knoxville, Tenn.
Lake Charles, La.
Lakeview, Oreg.
Laredo, Tex.
Las Vegas, Nev.
Las Vegas, N. Mex.
Lewistown, Mont.
Lexington, Ky.
Little Rock, Ark.
Los Angeles, Calif.
Louisville, Ky.
Lufkin, Tex.
Malad City, Idaho.
Mason City, Iowa.
Massena, N.Y.
McComb, Miss.
Medford, Oreg.
Memphis, Tenn.
Miami, Fla.
Milford, Utah.
Milwaukee, Wis.
Mineral Wells, Tex.
Minneapolis, Minn.
Mobile, Ala.
Montgomery, Ala.
Mullan Pass, Idaho.
Nantucket, Mass.
Nashville, Tenn.
New Orleans, La.
Nodine, Minn.
Norfolk, Va.
Northbrook, Ill.; Jet Route No. 35, Jet Route No. 101, Jet Route No. 16, Jet Route No. 84, Jet Route No. 90.
Oakland, Calif.
Omaha, Nebr.
O'Neill, Nebr.
Orlando, Fla.
Palacios, Tex.
Palmdale, Calif.
Parker, Calif.
Pawnee City, Nebr.
Peach Springs, Ariz.
Pembina, N. Dak., RR.
Pendleton, Oreg.; Jet Route No. 16, Jet Route No. 20.
Phillipsburg, Pa.
Phoenix, Ariz.
Pittsburgh, Pa.
Plattsburgh, N.Y.
Ponca City, Okla.
Prescott, Ariz.
Presque Isle, Maine.
Pueblo, Colo.
Pulaski, Va.
Raleigh-Durham, N.C.
Rapid City, S. Dak.
Red Bluff, Calif.
Reno, Nev.
Rock Springs, Wyo.
Rome, Oreg.
Roswell, N. Mex.
Sacramento, Calif.
St. Louis, Mo.
St. Petersburg, Fla.
Salina, Kans.

Salt Lake City, Utah.
San Angelo, Tex.
San Antonio, Tex.
San Diego, Calif.; Jet Route Nos. 1 and 3 northbound, Jet Route No. 2 eastbound.
San Simon, Ariz.
Savannah, Ga.
Scottsbluff, Nebr.
Seattle, Wash.
Sioux Falls, S. Dak.
Spartanburg, S.C.
Spokane, Wash.
Springfield, Mo.
Stockton, Calif.
Syracuse, N.Y.
Tallahassee, Fla.
Thermal, Calif.
Thornhurst, Pa.
Tonapah, Nev.
Tuba City, Ariz.
Tucson, Ariz.
Tulsa, Okla.
Vero Beach, Fla.
West Palm Beach, Fla.
Whitehall, Mont.
Wichita, Kans.
Wilmington, N.C.
Wink, Tex.
Wolbach, Nebr.
Yuma, Ariz.

Other Reporting Points

§ 601.4201 Other reporting points.

The reporting points listed in this section are designated at all latitudes.

Alabacore INT: The INT of the 185° bearing from the Galveston, Texas, RBN and the 097° bearing from the Corpus Christi, Texas, RBN.
Azalea INT: The INT of the Charleston, S.C., 109° and the Wilmington, N.C., 189° radials.
Azalea INT: The INT of the 188° bearing from the Wilmington (Carolina Beach), N.C., RBN and the 109° bearing from the Charleston, S.C., RBN.
Balboa INT: The INT of the 219° bearing from the Marathon, Fla., RBN with latitude 24°00'00" N.
Barracuda INT: The INT of the 055° bearing from the Melbourne, Fla., RR and the 008° bearing from the Bimini, Bahamas, RBN.
Bass INT: The INT of the 133° bearing from the Weeksville, N.C. (Navy) RBN and the western boundary of the New York Oceanic Control Area.
Bimini, Bahamas, RBN.
Brim INT: The INT of the 223° bearing from the New Orleans, La., RBN and the 113° bearing from the Galveston, Tex., RBN.
Brownson INT: The INT of the Ramey AFB, P.R. 013° and the San Juan, P.R., 296° radials.
Carp INT: The INT of a direct line between the Carolina Beach (Wilmington), N.C., RBN and the Nassau, British West Indies, RBN with the 090° bearing from the Jacksonville, Fla., RR.
Catfish INT: The INT of the 217° bearing from the New Orleans, La., RBN and the 112° bearing from the Galveston, Tex., RBN.
Cod INT: The INT of a Great Circle course between the Nantucket, Mass., Consolan station (monitor site) and the Azores Santa Maria RBN and the western boundary of the New York Oceanic Control area at latitude 41°29'00" N., longitude 68°00'00" W.
Cortez INT: The INT of the 209° bearing from the Marathon, Fla., RBN with latitude 24°00'00" N.
Crab INT: The INT of the St. Petersburg, Fla., 275° and the Tallahassee, Fla., 192° radials.
Crab INT: The INT of the 007° bearing to the Tallahassee, Fla., RBN and the 104° bearing to the Egmont Key, Fla., RBN.
Dolphin INT: The INT of the 177° bearing from the Grand Isle, La., RBN and the 102° bearing from the Galveston, Tex., RBN.
Ear Shell INT: The INT of the 140° bearing from the Galveston, Tex., RBN and the 254° bearing from the Grand Isle, La., RBN.
Eel INT: The INT of the SE course of the Boston, Mass., RR and the western boundary of the New York Oceanic control area.
Fallfish INT: The INT of the 153° bearing from the Grand Isle, La., RBN and the 223° bearing from the Pensacola, Fla., RBN.
Fantail INT: The INT of the 187° bearing from the Key West, Fla., RR with latitude 24°00'00" N.
Francis INT: The INT of the Oakland, Calif., 267° and the Point Reyes, Calif., 236° radials.
Gateway INT: The INT of the 090° bearing from the Jacksonville, Fla., RR and the 188° bearing from the Wilmington (Carolina Beach), N.C., RBN.
Gateway Cedar INT: The INT of the Hoquiam, Wash., 234° radial and the eastern boundary of the Seattle Oceanic Control Area at latitude 45°33'00" N., longitude 126°44'50" W.
Gateway Hemlock INT: The INT of the Newport, Oreg., 237° radial and the eastern boundary of the Seattle Oceanic Control Area at latitude 43°18'45" N., longitude 126°40'00" W.
Gateway Pine INT: The INT of the North Bend, Oreg., 239° radial and the eastern boundary of the Seattle Oceanic Control area at latitude 42°19'15" N., longitude 126°46'30" W.
Gulf Stream INT: The INT of the 077° bearing from the Marathon, Fla., RBN and the 153° bearing from the Miami, Fla., RBN.
Haddock INT: The INT of a rhumb line between the Nantucket, Mass., consolan station (monitor site) and the Kindley AFB, Bermuda, RBN and the western boundary of the New York Oceanic Control Area at latitude 39°50'00" N., longitude 69°14'30" W.
Halibut INT: The INT of the 008° bearing from the Bimini, Bahamas, RBN and the 090° bearing from the West Palm Beach, Fla., RR.
Hard Head INT: The INT of the 119° bearing from the Galveston, Tex., RBN and the 248° bearing from the Grand Isle, La., RBN.
Iowa INT: The INT of the Ramey AFB, P.R., 149° and the San Juan, P.R., 226° radials.
North Nantucket INT: The INT of the E course of the Boston, Mass., RR and the centerline of the Nantucket, Mass., Yarmouth, Nova Scotia, domestic control area.
Ohio INT: The INT of the Ramey AFB., P.R., 013° and the San Juan, P.R., 333° radials.
Perch INT: The INT of the Los Angeles, Calif., 251° and the Ventura, Calif., 200° radials.
Sea Lion INT: The INT of the SW course of the Key West, Fla., RR with latitude 24°00'00" N.
Shad INT: The INT of the SE course of the Millville, N.J., RR and the western boundary of the New York Oceanic Control area.
Smelt INT: The INT of the 109° bearing from the Charleston, S.C., RBN and the western boundary of the New York Oceanic Control area.
South Bangor INT: The INT of the SE course of the Bangor, Maine, RR and the centerline of the Nantucket, Mass., Yarmouth, Nova Scotia, domestic control area.
Tadpole INT: The INT of the 187° bearing from the Marathon, Fla., RBN with latitude 24°00'00" N.
Trout INT: The INT of the 090° bearing from the Jacksonville, Fla., RR and the western boundary of the New York Oceanic Control area.
Tuna INT: The INT of the SE course of the Newark, N.J., RR and the western boundary of the New York Oceanic Control area.
Vermont INT: The INT of the Ramey, P.R., 027° and the San Juan, P.R., 351° radials.
Viperfish INT: The INT of the 132° bearing from the Grand Isle, La., RBN and the 214° bearing from the Pensacola, Fla., RBN.

Alaskan Reporting Points

§ 601.4301 Low altitude reporting points.

The reporting points listed in this section are designated up to and including 15,200 feet MSL only.

Adak, Alaska, RR.
Anchorage, Alaska.
Anchorage, Alaska, RR.
Anchor Point INT: The INT of the W course of the Homer, Alaska, RR and the SW course of the Kenai, Alaska, RR.
Aniak, Alaska, RR.
Annette Island, Alaska, RR.
Bethel, Alaska.
Bethel, Alaska, RR.
Bettles, Alaska, RR.
Big Delta, Alaska, RR.
Biorka Island, Alaska.
Cape Spencer INT: The INT of the NW course of the Sitka, Alaska, RR and the SW course of the Gustavus, Alaska, RR.
Chinitna INT: The INT of the Kenai, Alaska, 217° and the Homer, Alaska, 269° radials.
Cold Bay, Alaska, RR.
Cooper INT: The INT of the Homer, Alaska, 269° and the King Salmon, Alaska 051° radials.
Coghland Island, Alaska, RBN.
Crab INT: The INT of the 227° bearing from the King Salmon, Alaska, RR and the 314° bearing from the Port Heiden, Alaska, RBN.
Domestic Annette INT: The INT of the SW course of the Annette Island, Alaska, RR and the centerline of the Anchorage-Sandspit route.
Domestic Gustavus INT: The INT of the SW course of the Gustavus, Alaska, RR and the centerline of the Anchorage-Sandspit route.
Domestic Sitka INT: The INT of the SW course of the Sitka, Alaska, RR and the centerline of the Anchorage-Sandspit route.
Domestic Yakutat INT: The INT of the SW course of the Yakutat, Alaska, RR and the centerline of the Anchorage-Sandspit route.
East Cordova INT: The INT of the E course of the Hinchinbrook, Alaska, RR and the SE course of the Cordova, Alaska, RR.
Fairbanks, Alaska, ILS MM.
Fairbanks, Alaska, RR.
Farewell, Alaska, RR.
Fielding INT: The INT of the Anchorage, Alaska 008° radial and the Talkeetna, Alaska, RBN 057° bearing.
Five Finger, Alaska, RBN.
Fluke INT: The INT of the 239° bearing from the Bethel, Alaska, RR and the 311° bearing from the Cape Newenham, Alaska, RBN.
Galena, Alaska RR.
Galtan INT: The INT of the E course of the Galena, Alaska, RR and the SW course of the Tanana, Alaska, RR.
Gar INT: The INT of the 263° bearing from the King Salmon, Alaska, RR and the 131° bearing from the Cape Newenham, Alaska, RBN.
Glacier INT: The INT of the Nenana, Alaska, 189° radial and the NW course of the Summit, Alaska, RR.
Granite INT: The INT of the 118° bearing from the Homer, Alaska, RR with the northwestern boundary of the Anchorage Oceanic Control Area.
Gulkana, Alaska, RR.
Gustavus, Alaska, RR.
Haines, Alaska, RBN.
Harriet INT: The INT of the Homer, Alaska, 330° and the Anchorage, Alaska, 237° radials.

Herring INT: The INT of the 248° bearing from the King Salmon, Alaska, RR and the 131° bearing from the Cape Newenham, Alaska, RBN.
Hinchinbrook, Alaska, RR.
Homer, Alaska.
Homer, Alaska, RR.
Iliamna, Alaska, RR.
Kenai, Alaska.
Kenai, Alaska, RR.
King Salmon, Alaska.
King Salmon, Alaska, RR.
Kodiak, Alaska, RR.
Kotzebue, Alaska, RBN.
Kukaklek INT: The INT of the NE course of the King Salmon, Alaska, RR and the SW course of the Iliamna, Alaska, RR.
Marble INT: The INT of the 107° bearing from the Kodiak, Alaska, RR with the northwestern boundary of the Anchorage Oceanic Control area.
McGrath, Alaska, RR.
Middleton Island, Alaska.
Middleton Island, Alaska, RBN.
Minchumina, Alaska, RR.
Moses Point, Alaska, RR.
Nenabank INT: The INT of the W course of the Fairbanks, Alaska, RR and the NW course of the Nenana, Alaska, RR; Green Federal airway No. 7.
Nenana, Alaska.
Nenana, Alaska, RR.
Nome, Alaska, RR.
Northway, Alaska, RR.
Petersburg, Alaska, RR; Blue Federal airway No. 79 southeastbound.
Peters Creek INT: The INT of the Anchorage, Alaska, 347° radial and the NE course of the Skwentna, Alaska, RR.
Port Alexander INT: The INT of the SE course of the Sitka, Alaska, RR and the SW course of the Petersburg, Alaska, RR.
Puntilla Lake, Alaska, RBN.
Rocky Point INT: The INT of the SE course of the King Salmon, Alaska, RR and the W course of the Kodiak, Alaska, RR.
Shemya, Alaska, RBN.
Shuyak, Alaska, RBN.
Sisters Island, Alaska.
Sisters Island, Alaska, RBN.
Sitka, Alaska, RR.
Skilak INT: The INT of the Anchorage, Alaska, 198° and the Homer, Alaska, 027° radials; VOR Federal airway No. 438.
Skwentna, Alaska, RR.
Summit, Alaska, RR.
Talkeetna, Alaska, RBN.
Tanana, Alaska, RR.
Unalakleet, Alaska, RR.
Whittier INT: The INT of the Anchorage, Alaska, VOR 118° radial and the NW course of the Hinchinbrook, Alaska, RR.
Whittier INT: The INT of the NW course of the Hinchinbrook, Alaska, RR and the SE course of the Anchorage, Alaska, RR.
Yakutat, Alaska.
Yakutat, Alaska, RR.

§ 601.4302 High altitude reporting points.

The reporting points listed in this section are designated above 15,200 feet MSL only.

Adak, Alaska, RR.
Anchorage, Alaska.
Anchorage, Alaska, RR.
Anchor Point INT: The INT of the W course of the Homer, Alaska, RR and the SW course of the Kenai, Alaska, RR.
Annette Island, Alaska, RR.
Bethel, Alaska.
Bethel, Alaska, RR.
Bettles, Alaska, RR.
Big Delta, Alaska, RR.
Biorka Island, Alaska.
Cold Bay, Alaska, RR.
Crab INT: The INT of the 227° bearing from the King Salmon, Alaska, RR and the 314° bearing from the Port Heiden, Alaska, RBN.
Domestic Annette INT: The INT of the SW course of the Annette Island, Alaska, RR and the centerline of the Anchorage-Sandspit route.
Domestic Gustavus INT: The INT of the SW course of the Gustavus, Alaska, RR and the centerline of the Anchorage-Sandspit route.
Fairbanks, Alaska, ILS MM.
Fairbanks, Alaska, RR; Green Federal airway No. 7, Amber Federal airway No. 2 and Blue Federal airway No. 26.
Fielding INT: The INT of the Anchorage, Alaska, 008° radial and the Talkeetna, Alaska, RBN 057° bearing.
Fluke INT: The INT of the 239° bearing from the Bethel, Alaska, RR and the 311° bearing from the Cape Newenham, Alaska, RBN.
Galena, Alaska, RR.
Gar INT: The INT of the 263° bearing from the King Salmon, Alaska, RR and the 131° bearing from the Cape Newenham, Alaska, RBN.
Glacier INT: The INT of the Nenana, Alaska, 189° radial and the NW corner of the Summit, Alaska, RR.
Gulkana, Alaska, RR.
Haines, Alaska, RBN.
Harriet INT: The INT of the Homer, Alaska, 330° and the Anchorage, Alaska, 237° radials.
Herring INT: The INT of the 248° bearing from the King Salmon, Alaska, RR and the 131° bearing from the Cape Newenham, Alaska, RBN.
Hinchinbrook, Alaska, RR.
Homer, Alaska.
Homer, Alaska, RR.
King Salmon, Alaska.
King Salmon, Alaska, RR.
Kodiak, Alaska, RR.
Kotzebue, Alaska, RBN.
McGrath, Alaska, RR.
Middleton Island, Alaska.
Middleton Island, Alaska, RBN.
Minchumina, Alaska, RR.
Nenana, Alaska.
Nome, Alaska, RR.
Northway Alaska, RR.
Shemya, Alaska, RBN.
Sisters Island, Alaska.
Sitka, Alaska, RR; Red Federal airway No. 1, Amber Federal airway No. 1.
Summit, Alaska, RR.
Talkeetna, Alaska, RBN; Blue Federal airway No. 32 southwestbound, Blue Federal airway No. 26 southbound.
Unalakleet, Alaska, RR.
Whittier INT: The INT of the Anchorage, Alaska, 118° radial and the NW course of the Hinchinbrook, Alaska, RR.
Whittier INT: The INT of the NW course of the Hinchbrook, Alaska, RR and the SE course of the Anchorage, Alaska, RR.
Yakutat, Alaska.
Yakutat, Alaska, RR.

HAWAIIAN REPORTING POINTS

§ 601.4401 Hawaiian reporting points.

The reporting points listed in this section are designated at all altitudes.

Bayview INT: The INT of the E course of the Hilo, Hawaii, RR and the 022° bearing from the Pahoa, Hawaii, RBN.
Bayview INT: The INT of the Hilo, Hawaii 091° radial and the 022° bearing from the Pahoa, Hawaii, RBN.
Breakers INT: The INT of the Honolulu, Hawaii, 269° and the Lihue, Hawaii, 128° radials.
Dogwood INT: The INT of the South Kauai, Hawaii, 271° radial with longitude 161° 20'00" W.
Fern INT: INT of the 130° bearing from the Port Allen, Hawaii, RBN and the 261° bearing from the Honolulu, Hawaii, RR.
Hilo, Hawaii.
Hilo, Hawaii, RR.
Honolulu, Hawaii.
Honolulu, Hawaii, RR.
Lanai, Hawaii.
Lihue, Hawaii.
Maui, Hawaii.
Maui, Hawaii, RR.
Molokai, Hawaii.
Paradise INT: The INT of the Hilo, Hawaii, 334° and the Upolu Point, Hawaii, 098° radials.
Port Allen, Hawaii, RBN.
Shark INT: The INT of the Koko Head, Hawaii, 050° and the Maui, Hawaii, 012° radials.
Southgate INT: The INT of the Honolulu, Hawaii, 179° and the Molokai, Hawaii, 268° radials or a bearing of 241° from the Makapuu Point, Hawaii, RBN.
South Honolulu INT: The INT of the Honolulu, Hawaii, 179° and the Lanai, Hawaii, 223° radials.
South Kauai, Hawaii.
South Port Allen INT: The INT of the Koko Head, Hawaii 254° and the Lihue, Hawaii, 186° radials.
Sunrise INT: The INT of the Koko Head, Hawaii, 065° and the Upolu Point, Hawaii, 002° radials.
Swordfish INT: The INT of the Honolulu, Hawaii, 269° and the Lihue, Hawaii, 195° radials.
Tuna INT: The INT of the Molokai, Hawaii, 067° and the Upolu Point, Hawaii, 010° radials.
Upolu, Hawaii.
Vanda INT: The INT of the South Kauai, Hawaii, 288° radial with longitude 161°-15'00" W.
Vanda INT: The INT of the 288° bearing from the Port Allen, Hawaii, RBN and longitude 161°15'00" W.

These amendments shall become effective 0001 e.s.t., August 23, 1962.

Issued in Washington, D.C., on June 13, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-5950; Filed, June 18, 1962; 8:50 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Docket No. R-219; Order 251]

PART 1—RULES OF PRACTICE AND PROCEDURE

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 7 OF THE NATURAL GAS ACT AS AMENDED

Miscellaneous Amendments

JUNE 18, 1962.

The Commission has under consideration in this proceeding the amendment of its rules of practice relating to intervention (18 CFR 1.8) and applications for rehearing (18 CFR 1.34) and its regulations under the Natural Gas Act with respect to authorizations for temporary service by independent producers (18 CFR 157.28). The amendments are unrelated.

1. The Commission, in the past, has permitted persons or municipalities engaged in local distribution of natural gas to intervene in both certificate and rate proceedings for the purpose of obtaining, pursuant to section 7(a) of the Natural Gas Act, an order from the Commission directing the applicant or respondent pipeline company to interconnect its facilities with and sell natural gas to the municipality or distribution company. Part 156 of the regulations Under the Natural Gas Act (18 CFR Part 156) sets forth the requirements with which applicants (as distinguished from those petitioning for intervention) for a section 7 (a) order must comply. Obviously, the Commission needs the same information to determine whether such an order should be issued irrespective of whether the request is made by application under Part 156 or in a petition to intervene. Accordingly, we are amending the intervention rule to require petitioners thereunder to comply with Part 156 when the purpose of the requested intervention is to obtain a section 7(a) order.

2. Section 1.34 of the rules of practice sets out the requirements to be followed in making applications for rehearing pursuant to sections 313(a) of the Federal Power Act and 19(a) of the Natural Gas Act, respectively. The rule makes no provision for the filing of an answer to such an application and we are not now providing for one.

We believe, however, that if rehearing is granted a pleading in the nature of an answer would serve to more clearly define the issues and enable parties and staff counsel to present their positions on the issues upon which rehearing has been granted to the Commission. We are therefore amending § 1.34 to provide for such a pleading.

3. Section 157.28 of the Regulations Under the Natural Gas Act provide a method whereby applications for authority to institute temporary service by independent producers can be processed expeditiously. The benefits of that section are not available under the existing rule "with respect to service proposed to commence more than 30 days from the date of the filing of the statement" required to be filed by the section.

It has been brought to our attention that the pipeline purchaser will often not commence construction of its connecting facilities until the temporary authorization to commence service has been issued and accepted by the producer. Unless the construction required is extremely limited, the time necessary for acceptance and construction can well exceed the thirty-day limitation of the rules. Since the objective of the temporary authorization is to relieve the producer of possible hardship we believe that there should be some time limitation. We are therefore amending the rule to enlarge the limitation to 90 days from the date the authorization is issued by the Commission.

If the applicant in a particular case has reason to believe that a period in excess of 90 days is required he should furnish information in support of such increased period at the time the request for temporary authorization is filed.

For the reasons set forth above, the Commission finds:

(1) The amendments ordered herein are appropriate and necessary for carrying out the provisions of the Federal Power and Natural Gas Acts.

(2) The amendments to Part 1, hereinafter adopted pertain to matters of practice and procedure which do not require notice or hearing under section 4(a) of the Administrative Procedure Act.

(3) Although the amendment to § 157.28 might be construed as involving a matter of substance, prior notice thereof is unnecessary since it relaxes, in effect, the restrictions of the existing rule and provides by general order requirements which could be imposed by individual order applicable only to the request for temporary authorization particularly involved.

(4) Good cause exists for making the amendments effective as herein ordered.

The Commission, acting pursuant to sections 308, 309, and 313 of the Federal Power Act (49 Stat. 858, 859, 860, 16 U.S.C. 825g, 825h, 825l) and sections 7, 15, 16, and 19 of the Natural Gas Act (56 Stat. 83, 52 Stat. 83, 52 Stat. 829, 830, 831, 15 U.S.C. 717f, 717n, 717o, 717r) orders:

(A) Part 1, Rules of Practice and Procedure, Chapter I of Title 18 of the Code of Federal Regulations, is amended as follows:

1. In § 1.8, paragraph (c) is amended by adding a proviso at the end of the first sentence and revising the second sentence, to read as follows:

(c) *Form and contents of petitions.* Petitions to intervene shall set out clearly and concisely the facts from which the nature of the petitioner's alleged right or interest can be determined, the grounds of the proposed intervention, and the position of the petitioner in the proceeding, so as fully and completely to advise the parties and the Commission as to the specific issues of fact or law to be raised or controverted, by admitting, denying or otherwise answering, specifically and in detail, each material allegation of fact or law asserted in the proceeding, and citing by appropriate reference the statutory provisions or other authority relied on: *Provided,* That where the purpose of the proposed intervention is to obtain an allocation of natural gas for sale and distribution by a person or municipality engaged or legally authorized to engage in the local distribution of natural or artificial gas to the public, the petition shall comply with the requirements of Part 156 of this chapter (i.e., Regulations Under the Natural Gas Act). Such petitions shall in other respects comply with the requirements of §§ 1.15 to 1.17, inclusive.

(Secs. 15, 16, 52 Stat. 829, 830, sec. 7, 56 Stat. 83, 15 U.S.C. 717f, 717n, 717o)

2. In § 1.34, add a new paragraph (d) to read as follows:

(d) *Response.* No answers to petitions for rehearing will be entertained by the Commission. If, and to the extent, however that rehearing is granted by the Commission, a response in the nature of an answer may be filed by any party or staff counsel within 15 days after the issuance of the order granting rehearing. Such response shall be confined to the issues upon which rehearing has been granted, and shall be served by the proponent upon all parties to the proceeding or their attorneys of record. All such petitions shall in all other respects conform to the requirements of §§ 1.15 to 1.17, inclusive.

(Secs. 308, 309, and 313, 49 Stat. 858, 859, 860, 16 U.S.C. 825g, 825h, 825l; secs. 15, 16, and 19, 52 Stat. 829, 830, 831, 15 U.S.C. 717n, 717o, 717r)

(B) In § 157.28 of Part 157, Regulations Under the Natural Gas Act, Chapter I of Title 18 of the Code of Federal Regulations, paragraph (a) is amended to read as follows:

(a) It does not apply to termination of any sale or transportation or with respect to service proposed to commence more than 90 days from the date on which the temporary authorization is issued by the Commission unless otherwise ordered for good cause shown.

(Sec. 16, 52 Stat. 830, sec. 7, 56 Stat. 83, 15 U.S.C. 717f, 717o)

(C) The amendments prescribed by ordering clause (A) herein are effective upon the issuance of this order.

(D) The amendment to § 157.28 prescribed in ordering clause (B) herein shall be effective July 15, 1962.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5931; Filed, June 18, 1962; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Trinity River, Tex.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.245 is hereby amended with respect to paragraph (j) by revising subparagraph (29) to include the Gulf, Colorado and Santa Fe Railway Company bridge over Trinity River near Romayor, Texas, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

• • • • • •

(j) *Waterways discharging into Gulf of Mexico west of Mississippi River.*
• • •

(29) Trinity River, Tex.; Texas and New Orleans Railroad Company bridge at Liberty, Missouri Pacific Railroad Company bridges near Kenefick and at Riverside, and Gulf, Colorado and Santa Fe Railway Company bridge near Romayor. The draws needs not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

[Regs., May 25, 1962, 285/111 (Trinity River, Tex.)—ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

JULIAN A. WILSON,
Major General, U.S. Army,
Acting The Adjutant General.

[F.R. Doc. 62-5913; Filed, June 18, 1962; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2702]

WASHINGTON

Partly Revoking Power Withdrawals; Opening Lands Under Section 24 of the Federal Power Act; Power Site Restoration No. 580; Power Site Cancellation No. 167

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determinations of the Federal Power Commission in DA-167 and 171, Washington, it is ordered as follows:

1. The Executive order of January 30, 1915, and the Departmental order of June 22, 1944, creating Power Site Reserve No. 468 and Power Site Classification No. 349, respectively, are hereby revoked so far as they affect the following described lands, as indicated:

WILLAMETTE MERIDIAN

a. Order of January 30, 1915:

[Washington 04383]

T. 40 N., R. 39 E.,
Sec. 23, NE¼NE¼.

b. Order of June 22, 1944:

[Washington 04384]

T. 26 N., R. 22 E.,
Sec. 9, SW¼SW¼.
T. 27 N., R. 23 E.,
Sec. 10, SE¼SW¼;
Sec. 11, N½NW¼;
Sec. 21, SW¼SW¼;
Sec. 29, SE¼NE¼ and E½SE¼.
T. 28 N., R. 23 E.,
Sec. 26, E½SE¼;
Sec. 35, lot 10.

The areas described aggregate approximately 520 acres, of which the NE¼NE¼, sec. 23, is patented.

2. In DA-167, the Federal Power Commission determined that the value of the following described lands, withdrawn in Power Site Reserve No. 468 and proposed Project No. 915, for which preliminary permit has expired, will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act, as amended:

WILLAMETTE MERIDIAN

T. 40 N., R. 38 E.,
Sec. 12, SE¼SW¼.
T. 40 N., R. 39 E.,
Sec. 24, lot 9;
Sec. 25, NW¼NE¼ and NE¼NW¼.

The areas described aggregate approximately 160 acres, of which the SE¼SW¼, sec. 12, is in the Colville National Forest.

3. In DA-171, the Federal Power Commission determined as follows:

(a) The value of the following described lands will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act, as amended, subject to the prior rights of the licensees for Project Nos. 943, 1096, 2114, and 2145, as their interests may appear, and their successors, to use said lands for project purposes as contemplated in the licenses therefor; and subject to the condition that in the event the said lands are required for flowage during high water periods or otherwise in connection with power development, the United States, its permittees and licensees shall not be liable for any damage caused by flooding of any improvements placed thereon:

WILLAMETTE MERIDIAN

T. 20 N., R. 22 E.,
Sec. 14, lot 2.
T. 21 N., R. 22 E.,
Sec. 4, lots 4, 5, and 6.
T. 26 N., R. 22 E.,
Sec. 9, SE¼SW¼.
T. 28 N., R. 23 E.,
Sec. 13, lot 5;
Sec. 26, lot 8 and NW¼SE¼;
Sec. 35, lot 9.

(b) The value of the following described lands will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act, as amended, and subject to the condition that the United States, its permittees or licensees shall not be held liable for damages to any improvements or structures placed on said lands resulting from the operation of maintenance of the Chief Joseph Project:

WILLAMETTE MERIDIAN

T. 30 N., R. 27 E.,
Sec. 29, lots 1 and 2.

The areas described aggregate 386.25 acres.

4. Until 10:00 a.m. on December 12, 1962, the State of Washington shall have (1) a preferred right of application to select the public lands described in this order in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and (2) a preferred right to apply for the reservation to it or to any of its political subdivisions under any statute or regulation applicable thereto of any of the lands required for a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, in accordance with the provisions of section 24 of the Federal Power Act, and as stipulated by the Federal Power Commission in its determinations.

5. This order shall not otherwise be effective to change the status of the lands until 10:00 a.m. on December 12, 1962. At that time the lands shall be open to the operation of the public land laws generally, subject to valid existing rights and equitable claims, the requirements of applicable law, rules and regulations and the provisions of any existing withdrawals, the national forest lands being open to such forms of disposition as may by law be made of national forest lands.

6. Any disposals of the lands described in paragraphs 2 and 3 of this order, shall be subject to the provisions of section 24 of the Federal Power Act, supra, and as to the lands described in paragraph 3, further subject to the prior rights and conditions recited in the said paragraph, as specified by the Federal Power Commission in its determination.

7. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to the provisions of the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621). Those in Projects Nos. 943, 1096, 2114, and 2145, shall be open to mining location, subject to the stipulations prescribed by the Commission in its determination, beginning at 10:00 a.m. on December 12, 1962.

8. The lands described in paragraph 1b, hereof, withdrawn for transmission line purposes, have been subject to the general determination of the Federal Power Commission issued April 17, 1922.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JUNE 13, 1962.

[F.R. Doc. 62-5915; Filed, June 18, 1962; 8:45 a.m.]

[Public Land Order 2703]

[Washington 04314]

WASHINGTON

Power Site Cancellation No. 166; Partly Canceling Power Site Classification No. 405; Opening Lands Under Section 24 of the Federal Power Act; Power Site Classification No. 349; Project No. 2114

By virtue of the authority contained in the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and in section 24 of the act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and as Secretary of the Interior, and pursuant to the determination of the Federal Power Commission docketed DA-177-Washington, it is ordered as follows:

1. The order of the Geological Survey dated April 4, 1950, creating Power Site Classification No. 405, is hereby cancelled so far as it affects the following described lands:

WILLAMETTE MERIDIAN

T. 16 N., R. 23 E.,
Sec. 18, NE¼NW¼.

Containing 40 acres.

2. The Federal Power Commission has determined that the value of the following described lands, withdrawn in Power Site Classification No. 349 and Project No. 2114, will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act, as amended; subject to the prior rights of the licensee for Project No. 2114 and its successors to use said land for project purposes as contemplated in the license therefor; and subject to the condition that the United States, its permittees or licensees will not be held liable for any damages to structures or improvements placed on the land resulting from the operation or maintenance of said Project No. 2114:

WILLAMETTE MERIDIAN

T. 16 N., R. 23 E.,
Sec. 18, NW¼NE¼.

Containing 40 acres.

3. The lahds are situated some 42 miles east of Ellensburg, Washington, on the west side of the Columbia River.

4. Until 10:00 a.m. on December 12, 1962, the State of Washington shall have (1) a preferred right of application to select the lands described in this order in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and (2) a preferred right to apply for the reservation to it or to any of its political subdivisions under any statute or regulation applicable thereto of any of the lands required for a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, in accordance with the provisions of section 24 of the Federal Power Act.

5. This order shall not otherwise be effective to change the status of the lands until 10:00 a.m. on December 12, 1962. At that time the said lands shall be open to the operation of the public land laws generally, subject to valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals.

6. Any disposals of the lands described in paragraph 2 of this order shall be subject to the provisions of section 24 of the Federal Power Act, supra, and to the prior rights and conditions specified by the Federal Power Commission in its determination.

7. The lands have been open to applications and offers under the mineral leasing laws and, as to the lands described in paragraph 1, hereof, to location under the United States mining laws subject to the provisions of the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621). The lands described in paragraph 2, will be open to such location at 10:00 a.m. on December 12, 1962, subject to the provisions of the act of August 11, 1955, supra, and to the conditions and limitations recited in paragraph 2.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JUNE 13, 1962.

[F.R. Doc. 62-5916; Filed, June 18, 1962; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 33—SPORT FISHING

Klamath Forest National Wildlife Refuge

On page 4367 of the FEDERAL REGISTER of May 8, 1962, there was published a notice of a proposed amendment to § 33.4 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide public sport fishing in waters of the Klamath Forest National Wildlife Refuge as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions or objections have been received. The proposed amendment is hereby adopted without change as set forth below.

This amendment, because of the proximity of the legal fishing season in the State of California, is effective immediately upon publication in the FEDERAL REGISTER.

(R.S. 161, as amended, sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, sec. 5, 45 Stat. 449, sec. 10, 45 Stat. 1224, sec. 4, 48 Stat. 402, as amended, sec. 4, 48 Stat. 451, as amended, sec. 2, 48 Stat. 1270; 5 U.S.C. 22; 16 U.S.C. 685, 725, 690d, 715i, 664, 718d; 43 U.S.C. 315a)

STEWART L. UDALL,
Secretary of the Interior.

JUNE 12, 1962.

1. Section 33.4 is amended by the addition of the following area as one where sport fishing is authorized.

§ 33.4 List of open areas; sport fishing.

• • • • • •

OREGON

• • • • • •

Klamath Forest National Wildlife Refuge.

[F.R. Doc. 62-5917; Filed, June 18, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 115, 259]

REVESTED OREGON AND CALIFORNIA RAILROAD AND RECONVEYED COOS BAY WAGON ROAD GRANT LANDS IN OREGON; DISPOSAL OF TIMBER AND MINERAL RESOURCES

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of August 28, 1937 (50 Stat. 874) and the Act of July 31, 1947 (61 Stat. 681) as amended, it is proposed to amend 43 CFR Part 115 and 43 CFR Part 259 as set forth below.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 115.16 is amended by the addition of a new paragraph designated (g) as follows:

§ 115.16 Definitions.

• • • • •

(g) "Logging unit" means a portion of the cutting area under contract clearly designated or marked by the authorized officer for the purpose of administering optional bonding and payment provisions of the timber sale contract. The total cutting area under contract may not be divided into less than two logging units.

2. Section 115.27 is amended to raise optional bonding limit to $2,500; establish $500 minimum bond on installment contracts valued from $500 to $2,500; delete the present paragraph (b) and substitute therefor provision for the optional cut against the performance bond; and provide for reducing bond below 20 percent of purchase price. As so amended § 115.27 reads as follows:

§ 115.27 Performance bonds.

(a) A minimum performance bond of not less than 20 percent of the total contract price will be required for all contracts of $2,500 or more. A minimum performance bond of not less than $500 will be required for all installment contracts less than $2,500. For cash sales less than $2,500, bond requirements, if any, will be in the discretion of the authorized officer. The performance bond may be:

(1) Bond of a corporate surety shown on the approved list issued by the United States Treasury Department and executed on an approved standard form; or

(2) Personal surety bond, executed on an approved standard form if the authorized officer determines the principals and bondsmen are capable of carrying out the terms of the contract; or

(3) Cash bond; or

(4) Negotiable securities of the United States.

(b) If the purchaser wishes to cut timber before payment of the second and subsequent installments, the authorized officer may, in his discretion, designate logging units within the cutting area under contract and assign to them values solely for the purpose of increasing the amount of performance bond and for payment. The purchaser shall increase the minimum performance bond required by paragraph (a) of this section by an amount equal to the value of the timber on each logging unit and shall obtain written approval of the authorized officer for the adjusted bond prior to cutting any timber on such unit. Cutting in advance of payment authorized shall be limited to one logging unit and the increased amount of bond shall be used to assure payment for the timber on that unit. Upon payment for the timber on such unit, the increased amount may then be applied to another logging unit subject to any adjustment in the amount of the performance bond to cover the value of timber on such logging unit.

(c) As contract provisions are completed to the satisfaction of the authorized officer, he may, in his discretion, reduce the amount of the performance bond required; *Provided, however,* The amount of the performance bond shall not be reduced below the minimum required by paragraph (a) of this section until payment for the timber sold is complete.

3. Section 115.28 is amended to conform to the provisions of § 115.27(b); permit installment payments on timber sales over $500; provide for payment of total purchase price prior to original expiration date of contract; and delete provision for payment of road right-of-way timber in advance of payment of the second installment. As so amended § 115.28 reads as follows:

§ 115.28 Payments.

(a) Except as provided in § 115.27(b), no part of any timber sold may be cut or removed unless advance payment has been made as provided in the contract.

(b) For sales under $500 the full amount shall be paid prior to or at the time the authorized officer signs the contract. For sales of $500 or more the authorized officer may allow payment by installments as provided in the following paragraph (c) of this section.

(c) Contract installment payments shall be determined by the authorized officer as follows:

(1) *Payment in advance of cutting.* For sales under $100,000 installment payments shall be not less than 10 percent of the total purchase price. For sales of $100,000 or more installment payments shall not be less than $10,000. The first installment shall be paid prior to, or at the time the authorized officer signs the contract. The second installment shall be paid prior to the cutting or removal of the timber sold. Each subsequent installment shall be due and payable without notice when the value of the timber cut or removed equals the sum of all the payments minus the first installment.

(2) *Payment in advance of removal.* The first installment shall be paid in the same manner as provided in paragraph (c)(1) of this section. If the purchaser elects to cut timber before payment of the second and subsequent installments as provided by § 115.27(b), the amount of the second and subsequent installment payments shall be based upon the authorized officer's determination of the value of the timber located upon logging units. Payment shall be made for the value of the timber on each logging unit in advance of removal of any timber from such unit.

(d) The total amount of the contract purchase price must be paid prior to expiration of the original time for cutting and removal under the contract. For a cruise sale the purchaser shall not be entitled to a refund even though the amount of timber cut, removed, or designated for cutting may be less than the estimated total volume shown in the contract. For a scale sale, if it is determined after all designated timber has been cut and measured that the total payments made under the contract exceed the total value of the timber measured, such excess shall be refunded to the purchaser within 60 days after such determination is made.

4. Section 115.29 is amended to provide for coincidental expiration of the time for cutting and removal and provides that time for cutting and removal shall not exceed a period of thirty months. As so amended § 115.29 reads as follows:

§ 115.29 Time for cutting and removal.

Time for cutting and removal of timber sold shall not exceed a period of thirty months except that such time for cutting and removal may be extended as provided in § 115.30.

5. Section 115.30 is amended to conform to the provisions of § 115.29. As so amended § 115.30 reads as follows:

§ 115.30 Extension of time.

If the purchaser shows that his delay in cutting or removal was due to causes beyond his control and without his fault or negligence, the authorized officer may grant an extension of time, not to exceed one year, upon written request of the purchaser. Such written request must be received not later than thirty (30) days prior to the expiration date of the time for cutting and removal but not earlier than ninety (90) days prior thereto. Additional extensions may be granted if the purchaser submits a written request not later than thirty (30) days prior to the expiration date of an extension but not earlier than ninety (90) days prior thereto. No extension may be granted without reappraisal as provided in § 115.31.

6. Section 115.31 is amended to clarify reappraisal procedures. As so amended § 115.31 reads as follows:

§ 115.31 Reappraisal.

(a) If an extension is granted as provided in § 115.30, the timber sold shall be reappraised by the authorized officer. In making the reappraisal, the authorized officer shall use the Bureau of Land Management's prescribed procedures.

(b) For a cruise sale the timber sold remaining on the contract area shall be reappraised for the purpose of computing the reappraised total purchase price. The reappraised total purchase price shall not be less than the total purchase price established by the contract or previous extension. The reappraised total purchase price shall be paid in advance as a condition of granting an extension.

(c) For a scale sale each species of timber remaining on the contract area shall be reappraised. The reappraised unit price for each species shall be effective for the remaining life of the contract; *Provided, however,* The reappraised unit price for each species shall not be less than the unit price established by the contract or previous extension.

7. Section 259.1(a) is amended to change and clarify the wording of the last sentence. As so amended § 259.1(a) reads as follows:

§ 259.1 Statutory authority.

(a) The act of July 31, 1947 (61 Stat. 681), as amended by the act of July 23, 1955 (69 Stat. 367; U.S.C. 601 et seq.) authorizes the disposal of timber on public lands of the United States, if the disposal of such timber (1) is not otherwise expressly authorized by law including, but not limited to, the act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315), as amended, and the United States mining laws, (2) is not expressly prohibited by laws of the United States, and (3) would not be detrimental to the public interest. The act authorizes the United States, its permittees, and licensees to use so much of the surface of any unpatented mining claim located under the mining laws of the United States after July 23, 1955, as may be necessary for access to adjacent land for the purposes of such permittees or licensees. Any authorized use of the surface shall be such as not to endanger or materially interfere with prospecting, mining, or processing operations or uses reasonably incident thereto.

8. Section 259.2 is amended by the addition of a new paragraph designated (h) as follows:

§ 259.2 Definitions.

• • • • • •

(h) "Logging Unit" means a portion of the cutting area under contract clearly designated or marked by the authorized officer for the purpose of administering optional bonding and payment provisions of the timber sale contract. The total cutting area under contract may not be divided into less than two logging units.

9. Section 259.8(a) is amended to clarify the paragraph. As so amended § 259.8(a) reads as follows:

§ 259.8 Negotiated sales.

(a) When it is determined by the authorized officer to be in the public interest, he may sell at not less than the appraised value, without advertising or calling for bids, timber not exceeding an estimated volume of 100 M board feet and not exceeding $1,000, or, if the timber is not measured in board feet, a quantity not exceeding $1,000 in appraised value, to or for the benefit of any one person, partnership, association, or corporation in any period of twelve consecutive months.

10. Section 259.14 is amended to raise optional bonding limit to $2,500; establish $500 minimum bond on installment contracts valued from $500 to $2,500; delete the present paragraph (b) and substitute therefor provision for the optional cut against the performance bond; and provide for reducing bond below 20 percent of purchase price. As so amended § 259.14 reads as follows:

§ 259.14 Performance bonds.

(a) A minimum performance bond of not less than 20 percent of the total contract price will be required for all contracts of $2,500 or more. A minimum performance bond of not less than $500 will be required for all installment contracts less than $2,500. For cash sales less than $2,500, bond requirements, if any, will be in the discretion of the authorized officer. The performance bond may be:

(1) Bond of a corporate surety shown on the approved list issued by the United States Treasury Department and executed on an approved standard form; or

(2) Personal surety bond, executed on an approved standard form if the authorized officer determines the principals and bondsmen are capable of carrying out the terms of the contract; or

(3) Cash bond; or

(4) Negotiable securities of the United States.

(b) If the purchaser wishes to cut timber before payment of the second and subsequent installments, the authorized officer may, in his discretion, designate logging units within the cutting area under contract and assign to them values solely for the purpose of increasing the amount of performance bond and for payment. The purchaser shall increase the minimum performance bond required by paragraph (a) of this section by an amount equal to the value of the timber on each logging unit and shall obtain written approval of the authorized officer for the adjusted bond prior to cutting any timber on such unit. Cutting in advance of payment authorized shall be limited to one logging unit and the increased amount of bond shall be used to assure payment for the timber on that unit. Upon payment for the timber on such unit, the increased amount may then be applied to another logging unit subject to any adjustment in the amount of the performance bond to cover the value of timber on such logging unit.

(c) As contract provisions are completed to the satisfaction of the authorized officer, he may, in his discretion, reduce the amount of the performance bond required: *Provided, however,* The amount of the performance bond shall not be reduced below the minimum required by paragraph (a) of this section until payment for the timber sold is complete.

11. Section 259.15 is amended to conform to the provisions of § 259.14(b); permit installment payments on timber sales over $500; provide for payment of total purchase price prior to original expiration date of contract; and delete provision for payment of road right of way timber in advance of payment of the second installment. As so amended § 259.15 reads as follows:

§ 259.15 Payments.

(a) Except as provided in § 259.14(b), no part of any timber sold may be cut or removed unless advance payment has been made as provided in the contract.

(b) For sales under $500 the full amount shall be paid prior to or at the time the authorized officer signs the contract. For sales of $500 or more the authorized officer may allow payment by installments as provided in the following paragraph (c) of this section.

(c) Contract installment payments shall be determined by the authorized officer as follows:

(1) *Payment in advance of cutting.* For sales under $100,000 installment payments shall be not less than 10 percent of the total purchase price. For sales of $100,000 or more installment payments shall not be less than $10,000. The first installment shall be paid prior to, or at the time the authorized officer signs the contract. The second installment shall be paid prior to the cutting or removal of the timber sold. Each subsequent installment shall be due and payable without notice when the value of the timber cut or removed equals the sum of all the payments minus the first installment.

(2) *Payment in advance of removal.* The first installment shall be paid in the same manner as provided in paragraph (c)(1) of this section. If the purchaser elects to cut timber before payment of the second and subsequent installments as provided by § 259.14(b), the amount of the second and subsequent installment payments shall be based upon the authorized officer's determination of the value of the timber located upon logging units. Payment shall be made for the value of the timber on each logging unit in advance of removal of any timber from such unit.

(d) The total amount of the contract purchase price must be paid prior to expiration of the original time for cutting

and removal under the contract. For a cruise sale the purchaser shall not be entitled to a refund even though the amount of timber cut, removed, or designated for cutting may be less than the estimated total volume shown in the contract. For a scale sale, if it is determined after all designated timber has been cut and measured that the total payments made under the contract exceed the total value of the timber measured, such excess shall be refunded to the purchaser within 60 days after such determination is made.

12. Section 259.16 is amended to provide for coincidental expiration of the time for cutting and removal and provides that time for cutting and removal shall not exceed a period of thirty months. As so amended § 259.16 reads as follows:

§ 259.16 Time for cutting and removal.

Time for cutting and removal of timber sold shall not exceed a period of thirty months except that such time for cutting and removal may be extended as provided in § 259.17.

13. Section 259.17 is amended to conform to the provisions of § 259.16. As so amended § 259.17 reads as follows:

§ 259.17 Extension of time.

If the purchaser shows that his delay in cutting or removal was due to causes beyond his control and without his fault or negligence, the authorized officer may grant an extension of time, not to exceed one year, upon written request of the purchaser. Such written request must be received not later than thirty (30) days prior to the expiration date of the time for cutting and removal but not earlier than ninety (90) days prior thereto. Additional extensions may be granted if the purchaser submits a written request not later than thirty (30) days prior to the expiration date of an extension but not earlier than ninety (90) days prior thereto. No extension may be granted without reappraisal as provided in § 259.18.

14. Section 259.18 is amended to clarify reappraisal procedures. As so amended § 259.18 reads as follows:

§ 259.18 Reappraisal.

(a) If an extension is granted as provided in § 259.17, the timber sold shall be reappraised by the authorized officer. In making the reappraisal, the authorized officer shall use the Bureau of Land Management's prescribed procedures.

(b) For a cruise sale the timber sold remaining on the contract area shall be reappraised for the purpose of computing the reappraised total purchase price. The reappraised total purchase price shall not be less than the total purchase price established by the contract or previous extension. The reappraised total purchase price shall be paid in advance as a condition of granting an extension.

(c) For a scale sale each species of timber remaining on the contract area shall be reappraised. The reappraised unit price for each species shall be effective for the remaining life of the contract: *Provided, however,* The reappraised unit price for each species shall not be less than the unit price established by the contract or previous extension.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JUNE 14, 1962.

[F.R. Doc. 62-5936; Filed, June 18, 1962; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Parts 1001, 1006, 1007, 1014, 1015]

[Docket Nos. AO-14-A 33, AO-203-A 15, AO-204-A 15, AO-302-A 7, AO-305-A 6]

MILK IN GREATER BOSTON, MASS.; SPRINGFIELD, MASS.; WORCESTER, MASS.; SOUTHEASTERN NEW ENGLAND; AND CONNECTICUT MARKETING AREAS

Notice of Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Greater Boston, Springfield, and Worcester, Massachusetts, Southeastern New England and Connecticut marketing areas, which was issued May 31, 1962 (27 F.R. 5335), is hereby extended to June 16, 1962.

Signed at Washington, D.C., on June 13, 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62-5912; Filed, June 18, 1962; 8:45 a.m.]

[7 CFR Part 1030]

[Docket No. AO-101-A26]

MILK IN THE CHICAGO, ILLINOIS, MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the LaSalle Hotel, Chicago, Illinois, beginning at 10:00 a.m., on June 29, 1962, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Chicago, Illinois, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Pure Milk Products Cooperative and Junction City Milk Products:

Proposal No. 1. Revise § 1030.66(b) to read as follows:

(b) Ships during the delivery period at least 25 percent of the pounds of butterfat in, or at least 25 percent of the volume of, milk received from dairy farmers at such plant, as milk, skim milk, concentrated milk, condensed skim milk, or cream in fluid form to (and is physically received in) a plant(s) which operates in the manner described in paragraph (a) of this section, irrespective of whether or not such plant(s) receives milk from dairy farmers: *Provided,* That:

(1) In computing the percentages of milk, skim milk and cream on a product pounds basis, any shipments of concentrated milk or condensed skim milk to such a plant shall be based upon the quantity of milk or skim milk used in its production rather than upon the quantity of concentrated milk or condensed skim milk shipped;

(2) If, during July through October, a plant other than one which performs the functions described in paragraph (a) of this section receives milk, skim milk, concentrated milk, condensed skim milk or cream in fluid form from another plant, any shipments by the receiving plant under the foregoing conditions set forth in this paragraph, which are in excess of the minimum quantity which qualified it as a pool plant shall be credited to the supplying plant toward its pool qualification, but such credit shall not exceed the quantity of butterfat or milk shipped from the supplying plant to the receiving plant. In the event the plant which has qualified as a pool plant under this paragraph receives butterfat or milk in any of the forms described in this subparagraph from more than one plant, any credit to be extended to the respective supplying plants (subject to the limitation above specified) shall be allocated to such plants in direct ratio to the quantity of butterfat or milk which each shipped to the receiving plant;

(3) If, during July through October, a handler notifies the market administrator in writing that a plant is unable to meet the requirements set forth herein because of a work stoppage due to a labor dispute between employer and employees, the market administrator, upon verification of the handler's claim, shall not include the receipts and utilization of milk at such plant for those days from the date of notification through the last day of the work stoppage in determining the percentage of milk or butterfat shipped pursuant to this paragraph; and

(4) Any plant which during the period of July through October ships or is credited (pursuant to subparagraph (2) of this paragraph) with shipments of at least 25 percent of the pounds of butterfat in, or at least 25 percent of the volume of milk received from dairy farmers at such plant as milk, skim milk, concentrated milk, condensed skim milk or cream in fluid form to (and is physically received in) plants which operate in the manner described in paragraph (a) of this section, irrespective of whether or not such plants receive milk from dairy farmers, shall be a pool plant beginning with November and continuing through the subsequent October, unless the milk received by the plant does not continue to be qualified for use in Grade A Class I milk products in the marketing area, or the plant operator notifies the market administrator that the plant should be withdrawn from the pool; in the event such notification is given the plant will no longer be a pool plant starting with the beginning of the delivery period following receipt of the notification by the market administrator except during any delivery period in which the pool plant requirements under this paragraph are fulfilled.

(5) Two or more plants shall be considered a unit for the purpose of this paragraph (b) if the following conditions are met:

(i) The plants included in a unit are owned and operated by a handler or are under his control with respect to the marketing of milk, skim milk, and cream pursuant to a written contractual agreement submitted to the market administrator;

(ii) The handler establishing a unit notifies the market administrator in writing of the plants to be included therein prior to July 1 of each year (or within 30 days of the effective date of this subparagraph (5) for a unit to be operative from the effective date hereof until July 1, 1962) and no additional plants shall be added to the unit prior to July 1 of the following year; and

(iii) The notification pursuant subdivision (ii) to this subparagraph (5) shall list the plants in the order in which they shall be excluded from the unit if the minimum shipping requirements are not met, such exclusion to be made in sequence beginning with the first plant on the list and continuing until the remaining plants as a unit have met the minimum requirements.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 72 West Adams Street, Room 814, Chicago 3, Illinois, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on June 13, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-5945; Filed, June 18, 1962; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 231]

PUBLICATION, POSTING, AND FILING OF RATES, FARES AND CHARGES IN DOMESTIC OFFSHORE TRADE

Filing of Temporary Rate Charges; Notice of Proposed Rulemaking

Pursuant to the provisions of section 4, Administrative Procedure Act (5 U.S.C. 1003) and section 43 of the Shipping Act, 1916 (75 Stat. 766) notice is hereby given that the Federal Maritime Commission is considering amending Rule 4(f) of its Tariff Circular No. 3 (46 CFR 231.4(f)(3)). The purpose of the proposed amendment, set forth below, is to clarify the procedures to be followed in the filing of temporary rate changes which are intended to expire on a pre-selected date certain.

(3) (i) Expiration dates. No tariff, supplement or revised page bearing an expiration date may be published without special permission authority under § 231.14. Applications for special permission to issue a publication bearing an expiration date must demonstrate clearly that the temporary publication will not be unfair as between shippers or carriers, nor be contrary to the policy of section 19, Shipping Act, 1916; and that there is a special need for expiration of said publication on the date specified.

(ii) A provision in a tariff, supplement or revised page that the same or any part thereof will expire with a given date, is not a guaranty that the tariff, supplement or revised page, or such part thereof, will so expire or will remain in effect until and including that date. Such provision will be held to mean that the publication, or specified part thereof, will expire with the date named, unless the rate to be restored is suspended by the Commission, or the expiration date is changed on statutory notice or under special permission of the Commission.

(iii) In such tariffs, supplements or revised pages the following notation shall be used to indicate the date upon which the publication will expire:

Expires with ---------- unless sooner changed or cancelled on statutory notice, or extended by special permission of the Commission.

(iv) If the entire publication is to expire with the specified date, the notation shall be placed near the bottom of the page. If only a portion of the published rates or provisions will expire with the specified date, the notation shall be shown in connection with the particular item, rate or other provision which will expire in such a way as to clearly indicate the matter affected thereby.

(v) Every tariff, supplement or revised page which is issued under this section pursuant to § 231.14 must bear a notation in substantially the following form:

Issued on ------ days' notice under authority of Federal Maritime Commission Special Permission No. ------ Dated ----------

Interested parties may submit such written data, views, or arguments as they desire. Communications should be submitted in original and fifteen copies to the Secretary, Federal Maritime Commission, Washington 25, D.C. All communications received within thirty days after publication of the notice in the FEDERAL REGISTER will be considered before action is taken by the Commission. No public hearing is contemplated at this time.

Dated: June 12, 1962.

By order of the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5941; Filed, June 18, 1962; 8:49 a.m.]

[46 CFR Part 510]

[General Order 4; Amdt. 3]

LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

Issuance or Denial of Licenses; Notice of Proposed Rule Making

Pursuant to the provisions of section 4, Administrative Procedure Act (5 U.S.C. 1003), and sections 43 and 44 of the Shipping Act, 1916 (75 Stat. 522, 523, and 766); notice is hereby given that the Federal Maritime Commission is considering the promulgation of the revised rule set forth hereinafter affecting the practices of independent ocean freight forwarders.

§ 510.8 Issuance or denial of licenses.

* * * * * *

(c) Each separately incorporated qualified applicant for an independent ocean freight forwarder license may be granted a separate license even though under common control with other independent ocean freight forwarding corporations, if such applicant submits a separate (1) application form FMC-18, (2) $100.00 application fee as required by § 510.5(b) and, (3) surety bond in the form and amount hereafter to be prescribed. Each such separately incorporated licensed freight forwarder firm, whether operating under an individual or a collective license, shall indicate on its letterhead stationery and on billing invoices the name or names of all related freight forwarder firms.

Interested persons may submit such written data, views, or arguments as they desire. Communications should be submitted in original and fifteen copies to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER.

Dated: June 12, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5942; Filed, June 18, 1962; 8:49 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Office of the Secretary

CALIFORNIA

Extension of Period for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in El Dorado and Placer Counties, California, the natural disaster for which said counties were designated (26 F.R. 6609) has resulted in a continuing need in those counties for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 13th day of June, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-5929; Filed, June 18, 1962; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-30]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Order Reopening Record for Further Hearing

The AEC Regulatory Staff has today [1] filed a motion to reopen the record to receive a supplement to the testimony of a staff witness. The staff motion states that the proposed supplemental testimony can be received in the form of a stipulation and that "reconvening the public hearing would serve no useful purpose." Items of correspondence between NASA and AEC counsel concerning this matter suggest, but do not bilaterally confirm, that both parties agree on the staff-recommended procedure.[2]

The purpose of the motion to reopen the record is to present evidence concerning a low-power pool-type reactor (MUR, Docket No. 50-185) which is adjacent (at 100 feet) and related to the PBR reactor for which an operating license is herein sought, and which was not discussed in the staff's safety evaluation evidence now of record. It seems clear, notwithstanding the contrary opinions of counsel, that evidence upon matters relating to safety of the PBR should be presented at a public hearing. See Order Reconvening Hearing dated May 31, 1962, in the matter of Consumers Public Power District, Docket No. 115-3.

Accordingly, it is ordered, This 11th day of June 1962, pursuant to § 2.718(j) of the Commission's rules of practice that the record in this proceeding is reopened and a further hearing herein shall be convened at 2 p.m., e.d.t., on Tuesday, June 19, 1962 in the Auditorium of the Atomic Energy Commission Headquarters in Germantown, Maryland; and that the time for filing pleadings is extended to such date as will be fixed by order on the record at the further hearing; and

It is further ordered, That this order shall be published in the FEDERAL REGISTER.

Issued: June 11, 1962, Germantown, Md.

U.S. ATOMIC ENERGY COMMISSION,
J. D. BOND,
Presiding Officer.

[F.R. Doc. 62-5914; Filed, June 18, 1962; 8:45 a.m.]

[1] The motion papers were properly docketed on today notwithstanding the fact that copies thereof were delivered to the Office of Hearing Examiners after the close of normal business hours on Friday, June 8, 1962; see § 2.730 (a) of the Commission's rules of practice.

[2] For example, NASA suggested some changes in the proposed testimony which engendered telephone conversations that are discussed in the most recent (dated June 8, 1962) letter from AEC counsel to NASA counsel.

FEDERAL AVIATION AGENCY

[OE Docket No. 62-CE-5]

RADIO ANTENNA

Proposed Structure; Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The State of Illinois proposes to construct a radio antenna structure in Elgin, Illinois, at latitude 42°00'50" N., longitude 88°17'07" W. The overall height of the structure would be 1,145 feet above mean sea level (415 feet above ground).

The proposed structure would be located approximately 3.7 miles south of the Elgin Airport, Elgin, Illinois, approximately nine miles northeast of the Du Page, Illinois, VOR, and approximately 2½ miles west of the centerline of VOR Federal airway No. 429.

Objections were made in response to the circularization by the Air Line Pilots Association and the Manager of Tufts-Edgcumbe, Inc., Elgin Airport, on the basis that the proposed structure would require an increase in the ceiling minimums of any instrument approach procedures which might be developed for the Elgin Airport and would require an increase in the minimum en route altitude on Victor 429.

Subsequent to the circularization an Instrument Approach Procedure, VOR-1, effective June 23, 1962, for Elgin Airport has been established. The procedure specifies that operations from a point 5.5 miles north of the Du Page VOR to the airport will be conducted in accordance with Visual Flight Rules. In addition, the minimum ceiling for an approach is specified as 900 feet which would provide a flight altitude in excess of 500 feet above the proposed structure. Therefore, if the proposed structure should be built, a change in the instrument approach procedure for Elgin Airport would not be required and instrument operations at this airport would not be affected.

The study disclosed that the existing minimum en route altitude for Victor 429 as realigned effective April 5, 1962, would not be affected.

The study further disclosed that the proposed structure would not penetrate any of the airport imaginary surfaces defined in Part 626 of the Regulations of the Administrator and that the proposed structure would have no substantial adverse effect upon aeronautical operations at the Elgin Airport. No other aeronautical operations, procedures or minimum flight altitudes would be affected.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter unless an appeal is filed under § 626.34 (14 CFR 626.34). If the appeal is denied, the determination will then become final as of the date of denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (14 CFR 626.35).

Issued in Washington, D.C., on June 8, 1962.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 62-5921; Filed, June 18, 1962; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 12193]

AIR FREIGHT FORWARDER AUTHORITY CASE

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in respect to the application of Navajo Freight Lines, Inc., in the above-entitled proceeding, is assigned to be held before the undersigned Examiner on July 9, 1962, at 10:00 a.m. (mountain time) in Room 41A, New Custom House, 19th and Stout Street, Denver, Colorado.

The hearing will thereafter reconvene in respect to the application of Bekin Airvan Co., on July 11, 1962, at 10:00 a.m. (Pacific time) in Room 810, U.S. Post Office and Court House Building, 312 North Spring Street, Los Angeles, California. The applications of other parties in this proceeding will be heard in a session to be held in Washington, D.C., at a time and place to be announced in a formal notice which will be issued at a later date.

Dated at Washington, D.C., June 14, 1962.

[SEAL] RICHARD A. WALSH,
Hearing Examiner.

[F.R. Doc. 62-5940; Filed, June 18, 1962; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 1006 (Sub 1)]

GULF/FRENCH ATLANTIC HAMBURG RANGE CONFERENCE

Notice of Filing of Amendments to Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Gulf/French Atlantic Hamburg Range Conference has filed with the Commission, pursuant to section 14b, Shipping Act, 1916, proposed amendments to its Exclusive Patronage (Dual Rate) Contract (which contract has been already modified for the purpose of conforming such contract to the provisions of Section 14b and has been published in the FEDERAL REGISTER as Docket 1006). These amendments will not be effective unless and until approved by the Commission pursuant to section 14b.

Interested parties may inspect a copy of the amendments at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the Offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such amendments and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: June 14, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5943; Filed, June 18, 1962; 8:50 a.m.]

[Docket No. 1001 (Sub 1)]

GULF/MEDITERRANEAN PORTS CONFERENCE

Notice of Filing of Amendments to Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that the Gulf/Mediterranean Ports Conference has filed with the Commission, pursuant to section 14b, Shipping Act, 1916, proposed amendments to its Exclusive Patronage (Dual Rate) Contract (which contract has been already modified for the purpose of conforming such contract to the provisions of section 14b and has been published in the FEDERAL REGISTER as Docket 1001). These amendments will not be effective unless and until approved by the Commission pursuant to section 14b.

Interested parties may inspect a copy of the amendments at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such amendments and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: June 14, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5944; Filed, June 18, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-14055 [1]]

MIDHURST OIL CORP.

Order Substituting Respondent, Making Increased Rate Effective Subject To Refund Under Successor Corporation's Agreement and Undertaking, and Redesignating Proceeding

JUNE 13, 1962.

On February 5, 1962, Midhurst Oil Corporation (Midhurst) (successor to Slick Oil Corp.) filed a motion requesting that it be permitted to be substituted as respondent in lieu of Slick Oil Corporation (Slick) in the above-entitled rate suspension matter. This proceeding relates to an increased rate contained in Supplement No. 1 to Slick's FPC Gas Rate Schedule No. 5 [2] for sales of natural gas to Trunkline Gas Company produced from East Bearhead Creek Field, Beauregard Parish, Louisiana, which was suspended by the Commission's order issued herein on December 30, 1957, until June 3, 1958, and until such further time as it might be made effective in the manner prescribed by the Natural Gas Act. Slick has not filed a motion pursuant to section 4 of the Natural Gas Act to make the suspended rate effective.

In support of its motion, Midhurst states that inasmuch as Slick has conveyed to Midhurst all of the properties from which the subject gas is produced and sold, Midhurst and Slick request that Midhurst be substituted for Slick in this proceeding insofar as the same relates to and covers sales of gas made after November 1, 1961.

On February 5, 1962, Midhurst filed a motion pursuant to section 4 of the Natural Gas Act requesting that the Commission allow the aforementioned suspended rate to become effective as of the date of the filing of said motion. Concurrently therewith, Midhurst filed its agreement and undertaking to comply with § 154.102 of the Commission's regulations under the Natural Gas Act.

By letter dated May 1, 1962, the Secretary of the Commission notified Midhurst, inter alia, that Slick's FPC Gas Rate Schedule No. 5 had been redesignated as Midhurst's FPC Gas Rate Schedule No. 10, subject to certain provisions and Commission action.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act that Midhurst Oil Corporation be substituted for Slick Oil Corporation in the above-entitled proceeding, that the proceeding be redesignated accordingly, that the successor's agreement and undertaking filed by Midhurst be accepted for filing, and that the suspended rate in Docket No. G-14055 be made effective subject to refund as of February 5, 1962.

The Commission orders:

(A) Midhurst Oil Corporation is substituted as respondent in place of Slick Oil Corporation in the proceeding in Docket No. G-14055, and the proceeding is accordingly redesignated.

(B) The agreement and undertaking submitted by Midhurst on February 5, 1962, to assume any and all refund obligations in this proceeding, is hereby accepted for filing.

(C) The rate, charge, and classification set forth in Supplement No. 1 to Midhurst's FPC Gas Rate Schedule No. 10 is effective, subject to refund, as of February 5, 1962.

(D) Midhurst shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The undertaking shall remain in full force and effect until discharged by the Commission.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5934; Filed, June 18, 1962; 8:47 a.m.]

[1] Consolidated with the Area Rate Proceeding in Docket Nos. AR61-2, et al.

[2] Rate Schedule redesignated as Midhurst's FPC Gas Rate Schedule No. 10.

[Docket No. CP62-229]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application and Date of Hearing

JUNE 12, 1962.

Take notice that on March 30, 1962, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago 3, Illinois, filed in Docket No. CP62-229 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities looping or replacing certain existing lateral pipeline facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant's proposal covers 12.57 miles of 4- and 6-inch pipeline replacing an equal number of miles of 2-inch line, and 4.43 miles of 3- and 4-inch loop lines.

The subject facilities have been constructed and Applicant states that it is filing the subject application because of the amendment of § 2.55 of the Commission's rules of practice and procedure.

Applicant states further that the subject facilities are required for service to customer companies serving Creston, Iowa, and Princeton, Belvidere and Rochelle, Illinois.

The application shows that the actual cost of construction was $289,467, which cost has been and will be financed from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 17, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 6, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5935; Filed, June 18, 1962; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 652]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 14, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64917. By order of June 12, 1962, the Transfer Board approved the transfer to Jack McFeely, doing business as McFeely Trucking Company, Beaver Falls, Pa., of the operating rights in Permits Nos. MC 2488, MC 2488 Sub 2 and MC 2488 Sub 5, issued February 21, 1956, April 17, 1957, and March 2, 1961, respectively, to W. R. McGwinn, Grand River, Ohio, authorizing the transportation, over regular routes, of sulphur from Fairport Harbor, Ohio, to Erie, Pa., and over irregular routes, of coke, in bulk, in dump vehicles, from Fairport Harbor, Ohio, to Erie, Franklin, Greenville, Grove City, New Castle, Oil City, and Monaca, Pa., of salt, in bulk, in dump or hopper trucks, from Fairport Harbor, Ohio, to points in Crawford, Erie, McKean, Mercer, Potter, Venango, and Warren Counties, Pa., and coke and pig iron, in dump trucks, from Erie, Pa., to points in a described portion of Ohio, a described portion of Pennsylvania, and a described portion of New York. J. C. Schriner, 5275 Ridge Road, Cleveland 29, Ohio, applicants' representative.

No. MC-FC 64988. By order of June 12, 1962, the Transfer Board approved the transfer to Reed Lines, Inc., an Indiana Corporation, Woodburn, Ind., of the operating rights in Certificates Nos. MC 119632, MC 119632 Sub 4, MC 119632 Sub 5, MC 119632 Sub 8, and MC 119632 Sub 10, issued August 8, 1961, December 18, 1961, March 9, 1961, November 6, 1961, and May 15, 1962, respectively, to Reed Lines, Inc., an Ohio Corporation, Defiance, Ohio, authorizing the transportation, over irregular routes, of steel articles, sheet glass, canned milk, evaporated milk, and other milk products and supplies, rock wool and rock wool products, canned evaporated milk, prepared roofing materials, rock wool and rock wool products, mineral wool and mineral wool products, mineral wool, slag wool, glass wool, and the products thereof, rubber products, equipment, materials and supplies used in the manufacture of rubber products, glassware and glass containers, and animal and poultry feed, from, to, and between specified points in Ohio, West Virginia, Illinois, Michigan, Indiana, Pennsylvania, Connecticut, Delaware, the District of Columbia, Kentucky, Massachusetts, Maryland, New Jersey, Rhode Island, Virginia, New York, Tennessee, Maine, Vermont, New Hampshire, Mississippi, Florida, Arkansas, Louisiana, Missouri, Iowa, and Minnesota, varying with the commodities transported. John P. McMahon, 44 East Broad Street, Columbus 15, Ohio, attorney for applicants.

No. MC-FC 65037. By order of June 12, 1962, the Transfer Board approved the transfer to Eastern Motor Lines, Inc., Warrenton, N.C., of Certificates Nos. MC 86913, MC 86913 Sub 7 and MC 86913 Sub 9, issued April 27, 1959, January 22, 1960, and February 12, 1960, respectively to Hunter Motor Lines, Inc., Warrenton, N.C., authorizing the transportation over irregular routes, of lumber, from Siler City, N.C., and points in North Carolina within 75 miles of Siler City, to points in Maryland, Pennsylvania, New Jersey, and a specified area in Virginia, from points in North Carolina within 75 miles of Siler City, N.C., to Washington, D.C., lumber and trees which have been felled and those trimmed, cut to length, peeled, or split when transported on vehicle on which commodities other than those specified in Section 203(b)(6) of the Act are also transported at the same time for compensation, from points in Harford County, Md., Charles County, Md., (with specified exceptions) and points in Saint Marys County, Md., to specified area and points in North Carolina; lumber (except plywood and veneers), from points in Ohio, Maryland, and New York (except points in the N.Y., N.Y., Commercial Zone), and specified points in Pennsylvania, to specified area in North Carolina; from Siler City, N.C., and points in North Carolina within 75 miles thereof, to points in Connecticut, New York, and Ohio, from points in Indiana, Illinois, Michigan, Vermont and Massachusetts to points in North Carolina, Virginia, Tennessee, and South Carolina, and scrap metal, on flatbed equipment, from points in Michigan, Ohio, Illinois, Indiana, New York, Pennsylvania, and New Jersey to points in North Carolina, and empty containers or other such incidental facilities used in transporting scrap metal, in the reverse direction. Donald E. Cross, 919 Munsey Building, Washington 4, D.C. Robert Lipton, 111 Corcoran Street, Durham, N.C., attorneys for applicants.

No. MC-FC 65090. By order of June 12, 1962, the Transfer Board approved the transfer to D. J. Wood, Mapleton,

Kans., of Certificate in No. MC 60177, issued September 30, 1949, to Earl Wellington, Mapleton, Kans., authorizing the transportation of: General commodities with the usual exceptions including household goods and commodities in bulk, iron and steel articles, hardware, wire, roofing, iron pipe and fittings, lumber, building materials, heating supplies and equipment, sacks, petroleum products, in containers, metal lath, billiard tabels, iron and steel roofing, flaxseed, and livestock, from, to, or between specified points in Kansas and Missouri. Charles M. Warren, 210 National Avenue, Fort Scott, Kans., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-5930; Filed, June 18, 1962; 8:47 a.m.]

[No. MC-C-3626]

MOTOR TRANSPORTATION OF PROPERTY WITHIN A SINGLE STATE

Correction

In F.R. Doc. 62-5531, appearing at page 5413 of the issue for Thursday, June 7, 1962, the date in the fourth paragraph should read "July 31, 1962" instead of "July 13, 1962".

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4579]

AUTOMATED PROCEDURES CORP.

Order Summarily Suspending Trading

JUNE 13, 1962.

The Class A stock, par value 5 cents per share, of Automated Procedures Corp., being listed and registered on The National Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19 (a)(4) of the Securities Exchange Act of 1934 that trading in said security on The National Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, June 14, 1962, to June 23, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-5922; Filed, June 18, 1962; 8:47 a.m.]

[File No. 1-3445]

E. L. BRUCE CO., INC.

Order Summarily Suspending Trading

JUNE 13, 1962.

The common stock, par value $1, of E. L. Bruce Co. (Incorporated), being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19 (a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, June 13, 1962, to June 22, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-5923; Filed, June 18, 1962; 8:47 a.m.]

[File No. 1-4597]

INDUSTRIAL ENTERPRISES, INC.

Order Summarily Suspending Trading

JUNE 13, 1962.

The Common assessable stock, $1.00 par value, of Industrial Enterprises, Inc., being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19 (a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, June 14, 1962, to June 23, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-5924; Filed, June 18, 1962; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 561 (27 F.R. 4001) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.9) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Altamont Shirt Corp., Altamont, Tenn.; effective 5-22-62 to 5-21-63 (men's and boys' dress shirts).

Bamberg Manufacturing Co., Bamberg, S.C.; effective 5-29-62 to 5-28-63 (ladies' robes).

Clifton Manufacturing Co., 323 Pleasant Street, Waco, Tex.; effective 5-28-62 to 5-27-63 (Government fatigue pants, automobile seat covers, and canvas goods items).

Durant Sportswear, Inc., Durant, Miss.; effective 5-28-62 to 5-27-63 (men's and boys' outerwear jackets).

Ely & Walker, Dover, Tenn.; effective 5-28-62 to 5-27-63 (boys' work pants).

Glendale Manufacturing Corp., 26 Glendale Avenue, Biltmore, N.C.; effective 5-22-62 to 5-21-63 (ladies' pajamas and gowns).

Oberman Manufacturing Co., Fayetteville, Ark.; effective 5-28-62 to 5-27-63 (men's work shirts, jackets and pants).

Phillip Rothenberg & Co., Inc., McAlisterville, Pa.; effective 5-28-62 to 5-27-63 (men's and boys' shirts).

Trimble Manufacturing Corp., Trimble, Tenn.; effective 5-28-62 to 5-27-63 (men's, ladies', boys' and junior sport jackets).

Williamson-Dickie Manufacturing Co., Tyler, Tex.; effective 5-25-62 to 5-24-63 (men's and boys' cotton pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Don Juan Manufacturing Corp., 113 Grubb Street, Hertford, N.C.; effective 6-6-62 to 6-5-63; 10 learners (men's and boys' shirts).

Panther Valley Dress Co., Inc., 114 East Kline Avenue, Lansford, Pa.; effective 5-29-62 to 5-28-63; five learners (children's dresses).

Sage Sportswear, Inc., 489 West Broad Street, Hazleton, Pa.; effective 5-25-62 to 5-24-63; 10 learners (ladies' slacks and shorts).

Stanro Dress Co., Inc., 810 George Street, Throop, Pa.; effective 5-31-62 to 5-30-63; five learners (ladies' and children's dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Decaturville Sportswear Co., Inc., Decaturville, Tenn.; effective 5-22-62 to 11-21-62; 80 learners (ladies' sportswear: Capris, surfers, pedal pushers, etc.).

Eudora Manufacturing Corp., U.S. Route No. 65, Eudora, Ark.; effective 5-25-62 to 11-24-62; 10 learners (industrial and professional uniforms, coveralls, pants, etc.).

Glendale Manufacturing Corp., 26 Glendale Avenue, Biltmore, N.C.; effective 5-22-62 to 11-21-62; 15 learners (ladies' cotton pajamas and gowns).

Hicks-Ponder Co., 18th and Maple Streets, Yuma, Ariz.; effective 5-25-62 to 11-24-62; 35 learners (men's and boys' utility pants and casual slacks).

Pittston Apparel Co., West Enterprise and Market Street, Glen Lyon, Pa.; effective 5-21-62 to 11-20-62; 25 learners (ladies' brassieres and girdles).

Samsons Manufacturing Corp., Wilson, N.C.; effective 5-23-62 to 11-22-62; 75 learners (men's dress shirts).

The Woods Co., 550 Ninth and 359 10th Streets, Douglas, Ariz.; effective 5-29-62 to 11-28-62; 70 learners (men's and boys' sport shirts).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Lawler Hosiery Mills, Inc., 301 Bradley Street, Carrollton, Ga.; effective 5-28-62 to 5-27-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Penngora Knitting Mills, Inc., 304 West Ninth Street, Berwick, Pa.; effective 5-23-62 to 5-22-63; five learners for normal labor turnover purposes (men's wool sweaters).

Saluda Knitting Mills, Saluda, S.C.; effective 5-24-62 to 11-23-62; 15 learners for plant expansion purposes (men's underwear).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C. this 8th day of June 1962.

ROBERT G. GRONEWALD, *Authorized Representative of the Administrator.*

[F.R. Doc. 62-5918; Filed, June 18, 1962; 8:46 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Orders No. 524 and No. 561 (24 F.R. 9274 and 27 F.R. 4001) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.9) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (20 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Carwood Manufacturing Co. No. 2, 119 Ivie Street, Cornelia, Ga.; effective 5-22-62 to 5-21-63 (men's woven cotton work pants).

Carwood Manufacturing Co. No. 3, 107 Chattahoochee Street, Cornelia, Ga.; effective 5-22-62 to 5-21-63 (work, sport, and western shirts).

Edmonton Manufacturing Co., Edmonton, Ky.; effective 5-16-62 to 5-15-63 (men's single pants, shirts, coveralls, and jackets).

Landress-Smith Corp., Hoschton, Ga.; effective 5-18-62 to 5-17-63 (men's and boys' sport slacks).

Lawrence Lloyd Sportswear of Texas, Inc., 2217 Mills Street, El Paso, Tex.; effective 5-16-62 to 5-15-63 (men's and boys' work and wear slacks).

Lepanto Garment Co., Lepanto, Ark.; effective 5-15-62 to 5-14-63 (ladies' dresses).

Lyons Manufacturing Co., Inc., Lyons, Ga.; effective 5-18-62 to 5-17-63 (men's shirts).

Oneonta Dress Co., Inc., 359 Chestnut Street, Oneonta, N.Y.; effective 5-17-62 to 5-16-63 (ladies' dresses).

Phillips-Van Heusen Corp., Patton, Pa.; effective 6-2-62 to 6-1-63 (dress shirts).

Rivera, Inc., Pontotoc, Miss.; effective 5-15-62 to 5-14-63 (men's dress shirts).

Shults Manufacturing Co., Inc., Henderson, Tenn.; effective 5-25-62 to 5-24-63 (men's and boys' single pants).

Thomson Co., Milledgeville Road, Harlem, Ga.; effective 5-29-62 to 5-28-63 (men's and women's slacks).

Thomson Co., O'Neal Street, Thomason, Ga.; effective 6-12-62 to 6-11-63 (men's and women's slacks).

V & C Frocks, 47 North Main Street, Carbondale, Pa.; effective 5-18-62 to 5-17-63 (children's dresses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

ABC Manufacturing Co., Inc., 331 Main Street, Lilly, Pa.; effective 5-15-62 to 5-14-63; 10 learners (women's and children's nightwear and women's dresses).

Angelica Uniform Co., Winfield, Mo.; effective 6-5-62 to 6-4-63; 10 learners (men's washable cotton service uniform coats).

Arco Fashions, Inc., 600 Arthur Street, Hazleton, Pa.; effective 5-17-62 to 5-16-63; five learners (women's dresses).

Carolina Industrial Manufacturing Corp., 364 Ashe Street, Greensboro, N.C.; effective 5-18-62 to 5-17-63; 10 learners (children's dresses).

Osgood & Sons, Inc., 349 East North Street, Decatur, Ill.; effective 5-15-62 to 5-14-63; 10 learners (dresses).

The following learner certificate was issued for plant expansion purposes. The effective and expiration date and the number of learners authorized are indicated.

Honey Togs, Inc., 605 West Upshur, Gladewater, Tex.; effective 5-21-62 to 11-20-62; 15 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (children's wear, jamaicas, blouses, shirts, shorts, pedal pushers, etc.).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Boss Manufacturing Co., Greenville, Ala.; effective 6-8-62 to 6-7-63; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Wells Lamont Corp., 801 East Main Street, Brownsville, Tenn.; effective 5-31-62 to 5-30-63; 10 percent of the total number of machine stitchers for normal labor turnover purposes (fabric gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Black Mountain Hosiery Mills, Inc., Black Mountain, N.C.; effective 5-15-62 to 5-14-63; five learners for normal labor turnover purposes (seamless).

Selma Hosiery Co., Dillon, S.C.; effective 6-2-62 to 6-1-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Walridge Hosiery Mills, Inc., Marvell, Ark.; effective 5-15-62 to 5-14-63; five learners for normal labor turnover purposes (seamless).

Walridge Hosiery Mills, Inc., Marvell, Ark.; effective 5-15-62 to 11-14-62; 15 learners for plant expansion purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Reidler Knitting Mills, Inc., 757 West Broad Street, Hazleton, Pa.; effective 5-29-62 to 5-28-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's, women's, and children's cotton knit underwear).

Gloray Knitting Mills, Inc., Robesonia, Pa.; effective 5-16-62 to 5-15-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' sweaters).

Mode O'Day Corp., 840 12th Street NW., Mason City, Iowa, effective 6-6-62 to 6-5-63; five learners for normal labor turnover purposes (ladies' lingerie: Slips, gowns, and panties).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

R. K. Barter Canneries, Inc., Stonington, Maine; effective 5-21-62 to 11-20-62; 10 percent of the total number of factory production workers for normal labor turnover purposes, in the occupation of sardine packer for a learning period of 160 hours at the rates of not less than $1 an hour for the first 80 hours and not less than $1.05 an hour for the remaining 80 hours (sardines).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Angela Manufacturing Co., Inc., Guayama, P.R.; effective 4-18-62 to 4-17-63; 16 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres).

Beatrice Needle Craft, Inc., Maledon Road Plant, Mayaguez, P.R.; effective 4-5-62 to 4-4-63; 25 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres).

Bonita, Inc., Cayey, P.R.; effective 4-16-62 to 4-15-63; five learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres).

Catherine Needle Craft, Inc., 60 Comercio Street, Mayaguez, P.R.; effective 4-23-62 to 4-22-63; 20 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres).

Juana Diaz Co., Inc., Ponce, P.R.; effective 4-16-62 to 4-15-63; 17 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres and girdles).

Juana Diaz Co., Inc., Ponce, P.R.; effective 4-16-62 to 10-15-62; 23 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres and girdles).

Jurala, Inc., 242 Franklin D. Roosevelt Avenue, Hato Rey, P.R.; effective 4-9-62 to 10-8-62; 15 learners for plant expansion purposes, in the single occupation of basic hand and/or machine production operations: Jewelry manufacturer and processer, assembler, solderer, polisher, and diamond setter, for a learning period of 320 hours at the rates of 87 cents an hour for the first 160 hours and $1.01 an hour for the remaining 160 hours (jewelry).

Jurala, Inc., 242 Franklin D. Roosevelt Avenue, Hato Rey, P.R.; effective 4-9-62 to 4-8-63; five learners for normal labor turnover purposes, in the single occupation of basic hand and/or machine production operations: Jewelry manufacturer and processer, assembler, solderer, polisher, and diamond setter, for a learning period of 320 hours at the rates of 87 cents an hour for the first 160 hours and $1.01 an hour for the remaining 160 hours (jewelry).

Lester Corp., Caparra Heights, P.R.; effective 4-16-62 to 4-15-63; five learners for normal labor turnover purposes, in the single occupation of basic hand and/or machine production operations: Assembly of slide charts, for a learning period of 240 hours at the rates of 78 cents an hour for the first 160 hours and 91 cents an hour for the remaining 80 hours (slide charts).

Lester Corp., Caparra Heights, P.R.; effective 4-16-62 to 10-15-62; 18 learners for plant expansion purposes, in the single occupation of basic hand and/or machine production operations: Assembly of slide charts, for a learning period of 240 hours at the rates of 78 cents an hour for the first 160 hours and 91 cents an hour for the remaining 80 hours (slide charts).

Rizotex, Inc., Cayey, P.R.; effective 4-18-62 to 4-17-63; five learners for normal labor turnover purposes, in the occupations of winder and crimper; twister, each for a learning period of 240 hours at the rate of 65 cents an hour (yarn).

Surtex Glove Corp., Coamo, P.R.; effective 5-1-62 to 4-30-63; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours for the period May 1, 1962, to June 1, 1962, and at the rates of 68 cents an hour for the first 240 hours and 79 cents an hour for the remaining 240 hours, effective June 2, 1962 (gloves).

Sylvia, Inc., Aguas Buenas, P.R.; effective 4-9-62 to 10-8-62; 200 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 81 cents an hour (brassieres).

Tempo Glove Corp., Salinas, P.R.; effective 5-1-62 to 8-13-62; 30 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours for the period May 1, 1962, to June 1, 1962, and at the rates of 66 cents an hour for the first 240 hours and 77 cents an hour for the remaining 240 hours, effective June 2, 1962 (leather gloves).

Tempo Glove Corp., Salinas, P.R.; effective 6-2-62 to 6-13-62; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 66 cents an hour for the first 240 hours and 77 cents an hour for the remaining 240 hours (leather gloves) (replacement certificate).

United Corp., Cabo Rojo, P.R.; effective 3-28-62 to 9-27-62; 54 learners for plant expansion purposes, in the occupations of: (1) Machine stitchers and layers off, each for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours; (2) die and clicker machine operator for a learning period of 160 hours at the rate of 62 cents an hour (leather gloves).

United Corp., Cabo Rojo, P.R.; effective 3-28-62 to 3-27-63; 10 learners for normal labor turnover purposes, in the occupations of: (1) Machine stitcher and layer off, each for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours; (2) die and clicker machine operator, for a learning of 160 hours at the rate of 62 cents an hour (leather gloves).

Isabela Vieques Corp., Vieques, P.R.; effective 4-23-62 to 10-22-62; 100 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 65 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 65 cents an hour (dress shirts).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C. this 11th day of June 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-5919; Filed, June 18, 1962; 8:46 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 561 (27 F.R. 4001) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.9) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (20 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Angelica Uniform Co., Eminence, Mo.; effective 6-9-62 to 6-8-63 (men's and women's cotton uniforms).

Angelica Uniform Co., Summersville, Mo.; effective 6-12-62 to 6-11-63 (women's washable service uniforms and men's dental smocks).

C & D Sportswear Corp., Adel, Ga.; effective 6-6-62 to 6-5-63 (men's and boys' sport shirts).

Eatonton Manufacturing Co., Inc., 103 Godfrey Road, Eatonton, Ga.; effective 5-31-62 to 5-30-63 (men's dress trousers).

Greenwood Shirt Co., Inc., Montague Street, Greenwood, S.C.; effective 6-2-62 to 6-1-63 (women's blouses and men's sport shirts).

Charles W. Henson Garment Manufacturing Co., Monroe, Ga.; effective 6-3-62 to 6-2-63 (men's and boys' work and dress pants).

Frank Kern Manufacturing Co., 595 Chestnut, Neoga, Ill.; effective 5-29-62 to 5-28-63 (women's brassieres and girdles).

The H. D. Lee Co., Inc., Sulphur Springs, Tex.; effective 5-29-62 to 5-28-63 (western pants).

Mode O'Day Corp., 2955 South Main, Salt Lake City 15, Utah; effective 6-3-62 to 6-2-63 (women's dresses).

Newport Manufacturing Co., Inc., Newport, N.C.; effective 5-28-62 to 5-27-63 (men's sport shirts).

Pikeville Sportswear Co., Pikeville, Tenn.; effective 5-31-62 to 5-30-63 (men's and boys' cotton sport shirts).

Pottsville Shirt & Pajama Corp., 12th and Laurel Streets, Pottsville, Pa.; effective 5-29-62 to 5-28-63 (men's and boys' pajamas, boys' shirts and ladies' blouses).

Sweet-Orr and Co., Inc., Dawsonville, Ga.; effective 5-28-62 to 5-27-63 (boys' uniform shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Guin Garment Corp., Guin, Ala.; effective 6-8-62 to 6-7-63; 10 learners (boys' shirts).

Jean's Sportswear, Inc., Leonardtown, Md.; effective 6-16-62 to 6-15-63; 10 learners (infants wear).

Walter J. Munro, Inc., Salisbury Road, Statesville, N.C.; effective 5-26-62 to 5-27-63; 10 learners (infants wear: Layettes and buntings).

National Sportswear Corp., 16 River Street, Carbondale, Pa.; effective 5-31-62 to 5-30-63; 10 learners (men's and boys' suburban coats, zipper coats, and button coats).

New Fashions, Inc., 212 North Walnut Street, Clarksville, Tex.; effective 5-29-62 to 5-28-63; 10 learners (women's dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Carolina Sleepwear Corp., Weldon, N. C.; effective 6-1-62 to 11-30-62; 30 learners (ladies' and children's nightwear of woven fabric).

The Exylin Co., 925 North Main Street, Mount Vernon, Ind.; effective 6-2-62 to 12-1-62; 45 learners (children's, men's, and women's raincoats).

LGAM Co., Woodsfield, Ohio; effective 6-4-62 to 12-3-62; 50 learners (ladies' mantailored blouses).

Loris Manufacturing Co., Loris, S.C.; effective 6-4-62 to 12-3-62; 25 learners (ladies' capri pants and blouses).

Newport Manufacturing Co., Inc., Newport, N.C.; effective 5-28-62 to 11-27-62; 10 learners (men's sport shirts).

Jack Winter Manufacturing Corp., Marianna, Ark.; effective 6-6-62 to 12-5-62; 40 learners (men's and ladies' slacks).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

The Boss Manufacturing Co., 107 North Boss Street, Kewanee, Ill., effective 6-1-62 to 11-30-62; 15 learners for plant expansion purposes (work gloves).

Fabry Glove & Mitten Co., 1232 East Walnut Street, Green Bay, Wis.; effective 5-29-62 to 5-28-63; four learners for normal labor turnover purposes (leather gloves and mittens).

Fairfield Glove Co., Bonaparte, Iowa; effective 5-31-62 to 5-30-63; 10 learners for normal labor turnover purposes (gloves and mittens).

Fairfield Glove Co., 603-7 West Stone Street, Fairfield, Iowa; effective 5-31-62 to 5-30-63; 10 learners for normal labor turnover purposes (work gloves).

Ideal Glove Co., Inc., Maben, Miss.; effective 6-15-62 to 6-14-63; five learners for normal labor turnover purposes (combination leather and fabric work gloves).

North Star Glove Co., 2317 Pacific Avenue, Tacoma, Wash.; effective 5-31-62 to 5-30-63; 10 learners for normal labor turnover purposes (leather-faced canvas gloves).

Western Glove Co., Orting, Wash.; effective 6-7-62 to 6-6-63; six learners for normal labor turnover purposes (canvas and leather-face canvas gloves).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Cherrybell Manufacturing Corp., 1720 South Cherrybell Avenue, Tuscon, Ariz.; effective 6-1-62 to 5-31-63; five learners for normal labor turnover purposes (ladies' undergarments; Panties and half-slips).

Keystone Mills, Inc., 325 South Lancaster Street, Annville, Pa.; effective 5-28-62 to 5-13-63; five learners for normal labor turnover purposes (ladies' cotton underwear and polo shirts) (replacement certificate).

Mistee Lingerie, Inc., 320 South Franklin Street, Boyertown, Pa.; effective 5-31-62 to 5-30-63; five learners for normal labor turnover purposes (women's lingerie).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

Western Art Manufacturing Co., Inc., 28 East Fifth Avenue, Denver 3, Colo.; effective 5-28-62 to 11-27-62; eight learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 320 hours at the rates of not less than $1 an hour for the first 160 hours and not less than $1.05 an hour for the remaining 160 hours (children's pajamas and infants topper sets: Satin pillow tops, scarfs, cotton aprons and neckties).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 13th day of June 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-5920; Filed, June 18, 1962; 8:46 a.m.]

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Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

SUBCHAPTER B—FEDERAL FARM LOAN SYSTEM

PART 10—FEDERAL LAND BANKS GENERALLY

Amount Loanable to Applicant

In order to reflect a change in the limitation on the amount loanable to an applicant for a loan from a Federal land bank, Part 10 of Subchapter B of Chapter I of Title 6 of the Code of Federal Regulations, published at 27 F.R. 877, is amended by revising § 10.34 to read as follows:

§ 10.34 Computing amount loanable to applicant.

(a) *Limitation.* The amount of any loan made by a bank may not exceed one-twelfth of 10 percent of the combined total net worth of all Federal land banks, or 10 percent of the total net worth of the bank making the loan, whichever is higher, based on the respective amount of such total net worth as of the end of the preceding semiannual period (June 30 or December 31). The amount of loans to any one borrower, computed as hereinafter provided, may not exceed such limitation.

(b) *Individuals.* In determining the amount loanable to an individual, within such limitation, there shall be charged against his borrowing capacity the total unpaid principal of all indebtedness to any bank of the system which is secured by property presently owned or being acquired by him, either individually or jointly with others, or for which he is personally liable. The amount of any loan to a corporation engaged in farming operations shall be charged against the individual borrowing capacity of each stockholder who assumes personal liability for the loan to the corporation.

(c) *Farming corporations.* In determining the amount loanable to a corporation engaged in farming operations, within such limitation, there shall be charged against its borrowing capacity the total unpaid principal of all indebtedness to any bank of the system which is secured by property presently owned or being acquired by it, or for which it is liable. The amount loaned to a corporation shall be limited to such amount as will not cause the amount chargeable against the borrowing capacity of any stockholder to exceed such limitation.

(Sec. 6, 47 Stat. 14, as amended; 12 U.S.C. 665)

R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F.R. Doc. 62-5973; Filed, June 19, 1962; 8:48 a.m.]

SUBCHAPTER F—BANKS FOR COOPERATIVES

PART 70—BANKS FOR COOPERATIVES GENERALLY

Loans To Finance Sales by or Purchases From Cooperatives and Other Purposes of Farmers

Section 70.34 of Title 6 of the Code of Federal Regulations (26 F.R. 9009) and its descriptive heading are amended to read as follows:

§ 70.34 Loans to finance sales by or purchases from cooperatives and other purposes of farmers.

Insofar as farmers may obtain loans for general agricultural purposes and their other requirements from production credit associations, there ordinarily should be no occasion for a bank for cooperatives to make a loan which would be used by the borrowing cooperative association to make loans to farmers of a type which may be obtained from production credit associations. However, a bank for cooperatives may make a loan to a cooperative association to enable it to capitalize a subsidiary or affiliated credit corporation. A bank for cooperatives also may make a loan to enable the borrowing cooperative association (which may be a credit corporation or other type of eligible cooperative) to extend credit or make a loan for the purpose of financing the sale of farm supplies, equipment, or services by such borrowing cooperative association or an affiliated cooperative association. Any such loans by the borrowing cooperative association may be made either to the farmer patrons or to an affiliated cooperative association which is furnishing the farm supplies, equipment, or services. Further, a bank for cooperatives may make a loan to enable the borrowing cooperative association to lend to farmers for a purpose other than the purchase of farm supplies, equipment, or services from the borrowing cooperative association or an affiliated cooperative association if the loan by the borrowing cooperative association for such other purpose is directly connected with and reasonably necessary for other eligible functions performed by the borrowing cooperative association or an affiliated cooperative association for such farmers. In any circumstances where the lending authority of a bank for cooperatives is deemed to overlap the lending authority of a Federal intermediate credit bank or the production credit associations, the farm credit board for the district should resolve how any needed loan service within such authority is to be rendered.

(Sec. 6, 47 Stat. 14, as amended, secs. 34, 41, 48 Stat. 262, 264, as amended; 12 U.S.C. 665, 1134c, 1134j)

R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F.R. Doc. 62-5974; Filed, June 19, 1962; 8:48 a.m.]

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Announcement CN-EX-10 (Revision 1), Amdt. 1]

PART 482—COTTON

Subpart—Cotton Products Export Program Regulations

DEFINITIONS; UNITED STATES

In order to correct the Cotton Products Export Program Regulations (Announcement CN-EX-10 (Revision 1)) dated May 8, 1962, (27 F.R. 4581) to include exports of cotton products from Puerto Rico, paragraph (e) of § 482.352 is amended to read as follows:

§ 482.352 Definitions.

* * * * *

(e) *United States.* "United States," as used herein, means the fifty States, the District of Columbia, and Puerto Rico.

(Sec. 4, 5, 62 Stat. 1070, as amended, 15 U.S.C. 714b, 714c)

This amendment shall be applicable to all export sales made on or after the date of publication of this amendment in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 15, 1962.

RAYMOND A. IOANES,
Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-6022; Filed, June 19, 1962; 8:52 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—FILLING COMPETITIVE POSITIONS

Career-Conditional and Career Appointments

Paragraph (c) of § 2.301 is amended as set out below.

§ 2.301 Career-conditional and career appointments.

* * * * *

(c) *Procedure for terminating a probationer.* (1) If an agency decides to terminate an employee serving a probationary or trial period because his work performance or conduct during this period fails to demonstrate his fitness or his qualifications for continued Federal employment, his services shall be terminated by notifying him in writing as to why he is being terminated and the effective date of the action. The information in the notice as to why he is being terminated must, as a minimum, consist of the agency's conclusions as to the inadequacies of his performance or conduct. The employee shall have the right of appeal only under the circumstances provided in § 22.304(b)(2) of this chapter and must observe the time limit specified in that section.

(2) If an agency decides to terminate an employee during the probationary or trial period for reasons based in whole or in part on conditions arising before his appointment, the action shall be processed in the same manner as actions taken under Subpart C of Part 22 of this Chapter and the employee shall have the right of appeal provided in § 22.304 of that subpart.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-5999; Filed, June 19, 1962; 8:50 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Health, Education, and Welfare

Federal Register Document 62-5711, published in 27 F.R. 5538, is corrected by changing the number of the subparagraph from "(18)" to "(19)".

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-6000; Filed, June 19, 1962; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Frozen Speckled Butter (Lima) Beans [1]

On February 14, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 1246) regarding a proposed issuance of United States Standards for Grades of Frozen Speckled Butter (lima) Beans.

Statement of consideration leading to the new grade standards. Since the first commercial freezing of speckled butter beans, processors have cooperated with the Department in studies toward development of grade standards for the product. Starting in 1958, and continuing through 1960, informal discussions were held with processors and others. The proposed grade standards were tested in quality control and as a buying guide during the period from February, 1961, to January 1, 1962, in which the Department invited views of interested persons. As a result of the Department's studies and the views of processors and other interested parties, the standards as hereby issued adopt pertinent changes from the proposed grades.

The new grade standards provide for the means by which the product may be officially inspected and certified as to a specific grade or used in quality control by processors. They also provide a basis on which the product may be more effectively labeled and marketed as to quality.

The following changes from the proposal are included in the final issuance:

(1) In Grade A, the allowance for tan color beans has been increased from 15 percent to 20 percent;

(2) In Grade A, a new requirement has been added so that 20 percent or more beans must have at least a slight green coloration in the cotyledons;

(3) In Grade A, the allowance for brown beans has been reduced from 6 to 4 per 10 ounces;

(4) In Grade B, the allowance for brown beans has been reduced from 12 to 8 per 10 ounces; and

(5) An adjustment has been made in the tolerances for different kinds of harmless extraneous vegetable material permitted in Grades A and B.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Frozen Speckled Butter (Lima) Beans are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627).

PRODUCT DESCRIPTION AND GRADES

Sec.
52.5241 Product description.
52.5242 Grades of frozen beans.

FACTORS OF QUALITY

52.5243 Ascertaining the grade of a sample unit.
52.5244 Ascertaining the rating for the factors which are scored.
52.5245 Color.
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METHODS AND ANALYSIS

52.5248 Cooking procedure.

LOT INSPECTION AND CERTIFICATION

52.5249 Ascertaining the grade of a lot.

SCORE SHEET

52.5250 Score sheet for frozen speckled butter (lima) beans.

AUTHORITY: §§ 52.5241 to 52.5250 issued under secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627.

PRODUCT DESCRIPTION AND GRADES

§ 52.5241 Product description.

(a) "Frozen speckled butter (lima) beans" means the frozen product prepared from the clean, sound, freshly-vined (but not "seed-dry") seed of the speckled butter (lima) bean plant (Phaseolus limensis). The skins of the seed are pigmented and the external colors range from variegated speckling of green, pink, red, and/or lavender to purple. The product is prepared by shelling the pods; by washing, blanching, and properly draining the seed which may have been sorted and blended or otherwise prepared in accordance with good commercial practice; and is frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

(b) Frozen speckled butter (lima) beans, hereinafter referred to as "frozen beans", mean any of the varieties of frozen speckled butter beans or speckled lima beans.

§ 52.5242 Grades of frozen beans.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of frozen beans that possess a good flavor; that possess a good color; that are practically free from defects; that possess a good character; and that score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or "U.S. Extra Standard") is the quality of frozen beans that possess a normal flavor; that possess a reasonably good color; that are reasonably free from defects; that possess a reasonably good character; and that score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen beans that fail to meet the requirements of U.S. Grade B.

FACTORS OF QUALITY

§ 52.5243 Ascertaining the grade of a sample unit.

(a) *General.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated in ascertaining the grade of the product:

(1) *Factor not rated by score points—*

(i) *Flavor.* (a) "Good flavor" means that the product—before and after cooking—has a good, characteristic flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(b) "Normal flavor" means that the product may be slightly lacking in good flavor but is free from objectionable flavors and objectionable odors of any kind.

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factors:	Points
Color	30
Defects	40
Character	30
Total score	100

(b) *Evaluation of quality.* The scores for the factors of color and absence of defects are determined immediately after thawing to the extent that the product is substantially free from ice crystals and

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

the beans can be handled as individual units. The evaluation of the factor of character is made after the product is cooked (see § 52.5248).

§ 52.5244 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "27 to 30 points" means 27, 28, 29, or 30 points).

§ 52.5245 Color.

(a) *General.* The evaluation of color is determined on the thawed product. The color is based upon the exterior skin and cotyledon color of the beans.

(b) *Color characteristics.* "Similar color characteristics" means the beans are of the speckled type. Very young succulent beans that contain only slight speckling of the skins or a mixture of various speckled varieties are considered as beans with "similar color characteristics."

(c) (*A*) *classification.* Frozen beans that possess a good color may be given a score of 27 to 30 points. "Good color" means that:

(1) The over-all color is bright and typical for speckled types of similar color characteristics;

(2) Not less than 15 percent, by weight, of the beans possess at least a slight tinge of green in the cotyledons;

(3) Not more than 20 percent, by weight, of the beans may possess a light tan to tan color;

(4) There may be present no more than 4 beans per 10 ounces that are light brown to brown or a pronounced mottled brown; and

(5) The presence of abnormally colored beans does not materially affect the over-all color.

(d) (*B*) *classification.* If the frozen beans possess a reasonably good color, a score of 24 to 26 points may be given. Frozen beans that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that:

(1) The over-all color may be slightly dull or the beans may possess a light tan to tan color but such colors are typical of speckled types of similar color characteristics;

(2) There may be present no more than 8 beans per 10 ounces that are light brown to brown or a pronounced mottled brown; and

(3) The presence of abnormally colored beans does not seriously affect the over-all color.

(e) (*SStd*) *classification.* Frozen beans that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.5246 Defects.

(a) *General.* The factor of defects refers to the degree of freedom from harmless extraneous vegetable material, from pieces of beans, shriveled beans, sprouted beans, from beans that are blemished or seriously blemished, and from other defects that affect the appearance or edibility of the product.

(b) *Definitions of harmless extraneous vegetable material.* "Harmless extraneous vegetable materials" for the purposes of ascertaining allowances in this section are grouped as:

(1) Flat type—predominantly flat green, tender vegetable material, such as but not limited to pieces of pods or leaves of the bean plant or similar plant; or

(2) Spherical type — predominantly spherical or elliptical-shape vegetable material, such as but not limited to seeds from plants other than the lima bean plant; or

(3) Cylindrical type—predominantly cylindrical green, vegetable material, such as but not limited to stems or pieces of stems of the bean plant or similar plant.

(c) *Basis of allowances for harmless extraneous vegetable material.* The allowances for harmless extraneous vegetable material are based on 30 ounces of frozen beans. When considering sample units of less than 30 ounces, the allowances provided in this section for the respective grade classification will be permitted in a single sample unit: *Provided*, That the average of such defects in the entire sample does not exceed such allowances.

(d) *Definitions of other defects.* (1) A "Piece of bean" means:

(i) A bean from which one-half or more of one cotyledon (or the equivalent thereof) has become detached; or

(ii) Two detached whole cotyledons; or

(iii) Pieces of detached broken cotyledons aggregating the equivalent of one average size whole cotyledon; or

(iv) A whole detached skin or portions of detached skin aggregating the equivalent of an average size whole skin.

(2) "Shriveled bean" means a bean that is materially wrinkled and not of normal plumpness.

(3) "Sprouted bean" means a bean that shows an external shoot protruding prominently beyond the cotyledon or skin.

(4) "Blemished" means blemished to the extent that the appearance or eating quality of the bean is materially affected.

(5) "Seriously blemished" means blemished or discolored to such an extent that the appearance or eating quality of the bean is seriously affected.

(e) (*A*) *classification.* Frozen beans that are practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" means that:

(1) There may be present no more than the specified defects in Table I of this subpart for the Grade A classification; and

(2) Notwithstanding the allowances for such specific defects the presence of harmless extraneous vegetable material, pieces of beans, shriveled and sprouted beans, and blemished and seriously blemished beans, or any other defects or defective units not specifically mentioned, individually or collectively, does not materially affect the appearance or eating quality of the product.

(f) (*B*) *classification.* (1) If the frozen beans are reasonably free from defects, a score of 32 to 35 points may be given. Frozen beans that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule).

(2) "Reasonably free from defects" means that:

(i) There may be present no more than the specified defects in Table I of this subpart for the Grade B classification; and

(ii) Notwithstanding the allowances for such specific defects the presence of harmless extraneous vegetable material, pieces of beans, shriveled and sprouted beans, and blemished and seriously blemished beans, or any other defects or defective units not specifically mentioned, individually or collectively, does not seriously affect the appearance or eating quality of the product.

(g) (*SStd.*) *classification.* Frozen beans that fail to meet the requirements of paragraph (f) of this section may be given a score of 0 to 31 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE I—MAXIMUM ALLOWANCES FOR DEFECTS

Kind of defect	Grade A	Grade B	
		When present as a single group	Combination of any two groups
Groups of harmless extraneous vegetable material	*For each 30 ounces net weight, or average* [1]		
Flat material	¼ square inch or 1 piece of any size. or	1 square inch or 1 piece of any size. or	½ square inch or 1 piece of any size.
Spherical material	1 unit or	3 units. or	2 units.
Cylindrical material	1 piece (or pieces) not over ½ inch aggregate length.	1 piece (or pieces) not over 2 inches aggregate length.	1 piece (or pieces) not over 1 inch aggregate length.
	Count per 10 ounces net weight		
Pieces of beans	20 pieces.	40 pieces.	
Shriveled beans; and sprouted beans.	2 beans.	8 beans.	
Blemished beans; and seriously blemished beans.	Total 10 beans, but no more than 5 seriously blemished of which no more than 1 may be accompanied by material discoloration.	Total 20 beans, but no more than 10 seriously blemished of which no more than 2 may be accompanied by material discoloration.	

[1] See § 52.5246(c) *Basis of allowances for harmless extraneous vegetable material.*

§ 52.5247 Character.

(a) *General.* The evaluation of character is based on the degree of tenderness of the skins and cotyledons and the uniformity of such tenderness and texture after cooking the product by the prescribed cooking procedure (See § 52.5248).

(b) (*A*) *classification.* Frozen beans that possess a good character may be given a score of 27 to 30 points. "Good character" means the beans are reasonably tender and are practically uniform in texture and tenderness.

(c) (*B*) *classification.* If the frozen beans possess a reasonably good character, a score of 24 to 26 points may be given. Frozen beans that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means the beans are fairly tender and may be variable in texture and tenderness, and the cotyledons may be "mealy" but are not hard.

(d) (*SStd*) *classification.* Frozen beans that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

METHODS OF ANALYSIS

§ 52.5248 Cooking procedure.

(a) The cooking procedure that follows is not intended to be a recipe for purposes of food preparation but is for the purposes of ascertaining compliance with requirements for applicable quality factors as outlined in this subpart.

(b) Place 10 ounces of the thawed or free-flowing product in a two-quart sauce pan containing 400 milliliters of tap water (without the addition of salt) which has been brought to a boil. Continue to heat rapidly until the water begins to boil again. Cover the pan and boil for 40 minutes, reducing the heat to maintain a constant boil, except that very young succulent beans may be cooked for a lesser length of time.

(c) Immediately after cooking pour the product on to a flat receptacle and spread out to facilitate cooling. The product should be checked for flavor, odor, tenderness, and texture while still warm.

LOT INSPECTION AND CERTIFICATION

§ 52.5249 Ascertaining the grade of a lot.

The grade of a lot of frozen beans covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.5250 Score sheet for frozen speckled butter (lima) beans.

Size and kind of container _____
Container marks or identification _____
Label _____
Net weight (ounces) _____

Factors		Score points	
Color	30	(A)	27–30
		(B)	24–26
		(SStd.)	0–23
Defects	40	(A)	36–40
		(B)	32–35
		(SStd.)	0–31
Character	30	(A)	27–30
		(B)	24–26
		(SStd.)	0–23
Total score	100		

Grade _____
Flavor _____

[1] Indicates limiting rule.

The United States Standards for Grades of Frozen Speckled Butter (Lima) Beans (which is the first issue) contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER.

Dated: June 14, 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-6018; Filed, June 19, 1962; 8:52 a.m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR BARLEY CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published April 26, 1962, which were designated for barley crop insurance for the 1963 crop year.

COLORADO

Phillips. Sedgwick.

IDAHO

Bannock. Canyon.
Caribou. Franklin.

MONTANA

Blaine. Roosevelt.
Glacier. Stillwater.
Liberty. Yellowstone.
Richland.

(Secs. 506, 516, 52 Stat. 73, as amended, 77 as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 62-5981; Filed, June 19, 1962; 8:49 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR WHEAT CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published April 26, 1962, which were designated for wheat crop insurance for the 1963 crop year.

COLORADO

Boulder.

IDAHO

Bannock. Caribou.
Canyon. Franklin.

ILLINOIS

Coles. Edgar.

INDIANA

Henry. Wabash.

MISSOURI

Barton. Ray.

MONTANA

Glacier. Wibaux.

NEBRASKA

Adams. Johnson.
Clay. Otoe.
Fillmore. Sheridan.

OHIO

Defiance. Wood.

OKLAHOMA

Grady. Payne.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 62-5982; Filed, June 19, 1962; 8:49 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—REGULATIONS UNDER SOIL BANK ACT

[Amdt. 22]

PART 750—SOIL BANK

Subpart—Conservation Reserve Program for 1960

DEFINITION; DEPUTY ADMINISTRATOR

The regulations governing the Conservation Reserve Program for 1960, 24 F.R. 7987, as amended, are hereby further amended as follows:

Section 750.501(d) is amended by changing the definition of the term "Deputy Administrator" to read as follows:

(d) "Deputy Administrator" means the Deputy Administrator, Conservation, or Acting Deputy Administrator, Con-

servation, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Effective date: Date of signature.

Signed at Washington, D.C., on June 15, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-6023; Filed, June 19, 1962; 8:52 a.m.]

[Amdt. 57]

PART 750—SOIL BANK

Subpart—Conservation Reserve Program for 1956 Through 1959

DEFINITION; DEPUTY ADMINISTRATOR

The regulations governing the Conservation Reserve Program for 1956 through 1959, 21 F.R. 6289, as amended, are hereby further amended as follows:

§ 750.150(e) is amended by changing the definition of the term "Deputy Administrator" to read as follows:

(e) "Deputy Administrator" means the Deputy Administrator, Conservation, or Acting Deputy Administrator, Conservation, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Effective date: Date of signature.

Signed at Washington, D.C., on June 15, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-6024; Filed June 19, 1962; 8:52 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[965.304; Amdt. 1]

PART 965—TOMATOES GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

Findings. (a) Pursuant to Marketing Order No. 965 (7 CFR Part 965), regulating the handling of tomatoes grown in Cameron, Hidalgo, Starr, and Willacy Counties in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Texas Valley Tomato Committee, established pursuant to said marketing order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest than would otherwise prevail, will be promoted by regulating the handling of tomatoes in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted under the circumstances, for such preparation, (5) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (6) this amendment relieves restrictions on the handling of tomatoes grown in the production area.

Order, as amended. In § 965.304 (27 F.R. 3012, 3507) delete paragraph (a), and in lieu thereof substitute new paragraph (a), as set forth below.

§ 965.304 Limitation of shipments

(a) *Requirements*—(1) *Minimum grade.* U.S. No. 2, or better, grade.

(2) *Minimum size.* $1^{28}/_{32}$ inches in diameter or larger. Not more than ten percent, by count, of tomatoes in any lot of sizes 7 x 8 ($1^{28}/_{32}$ inches minimum diameter to 2 inches maximum diameter) may be smaller than the specified minimum diameter.

(3) *Sizing arrangement.* (i) Mature green tomatoes shall be packed in one of the following ranges of diameter applicable thereto.

Size arrangements	*Diameter (inches)*
Mature green:	
7 x 8	$1^{28}/_{32}$ to 2, inclusive.
7 x 7	Over 2 to $2^{2}/_{32}$, inclusive.
6 x 7	Over $2^{2}/_{32}$ to $2^{17}/_{32}$, inclusive.
6 x 6	Over $2^{17}/_{32}$.

(ii) All tomatoes subject to sizing arrangements shall be packed separately for each size range, except that size 6 x 6 and larger sizes may be commingled.

(iii) To allow for variations incident to proper sizing and handling, for mature green tomatoes, not more than a total of ten percent, by count, in any lot, may be smaller than the minimum diameter or larger than the specified maximum diameter. Tomatoes of turning or greater degree of maturity shall not be subject to size arrangements.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: June 15, 1962, to become effective 12:01 a.m., c.s.t., June 16, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-6020; Filed, June 19, 1962; 8:52 a.m.]

[980.200 Tomato Reg. 7; Amdt. 2]

PART 980—VEGETABLES; IMPORT REGULATIONS

Tomatoes

Pursuant to the requirements of § 8e (7 U.S.C. 608e) of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674) the regulation, published in the FEDERAL REGISTER April 12, 1962 (27 F.R. 3507), and June 6, 1962 (27 F.R. 5330), restricting the importation of tomatoes is hereby amended as set forth below.

Order, as amended. In § 980.200 *Tomato Regulation No. 7* (27 F.R. 3507, 5330), delete paragraph (a), and substitute a new paragraph (a), as follows:

§ 980.200 Tomato Regulation No. 7.

(a) *Import restrictions.* During the period from June 16, 1962, to July 15, 1962, both dates inclusive, no person shall import any tomatoes of any variety, except elongated types, commonly referred to as pear shaped or paste tomatoes and including, but not limited to, San Marzano, Red Top, and Roma varieties; and cerasiform type tomatoes, commonly referred to as cherry tomatoes, unless such tomatoes meet the requirements of U.S. No. 2, or better grade, and are $1^{28}/_{32}$ inches minimum diameter or larger: *Provided,* That not more than ten (10) percent, by count, of tomatoes in any lot of 7 x 8 ($1^{28}/_{32}$ inches minimum diameter to 2 inches maximum diameter) may be smaller than the specified minimum diameter.

This amendment accords with simultaneous amendment to the limitation of shipments regulation effective on domestic shipments of tomatoes (965.304, Amdt. 1) under Marketing Order No. 965 (7 CFR Part 965) regulating the handling of tomatoes grown in the Counties of Cameron, Hidalgo, Starr, and Willacy in Texas (Lower Rio Grande Valley) and relieves restrictions on the importation of tomatoes from the effective date hereof through July 15, 1962. Accordingly notice of rule making and publication procedure hereon are unnecessary and impractical and there is no reason to postpone the effective date of this amendment beyond June 16, 1962 (5 U.S.C. 1001-1011).

Dated: June 15, 1962, to become effective 12:01 a.m., c.s.t., June 16, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-6019; Filed, June 19, 1962; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1246; Amdt. 452]

PART 507—AIRWORTHINESS DIRECTIVES

Piper Models PA-18 and PA-18A Aircraft

Amendment 386, 27 F.R. 505 (AD 62-2-5), requires inspection of the rudder cable attachment fitting lug on all Piper PA-18 and PA-18A aircraft. It has been determined subsequently that the amendment should not apply to aircraft above Serial Number 18-7768. Accordingly, AD 62-2-5, is being amended to state that it applies to Serial Numbers 18-1 through 18-7768 inclusive and to refer to the manufacturer's revised service bulletin. It is also being amended to clarify the description of a satisfactory weld.

Since this amendment clarifies an existing requirement and imposes no additional burden on any persons, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended as follows:

Amendment 386, 27 F.R. 505, Piper PA-18 and PA-18A Series aircraft, is amended by:

1. Changing the applicability statement to read:

Applies to Models PA-18 and PA-18A Series aircraft Serial Numbers 18-1 through 18-7768 inclusive.

2. Changing the last sentence of the penultimate paragraph to read as follows:

A weld of sufficient length must cover at least the top half perimeter of the tube (minimum).

3. Revising the parenthetical reference statement to read:

(Piper Service Bulletin No. 207A, dated May 10, 1962, covers this subject).

This amendment shall become effective June 20, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 13, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-5946; Filed, June 19, 1962; 8:45 a.m.]

[Reg. Docket No. 1174; Amdt. 453]

PART 507—AIRWORTHINESS DIRECTIVES

de Havilland Model D.H. 114 Heron Aircraft

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring inspection of the aileron levers on de Havilland Model D.H. 114 Heron aircraft was published in 27 F.R. 4033.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

DE HAVILLAND. Applies to all Model D.H. 114 Heron aircraft.

Compliance required as indicated.

As a result of instances where cracks have occurred in the aileron lever P/N 14WA199, the following inspection shall be accomplished within the next 50 hours' time in service after the effective date of this AD and thereafter at intervals not exceeding 50 hours' time in service and, in addition, prior to further flight if the aileron is removed for any reason.

(a) Visually inspect the aileron lever, P/N 14WA199 for cracks at the lugs for attachment of the connecting rod, in the region of the attaching pins for the mass balance weight tube and at the lower end of the lever counter bore. If evidence of cracks is found, verify using dye penetrant or other FAA approved equivalent inspection method.

(b) Replace cracked aileron levers prior to further flight.

(c) When de Havilland Heron Modification 662, which incorporates a new forged lever P/N 14WA245, is installed, the inspections in (a) are no longer required.

(de Havilland Technical News Sheet Heron (114) No. W3, Issue 2 dated January 1, 1962, covers this subject.)

This amendment shall become effective July 20, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423

Issued in Washington, D.C., on June 13, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-5947; Filed, June 19, 1962; 8:45 a.m.]

[Reg. Docket No. 1173; Amdt. 454]

PART 507—AIRWORTHINESS DIRECTIVES

de Havilland Model D.H. 104 Dove Aircraft

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring inspection of the aileron levers on de Havilland Model D.H. 104 Dove aircraft was published in 27 F.R. 4032.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

DE HAVILLAND. Applies to all Model D.H. 104 Dove aircraft.

Compliance required as indicated.

As a result of instances where cracks have occurred in the aileron lever, P/N 4WA315, the following inspection shall be accomplished within the next 50 hours' time in service after the effective date of this AD and thereafter at intervals not exceeding 50 hours' time in service and, in addition, prior to further flight if the aileron is removed for any reason.

(a) Visually inspect the aileron lever, P/N 4WA315 for cracks at the lugs for the attachment of the connecting rod and in the counter-bored portion which receives the mass balance arm. If evidence of cracks, is found, verify using dye penetrant or other FAA approved equivalent method.

(b) Replace cracked aileron levers prior to further flight.

(c) When de Havilland Dove Modification 967, which incorporates a forged lever, P/N 4WA491, is installed, the inspections in (a) are no longer required.

(de Havilland Technical News Sheet CT (104) No. 151, Issue 3 dated January 1, 1962, covers this subject.)

This amendment shall become effective July 20, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 14, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-5948; Filed, June 19, 1962; 8:45 a.m.]

[Reg. Docket No. 1232; Amdt. 58]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

Safety Belts—TSO-C22e; Correction

Amendment 58 to Part 514 of the Regulations of the Administrator which was published in the FEDERAL REGISTER (27 F.R. 5138) on June 1, 1962, contains a typographical error. Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), this amendment is hereby corrected by changing the reference to "TSO-C22d" in the section heading to read "TSO-C22e."

Issued in Washington, D.C., on June 14, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-5949; Filed, June 19, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-56]

PART 13—PROHIBITED TRADE PRACTICES

L. Hart and Son Co., Inc., and Alexander J. Hart, Jr.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act;* § 13.1886 *Quality, grade or type;* § 13.1900 *Source or origin:* § 13.1900–40 *Fur Products Labeling Act:* § 13.1900–40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, L. Hart and Son Co., Inc., et al., San Jose, Calif., Docket C–56, Jan. 5, 1962]

Consent order requiring furriers in San Jose, Calif., to cease violating the Fur Products Labeling Act by failing to show on labels and invoices the true animal name of the fur used in fur products; failing to disclose on invoices the country of origin of furs used, when the fur was artificially colored, and when fur products were composed wholly or substantially of flanks; and failing to comply in other respects with labeling and invoicing requirements; by advertising in newspapers which represented prices of fur products as reduced from previous higher prices without giving the time of such compared higher prices; and failing to maintain adequate records disclosing the facts upon which such pricing claims were based.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That L. Hart and Son Co., Inc., a corporation, and Alexander J. Hart, Jr., individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation, or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Setting forth on labels affixed to fur products information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with non-required information.

C. Failing to set forth all the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on one side of labels.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish to purchasers of fur products invoices showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

C. Failing to disclose that fur products are composed in whole or in substantial part of flanks when such is the fact.

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

(a) Uses previous higher prices as comparatives without giving the time of such higher compared prices.

4. Making claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

Issued: January 5, 1962.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62–5957; Filed, June 19, 1962; 8:46 a.m.]

[Docket No. C–59]

PART 13—PROHIBITED TRADE PRACTICES

Irving Lippe and March Premium Co.

Subpart—Using, selling, or supplying lottery devices: § 13.2475 *Devices for lottery selling.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Irving Lippe trading as March Premium Company, New York, N.Y., and Chicago, Ill., Docket C–59, Jan. 5, 1962]

Consent order requiring a New York City distributor of a variety of merchandise including transistor radios, fountain pens, and dolls, who accepted orders at a Chicago post office box, to cease supplying means of conducting games of chance by his practice of distributing to operators and members of the public push cards or punch boards along with instructions for their use in selling the aforesaid merchandise.

The order to cease and desist is as follows, including further order requiring report of compliance therewith:

It is ordered, That respondent, Irving Lippe, trading as March Premium Company or under any other name or names, his representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of radios, dolls, pens or other articles of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Supplying to or placing in the hands of others push cards or any other lottery device or devices which are designed or intended to be used in selling or distributing said merchandise to the public by means of games of chance, gift enterprises, or lottery schemes.

2. Shipping, mailing or transporting to agents or distributors, or to members of the purchasing public, push cards or any other lottery device or devices which are designed or intended to be used in the sale or distribution of respondent's merchandise to the public by means of games of chance, gift enterprises or lottery schemes.

3. Selling or otherwise disposing of any merchandise by means of or under a plan involving a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: January 5, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62–5958; Filed, June 19, 1962; 8:46 a.m.]

[Docket No. C–58]

PART 13—PROHIBITED TRADE PRACTICES

Warshauer & Franck, Inc., et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191). [Cease and desist order, Warshauer & Franck, Inc., et al., Boston, Mass., Docket C–58, Jan. 5, 1962]

In the Matter of Warshauer & Franck, Inc., a Corporation, and Jerome J. Franck and Leonard Windheim, Individually and as Officers of Said Corporation

Consent order requiring Boston manufacturers to cease violating the Flammable Fabrics Act by manufacturing, importing, and selling in commerce dresses that were so highly flammable as to be dangerous when worn.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent Warshauer & Franck, Inc., a corporation, and its officers, and respondents Jerome J. Franck and Leonard Windheim, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

1. (a) Importing into the United States; or

(b) Manufacturing for sale, selling, offering for sale, introducing, delivering for introduction, transporting or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce;

any article of wearing apparel which, under the provisions of section 4 of the Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

2. Manufacturing for sale, selling, or offering for sale any article of wearing apparel made of fabric, which fabric has been shipped or received in commerce, and which under section 4 of the Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 5, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62–5959; Filed, June 19, 1962; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter II—Bureau of Narcotics, Department of the Treasury

[T.D. No. 68]

PART 305—OPIATES

Three Substances Classified as Opiates

Notice is hereby given pursuant to the provisions of section 5(b) of the Narcotics Manufacturing Act of 1960, 74 Stat. 60, 21 U.S.C. 503(b), Supp. III and 21 CFR 307.61(b) that the United States has received notification under date of February 14, 1962, from the Secretary-General of the United Nations that the World Health Organization has found certain substances, not heretofore determined to be opiates, to fall under the regime laid down in the 1931 Convention for the drugs specified in Article 1, paragraph 2, Group I of that Convention.

The substances and their salts to which the World Health Organization decision relates and which have been found by that Organization to be convertible into drugs capable of producing addiction are:

(Methadone-intermediate) 4-cyano-2-dimethylamino-4,4 diphenylbutane.
(Pethidine-intermediate-A) 4-cyano-1-methyl-4-phenylpiperidine.
(Moramide-intermediate) 2-methyl-3-morpholino-1,1-diphenylpropanecarboxylic acid.

Accordingly, § 305.2 is amended by designating the existing text as paragraph (a) and by adding a new paragraph (b) reading as follows:

§ 305.2 **Chronological list of findings.**

* * * * *

(b) The following is a chronological list of drugs or other substances found by the World Health Organization as being capable of producing addiction or of conversion into a drug or other substance capable of producing addiction and designated as opiates by the Commissioner of Narcotics pursuant to the provisions of § 307.61(b) of this chapter. Drugs and other substances listed include any salts thereof.

June 20, 1962

(Methadone-intermediate) 4-cyano-2-dimethylamino-4,4-diphenylbutane.
(Pethidine-intermediate-A) 4-cyano-1-methyl-4-phenylpiperidine.
(Moramide-intermediate) 2-methyl-3-morpholino-1,1-diphenylpropanecarboxylic acid.

Because this amendment of § 305.2 merely supplies appropriate introductory material to the chronological list and lists the drugs or other substances designated by the Commissioner of Narcotics as opiates under the provisions of 21 CFR 307.61(b), it is hereby found that it is unnecessary to issue this Treasury Decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

Effective date. This Treasury Decision shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 5(b), Public Law 86–429 (74 Stat. 60); sec. 17, Public Law 86–429 (74 Stat. 67))

[SEAL] HENRY L. GIORDANO, *Acting Commissioner of Narcotics.*

Approved: June 11, 1962.

JAMES A. REED, *Assistant Secretary of the Treasury.*

[F.R. Doc. 62–5897; Filed, June 19, 1962; 8:45 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 273–62]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart M—Lands Division

DELEGATION OF AUTHORITY TO THE ASSISTANT ATTORNEY GENERAL IN CHARGE OF LANDS DIVISION WITH RESPECT TO CONVEYANCES FOR PUBLIC-AIRPORT PURPOSES

Under and by virtue of the authority vested in me by section 161 of the Revised Statutes (5 U.S.C. 22) and section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), I hereby amend Subpart M of Part 0 of Chapter I of Title 28 of the Code of Federal Regulations by adding at the end of that subpart a new section to read as follows:

§ 0.67 **Delegation respecting conveyances for public-airport purposes.**

The Assistant Attorney General in charge of the Lands Division, or such members of his staff as he may specifically designate in writing, are authorized to exercise the power and authority vested in the Attorney General by section 16 of the Federal Airport Act (60 Stat. 179; 49 U.S.C. 1115) with respect to approving the performance of acts and execution of instruments necessary to accomplish the conveyance of lands owned or controlled by the United States in carrying out the purposes of that section, except those acts and instruments which, in the opinion of the Assistant Attorney General, involve questions of policy or for any other reason require the personal attention of the Attorney General.

(R.S. 161; 5 U.S.C. 22; sec. 2, Reorg. Plan No. 2 of 1950, 3 CFR, 1949–1953 Comp., 64 Stat. 1261)

Dated: June 14, 1962.

ROBERT F. KENNEDY, *Attorney General.*

[F.R. Doc. 62–5977; Filed, June 19, 1962; 8:48 a.m.]

[Order No. 274–62]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Amending Provisions Respecting Delegations of Authority for Allowance of Subsistence Expenses

Under and by virtue of the authority vested in me by section 161 of the Revised Statutes (5 U.S.C. 22) and section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), I hereby amend Part 0 of Chapter I of Title 28 of the Code of Federal Regulations as follows:

1. Paragraph (i) of § 0.77 of Subpart 0 is amended to read:

(i) *Actual expenses of subsistence.* Allowance of actual subsistence in accordance with section 3 of the Travel Expense Act of 1949, as amended (5 U.S.C. 836).

2. Paragraph (b) of § 0.142 of Subpart V is amended to read:

(b) Fixing rates in accordance with sections 3 and 4 of the Travel Expense Act of 1949, as amended (5 U.S.C. 836 and 837).

(R.S. 161; 5 U.S.C. 22; sec. 2, Reorg. Plan No. 2 of 1950, 3 CFR, 1949–1953 Comp., 64 Stat. 1261)

Dated: June 14, 1962.

ROBERT F. KENNEDY,
Attorney General.

[F.R. Doc. 62-5978; Filed, June 19, 1962; 8:49 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 168—DIRECTORY OF INTERNATIONAL MAIL

International Mail Regulations

The regulations of the Post Office Department in § 168.5 *Individual country regulations*, are amended as follows:

I. In country "Cambodia", under Parcel Post, amend the item *Prohibitions* by deleting the fifth paragraph which requires special permission from military authorities for importation of various merchandise.

II. In country "Czechoslovakia", under Parcel Post, in the item *Observation*, delete the last sentence of the first paragraph. Endorsement "Certificate of Disinfection Enclosed" is no longer required on the wrappers of gift parcels containing footwear, or other used apparel for the personal use of addressee.

III. In country "Iran", under Parcel Post, amend item *Import restrictions*, by striking out "3,000 rials ($40) in value" and inserting in lieu thereof "10,000 rials ($130) in value per year".

IV. In country "New Zealand", under Parcel Post, amend the item *Import restrictions* by striking out "£10 ($28)" and inserting in lieu thereof "£20 ($56)".

V. In country "Ruanda-Urundi", under Parcel Post, amend the tabular information immediately after the item *Air parcel rates*, by striking out "Registration: Yes. Fee, 50 cents", and inserting in lieu thereof "Registration: Yes. Fee, 60 cents".

VI. In country "Saudi Arabia", under Parcel Post, the item *Air parcel rates* is amended by striking out "each additional ounce" and inserting in lieu thereof "each additional 4 ounces". As so amended, the item reads as follows:

Air parcel rates. Four ounces or less, $1.97; each additional four ounces or fraction, 63 cents.

VII. In country "Sudan", under Postal Union Mail, the first paragraph of the item *Prohibitions and import restrictions* is amended to show that banknotes valued at less than two Sudanese pounds are prohibited. As so amended, the first paragraph reads as follows:

Prohibitions and import restrictions. Arms; coins; articles of gold and silver, precious stones and jewelry. Banknotes of a value less than two Sudanese pounds.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-5964; Filed, June 19, 1962; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 5—General Services Administration

PART 5–12—LABOR

Miscellaneous Amendments

Part 5–12 is amended as set forth below.

Section 5–12.603 is added, to read as follows:

Subpart 5–12.6—Walsh-Healey Public Contracts Act

§ 5–12.603 Responsibilities of contracting officers.

(a) The letter, Form PC–12, and the poster, Form PC–13 shall be furnished to the contractor simultaneously with the award of a contract subject to the Walsh-Healey Public Contracts Act or as soon thereafter as possible.

(b) Except for contracts that are classified, the Department of Labor shall be notified immediately of all contracts awarded and other procurement actions taken which are subject to the Walsh-Healey Public Contracts Act by the use of Standard Form 99, Notice of Award of Contract. The original and two copies of Standard Form 99 shall be forwarded to the Department of Labor, Wage and Hour and Public Contracts Divisions, Washington 25, D.C. The third copy shall be retained in the procurement file.

(c) Where award of a contract, subject to the Walsh-Healey Public Contracts Act, is made to a firm or individual in a labor surplus area under the set-aside procedures pursuant to the authority contained in §§ 1–3.201 and 1–1.802 or a contract is awarded to an equal low bidder on the basis of labor surplus area considerations pursuant to § 1–2.407–6, the original of Standard Form 99 shall be so identified by imprinting with rubber stamp, or otherwise, the words, "Preference Award" in the upper right corner.

(d) The report required by § 1–12.603 (e) concerning violations of the representations or stipulations required by the Walsh-Healey Public Contracts Act, can originate from complaints of injured parties, any officer or employee of the U.S. Government, or from the contracting officer. On receiving such complaints the contracting officer shall forward a report thereon, together with any other relevant information in his possession or readily available to him, through channels to the Office of General Counsel. The Office of General Counsel shall review the report and, if found complete, submit it to the Department of Labor.

Subpart 5–12.50—Nondiscrimination in Employment [Revocation]

Subpart 5–12.50 is revoked and the following substituted therefor:

Subpart 5–12.50—Nondiscrimination in Employment [Reserved]

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: June 13, 1962.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 62-5976; Filed, June 19, 1962; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 62-634]

PART 3—RADIO BROADCAST SERVICES

Requirements for Approval of Modulation Monitors

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 13th day of June 1962;

The Commission having under consideration §§ 3.50(b)(3)(i) and 3.332(b)(3)(i) of its rules which require, among other things, that the time for one complete oscillation of the pointer of the indicating instrument shall be 290 to 350 milliseconds; and

It appearing that since we no longer consider this characteristic to be necessary;

It further appearing that these amendments to the rules are a general statement of policy relaxing present requirements and that compliance with the notice and effective date provisions of section 4 of the Administrative Procedure Act is not required; and

It further appearing that authority for the amendments adopted herein is contained in sections 4(i) and 303(e) of the Communications Act of 1934, as amended;

It is ordered, Effective June 25, 1962, that §§ 3.50(b)(3)(i) and 3.332(b)(3)(i) are amended as set forth below.

NOTE: Rules changes herein will be covered by T.S. III(61)–4.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: June 15, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 3.50 is amended by revising paragraph (b)(3)(i) to read as follows:

§ 3.50 Requirements for approval of modulation monitors.

* * * * *

(b) * * *

(3) * * *

(i) The damping factor shall be between 16 and 200. The useful scale length shall be at least 2.3 inches. The meter shall be calibrated for modulation from 0 to 110 percent and in decibels below 100 percent with 100 percent being 0 DB.

2. Section 3.332 is amended by revising paragraph (b)(3)(i) to read as follows:

§ 3.332 Requirements for type approval of modulation monitors.

* * * * *

(b) * * *

(3) * * *

(i) The characteristics of the indicating meter are: (a) Damping factor. The damping factor shall be between 16 and 200. (b) Scale. The meter scale shall be similar in appearance to that of a standard VU meter. The scale length between 0 and 100 percent modulation markings should be at least 2.3 inches. In addition to other markings a small mark for 133 percent modulation and designated as such should be included for the purpose of testing transmitters with 100 kc swing.

[F.R. Doc. 62-6002; Filed, June 19, 1962; 8:51 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 1—GENERAL RULES OF PRACTICE

Miscellaneous Amendments

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 12th day of June A.D. 1962.

There being under consideration the general and special rules of practice, and good cause appearing therefor:

§ 1.21 [Amendment]

It is ordered, That § 1.21, *Time*, be amended by deleting therefrom paragraph (c), *Five days additional*, effective July 16, 1962.

§ 1.56 [Amendment]

It is further ordered, That § 1.56(e) be, and it is hereby, amended to read as follows:

(e) *Witness fees.* A witness who is summoned and responds thereto is entitled to the same fee as is paid for like service in the courts of the United States. Such fee is to be paid by the party at whose instance the testimony is taken at the time the subpena is served, except that when the subpena is issued on behalf of the United States or an officer or agency thereof, fees and mileage need not be tendered at the time of service.

It is further ordered, That § 1.73 be, and it is hereby, amended to read as follows:

§ 1.73 Participation without intervention.

In an investigation proceeding, in a proceeding under paragraphs (18) to (20) inclusive of section 1, or sections 5 and 13a of Part I, in application proceedings under parts II, III, and IV, and in a proceeding of any one of the characters herein enumerated when heard on a consolidated record with a complaint proceeding, but in no other proceeding, an appearance may be entered at the hearing without filing a petition in intervention or other pleading, if no affirmative relief is sought, if there is full disclosure of the identity of the person or persons in whose behalf the appearance is to be entered, if the interest of such person in the proceeding and the position intended to be taken are stated fairly, and if the contentions will be reasonably pertinent to the issues already presented and any right to broaden them unduly is disclaimed. A person in whose behalf an appearance is entered in this manner becomes a party to the proceeding.

§ 1.240 [Amendment]

It is further ordered, That § 1.240(c)(1) be, and it is hereby, amended to read as follows:

(c) *Protests and requests for hearing.* (1) Protests to the granting of an application shall be filed with the Commission within 30 days after the date notice of the filing of the application is published in the FEDERAL REGISTER. Any interested person filing a protest to an application under section 5(2), or appearing at a hearing in opposition thereto, shall be entitled to participate in proceedings upon any application for temporary authority under section 210a(b) filed in the same docket.

It is further ordered, That Appendix B of the general rules of practice be, and it is hereby, amended by adding thereto the following form:

NO. 6—VERIFICATION FOR STATEMENTS OF FACT[1] FILED UNDER MODIFIED PROCEDURE

STATE OF ------,
County of ------, *ss:*

---------- being duly sworn, deposes and says that he has read the foregoing statement and knows the contents thereof, and that the same are true as stated.

(Signed) ----------

Subscribed and sworn to before me this ------ day of ----------.

Notary Public of ----------
My Commission expires ----------.

§ 1.50 [Amendment]

It is further ordered, That the heading of § 1.50 be and it is hereby amended to read: *Modified procedure; verification.*

§ 1.17 [Amendment]

It is further ordered, That the heading of § 1.17 be, and it is hereby, amended to read: *Attestation and verification.*

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy with the Director, Division of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended, secs. 204, 205, 49 Stat. 546, as amended, 548, as amended, sec. 304, 54 Stat. 933, sec. 403, 56 Stat. 285; 49 U.S.C. 12, 17, 304, 305, 904, 1003)

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-5993; Filed, June 19, 1962; 8:49 a.m.]

[1] See §§ 1.50 to 1.54 inclusive.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 928]

[AO-340]

APRICOTS GROWN IN YOLO COUNTY AND DESIGNATED PART OF SOLANO COUNTY IN CALIFORNIA

Determination on Basis of Results of Referendum on Proposed Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Winters, California, February 15–16, 1962, pursuant to a notice thereof which was published in the FEDERAL REGISTER (27 F.R. 781) upon a proposed marketing agreement and order regulating the handling of apricots grown in Solano and Yolo Counties in California. The recommended decision in this proceeding (27 F.R. 3391), and the decision (27 F.R. 4333) of the Assistant Secretary of Agriculture setting forth the proposed marketing agreement and order were published in the FEDERAL REGISTER on April 10, 1962, and May 5, 1962, respectively. The Assistant Secretary also issued an order, published in the FEDERAL REGISTER on May 5, 1962 (27 F.R. 4334), directing that a referendum be conducted among the producers of apricots grown in Yolo County and designated part of Solano County in California to determine whether the requisite majority of such producers favors or approves issuance of the proposed marketing order.

It is hereby determined on the basis of the results of the referendum conducted May 5–11, 1962, pursuant to the aforementioned referendum order, that the issuance of proposed marketing Order No. 928, regulating the handling of apricots grown in Yolo County and designated part of Solano County in California, is not approved or favored (1) by at least two-thirds of the producers who participated in such referendum and who, during the determined representative period (March 1, 1961, through February 28, 1962), were engaged in the production for market of apricots grown in Yolo County and designated part of Solano County in California, or (2) by producers of at least two-thirds of the volume of production of such apricots represented in the aforesaid referendum.

It is hereby further determined that the proposed marketing order set forth in the Assistant Secretary's decision of May 2, 1962 (27 F.R. 4333), should not be made effective and in view of the circumstances, that the proposed marketing agreement No. 146 should not be entered into.

Dated: June 15, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-6021; Filed, June 19, 1962; 8:52 a.m.]

[7 CFR Part 929]

[Docket No. AO-341]

HANDLING OF CRANBERRIES GROWN IN MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND, NEW YORK

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to a Proposed Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to a proposed marketing agreement and order regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), hereinafter referred to as the "act." Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., not later than the close of business on the fifteenth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed marketing agreement and order (hereinafter referred to collectively as the "order") were formulated, was held at Wareham, Massachusetts, on March 26–28, 1962, and continued at Mt. Holly, New Jersey, on March 30, 1962; at Wisconsin Rapids, Wisconsin, on April 2, 1962; and at Grayland, Washington, on April 5, 1962, pursuant to a notice thereof which was published March 3, 1962, in the FEDERAL REGISTER (27 F.R. 2118). Such notice set forth a proposed marketing agreement and order which had been presented to the Department of Agriculture by the Cranberry Institute, South Duxbury, Massachusetts, with a petition for a hearing thereon.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction in this instance;

(2) The need for the proposed regulatory program to effectuate the declared purposes of the act;

(3) The definition of the commodity and determination of the production area to be affected by the order;

(4) The identity of the persons and transactions to be regulated; and

(5) The specific terms and provisions of the order including:

(a) Definition of terms used therein which are necessary and incidental to attain the declared objectives of the act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions;

(b) The establishment, maintenance, composition, powers, duties, and operation of a committee which shall be the administrative agency for assisting the Secretary in administration of the program;

(c) The incurring of expenses and the levying of assessments;

(d) Authority to establish marketing research and development projects;

(e) The method for regulating the handling of cranberries grown in the production area, including the inspection of withheld cranberries;

(f) The granting of exemptions from handling of such minimum quantities of cranberries, as the committee, with the approval of the Secretary, may specify;

(g) The establishment of reporting requirements for handlers;

(h) The requirement of compliance with all provisions of the order and with regulations issued pursuant thereto; and

(i) Additional terms and conditions set forth in parts 65 through 75 and published in the FEDERAL REGISTER (27 F.R. 2118) on March 3, 1962, which are common to marketing agreements and orders, and certain other terms and conditions as set forth in parts 76 through 78, and also published in the said issue of the FEDERAL REGISTER, which are common to marketing agreements only.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence adduced at the hearing and the record thereof, are as follows:

(1) Cranberries are produced commercially in Massachusetts, Rhode Island, New Jersey, Wisconsin, Oregon, Washington, and Long Island in the State of New York. Some cranberries are produced, or bogs have been planted, in Connecticut, Michigan, and Minnesota. Massachusetts has, by far, the largest acreage in cranberries. Since 1940, such acreage has fluctuated between a low of 12,600 acres in 1961 to a high of 15,000 acres during the years 1948 and 1949. Production, during this period, ranged from a low of 159,000 barrels in 1944, to a high of 805,000 barrels in 1960. A severe freeze during May limited the 1961 crop to 490,000 barrels. Wisconsin is second in both acreage and production. Acreage in Wisconsin has steadily increased from 2,500 acres in 1940 to 4,200 acres in 1959, 1960, and 1961. During this period, production has ranged from 82,000 barrels in 1945 to a high of 461,000 barrels in 1959. Acreage in New Jersey has ranged from 8,200 acres in 1940, to a low of 2,500 acres in 1958, and increased to 3,000 acres in 1961. Production has ranged from 49,000 barrels in 1945 to 115,000 barrels in 1961. Acreage in Washington declined slightly in the mid-40's but has steadily increased from 620 acres in 1947 to 1,100 acres in 1961. Production has increased from 24,000 barrels in 1943 to 138,000 barrels in 1961. Acreage in Oregon has increased from 140 acres in 1940 to 560 acres in 1961. Production has ranged from 7,900 barrels in 1943 to 51,700 barrels in 1959. The total acreage in the United States remained fairly constant from 1940 to 1952. However, since that date, the acreage has decreased at a fairly uniform rate, and during the 1961 season only 21,460 acres were harvested. During this 22-year period, production has ranged from 375,700 barrels in 1944 to 1,340,700 barrels in 1960. During eight of the last nine seasons, production has exceeded 1,000,000 barrels.

Cranberries are marketed either as fresh cranberries or as processed products. The volume of each cranberry crop that is marketed fresh varies, depending upon the size and quality of the crop, the amount of carryover on hand, and the price. However, approximately 40 percent, on the average, is sold in fresh form. Rhode Island cranberries are delivered into Massachusetts for preparation for market whether they are to be marketed as fresh cranberries or processed products. Canners in New Jersey, in addition to obtaining cranberries produced in New Jersey, buy cranberries from Long Island, Massachusetts, Wisconsin, and, at times, Washington. Fresh and processed cranberries from Massachusetts are sold within Massachusetts and throughout the United States, with the bulk of such sales going to the Eastern, Central, Southern, and Midwestern States. Likewise, cranberries produced in Wisconsin are sold fresh and as processed cranberry products within Wisconsin and throughout the Central, Southern, and Midwestern States.

One large cooperative marketing organization markets the cranberries of growers from all portions of the production area. At the time such cranberries are delivered it is not known in which market outlet (fresh or processed) such cranberries will be placed. It is only after an appraisal of the quality of the particular lot, together with an up-to-date appraisal of each marketing outlet and the supply of cranberries on hand, that the decision is made as to where such lot of cranberries will be sold.

Generally, no handler supplies any single segment of the market outlets for cranberries to the exclusion of all other handlers. Therefore, all cranberries, whether fresh or processed, are in competition with all other cranberries; and any handling of cranberries in fresh or processing market outlets exerts an influence on all other handling of cranberries. All cranberries handled by the large cooperative marketing organization are "pooled"; and the price a grower receives for his cranberries therefore generally reflects the average returns for cranberries utilized in both the fresh and processing market outlets even though all of his cranberries may be sold in one market outlet only. Moreover, the price obtained in any one market, whether for fresh or processed cranberries, influences the price received in the other market. In an endeavor to maximize returns, handlers survey all market outlets; and, if the market for either fresh or processed cranberries offers the best opportunity to market the fruit, additional supplies are diverted to that market.

Cranberries handled in fresh or processed form are prepared for the respective market outlet in exactly the same fashion regardless of whether such cranberries are sold in a market located within the production area or within any State outside the production area. In most cases, the final destination of the cranberries is not known at the time they are packaged or processed and there is a commingling of the berries ultimately sold in markets within the production area and those ultimately sold in markets outside the production area. Cranberries produced and prepared for market in Massachusetts and sold to a dealer in Boston, for example, are often transshipped to other points in the New England States, both within and outside Massachusetts.

Because of the foregoing, it is concluded that the movement and sale of any cranberries produced in the production area, whether to markets within or outside the production area, affect prices of all cranberries. Therefore, it is hereby found that all handling of cranberries grown in the production area, as hereinafter defined, is either in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce; and all handling of cranberries grown in the production area should be subject to the act and the order.

(2) The hearing record indicates that the trend of cranberry production in the production area is sharply upward. The total annual production reached a million barrels for the first time in 1953 and, except for 1956, has increased steadily until 1960 when a record crop of 1,340,700 barrels was harvested. Because of a serious freeze in Massachusetts during May, the 1961 crop was reduced to 1,223,400 barrels. Had the aforementioned freeze not occurred, production probably would have totaled about 1,400,000 barrels. As previously stated, production acreage has decreased during this period from 26,390 acres in 1950 to 21,460 acres in 1961. Increased production has been attained by improved cultural practices and harvesting methods. This is evidenced by a steady and marked increase in the average yield per acre. In 1950, the average yield per acre was 37.2 barrels. In 1960, the average yield was 63.2 barrels per acre, a record high for the industry. Water harvesting is only in the experimental stage or practiced only to a very limited extent in Massachusetts. However, record testimony shows that this method of harvesting, if extensively adopted, could increase yields per acre by approximately 20 percent. Better cultral practices, including weed control, drainage and irrigation methods, and frost protection practices, are continually being perfected and advocated. Because of these advances, it is logical to assume that both total production and yields per acre will continue to increase. Annual production approaching 1,500,000 barrels can reasonably be expected starting with the 1962 crop.

During this period of rapid increase in total production, the consumption of fresh cranberries and cranberry products has not kept pace. Even though there has been an increase in the consumption of cranberry products during the last 5-year period (1955-59) over the previous 5-year period (1950–54), this increase is only slightly more than the decrease in use of fresh cranberries during the same period. It was testified that the maximum sales of fresh and processed cranberries, during any single 12-month period, has not exceeded approximately 1,000,000 barrels.

A few growers market their own cranberries, but usually their cranberries are marketed through cooperative marketing organizations, by selling agents, or through private marketing organizations. Some growers perform part or all of the operations which are normally performed in the preparation of the product for market. In many instances, however, the handler or selling agent performs all of the preparatory operations. Contracts with growers vary. Some contracts require all of the cranberries produced to be marketed through the handler organization, while others permit the producer to market a portion of his crop. Some growers do not sign advance contracts but negotiate during the marketing season for the handling of each crop. Some handlers contract for a portion of their supply and negotiate with growers or other handlers for the remainder. One handler organization is a cooperative marketing organization which markets for growers in each district of the production area. Testimony indicates that its members include approximately 75 to 80 percent of the growers, who produce about the same percentage of the total crop.

After harvest cranberries continue, the same as other fruit, the normal functions connected with the ripening process, including transpiration and evaporation. This process results in loss of weight and, if allowed to continue without interruption, decay of each berry. The cranberry industry refers to this loss, along with other factors, as shrink. Generally, for those handlers who operate on a pool basis, shrink takes place during the period when the handler has

possession of the cranberries, and the shrink is shared equally among all growers in the pool. In other instances, the individual grower takes the shrink; and, if the handler is not able to accept his cranberries for a considerable time, the loss may be great. Shrink is also a factor, depending upon the basis it is determined, in arriving at a price for cranberries.

The production of more cranberries during each recent year than can be marketed in a 12-month period has resulted in a perennial carryover of frozen berries from the old crop into the marketing season of the new crop. When crop prospects indicate that the oncoming crop, when added to the supply of frozen cranberries on hand, will be considerably larger than the anticipated sales during the marketing year, as has been the case during recent years, there is strong pressure to process the carryover into canned cranberry products and move such products into marketing channels as rapidly as possible. The existence of the carryover and the indicated size of the oncoming crop are known to the buyers of cranberries even though the exact size of the carryover may not be known. Buyers tend to hold off purchasing cranberry products under such circumstances until purchase can be made at prices that will assure movement into consumption without loss as the result of later offerings at reduced prices. Therefore, the carryover can be moved into marketing channels only at a low, attractive price. The sale of cranberry products at such price levels lowers the average return, per barrel, for cranberries produced during the preceding crop year. Moreover, such sales tend to depress the price at which the oncoming crop may be merchandised.

As indicated heretofore, the demand for cranberries varies widely, with the major consumption of cranberries occurring at Thanksgiving, Christmas, and Easter. The industry is striving to increase the consumption of cranberries during other periods. To accomplish this, new refrigerator storage rooms have been, or are being, built so that fresh cranberries may be marketed over a longer period. New products have been developed and promoted, and continual research is being conducted to develop additional products and to increase the use of cranberries throughout the year. A survey of the European market has been undertaken and this market offers the possibility of expanding the outlets for cranberries. It is apparent from the evidence of record, however, that, if the potential production of cranberries is realized, it will be several years, at least, before the surplus problem can be eliminated.

Opponents of the proposed order have contended that there is no surplus problem within the industry and, in support of such position, testified to the fact that they individually have marketed all of the cranberries available to them and could have handled additional cranberries. They further contended that any surplus problem that the large cooperative marketing organization may have is of its own making and not a problem of the industry. It was testified that on different occasions offers to purchase cranberries at a specified price from such cooperative had been made but the offers were not accepted. Representatives of such cooperative marketing organization testified that they were in the business of selling cranberries and had offered to sell cranberries to anyone at anytime, except when it was necessary to withdraw from the market because of inability to fill further orders, at prices set forth on price lists mailed to all other handlers. Such prices included, among other things, storage and handling costs and apparently were established at a level to enable it to return to growers approximately the same average price, after costs are deducted, as that returned for sales in other marketing channels.

The fact that certain handlers have been able to dispose of all of the cranberries available to them does not, of itself, establish that no surplus problem exists within the industry. The record shows that it is a general practice for these handlers to sell fresh cranberries at 10 cents per box less and cranberry sauce at 10 cents per dozen cans less than the prices for such products of the large cooperative marketing organization. Also, these handlers generally have limited refrigerator storage facilities. Therefore, since less than 25 percent of the volume of production, during recent years, has been handled by such handlers, it is only logical that their cranberries have been disposed of even during years when the large cooperative marketing organization was unable to market all of its cranberries.

As to the offers of these handlers to purchase cranberries from the large cooperative, it cannot be ascertained from the evidence of record whether acceptance of the offers would have resulted in any substantial increase in the movement of cranberries into consumer outlets or whether there merely would have been a shift in handlers' sales in such outlets. Neither is it known what effect the acceptance of the offers would have had on the pricing of the supplies remaining to be marketed. The evidence of record is not sufficient, therefore, to draw any reasonable conclusion as to what the effect on the overall supply and demand situation would have been had the offers been accepted and the sales consummated.

The arguments of the opponents of the proposed order as to the absence of a surplus problem affecting the entire industry are outweighed by the facts that: (1) The parity price for cranberries for all uses, as of January 1, 1962, is $13.00 per barrel. Average returns to growers have exceeded such price only once in the past 13 years. (2) It was testified, without contradiction, that the average cost of producing a barrel of cranberries is approximately $9.50 to $10.00 per barrel. The average prices received by growers during four years of the six-year period 1955–60 have been less than such costs of production; and average returns to growers for the entire six-year period have barely equalled such costs. (3) There has been a perennial carryover of cranberries during recent seasons. The liquidation of such carryover has tended to demoralize marketing conditions and adversely affect grower returns for the new crop. All grower returns are so affected even though only one handler may have had most, or all, of the carryover.

The proposed order, hereinafter set forth, provides a means to eliminate some of the basic causes of disorderly marketing within the industry by providing for restrictions of the marketable supply of cranberries when supplies are burdensome. The industry should be benefited, and returns to the growers of cranberries improved, by controlling and marketing in an orderly manner whatever supply of cranberries is produced.

In view of the foregoing, it is concluded that a marketing order providing for restrictions on the volume of cranberries marketed is needed to effectuate the declared policy of the act.

(3) The term "cranberries" should be defined in the order to identify the commodity to be regulated thereunder. Such term, as used in the order, refers to all varieties of cranberries classified botanically as Vaccinium Macrocarpon. Cranberries are readily distinguished from other fruits, and the term has a specific meaning to all producers and handlers of the commodity in the production area and to those who purchase and distribute cranberries in the receiving markets.

A definition of the term "production area" should be incorporated into the order to establish the area in which the cranberries to be regulated are grown. Commercial cranberry production, at the present time, is generally confined to the States of Massachusetts, Rhode Island, New Jersey, Wisconsin, Washington, Oregon, and Long Island, New York. Plantings have been reported in Connecticut, Minnesota, and Michigan, but no production has been reported. These states contain considerable area having soil, weather, topography, and available water in such amounts or of such nature as to be potential production areas. Were any portion of the production area, as hereinafter set forth, deleted from the production area, it is very likely that cranberry bogs would be established extensively in such excluded area. These bogs would not be subject to regulation and would impede the effectiveness of the order. It is clearly evident, from the record, that all or practically all cranberries must be regulated to provide an effective program.

Cranberries produced in the various districts of the production area are widely distributed throughout the United States and Canada. Some shipments have been made to foreign destinations during recent years. Cranberries produced in Rhode Island are prepared for market in Massachusetts and are commingled with Massachusetts cranberries during such preparation for market. Likewise, cranberries produced on Long Island are sometimes prepared for market in New Jersey. Also, cranberries from the Midwest and from Massachusetts are, at times, prepared for market in New Jersey. These cranberries are prepared for market and marketed in such manner that their identity is not retained and thus such Massachusetts, Long Island, or Wisconsin cranberries cannot be distinguished from cranberries produced in New Jersey. The manner in which the large cooperative marketing organization markets its product, pooling returns to all growers and commingling cranberries from all districts, makes it virtually impossible to retain the identity of the cranberries produced in any given district. As previously stated, the prices obtained for cranberries produced in the various districts of the production area are interdependent. Testimony indicates the market for cranberries inside and outside the production area is considered a single market. Because of this interdependence and the wide movement of cranberries from all districts into all areas of the United States, the issuance of several regional orders would not effectively carry out the declared policy of the act. The territory included within the production area, as hereinafter defined, constitutes the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act.

(4) The term "handler" should be defined in the order to identify the persons who are subject to regulation under the program. Therefore, the term "handler" should apply to all persons who perform any of the activities within the scope of the term "handle," as hereinafter described. In other words, any person who cans, freezes, or dehydrates cranberries within the production area or who is responsible for the sale, delivery, consignment, or transportation of cranberries, or who in any other way places fresh cranberries in commerce should be a handler under the order and be required to comply with all requirements provided by the order and the regulations issued thereunder. However, the transportation by a common or contract carrier of cranberries owned by another person should not be considered as making the carrier a "handler" as, in such instances, the carrier is only performing services for hire.

The definition of the term "handler" should include a producer of cranberries whenever such producer performs any of the activities within the scope of the term "handle." A producer who, for example, places cranberries in the current of commerce between the production area and any point outside thereof, in the United States or Canada, or within the production area, whether by selling or transporting such fruit, or by delivering the fruit to purchasers, consignees or transportation agencies, is performing a handling activity and he should be considered a handler the same as any other person.

The term "handle" should be defined to include canning, freezing, dehydrating, and all phases of selling (including consignment and delivery) and transporting which place cranberries in the channels of commerce between the production area and any point outside thereof in the United States and Canada, or within the production area. The handling of cranberries begins at the time the fruit is harvested and includes each of the successive packing, processing, selling, and transporting activities until the fruit reaches its final destination. The performance of any one or more of these activities by any person, either directly or through others, should constitute handling.

It is customary for cranberry processors to freeze cranberries during the fall months and store the cranberries in frozen form for later processing into other products. Prior to freezing the cranberries are screened and graded, and other costs are incurred. Such frozen cranberries are not suitable for disposal in fresh market channels; and it would be uneconomical to dispose of the cranberries in other than commercial processing outlets. Therefore, all cranberries that are frozen should be considered as being handled at the time they are frozen. For like reasons, cranberries that are otherwise processed should be considered as being handled at the time such cranberries are processed. The act does not authorize the regulation of any canned or frozen cranberry product. Therefore, it is necessary, in order for the program to be effective, to consider the berries as being handled at the time they are frozen or otherwise processed into products.

There are some sales of unharvested cranberries. Also, it is usual for cranberries, after harvesting, to be screened, graded, packed, or otherwise prepared for market. Such preparation for market may be performed in the grower's warehouse, or the cranberries may be transported or delivered to a handler's plant prior to screening, grading, and packing. These preparations by the grower and the delivery of cranberries to handlers are, of necessity, preliminary to placing the cranberries in marketing channels. It would not be practical and would unnecessarily complicate the administration of the order to require persons engaged in these preliminary activities to meet the requirements of regulations under the program. Record evidence shows that at times a handler may be unable to screen, grade, and otherwise prepare cranberries for market in sufficient volume at his own plant to fill all orders currently on hand. At such times, he often requests a grower who has a warehouse to perform some or all of these functions which are preparatory to placing the cranberries in marketing channels. In these instances, the grower is performing these services for and at the direction of the person who will later handle the cranberries. Therefore, all such preliminary activities performed by the grower should be excluded from the definition of "handle."

Some cranberries are sold, after packing, at the grower's warehouse, or at a plant to truckers and others who transport the cranberries from such points to markets. The sale or delivery of cranberries to such persons, and the subsequent movement to market, are handling transactions. Any person who engages in any such transactions, whether grower, plant operator, trucker, or others, would therefore be a handler under the order by virtue of such transaction. Each such person should have the responsibility of seeing that whenever he handles cranberries he has met all applicable regulations in effect. As all handling of cranberries is in interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce, it is concluded that, except as indicated herein and as specifically exempted by the act and order, the freezing, canning, or dehydrating of cranberries, or any sale, consignment, delivery, or transportation of fresh cranberries between the production area and any point outside thereof, in the United States and Canada, or within the production area, should be subject to the order and any regulations issued pursuant thereto.

(5) (a) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the order. These terms should be defined for the purpose of designating specifically their applicability and establishing appropriate limitations on their respective meanings wherever they are used.

The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for programs of this nature, but also, in order to recognize the fact that it is physically impossible for him to perform personally all functions and duties imposed upon him by law, any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to act is his stead.

The definition of "act" provides the correct legal citations for the statute pursuant to which the proposed regulatory program is to be operative and avoids the need for referring to these citations throughout the order.

The definition of "person" follows the definition of that term as set forth in the act, and will ensure that it will have the same meaning as it has in the act.

The term "fiscal period" should be defined to set forth the period with respect to which financial records of the Cranberry Marketing Committee—the administrative committee established by the order—are to be maintained. At the present time, it is desirable to establish a 12-month period ending the last day of July as a fiscal period. Such a period would fix the end of one fiscal period and the beginning of the next at a time of relative inactivity in the marketing of cranberries. This would facilitate fixing the term of office of members and alternates to coincide with such period and it would allow sufficient time prior to the time shipments begin for the committee to organize and develop information necessary to its functioning during the ensuing year, and would still ensure that a minimum of expense would be incurred during a fiscal period prior to the time assessment income is available to defray such expenses. However, since the order may not be effective at the beginning of the fiscal period, as defined in the order, the initial fiscal period should begin on the effective date of the order if such date is later than August 1.

A definition of "committee" should be incorporated in the order to identify the administrative agency established under the provisions of the program. Such committee is authorized by the act, and the definition thereof, as hereinafter set forth, is merely to avoid the necessity of repeating its full name each time it is referred to.

The term "grower" should be synonymous with "producer" and should be defined to include any person who is engaged, within the production area, in the production of cranberries for market and who has a proprietary interest therein. A definition of the term "grower" is necessary to determine eligibility to vote for members and alternate members on the Cranberry Marketing Committee. The term "grower" should, therefore, be defined as hereinafter set forth.

The term "to can, freeze, or dehydrate" should cover all commercial processing of cranberries. A definition of such term is needed because, as herein discussed, whenever the free and restricted percentages are established under the order it is necessary that only free cranberries be used in the production of canned, frozen, or dehydrated cranberries.

The term "acquire" should be defined in the order to include any acquisition of cranberries for the purpose of handling such cranberries. Any person who acquires cranberries by any means whatsoever and later handles such cranberries should do so only if he withholds a portion of such cranberries from handling in accordance with the requirements of the order.

(b) It is desirable to establish an agency to administer the order under and pursuant to the act, as an aid to the Secretary in carrying out the purposes of the order. The term "Cranberry Marketing Committee" is a proper identification of the agency and reflects the character thereof. It should be composed of seven members. Alternate members should be provided to act in the place and stead of the members when necessary. A committee of seven members will be large enough to provide representation to all segments of the industry. At the same time, the expense involved in connection with meetings of a committee of this size will be reasonable.

Testimony was offered that indicated that some marketing order programs have administrative committees composed of more members, 11 instead of 7, and that at least one member is non-industry, that is, he is neutral and appointed from educational institutions, extension workers or county agents. It was suggested that, perhaps, representation on the Cranberry Marketing Committee should be similar. The proponents thought such a neutral committee member would be desirable. However, no specific amendment was offered and no testimony was presented as to how the proposed additional members and the non-industry member and alternate would be nominated and selected. Therefore, a provision for non-industry representation on the committee cannot be included for lack of testimony.

Each member of the committee and his alternate should be a grower, or employee, agent, or duly authorized representative of growers, of cranberries in the district for which selected. Persons with such qualifications should be intimately acquainted with the problems of producing or marketing cranberries grown in such district and may be expected to present accurately the problems incident to the production or handling of cranberries grown in that district. Employees of growers, agents or duly authorized representatives of growers, as well as growers themselves, should be eligible to serve on the committee. This is desirable as some growers of cranberries are companies, either incorporated or otherwise, and a company, as such, could not serve as a member or as an alternate member on the committee. However, each such company may have one or more employees who are well versed in all phases of cranberry production and marketing, and it is desirable, as evidenced by record testimony, that such persons be eligible to serve on the Cranberry Marketing Committee.

For representation on the committee, the production area should be divided into districts as specified in the order. District 1 includes the States of Massachusetts, Rhode Island, and Connecticut. District 2 includes the State of New Jersey and Long Island in the State of New York. District 3 includes the States of Wisconsin, Michigan, and Minnesota; and District 4, the States of Oregon and Washington. Each district should be represented by at least one member and one alternate member of the committee in order that the interests of all areas will be considered. Even though the division of the production area into districts does not represent equal distribution by either number of growers or volume of production, the division on the basis of geographic location was testified as desirable because each district is considered a separate entity because it has growing conditions peculiar to that area. Long Island, New York, is included in District 2 for the additional reason that cranberries produced on Long Island are marketed by handlers from and commingled with cranberries produced in New Jersey.

The term of office of committee members and alternates under the proposed program should be for two years beginning August 1 and ending the last day of July. A two-year term of office is desirable as it will allow committee members to use the experience that they gained during the first year. Also, such a term of office would coincide with the referendum period that will be held every second year beginning in 1964. The term of office will begin sufficiently in advance of the time shipment of cranberries commences each season to allow adequate time for the committee to organize and start operating. Since it is possible that the new committee members may not be appointed immediately upon expiration of the term of existing members, or that some may fail to qualify immediately, provision should be made for members to continue to serve on the committee until their successors are selected and have qualified. This is necessary to ensure continuity of committee operations.

A procedure for the election of nominees for membership on the committee should be prescribed in the order to assist the Secretary in his selection of members and alternate members of the committee. It is recognized that the Secretary is vested with authority under the act to select the committee members; but the nomination of prospective members and alternate members is a practical method of providing the Secretary with the names of the persons that the industry desires to serve on the committee.

As the administrative committee will not be in a position to act until after the selection by the Secretary of its initial members, the order should provide a procedure for the selection of the initial members. The Secretary may appropriately select the initial committee members and alternates from nominations that may be made by growers or appropriate groups thereof, or from other eligible persons; and the order should so provide. In order that the initial membership of the committee may be selected as soon as possible after the approval of the program, it should be required that such nominations be submitted not later than 10 days after the effective date thereof.

The composition of the committee should reflect the institutional organization of the industry. As more than three-fourths of the production of cranberries is marketed by one cooperative organization, four members of the committee and their alternates should be affiliated with the large cooperative marketing organization. One such member and his alternate should represent District 4, since, at the present time, practically all the growers in District 4 are affiliated with such cooperative marketing organization. While it is expected that the cooperative marketing organization will select as its other nominees, one member and alternate from each of the three aforementioned Districts 1, 2, and 3, testimony shows that this is an internal matter and the growers affiliated therewith or their duly elected Board of Directors should resolve this matter. At least two nominees shall be submitted for each such position to be filled on the committee, and such names should be submitted to the Secretary not later than July 15 of each even-numbered year. This date coincides with the date by which nominees for the other positions are to be submitted, and should provide time for the Secretary to make all appointments prior to the expiration of the terms of office of the existing members.

Three of the members and their alternates should represent growers not affiliated with the large cooperative marketing organization. These three members and their alternates should represent Districts 1, 2, and 3. Nomination meetings for the purpose of electing nominees for these three members should be held or caused to be held in Districts 1, 2, and 3 by the committee not later than July 1 of each even-numbered year. Insofar as possible, the committee should schedule such nomination meetings at such times and places as will result in maximum grower participation. At each such nomination meeting, the industry shall elect at least two nominees for each position to be filled on the committee. By having such nomination meeting not later than July 1 of each even-numbered year, the committee will be in a position to prepare and submit nomination lists to the Secretary prior to the expiration of the terms of office of existing members. The committee should be authorized to adopt procedural rules for the conduct of nomination meetings so that such meetings will be held in an orderly and uniform manner.

The order should provide that only growers who are present at the nomination meetings, or who are represented at such meetings by a duly authorized employee, may participate in electing nominees for members and alternates. A grower, including employees of such grower, should be permitted to cast only one vote for each position to be filled from the district in which he is a producer. If more than one vote were to be permitted, or if growers were authorized to participate in the nomination of qualified persons to represent a district in which they did not produce cranberries, nominees might be selected who were not favored by the majority of the growers within the district.

The Secretary has authority to select an agency for the administration of an order. It is desirable, however, for the membership of the committee to be selected from nominations made by the industry so that the committee will be composed of members desired by the majority of industry. At least two nominees should be elected for each position to be filled on the committee in order for the Secretary to have a choice in selecting the members and alternate members on the basis of the representation hereinafter provided for in the order.

In order that there will be an administrative committee in existence at all times to administer the order, the Secretary should be authorized to select committee members and alternates without regard to nomination if, for any reason, nominations are not submitted to him in conformance with the procedure prescribed herein. Such selection should, of course, be on the basis of the representation provided in the order so that the composition of the committee will at all times continue as prescribed in the order.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. This requirement is necessary so that the Secretary will know whether or not the position has been filled. Such acceptance should be filed promptly after the notification of appointment so that the composition of the committee will not be delayed unduly.

Provision should be made as set forth in the order for the filling of any vacancies on the committee, including selection by the Secretary without regard to nominations where such nominations are not made as prescribed, in order to provide for maintaining a full membership on the committee. However, it was testified that it would be desirable and it is the industry's wish, that, for any vacancy on the committee, the Secretary shall consider for such vacancy the person whose name is on record as having received the next highest number of votes for the respective member position during the most recent nomination meeting, or in the case of the large cooperative marketing organization the person submitted as second choice for the member position. As the names of two nominees for each member and alternate member position on the committee must be submitted to the Secretary, testimony shows that consideration by the Secretary of the nominee whose name was submitted but who was not selected would afford the Secretary with an up-to-date nominee, and thus it may not be necessary to conduct a nomination meeting for any unexpired term of office.

The order should provide that an alternate member shall be selected for each member of the committee in order to help ensure that each district will have representation at meetings. Each alternate who is selected should have the same qualifications for membership as the member for whom he is an alternate so that, should the member die, resign, be removed from office, or be disqualified, the representation on the committee will continue unchanged. The alternate should serve until a successor to such member has been appointed and has qualified. So that as large a representation as possible will be present at meetings, the order should provide that, in the event neither member nor his alternate is able to attend a meeting, the committee may designate another alternate member who is not acting as a member to serve in such member's place and stead. The order provides that four members of the committee and their alternates shall be affiliated with the large cooperative marketing organization and three members and their alternates shall not be so affiliated. Testimony adduced at the hearing shows that it is desirable to maintain this ratio during all committee deliberations, and the order should require any committee designation of an alternate, to serve in the case both a member and his alternate are absent, to conform to the prescribed organizational representation.

The committee should be given those specific powers which are set forth in section 8c(7)(C) of the act. Such powers are necessary to enable an administrative agency of this character to function.

The committee's duties, as set forth in the order, are necessary for the discharge of its responsibilities. These duties are generally similar to those specified for administrative agencies under other programs of this character. It is intended that any activities undertaken by the members of the committee will be confined to those which reasonably are necessary for the committee to carry out its responsibilities as prescribed in the program. It should be recognized that these specified duties are not necessarily all-inclusive, and that it may develop that there are other duties the committee may need to perform.

At least five members of the committee, or alternates acting for members, should be present at any meeting of the committee in order for the committee to make any decisions; and each decision or action of the committee should require a minimum of five concurring votes.

An amendment was offered that would require all seven members of the committee, or alternates acting for members, to be present to constitute a quorum, and any action of the committee to require at least seven concurring votes. Testimony also was presented to require only a bare majority, or four votes, for both a quorum and action by the committee.

While it is desirable to have as large a majority of the members as is possible agreeing on each proposal, it must be recognized that there may be times when it would not be possible to assemble seven members or alternates acting for members at a given meeting. In such situations, there could be no meeting. Also, while differences of opinion may exist at times, an effective and workable program can be developed on the basis of the recommendation of a majority of five, and the interests of all growers reasonably protected. With the committee membership being constituted of four members affiliated with the large cooperative and three not so affiliated, neither group can take any affirmative action by itself even if all its representatives are in agreement. The requirements as to a quorum and approval of committee action should therefore be as hereinafter set forth.

In addition to meetings held where the committee is assembled in one place, the committee should be authorized to vote by telephone, telegraph, or other means of communication. Any votes cast in this fashion should be confirmed promptly in writing to provide a written record of the votes so cast. In case of an assembled meeting, however, all votes should be cast in person. Such a requirement is desirable so as to encourage attendance at the assembled meeting; also, if the matter under consideration is sufficiently important to require consideration at an assembled meeting, all who vote on the action to be taken thereon should have the benefit of all information presented and discussed.

Testimony was presented in opposition to the proposed authority for the committee to vote by telephone, telegraph, or other means of communication. However, it is apparent from the record that there are matters likely to come before the committee of such urgency or of such minor nature, that action by the committee at assembled meeting would not be expeditious or appropriate. Furthermore, to require all action taken by the committee to be at assembled meetings would be costly and would unduly burden the operation of the program.

It is appropriate that the members and alternates of the committee be reimbursed for actual out-of-pocket reason-

able expenses incurred when performing committee business, since it would be unfair to require them to bear such expenses incurred in the interest of all cranberry growers in the production area.

In order for an alternate adequately to represent his district at any committee meeting in place of an absent member, it may be desirable that he should have attended previous meetings along with the member, so as to have a full understanding of all background discussions leading up to action that may be taken at the meeting. Also, an alternate may, in future years, be selected as a member on the committee; and to this extent, attendance at meetings by alternate members could be helpful. Although only committee members, and alternates acting as members, have authority to vote on actions taken by the committee, it is often important for the committee to obtain as wide a representation as practicable of producer attitudes toward a proposed regulation or other matter. Therefore, the order should provide that the committee, at its discretion, may request the attendance of alternate members at any or all meetings notwithstanding the expected or actual presence of the respective members, when a situation so warrants. The same reimbursement of expenses that are available to members should be made available also to alternate members when they are requested and attend such meetings as alternates.

(c) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it for its maintenance and functioning and to enable it to exercise its powers and perform its duties pursuant to the order. The funds to cover the expenses of the committee should be obtained through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of expenses by the administrative agency established under an order and requires that each order of this nature contain provisions requiring handlers to pay, pro rata, the necessary expenses.

As his pro rata share of such expenses, each handler who first handles cranberries during a fiscal period should pay assessments to the committee, at a rate fixed by the Secretary, on all cranberries so handled, except as otherwise indicated hereinafter. In this way, each handler's total payments of assessments during a fiscal period would be proportional to the quantity of cranberries handled by each such handler, and assessments would be levied on the same cranberries only once.

The committee should be required to prepare a budget at the beginning of each fiscal period, and as often as may be necessary thereafter, showing estimates of the income and expenditures necessary for the administration of the order during such period. Each such budget should be submitted to the Secretary with an analysis of its components. Such budget and report should also recommend to the Secretary the rate of assessment believed necessary to secure the income required for that period. The committee, because of its knowledge of the prospective crop, will be in a good position to ascertain the necessary assessment rate and make recommendations in this regard.

The rate of assessment should be established by the Secretary on the basis of the committee's recommendation, or other available information, so as to assure the imposition of such assessments as are consistent with the act. Such rate should be fixed on a fair and equitable unit basis, such as a barrel, the common unit of measurement used throughout the industry.

In most years shipments of cranberries from the production area begin about the middle of September. The period just prior to the shipping season will be the period of greatest activity, as the committee will be surveying the crop and marketing situation, developing a marketing policy, and holding meetings to develop recommendations for regulations. This means that in all probability a large percentage of the committee's expenses will ordinarily be incurred before income for the current fiscal period is collected in amounts equal to outgoing expenses.

In order to provide funds for the administration of this program prior to the time assessment income becomes available during the fiscal period, the committee should be authorized to accept advance payments of assessments from handlers and also, when such action is deemed to be desirable, to borrow money for such purpose. The provision for the acceptance by the administrative agency of advance assessment payments is included in other marketing agreements and orders and has been found to be a satisfactory and desirable method of providing funds to cover costs of operation prior to the time when assessment collections are being made in an appreciable amount. During years of normal growing conditions, revenue available to the committee from assessments would provide the means for repaying any loans.

Should it develop that assessment income, during a fiscal period, plus any funds in reserve would not, at the previously fixed rate, provide sufficient income to meet expenses, the funds to cover such expenses should be obtained by means of increasing the rate of assessment. Since the act requires that the administrative expenses shall be paid by handlers, this is the only source of income to meet such expenses. The increased assessment rate should be applied to all cranberries handled during the particular fiscal period so that the total payments by each handler during each fiscal period will be proportional to the total volume of cranberries handled during that period.

Should the provisions of the order be suspended, during any portion or all of a fiscal period, it will be necessary to secure funds to cover expenses during such period unless funds in the reserve are sufficient for such purpose. The committee will incur expenses each fiscal period even though the order may be inoperative during a particular period. To cease incurring any expenses when operations under the order were suspended for short periods would tend to increase rather than decrease total expenses, as complete liquidation of the committee's affairs would be necessary to eliminate the payment of any salaries, rent, or utilities. Thereafter, when operations were resumed, it would be necessary to hire and train new personnel, and new quarters would have to be obtained and outfitted. Such costs probably would exceed the expenses of maintaining an office and a minimum staff during a period of suspension. Moreover, the committee should be in a position to resume its functions at any time conditions are such that a period of suspension of operations should be terminated. Since expenses will not cease when the order is inoperative for a period, authorization should be provided to require the payment of assessments during such periods.

An operating reserve is an important instrument for the continued effective operation of the order over a period of years. The assessment rates under the program are set at the beginning of the season for a crop of an estimated volume of shipments. Should crop failure or partial crop failure reduce the crop, so that assessment income falls below expenses, it would be necessary for handlers in light of the reduced crop to cover the deficit. It would constitute an extra burden on the industry to increase the assessment rate after some disaster had materially reduced the crop.

Evidence was presented at the hearing to the effect that cranberry handlers are a relatively stable group and nearly all of the production of cranberries is marketed year after year by the same handlers. Therefore, it would be equitable to all handlers, and far less burdensome to them, to contribute to the establishment of such an operating reserve during years of normal production rather than to be required to pay a high rate of assessment occasioned by a deficit during a year when the crop is materially reduced. The proposed reserve fund should be built up to the desirable amount slowly, over a period of years, so as not to impose excessively high assessments. It was indicated that it would be appropriate, and in keeping with the desires of the industry, to include in the annual budget a specific amount for the reserve fund as well as to use any other excess funds at the end of a fiscal period for this purpose. In order that such reserve funds not be accumulated beyond a reasonable amount, it was proposed that a limit of approximately one fiscal period's expenses be provided. After the reserve is built up to that amount, the assessment rate for following fiscal periods should be fixed so that a deficit may be incurred. Any such deficits should be paid from the reserve until it reaches a level considered too low for the purpose for which it was established, as heretofore described, after which replenishment of the reserve should be undertaken. In this manner, the industry would receive full benefits from the economy of operation that will result from the committee's not being in the position of having to incur the costs of borrowing money to finance operations during the preharvest period when assessment income would not cover expenses or of having to make refunds of excess assessments at the end of a fiscal year. Such handling of the assessments and reserve funds is believed to be equitable, in the circumstances, and would effect desirable economies in the administration of the program. In view of the foregoing, it is concluded that authority should be provided, as hereinafter set forth, to permit the establishment and use of a reserve fund in the manner heretofore described.

Except as necessary to establish and maintain an operating reserve as set forth in the order, handlers who have paid part of any excess should be entitled to a proportionate refund of any excess assessments that remain at the end of a fiscal period.

Upon termination of the order, any funds in the reserve that are not used to defray the necessary expenses of liquidation should, to the extent practicable, be returned to the handlers from whom such funds were collected. However, should the order be terminated after many years of operation, and should there have been several withdrawals and redeposits in the reserve, the precise equities of handlers may be difficult to ascertain, and any requirement that there be a precise accounting of the remaining funds could involve such costs as to nearly equal the monies to be distributed. Therefore, it would be desirable and necessary to permit the unexpended reserve funds to be disposed of in any manner that the Secretary may determine to be appropriate in such circumstances.

Funds received by the committee pursuant to the levying of assessments should be used solely for the purposes of the order. The committee should be required, as a matter of good business practice, to maintain books and records clearly reflecting the true, up-to-date operation of its affairs so that its administration could be subject to inspection any time by the Secretary. The committee should provide the Secretary with periodic reports at appropriate times, such as at the end of each marketing season or at such other times as may be necessary, to enable him to maintain appropriate supervision and control over the committee's activities and operations.

(d) The order should provide, as hereinafter set forth, authority for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of cranberries.

The proponents testimony attests that there are no projects which the industry proposes to pursue at the present time. However, record evidence shows that there is a definite need for the industry to expand market outlets for cranberries, and it is desirable to have authority in the order for research and development projects so that, should the situation develop whereby the need for specific research projects becomes apparent, it would be possible to submit such project to the Secretary for approval without first amending the order. Prior to engaging in any such activities, the committee should, of course, submit to the Secretary for his approval the plans for each project. Such plans should set forth the details, including the cost and the objectives to be accomplished, so as to ensure, among other things, that the projects are within the purview of the act. The cost of any such project should be included in the budget for approval, and such cost should be defrayed by the use of assessment funds as authorized by the act.

(e) The declared policy of the act is to establish and maintain such orderly marketing conditions for cranberries, among other commodities, as will tend to establish parity prices therefor, and be in the public interest. The regulation of cranberry handling as authorized in the order provides a means of carrying out such policy.

In order to facilitate the operation of the program, the committee should each year, before recommending any regulation applicable to cranberries produced that year, prepare and adopt a marketing policy for the ensuing marketing season. A report on such policy should be submitted to the Secretary and made available to growers and handlers of cranberries. The policy so established would serve to inform the Secretary and persons in the industry, in advance of the marketing of the crop, of the committee's plans for regulation and the bases therefor. Handlers and growers could then plan their operations in accordance therewith. The policy also should be useful to the committee and the Secretary when specific regulatory action is being considered, since it would provide basic information necessary to the evaluation of such regulation.

In preparing its marketing policy, the committee should give consideration to the supply and demand factors, set forth in the order, affecting marketing conditions for cranberries, since consideration of such factors is essential to the development of an economically sound and practical marketing policy.

The committee should be permitted to revise its marketing policy so as to give appropriate recognition to the latest known conditions when changes in such conditions since the beginning of the season are sufficiently marked to warrant modification of such policy. Such action is necessary if the marketing policy is to reflect appropriately the probable regulatory proposals of the Committee and be of maximum benefit to all persons concerned. A report of each revised marketing policy should be submitted to the Secretary and made available to growers and handlers, together with the data considered by the committee in making the revision.

An amendment was offered that would require all meetings of the committee to be open meetings and require the committee to give advance notice of meetings to all growers and handlers. The requirement that all growers and handlers be given individual notice of each meeting would be impracticable. Testimony shows that cranberry growers are relatively a stable group; however, bogs are sold from time to time. There are approximately 1,400 cranberry growers at the present time. Therefore, to maintain an accurate up-to-date list and to notify each grower of each meeting of the committee would be difficult, and the expense involved is not warranted. Testimony adduced at the hearing indicates that the meeting of the committee which the growers would most likely want to attend would be that during which the marketing policy for the ensuing year is formulated and recommendations for regulations are made. Since the committee will prepare and mail notice of meetings to committee members and alternates and to the Secretary of Agriculture, the requirement, hereinafter set forth, that such notice also be sent to growers and handlers who request such notice will not be burdensome and should provide notice to those who are most likely to attend such meeting. In addition, it seems reasonable to require the committee to give such notice to newspapers in general circulation among growers and handlers as it deems appropriate. The committee will have knowledge of the newspapers in each district with which growers are acquainted and will be in position to determine to which papers notices of meetings should be sent. Of course, all assembled meetings of the committee should be open to all growers and handlers. Any grower or handler could, and should, attend such meetings, whether or not he has filed his address with the committee for such notification.

The order should provide for regulations under which the volume of cranberries handled can be limited to such quantity as may reasonably be expected to meet market demands at fair returns to growers. The proposed marketing order for cranberrries contained in the notice of hearing (27 F.R. 2118) provides a method of volume regulation that could achieve such objective and that would be fair and equitable for all growers and handlers, i.e. a method for establishing a desirable free percentage of cranberries and providing that cranberries in excess of this percentage be withheld from handling. The evidence of record indicates that this would be an effective method to promote orderly marketing and improve producer returns. Experience indicates that approximately 1,000,000 barrels of cranberries can reasonably be expected to be marketed in normal channels within a 12-month period. However, publicity in connection with some of the 1959 crop of cranberries being contaminated with aminotriazole resulted in disruption of the cranberry market, and since then marketing conditions have not been normal. Thus, the volume that could have been marketed under normal conditions is uncertain. However, record evidence attests that approximately 1,000,000 barrels of the 1961 crop will be marketed during the 12-month period ending September 1, 1962; and it is reasonable to expect that, with more orderly marketing conditions, more cranberries can be successfully marketed in the future in a like period than has been the case in recent years.

As heretofore shown, the production of cranberries has exceeded 1,000,000 barrels during eight of the last nine

years, and the trend of production is upward. Cranberry production is subject to many hazards such as disease, insects, and frost damage during the spring and at harvest. However, it is not probable that the crop will be materially reduced throughout the production area during any one growing season. For example, during the 1960 season, production in Wisconsin was low because of unfavorable weather, whereas Massachusetts was harvesting a record large crop. During the 1961 season, a severe frost in May decreased the crop in Massachusetts, but this decrease was partially offset by a record high production in Washington. Even with this weather hazard the 1960 crop was the largest of record, and the 1961 crop missed being the second largest by only approximately 28,300 barrels. Therefore, it is concluded that production is likely to be considerably in excess of 1,000,000 barrels during any specified year; and, with good weather in all growing areas, production of 1,500,000 barrels is very probable during any season, including the 1962 season.

Since the quantity in excess of the demand is one of the prime disruptors of orderly marketing, removal of the excess from normal marketing channels would promote orderly marketing with a consequent increase in producer returns.

The committee should, as the administrative agency under the order, be authorized to recommend such free and restricted percentages as will tend to effectuate the declared policy of the act. It is the key to successful operation of the order that the committee should have such responsibility. The Secretary should look to the committee, as the agency reflecting the thinking of the industry, for its views and recommendations for promoting more orderly marketing conditions and increased growers' returns for cranberries. The committee should therefore have authority to recommend such regulations as are authorized by the order whenever such regulations will, in the judgment of the committee, tend to promote more orderly marketing conditions and effectuate the declared policy of the act.

When conditions change so that the then current regulations do not appear to the committee to be carrying out the declared policy of the act, the committee should have the authority to recommend the amendment, modification, suspension, or termination of such regulations, as the situation warrants.

The order should authorize the Secretary, on the basis of committee recommendations or other available information, to issue regulations establishing the free and restricted percentages as will tend to improve growers' returns and to establish more orderly marketing conditions for cranberries. The Secretary should not be precluded from using such information as he may have, and which may or may not be available to the committee for consideration, in issuing such regulations, or amendments, or modifications thereof, as may be necessary to effectuate the declared policy of the act. However, no modification should increase the restricted percentages previously established for the then current fiscal year as some handlers could have handled all of their free cranberries at the time of any such increase and the regulation then would not affect all handlers equally. Also, whenever the Secretary determines that any regulation does not tend to effectuate the policy of the act, he should suspend or terminate the regulation, in accordance with the requirements of the act.

Since the committee is responsible for assisting the Secretary in the administration of the program, it follows that it should be notified immediately of any and all regulations issued by the Secretary. Similarly, it should be the responsibility of the committee to notify each handler promptly of each regulation issued by the Secretary.

Handlers should be permitted to handle their free-percentage cranberries in whatever manner they choose, the same as they are now doing, if they so desire. Also, the purchase of any amount of free cranberries from any other handler who has free cranberries available should not be restricted. The cranberries transferred between handlers who have packing or processing facilities located within the production area, whether by purchase or otherwise, should be subject to the withholding requirement only once, provided the committee is informed of the impending transfer and is notified which handler will meet the withholding obligation. Of course, this provision cannot be extended to include a handler located outside the production area as, being outside the production area, he is not subject to the order.

Some handlers, because of aggressive merchandising, possession of an extra good quality product, or a combination of factors, may sell their cranberries at a faster rate than other handlers. In fact, some handlers may dispose of their free percentage cranberries while other handlers still have on hand a large quantity of unsold free-percentage cranberries. The inclusion in the order of special provisions relating to release of withheld cranberries affords relief under certain conditions to handlers who have disposed of their free cranberries. Whenever a handler determines that he will be able to handle more cranberries than his free percentage provides, he may make application to the committee for the release of all or any portion of his restricted cranberries. This request should include information relative to the intended use of such cranberries and a statement that the handler will deposit a specified amount per barrel with the committee for it to purchase cranberries to replace those released. While the committee does not take title to any restricted cranberries withheld by handlers, it is necessary that the handler deposit with the committee an amount per barrel equal to the fair market price for such cranberries so that the committee may purchase an equal number of barrels or as nearly an equal number as possible of free cranberries from other handlers. Cranberries so purchased by the committee will be transferred to the restricted percentage and will be disposed of by the committee in outlets that are noncompetitive to outlets for free cranberries. The provision that each handler deposit a fair market price with the committee for each barrel of cranberries released and that the committee use such funds to purchase an equal amount or as nearly an equal amount as possible of free cranberries will assure that the percentage of berries withheld from handling remains at the quantity established by the regulation for that period.

The committee, representing the cranberry industry, should be authorized to determine the fair market price for the release of restricted cranberries. The money deposited with the committee by handlers in requesting the release of their restricted cranberries is the only money the committee will have available for acquiring free cranberries, and the amount deposited must be equal to the then current market price or the committee will have insufficient funds to purchase a like quantity of free cranberries. Costs of preparing cranberries for market in particular outlets are apparently fairly uniform; but the committee should announce, from time to time, the allowances that will be used to convert handlers' sales prices into the fair market price for cranberries to be used in each market outlet so that handlers will have knowledge of such allowances and can plan their operations accordingly. The committee should be required to take action on any request of a handler for the release of his restricted cranberries within 72 hours after receiving such request so that such handler will have knowledge promptly that he may proceed with the handling of his restricted berries. A handler who has his restricted cranberries released should, upon handling such cranberries, pay assessments thereon the same as if they were free cranberries, as a like quantity of free cranberries will be placed in restricted outlets by the committee, and the purpose of such release is to permit the handler to obtain additional cranberries for handling as free cranberries rather than having to purchase free cranberries from other handlers.

It would be in the best interest of all concerned to permit a handler to handle an additional amount of cranberries from his own restricted percentage rather than require him to obtain such quantity from other handlers' free-percentage cranberries. The handler would know the history of the cranberries—the quality, condition, size of berries, etc.; he would have ready access to the lot; such lot would probably be more nearly of the same quality and condition as other lots he has sold; and costs would probably be less than if purchases were made from other handlers.

The committee should be required to release the restricted cranberries to handlers upon request properly made along with a certificate that the required deposit will be paid upon demand of the committee. By making the release automatic, subject to the deposit of a fair market price per barrel, handlers will be able to plan their operations; and very little, if any, delay will be encountered.

The committee should not be required to purchase a quantity of cranberries exactly equal to the amount released. Such a requirement would unnecessarily

complicate and increase the expense of the operation of the program. It is expected that purchases of free cranberries will be made only after the restricted cranberries have been released. There could be a slight strengthening of the market during this interim which would increase the price of cranberries and would be reflected in the price the committee would have to pay for replacing the released cranberries. Likewise, should prices decline, the purchase of cranberries to replace those released may be at a lower price than that deposited and the committee would have some unexpended funds on hand. The committee will incur expenses in the purchase of cranberries and in disposing of such cranberries in outlets for restricted berries. Any such unexpended funds probably will be small and should be used to reimburse the committee for its expenses in handling such transactions.

As previously mentioned, each handler has the responsibility of determining the time of disposition of his restricted cranberries. One handler may choose to remove all of his restricted percentage from marketing channels at an early date and he should be free to do so. Another handler may determine that he can handle all of his restricted-percentage cranberries and make the necessary preparations to do so by storing them for later use, if necessary, and making application, as aforesaid, for the release of any or all such cranberries. Another handler may want to store all or a portion of his restricted percentage to await market developments, after which he will reach a decision as to the final disposition of his restricted cranberries. There should not be nor is there any provision in the order to prevent any handler from maintaining his restricted cranberries in the manner he determines is most advantageous. Of course, the disposition of restricted cranberries must be limited to channels that are noncompetitive to the normal outlets for cranberries if the regulation is to be effective. For this reason, and in order to effect compliance, the storage and disposition of restricted cranberries should be subject to supervision of the committee.

Cranberries withheld from marketing should, unless released as heretofore discussed, be disposed of only in such outlets as the committee with the approval of the Secretary finds are noncompetitive to the normal market outlets for cranberries. The purpose of the order is to limit the volume of cranberries available for marketing in fresh market outlets in the United States and Canada and in all processing outlets to a quantity reasonably in balance with the demand in such outlets. If restricted cranberries were permitted to be marketed in such outlets, the effect would be the same as having no regulation, since such outlets comprise the normal commercial markets for nearly all of the cranberries sold. There apparently are only limited outlets for the disposition of restricted cranberries at this time. Small quantities of fresh cranberries have been exported to Europe and the Middle East. Such export market should be expanded, if possible, and the exportation of fresh restricted cranberries may tend to encourage such expansion. For this reason, such exports are not included in "handling" as defined in the order. There may be other outlets which now use a small quantity of cranberries, or offer promise as a market for cranberries, and permitting restricted cranberries to be disposed of in such outlets should facilitate expansion of the uses for cranberries. The committee should explore all possible outlets for restricted cranberries and, whenever it is determined that restricted cranberries could be disposed of in certain channels without interfering with the program objectives, such outlets should, after approval by the Secretary, be designated as outlets for restricted cranberries.

The order should provide that the Secretary should prescribe the date during each fiscal period by which each handler should have met his withholding requirements. Not to specify such a date would mean that there would be no method for enforcing the withholding requirement as handlers could continue to maintain that they would meet such requirement at some indefinite later date.

In preparation for market, cranberries are "screened" or "milled." A percentage of each lot of harvested cranberries is not marketable, as it contains defective, offcolor, or decayed berries. The "screening" or "milling" process is used to remove the unmarketable berries and chaff (leaves, stems, and parts of vines). It is necessary for the committee, with the approval of the Secretary, to prescribe the grade, size, quality, and condition requirements that withheld cranberries must possess. Without such requirements handlers could meet their withholding requirement by withholding only unmarketable cranberries. This would not accomplish the declared policy of the act or the order, because such withheld cranberries would not decrease the quantity available for market.

Evidence of record establishes that cranberries can be stored more advantageously unscreened than screened. There should be no provision in the order that would prevent handlers from continuing to follow this practice. However, since the free and restricted percentages should be applied to screened, marketable cranberries, a determination must be made of the percentage of screened berries in the unscreened lots. In determining the percentage of screened, marketable cranberries in each lot of unscreened cranberries, handlers presently use a representative sample. The procedure is quite similar to the regular screening operation except on a smaller scale. It was testified that this procedure is not uniform throughout the industry. The committee should therefore prescribe uniform rules to be followed by all handlers in determining the quantity of screened, marketable cranberries in each lot of cranberries that are not screened.

Inspection and certification of all withheld cranberries are essential to provide evidence of compliance with the regulations in effect. As the handler of a lot of cranberries is responsible for compliance with the regulations and is the only person with prior knowledge that the cranberries are to be handled, it is reasonable and necessary to require handlers to submit reports verifying the quantity of cranberries acquired and to request inspection on the withheld portion. Handlers are familiar with the Federal and Federal-State Inspection Services and with the procedures for inspection and certification of fruits in the production area. The evidence of record indicates that only such services are in a position to perform the required inspection and certification. In order that the committee may know that each lot of withheld cranberries has been inspected and meets the requirements established for such cranberries, a copy of each inspection certificate should be sent to the committee at the location designated by the committee. The handler should be the person responsible for seeing that this is done. He may, however, request the Inspection Service to mail the certificate.

It was proposed at the hearing that the order include provisions requiring any handler having any inventory of cranberries, including all processed cranberry products, at the start of any fiscal period to withhold from handling a quantity of fresh cranberries equivalent to that in inventory in addition to the quantity represented by the restricted percentage applicable to the current crop. It was advanced that such additional withholding requirement would only be fair, as the inventory would have to be considered in determining the level of regulation for the then current year. There is no evidence in the record to indicate how such a requirement could be effectively applied. Handlers having such an inventory could, prior to any inventory date fixed, manufacture such inventory into commercial products and move them into wholesale and retail marketing channels and thereby avoid the added withholding requirement. Such action would result in a situation similar to that now confronting the industry, as heretofore discussed, whenever inventories are liquidated because the oncoming crop is known to be larger than anticipated sales. The proposal, therefore, would not contribute to the establishment of orderly marketing conditions for cranberries, and it is concluded that any regulations under the order should be applied only to the current crop of cranberries.

The proposed marketing order upon which the hearing was held contained provisions that would authorize the issuance, by the Secretary, of regulations (1) limiting the handling of cranberries of any particular grade, size, quality, or maturity, (2) limiting the handling of particular grades, sizes, qualities, or maturities of cranberries differently for fresh and processing outlets, and (3) fixing the size, capacity, weight, dimensions, markings, or pack of containers which may be used in the packaging or handling of cranberries. At the sessions of the hearing held in Wareham, Massachusetts, Mt. Holly, New Jersey, and Wisconsin Rapids, Wisconsin, no testimony was offered in support of these and related provisions, including inspection of all cranberries handled. At the session of the hearing held at Grayland, Wash-

ington, general statements were made in support of the proposed provision for quality restrictions. However, such testimony did not establish how the provision was to be made effective and how compliance would be effected. It is apparent from the record that quality and condition problems do arise in the marketing of fresh cranberries, perhaps to a greater degree during some seasons than others. It was contended at the session of the hearing held at Wareham that such problems generally occur at destination rather than at shipping point, and any benefits that may accrue from shipping point quality controls would be more than offset by inspection costs. Therefore, it was advanced that the program should, at this time, be directed toward solving the major problem of tailoring the supply of cranberries marketed to that percentage of the crop which could reasonably be expected to be marketed each 12-month period and afford a reasonable return to the growers. In any event, it is concluded that there is not sufficient evidence in the record to justify including provisions in the order for this type of quality regulations.

(f) The order should provide for the exemption from its provisions of such handling of cranberries as it is not necessary to regulate in order to effectuate the declared policy of the act. At times some growers may not deliver all their cranberries to a handler for handling but may retain a portion to be handled by themselves. Because of the small amount that may be involved and the expense of effectuating compliance, it may not be administratively feasible to regulate these small lots handled by growers. It is not known at the present time just what amount should be exempt. Nor can all the situations that may develop be anticipated. Therefore, it should be discretionary with the committee, subject to the approval of the Secretary, whether small quantities and, if so, in what amount, should be exempt from regulations and assessment, and the period during which such exemption should be in effect. The allowance of any exemptions may result in avenues of escape from regulation which, if they are found to exist, should be closed. Hence, the committee should be authorized to prescribe, with the approval of the Secretary, such rules, regulations, and safeguards as are necessary to prevent cranberries from being handled contrary to the terms of the exemption privilege.

(g) The committee should have authority, with the approval of the Secretary, to require that handlers submit to the committee such reports and information as may be needed for the performance of its functions under the order. Handlers have such necessary information in their possession, and the requirement that they furnish such information to the committee in the form of reports would not constitute an undue burden. Moreover, since handlers are the only persons subject to regulation under the program, they are the only persons who could be required to furnish such information. It is difficult to anticipate every type of report or kind of information which the committee may find necessary in the conduct of its operations under the order. Therefore, the committee should have the authority to request, with approval of the Secretary, reports and information, as needed, of the type set forth in the order, and at such times and in such manner as may be necessary.

The Secretary should retain the right to approve, change, or rescind any requests by the committee for information in order to protect handlers from unreasonable requests for reports. Any reports and records submitted for committee use by handlers should remain confidential and be disclosed to no person other than the Secretary and persons authorized by the Secretary. Under certain circumstances, the release of information compiled from handlers' reports may be helpful to the committee and the industry generally in planning for operations under the order during the marketing season. However, such reported information should not be released other than on a composite basis, and such release of information should disclose neither the identity of handlers nor their individual operations. This is necessary to prevent the disclosure of information that may affect detrimentally the trade or financial position or the business operations of individual handlers.

Since it is possible that a question could arise with respect to compliance, handlers should be required to maintain for each fiscal period complete records on their receipts, handling, and disposition of cranberries. Such records should be retained for not less than three years after the termination of the crop year in which the transaction occurred, so that, if needed in connection with enforcement, the requisite records will be available for that purpose. The maintaining of all such records for at least three years will not be burdensome, since they must be kept that long for other purposes.

The successful operation of a program of this type depends upon the degree of compliance with its provisions. In this connection, it is necessary that the committee be given the authority to examine and verify the records, check inventories of cranberries, and determine the quantity of cranberries received, handled, stored, and withheld. The verification of records and reports and inspection needed in connection therewith should be performed by the committee during reasonable working hours and in such manner that normal operations would not be interrupted.

(h) Except as provided in the order, no handler should be permitted to handle cranberries, the handling of which is prohibited pursuant to the order; and no handler should be permitted to handle cranberries except in conformity with the order. If the program is to operate effectively, compliance therewith is essential; and, hence, no handler should be permitted to evade any of its provisions. Any such evasion on the part of even one handler could be demoralizing to the handlers who are in compliance and would tend, thereby, to impair the effective operation of the program.

(i) The provisions of §§ 929.66 through 929.75, as hereinafter set forth, are similar to those which are included in other marketing agreements and orders now operating. The provisions of §§ 929.76 through 929.78, as hereinafter set forth, also are included in other marketing agreements now operating. All such provisions are incidental to and not inconsistent with the act and are necessary to effectuate the other provisions of the recommended marketing agreement and order and to effectuate the declared policy of the act. Testimony at the hearing supports the inclusion of each such provision.

An amendment to § 929.68 *Termination* was proposed to require that a referendum be conducted during the month of May of each even-numbered year beginning in 1964. Such a procedure should contribute to the effectiveness of the program as it would provide growers a regular opportunity to express approval of the operation of the order and thereby compel awareness of producer interest in the administration of the order by the committee.

Those provisions which are applicable to both the proposed marketing agreement and the proposed order, identified by section number and heading, are as follows: § 929.66 *Right of the Secretary;* § 929.67 *Effective time;* § 929.68 *Termination;* § 929.69 *Proceedings after termination;* § 929.70 *Effect of termination or amendment;* § 929.71 *Duration of immunities;* § 929.72 *Agents;* § 929.73 *Derogation;* § 929.74 *Personal liability;* and § 929.75 *Separability.*

Those provisions which are applicable to the proposed marketing agreement only, identified by section number and heading, are as follows: § 929.76 *Counterparts;* § 929.77 *Additional parties;* and § 929.78 *Order with marketing agreement.*

Rulings on proposed findings and conclusions. May 1, 1962, was set by the presiding officer at the hearing as the latest date by which briefs would have to be filed by interested parties with respect to facts presented in evidence at the hearing and the conclusions which should be drawn therefrom.

Briefs were filed, within the prescribed time, by Ray W. Bates, Bandon, Oregon; James Olson, Ray W. Bates, and William Dufort, Bandon, Oregon, a committee appointed to represent 130 growers who farm approximately 600 acres of cranberry bogs in Oregon; Frank O. Glenn, Jr., Long Beach, Washington; and John R. Quarles and George T. Finnegan, Ropes & Gray, Attorneys, for and on behalf of Ocean Spray Cranberries, Inc. These briefs were in support of the proposed order generally on the bases that the order would stabilize the industry, create orderly marketing conditions, and thereby benefit the grower, handler, and consumer.

Briefs were also filed, within the prescribed time, by Walter Case, Case Cranberry Company, Tomah, Wisconsin; Lawrence Williams, West Harwich, Massachusetts; Union Cranberry Company, Warrens, Wisconsin, by Frederick W. Barber, Executive Secretary-Treasurer-Manager; Thiele Cranberry Company; Wisconsin Rapids, Wisconsin, by Mrs. W. F. Thiele, President, and Arthur

Cote, Foreman; Eric H. Hulkari, Jumbo Cranberry Sales, Middleboro, Massachusetts; Cranberry Products, Inc., Eagle River, Wisconsin, by Vernon Goldsworthy, President; Indian Trail, Inc., Wisconsin Rapids, Wisconsin, by Ben Pannkuk, President; and Blair L. Perry, Hale and Dorr, Attorneys, for and on behalf of Decas Cranberry Company, Inc., and Decas Brothers Sales Company, Inc., of Wareham, Massachusetts, Peter A. LeSage, doing business as PALS Cranberries, of Plymouth, Massachusetts, and John J. Beaton Company, of Wareham, Massachusetts. These briefs generally expressed opposition to the proposed order, principally on the bases that the proposed order would (1) curtail the operation of the small producer or handler, (2) favor the operation of the large cooperative marketing organization, or (3) not permit the industry to work out its own problems in the most advantageous way. In addition, the brief filed by Mr. Perry sets forth proposed findings and conclusions as to (1) general information, (2) statistical information, (3) effect of the proposed marketing agreement and order, and (4) proposed amendments to the order.

Certain of the recommended findings and conclusions presented in these briefs are incorporated in the recommended decision. Others, particularly those urging adoption of amendments to the order that were proposed at the hearing, have been discussed previously in this recommended decision, and either adopted or rejected, in connection with the findings and conclusions relating to the provisions to which the amendments refer. Conversely, some of the proposed findings and conclusions rely on assertions that are immaterial and irrelevant to the issues on which the hearing was held, are not supported by the record, or could not be adopted under existing legislation; and they are denied.

The brief filed by Mr. Perry contained arguments, based upon certain statistical information presented in evidence (Exhibit 6), purporting to show that (1) total returns to growers are increased as the volume of sales during the particular year are increased and (2) that increasing to a specified level the portion of a particular crop that is processed is all that is necessary to provide satisfactory returns to growers. Such arguments are based upon the assumption that the sales of cranberries in fresh and processing market outlets, shown in the statistical data, occurred in the year indicated. This is not the case, however. Each individual year set forth in these statistical tables is applicable to the quantity of cranberries produced in that year. The sale or disposition of cranberries for the particular crop year is also shown opposite the crop-production data. But this does not mean that such disposition occurred during the particular year. Evidence in the record shows that in most recent years there has been a carryover of a portion of each year's production into the marketing season of the ensuing crop year. To make any valid price analysis, it would be necessary to consider also the size of the inventory carried over into subsequent crop years so that the effect of the total supply available for sale each year on the price of cranberries sold that year could be determined. There is no evidence in the record nor any provision in the act which would provide a basis for regulations requiring handlers to process a portion of the cranberries handled by them. The arguments presented are based upon inaccurate assumptions and the request to make certain findings and reach the indicated conclusions is therefore denied.

Each point included in the briefs filed herein was carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions hereinbefore set forth. To the extent that any suggested findings or conclusions contained in any of the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with this decision.

Exceptions were taken by Mr. Perry to two rulings by the Hearing Examiner on objections to admission of evidence. Both exceptions are overruled and the rulings of the Hearing Examiner approved. One objection related to the admission of a footnote on a statistical table offered in evidence by the Department of Agriculture. Since the table in question, including this footnote, was copied from official publications of an agency of the Department and is, in any case, subject to official notice, the exception is not well taken. As to the second exception that official notice of certain cases was taken only for limited purposes, the ruling of the Hearing Examiner was that official notice was taken of the District Court antitrust cases cited by Mr. Perry "for any purpose for which it is deemed relevant"; therefore, this objection is groundless. These cases pertain to activities of the National Cranberry Association and others during or prior to 1955, while the proposed marketing agreement and order are concerned with establishing more orderly marketing of cranberries to alleviate the marketing problems that now exist and that may reasonably be expected to continue for some time unless adjustments are made. The committee established to administer the order is composed of members of the industry, but sufficient safeguards are provided in the act and the order to prevent one segment of the industry from controlling committee action. Moreover, the regulatory functions of the committee are limited to such acts as making recommendations for regulation and checking compliance. All final decisions concerning such matters are made by the Secretary, who will supervise all activites of the committee. The act provides that the making of a marketing agreement shall not be held to be in violation of any of the antitrust laws of the United States; however such an agreement and its companion order may contain only those provisions that are authorized by the act. The act does not provide a blanket exemption from all antitrust laws. The judgments in the cases cited by Mr. Perry are, of course, not superseded by this decision. However, it is hereby found, after consideration of the facts therein, that the cases are not relevant to the proposed marketing agreement and order upon which the hearing was held nor to this decision.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The marketing agreement and order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said marketing agreement and order regulate the handling of cranberries grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of cranberries grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of cranberries grown in the production area, as defined in said marketing agreement and order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended marketing agreement and order. The following marketing agreement and order [1] are recommended as the detailed means by which the foregoing conclusions may be carried out:

DEFINITIONS

§ 929.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 929.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 929.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 929.4 Production area.

"Production area" means the States of Massachusetts, Rhode Island, Connecti-

[1] The provisions identified with asterisks (***) apply only to the proposed marketing agreement and not to the proposed order.

cut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York.

§ 929.5 Cranberries.

"Cranberries" means all varieties of the fruit Vaccinium Macrocarpon, known as cranberries, grown in the production area.

§ 929.6 Fiscal period.

"Fiscal period" is synonymous with fiscal year and means the 12-month period beginning on August 1 of one year and ending on the last day of July of the following year.

§ 929.7 Committee.

"Committee" means the Cranberry Marketing Committee established pursuant to § 929.20.

§ 929.8 Grower.

"Grower" is synonymous with producer and means any person who produces cranberries for market and who has a proprietary interest therein.

§ 929.9 Handler.

"Handler" means any person who handles cranberries.

§ 929.10 Handle.

"Handle" means (a) to can, freeze, or dehydrate cranberries within the production area, or (b) to sell, consign, deliver, or transport (except as a common or contract carrier of cranberries owned by another person) fresh cranberries, or in any other way to place fresh cranberries, in the current of commerce between the production area and any point outside thereof in the United States or Canada or within the production area: *Provided*, That the term "handle" shall not include (1) the sale of unharvested cranberries, (2) the delivery of cranberries by the grower thereof to a handler having packing or processing facilities located within the production area, nor (3) the transportation of cranberries from the bog where grown to a packing or processing facility, located within the production area.

§ 929.11 To can, freeze, or dehydrate.

"To can, freeze, or dehydrate" means to convert cranberries into canned, frozen, or dehydrated cranberries or other cranberry products by any commercial process.

§ 929.12 Acquire.

"Acquire" means to obtain cranberries by any means whatsoever for the purpose of handling such cranberries.

ADMINISTRATIVE BODY

§ 929.20 Establishment and membership.

There is hereby established a Cranberry Marketing Committee consisting of seven members, each of whom shall have an alternate. All members and their alternates shall be growers or employees, agents, or duly authorized representatives of growers. Each of the following subdivisions of the production area shall be represented by at least one member and one alternate member, each of whom shall be a grower, or an employee, agent, or duly authorized representative of a grower, in the designated district of the production area:

(a) District 1: The States of Massachusetts, Rhode Island and Connecticut;

(b) District 2: The State of New Jersey and Long Island in the State of New York;

(c) District 3: The States of Wisconsin, Michigan, and Minnesota; and

(d) District 4: The States of Oregon and Washington.

§ 929.21 Term of office.

The term of office of each member and alternate member of the committee shall be for two years beginning August 1 and ending on the last day of July. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

§ 929.22 Nomination.

(a) *Initial members.* Nominations for each of the initial members and alternate members may be submitted, not later than 10 days after the effective date of this part, to the Secretary by individual growers or groups of growers.

(b) *Successor members.* (1) Any cooperative marketing organization that handled more than two-thirds of the total volume of cranberries produced during the fiscal period during which nominations for membership on the committee are made, or the growers affiliated therewith, shall nominate eight qualified persons for four members and eight qualified persons for four alternate members of the committee. At least two such nominees for a member and two such nominees for an alternate member shall represent growers in the State of Oregon or the State of Washington. The names and addresses of such nominees shall be submitted to the Secretary not later than July 15 of each even-numbered year.

(2) The committee shall hold or cause to be held, not later than July 1 of each even-numbered year, meetings of the growers in Districts 1, 2, and 3, other than those affiliated with the cooperative marketing organization designated in subparagraph (1) of this paragraph, to elect nominees for member and for alternate member positions on the committee. The growers in each such district who are present at the meeting shall nominate two qualified persons for a member and two qualified persons for an alternate member of the committee. The names and addresses of such nominees shall be submitted to the Secretary not later than July 15 of each even-numbered year. The committee shall prescribe such procedure for the conduct of the nomination meetings as shall be fair to all persons concerned.

(3) Growers shall only participate in the nomination of members and alternate members to represent the district in which they produce cranberries.

(4) When voting for nominees, each grower shall be entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives for each position to be filled.

§ 929.23 Selection.

(a) *Initial members.* From the nominations made pursuant to § 929.22(a), or from other qualified persons, the Secretary shall select the initial members of the committee and an alternate for each such member on the basis of the representation provided for in § 929.20 and in paragraph (b) of this section.

(b) *Successor members.* From the nominations made pursuant to § 929.22 (b)(1), the Secretary shall select four members of the committee and an alternate for each such member. From the nominations made pursuant to § 929.22 (b)(2), the Secretary shall select three members of the committee and an alternate for each such member.

§ 929.24 Failure to nominate.

If nominations are not made within the time and in the manner prescribed in § 929.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of representation provided for in §§ 929.20 and 929.23.

§ 929.25 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 929.26 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 929.22 and 929.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in §§ 929.20 and 929.23.

§ 929.27 Alternate members.

An alternate member of the committee, during the absence of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the committee may designate any other alternate member to serve in such member's place and stead at that meeting: *Provided*, That not more than four members and alternate members selected from those nominated pursuant to § 929.22(b)(1) shall serve as members at the same meeting.

§ 929.30 Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 929.31 Duties.

The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary and to determine compensation and to define the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal period a budget for such fiscal period, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such period;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a competent public accountant at least once each fiscal year and at such times as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to cranberries;

(i) To submit to the Secretary the same notice of meetings of the committee as is given to its members;

(j) To submit to the Secretary such available information as he may request; and

(k) To investigate compliance with the provisions of this part.

§ 929.32 Procedure.

(a) Five members of the committee, or alternates acting for members, shall constitute a quorum and any action of the committee shall require at least five concurring votes.

(b) The committee may vote by telephone, telegraph, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held, all votes shall be cast in person.

§ 929.33 Expenses and compensation.

The members of the committee, and alternates when acting as members, shall serve without compensation but shall be reimbursed for necessary expenses, as approved by the committee, incurred by them in the performance of their duties under this part. The committee at its discretion may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses, as aforesaid.

EXPENSES AND ASSESSMENTS

§ 929.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions hereof. The funds to cover such expenses shall be paid to the committee by handlers in the manner prescribed in § 929.41.

§ 929.41 Assessments.

(a) As his pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee during a fiscal period, each handler shall pay to the committee, upon demand, assessments on all cranberries he handles as the first handler thereof, during such period, except as provided in § 929.55. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each handler during a fiscal period in an amount designed to secure sufficient funds to cover the expenses which may be incurred during such period and to accumulate and maintain a reserve fund equal to approximately one fiscal period's expenses. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all cranberries handled during the applicable fiscal period. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal period before sufficient operating income is available from assessments, the committee may accept the payment of assessments in advance, and may also borrow money for such purposes.

§ 929.42 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, the committee, with the approval of the Secretary, may carryover such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve do not exceed approximately one fiscal period's expenses. Such reserve funds may be used (1) to cover any expenses authorized by this part and (2) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, it shall be refunded proportionately to the handlers from whom the excess was collected. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate; *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

RESEARCH

§ 929.45 Marketing research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of cranberries. The expense of such projects shall be paid from funds collected pursuant to § 929.41.

REGULATIONS

§ 929.50 Marketing policy.

Each season prior to making any recommendations pursuant to § 929.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing marketing season. Such marketing policy report shall contain information relating to:

(a) The estimated total production of cranberries;

(b) The expected general quality of such cranberry production;

(c) The expected carryover, as of September 1, of frozen cranberries and other cranberry products;

(d) The expected demand conditions for cranberries in different market outlets;

(e) Supplies of competing commodities;

(f) Trend and level of consumer income;

(g) Other factors having a bearing on the marketing of cranberries; and

(h) The regulation expected to be recommended during the marketing season.

§ 929.51 Recommendations for regulation.

(a) Whenever the committee deems it advisable to regulate the handling of cranberries in the manner provided in § 929.52, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply of and demand for cranberries during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such

recommendation is predicated and such other available information as the Secretary may request.

(c) All assembled meetings of the committee shall be open to growers and handlers. The committee shall publish notice of such meetings in such newspapers as it deems appropriate and shall mail notice of such meetings to each grower and handler who has filed his name and address with the committee for such purpose.

§ 929.52 Issuance of regulations.

(a) The Secretary shall regulate, in the manner specified in this section, the handling of cranberries whenever he finds, from the recommendations and information submitted by the committee, or from other available information, that such regulation will tend to effectuate the declared policy of the act. Such regulation shall limit the total quantity of cranberries which may be handled during any fiscal period by fixing the free and restricted percentages, which percentages shall be applied to cranberries acquired during such fiscal period in accordance with § 929.54.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give notice thereof to handlers.

§ 929.53 Modification, suspension, or termination of regulations.

(a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 929.52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation: *Provided*, That no such modification shall increase the restricted percentage previously established for the then current fiscal year. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation.

§ 929.54 Withholding.

(a) Whenever the Secretary has fixed the free and restricted percentages for any fiscal period, as provided for in § 929.52(a), each handler shall withhold from handling a portion of the cranberries he acquires during such period: *Provided*, That such withholding requirement shall not apply to the acquisition of any lot of cranberries for which such withholding requirement previously has been met by another handler in accordance with § 929.55. The withheld portion shall be equal to the sum of the products obtained by multiplying the quantity of screened cranberries in each lot of cranberries acquired during the fiscal period by the restricted percentage fixed by the Secretary. The committee, with the approval of the Secretary, shall prescribe uniform rules to be followed in determining the quantity of screened cranberries in each lot of unscreened cranberries.

(b) The date during each fiscal period when handlers shall have met the withholding requirements specified in paragraph (a) of this section shall be fixed by the Secretary.

(c) Withheld cranberries shall meet such standards of grade, size, quality, or condition as the committee, with the approval of the Secretary, may prescribe. All such cranberries shall be inspected by the Federal or Federal-State Inspection Service. A certificate of such inspection shall be issued which shall show, among other things, the name and address of the handler, the number and type of containers in the lot, the location where the lot is stored, identification marks, including lot stamp, if used, and a certification of the quantity of cranberries in such lot that meet the prescribed standards. Promptly after inspection and certification, each such handler shall submit, or cause to be submitted, to the committee at the place designated by the committee a copy of the certificate of inspection issued with respect to such cranberries.

§ 929.55 Interhandler transfers.

Transfers of cranberries from one handler to another may be made upon prior notice to the committee. If such transfer is between handlers who have packing or processing facilities located within the production area, the assessment and withholding obligations provided under this part shall be assumed by the handler who agrees to meet such obligation. If such transfer is to a handler whose packing or processing facilities are outside the production area, such assessment and withholding obligations shall be met by the handler within the production area.

§ 929.56 Special provisions relating to withheld (restricted) cranberries.

(a) Any handler may make a written request to the committee for the release of all or part of the cranberries he has withheld from handling pursuant to § 929.54. Such request shall state the quantity of cranberries covered by the request, the amount per barrel he will deposit with the committee for it to purchase cranberries to replace those for which release is requested; and such other information as the committee may prescribe. It shall be accompanied by a certification that such deposit will be paid upon demand of the committee, and that such cranberries will be disposed of only in the market outlet specified in the request. If the committee determines that the amount to be deposited is not lower than the then current market price for unrestricted cranberries for use in such market outlet, it shall release to such handler the quantity of cranberries specified in his request. Such determination shall be made not later than 72 hours after the request is received by the committee.

(b) Any funds collected by the committee pursuant to paragraph (a) of this section shall be used by the committee to purchase from handlers a quantity of cranberries as nearly equal to, but not in excess of, the total quantity of cranberries which have been released as it is possible to purchase. Such purchases shall be made from the unrestricted cranberries of handlers and all handlers shall be given an opportunity to participate in such purchase. If a larger quantity is offered than can be purchased, the purchases shall be made at the lowest prices possible. If two or more handlers offer at the same price, purchases from such handlers shall be in proportion to the quantity of their respective offerings insofar as such division is practicable. The cranberries so purchased shall be disposed of by the committee as restricted cranberries in accordance with § 929.57. Any funds received by the committee from the cranberries so disposed of, which are in excess of the costs incurred by the committee in making such disposition, shall be distributed proportionately to all handlers on the basis of the volume of cranberries handled by each handler.

(c) Any unexpended funds, collected by the committee pursuant to paragraph (a) of this section, remaining at the end of the fiscal year shall be used by the committee to reimburse it for any expense incurred in the purchase of cranberries pursuant to paragraph (b) of this section.

§ 929.57 Outlets for restricted cranberries.

(a) Except as provided in this section and in § 929.56, cranberries withheld from handling may be disposed of only through diversion to such outlets as the committee, with the approval of the Secretary, finds are noncompetitive to outlets for unrestricted (free percentage) cranberries.

(b) The storage and disposition of all cranberries withheld from handling shall be subject to the supervision and accounting control of the committee.

§ 929.58 Exemption.

(a) Upon the basis of the recommendation and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements pursuant to this part the handling of cranberries in such minimum quantities as the committee, with the approval of the Secretary, may prescribe.

(b) The committee, with the approval of the Secretary, shall prescribe such rules, regulations, and safeguards as it may deem necessary to ensure that cranberries handled under the provisions of this section are handled only as authorized.

REPORTS AND RECORDS

§ 929.60 Reports.

(a) *Inventory.* Each handler shall, upon request of the committee, file promptly with the committee a certified report, showing such information as the committee shall specify with respect to any cranberries and cranberry products which were held by him on such date as the committee may designate.

(b) *Receipts.* Each handler shall, upon request of the committee, file promptly with the committee a certified report as to each quantity of cranberries acquired during such period as may be specified, and the place of production.

(c) *Handling reports.* Each handler shall, upon request of the committee, file promptly with the committee a certified report as to the quantity of cranberries handled by him during any designated period or periods.

(d) *Withholding.* Each handler shall, upon request of the committee, file promptly with the committee a certified report showing, for such period as the committee may specify, the total quantity of cranberries withheld from handling, in accordance with § 929.54, the portion of such withheld cranberries on hand, and the quantity and manner of disposition of any such withheld cranberries disposed of.

(e) *Other reports.* Upon the request of the committee, with the approval of the Secretary, each handler shall furnish to the committee such other information with respect to the cranberries acquired and disposed of by such handler as may be necessary to enable the committee to exercise its powers and perform its duties under this part.

§ 929.61 Records.

Each handler shall maintain such records of all cranberries acquired, withheld from handling, handled, and otherwise disposed of as will substantiate the required reports and as may be prescribed by the committee. All such records shall be maintained for not less than three years after the termination of the crop year in which the transactions occurred or for such lesser period as the committee may direct.

§ 929.62 Verification of reports and records.

For the purpose of assuring compliance and checking and verifying records and the reports filed by handlers, the committee, through its duly authorized agents, shall have access to any premises where applicable records are maintained, where cranberries are received, stored, handled, and otherwise disposed of and, at any time during reasonable business hours, shall be permitted to inspect such handler premises and any and all records of such handlers with respect to matters within the purview of this part.

§ 929.63 Confidential information.

All reports and records furnished or submitted by handlers to the committee and its authorized agents which include data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handler from whom received, shall be received by and at all times kept in the custody and under the control of one or more employees of the committee, who shall disclose such information to no person other than the Secretary.

MISCELLANEOUS PROVISIONS

§ 929.65 Compliance.

Except as provided in this part, no person shall handle cranberries, the handling of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall acquire or handle cranberries except in conformity with the provisions of this part and the regulations issued hereunder.

§ 929.66 Right of the Secretary.

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 929.67 Effective time.

The provisions of this part, and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature and shall continue in force until terminated in one of the ways specified in § 929.68.

§ 929.68 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part whenever he finds by referendum or otherwise that such termination is favored by a majority of the growers: *Provided*, That such majority has, during the current fiscal year, produced more than 50 percent of the volume of the cranberries which were produced within the production area. Such termination shall become effective on the last day of July subsequent to the announcement thereof by the Secretary.

(d) The Secretary shall conduct a referendum during the month of May 1964, to ascertain whether continuance of this part is favored by the growers. The Secretary shall conduct such a referendum during the month of May of every even-numbered year thereafter.

(e) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 929.69 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 929.70 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued hereunder, or (b) release or extinguish any violation of this part or any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 929.71 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 929.72 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 929.73 Derogation.

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 929.74 Personal liability.

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mis-

takes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, wilful misconduct, or gross negligence.

§ 929.75 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 929.76 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original. • • •

§ 929.77 Additional parties.

After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party. • • •

§ 929.78 Order with marketing agreement.

Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for regulating the handling of cranberries in the same manner as is provided for in this agreement. • • •

Dated: June 15, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-6017; Filed, June 19, 1962; 8:52 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 817]

SUGAR OR LIQUID SUGAR

Proposed Requirements Relating to Bringing or Importing Into Continental United States

Notice is hereby given that the Secretary of Agriculture, pursuant to authority vested in him by the Sugar Act of 1948, as amended (61 Stat. 922, as amended) is considering amendment of Sugar Regulation 817 (23 F.R. 671; 25 F.R. 2710; 26 F.R. 1705, 8660).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed regulation shall file the same in duplicate with the Director of the Sugar Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days after the publication of this notice in the FEDERAL REGISTER.

Purpose and basis. The purpose of this proposed amendment is to clarify provisions of Sugar Regulation 817 in regard to: (1) The meaning of the term "livestock" (2) what constitutes the use of sugar "for livestock feed or the production of livestock feed" and (3) to simplify and clarify the report required to evidence the sugar so used.

Section 212 of the Sugar Act provides in part that the quota provisions of the Act shall not apply to "any sugar or liquid sugar imported, brought into, or produced or manufactured in the United States • • • for livestock feed, or for the production of livestock feed". Accordingly, Sugar Regulation 817, provides that sugar for such purpose may be authorized for release subject to a performance bond requiring that an equivalent quantity of sugar shall be so used.

Under the present regulation, questions have been raised whether the quota exemption applies to sugar contained in a byproduct, waste residue or sub-standard quality product resulting from the manufacture of bakery products, cereals, confections, and other such products, when such incidental products are used for livestock feed or for the production of livestock feed, or, whether the exemption applies to sugar used in the production of a pharmaceutical to be administered to livestock or to be incorporated in a livestock feed. There also have been some questions concerning whether livestock feed includes feed for pets.

Pursuant to section 403(a) of the Act it is proposed to amend Sugar Regulation 817 to clarify that "livestock" is limited to horses, mules, cattle, swine, sheep, goats, poultry and bees. Other animals, notably pets, are excluded. Also, it is proposed that this regulation define the language "sugar for livestock feed or for the production of livestock feed" to make clear that the quota exemption applies only to sugar used directly to feed livestock or in a process to produce feed for livestock as the only product. Under such definitions all sugar used in a process to produce a product or products other than livestock feed shall be considered to have been used to produce such other product, even though a sugar-containing waste, residue, sub-standard product or byproduct resulting from such a process may be suitable for and may be used for feeding livestock. Likewise, sugar used to produce a pharmaceutical shall not be considered as used for the production of a livestock feed.

The proposed amendment of Sugar Regulation 817, as revised (23 F.R. 671; 25 F.R. 2710; 26 F.R. 1705, 8660), if made effective, would read as follows:

1. Subparagraph (4) of paragraph (b) of § 817.8, is amended to read:

§ 817.8 Authorization for purposes other than to fill current quotas.

• • • • • •

(b) • • •

(4) Sugar for livestock feed or for the production of livestock feed. For the purposes of this regulation: (i) "Livestock" shall mean horses, mules, cattle, swine, sheep, goats, poultry and bees; (ii) "sugar for livestock feed" shall mean sugar used for feeding livestock by the person who received such sugar, excluding any sugar received as an ingredient of a mixture or product; (iii) "sugar for the production of livestock feed" shall mean sugar, excluding any sugar contained as an ingredient of a mixture or product, put into a mixing or manufacturing process that produces only feed for livestock.

2. Subparagraph (3) of paragraph (d) of § 817.9 is amended to read:

§ 817.9 Bonds to cover releases.

• • • • • •

(d) • • •

(3) The raw value equivalent of the sugar or liquid sugar authorized under a bond to be imported for the distillation of alcohol or for livestock feed or for the production of livestock feed shall be so used within one year after the date of importation as subsequently evidenced by a certificate of use as provided for in paragraph (e) of this section. The use of sugar for livestock feed or the production of livestock feed shall be as provided in § 817.8(b)(4).

3. Subparagraph (2) of paragraph (e) of § 817.9 is amended to read:

§ 817.9 Bonds to cover releases.

• • • • • •

(e) • • •

(2) The principal on a bond given for a purpose specified in § 817.8(b) (3) or (4) shall transmit to the Sugar Division no later than 30 days after the performance period under the bond, certificates executed by the persons who used the sugar showing the following information on a form prescribed by the Secretary:

The undersigned certifies that between _____, 19__ and _____, 19__, he has
(Date) (Date)
used the following quantity or quantities of sugar for the purpose or purposes as stated below:

	(Pounds)
(1) Used to feed livestock	
(2) Used in the production of livestock feed:	
(a) For my subsequent use in feeding livestock	
(b) For subsequent sale to others for feeding livestock	
(3) Used for distillation of alcohol	

The undersigned further certifies that each quantity of sugar shown in this certificate of use does not include a quantity of sugar previously covered by another United States Department of Agriculture certificate of use; that any quantity of sugar shown on this certificate to have been used to feed livestock or for the production of livestock feed excludes any sugar contained as an ingredient of a mixture or product at the time such sugar was received and that such sugar was either fed to livestock by the person receiving it or was put into a mixing or manufacturing process that produces only feed for livestock; and that the term "livestock" as used throughout in this certificate means horses, mules, cattle, swine, sheep, goats, poultry and bees.

Each certificate shall be endorsed by the principal of the bond acknowledging that the use of the sugar, to which the certificate applies, is to apply to the fulfillment of the conditions of the bond on which he is the principal and the bond shall be identified on the endorsement.

Issued at Washington, D.C., this 15th day of June 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-6025; Filed, June 19, 1962; 8:53 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 1, 125]

DIETARY FOODS

Notice of Proposal To Revise Regulations

The current regulations under section 403(j) of the Federal Food, Drug, and Cosmetic Act originally issued on November 22, 1941, following a lengthy public hearing. Only minor changes have been made in the regulations since that time. Since 1941 there have been many advances in the science of nutrition and its commercial applications to products that are represented or which purport to be foods for special dietary uses. In order to fulfill the purpose of section 403(j), to prescribe by regulations, label information "necessary in order fully to inform purchasers" of the value of such products for special dietary uses, major changes in the present regulations appear necessary. Therefore, pursuant to sections 403(j) and 701(e)(1) of the act (secs. 403(j), 701(e)(1), 52 Stat. 1048, 1055 as amended 70 Stat. 919; 21 U.S.C. 343(j), 371(e)(1)), the Commissioner of Food and Drugs, on his own initiative, and under authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes to revise the dietary food regulations (21 CFR 1.11, 125.1–125.9) to read as set forth below:

PART 125—FOODS FOR SPECIAL DIETARY USES

Sec.
125.1 Definitions and interpretations of terms.
125.2 General label statements.
125.3 Label statements relating to vitamins.
125.4 Label statements relating to minerals.
125.5 Label statements relating to infant food.
125.6 Label statements relating to certain food used in calorie-controlled diets or in dietary management with respect to disease.
125.7 Label statements relating to nonnutritive constituents.
125.8 Label statements relating to hypoallergenic food.
125.9 Label statements relating to certain foods used as a means of regulating the intake of sodium in dietary management.
125.10 Label statements relating to food supplements or dietary supplements.
125.11 Label statements relating to foods offered as sources of protein.
125.12 Label declarations; placement; conspicuousness.

AUTHORITY: §§ 125.1 to 125.12 issued under secs. 403(j), 701, 52 Stat. 1048, 1055 as amended, 21 U.S.C. 343(j), 371.

§ 125.1 Definitions and interpretations of terms.

(a) The definitions and interpretations of terms contained in section 201 of the Federal Food, Drug, and Cosmetic Act shall be applicable also to such terms when used in the regulations in this part.

(b) The term "special dietary uses," as applied to food for man, means particular (as distinguished from general) uses of food, as follows:

(1) Uses for supplying particular dietary needs that exist by reason of a physical, physiological, pathological, or other condition, including but not limited to the conditions of diseases, convalescence, pregnancy, lactation, allergic hypersensitivity to food, underweight, and overweight.

(2) Uses for supplying particular dietary needs that exist by reason of age, including but not limited to the ages of infancy and childhood.

(3) Uses for supplementing or fortifying the ordinary or usual diet with any vitamin, mineral, or other dietary property.

Any such particular use of a food is a special dietary use, regardless of whether such food also purports to be or is represented for general use.

(c) Any requirement of the regulations in this part with respect to the quantity of vitamin A means the biological activity of vitamin A and its precursors; but if any such precursor is sold as such or is added to a food, the label shall designate such precursor by its common or usual name and not as vitamin A.

(d) Specification in the regulations in this part of a quantity of any vitamin, mineral, or other dietary property as a daily requirement shall not be construed as a determination that such quantity is sufficient for the treatment of any disease resulting from a deficiency in such vitamin, mineral, or other dietary property.

(e) For the purposes of the regulations in this part, the terms "infant," "child," and "adult" mean persons not more than 12 months old, more than 12 months but less than 12 years old, and 12 years or more old, respectively.

(f) For the purposes of the regulations in this part, an average serving shall be expressed in terms of a convenient unit or units of such food or a convenient unit of measure that can be readily understood and utilized by purchasers of such food. For example, an average serving may be expressed in terms of a number of slices, cookies, wafers, etc., or in terms of cupfuls, tablespoonfuls, teaspoonfuls, etc.

(g) For the purposes of the regulations in this part, the term "dietary property," as applied to a food for special dietary use, means a specific nutritive factor or characteristic of an ingredient or a combination of ingredients that is generally recognized by nutritional or medical authorities as important or necessary in supplying a particular dietary need.

§ 125.2 General label statements.

(a) If a food (including food to which any one or more of §§ 125.3 to 125.12, inclusive, is applicable) purports to be or is represented for any special dietary use by man, its label shall bear a statement of the dietary properties upon which such use is based. Such statement shall show the presence or absence of any substance, any alteration of the quantity or character of any constituent, and any other dietary property of such food upon which such use is so based.

(b) If a food (including food to which any one or more of §§ 125.3 to 125.12, inclusive, is applicable) purports to be or is represented for special dietary use by man and is labeled to contain nutrients subject to deterioration, its label shall bear, in addition to the information required under paragraph (a) of this section, an expiration date. The expiration date shall be the date selected by the manufacturer, packer, or distributor of the article on the basis of tests or other information showing that, until that date, the article will, under customary or usual conditions of marketing, contain not less than the amount of the named nutrient as set forth in the labeling of the article.

§ 125.3 Label statements relating to vitamins.

(a)(1) If a food purports to be or is represented for special dietary use by man by reason of its vitamin property in respect of:

(i) Vitamin A or its precursors;
(ii) Thiamine;
(iii) Ascorbic acid;
(iv) Vitamin D;
(v) Riboflavin; or
(vi) Niacin or niacinamide,

the label (except as provided in this subparagraph, with respect to cow's milk and evaporated milk) shall bear a statement of the proportion of the daily requirement for such vitamin supplied by such food when consumed in a specified quantity during a period of 1 day. If such purported or represented special dietary use is for persons within two or more age groups for which daily requirements are set forth in paragraph (b) of this section, such statement shall include such proportion for each such group; but if such use is for persons irrespective of age groups, such statement may be limited to the proportion of the daily requirement set forth in paragraph (b) of this section for an adult. The quantity specified as required shall be the quantity customarily or usually consumed during a period of 1 day, or a quantity reasonably suitable for and practicable of consumption within such period: *Provided, however,* That if the food is marketed in the form of tablets, pills, capsules, wafers, or similar uniform units, the quantities speci-

fied as required shall be the proportions in one such unit. When such proportion is a whole number and a fraction it may be expressed as the whole number, and the fraction may be disregarded. The requirements of this subparagraph shall not apply to cow's milk and evaporated milk that purport to be or are represented for special dietary use by reason of their content of vitamin D; but in the case of cow's milk in which the vitamin D content has been increased by any means, and in the case of evaporated milk with increased vitamin D content as prescribed in the definition and standard of identity for evaporated milk (§ 18.520 of this chapter), the label shall bear a statement of the number of U.S.P. Vitamin D Units in a specified quantity of such milk or evaporated milk. In the case of cow's milk in which the vitamin D content is increased to less than 135 U.S.P. Vitamin D Units in each quart, the label shall also bear a statement that additional vitamin D should be supplied from other sources.

(2) If a food purports to be or is represented for special dietary use by man by reason of its vitamin property in respect of any vitamin not listed in subparagraph (1) of this paragraph, the label shall bear a statement of the quantity of such vitamin in a specified quantity of such food. The quantity of food specified as required by this section shall be the quantity customarily or usually consumed during a period of 1 day, or a quantity reasonably suitable for and practicable of consumption within such period: *Provided, however,* That if the food is marketed in the form of tablets, pills, capsules, wafers, or similar uniform units, it shall comply with § 125.10 and the quantities specified as required shall be the amounts in one such unit.

(b) For the purposes of the regulations in this section, the following are daily requirements:

(1) For vitamin A: 1,500 U.S.P. units for an infant; 3,000 U.S.P. units for a child; 4,000 U.S.P. units for an adult.

(2) For thiamine: 0.25 milligram for an infant; 0.5 milligram for a child less than 6 years old; 0.75 milligram for a child 6 or more years old; 1 milligram for an adult.

(3) For ascorbic acid: 10 milligrams for an infant; 20 milligrams for a child; 30 milligrams for an adult.

(4) For vitamin D: 400 U.S.P. units for an infant, child, or adult.

(5) For riboflavin: 0.6 milligram for an infant; 0.9 milligram for a child; 1.2 milligrams for an adult.

(6) For niacin or niacinamide: 5 milligrams for a child less than 6 years old; 7.5 milligrams for a child 6 or more years old; 10 milligrams for an adult.

§ 125.4 Label statements relating to minerals.

(a)(1) If a food purports to be or is represented for special dietary use by man by reason of its mineral property in respect of:

(i) Calcium;

(ii) Phosphorus;

(iii) Iron; or

(iv) Iodine,

the label (except as provided in this section with respect to iodized salt) shall bear a statement of the proportion of the daily requirement for such element supplied by such food when consumed in a specified quantity during a period of 1 day. If such purported or represented special dietary use is for persons within two or more age groups or other groups having special dietary requirements, for which daily requirements are set forth in paragraph (b) of this section, such statement shall include such proportion for each such group; but if such use is for persons irrespective of such groups, such statement may be limited to the proportion of the daily requirement set forth in paragraph (b) of this section for an adult other than a pregnant or lactating woman. The quantity specified as required shall be the quantity customarily or usually consumed during a period of 1 day, or a quantity reasonably suitable for and practicable of consumption within such period: *Provided, however,* That if the food is marketed in the form of tablets, pills, capsules, wafers, or similar uniform units, the quantities specified as required shall be the proportions in one such unit. When such proportion is a whole number and a fraction it may be expressed as the whole number, and the fraction may be disregarded. The requirements of this subparagraph shall not apply to iodized salt which purports to be or is represented for special dietary use by reason of its iodine content, if the label bears a statement of the quantity or proportion of iodine, or salt thereof, in the iodized salt, and the quantity of iodine present therein is not more than 0.02 percent by weight.

(2) If a food purports to be or is represented for special dietary use by man by reason of its mineral property in respect of any element not listed in subparagraph (1) of this paragraph, the label shall bear a statement of the quantity of such element in a specified quantity of such food. Except in the case of foods subject to § 125.9, the quantity of food specified as required in this section shall be the quantity customarily or usually consumed during a period of 1 day, or a quantity reasonably suitable for and practicable of consumption within such period; *Provided, however,* That if the food is marketed in the form of tablets, pills, capsules, wafers, or similar uniform units, it shall comply with § 125.10 and the quantities specified as required shall be the amounts in one such unit.

(b) For the purposes of the regulations in this section, the following are daily requirements:

(1) For calcium (Ca): 750 milligrams for a child or an adult, except a pregnant or lactating woman, in which case the daily requirement is 1.5 grams.

(2) For phosphorus (P): 750 milligrams for a child or an adult, except a pregnant or lactating woman, in which case the daily requirement is 1.5 grams.

(3) For iron (Fe): 7.5 milligrams for a child less than 6 years old; 10 milligrams for a child 6 or more years old or for an adult, except a pregnant or lactating woman, in which case the daily requirement is 15 milligrams.

(4) For iodine (I): 0.1 milligram for a child or an adult.

§ 125.5 Label statements relating to infant food.

If a food which purports to be or is represented for special dietary use is a food for infants, the label shall bear, in case such food is fabricated from two or more ingredients, the common or usual name of each such ingredient, including spice, flavoring, and coloring. If such food, or any ingredient thereof in case it is fabricated from two or more ingredients, consists in whole or in part of plant or animal matter and the name of such food or ingredient does not clearly reveal the specific plant or animal which is its source, such name shall be so qualified as to reveal clearly the specific plant or animal that is such source. If such use of the food is by reason of its simulation of human milk or its suitability as a complete or partial substitute for human milk, the label shall also bear:

(a) A statement of the percent by weight of moisture, protein, fat, available carbohydrate, and crude fiber contained in such food.

(b) A statement of the number of available calories and the amount of vitamin A, thiamine, vitamin B_6, ascorbic acid, vitamin D, calcium (Ca), phosphorus (P), and iron (Fe) supplied by a specified quantity of such food.

(c) If less than 0.03 milligram of vitamin B_6, less than 1.5 milligrams of ascorbic acid, less than 50 U.S.P. units of vitamin D, or less than 0.75 milligram of iron (Fe), is supplied by the quantity of such food which, as customarily or usually prepared for consumption, supplies 100 available calories, a statement that additional quantities of such vitamin or iron, as the case may be, should be supplied from other sources.

The provisions of paragraphs (a) and (b) of this section shall not apply to cow's milk and evaporated milk. The provisions of paragraph (c) of this section with respect to vitamin D shall not apply to cow's milk in which the vitamin D is increased by any means to not less than 135 U.S.P. units in each quart.

§ 125.6 Label statements relating to certain food used in calorie-controlled diets or in dietary management with respect to disease.

If a food purports to be or is represented for special dietary use by man by reason of its use as a means of regulating the intake of protein, fat, carbohydrates, or calories; for the purpose of affecting body weight; or for the purpose of dietary management with respect to disease, the label shall bear a statement of:

(a) The amount, in grams, of protein, fat, and available carbohydrates in a specified quantity of food. The specified quantity shall be the quantity customarily or usually consumed during a period of 1 day, or a quantity reasonably suitable for and practicable of consumption within such period: *Provided, however,* That if the food is marketed in the form of tablets, pills, capsules, wafers, or similar uniform units, the quantities declared shall be the amount in one such unit.

(b) The number of available calories supplied by a specified quantity of such food. The quantity of food for this purpose shall be as specified in paragraph (a) of this section.

(c) A food offered for the purpose of affecting body weight shall bear the following statement: "Useful only when used as a part of a calorie-controlled diet."

(d) A product described as "nonfattening" or by similar terms shall be essentially devoid of calories, i.e., not more than 5 calories in an ordinary serving, and not more than 10 calories in the average total daily intake.

(e) An article described as "low calorie" or by similar terms shall contain not more than 15 calories in an ordinary serving, and not more than 30 calories in the ordinary total daily intake.

(f) An article represented as "lower in calories" or by similar terms shall name the food and specify the caloric content with which the article is compared. The comparison shall be made only with essentially the same kind of food as the article, except for caloric content. Comparison of the caloric content of an article with that of another food, if the differences in caloric content are due to differences in the moisture content or the weights of the products compared, are not authorized by this paragraph.

§ 125.7 Label statements relating to nonnutritive constituents.

(a) If a food purports to be or is represented for special dietary use by man by reason of the presence of an artificial sweetener not utilized in normal metabolism, and is intended to be used by persons who wish to or who must restrict their intake of ordinary sweets, the label shall bear a statement, "Contains _____, a nonnutritive artificial sweetener" (the blank being filled in with the name of the artificial sweetener), together with a statement of the number of calories in an average serving and a calorie comparison of the artificially sweetened food with the same food when made with the sweetening ingredient that the artificial sweetener replaces. If the calorie comparison itself shows an insignificant difference between the food made with and without the artificial sweetener (taking into account, where applicable, the role in the diet of the particular food involved), the artificial sweetener should not be used, since such use would result in misbranding, in that its label would imply that the artificially sweetened food was a significantly different article. If, however, the artificial sweetener is used for a technological purpose in food fabrication unrelated to nutritive value of the article and the use of the artificial sweetener results in no significant calorie reduction in the fabricated food, the presence of the artificial sweetener should be declared only by its common or usual name; e.g., "sodium saccharin." In such event, no representations, direct or implied, should be made in the labeling, based on the nonnutritive value of the artificial sweetener.

(b) If a food purports to be or is represented for special dietary use by man by reason of the presence of any constituent, other than an artificial sweetener, which is not utilized in normal metabolism, the label shall bear a statement of the percent by weight of such constituent, and in juxtaposition with the name of such constituent the word "nonnutritive." If such constituent is fibrous plant matter, it shall be considered to be crude fiber, and its percent expressed as such.

§ 125.8 Label statements relating to hypoallergenic food.

If a food purports to be or is represented for special dietary use by man by reason of the decrease or absence of any allergenic property, the label shall bear:

(a) The common or usual name and the quantity or proportion of each ingredient, including spices, flavoring, and coloring, in case the food is fabricated from two or more ingredients.

(b) A qualification of the name of the food, or of the name of each ingredient thereof in case the food is fabricated from two or more ingredients, to reveal clearly the specific plant or animal that is the source of such food or of such ingredient, if such food or such ingredient consists in whole or in part of plant or animal matter and such name does not clearly reveal the specific plant or animal that is such source.

(c) A statement indicating the nature and effect of any treatment or processing of the food or any ingredient thereof, if the changed allergenic property results from such treatment or processing.

§ 125.9 Label statements relating to certain foods used as a means of regulating the intake of sodium in dietary management.

If a food purports to be or is represented for special dietary use by man by reason of its use as a means of regulating the intake of sodium or salt (sodium chloride), the label shall bear a statement of the number of milligrams of sodium in 100 grams of the food and a statement of the number of milligrams of sodium in an average serving of the food. The number of milligrams of sodium shall be declared as the nearest multiple of 5 milligrams, as determined by appropriate analysis, except that if such a food contains less than 10 milligrams of sodium in 100 grams of the food and less than 10 milligrams of sodium in an average serving of the food, the label shall bear a statement to that effect.

§ 125.10 Label statements relating to food supplements or dietary supplements.

(a) If a food purports to be or is represented for special dietary use by man by reason of its providing a particular nutrient or nutrients to supplement the diet, the label shall bear a declaration of only those nutrients recognized by competent authorities as essential and of significant dietary-supplement value in human nutrition and that are present in amounts that are consistent with the nutritional requirements for such nutrients.

(b) For the purposes of paragraph (a) of this section, the following nutrients are considered to be essential and to be present in appropriate amounts, when the recommended daily intake of an article provides the nutrients within the ranges stated below:

(1) In the case of adults:

Vitamin A	2500–7500 U.S.P. units.
Vitamin D	200–600 U.S.P. units.
Thiamine	0.8–2.4 mg.
Riboflavin	0.9–2.7 mg.
Niacin	8–24 mg.
Vitamin B_6	0.8–2.4 mg.
Vitamin B_{12}	2–6 μg.
Ascorbic acid	25–100 mg.
Calcium	400–1500 mg.
Phosphorus	400–1500 mg.
Iron	5–15 mg.
Iodine	0.05–0.15 mg.

(2) In the case of infants and children: The minimum of the range is one-half of that specified in subparagraph (1) of this paragraph, except for calcium, phosphorus, iron, and vitamin D, in which case it is the same as the adult range.

(c) The essentiality of vitamin E, vitamin K, folic acid, pantothenic acid, linoleic acid, copper, magnesium, manganese, zinc, sodium, and potassium is recognized. However, from the information presently available, deficiency symptoms have been induced only under experimental conditions, and there is no convincing evidence that the ordinary diet requires supplementation with these nutrients.

(d) No provisions of this section shall exempt the product from complying with the requirements of §§ 125.3 and 125.4 or section 403(i)(2) of the act. An ingredient shall not be declared in a manner that represents or suggests it is an essential nutrient, unless it is added in a form that is recognized by competent authorities as such.

§ 125.11 Label statements relating to foods offered as sources of protein.

(a) If a food purports to be or is represented for special dietary use by man, by reason of its protein content, the label shall bear:

(1) A statement of a reasonable daily intake of the food.

(2) A statement with respect to the nutritive value of the protein, which shall be limited to one of the following:

(i) The food is an excellent dietary source of protein; or

(ii) The food is a good dietary source of protein.

(3) In order to be labeled as an excellent source of protein, the food shall have a protein rating of not less than 1600.

(4) In order to be labeled as a good source of protein, the food shall have a protein rating of not less than 800.

(b) A food having a protein rating of less than 800 shall bear no label reference to protein except as may be required by §§ 125.5 and 125.6.

(c) For the purposes of the regulations in this section, the term "protein

rating" means the value obtained by multiplying the amount of protein (N×6.25), in grams, in the suggested daily intake by the protein quality value of that protein, as determined by the method of the Association of Official Agricultural Chemists (Official Methods of Analysis of the Association of Official Agricultural Chemists, 9th Ed. (1960); sec. 39.133 et seq.).

§ 125.12 **Label declarations: placement: conspicuousness.**

(a) The information required by this part shall be set forth on a separate part of the label, in easily readable style of type, printed on a contrasting background.

(b) No information not required by this part shall be commingled with required information.

All interested persons are invited to submit their views in writing regarding the proposal published herein. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., prior to the sixtieth day following the date of publication of this notice in the FEDERAL REGISTER.

Dated: June 13, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-5911; Filed, June 19, 1962; 8:45 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisons of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 846) has been filed by Morningstar-Paisley, Inc., 630 West 51st Street, New York 19, N.Y., proposing the issuance of a regulation to provide for the safe use of starch modified with not more than 3.0 percent dimethylaminoethylmethacrylate as a sizing in paper and paperboard used in contact with food.

Dated: June 14, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-5995; Filed, June 19, 1962; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 845) has been filed by Carlisle Chemical Works, Inc., Reading, Ohio, proposing the issuance of a regulation to provide for the safe use of di-*n*-octyltin-3-mercaptopropionate as a plasticizer, in an amount not to exceed 2 percent by weight of polyvinyl chloride films used as food-contact surfaces.

Dated: June 14, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-5996; Filed, June 19, 1962; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 1247]

CERTAIN DOUGLAS DC-8 AIRCRAFT

Proposed Airworthiness Directive

Pursuant to the authority delegated to me by the Administrator, (14 CFR Part 405) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring a hardness check and inspection of the main landing gear actuating cylinder upper attach brackets on Douglas DC-8 Series aircraft.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before July 20, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507) by adding the following airworthiness directive:

DOUGLAS. Applies to DC-8 aircraft Serial Numbers 45252 to 45289 inclusive, 45291 to 45306 inclusive, 45376 to 45393 inclusive, 45408 to 45413 inclusive, 45416 to 45431 inclusive, 45433 to 45437 inclusive, 45442 to 45445 inclusive, 45526, 45565 to 45570 inclusive, 45588 to 45606 inclusive, 45609 to 45614 inclusive, 45616 to 45629 inclusive, 45636, and 45638.

Compliance required as indicated.

To prevent failure of the main landing gear actuating cylinder upper attach bracket accomplish the following:

(a) Within 440 hours' time in service after the effective date of this AD, unless already accomplished, on attach brackets, P/N's 5641950-1, -2, -501 or -502 having 4,000 or more hours' time in service and, prior to the accumulation of 4,440 hours' time in service on brackets having less than 4,000 hours' time in service, conduct a hardness check on the attach bracket following the procedures described in the accomplishment instructions, paragraphs B(4), B(5) and C of Douglas Alert Bulletin No. A32-76, Reissue No. 1, Revision No. 1, dated April 5, 1962, or later, or an FAA approved equivalent.

NOTE: To gain access to the bracket it is necessary to remove the hydraulic lines from the rework area, remove swivel glands as applicable, remove the retract cylinder upper bolt and swing the cylinder down out of the way.

(b) Brackets testing within Rockwell C40.0 (180,000 p.s.i.) and C43.0 (200,000 p.s.i.) range are acceptable for further use and may be continued in service provided they are not otherwise defective. These brackets shall be identified by applying a ¼ to ½ inch stripe of Cat-A-Lac, yellow No. 443-3-129 enamel or equivalent on the bracket. The identification stripe should be located in a place on the bracket so that it is clearly visible without having to remove the retract cylinder to observe the stripe.

(c) Brackets testing outside the C40.0 to C43.0 heat-treat range shall be inspected for cracks in the area of the junction of the grease fitting hole and the actuating cylinder attach hole using a dye penetrant or equivalent inspection method. The bushing, Douglas P/N 2641952 must be removed to conduct this inspection.

(1) Any of these brackets found to be free of cracks during inspection, and not otherwise defective, may be continued in service provided the inspection is repeated at intervals not exceeding 350 hours' time in service thereafter.

(2) Replace cracked parts prior to further flight with an appropriate part (Douglas P/N's 5641950-1 or -2, 5641950-501 or -502) falling within the C40.0 to C43.0 heat-treat limits and marked with the yellow stripe for identification, with new P/N's 5774066-501 or -502, or with an FAA approved equivalent.

(d) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Enginering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Douglas Alert Service Bulletin No. A32-76, Reissue No. 1, Revision No. 1, dated April 5, 1962, covers this same subject.)

Issued in Washington, D.C., on June 14, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-5951; Filed, June 19, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR PART 3]

[Docket No. 14667 (RM-325); FCC 62-633]

TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS; JAMESTOWN AND BISMARCK, NORTH DAKOTA

Notice of Proposed Rule Making

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has before it a petition, filed April 9, 1962, by the North Dakota Broadcasting Company, Inc. (KXMB-TV, Bismarck); the State Department of Public Instruction; the Bismarck Public School System; the Bismarck Parochial School System; and the Bismarck Junior College, requesting rule making on a proposal to shift television Channel 7 from Jamestown, North Dakota to Bismarck, North Dakota, and to reserve the channel for noncommercial educational use at Bismarck. The proposal would amend the television Table of Assignments as follows:

City	Channel No.	
	Present	Proposed
Jamestown, N. Dak....	7-, 42	42
Bismarck, N. Dak....	5, 12-, 18, *24	5, *7-, 12-, 18, *24

3. At Bismarck, station KFYR-TV operates on Channel 5 and station KXMB-TV operates on Channel 12. There are no stations on the remaining Bismarck or either of the Jamestown television assignments, and no applications are on file for their use. The United States 1960 Census of Population figures show that Bismarck has 27,670 inhabitants and Jamestown 15,163.

4. Petitioners submit that Channel 7 may be reassigned from Jamestown to Bismarck in conformity with minimum spacing requirements, that television sets in the area can only receive VHF channels, and that financial assistance from petitioner, North Dakota Broadcasting Company, and others will be available to construct a noncommercial educational station if Channel 7 is reassigned as requested.

5. The Commission is of the view that a rule making proceeding should be instituted so that all interested parties may submit their views on the proposal.

6. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

7. Pursuant to the applicable procedures set out in § 1.213 of the Commission's rules, interested parties may file comments on or before July 16, 1962, and reply comments on or before August 3, 1962. In reaching its decision herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

8. In accordance with the provision of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: June 13, 1962.

Released: June 15, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6003; Filed, June 19, 1962; 8:51 a.m.]

[47 CFR Part 3]

[Docket No. 14668 (RM-333); FCC 62-635]

TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS; LEBANON AND LANCASTER, PENNSYLVANIA

Notice of Proposed Rule Making

1. Notice is hereby given of the proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition for proposed rule making filed on May 11, 1962, by Triangle Publications, Inc. (Radio and Television Division), requesting an amendment of the Television Table of Assignments, § 3.606, to reallocate Channel 15 from Lebanon, Pennsylvania, to Lancaster-Lebanon, and to issue to petitioner an Order to Show Cause why its license for WLYH-TV should not be modified to specify Lancaster, rather than Lebanon, as the station location. The Table of Assignments would be amended with respect to the aforementioned cities as follows:

City	Channel No	
	Present	Proposed
Lancaster, Pa....	8-, 55+	8-, 55+
Lebanon, Pa....	15+	
Lancaster-Lebanon, Pa....		15+

3. According to the 1960 U.S. Census, Lebanon has a population of 30,045 as compared with Lancaster with a population of 61,055. In addition, the contiguous Unincorporated Township of Lancaster has a population of 10,020. At the present time, Channel 55, assigned to Lancaster, is not being used nor are there any applications pending for its use. Channel 8, now operating in Lancaster, is the only VHF station in the area. Channel 15, assigned to Lebanon, pursuant to the Commission's grant of a waiver of § 3.652(a) of the rules, presently identifies itself as a "Lebanon-Lancaster" station.

4. The petitioner maintains that a hyphenated assignment for Lebanon and Lancaster would more realistically reflect the actual market area and would help its UHF operation meet the disadvantage of competition from the operation of VHF Channel 8 in Lancaster. WLYH-TV presently produces the minimum signal required over the principal community over both Lebanon and Lancaster. The only physical change proposed is the establishment of a main studio in Lancaster. The present studio in Lebanon would be maintained.

5. The Commission is of the view that rule making proceedings should be instituted in the instant matter of hyphenating the assignment of Channel 15 to Lancaster-Lebanon in order that all interested parties may submit their views and relevant data.

6. If it is determined by the Commission that the rule amendments proposed herein will serve the public interest, the Commission will take such further action as may be appropriate with respect to the outstanding authorization. We accordingly defer action upon petitioner's request for issuance of an order to show cause.

7. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i) and (j), 303, 307(b), and 316 of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested parties may file comments on or before June 16, 1962, and reply comments on or before August 3, 1962. In reaching its decision on the rule amendment which is proposed herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

9. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished the Commission.

Adopted: June 13, 1962.

Released: June 15, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6004; Filed, June 19, 1962; 8:51 a.m.]

[47 CFR Part 4]

EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

Order Extending Time for Filing Reply Comments

In the matter of amendment of § 4.602 of the Commission rules and regulations to prohibit the assignment of more than one channel to provide duplicate television STL or intercity relay circuits between the same point of origin and destination, Docket No. 14614.

1. The Commission has before it for consideration a petition filed June 11, 1962, by WBEN, Inc., requesting extension of time for filing reply comments in the above-entitled proceeding for a period of 10 days to June 25, 1962, and a request filed June 12, 1962, by A. Earl Cullum, Jr., Consulting Engineers, for an extension of 2 weeks for filing reply comments.

2. WBEN, Inc., states that it may or may not decide to file reply comments, but it cannot reach a decision prior to the presently scheduled filing date of June 14, 1962, since its consulting engineers are in Dallas, Texas and have not had an opportunity to review the other comments filed.

3. A. Earl Cullum, Jr., indicates that because of difficulties encountered in obtaining copies of comments of other parties to this proceeding, an extension

of 2 weeks would be necessary in order to prepare reply comments thereto.

4. The Commission is of the view that the public interest, convenience, and necessity would be served by extending the time for filing reply comments in this proceeding for a period of 2 weeks.

5. In view of the foregoing: *It is ordered*, This 13th day of June 1962, that the requests of WBEN, Inc., and A. Earl Cullum, Consulting Engineers for extension of time are granted, and the time for filing reply comments is extended to and including June 28, 1962.

6. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and section 0.241 (d)(8) of the Commission's rules.

Released: June 14, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6005; Filed, June 19, 1962; 8:51 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 16]

DEPUTY ADMINISTRATOR FOR OPERATIONS

Authority Delegation

JUNE 12, 1962.

Pursuant to the authority vested in me by Delegation of Authority No. 104, dated November 3, 1961, from the Secretary of State, the Deputy Administrator for Operations of the Agency for International Development is hereby designated to serve as full Deputy and alter ego to the Administrator and is responsible under my general direction for all aspects of the Agency's activities. In accordance with the foregoing, and to the extent consistent with law, the Deputy Administrator for Operations is authorized to represent, and to exercise the authority of the Administrator with respect to all functions now or hereafter conferred upon or held by the Administrator of the Agency for International Development by Delegation of Authority No. 104, or by or under any Agency Regulation, Manual Order, Directive, Notice or other issuance, and all functions or authorities delegated or assigned to, or otherwise conferred upon or held by me, as Administrator, or as a head of an agency by law or regulation of any competent authority.

Delegation of Authority No. 14 of April 10, 1962 (27 F.R. 3822) is hereby rescinded.

Delegation of Authority No. 9 of January 26, 1962 (27 F.R. 24) is hereby amended by deleting the title "Deputy Administrator" in paragraph numbered 1 and inserting in lieu thereof the title "Deputy Administrator for Operations".

This delegation of authority shall be effective immediately.

FOWLER HAMILTON,
Administrator.

[F.R. Doc. 62-5975; Filed, June 19, 1962; 8:48 a.m.]

POST OFFICE DEPARTMENT

CERTAIN OFFICERS

Delegation of Authority and Emergency Line of Succession

The following is an excerpt from Headquarters Circular No. 62-22, signed by the Postmaster General, delegating an emergency line of succession for the Post Office Department.

II. *Line of Succession for Department.*

A. In case the Postmaster General and the Deputy Postmaster General are incapacitated as a result of an enemy attack or other national emergency conditions, the following shall be the line of succession as to officers who shall perform the duties of the office of Postmaster General:

(1) Assistant Postmaster General, Bureau of Operations.
(2) Assistant Postmaster General, Bureau of Transportation.
(3) Assistant Postmaster General, Bureau of Finance.
(4) Assistant Postmaster General, Bureau of Facilities.
(5) Assistant Postmaster General, Bureau of Personnel.
(6) General Counsel.
(7) Chief Postal Inspector.
(8) Deputy Assistant Postmaster General (Field Operations) Bureau of Operations.
(9) Deputy Assistant Postmaster General, Bureau of Transportation (Research and Development and International).

B. Authority is hereby delegated to the officer who assumes the duties of the Postmaster General under authority of this order, to execute and perform in his own name all powers, functions and duties conferred by law upon the Postmaster General, including the authority to modify, suspend, or rescind orders, instructions, and regulations which have heretofore or which may hereafter be issued in the name of the Postmaster General, except that exclusive authority is hereby reserved to the Postmaster General, the Deputy Postmaster General, and to any officer designated by Executive Order as Acting Postmaster General, to modify, suspend or rescind all or any part of the authority delegated by this order. The officer performing the duties of the Postmaster General under authority of this order also is authorized to delegate to any officer, employee, or agency of the Post Office Department designated by him such of the powers, functions and duties delegated to him by this order as he deems appropriate.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-5965; Filed, June 19, 1962; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ALASKA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined in the entire Matanuska Valley, Alaska, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named areas after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 1st day of June 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-5987; Filed, June 19, 1962; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

HENRY G. MAGNUSSEN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of May 25, 1962.

HENRY G. MAGNUSSEN.

[F.R. Doc. 62-5994; Filed, June 19, 1862; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

MALAGASY REPUBLIC

Notice of Finding Regarding Foreign Social Insurance and Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such

foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has considered evidence relating to the social insurance or pension system of the Malagasy Republic, from which evidence it appears that under the social insurance or pension system of the Malagasy Republic benefits are not payable on account of old age, retirement, or death.

Accordingly, it is hereby determined and found that the Malagasy Republic does not have in effect a social insurance or pension system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402 (t)(2)).

JUNE 11, 1962.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved June 12, 1962.

ABRAHAM RIBICOFF,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 62-5979; Filed, June 19, 1962; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 7723 etc.]

REOPENED TRANSPACIFIC ROUTE CASE

Notice of Postponement of Oral Argument

Notice is hereby given that oral argument with respect to the U.S. mainland-Tahiti portion of the above-entitled proceeding now assigned to be heard on June 27 is postponed to July 5, 1962, 10 a.m., e.d.s.t., Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., June 15, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-6001; Filed, June 19, 1962; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 62-CE-1]

PROPOSED TELEVISION ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace:

West Michigan Telecasters, Inc., proposes to construct a television antenna structure near Grant, Michigan, at latitude 43°18'32" N.; longitude 85°55'00" W. The overall height of the structure would be 1,749 feet above mean sea level (970 feet above ground).

The proposal is one of six that have been filed in conjunction with the new allocation of television channel No. 13 for the Grand Rapids Area by the Federal Communications Commission.

The proposed antenna structure would be located approximately nine miles south/southwest of the Newaygo Airport, Newaygo, Michigan; approximately eleven miles north northeast of the Muskegon, Michigan, VORTAC; and within VOR Federal airway No. 215.

Objections were made in response to the circularization by the Air Line Pilots Association, the Air Transport Association of America, the Michigan Department of Aeronautics, and the National Association of State Aviation Officials on the basis that the proposed structure would require an increase in the minimum en route altitude from 2,100 feet to 2,700 feet on VOR Federal airway No. 215 between the White Cloud, Michigan, VOR and the Muskegon VORTAC.

The ALPA also objected on the basis that the higher MEA on V-215 would increase by 600 feet the descent required to reach the transition altitude for the ILS approach to Muskegon County Airport, Muskegon, Michigan, and would create a hazard by forcing aircraft up into the base of thunderstorms.

The proposed structure was discussed at the Kansas City Informal Airspace Meeting on November 15, 1961. No other objections were offered at the meeting. Subsequent to the meeting the ATA withdrew its objections.

The Agency study disclosed the following:

1. The proposed structure would not penetrate any of the airport imaginary surfaces defined in section 626.13 of the Regulations of the Administrator as applied to the Newaygo Airport.

2. The proposed structure would require an increase in the minimum en route altitude on the segment of Victor 215 between the White Cloud VOR and the Muskegon VORTAC from 2,100 feet to 2,700 feet. The cardinal altitude of 3,000 feet would not be affected. The Federal Aviation Agency 1961 peak day traffic count for the affected airway segment was six flights. The increase in MEA for this segment of Victor 215 would have no substantial adverse effect on aeronautical operations.

3. The proposed structure would not require an increase in any transition altitude established for approaches to Muskegon County Airport. The increase in MEA for Victor 215 would require an additional 600-foot descent in the transition for ILS approach from the Muskegon VORTAC to the Muskegon LOM; however, the descent rate would be well within prescribed standards.

4. There is no evidence that any other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter unless an appeal is filed under § 626.34 (14 CFR 626.34). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination whichever is later. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (14 CFR 626.35).

Issued in Washington, D.C., on June 8, 1962.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 62-5952; Filed, June 19, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14664, 14665; FCC 62-629]

ALEXANDER BROADCASTING CO., INC., AND FARMERS BROADCASTING SERVICE, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Alexander Broadcasting Company, Incorporated, Taylorsville, North Carolina, requests 860 kc, 250 w, Day, Docket No. 14664, File No. BP-13920; Farmers Broadcasting Service, Incorporated, Lenoir, North Carolina, requests 860 kc, 250 w, Day, Docket No. 14665, File No. BP-14990; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 13th day of June 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The instant proposals involve mutually prohibitive interference.

2. It cannot be determined from data on file whether the proposal of the Farmers Broadcasting Service, Incorporated meets the requirements of § 3.188 (b)(1) of the Commission rules.

3. The proposed antenna structure of Alexander Broadcasting Company, Incorporated has not yet been approved by the FAA and accordingly, an appropriate hearing issue is included herein. The Federal Aviation Agency will be made a party respondent for the purposes of this issue.

It further appearing, that, the operations proposed by the above-captioned applicants meet the criteria of § 1.351 of the Commission rules, as amended January 31, 1962; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the subject proposals and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from either of the instant proposals.

3. To determine whether the instant proposal of Farmers Broadcasting Service, Incorporated would provide coverage of the city sought to be served, as required by § 3.188(b)(1) of the Commission rules, and, if not, whether circumstances exist which would warrant a waiver of said Section.

4. To determine whether there is a reasonable possibility that the tower height and location proposed by Alexander Broadcasting Company, Incorporated would constitute a menace to air navigation.

5. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That the Federal Aviation Agency is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission rules, give notice of the hearing, either individually or, if feasible jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 18, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6006; Filed, June 19, 1962; 8:51 a.m.]

[Docket No. 12920; FCC 62M-823]

ATLASS BROADCASTING CO., INC. (KKHI)

Order Scheduling Hearing and Prehearing Conference

In re application of Atlass Broadcasting Co., Inc. (KKHI), San Francisco, California, Docket No. 12920, File No. BP-12744; for construction permit.

It is ordered, This 11th day of June 1962, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 5, 1962, in Washington, D.C.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Tuesday, July 24, 1962.

Released: June 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6007; Filed, June 19, 1962; 8:51 a.m.]

[Docket No. 13062; FCC 62M-830]

CHE BROADCASTING CO., INC. (NSL)

Order Continuing Hearing

In re application of CHE Broadcasting Company (NSL), Albuquerque, New Mexico, Docket No. 13062, File No. BP-11842; for construction permit.

As a result of agreements reached on the record at a prehearing conference held on this date: *It is ordered*, This 13th day of June 1962, that the hearing presently scheduled for July 13, 1962, be, and the same is, hereby continued to September 6, 1962.

It is further ordered, That exhibits shall be exchanged on or before July 20, 1962, and that notification of witnesses shall be made on or before August 10, 1962.

Released: June 13, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6008; Filed, June 19, 1962; 8:51 a.m.]

[Docket No. 14659; FCC 62M-824]

CHERRYVILLE BROADCASTING CO., INC.

Order Scheduling Hearing and Prehearing Conference

In re application of Cherryville Broadcasting Co., Inc., Cherryville, North Carolina, Docket No. 14659, File No. BP-14041; for construction permit.

It is ordered, This 11th day of June 1962, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 6, 1962, in Washington, D.C.: *And it is further ordered*, That a prehearing conference in the proceding will be convened by the presiding officer at 9:00 a.m., Tuesday, July 24, 1962.

Released: June 12, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6009; Filed, June 19, 1962; 8:51 a.m.]

[Docket No. 14663; FCC 62-626]

CORONADO BROADCASTING CO., INC., AND TAYLOR BROADCASTING CO.

Order Designating Application for Hearing on Stated Issues

In re application of Coronado Broadcasting Company, Inc., assignor, and Taylor Broadcasting Company, assignee, Docket No. 14663, File No. BAL-4366; for Assignment of License of Station KPBM, Carlsbad, New Mexico.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 13th day of June 1962;

The Commission having under consideration the above-captioned and described application:

It appearing, that, a grant of the subject application would give to the principals of the proposed assignee ownership interests in three standard broadcast facilities in Southeastern New Mexico; and that, as noted below, the service areas of the three stations would overlap to a substantial degree; and

It further appearing, that, because of these facts, Taylor Broadcasting Company was requested to submit a showing

covering the matters set forth in § 3.35 of the Commission's rules; and

It further appearing, that on the basis of the showing submitted, the Commission is unable to make a finding that a grant of the subject application would serve the public interest, convenience and necessity; and

It further appearing, that, the following matters are to be considered in connection with the issues specified below:

1. The officers, directors and stockholders of Taylor Broadcasting Company own and control, through the licensees thereof, Stations KBIM (AM & FM), Roswell, and KGRT, Las Cruces, both in New Mexico. Engineering studies relating to the primary service contours of Stations KBIM and KPBM, and Stations KBIM and KGRT, indicate that the same presently overlap. In addition, engineering studies indicate that the 2 mv/m contours of Stations KBIM and KPBM presently overlap.

2. The transmitter sites for Stations KPBM and KGRT are approximately 151 miles apart, and the sites for Stations KPBM and KBIM are approximately 66 miles apart. Commission consent to a grant of the subject application would place the ownership and control of Stations KPBM, KGRT and KBIM under the direction of common ownership. Such common ownership of three standard broadcast stations with such close proximity to each other would create a substantial duplication of service, for both area and population.

3. In view of the foregoing, and after full consideration of the information contained in the application, it appears that a grant of the subject application would contravene the provisions of § 3.35 of the Commission's rules, since the applicant has not shown that the public interest, convenience, or necessity will be served through such multiple ownership situation.

4. In reaching a determination on the question raised by the Section 3.35 issue, it will be important to consider, among other things, the size, extent and locations of the overlapping service areas of Stations KPBM, KGRT, and KBIM; the populations residing in the overlapping service areas; the classes and power of the stations involved; the extent of other competitive service to the areas in question; the distribution of population within the overlapping service areas; the location of trade areas, metropolitan districts, and political boundaries; the areas and populations to which the service of each station is directed; the manner in which the business affairs of the stations are conducted, including any plans the proposed assignee may have for the use of joint rates or discounts for multiple use of the stations under common control; the program plans of the proposed assignee for each station, including, among other things, diversification of presentations, prospective use of similar or identical programs for broadcast by the stations under common control; a comparison of the program plans of the proposed assignee as compared with the existing programming of the station; coverage claims made or which the proposed assignee anticipates will be made with respect to the operations of Stations KPBM, KGRT, and KBIM; statistical data on the audience preferences for other standard broadcast stations operating in the area, with a view toward establishing the percentage of the population in the overlap area that will rely on the service of the stations under common control; the planned location of main and secondary studios; factors relating to the use of local talent, program sources, broadcast of local news, and availability of facilities for local public service programs; and the proposed assignee's plans for management (personnel) for each of the stations involved.

If further appearing, that, in view of the foregoing, the Commission is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether a grant of the subject application would be in contravention of § 3.35 of the Commission's rules;

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, whether a grant of the instant application would serve the public interest, convenience, or necessity.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: June 18, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6010; Filed, June 19, 1962; 8:51 a.m.]

[Docket No. 14394 etc.; FCC 62-621]

FLOWER CITY TELEVISION CORP. ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Flower City Television Corporation, Rochester, New York, Docket No. 14394, File No. BPCT-2929; Rochester Area Educational Television Association, Inc., Rochester, New York, Docket No. 14459, File No. BPCT-2943; Star Television, Inc., Rochester, New York, Docket No. 14460, File No. BPCT-2948; Heritage Radio and Television Broadcasting Co., Inc., Rochester, New York, Docket No. 14462, File No. BPCT-2961; Rochester Broadcasting Corporation, Rochester, New York, et al., Docket No. 14467, File No. BPCT-2972, etc.; for construction permits for new television broadcast stations.

1. The Commission has before it for consideration (1) three petitions for review of ruling by the Acting Chief Hearing Examiner, filed February 23, 1962, by Star Television, Inc. (Star), Heritage Radio and Television Broadcasting Co., Inc. (Heritage) and Rochester Broadcasting Corporation (Rochester Broadcasting) respectively; (2) oppositions filed March 6 and 8, 1962 respectively by Rochester Area Educational Television Association, Inc. (RAETA) and the Broadcast Bureau (Bureau); and (3) reply to oppositions, filed March 16, 1962, by Rochester Broadcasting.

2. The Acting Chief Hearing Examiner considered and denied petitions to enlarge issues filed by Star, Rochester Broadcasting, and Heritage. Star and Rochester Broadcasting requested a financial issue with respect to Federal, RAETA and Rochester Telecasters. Heritage requested a financial issue with respect to Federal only. The Commission, in its Order of designation, had found Federal, RAETA and Rochester Telecasters to be financially qualified. It is from the Acting Chief Hearing Examiner's adverse ruling that the petitioners now appeal to the Commission. By Memorandum Opinion and Order dated May 29, 1962 (FCC 62-578; Mimeo No. 18989), the Commission denied the petitions as they pertain to Federal and Rochester Telecasters.

3. A review of RAETA's financial proposal indicates that funds in the amount of $815,369 will be required to construct and operate the proposed educational station for the first year (no operating revenue proposed); that the applicant has funds, credits and donations amounting to $216,194 leaving an estimated balance of $599,175 to be financed. In addition to the above, RAETA relies on funds from various sources such as the State Education Department, schools, colleges, personal and business donations, County Governments and Foundations in the total amount of $747,377. It does not appear, however, that all of the funds thus relied upon have been promised or committed to RAETA. Under the circumstances, a financial qualification issue will be added so that evidence may be adduced as to the probable availability of such funds.

Accordingly, it is ordered, This 13th day of June 1962, that the petitions for review, filed February 23, 1962, by Star Television, Inc., Heritage Radio and Television Broadcasting Co., Inc., and Rochester Broadcasting Corporation, as they relate to Rochester Area Educational Television Association, Inc., are granted; that the Commission's Order (FCC 61-1511) in this proceeding is amended by renumbering Issues 7 and 8 as Issues 8 and 9, and the following Issue 7 is added:

7. To determine whether Rochester Area Educational Television Association, Inc., is financially qualified to construct and operate the proposed television broadcast station.

Released: June 14, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6011; Filed, June 19, 1962; 8:51 a.m.]

[Docket No. 14666; FCC 62-630]

KDIA, INC. (KDIA)

Order Designating Application for Hearing on Stated Issues

In re application of KDIA, Inc. (KDIA), Oakland, California, has 1310 kc, 1 kw, U, Class III-B, req. 1310 kc, 5 kw, DA-1, U, Class III-A, Docket No. 14666, File No. BP-13723; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 13th day of June 1962;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially and otherwise qualified to construct and operate the instant proposal; and

It further appearing, that on January 11, 1961, the Secretary of the Army filed a Petition to Deny the subject application on the grounds the requested facilities would induce electrical voltages in equipment located on the Oakland Army Terminal; that this phenomenon could create a hazard to the safety of life and property at Oakland Army Terminal, substantially interfering with the operations carried on at the Oakland Army Terminal, and adversely affecting the over-all defense mission of the Army at the Terminal the national defense and the public interest; that the Oakland Army Terminal is an essential mission constituting a part of the over-all defense mission of the United States Army; that following an Opposition filed on January 24, 1961, by the above-described applicant and certain negotiations between the Army, the Commission's staff, and the applicant, the Secretary of the Army, by letter of July 20, 1961, agreed to remove the objection set forth in the Petition to Deny, provided the subject application was approximately conditioned to the effect that actual radiation in the area of the Terminal would not exceed the predicted radiation as set forth in the subject application; that staff studies of an amendment filed on November 13, 1961, indicate that the applicant may not be able to fulfill the condition on which the Army's withdrawal of its objection is contingent; and

It further appearing, that the applicant has submitted field intensity measurement data made on the existing operation of KDIA which indicates that cranes used by the Army in the vicinity of the transmitter site causes substantial variations in the KDIA radiated field; and that as a result a question obtains as to whether the proposed directional antenna system can be adjusted and maintained as proposed.

It further appearing, that in view of the proximity of the cranes and other equipment at the Army Terminal, at distances less than ten times the outer tower spacing of the proposed directional antenna system, a question obtains as to whether the field strength at these locations would not be greater than that determined from use of the specified directional antenna radiation pattern.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether the proposed directional antenna system can be adjusted and maintained as proposed due to reradiation from the cranes and other equipment at the Oakland Army Terminal.

2. To determine if the subject proposal of Station KDIA, Oakland, California, would induce increased electrical voltage in the equipment located on the Oakland Army Terminal, and, if so, whether it would impair substantially the operation of such equipment and/or would create a hazard to the safety of life and property at the Oakland Army Terminal; and whether such phenomenon would adversely affect the over-all defense mission of the Army at the Oakland Army Terminal, and the national defense.

3. To determine what means or methods, if any, can be employed by the Army to prevent interference to the operation of the equipment at the Oakland Army Terminal, including insulation of hooks, grounding of the hooks, and detuning or changing the resonance of the cranes; the costs thereof; in the event increased radiation would be experienced, whether the methods available to the Army constitute a feasible and practical or, alternatively, an unfeasible and impractical solution to the problem; and the extent, if any, the applicant proposes to contribute its share of financial and technical assistance to the Army in solving the problem should such problem result.

4. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KDIA and the availability of other primary service to such areas and populations.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That the Secretary of the Army is hereby made a party to the proceeding.

It is further order, That, in the event of a grant of the instant proposal, the construction permit shall contain the following conditions: Permittee shall assume responsibility for the installation and adjustment of suitable filter circuits, or other equipment as may be necessary, to minimize spurious radiation and to prevent cross-modulation due to the existence of high radiation fields to and from KSAY or any other station.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and the party respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further order, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: June 18, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6012; Filed, June 19, 1962; 8:51 a.m.]

[Docket Nos. 14626, 14627; FCC 62M-832]

REDDING-CHICO TELEVISION, INC., AND NORTHERN CALIFORNIA EDUCATIONAL TELEVISION ASSOCIATION, INC.

Order Continuing Hearing

In re applications of Redding-Chico Television, Inc., Redding, California, Docket No. 14626, File No. BPCT-2875, for a contruction permit for a new commercial television broadcast station; Northern California Educational Television Association, Inc., Redding, California, Docket No. 14627 File No. BPCT-2890, for a construction permit for a new non-commercial educational television broadcast station.

Pursuant to prehearing conference held on June 13, 1962: It is ordered, This 13th day of June 1962, that the hearing herein now scheduled for July 23, 1962, be and the same is hereby rescheduled for September 18, 1962, 10:00 a.m., in

the Commission's Offices, Washington, D.C.

Released: June 14, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6013; Filed, June 19, 1962; 8:51 a.m.]

[Docket Nos. 14193, 14194; FCC 62M-831]

SMACKOVER RADIO, INC., AND MAGNOLIA BROADCASTING CO. (KVMA)

Order Scheduling Hearing

In re applications of Smackover Radio, Inc., Smackover, Arkansas, Docket No. 14193, File No. BP-14663; Magnolia Broadcasting Company (KVMA), Magnolia, Arkansas, Docket No. 14194, File No. BP-14717; for construction permits.

By memorandum opinion and order released March 13, 1962 (FCC 62M-369), the Hearing Examiner, pursuant to § 1.351(c), removed the captioned applications from the hearing docket and placed them in the pending file. The Commission, in a memorandum opinion and order released May 18, 1962 (FCC 62-522), declared: "These conflicts [concerning the good faith issue added by the Commission's memorandum opinion and order released January 19, 1962 (FCC 62-81)] can best be resolved at an evidentiary hearing." At a further prehearing conference on June 6, 1962, called to discuss the posture of the case in light of the Commission's May 18 release, it was concluded that despite the Commission's failure to refer specifically to the previous placing of the applications in the pending file, it was appropriate, under the sentence quoted above, to schedule a seasonable hearing on the good faith issue rather than to await the time when the applications could otherwise be heard pursuant to § 1.351(c). The purpose of the present order is to formalize the action taken at the prehearing conference.

Accordingly, it is ordered, This 13th day of June 1962, in conformity with the rulings at the prehearing conference of June 6, 1962, that:

(1) To the extent that hearing is to be held on Issue (8) (good faith) the captioned applications are removed from the pending file and restored to the hearing docket; and

(2) Hearing on Issue (8) is scheduled for Wednesday, September 12, 1962, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: June 14, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6014; Filed, June 19, 1962; 8:51 a.m.]

[Docket Nos. 14632-14634; FCC 62M-833]

TUSCARAWAS BROADCASTING CO. ET AL.

Order Scheduling Hearing

In re applications of The Tuscarawas Broadcasting Company, Uhrichsville, Ohio, Docket No. 14632, File No. BP-13896; The Niles Broadcasting Company, Niles, Ohio, Docket No. 14633, File No. BP-13993; Punxsutawney Broadcasting Company (WPME), Punxsutawney, Pennsylvania, Docket No. 14634, File No. BP-14022; for construction permits.

Pursuant to the agreements reached at the prehearing conference held on June 13, 1962, the evidentiary hearing in the above-entitled proceeding now scheduled for July 23, 1962 is continued to July 31, 1962.

It is so ordered, This the 13th day of June 1962.

Released: June 14, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6015; Filed, June 19, 1962; 8:51 a.m.]

[Docket Nos. 12488, 12489; FCC 62-620]

YOUNG PEOPLE'S CHURCH OF THE AIR, INC., AND WJMJ BROADCASTING CORP.

Memorandum Opinion and Order Remanding

In re applications of The Young People's Church of the Air, Inc., Philadelphia, Pennsylvania, Docket No. 12488, File No. BPH-2394; WJMJ Broadcasting Corporation, Philadelphia, Pennsylvania, Docket No. 12489, File No. BPH-2423; for construction permits.

1. The Commission has before it for consideration (a) a petition to reopen the record, filed April 17, 1962, by WJMJ Broadcasting Corporation; (b) a similar petition, filed April 27, 1962, by the Broadcast Bureau; (c) oppositions, filed April 30, 1962 and May 10, 1962, by the Young People's Church of the Air, Inc.; and (d) replies filed May 10, 1962 and May 21, 1962, by WJMJ and the Bureau, respectively.

2. Following remand of this case to the Commission from the Court of Appeals and further hearing, the Hearing Examiner issued a Supplemental Initial Decision (FCC 62D-26, released March 19, 1962) granting the application of the Young People's Church of the Air, Inc. (YPCA) and denying that of WJMJ.[1] Petitioners, WJMJ and the Bureau, now seek to reopen the record to introduce evidence to show that Robert E. Anderson, a director of YPCA and prospective manager of YPCA's proposed station, is no longer connected with YPCA and will not be available to assume the duties indicated in YPCA's application, and further, that Anderson had no intention of assuming these duties when he testified to the contrary during the course of the hearing. Petitioners also state that their evidence will show that YPCA's proposed findings of fact, filed January 22, 1962, contain facts concerning Anderson's employment with YPCA that are not true, and that YPCA knew such facts were false when the proposed findings were filed. WJMJ also alleges a violation of § 3.35 of our rules by YPCA. In support of the facts alleged in its petition, the Bureau submits statements of two officials of a station in Detroit, Michigan, where Anderson is now allegedly employed, concerning Anderson's conversations with them concerning these matters.

3. YPCA opposes the petitions, and in support of its opposition, submits affidavits of Anderson, which state, in substance, that all previous statements made by him concerning his employment with YPCA are "invalid"; that despite any other of his activities, he has remained connected with YPCA and performed certain duties in this regard; and that, as of the date of his statements, he intends to assume the duties assigned him as indicated in the YPCA application.

4. We will grant the petitions and reopen the record. It is evident from the pleadings that Anderson has made contradictory statements concerning his future intentions as to employment. A question of fact is thus presented as to Anderson's availability as station manager of YPCA's proposed station in Philadelphia. Such a question can best be resolved on the basis of evidence adduced at a hearing, and the proceeding will therefore be remanded to the Hearing Examiner. In addition, in view of the alleged termination of Anderson's employment as manager of Station WMUZ (which is commonly owned with YPCA) several weeks prior to the filing by YPCA of its proposed findings, an issue will be added to determine whether there was a misrepresentation to the Commission in stating, in its proposed findings, that Anderson was an employee of Station WMUZ.

5. Petitioner WJMJ seeks to raise a § 3.35 duopoly issue with respect to Station WMUZ. No allegations of fact are made in support of such an issue. While it is suggested that Anderson's employment by Station WRMP may give YPCA control over that station, the thesis of petitioner's pleadings, in fact, is that Robert Anderson is no longer connected with Station WMUZ and has disassociated himself from the family in control of YPCA. Therefore, we will not add a § 3.35 issue.

Accordingly, it is ordered, This 13th day of June, 1962, That the petitions of WJMJ Broadcasting Corporation and the Broadcast Bureau to reopen the record are granted to the extent indicated herein, and are in all other respects denied; and

It is further ordered, That the above-captioned proceeding is remanded to the Hearing Examiner for further hearing on the following issues:

(a) To determine whether Robert E. Anderson will continue to be a director of The Young People's Church of the Air, Inc., and whether Anderson will serve as station manager of the proposed station in Philadelphia.

(b) To determine whether The Young People's Church of the Air, Inc. made any misrepresentations to the Commission concerning Anderson's employment at Station WMUZ or concerning his future employment, and, if so, whether The Young People's Church of the Air, Inc. possesses the requisite character qualifications to be a licensee of the Commission.

It is further ordered, That the Hearing Examiner issue a Supplemental Initial Decision in the light of the evidence adduced under the foregoing issues; and

It is further ordered, That the burden of proof and the burden of proceeding with the evidence shall remain as previously assigned in this proceeding.

Released: June 15, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6016; Filed, June 19, 1962; 8:51 a.m.]

[1] Following remand, hearings were held on November 21, 22, 24, and December 13, 1961; the record was closed following a hearing conference on December 19, 1961. A substantial portion of the testimony adduced at these sessions centered around Robert E. Anderson's alleged conflicts with certain of the principals of YPCA, and whether or not Anderson intended to assume his proposed managerial duties in Philadelphia, should YPCA's application be granted. The Examiner rejected proposed findings that Anderson was evasive and lacked candor in his testimony, and concluded that Anderson's intentions and those of YPCA were that Anderson would perform the functions indicated for him in YPCA's application.

FEDERAL MARITIME COMMISSION

[Docket No. 1025]

EAST COAST COLOMBIA CONFERENCE

Amended Notice of Filing of Exclusive Patronage Contracts

The first paragraph of notice in Docket 1025, which appeared in the FEDERAL REGISTER of May 29, 1962, page number 5013, is hereby amended to read as follows:

Notice is hereby given that the East Coast Colombia Conference has filed with the Commission, pursuant to section 3 of Public Law 87-346, proposed Exclusive Patronage (Dual Rate) Contracts, modified for the purpose of conforming such contracts to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contracts should be approved, disapproved, canceled or modified pursuant to the provisions of section 14b. One contract applies only to coffee shipments northbound, and the other contract to all southbound commodities.

Dated: June 15, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-5997; Filed, June 19, 1962; 8:50 a.m.]

[Commission Order 1 (Amended); Supp. 1]

Organization and Functions

The purpose of this supplement is to establish an Office of International Affairs and assign thereto specific responsibilities with respect to matters of international importance. Accordingly, the basic order is hereby supplemented by adding the following new section 5.06 and renumbering the present 5.06 to 5.07:

5.06 The Office of International Affairs through its staff serves as the official representative of the Federal Maritime Commission and assists the Chairman and the Commission in international conferences and meetings that involve the exercise of the Commission's functional responsibilities for the regulation of the waterborne foreign commerce of the United States; acts as liaison with the Department of State and with representatives of other governments, particularly the shipping attachés of the embassies of the maritime nations engaged in the foreign commerce of the United States, on matters concerning the application of the shipping statutes and the orders and regulations of the Commission to the United States and foreign nationals engaged in such foreign commerce; acts in a coordinating capacity on matters of the utmost importance with respect to protests or requests for relief made by foreign nationals or governments from the Commission's regulations and orders and participates in the preparation of appropriate recommendations thereon to the Commission; acts as liaison with representatives of the Department of State, other government agencies and foreign governments in effecting the resolution of foreign discriminatory practices against United States flag shipping pursuant to section 26, Shipping Act, 1916, as amended and section 19, Merchant Marine Act, 1920, as amended; coordinates the Commission's efforts with the Executive Director and his staff and other offices of the Commission in the solution of international shipping problems that develop in the administration and execution by the Commission of its regulatory responsibilities and authorities; conducts studies of and prepares replies to aide memoire officially presented to the United States Government by foreign maritime nations; serves in a consultative and advisory capacity to the Chairman and members of the Commission on shipping matters that involve foreign relations.

Dated: June 7, 1962.

THOS. E. STAKEM,
Chairman.

[F.R. Doc. 62-5998; Filed, June 19, 1962; 8:50 a.m.]

[Docket Nos. 1001-1060]

EXCLUSIVE PATRONAGE (DUAL RATE) CONTRACTS

Extension of Time for Submitting Statements

Notice is hereby given that the time for submitting statements with reference to the amended Exclusive Patronage (Dual Rate) Contracts filed with the Commission pursuant to Public Law 87-346, and under review by the Commission in Docket Nos. 1001 to 1060 inclusive is hereby extended to and including July 19, 1962.

By order of the Federal Maritime Commission.

Dated: June 18, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-6071; Filed, June 19, 1962; 8:54 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP61-287]

COASTAL TRANSMISSION CORP.

Notice of Application and Date of Hearing

JUNE 13, 1962.

Take notice that on May 8, 1961, as supplemented on June 2, 1961, and August 15, 1961, Coastal Transmission Corporation (Applicant), P.O. Box 10400, St. Petersburg 33, Florida, filed in Docket No. CP61-287 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of supply lateral pipeline facilities, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

Applicant seeks authorization to construct and operate for the receipt of natural gas approximately 8.6 miles of 8-inch lateral pipeline from the point of termination of Applicant's Lake Chicot Field lateral pipeline to the Lake Fausse Point Field in Iberia and St. Martin Parishes, Louisiana; approximately 7.7 miles of 8-inch lateral pipeline from a point on the Lake Chicot Field lateral pipeline to the Lake Mongoulois Field in St. Martin Parish, Louisiana; and approximately 4.5 miles of 4-inch lateral pipeline from Applicant's presently existing main line to a point in the Pecaniere Field in St. Landry Parish, Louisiana.

The cost of the Lake Fausse Point lateral is estimated at $452,200, the Lake Mongoulois lateral at $405,800, and the Pecaniere lateral at $101,000; and with cathodic protection costs and undistributed costs added thereto, the total cost for the entire project is estimated to be $1,047,000. Applicant proposes to finance the subject facilities from short-term bank loans.

The following producers have filed related applications for certificates of

public convenience and necessity for authorization to sell natural gas to Applicant:

Docket No.; Date Filed; Applicant; and Field

CI61-1416; March 29, 1961; Texaco Inc.; Lake Pausse Point.
CI61-1420; March 30, 1961; Texaco, Inc.; Pecaniere.
CI61-1438; March 31, 1961; Texaco Inc.; Lake Mongoulois.
CP62-27; August 1, 1961; Olin Gas Transmission Corp.; Pecaniere.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 19, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 9, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5953; Filed, June 19, 1962; 8:45 a.m.]

COLORADO INTERSTATE GAS CO.

[Docket No. RP62-9]

Order Suspending Proposed Tariff Sheets

JUNE 13, 1962.

On May 14, 1962, Colorado Interstate Gas Company (Colorado Interstate) tendered for filing two original and five revised sheets to its FPC Gas Tariff, First Revised Volume No. 1,[1] revising certain provisions relating to the unauthorized overrun provisions of Colorado Interstate's Rate Schedules G-1, SG-1 and P-1.

The aforesaid tendered tariff sheets would modify the presently effective penalty provisions in the above-designated rate schedules which now provide for a penalty charge of $10 per Mcf if the contract demand is exceeded on two consecutives days or on more than three days in a billing month or if it is exceeded by the greater of 2 percent or 200 Mcf on any one day. The provisions of the tendered filings provide, inter alia, for waiver of the $10 charge for unauthorized overrun by a customer when other customers are not adversely affected thereby. It would appear that the proposed tariff change could result in the opportunity for unilateral advantage between customers, as well as the possibility of arbitrary practice and may, therefore, be unduly discriminatory and preferential.

The Commission finds:

It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classification, and services contained in Colorado Interstate's Tariff as proposed to be changed by the above specified tariff sheets tendered for filing May 14, 1962, and that said revised tariff sheets should be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held, upon a date to be fixed by notice from the Secretary, concerning the lawfulness of the rates, charges, classifications and services contained in Colorado Interstate FPC Gas Tariff, First Revised Volume No. 1, as proposed to be changed by the above specified revised tariff sheets tendered for filing May 14, 1962.

(B) Pending such hearing and decision thereon, Colorado Interstate's Original Sheets Nos. 8A and 11A and First Revised Sheets Nos. 5 and 8 and Second Revised Sheets Nos. 6, 10, and 11 to its FPC Gas Tariff, First Revised Volume No. 1 are hereby suspended and the use thereof deferred until November 13, 1962.

(C) Notice of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.37(f)) on or before December 26, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-5954; Filed, June 19, 1962; 8:45 a.m.]

[1] Original Sheet Nos. 8A and 11A; First Revised Sheet Nos. 5 and 8; Second Revised Sheet Nos. 6, 10, and 11.

FEDERAL RESERVE SYSTEM

MARINE CORPORATION

Notice of Application for Approval of Acquisition of Shares of a Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), by The Marine Corporation, which is a bank holding company located in Milwaukee, Wisconsin, for the prior approval of the Board of the acquisition by applicant of 80 per cent or more of the voting shares of The Beloit State Bank, Beloit, Wisconsin.

In determining whether to approve this application submitted pursuant to section 3(a)(2) of the Bank Holding Company Act, the Board is required by that Act to take into consideration the following factors: (1) The financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C., this 14th day of June 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-5955; Filed, June 19, 1962; 8:45 a.m.]

SOUTHERN BANK AND TRUST CO.

Order Approving Merger of Banks

In the matter of the application of Southern Bank and Trust Company for approval of merger with Citizens Bank of Chesterfield.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by Southern Bank and Trust Company, Richmond, Virginia, a member bank of the Federal Reserve System, for the Board's prior approval of the merger of Citizens Bank of Chesterfield, Chesterfield County, Bon Air, Virginia, with and into Southern Bank and Trust Company, under the charter and title of the latter, the office of Citizens Bank of Chesterfield to be operated as a branch of Southern Bank and Trust Company.

Pursuant to said Act, notice of the proposed merger, in form approved by the Board of Governors, has been published and reports on the competitive factors involved in the proposed transaction have been received from the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice and have been considered by the Board.

It is ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) prior to June 29, 1962, or (b) later than three months after said date.

Dated at Washington, D.C., this 13th day of June 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-5956; Filed, June 19, 1962; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Richmond.

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

JUNE 14, 1962.

In the matter of trading on the San Francisco Mining Exchange in the Common stock, $1.00 par value of Apex Minerals Corporation, File No. 1-3848.

The common stock, $1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, June 15, 1962, to June 24, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-5966; Filed, June 19, 1962; 8:47 a.m.]

[File No. 24A-1416]

GLAS FOAM CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor and Notice of Opportunity for Hearing

JUNE 14, 1962.

I. Glas Foam Corporation (Issuer), a Delaware corporation, last known address; 1071 East 52nd Street, Hialeah, Fla., filed with the Commission on September 28, 1960, a notification on Form 1-A and an offering circular relating to a proposed public offering of 100,000 shares of $.10 par value common stock at $3.00 per share for an aggregate amount of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder. Martinelli & Company, Inc., 79 Wall Street, New York 5, New York, was named as underwriter on a best efforts basis. The filing was completed on December 1, 1960 and the offering was commenced on December 5, 1960. On May 31, 1961, the Form 2-A was filed stating that all shares offered had been sold by March, 1961.

II. The Commission has reasonable cause to believe that:

A. Exemption under Regulation A was unavailable in that the aggregate offering price of the securities of the issuer and those securities sold in violation of section 5 of the Securities Act of 1933, to persons falsely listed as promoters exceeded the $300,000 ceiling limitation imposed by Rule 254(a).

B. The terms and conditions of Regulation A have not been complied with in that:

1. The offering circular fails to disclose certain direct and indirect interests of officers, directors, and persons occupying a control relationship with the issuer, which are required by paragraph 9(c) of Schedule I;

2. The offering circular fails to disclose the amount of proceeds from the sale of this issue to be paid to officers and directors of the issuer as required by paragraph 6(a) of Schedule I.

C. The offering circular contains untrue statements of material facts, and omits to state material facts necessary, in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly in respect to:

1. The cost of real estate without disclosing the mark-up in the value of such land acquired by the issuer from an agent of an insider in a non-arms-length transaction;

2. A statement in the offering circular that all material interests of officers, directors, controlling persons and affiliates of the issuer have been disclosed, when, in fact, there were:

(a) Undisclosed loans to and from officers and directors by the issuer;

(b) An obligation arising from a sale to the president of the issuer, and

(c) Undisclosed transactions between the issuer and its General Manager, whose controlling relationship with the issuer and his active role in the management of the company during the absence of its non-resident president, was not disclosed.

3. The issuer's ability to fulfill a contract for the sale by the issuer of boats to a distributor, without disclosing that the issuer had received notice of cancellation of said contract because of non-fulfillment on its part.

D. The Form 2-A fails to disclose the use of proceeds from the offering to repay loans from officers and directors, and to pay a finder's fee in connection with the offering.

E. The offering was made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-5967; Filed, June 19, 1962; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-I-3 (Revision 1)]

ADMINISTRATIVE OFFICER

Delegation Relating to Administrative Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 6) as amended (25 F.R. 1706, 7418, 26 F.R. 177, 1456, 27 F.R. 372), there is hereby delegated to the Administrative Officer the authority:

A. *Administrative.* 1. To make emergency purchases not in excess of $25 in any one object class in any one instance but not more than $50 in any one month for total purchases in all object classes.

2. In connection with the establishment of Disaster Loan Offices, to (a) obligate SBA to reimburse General Services Administration for the rental of office space, (b) rent office equipment, and (c) procure (without dollar limitation) emergency supplies and materials.

3. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered.

4. To procure from the General Services Administration standard forms and supply items listed in Part I of the SBA Index of Standard Supply Items.

5. To (a) authorize or approve official travel and (b) Administratively approve travel reimbursement claims.

6. To contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25.00 in any one instance.

7. To rent motor vehicles from the General Services Administration, and to rent garage space for the storage of such vehicles when not furnished by GSA.

8. To administer oaths of office.

9. To approve (a) annual and sick leave, except advanced annual and sick leave, and (b) leave without pay, not to exceed 30 days, for employees under his supervision.

10. To establish and classify all nontechnical positions subject to the Classification Act of 1949, as amended, in grades GS–1 through GS–7.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Administrative Officer.

IV. All previous authority delegated to the Administrative Officer is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: December 22, 1961.

EDWARD J. STEWART,
Regional Director,
Boston Regional Office.

[F.R. Doc. 62-5968; Filed, June 19, 1962; 8:47 a.m.]

[Delegation of Authority 30–I–16 (Revision 1)]

BRANCH MANAGER, PROVIDENCE, RHODE ISLAND

Delegation Relating to Financial Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 6), as amended (25 F.R. 1706, 7418, 26 F.R. 177, 1456, 27 F.R. 372), there is hereby redelegated to the Branch Manager, Providence, Rhode Island, the authority:

A. *Financial assistance.* 1. To approve but not decline the following types of loans:

a. Direct loans in an amount not exceeding $20,000.

b. Participation loans in an amount not exceeding $100,000.

c. Disaster loans in an amount not exceeding $50,000.

d. Limited loan participation loans.

2. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

JOHN E. HORNE,
Administrator.

By ----------
Branch Manager.

3. To disburse approved loans.

4. To enter into Disaster Loan Participation Agreements with banks.

5. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

8. To take all necessary actions in connection with the administration, servicing and collection of current loans.

B. *Administration.* 1. To administer oaths of office.

2. To approve (a) annual and sick leave, except advanced annual and sick leave, and (b) leave without pay, not to exceed 30 days.

3. To (a) make emergency purchases chargeable to the administrative expense fund, not in excess of $10 in any one object class in any one instance but not more than $20 in any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitation set forth in (a) of this paragraph; and (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $20 in any one instance.

4. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or services rendered.

5. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

6. In connection with the establishment of Disaster Loan Offices, to (a) obligate SBA to reimburse General Services Administration for the rental of office space, (b) rent office equipment, and (c) procure emergency supplies and materials.

7. To procure from the General Services Administration standard forms and supply items listed in Part I of the SBA Index of Standard Supply Items.

8. To authorize or approve official travel.

II. The specific authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager is rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: December 22, 1961.

EDWARD J. STEWART,
Regional Director,
Boston Regional Office.

[F.R. Doc. 62-5969; Filed, June 19, 1962; 8:47 a.m.]

[Delegation of Authority 30–VIII–22]

CHIEF, LOAN LIQUIDATION SECTION

Delegation Relating to Financial Assistance and Administration

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division, by Delegation No. 30–VIII–1 (Revision 2), as amended (25 F.R. 5890 and 26 F.R. 6873), there is hereby redelegated to the Chief, Loan Liquidation Section, the authority:

A. *Financial assistance.* To take all necessary action in connection with the liquidation of partially or fully disbursed loans, other obligations and acquired property.

B. *Administration.* To approve annual and sick leave, other than advanced annual and sick leave.

II. The authority delegated in subsections I. A. and B. may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Liquidation Section.

Effective date: April 10, 1962.

GLENN A. SWANSON,
Chief, Financial Assistance Division,
Minneapolis Regional Office.

[F.R. Doc. 62-5970; Filed, June 19, 1962; 8:48 a.m.]

[Delegation of Authority 30–IV–27 (Revision 1)]

BRANCH MANAGER, CLARKSBURG, WEST VIRGINIA

Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 6), as amended (25 F.R. 1706 and 7418, 26 F.R. 177 and 1456, 27 F.R. 372), there is hereby delegated to the Branch Manager, Clarksburg Branch Office, Small Business Administration, the authority:

A. *Financial assistance.* 1. To approve but not decline the following types of loans:

a. Direct business loans in an amount not exceeding $20,000; and

b. Participation business loans in an amount not exceeding $100,000.

2. To approve or decline disaster loans not exceeding $50,000.

3. To approve or decline limited loan participation loans.

4. To enter into business loan and disaster loan participation agreements with banks.

5. To disburse approved loans.

6. To execute loan authorizations for Clarksburg and Regional Office approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*

By ----------
(Name)
Manager, Clarksburg Branch Office.

7. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

8. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

9. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorizations.

10. To take all necessary actions in connection with the Administration, servicing and collection of current and problem loans.

B. *Procurement and technical assistance.* 1. To determine joint setasides for Government procurements and sales.

2. To determine the need for representation at procurement and disposal centers.

3. To develop with Government procurement and disposal agencies required local procedures for implementing established inter-agency policy agreements.

C. *Administrative.* 1. To administer oaths of office.

2. To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

II. The authority delegated herein may not be redelegated, except I.A.5. and I.B. which may be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the Clarksburg, West Virginia, Branch Office.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Clarksburg, West Virginia, is hereby rescinded without prejudice to actions taken under all other delegations of authority prior to the date hereof.

Effective date: April 24, 1962.

CLARENCE P. MOORE,
Regional Director,
Richmond Regional Office.

[F.R. Doc. 62-5971; Filed, June 19, 1962; 8:48 a.m.]

[Delegation of Authority 30–IV–41]

BRANCH COUNSEL, CLARKSBURG, WEST VIRGINIA

Delegation Relating to Legal Functions

I. Pursuant to the authority delegated to the Branch Manager by Delegation of Authority No. 30–IV–27 (Revision 1), dated April 24, 1962, there is hereby redelegated to the Branch Counsel, Clarksburg, West Virginia Branch Office, the authority to disburse approved loans.

II. The authority delegated herein may not be redelegated.

III. The authority delegated herein may be exercised by any SBA employee designated as Acting Branch Counsel.

Effective date: April 30, 1962.

DELBERT WILLIAMS,
Branch Manager,
Clarksburg Branch Office.

[F.R. Doc. 62-5972; Filed, June 19, 1962; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 215]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 15, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 73462 (Deviation No. 1) (AMENDMENT), CLINTON TRANSPORTATION CORP., 516 West 43d Street, New York 18, N.Y., filed January 18, 1962, and published in the January 31, 1962, issue of the FEDERAL REGISTER. Attorney Samuel P. Delisi, 1515 Park Building, Pittsburgh 22, Pa. The notice as amended reads as follows: Carrier proposes to operate as a *common carrier,* by motor vehicle of *general commodities,* with certain exceptions, over a deviation route as follows: From New Haven, Conn., over U.S. Highway 5 to Wallingford, Conn., thence over Connecticut Highway 15 and Massachusetts Highway 15 (also known in whole or in part as Interstate Highway 84 or the Wilbur Cross Parkway) to Sturbridge, Mass., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From New Haven over Connecticut Highway 17 (formerly Connecticut Highway 15) to Middletown, Conn., thence over Connecticut Highway 9 to Hartford, Conn., thence over U.S. Highway 5 to Springfield, Mass.; also from Hartford over Alternate U.S. Highway 5 to Springfield, thence over U.S. Highway 20 to Sturbridge, and return over the same route.

No. MC 108633 (Deviation No. 1), BARNES FREIGHT LINES, INC., Bankhead Highway, P.O. Box 27, Carrollton, Ga., filed June 6, 1962. Attorney Ariel V. Conlin, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions over a deviation route as follows: From a point on U.S. Highway 78, in Atlanta, Ga., over U.S. Highway 78 to junction Georgia Highways 74 and 154, thence over Georgia Highways 74 and 154 to junction Georgia Highway 92, thence over Georgia Highway 92 to junction Georgia Highway 166, thence over Georgia Highway 166 to Carrollton, Ga., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Atlanta over U.S. Highway 78 to Villa Rica, Ga., thence over Alternate U.S. Highway 78 to Carrollton, and return over the same route.

No. MC 108859 (Deviation No. 2), CLAIRMONT TRANSFER CO., 1803 Seventh Avenue North, Escanaba, Mich., filed June 7, 1962. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 294 to junction Interstate Highway 94, thence over Interstate Highway 94 to Milwaukee, Wis., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago over Illinois Highway 42 to the Illinois-Wisconsin State line, thence over Wisconsin Highway 32 to junction Wisconsin Highway 100, thence over Wisconsin Highway 100 to junction Wisconsin Highway 38, thence over Wisconsin Highway 38 to Milwuakee; and from Chicago over Eden's Expressway to junction U.S. Highway 41, thence over U.S. Highway 41 to Milwaukee, and return over the same routes.

No. MC 109914 (Deviation No. 2), DUNDEE TRUCK LINE, INC., 660 Sterling Street, Toledo 9, Ohio, filed June 11, 1962. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Interchange No. 4 of the Ohio Turnpike, near Maumee, Ohio, over the Ohio Turnpike to junction Indiana Turnpike, thence over Indiana Turnpike to Interchange No. 1 of the said turnpike, at the Illinois-Indiana State line, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that

the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 20 to Toledo, Ohio, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-5988; Filed, June 19, 1962; 8:49 a.m.]

[Notice 452]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 15, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers of brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 4405 (Sub-No. 389), filed February 26, 1962. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, 1624 Eye Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cargo containers and parts thereof*, when moving with such containers, from Avon Lake, and Delphos, Ohio, Fairless Hills, Pa., Fort Wayne, Ind., Fresno and Vina Vista, Calif., and Memphis, Tenn., to points in the United States (excluding Hawaii).

HEARING: July 27, 1962, at Room 712, Federal Building, Cincinnati, Ohio, before Examiner Alfred B. Hurley.

No. MC 4405 (Sub-No. 390), filed February 26, 1962. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, 1624 Eye Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cargo containers and parts thereof*, when moving with such containers, from Cincinnati, Ohio, Fremont, Calif., Longview, Tex., and Springfield, Mo., to points in the United States, excluding Hawaii.

HEARING: July 27, 1962, at Room 712, Federal Building, Cincinnati, Ohio, before Examiner Alfred B. Hurley.

No. MC 4966 (Sub-No. 12), filed May 31, 1962. Applicant: JONES TRANSFER COMPANY, a corporation, 927 Washington Street, Monroe, Mich. Applicant's attorney: William B. Elmer, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the site of Taylor Electric Co., located at or near Howell, Mich., as an off-route point in connection with applicant's authorized regular-route operations.

HEARING: July 30, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 21684 (Sub-No. 18), filed March 22, 1962. Applicant: CHARLES E. DANBURY, INC., South Fifth and Willow Street, P.O. Box 558, Williamsburg, Ohio. Applicant's attorney: Jack B. Josselson, Atlas Bank Building, Cincinnati 2, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cargo containers and parts and accessories therefor when moving with such containers*, from Cincinnati, Ohio, points in Gregg County, Tex., and Springfield, Mo., and points within ten (10) miles of Springfield, to points in the United States (except Hawaii and Alaska), and *used, damaged and rejected shipments* of the above-described commodities, on return; and (2)(a) *Cargo containers and parts and accessories therefor when moving with such containers*, and (b) *used, damaged and rejected shipments* of the commodities specified, between points in the United States (except Hawaii and Alaska) when moving under a contract with Trailmobile, Inc.

HEARING: July 27, 1962, at Room 712, Federal Building, Cincinnati, Ohio, before Examiner Alfred B. Hurley.

No. MC-39568 (Sub-No. 6), filed April 25, 1962. Applicant: ARROW TRANSFER & STORAGE COMPANY, a corporation, 1116 Market Street, Chattanooga, Tenn. Applicant's attorney: Harold Seligman, Life and Casualty Tower, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, in bulk, packages, blocks and mixed loads, from points in Tennessee, to points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, Virginia, and Tennessee.

HEARING: July 30, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Boss.

No. MC 42487 (Sub-No. 555), filed June 7, 1962. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: R. E. Poelman, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids* and *rocket propellant fuels*, in bulk, in specially designed trailers, between missile sites, production plants, and missile test facilities located at points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming. Applicant states the service will be performed in shipper or government-owned equipment, or in equipment which applicant proposes to purchase.

NOTE: Applicant is a wholly-owned subsidiary of Consolidated Freightways, Inc., a noncarrier.

HEARING: July 17, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Wm. N. Culbertson.

No. MC 61396 (Sub-No. 89), filed April 30, 1962. Applicant: HERMAN BROS., INC., P.O. Box 189, Downtown Station, Omaha 1, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, in hopper and pneumatic trailers, (1) from Horn, Mo., and points within 10 miles thereof, to points in Arkansas, Oklahoma, Colorado, Kansas, Nebraska, Iowa, South Dakota, and Wyoming, (2) from St. Joseph, Mo., and points within 10 miles thereof, to points in Nebraska, Iowa, Kansas, Colorado, South Dakota and Wyoming, (3) from Muskogee, Okla., and points within 10 miles thereof to points in Arkansas, Kansas, and Missouri, and (4) from Lawrence, Kans., and points within 10 miles thereof, to points in Missouri, Oklahoma, Colorado, South Dakota, Nebraska, Iowa, and Wyoming. (5) *Returned and rejected shipments*, in connection with routes (1), (2), (3), and (4), above on return.

HEARING: July 31, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Laurence E. Masoner.

No. MC 93003 (Sub-No. 36), filed April 30, 1962. Applicant: CARROLL TRUCKING COMPANY, a corporation, 4901 U.S. Route 60, P.O. Box 5468, Huntington, W. Va. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities which, because of size or weight, require the use of special equipment or special handling*, between points in West Virginia, points in Ohio on and south of U.S. Highway 40, and those in Kentucky on and east of U.S. Highways 25 and 25W.

NOTE: Applicant states that if the authority requested above is granted, it will surrender its present certificate authorizing authority to transport "*Heavy machinery, as defined in Classification of Motor Carriers of Property*, 2 M.C.C. 703, between points in West Virginia, those in Ohio south of U.S. Highway 40, and those in Kentucky east of U.S. Highways 25 and 25W."

HEARING: August 2, 1962, at Room 5405–7 U.S. Court House and Federal Office Building, 500 Quarrier Street, Charleston, W. Va., before Joint Board No. 62, or, if the Joint Board waives its right to participate before Examiner Alfred B. Hurley.

No. MC 93003 (Sub-No. 37), filed June 8, 1962. Applicant: CARROLL TRUCKING COMPANY, INC., P.O. Box 5468, Huntington, W. Va. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Railway car wheels and axles*, mounted and dismounted, (1) from Huntington, W. Va., to points in Ohio, and (2) from Huntington, W. Va., to points in Tennessee on and east of U.S. Highway 27, those in Virginia on and west of U.S. Highway 220, those in Pennsylvania on and west of U.S. Highway 219 and those in Kentucky on and east of U.S. Highways 25 and 25W (except points within ten (10) miles of the Ohio River).

HEARING: August 1, 1962, at Room 5405–7 U.S. Court House and Federal Office Building, 500 Quarrier Street, Charleston, W. Va., before Examiner Alfred B. Hurley.

No. MC 95540 (Sub-No. 422) (CLARIFICATION), filed April 20, 1962, published FEDERAL REGISTER issue of May 16, 1962, clarified June 7, 1962, and republished, as clarified, this issue. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, 205 Jackson Building, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and advertising matter and display material*, when shipped in connection with shipments of frozen foods, from Cleveland, Ohio, to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE: The purpose of this republication is to add "advertising matter and display material, when shipped in connection with shipments of frozen foods" and also to delete the destination states of Wisconsin, Mississippi, and New Orleans, La., as a destination, as previously published.

HEARING: Remains as assigned June 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gordon M. Callow.

No. MC 95540 (Sub-No. 424) (AMENDMENT), filed April 25, 1962, published FEDERAL REGISTER issue June 13, 1962, amended June 13, 1962, and republished as amended this issue. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, from points in Sumter County Ga., to points in Connecticut, Delaware, Florida, Illinois, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE: The purpose of this republication is to eliminate the destination States of Alabama, Indiana, Ohio, Tennessee, and Texas as requested in previous publication.

HEARING: Has been reassigned to June 21, 1962, at 680 West Peachtree Stree NW., Atlanta, Ga., before Examiner Parks M. Low.

No. MC 95540 (Sub-No. 432), filed May 31, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat-packing houses*, and *frozen foods*, from Sylvester and Tifton, Ga., to points in Alabama, Colorado, Connecticut, Delaware, Florida, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia.

NOTE: Common control may be involved.

HEARING: July 23, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Wm. N. Culbertson.

No. MC 107107 (Sub-No. 208), filed March 28, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery* and *advertising, promotional and display materials and racks*, and *premiums*, from Chattanooga, Tenn., to points in Florida.

HEARING: July 23, 1962, at the U.S. Post Office and Court House, Chattanooga, Tenn., before Examiner Boss.

No. MC 107107 (Sub-No. 216) filed May 24, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, as defined by the Commission, from points in Sumter County, Ga., to points in Connecticut, Delaware, District of Columbia, Florida, Illinois, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

HEARING: June 21, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Parks M. Low.

No. MC 107515 (Sub-No. 399), filed May 18, 1962. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217, Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts and frozen foods*, from Sylvester and Tifton, Ga., to points in Florida, North Carolina, South Carolina, Virginia, New York, Massachusetts, Pennsylvania, Alabama, Mississippi, Louisiana, Tennessee, West Virginia, Ohio, Kentucky, New Jersey, Maryland, Delaware, the District of Columbia, Connecticut, Rhode Island, Illinois, Indiana, Michigan, and Texas.

NOTE: Common control may be involved

HEARING: July 23, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Wm. N. Culbertson.

No. MC 108449 (Sub-No. 144) (AMENDMENT), filed March 14, 1962, published FEDERAL REGISTER issue of June 6, 1962, amended May 31, 1962, and republished, as amended, this issue. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from points in Hennipen, Ramsey, Washington, Anoka, Carver, Scott, Dakota, and Chisago Counties, Minn., to points in Minnesota, Iowa, Wisconsin, North Dakota, South Dakota, and the Upper Peninsula of Michigan.

NOTE: The purpose of this republication is to broaden the scope of the authority sought.

HEARING: Remains as assigned July 12, 1962, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner James Anton.

No. MC 109708 (Sub-No. 21) (AMENDMENT), filed April 19, 1962, published FEDERAL REGISTER issue June 6, 1962, and republished as amended this issue. Applicant: ERVIN J. KRAMER, doing business as MARYLAND TANK TRANSPORTATION CO., 401 Highland Street, Frederick, Md. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Grape juice and grape juice concentrate*, in bulk, in tank vehicles, (1) from Westfield, Hammondsport, and Clermont, N.Y., and points in Columbia, Dutchess and Ulster Counties, N.Y., to points in Virginia, Maryland, Florida, and North Carolina, and Atlanta, Ga., Nashville, Tenn., and Birmingham, Ala., (2) from Geneva, Ohio, to Hanover, Pa., and Baltimore, Md., (3) from Fredonia, N.Y., to Petersburg, Va., and (4) from North East, Pa., to Petersburg, Va., and Canandaigua, N.Y.; and (B) *Wine*, in bulk, in tank vehicles, (1) from Petersburg, Va., to Canandaigua, N.Y., and Baltimore, Md., and (2) from Canandaigua, N.Y., to Gardiner, Maine.

NOTE: The purpose of this republication is to broaden the territorial scope of the authority previously sought in Parts (A) and (B).

HEARING: Remains as assigned July 11, 1962, at 346 Broadway, New York, N.Y., before Examiner W. Elliott Neffen.

No. MC 110012 (Sub-No. 8), filed May 18, 1962. Applicant: G. B. C., INC., P.O. Box 68, Morristown, Tenn. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated and uncrated, from points in Cocke County, Tenn., to points in Alabama, Arkansas,

Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: August 1, 1962, at the County Court House, Knoxville, Tenn., before Examiner Boss.

No. MC 110884 (Sub-No. 5) (AMENDMENT), filed May 14, 1962, published FEDERAL REGISTER issue June 6, 1962, amended June 11, 1962, and republished as amended this issue. Applicant: FRANCIS A. AUBREY, 240 Hillside Avenue, Cranford, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical wiring plugs, receptacles, rosettes, sockets and parts thereof, electrical cord sets and fuse plugs*, in packages, from Farmingdale, N.Y., and New York, N.Y., to Chicago, Ill., Cincinnati and Cleveland, Ohio, Detroit, Mich., Philadelphia and Pittsburgh, Pa.; and (2) *Steel junction boxes with or without interior fittings, including electrical switches*, and *rejected shipments*, from Farmingdale, N.Y., to Chicago, Ill., Cincinnati and Cleveland, Ohio, Detroit, Mich., Philadelphia and Pittsburgh, Pa.

NOTE: The purpose of this republication is to include Cleveland, Ohio, as a destination point on the commodities shown in (1) and (2) above.

HEARING: Remains as assigned July 12, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Dallas B. Russell.

No. MC 113855 (Sub-No. 59), filed January 2, 1962. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52 South, Rochester, Minn. Applicant's attorney: Franklin J. Van Osdel, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery and machine parts, farm implements*, and *road construction materials, supplies and equipment*, (foreign commerce only), between points in North Dakota, Iowa, Illinois, and Wisconsin on the one hand, and, on the other, ports of entry on the boundary line between United States and Canada, located in North Dakota and Montana.

NOTE: Applicant states "Applicant here seeks *no new territory or new commodities*, to what it now possesses. Presently it has certificated authority to serve all of the above commodities and States exactly as here applied for, on foreign commerce through Minnesota ports of entry. This application is to obtain like authority to also use the Canadian border points in Montana and North Dakota, on such Canadian traffic. Applicant also already has additional I.C.C. rights to serve Canadian traffic on some of the foregoing commodities and States, via North Dakota and Montana."

HEARING: July 25, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Laurence E. Masoner.

No. MC 114364 (Sub-No. 63) (AMENDMENT), filed April 19, 1962, published FEDERAL REGISTER issue of June 6, 1962, amended June 7, 1962, and republished as amended, this issue. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Streets, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dried beet pulp pellets*, from Bayard, Gering, Mitchell, and Scottsbluff, Nebr., Brighton, Eaton, Fort Collins, Fort Morgan, Greeley, Johnstown, Longmont, Loveland, Ovid, Sterling, Windsor, Ordway, Rocky Ford, Sugar City, Brush, and Delta, Colo., to points in Arizona, and Blythe, Calif., and points within twenty (20) miles of Blythe, Calif., and (2) *cottonseed cake products*, from points in Arizona and El Paso, Tex., to points in Colorado and Wyoming (except El Paso, Tex., to Wyoming).

NOTE: The purpose of this republication is to broaden the scope of the authority sought.

HEARING: Remains as assigned July 16, 1962, at the New Customs House, Denver, Colo., before Examiner Henry A. Cockrum.

No. MC 114457 (Sub-No. 7) (CORRECTION), filed March 16, 1962, published FEDERAL REGISTER issue June 6, 1962, corrected June 11, 1962, and republished as corrected, this issue. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul 4, Minn. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Macon, Marshall, Carrollton, Moberly, and Milan, Mo., to Fargo, N. Dak., and points in Minnesota.

NOTE: The purpose of this republication is to designate "Minnesota" as a destination state in lieu of "Missouri", as previously published.

HEARING: Remains as assigned July 16, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Examiner Samuel C. Shoup.

No. MC 114552 (Sub-No. 18), filed May 14, 1962. Applicant: SENN TRUCKING COMPANY, a corporation, R.F.D. No. 4, Box 283, Newberry, S.C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia 1, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (except plywood and veneer) (1) between points in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia, and (2) from points in Clark County, Ky., to points in Rock County, Wis.

HEARING: August 2, 1962, at the County Court House, Knoxville, Tenn., before Examiner Boss.

No. MC 114569 (Sub-No. 51), filed June 11, 1962. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Michigan (except Benton Harbor, Detroit, and Muskegon), New York (except points on and south of Highway 6) and Maine, to Orrtanna and Peach Glen, Pa.

HEARING: June 22, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 116459 (Sub-No. 30), filed March 13, 1962. Applicant: RUSS TRANSPORT, INC., P.O. Box 8292, Chattanooga, Tenn. Applicant's attorney: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, in bulk, packages and blocks, from points in Tennessee to points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, Virginia, and Tennessee.

HEARING: July 27, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Boss.

No. MC 116544 (Sub-No. 20) (AMENDMENT), filed March 26, 1962, published FEDERAL REGISTER issue of June 13, 1962, amended June 11, 1962, and republished, as amended, this issue. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Street, Carthage, Mo. Applicant's attorney: Robert R. Hendon, 3200 Cummings Lane, Chevy Chase 15, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, potatoes* and *potato products*, frozen and unfrozen, cooked, uncooked and blanched, from points in Nebraska (except Omaha and Lincoln) on and east of U.S. Highways 383 and 183 and points on and south of U.S. Highway 30 and Carthage, Mo., to points in Florida, Georgia, South Carolina, North Carolina, Alabama, Tennessee, Missouri, Louisiana, Arkansas, Oklahoma, Mississippi, Texas, and Kansas, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: The purpose of this republication is to add "frozen foods" to the commodity description and to broaden the scope of the authority sought.

HEARING: Remains as assigned July 20, 1962, in South Court Room, Old Post Office Building, 16th and Dodge Streets, Omaha, Nebr., before Examiner Bernard J. Hasson, Jr.

No. MC 116544 (Sub-No. 26), filed June 4, 1962. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, Carthage, Mo. Applicant's attorney: Robert R. Hendon, 734 15th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products* (not canned and not frozen), from Waycross, Ga., to points in Missouri, Kansas, Iowa, Minnesota, Arkansas, Louisiana, Texas, Oklahoma, Colorado, Nebraska, South Dakota, North Dakota, Wisconsin, Illinois, and Mississippi, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

HEARING: August 1, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Laurence E. Masoner.

No. MC 117119 (Sub-No. 59), filed June 11, 1962. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark., and A. Alvis Lane, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Tyler, Tex., and points within ten (10) miles thereof, to points in Alabama, Georgia, Florida, North Carolina, South Carolina, and Tennessee.

HEARING: July 23, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Frank J. Mahoney.

No. MC 119641 (Sub-No. 37), filed May 17, 1962. Applicant: RINGLE EXPRESS, INC., 405 South Grant Avenue, Fowler, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Clark County, Ky., to Cincinnati and Avon Lake, Ohio, Fort Wayne, Ind., Memphis, Tenn., and points in Rock County, Wis., and *damaged and rejected shipments* of the above-specified commodity, on return.

HEARING: August 2, 1962, at the County Court House, Knoxville, Tenn., before Examiner Boss.

No. MC-121139. Applicant: ALL OHIO TRUCKING CO., 311 South Wabash Avenue, Wheeling, W. Va. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, Fifty West Broad Street, Columbus 15, Ohio. Assigned for hearing to determine whether the motor vehicle operations of All Ohio Trucking Co. are and will be managed and operated in a common interest, management, and control with those of Tower Lines, Inc., a multiple-state carrier holding certificates under No. MC-65941, and whether All Ohio Trucking Co. is eligible to engage in operations in interstate or foreign commerce within the State of West Virginia under the second proviso of section 206(a)(1) of the Interstate Commerce Act.

HEARING: July 31, 1962, at Room 5405-7 U.S. Court House and Federal Office Building, 500 Quarrier Street, Charleston, W. Va., before Examiner Alfred B. Hurley.

No. MC 123883 (Sub-No. 2), filed March 5, 1962. Applicant: CONTINENTAL DISPATCH, INC., 425 Bolton Avenue, Alexandria, La. Applicant's attorney: Warren A. Goff, Transcontinental Bus System, 315 Continental Avenue, Dallas 7, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments*, ordinarily used in banks and banking institutions, destined to or originating at banks or banking institutions, excluding coins, currency, negotiable securities, stationery and supplies, as follows: (a) Between Bristol, Va., on the one hand, and, on the other, points in Tennessee on and east of U.S. Highway 27, and Nashville and Memphis, Tenn.; (b) between Chattanooga, Knoxville, Memphis, and Nashville, Tenn., on the one hand, and, on the other, points in that part of Alabama on and north of a line beginning at the Mississippi-Alabama State line and extending along U.S. Highway 82 to Tuscaloosa, Ala., thence along U.S. Highway 11 to Birmingham, Ala., thence along U.S. Highway 78 to the Alabama-Georgia State line; (c) between Knoxville, Memphis, and Nashville, Tenn., on the one hand, and, on the other, Cairo, Ill., and points in Kentucky and Virginia on, south, and west of a line beginning at Wickliffe, Ky., and extending along U.S. Highway 60 to Paducah, Ky., thence along U.S. Highway 62 to Princeton, Ky., thence along Kentucky Highway 91 to Hopkinsville, Ky., thence along U.S. Highway 68 to Glasgow, Ky., thence along Kentucky Highway 80 to Manchester, Ky., thence along U.S. Highway 421 to Bristol, Va.; and (d) between Chattanooga, Knoxville, and Nashville, Tenn., on the one hand, and, on the other, points in Georgia and North Carolina on, north, and west of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 78 to Atlanta, Ga., thence along U.S. Highway 23 to Toccoa, Ga., thence along Georgia Highway 17 to Hollywood, Ga., thence along U.S. Highway 441 to the North Carolina-Tennessee State line.

NOTE: Applicant states it is a wholly owned subsidiary of Transcontinental Bus System, Inc.

Hearing: July 25, 1962, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Boss.

No. MC 124201 (Sub-No. 1), filed March 12, 1962. Applicant: RAY E. SECHREST, doing business as, SECHREST GARAGE & WRECKER SERVICE R.F.D. No. 4, North Main Street, Williamstown, Ky. Applicant's attorney: Howell W. Vincent, 130 Park Place, Covington, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged, or disabled motor vehicles*, and *motor vehicles to be utilized for replacement of such wrecked, damaged or disabled motor vehicles*, using wrecker equipment only, between points in Kentucky, Tennessee, and in Indiana and Ohio south of U.S. Highway 40.

HEARING: July 26, 1962, at Room 712, Federal Building, Cincinnati, Ohio, before Examiner Alfred B. Hurley.

No. MC 124218 (Sub-No. 1), filed May 14, 1962. Applicant: UNIT TRANSPORTATION, INC., 1307 East Michigan, Kalamazoo, Mich. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Camping trailers*, from Cincinnati, Ohio, to points in the United States (except Hawaii and Alaska), and *returned, damaged* and *rejected trailers*, from the above described destinations to Cincinnati, Ohio.

HEARING: July 24, 1962, at Room 712, Federal Building, Cincinnati, Ohio, before Examiner Alfred B. Hurley.

No. MC 124402, filed April 23, 1962. Applicant: FLEET LINE, INC., 3109 Alton Park Boulevard, Chattanooga, Tenn. Applicant's attorney: John T. Porter, 708 First National Bank Building, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal oils, animal fats, and vegetable oils, including products and blends thereof; frozen meats; dairy and poultry products, including but not limited to butter, margarine, cheese, cheese products, eggs and egg products, dried milk and dried milk products, dressed poultry, stuffed poultry, and poultry parts*, from Chattanooga, Tenn., to Helena, Ark., New Orleans, La., Landover and Cumberland, Md., Jackson, Miss., and points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, (2) *cheese*, from New Albany, Miss., and Woodbury, Tenn., to Chattanooga, Tenn., Helena, Ark., New Orleans, La., Landover and Cumberland, Md., Jackson, Miss., and points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, (3) *lard*, from Norfolk, Va., to points in North Carolina and South Carolina, (4) *glass containers*, from Mobile, Ala., Jackson, Miss., and Atlanta, Ga., to Chattanooga, Tenn., (5) *earth and beaching clay*, from Jackson, Miss., to Chattanooga, Tenn., (6) *drums* (containers), from Austelle, Ga., and Charlotte, N.C., to Chattanooga, Tenn., (7) *canned meat*, from Norfolk, Va., and Jacksonville, Fla., to Chattanooga, Tenn., Greensboro, N.C., and Atlanta, Ga., and (8) *emulsifier*, from Memphis, Tenn., to Chattanooga, Tenn.

NOTE: Applicant states the proposed transportation will be other than in tank trucks.

HEARING: July 24, 1962, at the U.S. Post Office and Court House, Chattanooga, Tenn., before Examiner Boss.

No. MC 124467, filed May 23, 1962. Applicant: D. G. TRUCKING CO., INC., 128 Hudson Street, New York 13, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by an importer of photographic paper, film, and materials and supplies thereto*, from Import Piers located in the New York, N.Y., Commercial Zone, as defined by the Commission, to the site of the Shipper's warehouse in Teterboro, N.J., and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

NOTE: Applicant states the proposed service to be (a) under a continuing contract with The Gevaert Co., of America, Inc., to New York, N.Y., and (b) to be restricted to commodities having a prior movement by water. Applicant also indicates that it has been serving suporting shipper for 20 years to points in the New York, N.Y., Commercial Zone.

HEARING: July 13, 1962, at 346 Broadway, New York, N.Y., before Examiner W. Elliott Neffien.

PREHEARING CONFERENCES

The applications immediately following are set for prehearing conference at the time and place designated in the notice of filing as here published in each proceeding. At the prehearing conference it is contemplated that the following matters will be discussed: (1) The issues generally with a view to their simplification; (2) the possibility and desirability of agreeing upon special procedure to expedite and control the handling of this application, including the submission of the supporting and opposing shipper testimony by verified statements; (3) the time and place or places of such hearing or hearings as may be agreed upon; (4) the number of witnesses to be presented and the time required for such presentations by both applicant and protestants; (5) the practicability of both applicant and the opposing carriers submitting in written form their *direct* testimony with respect to: (a) Their present operating authority; (b) their corporate organizations if any, ownership and control; (c) their fiscal data; (d) their equipment, terminals, and other facilities; (6) the practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of any hearing; and (7) any other matters by which the hearing can be expedited or simplified or the Commission's handling thereof aided.

No. MC 2934 (Sub-No. 7) (REPUBLICATION), filed April 16, 1962, published FEDERAL REGISTER, issue of May 23, 1962, and republished this issue. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 863 Massachusetts Avenue, Indianapolis, Ind. Applicant's attorney: James L. Beattey, Suite 1019–29, 130 East Washington Street. The purpose of this republication is to show that the prehearing conference previously scheduled for July 11, 1962, has been postponed to July 26, 1962, as shown below:

PREHEARING CONFERENCE: July 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James C. Cheseldine.

No. MC 40215 (Sub-No. 13), filed May 31, 1962. Applicant: RICHARDSON TRANSFER & STORAGE CO., INC., 246 North Fifth Street, Salina, Kans. Applicant's attorney: Carll V. Kretsinger, 510 Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used furniture, new and used household furnishings, fixtures, equipment, and appliances, new and used office, store, church, school, library, institutional, and commercial fixtures, equipment, appliances, and furnishings, airplane seats, new and used building fixtures and equipment, including but not limited to arches, balusters, bells, carillons, carts, chimes, columns, cornices, crestings, crosses, fencing, fire escapes* (slide type), *flower boxes, gates, grills, jardineres, lamps, letters, liturgical arts, louvers, metalwork* (ornamental and decorative), *millwork, mouldings, panels, plaques, posts and ropes, railings, scoreboards, screens, sculptured figures, sculptured modulants, shelf racks on wheels, shutters, signs, solar screens, spires, stages, steeples, sun control devices, treillages, turnstiles, urns, and weathervanes, new and used laboratory, hospital, scientific, dental, medical and school furniture, fixtures, appliances, instruments, and equipment, articles, including objects of art, displays and exhibits, which because of their unusual nature or value require the specialized handling and equipment usually employed in moving household goods, including but not limited to microfilm equipment, television recording cameras, audio equipment, office equipment containing intricate and delicate wiring and of high value, laboratory equipment for microwave portable sets, portable carrier sets used in the transmission of telegraph messages, tabulators and accessory tabulating machinery and equipment, stage scenery, props, stage furniture, fixtures and equipment, costumes, baggage, pipe organs, automobiles used for display purposes, articles, including objects of art, displays and exhibits,* not of unusual nature or value but which require specialized handling, facilities and specifically trained employees not ordinarily in use of general commodity transportation *including but not limited to photographic machinery and equipment used in microfilming and reproducing photographic records, white line, black line and blue print machines, pin ball machines, calculating machines and parts, cash registers, cafeteria and kitchen equipment, television sets and transmitting equipment, switchboards, communication equipment, radar equipment, sound systems, phonographs, electronic organs, juke boxes, coin operated vending machines, musical instruments, new floor covering and voting machines,* all uncrated (except that small parts may be packed in cloth bag and attached to individual article of which it is a component part or shipped separately in a bag, package or box), between points in the United States including Alaska and Hawaii.

NOTE: Applicant states that nothing hereinabove described is intended by applicant to duplicate any authority which it presently holds as a household goods carrier but only includes those commodities which do not properly come within the commodity description of household goods as defined by the Interstate Commerce Commission.

PREHEARING CONFERENCE: July 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James C. Cheseldine.

No. MC 41098 (Sub-No. 10), filed June 11, 1962. Applicant: GLOBAL VAN LINES, INC., 9100 East Garvey Avenue, South San Gabriel, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used furniture, new and used household furnishings, fixtures, equipment and appliances, new and used office, store, church, school, library, institutional, and commercial fixtures, equipment, appliances, and furnishings, airplane seats, new and used building fixtures and equipment, including but not limited to arches, balusters, bells, carillons, carts, chimes, columns, cornices, crestings, crosses, fencing, fire escapes* (slide type), *flower boxes, gates, grills, jardineres, lamps, letters, liturgical arts, louvers, metalwork* (ornamental and decorative), *millwork, mouldings, panels, plaques, posts and ropes, railings, scoreboards, screens, sculptured figures, sculptured modulants, shelf racks on wheels, shutters, signs, solar screens, spires, stages, steeples, sun control devices, treillages, turnstiles, urns, and weathervanes, new and used laboratory, hospital, scientific, dental, medical and school furniture, fixtures, appliances, instruments, and equipment, articles, including objects of art, displays and exhibits, which because of their unusual nature or value require the specialized handling and equipment usually employed in moving household goods, including but not limited to microfilm equipment, television recording cameras, audio equipment, office equipment containing intricate and delicate wiring and of high value, laboratory equipment for micro-wave portable sets, portable carrier sets used in the transmission of telegraph messages, tabulators and accessory tabulating machinery and equipment, stage scenery, props, stage furniture, fixtures and equipment, costumes, baggage, pipe organs, automobiles used for display purposes; articles, including objects of art, displays and exhibits, not of an unusual nature or value but which require specialized handling, facilities and specifically trained employees not ordinarily in use of general commodity transportation, including but not limited to photographic machinery and equipment used in microfilming and reproducing photographic records, white line, black line, and blue print machines, pin ball machines, calculating machines and parts, cash registers, cafeteria and kitchen equipment, television sets and transmitting equipment, switchboards, communication equipment, radar equipment, spund systems, phonographs, electronic organs juke boxes, coin operated vending machines, musical instruments, new floor coverings and voting machines,* all uncrated (except that small parts and pieces accompanying shipments may be packed in cloth bag and attached to individual article of which it is a component part or shipped separately in a bag, package or box), between points in the United States including Alaska and Hawaii.

NOTE: Applicant states that nothing described in proposed service is intended to duplicate any authority presently held as a Household Goods Carrier, but only includes those articles which do not properly come within the commodity description Household Goods as defined by the Commission in 17 M.C.C. 467.

PREHEARING CONFERENCE: July 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James C. Cheseldine.

No. MC 52793 (Sub-No. 14), filed June 4, 1962. Applicant: BEKINS VAN LINES, INC., 333 South Center Street, Hillside, Ill. Applicant's attorney: Eldon R. Clawson, 1335 South Figueroa Street, Los Angeles 15, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used furniture, new and used household furnishings, fixtures, equipment and appliances, new and used office, store, church, school, library, institutional, and commercial fixtures, equipment, appliances and furnishings, airplane seats, new and used building fixtures and equipment, including but not limited to arches, balusters, bells, carillons, carts, chimes, columns, cornices, crestings, crosses, fencing, fire escapes* (slide type), *flower boxes, gates, grills, jardineres, lamps, letters, liturgical arts, louvers, metalwork* (ornamental and decorative), *millwork, mouldings, panels, plaques, posts and ropes, railings, scoreboards, screens, sculptured figures, sculptured modulants, shelf racks on wheels, shutters, signs, solar screens, spires, stages, steeples, sun control devices, treillages, turnstiles, urns, and weathervanes, new and used laboratory, hospital, scientific, dental, medical and school furniture, fixtures, appliances, instruments, and equipment, articles, including objects of art, displays and exhibits, which because of their unusual nature or value require the specialized handling and equipment usually employed in moving household goods, including but not limited to microfilm equipment, television recording cameras, audio equipment, office equipment containing intricate and delicate wiring and of high value, laboratory equipment for micro-wave portable sets, portable carrier sets used in the transmission of telegraph messages, tabulators and accessory tabulating machinery and equipment, stage scenery, props, stage furniture, fixtures and equipment, costumes, baggage, pipe organs, automobiles used for display purposes, articles, including objects of art, displays and exhibits,* not of an unusual nature or value but which require specialized handling, facilities and specifically trained employees not ordinarily in use of general commodity transportation, *including but not limited to microfilm equipment, television recording cameras, audio equipment, office equipment containing intricate and delicate wiring and of high value, laboratory equipment for micro-wave portable sets, portable carrier sets used in the transmission of telegraph messages, tabulators and accessory tabulating machinery and equipment, stage scenery, props, stage furniture, fixture and equipment, costumes, baggage, pipe organs, automobiles used for display purposes, photographic machinery and equipment used in microfilming and reproducing photographic records, white line, black line and blue print machines, pin ball machines, calculating machines and parts, cash registers, cafeteria and kitchen equipment, television sets and transmitting equipment, switchboards, communication equipment, radar equipment, sound systems, phonographs, electronic organs, juke boxes, coin operated vending machines, musical instruments, new floor coverings and voting machines, optical and radio telescopes and other astronomical instruments, observatory equipment and devices, satellites, data processing equipment, amplifiers, radio controlled drones, telemetry equipment, iron lungs, electronic plotters, missiles and missile parts, rockets and rocket parts, flight simulators, antennas, electronic sorters, micro-wave transmitting, receiving and testing equipment, accelerators, boats, new and used, commercial and scientific cameras, photocopy equipment, oscilloscopes, attenuation measuring equipment, electronic counters, static inverters, digital data processing equipment, spectrum analyzers, radar equipment, simulators and test equipment, circuit board printers, electronic lathes, enemometers, sonar equipment, television transmitting equipment, airplane wings and fuselage sections, and parts and auxiliary equipment to be used in connection with the foregoing,* all uncrated, (except that small parts and pieces accompanying shipments may be packed in cloth bag and attached to individual article of which it is a component part or shipped separately in bag, package or box), between points in the United States, including Hawaii and Alaska.

NOTE: Applicant states that nothing here described is intended to duplicate any authority presently held by applicant as a household goods carrier, but only includes those articles which do not come within the commodity description Household Goods as defined by the Commission in 17 M.C.C. 467.

PREHEARING CONFERENCE: July 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James C. Cheseldine.

No. MC 116440 (Sub-No. 1) (REPUBLICATION), filed April 30, 1962, published FEDERAL REGISTER, issue of May 23, 1962, and republished this issue. Applicant: VAN-PAK, INC., 1104 Bankers Trust Building, Des Moines, Iowa. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. The purpose of this republication is to show that the prehearing conference previously scheduled for July 11, 1962, has been postponed to July 25, 1962, as shown below:

PREHEARING CONFERENCE: July 25, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James C. Cheseldine.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 26396 (Sub-No. 37), filed June 11, 1962. Applicant: RICHARD POPELKA, doing business as POPELKA TRUCKING CO., 1508 Highway 10 East, Billings, Mont. Applicant's attorney: J. F. Meglen, 2822 Third Avenue North, P.O. Box 1581, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Riverton, Wyo., to those points in North Dakota on and west of U.S. Highway 83.

No. MC 59396 (Sub-No. 11), filed June 7, 1962. Applicant: BUILDERS EXPRESS, INC., Limecrest Road, R.D., Lafayette, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone and limestone products*, in bags, and in bulk, between points in Sussex County, N.J., on the one hand, and, on the other, points in Connecticut, Massachusetts, New York, Pennsylvania, Maryland, Delaware, and the District of Columbia.

NOTE: Applicant states that it presently holds authority for the same commodities from Newton and five miles thereof to points in Connecticut, Massachusetts, New York, and Pennsylvania as shown in Certificate MC 59396.

No. MC 84420 (Sub-No. 6), filed June 6, 1962. Applicant: L. & F. GRANITE HAULING CO., INC., 42 Maywood Avenue, Hamburg, N.Y. Applicant's representative: Floyd B. Piper, Crosby Building, Franklin Street at Mahawk, Buffalo 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite and granite monuments, and marble and marble monuments*, from Buffalo and Hamburg (Erie County), N.Y., to points in New York on and west of a line beginning at Oswego, N.Y., and extending over New York Highway 57 to Junction U.S. Highway 11, thence over U.S. Highway 11 to the Pennsylvania State line, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

No. MC 86687 (Sub-No. 65), filed June 5, 1962. Applicant: SEABOARD AIR LINE RAILROAD COMPANY, a corporation, 3600 West Broad Street, Richmond, Va. Applicant's attorney: Wilkes C. Robinson, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Junction of Georgia Highways 241 and 309 and Quincy, Fla.; from the junction of Georgia Highways 309 and 241 thence over Georgia Highway 241 to the Georgia-Florida State line; thence over Florida Highway 65 to Quincy, Fla., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's regular route operations.

No. MC 106965 (Sub-No. 188), filed June 11, 1962. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1825 Jefferson Place NW., Washington, D.C. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry silica gel catalyst*, in bulk, in closed hopper or tank vehicles, from Baltimore, Md., to points in York County, Va.

NOTE: Applicant states it is under common control with O'Boyle Tank Lines, Inc., a Virginia corporation.

No. MC 110525 (Sub-No. 510) (AMENDMENT), filed May 29, 1962, published issue of June 13, 1962, amended June 12, 1962, and, republished as amended this issue. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Ronald N. Cobert, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium sulfide and ammonium thiocyanate solutions*, in bulk, in tank vehicles, from Phillipsburg, N.J., to Solvay, N.Y.

NOTE: The purpose of this republication is to clarify the commodity description.

No. MC 110698 (Sub-No. 216), filed June 8, 1962. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Greensboro, N.C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum wax*, in bulk, in tank vehicles, (1) from Thrift, N.C., to points in South Carolina and Durham, N.C.; and (2) from Greensboro, N.C., to Durham, N.C.

No. MC 112617 (Sub-No. 120) (AMENDMENT), filed May 25, 1962, published in FEDERAL REGISTER issue of June 13, 1962, amended June 7, 1962, and republished, as amended, this issue. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Mt. Vernon, Ind., and points within five (5) miles thereof, to points in Illinois, Kentucky, and Missouri, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: The purpose of this republication is to reflect applicant's attorney.

No. MC 115523 (Sub-No. 104), filed June 7, 1962. Applicant: CLARK TANK LINES COMPANY, 1450 Beck Street, Salt Lake City, Utah. Applicant's attorney: Edward M. Berol, 100 Bush Street, 21st Floor, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and sand*, granulated or pulverized with not over 3.5 percent other ingredients, admixed but not processed for declorizing, filtering, or water softening, from Belle Fourche, S. Dak., to Salt Lake City, Utah, and points within 15 miles thereof.

No. MC 115876 (Sub-No. 7), filed June 4, 1962. Applicant: EDWIN HURNER, 1314 Fifth Street South, Moorhead, Minn. Applicant's attorney: Lee F. Brooks, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* and *frozen foods* (1) between Moorhead, Minn., and Omaha, Nebr., and (2) between Omaha, Nebr., and Moorhead, Minn., on the one hand, and on the other, Huron and Watertown, S. Dak.

No. MC 123602 (Sub-No. 3), filed May 31, 1962. Applicant: GRANT COWIE, doing business as FASTEST WAY MOTOR FREIGHT, West 3528 Glass Avenue, Spokane, Wash. Applicant's attorney: Hugh A. Dressel, 702 Old National Bank Building, Spokane 1, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, including *articles of unusual value, Classes A and B explosives, commodities in bulk*, and *those requiring special equipment* (but excluding household goods as defined by the Commission), between Spokane, Wash., and points in Pend Oreille County, Wash.

No. MC 124014 (Sub-No. 2), filed June 8, 1962. Applicant: MICHELA COAL AND DOCK COMPANY, a corporation, Washburn, Wis. Applicant's attorney: John L. Bruemmer, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rock salt*, in bulk, from Washburn, Wis., to points in Gogebic, Ontonagon, Houghton, Keweenaw, Baraga, and Iron Counties, Mich., and *damaged and rejected shipments* of the above-specified commodity, on return.

NOTE: Applicant states the proposed operation is for the account of Diamond Crystal Salt Co.

No. MC 124507, filed June 4, 1962. Applicant: VIRGIL O. COMER, doing business as COMER SPREADER SERVICE, R.F.D. 1, Winchester, Va. Applicant's representative: Eston H. Alt, P.O. Box 81, Winchester, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural lime, limestone and fertilizer*, in bulk, in spreader vehicles (other than tank vehicles), for spreader application directly to the soil, from Alexandria and points in Frederick, Warren, Loudoun, and Clarke Counties, Va., and points in Frederick County, Md., to points in Clarke, Warren, Frederick, Fauquier, Loudoun, Fairfax, Prince William, and Shenandoah Counties, Va., points in Hardy, Hampshire, Grant, Mineral, Morgan, Berkeley, and Jefferson Counties, Va., points in Garrett, Allegany, Washington, Frederick, Carroll, Baltimore, Howard, Cecil, Kent, Montgomery, Queen Annes, Talbot, Dorchester, Caroline, Wicomico, Somerset, Worcester, Saint Marys, Calvert, Charles, Prince Georges, and Anne Arundel Counties, Md., and points in Adams, Franklin, and Fulton Counties, Pa.

No. MC 124508, filed June 4, 1962. Applicant: R. H. McILWEE, P.O. Box 836, Winchester, Va. Applicant's representative: Eston H. Alt, P.O. Box 81, Winchester, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural lime, limestone and fertilizer*, in bulk, in spreader vehicles (other than tank vehicles), for spreader application directly to the soil, from Alexandria and points in Frederick, Warren, Loudoun, and Clarke Counties, Va., and Frederick County, Md., to points in Clarke, Warren, Frederick, Fauquier, Loudoun, Fairfax, Prince William, and Shenandoah Counties, Va., points in Hardy, Hampshire, Grant, Mineral, Morgan, Berkeley, and Jefferson Counties, W. Va., points in Garrett, Allegany, Washington, Frederick, Carroll, Baltimore, Howard, Cecil, Kent, Montgomery, Queen Annes, Talbot, Dorchester, Caroline, Wicomico, Somerset, Worcester, Saint Marys, Calvert, Charles, Prince Georges, and Anne Arundel Counties, Md., and points in Adams, Franklin, and Fulton Counties, Pa.

NOTICE OF FILING OF PETITIONS SEEKING MODIFICATION OF COMMODITY DESCRIPTIONS IN PERTINENT ACTIVE OPERATING AUTHORITIES HELD BY PETITIONERS

In a report on reconsideration, decided October 16, 1961, and served November 9, 1961, in the No. MC 109637 (Sub-No. 74), Southern Tank Lines, Inc., Extension—St. Bernard, Ohio, the Commission concluded generally that the commodity descriptions utilized in granting operating authority to motor carriers of liquid chemicals, including those prescribed in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, and *Maxwell Co. Extension—Addyston*, 63 M.C.C. 677, should be revised for use in making future grants, and as a basis for modifying outstanding certificates and permits upon application of the holders thereof in accordance with approved procedure. The Commission found with respect to the commodity descriptions at issue, that the generic heading "liquid chemicals, in bulk, in tank vehicles," is a proper and reasonable commodity description for use in motor carrier operating authorities issued by the Commission; and that where such commodity description described is utilized, the following will be a reasonable and proper definition thereof for determining the commodities which are embraced in such description:

Liquid chemicals, as used in the foregoing commodity description are those substances or materials resulting from a chemical or physical change induced by processes employed in the chemical industry, including uniting, mixing, blending, and compounding.

The subject report provided: "All motor carriers holding certificates or permits authorizing the transportation in bulk, in tank vehicles, of 'liquid chemicals as defined in the *Maxwell* case', of 'Acids and chemicals as described in the *Descriptions* case', or of liquid chemicals under any other commodity description, are hereby notified that petitions will be entertained requesting the modification of such authorities to reflect the revised commodity description promulgated herein. Such petitions should refer to the specific authority which the carrier desires to have modified, and should contain a certification that there is, in fact, traffic available for the transportation from and to the points it is authorized to serve, and that its operations are not dormant. The petitions should be filed in the proceedings in which the authority held was granted, these petitions will be published in the FEDERAL REGISTER, and if no objections are filed thereto, they will be disposed of without extended further proceedings. If protests are received, a hearing may be required for their disposition; but, in such event, every effort will be made to conclude the proceedings promptly." The following petitions seeking modification of the pertinent operating authorities identified by number below have been received:

No. MC 730 (Sub-Nos. 52 and 60), filed December 4, 1961. Petitioner: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, Oakland, Calif. Petitioner's attorney: W. S. Pilling, P.O. Box 958, Oakland 4, Calif.

No. MC 25643 (Sub-Nos. 39 and 41), filed December 19, 1961. Petitioner: SVERTS' COMMERCIAL TRANSPORT, INC., Eugene, Oreg. Petitioner's attorney: Earle V. White, 2130 Southwest Fifth Avenue, Portland 1, Oreg.

No. MC 42487 (Sub-Nos. 336, 462 and 472), filed January 2, 1962. Petitioner: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELEWARE, Menlo Park, Calif.

No. MC 77135 (Sub-No. 11), filed December 20, 1961. Petitioner: PACIFIC TRUCK SERVICE, INC., San Jose, Calif. Petitioner's attorneys: Berol, Loughran & Geernaert, 100 Bush Street, San Francisco 4, Calif.

No. MC 88161 (Sub-Nos. 22, 24, 28, 31, 36, 38, 40, 48, and 51), filed December 7, 1961. Petitioner: INLAND TRANSPORTATION CO., INC., Seattle, Wash. Petitioner's attorney: Albert E. Stephan, 2100 Exchange Building, Seattle 4, Wash.

No. MC 92983 (Sub-Nos. 247, 248, 266, 314, and 385), filed December 20, 1961, January 2, 1962, January 5, 1962, December 20, 1961, and January 17, 1962, respectively. Petitioner: ELDON MILLER, INC., Iowa City, Iowa. Petitioner's attorney: Marshall Young (same address as applicant).

No. MC 103880 (Sub-Nos. 134, 143, 152, 158, 174, 195, 217, and 225), filed March 2, 1962. Petitioner: PRODUCERS TRANSPORT, INC., New Buffalo, Mich. Petitioner's attorneys: Axelrod, Goodman and Steiner, 39 South La Salle Street, Chicago 3, Ill.

No. MC 106400 and No. MC 106400 (Sub-Nos. 1, 4, 6, 10, 12, 14, 16, 17, 21, 22, 23, 25, 29, 31, and 36), filed March 14, 1962. Petitioner: KAW TRANSPORT COMPANY, Kansas City, Mo. Petitioner's attorney: Stanley F. Clay, 314 First National Building, Joplin, Mo.

No. MC 109689 Sub-No. 92), filed December 4, 1961. Petitioner: W. S. HATCH CO., Woods Cross, Utah. Petitioner's attorney: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah.

No. MC 110420 (Sub-No. 223), filed April 16, 1962. Petitioner: QUALITY CARRIERS, INC., Burlington, Wis.

No. MC 111159 (Sub-No. 64), filed March 5, 1962. Petitioner: MILLER TRANSPORTERS, LTD., Jackson, Miss.

No. MC 113514 (Sub-Nos. 3, 22, 52, and 63), filed December 4, 1961. Petitioner: SMITH TRANSIT, INC., Dallas, Tex. Petitioner's attorney: W. D. White, 1900 Mercantile Dallas Building, Dallas 1, Tex.

No. MC 115873, filed November 29, 1961, previously published in FEDERAL REGISTER issue of February 21, 1962, and republished this issue. Petitioner: HAROLD WAGGONER & COMPANY, Collingsville, Ind.

No. MC 124070, filed March 23, 1962. Petitioner: CHEMICAL HAULERS, INC., Indianapolis, Ind. Petitioner's attorney: Howell Ellis, 1210–12 Fidelity Building, Indianapolis, Ind., Any person or persons desiring to participate in this proceeding may file replies to said petitioners (original and fourteen (14) copies each) within 30 days from the date of this publication in the FEDERAL REGISTER. In the event it is deemed necessary or desirable, informal conferences between our staff members and the tank truck carriers, and any other persons who may have an interest in the matter, can be arranged for the purpose of implementing the matter. Persons responding to this publication should specifically advise whether an informal conference is desired.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–8164. Authority sought for purchase by SCHWERMAN TRUCKING CO., 620 South 29 Street, Milwaukee 46, Wis., of a portion of the operating rights and certain property of BULK TRANSPORT, INC., Highway 190, P.O. Box 52, Port Allen, La., and for acquisition by FRED J. SCHWERMAN, RICHARD D. SCHWERMAN, CARL L. SCHWERMAN, and FRED SCHWERMAN, SR., all of Milwaukee of control of such rights and property through the purchase. Applicants' representatives: James R. Ziperski, 620 South 29 Street, Milwaukee 46, Wis., and W. H. Gillen, Highway 190, P.O. Box 52, Port Allen, La. Operating rights sought to be transferred: *Cement*, as a *common carrier* over irregular routes from Birmingham, Alabama (except from the plant of the American Marietta Co., a division of Southern Cement Company), to points in Florida, Georgia, Louisiana, Mississippi, and Tennessee. Vendee is authorized to operate as a *contract carrier* in Wisconsin, Illinois, and Indiana. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8165. Authority sought for purchase by RUAN TRANSPORT CORPORATION, 408 SE. 30th Street, Des Moines, Iowa, of a portion of the operating rights of HILLSIDE TRANSIT, CO., INC., Milwaukee, Wis., and for acquisition by JOHN RUAN, also Des Moines, Iowa, of control of such rights through the purchase. Applicants' attorney: Henry L. Fabritz, Ruan Transport Corporation, P.O. Box 855, Des Moines 4, Iowa. Operating rights sought to be transferred: *Petrolcum products*, in bulk, in tank vehicles, as a *contract carrier*, over irregular routes from Green Bay, Wis., to points in the Upper Peninsula of Michigan between U.S. Highway 45 on the west and Michigan Highway 77 on the east, within 200 miles of Green Bay, including points on the indicated portions of the highways specified. Vendee is authorized to operate as a *common carrier* in Iowa, Illinois, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, North Dakota, South Dakota, Indiana, Michigan, Ohio, Colorado, Oklahoma, Arkansas, Louisiana, Kentucky, Texas, Pennsylvania, and Tennessee. Application has not been filed for temporary authority under section 210a(b).

NOTE: An application will be filed as a matter directly related to convert the HILLSIDE authority from contract to common carrier rights.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62–5990; Filed, June 19, 1962; 8:49 a.m.]

[Notice 653]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 15, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64980. By order of June 14, 1962, the Transfer Board approved the transfer to G.T.R. Bus Lines, Inc., Cumberland, Md., of Certificate No. MC 123139 Sub 1, issued August 23, 1961, to Lawrence A. Roderick and Clyde D. Turner, a partnership, doing business as G.T.R. Bus Lines, Cumberland, Md., authorizing the transportation of: Passengers and their baggage, in the same vehicle with passengers, between Cumberland, Md., and Paw Paw, W. Va., over certain designated highways, serving specified intermediate points. Earl Edmund Manges, 120 South Liberty Street, P.O. Box 833, Cumberland, Md., attorney for applicants.

No. MC–FC 64987. By order of June 14, 1962, the Transfer Board approved the transfer to Smith & Miller Moving Co., Inc., Arlington, Mass., of Certificate No. MC 43294, issued September 7, 1943, to Lawrence H. Mattie, doing business as L. H. Mattie Trucking & Moving Co., Quincy, Mass., authorizing the transportation of: Household goods, between Boston, Mass., and points within 20 miles of Boston, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, and New Jersey. George J. Elbaum, 11 Beacon Street, Boston 8, Mass., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62–5991; Filed, June 19, 1962; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 15, 1962.

Protests to the granting of an application must be prepared in accordance

with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37803: *Newsprint and ground paper and paper articles to California Points.* Filed by Pacific Southcoast Freight Bureau, Agent (No. 243), for interested carriers. Rates on newsprint and groundwood paper and paper articles, as described in the application, in carloads, from points in Oregon, Washington, and British Columbia, to points in California.

Grounds for relief: Coastwise barge and market competition.

Tariff: 219th revised page 121 and 15 additional revised pages to Pacific Southcoast Freight Bureau tariff I.C.C. 1352.

FSA No. 37804: *T.O.F.C. service—Between southwestern and western trunk-line territories.* Filed by Southwestern Freight Bureau, Agent (No. B-8229), for interested rail carriers. Rates on various commodities moving on class and commodity rates, loaded in trailers and transported on railroad flat cars, between points in southwestern territory, also Memphis, Tenn., and Natchez, Miss., on the one hand, and points in Illinois, Iowa, Minnesota, and Nebraska, on the other.

Grounds for relief: Carrier and motor-truck competition.

Tariff: Supplement 1 to Southwestern Freight Bureau tariff I.C.C. 4480.

FSA No. 37805: *Liquefied petroleum gas from Holmwood, La.* Filed by Southwestern Freight Bureau, Agent (No. B-8226), for interested rail carriers. Rates on liquefied petroleum gas, in tank-car loads, from Holmwood, La., to points in official (including Illinois), southern, southwestern and western trunk-line territories, also points in Colorado, Idaho, Montana, Nevada, Oregon, Utah, and Wyoming.

Grounds for relief: Market competition.

Tariffs: Supplement 57 to Southwestern Freight Bureau tariff I.C.C. 4410 and 6 other schedules named in the application.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-5992; Filed, June 19, 1962; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

The National Aeronautics & Space Administration has filed an application, Serial Number F. 025943 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for use in connection with a data acquisition facility.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Cordova Building, Sixth and Cordova, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILMORE CREEK

T. 2 N., R. 1 E., F.M.,
Sec. 13: SE¼NW¼, S½NE¼, SE¼, SW¼;
Sec. 14: E½SE¼, SW¼SE¼;
Sec. 16: S½NW¼, SW¼;
Sec. 17: SE¼SW¼, SE¼NE¼, SE¼;
Sec. 20: E½NW¼, NE¼, SE¼, E½SW¼, SW¼SW¼;
Sec. 21: NW¼, SW¼NE¼, NW¼, SW¼, SE¼SE¼, SW¼.
Sec. 22: All;
Sec. 23: All;
Sec. 24: All;
Sec. 25: All;
Sec. 26: All;
Sec. 27: All;
Sec. 28: NE¼, NW¼, SW¼NW¼, N½NE¼;
Sec. 29: NE¼, NW¼, N½SW¼;
Sec. 30: SE¼NE¼, NE¼SE¼;
Sec. 34: N½;
Sec. 35: W½NW¼, E½NE¼;
Sec. 36: NW¼.
T. 2 N., R. 2 E., F.M., Protracted (unsurveyed),
Sec. 7: SE¼SE¼;
Sec. 8: SW¼SW¼;
Sec. 17: W½;
Sec. 18: All;
Sec. 19: All;
Sec. 20: W½, W½NE¼, W½SE¼.

Containing 9,360 acres.

ROBERT J. COFFMAN, *Chief, Division of Lands and Minerals Management.*

[F.R. Doc. 62-5960; Filed, June 19, 1962; 8:46 a.m.]

Office of the Secretary

PROPERTY OF THE CALIFORNIA RANCHERIAS AND OF THE INDIVIDUAL MEMBERS THEREOF

Termination of Federal Supervision

Notice is hereby given that the Indians named in the Redding Rancheria distribution plan and listed below are no longer entitled to any of the services performed by the United States for Indians because of their status as Indians, and all statutes of the United States which affect Indians because of their status as Indians shall be inapplicable to them, and the laws of the several states shall apply to them in the same manner as they apply to other citizens or persons within their jurisdiction. Title to land on this Rancheria has passed from the United States Government under the distribution plan of the Rancheria.

Redding Rancheria, 30.89 acres located within Lot No. 37, San Buenaventura Rancho, or what would be if surveyed Sec. 25, T. 31, N., R. 5 W., M.D.M., Shasta County, California.

Name; Date of Birth; and Address

Carole Hayward; May 1, 1921; Highway 99, S. Redding, Calif.
Sharon Hayward; July 16, 1942; Highway 99, S. Redding, Calif.
Ruel Hayward, Jr.; January 13, 1946; Highway 99, S. Redding, Calif.
Ramona Faye Hayward; January 26, 1952; Highway 99, S. Redding, Calif.
John Hayward; July 3, 1954; Highway 99, S. Redding, Calif.
James Hayward; December 2, 1955; Highway 99, S. Redding, Calif.
Barbara Murphy; November 28, 1939; Gen. Del., Redding, Calif.
John Albert Murphy; June 7, 1958; Gen. Del. Redding, Calif.
Mildred Merideth; January 24, 1924; Box 885, Redding, Calif.
Jack Eldon Potter; April 5, 1945; Box 885, Redding, Calif.
Philip Leslie Potter; December 10, 1947; Box 885, Redding, Calif.
Ruth Philpot; January 16, 1921; Box 885, Redding, Calif.
Arthur Hayward; January 6, 1924; 4108 Chico, Central Valley, Calif.
Orval Hayward; November 27, 1942; 4108 Chico, Central Valley, Calif.
William Hayward; November 25, 1944; 4108 Chico, Central Valley, Calif.
Mac Hayward; January 15, 1952; 4108 Chico, Central Valley, Calif.
Karen Hayward; May 5, 1954; 4108 Chico, Central Valley, Calif.
Virginia Timmons; December 27, 1903; Box 702, Redding, Calif.
Ora Timmons; May 29, 1915; Box 702, Redding, Calif.
Isgrigg Towndolly; October 2, 1889; Box 5529, Highway 99, South Redding, Calif.
Nellie Towndolly; July 21, 1897; Box 5529, Highway 99, South Redding, Calif.
Amy Wilson Keluche; November 13, 1933; Box 5529, Highway 99, South Redding, Calif.
Lawrence Baker, Jr.; September 3, 1953; Box 5529, Highway 99, South Redding, Calif.
Virgil Baker; November 8, 1955; Box 5529, Highway 99, South Redding, Calif.
William Baker; November 17, 1956; Box 5529, Highway 99, South Redding, Calif.
Chester Keluche; August 12, 1958; Box 5529, Highway 99, South Redding, Calif.
Lester Sorahan; August 16, 1912; Box 785, Redding, Calif.
Dorothy Dominguez; February 21, 1933; Box 785, Redding, Calif.
Paul Dominguez; September 26, 1949; Box 785, Redding, Calif.
Ricardo Dominguez; March 5, 1954; Box 785, Redding, Calif.
Katherine Stieber; July 26, 1889; Box 785, Redding, Calif.
Gladys Raines; March 16, 1898; Gen. Del. Redding, Calif.
Laura Ward; August 23, 1921; Box 885, Redding, Calif.
Ellen Silverthorne; June 24, 1880; Box 885, Redding, Calif.
Leona Miles; December 8, 1912; Box 53, Redding, Calif.
Emerson Miles; May 27, 1911; Box 53, Redding, Calif.
Juanita Price; June 23, 1920; Box 9004, Highway 99, South Redding, Calif.
Sharon Price; December 23, 1948; Box 9004, Highway 99, South Redding, Calif.
Betty Benner; April 11, 1929; Box 9000, Highway 99, South Redding, Calif.
Leon Benner; August 23, 1948; Box 9000, Highway 99, South Redding, Calif.
James Benner; April 29, 1950; Box 9000, Highway 99, South Redding, Calif.
Patricia Benner; February 28, 1952; Box 9000, Highway 99, South Redding, Calif.
Karen Renee Benner; June 27, 1955; Box 9000, Highway 99, South Redding, Calif.
Karla Rae Benner; February 9, 1958; Box 9000, Highway 99, South Redding, Calif.

Reference, previous publication of termination notice, 26 F.R. 6875, dated August 1, 1961; the following corrections are made:

Alexander Valley Rancheria

The name Sandra C. McCloud, May 6, 1959, 2567 Mark West Road, Windsor, California, is added after the name Helen McCloud.

Lytton Rancheria

Rosalie Madera Quinino should be Rosalie Madera Zunino.
Brenda Qunino should be Brenda Zunino.
Charlotte Qunino, August 23, 1958 should be Charlotte Zunino, August 23, 1959.
Gloria Sue Lopez, May 2, 1926 should be Gloria Sue Lopez, May 2, 1956.
Delores Meyers should be Delores Myers.
James E. Meyers should be James E. Myers.
James J. Meyers should be James J. Myers.

This notice is issued pursuant to the Act of August 18, 1958 (72 Stat. 619), and becomes effective as of the date of publication in the FEDERAL REGISTER.

STEWART L. UDALL, *Secretary of the Interior.*

JUNE 13, 1962.

[F.R. Doc. 62-5961; Filed, June 19, 1962; 8:46 a.m.]

GEORGE L. WILKINS

Appointee's Statement of Financial Interests

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on May 16, 1962, as Deputy Director, DEPA Area 5, Office of Assistant Secretary for Water and Power, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Aeroquip Corp.
American Can Co.
Chadbourn-Gorham Inc.
Consumers Power Co.
Consumers Power Co. Employees' Saving Plan.
General Motors.
Montgomery-Ward and Co.
Rayonier Inc.
Southern Pacific Co.
Standard Oil, New Jersey.
Textron Inc.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

GEORGE L. WILKINS.

JUNE 4, 1962.

[F.R. Doc. 62-5962; Filed, June 19, 1962; 8:47 a.m.]

JAMES H. CAMPBELL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) Delete: Eastern Air Lines.
(3) None.
(4) None.

This statement is made as of June 5, 1962.

Dated: June 5, 1962.

JAMES H. CAMPBELL.

[F.R. Doc. 62-5963; Filed, June 19, 1962; 8:47 a.m.]

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[87th Cong., 1st Sess.]

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11030

PREPARATION, PRESENTATION, FILING, AND PUBLICATION OF EXECUTIVE ORDERS AND PROCLAMATIONS

By virtue of the authority vested in me by the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. 301 *et seq.*), and as President of the United States, I hereby prescribe the following regulations governing the preparation, presentation, filing, and publication of Executive orders and proclamations:

SECTION 1. *Form.* Proposed Executive orders and proclamations shall be prepared in accordance with the following requirements:

(a) The order or proclamation shall be given a suitable title.

(b) The order or proclamation shall contain a citation of the authority under which it is issued.

(c) Punctuation, capitalization, spelling, and other matters of style shall, in general, conform to the most recent edition of the Style Manual of the United States Government Printing Office.

(d) The spelling of geographic names shall conform to the decisions of the Board on Geographic Names, established by Section 2 of the Act of July 25, 1947, 61 Stat. 456 (43 U.S.C. 364a).

(e) Descriptions of tracts of land shall conform, so far as practicable, to the most recent edition of the "Specifications for Descriptions of Tracts of Land for Use in Executive Orders and Proclamations," prepared by the Bureau of Land Management, Department of the Interior.

(f) Proposed Executive orders and proclamations shall be typewritten on paper approximately 8 x 13 inches, shall have a left-hand margin of approximately 1½ inches and a right-hand margin of approximately 1 inch, and shall be double-spaced, except that quotations, tabulations, and descriptions of land may be single-spaced.

SEC. 2. *Routing and approval of drafts.* (a) A proposed Executive order or proclamation shall first be submitted, with seven copies thereof, to the Director of the Bureau of the Budget, together with a letter, signed by the head or other properly authorized officer of the originating Federal agency, explaining the nature, purpose, background, and effect of the proposed Executive order or proclamation and its relationship, if any, to pertinent laws and other Executive orders or proclamations.

(b) If the Director of the Bureau of the Budget approves the proposed Executive order or proclamation, he shall transmit it to the Attorney General for his consideration as to both form and legality.

(c) If the Attorney General approves the proposed Executive order or proclamation, he shall transmit it to the Director of the Office of the Federal Register, National Archives and Records Service, General Services Administration: *Provided*, that in cases involving sufficient urgency the Attorney General may transmit it directly to the President; and *provided further*, that the authority vested in the Attorney General by this section may be delegated by him, in whole or in part, to the Deputy Attorney General, Solicitor General, or to such Assistant Attorney General as he may designate.

(d) After determining that the proposed Executive order or proclamation conforms to the requirements of Section 1 of this order and is free from typographical or clerical error, the Director of the Office of the Federal Register shall transmit it and three copies thereof to the President.

(c) If the proposed Executive order or proclamation is disapproved by the Director of the Bureau of the Budget or by the Attorney General, it shall not thereafter be presented to the President unless it is accompanied by a statement of the reasons for such disapproval.

SEC. 3. *Routing and certification of originals and copies.* (a) If the order or proclamation is signed by the President, the original and two copies thereof shall be forwarded to the Director of the Office of the Federal Register for publication in the FEDERAL REGISTER: *Provided*, that prior to such forwarding the Seal of the United States shall be affixed to the originals of proclamations to the extent required by statute or Executive order.

(b) The Office of the Federal Register shall cause to be placed upon the copies of all Executive orders and proclamations forwarded as provided in subsection (a) of this section the following notation, to be signed by the Director or by some person authorized by him to sign such notation: "Certified to be a true copy of the original."

SEC. 4. *Proclamations calling for the observance of special days or events.* Except as may be otherwise provided by law, responsibility for the preparation and presentation of proposed proclamations calling for the observance of special days, or other periods of time, or events shall be assigned by the Director of the Bureau of the Budget to such agencies as he may consider appropriate. Such proposed proclamations shall be submitted to the Director at least sixty days before the date of the specified observance.

SEC. 5. *Proclamations of treaties excluded.* Consonant with the provisions of Section 12 of the Federal Register Act (49 Stat. 503; 44 U.S.C. 312), nothing in this order shall be construed to apply to treaties, conventions, protocols, or other international agreements, or proclamations thereof by the President.

SEC. 6. *Definition.* The term "Presidential proclamations and Executive orders," as used in Section 5(a) of the Federal Register Act (44 U.S.C. 305(a)), shall, except as the President or his representative may hereafter otherwise direct, be deemed to include such attachments thereto as are referred to in the respective proclamations or orders.

SEC. 7. *Prior order.* Upon its publication in the FEDERAL REGISTER, this order shall supersede Executive Order No. 10006 of October 9, 1948.

The regulations prescribed by this order shall be codified under Title 1 of the Code of Federal Regulations.

JOHN F. KENNEDY

THE WHITE HOUSE.
June 19, 1962.

[F.R. Doc. 62-6111; Filed, June 19, 1962; 4:41 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective July 10, 1960 (7 CFR 354.1), administrative instructions (7 CFR 354.2) effective April 29, 1961, as amended effective August 1, 1961, February 2, 1962, March 9, 1962, and April 27, 1962 (26 F.R. 3671, 6833, 27 F.R. 964, 2267, 4011), prescribing the commuted travel time that shall be included in each period of overtime duty are hereby amended by deleting "Harlingen Air Force Base, Tex. (served from Brownsville, Tex.)" and "Moore Air Field (served from Hidalgo, Tex.)" from the "Two-Hour" list therein; by deleting "Foster Air Force Base, Victoria, Tex. (served from Corpus Christi, Tex.)" from the "Three-Hour" list therein; by adding "Geismar, La. (served from Baton Rouge, La.)" to the "Two-Hour" list therein; and by adding "Pascagoula, Miss." to the "Three-Hour" list therein.

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty when such travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than thirty days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 5 U.S.C. 576)

This amendment shall become effective June 21, 1962.

Done at Washington, D.C., this 15th day of June 1962.

[SEAL] E. P. REAGAN,
Director,
Plant Quarantine Division.

[F.R. Doc. 62-6075; Filed, June 20, 1962; 8:50 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 725—TOBACCO

Subpart—Burley, Flue-Cured, Fire-Cured, Dark Air-Cured, and Virginia Sun-Cured Tobacco Marketing Quota Regulations, 1962–63 Marketing Year

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725.1331 Definitions.
725.1332 Instructions and forms.
725.1333 Extent of calculations and rule of fractions.

IDENTIFICATION AND LOCATION OF FARMS, DETERMINATION OF ACREAGE AND FLUE-CURED TOBACCO SEED VARIETIES

725.1334 Identification and location of farms.
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AUTHORITY: §§ 725.1330 through 725.1361 issued under secs. 301, 313, 314, 372–375, 52 Stat. 38, as amended, 47, as amended, 48, as amended, 65, as amended, 66, as amended, sec. 401, 63 Stat. 1054 as amended, sec. 125, 70 Stat. 198, as amended; 7 U.S.C. 1301, 1313, 1314, 1372–1375, 1421, 1813.

GENERAL

§ 725.1330 Basis and purpose.

Sections 725.1330 through 725.1361 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Acts of 1949 and 1956, as amended, and govern the issuance of marketing cards for marketing and price support purposes, the identification of tobacco for purposes of marketing restrictions and price support, the collection and refund of penalties, and the records and reports incident thereto on the marketing of burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco during the 1962–63 marketing year. Prior to preparing §§ 725.1330 through 725.1361, public notice (27 F.R. 4367) of their formulation was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). The data, views, and recommendations pertaining to §§ 725.1330 through 725.1361, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Acts of 1949 and 1956, as amended. Since county committees are now determining the acreage of tobacco on farms, and since some farmers are disposing of excess tobacco, it is hereby determined that compliance with the provision of the Administrative Procedure Act with respect to the effective date is contrary to the public interest. Sections 725.1330 through 725.1361 shall therefore become effective upon filing with the Director, Office of the Federal Register.

§ 725.1331 Definitions.

As used in §§ 725.1330 through 725.1361, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires. The following words and phrases shall have the meanings assigned to them in the regulations contained in Part 719 of this chapter: "Community Committee," "County Committee", "County Office Manager", "Deputy Administrator", "Farm", "Operator", "Secretary."

(a) "Act" means the Agricultural Adjustment Act of 1938, as amended.

(b) "Buyers Corrections Account" means the account required to be kept by the warehouseman of any tobacco purchased at auction by the buyer but not delivered to the buyer, or any tobacco returned by the buyer because of rejection by the buyer, lost ticket, or any other valid reason, and which is turned back to the warehouseman and supported by an adjustment invoice from the buyer. Buyers Corrections Account shall include from each adjustment invoice the pounds and amounts deducted resulting from short baskets and short weights, and pounds and amounts added resulting from long baskets, and long weights which buyers debit or credit to the warehouseman and support with adjustment invoices.

(c) "Carry-over" tobacco means, with respect to a farm, tobacco produced prior to the beginning of the calendar year 1962 which has not been marketed or which has not otherwise been disposed of prior to the beginning, as established by the Act, of the 1962–63 marketing year.

(d) "Dealer" or "Buyer" means a person who engages to any extent in the business of acquiring tobacco from producers.

(e) "Director" means Director or Acting Director, Tobacco Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(f) "Field assistant," or "marketing recorder" means any duly authorized employee of the United States Department of Agriculture, or any duly authorized employee of an Agricultural Stabilization and Conservation Service (ASCS) county office, whose duties involve the preparation and handling of records and reports pertaining to tobacco marketing quotas.

(g) "Floor sweepings" means scraps of tobacco or leaves, other than bundles, of tobacco which accumulate on the warehouse floor in the regular course of business which is sold in the untied form in which acquired and sales and resales of such tobacco.

(h) "Leaf account tobacco" means all tobacco purchased by or for the account of the warehouse regardless of whether it is whole or parts of leaves or bundles and in addition tobacco, other than floor sweepings, which accumulates on the warehouse floor and is gathered up by the warehouseman for sale, and sales and resales of such tobacco including tobacco from Buyers Corrections Account. Scrap tobacco obtained through grading tobacco for farmers or furnishing farmers curing or stripping space, and floor sweepings purchased from another warehouseman or dealer shall be considered leaf account tobacco.

(i) "Market" means the disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. "Marketing" and "marketed" shall have corresponding meanings to the term "market."

(j) "Nonwarehouse sale" means any first marketing of farm tobacco other than by warehouse sale: *Provided*, That if a basket of burley or flue-cured farm tobacco exceeds the established basket weight limitation (700 pound basket in the case of burley tobacco and 300 pound in the case of flue-cured tobacco) any overage of not more than 10 percent which is recorded on the same floor sheet as the parent basket of which the overage would otherwise be a part, shall be considered and reported as a warehouse sale of tobacco when the parent basket is sold at auction.

(k) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State or any agency thereof.

(l) "Pound" means that amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers would equal one pound standard weight.

(m) "Producer" means a person who, as owner, landlord, tenant or sharecropper is entitled to share in the tobacco available for marketing from the farm or in the proceeds thereof.

(n) "Resale" means the disposition by sale, barter, exchange, or gift inter vivos, of tobacco which has been marketed previously.

(o) "Sale day" means the period at the end of which the warehouseman bills to buyers the tobacco purchased by them during such period.

(p) "Scrap tobacco" means the residue which accumulates in the course of preparing tobacco for market, consisting chiefly of portions of tobacco leaves and leaves of poor quality.

(q) "State executive director" means the preson employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the ASCS State office, or the person acting in such capacity.

(r) "State committee" means the persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State Committee under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(s) "Suspended sale" means any first marketing of farm tobacco at a warehouse sale for which a memorandum of sale is not issued by the end of the sale day on which such marketing occurred.

(t) "Tobacco" means each one or all, as indicated by the context, of the kinds of tobacco listed in this paragraph comprising the type specified, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the former Bureau of Agricultural Economics of the United States Department of Agriculture.

Burley tobacco, comprising type 31;
Flue-cured tobacco, comprising types 11, 12, 13 and 14;
Fire-cured tobacco, comprising type 21;
Fire-cured tobacco, comprising types 22, 23 and 24;
Dark air-cured tobacco, comprising types 35 and 36;
Virginia sun-cured tobacco, comprising type 37.

(1) "Discount Variety" or "Limited Support Variety" means any of the flue-cured tobacco seed varieties designated as Coker 139, Coker 140, or Dixie Bright 244, or a mixture or strain of such seed varieties, or any breeding line of flue-cured tobacco seed varieties, including, but not limited to, 187-Golden Wilt (also designated by such names as No-Name, XYZ, Mortgage Lifter, Super XYZ), having the quality and chemical characteristics of the seed varieties designated as Coker 139, Coker 140, or Dixie Bright 244: *Provided*, That where there is growing in a field off-type plants of not more than two percent, such off-type plants shall not be considered in determining the flue-cured tobacco variety being produced. Flue-cured tobacco which is not determined to be discount variety, shall be considered as "acceptable variety." For the purpose of these regulations, any breeding line of flue-cured tobacco identified as having appearance and growth characteristics similar to Coker 139, Coker 140, or Dixie Bright 244, shall be considered to have the quality characteristics of Coker 139, Coker 140, or Dixie Bright 244.

(2) Any tobacco (i) that has similar appearance and growth characteristics while growing in a field on a farm, or (ii) any cured tobacco that has the same characteristics and corresponding qualities, colors, and lengths of either burley, flue-cured, fire-cured, dark air-cured, or Virginia sun-cured tobacco, shall be considered, respectively, either burley, flue-cured, fire-cured, dark air-cured, or Virginia sun-cured tobacco without regard to any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

(3) For the purpose of discovering and identifying all tobacco subject to marketing quotas the term "tobacco" with respect to any farm located in an area in which either burley, flue-cured, fire-cured, dark air-cured, or Virginia sun-cured tobacco is normally produced shall include all acreage of tobacco (without regard to the definition of "tobacco" herein), unless the county committee with the approval of the State committee (i) determines that, under subparagraph (2) of this paragraph, all or a part of such acreage should not be considered as either burley, flue-cured, fire-cured, dark air-cured, or Virginia sun-cured tobacco, or (ii) determines, from satisfactory proof furnished by the operator of the farm, that a part or all of the production of such acreage has been certified by the Agricultural Marketing Service under the Tobacco Inspection Act (7 U.S.C. 511), and regulations issued pursuant thereto, as a kind of tobacco not subject to marketing quotas. Any amount of tobacco so determined as a kind of tobacco not subject to marketing quotas shall be converted to acres on the basis of the average yield per harvested acre of tobacco grown on the farm in 1962 for the purpose of determining the harvested acreage of such kind of tobacco produced on the farm.

(u) "Tobacco available for marketing" means all tobacco produced on the farm in the calendar year 1962 plus any carry-over tobacco, less any tobacco disposed of in accordance with § 725.1345.

(v) "Tobacco subject to marketing quotas" means:

(1) Any burley, fire-cured, dark air-cured or Virginia sun-cured tobacco marketed during the period October 1, 1962 to September 30, 1963, inclusive, and any burley, fire-cured, dark air-cured or Virginia sun-cured tobacco produced in the calendar year 1962 and marketed prior to October 1, 1962.

(2) Any flue-cured tobacco marketed during the period July 1, 1962 to June 30, 1963 inclusive, and any flue-cured tobacco produced in the calendar year 1962 and marketed prior to July 1, 1962.

(w) "Trucker" means a person who engages to any extent in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers.

(x) "Warehouseman" means a person who engages to any extent in the business of holding sales of tobacco at public auction at a warehouse.

(y) "Warehouse gross sales" means the sum of the weights of all marketings of tobacco at auction on a warehouse floor for producers, dealers, warehousemen, and Association ("loan tobacco").

(z) "Warehouse sale" means a marketing of tobacco by a sale at public auction through a warehouse in the regular course of business, and shall include all lots or baskets of tobacco marketed by sale at public auction in sequence at a given time.

§ 725.1332 Instructions and forms.

The Director shall cause to be prepared and issued such forms as are necessary and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by the Deputy Administrator.

§ 725.1333 Extent of calculations and rule of fractions.

(a) *Harvested acreage.* The acreage of tobacco harvested on a farm in 1962 shall be expressed in hundredths and fractions of less than one hundredth of an acre shall be dropped. For example, 1.550, 1.555, or 1.559 acres would be 1.55 acres.

(b) *Percent excess.* The percentage of excess tobacco available for marketing from a farm, hereinafter referred to as the "percent excess" shall be expressed in tenths percent and calculations thereof rounded to the nearest tenth percent. Computations shall be carried two decimal places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For example, 6.732 would be 6.7; 6.750 would be 6.7; 6.751 would be 6.8; and 6.782 would be 6.8.

(c) *Converted rate of penalty.* The amount of penalty per pound upon marketings of tobacco subject to penalty, hereinafter referred to as the "converted rate of penalty" shall be expressed in tenths of a cent and calculations thereof rounded to the nearest tenth of a cent, except that if the resulting converted rate of penalty is less than a tenth of a cent, it shall be expressed in hundredths of a cent and calculations thereof rounded to the nearest hundredth of a cent. Computations shall be carried two decimal places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For example, expressions in tenths calculated as 6.732 would be 6.7; 6.750 would be 6.7; 6.751 would be 6.8; and 6.782 would be 6.8; and expressions in hundredths calculated as 0.0536 would be 0.05; 0.0550 would be 0.05; 0.0551 would be 0.06; and 0.0582 would be 0.06.

(d) *Amount of penalty.* The amount of penalty on any lot of tobacco marketed shall be expressed in dollars and cents and calculations thereof rounded to the nearest cent. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For example, 10.5536 would be 10.55; 10.5550 would be 10.55; 10.5551 would be 10.56; and 10.5582 would be 10.56.

IDENTIFICATION AND LOCATION OF FARMS, DETERMINATION OF ACREAGE AND FLUE-CURED TOBACCO SEED VARIETIES

§ 725.1334 Identification and location of farms.

(a) Each farm as operated for the 1962 crop of tobacco shall be identified by a farm serial number assigned by the county office manager and all records pertaining to marketing quotas for the 1962 crop of tobacco shall be identified by such number.

(b) A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

§ 725.1335 Determination of tobacco acreage and seed varieties.

(a) *County committees.* For the purpose of ascertaining with respect to each farm whether there is excess tobacco of the 1962 crop available for marketing, the county committee shall determine the acreage of tobacco on each farm in the county for which a 1962 tobacco acreage allotment has been established and on any other farms in the county on which the county committee has reason to believe tobacco was planted. The county committee's determination shall be based upon acreage and performance determined as provided in the applicable provisions of Part 718 of this chapter.

(b) *Variance in measured acreage.* For the purpose of §§ 725.1330 through 725.1361 and subject to the rule of fractions heretofore provided in § 725.1333 (a), if the tobacco acreage determined for the farm does not exceed the farm tobacco allotment by more than the larger of one-hundredth (0.01) acre or two percent of such allotment not to exceed nine-hundredths (0.09) acre, the farm tobacco acreage shall be considered within the allotment. If the tobacco acreage determined for the farm exceeds the allotment by more than this amount, the tobacco acreage shall be considered in excess of the farm allotment and disposition shall not be limited to the acreage necessary to bring the acreage within the prescribed administrative variance. In such cases, the farm will not be considered in compliance unless disposition is made of all acreage in excess of the allotment.

(c) *Notice to farm operators.* (1) The county office manager or an employee of the county office on behalf of the county office manager, as to each farm, shall notify the farm operator the results of the measurement of tobacco acreage, except that the State committee may elect to not have mailed notices to farm operators where the acreage determined for the farm is within the allotment.

(2) If, it is determined under § 725.1331 (t) (3) that tobacco (harvested or unharvested) is of a kind not subject to marketing quotas, the county office manager, or an employee of the county office on behalf of the county office manager, shall so notify the farm operator.

(d) *Harvested acreage of tobacco for purpose of issuing marketing card.* The acreage of tobacco determined or as redetermined for a farm by the county committee shall be the harvested acreage of tobacco for the farm for the purpose of issuing the correct marketing card for the farm as provided in § 725.1338 unless the farm operator furnishes to the county committee satisfactory proof that a portion of the acreage planted will not be harvested or that tobacco representative of the production of the acreage physically harvested will be disposed of other than by marketing, in which case the harvested acreage shall be the acreage as adjusted by taking into account the portion of the acreage planted which will not be harvested and the portion of the production of the acreage physically harvested which will be disposed of under § 725.1345 other than by marketing.

(e) *Amount of excess acreage for purpose of issuing marketing card if acreage determination refused.* If the farm operator or any producer on the farm prevents the county committee or its representative, or the State committee or its representative, from obtaining information necessary to determine the correct acreage of tobacco on a farm, in addition to any other liability which might be imposed upon the operator, and until the farm operator or any producer on the farm permits a determination of the correct acreage, all acreage of tobacco on the farm shall be deemed to be in excess of the farm acreage allotment for the purpose of issuing a marketing card for the farm.

(f) *Identification and determination of flue-cured tobacco seed varieties and producer's right of appeal.* (1) For each farm on which flue-cured tobacco is produced in 1962, the farm operator or any producer on a farm shall, under § 725.1352(b), file with the county office a report on Form MQ–32—Tobacco, Certification of Flue-Cured Tobacco Varieties Planted, showing whether or not discount variety tobacco was planted on the

farm or on another farm in which he has an interest.

(2) If the farm operator or any producer on a farm certifies on Form MQ–32—Tobacco that there was not planted on the farm or on another farm in which he has an interest any of the discount varieties of flue-cured tobacco, all of the flue-cured tobacco produced on such farm shall be determined by the county committee to be acceptable variety tobacco, unless a subsequent determination is made by the county committee or State committee that the tobacco produced on the farm is discount variety tobacco.

(3) If the farm operator or any producer on a farm certifies on Form MQ–32—Tobacco that there was planted on the farm or on another farm in which he has an interest any of the discount varieties of flue-cured tobacco, all of the flue-cured tobacco produced on such farm shall be determined by the county committee to be discount variety tobacco, unless a subsequent determination is made by the county committee or State committee that the tobacco produced on the farm is acceptable variety tobacco.

(4) If any of the flue-cured tobacco being produced on a farm has the appearance, growth and chemical characteristics similar to a discount variety, all of the flue-cured tobacco produced on such farm shall be determined by the county committee to be discount variety tobacco. To assist in making a determination under this subparagraph (4), the farm operator or any producer on the farm shall allow any member of the county committee or State committee, or any employee of the ASCS State office or any employee of the Department of Agriculture designated by the State Executive Director as a person qualified to examine and identify seed varieties of flue-cured tobacco to enter upon the farm (i) to examine the appearance and growth characteristics of flue-cured tobacco plants on the farm, or (ii) to take and remove from the farm samples of flue-cured tobacco growing or harvested on the farm, or (iii) to designate representative flue-cured tobacco plants on the farm to be allowed to go to flower, or (iv) to take photographs of representative flue-cured tobacco plants.

(5) If the operator of a farm on which flue-cured tobacco is being produced in 1962 fails or refuses, within 7 days after the request of the county committee on Form MQ–34–1—Tobacco, Notice of Action Required Regarding Determination of Seed Varieties of Flue-Cured Tobacco, (i) to file a report on MQ–32—Tobacco, showing whether or not there was planted any of the discount varieties of flue-cured tobacco on such farm or on another farm in which he has an interest or (ii) to permit examination of flue-cured tobacco plants in each field or area on the farm, or (iii) to permit not to exceed 50 representative plants to go to flower in each field or area on the farm, or (iv) to permit the taking of photographs of flue-cured tobacco in each field or area on the farm, or (v) to permit the taking and removal of green or cured leaf samples of flue-cured tobacco from the farm, all flue-cured tobacco produced on such farm shall be determined by the county committee to be discount variety tobacco, unless the county committee finds that failure to comply with the request was due to circumstances beyond the control of the farm operator.

(6) In any case where the county committee determines that discount variety tobacco is being or was produced on a farm in 1962, the farm operator shall be given written notice by certified mail of such determination on Form MQ–34–2—Tobacco, Notice of Determination of Discount Variety Flue-Cured Tobacco. The notice to the farm operator shall constitute notice to all persons who as owner, operator, landlord, tenant, or sharecropper, are interested in the tobacco being grown on the farm.

(7) Any producer on a farm who believes that the discount variety determination for his farm by the county committee under subparagraph (4) of this paragraph is not correct may file an appeal with the county committee asking it to reconsider such determination. The request for appeal and facts constituting a basis for such reconsideration must be submitted in writing and postmarked or delivered to the county committee within 7 days after the date of mailing the notice on Form MQ–34–2—Tobacco. The request for appeal must be signed by the person making the appeal. If the appellant believes that the county committee determination on his appeal is not correct, he may appeal to the State committee within 7 days after the date of mailing of the notice of the decision of the county committee. The decision of the State committee shall be final.

(8) Any discount variety determination by the county committee may be reviewed by the State committee, whose decision shall be final.

FARM MARKETING QUOTAS AND MARKETING CARDS

§ 725.1336 Amount of farm marketing quota.

(a) *Actual production.* The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment, as established for the farm in accordance with Burley, Flue-Cured, Fire-Cured, Dark Air-Cured and Virginia Sun-Cured Tobacco Marketing Quota Regulations, 1962–63 Marketing Year (26 F.R. 6419, 6581, 7694, 9505, 10152). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1962 times the farm acreage allotment.

(b) *Excess production.* The excess tobacco on any farm shall be (1) that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1962 times the number of acres harvested in excess of the farm acreage allotment, plus (2) any excess carryover of tobacco.

§ 725.1337 Transfer of farm marketing quota.

There shall be no transfer of farm marketing quotas except as provided in § 725.1328 and § 719.12 of this chapter.

§ 725.1338 Issuance of marketing cards.

A marketing card shall be issued for each farm having tobacco available for marketing. The kind of card to be issued for each farm shall be determined pursuant to paragraphs (a) through (g) of this section. Cards shall be issued in the name of the farm operator, except that cards issued for tobacco grown for experimental purposes only shall be issued in the name of the Experiment Station, cards issued under § 725.1341 shall be issued in the name of the successor in interest and, where a part of the farm which includes all the tobacco acreage on the farm is cash rented to one producer, cards shall be issued in the name of the one producer.

(a) *Excess marketing cards (MQ–77—Tobacco).* The provisions of this paragraph govern the issuance of excess marketing cards.

(1) *Excess marketing card showing full rate of penalty.* An excess marketing card (ineligible for price support loans) showing the full rate of penalty set forth in § 725.1347(b) shall be issued for a farm in any case:

(i) Where tobacco is harvested in 1962 from a farm for which no 1962 acreage allotment was established; or

(ii) Where tobacco is harvested in 1962 from a farm and the farm operator or any producer on the farm, as provided in § 725.1335(e), prevents the county committee or its representative, or the State committee or its representative, from obtaining information necessary to determine the correct acreage of tobacco on the farm; or

(iii) Where tobacco is harvested in 1962 from a farm for which, under § 725.1352(g), the 1962 allotment is cancelled.

(2) *Excess marketing card showing converted rate of penalty or zero penalty.* An excess marketing card (ineligible for price support loans) showing the extent to which marketings of tobacco from a farm are subject to penalty, determined as provided in § 725.1344 (including zero penalty except where the provisions of subdivision (ii) of this subparagraph apply) shall be issued in any case:

(i) Where tobacco is harvested in 1962 from a farm in excess of the farm acreage allotment therefor; or

(ii) Where tobacco is to be marketed from a farm in 1962 having carry-over tobacco available for marketing and the percent excess determined pursuant to § 725.1344(b) exceeds zero percent; or

(iii) Where tobacco is produced on land owned by the Federal Government in violation of the provisions of a lease restricting the production of tobacco.

(3) *Excess marketing cards showing zero penalty only.* An excess marketing card (ineligible for price support loans) showing zero penalty only shall be issued under the following conditions:

(i) If more than one kind of tobacco is produced on a farm in 1962, a zero penalty excess marketing card shall be issued for each kind of tobacco produced thereon for which the harvested acreage is not in excess of the farm acreage allotment therefor if at the time of issuing marketing cards for the farm the harvested acreage of any kind of tobacco is in excess of the farm acreage allotment for such kind of tobacco; or

(ii) For any kind of tobacco produced on a farm in 1962 the acreage of which is in excess of the farm acreage allotment therefor and the operator or any other producer on the farm fails to notify the county ASCS office (with deposit to cover the cost as determined by the county committee and approved by the State committee) of his intention to dispose of any excess tobacco acreage or to request remeasurement of the tobacco acreage within ten (10) days (seven days in the case of flue-cured tobacco grown in the State of North Carolina) from the date of notice to the farm operator on Form CSS–590, Notice of Excess Acreage, and the tobacco produced on the excess acreage is disposed of other than by marketing, in accordance with § 725.1345, unless the county committee, or the county office manager on behalf of the county committee, determines that failure to file such request was due to circumstances beyond the control of the farm operator or producer; or

(iii) For any kind of tobacco physically harvested from a farm in 1962 from an acreage in excess of the acreage allotment for the farm, and disposed of in accordance with § 725.1345(a) unless the county committee, or the county office manager on behalf of the county committee, determines that the farm operator acted in good faith, that the acreage of tobacco was not measured or remeasured, as the case may be, and the farm operator notified, in sufficient time to afford him an opportunity to dispose of the excess acreage prior to harvest; or

(iv) If, as to farms on which tobacco is being grown experimentally, the Director of a publicly-owned Agricultural Experiment Station fails to comply with all the requirements contained in paragraph (d)(2) of this section prior to the beginning of the harvesting of tobacco from the farm.

(b) *Excess marketing cards for flue-cured tobacco stamped or marked "acceptable varieties" or "discount varieties."* (1) If an excess marketing card is issued for a farm on which flue-cured tobacco is harvested in 1962 and the operator of such farm establishes to the satisfaction of the county committee or State committee that no discount variety tobacco was or will be harvested from such farm or any other farm operated by the farm operator, the excess marketing card and each memorandum of sale (both purchaser's copy and county office copy) therein shall be stamped or marked "acceptable varieties."

(2) If an excess marketing card is issued for a farm on which flue-cured tobacco is harvested in 1962 and the operator of such farm fails to establish to the satisfaction of the county committee or State committee that no discount variety tobacco was or will be harvested from such farm or any other farm operated by the farm operator, the excess marketing card and each memorandum of sale (both purchaser's copy and county office copy) therein shall be stamped or marked "discount varieties."

(c) *Within Quota Limited Support Flue-Cured Marketing Card (MQ–76–D—Tobacco).* In any case where an excess marketing card is not required to be issued for a farm under paragraph (a) of this section and where flue-cured tobacco is harvested in 1962 from such farm, a within quota limited support flue-cured marketing card (eligible for limited price support loan and marketing without penalty) shall be issued for such farm if the operator of such farm fails to establish to the satisfaction of the county committee or State committee, that no discount variety tobacco was or will be harvested in 1962 from such farm or from any other farm operated by the farm operator, unless a zero penalty excess marketing card is required to be issued as provided in paragraph (a)(iv) of this section to identify tobacco grown for experimental purposes only.

(d) *Within Quota Marketing Card (MQ–76—Tobacco).* In any case where an excess marketing card or a within quota limited support flue-cured marketing card is not required to be issued for a farm under paragraph (a) or (c) of this section, a within quota marketing card shall be issued for such farm under the following conditions.

(1) If the harvested acreage of tobacco for the farm in 1962 is not in excess of the farm acreage allotment therefor and any excess carry-over tobacco can be marketed without penalty under the provisions of § 725.1344(b).

(2) If, as to farms on which tobacco is being grown experimentally, the Director of a publicly-owned Agricultural Experiment Station furnishes to the ASCS State office, prior to the beginning of the harvesting of tobacco from the farm, a report showing the following information with respect to each kind of tobacco and farm on which tobacco is grown for experimental purposes only:

(i) Name and address of the publicly-owned experiment station;

(ii) Name of the owner, and name of the operator if different from the owner, of each farm on which tobacco is grown for experimental purposes only;

(iii) The amount of acreage of tobacco grown on each farm for experimental purposes only; and

(iv) A certification signed by the Director of the publicly-owned agricultural experiment station to the effect that such acreage of tobacco was grown on each farm for experimental purposes only; the tobacco was grown under his direction; and the acreage on each plot was considered necessary for carrying out the experiment: *Provided, however,* That if the Director of a publicly-owned agricultural experiment station does not furnish the information and certification as required above in this subparagraph, prior to the beginning of the harvesting of tobacco from a farm, an excess marketing card showing zero penalty shall be issued under paragraph (a)(iv) of this section for the purpose of identifying tobacco produced for experimental purposes only under the direction of such Director. The report required in this subparagraph shall be posted and kept available for public inspection in each ASCS county office in which a farm included on the report is located.

(e) *Stamping within quota marketing cards (MQ–76 or MQ–76–D) to show indebtedness.* (1) If any producer on a farm is indebted to the United States and such indebtedness is listed on the county debt record, any within quota marketing card (MQ–76 or MQ–76–D) issued for the farm shall bear the notation "Indebted to U.S." on the front cover thereof and on the county office copy of each memorandum of sale. The amount and type of the indebtedness and the name of the debtor shall be entered on the inside back cover of the card. A notation showing indebtedness to the U.S. shall constitute notice to any warehouseman that, subject to prior liens, the net proceeds from any price support loan due the debtor shall be paid to the United States to the extent of the indebtedness shown. The acceptance and use of a marketing card bearing a notice and information of indebtedness to the United States shall not constitute a waiver by the producer of any right to contest the validity of such indebtedness by appropriate administrative appeal or legal action and shall not necessitate a producer accepting a price support advance from which such indebtedness would be deductible.

(2) Any marketing card may be stamped for the purpose of notifying warehousemen that the tobacco being marketed pursuant to such card is subject to a lien held by the United States.

(f) *Replacing or issuing additional marketing cards.* (1) Subject to the approval of the county office manager, two or more marketing cards may be issued for any farm. Upon the return to the ASCS issuing office of the marketing card after all of the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information, and identification as the used card shall be issued for the farm. A new marketing card of the same kind shall be issued to replace a card which has been determined by the county office manager who issued the card to have been lost, destroyed or stolen.

(2) Upon advance notice by the farm operator to the county committee and with prior approval of the county committee, (i) where an excess flue-cured marketing card (MQ–77) which has been stamped or marked "discount varieties" is issued for any farm it may be exchanged at the county office for an excess flue-cured marketing card (MQ–77) which has been stamped or marked "acceptable varieties" for flue-cured tobacco, or (ii) where a within quota limited support flue-cured marketing card (MQ–76–D) is issued for any farm it may be exchanged at the county office for a within quota marketing card (MQ–76) for flue-cured tobacco, when the operator establishes to the satisfaction of the county committee that there has been no commingling or substitution of discount variety flue-cured tobacco with any other flue-cured tobacco produced on the farm or any other farm operated by him, and that all discount variety flue-cured tobacco has been marketed

or satisfactorily disposed of or accounted for, including any carry-over discount variety of flue-cured tobacco.

(g) *Issuance of marketing cards (MQ–76–D or MQ–76) to identify flue-cured tobacco produced by a publicly-owned agricultural experiment station.* If under the provisions of paragraph (c) or (d) of this section a farm on which tobacco is grown for experimental purposes only is eligible for the issuance of both a within quota limited support flue-cured marketing card (MQ–76–D) and a within quota flue-cured marketing card (MQ–76), notwithstanding the provisions of paragraph (f)(2) of this section, an MQ–76–D marketing card may be issued prior to or simultaneous with the issuance of an MQ–76 marketing card for flue-cured tobacco if the Director of the publicly-owned Agricultural Experiment Station furnishes, in addition to the information and certification required under paragraph (d)(2) of this section, the following:

(1) A list by counties, showing for each farm on which tobacco is grown for experimental purposes only, the acreage of discount varieties grown;

(2) A certification that all discount varieties of tobacco grown have been kept separate by varieties from tobacco of any other varieties during harvest and preparation for market and that each discount variety of tobacco will be marketed separately by use of a within quota limited support flue-cured marketing card (MQ–76–D); and

(3) An agreement to notify the ASCS State Executive Director as to the place and date of sale of discount varieties of flue-cured tobacco.

§ 725.1339 Person authorized to issue marketing cards.

(a) The county office manager shall be responsible for the issuance of tobacco marketing cards for farms in the county, including farms on which tobacco is grown for experimental purposes by a publicly-owned Agricultural Experiment Station.

(b) Each marketing card shall bear the actual or facsimile signature of the county office manager who issued the card. The facsimile signature may be affixed by an employee of the ASCS county office.

§ 725.1340 Rights of producers in marketing cards.

Each producer having a share in the tobacco available for marketing from a farm shall be entitled to the use of the marketing card issued for the farm for marketing his proportionate share.

§ 725.1341 Successors in interest.

Any person who succeeds, other than as a dealer, in whole or in part to the share of a producer in the tobacco available for marketing from a farm shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

§ 725.1342 Invalid cards.

(a) A marketing card shall be invalid if:

(1) It is not issued or delivered in the form and manner prescribed;

(2) An entry is omitted or is incorrect;

(3) It is lost, destroyed, stolen or becomes illegible;

(4) Any erasure or alteration has been made, and not properly initialed; or

(5) It is either an MQ–76—Within Quota Marketing Card or an MQ–77—Excess Marketing Card Marked "acceptable varieties" issued and delivered with respect to flue-cured tobacco, and the county committee determines, on the basis of information subsequent to issuance but prior to completion of marketings from the farm, that in lieu of such card either an MQ–76–D—Within Quota Limited Support Marketing Card, or an MQ–77—Excess Marketing Card marked "discount varieties" should have been issued and delivered.

(b) In the event any marketing card becomes invalid (other than by loss, destruction, or theft, or by omission, alteration or incorrect entry which cannot be corrected by a field assistant), the farm operator, or the person having the card in his possession, shall return it to the ASCS office at which it was issued.

(c) If any entry is not made on a marketing card as required, either through omission or incorrect entry, and the proper entry is made and initialed by a field assistant, then such card shall become valid.

§ 725.1343 Report of misuse of marketing card.

Any information which causes a field assistant, a member of a State, county, or community committee, or an employee of an ASCS State or county office to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the ASCS county or State office.

MARKETING OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

§ 725.1344 Extent to which marketings from a farm are subject to penalty.

(a) Marketings of tobacco from a farm having no carry-over tobacco available for marketing shall be subject to penalty by the percent excess determined as follows: Divide the acreage of tobacco harvested in excess of the farm acreage allotment and not disposed of under § 725.1345 by the total acreage of tobacco harvested from the farm.

(b) Marketings of tobacco from a farm having carry-over tobacco available for marketing shall be subject to penalty by the percent excess determined as follows:

(1) Determine the number of "carry-over" acres by dividing the number of pounds of carry-over tobacco from the prior years by the normal yield for the farm for that year.

(2) Determine the number of "within quota carry-over acres" by multiplying the "carry-over acres" (subparagraph (1) of this paragraph) by the "percent within quota" (i.e., 100 percent minus the percent excess) for the year in which the carry-over tobacco was produced, except that if the excess portion of the carry-over tobacco is disposed of under § 725.1345, the "percent within quota" shall be 100.

(3) Determine the "total acres" of tobacco by adding the "carry-over acres" (subparagraph (1) of this paragraph) and the acreage of tobacco harvested in the current year.

(4) Determine the "excess acres" by subtracting from the "total acres" (subparagraph (3) of this paragraph) the sum of the 1962 allotment (for marketing quota purposes) and the "within quota carry-over acres" (subparagraph (2) of this paragraph).

(5) Determine the percent excess by dividing the "total acres" into the "excess acres" (subparagraph (4) of this paragraph).

(c) For the purpose of determining the penalty due on each marketing by a producer of tobacco subject to penalty, the converted rate of penalty per pound shall be determined by multiplying the applicable rate of penalty by the percent excess obtained under paragraph (a) or (b) of this section. The memorandum of sale issued to identify each such marketing shall show the amount of penalty due.

§ 725.1345 Disposition of Excess Tobacco.

(a) *Where tobacco acreage exceeds the allotment.* (1) The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing from the farm of any of the same kind of tobacco by furnishing to the county committee proof satisfactory to the committee or its representative that such excess tobacco will not be marketed. Such disposition of excess tobacco, subject to the provisions of subparagraphs (2) and (3) of this paragraph, may take place before harvesting, during harvesting, or after completion of harvesting of the kind of tobacco involved from the farm.

(2) No credit toward liquidating excess acreage shall be given for any excess tobacco disposed of after harvest, but prior to marketing, unless the county committee or its representative determines such tobacco is representative of the entire crop from the farm of the kind of tobacco involved.

(3) Acreage of partially harvested (cropped) flue-cured tobacco may not be disposed of unless: (i) The farm operator was not notified by the county office manager of the amount of excess flue-cured tobacco acreage on the farm before the harvesting of the flue-cured tobacco was begun, and (ii) the county committee or its representative, in agreement with the farm operator or his representative, determines (*a*) by field observation that not more than 50 percent of the tobacco produced on the area to be disposed of has been harvested, and (*b*) the percentage, by field observation, of unharvested flue-cured tobacco remaining on such area. Credit for excess acreage disposed of in the field under this paragraph shall be equal to the acreage in the area from which disposition is to be made divided by the agreed upon percent of unharvested tobacco in the area. For example, the excess flue-cured tobacco acreage on the farm is 1.42 acres and the tobacco unharvested is 80 percent. To liquidate the total excess acreage would require disposition from 1.77 (1.42÷80%) acres. In disposing of excess tobacco, nothing in this subparagraph shall be construed to prevent the farm operator from disposing of an unharvested area (patches, fields or parts of fields) of tobacco from which no tobacco has been harvested.

(b) *Where harvested acreage does not exceed allotment and there is excess carry-over tobacco.* If the 1962 harvested acreage is less than the 1962 allotment, an amount of any tobacco from the farm which was placed under storage for a prior marketing year equal to the normal production of the acreage by which the 1962 harvested acreage plus any acreage added with respect to any excess carry-over tobacco for the farm pursuant to § 725.1344(b) is less than the 1962 allotment may be marketed penalty free.

§ 725.1346 Identification of marketings.

Subject to paragraph (a) of this section, each marketing of tobacco from a farm shall be identified by an executed memorandum of sale from the 1962 marketing card (MQ–76—Tobacco, MQ–76–D—Tobacco, or MQ–77—Tobacco) issued for the farm on which the tobacco was produced. In addition, as provided in paragraph (b) of this section, in the case of nonwarehouse sales each marketing shall also be identified by an executed bill of nonwarehouse sale (reverse side of memorandum of sale).

(a) *Memorandum of sale and sale without marketing card.* (1) If a memorandum of sale is not executed to identify a warehouse sale of producer's tobacco by the end of the sale day on which the tobacco was marketed, the marketing shall be a suspended sale, and, unless a memorandum identifying the tobacco so marketed is executed on or before the last warehouse sale day of the marketing season, or within four weeks after the date of marketing, whichever comes first, the marketing shall be identified by MQ–82—Tobacco, Sale Without Marketing Card, as a marketing of excess tobacco. The memorandum of sale or MQ–82—Tobacco shall be executed only by a field assistant or other representative of the State Executive Officer with the following exceptions:

(i) A warehouseman, or his representative, who has been authorized during the 1962–63 marketing year on MQ–78—Tobacco, may issue a memorandum of sale to identify a warehouse sale if a field assistant is not available at the warehouse when the marketing card is presented. Each memorandum of sale issued by a warehouseman to cover a warehouse sale shall be presented promptly by him to the field assistant for verification with the warehouse records.

(ii) In the case of flue-cured tobacco only, a dealer, or his authorized representative, operating a regular receiving point for scrap tobacco at a redrying plant, at an auction warehouse, or elsewhere, who keeps records showing the information specified in § 725.1354, and who has been authorized on MQ–78—Tobacco, may issue a memorandum of sale covering a purchase of scrap tobacco only if the bill of nonwarehouse sale has been executed.

(iii) A dealer, or his authorized representative, operating a regular receiving point for tobacco who keeps records showing the information specified in § 725.1354 and who has been authorized on MQ–78—Tobacco, may issue memoranda of sale covering tobacco delivered directly to such receiving point and marketed to such dealer.

(2) The authorization on MQ–78—Tobacco to issue memoranda of sale may be withdrawn by the State Executive Director from any or all persons so authorized if such action is determined to be necessary in order to properly enforce the provisions of §§ 725.1330 through 725–1361.

(3) The field assistant shall write on the "county copy" of the memorandum of sale, any name shown as seller on a floor sheet unless the name(s) shown thereon include the surname of the person to whom the marketing card was issued.

(4) Each excess memorandum of sale issued by a field assistant shall be verified by a warehouseman or dealer (or his representative) to determine whether the amount of penalty shown to be due has been correctly computed and such warehouseman or dealer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur in executing the memorandum of sale.

(b) *Bill of nonwarehouse sale.* (1) Each nonwarehouse sale shall be identified by a bill of nonwarehouse sale completely executed by the buyer and the farm operator and all such bills of nonwarehouse sale shall be delivered to a person who is authorized to issue memoranda of sale.

(2) Each bill of nonwarehouse sale covering any marketing of tobacco, shall be presented to a person who is authorized to issue a memorandum of sale and shall be recorded on MQ–79—Tobacco.

(c) *Separate display on warehouse floor.* Any warehouseman upon whose floor more than one kind of tobacco is offered for sale at public auction shall for each different kind of tobacco:

(1) Display it in separate areas on the warehouse floor.

(2) Identify each basket by a distinguishably different basket ticket clearly showing the kind of tobacco.

(3) Make and keep records that will insure a separate accounting and reporting of each of such kinds of tobacco sold at auction over the warehouse floor.

§ 725.1347 Rate of penalty.

Marketings of each kind of excess tobacco from a farm shall be subject to a penalty per pound equal to seventy-five (75) percent of the average market price for the kind of tobacco for the 1961–62 marketing year as determined by the Crop Reporting Board, Statistical Reporting Service, United States Department of Agriculture. The rate of penalty per pound shall be calculated to the nearest whole cent. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1".

(a) *Average market price.* The average market price as determined by the Crop Reporting Board, Statistical Reporting Service, United States Department of Agriculture, for the 1961–62 marketing year was 66.5 cents per pound for burley tobacco, 64.3 cents per pound for flue-cured tobacco, 38.8 cents per pound for fire-cured (type 21) tobacco, 40.2 cents per pound for fire-cured (types 22, 23 and 24) tobacco, 37.8 cents per pound for dark air-cured tobacco, and 39.8 cents per pound for Virginia sun-cured tobacco.

(b) *Rate of penalty per pound.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the 1962–63 marketing year shall be 50 cents per pound for burley tobacco, 48 cents per pound for flue-cured tobacco, 29 cents per pound for fire-cured (type 21) tobacco, 30 cents per pound for fire-cured (types 22, 23 and 24) tobacco, 28 cents per pound for dark air-cured tobacco, and 30 cents per pound for Virginia sun-cured tobacco.

(c) *Proportional rate of penalty.* With respect to tobacco marketed from farms having tobacco available for marketing in excess of the farm marketing quota the penalty shall be paid upon that percentage of each lot of tobacco marketed which the tobacco available for marketing in excess of the farm marketing quota is of the total amount of tobacco available for marketing from the farm, as determined under § 725.1344.

§ 725.1348 Persons to pay penalty.

The persons to pay the penalty due on any marketing of tobacco subject to penalty shall be determined as follows:

(a) *Warehouse sale.* The penalty due on marketings by a producer through a warehouse shall be paid by the warehouseman who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Nonwarehouse sale.* The penalty due on tobacco purchased directly from a producer, other than at public auction through a warehouse, shall be paid by the purchaser of the tobacco who may deduct an amount equivalent to the penalty from the price paid to the producer.

(c) *Marketings through an agent.* The penalty due on marketings by a producer through an agent who is not a warehouseman shall be paid by the agent who may deduct an amount equivalent to the penalty from the price paid to the producer.

(d) *Marketings outside the United States.* The penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer.

§ 725.1349 Penalties considered to be due from warehousemen, dealers, and other persons excluding the producer.

Any marketing of tobacco under any one of the following conditions shall be considered to be a marketing of excess tobacco:

(a) *Warehouse sale without memorandum of sale.* Any warehouse sale of

tobacco by a producer which is not identified by a valid memorandum of sale on or before the last warehouse sale day of the marketing season or within four weeks following the date of marketing, whichever comes first, shall be identified by an MQ–82—Tobacco, and shall be presumed, subject to rebuttal, to be a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

(b) *Nonwarehouse sale.* Any nonwarehouse sale which:

(1) Is not identified by a valid bill of nonwarehouse sale (reverse side of memorandum of sale); and

(2) Is not also identified by a valid memorandum of sale and recorded in MQ–79—Tobacco not later than the end of the calendar week in which the tobacco was purchased; or

(3) If purchased prior to the opening of the local auction market, is not identified by a valid memorandum of sale and recorded in MQ–79—Tobacco, not later than the end of the calendar week which includes the first sale day of the local auction markets, shall be presumed, subject to rebuttal, to be a marketing of excess tobacco. The penalty thereon shall be paid by the purchaser of such tobacco.

(c) *Leaf account tobacco.* The part or all of any marketing by a warehouseman which such warehouseman represents to be a leaf account resale but which when added to prior leaf account resales is in excess of prior leaf account purchases, recognizing and including appropriate adjustments for short baskets and short weights and long baskets and long weights from the Buyers Corrections Account, shall be considered to be a marketing of excess tobacco unless and until such warehouseman furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

(d) *Dealer's tobacco.* The part or all of any marketing of tobacco by a dealer which such dealer represents to be a resale but which when added to prior resales by such dealer is in excess of the total of his prior purchases shall be considered to be a marketing of excess tobacco unless and until such dealer furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the dealer.

(e) *Resales not reported.* Any resale of tobacco which under §§ 725.1330 through 725.1361 is required to be reported by a warehouseman or dealer but which is not so reported within the time and in the maner required by §§ 725.1330 through 725.1361 shall be considered to be a marketing of excess tobacco unless and until such warehouseman or dealer furnishes a report of such resale which is acceptable to the State Executive Director. The penalty thereon shall be paid by the warehouseman or dealer who fails to make the report as required.

(f) *Marketings falsely identified by a person other than the producer.* If any marketing of tobacco by a person other than the producer thereof is identified by a marketing card other than the marketing card issued for the farm on which such tobacco was produced, such marketing shall be presumed, subject to rebuttal, to be a marketing of excess tobacco and the penalty thereon shall be paid by such person.

§ 725.1349a Producers penalties; false identification, failure to account, incorrectly determined acreages.

(a) *Penalties for false identification or failure to account.* If any producer falsely identifies or fails to account for the disposition of any tobacco produced on a farm, an amount of tobacco equal to the normal yield of the number of acres harvested in 1962 in excess of the farm acreage allotment shall be deemed to have been marketed as excess tobacco from such farm. The penalty thereon for false identification or failure to account shall be paid by the producer and shall be due on the date of the false identification or failure to account. The filing of a report by a producer under § 725.1352(e) which the State committee finds to be incomplete or incorrect or the failure to file such a report as required by said regulations, shall constitute a failure to account for the disposition of tobacco produced on the farm.

(b) *Redetermined excess harvested acreage.* If, after part or all of the tobacco produced on a farm has been marketed, the State or county committee redetermines that the harvested acreage for the farm was more than that shown by the prior determination, and if the harvested acreage may not be deemed to be within the farm acreage allotment pursuant to paragraph (d) of this section, any penalty due on the basis of the harvested acreage as redetermined pursuant to § 725.1335 shall be paid by the producer.

(c) *Cancelled allotment.* If, after part or all of the tobacco produced on a farm has been marketed and the allotment therefor has been cancelled, under § 725.1352(g), any penalty due thereon shall be paid by such producer.

(d) *Erroneous notice of measured acreage.* If it is determined that the tobacco acreage on a farm is larger than the tobacco farm acreage allotment approved under § 725.1326, such farm shall be deemed to have not exceeded its allotment if the county committee, with the approval of the State Executive Director, determines from the facts and circumstances that:

(1) The excess acreage was caused by reliance in good faith by the farm operator on an erroneous notice of measured acreage;

(2) Neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage prior to harvest of tobacco from all areas (patches, fields or parts of fields) of tobacco from the farm;

(3) The incorrect notice was the result of an error made by the performance reporter or by another employee of the county or State office in reporting, computing, or recording the tobacco acreage for the farm;

(4) Neither the farm operator nor any producer on the farm was in any way responsible for the error; and

(5) The extent of the error in the notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

§ 725.1350 Payment of penalty.

(a) *Date due.* Penalties shall become due at the time the tobacco is marketed, except that (1) in the case of tobacco removed from storage under bond, penalty shall be due on the date of such removal from storage, or (2) in the case of false identification or failure to account for disposition of tobacco, penalty shall be due on the date of such false identification or failure to account for disposition. Penalty shall be paid by remitting the amount thereof to the ASCS State office not later than the end of the calendar week in which the tobacco becomes subject to penalty. A draft, money order, or check drawn payable to the Agricultural Stabilization and Conservation Service may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

(b) *Warehouse sale—net proceeds.* If the penalty due on any warehouse sale of tobacco by a producer as determined under §§ 725.1330 through 725.1361 is in excess of the net proceeds of such sale (gross amount for all lots included in the sale less usual warehouse charges), the amount of the net proceeds accompanied by a copy of the warehouse bill covering such sale may be remitted as the full penalty due. Usual warehouse charges shall not include (1) advances to producers, (2) charges for hauling, or (3) any other charges not usually incurred by producers in marketing tobacco through an auction warehouse.

(c) *Nonwarehouse sale—converted penalty rate.* Nonwarehouse sales including sales of scrap tobacco, shall be subject to the converted rate of penalty for the farm on which the tobacco was produced without regard to the net proceeds of the sale.

§ 725.1351 Request for return of penalty.

Any producer of tobacco after the marketing of all tobacco available for marketing from the farm and any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under §§ 725.1330 through 725.1361 to be paid. Such request shall be filed on MQ–85—Tobacco with the ASCS county office within two (2) years after the payment of the penalty. Approval of return of penalty to producers shall be by the county committee subject to the approval of the State Executive Director.

RECORDS AND REPORTS

§ 725.1352 Producer's records and reports.

(a) *Report of tobacco acreage.* The farm operator or any producer on the farm shall execute and file a report with the ASCS county office or a representative of the county committee on Form CSS–578, Report of Acreage, showing all fields of tobacco on the farm in 1962. If any producer on a farm files or aids or acquiesces in the filing of any false report with respect to the acreage of tobacco grown on the farm, even though the farm operator or his representative refuses to sign such report, the allotment next established for such farm and kind of tobacco shall be reduced pursuant to applicable tobacco marketing quota regulations for determining acreage allotments and normal yields, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the filing of, aiding, or acquiescing in the filing of, such false report was not intentional on the part of any producer on the farm and that no producer on the farm could reasonably have been expected to know that the report was false, provided the filing of the report will be construed as intentional unless the report is corrected and the payment of all additional penalty is made, or (2) no person connected with such farm for the year for which the allotment is being established caused, aided, or acquiesced in the filing of the false acreage report.

(b) *Report of flue-cured tobacco varieties planted.* The operator of each farm, or any producer thereon, on which flue-cured tobacco is planted in 1962 shall execute and file a report with the county office on Form MQ–32–Tobacco, Certification of Flue-Cured Tobacco Varieties Planted, which shall clearly state whether a discount variety was planted on the farm in 1962 or on any other farm in which he has an interest. If the farm operator or any producer thereon has executed and filed a report with the county office on Form MQ–32 which shows there was not planted on such farm(s) in 1962 any of the discount varieties of flue-cured tobacco and the operator or a producer on the farm wishes to change the Form MQ–32 to show there was planted on such farm(s) a discount variety, he may, at any time prior to the issuance of a marketing card for the farm, be permitted to file a new Form MQ–32 which shall supersede and replace the first Form MQ–32.

(c) *Report on marketing card.* The operator of each farm on which tobacco is produced in 1962 shall return to the ASCS county office each marketing card issued for the farm whenever marketings from the farm are completed and in no event later than thirty (30) days after the close of the tobacco auction markets for the locality in which the farm is located. Failure to return the marketing card within fifteen (15) days after written request by certified mail from the county office manager shall constitute failure to account for disposition of tobacco marketed from the farm unless disposition of all tobacco marketed from the farm is accounted for as provided in paragraph (e) of this section.

(d) *False identification.* If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments next established for both such farms and kind of tobacco shall be reduced pursuant to applicable tobacco marketing quota regulations for determining acreage allotments and normal yields, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) no person on such farm intentionally participated in such marketing or could have reasonably been expected to have prevented such marketing, provided the marketing shall be construed as intentional unless all tobacco from the farm is accounted for and payment of all additional penalty is made, or (2) no person connected with such farm for the year for which the allotment is being established caused, aided, or acquiesced in such marketing.

(e) *Report of production and disposition.* In addition to any other reports which may be required under §§ 725.1330 through 725.1361, the operator on each farm or any producer on the farm (even though the harvested acreage does not exceed the acreage allotment or even though no allotment was established for the farm) shall upon written request by certified mail from the State Executive Director within fifteen (15) days after deposit of such request in the United States mails addressed to such person at his last known address, furnish the Secretary on Form MQ–108—Tobacco a written report of the acreage, production, and disposition of all tobacco produced on the farm by sending the same to the ASCS State office showing, as to the farm at the time of filling such report, (1) the number of fields (patches or areas) from which tobacco was harvested, the acres of tobacco harvested from each such field, and the total acreage of tobacco harvested from the farm, (2) the total pounds of tobacco produced, (3) the amount of tobacco on hand and its location, (4) as to each lot of tobacco marketed, the same and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price and the date of the marketing and (5) complete details as to any tobacco disposed of other than by sale. Failure to file the MQ–108 as requested, the filing of a false MQ–108, or the filing of an MQ–108 which is found by the State committee to be incomplete or incorrect shall constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment next established for such farm and kind of tobacco shall be reduced pursuant to applicable tobacco marketing quota regulations for determining acreage allotments and normal yields, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (i) the failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition, provided such failure will be construed as intentional unless such proof of disposition is furnished and payment of all additional penalty is made, or (ii) no person connected with such farm for the year for which the allotment is being established caused, aided, or acquiesced in the failure to furnish such proof.

(f) *Harvesting second tobacco crop from same acreage.* If, in the calendar year 1962 more than one crop of tobacco was grown from (1) the same tobacco plants, or (2) different tobacco plants, and is harvested for marketing from the same acreage of a farm, the acreage allotment next established for such farm shall be reduced by an amount equivalent to the acreage from which more than one crop of tobacco was so grown and harvested.

(g) *Cancellation of new farm allotment.* Any new farm allotment approved under §§ 725.1311 through 725.1328 (26 F.R. 6419, 6581, 7694, 9505, 10152) which was determined by the county committee on the basis of incorrect information knowingly furnished the county committee by the applicant for the new farm allotment shall be cancelled by the county committee as of the date the allotment was established.

§ 725.1353 Warehouseman's records and reports.

(a) *Record of marketing.* (1) Each warehouseman shall keep such records as will enable him to furnish the ASCS State office with respect to each warehouse sale of tobacco made at his warehouse the following information.

(i) The name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a sale by a producer, and in the case of a resale the name of the seller.

(ii) Date of sale.

(iii) Number of pounds sold.

(iv) Gross sale price.

(v) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s); and in addition with respect to each individual basket or lot of tobacco constituting the warehouse sale the following information:

(vi) Name of purchaser.

(vii) Number of pounds sold.

(viii) Gross sale price.

(2) Records of all purchases and resales of tobacco by the warehouseman shall be maintained to show a separate account for:

(i) Nonwarehouse sales by farmers of tobacco purchased by or on behalf of the warehouseman.

(ii) Purchases and resales of leaf account tobacco.

(iii) Resales of floor sweepings.

(3) Each warehouseman shall keep such records as will enable him to furnish the ASCS State office the total pounds and amounts of the debits (for short baskets and short weights of tobacco) and the credits (for long baskets and long weights of tobacco) to the Buyers Corrections Account as defined in § 725.1331(b). Where the warehousemen returns to the seller tobacco debited to the Buyers Corrections Account, the warehouseman shall prepare an adjustment invoice to the seller. This invoice shall be the basis for a credit entry for the warehouse in the Buyers Corrections Account and a corresponding purchase (debit entry), in a case of a dealer, on the Dealer's MQ–79 (Dealer's Record). If a warehouse maintains a daily summary of billouts, the balancing figure reflected thereon, if any, shall not be

included in the Buyers Corrections Account.

(4) Any warehouseman or any other person who grades tobacco for farmers shall maintain records which will enable him to furnish the ASCS State office the name of the farm operator and the approximate amount of scrap tobacco obtained from the grading of tobacco from each farm.

(5) Any warehouseman or any other person who provides tobacco curing space or stripping space for farmers shall maintain records which will enable him to furnish the ASCS State office the name of the farm operator and the approximate amount of scrap tobacco obtained from each farm resulting from providing such space.

(6) In the case of resales for dealers, the name of the dealer making each resale shall be shown on the warehouse records so that the individual lots of tobacco sold by the dealer can be identified.

(b) *Identification of producer sales of tobacco.* (1) *Floor Sheet.* The prefix letter and serial number of the marketing card shall be recorded by the warehouseman on his office copy of the warehouse floor sheet covering a sale of tobacco by a producer, and, in the case of flue-cured tobacco such entry shall be recorded prior to the time the tobacco is offered for sale.

(2) *Check register.* The serial number of the warehouse bill(s) shall be recorded by the warehouseman on the check register or check stub for the check written covering a sale of tobacco by a producer.

(3) *Marketing card cover.* The serial number of the warehouse bill(s) shall be recorded on the inside front cover of the marketing card by the field assistant or warehouseman for each memorandum of sale issued covering a sale of tobacco by a producer.

(c) *Memorandum of sale and bill of nonwarehouse sale.* A record in the form of a valid memorandum of sale or an MQ–82—Tobacco, Sale Without Marketing Card, shall be obtained by a warehouseman to cover each marketing of tobacco from a farm through the warehouse and each nonwarehouse sale of tobacco purchased by or for the warehouseman. For a nonwarehouse sale of tobacco purchased by or for a warehouseman, no memorandum of sale shall be issued unless the bill of nonwarehouse sale on the reverse side of the memorandum is executed. Any warehouseman or any other person who obtains possession of any scrap tobacco in the course of grading tobacco from any farm and any warehouseman who obtains possession of any scrap tobacco as a result of providing curing space or stripping space for farmers shall obtain a bill of nonwarehouse sale and a memorandum of sale to cover the amount of such scrap tobacco.

(d) *Suspended sale record.* Any warehouse bills covering first marketing of farm tobacco for which memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills "Suspended" and write thereon the serial number of the suspended sale, and record the bills on MQ–80—Tobacco, Daily Auction Warehouse Report: *Provided*, That, if a field assistant is not available, the warehouseman may stamp such bills "Suspended" and deliver them to a field assistant when one is available.

(e) *Warehouse entries on dealer's record.* Each warehouseman shall record, or have the dealer record, on MQ–79—Tobacco, the total purchases and resales made by each such dealer or other warehouseman during each sale day at the warehouse and, regardless of who makes the entries, the warehouseman shall enter his initials in the space provided. If any tobacco resold by the dealer is tobacco bought by him from a crop produced prior to 1962 the entry on MQ–79—Tobacco shall clearly show such fact.

(f) *Record and report of purchases and resales.* Each warehouseman shall keep a record and make reports on MQ–79—Tobacco, Dealer's Record, showing:

(1) All purchases of tobacco directly from producers other than at public auction through a warehouse (nonwarehouse sales).

(2) All purchases and resales of tobacco at public auction through warehouses other than his own.

(3) All purchases of tobacco from dealers other than warehousemen and resales of tobacco to dealers other than warehousemen.

(4) Resales of floor sweepings separately from leaf account tobacco, as these terms are defined under § 725.1331.

MQ–79—Tobacco shall be prepared and a copy forwarded to the ASCS State office not later than the end of the calendar week in which such tobacco was purchased or resold: *Provided*, That, if tobacco is purchased prior to the opening of the local auction market an MQ–79—Tobacco shall be prepared and a copy forwarded to the ASCS State office not later than the end of the calendar week which would include the first sale day of the local auction markets. A remittance for all penalties shown by the entries on MQ–79—Tobacco and on the memoranda of sale to be due shall be forwarded to the ASCS State office with the original copy of MQ–79—Tobacco.

(g) *Identification of flue-cured leaf account tobacco as acceptable variety and reports on MQ–79–1 (Flue-Cured).* (1) Each warehouseman who offers for auction sale any leaf account flue-cured tobacco on a warehouse floor other than his own and who requests the other warehousemen to identify such tobacco as being "acceptable variety" shall either (i) execute Form MQ–79–1 (Flue-Cured), Dealers Certification—Resale Tobacco, or (ii) have the eligibility of such tobacco to be so identified determined by the Director or his representative.

(2) Each warehouseman who is participating in the Commodity Credit Corporation price support program and who identifies resale tobacco with a "certified" basket ticket indicating that such tobacco by virtue of an executed Form MQ–79–1 (Flue-Cured) Dealers Certification—Resale Tobacco is of an acceptable variety, shall at the time the tobacco is weighed in have such tobacco covered by an executed Form MQ–79–1 unless the eligibility of such tobacco to be identified as being of an acceptable variety is determined by the Director or his representative.

(3) Each executed MQ–79–1 (Flue-Cured), Dealers Certification—Resale Tobacco, shall show the following information with respect to each lot of resale tobacco:

(i) Crop year.

(ii) Name and address of warehouse where the tobacco is being offered for sale.

(iii) Floor sheet number and date.

(iv) Date and signature of dealer and current address.

(v) Dealer's Record book number where the resale will be recorded.

The requirements of this paragraph need not be met upon the Director determining no discount variety of flue-cured tobacco remains available for sale during the 1962–63 marketing season and upon the warehouse being so notified by the State Executive Director or his representative.

(h) *Daily report of warehouse business.* Each warehouseman shall prepare and promptly forward at the end of each sale day to the ASCS State office a report on Form MQ–80—Tobacco, Daily Auction Warehouse Report, showing for each sale day, unless otherwise stated below:

(1) For each dealer or buyer, as originally billed, the total pounds and gross amount of tobacco purchased at auction, and resales at auction on the warehouse floor.

(2) For any association, as originally billed, the total pounds and gross amount of loan tobacco acquired at auction, and resales at auction, if any, on the warehouse floor.

(3) The total pounds and gross amount of all leaf account purchases at auction on the warehouseman's own floor and the total pounds and gross amount of all leaf account resales at auction on the warehouseman's own floor including resales of tobacco from Buyers Corrections Account.

(4) The total pounds and gross amount of all resales at auction on the warehouseman's own floor of floor sweepings which accumulated on the warehouseman's own floor.

(5) The sum of the totals for subparagraphs (1), (2), (3), and (4) of this paragraph.

(6) The computed total of first sales at auction on the warehouse floor.

(7) The (i) warehouse gross sales for the day, pounds and amount, as billed to buyers (sum of subparagraphs (1), (2), and (3) of this paragraph), (ii) the amount on warehouse check register, if shown thereon; and, (iii) the total of the resales, pounds and amount (sum of subparagraphs (1), (2), (3), and (4) of this paragraph).

(8) On the report for the last sale day for the season, the pounds and estimated value of all tobacco on hand and whether such tobacco represents leaf account tobacco, or floor sweepings which accumulated on the warehouseman's own floor.

(9) For each sale day, if available, otherwise weekly, the sum of the debits and the sum of the credits, pounds and amounts, from the Buyers Corrections Account.

(10) For each warehouse sale of excess tobacco from a farm, the applicable memorandum of sale numbers and the relevant memoranda together with remittance of the penalty due as shown thereon.

(11) As to the information required to be entered on Form MQ–80—Tobacco, Daily Auction Warehouse Report, by the field assistant, the warehouseman shall keep and make available such records as will enable the field assistant to enter thereon: (i) for each sale identified by a memorandum of sale or MQ–82, Sale Without Marketing Card, the pounds sold and gross amount; (ii) for each sale suspended under §§ 725.1346(a) and 725.1353(d) the warehouse bill(s) number, pounds sold and gross amount; and, (iii) for each sale cleared from suspension, the memorandum of sale number and the date of clearance.

§ 725.1354 Dealer's records and reports.

Each dealer except as provided in § 725.1355 and any dealer or any other person as provided in paragraph (e) of this section shall keep the records and make the reports as provided by this section.

(a) *Report of dealer's name, address and registration number.* Each dealer shall properly execute and the field assistant shall detach and forward to the ASCS State office "Receipt for Dealer's Record" contained in MQ–79—Tobacco which is issued to the dealer.

(b) *Record of marketing.* Each dealer shall keep such records as will enable him to furnish the ASCS State office with respect to each lot of tobacco purchased by him the following information:

(1) The name of the warehouse through which the tobacco was purchased in the case of a warehouse sale; the name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a nonwarehouse sale, including the records and reports for farm scrap tobacco set forth in § 725.1353 (a) (4), (5) and (c); and the name of the seller in the case of purchases directly from warehousemen or other dealers.

(2) Date of purchase.

(3) Number of pounds purchased.

(4) Gross purchase price.

(5) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s); and with respect to each lot of tobacco sold by him the following information.

(6) Name of the warehouse through which the tobacco was sold in the case of a warehouse sale, and the name of the purchaser if other than a warehouse sale.

(7) Date of sale.

(8) Number of pounds sold.

(9) Gross sale price.

(10) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s).

(11) In the event of a resale of tobacco bought by him and carried over from a crop produced prior to 1962, the fact that such tobacco was so bought and carried over.

(c) *Memorandum of sale and bill of nonwarehouse sale.* A bill of nonwarehouse sale and a memorandum of sale from the 1962 marketing card issued for the farm on which the tobacco was produced shall be obtained by a dealer to cover each purchase of tobacco directly from a producer other than at auction through a warehouse, including farm scrap tobacco obtained as set forth in § 725.1353 (a) (4), (5) and (c). No memorandum of sale shall be issued identifying such purchase unless the bill of nonwarehouse sale on the reverse side of the memorandum of sale has been executed. Nonwarehouse purchases shall be recorded by the dealer or the field assistant on MQ–79—Tobacco, Dealer's Record and the field assistant shall enter his initials in the space provided.

(d) *Record and report of purchases and resales.* (1) Each dealer shall keep a record and make reports on MQ–79—Tobacco, Dealer's Record, showing all purchases and resales of tobacco made by or for the dealer and, in the event of purchase or reasale of tobacco bought from a crop produced prior to 1962, the fact that such tobacco was bought by him and carried over from a crop produced prior to 1962.

(2) MQ–79—Tobacco shall be prepared and a copy forwarded to the ASCS State office not later than the end of the calendar week in which such tobacco was purchased or resold, including the original copy of any spoiled reports: *Provided*, That, if tobacco is purchased prior to the opening of the local auction market an MQ–79—Tobacco shall be prepared and a copy forwarded to the ASCS State office not later than the end of the calendar week which would include the first sale day of the local auction markets. A remittance for all penalties shown by the entries on MQ–79—Tobacco and on the memoranda of sale to be due shall be forwarded to the ASCS State office with the original copy of MQ–79—Tobacco.

(c) *Identification of flue-cured resale tobacco as acceptable variety and reports on MQ–79–1 (Flue-Cured).* (1) Each dealer or any other person who offers for auction sale any resale flue-cured tobacco on a warehouse floor which is participating in the Commodity Credit Corporation price support program and on which floor eligible resale flue-cured tobacco is identified with a "certified" basket ticket, and who requests the warehouseman to identify his tobacco as being of an "acceptable variety" shall either (i) execute Form MQ–79–1 (Flue-Cured), Dealers Certification-Resale Tobacco, or (ii) have the eligibility of such tobacco to be so identified determined by the Director or his representative.

(2) Each executed MQ–79–1 (Flue-Cured), Dealers Certification-Resale Tobacco, shall show the following information with respect to resale tobacco:

(i) Crop year.

(ii) Name and address of warehouse where the tobacco is being offered for sale.

(iii) Floor sheet number and date.

(iv) Date and signature of dealer and correct address.

(v) Dealer's record book number where the resale will be recorded.

(3) Each dealer or any other person who acquires acceptable variety tobacco in a manner which would make it ineligible for certification of Form MQ–79–1, or who has on hand both discount variety tobacco and acceptable variety tobacco and desires to dispose of acceptable variety tobacco prior to disposing of the discount variety tobacco, may apply in writing to the Director for a special authorization to have the acceptable variety tobacco certified when offered for auction sale.

(4) (i) If any dealer fails to timely file Form MQ–79, Dealer's Record, or if there is substantial indication that a dealer has executed a false certification on Form MQ–79–1, the Director may notify such dealer and all auction warehouses participating in the Commodity Credit Corporation price support program that certification by such dealer on Form MQ–79–1 shall not be accepted for the purpose of identifying tobacco offered for auction sale by such dealer as being of acceptable variety until further notice.

(ii) The requirements of this paragraph (e) need not be met upon the Director determining no discount variety of flue-cured tobacco remains available for sale during the 1962–63 marketing season and upon the dealer being so notified by the State Executive Director or his representative.

(f) *Report to warehousemen for Buyers Corrections Account of tobacco received.* Notwithstanding the provisions of § 725.1355, any dealer, buyer or any other person receiving tobacco from or through a warehouseman at an auction sale or otherwise, which is not invoiced to him or which is incorrectly invoiced to him by the warehouseman, shall furnish the warehouseman an invoice or an adjustment invoice correctly setting forth the pounds and dollars for which he has not been invoiced or for which he has been invoiced incorrectly.

§ 725.1355 Dealers exempt from regular records and reports.

Any dealer or buyer who does not purchase or otherwise acquire tobacco except at warehouse sales, or directly from dealers other than warehousemen, and who does not resell in the form in which tobacco ordinarily is sold by farmers more than 10 percent of such tobacco so purchased by him, except for reports under § 725.1354(e), shall not be subject to the other provisions of § 725.1354: *Provided, however*, That, any such dealer or buyer who purchases tobacco at nonwarehouse sale, or from a warehouseman other than at warehouse sale shall be subject to the provisions of § 725.1354 with respect to such purchases.

§ 725.1356 Records and reports of truckers and persons redrying, prizing or stemming tobacco.

(a) Each trucker shall keep such records as will enable him to furnish the ASCS State office a report with respect

to each lot of tobacco received by him showing:

(1) The name and address of the producer;

(2) The date of receipt of the tobacco;

(3) The number of pounds received; and,

(4) The name and address of the person to whom it was delivered.

(b) Each person engaged to any extent in the business of redrying, prizing or stemming tobacco for producers shall keep such records as will enable him to furnish the Director a report showing:

(1) The information required above for truckers; and in addition,

(2) The purpose for which the tobacco was received;

(3) The amount of advance made by him on the tobacco; and,

(4) The disposition of tobacco.

§ 725.1357 Separate records and reports from persons engaged in more than one business.

Any person who is required to keep any record or make any report as a warehouseman, processor, dealer, trucker, or as a person engaged in the business of redrying, prizing or stemming tobacco for producers, and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 725.1358 Failure to keep records and make reports or making false report or record.

(a) *Failure to keep records or make reports.* Under the provisions of section 373(a) of the Act, any warehouseman, processor, dealer, trucker, or person engaged in the business of redrying, prizing, or stemming tobacco for producers who fail to make any report or keep any record as required under §§ 725.1330 through 725.1361, or who makes any false report or record, is guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500 for each offense. In addition, any tobacco warehouseman or dealer who fails, upon being requested to do so, to remedy a violation(s) by submitting complete reports and keeping accurate records shall be subject to an additional fine, not to exceed $5,000.

(b) *False representations.* The penalties designated in paragraph (a) of this section are in addition to penalties prescribed by other criminal statutes including U.S. Code, Title 18, sec. 1001 which provides for a fine of not more than $10,000 or imprisonment for not more than 5 years, or both, for a person convicted of knowingly and willingly committing such acts as making a false acreage report, altering a marketing card, or falsely identifying tobacco.

§ 725.1359 Examination of records and reports.

For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report but not so furnished, any warehouseman, processor, dealer, trucker, or person engaged in the business of redrying, prizing or stemming tobacco for producers shall make available at one place for examination by representatives of the State Executive Director and by employees of the Investigation Division, Audit Division, and of the Tobacco Division of the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, upon written request by the State Executive Director or Director, all such books, papers, records, basket tickets, floor sheets, buyer adjustment invoices, accounts, cancelled checks, check registers, check stubs, correspondence, contracts, documents, and memoranda as the State Executive Director or Director has reason to believe are relevant and are within the control of such person.

§ 725.1360 Length of time records and reports are to be kept.

Records required to be kept and copies of the reports required to be made by any person under §§ 725.1330 through 725.1361 for the 1962–63 marketing year shall be kept by him until June 30, 1965, in the case of flue-cured tobacco and September 30, 1965, in the case of burley, fire-cured, dark air-cured and Virginia sun-cured tobacco. Records shall be kept for such longer period of time as may be requested in writing by the State Executive Director or the Director.

§ 725.1361 Information confidential.

All data reported to or acquired by the Secretary pursuant to the provisions of §§ 725.1330 through 725.1361 shall be kept confidential by all officers and employees of the U.S. Department of Agriculture and by all members of county and community committees and all ASCS county office employees and only such data so reported or acquired as the Deputy Administrator deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the Act.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: Date of filing with Director, Office of the Federal Register.

Signed at Washington, D.C., on June 18, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-6065; Filed, June 20, 1962; 8:49 a.m.]

[Amdt. 12]

PART 728—WHEAT

Subpart—Wheat Marketing Quota Regulations for 1961 and Subsequent Crop Years

EXCESS ACREAGE UTILIZATION DATE

Basis and purpose. The amendment herein is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and is issued for the purpose of amending the date for the disposal of excess wheat acreage in Box Butte, Dawes and Sheridan Counties, Nebraska. Since the determination of 1962 wheat acreage will soon be made, it is important that State and county committees be notified of the amendment herein as soon as possible so that producers with 1962 excess wheat acreage may be notified of the final date for utilization of such excess acreage as wheat cover crop. Accordingly, it is hereby found that compliance with the public notice, procedure and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendment shall become effective upon filing with the Director, Office of the Federal Register.

Paragraph (b) of § 728.1145 is amended to change the date of June 20 to July 1 for Box Butte, Dawes and Sheridan Counties, Nebraska.

(Secs. 374, 375, 52 Stat. 65, 66 as amended; 68 Stat. 904, 7 U.S.C. 1374, 1375)

Effective date: Upon filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on June 19, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-6139; Filed, June 20, 1962; 11:13 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Elberta Peach Reg. 1, Amdt. 1]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grades and Sizes

(a) *Findings.* (1) Pursuant to the marketing agreement as amended, and Order No. 917 (7 CFR Part 917), as amended, regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Elberta Peach Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the amendment to the regulation by grades and sizes in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restriction on the handling of fresh Elberta peaches grown in California.

Order. In § 917.307 (Peach Regulation 1, 27 F.R. 5329) delete subdivision (iii) of subparagraph (1) of paragraph (b) and subparagraph (2) of paragraph (b) and substitute in lieu thereof a new subdivision (iii) and subparagraph (2) as set forth below.

§ 917.307 Elberta Peach Regulation 1.

* * * * * *

(b) * * *

(1) * * *

(iii) Any lot of packages or containers of Elberta peaches if more than three (3) percent, by count, of the peaches in such lot are immature; or

* * * * * *

(2) Peaches which are "well matured" means peaches which, at the time of picking, (i) have shoulders and sutures well filled out and smooth; (ii) have skin which is at least very light green to yellowish green in color; (iii) have flesh that is yellow or straw color with only a small portion usually next to the skin being greenish yellow or greenish straw color; (iv) have flesh which shows some juiciness; and (v) yield very slightly to moderate pressure at the suture or tip.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, June 20, 1962, to be effective on and after 12:01 a.m., P.s.t., June 22, 1962.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-6144; Filed, June 20, 1962; 11:27 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 77—TUBERCULOSIS IN CATTLE

Modified Accredited Areas

Pursuant to § 77.3 of the regulations restricting the movement of cattle because of tuberculosis (9 CFR Part 77), issued under the provisions of sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 and 5 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 120, 121), and upon the basis of determinations made by the Director of the Animal Disease Eradication Division under said section, § 77.3a of Part 77, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, is hereby amended to read:

§ 77.3a Modified accredited areas.

The following areas are hereby designated as modified accredited areas: The District of Columbia and all portions of all States and Territories of the United States, other than the State of Hawaii.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended; 21 U.S.C. 111–113, 120, 121; 19 F.R. 74, as amended; 9 CFR 77.3)

Effective date. This amendment shall become effective upon issuance.

The amendment restores Grand Traverse, Kent, Ogemaw, and Sanilac Counties in the State of Michigan to the areas designated as modified accredited areas because such counties now meet the qualifications of such an area as set out in § 77.3.

The amendment relieves certain restrictions presently imposed and must be made effective promptly to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of June 1962.

E. E. SAULMON,
Acting Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 62-6076; Filed, June 20, 1962; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1249; Amdt. 455]

PART 507—AIRWORTHINESS DIRECTIVES

Hughes Model 269A Helicopter

Failure of the bond between the rib and the blade skin of a tail rotor blade on a Hughes Model 269A helicopter caused loss of the tip rib and produced severe tail rotor unbalance and vibration. As this condition is likely to occur in other such helicopters, an airworthiness directive is being issued to require inspection of the tail rotor blade and replacement of any blades with bond separation.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

HUGHES. Applies to Model 269A helicopter Serial Numbers 0011 to 0059 inclusive. Compliance required as indicated.

(a) To prevent failure of the tail rotor blade, within the next 10 hours time in service after the effective date of this AD, and each day thereafter, conduct a visual inspection of the tip of the Hughes P/N 269A6124 tail rotor blade for separation of the rib and the blade skin. This will appear as a crack in the bond line between the blade tip rib and the blade skin.

(b) If no separation is detected, the tail rotor blades may continue to be used in service for the remainder of their service life subject to the inspection specified in paragraph (a).

(c) If separation is detected, remove the tail rotor assembly and replace prior to further flight with an assembly incorporating tail rotor blades P/N 269A6124 Change E or later. After installation of P/N 269A6124 Change E or later, the normal inspection procedures may be followed.

(Hughes Tool Company, Aircraft Division, Hughes-O-Gram to operators dated May 2, 1962, covers the same subject.)

This amendment shall become effective June 26, 1962.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 14, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-6028; Filed, June 20, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-LA-49]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Federal Airway, Associated Control Areas and Reporting Points; Alteration of Control Area Extension

On February 24, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1773) stating that the Federal Aviation Agency proposed to revoke Green Federal airway No. 10, its associated control areas and reporting points from Everett, Wash., to Denver, Colo. It was also proposed to alter the description of the Whidbey Island, Wash., control area extension (§ 601.1106). Subsequent to publication of the notice, it has been determined that the southern portion of the Whidbey Island control area extension which overlaps the Seattle, Wash., control area extension (§ 601.1133) is a dual designation of airspace. Accordingly, action is taken herein to bound the Whidbey Island control area extension on the south by the Seattle control area extension.

The Air Transport Association of America offered no objection to the proposed amendments. However, Frontier Airlines stated that if Green 10 is re-

voked, they would require direct route authorization between Laramie, Wyo., Medicine Bow, Wyo., Sinclair, Wyo., and Rock Springs, Wyo., via low frequency facilities to protect their routes for dependable scheduling, especially where one of the VOR facilities is inoperative. Direct route authorization was granted to Frontier Airlines on May 10, 1962.

The Airline Pilots Association in commenting on the proposed amendments stated that the segment of Green 10 between Seattle and Vancouver was shorter than the route via Victor 23 and that they preferred to retain this airway segment for more simple flight planning procedures and clearance transmissions. If this were not possible, they requested retention of the segment of Green 10 between Bellingham and Vancouver to retain the shorter mileage and proximity to the marine surface to avoid frequent adverse weather conditions in the vicinity of Bellingham and the mouth of the Fraser River.

A review of these comments has disclosed the following:

1. The distance between the Seattle VOR and the Vancouver VOR via Victor 23 is only 4 nautical miles further than between the Seattle L/F radio range and the Vancouver L/F radio range via Green 10.

2. The latest IFR Peak day airway traffic survey for the route between Seattle and Vancouver shows a maximum of three air carrier aircraft movements between Seattle and Vancouver on any two segments of Green 10. However, it shows a maximum of 15 air carrier aircraft movements on any two segments of Victor 23.

3. It is realized that the weather in the Bellingham area could be a factor. However, at its farthest point inland, the centerline of Victor 23 is only 5 miles further inland than the centerline of Green 10. In addition, both airways traverse the mouth of the Fraser River.

In view of the above facts, it appears that the retention of Green 10 is unjustified as an assignment of airspace. Accordingly, action is taken herein to revoke Green 10, its associated control areas and reporting points.

No other comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator, (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

§ 600.20 [Revocation]

1. In part 600 (14 CFR Part 600) § 600.20 *Green Federal airway No. 10 (United States-Canadian Border to Denver, Colo.)*. is revoked.

§ 601.20 [Revocation]

2. In Part 601 (14 CFR Part 601) § 601.20 *Green Federal airway No. 10 control areas (United States-Canadian Border to Denver, Colo.)*. is revoked.

§ 601.4020 [Revocation]

3. In Part 601 (14 CFR Part 601) § 601.4020 *Green Federal airway No. 10 (United States-Canadian Border to Denver, Colo.)*. is revoked.

4. The text of § 601.1106 (26 F.R. 1717) is amended to read:

§ 601.1106 Control area extension (Whidbey Island, Wash.).

The area bounded on the north by lines connecting points at latitude 48°-42'48" N., longitude 123°11'57" W., and latitude 48°51'45" N., longitude 122°40'-00" W.; bounded on the east by low altitude VOR Federal airway No. 23; bounded on the south by the Seattle, Wash., control area extension (§ 601.-1133); bounded on the southwest by low altitude VOR Federal airway No. 4 and bounded on the west by lines connecting points at latitude 48°10'00" N., longitude 123°01'00" W.; latitude 48°38'30" N., longitude 123°13'00" W.; and latitude 48°42'48" N., longitude 123°11'57" W., excluding the portion within Canada. The airspace within Restricted Areas R-6701, R-6708, and R-6713 shall be used only after obtaining prior approval from the appropriate authority.

These actions shall become effective 0001 e.s.t., August 23, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 15, 1962.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 62-6029; Filed, June 20, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WE-73]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extension and Federal Airway

The purpose of these amendments to §§ 600.6202 and 601.1186 of the regulations of the Administrator is to alter the description of the Tucson, Ariz., control area extension and VOR Federal airway No. 202 which extends from Tucson to Truth or Consequences, N. Mex.

The Tucson control area extension and VOR Federal airway No. 202 are designated, in part, with reference to the Tucson radio range. The Federal Aviation Agency is converting this facility to a radio beacon. Therefore, action is taken herein to substitute the Tucson radio beacon for the Tucson radio range in the description of the Tucson control area extension and VOR Federal airway No. 202.

Since these amendments are editorial in nature, and impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. Section 600.6202 (14 CFR 600.6202) is amended to read:

§ 600.6202 VOR Federal airway No. 202 (Tucson, Ariz., to Truth or Consequences, N. Mex.).

From the Tucson, Ariz., RBN via the INT of the Tucson RBN 157° bearing and the Cochise, Ariz., VOR 257° radial; Cochise, VOR; San Simon, Ariz., VOR; to the Truth or Consequences, N. Mex., VOR.

§ 601.1186 [Amendment]

2. In the text of § 601.1186 (14 CFR 601.1186, 27 F.R. 5086) "Tucson RR" is deleted wherever it appears and "Tucson RBN" is substituted therefor.

These amendments shall become effective 0001 e.s.t., August 23, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 15, 1962.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 62-6030; Filed, June 20, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WA-65]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airway and Reporting Point

The purpose of these amendments to the regulations of the Administrator is to change the name of the Hassayampa, Ariz., VOR to the Buckeye, Ariz., VOR wherever it appears in §§ 600.6016 and 601.7001. The name of the Hassayampa VOR has been changed to the Buckeye VOR. This name change is reflected on aeronautical charts but has not been incorporated in the description of VOR Federal airway No. 16 nor in the list of reporting points. Corrective action is taken herein.

Since these changes are editorial in nature and will not assign or reassign the use of navigable airspace, notice and public procedure hereon are unnecessary and they may be made effective immediately.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, the following actions are taken:

1. In the text of § 600.6016 (14 CFR 600.6016, 26 F.R. 3521, 3852, 27 F.R. 467, 4244) "Blythe, Calif., omnirange station; Hassayampa, Ariz., omnirange station, including a north alternate via the intersection of the Blythe omnirange 079° True and the Hassayampa omnirange 291° True radials;" is deleted and "Blythe, Calif., VORTAC; Buckeye, Ariz., VOR, including a north alternate via the INT of the Blythe VORTAC 079° and the Buckeye VOR 291° radials;" is substituted therefor.

2. In the text of § 601.7001 (14 CFR 601.7001) "Hassayampa, Ariz., omnirange station." is deleted and "Buckeye, Ariz., VOR." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 15, 1962.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 62-6031; Filed, June 20, 1962; 8:46 a.m.]

[Airspace Docket No. 62-WE-75]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration and Designation of Control Zones

The purpose of these amendments to Part 601 of the regulations of the Administrator is to alter the Oxnard, Calif., control zone and to designate a control zone at the Ventura County Airport, Oxnard, Calif.

The Oxnard control zone is presently designated within a 5-mile radius of Oxnard-Ventura County Airport, and within a 5-mile radius of Oxnard AFB. The portion of this control zone which coincides with R-2527 shall be used only after obtaining prior approval from appropriate authority.

As designated, the operations for both airports are based on the weather report at Oxnard AFB. Weather, communications and control tower services are available at both airports and the Federal Aviation Agency has deemed it advisable to designate separate control zones to obtain the maximum operational capability at Ventura County Airport and Oxnard AFB. Accordingly, action is taken herein to alter the Oxnard control zone by deleting reference to the 5-mile radius of Ventura County Airport and designating a separate control zone for the Ventura County Airport. This action will not alter the extent of the presently designated controlled airspace in this area.

Since these amendments impose no additional burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than thirty days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

1. Section 601.2321 (14 CFR 601.2321) is amended to read:

§ 601.2321 Oxnard, Calif., (Oxnard AFB) control zone.

Within a 5-mile radius of Oxnard AFB, Calif. (latitude 34°12'50" N., longitude 119°05'15" W.), excluding the portion W of a line from latitude 34°-15'35" N., longitude 119°09'15" W. to latitude 34°09'10" N., longitude 119°-08'05" W.

2. Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.2511 Oxnard, Calif. (Ventura County Airport), control zone.

Within a 5-mile radius of Ventura County Airport, Calif. (latitude 34°-12'02" N., longitude 119°12'10" W.), excluding the portion E of a line from latitude 34°15'35" N., longitude 119°-09'15" W. to latitude 34°09'10" N., longitude 119°08'05" W. The portion of this control zone which coincides with R-2527 shall be used only after obtaining prior approval from appropriate authority.

These amendments shall become effective 0001 e.s.t., August 23, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C. on June 15, 1962.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 62-6032; Filed, June 20, 1962; 8:46 a.m.]

[Airspace Docket Nos. 62-WE-29, 62-WE-50]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Advisory Areas

On May 9, 1962, a notice of proposed rule making, Airspace Docket No. 62-WE-29, was published in the FEDERAL REGISTER (27 F.R. 4431) stating that the Federal Aviation Agency (FAA) proposed to alter the jet advisory areas associated with Jet Routes Nos. 30, 60, 84, and 94, with a comment period of 30 days after publication.

On May 29, 1962, a notice of proposed rule making, Airspace Docket No. 62-WE-50, was published in the FEDERAL REGISTER (27 F.R. 5004) stating that the FAA proposed to alter the jet advisory areas associated with Jet Routes Nos. 32, 84, 94, and 107, with a comment period of 15 days after publication.

Since the secondary radars associated with the North Platte, Nebr., and the Wheatland, Wyo., air route surveillance radars, which will provide the additional jet advisory service, are to be commissioned in June 1962, the above dockets are being combined in this rule-making action to obtain the earliest effective date practicable.

No comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notices, in § 602.200 *En route advisory areas* (14 CFR 602.200, 27 F.R. 338, 2279, 4553) the following changes are made:

1. Jet Route No. 30 is amended to read:

Jet Route No. 30 jet advisory area. Radar—Denver, Colo., to Joliet, Ill.

2. In Jet Route No. 32 Radar and Non Radar where "10 nmi NE" appears, substitute "72 nmi SW".

3. Jet Route No. 60 is amended to read:

Jet Route No. 60 jet advisory area. Radar—Los Angeles, Calif., to 65 nmi SW of Grand Junction, Colo.; from 94 nmi WSW of Denver, Colo., to Idlewild, N.Y. Nonradar—From 65 nmi SW of Grand Junction, Colo., to 94 nmi WSW of Denver, Colo.

4. Jet Route No. 84 is amended to read:

Jet Route No. 84 jet advisory area. Radar—Oakland, Calif., to 50 nmi E of Rock Springs, Wyo.; from 85 nmi E of Rock Springs to Northbrook, Ill. Nonradar—From 50 nmi E of Rock Springs, Wyo., to 85 nmi E of Rock Springs.

5. Jet Route No. 94 is amended to read:

Jet Route No. 94 jet advisory area. Radar—Oakland, Calif., to 50 nmi E of Rock Springs, Wyo.; from 85 nmi E of Rock Springs to Boston, Mass. Nonradar—From 50 nmi E of Rock Springs, Wyo., to 85 nmi E of Rock Springs.

6. In Jet Route No. 107 Radar and Nonradar where "10 nmi NE" appears, substitute "105 nmi SW".

These amendments shall become effective 0001 e.s.t., July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 18, 1962.

CLIFFORD P. BURTON,
Acting Director, Air Traffic Service.

[F.R. Doc. 62-6033; Filed, June 20, 1962; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-61]

PART 13—PROHIBITED TRADE PRACTICES

Joseph Kusin et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* § 13.30-75 *Textile Fiber Products Identification Act;* § 13.155 *Prices:* § 13.155-40 *Exaggerated as regular and customary.* Subpart—Concealing, obliterating or removing law required and informative marking: § 13.523 *Textile*

fiber products tags or identification.[1] Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–80 *Textile Fiber Products Identification Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–70 *Textile Fiber Products Identification Act.* Subpart—Using misleading name—Goods. § 13.2280 *Composition:* § 13.2280–70 *Textile Fiber Products Identification Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Joseph Kusin et al. trading as Dixie Bedding & Furniture Co., Monroe, La., Docket C–61, Jan. 5, 1962]

In the Matter of Joseph Kusin, Louis M. Kusin, and Mrs. Irving Bloom, Individually and as Copartners Trading as Dixie Bedding & Furniture Co.

Consent order requiring a Monroe, La., co-partnership to cease violating the Textile Fiber Products Identification Act by labeling and advertising as "70% virgin wool and 30% nylon", floor coverings which contained substantially less nylon than thus represented; failing to indicate on labels and in advertising that the fiber content information did not apply to the exempted backings, fillings, or paddings; using the name of the fur-bearing animal nutria deceptively in advertising in that the products concerned did not contain hair of the nutria; removing the required labels or other means of identification from textile products prior to delivery to the consumer; and using fictitious prices preceded by the term "Orig." in advertising carpeting.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Joseph Kusin, Louis M. Kusin and Mrs. Irving Bloom, individually and as co-partners trading as Dixie Bedding & Furniture Co., and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising or offering for sale, in commerce, or the transportation or causing to be transported, in commerce or the importation into the United States of textile fiber products; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of textile fiber products which have been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of textile fiber products, whether in their original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products:

1. As to the name or amount of constituent fibers contained therein.

2. By failing to set forth that the required disclosure as to the fiber content of floor coverings relates only to the face, pile, or outer surface of such products and not to exempted backing, filling, or padding when such is the case.

B. Misbranding textile fiber products by failing to affix labels to such textile fiber products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

C. Falsely and deceptively advertising textile fiber products by:

1. Making any representations by disclosure or by implication of the fiber contents of any textile fiber product in any written advertisement which is used to aid, promote, or assist directly or indirectly in the sale or offering for sale of such textile fiber product unless the same information required to be shown on the stamp, tag, label or other means of identification under section 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Failing to set forth that the disclosure of the fiber content of floor coverings relates only to the face, pile or outer surface and not to the exempted backing, filling or padding of such products where such is the case.

3. Using any names, words, depictions, descriptive matter or other symbols, which connote or signify a fur bearing animal, unless such products or parts thereof in connection with which the names, words, depictions, descriptive matter or other symbols are used, are furs or fur products within the meaning of the Fur Products Labeling Act; *Provided, however*, That where a textile fiber product contains the hair or fiber of a fur-bearing animal, the name of such animal, in conjunction with the word "fiber", "hair", or "blend", may be used.

D. Failing to set forth that the disclosure of the required fiber content information as to floor coverings containing exempted backings fillings, or paddings, relates only to the face, pile or outer surface of such textile fiber products and not to the exempted backings, fillings or paddings.

E. Removing, causing or participating in the removal or multilation of any stamp, tag, label, or other identification required to be affixed to textile fiber products, after shipment of such textile fiber products in commerce and prior to the time such textile fiber products are sold and delivered to the ultimate consumer, except as permitted by the Textile Fiber Products Identification Act.

It is further ordered, That respondents Joseph Kusin, Louis M. Kusin and Mrs. Irving Bloom, individually and as copartners trading as Dixie Bedding & Furniture Co., and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of their floor coverings or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, in any manner, that any amount is the usual and regular retail price of merchandise when such amount is in excess of the price at which respondents have usually and customarily sold such products in the recent regular course of business.

2. Misrepresenting in any manner, the savings available to purchasers of respondents' products.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 5, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6043; Filed, June 20, 1962; 8:47 a.m.]

[1] New.

[Docket C–60]

PART 13—PROHIBITED TRADE PRACTICES

Joseph J. Ramia and United Forwarding Service

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Securing information by subterfuge: § 13.2168 *Securing information by subterfuge.* Subpart—Using misleading name—vendor: § 13.2425 *Nature, in general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Joseph J. Ramia doing business as United Forwarding Service, Concord, Calif., Docket C–60, Jan. 5, 1962]

In the Matter of Joseph J. Ramia, an Individual, Trading and Doing Business as United Forwarding Service

Consent order requiring an individual in Concord, Calif., engaged in selling a printed mailing form for use by collection agencies and merchants in tracing delinquent debtors, to cease representing falsely, through use of his trade name, the statement on the cards "We are holding a package consigned to you", and the general format, that a package of value was being held for the addressee and would be forwarded upon return of the filled-in form.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent, Joseph J. Ramia, an individual, trading and doing business as United Forwarding Service, or trading and doing business under any other name or names and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the business of obtaining information concerning delinquent debtors, or the offering for sale, sale or distribution of forms, or other material, for use in obtaining information concerning delinquent debtors, or in the collection of, or attempting to collect, delinquent accounts in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, or placing in the hands of others for use, any form, questionnaire or other material, printed or written, which does not clearly reveal that the purpose for which the information is requested is that of obtaining information concerning delinquent debtors, or in the collection of, or attempting to collect, delinquent accounts.

2. Representing, or placing in the hands of others, any means by which they may represent, directly or by implication, that a package, or other thing of value, is being held for the persons from whom information is sought, unless respondent then has in his possession such package, or other thing of value, intended for such person and then only when the contents of the package, or other thing of value, is clearly and expressly disclosed and described.

3. Using the name United Forwarding Service or any other name of similar import to designate, describe or refer to respondent's business.

It is further ordered, That the respondent herein, Joseph J. Ramia, an individual trading and doing business as United Forwarding Service, shall within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: January 5, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6042; Filed, June 20, 1962; 8:47 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.481]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Miscellaneous Amendments

Parts 41 and 42, Chapter I, Title 22 of the Code of Federal Regulations are being amended to delete requirements relating to the entry of fee receipt notations and to enable the Department to authorize consular officers to place nonimmigrant visa stamps on a prescribed form rather than in the alien's passport in appropriate cases. Minor amendments of an editorial nature are being made to correct references to statutory provisions which have been repealed and to delete certain nonquota immigrant visa classification symbols which are now obsolete.

1. Section 41.124 (b) and (g) is amended to read as follows:

§ 41.124 Procedure in issuing visas.

* * * * * *

(b) *Cases in which visa may not be stamped in passport.* In the following cases the visa stamp shall be placed on such form as shall be prescribed by the Department to which a photograph of the alien shall be attached under seal: (1) The alien's passport was issued by a government with which the United States has not entered into formal diplomatic relations, unless the Department has specifically authorized the insertion of the visa stamp in such passport; (2) the alien's passport does not provide sufficient space for the visa stamp; (3) the passport requirement has been waived; or (4) in other cases as authorized by the Department. In issuing a visa in such cases a notation shall be made on the form prescribed by the Department on which the visa is placed specifying the pertinent subparagraph of this paragraph under which the action is taken.

* * * * * *

(g) *Notation regarding issuance of visa without fee.* If no fee is prescribed for the issuance of a nonimmigrant visa, the word "Gratis" shall be stamped or written in the lower left corner of the visa stamp.

2. Section 41.127 (c) and (e)(5) is amended to read as follows:

§ 41.127 Crew-list visas.

* * * * * *

(c) *Fee.* A fee of two dollars shall be charged for the visaing of any crew list (Tariff of Fees, Foreign Service of the United States of America), except that no fees shall be charged for a crew-list visa issued in the case of an American vessel (§ 22.1 of this chapter) or for the issuance of a supplemental crew-list visa in the case of any vessel or aircraft.

* * * * * *

(e) *Procedure in issuing.* * * *

(5) In issuing a crew-list visa, the consular officer shall deliver the original of the crew list to the master of the vessel or commanding officer of the aircraft or to the authorized agent of such master or officer for presentation to the immigration officer at the first port of arrival in the United States. The duplicate copy of the crew list shall be retained for the consular files and shall show the date of issuance of the crew-list visa. (For regulations regarding exclusion from and refusal of crew-list visas see § 41.132(a).)

3. Section 42.12(a) is amended to read as follows:

§ 42.12 Classification symbols.

* * * * * *

(a) The following symbols shall be used in the cases of nonquota immigrants:

Class	Section of the Law	Symbol to be inserted in visa
Azores natural calamity victim.	1(a), Act of Sept. 2, 1958, as amended.	K–11
Accompanying spouse or unmarried minor son or daughter of alien classified K–11.	1, Act of Sept. 2, 1958, as amended.	K–12
Netherlands national displaced from Indonesia.	1(B), Act of Sept. 2, 1958, as amended.	K–13
Accompanying spouse or unmarried minor son or daughter of alien classified K–13.	1, Act of Sept. 2, 1958, as amended.	K–14
Beneficiary of second preference petition filed prior to July 1, 1961.	25(a), Act of Sept. 26, 1961.	K–21
Beneficiary of third preference petition filed prior to July 1, 1961.	.....do.....	K–22
Spouse of U.S. citizen	101(a)(27)(A) of the Act.	M–1
Child of U.S. citizen	.....do.....	M–2
Eligible orphan adopted abroad.	.....do.....	M–3
Eligible orphan to be adopted	.....do.....	M–4
Returning resident	101(a)(27)(B) of the Act.	N
Native of certain Western Hemisphere countries.	101(a)(27)(C) of the Act.	O–1
Spouse of alien classified O–1 (unless O–1 in own right).	.....do.....	O–2
Child of alien classified O–1 (unless O–1 in own right).	.....do.....	O–3
Person who lost U.S. citizenship by marriage.	101(a)(27)(D) and 324(a) of the Act.	P–1
Person who lost U.S. citizenship by serving in foreign armed forces.	101(a)(27)(D) and 327 of the Act.	P–2
Minister of religion	101(a)(27)(F) of the Act.	Q–1
Spouse of alien classified Q–1	.....do.....	Q–2
Child of alien classified Q–1	.....do.....	Q–3
Certain employees or former employees of U.S. Government abroad.	101(a)(27)(G) of the Act.	R–1
Accompanying spouse of alien classified R–1.	.....do.....	R–2
Accompanying child of alien classified R–1.	.....do.....	R–3

4. Section 42.66(a)(6) is amended to read as follows:

§ 42.66 Cancellation of registration.

(a) Except as provided in paragraph (b) of this section, the registration of a quota immigrant shall be canceled under any of the following circumstances:

* * * * * *

(6) The registrant is issued an exchange-visitor visa or obtains a change of status in the United States to that of an exchange visitor under the provisions of section 101(a)(15)(J) of the Act;

5. The cross reference appearing at the end of § 42.95 is amended to read as follows:

§ 42.95 Relief for certain ineligible aliens.

* * * * * *

CROSS REFERENCE: For waiver of certain grounds of ineligibility under the provisions of section 212 (f), (g), or (h) of the Act, as amended, see § 42.91(a) (1–6), (9), (10), (12), and (19).

6. Section 42.117(a) is amended to read as follows:

§ 42.117 Execution of visa application.

(a) *Application fee.* The fee of $5.00 prescribed by section 281 of the Act for the furnishing and verification of each application for an immigrant visa shall be collected and a fee receipt shall be issued. The application fee shall not be

refunded without specific authorization from the Department.

7. Section 42.121 is amended to read as follows:

§ 42.121 Visa fees.

The prescribed fee of $20.00 for the issuance of an immigrant visa shall be collected after the execution of the application and completion of the visa interview, and a fee receipt shall be issued. The fee shall not be refunded without specific authorization from the Department.

(Sec. 281, 66 Stat. 230; 6 U.S.C. 1351)

Effective date. The amendments to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

MICHEL CIEPLINSKI,
Acting Administrator, Bureau of Security and Consular Affairs.

JUNE 11, 1962.

[F.R. Doc. 62-6056; Filed, June 20, 1962; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2704]

[Washington 04193]

WASHINGTON

Partly Revoking Public Land Order No. 606 of September 13, 1949

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 606 of September 13, 1949, so far as it withdrew the following described lands under supervision of the Department of the Army for use in connection with the McNary (Umatilla) Lock and Dam Project, is hereby revoked:

WILLAMETTE MERIDIAN

T. 5 N., R. 28 E.,
Sec. 2, lots 1, 2, 3, and 4;
Sec. 4, lots 1, 2, and 3, S½NE¼, SE¼NW¼, and NE¼SW¼.
T. 5N., R 29 E.,
Sec. 4, SW¼.
T. 5 N., R. 30 E.,
Sec. 6, lots 2, 3, and 4, SW¼NW¼.
T. 6 N., R. 30 E.,
Sec. 18, SW¼NE¼ and SE¼SW¼;
Sec. 28, NE¼SE¼.

The areas described aggregate approximately 880 acres.

2. The lands are arid grazing lands supporting a sparse cover of native grasses and weeds. Some of them are also withdrawn for power purposes in Power Site Reserve No. 742 of June 2, 1920.

3. Until 10:00 a.m. on December 14, 1962, the State of Washington shall have a preferred right to apply to select the lands in accordance with the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). Beginning at 10:00 a.m. on December 14, 1962, the lands shall be open to disposition generally under the public land laws, including the mining laws, subject to valid existing rights, the requirements of applicable law, and the provisions of existing withdrawals.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JUNE 15, 1962.

[F.R. Doc. 62-6044; Filed, June 20, 1962; 8:47 a.m.]

[Public Land Order 2705]

[Sacramento 062537]

CALIFORNIA

Withdrawing Public Lands for the Protection of Recreation Values; Weitchpec Fishing Access

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights and to the provisions of existing withdrawals, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws including the mining laws, and reserved under the jurisdiction of the Bureau of Land Management, Department of the Interior, for the preservation of recreation values and access to the waters of the Klamath River:

HUMBOLDT MERIDIAN

T. 9 N., R. 4 E.,
Sec. 1, lot 1.

Containing approximately 40 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JUNE 15, 1962.

[F.R. Doc. 62-6045; Filed, June 20, 1962; 8:47 a.m.]

[Public Land Order 2706]

CALIFORNIA

Reclamation Withdrawal and Revocation (Solano Project); Water Power Restoration

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), and in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, it is ordered as follows:

1. Subject to valid existing rights, the following-described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, for use of the Bureau of Reclamation in connection with the Solano Project:

[Sacramento 067221]

MOUNT DIABLO MERIDIAN

T. 8 N., R. 3 W.,
Sec. 26, SE¼NE¼.

Containing 40 acres.

2. The orders of the Bureau of Reclamation of September 9, 1947, and February 19, 1952, concurred in by the Bureau of Land Management on October 2, 1947, and February 27, 1952, respectively, reserving lands for reclamation purposes in connection with the Solano Project, and any other order or orders withdrawing lands under authority of the Reclamation Act of June 17, 1902, supra, are hereby revoked so far as they affect the following-described lands:

MOUNT DIABLO MERIDIAN

T. 7 N., R. 2 W.,
Sec. 5, lots 3, 4, S½NW¼ and NW¼SW¼;
Sec. 6, lot 1, SE¼NE¼, SW¼SE¼, and E½SE¼.
T. 8 N., R. 2 W.,
Sec. 7, S½SE¼;
Sec. 17, W½SW¼;
Sec. 18, N½NE¼;
Sec. 19, N½NE¼;
Sec. 20, SE¼SW¼, W½NW¼, and N½SW¼.
T. 7 N., R. 3 W.,
Sec. 1, W½ lot 1 of the NE¼; W½ lot 2 of the NE¼.
T. 8 N., R. 3 W.,
Sec. 19, lots 2 and 3;
Sec. 25, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 31, NW¼SE¼.
T. 8 N., R. 4 W.,
Sec. 1, lots 3 and 4, SW¼SW¼, and E½SW¼;
Sec. 2, lots 2, 3, 4, 5, 6, 8, SW¼NE¼, and SE¼SE.
T. 9 N., R. 4 W.,
Sec. 6, lots 8 to 14, incl. (originally withdrawn as lots 3 to 7, incl., SE¼NW¼ and NE¼SW¼);
Sec. 7, lot 1;
Sec. 17, E½NE¼ and W½SW¼;
Sec. 20, NW¼NW¼, S½NW¼, NW¼SW¼, and E½SW¼;
Sec. 27, NE¼NW¼, W½NW¼, and NE¼SE¼;
Sec. 35, NE¼NW¼, W½SW¼, and SE¼SW¼.
T. 10 N., R. 4 W.,
Sec. 19, N½ of lot 7, E½NE¼, NW¼NE¼, and E½SE¼;
Sec. 28, N½SE¼;
Sec. 31, lots 4 and 5;
Sec. 33, SW¼NE¼, NE¼SW¼, S½SW¼, and SE¼.
T. 10 N., R. 5 W.,
Sec. 2, lots 5, 6, E½ lot 7, E½ lot 8, and E½SE¼;
Sec. 11, NE¼NE¼;
Sec. 13, lots 1 and 2, NW¼NE¼;
Sec. 23, SW¼;
Sec. 25, lot 4, E½SW¼ and W½SE¼;
Sec. 26, E½NE¼ and NW¼NE¼.
T. 11 N., R. 5 W.,
Sec. 28, NE¼SE¼.
T. 11 N., R. 6 W.,
Sec. 10, NE¼SE¼.
T. 12 N., R. 6 W.,
Sec. 28, SE¼SE¼.

Containing 4,710.68 acres.

3. In determination docketed DA-947-California, issued May 4, 1959, the Federal Power Commission determined that the power value of the following-described lands, among others, would not be materially injured or destroyed by restoration to location, entry, or selection under appropriate public land laws, subject to the provisions of section 24 of the Federal Power Act:

[Sacramento 061435]

MOUNT DIABLO MERIDIAN

T. 9 N., R. 4 W.,
Sec. 4, lot 8;
Sec. 5, lots 7, 11, 12, 13, and 14.
T. 10 N., R. 4 W.,
Sec. 31, S½ lot 7, S½ lot 8, and SW¼SE¼.
T. 10 N., R. 5 W.,
Sec. 23, SW¼NE¼, SE¼NW¼, N½SW¼, and NW¼SE¼;
Sec. 25, lots 3, 4, and NE¼SW¼;
Sec. 26, SE¼NE¼.
T. 11 N., R. 5 W.,
Sec. 28, NE¼SE¼.
T. 11 N., R. 6 W.,
Sec. 10, NE¼SE¼.
T. 12 N., R. 6 W.,
Sec. 28, SE¼SE¼.

The areas described aggregate 732.71 acres.

4. Until 10:00 a.m. on December 14, 1962, the lands described in paragraphs 2 and 3 of this order will be open only to application for selection by the State of California in accordance with the provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). During this period the State may also apply for the reservation to it or to any of its political subdivisions of any of the lands required for rights-of-way or materials sites in accordance with provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended.

5. Beginning at 10:00 a.m. on December 14, 1962, the lands shall be open to disposition generally under the public land laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules, and regulations, any disposals of the lands described in paragraph 3 of this order to be subject to the provisions of section 24 of the Federal Power Act.

6. The lands have been open to applications and offers under the mineral leasing laws. Those in power withdrawals only have been open to location under the mining laws, subject to provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621). The lands released from reclamation withdrawal shall be open to mining location beginning 10:00 a.m. on December 14, 1962.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JUNE 15, 1962.

[F.R. Doc. 62-6046; Filed, June 20, 1962; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 62-617]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 9—AVIATION SERVICES

Miscellaneous Amendments

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 13th day of June, 1962;

The Commission having under consideration the amendment of Part 2 to reallocate nationally the 135–136 Mc/s band to the Aeronautical Mobile (R) Service on a shared Government/Non-Government basis; and the amendment of Part 9 to provide for assignment of frequencies in this band to aircraft radio stations and airdrome control stations for air traffic control operations, and to delete footnote A of § 9.312(h) and footnote A of § 9.411(a); and

It appearing that interested Government agencies have concurred in a proposal to reallocate nationally the band 135–136 Mc/s from exclusive Government use to the Aeronautical Mobile (R) Service on a shared Government/Non-Government basis; and

It further appearing that there has been a very rapid rate of growth of aviation in recent years which has occasioned a need for additional spectrum for air traffic control operations, and a requirement for positive control of all aircraft above 24,000 feet by July 1, 1963; and

It further appearing that a number of transmitters capable of operation in the band 135–136 Mc/s are in use and have been type accepted by the Commission; therefore, the band may be used for ATC immediately upon implementation of ground facilities; and

It further appearing that it was clearly the intent of the Administrative Radio Conference (Geneva, 1959) that the frequency band 135–136 Mc/s should be made available ultimately on a worldwide basis to the Aeronautical Mobile (R) Service; and

It further appearing that in view of the immediate need for frequencies in the band 135–136 Mc/s, the ever increasing difficulty of obtaining assignments in the currently available VHF Aeronautical (R) band, and the planned implementation date of July 1, 1962, it is impracticable to comply with the requirements contained in section 4 of the Administrative Procedure Act relative to notice, public procedure and effective dates; and

It further appearing that footnote A, § 9.312(h) and footnote A, § 9.411(a) are no longer necessary in view of the recent amendment to Part 2 which lowered the band limit; and,

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4(i) and 303 (c) and (r) of the Communications Act of 1934, as amended;

It is ordered, That Parts 2 and 9 of the Commission's rules are amended, effective June 25, 1962, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: June 15, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. In § 2.106, the following entry is substituted for entries for the frequency bands 132–135 and 135–136 Mc/s in columns 5 through 11; footnote US4 is amended to read as set forth below; footnote US4 is deleted:

§ 2.106 Table of Frequency Allocations.

5	6	7	8	9	10	11
•	•	•	•	•	•	•
132.0–136.0 (US2).	G, NG (US3).	132.0–136.0	AERONAUTICAL MOBILE (R).	Aeronautical Aircraft.	132.05–135.95 (NG34).	AERONAUTICAL MOBILE.
•	•	•	•	•	•	•

US3 The Government fixed, mobile except aeronautical mobile (R), and radiolocation services may be authorized in the band 132.0–136.0 Mc/s on condition that harmful interference is not caused to the aeronautical mobile (R) service.

2. Section 9.312(h) is amended to read as follows:

§ 9.312 Frequencies available.

• • • • •

(h) These frequencies are available for air traffic control operations:

Mc/s	*Mc/s*	*Mc/s*	*Mc/s*
118.00	118.55	119.10	119.65
118.05	118.60	119.15	119.70
118.10	118.65	119.20	119.75
118.15	118.70	119.25	119.80
118.20	118.75	119.30	119.85
118.25	118.80	119.35	119.90
118.30	118.85	119.40	119.95
118.35	118.90	119.45	120.00
118.40	118.95	119.50	120.05
118.45	119.00	119.55	120.10
118.50	119.05	119.60	120.15
120.20	121.20	124.05	125.05
120.25	121.25	124.10	125.10
120.30	121.30	124.15	125.15
120.35	121.35	124.20	125.20
120.40	121.40	124.25	125.25
120.45	121.65A	124.30	125.30
120.50	121.70A	124.35	125.35
120.55	121.75A	124.40	125.40
120.60	121.80A	124.45	125.45
120.65	121.85A	124.50	125.50
120.70	121.95A	124.55	125.55
120.75	123.60	124.60	125.60
120.80	123.65	124.65	125.65
120.85	123.70	124.70	125.70
120.90	123.75	124.75	125.75
120.95	123.80	124.80	125.80
121.00	123.85	124.85	125.85
121.05	123.90	124.90	125.90
121.10	123.95	124.95	125.95
121.15	124.00	125.00	126.00

Mc/s	Mc/s	Mc/s	Mc/s
126.05	127.75	132.65	134.35
126.10B	127.80	132.70	134.40
126.15B	127.85	132.75	134.45
126.20B	127.90	132.80	134.50
126.25B	127.95	132.85	134.55
126.30B	128.00	132.90	134.60
126.35	128.05	132.95	134.65
126.40	128.10	133.00	134.70
126.45	128.15	133.05	134.75
126.50	128.20	133.10	134.80
126.55	128.25	133.15	134.85
126.60	128.30	133.20D	134.90
126.65	128.35	133.25	134.95
126.70C	128.40	133.30	135.00
126.75	128.45	133.35	135.05
126.80	128.50	133.40	135.10
126.85	128.55	133.45	135.15
126.90	128.60	133.50	135.20
126.95	128.65	133.55	135.25
127.00	128.70	133.60	135.30
127.05	128.75	133.65	135.35
127.10	128.80	133.70	135.40
127.15	132.05	133.75	135.45
127.20	132.10	133.80	135.50
127.25	132.15	133.85	135.55
127.30	132.20	133.90	135.60
127.35	132.25	133.95	135.65
127.40	132.30	134.00	135.70
127.45	132.35	134.05	135.75
127.50	132.40	134.10	135.80
127.55	132.45	134.15	135.85
127.60	132.50	134.20	135.90
127.65	132.55	134.25	135.95
127.70	132.60	134.30	

A—Available on a secondary basis to its primary use as an airport utility frequency.

B—Available on a noninterference basis to government use of 126.18 Mc/s.

C—For communication with Air Traffic Communication Stations.

D—The frequency 133.20 Mc/s is available to aircraft for communication with USAF radar facilities for the purpose of obtaining weather advisory service.

3. Section 9.411(a) is amended to read as follows:

§ 9.411 **Frequencies available.**

* * * * *

(a)

Mc/s	Mc/s	Mc/s	Mc/s
118.00	119.80	121.80A	125.25
118.05	119.85	121.85A	125.30
118.10	119.90	121.95A	125.35
118.15	119.95	123.60	125.40
118.20	120.00	123.65	125.45
118.25	120.05	123.70	125.50
118.30	120.10	123.75	125.55
118.35	120.15	123.80	125.60
118.40	120.20	123.85	125.65
118.45	120.25	123.90	125.70
118.50	120.30	123.95	125.75
118.55	120.35	124.00	125.80
118.60	120.40	124.05	125.85
118.65	120.45	124.10	125.90
118.70	120.50	124.15	125.95
118.75	120.55	124.20	126.00
118.80	120.60	124.25	126.05
118.85	120.65	124.30	126.10B
118.90	120.70	124.35	126.15B
118.95	120.75	124.40	126.20B
119.00	120.80	124.45	126.25B
119.05	120.85	124.50	126.30B
119.10	120.90	124.55	126.35
119.15	120.95	124.60	126.40
119.20	121.00	124.65	126.45
119.25	121.05	124.70	126.50
119.30	121.10	124.75	126.55
119.35	121.15	124.80	126.60
119.40	121.20	124.85	126.65
119.45	121.25	124.90	126.75
119.50	121.30	124.95	126.80
119.55	121.35	125.00	126.85
119.60	121.40	125.05	126.90
119.65	121.65A	125.10	126.95
119.70	121.70A	125.15	127.00
119.75	121.75A	125.20	127.05

Mc/s	Mc/s	Mc/s	Mc/s
127.10	128.55	133.20C	134.65
127.15	128.60	133.25	134.70
127.20	128.65	133.30	134.75
127.25	128.70	133.35	134.80
127.30	128.75	133.40	134.85
127.35	128.80	133.45	134.90
127.40	132.05	133.50	134.95
127.45	132.10	133.55	135.00
127.50	132.15	133.60	135.05
127.55	132.20	133.65	135.10
127.60	132.25	133.70	135.15
127.65	132.30	133.75	135.20
127.70	132.35	133.80	135.25
127.75	132.40	133.85	135.30
127.80	132.45	133.90	135.35
127.85	132.50	133.95	135.40
127.90	132.55	134.00	135.45
127.95	132.60	134.05	135.50
128.00	132.65	134.10	135.55
128.05	132.70	134.15	135.60
128.10	132.75	134.20	135.65
128.15	132.80	134.25	135.70
128.20	132.85	134.30	135.75
128.25	132.90	134.35	135.80
128.30	132.95	134.40	135.85
128.35	133.00	134.45	135.90
128.40	133.05	134.50	135.95
128.45	133.10	134.55	
128.50	133.15	134.60	

A—Available on a secondary basis to its primary use as an airport utility frequency.

B—Available on a noninterference basis to government use of 126.18 Mc/s.

C—The frequency of 133.20 Mc/s is available to aircraft for communications with USAF radar facilities for the purpose of obtaining weather advisory service.

[F.R. Doc. 62-6079; Filed, June 20, 1962; 8:50 a.m.]

[Docket No. 14310 (RM-220); FCC 62-615]

PART 31—UNIFORM SYSTEM OF ACCOUNTS, CLASS A AND CLASS B TELEPHONE COMPANIES

Miscellaneous Amendments

In the matter of amendment of Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of the Commission's rules and regulations to establish a new revenue account to include revenues from wide area toll service; amendment of Schedule 34 of telephone Annual Report Form M to insert certain new revenue classifications and substitution in this Schedule of a requirement that interstate revenues be shown for the present requirement that telegraph revenues be shown; and amendment of telephone monthly report Form 901 to provide for the new revenue account; Docket No. 14310 (RM-220).

1. On October 18, 1961, the Commission adopted a Notice of Proposed Rule Making in the above-entitled matter which was published in the FEDERAL REGISTER on October 26, 1961 (26 F.R. 10077) in accordance with section 4(a) of the Administrative Procedure Act. This notice presented for comment, on or before November 24, 1961 (with allowance for reply comments on or before December 8, 1961), a proposal of the American Telephone and Telegraph Company (AT&T) made on behalf of itself and its associated Bell telephone operating companies that Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of the Commission's rules be amended to establish a new revenue account (numbered 511) to include revenues from wide area service. However, in the notice of proposed rule making, the Commission proposed a revision of AT&T's suggested language for new account 511 for purposes of clarification and expansion of the provisions so that they would cover not only wide area telephone service and wide area data service but also any other similar types of service which may be offered in the future. In connection with establishing the proposed new account, certain clarifying changes were also proposed in the text of account 510, "Message tolls," and in Note B to account 512, "Toll private line services." The Commission also proposed that Schedule 34, Operating Revenues, of telephone Annual Report Form M be amended by inserting therein new lines for showing the revenues included in proposed new account 511 separately for Wide Area Telephone Service (WATS), Wide Area Data Service (WADS), and Other Wide Area Services. The Commission also proposed to insert new lines in this schedule under accounts 504, "Local private line services," and 512, "Toll private line services," for reporting revenues received from Telpak services and channels. The Commission further proposed an unrelated amendment of Schedule 34 of Form M which would delete present column (d) that requires showing amounts of revenues assignable to telegraph service, and substitute therefor a new column (d) in which to report the amounts of interstate revenues included in column (b), "Amount for the year." It was also proposed that telephone monthly report Form 901 be amended to include a new line for proposed new account 511, to remove line 26 relating to Federal excess profits taxes as being obsolete, and to make certain minor editorial changes.

2. Comments were received from AT&T and General Telephone & Electronics Corporation (General). No replies to the original comments were filed.

3. AT&T, in its comments on the changes in the revenue accounts, refers to what it terms "out-of-band" messages in connection with WADS and WATS. AT&T suggests the use of the term "out-of-band" in the texts of the prescribed revenue accounts. Even if we had gone along with the AT&T suggestion concerning revenues from "out-of-band" WADS messages we doubt that we would have found it desirable to use that term in the accounting rules. Since we do not adopt the AT&T suggestion the question of possible use of the term becomes moot; however, we believe we must discuss what these messages are as a basis for our reasons for requiring the revenues from them to be included in account 510 rather than account 511. As we understand it, "out-of-band" messages are those which are charged to WADS stations or WATS access lines on a per-message basis because they are not eligible for treatment as coming within the unlimited calls permitted without per-message charge under the service paid for by the monthly flat charge. Usually, they would be calls originating at a WADS station or a WATS access line and destined to a station situated outside any of the service zones subscribed for on behalf of that station or access line. Conceivably, they could also be collect calls to a WADS station from a non-WADS station. We understand that it is contemplated that WADS stations shall be available to "double" as conventional teletypewriter exchange service (TWX) stations. In contrast, it is not intended that WATS access lines shall be used for anything but outgoing calls qualified for WATS rate treatment.

4. AT&T urges that because out-of-band messages originating at WADS stations are an integral part of the WADS offering and the rates for such messages are covered by the WADS tariff, these message revenues should be included in account 511. It points out, in further support of its position, that account 510 now includes certain fixed monthly charges such as guarantees for toll stations and flat charges for interexchange teletypewriter service furnished on a message charge basis. The thrust of this last argument evidently is that since account 510 is not "pure" (i.e., while designed for message charges it contains some incidental non-message charges), there is no reason to strive for purity in the new account 511. With respect to WATS out-of-band messages, AT&T suggests that the revenues from them should be included in account 510 because the rates for such messages are covered in the Message Toll Telephone Service tariff rather than the WATS tariff.

5. We are not impressed with the reasons advanced for using account 511 for the revenues from WADS out-of-band messages. We are not called upon to decide whether, everything else being equal, we would let tariffs govern revenue accounting classification for the simple reason that everything else is not equal. It would seem that a small advantage of putting the WADS out-of-band message revenue in account 511 is that the entire amounts billed to WADS customers would go to one revenue account rather than to two. We believe, on the other hand, that there is a definite and substantial advantage in putting the WADS out-of-band revenue in account 510. By keeping the WADS credits to account 511 confined strictly to the monthly flat rate charges and by keeping all the teletypewriter exchange message charges in account 510, more accurate data will be readily available at all times to (1) measure the growth trends in both WADS and TWX message revenues and (2) determine the effect of WADS on TWX message revenues. The foregoing assumes that there will be subaccounts or their equivalent maintained in account 510 for teletypewriter service and in account 511 for data service since separate data are required to meet the annual reporting requirements adopted herein.

6. We had proposed referring to "messages" in paragraph (a) of account 510 and to "communications" in account 511. AT&T proposes in its comments the term "communications" in both accounts. We believe our original distinction serves to emphasize the fact that account 511 is to include no revenues from charges made on a per-message basis and that paragraph (a) of account 510 pertains only to revenues from messages. Restricting paragraph (a) of account 510 to messages would have been appropriate even if we had accepted AT&T's proposal with respect to WADS out-of-band messages. We had proposed to use the clause "over the general toll switching network" in account 511 but not in account 510. AT&T proposes it for both accounts and we believe this is a good suggestion. It emphasizes the difference in each of these two accounts from account 512, "Toll private line services," which does not involve the general toll switching network. AT&T proposes that the wording of account 510 should be revised to specifically provide for the inclusion in that account of fixed monthly service charges on interexchange teletypewriter service furnished on a message charge basis. We believe this suggestion is appropriate. Accordingly, paragraph (b) of account 510 is being revised to include this language. We had proposed the term "measured rate" for account 511 while AT&T in its comments proposed the use of the term "measured time." Our reason for proposing "measured rate" was because that term appears in account 500, "Subscribers' station revenues," and we feared some confusion might result from a change in terminology. We adhere to our original proposal in this respect. We believe, since we are retaining the substance of the content of both accounts 510 and 511 as proposed in the notice of proposed rule making, that it is desirable to retain also the proposed revision of Note B to account 512 rather than delete this note entirely as proposed by AT&T.

7. AT&T has no objection to the proposed changes in Schedule 34 of telephone Annual Report Form M. However, with respect to the Commission's proposal to require the reporting in column (d) of the amount of interstate revenues included in column (b), AT&T recommends that the intructions for the schedule or the caption of the column indicate that this column includes, for Bell regional exchange operating companies who are parties to the standard intra-Bell System Division of Revenues Contracts, only the amounts received under those contracts with the Long Lines Department of AT&T. AT&T states that these revenues, of course, include revenues from overseas and foreign communications. On this basis, AT&T would report in column (d) all the revenues included in column (b) applicable to the Long Lines Department and each of the associated companies would report the portion of their revenues derived from the division of interstate and foreign revenues pool. The associated companies would exclude some revenues which might by interpretation and separation be considered to be interstate in character but which are not readily available or are not uniformly considered as interstate for rate making purposes. Examples cited of such items which would thus be excluded are sales of directories, revenues from a telephone exchange located across a state line, rentals of plant, and loadings on custom work labor. Similarly, the license contract revenues of the General Department would be excluded as it would require a special analysis to determine the amount of such revenues estimated to be applicable to the interstate and foreign revenues reported in column (d) by the associated companies and, if such revenues were reported by the General Department, it would result in a duplication since the license contract payments made by the associated companies are included in the division of revenue calculations. AT&T agrees with the proposed changes in telephone monthly report Form 901.

8. General states in its comments that it has no objection to the proposals, it being understood that with respect to the proposed reporting of interstate revenues in Annual Report Form M, settlement arrangements generally do not directly classify settlement amounts between state and interstate and that settlements may not provide segregation of wide area service from message toll. However, General believes that it will be possible to develop a reasonable basis upon which settlement amounts can be allocated to state and interstate and to accounts 510 and 511 for report purposes.

9. Regarding proposed column (d) of Schedule 34 of telephone Annual Report Form M, the Commission agrees with AT&T that the amount of interstate revenues included in certain accounts might be difficult to determine and such revenues are not uniformly considered as interstate for rate making purposes. The Commission recognizes that no apparent purpose would be served by requiring such allocations with respect to local service and miscellaneous revenues not received under the Division of Revenues Contracts. It therefore has no objection to AT&T's proposal that Bell System companies report only the amounts received under the Division of Revenues Contracts. With respect to other companies, the Commission feels that it will be satisfactory if those companies report only the interstate and foreign portion of toll service revenues included in accounts 510 to 516, inclusive. It is realized that for the independent companies some allocations will be necessary even with respect to accounts 510 to 516. In accordance with the foregoing views, a new instruction is being added to Schedule 34 reading as follows:

In column (d), those Bell telephone companies who are parties to the standard intra-Bell System Division of Revenues Contracts covering all interstate and foreign toll revenues shall report the revenues received under such contracts; other companies shall report their interstate and foreign revenues included on lines 16 to 33, inclusive. Each non-Bell company shall show in a note how amounts reported in column (d) were determined.

AT&T's comments with respect to column (d) of Schedule 34 indicate that foreign as well as interstate revenues would be reported. Although it was not so stated in the proposed rule making, the Commission intended that foreign revenues should be so included. Therefore, the heading of column (d) is being

revised to read as follows: "Interstate and Foreign Revenues Included in Col. (b)."

10. We did not state in the notice of proposed rule making where, among the existing sub-items under accounts 504 and 512 in Schedule 34 of Form M, we proposed to insert the new line for Telpak revenues. It had not occurred to us at the time that the order of listing mattered and usually, it does not. It appears now in this instance that there is some reason to think that order of listing does matter, to a minor degree at least. The sub-items under each account now are telephone, teletypewriter, other telegraph, program transmission-audio, program transmission-video, and other services, in that order. Telpak, as defined in the tariffs presently in effect, is a very broad service. It can be used for telephone, teletypewriter and for telegraph services other than teletypewriter and conceivably might cover services which if purchased separately might be classified as other service revenues. Its use, however, for program transmission, either audio or video, is specifically forbidden. These facts lead us to conclude that the best order of listing for Telpak is as a new fourth item, just above program transmission. This location will avoid any inference that program transmission might be included in Telpak, which is a possibility if it were to be inserted below those two items. There seems no feasible way to convey the thought in order of listing that Telpak might include some services that would be classified under other services if purchased separately since it is always a good idea to leave the "catch all" grouping at the very end. As to the new account 511 listing in Schedule 34 of Form M, there seems to be no problem of order of listing of sub-items. They will be inserted in the order mentioned in paragraph 1, hereinabove.

11. Since there were no objections to the proposed changes in telephone monthly Report Form 901, it is being amended as proposed in the notice of proposed rule making. One editorial change not specifically mentioned in the notice of proposed rule making which is being adopted herein is the amendment of Form 901 by deleting the words "class A" from the title of the form. This change is being made because only those class A companies that have annual operating revenues in excess of $1,000,000 are required to file this report.

12. It was stated in the notice of proposed rule making that it was not proposed to add a new account to Part 33 (Uniform System of Accounts for Class C Telephone Companies) of the Commission's rules to include revenue from wide area services. The only comment received regarding amendment of Part 33 was from AT&T agreeing that such an account should not be provided in Part 33 because it would unduly complicate both the settlement and accounting procedures. Accordingly, Part 33 is not being amended.

13. The issuance of this Report and Order in this matter is without prejudice to any actions the Commission may take with respect to Docket No. 13914, In the Matter of American Telephone and Telegraph Company Regulations and Charges for Wide Area Telephone Service (WATS); Docket No. 14154, In the Matter of American Telephone and Telegraph Company Regulations and Charges for Developmental Line Switched Service; and Docket No. 14251, In the Matter of American Telephone and Telegraph Company Regulations and Charges for TELPAK Services and Channels.

14. In view of the foregoing: *It is ordered*, Under authority contained in sections 4(i), 219, and 220 of the Communications Act of 1934, as amended, that Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, of the Commission's rules is amended as set forth below, effective January 1, 1963: *Provided, however*, That any company may at its option adopt these changes at any earlier date; that Schedule 34, Operating Revenues, of telephone Annual Report Form M is amended as set forth below, first effective for the 1962 reports; and that telephone monthly report Form 901 is amended as set forth below, first effective with the reports for January 1963.

(Sec. 4, 48 Stat. 1066, as amended, 47 U.S.C. 154. Interpret or apply secs. 219, 220, 48 Stat. 1077, 1078, 47 U.S.C. 219, 220)

Attachments: Appendices A and B.

Adopted: June 13, 1962.

Released: June 15, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

A. Part 31—Uniform System of Accounts for Class A and Class B Telephone Companies, is amended as follows:

1. § 31.510 is amended to read as follows:

§ 31.510 Message tolls.

(a) This account shall include toll service revenues from the transmission of messages over the general toll switching network charged for on a per-message basis, including such revenues from messages transmitted entirely over the company's own lines, and amounts representing divisions of toll service revenues received (1) from messages transmitted partly over the company's lines and partly over lines of other companies, (2) as compensation for originating or terminating toll messages of other companies, and (3) as compensation for switching toll messages between lines of other companies.

(b) This account shall also include revenues from guarantees at toll stations, from messenger service in notifying persons of toll calls, and from fixed monthly service charges on interexchange teletypewriter service furnished on a message charge basis.

2. New § 31.511 is added as follows:

§ 31.511 Wide area toll services.

This account shall include toll service revenues from the transmission of communications over the general toll switching network charged for on either a flat or measured rate basis without regard to the number of communications, including (a) revenues from services involving only the use of the company's own lines, and (b) amounts representing divisions of wide area toll service revenues when such service involves the use of lines of other companies.

3. Note B to § 31.512 is amended to read as follows:

§ 31.512 Toll private line services.

* * * * *

NOTE B: Toll service revenues from the transmission of messages charged for on a per-message basis shall be included in account 510. Certain other toll service revenues from the transmission of communications shall be included in account 511.

B. Schedule 34, Operating Revenues, of Annual Report Form M for Class A and Class B telephone companies is amended as follows:

1. By inserting four new lines preceding account 512, "Toll private line services," for showing revenues included in new account 511, "Wide area toll services," separately for Wide Area Telephone Service (WATS), Wide Area Data Service (WADS), Other Wide Area Services, and Subtotal (account 511), in that order.

2. By inserting new lines following "Other telegraph" under accounts 504, "Local private line services," and 512, "Toll private line services," for reporting revenues received from Telpak services and channels.

3. By deleting present column (d) and substituting therefor a new column (d) captioned "Interstate and Foreign Revenues Included in Col. (b)" and inserting a new instruction at the top of the schedule reading: "In column (d), those Bell telephone companies who are parties to the standard intra-Bell System Division of Revenues Contracts covering all interstate and foreign toll revenues shall report the revenues received under such contracts; other companies shall report their interstate and foreign revenues included on lines 16 to 33, inclusive. Each non-Bell company shall show in a note how amounts reported in column (d) were determined."

C. Form 901, Monthly Report of Revenues, Expenses and Other Items—Class A Telephone Companies, is amended as follows:

1. By amending the title to read "Monthly Report of Revenues, Expenses and Other Items—Telephone Companies."

2. By inserting a new line following "Message tolls (510)" for showing revenues included in new account 511, "Wide area toll services."

3. By deleting present line 26 relating to Federal excess profits taxes.

4. Minor editorial changes are also being made.

* * * * *

[F.R. Doc. 62-6078; Filed, June 20, 1962; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 183]

LEASING OF OSAGE RESERVATION LANDS FOR OIL AND GAS MINING

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to authority vested in the Secretary of the Interior by section 3 of the Act of June 28, 1906 (34 Stat. 539–543), it is proposed to amend Part 183 as set forth below. The purpose of these amendments is to make minor changes and to clarify some of the language of Part 183.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit such written data, views, or arguments as they may desire to the Commissioner of Indian Affairs, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

1. Paragraphs (a) and (b) of § 183.2 are amended to read as follows:

§ 183.2 Royalty payments.

(a) *Royalty on oil produced by primary or gas injection methods.* The lessee shall pay or cause to be paid to the Superintendent, for the lessor as a royalty, the sum of 16⅔ percent of the gross proceeds from sales after deducting the oil used by the lessee for development and operation purposes on the lease, unless the Osage Tribal Council, with the approval of the Commissioner of Indian Affairs, shall elect to take the royalty in oil; payment shall be made at the time of sale or removal of the oil, except where payments are made on division orders, and settlement shall be based on the actual selling price, but at not less than the highest posted market price in the Mid-Continent oil field on the day of sale or removal: *Provided*, That when the quantity of oil taken from all the producing wells on any quarter-section according to the public survey, or fractional quarter-section if the land covered by the lease does not include the full quarter-section, during any calendar month is sufficient to average one hundred or more barrels per well per day, the royalty on such oil shall be 20 percent.

(b) *Royalty on oil produced by secondary recovery processes other than gas injection.* When the estimated reserves of oil recoverable by primary and/or gas injection methods from a specified formation or formations have been depleted or partially depleted, the lessee and the Tribal Council may agree upon a new royalty rate to be approved by the Superintendent, the sum to be not less than 12½ percent of the gross proceeds from sales of oil produced by secondary recovery processes, other than gas injection, after deducting the oil used by the lessee for development and operation purposes on the lease, unless the Osage Tribal Council, with the approval of the Commissioner of Indian Affairs, shall elect to take the royalty in oil; payment to be made at the time of sale or removal of the oil, except where payments are made on division orders and settlement shall be based on the actual selling price, but at not less than the highest posted market price in the Mid-Continent oil field on the day of sale or removal.

2. Paragraph (a) of § 183.4 is amended to read as follows:

§ 183.4 Drilling obligations.

(a) Lessee shall drill at least one well to the Mississippi Lime unless oil or gas is found in paying quantities at a lesser depth, on the land covered by his lease, within 12 months from the date of approval of the lease, or the lease may be held for the full five-year primary term without drilling, upon payment to the Superintendent for the lessor of rental at the rate of one dollar per acre per annum, payable annually in advance, beginning one year after the date of approval of the lease. This lease shall terminate as to both parties unless such advance rental shall be received at the Osage Agency or shall have been mailed as indicated by postmark, on or before the due date: *Provided*, That the time within which a well shall be drilled shall not begin to run on any restricted homestead selection until the consent of the Superintendent to drilling on such homestead shall have been given, nor shall advance rental become due until the next anniversary date of the lease following the date of such consent: *Provided further*, That the Superintendent in his discretion may order the drilling of any lease, if in his opinion the interests of the Osage Tribe warrant: *Provided further*, That whenever the Commissioner of Indian Affairs shall consider the marketing facilities inadequate to take care of the production he may direct suspension of drilling operations on this lease. The completion of a well to the Mississippi Lime, or production of oil or gas in paying quantities from a lesser depth than the Mississippi Lime, for such time as production shall continue, after the lease has entered a rental status, shall relieve the lessee from any further payment of rentals for the balance of the primary term of the lease for which rental has not been paid. Should such production cease, rental shall commence on the next anniversary date of the lease. Rental shall be paid on the basis of a full year, and no refund will be made of advance rental paid in compliance with the regulations in this part.

3. Paragraph (a) of § 183.5 is amended to read as follows:

§ 183.5 Use of surface lands; settlement of damages to lands and crops.

(a) Lessee shall have the right to use so much of the surface of the land within the Osage Reservation as may be reasonable for operations, including the right to lay and maintain pipelines, telephone and telegraph lines, pull rods and other appliances necessary for the operation of the wells, also the right of ingress and egress, and the right-of-way to any point of operations. Lessee may use water from streams and natural water courses for lease operations as set out in § 183.57. Before commencing operations for the drilling of any well the lessee shall pay to the surface owner the sum of $200 for each well located on cultivated land (tilled or cultivated within the immediately preceding three years, and including hay-meadow land), $150 for open pasture land, and $100 for such location on brush or wooded lands, and other lands not suitable for cultivation. Upon payment of such location site money, lessee shall be entitled to possession. Location sites shall be held to the minimum area essential for operations, and in no event shall exceed one and one-half acres in area. Lessee shall also pay tank site fees at the rate of $20 per tank of not exceeding 1,000 barrels capacity: *Provided, however*, That no tank site fee shall be paid for a tank temporarily set on a well location site for testing purposes during the completion of the well. Tank sites shall be held to the minimum area essential to efficient operations, and in no event shall exceed an area of 50 feet square per tank. The sum to be paid for an oil tank site of larger capacity and occupying a greater area shall be agreed upon between the surface owner and the lessee and on failure to agree, the same shall be fixed by arbitration.

4. Paragraph (a) of § 183.24 is amended to read as follows:

§ 183.24 Royalty on casing-head or natural gasoline, butane, propane, or other liquid hydrocarbon substances extracted from gas, drip gasoline, or other natural condensate.

(a) A royalty of 16⅔ percent of the gross proceeds of sales shall be paid on the value of one-third (or the lessee's portion if greater than one-third) of all casing-head or natural gasoline, butane, propane, or other liquid hydrocarbon substances extracted from the gas produced from the leasehold. The value of the remainder is an allowance for the cost of manufacture, and no royalty thereon is required. The royalty shall be computed on the sale price received by the manufacturers of such products, or such higher price the lessee may receive, the same to be reported under oath and remitted to the Superintendent not later than the 25th of the succeeding month for all such products sold during the

previous month. If the manufacturer of any product extracted from casing-head gas produced from an Osage leasehold should sell his product at a price below that obtained by other manufacturers selling such product in the open market during a particular month, the Superintendent shall notify said manufacturer of such discrepancy and require settlement for royalty upon the average price obtained by manufacturers selling such product in the open market during the same period. The place of sale of liquid hydrocarbon extracted from gas, for royalty purposes, shall be at the plant where manufactured.

5. The caption of § 183.39 and paragraph (b) thereof are amended to read as follows:

§ 183.39 Sale of oil leases and gas leases.

• • • • •

(b) The Superintendent, with the consent of the Osage Tribal Council, may at such times and in such manner as shall be deemed appropriate, publish and distribute notices that oil leases and/or gas leases on specific tracts of unleased tribal lands, each of which shall be a compact body, will be offered for sale to the highest responsible bidder: *Provided*, That not less than 25,000 acres of the unleased portion of the Osage mineral reserve shall be offered for lease during any one year. Successful bidders must deposit with the Superintendent on day of sale, a check, or bank draft on a solvent bank in an amount equal to 25 percent of the bonus as a guaranty of good faith. The balance of the bonus, together with a $10 filing fee for each lease, shall be paid, and the lease in completed form with necessary accompanying papers shall be filed with the Superintendent within 20 days after the lease is forwarded by the Superintendent, to the lessee for execution, unless such period has been extended by the Superintendent for good and sufficient reason. If the successful bidder fails to complete the lease or to pay the full consideration within 20 days or an authorized extension thereof, or if the lease is disapproved through no fault of the lessor or the Department of the Interior, the amount deposited as a guaranty of good faith shall be forfeited for the use and benefit of the lessor. Any and all bids shall be subject to acceptance by the Osage Tribal Council. The Superintendent may disapprove a lease made on an accepted bid, upon evidence satisfactory to him of collusion, fraud or other irregularity in connection with the sale of the lease. At a public auction sale the Superintendent may require any bidder to submit satisfactory evidence of good faith, that he has the cash in hand or at his command, and to furnish whenever called upon by the Superintendent during the progress of the sale, authenticated statement of a solvent bank to the effect the bidder has the means to purchase the lease.

6. Section 183.40 is amended to read as follows:

§ 183.40 Corporation and corporate information.

(a) If a successful bidder for a lease is a corporation, it shall file a statement showing:

(1) The state of incorporation and that the corporation is authorized to do business in the state where the land to be leased is situate;

(2) That it has power to hold and operate mining leases;

(3) That the officer executing the lease is authorized to act on behalf of the corporation in such matters.

(b) Whenever deemed advisable in any case the Area Director or Superintendent may require a corporation to file any additional information necessary to carry out the purposes and intent of the regulations in this part and such information shall be furnished within a reasonable time.

7. Section 183.45 is amended to read as follows:

§ 183.45 Reports and time of royalty payments.

Royalties on all oil and gas, including casing-head gas or on gasoline manufactured therefrom, produced in any month, shall be paid on or before the 25th of the month next succeeding by either purchaser or lessee. Failure to so remit will subject the lessee to fines as hereinafter indicated, and also subject division order to cancellation. Lessees shall also furnish monthly reports covering all operations whether there has been production or not, indicating therein the total amount of oil, gas, or gasoline sold and not merely their working interest, and also dates of discovery and beginning of utilization of gas from gas wells. The lessee may include in one statement all leases upon which dry holes have been drilled or the wells have ceased to produce.

8. Paragraphs (b) and (c) of § 183.46 are amended to read as follows:

§ 183.46 Approval of lease instruments.

• • • • •

(b) *Utilization of oil leases.* As a consideration for further development by a secondary recovery process, two or more oil leases may be unitized and merged in a single blanket lease with the approval of the Superintendent. The instrument of unitization (blanket lease) shall include all the requirements and provisions of sections numbered 1, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19 and 20 of Osage oil lease Form B: *Provided*, That the preamble of Form B and the provisions of section numbered 2 in respect to royalty rates; section numbered 3 in respect to payment of rental; section numbered 4 in respect to payment of well site and tank location fees; and section numbered 14 in respect to the surrender of the lease may be modified and/or supplemented by the parties, with the approval of the Superintendent, to the extent deemed appropriate for the equitable and efficient conduct of unitized operations, and not otherwise in conflict with the regulations in this part. Lessee(s) shall before commencing secondary recovery operations, and on or before December 31st of each year thereafter, submit to the Superintendent an acceptable plan of development and operation for the unit area for the ensuing year. Upon a finding by him that such action would be in the best interest of the Osage Tribe, the Superintendent may also approve an agreement between the lessor and the lessee(s) rescinding a unit (blanket lease) and restoring to their original status the Form B leases theretofore merged in the unit lease: *Provided*, That if oil is being produced in paying quantities on a particular quarter-section tract on the date of approval of such agreement, the lessee shall be entitled to hold such tract under terms of the original Form B lease so long as oil is produced on said tract in paying quantities.

(c) *Assignments.* Approved leases or any interest therein may be assigned with the approval of the Superintendent, and not otherwise. Assignments, when approved, shall be subject to the terms and conditions of the original leases, and the regulations under which such leases were approved. In order for an assignment to receive favorable consideration, the lessee shall assign either his whole interest in a legal subdivision or an undivided interest in the whole lease. If a lease is divided by the assignment of an entire interest in any part of it, each part shall be considered a separate lease under all the terms and conditions of the original lease. The assignee shall furnish with his assignment a satisfactory bond as provided in § 183.20(c). Any attempt to assign an approved lease or any interest therein without the consent and approval of the Superintendent shall be absolutely void and shall subject the original lease to cancellation in the discretion of the Superintendent.

9. Section 183.49 is amended to read as follows:

§ 183.49 Commencement of operations.

No drilling or development operations shall be permitted upon any tract of land until a lease covering such tract shall have been approved by the Superintendent or such operations specifically authorized by him: *Provided*, That the Superintendent may grant authority to any party, under such rules (consistent with the regulations in this part) that he deems proper, to conduct geophysical and geological exploration work in any portion, or all of the Osage Reservation.

10. Paragraph (b) of § 183.51 is amended to read as follows:

§ 183.51 Well location fees.

• • • • •

(b) Where the surface owner is a restricted Indian, adult or minor, the well location fee shall be paid to the Superintendent of the Osage Agency for such Indian. All other surface owners, whether Indians or non-Indians shall be paid or tendered such fees direct, and where such surface owners are not residents of Osage County nor have a representative located therein, such payments shall be made or tendered by check, postage prepaid, to last known address of said surface owner at least 5 days before commencing drilling operations on any well: *Provided*, That should the lessee be unable to reach the owner of the surface of the land for the purpose of tendering the location fee, or if owner of the surface of the land upon being tendered the location fee by the lessee, shall refuse to accept the same, the lessee may tender the location fee to the Superintendent of the Osage Agency, and if the lessee and the Superintendent shall agree upon the amount of the location fee, the lessee shall deposit such amount with the Superintendent for payment to the owner of the surface of the land upon demand, and the Superintendent shall thereupon advise the owner of the surface of the land by mail at his last known address, that the location fee is being held for payment to him upon his written request.

(Sec. 3, 34 Stat. 543)

11. Section 183.62 is changed to read as follows:

§ 183.62 Permission to start operations.

Written permission must be secured from the Superintendent before operations are started on the leased premises. Lessee shall submit application for such permission, on forms to be furnished by the Superintendent.

12. Section 183.73 is changed to read as follows:

§ 183.73 Determining cost of well.

The term "cost price of a well" as applied where one lessee takes over a well drilled by another, shall include all reasonable, usual, necessary and proper expenditures including the following expenditures made by the lessee drilling the well.

(a) All location, or other surface damages occasioned by the drilling of such well.

(b) All expenses of laying, taking up, repairing, operating and maintaining gas and water lines where such lines including amount paid for water privilege or constructing dam, are used for the exclusive purpose of drilling the particular well.

(c) Customary charge for furnishing water where purchased shall be the price prevailing in the particular locality: *Provided*, Where the parties cannot agree upon the charge made under this paragraph such charge shall be determined by the Superintendent.

(d) Amounts expended in spudding or drilling a water well: *Provided*, That where any or all of the facilities referred to in this paragraph and in paragraphs (b) and (c) of this section are not employed exclusively in connection with the drilling of the well to be taken over, or are also used in connection with the drilling or operation of other wells by the lessee drilling the well to be taken over by the other lessee, then a fair proportion of the charges covered by this paragraph and paragraphs (b) and (c) of this section shall be assessed against each well, including the well to be taken over, and in the event of a disagreement between the parties as to the charges assessed against the well that is to be taken over, such charge shall be fixed by the Superintendent.

(e) Customary charge for drilling and reaming, except where reaming is done for the sole benefit of party drilling well. If price charged for drilling is above the average drilling price in the field, the price to be paid shall be determined by the Superintendent. *Provided*, That where the well to be taken over is drilled below the stratum in which the lessee taking over the well is interested, that is, the gas stratum in the case of a well taken over by a gas lessee, and the oil stratum in a well taken over by the oil lessee, then the lessee doing such further drilling shall sustain the cost of drilling and reaming where such drilling and reaming are done below such stratum.

(f) All expenses of mudding, except where mudding is done for the sole benefit of the lessee drilling the well.

(g) Settlement for casing or other pipe left in the well to be made at the prevailing market price for the character and kind of casing when placed in the well.

(h) All expenses of placing and removing all casing or other pipe used in drilling said well.

(i) A reasonable charge to cover supervision and overhead expenses: *Provided*, Where the parties cannot agree upon the charge made under this paragraph, such charge shall be determined by the Superintendent.

(j) Any additional charges which cannot be mutually agreed upon shall be submitted to and determined by the Superintendent. An approximate list of expenses mentioned in this section shall be presented to proposed purchasing lessee within 10 days after the completion of the well.

13. Section 183.81 is amended to read as follows:

§ 183.81 Abandonment of wells.

Lessee shall not abandon any well for the purpose of drilling deeper for oil or gas unless the producing stratum is properly protected and shall not abandon any well producing oil or gas except with the approval of the Superintendent or where it can be demonstrated that the further operation of such well is commercially unprofitable. When any well is plugged and abandoned lessee shall, within ninety (90) days, clean up the premises around such well to the satisfaction of the Superintendent or his authorized representative: *Provided*, That the ninety (90) day period may be extended a reasonable time in the discretion of the Superintendent.

14. Section 183.88 is amended to read as follows:

§ 183.88 Division orders.

(a) The lessee may make arrangements with the purchasers of oil for the payment of the royalty, but such arrangements, if made, shall not relieve the lessee from responsibility for the payment of the royalty, should such purchaser fail, neglect, or refuse to pay the royalty when it becomes due. No oil shall be run to any purchaser or delivered to the pipeline or other carrier for shipment, or otherwise conveyed or removed from the leased premises, until a division order is executed, filed, and approved by the Superintendent, showing that the lessee has a regularly approved lease in effect, and the conditions under which the oil may be run: (*Provided*, That the Superintendent may grant temporary permission to run oil from a lease pending the execution, filing, and approval by him of a division order.) lessees shall be required to pay for all oil or gas used off the leased premises for operating purposes; affidavit shall be made as to the production used for such purposes and royalty paid in the usual manner. The lessee or his representative shall be present when oil is taken from the leased premises under any division order and will be responsible for the correct measurement thereof and shall report all oil so run.

(b) The lessee shall also authorize the pipeline company or the purchaser of oil to furnish the Superintendent with a monthly statement, not later than the 20th day of the following calendar month, of the gross barrels run as a common-carrier shipment or purchased from his lease or leases.

15. Paragraph (b) of § 183.93 is amended to read as follows:

§ 183.93 Forms.

• • • • •

(b) All sums received from sale of forms and fines shall be placed in Tribal Funds.

16. Section 183.94 is amended to read as follows:

§ 183.94 Amount of fee.

A fee of $10 will be charged for each lease, each sublease, each drilling contract affecting oil and gas mining leases, and each assignment of lease, such amount to be paid by the lessee, sublessee or assignee upon notice of approval of the contract, as provided by the act of February 14, 1920.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JUNE 15, 1962.

[F.R. Doc. 62-6047; Filed, June 20, 1962; 8:47 a.m.]

Bureau of Land Management

[43 CFR Parts 115, 259]

REVESTED OREGON AND CALIFORNIA RAILROAD AND RECONVEYED COOS BAY WAGON ROAD GRANT LANDS IN OREGON

Disposal of Timber and Mineral Resources

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of August 28, 1937 (50 Stat. 874) and the Act of July 31, 1947 (61 Stat. 681) as amended, it is proposed to amend 43 CFR 115.22 and 259.9 as set

forth below. The purpose of this amendment is to provide for an access road loan program for small concerns.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Bureau of Land Management, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 115.22 is amended by designating the existing language as paragraph (a) and changing the letters in the first sentence to numbers in chronological order. A new paragraph, designated (b), is added. As so amended § 115.22 reads as follows:

§ 115.22 Qualifications of bidders.

(a) A bidder for the sale of timber must be (1) an individual who is a citizen of the United States, (2) a partnership composed wholly of such citizens, (3) an unincorporated association composed wholly of such citizens, or (4) a corporation authorized to transact business in the State of Oregon. A bidder must also have submitted a deposit in advance of sale as required by § 115.23. To purchase set-aside timber, the bidder must accompany his deposit with a self certification statement that he is qualified as a small business concern as defined by the Small Business Administration in its regulations (13 CFR Part 121).

(b) Where a timber sale notice provides that the successful bidder may use a Small Business Administration road construction loan, and the bidder has reason to believe that he qualifies for such road construction loan under SBA regulations (13 CFR Part 121), the bidder shall submit with his deposit a statement of his intention to file with SBA for such SBA road construction loan. If a statement is not timely filed, the Bureau may not participate in the cooperative loan program.

2. Section 259.9 is amended by designating the existing language as paragraph (a) and changing the letters in the first sentence to numbers in chronological order. A new paragraph, designated (b), is added. As so amended § 259.9 reads as follows:

§ 259.9 Qualification of bidders and purchasers.

(a) A bidder or purchaser for the sale of timber must be (1) an individual who is a citizen of the United States, (2) a partnership composed wholly of such citizens, (3) an unincorporated association composed wholly of such citizens, or (4) a corporation authorized to transact business in the States in which the timber is located. A bidder must also have submitted a deposit in advance, as required by § 259.10. To qualify for bidding to purchase set-aside timber, the bidder must accompany his deposit with a self certification statement that he is qualified as a small business concern as defined by the Small Business Administration (13 CFR Part 121).

(b) Where a timber sale notice provides that the successful bidder may use a Small Business Administration road construction loan, and the bidder has reason to believe that he qualifies for such road construction loan under SBA regulations (13 CFR 121), the bidder shall submit with his deposit a statement of his intention to file with SBA for such SBA road construction loan. If a statement is not timely filed, the Bureau may not participate in the cooperative loan program.

JOHN A. CARVER, Jr.
Assistant Secretary of the Interior.

JUNE 15, 1962.

[F.R. Doc. 62-6048; Filed, June 20, 1962; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 1045]

[Docket No. AO-334-A5]

MILK IN NORTHEASTERN WISCONSIN MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendment to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary, United States Department of Agriculture, with respect to proposed amendment to the tentative marketing agreement and order regulating the handling of milk in the Northeastern Wisconsin marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendment, as hereinafter set forth, to the tentative marketing agreement and to the order, was formulated, was conducted at Appleton, Wisconsin, May 16, 1962, pursuant to notice thereof which was issued May 1, 1962 (27 F.R. 4339).

The material issue on the record of the hearing relates to pool plant performance standards for distributing plants and supply plants.

Findings and conclusions. The following findings and conclusions on the material issue is based on evidence presented at the hearing and the record thereof:

Pool plant performance standards for distributing plants and supply plants. The pool plant requirement of route disposition from a distributing plant should be changed from 50 to 40 percent of its Grade A milk receipts and the shipping requirement percentage of Grade A receipts from dairy farmers for a supply plant to pool should likewise be changed from 50 to 40 percent.

The principal producer associations and a major handler in the market proposed changing the pool plant performance standards in this manner. Increased production of individual producers now serving the market was pointed to as increasing receipts at pool plants so that difficulty has been experienced in maintaining such plants pooled under the present percentage requirements for distributing plants and supply plants. Consequently, dairy farmers who are established producers under the order are threatened with loss of a market for their milk.

Deliveries to pool plants during the past year have increased substantially over those of the preceding year. The 432 million pounds of milk pooled in the year ending April 30, 1962 is 15 percent above the 375 million pounds a year earlier, an average monthly increase of 4.7 million pounds. The average daily production per producer during this same period was 850 pounds compared to 793 pounds for the preceding 12 months.

The increased production for the market has not been absorbed by increased Class I sales. As a result, plants are having difficulty in meeting the percentage requirements for pool plant status and uneconomic transportation and handling charges have been incurred by handlers to maintain pooling eligibility for milk customarily delivered to such plants.

Lowering the percentage requirements for distributing pool plants is necessary to maintain orderly marketing of producer milk and maintain the association of present producers with this market. By requiring that 20 percent of total receipts be disposed of in the marketing area on routes, reduction of the total Class I route distribution requirement from 50 to 40 percent will not result in the association of additional distributing plants with this market. Only plants primarily engaged in route distribution of fluid milk products in this marketing area would be expected to qualify for pool status under this provision. There are limited manufacturing operations (primarily ice cream and cottage cheese) at pool plants which distribute in this marketing area.

The order should specify that the route distribution percentage requirements for a distributing plant to pool be based on total Grade A receipts at the plant. The order now provides that the 20 percent requirement of route distribution in the marketing area be based on receipts from dairy farmers. It would be impracticable to continue this basis because a number of plants receive their Grade A supplies other than directly from dairy farmers.

Reducing shipping qualifications for supply plants will assist in keeping associated with this market producer milk presently delivered to such plants without incurring uneconomic transportation and handling charges otherwise necessary to retain pool plant status. Shipments to distributing plants qualified as pool plants of 40 percent of Grade A receipts from dairy farmers will demonstrate substantial association of supply plants with this market.

Definitions of "distributing plant" and "supply plant" should be incorporated in the order in recognition of the difference in marketing practices and functions between distributing plants and supply plants and to facilitate references throughout the order to these two types of plants which may become pool plants by meeting the specified requirements. A "distributing plant" would be defined as a plant from which any Grade A fluid milk product that is processed or packaged in such plant is disposed of during the month in the marketing area on routes. "Supply plant" would be defined to mean a plant from which milk, skim milk or cream is shipped during the month to a distributing plant which is qualified as a pool plant.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein:

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Northeastern Wisconsin marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as these contained in the order, as hereby proposed to be amended:

Sections 1045.9, 1045.10, 1045.11, 1045.12, 1045.13, 1045.14, 1045.15, 1045.16 and 1045.17 are redesignated §§ 1045.11, 1045.12, 1045.13, 1045.14, 1045.15, 1045.16, 1045.17, 1045.18 and 1045.19, respectively, and § 1045.8 is replaced by the following:

§ 1045.8 Distributing plant.

"Distributing plant" means a plant from which any Grade A fluid milk product that is processed or packaged in such plant is disposed of during the month in the marketing area on routes.

§ 1045.9 Supply plant.

"Supply plant" means plant from which Grade A milk, skim milk or cream is shipped during the month to a pool plant.

§ 1045.10 Pool plant.

"Pool plant" means a plant specified in paragraph (a) or (b) of this section, except as provided in §§ 1045.80 through 1045.82.

(a) A distributing plant from which not less than 40 percent of the total Grade A milk receipts is disposed of during the month on routes and not less than 20 percent of such receipts is disposed of in the marketing area on routes.

(b) A supply plant from which not less than 40 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products to pool plants qualified pursuant to paragraph (a) of this section: *Provided*, That a supply plant which qualified pursuant to this paragraph in each of the immediately preceding months of July through November shall be a pool plant for the months of December through June unless written application is filed with the market administrator on or before the first day of any such month to be designated a nonpool plant for such month and for each subsequent month through June in which it would not otherwise qualify as a pool plant.

Signed at Washington, D.C., on June 15, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-6064; Filed, June 20, 1962; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 790) has been filed by Eugene Fruit Growers Association, Post Office Box 1266, Eugene, Oregon, proposing the issuance of a regulation to provide for the safe use of not to exceed 0.003 percent of polysorbate 80 in canned spiced green beans as a solubilizing and dispersing agent for dill oil.

Dated: June 14, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-6057; Filed, June 20, 1962; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 788) has been filed by National Association of Glue Manufacturers, 55 West Forty-second Street, New York 36, New York, proposing the issuance of a regulation to amend the food additive regulations as follows:

1. By adding to paragraph (d)(3) of § 121.2519 *Defoaming agents used in the manufacture of paper and paperboard* the following new items:

Butoxy polyethylene polypropylene glycol (molecular weight 900-4,200).
Isopropylamine salt of dodecylbenzene sulfonic acid.

2. By adding to paragraph (c)(5) of § 121.2520 *Adhesives* the item "Defoaming agents as described in § 121.2519."

3. By amending § 121.2534 *Animal glue* to provide for the use of chromium potassium sulfate (chrome alum) as an activator to improve the flocculating efficiency of animal glue used as a colloidal flocculant added to the pulp suspension prior to the sheet-forming operation in the manufacture of paper and paperboard.

Dated: June 14, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-6058; Filed, June 20, 1962; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 849) has been filed by The Zonolite Company, 135 South LaSalle Street, Chicago 3, Illinois, proposing the amendment of § 121.222 of the food additive regulations to provide for additional uses of exfoliated hydrobiotite as a nutritive carrier and blending agent in poultry feed.

Dated: June 14, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-6059; Filed, June 20, 1962; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 62-NY-4]

FEDERAL AIRWAY, ASSOCIATED CONTROL AREAS AND REPORTING POINTS

Proposed Revocation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Low altitude Amber Federal airway No. 7 extends from Augusta, Maine, to the United States/Canadian Border. The Federal Aviation Agency is considering the revocation of Amber 7. It is the policy of this Agency to revoke L/MF airways wherever adequate VOR airways are available, and it appears that this route from Augusta to the United States/Canadian Border is adequately served by low altitude VOR Federal airway No. 39. Therefore, it appears that the retention of this airway is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke Amber 7, its associated control areas and reporting points from Augusta to the United States/Canadian Border. Adoption of this proposal would not result in discontinuance of the low frequency navigational aids associated with this airway. Any proposals to discontinue one or more of these aids would be circularized separately and interested persons would be afforded an opportunity to comment.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 15, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-6035; Filed, June 20, 1962; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-LA-73]

FEDERAL AIRWAYS, ASSOCIATED CONTROL AREAS AND REPORTING POINTS

Proposed Revocation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Amber Federal airway No. 8 extends from Red Bluff, Calif., to Redmond, Oreg. The Federal Aviation Agency (FAA) is considering the revocation of this airway. It is the policy of this Agency to revoke L/MF airways wherever adequate VOR Federal airways are available, and it appears that the route from Red Bluff to Redmond is adequately served by low altitude VOR Federal airway No. 25. In addition, the FAA's latest IFR peak-day airway traffic survey shows a maximum of two aircraft movements on any segment of Amber 8. Therefore, it appears that the retention of this airway is unjustified as an assignment of airspace. Accordingly, the FAA proposes to revoke Amber 8, its associated control areas and reporting points. Adoption of this proposal would not result in discontinuance of the low frequency navigational aids associated with Amber 8. Any proposals to discontinue one or more of these aids would be circularized separately and persons would be afforded an opportunity to comment.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 14, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-6036; Filed, June 20, 1962; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 12, 1962.

The U.S. Department of Agriculture, Forest Service has filed an application, Serial Number A. 051615 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws, but excepting the mineral leasing laws. The applicant desires the land for public recreation purposes.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Cordova Building, 555 Cordova Street, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

Kenai Lake—Ptarmigan Creek Area

Beginning at a point on the left bank of Ptarmigan Creek, from which USLM 608 bears approximately N. 86°15' W., approximately 9.75 chains, and the centerline of the Alaska Railroad bears easterly 1.52 chains at right angles to said centerline, thence: southerly parallel to and 1.52 chains westerly of the centerline of the said Alaska Railroad approximately 21.00 chains to Corner No. 2, U.S. Survey No. 608; northwesterly along the east shore of Kenai Lake approximately 23.90 chains to the left bank of Ptarmigan Creek; easterly along the left bank of Ptarmigan Creek approximately 9.50 chains to the point of beginning.

Containing 8.6 acres, more or less.

WALTER F. HOLMES,
Acting Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62-6060; Filed, June 20, 1962; 8:49 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 12, 1962.

The U.S. Department of Agriculture, Forest Service has filed an application, Serial Number A. 054076 for the withdrawal of the lands described below, from all forms of appropriation under the general mining laws. The applicant desires the land for an administrative site for marine warehouse, dock, and related facilities.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Cordova Building, 555 Cordova Street, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

Yakutat Area

Those parts of U.S. Survey No. 3590 designated as Lots, D, J, K, L, and L-1,

Containing 2.04 acres, more or less.

WALTER F. HOLMES,
Acting Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62-6061; Filed, June 20, 1962; 8:49 a.m.]

[Anchorage 056958; Classification No. 117, No. 16-ALD]

ALASKA

Small Tract Classification and Opening Order and Public Sale

JUNE 15, 1962.

1. Pursuant to the authority redelegated to me from Bureau Order No. 684, dated August 28, 1961 (26 F.R. 6215) as amended, by the Alaska State Director in section 2(c) of a memorandum dated December 1, 1961, I hereby classify and open the lands listed below and, together with other parcels of land previously classified and opened as noted below, offer them for public sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended.

2. All of the tracts involved are located north and east of Kodiak, Alaska. The majority of the tracts are located on the shores of Dark and Island Lakes, which are situated approximately two miles northeasterly of Kodiak. The lakes provide a desirable recreation area, however, they are sufficiently close to Kodiak to be desirable for year-around residential use. At this time, the lake sites do not have access by road. They are accessible principally by boat. Five of the tracts listed below are located along the Mill Bay and Mission Roads. They have highway access and the areas, generally, are suitable for residential use.

Most of the tracts listed below contain stands of commercially valuable Sitka spruce. Stumpage values were incorporated in the appraisal of the fair market value of the tracts.

3. The tracts listed below will be offered for sale at a public auction to be held in the Elks Hall at Kodiak, Alaska, beginning at 1:00 p.m. on Thursday, July 5, 1962. If all of the tracts are not sold on that day, the sale will be adjourned until 11:00 a.m. on Friday, July 13, 1962, when and thereafter it will be resumed in the Anchorage Land Office on the third floor of the Cordova Building for another one-hour period or until adjourned for resumption at 11:00 a.m. on succeeding Fridays for additional one-hour periods until all tracts are sold or until the sale is otherwise terminated.

Bids may be made personally by an individual or his agent at the sale or by mail. Bids sent by mail will be considered at a sale session only if received at the Anchorage Land Office prior to 3:00 p.m. of day preceding the particular sale session. At each sale session, those tracts will be offered for which timely filed sealed bids have been received or for which nominations are made by oral bidders present at the sale. Late filed sealed bids will be held for consideration at succeeding scheduled sessions if the lands for which the bid was submitted remain unsold. Sealed bids will be opened in the presence of the public during the progress of the sale. No sealed bid will be accepted if it is less than the appraised price listed for the tract. No oral bid will be accepted unless it is at least $10.00 greater than the highest sealed bid, or if there be none, if it is less than the appraised value listed for the tract. Sealed bids must be in units of $10.00, and oral bidding will be in increments of $10.00 unless otherwise specified at the sale.

Persons who have previously acquired a tract under the Small Tract Act are not qualified to purchase a tract at the initial sale or any continuance thereof.

4. Each bid sent by mail must clearly show (a) the name and post office address of the bidder, (b) Small Tract Public Sale No. 16—ALD, and (c) the legal description of the land for which the bid is made, described in accordance with the descriptions listed below. Each bid must be accompanied by the full amount bid in the form of a certified or cashier's check, post office money order(s), or bank draft made payable to the Bureau of Land Management. Each bid must be enclosed in a separate envelope, but payment need accompany only the highest bid, providing all other bids designate the envelope containing the payment. Each envelope must carry on its reverse side the following information and nothing else: (a) "Small Tract Public Sale No. 16—ALD" (b) the legal description of the tract for which the bid is made, in accordance with the list below.

Each tract will be awarded to the highest qualified bidder. If the highest bid is oral, the bidder will be required to

make payment for the tract at the close of bidding, and a personal check will be acceptable for that purpose. Any person who is declared high bidder for any tract will automatically be disqualified from consideration for other tracts at the sale.

5. The individual tracts vary in size as shown in the listing below. Right-of-way easements for roads and public utilities will be reserved if so shown in this or the original classification order and all minerals in the lands will be reserved to the United States. Desirability of these tracts varies greatly with some being excellent throughout, while others contain wet, steep, inaccessible, or other undesirable characteristics. Prospective bidders are cautioned to carefully inspect the tract before offering to buy, as all sales are final.

6. Notice is hereby given to the right of the undersigned or his delegate to reappraise the tracts or to adjourn, postpone or vacate this sale or continuances thereof in whole or in part at any time prior to, during, or after completion of any sale session where such action appears to be necessary to protect the government's interest in the land.

A qualified purchaser of each tract in this sale will, upon tendering full payment thereof, receive a receipt as evidence of the sale. Patent will be issued to the purchaser at a later date without any further compliance or action upon the purchaser's part. There are no building requirements upon these tracts.

7. Inquiries concerning these lands should be addresesd to the Manager, Anchorage Land Office, Cordova Building, Anchorage, Alaska.

8. The following tracts of land are offered for sale at public auction as noted above:

U.S. Survey No. 3464 (STC 117)

Lot	50' easement	Acres	Appraised price
1	E side	0.71	$970
2	do	.91	980
3	NE side	.89	980
4	do	.87	980
5	E side	.79	820
6	do	.73	820
7	do	.74	820
8	do	.81	820
9	do	.79	660
12	NE side	.98	710
13	NE and NW side	.91	700
14	NW side	.77	650

U.S. Survey No. 3466 (STC 117)

1	SE side	0.90	$1,000
2	do	.82	1,000
3	do	.90	1,000
4	do	.92	1,000
5	do	.85	960
6	do	.87	1,000
7	do	.74	770
8	S side	1.36	950
9	do	1.12	820
10	S and SW side	1.09	800
12	SW side	1.10	640
13	NW side	1.71	850
14	do	.85	550
15	do	1.13	700
16	do	1.10	750
17	do	.93	730
18	do	.73	710

U.S. Survey No. 3103 (STC 76)

3	W side	1.47	$920
4	do	1.43	910
5	do	1.15	750
15	do	.70	450

U.S. Survey No. 3104 (STC 76)

Lot	50' easement	Acres	Appraised price
5	S side	1.66	$540
6	do	1.33	470
7	S and W side	1.52	960
8	W side	2.08	360
9	N side	2.00	390

U.S. Survey No. 3098 (STC 76)

15	None	1.25	$1,320
21	do	1.25	170
22	do	1.25	170

U.S. Survey No. 3099 (STC 76)

28	E side	.61	$200

U.S. Survey No. 3101 (STC 76)

4	None	1.40	$800

ROBERT J. COFFMAN,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62-6062; Filed, June 20, 1962; 8:49 a.m.]

[Group 319]

ARIZONA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

JUNE 15, 1962.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Phoenix, Arizona, effective at 10:00 a.m., on July 21, 1962:

GILA AND SALT RIVER MERIDIAN

T. 5 S., R. 28 E.,
Sec. 21;
Sec. 25;
Sec. 26;
Sec. 27;
Sec. 28;
Sec. 29;
Sec. 30, lots 1, 2, 3, 4, and $E\frac{1}{2}W\frac{1}{2}$, $E\frac{1}{2}$;
Sec. 31, lots 1, 2, 3, 4, and $E\frac{1}{2}W\frac{1}{2}$, $E\frac{1}{2}$;
Sec. 32;
Sec. 33;
Sec. 34;
Sec. 35;
Sec. 36, lots 1, 2, and $W\frac{1}{2}SE\frac{1}{4}$, $W\frac{1}{2}$, $NE\frac{1}{4}$.

The areas described aggregate 8,256.62 acres.

2. Available data indicate that the topography is mountainous and the soils are rocky.

3. All secs. 32 and 36 have been used as base by the State of Arizona.

4. The $S\frac{1}{2}$ sec. 25, $E\frac{1}{2}$ sec. 35 and all sec. 36 were withdrawn by Executive Order 759 of November 22, 1924, for a power site reserve. The $E\frac{1}{2}E\frac{1}{2}$ sec. 25, $E\frac{1}{2}NE\frac{1}{4}$ and the $SE\frac{1}{4}$ sec. 36 were withdrawn by Secretary's Order of September 2, 1927, for Power Project 837. Lots 1 and 2, and the $W\frac{1}{2}SE\frac{1}{4}$ sec. 36 were withdrawn by Executive Order of March 21, 1917, for Power Site Reserve No. 590, and on February 1, 1917, for Water Power Designation No. 4, Arizona No. 1.

5. The $SE\frac{1}{4}$ sec. 36 is embraced in application for withdrawal Arizona 030451 of the United States Army, Corps of Engineers, for a dam and reservoir. A strip of land 20 rods wide on each side of the center line thread of Bonita Creek, in the $SW\frac{1}{4}$ and the $W\frac{1}{2}SE\frac{1}{4}$ sec. 31, is embraced in application for withdrawal Arizona 017298 for the Safford municipal water supply system. Any applications filed on these lands would be suspended pending final action on the cases.

6. All of the public lands affected by this order except the $E\frac{1}{2}E\frac{1}{2}$, $SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$ sec. 25, $E\frac{1}{2}$ sec. 35, and all sec. 36, are hereby restored to the operation of the public land laws subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws, rules, and regulations.

ROY T. HELMANDOLLAR,
Manager.

[F.R. Doc. 62-6049; Filed, June 20, 1962; 8:48 a.m.]

[Arizona 030565]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands; Amendment

By reason of amendment to Application for Withdrawal, Arizona 030565, Notice of Proposed Withdrawal and Reservation of Lands published as Federal Register Doc. 61-4582, appearing on page 4345 of the issue for Thursday, May 18, 1961, is hereby amended to eliminate therefrom the following described lands:

GILA AND SALT RIVER MERIDIAN

T. 21 N., R. 7 E.,
Sec. 28: $SW\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$.

and to change the last two paragraphs to read as follows:

The area described totals approximately 60 acres.

The entire area comprises 1,546.00 acres.

RAYMOND C. CLEGHORN,
Acting State Director.

JUNE 13, 1962.

[F.R. Doc. 62-6050; Filed, June 20, 1962; 8:48 a.m.]

NEVADA

Notice of Filing of Plats of Survey and Order Providing for Opening of Lands

JUNE 13, 1962.

Plats of survey of lands described below will be officially filed at the Land Office, Reno, Nevada effective at 10:00 a.m. on July 13, 1962.

1.

MOUNT DIABLO MERIDIAN, NEVADA

T. 27 N., R. 57 E. (group 377),
Sec. 25, lots 1, 2, 3, $NW\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}$.

The area described aggregates 247.84 acres. The plat was accepted January 17, 1956.

a. Available data indicates the land in this plat are meadow land of black heavy loam.

b. The following lands are withdrawn by Public Land Order 1878, dated June 17, 1959 from all forms of application under the public land laws including mining but not mining leasing as part of the Ruby Lake National Wildlife Refuge, and will not be subject to disposition under the general public land laws by reason of official filing of this plat:

T. 27 N., R. 57 E.,
Sec. 25, lot 2, $SE\frac{1}{4}SE\frac{1}{4}$.

2.

T. 15 S., R. 49 E. (group 386),
Secs. 1 through 36.

The area described aggregates 22,274.84 acres. The plat was accepted January 17, 1962.

a. Available data indicates the land in this plat vary from nearly level to rolling with soils of fine sandy texture and volcanic loam.

b. The following lands were withdrawn by Executive Order 8578, dated October 29, 1940 from all form of appropriation under the public land laws, including the mining laws. They were transferred to the jurisdiction of the Atomic Energy Commission in connection with its Nevada Test Site by Public Land Order 2568, dated December 19, 1961 and will not be subject to disposition under the general public land laws by reason of official filing of this plat:

T. 15 S., R. 49 E.,
Secs. 1, 2, sec. 3, $E\frac{1}{2}$.

3.

T. 15 S., R. 50 E. (group 386),
Secs. 1 through 17; secs. 19 through 36.

The area described aggregates 22,460.35 acres. The plat was accepted January 18, 1962.

a. Available data indicates the land in this plat vary from nearly level to rolling with soils of sandy and gravelly loam.

b. The following lands were withdrawn by Executive Order 8578, dated October 29, 1940 from all forms of appropriation under the public land laws, including the mining laws. They were transferred to the jurisdiction of the Atomic Energy Commission in connection with its Nevada Test Site by Public Land Order 2568, dated December 19, 1961 and will not be subject to disposition under the general public land laws by reason of official filing of this plat:

T. 15 S., R. 50 E.,
Secs. 1 through 6.

4.

T 29 N., R. 43 E. (group 380),
Sec. 7;
Secs. 16, 17, 18, 19, 20, 21, 22;
Secs. 27, 28, 29, 30, 31, 32, 33;
Sec. 34, $N\frac{1}{2}$, $SW\frac{1}{4}$.

The area described aggregates 11,503.49 acres. The plat was accepted January 10, 1962.

a. Available data indicates the lands in this plat vary from nearly level to rolling hills, with soils of loam and gravel.

5. The lands described above in paragraphs 1 through 4 inclusive have been subject to operation of the United States mining laws and mineral leasing laws at all times, except as noted above.

6. Subject to any existing valid rights and the requirements of applicable law, the above-described lands are hereby opened to filing applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of the order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m., on July 13, 1962, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

7. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims.

Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations. Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P.O. Box 1551, Reno, Nevada.

R. M. ZUNDEL,
Acting Manager.

[F.R. Doc. 62-6051; Filed, June 20, 1962; 8:48 a.m.]

NEVADA

Notice of Filing of Nevada Protraction Diagrams

JUNE 15, 1962.

Notice is hereby given that effective July 13, 1962, the following protraction diagrams, approved March 23, 1962 are officially filed of record in the Nevada Land Office. In accordance with Title 43, Code of Federal Regulations, these protractions will become the basic record for describing the land for all authorized purposes at and after 10 a.m. of the above effective date. Until this date and time, the diagrams have been placed in the open files and are available to the public for information only.

NEVADA PROTRACTION DIAGRAMS NOS. 1 THROUGH 14

MOUNT DIABLO MERIDIAN

No. 1

T. 20 S., R. 66½ E.
T. 20 S., R. 67 E.
T. 21 S., R. 69 E.

No. 2

T. 18 S., R. 70 E.
T. 19 S., R. 70 E.
T. 17 S., R. 71 E.
T. 18 S., R. 71 E.
T. 19 S., R. 71 E.

No. 3

T. 22 S., R. 69 E.
T. 20 S., R. 70 E.
T. 22 S., R. 70 E.
T. 20 S., R. 71 E.
T. 21 S., R. 71 E.

No. 4

T. 15 S., R. 71 E.

No. 5

T. 20 S., R. 63 E.
T. 21 S., R. 63½ E.
T. 21 S., R. 64 E.

No. 6

T. 23 S., R. 65 E.
T. 23½ S., R. 65 E.
T. 24 S., R. 65 E.
T. 25 S., R. 65 E.

No. 7

T. 13 N., R. 35 E.
T. 14 N., R. 35 E.
T. 15 N., R. 35 E.
T. 13 N., R. 36 E.
T. 14 N., R. 36 E.
T. 15 N., R. 36 E.

No. 8

T. 15 N., R. 37 E.

No. 9

T. 13 N., R. 33 E.
T. 14 N., R. 33 E.
T. 15 N., R. 33 E.
T. 13 N., R. 34 E.
T. 14 N., R. 34 E.
T. 15 N., R. 34 E.

No. 10

T. 15 N., R. 31 E.
T. 15 N., R. 31½ E.
T. 14 N., R. 32 E.
T. 15 N., R. 32 E.

No. 11

T. 17 N., R. 32 E.
T. 18 N., R. 32 E.
T. 18 N., R. 33 E.

No. 12

T. 19 N., R. 33½ E.
T. 20 N., R. 33½ E.
T. 19 N., R. 34 E.
T. 20 N., R. 34 E.
T. 20 N., R. 35 E.

No. 13

T. 19 N., R. 31 E.
T. 19 N., R. 32 E.
T. 20 N., R. 32 E.
T. 19 N., R. 33 E.
T. 20 N., R. 33 E.

No. 14

T. 16 N., R. 33½ E.
T. 17 N., R. 33½ E.
T. 18 N., R. 33½ E.
T. 16 N., R. 34 E.
T. 17 N., R. 34 E.
T. 18 N., R. 34 E.
T. 16 N., R. 35 E.
T. 18 N., R. 35 E.

Copies of these diagrams are for sale at one dollar ($1.00) each by the Nevada Land Office, Bureau of Land Management, Post Office Box No. 1551, Reno, Nevada.

R. M. ZUNDEL,
Acting Manager.

[F.R. Doc. 62-6074; Filed, June 20, 1962; 8:50 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

DESIGNATION OF ACTING REGIONAL ADMINISTRATOR, REGION I (NEW YORK)

Pursuant to the Housing and Home Finance Administrator's delegation of

authority to Regional Administrators, effective as of May 4, 1962 (27 F.R. 4319, May 4, 1962), the following officers of Region I are hereby designated to act in the place and stead of the Regional Administrator for Region I, with the title of "Acting Regional Administrator," and with all the powers, functions, duties, and responsibilities delegated or assigned to the said Regional Administrator, in the event the Regional Administrator is unable to act by reason of his absence, illness, or other cause, provided that no officer identified below shall have authority to act as "Acting Regional Administrator" unless all those whose titles appear before his hereunder are unable to act by reason of absence, illness or other cause:

1. Deputy Regional Administrator
2. Regional Director of Urban Renewal
3. Regional Director of Community Facilities.
4. Regional Counsel
5. Deputy Regional Director of Urban Renewal.

The designations made herein supersede those made in designation document effective May 26, 1962 (27 F.R. 4975, May 26, 1962), which is hereby revoked.

Effective as of the 15th day of June 1962.

[SEAL] LESTER EISNER, Jr.,
Regional Administrator,
Region I.

[F.R. Doc. 62-6080; Filed, June 20, 1962; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR Part 181 the following table lists the establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which were officially reported on May 1, 1962, as humanely slaughtering and handling on that date the species of livestock respectively designated for such establishments in the table. Establishments reported after May 1, as using humane methods on May 1 or a later date in May, will be listed in a supplemental list. Previously published lists represented establishments reported in April or May 1962 as humanely slaughtering and handling the designated species of livestock on April 1 or some later date in April 1962 (27 F.R. 4212, 4598 and 4792). The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

[Report No. 1]

MAY 1962.

Name of Establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co.	2AD		(*)				
Do	2AT			(*)		(*)	
Do	2AU		(*)				
Do	2B					(*)	
Do	2C			(*)			
Do	2E		(*)				
Do	2F					(*)	
Do	2H						
Do	2HT						
Do	2LT				(*)		
Do	2SD			(*)		(*)	
Do	2WN						
Do	3A						
Swift and Co.	3AC					(*)	
Do	3AE		(*)				
Do	3AF						
Do	3AN						
Do	3AW						
Do	3B						
Do	3C			(*)			
Do	3D		(*)				
Do	3E				(*)		
Do	3F						
Do	3FF					(*)	
Do	3H		(*)				
Do	3K						
Do	3L					(*)	
Do	3N			(*)			
Do	3R					(*)	
Do	3S						
Do	3T		(*)				
Do	3UC			(*)			
Do	3W						
Do	3Z					(*)	
Do	8B						
Lykes Bros., Inc.	10						
Pauly Packing Co., Inc.	12		(*)				
Hygrade Food Products Corp.	12A			(*)			
Do	12C						
Do	12D		(*)				
Do	12G						
Do	12P						
Mickelberrys Food Products Co.	16					(*)	
John Morrell and Co.	17						
Do	17A			(*)			
Do	17D						
C. Finkbeiner, Inc.	18						
The Cudahy Packing Co.	19						
The Cudahy Packing Co. of Nebraska	19E			(*)			
Wilson and Co., Inc.	20A						
Do	20N			(*)			
Do	20Q						
Do	20Y			(*)			
Do	23						
Swift and Co.	25						
Brander Meat Co.	27C						
The Sperry and Barnes Co.	28						
Patrick Cudahy, Inc.	30						
Kreinberg and Krasny, Inc.	32						
Roegelein Provision Co.	34						
Valleydale Packers, Inc.	36						
Kenton Packing Co.	40						
Armour and Co.	43						
Sunnyland Packing Co.	44						
Stark Wetzel and Co., Inc.	44A						
Do	46						
Idaho Meat Packers	47						
Consolidated Dressed Beef Co., Inc.	49						
Lackawanna Beef and Provision Co.	53						
Midwestern Beef, Inc.	56						
Sunnyland Packing Co. of Alabama	60						
Glover Packing Co. of Amarillo	60A						
Glover Packing Co.	61						
Weiland Packing Co., Inc.	65						
Selkirk Realty Co.	66						
Somerville Packing Co.	67E						
The Quaker Oats Co.	72						
Minchs Wholesale Meats, Inc.	73						
Brown Thompson & Son	74E						
Eastern Packing Co.	75						
Armour and Co.	79						
The Braun Brothers Packing Co.	80						
City Packing Co.	81						
The Cudahy Packing Co.	83E						
Hill Packing Co.	84						
Edgar Packing Co.	86						
Excel Packing Co., Inc.	88						
Utica Veal Co., Inc.	89						
The E. Kahns Sons Co.	90						
Hygrade Food Products Corp.	92						
Sugardale Provision Co.	93						
Shonyo Packing Co.	95						
The Val Decker Packing Co.	97						
John Engelhorn and Sons.	98						
A. Kochs Sons.	100						
Armour and Co.	101						
Liberty Packing Co.	103						
H. Graver & Co.	104						
Swift and Co.	107						
J. Lynn Cornwell, Inc.							

Name of Establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Arbogast and Hastian Co.	289						
The H. H. Meyer Packing Co.	290	(*)	(*)	(*)		(*)	
San Jose Meat Co.	291						
Sioux City Dressed Pork, Inc.	292	(*)	(*)	(*)		(*)	
Geo. Kephart and Son, Inc.	295						
Wallick Packing Co.	299						
Great Falls Meat Co.	301		(*)				
Commercial Packing Co., Inc.	302						
Union Packing Co.	305						
Do.	306A						
Star Packing Co.	307						
Sioux Dressed Beef Co.	311		(*)	(*)	(*)	(*)	
Ideal Packing Co., Inc.	312						
Rudys Farm Co.	315						
Webb Packing Co.	316		(*)				
Estes Packing Co.	320					(*)	
Station Packing Co., Inc.	323		(*)				
Turck Meat Co.	325						
Frisco Packing Co.	327		(*)	(*)			
C. and M. Meat Packing Corp.	329						
Royal Packing Co.	331						
Sokolik Packing Co., Inc.	331A						
Shapiro Packing Co., Inc.	332		(*)				
Federal Packing Co., Inc.	334						
Scobee Independent Meat Co.	335						
Chino Valley Meat Packing Co., Inc.	336						
Sam Kane Packing Co.	337						
Midland Empire Packing Co., Inc.	339						
Des Moines Packing Co., Inc.	340		(*)			(*)	
Sebes Packing Co., Inc.	344						
Ana Packing Co.	345		(*)	(*)			
Union Packing Co.	351						
Samuels E. Tex Packing Co.	353						
Fresno Meat Packing Co.	354						
Heil Packing Co.	357					(*)	
Modesto Meat Co.	362						
Meyers Packing Co.	363					(*)	
Montebello Meat Packing Co.	364						
James Allan and Sons.	365					(*)	
Westport Packing Corp.	369						
Bowling Provision Co., Inc.	372						
Eastern Packing Co.	374		(*)	(*)		(*)	
Cross Packing Co.	376						
Ernes Packing Co., Inc.	380						
Smithfield Packing Co., Inc.	382		(*)			(*)	
American Stores Co.	384						
Liebmann Packing Co.	385						
Durable Packing Co.	388						
Hygrade Food Products Corp.	392					(*)	
Roth Packing Co.	394						
Robert L. Runtz, Inc.	395		(*)	(*)		(*)	
Dubuque Packing Co.	396						
Logan Packing Co.	397		(*)				
Watsonville Dressed Beef, Inc.	398						
Superior Packing Co.	399		(*)			(*)	
Anderson Packing Co.	400						
Neuhoff Bros.	406		(*)	(*)			
Endlich Packing Co., Inc.	410					(*)	
Alpine Packing Co.	412						
The Lundy Packing Co.	413						
Philadelphia Homeless Beef Co.	415						
Kluge Packing Co. of Iowa	421						
R. M. Kneip, Inc.	422						
The Collins Packing Co.	423		(*)			(*)	
Hebron Packing Co., Inc.	425						
Lone Star Packing Co.	433						
Monarch Meat Packing Co.	435						
Queen Packing Corp.	438		(*)				
Omaha Dressed Beef Co., Inc.	439						
Del Curto Meat Co.	441		(*)	(*)	(*)	(*)	
Peerless Packing Co., Inc.	443						
DeWitt Packing Corp.	445		(*)			(*)	
Swift & Co.	448						
Norris Rifkin and Sons, Inc.	459						
Pioneer Boneless Beef, Inc.	460						
Lancaster Packing Co.	461						
Wilson and Co., Inc.	462						
Hoffman Packing Co., Inc.	111						
Morris Packing Co.	112						
Wilson and Co., Inc.	117						
Marhoefer Packing Co., Inc.	121						
E. J. Archie and Sons, Inc.	122						
City Dressed Beef	125						
Peyton Packing Co., Inc.	126						
Superior Packing Co.	130						
John Hollatz and Son, Inc.	133						
Tobin Packing Co., Inc.	139						
Armour and Co.	142						
Edward J. Kloner, Inc.	144						
R. H. Rice Sausage Co., Inc.	145						
Kansas City Dressed Beef Co.	152						
Commercial Dressed Beef, Inc.	155						
Armour and Co.	158						
Missouri Farmers Assn. Packing Division	159						
Do.	159A						
Carr Packing Co., Inc.	160						
Joel E. Harrell and Son, Inc.	162						
New York State College of Agriculture	166A						
Swift and Co.	177						
Armour and Co.	180						
Peerless Packing Co.	181						
Montrose Beef Co.	186						
The Rath Packing Co.	186C						
Do.	186F						
Do.	191						
Sentile Packing Co.	192						
Krey Packing Co.	196						
John Morrell and Co.	197						
Hynes Packing Co.	198						
United Fryer and Stillman, Inc.	199A						
George A. Hormel and Co.	199D						
Do.	199G						
Do.	199N						
Do.	200						
Mid Valley Beef Co., Inc.	202						
Cudahy Packing Co.	206						
Finger Packing Co., Inc.	208						
Hygrade Food Products Corp.	210						
John Morrell and Co.	211						
Penn Packing Co.	212						
Elburn Packing Co.	213						
Kneip Packing Co.	214C						
Fred Dold and Sons Packing Co.	214						
Jones Dairy Farm	217						
York Packing Co., Inc.	220						
Gwaltney, Inc.	221A						
Armour and Co.	222						
De Jong Packing Co.	223						
Hygrade Food Products Corp.	223H						
Do.	232						
Gold Kist Packing Co., Inc.	235						
Wahl Schilling and Co., Inc.	237						
Raskin Packing Co.	238						
Armour and Co.	240						
F. D. and J. Meats.	243						
Greenwood Packing Plant.	245						
L. Kraft and Bros. Co.	246						
J. Kent Packers, Inc.	246						
John Morrell and Co.	246						
Harget Realty Corp.	247						
Frosty Morn Meats.	249						
Sellers, Inc.	252						
Ballentine Packing Co.	258						
Thiele Dairy Farm	263						
Hygrade Meat Co., Inc.	267						
Houston Packing Co.	271						
Tog Packing Co., Inc.	273						
Elliott Packing Co.	274						
Wilson and Co., Inc.	276						
American Stores Co.	281						
Acme Packing Co., Inc.	282						
Figge and Hunwalker Co.	283						
Solano Meat Co.	285						
Western Packing Co.	286						

Name of Establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Bauma Bologna, Inc.	657						
St. Louis Dressed Beef Co.	659						
Mercer Packing Co.	660		(*)				
Quality Meat Packing Co.	661					(*)	
Globe Packing Co.	663						
Crown Packing Co.	665						
Scottsbluff Packing Company	667						
San Joaquin Packing Co.	671		(*)	(*)			
Eckert Packing Co.	672						
Armour and Co.	673						
Eldridge Packing Co.	675						
Midwest Beef Co., Inc.	676						
St. Cloud Meat Packing Co.	682						
East Tennessee Packing Co.	683						
Memphis Butchers Association, Inc.	684						
Nebraska Beef Co., Inc.	690						
Goldring Packing Co., Inc.	694						
Mid States Packing Co., Inc.	696						
Nelson Brothers Packing Co.	699						
The Sucher Packing Co.	699						
Greenlee Pack Co.	701						
Swift and Co.	705						
H. Rothschild and Co.	707						
Frosty Morn Meats	708						
Gruenfelder Packing Co.	709						
Armour and Co.	710						
The Hill and Dillon Packing Co.	713E						
Shen Valley Meat Packers, Inc.	716						
Capitol Packing Co.	717						
Charles Miller and Co.	719						
Illinois Packing Co.	724						
Pearl Packing Co., Inc.	725						
Armour and Co.	727						
Smithfield Packing Co., Inc.	731E						
Rosenthal Packing Co., Inc.	741						
Omaha Packing Co.	742						
Rosenthal Packing Co., Inc.	747						
Pepper Packing Co., Inc.	749						
Oscar Mayer and Co., Inc.	749						
Do	758						
Midwest Packing Co.	758A						
Greenfield Packing Corp.	760						
United Dressed Meats, Inc.	760						
Swift and Co.	767						
Pride Packing Co., Inc.	768						
Plute Packing Co.	770						
Sulter Hills Packing Co.	773						
Hunt Bros. Packing Co.	774						
Caldwell Martin Meat Co.	777						
Modern Meat Packing Co.	778						
Atlas Packing Co., Inc.	779						
Dale Packing Co.	780						
Dean Brothers Packing Co.	782						
Diamond Meat Co., Inc.	783						
Granite State Packing Co.	785						
Aurora Packing Co., Inc.	791						
Wimp Packing Co.	792						
Baums Meat Packer	809						
Plix Packing Co., Inc.	810						
William N. H. Peters	817						
Rochester Independent Packer, Inc.	818						
J. H. Routh Packing Co.	822						
Henry Meyers Sons, Inc.	823						
Home Packing Co.	825						
Hill Packing Co.	827						
Buford Packing Co.	828						
Bristol Packing Co.	830						
Berchems Meat Co.	834						
Norman Peters Packing Co.	835						
White Packing Co., Inc.	836						
John Morrell & Co.	838						
Jones Dale County Products, Inc.	840						
Herman Kempers Sons.	842						
Rockfort Packing Co.	843						
G. Bartusch Packing Co.	853						
Arena Dressed Beef Co., Inc.	867						
Sioux City Dressed Beef Co., Division of	867F						
Stouffer Meat & Livestock Co.	875						
Sam McDaniel and Sons, Inc.	879						
Wells and Davies, Inc.	892						
Sierra Meat Co.	897						
Gunsberg Beef Company	898						
Genesee Packing Co.	898						
Litvak Packing Co.	465						
Beemer Packing Co.	467						
Corn Husker Packing Co.	468						
Eckert Packing Co.	471						
Armour and Co.	477						
Eldridge Packing Co.	478						
Midwest Beef Co., Inc.	483						
St. Cloud Meat Packing Co.	485						
East Tennessee Packing Co.	487						
Memphis Butchers Association, Inc.	488						
Nebraska Beef Co., Inc.	490						
Armour and Co.	494						
Haas Davis Packing Co., Inc.	496						
Nelson Brothers Packing Co.	499						
Greenlee Pack Co.	501						
Swift and Co.	505						
H. Rothschild and Co.	507						
Frosty Morn Meats	508						
Gruenfelder Packing Co.	509						
Armour and Co.	510						
The Hill and Dillon Packing Co.	511						
Shen Valley Meat Packers, Inc.	513						
Capitol Packing Co.	517						
Charles Miller and Co.	521						
Illinois Packing Co.	524						
Pearl Packing Co., Inc.	528						
Armour and Co.	529						
Smithfield Packing Co., Inc.	532						
Omaha Packing Co.	535						
Rosenthal Packing Co., Inc.	536						
Pepper Packing Co., Inc.	537A						
Oscar Mayer and Co., Inc.	537C						
Do	538						
Midwest Packing Co.	542						
Greenfield Packing Corp.	546						
United Dressed Meats, Inc.	546						
Swift and Co.	549						
Pride Packing Co., Inc.	550						
Plute Packing Co.	551						
Sulter Hills Packing Co.	554						
Hunt Bros. Packing Co.	555(1)						
Springfield Rendering Co.	557						
Mid South Packers, Inc.	558						
The Cudahy Packing Co.	561						
D. and W. Packing Co.	562						
Packerland Packing Co., Inc.	564						
John Morrell & Co.	565						
Texas Meat Packers, Inc.	569						
Elmer Binder & Son, Inc.	573						
Ferretta Packing Co., Inc.	574						
Frosty Morn Meats, Inc.	579						
Armour and Co.	581						
Kingsford Packing Co., Inc.	583						
Rath Packing Co.	586						
Prairie Packing Company, Inc.	590						
City of Austin Municipal Abattoir	591						
Swift and Co.	596						
Harman Packing Co.	606						
Central Packing Co.	608						
Swift and Oregon Meat Co., Inc.	611						
Interstate Packing Co.	613						
National Tea Co.	614						
Donner Packing Co.	614						
Kummer Packing Co.	615						
Acme Meat Co., Inc.	615E						
Hill Packing Co.	627						
Big Four Packing Co., Inc.	628						
P. A. Miller and Sons Packing Co., Inc.	630						
H. H. Kelm Co.	632						
Do	633						
General Meat Co.	635						
Ebner Bros. Packers	636						
Zipron Bros., Inc.	636						
Auburn Packing Co., Inc.	645						
Auburn Packing Co.	647						
Hart Provision Co.	648						
Spencer Packing Co.	649						
Wm. Schluderberg-T. J. Kunkle Co.	650						
John Morrell and Co.	653						
Eagle Packing Co.	654						
Wilson and Co., Inc.	655						

Name of Establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Samuels & Co., Inc.	878	(*)	(*)	(*)	(*)		
Fidler Packing Corp.	880						
Vermont Dressed Beef Co., Inc.	883						
Aleo Packing Co.	885		(*)	(*)			
Walden Packing Co., Inc.	886						
William Davies Co., Inc.	888A					(*)	
O'Neill Packing Co.	889						
Cox Packing Co.	891		(*)				
Sambol Packing Co.	892						
Tobin Packing Co., Inc.	893					(*)	
Vernon Calhoun Packing Co.	897						
Meats, Inc.	899						
Sigman Meat Co., Inc.	901						
Hoosier Veterinary Laboratories, Inc.	912					(*)	
Chiapetti Packing Co.	916			(*)			
National Meat Packers, Inc.	917						
Valleydale Packers, Inc., of Bristol	922						
South Philadelphia Willowbrook, Inc.	923						
Wisconsin Packing Co.	924						
Peoples Packing Co.	925			(*)	(*)	(*)	
Kerber Packing Co.	929					(*)	
Tarpoff Packing Co.	931						
McKenney Meat Co.	932		(*)				
E. B. Manning and Son	934						
Volz Packing Co.	938						
Cappellino Abattoir, Inc.	939						
Wilson and Co., Inc.	940		(*)			(*)	
Gentner Packing Co., Inc.	941						
Dolrich Meat Packers, Inc.	944			(*)		(*)	
Whitehall Packing Co.	946						
M. Brizer & Co.	948		(*)				
Joe Doctorman and Son Packing Co., Inc.	949		(*)	(*)			
Armour and Co.	956					(*)	
Reliable Packing Co., Inc.	959					(*)	
Greater Omaha Packing Co., Inc.	960						
Virginia Packing Co., Inc.	963		(*)	(*)			
Earl Flick Wholesale Meats, Inc.	965		(*)				
T. L. Lay Packing Co.	967					(*)	
Monfort Packing Co.	969			(*)			
Hawaii Meat Co., Ltd.	970						
Perlin Packing Co., Inc.	974		(*)	(*)			
National Food Stores, Inc.	981						
Reitz Meat Products Co.	983					(*)	
Hospers Packing Company	985						
Eagle Packing Co.	987						
Everett C. Horlein and Son, Inc.	988						
Johnson Meat Products Co., Inc.	994					(*)	
The Klarer Co.	995	(*)	(*)				
Do	995A					(*)	
Do	995C					(*)	
Valley Meat Co.	1009		(*)				
Armour and Co.	1085			(*)			
Landy Packing Co.	1171						
The Harris Packing Co.	1175					(*)	
Nebraska Meat Packers, Inc.	1307						
A. F. Meyer and Sons, Inc.	1311		(*)	(*)			
McCabe Packing Plant	1312						
F. & H. Packing Co., Inc.	1313		(*)			(*)	
H. and H. Packing Co.	1315						
Nebraska Iowa Dressed Beef Co.	1318						

483 establishments reported.

Done at Washington, D.C., this 15th day of June 1962.

C. H. PALS,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 62-6026; Filed, June 20, 1962; 8:45 a.m.]

Office of the Secretary

ARKANSAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in Searcy County, Arkansas, a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 15th day of June 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-6066; Filed, June 20, 1962; 8:49 a.m.]

KANSAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in Harvey County, Kansas, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after December 31, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 15th day of June, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-6067; Filed, June 20, 1962; 8:49 a.m.]

SOUTH DAKOTA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the State of South Dakota, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

SOUTH DAKOTA

Charles Mix.	Douglas.
Davison.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 12th day of June 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-6068; Filed, June 20, 1962; 8:49 a.m.]

TEXAS

Extension of Period for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in Cameron, Hidalgo, and Willacy Counties, Texas, a recent natural disaster has occurred since said counties were designated (26 F.R. 8222) and has resulted in a continuing need in those counties for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 15th day of June 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-6069; Filed, June 20, 1962; 8:49 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3-m]

RAYON GARMENT LABELS FROM JAPAN

Fair Value Determination

JUNE 13, 1962.

A complaint was received that rayon garment labels from Japan were being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that rayon garment labels from Japan are not being, nor likely to be, sold at less than fair value within the meaning of section 201 (a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. The divergency of home market and export sales policies of the Japanese manufacturers and sellers under consideration necessitated that comparison, for fair value purposes, be made in accordance with the conditions prevalent in each situation.

In several instances, it was found that home market sales and sales for export to countries other than the United States were minimal and therefore not sufficient to form a basis for fair value comparison. In those cases, fair value comparison was made between constructed value and exporter's sales price or purchase price depending upon the existence or nonexistence of a financial relationship between purchaser and seller.

Constructed value in all cases was calculated in accordance with the statutory requirements of the Antidumping Act of 1921, as amended.

Purchase price was computed on the basis of the f.o.b. selling price for export to the United States. Deductions were made for f.o.b. charges and a commission where applicable.

The following costs and charges were deducted from the delivered United States destination selling price in arriving at exporter's sales price: Delivery costs in the United States where applicable, costs of delivery to the United States, United States import duty, and selling expense.

The appropriate comparison showed purchase price or exporter's sales price, whichever applied, to be not lower than constructed value.

In one instance, it was found that home market sales price, adjusted for certain intrinsic differences in the home market merchandise, was properly a basis for fair value comparison.

The resultant comparison disclosed that purchase price was not lower than the adjusted home market price.

A potential dumping margin was found to exist in only one instance. However, the margin and the volume of sales involved were deemed not more than insignificant and the Japanese exporter revised his selling price for export to the United States thereby eliminating the existing margin. In addition assurances were received that all future sales would be at not less than fair value.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-6070; Filed, June 20, 1962; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-182]

PURDUE UNIVERSITY

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to July 31, 1962 the latest completion date specified in Construction Permit No. CPRR-64 for the construction of the pool-type nuclear reactor to be located in West Lafayette, Indiana.

Copies of the Commission's order and of the application by Purdue University are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 13th day of June 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 62-5989; Filed, June 20, 1962; 8:45 a.m.]

[Docket No. 50-135]

WALTER REED ARMY INSTITUTE OF RESEARCH

Notice of Order of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to October 1, 1962 the latest completion date specified in Construction Permit No. CPRR-48 for the construction of the homogeneous solution type, Atomics International Model L-54 nuclear reactor to be located on the Walter Reed Army Medical Center site in Washington, D.C.

Copies of the Commission's order and of the application by Walter Reed Army Medical Center are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 13th day of June 1962.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-6027; Filed, June 20, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Agreements CAB 11937, 11937-A2; Order E-18466]

AIR FREIGHT FORWARDERS ASSOCIATION

Agreements; Order of Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of June 1962.

There have been filed with the Board pursuant to section 412 of the Federal Aviation Act of 1958, as amended, the Articles of Association of the Air Freight Forwarders Association (AFFA), and two amendments thereto.[1] AFFA's objectives as stated in the agreements are, among others, to consider and deal with common intra-industry problems of management; to secure cooperative action in advancing the common purposes of its members; to promote activities enabling the industry[2] to operate with the greatest economy and efficiency; to consider and express opinions on questions affecting the industry; and to cooperate with other industries and organizations. In furtherance of these objectives, AFFA is empowered to establish and promote adherence to a code of ethics, to promote

[1] The first amendment (CAB 11937-A1), pertaining to participation by AFFA in Board proceedings, was approved by Order E-14993, dated March 10, 1960.

[2] Article II defines the term "industry" to include:

"A. Any person, firm, or corporation regularly engaged in business as a Domestic and/or International Air Freight Forwarder, and having the requisite operating authority from the Civil Aeronautics Board to conduct such a domestic and/or international air freight forwarder operation.

"B. Any person, firm, or corporation regularly engaged in business as an IATA Air Cargo Sales Agent."

As an IATA Cargo Sales Agent is not authorized to consolidate shipments unless it is also an IATA Registered International Air Cargo Consolidator, the latter term would appear to be the correct reference in paragraph B, of the definition. If so, the agreement should be amended.

Although all present AFFA members are domestic and/or international air freight forwarders, paragraph B above does provide for a different class of members not subject directly to the Board's regulation. And admittance to membership of IATA consolidators which are not domestic and/or international air freight forwarders could substantially alter the character of AFFA. Therefore, to be informed on this matter, the Board will condition its approval herein to require notification of any such admission to AFFA membership.

an educational and public relations program, to participate in regulatory and legislative matters, to promote arbitration of disputes, and to promote closer cooperation and better understanding between segments of the industry and with other related industries and groups.

Membership is open to any person, firm or corporation engaged in the industry upon written application and payment of an initiation fee of $100.00.[3] However, a majority vote of the board of directors is required for election to membership. Members may be suspended or expelled for violation of the Articles of Association or any rule or practice properly adopted by AFFA, or for any conduct prejudicial to the interest of AFFA or the industry as a whole. Suspension or expulsion must be recommended by at least three-fourths of the board of directors and adopted by two-thirds of the entire membership, subject to the right of the member concerned to present his defense prior to action by either body.

The Articles of Association provide for a sliding scale of monthly dues predicated upon revenue from air freight consolidation.[4] Notices for all annual or special meetings of AFFA are to be mailed at least five days in advance. Special meetings may be called by the president or a majority of the board of directors. A majority of the total membership constitutes a quorum, and all members are entitled to one vote.

The management and control of AFFA is vested in a board of directors consisting of seven AFFA officers elected annually, and eight members elected for rotating four-year terms. Except as elsewhere provided in the agreements, a majority of the board constitutes a quorum for the nomination of officers and other purposes. The agreements provide for the following standing committees, appointed by the president immediately following the annual election: Membership; Public Relations and Publicity; Regulatory and Legislative; Ethics, Complaints and Grievances; and Articles of Association.

The Board, upon consideration of the agreements, finds that they constitute a cooperative working arrangement affecting air transportation and, accordingly, are subject to section 412 of the Act. The objectives and purposes of the organization as set forth in the Articles of Association appear to be those which are recognized as proper and lawful for trade associations, and with certain exceptions, discussed infra, the detailed implementing provisions of the agreements appear to be fair and reasonable. Accordingly, the Board has tentatively decided to approve the agreements subject to conditions, but before acting finally will provide an opportunity for interested persons to submit comments on the matter.

[3] The current membership, shown in Appendix A, comprises 22 domestic and/or international air freight forwarders.

[4] Annual revenue from air freight consolidations:

	Monthly dues
Under $25,000	$25
$25,000 under $250,000	55
$250,000 under $500,000	75
$500,000 under $1,000,000	95
$1,000,000 or over	150

The conditions proposed herein reflect the Board's view that any association subject to its jurisdiction should be governed by rules and procedures which are objective. This consideration applies regardless of whether the association represents all companies in its particular field, or some lesser number. Thus, while a number of authorized air freight forwarders currently operate without maintaining membership in AFFA, such membership could in the future assume increased economic importance. In any event, the requirement for fair, impartial and unambiguous rules for operation of AFFA is an essential one.

Turning to specific provisions in the agreements meriting comment in connection with the foregoing, the Board notes the requirement of a majority vote of the board of directors for the election of members to AFFA. Such a provision is inherently susceptible to arbitrary administration and the Board will accordingly require that membership in AFFA be open as a matter of right to otherwise qualified applicants.

The Board also notes the provision empowering AFFA to establish a code of ethics, to promote adherence thereto, and to proceed against offenders, and understands that such a code is currently under active development. The Board wishes to be fully apprised with respect to, and will require the filing of such code upon adoption, as well as any detailed procedures for its implementation. The Board also believes that any action on the part of AFFA resulting from implementation of this code, or from any other source, which results in the suspension or expulsion of a member should, at the latter's election, be submitted to binding arbitration. Detailed procedures governing this matter should be promptly adopted and submitted to the Board.

In addition to the foregoing, and in order that the Board may be currently informed of the manner in which AFFA is conducting its affairs, we will require the submission of minutes of meetings, statements of disciplinary action and/or arbitration relating thereto, and a report of any public relations program adopted. In this connection, the Board's experience has been that claims by an air carrier association of attorney-client privilege restrict the Board's access to documents in the possession of the association, thereby delaying the Board's consideration of matters involving the organization. The Board does not believe that such a claim is appropriate, particularly where the members of an association enjoy relief from the antitrust laws by virtue of action by the Board under section 412 of the Act.[5] In brief, it is the Board's intention that an association will conduct its affairs in such a manner as to preclude any claim of confidentiality, based on attorney-client privilege, which would inhibit the Board's inspection of records of the association. And the Board will so condition its approval herein. Finally, since the objectives and powers of AFFA, heretofore described, cover a broad range of activities with few specific limitations, the Board will provide that approval of the instant agreements does not constitute approval of any action taken pursuant thereto.

Upon consideration of the foregoing, the Board tentatively finds that the agreements are not adverse to the public interest or in violation of the Act, and should be approved if such approval is made subject to the following conditions:

1. That, upon the filing of an appropriate application accompanied by the requisite initiation fee, any person within the term "industry" as defined in the agreements [6] shall be admitted to membership in AFFA;

2. That, in the event of admission to membership in AFFA of any person, firm or corporation not a domestic or international air freight forwarder, AFFA shall notify the Board, within thirty (30) days, of such admission;

3. That AFFA shall file with the Board, within fifteen (15) days of adoption, a copy of its code of ethics together with any detailed procedures for securing compliance of its members or others therewith;

4. That action on the part of AFFA resulting in the suspension or expulsion of a member shall, at the election of such member, be submitted to binding arbitration;

5. That AFFA shall file with the Board within fifteen (15) days of adoption, a copy of detailed procedures adopted for handling the arbitration of matters mentioned in (4) above;

6. That AFFA shall file with the Board, within thirty (30) days of preparation, copies of written opinions and reports submitted by its Ethics, Complaints and Grievances Committee, or actions of its board of directors, or decisions of arbitrators which result in the suspension or expulsion of a member, or other disciplinary action. The names of the carrier parties to the proceedings which are the subject to such opinions, reports and decisions may be deleted therefrom for the purpose of this paragraph;

7. That AFFA shall maintain full and complete minutes of meetings of its board of directors and of its general membership; [7]

8. That AFFA shall file the agenda for such meetings and the minutes thereof with the Board within thirty (30) days after the meeting; [8]

9. That AFFA shall file with the Board a true copy, or if oral, a true and complete memorandum, of any public relations program authorized or adopted by AFFA's board of directors or members,

[5] See Docket 10281, *In the matter of the inspection and review of the activities of the Air Transport Association of America and its instrumentalities*, particularly Order E-15360 denying motion to quash subpena and Order E-15486 denying reconsideration.

[6] See footnote 2, supra.

[7] Such minutes shall contain, inter alia, a summary of the discussion identifying each participant on each matter, regardless of the action, or lack of action taken thereon.

[8] The filing of minutes will not relieve AFFA from the requirement for filing separately contracts and agreements subject to section 412 of the Act.

within thirty (30) days after such adoption;

10. That the AFFA will so conduct its affairs as to preclude the Association, its officers or employees from engaging in the practice of law in such a manner as to create a claim of confidentiality based upon an alleged attorney-client relationship for documents or papers in its possession or control; [9] the AFFA will undertake not to maintain in its possession or control documents or papers prepared by members of the bar under color of an alleged attorney-client privilege; and accordingly, will undertake not to assert any such claim in any inspection by the Board of the records and affairs of the Association;

11. That the action of the Board herein shall not be construed as an approval or disapproval of any contract, agreement, or resolution entered into or any action taken pursuant to the instant agreements, as currently or hereafter constituted; and

12. That, within fifteen (15) days after issuance of the final order herein, AFFA and its members, shall submit to the Board a written statement indicating their acceptance of the foregoing conditions: *Accordingly, it is ordered:*

1. That final action on Agreements CAB 11937 and 11937–A2, be and it hereby is deferred for a period of thirty (30) days to permit the filing of comments by interested persons [10] relative to the Board's tentative decision herein;

2. That a copy of this order be served on all domestic and international air freight forwarders and **AFFA**; and

3. That this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

APPENDIX A

MEMBERS OF AIR FREIGHT FORWARDERS ASSOCIATION [11]

ABC Air Freight Co., Inc.
Acme Air Cargo, Inc.
Add Airfreight Corp.
Air Express International Corp.
Air-Land Freight Consolidators, Inc.
Airborne Freight Corp.
Allied Air Freight, Inc.
American Express Co.
Barnett Aircargo, Inc.
Peter A. Bernacki, Inc.
Frank P. Dow Co., Inc.
Emery Air Freight Corp.
Flying Cargo, Inc.
4–A Air Freight Corp.
General Air Freight, Inc.
Hensel, Bruckmann & Lorbacher, Inc.
New England Air Lift, Inc.
H. G. Ollendorff, Inc.
Panalpina Air Freight, Inc., d/b/a Panalpina Airfreight System.
J. D. Smith Inter-Ocean, Inc.
Western Transportation Co., Inc., d/b/a W. T. C. Air Freight.
World-Wide Services, Inc.

[9] Such restriction is not intended to prohibit the participation of an association in a Board proceeding pursuant to the provisions of Part 263 of the Board's Economic Regulations.

[10] Such comments shall conform with the general requirements of the Board's Rules of Practice in Economic Proceedings.

[11] Per data furnished by AFFA. All of the members are authorized domestic and/or international air freight forwarders.

[F.R. Doc. 62–6077; Filed, June 20, 1962; 8:50 a.m.]

[Docket No. 13672]

WEST COAST AIR SERVICES LTD.; TRANSBORDER CANADIAN

Notice of Cancellation of Hearing and Notice of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, (1) that the hearing heretofore assigned to be held in the above-entitled proceeding on June 20, 1962, is canceled, and (2) that a prehearing conference in said proceeding will be held on June 28, 1962, at 10:00 a.m., e.d.s.t., in Room 1029, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., June 18, 1962.

[SEAL] JOSEPH L. FITZMAURICE, *Hearing Examiner.*

[F.R. Doc. 62–6083; Filed, June 20, 1962; 8:53 a.m.]

FEDERAL MARITIME COMMISSION

[No. 3–P, FMC–F No. 124]

MATSON NAVIGATION CO. AND ISTHMIAN LINES, INC.

Notice of Filing Freight Tariff

Notice is hereby given that Matson Navigation Company Freight Tariff No. 3–P, FMC–F No. 124 has been filed with the Federal Maritime Commission in compliance with the requirements of the Shipping Act, 1916, as amended, naming rates from Hawaiian Island ports of call on the one hand, to United States Atlantic and Gulf coast ports of call on the other. The tariff is currently scheduled to become effective on June 19, 1962, and contains the following new provisions:

Item 65—Foodstuffs, canned or preserved, subject to Rule 19.
Item 70—Foodstuffs, canned or preserved, subject to Rule 20.
Rule 19—Forward Booking Agreement (Atlantic Ports).
Rule 20—Forward Booking Agreement (Gulf Ports).

The tariff names Isthmian Lines, Inc., and United States Lines Company (American Pioneer Line) as participating carriers. Matson Navigation Company and Isthmian Lines, Inc. are parties to a joint service agreement, No. 7707, and United States Lines Company (American Pioneer Line) participates in that tariff under a concurrence on file with this Commission.

The tariff would provide lower rates to shippers who sign a forward booking agreement whereby they agree to ship cargos under specified conditions which allegedly result in lower costs to the carrier. Under the terms of the Forward Booking Agreement, the shipper covenants each year to ship any specified annual amount of canned pineapple he chooses, pro-rated among the voyages offered by the carrier, with 10 percent tolerance.

The tariff, by items No. 65 and 70, would provide a scale of rates, each lower than those otherwise applicable, for cargo moving pursuant to the Forward Booking Agreements. The applicable rate for contract shippers is determined by whether the cargo is palletized and the number of loading and discharging berths requested by the shipper.

Interested parties may inspect this tariff at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and within 30 days after publication of this notice in the FEDERAL REGISTER may submit such data, views, or arguments as they desire.

By order of the Commission June 14, 1962.

THOMAS LISI, *Secretary.*

[F.R. Doc. 62–6072; Filed, June 20, 1962; 8:50 a.m.]

SEA-LAND SERVICE, INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8913 is between Sea-Land Service, Inc., Puerto Rican Division, a common carrier by water, and Puerto Rican Forwarding Company, Inc., a nonvessel operating common carrier by water, engaged in the carriage of articles from metropolitan New York area including points in New Jersey to points in Puerto Rico.

Agreement 8914 is between Sea-Land Service, Inc., Puerto Rican Division, and Valencia-Baxt Express, Inc., a nonvessel operating common carrier by water, engaged in the carriage of articles from the metropolitan New York area including points in New Jersey to points in Puerto Rico.

Under the terms of these agreements Sea-Land Service, Inc., undertakes to accept mixed trailerloads of freight, all kinds, comprised of consolidated mixed trailerload shipments weighing individually 15,000 pounds, or less. Household goods, office furniture and personal effects may be included in any shipment as long as such articles do not exceed 10 percent of the total weight of the entire shipment. Each trailerload of freight, all kinds, tendered for transportation shall be comprised of three or more commodities, and the total weight of any single commodity shall not exceed 70 percent of the total weight of the mixed shipment.

Puerto Rican Forwarding Company, Inc., and Valencia-Baxt Express, Inc., agree to pay Sea-Land Service, Inc., $836 for each full or partially loaded container tendered for transportation. Puerto Rican Forwarding Company, Inc., and Valencia-Baxt Express, Inc., also agree to offer Sea-Land Service, Inc., not less than 75 percent of their total shipments, comprised of freight, all kinds, and agree to load and deliver such containers at port of loading and perform unloading at port of discharge at their own expense.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should one be desired.

Dated: June 18, 1962.

THOMAS LISI, *Secretary.*

[F.R. Doc. 62–6073; Filed, June 20, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62–88 etc.]

MONTEREY GAS TRANSMISSION CO. ET AL.

Notice of Application and Amendments to Applications, Consolidation and Date of Hearing

JUNE 14, 1962.

Monterey Gas Transmission Company, Docket No. CP62–88; Columbia Gulf Transmission Company, Docket No. CP62–89; United Fuel Gas Company,[1] Docket No. CP62–90; The Ohio Fuel Gas Company, Docket No. CP62–91; Tennessee Gas Transmission Company, Docket No. CP62–291.

Take notice that Tennessee Gas Transmission Company (Tennessee), a Delaware corporation with principal place of business in the Tennessee Building, Houston 2, Texas, filed on June 11, 1962, in Docket No. CP62–291 an application, pursuant to sections 7 (b) and (c) of the Natural Gas Act, for permission and approval to abandon certain facilities and for a certificate of public convenience and necessity authorizing Tennessee to construct and operate certain minor facilities required for pipeline operations subsequent to the requested abandonment of facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Tennessee proposes to abandon 366.7 miles of 30-inch pipeline which extends in a northeasterly direction from its Compressor Station No. 1 near Agua Dulce in Nueces County, Texas, to Compressor Station No. 823 near Kinder in Jefferson Davis Parish, Louisiana, together with related facilities, easements, rights-of-way, compressor station sites, and interests in land appertaining thereto and used in connection therewith.[2] Tennessee and Monterey Gas Transmission Company (Monterey) have entered into an agreement dated June 1, 1962, whereby Tennessee has agreed to sell and Monterey has agreed to purchase Tennessee's A–K line and related facilities that Tennessee proposes to abandon. The purchase price to be paid by Monterey to Tennessee for these facilities will be equal to Tennessee's depreciated book cost, estimated at $28,385,019 when adjusted to the proposed sales consummation date of November 1, 1962.

Monterey will integrate the facilities to be abandoned by Tennessee into its proposed system as hereinafter stated in the description of Monterey's amendment to its application filed in Docket No. CP62–88. Tennessee's application states that Monterey has agreed to transport for Tennessee or exchange with Tennessee a volume of up to 60,000 Mcf of gas per day through utilization of the A–K line, also as hereinafter explained in the description of Monterey's amended application.

The application further alleges that Tennessee's sale of the A–K line will not affect either Tennessee's purchases of gas from producers at points along the area traversed by the A–K line or Tennessee's sales of gas to the communities of Rosharon, Nome and China, Texas, located along the A–K line.

Tennessee's application avers that the natural gas which Tennessee presently delivers by means of the A–K line to industries in the Houston area will no longer be transported through the A–K line after consummation of the proposed sale by Tennessee to Monterey. To provide for the continuation of this industrial service, a subsidiary of Tennessee will acquire a 50 percent interest in the King Ranch-to-Clear Lake pipeline which, as hereinafter described, was originally proposed to be sold by Humble Oil & Refining Company (Humble) to Monterey. After the sale of the A–K line to Monterey has been completed, these industrial nonjurisdictional deliveries will be continued by Tennessee's subsidiary through the King Ranch-to-Clear Lake pipeline.

In order for Monterey initially to transport gas for Tennessee and in order for Tennessee and Monterey subsequently to exchange gas through utilization of the A–K line, Tennessee also seeks authorization to construct and operate two metering stations, one to be a dual six-inch tube installation located at Tennessee's Station No. 1, near Agua Dulce, Nueces County, Texas, and the other to be a dual eight-inch tube installation at Tennessee's Station No. 823, near Kinder, Jefferson Davis Parish, Louisiana, plus piping alterations at both stations. The total cost of the facilities Tennessee requests authorization to construct and operate is estimated to be $92,200 which will be financed from cash on hand.

Except for the above-described application of Tennessee, the Secretary's notice dated March 14, 1962, and published in the FEDERAL REGISTER on March 21, 1962, 27 F.R. 2655, described the proposals in all of the above-entitled applications and consolidated them for a hearing scheduled to commence on April 19, 1962. At the hearing held on April 19, 1962, the applicants in the original consolidated proceeding introduced direct testimony and exhibits. Afterwards, the hearing was recessed until May 22, 1962, to allow the parties time within which to prepare for cross-examination.

Cross-examination began as scheduled on May 22, 1962, but on May 24, 1962, counsel for Monterey announced that an amendment would be filed to Monterey's application in Docket No. CP62–88 and thereafter cross-examination was restricted to the questioning of those witnesses whose testimony was unaffected by the amendment which Monterey proposed to file. On May 29, 1962, counsel for Monterey requested that the proceeding be recessed until June 5, 1962, in order that Monterey might have sufficient time to prepare and submit its amended application together with amended direct testimony and exhibits in conformance therewith.

On June 5, 1962, pursuant to § 1.11(a) of the Commission's rules of practice and procedure, the Examiner permitted Monterey and United Fuel Gas Company (United) to file amendments to their applications in Docket Nos. CP62–88 and CP62–90, respectively, and received amended direct testimony and exhibits in support thereof. The Examiner deferred ruling on an offering by Columbia Gulf Transmission Company (Columbia Gulf) of two supplements to its application in Docket No. CP 62–89.[3] The hearing was then recessed until July 5, 1962, to allow Tennessee time within which to prepare and file the above-described application in Docket No. CP62–291 and to provide for the issuance of the notice required by § 1.19 of the Commission's rules of practice and procedure.

In the amendment to its application filed on June 5, 1962, in Docket No. CP62–88 Monterey seeks authorization to purchase and acquire Tennessee's 367-mile, 30-inch A–K line which Tennessee proposes to abandon in its application filed in Docket No. CP62–291, as hereinbefore described. In its amended application

[1] Kentucky Gas Transmission Corporation (Kentucky Gas) was a joint applicant in this docket but it filed a notice of withdrawal of its portion of the application on April 9, 1962. This notice of withdrawal became effective as of May 10, 1962, pursuant to a letter from the Acting Secretary dated April 16, 1962.

[2] This line, extending from Agua Dulce, Texas, to Kinder, Louisiana, will hereinafter be referred to as the "A–K" line.

[3] In his "Rulings" issued June 11, 1962, the Examiner permitted Columbia Gulf to file first and second supplements to its application in Docket No. CP62–89.

Monterey proposes to acquire this Tennessee line in lieu of acquiring Humble's existing 238-mile, 30-inch pipeline extending from the King Ranch plant to Clear Lake, Texas, as was proposed in Monterey's original application filed October 9, 1961.

Since the A–K line Monterey proposes to acquire from Tennessee does not connect with Humble's King Ranch processing plant whence Monterey's gas supply will originate, Monterey also requests authority to construct about 24 miles of 30-inch line from the King Ranch plant to the southern terminus of the A–K line. Similarly, Monterey desires authorization to construct 48 miles of 30-inch transmission line from the northeastern terminus of the A–K line to an interconnection with the existing facilities of Columbia Gulf at a point near Bunkie, Louisiana. The estimated total cost of these 72 miles of 30-inch interconnecting pipeline is $10,791,000, including appurtenant facilities such as the required measuring and regulating stations. In its original application, Monterey had proposed to construct about 216 miles of 30-inch transmission line from Clear Lake, Texas, to Alexandria, Louisiana, in order to interconnect the terminus of the line Monterey proposed to acquire from Humble with Columbia Gulf's system.

With the main-line facilities it proposes to acquire or construct in its amended application, Monterey anticipates that it can deliver to Columbia Gulf 82,700 Mcf of gas per day in the first year of operation without installing any compressor facilities. Prior to November 1, 1963, when Monterey is obligated to deliver 173,960 Mcf per day to Columbia Gulf, Monterey proposes to construct Compressor Station No. 4 in Chambers County, Texas, with 8,500 installed horsepower. Prior to November 1, 1965, when Monterey is obligated to deliver 419,800 Mcf to Columbia Gulf, Monterey proposes to construct Compressor Station No. 2 in Calcasieu Parish, Louisiana, and Compressor Station No. 6 in Matagorda County, Texas, each with 8,500 installed horsepower. The estimated cost of each station is $1,690,000, but when employee housing, communication facilities and other related equipment are added, the total cost of facilities required in connection with the three compressor stations is approximately $6,243,000.

Monterey proposes to acquire Tennessee's facilities pursuant to a contract with the latter executed June 1, 1962. Attachment II to this contract is a 20-year transportation and exchange agreement which Monterey proposes to execute with Tennessee after it has purchased Tennessee's A–K line. Attachment II provides for Monterey to transport up to 60,000 Mcf per day of gas for Tennessee from points on the A–K line as far as Kinder, Louisiana. Payment to Monterey for the transportation service is to be made by Tennessee on a demand-mile cost of service basis in accordance with detailed provisions set forth in the agreement. The transportation agreement is for a term of six years, but it may be canceled by Tennessee at the end of or after three years and it may be terminated prior to the third year if Monterey should require the full capacity of the A–K line to supply greater volumes of gas to Columbia Gulf for the account of United than Monterey presently anticipates.

Attachment II also provides for the exchange of gas by Monterey and Tennessee immediately upon the termination of the transportation service. This exchange agreement will continue in effect for the remainder of the 20-year term of the transportation and exchange agreement. Monterey does not contemplate making charges for the gas exchange arrangement under which Monterey proposes to deliver to Tennessee at a point near Agua Dulce volumes of gas equal to those delivered by Tennessee to Monterey at points along the A–K line between Agua Dulce, Texas, and Kinder, Louisiana.

On June 1, 1962, Monterey's agreement with Humble dated September 20, 1961, was amended so as to eliminate therefrom the contemplated purchase by Monterey of Humble's 238-mile line extending from the King Ranch plant to Clear Lake, Texas. Additionally, the letter agreement dated October 4, 1961, providing for the transportation of gas for Humble by Monterey, has been canceled. The agreement of September 20, 1961, with Humble remains unchanged insofar as it concerns Monterey's proposed purchase from Humble of leaseholds involving 6.166 trillion cubic feet of dry gas. Monterey still proposes to purchase such leaseholds in two installments, the first purchase being scheduled to take place about November 1, 1962, pursuant to which Monterey is still obligated to make a down payment of $7,220,520 and 240 equal monthly payments of $2,204,400, totaling $536,276,520. The second purchase is still contemplated to be completed on or about January 3, 1967, under similar arrangements at a total cost to Monterey of $404,063,635. Likewise, the amended application has made no change in Monterey's proposed purchase and acquisition from Humble of approximately 90 miles of gathering lines, ranging in diameter from 24 to 8 inches, for the purpose of transporting gas from the acreage it intends to purchase to the inlet side of Humble's King Ranch processing plant.

On June 1, 1962, Monterey and United also amended their gas purchase contract dated September 20, 1961, to reflect the changes in construction and operating plans resulting from Monterey's proposed purchase and acquisition from Tennessee of the A–K line as hereinbefore described.

Monterey's initial financial requirements appear to be about $10,000,000 less under the amended application than they were under the application as originally filed in Docket No. CP62–88. The following tabulation indicates Monterey's financial requirements for the construction period ending November 1, 1962:

Down payment on purchase of gas leaseholds from Humble	$7,810,425
Purchase from Humble of gathering lines extending from leaseholds to inlet of King Ranch plant	5,070,000
Purchase of 30-inch A–K line from Tennessee	28,385,019
Construction of 24 miles of line between southern end of A–K line and King Ranch plant and 48 miles of line between northeastern end of A–K line and Columbia Gulf's system	10,744,000
Financing expense	1,200,000
Materials and supplies	74,000
Prepayments	75,000
Total	53,358,444

Attached to Monterey's amended application is a letter dated June 4, 1962, from Lehman Brothers expressing the opinion that Monterey's project as amended can be financed. The financing, according to the amended application, may be as follows: Common stock, $8,200,000; subordinated convertible notes at 6 percent, $12,400,000; and first mortgage pipeline bonds at 5¼ percent, $33,100,000, for a total of $53,700,000.

As indicated in footnote 3 above, on June 11, 1962, Columbia Gulf filed the first and second supplements to its application in Docket No. CP62–89. In the first supplement Columbia Gulf requests authority to construct and operate a new Compressor Station 10A, having 10,500 installed horsepower, in order to receive into its system, for the account of United, the gas which Monterey proposes to deliver to Columbia Gulf at a point near Bunkie, Louisiana, as hereinbefore described. The estimated total cost of the additional compressor station is $1,405,900.

The first supplement also states that United's and Columbia Gulf's existing gas purchase contracts with their Louisiana suppliers presently commit reserves to United and Columbia Gulf estimated at 3.986 trillion cubic feet as of January 1, 1962, and that these Louisiana reserves are sufficient to supply an additional 30,000 MMcf to meet the requirements of the Columbia System for the 1962–63 heating season in the event that gas deliveries by Monterey are delayed beyond the 1962–63 heating season. Columbia Gulf also states that the Louisiana suppliers could continue to meet these additional 30,000 MMcf of requirements until at least January 1, 1974, before a deficiency in gas supply would occur. Columbia Gulf further avers in the first supplement that its proposal therein "* * * is supplemental to the over-all Monterey project and is not intended as an alternate or superseding proposal thereto * * *".

In its second supplement filed June 11, 1962, Columbia Gulf states that its original application in Docket No. CP62–89 had sought authorization to construct facilities over the four-year period from 1962 through 1965 in conformity with Monterey's original proposal to deliver gas at Columbia Gulf's Compressor Station No. 9 which is located near Alexandria, Louisiana. However, Monterey now proposes in its amended application to deliver gas to Columbia Gulf at a point near Bunkie, Louisiana, which is located about 40 miles south of Alexandria, Louisiana. Monterey's proposed new delivery point will require Columbia Gulf to transport the gas a greater distance than was previously anticipated so that Columbia Gulf will not only have to construct the additional Compressor Station 10A as hereinbefore described, but will also have to construct 419 miles of 30-inch pipeline and related compressor facilities at an estimated total cost over the four-year period of $72,225,300, as compared with having to construct about 391 miles of 30-inch loop pipeline and related compressor facilities at an estimated total cost over the four-year period of $67,355,400, as Columbia Gulf had originally anticipated when it filed its application in Docket No. CP62–89.

Therefore, in its second supplement Columbia Gulf requests authorization to construct the following facilities in order to increase its design capacity to 1,078,500 Mcf per day by November 1, 1965. In 1962 Columbia Gulf proposes to construct Compressor Station 10A with 10,500 installed horsepower and nine 30-inch loop sections, totaling 132.7 miles in length, plus a piping connection between Monterey's proposed pipeline and Station 10A, at an estimated cost of $20,192,900, in order to increase its daily design capacity to 768,500 Mcf. In 1963 Columbia Gulf proposes to construct ten 30-inch loop sections, totaling 144.2 miles, at an estimated cost of $19,281,800, to increase its daily design capacity to 858,500 Mcf. In 1964 Columbia Gulf proposes to construct six 30-inch loop sections, consisting of 52.1 miles, and engine compressor additions totaling 79,900 horsepower at eight main-line compressor stations, at an estimated cost of $20,191,600, to increase its daily design capacity to 963,500 Mcf. In 1965 Columbia Gulf proposes to construct ten 30-inch loop sections, totaling 89.6 miles, at an estimated cost of $12,559,000, to increase its daily design capacity to 1,078,500 Mcf.

Columbia Gulf reiterates in the second supplement that attainment of a capacity of 768,000 Mcf on its system in 1962 is dependent upon the Commission's authorizing Columbia Gulf to utilize, without limitation to standby use, the compressor facilities which have previously been authorized only on a standby basis in Docket Nos. G–18121 and G–19376. These facilities consist of a 4,000-horsepower compressor unit at Columbia Gulf's Compressor Station No. 4 near Hampshire, Tennessee, and a 10,500-horsepower compressor unit at Compressor Station No. 2 near Clementsville, Kentucky.

In its first supplement filed June 5, 1962, in Docket No. CP62–90, United seeks authorization to turbocharge all of the six existing compressor units at the Ceredo Compressor Station so as to increase the existing horsepower of each unit from 2,000 horsepower to 2,800 horsepower, or a total increase of 4,800 horsepower. In its application as originally filed, United had requested authorization to increase the horsepower of only two of the six existing compressor units at the Ceredo Compressor Station. The first supplement states that the additional horsepower is required to increase deliveries to Ohio Fuel by 50,000 Mcf per day, at 850 pounds pressure per square inch gauge, during the summer of 1963. The original application had been based upon the market estimates contained in the 1961 Blue Book which had indicated that Ohio Fuel would require an increase of only 30,000 Mcf per day. However, it is alleged that the 1962 Blue Book reflects the daily requirements of Ohio Fuel to be 50,000 Mcf instead of the 30,000 Mcf of increased requirements which had served as the basis for United's seeking authorization to construct the facilities previously requested in the original application filed in Docket No. CP62–90.

United's first supplement also avers that the 1962 Blue Book estimates require Columbia Gulf to shift delivery of 15,900 Mcf per day from Kentucky Gas to United. The delivery of an additional 15,900 Mcf by Columbia Gulf to United makes it necessary for Columbia Gulf to transport this additional volume a greater distance for delivery to United than such gas would have had to be transported for delivery to Kentucky Gas. The additional transportation reduces the pressure at which the gas will be delivered to United to 661 pounds per square inch gauge instead of 675 pounds as was contemplated in United's original application. United's first supplement states that this drop in delivery pressure at which gas is received from Columbia Gulf is a contributing factor to United's need to construct additional compressor horsepower at the Ceredo Station so that gas may be delivered to Ohio Fuel at 850 pounds per square inch gauge during the summer of 1963.

Since delivery of gas to Ohio Fuel at 850 psig in the summer of 1963 requires a maximum working pressure of 1,000 pounds per square inch on the line between the Ceredo Compressor Station and the delivery point to Ohio Fuel, United also seeks authority in its first supplement to construct 2.3 miles of 26-inch transmission pipeline north from the Ceredo Station to the Ohio River because the existing facilities are not capable of operating at a pressure in excess of 875 pound per square inch gauge. Construction of the aforementioned 26-inch line will enable United to retire approximately .6 mile of existing parallel 20-inch pipeline extending in a southerly direction from the Ohio River crossing.

United's first supplement also deletes from the original application filed in Docket No. CP62–90 the previous request to construct about 7.9 miles of 26-inch loop extending in an easterly direction from United's Lanham Compressor Station. The reason given by United for deferring construction of this loop pipeline is that the original application had been filed on the basis of the 1961 Blue Book estimate that Atlantic Seaboard's requirements in July of 1963 would increase by 15,500 Mcf to 356,300 Mcf. The 1962 Blue Book reflects that this increase will not take place as previously estimated so that construction of this 7.9-mile section of loop may be deferred.

United's first supplement states that the total cost of turbocharging the six compressor units at the Ceredo Station and construction of the 2.3 miles of 26-inch pipeline north of the Ceredo Station is estimated at $1,679,900. Since some existing facilities can be retired when the facilities requested in the first supplement have been constructed, United states that there will be a net debit to retirement of $142,964.

Tennessee's application in Docket No. CP62–291 should be heard on a consolidated record with the other applications, as amended, in the proceeding in Docket Nos. CP62–88, et al., under the applicable rules and regulations, and to that end the application filed by Tennessee in Docket No. CP62–291 is hereby consolidated with the proceeding in Docket Nos. CP62–88, et al., for the purpose of hearing.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, the consolidated hearing will reconvene on July 5, 1962, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., Max L. Kane, Presiding Examiner, concerning the matters involved in and the issues presented by the consolidated applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 3, 1962. Parties who have already been permitted to intervene in this consolidated proceeding shall be considered interveners in Docket No. CP62–291 without the necessity of their having to file separate or additional petitions requesting permission to intervene in Docket No. CP62–291.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–6041; Filed, June 20, 1962; 8:47 a.m.]

[Docket No. G–12462, etc.]

CAULKINS OIL CO. ET AL.

Notice of Applications and Date of Hearing

JUNE 15, 1962.

Caulkins Oil Company, Plant Operator (Successor to Lowry Oil Company, Plant Operator, and Tim G. Lowry, Operator), Docket Nos. G–12462, G–2544, G–2568; Sunset International Petroleum Corporation (Successor to C. L. Pardo Oil & Gas, Inc., successor to David G. Baird), Docket Nos. G–14788, G–14789, G–12407, G–12408, G–6359, G–6360; Producing Properties, Inc. (Operator), et al. (Successor to Hollandsworth Oil Company (Operator) et al.), Docket Nos. G–15050, G–15051, G–4014, G–10169; Peake Petroleum Company (Successor to Western Pocahontas Corporation), Docket Nos. G–18041, G–4826, G–6443, G–6444, G–9704, G–11281; Reef Corporation (Operator), et al. (Successor to Reef Fields Gasoline Corporation), Docket

Nos. G–18063, G–7343, G–13273; Southeastern Public Service Company (Successor to Dolphin Petroleum Company, Inc.), Docket Nos. G–18546, G–10089; Anadarko Production Company (Successor to Thomas E. Sullivan, et al.), Docket Nos. CI61–507, G–7470; Manco Corporation (Operator), et al. (Successor to O. K. Smith Drilling Company), Docket Nos. CI61–1152, G–8384; Wrightsman Petroleum Company (Successor to Charles B. Wrightsman), Docket Nos. CI61–1690, G–10157; Producing Properties, Inc. (Operator), et al. (Successor to Durbin Bond & Co., Inc. (Operator) et al. and Durbin Bond & Co., Inc., et al.), Docket Nos. CI62–114, G–9060, G–9061; Danoil, Inc. (Operator), et al. (Successor to James Doughty (Operator), et al., Docket Nos. CI62–472, G–7997, G–11297; The Hidden Splendor Mining Company, Docket Nos. CI62–503, CI62–516, CI62–517, CI62–608; (Successor to Petro-Atlas, Inc. and Petro-Atlas, Inc., et al.), Docket Nos. G–15081, G–16968, G–16983, G–18490; M. D. Abel, et al. d.b.a. Abel & Bancroft (Successor to W. E. Bakke (Operator), et al.), Docket Nos. CI62–535, CI61–693; Southern Union Production Company (Successor to Southern Union Gas Company), Docket Nos. CI62–799, G–9269; M. D. Abel, et al. d.b.a. Abel & Bancroft (Operator) et al. (Successor to W. E. Bakke (Operator), et al.), Docket Nos. CI62–1022, G–13791.

Take notice that each of the above Applicants has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continuation of a sale or sales of natural gas in interstate commerce previously authorized to a predecessor in interest. These sales, as represented in the respective applications, and any amendments and/or supplements thereto, on file with the Commission and open to public inspection, are proposed to be continued by the assignee Applicants in accordance with the terms of the respective original basic contracts (and any amendments and/or supplements thereto) which have been accepted for filing and are subject to appropriate redesignation.

The public convenience and necessity require that these matters be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 17, 1962, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 6, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made: *Provided, further,* If a protest, petition to intervene, or notice of intervention be timely filed in any of the above dockets, the above hearing date as to that docket will be vacated and a new date for hearing will be fixed as provided in § 1.20(m) (2) of the rules of practice and procedure.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–6039; Filed, June 20, 1962; 8:47 a.m.]

[Docket No. RI62–484]

AUSTRAL OIL CO., INC., AND OIL PARTICIPATIONS INC.

Order Accepting Rate Schedule for Filing and Continuing Rate in Effect Subject to Refund

JUNE 14, 1962.

On May 24, 1962, Austral Oil Company, Incorporated, Agent for Oil Participations Incorporated (Austral) filed a proposed rate schedule to cover its interest in a sale of gas to United Fuel Gas Company from certain lands and leases in Florence Field, Vermilion Parish, Louisiana. Austral's interest, along with the interests of other co-signatories to the underlying contract, is presently covered by Tidewater Oil Company (Operator), et al. (Tidewater) FPC Gas Rate Schedule No. 25. Austral, Tidewater, and others were issued permanent certificates for the sale in Docket No. G–2803.

The initial rate under Tidewater's FPC Gas Rate Schedule No. 25 was 16.0 cents per Mcf plus 1.0 cent tax reimbursement. Periodic rate increases were filed, were suspended, and became effective subject to refund in the proceedings in Docket Nos. G–9552, G–11318, G–13378, G–16594, G–19646, RI61–159, and RI62–109. A rate of 18.8 cents per Mcf plus 1.5 cents per Mcf tax reimbursement is presently in effect subject to refund in Docket No. RI62–109. Austral requests permission to continue to charge the 20.3 cents rate, subject to refund, under its proposed rate schedule. Austral has filed, along with its proposed rate schedule, an agreement and undertaking to refund any charges found to be excessive which are collected under its rate schedule.

The Commission finds:

(1) Austral's proposed rate schedule and its agreement and undertaking, tendered for filing on May 24, 1962, should be accepted for filing effective as of the date of this order.

(2) The rate under Austral's rate schedule should be 20.3 cents per Mcf effective subject to refund in Docket No. RI62–484.

The Commission orders:

(A) Austral's proposed rate schedule, designated Austral's FPC Gas Rate Schedule No. 17, is accepted for filing and made effective as of the date of this order to cover the continued sale of gas from Austral's interests heretofore covered by Tidewater's FPC Gas Rate Schedule No. 25.

(B) The rate of 20.3 cents per Mcf under Austral's FPC Gas Rate Schedule No. 17 shall be effective subject to refund in Docket No. RI62–484, and Austral's agreement and undertaking to refund all excess charges collected under said rate schedule is accepted for filing.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–6038; Filed, June 20, 1962; 8:47 a.m.]

[Docket No. G–17774]

ATLANTIC SEABOARD CORP.

Notice of Postponement of Hearing

JUNE 14, 1962.

Take notice that the hearing in the above-designated matter now scheduled for July 9, 1962, is hereby postponed to July 16, 1962, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–6037; Filed, June 20, 1962; 8:47 a.m.]

[Docket Nos. RI62–467—RI62–483]

H. L. HUNT ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, Consolidating Proceedings, and Setting Date for Hearing

JUNE 14, 1962.

H. L. Hunt, et al., Docket No. RI62–467; Hassie Hunt Trust, Docket No. RI62–468; Hassie Hunt Trust (Operator), et al., Docket No. RI62–469; Callery Properties, Inc., (Operator), et al., Docket No. RI62–470; Humble Oil & Refining Company, Docket No. RI62–471; Shell Oil Company (Operator), et al., Docket No. RI62–472; Shell Oil Company, Docket No. RI62–473; The British-American Oil Producing Company, Docket No. RI62–474; George R. Brown, et al., Docket No. RI62–475; William E. McCommons d/b/a McCommons Exploration Company, et al., Docket No. RI62–476; Placid Oil Company (Operator), et al., Docket No. RI62–477; Union Oil Company of California, Docket No. RI62–478; Gas Gathering Corporation, Docket No. RI62–479; Sunray DX Oil Company, Docket No. RI62–480; Texaco Inc., Docket No. RI62–481; The Pure Oil Company, Docket No. RI62–482; Sun Oil Company, Docket No. RI62–483.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until—	Cents Per Mcf [2]		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI62–467	H. L. Hunt, et al., 700 Mercantile Bank Bldg., Dallas 1, Tex.	25	5	Transcontinental Gas Pipe Line Corp. (Bear Field, Beauregard Parish, La.).	$48	5–16–62	7–1–62	12–1–62	23.55	[3] 25.55	G–20071
		29	2	....do....	126	5–17–62	7–1–62	12–1–62	23.55	[3] 25.55	----------
RI62–468	Hassie Hunt Trust, 700 Mercantile Bank Bldg., Dallas 1, Tex.	22	2	Transcontinental Gas Pipe Line Corp. (Wildcat Bayou, Terrebonne Parish, La.).	4,637	5–17–62	7–1–62	12–1–62	23.55	[3] 25.55	----------
RI62–469	Hassie Hunt Trust (Operator), et al. 700 Mercantile Bank Bldg., Dallas 1, Tex.	19	1	Transcontinental Gas Pipe Line Corp. (Ronsseau Field, LaFourche Parish, La.).	6,308	5–17–62	7–1–62	12–1–62	23.55	[3] 25.55	----------
RI62–470	Callery Properties, Inc. (Operator), et al., 400 Bank of the Southwest Bldg., Houston 2, Tex.	4	3	....do....	2,606	5–21–62	7–1–62	12–1–62	23.55	[3] 25.55	----------
RI62–471	Humble Oil & Refining Co., P.O. Box 2180, Houston 1, Tex.	154	2	United Gas Pipe Line Co. (Soso Field, Jones and Jasper Counties, Miss.).	4,726	5–14–62	7–1–62	12–1–62	22.88	[3] 25.5426	G–18670
		155	2	United Gas Pipe Line Co. (Baxterville Field, Lamar and Marion Counties, Miss.	12,080	5–14–62	7–1–62	12–1–62	22.88	[3] 25.5426	G–18670
		245	2	United Gas Pipe Line Co. (Houma Field, Terrebonne Parish, La.).	30,940	5–14–62	7–1–62	12–1–62	23.25	[3] 25.25	RI61–78
		120	7	Gas Gathering Corp.[4] (Bayou Des Glaise Field, Iberville Parish, La.).	23,336	5–14–62	7–1–62	12–1–62	[5] 21.3	[6] [7] 23.3	----------
		295	4	United Gas Pipeline Co. (Gwinville Field, Jefferson Davis County, Miss.).	826	6–1–62	7–2–62	12–2–62	22.88	[3] 25.5426	G–18107
RI62–472	Shell Oil Co. (Operator), et al., 50 West 50th Street, New York 20, N.Y.	198	4	Transcontinental Gas Pipe Line Corp. (Bear Field, Beauregard Parish, La.).	10,950	5–28–62	7–1–62	12–1–62	23.55	[3] 25.55	G–18469
RI62–473	Shell Oil Co.	200	2	Transcontinental Gas Pipe Line Corp. (Humphreys and South Humphreys Fields, Terrebonne Parish, La.).	65,700	5–28–62	7–1–62	12–1–62	23.55	[3] 25.55	----------
		208	1	Transcontinental Gas Pipe Line Corp. (Mosquito Bay Field, Terrebonne Parish, La.).	7,300	5–28–62	7–1–62	12–1–62	23.55	[3] 25.55	----------
		126	4	Gas Gathering Corp.[4] (Happytown Field, St. Martin Parish, La.).	27,010	5–28–62	7–1–62	12–1–62	21.05	[3] 23.05	G–20059
RI62–474	The British-American Oil Producing Co., P.O. Box 749, Dallas 21, Tex.	42	2	Transcontinental Gas Pipe Line Corp. (Wildcat Bayou Field, Terrebonne Parish, La.).	2,892	5–28–62	7–1–62	12–1–62	23.55	[3] 25.55	----------
RI62–475	George R. Brown, et al., c/o Neal Powers, Jr., Butler, Binion, Rice, & Cook, P.O. Box 2200, Houston, Tex.	5	1	Transcontinental Gas Pipe Line Corp. (Sorrento Field, Ascension Parish, La.).	5,000	5–31–62	7–1–62	12–1–62	23.55	[3] 25.55	----------
RI62–476	William E. McCommons, d/b/a McCommons, Exploration Co., et al. 1510 Mercantile Securities Bldg., Dallas, Tex.	1	1	United Gas Pipe Line Co. (Baxterville Field, Lamar County, Miss.).	37,978	5–23–62	7–1–62	12–1–62	11.9683	[3] 25.5319	----------
RI62–477	Placid Oil Co. (Operator), et al., 418 Market St., Shreveport, La.	19	5	Transcontinental Gas Pipe Line Corp. (Thibodaux Field, La Fourche Parish, La.).	35,849	5–28–62	7–1–62	12–1–62	23.55	[3] 25.55	----------
RI62–478	Union Oil Co. of California, P.O. Box 7600, Los Angeles 54, Calif.	49	2	United Gas Pipe Line Co. (Houma Field, Terrebonne Parish, La.).	193,936	5–18–62	7–1–62	12–1–62	23.25	[3] 25.25	RI60–450
RI62–479	Gas Gathering Corp., P.O. Box 311, Hammond, La.	2	6	Transcontinental Gas Pipe Line Corp. (Bayou Des Glaise and Happytown Fields, Iberville and St. Martin Parishes, La.).	78,000	5–31–62	7–1–62	12–1–62	23.55	[3] 25.55	G–20118
RI62–480	Sunray DX Oil Co., P.O. Box 2039, Tulsa 2, Okla.	[8] 215	1	Transcontinental Gas Pipe Line Corp. (South Duson Field, Lafayette Parish, La.).	44,153	5–29–62	7–1–62	12–1–62	23.55	[3] 25.55	RI61–462
		[8] 216	1	Transcontinental Gas Pipe Line Corp. (Church Point Field, Acadia Parish, La.).	6,924	5–29–62	7–1–62	12–1–62	23.55	[3] 25.55	RI61–463
RI62–481	Texaco Inc., P.O. Box 2332, Houston, Tex.	101	11	United Gas Pipe Line Co. (Baxterville Field, Lamar County, Miss.).	8,687	6–1–62	7–2–62	12–2–62	22.883	[3] 25.5425	G–19430
RI62–482	The Pure Oil Co., 200 East Golf Road, Palatine, Ill.	39	1	Transcontinental Gas Pipe Line Corp. (Block 76 (offshore) Vermillion Parish, La.).	29,101	5–31–62	7–1–62	12–1–62	21.4	[3] 23.4	----------
RI62–483	Sun Oil Co., 1608 Walnut Street, Philadelphia 3, Pa.	114	6	United Gas Pipe Line Co. (Belle Isle Field, St. Mary Parish, La.).	492,141	5–31–62	7–1–62	12–1–62	23.80	[3] 25.80	----------
		101	3	Transcontinental Gas Pipe Line Corp. (Block 76 Field, Vermillion Area, Offshore, La.).	50,984	6–1–62	7–2–62	12–2–62	21.40	[3] 23.40	----------
		92	9	Transcontinental Gas Pipe Line Corporation (Pointe Au Fer Field, Terrebonne Parish, La.).	2,841	6–1–62	7–2–62	12–2–62	23.55	[3] 25.55	----------

[1] The stated effective date is the first day after expiration of the required statutory notice or, if later, the date requested by respondent.
[2] The pressure base is 15.025 psia.
[3] Periodic increase by contract.
[4] Gas Gathering Corp. deducts 0.75 cent per Mcf for gas volumes delivered to [7] Mcf per day.
[5] Rate applicable to gas volumes delivered in excess of 3000 Mcf per day averaged monthly.
[6] Resells gas to Transcontinental Gas Pipe Line Corp.
[7] Periodic increase by contract including tax reimbursement relating thereto.
[8] Supersedes Rate Schedule No. 77.
[9] Supersedes Rate Schedule No. 108.

Under section 4(a) of the Natural Gas Act all rates which are not just and reasonable are declared unlawful. If after hearing the Commission finds the proposed increased rates unjust and unreasonable they must be disallowed.

The fact that the increased rates herein proposed are the highest ever filed with this Commission for sales in the South Louisiana and Mississippi areas and are higher than any rate ever proposed by a producer for the initial sale of gas from these areas points up the need to suspend the effectiveness of the rates and to order an expeditious hearing thereon. Moreover, this need is underlined by the fact that not only will the increased rates, if permitted to become effective, result in substantial increases in pipeline gas purchase costs,[1] but the triggering effect of such increased rates on other producer rates could exceed $900,000 per year from these areas. The proposed rates may also serve as a basis for a price redetermination at a higher rate under other gas purchase contracts in these areas. Additionally, the proposed increased rates are greatly in excess of the applicable price level set forth in the Commission's Statement of General Policy No. 61–1, as amended.

In ordering the suspension and a prompt hearing concerning the justness and reasonableness of the proposed rates, it should be noted that under section 4(e) of the Act the burden of proof to show that the increased rate or charge is just and reasonable is upon the natural-gas company. This burden of proof rests upon the natural-gas company at the time of the filing and at all times thereafter. No burden of proof rests upon the Commission's staff or upon interveners. If the respondent's proof in support thereof is insufficient the Commission has no alternative but to disallow the proposed rate for failure to meet the burden of proof imposed by the statute.

In view of the need for expeditious action herein, the hearing examiner is directed to take all steps necessary to make certain that the hearings proceed with the greatest dispatch. Direct presentations by the respondents, which under the terms of this order must be distributed no less than seven days prior to the hearing, will be incorporated into the record on the first day of hearing and cross-examination thereon will proceed immediately without recess.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered, that the proceedings involved herein be consolidated for the purpose of hearing, and that appropriate hearing procedures be prescribed.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 15, and 16 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), the above-styled proceedings are hereby consolidated for the purpose of hearing and a public consolidated hearing shall be held on July 16, 1962, commencing at 10:00 a.m., e.d.s.t. in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending such hearing and decision thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Prior to the hearing, on or before July 9, 1962, Respondents shall serve upon all parties to the respective proceedings their direct evidence in support of their proposed increased rates and charges for the subject sales; at the beginning of the hearing, witnesses for Respondents shall adopt their testimony and be cross-examined; the Presiding Examiner shall then determine and order such further procedures as will expedite the determination of the issues in these proceedings.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f) on or before June 29, 1962. Answers to petitions to intervene may be filed within 10 days after the date of service of the petition, but in no event later than July 5, 1962.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62-5980; Filed, June 20, 1962; 8:45 a.m.]

[1] Indeed the proposed increased rates exceed the commodity component in the CD rate of one of the pipeline purchasers, Transcontinental Gas Pipe Line Corporation, in its Rate Zone One.

[Docket No. CP62-232]

FLORIDA GAS TRANSMISSION CO.

Notice of Application and Date of Hearing

JUNE 14, 1962.

Take notice that on April 2, 1962, Florida Gas Transmission Company (Applicant), P.O. Box 10400, St. Petersburg 33, Florida, filed in Docket No. CP62-232 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to acquire by merger and to operate all of the existing jurisdictional natural gas facilities presently owned and operated by Coastal Transmission Corporation (Coastal), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Coastal owns and operates a natural gas pipeline system consisting of approximately 1,006.93 miles of main, gathering, and supply pipelines, one field compressor and four compressor stations with a total of 16,500 installed horsepower, and other related facilities.

Through these facilities Coastal transports natural gas purchased from suppliers in 73 fields in the Gulf Coast area of Texas and Louisiana to the vicinity of Baton Rouge, Louisiana, for delivery and sale to Applicant. Coastal also performs, jointly with Applicant, a transportation service whereby gas purchased by Florida Power and Light Company and Florida Power Corporation in 18 fields of production is transported by Coastal and Applicant to the generating plants of the two power companies in Florida.

Applicant and Coastal are affiliates and wholly-owned subsidiaries of The Houston Corporation (Houston). Coastal has outstanding 1,049,700 shares of common stock, all of which are owned by Houston. Applicant proposes a statutory merger of Coastal into Applicant whereby Applicant, as the surviving corporation, will becomme sole owner of all property, rights, and interests theretofore owned by Coastal; and all the obligations of both corporations will attach to Applicant alone.

Applicant proposes to record the acquired facilities at original cost and related depreciation reserve on its books as they are now carried on Coastal's books, namely, original cost of utility plant with related reserve as of the effective date of the merger.

Applicant proposes to cancel Coastal's filed FPC Gas Tariff, under which all of Coastal's jurisdictional sales and services are made and rendered to Applicant.

Applicant states that the proposed merger will eliminate certain duplication of fees, accounting and administration expenses, and the filing of separate reports. In addition, certain state franchise and income taxes would be reduced. Applicant further states that the merger will not operate to reduce competition in any manner, and that it would simplify the physical operation of the combined systems, eliminate the need to maintain separate accounts for Coastal's operations and intercompany transactions, and result in certain savings.

The application states that no abandonment of services will result from the proposed merger as Applicant will continue to render all the services now rendered by Coastal.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 24, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 13, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62-6040; Filed, June 20, 1962; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4046]

AMERICAN NATURAL GAS PRODUCTION CO. AND AMERICAN NATURAL GAS CO.

Notice of Proposed Charter Amendment Increasing Authorized Shares of Common Stock, Issuance and Sale of Common Stock by Subsidiary, and Acquisition Thereof by Holding Company

JUNE 14, 1962.

Notice is hereby given that American Natural Gas Company ("American Natural"), a registered holding company, and American Natural Gas Production Company ("Production Company"), one of its subsidiary companies, Suite 4950, 30 Rockefeller Plaza, New York 20, N.Y., have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, 10, and 12(f) of the Act and Rule 43 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Production Company proposes to amend its Certificate of Incorporation to increase the total number of authorized shares of its common stock, $100 par value, from 50,000 shares to 80,000 shares and proposes to issue and sell up to 30,000 shares, from time to time prior to December 31, 1963, to American Natural, the owner of all of its presently outstanding common stock. American Natural proposes to acquire said shares of common stock for a cash consideration up to $3,000,000, equal to the aggregate par value of the shares purchased. American Natural will use treasury funds for the acquisition.

Production Company was organized in 1957 as a subsidiary of American Natural to engage in exploration for and development of gas reserves and related activities. The activities of Production Company to date have been financed with $5,000,000 invested by American Natural in its common stock and with funds generated from operations. The exploration and development program of Production Company for the balance of 1962 and all of 1963 is estimated to require approximately $3,000,000 of additional financing of which approximately $800,000 will be required during the balance of 1962. Production Company has borrowed $250,000 on nine-month notes which will be repaid with the proceeds of the sale of common stock.

The joint application-declaration states that expenses to be incurred in connection with the proposed transactions are estimated as follows: Federal original issue tax—$3,000; legal fees—$500; and miscellaneous—$500. It is further stated that no State or Federal commission, other than this Commission, has jurisdiction over the matters proposed.

Notice is further given that any interested person may, not later than July 6, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarants, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-6052; Filed, June 20, 1962; 8:48 a.m.]

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

JUNE 15, 1962.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, June 18, 1962, to June 27, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-6053; Filed, June 20, 1962; 8:48 a.m.]

[File No. 24SF-3002]

FORREST ELECTRONICS CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Thereof and Notice of Opportunity for Hearing

JUNE 15, 1962.

I. Forrest Electronics Corporation (the issuer), 425 Las Vegas Boulevard, South Las Vegas, Nevada, filed with the Commission on December 21, 1961, a Notification and Offering Circular relating to a proposed offering of 130,000 shares of $1.00 par value common stock, for an aggregate amount of $260,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to provision 3(b) thereof and Regulation A promulgated thereunder. An amended Notification and Offering Circular were filed on April 9, 1962 in reply to the San Francisco Regional Office's letter of comment of January 25, 1962. The offering was not cleared and the issuer has not offered any of its securities.

II. The Commission has reason to believe that:

A. The issuer failed to comply with the terms and conditions of Regulation A, in that the issuer declined to file financial statements containing receipts and disbursements covering the operations of the predecessor and the issuer for the period of two years preceding the filing as required by Item 11(a)(2) of Schedule I to Form 1-A required by Rule 256(a)(1).

B. The Offering Circular omits to state material facts necessary to make the statements therein contained not misleading with respect to:

(1) The nature and extent of the business operations of the predecessor, including work done in the development of the predecessor's prototypes acquired by the issuer.

(2) The nature and extent of the participation by certain of issuer's officers, directors, and promoters in the business operations of the predecessor.

(3) The nature of and reasons for the transaction in which the assets of the predecessor were acquired by the issuer.

(4) The cash cost to the predecessor of each of the six prototypes acquired by the issuer.

(5) The worth and utility to the issuer of the prototypes acquired from the predecessor and how the issuer proposes to use these assets in the light of the generalities used in describing the scope of issuer's proposed business in the circular and the representation by counsel that the issuer is not continuing the business of the predecessor.

C. The Offering Circular omits to state material facts necessary to make the statements therein contained not misleading with respect to the issuer's proposed participation in defense and space exploration activities on a commercial basis.

D. The Offering Circular contains false and misleading statements of material facts with respect to the authorization in the articles of incorporation that the issuer may engage in the manufacture of defense weapons, and missiles.

E. The Offering Circular contains false and misleading statements of material fact with respect to the nature and coverage of the licensing agreement which the issuer was specifically incorporated to acquire.

F. In light of the above the offering would be made in violation of Section 17 of the Act.

III. *It is ordered*, Pursuant to Rule 261(a) paragraphs 1, 2 and 3 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be and hereby is, temporarily suspended.

Notice is hereby given that any person having an interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-6054; Filed, June 20, 1962; 8:48 a.m.]

[File No. 811-1128]

MEDICAL EQUIPMENT AND DRUG INVESTMENT CO.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JUNE 14, 1962.

Notice is hereby given that Medical Equipment and Drug Investment Company ("Applicant"), Suite 508, Federal Bar Building, Washington 6, D.C., organized under Maryland law and a closed-end, diversified investment company registered under the Investment Company Act of 1940 ("Act") has filed an application pursuant to section 8(f) of the Act declaring that Applicant has ceased to be an investment company.

Applicant makes the following representation in its application:

Following an unsuccessful attempt to negotiate a public underwriting the Board of Directors has decided to abandon its objectives and plans shortly to dissolve the corporation. No shares of stock in the Applicant have been offered or sold and no money has ever been placed in the company.

Section 8(f) of the Act provides, in part, that whenever the Commission upon application finds that an investment company has ceased to be an investment company, it shall so declare by order and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 28, 1962, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-6055; Filed, June 20, 1962; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 18, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37806: *Seatrain Lines—Class rates from and to points in New York and Vermont.* Filed by Seatrain Lines, Inc. (No. 24), for itself and interested carriers. Rates on various commodities moving on class rates, loaded in containers, and transported over joint water-rail, motor-water-rail, rail-water, and rail-water-motor routes of the applicant rail and motor carriers and Seatrain Lines, Inc., between points in New York and Vermont, on the one hand, and points in Texas and Louisiana, on the other.

Grounds for relief: Motor-water and water-rail competition.

Tariff: Supplement 25 to Seatrain Lines, Inc., tariff I.C.C. 189.

FSA No. 37807: *Barrel material from Pine Apple and Garden City, Ala.* Filed by O. W. South, Jr., Agent (No. A4204), for interested rail carriers. Rates on barrel material, as described in the application, in carloads, from Pine Apple and Garden City, Ala., to Devine, Colo., and Kansas City, Mo.

Grounds for relief: Market competition.

Tariff: Supplement 59 to Southern Freight Association tariff I.C.C. S-3.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-6063; Filed, June 20, 1962; 8:49 a.m.]

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Washington, Friday, June 22, 1962

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JUN 26 1962
MAIN READING ROOM

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Title 3—THE PRESIDENT

Executive Order 11031

QUETICO-SUPERIOR COMMITTEE

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. The existence of the Quetico-Superior Committee (which was created by Executive Order No. 6783 of June 30, 1934, and thereafter continued from time to time) is hereby extended for a period of four years ending June 30, 1966.

SEC. 2. (a) The following-named present members of the Quetico-Superior Committee are hereby re-appointed as members of the Committee for a four-year period ending June 30, 1966:

Charles S. Kelly, Chairman,
Ernest C. Oberholtzer, and
Paul Clement

(b) The two additional members of the Committee, provided for by Executive Order No. 6783, shall continue to be designated by, and serve at the pleasure of, the Secretary of Agriculture and the Secretary of the Interior, respectively.

SEC. 3. The said Executive Order No. 6783, as amended, is hereby further amended accordingly.

JOHN F. KENNEDY

THE WHITE HOUSE,
June 19, 1962.

[F.R. Doc. 62-6150; Filed, June 20, 1962; 3:53 p.m.]

Executive Order 11032

AMENDMENT OF EXECUTIVE ORDER NO. 5952 OF NOVEMBER 23, 1932, AS AMENDED, PRESCRIBING THE ARMY RATION

By virtue of the authority vested in me by Sections 4561 and 9561 of Title 10, United States Code, and Section 301 of Title 3, United States Code, it is ordered that Executive Order No. 5952 of November 23, 1932, as amended, prescribing the Army Ration, be, and it is hereby, further amended as follows:

SECTION 1. Part 3 (Field Ration) is amended—

(a) by striking out the words "only in time of war or national emergency" in the first sentence; and

(b) by striking out the words "Secretary of War" in the third sentence and inserting the words "Secretary of the military department concerned" in place thereof.

SEC. 2. A new Part 7 is added, as follows:

"7. SPECIAL FEEDING REQUIREMENTS

"Notwithstanding the provisions of the foregoing parts, the Secretary of the military department concerned may prescribe procedures, including increased monetary allowances, to meet special feeding requirements."

JOHN F. KENNEDY

THE WHITE HOUSE,
June 19, 1962.

[F.R. Doc. 62-6151; Filed, June 20, 1962; 3:53 p.m.]

Executive Order 11033

CREATING AN EMERGENCY BOARD TO INVESTIGATE DISPUTES BETWEEN THE AMERICAN AIRLINES, INC., AND CERTAIN OF ITS EMPLOYEES

WHEREAS disputes exist between the American Airlines, Inc., a carrier, and certain of its employees represented by the Transport Workers Union of America, AFL–CIO, a labor organization; and

WHEREAS these disputes have not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS these disputes, in the judgment of the National Mediation Board, threaten substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by Section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board of three members, to be appointed by me, to investigate these disputes. No member of the board shall be pecuniarily or otherwise interested in any organization of airline employees or any carrier.

The board shall report its findings to the President with respect to these disputes within thirty days from the date of this order.

As provided by Section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the American Airlines, Inc., or by its employees, in the conditions out of which these disputes arose.

JOHN F. KENNEDY

THE WHITE HOUSE,
June 20, 1962.

[F.R. Doc. 62-6152; Filed, June 20, 1962; 3:53 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Office of Civil and Defense Mobilization

Effective upon publication in the FEDERAL REGISTER, paragraph (b) of § 6.163 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-6105; Filed, June 21, 1962; 8:50 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 1—STATEMENT OF ORGANIZATION, DELEGATIONS, AND GENERAL INFORMATION

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

PART 31—RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHIC OPERATIONS

Miscellaneous Amendments

These amendments to Parts 1, 20 and 31 of the Commission's regulations are designed to reflect recent changes in the organization of the Division of Compliance, establishing five Regional Compliance Offices. In view of these organizational changes, the Compliance Field Offices listed in 10 CFR 1.6(c) and the location of field compliance staffs listed in 10 CFR 1.101(c) are no longer correct. These amendments would correct 10 CFR 1.6(c) and 10 CFR 1.101(c) to show the current location of the Regional Compliance Offices.

Appendix "D" of 10 CFR 20 presently lists the locations of the United States Atomic Energy Commission Operations Offices, and a number of sections of Part 20 and Part 31 require that certain reports be submitted to the nearest Operations Office. These amendments change Appendix "D" by listing addresses of the Regional Compliance Offices rather than the Operations Offices. Appropriate changes are made also in other sections of Parts 31 and 20 which refer to Appendix "D". Concurrently with publication of these amendments, appropriate revisions of Form AEC-3, "Notice to Employees," are being made to list the addresses of the Regional Compliance Offices.

The definition of "source material" in Part 20 is amended to bring it into conformity with the definition of "source material" in Part 40.

Because these amendments relate solely to agency organization and correction, the Commission has found that notice of proposed rule making and public procedure thereon are unnecessary and that good cause exists to make the amendments effective upon publication in the FEDERAL REGISTER.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, the following amendments of Parts 1, 20, and 31 of Commission regulations are published as documents subject to codification, effective upon publication in the FEDERAL REGISTER.

§ 1.6 [Amendment]

1. Paragraph (c) of § 1.6 is revised to read as follows:

(c) The Compliance Regional Offices are located as follows:

(1) Region I, Division of Compliance, USAEC, 376 Hudson Street, New York 14, N.Y.
(2) Region II, Division of Compliance, USAEC, 50 Seventh Street, Northeast, Atlanta 23, Ga.
(3) Region III, Division of Compliance, USAEC, 9800 South Cass Avenue, Argonne, Ill.
(4) Region IV, Division of Compliance, USAEC, P.O. Box 15266, Denver 15, Colo.
(5) Region V, Division of Compliance, USAEC, 2111 Bancroft Way, Berkeley 4, Calif.

§ 1.10 [Amendment]

2. Paragraph (c) of § 1.101 is revised to read as follows:

(c) Personnel engaged in compliance inspections and investigations are under the direction of the Director, Division of Compliance. Regional compliance staffs are located in New York City; Atlanta, Georgia; Argonne, Illinois; Denver, Colorado; and Berkeley, California.

§ 20.3 [Amendment]

3. Subparagraph 15 of § 20.3(a) is revised to read as follows:

(15) "Source material" means (i) uranium or thorium, or any combination thereof, in any physical or chemical form; or (ii) ores which contain by weight one-twentieth of one percent (0.05%) or more of *a.* uranium, *b.* thorium or *c.* any combination thereof. Source material does not include special nuclear material.

§ 20.206 [Amendment]

4. The note following § 20.206(c) is revised to read as follows:

NOTE: Copies of Form AEC-3, "Notice to Employees," may be obtained by writing to the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix "D" or the Director, Division of Licensing and Regulation, USAEC, Washington 25, D.C.

5. Section 20.402 is amended by changing the words "Manager of the nearest Atomic Energy Commission Office" to read "Director of the appropriate Atomic Energy Commission Regional Compliance Office". As amended § 20.402 reads:

§ 20.402 Reports of theft or loss of licensed material.

Each licensee shall report by telephone and telegraph to the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D, immediately after its occurrence becomes known to the licensee, any loss or theft of licensed material in such quantities and under such circumstances that it appears to the licensee that a substantial hazard may result to persons in unrestricted areas.

6. Paragraphs (a) and (b) of § 20.403 are amended by changing the words "Manager of the appropriate Atomic Energy Commission Operations Office" to read "Director of the appropriate Atomic Energy Commission Regional Compliance Office" as amended § 20.403 (a) and (b) reads as follows:

§ 20.403 Notifications of incidents.

(a) *Immediate notification.* Each licensee shall immediately notify the Director of the appropriate Atomic Energy Commission Regional Compliance Office shown in Appendix D by telephone and telegraph of any incident involving byproduct, source or special nuclear material possessed by him and which may have caused or threatens to cause:

(1) Exposure of the whole body of any individual to 25 rems or more of radiation; exposure of the skin of the whole body of any individual of 150 rems or more of radiation; or exposure of the feet, ankles, hands or forearms of any individual to 375 rems or more of radiation; or

(2) The release of radioactive material in concentrations which, if averaged over a period of 24 hours, would exceed 5,000 times the limits specified for such materials in Appendix B, Table II; or

(3) A loss of one working week or more of the operation of any facilities affected; or

(4) Damage to property in excess of $100,000.

(b) *Twenty-four hour notification.* Each licensee shall within 24 hours notify the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D by telephone and telegraph of any incident involving licensed material possessed by him and which may have caused or threatens to cause:

(1) Exposure of the whole body of any individual to 5 rems or more of radiation; exposure of the skin of the whole body of any individual to 30 rems or more of radiation; or exposure of the

feet, ankles, hands, or forearms to 75 rems or more of radiation; or

(2) The release of radioactive material in concentrations which, if averaged over a period of 24 hours, would exceed 500 times the limits specified for such materials in Appendix B, Table II; or

(3) A loss of one day or more of the operation of any facilities affected; or

(4) Damage to property in excess of $1,000.

7. Paragraph (a) of § 20.405 is amended by deleting the last sentence in paragraph (a), and inserting in the first sentence of paragraph (a) immediately after the words "Washington 25, D.C.," the following words "with a copy to the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix 'D' ". As amended § 20.405(a) reads as follows:

§ 20.405 Reports of overexposures and excessive levels and concentrations.

(a) In addition to any notification required by § 20.403, each licensee shall make a report in writing within 30 days to the Director, Division of Licensing and Regulation, U.S. Atomic Energy Commission, Washington 25, D.C., with a copy to the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D, of (1) each exposure of an individual to radiation or concentrations of radioactive material in excess of any applicable limit in this part or in the licensee's license; (2) any incident for which notification is required by § 20.403; and (3) levels of radiation or concentrations of radioactive material (not involving excessive exposure of any individual) in an unrestricted area in excess of ten times any applicable limit set forth in this part or in the licensee's license. Each report required under this paragraph shall describe the extent of exposure of persons to radiation or to radioactive material; levels of radiation and concentrations of radioactive material involved; the cause of the exposure, levels or concentrations; and corrective steps taken or planned to assure against a recurrence.

8. Appendix "D" is revised to read as follows:

APPENDIX D

UNITED STATES ATOMIC ENERGY COMMISSION

COMPLIANCE OFFICES

Region	Address	Telephone
I Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.	Region I, Division of Compliance, USAEC 376 Hudson Street New York 14, N.Y.	YUkon 9-1000, Ext. 281.
II Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Panama Canal Zone, Puerto Rico, South Carolina, Tennessee, Virginia, Virgin Islands, and West Virginia.	Region II, Division of Compliance, USAEC 50 Seventh Street NE. Atlanta 23, Ga.	873-6146.
III Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.	Region III, Division of Compliance, USAEC 9800 South Cass Avenue Argonne, Ill.	CLearwater 7-7711, Ext. 2113 or Ext. 541.
IV Colorado, Idaho, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.	Region IV, Division of Compliance, USAEC P.O. Box 15266 Denver 15, Colo.	237-3095.
V Alaska, Arizona, California, Hawaii, Nevada, Oregon, Washington and U.S. territories and possessions in the Pacific.	Region V, Division of Compliance, USAEC 2111 Bancroft Way Berkeley 4, Calif.	THornwall 1-5920.

§ 31.105 [Amendment]

9. The last sentence of paragraph (d) of § 31.105 is amended. As amended § 31.105(d) reads:

(d) Any test conducted pursuant to paragraphs (b) and (c) of this section which reveals the presence of 0.005 microcuries or more of removable radioactive material shall be considered evidence that the sealed source is leaking. The licensee shall immediately withdraw the equipment involved from use and shall cause it to be decontaminated and repaired or to be disposed of, in accordance with Commission regulations. A report shall be filed, within 5 days of the test, with the Director, Division of Licensing and Regulation, U.S. Atomic Energy Commission, Washington 25, D.C., describing the equipment involved, the test results, and the corrective action taken. A copy of such report shall be sent to the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of Part 20 of this chapter "Standards For Protection Against Radiation."

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 13th day of June 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 62-6081; Filed, June 21, 1962; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-SO-8]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

Correction

In F.R. Doc. 62-5861, appearing at page 5737 of the issue for Saturday, June 16, 1962, the following correction is made in the land description under § 608.30 *Georgia*, R-3002 Fort Benning, Ga.:

In the longitude coordinate immediately preceding the phrase "along northwest side of Dixie Road", "53' " should read "58' ", so that the longitude coordinate reads as follows: "longitude 84°58' 42'' W.".

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-62]

PART 13—PROHIBITED TRADE PRACTICES

National School of Construction, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15-30 *Connections or arrangements with others;* § 13.15-90 *Government indorsement;* § 13.15-270 *Size and extent;* § 13.60 *Earnings and profits;* § 13.71 *Financing;* § 13.85 *Government approval, action, connection or standards;* § 13.115 *Jobs and employment service;* § 13.143 *Opportunities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The National School of Construction, Inc., et al., Milwaukee, Wis., Docket C-62, Jan. 8, 1962]

In the Matter of The National School of Construction, Inc., a corporation, and Raymond F. Watt and Richard Kolpin, Individually and as Officers of Said Corporation; and James Haig Advertising, a Corporation, and James Haig, Individually and as an Officer of Said Corporation

Consent order requiring Milwaukee sellers of a correspondence course in the operation and maintenance of heavy construction equipment, to cease using false representations in advertising in newspapers and periodicals, leaflets, form letters, etc., to sell its courses, including false employment offers and opportunities, exaggerated earnings claims, GI and Justice Department approval, operation of several branches, etc., as in the order below indicated.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That The National School of Construction, Inc., a corporation, and its officers, and respondents Raymond F. Watt and Richard Kolpin, individually and as officers of said corporation; and James Haig Advertising, a corporation, and its officers, and James Haig, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of courses of instruction in the operation and maintenance of heavy construction equipment, or any other courses of instruction containing substantially the same material, do forthwith cease and desist from representing, directly or by implication, that:

1. Respondents offer employment in the operation of construction or earth moving equipment.

2. There is a shortage of heavy equipment operators or that men are now needed everywhere to operate construction equipment.

3. Persons who purchase and complete said courses of instruction will find employment as heavy machine operators or operators of construction equipment.

4. Said courses provide the necessary instruction and experience to secure immediate employment as operators of heavy construction equipment.

5. Persons who have completed said courses will be able to earn from $7,000 to $15,000 a year, or $165.00 a week, or any amount in excess of the amount that is usually and customarily earned by said persons.

6. Respondents will finance or assist in financing the training of persons who purchase their courses.

7. Respondents' school is GI Approved, or approved by the Commission of Adult Education or by the Bureau of Immigration and Naturalization of the Department of Justice, or by any other agency of the United States Government.

8. Respondents' school is licensed by the North Carolina State Department of Public Instruction, or is an associate member of the Associated General Contractors of America or of the American Road Builders Association.

9. Respondents operate more than one school or have branches in several locations.

10. Respondents own facilities for practical training or that students will be trained on proving grounds owned by the respondents.

11. Respondents will place persons who complete said courses in jobs or furnish the names of contractors or others who will employ said persons.

12. Purchasers of respondents' courses will receive from 80 to 220 hours of actual practice on heavy equipment, or any number of hours in excess of the number of hours actually given in the operation of such equipment.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 8, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-6093; Filed, June 21, 1962; 8:48 a.m.]

[Docket 7505 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Rubber Manufacturers Association, Inc., et al.

Subpart—Combining or conspiring: § 13.400 *To discriminate or stabilize prices through basing point or delivered price systems;* § 13.410 *To eliminate competition in conspirators' goods.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Rubber Manufacturers Association, Inc. (New York, N.Y.), et al., Docket 7505, Jan. 6, 1962]

Consent order requiring two trade associations and 15 manufacturers, accounting for substantially all the domestic production of rubber tires and tubes and with annual sales approximating $2 billion, to cease engaging in a price-fixing conspiracy in the course of which they agreed upon and maintained a single zone delivered price system for tires and tubes—with the "Big Four" quoting identical prices to all customers of a class throughout the United States, and the others quoting prices lower by agreed-upon differentials—and engaged in other contributing illegal practices as in the order below indicated.

The order to cease and desist is as follows:

I. A. *It is ordered*, That respondents, The Rubber Manufacturers Association, Inc., The Tire and Rim Association, Inc., The Goodyear Tire & Rubber Company, The Firestone Tire and Rubber Company, United States Rubber Company, The B. F. Goodrich Company, The General Tire & Rubber Company, The Armstrong Rubber Company, Cooper Tire & Rubber Company, Dunlop Tire and Rubber Corporation, The Gates Rubber Company, Lee Rubber and Tire Corporation, The Mansfield Tire and Rubber Company, McCreary Tire and Rubber Company, The Mohawk Rubber Company, and Seiberling Rubber Company, their respective officers, representatives, agents, employees, subsidiaries, successors and assigns, directly or through any corporate or other device in or in connection with the manufacture, offering for sale, sale or distribution of rubber tires and tubes, tire valves, retread materials and repair materials (all of which products are hereinafter referred to as tires and tubes) in interstate commerce, do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out any planned common course of action, understanding, agreement, combination, or conspiracy between or among any two or more of the said respondents, or between any one or more of said respondents and any others not parties hereto, to do or perform any of the following things:

1. Establish, fix or maintain prices, discounts, bonuses, allowances, terms or conditions of sale or any other pricing policies or adhere to or follow any prices, discounts, bonuses, allowances, terms or conditions of sale, or any other pricing policies so established, fixed or maintained.

2. Quote, bid or sell at prices calculated or determined pursuant to or in accordance with a single zone delivered price system, or pursuant to or in accordance with any other plan or system of delivered prices.

3. Adopt, use or in any way follow any prices, discounts, bonuses, allowances, terms or conditions of sale, or any other pricing policies, announced by a particular respondent or respondents, or any of them, whereby prices, discounts, bonuses, allowances, terms or conditions of sale, or any other pricing policies are made identical or substantially uniform or matched, or reflect agreed upon price differentials.

4. Quote, bid or sell at prices calculated or determined in whole or in part through the use of a system of accounting or a cost formula.

5. Circulate or communicate cost data to respondent RMA or to any other trade association, business organization or non-governmental agency.

6. Establish, fix, maintain or adopt customer classifications, list prices, discounts, bonuses, warranties, guarantees, allowances, transportation terms, sales promotion plans (such as Labor Day sales or liquidation sales), payment plans (such as Spring Dating Plans), terms or conditions of sale, or any other pricing policies.

7. Quote, bid or sell to federal, state, county, or municipal governments, or any agencies thereof, or to original equipment manufacturers, at prices arrived at through any agreed upon formulae, or by any other agreed upon methods or means, whereby prices are made identical or substantially uniform or matched, or reflect agreed upon price differentials.

8. Establish or maintain a system, method or plan for policing, controlling, or enforcing adherence to any prices or pricing policies to any class of customers.

9. Exchange, distribute or circulate with, between or among respondents any information concerning prices, discounts, bonuses, allowances, terms or conditions of sale, or any other pricing policies before announcement thereof to respondent's customers or the public.

10. Plan, adopt or make effective, through respondent RMA, or any other trade association or business organization, or through respondent TRA, or through any other nongovernmental agency, any standardization or simplification programs or policies for the pur-

pose of fixing, maintaining or tampering with prices or pricing policies.

11. Establish, fix, maintain, adopt or suggest any resale price to be maintained by any dealer; or police, control or enforce adherence to any resale price.

12. Allocate or designate the business of a specific purchaser, governmental or other, to or for a particular respondent or respondents.

13. Use or maintain respondent RMA or respondent TRA or any other agency as an instrument or medium for promoting, aiding, or rendering more effective, any cooperative or concerted effort or efforts to suppress or eliminate competition by or through any of the means or methods set forth in this order.

B. It is understood that nothing contained in the foregoing or Paragraph III hereof shall prevent any respondent manufacturer from negotiating or carrying out in good faith a contract to manufacture, or to sell to or buy from any bona fide customer or supplier, whether such customer or supplier is or is not a respondent herein.

II. *It is further ordered*, That each manufacturing respondent, and subsidiary thereof, shall, within ninety (90) days after the date of service of this Order, individually and independently revise its prices and pricing factors and policies on tires and tubes in the following manner:

A. Independently review its prices, price lists, discounts, bonuses and allowances, and other pricing factors and policies, on the basis of its own costs, the margin of profit individually desired, and other lawful considerations including outstanding contractual commitments;

B. Withdraw its presently effective prices, price lists, discounts, bonuses and allowances;

C. Establish new prices, price lists, discounts, bonuses and allowances on the basis of such an independent review;

D. In the event any prices, price lists, discounts, bonuses or allowances thus established are changed within the period of six (6) months following their adoption, the respondent making such change shall have the burden of establishing that such change was made in good faith to meet a competitive pricing situation. For a period of two years following the adoption of the prices, price lists, discounts, bonuses or allowances provided for in subparagraph C hereof, any respondent who has made changes therein during the above-noted six-month period shall have the burden of documenting all evidence relied upon in making such change and retaining and making available to the Commission upon request all such documentation; and

E. Within one hundred and twenty (120) days after the date of service of this Order, file with the Commission an affidavit setting forth the fact and manner of compliance with subparagraph C hereof.

III. *It is further ordered*, That each of the respondents, its officers, representatives, agents, employees, subsidiaries, successors and assigns, directly or through any corporate or other device, in connection with the sale of tires and tubes in interstate commerce, do forthwith cease and desist from:

A. Disseminating any information or data as to prices, discounts, bonuses, allowances, terms or conditions of sale, or any other pricing policies to any other of the respondents before announcement thereof to respondent's customers or to the public.

B. Attending any meeting with another respondent or respondents at which prices, discounts, bonuses, allowances, terms or conditions of sale, or any other pricing policies are discussed or considered.

IV. *It is further ordered*, That respondent The Rubber Manufacturers Association, Inc., its officers, representatives, agents, employees, subsidiaries, successors and assigns, directly or through any divisions, committees or other operating units or devices, formally or informally, in connection with the manufacture, offering for sale, sale or distribution of tires and tubes, do forthwith cease and desist and permanently refrain from planning or performing any of the following things:

A. Obtaining or disseminating any information as to prices, discounts, bonuses, allowances, warranties, guarantees, sales promotion plans (such as Labor Day sales or liquidation sales), payment plans (such as Spring Dating plans), terms or conditions of sale, or customer classifications in connection therewith, or any other pricing policies.

B. Conducting or holding any meeting at which discussion is had or consideration is given concerning information as to prices, discounts, bonuses, allowances, warranties, guarantees, sales promotion plans (such as Labor Day sales), payment plans (such as Spring Dating plans), terms or conditions of sale, or customer classification in connection therewith, or any other pricing policies.

C. Obtaining, compiling, retaining or disseminating any uniform accounting manuals or any cost data relating to accounting practices or procedures, including but not limited to cost accounting data, cost accounting surveys, cost formulae, or any accounting data relating to prices.

D. Cooperating in the formulation of any standarization or simplification programs or policies with the purpose of fixing, maintaining or tampering with prices or pricing policies.

E. Obtaining or collecting any information on nonpublic freight rates or transportation charges from any tire and tube manufacturer, or disseminating any information on any fictitious or averaged freight rates, or any zone pricing plan or system.

F. Acting as an instrument or medium for promoting, aiding or rendering more effective any cooperative or concerted effort to suppress or eliminate competition, or to cooperate with any of the other respondents herein in carrying out any of the acts prohibited by this Order.

V. *It is further ordered*, That respondent The Tire and Rim Association, Inc., its officers, representatives, agents, employees, subsidiaries, successors and assigns, directly or through any divisions, committees, or other operating units or devices, formally or informally, in connection with the manufacture, offering for sale, sale or distribution of tires and tubes, do forthwith cease and desist and permanently refrain from planning or performing any of the following things:

A. Cooperating in the formulation of any standardization or simplication programs or policies with the purpose of fixing, maintaining or tampering with prices or pricing policies.

B. Acting as an instrument or medium for the purpose of promoting, aiding or rendering more effective any cooperative or concerted effort to suppress or eliminate competition, or to cooperate with any of the other respondents herein in carrying out any of the acts prohibited by this Order.

VI. *It is further ordered*, That the complaint be, and it is hereby, dismissed as to respondent Dayco Corporation (formerly operating as The Dayton Rubber Company).

VII. *It is further ordered*, That each of the respondents shall within sixty (60) days after service upon it of this Order file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with Paragraphs I, III, IV and V of this Order to cease and desist.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is therefore ordered, That respondents shall, within the times provided for in the order contained in the initial decision herein, file with the Commission reports, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: January 5, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6094; Filed, June 21, 1962; 8:47 a.m.]

[Docket 7514 c.]

PART 13—PROHIBITED TRADE PRACTICES

Mueller Co.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.700 *Arbitrary or improper functional discounts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Mueller Co., Decatur, Ill., Docket 7514, Jan. 12, 1962.]

Order requiring the Decatur, Ill., manufacturer of water and gas distribution service products designed for use in municipal and industrial gas and water plants—with factories in Illinois, California, and Tennessee and with gross sales in 1957 in excess of $25,000,000—to cease discriminating in price among its competing customers in violation of section 2(a) of the Clayton Act by its practice of giving only a 15 percent discount on items accounting for about 40 percent of all sales to its "regular" jobbers but giving 25 percent on such items to others classified as "limit" jobbers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent, Mueller Co., a corporation, its officers, employees, agents and representatives, directly or through any corporate or other device, in or in connection with the sale of its water and gas distribution and service products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Discriminating, directly or indirectly, in the price of such products of like grade and quality, by selling to any purchaser at net prices higher than the net prices charged any other purchaser competing in fact with such unfavored purchaser in the resale and distribution of such products.

It is further ordered, That respondent, Mueller Co., shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: January 12, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6095; Filed, June 21, 1962; 8:48 a.m.]

[Docket 8392 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Richardson-Merrell, Inc.

Subpart—Advertising falsely or misleadingly: § 13.70 *Qualities or properties of product or service:* § 13.170-52 *Medicinal, therapeutic, healthful, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Richardson-Merrell, Inc., New York, N.Y., Docket 8392, Jan. 10, 1962]

In the Matter of Richardson-Merrell, Inc., a Corporation, Formerly Known as Vick Chemical Company

Consent order requiring the New York City distributor of a drug preparation designated "Vicks Double-Buffered Cold Tablets" to cease representing falsely in advertising in newspapers, magazines, by radio and television, and otherwise that said preparation would cure or shorten the duration of a common cold, by such statements as "acts in minutes instead of days", "Does in 15 Minutes What Nature Takes 7 Days To Do", etc.

The order to cease and desist is as follows:

It is ordered, That Richardson-Merrell, Inc., a corporation, formerly known as Vick Chemical Company, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the drug "Vicks Double-Buffered Cold Tablets" or any preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating, or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that said drugs will cure a common cold or shorten its duration.

2. Disseminating, or causing to be disseminated, any advertisement, by any means, for the purpose of inducing, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said drugs, which advertisement contains the representations prohibited in paragraph 1 hereof.

Provided, however, That nothing herein contained shall prevent respondent from making appropriate claims and representations respecting such relief of the symptoms of the common cold as may be afforded by said drugs.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: January 8, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6096; Filed, June 21, 1962; 8:48 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55641]

PART 3—DOCUMENTATION OF VESSELS

Cruising Licenses for Foreign Yachts

Since it has been made to appear to the satisfaction of the Secretary of the Treasury that yachts of the United States are granted the reciprocal privileges described in section 5 of the Act of May 28, 1908, as amended (46 U.S.C. 104), in ports of Australia, § 3.53(d) of the Customs Regulations is amended by the insertion of "Australia" after "Argentina" and before "Bahama Islands" in the list of countries in that paragraph.

(R.S. 161, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 5, 35 Stat. 425, as amended; 5 U.S.C. 22, 46 U.S.C. 2, 3, 104)

[SEAL] PHILIP NICHOLS, JR., *Commissioner of Customs.*

Approved: June 15, 1962.

JAMES A. REED, *Assistant Secretary of the Treasury.*

[F.R. Doc. 62-6118; Filed, June 21, 1962; 8:52 a.m.]

[T.D. 55646]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Outward Foreign Manifests, Shippers' Export Declarations, Incomplete Manifests and Incomplete Export Declarations

Sections 4.63 and 4.75, Customs Regulations, contain references to the use of customs Form 1375, Incomplete Outward Foreign Manifest. Prior to the issuance of customs Form 1375, it was determined that satisfactory results could be achieved by adapting customs Form 1374 to use as an incomplete manifest and that the proposed new Form 1375 would not needed. Consequently, that form was not printed and will not be issued. Collectors of customs shall continue to use customs Form 1374, appropriately modified, as an incomplete manifest.

Accordingly, § 4.63(a) is amended by deleting the parenthetical material "(customs Form 1375)" so that that paragraph, as amended, will read as follows:

(a) No vessel shall be cleared for a foreign port unless there has been filed with the collector a manifest on customs Form 1374 covering the complete lading of the vessel, together with such export declarations as are required by pertinent regulations of the Bureau of the Census, Department of Commerce, or unless the vessel is cleared on the basis of a pro forma manifest as provided for in § 4.75.

Section 4.75(a) is amended by changing the reference to the form therein from 1375 to 1374 and by adding a new sentence so that the paragraph, as amended, will read as follows:

(a) If a master desiring to clear his vessel for a foreign port does not have available for filing with the collector a complete cargo manifest [see] or all required shippers' export declarations,[20] the collector may accept in lieu thereof a pro forma manifest on customs Form 1374 if there is on file in his office a bond on customs Form 7567 or 7569 executed by the vessel owner or some other person as attorney in fact of the vessel owner. The form shall be appropriately modified to indicate that it is an incomplete manifest and the oath on the reverse side shall be required to be executed.

(R.S. 161, as amended, 4197, as amended, 4200, as amended; 5 U.S.C. 22, 46 U.S.C. 91, 92)

[SEAL] PHILIP NICHOLS, JR., *Commissioner of Customs.*

Approved: June 15, 1962.

JAMES A. REED, *Assistant Secretary of the Treasury.*

[F.R. Doc. 62-6119; Filed, June 21, 1962; 8:52 a.m.]

[T.D. 55645]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Outward Foreign Manifests, Description of Residue Foreign Cargo Retained on Board for Foreign Ports

The detailed listing on the vessel's outward manifest of residue cargo originally laden in foreign ports and retained on board at the port of departure from the United States duplicates information previously filed on the inward foreign manifest. It has been decided that controls and records will not be prejudiced if the master is permitted to certify in proper cases that the cargo declared on arrival as laden in and destined for foreign ports has been retained on board. A mere duplication of the inward manifest in that respect will, therefore, no longer be necessary. Of course, if any of the cargo shown as manifested has been landed, a new manifest listing the cargo remaining on board will be required.

In accordance with the above, the following changes are made in the Customs Regulations:

1. Section 4.88(c) is amended to read as follows:

(c) If the vessel clears directly foreign from the first port of arrival, cargo brought in from foreign ports and retained on board may be declared on the outward foreign manifest (customs Form 1374) by the insertion of the following statement:

All cargo declared on entry in this port as cargo for discharge at foreign ports and so shown on the inward manifest filed upon entry has been and is retained on board.

If any such cargo has been landed, the outward foreign manifest shall describe each item of the cargo from a foreign port which has been retained on board.

2. The last sentence of § 4.89(a) is amended to read as follows: "The outward foreign manifest shall show the cargo for such foreign destination in the manner provided in § 4.88(c)."

(R.S. 161, as amended, 251, secs. 442, 624, 46 Stat. 713, 759, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended; 5 U.S.C. 22, 19 U.S.C. 66, 1442, 1624, 46 U.S.C. 2, 3)

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: June 15, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-6120; Filed, June 21, 1962; 8:52 a.m.]

[T.D. 55642]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Acceptance by Collectors of Customs of Currency, Coin, Checks, and Other Forms of Negotiable Paper

It has been the practice at piers, terminals, bridges, airports, etc., to require that customs duties, taxes, and other charges be paid by cash. There are situations at such places where a traveler of good credit standing may prefer to make payment otherwise than by cash. To provide for the acceptance under certain conditions of personal checks, United States Government checks, domestic travelers' checks, United States postal, bank, express, or telegraph money orders in payment of customs duties, taxes, and other charges at the aforementioned places and to more clearly state the acceptable methods of payment generally, § 24.1 is hereby amended to read as follows:

§ 24.1 Collection of customs duties, taxes, and other charges.

(a) Except as provided in paragraph (b) of this section, the following procedure shall be observed in the collection of customs duties, taxes, and other charges:

(1) Any form of United States currency or coin legally current at time of acceptance shall be accepted.

(2) Any bank draft, cashier's check, or certified check drawn on a national or state bank or trust company of the United States or a bank in Puerto Rico or any possession of the United States if such draft or checks are acceptable for deposit by a Federal Reserve bank, branch Federal Reserve bank, or other designated depositary shall be accepted.

(3) An uncertified check drawn by an interested party on a national or state bank or trust company of the United States or a bank in Puerto Rico or any possession of the United States if such checks are acceptable for deposit by a Federal Reserve bank, branch Federal Reserve bank, or other designated depositary shall be accepted if there is on file with the collector of customs an entry bond or other bond to secure the payment of the duties, taxes, or other charges, or if a bond has not been filed, the organization or individual drawing and tendering the uncertified check has been approved by the collector to make payment in such manner. In determining whether an uncertified check shall be accepted in the absence of a bond, the collector shall use available credit data obtainable without cost to the Government, such as that furnished by banks, local business firms, better business bureaus, or local credit exchanges, sufficient to satisfy him of the credit standing or reliability of the drawer of the check.

(4) A United States Government check endorsed by the payee to the collector of customs, a domestic traveler's check, or a United States postal, bank, express, or telegraph money order shall be accepted. Before accepting this form of payment the customs cashier or other employee authorized to receive customs collections shall require such identification in the way of a current driver's license issued by a state of the United States, or a current passport properly authenticated by the Department of State, or a current credit card issued by one of the numerous travel agencies or clubs, or other credit data, etc., from which he can verify the identity and signature of the person tendering such check or money order.

(5) The face amount of a bank draft, cashier's check, certified check, or uncertified check tendered in accordance with this paragraph shall not exceed the amount due by more than $1 and any required change is authorized to be made out of any available cash funds on hand.

(6) The face amount of a United States Government check, traveler's check, or money order tendered in accordance with this paragraph shall not exceed the amount due by more than $20 and any required change is authorized to be made out of any available cash funds on hand.

(b) At piers, terminals, bridges, airports, and other similar places, in addition to the methods of payment prescribed in paragraph (a) of this section, a personal check drawn on a national or state bank or trust company of the United States, shall be accepted by inspectors of customs and other customs employees authorized to receive customs collections in payment of duties, taxes, and other charges on noncommercial importations subject to the identification requirements of subparagraph (4) of paragraph (a) of this section. However, a personal check received under this paragraph and a United States Government check, traveler's check, or money order received under paragraph (a) of this section by such inspectors of customs and other customs employees shall be subject to the following conditions:

(1) Where the amount is less than $100 and the identification requirements of subparagraph (4) of paragraph (a) of this section have been met, the customs employee accepting the check or money order shall show his name and badge number on the collection voucher and on the reverse side of the check or money order as well as the serial number of the voucher or other form of voucher identification so that the check or money order can be easily associated with the voucher. This information shall be shown immediately above the space where the endorsement stamp of the collector will be placed.

(2) Where the amount is $100 or more, in addition to the requirements of subparagraph (1) of this paragraph the customs employee accepting the check or money order shall obtain the approval of the customs officer in charge who also shall personally verify the identification data and indicate his approval by initialing the collection voucher below the signature of the customs employee who approved the receipt of the check or money order.

(3) A personal check tendered in accordance with this paragraph shall be accepted only when drawn for the amount of the duties, taxes, and other charges to be paid by such check.

(c) Checks on foreign banks, foreign travelers' checks, and commercial drafts or bills of exchange subject to acceptance by the drawees shall not be accepted.

(R.S. 3009, 3473, as amended, sec. 1, 36 Stat. 965, as amended, sec. 648, 46 Stat. 762; 19 U.S.C. 197, 198, 1648)

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 66, 1624)

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: June 15, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-6121; Filed, June 21, 1962; 8:52 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 514]

[Reg. Docket No. 1251; Draft Release No. 62-28]

AIRBORNE RADIO RECEIVING AND DIRECTION FINDING EQUIPMENT FOR AIR CARRIER AIRCRAFT

Proposed Technical Standard Order

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to revise § 514.39 of Part 514 of the regulations of the Administrator (14 CFR Part 514) by adding a new technical standard order. This Technical Standard Order establishes minimum performance standards for airborne radio receiving and direction finding equipment operating within the radio frequency range of 200–415 kilocycles, to be used on civil aircraft of the United States engaged in air carrier operations.

The amendment is proposed to change the minimum performance standards based on a new RTCA Paper and to incorporate new environmental test procedures which were developed to be more compatible with existing and anticipated aircraft environmental conditions in which the equipment will be operated.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before August 6, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421).

In consideration of the foregoing it is proposed to amend Part 514 as follows:

By revising § 514.39 to read as follows:

§ 514.39 Airborne radio receiving and direction finding equipment operating within the radio frequency range of 200–415 kilocycles (for air carrier aircraft)—TSO–C41b.

(a) *Applicability—(1) Minimum performance standards.* Minimum performance standards are hereby established for airborne radio receiving and direction finding equipment operating within the radio frequency range of 200–415 kilocycles which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne radio receiving and direction finding equipment manufactured for use on civil air carrier aircraft on or after the effective date of this section shall meet the standards as set forth in Radio Technical Commission for Aeronautics Papers 158–61/DO–111[1] dated August 10, 1961, and 120–61/DO–108[1] dated July 13, 1961. Exceptions to these standards are listed in subparagraph (2) of this paragraph.

(2) *Exception.* Radio Technical Commission for Aeronautics Paper 120–61/DO–108 outlines various test procedures which define the environmental extremes over which the equipment shall be designed to operate. Some test procedures have categories established and some do not. Where categories are established, only equipment which qualifies under the following categories as specified in RTCA Paper 120–61/DO–108, is eligible under this order:

(i) Temperature-Altitude Test—Categories A, B, C, or D.

(ii) Humidity Test—Categories A or B.

(iii) Vibration Test—Categories A, B, C, D, E, or F.

(iv) Audio-Frequency Magnetic Field Susceptibility Test—Categories A or B.

(v) Radio-Frequency Susceptibility Test—Category A.

(vi) Emission of Spurious Radio-Frequency Energy Test—Category A.

(b) *Marking.* (1) In addition to the markings specified in § 514.3 (d), the equipment shall be marked to indicate the environmental extremes over which it has been designed to operate. There are seven environmental test procedures outlined in RTCA Paper 120–61/DO–108 which have categories established. These should be identified on the nameplate by the words "environmental categories" or, as abbreviated, "Env. Cat." followed by seven letters which identify the categories designated in RTCA Paper 120–61/DO–108. Reading from left to right, the category designations should appear on the nameplate in the following order, so that they may be readily identified:

(i) Temperature-Altitude Test Category.

(ii) Humidity Test Category.

(iii) Vibration Test Category.

(iv) Audio-Frequency Magnetic Field Susceptibility Test Category.

(v) Radio-Frequency Susceptibility Test Category.

(vi) Emission of Spurious Radio-Frequency Energy Test Category.

(vii) Explosion Test.

(2) Equipment which meets the explosion test requirement shall be identified by the letter "E". Equipment which does not meet the explosion test requirement shall be identified by the letter "X". A typical nameplate identification would be as follows: Env. Cat. DABAAAX.

(3) Two categories of performance are specified in RTCA Paper 158–61/DO–111 as follows:

(i) Category A—For equipment intended for operation in the European-Mediterranean Area (EUM) and in other areas where the frequency and geographical separation of ground facilities and their output powers are similar to the EUM Area.

(ii) Category B—For equipment intended for operation in the United States of America and its possessions and in other areas where the frequency and geographical separation of ground facilities and their output powers are similar to the USA Areas.

(iii) Equipment which meets the performance requirements of Category A shall be identified on the nameplate as Class A equipment. Equipment which meets the performance requirements of Category B shall be identified on the nameplate as Class B equipment. A typical nameplate identification would be as follows: Env. Cat. DABAAAX Class A.

(4) In some cases such as under the Temperature-Altitude Test Category, a manufacturer may wish to qualify his equipment under two categories. In this case, the nameplate shall be marked with both categories in the space designated for that category by placing one letter above the other in the following manner:

Env. Cat. $\frac{A}{D}$ABAAAX Class A.

(5) Each major component of equipment (antenna, power supply, etc.) shall be identified with at least the manufacturer's name, TSO number, and the environmental categories over which the equipment component is designed to operate.

(c) *Data requirements.* Six copies each, except where noted, of the following shall be furnished to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located:

(1) Manufacturer's operating instructions and equipment limitations.

(2) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(3) One copy of the manufacturer's test report.

Issued in Washington, D.C., on June 14, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-6098; Filed, June 21, 1962; 8:49 a.m.]

[1] Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T-5 Building, 16th and Constitution Avenue NW., Washington 25, D.C., Paper 158-61/DO-111, 60 cents per copy; Paper 120-61/DO-108, 75 cents per copy.

[14 CFR Parts 600, 601]

[Airspace Docket No. 62-CE-22]

FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS

Proposed Designation of Federal Airway and Associated Control Areas, and Revocation of Federal Airway, Associated Control Areas and Reporting Point

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of low altitude VOR Federal airway No. 285 and its associated control areas from the Kokomo, Ind., VOR via the intersection of the Kokomo VOR 012° and the Goshen, Ind., VOR 168° True radials; to the Goshen VOR. This would provide an airway for VOR equipped aircraft operating between Kokomo and South Bend, Ind.

It is also proposed to revoke low altitude Blue Federal airway No. 3 between Kokomo and Goshen. It is the policy of the Federal Aviation Agency to revoke L/MF airways wherever adequate VOR airways are available and it appears that the route from Kokomo to Goshen would be adequately served by Victor 285 proposed for designation in this docket. Therefore, it appears that the retention of Blue 3 is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke Blue 3, its associated control areas and reporting points from Kokomo to Goshen. Adoption of this proposal would not result in discontinuance of the low frequency navigational aids associated with this airway. Any proposals to discontinue one or more of these aids would be considered separately and interested persons would be afforded an opportunity to comment.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 18, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-6084; Filed, June 21, 1962; 8:46 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 302]

RULES AND REGULATIONS UNDER THE FLAMMABLE FABRICS ACT

Notice of Proposed Rule Making

Pursuant to the provisions of section 4 of the Administrative Procedure Act, notice is hereby given all interested parties that the Federal Trade Commission will on the 9th day of July 1962, at its offices in the City of Washington, District of Columbia, give consideration to an amendment of Rule 5(a) (§ 302.5(a)) of the rules and regulations under the Flammable Fabrics Act.

Interested parties may participate by submitting in writing to the Commission, on or before such date, their views, arguments, or other data. Written rebuttal may be submitted until July 16, 1962.

Such action is taken pursuant to the authority given to the Federal Trade Commission under section 5(c) of the Flammable Fabrics Act (67 Stat. 111; 15 U.S.C. 1191) whereby "The Commission is authorized and directed to prescribe such rules and regulations as may be necessary and proper for the purposes of administration and enforcement of this Act."

The matter to be considered is an amendment of subsection (a) of Rule 5 (§ 302.5(a)) of the rules and regulations under the Flammable Fabrics Act so as to eliminate the requirement for test after dry cleaning of the class of fabrics referred to in said subsection, including bridal illusion, upon the conditions stated in the amended rule. Section 302.5(a) (Rule 5(a)) would thereafter read:

(a) Any textile fabric intended for use in, or used, or contained in an article of wearing apparel, which in its normal and customary use as wearing apparel would not be dry cleaned or washed, need not, upon test made under the procedures outlined in Commercial Standard 191–53, be dry cleaned or washed as prescribed by paragraphs 4.4 and 4.5 of such Commercial Standard: *Provided, however,* That such fabric and article of wearing apparel when marketed or handled are marked or labeled in a clear and legible manner to the effect that such fabric has been treated with a fire retardant finish which will be removed if dry cleaned or washed. An example of the type of fabric referred to is bridal illusion.

By direction of the Commission.

Issued: June 21, 1962.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-6099; Filed, June 21, 1962; 8:49 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority 17]

ASSISTANT ADMINISTRATOR FOR NEAR EAST-SOUTH ASIA ET AL.

Delegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104 from the Secretary of State, dated November 3, 1961, and in accordance with the authority contained in sec. 635(b) of the Foreign Assistance Act of 1961 and Executive Order 10784, as amended, I hereby delegate the following authority, with power to redelegate to such officers and employees as they may designate:

1. To the Assistant Administrator for Near East-South Asia, the Assistant Administrator for Latin America, the Assistant Administrator for Africa and Europe, the Assistant Administrator fer Far East, for the countries or areas within their responsibility; to the Director, Research, Evaluation and Planning Assistance Staff for programs authorized under sec. 241 of the Foreign Assistance Act of 1961; and to the Assistant Administrator for Administration, the authority to sign or approve the following:

a. Contracts and amendments to Contracts financed in whole or in part by AID, other than contracts exclusively for the supply of commodities, and grants other than to a foreign government, or agencies of a foreign government, or an international organization;

b. Letters of Commitment and Notices of Approval for Financing of Cooperating Country Contracts for contracts described in paragraph 1(a) above;

c. Project Implementation Orders—Technical Services (PIO/T);

d. Amendment or modifications (pursuant to Executive Order 10784) of AID-financed contracts entered into with non-profit institutions under which no fee is charged or paid, where the amendment or modification is requested by the contractor and does not involve a consideration for the United States, provided that all such amendments or modifications are requested prior to final payment under the contract, and provided further that the approval of all such amendments or modifications involving $25,000 or more shall not be redelegated.

2. The authority herein delegated to designated officers may be exercised by persons who are performing the functions of such officers in an "Acting" capacity. This authority is to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within AID.

3. This Delegation of Authority supersedes paragraph 3 of Delegation of Authority of the Director of ICA dated September 28, 1960, entitled "To Sign and Issue Various Programs Authorizations, Budget and Fiscal Documents, and Contracts, Etc." which was continued in effect by me in Delegation of Authority No. 3 dated November 4, 1961 (26 F.R. 221).

4. Any sub-delegations issued and official actions taken prior to the effective date hereof by officers duly authorized pursuant to the superseded delegations are hereby continued in effect according to their terms until modified, revoked, or superseded by action of the officers to whom I have delegated relevant authority in this delegation.

5. This Delegation of Authority shall be effective immediately.

FOWLER HAMILTON,
Administrator.

JUNE 14, 1962.

[F.R. Doc. 62-6102; Filed, June 21, 1962; 8:50 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

PROCESSING OF CLAIMS

Single Service Assignment of Responsibility

The following revised delegation of authority was approved on June 13, 1962:

Purpose. The purpose of this Directive is to assign single Service responsibility for the processing of claims against and in favor of the United States.

Applicability. This Directive is effective during peacetime and under war or emergency conditions, subject to the continued applicability of the Foreign Claims Act (10 U.S.C. 2734); Military Claims Act (10 U.S.C. 2733); and Act of August 31, 1954 (68 Stat. 1006; 31 U.S.C. 224i-2-224i-5).

Assignment of responsibility. A. Responsibility for the processing of all claims in favor of the United States, or against the United States and cognizable under the Foreign Claims Act (10 U.S.C. 2734); Military Claims Act (10 U.S.C. 2733); and Act of August 31, 1954 (68 Stat. 1006; 31 U.S.C. 224i-2-224i-5), which arise in the following countries is hereby assigned to the military departments designated below:

1. *Department of the Army.* Belgium, Ethiopia, France, The Federal Republic of Germany, Iran, Korea, Republic of Vietnam, and as the Receiving State Office in the United States under Act of August 31, 1954 (68 Stat. 1006; 31 U.S.C. 224i-2-224i-5), and NATO Status of Forces Agreement (4 UST 1792, TIAS 2846).

2. *Department of the Navy.* Iceland, Italy and Portugal.

3. *Department of the Air Force.* Canada, Denmark, Greece, Japan, Libya, Luxembourg, Netherlands, Norway, Pakistan, Saudi Arabia, Spain, Turkey, and the United Kingdom.

B. Notwithstanding the provisions of A., above, the Department of the Navy is hereby authorized to settle nonscope of duty claims under $200 arising in foreign ports visited by U.S. forces afloat, and may, subject to the concurrence of the authorities of the receiving State concerned, process such claims without regard to Article VIII, paragraph 6, of NATO Status of Forces Agreement (4 UST 1792, TIAS 2846).

Delegation of authority published at 26 F.R. 2004, is superseded.

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 62-6101; Filed, June 21, 1962; 8:49 a.m.]

FEDERAL AVIATION AGENCY

INTERNATIONAL FIELD OFFICE AT FRANKFURT, GERMANY

Notice of Opening

Notice is hereby given that on June 15, 1962, an International Field Office at Frankfurt, Germany, will be opened.

(Sec. 313(a), 72 Stat. 752, 49 U.S.C. 1354)

Issued in Washington, D.C., on June 12, 1962.

HAROLD W. GRANT,
Acting Administrator.

[F.R. Doc. 62-6085; Filed, June 21, 1962; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

PUERTO RICO

Adjustments in Maximum Levels of Imports

The maximum levels of imports into Puerto Rico of crude oil, unfinished oils and finished products, other than residual fuel oil to be used as fuel, established by Presidential Proclamation 3279 (24 F.R. 1781) are modified pursuant to paragraph (d) of section 2 of the Proclamation to permit, during the period July 1, 1962 through December 31, 1962, 98,340 barrels per day in imports of crude oil and unfinished oils, and an additional 83 barrels per day in the imports of finished products, other than residual fuel oil to be used as fuel, to meet the increased demand in Puerto Rico.

All nongovernmental holders of allocations of imports of finished products, other than residual fuel oil to be used as fuel, into Puerto Rico, have been canvassed with respect to their interest in supplying the increased requirements for finished products. With the exception of the Shell Oil Companies all others have stated that they have no interest. Accordingly, the allocation made to the Shell Oil Companies will be increased to permit them to import into Puerto Rico 45 barrels daily of asphalt and 38 barrels daily of Stoddard solvent.

STEWART L. UDALL,
Secretary of the Interior.

JUNE 15, 1962.

[F.R. Doc. 62-6097; Filed, June 21, 1962; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3-C]

TUBE AND PIPE FROM CANADA

Fair Value Determination

JUNE 15, 1962.

A complaint was received that copper and red brass tube and pipe from Canada was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that copper and red brass tube and pipe from Canada is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. No relationships exist between the parties involved except that of buyer and seller. The seller's principal market is Canada. Therefore, fair value comparison was made on the bases of home market price and purchase price.

In calculating purchase price, deductions were made for cash discount, quantity discounts where applicable, duty and internal revenue tax, and freight; drawback was added. Home market price was calculated on the basis of the price actually paid for quantities comparable to those involved in sales to the United States with deduction made for cash discount and freight.

Purchase price for various types and sizes of pipe was found to be less than home market price by varying amounts during certain pricing periods. After May 1, 1961, purchase price, except for one item, was not less than home market price and since June 1961 purchase price for no item has been less than home market price. The seller has given assurance that every possible step will be taken to ensure that there will be no sales at less than fair value in the future.

The quantities involved and the differences in prices were deemed to be not more than insignificant.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-6122; Filed, June 21, 1962; 8:53 a.m.]

Bureau of Customs

[T.D. 55644]

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PORTUGAL

Restrictions on Entry or Withdrawal From Warehouse

JUNE 15, 1962.

To Collectors of Customs and others concerned:

There is published below a letter of June 12, 1962, from the Interagency Textile Administrative Committee, recommending and requesting the taking of specified action relating to certain cotton textiles and cotton textile products produced or manufactured in Portugal which were exported from Portugal on or after certain dates.

Accordingly, it is hereby ordered that cotton textiles and cotton textile products produced or manufactured in Portugal included in Categories 1 and 25 exported from Portugal on or after April 6, 1962, and in Categories 6 and 9 exported from Portugal on or after June 9, 1962, shall not be permitted to be entered for consumption, or withdrawn from warehouse for consumption, at any port of entry in the United States, (including the Commonwealth of Puerto Rico). The categories involved are described in detail in the attached "Schedule A and U.S.I.D.A. Components of Selected International Cotton Textile Arrangement Categories," attached to the aforesaid letter. This order is not applicable to samples which would otherwise be eligible for duty-free importation pursuant to title 19, United States Code, section 1201, paragraph 1821(b). The procedures set forth in sections 12.70—12.73 of the Customs Regulations shall apply.

[SEAL] JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

THE ASSISTANT SECRETARY OF COMMERCE
WASHINGTON 25, D.C.

THE INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

JUNE 12, 1962.

The Honorable C. Douglas Dillon,
The Secretary of the Treasury,
Washington, D.C.

DEAR MR. SECRETARY: In accordance with the letter of March 16, 1962, to you from the President of the United States delegating authority under certain parts of section 204 of the Agricultural Act of 1956, and in accordance with the authority granted to the Interagency Textile Administrative Committee in that letter, the Interagency Textile Administrative Committee recommends and requests that you take the following actions to assure that agreements to control the exports of listed categories of cotton textiles and textile products entered into pursuant to Article IA of the Arrangements Regarding International Trade in Cotton Textiles, done at Geneva July 21, 1961, will not be frustrated or circumvented by transshipment, substitution of directly competitive textiles, or otherwise:

Cotton textiles and cotton textile products produced or manufactured in Portugal included in Categories 1 and 25 exported from Portugal on or after April 6, 1962, and in Categories 6 and 9 exported from Portugal on or after June 9, 1962, shall be refused entry into the United States for consumption. The Portuguese Government has informed the United States Government that it has agreed to suspend further exports of these four categories of cotton textiles to the United States until September 30, 1962.

The categories involved are described in detail in the attached "Schedule A and U.S.I.D.A. Components of Selected International Cotton Textile Arrangement Categories." The foregoing restraint should not be made applicable to samples otherwise eligible for duty-free importation pursuant to paragraph 1821 of section 1201 of Title 19 of the United States Code. Furthermore, in carrying out the above described recommendations, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

This recommendation was arrived at on the 11th day of June 1962 by a unanimous vote of the Interagency Textile Administrative Committee, to be effective June 13, 1962.

Sincerely yours,

HICKMAN PRICE, JR.,
Chairman.

UNITED STATES DEPARTMENT OF COMMERCE

SCHEDULE A AND U.S.I.D.A. COMPONENTS OF SELECTED INTERNATIONAL COTTON TEXTILE ARRANGEMENT CATEGORIES

Category	Schedule A Number	U.S.I.D.A. Numbers
1. Cotton yarn, carded, singles, not ornamented, etc.:		
	3011 000	0901 11**
	3021 100	0901 21**
6. Ginghams, combed yarn:		
	3068 150	0904 301*
		601*
		901*
		0905 301*
		601*
		901*
9. Sheeting, carded yarn:		
	3048 210	0904 110*
	3048 230	112*
	3058 200	212*
	3068 200	312*
		0905 110*
		112*
		212*
		312*
25. Yarn-dyed fabrics, except ginghams, combed yarn:		
	3068 850	0904 391*
		691*
		991*
		0905 391*
		691*
		991*

**The last two digits represent yarn number groups (e.g., *05* represents yarn numbers 1 through 5; *30* represents yarn numbers 26 through 30; *90* represents yarn numbers from 81 through 90, etc.).

*The last digit represents average yarn number groups (e.g., *0* represents average yarn numbers 10 or lower; *3* represents average yarn numbers 21 through 25; *9* represents average yarn numbers over 60, etc.).

[F.R. Doc. 62-6123; Filed, June 21, 1962; 8:53 a.m.]

[T.D. 55643; Customs Delegation Order 18]

DEPUTY COMMISSIONER OF CUSTOMS, DIVISION OF TECHNICAL SERVICES

Designation as Contracting Officer for Certain Types of Contracts

JUNE 18, 1962.

The Deputy Commissioner of Customs, Division of Technical Services, is hereby designated as contracting officer with authority to enter into and administer contracts for the construction of customs border facilities provided for in 19 U.S.C. 68 and customs scales, weigh houses, and appurtenances.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F.R. Doc. 62-6124; Filed, June 21, 1962; 8:53 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-196]

WESTINGHOUSE ELECTRIC CORP.

Notice of Issuance of Facility Export License

Please take notice that no request for a formal hearing having been filed following the filing of notice of proposed action with the Office of the Federal Register on February 6, 1962, the Atomic Energy Commission has issued License No. XR-44 to Westinghouse Electric Corporation authorizing export of a nuclear power reactor to Societa Elettronucleare Italiana (SELNI) for installation at Trino, Italy. The notice of proposed action, published in the FEDERAL REGISTER on February 7, 1962 (27 F.R. 1122), described the reactor as a 165 megawatt (electrical) pressurized light water nuclear power reactor.

Dated at Germantown, Md., this 14th day of June 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 62-6082; Filed, June 21, 1962; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

BROWN BROS. LIVESTOCK COMMISSION ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
ARKANSAS	
Brown Bros. Livestock Commission, Hope, Dec. 18, 1958.	Hope Livestock Commission Co., Feb. 2, 1962.
Farmers and Ranchers Livestock Auction, Springdale, Dec. 11, 1958.	Farmers Livestock Auction, Inc., Dec. 27, 1961.
CALIFORNIA	
Trev. Moore Sales Yard, Corona, Oct. 3, 1959	Corona Livestock Auction, Aug. 1, 1961.
Camden Sales Yard, Laton, Nov. 10, 1959	Camden Auction Sales Yard, Oct. 13, 1961.
FLORIDA	
Jackson's Livestock Market, Gainesville, Mar. 8, 1960.	Cattleman-Farmers Auction Market, Mar. 16, 1962.
GEORGIA	
Hudson Auctions, Fitzgerald, May 15, 1959	Hudson-Holmes Auctions, Inc., Dec. 1, 1961.
Capitol Stockyard, Vidalia, Apr. 21, 1961	Vidalia Stock Yard, Jan. 16, 1962.
IDAHO	
Pocatello Livestock Auction, Inc., Pocatello, Nov. 16, 1955.	Pocatello Livestock Auction, Jan. 19, 1962.
ILLINOIS	
DeWitt County Livestock Exchange, Inc., Clinton, Nov. 18, 1959.	Clinton Livestock Sales, Oct. 13, 1961.
Woodford County Livestock Sales, El Paso, Nov. 20, 1959.	Woodford County Livestock Commission Co., Inc., Feb. 23, 1962.
INDIANA	
Marshall County Sale Barn, Plymouth, June 17, 1959.	Marshall County Community Sale Barn, Jan. 3, 1962.
IOWA	
Dows Sales Pavilion, Dows, May 18, 1959	Umstead's Livestock Auction, Feb. 12, 1962.
Fonda Sales Barn, Fonda, June 4, 1959	Fonda Livestock Sales, Jan. 15, 1962.
Fort Dodge Auction Market, Fort Dodge, May 20, 1959.	Fort Dodge Livestock Auctions, Mar. 8, 1962.
Harlan Auction Co., Harlan, May 19, 1959	Harlan Auction Co., Inc., Apr. 4, 1961.
Kalona Sales Barn, Kalona, Apr. 2, 1957	Kalona Sales Barn, Inc., Jan. 8, 1962.
Mapleton Sale Barn, Mapleton, June 25, 1959	Mapleton Auction Co., Jan. 1, 1962.
Stanton Auction Co., Inc., Stanton, May 25, 1959	Stanton Auction Co., Feb. 1, 1962.
KANSAS	
Mankato Sales Co., Mankato, Oct. 1, 1959	Mankato Livestock Commission Co., Dec. 11, 1961.
S & J Livestock Commission Co., Inc., Norton, Dec. 4, 1961.	C & J Livestock Commission Co., Inc., Mar. 1, 1962.
Chandler Sales Co., Smith Center, Oct. 23, 1957	Chandler Livestock Auction Co., Jan. 1, 1962.
KENTUCKY	
Clay-Gentry Stockyards Co., Inc., Lexington, Feb. 26, 1931.	Clay-Wacks Stockyards, Inc., Feb. 15, 1962.
LOUISIANA	
Brown-Alsbrooks Stockyards, Inc., Marksville, Oct. 20, 1961.	Marksville Live Stock Auction, Mar. 1, 1962.
New Orleans Stock Yard, New Orleans, Nov. 1, 1921.	Hodges Stock Yards, Inc., May 1, 1962.
Raceland Stockyards, Inc., Raceland, Mar. 5, 1959	Hodges Stock Yards, Inc., May 1, 1962.
MICHIGAN	
Kalamazoo Livestock Sales Co., Kalamazoo, Dec. 3, 1959.	Kalamazoo Stockyards, Sept. 1, 1961.
MINNESOTA	
Bob Lund Sales Barn & Livestock Yards, Lafayette, Oct. 6, 1959.	Bob Lund Livestock Yards, Jan. 25, 1962.
Kasson Sale Barn, Kasson, Sept. 21, 1959	Kasson Livestock Exchange, Jan. 13, 1962.
MISSISSIPPI	
Henderson Sales Co., Corinth, Feb. 28, 1959	Alcorn County Stockyards, Aug. 1, 1961.
Deer Creek Stock Yards, Inc., Hollandale, Jan. 13, 1959.	Deer Creek Livestock Sales, Jan. 1, 1962.
Clay County Stockyard, West Point, Feb. 11, 1959.	Clay County Auction, Inc., Mar. 15, 1962.
MISSOURI	
Bowling Green Auction Co., Inc., Bowling Green, May 8, 1959.	Bowling Green Livestock Market, Inc., Jan. 1, 1962.
Fraley Sale Pavilion, Chillicothe, July 24, 1957	Beever Sale Pavilion, Dec. 8, 1961.
Farmington Auction Co., Inc., Farmington, May 13, 1959.	Farmington Auction Market, Inc., Nov. 25, 1961.
Prairie Center Sales Barn, King City, May 9, 1961	Empire Sales Barn, Jan. 1, 1962.
Perry Sale Barn, Inc., Perry, May 11, 1959	Perry Sale Barn, Dec. 7, 1961.
MONTANA	
Glendive Auction Co., Glendive, Feb. 27, 1950	Glendive Livestock Sales Co., Feb. 19, 1962.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
NEBRASKA	
Crawford Sales Co., Crawford, Nov. 26, 1935	Crawford Livestock Auction Market, Inc., May 28, 1961.
Christensen Livestock Commission Co., Fullerton, Apr. 24, 1959.	Fullerton Livestock Market, Jan. 1, 1962.
Syracuse Sales Pavilion Co., Inc., Syracuse, June 5, 1959.	Syracuse Sales Pavilion, Mar. 30, 1962.
NEW YORK	
Southern Tier Livestock Market, Apulia, Aug. 28, 1961.	Apulia Livestock Market, Inc., Jan. 30, 1962.
NORTH DAKOTA	
Stockman's Livestock Auction, Ellendale, June 8, 1959.	Dobler & Smith Livestock Auction Co., Dec. 8, 1961.
Stockmen's Co-op. Marketing Association, Watford City, June 1, 1959.	Watford City Auction, Nov. 17, 1961.
OHIO	
Pickaway Livestock Co-op Association, Circleville, June 2, 1959.	Columbus Union Stockyard, Feb. 27, 1962.
Somerville Sale Barn, Somerville, June 16, 1959	Somerville Auction Sales, Jan. 1, 1962.
OKLAHOMA	
Southern Oklahoma Livestock Exchange, Inc., Ardmore, Nov. 15, 1949.	Ardmore Livestock Auction, Mar. 13, 1962.
Idabel Livestock Commission Co., Idabel, Jan. 13, 1955.	Owen Brothers Livestock Auction Co., Feb. 15, 1962.
Henryetta Livestock Auction, Henryetta, Nov. 14, 1961.	Henryetta Auction Sales Co., Nov. 14, 1961.
Mangum Livestock Auction Co., Mangum, Dec. 14, 1949.	Mangum Livestock Co., July 11, 1959.
TEXAS	
Denton Livestock Commission Co., Denton, Jan. 21, 1959.	Denton Livestock Commission, Inc., Apr. 12, 1961.
Nocona and Burkburnett Sales Co., Burkburnett, Apr. 9, 1959.	Burkburnett Livestock Commission Co., Dec. 15, 1961.
Wood County Livestock Auction Co., Mineola, Dec. 18, 1959.	Wood County Livestock Auction, Jan. 1, 1962.
Tulia Livestock Auction, Tulia, May 23, 1958	Tulia Livestock Auction, Inc., Oct. 31, 1961.
Holmes Live Stock Commission, Weatherford, Aug. 12, 1960.	Parker County L. S. Comm. Co., Nov. 15, 1961.
WASHINGTON	
Northwest Auction Sales, Inc., Burlington, Oct. 8, 1959.	Burlington Sales Pavilion, Inc., Dec. 8, 1961.
Colville Auction, Colville, Sept. 25, 1959	Colville Auction Co., Apr. 5, 1962.
Kit Ward's Community Sale, Wapato, Sept. 26, 1959.	Wards Community Sale, Mar. 1, 1962.

Done at Washington, D.C., this 19th day of June 1962.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62-6113; Filed, June 21, 1962; 8:51 a.m.]

Office of the Secretary

SOUTH CAROLINA

Extension of Period for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in Spartanburg and Cherokee Counties, South Carolina, recent natural disasters have occurred since said counties were designated (26 F.R. 10814) and have resulted in a continuing need in those counties for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 19th day of June 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-6100; Filed, June 21, 1962; 8:49 a.m.]

OFFICE OF THE GENERAL COUNSEL

Delegations of Authority

The statement on delegation of final authority made to the General Counsel of the Department of Agriculture and published in the FEDERAL REGISTER of May 7, 1955 (20 F.R. 3142) is hereby amended to read as follows:

The General Counsel, the Deputy General Counsel, and the Assistant General Counsels, are authorized to certify documents as true copies of those on file in the Department pursuant to Title 28, United States Code, section 1733. The same officers, and the Regional Attorneys and Attorneys in Charge of field offices of the Office of the General Counsel, are authorized to sign releases of claims of the United States against private persons for damage to or destruction of personal property of the Department. The General Counsel and such Washington and field employees of the Office of the General Counsel as shall be designated by the General Counsel, are authorized to allow or disallow claims pursuant to Title 28 United States Code, sections 2401(b), 2671-2680, subject to such restrictions as to the authority of such employees as may be imposed by the General Counsel in the designations.

Done at Washington, D.C., this 19th day of June 1962.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 62-6112; Filed, June 21, 1962; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 12473; Order E-18463]

CAL-AIR FORWARDERS, INC., ET AL.

Order of Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of June 1962.

In the matter of the application of Cal-Air Forwarders, Inc. (Formerly National Air Freight, Inc., d/b/a Aero International), et al.; for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958.

By application filed May 23, 1961, as amended September 12, 1961, Cal-Air Forwarders, Inc. (formerly National Air Freight, Inc., d/b/a Aero-International), hereinafter referred to as Cal-Air, Sidney N. Epstein, and T. A. L. Loretz request the Board to approve pursuant to section 408 of the Federal Aviation Act of 1958 (the Act), as amended, the common control by Messrs. Epstein and Loretz of Cal-Air and certain other companies identified in the Appendix hereto. In addition, pursuant to section 409 of the Act, approval is sought of the interlocking relationships, present and proposed, which will result from the individual applicants' holding positions with Cal-Air and one or more of the other companies, as shown in the Appendix. Cal-Air is an applicant pursuant to Part 297 of the Board's Economic Regulations for an operating authorization as an international air freight forwarder.[1] The activities of the other companies include motor carrier operations within the State of California, surface freight forwarding and International Air Transport Association (IATA) agency activities.

Applicants maintain that Cal-Air will utilize pickup and delivery services of Drayage, Inc. and Hollywood Courier Service (60 percent and 100 percent, respectively, owned by Shine-Phillips of which Epstein is President), and certain foreign agents and certain other facilities of Loretz and Company (55 percent owned by Loretz); that the individual applicants possess unique background,

[1] For the purpose of this proceeding, Cal-Air is considered to be an air carrier.

training and financial resources to organize a coordinated indirect air carrier service that will render a distinct service to an important segment of the shipping public and will promote increased use of air service in the international cargo field; and that approval of the control and interlocking relationships would be in the public interest.

No objection to the application has been filed.

The Board, upon consideration of the application, concludes that the common control by Messrs. Epstein and Loretz of Cal-Air and the companies described in the Appendix is subject to section 408(a) of the Act. However, the Board has further concluded that such relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not tend to restrain competition. Furthermore, the Board notes that no person disclosing a substantial interest in this proceeding is currently requesting a hearing. The control relationships are similar to others between air freight forwarders and surface freight forwarders and short-haul motor carriers which have been approved by the Board, and do not present any new substantive issues.[2] It would therefore appear that the relationships would not be inconsistent with the public interest. However, should the operating authority of the motor carriers set forth in the appendix be expanded, new issues would be raised which could only be resolved upon the filing of a further application for prior approval by the Board. Accordingly, the Board proposes that its approval of the relationship between Cal-Air and the various motor carriers will be effective only so long as such motor carriers engage in motor carrier operations only within the State of California.[3]

The Board further finds that interlocking relationships within the scope of section 409(a) of the Act will exist between Cal-Air and the other companies described in the Appendix from the holding by Messrs. Epstein and Loretz of the positions described therein. The Board finds that the parties have made a due showing in the form and manner prescribed that, for the reasons described above, the interlocking relationships, both present and proposed (those within the same system of affiliated companies controlled by each individual applicant) will not adversely affect the public interest and should be approved subject to the limitation noted above.

In view of the foregoing, the Board tentatively finds that the control relationships involved herein should be approved and intends to approve them under section 408 without a hearing pursuant to the provisions of section 408(b). In accordance therewith, this order constituting notice of such intention will be published in the FEDERAL REGISTER, and interested persons will be afforded an opportunity to comment on the Board's tentative decision.[4]

Therefore, it is ordered:

1. That this order be published in the FEDERAL REGISTER;

2. That the Attorney General be furnished a copy of this order within one day of its publication; and

3. That interested persons be afforded a period of fifteen days within which to file comments with respect to the Board's proposed action herein.[5]

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-6108; Filed, June 21, 1962; 8:50 a.m.]

[Docket No. 12778 etc.]

BOISE-LAS VEGAS SERVICE CASE

Notice of Postponement of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding now assigned to be held on July 10, 1962, is postponed to July 11, 1962, 10 a.m., e.d.s.t., Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., June 19, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-6109; Filed, June 21, 1962; 8:50 a.m.]

[Docket 10976 etc.; Order No. E-18468]

PACIFIC AIR LINES, INC., ET AL.

Order of Investigation and Consolidation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of June 1962.

In the matter of excursion fares proposed by Pacific Air Lines, Inc., Bonanza Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc.

The Board, by Order E-18369 of May 25, 1962, suspended and instituted an investigation of a 10-day propeller coach round-trip excursion fare of $23 between Los Angeles and Las Vegas proposed by United Air Lines, Inc., and consolidated said proceeding in Docket 10976 et al.

The Board simultaneously instituted an investigation of 10-day propeller coach round-trip excursion fares of $26 between Los Angeles and Las Vegas proposed by Bonanza Air Lines, Inc., Trans World Airlines, Inc., and Western Air Lines, Inc., and a 10-day jet coach round-trip fare of $30 between Los Angeles and Las Vegas proposed by Trans World Airlines, Inc. This matter was similarly consolidated in Docket 10976 et al.

Pursuant to special tariff permission, United has canceled the suspended propeller coach round-trip excursion fare of $23 between Los Angeles and Las Vegas, and has established a propeller coach round-trip excursion fare of $26 which became effective on May 30, 1962. United has also filed a jet coach round-trip excursion fare of $30 between Los Angeles and Las Vegas to become effective June 30, 1962.

In light of the foregoing, it is found that United's excursion fares between Los Angeles and Las Vegas should be investigated, and that the proceeding be consolidated into Docket 10976 et al.[1]

Accordingly, it is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions in United Air Lines, Inc.'s C.A.B. No. 113, including subsequent revisions and reissues thereof, are, or will be, unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful and if found to be unlawful to determine and prescribe the lawful fares and provisions.

2. The proceeding ordered herein be consolidated into the proceeding in Docket 10976 et al.

3. Copies of this order be served upon Bonanza Air Lines, Inc., Pacific Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

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[1] Prehearing conference has been scheduled in this proceeding on June 20, 1962.

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[2] See, for example, Airsembly Forwarders, Inc., et al., Docket 11223, Order E-15650, August 12, 1960; and D. C. Andrews & Co., Inc., et al., Docket 11841, Order E-16544, March 22, 1961.

[3] The Board notes that Mr. Epstein is the third largest stockholder in General Air Freight, Inc. (General), a domestic air freight forwarder, and that his voting rights in such stock are assigned to Robert W. Hopes, president of General. Under the circumstances present here, the Board does not consider it necessary to inquire further into this matter so long as General and Cal-Air operate, respectively, as domestic and international air freight forwarders. However, the public interest aspects of any continued significant holdings by Mr. Epstein in the two companies, would require further examination, probably in a hearing, should either carrier in the future apply for a forwarder authorization of the type held by the other. Therefore, the Board's final order herein will retain jurisdiction over this proceeding for the purpose of imposing such conditions to its approval of the relationships as it may find necessary in the future.

[4] Further action on the interlocking relationships under section 409 will be deferred pending final resolution of the control relationships which are subject to section 408.

[5] Such comments shall in all respects conform to the requirements of the Board's rules of practice for the filing of documents.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-6110; Filed, June 21, 1962; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14394 etc.; FCC 62-621]

FLOWER CITY TELEVISION CORP. ET AL.

Corrected Memorandum Opinion and Order Amending Issues

In re applications of Flower City Television Corporation, Rochester, New York, Docket No. 14394, File No. BPCT-2929; Rochester Area Educational Television Association, Inc., Rochester, New York, Docket No. 14459, File No. BPCT-2943; Star Television, Inc., Rochester, New York, Docket No. 14460, File No. BPCT-2948; Heritage Radio and Television Broadcasting Co., Inc., Rochester, New York, Docket No. 14462, File No. BPCT-2961; Rochester Broadcasting Corporation, Rochester, New York, *et al.*, Docket No. 14467, File No. BPCT-2972, etc.; for construction permits for new television broadcast stations.

1. The Commission has before it for consideration (1) three petitions for review of ruling by the Acting Chief Hearing Examiner, filed February 23, 1962 by Star Television, Inc. (Star), Heritage Radio and Television Broadcasting Co., Inc. (Heritage) and Rochester Broadcasting Corporation (Rochester Broadcasting) respectively; (2) oppositions filed March 6 and 8, 1962 respectively by Rochester Area Educational Television Association, Inc. (RAETA) and the Broadcast Bureau (Bureau); and (3) reply to oppositions, filed March 16, 1962, by Rochester Broadcasting.

2. The Acting Chief Hearing Examiner considered and denied petitions to enlarge issues filed by Star, Rochester Broadcasting, and Heritage. Star and Rochester Broadcasting requested a financial issue with respect to Federal, RAETA and Rochester Telecasters. Heritage requested a financial issue with respect to Federal only. The Commission, in its Order of designation, had found Federal, RAETA and Rochester Telecasters to be financially qualified. It is from the Acting Chief Hearing Examiner's adverse ruling that the petitioners now appeal to the Commission. By Memorandum Opinion and Order dated May 29, 1962 (FCC 62-578; Mimeo No. 18989), the Commission denied the petitions as they pertain to Federal and Rochester Telecasters.

3. A review of RAETA's financial proposal indicates that funds in the amount of $815,369 will be required to construct and operate the proposed educational station for the first year (no operating revenue proposed); that the applicant has funds, credits and donations amounting to $216,194 leaving an estimated balance of $599,175 to be financed. In addition to the above, RAETA relies on funds from various sources such as the State Education Department, schools, colleges, personal and business donations, County Governments and Foundations in the total amount of $747,377. It does not appear, however, that all of the funds thus relied upon have been promised or committed to RAETA. Under the circumstances, a financial qualification issue will be added so that evidence may be adduced as to the probable availability of such funds.

Accordingly, it is ordered, This 13th day of June 1962, That the petitions for review, filed February 23, 1962 by Star Television, Inc., Heritage Radio and Television Broadcasting Co., Inc., and Rochester Broadcasting Corporation, as they relate to Rochester Area Educational Television Association, Inc., are granted; that the Commission's Order (FCC 61-1511) in this proceeding is amended by renumbering Issues 5 and 6 as Issues 6 and 7, and the following Issue 5 is added:

5. To determine whether Rochester Area Educational Television Association, Inc., is financially qualified to construct and operate the proposed television broadcast station.

Released: June 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6115; Filed, June 21, 1962; 8:52 a.m.]

[Docket No. 14625; FCC 62M-850]

HAWKEYE BROADCASTING, INC. (KOEL)

Order Following Prehearing Conference

In re application of Hawkeye Broadcasting, Inc. (KOEL), Oelwein, Iowa, Docket No. 14625, File No. BP-14012; for construction permit.

On the basis of discussion held at a prehearing conference on this date: *It is ordered,* This 15th day of June 1962, that the following procedural steps will govern future course of hearing in the above-entitled matter:

Exchange of Exhibits	June 27, 1962
Informal Engineering Conference	July 12, 1962
Hearing	July 26, 1962

Released: June 18, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6116; Filed, June 21, 1962; 8:52 a.m.]

[Docket Nos. 12488, 12489; FCC 62M-847]

YOUNG PEOPLE'S CHURCH OF THE AIR, INC., AND WJMJ BROADCASTING CORP.

Order Scheduling Prehearing Conference

In re applications of The Young People's Chuch of the Air, Inc., Philadelphia, Pennsylvania, Docket No. 12488, File No. BPH-2394; WJMJ Broadcasting Corporation, Philadelphia, Pennsylvania, Docket No. 12489, File No. BPH-2423; for construction permits.

The Hearing Examiner having under consideration the reopening of the record and remand of proceeding to the Hearing Examiner;

It is ordered, This 15th day of June 1962, that a prehearing conference is scheduled for June 26, 1962, at 9:00 a.m.

Released: June 18, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6117; Filed, June 21, 1962; 8:52 a.m.]

FEDERAL MARITIME COMMISSION

IINO KAIUN KABUSHIKI KAISHA ET AL.

Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8670-1, between Iino Kaiun Kabushiki Kaisha and Mitsui Steamship Co., Ltd., parties to the Japan/Great Lakes Rate Agreement 8670, modifies the basic agreement of the parties, which provides for discussion and agreement between the parties from time to time regarding rates, charges, classifications and related tariff matters, appropriate and conforming with law and the interest of the foreign commerce of the United States, in the trade from Japan to Great Lakes ports of the United States. The purpose of the modification is to add a new article providing that any carrier becoming a party to the Japan/Great Lakes Rate Agreement (8670), shall automatically become a party to, and any carrier withdrawing therefrom shall automatically cease to be, a party to any agreement(s) between the parties to said Agreement 8670 and any other carrier(s) or other person(s) subject to the Shipping Act, 1916, as amended, and approved pursuant to section 15 of said Act.

Agreement 8899, between Robin Line, a Service of Moore-McCormack Lines, Inc., and Southern Line, Ltd., covers a through billing arrangement in the trade from U.S. Atlantic ports to ports in the Somali Republic, with transshipment at East African ports.

Agreement 8926, between Farrell Lines, Inc., and Southern Line, Ltd., covers a through billing arrangement in the trade from U.S. Atlantic ports to ports in the Somali Republic, with transshipment at East African ports.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 19, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-6107; Filed, June 21, 1962; 8:50 a.m.]

[Docket No. 1018]

ASSOCIATION OF WEST COAST STEAMSHIP COMPANIES

Amended Notice of Filing of Exclusive Patronage Contracts

The first paragraph of notice in Docket 1018, which appeared in the FEDERAL REGISTER of May 29, 1962, page number 5011, is hereby amended to read as follows:

Notice is hereby given that the association of West Coast Steamship Companies has filed with the Commission, pursuant to section 3 of Public Law 87-346, proposed Exclusive Patronage (Dual Rate) Contracts, modified for the purpose of conforming such contracts to the provisions of section 14b of the Shipping Act, 1916. As required by section 3, the Federal Maritime Commission will determine whether the contract should be approved, disapproved, canceled, or modified pursuant to the provisions of section 14b. One contract ("Receivers' Freighting Agreement") applies only to shipments of coffee from Buenaventura and Tumaco, Colombia, to U.S. and Canadian Pacific Coast ports. A second contract ("Merchants' Freighting Agreement") applies only to shipments of coffee from Buenaventura and Tumaco, Colombia, to U.S. Atlantic and Gulf ports. A third contract ("Merchants' Freighting Agreement") applies only to shipments of coffee, cocoa and ivory nuts from Ecuador to U.S. Atlantic and Gulf ports.

Dated: June 19, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-6106; Filed, June 21, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. AR61-2, etc.]

AREA RATE PROCEEDING

Order Adding Respondents and Consolidating Proceedings; Correction

JUNE 13, 1962.

In the Order Adding Respondents and Consolidating Proceedings, issued May 15, 1962 and published in the FEDERAL REGISTER May 22, 1962 (F.R. Doc. 62-4897; 27 F.R. 4820):

In Appendix "B" (Supplement) add the following:

Olin Gas Transmission Corporation, CP62-27.

In Appendix "C" (Supplement):

1. The docket number "G-17665" should be added after Bel Oil Corporation.

2. The docket number "G-17665" should be deleted after The British-American Oil Producing Company.

3. The entry reading "Tex-Star Oil and Gas Corporation" should read "The Texstar Corporation et al.".

4. The following entry should be added:

Rauch, Morris, et al., G-4334.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6086; Filed, June 21, 1962; 8:47 a.m.]

[Docket No. G-17567 etc.]

ARKANSAS-LOUISIANA GAS CO. ET AL.

Order Accepting Certain Proposed Tariff Sheets for Filing, Rejecting Proposed Tariff Sheet, Suspending Certain Proposed Tariff Sheets, and Allowing Certain Tariff Sheets To Become Effective Upon Filing of Motion and Undertaking To Assure Refund of Excess Charges

JUNE 15, 1962.

Arkansas-Louisiana Gas Company, Docket No. G-17567; Illinois Power Company, Docket No. G-17984; St. Charles Gas Corporation, Docket No. G-18405; Laclede Gas Company, Complainant, and Mississippi River Fuel Corporation, Defendant, Docket No. G-17832; Mississippi River Fuel Corporation, Docket No. RP61-21.

On May 17, 1962, Mississippi River Fuel Corporation (Mississippi) tendered for filing certain tariff sheets[1] in compliance with Commission's Opinion No. 355 and Order issued April 18, 1962, in Docket Nos. G-17567, G-17984, G-18405, and G-17832 (Docket Nos. G-17567, et al.). Mississippi requests that these aforementioned tariff sheets be made effective as of May 19, 1962. However, one of the aforementioned tariff sheets, i.e., Seventh Revised Sheet No. 4, while complying with the Commission's order, continues in effect the same rate which was previously suspended by the Commission in Docket No. RP61-21. Accordingly, Seventh Revised Sheet No. 4 should be made effective subject to the proceeding in Docket No. RP61-21.

Concurrently, Mississippi also tendered for filing two tariff sheets[2] "to correct certain rates or rate factors specified in the Commission's Order which are incorrect in relation to Mississippi's presently effective F-1 rates". Mississippi states that the rates specified by the Commission bear a relationship to its rates underlying those effective subject to refund in Docket No. RP61-21. Consequently, Mississippi requests that fairness requires such rates to be synchronized with its contingent rates in Docket No. RP61-21 and therefore requests that these tariff sheets be made effective as of May 20, 1962, i.e., after a one-day suspension. Whether the rates specified by the Commission were erroneous will be decided as part of the proceeding in Docket No. RP61-21.

Concurrent with its other filings, Mississippi tendered for filing Sixteenth Revised Sheet No. 25 to its FPC Gas Tariff, Original Volume No. 1 in purported compliance with Ordering Paragraph (E) of the Commission's order issued April 18, 1962, in Docket Nos. G-17567, et al. This sheet is designated "Schedule of Stated Demands" and is the basis for Mississippi's billing demand charges inasmuch as a number of its customers have no service agreement with Mississippi. However, the Commission's order states:

(E) Mississippi shall file new or superseding service agreements containing the contract demands in Paragraph (B) above.

While the tendered tariff sheet reflects the volumes prescribed in paragraph (B) of the order, no service agreements have been tendered and, therefore, Sixteenth Revised Sheet No. 25 should be rejected as hereinafter ordered.

The proposed changes in rates, charges, classifications, or services provided for in Eighth Revised Sheet No. 5 and First Revised Sheet No. 5a to Mississippi's FPC Gas Tariff, Original Volume No. 1 tendered by Mississippi on May 17, 1962, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that Eighth Revised Sheet No. 5 and First Revised Sheet No. 5a to Mississippi's FPC Gas Tariff, Original Volume No. 1 be suspended and the use thereof be deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the proposed increase in rates contained in Eighth Revised Sheet No. 5 and First Revised Sheet No. 5a to Mississippi's FPC Gas Tariff, Original Volume No. 1 be made effective as hereinafter provided and that Mississippi be required to file an undertaking as hereinafter ordered and conditioned.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that Seventh Revised Sheet Nos. 4 and 5, Third Revised Sheet No. 14, Second Revised Sheet No. 17, and Original Sheet Nos. 5a and 14a to Mississippi's FPC Gas Tariff, Original Volume No. 1 be accepted for filing as hereinafter ordered and conditioned.

(4) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that Sixteenth Revised Sheet No. 25 to Mississippi's FPC Gas Tariff, Original Volume No. 1 be rejected as hereinafter ordered.

The Commission orders:

(A) Seventh Revised Sheet Nos. 4 and 5, Third Revised Sheet No. 14, Second Revised Sheet No. 17, and Original Sheet Nos. 5a and 14a to Mississippi's FPC Gas Tariff, Original Volume No. 1 are hereby accepted for filing and are allowed to become effective as of May 19, 1962: *Provided, however,* That the acceptance of Seventh Revised Sheet No. 4 shall be specifically subject to the orders of the Commission heretofore and hereafter issued in Docket No. RP61-21.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice in Docket No. RP61-21 from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in Mississippi's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Eighth Revised Sheet No. 5 and First Revised Sheet No. 5a.

(C) Pending such hearing and decision thereon Eighth Revised Sheet No. 5 and First Revised Sheet No. 5a to Mississippi's FPC Gas Tariff, Original Volume No. 1 are hereby suspended and the use thereof deferred until May 20, 1962, and thereafter until such further time as they may be made effective in the manner hereinafter prescribed.

(D) The rates, charges, classifications, and services set forth in Eighth Revised Sheet No. 5 and First Revised Sheet No. 5a to Mississippi's FPC Gas Tariff, Original Volume No. 1 shall be effective as of May 20, 1962: *Provided, however,* That, within 20 days from the date of this order, Mississippi shall file a motion as required by section 4(e) of the Natural Gas Act to place those tariff sheets in effect on such date and shall execute and file with the Secretary of the Commission an appropriate agreement and undertaking requiring Mississippi to make any appropriate refunds that may be required by final order of the Commission in the proceeding in Docket No. RP61-21. Unless Mississippi is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(E) If Mississippi shall, in conformity with the terms and conditions of its agreement and undertaking and the terms and conditions of this order, make the refunds as may be required by order of the Commission in the proceeding in Docket No. RP61-21, the undertaking shall be discharged, otherwise it shall remain in full force and effect.

(F) Sixteenth Revised Sheet No. 25 to Mississippi's FPC Gas Tariff, Original Volume No. 1, is hereby rejected and Mississippi is hereby required to tender for filing service agreements and a revised tariff sheet setting forth the contract demands in compliance with Ordering Clause (E) of the Commission's order issued April 18, 1962, in Docket Nos. G-17567, et al.

(G) The 30-day notice requirement provided in the Commission's regulations under the Natural Gas Act is hereby waived to permit the tariff sheets to become effective on the dates ordered above.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6087; Filed, June 21, 1962; 8:47 a.m.]

[Docket No. RI62-447 etc.]

HERITAGE PETROLEUM CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

JUNE 13, 1962.

Heritage Petroleum Corporation (Operator), et al., Docket No. RI62-447 etc.; Russell Maguire (Operator), et al., Docket No. RI62-454.

In the order providing for hearings on and suspension of proposed changes in rates, issued May 25, 1962 and published in the FEDERAL REGISTER June 2, 1962 (F.R. Doc. 62-6352; 27 F.R. 5212):

In the chart, Docket No. RI62-454, Russell Maguire (Operator), et al., under column headed "Amount of Annual Increase" change "$64,240" to "$7,440".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6089; Filed, June 21, 1962; 8:48 a.m.]

[Docket No. G-13183 etc.]

PLACID OIL CO. ET AL.

Notice of Severance and Postponement of Hearing

JUNE 15, 1962.

Placid Oil Company, Operator, et al., Docket Nos. G-13183 etc.; Socony Mobil Oil Company, Inc., Docket Nos. G-13746, G-17401; Socony Mobil Oil Company, Inc. (formerly Republic Natural Gas Company, et al.), Docket Nos. G-13642, G-16540; Amerada Petroleum Corporation, Docket Nos. G-13356, G-17393, G-17407; Diversa, Inc., Docket No. G-14240.

Upon consideration of the requests filed by Applicants in the above-designated matters, notice is hereby given that Docket Nos. G-13642, G-13746, G-16540, G-17401, G-13356, G-17393, G-17407, and G-14240, are hereby severed from the proceedings consolidated by order issued March 7, 1962, as modified by notice issued May 24, 1962, under the lead docket, Placid Oil Company, Operator, et al., Docket Nos. G-13183, et al.

Take notice that a hearing in the severed proceedings is scheduled to commence at 10:00 a.m., June 29, 1962, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-6090; Filed, June 21, 1962; 8:48 a.m.]

[Docket Nos. RI62-461—RI62-466]

CHAMPLIN OIL & REFINING CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates;[1] and Allowing Rate Changes To Become Effective Subject to Refund

JUNE 15, 1962.

Champlin Oil & Refining Company, Docket No. RI62-461; The Atlantic Refining Company, Docket No. RI62-462; Callery Properties, Inc., et al., Docket No. RI62-463; The Atlantic Refining Company (Operator), et al., RI62-464; Standard Oil Company of Texas, a Division of California Oil Company, Docket No. RI62-465; H. L. Hunt, et al., Docket No. RI62-466.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas, subject to the jurisdiction of the Commission. The pressure base is 14.65 psia. The proposed changes are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

[1] Seventh Revised Sheets Nos. 4 and 5, Third Revised Sheet No. 14, Second Revised Sheet No. 17, and Original Sheets Nos. 5a and 14a to Mississippi's FPC Gas Tariff, Original Volume No. 1.

[2] Eighth Revised Sheet No. 5 and First Revised Sheet No. 5a to its FPC Gas Tariff, Original Volume No. 1.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI62-461...	Champlin Oil & Refining Co., P.O. Box 9365, Fort Worth 7, Tex.	79	4	West Lake Natural Gasoline Co., et al. (Nena Lucia Field, Nolan County, Tex.) (R.R. District 7-B).	$4,320	5-22-62	7-1-62	7-2-62	5.5	[2] 8.5	
RI62-462...	The Atlantic Refining Co., P.O. Box 2819, Dallas 21, Tex.	201	8	Coastal Transmission Corp. (East Corpus Christi Bay Field, Nueces County, Tex.) (R.R. District No. 4).	5,992	5-21-62	7-1-62	12-1-62	[3] 16.5	[4] 17.5	
		198	8	Coastal Transmission Corp. (McGill Ranch Field, Kenedy County, Tex.) (R.R. District No. 4).	16	5-21-62	7-1-62	12-1-62	[3] 16.5	[4] 17.5	
RI62-463...	Callery Properties, Inc., et al., 400 Bank of the Southwest Bldg., Houston 2, Tex.	1	1	Coastal Transmission Corp. (Palacios Field, Matagorda County, Tex.) (R.R. District No. 3).	18,250	5-21-62	7-1-62	12-1-62	[3] 17.5	[4] 18.5	
RI62-464...	The Atlantic Refining Co. (Operator), et al.	199	9	Coastal Transmission Corp. (East Aransas Pass Field, Aransas County, Tex.) (R.R. District No. 4).	1,707	5-21-62	7-1-62	12-1-62	[3] 17.0	[4] 18.0	
		200	10	Coastal Transmission Corp. (Palacios Field, Matagorda County, Tex.) (R.R. District No. 3).	87	5-21-62	7-1-62	12-1-62	[3] 17.5	[4] 18.5	
RI62-465...	Standard Oil Co. of Texas, a division of California Oil Co., P.O. Box 1249, Houston 1, Tex.	31	1	Transcontinental Gas P/L Corp. (Dillworth, S. Tilden, Henry, and Washburn Ranch Fields, McMullen and LaSalle Counties, Tex.) (R.R. District No. 1).	27,257	5-21-62	7-23-62	12-23-62	[5] [6] 14.189	[5] 15.2025	
		...do...			4,951				[7] [8] 13.68225	[5] 14.69575	
RI62-466...	H. L. Hunt, et al., 700 Mercantile Bank Bldg., Dallas 1, Tex.	4	16	Texas Eastern Transmission Corp. (Whelan and North Lansing Fields, Harrison County, Tex.) (R.R. District No. 6).	6,144	5-21-62	[9] 6-21-62	6-22-62	15.2	[10] 15.5	RI62-136

[1] The proposed effective dates are the first day after expiration of the required thirty days' notice or, if later, the date requested by respondent.
[2] Revenue sharing.
[3] Subject to downward Btu adjustment below 1,000 Btu's.
[4] Periodic increase.
[5] Consolidated with order on rehearing modifying order issuing certificates in Docket No. G-18338, et al.
[6] Leases in Dillworth, S. Tilden & Henry Fields, McMullen County, Tex.
[7] Leases in Washburn Ranch Field, La Salle County, Tex.
[8] Periodic tax reimbursement.
[9] Requests waiver of notice.
[10] Tax reimbursement.

The proposed revenue sharing rate increase of Champlin Oil & Refining Company is based upon the buyer's resale rate which is in effect subject to refund in Docket No. RI60-30. The subject increased rate is below the 11.5 cents per Mcf ceiling for increased rates in the area, and is herein suspended for one day.

The proposed increase of H. L. Hunt, et al., is intended to partially reimburse H. L. Hunt, et al. for payment of the Texas Dedicated Reserve Gas Tax. The proposed increased rate exceeds the applicable area price level, and is herein suspended for one day.

The other producers' rate changes herein are periodic increases and exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by Champlin Oil & Refining Company and H. L. Hunt, et al., as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37) on or before July 25, 1962.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-6088; Filed, June 21, 1962; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

HILLSBORO BANK AND SAVINGS CO.

Order Approving Acquisition of Bank's Assets

In the matter of the application of The Hillsboro Bank and Savings Company for approval of acquisition of assets of The Citizens Bank and Savings Company of Leesburg.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by The Hillsboro Bank and Savings Company, Hillsboro, Ohio, a member bank of the Federal Reserve System, for the Board's prior consent to its acquisition of the assets and assumption of the liabilities of The Citizens Bank and Savings Company of Leesburg, Leesburg, Ohio, and as an incident thereto, The Hillsboro Bank and Savings Company has applied, under section 9 of the Federal Reserve Act, for the Board's prior approval of the establishment of a branch by that bank at the location of The Citizens Bank and Savings Company of Leesburg.

Pursuant to the Bank Merger Act, notice of the proposed acquisition of assets and assumption of liabilities, in form approved by the Board of Governors, has been published, and reports on the competitive factors involved in the proposed transaction have been furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice and have been considered by the Board.

It is ordered, for the reasons set forth in the Board's Statement [1] of this date, that said applications be, and hereby are approved, provided that the capital stock of The Hillsboro Bank and Savings Company is increased as required by law before the date of the establishment of said branch, and provided further that said acquisition of assets and assumption of liabilities and establishment of said branch shall not be consummated (a) sooner than seven calendar days after the date of this Order or (b) later than three months after said date.

Dated at Washington, D.C., this 18th day of June 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-6092; Filed, June 21, 1962; 8:48 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Cleveland.

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 19, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37808: *Clay, Kaolin or Pyrophyllite to WTL Territory.* Filed by O. W. South, Jr., Agent (No. A4205), for interested rail carriers. Rates on clay, kaolin or pyrophyllite, as described in the application, in carloads, from points in Alabama, Florida, Georgia, North Carolina and South Carolina, to points in western trunk-line territory.

Grounds for relief: Short-line distance formula, grouping and different bases for rates.

Tariff: Supplement 121 to Southern Freight Association tariff I.C.C. S-40.

FSA No. 37809: *Glycols from Doe Run, Ky., to Chicago, Ill.* Filed by O. W. South, Jr., Agent (No. A4207), for interested rail carriers. Rates on glycols, ethylene, diethylene, polypropylene and triethylene, in tank-car loads, from Doe Run, Ky., to Chicago, Ill.

Grounds for relief: Barge-truck competition.

Tariff: Supplement 206 to Southern Freight Association tariff I.C.C. 1565.

FSA No. 37810: *Brick or Tile Raw Materials Between Points in Southern Territory.* Filed by O. W. South, Jr., Agent (No. A4206), for interested rail carriers. Rates on crude earth suitable only for use in the manufacture of brick or tile, as described in the application, in carloads, between points in southern territory, also Ohio and Mississippi River crossings, Virginia cities and Washington, D.C.

Grounds for relief: Truck competition and short-line distance formula.

Tariff: Supplement 46 to Southern Freight Association tariff I.C.C. S-144.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-6103; Filed, June 21, 1962; 8:50 a.m.]

[Notice 654]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 19, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64722. By order of June 15, 1962, the Transfer Board approved the transfer to Industrial Carriers Corporation, Elizabeth, N.J., of Certificate No. MC 16872 Sub 6, issued May 20, 1958, to DeGennaro Transportation, Inc., acquired pursuant to MC-FC 61176 by Francis J. Kriz and Alvin Salkin, doing business as Atlantic Express, Elizabeth, N.J., authorizing the transportation of: Household goods and general commodities, excluding commodities in bulk and other specified commodities, between Morristown, N.J., and New York, N.Y., serving intermediate points on the specified highways, and certain New Jersey off-route points; and household goods, horses, and equipment, between Morristown, N.J., and points within 15 miles of Morristown, on the one hand, and, on the other, New York, N.Y., and points on Long Island, N.Y., those in Westchester County, N.Y., those in the Philadelphia, Pa., Commercial Zone, and those within a specified Pennsylvania territory. Bowes and Millner, 1060 Broad Street, Newark, N.J., Representatives for transferee, and Forman and Forman, 49 Broad Street, Elizabeth, N.J., Attorneys for transferor.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-6104; Filed, June 21, 1962; 8:50 a.m.]

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VOLUME 27 NUMBER 122

Washington, Saturday, June 23, 1962

THE UNIVERSITY OF MICHIGAN
JUN 26 1962
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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3479

PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES CARRYING OUT CERTAIN AGREEMENTS NEGOTIATED AT THE 1960–61 TARIFF CONFERENCE AND MODIFYING AND TERMINATING SUPERSEDED PARTS OF PRIOR TRADE AGREEMENT PROCLAMATIONS.

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PART I

STATEMENT OF PURPOSES

A. The purposes of this proclamation are:

First—to put into effect modifications of existing United States duties and other import restrictions, to add import restrictions, and to proclaim the continuance of existing customs or excise treatment.

Second—to proclaim the accession of Israel and Portugal as contracting parties to the General Agreement on Tariffs and Trade [1] (hereinafter referred to as the GATT).

Third—to put into effect certain rectifications of United States schedules to interim agreements which were proclaimed by Proclamation 3468 of April 30, 1962.[2]

Fourth—to terminate the parts of Proclamation 3468 of April 30, 1962, which are superseded as a result of the promulgation of this proclamation, and to modify part of Proclamation 3105 of July 22, 1955,[3] which has been affected by the promulgation of this proclamation.

B. The foregoing purposes are effectuated in Part II of this proclamation and the actions taken are required or appropriate to carry out certain trade agreements negotiated at the 1960–61 Tariff Conference. The agreements are identified in Paragraph A of Part II.

[1] General Agreement on Tariffs and Trade, of October 30, 1947 (61 Stat. (pt. 5) A11), including a Schedule of United States concessions, proclaimed by Proclamation 2761A of December 16, 1947 (61 Stat. (pt. 2) 1103).
[2] 27 F.R. 4235.
[3] 69 Stat. C44 (1955).

PART II

EFFECTUATING 1960–61 TARIFF CONFERENCE AGREEMENTS REQUIRING MODIFICATION AND CONTINUANCE OF UNITED STATES IMPORT DUTIES AND OTHER IMPORT RESTRICTIONS, AND THE ADDITION OF IMPORT RESTRICTIONS; PROVIDING FOR ACCESSION OF ISRAEL AND PORTUGAL TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE (GATT); RECTIFYING SCHEDLES TO PRIOR AGREEMENTS; AND MODIFYING AND TERMINATING SUPERSEDED PARTS OF PRIOR PROCLAMATIONS.

A. *Agreements Identified.*

Under section 350 of the Tariff Act of 1930, as amended, and prior to June 30, 1962, the following agreements* were entered into:

(1) Interim Agreement of March 6, 1962, between the United States and Japan, including a schedule of United States concessions to enter into force provisionally and to be applied on July 1, 1962, as supplemented by an agreement of May 15, 1962. Copies of this agreement and supplementary agreement are annexed to this proclamation as Annexes A and B.

(2) Interim Agreement of June 6, 1962, between the United States and Haiti, including a schedule of United States concessions which will enter into force on July 1, 1962. A copy of this agreement is annexed to this proclamation as Annex C.

(3) Interim Agreement of June 15, 1962, between the United States and India, including a schedule of United States concessions which will enter into force on July 1, 1962. A copy of this agreement is annexed to this proclamation as Annex D.

(4) Protocol of April 6, 1962 for the Accession of Israel to the General Agreement, including a schedule to the GATT of United States concessions comprising the concessions contained in the schedule of United States concessions to an agreement of March 5, 1962.[4] Pursuant to the agreement of April 6, 1962, Israel will become a contracting party to the GATT on July 5, 1962. The schedule of United States concessions to this agreement will become a schedule to the GATT on July 5, 1962. A copy of this agreement is annexed to this proclamation as Annex E.

(5) Protocol of April 6, 1962 for the Accession of Portugal to the General Agreement, including a schedule to the GATT of United States concessions comprising the concessions contained in the schedule of United States concessions to an agreement of March 5, 1962.[5] Pursuant to the agreement of April 6, 1962, Portugal became a contracting party to the GATT on May 6, 1962. The schedule of United States concessions to this agreement will become a schedule to the GATT on July 1, 1962. A copy of this agreement is annexed to this proclamation as Annex F.

(6) Agreement of May 30, 1962, between the United States and Peru, rectifying the United States schedule to an agreement of March 5, 1962.[6] The Agreement of May 30, 1962 will become effective on July 1, 1962. A copy of the agreement is annexed to this proclamation as Annex G.

(7) Agreement of June 7 and 14, 1962, between the United States and Switzerland, rectifying the United States schedule to an agreement of March 5, 1962.[7] This Agreement of June 7 and 14, 1962 will become effective July 1, 1962. A copy of the agreement is annexed to this proclamation as Annex H.

B. *Prior Findings.*

Prior to entering into the agreements specified in Paragraph A of this Part, the President found that certain existing duties or other import restrictions of the United States, and of the foreign countries which are contracting parties to the GATT, including Haiti, India, Japan, and Peru, and of Israel, Portugal, and Switzerland, were unduly burdening and restricting the foreign trade of the United States and that the purposes declared in section 350 of the Tariff Act of 1930, as amended, would be promoted by entering into the trade agreements identified in Paragraph A of this Part.

C. *Compliance With Procedural Requirements.*

Before concluding these agreements, reasonable public notice was given of the intention to conduct trade agreement negotiations under the GATT with the governments of the foreign countries referred to in Paragraph B of this Part, views presented by persons interested in such negotiations were received and considered, and information and advice with respect to such negotiations was sought and obtained from the Departments of State, Agriculture, Commerce, and Defense, and from other sources. In addition, pursuant to section 3 of the Trade Agreements Extension Act of 1951, as amended, 19 U.S.C. 1360, the President transmitted to the United States Tariff Commission for investigation and report lists of all articles imported into the United States of America to be considered for possible modification of duties and other import restrictions, imposition of additional import restrictions, or continuance of existing customs or excise treatment in trade agreement negotiations with the governments of the foreign countries referred to in Paragraph B of this Part. The Tariff Commission made investigations in accordance with section 3 of the Trade Agreements Extension Act of 1951, as amended, and thereafter reported to the President its determinations made pursuant to that section within the time specified therein.

D. *Determination That Decrease In Rate Will Simplify Computation.*

Certain modifications of existing rates of duties to be hereinafter proclaimed reflect decreases in rates of duties exceeding the limitations specified in section 350(a)(4)(A) or 350(a)(4)(B) of the Act but not exceeding the decreases permitted by section 350(a)(3)(D) of the Tariff Act of 1930, as amended. Under the authority of section 350(a)(3)(D) of the Act, I, John F. Kennedy, President of the United States, have determined that in each case the modified rate will simplify the computation of the amount of duty imposed with respect to the articles concerned.

E. *Determinations Respecting Ad Valorem Equivalents Of Specific Rates of Duty.*

In addition, I have made the determination regarding the ad valorem equivalent of the specific rate of duty (or combination of rates including a specific rate), and regarding the representative period, under the authority of section 350(a)(3)(D) and 350(a)(4)(A) of the Tariff Act of 1930, as amended, by reference to section 350(a)(2)(D)(ii) of the Act, in the case of each modification of an existing duty proclaimed in this proclamation for which such a determination was relevant, using, to the maximum extent practicable, the standards of valuation contained in section 402 or 402a of the Tariff Act, as amended, 19 U.S.C. 1401a or 1402.

*The agreements contained in Annexes C, D, G, and H are reproduced in Department of State Press Release 412 of June 21, 1962. The agreements contained in Annexes E and F have been published by the Contracting Parties to the General Agreement on Tariffs and Trade and may be purchased from the Columbia University Press. The general provisions of, and schedules of United States concessions to, the agreements contained in all the annexes will be published in Treasury Decisions (Customs). These agreements will be published by the Department of State in Treaties and Other International Acts Series (TIAS) and United States Treaties (UST) after the schedules of United States concessions have taken effect.

[4] Interim Agreement of March 5, 1962, between the United States and Israel (Treas. Decs. (Cust.), May 10, 1962, p. 50), including a schedule of United States concessions. This agreement was proclaimed by Proclamation 3468 of April 30, 1962 (27 F.R. 4235).

[5] Interim Agreement of March 5, 1962, between the United States and Portugal (TIAS 5017), including a schedule of United States concessions. This agreement was proclaimed by Proclamation 3468 of April 30, 1962 (27 F.R. 4235).

[6] Interim Agreement between the United States and Peru, of March 5, 1962 (Treas. Decs. (Cust.) May 10, 1962, p. 64), proclaimed by Proclamation 3468 of April 30, 1962 (27 F.R. 4235).

[7] Interim Agreement between the United States and Switzerland, of March 5, 1962 (Treas. Decs. (Cust.) May 10, 1962, p. 85), proclaimed by Proclamation 3468 of April 30, 1962 (27 F.R. 4235).

F. *Proclamation Of Modifications And Continuance Of Existing United States Duties And Other Import Restrictions, The Addition Of Import Restrictions, The Accession Of Israel And Portugal To The GATT, Rectifications Of Schedules To Prior Agreements, And The Modification And Termination Of Superseded Parts Of Prior Proclamations.*

NOW, THEREFORE,

I, John F. Kennedy, under the authority vested in me, as President, by the Constitution and statutes, in particular section 350(a) of the Tariff Act of 1930, as amended, having found that it is required or appropriate to carry out foreign trade agreements, particularly the agreements identified in Paragraph A of this Part and the GATT, do proclaim that:

(1) *Effectuating Modifications And Other Purposes Of The Agreements.*

Subject to the provisions of subparagraph (2) below, there are hereby made effective, as to articles entered for consumption or withdrawn from warehouse for consumption on and after the dates specified below, the modifications of existing duties and other import restrictions of the United States, the addition of import restrictions, and the continuance of existing customs or excise treatment of articles imported into the United States specified or provided for in the general provisions of, and schedules of United States concessions to, the agreements identified in Paragraph A of this Part, as follows:

(a) Each rate of duty or import tax specified in column A at the right of the respective description of products in a schedule of the United States annexed to an agreement identified in Paragraph A of this Part or, in any case in which there are two such rates in column A, the first such rate: July 1, 1962, except that in the case of the agreement with Israel the date shall be July 5, 1962.

(b) Each rate of duty or import tax specified in column B at the right of the respective description of products in a schedule of the United States to an agreement identified in Paragraph A of this Part and, in any case in which there are two rates specified in column A at the right of the description, the second such rate: on and after the appropriate date determined in accordance with the provisions of the General Notes at the end of that schedule.

(c) The general provisions of the agreements identified in Paragraph A of this Part and the general provisions of the United States schedules thereto: July 1, 1962, except that in the case of the agreement with Israel the date shall be July 5, 1962.

(2) *Conditions To Which The Modifications And Other Actions Are Subject.*

The provisions of Paragraph F(1) of this Part shall be applied subject to the following provisions:

(a) The applicable terms, conditions, and qualifications set forth in the agreements identified in Paragraph A of this Part, in Parts I, II, and III of the GATT, in Annexes D, H, and I and Schedules XX to the GATT, and in the Protocol of Provisional Application of the GATT, of October 30, 1947 (61 Stat. (pt. 6) A2051).

(b) The exception that no rate of duty or import tax shall be applied to a particular article by virtue of this proclamation if, when the article is entered for consumption or withdrawn from warehouse for consumption, more favorable customs treatment is prescribed for the article by (a) a proclamation pursuant to section 350 of the Tariff Act of 1930 or (b) any other proclamation, a statute, or an executive order, which proclamation, statute, or order either provides for an exemption from duty or import tax or became effective subsequent to March 7, 1962.

(c) In the case of the agreement with Israel of April 6, 1962, identified in Paragraph A(4) of this Part, in applying the General Notes to the schedule of the United States concessions, each rate in column A shall be treated as having become initially effective on July 1, 1962.

(3) *Modification Of Prior Proclamation.*

As a result of the proclamation of the agreement with India identified in Paragraph A(3) of this Part, I do hereby modify as of July 1, 1962, subject to the provisions of section 401 of the Tariff Classification Act of 1962, 76 Stat. 78, the list set forth in the sixteenth recital of Proclamation 3105 of July 22, 1955 (69 Stat. C44), so that the "Description of products" in item 1507 shall read: "Bristles (except natural bristles), sorted, bunched, or prepared."

(4) *Termination Of Superseded Parts Of Prior Proclamation.*

As a result of the proclamation of the agreements identified in Paragraphs A (4), (5), and (6) of this Part, parts of Proclamation 3468 of April 30, 1962 (27 F.R. 4235) have been superseded and accordingly, I hereby terminate Parts I:1 and I:2 of Proclamation 3468 of April 30, 1962 (27 F.R. 4235) insofar as those Parts relate to the Interim Agreement of March 5, 1962, between the United States and Portugal,[8] and insofar as it contains an exception with respect to item 765 in the United States schedule to the Interim Agreement of March 5, 1962 between the United States and Peru [9] as of July 1, 1962, and insofar as it relates to the Interim Agreement of March 5, 1962, between the United States and Israel,[10] on July 5, 1962.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 20th day of June in the year of our Lord nineteen hundred and sixty-two, and of the Independence of the United States of America the one hundred and eighty-sixth.

[SEAL]

JOHN F. KENNEDY

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 62-6222; Filed, June 22, 1962; 10:58 a.m.]

[8] TIAS 5017. This agreement was superseded by the agreement identified in Paragraph A(5) of this Part.
[9] Treas. Decs. (Cust.), May 10, 1962, p. 85. This agreement was rectified by the agreement identified in Paragraph A(6) of this Part.
[10] Treas. Decs. (Cust.), May 10, 1962, p. 50. This agreement was superseded by the agreement identified in Paragraph A(4) of this Part.

Memorandum of June 20, 1962

[EFFECTIVE DATE OF TARIFF CONCESSIONS IN UNITED STATES SCHEDULES TO CERTAIN TRADE AGREEMENTS]

Memorandum for the Secretary of the Treasury

THE WHITE HOUSE,
Washington, June 20, 1962.

Reference is made to Proclamation 3468 of April 30, 1962, carrying out certain agreements negotiated at the 1960-61 Tariff Conference. (27 F.R. 4235.)

Pursuant to Part I:1(a)(ii) of that proclamation I notify you that the effective date for the rates of duty or import tax specified in column A at the right of the respective descriptions of products in the schedules of United States concessions to the following agreements identified in recital 12 of the proclamation and annexed thereto, or in any case in which there are two such rates in column A the first such rate, shall be July 1, 1962:

Clause in recital 12	Name and date of agreement	Annex Containing agreement	Text of U.S. Schedule
(f)	Interim Agreement between the United States and Denmark, of March 5, 1962.	F	Treas. Decs. (Cust.) May 10, 1962, 42.
(g)	Interim Agreement between the United States and Finland, of March 5, 1962.	G	Treas. Decs. (Cust.) May 10, 1962, 47.
(h)	Interim Agreement between the United States and Israel, of March 5, 1962.	H	Treas. Decs. (Cust.) May 10, 1962, 51.
(i)	Interim Agreement between the United States and New Zealand, of March 5, 1962.	I	Treas. Decs. (Cust.) May 10, 1962, 54.
(j)	Interim Agreement between the United States and Norway, of March 5, 1962.	J	Treas. Decs. (Cust.) May 10, 1962, 57; 78th Cong., 2d Sess., H. Doc. 358, p. 226.
(k)	Interim Agreement between the United States and Pakistan, of March 5, 1962.	K	Treas. Decs. (Cust.) May 10, 1962, 62.
(l)	Interim Agreement between the United States and Peru, of March 5, 1962.	L	Treas. Decs. (Cust.) May 10, 1962, 65.
(n)	Interim Agreement between the United States and Sweden, of March 5, 1962.	N	Treas. Decs. (Cust.) May 10, 1962, 78; 78th Cong., 2d Sess., H. Doc. 358, p. 233.
(o)	Interim Agreement between the United States and Switzerland, of March 5, 1962.	O	Treas. Decs. (Cust.) May 10, 1962, 86.
(r)	Interim Agreement between the United States and Canada, of March 7, 1962.	R	Treas. Decs. (Cust.) May 10, 1962, 105.
(s)	Interim Agreement between the United States and the European Economic Community, of March 7, 1962.	S	Treas. Decs. (Cust.) May 10, 1962, 116; 78th Cong., 2d Sess., H. Doc. 358, p. 15.
(t)	Interim Agreement between the United States and United Kingdom, of March 7, 1962.	T	Treas. Decs. (Cust.) May 10, 1962, 191; 78th Cong., 2d Sess., H. Doc. 358, p. 160.

A trade agreement proclamation issued today proclaims, effective July 1, 1962, agreements rectifying the United States schedules to the interim agreements with Peru and Switzerland identified in recital 12 (l) and (o) of the proclamation of April 30, 1962.

You will, if appropriate, be separately notified regarding the effective date of concessions in the United States schedule to the Interim Agreement between the United States and Austria, of March 6, 1962, identified in recital 12(p) of the proclamation of April 30, 1962, which will be July 1, 1962, if the United States has by that date received notification of the ratification of that agreement by Austria.

Pursuant to the trade agreement proclamation issued today, the concessions in the United States schedule to the Interim Agreement between the United States and Portugal, of March 5, 1962, identified in recital 12(m) of the proclamation of April 30, 1962, will on July 1, 1962, be superseded by identical concessions in the United States schedule to the Protocol for the Accession of Portugal to the General Agreement, of April 6, 1962. Consequently, no notification will be given to you regarding the effective date of the schedule to the interim agreement with Portugal.

Pursuant to Part I:1(a)(i) and recital 16(b) of the proclamation of April 30, 1962, the concessions in the United States schedules to the compensatory agreements therein identified will become initially effective on July 1, 1962, unless the President notifies the Secretary of the Treasury of an earlier date. I have no intention of notifying you of any earlier effective date for these concessions.

JOHN F. KENNEDY

[F.R. Doc. 62-6221; Filed, June 22, 1962; 10:58 a.m.]

Rules and Regulations

Title 44—PUBLIC PROPERTY AND WORKS

Chapter IV—Business and Defense Services Administration, Department of Commerce

[Foreign Excess Property Order No. 1]

PART 401—FOREIGN EXCESS PROPERTY

Importation Into the United States of Nonagricultural Foreign Excess Property

On May 2, 1962, there was published in the FEDERAL REGISTER (27 F.R. 4202) a Notice of the Proposed Issuance of Foreign Excess Property Order No. 1, Importation Into the United States of Nonagricultural Foreign Excess Property. Said notice provided for the submission of views or arguments in writing to the Foreign Excess Property Officer of the Department of Commerce within 20 days following the day of publication of the notice of proposed rule making. Views and arguments have been received in writing and have been considered. Editorial, procedural and substantive modifications have been made in the text of the proposed Foreign Excess Property Order No. 1.

Pursuant to the Administrative Procedure Act, insofar as it may be applicable hereto, Foreign Excess Property Order No. 1 (44 CFR Part 401) is hereby published and is made effective upon the date of publication hereof in the following form:

Sec.

401.1 What this part does.
401.2 Definitions.
401.3 Office of Foreign Excess Property Officer (FEPO).
401.4 Criteria and principles.
401.5 General determinations of shortage or benefit.
401.6 Small lot procedure.
401.7 Importations for public and quasi-public use.
401.8 Metal scrap.
401.9 Entries in bond for reexport.
401.10 Entries in bond other than for reexport.
401.11 Applications.
401.12 Issuance of FEP Import Determinations.
401.13 Issuance of FEP Import Authorizations.
401.14 Transfer of FEP Import Authorizations.
401.15 Time extensions.
401.16 Finality of decisions.
401.17 Appeals.
401.18 Exemption of Government-owned property.
401.19 Violations and penalties.
401.20 Cancellation of certain determinations.
401.21 Communications.
401.22 Transitional provisions.
401.23 Revocations of previous delegations and orders.

AUTHORITY: §§ 401.1 to 401.23 issued under secs. 402, 404(b), 601, Act of June 30, 1949, 63 Stat. 398, 399, 64 Stat. 583, 40 U.S.C. 512, 514(b) and 473; Foreign Liquidation Commissioner's Reg. 8, 44 CFR 308.15; Commerce Department Order No. 152 (Revised), 26 F.R. 7977.

§ 401.1 What this part does.

This part prescribes procedures for making applications for determinations as to whether importation of foreign excess property, as defined in this part, would relieve domestic shortages or otherwise be beneficial to the economy of this country. It prescribes procedures for the issuance of FEP Import Determinations and FEP Import Authorizations, as defined in § 401.2 (h) and (i). It sets forth subsidiary criteria and principles to be applied in determining whether importation of foreign excess property would relieve domestic shortages or otherwise be beneficial to the economy of this country and provides for the making of General Determinations by the Administrator of the Business and Defense Services Administration, with respect to the importation of particular kinds of foreign excess property. It provides for liaison with the Bureau of Customs, Treasury Department, in connection with such importations. It delegates authority to the Commissioner of Customs with respect to certain matters pertaining to importations in bond and otherwise. It establishes procedures for appeals from actions of the Foreign Excess Property Officer. It provides administrative measures for enforcement of the Order. It supersedes Foreign Excess Property Order No. 1 (Revised) (24 F.R. 366), as amended (24 F.R. 5119, 24 F.R. 8548, 25 F.R. 7013).

§ 401.2 Definitions.

For the purposes of this part:

(a) "Foreign excess property" means any property (except any agricultural commodity, food, or cotton or woolen goods) located outside the United States, under the control of any Federal agency, which is not required for its needs and the discharge of its responsibilities as determined by the head thereof. It includes any such property after it has been disposed of by such Federal agency, notwithstanding any subsequent change of ownership. The importation of surplus property sold by the Government or any agency thereof in foreign areas before July 1, 1949, is governed by Foreign Liquidation Commissioner's Reg. 8, which delegates to the Secretary of Commerce jurisdiction over some but not all of such property (§ 308.15 of this title). To the extent that such jurisdiction over such property is delegated to the Secretary of Commerce, such property shall be deemed to be foreign excess property, and is governed by the provisions of this part. All persons owning or acquiring property disposed of by the Government in foreign areas before July 1, 1949, are referred to the said Foreign Liquidation Commissioner's Reg. 8, § 308.15 of this title, for the rules applicable to the importation of any such property which is not subject to the jurisdiction of the Secretary of Commerce. Property of lend-lease origin (unless such property has been reacquired by an agency of the United States Government and subsequently disposed of under the Act of June 30, 1949, 63 Stat. 398, 399, 40 U.S.C. 512, 514(b)) is not regarded as foreign excess property nor is the importation of such property prohibited or otherwise limited by Foreign Liquidation Commissioner's Reg. 8.

(b) "BDSA" means the Business and Defense Services Administration of the United States Department of Commerce.

(c) "Administrator" means the Administrator of BDSA.

(d) "Foreign Excess Property Officer (FEPO)" means the Officer appointed by the Administrator to administer this Order.

(e) "Appeals Board" means the Appeals Board for the United States Department of Commerce.

(f) "Person" means any individual, corporation, partnership, association, or any other organized group of persons.

(g) "United States" means the states of the Union, the District of Columbia, the Commonwealth of Puerto Rico and the Virgin Islands.

(h) "FEP Import Determination" (Form FEPF–2) means a document issued by the FEPO stating that the importation of specified and identified foreign excess property would, or would not, relieve domestic shortages or otherwise be beneficial to the economy of this country. An FEP Import Determination is not an authorization to import foreign excess property.

(i) "FEP Import Authorization" (Form FEPF–4) means a document issued by the FEPO to the owner of specified and identified foreign excess property authorizing such person to import such foreign excess property into the United States within the period stated therein.

§ 401.3 Office of Foreign Excess Property Officer (FEPO).

(a) The Office of Foreign Excess Property Officer (FEPO) is hereby established.

(b) Under the general direction and supervision of the Administrator, the FEPO is authorized to carry out the functions assigned to him in this part.

§ 401.4 Criteria and principles.

(a) *Basic criteria.* The basic criteria to be applied in making FEP Import Determinations are contained in section 402 of the Federal Property and Administrative Services Act of 1949. These are, whether "the importation of such property would relieve domestic shortages or otherwise be beneficial to the economy of this country." These are broad and general concepts and require particulariza-

tion in their application. More detailed criteria and principles, subsidiary to and consistent with those laid down in the statute, are contained in this Order, and will be observed by all concerned.

(b) *Shortages.* In general, a shortage in the market for any particular type or class of goods or materials exists when the demand is greater than the supply. Shortages may be temporary or seasonal in nature and may also be chronic or of long duration. Shortages may be caused by inadequate productive capacity to supply the market; by shortage in raw materials or component parts; by labor shortage or work stoppage; or by lack of sufficient demand to support economic production.

(c) *"Beneficial to the economy of this country."* The importation of foreign excess property must have special benefits over and beyond any benefits to be derived in the market place solely by an added supply of goods and materials through imports. Although the importation of foreign excess property may make available additional supplies of products and materials, it is not considered that this situation in itself constitutes the type of benefit to the economy contemplated in the law.

(d) *Geographical basis for determinations.* Shortages and benefits to the economy shall be determined on a basis of designated geographic areas. For this purpose, Alaska, Hawaii, Puerto Rico, the Virgin Islands, and the remaining continental United States as a single unit, are severally designated as separate geographic areas. The maximum quantities of any type of property that will be authorized for importation into a geographic area will be commensurate with the estimated semiannual absorption capacity of the area for such property.

(e) *Detailed criteria and principles.* A finding of the existence of a domestic shortage which would be relieved by importation of foreign excess property, or of other benefits to the domestic economy, must take the following elements into consideration:

(1) *Affirmative finding required.* It is not sufficient to find that an importation would not be harmful. It must affirmatively appear that it would specifically relieve a shortage, or otherwise be beneficial to the economy.

(2) *Unused versus used property.* Unless a contrary conclusion is clearly warranted, unused foreign excess property will be regarded as competitive with new property of domestic manufacture, and used foreign excess property will be regarded as competitive with used property of domestic manufacture.

(3) *Price.* The price at which foreign excess property is acquired, or the price at which it can be sold in the domestic market, will not be considered as an adequate benefit to the economy to justify importation, nor will the possibility of domestic sale of such property at abnormally low prices be regarded as evidence of domestic shortage.

(4) *Competitive products.* A product of specific grade, quality, capacity or dimension, or having particular performance characteristics, may be considered to be in short supply if alternative domestically produced products of equivalent grade, quality, capacity, dimension or performance characteristics are not generally available in the domestic market.

(5) *Time of determination of shortage.* Shortages shall be determined as of the date of receipt of application for FEP Import Determination, or as near thereto as shall be practicable. In the case of applications involving kinds of property which are customarily assembled from stock components to customers' orders, the normal period for domestic delivery of such products shall be taken into consideration in determining whether a shortage exists.

(6) *Outstanding FEP Import Determinations.* If FEP Import Determinations have been issued for the importation of a product, the quantities covered thereby should be assumed to be included in the domestic supply for the purpose of determining whether a shortage exists.

(7) *Unique articles.* Unique items, including museum and collection pieces, articles of historical value, antiques, and items of special sentimental value may be considered beneficial to the economy.

(8) *Expenditures in connection with importation.* A need for substantial expenditures for labor, materials, parts, storage, transportation, and similar items shall be taken into consideration, together with other relevant factors, in determining benefit to the economy.

(9) *Net benefit.* Every importation presumably confers some benefit upon some segment of the economy; otherwise it would not be applied for. This is obviously not the sole benefit intended by the statute. For the purposes of the law, the benefit to the economy resulting from an importation must outweigh the detriment.

§ 401.5 General determinations of shortage or benefit.

(a) Upon application of any interested person or on his own motion, the Administrator may make a General Determination that the importation of particular kinds of foreign excess property would relieve a domestic shortage or otherwise be beneficial to the economy of this country. At least 30 days prior to making any such General Determination, the Administrator will publish in the FEDERAL REGISTER notice of intention to make such a General Determination and will state in such notice in what manner and for what period comments on such proposed General Determination may be submitted. At the expiration of the 30-day period and after consideration of comments timely and properly submitted, the Administrator may make such General Determination, within the scope of the notice of intention, as he may consider appropriate, and shall publish notice thereof in the FEDERAL REGISTER.

(b) Upon the publication in the FEDERAL REGISTER of Notice of a General Determination that the importation of particular kinds of foreign excess property would relieve a domestic shortage or would otherwise be beneficial to the economy of this country, and until such General Determination is withdrawn by notice of withdrawal published in the FEDERAL REGISTER, any such property may be imported into the United States without any application being made to, or FEP Import Authorization issued by, the FEPO.

(c) General Determinations that importations of particular kinds of foreign excess property would relieve a domestic shortage or otherwise be beneficial to the economy of this country may be amended or withdrawn by the Administrator in the same manner in which such General Determinations are made.

§ 401.6 Small lot procedure.

(a) Small Lots of foreign excess property, as defined in the following paragraphs, shall be exempt from the requirements for investigation and finding in regard to shortage or other benefit to the economy.

(b) A Small Lot consists of a single item or article of foreign excess property, or a single lot of parts or components, which may be imported for the exclusive use of an applicant, the United States Government acquisition cost of which was not in excess of $10,000. A single lot of parts or components shall, for the purpose of this section, not exceed the number of such parts or components normally used, attached or installed on a single complete item or article.

(c) To qualify for consideration under the Small Lot Procedure the following conditions must be met:

(1) The property must consist of a single Small Lot as defined in paragraph (b) of this section.

(2) The applicant must file an application to import a single Small Lot in accordance with the provisions of § 401.11. In lieu of the information required in Item 5 of Part I of the application, Form FEPF–1, the application must include the following statement:

> This application is filed in accordance with and subject to the provisions of § 401.6 *Small lot procedure.*

Such applications shall be known as Small Lot Applications.

(3) The applicant must submit evidence satisfactory to the FEPO that he has procured the property or that he proposes to procure the property directly from a United States Government agency, and of the United States Government acquisition cost of the property. Such evidence of acquisition cost shall consist of the United States Government acquisition cost of the property as set forth on an actual or estimated basis in the Invitation for Bids; or, if no such actual or estimated acquisiton cost is set forth in the Invitation for Bids, the acquisition cost shall, for the purposes of this section, be deemed to be equal to ten times the applicant's bid or ten times the United States Government's sale price of the property, whichever shall be applicable, or such lesser amount as the FEPO shall deem appropriate.

(4) A Small Lot Application must set forth that the property is to be imported for the exclusive use of the applicant, that it will not be sold, rented, encumbered, loaned, or given away by the applicant for a period of two years from date of entry, and that bond will be furnished in accordance with paragraph (f) of this section to provide assurance against unauthorized diversion or use of the property.

(d) No person shall be authorized during any one year period to import under the Small Lot Procedure:

(1) More than one item or article, or more than one lot of parts or components, of the same or comparable alternative kind.

(2) More than two Small Lots.

(3) More than $10,000 of property expressed in terms of United States Government acquisition cost.

(e) Every FEP Import Determination and FEP Import Authorization issued pursuant to this section shall state that it is issued in accordance with the Small Lot Procedure, shall set forth the United States Government acquisition cost of the property, and shall refer to the requirement for furnishing bond contained in paragraph (f) of this section.

(f) A person to whom an FEP Import Authorization has been issued for a Small Lot must furnish, at the time of entry of the property, a bond to the Collector of Customs in an amount equal to the United States Government's acquisition cost as stated in the FEP Import Authorization. Such bond shall conform to the Bureau of Customs Forms 7551 or 7555 with the added conditions:

> There is incorporated in and made a part of the bond No. ------ dated ----------, in the amount of $------, executed by ---------- as principal, and ---------, as surety, the following added condition:
>
> Whereas, the principal named in the said bond has been permitted, in accordance with § 401.6 of Foreign Excess Property Order No. 1, to enter merchandise subject to the provisions of section 402 of the Federal Property and Administrative Services Act of 1949, and,
>
> Whereas, the said obligors stipulate and agree that within two (2) calendar years of the date of entry of this property such property shall not be sold, rented, encumbered, loaned, or given away but shall be restricted to the exclusive use of the principal;
>
> Now, therefore, the added condition on this obligation is such that if during the two (2) year calendar period subsequent to the date of importation the principal named herein shall have retained said property in his possession and available for inspection by Customs officials, and if the said property shall not have been sold, rented, encumbered, loaned, or given away within said two (2) year period, and if at the end of said period the principal shall certify to the Collector of Customs at the port of entry that said property has been retained for the exclusive use of the principal and has not been sold, rented, encumbered, loaned, or given away, or in default thereof the obligors shall pay to the Collector of Customs as liquidated damages the full amount of the bond to which this special condition is attached;
>
> Then this added condition shall be void, otherwise to remain in full force and effect.

(g) The Bureau of Customs shall retain custody of bonds furnished under this section and may take appropriate measures to secure compliance with the conditions and obligations of such bonds and for the enforcement thereof.

§ 401.7 Importations for public and quasi-public use.

The importation of foreign excess property:

(a) Which is the subject of a firm contract of sale and delivery to the Federal Government, or

(b) Which is the subject of a firm contract of sale and delivery to, or is offered for importation by, any State or any agency of a State, or a tax-supported or other nonprofit medical institution, hospital, clinic, health center, school system, school, college or university, for purposes of education or public health or for research for either of such purposes, or for civil defense purposes

shall be deemed to be beneficial to the economy of the United States. No application need be filed with the FEPO for such importation, but the importer of such property shall submit evidence acceptable to the Collector of Customs at the port of entry of such property either: (1) That the importer of such property has entered into a firm contract of sale and delivery thereof to a purchaser designated as an eligible purchaser thereof in this section, or (2) that the importer of such property is itself an eligible purchaser of such property.

§ 401.8 Metal scrap.

(a) The determination made on August 23, 1950 (15 F.R. 5847, 5849) that no authorization is required for importation of foreign excess property in the form of metal scrap has been revoked (24 F.R. 366). Except as provided in paragraph (b) of this section, applications for the importation of metal scrap should be made to the FEPO in accordance with the provisions of this part.

(b) No application need be filed with the FEPO for the importation of foreign excess property in the form of metal scrap which is exempt from import duty or duties or with respect to which all import duties imposed by or pursuant to the Tariff Act of 1930, as amended, are, at the time of such importation, suspended by law.

(c) The Collector of Customs at the port of entry may require, as a condition precedent to such importation, that the importer furnish an undertaking in a form and an amount to be prescribed by the Treasury Department to insure that none of the property will be diverted from use as metal scrap in those instances where the property imported is in a form in which it could be diverted to use as a product. Importers of metal scrap pursuant to paragraph (b) of this section may be required to furnish like undertakings.

§ 401.9 Entries in bond for reexport.

(a) Applications for importations of foreign excess property in bond for reexport will not be entertained by the FEPO. The procedures set forth in this section shall be applicable to such applications and importations.

(b) The Bureau of Customs, Treasury Department, shall have authority to permit the entry into the United States of foreign excess property in bond for reexport. Bonds accepted for this purpose by the Bureau of Customs shall conform to Bureau of Customs Forms 7551 or 7555, with the added condition:

> There is incorporated in and made a part of the bond No. ------ dated ---------- in the amount of ------, executed by ----------, as principal, and ----------, as surety, the following added condition:
>
> Whereas, the principal named in the said bond has been permitted to enter merchandise subject to the provisions of section 402 of the Federal Property and Administrative Services Act of 1949, which has been imported for reexport:
>
> The obligors named in the above-mentioned bond stipulate and agree that there shall be delivered to the Collector of Customs at the port of entry named in this bond or to the Collector of Customs at another port of entry; in accordance with the provisions of law and regulations pertaining to the entry and exportation of merchandise, all the above-described merchandise for customs inspection and identification prior to exportation; and if such merchandise shall not be used for any gainful purpose in the United States; and if all the merchandise shall be actually so exported within two years from the date of importation, or within any lawful extension of such period, and if the said merchandise shall not be relanded in the United States; or, in default thereof, the obligors shall pay to the Collector of Customs such amounts as liquidated damages as may be demanded by him in accordance with the law and regulations, not exceeding the amount of this obligation.
>
> Then this added condition shall be void, otherwise to remain in full force and effect.

(c) No extensions of time for reexportation shall be granted by the Bureau of Customs without the prior written approval of the FEPO.

(d) The Commissioner of Customs may promulgate such regulations not inconsistent herewith as he deems appropriate with respect to applications for importation of foreign excess property in bond for reexport, and procedures of the Bureau of Customs in respect to such applications.

(e) Persons making applications to import foreign excess property in bond for reexport shall comply with regulations promulgated by the Commissioner of Customs. The provisions of § 401.11 shall not apply thereto.

§ 401.10 Entries in bond other than for reexport.

(a) If an applicant for an FEP Import Determination or FEP Import Authorization elects to do so, he may specify in his application that the foreign excess property which he proposes to import will be processed, reprocessed, disposed of, or otherwise dealt with in a stated manner. If the FEPO determines that importation of the property under the specified conditions would relieve a domestic shortage or otherwise be beneficial to the economy of this country, but that importation of such property for any different use or purpose would not satisfy these criteria, he may authorize importation of such property upon condition that the applicant, prior to or concurrently with entry of the property, furnish a bond with sufficient surety to the Collector of Customs at the port of entry of such property. Such bond shall conform to Bureau of Customs Forms 7551 or 7555, and shall contain such added special condition or conditions as may be appropriate to the case. The penal sum of any such bond shall be three times the value of the property to be imported.

(b) The special condition or conditions of each different type bond proposed to be authorized under paragraph (a) of this section shall be submitted by the

FEPO to the Commissioner of Customs for his concurrence. No conditional FEP Import Determination or conditional FEP Import Authorization shall be issued with respect to any property unless and until the concurrence of the Commissioner of Customs with respect to the special condition or conditions of the bond applicable thereto shall have been received by the FEPO.

(c) Upon receipt of concurrence of the Commissioner of Customs in the special condition or conditions of a proposed bond, the FEPO may issue a conditional FEP Import Determination or conditional FEP Import Authorization as provided in this section. Such conditional FEP Import Determination or conditional FEP Import Authorization shall specify the condition or conditions under which the foreign excess property described therein may be imported into the United States, and shall set forth the special condition or conditions of the bond provided for in this section. The property described therein may thereupon be imported only upon presentation of a conditional FEP Import Authorization in due form, accompanied by an appropriate surety bond, to the Collector of Customs at the port of entry of such property.

(d) The Bureau of Customs shall retain custody of bonds furnished under this section and may take appropriate measures to secure compliance with the conditions and obligations of such bonds, and for the enforcement thereof.

§ 401.11 Applications.

(a) Any person proposing to import foreign excess property (other than property exempted from the requirement of an FEP Import Authorization pursuant to § 401.5, § 401.7, § 401.8, or § 401.9), shall make application in duplicate to the FEPO for an FEP Import Determination with respect to the property involved. Such application shall be made on Form FEPF–1 set forth below as Annex 1. Form FEPF–1 may be obtained from the FEPO, Department of Commerce Field Offices, Collectors of Customs or it may be reproduced by an applicant. The instructions contained in Form FEPF–1 are made a part of this Order. Where the applicant is the owner of the foreign excess property which is the subject of the application, and submits proof of ownership thereof as prescribed in § 401.13, the application shall also be treated as a request for an FEP Import Authorization.

(b) When it is intended to import property into Alaska, Hawaii, Puerto Rico or the Virgin Islands, the following statement must be entered in Box 5 of Part II of application form FEPF–1, in addition to the other information called for therein: "It is proposed to enter the property covered by this application into ----------" (Alaska, Hawaii, Puerto Rico or Virgin Islands—enter one only). In the absence of such a statement it will be assumed that entry into the remaining continental United States is intended.

(c) An application which is incomplete in any material respect, or which is not executed in the manner prescribed in the Instructions contained in Form FEPF–1, or which does not lie within the jurisdiction of the FEPO, shall be returned without action by the FEPO to the applicant.

(d) In order to permit time for investigation and consideration 15 days will ordinarily be required for processing applications for unused property and 20 days for used property.

§ 401.12 Issuance of FEP Import Determinations.

(a) The determination made by the FEPO that importation of foreign excess property would or would not relieve domestic shortages or otherwise be beneficial to the economy of this country shall be issued on Form FEPF–2, "FEP Import Determination". An FEP Import Determination is not an authorization for the importation of foreign excess property.

(b) FEP Import Determinations shall be serially numbered, and shall be dated and signed by the FEPO. FEP Import Determinations shall remain in effect for a period of six months from the date thereof.

(c) A copy of each FEP Import Determination shall be transmitted to the original applicant and to any other person upon request.

§ 401.13 Issuance of FEP Import Authorizations.

(a) Upon presentation to the FEPO of a Request for FEP Import Authorization (Form FEPF–3), or of Application for FEP Import Determination (Form FEPF–1) completely executed including Part II thereof, and proof of ownership of foreign excess property described therein concerning which the FEPO has made a determination that its importation would relieve domestic shortages or otherwise be beneficial to the economy of this country, the FEPO shall issue an FEP Import Authorization (Form FEPF–4). The original of the FEP Import Authorization shall be transmitted to the owner of the property and two copies of each FEP Import Authorization shall be furnished to the Collector of Customs at the proposed port of entry.

(b) Proof of ownership shall consist of a photocopy of bill of sale of the property involved or other evidence of title satisfactory to the FEPO.

(c) FEP Import Authorizations shall expire upon the expiration date of the FEPO Import Determination with respect to the same property, and shall constitute the sole authority for the importation thereof into the United States within such period.

(d) Each original FEP Import Authorization shall be presented to the Collector of Customs for his indorsement at the time of entry of any property described therein.

§ 401.14 Transfer of FEP Import Authorizations.

(a) The holder of an FEP Import Authorization may transfer it to a transferee of the foreign excess property specified therein. If such transfer shall be of all the foreign excess property specified in the FEP Import Authorization, the FEP Import Authorization may be transferred by assignment to the transferee of the property. If such transfer shall be of a part of the foreign excess property specified in the FEP Import Authorization, the holder of the FEP Import Authorization shall return the original FEP Import Authorization to the FEPO together with photocopy of bill of sale of the property transferred and Request for an FEP Import Authorization executed by the transferee. The FEPO shall thereupon cancel the original FEP Import Authorization and issue new FEP Import Authorizations to the original holder and the transferee as their respective interests appear.

(b) The FEPO shall notify the Collector of Customs at the proposed port of entry of any such cancellation of an FEP Import Authorization, and shall furnish to such Collector copies of new FEP Import Authorizations issued as a result of any such transfer and Request.

§ 401.15 Time extensions.

A person who has received from the FEPO an FEP Import Authorization may file with the FEPO, prior to the expiration date thereof, a request for an extension of time. Such request shall state any reasons why the extension is needed, and the duration of the extension requested. The FEPO may allow or deny the request in whole or in part. In determining whether a time extension should be granted, the FEPO shall consider whether the importation of the property applied for would relieve domestic shortages or otherwise be beneficial to the economy of this country during the period of such extension. He shall promptly notify the applicant of his decision, and, if he grants an extension of time, he shall promptly inform the Collector of Customs at the proposed port of entry.

§ 401.16 Finality of decisions.

Decisions of the FEPO are final when issued. Requests for reconsideration must be in writing and may be entertained by the FEPO in his discretion, but no request for reconsideration shall extend the period within which an appeal must be taken to the Appeals Board from a decision by the FEPO.

§ 401.17 Appeals.

(a) A person aggrieved by the issuance of an FEP Import Determination that the importation of specified and identified foreign excess property would not relieve domestic shortages or otherwise be beneficial to the economy of this country may appeal to the Appeals Board for the Department of Commerce as provided in this section. The Appeals Board shall also have jurisdiction to decide appeals from persons to whom an application has been returned without action pursuant to § 401.11(c), from persons whose Request for FEP Import Authorization shall have been denied, and from persons whose request for an extension of time pursuant to § 401.15 has been denied.

(b) The only grounds for appeal which the Appeals Board will consider are that the FEPO erred:

(1) In determining that an application should be returned without action (§ 401.11(c)).

(2) In applying the criteria and principles prescribed in § 401.4 to the facts of the case.

(3) In failing or refusing to issue an FEP Import Authorization as provided in § 401.13.

(4) In determining that a request for a time extension pursuant to § 401.15 should not be granted.

(5) In determining that an application under the Small Lot Procedure established by § 401.6 has failed to meet the conditions specified therein.

(c) The Appeals Board shall have jurisdiction of appeals with respect to actions taken pursuant to § 401.19(a).

(d) Appeals from actions of the FEPO must be filed within 30 days of the date of the action appealed from. Such appeals shall be by letter in triplicate addressed to the Appeals Board, Department of Commerce, Washington 25, D.C., Ref: FEP Order No. 1. If the applicant so requests, the Appeals Board shall grant him a hearing at the office of the Board at the Department of Commerce, Washington, D.C.

(e) Decisions of the Appeals Board shall be communicated in writing to the FEPO and to the appellant and shall be carried out by an appropriate action of the FEPO.

§ 401.18 Exemption of Government-owned property.

Nothing in this part shall be construed as limiting the authority of any Government agency to import Government-owned property into the United States.

§ 401.19 Violations and penalties.

(a) Any person who imports, or attempts to import, foreign excess property into the United States and who fails to comply, both before and after such importation or attempted importation, with the provisions of this part is subject to administrative action terminating his right to submit applications to the FEPO and cancelling any FEP Import Determinations and FEP Import Authorizations issued to such person.

(b) Any person who fraudulently or knowingly imports into the United States any merchandise contrary to law, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment or sale of such merchandise after importation, knowing the same to have been imported or brought into the United States contrary to law, shall upon conviction, be fined not more than $10,000 or imprisoned not more than five years, or both. Proof of defendant's possession of such goods, unless explained to the satisfaction of the jury, shall be deemed evidence sufficient to authorize conviction. Merchandise introduced into the United States in violation of this provision, or the value thereof, to be recovered from any person described in this paragraph, shall be forfeited to the United States (18 U.S.C. 545).

(c) Any person who knowingly and wilfully makes any false, fictitious or fraudulent statement or representation to an employee of the Department of Commerce or of the Bureau of Customs in any matter concerning the importation of foreign excess property shall, upon conviction, be fined not more than $10,000 or imprisoned not more than five years, or both (18 U.S.C. 1001).

§ 401.20 Cancellation of certain determinations.

(a) All authorizations, permits, determinations, licenses, and approvals issued on or before December 31, 1955, by the FEPO for the importation of foreign excess property are hereby canceled, rescinded and revoked.

(b) Nothing contained in this part shall be construed as extending the validity of any authorization, permit, license, or approval for the importation of foreign excess property which shall have expired in accordance with the terms thereof.

§ 401.21 Communications.

All communications concerning this part shall, unless otherwise stated, be addressed to the Foreign Excess Property Officer, Business and Defense Services Administration, Department of Commerce, Washington 25, D.C.

§ 401.22 Transitional provisions.

(a) All FEP Import Determinations and FEP Import Authorizations heretofore issued which are in effect at the time of entry into force of this Order shall remain in force in accordance with their terms.

(b) All applications pending before the FEPO at the time of entry into force of this Order shall be considered in accordance with the provisions hereof.

§ 401.23 Revocations of previous delegations and orders.

This Order supersedes Foreign Excess Property Order No. 1 (Revised) 24 F.R. 366, as amended 24 F.R. 5119, 24 F.R. 8548, 25 F.R. 7013, and all Orders and delegations prior thereto. The supersession of prior orders and delegations hereby does not revive any rights, privileges, licenses, or permits heretofore issued which have expired by passage of time or have been terminated pursuant to any such prior Order or delegation.

This part shall take effect upon the date of its publication in the FEDERAL REGISTER.

Dated: June 20, 1962.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
EUGENE P. FOLEY,
Administrator.

The provisions of Part 401 set forth in this Order relating to appeals to the Appeals Board for the Department of Commerce are hereby adopted as the rules of the Appeals Board for the Department of Commerce.

BERNARD A. STOL,
Acting Chairman,
Appeals Board.

ANNEX 1

Form Approved, Budget Bureau No. 41-R-1959

Form FEPF-1 (1-7-59)	DATE	APPLICATION NO. (Do not write in this space)

U.S. DEPARTMENT OF COMMERCE
BUSINESS AND DEFENSE SERVICES ADMINISTRATION

APPLICATION FOR FEP IMPORT DETERMINATION

GENERAL INSTRUCTIONS. All information required in Part I of this form must be supplied. Applications not completely filled out or which are not executed as required in these instructions will be returned to applicant without action. This application must be limited to property acquired or to be acquired in a single transaction. Application must be executed by owner or by proposed owner of property. It may not be executed by a broker or agent. When applicant is a partnership, firm, or corporation, application must be signed personally by a partner or duly authorized officer. If sufficient space is not provided for any answer, additional sheets shall be attached and referred to. Exhibits, letters, etc. shall be similarly attached. Part II of this form is to be completed only when the applicant is the owner of the property and is requesting an FEP Import Authorization to import such property into the United States. This application must be submitted in duplicate to the Foreign Excess Property Officer, Business and Defense Services Administration, U.S. Department of Commerce, Washington 25, D.C.

To: Foreign Excess Property Officer
Business and Defense Services Administration
U.S. Department of Commerce
Washington 25, D.C.

PART I—ALL ITEMS IN PART I MUST BE COMPLETED

The undersigned hereby applies to the Foreign Excess Property Officer for a determination with respect to the importation of the foreign excess property described in Item 3 of this application.

1. NAME OF APPLICANT	2. BUSINESS ADDRESS (Street, City, Zone, State)

3. DESCRIPTION OF PROPERTY. (A detailed description of the property must be furnished, giving as far as practicable for each item the make, type, and quantity, and any identifying marks and serial numbers. If the property has been purchased or is to be purchased from a U.S. Government Agency pursuant to an invitation, to bid, auction or other means of disposal, the item number and the description of the property in the sale catalog must be included or a statement must be made that no such sale catalog has been published.)

(Continue with Part I on reverse side)

CERTIFICATION. The undersigned company and the official executing this certification on its behalf hereby certifies that the information contained in this application is correct and complete to the best of their knowledge and belief.

NAME OF COMPANY	SIGNATURE OF APPLICANT	DATE

The U.S. Code, Title 18 (Crimes and Criminal Procedure), Section 1001, makes it a criminal offense to make a willfully false statement or representation to any department or agency of the United States as to any matter within its jurisdiction. Any person who knowingly and willfully makes any false, fictitious, or fraudulent statement or representation to the FEPO or to an employee of the Bureau of Customs in any matter concerning the importation of foreign excess property shall, upon conviction, be fined not more than $10,000 or imprisoned not more than five years, or both (18 U.S.C. 1001).

COMPLETE FORM BEFORE SIGNING CERTIFICATION

4. PRESENT OWNERSHIP OF PROPERTY (If applicant checks Item C, submits proof of ownership of property described together with other identifying information required, and completes Part II of this form, this application will also be accepted in lieu of Form FEPF-3, Request for FEP Import Authorization.)

A. United States Government. Supply following information:

(1) Date of proposed sale	(2) Name of selling agency	(3) Present location of property
(4) Invitation to Bid No.	(5) Item No.	

B. Owner other than U.S. Gov't. or Applicant. Supply following information:

(1) Name of present owner	(2) Address of present owner	(3) Present location of property
(4) Name of U.S. Gov't. Agency that originally owned property	(5) Location of sale by U.S. Gov't. Agency	(6) Date of sale by U.S. Gov't. Agency

C. Applicant (Attach proof of ownership, i.e., photocopy of bill of sale or other evidence of title). Supply the following information.

(1) Location of sale by U.S. Gov't. Agency	(2) Date of Sale by U.S. Gov't. Agency	(3) Name of selling agency (U.S. Gov't.)
(4) Present location of property	(5) Name and address of seller if property purchased from other than U.S. Gov't. Agency	

5. Domestic shortage of property or other benefit to the economy of this country (State whether importation of the property would relieve domestic shortages, or whether, and in what respects, importation would benefit the domestic economy. Such statements must be accompanied by all available supporting evidence, including, for example, supply-demand data, production and consumption statistics, statement of inability to obtain the type of property domestically, statements of manufacturers that production has been discontinued and no substitutes are reasonably available, and the like.)

PART II—TO BE COMPLETED ONLY IF APPLICANT IS OWNER OF PROPERTY, HAS CHECKED ITEM 4C, AND HAS ATTACHED PROOF OF OWNERSHIP

The undersigned, as owner of the foreign excess property described in Item 3 above, hereby requests the Foreign Excess Property Officer to issue an FEP Importation Authorization for the importation of such property into the United States

1. Proposed date and port of importation		2. Name of ship or other carrier, if known
Date	Port	

3. Bureau of Customs Data (If property is held in a U.S. Customs warehouse, or otherwise in control of the Bureau of Customs, give full particulars regarding the following):

(a) Status of property	(b) Type of Customs entry
	(c) Identifying Customs numbers and symbols

(Sign Certification on Face of Form)

[F.R. Doc. 62-6183; Filed, June 22, 1962; 8:54 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 11]

PART 728—WHEAT

Subpart—Wheat Marketing Quota Regulations for 1961 and Subsequent Crop Years

EXCESS ACREAGE UTILIZATION DATE

Basis and purpose. The amendment herein is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and is issued for the purpose of amending the date for the disposal of excess wheat acreage in Siskiyou County, California. Since the determination of 1962 wheat acreage will soon be made, it is important that State and county committees be notified of the amendment herein as soon as possible so that producers with 1962 excess wheat acreage may be notified of the final date for utilization of such excess acreage as wheat cover crop. Accordingly, it is hereby found that compliance with the public notice, procedure and 30-day effective date provisions of Section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendment shall become effective upon its publication in the FEDERAL REGISTER.

Paragraph (b) of § 728.1145 is amended to change the date of June 15 to July 1 for Shasta Valley, Siskiyou County, California, and from July 15 to August 1 for the balance of the county.

(Secs. 374, 375, 52 Stat. 65, 66 as amended; 68 Stat. 904, 7 U.S.C. 1374, 1375)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 19, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-6140; Filed, June 22, 1962; 8:49 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 13]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.331 Grapefruit Regulation 13.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905 as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on June 19, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750-51.783 of this title; 26 F.R. 163).

(2) During the period beginning at 12:01 a.m., e.s.t., June 25, 1962, and ending at 12:01 a.m., e.s.t., August 27, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3\frac{12}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3\frac{7}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(3) During the period beginning at 12:01 a.m., e.s.t., August 27, 1962, and ending at 12:01 a.m., e.s.t., September 10, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 1;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3\frac{15}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3\frac{9}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: June 20, 1962.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-6114; Filed, June 22, 1962; 8:45 a.m.]

[Orange Reg. 13]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.332 Orange Regulation 13.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on June 19, 1962, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140-51.1178 of this title; 25 F.R. 8211).

(2) During the period beginning at 12:01 a.m., e.s.t., June 25, 1962, and ending at 12:01 a.m., e.s.t., July 9, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than $2\frac{8}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2\frac{8}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2\frac{1}{16}$ inches in diameter or smaller; or

(iii) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet.

(3) During the period beginning at 12:01 a.m., e.s.t., July 9, 1962, and ending at 12:01 a.m., e.s.t., September 10, 1962, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, including Temple oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet; or

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2⅝₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2⅝₁₆ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2¹⁵⁄₁₆ inches in diameter or smaller.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 20, 1962.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–6157; Filed, June 22, 1962; 8:53 a.m.]

[Valencia Orange Reg. 18]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.318 Valencia Orange Regulation 18.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 21, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., June 24, 1962, and ending at 12:01 a.m., P.s.t., July 1, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement.

(ii) District 2: 350,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 22, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–6225; Filed, June 22, 1962; 11:18 a.m.]

[Lemon Reg. 27]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.327 Lemon Regulation 27.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 19, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., June 24, 1962, and ending at 12:01 a.m., P.s.t., July 1, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 348,750 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 21, 1962.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–6170; Filed, June 22, 1962; 8:53 a.m.]

PART 950—IRISH POTATOES GROWN IN MAINE

Order Regulating Handling

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950.0 Findings and determinations.

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AUTHORITY: §§ 950.0 to 950.92 issued pursuant to secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 950.0 Findings and determinations.

Findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the aforesaid order, and all of said previous findings and determinations, are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in Presque Isle, Maine, on August 4, 1961, upon proposed amendments to Marketing Agreement No. 122 and Order No. 950 (7 CFR Part 950), regulating the handling of Irish potatoes grown in Maine. Upon the basis of evidence introduced at such hearing, and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to potatoes produced in the production area by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such potatoes as will be in the public interest;

(2) The said order, as hereby amended, authorizes regulation of the handling of potatoes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activities specified in a marketing order upon which a hearing has been held;

(3) The said order, as hereby amended, is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said order, as hereby amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of potatoes grown in the production area; and

(5) All handling of potatoes grown in the production area, as defined in the order, as amended, is in the current of interstate or foreign commerce, or directly burdens, obstructs or affects such commerce.

(b) *Determinations.* It is hereby determined that:

(1) Handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping potatoes covered by this order) who during the representative period (August 1, 1960, through July 31, 1961) handled more than 50 percent of the volume of potatoes covered by this order, as amended, have signed a marketing agreement, as amended, regulating the handling of Irish potatoes grown in the production area, and

(2) The issuance of this order, as amended, is approved or favored (i) by at least two-thirds of the producers of Irish potatoes who participated in a referendum held during the period January 29 through February 6, 1962, and who, during the determined representative period (August 1, 1960, through July 31, 1961), have been engaged within the production area in the production of potatoes for market, and (ii) by producers who participated in the aforesaid referendum, who, during the aforesaid period, produced for market at least two-thirds of the volume of such potatoes produced for market within the production area.

Order relative to handling. It is, therefore, ordered, that on and after the effective time hereof, the handling of Irish potatoes grown in the production area as defined herein shall be in conformity to, and in compliance with, the terms and conditions of this order, as amended, and such terms and conditions are as follows:

DEFINITIONS

§ 950.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 950.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

§ 950.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 950.4 Production area.

"Production area" means all territory included within the boundaries of the State of Maine.

§ 950.5 Potatoes.

"Potatoes" means all varieties of Irish potatoes grown within the production area.

§ 950.6 Handler.

"Handler" is synonymous with "shipper" and means any person (except a

common or contract carrier of potatoes owned by another person) who ships potatoes or causes potatoes to be shipped.

§ 950.7 Ship or handle.

"Ship" or "handle" means to sell or transport potatoes within the production area or between the production area, and any point outside thereof, or between points outside the production area.

§ 950.8 Grading.

"Grading" is synonymous with "preparation for market" and means the sorting or separation of potatoes into grades and sizes for market purposes.

§ 950.9 Grade and size.

"Grade" means any one of the officially established grades of potatoes and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1540 to 51.1559 of this title) or amendments thereto, or modification thereof, or variations based thereon:

(b) United States Consumer Standards for Potatoes issued by the United States Department of Agriculture (§§51.-1575 to 51.1587 of this title) or amendments thereto, or modifications thereof, or variations based thereon;

(c) State of Maine Standards for Potatoes issued by the State of Maine Commissioner of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon.

§ 950.10 Producer.

"Producer" means any person engaged in the production of potatoes for market.

§ 950.11 Committee.

"Committee" means the Maine Potato Marketing Committee established pursuant to § 950.25.

§ 950.12 Fiscal period.

"Fiscal period" means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

§ 950.13 Varieties.

"Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 950.14 Seed potatoes.

"Seed potatoes" is synonymous with "seed" and means and includes all potatoes officially certified and tagged, marked or otherwise appropriately identified under the supervision of the official seed potato certifying agency of the State of Maine or other seed certification agencies which the Secretary may recognize.

§ 950.15 Table stock potatoes.

"Table stock potatoes" is synonymous with "table stock" and means and includes all potatoes not included within the definition of "seed potatoes."

§ 950.16 Pack.

"Pack" means a quantity of potatoes specified by weight, grade, size, or numerical limits, or by type of container, or any combination of these, recommended by the committee and approved by the Secretary.

§ 950.17 Export.

"Export" means shipment of potatoes beyond the boundaries of continental United States.

§ 950.18 District.

"District" means each one of the geographical divisions of the production area initially established pursuant to § 950.28 or as reestablished pursuant to § 950.29.

§ 950.19 Container.

"Container" means a sack, bag, crate, box, basket, barrel, or bulk load or any other unit used in packaging, transportation, or sale of potatoes.

§ 950.20 Label.

"Label" means to mark, brand, or otherwise designate on containers the grade or size, or both of potatoes therein.

§ 950.21 Maturity.

"Maturity" means the stage of development or condition of the outer skin (epidermis) of the potato determined according to skinning classifications defined by the United States Standards for Potatoes (§§ 51.1540 to 51.1559, inclusive, of this title).

COMMITTEE

§ 950.25 Establishment and membership.

The Maine Potato Marketing Committee, consisting of 20 members, 15 of whom shall be producers and 5 shall be handlers, is hereby established.

§ 950.26 Selection.

Committee members shall be selected on the basis of districts as established in §§ 950.28 or 950.29. From each district, three producers shall be selected as committee members and one producer shall be selected as committee alternate. From each district one handler shall be selected as member and one handler shall be selected as alternate.

§ 950.27 Qualifications for committee membership.

Persons selected as committee members or alternates to represent producers shall be individuals who are producers in the respective district for which selected, or officers or employees of a corporate producer in such district, and such persons shall be residents of the respective district for which selected. Persons selected as committee members or alternates to represent handlers shall be individuals who are handlers in the district for which selected, or officers or employees of a corporate handler, and such persons shall be residents of the district for which selected.

§ 950.28 Districts.

For the purpose of determining the basis for selecting committee members, the following districts of the production area are hereby initially established:

District No. 1. The towns of Hamlin and Cyr, township 17, Range 3, townships 16 and 17, Range 4, townships 14, 15, and 16, Range 5, all townships 14, Ranges 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16, and all area north thereof in Aroostook County, in the State of Maine.

District No. 2. The towns of Fort Fairfield, Caribou, Washburn, Wade, Perham, Woodland, Limestone, Caswell, Connor, New Sweden, Westmanland and Stockholm in Aroostook County, in the State of Maine.

District No. 3. The town of Bridgewater, township D, Range 2, all townships 9, ranges 3, 4, and 5, the town of Oxbow, all townships 9, ranges 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, and all area north thereof, not included in Districts 1 and 2, in the State of Maine.

District No. 4. The towns of Orient, Haynesville and Glenwood, township 2, Range 2, the towns of Silver Ridge and Benedicta, all townships 2, ranges 6, 7, 8, west of the east line of the State 9, 10, 11, 12, townships 2, 3, and 4, Range 13, townships 4 and 5, Range 14, all townships 5, ranges 15, 16, 17, 18, 19, and 20, and all area north thereof, not included in Districts 1, 2, and 3, in the State of Maine.

District No. 5. All the remaining counties, towns, and townships in the State of Maine not included in Districts 1, 2, 3, and 4.

§ 950.29 Redistricting.

The committee may recommend, and pursuant thereto, the Secretary may approve, the apportionment of members among districts, and the re-establishment of districts within the production area. In recommending any such changes the committee shall give consideration to: (a) Shifts in potato acreage within districts and within the production area during recent years; (b) the importance of new production in its relation to existing districts; (c) the equitable relationship of committee membership and districts; (d) economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and (e) other relevant factors. No change in districting or in reapportionment of members within districts may become effective within less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date.

§ 950.30 Term of office.

(a) The terms of office shall begin as of July 1 and end as of June 30. The term of office of producer members shall be for three years. The term of office of the producer members of the initial committee shall be so determined by the Secretary that one-third shall be for term of one year, one-third for term of two years, and one-third for term of three years. The term of office of alternate producer members and of handler members and alternates shall be for one year. No producer member and no handler member shall serve for more than three consecutive years.

(b) Committee members and alternates shall serve during the term of office for which they have been selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 950.31 Nomination.

The Secretary may select the committee members and alternates from nominations which may be made in the following manner:

(a) The committee shall hold or cause to be held prior to May 1 of each year a meeting or meetings of producers in each district and a meeting or meetings of handlers shall be held in the production area to nominate members and alternates for the committee.

(b) In arranging for such meetings the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(c) At each such meeting at least one nominee shall be designated for each position as member and for each position as alternate member on the committee and eligible voters may ballot to indicate the ranking of their choice for each nominee;

(d) Nominations for committee members and alternates, shall be supplied to the Secretary in such manner and form as he may prescribe, not later than June 1 of each year;

(e) Only producers may participate in designating nominees for producer members and alternates and only handlers may participate in designating nominees for handler members and alternates. Each person who is both a producer and a handler may vote either as a producer or as a handler and he may elect the group in which he votes. In the event a person is engaged in producing or in handling potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees;

(f) Regardless of the number of districts in which a person produces or handles potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled from the group in the respective district in which he elects to vote.

§ 950.32 Failure to nominate.

If nominations are not made within the time and in the manner specified in § 950.31, the Secretary may, without regard to nominations, select the committee members and alternates, which selection shall be on the basis of the representation provided for in §§ 950.26 through 950.29, inclusive.

§ 950.33 Acceptance.

Any person selected as a committee member or alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 950.34 Vacancies.

To fill committee vacancies, the Secretary may select such members or alternates from unselected nominees on the current nominee list from the district involved, or from nominations made in the manner specified in § 950.31. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in §§ 950.26 through 950.29 inclusive.

§ 950.35 Alternate members.

In the event any member of the committee is unable to attend a meeting of the committee, the alternate, who was selected from the same district and from the same group as the absent member may act in the place and stead of the absent member. In the event of the death, removal, resignation, or disqualification of a member, a qualified alternate shall act for him until a successor of such member is selected and has qualified.

§ 950.36 Procedure.

(a) A majority of the members of the committee from each of at least four districts shall be necessary to constitute a quorum and a majority of concurring votes of the entire membership of such committee will be required to pass any motion or approve any committee action.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided*, That if any assembled meeting is held, all votes shall be cast in person.

§ 950.37 Expenses and compensation.

Committee members and alternates shall be reimbursed for expenses necessarily incurred by them in the performance of duties and in the exercise of powers under this part. Committee members and alternates may receive compensation for official services rendered in connection with administration of this part and such compensation shall not be in excess of rates recommended by the committee and approved by the Secretary.

§ 950.38 Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 950.39 Duties.

It shall be the duty of the committee:

(a) To meet prior to the beginning of the marketing season each year, to organize, to select from among its membership a chairman and such other officers as may be necessary, and to adopt such rules and regulations for the conduct of its business as it may deem advisable.

(b) To prepare a marketing policy;

(c) To recommend marketing regulations to the Secretary;

(d) To recommend rules and procedures for, and to make determinations in connection with, issuance of certificates of privilege or exemptions, or both;

(e) To establish a subcommittee or subcommittees whose duties, assigned by the committee, may include, but shall not be limited to, any of the following duties of the committee;

(f) To consult, cooperate, and exchange information with other marketing order committees and other individuals or agencies, and to cooperate, and exchange information, in connection with all proper activities and objectives of such committees under this part.

(g) To act as intermediary between the Secretary and any producer or handler:

(h) To furnish to the Secretary such available information as he may request;

(i) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(j) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, as may be necessary for administration of this part;

(k) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(l) To make available to producers and handlers committee voting records on recommended regulations and on other matters of policy;

(m) At the beginning of each fiscal period, and as may be requested by the Secretary, to prepare a budget of its expenses and a proposed rate or rates of assessment for such fiscal period, together with a report thereon;

(n) To cause the books of the committee to be audited by a competent accountant at least once each year, and at such other time as such committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of such committee for inspection by producers and handlers; and

(o) To investigate an applicant's claim for exemption under § 950.70.

EXPENSES AND ASSESSMENTS

§ 950.43 Expenses.

The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses on the basis of a fiscal period. Each handler's share of such expense shall be

proportionate to the ratio between the total quantity of potatoes under regulation handled by the first handler thereof during a fiscal period and the total quantity of potatoes under regulation handled by all handlers as first handlers thereof during such fiscal period.

§ 950.44 Budget.

As soon as practicable after the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 950.45 Assessments.

(a) The funds to cover such expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first ships potatoes shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the agencies' expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information. Such rates may be applied equitably to each pack or unit.

(c) At any time during, or subsequent to, a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all potatoes which were regulated under this part and which were shipped by the first handler thereof during such fiscal period.

§ 950.46 Accounting.

(a) All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member or alternate of the committee he shall account for all receipts, disbursements, funds, and property (including but not being limited to books and other records) pertaining to such committee activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, agency, or person designated by the Secretary, the right to all of such property and funds and all claims vested in such person.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other property of the committee during periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 950.47 Refunds.

At the end of each fiscal period, if assessments collected are in excess of expenses incurred such excess shall be accounted for as follows:

(a) Except as provided in paragraphs (b) and (c) of this section, each person entitled to a proportionate refund of any excess assessment shall be credited with such refund against the operation of the following fiscal period unless such person demands repayment thereof, in which event it shall be paid to him. Refunds need not be paid or credited to any handler with outstanding obligations due the committee until his account is settled.

(b) The committee, with the approval of the Secretary, may establish and maintain during one or more fiscal years an operating monetary reserve in an amount not to exceed approximately one fiscal period's operational expenses. Upon approval of the Secretary, funds in such reserve shall be available for use by the committee for all expenses authorized pursuant to § 950.43.

(c) Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

REGULATIONS

§ 950.50 Marketing policy.

(a) At the beginning of each season, and as the Secretary may require, the committee shall prepare a marketing policy statement. Such policy statement shall indicate the data on potato supplies and demand on which the committee bases its judgments and recommendations. It shall indicate also the kind or types of regulations contemplated during the ensuing season, and, to the extent practical, shall include recommendations for specific regulations. Notice of such marketing policy shall be given to producers, handlers, and other interested parties by bulletins, newspapers, or other appropriate media, and copies thereof shall be submitted to the Secretary and shall be available generally.

(b) Marketing policy statements relating to recommendations for regulations shall give appropriate consideration to potato supplies for the remainder of the season, with special consideration to:

(1) Estimates of total supplies including grade, size, and quality thereof, in the production area;

(2) Estimates of supplies in competing areas;

(3) Market prices by grades, sizes, containers, and packs;

(4) Estimates of supplies of competing commodities;

(5) Anticipated marketing problems;

(6) Level and trend of consumer income; and

(7) Other relevant factors.

§ 950.51 Recommendations for regulations.

Upon complying with the requirements of § 950.50, the committee may recommend regulations to the Secretary whenever it finds that such regulations as are provided for in this subpart will tend to effectuate the declared policy of the Act.

§ 950.52 Issuance of regulations.

(a) The Secretary shall limit by regulation the handling of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulations would tend to effectuate the declared policy of the Act.

(b) Such regulations may:

(1) Limit in any or all portions of the production area, the handling of particular grades, sizes, qualities, maturities, or packs, or any combination thereof, of any or all varieties of tablestock or of seed potatoes, or both, during any period; or

(2) Limit the handling of particular grades, sizes, or qualities, of potatoes differently, for different varieties, for tablestock or seed, for different portions of the production area, for different markets, for different packs, for different sizes and types of containers, or for any combination of the foregoing, during any period;

(3) Require that containers for potatoes handled hereunder shall be labeled to show the grade or size, or both, thereof;

(4) Fix the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of potatoes, or

(5) Limit the handling of potatoes when parity prices have been established, by establishing and maintaining minimum standards of quality and maturity in terms of grades or sizes.

§ 950.53 Handling for special purposes.

Upon the basis of recommendation and information submitted by the committee, or other available information, the Secretary shall modify, suspend, or terminate regulations issued pursuant to §§ 950.45, 950.52, 950.53, 950.65, or any combination thereof, in order to facilitate shipments of potatoes for the following purposes whenever he finds that it will tend to effectuate the declared policy of the Act:

(a) For grading or storage within the production area;

(b) For planting within the production area;

(c) For export;

(d) For distribution by the Federal Government;

(e) For manufacture or conversion into specified products;

(f) For charitable purposes;

(g) For livestock feed;

(h) For chipping; and

(i) For other purposes which may be specified.

§ 950.54 Minimum quantity regulation.

The committee, with the approval of the Secretary, may establish for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued pursuant to §§ 950.45, 950.52, 950.53, 950.65, or any combination thereof.

§ 950.55 Notification of regulation.

The Secretary shall notify the committee of any regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 950.56 Safeguards.

(a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent shipments pursuant to § 950.53 or § 950.54 from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and the contents of Certificates of Privilege if such certificates are prescribed as safeguards by the committee. Such safeguards may include requirements that:

(1) Handlers shall file applications with the committee to ship potatoes pursuant to §§ 950.53 and 950.54;

(2) Handlers shall obtain inspection provided by § 950.65, or pay the pro rata share of expenses provided by § 950.45, or both, in connection with potato shipments affected under the provisions of § 950.53: *Provided*, That such inspection or payment of expenses may be required at different times than otherwise specified by the aforesaid sections; and

(3) Handlers shall obtain Certificates of Privilege from the committee for shipments of potatoes affected or to be affected under the provisions of §§ 950.53 and 950.54.

(b) The committee may rescind or deny Certificates of Privilege to any shipper if proof is obtained that potatoes shipped by him for the purposes stated in §§ 950.53 and 950.54 were handled contrary to the provisions of this part.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 950.65 Inspection and certification.

(a) During any period in which shipments of potatoes are regulated pursuant to §§ 950.45, 950.52, or 950.53, or any combination thereof, or during any period recommended by the committee and approved by the Secretary, no handler shall ship potatoes unless each such shipment is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate, except when relieved from such requirements pursuant to § 950.53 or § 950.54, or both.

(b) Regrading, resorting, or repacking any lot of potatoes shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. No handler shall ship potatoes after they have been regraded, resorted, repacked, or in any other way further prepared for market, unless each shipment of such potatoes is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate.

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(d) When potatoes are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

(e) The committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of potatoes by motor vehicle or by other means unless such shipment is accompanied by a copy of the inspection certificate issued thereon, which certificate shall be surrendered to such authority as may be designated.

(f) Upon recommendation of the committee, and approval of the Secretary, all potatoes inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the container by the handler under rules to be established by the committee.

EXEMPTION

§ 950.70 Policy.

(a) Any producer whose potatoes have been adversely affected by acts beyond his control or by acts beyond reasonable expectation and who, by reason of any regulation issued pursuant to § 950.52, is prevented from shipping during the season, or a specific portion thereof, as large a proportion of his potato crop as the average proportion shipped or to be shipped during comparable portions of the season by all producers in his immediate area of production, may apply to the committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

(b) Any handler who has storage holdings of ungraded potatoes acquired during or immediately following the digging season that have been adversely affected by acts beyond the handler's control or by acts beyond reasonable expectation and who, by reason of any regulation issued pursuant to § 950.52 is prevented from shipping as large a proportion of his storage holdings of ungraded potatoes as the average proportion of ungraded storage holdings shipped by all handlers in said handler's immediate shipping area, may apply to the committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

§ 950.71 Rules and procedures.

The committee may adopt, with approval of the Secretary, the rules and procedures for handling exemptions. Such rules and procedures should provide for handling applications for exemptions, for issuing certificates of exemption, for committee determinations with respect to areas and averages (as required by § 950.70), and for such other procedures as may be necessary to accomplish policies with respect to exemptions.

§ 950.72 Applications and issuance.

The committee may issue certificates of exemption to any qualified applicant who furnishes adequate evidence to such committee:

(a) That the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation;

(b) That by reason of regulations issued pursuant to § 950.52 in case of an applicant who is a producer, he will be prevented from shipping as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate area of production during the season, or a specific portion thereof;

(c) That by reason of regulations issued pursuant to § 950.52, in case of an applicant who is a handler who has storage holdings of ungraded potatoes acquired during or immediately following the digging season, he will be prevented from shipping as large a proportion of such storage holdings as the average proportion of similar storage holdings shipped by all handlers in said applicant's immediate shipping area during the season;

(d) Each certificate shall permit the recipient thereof to ship the potatoes described thereon, and evidence of such certificates shall be made available to subsequent handlers thereof.

§ 950.73 Investigation.

The committee shall be permitted at any time to make a thorough investigation of any applicant's claim pertaining to exemptions.

§ 950.74 Appeals.

If any applicant for exemption certificate is dissatisfied with the determination with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to such committee for a determination on the appeal. The committe shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations

involved in making the final determination.

§ 950.75 Records.

The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such other information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

MISCELLANEOUS PROVISIONS

§ 950.80 Reports.

(a) Upon the request of the committee with the approval of the Secretary, handlers shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties under this subpart. The Secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to the prohibition of disclosure of individual handlers' identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the potatoes received, and of potatoes disposed of, by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

§ 950.81 Compliance.

Except as provided in this subpart, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions of this subpart, and no handler shall ship potatoes except in conformity to the provisions of this subpart.

§ 950.82 Right of the Secretary.

The members of the committee (including successors, and alternates), and any agent or employee appointed or employed by such committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval the disapproved action of the said committees shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 950.83 Effective time.

The provisions of this subpart shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 950.84 Termination or suspension.

(a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers, who during the preceding marketing season, have been engaged in the production for market of potatoes: *Provided*, That such majority has, during such period produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced at least 30 days prior to the end of the then current fiscal period.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 950.85 Proceedings after termination.

(a) Upon the termination of the provisions of this subpart, the members of the committee then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the committee and of all the funds and property then in the possession of or under control of such committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the joint trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims, have been transferred or delivered by the committee, or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of such committees and upon the said trustees.

§ 950.86 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or any regulation issued pursuant to this subpart or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 950.87 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 950.88 Agents.

The Secretary may, by designation in writing, name any person including any officer or employee of the Government, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 950.89 Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 950.90 Personal liability.

No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent except for acts of dishonesty.

§ 950.91 Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 950.92 Amendments.

Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

Issued at Washington, D.C., this 19th day of June 1962, to become effective July 24, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-6146; Filed, June 22, 1962; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1263; Amdt. 456]

PART 507—AIRWORTHINESS DIRECTIVES

Canadair CL-44D4 Aircraft

Amendment 362, 26 F.R. 10340, requires replacement of the elevator tab tension rods on Canadair CL-44D4 aircraft every 450 hours' time in service. Subsequently, the manufacturer has developed a procedure for the replacement of such rods which, when followed, increases the life of such rods to 10,000 hours time in service. Accordingly, Amendment 362 is being amended to provide for longer replacement intervals.

Since this amendment relaxes a requirement and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended as follows:

Amendment 362, 26 F.R. 10340, Canadair CL-44D4 aircraft, is amended by:

1. Adding the following new paragraph before the parenthetical reference statement to read as follows:

When the rods are replaced and detuned in accordance with the procedures in Canadair Service Bulletin No. CL44D4-201 Issue 2, the replacement time is increased to 10,000 hours' time in service.

2. Revising the parenthetical reference statement to read:

(Canadair Service Bulletins Nos. CL44D4-190, and CL44D4-201 Issue 2 apply to this subject.)

This amendment shall become effective June 23, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 19, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-6126; Filed, June 22, 1962; 8:45 a.m.]

[Reg. Docket No. 1175; Amdt. 457]

PART 507—AIRWORTHINESS DIRECTIVES

Vickers Viscount 745D and 810 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include a new airworthiness directive superseding Amendment 156, 25 F.R. 4543 (AD 60-11-11), to require repetitive inspections on Vickers Viscount 745D and 810 Series aircraft was published in 27 F.R. 4101.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

VICKERS. Applies to all Viscount Models 745D and 810 Series aircraft.

Compliance required as indicated.

Because of failures of the main landing gear retraction jack fork ends, the following is required.

(a) *Fork ends Part Numbers 74450-95 and 74450-411.* (1) Fork ends which have not been reworked in accordance with (e) and have accumulated 3,500 or more landings as of the effective date of this AD shall be inspected in accordance with (d):

(i) Within the next 50 landings if no inspection has been conducted subsequent to the accumulation of 3,500 landings and thereafter within each 800 landings.

(ii) Within the next 50 landings if 750 or more landings have been made since the last inspection conducted subsequent to the accumulation of 3,500 landings and thereafter within each 800 landings.

(iii) Prior to the accumulation of 800 landings if less than 750 landings have been made since the last inspection conducted subsequent to the accumulation of 3,500 landings and thereafter within each 800 landings.

(2) Fork ends which have not been reworked in accordance with (e) and have accumulated between 3,450 and 3,500 landings as of the effective date of this AD shall be inspected in accordance with (d) within the next 50 landings and thereafter within each 800 landings.

(3) Fork ends which have not been reworked in accordance with (e) and have accumulated less than 3,450 landings as of the effective date of this AD shall be inspected in accordance with (d) prior to the accumulation of 3,500 landings and thereafter within each 800 landings.

(b) *Fork ends Part Number 74450-499.* (1) Fork ends which have not been reworked in accordance with (e) and have accumulated 5,750 or more landings as of the effective date of this AD shall be inspected in accordance with (d) within the next 50 landings and thereafter within each 800 landings.

(2) Fork ends which have not been reworked in accordance with (e) and have accumulated less than 5,750 landings as of the effective date of this AD shall be inspected in accordance with (d) prior to the accumulation of 5,800 landings and thereafter within each 800 landings.

(3) If two successive 800 landing inspections are accomplished without evidence of cracks, subsequent inspections may be made at intervals not exceeding 1,600 landings.

(c) All fork ends which have been reworked in accordance with (e) shall be inspected in accordance with (d) within each 800 landings after rework, except that reworked fork ends which have accumulated more than 750 landings, as of the effective date of this AD shall be inspected in accordance with (d) within the next 50 landings and each 800 landings thereafter. If two successive 800 landing inspections are accomplished without evidence of cracks, subsequent inspections may be made at intervals not exceeding 1,600 landings.

NOTE: It will be necessary for operators to maintain a record of landings in order to ascertain compliance with this AD. If past records are unavailable, the number of landings prior to this AD may be estimated.

(d) **Remove and inspect using magnetic particle inspection or FAA approved equivalent in accordance with Vickers-Armstrongs PTL 171 Issue 6 (for 745D) or PTL 31 Issue 6 (for 810) for Viscount aircraft.** Parts showing evidence of cracks shall be replaced or reworked in accordance with (e) prior to further flight.

(e) Parts showing evidence of cracks may be reworked once in accordance with Vickers-Armstrongs PTL 171 Issue 6 (for 745D) or PTL 31 Issue 6 (for 810) for Viscount aircraft. Any parts showing evidence of cracks after reworking must be rejected.

Upon request of the operator an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA International Division, Washington, D.C., may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Vickers-Armstrongs Preliminary Technical Leaflets (PTL's) No. 171, (700 Series) and No. 31 (800/810 Series) covers this subject.)

This supersedes Amendment 156, 25 F.R. 4543 (AD 60-11-11).

This amendment shall became effective July 24, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 19, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-6127; Filed, June 22, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-LA-47]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration; Correction

On May 15, 1962, F.R. Doc. 62-4661 was published in the FEDERAL REGISTER (27 F.R. 4591) and amended in part, § 600.-6025 of the regulations of the Administrator by altering VOR Federal airway No. 25 in the vicinity of Point Mugu, Calif.

In the action taken to amend § 600.-6025, an error occurred in deleting a portion of the text. Corrective action is taken herein.

Since this alteration is editorial in nature compliance with section 4 of the Administrative Procedure Act is unnecessary and the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, F.R. Doc. 62-4661 (27 F.R. 4591) is amended as follows:

In Item No. 1 "Camp Roberts, Calif., Restricted Area R-6714," is deleted and "Camp Roberts, Calif., Restricted Area R-2504, the Yakima, Wash., Restricted Area R-6714," is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 18, 1962.

CLIFFORD P. BURTON,
Acting Director, Air Traffic Service.

[F.R. Doc. 62-6130; Filed, June 22, 1962; 8:46 a.m.]

[Airspace Docket No. 62-CE-33]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zones

The purpose of these amendments to § 601.2107 and § 601.2086 of the regulations of the Administrator is to alter the descriptions of the Joliet, Ill., and Chicago, Ill., control zones.

The Joliet control zone (§ 601.2107) is designated, in part, with reference to the Joliet radio range. The Federal Aviation Agency is proposing to decommission this facility as it is no longer required for air traffic control purposes. Therefore, action is taken herein to revoke the Joliet control zone extension based on the Joliet radio range.

The Chicago (Chicago-Midway) control zone (§ 601.2086) is designated, in part, with reference to the Chicago radio range. The Federal Aviation Agency is proposing to convert this facility to a combined transcribed weather broadcast station and nondirectional radio beacon and cancel the Chicago radio range approach procedure. Therefore, action is taken, herein to revoke the Chicago control zone extension based on the Chicago radio range.

Since the changes effected by these amendments impose no additional burden on any person, notice and public procedure hereon are unnecessary and they may be made effective July 26, 1962.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) § 601.2107 (14 CFR 601.2107) and § 601.2086 (14 CFR 601.2086) are amended to read:

§ 601.2107 Joliet, Ill., control zone.

Within a 5-mile radius of the Joliet Municipal Airport (latitude 41°31'05" N., longitude 88°10'30" W) and within 2 miles either side of the Joilet VOR 104° and 284° radials extending from the 5-mile radius zone to 12 miles W of the VOR.

§ 601.2086 Chicago, Ill. (Chicago-Midway) control zone.

Within a 6-mile radius of the Chicago-Midway, Ill., Airport (latitude 41°47'04" N., longitude 87°45'12" W.); within 2 miles either side of the Chicago-Midway ILS localizer SE course extending from the 6-mile radius zone to the 044° radial of the Chicago Heights, Ill., VOR, and within 2 miles either side of the Chicago-Midway ILS localizer NW course extending from the 6-mile radius zone to 12 miles NW of the Chicago-Midway OM, excluding the portion which coincides with the Chicago-O'Hare, Ill., control zone.

These amendments shall become effective 0001 e.s.t., July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 18, 1962.

CLIFFORD P. BURTON,
Acting Director, Air Traffic Service.

[F.R. Doc. 62-6128; Filed, June 22, 1962; 8:46 a.m.]

[Airspace Docket No. 61-KC-50]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

On January 26, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 788) stating that the Federal Aviation Agency proposed to alter the St. Charles, Ill., control zone.

No adverse comments were received regarding the proposed amendment.

Subsequent to the publication of the notice, Amendment 60-29 to the Civil Air Regulations, Part 60, Air Traffic Rules (27 F.R. 4012) has been adopted. This amendment provides for the designation of transition areas with floors of 700 feet above the surface to complement control zones. The St. Charles control zone was proposed, in the notice, as a 5-mile radius control zone in anticipation of the conversion of the Chicago terminal area to a transition area with a floor of 1,200 feet above the surface.

With the advent of Amendment 60-29, expansion of the presently designated control zone at DuPage Airport is not necessary. However, to provide protection for aircraft executing prescribed instrument approaches at DuPage, an extension from the 3-mile radius zone to the VOR will be necessary. Accordingly, action is taken herein to designate the St. Charles control zone within a 3-mile radius of DuPage County Airport and within 2 miles either side of the DuPage VOR 069° radial extending from the 3-mile radius zone to the VOR, from 0600 to 2200 hours, local time, daily.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice § 601.2493 (14 CFR 601.2493, 27 F.R. 5423) is amended to read:

§ 601.2493 St. Charles, Ill., control zone.

Within a 3-mile radius of the DuPage County Airport (latitude 41°54'45" N., longtitude 88°14'35" W.), and within 2 miles either side of the DuPage VOR 069° radial extending from the 3-mile radius zone to the VOR, from 0600 to 2200 hours, local time, daily.

This amendment shall become effective 0001 e.s.t., August 23, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 19, 1962.

CLIFFORD P. BURTON,
Acting Director, Air Traffic Service.

[F.R. Doc. 62-6129; Filed, June 22, 1962; 8:46 a.m.]

[Airspace Docket No. 61-LA-72]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airway; Correction

On May 11, 1962, F.R. Doc. 62-4565 was published in the FEDERAL REGISTER (27 F.R. 4512) and amended in part §§ 600.6062 and 601.6062 of the regulations of the Administrator by altering VOR Federal airway No. 62 from Zuni, N. Mex., to Abilene, Texas.

In citing the caption of § 601.6062, Zuni, N. Mex., was published as Zuni, Ariz. In addition, it was noted that the word Texas was abbreviated in the caption and text of § 600.6062. Corrective action is taken herein.

Since these alterations are editorial in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary and they may be made effective immediately.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, F.R. Doc. 62-4565 (27 F.R. 4512), Items 1 and 2 are altered as follows:

Item 1. In the caption and text of § 600.6062 "Tex." is deleted wherever it appears and "Texas" is substituted therefor.

Item 2. The caption of § 601.6062 is amended to read: § 601.6062 *VOR Federal airway No. 62 control areas (Zuni, N. Mex., to Abilene, Texas).*

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 19, 1962.

CLIFFORD P. BURTON,
Acting Director, Air Traffic Service.

[F.R. Doc. 62-6131; Filed, June 22, 1962; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8086]

PART 13—PROHIBITED TRADE PRACTICES

Bissell, Inc.

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits;* § 13.170 *Qualities or properties of product or service:* § 13.170-16 *Cleansing, purifying.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Bissell, Inc., Grand Rapids, Mich., Docket 8086, Jan. 17, 1962]

Order requiring a Grand Rapids, Mich., distributor of rug and upholstery cleaning devices and shampoos to jobbers and retailers to cease representing falsely in advertising in magazines and newspapers and by television that said devices and shampoo would give rugs professional-type cleaning at one-tenth the cost of professional cleaning, would dry clean rugs, and would clean merely by wiping the shampoo on a rug and letting it dry.

The order to cease and desist is as follows:

It is ordered, That Bissell, Inc., a corporation, and its officers, employees, agents and representatives, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of any rug cleaning device and any rug shampoo in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that such rug cleaning device and shampoo:

1. Will give professional-type cleaning at one-tenth the cost of professional cleaning.

2. Will clean a rug merely by spreading the shampoo on the rug and allowing it to dry.

3. Will dry clean rugs.

It is further ordered, That the complaint be, and the same hereby is, dismissed insofar as it alleges that respondent made false, misleading and deceptive statements other than those hereinabove found to be false, misleading and deceptive.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: January 17, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-6135; Filed, June 22, 1962; 8:48 a.m.]

[Docket 8159 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Plastic Contact Lens Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* § 13.170-70 *Preventive or protective;* § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Plastic Contact Lens Company, Chicago, Ill., Docket 8159, Jan. 17, 1962]

In the Matter of The Plastic Contact Lens Company, a Corporation, and George N. Jessen, Newton K. Wesley and Joseph Cinefro, Individually and as Officers of Said Corporation

Consent order requiring Chicago distributors of contact lenses to optometrists for resale to cease representing falsely in pamphlets and other advertising media that anyone could wear their contact lenses successfully, wear them all day without discomfort, and discard eyeglasses; and that the lenses provided a protective covering for the eye.

The order to cease and desist is as follows:

It is ordered, That The Plastic Contact Lens Company, a corporation, and its officers, and George N. Jessen, Newton K. Wesley and Joseph Cinefro, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of contact lenses, do forthwith cease and desist from, directly or indirectly:

1. Disseminating, or causing to be disseminated, any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication, that:

(a) All persons in need of visual correction can successfully wear respondents' contact lenses.

(b) There is no discomfort in wearing respondents' lenses unless it is clearly revealed that practically all persons will experience some discomfort when first wearing respondents' lenses, and in a significant number of cases discomfort will be prolonged.

(c) Respondents' contact lenses can be worn all day unless it is clearly revealed that this is possible only after the wearer has become fully adjusted thereto.

(d) Respondents' lenses protect the eye unless limited to the portion of the eye that is covered thereby.

(e) Respondents' lenses can replace eyeglasses to the extent that eyeglasses can be discarded by all persons.

2. Disseminating, or causing to be disseminated by any means, any advertisement for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said product, in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representation prohibited in Paragraph 1 above, or which fails to comply with the affirmative requirements of paragraphs 1(b) and 1(c) above.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: January 15, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-6136; Filed, June 22, 1962; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Amendment of Transitional Regulations

The Commissioner of Food and Drugs, by a notice published in the FEDERAL REGISTER of October 12, 1960 (25 F.R. 9771), requested interested persons to present data concerning color additives that are believed to be deemed provisionally listed. Additions to the originally published list of color additives deemed provisionally listed were published August 16, 1961 (26 F.R. 7579). Since that date, other requests have been received. The addition of certain color additives, as hereinafter listed, and with the limitations set forth, meet the statutory requirements for deemed provisional listing. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by Title II of the Color Additives Amendments of 1960 (sec. 203(d) (1)(A), (1)(C), and (3), 74 Stat. 404 et seq.; 21 U.S.C. note under 376) and delegated to the Commissioner by the Secretary (25 F.R. 8625), § 8.501 (21 CFR 8.501) of the transitional color additive regulations is amended by adding to paragraphs (e) and (f) new items as follows:

§ 8.501 Provisional lists of color additives.

* * * * *

(e) *Color additives provisionally listed for food use on the basis of prior commercial sale but which have not been subject to certification.*

* * * * *

Cudbear (Roccella spp., Lecanora spp.).
Grape skin extract.
Logwood, chips and extracts (Haematoxylon campechianum L.).
Safflower (American saffron, florets of Carthamus tinctorius L.).

* * * * *

(f) *Color additives provisionally listed for drug use on the basis of prior commercial sale but which have not been subject to certification.*

* * * * *

Bone black (for coloring gelatin capsules only).

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER. Notice and public procedure and delayed effective date

are not necessary prerequisites to the promulgation of this order, because section 203(d)(2) of Public Law 86-618 so provides.

(Title II, Public Law 86-618; 74 Stat. 404 et seq.; 21 U.S.C., note under 376)

Dated: June 19, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F R Doc. 62-6142; Filed, June 22, 1962; 8:49 a.m.]

SUBCHAPTER C—DRUGS

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Hygromycin B

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR 146.26) are amended as follows:

Section 146.26 *Animal feed containing penicillin* • • • is amended in the following respects:

1. Paragraph (b)(32)(i) is amended by changing the second sentence to read: "If it is a complete feed it contains 6,000 units (6 milligrams) of hygromycin B (produced by the growth of Streptomyces hygroscopicus) per pound, or if it is a hygromycin B feed supplement or premix it contains not more than 8,000,000 units (8 grams) of hygromycin B per pound."

2. Paragraph (b)(32)(i) is further amended by changing the fourth sentence to read: "If it is a hygromycin B feed supplement or premix and it contains more than 8,000,000 units of hygromycin B per pound, it shall be exempt from certification only if there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.7 to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity."

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendments relax existing requirements and since it would be contrary to the public interest to delay providing for the amendments in this order.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: June 19, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-6143; Filed, June 22, 1962; 8:50 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6602]

PART 201—DISTILLED SPIRITS PLANTS

Use of 4/5 Pint Containers for Packaging Distilled Spirits

In order to implement the provisions of Treasury Decision 6601, published in the FEDERAL REGISTER for June 5, 1962 (27 F.R. 5259), authorizing the use of 4/5 pint containers for the packaging of all classes and types of distilled spirits, the regulations in 26 CFR Part 201, Distilled Spirits Plants, are amended as follows:

PARAGRAPH 1. Section 201.328 is amended to read:

§ 201.328 Liquor bottles.

The proprietor shall comply with the provisions of Part 175 of this chapter respecting the use of liquor bottles. Spirits may be bottled for domestic purposes only in the sizes provided in 27 CFR Part 5. Spirits may be bottled in bond for export in bottles of any size less than five gallons. Liquor bottles may be used, but need not be used, in bottling spirits in bond for export.

(72 Stat. 1360, 1366, 1374; 26 U.S.C. 5206, 5233, 5301)

PAR. 2. Section 201.457 is amended to read:

§ 201.457 Liquor bottles.

The proprietor shall comply with the provisions of Part 175 of this chapter respecting the use of liquor bottles. Spirits may be bottled for domestic purposes only in the sizes provided in 27 CFR Part 5. Liquor bottles may not be used for wines containing 24 percent alcohol by volume or less or for products manufactured with such wines unless such products contain spirits other than wine spirits used in wine production. Liquor bottles may be used, but need not be used, in bottling spirits for export.

(72 Stat. 1374; 26 U.S.C. 5301)

§ 201.542 [Amendment]

PAR. 3. The second sentence of § 201.542 is amended to read: "When bottles containing over ½ pint of bottled-in-bond spirits are of a size for which bottled-in-bond strip stamps in the exact denomination are not provided, the proprietor shall use stamps of another denomination; he shall strike out the original denominations and shall write or print on the stamps the exact quantity of spirits contained in the bottles."

(72 Stat. 1358; 26 U.S.C. 5205)

Since the purpose of this Treasury decision is to implement the provisions of Treasury Decision 6601, which was published pursuant to notice and public hearing thereon, and since the proposed amendments are of a liberalizing nature, it is hereby found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). This Treasury decision shall be effective September 1, 1962.

(Sec. 7805, I.R.C.; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: June 19, 1962.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-6147; Filed, June 22, 1962; 8:51 a.m.]

Title 27—INTOXICATING LIQUORS

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6603]

PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

Standards of Fill for Distilled Spirits

Treasury Decision 6601 amending 27 CFR Part 5 Relating to Labeling and Advertising of Distilled Spirits was published in the FEDERAL REGISTER on June 5, 1962 (27 F.R. 5259). That Treasury decision is hereby amended by changing the effective date thereof to September 1, 1962.

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: June 19, 1962.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-6148; Filed, June 22, 1962; 8:51 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Oil Import Reg. 1 (Rev. 2), Amdt. 10]

ALLOCATIONS OF CRUDE OIL AND UNFINISHED OILS

In the FEDERAL REGISTER for June 12, 1962 (27 F.R. 5561) notice was given of proposals to amend sections 10, 11, 15, 16, 21, and 22 of Oil Import Regulation 1 (Revision 2), as amended. Comments were received from 31 companies, associations, or interested persons. A number of comments were addressed to matters not covered by the proposed rule making—such as the elimination of "historical percentages" and graduated

scales from the system of allocations. Some objections were raised to the specific changes proposed in the graduated scales in sections 10 and 11 and some comments favoring those changes were received. Similarly, divergent views were expressed with respect to the changes proposed in the historical percentages. After a reconsideration of these proposed changes in the light of the comments, the proposed changes are deemed to be desirable. A number of objections were received to the proposal to make decisions of the Oil Import Appeals Board modifying or granting allocations of imports of crude oil effective in the allocation period following the period in which the decision is made. However, this amendment has been adopted because it is important that the actions of the Board not affect the levels of imports in a particular allocation period. As a result of comments on the proposed revision of the definition of "refinery inputs," both the definition of "refinery inputs" and the definition of "natural gasoline" and "plant condensate" have been further revised. The principal change has been the elimination of any reference to the "API Gravity" of inputs.

1. Section 10 of Oil Import Regulation 1 (Revision 2), as amended (26 F.R. 11973) is amended to read as follows:

Sec. 10. Allocations of crude oil and unfinished oils—Districts I–IV.

(a) The quantity of imports of crude oil and unfinished oils determined to be available for allocation in Districts I–IV for the allocation period July 1, 1962 through December 31, 1962 shall be allocated by the Administrator among eligible applicants as provided in paragraphs (b) and (c) of this section.

(b) Except as provided in paragraph (c) of this section, each eligible applicant shall receive an allocation based on refinery inputs for the year ending March 31, 1962, and computed according to the following schedule:

Average B/D input:	Percent of input
0–10,000	12.0
10–30,000	10.2
30–100,000	8.2
100,000 plus	5.2

(c) If an eligible applicant has been importing crude oil pursuant to an allocation under the Voluntary Oil Import Program and if an allocation computed under paragraph (b) of this section would be less than 70 percent of the applicant's last allocation of imports of crude oil under the Voluntary Oil Import Program, the applicant shall, nevertheless, receive an allocation under this section equal to 70 percent of his last allocation of imports of crude oil under the Voluntary Oil Import Program.

(d) No allocation made pursuant to this section shall entitle a person to a license which will allow the importation of unfinished oils in excess of 10 percent of the allocation.

(e) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

2. Section 11 of Oil Import Regulation 1 (Revision 2), as amended (26 F.R. 11973) is amended to read as follows:

Sec. 11. Allocations of crude oil and unfinished oils—District V.

(a) The quantity of imports of crude oil and unfinished oils determined to be available for allocation in District V for the allocation period July 1, 1962 through December 31, 1962 shall be allocated by the Administrator among eligible applicants as provided in paragraphs (b) and (c) of this section.

(b) Except as provided in paragraph (c) of this section, each eligible applicant shall receive an allocation based on refinery inputs for the year ending March 31, 1962, and computed according to the following schedule:

Average B/D input:	Percent of input
0–10,000	52.0
10–30,000	34.9
30–100,000	15.6
100,000 plus	11.0

(c) If an eligible applicant has been importing crude oil pursuant to an allocation under the Voluntary Oil Import Program and if an allocation computed under paragraph (b) of this section would be less than 70 per cent of the applicant's last allocation of imports of crude oil under the Voluntary Oil Import Program, the applicant shall, nevertheless, receive an allocation under this section equal to 70 percent of his last allocation of imports of crude oil under the Voluntary Oil Import Program.

(d)(1) Allocations made pursuant to this section shall not permit the importation of unfinished oils in excess of 10 percent of the permissible imports of crude oil. With respect to any allocation made pursuant to this section, the Administrator upon request shall issue a license permitting the importation of unfinished oils in an amount not in excess of 10 percent of the allocation. If the total quantity of unfinished oils applied for is less than 10 percent of the permissible imports of crude oils, the Administrator may to that extent increase the percentage amount of unfinished oils specified in licenses of persons who request such increases.

(2) Each person making such a request shall receive an increase in the proportion that his allocation bears to the total of allocations made to all persons requesting increases. Each barrel of unfinished oil imported shall be deemed to be the equivalent of one barrel of crude oil and will be so charged against the person's license by the respective Collectors of Customs.

(3) The permissible percentage of imports of unfinished oils and the equivalence of unfinished oils to crude oil may be changed during the allocation period, if necessary to prevent impairing accomplishment of the purposes of the program. Such a change will be made only after notice of proposed rule making and will not become effective until the 30th calendar day following publication in the FEDERAL REGISTER of the amendment making such change.

(e) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

3. Section 15 of Oil Import Regulation 1 (Revision 2), as amended (26 F.R. 11973) is amended to read as follows:

Sec. 15. Allocation of crude oil and unfinished oils—Puerto Rico.

(a) For the allocation period July 1, 1962 through December 31, 1962, and succeeding allocation periods, the Administrator shall allocate to each eligible applicant for an allocation for Puerto Rico quantities of imports of crude oil and unfinished oils in proportion to the applicant's average barrels daily of refinery input (adjusted by the Administrator for downtime) in Puerto Rico during the months of July, August, and September of the year 1958.

(b) In the event that the maximum levels of imports of crude oil and unfinished oils are increased or decreased pursuant to paragraph (b) of section 14, the Administrator shall increase or decrease individual allocations in the proportion that each allocation bears to the total allocations of crude oil and unfinished oils.

(c) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

4. Section 16 of Oil Import Regulation 1 (Revision 2), as amended (26 F.R. 11973) is amended to read as follows:

Sec. 16. Allocations of finished products—Puerto Rico.

(a) For the allocation period July 1, 1962 through December 31, 1962, and succeeding allocation periods, the Administrator shall allocate to each eligible applicant for an allocation for Puerto Rico a quantity of imports of finished products equal to the applicant's average barrels daily of imports of such products during the last six months of the calendar year 1958. Separate allocations shall be made for imports of residual fuel oil to be used as fuel and of imports of finished products other than residual fuel oil to be used as fuel.

(b) In the event that the maximum level of imports of residual fuel oil to be used as fuel or of finished products other than residual fuel oil to be used as fuel is increased or decreased pursuant to paragraph (b) of section 14, the Administrator shall increase or decrease individual allocations in the proportion that each allocation bears to the total allocations of residual fuel oil to be used as fuel or of finished products other than residual fuel oil to be used as fuel, respectively.

(c) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

Sec. 21. [Amendment]

5. Paragraph (c) of section 21 of Oil Import Regulation 1 (Revision 2) (26 F.R. 2124) is amended to read as follows:

(c) The modification or grant of an allocation by the Appeals Board shall become effective in the allocation period, as provided in section 3 of this regulation, which succeeds the allocation period during which the Board's decision is made. However, no decision of the Appeals Board shall become effective unless it is made and the Administrator is notified more than thirty calendar days before the beginning of an allocation period.

Sec. 22. [Amendment]

6. Paragraph (k) of Section 22 of Oil Import Regulation 1 (Revision 2) (26 F.R. 2123) is amended to read as follows:

(k) (1) "Refinery inputs" include:

(i) Crude oil,

(ii) Liquids (under atmospheric conditions) that have been recovered from mixtures of hydrocarbons which existed in a reservoir in a vaporous phase with the exception of natural gasoline or plant condensate, and

(iii) Imported unfinished oils which are further processed other than by blending by mechanical means, but

(2) "Refinery inputs" do not include:

(i) Unfinished oils that have not been imported,

(ii) Natural gasoline or plant condensate, or

(iii) For the purpose of computing allocations under section 10 or section 11 of this regulation, any crude oil, unfinished oils, or liquids which have been recovered from mixtures of hydrocarbons that existed in a reservoir in a vaporous phase, if such crude oil, unfinished oils, or liquids were imported into the United States by pipeline, rail, or other means of overland transportation from the country where they were produced, which country, in the case of unfinished oils, is also the country of production of the crude oil or liquids from which the unfinished oils were processed or manufactured.

7. A new paragraph (n) reading as follows is added to section 22 of Oil Import Regulation 1 (Revision 2) (26 F.R. 2123):

(n) "Natural gasoline" or "plant condensate": A liquid which is recovered by a process of absorption, adsorption, compression, refrigeration, cycling, or a combination of such processes, from mixtures of hydrocarbons that existed in a reservoir in a vaporous phase and which, when recovered and without further processing, is suitable for use as a finished product or as a blending component of a finished product.

It would not be in the public interest to delay the effective date of the amendments made by this Amendment 10 to sections 10, 11, 15, 16, and 22 of Oil Import Regulation 1 (Revision 2), because the next allocation period for imports of crude oil and unfinished oils begins July 1, 1962, and allocations must be made and licenses granted promptly and holders of allocations should at once apply the revised definition of refinery inputs to their inputs for the refinery input year that began October 1, 1961. The amendment to section 21 should be applicable to any decisions made by the Oil Import Appeals Board during the period beginning July 1, 1962, and, accordingly, should become effective on that date.

Therefore, the amendments made by this Amendment 10 to sections 10, 11, 15, 16, and 22 of Oil Import Regulation 1 (Revision 2) shall be effective immediately and the amendment made to paragraph (c) of section 21, relating to decisions of the Oil Import Appeals Board, shall become effective July 1, 1962. However, the amendment made to paragraph (k), relating to "refinery inputs," of section 22 shall not be operative with respect to the making of allocations for the period beginning July 1, 1962.

STEWART L. UDALL,
Secretary of the Interior.

JUNE 20, 1962.

[F.R. Doc. 62-6204; Filed, June 22, 1962; 10:22 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2707]

WYOMING

Partial Revocation of Public Water Reserve; Partly Revoking Reclamation Withdrawal (Shoshone Project)

By virtue of the authority vested in the President by the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The Executive order of February 25, 1919, creating Public Water Reserve No. 58, Wyoming No. 12, is hereby revoked so far as it affects the following described lands:

[Wyoming 0146222]

SIXTH PRINCIPAL MERIDIAN

T. 24 N., R. 120 W.,
Sec. 24, SW¼NE¼.

Containing approximately 40 acres.

2. The departmental order of December 11, 1908, and the departmental order of August 2, 1913, as modified by the Departmental order of October 21, 1913, and any other order or orders which withdrew lands for reclamation purposes under provisions of the act of June 17, 1902, supra, are hereby revoked so far as they affect the following described lands:

[Wyoming 0133982]

SIXTH PRINCIPAL MERIDIAN

T. 52 N., R. 104 W.,
Sec. 14, lots 10, 11, 26, and 27;
Sec. 15, lots 21, 22, and 23.

Containing 32.56 acres.

3. The lands described in paragraph 1, above, are situated about five miles southwest of Cokeville, on the west side of the Bear River drainage. Those described in paragraph 2, hereof, are located on the North Fork of the Shoshone River, about 15 miles west of Cody, Wyoming.

4. Subject to any valid existing rights and equitable claims, the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations, the lands released from withdrawal by this order are hereby opened to filing of applications, selections, and locations in accordance with the following:

(a) Until 10:00 a.m. on December 18, 1962, the State of Wyoming shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR.

(b) All valid applications and selections under the nonmineral public land laws other than any from the State of Wyoming presented prior to 10:00 a.m. on December 18, 1962, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

(c) The lands have been open to applications and offers under the mineral leasing laws and, as to the lands described in paragraph 1 of this order, to location for metalliferous minerals. They will be open to location under the United States mining laws at 10:00 a.m. on December 18, 1962, the lands described in paragraph 1, hereof, being open at that time to such location for nonmetalliferous minerals.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims, must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyoming.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JUNE 19, 1962.

[F.R. Doc. 62-6137; Filed, June 22, 1962; 8:48 a.m.]

[Public Land Order 2708]

[Anchorage 054175]

ALASKA

Withdrawing Lands as a Headquarters Site for Izembek National Wildlife Range

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved under jurisdiction of the Bureau of Sport Fisheries and Wildlife as a headquarters site for use in connection with administration of the Izembek National Wildlife Range:

Cold Bay Area

Beginning at a point marked by a stamped brass shellcase set in concrete, at approximate 55°12'36.96" N. latitude and 162°42'52.93" W. longitude, which point is approximately 90 feet south of mean high tide at Cold Bay; thence South, 698.44 feet; East, 800.00 feet; North, 850.00 feet, approximately to a point on mean high tide of Cold Bay at approximate 55°12'36.46" N. latitude and 162°42'39.14" W. longitude; Westerly, 840.00 feet, approximately, along line of mean high tide to a point 90 feet north of the point of beginning; South, 90.00 feet, approximately, to the point of beginning.

Containing 15.6 acres, approximately.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JUNE 19, 1962.

[F.R. Doc. 62-6138; Filed, June 22, 1962; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 987]

[Docket No. AO 269-A2]

HANDLING OF DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Decision With Respect to Proposed Amendment of Marketing Agreement and Order, as Amended; and Referendum Order

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in Indio, California, on April 2, 1962, on a proposed amendment of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. Notice of the hearing was published in the FEDERAL REGISTER (27 F.R. 2477) on March 15, 1962. The amended marketing agreement and the amended order are effective pursuant to the provisions of the said act.

On the basis of the evidence adduced at the hearing and the record thereof, a recommended decision in this proceeding was filed on May 24, 1962, with the Hearing Clerk, United States Department of Agriculture, and notice thereof, affording opportunity to file written exceptions thereto, was published May 29, 1962, in the FEDERAL REGISTER (F.R. Doc. 62–5183; 27 F.R. 4997).

Material issues, findings, and conclusions. The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 62–5183; 27 F.R. 4997) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Rulings on exceptions. The period during which interested persons were afforded the opportunity to file written exceptions to the recommended decision with the said Hearing Clerk expired on June 8, 1962. No written exceptions were filed.

Amendment of the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Domestic Dates Produced or Packed in a Designated Area of California" and "Order Amending the Order, as Amended, Regulating the Handling of Domestic Dates Produced or Packed in a Designated Area of California" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders, have been met.

It is hereby ordered, That all of this decision, except the annexed marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement, as amended, are identical with those contained in the said order, as amended, and as further amended by the annexed order which will be published with this decision.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period August 1, 1961, through May 31, 1962 (which is hereby determined to be a representative period for the purpose of such referendum), have been engaged in the production of domestic dates for market to ascertain whether such producers favor the issuance of an order amending the order, as amended, regulating the handling of domestic dates produced or packed in a designated area of California. Such amendatory order is annexed to this decision and referendum order. Producers eligible to participate in the referendum are those who were so engaged in the production of Deglet Noor, Zahidi, Halawy or Khadrawy varieties of domestic dates produced or packed in Riverside, Orange and Los Angeles Counties, and that portion of San Bernardino County lying west of 116° W. longitude, located within the State of California.

Warren C. Noland, Edmund J. Blaine, and Joseph C. Genske of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F.R. 5176; 19 F.R. 35), except that paragraph (a) (3) thereof is hereby modified for the purpose of this referendum to read as follows:

(3) Any individual casting a ballot in such referendum on behalf of a producer shall submit, with the ballot, evidence of his authority to cast such ballot, which evidence in the case of a corporation or a cooperative association shall be in the form of a certified copy of a resolution of the Board of Directors: *Provided*, That, corporations, other than cooperative associations, casting a ballot in such referendum, need not furnish the aforesaid resolution if the person signing said ballot on behalf of the corporation executes the following certification: "I hereby certify that I am an officer or employee of the corporate producer for whom this ballot is cast, and that I have authority to take such action on its behalf."

The ballots used in the referendum shall contain a summary describing the terms and conditions of the proposed amendment.

Any producer entitled to vote in the referendum who does not receive a copy of the aforesaid annexed order, voting instructions, or a ballot or other necessary forms may obtain the same from Warren C. Noland, Los Angeles Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 1031 South Broadway, Los Angeles 15, California.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 19, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Domestic Dates Produced or Packed in a Designated Area of California

§ 987.0 Findings and determinations.

(a) *Previous findings and determinations.* The findings and determinations hereinafter set forth are supplementary, and in addition, to the findings and determinations which were made in connection with the issuance of the order and the previously issued amendment thereto; and all of the said previous findings and determinations are hereby ratified and affirmed except insofar as such previous findings and determinations may be in conflict with the findings and determinations set forth herein. (For prior findings and determinations see 20 F.R. 5056; 23 F.R. 6904.)

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agriculture Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure, as amended (7 CFR Part 900), a public hearing was held in Indio, California, on April 2, 1962, on a proposed amendment of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. On the basis of the evidence adduced at the hearing, and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of domestic dates produced or packed in a designated area of California in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act and the issuance of several orders applicable to subdivisions of the area of production would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of domestic dates in the area of production covered by the order, as amended and as hereby further amended, which would require different terms applicable to different parts of such area; and

(5) All handling of domestic dates produced or packed in the area of production is in the current of interstate or foreign commerce, or directly burdens, obstructs or affects such commerce.

It is, therefore, ordered, That, on and after the effective time hereof, all handling of domestic dates produced or packed in the designated area of production shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Amend § 987.2 to read as follows:

§ 987.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

§ 987.5 [Amendment]

2. Insert "Halawy," in § 987.5 immediately after "Zahidi,".

§ 987.9 [Amendment]

3. Insert in § 987.9 after "commerce" the words "including the shipment or delivery of substandard dates or cull dates into nonhuman consumption outlets," and insert after "deliveries by producers" the words "of other than cull dates".

§ 987.16 [Amendment]

4. Add to the end of § 987.16 the words "and any dates residual from field or packinghouse grading operations."

5. Amend § 987.26 to read as follows:

§ 987.26 Vacancies.

In the event of any vacancy occasioned by the removal, resignation, disqualification, or death of any member or alternate member, or any need to select a successor through failure of any person selected as a member or alternate member to qualify, a successor shall be nominated within 30 calendar days and selected in the manner, and subject to the conditions, provided in this subpart.

§ 987.41 [Amendment]

6. Delete the word "agency" wherever it appears in § 987.41(c) and substitute therefor the word "service".

§ 987.44 [Amendment]

7. Delete the last sentence of § 987.44 (b).

§ 987.45 [Amendment]

8. Delete "0.90" from the last sentence of § 987.45(a) and substitute therefor the phrase "a divisor established by the Committee with the approval of the Secretary".

9. Delete the phrase "withholding percentage" wherever it appears in § 987.45 and substitute therefor the phrase "withholding factor".

10. Add the following sentence at the end of § 987.45(d): "Any handler who during a crop year disposes in restricted outlets of a quantity of marketable dates in excess of his restricted obligation of such crop year may have such excess quantity of marketable dates credited to his restricted obligation of the subsequent crop year: *Provided*, That the amount of any such credit shall not exceed that established by the Committee, with the approval of the Secretary, as the percentage of such restricted obligation."

§ 987.47 [Deletion]

11. Delete § 987.47 *Assistance to handlers* and add a new § 987.47 *Surplus* to read as follows:

§ 987.47 Surplus.

All cull dates and all substandard dates, including such dates blended with varieties within the generic term "dates" not regulated by this part, except any substandard dates released to human consumption outlets pursuant to § 987.56, are surplus dates of any crop year. No handler shall ship or deliver such surplus dates to other than the Committee or its designee(s) for disposition in eligible outlets for such dates, except that any producer or handler may dispose of any such surplus dates of his own production within his own livestock feeding operations. Surplus dates delivered to the Committee shall be disposed of by it, in those outlets specified in § 987.56, at the best prices attainable and the proceeds returned pro rata, after deduction of Committee costs, to equity holders. The Committee may assist handlers with the cleaning, storage, or delivery of surplus dates and may, with the approval of the Secretary, establish rules and regulations necessary and incidental to administration of this regulation.

§ 987.55 [Amendment]

12. Insert the following sentence after the first sentence of § 987.55: "The Committee, with the approval of the Secretary, may establish such grade, container, and identification requirements for such dates for export, as are deemed essential to the promotion of orderly marketing."

§ 987.56 [Amendment]

13. Change the initial word "Substandard" appearing in § 987.56 to "substandard" and insert before that word the words "Subject to the provisions of § 987.47,".

§ 987.68 [Amendment]

14. Insert the following sentence after the next to last sentence of § 987.68: "The Committee, with the approval of the Secretary, may establish the type of records to be maintained."

§§ 987.71, 987.72, 987.73, 987.74 [Deletions]

15. Delete §§ 987.71 through 987.74, inclusive, and add new §§ 987.71 and 987.72 to read as follows:

§ 987.71 Expenses.

The Committee is authorized to incur such expenses, including maintenance of an operating reserve fund, as the Secretary may find are reasonable and are likely to be incurred by it during each crop year for the maintenance and functioning of the Committee and for such other purposes as he determines to be appropriate. The recommendation of the Committee as to total expenses and allocation thereof for each crop year, together with all data supporting such recommendation, shall be submitted to the Secretary within a reasonable time after the marketing policy for each crop year is recommended.

§ 987.72 Assessments.

(a) *Requirement for payment.* Each handler shall pay to the Committee, upon demand, with respect to free dates he handles or has certified for handling or for further processing his pro rata share of all expenses which the Secretary finds are reasonable and are likely to be incurred by the Committee during each crop year. Each handler's pro rata share shall be the rate of assessment per hundredweight fixed by the Secretary. At any time during or after a crop year the Secretary may increase such assessment rate to secure sufficient funds to cover unanticipated expenses or a deficit in assessable poundage. Any such increase shall apply to all assessable poundage of the crop year. The Committee may accept payments of assessments in advance and may borrow money in any amount not to exceed 10 percent of the estimated expenses set forth in its budget for the then crop year. The assessment weight of pitted dates shall be determined by dividing the shipping weight by a divisor established by the Committee with the approval of the Secretary.

(b) *Surplus expenses.* The Committee is authorized to use temporarily funds derived from assessments collected pur-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

suant to paragraph (a) of this section to defray expenses incurred in disposing of surplus dates. All such expenses shall be deducted from the proceeds obtained by the Committee from such disposal.

(c) *Operating reserve.* The Committee, with the approval of the Secretary, may establish and maintain during one or more crop years an operating monetary reserve in an amount not to exceed 50 percent of the average of expenses incurred during the most recent five preceding crop years, except that an established reserve need not be reduced to conform to any recomputed average. Funds in reserve shall be available for use by the Committee for expenses authorized pursuant to § 987.71.

(d) *Refunds.* Funds held by the Committee at the conclusion of the crop year in excess of the crop year's expenses, including reserve requirements, may be used to defray expenses for no more than the ensuing four months, and thereafter within a reasonable time the Committee shall credit, or upon demand, refund the aforesaid excess to handlers who contributed to such excess: *Provided*, That the excess due any handler may be applied, in whole or in part, by the Committee to any outstanding obligation due the Committee from such handler. A handler's share of the excess funds shall be the amount of assessments he paid in excess of his actual pro rata share of the expenses, including reserve requirements, of the Committee for the preceding crop year. Upon termination of this subpart any money in possession of the Committee shall be distributed in such manner as the Secretary may direct: *Provided*, That, to the extent practicable, such funds shall be returned pro rata to the persons from whom such funds were collected.

[F.R. Doc. 62-6145; Filed, June 22, 1962; 8:50 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Parts 1103, 1105, 1107]

[Docket Nos. AO-252-A8, AO-297-A3, AO-304-A4]

MILK IN CENTRAL MISSISSIPPI, MISSISSIPPI DELTA AND MISSISSIPPI GULF COAST MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Rose Room, Heidelberg Hotel, 131 East Capitol Street, Jackson, Mississippi, beginning at 10:00 a.m., local time, on July 10, 1962, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Central Mississippi, Mississippi Delta, and Mississippi Gulf Coast marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposal to combine under one order the Central Mississippi and Mississippi Gulf Coast marketing areas and the addition of Beat 2 of Lamar County, Mississippi, contemplates suspension of all provisions of Order No. 107 (Mississippi Gulf Coast) with a merger of the marketing service funds, administrative funds, and producer-settlement funds. This proposal raises the issue whether the present provisions of Order No. 103 (Central Mississippi) if amended in accordance with the proposals set forth below would tend to effectuate the declared policy of the Act, if not, what modifications are appropriate to effectuate the declared policy of the Act.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Mississippi Milk Producers Association:

Proposal No. 1. Consolidate and amend the Central Mississippi (Order No. 103) and Mississippi Gulf Coast (Order No. 107) Federal Milk Orders to read as follows:

DEFINITIONS

§ 1103.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1103.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1103.3 Department of Agriculture.

"Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1103.4 Person.

"Person" means any individual, partnership, corporation, association, or other business unit.

§ 1103.5 Cooperative association.

"Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 1103.6 South and Central Mississippi marketing area.

"South and Central Mississippi marketing area" hereinafter called the "marketing area", means all the territory, including incorporated municipalities and military reservations, within the counties of Adams, Claiborne, Clarke, Copiah, Covington, Forrest, Franklin, George, Greene, Hancock, Harrison, Hinds, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Lamar, Lauderdale, Lawrence, Lincoln, Madison, Marion, Neshoba, Newton, Pearl River, Perry, Rankin, Scott, Simpson, Smith, Stone, Walthall, Warren, and Wayne, all in the State of Mississippi.

§ 1103.7 Route.

"Route" means a delivery (including delivery by a vendor or sale from a plant or plant store) of any fluid milk product, other than a delivery to any milk processing plant.

§ 1103.8 Distributing plant.

"Distributing plant" means any plant at which fluid milk products, eligible for distribution in the marketing area under a Grade A label, are processed and packaged and from which fluid milk products are disposed of on a route(s) in the marketing area.

§ 1103.9 Supply plant.

"Supply plant" means any plant at which milk eligible for distribution in the marketing area under a Grade label, is received from dairy farmers and from which fluid milk products are moved to a distributing plant.

§ 1103.10 Pool plant.

"Pool plant" means:

(a) A distributing plant, other than that of a producer-handler or one described in § 1103.61, from which during the month:

(1) Disposition in the marketing area of fluid milk products on routes is 15 percent or more of the total Class I route disposition of fluid milk products of such plant; and

(2) Total disposition of fluid milk products on routes is 50 percent or more of the total receipts of Grade A milk; or

(b) A supply plant from which during the month 50 percent or more of receipts from dairy farmers producing Grade A milk is moved to a plan(s) described in paragraph (a) of this section: *Provided*, That, if such supply plant is operated by a cooperative association, and such association so chooses, such plant shall be a pool plant if 50 percent or more of the total milk of dairy farmers producing Grade A milk in such market who are members of such cooperative association is delivered to pool plants. Any supply plant that was a pool plant in each of the months of September through January immediately preceding shall continue to be a pool plant each of the following months of February through August unless written notice to the market administrator is received before the first day of the month of its intention to withdraw, in which case such plant shall thereafter be a nonpool plant, unless it again qualifies as a supply plant in accordance with the first sentence of this subparagraph.

§ 1103.11 Nonpool plant.

"Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 1103.12 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant(s);

(b) The operator of a nonpool distributing plant; or

(c) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with § 1103.14.

§ 1103.13 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant which, during the month, received no other source milk (except own production), producer milk, or milk from a pool plant.

§ 1103.14 Producer.

"Producer" means any person, other than a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority which milk is received during the month at a pool plant or diverted pursuant to paragraphs (a) through (e) of this section: *Provided*, That milk diverted in accordance with the provisions of said paragraphs shall be deemed to have been received by the diverting handler at the location of the pool plant from which it was diverted and: *Provided further*, That if a handler diverting milk pursuant to paragraph (d) or (e), diverts in excess of the limits prescribed all diversions by such handler during the month shall be pursuant to paragraph (c) and: *Provided also*, That if a handler diverting milk pursuant to paragraph (b) or (c), diverts milk of any dairy farmer in excess of the limits prescribed, such dairy farmer shall be a producer only with respect to that milk physically received at a pool plant:

(a) Diverted by the operator of a pool plant to the pool plant of another handler;

(b) Diverted to a nonpool plant(s) (except a nonpool plant which is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act) by the operator of a pool plant or by a cooperative association during any of the months of December through August: *Provided*, That this diversion privilege shall be applicable only to the milk of those dairy farmers who held producer status throughout the entire two immediately preceding months, except that only for the purpose of determining eligibility for diversion during any month of December through August, a dairy farmer who was in noncompliance with the Grade A requirements of a duly constituted health authority during any part of the two immediately preceding months shall be considered to have maintained producer status during the period of such noncompliance;

(c) Diverted to a nonpool plant(s) (except a nonpool plant which is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act) for not more than 10 days' production during any month of September through November except that this paragraph shall not be applicable, (1) if the dairy farmer is a member of a cooperative association and such cooperative association during the month diverts milk of any of its producer members pursuant to paragraph (d) of this section, or (2) if the dairy farmer is not a member of a cooperative association and the diverting handler during the month diverts milk of any nonmember producer from his plant pursuant to paragraph (e) of this section;

(d) Diverted during any month of September through November to a nonpool plant(s) (except a nonpool plant which is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act) as milk of a member of a cooperative association for the account of such association if the amount of milk so diverted does not exceed 15 percent of the volume of Grade A milk from all dairy farmer members of such cooperative association received at pool plants during such month; or

(e) Diverted during any month of September through November to a nonpool plant(s) (except a nonpool plant which is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act) as milk of a dairy farmer who is not a member of a cooperative association by a handler in his capacity as the operator of a pool plant from which the quantity of milk of nonmember dairy farmers so diverted does not exceed 15 percent of the total Grade A receipts of milk at such plant from nonmember dairy farmers.

§ 1103.15 Producer milk.

"Producer milk" means only the skim milk or butterfat contained in milk (a) received at a pool plant(s) directly from producers, or (b) diverted from a pool plant to a nonpool plant (except a nonpool plant which is fully subject to the pricing provisions of another order issued pursuant to the Act) in accordance with the provisions of § 1103.14.

§ 1103.16 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) fluid milk products from pool plants, and (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month, or for which other utilization or disposition is not established.

§ 1103.17 Fluid milk product.

"Fluid milk product" means all the skim milk (including concentrated and reconstituted skim milk) and butterfat disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks or concentrated milk (not sterilized or in hermetically sealed containers), eggnog, yogurt, cream (sweet or sour) and any mixture in fluid form of cream and skim milk or milk (except aerated cream, ice cream mix, frozen dessert mix).

§ 1103.18 Chicago butter price.

"Chicago butter price" means the simple average, as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

MARKET ADMINISTRATOR

§ 1103.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1103.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary, complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1103.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon, satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1103.95, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 1103.94, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and fur-

nish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments of each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1103.30 and 1103.31, or payments pursuant to § 1103.90, and §§ 1103.93 to 1103.98;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing:

(1) On or before the 6th day of each month, the minimum price for Class I milk computed pursuant to 1103.51(a) and the Class I butterfat differential computed pursuant to § 1103.52(a), both for the current month, and the minimum price for Class II milk computed pursuant to § 1103.51(b) and the Class II butterfat differential computed pursuant to § 1103.52(b), both for the previous month;

(2) On or before the 10th day after the end of each of the months of August through February, the uniform price computed pursuant to § 1103.71, and the butterfat differential computed pursuant to § 1103.91; and

(3) On or before the 10th day after the end of each of the months of March through July, the uniform prices for base milk and for excess milk computed pursuant to § 1103.72, and the butterfat differential computed pursuant to § 1103.91;

(j) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the percentage of producer milk delivered by members of such association, which was used in each class by each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by each handler; and

(k) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 1103.30 Reports of receipts and utilization.

On or before the sixth day of each month each handler operating a pool plant(s), each handler (other than a producer-handler) who operates a nonpool distributing plant and any cooperative association with respect to milk for which it is a handler shall report for the preceding month to the market administrator in the detail and on forms prescribed by the market administrator for each of his plants for such month as follows:

(a) The quantities of skim milk and butterfat in:

(1) Milk received from producers and for the months of March through July the total quantity of base and excess milk. In lieu thereof the operator of a nonpool distributing plant shall report aggregate receipts from dairy farmers who would be producers if such plant were a pool plant;

(2) Fluid milk products received from other pool plants;

(3) Other source milk; and

(4) Inventories of fluid milk products on hand at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements with respect to:

(1) Disposition of fluid milk products on routes within the marketing area from plants described in §§ 1103.61 and 1103.62, and from other plants for which the market administrator requires such information as a basis for determination of status or obligations; and

(2) Class I milk outside the marketing area; and

(c) Such other information with respect to sources and utilization of skim milk and butterfat as the market administrator may prescribe.

§ 1103.31 Other reports.

(a) On or before the 20th day of each month each handler operating a pool plant(s) and each cooperative association which is a handler pursuant to § 1103.12(c) shall report its producer payroll for the preceding month which shall show for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer and for the base-operating months of March through July the total pounds of base and excess milk;

(3) The number of days on which milk was received from such producer if less than a full calendar month;

(4) The average butterfat content of such milk; and

(5) The net amount of such handler's payment, the price paid and the amount and nature of any deductions;

(b) Each handler who received producer milk for which payment is to be made to a cooperative association pursuant to § 1103.80(c) shall report to such cooperative association with respect to each such producer, as follows:

(1) On or before the 20th day of each month, the total pounds of milk received during the first 15 days of the month;

(2) On or before the 10th day after the end of each month;

(i) The daily and total pounds of milk received during the month with separate totals for base and excess milk for the months of March through July, and the average butterfat test thereof; and

(ii) The amount or rate and nature of any deductions; and

(c) On or before the 25th day after the end of the month each handler (other than a producer-handler or one described in § 1103.62) operating a nonpool distributing plant and making payments pursuant to § 1103.61(b) shall report his payments to dairy farmers qualified to be producers if such plant were a pool plant, showing for each such dairy farmer:

(1) The pounds of milk;

(2) The average butterfat content thereof; and

(3) The date and net amount of payment to such dairy farmer with a statement of the prices, deductions and charges used in computing such payment and the nature of each.

§ 1103.32 Producer-handler reports.

Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall prescribe.

§ 1103.33 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and butterfat and other content of all milk, skim milk, cream, and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 1103.34 Retention of records.

All books and records required under this part to be made available to the market administrator, shall be retained by the handler for a period of three years to begin at the end of the calendar month, to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1103.40 Skim milk and butterfat to be classified.

All skim milk and butterfat required to be reported pursuant to § 1103.30 shall be classified (separately as skim milk and butterfat), pursuant to §§ 1103.41 to 1103.46.

§ 1103.41 Classes of utilization.

Subject to the conditions set forth in §§ 1103.42 through 1103.46 the classes of utilization shall be as follows:

(a) Class I shall be all skim milk and butterfat: (1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (b) (2) and (3) of this section; (2) in inventories of fluid milk products on hand at the end of the month; and (3) not accounted for as Class II;

(b) Class II shall be all the skim milk and butterfat: (1) Used to produce any product other than a fluid milk product; (2) contained in skim milk dumped, provided the market administrator is notified in advance and given opportunity to verify such dumping; (3) authorized by the market administrator to be accounted for as disposed of for livestock feed; (4) in shrinkage allocated to receipts of producer milk but not in excess of 2 percent of receipts of skim milk and butterfat directly from producers, plus 1.5 percent of receipts of skim milk and butterfat, respectively, transferred in bulk from pool plants of other handlers, less 1.5 percent of receipts of skim milk and butterfat, respectively, transferred in bulk lots to pool plants of other handlers; and (5) in shrinkage of other source milk.

§ 1103.42 Assignment of shrinkage.

The market administrator shall assign shrinkage at the pool plant(s) of each handler as follows:

(a) Compute the total shrinkage of skim milk and butterfat.

(b) Assign the resulting amount, prorated to the handler's receipts of skim milk and butterfat, respectively, in: (1) Milk received directly from producers and from other pool plants, and (2) other source milk.

§ 1103.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1103.44 Transfers.

Skim milk and butterfat transferred or diverted during the month as a fluid milk product from a pool plant to:

(a) The pool plant of another handler shall be classified as Class I, unless:

(1) Class II utilization is indicated by the operators of both plants in their reports submitted pursuant to § 1103.30;

(2) The receiving plant has utilization in Class II of equivalent amounts of skim milk and butterfat, respectively; and

(3) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible Class I utilization in the two plants.

(b) A nonpool plant that is a pool plant (a fully regulated plant) under another order issued pursuant to the Act shall be classified, if transferred in bulk pursuant to the classification and allocation procedure of the other Federal order: *Provided*, That in the event such nonpool plant receives skim milk and butterfat from two or more plants regulated by an order(s) other than that under which it is regulated, the amount classified in each class shall be a pro rata share of such receipts allocated to that class.

(c) A nonpool plant, except as specified in paragraph (b) of this section, shall be Class I milk unless;

(1) The transferring handler claims Class II use on his report for the month;

(2) The operator of the nonpool plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for verification of such Class II use; and

(3) The skim milk and butterfat, respectively, received in the form of fluid milk products at the nonpool plant during the month from a pool plant(s) (except the amounts pursuant to subparagraph (4) of this paragraph and the similar provision of such other part) and from a plant(s) at which milk is priced pursuant to another part issued pursuant to the Act does not exceed the skim milk and butterfat, respectively, resulting from the following computation:

(i) Determine the skim milk and butterfat, respectively, in Class II (as defined pursuant to § 1103.41(b)(1)) at such nonpool plant during the month;

(ii) Subtract the overage or add the actual shrinkage not to exceed 2 percent of total receipts of skim milk and butterfat, respectively, in the total fluid receipts physcially received at such nonpool plant during the month;

(iii) Add the increases or subtract the decreases of skim milk and butterfat, respectively, in the inventory of fluid milk products at the end of the month at such nonpool plant as compared with that at the beginning of the month;

(iv) Add the skim milk and butterfat, respectively, in milk, skim milk, or cream transferred in bulk from such nonpool plant to a plant at which milk is priced under this or another part issued pursuant to the Act which is allocated to other than Class I under the applicable order provisions at the transferee plant, but excluding any such transfers that may be classified under this or such other part pursuant to provisions similar to subparagraph (4) of this paragraph: *Provided*, That if skim milk and butterfat are received from unregulated sources at such transferee plant, such skim milk and butterfat, respectively, shall be assigned to Class II at such plant to the maximum extent possible for the purpose of this subdivision;

(v) Add the skim milk and butterfat, respectively, in fluid bulk cream transferred from such nonpool plant to a second nonpool plant which is not in excess of Class II (pursuant to § 1103.41(b)(1)) processed in such second nonpool plant plus the bulk fluid cream shipped therefrom to other nonpool plants which do not dispose of milk or cream in consumer packages for consumption in fluid form: *Provided*, That the second nonpool plant meets the conditions of subparagraph (2) of this paragraph; and

(vi) Subtract the skim milk and butterfat, respectively, received at such nonpool plant from any source(s) other than that which has been approved by a governmental agency as a source(s) of Grade A fluid milk products. In the event that the remaining skim milk and butterfat, respectively, is less than the skim milk and butterfat, respectively, received at such nonpool plant from a pool plant(s) and from a plant(s) at which milk is priced under another order issued pursuant to the Act, the difference shall be assigned pro rata to each pool plant (in accordance with receipts of skim milk and butterfat, respectively, from all plants regulated pursuant to the Act) and shall be classified as Class I milk; and

(4) If such nonpool plant transfers skim milk or butterfat as milk, skim milk, or cream in bulk to a pool plant, the amount so transferred which is not in excess of receipts during the month at such nonpool plant from pool plants shall be excluded from receipts within the meaning of subparagraph (3) of this paragraph, and shall be classified pursuant to paragraph (a) of this section as if moved directly to the second pool plant with Class II utilization indicated: *Provided*, That if the classification limitations provided in paragraph (a) of this section result in any skim milk or butterfat being classified as Class I from pool plants of two or more handlers, such classification shall be shared pro rata between such handlers unless, at or before the time of reporting, signed statements by operators of such plants indicate agreement on a different sharing of such Class I classification.

§ 1103.45 Computation of the skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat dry milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1103.46 Allocation of skim milk classified.

The pounds of skim milk remaining after making the following computations shall be the pounds in each class allocated to producer milk:

(a) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 1103.42 (b)(4);

(b) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk received as other source milk other than in the form of fluid milk products;

(c) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk received in the form of fluid milk products, except that to be subtracted pursuant to paragraph (d) of this section;

(d) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk received from plants subject to the Class I pricing and payment provisions of another order issued pursuant to the Act;

(e) Subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(f) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from pool plants of other handlers in such class pursuant to §§ 1103.41 and 1103.44(a);

(g) Add to the remaining pounds of skim milk in Class II the pounds subtracted pursuant to paragraph (a) of this section; and

(h) If the remaining pounds of skim milk in all classes exceeds the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage".

§ 1103.47 Allocation of butterfat classified.

Allocate the pounds of butterfat in each class to producer milk in the same manner as that prescribed for skim milk in § 1103.46.

§ 1103.48 Computation of total producer milk in each class.

Combine into one total the amounts computed pursuant to §§ 1103.46 and 1103.47 for each class and determine the weighted average butterfat content of producer milk.

MINIMUM PRICES

§ 1103.50 Basic formula price.

The basic formula price to be used in computing the price for Class I milk under the consolidated order shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the applicable month, adjusted to a 3.5 percent butterfat basis by a butterfat differential computed by multiplying the Chicago 92-score butter price by 0.12. The basic formula price shall be rounded to the nearest full cent.

§ 1103.51 Class prices.

Subject to the provisions of §§ 1103.52 and 1103.53, the minimum prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The minimum price per hundredweight shall be the basic formula price for the preceding month plus the differential of $2.10 during the months of March through June and $2.30 during all other months, subject to the adjustments provided in paragraph (b) of this section.

NOTE: The matter of the substitution of the Minnesota-Wisconsin price series for the present basic formula price is being considered at a general hearing for a number of Federal orders, one session to be held at New Orleans, Louisiana, on June 14, 1962. It is intended that any adjustment in the Class I differential which is added to the basic formula price in the determination of the Class I price as a result of that hearing will be reflected by appropriate adjustments of the Class I differentials stated above.

(b) Add if the net utilization percentage computed pursuant to paragraph (c) of this section is less than, or subtract if it is more than the base utilization range, an amount determined by multiplying such net utilization percentage by two cents: *Provided*, That: (1) The differential during each of the months of July through February shall be not less than the largest differential during any of the immediately preceding months of March through June as adjusted pursuant to this paragraph plus 20 cents and the differential during each of the months of March through June shall be not more than the smallest differential during any of the immediately preceding months of July through February as adjusted pursuant to the paragraph less 20 cents; and (2) the adjustment during any month, either positive or negative, shall not exceed 20 cents.

(c) The figure calculated for each month as follows shall be known as the net utilization percentage: Divide the total receipts of producer milk under this part and part 1105 of this chapter regulating the handling of milk in the South and Central Mississippi and Mississippi Delta marketing areas, respectively, during the second and third months immediately preceding by the total Class I milk (excluding interhandler and intermarket transfers under this part and Part 1105, of this chapter and ending inventories of fluid milk products under this part) under such orders during the same months, multiply the result by 100 and round to the nearest whole number:

Month for which price applies	Second and third preceding months	Base utilization range
January	October–November	118–136
February	November–December	120–138
March	December–January	114–132
April	January–February	107–125
May	February–March	113–131
June	March–April	126–144
July	April–May	139–157
August	May–June	146–164
September	June–July	149–167
October	July–August	147–165
November	August–September	133–151
December	September–October	123–141

(d) *Class II milk price.* The minimum price per hundredweight for Class II milk shall be the highest of the prices computed pursuant to subparagraphs (1), (2) and (3) of this paragraph, adjusted to a 3.5 percent butterfat basis by subtracting five times the butterfat differential computed pursuant to § 1103.5 (b), minus 40 cents during each of the months of March through June and minus 30 cents during all other months.

(1) Divide the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture, by 3.5 and multiply by 4.0.

Present Operator and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price computed by adding together any plus values computed pursuant to subdivision (i) and (ii) of this subparagraph:

(i) Multiply the Chicago butter price by 4.8; and

(ii) Deduct five cents from the simple average as computed by the market administrator, of the weighted averages of carlot prices per pound on nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month, by the Department of Agriculture, and multiply by 7.5; and

(3) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

McClendon Cheese Co., Newton, Miss.
Borden Co., Starkville, Miss.
Carnation Co., Tupelo, Miss.
Pet Milk Co., Kosciusko, Miss.

§ 1103.52 Butterfat differential to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices calculated pursuant to § 1103.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.12; and

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.11.

§ 1103.53 Location differentials to handlers.

For that milk which is received from producers at a pool plant and is classified as Class I the price specified in § 1103.51(a) shall be reduced at the rate as follows at the specified locations as determined by the market administrator by applying the shortest hard-surfaced highway distance open to commercial truck traffic:

Location	Rate per hundredweight (cents)
(a) Inside the State of Mississippi and more than 60 miles but not more than 210 miles from the city limits of Pascagoula or Gulfport, Miss., whichever is nearer	10.0
(b) Outside the State of Mississippi or inside the State of Mississippi and more than 210 miles from the city limits of Pascagoula or Gulfport, Miss., whichever is nearer:	
(1) More than 60 but not more than 70 miles from the city limits of Gulfport, Picayune, Hattiesburg, Jackson, Natchez, or Forest, Miss., whichever is nearest	10.0
(2) For each additional 10 miles an additional	1.5

Provided, That for the purposes of calculating such location differentials, fluid milk products transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculations prescribed in § 1103.46(d) and the comparable steps of § 1103.47 for such plant, such assignment to transferor plants to be made first to plants at which the greatest location differential is applicable.

§ 1103.54 Rates of payment on other source milk.

The following rates of payment on other source milk to be applied pursuant to § 1103.70 (d) and (e) shall be effective only in the months when the total receipts of producer milk are more than 110 percent of the total amount from all sources classified as Class I (excluding duplications) at all pool plants;

(a) On other source milk received other than in the form of fluid milk products subtract the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential; and

(b) On other source milk received in the form of fluid milk products, subtract the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential, and adjust such difference at the same rate of location differential as set forth in § 1103.53 for the location of the nearest nonpool plant(s) supplying such other source milk.

§ 1103.55 Use of equivalent prices.

If, for any reason, a price specified in this part for use in computing class prices or for other purposes is not reported or published in the manner described in this part, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

APPLICATION OF PROVISIONS

§ 1103.60 Producer-handlers.

Sections 1103.40 to 1103.46, 1103.50 to 1103.54, 1103.61, 1103.62 and 1103.70 to 1103.72, 1103.80 to 1103.83, and 1103.90 to 1103.98 shall not apply to a producer-handler.

§ 1103.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to a plant specified in paragraph (a) or (b) of this section except as follows: The operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) Any distributing plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless a greater volume of Class I milk is disposed of during the month from such plant to retail or wholesale outlets (except pool plants) in the South and Central Mississippi marketing area than in the marketing area regulated pursuant to such other order: *Provided*, That, if such distributing plant disposed of Class I milk during the month in the marketing areas of more than one other Federal order, the marketing area in which the most Class I milk is disposed shall determine the Federal order under the provisions of which such plant shall be regulated; and

(b) Any supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant qualified as a pool plant pursuant to § 1103.8.

§ 1103.62 Handler operating a nonpool distributing plant.

Each handler who operates during the month a nonpool distributing plant shall pay to the market administrator for deposit in the producer-settlement fund and the administrative fund, as the case may be, as follows:

(a) If such handler so elects in writing at the time of reporting pursuant to § 1103.30, the amounts computed as follows:

(1) On or before the 15th day after the end of the month, for the producer-settlement fund, an amount equal to the value of all skim milk and butterfat disposed of as Class I milk on routes in the marketing area during the preceding month at the Class I price applicable at the location of such handler's plant, less the value of such skim milk and butterfat at the Class II price; and

(2) As his share of the expense of administration, the rate specified in § 1103.95 with respect to Class I milk so disposed of in the marketing area; and

(b) Except as the handler's obligation may be computed pursuant to paragraph (a) of this section, he shall pay the amounts as follows:

(1) On or before the 25th day after the end of the month, for the producer-settlement fund, any plus amount remaining after deducting from the value that would have been computed pursuant to § 1103.70 if such handler had operated a pool plant the gross payments made by such handler for milk received during the month from Grade A dairy farmers at such plant or at a plant(s) which serves as a supply plant(s). Such gross payments shall be limited to cash payments made to the dairy farmer plus proper deductions authorized in writing by such dairy farmers; and

(2) As his share of the expense of administration, an amount equal to that which would have been computed pursuant to § 1103.95 had such plant or a plant(s) which serves as a supply plant(s) been a pool plant.

DETERMINATION OF UNIFORM PRICE

§ 1103.70 Computation of value of producer milk.

The value of producer milk received during the month by each handler at his pool plant(s) shall be computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable class price;

(b) Add together the resulting amounts;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class by the applicable class price;

(d) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I, pursuant to § 1103.46(b) and the corresponding step of § 1103.47, by the rate of payment determined pursuant to § 1103.54(a).

(e) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I, pursuant to § 1103.46(c) and the corresponding step of § 1103.47, by the rate of payment determined pursuant to § 1103.54(b).

§ 1103.71 Computation of the uniform price.

For each of the months of August through February the market administrator shall compute the uniform price per hundredweight for milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1103.70 for all handlers specified in § 1103.12 (a) and (c), and who made payments pursuant to §§ 1103.90 and 1103.97 for the preceding month;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the variation in the average butterfat content of such milk from 3.5 percent by the butterfat differential computed pursuant to § 1103.91, and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials pursuant to § 1103.92;

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk included in paragraph (a) of this section; and

(f) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for milk of 4.0 percent butterfat content received f.o.b. at pool plants.

§ 1103.72 Computation of uniform prices for base milk and excess milk.

For each of the months of March through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1103.70 for all handlers specified in § 1103.12 (a) and (c) and who made payments pursuant to §§ 1103.90 and 1103.97 for the preceding month;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the variation in the average butterfat content of such milk for 3.5 percent by the butterfat differential computed pursuant to § 1103.91, and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials pursuant to § 1103.92;

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Compute the total value of excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content and adding together the resulting amounts;

(f) Divide the total value of excess milk obtained in paragraph (e) of this section by the total hundredweight of such milk, adjust to the nearest cent and subtract 4 cents. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content received from producers;

(g) Subtract an amount determined by multiplying the uniform price obtained in paragraph (f) of this section, plus 4 cents, times the hundredweight of excess milk from the total value of producer milk for the month as determined in paragraph (d) of this section;

(h) Divide the result obtained pursuant to paragraph (g) of this section by the total hundredweight of base milk received by handlers included in these computations; and

(i) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (h) of this section. The resulting figure shall be the uniform prices for base milk of 4.0 percent butterfat content received from producers.

§ 1103.73 Notification of handlers.

On or before the 11th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in § 1103.30, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) For the months of March through July the amounts and value of his base and excess milk respectively;

(c) The uniform price(s) computed pursuant to §§ 1103.71 and 1103.72 and the butterfat differential computed pursuant to § 1103.91; and

(d) The amounts to be paid by such handler pursuant to § 1103.94, § 1103.95, § 1103.97 or § 1103.62; and the amount due such handler pursuant to § 1103.98

BASE RATING

§ 1103.80 Determination of daily base.

The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received by all pool plants from such producer during the months of September through January by the larger of:

(a) 120 days, or

(b) The number of days beginning with the first day in such months on which milk is received from such producer and ending with January 31 (plus the number of days prior to the day of such first receipts on which such milk was produced, and minus the number of days in January on which milk received from such producer in February was produced).

§ 1103.81 Computation of base.

The base of each producer to be applied during the months of March through July shall be a quantity of milk calculated by the market administrator in the following manner: Multiply the daily base of such producer by the number of days production delivered by such producer to handlers during the month.

§ 1103.82 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base shall be assigned to the producer for whose account milk is received at a pool plant during the months of September through January and to each person for whose account milk was delivered to a plant that did not qualify as a pool plant during each month of the base-forming period, but which qualifies as a pool plant during any of the months of March through July, bases shall be assigned on deliveries at such plant in the same manner as if such plant had been a pool plant during each month of the base-forming period; and

(b) An entire base shall be transferred by the market administrator to another person upon receipt of an application form, approved by the market administrator, and signed by the base-holder(s), or his heirs, and by the person to whom such base is transferred subject to the following condition:

(1) If a base is transferred to a producer already holding a base, a new base shall be computed by adding together the producer milk deliveries of the transferee and the transferor during the base-forming period and dividing the total by the larger of:

(i) 120 days; or

(ii) The number of days beginning with the first day on which milk is received from either the transferee or transferor during the base-forming period and ending with January 31 (plus the number of days prior to the day of such first receipt on which such milk was produced, and minus the number of days in January on which milk received from such producer in February was produced).

§ 1103.83 Announcement of established bases.

On or before March 1 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by such producer.

PAYMENTS

§ 1103.90 Payments to producers.

Except as provided in paragraph (c) of this section, each handler shall make payment to each producer from whom milk is received as follows:

(a) On or before the 25th day of each month, for milk received during the first 15 days of such month, and such producer had not discontinued shipping milk to such handler before the 18th day of the month, an advance payment at not less than the price per hundredweight for Class II milk for the preceding month;

(b) On or before the 15th day after the end of each month of August through February for milk received during such month at not less than the applicable uniform price(s) per hundredweight, computed pursuant to §§ 1103.70 and 1103.71, subject to the butterfat differential computed pursuant to § 1103.91 and the location differential computed pursuant to § 1103.92, less proper deductions authorized in writing by such producer and less payment made pursuant to paragraph (a) of this section, and deductions made pursuant to § 1103.94: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 1103.98 he may reduce his total payments to all producers uniformly by not less than the amount of reduction in payment from the market administrator; however, the handler shall complete such payments as soon as payment is received from the market administrator;

(c) In lieu of payments pursuant to paragraphs (a) and (b) of this section, each handler shall make payment to a cooperative association which has filed a written request for such payment with such handler and with respect to producers for whose milk the market administrator determines that such cooperative association is authorized to collect payment, as follows:

(1) On or before the 23d day of the month, an amount equal to not less than the sum of the individual payments due such producers as determined by multiplying the pounds of milk received from such producers during the first 15 days of such month by not less than the price per hundredweight for Class II milk for the preceding month less any proper deductions authorized in writing by such cooperative association; and

(2) On or before the 13th day after the end of each month an amount equal to not less than the sum of the individual payments due such producers as determined by multiplying the total milk receipts from such producer during such month by the applicable uniform price for such month as computed pursuant to §§ 1103.70 and 1103.71 less payments made pursuant to subparagraph (1) of this paragraph and less any proper deductions authorized in writing by such cooperative association.

(d) In making payments to producers pursuant to paragraph (b) of this section, each handler shall furnish each such producer with a supporting statement in such form that it may be retained by the producer, which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The pounds per shipment, the total pounds and the average butterfat content of milk received from such producers;

(3) The minimum rate or rates at which payment is required under the provisions of §§ 1103.90, 1103.91, and 1103.92;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and description of each deduction made by the handler; and

(6) The net amount of payment to the producer;

(e) To a cooperative association for milk received from such association in its capacity as a handler as follows:

(1) On or before the 23d day of each month an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such association during the first 15 days of the current month; and

(2) On or before the 13th day after the end of each month an amount equal to not less than the utilization value of such milk computed at the applicable class prices less amounts paid pursuant to subparagraph (1) of this paragraph.

§ 1103.91 Producer butterfat differential.

In making payments pursuant to § 1103.90, the uniform price(s) shall be increased or decreased for each one-tenth of one percent that the butterfat content in milk received from each producer is above or below 3.5 percent, as the case may be, by a butterfat differential equal to the average of the butterfat differentials pursuant to § 1103.52 weighted by the pounds of butterfat in producer milk in each class, rounded to the nearest one-tenth cent.

§ 1103.92 Location differential to producers.

In making payment to producers pursuant to § 1103.90, the applicable uniform prices to be paid by pool plants for producer milk received during the months of August through February and for base milk received during the months of March through July shall be reduced at the rate as follows at the specified locations as determined by the market administrator by applying the shortest hard-surfaced highway distance open to commercial truck traffic;

Location	Rate per hundredweight (cents)
(a) Insider the State of Mississippi and more than 60 miles but not more than 210 miles from the city limits of Pascagoula or Gulfport, Miss., whichever is nearer	10.0
(b) Outside the State of Mississippi or inside the State of Mississippi and more than 210 miles from the city limits of Pascagoula or Gulfport, Miss., whichever is nearer:	
(i) More than 60 but not more than 70 miles from the city limts of Gulfport, Picayune, Hattiesburg, Jackson, Natchez or Forest, Miss., whichever is nearest	10.0
(ii) For each additional 10 miles an additional	1.5

§ 1103.93 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts, or verification of weights and butterfat tests of milk or milk products discloses errors resulting in money due: (a) The market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth under which such error occurred.

§ 1103.94 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers other than himself pursuant to § 1103.90(b) shall deduct 7 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from producers during the delivery period, and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of the milk for producers who are not receiving such service from a cooperative association; and

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section and for whose milk such cooperative association is not collecting payment pursuant to § 1103.90(c), each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month, and pay such deductions to such cooperative association, furnishing a statement showing the amount of any such deductions and the amount and average butterfat test of milk received from each such producer.

§ 1103.95 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month, for the immediately preceding month, five cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Receipts of producer milk, including such handler's own production;

(b) Other source milk allocated to Class I pursuant to § 1103.46 (b) and (c) and the corresponding steps of § 1103.47; and

(c) Applicable amounts specified in § 1103.61 (a) (2) or (b) (2) including the receipts of milk from dairy farmers at a supply plant which would have been a pool plant if the nonpool distributing plant to which such supply plant supplied milk had been a pool plant.

§ 1103.96 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1103.62, 1103.93, and 1103.97, and out of which he shall make all payments pursuant to §§ 1103.93 and 1103.98: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 1103.97 Payments to the producer-settlement fund.

On or before the 12th day after the end of each month, each handler shall pay, except as provided in § 1103.62, to the market administrator any amount by which the value of his producer milk as computed pursuant to § 1103.70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials.

§ 1103.98 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 1103.70, for such month is less than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials. If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1103.99 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1103.62, 1103.93, 1103.94(a), 1103.95, 1103.97 or § 1103.98 shall be increased one-half of one percent each month or

fraction thereof starting the third day after the date such obligation is due until such obligation is paid. Any remittance received by the market administrator postmarked not later than the date such obligation is due shall be considered to have been received when due.

§ 1103.100 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay any handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

Mississippi Delta:

Proposed by Mississippi Milk Producers Association:

Proposal No. 2. Delete § 1105.50(a) of Order No. 105 and insert therefor the following:

(a) The price per hundredweight for Class I milk shall be the price for Class I milk established pursuant to § 1103.51(a) of this chapter regulating the handling of milk in the South and Central Mississippi Marketing Area, less 26 cents.

Proposed by Grenada Farms, Inc.:

Proposal No. 3. Amend § 1105.50(a), "Class I Price", of Order No. 105, by adding thereto a proviso as follows: "*Provided*, That the Class I price so determined shall not exceed the price of Class I milk of four percent butterfat content established for the same month and delivery period pursuant to Part 1097 of this chapter regulating the handling of milk in the Memphis, Tennessee, Marketing Area plus 15 cents."

Proposal No. 4. Amend § 1105.17, *Fluid milk product*, § 1105.41 *Classes of utilization*, and other sections of the order as may be necessary, to provide that nonfat milk solids used to fortify fluid milk products, and the milk equivalent thereof if so adjusted, shall be classified as Class II.

Proposal No. 5. Amend § 1105.17, *Fluid milk product*, and § 1105.41 *Classes of utilization*, to provide that eggnog shall be classified as a Class II use.

Proposed by Walker Farms Dairy Products, Inc., LuVel Dairy Products, Inc., and Realicious Dairy, Inc.:

Proposal No. 6. Make such changes as are necessary to change the pooling from a marketwide pool to an individual-handler pool.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 7. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, P.O. Box 4646, Fondren Station, Jackson 6, Mississippi; P.O. Box 864, Greenwood, Mississippi; P.O. Box 971, Gulfport, Mississippi, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on June 19, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-6158; Filed, June 22, 1962; 8:53 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

INORGANIC BROMIDES

Notice of Proposal To Establish Tolerances Resulting From Fumigation With Methyl Bromide

The United States Department of Agriculture has requested that action be taken to permit the use of methyl bromide as a fumigant on asparagus in the quarantine program to prevent entry of serious pests, particularly the red-legged earth mite (Halotydeus destructor). This pest, not presently established in the United States, has been reported as attacking several other vegetable crops in addition to asparagus, in New Zealand and other foreign countries. In this program, it is proposed to use methyl bromide as a fumigant on asparagus at ports of entry, under supervision of representatives of the U.S. Department of Agriculture. That Department states that residues of inorganic bromide resulting from the treatment in the quarantine program do not exceed 100 parts per million. These residues on asparagus will not constitute a hazard to man.

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), it is proposed by the Commissioner, on his own initiative, that the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.123 (27 F.R. 4623)) be amended by inserting immediately following the item "100 parts per million in or on copra" a new item reading as follows:

§ 120.123 Tolerances for residues of inorganic bromides resulting from fumigation with methyl bromide.

* * * * *

100 parts per million in or on asparagus from use in accordance with the Plant Quarantine Program of the U.S. Department of Agriculture.

Any person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing methyl bromide may request, within 30 days from the publication of this proposal in the FEDERAL REGISTER, that the proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person may, within thirty days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written comments on the proposal. Comments may be accompanied by a memorandum or brief in support thereof.

All documents shall be filed in quintuplicate.

Dated: June 19, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-6141; Filed, June 22, 1962; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 1262]

CERTAIN GRIMES ROTATING BEACONS MODELS

Proposed Airworthiness Directives

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring replacement of the lens retainer band on Grimes Rotating Beacons Models D-7080, G-8400, G-8400A, and G-7740A.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before July 24, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

GRIMES MANUFACTURING COMPANY. Applies to all aircraft equipped with Grimes rotating beacons Models D-7080, G-8400, G-8400A, and G-7740A.

Compliance required within the next 25 hours' time in service after the effective date of this AD.

The design of Model A-7635 lens retainer band on Grimes rotating beacons permits the retaining clamp to become detached in the event of failure of the silver solder joint, thus causing loss of the beacon dome.

To prevent possible loss of the beacon dome in flight, replace all Model A-7635 retainer bands for Grimes rotating beacons with Model A-7635A band or FAA approved equivalent.

(Grimes Manufacturing Company Service Bulletin B5-21043, dated April 9, 1962, entitled "Service Instructions for the Lens Retaining Ring A-7635A" covers this same subject.)

Issued in Washington, D.C., on June 19, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-6125; Filed, June 22, 1962; 8:45 a.m.]

Notices

ATOMIC ENERGY COMMISSION

[Docket No. 50-146]

SAXTON NUCLEAR EXPERIMENTAL CORP.

Notice of Hearing on Amendment to Provisional Operating License for Nuclear Facility

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 2, "Rules of Practice," notice is hereby given that a hearing will be held at 10:00 a.m., e.d.t., on July 24, 1962, in the Auditorium of the United States Atomic Energy Commission Headquarters in Germantown, Maryland, to consider an amendment of Provisional Operating License No. DPR-4 issued to the Saxton Nuclear Experimental Corporation under section 104(b) of the Atomic Energy Act of 1954, as amended, for the operation of a 20 megawatt (thermal) light-water moderated and cooled pressurized nuclear reactor located north of the Borough of Saxton, Bedford County, Pennsylvania. The amendment would permit the licensee to conduct Phase I of a five-year research and development program; to modify the departure from nucleate boiling ratio (DNBR) correlation; and would extend the expiration date of the provisional operating license for nine months. The proposed Phase I program involves the demonstration of operation of the reactor with chemical shim (boric acid solution) control at power levels up to 23.5 megawatts (thermal) and the demonstration of reactor operation when fuel is at specific powers of up to 16 kw per foot. Documents pertinent to this proceeding and the record of prior proceedings in this matter are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

The issues to be considered at the hearing will be the following:

1. Whether there is reasonable assurance that the activities to be authorized by the amendment to the provisional operating license can be conducted without endangering the health and safety of the public and that such activities will be conducted in compliance with the Atomic Energy Act of 1954, as amended, and the rules and regulations of the Commission.

2. Whether the licensee is technically and financially qualified to engage in the activities to be authorized by the amendment to the provisional operating license in accordance with the rules and regulations of the Commission.

3. Whether the licensee has furnished to the Commission proof of financial protection in accordance with Title 10, Code of Federal Regulations, Part 140 "Financial Protection Requirements and Indemnity Agreements."

4. Whether the issuance of an amendment to the provisional operating license under the terms and conditions proposed will be inimical to the common defense and security or to the health and safety of the public.

Notice is hereby given that the report of the Commission's Advisory Committee on Reactor Safeguards in this matter is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of this report may be obtained by request to the Director, Division of Licensing and Regulation, United States Atomic Energy Commission, Washington 25, D.C.

Petitions for leave to intervene pursuant to § 2.714 of the Commission's rules of practice must be received in the Office of the Secretary, United States Atomic Energy Commission, Germantown, Maryland, or in the Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C., not later than July 17, 1962, or, in the event of a postponement of the hearing date specified, at such time as the Presiding Officer may specify.

Answers to this notice pursuant to § 2.705 of the Commission's rules of practice shall be filed on or before July 13, 1962, by the licensee.

Papers required to be filed with the Commission in this proceeding shall be filed by mail or telegram addressed to the Secretary, United States Atomic Energy Commission, Washington 25, D.C., or may be filed by delivery to the Office of the Secretary, United States Atomic Energy Commission, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Presiding Officer, parties shall file pursuant to § 2.703 of the Commission's rules of practice, an original and fifteen conformed copies of each such paper with the Commission.

The hearing will be conducted by a presiding officer to be designated by the Chief Hearing Examiner.

Dated at Germantown, Md., this 21st day of June 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 62-6251; Filed, June 22, 1962; 8:53 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13487]

DIRECTIONAL CHARTER RATES CASE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on July 11, 1962, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to Board Order E-18138, dated March 22, 1962; the Prehearing Conference Report served May 18, 1962; and all other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., June 19, 1962.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 62-6153; Filed, June 22, 1962; 8:52 a.m.]

[Docket No. 7723 etc.]

REOPENED TRANSPACIFIC ROUTE CASE

Notice of Postponement of Oral Argument

Notice is hereby given that oral argument with respect to the U.S. mainland-Tahiti portion of the above-entitled proceeding now assigned to be heard on July 5 is postponed to July 9, 1962, 10 a.m., e.d.s.t., Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., June 20, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-6154; Filed, June 22, 1962; 8:52 a.m.]

FEDERAL MARITIME COMMISSION

GLOBE SHIPPING CO., INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 8903 between Globe Shipping Co., Inc. (New York), and Wm. R. Filbin & Co., Inc. (Detroit).

Agreement No. 8904 between Lusk Shipping Co., Inc. (New Orleans), and T. J. Hanson (Beaumont).

Under these agreements, the parties will perform freight forwarding services for each other at their respective ports, dividing ocean freight brokerage equally. Under Agreement 8903, the parties also divide the forwarding fees on an equal basis; under Agreement 8904, the party performing the service retains the entire forwarding fee.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to it, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: June 20, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-6149; Filed, June 22, 1962; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2100]

DEPARTMENT OF WATER RESOURCES, STATE OF CALIFORNIA

Notice of Land Withdrawal

JUNE 19, 1962.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in power project No. 2100 for which completed application for amendment of license was filed April 17, 1962, by the Department of Water Resources of the State of California. Under said section 24 these lands are from the date of filing of said application reserved from entry, location or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 20 N., R. 4 E.,
Sec. 2, lots 1, 4, SE¼NE¼;
Sec. 12, S½NW¼, N½SW¼, SW¼SW¼;
Sec. 14, NE¼NE¼.
T. 21 N., R. 4 E.,
Sec. 6, lot 1, S½NE¼;
Sec. 14, W½SE¼;
Sec. 22, NW¼;
Sec. 26, lots 2, 3, N½, SW¼.
T. 22 N., R. 4 E.,
Sec. 30, N½NE¼NE¼, SE¼SE¼;
Sec. 32, NW¼NE¼, W½.
T. 19 N., R. 5 E.,
Sec. 1, lot 3 (acquired);
Sec. 2, lots 3, 4, S½NW¼;
Sec. 3, lots 1, 2, 3, 4, S½NE¼, SW¼NW¼, E½SE¼;
Sec. 4, lots 1, 2, S½NE¼;
Sec. 6, lot 1;
Sec. 10, NE¼NE¼.
T. 20 N., R. 5 E.,
Sec. 20, NE¼NE¼;
Sec. 22, S½NE¼, E½SW¼, SE¼;
Sec. 23, S½.
Sec. 24, N½, SW¼, N½SE¼;
Sec. 27, NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, E½SE¼;
Sec. 28, SW¼SW¼, SE¼;
Sec. 29, SW¼SW¼;
Sec. 32, NE¼, N½SE¼, SW¼SE¼;
Sec. 33, NE¼NE¼, S½NE¼, NW¼SW¼, N½SE¼;
Sec. 34, N½NW¼, S¼SW¼;
Sec. 35, SW¼SW¼NW¼NW¼, S½NW¼, N½NE¼SE¼.
T. 21 N., R. 5 E.,
Sec. 4, lot 1;
Sec. 10, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, NE¼NE¼, SW¼NE¼, SE¼NW¼;
Sec. 16, lots 1, 2, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15;
Sec. 18, lots 2, 3, 5, 6, 9, 11, 12, 13, 14, 15, 16, 17;
Sec. 20, N½NE¼, SE¼NE¼, N½NW¼.
T. 22 N., R. 5 E.,
Sec. 32, lots 5, 6, 9, 10, 13, the unpatented portion of S½NE¼, NW¼NW¼SW¼, S½SW¼;
Sec. 32, lot 4;
Sec. 34, lots 1, 2.
T. 19 N., R. 6 E.,
Sec. 5, lots 2, 3, 4, S½NW¼, NW¼SW¼;
Sec. 6, lots 2, 3, 4, 5;
Sec. 7, lots 1, 2, E½NW¼.
T. 20 N., R. 6 E.,
Sec. 3, N½NE¼ and NW¼ (unsurveyed);
Sec. 4, SE¼SE¼;
Sec. 8, NE¼, NE¼NW¼, S½NW¼N½SW¼, SW¼SW¼, SE¼;
Sec. 10, NW¼NW¼;
Sec. 18, lots 1, 2, 3, 4, NW¼NE¼, E½NW¼, NE¼SW¼;
Sec. 32, lots 3, 6, 7, 9, 10, 11, 12, S½NE¼, SW¼SW¼.
T. 21 N., R. 6 E.,
Sec. 34, NE¼, SE¼SW¼, SE¼.

The area reserved pursuant to the filing of this application is approximately 9,291.85 acres of which approximately 9,208.71 acres have been previously withdrawn for power purposes in connection with Reservoir Site No. 17, Power Site Reserves Nos. 84, 202, 237, 637, Power Site Classifications Nos. 18, 179, 267, 425, or withdrawals under projects Nos. 146, 219, 249, 261, 488, 538, 687, 864, 1408, 2088, 2134, 2136, or 2281.

Of the total area reserved approximately 3,020.38 acres are within the exterior boundaries of the Lassen or Plumas National Forests. Approximately 7,217.26 acres are reserved under Ist. Form Reclamation Withdrawals in connection with the Oroville Reservoir or the Central Valley Project.

The above cited Lot 3, Section 1, T. 19 N., R. 5 E., containing 40.64 acres, more or less, was acquired by the United States by deed dated December 6, 1915 for the Enterprise Band of the Maidu Indian Tribe.

Copies of supporting Project Maps, Exhibit J-1-b (FPC No. 2100 -63) and Exhibits K-1-b, K-2-b, K-3-b and K-4-b (FPC Nos. 2100 -65 to 68, inclusive) have been transmitted to the Bureau of Land Management, Bureau of Indian Affairs, Geological Survey, and the Forest Service.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6132; Filed, June 22, 1962; 8:46 a.m.]

[Docket No. CI62-1427 etc.]

DELHI-TAYLOR OIL CORP.

Notice of Application and Date of Hearing and Notice of Motions for Amendment of Certificate Authorizations

JUNE 18, 1962.

Delhi-Taylor Oil Corporation, Docket No. CI62-1427; Delhi-Taylor Oil Corporation (Successor to Three States Natural Gas Company), Docket Nos. G-4670, G-6669, G-10118, G-14800, G-20154.

Take notice that on May 28, 1962, Delhi-Taylor Oil Corporation (Delhi), Fidelity Union Tower, Dallas 1, Texas, filed in Docket No. CI62-1427 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to El Paso Natural Gas Company (El Paso) from the SW/4 SW/4 of Section 10, T25S, R37E, Lea County, New Mexico, pursuant to the terms of a gas purchase contract by and between Three States Natural Gas Company (Three States), as seller, and El Paso, as buyer, dated May 20, 1954, as amended by instruments dated March 31, 1956, and October 26, 1959. The price under the amended basic contract herein involved is 15.5¢ per Mcf at 15.025 psia, which rate is subject to refund in Docket No. RI60-278. This contract designated as Three States Natural Gas Co. FPC Gas Rate Schedule No. 20, and Supplement Nos. 1-3 thereto, upon issuance of the certificate sought in Docket No. CI62-1427 will be subject to redesignation as Delhi-Taylor Oil Corporation FPC Gas Rate Schedule No. 50 and Supplement Nos. 1-3 thereto.

This matter should be heard and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 24, 1962, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the application in said Docket No. CI62-1427: *Provided however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene in the foregoing matter may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 13, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

Take further notice that on August 21, 1961, Delhi filed a motion to amend the orders issuing certificates of public convenience and necessity in Docket Nos. G-4670, G-6669, G-10118, G-14800, and G-20154, by substituting Delhi-Taylor Oil Corporation in lieu of Three States Natural Gas Company as certificate holder therein, reflecting the sale, assignment and transfer on May 26, 1961,

to Delhi of all of the properties and assets of Three States, and the assignment to Delhi by Three States of all of the latter's gas sales contracts and amendments thereto in which Three States was "Seller."

Concurrently with its motion of August 21, 1961, Delhi filed notices of succession to Three States' active rate schedules, which notices have been accepted for filing and the related rate schedules of Three States appropriately redesignated.

Also, on August 14, 1959, Three States filed a motion to amend its certificate authorization in Docket No. G-6669 by adding authorization to render service to El Paso from additional acreage in the Canyon Largo Unit, Rio Arriba County, New Mexico, dedicated under a basic contract dated October 7, 1953, by an amendatory agreement dated April 1, 1959.

And on March 1 and December 1, 1961, Three States and Delhi, respectively, filed motions to amend the certificate authorization in Docket No. G-20154 by adding authorization to render service to El Paso from additional acreage in San Juan County, New Mexico, under supplemental agreements dated September 24, 1959, and November 2, 1961, amending a basic contract dated June 26, 1959, between Three States and El Paso.

Protests, petitions to intervene or requests for hearing in the matters of the foregoing motions to amend the certificate authorizations in Docket Nos. G-4670, G-6669, G-10118, G-14800, and G-20154 may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 13, 1962.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-6133; Filed, June 22, 1962; 8:47 a.m.]

[Docket No. G-13183 etc.]

PLACID OIL CO. ET AL.

Notice of Severance and Postponement of Hearing

JUNE 18, 1962.

Placid Oil Company, Operator, et al., Docket Nos. G-13183, etc.; Pan American Petroleum Corporation, Docket Nos. G-13231, G-13232, G-13233, G-17417, G-17574; Kerr McGee Oil Industries, Inc., Docket Nos. G-17381, G-17396; Phillips Petroleum Company, Docket No. G-17447; Joint Venture of Phillips Petroleum Company and Southern Natural Gas Company, Docket No. G-17447.

Upon consideration of the requests filed by Applicants in the above-designated matters, notice is hereby given that Docket Nos. G-13231, G-13232, G-13233, G-17417, G-17574, G-17381, G-17396, G-17444, and G-17447, are hereby severed from the proceedings originally consolidated by order issued March 7, 1962, under the lead docket "Texaco-Seaboard Inc., Docket No. G-13169, et al.", as modified by notice issued May 24, 1962, under the lead docket, "Placid Oil Company, Operator, et al., Docket No. G-13183, et al."

Take notice that hearings in the severed proceedings are scheduled to commence at 10:00 a.m., June 29, 1962, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-6134; Filed, June 22, 1962; 8:47 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

COMMISSIONER OF COMMUNITY FACILITIES ET AL.

Redelegation of Authority To Use Title III of the Federal Property and Administrative Services Act of 1949

Each of the following officers within the Housing and Home Finance Agency:

Community Facilities Commissioner.
Director, Division of General Services, OA.
Director, Property Management Branch, OA.
Executive Officer, Division of General Services, OA.
HHFA Regional Administrator.
Regional Director of Community Facilities.
Director for Northwest Operations, Region VI.

is hereby authorized to utilize the provisions of Title III of the Federal Property and Administrative Services Act of 1949 (63 Stat. 393), as amended, 41 U.S.C. 251, when procuring property and services, except the nondelegable authority to make the determinations or decisions specified in paragraphs (12) and (13) of section 302(c), and the authority under paragraph (11) of section 302(c) with respect to contracts which will require the expenditure of more than $25,000. This authority shall be exercised in accordance with applicable limitations and requirements of the Act, particularly sections 304 and 307, and policies, procedures, limitations, controls, and reporting requirements prescribed by the General Services Administration.

This redelegation supersedes the redelegation effective March 10, 1959 (24 F.R. 5768, July 18, 1959).

(Delegation of Authority No. 410 from Administrator of General Services to Heads of Executive Agencies effective March 26, 1962, 27 F.R. 3017, March 30, 1962)

Effective as of March 26, 1962.

[SEAL] ROBERT C. WEAVER,
Housing and Home Finance Administrator.

[F.R. Doc. 62-6155; Filed, June 22, 1962; 8:53 a.m.]

REGIONAL DIRECTOR OF URBAN RENEWAL, REGION VII (PUERTO RICO AND VIRGIN ISLANDS)

Redelegation of Authority With Respect to Slum Clearance and Urban Renewal Program and Urban Planning Grant Program

The Regional Director of Urban Renewal, Region VII (Puerto Rico and Virgin Islands), Housing and Home Finance Agency, is hereby authorized within such Region to exercise all the authority delegated to the Regional Administrator by the Housing and Home Finance Administrator's delegation of authority issued October 14, 1960 (25 F.R. 9874-75, October 14, 1960), with respect to the slum clearance and urban renewal program authorized under Title I of the Housing Act of 1949, as amended (63 Stat. 414-421, as amended, 42 U.S.C. 1450-1463), and under section 312 of the Housing Act of 1954 (68 Stat. 629, 42 U.S.C. 1450 note), and with respect to the urban planning grant program authorized under section 701 of the Housing Act of 1954, as amended (68 Stat. 640, as amended, 40 U.S.C. 461), except those authorities which under paragraph 6 of such delegation may not be redelegated.

This redelegation supersedes the redelegation effective May 12, 1960 (25 F.R. 4263, May 12, 1960).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation cited above)

Effective as of the 23d day of June 1962.

[SEAL] ELISEO G. FONT,
Regional Administrator, Region VII.

[F.R. Doc. 62-6156; Filed, June 22, 1962; 8:53 a.m.]

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FEDERAL REGISTER

VOLUME 27 NUMBER 123

Washington, Tuesday, June 26, 1962

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JUN 27 1962
MAIN READING ROOM

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Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

[Farm Marketing Quotas and Acreage Allotments, Amdt. 3]

PART 722—COTTON

Subpart—Regulations Pertaining to Marketing Quotas for Extra Long Staple Cotton of the 1961 and Succeeding Crops

MISCELLANEOUS AMENDMENTS

The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is to authorize the State executive director to take all actions and make all determinations under §§ 722.101 to 722.152 of the regulations pertaining to Marketing Quotas for Extra Long Staple Cotton of the 1961 and Succeeding Crops in certain cases, to supplement the successor-in-interest provision with a provision for handling cases where deceased producers are involved, and to make other minor changes.

Since there is a need to furnish amended copies of regulations to cotton ginners, buyers and others before 1962 crop ELS cotton harvest begins, it is hereby determined that compliance with the notice, public procedure and effective date provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall become effective upon filing of this document with the Director, Office of the Federal Register.

The regulations pertaining to Marketing Quotas for Extra Long Staple Cotton of the 1961 and Succeeding Crops (26 F.R. 5489, 7758, 8069, 10092) are hereby amended as follows:

1. Section 722.115 is amended to read as follows:

§ 722.115 Successors-in-interest.

Any person who succeeds to the interest of a producer in a farm, or in an ELS cotton crop produced on a farm, for which a farm marketing quota and a farm marketing excess were established, including a farm on which ELS cotton was planted in a crop year but for which a farm ELS cotton allotment was not established for such crop year, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the penalty on the farm marketing excess and to the lien on the entire crop of ELS cotton and to the restrictions on the marketing of such cotton. However, a successor to a deceased producer shall not be personally liable for an unpaid marketing quota penalty incurred by the producer prior to his death, but a suit may be brought to enforce the lien for the penalty against the ELS cotton. If a successor-in-interest should acquire from a deceased producer ELS cotton subject to lien for the penalty, no marketing card or marketing certificate shall be issued to permit the successor-in-interest to market the ELS cotton penalty free until the penalty has been satisfied.

2. Paragraphs (a) and (c) of § 722.117 are amended to read as follows:

§ 722.117 Eligibility for and issuance of marketing cards.

(a) *Producers eligible to receive marketing cards.* Except as otherwise provided in this section the operator and any producer on a farm, or an official of a publicly owned agricultural experiment station, shall be eligible to receive a marketing card for each crop of ELS cotton if for such crop (1) no farm marketing excess is determined for the farm or (2) an amount equal to the penalty on the farm marketing excess has been received by the treasurer for the county in which the farm is located, except that a marketing card shall not be issued under subparagraphs (1) or (2) of this paragraph if any producer on the farm has on hand any ELS cotton produced in previous crop years on which the penalty was incurred and has not been paid. An eligible producer interested in the ELS cotton production on a farm for any year shall be eligible to receive a marketing card, identified as Form MQ–76 ELS Cotton, for such farm: *Provided, however,* That an eligible producer interested in the ELS cotton production on a farm who is not eligible for price support or who is eligible for price support only when loan documents are prepared in the county office shall be eligible to receive only a marketing card identified as Form MQ–76–R ELS Cotton.

* * * * *

(c) *Producers to whom marketing cards will not be issued to enforce the provisions of the act.* Notwithstanding any other provisions of this section, the county committee shall deny any producer a marketing card for a crop year if it determines that such action is necessary to enforce the provisions of the act in such crop year or in the event one or more producers on the farm are indebted to the Commodity Credit Corporation or another agency of the United States, the county committee shall deny all producers on such farm a marketing card for a crop year to enforce the provisions of the act and the Agricultural Act of 1949, as amended, in such crop year: *Provided, however,* That in case of such indebtedness the county committee may issue such producers a marketing card identified as Form MQ–76–R ELS Cotton with an "X" entered in the box "Not eligible unless loan documents prepared in county office": *Provided further,* That the county committee shall not deny any producer a marketing card for a crop year solely because the farm operator or his representative has failed to sign the report of acreage for such crop year.

3. Section 722.124 is amended to read as follows:

§ 722.124 Identification by loan document.

A loan document (the original or the producer's copy) shall, when presented to the buyer or transferee by the producer in whose favor it is drawn, be evidence to the buyer or transferee that the carry-over ELS cotton described in such loan document may be purchased by him without the collection, deduction, or payment of the penalty, and that such cotton is not subject to the lien for the penalty. Any one of the following forms shall constitute a "loan document" for purposes of the foregoing provisions of this paragraph: Cotton Producer's Note (Form CCC Cotton A); Producer's Loan Statement—B; or Producer's Warranty and Agreement (CCC Cotton Form G–2).

§ 722.146 [Amendment]

4. Section 722.146 is amended by addition of a new paragraph (c) which reads as follows:

(c) *Determinations by the State executive director.* The State executive director may make any determination under §§ 722.101 to 722.152 which the county committee is authorized to make under §§ 722.101 to 722.152 and the State executive director may take any action under §§ 722.101 to 722.152 which the county committee is authorized to take under §§ 722.101 to 722.152. In any case where the State executive director elects to exercise the authority vested in him hereunder, the county committee shall not exercise its authority. A copy of each notice issued by the State executive director hereunder shall be kept among the permanent records of the appropriate county committee and copies thereof shall be made available in accordance with the provisions of §§ 722.101 to 722.152 to any person who as operator, landlord, tenant, or sharecropper, is interested in the ELS cotton produced on the farm for which the notice is given.

(Secs. 301, 362, 363, 365–368, 372–374, 375, 388, 52 Stat. 38, 62, 63–65, 66, as amended, 68, secs. 344–347, 63 Stat. 670, as amended, 674, 675, as amended; 7 U.S.C. 1301, 1362, 1363, 1365–1368, 1372–1374, 1375, 1388, 1344–1347)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on June 21, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62–6202; Filed, June 25, 1962; 8:49 a.m.]

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 730—RICE

Subpart—1962–63 Marketing Year

DETERMINATION OF COUNTY NORMAL YIELDS FOR 1962 CROP

The regulations contained in § 730.1308 are issued pursuant to and in conformity with the rice marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, including the amendments to section 301 of that act which are contained in section 502 of the Agricultural Act of 1956. These amendments provide definitions for county normal yields as follows:

(D) "Normal yield" for any county, in the case of rice, shall be the average yield per acre of rice for the county during the five calendar years immediately preceding the year for which such normal yield is determined, adjusted for abnormal weather conditions and for trends in yields. If for any such year data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations issued by the Secretary, taking into consideration the yields obtained in surrounding counties during such year and the yield in years for which data are available, shall be used as the actual yield for such year.

* * * * * *

(F) In applying subparagraphs (D) and (E), if on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield for any year of such five-year period is less than 75 per centum of the average, 75 per centum of such average shall be substituted therefor in calculating the normal yield per acre. If, on account of abnormally favorable weather conditions, the yield for any year of such five-year period is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted therefor in calculating the normal yield per acre.

Prior to the issuance of the regulations for determining county normal yields for 1962 and the determination of county normal yields thereunder, public notice (26 F.R. 8675) was given in accordance with the provisions of the Administrative Procedure Act (5 U.S.C. 1003). No data, views, or recommendations pertaining thereto were submitted pursuant to such notice.

Section 730.1308 is issued to provide the regulations for determining county normal yields and to proclaim the yields for the 1962 crop of rice determined thereunder.

§ 730.1308 County normal yields for 1962 crop rice.

(a) *Regulations.* County normal yields for 1962 crop rice shall be determined by computing the average yield per harvested acre of rice for each county producing rice during the years 1957 through 1961, adjusted for abnormal weather conditions and other uncontrollable natural causes and for trends in yields. Where data for any year are not available, or there was no actual yield, an appraised yield for such year shall be determined on the basis of the yields obtained in surrounding counties during such year and the yield in years for which data are available. Adjustments for abnormal weather conditions and other uncontrollable natural causes shall be made as follows: For any annual yield, including an appraised yield, which is less than 75 per centum of the five-year (1957–61) average yield, 75 per centum of such average shall be substituted therefor; and for any annual yield, including an appraised yield, which is in excess of 125 per centum of the five-year (1957–61) average yield, 125 per centum of such average shall be substituted therefor. The adjustment for trends in yields shall be made by computing the simple average of (1) the 1957–61 average yield per harvested acre of rice for the county, adjusted for abnormal weather conditions and other uncontrollable natural causes as provided in the preceding sentence, and (2) the 1960–61 average yield per harvested acre of rice for the county, similarly adjusted.

(b) *Statistical data.* Section 301(c) of the Agricultural Adjustment Act of 1938, as amended, provides that "The latest available statistics of the Federal Government shall be used by the Secretary in making the determinations required to be made by the Secretary under this act." In accordance therewith, the annual yields of rice for counties in the States of Arkansas, California, Louisiana, Mississippi, Missouri, and Texas used in the determination of county normal yields in this section were the latest official yields determined by the Statistical Reporting Service of the Department, on the basis of its estimate of harvested acres and production of rice in applicable counties of these States during each of the years 1957 through 1961. In the minor rice-producing States of Florida, Illinois, North Carolina, Oklahoma, South Carolina, and Tennessee where no official estimates of county rice yields were available the annual rice yields for the years 1957 through 1961 used in determining the county normal yields in this section for the applicable counties in these States were obtained by special surveys covering all farms producing rice in any of the calendar years 1957 through 1961.

(c) *Proclamation of county normal yields.* County normal yields for 1962 crop rice, determined in accordance with paragraphs (a) and (b) of this section, are as follows:

ARKANSAS

County	Normal yield (pounds)	County	Normal yield (pounds)
Arkansas	3,664	Lafayette	2,296
Ashley	3 336	Lawrence	3,273
Chicot	3,540	Lee	2,984
Clark	2,698	Lincoln	3,268
Clay	3,096	Little River	3,217
Conway	2,874	Lonoke	3,474
Craighead	3,482	Miller	2,486
Crittenden	3,075	Mississippi	3,070
Cross	3,286	Monroe	3,378
Dallas	2,925	Perry	2,464
Desha	3,399	Phillips	2,762
Drew	3,236	Poinsett	3,469
Faulkner	3,100	Prairie	3,626
Grant	2,905	Pulaski	2,805
Greene	3,133	Randolph	3,136
Hot Spring	3,145	St. Francis	3,118
Independence	3,373	White	3,177
Jackson	3,280	Woodruff	3,328
Jefferson	3,256	State	3,398

CALIFORNIA

County	Normal yield (pounds)	County	Normal yield (pounds)
Butte	4,888	Riverside	4,232
Colusa	4,668	Sacramento	4,760
Fresno	3,895	San Joaquin	4,242
Glenn	4,900	Stanislaus	4,246
Imperial	4,210	Sutter	4,995
Kern	3,235	Tulare	3,420
Kings	2,424	Yolo	4,775
Madera	3,935	Yuba	4,035
Merced	4,140	State	4,657
Placer	3,520		

FLORIDA

Palm Beach	1,760

ILLINOIS

Adams	2,990

LOUISIANA

County	Normal yield (pounds)	County	Normal yield (pounds)
Acadia	2,948	Lafourche	2,002
Allen	2,888	Madison	2,710
Ascension	2,524	Morehouse	2,628
Assumption	2,050	Rapides	2,878
Avoyelles	2,822	Richland	2,271
Beauregard	2,344	St. Charles	2,588
Bossier	3,038	St. James	2,442
Calcasieu	2,420	St. John the Baptist	2,911
Cameron	2,542	St. Landry	2,992
Concordia	2,836	St. Martin	2,985
East Carroll	3,238	St. Mary	2,599
Evangeline	2,952	St. Tammany	2,006
Grant	2,160	Tensas	2,966
Iberia	2,645	Terrebonne	2,702
Iberville	2,880	Vermilion	2,963
Jefferson Davis	2,871	West Carroll	2,757
Lafayette	3,232	State	2,846

MISSISSIPPI

County	Normal yield (pounds)	County	Normal yield (pounds)
Bolivar	3,175	Quitman	2,718
Coahoma	3,042	Sharkey	3,116
De Soto	3,128	Sunflower	3,158
Hancock	2,482	Tallahatchie	2,608
Humphreys	2,942	Tate	2,668
Issaquena	2,392	Tunica	3,034
Leflore	2,690	Washington	3,078
Panola	3,083	State	3,069

MISSOURI

County	Normal yield (pounds)	County	Normal yield (pounds)
Butler	3,777	Pemiscot	3,050
Dunklin	3,089	Ripley	2,835
Lewis	2,691	St. Charles	2,990
Lincoln	2,780	Scott	2,903
Marion	3,118	Stoddard	3,243
Mississippi	3,024	State	3,295
New Madrid	3,035		

NORTH CAROLINA

Brunswick	1,636
Hyde	1,634
State	1,634

OKLAHOMA

McCurtain	3,429

SOUTH CAROLINA

County	Normal yield (pounds)	County	Normal yield (pounds)
Berkeley	1,404	Horry	1,585
Charleston	1,205	Jasper	1,600
Colleton	971	Kershaw	1,193
Georgetown	1,010	State	1,357

TENNESSEE

County	Normal yield (pounds)	County	Normal yield (pounds)
Dyer	4,152	Lauderdale	3,323
Fayette	2,100	State	3,785

TEXAS

County	Normal yield (pounds)	County	Normal yield (pounds)
Austin	3,265	Colorado	3,196
Bowie	3,258	Fort Bend	2,974
Brazoria	2,820	Galveston	2,808
Calhoun	2,952	Hardin	3,268
Chambers	2,842	Harris	3,060
Jackson	3,206	Polk	2,690
Jasper	2,763	Victoria	3,372
Jefferson	2,722	Walker	2,550
Lavaca	3,031	Waller	3,119
Liberty	2,834	Washington	3,092
Matagorda	3,348	Wharton	3,189
Newton	2,736	State	3,000
Orange	2,604		

(Secs. 301, 375, 52 Stat. 38, as amended by 70 Stat. 212, 52 Stat. 66, as amended; 7 U.S.C. 1301, 1375)

Effective date: Thirty days following publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 21, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-6201; Filed, June 25, 1962; 8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 17—LABELING

Smoked Hams and Similar Pork Products

On June 11, 1962, the United States District Court for the District of Columbia issued a preliminary injunction in the case of Armour and Company v. Freeman, et al., restraining the Department of Agriculture from requiring that smoked hams and similar pork products, containing not in excess of 10 percent added moisture, be labeled as "Imitation" under section 17.8(b) of the Meat Inspection Regulations (9 CFR 17.8(b)). Thereafter, section 17.8(b) of the Meat Inspection Regulations (9 CFR 17.8(b)) was amended (27 F.R. 5734) to require that the products involved be labeled with the term "Water Added" in a specified manner. It has been determined upon further consideration that it would be in the public interest to permit the addition of statements on the labels and markings of the products identifying the extent of the added water and that some modification of the prescribed manner of labeling with the term "Water Added" would also be consistent with the public interest.

Therefore, under paragraphs 5 and 19 of the Meat Inspection Act, as amended (21 U.S.C. 75, 89), and in order to prevent the sale of meat and meat food products under false or deceptive names, section 17.8(b) of the Meat Inspection Regulations (9 CFR 17.8(b), as amended) is hereby amended by deleting the last sentence thereof and inserting after the first sentence thereof the following: "Ham and other pork products of the kinds specified in the provisions in § 17.8(c) (49), (54), and (57), which do not conform to such provisions because they contain added water not in excess of 10 percent of the weight of the fresh, uncured products, shall in lieu of complying with the preceding sentence, bear on their labels the term 'Water Added', immediately following the word 'ham' or other product name, in prominent lettering not less than 3/8ths inch in height, and shall be so marked with the term 'Water Added', except that the Director of the Division may approve smaller lettering for labels of small packages, such as 4-ounce packages of sliced ham, when he finds that the size and style of the lettering in connection with the product name are such as to ensure the prominence of the required term. The qualifying phrase 'Up To 10%' or equivalent phrase may be used in labeling or marking such products in connection with the term 'Water Added' at the option of the operator of the establishment, provided the qualifying phrase does not detract from the prominence of the term 'Water Added.' In marking products with strip labels or other approved devices, the required terminology shall be repeated in close apposition the entire length of the product, and the qualifying phrase 'Up To 10%' or equivalent phrase may be applied at the ends of the strip label or similar device and in small letters between the repeated term 'Water Added.'"

The amendment provides that in addition to the required term "Water Added" in labeling and marking the products involved, the products may voluntarily be labeled and marked with the phrase "Up To 10%" or an equivalent phrase. This will provide more specific information to the consumer concerning the water content of the products. The amendment also specifies that the term "Water Added" shall, with a limited exception for small packages, be in prominent lettering not less than 3/8ths inches in height. Lettering of this size is considered adequate to inform the public of the water content of the products. The Department has conducted exhaustive rule-making proceedings, including 8 public hearings, with respect to the water content of smoked hams and similar pork products, and in connection therewith has received voluminous written comments on the subject. It appears that further public rule-making procedure on the matter would not make additional information available to the Department. Moreover, it is essential that a determination be made as to the labeling and marking requirements at the earliest possible time so that the processors of the products in question may adjust their operations to comply with such requirements with a minimum of expense and inconvenience. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that notice of rule-making and other public procedure on the amendment are unnecessary and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall become effective upon publication in the FEDERAL REGISTER, except that it shall not preclude the voluntary use at federally inspected establishments, for a transition period expiring not later than August 12, 1962, of existing stocks of approved labels for the products affected by this amendment, or other labels approved by the Inspector-In-Charge for such temporary use.

Done at Washington, D.C., this 22d day of June 1962.

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 62-6235; Filed, June 25, 1962; 8:54 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 1010; Reg. No. SR-392D]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, AND ACROBATIC CATEGORIES

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

PART 6—ROTORCRAFT AIRWORTHINESS; NORMAL CATEGORIES

PART 7—ROTORCRAFT AIRWORTHINESS; TRANSPORT CATEGORIES

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PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

PART 43—GENERAL OPERATION RULES

Special Civil Air Regulation; Display of Experimental Exterior Lighting Systems Approved for Use on Aircraft; Special Civil Air Regulation

Special Civil Air Regulations No. SR-392B, adopted on February 25, 1957, and superseded by SR-392C on February 3, 1962, permitted experimentation with exterior lighting systems that did not comply with the standards prescribed in the Civil Air Regulations on aircraft with standard airworthiness certificates. Several conditions were imposed to in-

sure that the number of aircraft engaged in the experiments was reasonably limited; that the experimental exterior lights were in fact installed for bona fide experimentation; and that the results of such experimentation became generally available.

In a notice of proposed rule making contained in Draft Release No. 61-27 and published in the FEDERAL REGISTER, December 23, 1961 (26 F.R. 12294), the Agency gave notice that it had under consideration the termination of SR-392B, which was then in effect, and requested comments from interested persons. However, the nature of the comments received was such that there was not sufficient time remaining, before the February 25, 1962, termination date specified in SR-392B, for their proper review and evaluation. To provide the time needed, the Agency adopted SR-392C which superseded SR-392B without revision other than extension of the termination date from February 25, 1962, to June 25, 1962.

On April 3, 1962, the Agency convened a public conference (previously announced by a notice of conference dated February 12, 1962) to give persons interested in SR-392C an opportunity to supplement their written comments with oral presentations, to make additional evidence available, and to participate in direct discussions with government-industry technical people in the aircraft lighting field.

From a study of all comments made on the issue, those who support the need for an extension of SR-392C contend essentially as follows: (1) Experimental lighting systems now operating under SR-392C are more effective than the system prescribed in the Civil Air Regulations; (2) much money and time has been invested in the experiments, which would be wasted if SR-392C were terminated; (3) extension would continue grass-roots cooperation between experienced FAA inspectors and inventors, and stimulate inventive initiatives; (4) unrestrictive field testing would insure reliability of new lighting equipment by exposing it to actual service conditions; (5) a new lighting concept cannot attract financing, or interest manufacturing management, unless its sales potential is established by flight demonstrations to prospective customers; and (6) there is no satisfactory alternative to extension of SR-392C.

After more than 10 years of experimentation under the provisions of SR-392C and predecessor special regulations, the evidence supporting the contention that various experimental lighting systems surpass the standard system now prescribed in the Civil Air Regulations remains inconclusive. For the most part, reports submitted by experimenters contain subjective evaluations of proposed systems without the use of experimental controls to insure a valid basis for comparison. Tests and studies conducted by the Navy Department and by the Agency's National Aviation Facilities Experimental Center have not corroborated the advantages claimed by private experimenters for their respective systems.

The experiments were no doubt expensive and time-consuming, but the persons who undertook them did so voluntarily and with no assurance of success. In any case, the costs incurred in such experiments do not justify the indefinitely prolonged display of experimental lighting systems, since these systems necessarily introduce some degree of ambiguity and confusion in night operations.

Termination of SR-392C would not prevent further lighting experimentation since such experiments could still be performed under the terms of an experimental airworthiness certificate. There appears to be no reason why cooperation between FAA inspectors and inventors would necessarily diminish if further lighting experiments were conducted only on that basis.

The point that unrestricted field testing insures reliability of experimental lighting equipment is largely irrelevant since the objective of SR-392C was to facilitate experiments with new lighting concepts rather than to achieve component reliability. Component technology is not in question; and, in any case, there is no evidence that unusual problems exist. Further, reliability can be attained to a large extent by laboratory tests in a simulated environment, a practice which has worked satisfactorily in the past.

It may be true that the privileges granted by SR-392C (as opposed to the generally more restrictive terms of experimental airworthiness certificates) make it easier to finance new lighting concepts, but similar privileges are not granted to those who experiment with aircraft in other ways. This preference for one class of experimenters over all other classes has not been justified in terms of safety improvements achieved to date.

Reasonable alternatives to SR-392C are, in fact, open to experimenters. Experiments may be conducted under the terms of an experimental airworthiness certificate; and the Agency's well-equipped experimental facilities, with trained personnel, are now available for cooperative evaluation of new lighting concepts developed by inventors.

For these reasons, the Agency concludes that the arguments offered in support of an extension of SR-392C are not persuasive; and SR-392C will not be continued in effect beyond June 25, 1962. However, the Agency believes that a reasonable transition period of not less than one year should be established. This would permit 6 months for completion of experiments begun before June 25, 1962, the maximum period of experimentation permitted under SR-392C without special permission, and would allow not less than an additional 6 months for airplane modifications that may be necessitated by the termination of experimentation hereunder.

The various experiments which were conducted under the provisions of SR-392C and predecessor special regulations, although inconclusive, have, nevertheless, helped to crystallize the Agency's position on the need for revisions of the currently effective exterior lighting regulations. Therefore, a proposed rule concerning these requirements is under study by the Agency. If rule making action is initiated as a result of this study, it may ultimately affect some of the details of the lighting systems now required to be installed on aircraft. Moreover, if such rule making action is initiated it may not be completed before December 25, 1962. In such case, a requirement to accomplish the necessary modifications within one year after the termination of SR-392C, i.e., by June 25, 1963, may not provide the operator with a period of 6 months in which to accomplish the modifications, if any, required by the regulation.

In order to permit an adequate transition period for the accomplishment of any necessary modifications, this regulation permits the current experimental lighting systems to be used until June 25, 1963, or 6 months after completion of the proposed rule making action in regard to exterior lighting systems, whichever date is later. If, however, the Agency finds at the conclusion of its studies that rule making action will not be adopted an appropriate notice thereof will be issued and published in the FEDERAL REGISTER. In such case this regulation also permits the experimental lighting systems to be used until June 25, 1963, or 6 months after such notice is published in the FEDERAL REGISTER, whichever date is later.

In consideration of the foregoing, the following Special Civil Air Regulation is adopted to become effective on June 25, 1962:

Contrary provisions of the Civil Air Regulations notwithstanding, experimental exterior lighting systems which do not comply with the Civil Air Regulations, and which were installed for the purposes of experimentation on aircraft with standard airworthiness certificates under the provisions of SR-392B or SR-392C, may be displayed until:

(1) 6 months after the date of publication in the FEDERAL REGISTER of either

(i) revised standards adopted by the Agency for exterior lighting systems, or

(ii) a notice that rule making action to revise such standards will not be adopted by the Agency; or

(2) June 25, 1963, if later than that specified in paragraph (1).

This Special Civil Air Regulation shall remain in effect until superseded or rescinded.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354, 1421, 1423)

Issued in Washington, D.C., on June 22, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-6229; Filed, June 25, 1962; 8:53 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-WA-62]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Alteration of Federal Airways and Associated Control Areas; Revocation of Control Area Extension and Restricted Areas; Alteration of the Continental Control Area

On June 6, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 5341) stating that the Federal Aviation Agency proposed to rescind the existing Restricted Areas R-6304, R-6305, R-6306, R-6307 and R-6308 in the vicinity of Webb and Reese Air Force Bases, Texas, realign and redescribe in part existing low and intermediate altitude airways in the area and depict on all aeronautical charts "Intensive Student Jet Training Areas" to provide a form of segregation of student jet training flights from other aircraft operations. The geographic descriptions of the training areas follow:

1. Name: Reese One Intensive Student Jet Training Area.

Boundary: Beginning at latitude 33°46'00" N., longitude 103°21'00" W.; to latitude 34°01'15" N., longitude 103°02'45" W.; counterclockwise along the arc of a 30-mile radius circle centered at latitude 34°23'01" N., longitude 103°18'58" W.; to latitude 34°19'00" N., longitude 102°48'00" W.; to latitude 34°19'00" N., longitude 102°40'00" W.; to latitude 34°01'00" N., longitude 102°06'00" W.; to latitude 33°44'30" N., longitude 102°17'00" W.; to latitude 33°39'30" N., longitude 102°53'00" W.; to latitude 33°41'00" N., longitude 102°53'-00" W.; to latitude 33°39'00" N., longitude 103°21'00" W.; to the point of beginning.

Altitudes—12,000 MSL to 23,000 MSL inclusive.

2. Name: Reese Two Intensive Student Jet Training Area.

Boundary: Beginning at latitude 33°37'-00" N., longitude 102°01'00" W.; to latitude 32°30'00" N., longitude 102°51'00" W.; to latitude 33°29'00" N., longitude 102°51'00" W.; to latitude 33°24'30" N., longitude 103°-14'00" W.; to latitude 33°22'00" N., longitude 103°30'00" W.; to latitude 32°57'00" N., longitude 103°26'00" W.; to latitude 32°-56'00" N., ongitude 103°00'00" W.; to latitude 32°32'00" N., longitude 102°44'00" W.; to latitude 32°20'00" N., longitude 102°28'-00" W.; to latitude 32°20'25" N., longitude 102°13'30" W.; to the point of beginning.

Altitudes—12,000 MSL to 23,000 MSL inclusive.

3. Name: Webb/Reese Three Intensive Student Jet Training Area.

Boundary: Beginning at latitude 32°35'-00" N., longitude 100°12'00" W.; to latitude 32°57'00" N., longitude 100°24'00" W.; to latitude 33°24'00" N., longitude 100°44'00" W.; to latitude 33°34'00" N., longitude 101°-44'00" W.; to latitude 33°28'00" N., longitude 101°51'30" W.; to latitude 32°35'30" N., longitude 102°00'00" W.; to latitude 32°-31'30" N., longitude 101°43'45" W.; clockwise along an arc of a circle with a 15 nautical mile radius centered on the Big Spring, Texas, VOR to latitude 32°28'40" N., longitude 101°12'40" W.; to latitude 32°32'00" N., longitude 100°28'00" W.; to the point of beginning.

Altitudes—12,000 MSL to 23,000 MSL inclusive.

4. Name: Webb One Intensive Student Jet Training Area.

Boundary: Beginning at latitude 31°28'45" N., longitude 102°50'15" W.; to latitude 31°-04'00" N., longitude 102°42'00" W.; to latitude 30°55'00" N., longitude 101°26'00" W.; to latitude 31°13'00" N., longitude 100°55'-00" W.; to latitude 31°28'00" N., longitude 100°55'00" W.; to latitude 31°48'00" N., longitude 101°50'00" W.; to latitude 31°31'-45" N., longitude 102°02'00" W.; clockwise along the arc of a 30 nautical mile radius circle centered at the Midland, Texas, VOR to latitude 31°37'30" N., longitude 102°33'-30" W.; o the point of beginning.

Altitudes—12,000 MSL to 23,000 MSL inclusive.

5. Name: Webb Two Intensive Student Jet Training Area.

Boundary: Beginning at latitude 31°37'00" N., longitude 100°52'00" W.; to latitude 31°-37'00" N., longitude 100°26'00" W.; to latitude 32°08'00" N., longitude 100°09'30" W.; to latitude 32°05'30" N., longitude 100°45'-00" W.; to latitude 31°57'00" N., longitude 101°16'00" W.; to latitude 31°43'00" N., longitude 101°06'00" W.; to latitude 31°37'-00" N., longitude 100°52'00" W.; to the point of beginning.

Altitudes—12,000 MSL to 23,000 MSL inclusive.

6. Name: Reese Four Intensive Student Jet Training Area.

Boundary: Beginning at latitude 32°44'00" N., longitude 103°46'00" W.; to latitude 32°30'00" N., longitude 103°30'00" W.; to latitude 32°24'00" N., longitude 102°55'00" W.; to latitude 32°33'00" N., longitude 102°-00'00" W.; to latitude 32°33'00" N., longitude 100°29'00" W.; to latitude 32°58'00" N., longitude 100°29' 00" W.; to latitude 33°20'-00" N., longitude 100°43'00" W.; to latitude 33°19'00" N., longitude 103°46'00" W.; to the point of beginning.

Altitudes—Flight Level 240 to Flight Level 450 inclusive.

Comments received in response to the notice indicate that the users of the airspace endorse the new concept for maximum utilization of the airspace as proposed in the notice. Some statements taken from the responses follow:

The Aircraft Owners and Pilots Association concurs with pleasure with the proposal to replace restricted areas at these and at other Air Force Bases with jet training areas. The development of a plan for joint-use of training areas by civil aircraft is a substantial step forward in the efficient utilization of a vital national resource.

NBAA is pleased that it and other user organizations were consulted in the early states of this study. The comments and advice submitted by these organizations contributed significantly to the merit of the proposal. The value of this desirable procedure is made more apparent by the creation of the four concepts listed above.

As aviation in general and business aviation in particular continues its predicted rapid growth, and as available airspace remains constant, the wisdom of these four concepts will become increasingly apparent.

The Air Transport Association agrees with the objective to reduce restricted airspace where possible. In this instance, the establishment of Intensive Student Jet Training Areas as contained in Docket No. 62-WA-62, appears to be a forward step. We desire to commend the Federal Aviation Agency and the Air Force for their forward thinking and new approach to this particular problem.

Some comments were directed to a general area as indicated by the following statement of the ATA which is considered representative of other comments.

The proposal states, "These 'Intensive Student Jet Training Areas' will be used as such only for activity that cannot be conducted on a see-and-be-seen basis." This statement is not in agreement with the concept as stated by the Federal Aviation Agency in briefings prior to publication of the notice of proposed rule making.

It is our understanding that all types of training in these "Intensive Student Jet Training Areas" are to be conducted during VFR weather conditions and in full accord with CAR 60, particularly CAR 60.12 thereof. (In other words, on a "see-and-be-seen" basis.)

It was stated in the notice of proposed rule making that it was problematical that student pilots performing maneuvers could maintain the necessary degree of vigilance for other aircraft, and that intensive student jet training areas will be used only for activity that cannot be conducted on a see-and-be-seen basis. The Agency agrees that these statements need clarification and correction so that there be no misunderstandings. It was the intent of these statements to indicate that all undergraduate pilot training maneuvers which are not adaptable to conventional air traffic control procedures and which cannot be conducted on federal airways or in designated control zones under current regulations but which are permissible in other airspace (controlled or uncontrolled), would only be performed in the intensive student jet training areas. (Other training activity which is permitted by current regulations may be conducted elsewhere.) All types of training involved in the subject case will be conducted under Visual Flight Rules and in full accordance with the requirements of CAR 60 whether they be conducted within or outside of the intensive student jet training areas. It is to be noted that among other things, a pilot conforming with CAR 60 would be expected to clear his position prior to starting any aerial maneuver and avoid preoccupation which detracts from vigilance (see C of note under CAR 60.12). Additionally, pilots operating under current regulations should, prior to starting an acrobatic maneuver, scan the entire vicinity to be reasonably sure that no other aircraft is within dangerous proximity. (See note under CAR 60.16.) These requirements recognize that pilots have varying capability to maintain vigilance, particularly during the conduct of various maneuvers, whether they be normal flight maneuvers or acrobatic maneuvers. It is for this reason that the requirements exist for prior clearance of position and prior scanning of an area. Current regulatory requirements have not precluded the performance of training maneuvers, including acrobatics, by either military or civilian

aircraft and should not work to the detriment of the military training activities contemplated in the subject case. Furthermore, as an added measure of safety and to compensate for any possible reduction in vigilance capability on the part of military pilots undergoing training in the intensive student jet training areas, VFR flights desiring to transit these areas will be able to obtain current information concerning the flight activities in progress as well as traffic advisory information. In view of these additional precautions, it is considered unnecessary to prohibit transitting of these areas by VFR civilian aircraft operating in accordance with the provisions of CAR 60.

The undergraduate pilot training program has been in effect for approximately one year. In that time an enviable safety record has been compiled; nevertheless, in an effort to establish a form of segregation and enhance the degree of safety, the Agency has determined that the actions taken herein are not only appropriate but necessary.

In addition, it was proposed to designate certain airway segments so that altitudes above 11,000 feet could be employed during those periods when the proposed training areas are not in use. Therefore, when the training areas are not in use, the El Paso Air Route Traffic Control Center will utilize the altitudes above 11,000 feet for Instrument Flight Rule traffic along the airways within the geographical limits of the "Intensive Student Jet Training Areas" depicted on aeronautical charts. However, when the areas are in use, the El Paso Center will not authorize flight along the airway segments above 11,000 feet and such airway segments will not be employed as airways above 11,000 feet. Consequently, the prohibition of acrobatics on airways is not considered applicable within the altitude and geographical limits of the "Intensive Student Jet Training Areas" when such areas are in use for student jet training by the Air Training Command.

The ATA in their reply also recommended airway realignments not proposed in the notice. Such changes could not be made at this time. However, the recommendations will be studied and if considered advantageous and desirable will be the subject of separate action.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. In the text of § 600.6014 (14 CFR 600.6014, 27 F.R. 4593) "From the Roswell, N. Mex., VOR via the INT of the Roswell VOR 063° and the Lubbock VOR 277° radials; Lubbock, Tex., VOR, including a south alternate from the Roswell VOR direct to the Lubbock VOR;" is deleted and "From the Roswell, N. Mex., VOR via the Lubbock, Texas, VOR;" is substituted therefor.

2. In the text of § 600.6068 (14 CFR 600.6068, 27 F.R. 4243) "San Angelo, Tex., omnirange station, including a south alternate via the intersection of the Midland, omnirange 146° True and the San Angelo omnirange 278° True radials;" and "The portions of this airway which conflict with the Corpus Christi Restricted Area (R-227) are excluded." are deleted and "San Angelo, Texas, VOR, including a S alternate via the INT of the Midland VOR 128° and the San Angelo VOR 278° radials;" and "The airspace within R-6301 is excluded." is substituted therefor.

3. In the text of § 600.6076 (14 CFR 600.6076) "including a north alternate via the INT of the Big Spring VOR 124° and the San Angelo VOR 024° radials;" is deleted.

4. In the text of § 600.6102 (14 CFR 600.6102) "point of INT of the Roswell VOR 080° and the Texico, N. Mex., VOR 216° radials; the point of INT of the Texico, N. Mex., VOR 216° and the Lubbock VOR 277° radials; Lubbock, Tex., VOR;" is deleted and "Lubbock, Texas, VORTAC;" is substituted therefor.

5. In the text of § 600.6280 (14 CFR 600.6280, 27 F.R. 1757) "INT of the Roswell VOR 080° and the Texico VOR 216° radials; Texico, N. Mex., VOR;" is deleted and "INT of the Roswell VOR 063° and the Texico, N. Mex., VOR 216° radials; Texico VOR, including a S alternate via the INT of the Roswell VOR 080° and the Texico VOR 216° radials;" is substituted therefor.

6. In the text of § 600.1540 (26 F.R. 1085; 27 F.R. 1455, 3194) "INT of the Wink VOR 066° and the Big Spring, Tex., VOR 260° radials;" is deleted and "INT of the Wink VOR 068° and the Big Spring, Texas, VOR 256° radials;" is substituted therefor.

7. In the text of § 600.1614 (26 F.R. 1088) "From the Salt Flat, Tex., VOR via the INT of the Salt Flat VOR 055° and the Hobbs, N. Mex., VOR 242° radials; Hobbs VOR; thence 10-mile wide airway via the INT of the Hobbs VOR 077° and the Lubbock, Tex., VOR 188° radials; to the Lubbock VOR;" is deleted and "From the Salt Flat, Texas, VOR to the Carlsbad, N. Mex., VOR; thence 10-mile wide airway to the INT of the Carlsbad VOR 021° and the Roswell, N. Mex., VOR 115° radials; thence 14-mile wide airway to the INT of the Carlsbad VOR 021° and the Roswell VOR 089° radials; thence to the INT of the Carlsbad VOR 021° and the Roswell VOR 080° radials; thence 14-mile wide airway to the INT of the Roswell VOR 080° and the Hobbs, N. Mex., VOR 003° radials; thence 12-mile wide airway to the INT of the Lubbock VOR 262° and the Hobbs VOR 014° radials; thence 10-mile wide airway to the Lubbock VOR;" is substituted therefor.

8. The text of § 600.1618 (26 F.R. 1088) is amended to read as follows: "From the Roswell, N. Mex., VOR 10-mile wide airway to the INT of the Roswell VOR 080° and the Texico, N. Mex., VOR 212° radials; thence 14-mile wide airway to the INT of the Lubbock, Texas, VOR 262° and the Hobbs, N. Mex., VOR 003° radials; thence 12-mile wide airway to the INT of the Lubbock VOR 262° and the Hobbs VOR 014° radials; thence 10-mile wide airway to the Lubbock VOR; thence via the Guthrie, Texas, VOR to the Wichita Falls, Texas, VOR."

9. In Part 601 (14 CFR Part 601) § 601.1456 *Control area extension (El Paso, Texas) (Webb/Reese areas)* is revoked.

10. In § 608.63 (14 CFR 608.63) the following are revoked:

a. R-6304 Reese AFB, Tex.
b. R-6305 Reese AFB, Tex.
c. R-6306 Webb AFB, Tex.
d. R-6307 Webb AFB, Tex.
e. R-6308 Webb AFB, Tex.

11. The text of § 601.6280 (14 CFR 601.6280) is amended to read: "All of VOR Federal airway No. 280 including a S alternate."

12. In § 601.7101 (14 CFR 601.7101) the following are deleted:

a. R-6304 Reese AFB, Tex.
b. R-6305 Reese AFB, Tex.
c. R-6306 Webb AFB, Tex.
d. R-6307 Webb AFB, Tex.
e. R-6308 Webb AFB, Tex.

These amendments shall become effective 0001 e.s.t. July 26, 1962.

(Sec. 307(a), 72 Stat. 749; U.S.C. 1348)

Issued in Washington, D.C., on June 22, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-6203; Filed, June 25, 1962; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-67]

PART 13—PROHIBITED TRADE PRACTICES

Alamo Fruit & Vegetable Co., Inc.

Subpart—Discriminating in price under Sec. 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Alamo Fruit & Vegetable Co., Inc., Alamo, Tex., Docket C-67, Jan. 24, 1962]

In the Matter of Alamo Fruit & Vegetable Co., Inc., a Corporation

Consent order requiring an Alamo, Tex., packer of citrus fruit to cease violating section 2(c) of the Clayton Act by paying brokerage or discounts to some brokers and direct buyers on purchases for their own accounts for resale.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent Alamo Fruit & Vegetable Co., Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the sale of citrus fruit, or fruit products, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Paying, granting, or allowing, directly or indirectly, to any buyer or to anyone acting for or in behalf of or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of citrus fruit or fruit products to such buyer for his own account.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: January 24, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-6171; Filed, June 25, 1962; 8:45 a.m.]

[Docket C-66]

PART 13—PROHIBITED TRADE PRACTICES

Eustis Fruit Co., Inc.

Subpart—Discriminating in price under Sec. 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Eustis Fruit Company, Inc., Eustis, Fla., Docket C-66, Jan. 24, 1962]

In the Matter of Eustis Fruit Company, Inc., a Corporation

Consent order requiring a Eustis, Fla., packer of citrus fruit, selling its products both directly to purchasers and through brokers, to cease violating section 2(c) of the Clayton Act by paying a commission or other compensation in lieu thereof to brokers and direct buyers purchasing for their own accounts for resale.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent Eustis Fruit Company, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the sale of citrus fruit, or fruit products, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Paying, granting, or allowing, directly or indirectly, to any buyer or to anyone acting for or in behalf of or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu theref, upon or in connection with any sale of citrus fruit or fruit products to such buyer for his own account.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: January 24, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-6172; Filed, June 25, 1962; 8:45 a.m.]

[Docket 8134 o.]

PART 13—PROHIBITED TRADE PRACTICES

George's Radio and Television Co., Inc., and George Wasserman

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155-40 *Exaggerated as regular and customary.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, George's Radio and Television Company, Inc., et al., Washington, D.C., Docket 8134, Jan. 19, 1962]

In the Matter of George's Radio and Television Company, Inc., a Corporation, and George Wasserman, Individually and as an Officer of the Said Corporation.

Order requiring retailers of electrical appliances and other merchandise in Washington, D.C., to cease representing falsely in newspaper advertising that a fictitiously high price or an excessive "Mfr's. Sug. List" was the usual retail price in the Washington area and that purchasers of merchandise at the advertised sale price would save the difference between the two.

The order to cease and desist is as follows:

It is ordered, That respondents, George's Radio and Television Company, Inc., a corporation, and its officers and George Wasserman, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly, or as George's Warehouse Supermarts, or through any corporate or other device, in connection with the offering for sale, sale and distribution of electrical appliances or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) Through the use of the term "Manufacturer's Suggested List" or any other term of the same import, or in any other manner, that any amount is the price of merchandise in respondents' trade area when it is in excess of the price at which merchandise is usually and customarily sold at retail in said trade area.

(b) That any price, when accompanied or unaccompanied by any descriptive language, was the price at which the merchandise advertised was usually and customarily sold at retail by the respondents unless such advertised merchandise was in fact usually and customarily sold at retail at such price by the respondents in the recent past.

(c) That any saving is offered in the purchase of merchandise from the respondents' price or the price in the respondents' trade area unless the price at which the merchandise is offered constitutes a reduction from the price at which said merchandise is usually and customarily sold at retail by the respondent or at which said merchandise is usually and customarily sold at retail in said trade area.

2. Misrepresenting, in any manner, the amount of savings available to purchasers of respondents' merchandise or the amount by which the price of said merchandise has been reduced from the price at which it is usually and customarily sold at retail by the respondents or in the trade area or areas where the representations are made.

By "Final Order", report of compliance was required as follows:

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: January 19, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-6173; Filed, June 25, 1962; 8:45 a.m.]

[Docket C-63]

PART 13—PROHIBITED TRADE PRACTICES

Gilchrist Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155-40 *Exaggerated as regular and customary;* § 13.155-70 *Percentage savings;* § 13.235 *Source or origin:* § 13.235-35 *History.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865-40 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900-40 *Fur Products Labeling Act:* § 13.1900-40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Gilchrist Company et al., Boston, Mass., Docket C-63, Jan. 17, 1962]

In the Matter of Gilchrist Company, a Corporation, and Cummins Furs, Inc., a Corporation, and Lewis H. Cummins, Individually and as an Officer of Cummins Furs, Inc.

Consent order requiring Boston furriers to cease violating the Fur Products Labeling Act by failing, in labeling, invoicing, and advertising, to show the true animal name of fur used in fur products and when the fur was artificially colored; failing, in invoicing, to show the country of origin of imported furs; using the term "blended" improperly in labeling and advertising; advertising falsely that prices were reduced from usual prices which were in fact fictitious, that they were reduced "⅓ to ½", and that fur products on sale were "surplus stock" of another firm; failing to maintain adequate records as a basis for price and value claims; and failing in other respects to comply with requirements of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Gilchrist Company, a corporation, and its officers, and Cummins Furs, Inc., a corporation, and its officers, and Lewis H. Cummins, individually and as an officer of Cummins Furs, Inc., and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of any fur product; or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Setting forth the term "blended" as part of the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe the pointing, bleaching, dyeing, tip-dyeing or otherwise artificially coloring of furs.

C. Setting forth information required under section 4(2) of the Fur Products Labeling Act and rules and regulations promulgated thereunder mingled with non-required information.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Setting forth the term "blended" as part of the information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe the pointing, bleaching, dyeing, tip-dyeing or otherwise artificial coloring of furs.

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products and which:

A. Fails to disclose:

1. The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide, and as prescribed under the Rules and Regulations.

2. That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur when such is the fact.

B. Represents directly or by implication that the regular or usual price of any fur product is any amount which is in excess of the price at which respondents have usually and customarily sold such products in the recent regular course of business.

C. Represents directly or by implication through percentage savings claims that prices of fur products are reduced in direct proportion to the amount of savings stated when such is not the fact.

D. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

E. Represents directly or by implication that fur products are surplus stock of another firm when such is not the fact.

F. Sets forth the term "blended" as part of the information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe the pointing, bleaching, dyeing, tip-dyeing or otherwise artificial coloring of furs.

4. Making claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 17, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6174; Filed, June 25, 1962; 8:46 a.m.]

[Docket C-64]

PART 13—PROHIBITED TRADE PRACTICES

George C. Palmer Co., Inc., and Oscar Edward Johnson

Subpart—Discriminating in price under section 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, George C. Palmer Co., Inc., et al., Minneapolis, Minn., Docket C-64, Jan. 17, 1962]

In the Matter of George C. Palmer Co., Inc., a Corporation, and Oscar Edward Johnson, Individually and as an Officer of Said Corporation

Consent order requiring a Minneapolis wholesale distributor of citrus fruit, produce, and other food products, to cease accepting illegal brokerage on purchases for its own account, such as a discount of 10 cents per 1⅗ bushel box of citrus fruit from Texas packers, or a lower price reflecting such commission.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent George C. Palmer Co., Inc., a corporation, and its officers, and Oscar Edward Johnson, individually and as an officer of George C. Palmer Co., Inc., and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the purchase of citrus fruit or produce in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of citrus fruit or produce for respondents' own account, or where respondents are the agents, representatives, or other intermediaries acting for or in behalf, or are subject to the direct or indirect control, of any buyer.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 17, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6175; Filed, June 25, 1962; 8:46 a.m.]

[Docket C-65]

PART 13—PROHIBITED TRADE PRACTICES

Westinghouse Electric Corp. et al.

Subpart—Combining or conspiring: § 13.430 *To enhance, maintain or unify prices;* § 13.493 *To submit collusive bids.*[1]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Westinghouse Electric Corporation (Pittsburgh, Pa.) et al., Docket C-65, Jan. 18, 1962]

[1] New.

In the Matter of Westinghouse Electric Corporation, a Corporation; Daniel L. Sweeney, Individually and as Industrial Sales Manager, Micarta Division, Westinghouse Electric Corporation; St. Regis Paper Company, a corporation; The Garrett Corporation, a Corporation; Walter L. Clark, Individually and as Division Manager, Air Cruisers Division, The Garrett Corporation; and John M. Zeier, an Individual

Consent order requiring three corporations and the three individuals who participated directly in the illegal activities in their behalf, to cease engaging in a price-fixing conspiracy in the sale of polyethylene shielding material—sold principally to naval ship yards and used as radiation shields around atomic reactors on naval vessels—in the course of which, at meetings and otherwise, they agreed upon, fixed, and maintained prices, terms, and conditions of sale, and agreed upon the price they would bid on particular bids submissions requested by customers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That corporate respondents Westinghouse Electric Corporation, a corporation; St. Regis Paper Company, a corporation; The Garrett Corporation, a corporation, their respective officers, agents, representatives and employees, and individual respondents Daniel L. Sweeney, individually and as industrial sales manager, Micarta Division, Westinghouse Electric Corporation; Walter L. Clark, individually and as division manager, Air Cruisers Division, The Garrett Corporation; and John M. Zeier, individually, directly, indirectly or through any corporate or other device in connection with the manufacture, sale and distribution or sale and distribution in commerce between and among the several States of the United States and in the District of Columbia of polyethylene shielding material, do forthwith cease and desist from entering into, cooperating in, carrying out or continuing any conspiracy, planned common course of action, understanding, combination or agreement between any one or more of said respondents, or between any one or more of said respondents and any other person, persons or business entity not a party hereto, to do or perform any of the following acts, practices or things:

A. Fix or maintain prices, terms or conditions for the sale of polyethylene shielding material;

B. Fix or maintain prices, terms or conditions of sale to be used in submitting bids on polyethylene shielding material; and

C. Bid or quote, refrain from bidding or quoting, or causing another to bid or quote or refrain from bidding or quoting to any purchaser or prospective purchaser of polyethylene shielding material.

It is further ordered, That corporate respondents Westinghouse Electric Corporation, a corporation; St. Regis Paper Company, a corporation; The Garrett Corporation, a corporation, their respective officers, agents, representatives, employees, and individual respondents Daniel L. Sweeney, individually and as industrial sales manager, Micarta Division, Westinghouse Electric Corporation; Walter L. Clark, individually and as division manager, Air Cruisers Division, The Garrett Corporation; and John M. Zeier, individually, directly, indirectly or through any corporate or other device in connection with the manufacture, sale and distribution or sale and distribution in commerce between and among the several states of the United States and in the District of Columbia of polyethylene shielding material, do individually and independently forthwith cease and desist from:

A. Attending meetings at which any other respondent or respondents or manufacturers of polyethylene shielding material not a party hereto are present, at which the prices, terms or conditions for the sale of polyethylene shielding material are discussed;

B. Attending meetings at which any other respondent or respondents or manufacturers of polyethylene shielding material not a party hereto are present, at which the prices, terms or conditions for the sale of polyethylene shielding material to be bid on particular bids are discussed;

C. Holding or participating in any discussions by telephone or otherwise, with any competitior or competitors pertaining to prices, terms or conditions of sale of polyethylene shielding material;

D. Sending to, requesting from, or exchanging with any competitor or competitors any information written or oral pertaining to prices, terms or conditions of sale of polyethylene shielding material; and

E. Formulating or submitting any bid on polyethylene shielding material to a purchaser or prospective purchaser the prices or terms and conditions of sale of which are based in any way upon information obtained in a manner prohibited by (A), (B), (C), and (D) above.

It is further ordered, That corporate respondents Westinghouse Electric Corporation, a corporation; St. Regis Paper Company, a corporation; The Garrett Corporation, a corporation, shall, within sixty (60) days after the effective date of this order, each individually and independently:

A. Review its then prevailing prices for polyethylene shielding material;

B. Cancel existing price lists for polyethylene shielding material, and cancel existing prices for polyethylene shielding material not based on lawful considerations;

C. Determine prices for polyethylene shielding material based upon lawful considerations; and

D. Establish the prices determined under (C) above, which prices shall become effective not later than sixty (60) days from the date of service of this order, provided, however, that establishment of any new prices within said sixty (60) days shall not be construed as indicating that the former prices were in any way unlawful. Nothing contained herein shall prevent any respondent acting independently and for a lawful purpose from hereafter deviating from, modifying or otherwise changing prices established hereunder.

Provided, however, That:

(1) Nothing contained in this order shall prohibit any respondent or the officers, agents, representatives or employees of such respondent from communicating in any way with the officers, agents, representatives or employees of such respondent in connection with the purchase or sale (by bid or otherwise) of polyethylene shielding material, or from negotiating or entering into with any other person, persons, or business entity any bona fide purchase or sale (by bid or otherwise) of polyethylene shielding material at prices, terms or conditions of sale independently offered or accepted in such transaction.

(2) Nothing contained in this order shall be construed as prohibiting any respondent from formulating or submitting a joint bid for polyethylene shielding material with any other person, persons or business entity to any governmental unit or agency or in connection with any contract to be performed for any governmental unit or agency if such joint bid is expressly requested by the purchaser or if such joint bid is expressly made known to the purchaser by the time of the official opening of the bid or the date of contract of sale, whichever is earlier, providing that, for a period of five (5) years from the effective date of this order any respondent submitting such a joint bid for polyethylene shielding material notify the Federal Trade Commission of each such joint bid within thirty (30) days after the official opening of the bid or the date of contract of sale, whichever is earlier.

It is further ordered, That each of the respondents shall, within sixty (60) days after the service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which each has complied with this order.

Issued: January 18, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6176; Filed, June 25, 1962; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

Muenster Cheese for Manufacturing; Identity

In the matter of establishing a definition and standard of identity for muenster cheese for manufacturing and of amending the standards for specified pasteurized cheese products, to make muenster cheese for manufacturing a permitted ingredient:

A notice of proposed rule making was published in the FEDERAL REGISTER of April 14, 1962 (27 F.R. 3612), setting forth a proposal filed by Mr. Fred Galli, Secretary, The Wisconsin Swiss and Limburger Cheese Producers' Association, Monroe, Wisconsin, for establishing a standard of identity for muenster cheese for manufacturing. The notice also proposed that provision be made for amendment of other applicable process cheese and cheese product standards to permit the use of muenster cheese for manufacturing in these foods. In response, several comments were received, all of which favored the proposals.

Upon consideration of the information furnished by the petitioner and other relevant information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to establish a definition and standard of identity for muenster cheese for manufacturing and to amend the definitions and standards of identity for pasteurized process cheese, pasteurized process cheese food, and pasteurized process cheese spread as hereinafter set forth.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625): *It is ordered*, That a standard of identity for muenster cheese for manufacturing be established and the standards for pasteurized process cheese, pasteurized process cheese food, and pasteurized process cheese spread be amended as set forth below:

1. Part 19 is amended by adding the following new section:

§ 19.551 Muenster cheese for manufacturing, muenster cheese for manufacturing; identity.

Muenster cheese for manufacturing conforms to the definition and standard of identity for muenster cheese prescribed by § 19.550, except that the milk is not pasteurized and the provisions of paragraph (d) and (e) of that section do not apply.

2. Section 19.750(a)(7) is changed to read:

§ 19.750 Pasteurized process cheese; identity; label statement of optional ingredients.

(a) • • •

(7) For the purposes of this section, cheddar cheese for manufacturing, washed curd cheese for manufacturing, colby cheese for manufacturing, granular cheese for manufacturing, brick cheese for manufacturing, muenster cheese for manufacturing, and swiss cheese for manufacturing are considered as cheddar cheese, washed curd cheese, colby cheese, granular cheese, brick cheese, muenster cheese, and swiss cheese, respectively.

3. Section 19.765(a)(7) is changed to read:

§ 19.765 Pasteurized process cheese food; identity; label statement of optional ingredients.

(a) • • •

(7) For the purposes of this section, cheddar cheese for manufacturing, washed curd cheese for manufacturing, colby cheese for manufacturing, granular cheese for manufacturing, brick cheese for manufacturing, muenster cheese for manufacturing, and swiss cheese for manufacturing are considered as cheddar cheese, washed curd cheese, colby cheese, granular cheese, brick cheese, muenster cheese, and swiss cheese, respectively.

4. Section 19.775(a)(7) is changed to read:

§ 19.775 Pasteurized process cheese spread; identity; label statement of optional ingredients.

(a) • • •

(7) For the purposes of this section, cheddar cheese for manufacturing, washed curd cheese for manufacturing, colby cheese for manufacturing, granular cheese for manufacturing, brick cheese for manufacturing, muenster cheese for manufacturing, and swiss cheese for manufacturing are considered as cheddar cheese, washed curd cheese, colby cheese, granular cheese, brick cheese, muenster cheese, and swiss cheese, respectively.

By reason of the cross-referencing used in the standards, the amendment of §§ 19.750, 19.765, and 19.775 will apply to § 19.751 *Pasteurized blended cheese* • • •, § 19.755 *Pasteurized process cheese with fruits, vegetables, or meats* • • •, § 19.763 *Pasteurized blended cheese with fruits, vegetables, or meats* • • •, § 19.770 *Pasteurized process cheese food with fruits, vegetables, or meats* • • •, § 19.776 *Pasteurized cheese spread* • • •, § 19.780 *Pasteurized process cheese spread with fruits, vegetables, or meats* • • •, and § 19.781 *Pasteurized cheese spread with fruits, vegetables, or meats* • • •.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055 as amended; 21 U.S.C. 341, 371)

Dated: June 19, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-6186; Filed, June 25, 1962; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ETHYLENE-ALKENE-1 COPOLYMERS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by U.S. Industrial Chemicals Company, 99 Park Avenue, New York 16, New York, and other relevant material, has concluded that the following amendment to § 121.2508 should issue with respect to increasing the number of Ethylene-alkene-1 copolymers that may be safely used for the same purpose as ethylene-butene-1 copolymer. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.2508 of the food additive regulations (21 CFR 121.2508; 26 F.R. 5225, 6620, 6768, 9410) is amended to read as follows:

§ 121.2508 Ethylene-alkene-1 copolymers.

Ethylene-alkene-1 copolymers may be safely used to produce packaging materials, containers, and equipment intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, in accordance with the following prescribed conditions:

(a) Ethylene - alkene - 1 copolymers consist of basic resins produced by the catalytic copolymerization of ethylene and one or more of the 1-alkenes having three to eight carbon atoms, to which may have been added certain optional substances to impart desired technological properties to the resin. Subject to any limitations prescribed in this section, the optional substances may include:

(1) Substances generally recognized as safe in food and food packaging.

(2) Substances the use of which is permitted under applicable regulations in this part, prior sanctions, or approvals.

(b) Ethylene - alkene - 1 copolymers shall conform to the specifications prescribed in subparagraph (1) of this paragraph and shall meet the extractability limits prescribed in subparagraph (2) of this paragraph, when tested by the methods prescribed in § 121.2510.

(1) *Specifications*—(i) *Infrared identification.* Ethylene - alkene - 1 copolymers can be identified by their characteristic infrared spectra.

(ii) *Specific gravity.* Ethylene-alkene-1 copolymers have a specific gravity of not less than 0.85 nor more than 1.00 as determined by A.S.T.M. Method D-1505.

(2) *Limitations.* (i) Ethylene-alkene-1 copolymers may be used in contact with food except as a component of articles used for packaging or holding food during cooking, provided they meet the following extractability limits:

(*a*) Maximum soluble fraction of 11.3 percent in xylene after refluxing and subsequent cooling to 25° C.

(*b*) Maximum extractable fraction of 3.1 percent when extracted with ethyl acetate at 50° C.

(*c*) Maximum extractable fraction of 5.5 percent when extracted with *n*-hexane at 50° C.

(ii) Ethylene-alkene-1 copolymers having chemical and physical properties to attain the desired technical effect may be used as a component of an adhesive.

(iii) Ethylene-alkene-1 copolymers may be used in contact with food to include use as a component of articles for packaging or holding food during cooking, provided they meet the following extractability limits:

(*a*) Maximum soluble fraction of 11.3 percent in xylene after refluxing and subsequent cooling to 25° C.

(*b*) Maximum extractable fraction of 3.1 percent when extracted with ethyl acetate at 50° C.

(*c*) Maximum soluble fraction of 5.5 percent in *n*-heptane after refluxing and subsequent cooling to 40° C. ±2° C.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 20, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-6187; Filed, June 25, 1962; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 9—Atomic Energy Commission

PART 9-1—GENERAL

Subpart 9-1.9—Reporting Possible Antitrust Violations

Sec.
9-1.901 General.
9-1.902 Documents to be transmitted.

AUTHORITY: §§ 9-1.901 and 9-1.902 issued under sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 205, 63 Stat. 390; 40 U.S.C. 486.

§ 9-1.901 General.

The procedures prescribed in FPR Subpart 1-1.9 apply to all procurement on a competitive basis. Steps should be taken to ensure full compliance with the requirements of this subpart by cost-type contractors.

§ 9-1.902 Documents to be transmitted.

The Office of the General Counsel is responsible for reporting cases of possible antitrust violations to the Attorney General. Managers of Field Offices and Headquarters officials having contracting responsibilities shall furnish two copies of the documents referred to in FPR 1-1.902 to the Office of the General Counsel and one copy to the Director, Division of Contracts.

This amendment is effective upon publication.

Dated at Germantown, Md., this 18th day of June 1962.

For the Atomic Energy Commission.

JAMES SCAMMAHORN,
Acting Director, Division of Contracts.

[F.R. Doc. 62-6159; Filed, June 25, 1962; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2709]

[BLM 049408]

MISSISSIPPI

Withdrawing Lands for the Davis Island National Wildlife Refuge

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the United States Fish and Wildlife Service as a part of the Davis Island National Wildlife Refuge:

WASHINGTON MERIDIAN

T. 14 N., R. 1 E.,
Frl. Sec. 30 (Middle Palmyra Island).

Containing 69.92 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JUNE 20, 1962.

[F.R. Doc. 62-6178; Filed, June 25, 1962; 8:46 a.m.]

[Public Land Order 2710]

[Idaho 012534]

IDAHO

Revoking Certain Reclamation Withdrawals (Minidoka Project)

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental orders of October 7, 1908, October 22, 1925, and any other order or orders which withdrew lands for reclamation purposes under the provisions of the act of June 17, 1902, supra, are hereby revoked so far as they affect the following described lands:

BOISE MERIDIAN

T. 8 S., R. 19 E.,
Sec. 12, S½SE¼;
Sec. 13, lots 1 and 2;
Sec. 32, lots 3, 4, and 5.
T. 8 S., R. 20 E.,
Sec. 7, lot 7;
Sec. 18, lot 9.

The acres described aggregate approximately 234 acres.

2. The lands are hereby restored to the operation of the public land laws, effective at 10:00 a.m. on July 26, 1962, subject to any valid existing rights and equitable claims, the provisions of existing withdrawals, and the requirements of applicable law, rules, and regulations.

3. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws at 10:00 a.m. on July 26, 1962.

4. The State of Idaho has waived the preference right of application granted to it by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JUNE 20, 1962.

[F.R. Doc. 62-6179; Filed, June 25, 1962; 8:46 a.m.]

[Public Land Order 2711]

[BLM 059738]

FLORIDA

Revoking in Part Executive Order No. 7993 of October 27, 1938

By virtue of the authority vested in the President by the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and

pursuant to Executive Order No. 10355 of May 25, 1952, it is ordered as follows:

1. Executive Order No. 7993 of October 27, 1938, as amended by Proclamation No. 2416 of July 25, 1940, so far as it withdrew the following described lands for use of the Department of Agriculture as part of the Great White Heron National Wildlife Refuge, is hereby revoked:

TALLAHASSEE MERIDIAN

T. 65 S., R. 28 E.,
Sec. 35, lot 5.

Containing 40 acres.

This revocation is made in furtherance of an exchange under the act of August 22, 1957 (71 Stat. 412; 16 U.S.C. 696), by which the offered lands will become a part of the National Key Deer Refuge. This revocation is therefore not subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), granting to States a preference right of application upon the revocation of an order of withdrawal.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JUNE 20, 1962.

[F.R. Doc. 62-6180; Filed, June 25, 1962; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14398 (RM-276); FCC 62-667]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcasting Stations (East Lansing, Mich.).

In the matter of amendment of § 3.606 *Table of Assignments*, Television Broadcast Stations (East Lansing, Michigan).

1. The Commission has considered the proposal of the Superintendent of Public Instruction for the State of Michigan to assign and reserve television Channel 18 for noncommercial educational use at East Lansing, Michigan. The proposal was the subject of our Notice of Proposed Rule Making (FCC 61-1370), released November 17, 1961 in this proceeding. Also considered was the Commission's substitute proposal to shift Channel 24— from Coldwater, Michigan to East Lansing and to reserve it there for educational use. This alternate proposal was the subject of our Further Notice of Proposed Rule Making (FCC 62-361), released March 30, 1962. The Commission's plan was proposed because the Canadian Department of Transport opposed that initially proposed by the Superintendent of Public Instruction. Canada's approval, which is required in this case by the Canadian-USA Television Agreement, was given with respect to the Commission's substitute proposal.

2. No opposition to the shift of Channel 24— from Coldwater to East Lansing, Michigan has been received.

3. The Superintendent of Public Instruction has general supervision of public instruction in the State of Michigan, is Secretary of the State Board of Education, and is an ex-officio member of all controlling boards of all State institutions. Michigan State University has received a grant from Ford Foundation to study statewide uses of educational television. Material gathered as a result of this grant indicates the need for establishing an educational television reservation near the State capital of Lansing. Because East Lansing is an educational center and adjoins the capital, the proposal will fit in with Michigan's plans for statewide educational television distribution systems. Michigan State University is the licensee of noncommercial television station WMSB at Onondaga-East Lansing. However, it shares Channel 10 on a part-time basis with commercial station WILX-TV. The University plans to join with the Superintendent and Lansing area public schools in filing an application to construct the proposed educational station so that full-time, direct instructional programs may be produced, broadcast and distributed on a statewide basis.

4. The proposal to assign Channel 24— to East Lansing for a noncommercial educational station conforms with all minimum spacing and other technical requirements of the rules. We are of the view that adoption of the proposal would enhance opportunities for needed educational television services in Michigan on an effective and economical basis and serve the public interest.

5. The action herein is taken pursuant to authority found in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

6. In view of the foregoing: *It is ordered*, That effective July 31, 1962, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended insofar as the communities named are concerned to read as follows:

City	*Channel No.*
East Lansing, Mich	*24—, 60+

Delete the entry for Coldwater, Michigan.

7. *It is further ordered*, That this proceeding is terminated.

Adopted: June 20, 1962.

Released: June 21, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6191; Filed, June 25, 1962; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 844) has been filed by Merck and Co., Inc., Rahway, New Jersey, proposing the issuance of a regulation to provide for the safe use of *D*-Pantothenamide as a nutrient in food.

Dated: June 19, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-6185; Filed, June 25, 1962; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 514]

[Reg. Docket No. 1259; Draft Release No. 62-29]

TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS PARTS, PROCESSES AND APPLIANCES

Radio Marker Receiving Equipment; Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to revise § 514.37 of Part 514 of the regulations of the administrator (14 CFR Part 514) by adding a new technical standard order. This Technical Standard Order establishes minimum performance standards for airborne radio marker receiving equipment operating on 75 mc. to be used on civil aircraft of the United States engaged in air carrier operations.

The amendment is proposed to incorporate new environmental test procedures which were developed to be more compatible with existing and anticipated aircraft environmental conditions. These are in a new FAA standard replacing RTCA Paper 87-54/DO-57 referenced in TSO-C35b (§ 514.37). A change to the emission of spurious radio frequency requirement is the only change to the minimum performance standards. Otherwise the FAA standard is similar to RTCA Paper 87-54/DO-57.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before August 13, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421).

In consideration of the foregoing it is proposed to amend Part 514 as follows:

By revising § 514.37 to read as follows:

§ 514.37 Radio marker receiving equipment operating on 75 mc. (for air carrier aircraft)—TSO-C35c.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne radio marker receiving equipment operating on 75 mc. which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne radio marker receiving equipment operating on 75 mc. manufactured for use on civil air carrier aircraft on or after the effective date of this section shall meet the minimum performance standards contained in Federal Aviation Agency Standard entitled "Minimum Performance Standards for Airborne Radio Marker Receiving Equipment Operating on 75 mc.",[1] dated April 6, 1962, and Radio Technical Commission for Aeronautics Paper 120-61/DO-108[2] entitled, "Environmental Test Procedures Airborne Electronic Equipment", dated July 13, 1961, with the exceptions to these standards listed in subparagraph (2) of this paragraph.

(2) *Exception.* Radio Technical Commission for Aeronautics Paper 120-61/DO-108 outlines various test procedures which define the environmental extremes over which the equipment shall be designed to operate. Some test procedures have categories established and some do not. Where categories are established, only equipment which qualifies under the following categories, as specified in RTCA Paper 120-61/DO-108, is eligible under this order.

(i) Temperature-Altitude Test—Categories A, B, C, or D.

(ii) Humidity Test—Categories A or B.

(iii) Vibration Test—Categories A, B, C, D, E, or F.

(iv) Audio-Frequency Magnetic Field Susceptibility Test—Categories A or B.

(v) Radio-Frequency Susceptibility Test—Category A.

(vi) Emission of Spurious Radio-Frequency Energy Test—Category A.

(b) *Markings.* (1) In addition to the markings specified in § 514.3(d), the equipment shall be marked to indicate the environmental extremes over which it has been designated to operate. There are seven environmental test procedures outlined in RTCA Paper 120-61/DO-108 which have categories established. These should be identified on the nameplate by the words "environmental categories" or, as abbreviated, "Env. Cat." followed by seven letters which identify the categories designated in RTCA Paper 120-61/DO-108. Reading from left to right, the category designations shall appear on the nameplate in the following order so that they may be readily identified:

(i) Temperature-Altitude Test Category.

(ii) Humidity Test Category.

(iii) Vibration Test Category.

(iv) Audio-Frequency Magnetic Field Susceptibility Test Category.

(v) Radio-Frequency Susceptibility Test Category.

(vi) Emission of Spurious Radio-Frequency Energy Test Category.

(vii) Explosion Test.

(2) Equipment which meets the explosion test requirement shall be identified by the letter "E". Equipment which does not meet the explosion test requirement shall be identified by the letter "X". A typical nameplate identification would be as follows: Env. Cat. DABAAAX.

(3) In some cases such as under the Temperature-Altitude Test Category, a manufacturer may wish to substantiate his equipment under two categories. In this case, the nameplate shall be marked with both categories in the space designated for that category by placing one letter above the other in the following manner: Env. Cat. $\frac{A}{D}$ABAAAX.

(4) Each major component of equipment (antenna, power supply, etc.) shall be identified with at least the manufacturers' name, TSO number, and the environmental categories over which the equipment component is designed to operate.

(c) *Data requirements.* Six copies each of the following, except where noted, together with the statement of conformance shall be furnished to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located:

(1) Manufacturer's operating instructions and equipment limitations.

(2) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

[1] Copies may be obtained upon request addressed to Publishing and Graphics Branch, Inquiry Section, MS-158, Federal Aviation Agency, Washington 25, D.C.

[2] Copies of this paper may be obtained from the RTCA Secretariat, Room 1072, T-5 Building, 16th and Constitution Avenue NW., Washington 25, D.C., at a cost of 75 cents per copy.

(3) One copy of the manufacturer's test report.

Issued in Washington, D.C., on June 19, 1962.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 62-6163; Filed, June 25, 1962; 8:45 a.m.]

[14 CFR Part 514]

[Reg. Docket No. 1260; Draft Release No. 62-30]

TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

Fuel Drain Valves; Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 514 of the regulations of the Administrator by adopting a new Technical Standard Order. This Technical Standard Order establishes minimum performance standards for fuel drain valves to be used on civil aircraft of the United States. The design and testing requirements in this order are needed to provide an adequate and uniform basis for their approval as important components of a fuel system.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before August 13, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421).

In consideration of the foregoing it is proposed to amend Part 514 as follows:

By adding the following § 514.82:

§ 514.82 Fuel drain valves—TSO-C76.

(a) *Applicability—(1) Minimum performance standards.* Minimum performance standards are hereby established for fuel drain valves for use in civil aircraft of the United States. New models of fuel drain valves manufactured on or after the effective date of this section shall meet the standards specified in the Federal Aviation Agency Standard, "Fuel Drain Valves", dated May 1, 1962.[1]

[1] Copies may be obtained upon request addressed to Publishing and Graphics Branch, Inquiry Section, MS-158, Federal Aviation Agency, Washington 25, D.C.

(b) *Marking.* In lieu of the weight specified in § 514.3(d)(3), the size shall be shown.

(c) *Data requirements.* The manufacturer shall furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, together with the statement of conformance, the following:

(1) Six copies of an instruction manual describing the product and supplying information on maintenance, overhaul, and installation.

(2) One copy of the manufacturer's test report.

Issued in Washington, D.C., on June 19, 1962.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 62-6164; Filed, June 25, 1962; 8:45 a.m.]

[14 CFR Part 514]

[Reg. Docket No. 1261; Draft Release No. 62-31]

TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

Airborne ILS Glide Slope Receiving Equipment; Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to revise § 514.60 of Part 514 of the regulations of the Administrator (14 CFR Part 514) by adding a new technical standard order. This Technical Standard Order establishes minimum performance standards for airborne ILS glide slope receiving equipment to be used on civil aircraft of the United States engaged in air carrier operations.

The amendment is proposed to incorporate new environmental test procedures which were developed to be more compatible with existing and anticipated aircraft environmental conditions. These are in a new FAA standard replacing RTCA Paper 222-58/DO-89 referenced in TSO-C34a (§ 514.60). A change to the emission of spurious radio frequency requirement is the only change to the minimum performance standards. Otherwise the FAA standard is similar to RTCA Paper 222-58/DO-89.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before August 13 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421).

In consideration of the foregoing it is proposed to amend Part 514 as follows:

By revising § 514.60 to read as follows:

§ 514.60 Airborne ILS glide slope receiving equipment (for air carrier aircraft)—TSO-C34b.

(a) *Applicability—(1) Minimum performance standards.* Minimum performance standards are hereby established for airborne ILS glide slope receiving equipment which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne ILS glide slope receiving equipment manufactured for use on civil air carrier aircraft on or after the effective date of this section shall meet the minimum performance standards contained in Federal Aviation Agency Standard entitled "Minimum Performance Standards for Airborne ILS Glide Slope Receiving Equipment,"[1] dated May 9, 1962, and Radio Technical Commission for Aeronautics Paper 120-61/DO-108[2] entitled, "Environmental Test Procedures Airborne Electronic Equipment," dated July 13, 1961, with the exceptions to these standards are listed in subparagraph (2) of this paragraph.

(2) *Exception.* Radio Technical Commission for Aeronautics Paper 120-61/DO-108 outlines various test procedures which define the environmental extremes over which the equipment shall be designed to operate. Some test procedures have categories established and some do not. Where categories are established, only equipment which qualifies under the following categories, as specified in RTCA Paper 120-61/DO-180, is eligible under this order:

(i) Temperature-Altitude Test—Categories A, B, C, or D.

(ii) Humidity Test—Categories A or B.

(iii) Vibration Test—Categories A, B, C, D, E, or F.

(iv) Audio-Frequency Magnetic Field Susceptibility Test—Categories A or B.

(v) Radio-Frequency Susceptibility Test—Category A.

(vi) Emission of Spurious Radio-Frequency Energy Test—Category A.

(b) *Marking.* (1) In addition to the markings specified in § 514.3(d), the equipment shall be marked to indicate the environmental extremes over which it has been designed to operate. There are seven environmental test procedures outlined in RTCA Paper 120-61/DO-108 which have categories established. These should be identified on the nameplate by the words "environmental categories" or, as abbreviated, "Env. Cat." followed by seven letters which identify the categories designated in RTCA Paper 120-61/DO-108. Reading from left to right, the category designations shall appear on the nameplate in the following order so that they may be readily identified:

(i) Temperature—Altitude Test Category.

(ii) Humidity Test Category.

(iii) Vibration Test Category.

(iv) Audio-Frequency Magnetic Field Susceptibility Test Category.

(v) Radio-Frequency Susceptibility Test Category.

(vi) Emission of Spurious Radio-Frequency Energy Test Category.

(vii) Explosion Test.

(2) Equipment which meets the explosion test requirement shall be identified by the letter "E". Equipment which does not meet the explosion test requirement shall be identified by the letter "X". A typical nameplate identification would be as follows: Env. Cat. DABAAAX.

(3) In some cases such as under the Temperature-Altitude Test Category, a manufacturer may wish to substantiate his equipment under two categories. In this case, the nameplate shall be marked with both categories in the space designated for that category by placing one letter above the other in the following manner: Env. Cat. $\frac{A}{D}$ABAAAX.

(4) Each major component of equipment (antenna, power supply, etc.) shall be identified with at least the manufacturers' name, TSO number, and the environmental categories over which the equipment component is designed to operate.

(c) *Data requirements.* Six copies each of the following, except where noted, together with the statement of conformance, shall be furnished to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located:

(1) Manufacturer's operating instructions and equipment limitations.

(2) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(3) One copy of the manufacturer's test report.

Issued in Washington, D.C., on June 19, 1962.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 62-6165; Filed, June 25, 1962; 8:45 a.m.]

[1] Copies may be obtained from the RTCA Secretariat, Room 1072, T-5 Building, 16th and Constitution Avenue NW., Washington 25, D.C., at a cost of 75 cents per copy.

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-LA-11]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Proposed Alteration of Federal Airways and Associated Control Areas; Proposed Designation of Transition Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 and §§ 600.6253, 600.6520, 601.6253, and 601.6520, of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the following proposed actions:

1. Low altitude VOR Federal airway No. 520 extends from the Prosser, Wash., intersection (intersection of the Pendleton VORTAC 311° and the Pasco VOR 262° True radials) via the Pasco, Wash., VOR; to the Walla Walla, Wash., VOR. It is proposed to extend Victor 520 eastward from the Walla Walla VOR to the Lewiston, Idaho, VOR (latitude 46°22'56" N., longitude 116°52'07" W.). This would provide a route for VOR equipped aircraft operating between Walla Walla and Lewiston.

2. Low altitude VOR Federal airway No. 253 extends from the Twin Falls, Idaho, VOR to the Boise, Idaho, VORTAC. It is proposed to extend Victor 253 northward from the Boise VORTAC, via the McCall, Idaho, VOR; the Lewiston VOR, to the Spokane, Wash., VORTAC. This would provide a shorter and more direct route between Boise and Spokane. It would reduce the route mileage by approximately 45 miles.

The control area associated with these proposed airway segments would extend from 700 feet above the surface to the base of the continental control area. Separate actions will be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

3. The Lewiston, Idaho transition area would be designated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lewiston, Nez Perce County Airport, Idaho (latitude 46°22'34" N., longitude 117°00'53" W.), and within 8 miles northwest and 5 miles southeast of the Lewiston VOR 255° and 075° True radials extending from 3 miles southwest to 12 miles northeast of the VOR.

This proposed transition area would provide protection for aircraft executing prescribed instrument approach procedures utilizing the Lewiston VOR. In addition, it would provide protection for aircraft conducting prescribed missed approach and departure procedures from the Lewiston-Nez Perce County airport.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 19, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-6161; Filed, June 25, 1962; 8:45 a.m.]

[14 CFR Parts 601, 608]

[Airspace Docket No. 62-SO-7]

SPECIAL USE AIRSPACE AND CONTROLLED AIRSPACE

Proposed Designation and Alteration of Restricted Areas and Proposed Alteration of Continental Control Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.21 and § 601.7101 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency as the result of discussions held with Army representatives is considering the designation of the Fort McClellan, Ala., Restricted Area R-2101 to contain all of the ordnance demolition and burning now contained in the Fort McClellan, Ala., Restricted Area R-2102 and to reduce the present size of the R-2102 to more closely coincide with the military reservation boundary.

R-2101 would be designated from the surface to 5,000 feet to contain the demolition of all types of ordnance up to and including 2,000-pound aerial bombs which create shock waves and harmful fragmentation.

R-2102 is presently designated from the surface to 24,000 feet MSL and continuous use. The Commanding Officer, Fort McClellan, Ala., is the using agency. The Department of the Army has agreed to joint use of R-2102. Therefore, it is proposed to include R-2102 in the continental control area for air traffic control with the Atlanta ARTC Center as the controlling agency. The airspace from the surface to the continental control area will be utilized for the transit of VFR traffic when such airspace is not required by the using agency.

If this action is taken, the airspace of the current restricted area R-2102 would be subdivided as follows:

1. R-2101 Fort McClellan, Ala.:

Boundaries. Beginning at latitude 33°41'-20" N., longitude 86°00'30" W.; to latitude

33°41'20" N., longitude 85°59'00" W.; to latitude 33°40'30" N., longitude 85°59'00" W.; to latitude 33°39'40" N., longitude 85°-59'50" W.; to the point of beginning.

Designated altitude. Surface to 5,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding Officer, Fort McClellan, Alabama.

2. R-2102 Fort McClellan, Ala.:

Boundaries. Beginning at latitude 33°45'-00" N., longitude 85°53'55" W.; to latitude 33°44'07" N., longitude 85°53'36" W.; to latitude 33°44'07" N., longitude 85°52'55" W.; to latitude 33°41'04" N., longitude 85°52'55" W.; to latitude 33°40'15" N., longitude 85°-54'00" W.; to latitude 33°41'20" N., longitude 85°55'30" W.; to latitude 33°41'20" N., longitude 86°01'07" W.; to latitude 33°43'55" N., longitude 86°01'07" W.; to latitude 33°44'11" N., longitude 86°00'54" W.; to latitude 33°-45'00" N., longitude 86°00'45" W.; to latitude 33°45'20" N., longitude 86°00'31" W.; to latitude 33°45'27" N., longitude 86°00'16" W.; to latitude 33°45'27" N., longitude 85°-59'26" W.; to latitude 33°45'14" N., longitude 85°59'26" W.; to latitude 33°45'14" N., longitude 85°55'17" W.; to latitude 33°45'00" N., longitude 85°55'17" W.; to the point of beginning.

Designated altitudes. Surface to 24,000 feet MSL.

Time of use. Continuous.

Controlling agency. Federal Aviation Agency, Atlanta ARTC Center.

Using agency. Commanding Officer, Fort McClellan, Alabama.

Interested persons may submit such written data, view or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 52 Fairlie Street, Atlanta 3, Ga. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 19, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-6162; Filed, June 25, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14687; (RM-324, RM-332) FCC 62-665]

TELEVISION BROADCAST STATIONS

Proposed Table of Assignments; Hempstead and Riverhead, N.Y.

1. Notice is hereby given of rulemaking in the above-entitled matter.

2. The Commission has before it a petition, filed April 2, 1962, by the Patchogue Broadcasting Co., Inc. ("Patchogue"—WPAC AM & FM, Patchogue, N.Y., and WAPC AM & FM, Riverhead, N.Y.), requesting rulemaking on a proposal to assign channel 53 to Riverhead, New York. Channel 53 previously was occupied by station WATR-TV at Waterbury, Connecticut. Pursuant to rulemaking proceedings channel 53 was deleted from Waterbury and channel 20 was added in its stead (Docket No. 13476, Supplemental Report and Order, FCC 61-603, Mimeo No. 3350, released May 5, 1961, effective June 15, 1961). WATR-TV continues to operate on channel 53 pending the construction of its channel 20 facilities (CP No. BPCT-2997, completion date: October 28, 1962). Patchogue's proposal would amend the television Table of Assignments as follows:

City	Channel No.	
	Present	Proposed
Riverhead, N.Y.	None	53

3. The Commission also has before it a conflicting petition (RM-332), filed May 11, 1962, by the National Educational Television and Radio Center, ("NET"), a non-profit organization which provides technical and programming advice to approximately 60 noncommercial educational television stations, requesting rulemaking on its counter proposal (1) to assign channel 53 to Hempstead, New York, and to reserve the channel for noncommercial educational use at Hempstead, and (2) to assign either channel 75 or channel 26 to Riverhead, New York. Channel 75 is unoccupied and is assigned to Patchogue, New York. There is no application on file for its use. The availability of channel 26 for assignment to Riverhead is dependent upon pending rulemaking proceedings requesting the reassignment of channel 26 from New London, Connecticut, to Windsor, Vermont, which were initiated by the University of Vermont in its petition filed March 5, 1962 (RM-314).[1] NET's proposal would amend the television Table of Assignments as follows:

City	Channel No.	
	Present	Proposed
Hempstead, N.Y.	None	*53
Together with either of the following alternatives:		
(1) Patchogue, N.Y.	75	None
Riverhead, N.Y.	None	75
or		
(2) If pending petition RM-314 is granted:		
Riverhead, N.Y.	None	26+

4. Riverhead, New York, is the Suffolk county seat and is centrally located in that 80-mile-long county. It is 65 miles from New York City and, according to the United States 1960 Census, has 14,519 inhabitants and Suffolk county has 666,784.

5. Patchogue submits that when WATR-TV commences operations on channel 20 at Waterbury, Connecticut, channel 53 will be available for the New York and New England area and may be assigned to Riverhead in conformity with minimum spacing requirements.

6. The village of Hempstead, New York, is approximately 20 miles from New York City and, according to 1960 Census figures, has 34,641 inhabitants. NET states that Hempstead is the home of Hofstra College, the largest private arts and science college in the United States, and, as such, is primarily an educational center. Over 40 colleges and universities are within the proposed channel 53 Hempstead service area. Hofstra College intends to form a nonprofit corporation, known as The Long Island Educational Television Council, and will invite all such universities and colleges to participate in organizing and activating the proposed educational station through the medium of this Council. Hofstra plans to program an in-school and out-of-school college credit service, together with instructional and cultural programming designed to meet the needs of the public school system and the general community. An application will immediately be filed for a permit to operate channel 53 as an educational television station upon its assignment to Hempstead. This proposal conforms to minimum spacing requirements.

7. NET submits that Patchogue's request for the assignment of a UHF channel to Riverhead, New York, could be met by shifting channel 75 from Patchogue, New York, to Riverhead. Channel 26 would likewise be available for assignment to Riverhead if the pending request of the University of Vermont were granted which proposes the reassignment of channel 26 from New London, Connecticut, to Windsor, Vermont. Neither channel 75 nor 26 could be assigned to Hempstead because of minimum spacing requirements. However, there would be no spacing problem should either channel be assigned to Riverhead as NET proposes.

8. The Commission is of the view that a rulemaking proceeding should be instituted so that all interested parties may submit their views on the proposal.

[1] Notice of Proposed Rule Making released May 25, 1962, FCC 62-571.

9. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

10. Pursuant to the applicable procedures set out in § 1.213 of the Commission's rules, interested parties may file comments on or before July 31, 1962, and reply comments on or before August 15, 1962. In reaching its decision herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

11. In accordance with the provision of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: June 20, 1962.

Released: June 21, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6192; Filed, June 25, 1962; 8:48 a.m.]

[47 CFR Part 3]

[Docket No. 14688 (RM-330); FCC 62-666]

TELEVISION BROADCAST STATIONS

Proposed Table of Assignments; Cambridge and Salisbury, Md.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration the petition of William H. Porter requesting the institution of rule making proceedings to shift UHF Channel 22+ from Cambridge, Maryland to Salisbury, Maryland. There are no channels presently available for use in Salisbury other than Channel 16 which is occupied by Station WBOC-TV. The proposal would be in conformity with minimum spacing and technical requirements.

3. Petitioner submits that Salisbury's rapidly growing population and industry make it economically feasible and necessary to establish a second television service there in order to serve community needs and interest. The United States 1960 Census of Population shows that Salisbury has 16,302 inhabitants and Cambridge has 12,239. There is no application pending for the use of Channel 22+ at Cambridge.

4. Petitioner intends to file an application to establish a new station if his petition is granted and suggests that Channel 32 be substituted for 22+ at Cambridge, Maryland. Although such a substitution would be in accordance with the mileage separation requirements of the Commission, we are of the opinion that, unless an active interest is manifested, action to make available a substitute UHF channel for Cambridge should be deferred until decisions are reached in Docket No. 14229 which is concerned with future methods of assigning stations on UHF channels.

5. The Commission is of the view that rule making should be instituted so that all interested parties may submit their views on the proposal to effect the following change in the Table of Assignments:

City	Channel No.	
	Present	Proposed
Cambridge, Md.	22+	
Salisbury, Md.	16+	16+, 22+

6. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

7. Pursuant to the applicable procedures set out in § 1.213 of the Commission's rules, interested parties may file comments on or before July 20, 1962, and reply comments on or before August 1, 1962. In reaching its decision herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

8. In accordance with the provision of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: June 20, 1962.

Released: June 21, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6193; Filed, June 25, 1962; 8:48 a.m.]

[47 CFR Part 3]

[Docket No. 14689 (RM-328); FCC 62-668]

TELEVISION BROADCAST STATIONS

Proposed Table of Assignments; Chicago, Ill.

1. Notice is hereby given in the above-entitled matter.

2. The Commission has before it for consideration a request for rule making filed May 4, 1962, by the Chicago Educational Television Association, licensee of educational Station WTTW, Channel 11, at Chicago, Illinois, requesting the reservation of UHF Channel 20 in Chicago for educational use in addition to Channel 11.

3. Petitioner asserts that because of the present population growth trend in the Chicago metropolitan area (the metropolitan population as of the 1960 U.S. Census is 6,220,913) and because of the growing conflict in requests for air time resulting both from an increase in the source of worthwhile educational programs and the demands of specialized segments of the population, that Channel 11 in itself is no longer adequate to meet the present and future needs of the Chicago area. It maintains that the additional reservation of Channel 20 for education is the most logical and desirable means of meeting Chicago's needs and cites the educational operations in Pittsburgh, Oklahoma City, Miami, and Milwaukee.

4. The petitioner states that it is ready, willing, and able to initiate immediate operations on Channel 20 as soon as Commission permission is granted.

5. The National Educational Television and Radio Center (NET) supports the petition. NET states that the Chicago Educational Television Association has been a pioneer in community educational television, has a fine record of television service to the city of Chicago and environments and through its "TV College", its many local live program series, and its general cultural and informative programming has been a credit to the nationwide television movement.

6. Television Chicago has filed an opposition to the proposal stating that it now has in preparation an application for construction permit. Television Chicago alleges that at least five and possibly more applications for UHF commercial stations in Chicago are now in preparation and will likely be filed in the near future. Thus, it is stated that reservation of Channel 20 for non-commercial educational use would result in the loss to these commercial applicants of what is obviously the most desirable UHF commercial channel now available in Chicago.

7. The Commission is of the view that rule making should be instituted on this proposal in order that all interested parties may submit their views and relevant data. The opposition of Television Chicago will be taken into consideration along with other comments filed in the rule making proceeding. It is proposed to amend § 3.606 of the rules to read as follows:[1]

City	Channel No.	
	Present	Proposed
Chicago, Ill.	2-, 5, 7, 9+, *11, 20, 26, 32, 38, 44	2-, 5, 7, 9+, *11, *20, 26, 32, 38, 44

8. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested parties may file comments on or before July 20, 1962, and reply comments on or before August 1, 1962. In reaching its decision on the rule amendment which is proposed herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant informa-

[1] Of the channels mentioned below, only Channels 2, 5, 7, 9, and *11 are stations in operation at this time. There is an application pending for the commercial use of Channel 26.

tion obtained in any manner from informed sources.

10. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished the Commission.

Adopted: June 20, 1962.

Released: June 21, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6194; Filed, June 25, 1962; 8:48 a.m.]

Notices

CIVIL AERONAUTICS BOARD

[Docket No. 12285 etc.]

NEW YORK-FLORIDA RENEWAL CASE

Notice of Reconvening of Hearing

Notice is hereby given that public hearing in the above-entitled proceeding will reconvene on July 9, 1962, at 10 a.m. (local time) in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., June 21, 1962.

[SEAL] WALTER W. BRYAN,
Hearing Examiner.

[F.R. Doc. 62-6188; Filed, June 25, 1962; 8:48 a.m.]

POST OFFICE DEPARTMENT

PROCUREMENT AND SUPPLY OFFICER

Delegation of Authority Under Regional Reorganization

The following is an excerpt from Regional Letter 62-54, signed by the Deputy Postmaster General, delegating authority to the Procurement and Supply Officer, Engineering and Facilities Division.

II. *Delegations of authority.* All functions pertaining to procurement, equipment and supplies, which were heretofore performed by the Space Requirements Officer, are delegated to the Procurement and Supply Officer, Engineering and Facilities Division, as well as authority to serve as the regional procurement and contracting officer for supply and nonpersonal service contracts.

III. *Functional changes.* The position of Procurement and Supply Officer will be activated on July 1, 1962, and the position of Equipment and Supply Assistant will be abolished after that date.

A. The Bureau of Facilities will proceed to develop implementing operating instructions, outlining in detail the delegations and responsibilities of the Procurement and Supply Officer.

B. The Procurement and Supply Officer will:

1. Serve as regional procurement and contracting officer for supply and nonpersonal service contracts; procure or authorize local procurement of nonstandard items.

2. Maintain liaison between the headquarters Procurement Division, regional personnel and postmasters; attend area meetings of local and regional officials of the Post Office Department, General Services Administration, Small Business Administration and other Government agencies on procurement and supply; arrange for local exhibits and displays of equipment and supplies; interpret policies and procedures issued by the headquarters Procurement Division, and assure that the provisions of the Federal Procurement Regulations are properly exercised.

3. Review and approve equipment requisitions, coordinating service requirements. Determine procurement priorities and take appropriate action based on concurrent agreement by regional officials involved.

4. Coordinate changes in delivery schedules for equipment for new and modernized postal facilities, and keep the Procurement Division currently advised of status of case.

5. Work closely with regional Finance Division in assuring availability of funds for local and regional procurements, and in the preparation of information for annual budget estimates.

6. Direct the intra-regional inventory programs, and the utilization and disposal of excess, slow-moving and obsolete items of personal property. Deal with local GSA regions on surplus items and the Integrated Sales Plan. As required, will assemble and furnish information in connection with Annual GSA Supply Activity Reports.

7. Be responsible for recovery of specialized postal equipment when buildings are vacated.

8. Conduct the appraisal and purchase of privately-owned equipment.

9. Arrange with Chief, Plant Maintenance Branch, for services of postal equipment technicians and local post office personnel to dismantle, move, install or refinish screen partition, furniture and equipment at postal installations.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-6189; Filed, June 25, 1962; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-13310 etc.[1]]

TIDEWATER OIL CO. ET AL.

Order Conditionally Approving General Rate Settlement Proposal, Severing Proceedings, Terminating Proceedings, and Requiring Refunds

JUNE 15, 1962.

On March 28, 1962, Tidewater Oil Company (Tidewater) filed a petition requesting that the Commission issue an order approving a settlement proposal concerning the rates under 70 of its rate schedules[2] plus 55 related suspension proceedings, three certificate proceedings, and a general rate investigation proceeding. The settlement proposal (attached hereto as Appendix A[3]) was executed by Tidewater, Public Service Electric and Gas Company, The United Gas Improvement Company, The East Ohio Gas Company, Hope Natural Gas Company, New York State Natural Gas Corporation, The Peoples Natural Gas Company, and Lake Shore Pipe Line Company. All these parties also join in the petition for approval of the settlement proposal. No one has filed objections to the settlement proposal. The Public Service Commission of the State of New York filed preliminary comments to the proposal and a request for additional information. Philadelphia Electric Company, and Texas Gas Transmission Corporation have also filed comments to the settlement proposal.

The settlement proposal provides for (1) rates generally at or below applicable area ceilings, (2) a two-year moratorium on rate increases above ceiling, (3) a post-moratorium limit on rate increases to one cent every four years, (4) waiver of the right to file for rate increases under indefinite pricing provisions in twelve rate schedules and (5) refunds based upon the difference between rates in effect subject to refund and the related settlement rates. Tidewater submits the proposal on condition that the proceeding in Docket No. G-13310 and the proceedings listed in Exhibit I hereto be terminated.

In support of the proposal, Tidewater states that the settlement provides for long-term price stability at rates generally conforming to established area rate standards, that the conclusion of the proceedings will release funds for exploratory and developmental activities and will relieve all parties of the costly and time-consuming effort of further pursuing the proceedings, and that the number of Tidewater's future filings for rate increases will be reduced by the moratorium on filings, by the post-moratorium limit on increases, and by the waiver of rights to file for indefinite price increases under twelve rate schedules.

One settlement rate which exceeds the ceiling is the proposed increased rate of 17.5 cents plus 1.75 cents tax reimbursement for a substantial sale of gas to

[1] The other docket numbers are listed in Column 6 of Exhibit I. Some of the proceedings presently are consolidated with Docket Nos. AR61-2, et al., and will be severed therefrom.

[2] Most of Tidewater's other rate schedules, not subject to the settlement proposal, will be subject to determinations in Docket Nos. AR61-1, et al., should be terminated due to depletion of gas reserves, are in litigation, or are involved in pending certificate proceedings.

[3] Filed as part of original document.

United Gas Pipe Line Company (United Gas) from Hollywood Field, South Louisiana. The ceiling for increased rates in the area is 14.0 cents plus tax reimbursement (15.75 cents for this sale). In support of the proposed rate, Tidewater states as follows: During the course of drilling the discovery well in 1953, extremely high pressures were encountered and a dangerous blow-out and fire resulted. Although the well was later brought under control, it could not be shut in because of the pressures; an emergency sale was necessary to the only pipeline in the vicinity that had the capacity to take the some 35,000 Mcf per day that was being vented. A three-year contract was negotiated at a distress rate of 9.0 cents per Mcf plus 1.0 cent tax reimbursement. Shortly thereafter, on December 21, 1955, a renegotiated contract was executed providing for a rate of 18.5 cents plus tax reimbursement. The Commission suspended Tidewater's filing for the increased rate in Docket No. G–9932 and it became effective subject to refund on June 3, 1956. Under nearly identical circumstances the Commission has previously approved the settlement of a proceeding at the same rate of 19.25 cents per Mcf for a sale from acreage adjacent to Hollywood Field. John W. Mecom, 25 FPC 1022. We there noted that the increased rate was in the nature of an initial rate and was, at the proposed settlement level, compatible with the initial rate ceiling. We likewise approve Tidewater's proposed settlement rate.

However, Tidewater has proposed certain other rates which are in excess of ceiling and which accordingly should be reduced as follows: (1) The proposed settlement rates under Rate Schedule Nos. 5 and 18 are 15.34592 cents per Mcf (including tax reimbursement) for gas sold from Texas R.R. District No. 3. That rate reflects a periodic increase from the initial rate and is above the ceiling for increased rates in the area. The rate should be reduced to the initial rate under the contracts of 15.144 cents per Mcf (including tax reimbursement), which is less than the ceiling for initial rates in the area. (2) The proposed settlement rates under Rate Schedule No. 26 are 21 cents per Mcf for reserves originally subject to the contract and 21.4 cents per Mcf for reserves later dedicated to the contract. These settlement rates are the initial rates under the rate schedule for the two classes of reserves. The 21.4 cents rate exceeds the initial rate ceiling of 21.25 cents (inclusive of tax reimbursement) for the area (South Louisiana); the proposed 21.4 cents settlement rate should be reduced to the ceiling level of 21.25 cents. (3) The proposed settlement rate under Rate Schedule No. 57 is 14.3 cents per Mcf, after deduction of a 0.5 cent line amortization credit by the purchaser, for gas sold from Texas R.R. District No. 6. The total rate is thus 14.8 cents per Mcf, which exceeds the applicable 14.6 cents ceiling for increased rates under rate schedules from which favored-nation and redetermination price provisions have been eliminated. (Tidewater waives its rights under indefinite pricing provisions in this rate schedule.) The total settlement rate should be reduced to 14.6 cents per Mcf.

We recognize that the proposed settlement rates under Rate Schedule Nos. 5, 18, and 26 were previously accepted by the Commission, without suspension or condition, when originally filed by Tidewater. But we are now asked to approve these rates as part of the settlement proposal, and this we will not do in light of the recently established area rate standards. We shall, therefore, condition our approval of the settlement proposal to require Tidewater to reduce the rates as stated above.

Tidewater proposes that, on the basis of the settlement, the Commission terminate the certificate proceedings in Docket Nos. G–16172, CI60–430, and CI61–171 applicable to Rate Schedule Nos. 75, 100, and 102. Tidewater is currently operating under these rate schedules on unconditioned temporary authorizations granted in the certificate proceedings. We note that the proposed settlement rates for each of these sales is less than the applicable initial rate ceiling level. However, section 7 of the Natural Gas Act requires a hearing before the grant of permanent certificates, and we therefore cannot dispose of these certificate matters by settlement. We propose instead promptly to set these certificate matters for hearing and will modify the settlement proposal consistent with the foregoing.

On September 14, 1961, the Presiding Examiner issued his initial decision in the section 5(a) proceeding in Docket No. G–13310 and the consolidated section 4(e) proceedings in Docket Nos. G–9932, G–9241, G–9551, G–9552, G–9608, G–10998, G–11318, G–11319, G–11340, G–11357, G–11907 and G–12999. Tidewater proposes that all these proceedings (and others) be disposed of under the settlement. In his decision, the Presiding Examiner dismissed the section 5(a) proceeding, declining to set future rates for Tidewater, and disallowed the rate increases subject to the consolidated 4(e) proceedings upon a finding that company-wide test jurisdictional revenues exceeded costs by more than the rate increases. Philadelphia Electric Company, the Public Service Commission of the State of New York, and certain signatories to the settlement proposal have commented favorably on the Examiner's cost analysis. However, we approve of and want to encourage settlements which dispose of most of a producer's pending rate problems, which do so in accord with our area rate ceilings,[1] which provide for a reasonable moratorium on increased rate filings, which require refunds where appropriate, which lend certainty to the purchased gas costs of buyers, and which free the producer's revenues from contingencies that no doubt inhibit exploratory and developmental activities. Tidewater's settlement proposal in general provides all these substantial benefits and thus goes well beyond the Examiner's decision. Without passing on the validity of the Examiner's decision, we find that the public interest will best be served by approving Tidewater's settlement proposal, with certain modifications and conditions. The Examiner's decision accordingly becomes moot.

Our approval of the settlement proposal should not be construed as constituting approval of any future rate increases that may be filed under the subject rate schedules and is without prejudice to any findings or orders of the Commission in any further proceedings, including area rate proceedings, involving Tidewater's rates and rate schedules.

The Commission finds:

(1) The settlement of the proceeding in Docket No. G–13310 and the proceedings listed in Column 6 of Exhibit I hereto—other than Docket Nos. G–16172, CI60–430, and CI61–171—on the basis of the settlement proposal submitted by Tidewater and others, as hereinafter modified, is in the public interest in carrying out the provisions of the Natural Gas Act and should be approved and made effective subject to the terms and conditions ordered.

(2) Rates under the rate schedules subject to the settlement should be disallowed to the extent they exceed the settlement rates as modified.

(3) The proceedings listed in Column 6 of Exhibit I which are now consolidated with Docket No. AR61–2, et al., should be severed therefrom.

(4) The decision of the Presiding Examiner in Docket No. G–13310, et al., should be deemed to be moot.

The Commission orders:

(A) The settlement of these proceedings on the basis of the settlement proposal attached hereto as Appendix A is approved and made effective subject to the following modifications, terms and conditions.

(B) Tidewater shall substitute, in lieu of the related proposed settlement rates, rates of 15.144 cents per Mcf under its FPC Gas Rate Schedule Nos. 5 and 18; 14.6 cents per Mcf, including 0.5 cent deducted by the purchaser, under its Rate Schedule No. 57; and 21.25 cents for the sale of additional acreage dedicated in Supplement No. 5 under its Rate Schedule No. 26.

(C) The certificate proceedings in Docket Nos. G–16172, CI60–430, and CI61–171 shall not be terminated on the basis of the settlement but shall be determined after hearing. Tidewater shall file an amended application in Docket No. G–16172 in conformity with the proposed settlement rate. Tidewater shall abide by ultimate Commission decision, after judicial review if any, in these certificate proceedings. The involved rates and rate schedules shall otherwise remain subject to the terms of the settlement.

(D) Rates under the rate schedules subject to the settlement are hereby disallowed to the extent they exceed the settlement rates listed in Column 5 as modified according to paragraph B above. Within 45 days from the date of this order Tidewater shall refund with interest as specified in each docket the difference between all charges collected under the subject rate schedules at rates in effect subject to refund and the lesser charges that would have been collected at the related settlement rates as modified according to paragraph B above.

(E) Within 45 days after the date of this order Tidewater (1) shall make such filings under its rate schedules as are required to make effective the terms of settlement proposal, as modified according to paragraph B above, and (2) shall report to the Commission, in writing and under oath, the amount of refund made to each of its purchasers, showing separately the amount of principal and interest so paid and the bases used for such determinations, together with releases from its purchasers showing receipt of the refunds in conformity to the settlement as modified and approved.

(F) Tidewater shall, over the signature of a responsible officer, file with the Commission, within 30 days from the date of issuance of this order, in writing and under oath, an original and one copy of its acceptance or rejection of the terms and conditions of this order.

(G) The rate proceedings in Docket Nos. G–13378, G–13386, G–13436, G–13580, G–16593, G–16594, G–17998, G–17999, G–18751, G–19646, G–19647, G–20011, RI61–124, RI61–125, RI61–159, RI61–292, and RI61–297 and the certificate proceedings in Docket Nos. G–16172, CI60–430, and CI61–171 are hereby severed from the consolidate proceedings in Docket No. AR61–2, et al.

(H) Upon full compliance by Tidewater with all the terms and provisions of this order and of the settlement proposal as hereby modified and approved, the proceeding in Docket No. G–13310 and the proceedings listed in Column 6 of Exhibit I—other than Docket Nos. G–16172, CI60–430, and CI61–171—shall terminate, and the Presiding Examiner's decision issued on September 14, 1961, in Docket No. G–13310, et al., shall be deemed to be moot.

(I) This order is without prejudice to any findings or orders which have been or may be made hereafter by the Commission, and is without prejudice to claims or contentions which may be made by the Commission, Tidewater, the Commission staff, or any affected party herein, in any proceedings now pending or hereafter instituted by or against Tidewater or any other companies, persons, or parties affected by this order.

By the Commission.

[SEAL] GORDON M. GRANT, *Acting Secretary.*

[1] Statement of General Policy No. 61–1, 24 FPC 818, as amended.

Texas Railroad Commission District No. 2 (Ceilings: Initial, 18.0 cents; increases, 14.0 cents)

Purchaser	Field	FPC Gas Rate Schedule No.	Price as of Mar. 1, 1962, cents/Mcf [2]	Proposed settlement price [2]	Section 4(e), Docket No.	Proposed increase, cents/Mcf [2]	Estimated refund to Mar. 1, 1962, excluding interest
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Transcontinental Gas P/L Corp	Ike	3	8.875534	8.875534			
Texas Eastern Trans. Corp	Cosden-W	7	[3] 13.8733	[3] 13.8733	G–14687	2.75010	
					RI60–412	[4] 1.07110	0
Transcontinental Gas P/L Corp	Ray-Wilcox	14	8.890883	8.890883			
Do	West Tuleta	16	8.890883	8.890883			
United Gas P/L Co	Brandt, et al	20	12.1536	12.1536			
Tennessee Gas Trans. Co	Placedo	21	15.33333	14.6	G–17134	4.30515	6,465
United Gas P/L Co	Burnell-N. Pettus	32	9.72288	9.72288			
Texas Eastern Trans. Corp	Nordheim	51	[4] 14.3733	[4] 14.3733	G–14928	2.75010	0
					RI60–411	[4] 1.07110	
Do	West George West	55	[4] 14.3733	[4] 14.3733	RI60–55	2.34562	0
Do	Yoward	63	10.92096	10.92096			
Natural Gas P/L Co	Elms-Shaefer Ranch	70	14.5	14.5			
United Gas P/L Co	North La Ward	95	14.1792	14.1792			

Texas Railroad Commission District No. 3 (Ceilings: Initial, 18.0 cents; increases, 14.0 cents)

Iroquois Gas Co	Sheridan	1	17.668	16.6584	G–13387	1.0096	13,202
					RI62–73	1.0096	
Natural Gas P/L Co	East Bay City	5	17.153104	15.34592	G–9241	.20192	132,139
					G–10998	.20192	
					G–12999	.20192	
					G–16080	1.201424	
Tennessee Gas Trans. Co	Sublime	11	15.95016	14.6	G–17135	2.67196	61,121
Do	East Bernard	12	15.95016	14.6	G–17134	2.67196	11,520
Do	East Bay City	13	16.16947	14.6	G–17076	2.67196	156,545
Natural Gas P/L Co	West Bernard	18	17.153104	15.34592	G–9241	.20192	194,794
					G–10998	.20192	
					G–12999	.20192	
					G–16080	1.201424	
Transcontinental Gas P/L Corp	do	19	9.335428	9.335428			
Natural Gas P/L Co	Old Ocean	22	11.48836	11.48836			
Shell Oil Co	Englehart	49	(5)	13.45435	G–11340	.20315	0
Tennessee Gas Trans. Co	West Rock Island	53	15.95016	14.6	G–17134	2.67196	20,695
Coastal Trans. Corp	Palacios	86	17.5	16.0			
Do	do	88	17.5	16.0			
Trunkline Gas Co	Chocolate Bayou	93	20.0	18.0			

Texas Railroad Commission District No. 4 (Ceilings: Initial, 18.0 cents; increases, 14.0 cents)

Natural Gas P/L Co	LaGloria	6	9.99886	9.99886			
Tennessee Gas Trans. Co	Mustang Island	9	17.24347	14.6	G–19695	3.13919	76,113
					RI60–396	1.98160	
Transcontinental Gas P/L Corp	LaGloria	15	8.890883	8.890883			
United Gas P/L Co	Red Fish Bay	23	14.8	14.6	G–13513	2.140	9,248
Texas Eastern Trans. Corp	Midway	64	15.0	14.6	G–13488	.2	571
					G–16027	.2	
					G–19647	.2	
					RI61–124	.2	
					RI62–78	.2	
Natural Gas P/L Co	Sinton	84	14.5	14.5			

Texas Railroad Commission District No. 6 (Ceilings: Initial, 15.0 cents; increases, 14.0 cents)

Arkansas Louisiana Gas Co	North Lansing	8	12.55406	12.55406			
Texas Eastern Trans. Corp	Willow Springs	57	[6] 14.5	[6] 14.3	G–13402	0.8984	1,199
					G–16626	.2	
					G–19646	.2	
					RI61–125	.2	
					RI62–109	.2	
Do	Chalk Hill	87	15.0	14.6	G–19665	.2	194
					RI61–124	.2	
					RI62–110	.2	

Texas Railroad Commission District No. 8 (Ceilings: Initial, 16.0 cents; increases, 11.0 cents)

Purchaser	Field	FPC Gas Rate Schedule No.	Price as of Mar. 1, 1962, cents/Mcf [1]	Proposed settlement price [1]	Section 4(e), Docket No.	Proposed increase, cents/Mcf [1]	Estimated refund to Mar. 1, 1962, excluding interest
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Northern Natural Gas Co.	Emperor	67	16.0	16.0			
West Texas Gathering Co.	do	79	16.0	16.0			
Louisiana—North Louisiana							
Arkansas Louisiana Gas Co.	Rodessa	52	3.0	3.0			
South Louisiana (Ceilings: Initial, 21.25 cents, including tax reimbursement; increases, 14.0 cents plus tax reimbursement)							
United Fuel Gas Co.	North Bourg	24	19.9	17.0	G-9551	0.4	34,525
					G-11357	.4	
					G-13386	.4	
					G-16593	.4	
					G-19647	.4	
					R161-124	.4	
					R162-149	.4	
Do	Florence	25	19.9	17.0	G-9552	.4	142,364
					G-11318	.4	
					G-13378	.4	
					G-16564	.4	
					G-19646	.4	
					R161-139	.4	
					R162-109	.4	
Do	Erath Unit	26	22.881	21.0	G-9608	.2	294,282
					G-11319	.2	
Do	North Erath and Erath Unit	26	22.881	21.4	G-13380	.2	
					G-16593	.2	
					G-20011	.581	
United Gas P/L Co.	Hollywood	34	22.25	19.25	G-9682	9.5	1,476,894
					R161-297	2.0	
Texas Gas Trans. Corp.	South Lewisburg	37	21.061	15.75	G-11907	9.2893	179,502
Transcontinental Gas P/L Corp.	LeLeux	54	23.55	17.0	G-17998	5.5	28,970
United Fuel Gas Co.	Savoy	60	19.9	17.8	G-13436	.4	10,308
					G-16594	.4	
					G-19646	.4	
					R161-125	.4	
					R162-149	.4	
American Louisiana P/L Co.	North Holly Beach	61	19.5	19.0			
Transcontinental Gas P/L Corp.	Northwest Gueydan	62	23.55	17.0	G-17999	5.5	70,989
Southern Natural Gas Co.	Manila Village	65	19.75	19.0			
United Gas P/L Co.	Southeast Houma	66	22.25	20.0	R161-292	2.0	12,099
Do	Midland	71	22.25	20.0	R161-202	2.0	5,580
Do	Ridge	75	22.25	20.0	G-16172	Certificate Application	
Southern Natural Gas Co.	Bayou Boullion	81	23.25	20.0			
American Louisiana P/L Co.	North Holly Beach	82	19.5	19.0			
Transcontinental Gas P/L Corp.	SE. Rayne	85	(2)	[8] 18.05	G-18751	5.5	557
Southern Natural Gas Co.	Felice Bayou	99	20.75	20.0			
Tennessee Gas Trans. Co.	Caillou Island	100	18.5	18.5	CI60-430	Certificate Application	
American Louisiana P/L Co.	Lacassine Refuge	102	19.75	19.75	R162-357	[7] 2.5	0
					CI61-171	Certificate Application	
Mississippi (Ceilings: Initial, 17.0 cents; increases, 14.0 cents, including tax reimbursement)							
United Gas P/L Co.	Baxterville	36	22.88298	14.0	G-18567	10.90428	52,383
Southern Natural Gas Co.	Gwinville	68	20.0	14.0	G-14108	12.63529	529,212
New Mexico (Permian Basin Area Ceilings: Initial, 16.0 cents; increases, 11.0 cents)							
El Paso Natural Gas Co.	Justis	42	9.0	9.0			
Northern Natural Gas Co.	Eumont	76	10.5	10.5			
El Paso Natural Gas Co.	Langlie-Mattix	83	9.0	9.0			
Oklahoma (Ceilings: Initial, 17.0 cents, Panhandle; 16.8 cents, Carter Knox; 15.0 cents, other; increases 11.0 cents)							
Cities Service Gas Co.	West Edmond	40	10.5	10.5			
Lone Star Gas Co.	Sholem Alechem	45	11.0	11.0			
Arkansas Louisiana Gas Co.	Chickasha	46	11.0	11.0	R162-170	[7] 4.0	0
Panhandle Eastern P/L Co.	South Forgan	73	16.0	16.0			
Wunderlich Development Co.	SW. Ponca City	78	6.2	6.2			
Colorado Interstate Gas Co.	Mocane	96	15.0	15.0			
Transwestern P/L Co.	South Goodwin, et al	97	17.0	17.0			
Cities Service Gas Co.	SE. Woodward	98	[6] 15.0	[6] 15.0			
Arkansas Louisiana Gas Co.	E. Kremlin	101	11.0	11.0			

[1] Includes 0.5 cents/MCF or gathering and dehydration.
[2] An additional 0.5 cents/MCF is received for gathering and dehydration on the Richter Unit.
[3] 13.45435 cents/MCF when well P&A. Cancelled.
[4] After deduction of 0.5 cents/MCF line amortization charge.
[5] 23.55 when well P&A. Cancelled.
[6] Effective until deliveries ceased on Apr. 5, 1960.
[7] Increase has not been effective subject to refund.
[8] In addition seller receives 1 cent/MCF for gathering and deyhdration.
[9] Louisiana and Mississippi prices are at a pressure base of 15.025 p.s.i.a., all others prices are at 14.65 p.s.i.a.

[F.R. Doc. 62-6091; Filed, June 25, 1962; 8:45 a.m.]

[Docket No. G-18199 etc.]

PHILLIPS PETROLEUM CO. ET AL.

Notice of Applications, Consolidation, and Date of Hearing

JUNE 20, 1962.

Phillips Petroleum Company, Docket No. G-18199; Ada Oil Company, Docket No. G-19276; Gulf Oil Corporation, Docket No. CI60-238; La.-Tex. Petroleum Products Corporation, Docket No. CI61-91.

Take notice that on July 21, 1960, La.-Tex. Petroleum Corporation (La-Tex) filed in Docket No. CI61-91 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service to Tennessee Gas Transmission Company (Tennessee) consisting of a sale of low pressure gas purchased by La-Tex from Phillips Petroleum Company (Phillips), Ada Oil Company (Ada), and Gulf Oil Corporation (Gulf) in the South Crowley Field, Acadia Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Take further notice that on March 25, 1959, Phillips in Docket No. G-18199, on August 17, 1959, Ada in Docket No. G-19276, and on February 26, 1960, Gulf in Docket No. CI60-238 filed their related applications pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service to La-Tex from their respective leases in the South Crowley Field, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

In support of the subject applications, Applicants state that the volume of low pressure gas available has decreased to the point where it is no longer economically possible to keep the properties in operation. La-Tex states that deliveries to Tennessee were discontinued in October 1958 after several attempts to augment the supply of low pressure gas from the aforesaid producers proved unsuccessful.

La-Tex was authorized on September 24, 1956, in Docket No. G-5233 (G-2657, et al.) to sell the subject gas to Tennessee. In the same order, Phillips in Docket No. G-6808 was authorized to sell its subject low pressure gas to La-Tex for resale to Tennessee. Gulf was authorized on September 24, 1956, in Docket No. G-4141 to sell both high and low pressure gas to Tennessee but never filed for certificate authorization to sell low pressure gas to La-Tex. Ada was authorized on July 9, 1956, in Docket No. G-8466 to sell the subject low pressure gas to La-Tex.

Phillips and Gulf, concurrently with their abandonment applications, and Ada on July 30, 1958, filed notices of cancellation of their related FPC gas rate schedules. La-Tex has never completed its deficient rate schedule filing for its sale to Tennessee and now asks that said filing be withdrawn.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 26, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 16, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6166; Filed, June 25, 1962; 8:45 a.m.]

[Project No. 2000]

POWER AUTHORITY OF THE STATE OF NEW YORK

Order Fixing Hearing

JUNE 20, 1962.

On April 30, 1959, Power Authority of the State of New York (Applicant) filed application for total exemption from payment of annual charges under its license for Project No. 2000 for the period July 17, 1958 through December 31, 1958, pursuant to the terms of section 10(e) of the Federal Power Act and regulations of the Commission thereunder.

By our order issued August 3, 1959, we granted partial exemption to Applicant to the extent that 20.9394 percent of the project power was sold to the public without profit. Pursuant to application therefor, by our ,further order issued September 24, 1959, we granted rehearing on our August 3, 1959, order.

On March 3, 1961, and on April 24, 1961, respectively, Applicant filed applications for total exemption from payment of annual charges for Project No. 2000 for the calendar years 1959 and 1960.

The Commission finds:

(1) It is appropriate under the circumstances to hold a public hearing respecting the matters involved and the issues presented by the aforesaid applications for exemption.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 4 and 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held commencing September 24, 1962, at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the aforesaid applications for exemption.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6167; Filed, June 25, 1962; 8:45 a.m.]

[Docket No. G-2800 etc.]

H. F. SEARS ET AL.

Notice of Petitions to Amend Certificate Authorizations

JUNE 19, 1962.

H. F. Sears, Docket No. G-2800; Humble Oil & Refining Company, Docket No. G-5145; Pan American Petroleum Corporation (Operator), et al., Docket No. G-7490; Hunt Oil Company, Docket No. G-11803; Houston Natural Gas Production Company, Docket No. G-12797; Southwest Production Company, Docket No. CI60-686.

Take notice that each of the above Applicants has filed a petition to amend the certificate authorizations heretofore issued in the respective above-listed docket numbers by deleting therefrom authorization to render natural gas service from certain acreages as follows:

Docket No.; Field and Location; Purchaser; Related Rate Filing

G-2800; West Panhandle Field, Tex.; Colorado Interstate Gas Co.; Supplement No. 6 to FPC Gas Rate Schedule No. 2.

G-5145; Spraberry Area, Midland County, Tex.; El Paso Natural Gas Co.; Supplement No. 37 to FPC Gas Rate Schedule No. 5.

G-7490; Eunice-Monument Field, Lea County, N. Mex.; Northern Natural Gas Co.; Supplement No. 11 to FPC Gas Rate Schedule No. 123.

G-11803; Amacker-Tippett Field, Upton County, Tex.; El Paso Natural Gas Co.; Supplement No. 7 to FPC Gas Rate Schedule No. 33, and Supplement No. 7 to FPC Gas Rate Schedule No. 34 (Hunt etc. (Operator), et al.).

G-12797; Big Hill Field, Jefferson County, Tex.; Texas Gas Pipe Line Corp.; Supplement No. 23 to FPC Gas Rate Schedule No. 2 (Houston, etc. (Operator), et al.), and Supplement No. 24 to FPC Gas Rate Schedule No. 2.

CI-60-686; San Juan Field, San Juan County, N. Mex.; El Paso Natural Gas Co.; Supplement No. 3 to FPC Gas Rate Schedule No. 2.

In each case, Applicant states that the subject acreage has been assigned to another party or parties, except in the petitions filed in Docket Nos. G-2800 and G-7490 where shallow dedications are being released due to nonproductivity.

Protests, petitions to intervene or requests for hearing may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of

practice and procedure (18 CFR 1.8 or 1.10) on or before July 13, 1962.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-6168; Filed, June 25, 1962; 8:45 a.m.]

[Docket No. CP62-259]

UNITED GAS PIPE LINE CO.

Notice of Application and Date of Hearing

JUNE 20, 1962.

Take notice that on May 10, 1962, United Gas Pipe Line Company (Applicant), 1525 Fairfield Avenue, Shreveport, Louisiana, filed in Docket No. CP62-259 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a sales meter station and appurtenant facilities at approximate milepost 38.3 on Applicant's 8-inch lateral line to Container Corporation of America in Escambia County, Alabama, and the sale and delivery of natural gas to Conecuh-Monroe Counties Gas District (District) for resale and distribution, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The District proposes to construct and operate natural gas distribution systems in and has received franchises to serve the communities of Evergreen, Monroeville, Castleberry, Repton, Excel, and Frisco City, Alabama. The estimated natural gas requirements of the District are as follows:

	Mcf at 14.9 psia	
	Annual	*Peak day*
1st year	364,613	3,538
2d year	392,409	3,895
3d year	420,923	4,254

The gas will be used for residential, commercial, and industrial purposes by the ultimate consumer.

Applicant proposes to render service to the District under Rate Schedule G-J of Applicant's FPC Gas Tariff, First Revised Volume No. 1.

Applicant estimates that the proposed facilities will cost $19,464, to be financed from current working funds. The District estimates that construction and administrative costs for its project will be $2,530,000.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 24, 1962, at 9:30 a.m. e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G. Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 13, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6169; Filed, June 25, 1962; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 516; Serial No. M-052199]

MONTANA

Small Tract Classification

JUNE 6, 1962.

1. Pursuant to authority delegated to the State Director by Bureau Order No. 684, dated August 28, 1961 (26 F.R. 168) and redelegated to me by the State Director's order of October 18, 1961 (26 F.R. 202), I hereby classify the following described public lands, totaling 320 acres in Deer Lodge County, Montana, as suitable for transfer under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

PRINCIPAL MERIDIAN MONTANA

T. 2 N., R. 12 W.,
Sec. 12, E½.

Containing 320 acres.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

ROBERT A. JONES,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62-6184; Filed, June 25, 1962; 8:47 a.m.]

[NM 0128764 (Oklahoma)]

OKLAHOMA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

JUNE 18, 1962.

Notice of application, Serial New Mexico 0128764 (Oklahoma), for withdrawal and reservation of lands was published as Federal Register Document No. 61-2226, on pages 2197-98 of the issue for March 15, 1961. The applicant agency, The United States Department of the Army, has canceled its application for withdrawal insofar as it involves the lands described below, and accepted, in lieu thereof, a special use permit. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, such lands will be, at 10:00 a.m., on July 23, 1962, relieved of the segregative effect of the above-mentioned application.

The lands will be utilized for flowage purposes by the Department of the Army under permit from the Department of the Interior, authorized by the Secretary of the Interior April 5, 1962, in connection with the Keystone Dam and Reservoir Project, Arkansas River, Oklahoma, and will be inundated from time to time, rendering them unsuitable for purposes other than operation of the project.

The lands involved in this notice are:

INDIAN MERIDIAN, OKLAHOMA

T. 20 N., R. 9 E.,
Sec. 35, lots 2 and 3.

Containing 25.45 acres, more or less.

CHESLEY P. SEELY,
State Director.

[F.R. Doc. 62-6177; Filed, June 25, 1962; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Programs

[File No. 23-819]

LATIN AMERICAN DEVELOPMENT CO., LTD.

Order Reinstating and Extending Temporary Denial of Export Privileges

In the Matter of Latin American Development Co., Ltd., Picadilly House, Picadilly Circus, London, S.W. 1, England.

A temporary order denying export privileges was issued in the above matter on March 19, 1962, for a period of 90 days, which order expired on June 17, 1962. This order was issued in connection with an investigation instituted by the Investigations Staff, Bureau of International Programs, into attempts by respondent to place orders with several United States suppliers for parts of United States origin for use in or the repair of oil processing equipment in refineries in Cuba, which refineries were formerly the property of United States corporations which had been expropriated by Cuban authorities for use and operation by the Cuban Government. It is reported that respondent was warned that his orders were in violation of the United States Export Control Law. The respondent sought to have the articles shipped to itself in England intending to reexport and transship them to Cuba in violation of the United States Export Control Law. It is now reported that respondent has shipped articles of United States origin from England to Cuba in violation of the United States Export Control Law.

The Director of the Investigations Staff, Bureau of International Programs, has applied, under § 382.11 of the Export Control Regulations, for an extension of the temporary order until the completion of the administrative compliance proceedings.

This matter has been considered by the Compliance Commissioner who being fully advised thereof has reported his recommendations to me that the temporary order be reinstated and extended until the final disposition of administrative compliance proceedings involving the respondent, since such will be in the public interest and necessary for the effective enforcement of the law. I do so find.

It is therefore ordered:

(1) The respondent, Latin American Development Co., Ltd., its agents and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form, or capacity in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit respondent's participation (a) as a party to or as representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control document, (c) in the receiving, ordering, buying, selling, delivering, or disposing of any commodities and technical data in whole or in part exported or to be exported from the United States, and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

(2) Such denial of export privileges shall apply not only to said respondent, but also to any other person, firm, corporation, or business organization with which said respondent may be now or hereafter related by ownership, affiliation, control, position of responsibility, or other connection in the conduct of trade which may involve exports from the United States or services connected therewith.

(3) This order shall take effect forthwith and shall remain in effect until the completion of any administrative compliance proceedings that may be initiated against respondent, unless sooner vacated or extended.

(4) No person, firm, corporation, or other business organization, within the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, without prior disclosure of the facts to, and specific authorization from the Bureau of International Programs shall directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, sell, use, deliver, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a reexportation of any commodity exported from the United States, with respect to which any of the persons or companies within the scope of paragraphs (1) and (2) hereof may receive any benefit or have any interest or participation of any kind or nature, direct or indirect.

(5) A certified copy of this order shall be served upon the respondent.

(6) In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondent may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

Dated: June 20, 1962.

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 62-6190; Filed, June 25, 1962; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14664, 14665; FCC 62M-860]

ALEXANDER BROADCASTING CO., INC., AND FARMERS BROADCASTING SERVICE, INC.

Order Scheduling Hearing

In re applications of Alexander Broadcasting Company, Incorporated, Taylorsville, North Carolina, Docket No. 14664, File No. BP-13920; Farmers Broadcasting Service, Incorporated, Lenoir, North Carolina, Docket No. 14665, File No. BP-14990; for construction permits.

It is ordered, This 18th day of June 1962, that Chester F. Naumowicz, Jr., will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 7, 1962, in Washington, D.C.: *and, it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Tuesday, July 24, 1962.

Released: June 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6195; Filed, June 25, 1962; 8:48 a.m.]

[Docket No. 14663; FCC 62M-859]

CORONADO BROADCASTING CO., INC., AND TAYLOR BROADCASTING CO.

Order Scheduling Hearing

In re application of Coronado Broadcasting Company, Inc., Assignor; and Taylor Broadcasting Company, Assignee, Docket No. 14663, File No. BAL-4366; for assignment of license of Station KPBM, Carlsbad, New Mexico.

It is ordered, This 18th day of June 1962, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 10, 1962, in Washington, D.C.: *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, July 20, 1962.

Released: June 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6196; Filed, June 25, 1962; 8:48 a.m.]

[Docket No. 8716 etc.; FCC 62-660]

GREENWICH BROADCASTING CORP. ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of The Greenwich Broadcasting Corporation, Greenwich, Connecticut, et al., Docket No. 8716, File No. BP-6315, etc.; Blair A. Walliser, tr/as Milford Broadcasting Co., Milford, Connecticut, et al., Docket No. 14574, File No. BP-14106, etc.; for construction permits.

1. The Commission has before it for consideration a petition to enlarge issues, filed April 9, 1962, by Milford Broadcasting Company, and pleadings filed in response thereto by the Broadcast Bureau and Berkshire Broadcasting Corporation.

2. The petitioner requests that an issue be added to determine whether Berkshire Broadcasting Corporation's proposal will provide adequate coverage to the "town" to be served and to its business, industrial and residential areas and sections, as required by § 3.188 of the Commission's rules. The Broadcast Bureau supports the petitioner's request, but it would also include in the enlarged issue a determination as to whether there are circumstances which would warrant waiver of the requirements of the cited rule.

3. Berkshire Broadcasting Corporation agrees with the petitioner and the Broadcast Bureau that its proposal will not meet the requirements of § 3.188 of the rules insofar as the Town of Stratford is concerned. It points out, however, that its proposal is for a station which will not be identified with the Town of Stratford, but rather with the unincorporated community of Stratford, which is located within the Town of Stratford. It asserts that its proposal meets the requirements of § 3.188 of the rules insofar as the community of Stratford is concerned.

4. While Berkshire Broadcasting Corporation submitted with its opposition maps depicting the service contours of its proposed operation, the maps submitted do not clearly show the boundaries of this unincorporated community of Stratford, and hence its claim of compliance with § 3.188 of the rules cannot be evaluated on the basis of the information submitted. Its application likewise fails to show these boundaries.

5. In order to determine whether Berkshire's proposal complies with § 3.188 of the rules, it is essential that a determination be made as to the boundaries of the community of Stratford, and provision therefor will, on the Commission's own motion, be included in the hearing issue as to compliance with § 3.188 of the rules.

Accordingly, it is ordered, This 20th day of June 1962, that the petition to enlarge issues, filed by Milford Broadcasting Company, is granted to the extent indicated herein;

It is further ordered, That the designation Order released April 3, 1962, (FCC 62-293, Corrected), as amended this day, is amended by renumbering Issues 10, 11, and 12 as Issues 11, 12, and 13, respectively, and the following new Issue 10 is added: To determine the boundaries of the community of Stratford, Connecticut, and whether Berkshire Broadcasting Corporation's proposal will provide adequate coverage to this community and to its principal business, industrial and residential sections, as contemplated by section 3.188 of the Commission's rules and if not, whether circumstances exist which would warrant waiver of the requirements of that section.

Released: June 21, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6197; Filed, June 25, 1962; 8:48 a.m.]

[Docket Nos. 14413, 14414; FCC 62-652]

DON L. HUBER AND BARTELL BROADCASTERS, INC. (WOKY)

Memorandum Opinion and Order Amending Issues

In re applications of Don L. Huber, Madison, Wisconsin, Docket No. 14413, File No. BP-13625; Bartell Broadcasters, Inc. (WOKY), Milwaukee, Wisconsin, Docket No. 14414, File No. BP-13652; for construction permits.

1. The Commission has before it for consideration a petition to enlarge issues, filed April 26, 1962, by Bartell Broadcasters, Inc. (WOKY), together with pleadings properly filed in reply thereto.

2. By its petition, Bartell seeks enlargement of the issues with respect to the Don L. Huber application to include the following: "To determine whether the proposal of Don L. Huber is in compliance with § 3.188(b)(2) of the Commission's rules."

3. The petition was filed more than fifteen days after publication of the designation Order, and good cause was not shown for late filing. The petition will therefore be denied as untimely under § 1.141 of the rules. Inasmuch as Huber concedes that his proposal will not provide at least a 5 mv/m signal over the entire city of Madison, an issue will be added on the Commission's own motion to determine whether Huber's proposal meets the requirements of § 3.188(b)(2) of the rules. In view of the apparent fact that noncompliance with this rule may be relatively slight, the added issue also provides for a determination as to whether the Rule should be waived.

Accordingly, it is ordered, This 20th day of June 1962, that the petition to enlarge issues, filed April 26, 1962, by Bartell Broadcasters, Inc. (WOKY) is denied; and

It is further ordered, That the present Issues 4, 5, 6, and 7 in this proceeding are renumbered as Issues 5, 6, 7, and 8, and the issues in this proceeding are enlarged on the Commission's own motion by addition of the following issue:

4. To determine whether the proposal of Don L. Huber is in compliance with § 3.188(b)(2) of the Commission's rules, and, if not, whether a waiver of that rule is warranted.

Released: June 21, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6198; Filed, June 25, 1962; 8:48 a.m.]

[Docket No. 14666; FCC 62M-861]

KDIA, INC. (KDIA)

Order Scheduling Hearing

In re application of KDIA, Inc. (KDIA), Oakland, California, Docket No. 14666, File No. BP-13723; for construction permit.

It is ordered, This 18th day of June 1962, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 10, 1962, in Washington, D.C.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, July 20, 1962.

Released: June 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6199; Filed, June 25, 1962; 8:48 a.m.]

[Docket No. 14613; FCC 62M-868]

WEZY, INC. (WEZY)

Order Following Prehearing Conference

In re application of WEZY, Inc. (WEZY), Cocoa, Florida, Docket No. 14631, File No. BP-14409; for construction permit.

A prehearing conference in the above-entitled proceeding having been held on June 19, 1962, and it appearing that certain agreements reached therein by the participating parties should be formalized in an order;

Accordingly, it is ordered, This 19th day of June 1962, as follows:

(1) The direct case of the applicant pertaining to the hearing issues as now specified will be presented by written, sworn exhibits;

(2) Copies of applicant's proposed exhibits will be supplied to the other parties herein, and also to the Hearing Examiner, by July 10, 1962;

(3) Notification as to those witnesses for the applicant who are to be present for cross-examination at the hearing, shall be given to counsel for applicant by July 23, 1962; and

(4) The hearing heretofore scheduled to commence on July 11, 1962, is continued to July 31, 1962, at 10:00 a.m., in the offices of the Commission at Washington, D.C.[1]

Released: June 20, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6200; Filed, June 25, 1962; 8:48 a.m.]

FOREIGN-TRADE ZONES BOARD

WAREHOUSE FACILITIES WITHIN EXISTING FOREIGN-TRADE ZONE NO. 8, TOLEDO, OHIO

Expansion

Mr. Louis C. Purdey, General Manager, Port of Toledo, Toledo-Lucas County Port Authority, the Grantee for Foreign-Trade Zone No. 8 at Toledo, Ohio, on May 10, 1962 made application to the Foreign-Trade Zones Board for authority to construct additional warehouse facilities by 34,464 square feet within the present zone boundary. A Grant was issued by the Foreign-Trade Zones Board on October 11, 1960 to establish the zone and it officially opened on August 28, 1961.

The Committee of Alternates has reviewed the circumstances in this case and unanimously recommend that the request to expand the warehouse facility be granted.

Upon consideration the Board concurs in the Committee's recommendation and hereby adopts the following Resolution:

The Foreign-Trade Zones Board, after consideration of the request from the Toledo-Lucas County Port Authority, Grantee, Foreign-Trade Zone No. 8, for permission to expand the warehouse facilities within the existing zone, approves the request.

The Executive Secretary of the Foreign-Trade Zones Board is directed to incorporate this Memorandum Order, the letters from the Assistant Secretary of the Treasury, James A. Reed, dated June 11, 1962, and Colonel Carl H. Bronn, Army Member, Committee of Alternates, dated May 24, 1962, approving the foregoing Resolution in the official records of the Foreign-Trade Zone.

[1] The examiner ruled at the prehearing conference that the procedural agreements reached therein would also be binding on the absent respondent party.

The Executive Secretary will publish the the Resolution in the FEDERAL REGISTER.

Dated: June 19, 1962.

LUTHER H. HODGES,
Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

[F.R. Doc. 62-6181; Filed, June 25, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 21, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37811: *Substituted service—B&M, et al., for Eazor Express, Inc., et al.* Filed by Middle Atlantic Conference, Agent (No. 37), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Sharon, Pa., on the one hand, and Boston, and East Cambridge, Mass., and Providence, R.I., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 4 to Middle Atlantic Conference tariff I.C.C. 16, MF-I.C.C. A-1230.

FSA No. 37812: *Dense soda ash to Tulsa, Okla.* Filed by Southwestern Freight Bureau, Agent (No. B-8231), for interested rail carriers. Rates on dense soda ash, in bulk, or in bulk in bags, barrels, boxes or pails, in carloads, from specified points in Michigan, New York, Ohio, also Saltville, Va., to Tulsa, Okla.

Grounds for relief: Market competition.

Tariff: Supplement 105 to Southwestern Freight Bureau tariff I.C.C. 4337.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-6182; Filed, June 25, 1962; 8:47 a.m.]

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Washington, Wednesday, June 27, 1962

THE UNIVERSITY OF MICHIGAN
JUN 28 1962
MAIN READING ROOM

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Presidential Documents

Title 3—THE PRESIDENT

Letter of June 21, 1962

[DELEGATION OF AUTHORITY TO SECRETARY OF THE TREASURY WITH RESPECT TO CERTAIN TEXTILES AND TEXTILE PRODUCTS]

THE WHITE HOUSE.
Washington, June 21, 1962.

DEAR MR. SECRETARY:

I refer to my letter to the Secretary of the Treasury dated March 16, 1962 (27 Fed. Reg. 2677, March 22, 1962) delegating to the Secretary of the Treasury authority conferred upon the President by that part of section 204 of the Agricultural Act of 1956 (70 Stat. 200; 7 U.S.C. 1854), which reads:

"the President is authorized to issue regulations governing the entry or withdrawal from warehouse of any such commodity, product, textiles, or textile products to carry out any such agreement."

In addition to that delegation of authority and subject to the provisions of the following paragraphs of this letter, I delegate to the Secretary of the Treasury the authority conferred upon the President by the second sentence of the said section 204, as amended (which sentence was added to section 204 by P.L. 87-488, An Act To amend section 204 of the Agricultural Act of 1956, enacted as H.R. 10788, approved June 19, 1962).

The above-described authority is delegated only in respect of textiles and textile products and also only in respect of "Arrangements Regarding International Trade in Cotton Textiles," done at Geneva July 21, 1961.

The Secretary of the Treasury is authorized to administer the regulations issued by him under the foregoing provisions of this letter. In any individual cases of importation or withdrawal from warehouse of textiles or textile products which may arise, (1) the Interagency Textile Administrative Committee is authorized to recommend to the Secretary of the Treasury the actions to be taken by the Secretary, and (2) the Secretary shall take action governing importation or withdrawal from warehouse of textiles or textile products only upon such recommendation of the Interagency Textile Administrative Committee.

Please see that this letter is published in the FEDERAL REGISTER.

Sincerely,

JOHN F. KENNEDY

Honorable C. DOUGLAS DILLON,
Secretary of the Treasury,
Washington 25, D.C.

[F.R. Doc. 62-6323; Filed, June 26, 1962; 11:02 a.m.]

Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-WE-7]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Advisory Area

On April 6, 1962, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (27 F.R. 3295) stating that the Federal Aviation Agency proposed to alter the en route radar jet advisory area associated with Jet Route No. 80 from Denver, Colo., to Hill City, Kans., by converting the nonradar advisory service within that segment to radar advisory service.

The Air Transport Association endorsed the proposed amendment. No other comments were received.

Interested persons have been afforded the opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, in § 602.200 En route jet advisory areas (14 CFR Part 602, 27 F.R. 338, 2279) the text of Jet Route No. 80 jet advisory area is amended to read:

Radar—Oakland, Calif., to 65 nmi SW of Grand Junction, Colo.; from 94 nmi WSW of Denver, Colo., to Idlewild, N.Y., excluding the portion below FL 270 between 25 and 44 nmi W of Hill City, Kans.

Nonradar—From 65 nmi SW of Grand Junction, Colo., to 94 nmi WSW of Denver, Colo.

This amendment shall become effective 0001 e.s.t. August 23, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 20, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-6205; Filed, June 26, 1962; 8:45 a.m.]

[Airspace Docket No. 62-EA-42]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to § 608.40 of the regulations of the Administrator is to change the using agency of the Camp Springs, Md. (Andrews AFB), Restricted Area R-4003.

The Federal Aviation Agency, Andrews Approach Control is the designated controlling agency of R-4003. The Andrews Approach Control functions will be integrated with Washington Approach Control of the Federal Aviation Agency, on or about July 26, 1962. Therefore, action is taken herein to change the controlling agency of R-4003 to the Federal Aviation Agency, Washington Approach Control.

Since this amendment is minor in nature, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 608.40 (27 F.R. 4245) is amended as follows:

In R-4003 Camp Springs, Md., (Andrews AFB) Restricted Area/Military Climb Corridor, "Controlling agency. Federal Aviation Agency, Andrews Approach Control." is deleted and "Controlling agency. Federal Aviation Agency, Washington Approach Control." is substituted therefor.

This amendment shall become effective 0001 e.s.t. July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 20, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-6206; Filed, June 26, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WA-50]

PART 608—SPECIAL USE AIRSPACE

Designation of Temporary Restricted Area

On May 8, 1962, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (27 F.R. 4392), stating that the Federal Aviation Agency was considering an amendment to § 608.60 of the regulations of the Administrator to designate a temporary restricted area in South Carolina from August 8 through August 18, 1962, to contain a hazardous military exercise known as "Swift Strike II".

No adverse comments were received regarding the proposed amendment.

The temporary restricted area comprises approximately 2,640 square miles from the surface to 2,500 feet MSL during daylight hours and will be joint use with the Federal Aviation Agency Jacksonville ARTC Center designated as the controlling agency. "CINCAFSTRIKE" is the designated using agency. The Shaw AFB RAPCON, Shaw AFB, S.C., is the liaison station for relay of information concerning release of the area between the controlling agency and using agency.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken.

In § 608.60 South Carolina (14 CFR 608.60) the following is added:

Temporary Restricted Area Swift Strike II. *Boundaries.* Beginning at latitude 34°42'-30" N., longitude 79°52'40" W.; thence via the Pee Dee River to latitude 34°17'50" N., longitude 79°37'05" W.; to latitude 34°15'10" N., longitude 79°41'00" W.; thence counterclockwise around the Florence, S.C., control zone (§ 601.2142) to latitude 34°08'25" N., longitude 79°39'45" W.; to latitude 34°06'00" N., longitude 79°32'00" W.; thence via the Pee Dee River to latitude 33°54'05" N., longitude 79°26'00" W.; thence via United States Highway No. 378 to latitude 33°55'00" N., longitude 79°44'50" W.; thence via United States Highway No. 52 to latitude 33°39'28" N., longitude 79°52'25" W.; thence via South Carolina State Highway No. 261 to latitude 33°44'20" N., longitude 80°27'40" W.; thence via the Atlantic Coast Line Railroad to latitude 33°45'00" N., longitude 80°27'20" W.; to latitude 33°45'00" N., longitude 80°25'00" W.; to latitude 33°54'45" N., longitude 80°25'00" W.; thence counterclockwise around the Sumter, S.C. (Shaw AFB) control zone (§ 601.1984) to latitude 34°00'00" N., longitude 80°33'00" W.; to latitude 34°00'00" N., longitude 80°42'00" W.; thence via United States Highway No. 601 to latitude 34°13'18" N., longitude 80°41'00" W.; thence via United States Highway No. 1 to point of beginning, excluding the airspace within a 3-mile radius centered on the following civil airports:

a. Brown, S.C.
b. Sumter, S.C.
c. Huggins, S.C.
d. Moore, S.C.
e. Darlington County, S.C.
f. Bishopville, S.C.
g. Hartsville, S.C.

Designated altitude. Surface to 2,500 feet MSL.

Time of designation. Sunrise to sunset, August 8 through August 18, 1962.

Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.

Using agency. CINCAFSTRIKE, Shaw AFB, S.C.

This amendment shall become effective 0001 e.s.t., August 8, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 21, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-6207; Filed, June 26, 1962; 8:45 a.m.]

[Reg. Docket No. 1233; Amdt. 274]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
PROCEDURE CANCELLED, EFFECTIVE JUNE 30, 1962, OR UPON DECOMMISSIONING OF FACILITY.							
City, Billings; State, Mont.; Airport Name, Municipal; Elev., 3612'; Fac. Class., SBRAZ; Ident., BIL; Procedure No. 1, Amdt. 8; Eff. Date, 20 July 57; Sup. Amdt. No. 7; Dated, 19 Jan. 57							
PROCEDURE CANCELLED, EFFECTIVE JUNE 30, 1962, OR UPON DECOMMISSIONING OF FACILITY.							
City, Las Vegas; State, Nev.; Airport Name, McCarran Field; Elev., 2171'; Fac. Class., SBMRAZ; Ident., LS; Procedure No. 1, Amdt. 10; Eff. Date, 7 Oct. 61; Sup. Amdt. No. 9; Dated, 16 Sept. 61							
PROCEDURE CANCELLED, EFFECTIVE JUNE 30, 1962.							
City, Middleton Island; State, Alaska; Airport Name, Middleton Island; Elev., 70'; Fac. Class., SBRAZ; Ident., MQ; Procedure No. 1, Amdt. 2; Eff. Date, 5 Nov. 60; Sup. Amdt. No. 1; Dated, 9 Aug. 58							
Midland VOR	MF-LFR	Direct	4200	T-dn	300-1	300-1	*200-½
Midland RBn	MF-LFR	Direct	4500	C-dn	400-1	500-1	500-1½
				S-dn-4	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of SW crs, 229° Outbnd, 049° Inbnd, 4500' within 10 mi.
Minimum altitude over facility on final approach crs, 3900'.
Crs and distance, facility to airport, 049°—3.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles, climb to 4200' on SE crs MF-LFR within 20 miles.
NOTE: This procedure not approved for ADF approach.
CAUTION: 4049' msl TV tower 9.5 mi NW and 3356' msl tower 5.5 mi NE of Midland Airport.
*300-1 required on Runways 16L and 34R.

City, Midland; State, Tex.; Airport Name, Midland Air Terminal; Elev., 2,867'; Fac. Class., BMRLZ; Ident., MF; Procedure No. 1, Amdt. 11; Eff. Date, 30 June 62; Sup. Amdt. No. 10; Dated, 12 May 62

PROCEDURE CANCELLED, EFFECTIVE JUNE 30, 1962, OR UPON DECOMMISSIONING OF FACILITY.

City, Moriarty; State, N. Mex.; Airport Name, Otto Airport; Elev., 6226'; Fac. Class., BMRLZ; Ident., OTO; Procedure No. 1, Amdt. 3; Eff. Date, 19 Apr. 54; Sup Amdt. No. 2; Dated, 1 Aug. 50

PROCEDURE CANCELLED, EFFECTIVE JUNE 30, 1962, OR UPON DECOMMISSIONING OF FACILITY.

City, Texarkana; State, Ark.; Airport Name, Municipal; Elev., 389'; Fac. Class., SBRAZ; Ident., TXK; Procedure No. 1, Amdt. 8; Eff. Date, 13 Sept. 58; Sup. Amdt. No. 7; Dated, 1 Jan. 55

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Appleton VOR	CB LOM	Direct	2500	T-dn	300-1	300-1	200-½
CM LOM	CB LOM	Direct	2500	C-dn	500-1	500-1	500-1½
				S-dn-10L	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 276° Outbnd, 096° Inbnd, 2400' within 10 miles of CB LOM.
Minimum altitude over facility on final approach crs, 2500'.
Crs and distance, facility to airport, 096°—5.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing CB LOM, climb straight ahead to 2500' and proceed direct to CM LOM, hold East, 1-minute right turns.
Other change: Deletes transition from Hilliard FM.

City, Columbus; State, Ohio; Airport Name, Port Columbus; Elev., 816'; Fac. Class., LOM; Ident., CB; Procedure No. 3, Amdt. 1; Eff. Date, 30 June 62; Sup Amdt. No. Orig.; Dated, 1 July 61

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
DTA VOR	DTA RBn	Direct	7000	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 198° Outbnd, 018° Inbnd, 7000' within 10 mi
Minimum altitude over facility on final approach crs, 5500'.
Crs and distance, facility to airport, 018°—3.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.1 miles climb to 9000' on crs 018° within 15 miles.

City, Delta; State, Utah; Airport Name, Municipal; Elev., 4755'; Fac. Class., SABII; Ident., DTA; Procedure No. 1, Amdt. 1; Eff. Date, 30 June 62 or upon commissioning of DTA RBn facility; Sup. Amdt. No. Orig.; Dated, 30 Sept. 61

				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-22 DN	600-1	600-1	600-1
				A-dn	1000-2	1000-2	1000-2

Procedure turn N side of crs, 045° Outbnd, 225° Inbnd, 1600' within 10 mi.
Minimum altitude over facility on final approach crs, 900'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 1600' on crs 223 within 20 mi, return to ELD Rbn.

City, El Dorado; State, Ark.; Airport Name, Goodwin Field; Elev., 277'; Fac. Class., MHW; Indent., ELD; Procedure No. 1, Amdt. Orig.; Eff. Date, 30 June 62

Midland VOR	LOM	Direct	4500	T-dn	300-1	300-1	*200-½
Johnson Int	LOM	Direct	4500	C-dn	400-1	500-1	500-1½
Pipe Line Int	LOM	Direct	5000	S-dn-4	400-1	400-1	400-1
Goldsmith Int	LOM	Direct	4500	A-dn	800-2	800-2	800-2
Midland RBn	LOM	Direct	4500				

Procedure turn S side of crs, 223° Outbnd, 043° Inbnd, 4500' within 10 miles.
Minimum altitude over facility on final approach crs, 4000'.
Crs and distance, facility to airport, 043°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LOM, climb to 4400' on crs of 043° within 20 miles.
CAUTION: 4049' msl TV tower 9.5 mi NW and 3356' msl tower 5.5 mi NE of Midland Airport.
*300-1 required on Runways 16L and 34R.

City, Midland; State, Tex.; Airport Name, Midland-Air Terminal; Elev., 2867'; Fac. Class., LOM; Ident., MA; Procedure No. 1, Amdt. 12; Eff. Date, 30 June 62; Sup. Amdt. No. 11; Dated, 25 Nov. 61

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
BI-LFR	BGS-VOR	Direct	4000	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn*	800-2	800-2	800-2

Procedure turn E side of crs, 324° Outbnd, 144° Inbnd, 3900' within 10 mi. Nonstandard due to ATC requirement.
All turns to be made on E side of course.
Minimum altitude over facility on final approach crs, 3300'.
Crs and distance, facility to airport, 144°—5.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles, climb to 4100' on BGS VOR R-144 within 20 miles.
AIR CARRIER NOTE: Procedure may be authorized for carriers having approval of their arrangement for use of the communications and weather service at this airport.
NOTES: Weather and communications service not available to general public at Howard County Airport. Prior ATC approval reqnired in using this facility. Pilots using this approach shall, as soon as practicable, advise Webb Approach Control when contact or executing a missed approach.
*Alternate usage authorized for air carriers only.

City, Big Spring; State, Tex.; Airport Name, Howard County; Elev., 2563'; Fac. Class., BVOR; Ident., BGS; Procedure No. 1, Amdt 3; Eff. Date, 30 June 62; Sup Amdt. No. 2; Dated, 8 July 61

CNU-LFR	CNU-VOR	Direct	2600	T-dn	300-1	NA	NA
				C-d	500-1	NA	NA
				C-n	500-1¾	NA	NA
				A-dn	800-2	NA	NA

Procedure turn S side of crs, 235° Outbnd, 055° Inbnd, 2600' within 10 mi.
Minimum altitude over facility on final approach crs, 2100'.
Crs and distance, facility to airport, 055°—5.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles, execute immediate right turn, climbing to 2600'. Return to CNU VOR and hold on R-235.
CAUTION: 1450' tower 5.5 mi W of airport. 1270' unlighted stack 2.0 mi N of airport. 1172' tower 1.0 mi E of airport.

City, Chanute; State, Kans.; Airport Name, Municipal; Elev., 1001'; Fac. Class., BVOR; Ident., CNU; Procedure No. 1, Amdt. 1; Eff. Date, 30 June 62; Sup. Amdt. No. Orig.; Dated, 19 Sept. 59

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Goodsprings RBn	LAS-VOR	Direct	7000	T-dn	300-1	300-1	200-½
Las Vegas RBn	LAS-VOR	Direct	5100	C-dn	600-1	600-1	600-1½
Las Vegas RBn	LAS-VOR (Final)	Direct	*2800	A-dn	800-2	800-2	800-2
Kids Int	LAS-VOR	Direct	5100				
Erie Int	LAS-VOR	Direct	6100				
Boulder City Int	LAS-VOR	Direct	6000				
Jean Int	LAS-VOR	Direct	6700				
Charleston Int	LAS-VOR	Direct	5100				

Procedure turn E side of crs, 013° Outbnd, 193° Inbnd, 5100′ within 15 miles (within 5 miles LAS RBn).
*Minimum altitude over LAS RBn on final approach crs, 4600′; over VOR on final approach crs, 2800′.
Facility at airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn left, climb to 6000′ on R-065 within 15 miles or, when directed by ATC, climb to 6000′ on R-210 within 10 miles. All turns S of crs.
CAUTION: 4054′ terrain 4 miles SE of RBn.
*Descent below 4600′ authorized only if position over RBn positively determined inbound on final approach.

City, Las Vegas; State, Nev.; Airport Name, McCarran Field; Elev., 2171′; Fac. Class., BVORTAC; Ident., LAS; Procedure No. 1, Amdt. 13; Eff. Date, 30 June 62; Sup. Amdt. No. 12; Dated, 16 Sept. 61

Midland LFR	MAF-VOR	Direct	4200	T-dn	300-1	300-1	*200-½
Midland LOM	MAF-VOR	Direct	4200	C-dn	400-1	500-1	500-1½
Midland RBn	MAF-VOR	Direct	4500	S-dn-16R	400-1	400-1	400-1
Tarzan Int	MAF-VOR	Direct	4100	A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 360° Outbnd, 180° Inbnd, 4100′ within 10 miles. Nonstandard due to ATC requirements.
All turns to be made on E side of crs.
Minimum altitude over facility on final approach crs, 3900′.
Crs and distance, facility to airport, 180°—3.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles, climb to 4200′ on R-180 within 20 miles.
CAUTION: 4049′ msl TV tower 9.5 mi NW and 3356′ msl tower 5.5 mi NE of Midland Airport.
*300-1 required on Runways 16L and 34R.

City, Midland; State, Tex.; Airport Name, Midland-Air Terminal; Elev., 2867′; Fac. Class., BVOR; Ident., MAF; Procedure No. 1; Amdt. 9; Eff. Date, 30 June 62; Sup. Amdt. No. 8; Dated, 25 Nov. 61

4. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Lakeview Int or 30 mi DME Fix	Kids Int	Direct	5000	T-dn	300-1	300-1	200-½
Kids Int or 12.8 mi DME Fix	Sunrise Int* (Final)	Direct	3500	C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 065° Outbnd, 245° Inbnd, 5000′ within 10 mi of Sunrise Int.*
Minimum altitude over Sunrise Int* on final approach crs, 3500′.
Crs and distance, Sunrise Int* to airport, 245°—4.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn left and climb to 5000′ on R-065 to Kids Int or 12.8 mi DME Fix.
*Simrise Int: Int LAS R-065 and 346° brng to LAS RBn or 4.4-mile DME fix.

City, Las Vegas; State, Nev.; Airport Name, McCarran Field; Elev., 2171′; Fac. Class., BVORTAC; Ident., LAS; Procedure No. 2, Amdt. 1; Eff. Date, 30 June 62; Sup. Amdt. No. Orig.; Dated, 24 June 61

Deer Park VOR	23-mi DME Fix R-105	Via 23-mi orbit (clockwise).	3000	T-dn	300-1	300-1	300-1
				C-dn	600-1	600-1	600-1½
Sandy Hook VHF Int	19-mi DME Fix R-105	Via 19-mi orbit (counter clockwise).	2000	A-dn	800-2	800-2	800-2

Terminal area radar transitions authorized from R-030 through R-210 IDL-VOR, 1500′ within 20 miles; 2500′ within 25 miles.
Procedure turn NA. Radar vectors to final approach required.
Minimum altitude on approach radial 19-mile DME fix to 6-mile DME fix R-105, 1800′; 6-mile DME fix to 5-mile DME fix R-105, 1500′; 5-mile DME fix to 4-mile DME fix R-105, 1200′; 4-mile DME fix to 3-mile DME fix R-105, 900′; 3-mile DME fix to 2-mile DME fix R-105, 600′.
Crs and distance, breakoff point to approach end of Runway 31R, 312°—1.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing IDL-VOR, make left climbing turn to 2000′ on R-190 IDL-VOR and proceed to Sandy Hook VHF Int. Hold at Sandy Hook VHF Int, right turns, 1-minute, 010° Inbnd.
NOTE: DME fixes are line of sight.
AIR CARRIER NOTE: Sliding scale not authorized.

City, New York; State, N.Y.; Airport Name, International; Elev., 12′; Fac. Class., BVORTAC; Ident., IDL; Procedure No. VOR/DME No. 2, Amdt. Orig.; Eff. Date, 30 June 62

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
LIT VOR	Stack Int*	Direct	1500	T-dn	300-1	300-1	**200-½
Front Crs Localizer	Stack Int*	Direct	1500	C-dn	500-1	600-1	600-1½
Radar Vector	6 NM Fix	Direct	1500	S-dn-22	500-1	500-1	500-1
6 NM Fix	Stack Int* (Final)	Direct	800	A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 040° Outbnd, 220° Inbnd, 1500′# within 10 mi of Stack Int.*
Minimum altitude over Stack Int* on final approach crs, 800′.
Crs and distance, Stack Int* to airport, 220°—1.7 NM.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ on the localizer front course within 20 mi.
*Stack Int back crs I-LIT localizer—345 rad LIT or 2 NM radar fix.
**300-1 required for takeoff on Runways 17, 35, 32.
#Without radar vectoring dual omnirange receivers required. Descent below 1500 NA until well established on localizer crs—Inbound.

City, Little Rock; State, Ark.; Airport Name, Adams Field; Elev., 257′; Fac. Class., ILS; Ident., I-LIT; Procedure No. ILS-22, Amdt. Orig.; Eff Date, 30 June 62

Midland VOR	LOM	Direct	4500	T-dn	300-1	300-1	*200-½
Watson Int#	LOM	Direct	4500	C-dn	400-1	500-1	500-1½
Penwell Int	Watson Int#	Direct	4500	S-dn-4**	200-½	200-½	200-½
Pipe Line Int	LOM	Direct	5000	A-dn	600-2	600-2	600-2
Johnson Int	LOM	Direct	4500				
Goldsmith Int	LOM	Direct	4500				

Procedure turn S side SW crs, 223° Outbnd, 043° Inbnd, 4500′ within 10 mi.
Minimum altitude at glide slope int inbnd, 4100′.
Altitude of glide slope and distance to approach end of runway at OM—4010′—4.1 mi; at MM—3070′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 4400′ on NE crs ILS within 20 miles or, when directed by ATC, (1) turn right, climb to 4200′ on R-150 within 20 miles or (2) climb to 4200′ on SE crs MF LFR within 20 miles.
CAUTION: 4049′ msl TV tower 9.5 mi NW and 3356′ msl tower 5.5 mi NE of Midland Airport.
*300-1 required Runways 16L and 34R.
**400-¾ required when glide slope not utilized.
#Watson Int: Int SW crs MAF ILS and R-097 Wink VOR.

City, Midland; State, Tex.; Airport Name, Midland-Air Terminal; Elev., 2867′; Fac. Class., ILS; Ident., I-MAF; Procedure No. ILS-4, Amdt. 12; Eff. Date, 30 June 62; Sup. Amdt. No. 11; Dated, 25 Nov. 61

Midland VOR	Radio Int#	Direct	4200	T-dn	300-1	300-1	*200-½
Int NE crs ILS and R-075 HGS-VOR	Tank Farm Int##	Direct	5000	C-dn	400-1	500-1	500-1½
Tank Farm Int##	Radio Int (Final)	Direct	3900	S-dn-22	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of NE crs of ILS, 043° Outbnd, 223° Inbnd, 4400′ within 10 mi of Radio Int.#
No glide slope. Altitude over Radio Int, 3900′; crs and distance, Radio Int to airport, 223°—3.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles, climb to 4500′ on SW crs ILS within 20 miles or, when directed by ATC, climb to 4200′ on R-150 MAF or climb to 4200′ on SE crs of MF-LFR within 20 mi.
CAUTION: 4049′ msl TV tower 9.5 mi NW and 3356′ msl tower 5.5 mi NE of Midland Airport.
*300-1 required Runways 16L and 34R.
#Radio Int: Int NE crs ILS and R-117 MAF.
##Tank Farm Int: Int NE crs ILS and R-073 MAF VOR.

City, Midland; State, Tex.; Airport Name, Midland-Air Terminal; Elev., 2867′; Fac. Class., ILS; Ident., I-MAF; Procedure No. ILS-22, Amdt. 7; Eff. Date, 30 June 62 Sup. Amdt. No. 6; Dated, 12 May 62

Sandy Hook VHF Int	Scotland RBn	Direct	1500	T-dn*	300-1	300-1	200-½
Scotland RBn	LOM (Final)	Direct	1000	C-dn	500-1	500-1	500-1½
Sandy Hook VHF Int (19 mi DME Fix)	ILS SW crs (19 mi DME Fix Idlewild VOR R-224).	19 mi clockwise arc.	2000	S-dn-4R**	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2
ILS SW crs (19 mi DME Fix Idlewild VOR R-224).	LOM	Direct	1200				
Radar Terminal Area Transitions	All directions	Within 25 mi	2500				
	E of NE-SW crs of LGA-LFR	Within 15 mi	1500				

Procedure turn S side of crs, 223° Outbnd, 043° Inbnd, 1200′ within 10 mi of LOM.
Minimum altitude at glide slope int inbnd, 1000′.
Altitude of glide slope and distance to approach end of runway at OM, 747′—2.6 mi; at MM, 209′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 500′ on NE crs of ILS, then make a climbing right turn to 3000′ on IDL R-077 to Deer Park VHF Int (23-mi DME fix). Hold East 1-minute left turns, inbnd crs 257°.
CAUTION: Circling landing minimums do not provide standard clearance over airport control tower and stack 278′ MSL 1.7 mi SSE of airport.
NOTE: DME Fixes—Line of Sight.
*Runway visual range 2000′ is authorized for takeoff on Runway 4R and RVR 2600′ on Runway 31L in lieu of 200-½ when 200-½ authorized; provided associated high intensity runway lights are operational.
**Runway Visual Range 2000′ also authorized for landing on Runway 4R; provided that all components of the ILS, high-intensity runway lights, approach lights, condenser-discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 212′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
AIR CARRIER NOTE: Runway visual range minimums for takeoff on Runway 31L restricted to RVR 2600′. Provisions of Operations Specifications in Domestic and U.S. Flag paragraph 28(b) and Foreign Flag Air Carrier paragraph 27(b) regarding reduction of RVR minimums not applicable.

City, New York; State, N.Y.; Airport Name, International; Elev., 12′; Fac. Class., ILS; Ident., I-IDL; Procedure No. ILS-4R, Amdt. 4; Eff. Date, 30 June 62; Sup. Amdt. No. 3; Dated, 11 Jan. 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
RKS-LFR	LOM	Direct	9200	T-dn	300–1	300–1	*200–½
Point of Rocks FM	LOM	Direct	9200	C-dn	400–1	500–1	500–1½
RKS-VOR	LOM	Direct	9200	S-dn-25**	300–¾	300–¾	300–¾
				A-dn#	600–2	600–2	600–2

Procedure turn N side E crs, 074° Outbnd, 254° Inbnd, 9200′ within 10 mi of LOM.
Minimum altitude at glide slope int inbnd, 8700′.
Altitude of glide slope and distance to approach end of runway at OM 7850′—3.9 mi, at MM 6950′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 10,000′ on W crs of RK–LFR within 10 mi or, when directed by ATC, climb to 10,000′ on R–243 RKS–VOR within 10 miles.
AIR CARRIER NOTES: Sliding scale not authorized. Night operations authorized for Runways 7–25 only.
*300–1 required for takeoff with any component of the ILS inoperative.
**Ctrcling minimums are required for straight-in approach with any component of the ILS inoperative.
#800–2 required if any component of the ILS is inoperative.

City, Rock Springs; State, Wyo.; Airport Name, Municipal; Elev., 6752′; Fac. Class., ILS; Ident., I–RKS; Procedure No. ILS–25, Amdt. 11; Eff. Date, 30 June 62; Sup. Amdt. No. 10; Dated, 2 Jan. 60

				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-16R	300–1	300–1	300–1
				A-dn	600–2	600–2	600–2

Radar transitions and vectoring utilizing Salt Lake City Radar are authorized in accordance with approved radar patterns.
Procedure turn NA.
Minimum altitude over Lake Radar Fix, 6000′.
Crs and distance Lake Radar Fix to airport, 158°—6.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing Lake Radar Fix, make a climbing right turn, climb on SLC–VOR R–248 or on W crs SC LFR to 9000′ within 20 mi.
NOTES: Glide slope use not authorized. If radar contact not established or radar inoperative, execution of this procedure not authorized.

City, Salt Lake City; State, Utah; Airport Name, Salt Lake City No. 1; Elev., 4226′; Fac. Class., ILS; Ident., I–SLC; Procedure No. ILS–16R, Amdt. 1; Eff. Date, 30 June 62; Sup. Amdt. No. Orig.; Dated, 12 May 62

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on May 28, 1962.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 62–5350; Filed, June 26, 1962; 8:45 a.m.]

[Reg. Docket No. 1245; Amdt. 275]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots

PROCEDURE CANCELLED, EFFECTIVE JULY 7, 1962, OR UPON DECOMMISSIONING OF LFR FACILITY.

City, Chicago; State, Ill.; Airport Name, Midway; Elev., 618′; Fac. Class., SBRAZ; Ident., MDW; Procedure No. 1, Amdt. 10; Eff. Date, 27 May 61; Sup. Amdt. No. 9; Dated, 27 Dec. 58

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Scarsdale Int	LA–LFR (Final)	Direct	*1500	T-dn#	300–1	300–1	200–½
				C-dn#	700–1	700–2	700–2
				S-dn-22#%%	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar vectors may be substituted for the above transition.
Procedure turn N side NE crs, 043° Outbnd, 223° Inbnd, 1900′ within 10 mi.
Minimum altitude over facility on final approach crs, **1500′ (**1000′ authorized after New Rochelle MHW).
Crs and distance, facility to airport, 223°—2.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles after passing LaGuardia LFR, climb to 2500′ on SW crs LaGuardia LFR to Coney Island Int. Hold Coney Island Int right turns, 1-minute, 043° Inbnd.
CAUTION: Standard clearance not provided over obstructions in final approach area and in missed approach area. Bridge towers 383′ msl 2.5 mi NE; tank 122′ msl 2 mi North.
NOTE: LaGuardia LFR must be monitored aurally if ADF approach is made on this procedure.
*If New Rochelle MHW not received, straight-in minimums not authorized.
%Descent to landing minimums authorized only after passing LaGuardia LFR.
¢Takeoff minimums for Runways 4 and 31 will not be less than 200–1 during periods when tower advisories indicate presence of surface ships in channel.
#AIR CARRIER NOTE: Sliding scale not authorized for landings on Runways 13, 31, and 22.

City, New York; State, N.Y.; Airport Name, LaGuardia; Elev., 20′; Fac. Class., SABRAZ; Ident., LA; Procedure No. 1, Amdt. 12; Eff. Date, 7 July 62; Sup. Amdt. No. 11 Dated, 31 Mar. 62

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
ABQ VOR	ABQ SABH	Direct	8000	T-dn	300–1	300–1	200–½
BLN RBN	ABQ SABH	Direct	7000	C-dn	400–1	500–1	500–1½
Coyote Int	ABQ SABH	Direct	10000	S-dn-35*	400–1	400–1	500–1½
Dalles Int	ABQ SABH	Direct	7000	A-dn	800–2	800–2	800–2
Valencia Int	ABQ SABH	Direct	7000				

Radar transitions and vectoring using Albuquerque Radar authorized in accordance with approved radar patterns.
Procedure turn West side of crs, 175° Outbnd, 355° Inbnd, 7000′ within 10 mi. Nonstandard due high terrain East side.
Minimum altitude over facility on final approach crs, 6000′.
Crs and distance, facility to airport, 355°—2.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 miles, make a left climbing turn, climb to 8000′ on 260° course direct to Albuquerque VOR or, when directed by ATC, turn left and climb to 8000′ on 260° course within 20 miles.
CAUTION: Terrain exceeding 8000′ in east quadrants; make all turns to west side of 175°–355° courses.
*Runway 35–17 limited to aircraft of 33000 lbs. gross weight, or less.

City, Albuquerque; State, N. Mex.; Airport Name, Kirtland AFB/Municipal; Elev., 5352′; Fac. Class., SABH; Ident., ABQ; Procedure No. 1, Amdt. Orig.; Eff. Date, 7 July 62

HQU VOR	AAP MH	Direct	1800	T-dn	300–1	NA	NA
Fairbanks Int	AAP MH	Direct	1800	C-dn	600–1	NA	NA
Arcola Int	AAP MH	Direct	2100	A-dn	NA	NA	NA
Rosenberg Int	AAP MH	Direct	1500				
Cypress Int	AAP MH	Direct	1500				
HOU RBn	AAP MH	Direct	1800				
Radar vectoring position	AAP MH	Direct	1500				

Houston Radar terminal area transition altitude 2300′ within 20 miles of radar site.
Radar vectoring authorized in accordance with approved patterns.
Procedure turn West side of crs, 344° Outbnd, 164° Inbnd, 1500′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs 800′.
Crs and distance, facility to airport, 165°—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.4 mile, turn right, climb to 2000′ on crs of 270° from the AAP MH within 10 miles.
NOTES: No weather service. Unicom 24 hours 122.8 and 122.1. Procedure NA for air carrier. Runways 50′ wide. Private facility approved for public use.

City, Alief; State, Tex.; Airport Name, Andrau Airpark; Elev., 80′; Fac. Class., MHW; Ident., AAP; Procedure No. 1, Amdt 3.; Eff. Date, 7 July 62; Sup. Amdt. No. 2; Dated, 7 Apr. 62

Amarillo VOR	AMA SABH	Direct	4800	T-dn	300–1	300–1	200–½
AM LOM	AMA SABH	Direct	5000	C-dn	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns and procedures.
Procedure turn East side of crs, 360° Outbnd, 180° Inbnd, 4900′ within 10 mi.
Minimum altitude over facility on final approach crs, 4400′.
Crs and distance, facility to airport, 109°—1.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.3 miles, turn right, climb to 5000′ on 130° magnetic course from AMA SABH within 20 miles.
CAUTION: 3764′ MSL grain elevator located adjacent to SW boundary of airport.

City, Amarillo; State, Tex.; Airport Name, Amarillo AFB/Municipal; Elev., 3604′; Fac. Class., SABH; Ident., AMA; Procedure No. 1, Amdt. Orig.; Eff. Date, 7 July 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Rosedale Int	Kitsap RBn (Final)	Direct	1100	T-dn	500-1	500-1	500-1
Burton Int	Kitsap RBn	Direct	3000	C-dn	600-1	600-1	600-1½
Vashon Int	Kitsap RBn	Direct	3000	A-dn*	NA	NA	NA
SEA VOR	Kitsap RBn	Direct	3000				
SJ LFR	Kitsap RBn	Direct	3000				
Lofall Int	Kitsap RBn	Direct	3000				

Radar transitions and vectoring to final approach crs using Seattle-Tacoma Radar authorized in accordance with approved radar patterns.
Procedure turn West side crs, 152° Outbnd, 332° Inbnd, 1600' within 10 mi.
Facility on airport.
Minimum altitude over facility on final approach crs, 1100'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mi, make immediate right turn, climb to 2000' on crs 152° from Kitsap RBn within 10 mi.
CAUTION: 1761' MSL terrain 2.5 mi N of airport. Military Climb Corridor (R-6711) overlies Rosedale Int.
*No weather service. Air Carrier use NA. Contact Seattle FSS for weather information prior to executing this approach procedure.

City, Bremerton; State, Wash.; Airport Name, Kitsap County; Elev., 482'; Fac. Class., MHW; Ident., PWT; Procedure No. 1, Amdt. Orig.; Eff. Date, 7 July 62

Wolcottsville Int	LOM (Final)	Direct	1500	T-dn	300-1	300-1	200-½
Buffalo VOR	LOM	Direct	1900	C-dn	500-1	500-1	500-1½
Buffalo MHW	LOM	Direct	2000	S-dn-23	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn North side of crs, 052° Outbnd, 232° Inbnd, 1900' within 10 miles.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 232°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000' on 232° crs from LOM within 10 miles, make left turn direct to BU LOM. Hold on BU LOM, right turns, 1 minute, 232° Inbnd.

City, Buffalo; State, N.Y.; Airport Name, Greater Buffalo International; Elev., 711'; Fac. Class., LOM; Ident., BU; Procedure No. 1, Amdt. 2; Eff. Date, 7 July 62; Sup. Amdt. No. 1; Dated, 17 Feb. 62

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-5	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn South side of crs, 230° Outbnd, 050° Inbnd, 2000' within 10 miles of Cheektowaga FM.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 055°—2.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing Cheektowaga FM, proceed direct to BUF MHW at 2000'. Hold BUF MHW, right turns, 1 minute, 230° Inbnd.

City, Buffalo; State, N.Y.; Airport Name, Greater Buffalo International; Elev., 711'; Fac. Class., MHW; Ident., BUF; Procedure No. 3, Amdt. 2, Eff. Date, 7 July 62; Sup. Amdt. No. 1; Dated, 7 Oct. 61

Columbus LFR	LOM	Direct	2200	T-dn	300-1	300-1	200-½
Columbus VOR	LOM	Direct	2200	C-dn	500-1	500-1	500-1½
Geneva Int	LOM	Direct	2200	S-dn-5	500-1	500-1	500-1
Marvyn Int	LOM	Direct	2200	A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 232° Outbnd, 052° Inbnd, 2200' within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 2100' over LOM.
Crs and distance, facility to airport, LOM 5.9—052.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 miles, climb to 2000' on course of 052° within 20 miles or, when directed by ATC, climb to 2200', turn left and return direct to LOM.
CAUTION: Tower 1049' 1 mile NW of LOM.

City, Columbus; State, Ga.; Airport Name, Muscogee County; Elev., 397'; Fac. Class., LOM; Ident., CS; Procedure No. 1, Amdt. 8; Eff. Date, 7 July 62; Sup. Amdt. No. 7; Dated, 7 Jan. 61

CMH Rbn	CM LOM	Direct	2500	T-dn	300-1	300-1	200-½
APE-VOR	CM LOM	Direct	2500	C-dn	500-1	500-1	500-1½
				S-dn-27L	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 096° Outbnd, 276° Inbnd, 2500' within 10 miles.
Minimum altitude over facility on final approach crs, 2500'.
Crs and distance, facility to airport, 276°—5.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing LOM, climb to 2500', proceed to CB LOM, hold West 1-minute right turns.

City, Columbus; State, Ohio; Airport Name, Port Columbus; Elev., 816'; Fac. Class., LOM; Ident., CM; Procedure No. 1, Amdt. 1; Eff. Date, 7 July 62; Sup. Amdt. No. Orig.; Dated, 1 Oct. 60

APE-VOR	CB LOM	Direct	2500	T-dn	300-1	300-1	200-½
CM LOM	CB LOM	Direct	2500	C-dn	500-1	500-1	500-1½
				S-dn-9R	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns. When used in lieu of procedure turn, alignment on final approach heading within 10 mi of CB LOM is required.
Procedure turn S side of crs, 280° Outbnd, 100° Inbnd, 2500' within 10 mi of CB LOM.
Minimum altitude over facility on final approach crs, 2500'.
Crs and distance, facility to airport, 100°—5.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 mi after passing CB LOM, climb on a heading of 096° to 2500' and proceed to CM LOM, hold East, 1-minute right turns.

City, Columbus; State, Ohio; Airport Name, Port Columbus; Elev., 816'; Fac. Class., LOM; Ident., CB; Procedure No. 2, Amdt. 1; Eff. Date, 7 July 62; Sup. Amdt. No. Orig.; Dated, 7 April 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
CVG VOR	LOM	Direct	2000	T-dn	300-1	300-1	200-½
New Baltimore Int	LOM	Direct	2300	C-dn	400-1	500-1	500-1½
Cincinnati LFR	LOM	Direct	2700	S-dn-36	400-1	400-1	400-1
Dry Ridge	Union Int	Direct	2000	A-dn	800-2	800-2	800-2
Grant Lick	Union Int	Direct	2000				
Union Int	LOM (Final)	Direct	1500				

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn E side of crs, 180° Outbnd, 360° Inbnd, 2000' within 10 mi.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 360°—3.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 mi after passing LOM, climb to 2300' on bearing 360° from LOM to New Baltimore Int or, when directed by ATC, make a left climbing turn, climb to 2300' on crs of 285° from LMM within 15 mi.

City, Covington; State, Ky.; Airport Name, Greater Cincinnati; Elev., 890'; Fac. Class., LOM; Ident., CV; Procedure No. 1, Amdt. 15; Eff. Date, 7 July 62; Sup. Amdt. No. 14; Dated, 28 April 62

Buffalo VOR	IA LOM	Direct	2000	T-dn	300-1	300-1	*200-½
Buffalo RBn	IA LOM	Direct	2000	C-dn	500-1	500-1	500-1½
Int SE crs Toronto LFR and brng 097° to LOM.	IA LOM	Direct	1800	S-dn-28R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
Wolcottsville Int	IA LOM (Final)	Direct	1800				

Radar transitions and vectoring from Buffalo Radar authorized in accordance with approved radar patterns.
Procedure turn North side of crs, 097° Outbnd, 277° Inbnd, 1800' within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 1300'.
Crs and distance, facility to airport, 277°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, climb straight ahead on course 277° to 2000' within 10 miles, then make right turn and return to the LOM. Hold East 1-minute right turns, inbnd crs 277°.
*300-1 required on Runways 10R, 28L, 18, and 36.

City, Niagara; State, N.Y.; Airport Name, Niagara Falls Municipal; Elev., 590'; Fac. Class., LOM; Ident., IA; Procedure No. 1, Amdt. 6; Eff. Date, 7 July 62; Sup. Amdt. No. 5; Dated, 26 May 62

Corinne FM-HW	OGD RBn	Direct	8000	T-dn	300-1	300-1	200-½
OGD VOR	OGD RBn	Direct	7000	C-dn	400-1	500-1	500-1½
Layton FM	OGD RBn	Direct	6500	A-dn	800-2	800-2	800-2
Huntsville FM	OGD RBn	Direct	11000				
Promontory Point Int	OGD RBn	Direct	7000				

Radar transitions and vectoring utilizing Hill Radar are authorized with approved radar patterns.
Procedure turn S side of crs, 287° Outbnd, 107° Inbnd, 7000' within 10 miles.
Minimum altitude over facility on final approach crs, 5300'.
Crs and distance, facility to airport, 107°—3.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing OGD RBn, turn right immediately and climb to 7000' on crs of 287° from OGD RBn within 10 miles.

City, Ogden; State, Utah; Airport Name, Municipal; Elev., 4455'; Fac. Class., SABII; Ident., OGD; Procedure No. 1, Amdt. 1; Eff. Date, 7 July 62; Sup. Amdt. No. Orig.; Dated, 30 Sept. 61

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
CP RBn	CRP VOR	Direct	2000	T-dn	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				S-dn	700-1	700-1	700-1
				A-dn	800-2	800-2	800-2

Radar terminal transition altitude 1500' within 20 miles. Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of tower 792' msl 6 miles West of airport.
Radar coverage extends from radar site clockwise between the 230° to the 030° bearings.
Procedure turn W side of crs, 011° Outbnd, 191° Inbnd, 2000' within 10 mi.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 191°—7.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.9 miles, turn left, climb to 1500' on R-045 within 20 miles or, when directed by ATC, turn right, climb to 1800' on R-227 CRP-VOR within 20 miles.

City, Corpus Christi; State, Tex.; Airport Name, International; Elev., 44'; Fac. Class., BVORTAC; Ident., CRP; Procedure No. 1, Amdt. 6; Eff. Date, 7 July 62; Sup. Amdt. No. 5; Dated, 5 May 62

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
New Baltimore Int	CVG-VOR	Direct	2300	T-dn	300-1	300-1	200-½
Cincinnati LFR	CVG-VOR	Direct	2700	C-dn	400-1	500-1	500-1½
Grants Lick Int	CVG-VOR	Direct	2300	S-dn-4	400-1	400-1	400-1
Union Int	CVG-VOR	Direct	2000	A-dn	800-2	800-2	800-2
Dry Ridge Int	CVG-VOR	Direct	2000				

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn E side of crs, 223° Outbnd, 043° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 043°—2.3 mi.
If visual contact not established upon decent to authorized landing minimums or if landing not accomplished within 2.3 mi., climb to 2700′ on R-043 within 10 miles or, when directed by ATC, make a left climbing turn and return direct to Cincinnati VOR.
NOTE: Radar may be used to position aircraft to final approach course inbound within 5 miles SW of the station with elemination of procedure turn. No radar monitoring during approach from radar fix (5 mi) to airport.

City, Covington; State, Ky.; Airport Name, Greater Cincinnati; Elev., 890′; Fac. Class., BVOR; Ident., CVG; Procedure No. 1, Amdt. 5; Eff. Date, 7 July 62; Sup. Amdt. No. 4; Dated, 30 Sept. 61.

Radar Transitions to Cincinnati VOR R-043 conducted in accordance with established surveillance patterns for Runway 22.				T-dn	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				S-dn-22	700-1	700-1	700-1
				A-dn	800-2	800-2	800-2

Radar transitions and vectoring authorized in accordance with approved radar patterns.
No procedure turn. Inbnd crs 223°.
Facility is not crossed. Minimum altitude on final to 5-mile fix (radar), 2700′. Descend to landing minimums after passing 5-mile fix (radar).
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing radar fix, climb to 2000′ on heading 223° to Cincinnati VOR. Hold on Cincinnati VOR R-223 at 2000′ within 10 miles.
NOTE: This procedure authorized only in conjunction with airport surveillance radar. No altitude or range information given between radar 5 mi fix and airport.

City, Covington; State, Ky.; Airport Name, Greater Cincinnati; Elev., 890′; Fac. Class., BVOR; Ident., CVG; Procedure No. 2, Amdt. 2; Eff. Date, 7 July 62; Sup. Amdt. No. 1; Dated, 4 June 60

MYR-VOR	Skipper Int* (Final)	Direct	700	T-dn	300-1	300-1	200-½
				C-d	700-1	700-1	700-1½
				C-n	700-2	700-2	700-2
				S-d-5	700-1	700-1	700-1
				S-n-5	700-2	700-2	700-2
				A-dn#	800-2	800-2	800-2
				If aircraft equipped with VOR and ADF receivers operating normally and Skipper Int* received, the following minimums are authorized:			
				C-dn	400-1	500-1	500-1½
				S-dn-5	400-1	400-1	400-1

Procedure turn West side of crs, 241° Outbnd, 061° Inbnd, 1200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′; over Skipper Int, 700′.
Crs and distance, facility to airport, 061°—9.2 mi; Skipper Int* to airport, 061°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing Skipper Int* or 9.5 miles after passing MYR-VOR, climb to 1500′ on R-056 of MYR-VOR or, when directed by ATC, turn left, climb to 1500′ and proceed to MYR-VOR via MYR R-061.
NOTE: Procedure may be authorized for air carriers having approval of their arrangement for communications and weather service at this airport.
*Skipper Int: Int MYR-VOR R-061 and 123° crs from MTL "H".
#Alternate usage authorized for air carrier only.

City, Crescent Beach; State; S.C.; Airport Name, Crescent Beach/Myrtle Beach; Elev. 32′; Fac. Class., BVOR; Ident., MYR; Procedure No. 1, Amdt. 2; Eff. Date, 7 July 62; Sup. Amdt. No. 1; Dated, 23 June 62

FN RBn	FAT-VOR	Direct	1700	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-11	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn West side of crs, 312° Outbnd, 132° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 134°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing FAT-VOR, climb to 2000′ on R-126 FAT-VOR within 20 miles.

City, Fresno; State, Calif.; Airport Name, Fresno Air Terminal; Elev., 331′; Fac. Class., BVORTAC; Ident., FAT; Procedure No. 1, Amdt. 2; Eff. Date, 7 July 62; Sup. Amdt. No. 1; Dated, 21 Apr. 62

SAT-VOR	Stinson VOR	Direct	2300	T-dn	300-1	300-1	NA
McCoy Int	Stinson VOR	Direct	2300	C-dn	500-1	500-1	NA
Losoya Int	Stinson VOR	Direct	2300	S-dn-32#	400-1	400-1	NA
				A-dn	800-2	800-2	NA

Procedure turn East side of crs, 157° Outbnd, 337° Inbnd, 2300′ within 10 mi.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 337°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles, turn left, climb to 2300′ on R-174 SAT-VOR to Losoya Int. Hold South on R-174 SAT-VOR, left turns, 1 minute, 2300′.
NOTES: Night operation authorized Runway 14-32 only. Control zone effective between 0700–2300 c.s.t.
CAUTION: 2049′ TV tower 11 mi ESE of Stinson Field.
#Straight-in minimums NA unless position is established over the (1) LVR R-240, or (2) SOT R-057 on final approach.

City, San Antonio; State, Tex.; Airport Name, Stinson Field; Elev., 567′; Fac. Class., VORW; Ident., SSF; Procedure No. 1, Amdt. 3; Eff. Date, 7 July 62; Sup. Amdt. No. 2; Dated, 24 Mar. 62

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Cotton Int#	MGR-VOR	Direct	1600	T-dn	300-1	300-1	200-½
				C-dn	1000-3	1000-3	1000-3
				A-dn*	NA	NA	NA

Procedure turn West side of crs, 018° Outbnd, 198° Inbnd, 1600′ within 10 mi.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 018°—11.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing MGR-VOR, make left turn, climb to 1500′ on R-090 within 20 miles and contact Valdosta Approach Control.
NOTES: Aircraft will not enter IFR conditions without prior approval of ATC. Pilot will close IFR flight plan with Valdosta Approach Control or Valdosta, Ga., FSS when reaching VFR conditions on approach, and will proceed VFR from contact point (6 mi. after passing MGR-VOR) to airport.
*No weather available to public. Alternate minima NA.
#Cotton Int: Int ABY-VOR R-151 and MGR-VOR R-270.

City, Thomasville; State, Ga.; Airport Name, Municipal; Elev., 264′; Fac. Class., LBVOR; Ident., MGR; Procedure No. 1, Amdt. Orig.; Eff. Date, 7 July 62

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Snake Int	AIA VOR	Direct	5200	T-dn	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				S-dn-30	700-1	700-1	700-1
				A-dn*	NA	NA	NA

Procedure turn E side of crs, 133° Outbnd, 313° Inbnd, 5200′ within 10 mi.
Facility on airport.
Minimum altitude over facility on final approach course, 4600′.
Crs and distance, breakoff point to approach end of Runway 30, 301°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing AIA VOR, make right climbing turn to 5200′ and proceed to the VOR.
NOTE: Facility monitored Category III 2100 to 0600 local. Receivers remoted from Alliance VOR to Scottsbluff FSS.
*AIR CARRIER NOTE: Alternate minimums of 800-2 authorized for air carriers with weather reporting service at the airport.

City, Alliance; State, Nebr.; Airport Name, Alliance Municipal; Elev., 3930′; Fac. Class., L-VOR; Ident., AIA; Procedure No. TerVOR-30, Amdt. Orig.; Eff. Date, 7 July 62

Seaside Int	AST VOR	Direct	2300	T-dn	300-1	300-1	200-½
				C-dn	1200-1	1200-1	1200-1½
				A-dn	1200-2	1200-2	1200-2

Procedure turn W side crs, 306° Outbnd, 126° Inbnd, 2300′ within 10 mi. NA beyond 10 mi.
Facility on airport.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, breakoff point to approach end of Runway 13, 132°—0.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn right, climb to 2300′ on R-306 within 10 mi.

City, Astoria; State, Oreg.; Airport Name, Clatsop County; Elev., 11′; Fac. Class., M-BVOR; Ident., AST; Procedure No. TerVOR-13, Amdt. 2; Eff. Date, 7 July 62; Sup. Amdt. No. 1; Dated, 3 Mar. 62

Stanne Int (Final)*	BDR-VOR	Direct	#600	T-dn	300-1	300-1	200-½
				C-dn#	600-1	600-1	600-1½
				S-dn-6#	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 242° Outbnd, 062° Inbnd, 1500′ within 10 miles of BDR-VOR.
Minimum altitude until over Stanne Int* on final approach crs, #700.
Crs and distance, Stanne Int* to airport, 062°—3.9 mi.
Crs and distance, breakoff point to approach end of runway, 057°—0.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 1500′ on BDR-VOR R-062 within 10 miles of BDR-VOR. Then make left turn and return to BDR-VOR at 1500′. Hold BDR-VOR R-049 left turns, 1 minute, 229° Inbnd.
*Int BDR R-242 and ILT R-135.
#If Stanne Int is not received, maintain 700′ over BDR-VOR (minimums of 700-1½ will apply). **Minimums of 600 feet apply to Dual VOR equipped aircraft only.**

City, Bridgeport; State, Conn.; Airport Name, Bridgeport; Elev., 9′; Fac. Class., VOR; Ident., BDR; Procedure No. TerVOR-6, Amdt. 1; Eff. Date, 7 July 62; Sup. Amdt. No. Orig.; Dated, 4 July 59

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CRL-VOR	YIP-VOR	Direct	2300	T-dn	300–1	300–1	200–½
SVM-VOR	YIP-VOR	Direct	2300	C-dn	500–1	500–1	500–1½
Canard Int	Trenton Int*	Via YIP R-108	2300	S-dn-27L	500–1	500–1	500–1
Trenton Int*	Huron Int (Final)#	Via YIP R-108	2300	A-dn	800–2	800–2	800–2
				When radar fix is obtained in lieu of Huron Int# or when aircraft is equipped with dual VORs and Huron Int# received, following apply:			
				S-dn-27L	400–1	400–1	400–1

Radar transitions authorized in accordance with approved patterns.
Procedure turn N side of crs, 108° Outbnd, 288° Inbnd, 2300′ within 10 mi.
Minimum altitude over facility on final approach crs, 1200′; over Huron Int,# 2300′.
Crs and distance, breakoff point to Runway 27L, 272°—0.75 mi; Huron Int# to Runway 27L, 4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make right turn, climb to 2600′, proceed direct to SVM-VOR or, when directed by ATC, climb to 2400′, proceed to YI LOM.
*Trenton Int: Int YIP-VOR R-108 and CRL-VOR R-061.
#Huron Int: Int YIP-VOR R-108 and CRL-VOR R-015.

City, Detroit; State, Mich.; Airport Name, Willow Run; Elev., 716′; Fac. Class., VOR; Ident., YIP; Procedure No. Ter VOR-27L, Amdt. 1; Eff. Date, 7 July 62; Sup. Amdt. No. Orig.; Dated, 23 June 62

				T-dn	300–1	300–1	
				C-d	400–1	500–1	
				C-n	400–2	500–2	
				S-dn-31	400–1	400–1	
				A-dn	800–2	800–2	

Procedure turn N side of crs, 128° Outbnd, 308° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, breakoff point to Runway 31, 310°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing INL-VOR, make left climbing turn to 2700′ on R-128 within 10 mi.
NOTE: 122.1 and 126.7 receivers remoted from INL-VOR to MSP FSS.

City, International Falls; State, Minn.; Airport Name, International Falls Municipal; Elev., 1180′; Fac. Class., VOR; Ident., INL; Procedure No. TerVOR-31, Amdt. 2; Eff. Date, 28 June 62; Sup. Amdt. No. 1; Dated, 9 June 62

5. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
20-mile DME Fix R-250	14-mile DME Fix R-250	Direct	7000	T-dn*	300–1	300–1	200–½
14-mile DME Fix R-250	8-mile DME Fix R-250	Direct	5300	C-dn	400–1	500–1	500–1½
8-mile DME Fix R-250	0-mile DME Fix R-250	Direct	4700	S-dn-9	400–1	400–1	400–1
0-mile DME Fix R-070	3.3-mile DME Fix R-070	Direct	4000	A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 250° Outbnd, 075° Inbnd, 5300′ within 10 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 3.3-mile DME Fix R-070, climb to 5300′ on R-056 within 20 miles.
NOTE: When authorized by ATC, DME may be used within 20 miles at 7000′ to position aircraft for straight-in approach with the elimination of procedure turn.
*Takeoff below 300–1 prohibited on all runways except 9–27.

City, Billings; State, Mont.; Airport Name, Logan Field; Elev., 3606′; Fac. Class., BVORTAC; Ident., BIL; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. Date, 7 July 62

20-mile DME Fix R-080	16-mile DME Fix R-080	Direct	7000	T-dn*	300–1	300–1	200–½
16-mile DME Fix R-080	10-mile DME Fix R-080	Direct	5300	C-dn	400–1	500–1	500–1½
10-mile DME Fix R-080	5-mile DME Fix R-080	Direct	4000	S-dn-27	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 080° Outbnd, 260° Inbnd, 5300′ between 6 miles and 16 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 5-mile DME Fix R-080, climb to 5300′ on R-250 within 10 miles.
NOTE: When authorized by ATC, DME may be used within 20 miles at 7000′ to position aircraft for straight-in approach with the elimination of procedure turn.

City, Billings; State, Mont.; Airport Name, Logan Field; Elev., 3606′; Fac. Class., BVORTAC; Ident., BIL; Procedure No. VOR/DME No. 2, Amdt. Orig.; Eff. Date, 7 July 62

25-mile DME Fix R-286	15-mile DME Fix R-286	Direct	5500	T-dn	300–1	300–1	200–½
15-mile DME Fix R-286	10-mile DME Fix R-286	Direct	4000	C-dn	700–1	700–1	700–1½
10-mile DME Fix R-286	0-mile DME Fix R-286	Direct	3300	S-dn-10Land R	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 286° Outbnd, 106° Inbnd, 4200′ within 10 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 5500′ on R-111 within 10 miles. All turns south.
NOTE: When authorized by ATC, DME may be used within 20 miles at 9500′ between R-302 clockwise to R-110 and 7500′ between R-111 clockwise to R-301 to position aircraft for final approach with the elimination of procedure turn.

City, Boise; State, Idaho; Airport Name, Boise Air Terminal; Elev., 2858′; Fac. Class., BVORTAC; Ident., BOI; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. Date, 7 July 62

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
25-mile DME Fix R-111	15-mile DME Fix R-111	Direct	7500	T-dn	300–1	300–1	200–½
15-mile DME Fix R-111	7-mile DME Fix R-111	Direct	5500	C-dn	700–1	700–1	700–1½
7.0-mile DME Fix R-111	3-mile DME Fix R-111	Direct	4000	A-dn	800–2	800–2	800–2
3.0-mile DME Fix R-111	1.5-mile DME Fix R-111	Direct	3600				

Procedure turn S side of crs, 111° Outbnd, 291° Inbnd, 5500′ between 5 mi and 15 mi. High terrain north.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 1.5-mile DME Fix R-111, climb to 4200′ on R-286 within 10 miles.
NOTE: When authorized by ATC, DME may be used within 20 miles at 9500′ between R-302 clockwise to R-110 and 7500′ between R-111 clockwise to R-301 to position aircraft for final approach with the elimination of procedure turn.

City, Boise; State, Idaho; Airport Name, Boise Air Terminal; Elev., 2858′; Fac. Class., BVORTAC; Ident., BOI; Procedure No. VOR/DME No. 2, Amdt. Orig; Eff. Date, 7 July 62

		Via crs:		T-dn	300–1	300–1	200–½
15-mile DME Fix R-132	8-mile DME Fix R-107	335°—8.4	3000	C-dn	400–1	500–1	500–1½
15-mile DME Fix R-107	8-mile DME Fix R-107	287°—7.0	3000	S-dn-31	400–1	400–1	400–1
8-mile DME Fix R-107	BUF VOR (Final)	287°—8.0	1600	A-dn	800–2	800–2	800–2

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn E side of crs, 107° Outbnd, 287° Inbnd, 2500′ within 10 mi. Procedure turn need not be accomplished if DME utilized.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 287—3.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles, make a right climbing turn to 2500′, proceed direct to BUF VOR. Hold East BUF VOR, 1-minute right turns, 287° Inbnd.
CAUTION: 1349′ TV tower 5 mi. WNW of airport.

City, Buffalo; State, N.Y.; Airport Name, Greater Buffalo International; Elev., 711′; Fac. Class., BVORTAC; Ident., BUF; Procedure No. VOR/DME No. 1, Amdt. 6; Eff. Date, 7 July 62; Sup. Admt. No. 5; Dated, 14 Apr. 62

25-mile DME Fix R-211	15-mile DME Fix R-211	Direct	5400	T-dn	300–1	300–1	200–½
15-mile DME Fix R-211	10-mile DME Fix R-211	Direct	4300	C-dn	400–1	500–1	500–1½
10-mile DME Fix R-211	0-mile DME Fix R-211	Direct	3500	S-dn-4	400–1	400–1	400–1
0-mile DME Fix R-031	3.3-mile DME Fix R-031	Direct	3000	A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 211° Outbnd, 031° Inbnd, 4500′ within 10 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 3.3-mile DME Fix R-031, climb to 4500′ on R-062 within 20 miles.
NOTE: When authorized by ATC, DME may be used within 25 miles at 5500′ altitude to position aircraft for straight-in approach with the elimination of procedure turn

City, Miles City; State, Mont.; Airport Name, Miles City Municipal; Elev., 2628′; Fac. Class., BVORTAC; Ident., MLS; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. Date, 7 July 62

25-mile DME Fix R-033	15-mile DME Fix R-033	Direct	5400	T-dn	300–1	300–1	200–½
15-mile DME Fix R-033	10-mile DME Fix R-033	Direct	4300	C-dn	400–1	500–1	500–1½
10-mile DME Fix R-033	4.5-mile DME Fix R-033	Direct	3000	S-dn-22	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 033° Outbnd, 213° Inbnd, 4500′ between 5 and 15 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 4.5-mile DME Fix R-033, climb to 4500′ on R-211 within 20 miles.
NOTE: When authorized by ATC, DME may be used within 25 miles at 5500′ altitude to position aircraft for straight-in approach with the elimination of procedure turn.

City, Miles City; State, Mont.; Airport Name, Miles City Municipal; Elev., 2628′; Fac. Class., BVORTAC; Ident., MLS; Procedure No. VOR/DME No. 2, Amdt. Orig. Eff. Date, 7 July 62

Sunol Int*	Pleasanton Fix**	Direct	3200	T-dn#	300–1	300–1	200–½
Pleasanton Fix	Hayward Fix##	Direct	2600	C-dn	500–1	600–1	600–1½
Hayward Fix	Doolittle Fix (Final) %%	Direct	1300	S-dn-27L/R	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar transitions and vectoring using Oakland Radar authorized in accordance with approved radar patterns.
Procedure turn NA. Transitions authorized are for straight-in approaches from the east only.
Final approach course inbound from Hayward Fix, 273°.
Facility on airport.
Minimum altitude over Hayward Fix inbnd on final approach, 2600′; over Doolittle Fix, 1300′.
Crs and distance, Doolittle Fix to approach end of Runway 27R, 280°—1.3 mi; Runway 27L, 279°—1.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing Doolittle Fix or at 1-mile DME Fix R-053, climb to 2000′ in a 1-minute right turn holding pattern on R-300 (120° Inbnd, 300° Outbnd), all turns west side of course. Aircraft executing a missed approach may, after being reidentified, be radar controlled.
NOTE: Missed or discontinued approaches must not cross OAK-VOR above 1500′.
#300–1 required for takeoff on Runway 33.
*Sunol Int: 20-mile DME Fix R-093.
**Pleasanton Fix: 15-mile DME Fix R-093.
%%Doolittle Fix: 4-mile DME Fix R-093.
##Hayward Fix: Hayward RBn/9-mile DME Fix R-093.

City, Oakland; State, Calif.; Airport Name, Metropolitan Oakland International; Elev., 5′; Fac. Class., BVORTAC; Ident., OAK; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. Date, 7 July 62

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Commodore Int#	Treasure Fix*	Direct	2500	T-dn%	300-1	300-1	300-1½
Treasure Fix*	South Shore Fix (Final)##	Direct	1500	C-dn	500-1	600-1	600-1½
				S-dn-9L/R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar transitions and vectoring using OAK Radar authorized in accordance with approved radar patterns.
Procedure turn NA. Transitions authorized are for straight-in approaches from the west only.
Final approach course inbnd, 108°.
Facility on airport.
Minimum altitude over South Shore Fix inbnd on final approach, 1500'.
Crs and distance, South Shore Fix to airport, 108°—6.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make right climbing turn to 2000', holding on R-300 (120° inbnd, 300° outbnd), all turns W side of crs. Aircraft executing a missed approach may, upon being reidentified, be radar controlled.
CAUTION: Extensive Navy jet operations between Treasure Fix and South Shore Fix, Alameda, Calif., NAS.
NOTE: Missed or discontinued approaches must not cross OAK-VOR above 1500' westbound.
%300-1 required for takeoff on Runway 33.
#Commodore Int: 15.5-mile DME Fix R-288.
*Treasure Fix: 8-mile DME Fix R-288.
##South Shore Fix: 6-mile DME Fix R-288.

City, Oakland; State, Calif.; Airport Name, Metropolitan Oakland International; Elev., 5'; Fac. Class., BVORTAC; Ident., OAK; Procedure No. VOR/DME No. 2, Amdt. Orig.; Eff. Date, 7 July 62

15-mile DME Fix R-081	7-mile DME Fix R-081	Direct	9100	T-dn	300-1	300-1	200-½
7-mile DME Fix R-081	3-mile DME Fix R-081	Direct	8700	C-dn	600-1	600-1	600-1½
3-mile DME Fix R-081	0-mile DME Fix R-081	Direct	7800	S-dn-25	500-1	500-1	500-1½
0-mile DME Fix R-267	1.9-mile DME Fix R-267	Direct	7300	A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 081° Outbnd, 261° Inbnd, 9100' within 10 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.9 miles, climb to 10,000' on R-260 within 20 miles.
NOTE: When authorized by ATC, DME may be used within 25 miles between radials 243 clockwise to 160 at 9100' to position aircraft for final approach, with the elimination of a procedure turn.

City, Rock Springs; State, Wyo.; Airport Name, Rock Springs Municipal; Elev., 6752'; Fac. Class., BVORTAC; Ident., RKS; Procedure No. VOR/DME No. 2, Amdt. 1; Eff. Date, 7 July 62; Sup. Amdt. No. Orig.; Dated, 23 June 62

6. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Buffalo VOR	SW crs ILS	Direct	2000	T-dn	300-1	300-1	200-½
Crystal Beach Int	Cheektowaga FM (Final)	Via BUF-VOR R-250 and SW crs ILS.	*1500	C-dn	400-1	500-1	500-1½
				S-dn-5	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn S side SW crs, 232° Outbnd, 052° Inbnd, 2000' within 10 mi of Cheektowaga FM.
No glide slope or markers; 1500' over Cheektowaga FM; 2.3 mi from Cheektowaga FM to Runway 5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 mi after passing Cheektowaga FM, climb to 2000' on NE crs ILS to BU LOM. Hold BU LOM right turns 1 minute, 232° Inbnd.
*Maintain 2000' until established inbound on ILS SW crs.

City, Buffalo; State, N.Y.; Airport Name, Greater Buffalo International; Elev., 711'; Fac. Class., ILS; Ident., I-BUF; Procedure No. ILS-5, Amdt. 5; Eff. Date, 7 July 62; Sup. Amdt. No. 4; Dated, 7 Oct. 61

Buffalo MHW	LOM	Direct	2000	T-dn	300-1	300-1	200-½
Wolcottsville Int	LOM (Final)	Direct	1900	C-dn	400-1	500-1	500-1½
Buffalo VOR	LOM	Direct	1900	S-dn-23	300-¾	300-¾	300-¾
				A-dn	600-2	600-2	600-2

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn N side NE crs 052° Outbnd, 232° Inbnd, 1900' within 10 mi of LOM.
Minimum altitude at glide slope int inbnd, 1900'.
Altitude of glide slope and distance to approach end of runway at OM, 1910'—3.7; at MM, 930'—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000' on SW crs ILS within 10 mi. Make left turn, proceed direct to BU LOM. Hold BU LOM right turns, 1 minute, 232° Inbnd.
CAUTION: 1349' TV tower 5 mi WNW of airport.

City, Buffalo; State, N.Y.; Airport Name, Greater Buffalo International; Elev., 711'; Fac. Class., ILS; Ident., I-BUF; Procedure No. ILS-23, Amdt. 11; Eff. Date, 7 July 62; Sup. Amdt. No. 10; Dated, 17 Feb. 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Cincinnati VOR	LOM	Direct	2000	T-dn	300-1	300-1	200-½
New Baltimore Int	LOM	Direct	2300	C-dn	400-1	500-1	500-1½
Cincinnati LFR	LOM	Direct	2700	S-dn-36#*	200-½	200-½	200-½
Dry Ridge Int	Union Int	Direct	2200	A-dn	600-2	600-2	600-2
Grants Lick Int	Union Int	Direct	2000				
Union Int	LOM	Direct	2000				

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn E side of crs, 180° Outbnd, 360° Inbnd, 2000' within 10 mi.
Minimum altitude at glide slope int inbnd, 2000'.
Altitude of glide slope and distance to approach end of runway at OM, 1831'—3.4 mi; at MM, 1069'—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2300' on crs 360° to the New Baltimore Int. Hold North 1-minute right turns, 186° inbnd, 006° outbnd.
CAUTION: #Glide slope point of touchdown approximately 1750' in from approach end of runway.
*400-¾ required with glide slope inoperative.

City, Covington; State, Ky.; Airport Name, Greater Cincinnati; Elev., 890'; Fac. Class., ILS; Ident., I-CVG; Procedure No. ILS-36, Amdt. 15; Eff. Date, 7 July 62; Sup. Amdt. No. 14; Dated, 19 May 62

FN RBn	LOM	Direct	2200	T-dn	300-1	300-1	200-½
FAT-VOR	LOM	Direct	2200	C-dn	500-1	500-1	500-1½
Bowles Int	LOM	Direct	2200	S-dn-29#	200-½	200-½	200-½
Fowler Int	LOM	Direct	2200	A-dn	600-2	600-2	600-2
Laton Int	SE crs ILS via FRA-VOR R-161	Direct	2000				
Selma Int	SE crs ILS via FRA-VOR R-161	Direct	2000				

Procedure turn S side of crs, 108° Outbnd, 288° Inbnd, 2200' within 10 mi. Beyond 10 mi NA. (Nonstandard due high terrain north.)
Minimum altitude at glide slope intercept inbnd, 1700'.
Altitude of glide slope and distance to approach end of runway at OM, 1440'—4.0 mi; at MM, 516'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb northwestbound on FAT-VOR R-130 to FAT-VOR. Continue climb to 1700' on R-305 within 20 miles or, when directed by ATC, turn left, climb to 2000' on 075° brng to FA RBn within 10 miles.
NOTE: Narrow localizer course, 4°.
#400-¾ required with glide slope inoperative. 400-1 required when only localizer and either the outer marker or outer compass locator operative.

City, Fresno; State, Calif.; Airport Name, Fresno Air Terminal; Elev., 331'; Fac. Class., ILS; Ident., I-FAT; Procedure No. ILS-29, Amdt. 13; Eff. Date, 7 July 62; Sup. Amdt. No. 12; Dated, 21 Apr. 62

Berners Int	CGL RBn	Direct	7000	T-d#	700-2	1000-2	1000-2
Thane Int	CGL RBn	Direct	6000	T-n	NA	NA	NA
SSR-VOR	CGL RBn	Direct	5000	C-d	2500-4	2500-4	2500-4
SSR-VOR	Rockledge Int*	Direct	5000	C-n	NA	NA	NA
Rockledge Int*	CGL RBn (Final)	Direct	2500	S-d-07	2500-4	2500-4	2500-4
				S-n-07	2500-10	2500-10	2500-10
				A-d	3000-5	3000-5	3000-5
				A-n	NA	NA	NA

Procedure turn S side of crs, 241° Outbnd, 061° Inbnd, 4000' within 10 mi of CGL RBn. (NA beyond 10 mi, 3500' terrain 15 miles west of CGL RBn.)
Minimum altitude over CGL RBn on final approach crs, 2500'.
Crs and distance, CGL RBn to airport, 061°—3.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over Coghlan Island RBn, immediately turn right and climb to 5000' to Sisters Island VOR via Barlow Int.** Cross Barlow** at or above 3000'.
CAUTION: 1. Mountainous terrain all quadrants. 2. Terrain to 3115' within 4.7 miles SE of CGL RBn. Do not exceed a ground track radius of turn of 1.25 mi on missed approach. 3. LTDA reliable only within 30° north and 45° south of approach course. Disregard localizer fluctuations in vicinity of Sisters Island VOR. 4. Strong northerly cross winds and turbulence may be encountered on final approach during winter months.
NOTES: 1. Visual flight required for CGL RBn to airport. 2. Sliding scale NA. 3. Shuttle descent from CGL RBn holding pattern NA. 4. If Juneau Airport lightsot visible over CGL RBn at night, execute missed approach. 5. This procedure NA unless CGL RBn received and identified throughout transitions and approach.
#When departing Runway 07, maintain visual flight until over airport westbound on course.
##LTDA—Localizer Type Directional Aid (not associated with runway; no glide slope, no back course).
*Rockledge Int: Int SSR-VOR R-006 and LTDA West crs.
**Barlow Int: Int SSR-VOR R-015 and LTDA West crs.

City, Juneau; State, Alaska; Airport Name, Municipal; Elev., 26'; Fac. Class., ##LTDA; Ident., JDL; Procedure No. 1, Amdt. Orig.; Eff. Date, 7 July 62

Buffalo VOR	LOM	Direct	2000	T-dn	300-1	300-1	*200-½
Wolcottsville Int	LOM (Final)	Direct	**1800	C-dn	500-1	500-1	500-1½
Buffalo RBn	LOM	Direct	2000	S-dn-28R#	300-¾	300-¾	300-¾
Int SE crs Toronto LFR and E crs ILS (or brng 097° to LOM).	LOM	Direct	1800	A-dn##	600-2	600-2	600-2
Buffalo RBn via VOR R-346	E crs ILS	Direct	**2000				
Buffalo RBn via crs 008°	E crs ILS	Direct	**2000				

Radar transitions and vectoring from Buffalo Radar authorized in accordance with approved radar patterns.
Procedure turn N side E crs, 097° Outbnd, 277° Inbnd, 1800' within 10 mi of LOM.
Minimum altitude at glide slope interception inbnd, 1800'.
Altitude of glide slope and distance to approach end of runway at OM 1755—4.5, at MM 805—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb straight ahead on crs 277° to 2000' within 10 miles, then make right turn and return to LOM. Hold East 1-minute right turns inbnd crs 277°.
*300-1 required on runways 10R, 28L, 18, and 36.
**After interception of localizer crs inbnd, descent on glide slope to cross outer marker at 1755 is authorized.
#400-¾ required with glide slope inoperative.
##All installed components of the ILS must be operating, otherwise alternate minimums of 800-2 apply.

City, Niagara Falls; State, N.Y.; Airport Name, Municipal; Elev., 590'; Fac Class., ILS; Ident., I-IAG; Procedure No. ILS-28R, Amdt. 6; Eff. Date, 7 July 62; Sup. Amdt. No. 5; Dated, 26 May 62

7. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
		Within:		Surveillance approach			
022°	106°	30 mi	2500	T–dn	300–1	300–1	200–½
106°	022°	15 mi	2000	C–dn*	400–1	500–1	500–1½
106°	022°	30 mi	2500	C–dn**	700–1	700–1	700–1½
				S–dn*	400–1	400–1	400–1
				S–dn**	700–1	700–1	700–1
				A–dn	800–2	800–2	800–2

Radar terminal area transition altitudes—All bearings are from the radar site with sector azimuths progressing clockwise.
Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of 1120′ obstruction 12 miles NW of airport, and a 1746′ obstruction 9 mi ENE of airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—Runways 4 and 36: Climb to 2300′ and proceed to New Baltimore Int. Runways 9, 18, 22, and 27: Climb to 2000′ and proceed to ILS LOM.
*Runways 4, 9, 18, 36.
**Runways 22, 27.

City, Covington; State, Ky.; Airport Name, Greater Cincinnati; Elev., 890′; Fac. Class. and Ident., Cincinnati Radar; Procedure No. 1, Amdt. 3; Eff. Date, 7 July 62; Sup. Amdt. No. 2; Dated, 4 June 60

		Within:		Surveillance approach			
296°	215°	10 mi	2000	T–dn	300–1	300–1	200–½
296°	215°	10–25 mi	2500	C–dn	400–1	500–1	500–1½
215°	295°	25 mi	2500	S–dn–21, 31, 13, and 20R#	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar terminal area transition altitudes—All bearings are from radar site with sector azimuths progressing clockwise.
Radar will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile radius (inclusive) of following towers: 9.5 mi NW 2049′ msl; 9 mi W 2049′ msl; 9 mi SW 2049′ msl; 10 mi SSW 1490′ msl.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—Runway 21: Climb to 2000′ on N crs ILS or on crs 015° from LOM (HW) within 15 miles of airport. Runway 31: Make right turn and climb to 3000′ on R–335 of BNA–VOR within 20 miles. Runway 13: Climb to 2500′ and proceed direct to BNA–VOR and hold SE on R–132, right turns 1 minute. Runway 20R: Climb to 2500′ on S crs ILS or on crs 195° to LOM (HW) within 15 miles of airport.
#Maintain 1200′ until 2 miles from end of runway on final to Runway 20R.

City, Nashville; State, Tenn.; Airport Name, Nashville Municipal (Berry Field); Elev., 605′; Fac. Class. and Ident., Nashville Radar; Procedure No. 1, Amdt. 5; Eff. Date, 7 July 62; Sup. Amdt. No. 4; Dated, 17 Feb. 62

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on June 1, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62–5862; Filed, June 26, 1962; 8:45 a.m.]

[Reg. Docket No. 1243; Amdt. 276]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Harrisburg VOR	HR–LFR (Final)	Direct	**1500	T–d#	500–1	500–1	500–1
				T–n#	500–2	500–2	500–2
				C–dn*	1000–2	1000–2	1000–2
				A–dn	1000–2	1000–2	1000–2

Radar transitions authorized in accordance with approved radar patterns.
Procedure turn S side W crs 284° Outbnd, 104° Inbnd, 2400′ within 10 mi.**
Minimum altitude over facility on final approach crs, 1500.**
Crs and distance, facility to airport, 118°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.9 mi, climb to 2000′ on E crs within 10 mi.
CAUTION: Standard clearance not provided over 1300′ ridge 4 mi N of final approach crs and 1136′ ridge and tower 1.6 mi S of airport.
**CAUTION: Do not descend below 2400′ until inbnd on final approach crs.
#Takeoff minimums of 300–1 authorized for Runways 8–26 only. Takeoff on Runway 20 NA.
*AIR CARRIER NOTE: Landing on Runway 2 authorized only during daylight hours with ceiling 1500′ or better.

City, Harrisburg; State, Pa.; Airport Name, Harrisburg-York State; Elev., 347′; Fac. Class., SBRAZ; Ident., HR; Procedure No. 1, Amdt. 5; Eff. Date, 14 July 62; Sup. Amdt. No. 4; Dated, 15 July 61

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Park City FM	RBn	Direct	5300	T–dn	300–1	300–1	#200–½
BIL–VOR	RBn	Direct	5300	C–dn	400–1	500–1	500–1½
				A–dn	800–2	800–2	800–2

Procedure turn N side of crs, 054° Outbnd, 234° Inbnd, 5300′ within 10 mi.
Minimum altitude over facility on final approach crs, 4500′.
Crs and distance, facility to airport, 243°—1.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.4 miles after passing RBn, climb to 5500′ on 247° crs within 15 mi of RBn.
CAUTION: 4249′ msl tower 3 mi SE of airport.
#Takeoff below 300–1 prohibited on all runways except 9–27.

City, Billings; State, Mont.; Airport Name, Logan Field; Elev., 3606′; Fac. Class., SABII; Ident., BIL; Prodeeure No. 2, Amdt. Orig.; Eff. Date, 14 July 62 or upon completion of facility.

Binghamton VOR	BGM RBn	Direct	3500	T–dn	300–1	300–1	200–½
Montrose Int	BGM RBn	Direct	3500	C–dn*	400–1	500–1	500–1½
Greene Int	BGM RBn	Direct	3500	S–dn–34*	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn E side of crs, 158° Outbnd, 338° Inbnd, 3500′ within 10 miles of Binghamton RBn.
Minimum altitude over facilty on final approach crs, 3000′.
Crs and distance, BGM RBn to airport, 338°—6.9 mi; GM LMM to airport, 338°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.9 miles after passing BGM RBn, climb to 3500′ on crs of 338° within 10 miles, return to the BGM RBn, hold South, 1-minute right turn, inbound course 338°.
*ADF minimums premised on use of both BGM RBn and LMM. If LMM inoperative or not used, the following ADF landing minimums apply to all aircraft: S–d—500–1, S–n—500–2; C–d—600–1½, C–n—600–2.

City, Binghamton; State, N.Y.; Airport Name, Broome County; Elev., 1629′; Fac. Class., MHW; Ident., BGM; Procedure No. 1, Amdt. 6; Eff. Date, 14 July 62; Sup. Amdt. No. 5; Dated, 9 May 59

DLH VOR	DLH RBn	Direct	2500	T–dn	300–1	300–1	200–½
				C–d	400–1	500–1	500–1½
				C–n	400–1½	500–1½	500–1½
				S–dn–3	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn East side of crs, 194° Outbnd, 014° Inbnd, 2500′ within 10 mi.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 014°—3.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles after passing RBn, climb to 2800′ on North crs within 15 miles.

City, Duluth; State, Minn.; Airport Name, Duluth Municipal; Elev., 1430′; Fac. Class., SABH; Ident., DM; Procedure No. 2, Amdt. Orig.; Eff. Date, 14 July 62 or upon conversion of LFR to RBn

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Rio RBn	ELP SABH (Final)*	Direct	5200	T-dn	300–1	300–1	200–½
El Paso VOR	ELP SABH	Direct	5200	C-dn	400–1	500–1	500–1½
Clint RBn	ELP SABH	Direct	5200	S-dn-26	400–1	400–1	400–1
EWM-VOR	ELP SABH	Direct	6000	A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns and procedures.
Procedure turn South side of crs, 078° Outbnd, 258° Inbnd, 6500′ within 10 mi. Beyond 10 mi NA. Nonstandard due to terrain North.
Minimum altitude over facility on final approach crs, 5200′.
Crs and distance, facility to airport, 258°—3.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles, turn left to 060°, climb to 6000′, intercept and proceed Southeastbound on 120° mag. crs within 20 miles.
*Maintain 7000′ until 5 miles West of Rio RBn. If Rio RBn not identified, maintain 8000′ to El Paso SABH.

City, El Paso; State, Tex.; Airport Name, El Paso International; Elev., 3956′; Fac. Class., SABH; Ident., ELP; Procedure No. 2, Amdt. Orig.; Eff. Date, 14 July 62 or upon conversion of LFR to RBn

TM-LFR	GRF RBn	Direct	2000	T-dn	300–1	300–1	200–½
OLM-VOR	GRF RBn	Direct	2000	C-dn	600–1	600–1	600–1½
Burton Int	GRF RBn	Direct	2000	A-dn	800–2	800–2	800–2
Bayside Int	GRF RBn	Direct	2000				
Rosedale Int	GRF RBn	Direct	2000				
Vashon Int	GRF RBn	Direct	2000				

Radar transitions and vectoring utilizing McChord RAPCON Radar or Gray AAF Radar authorized in accordance with approved radar patterns.
Procedure turn W side of crs, 324° Outbnd, 144° Inbnd, 2000′ within 10 mi. NA beyond 10 mi.
Minimum altitude over GRF RBn on final approach crs, 1500′.
Crs and distance, GRF RBn to airport, 144°—3.9 mi.
Crs and distance, GRF RBn to airport, 144°—3.9 mi; MM to airport, 144°—0.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing GRF RBn, turn left, climb to 2000′ direct to GRF RBn or, when directed by ATC, turn right, climb to 3000′ on crs 270° to R-020 OLM-VOR, thence direct to OLM-VOR.
NOTE: Authorized for military use only except by prior arrangement.
CAUTION: Restricted area 6.8 mi North of airport. 524′ MSL tower located 0.9 mi from approach end of Runway 14, 550′ MSL trees 0.8 mi from approach end of Runway 14, 385′ MSL tower 0.1 mi East of Runway 14/32.
Other changes: Deletes straight-in minima, deletes altitude over MM, deletes course and distance MM to airport.

City, Ft. Lewis; State, Wash.; Airport Name, Gray AAF; Elev., 301′; Fac. Class., MH; Ident., GRF; Procedure No. 1, Amdt. 4; Eff. Date, 14 July 62; Sup. Amdt. No. 3; Dated, 25 Nov. 61

FAT-VOR	FN RBn	Direct	2000	T-dn	300–1	300–1	NA
Bowles Int	FN RBn (Final)	Direct	1000	C-dn	800–2	800–2	NA
				A-dn	800–2	800–2	NA

Procedure turn East side of crs, 135° Outbnd, 315° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 035°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2000′ on 315° brng within 10 miles

City, Fresno; State, Calif.; Airport Name, Fresno-Chandler; Elev., 277′; Fac. Class., H; Ident., FN; Procedure No. 1, Amdt. 1; Eff. Date, 14 July 62; Sup. Amdt. No. Orig. Dated, 26 May 62

Goodsprings RBn	LAS RBn	Direct	7000	T-dn	300–1	300–1	200–½
Kids Int	LAS RBn	Direct	5100	C-dn	700–1	700–1	700–1½
Las Vegas VOR	LAS RBn	Direct	5100	A-dn	800–2	800–2	800–2
Boulder City Int	LAS RBn	Direct	6000				
Charleston Int	LAS RBn	Direct	5100				

Procedure turn E side of crs, 028° Outbnd, 208° Inbnd, 5100′ within 10 miles.
Minimum altitude over facility on final approach crs, 4600′.
Crs and distance, facility to airport, 195°—8.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.7 miles after passing Las Vegas RBn, turn right, climb to 5100′ on 203° crs within 15 miles of Las Vegas RBn.
CAUTION: (1) All turns East of crs. (2) 4054′ terrain 4 miles SE of RBn.

City, Las Vegas; State, Nev.; Airport Name, McCarran Field; Elev., 2171′; Fac. Class., SABH; Ident., LAS; Procedure No. 1, Amdt. Orig.; Eff. Date, 14 July 62 or on completion of facility

LAW VOR	PFL RBn	Direct	1900	T-dn	300–1	300–1	300–1
Fort Sill Int	PFL RBn	Direct	2600	C-dn	400–1	500–1	500–1½
				S-dn-35	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn West side of crs, 172° Outbnd, 352° Inbnd, 2600′ within 10 mi. Nonstandard due ATC.
Minimum altitude over facility on final approach course, 1900′.
Crs and distance, facility to airport, 352°—2.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing PFL RBn, turn right, climb to 2600′ and return to PFL RBn or, when directed by ATC, climb to 3500′ on LAW-VOR R-352 and proceed to Apache Int.
NOTE: Authorized for military use only except by prior arrangement.
CAUTION: 1428′ msl tower 4 mi SE; 1641′ msl tower 5 mi ESE of airport. High terrain NW.

City, Lawton (Fort Sill); State, Okla.; Airport Name, Post AAF; Elev., 1187′; Fac. Class., MHZ; Ident., PFL; Procedure No. 1, Amdt. 1; Eff. Date, 14 July 62; Sup. Amdt. No. Orig.; Dated, 19 Jan 57

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Meridian VOR	LOM (HW)	Direct	2000	T-dn	300–1	300–1	200–½
Union Int	LOM (HW)	Direct	2000	C-dn	500–1	600–1	600–1½
Decatur Int	LOM (HW)	Direct	2000	S-dn-01	500–1	500–1	500–1
Newton Int	LOM (HW)	Direct	2000	A-dn	800–2	800–2	800–2
Rose Hill Int	LOM (HW)	Direct	2000				
Sawmill Int	LOM (HW)	Direct	2000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs 184° Outbnd, 004° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 004°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, turn left and return to LOM at 2000′.
NOTE: Takeoffs with less than 200–½ NA on Runways 4 and 22. No approach lights. Overrun lights and high intensity runway lights only on runway 18–36. Runway 9–27 closed.
CAUTION: Trees 600 MSL 2 mi. E of airport. 1000′ tower 2.5 mi E of airport. 880′ tower 4.2 mi SE of airport.

City, Meridian; State, Miss.; Airport Name, Key Field; Elev., 297′; Fac. Class., HW; Ident., ME; Procedure No. 1, Amdt. 5; Eff. Date, 14 July 62; Sup. Amdt. No. 4; Dated, 24 Mar. 62

				T-d	300–1	300–1	200–½
				C-d	600–1	600–1	600–1½
				A-d	800–2	800–2	800–2

Procedure turn North side of crs, 014° Outbnd, 190° Inbnd, 1200′ within 10 mi.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 166°—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.4 mile, turn left and climb to 1500′ on 010° brng from MDO RBn.

City, Middleton Island; State, Alaska; Airport Name, Middleton Island; Elev., 87′; Fac. Class., SRDHZ; Ident., MDO; Procedure No. 1, Amdt. Orig.; Eff. Date, 14 July 62 or on completion of facility

				T-dn	400–1	400–1	NA
				C-d	600–1	600–1	NA
				C-n	600–1½	600–1½	NA
				A-dn	NA	NA	NA

Procedure turn South side of crs, 232° Outbnd, 052° Inbnd, 2200′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 052°—2.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 miles after passing MWO RBn, make left 180° climbing turn to 2200′, return to MWO RBn and hold on 232° outbound bearing.
CAUTION: 900′ msl smoke stack SW of airport. 1170′ tower 3 mi East of airport.
NOTES: No weather reporting. Contact Cincinnati Approach Control for clearance. Communications on 122.8 available from sunrise to sunset. Facility owned and operated by city of Middletown.

City, Middletown; State, Ohio; Airport Name, Hook Field Municipal; Elev., 647′; Fac. Class., MHW; Ident., MWO; Procedure No. 1, Amdt. 1; Eff. Date, 14 July 62; Sup. Amdt. No. Orig.; Dated, 18 Jan. 58

				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-13	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 295° Outbnd, 115° Inbnd, 1700′ within 10 mi.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, facility to airport, 115°—1.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles after passing RBn, climb to 1700′ on 115° brng from TXK RBn within 20 miles.
CAUTION: Radio tower 565′ msl 2 mi NE and 740′ msl 4 mi West of airport.

City, Texarkana; State, Ark.; Airport Name, Municipal; Elev., 380′; Fac. Class., SABH; Ident., TXK; Procedure No. 1, Amdt. Orig.; Eff. Date, 14 July 62 or upon conversion of LFR to RBn

Thornhurst VOR	LOM	Direct	2500	T-dn*	600–1	600–1	600–1
Hazleton RBn	LOM	Direct	3500	C-d	1200–1	1200–1½	1200–2
				C-n	1300–2	1300–2	1300–2
				S-dn	NA	NA	NA
				A-d	1400–2	1400–2	1400–2
				A-n	1600–3	1600–3	1600–3

Radar transitions authorized in accordance with approved patterns.
Procedure turn West side of crs, 223° Outbnd, 043° Inbnd, 3500′ within 10 miles of LOM.**
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 043°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing Wilkes-Barre LOM, climb to 3500′ on course 043° from the Wilkes-Barre LOM, then proceed to Wilkes-Barre VOR, maintain 4000′, hold East, 1-minute right turns, inbound course 268° or, when directed by ATC, (1) climb to 3500′ on crs 043° from the Wilkes-Barre LOM, turn left and proceed direct to Wilkes-Barre LOM, maintain 3500′, hold SW, 1-minute left turns, inbound course 043°, (2) hold West of the Wilkes-Barre LOM at 3500′, 1-minute right turns, inbound course 100°.
AIR CARRIER NOTE: Provisions for reduced visibility not authorized at night or day with day minimums below 1 mile for 65 knots or less aircraft and 1½ miles for more than 65 knots aircraft.
CAUTION: High terrain to East, Southeast and South of airport within 2.5 miles.
*Takeoff Runways 10 and 16 Day 600–2, Night 800–2.
**Nonstandard procedure turn and holding pattern due to terrain considerations and to provide separations from Hazleton traffic.

City, Wilkes-Barre; State, Pa.; Airport Name, Wilkes-Barre-Scranton; Elev., 956′; Fac. Class., LOM; Ident., AV; Procedure No. 1, Amdt. 2; Eff. Date, 14 July 62; Sup. Amdt. No. 1; Dated, 21 Apr. 62

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T–dn	1000–1	1000–1	NA
				C–dn	1200–2	1200–2	NA

Procedure turn W side of crs, 150° Outbnd, 330° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 343°—7.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.2 miles after passing ILA–VOR, make left turn, climb to 2000′ direct to ILA–VOR.
NOTE: Pilots will contact Marysville or Sacramento FSS for current altimeter setting prior to commencing IFR approach to Colusa County Airport.

City, Colusa; State, Calif.; Airport Name, Colusa County; Elev., 25′; Fac. Class., VORTAC; Ident., ILA; Procedure No. 1, Amdt. 1; Eff. Date, 14 July 62; Sup. Amdt. No. Orig.; Dated, 2 June 62

Harrisburg LFR	HAR–VOR	Direct	2800	T–dn*	500–1	500–1	500–1
Harrisburg LOM	HAR–VOR	Direct	2800	T–n#	500–2	500–2	500–2
				C–dn	1200–2	1200–2	1200–2
				A–dn	1200–2	1200–2	1200–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 288° Outbnd, 108° Inbnd, 2800′ within 10 mi.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 108°—7.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.5 miles after passing Harrisburg VOR, climb to 3000′ on HAR VOR R–115 to Middletown Int.* Hold East 1-minute left turns, inbound crs 295°.
AIR CARRIER NOTE: Landing on Runway 2 authorized only during daylight hours with ceiling of 1500′ or better.
NOTE: Takeoff on Runway 20 not authorized.
#Takeoff minimums of 300–1 authorized for Runways 8–26 only.
*Middletown Int: Int R–115 HAR–VOR and R–203 TWC–VOR.

City, Harrisburg; State, Pa.; Airport Name, Harrisburg-York State; Elev., 347′; Fac. Class., BVORTAC; Ident., HAR; Procedure No. 1, Amdt. 6; Eff. Date, 14 July 62; Sup. Amdt. No. 5; Dated, 19 May 62

Fort Sill Int	LAW VOR	Direct	2600	T–dn	300–1	300–1	200–½
Artillery Int	LAW VOR	Direct	2200	C–dn*	400–1	500–1	500–1½
				S–dn–35*	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn West side of crs, 174° Outbnd, 354° Inbnd, 2200′ within 10 mi. Nonstandard due ATC. ATC.
Minimum altitude abeam PFL RBn on final approach crs, *1900′.
Crs and distance, facility to airport, 354°—8.8 mi; abeam PFL RBn to airport, 354°—2.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.8 miles after passing LAW–VOR, or 2.3 mi after passing PFL RBn, turn right, climb to 2600′ and return to LAW–VOR on R–005 or, when directed by ATC, climb to 3500′ on LAW–VOR R–352 and proceed to Apache Int.
NOTE: Authorized for military use only except by prior arrangement.
CAUTION: 1428′ msl tower 4 mi SE; 1644′ msl tower 5 mi ESE; 1800′ msl terrain 3.6 mi NW of airport.
*If RBn or Z marker not received, descent below 1900′ NA and minima are 700–2.

City, Lawton (Fort Sill); State, Okla.; Airport Name, Post AAF; Elev., 1187′; Fac. Class., VOR; Ident., LAW; Procedure No. 1, Amdt. Orig.; Eff. Date, 14 July 62

Huntsville FM	OGD–VOR	Direct	11000	T–dn	400–1	400–1	400–1
Ogden RBn	OGD–VOR	Direct	7000	C–d	800–2	800–2	800–2
Corinne FM/RBn	OGD–VOR (Final)	Direct	5300	C–n	800–3	800–3	800–3
				A–d	800–2	800–2	800–2
				A–n	800–3	800–3	800–3

Radar transitions and vectoring utilizing Hill AFB radar are authorized in accordance with approved radar patterns.
Procedure turn W side of crs, 328° Outbnd, 148° Inbnd, 7000′ within 10 mi.
Minimum altitude over facility on final approach crs, 5300′.
Crs and distance, facility to airport 098°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 9000′ on R–259 within 20 miles of OGD–VOR.
SHUTTLE: To 10000 on R–328 within 20 miles. All turns W of crs.
AIR CARRIER NOTE: Provisions for reduced landing visibilities not authorized below 1 mile.

City, Ogden; State, Utah; Airport Name, Municipal; Elev., 4455′; Fac. Class., BVOR; Ident., OGD; Procedure No. 1, Amdt. 8; Eff. Date, 14 July 62; Sup. Amdt. No. 7; Dated, 3 Dec. 60

Promontory Point Int	VOR (Final)	Direct	5300	T–dn	400–1	400–1	400–1
Ogden RBn	VOR	Direct	7000	C–d	800–2	800–2	800–2
				C–n	800–3	800–3	800–3
				S–dn–7	500–1	500–1	500–1
				A–d	800–2	800–2	800–2
				A–n	800–3	800–3	800–3

Radar transitions and vectoring utilizing Hill AFB Radar are authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 259° Outbnd, 079° Inbnd, 7000′ within 10 mi.
Minimum altitude over facility on final approach crs, 5300′.
Crs and distance, facility to airport, 098°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing VOR, immediate right turn climb to 9000′ on R–259 within 20 miles.
SHUTTLE: To 10000′ on 259° Outbnd, 079° Inbnd within 20 miles. All turns South of course.
AIR CARRIER NOTE: Provisions for reduced landing visibilities not authorized below 1 mile.

City, Ogden; State, Utah; Airport Name, Municipal; Elev., 4455′; Fac. Class., BVOR; Ident., OGD; Procedure No. 2, Amdt. 6; Eff. Date, 14 July 62; Sup. Amdt. No. 5; Dated 3 Dec. 60

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Radar vectoring position	*Carpenter Int (Final)	Direct	1500	T–dn	300–1	300–1	200–½
				C–dn	400–1	500–1	500–1½
				S–dn–5	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W** side of crs, 235° Outbnd, 055° Inbnd, 2000′ within 10 mi.
Minimum altitude over Carpenter Int* on final approach crs, 1500′; over RDU–VOR, #800′.
Crs and distance, Carpenter Int* to Runway 5, 055°—5.8 mi.
Crs and distance, breakoff point to Runway 5, 049°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over RDU–VOR, climb to 1800′ on R–055 or, when directed by ATC, (1) turn left, climb to 1800′ on R–041, or (2) turn left, climb to 2000′ on R–309. All within 20 miles.
*Carpenter Int: Int RDU–VOR R–235 and 325° crs from RD LOM.
**Procedure turn nonstandard due to ATC requirement.
#Descent to 800′ not authorized unless Carpenter Int is identified on final.

City, Raleigh; State, N.C.; Airport Name, Raleigh-Durham; Elev., 435′; Fac. Class., BVORTAC; Ident., RDU; Procedure No. TerVOR–5, Amdt. 1; Eff. Date, 14 July 62 Sup. Amdt. No. Orig.; Dated, 18 June 60

SNS–VOR	Lick Int	Direct	4500	T–dn*	300–1	300–1	300–1½
Morgan Int	Lick Int	Direct	4000	C–dn	700–1	700–1	700–1
SJC–VOR	Lick Int	Direct	4000	A–dn	800–2	800–2	800–2
Lick Int	Int R–120 SJC–VOR and 043° brng to EVG RBn or EVG FM (Final).	Direct	2000				
Int SJC–VOR R–120 and 043° brng to EVG RBn or EVG FM.	SJC–VOR (Final)	Direct	800				

Radar transitions and vectoring using Moffett Radar authorized in accordance with approved radar patterns.
Procedure turn E side of crs, 120° Outbnd, 300° Inbnd, 4000′ within 10 miles of Lick Int. NA beyond 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 800′; over Int SJC–VOR R–120 and 043° brng to EVG RBn or EVG FM, 2000′.
Crs and distance, Int SJC–VOR R–120 and 043° brng to EVG RBn or EVG FM to airport, 300°—5.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 1500′ on R–310 within 10 miles.
CAUTION: 4100′ MSL terrain 3 mi W of W boundary procedure turn area. 375′ MSL tower 1.7 mi SE of airport. 404′ MSL tower 3 mi E of airport.
NOTES: Sliding scale NA. Aircraft may not depart Lick Int. below 4000′ when inbound on final approach to airport.
*500–1 required for takeoff on Runway 12R–L.

City, San Jose; State, Calif.; Airport Name, San Jose Municipal; Elev., 62′; Fac. Class., VOR; Ident., SJC; Procedure No. TerVOR–30, Amdt. 3; Eff. Date, 14 July 62; Sup. Amdt. No. 2; Dated, 5 May 62

5. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR–DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
8-mile DME Fix R–256	BGM–VOR	Direct	2500	T–dn	300–1	300–1	200–½
Binghamton VOR	3-mile DME Fix R–076	Direct	2200	C–dn*	400–1	500–1	500–1½
3-mile DME Fix R–076	7-mile DME Fix R–076 (Final)	Direct	*2000	S–dn–10*	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 256° Outbnd, 076° Inbnd, 3000′ within 10 mi. No procedure turn required with DME.
Minimum altitude over 7-mile DME Fix R–076 on final approach crs, 2500′.
Crs and distance, facility to airport, 076°—7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 7.0-mile DME Fix R–076, climb to 3500′ on R–076 within 10 mi. Return to the BGM–VOR. Hold west, 1-minute right turns, inbound course 095°.
*Minimums of 600–2 (2200′ MSL) without DME.

City, Binghamton; State, N.Y.; Airport Name, Broome County; Elev., 1629′; Fac. Class., BVORTAC; Ident., BGM; Procedure No. VOR/DME No. 1, Amdt. 4; Eff. Date 14 July 62; Sup. Amdt. No. 3, VOR No. 1; Dated, 28 Jan. 56

29-mile DME Fix R–079	18-mile DME Fix R–079	Direct	3000	T–dn	300–1	300–1	200–½
18-mile DME Fix R–079	13-mile DME Fix R–079	Direct	2800	C–dn	400–1	500–1	500–1½
13-mile DME Fix R–079	8-mile DME Fix R–079 (Final)	Direct	2000	S–dn–28	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn, no procedure turn, final approach crs 259° Inbnd.
Minimum altitude over 8-mile DME fix R–079 on final approach crs, 2000′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 8-mile DME Fix R–079, proceed to Binghamton VOR on R–259, climbing to 3500′. Hold west, 1-minute right turns, inbound course 095°.
NOTE: This procedure authorized only with DME.

City, Binghamton; State, N.Y.; Airport Name, Broome County; Elev., 1629′; Fac. Class., BVORTAC; Ident., BGM; Procedure No. VOR/DME No.2, Amdt. 1; Eff. Date, 14 July 62; Sup. Amdt. No. VOR Proc. No. 2, Orig.; Dated, 28 Jan. 56

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
SX-LFR	SUX-VOR	Direct	2400	T-dn*	300–1	300–1	200–½
10-mi DME Fix R-131	0-mi DME Fix R-131	Direct	1900	C-dn	500–1	500–1	500–1½
6-mi DME Fix R-311	3.6-mi DME Fix R-311	Direct	1500	S-dn-31	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 131° Outbnd, 311° Inbnd, 2400′ within 10 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 3.6-mile DME Fix R-311, climb to 3000′ on R-331 within 20 miles of VOR.
CAUTION: 1318′ terrain 1.4 miles ENE of airport.
NOTE: When authorized by ATC, DME may be used to position aircraft on final approach crs at 2600′ between R-060 clockwise to 250° via 10-mile DME arc with the elimination of procedure turn.
*AIR CARRIER NOTE: 300–1 required for all takeoffs on Runway 4.

City, Sioux City; State, Iowa; Airport Name, Sioux City Municipal; Elev., 1097′; Fac. Class., BVORTAC; Ident., SUX; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. Date, 14 July 62

SUX-VOR	10-mi DME Fix R-310	Direct	2400	T-dn*	300–1	300–1	200–½
20-mi DME Fix R-310	10-mi DME Fix R-310	Direct	2200	C-dn	600–1	600–1	600–1½
10-mi DME Fix R-310	5-mi DME Fix R-310	Direct	1700	S-dn-13	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 310° Outbnd, 130° Inbnd, 2400′ between 10 and 20 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 5-mile DME Fix R-310, climb to 2500′ on R-130 within 20 miles.
CAUTION: 1347′ msl tower 2.5 mi NW of airport and 1284′ msl tower 2 mi NW of airport.
NOTE: When authorized by ATC, DME may be used to position aircraft on final approach crs at 3600′ between R-260 clockwise to 350° via 20 miles DME arc with the elimination of procedure turn.
*AIR CARRIER NOTE: 300–1 required for all takeoffs on Runway 4.

City, Sioux City; State, Iowa; Airport Name, Sioux City Municipal; Elev., 1097′; Fac. Class., BVORTAC; Ident., SUX; Procedure No. VOR/DME No. 2, Amdt. Orig.; Eff. Date, 14 July 62.

6. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Allentown LFR	LOM	Direct	2400	T-dn	300–1	300–1	200–½
Allentown VOR	LOM	Direct	2400	C-dn	500–1	500–1	500–1½
East Penn Int	LOM	Direct	3000	S-dn-6*	200–½	200–½	200–½
Coopersburg Int	LOM	Direct	2500	A-dn	600–2	600–2	600–2
East Texas VOR	LOM	Direct	2400				
Pottstown VOR	Shamrock Int#	Via R-360 PTW-VOR.	2400				
Shamrock Int#	LOM (Final)	Direct	2400				

Procedure turn N side crs, 241° Outbnd, 061° Inbnd, 2400′ within 10 mi of LOM. (Nonstandard for better signal coverage.)
Minimum altitude at glide slope interception Inbnd, 2400′.
Altitude of glide slope and distance to approach end of runway at OM, 2390′—6.1 mi; at MM, 600′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′ on NE crs ILS within 15 mi of LOM, then make left turn, proceed direct to ABE–VOR at 3000′. Hold NW ABE–VOR, 1-minute left turns, 111° Inbnd.
*500–1 required with glide slope inoperative.
#Shamrock Int: Int R-360 Pottstown VOR and SW crs ILS.

City, Allentown; State, Pa.; Airport Name, Allentown-Bethlehem-Easton; Elev., 391′; Fac. Class., ILS; Ident., I-ABE; Procedure No. ILS-6, Amdt. 5; Eff. Date, 14 July 62; Sup. Amdt. No. 4; Dated, 24 Feb. 62

Binghamton VOR	BGM–MHW or River Int*	Direct	3500	T-dn	300–1	300–1	200–½
Montrose Int	BGM–MHW	Direct	3500	C-dn	400–1	500–1	500–1½
Greene Int	BGM–MHW	Direct	3500	S-dn-34	300–¾	300–¾	300–¾
				A-dn	600–2	600–2	600–2

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn E side SE crs, 158° Outbnd, 338° Inbnd, 3500′ within 10 mi of Binghamton MHW or River Int.*
Minimum altitude at glide slope int Inbnd, 3500′.
Altitude at glide slope and distance to approach end of runway from BGM–MHW or River Int,* 3505′—7 mi.
Altitude of glide slope and distance to approach end of runway at OM, 2695′—3.9 mi; at MM, 1820′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb on crs of 338° to 3500′ within 15 miles, then make left turn to BGM–VOR or, when directed by ATC, make left climbing turn to 3500′ to the BGM VOR. Hold west, 1-minute right turns, inbound crs 095°.
Other changes: Deletes transitions from Sidney Int, Sanford Int, Stevens Point Int, Lynn Int, and Herrick Int.
*Int R-116 BGM VOR and SE crs BGM ILS.

City, Binghamton; State, N.Y.; Airport Name ,Broome County; Elev., 1629′; Fac. Class., ILS; Ident., I-BGM; Procedure No. ILS-34, Amdt. 8; Eff. Date, 14 July 62; Sup. Amdt. No. 7; Dated, 30 Jan. 60

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Harrisburg LFR	LOM	Direct	2700	T-d	500–1	500–1	500–1
Harrisburg VOR	LOM	Direct	2700	T-n	500–2	500–2	500–2
				S-d-8	600–1½	600–1½	600–1½
				S-n-8	600–2	600–2	600–2
				C-dn	1000–2	1000–2	1000–2
				A-dn	1000–2	1000–2	1000–2

Radar transitions authorized in accordance with approved patterns.
Procedure turn N side of W crs, 259° Outbnd, 079° Inbnd, 2700′ within 10 miles.
Minimum altitude over LOM 2700′. No glide slope. Distance to appr end of runway at OM 7.1, at MM 1.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.1 miles after passing LOM, climb to 3000′ on Harrisburg VOR R-115 to Middletown Int.* Hold east, 1-minute left turns, Inbnd crs 295°.
AIR CARRIER NOTES: Landing on runway 2 authorized only during daylight hrs with ceiling 1500′ or better.
NOTES: 1. Takeoff minimums of 300–1 authorized for Runways 8–26 only. 2. Takeoff on Runway 20 NA. 3. ADF approach NA.
CAUTION: Circling minimums do not provide standard clearance over 1136′ ridge and tower 1.6 mi S of airport. Nonstandard instrument landing system. Approaches not authorized with any commissioned component inoperative. Course vagaries and/or flag indications may be encountered below 6000′ beyond 10 miles of localizer antenna when more than 15 degrees south of the localizer course.
*Int R-115 HAR–VOR and R-293 TWC–VOR.

City, Harrisburg; State, Pa.; Airport Name, Harrisburg-York State; Elev., 347′; Fac. Class., ILS; Ident., I-HAR; Procedure No. ILS-8, Amdt. 8; Eff. Date, 14 July 62; Sup. Amdt. No. 7; Dated, 19 May 62

Grandby Int*	Webb City Int# (Final)	Direct	1800	T-dn	300–1	300–1	300–1
LOM	Webb City Int#	Direct	2700	C-dn	500–1½	500–1½	500–1½
				S-dn-31	500–1½	500–1½	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn E side of SE crs, 130° Outbnd, 310° Inbnd, 2300′ within 10 miles of Webb City Int.#
No glide slope. Minimum altitude over Webb City Int# on final approach crs, 1800′.
Crs and distance, Webb City Int# to airport, 310°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing Webb City Int,# climb to 3100′ on the NW crs of JLN localizer to JL LOM and hold.
NOTE: Procedure authorized only when aircraft equipped to receive ILS and VOR simultaneously.
Other change: Deletes transition from Int NW crs ILS and E crs CU-LFR.
*Grandby Int: Int EOS-VOR R-051 and SE crs JLN localizer.
#Webb City Int: Int EOS-VOR R-351 and SE crs JLN localizer.

City, Joplin; State, Mo.; Airport Name, Joplin Municipal; Elev., 980′; Fac. Class., ILS; Ident., I-JLN; Procedure No. ILS-31, Amdt. 4; Eff. Date, 14 July 62; Sup. Amdt. No. 3; Dated, 27 Aug. 60

Meridian VOR	LOM (HW)	Direct	2000	T-dn	300–1	300–1	200–½
Union Int	LOM (HW)	Direct	2000	C-dn	500–1	600–1	600–1½
Decatur Int	LOM (HW)	Direct	2000	S-dn-01#	300–¾	300–¾	300–¾
Newton Int	LOM (HW)	Direct	2000	A-dn	600–2	600–2	600–2
Rose Hill Int	LOM (HW)	Direct	2000				
Sawmill Int	LOM (HW)	Direct	2000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 184° Outbnd, 004° Inbnd, 2000′ within 10 mi.
Minimum altitude at glide slope intercepton Inbnd 1700′.
Altitude of glide slope and distance to appr end of runway at OM 1700′—4.5 mi, at MM 506′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left, climb to 2000′, proceed direct to MEI VOR. Hold NW on R-309, 1-minute right turns or, when directed by ATC, turn left and return to LOM at 2000′.
NOTE: Take-offs with less than 200–½ NA on Runways 4 and 22. No approach lights. Over-run lights and high intensity runway lights only on Runway 18–36. Runway 9–27 closed.
CAUTION: Trees 600 MSL 2 mi. E of airport. 1000′ tower 2.5 mi E of airport. 850′ tower 4.2 mi SE of airport.
#500–1 required when glide slope not used.

City, Meridian; State, Miss.; Airport Name, Key Field; Elev., 297′; Fac. Class., ILS; Ident., I-MEI; Procedure No. ILS-01, Amdt. 6; Eff. Date, 14 July 62; Sup. Amdt. No. 5; Dated, 24 Mar. 62

Thornhurst VOR	CYE RBn*	Direct	3500	T-dn#	600–1	600–1	600–1
Effort Int	CYE RBn*	Direct	3500	C-d	900–1½	1000–1½	1000–2
Pocono Int	CYE RBn*	Direct	3500	C-n	1300–2	1300–2	1300–2
Avoca Int	CYE RBn*	Direct	3500	S-dn-4**	600–1	600–1	600–1
Lopez Int	CYE RBn*	Direct	3500	A-d	1200–2	1200–2	1200–2
Hazleton RBn	CYE RBn*	Direct	3500	A-n	1600–3	1600–3	1600–3
Scranton Int##	CYE RBn*	Direct	4000				

Radar transitions authorized in accordance with approved patterns.
Procedure turn W% side SW crs, 223° Outbnd, 043° Inbnd, 3500′ within 10 mi of Crystal Lake RBn.
Minimum altitude at glide slope int Inbnd final, 3500′ over Crystal Lake RBn.
Altitude of glide slope and distance to appr end of runway at CYE* RBn, 3500′—8.5 mi; at OM, 2230′—3.9 mi; at MM, 1180′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing Wilkes-Barre LOM or 8.5 miles after passing Crystal Lake RBn, climb to 3500′ on crs 043° from the Wilkes-Barre LOM, then proceed direct to the Wilkes-Barre VOR, maintain 4000′. Hold east, 1-minute right turns, inbound crs 268° or, when directed by ATC, (1) climb to 3500′ on crs 043° from the LOM, turn left and proceed direct to Crystal Lake RBn, maintain 3500′, hold SW, 1-minute left turns inbound crs 043°, (2) hold west of Crystal Lake RBn, 3500′ 1-minute right turns, inbnd crs 100°.
NOTE: High terrain to E, SE, and S of airport within 2.5 miles.
AIR CARRIER NOTE: Provisions for reduced visibility not authorized at night or with day minimums below 1 mile for 65 knots or less aircraft and 1½ miles for more than 65 knots aircraft.
#Takeoff minimums for Runways 10 and 16: Day, 600–2; night, 800–2.
*Crystal Lake RBn—this approach is authorized only when Crystal Lake Radio Beacon is operating.
%Procedure turn nonstandard to provide separation from approaches to Hazleton, Pa.
**If glide slope not utilized, straight-in minimums to Runway 4 will be 800–1, 65 knots or less; 800–1½, more than 65 knots. After passing CYE RBn, if OM not received, do not descend below 2800′.
##Scranton Int: Int R-349 Thornhurst VOR and R-289 Wilkes-Barre VOR.

City, Wilkes-Barre; State, Pa.; Airport Name, Wilkes-Barre-Scranton; Elev., 956′; Fac. Class., ILS; Ident., I-AVP; Procedure No. ILS-4, Amdt. 14; Eff. Date, 14 July 62; Sup. Amdt. No. 13; Dated, 2 June 62

7. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
														Surveillance approach			
320°	025°	20 mi	6000	15 mi	4400	10 mi	3000							T-dn	300–1	300–1	200–½
025°	320°	20 mi	4000	15 mi	*3100									C-dn	400–1	500–1	500–1½
														S-dn–10, 16, 34	400–1	400–1	400–1
														28	800–2	800–2	800–2
														A-dn			

*Radar control must provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of tower 2549' msl 9.0 mi south of airport.

All bearings are from the radar site with sector azimuths progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—Runway 10: Climb on crs 097° to 3000' within 10 mi, then turn right climbing to 3500'. Runway 16: Climb on crs 158° to 3500' within 10 mi. Runway 28: Climb on crs 277° to 3000' within 10 mi, then turn left climbing to 3500'. Runway 34: Climb on crs 338° to 2600' within 10 mi, then left climbing turn to 3500'. All runways: After reaching 3500', proceed direct to BGM–VOR. Hold west BGM–VOR, 1-minute right turns, 076° Inbnd.

City, Binghamton; State, N.Y.; Airport Name, Broome County; Elev., 1629'; Fac. Class. and Ident., Binghamton Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 14 July 62

340°	270°	20 mi	2700											Precision approach			
270°	340°	20 mi	3100											T-dn	300–1	300–1	300–1
														C-dn	400–1	500–1	500–1½
														S-dn–17 and 35	200–½	200–½	200–½
														A-dn	600–2	600–2	600–2
														Surveillance approach			
														T-dn	300–1	300–1	300–1
														C-dn	400–1	500–1	500–1½
														S-dn–17 and 35	400–1	400–1	400–1
														A-dn	800–2	800–2	800–2

All bearings are from the radar site with sector azimuths progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—Runway 17: Climb to 2600' on LAW R–352 and proceed to VOR. Runway 35: Turn right, climb to 2600' on LAW R–352 to LAW–VOR or, when directed by ATC, climb to 3500' to Apache Int on LAW–VOR R–352.

CAUTION: High terrain northwest.

NOTES: 1. Hours of operation: 0800–1600 Monday through Friday. 1 hour prior notice on IFR, holidays and weekends. 2. Authorized for military use only except by prior arrangement.

City, Lawton; State, Okla.; Airport Name, Post AAF; Elev., 1187'; Fac. Class. and Ident., Post Radar; Procedure No. 1, Amdt. 1; Eff. Date, 14 July 62; Sup. Amdt. No. Orig.; Dated, 27 June 59

070°	210°	20 mi	7600	15 mi	7100									Surveillance approach			
210°	350°	20 mi	4100	15 mi	3600									T-dn	600–1	600–1	600–1
350°	070°	20 mi	5100	15 mi	4600									C–d–16	1200–2	1200–2	1200–2
All quadrants						10 mi *3500								C–d–4, 10, 22	1000–1½	1000–1½	1000–2
														C–n–All	1300–2	1300–2	1300–2
														S–dn–4	1000–1½	1000–1½	1000–2
														S–dn–10	900–1½	900–1½	900–1½
														S–dn–16	1200–2	1200–2	1200–2
														S–dn–22	800–1	800–1½	800–1½
														A–d–All	1200–2	1200–2	1200–2
														A–n–All	1600–3	1600–3	1600–3

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make an immediate right climbing turn (Runways 16 and 22), or left climbing turn (Runway 10) so as to intercept a course of 043° from the LMM. Climb to 3500' on crs 043°, then make right turn, proceed direct to Wilkes-Barre VOR. Maintain 4000'. Hold east, 1-minute right turns, inbound course, 268°.

NOTE: High terrain to E, SE, and S of airport within 2.5 miles.

‡Takeoff minimums for Runways 10 and 16, 600–2 day; 800–2 night.

*Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of tower approximately 2900 msl 5.6 miles north of radar site.

City, Wilkes-Barre; State, Pa.; Airport Name, Wilkes-Barre-Scranton; Elev., 956'; Fac. Class. and Ident., Wilkes-Barre Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 14 July 62

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on June 7, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-5785; Filed, June 26, 1962; 8:45 a.m.]

[Reg. Docket No. 1264; Amdt. 90]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Miscellaneous Amendments

This amendment is being adopted to insure the safety of IFR operations by establishing the minimum en route IFR altitudes for the route or portions thereof contained herein, and the altitudes which assure navigational coverage that is adequate and free of frequency interference for such routes or portions thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice, public procedure and effective date provisions of the Administrative Procedure Act would be impracticable.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 610 is hereby amended as follows:

Section 610.11 *Green Federal airway 1* is amended to read in part:

From Megantic, Quebec, Canada, LFR; to Millinocket, Maine, LFR; MEA *5,000. *For that airspace over U.S. territory.

Section 610.108 *Amber Federal airway 8* is amended to read:

From Red Bluff, Calif., LFR; to Whitmore, Calif., LFR; northeastbound, MEA 6000; southwestbound, MEA 5,000.

From Whitmore, Calif., LFR; to Klamath Falls, Oreg., LFR; MEA 10,000.

From Klamath Falls, Oreg., LFR; to Redmond, Oreg., LFR; MEA 10,000.

Section 610.287 *Red Federal airway 87* is amended to delete:

From Vanda INT, Hawaii; to *Port Allen, Hawaii, LF/RBN; MEA 6,000. *6,000—MCA Port Allen LF/RBN, westbound.

Section 610.609 *Blue Federal airway 9* is amended to read:

From *Duluth, Minn., LF/RBN; to U.S.-Canadian Border; MEA 3,300. *3,000—MCA Duluth LF/RBN, northbound.

Section 610.1001 *Direct routes—U.S.* is amended to delete:

From *Honolulu, T.H., LFR; to Abeam Kahuku via N crs Honolulu; MEA 5,000. *3,000—MCA Honolulu LFR, northbound.

From Bowling Green, Ky., LFR; to Nashville, Tenn., LFR; MEA 2,300.

From Crossroads INT, Tenn., to Int. 050 M rad TYS and 078 M rad BFO VORS; MEA 3,500.

From Lick INT, Calif., to Hollister INT, Calif.; MEA 5,200.

57V:

From Nassau, Bahamas, VOR; to *Morley INT, Bahamas; MEA **2,000. *8,800—MRA. **1,200—MOCA.

From Morley INT, Bahamas, to *Gorda INT, Bahamas; MEA **2,000. *8,300—MRA. **1,000—MOCA.

From Gorda INT, Bahamas; to *Abaco INT, Bahamas; MEA **10,500. *10,500—MRA. **1,000—MOCA.

From Bimini, Bahamas, RBN; to Nassau, Bahamas, RBN; MEA 1,200.

Section 610.1001 *Direct routes—U.S.* is amended by adding:

From Carter, Tex., VOR; to Parker INT, Tex.; MEA 2,100.

From Carter, Tex., VOR; to Int. 070 M rad Carter VOR and 088 M rad Dallas VOR; MEA *2,800. *2,000—MOCA.

From Carter, Tex., VOR; to Joshu INT, Tex.; MEA 2,100.

From Fox INT., Tex.; to Sunset INT, Tex.; MEA *3,500. *2,100—MOCA.

From Bridgeport, Tex., VOR; to Aledo INT, Tex.; MEA *2,500. *2,400—MOCA.

From Lick INT, Calif.; to Gilroy INT, Calif.; MEA 5,000.

From Gilroy INT, Calif.; to Hollister INT, Calif.; MEA 6,000.

58V:

From Nassau, Bahamas, VOR; to *Morley INT, Bahamas; MEA **2,000. *8,800—MRA. **1,200—MOCA.

From Morley INT, Bahamas; to *Gorda INT, Bahamas; MEA **2,000. *8,300—MRA. **1,000—MOCA.

From Gorda INT, Bahamas; to *Abaco INT, Bahamas; MEA **10,500. *10,500—MRA. **1,000—MOCA.

4 Lima:

From Bimini, Bahamas, RBN; to Nassau, Bahamas, RBN; MEA 1,200.

Section 610.1001 *Direct routes—U.S.* is amended to read in part:

52V:

From Int. BSY–094T and ZBV–111T; to Nassau, Bahamas, VOR; MEA *2,000. *1,400—MOCA.

55V:

From Bimini, Bahamas, VOR; to Nassau, Bahamas, VOR; *2,000. *1,400—MOCA.

57V:

From Bimini, Bahamas, VOR; to Nassau, Bahamas, VOR; *2,000. *1,400—MOCA.

Section 610.6003 *VOR Federal airway 3* is amended to read in part:

From Sea Island INT, Ga., via E alter.; to *Darien INT, Ga., via E alter.; MEA **2,000. *4,000—MRA. **1,000—MOCA.

From Darien INT, Ga., via E alter.; to *Sapelo INT, Ga., via E alter.; MEA **2,000. *4,000—MRA. **1,000—MOCA.

From Pinehurst, N.C., VOR; to Raleigh, N.C., VOR; MEA 2,000.

Section 610.6004 *VOR Federal airway 4* is amended by adding:

From Malad City, Idaho, VOR, via S alter.; to Fort Bridger, Wyo., VOR, via S alter.; MEA 12,000.

From Fort Bridger, Wyo., VOR, via S alter.; to Rock Springs, Wyo., VOR, via S alter.; MEA 10,000.

Section 610.6004 *VOR Federal airway 4* is amended to read in part:

From *Gleed INT, Wash., via S alter.; to Yakima, Wash., VOR; via S alter.; MEA 5,500. *7,000—MCA Gleed INT, northwestbound.

From Elkins, W. Va., VOR; to Kessel, Va., VOR; MEA 6,000.

Section 610.6005 *VOR Federal airway 5* is amended to read in part:

From Cincinnati, Ohio, VOR; to Mason INT, Ohio; MEA 2,700.

From Mason INT, Ohio; to Gladstone INT, Ohio; MEA *3,000. *2,700—MOCA.

Section 610.6006 *VOR Federal airway 6* is amended to read in part:

From *Lyman INT, Iowa; to **Middle River INT, Iowa; MEA 2,600. *3,500—MRA. **3,000—MRA.

From Reno, Nev., VOR via S alter.; to Hazen, Nev., VOR via S alter.; MEA 9,500.

From Hazen, Nev., VOR via S alter; to *Lovelock, Nev., VOR via S alter.; MEA 8,000. *8,500—MCA Lovelock VOR, northeastbound.

Section 610.6007 *VOR Federal airway 7* is amended to read in part:

From Dothan, Ala., VOR; to Montgomery, Ala., VOR; MEA 1,800.

Section 610.6008 *VOR Federal airway 8* is amended to read in part:

From *Lyman INT, Iowa; to **Middle River INT, Iowa; MEA 2,600. *3,500—MRA. **3,000—MRA.

Section 610.6008 *VOR Federal airway 8* is amended to delete:

From Logandale, Nev., FM via N alter.; to Las Vegas, Nev., VORTAC via N alter.; southwestbound only, MEA 6,500.

Section 610.6013 *VOR Civil airway 13* is amended to read in part:

From Dalsetta INT, Tex., via E alter.; to Lufkin, Tex., VOR via E alter.; MEA *4,000. *1,500—MOCA.

Section 610.6015 *VOR Federal airway 15* is amended to read in part:

From Ardmore, Okla., VOR; to *Holdenville INT, Okla.; MEA **4,000. *5,000—MRA. **2,700—MOCA.

From Holdenville INT, Okla.; to Pharoah INT, Okla.; MEA *4,000. *2,700—MOCA.

Section 610.6016 *VOR Federal airway 16* is amended to read in part:

From Holston Mountain, Tenn., VOR; to *Konnarock INT, Va.; MEA 6,000. *7,000—MCA Konnarock INT, northeastbound.

Section 610.6020 *VOR Federal airway 20* is amended to read in part:

From Evergreen, Ala., VOR; to *Greenville INT, Ala.; MEA 1,800. *3,000—MRA.

Section 610.6021 *VOR Federal airway 21* is amended to delete:

From Logandale, Nev.; FM; to Las Vegas, Nev., VORTAC; southwestbound only; MEA 6,500.

Section 610.6029 *VOR Federal airway 29* is amended to read in part:

From Watertown, N.Y., VOR; to Lisbon INT, N.Y.; MEA 3,000.

From Lisbon INT, N.Y.; to Massena, N.Y., VOR; MEA 2,000.

Section 610.6031 *VOR Federal airway 31* is amended to delete:

From McAlester, Okla., VOR; to *Hoffman INT, Okla., MEA 2,000. *4,700—MRA.

From Hoffman INT, Okla.; to Okmulgee, Okla., VOR; MEA 2,000.

Section 610.6035 *VOR Federal airway 35* is amended to read in part:

From Albany, Ga., VOR via W alter.; to Macon, Ga., VOR via W alter.; MEA *2,000. *1,800—MOCA.

From *Erwin INT, Tenn., via W alter.; to Holston Mountain, Tenn., VOR via W alter.; MEA 6,000. *6,500—MCA Erwin INT, southbound.

Section 610.6037 *VOR Federal airway 37* is amended to read in part:

From Savannah, Ga., VOR; to *Tillman INT, S.C.; MEA **2,000. *2,300—MRA. **1,300—MOCA.

From Tillman INT, S.C.; to Allendale, S.C., VOR; MEA *2,000. *1,300—MOCA.

Section 610.6040 *VOR Federal airway 40* is amended to read in part:

From Imperial, Pa., VOR; to Pittsburgh, Pa., VOR; MEA *3,000. *2,500—MOCA.

Section 610.6041 *VOR Federal airway 41* is amended to read in part:

From Pittsburgh, Pa., VOR; to Imperial, Pa., VOR; MEA *3,000. *2,500—MOCA.

Section 610.6050 *VOR Federal airway 50* is amended to read in part:

From *Cowan INT, Ohio, Via N alter.; to Dayton, Ohio, VOR via N alter.; MEA **3,000. *4,000—MRA. **2,600—MOCA.

Section 610.6052 *VOR Federal airway 52* is amended to read in part:

From Troy, Ill., VOR; to Boulder INT, Ill.; MEA 2,000.
From Boulder INT, Ill.; to *Cartter INT, Ill.; MEA **2,000. *2,300—MRA. **1,900—MOCA.

Section 610.6055 *VOR Federal airway 55* is amended to read in part:

From Goshen, Ind., VOR; to South Bend, Ind., VOR; MEA 3,000.

Section 610.6057 *VOR Federal airway 57* is amended to read in part:

From Falmouth, Ky., VOR; to Hamilton INT, Ohio; MEA 2,700.

Section 610.6066 *VOR Federal airway 66* is amended to read in part:

From Talladega, Ala., VOR; to McDonough, Ga., VOR; MEA *4,000. *2,900—MOCA.

Section 610.6077 *VOR Federal airway 77* is amended to read in part:

From Cotulla, Tex., VOR; to Dilley INT, Tex.; MEA *3,000. *1,800—MOCA.
From Dilley INT, Tex.; to *Sabinal INT, Tex.; MEA **3,000. *5,500—MRA. **2,000—MOCA.
From Sabinal INT, Tex.; to *Haby INT, Tex.; MEA **4,700. *4,700—MRA. **3,500—MOCA.
From Haby INT, Tex.; to Junction, Tex., VOR; MEA *4,700. *3,500—MOCA.

Section 610.6095 *VOR Federal airway 95* is amended to read in part:

From Ranch INT, Ariz.; to Clints Well INT, Ariz.; MEA *14,000. *10,000—MOCA.
From Clints Well INT, Ariz.; to *Winslow, Ariz., VOR; northeastbound, MEA 9,000; southwestbound, MEA 14,000. *9,500—MCA Winslow VOR, southwestbound.

Section 610.6097 *VOR Federal airway 97* is amended to read in part:

From Rasberry INT, Fla.; to **St. Marks INT, Fla.; MEA ***2,000. *2,500—MRA. **1,800—MRA. ***1,000—MOCA.
From Albany, Ga., VOR via E alter.; to Montezuma INT, Ga., via E alter.; MEA *2,000. *1,800—MOCA.

Section 610.6099 *VOR Federal airway 99* is amended to read in part:

From Winlock INT, Wash.; to Centralia INT, Wash.; northbound, MEA 4,000; southbound, MEA 5,000.
From Centralia INT, Wash.; to Olympia, Wash., VOR; northbound, MEA 3,000; southbound, MEA 4,000.

Section 610.6105 *VOR Federal airway 105* is amended to read in part:

From Mount Hope INT, Ariz.; to *Tipton INT, Ariz.; MEA **12,000. *8,300—MCA Tipton INT, southeastbound. **9,000—MOCA.

Section 610.6107 *VOR Federal airway 107* is amended to read in part:

From Los Banos, Calif., VOR; to *Cathedral INT, Calif.; MEA 7,000. *7,000—MCA Cathedral INT, northwest and southeastbound.
From Cathedral INT, Calif.; to Mount Hamilton INT, Calif.; MEA 7,000.

Section 610.6111 *VOR Federal airway 111* is amended to read in part:

From Salinas, Calif., VOR; to Cathedral INT, Calif.; MEA 5,500.

Section 610.6112 *VOR Federal airway 112* is amended to read in part:

From Amboy INT, Oreg., via N alter.; to *Lyle INT, Wash., via N alter.; MEA **8,000. *11,500—MRA. **7,000—MOCA.

Section 610.6131 *VOR Federal airway 131* is amended to read in part:

From McAlester, Okla., VOR; to *Hoffman INT, Okla.; MEA 2,000. *4,700—MRA.
From Hoffman INT, Okla.; to Okmulgee, Okla., VOR; MEA 2,000.

Section 610.6137 *VOR Federal airway 137* is amended to read in part:

From *Gorman, Calif., VOR; to Sunset INT, Calif.; MEA 11,000. *10,500—MCA Gorman VOR, westbound.
From Sunset INT, Calif.; to *Fellows, Calif., VOR; westbound, MEA 9,000; eastbound, MEA 11,000. *8,500—MCA Fellows VOR, eastbound.

Section 610.6140 *VOR Federal airway 140* is amended to read in part:

From Bluefield, W. Va., VOR; to Clifdale, Va., VOR; MEA 6,000.
From Clifdale, Va., VOR; to Montebello, Va., VOR; MEA 6,000.

Section 610.6145 *VOR Federal airway 145* is amended to read in part:

From Watertown, N.Y., VOR; to U.S.-Canadian Border; MEA 3,000.

Section 610.6151 *VOR Federal airway 151* is amended to read in part:

From Montpelier, Vt., VOR; to *Burlington, Vt., VOR; MEA 6,000. *4,000—MCA Burlington VOR, southeastbound.

Section 610.6155 *VOR Federal airway 155* is amended to read in part:

From Pinehurst, N.C., VOR; to Raleigh, N.C., VOR; MEA 2,000.

Section 610.6161 *VOR Federal airway 161* is amended to read in part:

From Ardmore, Okla., VOR; to *Holdenville INT, Okla.; MEA **4,000. *5,000—MRA. **2,700—MOCA.
From Holdenville INT, Okla.; to Pharoah INT, Okla.; MEA *4,000. *2,700—MOCA.

Section 610.6163 *VOR Federal airway 163* is amended to read in part:

From Alice, Tex., VOR via W alter.; to *Clegg INT, Tex., via W alter.; MEA 1,700. *2,000—MRA.
From Guadalupe INT, Tex., via W alter.; to Fredericksburg INT, Tex., via W alter.; MEA *4,000. *3,000—MOCA.
From Fredericksburg INT, Tex., via W alter.; to Llano, Tex., VOR via W alter.; MEA *4,000. *3,100—MOCA.

Section 610.6167 *VOR Federal airway 167* is amended to read in part:

From Northport INT, N.Y.; to Hartford, Conn., VOR; MEA 2,000.

Section 610.6171 *VOR Federal airway 171* is amended to read in part:

From *Mitchell INT, Ind., to Scotland, Ind., VOR; MEA 2,400. *4,000—MRA.

Section 610.6172 *VOR Federal airway 172* is amended to read in part:

From Newton, Iowa, VOR via S alter.; to Guernsey INT, Iowa, via S alter.; MEA 2,200.
From Guernsey INT, Iowa via S alter.; to Cedar Rapids, Iowa, VOR via S alter.; MEA 2,100.

Section 610.6182 *VOR Federal airway 182* is amended to read in part:

From Amboy INT, Oreg., via N alter.; to *Lyle INT, Wash., via N alter.; MEA **8,000. *11,500—MRA. **7,000—MOCA.

Section 610.6190 *VOR Federal airway 190* is amended to read in part:

From *Phoenix, Ariz.., VOR; to **Salt River INT, Ariz., northeastbound, MEA 12,000; southwestbound, MEA 10,000. *6,000—MCA Phoenix VOR, northeastbound. **13,000—MRA.

Section 610.6194 *VOR Federal airway 194* is amended to read in part:

From McComb, Miss., VOR; to Olive INT, Miss.; MEA *2,000. *1,800—MOCA.
From Olive INT, Miss.; to *Rose Hill INT, Miss.; **3,000. *3,000—MRA. **1,700—MOCA.

Section 610.6194 *VOR Federal airway 194* is amended by adding:

From Norcross, Ga., VOR; to Homer INT, Ga.; MEA 2,500.

Section 610.6200 *VOR Federal airway 200* is amended to read in part:

From Ukiah, Calif., VOR; to *Lakeport INT, Calif.; MEA 7,000. *9,000—MRA.

Section 610.6206 *VOR Federal airway 206* is amended to read in part:

From Blue Springs, Mo., VOR; to Tina INT, Mo.; MEA 2,400.

Section 610.6211 *VOR Federal airway 211* is amended to read in part:

From Fort Stockton, Tex., VOR; to Ozona INT, Tex.; MEA *7,000. *4,400—MOCA.
From *Sabinal INT, Tex.; to Dilley INT, Tex.; MEA **3,000. *5,500—MRA. **2,000—MOCA.

Section 610.6222 *VOR Federal airway 222* is amended to read in part:

From Fort Stockton, Tex., VOR; to Ozona INT, Tex.; MEA *7,000. *4,400—MOCA.

Section 610.6227 *VOR Federal airway 227* is amended to read in part:

From *Mitchell INT, Ind.; to Sanders INT, Ind.; MEA **4,000. *4,000—MRA. **2,400—MOCA.

Section 610.6244 *VOR Federal airway 244* is amended to read in part:

From Hanksville, Utah, VOR; to LaSal, Utah, VOR; MEA 12,000.

Section 610.6262 *VOR Federal airway 262* is amended to read in part:

From Peoria, Ill., VOR; to *Dunlap INT, Ill.; MEA 2,100. *3,000—MRA
From Dunlap INT, Ill.; to Bradford, Ill., VOR; MEA 2,100.

Section 610.6272 *VOR Federal airway 272* is amended to read in part:

From Shawnee INT, Okla.; to *Holdenville INT, Okla.; MEA **5,000. *5,000—MRA. **2,400—MOCA.
From Holdenville INT, Okla.; to McAlester, Okla., VOR; MEA *5,000. *2,400—MOCA.

Section 610.6279 *VOR Federal airway 279* is amended to read:

From Columbus, Ohio, LF/RBN; to Findlay, Ohio, VOR; MEA 2,500.

Section 610.6284 *VOR Federal airway 284* is amended to read in part:

From Fort Stockton, Tex., VOR; to Ozona INT, Tex., MEA *7,000. *4,400—MOCA.

Section 610.6437 *VOR Federal airway 437* is amended to read in part:

From Sea Island INT, Ga.; to *Darien INT, Ga.; MEA **2,000. *4,000—MRA. **1,000—MOCA.
From Darien INT, Ga.; to *Sapelo INT, Ga.; MEA **2,000. *4,000—MRA. **1,000—MOCA.
From *Marion INT, Fla.; to St. Johns INT, Fla.; MEA **7,500. *3,500—MRA. **1,000—MOCA.
From St. Johns INT, Fla.; to Sea Island INT, Ga., MEA *7,500. *1,000—MOCA.

Section 610.6446 *VOR Federal airway 446* is amended to read in part:

From Troy, Ill., VOR; to Boulder INT, Ill.; MEA 2,000.
From Boulder INT, Ill.; to *Cartter INT, Ill.; MEA **2,000. *2,300—MRA. **1,900—MOCA.

Section 610.6454 *VOR Federal airway 454* is amended by adding:

From Lawrenceville, Va., VOR; to Hopewell, Va., VOR; MEA 2,100.

Section 610.6462 *VOR Federal airway 462* is amended to read in part:

From Houghton, Mich., VOR; to *Williams INT, Mich.; MEA **3,500. *4,300—MRA. **2,500—MOCA.

Section 610.6463 *VOR Federal airway 463* is deleted.

Section 610.6472 *VOR Federal airway 472* is amended to read:

From Franklin, Va., VOR; to Elizabeth City, N.C., VOR; MEA *2,500. *1,400—MOCA.

Section 610.6475 *VOR Federal airway 475* is added to read:

From Deer Park, N.Y., VOR; to Madison, Conn., VOR; MEA 1,500.
From Madison, Conn., VOR; to Putnam, Conn., VOR; MEA 1,300.
From Madison, Conn., VOR via E alter.; to Norwich, Conn., VOR via E alter.; MEA 1,700.
From Norwich, Conn., VOR via E alter.; to Putnam, Conn., VOR via E alter.; MEA 2,000.

Section 610.6485 *VOR Federal airway 485* is amended to read in part:

From Priest, Calif., VOR; to Rancho INT, Calif.; MEA 7,000.
From Rancho INT, Calif.; to *Cathedral INT, Calif.; MEA **8,000. *8,000—MCA Cathedral INT, southeastbound. **5,800—MOCA.

Section 610.6494 *VOR Federal airway 494* is amended to read in part:

From *Virginia City INT, Nev.; to **Hazen, Nev., VOR; MEA 10,000. *11,000—MCA Virginia City INT, westbound. **9,000—MCA Hazen VOR, southwestbound.
From Hazen, Nev., VOR; to Mount Moses, Nev., VOR; MEA 12,000.

Section 610.6804 *VOR Federal airway 804* is amended to read in part:

From Clarion, Pa., VOR; to Imperial, Pa., VOR; MEA *3,000. *2,800—MOCA.

Section 610.6819 *VOR Federal airway 819* is amended to delete:

From McDonough, Ga., VOR; to Kennesaw INT, Ga.; MEA 3,000.
From Kennesaw INT, Ga.; to *Dalton INT, Ga.; MEA 4,000. *5,000—MRA.
From Dalton INT, Ga.; to Chattanooga, Tenn., VOR; MEA 3,000.
From Chattanooga, Tenn., VOR; to Dayton INT, Tenn.; MEA 3,500.
From Dayton INT, Tenn.; to Crossville, Tenn., VOR; MEA 5,000.

Section 610.6819 *VOR Federal airway 819* is amended by adding:

From McDonough, Ga., VOR; to Crabapple INT, Ga.; MEA 3,000.
From Crabapple INT, Ga.; to *Tate INT, Ga.; MEA **4,000. *4,300—MRA. **3,200—MOCA.
From Tate INT, Ga.; to Ellijay INT, Ga.; MEA *4,300. *3,900—MOCA.
From Ellijay INT, Ga.; to Crossville, Tenn., VOR; MEA 6,000.

Section 610.6830 *VOR Federal airway 830* is amended to read in part:

From Bluefield, W. Va., VOR; to Clifdale, Va., VOR; MEA 6,000.
From Clifdale, Va., VOR; to Montebello, Va., VOR; MEA 6,000.

Section 610.6837 *VOR Federal airway 837* is amended to read in part:

From Evergreen, Ala., VOR; to *Greenville INT, Ala.; MEA 1.800. *3,000—MRA.

Section 610.6845 *VOR Federal airway 845* is amended to read in part:

From Pharoah INT, Okla.; to *Holdenville INT, Okla.; MEA **4,000. *5,000—MRA. **2,700—MOCA.
From Holdenville INT, Okla.; to Ardmore, Okla., VOR; MEA *4,000. *2,700—MOCA.

Section 610.6854 *VOR Federal airway 854* is amended to read in part:

From *Lovelock, Nev., VOR; to Reno, Nev., VOR; MEA 10,000. *8,500—MCA Lovelock VOR, northeastbound.

Section 610.6859 *VOR Federal airway 859* is amended to read in part:

From Pharoah INT, Okla.; to *Holdenville INT, Okla.; MEA **4,000. *5,000—MRA. **2,700—MOCA.
From Holdenville INT, Okla.; to Ardmore, Okla., VOR; MEA *4,000. *2,700—MOCA.

Section 610.6863 *VOR Federal airway 863* is amended to read in part:

From Int. 054 M rad Idlewild VOR and 158 M rad Wilton VOR; to Norwich, Conn., VOR; MEA 2,000.

Section 610.6887 *VOR Federal airway 887* is amended to read in part:

From Montebello, Va., VOR; to Clifdale, Va., VOR; MEA 6,000.
From Clifdale, Va., VOR; to Bluefield, W. Va., VOR; MEA 6,000.

Section 610.1528 *VOR Federal airway 1528* is amended to read in part:

From Dove Creek, Colo., VOR; to Alamosa, Colo., VOR; MEA 20,500; MAA 24,000. Alamosa, Colo., VOR; to Clayton, N. Mex., VOR; MEA 17,000; MAA 24,000.

Section 610.1605 *VOR Federal airway 1605* is amended to read in part:

From Williams, Calif., VOR; to Red Bluff, Calif., VOR; MEA 14,500; MAA 24,000.

Section 610.1627 *VOR Federal airway 1627* is amended to read in part:

From Farmington, N. Mex., VOR; to Gunnison, Colo., VOR; MEA 16,300; MAA 24,000.

Section 610.1635 *VOR Federal airway 1635* is amended to read in part:

From Cimarron, N. Mex., VOR; to Pueblo, Colo., VOR; MEA 14,500; MAA 24,000.

Section 610.1645 *VOR Federal airway 1645* is amended to read in part:

From Las Vegas, N. Mex., VOR; to Tobe, Colo., VOR; MEA 14,500; MAA 24,000.

Section 610.1691 *VOR Federal airway 1691* is amended to delete:

From Idlewild, N.Y., VOR; to Wilton, Conn., VOR.
From Wilton, Conn., VOR; to Poughkeepsie, N.Y., VOR.
From Poughkeepsie, N.Y., VOR; to Albany, N.Y., VOR; MEA 14,500; MAA 24,000.

Section 610.1691 *VOR Federal airway 1691* is amended by adding:

From Int. 065 T rad Idlewild VOR and 157 T rad Clermont VOR; to Clermont, N.Y., VOR; MEA 14,500; MAA 24,000.
From Clermont, N.Y., VOR; to Albany, N.Y., VOR; MEA 14,500; MAA 24,000.

Section 610.1730 *VOR Federal airway 1730* is amended to read in part:

From Taos, N. Mex., VOR; to Tobe, Colo., VOR; MEA 14,700; MAA 24,000.

Section 610.1738 *VOR Federal airway 1738* is amended to read in part:

From Lake Tahoe, Calif., VOR; to Hazen, Nev., VOR; MEA 14,500; MAA 24,000.
From Hazen, Nev., VOR; to Mount Moses, Nev., VOR; MEA 14,500; MAA 24,000.

Section 610.1748 *VOR Federal airway 1748* is amended to delete:

From Int. 126 M rad Beatty VOR and 250 M rad Las Vegas VOR; to Prescott, Ariz., VOR; MEA 14,500; MAA 24,000.

Section 610.1748 *VOR Federal airway 1748* is amended by adding:

From Int. 126 M rad Beatty VOR and 250 M rad Las Vegas VOR; to Las Vegas, Nev., VOR; MEA 14,500; MAA 24,000.

Section 610.1767 *VOR Federal airway 1767* is added to read:

From Int. 164 M rad Napa VOR and 215 M rad Sacramento VOR; to Napa, Calif., VOR; MEA 14,500; MAA 24,000.
From Napa, Calif., VOR; to Red Bluff, Calif., VOR; MEA 14,500; MAA 24,000.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

These rules shall becomes effective July 26, 1962.

Issued in Washington, D.C., on June 20, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-6160; Filed, June 26, 1962; 8:45 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

PART 485—NONFAT DRY MILK

Subpart—Nonfat Dry Milk Export Payment-in-Kind Program—Terms and Conditions (SM-7)

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AUTHORITY: §§ 485.101 to 485.146 issued under secs. 4 and 5, 62 Stat. 1070, 1072, 15 U.S.C. 714 b and c.

GENERAL

§ 485.101 General statement.

Commodity Credit Corporation (referred to in this subpart as "CCC") pursuant to this subpart will conduct a Nonfat Dry Milk Export Payment-In-Kind Program (referred to in this subpart as the "program") under which a person or firm that has exported from commercial sources pursuant to a registered sale as provided in § 485.106, U.S. Extra grade spray process nonfat dry milk (referred to in this subpart as "milk") processed in the United States from milk produced in the United States may apply for payment in the form of a negotiable certificate (referred to in this subpart as "certificate") that is redeemable in milk, butter, cheddar cheese, wheat, rice or feed grains held in the inventory of CCC. Such commodities delivered in redemption of certificates must also be exported. Certificates may be redeemed at face value, except as provided in this subpart, in the purchase of milk, butter, or cheddar cheese from CCC pursuant to Announcements LD–33 and LD–35. The exportation of such dairy products will not earn additional certificates. Milk obtained from CCC shall not be eligible for certificates under this program. Wheat, feed grains, and rice delivered in redemption of certificates will be priced according to the prevailing pricing policies set forth in the payment-in-kind program regulations for such commodities. The program is designed to encourage the exportation through normal trade channels of milk held in private inventories and in CCC stocks in order (a) to maintain and expand the market in friendly countries for United States produced milk, (b) to aid the price support program by strengthening the domestic market price to producers, (c) to reduce the quantity of milk which would otherwise be taken into CCC's stocks under its price support program, and (d) to promote the orderly liquidation of CCC stocks. The program will be carried out by the Foreign Agricultural Service (referred to in this subpart as FAS), and by the Agricultural Stabilization and Conservation Service (referred to in this subpart as ASCS), United States Department of Agriculture and will be administered under the general direction and supervision of the General Sales Manager, FAS. Information pertaining to the program may be obtained from the Office of the General Sales Manager, Washington, D.C., and the Cincinnati and Portland ASCS Commodity Offices.

REQUIREMENTS FOR PARTICIPATION

§ 485.105 General provisions.

(a) Exporters (as defined in § 485.142) desiring to participate in this program shall register sales made by them to foreign buyers (as defined in § 485.145) of milk for export with the Office of the General Sales Manager, Washington, D.C. That office will acknowledge acceptable sales and designate an ASCS Commodity Office as provided in § 485.106.

(b) Milk exported under this program must have been processed in the United States from milk produced in the United States and must not have been owned by CCC. The milk must be U.S. Extra grade spray process as evidenced by USDA Dry Milk grading certificates issued not earlier than 90 days prior to the date of export.

(c) An exporter shall, in accordance with Section 485.108, submit applicable Dry Milk Grading Certificates, issued by the Agricultural Marketing Service, U.S. Department of Agriculture (referred to in this subpart as inspection certificates), to and notify the ASCS Commodity Office at least five business days prior to the time of vessel loading or of other exportation, of the exact location and identification of the milk to be exported so that such milk may be inspected prior to export by USDA inspectors.

(d) Milk shall be exported under this program only to an eligible country as defined in § 485.140, and the milk so exported shall not be transshipped or caused to be transshipped by the exporter to any country other than an eligible country.

(e) To be eligible for certificates under this program, the exporter must make application for certificates and furnish documentary evidence of sale and evidence of export of a quantity of milk, as required in §§ 485.115, 485.116, and 485.117, which evidence has not been used, or will not subsequently be used as evidence of export in connection with any other agreement entered into pursuant to § 485.107 or in connection with any export program under which CCC has paid or has agreed to pay an export allowance, or in connection with any other export program which involves the sale of milk by CCC at prices which reflect any export allowance or in connection with a CCC barter transaction. Nothing herein shall be construed as precluding exportations of milk under this program in fulfillment of Purchase Authorizations pursuant to Public Law 480, 83d Congress.

§ 485.106 Registration of sales.

To be eligible for certificates hereunder, a sale of milk for export from commercial sources shall be registered by the exporter with CCC through the Office of the General Sales Manager, FAS, Washington 25, D.C., by submitting an original and two copies of a properly executed Notice of Sale, Form CCC–138. Telegraphic notice of sale will be acceptable provided all data is included in the telegram that is required by Form CCC–138 and further provided the telegraphic notice is confirmed by submission of a properly executed Form CCC–138 to the Office of the General Sales Manager, FAS. Form CCC–138 must be submitted to the Office of the General Sales Manager, FAS, Washington, D.C., not later than ten business days after the date of export sale. (Form CCC–138 postmarked within such ten day period will qualify.) An extension of a period for a registration shall be at the discretion of the General Sales Manager, upon a showing to his satisfaction that failure to register was without fault or negligence of the exporter. Sales entered into prior to the date of issuance of this regulation shall not be eligible to be registered hereunder. Upon receipt of an acceptable Form CCC–138, a registration number will be assigned by the Office of the General Sales Manager and an ASCS Commodity Office (Cincinnati or Portland) will be designated thereon as the office to which the related Application for Export Payment may be submitted, and an acknowledgment copy of the form showing such registration number and ASCS Commodity Office designation will be returned to the exporter. The exporter shall promptly notify the Office of the General Sales Manager, FAS, of any error in a Form CCC–138 or of any amendment to an export sale contract. All communications pertaining to a sale previously registered with CCC for which a registration number has been assigned shall contain reference to the registration number.

§ 485.107 Exporter's agreement with CCC.

The submission of a Form CCC–138 by an exporter and the assignment of a registration number by the Office of the General Sales Manager, FAS, shall constitute an agreement by the exporter to export during the period shown on the Form CCC–138 to destinations in eligible countries as defined in § 485.140, the quantity of milk shown on such Form CCC–138 and to submit satisfactory evidence of sale and exportation as required in §§ 485.116 and 485.117 in consideration of the undertaking by CCC to issue a certificate (Form CCC–134) to the exporter.

§ 485.108 Furnishing of inspection certificates and notice by exporter that milk is available for inspection by CCC.

The exporter shall submit applicable USDA inspection certificates so as to reach the designated ASCS Commodity Office at least five business days prior to the date of actual exportation of milk, the sale of which has been registered with CCC. The exporter at the same time shall notify the designated ASCS Commodity Office of the exact location, identification, and period of time during which the milk may be inspected by CCC. Such notice shall include identifying lot number, railroad car number, name of forwarding agent, scheduled port arrival date, or other information which will enable CCC to locate the shipment at point of export and to relate such shipment to the applicable USDA inspection certificates. If the exporter fails to furnish the notice, or the USDA inspection certificates fail to arrive in the designated ASCS Commodity Office at least five business days prior to the date of exportation, except for causes without fault or negligence of the exporter as determined by the Director of the designated ASCS Commodity Office, certificates will not be issued to the exporter with respect to such milk.

§ 485.109 Exportation requirements.

(a) The exporter shall export or cause exportation within the period stated in the Form CCC–138 registered with CCC or within any extension thereof approved in writing by the Office of the General Sales Manager, FAS, of milk to an eligible country as defined in § 485.140, in accordance with his agreement with CCC. If an extension of the export period is approved, it may be made subject to such terms and conditions as may be determined by the General Sales Manager, FAS.

(b) Exportation of milk by or to a United States Government agency, to or in a destination defined as an eligible country in § 485.140 shall not qualify as an exportation to an eligible country for the purposes of this program. (United States Government agency means any corporation wholly owned by the Federal Government and any department, bureau, administration or other unit of the Federal Government as, for example, the Departments of the Army, Navy, and Air Force, the Agency for International Development, the Army and Air Force Exchange Service, the Navy exchanges, and the Panama Canal Company.) Sales to foreign buyers, including foreign governments, financed with funds made available by a United States agency such as the Agency for International Development or the Export-Import Bank, are not sales to a United States Government agency, provided the milk is not for transfer by such buyer to a United States Government agency.

(c) The exporter shall promptly furnish to CCC the evidence of sale and the evidence of exportation as specified in §§ 485.116 and 485.117. Failure to furnish such evidence within 60 calendar days from the last date of the period for exportation shown on the Form CCC–138 or from the last date of any extension in time for exportation approved pursuant to paragraph (a) of this section, shall constitute prima facie evidence of failure to export.

(d) Failure of the exporter to export in accordance with the provisions of his agreement with CCC shall constitute a default of his obligations to CCC. Exportation of the agreed quantity of milk, to an eligible country within the period of time specified in exporter's agreement with CCC or another period approved pursuant to paragraph (a) of this section are of the essence of the agreement and are conditions precedent to any right to payment under this program. If the exporter does not export the quantity of milk specified in the exporter's agreement with CCC, the exporter shall be liable for any damages suffered by CCC as the result of such breach. In addition to being liable for any damages suffered by CCC for failure to export milk within the agreed period, an exporter may be suspended and may be denied the right to receive certificates in accordance with § 485.127.

(e) If the exportation of any milk pursuant to the exporter's agreement with CCC does not qualify as an exportation to an eligible country as defined in § 485.140, or if any milk exported is reentered into the United States, including Puerto Rico, whether or not such reentry is caused by the exporter, or if any milk exported is transshipped or caused to be transshipped by the exporter to any country excluded by § 485.140, the exporter shall be in default and shall return to CCC any certificates issued by CCC in payment for export of such milk or shall refund to CCC the face value of such certificates in cash and, with respect to any milk reentered into the United States, including Puerto Rico, shall pay to CCC any damages as provided in paragraph (d) of this section. The exporter shall not be subject to such damages if he establishes to the satisfaction of CCC that (1) the reentry was not due to his fault or negligence and promptly after he received notice of reentry he subsequently exported a quantity of milk in fulfillment of the requirements of his agreement with CCC equal to that which was reentered, or (2) the milk reentered was lost, damaged, or destroyed and the physical condition is such that its reentry will not impair CCC's export and price support programs.

§ 485.110 Quantity tolerance.

In the event the exporter exports or causes exportation in accordance with § 485.109 of a net quantity of milk less than the net quantity provided in the exporter's agreement with CCC, but not less than 98 percent of such quantity, the exporter shall not be deemed to be in default. In the event an exporter exports or causes exportation in accordance with § 485.109 of a net quantity greater than the net quantity provided in the exporter's agreement with CCC, but not in excess of 102 percent of such quantity, he may include such overshipped quantity in his application for a certificate and such quantity may be included in the computation of the amount of the certificate to be issued.

§ 485.111 Export payment rates.

An announcement will be made by the Office of the General Sales Manager, FAS, Washington, D.C., of an export payment rate and the period for which such rate will be in effect. At the expiration of such period, a new announcement will be made of an export payment rate and the period for which such rates will be in effect. No rates will be announced on Saturday. Announcements of export payment rates and periods for which such payment rates will be in effect will be issued by the Office of the General Sales Manager, FAS, Washington, D.C., by USDA press release. Different export payment rates may be announced for specific ports or coastal areas.

§ 485.112 Determination of rates.

The rate in effect at the time of sale to a foreign buyer or the rate in effect at the time of registration of the Notice of Sale as required by § 485.106, whichever rate is the lower, shall be the rate applicable to the export sale. The supporting evidence of sale submitted by the exporter in the form described in § 485.116 shall be the basis for determining the time of sale. Some of the factors which are determinative of such time of sale, for the purpose of this program, are as follows:

(a) The time of acceptance by an exporter of a definite offer of a foreign buyer as evidenced by the time of filing a cablegram or telegram.

(b) Time of receipt by the exporter of a cablegram or other written acceptance from the foreign buyer of a definite offer by the exporter to sell or the time of receipt by the exporter of a cablegram or other written notification from his agent that the foreign buyer has accepted a definite offer by the exporter to sell.

(c) Time of filing by the exporter of a cablegram or time of mailing of a written confirmation by the exporter of the booking of a shipment or shipments to be made pursuant to a standing order of the buyer to purchase. It must be clear from the evidence, however, that the exporter has the right under the terms of the standing order to create a firm contract of sale by issuing a confirmation. For example, if he is authorized to confirm the sale at a price which may be established at his option, the evidence must show that such is the understanding between buyer and seller; otherwise it will be necessary for the buyer also to confirm the price, and receipt of the buyer's confirmation will establish the time of sale.

(d) A sale shall not be considered as made until the purchase price has been established and time of sale shall be the earliest time the exporter has knowledge that a firm contract exists with the foreign buyer on which a firm dollar and cent price has been established pursuant to paragraphs (a), (b), and (c) of this section.

(e) If the export is wholly by truck or rail and a firm contract exists at a firm

dollar and cent price but the time of sale cannot be determined on the basis of the factors set forth in this section, or by any other means, the sale will be deemed to have been made at the time of issuance of the inland bill of lading, or if none is issued, at the time of clearance through United States Customs. If export is by ocean carrier and time of sale cannot be determined under other provisions of this section, the sale will be deemed to have been made on date of issuance of ocean carrier bill of lading, or if none is issued as is contemplated in § 485.117(a)(3) on date the milk is loaded on board ocean carrier, provided, however, that if two export payment rates are in effect on any such date, the lower rate will be applicable to the sale.

MILK EXPORT PAYMENT CERTIFICATE

§ 485.115 Application for Milk Export Payment.

An original and two copies of Application for Milk Export Payment, Form CCC–135, must be prepared and submitted to the ASCS Commodity Office designated on the acknowledgment copy of the Notice of Sale, Form CCC–138, together with the evidence of sale as provided in § 485.116, and the evidence of exportation as provided in § 485.117. Such evidence must be submitted within 60 days after the last date for export provided in CCC Form 138 or during an extension of that period for export as provided in § 485.109(a).

§ 485.116 Evidence of sale.

Supporting evidence of sale, reflecting time of sale in one copy only must be submitted with the Application for Milk Export Payment and the evidence of exportation. Such evidence of sale may be in the form of certified true copies of offer and acceptance or other documentary evidence of sale including certified true copies of contracts between exporter and buyer. In transactions involving an intermediate party, the evidence of sale required is certified true copies of all documents evidencing the sales which are exchanged between the exporter, the intermediate party and the buyer shown on the Notice of Sale, and any additional documentation specifically requested by the Director of the designated ASCS Commodity Office.

§ 485.117 Documents required as evidence of export.

(a) Each Application for Milk Export Payment, Form CCC–135, must be supported by the following documents evidencing export as applicable:

(1) Subject to the provisions of subparagraph (3) of this paragraph, if export is by water, or air, a non-negotiable, duplicate copy of the applicable on-board commercial bill of lading signed by an agent of the export carrier, which shows the net weight of the milk, the identification of the export carrier, and that the milk is destined to an eligible country. A bill of lading showing the gross weight of the milk and the number of containers may be furnished, provided the bill of lading also shows the weight of the containers or the exporter furnishes an acceptable certification as to the weight of the containers. If exported under Public Law 480, 83d Congress, the purchase authorization number shall be shown on the bill of lading. Where loss, destruction, or damage to the milk occurs subsequent to loading aboard the export carrier but prior to issuance of on-board bill of lading, one copy of a loading tally sheet or acceptable similar document may be substituted for the bill of lading.

(2) Subject to the provisions of subparagraph (3) of this paragraph, if export is by rail or truck, and not under Public Law 480, 83d Congress, a Shipper's Export Declaration, authenticated by a representative of the Bureau of Customs at the port of export, which identifies the shipment(s), the date of clearance into the foreign country, the gross weight of the milk, and the weight of the containers. If export is under Public Law 480, 83d Congress, one unauthenticated copy of Shipper's Export Declaration (or photostat of an unauthenticated copy) which shall bear a statement certified by the exporter that, "The authenticated copy of this Shipper's Export Declaration was forwarded to (name of banking institution) with my draft for financing of the shipment under P.A. No. _____"

(3) If the export shipment is made by vessel, plane, truck, or other carrier, operated by a United States Government agency, then in lieu of the bill of lading or Shipper's Export Declaration provided for in subparagraphs (1) and (2) of this paragraph, the exporter may submit a certificate issued by an authorized official or employee of such agency showing the date of shipment(s), type of carrier used, identification of the commodity, and the quantity.

(4) Such additional evidence of export as CCC may require under the circumstances of any particular transaction to enable CCC to determine that there has been compliance with the export requirements hereof.

(b) If the shipper or consignor named in the on-board bill(s) of lading or the Shipper's Export Declaration(s) is other than the exporter named in the offer to export, waiver by such shipper or consignor of any interest in the application for payment in favor of such exporter is required. Such waiver must clearly identify the on-board bill(s) of lading or Shipper's Export Declaration(s) submitted to evidence export.

(c) Where exportation of the milk has been made by anyone or transshipment made or caused by the exporter to one or more countries or areas to which a validated license is required by the Bureau of International Programs, U.S. Department of Commerce, the bills of lading or other pertinent documentary evidence required to be furnished to CCC shall identify the license by number issued by the Bureau of International Programs, U.S. Department of Commerce, for such movement.

(d) In case a single bill of lading or other documentary evidence of export covers more than the net quantity of milk which is applied against the exporter's agreement with CCC, and such documentary evidence of export is to be used as evidence of export of such excess quantity in connection with a different agreement with CCC under this program, or under any other export program of CCC pursuant to which CCC had paid or agreed to pay an export allowance or has sold milk at prices which reflect any export allowance, each copy of such documentary evidence of export submitted pursuant to paragraph (a) of this section shall be accompanied by a statement certified by the exporter identifying all agreements or contracts with CCC to which the documentary evidence of export has been or will be applied and the quantity applicable to each agreement or contract.

§ 485.118 Description of certificate.

Upon receipt of an Application for Milk Export Payment, Form CCC–135, and satisfactory evidence of sale and evidence of export, the ASCS Commodity Office will determine the amount of payment due and issue to the exporter a Milk Export Payment Certificate, Form CCC–134, herein referred to as "certificate", for the amount due. Such certificates will be subject to the provisions contained therein and the applicable provisions of this subpart.

(a) *Payee.* The certificate will be issued only to the exporter whose offer to export has been accepted by CCC.

(b) *Face value.* The amount shown in the space provided for the face value of the certificate will be the amount obtained by multiplying the number of pounds of milk exported in accordance with the exporter's agreement with CCC by the export payment rate in effect at the time of sale or the time of registration, whichever rate is lower.

(c) *Date of export.* The date of export shown on the certificate will be the date of export as defined in § 485.144.

REDEMPTION OF MILK EXPORT PAYMENT CERTIFICATE

§ 485.120 General provisions.

The certificate will be redeemable in milk, cheddar cheese, or butter, which CCC makes available from its stocks for sale under Announcements LD–33 and LD–35, and any amendments or revisions thereof, or will be redeemable in feed grains pursuant to the terms and conditions of Revision I of the Feed Grain Export Program—Payment-In-Kind (GR–368) (24 F.R. 7092) and any subsequent amendments thereto, or will be redeemable in wheat pursuant to the terms and conditions of Revision III of the Wheat Export Program—Payment-In-Kind (GR–345) and any subsequent amendments thereto, or will be redeemable in rice pursuant to the terms and conditions of Revision I of the Rice Export Program—Payment-In-Kind (GR–369) (26 F.R. 967). The certificate may be presented to the ASCS Commodity Offices which are designated in § 485.131 to redeem certificates in milk, cheddar cheese, butter, wheat, rice, or feed grains. The certificate may be transferred to other persons by endorsement.

§ 485.121 Redemption value of certificates.

A certificate will be accepted by CCC at face value if applied to a purchase contract with CCC dated within 60 days after date of export shown on the certificate for the purchase of milk, cheddar cheese, butter, wheat, rice, or feed grains. Beginning on the 61st day and ending on the date of sale under the CCC contract to which it is applied, the redemption value of a certificate will be reduced at the rate of one percent per day, unless, upon application of the holder of the certificate, the General Sales Manager for good cause shown, specifies a later date for inception of the reduction in value.

§ 485.122 Sales of eligible commodities for milk export payment certificates.

(a) Sales of milk, cheddar cheese, butter, wheat, rice, or feed grains for milk export payment certificates will be made pursuant to the terms and conditions of the announcements and program regulations cited in § 485.120 and the provisions of this subpart.

(b) If certificates having a value in excess of the purchase price are surrendered by the purchaser to CCC, the certificates having the earliest date of export shall be applied first to the purchase and any certificates not applied shall be returned to the purchaser. If the value of certificates applied to the purchase exceeds the purchase price, such excess will be adjusted by issuance and delivery to the purchaser of a milk export payment certificate for the balance which may be used on a subsequent purchase from CCC. The date of export shown on the balance certificate will be the date shown on the original certificate, or if more than one certificate is applied to the purchase, the date of export shown on the balance certificate will be the latest date of export shown on a certificate applied to the purchase. The face value of the balance certificate will be determined by deducting from the total face value of the certificates surrendered to CCC, the purchase price of the commodity and any discount applicable to the portion of the certificates being applied to the purchase as provided in § 485.121.

MISCELLANEOUS PROVISIONS

§ 485.125 Covenant against contingent fees.

The exporter warrants that no person or selling agency has been employed or retained to solicit or secure agreements as provided under § 485.107 upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial agencies maintained by the exporter for the purpose of securing business. For breach or violation of this warranty, CCC shall have the right to annul the agreement without liability, or in its discretion, to deduct from the value which a certificate would otherwise have, the full amount of such commission, percentage, brokerage, or contingent fee, or to otherwise recover such full amount from the exporter.

§ 485.126 Performance guarantee.

CCC reserves the right to require the exporter to furnish a cash deposit, performance bond, or irrevocable commercial letter of credit, acceptable to CCC, to guarantee performance of any of his obligations under this subpart.

§ 485.127 Good faith.

If the Vice President, CCC, after affording the exporter an opportunity to present evidence determines that such exporter has not acted in good faith in connection with any transaction under this subpart, such exporter may be suspended from participation in this program for such period as the General Sales Manager may determine and may be denied the right to receive certificates under this subpart in connection with any transaction previously made under this program. Any such action shall not affect any other right of the Department of Agriculture or the Government.

§ 485.128 Assignments.

No exporter shall assign any right to any export payment under this subpart, except that certificates received by him may be transferred by endorsement as provided in § 485.120.

§ 485.129 Records and accounts.

Each exporter shall maintain accurate records showing all commodities exported or to be exported in connection with this program. Such records, accounts and other documents relating to any transaction in connection with this program shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture, and shall be preserved for three years after date of export.

§ 485.130 Reports.

The exporter shall file such reports as may be required from time to time by the CCC subject to the approval of the Bureau of the Budget.

§ 485.131 ASCS Commodity Offices.

(a) Information concerning this program may be obtained from representatives of the General Sales Manager:

(1) Joseph Reidinger, 80 Lafayette Street, New York 13, New York.

(2) Callan B. Duffy, Balboa Building, 593 Market Street, San Francisco 4, California.

(b) Information concerning this program or the purchase of milk, cheddar cheese, butter with milk export payment certificates may be obtained from the following offices:

(1) Cincinnati ASCS Commodity Office, U.S. Department of Agriculture, 222 East Central Parkway, Cincinnati 2, Ohio.

(2) Portland ASCS Commodity Office, U.S. Department of Agriculture, 1218 Southwest Washington Street, Portland 5, Oregon.

(c) Information concerning the purchase of rice with milk export payment certificates may be obtained from the following offices:

(1) Dallas ASCS Commodity Office, U.S. Department of Agriculture, 500 South Ervay Street, Dallas 1, Texas.

(2) Portland ASCS Commodity Office, U.S. Department of Agriculture, 1218 Southwest Washington Street, Portland 5, Oregon.

(d) Information concerning the purchase of feed grains and wheat may be obtained from the following offices:

(1) Dallas ASCS Commodity Office, U.S. Department of Agriculture, 500 South Ervay Street, Dallas 1, Texas.

(2) Evanston ASCS Commodity Office, U.S. Department of Agriculture, 2201 Howard Street, Evanston, Illinois.

(3) Kansas City ASCS Commodity Office, U.S. Department of Agriculture, Box 205, Kansas City 41, Missouri.

(4) Minneapolis ASCS Commodity Office, U.S. Department of Agriculture, 6400 France Avenue, South, Minneapolis 10, Minnesota.

(5) Portland ASCS Commodity Office, U.S. Department of Agriculture, 1218 Southwest Washington Street, Portland 5, Oregon.

§ 485.132 Officials not to benefit.

No member or delegate to Congress, or resident Commissioner, shall be admitted to any benefit that may arise from any provision of this program, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

§ 485.133 Amendment and termination.

This program may be amended or terminated by filing of such amendment or termination with the FEDERAL REGISTER for publication. Any such amendment or termination shall not be applicable to contracts made prior to the time such amendment or termination becomes effective.

§ 485.134 Setoff.

If the exporter is indebted to CCC, the amount of such indebtedness may be set off against payments due the exporter under an Application for Milk Export Payment, Form CCC–135. Setoff as provided herein shall not deprive the exporter of any right he might otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action.

DEFINITIONS

§ 485.140 Eligible country or designated country.

"Eligible country" or "designated country" means any destination outside of the United States and Puerto Rico excluding any country or area for which a license is required under regulations issued by the Bureau of International Programs, U.S. Department of Commerce, unless a license for shipment or transshipment thereto has been obtained from such Bureau.

§ 485.141 Export and exportation.

"Export" and "exportation" means, except as hereinafter provided, a shipment from the Continental United States destined to another area excluding Alaska, Hawaii, and Puerto Rico. The milk so shipped shall be deemed to have been exported on the date which appears on the applicable on-board vessel export bill of lading or other document authorized by this subpart to be furnished in lieu of such bill of lading, or if shipment from the Continental United States is by truck or rail, the

date the shipment clears United States Customs. If milk is lost, destroyed, or damaged after loading on-board an export ship, exportation shall be deemed to have been made as of the date of the on-board ship ocean bill of lading or other document authorized by this subpart to be furnished in lieu of such bill of lading, or the latest date appearing on the loading tally sheet or similar documents if the loss, destruction, or damage occurs subsequent to loading aboard ship but prior to issuance of on-board ship ocean bill of lading or such other document: *Provided*, That if the "lost" or "damaged" milk remains in the United States, it shall be considered as reentered milk and shall be subject to the provisions of § 485.109(e).

§ 485.142 Exporter.

"Exporter" means an individual, corporation, partnership, association, or other business entity, which is regularly engaged in the business of buying and selling milk and for this purpose maintains a bona fide business office in the Continental United States and therein has a person, principal or resident agent upon whom service of process may be had.

§ 485.143 Milk or nonfat dry milk.

"Milk" or "nonfat dry milk" means U.S. Extra grade spray process nonfat dry milk (evidenced by USDA inspection certificates issued not earlier than 90 days prior to the date of export), produced and processed in the United States.

§ 485.144 Date of export.

"Date of export" means the date milk is loaded on board an ocean carrier or the date milk clears customs if export is by rail or truck, or the date of export shipment, if shipment is made by a carrier operated by a U.S. Government agency.

§ 485.145 Foreign buyer.

"Foreign buyer" as used in this subpart means the buyer (a) who is named in a Notice of Sale registered in accordance with § 485.106 as having a contract of sale with the exporter, and (b) who is the importer to the eligible country. Such foreign buyer must be a legal entity separate from the exporter, but may, however, be a foreign affiliate of the exporter. If the sale is made by the exporter with an agent or broker of the foreign buyer, the contract of sale must be in the name of the foreign buyer.

§ 485.146 Date of sale.

"Date of sale" as used in this subpart, and in certificates, as applied to contracts of purchase of dairy products from Commodity Credit Corporation means the date of the contract as defined in sales announcements LD–33 and LD–35.

Effective date. This Nonfat Dry Milk Export Payment-In-Kind Program (SM–7), Terms and Conditions shall become effective on the date of publication in the FEDERAL REGISTER.

Issued this 22d day of June 1962.

RAYMOND A. IOANES,
Vice President,
Commodity Credit Corporation.

APPENDIX

NOTICE TO EXPORTERS

The Department of Commerce, Bureau of International Programs (the Bureau of Foreign Commerce until August 9, 1961), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities (except absorbent cotton and sterilized gauze and bandages with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled area of the Far East including Communist China, North Korea, and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Programs.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, 15 CFR 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirements for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule, 15 CFR 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Programs or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

[F.R. Doc. 62–6250; Filed, June 26, 1962; 8:57 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

SUBCHAPTER B—PROHIBITIONS OF IMPORTED COMMODITIES

[Grapefruit Reg. 4, Amdt. 2]

PART 944—FRUITS; IMPORT REGULATIONS

Grapefruit

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) of § 944.100 (Grapefruit Regulation 4; 26 F.R. 12064; 27 F.R. 3111) are hereby amended to read as follows:

(a) On and after 12:01 a.m., e.s.t., July 2, 1962, the importation of any grapefruit is prohibited unless such grapefruit are inspected and meet the following applicable requirements:

(1) During the period beginning at 12:01 a.m., e.s.t., July 2, 1962, and ending at 12:01 a.m., e.s.t., August 27, 1962:

(i) All grapefruit shall grade at least U. S. No. 2 Russet;

(ii) All seeded grapefruit shall be of a size not smaller than $3\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title); and

(iii) All seedless grapefruit shall be of a size not smaller than $3\frac{7}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(2) During the period beginning at 12:01 a.m., e.s.t., August 27, 1962, and ending at 12:01 a.m., e.s.t., September 10, 1962:

(i) All grapefruit shall grade at least U.S. No. 1;

(ii) All seeded grapefruit shall be of a size not smaller than $3\frac{5}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; and

(iii) All seedless grapefruit shall be of a size not smaller than $3\frac{9}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 1001–1011) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674; 75 Stat. 305), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports of all grapefruit as the grade and size restrictions made applicable to the shipment of all grapefruit grown in Florida under Grapefruit Regulation 13 (§ 905.331) effective June 25, 1962; (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of grapefruit during the period beginning at 12:01 a.m., e.s.t., July 2, 1962, and ending at 12:01 a.m., e.s.t., August 27, 1962.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 22, 1962, to become effective at 12:01 a.m., e.s.t., July 2, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–6248; Filed, June 26, 1962; 8:56 a.m.]

[Orange Reg. 2, Amdt. 1]

PART 944—FRUITS; IMPORT REGULATIONS

Oranges

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (b) of § 944.301 (Orange Regulation 2; 27 F.R. 821) are hereby amended to read as follows:

(b) *Limitation of imports.* On and after 12:01 a.m., e.s.t., July 9, 1962, the importation into the United States of any oranges, including Temple oranges, is prohibited unless such oranges are inspected and grade at least U.S. No. 2 Russet and, except Temple oranges, are of a size not smaller than $2\frac{8}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title): *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2\frac{8}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2\frac{4}{16}$ inches in diameter or smaller.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 1001–1011) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674; 75 Stat. 305), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports of oranges as the grade and size restrictions being made applicable on July 9, 1962, to the shipment of oranges grown in Florida under Orange Regulation 13 (§ 905.332); (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of oranges.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 22, 1962, to become effective at 12:01 a.m., e.s.t., July 9, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–6249; Filed, June 26, 1962; 8:56 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8088]

PART 13—PROHIBITED TRADE PRACTICES

Glamorene, Inc.

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits;* § 13.170 *Qualities or properties of product or service:* § 13.170–16 *Cleansing, purifying.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Glamorene, Inc., Clifton, N.J., Docket 8088, Feb. 2, 1962]

Order requiring a Clifton, N.J., distributor of rug and upholstery cleaning shampoos to jobbers and retailers, to cease representing falsely in advertising in magazines and newspapers, and on television and radio, that its rug cleaning device "Glamorene Rug Shampoo'er", when used with its rug shampoo, was as effective as professional cleaning, and would clean merely by spreading the shampoo over a rug or carpet.

The order to cease and desist is as follows:

It is ordered, That Glamorene, Inc., a corporation, and its officers, employees, agents and representatives, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of any rug cleaning device and rug shampoo in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that any such rug cleaning device and rug shampoo will clean a rug or carpet merely by spreading the shampoo on the rug or carpet and allowing it to dry.

It is further ordered, That the complaint be, and the same hereby is, dismissed insofar as it alleges that the statements and representations made by respondent, to the effect that its rug applicator and rug shampoo are as effective in cleaning rugs and carpets as professional rug or carpet cleaning, are false, misleading and deceptive.

By "Decision of the Commission," etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: February 2, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62–6217; Filed, June 26, 1962; 8:48 a.m.]

[Docket C–69]

PART 13—PROHIBITED TRADE PRACTICES

Mission Citrus Growers, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Mission Citrus Growers, Inc., Mission, Tex., Docket C–69, Feb. 2, 1962]

Consent order requiring packers of citrus fruit in Mission, Tex., selling through brokers, retailers, and commission merchants as well as direct, to cease violating section 2(c) of the Clayton Act by paying a commission or brokerage on a large number of sales made to brokers and other direct buyers purchasing for their own accounts for resale.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent Mission Citrus Growers, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the sale of citrus fruit or fruit products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Paying, granting, or allowing, directly or indirectly to any buyer, or to anyone acting for or in behalf of or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of citrus fruit or fruit products to such buyer for his own account.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: February 2, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62–6218; Filed, June 26, 1962; 8:48 a.m.]

[Docket 6852 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

National Sugar Refining Co.

Subpart—Acquiring Stock or Assets of Competitor: § 13.5 *Acquiring stock or assets of competitor.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Divestiture order, The National Sugar Refining Company, New York, N.Y., Docket 6852, Feb. 1, 1962]

Consent order requiring the nation's second largest domestic sugar refiner to sell within six months and so as to restore the former competitive standing, the assets including refinery and sugar mill at Reserve, La., of the seventh largest—fifth largest east of the Mississippi River—refiner, which it acquired in June 1956 for approximately $6 million for the fixed assets and about $8 million for accounts receivable, inventories, and manufacturing supplies.

The order to divest is as follows:

I. *It is ordered*, That The National Sugar Refining Company, a corporation, through its officers, directors, agents, representatives and employees, shall divest itself within six (6) months of service of this order by the Commission, absolutely and in good faith, as a unit by sale to Godchaux Sugar Refining Co. or any other purchaser approved by the Commission, of all assets, properties, rights or privileges, tangible or intangible, including but not limited to, all plants, equipment, trade names, trademarks, contracts and business, and all other properties, rights and privileges acquired by The National Sugar Refining Company by the acquisition of the assets of Godchaux Sugars, Inc. (except as such assets or any part thereof may have been disposed of heretofore), together with such additions and equipment of whatever description as have been added thereto, in such a manner as may be necessary to restore Godchaux Sugars, Inc., to at least the same relative competitive standing it formerly had in the sugar refining industry at or around the time of its acquisition by respondent.

II. *It is further ordered*, That in such divestment, none of the said assets, properties, rights and privileges, tangible or intangible, shall be sold or transferred, directly or indirectly, to anyone who at the time of the divestiture is an officer, director, employee, or agent of, or otherwise directly or indirectly connected with or under the control or influence of, respondent, The National Sugar Refining Company.

III. *It is further ordered*, That respondent shall submit to the Commission bi-monthly reports describing the action that has been taken and the efforts that have been made to sell the subject assets. Such reports shall indicate the methods and means employed to effectuate a sale, the result of such actions and efforts and shall set forth the name and address of each person or company contacted, or who has indicated interest in acquiring said properties, together with copies of all correspondence and summaries of all oral communications with such persons or companies.

IV. *It is further ordered*, That respondent shall, within sixty (60) days after divestiture of the subject properties, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

V. *It is further ordered*, That, in the event respondent retains any security interest in the subject properties which may be divested to Godchaux Sugar Refining Co. and thereafter, by enforcement or settlement or any other means of enforcing such security, regains ownership or control of such property, respondent shall divest itself of said property regained in the same manner as provided in sections I, II, III, and IV of this Order.

VI. *It is further ordered*, That for a period of five (5) years from the date of this order respondent shall cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, the assets, stock or any equity in any other sugar refining or beet processing company in the United States.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent The National Sugar Refining Company, a corporation, shall file with the Commission reports in writing, setting forth in detail the manner and form in which it has complied with the order to divest, as required by paragraphs III and IV of the order contained in the initial decision.

Issued: February 1, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6219; Filed, June 26, 1962; 8:50 a.m.]

[Docket 7719 c.]

PART 13—PROHIBITED TRADE PRACTICES

Shreveport Macaroni Manufacturing Co., Inc.

Subpart—Discriminating in price under section 2, Clayton Act—payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Shreveport Macaroni Manufacturing Company, Inc., Shreveport, La., Docket 7719, Jan. 24, 1962]

Order requiring a Shreveport, La., manufacturer of a wide variety of noodles, spaghetti, macaroni, and related items sold to retail chains, independent groceries, and wholesalers, many doing business in neighboring States, to cease discriminating in price in violation of section 2(d) of the Clayton Act by such practices as paying as compensation for advertising its products $1,883 in 1958 and $1,130 in 1959, to Childs Big Chain, a division of the Kroger Co., and $212 in 1958 and $214 in 1959 to J. Weingarten, Inc., chain stores—in both cases, though making deliveries only to Louisiana locations, doing business across State lines—while not making proportional payments available to competitors of the favored customers.

The order to cease and desist is as follows:

It is ordered, That respondent, Shreveport Macaroni Manufacturing Company, Inc., a corporation, its officers, employees, agents or representatives, directly or through any corporate or other device in or in connection with the sale in commerce, as "commerce" is defined in the Clayton Act, as amended, of noodle, spaghetti, macaroni or other food products, do forthwith cease and desist from: Making or contracting to make to or for the benefit of J. Weingarten, Inc., or Childs Big Chain, or any other customer, any payment of anything of value as compensation or in consideration for advertising or other services or facilities furnished by or through such customer in connection with the handling, offering for resale, or resale, of respondent's products unless such payment is made available on proportionally equal terms to all other customers competing in the distribution or resale of such products.

By "Final Order", report of compliance was required as follows:

It is ordered, That respondent, Shreveport Macaroni Manufacturing Company, Inc., a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: January 24, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6220; Filed, June 26, 1962; 8:50 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 19—United States Information Agency

PART 19-1—GENERAL

Chapter 19 is hereby added to Title 41 of the Code of Federal Regulations.

Sec.

19-1.000 Scope of part.

Subpart 19-1.1—Introduction

19-1.100 Scope of subpart.
19-1.101 Establishment of USIA procurement policies and procedures.
19-1.102 Authority.
19-1.103 Relationship of Chapter 19 to the FPR and other procurement instructions.
19-1.104 Applicability.
19-1.105 Method of issuance.
19-1.106 Exclusions.
19-1.107 Arrangement.
19-1.107-1 General plan.
19-1.107-2 Numbering.
19-1.107-3 Citation.
19-1.108 Deviation.
19-1.108-1 Description.
19-1.108-2 Procedure.

AUTHORITY: §§ 19-1.000 to 19-1.108-2 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 19-1.000 Scope of part.

This part describes the method by which the United States Information Agency implements and supplements the Federal Procurement Regulations, and contains procedures which implement and supplement Part 1-1 of the Federal Procurement Regulations.

Subpart 19-1.1—Introduction

§ 19-1.100 Scope of subpart.

This subpart establishes Chapter 19 of the Federal Procurement Regulations System, and states its relationship to the Federal Procurement Regulations (FPR), and to other instructions governing contracting and procurement operations of the U.S. Information Agency.

§ 19-1.101 Establishment of USIA procurement policies and procedures.

This subpart establishes U.S. Information Agency (USIA) procurement policies and procedures (Chapter 19) as prescribed by the Director of USIA, to provide uniform policies and procedures applicable to procurement of personal property and nonpersonal services (including construction) for all USIA activities including the USIS (United States Information Service) as the Agency is known overseas.

§ 19-1.102 Authority.

The U.S. Information Agency Procurement Regulations are prescribed by the Director of the U.S. Information Agency pursuant to the authority of the United States Information and Educational Exchange Act of 1948, Reorganization Plan No. 8 of 1953, and the Federal Property and Administrative Services Act of 1949, as amended.

§ 19-1.103 Relationship of Chapter 19 to the FPR and other procurement instructions.

(a) Chapter 19 implements and supplements the FPR. Material published in the FPR, which has Government-wide applicability, becomes effective throughout the USIA upon the effective date of the particular FPR material. Such material generally will not be repeated, paraphrased, or otherwise restated in Chapter 19.

(b) Implementing material is that which expands upon related FPR material. It will treat a similarly numbered portion of the FPR in greater detail or indicate the manner of compliance or deviation.

(c) Supplementing material is that for which there is no counterpart in the FPR.

(d) The absence of a corresponding part, subpart, section, etc. in Chapter 19 indicates that the FPR is applicable as written.

(e) Procurement instructions, necessary to implement or supplement the FPR and Chapter 19, will be issued by the Chief of the Contract and Procurement Division, Office of Administration (IOA/C). These instructions, together with the FPR and Chapter 19, constitute the U.S. Information Agency Procurement Regulations (IAPR).

§ 19-1.104 Applicability.

Chapter 19 applies to all purchases and contracts made by the U.S. Information Agency for the procurement of personal property and nonpersonal services (including construction). Unless otherwise specified, Chapter 19 applies to purchases and contracts within and outside the United States.

§ 19-1.105 Method of issuance.

(a) All Chapter 19 material deemed necessary for an understanding, by business concerns and others interested, of basic and significant USIA policies and procedures, will be published in the FEDERAL REGISTER. Other related material also may be published in the FEDERAL REGISTER when its inclusion will provide a logical, comprehensive statement of USIA procurement policies and procedures.

(b) The Chapter 19 material published in the FEDERAL REGISTER will be published in cumulative form in Chapter 19 of Title 41 of the Code of Federal Regulations. The FEDERAL REGISTER and Title 41 of the Code of Federal Regulations may be purchased from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

§ 19-1.106 Exclusions.

(a) Certain policies and procedures within the scope of this Chapter 19 may be excluded when any of the following criteria are applicable:

(1) Subject matter which bears a security classification.

(2) Policies or procedures which are expected to be effective for a period of less than six months.

(3) Policies and procedures which are effective on an experimental basis for a reasonable period.

(4) Policies and procedures pertaining to other functions of USIA as well as to procurement functions and there is need to make the issuance available simultaneously to all USIA employees concerned.

(5) Speed of issuance is essential, numerous changes are required in Chapter 19, and all necessary changes cannot be made promptly.

(b) Procurement procedures and instructions issued in other than the FPR System format under (a) (4) and (5), above, will be codified into Chapter 19 at the earliest practicable date, but in any event not later than six months from date of issuance.

§ 19-1.107 Arrangement.

§ 19-1.107-1 General plan.

Chapter 19 is divided into parts, subparts, sections, subsections, and further subdivisions as necessary.

§ 19-1.107-2 Numbering.

(a) Generally, the numbering system used in Chapter 19 conforms to that in the FPR (See § 1-1.007-2). Thus, a particular procurement policy or procedure is identified by the same number in both the FPR and in Chapter 19 except that the first number in the FPR will be 1 rather than 19.

(b) Where Chapter 19 implements a part, subpart, section, or subsection of the FPR, the implementing part, subpart, section or subsection of Chapter 19 will be numbered (and captioned) to correspond to the FPR part, subpart, section, or subsection.

(c) Where Chapter 19 supplements the FPR and thus deals with subject matter not contained in the FPR, the numbers in the group 50 through 69 will be assigned to the respective supplementing parts, subparts, or section.

(d) Where the subject matter contained in the part, subpart, section, or subsection of the FPR requires no implementation, Chapter 19 will contain no corresponding part, subpart, section, or subsection. Thus, there may be gaps in the Chapter 19 series of part, subpart, section, or subsection; in such cases, reference must be made to the FPR for policy and procedure applicable to USIA.

§ 19-1.107-3 Citation.

USIA procurement regulations will be cited in accordance with Federal Register standards approved for the FPR. Thus, this section, when referred to in divisions of the IAPR, should be cited as "§ 19-1.107-3 of this chapter." When this section is referred to formally in official documents, such as legal briefs, it should be cited as "41CFR 19-1.107-3." Any section of the USIA Procurement Regulations may be informally identified, for purposes of brevity, as IAPR followed by the section number; i.e., "IAPR 19-1.107-3."

§ 19-1.108 Deviation.

§ 19-1.108-1 Description.

The term "deviation" includes any of the following actions:

(a) When a prescribed contract clause is set forth verbatim, use of a contract clause covering the same subject matter which varies from that set forth.

(b) When a standard or other form is prescribed, use of any other form for the same purpose.

(c) Alteration of a prescribed standard or other form, except as may be authorized by regulations.

(d) The imposition of lesser or, where the regulation expressly prohibits, greater limitations than are imposed upon the use of a contract clause, form, procedure, type of contract, or upon any other procurement action, including but not limited to, the making or amendment of a contract, or actions taken in connection with the solicitation of bids or proposals, award, administration, or settlement of contracts.

(e) When a policy or procedure is prescribed, use of any inconsistent policy or procedure.

§ 19-1.108-2 Procedure.

In the interest of establishing and maintaining uniformity to the greatest extent feasible, deviations from the Federal Procurement Regulations System shall be kept to a minimum and controlled as follows:

(a) In individual cases, deviations from the FPR and IAPR shall be author-

ized by the Assistant Director for Administration or the Chief of the Contract and Procurement Division (IOA/C). This authority may not be redelegated.

(1) A supporting statement for each deviation which indicates briefly the nature of the deviation and the reasons for such special action shall be included in the contract file.

(2) A copy of the supporting statement for each deviation shall be forwarded to the Chief of the Contract and Procurement Division.

(b) In classes of cases, deviations will be considered on an expedited basis jointly by the Chief, Contract and Procurement Division, and the General Services Administration unless, in the considered judgment of the Chief, Contract and Procurement Division, circumstances preclude such joint effort, in which case he will notify the General Services Administration of the deviation.

G. LEWIS SCHMIDT,
Assistant Director
(Administration).

JUNE 20, 1962.

[F.R. Doc. 62-6224; Filed, June 26, 1962; 8:51 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 27]

PHOENIX, ARIZONA

Proposed as Bona Fide Spot Cotton Market

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that the Agricultural Marketing Service is considering amendment of § 27.93 of the Regulations for Cotton Classification under Cotton Futures Legislation (7 CFR Part 27, Subpart A) to designate Phoenix, Arizona, as a bona fide spot cotton market, pursuant to authority contained in sections 4862 and 4863 of the Internal Revenue Code of 1954 (68A Stat. 581, 582; 26 U.S.C. 4862, 4863).

Statement of consideration leading to proposed designation. There exists in Phoenix an organized cotton exchange with a price quotation committee that has made arrangements to furnish price quotations to the Cotton Division of the Agricultural Marketing Service. This quotation committee has been reporting price quotations to the Cotton Division on a trial basis for almost a year and the performance of the committee during this trial period has been satisfactory. The Phoenix Cotton Exchange has requested that Phoenix be designated as a bona fide spot market.

Production of cotton in Arizona was 824,000 bales in 1961 and 846,000 bales in 1960. Phoenix is the most important cotton market in Arizona, which has no bona fide spot market at the present time. A study by the Agricultural Marketing Service of the qualifications of Phoenix for designation as a bona fide spot market indicates that this market is one in which spot cotton is sold in such volume and under such conditions as customarily to reflect accurately the value of Middling cotton and the differences between the prices or values of Middling cotton and of other grades of cotton for which official standards have been established.

It is proposed that the amendment designating Phoenix as a bona fide spot market would be made effective August 1, 1962.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing the same with the Director, Cotton Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days after publication of this notice in the FEDERAL REGISTER.

Dated: June 22, 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-6247; Filed, June 26, 1962; 8:56 a.m.]

[7 CFR Part 55]

GRADING AND INSPECTION OF EGG PRODUCTS

Proposed Amendments

Notice is hereby given that the United States Department of Agriculture is considering amendments to the Regulations Governing the Grading and Inspection of Egg Products under authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U.S.C. 1621 et seq.).

The proposed amendments would (1) provide for laboratory analysis on samples of egg products from nonofficial plants submitted by the applicant; (2) change lot size for dried eggs for sampling purposes from 2,500 pounds to 15,000 pounds; (3) clarify requirements for facilities for sampling and testing to be furnished by the applicant; (4) restrict organoleptic examination of egg products from nonofficial plants to frozen whole eggs; (5) limit the type of soap that is used in lavatories; (6) modify the provisions relating to shell egg washing procedures and equipment; (7) eliminate the requirement of re-examination of egg liquid by plant employees when high quality shell eggs are broken; (8) provide for applying temperature requirements to liquid egg at time of draw-off instead of time of breaking; (9) reduce percentage of solids in egg products to which 10 percent salt is added to be eligible for extended holding prior to freezing; (10) provide for breaking shell eggs at temperatures above 70° F. when liquid is mechanically cooled; (11) permit the national supervisor to approve other satisfactory cooling and freezing methods upon written request; (12) provide for time limit for freezing products to start at time of draw-off, rather than at time of placing in the freezer; (13) change the size of apertures from No. 16 mesh to No. 10 mesh for screening dried eggs; and (14) eliminate requirement for alarm devices on pasteurizing equipment. Other minor changes are proposed for clarification.

Statement of considerations. At the request of industry leaders, a meeting was held in Omaha, Nebraska on February 28, 1962, to discuss changes in the regulations which would aid in assuring a uniformly high quality in egg products produced by official plants. The meeting was attended by private and governmental research personnel working in the field and processor representatives. As an result of this meeting, a tentative proposal for changes was prepared on March 27, 1962. This was given limited circulation among the egg products processors with a request for comment. The tentative proposal contained in substance the same provisions as are contained in the present proposal. Expressions received on the tentative proposal indicated general acceptance. There was agreement that rapid cooling of egg liquid is necessary and that the changes proposed would accomplish this while at the same time they would provide for greater flexibility in plant operations.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendments should file the same with the Chief, Standardization and Marketing Practices Branch, Poultry Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 30 days following publication of this notice in the FEDERAL REGISTER.

It is proposed to amend the provisions of the regulations under the Agricultural Marketing Act of 1946, appearing in 7 CFR 55.4, 55.6, 55.18, 55.41, 55.43, 55.75, 55.77, 55.78, 55.79, 55.80, 55.81, 55.82, 55.83, 55.84, 55.85, 55.88, 55.91, 55.92, and 55.101, to read, respectively, as follows:

§ 55.4 Kinds of service available.

* * * * *

(e) Condition inspection and laboratory analysis of frozen whole eggs which were prepared in nonofficial plants.

(f) Laboratory analysis of samples (with or without added ingredients) of dried egg products, frozen yolks, and frozen whites, which were prepared in nonofficial plants and which are submitted to the laboratory by the applicant.

§ 55.6 Basis of service.

* * * * *

(b) Whenever grading or inspection service is performed on a sample basis, such sample shall be drawn as follows: (1) When frozen eggs are packed in 30-pound or larger containers, a sufficient number of randomly selected containers equivalent to not less than the square root of the total number in the lot shall be selected. When frozen eggs are packed in smaller containers, the number of containers to be selected shall be not less than the figure obtained by dividing the total net weight of the lot by 30 and extracting the square root thereof; (2) samples of dried egg solids of appropriate size shall be drawn in approximately equal portions from four randomly selected containers in each lot. For sampling purposes, a lot shall consist of not more than 15,000 pounds. If the lot consists of less than four containers, the sample shall be drawn in approximately equal portions from each container in the lot.

§ 55.18 Facilities to be furnished for use of graders and inspectors in performing service on a resident inspection basic.

(a) Facilities for proper sampling, weighing, and examination of shell eggs and egg products shall be furnished by the official plant for use by inspectors and frozen egg graders. Such facilities shall include a candling light, a heavy duty, high speed (not less than 1,000 r.p.m. under load) drill with a $1\frac{1}{16}$'' or

larger bit of sufficient length to reach the bottom of a 30-pound can of frozen eggs, a nonbreakable thermometer, and a satisfactory test kit for determining the bactericidal strength.

§ 55.41 Products not eligible for official identification.

(a) Egg products which are prepared in nonofficial plants shall not be officially identified.

(b) Frozen whole eggs may be inspected organoleptically and by laboratory analyses and covering certificates issued setting forth the results of the inspection. Such certificates shall apply only to samples examined and shall include a statement that the product was produced in a nonofficial plant. Each container of frozen whole eggs will be drilled and examined organoleptically and product which appears to be satisfactory shall for sampling purposes be placed in lots not exceeding 6,000 pounds. Samples for laboratory analyses will be taken from each lot as provided in § 55.6(b) and examined for direct microscopic bacterial count and for the presence of acetic and lactic acid. Frozen whole eggs shall be considered unsatisfactory if they contain acetic acid in any measurable quantity or if they contain lactic acid in excess of 7 milligrams per 100 grams of egg in combination with a direct microscopic bacterial count of more than 5,000,000 per gram of egg. The bacteriological analysis shall be made in accordance with the methods prescribed in Standard Methods for the Examination of Dairy Products of the American Public Health Association. The chemical analyses shall be made in accordance with the methods prescribed in Official Methods of Analysis of the Association of Official Agricultural Chemists.

§ 55.43 Supervision of marking and packaging.

* * * * *

(c) The grader or inspector in charge may approve labels for containers of product sold under a contract specification to governmental agencies when such product is not offered for resale to the general public: *Provided*, That the contract specifications include complete specific requirements with respect to labeling, and are made available to the grader or inspector in charge.

§ 55.75 Plant requirement.

* * * * *

(h) Shell egg storage rooms, either on or off the premises, shall be capable of precooling all shell eggs to meet the temperature requirements (set forth in § 55.85) for liquid eggs at time of draw-off. Such rooms shall be kept clean and free from objectionable odors and mold growth.

* * * * *

(n) Lavatory accommodations (including, but not being limited to, hot and cold running water, satisfactory soap, and towels) shall be placed at such locations in the plant as may be essential to assure cleanliness of each person handling any shell eggs or egg products.

§ 55.77 General operating procedures.

(a) All operations involving processing, storing, and handling of shell eggs, ingredients to be added, and egg products shall be conducted as rapidly as is practicable. Liquid egg products shall not be heated at any time during processing except as provided for in approved procedures for stabilization or pasteurization. Stabilization procedures, when employed shall be approved by the Administrator. Temperatures in all operations shall be such as will prevent a material increase in bacterial growth and deterioration or breakdown in the egg meat.

§ 55.78 Candling and transfer-room facilities.

(a) The room shall be so constructed that it can be adequately darkened to assure accuracy in removal of inedible or loss eggs by candling. Equipment shall be arranged so as to facilitate cleaning and the removal of refuse and excess packing material.

§ 55.79 Candling and transfer-room operations.

(a) Candling and transfer rooms shall be kept clean, free from cobwebs, dust, objectionable odors, and excess packing materials.

(b) Floors and benches shall be thoroughly cleaned daily.

§ 55.80 Egg washing area.

* * * * *

(b) [Deleted]

§ 55.81 Egg cleaning operations.

(a) All shell eggs with adhering dirt shall be be cleaned prior to breaking. If eggs are cleaned by washing, the washing process shall be continuous and eggs shall not be allowed to stand or soak in water or washing solution. The washing solution shall be changed with sufficient frequency to maintain it in reasonably clean condition. Washed eggs shall be spray-rinsed with water or water containing an approved sanitizing agent or may be immersed in water containing an approved sanitizing agent. Eggs not requiring cleaning may be immersed or sprayed with water containing an acceptable sanitizing agent. Wet eggs shall not be broken and eggs which are spray-rinsed or immersed shall be promptly dried prior to breaking sufficiently to prevent contamination or adulteration of the liquid egg.

§ 55.82 Breaking room facilities.

* * * * *

(l) A suitable container bearing an identifying mark shall be provided for disposal of rejected liquid.

§ 55.83 Breaking room operations.

* * * * *

(h) Each shell egg must be broken in a satisfactory and sanitary manner and inspected for wholesomeness by smelling the shell or the egg meat and by visual examination at the time of breaking. All egg meat shall be re-examined by a limited licensed inspector before being emptied into the tank or churn except as otherwise approved by the national supervisor.

* * * * *

(m) [Deleted]

(n)—(gg) [Renumber paragraphs (n) through (gg) of § 55.83 to read "(m) through (ff)," respectively.]

* * * * *

(s) Test kits shall be used to determine the bactericidal strength (see § 55.99).

§ 55.84 Liquid egg cooling facilities.

* * * * *

(c) If adequate liquid cooling facilities are not provided, shell egg temperatures shall be such that the liquid egg temperature specified in § 55.85 will be produced.

§ 55.85 Liquid cooling operation.

* * * * *

(c) All product, other than as provided in paragraph (d) of this section, liquid whites and product which is subjected to immediate stabilization or pasteurization, shall be cooled and held at 45° F. or less within one and one-half (1½) hours from time of draw-off of the liquid. For the purpose of this section, the time of draw-off is the time the product is placed into cans for freezing or transferred to vats or holding tanks for further processing or shipping. The time elapsed between time of breaking and draw-off shall not exceed 45 minutes. If the 45 minutes are not used up, the unused portion may be added to the one and one-half hour (1½) time requirement.

(d) Egg products containing 25½ percent or more egg solids, to which 10 percent salt has been added, may be accumulated up to four (4) hours at a temperature not exceeding 60° F.: *Provided*, That immediately thereafter the product is packaged and placed in a freezer. Liquid eggs, other than whites, if to be held more than eight (8) hours, shall be reduced to a temperature of 40° F. or less within one and one-half (1½) hours from time of draw-off and held at 40° F. or less until stabilizing or pasteurizing operations are begun or until delivered to the consumer.

* * * * *

(g) (1) Liquid whites that are to be stabilized by removal of glucose and dried shall be held at a temperature not exceeding 70° F.: *Provided*, That the stabilization process is begun within eight (8) hours from time of draw-off. If to be held longer than eight (8) hours prior to stabilization, the liquid whites shall be cooled immediately after draw-off to 55° F. and held at that temperature or lower until stabilizing is begun. Drying shall be carried out as soon as possible after the removal of the glucose and the capacity of the drier shall be sufficient to handle the volume of product stabilized so that the storage of stabilized liquid white will not be necessary as a regular operating procedure.

(2) Liquid whites, that are to be frozen, may be broken at temperatures not exceeding 70° F. and if not cooled, shall be processed in a continuous operation and placed in a freezer immediately after draw-off. Liquid whites which are to be frozen, but which are to be held temporarily prior to freezing, shall be chilled to a temperature of 55° F. or lower within one and one-half (1½) hours from time of draw-off.

* * * * *

(1) Notwithstanding provisions of this section applicable to temperature of liquid at time of draw-off, shell eggs exceeding 70° F. may be broken: *Provided*, That the liquid is immediately mechanically cooled to the temperatures specified in this section prior to draw-off.

(m) Upon written request and under such conditions as may be prescribed by the national supervisor, liquid cooling and handling temperatures not otherwise provided for in this section may be approved.

§ 55.88 Freezing operations.

* * * * *

(b) All egg products which are to be frozen shall be solidly frozen or reduced to a temperature of 10° F. within 60 hours from time of draw-off. The temperature of products not solidly frozen shall be taken at the center of the package to determine compliance with this section.

§ 55.91 Spray process drying facilities.

* * * * *

(i) Sifters of approved construction and sifting screens shall be no coarser than the opening size specified for No. 10 mesh (U.S. Bureau of Standards). Sifters must be so constructed that accumulations of large particles or lumps of dried eggs can be removed continuously while the sifters are in operation.

§ 55.92 Spray process drying operations.

* * * * *

(d) All powder shall be sifted through a No. 10 or finer mesh screen (U.S. Bureau of Standards); and the screen shall be replaced whenever torn or worn.

§ 55.101 Pasteurization of liquid eggs.

(a) *Pasteurizing facilities.* Adequate pasteurizing equipment of approved construction shall be provided so that all of the liquid egg will be processed as provided in paragraph (b) of this section. The pasteurizing equipment shall be provided with a holding tube, an automatic flow diversion valve with attached thermal controls, and recording devices which will control the flow of egg liquid in such a manner as will accomplish pasteurization as set forth in paragraph (b) of this section and will record temperatures of the heated egg liquid at the flow diversion valve continuously and automatically during the process. Refrigerated holding vats of sufficient capacity shall be provided to hold liquid eggs prior to and after pasteurization.

(b) *Pasteurizing operations.* The strained or filtered liquid egg shall be flash heated to not less than 140° F. and held at this temperature for not less than 3½ minutes and not more than 4 minutes. The flow diversion valve shall be adjusted so that all liquid not meeting the temperature requirements shall be diverted to a receiving tank. The sanitary pipe leading from the flow diversion valve shall be dismantled, cleaned, and sanitized and the flow diversion valve flushed with cold water whenever a 30-minute time interval has elapsed between use and re-use. The pasteurizing equipment shall be dismantled, cleaned, and sanitized at the end of each day's operation. If the eggs are pasteurized within 30 minutes after time of breaking, they need not be chilled to 45° F. prior to pasteurization. Immediately after pasteurization, the liquid eggs shall be cooled as provided in § 55.85 unless they are dried immediately. Any other procedure for pasteurization must be submitted in writing and approved by the national supervisor prior to use.

Dated: June 22, 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-6246; Filed, June 26, 1962; 8:55 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 686) has been filed by Oregon State University Agricultural Experiment Station, Corvallis, Oregon, proposing the issuance of a regulation to establish a tolerance of 100 parts per million for residues of the insecticide DDT in or on peppermint oil and spearmint oil, when present therein as a result of the application of this insecticide to the growing peppermint and spearmint crops.

Dated: June 20, 1962.

J. K. KIRK,
Assistant Commissioner
of Food and Drugs.

[F.R. Doc. 62-6226; Filed, June 26, 1962; 8:51 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 12 (Rev. 1)]

VARIOUS OFFICIALS

Designation To Act as Regional Commissioner, District Director, or Service Center Director

1. The Regional Commissioner shall designate an Assistant Regional Commissioner to serve as Acting Regional Commissioner during any period of absence of the Regional Commissioner. If, however, the position of Regional Commissioner becomes vacant, the Commissioner will designate the employee who will serve as Acting Regional Commissioner.

2. In a District Office having an Assistant District Director, such Assistant will become Acting District Director in case of the absence, separation or death of the District Director, unless or until the Regional Commissioner designates another officer to serve as Acting District Director. In a district where there is no Assistant District Director, (a) the Regional Commissioner will designate the employee who becomes Acting District Director in case of the separation or death of the District Director, and (b) the District Director will designate the employee who will serve as Acting District Director in the absence of the District Director, unless or until the Regional Commissioner designates another officer to serve as Acting District Director.

3. In case of the absence, separation, or death of the Director of a Service Center, the Assistant Director of the Service Center will become Acting Director unless or until the Regional Commissioner designates another officer to serve as Acting Director.

4. Designations as Acting Regional Commissioner, Acting District Director, and Acting Director of a Service Center shall be made a matter of record.

5. This order supersedes Commissioner Delegation Order No. 12, issued December 2, 1955.

Date of issuance: June 18, 1962.

Effective date: June 18, 1962.

[SEAL] MORTIMER M. CAPLIN,
Commissioner.

[F.R. Doc. 62-6233; Filed, June 26, 1962; 8:53 a.m.]

Office of the Secretary

[Treasury Dept. Order No. 191 (Rev. 3)]

DESIGNATION OF DEPUTIES

1. In addition to their other assignments, the following are designated to serve, at the pleasure of the Secretary, as the respective deputies of the principals indicated:

Principal	*Deputy*
Under Secretary for Monetary Affairs	Deputy Under Secretary for Monetary Affairs.
General Counsel	Deputy General Counsel.
Assistant Secretary (International Finance).	Deputy Assistant Secretary (International Finance).
Assistant Secretary (Tax Policy)	Deputy Assistant Secretary (Tax Policy).
Assistant Secretary	Deputy Assistant Secretary.
Fiscal Assistant Secretary	Deputy Fiscal Assistant Secretary.
Administrative Assistant Secretary	Deputy Administrative Assistant Secretary.

2. Each deputy shall have authority to perform, during the absence of his principal, any function his principal is authorized to perform.

3. Treasury Department Order No. 191 (Revision 2) is rescinded.

Dated: June 15, 1962.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 62-6234; Filed, June 26, 1962; 8:53 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 18, 1962.

The Bureau of Sports Fisheries & Wildlife has filed an application, Serial Number F. 028609 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws. The applicant desires the land for a headquarters site for the Clarence Rhode National Wildlife Range.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Cordova Building, 555 Cordova Street, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

Bethel Area

Beginning at Corner 1, a point, marked by an iron pin, 60 feet southerly of, and measured at right angles from, the center line of the gravel road leading from the village of Bethel to the F.A.A. airstrip, from which point B.L.M. monument marked "S3729 WP 1959" bears N. 54°46' W., 43.45 chains distant; thence south, 9.99 chains to an iron pipe line marker; thence south, 3.03 chains to Corner 2; thence east, 7.575 chains to Corner 3; thence north, 12.953 chains to Corner 4; thence westerly with a line 60 feet southerly of, and measured at right angles from, the center line of the above mentioned gravel road, with the meanders thereof, 7.595 chains to the place of beginning.

Containing 9.75 acres more or less.

ROBERT J. COFFMAN,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62-6223; Filed, June 26, 1962; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

UNITED STATES LINES CO.

Notice of Application for Approval of Certain Cruises

Notice is hereby given that United States Lines Company, acting pursuant to Public Law 87-45, has applied to the Maritime Administration for approval of the following listed cruises:

Ship, Sailing Date, and Itinerary

"America", Oct. 11, 1962, New York, Bermuda, New York.
"America", Dec. 21, 1962, New York, Bermuda, New York.
"America", Dec. 26, 1962, New York, Nassau, New York.
"United States", Jan. 29, 1963, New York, Nassau, St. Thomas, Martinique, Trinidad, Curacao, Cristobal, New York.
"United States", Feb. 16, 1963, New York, Nassau, St. Thomas, Curacao, Martinique, Trinidad, Cristobal, New York.
"America", Mar. 7, 1963, New York, St. Thomas, San Juan, Kingston, New York.
"America", Mar. 20, 1963, New York, St. Thomas, San Juan, Bermuda, New York.
"America", Apr. 23, 1963, New York, Bermuda, New York.

Any person, firm or corporation having any interest, within the meaning of Public Law 87-45, in the foregoing, who desires to offer data, views or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington 25, D.C., by close of business on July 13, 1962. In the event an opportunity to present oral argument is also desired, specific reason for such request should also be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: June 22, 1962.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-6282; Filed, June 26, 1962; 8:58 a.m.]

Office of the Secretary

LAURENCE H. ZAHN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: Miller Wohl.
B. Additions: None.

This statement is made as of June 1, 1962.

LAURENCE H. ZAHN.

JUNE 11, 1962.

[F.R. Doc. 62-6227; Filed, June 26, 1962; 8:52 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 11879; Order E-18484]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of June 1962.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolutions 590—Commodity Rates Board.

The agreement, adopted pursuant to unprotested notices to the carriers, names additional specific commodity rates as set forth in the attachment hereto.[1]

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the above-described agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered:

Accordingly, it is ordered:

1. That Agreement C.A.B. 14827, R-94 through R-98, is approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

2. That any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-6236; Filed, June 26, 1962; 8:53 a.m.]

[Docket No. 13627; Order E-18489]

RIDDLE AIRLINES, INC., AND WHITWORTH GLOSTER AIRCRAFT LTD.

Purchase of Certain Aircraft and Related Equipment; Order Granting Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 22d day of June 1962.

By application filed May 22, 1962, Whitworth Gloster Aircraft Ltd. (WGA) and Riddle Airlines, Inc. (Riddle) jointly request the Board to approve without hearing, pursuant to the provisions of section 408(b) of the Federal Aviation Act of 1958, as amended, (the Act), the purchase by WGA from Riddle of seven AW-650 (Argosy) aircraft and related spare engines, parts and ground equipment.[1] The agreement between the parties provides, inter alia, that in consideration of the sale, on June 30, 1962, WGA will (1) cancel the outstanding indebtedness on the aircraft; [2] (2) pay for spare parts and other equipment an amount equal to the cost to Riddle, subject to certain adjustments; and (3) pay an additional sum of $250,000 if another carrier obtains a military (Logair) contract requiring the use of the aircraft on or before June 30, 1962.

In support of the application, the parties state that the transaction will effect an immediate improvement in Riddle's financial condition by eliminating a substantial monthly cash drain required for these aircraft (4 year financing, 7 percent interest). The transaction, according to applicants, will also reduce the carrier's total notes payable (long and short term) by about $10,800,000 and its long term debt from $15,762,000 to $7,859,000, resulting in a saving of interest expense. To the extent that any cash is received, the application states that Riddle's equity will be enlarged. In addition to meeting the statutory requirements of section 408(b), it is maintained that the transaction will not adversely affect military air transportation as the aircraft will be available for contract (Logair) operations in the fiscal year 1963;[3] that the terms of the sale are reasonable, and that approval of the transaction is in the public interest.

Upon consideration of the application, the Board finds that WGA is a person engaged in a phase of aeronautics, and that the seven Argosy aircraft and related equipment to be purchased by WGA constitute a substantial portion of the properties of Riddle, within the meaning of section 408 of the Act. However, the Board has concluded tentatively that the transaction does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, does not tend to restrain competition and is not otherwise inconsistent with the public interest.

Since Riddle already possesses a relatively large number of aircraft suitable for all cargo operations, and has conducted its certificated operations in the past without using the Argosy aircraft, it does not appear that the loss of these aircraft will, in and of itself, render the carrier unable from an equipment standpoint adequately to meet its route obligations.[4]

The Board, albeit with some reluctance, permitted Riddle temporarily to suspend service to a major portion of its certificated points chiefly because of the carrier's pressing financial difficulties which were occasioned, in no small part, by the substantial cash drain resulting from the acquisition of new equipment.[5] While the subject transaction may not cure all of the carrier's financial ills, it should strengthen the carrier's position to some extent and should be a material aid in its efforts to restore its working capital to reasonable levels and reduce the cash flow during the suspension period.[6]

[1] Filed as part of the original document.

[1] The seven aircraft, constituting Riddle's entire fleet of such equipment, were acquired from WGA, the manufacturer, under a contract executed in 1960. Spare parts and other equipment for the aircraft were purchased by Riddle from WGA and other sources.

[2] Applicants estimate that, as of June 30, the indebtedness on the aircraft and financed spare parts will amount to $10,887,469, plus $180,000 interest and accounts payable.

[3] The aircraft have been utilized in Logair service and have not been used in scheduled commercial (non-military) operations. Riddle states that the aircraft will not be transferred until completion of its Logair contract for this fiscal year and that steps are being taken to permit their continuing operation in Logair services by another carrier.

[4] The Board's recent decision in the Domestic Cargo-Mail Service Case to renew Riddle's all cargo certificate on a temporary basis was not based on the carrier's possession of the Argosy or any other particular type of aircraft. See Order E-18300, May 3, 1962, at page 46.

[5] Order E-18184, served April 5, 1962, in Docket 13379.

[6] A major reason advanced by the carrier to support its suspension application—financial problems caused by the acquisition of modern flight equipment—will no longer exist to the same degree, since Riddle is here seeking to divest itself of such equipment and the manufacturer is willing to cancel Riddle's indebtedness in the process. With this drain eliminated, the carrier may be in a position to resume service to suspended points prior to December 31, 1962. We assume these matters will be discussed in Riddle's report on its financial progress and plans for resuming service which it was directed to file no later than June 30, 1962, by Order E-18184.

Furthermore, the Board notes that no person disclosing a substantial interest is currently requesting a hearing. The action herein does not constitute a determination of the reasonableness of the transaction for rate-making purposes, and the final order herein will be so conditioned.

In view of the foregoing, the Board tentatively finds that the acquisition of seven Argosy AW–650 aircraft and related spare engines and parts by WGA from Riddle should be approved and intends to approve it under section 408 without a hearing pursuant to the provisions of section 408(b). In accordance therewith, this order constituting notice of such intention will be published in the FEDERAL REGISTER and interested persons will be afforded an opportunity to comment on the Board's tentative decision.

Therefore, it is ordered:

1. That this order be published in the FEDERAL REGISTER;

2. That the Attorney General be furnished a copy of this order within one day of its publication; and

3. That interested persons are afforded a period of five days within which to file comments or request a hearing with respect to the Board's proposed action herein.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62–6237; Filed, June 26, 1962; 8:54 a.m.]

[Docket No. 13469]

NUCLEAR DAMAGE RULE

Notice of Postponement of Prehearing Conference

Pending cancellation of the tariff rule suspended by Order E–18117 (March 19, 1962) and Supplemental Order E–18387 (May 29, 1962) in the above-entitled proceeding, the prehearing conference now assigned to be held June 28, 1962, is postponed indefinitely.

Dated at Washington, D.C., June 22, 1962.

MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 62–6238; Filed, June 26, 1962; 8:54 a.m.]

CIVIL SERVICE COMMISSION

CERTAIN AEROSPACE ENGINEER AND PILOT POSITIONS AT HOUSTON, TEXAS

Notices of Increases in Minimum Rates of Pay

Under the provisions of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U.S.C. 1133), pursuant to 5 CFR 25.103, 25.105, the Commission has increased the minimum rate of pay for classes of positions in the specialization GS–861–0 Aerospace Engineer and Pilot, at Houston, Texas, as follows:

GS–13 $11,935 (rate f).
GS–14 $13,510 (rate f).
GS–15 $15,030 (rate e).

The increases are effective the first day of the second pay period which begins after June 27, 1962.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62–6228; Filed, June 26, 1962; 8:52 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14676; FCC 62–658]

ST. MARTIN BROADCASTING CO.

Order Designating Application for Hearing on Stated Issues

In re application of Dierrell Hamm, tr/as St. Martin Broadcasting Co., St. Martinville, Louisiana, Docket No. 14676, File No. BP–14207, Requests: 1570 kc, 250 w, Day, Class II; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of June 1962;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The proposal of St. Martin Broadcasting Co. causes interference to and receives interference from existing standard broadcast station KLLA, Leesville, Louisiana, and it also would receive interference from Station WABL, Amite, Louisiana (there is also some minimal interference to that station from the proposal). The amount of the interference received is in excess of the allowable amount permitted under § 3.28(d)(3) of the Commission rules; the applicant has request a waiver of this rule.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the instant proposal and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of St. Martin Broadcasting Co. would cause objectionable interference to stations KLLA and WABL, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether interference received from stations KLLA and WABL would affect more than ten percent of the population within the normally protected primary service area of the instant proposal of St. Martin Broadcasting Co., in contravention of § 3.28(d)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That Leesville Broadcasting Co. and Amite Broadcasting Co., licensees of Stations KLLA and WABL, respectively, are made parties to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 22, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–6239; Filed, June 26, 1962; 8:54 a.m.]

[Docket No. 8716 etc.; FCC 62–649]

GREENWICH BROADCASTING CORP. ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of The Greenwich Broadcasting Corporation, Greenwich, Connecticut, Docket No. 8716, File No. BP–6315; Blair A. Walliser, tr/as Milford Broadcasting Co., Milford, Connecticut, Docket No. 14574, File No. BP–14106; James Stolcz, Shelton, Connecticut, et al., Docket No. 14576, File No. BP–14355, et al.; for construction permits.

1. In Eastern Broadcasting System, Inc., FCC 62–379, Mimeo 17970, released April 19, 1962, an issue was added to determine whether a grant of Blair A. Walliser's application (BP–13673) for New Milford, Connecticut, would result in substantial overlap or in concentration of control in violation of § 3.35 of The Commission's rules. Among the reasons for adding the issue was that considerable overlap would occur between Walliser's New Milford proposal and his above-captioned proposal for Milford, Connecticut, and that his proposals for Milford and New Milford are in an area having a fifty mile radius, and in which there are two standard broadcast stations in which Walliser has interests.

2. Citing our action in Eastern Broadcasting, supra, James Stolcz and Thames Broadcasting Corporation, in pleadings filed April 16 and 17, 1962, respectively, request that the same § 3.35 issue be added in this proceeding as to Walliser's Milford, Connecticut, proposal. The Broadcast Bureau supports these requests.

3. The requested issue will be added for the same reasons that an identical issue was added in Eastern Broadcasting. Should it ultimately be determined that the grant of Walliser's Milford proposal would be consistent with § 3.35 of the Commission's rules except for the pendency of one or more of Walliser's other proposals, a grant of its Milford application will be made subject to the condition that program tests will not be authorized until he divests himself of his interests in such other proposal or proposals.

Accordingly, it is ordered, This 20th day of June 1962, that the petition to enlarge issues, filed April 17, 1962, by Thames Broadcasting Corporation, and the motion to enlarge issues, filed April 16, 1962, by James Stolcz, are granted;

It is further ordered, That the designation Order released April 3, 1962 (FCC 62–293, Mimeo 16921, Corrected) is amended by renumbering Issues 10 and 11 as Issues 11 and 12, and the following Issue 10 is added:

10. To determine whether a grant of Blair A. Walliser's Milford, Connecticut, proposal (BP–14106) would result in substantial overlap or in concentration of control in violation of § 3.35 of the Commission's rules.

Released: June 21, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–6240; Filed, June 26, 1962; 8:54 a.m.]

[Docket Nos. 14413, 14414; FCC 62–651]

DON L. HUBER AND BARTELL BROADCASTERS, INC. (WOKY)

Memorandum Opinion and Order Amending Issues

In re applications of Don L. Huber, Madison, Wisconsin, Docket No. 14413, File No. BP–13625; Bartell Broadcasters, Inc. (WOKY), Milwaukee, Wisconsin, Docket No. 14414, File No. BP–13652; for construction permits.

1. The Commission has before it for consideration a petition for clarification of issue, or, in the alternative, petition to enlarge scope of issues, filed May 10, 1962, by Bartell Broadcasters, Inc. (WOKY), together with pleadings properly filed in response thereto.

2. By its petition, Bartell seeks clarification of the original Issue No. 4 in this proceeding, which reads as follows: "To determine whether, in view of ambient cochannel signals, the directional antenna system proposed by Don L. Huber, can be satisfactorily adjusted and maintained in accordance with the Commission rules." In the alternative, Bartell seeks to enlarge the scope of the issue by striking the phrase "in view of ambient cochannel signals" therein.

3. A review of the Commission's 309(b) letter of March 7, 1960, and the designation Order herein (26 F.R. 11751; published December 7, 1961) reveals that original Issue No. 4 seeks to determine whether, in the presence of a strong cochannel signal from Station WOKY, Milwaukee, Wisconsin, the directional antenna system proposed by Don L. Huber can be satisfactorily initially adjusted and thence maintained in accordance with the provisions of the Commission's rules. The issue being properly worded to adduce evidence pertinent to this determination, petitioner's request that it be "clarified" by removal of any limitation imposed by the use of the phrase "in view of the ambient cochannel signals" will be denied. Petitioner's alternative request that the scope of the issue be amended by the deletion of the same phrase constitutes a late filed request for a change in the issues, which is unsupported by the required showing of good cause for such late filing. See § 1.141 of the Commission's rules. The alternative request, therefore, will be denied.

4. In view of the desirability of resolving in the hearing process the questions raised by petitioner concerning the ability of Huber's proposal to maintain the specified maximum radiation within the limits proposed, and despite the unjustified delay in raising these questions, the Commission will amend the issue on its own motion.

Accordingly, it is ordered, This 20th day of June 1962, that the petition for clarification of issue or in the alternative, petition to enlarge the scope of issues, filed May 10, 1962, by Bartell Broadcasters, Inc. (WOKY), is denied; and

It is further ordered, That the original Issue 4 in this proceeding is amended on the Commission's own motion to read as follows:

4. To determine whether the directional antenna system proposed by Don L. Huber can be adjusted and maintained as proposed.

Released: June 21, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–6241; Filed, June 26, 1962; 8:54 a.m.]

[Docket No. 14677; FCC 62–660]

POPLAR BLUFF BROADCASTING CO. (KWOC)

Order Designating Application for Hearing on Stated Issues

In re application of Poplar Bluff Broadcasting Company (KWOC), Poplar Bluff, Missouri, Docket No. 14677, File No. BP–14495; Has: 930 kc, 500 w, 1 kw–LS, DA–N, U, Class III, Requests: 930 kc, 500 w, 5 kw–LS, DA–N, U, Class III; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of June 1962;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing, that the following matter is to be considered in connection with the aforementioned issues specified below:

1. The proposal of Station KWOC to increase its daytime power from 1 kw to 5 kw could cause interference to existing standard broadcast Stations KLCN, WMOK, WMIX and WTAD.

Stations KLCN and WBEN have filed Petitions to Deny. WBEN's Petition is concerned only with the possible impact of presunrise operation (see § 3.87 of the Commission's rules).

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that

the application must be designated for hearing on the issues set forth below:

It Is Ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KWOC and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of Station KWOC would cause objectionable interference to Stations KLCN, WMOK, WMIX, and WTAD, Blytheville, Arkansas, Metropolis, Illinois, Mt. Vernon, Illinois, and Quincy, Illinois, respectively, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, Harold L. Sudbury, Fort Massac Broadcasting Company, Mt. Vernon Radio & TV Company, and Lee Broadcasting, Inc., licensees of Stations KLCN, WMOK, WMIX, and WTAD, respectively, are made parties to the proceeding.

It is further ordered, That, the Petition to Deny filed by WBEN, Inc., licensee of Station WBEN, Buffalo, New York, and for other relief, is denied.

It is further ordered, That, the Petition of Harold L. Sudbury is granted to the extent indicated and otherwise it is denied.

It is further ordered, That, in the event of a grant of the application of Station KWOC, the construction permit shall contain the following conditions:

To the extent that it permits operation with daytime facilities prior to local sunrise, § 3.87 of the Commission's rules is not applicable to this authorization, and such operation is prohibited.

Permittee shall submit new common point impedance measurements and sufficient field intensity measurement data to clearly show that the installation of new equipment has not adversely affected the nighttime directional radiation pattern.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 22, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6242; Filed, June 26, 1962; 8:55 a.m.]

[Docket Nos. 14597, 14599; FCC 62-654]

KWEN BROADCASTING CO. AND VIDOR BROADCASTING CO., INC.

Memorandum Opinion and Order Amending Issues

In re applications of Felix Joynt and James Joynt d/b as KWEN Broadcasting Company, Fort Arthur, Texas, Docket No. 14597, File No. BP-13627; Vidor Broadcasting Company, Inc., Vidor, Texas, Docket No. 14599, File No. BP-14619; for construction permits.

1. The Commission has before it for consideration a motion to enlarge issues, filed April 26, 1962, by KWEN Broadcasting Company, and pleadings properly filed in response thereto.

2. Vidor proposes a 77 hour per week, omni-directional antenna operation to include 18.6 percent live programming. To implement this proposal the application of Vidor lists the following proposed staff:

Station Manager—Salesman.
Chief Engineer.
Program Director—Announcer.
News Editor—Announcer.
Traffic—Continuity.

These five are full-time employees, to be augmented by part-time employees as needed. No employees have been engaged at this time.

Petitioner requests an issue to determine whether Vidor, in view of its staff proposal, is qualified to operate its proposed station.

3. Vidor alleges that each of its announcers will have a restricted engineer's permit and will therefore be able to handle the technical operation of the studio when the chief engineer, who will work a basic 40-hour week, is not on duty. It asserts that this arrangement will meet the technical requirements of § 3.93 of the rules in view of the fact that this will be a non-directional antenna operation of less than 10 kw.

4. Vidor's proposed arrangement will place the fundamental responsibility on two persons to carry out the applicant's programming preparation and to handle its announcing and a substantial portion of the technical operation of the station. The extent to which "one or two part-time employees" may relieve these two persons is not indicated by Vidor. In view of the limited full-time staff which is proposed, together with the uncertainty as to the extent to which part-time employees will be used, the issue requested by the petitioner will be added.

Accordingly, it is ordered, This 20th day of June 1962, that the motion to enlarge issues, filed April 26, 1962, by KWEN Broadcasting Company, is granted; that present issues 8 and 9 of Commission Order, 27 F.R. 3865, published April 21, 1962, are renumbered 9 and 10; and that the following issue is added:

8. To determine whether Vidor Broadcasting Company Inc., in view of its proposal as to staff, is qualified to operate its station in the manner proposed in its application.

Released: June 22, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6243; Filed, June 26, 1962; 8:55 a.m.]

[Docket No. 14672; FCC 62-656]

HAYWOOD COUNTY BROADCASTING CO.

Order Designating Application for Hearing on Stated Issues

In re application of R. M. McKay, Jr., tr/as Haywood County Broadcasting Company, Brownsville, Tennessee, Docket No. 14672, File No. BP-14492, Requests: 1280 kc, 5 kw, DA-Day, Class III; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of June 1962;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The proposal of Haywood County Broadcasting Company causes interference to and receives interference from Station KNBY, Newport, Arkansas. As concerns interference to the proposal from Station KNBY, the amount appears to be in excess of that permitted by § 3.28(d)(3) of the Commission's rules, and Haywood County Broadcasting Company has asked for a waiver. On the basis of field intensity measurement data submitted by KNBY objectionable interference to that station would result if the proposal were granted. In this respect, Station KNBY has filed pleadings with the Commission objecting to grant of the proposal and requesting a hearing on the interference issue.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from Haywood County Broadcasting Company and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of Haywood County Broadcasting Company would cause objectionable interference to Station KNBY, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether interference received from Station KNBY would affect more than ten percent of the population within the normally protected primary service area of the instant proposal of Haywood County Broadcasting Company, in contravention of § 3.28(d)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That Haywood County Broadcasting Company, licensee of Station KNBY, is made a party to the proceeding.

It is further ordered, That, in the event of a grant of the application of Haywood County Broadcasting Company, the construction permit shall contain the following conditions:

Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

The finding made by the Commission that the proposed antenna structure is acceptable under Federal Aviation Agency criteria (§ 626.12, FAA regulations) is subject to compliance by permittee with any applicable procedures of the FAA.

It is further ordered, That, to the extent herein noted the Petition to Deny, as amended and supplemented is granted and in all other respects, it is denied.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 22, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6244; Filed, June 26, 1962; 8:55 a.m.]

[Docket No. 14595; FCC 62M-877]

BOOTHEEL BROADCASTING CO.

Order Continuing Hearing

In re application of William L. Miller, tr/as Bootheel Broadcasting Company, Kennett, Missouri, Docket No. 14595, File No. BP-14158; for construction permit.

The Hearing Examiner having under consideration a motion filed June 20, 1962, on behalf of Kennett Broadcasting Corporation requesting that the evidentiary hearing in the above-entitled proceeding now scheduled for July 10, 1962, be continued to July 18, 1962; and

It appearing that the reason for the requested continuance is the fact that counsel for movant is involved in a multi-party television proceeding and a criminal trial which is scheduled for the week of July 9, 1962; and

It further appearing that there are no objections to the granting of this motion and to immediate consideration thereof, and good cause for granting the motion having been shown;

It is ordered, This the 21st day of June 1962, that the motion is granted and the evidentiary hearing in the above-entitled proceeding now scheduled for July 10, 1962, is continued to July 18, 1962.

Released: June 22, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6245; Filed, June 26, 1962; 8:55 a.m.]

FEDERAL MARITIME COMMISSION

[Commission Order 1 (Amended), Amdt. 3]

ORGANIZATIONS AND FUNCTIONS

Change in Membership of Special Permission Committee

The basic order is hereby amended to reflect a change in membership of the Special Permission Committee. Accordingly, the title of section 8 of the order is amended as follows:

SEC. 8. *Specific authorities delegated to the Special Permission Committee (Secretary, Executive Director, and the Director, Office of International Affairs).*

Dated: June 19, 1962.

THOS. E. STAKEM,
Chairman.

[F.R. Doc. 62-6208; Filed, June 26, 1962; 8:45 a.m.]

TRANS INTERNATIONAL FORWARDERS, INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 8909, between Trans International Forwarders, Inc., of New York, New York, and Del Mar Shipping Co., Inc., of Los Angeles, California, is a non exclusive cooperative working arrangement. Forwarding fees for services performed by one party for the other are to be decided by negotiation. Ocean freight brokerage on shipments covered by the agreement is to be divided equally between the parties. The agreement may be terminated by either party's giving written notice to the other party.

Agreement No. 8911, between N. D. Cunningham and Company, Inc., of Mobile, Alabama, and Globe Shipping Company, Inc., of New York, New York, is a cooperative working agreement. Forwarding and service fees for services performed by one party for the other are to be decided by negotiation. Ocean freight brokerage on shipments covered by the agreement is to be divided equally between the parties. The agreement may be terminated by either party's giving written notice to the other party.

Agreement No. 8912, between Globe Shipping Co., Inc., of New York, New York, and F. W. Myers and Co., Inc., of Rouses Point, New York, provides that each party receives 50 percent of the fee on all forwarding services performed for the other party. Ocean freight brokerage is to be divided equally between the parties on all shipments covered by the agreement. The agreement may be terminated by either party's giving 30 days' written notice to the other party.

Agreement No. 8921, between Globe Shipping Co., Inc., of New York, New York, and Norman G. Jensen, Inc., of Seattle, Washington, is identical to Agreement No. 8912.

Agreement No. 8923, between Loretz and Company, of Los Angeles, California, and C. J. Hanlon Co. Inc., of New York, New York, is a nonexclusive working arrangement. Forwarding fees for services performed by one party for the other are to be decided by negotiation. When agreed, ocean freight brokerage on shipments covered by the agreement is to be divided equally between the parties. The agreement may be terminated by either party's giving written notice to the other party.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to them, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: June 21, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-6209; Filed, June 26, 1962; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. AR 61-2 etc.]

AREA RATE PROCEEDING

Order Permitting Withdrawal of Rate Filings, Relieving Respondent of Obligation Under Agreement and Undertaking and Severing and Terminating Proceedings

JUNE 20, 1962.

Area Rate Proceeding Docket No. AR61-2, et al.; The California Company, a Division of California Oil Company, Docket Nos. RI62-146, RI62-232, and RI62-248; Union Oil Company of California, Docket No. RI62-295.

The California Company, a Division of California Oil Company (California Company) and Union Oil Company of California (Union Oil), have filed motions in the above-designated rate suspension proceedings, requesting that they be permitted to withdraw their filings and that the proceedings be terminated.

Union Oil requests that its motion to make rates effective as of June 20, 1962, in Docket No. RI62-295, and the agreement and undertaking filed therewith be withdrawn. The suspension periods of the proposed increased rates in Docket Nos. RI62-232 and RI62-248 ended June 1, 1962, but California Company has not filed motions making the rates effective. The increased rate in Docket No. RI62-146 became effective subject to refund, under an agreement and undertaking, on April 1, 1962.

In support of their motions, California Company and Union Oil state that they do not wish to incur refund obligations, and that no amounts have been collected subject to refund.

The above-designated proceedings were consolidated with the proceedings in Docket Nos. AR61-2, et al., by Commission order issued May 15, 1962.

No protests to the motions have been filed by the interveners in the proceedings.

The Commission finds:

(1) In view of the foregoing, good cause exists for permitting the withdrawal of the proposed increased rate filings of California Company suspended in Docket Nos. RI62-232 and RI62-248, and RI62-146, and for relieving California Company of its obligations under its agreement and undertaking in Docket No. RI62-146.

(2) Good cause exists for permitting the withdrawal of the proposed increased rate filing of Union Oil suspended in Docket No. RI62-295.

(3) Good cause exists for severing the proceedings in Docket Nos. RI62-146, RI62-232, RI62-248, and RI62-295, from the proceedings in Docket Nos. AR61-2, et al., and for terminating the proceedings so severed.

The Commission orders:

(A) California Company is hereby permitted to withdraw its proposed increased rate filings suspended in Docket Nos. RI62-232, RI62-248, and RI62-146, and is hereby relieved of its obligations under its agreement and undertaking filed in Docket No. RI62-146.

(B) Union Oil is hereby permitted to withdraw its proposed increased rate filings suspended in Docket No. RI62-295.

(C) The proceedings in Docket Nos. RI62-146, RI62-232, RI62-248, and RI62-295, are hereby severed from the proceedings in Docket Nos. AR61-2, et al.

(D) The proceedings in Docket Nos. RI62-146, RI62-232, RI62-248, and RI62-295, are hereby terminated.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6210; Filed, June 26, 1962; 8:46 a.m.]

[Docket No. G-18799]

CITIES SERVICE GAS CO.

Order Fixing Date for Oral Argument

JUNE 20, 1962.

On April 23, 1962, the presiding examiner issued his decision in this proceeding upon the single question of the proper federal income tax allowance to be included in Cities Service Gas Company's cost of service. Exceptions thereto have been filed by the Municipal Group For Opposing Increases For Natural Gas Rates[1] and the Commission staff. Additionally, on May 17, 1962, Cities Service Gas Company and Cities Service Company filed a joint motion requesting an opportunity to present oral argument on the aforementioned issue involved in this proceeding.

The Commission finds: It is appropriate in carrying out the provisions of the Natural Gas Act that oral argument be had before the Commission in this proceeding as hereinafter ordered and provided.

The Commission orders:

(A) Oral argument before the Commission shall be held on July 19, 1962, at 10:00 a.m., e.d.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

(B) Those parties to this proceeding who intend to participate in the oral argument shall notify the Secretary of the Commission on or before July 6, 1962, of the time requested for presentation of their argument.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6211; Filed, June 26, 1962; 8:46 a.m.]

[1] Consisting of the Kansas cities of Altamont, Atchison, Chanute, Cherryvale, Downs, Erie, Gerard, Grenola, Howard, Iola, Melvern, Meriden, Osage City, and Perry; the Missouri cities of Carl Junction, Carrollton, Carthage, Clinton, Independence, Joplin, Kansas City, Marshall, Neosho, Nevada, Oronogo, Pierce, Platte City, Springfield, St. Joseph, Waverly, and Webb City; and City Utilities of Springfield, Missouri.

[Docket No. CP62-171]

ILLINOIS POWER CO.

Notice of Application and Date of Hearing

JUNE 20, 1962.

Take notice that on January 22, 1962, Illinois Power Company (Applicant), 500 South 27th Street, Decatur, Illinois, filed an application, pursuant to section 7(a) of the Natural Gas Act, for an order directing Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) to establish physical connection of its facilities with facilities proposed to be constructed by Applicant, and to sell and deliver natural gas to Applicant for resale in the communities and environs of New Windsor and Joy, Mercer County, La Moille and Arlington, Bureau County, and Alpha and Woodhull, Henry County in the State of Illinois, all as more fully set forth in the application, which is on file with the Commission and open for public inspection.

Applicant requests that Michigan Wisconsin establish at three points on its main line physical connection of its facilities with proposed facilities of Applicant in order to serve said communities. Applicant also requests that Michigan Wisconsin construct approximately 2.5 miles of lateral from its main line to a 2-inch lateral, 6.1 miles in length, proposed to be constructed for service to New Windsor, Alpha and Woodhull. Applicant also proposes to construct a 2-inch lateral, 3.7 miles in length, to serve the communities of Arlington and La Moille; and a 2-inch lateral, 2.3 miles in length, to serve the community of Joy.

Applicant estimates that the cost of said distribution systems and laterals will be $738,600, which it will finance from its own funds. The estimated cost of the Michigan Wisconsin lateral, which Applicant requests Michigan Wisconsin to construct, will be $66,700. Applicant avers that the annual charges associated with said lateral fall within the requirements of Michigan Wisconsin's "10-cent formula."

Applicant estimates its annual and peak day requirements for service to said communities as follows:

	Annual requirements (Mcf)	Peak day requirements (Mcf)
First year	125,653	1,476
Second year	169,278	1,683
Third year	189,857	1,897

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 26, 1962, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by said application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 13, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6212; Filed, June 26, 1962; 8:47 a.m.]

[Docket No. G-13183 etc.]

PLACID OIL CO. ET AL.

Notice of Severance and Postponement of Hearing

JUNE 20, 1962.

Placid Oil Company, Operator, et al., Docket No. G-13183, et al.; Phillips Petroleum Company, Docket No. G-17405.

Upon consideration of the request filed by Applicant in the above-designated matter, notice is hereby given that Docket No. G-17405 is hereby severed from the proceedings originally consolidated by order issued March 7, 1962, under the lead docket "Texaco-Seaboard Inc., Docket No. G-13169, et al.", as modified by notice issued May 24, 1962, under the lead docket, "Placid Oil Company, Operator, et al., Docket No. G-13183, et al."

Take notice that the hearing in the above-designated matter is scheduled to commence at 10:00 a.m., June 29, 1962, in a hearing room of the Federal Power Commission, 441 "G" Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6213; Filed, June 26, 1962; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

FIRST WISCONSIN BANKSHARES CORP.

Notice of Application for Approval of Acquisition of Shares of a Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), by First Wisconsin Bankshares Corporation, which is a bank holding company located in Milwaukee, Wisconsin, for the prior approval of the Board of the acquisition by Applicant of 80 percent of more of the voting shares of American Bank and Trust Company, Racine, Wisconsin.

In determining whether to approve this application submitted pursuant to section 3(a)(2) of the Bank Holding Company Act, the Board is required by that Act to take into consideration the following factors: (1) The financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C., this 20th day of June 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-6215; Filed, June 26, 1962; 8:47 a.m.]

FIRST WISCONSIN BANKSHARES CORP.

Order for Public Proceeding

In the matter of the application of First Wisconsin Bankshares Corporation, Milwaukee, Wisconsin, pursuant to section 3 of the Bank Holding Company Act of 1956.

The Board of Governors has pending before it an application filed by First Wisconsin Bankshares Corporation, Milwaukee, Wisconsin, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956, for prior approval of the Board of the acquisition by Applicant of 80 per cent or more of the voting shares of Merchants & Savings Bank, Janesville, Wisconsin. Notice of the Board's receipt of this application was published in the FEDERAL REGISTER affording interested persons an opportunity to submit written views and comments regarding the application.

It now appears to the Board to be in the interest of the public, as well as the Applicant, to afford further opportunity for the expression of views and opinions by interested persons in a public proceeding before the Board. Accordingly,

It is hereby ordered, That a public proceeding before the Board be held commencing at 10 a.m. on August 7, 1962, at the offices of the Board of Governors, Washington, D.C.

It is further ordered, That any person desiring to express orally a view or opinion on the application before the Board should file with the Secretary of the Board, 20th and Constitution Avenue NW., Washington 25, D.C., on or before July 24, 1962, a written request relative thereto, setting forth therein a general statement of the nature of the views he wishes to express. Persons submitting such requests will be notified of the Board's decision thereon.

Dated at Washington, D.C., this 20th day of June 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-6216; Filed, June 26, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 216]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 22, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)), and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 46), ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 471, Akron 9, Ohio, filed June 14, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 41 and Interstate Highway 24, north of Pelham, Tenn., over Interstate Highway 24 to junction U.S. Highway 41, near Monteagle, Tenn., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route between the same points over U.S. Highway 41.

No. MC 2202 (Deviation No. 47), ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 471, Akron 9, Ohio, filed June 14, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Richmond and Petersburg, Va., over Interstate Highway 95, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Richmond over U.S. Highway 1 to Petersburg, and return over the same route.

No. MC 2900 (Deviation No. 2), RYDER SYSTEM, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, Fla., filed June 14, 1962. Attorney Dale Woodall, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Orlando and Tampa, Fla., over Interstate Highway 4, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Orlando over U.S. Highway 92 to Tampa, and return over the same route.

No. MC 2900 (Deviation No. 3), RYDER SYSTEM, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, Fla., filed June 14, 1962. Attorney Dale Woodall, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Jacksonville, Fla., over Interstate Highway 10 to junction U.S. Highway 90, east of Lake City, Fla., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Baldwin, Fla., over U.S. Highway 90 to Live Oak, Fla., and return over the same route.

No. MC 10761 (Deviation No. 18), TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich., filed June 11, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Grand Rapids, Mich., over Interstate Highway 96 to junction Interstate Highway 94, near Benton Harbor, Mich., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago over U.S. Highway 12 to Kalamazoo, Mich., thence over U.S. Highway 131 to Grand Rapids; and from Grand Rapids over Michigan Highway 21 to Holland, Mich., thence over U.S. Highway 31 to Benton Harbor, and return over the same routes.

No. MC 10761 (Deviation No. 19), TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich., filed June 13, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 40 and Interstate Highway 70, west of Springfield, Ohio, over Interstate Highway 70 to junction U.S. Highway 40, near Arlington, Ohio, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 40 to Springfield, thence over Ohio Highway 4 to Sandusky, Ohio, thence over U.S. Highway 6 to Lorain, Ohio, thence over Ohio Highway 57 to junction Ohio Highway 254, thence over Ohio Highway 254 to Cleveland, Ohio, and return over the same route.

No. MC 10761 (Deviation No. 20), TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich., filed June 11, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Bridgeport, Conn., over Connecticut and Massachusetts Highways 15 (also known in whole or in part as Interstate Highway 84 or the Wilbur Cross Parkway), to Sturbridge, Mass., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From New York, N.Y., over U.S. Highway 1 to Bridgeport, thence over Connecticut Highway 65 to Shelton, Conn., thence over Connecticut Highway 8 to Waterbury, Conn., thence over Alternate U.S. Highway 6 to Milldale, Conn., thence over Connecticut Highway 10 to junction U.S. Highway 6, thence over U.S. Highway 6 to Hartford, Conn.; from Hartford over U.S. Highway 5 to junction Alternate U.S. Highway 5, thence over Alternate U.S. Highway 5 to New Haven, Conn., thence over U.S. Highway 1 to Bridgeport; from Boston, Mass., over U.S. Highway 20 to Springfield, thence over U.S. Highway 5 to Hartford, Conn., and return over the same routes.

No. MC 10761 (Deviation No. 21), TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich., filed June 13, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Louisville, Ky., and Indianapolis, Ind., over Interstate Highway 65, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Indianapolis over U.S. Highway 31 to junction U.S. Highway 31W, thence over U.S. Highway 31W to Louisville; also over the above-described route to junction U.S. Highway 31E, thence over U.S. Highway 31E to Louisville, and return over the same route.

No. MC 71096 (Deviation No. 6), NORWALK TRUCK LINES, INC., 36 Woodlawn Avenue, Norwalk, Ohio, filed June 13, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Michigan City, Ind., and Milwaukee, Wis., over Interstate Highway 94, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Knox, Ind., over U.S. Highway 35 to Michigan City, thence over U.S. Highway 12 to Chicago, Ill.; and from Milwaukee over U.S. Highway 41, via Gurnee, Ill., to Chicago, Ill., and return over the same routes.

No. MC 71096 (Deviation No. 7), NORWALK TRUCK LINES, INC., 36 Woodlawn Avenue, Norwalk, Ohio, filed June 13, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Detroit and Grand Rapids, Mich., over Interstate Highway 96, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Detroit over U.S. Highway 16 to Lansing, Mich.; and from Toledo, Ohio, over U.S. Highway 223 to junction U.S. Highway 127, thence over U.S. Highway 127 to Lansing, Mich., thence over U.S. Highway 16 to Grand Rapids, and return over the same routes.

No. MC 71096 (Deviation No. 8), NORWALK TRUCK LINES, INC., 36 Woodlawn Avenue, Norwalk, Ohio, filed June 13, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Pennsylvania Highway 28 and the Pennsylvania Turnpike, near Springdale, Pa., over the Pennsylvania Turnpike to junction Ohio Turnpike, thence over the Ohio Turnpike to junction Indiana Toll Road, thence over the Indiana Toll Road to Interchange No. 1 of the said toll road at the Illinois-Indiana State line, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Pittsburgh, Pa., over Pennsylvania Highway 88 to Rochester, Pa., thence over Pennsylvania Highway 18 to New Castle, Pa., thence over U.S. Highway 422 to Cleveland, Ohio; from Cleveland, Ohio, over U.S. Highway 6 to Bremen, Ind., thence over Indiana Highway 331 to Mishawaka, Ind., thence over U.S. Highway 33 to South Bend, Ind., thence over U.S. Highway 20 to Chicago, Ill.; also from Pittsburgh to Rochester as specified above, thence over Pennsylvania Highway 68 to junction Pennsylvania Highway 51, thence over Pennsylvania Highway 51 to the Pennsylvania-Ohio State line, thence over Ohio Highway 14 to Cleveland, Ohio; from Youngstown, Ohio, over Ohio Highway 18 to Akron, Ohio; from Akron, Ohio over Ohio Highway 18 to Norwalk, Ohio, thence over U.S. Highway 20 to junction Ohio Highway 120, thence over Ohio Highway 120 to Toledo, Ohio; from Toledo, Ohio, over Ohio Highway 2 to junction U.S. Highway 20, thence over U.S. Highway 20 to La Grange, Ind.; from La Grange, Ind., over U.S. Highway 20 to Elkhart, Ind., from Mishawaka, Ind., over U.S. Highway 33 to junction U.S. Highway 6; and return over the same routes.

No. MC 71096 (Deviation No. 9), NORWALK TRUCK LINES, INC., 36 Woodlawn Avenue, Norwalk, Ohio, filed June 13, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Flint and Bay City, Mich., over Interstate Highway 75, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Midland, Mich., over Michigan Highway 20 to Bay City, thence over U.S. Highway 23, via Pinerun, Mich., to Flint; also from Pinerun over U.S. Highway 10 to Flint, and return over the same route.

No. MC 71096 (Deviation No. 10), NORWALK TRUCK LINES, INC., 36 Woodlawn Avenue, Norwalk, Ohio, filed June 13, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 90 to junction Wisconsin Highway 15, near Beloit, Wis., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago over U.S. Highway 20 to Freeport, Ill., thence over U.S. Highway 20 to Belvidere, Ill., thence over Illinois Highway 5 to Rockford, Ill.; and from Milwaukee, Wis., over Wisconsin Highway 15 to the Wisconsin-Illinois State line, thence over Illinois Highway 2 to Dixon, Ill., and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-6230; Filed, June 26, 1962; 8:52 a.m.]

[Notice 454]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 22, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers of brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 28132 (Sub-No. 62), filed May 24, 1962. Applicant: HVIDSTEN TRANSPORT, INC., 2225 West County Road D, St. Paul 12, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas and natural gasolines*, in bulk, in tank vehicles, from Mentor, Minn., and points within 5 miles thereof, to points in North Dakota, Wisconsin, South Dakota, Michigan, Iowa, and points on the International Boundary line between the United States and Canada in Minnesota.

HEARING: July 31, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Leo M. Pellerzi.

No. MC 28132 (Sub-No. 64), filed June 18, 1962. Applicant: HVIDSTEN TRANSPORT, INC., 2225 West County Road D, P.O. Box 505, St. Paul 12, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from West Fargo, N. Dak., and points within five (5) miles thereof, to points in Minnesota, South Dakota, Iowa, and Nebraska.

HEARING: July 16, 1962, at Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Leo M. Pellerzi.

No. 42487 (Sub-No. 542), filed March 5, 1962. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: Ronald E. Poelman, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Silver coin* and *silver bullion* between San Francisco, Calif., and Denver, Colo., as follows: From San Francisco over U.S. Highway 40 to Denver (also from San Francisco over U.S. Highway 40 to junction U.S. Highway 40 and U.S. Highway 189 at Silver Creek Junction, Utah, thence over U.S. Highway 189 to junction with U.S. Highway 30S near Echo, Utah, thence over U.S. Highway 30S to junction with U.S. Highway 30 near Little America, Wyo., thence over U.S. Highway 30 to junction with U.S. Highway 287 at Laramie, Wyo., thence over U.S. Highway 287 to Denver) and return over the same route, serving no intermediate or off-route points in either direction.

NOTE: Applicant states that it is a wholly-owned subsidiary of Consolidated Freightways, Inc. (noncarrier), and owns all of the outstanding stock of New York Consolidated Freightways Corporation, as well as Foster Freight Lines, Inc., Wheeler Transfer and Storage Co., and Canadian Freightways, Ltd. (of Canada).

HEARING: July 30, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allen W. Hagerty.

No. MC 43683 (Sub-No. 26), filed May 24, 1962. Applicant: BAKER DRIVE-AWAY COMPANY, INC., 5240 East Outer Drive, Detroit 34, Mich. Applicant's attorney: George S. Dixon, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New passenger automobiles, hearses, ambulances, and automobile chassis*, in initial movements, by truckaway method, from Newark, Del., to points in Kentucky and Tennessee.

HEARING: July 31, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Walter R. Lee.

No. MC 52869 (Sub-No. 67), filed May 24, 1962. Applicant: NORTHERN TANK LINES, 511 Pleasant Street, Miles City, Mont. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas and natural gasoline*, in bulk, in tank vehicles, from Mentor, Minn., and points within 5 miles thereof, to points in North Dakota, South Dakota, Wisconsin, Upper Peninsula of Michigan, and points on the International Boundary line between the United States and Canada in Minnesota.

HEARING: July 31, 1962, at Room 393, Federal Building and Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Leo M. Pellerzi.

No. MC 52869 (Sub-No. 68), filed June 18, 1962. Applicant: NORTHERN TANK LINE, 511 Pleasant Street, Miles City, Mont. Applicant's attorney: William T. Croft, 912 Federal Bar Building, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank

vehicles, from West Fargo, N. Dak., and points within five (5) miles thereof, to points in Minnesota, South Dakota, Iowa, and Nebraska.

HEARING: July 16, 1962, at Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Leo M. Pellerzi.

No. MC 65941 (Sub-No. 21), filed June 8, 1962. Applicant: TOWER LINES, INC., Third and Warwood Avenue, Wheeling, W. Va. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper*, from Calhoun, Tenn., to points in Ohio, points in West Virginia, on and north of U.S. Highway 60, and points in Pennsylvania, on and west of U.S. Highway 219.

HEARING: August 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Parks M. Low.

No. MC 70662 (Sub-No. 98), filed May 23, 1962. Applicant: CANTLAY & TANZOLA, INC., 2550 East 28th Street, Los Angeles 58, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids*, and *rocket propellant fuels*, in bulk, in specially designed tank vehicles, and *empty tank vehicles*, between missile sites, production plants, and missile test facilities, located at points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming, traversing other States, not named, for operating convenience only.

NOTE: Common control is involved. Applicant is affiliated with Western Truck Lines, Ltd., Gillette Motor Transport, Inc., and Voss Truck Lines, Inc.

HEARING: July 17, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Wm. N. Culbertson.

No. MC 76032 (Sub-No. 167), filed February 5, 1962. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo. Applicant's attorney: O. Russell Jones, Bokum Building, 142 West Palace Avenue, Santa Fe, N .Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Silver coin and silver bullion*, from San Francisco, Calif., to Denver, Colo., from San Francisco over U.S. Highway 50 to junction California Highway 120, thence over California Highway 120 to junction U.S. Highway 99 at or near Manteca, Calif., thence over U.S. Highway 99 to junction U.S. Highway 466 at or near Bakersfield, Calif., thence over U.S. Highway 466 to junction U.S. Highway 66 at or near Barstow, Calif., thence over U.S. Highway 66 to junction U.S. Highway 85 at Albuquerque, N. Mex., thence over U.S. Highway 85 to Denver, and return over the same route, serving no intermediate or off-route points.

NOTE: Applicant states it "is neither directly nor indirectly affiliated with, controlled by, or under common management or control with any other carrier subject to the Interstate Commerce Act, except that by authority of the Commission it controls Brooks Truck Lines, Inc. (MC-F-7129) and San Leandro Freight Lines (MC-F-7519) through stock ownership, and pending disposition of section 5 proceedings it controls General Expressways, Inc. (MC-F-7530) and Fred W. Schultz (Myron H. Burnett, Receiver) (MC-F-7562) through management."

HEARING: July 30, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allen W. Hagerty.

No. MC 94265 (Sub-No. 86) (AMENDMENT), filed May 21, 1962, published in FEDERAL REGISTER issue of June 13, 1962, republished this issue as amended June 13, 1962. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products*, and *frozen foods* from Norfolk and Newport News, Va., to points in Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, Texas, Arkansas, Tennessee, Oklahoma, Maryland, Delaware, West Virginia, Kentucky, Kansas, Nebraska, Illinois, Iowa, Missouri, Indiana, Ohio, Pennsylvania, New York, Michigan, Minnesota, Colorado, New Jersey, and the District of Columbia.

NOTE: This republication is for the purpose of adding Newport News, Va. as an origin point.

HEARING: Remains as assigned July 30, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 94265 (Sub-No. 87), filed May 28, 1962. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 12388—Thomas Corner Station, Norfolk, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, including frozen prepared foods and bakery goods*, from Toledo and Cleveland, Ohio, to Crozet, Va.

HEARING: July 31, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Armin G. Clement.

No. MC 101075 (Sub-No. 76), filed May 31, 1962. Applicant: TRANSPORT, INC., 1215 Center Avenue, Moorhead, Minn. Applicant's attorney: Ronald B. Pitsenbarger, P.O. Box 396, 1215 Center Avenue, Moorhead, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas and natural gasoline*, in bulk, from Mentor, Minn., and points within five (5) miles thereof, to points in North Dakota, South Dakota, Iowa, Wisconsin, and the Upper Peninsula of Michigan, and to points in Minnesota on the International Boundary Line between the United States and Canada, and *rejected shipments*, on return.

NOTE: Common control may be involved.

HEARING: July 31, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Leo M. Pellerzi.

No. MC 107107 (Sub-No. 217), filed May 29, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and as defined by the Commission, from Clovis, N. Mex., and points within five (5) miles thereof, to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

HEARING: September 6, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 108053 (Sub-No. 40), filed June 7, 1962. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., P.O. Box 310, Fremont, Nebr. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Deerfield, Ill., to points in Arizona, Nevada, California, Idaho, Washington, Oregon, New Mexico, Utah, Montana, Wyoming, and Colorado (except Denver and Pueblo).

NOTE: Applicant states that it is under common control with Midwest Emery Freight System, Inc.

HEARING: July 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 110563 (Sub-No. 16) (AMENDMENT), filed February 12, 1962, published FEDERAL REGISTER issue March 7, 1962, and republished this issue. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 259, Sidney, Ohio. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (other than fresh, frozen, canned, or preserved), and advertising matter, premiums, and display materials, when shipped in conjunction with the foregoing commodities, from Philadelphia, Pa., Hightstown, N.J., and points in New Jersey, on and south of U.S. Highway 30, to points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, and Wisconsin.

NOTE: The purpose of this amendment is to show the change in the commodity and territorial description, as shown above.

HEARING: Remains as assigned July 12, 1962, in Philadelphia, Pa., before Examiner Joseph Reilly.

No. MC 111401 (Sub-No. 130), filed June 4, 1962. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, in hopper and pneumatic trailers, (1) from Lawrence, Kans., and points within ten (10) miles thereof, to points in Colorado, Iowa, Missouri, Nebraska, Oklahoma, South Dakota, and Wyoming, (2) from Horn, Mo., and points within ten (10) miles thereof, to points in Arkansas, Colorado, Iowa, Kansas, Nebraska, Oklahoma, South Dakota, and Wyoming, (3) from St. Joseph, Mo., and points within ten (10) miles thereof, to points in Colorado, Iowa, Kansas, Nebraska, South Dakota, and Wyoming, and (4) from Muskogee, Okla., and points within ten (10) miles thereof, to points in Arkansas, Colorado, Kansas, Missouri, and Texas and *rejected shipments only*, on return.

HEARING: July 31, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Laurence E. Masoner.

No. MC 111812 (Sub-No. 160) (AMENDMENT), filed April 5, 1962, published FEDERAL REGISTER issue June 13, 1962, amended and republished this issue. Applicant: MIDWEST COAST TRANSPORT, INC., Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes and potato products, frozen and unfrozen, cooked and uncooked, and blanched*, from Fargo, Park River, Grafton, and points in Grand Forks County, N. Dak., Crookston, Mankato, Barnesville, East Grand Forks, St. Paul, Minneapolis, and Hopkins, Minn., to points in the United States (except points in Alaska and Hawaii). Common control may be involved.

NOTE: The purpose of this republication is to include the origin points of St. Paul and Minneapolis, Minn., which were inadvertently omitted from previous publication.

HEARING: Remains as assigned July 31, 1962, in the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 113410 (Sub-No. 36), filed June 18, 1962. Applicant: DAHLEN TRANSPORT, INC., 875 North Prior Avenue, St. Paul 4, Minn. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases and natural gasoline*, from Mentor, Minn., and points within five (5) miles thereof, to points in North Dakota, South Dakota, Iowa, Wisconsin, and the Upper Peninsula of Michigan and to points in Minnesota and North Dakota located on the International Boundary line between the United States and Canada, and *rejected shipments*, on return.

HEARING: July 31, 1962, at Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Leo M. Pellerzi.

No. MC 113651 (Sub-No. 42), filed June 15, 1962. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Applicant's attorney: William J. Boyd, 30 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foods*, from Mount Summit and Shirley, Ind., to points in Iowa and Nebraska, and *refused, rejected, and damaged shipments* of the above-specified commodities, on return.

HEARING: July 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Examiner Samuel C. Shoup.

No. MC 113678 (Sub-No. 25), filed June 14, 1962. Applicant: CURTIS, INC., 770 East 51st Street, Denver 16, Colo. Applicant's attorney: Duane W. Acklie, Box 2041, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts, dairy products and articles distributed by meat packinghouses* as described in Appendix I to *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209, from Sterling, Colo., to points in California, Illinois, Kansas, Kentucky, Nebraska, New York, Oklahoma, Oregon, Pennsylvania, and Texas.

HEARING: July 13, 1962, at the New Customs House, Denver, Colo., before Examiner Henry A. Cockrum.

No. MC 116254 (Sub-No. 8) (AMENDMENT), filed May 4, 1962, published FEDERAL REGISTER issue, May 16, 1962, amended and republished this issue. Applicant: CHEM-HAULERS, INC., P. O. Box 245, Sheffield, Ala. Applicant's attorney: Walter Harwood, Nashville Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transportaing: *Fertilizers, fertilizer materials, and fertilizer compounds*, in bulk, and in bags, from the plant site of Armour Agricultural Chemical Co., at or near Cherokee, Ala., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, and to points in Illinois, and Indiana on and south of U.S. Highway 50, and points in Missouri on and south of U.S. Highway 66 (excepting those on and east of U.S. Highway 61 and 67, to junction of said highways), thence following U.S. Highway 67, to the Missouri-Arkansas State Line, and *empty containers or other such incidental facilities* (not specified), used in transportating the commodities specified above, on return.

HEARING: July 9, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 123639 (Sub-No. 4), filed June 15, 1962. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver 16, Colo. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, as defined by the Commission, (a) from Dodge City, Kans., to points in Minnesota, Wisconsin, Illinois, Michigan, and Indiana, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: July 19, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Samuel C. Shoup.

No. MC 123639 (Sub-No. 5), filed June 15, 1962. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver 16, Colo. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products*, and *commodities distributed by meat packinghouses*, as defined by the Commission, from Denver, Colo., to points in Arizona and New Mexico, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: July 12, 1962, at the New Customs House, Denver, Colo., before Examiner Henry A. Cockrum.

No. MC 123639 (Sub-No. 6), filed June 15, 1962. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver 16, Colo. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products* and *articles distributed by meat packinghouses*, as defined by the Commission, (a) from Sterling, Colo., to points in California, Illinois, Kansas, Kentucky, Nebraska, New York, Oklahoma, Oregon, Pennsylvania, and Texas; (b) from Denver, Colo., to points in Virginia; and only *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities, on return trips.

HEARING: July 11, 1962, at the New Customs House, Denver, Colo., before Examiner Henry A. Cockrum.

No. MC 123991 (Sub-No. 3), filed May 29, 1962. Applicant: J. V. McNICHOLAS TRANSFER COMPANY, a corporation, 555 West Federal Street, Youngstown, Ohio. Applicant's attorney: Chester A. Zyblut, 1700 K Street NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precut homes and buildings*, from Niles, Ohio, to points in Missouri, Maryland, Delaware, Virginia, Wisconsin, and the District of Columbia, and *empty containers or other such incidental facilities* and *rejected shipments* of the above-specified commodities, on return.

NOTE: Applicant holds common carrier authority in MC 14552 and Subs thereunder; therefore, dual operations may be involved.

HEARING: August 2, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James C. Cheseldine. This

assignment is for applicant's presentation only.

No. MC 124423 (CORRECTION), filed May 2, 1962, published FEDERAL REGISTER issue of June 6, 1962, corrected April 30, 1962, and republished, as corrected, this issue. Applicant: JET MESSENGER SERVICE, INC., Hillsdale Road, Oak Tree, N.J. Applicant's attorney: Leroy Danziger, 334 King Road, North Brunswick, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), moving in express service in station wagons and panel trucks, between points in Bergen, Essex, Hudson, Middlesex, Morris, Monmouth, Passaic, Somerset, Sussex, and Union Counties, N.J., on the one hand, and, on the other, New York, N.Y., points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., points in Connecticut, Boston, Mass., and points in Massachusetts on and north of U.S. Highway 44, and those on and east of Massachusetts Highway 12 to its junction with Massachusetts Highway 13, and those on and east of Massachusetts Highway 13, points in Philadelphia, Delaware, Lehigh, and Northampton Counties, Pa., Wilmington, Del., and points in Bergen, Essex, Hudson, Middlesex, Passaic, Somerset, and Union Counties, N.J.

NOTE: The purpose of this republication is to correctly state the territorial description erroneously set forth in the previous publication.

HEARING: Remains as assigned July 9, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John L. York.

No. MC 123748 (Sub-No. 4) (CORRECTION), filed May 14, 1962, published in FEDERAL REGISTER, issue of June 6, republished this issue as corrected June 18, 1962. Applicant: CONNECTICUT LIMOUSINE SERVICE, INC., 156 Humphrey Street, New Haven, Conn. Applicant's attorney: Palmer S. McGree, Jr., 750 Main Street, Hartford 3, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, between New Haven and Waterbury, Conn., on the one hand, and on the other, the site of the World's Fair at Flushing Meadow Park, New York, N.Y. The purpose of this republication is to clarify the last two lines of the notice as published. They should read: "and to transfer passengers and their bagagge *to and from vehicles used in its operations* to and from the two New York airports" rather than as originally published.

HEARING: Remains as assigned July 19, 1962, at the Hartford Statler Hilton, Hartford, Conn., before Examiner W. Elliott Neffen.

No. MC 124503, filed May 31, 1962. Applicant: HERBERT S. RITCHIE, doing business as GARRETT COUNTY CHARTER SERVICE, 112 Center Street, Oakland, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, in charter operations beginning and ending at points in Garrett County, Md., and extending to points in Pennsylvania, Maryland, the District of Columbia, Delaware, Virginia, and West Virginia.

HEARING: July 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Edith H. Cockrill.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

No. MC 30319 (Sub-No. 126), filed June 4, 1962. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY, a corporation, 810 North San Jacinto Street, P.O. Box 4054, Houston 14, Tex. Applicant's attorney: Edwin N. Bell, 1600 Esperson Building, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Houston, Tex., and National Aeronautics and Space Administration's Manned Spacecraft Center, and the immediate area thereof, in the vicinity of Clear Lake, Tex., serving all intermediate points; (1) between Houston, Tex., and junction of Interstate Highway 45 and FM Road 518 over Interstate Highway 45 (U.S. Highway 75). Applicant presently operates over Interstate Highway 45 to such junction, and beyond to its intersection with Texas Highway 146 (closed door). Under the instant proposal applicant would serve intermediate points or business establishments along Interstate Highway 45 to its junction with FM Road 518. This would not result in duplicating rights; (2) between its junction with Interstate Highway 10 and Texas Highway 146 over FM Road 518 (closed door at League City), and (3) between its junctions with Interstate Highway 10 and Texas Highway 146 (closed door at Webster) over FM Road 523.

NOTE: Applicant states the rights herein sought would be an extension of, and coordinated with applicant's existing rights.

No. MC 107304 (Sub-No. 9), filed May 11, 1962. Applicant: TRANSWAY, INC., 235 South Genois Street, New Orleans, La. Applicant's attorney: Henry F. O'Connor, 2104 American Bank Building, New Orleans, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), having a prior or subsequent movement by air transportation, or moving as a transfer service or a substitution for air in cases of mechanical failure of aircraft, climatic conditions, or insufficient lift, or plane overloads, between points on and within a boundary line beginning at the Gulf of Mexico at the Louisiana-Texas State line, thence proceeding northwardly along the Louisiana-Texas State line to the Arkansas-Louisiana State line, thence northwardly along the Arkansas-Texas State line to and including the town of Texarkana, thence southeastwardly along U.S. Highway 82 to Strong, Ark., thence southeastwardly along Arkansas Highway 129 to the Arkansas-Louisiana State line, thence eastwardly along the Arkansas-Louisiana State line to the Mississippi State line, thence northwardly along the Arkansas-Mississippi State line to the junction of U.S. Highway 82, thence eastwardly along U.S. Highway 82 to the Alabama-Mississippi State line, thence northwardly along the Mississippi-Alabama State line to the intersection with U.S. Highway 278 (or Alabama Highway 118), thence eastwardly along U.S. Highway 278 to Guin, thence southwardly along U.S. Highways 278 and 43 to Winnfield, thence southwardly along U.S. Highway 43 to Tuscaloosa, thence southwardly along Alabama Highway 69 to Greensboro, thence southwardly along Alabama Highway 61 to Uniontown, thence eastwardly along U.S. Highway 80 to junction of Alabama Highway 5, thence southwardly along Alabama Highway 5 to junction with Alabama Highway 28, thence southeastwardly along Alabama Highway 28 to Camden, Ala., thence southeastwardly along Highway 10 to Luverne, Ala., thence southeastwardly along U.S. Highway 29 to Brantley, Ala., thence southeastwardly along Highway 52 or 189 to Elba, Ala., thence southeastwardly along U.S. Highway 84 to Dothan, Ala., thence southwardly along U.S. Highway 231 to the Gulf of Mexico at Panama City, Fla.

NOTE: Common control may be involved.

No. MC 111166 (Sub-No. 5), filed June 20, 1962. Applicant: TRULY FRANCIS, doing business as EAST KENTUCKY THEATRE SERVICE, P.O. Box 156, Garrett, Ky. Applicant's attorney: Ollie L. Merchant, 140 South Fifth Street, Louisville 2, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile parts and accessories, and tires and tire tubes*, limited to shipments weighing 3,000 pounds or less, from Cincinnati, Ohio, to points in Floyd County, Ky.

No. MC 113678 (Sub-No. 22), filed May 14, 1962. Applicant: CURTIS, INC., 770 East 51st Street, Denver 16, Colo. Applicant's attorney: Duane W. Acklie, 605 South 12th Street, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, as described by the Commission in Appendix I, sections A, B, and C, 61 M.C.C. 209, from Denver, Colo., to points in Virginia.

HEARING: July 11, 1962, at the New Customs House, Denver, Colo., before Examiner Henry A. Cockrum.

No. MC 120001 (Sub-No. 2), filed June 12, 1962. Applicant: JACK WALDMAN, doing business as AL JAY TRUCKING, 91 Heard Street, Chelsea, Mass. Applicant's representative: Gerard J. Donovan, 37 Leighton Road, Hyde Park 36, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, loose, in truckloads from points in New York, N.Y., commercial zone to Lawrence, Mass.

No. MC 123630 (Sub-No. 1), filed June 20, 1962. Applicant: CHARLES P. FAIGLE, P.O. Box 806, Hancock, N.Y. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough and finished lumber, wooden pallets, and wooden lumber mill byproducts*, (1) from Hancock, N.Y., to points in North Carolina, South Carolina, and Virginia and (2) from Emporium, Pa., to points in Delaware, Maryland, New York, New Jersey, Ohio, Pennsylvania, Virginia, North Carolina, and South Carolina.

NOTE: Applicant states the proposed operations will be under a continuing contract with Robert Mallery Lumber Company, Inc.

NOTICE OF FILING OF PETITION

No. MC 118434 (PETITION), filed May 31, 1962. Petitioner: BALLENTINE PRODUCE, INC., New Highway 64–61, Alma, Ark. Petitioner's attorney: Lester N. Bridgeman, Pennsylvania Building, Washington 4, D.C. A Report and Order, Division 1, served August 3, 1961, in the subject proceeding granted contract carrier authority to engage in certain specified transportation under continuing contracts with Alma Canning Company of Alma, Ark., and H & B Canning Company of Van Buren, Ark. Petitioner advises that since the hearing in this proceeding H.L.H. Products Company has purchased all of the assets of both Alma Canning Company and H & B Canning Company. Accordingly, petitioner requests that H.L.H. Products Company (a division of Hunt Oil Company), of Dallas, Tex., be substituted as the shipper for whom the transportation will be performed when the permit in the proceeding is issued. Any person or persons desiring to protest the substitution, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 107496 (Sub-No. 255), filed June 11, 1962. Applicant: RUAN TRANSPORT CORPORATION, 408 SE. 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, P.O. Box 855, Des Moines 4, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from the site of the Mobil Oil Company Terminal at or near Green Bay, Wis., to points in the Upper Peninsula of Michigan between U.S. Highway 45 on the west and Michigan Highway 77 on the east, within 200 miles of Green Bay, including points on the indicated portions of the highways specified.

NOTE: Applicant holds contract authority in MC 119136 and Subs thereunder; therefore, dual operations may be involved. Applicant states that it is wholly owned by John Ruan. Applicant controls and owns all of the outstanding capital stock of Illinois-Ruan Transport Corporation. This application is directly related to MC-F 8165 published FEDERAL REGISTER issue June 20, 1962.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8166. Authority sought for merger into LINDEN MOTOR FREIGHT CO., INC., 2020 South Stiles Street, Linden, N.J., of the operating rights and property of B. & F. TRUCKING CO., INC., 2020 South Stiles Street, Linden, N.J., and AERO MOTOR LINE, INCORPORATED, 20 West 21st Street, Linden, N.J., and for acquisition by SAM SALZ, 2020 South Stiles Street, Linden, N.J., of control of such rights and property through the transaction. Applicants' attorney: Thomas F. Kilroy, 1815 H Street NW., Washington 6, D.C. Operating rights sought to be merged: (B. & F.) *Gypsum products, chemicals*, and *such materials and supplies* as are used in the manufacture and sale of chemical products, as a *contract carrier* over irregular routes, from Linden, N.J., to points in Connecticut, Delaware, that part of New York east and south of New York Highway 7, including New York, N.Y., and points on Long Island, that part of Maryland east of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 111 to Baltimore, and thence along Maryland Highway 2 to Annapolis, including points in Maryland on the Del-Mar-Va Peninsula, and that part of Pennsylvania east of a line at the New York-Pennsylvania State line and extending along U.S. Highway 11 to Harrisburg, and thence along U.S. Highway 111 to the Pennsylvania-Maryland State line, including points on the indicated portions of the highways specified; *building or roofing tile; reinforced concrete tile* (building or roofing slabs); *solid asphalt mastic; iron roofing clips*, in bags; and *such equipment* used in the erection of roofing slabs, from North Arlington, N.J., to points in the above-specified destination territory; *empty chemical containers*, from points in the above-specified destination territory to Linden, N.J.; *asbestos insulation*, from Elizabeth, N.J., to New York, N.Y., and Philadelphia, Pa.; and, under special and individual contracts or agreements, with persons (as defined in section 203(a) of the Interstate Commerce Act) who are engaged in the manufacture of chemical products, for the transportation of *chemicals* in bags, drums, and carboys, and *such materials and supplies* as are used or are useful in the manufacture and sale of chemical products, from New York, N.Y., to Linden, N.J. (AERO) *Acids, chemicals, containers*, and *chemical supplies* in containers and in tank vehicles, as a *contract carrier* over irregular routes, between New York, N.Y., Waterbury and Stamford, Conn., Maynard, Mass., and Babbitt, Bound Brook, Edgewater, Jersey City, Paterson, Warners, and Woodbridge, N.J., on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, certain points in New York, and New Jersey; *chemicals*, between Waterbury, Conn., on the one hand, and, on the other, Ballston Spa, N.Y., Portsmouth, N.H., and points in Massachusetts and Rhode Island; *sulphuric acid*, in bulk, in tank vehicles, from Waterbury, Conn., to North Pownal, Vt. LINDEN MOTOR FREIGHT CO., INC., is authorized to operate as a *common carrier* in New York, New Jersey, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

NOTE: Although B. & F. TRUCKING CO., INC., and AERO MOTOR LINE, INCORPORATED, now hold contract carrier permits, Division 1 of the Commission in MC-47616 Sub-6, AERO MOTOR LINE, INCORPORATED, and MC-71569 Sub-4, B. & F. TRUCKING CO., INC.—the statutory conversion proceedings of each of these carriers—found the operations of these carriers to be those of common carriers. Certificates have not as yet been issued.

No. MC-F-8167. Authority sought for purchase by UNITED-BUCKINGHAM FREIGHT LINES, East 915 Springfield Avenue, Spokane 2, Wash., of a portion of the operating rights of EXPRESSWAYS, INC. (JOHN G. REIBER, TRUSTEE), 3200 Maumee Avenue, Fort Wayne, Ind., and for acquisition by JOHN MANLOWE, also of Spokane, Wash., of control of such rights through the purchase. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South LaSalle Street, Chicago 3, Ill., Lesow & Lesh, 3737 North Meridian, Indianapolis, Ind., and Marion F. Jones, 526 Denham Building, Denver 2, Colo. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk as a *common carrier* over regular routes, between Corunna, Ind., and Chicago, Ill., serving certain off-route points; between Corunna, Ind., and Fort Wayne, Ind., serving all intermediate points; between Chicago, Ill., and Detroit, Mich., serving all intermediate points in Michigan, and the off-route points of Chicago Heights, Joliet and Lockport, Ill., and points in the Chicago, Ill., Commercial Zone as defined by the Commission; between Lansing, Mich., and Battle Creek, Mich., serving the intermediate point of Charlotte, Mich.; between Grand Rapids, Mich., and Kalamazoo, Mich., serving the intermediate point of Plainwell, Mich., and between Grand Rapids, Mich., and Detroit, Mich., serving all intermediate points, over alternate routes for operating convenience only; *frozen fruits, frozen berries*, and *frozen vegetables*, over irregular routes, from Chicago, Ill., to Holland and Lake Odessa, Mich., restriction: The authority granted herein is restricted to include only traffic originating at points beyond

Chicago, Ill. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-6231; Filed, June 26, 1962; 8:53 a.m.]

[Rev. S.O. 562, Amdt. 7 to Taylor's I.C.C. Order 136]

RUTLAND RAILROAD CORP.

Rerouting or Diversion of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 136 (Rutland Railroad Corporation) and good cause appearing therefor:

It is ordered, That Taylor's I.C.C. Order No. 136 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., September 30, 1962, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 30, 1962, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 21, 1962.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 62-6232; Filed, June 26, 1962; 8:53 a.m.]

U.S. STUDY COMMISSION—TEXAS

TERMINATION OF COMMISSION

Notice is hereby given that, in accordance with sections 203 and 209 of Public Law 85-843, as amended (72 Stat. 1058, 73 Stat. 456), the U.S. Study Commission—Texas has submitted its final report to the President and will terminate its activities on or before August 31, 1962.

Notice of the establishment of the Commission was published in the FEDERAL REGISTER of February 26, 1960 (25 F.R. 1707).

After June 30, 1962, information concerning the property, assets, and records of the Commission may be obtained from the Regional Administrator, the General Services Administration, 1114 Commerce Street, Dallas 2, Texas.

GEORGE R. BROWN, *Chairman.*

[F.R. Doc. 62-6302; Filed, June 26, 1962; 9:06 a.m.]

CUMULATIVE CODIFICATION GUIDE—JUNE

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Title 3—THE PRESIDENT

Executive Order 11034

ADMINISTRATION OF THE MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961

By virtue of the authority vested in me by the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256; 75 Stat. 527; hereinafter referred to as the Act), and as President of the United States, I find that the delegations set forth in this order are in the interest of the purposes expressed in the said Act and the efficient administration of the programs undertaken pursuant to that Act and determine that the delegates specified in the order are appropriate and I hereby order as follows:

SECTION 1. *Department of State.* (a) The following functions conferred upon the President by the Act are hereby delegated to the Secretary of State:

(1) The functions so conferred by Sections 102(a)(1), 102(a)(2)(i), (ii), and (iv), 102(b)(3), (5) and (9), 103, 104(e)(3), and 105(d)(1) and (e) of the Act.

(2) The functions so conferred by Sections 102(a)(2)(iii) and (b)(1), (2), (4), (7) and (8) of the Act (the provisions of Section 2(a) of this order notwithstanding).

(3) The functions so conferred by Section 102(a)(3) of the Act to the extent that they pertain to liquidation of affairs respecting the Universal and International Exhibition of Brussels, 1958.

(4) The functions so conferred by Sections 104(d) and (e)(4) and 108(c) and (d) of the Act to the extent that they pertain to the functions delegated by the foregoing provisions of this section.

(5) The function so conferred by Section 104(e)(1) of the Act of prescribing rates for per diem in lieu of subsistence; but in carrying out the said function as it relates to functions herein delegated to the Director of the United States Information Agency or the Secretary of Health, Education, and Welfare, the Secretary of State shall consult with them.

(b) The Secretary of State, in collaboration with the Director of the United States Information Agency, the Secretary of Commerce, and the Secretary of Health, Education, and Welfare with respect to the functions delegated by Sections 2, 3, and 4, respectively, of this order, shall prepare and transmit to the President the reports which the President is required to submit to the Congress by Section 108(b) of the Act.

(c) With respect to the carrying out of functions under Section 102(a)(2)(ii) of the Act hereinabove delegated to the Secretary of State, the Director of the United States Information Agency shall participate in the planning of cultural and other attractions. Such participation shall include consultation in connection with (1) the selection and scheduling of such attractions, and (2) the designation of the areas where the attractions will be presented.

SEC. 2. *United States Information Agency.* Subject to the provisions of Section 6 of this order, the following functions conferred upon the President by the Act are hereby delegated to the Director of the United States Information Agency:

(a) The functions so conferred by Sections 102(a)(2)(iii) and (b)(1); Section 102(b)(2) to the extent that it authorizes the type of centers now supported by the United States Information Agency abroad and designated as binational, community, or student centers;

Section 102(b)(4) exclusive of professorships and lectureships; and Sections 102(b) (7) and (8) of the Act; all of the foregoing notwithstanding the provisions of Section 1(a)(2) of this order.

(b) The functions so conferred by Section 104(e)(4) of the Act (the provisions of Sections 1(a)(4) and 3(b) of this order notwithstanding).

(c) The functions so conferred by Section 102(a)(3) of the Act to the extent that they are in respect of fairs, expositions, and demonstrations held outside of the United States, but exclusive of the functions delegated by the provisions of Section 1(a)(3) of this order.

(d) The functions so conferred by Sections 104(d) and 108 (c) and (d) of the Act to the extent that they pertain to the functions delegated by the foregoing provisions of this section.

SEC. 3. *Department of Commerce.* Subject to the provisions of Section 6 of this order, the following functions conferred upon the President by the Act are hereby delegated to the Secretary of Commerce:

(a) The functions so conferred by Section 102(a)(3) of the Act to the extent that they are in respect of fairs, expositions, and demonstrations held in the United States.

(b) The functions so conferred by Sections 104(e)(4) and 108(c) of the Act to the extent that they pertain to the functions delegated by the foregoing provisions of this section.

SEC. 4. *Department of Health, Education, and Welfare.* Subject to the provisions of Section 6 of this order, the functions conferred upon the President by Section 102(b)(6) of the Act are hereby delegated to the Secretary of Health, Education, and Welfare.

SEC. 5. *Certain incidental matters.* (a) In respect of functions hereinabove delegated to them, there is hereby delegated to the Secretary of State, the Director of the United States Information Agency, the Secretary of Commerce, and the Secretary of Health, Education, and Welfare, respectively:

(1) The authority conferred upon the President by Sections 105 (d)(2) and (f) and 106 (d) and (f) of the Act.

(2) Subject to the provisions of Section 5 (b) and (c) of this order, the authority conferred upon the President by Section 104(b) of the Act to employ personnel.

(b) The employment, by any department or other executive agency under Section 5(a)(2) of this order, of any of the not to exceed ten persons who may be compensated without regard to the Classification Act of 1949 under Section 104(b) of the Act shall require prior authorization by the Secretary of State concurred in by the Director of the Bureau of the Budget.

(c) Persons employed or assigned by a department or other executive agency for the purpose of performing functions under the Act outside the United States shall be entitled, except in cases in which the period of employment or assignment exceeds thirty months, to the same benefits as are provided by Section 528 of the Foreign Service Act of 1946, as amended (22 U.S.C. 928), for persons appointed to the Foreign Service Reserve. In cases in which the period of employment or assignment exceeds thirty months, persons so employed or assigned shall be entitled to such benefits if agreed by the agency in which such benefits may be exercised.

(d) Pursuant to Section 104(f) of the Act, Executive Order No. 10450 of April 27, 1953 (18 F.R. 2489) is hereby established as the standards and procedures for the employment or assignment to duties of persons under the Act.

(e) Any officer to whom functions vested in the President by the Act are hereinabove delegated may (1) allocate to any other officer of the executive branch of the Government any funds appropriated or otherwise made available for the functions so delegated to him as he may deem appropriate for the best carrying out of the functions and (2) make available, for use in connection with any funds so allocated by him, any authority he has under this order.

SEC. 6. *Policy guidance.* In order to assure appropriate coordination of programs, and taking into account the statutory functions of the departments and other executive agencies concerned, the Secretary of State shall exercise primary responsibility for Government-wide leadership and policy guidance with regard to international educational and cultural affairs.

SEC. 7. *Functions reserved to the President.* (a) There are hereby excluded from the functions delegated by the provisions of this order the functions conferred upon the President with respect to (1) the delegation of powers under Section 104(a) of the Act, (2) the establishment of standards and procedures for the investigation of personnel under Section 104(f) of the Act, (3) the transfer of appropriations under Section 105(c) of the Act, (4) the appointment of members of the Board of Foreign Scholarships under Section 106 (a)(1) of the Act, (5) the appointment of members, the designation of a chairman, and the receipt of recommendations of the United States Advisory Commission on International Educational and Cultural Affairs under Section 106(b) of the Act, (6) the waiver of provisions of law or limitations of authority under Section 108(a) of the Act, and (7) the submission of annual reports to the Congress under Section 108(b) of the Act.

(b) Notwithstanding the delegations made by this order, the President may in his discretion exercise any function comprehended by such delegations.

SEC. 8. *Waivers.* (a) It is hereby determined that the performance by any department or other executive agency of functions authorized by Sections 102(a)(2) and 102(a)(3) of the Act (22 U.S.C. 2452(a)(2) and (3)) without regard to prohibitions and limitations of authority contained in the following-specified provisions of law is in furtherance of the purposes of the Act:

(1) Section 15 of the Administrative Expenses Act of 1946 (c. 744, August 2, 1946; 60 Stat. 810), as amended (5 U.S.C. 55a) (experts and consultants); but the compensation paid individuals in pursuance of this paragraph shall not exceed the rate of $100.00 per diem.

(2) Section 16(a) of the Administrative Expenses Act of 1946 (c. 744, August 2, 1946; 60 Stat. 810; 5 U.S.C. 78) to the extent that it pertains to hiring automobiles and aircraft.

(3) Section 3648 of the Revised Statutes, as amended (31 U.S.C. 529) (advance of funds).

(4) Section 322 of the Act of June 30, 1932, c. 314, 47 Stat. 412 (40 U.S.C. 278a) (maximum charges).

(5) Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5) (competitive bids).

(6) Section 3710 of the Revised Statutes (41 U.S.C. 8) (opening of bids).

(7) Section 2 of the Act of March 3, 1933, c. 212, 47 Stat. 1520 (41 U.S.C. 10a) (Buy American Act).

(8) Section 3735 of the Revised Statutes (41 U.S.C. 13) (contracts limited to one year).

(9) Sections 302–305 of the Federal Property and Administrative Services Act of 1949 (June 30, 1949, c. 288, 63 Stat. 393 et seq.), as amended (41 U.S.C. 252–255) (competitive bids; negotiated contracts; advances).

(10) Section 87 of the Act of January 12, 1895, c. 23, 28 Stat. 622, and the second proviso of Section 11 of the Act of March 1, 1919, c. 86, 40 Stat. 1270, as amended (44 U.S.C. 111) to the extent that they pertain to printing by the Government Printing Office.

(11) Section 1 of the Act of June 20, 1878, c. 359, 20 Stat. 216, as amended (44 U.S.C. 322) (advertising).

(12) Section 3828 of the Revised Statutes (44 U.S.C. 324) (advertising).

(13) Section 901(a) of the Merchant Marine Act, 1936 (June 29, 1936, c. 858, 49 Stat. 2015, as amended; 46 U.S.C. 1241(a)) (official travel overseas of United States officers and employees, and transportation of their personal effects, on ships registered under the laws of the United States).

(14) Any provision of law or limitation of authority to the extent that such provision or limitation would limit or prohibit construction of buildings by the United States on property not owned by it.

(b) It is directed (1) that all waivers of statutes and limitations of authority effected by the foregoing provisions of this section shall be utilized in a prudent manner and as sparingly as may be practical, and (2) that suitable steps shall be taken by the administrative agencies concerned to insure that result, including, as may be appropriate, the imposition of administrative limitations in lieu of waived statutory requirements and limitations of authority.

SEC. 9. *Definition.* As used in this order, the word "function" or "functions" includes any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

SEC. 10. *References to orders and acts.* Except as may for any reason be inappropriate:

(a) References in this order to the Act or any provision of the Act shall be deemed to include references thereto as amended from time to time.

(b) References in this order to any prior Executive order not superseded by this order shall be deemed to include references thereto as amended from time to time.

SEC. 11. *Prior directives and actions.* (a) This order supersedes Executive Order No. 10716 of June 17, 1957, and Executive Order No. 10912 of January 18, 1961. Except to the extent that they may be inconsistent with law or with this order, other directives, regulations, and actions relating to the functions delegated by this order and in force immediately prior to the issuance of this order shall remain in effect until amended, modified, or revoked by appropriate authority.

(b) This order shall neither limit nor be limited by Executive Order No. 11014 of April 17, 1962.

(c) To the extent not heretofore superseded, there are hereby superseded the provisions of the letters of the President to the Director of the United States Information Agency dated August 16, 1955, and August 21, 1956 (22 F.R. 101–103).

SEC. 12. *Effective date.* The provisions of this order shall be effective immediately.

JOHN F. KENNEDY

THE WHITE HOUSE,
June 25, 1962.

[F.R. Doc. 62-6326; Filed, June 26, 1962; 1:39 p.m.]

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1962 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Oats]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1962-Crop Oats Loan and Purchase Agreement Program

A price support program has been announced for the 1962-crop of oats. The 1962 C.C.C. Grain Price Support Bulletin 1 (27 F.R. 4411) issued by the Commodity Credit Corporation and containing the specific regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1962 is supplemented as follows:

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421.1453 Eligibility requirements.
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421.1461 Settlement.
421.1462 Support rates.

AUTHORITY: §§ 421.1451 to 421.1462 issued under sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051 as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 421.1451 Purpose.

This supplement states additional specific requirements which, together with the applicable provisions of the general regulations contained in the 1962 C.C.C. Grain Price Support Bulletin 1 (27 F.R. 4411) and any amendments thereto, apply to loans and purchase agreements under the 1962-Crop Oats Price Support Program.

§ 421.1452 Availability of price support.

(a) *Area.* Price support will be available through farm-storage and warehouse-storage loans and purchase agreements on eligible oats wherever oats are grown in the United States. Farm-storage loans will not be available in areas where the State committee determines that oats cannot be safely stored on the farm.

(b) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm program records for the farm.

(c) *When to apply.* Loans and purchase agreements will be available from harvest through January 31, 1963. The applicable documents must be signed by the producer and delivered to the office of the county committee not later than such date.

§ 421.1453 Eligibility requirements.

(a) *Beneficial interest.* To be eligible for price support, the beneficial interest in the oats must be in the eligible producer tendering the oats for loan or for delivery under a purchase agreement, and must always have been in him, or in him and a former producer whom he succeeded before the oats were harvested. Any producer who is in doubt as to whether his interest in the oats complies with the requirements of this paragraph (a) should make available to the county committee, prior to filing an application, all pertinent information which will permit a determination to be made by CCC.

(b) *Succession of interest.* To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the oats, were produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

§ 421.1454 Eligible oats.

The oats must meet all of the applicable requirements of this section in addition to other applicable provisions of the program in order to be eligible for a loan, for delivery under a loan and for purchase under a purchase agreement.

(a) *Production.* The oats must have been produced in the United States in 1962 by an eligible producer.

(b) *Grade requirements.* Oats at the time they are placed under loan, and oats under purchase agreement which are in approved warehouse-storage prior to notification by the producer of his intention to sell to CCC, must meet the requirements set forth in this paragraph.

(1) The oats must grade No. 3 or better or No. 4 on the factor of test weight only but otherwise No. 3 or better and, in addition, may have the following special grade designations: (i) "Garlicky" and (ii) in the State of Alaska only, "Tough" (i.e. More than 14.0 percent but not more than 16 percent moisture). The provisions of subparagraph (2) of this paragraph pertaining to oats grading "Tough" are not applicable to oats produced in Alaska.

(2) Oats grading Tough, Weevily, Smutty, Ergoty, Bleached, or Thin or oats otherwise of distinctly low quality will not be eligible, except the oats represented by warehouse receipts grading "Tough" will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt substantially as follows:

CERTIFICATION

On oats grading "Tough" delivery will be made of oats not tough but otherwise of the same country-run quality, quantity and grade as indicated on the applicable warehouse receipt and supplemental certificates, and no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of said warehouse receipt.

(c) *Poisonous substances.* The oats must not contain mercurial compounds or other substances poisonous to man or animals.

(d) *Waiting period.* If offered as security for a farm-storage loan, the oats must have been in store for at least 30 days prior to inspection, measurement, sampling, and sealing, unless otherwise approved by the State committee.

(e) *Purchase agreements—predelivery inspection.* Except as otherwise provided in § 421.1460(a), oats under purchase agreement stored in other than approved warehouse storage shall not be eligible for sale to CCC if they do not meet the requirements of paragraphs (b), and (c) of this section on the basis of a predelivery inspection performed by a representative of the county committee, unless the producer complies with the conditions specified in § 421.1460(a) and the oats on the basis of the inspection made at the time of delivery meet the requirements of paragraphs (b), and (c) of this section.

(f) *Deliveries under farm-storage loans.* Only oats covered by the loan documents are eligible for delivery under farm-storage loans.

§ 421.1455 Determination of quality.

(a) *Regular grading factors.* The grade, grading factors and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for oats, whether or not such determinations are made on the basis of an official inspection.

(b) *Garlicky.* The garlicky condition of the oats shall be made a part of the grade designation by addition of the word "Garlicky".

§ 421.1456 Determination of quantity.

(a) *In warehouse.* The quantity of oats on which a warehouse storage loan shall be made and the quantity delivered to or acquired by CCC in an approved warehouse under a farm-storage loan or purchase agreement shall be the net weight specified on the warehouse receipts or on the supplemental certificate, if applicable.

(b) *On farm.* The quantity of oats placed under farm storage loan may be determined either by weight or by measurement. The quantity delivered under a farm storage loan or a purchase agreement shall be determined by weight.

When the quantity is determined by weight, a bushel shall be 32 pounds of oats. In determining the quantity of sacked oats by weight, a deduction of ¾ of a pound for each sack shall be made.

(c) *Adjustment for test weight.* When the quantity is determined by measurement, a bushel shall be 1.25 cubic feet of oats testing 32 pounds per bushel. The quantity determined for oats of a different test weight shall be adjusted by the applicable percentage in the following table:

For oats testing (pounds per bushel):	Percent
40 or over	125
39 or over, but less than 40	121
38 or over, but less than 39	118
37 or over, but less than 38	115
36 or over, but less than 37	112
35 or over, but less than 36	109
34 or over, but less than 35	106
33 or over, but less than 34	103
32 or over, but less than 33	100
31 or over, but less than 32	96
30 or over, but less than 31	93
29 or over, but less than 30	90
28 or over, but less than 29	87
27 or over, but less than 28	84

(d) *Adjustment for pack factor.* If the State committee determines that a pack factor should be used to arrive at the quantity of oats eligible for loan, the following shall be applicable:

(1) Multiply the quantity of oats as provided above by a pack factor of 1.15 if the quantity adjusted for test weight is 4,000 bushels or less, and by a pack factor of 1.25 if the quantity adjusted for test weight exceeds 4,000 bushels.

(2) Multiply the quantity of oats by the pack factor of 1.15 regardless of the number of bushels in the bin if the minimum height of the oats in the bin is five feet or less.

(e) *Safety margin.* A safety factor as established by the State committee shall be deducted from the quantity as determined by measurement in the case of farm-stored loans.

§ 421.1457 Warehouse receipts.

Warehouse receipts representing oats in approved warehouse storage, to be placed under a warehouse-storage loan; to be delivered in satisfaction of a farm-storage loan; or to be acquired under a purchase agreement, must meet the requirements of this section.

(a) *Manner of issuance and endorsement.* Warehouse receipts presented for warehouse-storage loans must be issued in the name of the producer and for deliveries under farm-storage loans or purchase agreements, in the name of the producer or CCC, and must be properly endorsed in blank when issued in the name of the producer so as to vest title in the holder. Receipts must be issued by a warehouse approved by CCC for price support purposes for which a Uniform Grain Storage Agreement is in effect or which is operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission. The term "Eastern common carriers" as used in this subpart includes the Port of New York Authority.

(b) *Entries for weight and grade.* Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show: (1) gross weight and net bushels, (2) class, (3) grade (including special grades) (4) test weight, (5) any other grading factor(s) when such factor(s) and not test weight determine the grade. If a warehouseman has furnished a statement as provided in § 421.1454(b), the supplemental certificates must show the numerical grade and the grading factors of the oats to be delivered. Where the grade and grading factors shown on the supplemental certificate do not agree with the warehouse receipt, the factors shown on the supplemental certificate shall take precedence. A separate warehouse receipt must be submitted for each grade and quality of oats.

(c) *Liens.* The warehouse receipts may be subject to liens for warehouse charges only to the extent indicated in § 421.1458(a).

(d) *Where warehouseman is also owner.* If the receipt is issued for oats of which the warehouseman is the owner either solely, jointly or in common with others, the fact of such ownership shall be stated on the receipt. Such receipts shall also be registered or recorded with appropriate State or local officials when required by State law. In States where the pledge of warehouse receipts by a warehouseman on his own oats is not valid under State law and the warehouseman elects to deliver oats to CCC under a purchase agreement for which he is eligible under this program, the warehouse receipt shall be issued in the name of CCC.

(e) *Insurance.* Each warehouse receipt or accompanying supplemental certificate representing grain stored in an approved warehouse operating under the Uniform Grain Storage Agreement shall indicate that the oats are insured, in accordance with such agreement. Each warehouse receipt or accompanying supplemental certificate issued on approved warehouses operated by Eastern common carriers and representing oats to be placed under loan shall indicate that the oats are insured at the full market value against loss or damage by fire, lightning, inherent explosion, windstorm, cyclone, and tornado. The cost of such insurance shall not be for the account of CCC.

§ 421.1458 Warehouse charges.

(a) *Handling and storage liens.* Warehouse receipts and the oats represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the oats are deposited in the warehouse for storage. Warehouse receipts and the oats represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. In no event shall a warehouseman be entitled to satisfy the lien by sale of the oats when CCC is holder of the warehouse receipt.

(b) *Deduction of storage charges—UGSA warehouses.* The table shown below provides the deduction for storage charges to be made from amount of the loan or purchase price in the case of oats stored in an approved warehouse operated under the Uniform Grain Storage Agreement. Such deduction shall be based on entries shown on the warehouse receipts. If written evidence is submitted with the warehouse receipt that all warehouse charges except receiving and loading out charges have been prepaid through the applicable loan maturity date, no storage deductions shall be made. If such written evidence is not submitted, the date to be used for computing the storage deduction on oats stored in warehouses operating under the Uniform Grain Storage Agreement shall be the date of deposit or the date storage charges start, whichever is later; if neither the date of deposit nor the date storage charges start is shown, the date of the warehouse receipt shall be used.

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES BY MATURITY DATES

Feb. 28, 1963	Deduction (cents per bushel)	Apr. 30, 1963
Storage start date [1]	11	*Storage start date* [1] Prior to Apr. 28, 1962.
Prior to May 7, 1962	10	Apr. 28–June 1, 1962.
May 7–June 10, 1962	9	June 2–July 6, 1962.
June 11–July 15, 1962	8	July 7–Aug. 10, 1962.
	7	Aug. 11–Sept. 14, 1962.
July 16–Aug. 19, 1962	6	Sept. 15–Oct. 19, 1962.
Aug. 20–Sept. 23, 1962	5	Oct. 20–Nov. 23, 1962.
Sept. 24–Oct. 28, 1962	4	Nov. 24–Dec. 28, 1962.
Oct. 29–Dec. 2, 1962	3	Dec. 29, 1962–Feb. 1, 1963.
Dec. 3, 1962–Jan. 6, 1963	2	Feb. 2–Mar. 8, 1963.
Jan. 7–Feb. 28, 1963	1	Mar. 9–Apr. 30, 1963.

[1] All dates inclusive.

(c) *Deduction of storage charges—Eastern common carriers.* In the case of oats stored in an approved warehouse operated by an Eastern common carrier, there shall be deducted in computing the loan or purchase price the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through the applicable maturity date unless written evidence is submitted with the warehouse receipt that such charges have been prepaid. The county office shall request the ASCS commodity office to determine the amount of such charges. Where the producer presents evidence showing the elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.1459 Maturity of loans.

Loans mature on demand but not later than February 28, 1963 on oats stored in the States of Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, and not later than April 30, 1963, in all other States.

§ 421.1460 Inspection of oats under purchase agreement.

(a) *Predelivery inspection.* (1) Where the producer has given written notice within the 30-day period prior to the loan maturity date of his intent to sell his oats stored in other than an approved warehouse under purchase agreement to CCC, the county office shall make an inspection, obtain a sample and submit it for grade analysis prior to delivery. If the oats on the basis of the predelivery inspection are of a quality which meets the requirements for a farm-storage loan, the county office shall issue delivery instructions on or after the date of inspection. The producer must then complete delivery within the period specified in the delivery instructions unless the county office determines that more time is needed. The producer whose oats are stored in other than an approved warehouse which are not of a quality eligible for a loan at the time of the predelivery inspection shall be notified in writing by the county office that his oats are not eligible for purchase by CCC. If, nevertheless, the producer informs the county office that he will condition the oats or otherwise take action to make the oats eligible and insists upon delivery of the oats, the county office shall issue delivery instructions. In such case if such oats does not meet the eligibility requirements of § 421.1454 (b) and (c) as determined on the basis of a sample taken at the time of delivery, the oats will not be accepted for purchase by CCC.

(2) A predelivery inspection shall not be made in unapproved warehouses where the oats are stored commingled or are stored so that the identity of the producer's oats are maintained but a predelivery inspection is not possible. When a predelivery inspection is not made, such oats at the time of delivery must meet the eligibility requirements of § 421.1454 (b) and (c).

(b) *Inspection of oats stored by producer after maturity date.* The producer may be required to retain the oats stored in other than approved warehouse storage under purchase agreement for a period of 60 days after the loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of the oats covered by a purchase agreement occurring prior to delivery to CCC except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions for oats which were determined to be of an eligible grade and quality at the time of the predelivery inspection, and CCC cannot accept delivery within the 60-day period following the loan maturity date, the producer may notify the county office at any time after such 60-day period that the oats are going out of condition or are in danger of going out of condition. If the county office determines that the oats are going out of condition or are in danger of going out of condition and that the oats cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county office shall obtain an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or the grade and quality determination made at the time of delivery, whichever is higher, and on the quantity actually delivered.

§ 421.1461 Settlement.

(a) *General.* Settlement for oats acquired by CCC under loan or purchase agreement will be made with the producer as provided in this section. The support rate per bushel at which settlement will be made for eligible oats shall be determined under the applicable provisions of § 421.1462, and this section.

(1) *Warehouse-storage loans.* Settlement for eligible oats acquired by CCC under warehouse storage loans and represented by warehouse receipts shall be made on the basis of weight, grade and other quality factors shown on such warehouse receipt or accompanying documents.

(2) *Farm-storage loans and purchase agreements.* Delivery will be made in accordance with instructions issued by the county office. Settlement will be based on the quality and quantity as indicated on warehouse receipts and accompanying documents issued by an approved warehouse or if applicable, the quality and quantity as shown on form CCC Grain 50. Oats purchased under a purchase agreement shall be paid for by sight draft drawn on CCC. The producer shall indicate on commodity purchase Form 4 to whom payment shall be made.

(b) *Settlement rate to be established.* In the case of delivery of oats under a farm-stored loan and oats under purchase agreement which were determined to be eligible at the time of predelivery inspection but which upon delivery are of a grade or quality for which no support rate has been established, the settlement rate shall be the applicable basic support rate adjusted by the premiums and discounts shown in § 421.1462 to the extent they apply and in addition, by the amount of market discounts, if any, as determined by the appropriate ASCS commodity office for the quality by which the oats are lower than the quality for which such price support discounts are established: *Provided, however,* That if such oats are sold by CCC for the purpose of determining their market price, the settlement value shall not be less than such sales price. *Notwithstanding the foregoing,* The settlement rate shall not in any event be more than the rate which would have been established under § 421.1462 by using the price support premiums and discounts in such settlement to the extent that they apply.

(c) *Compensation for hauling.* If the producer is directed by the county office to deliver his price support oats to a point a greater distance than to his customary delivery point, the producer will be allowed compensation (as determined by the ASC State committee at not to exceed the common carrier truck rate or the rate available from local truckers) for hauling eligible oats the additional distance. The ASC State committee may, in determining the rates of payments for any excess haul, establish reasonable mileage minimums below which producers will not receive compensation for hauling the oats.

(d) *Track-loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on eligible oats delivered to CCC on track at a country point.

(e) *Storage payment where CCC is unable to take delivery of oats stored in other than approved warehouse under loan or purchase agreement.* The producer may be required to retain oats stored in other than an approved warehouse under loan or purchase agreement for a period of 60 days after the maturity date without any cost to CCC. However, if CCC is unable to take delivery of such oats within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery to CCC: *Provided, however,* That a storage payment shall be paid a producer whose oats are stored in other than an approved warehouse under purchase agreement only if he had properly given notice of his intention to sell the oats to CCC and delivery cannot be accepted within the 60-day period after maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office whichever is earlier. The storage payment shall be computed at the storage rate for oats provided for in the Uniform Grain Storage Agreement in effect at the time of such storage.

(f) *Storage deduction for early delivery.* If farm-stored oats are delivered to CCC prior to maturity date, a deduction for storage shall be made, except that no deduction shall be made if such early delivery is made because the loan is called solely for the convenience of CCC, or if it is determined by CCC at the time of delivery that the oats will be sold rather than stored, or if CCC requires early delivery on an area basis.

(g) *Refund of prepaid handling charges.* In the case a warehouseman charges the producer for the receiving or the receiving and loading out charges on oats under loan or purchase agreement stored in an approved warehouse, the producer shall, upon delivery of the oats to CCC, be reimbursed or given credit by the county office for such prepaid charges not to exceed those specified in the Uniform Grain Storage Agreement, provided the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid. In the case an approved warehouse operated by an Eastern common carrier charges the producer for the elevation charges on oats under loan or purchase agreement, the producer shall, upon delivery of the oats to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges specified in the applicable approved tariff; provided the producer furnishes to the county office

written evidence signed by the warehouseman that such charges have been paid and that CCC has not previously given the producer credit for such charges as provided in § 421.1458(c).

(h) *Ineligible oats inadvertently accepted by CCC.* In the case of (1) ineligible oats delivered to or acquired by CCC under a loan; (2) oats delivered in excess of the maximum quantity stated in the purchase agreement; (3) ineligible oats delivered under a purchase agreement where a predelivery inspection was not made; (4) ineligible oats delivered under a purchase agreement where the predelivery inspection indicated the oats to be of an ineligible quality, and (5) any other ineligible oats acquired by CCC under a purchase agreement, the settlement value shall be the market price as determined by CCC, but in no event more than the applicable support rate. If CCC sells the oats for the purpose of determining their market price, the settlement value shall be such sales price. The provisions of this paragraph do not apply to ineligible oats covered by paragraphs (i) and (j) of this section.

(i) *Fraud.* The making of any fraudulent representation by the producer, in connection with settlement or deliveries under a loan shall render the producer personally liable, aside from any additional liability under criminal and civil frauds statutes, for the amount of the loan, for any additional amounts paid to the producer on the commodity, and for all costs which the Corporation would not have incurred had it not been for the producer's fraudulent representation, together with interest at the rate of 6 percent per annum on such amounts from the date of disbursement. For the purpose of establishing any deficiency remaining due in the event the producer has made any such fraudulent representation, the value of the oats acquired by CCC under the loan shall be the market value as determined by CCC on the date of delivery or removal in the case of farm-storage loans or the market value of the oats as of the close of the market on the final date for repayment in the case of warehouse-storage loans, or in the case of both farm-storage and warehouse-storage loans the sales price if the oats are sold by CCC in order to determine their market value. If the producer has made a fraudulent representation in a sale under a purchase agreement or in the purchase agreement documents, he shall be personally liable, aside from any additional liability under criminal or civil frauds statutes for any loss which CCC sustains upon the oats delivered under the purchase agreement. For the purpose of this program, such loss shall be deemed to be the price paid to the producer on the oats delivered under the purchase agreement plus all costs sustained by CCC in connection with the oats, together with interest at the rate of 6 percent per annum from the date of disbursement, less the market value, as determined by CCC of the oats as of the close of the market on the date of delivery, or the sales price if the oats are sold in order to determine their market value.

(j) *Poisonous substances.* If oats are delivered to CCC which contain mercurial compounds or other substances poisonous to man or animals, such oats shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such oats for the use specified above, the settlement value shall be the market value, as determined by CCC, as of the date of delivery.

§ 421.1462 **Support rates.**

(a) *Basic county support rates.* Basic county support rates for oats grading No. 3 will be a part of this section to be issued at a later date. The support rate for the quality of oats placed under a loan, or acquired under a loan or a purchase agreement shall be the applicable basic county support rate established for the county in which the oats are produced adjusted in accordance with the provisions of this section, and in the case of settlement of loans and purchase agreements as further provided in § 421.1461.

(b) *Discounts where weed control laws apply.* Where the State committee determines that State, district, or county weed control laws, as administered, affect the oats crop, the support rate in the case of farm storage shall be 10 cents per bushel below the applicable county support rate unless the producer obtains a certificate from the appropriate weed control official indicating that the oats comply with the weed control laws. In the case of warehouse storage, whenever the State committee of the State in which the oats are stored determines that State, district or county weed control laws as administered affect oats stored in approved warehouses, the rate shall be 10 cents per bushel below the applicable support rate unless the producer obtains a certificate from either the appropriate State, county, or district weed control official or the storing warehouseman that the oats comply with the weed control laws and in the case of a certificate from the warehouseman, that he will save CCC harmless from loss or penalty because of the weed control laws. The certificate of the warehouseman may be in substantially the following form:

CERTIFICATION

This is to certify that the grain evidenced by warehouse receipt No. ------ issued to ------ is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that should such grain be taken over by CCC in settlement of a loan or be purchased under the purchase agreement program that the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the grain was stored under the above warehouse receipts.

(Signature)

(Address)

(Date)

(c) *Premiums and discounts.* The premiums and discounts in this paragraph shall be applied as follows:

(1) *Farm-storage loans.* In the case of eligible oats placed under farm-storage loans, applicable discounts shall be applied to the basic rate at the time the loan is completed. Applicable premiums for grade and test weight shall not be applied until the time of settlement.

(2) *Warehouse-storage loans.* Applicable premiums and discounts shall be applied to the basic rate at the time the loan is completed in the case of eligible oats placed under warehouse-storage loan.

(3) *Purchase agreements.* Applicable premiums and discounts shall be applied to the basic rate at the time of settlement in the case of eligible oats acquired by CCC under purchase agreement.

(4) *Schedule of premiums and discounts.*

	Cents per bushel
Premiums:	
Grade No. 2 or better	—1
Test Weight:	
Heavy	—1
Extra Heavy	—2
Discounts:	
Grade No. 4 on the factor of test weight but otherwise No. 3 or better	—1
Garlicky	—3

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C. on June 25, 1962.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-6301; Filed, June 27, 1962; 8:55 a.m.]

[Amdt. 8]

PART 472—WOOL

Subpart—Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool)

MISCELLANEOUS AMENDMENTS

The regulations issued by Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service containing the requirements with respect to the Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool), as amended (24 F.R. 649, 10191; 25 F.R. 1725, 2705, 5872, 13830; 26 F.R. 5705, 9121), are further amended as follows:

1. In § 472.1005, the following new paragraph (d) is added at the end of the section:

(d) The national average price received by producers for shorn wool marketed during the 1961 marketing year was 42.9 cents a pound, grease basis, which was 19.1 cents a pound below the incentive price of 62 cents. Therefore, the rate of incentive payment for the 1961 marketing year is 44.5 percent.

2. In § 472.1021, the following new paragraph (d) is added at the end of the section:

(d) The rate of payment on unshorn lambs sold during the 1961 marketing year is 76 cents per hundredweight of live animals based on a difference of 19.1 cents a pound between the incentive price of 62 cents and the national average price of 42.9 cents a pound received by producers for shorn wool during the 1961 marketing year (§ 472.1005 (d)).

3. In § 472.1048, the following new paragraph (d) is added at the end of the section:

(d) For the 1961 marketing year, a deduction will be made from each shorn wool payment at the rate of 1 cent per pound of wool, grease basis, and from each unshorn lamb payment at the rate of 5 cents per hundredweight of live animals, as announced in the Department's press release issued October 6, 1961. Those funds will be used to finance the advertising and sales promotion program approved by the Department of Agriculture pursuant to section 708 of the National Wool Act of 1954, as amended.

4. Section 472.1056(c) is amended to read as follows:

(c) *To Washington office.* If the applicant is dissatisfied with the decision of the ASC State committee, he may appeal in writing to the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after the date of mailing of the notice by the ASC State committee. A determination by the Deputy Administrator, on such an appeal, as to a question of fact shall be final and conclusive unless it is found by a court of competent jurisdiction to have been fraudulent, arbitrary, capricious, or so grossly erroneous as necessarily to imply bad faith, or it is not supported by substantial evidence.

5. The last sentence of § 472.1062 is amended to read as follows: "Each of these officials may also waive the 30-day filing limitation on applications filed later than one year after the end of the marketing year in which the shorn wool or unshorn lambs were sold or the unshorn lambs were moved to slaughter, § 472.1042(b), as well as on applications for the 1956, 1957, 1958, 1959, and 1960 marketing years filed after March 31, 1962, § 472.1042(c), if in his judgment the delay in filing was due to a good cause or the waiver is necessary to avoid undue hardship."

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 702–709, 68 Stat. 910–912, secs. 401–403, 72 Stat. 994–995, sec. 151, 75 Stat. 306; 15 U.S.C. 714c, 7 U.S.C. 1781–1787, 1446)

Effective date: Date of signature.

Signed at Washington, D.C., on June 25, 1962.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-6299; Filed, June 27, 1962; 8:54 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 1—ADMINISTRATIVE REGULATIONS

Subpart G—Procedure for Contract Appeals

Section 1.103 *Board of Contract Appeals* is amended as follows:

1. Paragraph (a) *Appointment* is deleted and the following paragraph (a) is inserted in lieu thereof:

(a) *Membership.* The Board of Contract Appeals shall be designated by the Administrative Assistant Secretary for each case and be composed of not less than three members as follows: One member from the Office of the General Counsel, who shall serve as Chairman, one member from the Office of Plant and Operations, who shall serve as Secretary, and other members from the Department experienced in the subject matter of the work involved in the contract. No member shall have been directly involved in the formulation or administration of the contract in dispute. An alternate may be designated by the Administrative Assistant Secretary for any Board member who dies, or is absent, or disqualified. The Director of Plant and Operations shall, in consultation with the agencies involved, determine availability of employees best qualified to serve on the Board and advise the Administrative Assistant Secretary thereof with his recommendations for composition of the Board.

2. Paragraph (b) *Notice to parties* is deleted and the following paragraph (b) is inserted in lieu thereof:

(b) *Notice to parties.* Upon receipt of an appeal from a contracting officer's decision, the Director of Plant and Operations shall (1) arrange for the designation of the Board as provided in paragraph (a) of this section, (2) notify the contracting officer of such appeal and require him to forward within twenty (20) calendar days the necessary copies of his decision, findings of fact, supporting data, correspondence and other data relevant to the dispute, (3) refer the appeal together with all pertinent information to the Secretary of the Board, and (4) notify the contractor that his appeal has been received and, if he has not requested a hearing, that he may (i) have one before the Board upon request within a specified time, (ii) submit the case on written argument and evidence, or (iii) have the case decided on the basis of the record. The contractor shall be furnished at the same time a copy of these regulations and such further instructions as may be appropriate.

3. Paragraph (c) *Quorum* is deleted and the following paragraph (c) is inserted in lieu thereof:

(c) *Quorum.* Except as may be otherwise provided in the designation of the Board, two members, one of whom shall be a subject matter specialist, shall constitute a quorum.

4. Paragraph (e) is added to this section as follows:

(e) *Lack of prosecution.* Where the contractor does not, within a reasonable time, take the necessary action to prosecute his appeal in accordance with these regulations, the Board may upon reasonable notice dismiss the appeal for lack of prosecution.

This amendment shall become effective upon publication.

JOSEPH M. ROBERTSON,
Administrative Assistant Secretary.

JUNE 22, 1962.

[F.R. Doc. 62-6278; Filed, June 27, 1962; 8:51 a.m.]

[Amdt. 9]

PART 5—DETERMINATION OF PARITY PRICES

Discontinuing Unrevised Index of Prices Paid Including Interest and Taxes

The regulations of the Secretary of Agriculture with respect to the determination of parity prices (21 F.R. 761, as amended) are amended as hereinafter specified in order (a) to provide for discontinuing the computation of the Unrevised Index of Prices Paid including Interest and Taxes, since this index is no longer needed for the computation of parity prices as provided by law, and (b) to provide for publication of indices relating to parity prices by the Statistical Reporting Service instead of the Agricultural Marketing Service in accordance with the present organization of the Department of Agriculture.

Section 5.1(a) is amended to read as follows:

(a) The parity index for the purpose of calculating parity prices after January 1, 1959, according to the formula contained in section 301(a) of the Agricultural Adjustment Act of 1938, as amended by the Agricultural Acts of 1948, 1949, 1954, and 1956 (hereinafter referred to as section 301(a)) shall be the index of prices paid by farmers, interest, taxes, and farm wage rates, as revised January 1959 and published in the January 30, 1959, and subsequent issues (including supplements) of the monthly report, "Agricultural Prices". For the purpose of calculating transitional parity prices as provided for by section 301(a)(1)(E), the index of prices paid shall continue to be calculated using the same weights and formula as were utilized for computing parity prices prior to January 1, 1950. The publication of these indices by the Statistical Reporting Service in the monthly report, "Agricultural Prices", shall be continued.

Done at Washington, D.C., this 25th day of June 1962.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 62-6297; Filed, June 27, 1962; 8:54 a.m.]

[Import Reg. 1, Rev. 2, Amdt. 2]

PART 6—IMPORT QUOTAS AND FEES

Subpart—Import Quotas

By virtue of the authority (19 F.R. 76) vested in me under Proclamation 3019 of the President of the United States, dated June 8, 1953 (3 CFR 1949–1953 Comp., p. 189), as amended by Proclamation 3025, dated June 30, 1953 (3 CFR 1949–1953 Comp., p. 194), as amended by Proclamation 3347, dated May 11, 1960 (3 CFR 1960 Supp. 25) and as amended by Proclamation 3460, dated March 29, 1962 (27 F.R. 3183), it is hereby determined that the following further amendment of Import Regulation 1, Revision 2, as amended (7 CFR §§ 6.20 to 6.33), is necessary and appropriate to carry out the objectives of said amended Proclamation.

It is, therefore, ordered that Import Regulation 1, Revision 2, as amended (7 CFR §§ 6.20 to 6.33), is hereby further amended as follows:

1. Sections 6.20 to 6.33 are amended to substitute "Import Staff" for "Import Division" and "Staff" for "Division" wherever found in said sections, and "Chief, Import Staff" for "Director."

2. Section 6.26 (b), (c) and (d) are amended to read as follows:

(b) For each quota period an allocation of 18,000 pounds of Cheddar cheese has been made for licensing to persons who during the preceding quota period were in the business of importing any commodity listed in Appendix I except cheese and who were not eligible pursuant to § 6.24 for a license to import any type of cheese listed in Appendix 1. A license for 1,000 pounds or any lesser amount as requested by the applicant for Cheddar cheese will be issued to each such person who makes application pursuant to paragraph (d) of this section.

(c) For each quota period allocations of 920,000 pounds of Edam and Gouda cheese, 1,150,000 pounds of Italian-type cheese made from cow's milk, and 150,000 pounds of Blue-mold cheese, have been made for licensing upon signed written applications to persons who during the preceding period were not eligible for an import license for such cheese pursuant to § 6.24: *Provided*, That the applicant shall not be eligible for an import license pursuant to this paragraph (c) unless he is actively operating an independent business of importing food commodities which is not a part of or affiliated with the business operated by any person who is a holder of or an applicant for a license under these regulations and applicant is not an officer, member, partner, associate, or employee of any such other person: *And provided further*, That the applicant shall not be eligible for an import license pursuant to this paragraph (c) unless he has made commercial importations of food products in his name as the importer of record during the quota period next preceding the quota period for which application is made. A license will be issued to each eligible applicant. The amount specified in the license will be 5,000 pounds of Edam and Gouda or of Italian-type cheese or 2,500 pounds of Blue-mold cheese, or such lesser amount as is requested by the applicant, except that, if the aggregate total amount requested by all applicants under this paragraph for any such type of cheese exceeds the applicable allocation thereof, the available quantity shall be divided equally among the applicants for such type of cheese.

(d) A letter of application for a quota share under this Section shall be addressed to the Chief, Import Staff, and shall be postmarked not later than May 31 preceding each quota period: *Provided*, That letters of application for a quota share to import Blue-mold cheese under paragraph (c) of this section for the quota period beginning July 1, 1962, only, shall be postmarked not later than July 15, 1962. The letter of application shall set forth the commodity, the quantity desired, the country of origin and the port of entry through which the commodity will be imported. In addition, the letter of application for a license under paragraph (c) of this section shall state the food products imported by the applicant during the quota period next preceding the quota period for which application is made and shall show the following for each such importation: Description of the commodity, custom entry number, port of entry, date of entry, country of origin, name of vessel or carrier on arrival, and quantity in net pounds. Each such application shall certify that the applicant is eligible under the provisions of these regulations for the license applied for. The Administrator may, to verify the accuracy of the application, require submission of documentary or other satisfactory evidence.

3. Appendix 1 of these regulations is amended by substituting in the right-hand column thereof headed "Annual import quota in pounds (aggregate quantity)" and opposite the listing of the Group II commodity: "Blue-mold cheese (except Stilton), and cheese and substitutes for cheese containing, or processed from Blue-mold cheese" for the amount "4,107,000," the amount "5,016,999."

This amendment to Import Regulation 1, Revision 2, as amended, among other things, prescribes the policies and procedures for the issuance of certain import licenses for the quota period beginning July 1, 1962, and thereafter, with respect to the increased import quota for Blue-mold cheese which is provided under Proclamation 3460, and should, therefore, be made effective at the earliest practicable date to enable persons entitled thereto to apply for and receive such licenses. In addition, this amendment further interprets and is a general statement of policy concerning the conditions of eligibility for licenses under section 6.26.

It is hereby determined that the foregoing amendment of Import Regulation 1, Revision 2, as amended, is necessary and must be made effective as soon as possible in order to carry out the provisions of Proclamation 3019, as further amended by Proclamation 3460, and to further interpret and explain certain provisions of the aforesaid regulations. Therefore, under Section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that certain provisions hereof with respect to conditions of eligibility under Section 6.26 are interpretive rules and general statements of policy which are exempt from the notice requirements of such section 4 and that as to the other provisions hereof that notice and other public-rule making procedure are impracticable, unnecessary, and contrary to the public interest, and that good cause exists for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Accordingly, this amendment shall become effective upon publication.

(Sec. 3, 62 Stat. 1248, as amended; 7 U.S.C. 624; Proclamation 3019 (3 CFR 1949–1953 Comp., p. 189); Proclamation 3025 (3 CFR 1949–1953 Comp., p. 194); Proclamation 3347 (3 CFR 1960 Supp. p. 25); Proclamation 3460 (27 F.R. 3183))

Issued at Washington, D.C., this 22d day of June 1962.

RAYMOND A. IOANES,
Administrator,
Foreign Agricultural Service.

[F.R. Doc. 62-6296; Filed, June 27, 1962; 8:54 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[Sugar Determination 847.2 Rev.]

PART 847—PUERTO RICO

1962–63 and Subsequent Crops

Pursuant to the provisions of section 303 of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), § 847.2 (15 F.R. 6490, 20 F.R. 5963, 24 F.R. 7942), is hereby revised effective for the 1962–63 and subsequent crops of sugarcane to read as follows:

§ 847.2 Normal yields and eligibility for abandonment and crop deficiency payments.

(a) *Definitions.* For the purpose of this section, the terms:

(1) "Director" means the Director of the Agricultural Stabilization and Conservation Service Caribbean Area Office (hereinafter referred to as "Area Office").

(2) "Yields of sugar" means hundredweight of sugar commercially recoverable as determined in accordance with Part 837 of this chapter, from sugarcane grown on the farm and marketed (or processed) for the extraction of sugar.

(3) "Farm" shall have the meaning set forth in Part 827 of this chapter.

(4) "Planted acreage" or "planted acre" means the acreage from which sugarcane was harvested for the extraction of sugar plus the acreage of sugarcane with respect to which there was bona fide abandonment as a result of drought, flood, storm, freeze, disease or insects.

(5) "Local producing area" means a ward of a municipality.

(b) *Farm normal yield.* The normal yield of commercially recoverable sugar per acre for any sugarcane farm in Puerto Rico shall be established by the Area Office for the 1962–63 and each subsequent crop year, as follows:

(1) For a farm on which there was planted acreage in three or more of the next preceding five crop years, the normal yield shall be the simple average of the annual average yields of sugar per planted acre for all of such crop years in which there was planted acreage.

(2) For a farm on which there was no planted acreage in three or more of the next preceding five crop years, the normal yield shall be the simple average of the normal yields established pursuant to subparagraph (1) of this paragraph for not less than six nearby farms having similar production potentials.

(c) *Eligibility for abandonment and deficiency payments.* For any farm in Puerto Rico to be eligible for an acreage abandonment or crop deficiency payment with respect to the 1962–63 or any subsequent crop, the following requirements shall be met:

(1) The acreage abandoned, or the acreage with respect to which there was a crop deficiency, was suitable for the production of sugarcane and was cared for up to the time of harvest or abandonment, as the case may be, in a manner which could have been expected under average conditions to produce a normal crop of sugarcane.

(2) The acreage abandonment or the crop deficiency resulted directly from drought, flood, storm, freeze, disease or insects.

(3) With respect to acreage abandonment, the Area Office was notified of the intention to abandon the acreage before the sugarcane was destroyed or the acreage was used for other purposes.

(4) The farm was located in whole or in part in a municipality or a local producing area in which the Director determines for the applicable crop year that due to drought, flood, storm, freeze, disease or insects, the actual yields per acre of commercially recoverable sugar from the planted acreage in such municipality or local producing area were below 80 percent of the applicable normal yields either for 10 percent or more of the number of farms located in whole or in part in such municipality or local producing area or for farms located in whole or in part in such municipality or local producing area on which the planted acreage amounted to 10 percent or more of the total planted acreage in such municipality or local producing area.

(5) The other conditions for payment specified in Title III of the act shall be met.

(d) *Approval and certification.* With respect to each application for an acreage abandonment or crop deficiency payment for a farm, the Director shall first ascertain as to each crop of sugarcane whether the determination of yields as provided for in paragraph (c)(4) of this section may be made on the municipality level, and if not, he shall ascertain whether such determination of yields may be made as to the local producing area in which the farm or part of the farm is located. If he determines that all of the requirements specified in paragraph (c) of this section have been met with respect to such farm, he shall approve such farm as eligible for an abandonment payment or a crop deficiency payment; or both, as applicable, by certifying the application for payment submitted for such farm.

Statement of bases and considerations. Section 303 of the act authorizes the Secretary to make payments to producers of sugar beets or sugarcane with respect to bona fide abandonment of planted acreage and crop deficiencies of harvested acreage under certain conditions. The payments are based on normal yields of commercially recoverable sugar per acre as established for individual farms under determinations issued by the Secretary.

Concerning these payments, section 303 of the act provides that "• • • the Secretary is also authorized to make payments, on the conditions provided in section 301, with respect to bona fide abandonment of planted acreage and crop deficiencies of harvested acreage, resulting from drought, flood, storm, freeze, disease or insects, which cause such damage to all or a substantial part of the crop of sugar beets or sugarcane in the same factory district (as established by the Secretary), county, parish, municipality, or local producing area. • • •"

Section 847.2 was issued September 21, 1950, and was amended twice since that date. This revision restates the former actions and adds the following two changes of significance.

A local producing area formerly was defined as a ward, or a combination of wards. This required discretionary groupings of wards for each crop year and it did not approve a municipality as a measure of area. Under this revision, an entire municipality or any single ward may be used.

This revision broadens the measure of crop damage to include 10 percent or more of the number of farms or parts of farms in a municipality or local producing area, as well as 10 percent or more of the sugarcane acreage.

Accordingly, I hereby find and conclude that this determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Sup. 1153. Interprets or applies sec. 303, 61 Stat. 930; 7 U.S.C. Sup. 1133)

Effective date: Date of publication.

Signed at Washington, D.C., on June 22, 1962.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 62-6298; Filed, June 27, 1962; 8:54 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 946—IRISH POTATOES GROWN IN WASHINGTON

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 113, and Order No. 946 (7 CFR Part 946), regulating the handling of Irish potatoes grown in the State of Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of recommendations and information submitted by the State of Washington Potato Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments regulation as hereinafter established, limiting the grade, size, and quality of such potatoes will maintain orderly marketing conditions tending to increase returns to producers of such potatoes.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of 1962 crop potatoes grown in the production area will begin the week of July 1, (2) to maximize benefits to growers, this regulation should apply to all shipments during the 1962 season, (3) producers and handlers have operated under the marketing order since 1949 so special preparation on the part of handlers is not required, and (4) information regarding the committee's recommendation has been disseminated to producers and handlers in the production area.

§ 946.317 Limitation of shipments.

During the period July 2, 1962, through June 30, 1963, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), and (f) of this section.

(a) *Minimum quality requirements—*
(1) *Grade—All varieties.* U.S. No. 2, or better grade.

(2) *Size—*(i) *Round varieties.* 1⅞ inches minimum diameter.

(ii) *Long varieties.* 2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness—All varieties.* At least "fairly clean."

(b) *Minimum maturity requirements—All varieties.* "Moderately skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-half of the skin missing or "feathered."

(c) *Special purpose shipments.* The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed;
(2) Livestock feed;
(3) Charity;
(4) Starch;
(5) Canning or freezing;
(6) Dehydration;
(7) Export;
(8) Potato chipping; or
(9) Prepeeling.

(d) *Safeguards.* Each handler making shipments of potatoes for canning or freezing, dehydration, export, potato chipping, or prepeeling pursuant to paragraph (c) of this section shall:

(1) First, apply to the committee for and obtain a Certificate of Privilege to make such shipments;

(2) Pay assessments on such shipments, except shipments for canning or freezing;

(3) Obtain a Washington State Shipping Permit as issued by the Washington State Department of Agriculture, except shipments for export on which the handler shall obtain a Federal-State Inspection Certificate;

(4) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(5) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter, furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in such application and that such receiver will complete and return to the committee such periodic receiver's reports that the committee may require;

(6) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of such shipment, except when shipments are made by private carriers direct to processing plants, a schedule of weights will be accepted in lieu of a copy of the bill of lading.

(7) Before diverting any such shipment to another receiver or buyer apply to the committee for and obtain a new Certificate of Privilege authorizing such diversion, and such handler shall also comply with requirements prescribed by subparagraphs (4) and (5) of this paragraph with respect to such diverted shipments;

(e) *Shipments of bulk potatoes.* In the case of shipments of bulk potatoes, or any shipments within the district where grown, for canning, freezing, dehydration, potato chipping, or prepeeling, where such processor signs an agreement with the committee agreeing to meet such reporting and other marketing order requirements as may be specified by the committee, the shipper of such potatoes shall be exempt from those safeguard requirements set forth in paragraph (d) of this section.

(f) *Minimum quantity exception.* Each handler may ship up to, but not to exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment over 5 hundredweight of potatoes.

(g) *Definitions.* (1) The terms "U.S. No. 2," "fairly clean," and "moderately skinned," shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein.

(2) The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in the prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (United States Standards for Grades of Peeled Potatoes §§ 52.2421–52.2433 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and Order No. 946.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 25, 1962, to become effective July 2, 1962.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 62–6300; Filed, June 27, 1962; 8:54 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

FIELD OFFICE DIRECTORS, DEPUTY DIRECTORS AND ASSISTANT DIRECTORS; AND DIRECTORS OF ZONE MULTIFAMILY HOUSING OFFICES

In Part 200 the heading in the Table of Contents is amended to read as follows:

Sec.
200.96 Field Office Directors, Deputy Directors and Assistant Directors; and Directors of Zone Multifamily Housing Offices.

Section 200.96 is amended to read as follows:

§ 200.96 Field Office Directors, Deputy Directors and Assistant Directors; and Directors of Zone Multifamily Housing Offices.

To the position of Field Office Director, and to each of them; and to the position of Deputy Field Office Director, and to each of them; and to the position of Assistant Field Office Director, and to each of them, and with respect to insurance and servicing of multifamily housing project mortgages to the position of Director of Zone Multifamily Housing Office, and to each of them, there is delegated the duties and functions as set forth in § 200.95.

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., June 25, 1962.

NEAL J. HARDY,
Federal Housing Commissioner.

[F.R. Doc. 62–6294; Filed, June 27, 1962; 8:54 a.m.]

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart B—Contract Rights and Obligations

Section 203.405 is amended to read as follows:

§ 203.405 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
3¾	Jan. 1, 1961	July 1, 1961
3¾	July 1, 1961	Jan. 1, 1962
4	Jan. 1, 1962	July 1, 1962
3¾	July 1, 1962	

Section 203.479 is amended to read as follows:

§ 203.479 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
3¾	July 1, 1961	Jan. 1, 1962
4	Jan. 1, 1962	July 1, 1962
3¾	July 1, 1962	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

In Part 207 the pertinent section heading in the Table of Contents is amended to read as follows:

Sec.
207.27 Certificates of actual cost.

Subpart A—Eligibility Requirements

In § 207.19 paragraphs (c)(5)(i) and (d)(1) are amended to read as follows:

§ 207.19 Required supervision of private mortgagors.

• • • • • •

(c) *Requirements incident to insurance of advances.* • • •

(5) • • •

(i) A bond of a surety company satisfactory to the Commissioner in the penal sum of at least 10 percent of the estimated cost of construction of the project; or

• • • • • •

(d) *Labor standards and prevailing wage requirements.* (1) Any contract, subcontract, or building loan agreement executed for the performance of construction of the project shall comply with all applicable labor standards and provisions of the regulations of the Secretary of Labor issued May 9, 1951, 29 CFR 5.1–5.12 (16 F.R. 4430).

Section 207.21 is amended to read as follows:

§ 207.21 Racial discrimination prohibited.

Any contract or subcontract executed for the performance of construction of the project shall contain a provision that there shall be no discrimination against any employee, or applicant for employment because of race, color, creed, or national origin. Where the mortgagor is the general contractor, the building loan agreement shall contain the above provisions.

Section 207.25 is amended to read as follows:

§ 207.25 Certification of cost requirements.

(a) Prior to initial endorsement of the mortgage for insurance, the mortgagor, the mortgagee, and the Commissioner shall enter into an agreement in form and content satisfactory to the Commissioner for the purpose of precluding any excess of mortgage proceeds over statutory limitations. Under this agreement, the mortgagor shall disclose its relationship with the builder, including any collateral agreement, and shall agree:

(1) To enter into a construction contract, the terms of which shall depend on whether or not there exists an identity of interest between the mortgagor and the builder.

(2) To execute a Certificate of Actual Costs, upon completion of all physical improvements on the mortgaged property.

(3) To apply in reduction of the outstanding balance of the principal of the mortgage any excess of mortgage proceeds over statutory limitations based on actual cost.

(b) The provisions of paragraph (a) of this section relating to disclosure and the requirement for a construction contract shall not apply where the mortgagor is the general contractor.

In § 207.27 the heading and text are amended to read as follows:

§ 207.27 Certificates of actual cost.

(a) The mortgagor's certificate of actual cost, in a form prescribed by the Commissioner, shall be submitted upon completion of the physical improvements to the satisfaction of the Commissioner and prior to final endorsement. The certificate shall show the actual cost to the mortgagor, after deduction of any kickbacks, rebates, trade discounts, or other similar payments to the mortgagor, or to any of its officers, directors, stockholders, or partners, of:

(1) The construction contract, where the mortgagor and the general contractor are separate entities, or the construction of the project where the mortgagor is the general contractor and there is no such contract. In the case of a lump sum contract, the amount shown in the certificate shall include all payments under the contract;

(2) In the case of a cost-plus-fixed-fee contract or where the mortgagor is the general contractor, the amount shown in the certificate shall include such allowance of general overhead items as are acceptable to the Commissioner plus a reasonable allowance for the builder's profit as established by the Commissioner;

(3) Architect's fee;

(4) Off-site public utilities and streets not included in the general contract;

(5) Organizational and legal work; and

(6) Other items of expense approved by the Commissioner.

(b) A builder receiving a fixed fee under a cost plus contract shall certify in a form prescribed by the Commissioner as to all actual cost paid for labor, materials, and subcontract work under the general contract exclusive of the builder's fixed fee less any kickbacks, rebates, trade discounts, or other similar payments to the builder or mortgagor or any of its officers, directors or stockholders.

(c) The mortgagor shall keep and maintain adequate records of all cost of any construction or other cost items not representing work under the general contract and, in the case of a cost plus contract, shall require the builder to keep similar records and, upon request by the Commissioner, shall make available for examination such records including any collateral agreements.

(d) The Certificate of Actual Cost shall be verified by an independent Certified Public Accountant or independent public accountant in a manner acceptable to the Commissioner.

Subpart B—Contract Rights and Obligations

In § 207.259 paragraph (a)(1)(vii) is amended to read as follows:

§ 207.259 Insurance benefits.

(a) • • •

(1) • • •

(vii) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
3¾	Jan. 1, 1961	July 1, 1961
3¾	July 1, 1961	Jan. 1, 1962
4	Jan. 1, 1962	July 1, 1962
3¾	July 1, 1962	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER E—COOPERATIVE HOUSING INSURANCE

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

In Part 213 the pertinent section heading in the Table of Contents is amended to read as follows:

Sec.
213.35 Certificates of actual cost.

Subpart A—Eligibility Requirements—Projects

In § 213.1 paragraph (c) is amended to read as follows:

§ 213.1 Definitions.

• • • • • •

(c) "Private Mortgagor" means a private corporation or trust, formed or created with the approval of the Commissioner, or, in the case of an Investor Project, any mortgagor approved by the Commissioner, which is regulated or restricted by the Commissioner as to rents, sales, charges, capital structure, rate of return, and methods of operation.

In § 213.27 paragraph (d)(1) is amended to read as follows:

§ 213.27 Assurances of completion.

• • • • • •

(d) • • •

(1) A bond of a surety company satisfactory to the Commissioner in the penal sum of at least 10 percent of the estimated cost of construction of the project; or

In § 213.28 paragraphs (a) and (e) are amended to read as follows:

§ 213.28 Labor standards and prevailing wage requirements.

(a) Any contract, subcontract, or building loan agreement executed for the performance of construction of the project shall comply with all applicable labor standards and provisions of the regulations of the Secretary of Labor issued May 9, 1951, 29 CFR 5.1–5.12 (16 F.R. 4430).

• • • • • •

(e) Any contract or subcontract executed for the performance of construction of the project shall contain a provision that there shall be no discrimination against any employee, or applicant for employment because of race, color, creed, or national origin. Where the mortgagor is the general contractor, the building loan agreement shall contain the above provisions.

Section 213.33 is amended to read as follows:

§ 213.33 Certification of cost requirements.

(a) Prior to initial endorsement of the mortage for insurance, the mortgagor, the mortgagee, and the Commissioner shall enter into an agreement in form and content satisfactory to the Commissioner for the purpose of precluding any excess of mortgage proceeds over statutory limitations. Under this agreement, the mortgagor shall disclose its relationship with the builder, including any collateral agreement, and shall agree:

(1) To enter into a construction contract, the terms of which shall depend on whether or not there exists an identity of interest between the mortgagor and the builder.

(2) To execute a Certificate of Actual Costs, upon completion of all physical improvements on the mortgaged property.

(3) To apply in reduction of the outstanding balance of the principal of the mortgage any excess of mortgage proceeds over statutory limitations based on actual cost.

(b) The provisions of paragraph (a) of this section relating to disclosure and the requirement for a construction contract shall not apply where the mortgagor is the general contractor.

In § 213.35 the heading and text are amended to read as follows:

§ 213.35 Certificates of actual cost.

(a) The mortgagor's certificate of actual cost, in a form prescribed by the Commissioner, shall be submitted upon completion of the physical improvements to the satisfaction of the Commissioner and prior to final endorsement. The certificate shall show the actual cost to the mortgagor, after deduction of any kickbacks, rebates, trade discounts, or other similar payments to the mortgagor, or to any of its officers, directors, stockholders, or partners, of:

(1) The construction contract, where the mortgagor and the general contractor are separate entities, or the construction of the project where the mortgagor is the general contractor and there is no such contract. In the case of a lump sum contract, the amount shown in the certificate shall include all payments under the contract;

(2) In the case of a cost plus-fixed fee contract or where the mortgagor is the general contractor, the amount shown in the certificate shall include such allowance of general overhead items as are acceptable to the Comissioner plus a reasonable allowance for the builder's profit as established by the Commissioner.

(3) Architect's fee;

(4) Off-site public utilities and streets not included in the general contract;

(5) Organizational and legal work; and

(6) Other items of expense approved by the Commissioner.

(b) A builder receiving a fixed fee under a cost plus contract shall certify in a form prescribed by the Commissioner as to all actual cost paid for labor, materials, and subcontract work under the general contract exclusive of the builder's fixed fee less any kickbacks, rebates, trade discounts, or other similar payments to the builder or mortgagor or any of its officers, directors or stockholders.

(c) The mortgagor shall keep and maintain adequate records of all cost of any construction or other cost items not representing work under the general contract and, in the case of a cost plus contract, shall require the builder to keep similar records and, upon request by the Commissioner, shall make available for examination such records including any collateral agreements.

(d) The certificate of actual cost shall be verified by an independent Certified Public Accountant or independent public accountant in a manner acceptable to the Commissioner.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart D—Contract Rights and Obligations—Projects

Section 220.830 is amended to read as follows:

§ 220.830 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semi-annually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
3¾	July 1, 1961	Jan. 1, 1962
4	Jan. 1, 1962	July 1, 1962
3⅞	July 1, 1962	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

In § 221.538 paragraph (a) is amended to read as follows:

§ 221.538 Applicability of prevailing wage requirements.

• • • • • •

(a) *Labor Standards.* Any contract, subcontract, or building loan agreement executed for the performance of construction of the project shall comply with all applicable labor standards and provisions of the regulations of the Secretary of Labor issued May 9, 1951, 29 CFR 5.1–5.12 (16 F.R. 4430).

Section 221.539 is amended to read as follows:

§ 221.539 Discrimination prohibited.

Any contract or subcontract executed for the performance of construction of the project shall contain a provision that there shall be no discrimination against any employee, or applicant for employment because of race, color, creed, or national origin. Where the mortgagor is the general contractor, the building loan agreement shall contain the above provisions.

In § 221.542 paragraph (a) is amended to read as follows:

§ 221.542 Assurance of completion.

• • • • • •

(a) A bond of a surety company satisfactory to the Commissioner in the penal sum of at least 10 percent of the estimated cost of construction of the project; or

In § 221.543 paragraph (b) is amended to read as follows:

§ 221.543 Advance amortization.

• • • • • •

(b) The provisions of paragraph (a) of this section shall not apply to cooperative, investor-sponsor or nonprofit mortgagors.

Section 221.547 is amended to read as follows:

§ 221.547 Certification of cost requirements.

(a) Prior to initial endorsement of the mortgage for insurance, the mortgagor, the mortgagee, and the Commissioner shall enter into an agreement in form and content satisfactory to the Commissioner for the purpose of precluding any excess of mortgage proceeds over statutory limitations. Under this agreement, the mortgagor shall disclose its relationship with the builder, including any collateral agreement, and shall agree:

(1) To enter into a construction contract, the terms of which shall depend on whether or not there exists an identity of interest between the mortgagor and the builder.

(2) To execute a certificate of actual costs, upon completion of all physical improvements on the mortgaged property.

(3) To apply in reduction of the outstanding balance of the principal of the mortgage any excess of mortgage proceeds over:

(i) In the case of a general or limited dividend corporation mortgagor, 90 percent of actual cost; or

(ii) In the case of all other mortgagors, 100 percent of actual cost.

(b) The provisions of paragraph (a) of this section relating to disclosure and the requirement for a construction contract shall not apply where the mortgagor is the general contractor.

Section 221.550 is amended to read as follows:

§ 221.550 Certificate of actual cost.

The mortgagor's certificate of actual cost, in a form prescribed by the Commissioner, shall be submitted upon completion of the physical improvements to the satisfaction of the Commissioner and prior to final endorsement. The certificate shall show the actual cost to the mortgagor, after deduction of any kickbacks, rebates, trade discounts, or other similar payments to the mortgagor, or to any of its officers, directors, stockholders, or partners, of:

(a) The construction contract, where the mortgagor and the general contractor are separate entities, or the construction of the project where the mortgagor is the general contractor and there is no such contract.

(1) In the case of a lump sum contract, the amount shown in the certificate shall include all payments under the contract plus an allowance for sponsors' profit and risk equal to 10 percent of all other items entering into the term actual cost except amounts paid by the mortgagor under a general construction contract, the value of land, any amount paid for a leasehold and, in the case where the mortgage is to assist the financing of repair or rehabilitation, the value of the land and improvements (if any) prior to such repair or rehabilitation and any amount of the mortgage proceeds used to refinance an outstanding indebtedness on the property, unless the Commissioner, after determining such allowance is unreasonable, prescribes a lesser percentage.

(2) In the case of a cost-plus-fixed-fee contract or where the mortgagor is the general contractor, the amount shown in the certificate shall include such allowance of general overhead items as are acceptable to the Commissioner plus the allowance for builders' and sponsors' profit and risk set out in § 221.548(b).

(b) Architect's fee;

(c) Off-site public utilities and streets not included in the general contract;

(d) Organizational and legal work; and

(e) Other items of expense approved by the Commissioner.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 17151)

SUBCHAPTER I—HOUSING FOR ELDERLY PERSONS

PART 231—HOUSING MORTGAGE INSURANCE FOR THE ELDERLY

In Part 231 the pertinent section heading in the Table of Contents is amended to read as follows:

Sec.
231.11 Cost certification—builder's and sponsor's profit and risk allowance.

Subpart A—Eligibility Requirements

In § 231.8 paragraph (b)(1) is amended to read as follows:

§ 231.8 Supervision of mortgagors.

• • • • • •

(b) *Private Mortgagor — Nonprofit.* • • •

(1) A Private Mortgagor—Nonprofit shall not be subject to the provisions of § 207.19(b) of this chapter (Rate of return); § 207.19(e) of this chapter (Rents and charges); § 207.19(g) of this chapter (Mortgagors equity investment); and § 207.19(h) of this chapter (Advance amortization).

In § 231.11 the heading and paragraph (a) are amended to read as follows:

§ 231.11 Cost certification—builder's and sponsor's profit and risk allowance.

(a) *Identity of interest cases.* In the case of a mortgage where the mortgagor is the general contractor or where it is determined by the Commissioner that an identity of interest exists between the mortgagor and the builder or contractor, there shall be included in the actual cost, in lieu of any allowance for a "builder's fixed fee" provided for in § 207.26(b) of this chapter, an allowance for builder's and sponsor's profit and risk equal to 10 percent of all other items entering into the term "actual cost" except land or any amount paid for a leasehold and, in case the mortgage is to assist the financing of repair or rehabilitation, the land and improvements (if any) prior to such repair or rehabilitation and any amount of the mortgage proceeds used to refinance an outstanding indebtedness on the property.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 231, 73 Stat. 665; 12 U.S.C. 1715v)

SUBCHAPTER J—MORTGAGE INSURANCE FOR NURSING HOMES

PART 232—NURSING HOMES MORTGAGE INSURANCE

In Part 232 the pertinent section heading in the Table of Contents is amended to read as follows:

Sec.
232.83 Lump sum contract—certification of actual cost.

Subpart A—Eligibility Requirements

In § 232.56 paragraph (a) is amended to read as follows:

§ 232.56 Assurance of completion.

• • • • • •

(a) A bond of a surety company satisfactory to the Commissioner on the standard form prescribed by the Commissioner.

Section 232.70 is amended to read as follows:

§ 232.70 Labor standards.

Any contract, subcontract, or building loan agreement executed for the performance of construction of the project shall comply with all applicable standards and provisions of the regulations of the Secretary of Labor issued May 9, 1951, 29 CFR 5.1–5.12 (16 F.R. 4430).

Section 232.74 is amended to read as follows:

§ 232.74 Discrimination prohibited.

Any contract or subcontract executed for the performance of construction of the project shall contain a provision that there shall be no discrimination against any employee, or applicant for employment because of race, color, creed, or national origin. Where the mortgagor is the general contractor, the building loan agreement shall contain the above provisions.

In § 232.80 a new paragraph (e) is added to read as follows:

§ 232.80 Certification of cost requirements.

• • • • • •

(e) The provisions of paragraphs (a) and (b) of this section shall not apply where the mortgagor is the general contractor.

In § 232.83 the heading and text are amended to read as follows:

§ 232.83 Lump sum contract—certification of actual cost.

The mortgagor's certificate of actual cost, in a form prescribed by the Commissioner, shall be submitted upon completion of the physical improvements to the satisfaction of the Commissioner and prior to final endorsement. The certificate shall show the actual cost to the mortgagor, after deduction of any kickbacks, rebates, trade discounts, or other similar payments to the mortgagor, or to any of its officers, directors, stockholders, or partners, of:

(a) The construction contract, where the mortgagor and the general contractor are separate entities, or the construction of the project where the mortgagor is the general contractor and there is no such contract. In the case of a lump sum contract, the amount shown in the certificate shall include all payments under the contract;

(b) Architect's fee;

(c) Off-site public utilities and streets not included in the general contract;

(d) Organizational and legal work; and

(e) Other items of expense approved by the Commissioner.

Section 232.84 is amended to read as follows:

§ 232.84 Fixed fee contract—additional certification.

When the work has been completed under a fixed fee contract or by a mortgagor who is also the general contractor, the mortgagor's certification shall also show:

(a) Such allocations of general overhead items as are acceptable to the Commissioner; and

(b) A reasonable allowance for the builder's profit as established by the Commissioner.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

SUBCHAPTER T—MILITARY AND ARMED SERVICES HOUSING MORTGAGE INSURANCE

PART 803—ARMED SERVICES HOUSING—MILITARY PERSONNEL

Subpart B—Contract Rights and Obligations

In § 803.259 paragraph (a)(1)(vii) is amended to read as follows:

§ 803.259 Delivery of debentures and certificate of claim.

(a) • • •

(1) • • •

(vii) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
3¼	Jan. 1, 1961	July 1, 1961
3¾	July 1, 1961	Jan. 1, 1962
4	Jan. 1, 1962	July 1, 1962
3⅞	July 1, 1962	

(Sec. 807, 69 Stat. 651; 12 U.S.C. 1748f. Interprets or applies sec. 803, 69 Stat. 647, as amended; 12 U.S.C. 1748b)

SUBCHAPTER T—MILITARY AND ARMED SERVICES HOUSING MORTGAGE INSURANCE

PART 810—ARMED SERVICES HOUSING—IMPACTED AREAS

Subpart A—Eligibility Requirements—Projects

Section 810.40 is amended to read as follows:

§ 810.40 Maximum mortgage amounts—multifamily sales project.

(a) A mortgage on a multifamily sales project may involve a principal obligation not in excess of the lesser of the following:

(1) $5,000,000;

(2) 90 percent of the estimated value.

(b) The provisions of paragraph (a) of this section shall not apply to applications filed on or before June 25, 1962 if special escrow arrangements, satisfactory to the Commissioner, are made by the mortgagor with respect to mortgage proceeds in excess of 90 percent of the estimated value. In connection with such applications, the mortgage may involve a principal obligation not in excess of the lesser of the following:

(1) $5,000,000;

(2) A sum computed on the basis of a separate mortgage for each single-family dwelling comprising the project, equal to the total of each of the maximum principal obligations of such mortgages which would meet the requirements of section 203(b)(2) of the Act if the mortgagor were the owner and occupant who had made any required payment on account of the property described in such section of the Act.

(Sec. 807, 69 Stat. 651; 12 U.S.C. 1748f. Interprets and applies sec. 810, 73 Stat. 683; 12 U.S.C. 1748h–2)

Issued at Washington, D.C., June 22, 1962.

NEAL J. HARDY,
Federal Housing Commissioner.

[F.R. Doc. 62-6293; Filed, June 27, 1962; 8:54 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 531—DETERMINATIONS UNDER AND INTERPRETATIONS OF SECTION 3(m) OF THE FAIR LABOR STANDARDS ACT

PART 777—GENERAL STATEMENT AS TO THE METHODS OF PAYMENT UNDER THE FAIR LABOR STANDARDS ACT AND THE APPLICATION OF SECTION 3(m) THERETO

Revision and Supersedure

Pursuant to section 3(m) of the Fair Labor Standards Act of 1938 (52 Stat. 1060; sec. 2, 75 Stat. 65; 29 U.S.C. 203(m)) and R.S. 161 (5 U.S.C. 22), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A (15 F.R. 3290) of the Secretary of Labor, Part 531 of Title 29 is hereby revised as hereinafter indicated in order to implement and to consider the provisions of section 2 of the Fair Labor Standards Amendments of 1961 (75 Stat. 65). Section 2 of the Amendments adds to section 3(m) of the Act, defining the term "wage," a proviso for the exclusion of board, lodging, or other facilities from wages to the extent that they are excluded under collective bargaining agreements and an additional proviso authorizing the Secretary of Labor to make "fair value" determinations of such facilities. The revision of Part 531 also supersedes Part 777 of Title 29, Code of Federal Regulations.

The revision of Part 531 and the supersedure of Part 777 shall become effective immediately upon publication in the FEDERAL REGISTER. The changes made by the revision prescribe only interpretative and procedural rules. Therefore, the public procedure and effective date requirements of section 4 of the Administrative Procedure Act do not apply thereto.

1. As revised, 29 CFR Part 531 reads as follows:

Subpart A—Preliminary Matters

Sec.
531.1 Definitions.
531.2 Purpose and scope.

Subpart B—Determinations of "Reasonable Cost" and "Fair Value"; Effects of Collective Bargaining Agreements

531.3 General determinations of "reasonable cost."
531.4 Making determinations of "reasonable cost."
531.5 Making determinations of "fair value."
531.6 Effect of collective-bargaining agreements.
531.7 Petitions to issue, amend, or repeal rules including determinations under this part.

Subpart C—Interpretations

531.25 Introductory statement.
531.26 Relation to other laws.

How "Wage" Payments May Be Made

Sec.
531.27 Payment in cash or its equivalent.
531.28 Restrictions applicable when payment is not in cash or its equivalent.
531.29 Board, lodging, or other facilities.
531.30 "Furnished" to the employee.
531.31 "Customarily" furnished.
531.32 "Other facilities."
531.33 "Reasonable cost;" "fair value."
531.34 Payment in scrip or similar medium not authorized.
531.35 Free and clear payment; kickbacks.

Payment of "Wages" Where Additions or Deductions Involved

531.36 Nonovertime workweeks.
531.37 Overtime workweeks.

Payment Made to Person Other Than Employee

531.38 Amounts deducted for taxes.
531.39 Payments to third persons pursuant to court order.
531.40 Payments to employee's assignee.

AUTHORITY: §§ 531.1 to 531.40 issued under sec. 3(m), 52 Stat. 1060; sec. 2, 75 Stat. 65; 29 U.S.C. 203(m).

Subpart A—Preliminary Matters

§ 531.1 Definitions.

(a) "Administrator" means the Administrator of the Wage and Hour and Public Contracts Divisions or his authorized representative. The Secretary of Labor has delegated to the Administrator the functions vested in him under section 3(m) of the Act.

(b) "Act" means the Fair Labor Standards Act of 1938.

§ 531.2 Purpose and scope.

Section 3(m) of the Act defines the term "wage" to include the "reasonable cost", as determined by the Secretary of Labor, to an employer of furnishing any employee with board, lodging, or other facilities, if such board, lodging, or other facilities are customarily furnished by the employer to his employees. In addition, the section gives the Secretary authority to determine the "fair value" of such facilities on the basis of average cost to the employer or to groups of employers similarly situated, or average value to groups of employees, or other appropriate measures of "fair value." Whenever so determined and when applicable and pertinent, the "fair value" of the facilities involved shall be includable as part of "wages" instead of the actual measure of the costs of those facilities. The section also provides that the cost of board, lodging, or other facilities shall not be included as part of "wages" if excluded therefrom by a bona fide collective bargaining agreement. This part contains any determinations made as to the "reasonable cost" and "fair value" of board, lodging, or other facilities having general application, and describes the procedure whereby determinations having general or particular application may be made. The part also interprets generally the provisions of section 3(m) of the Act.

Subpart B—Determinations of "Reasonable Cost" and "Fair Value"; Effects of Collective Bargaining Agreements

§ 531.3 General determinations of "reasonable cost."

(a) The term "reasonable cost" as used in section 3(m) of the Act is hereby determined to be not more than the actual cost to the employer of the board, lodging, or other facilities customarily furnished by him to his employees.

(b) "Reasonable cost" does not include a profit to the employer or to any affiliated person.

(c) Except whenever any determination made under § 531.4 is applicable, the "reasonable cost" to the employer of furnishing the employee with board, lodging, or other facilities (including housing) is the cost of operation and maintenance including adequate depreciation plus a reasonable allowance (not more than 5½ percent) for interest on the depreciated amount of capital invested by the employer: *Provided*, That if the total so computed is more than the fair rental value (or the fair price of the commodities or facilities offered for sale), the fair rental value (or the fair price of the commodities or facilities offered for sale) shall be the reasonable cost. The cost of operation and maintenance, the rate of depreciation, and the depreciated amount of capital invested by the employer shall be those arrived at under good accounting practices. As used in this paragraph, the term "good accounting practices" does not include accounting practices which have been rejected by the Internal Revenue Service for tax purposes, and the term "depreciation" includes obsolescene.

(d)(1) The cost of furnishing "facilities" found by the Administrator to be primarily for the benefit or convenience of the employer will not be recognized as reasonable and may not therefore be included in computing wages.

(2) The following is a list of facilities found by the Administrator to be primarily for the benefit or convenience of the employer. The list is intended to be illustrative rather than exclusive: (i) Tools of the trade and other materials and services incidental to carrying on the employer's business, (ii) the cost of any construction by and for the employer; (iii) the cost of uniforms and of their laundering, where the nature of the business requires the employee to wear a uniform.

§ 531.4 Making of determinations of "reasonable cost."

(a) *Procedure.* Upon his own motion or upon the petition of any interested person, the Administrator may determine generally or particularly the "reasonable cost" to an employer of furnishing any employee with board, lodging, or other facilities, if such board, lodging, or other facilities are customarily furnished by the employer to his employees. Notice of proposed determination shall be published in the FEDERAL REGISTER, and interested persons shall be afforded an opportunity to participate through submission of written data, views, or arguments. Such notice shall indicate whether or not an opportunity will be afforded to make oral presentations. Whenever the latter opportunity is afforded, the notice shall specify the time and place of any hearing and the rules governing such proceedings. Consideration shall be given to all relevant matter presented in the adoption of any rule.

(b) *Contents of petitions submitted by interested persons.* Any petition by an employee or an authorized representative of employees, an employer or group of employers, or other interested persons for a determination of "reasonable cost" shall include the following information:

(1) The name and location of the employer's or employers' place or places of business;

(2) A detailed description of the board, lodging, or other facilities furnished by the employer or employers, whether or not these facilities are customarily furnished by the employer or employers, and whether or not they are alleged to constitute "wages";

(3) The charges or deductions made for the facility or facilities by the employer or employers;

(4) When the actual cost of the facility or facilities is known an itemized statement of such cost to the employer or employers of the furnished facility or facilities;

(5) The cash wages paid;

(6) The reason or reasons for which the determination is requested, including any reason or reasons why the determinations in § 531.3 should not apply; and

(7) Whether an opportunity to make an oral presentation is requested; and if it is requested, the inclusion of a summary of any expected presentation.

§ 531.5 Making determinations of "fair value."

(a) *Procedure.* The procedure governing the making of determinations of the "fair value" of board, lodging, or other facilities for defined classes of employees and in defined areas under section 3(m) of the Act shall be the same as that prescribed in § 531.4 with respect to determinations of "reasonable cost."

(b) *Petitions of interested persons.* Any petition by an employee or an authorized representative of employees, an employer or group of employers, or other interested persons for a determination of "fair value" under section 3(m) of the Act shall contain the information required under paragraph (b) of § 531.4, and in addition, to the extent possible, the following:

(1) A proposed definition of the class or classes of employees involved;

(2) A proposed definition of the area to which any requested determination would apply;

(3) Any measure of "fair value" of the furnished facilities which may be appropriate in addition to the cost of such facilities.

§ 531.6 Effects of collective-bargaining agreements.

(a) The cost of board, lodging, or other facilities shall not be included as part of the wage paid to any employee to the extent it is excluded therefrom under the terms of a bona fide collective-bargaining agreement applicable to the particular employee.

(b) A collective-bargaining agreement shall be deemed to be "bona fide" when it is made with a labor organization which is the certified representative of the employees under the provisions of the National Labor Relations Act, as amended, or the Railway Labor Act, as amended.

(c) Collective-bargaining agreements made with representatives who have not been so certified will be ruled on individually upon submission to the Administrator.

§ 531.7 Petitions to issue, amend, or repeal rules, including determinations, under this part.

Any interested person may petition for the issuance, amendment, or repeal of rules, including determinations under this part. Any such petition shall be directed in writing to the Administrator. Any such petition shall include: (a) A declaration of the petitioner's interest in the proposed action; (b) a statement of the rule-making action sought; and (c) any data available in support of the petition. Whenever a petitioner seeks a determination of "reasonable cost" or "fair value" the statement of rule-making sought shall contain the information required under § 531.4(b) or 531.5(b), as the case may be.

Subpart C—Interpretations

§ 531.25 Introductory statement.

(a) The ultimate decisions on interpretations of the Act are made by the courts (Mitchell v. Zachry, 362 U.S. 310; Kirschbaum v. Walling, 316 U.S. 517). Court decisions supporting interpretations contained in this subpart are cited where it is believed they may be helpful. On matters which have not been determined by the courts, it is necessary for the Secretary of Labor and the Administrator to reach conclusions as to the meaning and the application of provisions of the law in order to carry out their responsibilities of administration and enforcement (Skidmore v. Swift, 325 U.S. 134). In order that these positions may be made known to persons who may be affected by them, official interpretations are issued by the Administrator on the advice of the Solicitor of Labor, as authorized by the Secretary (Reorg. Pl. 6 of 1950, 64 Stat. 1263; Gen. Ord. 45A, May 24, 1950, 15 F.R. 3290). The Supreme Court has recognized that such interpretations of this Act "provide a practical guide to employers and employees as to how the office representing the public interest in its enforcement will seek to apply it" and "constitute a body of experience and informed judgment to which courts and litigants may properly resort for guidance." Further, as stated by the Court: "Good administration of the Act and

good judicial administration alike require that the standards of public enforcement and those for determining private rights shall be at variance only where justified by very good reasons." (Skidmore v. Swift, 323 U.S. 134.)

(b) The interpretations of the law contained in this subpart are official interpretations of the Department of Labor with respect to the application under described circumstances of the provisions of law which they discuss. The interpretations indicate, with respect to the methods of paying the compensation required by sections 6 and 7 and the application thereto of the provisions of section 3(m) of the Act, the construction of the law which the Secretary of Labor and the Administrator believe to be correct and which will guide them in the performance of their administrative duties under the Act unless and until they are otherwise directed by authoritative decisions of the courts or conclude, upon reexamination of an interpretation, that it is incorrect. Reliance may be placed upon the interpretations as provided in section 10 of the Portal-to-Portal Act (29 U.S.C. 259) so long as they remain effective and are not modified, amended, rescinded, or determined by judicial authority to be incorrect. For discussion of section 10 of the Portal-to-Portal Act, see Part 790 of this chapter.

§ 531.26 Relation to other laws.

Various Federal, State, and local legislation requires the payment of wages in cash; prohibits or regulates the issuance of scrip, tokens, credit cards, "dope checks" or coupons; prevents or restricts payment of wages in services or facilities; controls company stores and commissaries; outlaws "kick-backs"; restrains assignment and garnishment of wages; and generally governs the calculation of wages and the frequency and manner of paying them. Where such legislation is applicable and does not contravene the requirements of the Act, nothing in the Act, the regulations, or the interpretations announced by the Administrator should be taken to override or nullify the provisions of these laws.

How Payments May Be Made

§ 531.27 Payment in cash or its equivalent required.

(a) Standing alone, sections 6 and 7 of the Act require payment of the prescribed wages, including overtime compensation, in cash or negotiable instrument payable at par. Section 3(m) provides that the "wage" paid to any employee includes the "reasonable cost," as determined by the Secretary, to the employer of furnishing such employee with board, lodging, or other facilities, if such board, lodging, or other facilities are customarily furnished by such employer to his employees. It is section 3(m) which permits and governs the payment of wages in other than cash.

(b) It should not be assumed that because the term "wage" does not appear in section 7, all overtime compensation must be paid in cash and may not be paid in board, lodging, or other facilities. There appears to be no evidence in either the statute or its legislative history which demonstrates the intention to provide one rule for the payment of the minimum wage and another rule for the payment of overtime compensation. The principles stated in paragraph (a) of this section, are considered equally applicable to payment of the minimum wage required by section 6 and to payment, when overtime is worked, of the compensation required by section 7. Thus, in determining whether he has met the minimum wage and overtime requirements of the Act, the employer may credit himself with the reasonable cost to himself of board, lodging, or other facilities customarily furnished by him to his employees when the cost of such board, lodging, or other facilities is not excluded from wages paid to such employees under the term of a bona fide collective-bargaining agreement applicable to the employees. Unless the context clearly indicates otherwise, the term "wage" is used in this part to designate the amount due under either section 6 or section 7 without distinction.

(c) Tips may be credited or offset against the wages payable under the Act in certain circumstances, if the employment agreement is such that the tips belong to the employer. See Williams v. Jacksonville Terminal Co., 315 U.S. 386. Cf. Southern Ry. Co. v. Black, 127 F. (2d) 280 (C.A. 4); Townsend v. New York Central RR. Co., 141 F. (2d) 483 (C.A. 7), certiorari denied, 323 U.S. 717; Harrison v. Terminal RR. Assn., 126 F. (2d) 421 (C.A. 8); Harrison v. Kansas City Terminal Ry. Co., 126 F. (2d) 422 (C.A. 8); Ryan v. Denver Union Terminal Ry. Co., 126 F. (2d) 782 (C.A. 10). See in this connection the recordkeeping requirements contained in Part 516 of this chapter.

§ 531.28 Restrictions applicable where payment is not in cash or its equivalent.

It appears to have been the clear intention of Congress to protect the basic minimum wage and overtime compensation required to be paid to the employee by sections 6 and 7 of the Act from profiteering or manipulation by the employer in dealings with the employee. Section 3(m) of the Act and Subpart B of this part accordingly prescribe certain limitations and safeguards which control the payment of wages in other than cash or its equivalent. (Special recordkeeping requirements must also be met. These are contained in Part 516 of this chapter.) These provisions, it should be emphasized, do not prohibit payment of wages in facilities furnished either as additions to a stipulated wage or as items for which deductions from the stipulated wage will be made; they prohibit only the use of such a medium of payment to avoid the obligation imposed by sections 6 and 7.

§ 531.29 Board, lodging, or other facilities.

Section 3(m) applies to both of the following situations: (a) where board, lodging, or other facilities are furnished in addition to a stipulated wage; and (b) where charges for board, lodging, or other facilities are deducted from a stipulated wage. The use of the word "furnishing" and the legislative history of section 3(m) clearly indicate that this section was intended to apply to all facilities furnished by the employer as compensation to the employee, regardless of whether the employer calculates charges for such facilities as additions to or deductions from wages.

§ 531.30 "Furnished" to the employee.

The reasonable cost of board, lodging, or other facilities may be considered as part of the wage paid an employee only where customarily "furnished" to the employee. Not only must the employee receive the benefits of the facility for which he is charged, but it is essential that his acceptance of the facility be voluntary and uncoerced. See Williams v. Atlantic Coast Line Railroad Company (E.D.N.C.), 1 W.H. Cases 289.

§ 531.31 "Customarily" furnished.

The reasonable cost of board, lodging, or other facilities may be considered as part of the wage paid an employee only where "customarily" furnished to the employee. Where such facilities are "furnished" to the employee, it will be considered a sufficient satisfaction of this requirement if the facilities are furnished regularly by the employer to his employees or if the same or similar facilities are customarily furnished by other employers engaged in the same or similar trade, business, or occupation in the same or similar communities. See Walling v. Alaska Pacific Consolidated Mining Co., 152 F. (2d) 812 (C.A. 9), cert. denied, 327 U.S. 803; Southern Pacific Co. v. Joint Council (C.A. 9), 7 W.H. Cases 536. Facilities furnished in violation of any Federal, State, or local law, ordinance or prohibition will not be considered facilities "customarily" furnished.

§ 531.32 "Other facilities".

(a) "Other facilities," as used in this section, must be something like board or lodging. The following items have been deemed to be within the meaning of the term: Meals furnished at company restaurants or cafeterias; housing furnished for dwelling purposes; general merchandise furnished at company stores and commissaries (including articles of food, clothing, and household effects); fuel (including coal, kerosene, firewood, and lumber slabs), electricity, water, and gas furnished for the noncommercial personal use of the employee; transportation furnished employees between their homes and work where the travel time does not constitute hours worked compensable under the Act and the transportation is not an incident of and necessary to the employment.

(b) Shares of capital stock in an employer company, representing only a contingent proprietary right to participate in profits and losses or in the assets of the company at some future dissolution date, do not appear to be "facilities" within the meaning of the section.

(c) It should also be noted that under § 531.3(d)(1), the cost of furnishing "facilities" which are primarily for the benefit or convenience of the employer will not be recognized as reasonable and may not therefore be included in computing wages. Items in addition to those set forth in § 531.3 which have been held to be primarily for the benefit or convenience of the employer and are not therefore to be considered "facilities" within the meaning of section 3(m) include: Safety caps, explosives, and miners' lamps (in the mining industry); electric power (used for commercial production in the interest of the employer); company police and guard protection; taxes and insurance on buildings of the employer; "dues" to chambers of commerce and other organizations used, for example to repay subsidies given to the employer to locate his factory in a particular community; transportation charges where such transportation is an incident of and necessary to the employment (as in the case of maintenance-of-way employees of a railroad); charges for rental of uniforms where the nature of the business requires the employee to wear a uniform; medical services and hospitalization which the employer is bound to furnish under workmen's compensation acts or similar Federal, State, or local law. For a discussion of reimbursement for expenses, such as "supper money," "travel expenses," etc., see § 778.7(b) of this chapter.

§ 531.33 "Reasonable cost": "fair value."

(a) Section 3(m) directs the Administrator to determine "the reasonable cost • • • to the employer of furnishing • • • facilities" to the employee, and in addition it authorizes him to determine "the fair value" of such facilities for defined classes of employees and in defined areas, which may be used in lieu of the actual measure of the cost of such facilities in ascertaining the "wages" paid to any employee. Subpart B contains three methods whereby an employer may ascertain whether any furnished facilities are a part of "wages" within the meaning of section 3(m): (1) An employer may calculate the "reasonable cost" of facilities in accordance with the requirements set forth in § 531.3; (2) an employer may request that a determination of "reasonable cost" be made, including a determination having particular application; and (3) an employer may request that a determination of "fair value" of the furnished facilities be made to be used in lieu of the actual measure of the cost of the furnished facilities in assessing the "wages" paid to an employee.

(b) "Reasonable cost," as determined in § 531.3 "does not include a profit to the employer or to any affiliated person." Although the question of affiliation is one of fact, where any of the following persons operate company stores or commissaries or furnish lodging or other facilities they will normally be deemed "affiliated persons" within the meaning of the regulations: (1) A spouse, child, parent, or other close relative of the employer; (2) a partner, officer, or employee in the employer company or firm; (3) a parent, subsidiary, or otherwise closely connected corporation; and (4) an agent of the employer.

§ 531.34 Payment in scrip or similar medium not authorized.

Scrip, tokens, credit cards, "dope checks," coupons, and similar devices are not proper mediums of payment under the Act. They are neither cash nor "other facilities" within the meaning of section 3(m). However, the use of such devices for the purpose of conveniently and accurately measuring wages earned or facilities furnished during a single pay period is not prohibited. Piecework earnings, for example, may be calculated by issuing tokens (representing a fixed amount of work performed) to the employee, which are redeemed at the end of the pay period for cash. The tokens do not discharge the obligation of the employer to pay wages, but they may enable him to determine the amount of cash which is due to the employee. Similarly board, lodging, or other facilities may be furnished during the pay period in exchange for scrip or coupons issued prior to the end of the pay period. The reasonable cost of furnishing such facilities may be included as part of the wage, since payment is being made not in scrip but in facilities furnished under the requirements of section 3(m). But the employer may not credit himself with "unused scrip" or "coupons outstanding" on the pay day in determining whether he has met the requirements of the Act because such scrip or coupons have not been redeemed for cash or facilities within the pay period. Similarly, the employee cannot be charged with the loss or destruction of scrip or tokens.

§ 531.35 "Free and clear" payment; "kickbacks."

Whether in cash or in facilities, "wages" cannot be considered to have been paid by the employer and received by the employee unless they are paid finally and unconditionally or "free and clear." The wage requirements of the Act will not be met where the employee "kicks-back" directly or indirectly to the employer or to another person for the employer's benefit the whole or part of the wage delivered to the employee. This is true whether the "kick-back" is made in cash or in other than cash. For example, if it is a requirement of the employer that the employee must provide tools of the trade which will be used in or are specifically required for the performance of the employer's particular work, there would be a violation of the Act in any workweek when the cost of such tools purchased by the employee cuts into the minimum or overtime wages required to be paid him under the Act.

Payment Where Additions or Deductions Are Involved

§ 531.36 Nonovertime workweeks.

(a) When no overtime is worked by the employee, section 3(m) and this part apply only to the applicable minimum wage for all hours worked. To illustrate, where an employee works 40 hours a week at a cash wage rate of $1.15 an hour in a situation when that rate is the applicable minimum wage and is paid $46 in cash free and clear at the end of the workweek, and in addition is furnished facilities valued at $4, no consideration need be given to the question of whether such facilities meet the requirements of section 3(m) and this part, since the employee has received in cash the applicable minimum wage of $1.15 for all hours worked. Similarly, where an employee is employed at a rate of $1.35 an hour and during a particular workweek works 40 hours for which he is paid $46 in cash, the employer having deducted $8 from his wages for facilities furnished, whether such deduction meets the requirements of section 3(m) and Subpart B of this part need not be considered, since the employee is still receiving, after the deduction has been made, a cash wage of $1.15 per hour. Deductions for board, lodging, or other facilities may be made in nonovertime workweeks even if they reduce the cash wage below the minimum, provided the prices charged do not exceed the "reasonable cost" of such facilities. When such items are furnished the employee at a profit, the deductions from wages in weeks in which no overtime is worked are considered to be illegal only to the extent that the profit reduces the wage (which includes the "reasonable cost" of the facilities) below the required minimum. Accordingly, in a situation when $1.15 is the applicable minimum wage, if an employee employed at a rate of $1.20 an hour works 40 hours in a workweek and is paid only $36 in cash, $12 having been deducted for facilities furnished to him, such facilities must be measured by the requirements of section 3(m) and this part to determine if the employee has received the minimum of $46 (40 hours × $1.15) in cash or in facilities which may be legitimately included in "wages" payable under the Act. The same would be true where an employee is furnished the facilities in addition to a cash wage of $36 for 40 hours of work. In either case, if the "reasonable cost" to the employer of legitimate facilities equals at least $10 the requirements of the Act are met. Cf. Southern Pacific Co. v. Joint Council Dining Car Employees, 165 F. (2d) 26 (C.A. 9).

(b) Deductions for articles such as tools, miners' lamps, dynamite caps, and other items which do not constitute "board, lodging, or other facilities" may likewise be made in nonovertime workweeks if the employee nevertheless received the required minimum wage in cash free and clear; but to the extent that they reduce the wages of the employee in any such workweek below the minimum required by the Act, they are illegal.

§ 531.37 Overtime workweeks.

(a) Section 7 requires that the employee receive compensation for overtime hours at "a rate not less than one and one-half times the regular rate at which he is employed." When overtime is worked by an employee who receives the whole or part of his wage in facilities and it becomes necessary to determine the portion of his wages represented by facilities, all such facilities must be

measured by the requirements of section 3(m) and Subpart B of this part. It is the Administrator's opinion that deductions may be made, however, on the same basis in an overtime workweek as in nonovertime workweeks (see § 531.36), if their purpose and effect are not to evade the overtime requirements of the Act or other law providing the amount deducted does not exceed the amount which could be deducted if the employee had only worked the maximum number of straight-time hours during the workweek. For example, in a situation where $1.15 is the applicable minimum wage, if an employee is employed at a rate of $1.20 an hour (5 cents in excess of the minimum wage) the maximum amount which may be deducted from his wages in a 40-hour workweek for items such as tools, dynamite caps, miners' lamps, or other articles which are not "facilities" within the meaning of the Act, is 40 times 5 cents or $2 (see § 531.36). Deductions in excess of this amount for such articles are illegal in overtime workweeks as well as in nonovertime workweeks. There is no limit on the amount which may be deducted for "board, lodging, or other facilities" in overtime workweeks (as in workweeks when no overtime is worked), provided that these deductions are made only for the "reasonable cost" of the items furnished. When such items are furnished at a profit, the amount of the profit (plus the full amount of any deductions for articles which are not facilities) may not exceed $2 in the example heretofore used in this paragraph. These principles assume a situation where bona fide deductions are made for particular items in accordance with the agreement or understanding of the parties. If the situation is solely one of refusal or failure to pay the full amount of wages required by section 7, these principles have no application. Deductions made only in overtime workweeks, or increases in the prices charged for articles or services during overtime workweeks will be scrutinized to determine whether they are manipulations to evade the overtime requirements of the Act.

(b) Where deductions are made for board, lodging, or other facilities, the regular rate of pay is arrived at on the basis of the stipulated wage before any deductions have been made. Where such facilities are customarily furnished as addition to a cash wage, the reasonable cost of the facilities to the employer must be considered as part of the employee's regular rate of pay. See Walling v. Alaska Pacific Consolidated Mining Co., 152 F. (2d) 812 (C.A. 9), cert. denied, 327 U.S. 803. Thus, suppose an employee, employed at a cash rate of $1.20 an hour, works 48 hours during a particular workweek. If, in addition, he is furnished board, lodging, or other facilities valued at $18, but whose "reasonable cost" is $14.40, the $14.40 must be added to his cash straight-time pay of $57.60 ($1.20 × 48 hours) in determining the regular rate of pay on which his overtime compensation is to be calculated. The regular rate then becomes $1.50 an hour ([$57.60 + $14.40 = $72] ÷ [48 hours] = $1.50 an hour). In a situation where section 7(a) of the Act is applicable, the employee is thus entitled to receive a total of $78 for the week. ([40 hours × $1.50 = $60] + [8 hours × $2.25 = $18].) In addition to the straight-time pay of $57.60 in cash and $14.40 in facilities, extra compensation of $6 in cash for the eight overtime hours must, therefore, be paid by the employer, to meet the requirements of the Act.

Payments Made to Persons Other Than Employees

§ 531.38 Amounts deducted for taxes.

Taxes which are assessed against the employee and which are collected by the employer and forwarded to the appropriate governmental agency may be included as "wages" although they do not technically constitute "board, lodging, or other facilities" within the meaning of section 3(m). This principle is applicable to the employee's share of social security and State unemployment insurance taxes, as well as other Federal, State, or local taxes, levies, and assessments. No deduction may be made for any tax or share of a tax which the law requires to be borne by the employer.

§ 531.39 Payments to third persons pursuant to court order.

Where an employer is legally obliged, as by order of a court of competent and appropriate jurisdiction, to pay a sum for the benefit or credit of the employee to a creditor of the employee, trustee, or other third party, under garnishment, wage attachment, trustee process, or bankruptcy proceeding, deduction from wages of the actual sum so paid is not prohibited: *Provided*, that neither the employer nor any person acting in his behalf or interest derives any profit or benefit from the transaction. In such case, payment to the third person for the benefit and credit of the employee will be considered equivalent, for the purposes of the Act, to payment to the employee.

§ 531.40 Payments to employee's assignee.

(a) Where an employer is directed by a voluntary assignment or order of his employee to pay a sum for the benefit of the employee to a creditor, donee, or other third party, deduction from wages of the actual sum so paid is not prohibited: *Provided*, That neither the employer nor any person acting in his behalf or interest, directly or indirectly, derives any profit or benefit from the transaction. In such case, payment to the third person for the benefit and credit of the employee will be considered equivalent, for purposes of the Act, to payment to the employee.

(b) No payment by the employer to a third party will be recognized as a valid payment of compensation required under the Act where it appears that such payment was part of a plan or arrangement to evade or circumvent the requirements of section 3(m) or Subpart B of this part. For the protection of both employer and employee it is suggested that full and adequate record of all assignments and orders be kept and preserved and that provisions of the applicable State law with respect to signing, sealing, witnessing, and delivery be observed.

(c) Under the principles stated in paragraphs (a) and (b) of this section, employers have been permitted to treat as payments to employees for purposes of the Act sums paid at the employees' direction to third persons for the following purposes: Sums paid, as authorized by the employee, for the purchase in his behalf of United States savings stamps or United States savings bonds; union dues paid pursuant to a collective bargaining agreement with bona fide representatives of the employees and as permitted by law; employees' store accounts with merchants wholly independent of the employer; insurance premiums (paid to independent insurance companies where the employer is under no obligation to supply the insurance and derives, directly or indirectly, no benefit or profit from it); voluntary contributions to churches and charitable, fraternal, athletic, and social organizations or societies from which the employer receives no profit or benefit directly or indirectly.

2. This revision supersedes 29 CFR Part 777.

Signed at Washington, D.C., this 22d day of June 1962.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 62-6284; Filed, June 27, 1962; 8:52 a.m.]

PART 545—HOMEWORKERS IN THE FABRIC AND LEATHER GLOVE INDUSTRY; THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY; THE CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY; THE WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE AND NECKWEAR INDUSTRY; THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY; AND THE SWEATER AND KNIT SWIMWEAR INDUSTRY IN PUERTO RICO

Fabric and Leather Glove Industry

In the May 5, 1962, issue of the FEDERAL REGISTER (27 F.R. 4339) I proposed to amend Schedule C of 29 CFR 545.13 in order to increase the minimum piece rates for homeworkers in Puerto Rico in the fabric and leather glove industry commensurate with increases in the minimum hourly wage rates in that industry (27 F.R. 3514).

Interested persons were given 15 days in which to file written statements of data, views or arguments in regard to this proposal. None were received. It was found, however, that the rates for ladies' woven or knitted fabric gloves contained some minor errors due to rounding. Accordingly, the proposed amendment is hereby adopted with the appropriate corrections. As the amended table merely articulates changed piece rates already in effect pursuant to 29 CFR 545.9, good cause is hereby found to make this amendment effective without delay and it shall be effective immediately.

The amended table reads as follows:

§ 545.13 Piece rates established in accordance with § 545.9.

* * * * *

SCHEDULE C—PIECE RATE SCHEDULE FOR THE FABRIC AND LEATHER GLOVE INDUSTRY IN PUERTO RICO [1]

No.	Operation	Ladies' woven or knitted fabric gloves (1)	Leather gloves [2] Ladies' (2)	Leather gloves [2] Men's (3)	Unit of payment
		Cents	*Cents*	*Cents*	
188	Buttons, slip stitches with tape, 1 button per glove			66.000	Per dozen pairs.
189	Buttonholes, stitched in and outside, one buttonhole per glove			88.000	Do.
190	Crede stitch, 5 to 6 stitches per inch	0.365			Per inch.
191	Egyptian stitch, 5 to 6 stitches per inch		0.604		Do.
192	Feather stitch, 5 to 6 stitches per inch	.437	.759		Do.
193	Large stitch (husky), 5 to 6 stitches per inch			.543	Do.
194	Regular stitch, 5 to 6 stitches per inch	.287	.569	.543	Do.
195	Slip stitch, hem only, 5 to 6 stitches per inch	.185	.389	.389	Do.
196	Slip stitch, reinforcement on slit, 5 to 6 stitches per inch, when sewing has been faced on by machine.		.389	.389	Do.
197	Swagger stitch, 5 to 6 stitches per inch	.287	.569	.543	Do.
198	Whip stitch, 5 to 6 stitches per inch	.287	.569	.543	Do.

[1] Piece rates apply only to hand-sewing operations. For description of operations included under "hand-sewing", see definitions in applicable section of the wage order.

[2] The hourly minimum wage rates applicable to leather gloves are also applicable to combination leather and fabric gloves. However, piece rates for combination leather and fabric gloves must be set by employers in accordance with § 545.10.

(Sec. 6, 52 Stat. 1062; 29 U.S.C. 206)

Signed at Washington, D.C., this 21st day of June 1962.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 62-6264; Filed, June 27, 1962; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Frequency Allocation for Pilot-to-Weather Forecaster Service Test

In the matter of extension of the temporary use of the frequency 122.6 Mc/s for Pilot-to-Weather Forecaster Service test and waiver of § 2.106 to allow continued participation in the test by aircarrier aircraft stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the twentieth day of June 1962;

The Commission having under consideration requests by the Federal Aviation Agency (FAA) and the Aircraft Owners and Pilots Association (AOPA) to extend, until October 1, 1962, the use of the frequency 122.6 Mc/s in the direct pilot-to-weather forecaster test and to waive the Commission's rules to allow continued participation in the test by aircarrier aircraft; and,

It appearing, that the Commission previously concurred in the use of 122.6 Mc/s for a temporary period for direct pilot-to-weather forecaster test and waived the rules to allow participation in the test by aircarrier aircraft stations; and,

It further appearing, that the extension, until October 1, 1962, of the previous Commission Actions is necessary to allow for analysis of the test program data and determination of the scope of any future Pilot-to-Weather Forecaster Service; and,

It further appearing, that the frequency 122.6 Mc/s is presently used for air-to-ground communication by private aircraft and is not suitable as a permanent assignment for the reference Service; and,

It further appearing, that it is important that expansion of the Service to an operational phase be coincident with implementation of a permanent frequency; and,

It further appearing, that consideration regarding the final frequency for this program will be completed in the near future; and,

It further appearing, that for the reasons set forth herein, it would be desirable and the public interest would be served by the grant of the extension requested;

It is ordered, That authority for the temporary use of the frequency 122.6 Mc/s in the direct Pilot-to-Weather Forecaster Service test is extended to October 1, 1962; and,

It is further ordered, That § 2.106 of the Commission's rules is waived until October 1, 1962, insofar as it limits the frequency 122.6 Mc/s to private aircraft, to allow aircarrier aircraft continued participation in the FAA's direct pilot-to-weather forecaster test; and,

It is further ordered, That Commission licensed aircarrier aircraft stations are hereby authorized the use of the frequency 122.6 Mc/s until October 1, 1962, unless terminated prior to that date by Commission Action, for the sole and express purpose of participating in the FAA's direct pilot-to-weather forecaster test.

Released: June 22, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6283; Filed, Jun. 27, 1962; 8:55 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC-40]

PART 193—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Front Brake Lines, Protection

At a session of the Interstate Commerce Commission, Motor Carrier Board No. 2, held at its office in Washington, D.C., on the 15th day of June A.D. 1962.

The matter of parts and accessories necessary for safe operation under the Motor Carrier Safety Regulations prescribed by order of April 14, 1952, as amended, being under consideration; and

It appearing that amendment of § 193.44, of the Code of Federal Regulations (49 CFR 193.44), relating to front brake lines protection on buses is warranted, and good cause appearing therefor;

It further appearing that this amendment, which will permit the option of using a protected reserve air supply to stop and hold the vehicle in case the normal air brake system should become inoperative due to front brake air line damage or breakage, is a relaxation of presently prescribed requirements, and therefore, pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003), for good cause it is found that notice of proposed rule making is unnecessary;

It is ordered, That § 193.44 of the Code of Federal Regulations (49 CFR 193.44), be, and it is hereby, amended to read as follows:

§ 193.44 Front brake lines, protection.

On every bus, made after June 30, 1954, if equipped with air brakes, except buses being transported in driveaway-towaway operations, the braking system shall be so constructed that in the event any connection to the brake system forward of the driver's seat or any brake line to any of the front wheels is broken, the driver can apply the brakes on the rear wheels despite such breakage. The means used to apply the brakes on the rear wheels shall be adjacent to but neither forward nor to the left of the driver's seat.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304)

It is further ordered, That this order shall become effective on the date of service of this order and shall continue in effect until further order of the Commission;

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Motor Carrier Board No. 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-6275; Filed, June 27, 1962; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 6]

AIR COMMERCE REGULATIONS

Notice of Proposed Designation of Sloulin Field (Municipal), Williston, N. Dak., as an International Airport

Notice is given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that under the authority of section 1109(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1509(b)), it is proposed to designate Sloulin Field (Municipal), Williston, North Dakota, as an international airport (airport of entry) for civil aircraft and for merchandise carried thereon arriving from places outside the United States, as defined in section 101(33) of said Act (49 U.S.C. 1301(33)), and it is further proposed to amend § 6.13 of the Customs Regulations by adding thereto the location and name of this airport at the appropriate place.

Data, views, or arguments with respect to the proposed designation of Sloulin Field as an international airport may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D.C. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER. (FM 192-34.31 H)

[SEAL] D. B. STRUBINGER, *Acting Commissioner of Customs.*

Approved: June 22, 1962.

JAMES POMEROY HENDRICK, *Acting Assistant Secretary of the Treasury.*

[F.R. Doc. 62-6280; Filed, June 27, 1962; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 907]

[Docket No. AO-245-A5]

NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amendment of Amended Marketing Agreement and Order Regulating Handling

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to the proposed amendment of the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), hereinafter referred to collectively as the "order," regulating the handling of Navel oranges grown in Arizona and designated part of California, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the "act." Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., not later than the close of business of the twentieth day after publication thereof in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed amendment of the order is formulated, was initiated by the Agricultural Marketing Service as a result of proposals submitted by Pure Gold, Inc., Sunkist Growers, Inc., and Western Fruit Growers Sales Co. In accordance with the applicable provisions of the aforesaid rules of practice and procedure, a notice and a supplemental notice that such public hearing would be held on February 8, 1962, in Room 810, Federal Building, 312 North Spring Street, Los Angeles, California, were published in the FEDERAL REGISTER (27 F.R. 474, 864) on January 17 and January 30, 1962, respectively.

Material issues. The material issues presented on the record of the hearing were concerned with amending the order to:

(1) Authorize marketing research and development projects;

(2) Revise the provisions relating to early maturity allotments;

(3) Redefine the production area covered by the order and the boundaries of the prorate districts into which the production area is divided;

(4) Permit growers who are handlers, or employees of handlers or central marketing agencies, to serve as grower members of the Navel Orange Administrative Committee;

(5) Clarify the provisions of § 907.67 so that it will be apparent that the exemptions apply only when oranges are handled, for the specified purposes, by the initial handler of the oranges, and limit the exemption for express shipments to not to exceed 5 cartons;

(6) Increase to $15 the compensation paid to committee members; and

(7) Require that the mandatory biennial referenda, to determine whether continuance of the order is favored by producers, be held upon recommendation of the committee.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

(1) The provisions of the order should be amended to extend the scope of activities thereunder by authorizing the committee to undertake marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of Navel oranges.

Through the medium of research, the committee should be able to develop information on improved methods of handling and marketing Navel oranges which would be of value to the industry in establishing more orderly marketing and expanding market outlets for oranges. It was indicated, at the hearing, that marketing research designed to expand and promote the marketing of Navel oranges in new and existing outlets needs to be undertaken. Also, new and better methods of controlling market diseases, particularly decay, need to be developed. The scope and character of the projects that may be undertaken should not be limited, however, beyond that specified in the act. The committee should be in a position to undertake any marketing research and development project, authorized by the act, as the circumstances indicate would tend to broaden the market for Navel oranges.

The work in connection with any such marketing research and development project should, of course, be performed in the most economical and efficient manner possible. Thus, the committee should avail itself of the facilities of either public or private agencies in carrying out authorized research activities if it would be more economical or expeditious to do so. It is not intended that the research activities of the committee duplicate work already performed or underway by other agencies. However, it may be that additional research, or more intensive study than that underway, may be needed; in which case the committee should cooperate with the other agencies concerned in carrying out the particular project. The costs of such projects should be defrayed from assessment income as provided in the act.

As the Secretary is charged with the responsibility for administration of the order, plans for research and development projects should be submitted for his approval prior to conduct of the work.

(2) The current provisions of the order relating to the issuance of early maturity allotment to handlers, when volume regulations are in effect, provide a method for repayment of such allotment after the oranges in the prorate district concerned reach general maturity. This required repayment has tended to lessen the usefulness of the early maturity allotment provisions.

Early maturity allotment is issued to the handlers in a prorate district who have oranges which are mature prior to

the time of general maturity of the oranges in such district and who make application for such allotment. The provision for early maturity allotment was included in the order to facilitate the issuance and use of allotment at the time when all handlers do not have oranges of sufficient maturity for immediate handling. In addition, however, the entire industry benefits from the early shipment of oranges since this reduces the quantity of oranges that must be marketed after the oranges attain general maturity.

It was testified at the hearing that handlers often have not applied for early maturity allotment since the required repayment after general maturity of the oranges would reduce the allotment such handlers would receive after such general maturity and the period over which such handlers' oranges are marketed is about the same as if no application for early maturity allotment had been made. Deletion from the order of the provision requiring the early maturity allotment to be repaid should result in more handlers shipping oranges under early maturity allotment to the benefit, as indicated heretofore, of the entire industry.

Similarly, any permitted overshipment by handlers of the early maturity allotment issued to them should not be required to be deducted from subsequent allotment. The provisions of the order, so as to permit handlers a degree of flexibility of operation under regulations of this nature, allow each handler to overship the allotment issued to him by 10 percent or one carload, whichever is the greater. Such overshipments are required to be deducted from subsequent allotment. However, if early maturity allotment is not required to be repaid, no useful purpose will be served by requiring any such overshipment of early maturity allotment to be deducted from the subsequent allotment of handlers making such overshipments.

There are times when the administration of the allotment program is made more difficult by handlers applying for more early maturity allotment than they intend to utilize during the week for which such allotment is requested. This occurs under two circumstances. First, handlers anticipate the applications for early maturity allotment will exceed the quantity that is advisable to be shipped under the existing demand conditions. Hence, some handlers will apply for more early maturity allotment than needed in the belief that their requests will be reduced to a quantity approximating that which they desire. If this is the case, it works to the disadvantage of other handlers who made application for early maturity allotment in the amount that they actually desired to ship but receive somewhat less than applied for. On the other hand, should all early maturity allotment applications be approved in full, the handlers filing inflated applications may carryover the portion of the allotment which actually was not desired into the next succeeding week.

Second, handlers anticipate that since oranges are reaching general maturity, the issuance of early maturity allotment will be discontinued for the season and they apply for as much early maturity allotment as they believe may possibly be aproved. Any portion of such allotment that is not used during the week for which it is issued may be carried over to the following week. In some instances it then is difficult to fix the first allotment of the season under general maturity conditions at a quantity large enough to make a reasonable allotment to all handlers and yet not be too large, when combined with the carryover of early maturity allotment, to assure that shipments will be reasonably in line with market demand.

In view of the foregoing, the order provisions should not continue to permit handlers to carryover into the following week early maturity allotment which is not used during the period for which it is issued. Also, so that handler application for early maturity allotment will reflect the quantity of oranges which each applicant desires to handle during the week concerned, the order should provide that the oranges available for current shipment of each handler, who has received early maturity allotment but has failed to use all such allotment, shall be adjusted by deducting therefrom a quantity of oranges equivalent to the early maturity allotment which such handler did not use.

The current provisions of the order authorize the loaning of early maturity allotment between handlers receiving such allotment. The loaned allotment is repaid at such time as is provided in the loan agreement of the two handlers concerned. As the loaning of early maturity allotments provides a means by which a handler may carryover into subsequent weeks the early maturity aliotment issued to him, the authorization to make such loans should, for the reasons stated heretofore, be discontinued. However, it is possible that unforeseen circumstances, such as a labor strike, or equipment failure, may prevent a handler from using all of the early maturity allotment issued to him. In order that the oranges available for current shipment of a handler not be reduced solely as a result of such circumstances, provision should be made to permit early maturity allotment to be transferred to another handler to whom such allotments have been issued. Such transfers should be restricted to handlers who have received allotment to ship oranges during a particular week as each handler desiring to ship early maturity oranges should make application to the committee for allotment to do so. In addition, any such transfer should be subject to approval of the committee and should be contingent upon the transferee using the allotment during the week for which it is issued or having his oranges available for current shipment adjusted by deducting therefrom a quantity of oranges equivalent to the transferred early maturity allotment which the transferee did not use. Such deduction is necessary to prevent paper transfers of early maturity allotment for the sole purpose of avoiding a reduction of the oranges available for current shipment of the handler to whom such allotment was issued.

It is concluded, therefore, that the provisions of the order relating to early maturity allotments should be amended as hereinafter set forth.

(3) The production area covered by the order should include all of the State of California that is south of a line drawn due east and west through the post office in the town of Turlock, California. The northern boundary of the California portion of the production area is currently placed at the 37th Parallel. Recently there have been plantings of oranges and other citrus fruit trees north of the 37th Parallel and seed beds have been started in the area which are capable of producing a quarter of a million citrus fruit trees for future plantings. There currently are no plantings of oranges in the immediate vicinity of Turlock nor near a line drawn due east and west through this town. However, so that such line can be located with some precision, it should be drawn through the post office in Turlock. The oranges that will be produced from the new plantings, north of the 37th Parallel, will have characteristics similar to those produced in District 1, will have the same marketing season, and will probably be prepared for market in the packinghouses presently located in District 1. It is concluded, therefore, that the production area, as hereinafter set forth, is the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act.

The production area covered by the order is divided into prorate districts for the purpose of regulation as the oranges grown in such districts have different marketing seasons. As indicated, the oranges grown in California north of the 37th Parallel in the area to be added to the production area have similar characteristics and marketing season to those grown in District 1 so the additional area to be incorporated into the production area covered by the order should be placed in District 1.

The notice of hearing contained proposals for further changes in the boundaries of the prorate districts. However, no evidence was presented to support such proposals.

(4) The current membership of the Navel Orange Administrative Committee includes four members who are handlers or employees of handlers and six members who are growers not engaged in the handling of oranges nor employed by handlers or central marketing organizations. The requirement that the grower members not be handlers or employees of handlers or central marketing organizations has unduly restricted the selection of the grower members. There has been an increasing tendency for growers to also have an interest in a packinghouse or otherwise engage in handler activities. Thus, many of the most qualified growers, from the standpoint of ability and experience, have not been available for service on the committee as grower members.

A large percentage of the Navel orange crop is marketed by cooperative marketing organizations, and eight of the ten grower and handler members of the committee are nominated by, and represent, cooperative marketing organizations. Since these grower and handler members all are primarily concerned with advancing the interests of growers, there appears to be no cogent reason for limiting grower membership on the committee to persons who are growers only. The order should be amended, therefore, as hereinafter set forth.

(5) The order currently provides for the exemption from regulation of oranges handled for specified purposes. Such exemption applies to the initial handler of the oranges only as, otherwise, avenues for circumventing the order would exist which undoubtedly could not be controlled. Thus, even though the second or subsequent handler of a particular lot of oranges is going to handle such oranges in an exempt outlet, the initial handler is required to meet all order provisions. Some handlers have questioned this application of the exemption provision; and § 907.67 of the order should be amended to make clear the manner in which the provisions of this section apply.

The handling of oranges by express is one of the types of shipments that is exempted under § 907.67 from the order provisions. At the time the exemption was included in the order, express shipments of oranges were by railway express and, due to the relatively high costs of handling oranges in this manner, such shipments were usually confined to gift packages of oranges moving directly to consumers. Thus, the volume of express shipments of oranges was small and did not significantly affect marketing conditions in regular commercial outlets. It was testified that, recently, certain trucking concerns have established express rates which are more competitive with regular freight rates than those of the railway express company. Conceivably, since express truck shipments of oranges could reach the principal markets at least as soon as the regular commercial shipments, and at modest additional cost, express truck shipments could increase in volume until orderly marketing could not be maintained under the program regulations.

The proposal in the notice of hearing was to limit express shipments to not to exceed five cartons to any one consignee on any one day. The evidence of record shows, however, that the purpose of the proposal is to provide necessary prohibitions on express truck shipments and there appears to be no good reason to apply limitations on railway express shipments at this time.

The order should be amended, therefore, as hereinafter set forth.

(6) The marketing order should provide that members of the administrative committee be compensated at a rate not to exceed $15 for each day, or portion thereof, spent in attending meetings of the committee. The current provisions of the order fix such compensation at not to exceed $10 per day or portion thereof. All of the evidence in this regard, adduced at the hearing, supported an increase in the rate of compensation. It was evident, however, that those testifying were in agreement that the suggested rate of compensation would not be adequate payment for services to the industry provided by the committee members. Therefore, there is little basis for fixing such compensation at any particular amount. It is obvious, however, that costs have increased since the time the current rate of compensation was fixed, and an increase in such compensation to $15, as set forth in the notice of hearing, would tend to offset such increased costs.

(7) The order currently provides for a biennial referendum to ascertain whether growers favor continuation of the order. Referenda have been conducted, as required, since the order was issued in 1953. Over 90 percent of the growers, in each instance, have voted in favor of continuing the order. Therefore, the expenditures necessary to the conduct of such referenda every two years do not appear to be warranted, particularly since the Secretary is required under the act to terminate the order whenever he finds such action is supported by the requisite number of growers. The order should be amended, therefore, to make such referenda mandatory only when requested by the committee. The requirements of the act concerning grower sentiment would, of course, continue to apply.

Some opposition to discontinuing the biennial referendum was expressed at the hearing, primarily on the basis that (1) costs of the proposed added provision for marketing research is not known so the order should not be made "a permanent law" and (2) if the committee did not request a referendum, even though one was desired by certain segments of the industry, it would be expensive to organize sufficient support to cause the referendum to be held. Revision of the provision concerning the biennial referendum would not, of course, make the order "permanent" as the act requires the Secretary to terminate the order whenever the specified number of growers favor termination. Experience indicates the committee's recommendations generally have reflected the views of the majority of the industry and it is speculative to assume that such would not be the case if a referendum was desired by a substantial portion of the growers. In any event, those desiring a referendum could make a direct request to the Secretary that one be held.

Rulings on proposed findings and conclusions. March 16, 1962, was fixed as the latest date for interested parties to file proposed findings and conclusions, and written arguments or briefs, with respect to the facts presented in evidence at the hearing. Such a brief was filed within the prescribed time by C. D. Martin, Manager, Martin Ranch, Fresno, California, contending that the exemption from regulation of express shipments of oranges should not be discontinued. As stated hereinbefore, the exemption for express shipments should not be discontinued. However, the order should specify that this exemption applies only to railway express shipments of oranges, which conforms with the reasons and basis upon which the exemption was originally made a part of the order. Each point included in the brief was considered carefully, along with the evidence contained in the record of the hearing, in making the findings and reaching the conclusions herein set forth. To the extent that any proposal in such brief is at variance with the findings and conclusions contained herein, such proposal is denied on the basis of the facts found and stated in connection with this decision.

General findings. (1) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, regulate the handling of Navel oranges grown in the designated production area in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, are limited in their application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of Navel oranges; and

(5) All handling of Navel oranges grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended amendment of the amended marketing agreement and order. The following amendment of the amended marketing agreement and order is recommended as the detailed means by which the aforesaid conclusions may be carried out:

1. The provisions of § 907.4 *Production area* are revised to read as follows:

§ 907.4 Production area.

"Production area" means the State of Arizona and that part of the State of California south of a line drawn due east and west through the post office in Turlock, California.

§ 907.20 [Amendment]

2. Section 907.20 is revised by deleting from the second sentence the words "who shall not be handlers, or employees of handlers, or employees of central marketing organizations" and deleting from the fifth sentence the words "and who shall not be handlers, or employees of handlers, or employees of central marketing organizations."

§ 907.31 [Amendment]

3. The amount "$10" in § 907.31 is replaced by "$15."

4. A new § 907.33 is added as follows:

§ 907.33 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of navel oranges, the expense of such projects to be paid from funds collected pursuant to this part.

§ 907.55 [Amendment]

5. The second sentence in § 907.55 is revised to read as follows: "The quantity of oranges so handled in excess of each such person's allotment (but not exceeding an amount equivalent to the excess shipments permitted under this section) shall be deducted from each such person's allotment for the next week: *Provided*, That no such deduction shall apply when such quantity is handled pursuant to early maturity allotment issued under § 907.60."

§ 907.56 [Amendment]

6. The following is added to the end of the sentence in § 907.56: "except that the undershipment of early maturity allotment shall not entitle a handler to so handle an additional quantity of oranges."

§ 907.57 [Amendment]

7. The words "early maturity" are deleted from the first sentence of § 907.57.

§ 907.60 [Amendment]

8. The proviso and all subsequent language in § 907.60 are deleted and the following substituted therefor: "Early maturity allotments issued to any handler may be used only during the week for which issued, and the undershipment of any such allotment shall not entitle such handler to handle an additional quantity of oranges due to such undershipment. Upon the reaching of general maturity, the quantity of oranges available for current shipment of any handler who failed to use all of the early maturity allotments issued to him shall be adjusted by deducting therefrom a quantity of oranges equivalent to the total quantity of his oranges for which early maturity allotments were issued but were not used. A person to whom early maturity allotments have been issued may, after approval by the committee, transfer such allotments to other persons to whom such allotments also have been issued: *Provided*, That, upon such transfer of allotment, the transferee shall be obligated to use the transferred allotment during the week for which it was issued and if he fails to do so shall have his oranges available for current shipment adjusted in the same manner as if the transferred allotment had been issued to him by the committee. The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this part. Early maturity allotments issued, and any transfer thereof, under this section shall be on a prorate district basis."

§ 907.66 [Amendment]

9. Paragraph (a) of § 907.66 is revised to read as follows:

(a) District 1 shall include that part of the State of California which is south of a line drawn due east and west through the post office in Turlock, California, and north of the 35th Parallel, but shall exclude that portion of Kern County situated south of the Kern River.

§ 907.67 [Amendment]

10. The first sentence in § 907.67 is revised to read as follows: "Except as otherwise provided in this section, nothing contained in this subpart shall be construed to authorize any limitation of the right of the initial handler of oranges to: (a) Handle oranges to charitable institutions for consumption by such institutions or to relief agencies for distribution by such agencies; (b) handle oranges to commercial processors for processing into products, including juice; (c) export oranges or handle oranges to exporters for export purposes; (d) handle oranges by parcel post or by railway express; or (e) handle oranges in such minimum quantities or in such types of shipments as the committee may, with the approval of the Secretary, prescribe."

§ 907.83 [Amendment]

11. Subparagraph (3) of § 907.83(c) is revised to read as follows: "(3) Upon recommendation of the committee, received not later than January 15 of an odd numbered year, the Secretary shall conduct a referendum prior to March 15 of such year to ascertain whether continuance of this part is favored by producers."

Dated: June 22, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-6276; Filed, June 27, 1962; 8:50 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 616, 671, 688]

[Administrative Order No. 562]

INDUSTRY COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

Appointment to Investigate Conditions and Recommended Minimum Wages; Notice of Hearings

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and 29 CFR Part 511, I hereby appoint Industry Committee No. 53-A for the Button, Jewelry, and Lapidary Work Industry in Puerto Rico; Industry Committee No. 53-B for the Artificial Flower, Decoration, and Party Favor Industry in Puerto Rico; and Industry Committee No. 53-C for the Communications, Utilities, and Transportation Industry in Puerto Rico.

The definitions of the industries for which industry committees are appointed by this order are set forth below.

The Button, Jewelry, and Lapidary Work Industry in Puerto Rico is defined as follows:

The manufacture from any material of buttons, buckles, jewelry (including rosaries), jewelry findings (including beads), and hair ornaments and accessories; and the processing of natural or synthetic stones for jewelry or industrial use: *Provided, however*, That the industry shall not include any of the activities defined and described in paragraphs (e) and (f) of § 616.2.

The Artificial Flower, Decoration, and Party Favor Industry in Puerto Rico is defined as follows:

The manufacture of flowers, buds, berries, foliage, leaves, fruits, plants, stems, and branches which are commonly or commercially known as artificial; and the manufacture of party favors and ornaments and decorations for holidays, except those made of molded plastic or metal other than metallic chenille, foil or tinsel.

The Communications, Utilities, and Transportation Industry in Puerto Rico is defined as follows:

The industry carried on by any wire or radio system of communication, or by messenger service; by any concern engaged in the production and distribution of gas, electricity, or steam, the distribution of water, or the operation of sanitation facilities; and by any concern engaged in transportation for compensation by air, water, rail, motor vehicle, pipeline, or other means, or in related activities, including the operation of travel bureaus and ticket agencies, stevedoring, consolidating, forwarding, crating, and boxing; *Provided, however*, That the industry shall not include railroad transportation activities carried on by a producer of raw sugar, cane juice, molasses, refined sugar, and incidental by-products (or by any firm owned or controlled by or owning and controlling such producer, or by any firm owned or controlled by the parent company of such producer), where the railroad transportation activities are in whole or in part used for the production or shipment of these products, and any transportation activities by truck or other vehicle performed by a producer of these products in connection with the production or shipment of such products by such producer; and *Provided, further*, That the industry shall not include any of the activities defined and described in paragraphs (a), (b), (d), and (e) of § 671.2.

Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and 29 CFR 511, I hereby:

(a) Convene each of the above-appointed industry committees;

(b) Refer to each of these industry committees the following:

(1) The question of the minimum rate or rates of wages to be fixed for the industry with which it is concerned for

employees who are engaged in commerce or in the production of goods for commerce, and (2) the question of the minimum rate or rates of wages to be fixed for any employees covered by the Act by reason of the Fair Labor Standards Amendments of 1961;

(c) Give notice of the hearing to be held by each of them at the times and places indicated below. Each industry committee shall investigate conditions in its industry, and each industry committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the aforementioned Act.

Industry Committee No. 53-A shall meet in executive session to commence its investigation at 10:00 a.m. on August 20, 1962, in the office of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, seventh floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, Puerto Rico, and shall commence its hearing at 2:00 p.m. on the same date at the same place. Following this hearing Industry Committees Nos. 53-B and 53-C shall meet seriatim at the same place at hours designated by the committee chairmen to conduct their investigation and to hold their hearings.

Each industry committee shall recommend to the Administrator of the Wage and Hour and Public Contracts Divisions of this Department the highest minimum wage rates (in the case of question (1) referred to the committee, not exceeding the minimum wage rate of $1.15 prescribed in paragraph (1) of section 6(a) of the Act, and in the case of question (2) referred to the committee, not exceeding the minimum wage rate of $1.00 prescribed in section 6(b) of the Act) which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands and American Samoa.

Whenever any industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in an industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within that industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications, each industry committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for the industry committee containing such data as he is able to assemble pertinent to the matters referred to the committees. Copies of each such report may be obtained at the national and Puerto Rican offices of the United States Department of Labor as soon as they are completed and prior to the hearings. Each industry committee shall take official notice of the facts stated in the economic report to the extent that they are not refuted at the hearings.

The procedure of industry committees shall be governed by 29 CFR 511. As a prerequisite to participation in the hearings, interested persons shall file prehearing statements containing the data specified in 29 CFR 511.8 not later than August 10, 1962.

Signed at Washington, D.C., this 21st day of June 1962.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62-6263; Filed, June 27, 1962; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 1267]

DOUGLAS DC-3 SERIES AIRCRAFT

Proposed Airworthiness Directives

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection and replacement of the wing attach angles and doublers on Douglas DC-3 Series aircraft including military models now certificated as civil aircraft. The proposed directive would supersede AD 39-24-1 (21 F.R. 9449, December 4, 1956), AD 52-22-3 (21 F.R. 9519, December 4, 1956), and AD 58-12-1 (Amendment 9, 23 F.R. 5560).

It is proposed to require installation of the new type attach angles and doublers: (1) Within 500 hours' time in service after the effective date of the AD, unless already accomplished, for certificated aircraft; and (2) prior to the issuance of an airworthiness certificate for aircraft which have not as yet been certificated. The proposed action is considered necessary as a result of a recent investigation in which it was found that the record of total flight time for the aircraft was not available and, as a result, a required inspection was not performed.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before July 30, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

DOUGLAS. Applies to all DC-3 Series including Military type C-47, C-47A, C-47B, C-48, C-48A, C-49, C-49A, C-49B, C-49C, C-49D, C-49J, C-49K, C-50, C-50A, C-50B, C-50C, C-50D, C-51, C-52, C-52A, C-52B, C-52C, C-53, C-53B, C-53C, C-53D, C-68, C-117A, and R4D Series, except R4D-8, aircraft.

Compliance required as indicated.

(a) Unless already accomplished within the last 400 hours' time in service, within the next 50 hours' time in service after the effective date of this AD, inspect the wing attach angles on both the outer wing and center section for cracks between the attaching bolt holes. Use at least a 4-power magnifying glass. Reinspect at periods not to exceed 450 hours' time in service from the last inspection. Replace cracked attach angles prior to further flight.

(b)(1) Aircraft not incorporating new outer wing attach angles and doublers installed in accordance with AD 39-24-1, or not having the center section reworked in accordance with AD 52-22-3, and aircraft shown to comply with the installation in AD 39-24-1 or the rework in AD 52-22-3 but for which the time in service since the parts were installed cannot be verified, shall be reworked in accordance with subparagraph (3):

(i) within the next 500 hours' time in service after the effective date of this AD for aircraft currently holding an airworthiness certificate; or

(ii) prior to the issuance of an airworthiness certificate for other aircraft.

(2) If the time in service since installation of parts in accordance with AD 39-24-1 or in accordance with AD 52-22-3 can be verified and exceeds 16,000 hours, compliance with (d) is required.

(3)(i) Outer wing.

Replace all lower surface outer wing attach angle doublers, P/N 570602-206, -207, -208 and -209 with new doublers. The new 570602-206 and -207 doublers shall be made of 0.072 material and the new 570602-208 and -209 doublers shall be made of 0.064 material in accordance with Douglas Service Bulletin DC-3 No. 220. Replace the outer wing lower attach angles with new attach angles fabricated to permit proper installation with the heavy doublers.

Use jig fixtures, Douglas Parts A652-5110506-1-IP2 and A632-5110506-IP2, or FAA approved equivalent, to accomplish the replacement of the attach angles and doublers.

(ii) Center Section.

Install skin splice, doublers and new attach angles in accordance with Douglas Drawing 5406787 "E" or FAA approved equivalent. Also install witness holes at the front and center spars in accordance with views "B" and "C" of Douglas Drawing 5406787 "E".

(c) Subsequent to rework in accordance with (b) and with the wings removed and thoroughly cleaned to permit inspection, conduct the following inspections at 8,000 and 12,000 hours of time in service on the new parts:

(1) Inspect the center wing skin and outer wing attach angle doublers for cracks along the radius of the bent-up flange at the wing attachment joint. Conduct the inspection with at least a 10-power magnifying glass or by dye penetrant.

(2) Inspect the center and outer wing attach angles including the area between the attaching bolt holes for evidence of cracks. Remove all paint to permit inspection with at least a 10-power magnifying glass or by dye penetrant.

(3) Make visual inspections through the witness holes in the center section at the front and center spars for evidence of cracks.

(4) If cracks are found as a result of any of the above inspections, replace cracked parts with new parts prior to further flight.

(d) (1) Upon the accumulation of 16,000 hours' time in service on parts installed in accordance with AD 39-24-1, AD 52-22-3, or paragraph (b), the center and outer wing shall be reworked in accordance with paragraph (b)(3) or inspected in accordance with the requirements of paragraph (c).

(2) If the center and outer wing are reworked, such rework shall be repeated at intervals of 16,000 hours' time in service on the new parts installed.

(3) If the center and outer wing are inspected as prescribed in paragraph (c), such inspections shall be repeated at intervals of 2,000 hours' time in service thereafter. Parts found to be cracked during any of these inspections shall be replaced prior to further flight.

(e) The tolerances set forth in paragraph (f) must be adhered to in replacing the outer wing panels: (1) whenever they are removed for rework of the center and outer wing as outlined in (b)(3); (2) when spar butt plates on the center and outer wing, the compression angles on the center wing or the waffle plates on the outer wing are reworked or replaced; (3) when an outer wing is substituted for another; (4) when wings are removed in compliance with paragraphs (c) or (d).

(f) (1) Compression angles attached to the corrugations and stringers and the spar cap butt plates of the center wing must be held in plane with the attach angle to a plus or minus 0.002-inch tolerance.

(2) The waffle plates attached to the stringers and the spar cap butt plates of the outer wing must be held in plane with the attach angle to a plus or minus 0.008-inch tolerance.

(3) This range will allow a maximum of 0.010-inch interference to a maximum of 0.010-inch clearance between the compression angles and plates, and the butt plates when the wing is installed.

(4) It is acceptable to have either interference or clearance; however, the most desirable joint is from flush to an 0.005-inch accumulative interference fit.

(g) Upon request of the operator, an FAA maintenance inspector, subject to the prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This supersedes AD 39-24-1 (21 F.R. 9449), AD 52-22-3 (21 F.R. 9519), and AD 58-12-1 (Amendment 9, 23 F.R. 5560).

Issued in Washington, D.C., on June 21, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-6254; Filed, June 27, 1962; 8:45 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 62-SO-21]

RESTRICTED AREA

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.53 of the regulations of the Administrator, the substance of which is stated below.

The Fort Bragg, N.C., Restricted Area R-5311 encompasses an area of approximately 161 square miles and is designated for continuous use from the surface to 35,000 feet MSL. A Federal Aviation Agency study of activities in R-5311 indicates that some portions of the area are not being used for hazardous activities and should be revoked. The Department of the Army concurs but states a need for additional restricted airspace within two small portions of the military reservation for artillery firing.

The study further indicated that present activities do not require airspace above 29,000 feet MSL.

Accordingly, the Federal Aviation Agency is considering alteration of R-5311 so as to revoke those portions of the area not being used and to redesignate the boundaries to more nearly coincide with the military reservation.

If these actions are taken, Restricted Area R-5311 would be redesignated as follows:

R-5311 Fort Bragg, N.C.

Boundaries. Beginning at latitude 35°10'-46" N., longitude 79°01'56" W.; to latitude 35°08'47" N., longitude 79°02'00" W.; to latitude 35°07'00" N., longitude 79°02'30" W.; to latitude 35°05'35" N., longitude 79°01'50" W.; to latitude 35°02'55" N., longitude 79°-05'40" W.; to latitude 35°02'45" N., longitude 79°20'10" W.; to latitude 35°07'05" N., longitude 79°22'50" W.; to latitude 35°09'40" N., longitude 79°20'10" W.; thence along Little River to point of beginning.

Designated altitude. Surface to 29,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding General, Fort Bragg, N.C.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 52 Fairlie Street, Atlanta 3, Ga. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 21, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-6255; Filed, June 27, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 21]

[Docket No. 14615 (RM-308)]

DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Nationwide Two-Way Public Air-Ground Radiotelephone Service

The Commission having under consideration Petitions For Extension Of Time To File Reply Comments filed June 18, 1962, on behalf of National Mobile Radio Systems and General Communications Service, Inc., requesting that the time for filing reply comments in the above-captioned proceeding be extended from June 21 to July 23, 1962.

It appearing, that numerous comments have been filed in the above-captioned proceeding; and

It further appearing, that additional time is necessary to analyze such comments; and

It further appearing, that the public interest would be served by an extension of time for reply comments:

It is ordered, This 22d day of June 1962, that pursuant to authority contained in section 0.258(c) of the Commission's rules, the time for filing reply comments in the above-captioned matter is hereby extended from June 21, 1962, to July 23, 1962.

Released: June 22, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6260; Filed, June 27, 1962; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1962 Rev. Supp. No. 2]

TRANSPORT INDEMNITY COMPANY

Surety Companies Acceptable on Federal Bonds

JUNE 22, 1962.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6-13, as an acceptable surety on Federal bonds.

An underwriting limitation of $584,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1963. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

State in Which Incorporated, Name of Company and Location of Principal Executive Office

CALIFORNIA

Transport Indemnity Company, Los Angeles, Calif.

[SEAL] JOHN K. CARLOCK
Fiscal Assistant Secretary.

[F.R. Doc. 62-6279; Filed, June 27, 1962; 8:51 a.m.]

[AA 643.3-W]

FUR FELT HOODS, BODIES, AND CAPS FROM CZECHOSLOVAKIA

Fair Value Determination

JUNE 22, 1962.

A complaint was received that fur felt hoods, bodies, and caps from Czechoslovakia were being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that fur felt hoods, bodies, and caps from Czechoslovakia are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. The imported fur felt hoods, bodies, and caps were shipped pursuant to outright purchases not involving any financial relationship between the parties to the transactions.

Sales of such or similar merchandise for home consumption were inadequate to furnish a satisfactory basis for a fair value comparison.

Purchase price was, accordingly, compared with third country price for fair value purposes. In no instance was purchase price found to be lower than third country price.

The price at which the merchandise from Czechoslovakia was sold to the United States was compared with the prices at which similar merchandise from competing countries was sold to the United States. No great disparity between these prices was disclosed by the comparison.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 62-6281; Filed, June 27, 1962; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 20, 1962.

The Bureau of Reclamation has filed an application, Serial Number Idaho 013281 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining and mineral leasing laws, subject to existing valid claims. The applicant desires the land for a canal right of way, a ditchriders residence, and for the operation, maintenance and protection of existing irrigation facilities.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 10 S., R. 20 E.,
Sec. 13, E½NE¼NE¼.
T. 7 S., R. 31 E.,
Sec. 5, NW¼SE¼.

The areas described aggregate 60 acres.

MICHAEL T. SOLAN,
Land Office Manager.

[F.R. Doc. 62-6258; Filed, June 27, 1962; 8:47 a.m.]

[BLM 064569]

ILLINOIS

Notice of Filing of Plat of Survey

JUNE 21, 1962.

The Plat of Survey of the island described below will be officially filed in this office effective 10 a.m. on July 27, 1962.

FOURTH PRINCIPAL MERIDIAN

T. 18 N., R. 1 W.,
Sec. 24, lot 4, 1.40 acres.

The survey was made as an administrative determination based upon requests and applications for surveys filed by interested parties.

The omitted land area of the island known as Winnebago (Dynamite) Island is of sandy loam formation, with some stone, and a rock shelf on the upper or northeast end of the island; the stone is limestone. The island is rolling and reaches from 2 to 10 feet above the water level of the river. The timber species consists of oak, birch, maple, elm, boxelder, willow and cottonwood, and range in size from 4 to 24 inches in diameter.

There are two monuments on the island; one of the Iowa-Illinois Gas and Electric Company and one of the Corps of Engineers, United States Army. There is a sign on the lower or southwest end of the island, which warns of a cable crossing.

The formation of the island is similar to that of Campbells Island, which was included in the original survey; the species and size of the timber growth is also similar to that on Campbells Island; the island is also depicted on the chart of Rock Island Rapids of the Mississippi River, based on a survey made by Lt. Robert E. Lee of the Corps of Engineers, in 1837. These facts together with the stone found in the formation of the island attest to the fact that the island was in existence in 1818, when Illinois was granted statehood, in 1831 and 1833, the dates of the original surveys, and at all subsequent dates, and therefore has the status of public land.

The area is presently within the boundaries of lands withdrawn by Executive Order No. 4280 on August 7, 1925, which reserved lands for the Upper Mississippi River Wildlife and Fish Refuge, in accordance with the Act of June 7, 1924 (43 Stat. 650). Until the land is released from the effect of the above reservation, it is not subject to entry under the public land laws, except for Recreation and Public Purposes under the Act of June 14, 1926 (44 Stat. 741) as amended by the Act of June 4, 1956 (68 Stat. 173; 43 U.S.C. 869).

The land is classified as valuable for park and public recreation purposes.

All inquiries relating to the land should be directed to the Manager, Land Office, Division of Field Services, Bureau

of Land Management, Department of the Interior, Washington 25, D.C.

JOSEPH P. HAGAN,
Acting Manager, Land Office.

[F.R. Doc. 62-6259; Filed, June 27, 1962; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14673-14675; FCC 62-657]

THURMAN F. CHITWOOD ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Thurman F. Chitwood, Paul J. Smith and Vern L. Kuhlman d/b as Reliable Broadcasting Co., Calhoun, Georgia, req: 1500 kc, 500 w, Day, Class II; Docket No. 14673, File No. BP-14483; Blue Ridge Mountain Broadcasting Company, Inc., Ellijay, Georgia, req: 1500 kc, 1 kw, 500 w, (C.H.) Day, Class II; Docket No. 14674, File No. BP-14942; Allen M. Woodall, tr/as Radio Canton, Canton, Georgia, req: 1500 kc, 1 kw, 500 w, (C.H.) Day, Class II; Docket No. 14675, File No. BP-15266.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of June 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The proposals of Thurman F. Chitwood, Paul J. Smith and Vern L. Kuhlman d/b as Reliable Broadcasting Co. (BP-14483); Blue Ridge Mountain Broadcasting Company, Inc. (BP-14942); and Allen M. Woodall tr/as Radio Canton (BP-15266) involve mutually destructive interference.

2. The proposal of Blue Ridge Mountain Broadcasting Company, Inc.:

(a) The antenna system apparently complies with criteria contained in FAA Regulations, section 626.12, nevertheless a grant of the application will be conditioned upon compliance with applicable procedures of the FAA.

(b) The aerial photograph submitted is not of sufficient clarity to permit identification of all structures in the area, so it cannot be determined whether the proposed antenna system would be reasonably free of deterious effects from nearby structures.

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the above captioned applications and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals

3. To determine whether the transmitter site proposed by Blue Ridge Mountain Broadcasting Company, Inc., is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

4. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That, in the event of a grant of any of the above-captioned applications, the construction permit shall be conditioned as follows: Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization and such operation is precluded.

It is further ordered, That, in the event of a grant of the application of Blue Ridge Mountain Broadcasting Company, Inc., the construction permit shall be further conditioned as follows: This authorization is subject to compliance by permittee with any applicable procedures of the Federal Aviation Agency.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6289; Filed, June 27, 1962; 8:53 a.m.]

[Docket Nos. 14678-14683; FCC 62-661]

DENISON BROADCASTING CO. (KDSN) ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of The Denison Broadcasting Company (KDSN), Denison, Iowa, Docket No. 14678, File No. BP-14189, Has: 1580 kc, 500 w, DA, Day, Requests: 1530 kc, 500 w, Day; Norton Broadcasting, Inc., Norton, Kansas, Docket No. 14679, File No. BP-14239, Requests: 1530 kc, 1 kw, Day; David N. Osborne, Lincoln, Nebraska, Docket No. 14680, File No. BP-14764, Requests: 1530 kc, 500 w, Day; H & M Broadcasting Co., Lincoln, Nebraska, Docket No. 14681, File No. BP-14983, Requests: 1530 kc, 1 kw, 500 w (CH), Day; Modern Air Communicative Electronics, Inc., Lincoln, Nebraska, Docket No. 14682, File No. BP-15075, Requests: 1530 kc, 1 kw, 500 w (CH), Day; Merlin J. Meythaler, Merton J. Gonstead, Rex N. Eyler and James B. Goetz, d/b as Lancaster County Broadcasting Company, Lincoln, Nebraska, Docket No. 14683, File No. BP-15083, Requests: 1530 kc, 5 kw, DA, Day; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of June 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially and otherwise qualified to construct and operate the instant proposals; and

It further appearing, that the following matters are to be considered in connection with the issues specified below:

1. The above-captioned and described proposals involve mutual interference.

2. Based on information submitted by the applicants herein, each proposal appears to violate the provisions of § 3.28(d)(3) of the Commission rules.

3. It cannot be determined that the proposed antenna system of David N. Osborne (BP-14764) would be reasonably free of deleterious effects from nearby structures which may result in serious distortion of the proposed nondirectional radiation pattern.

It further appearing, that in the event of a grant of the proposal of David N. Osborne (BP-14764), H & M Broadcasting Co. (BP-14983), Modern Air Communicative Electronics, Inc. (BP-15075), or Lancaster County Broadcasting Company (BP-15083), the construction permit shall be conditioned on acceptance of interference that may result from a grant of the application of City and Farm Broadcasting, Incorporation (BP-14419), Columbus, Nebraska, and should the said City and Farm application be granted it will be conversely conditioned; and

It further appearing, that in view of the outstanding proposed rule making procedure in Docket No. 14419 with respect to presunrise operation with daytime facilities, any grant of the proposals in this proceeding, prior to a final decision in Docket 14419, should be appropriately conditioned; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposals of Norton Broadcasting, Inc., David N. Osborne, H & M Broadcasting Co., Modern Air Communicative Electronics, Inc. and Lancaster County Broadcasting Company, and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KDSN and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

4. To determine whether the interference received by each of the proposals herein from the other proposals herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28(d)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

5. To determine whether the transmitter site proposed by David N. Osborne is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the event it is concluded that a choice between the instant applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

(b) The proposal of each with respect to the management and operation of the proposed station.

(c) The programming services proposed in each of the said applications.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That, in the event of a grant of the applications of David N. Osborne, H & M Broadcasting Co., Modern Air Communicative Electronics, Inc., or Lancaster County Broadcasting Company, the construction permit shall contain a condition that the permittee shall accept any interference that may result in the event of a subsequent grant of the City and Farm Broadcasting Incorporation application (BP-14419), Columbus, Nebraska.

It is further ordered, That any grant of the proposals in this proceeding, prior to a final decision in Docket No. 14419, will be conditioned as follows:

"Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization and such operation is precluded."

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended and § 1.362(b) of the Commission rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6285; Filed, June 27, 1962; 8:52 a.m.]

[Docket Nos. 14519, 14521; FCC 62M-879]

K & H TELEVISION STATION (KFUR-TV) AND NEW MEXICO BROADCASTING CO., INC.

Order Continuing Hearing

In re application of Raymond F. Hayes and Milford Kay, d/b as K & H Television Station (KFUR-TV), Santa Fe, New Mexico, Docket No. 14519, File No. BMPCT-5601; for modification of construction permit (Channel 2 in lieu of Channel 11); New Mexico Broadcasting Company, Inc., Santa Fe, New Mexico, Docket No. 14521, File No. BPCT-2927; for construction permit for new television broadcast station (Channel 2).

The Hearing Examiner having under consideration a request for continuance filed on June 21, 1962, by New Mexico Broadcasting Company, Inc.;

It appearing that the parties are engaging in discussions looking toward a possible settlement which would obviate the necessity for comparative hearing and, therefore, request a continuance of one week from the currently scheduled hearing date of June 26; and

It further appearing that all remaining parties to the proceeding are in accord with the request;

It is ordered, This 22d day of June 1962, that the request for continuance of New Mexico Broadcasting Company, Inc., is granted and the hearing is continued from June 26 to July 3, 1962.

Released: June 22, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6286; Filed, June 27, 1962; 8:52 a.m.]

[Docket No. 14425; FCC 62M-888]

SAUL M. MILLER ET AL.

Order Continuing Hearing

In re applications of Saul M. Miller, Kutztown, Pennsylvania, Docket No.

14425, File No. BP-13844; Bi-States Broadcasters, Annville-Cleona, Pennsylvania, Docket No. 14440, File No. BP-14890; et al., Docket Nos. 14427, 14433, 14435, 14438, 14441, 14442; for construction permits.

The Hearing Examiner having under consideration the "Motion for Extension of Time" filed by Bi-States Broadcasters in the above-entitled proceeding on June 21, 1962, requesting that the dates now fixed for further proceedings in Group 1-B in this case be continued;

It appearing, that because of a conflict of schedules, counsel for the applicant will be unavailable on July 9, 1962, the presently scheduled hearing date; and

It further appearing, that counsel for Saul M. Miller and the Broadcast Bureau have consented to the immediate consideration and grant of this motion and that good cause has been shown therefor;

It is ordered, This 22d day of June 1962, that the "Motion for Extension of Time" filed by Bi-States Broadcasters, be, and the same is, hereby granted, and that the following dates shall govern further proceedings in this matter in lieu of those presently specified:

Final Exchange of Engineering Exhibits, June 25, 1962.
Final Exchange of Other Exhibits, July 2, 1962.
Notification of Witnesses, July 6, 1962.
Hearing, July 16, 1962.

Released: June 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6287; Filed, June 27, 1962; 8:52 a.m.]

[Docket Nos. 14684-14686; FCC 62-662]

NORTHFIELD BROADCASTING CO. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Kingsley H. Murphy, Jr., and Carroll E. Crawford, d/b as Northfield Broadcasting Company, Northfield, Minnesota, Docket No. 14684, File No. BP-13872, Requests: 1460 kc, 500 w, Day; Hastings Broadcasting Company, Hastings, Minnesota, Docket No. 14685, File No. BP-14823, Requests: 1460 kc, 1 kw, Day; Albert Lea Broadcasting Company (KATE), Albert Lea, Minnesota, Docket No. 14686, File No. BP-14870, Has: 1450 kc, 250 w, U; Requests: 1450 kc, 250 w, 1 kw-LS, U; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of June 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The proposals of Northfield Broadcasting Company and Hastings Broadcasting Company involve mutually destructive interference, and the proposal of Albert Lea Broadcasting Company apparently would cause interference to Northfield in excess of 10 percent. In addition, Northfield would receive interference from existing operations.

2. In each of the instances noted below, substantial questions exist as to whether a grant of the indicated application would result in a violation of § 3.35 (a) of the Commission's rules concerning multiple ownership. In each instance, it appears appropriate to consider the size, extent and location of the areas served and to be served; the extent of the overlap involved; the number of persons residing within the overlap area; the classes of stations involved; the extent of other competitive service to the areas in question; the extent to which the stations will rely on the same revenue and program services; the nature of the programming that the stations will present with particular reference to the needs of the communities they are designed to serve; the advertising practices of the stations; the source of program material and talent for each station; and such other factors as will tend to demonstrate that the overlap involved will or will not be in contravention of § 3.35(a) of the Commission's rules.

(a) Hastings Broadcasting Company, applicant in BP-14823, is owned 49 percent through stock ownership and stock subscription by John E. Hyde, Jr. Mr. Hyde also has a 50 percent ownership interest in the licensee of KDHL, Faribault, Minnesota, 36 miles from the proposed site in BP-14823. Grant of the application in BP-14823 would create a substantial overlap of service contours between the proposed station and KDHL. Accordingly, it must be determined whether a grant of the proposal in BP-14823 would be in contravention of § 3.35(a) of the Commission's rules.

(b) Northfield Broadcasting Company, applicant in BP-13872, is owned 50 percent by Carroll E. Crawford. Mr. Crawford also has a 50 percent ownership interest in the licensee of KWEB, Rochester, Minnesota, 46 miles from the proposal in BP-13872. Kingsley H. Murphy, Jr., has a 50 percent interest in Northfield Broadcasting Company and also owns a 50 percent interest in the licensee of KWEB, Rochester, Minnesota. Substantial overlap of primary service contours would occur between KWEB and the Northfield proposal. Kingsley H. Murphy, Jr., is also coexecutor of the Estate of Kingsley H. Murphy, Deceased, which estate has ownership interests in the licensee of WCCO, Minneapolis, Minnesota, 37 miles from the proposal in BP-13872. The existing 2.0 mv/m contour of WCCO encompasses the entire service area proposed by the Northfield Broadcasting Company. Accordingly, it must be determined whether a grant of the subject proposal in BP-13872 would be in contravention of § 3.35(a) of the Commission's rules.

3. The antenna tower construction proposed by Hastings Broadcasting Company (BP-14823) has not been approved by the Federal Aviation Agency.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals requesting a new operation and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KATE and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

4. To determine whether the following proposals would cause objectionable interference to the stations indicated, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

Subject Proposal and Existing Station	
BP-13872	KATE, Albert Lea, Minn.
	KEVE, Golden Valley, Minn.
	KIMA, Montevideo, Minn.
BP-14823	KEVE, Golden Valley, Minn.
BP-14870	KPIG, Cedar Rapids, Iowa.
	KYNT, Yankton, S. Dak.

5. To determine whether the interference received by the proposal of Northfield Broadcasting Company from the other proposals herein, and any existing stations, would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28(d)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

6. To determine whether there is a reasonable possibility that the tower height and location proposed by Hastings Broadcasting Company (BP-14823) would constitute a menace to air navigation.

7. To determine whether a grant of the instant proposals of Northfield Broadcasting Company (BP-13872), and Hastings Broadcasting Company (BP-14823), would be in contravention of the provisions of § 3.35(a) of the Commission rules with respect to multiple ownership of standard broadcast stations.

8. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

9. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That Western Broadcasting Corporation, Minneapolis, Minnesota, licensee of Station KEVE, and the Federal Aviation Agency are made parties to the proceeding.

It is further ordered, That the Albert Lea Broadcasting Company is made a party respondent with respect to the existing operation of station KATE.

It is further ordered, That, in the event of a grant of the application of Northfield Broadcasting Company, the construction permit shall contain the following conditions:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

This authorization is subject to compliance by permittee with any applicable procedures of the FAA.

It is further ordered, That, in the event of a grant of the application of Hastings Broadcasting Company, the construction permit shall contain the following conditions:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

This authorization is subject to compliance by permittee with any applicable procedures of the FAA.

This authorization shall be without prejudice to any action deemed necessary by the Commission with respect to renewal of licenses of Stations KDHL, Faribault, Minnesota, and KSUM, Fairmont, Minnesota.

Permittee shall install approved type frequency and modulation monitors.

It is further ordered, That, in the event of a grant of the application of Albert Lea Broadcasting Company, the construction permit shall contain the following conditions:

The permittee shall accept interference as may be imposed by existing 250 watt Class IV stations in the event they are subsequently authorized to increase power to 1000 watts.

The permittee shall submit with the application for license antenna resistance measurements made in accordance with § 3.54 of the Commission rules.

This authorization shall be without prejudice to any action deemed necessary by the Commission with respect to renewal of license of Station WJON, St. Cloud, Minnesota.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission rules, give notice of the hearing, either individually or, if feasible,, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 22, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6288; Filed, June 27, 1962; 8:53 a.m.]

[Docket Nos. 14493, 14494; FCC 62M-880]

HAYWARD F. SPINKS AND GREENVILLE BROADCASTING CO.

Order Advancing Conference Date

In re applications of Hayward F. Spinks, Hartford, Kentucky, Docket No. 14493, File No. BP-14291; C. P. Stovall, Sr., and C. P. Stovall, Jr., d/b/a Greenville Broadcasting Company, Greenville, Kentucky, Docket No. 14494, File No. BP-15005; for construction permits.

On the oral request of counsel for Greenville Broadcasting Company: *It is ordered*, This 22d day of June 1962, that the conference scheduled for June 29 is rescheduled to Thursday, June 28, 1962, at 9 a.m., in the offices of the Commission, Washington, D.C.

Released: June 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6290; Filed, June 27, 1962; 8:53 a.m.]

[Docket Nos. 14669-14671; FCC 62-655]

WIDE WATER BROADCASTING CO., INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Wide Water Broadcasting Co., Inc., East Syracuse, New York, Docket No. 14669, File No. BP-14212, Requests: 1540 kc, 1 kw, Day, Class II; Fred S. Grunwald, tr/as Onondaga Broadcasters, Syracuse, New York, Docket No. 14670, File No. BP-15146, Requests: 1540 kc, 5 kw, DA, Day, Class II; Radio Voice of Central New York, Inc., Syracuse, New York, Docket No. 14671, File No. BP-15147, Requests: 1540 kc, 50 kw, DA, Day, Class II; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of June 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The proposals in the instant applications are mutually exclusive.

2. Information submitted by Radio Voice of Central New York, Inc., and Onondaga Broadcasters indicates that, while no interference will be caused to the operations of existing stations, the proposals will receive interference from existing stations involving a population loss in excess of 10 percent. Each applicant requests a waiver of § 3.28(d)(3) with respect to its proposal. It has not been determined whether the interference to Wide Water Broadcasting Co., Inc. from CHFI would result in operation in contravention of § 3.28(d)(3); however, a substantial question exists in that regard.

3. It cannot be determined on the basis of data on file whether the proposed antenna site of Onondaga Broadcasters would be reasonably free of deleterious effects with nearby structures.

4. Information submitted by the Radio Voice of Central New York, Inc., indicates that its proposal will cause cochannel interference to the proposal to increase power of Station WPME, Punxsutawney, Pennsylvania (BP-14022), affecting 41 square miles in which 585 persons reside, representing 0.56 percent of the population within the proposed WPME service area. The application of the Radio Voice of Central New York, Inc., was not timely filed for consideration with the WPME proposal, and, therefore, the licensee of WPME will be made a party to the hearing ordered below.

5. No daytime skywave radiation study was submitted by Onondaga Broadcasters to indicate that the proposed radiation toward Class I–B Station KXEL, Waterloo, Iowa, is not in excess of that permitted by § 3.187 of the Commission rules. Thus, a question exists as to whether the proposed radiation toward KXEL would exceed the limits set by § 3.187.

6. The proposed antenna system of Radio Voice of Central New York, Inc., has been approved by the Federal Aviation Agency. The remaining proposals, Wide Water Broadcasting Co., Inc., and Onondaga Broadcasters, have not been explicitly approved by the FAA, but have been examined by the Commission in the light of the criteria contained in FAA Regulations, § 626.12. It appears that the Wide Water and Onondaga proposals comply with such criteria but a grant of the proposals will be conditioned upon compliance with any applicable procedure of the FAA.

It further appearing, that two of the parties to the applicant Wide Water Broadcasting Co., Inc., Claude A. Parton and Albert R. Webb, are presently employed by Station WNDR, Syracuse, New York. Wide Water has represented to the Commission that in the event of a grant of its application, Claude A. Parton and Albert R. Webb will sever all connection with Station WNDR.

It further appearing, that in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the instant applications and the availability of other primary service to such areas and populations.

2. To determine whether the transmitter site proposed by Onondaga Broadcasters is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

3. To determine whether the instant proposal of Radio Voice of Central New York, Inc., would cause objectionable interference to the proposed operation of Station WPME, Punxsutawney, Pennsylvania, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether interference received by the proposed operations of the Radio Voice of Central New York, Inc., the Wide Water Broadcasting Co., Inc., and Onondaga Broadcasters, would affect more than ten percent of the population within the respective normally protected primary service areas in contravention of § 3.28(d)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant waivers of said section.

5. To determine whether the proposal of Onondaga Broadcasters complies with § 3.187 of the Commission's rules concerning daytime radiation limitations.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the event it is concluded that a choice between the instant applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would best serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station.

(b) The proposals of each of the instant applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the instant applications.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the instant applications should be granted.

It is further ordered, That Punxsutawney Broadcasting Company, Punxsutawney, Pennsylvania and KXEL Broadcasting Co., Inc., Waterloo, Iowa, licensees of WPME and KXEL, respectively, are made parties to the proceeding.

It is further ordered, That, in the event of a grant of the application of Wide Water Broadcasting Co., Inc., the construction permit shall contain the following conditions:

Program tests will not be authorized until the permittee has shown that Claude A. Parton and Albert R. Webb have divested all interest in, and severed all connection with, Station WNDR, Syracuse, New York.

The finding made by the Commission that the proposed antenna structure is acceptable under Federal Aviation Agency criteria (§ 626.12, FAA Regulations) is subject to compliance by permittee with any applicable procedure of the FAA.

It is further ordered, That, in the event of a grant of the application of Onondaga Broadcasters, the construction permit shall contain the following condition: The finding made by the Commission that the proposed antenna structure is acceptable under Federal Aviation Agency criteria (§ 626.12, FAA Regulations) is subject to compliance by permittee with any applicable procedure of the FAA.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6292; Filed, June 27, 1962; 8:53 a.m.]

FEDERAL RESERVE SYSTEM

WILMINGTON TRUST CO.

Order Approving Acquisition of Bank's Assets

In the matter of the application of Wilmington Trust Company for approval of acquisition of assets of Townsend Trust Company.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by Wilmington Trust Company, Wilmington, Delaware, a member bank of the Federal Reserve System, for the Board's prior consent to its acquisition of the assets and assumption of the liabilities of Townsend Trust Company, Townsend, Delaware, and, as an incident thereto, Wilmington Trust Company has applied, under section 9 of the Federal Reserve Act, for the Board's prior approval of the establishment of a branch by that bank at the location of Townsend Trust Company. Notice of the proposed acquisition of the assets and assumption of liabilities has been published pursuant to said Bank Merger Act.

Upon consideration of all relevant materials in the light of the factors set forth in said Bank Merger Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed transaction,

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said applications be and hereby are approved, provided that said acquisition of assets and assumption of liabilities and establishment of said branch shall not be consummated (a) sooner than seven calendar days after the date of this Order or (b) later than three months after said date.

Dated at Washington, D.C., this 21st day of June 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-6256; Filed, June 27, 1962; 8:45 a.m.]

WINDBER BANK AND TRUST CO.

Order Approving Acquisition of Bank Assets

In the matter of the application of Windber Bank and Trust Company for approval of acquisition of assets of Central City National Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)) an application by Windber Bank and Trust Company, Windber, Pennsylvania, a State member bank of the Federal Reserve System, for the Board's prior approval of the acquisition by that bank of the assets, and assumption of the liabilities, of Central City National Bank, Central City, Pennsylvania, and, as an incident thereto, Windber Bank and Trust Company has applied, under section 9 of the Federal Reserve Act, for the Board's prior approval of the establishment of a branch by that bank at the location occupied by the office of Central City National Bank. Notice of the proposed acquisition of assets and assumption of liabilities, in form approved by the Board, was published pursuant to said Bank Merger Act of 1960.

Upon consideration of all relevant materials in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed transactions,

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said applications be, and hereby are approved, provided that said acquisition of assets, assumption of liabilities, and establishment of a branch approved herein shall not be consummated (a) sooner than seven calendar days after the date of this Order or (b) later than three months after said date.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Philadelphia.

[2] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Cleveland.

Dated at Washington, D.C., this 21st day of June 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-6257; Filed, June 27, 1962; 8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority No. 414]

SECRETARY OF DEFENSE

Delegation of Authority To Represent the Interests of the Executive Agencies of the Federal Government

1. Pursuant to the provisions of sections 201(a)(4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interest of the executive agencies of the Federal Government in the matter of American Telephone and Telegraph Company, Tariff F.C.C. No. 135, Original Page 23AA, before the Federal Communications Commission, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials and employees of General Services Administration.

4. This delegation of authority shall be effective June 14, 1962.

Dated: June 26, 1962.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 62-6327; Filed, June 27, 1962; 8:55 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

JUNE 22, 1962.

The common stock, $1 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, June 25, 1962, to July 4, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-6265; Filed, June 27, 1962; 8:48 a.m.]

[File No. 1-4579]

AUTOMATED PROCEDURES CORP.

Order Summarily Suspending Trading

JUNE 22, 1962.

The Class A stock, par value 5 cents per share, of Automated Procedures Corp., being listed and registered on The National Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on The National Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, June 24, 1962, to July 3, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-6266; Filed, June 27, 1962; 8:48 a.m.]

[File No. 1-3445]

E. L. BRUCE CO.

Order Summarily Suspending Trading

JUNE 22, 1962.

The common stock, par value $1, of E. L. Bruce Co. (Incorporated), being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, June 23, 1962, to July 2, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-6267; Filed, June 27, 1962; 8:49 a.m.]

[File No. 70-4047]

COLUMBIA HYDROCARBON CORP. AND COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Advances on Open Account to Subsidiary Company

JUNE 20, 1962.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly-owned subsidiary company, Columbia Hydrocarbon Corporation ("Hydrocarbon"), 120 East 41st Street, New York 17, New York, have filed a joint declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the joint declaration, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized below.

Columbia proposes to make advances of up to $400,000 on open account to Hydrocarbon. Such advances will bear interest from the date of borrowing at the current prime rate of 4½ percent per annum and will be payable in three equal installments on January 15, February 15, and March 15, 1963, with the privilege of prepayment. Columbia will provide the cash from its general corporate funds, without negotiating additional bank loans for this purpose.

Hydrocarbon is engaged in the fractionation of a mixed stream of liquid hydrocarbons into its component heavier hydrocarbons (natural gasoline, normal butane, propane, and isobutane). The purchase of the mixed stream and the fractionation process continues throughout the summer months, with a substantial part of the summer production being stored for delivery and sale during the following winter. In order to finance this storage inventory, it is estimated that Hydrocarbon will require temporary financing of up to $400,000 during the period from June to September 1962, inclusive.

The joint declaration states that expenses to be incurred in connection with the open account advances are estimated at $200. It is further stated that no State or Federal commission, other than this Commission has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than July 9, 1962, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarants, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-6268; Filed, June 27, 1962; 8:49 a.m.]

[File No. 24D-2446]

GLOBE PETROLEUM COMPANY UNIT A

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 22, 1962.

I. Globe Petroleum Company Unit A (issuer), 405 Third Street, Bismarck, N. Dak., a copartnership, organized pursuant to the laws of the State of North Dakota with offices at Bismarck, North Dakota, filed on May 11, 1960, a notification and offering circular relating to the offer of 300 investment contract units at an offering price of $1,000 per unit, for an aggregate of $300,000, and filed various amendments thereto, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) of the Act and Regulation A thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the issuer has:

1. Used sales literature other than the offering circular in the offer and sale of its securities;

2. Failed to cooperate with the staff in furnishing pertinent information connected with the offering;

3. Exceeded the $300,000 aggregate offering price provided in section 3(b) of the Act and in Regulation A.

B. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, in failing to reflect offers and sales of the company's securities other than those reflected, in

1. The offer of investment contracts;

2. The statement that the company owns no properties or property interests;

3. The statement that on or before one year following nine months from the date on which the offering may commence, each unit owner is to be assigned his pro rata share in such property as may be acquired by the company;

4. The failure to disclose the plan of distribution of securities;

5. The use of a copy of an investment unit on page 10 of the offering circular purporting to set forth the rights of purchasers and obligation of the company.

C. The offering has been made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-6269; Filed, June 27, 1962; 8:49 a.m.]

[File No. 1-4597]

INDUSTRIAL ENTERPRISES, INC.

Order Summarily Suspending Trading

JUNE 22, 1962.

The Common assessable stock, $1.00 par value, of Industrial Enterprises, Inc., being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, June 24, 1962, to July 3, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-6270; Filed, June 27, 1962; 8:49 a.m.]

[File No. 1-4583]

PRECISION MICROWAVE CORP.

Order Summarily Suspending Trading

JUNE 22, 1962.

The common stock, par value $1, of Precision Microwave Corp., being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, June 23, 1962, to July 2, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-6271; Filed, June 27, 1962; 8:50 a.m.]

[24W-2589]

WESREB OIL CO.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 21, 1962.

I. Wesreb Oil Company, Inc. (Issuer), a Delaware corporation, incorporated on September 7, 1961, with principal offices located at 422 Washington Building, Washington 5, D.C., filed with the Commission on March 20, 1962, a Notification on Form 1-A and an Offering Circular relating to an offering of 300,000 shares of $.10 par value capital stock at $1.00 per share for an aggregate total of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe:

A. That the terms and conditions of Regulation A have not been complied with, and that the Notification on Form 1-A and Offering Circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to the following:

1. The failure to disclose that Francis Taylor Canon, President and Director of the Issuer, is the subject of two decrees of the Supreme Court of the State of New York, entered on November 30, 1937, and November 27, 1939, permanently enjoining and restraining said subject from engaging in securities activities within and from the State of New York.

B. That no exemption is available under Regulation A for the Issuer under the provisions of Rule 252(d)(2) of the general rules and regulations under the Securities Act of 1933, in that Francis Taylor Canon, an officer and director of the Issuer, is subject to a decree of a court of competent jurisdiction permanently enjoining and restraining such person from engaging in the purchase or sale of any security.

III. *It is ordered*, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-6272; Filed, June 27, 1962; 8:50 a.m.]

TARIFF COMMISSION

[7-115]

HATTERS' FUR

Notice of Investigation

Investigation instituted. Upon application of the Hatters' Fur Cutters Association of the U.S.A., received June 4, 1962, the United States Tariff Commission, on the 22d day of June 1962, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, instituted an investigation to determine whether hatters' furs, or furs not on the skin, prepared for hatters' use, including fur skins carroted, provided for in paragraph 1520 of the Tariff Act of 1930, or item 186.20 of the Tariff Schedules of the United States the adoption of which is provided for in Public Law 87-456, approved May 24, 1962, are, as a result in whole or in part of the duty or other customs treatment reflecting concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Public hearing ordered. A public hearing in connection with this investigation will be held beginning at 10 a.m. e.d.s.t.,

on September 11, 1962, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Interested parties desiring to appear and to be heard at the hearing should notify the Secretary of the Commission, in writing, at least five days in advance of the date set for the hearing.

Inspection of application. The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission located in Room 437 of the Customhouse, where it may be read and copied by persons interested.

Issued: June 25, 1962.

By order of the Commission.

DONN N. BENT,
Secretary.

[F.R. Doc. 62-6295; Filed, June 27, 1962; 8:54 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1061, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Orders No. 524 and No. 561 (24 F.R. 9274 and 27 F.R. 4001) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number of proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.9) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (20 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Angelica Uniform Co., Marquand, Mo.; effective 6-18-62 to 6-17-63 (men's cotton washable pants).

Carwood Manufacturing Co., Division of Chadbourn Gotham, Inc., Winder, Ga.; effective 6-28-62 to 6-27-63 (men's and boys' cotton wash pants).

Central Apparel Corp., 2409 North Main Street, Danville, Va.; effective 6-16-62 to 6-15-63 (children's wear pants).

Clinton Garment Co., Inc., 1058 South Fourth Street, Clinton, Ind.; effective 6-7-62 to 6-6-63 (women's dresses, blouses, etc., men's reversible jackets).

The EYM Co., Jackson, Ga.; effective 6-16-62 to 6-15-63 (men's single pants).

Hartselle Manufacturing Co., Inc., Hartselle, Ala.; effective 6-7-62 to 6-6-63 (men's cotton work pants and shirts).

Helco, Inc., 333 North Pleasantburg Drive, Greenville, S.C.; effective 6-11-62 to 6-10-63 (children's playwear and pajamas).

Helena Garment Co., West Helena, Ark.; effective 6-23-62 to 6-22-63 (ladies' dresses).

Maxon Shirt Corp., 333 North Pleasantburg Drive, Greenville, S.C.; effective 6-8-62 to 6-7-63 (boys' dress and sport shirts).

Phillips-Van Heusen Corp., Barnesboro, Pa.; effective 6-26-62 to 6-25-63 (sport shirts).

Polk County Garment Manufacturing Co., Inc., Mena, Ark.; effective 6-8-62 to 6-7-63 (men's sport shirts).

Providence Pants Manufacturing Co., Inc., 101 Pittston Avenue, Scranton, Pa.; effective 6-11-62 to 6-10-63 (men's and boys' pants).

Ruth Originals Corp., 2029 Asheville Highway, Hendersonville, N.C.; effective 6-6-62 to 6-5-63 (children's dresses).

Stein-Way Clothing Co., Inc., 711 West Walnut Street, Johnson City, Tenn.; effective 6-7-62 to 6-6-63 (men's and boys' trousers; and shorts for Air Force, Army, and Navy).

Wilson County Garment Co., Watertown, Tenn.; effective 6-16-62 to 6-15-63 (sport shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Chi Chi Fashions, 48 North Eighth Street, Bangor, Pa.; effective 6-6-62 to 6-5-63; 10 learners (women's blouses).

Jo-Jac Shirt Co., Inc., Pulaski, Tenn.; effective 6-20-62 to 6-19-63; 10 learners (boys' sport shirts).

Jolly Kids Togs, Inc., 220 Main Street, Frankfort, Mich.; effective 6-12-62 to 6-11-63; 10 learners (childrens' jackets and carcoats).

Lillian Frocks Co., 801 East Broad Street, Tamaqua, Pa.; effective 6-11-62 to 6-10-63; 10 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (women's blouses).

Saxler Outerwear, Inc., 319 North Seventh Avenue, Scranton, Pa.; effective 6-8-62 to 6-7-63; 10 learners (men's and boys' outerwear jackets).

Spruce Manufacturing Corp., Second and Spruce Streets, Sunbury, Pa.; effective 6-12-62 to 6-11-63; 10 learners (ladies' woven underwear).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Ball Bra Manufacturing Co., Inc., 2445 Bedford Street, Johnstown, Pa.; effective 6-7-62 to 12-6-62; 50 learners (brassieres).

Barson & Co., 428 South Seventh Street, Lehighton, Pa.; effective 6-8-62 to 12-7-62; 25 learners (women's and children's blouses).

Ely & Walker, Dover, Tenn.; effective 6-8-62 to 12-7-62; 60 learners (boys' work pants).

Frackville Pajama Corp., Frackville, Pa.; effective 6-6-62 to 12-5-62; 15 learners (men's and boys' nightshirts and pajamas).

Hygrade Manufacturing Corp., Waynesboro, Tenn.; effective 6-8-62 to 12-7-62; 60 learners (children's and misses' raincoats).

Henry I Siegel Co., Inc., Bruceton, Tenn.; effective 6-8-62 to 12-7-62; 75 learners (men's and boys' outerwear jackets, lined and unlined).

Landress-Smith Corp., Hoschton, Ga.; effective 6-4-62 to 12-3-62; 15 learners. (men's and boys' sport slacks).

Yunker Manufacturing Co., 315 Ann Street, Parkersburg, W. Va.; effective 6-4-62 to 12-3-62; 40 learners (children's overalls, coveralls, and sunsuits).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

The Boss Manufacturing Co., 105 Elm Street, Chillicothe, Mo.; effective 6-6-62 to 12-5-62; 10 learners for plant expansion purposes (work gloves).

The Boss Manufacturing Co., Gregory & Harrington Streets, Cisco, Tex.; effective 6-11-62 to 6-10-63; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Sutton's Gloves, Inc., 30 South Melcher Street, Johnstown, N.Y.; effective 6-11-62 to 6-10-63; 10 learners for normal labor turnover purposes (men's, ladies', and boys' leather gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Ellen Knitting Mills, Inc., Spruce Pine, N.C.; effective 6-12-62 to 12-11-62; 35 learners for plant expansion purposes (ladies' seamless nylons).

Thornton Knitting Co., Inc., Denton, N.C.; effective 6-4-62 to 6-3-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Tower Hosiery Mills, Inc., 110 Broad Street, Burlington, N.C.; effective 6-11-62 to 6-10-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned and seamless).

Knitted Wear Industry Learner Regulation (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Junior Form Lingerie Corp., Atkinson Way, Boswell, Pa.; effective 6-5-62 to 6-4-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' slips).

Junior Form Lingerie, Inc., 426 Morris Avenue, Boswell, Pa.; effective 6-6-62 to 6-5-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to by employed, are as indicated.

Caribbean Novelty Co., Vieques, P.R.; effective 3-27-62 to 9-26-62; 20 learners for plant expansion purposes, in the occupation of Bowtler, for a learning period of 240 hours at the rate of 53 cents an hour (ribbon bows).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 21st day of June 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-6261; Filed June 27, 1962; 8:47 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Orders No. 524 and No. 561 (24 F.R. 9274 and 27 F.R. 4001) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.9) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (20 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Allen Garment Co., 706 19th Avenue, North, Nashville, Tenn.; effective 6-23-62 to 6-22-63 (men's and boys' sport shirts; boys' and kiddies' longies).

Atwood Inc., Sparta, N.C.; effective 6-23-62 to 6-22-63 (men's and boys' pants).

Bellaire Garment Co., Bellaire, Ohio; effective 6-11-62 to 6-10-63. Learners may not be paid special minimum wage rates in the production of separate skirts and/or lined jackets (women's dresses, outerwear jackets, and coordinates).

Carolina Girls Wear, Inc., Klauber Street, St. George, S.C.; effective 6-18-62 to 6-17-63 (children's dresses).

Darsey Manufacturing Co., Tallapoosa, Ga.; effective 6-23-62 to 6-22-63 (men's and boys' walking shorts and pants).

Dowling Textile Manufacturing Co., McDonough, Ga.; effective 6-13-62 to 3-20-63 (hospital apparel for doctors and nurses; wearing apparel for patients). (Replacement certificate.)

Freeland Manufacturing Co., 156 Ridge Street, Freeland, Pa.; effective 6-19-62 to 6-18-63 (men's and boys' sport pants and work jackets).

H. W. Gossard Co., 316 Sixth Street, Logansport, Ind.; effective 6-11-62 to 6-10-63 (women's foundation garments).

Greenway Manufacturing Co., Waynesburg, Pa.; effective 6-21-62 to 6-20-63 (boys' and infants' polo shirts).

Kingston Shirt Co., Inc., 45 Pine Grove Avenue, Kingston, N.Y.; effective 6-20-62 to 6-19-63 (boys' shirts).

Lee's Dresses, Inc., 311 West Eighth Street, Kansas City, Mo.; effective 6-15-62 to 6-14-63 (ladies' dresses).

Lock Haven Garment Co., 921 Third Street, Lock Haven, Pa.; effective 6-13-62 to 6-12-63 (misses' blouses).

Lorrie Lee Fashions, Inc., 92 South Empire Street, Wilkes-Barre, Pa.; effective 6-11-62 to 6-10-63 (ladies' dresses).

Metric Shirt Corp., O'Neal Street, Belton, S.C.; effective 6-19-62 to 6-18-63 (men's dress and sport shirts).

Metter Manufacturing Co., Metter, Ga.; effective 6-26-62 to 6-25-63. Learners may not be employed at special minimum wage rates in the production of separate skirts (ladies' blouses and pants).

Model Sportswear, Inc., 305 Holland Street, Shelbyville, Tenn.; effective 6-30-62 to 6-29-63 (men's and boys' work and outdoor jackets).

Monticello Manufacturing Co., Inc., Monticello, Ky.; effective 6-18-62 to 6-17-63 (men's sport shirts and ladies' shirts).

Rival Dress Co., Inc., 110 West Blaine Street, McAdoo, Pa.; effective 6-16-62 to 6-15-63 (ladies' dresses).

Henry I. Siegel Co., Inc., Gleason, Tenn.; effective 6-23-62 to 6-22-63 (men's and boys' single pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Atlantic Sportwear Co., 613 Main Street, Rockland, Maine; effective 6-18-62 to 6-17-63; 10 learners (men's and boys' pants).

Carol Ann Apparel Corp., Municipal Building, Cherry Tree, Pa.; effective 6-7-62 to 6-6-63; 10 learners (women's dresses).

Columbus Manufacturing Co. Inc., Tabor City, N.C.; effective 6-24-62 to 6-23-63; 10 learners (boys' sport shirts).

Connie Fashions Co., Inc., 215-217 Coxe Avenue, Asheville, N.C.; effective 6-18-62 to 6-17-63; 10 learners (ladies' dresses).

Freeland Dress Co., Inc., 721 Birkbeck Street, Freeland, Pa.; effective 6-16-62 to 6-15-63; 10 learners (girls' dresses).

Griffith Sportswear, R 1372 Main Street, Port Griffith, Pa.; effective 6-15-62 to 6-14-63; four learners (women's blouses).

Merrill Woolen Mills Garment Factory, 1500 West Main Street, Merrill, Wis.; effective 6-18-62 to 6-17-63; 10 learners. Learners may not be employed in the production of separate skirts at special minimum wage rates (ladies' and men's shirts, slacks, and outerwear jackets).

Montgomery Sylvania Manufacturing Co., Inc., 22 East Houston Avenue, Montgomery, Pa.; effective 6-13-62 to 6-12-63; 10 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (ladies' sportswear, coordinates, and pants).

Semco, Inc., 830 Buncombe Street, Greenville, S.C.; effective 6-19-62 to 6-18-63; 10 learners (boys' sport shirts and pants).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Aynor Manufacturing Co., Loris, S.C.; effective 6-4-62 to 12-3-62; 25 learners (ladies' capris and jamaicas).

C&D Sportswear Corp., Adal, Ga.; effective 6-11-62 to 12-10-62; 20 learners (men's and boys' sport shirts).

Falls City Manufacturing, Inc., 27th and North Chase, Falls City, Nebr.; effective 6-15-62 to 12-14-62; 15 learners (infants', boys', and girls' carcoats).

Charles W. Henson Garment Manufacturing Co., Monroe, Ga.; effective 6-13-62 to 12-12-62; 40 learners (men's and boys' work pants; men's and boys' dress pants).

Indiana Sportswear Co., Indiana, Pa.; effective 6-14-62 to 12-13-62; 45 learners (men's and boys' zipper, snap, and button outerwear jackets; men's and boys' raincoats).

Jolly Kids Togs, Inc., 220 Main Street, Frankfort, Mich.; effective 6-14-62 to 12-13-62; 20 learners (children's outerwear-jackets and carcoats).

Louisburg Sportswear Co., Inc., Louisburg, N.C.; effective 6-11-62 to 12-10-62; 50 learners (sweaters from purchased knit fabric).

Newton Grove Manufacturing Co., Newton Grove, N.C.; effective 6-14-62 to 12-13-62; 35 learners (women's dresses).

Onslow Garment Industries, Piney Green Road, Jacksonville, N.C.; effective 6-18-62 to 12-17-62; 40 learners (women's and children's raincoats).

Ruth Originals Corp., 2029 Asheville Highway, Hendersonville, N.C.; effective 6-15-62 to 12-14-62; 10 learners (children's dresses).

San Benito Manufacturing Co., Inc., 298 South Sam Houston Street, San Benito, Tex.; effective 6-12-62 to 12-11-62; 75 learners (men's and boys' jeans).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

The Boss Manufacturing Co., Oneida, Tenn.; effective 6-11-62 to 6-10-63; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Lambert Manufacturing Co., Plant No. 1, 501 Jackson Street, Chillicothe, Mo.; effective 6-16-62 to 6-15-63; 10 learners for normal labor turnover purposes (cotton gloves).

Southern Glove Manufacturing Co., Inc., Conover, N.C.; effective 6-23-62 to 6-22-63; 10 percent of the total number of machine stitchers for normal labor turnover purposes (leather palm work gloves).

Wells Lamont Corp., Hugo, Okla.; effective 6-11-62 to 6-10-63; 10 percent of the total number of machine stitchers for normal labor turnover purposes (leather palm work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

The Batesville Co., Batesville, Miss.; effective 6-18-62 to 6-17-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Bisher Hosiery Mills, Inc., Denton, N.C.; effective 6-25-62 to 6-24-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Danville Knitting Mills, Inc., Danville, Va.; effective 6-14-62 to 6-13-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Grady County Mills, Inc., Cairo, Ga.; effective 6-18-62 to 12-17-62; 60 learners for plant expansion purposes (ladies' underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

American Corona Brush Manufacturing Co., Inc., Tampa, Fla.; effective 6-18-62 to 12-17-62; 10 learners for plant expansion purposes, in the single occupation of hand and/or machine brush maker: mixing; epoxing; nailing; stamping; beating; dulling for a learning period of 240 hours at the rate of not less than $1.00 an hour (paint brushes).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Andrea Shoe Corp., Antonio Luchetti Street, Villalba, P.R.; effective 5-28-62 to 5-27-63; 11 learners for normal labor turnover purposes in any productive factory occupation, except: Edge setting or trimming; Goodyear or McKay stitching; top stitching; lasting (except slip lasting); cement-process sole attaching; treeing; upper leather cutting (except lining or trim); vamping; hand-fitting of wood heels; insole or outsole bagger; outsole catcher; channel lipwetter; floorboy or floorgirl; insole presser; rack changer, shover or pusher; sock lining getter; or any nonproductive factory occupations, each for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours (tennis shoes).

Andrea Shoe Corp., Antonio Luchetti Street, Villalba, P.R.; effective 5-28-62 to 11-27-62; 39 learners for plant expansion purposes, in any productive factory occupation, except: Edge setting or trimming; Goodyear or McKay stitching; top stitching; lasting (except slip lasting); cement-process sole attaching; treeing; upper leather cutting (except lining or trim); vamping; hand-fitting of wood heels; insole or outsole bagger; outsole catcher; channel lipwetter; floorboy or floorgirl; insole presser; rack changer, shover or pusher; sock lining getter; or any nonproductive factory occupations, each for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours (tennis shoes).

Beatrice Needle Craft, Inc., Ponce, P.R.; effective 5-28-62 to 5-27-63; 31 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours, and 90 cents an hour for the remaining 160 hours (brassieres and girdles).

Caribe Scientific, Inc., Isabela, P.R.; effective 5-14-62 to 11-13-62; five learners for plant expansion purposes, in the single occupation of basic hand and/or machine production operations: Assemblers and wirers of electronic components, for a learning period of 480 hours at the rates of 92 cents an hour for the first 240 hours, and $1.04 an hour for the remaining 240 hours (electronic measuring instruments).

Harjon Inc., Km. 10.5 65th Infantry Road, Carolina, P.R.; effective 5-28-62 to 11-27-62; 47 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours, and 90 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 81 cents an hour (girdles).

Puerto Rico Hosiery Mills, Inc., Arecibo, P.R.; effective 5-14-62 to 4-3-63; 10 learners for normal labor turnover purposes, in the occupations of: (1) Seaming for a learning period of 960 hours at the rates of 58 cents an hour for the first 480 hours, and 64 cents an hour for the remaining 480 hours; (2) mending; knitting for a learning period of 720 hours at the rates of 58 cents an hour for the first 360 hours, and 64 cents an hour for the remaining 360 hours; (3) examining and inspecting for a learning period of 240 hours at the rate of 58 cents an hour (women's full-fashioned hosiery). (Replacement.)

Wendy Textile Mills, Inc., Km. 66.8 Road No. 2, Arecibo, P.R.; effective 5-14-62 to 9-18-62; 25 learners for plant expansion purposes, in the occupations of: (1) Seaming for a learning period of 960 hours at the rates of 58 cents an hour for the first 480 hours, and 64 cents an hour for the remaining 480 hours; (2) knitting for a learning period of 720 hours at the artes of 58 cents an hour for the first 360 hours, and 64 cents an hour for the remaining 360 hours; (3) examining and inspecting for a learning period of 240 hours at the rate of 58 cents an hour (leotards). (Replacement.)

Youthful Corp., 318 Carpenter Road, Hato Rey, P.R.; effective 6-4-62 to 6-3-63; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours, and 90 cents an hour for the remaining 160 hours (girdles).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 22d day of June 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-6262; Filed, June 27, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 25, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37813: *Liquefied chlorine gas from Wichita, Kans.* Filed by Western Trunk Line Committee, Agent (No. A-2254), for interested rail carriers. Rates on liquefied chlorine gas, in tank-car loads, from Wichita, Kans., to Doe Run and Louisville, Ky.

Grounds for relief: Market competition.

Tariff: Supplement 38 to Western Trunk Line Committee tariff I.C.C. A-4396.

FSA No. 37814: *Soda ash to Nashville, Tenn.* Filed by Western Trunk Line Committee, Agent (No. A-2256), for interested rail carriers. Rates on soda ash, other than modified, in bulk, in carloads, from Westvaco and Stauffer, Wyo., to Nashville, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 38 to Western Trunk Line Committee tariff I.C.C. A-4396.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-6274; Filed, June 27, 1962; 8:50 a.m.]

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VOLUME 27 NUMBER 126

Washington, Friday, June 29, 1962

THE UNIVERSITY OF MICHIGAN
JUL 2 1962
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UNITED STATES STATUTES AT LARGE

[87th Cong., 1st Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1961, reorganization plans, amendment to the Constitution, and Presidential proclamations

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Department of Defense

Effective upon publication in the FEDERAL REGISTER, subparagraph (43) is added to paragraph (a) of § 6.304 as set out below.

§ 6.304 Department of Defense.

(a) *Office of the Secretary.* * * *

(43) One Staff Assistant to the Special Assistant to the Secretary of Defense.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-6336; Filed, June 28, 1962; 8:53 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

[1962 Marketing Quotas for Upland Cotton (Bulletin 1)]

PART 722—COTTON

Subpart—Regulations Pertaining to Marketing Quotas for Upland Cotton of the 1961 and Succeeding Crops

1962 PENALTY RATE

The purpose of this amendment is to establish the 1962 penalty rate under section 346(a) of the Agricultural Adjustment Act of 1938, as amended, which provides that whenever farm marketing quotas are in effect with respect to any crop of cotton, the producer shall be subject to a penalty on the farm marketing excess at a rate per pound equal to 50 percent of the parity price per pound for cotton as of June 15 of the calendar year in which such crop is produced. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.).

In order that the exact rate of penalty may be made known to producers who desire to market cotton and to buyers who are charged in the regulations with the duty of collecting penalty on the cotton marketed subject to the penalty and the lien for the penalty, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.51 of the Regulations Pertaining to Marketing Quotas for Upland Cotton of the 1961 and Succeeding Crops (26 F.R. 3672, 5489, 7755, 8069, 9899; 27 F.R. 4418, 5027) is amended by addition of a new paragraph (b) at the end thereof to read as follows:

(b) *Penalty rate for 1962 crop.* The parity price for cotton effective as of June 15, 1962, is 39.38 cents per pound. The rate of penalty for cotton produced in 1962 as calculated on the basis of such parity price and in accordance with the provisions of § 722.26 shall be 19.7 cents per pound of lint cotton.

(Sec. 346, 375; 63 Stat. 674, 52 Stat. 66, as amended; 7 U.S.C. 1346, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on June 26, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-6343; Filed, June 28, 1962; 8:55 a.m.]

[1962 Marketing Quotas for Extra Long Staple Cotton (Bulletin 2)]

PART 722—COTTON

Subpart—Regulations Pertaining to Marketing Quotas for Extra Long Staple Cotton of the 1961 and Succeeding Crops

1962 PENALTY RATE

The purpose of this amendment is to establish the rate of penalty per pound of ELS cotton for the 1962 crop. Section 347(c) of the Agricultural Adjustment Act of 1938, as amended, provides that the applicable penalty rate for ELS cotton under section 346 of the act shall be the higher of 50 percent of the parity price or 50 percent of the support price for ELS cotton as of June 15 of the calendar year in which the ELS cotton crop is produced. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.).

In order that the exact rate of penalty may be made known to producers who desire to market ELS cotton and to buyers who are charged in the regulations with the duty of collecting penalty on such cotton marketed subject to the penalty and the lien for the penalty, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.152 of the Regulations Pertaining to Marketing Quotas for Extra Long Staple Cotton of the 1961 and Succeeding Crops (26 F.R. 5489, 7758, 10093) is amended by addition of a new paragraph (b) at the end thereof to read as follows:

(b) *Penalty rate for 1962 crop.* The parity price for ELS cotton effective as of June 15, 1962, is 79.6 cents per pound. Section 101(f) of the Agricultural Act of 1949, as amended, provides that the support price for 1962 crop ELS cotton shall not exceed the same per centum of the parity price as for the 1956 crop. Such percentum was 75 percent. No increased price support levels for 1962 crop ELS cotton have been established pursuant to section 402 of the Agricultural Act of 1949, as amended. Accordingly, if the support price for 1962 crop ELS cotton were determined on the basis of the June 15, 1962, parity price, the support price thus determined could not exceed 75 per centum of the parity price for ELS cotton as of June 15, 1962. Thus, the parity price, being higher than the possible support price, is used in accordance with the provisions of § 722.126 hereof in calculating the rate of penalty for 1962 crop ELS cotton. Such rate of penalty shall be 39.8 cents per pound of ELS lint cotton.

(Sec. 346, 347, 375; 63 Stat. 674, 675, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1346, 1347, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on June 26, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-6342; Filed, June 28, 1962; 8:55 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 2]

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of

1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the New York-New Jersey marketing area (7 CFR Part 1002), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act:

(1) The following bulk tank provisions (§ 1002.24):

(i) In the second sentence of the opening paragraph, the words beginning with "pool or nonpool" where they first appear, and continuing through the end of the sentence.

(ii) All of paragraphs (a), (c), (d), (e), and (f) and all of paragraph (g) except for the words "Any bulk tank unit shall be designated a pool bulk tank unit in any month".

(2) The following provisions with respect to pool plant qualifications:

(i) The last proviso in § 1002.27(a).

(ii) In § 1002.29, the opening words "Except for plants which, pursuant to paragraph (a) of § 1002.27 or pursuant to the proviso of paragraph (c) or to paragraph (e) of this section, are not eligible for designation", and in the proviso the words "or (2) in any of the months of December through June if it was a pool plant pursuant to provisions of Part 1015 of this chapter in each of the preceding months of July through November."

(iii) The provisos in § 1002.29 (a), (b), and (c).

(iv) In § 1002.29(d), prior to the proviso the words "other than to another plant", and the first proviso.

(v) Paragraph (e) of § 1002.29.

(3) In § 1002.83, subparagraphs (2), (3), and (4) of paragraph (b).

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) The Supreme Court concluded in Lehigh Valley Cooperative Farmers, Inc., et al. v. United States et al. that the rates of payment specified in § 1002.83(b) (2) and (3) are inconsistent with the Agricultural Marketing Agreement Act of 1937. This conclusion eliminates the partial regulation of nonpool milk sold as Class I–A under the terms of the current order.

(2) Under the terms of the present order, most of the milk could be made nonpool on July 1, 1962, and remain nonpool until July 1, 1963, regardless of its use or classification. This could result in complete elimination of minimum uniform pricing of fluid milk sold in the New York-New Jersey marketing area.

(3) The suspension order set forth above will result in substantially all fluid milk sold in the New York-New Jersey marketing area being subject to full pricing under the marketing order. This is necessary to prevent chaos in the market pending changes through the amendment procedure.

(4) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(5) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

Therefore, good cause exists for making this order effective July 1, 1962.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: July 1, 1962.

Signed at Washington, D.C., on June 26, 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62–6338; Filed, June 28, 1962; 8:54 a.m.]

[Milk Order 98]

PART 1096—MILK IN NORTHERN LOUISIANA MARKETING AREA

Order Amending Order; Correction

The following correction is made in F.R. Doc. 62–5290, filed May 29, 1962, and published on May 30, 1962 (27 F.R. 5040): The reference in § 1096.70(f)(1) to "paragraph (d)" should read "paragraph (e)".

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Signed at Washington, D.C., on June 25, 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R Doc. 62–6340; Filed, June 28, 1962; 8:54 a.m.]

[Milk Order No. 120]

PART 1120—MILK IN LUBBOCK-PLAINVIEW, TEXAS, MARKETING AREA

Order; Correction

The following correction is made in F.R. Doc. 62–5197, filed May 29, 1962, and published on May 30, 1962 (27 F.R. 5050): The reference in § 1120.45 to "§ 1120.12(c)" should read "§ 1120.17(c)."

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Signed at Washington, D.C., on June 25, 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62–6341; Filed, June 28, 1962; 8:54 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62–WA–66]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

The purpose of this amendment to § 600.1505 of the regulations of the Administrator is to delete reference to the Dahlgren Complex, Va., Restricted Areas (R–6611, R–6612, R–6613) in the description of intermediate altitude VOR Federal airway No. 1505.

The description of Victor 1505 excludes portions of that airway which coincide with the Dahlgren Complex, Va., Restricted Areas during the times of designation of those restricted areas. R–6611, R–6612, and R–6613 as presently designated do not coincide with Victor 1505, so this reference may be deleted.

Since this amendment is editorial in nature and does not involve the designation of additional airspace, notice and public procedure hereon are unnecessary and it may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken: In the text of § 600.1505 (27 F.R. 3194, 4472, 4151) "The portions of this airway which coincide with the Dahlgren Complex, Va., Restricted Areas (R–6611, R–6612, R–6613) are excluded during the times of designation of these restricted areas." is deleted.

This amendment shall become effective upon the date of its publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 22, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62–6305; Filed, June 28, 1962; 8:46 a.m.]

Chapter V—National Aeronautics and Space Administration

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

Subpart 5—Delegations and Designations

Sec.
1204.500 Scope of subpart.
1204.501 Delegation of authority to acquire real estate for the United States by condemnation under judicial process.

AUTHORITY: §§ 1204.500 and 1204.501 issued under 42 U.S.C. 2473(b)(1).

§ 1204.500 Scope of subpart.

This subpart establishes various delegations of authority to, and designations of, NASA officials to carry out prescribed functions of the National Aeronautics and Space Administration.

§ 1204.501 Delegation of authority to acquire real estate for the United States by condemnation under judicial process.

(a) The Director of Administration of the National Aeronautics and Space Administration may exercise all the authority of the National Aeronautics and Space Administration, under the Act of Congress approved August 1, 1888 (25 Stat. 357, 40 U.S.C. 257), and under the further authority of the Act of Congress approved July 29, 1958 (Public Law 85–568, 72 Stat. 426, 42 U.S.C. 2473–b–(3)) to acquire real estate for the United States by condemnation under judicial process, whenever in the opinion of the Director of Administration it is necessary for the Government to do so, and the Director of Administration is authorized to submit to the Attorney General of the United States requests for condemnation.

(b) The Director of Administration of the National Aeronautics and Space Administration may exercise the power of the Administrator of the National Aeronautics and Space Administration under the Act of Congress approved February 26, 1931 (46 Stat. 1421, 40 U.S.C. 258(a)) and Acts supplementary thereto and amendatory thereof, to sign declarations of taking.

(c) The delegation of authority covered in paragraphs (a) and (b) of this section shall be effective on and after July 1, 1962.

JAMES E. WEBB,
Administrator.

[F.R. Doc. 62–6320; Filed, June 28, 1962; 8:51 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8292]

PART 13—PROHIBITED TRADE PRACTICES

Alscap, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–90 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Alscap, Inc., et al., New York, N.Y., Docket 8292, Feb. 14, 1962]

In the Matter of Alscap, Inc., a Corporation, Luba Scapa and Joseph Scapa, Individually and as Officers of Said Corporation, and Lopa of Italy, Ltd., a Corporation, and Bernard Kaplan and Joseph Scapa, Individually and as Officers of Said Corporation

Order requiring New York City importers of Italian wool products to cease misrepresenting the fiber content of wool products, including fabrics and skirts, imported from Italy.

The order to cease and desist is as follows:

It is ordered, That respondents Alscap, Inc., its officers, and Luba Scapa and Joseph Scapa, individually and as officers of said corporation, and Lopa of Italy, Ltd., its officers, and Bernard Kaplan and Joseph Scapa, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or indirectly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of woolen fabrics and ladies' skirts, or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to affix labels on such products showing each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

By "Order Vacating Prior Order, Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 14, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62–6309; Filed, June 28, 1962; 8:47 a.m.]

[Docket No. C–75]

PART 13—PROHIBITED TRADE PRACTICES

Lake Charm Fruit Co.

Subpart—Discriminating in price under section 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers.*

(Secs. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Lake Charm Fruit Company, Oviedo, Fla., Docket C–75, Feb. 12, 1962]

Consent order requiring Oviedo, Fla., citrus fruit packers to cease violating section 2(c) of the Clayton Act by granting commissions or brokerage on a large number of sales made by brokers and other direct buyers purchasing for their own accounts for resale.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent Lake Charm Fruit Company, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the sale of citrus fruit, or fruit products, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Paying, granting, or allowing, directly or indirectly, to any buyer or to anyone acting for or in behalf of or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of citrus fruit or fruit products to such buyer for his own account.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: February 12, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62–6310; Filed, June 28, 1962; 8:48 a.m.]

[Docket No. C–76]

PART 13—PROHIBITED TRADE PRACTICES

Lake Region Packing Association

Subpart—Discriminating in price under section 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Lake Region Packing Association, Tavares, Fla., Docket C–76, Feb. 12, 1962]

Consent order requiring Tavares, Fla., packers of citrus fruit to cease violating section 2(c) of the Clayton Act by granting commissions or discounts on a large number of sales made to brokers and other direct buyers purchasing for their own accounts for resale.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent Lake Region Packing Association, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the sale of citrus fruit, or fruit products, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Paying, granting, or allowing, directly or indirectly, to any buyer or to anyone acting for or in behalf of or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of citrus fruit or fruit products to such buyer for his own account.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: February 12, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62–6311; Filed, June 28, 1962; 8:48 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary

PART 4—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

Subpart B—Acceptance of State Certificates

DESIGNATION OF STATES; EXTENSION OF EXPIRATION DATE

The age, employment, or working certificates or permits of several States are designated in 29 CFR 4.21 as having the same force and effect as Federal certificates of age issued under section 3(1) of the Fair Labor Standards Act of 1938 (52 Stat. 1061 as amended; 29 U.S.C. 203).

In a document promulgated on June 14, 1961, and published in the FEDERAL REGISTER on June 21, 1961 (26 F.R. 5503) it was provided that these designations would expire on June 30, 1962.

Accordingly, pursuant to subsection 3(1) and subsection 11(b) of the Fair Labor Standards Act of 1938 (52 Stat. 1061 and 1066 as amended; 29 U.S.C. 203 and 211), and Reorganization Plan No. 2 of 1946 (3 CFR 1943–1948 Comp., p. 1064), I hereby extend the designations contained in 29 CFR 4.21 until June 30, 1963.

Signed at Washington, D.C., this 22d day of June 1962.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62-6319; Filed, June 28, 1962; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following amendments to this subchapter are issued by direction of the Assistant Secretary of Defense (Installations and Logistics) pursuant to the authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (24 F.R. 2260), as amended, and 10 U.S.C. 2202, and have the concurrence of the military departments.

PART 1—GENERAL PROVISIONS

1. Sections 1.109–2, 1.308(b)(1) and 1.701–1(a)(2) are revised to read as follows:

§ 1.109–2 Deviations affecting one contract or transaction.

Deviations from this subchapter or a Department of Defense Directive which affect only one contract or procurement may be made or authorized in accordance with Departmental procedures providing (a) special circumstances justify a deviation and (b) written notice of such deviation is furnished to the Assistant Secretary of Defense (Installations and Logistics) and in the case of the Department of the Army, to the Assistant Secretary of the Army (I&L), Attn: ASPR Policy Member; the Department of the Navy, the Chief of Naval Material, Attn: (Code MO 3B); Department of the Air Force, Director of Procurement Management, DCS/S&L, Attn: AFSPM–AS; and the Defense Supply Agency, Executive Director, Procurement and Production, Attn: DSAH–PM. Such written notice shall be given in advance of the effective date of such deviations unless exigency of the situation requires immediate action.

§ 1.308 Records of contract actions.

* * * * *

(b) Each contract file shall include the following data, if applicable:

(1) a copy of the procurement directives or request, or appropriate reference thereto;

§ 1.701–1 Small business concern.

(a) * * *

(2) *Special industry definitions.* Unless certified as a small business concern, by SBA, in addition to being independently owned and operated, and not dominant in the field of operation in which it is bidding on Government contracts, a small business concern in order to qualify as such must meet special criteria in the following industries:

(i) *Construction industry.* In the construction industry, the average annual receipts of the concern and its affiliates for the preceding three fiscal years must not exceed $5,000,000: except that if the concern is located in Alaska, such receipts must not exceed $6,250,000. ("Annual receipts" means the annual receipts less returns and allowances of a concern and its affiliates.)

(ii) *Food, canning, and preserving industry.* In the food, canning and preserving industry, the concern and its affiliates must employ not more than 500 employees exclusive of "agricultural labor" as defined in 26 U.S.C. 3306(k).

(iii) *Trucking, warehousing, packing and crating industry.* In the trucking, warehousing, packing and crating industry, the annual receipts of the concern and its affiliates must be $3,000,000 or less; except that if the concern is located in Alaska, such receipts must be $3,750,000 or less. No such concern, however, will be denied small business status for the purpose of Government procurement solely because of its relationship with an interstate van line, if the concern's annual receipts have not exceeded $3,000,000 during its most recently completed fiscal year ($3,750,000 if located in Alaska), and not more than fifty percent (50%) of such annual receipts are directly attributable to the concern's relationship with an interstate van line.

(iv) *Certain industries employing not more than 1,000 employees.* In the following industries the number of employees of the concern and its affiliates must not exceed 1,000 employees:

(a) *Aircraft equipment and parts industry.* This special definition for the aircraft equipment and parts industry applies only in the procurement of the following items:

Airframes and structural components.
Aircraft propellers and hubs.
Wheel and brake systems.
Jet engines.
Fuel tanks.
Aircraft hydraulic systems.
Aircraft vacuum systems.
Aircraft air-conditioning.
Heating and pressurizing equipment.
Fire control systems.
Flight instruments.
Flight simulators (except small cockpit trainers).
Aircraft deicing systems.

(b) *Petroleum refining industry.* This special definition for the petroleum refining industry, excepting procurement of lubricants and miscellaneous petroleum products, applies to a concern and its affiliates which have a capacity of not more than 30,000 barrels per day crude oil capacity from owned or leased facilities. ("Crude oil capacity" means the maximum daily average crude throughput of a refinery in complete operation, with allowance for necessary shutdown time for routine maintenance, repairs, etc. It approximates the maximum daily average crude runs to stills that can be maintained for an extended period.)

(c) *Air transportation industry.*

(d) *Rubber footwear industry.*

(e) *Tire and inner tube industry.*

(f) *Small arms industry.* This special definition for the small arms industry applies to the procurement of small firearms having a bore of 30-mm (or 1.18 inches) and below.

(g) *Small arms ammunition.* This special definition applies to the procurement of ammunition for small arms having a bore of 30-mm (or 1.18 inches) and below.

§ 1.702 [Amendment]

2. In § 1.702(b), the reference to "§ 3.107" is changed to read "§ 4.205."

3. Sections 1.706–6(e), 1.804–2(d) and 1.1002 are revised, as follows:

§ 1.706–6 Partial set-asides.

* * * * *

(e)(1) After the award price for the nonset-aside portion has been determined, negotiations may be conducted for the set-aside portion. Procurement of the set-aside portion shall in all instances be effected by negotiation. Negotiations shall be conducted only with those bidders or offerors who have submitted responsive bids or proposals on the nonset-aside portion at a unit price no greater than 120 percent of the highest award made or to be made on the nonset-aside portion and who are determined to be responsible prospective contractors for the set-aside portion of the procurement. Negotiations shall be conducted with small business concerns in the order of priority as indicated in the foregoing notices; provided that, where equal low bids are received on the nonset-aside portion from concerns which are equally eligible for the set-aside portion, the concern which is awarded the nonset-aside portion (under the equal low bid procedures of § 2.407–6 of this chapter) shall have first priority with respect to negotiations for the set-aside portion. The set-aside portion will be awarded at the highest unit price awarded or to be awarded for the non-set-aside portion.

(2) When the award price for the nonset-aside portion has been determined and where an award will be made to a small business concern and the same small business concern is entitled to receive the set-aside portion of a solicitation, the set-aside portion may be added to the basic contract by supplemental agreement. The supplemental agreement shall include the Examination of Records clause, applicable to the set-aside portion only.

§ 1.804–2 Set-aside procedures.

* * * * *

(d)(1) After the award price for the nonset-aside portion has been determined, negotiations may be conducted for the set-aside portion. Procurement of the set-aside portion shall in all instances be effected by negotiation. Negotiations shall be conducted only with those bidders or offerors who have submitted responsive bids or proposals on the nonset-aside portion at a unit price no greater than 120 percent of the highest award made or to be made on the nonset-aside portion and who are determined to be responsible prospective contractors for the set-aside portion of the procurement. Negotiations shall be conducted in the order of priority indicated in the foregoing notices; provided that, where equal low bids are received on the nonset-aside portion from concerns which are equally eligible for the set-aside portion, the concern which is awarded the nonset-aside portion (under the equal low bid procedures of § 2.407–6 of this chapter) shall have first priority with respect to negotiations for the set-aside portion. The set-aside portion shall be awarded at the highest unit price awarded or to be awarded for the nonset-aside portion. If the entire set-aside portion cannot be awarded by the method described herein, any unawarded portion may be procured by advertising or negotiation, as appropriate, in accordance with existing regulations (see § 3.201–2(b)(1) of this chapter as to negotiation).

(2) When the award price for a nonset-aside portion has been determined and where an award will be made to a labor surplus area concern and the same labor surplus area concern is entitled to receive a set-aside portion of the solicitation, the set-aside portion may be added to the basic contract by supplemental agreement. The supplemental agreement shall include the Examination of Records clause, applicable to the set-aside portion only.

§ 1.1002 Availability of invitations for bids and requests for proposals.

A reasonable number of copies of invitations for bids and requests for proposals publicized in the Commerce Business Daily, including specifications and other pertinent informaton, shall be maintained by the issuing office. To the extent that unclassified invitations for bids and requests for proposals are available, they shall be provided at the purchasing office to manufacturers, construction contractors, and regular dealers and to others having a legitimate interest therein, such as publishers, trade associations, procurement information services and others who disseminate information concerning invitations for bids and request for proposals; otherwise the purchasing office may limit the availability of invitations for bids and requests for proposals to perusal at such office.

4. In § 1.1003–1, revise the introductory portion and paragraph (a), and revise §§ 1.1003–2 and 1.1003–3, as follows:

§ 1.1003–1 General.

Every proposed advertised or negotiated procurement made in the United States, which may result in an award in excess of $10,000 shall be publicized promptly in the Commerce Business Daily "Synopsis of U.S. Government Proposed Procurement, Sales, and Contract Awards," except that the following need not be publicized in the Synopsis:

(a) Procurement of a classified nature where the information necessary to be included or referenced in the solicitation (Invitation for Bid or Request for Proposal) is in itself of a classified nature and the public disclosure of this information would violate security requirements. All other classified procurements shall be published in the Synopsis, if sufficient information of an unclassified nature, can be provided in the solicitation to enable a prospective contractor to submit a bid or proposal.

§ 1.1003–2 Research and development.

In order that potential sources may learn of research and development programs, advance notices of the Government's interest in a specific research and development field shall be published in the Commerce Business Daily in accordance with § 1.1003–9(d) so as to give such sources adequate opportunity to submit information for evaluation of their research and development capabilities, except where security considerations prohibit such publication. Each specific procurement of research and development projects shall be publicized in the Commerce Business Daily unless one of the exceptions in § 1.1003–1 is applicable or unless an advance notice of the Government's requirements in the particular field, published in the Commerce Business Daily in accordance with § 1.1003–9(d), has been sufficiently specific to permit potential sources to request solicitations for the prospective procurement. (See § 4.203 of this chapter.)

§ 1.1003–3 Synopses of subcontract opportunities.

(a) *By contracting officers.* In order to broaden the opportunity in negotiated procurement for subcontracting by small business concerns and others, contracting officers shall, unless not in the Government's interest or subcontracting opportunities do not exist, publish in the Commerce Business Daily the names and addresses of firms to whom requests for proposals are to be issued. This procedure will offer opportunity to small business concerns and others interested in subcontracting to make direct contact with prospective prime contractors at an early stage in the procurement. An addition to the regular synopsis prepared in accordance with § 1.1003–9 shall be made as set forth in § 1.1003–9(f).

(b) *By prime contractors and subcontractors.* Prime contractors and subcontractors should be encouraged to use the Commerce Business Daily to publicize opportunities in the field of subcontracting stemming from their defense business. Prime contractors and their subcontractors will be advised to mail subcontract information directly to the U.S. Department of Commerce, Room 1300, 433 West Van Buren Street, Chicago 7, Ill., under the heading "Subcontracting Assistance Wanted" and in the form of the following example:

XYZ CO., ATTN JOHN Z. SMITH, TELE. NO. RANDOLPH 6–1111, 102 FIRST AVE., CHICAGO 7, ILL., seeks Subcontractor on items to be used in connection with Contract No. ------ awarded 5–1–60.

COILS, INDUCTION, DWG. NO.
10–742---------- 10,000 ea.

(Name, description and quantity of other items or services may be included as long as contract assistance is desired under the same contract number.) If interested, make inquiry before 5–16–60 to above Contractor.

PART 2—PROCUREMENT BY FORMAL ADVERTISING

5. Sections 2.104–4, 2.201(a)(25), (26), and (27), 2.302, and 2.303–2 are revised as follows:

§ 2.104–4 Indefinite delivery type contracts.

(a) *Definite quantity contracts.* See § 3.409(a) of this chapter.

(b) *Requirements contracts.* See § 3.409(b) of this chapter.

(c) *Indefinite quantity contracts.* See § 3.409(c) of this chapter.

§ 2.201 Preparation of invitation for bids.

* * * * *

(a) * * *

(25) Pending revision of paragraph 4 of the Terms and Conditions of the Invitation for Bids on the back of Standard Form 30 (October 1957 edition) and Standard Form 33 (October 1957 edition) and of paragraph 7 of Standard Form 22 (January 1961 edition), the following provision shall be submitted, as to each form, in lieu of the cited paragraph:

Late bids and modifications or withdrawals. Bids and modifications or withdrawals thereof received at the office designated in the Invitation for Bids after the exact time set for opening of bids will not be considered unless: (a) They are received before award is made; (b) they are sent by registered mail, or by certified mail for which an official post office stamp (postmark) on the original Receipt for Certified Mail has been obtained, or by telegraph if authorized; and (c) it is determined by the Government that late receipt was due solely to either (i) delay in the mails, or delay by the telegraph company if telegraphic bids are authorized, for which the bidder was not responsible or (ii) mishandling by the Government after receipt at the Government

installation. However, a modification which is received from an otherwise successful bidder and which makes the terms of the bid more favorable to the Government will be considered at any time it is received and may thereafter be accepted. Bidders using certified mail are cautioned to obtain a legibly postmarked Receipt for Certified Mail and retain it against the chance that the postmark thereon will be required as evidence that a late bid was timely mailed. If the postmark on such receipt, or on the registered mail wrapper shows the hours of mailing as well as the date, the time of mailing shall be established accordingly; if it shows the date but not the hour, the time of mailing shall be deemed to be the last minute of the date shown, unless the bidder furnishes evidence from the post office of mailing which, in the case of registered mail, establishes an earlier time; or in the case of certified mail, where the receipt for Certified Mail identifies the post office station of mailing, the time of mailing shall be deemed to be the last minute of the business day of that station. (APR. 1962)

(26) A provision covering the required source for jeweled bearings (see § 1.315 of this chapter).

(27) A statement substantially as follows (prominently placed in the invitation):

Caution to bidders—Late bids. See the special provision entitled "Late Bids and Modifications or Withdrawals" which provides that late bids and modifications or withdrawals thereof sent through the mails will be considered only if sent by registered mail, or by certified mail for which a postmarked receipt has been obtained as specified in such provision. (Apr. 1962)

§ 2.302 Time of bid submission.

Bids shall be submitted so as to be received in the office designated in the invitation for bids not later than the exact time set for opening of bids. Where telegraphic bids are authorized a telegraphic bid received by telephone from the receiving telegraph office before the time set for opening of bids shall be considered if such bid is confirmed by the telegraph company with a written telegram.

§ 2.303–2 Consideration for award.

A late bid shall be considered for award only if:

(a) It is received before award;

(b) In the case of a mailed bid (other than one covered by paragraph (c)(2) of this section), it was sent by registered mail, or by certified mail for which an official post office stamp (postmark) on the original Receipt for Certified Mail has been obtained; and

(c) It is determined that either:

(1) The lateness was due solely to a delay in the mails (based on evidence pursuant to § 2.303–3), or to a delay by the telegraph company where the invitation authorizes telegraphic bids, for which the bidder was not responsible; or

(2) The bid, if submitted by mail (or by telegram where authorized), was received at the Government installation in sufficient time to be received at the office designated in the invitation by the time set for opening and, except for delay due to mishandling on the part of the Government at the installation, would have been received on time at the office designated.

6. Sections 2.303–3, 2.303–4, 2.303–6, 2.304, and 2.305 are revised to read as follows:

§ 2.303–3 Mailed bids.

(a) *Registered mail.* The time of mailing of a late bid mailed by registered mail shall be determined by the date, and hour if shown, in the postmark. If the postmark shows the date but not the hour of mailing, the time of mailing shall be deemed to be the last minute of the date shown unless the bidder furnishes evidence from the post office of mailing which establishes an earlier time. If the postmark does not show the date of mailing, the bid shall be deemed to have been mailed too late unless the bidder furnishes evidence from the post office of mailing which establishes a timely date.

(b) *Certified mail.* The time of mailing of a late bid mailed by certified mail for which a postmarked Receipt for Certified Mail was obtained shall be determined by the official post office stamp (postmark) on the original Receipt for Certified Mail, to be furnished by the bidder, showing the date of receipt by the post office at the time of mailing. If this postmark shows the hour of mailing as well as the date, the time of mailing shall be established accordingly; if it shows the date but not the hour, the time of mailing shall be deemed to be the last minute of the date shown, except that, where the Receipt for Certified Mail identifies the post office station of mailing, the time of mailing shall be deemed to be the last minute of the business day of that station. If this postmark does not show the date of mailing, the bid shall be deemed to have been mailed too late.

(c) *Delivery time.* Information concerning the normal time for mail delivery shall be obtained by the purchasing activity from the postmaster, superintendent of mails; or a duly authorized representative for that purpose, of the post office servicing that activity. When time permits, such information shall be obtained in writing.

§ 2.303–4 Telegraphic bids.

A late telegraphic bid shall be presumed to have been filed with the telegraph company too late to be received in time, except where the bidder demonstrates by clear and convincing evidence, which includes substantiation by an authorized official of the telegraph company, that the bid, as received at the office designated in the invitation for bids, was filed with the telegraph company in sufficient time to have been delivered by normal transmission procedure so as not to have been late (see § 2.302).

§ 2.303–6 Notification to late bidders.

Where a late bid is received and it is clear from available information that under § 2.303–2 such late bid cannot be considered, the contracting officer or his authorized representative shall promptly notify the bidder that his bid was received late and will not be considered. However, where a late bid is transmitted by registered mail and received before award but it is not clear from available information whether the bid can be considered, or in any case of a late bid transmitted by certified mail received before award, the bidder shall be promptly notified substantially as follows:

Your bid in response to Invitation for Bids No. ------, dated ----------, was received after the time for opening specified in the Invitation. Accordingly, your bid will not be considered for award unless (1) there is received from you by ----------
(Date)
clear and convincing evidence from the post office of mailing which establishes the date (and hour, if possible) that the bid was deposited with that post office, and (2) it is determined by the Government that late receipt was due solely to a delay in the mail for which you are not responsible. In the case of certified mail, the original postmarked Receipt for Certified Mail must be furnished and is the only evidence acceptable under (1) above, except that, where the Receipt for Certified Mail identifies the post office station of mailing, evidence of the time of closing of that station is also acceptable. (Apr. 1962)

The foregoing notification shall be appropriately modified in the case of late telegraphic bids.

§ 2.304 Modification or withdrawal of bids.

(a) Bids may be modified or withdrawn by written telegraphic notice received prior to the exact time set for opening of bids. A telegraphic modification or withdrawal of a bid received by telephone from the receiving telegraph office prior to the time fixed for opening of bids shall be considered if such message is confirmed by the telegraph company with a written telegram. Modifications received by telegram shall be sealed in an envelope and no information contained therein shall be disclosed prior to the time set for bid opening.

(b) A bid may be withdrawn in person by a bidder or his authorized representative, providing his identity is made known and he signs a receipt for the bid, but only if the withdrawal is prior to the exact time set for opening of bids.

§ 2.305 Late modifications and withdrawals.

(a) Modifications of bids and requests for withdrawal of bids which are received in the office designated in the invitation for bids after the exact time set for opening are "late modifications" and "late withdrawals," respectively. A late modification or late withdrawal shall be subject to the rules applicable to late bids set forth in § 2.303. However, a modification received from an otherwise successful bidder which is favorable to the Government shall be considered at any time that such modification is received.

(b) Where a late modification or late withdrawal is received and it is clear from available information that under paragraph (a) of this section such late modification or late withdrawal cannot be considered, the contracting officer or his authorized representative shall promptly notify the bidder that his modification or withdrawal was received late and will not be considered. However, where a late bid is transmitted by registered mail and received before award but it is not clear from available information whether the modification or withdrawal can be considered, or in any case of a late modification or withdrawal transmitted by certified mail and received before award, the bidder shall be promptly notified substantially as follows:

Your (modification) (request for withdrawal) of your bid in response to Invitation for Bids No. ------, dated ----------, was received after the time for opening specified in the Invitation. Accordingly, your (modification) (request for withdrawal) will not be considered effective unless (1) there is received from you by ---------- clear
(Date)
and convincing evidence from the post office of mailing which establishes the date (and hour, if possible) that the (modification) (request for withdrawal) was deposited with that post office, and (2) it is determined by the Government that late receipt was due solely to a delay in the mail for which you are not responsible. In the case of certified mail, the original postmarked Receipt for Certified Mail must be furnished and is the only evidence acceptable under (1) above, except that, where the Receipt for Certified Mail identifies the post office station of mailing, evidence of the time of closing of that station is also acceptable. (Apr. 1962.)

The foregoing notification shall be appropriately modified in the case of late telegraphic modifications or withdrawals.

(c) Late modification or late withdrawals, which are not considered as being effective, shall be held unopened until after award and then returned to the bidder, unless other disposition is requested or agreed to by the bidder, except that:

(1) An unidentified modification or request for withdrawal may be opened solely for purposes of identification, as provided in § 2.401; and

(2) Any modification received from an otherwise successful bidder shall be opened, so as to determine whether it should be considered as stated in the proviso in paragraph (a) of this section.

(d) Records of late modifications and late withdrawals shall be maintained in accordance with the record requirements for late bids set forth in § 2.303–8.

PART 3—PROCUREMENT BY NEGOTIATION

7. Sections 3.107, 3.107–1, 3.107–2, 3.107–3, 3.107–4, 3.107–5, 3.107–6, 3.107–7, and 3.107–8 are revoked as follows:

§ 3.107 Selection of research and development contractors. [Revoked]

§ 3.107–1 General. [Revoked]

§ 3.107–2 Small Business concerns. [Revoked]

§ 3.107–3 Selection of sources for solicitations. [Revoked]

§ 3.107–4 Solicitation. [Revoked]

§ 3.107–5 Conduct of negotiations. [Revoked]

§ 3.107–6 Evaluation for award. [Revoked]

§ 3.107–7 Cost and price estimates. [Revoked]

§ 3.107–8 Documentation. [Revoked]

8. New paragraph (f) is added to § 3.202–2; § 3.202–3 is revised; and § 3.402 (a)(2) is revised, as follows:

§ 3.202–2 Application.

• • • • •

(f) Purchase request citing an issue priority designator 1 through 6, inclusive, when the priority designator has been assigned in accordance with the Uniform Materiel Issue Priority System.

NOTE: Requirements citing an issue priority designator 7 through 20 may justify negotiation under this or other negotiation authority, but in such cases the specific circumstances must be set forth in the determination and findings.

§ 3.202–3 Limitation.

Every contract negotiated under the authority of §§ 3.202 through 3.202–3 shall be accompanied by a determination and findings justifying its use, signed by the contracting officer and prepared in accordance with the requirements of Subpart C of this part, except that in the case of a contract resulting from a purchase request citing an issue priority designator 1 through 6, the determination and findings need only cite the designator as justification. The authority of §§ 3.202 through 3.202–3 shall not be used when negotiation is authorized by the provisions of § 3.203 or 3.206.

§ 3.402 Basic principles for use of contract types.

(a) *General.* • • •

(2) Success in harnessing the profit motive begins with the negotiation of sound performance goals and standards. This objective is met if the contractor either benefits or loses in relation to achieving or failing to achieve realistic targets. Where award is based on effective price competition, there is reasonable assurance that the contract price represents a realistic pricing standard, including a profit factor which reflects an appropriate return to the contractor for the financial risk assumed in undertaking performance at the competitive price. In the absence of competitive forces, however, the contract type selected should provide for a profit factor that will tie profits to the contractor's efficiency in controlling costs and meeting desired standards of performance, reliability, quality, and delivery. Therefore, in noncompetitive situations, the degree to which available cost estimates are realistic should be carefully considered in determining which type of contract should be selected and how it should be used—especially where the contractor is to assume substantial cost responsibility, since it is to his advantage to maximize the difference between estimated costs and actual costs in price negotiation as well as in contract performance. If estimated costs are negotiated on the basis of a full consideration of all significant cost or pricing data that are reasonably available at the time of negotiation, a contract type providing a high profit potential and concomitant contractor risks may be entirely appropriate even though there is a possibility that actual costs will vary widely from the estimate.

9. Revise the introductory portion of paragraph (c) in § 3.404–6; and revise §§ 3.404–7(c), 3.707, and 3.802–2, as follows:

§ 3.404–6 Retroactive and prospective price redetermination at a stated time during performance.

• • • • •

(c) *Limitations.* This contract type may be used only until January 1, 1962, and until then, only when:

§ 3.404–7 Retroactive price redetermination after completion.

• • • • •

(c) *Limitations.* This type of contract shall not be used unless the procurement is for research and development at an estimated cost of $100,000 or less, and

(1) The contractor's accounting system is adequate for price redetermination purposes;

(2) Reasonable assurance exists that price redetermination action will be taken promptly at the time specified;

(3) A ceiling price is established; and

(4) Until January 1, 1963, written approval has been received from the Office of the Deputy Chief of Staff for Logistics or Offices of the Heads of the Technical Services, for the Army; Office of Naval Material, for the Navy; Headquarters, Air Force Systems Command or Headquarters, Air Force Logistics Command, for the Air Force; and the Executive Director, Procurement and Production, for the Defense Supply Agency or, after January 1, 1963, written approval has been received from a level above the Head of a Procuring Activity.

Until January 1, 1963, this type of contract may also be used for procurements of an urgent nature where the total period of contract performance is six months or less and the limitations in subparagraphs (1) through (4) of this paragraph are satisfied.

§ 3.707 Cost-sharing rates.

Cost-sharing arrangements are frequently made wherein the cost participation by the contractor is evidenced by an agreement to accept overhead rates which are lower than the anticipated actual overhead rates. In such cases, a negotiated fixed-ceiling overhead rate may be used for application prospectively, provided that, in the event overhead rates developed by the cognizant audit activity on the basis of actual allowable costs are less than the negotiated rates, the negotiated rates will be reduced. Where reductions are necessary, they will be accomplished in accordance with § 3.705. The Government will not be obligated to pay any additional amounts on account of overhead above the negotiated fixed-ceiling rates. (For cost sharing practices under Research and Development Contracts, see § 4.208 of this chapter.)

§ 3.802–2 Selection of prospective sources.

Selection of qualified sources for solicitation of proposals is basic to sound pricing. Proposals should be solicited from a sufficient number of competent potential sources to insure adequate competition. (See §§ 1.302, 1.902, 3.101, 3.104, 3.105, 4.205–1, and 12.102 of this chapter.) The bidders mailing lists

prescribed by § 2.205 of this chapter should be used where appropriate.

§ 3.804–2 [Amendment]

10. In § 3.804–2(b), reference to "§ 3.107–7" is changed to "§ 4.205–5."

11. Sections 3.808–2(h)(3)(i) and 3.808–4 are revised, and §§ 3.812, 3.812–1, 3.812–2, 3.812–3, and 3.812–4 are revoked, as follows:

§ 3.808–2 Factors for determining fee or profit.

* * * * * * *

(h) *Subcontracting.* * * *

(3) * * *

(i) The company's policies and procedures which energetically support Government small business and labor surplus area programs;

§ 3.808–4 Mineral fees or cost sharing arrangements.

In certain circumstances, as where experimental, developmental, or research work is attractive because of direct or potential commercial applications, consideration should be given to using a contract providing for only a nominal or token fee, or no fee, or on a cost-sharing basis. (See also § 4.208 of this chapter.)

§ 3.812 Special use allowances for research facilities acquired by educational institutions. [Revoked]

§ 3.812–1 Definitions. [Revoked]

§ 3.812–2 Policy. [Revoked]

§ 3.812–3 Authorization of special use allowances. [Revoked]

§ 3.812–4 Negotiation and administration of contracts providing for special use allowances. [Revoked]

PART 4—SPECIAL TYPES AND METHODS OF PROCUREMENTS

12. A new Subpart B is added to Part 4, as follows:

Subpart B—Procurement of Research and Development

Sec.

4.200 Scope of subpart.
4.201 Definitions.
4.202 General policy.
4.203 Publicizing procurement actions and expanding sources.
4.204 Method of contracting.
4.205 Selection of research and development contractors.
4.205–1 Selection of sources.
4.205–2 Solicitation.
4.205–3 Conduct of negotiations.
4.205–4 Evaluation of award.
4.205–5 Evaluation of price and costs.
4.205–6 Profit or fee.
4.205–7 Documentation.
4.206 Grants for basic research.
4.207 Types of contracts most applicable for research and development.
4.208 Cost sharing practices.
4.209 Special use allowances for research facilities acquired by educational institutions.
4.210 Placing subcontracts for research and development effort.
4.211 Scientific and technical reports.
4.212 Data under research and development contracts.
4.213 Insurance under research and development contracts.
4.213–1 Contractor immunity from liability for torts.
4.213–2 Indemnification against unusually hazardous risks.
4.214 Government property under research and development contracts.
4.214–1 General.
4.214–2 Control of government property in possession of research and development contractors.
4.214–3 Nonseverable facilities.
4.214–4 Transfer of title to equipment to nonprofit educational or research institutions.

AUTHORITY: §§ 4.200 to 4.214–4 issued under sec. 2203, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 4.200 Scope of subpart.

Procurement procedures of special application to research and development contracts are set forth in this subpart, and in certain instances other portions of this subchapter having particular significance to research and development contracts are cross-referenced herein. This subpart however, does not purport to contain or cross-reference all provisions of this subchapter applying to research and development contracts. Other provisions of this subchapter are also applicable to research and development contracts and shall be adhered to where applicable.

§ 4.201 Definitions.

(a) "Basic Research" means that type of research which is directed toward increase of knowledge in science. In such research, the primary aim of the investigator is a fuller knowledge or understanding of the subject under study, rather than any practical application thereof.

(b) "Applied Research" means that type of effort which (1) normally follows basic research, but may not be severable from the related basic research, (2) attempts to determine and expand the potentialities of new scientific discoveries or improvements in technology, materials, processes, methods, devices, and techniques, and (3) attempts to "advance the state of the art". Applied research does not include any such efforts when their principal aim is the design, development, or test of specific articles or services to be offered for sale, which are within the definition of the term development as hereinafter provided.

(c) "Development" is the systematic use of scientific knowledge which is directed toward the production of, or improvements in, useful products to meet specific performance requirements, but exclusive of manufacturing and production engineering.

(d) "Educational or other nonprofit organization" means any corporation, foundation, trust, or institution operated for scientific, educational, or medical purposes, not organized for profit, no part of the net earnings of which inures to the profit of any private shareholder or individual.

(e) "Unsolicited proposal" is a research or development proposal which is made to the Government by a prospective contractor without prior formal or informal solicitation from a purchasing activity.

§ 4.202 General policy.

A fundamental mission of research and development programs is to maintain scientific and technological superiority requisite to promote and advance the effectiveness of military operations. The accomplishment of this mission requires the broadest possible base of contractor and subcontractor sources including the optimum use of manpower and resources. It is essential that the best technical competence be located and fully utilized. The procurement pattern of research and development must be responsive to the achievement of these goals on a timely basis.

§ 4.203 Publicizing procurement actions and expanding sources.

The Departments shall continually search for and develop information on sources (including small business concerns) competent to perform research and development. Advance publicity, including use of the Commerce Business Daily (see § 1.1003–2 of this chapter) to the fullest extent practicable, shall be given for this purpose. The search should include (a) a review of relevant data or brochures furnished by sources seeking research and development work and (b) a cooperative effort by technical personnel, small business specialists, and contracting officers to obtain information and recommendations with respect to potential sources and to consider the desirability of seeking other sources by publication of proposed procurements, in addition to the synopsis requirement.

§ 4.204 Method of contracting.

In research and development procurements it is generally not possible to formulate precise specifications necessary for formal advertising and, therefore, negotiation is necessary. The inherent difficulties in obtaining research and development by formal advertising are recognized by the exception in § 3.211 of this chapter. However, two-step formal advertising as stated in Subpart E, Part 2 of this chapter, may be useful, for example, in the case of an advanced developmental project. While the use of negotiation is the general rule for research and development contracts, this does not diminish the obligation to obtain competition to the maximum practicable extent. (See Subparts A and B, Part 3 of this chapter.)

§ 4.205 Selection of research and development contractors.

§ 4.205–1 Selection of sources.

(a) *General.* Through its research and development programs, the Department of Defense must seek the most advanced scientific knowledge attainable and the best possible equipment, weapons, and weapons systems that can be devised and produced. This means two things. First, it means seeking the best scientific and technological sources. Second, it means unremitting efforts to increase the number of sources, and to encourage participation by small business concerns, as well as others, in Defense research and development.

(b) *Small business sources.* (1) Contracting officers, technical personnel, and small business specialists shall cooperatively seek and develop information on the technical competence of small business concerns for research and development contracts. Small business specialists shall regularly bring to the attention of contracting officers and technical personnel descriptive data, brochures, and other information as to small business concerns that are apparently competent to perform research or development work in fields in which the purchasing activity is interested.

(2) In order to cooperate with the Small Business Administration in carrying out its responsibility of assisting small business concerns to obtain contracts for research and development, contracting officers, technical personnel and small business specialists shall, upon request, provide to authorized SBA representatives information necessary to understand the Government's needs concerning research and development programs under consideration for specific future procurement actions. The SBA may provide pertinent information concerning potential small business sources developed through its investigation of the capabilities of specific firms in the particular field of research or development covered by the programs. Full evaluation shall be given to any such information in selecting qualified sources.

(c) *Recommendations by technical personnel.* Recommendations as to which potential sources are technically qualified shall be made by cognizant technical personnel after review of the information obtained as a result of advance publicity (see § 4.203) and as appropriate, on the basis of discussion with potential sources (either singly or in a group), correspondence, or suitable surveys.

(d) *Research and development pools.* See § 1.302–3 of this chapter.

(e) *Unsolicited proposals.* Unsolicited proposals may be the product of original thinking and generally are the property of the organization or individual who presents them. They are offered in the hope that the Government will contract with the offeror for further research on, or development of, the ideas they contain. Extreme care must be exercised by the Government not to disclose to third parties any proprietary information contained in unsolicited proposals. Unsolicited proposals received by procuring activities shall be handled in a manner which will encourage prospective contractors to disclose to the Government ideas which they have originated, conceived, or developed.

§ 4.205–2 Solicitation.

(a) In order to minimize the preparation of technical proposals, which can be both costly and wasteful of scientific or engineering manpower, contracting officers should request proposals only from sources which have been technically evaluated and found qualified to perform research or development in the specific field of science or technology involved. Where there is no substantial question as to the choice of the source, as where only one source is found fully qualified as a result of thorough technical evaluation or the purpose of the contract is to explore an idea or initial development submitted in confidence by one firm, solicitations may be limited to a single source. Where several sources are found fully qualified technically, proposals generally shall be solicited from each such source. Sources which become known as a result of publication of synopses of specific procurements shall be sent requests for proposals only if such sources have been technically evaluated or if such evaluation can be made consistent with required procurement actions. In all procurements of research or development in which no small business firm was solicited for a proposal, a statement shall be included in the procurement file setting forth the reasons for not soliciting small businesses.

(b) In addition to paragraph (a) of this section, exploratory requests may be used to determine the existence of ideas or prior work in specific fields of research. However, the request for such information shall clearly state that it does not impose any obligation on the Government or signify a firm intention of the Government to enter into a contract.

§ 4.205–3 Conduct of negotiations.

See § 3.804 of this chapter. The contracting officer should make certain that each prospective contractor fully understands the details of the various phases of the Government's requirement, especially the statement of work. This may be best accomplished by conferences between a prospective contractor, the contracting officer, and appropriate technical personnel, particularly where there is doubt that a work statement is understood or will be interpreted correctly by prospective contractors.

§ 4.205–4 Evaluation for award.

(a) Generally, research and development contracts should be awarded to those organizations, including educational organizations, which have the highest competence in the specific field of science or technology involved. However, awards should not be made for research or development capabilities that exceed those needed for the successful performance of the work.

(b) Before determining the technical competence of prospective contractors, and recommending to the contracting officer the concern or concerns that they consider most technically competent, cognizant technical personnel shall consider the following:

(1) The contractor's understanding of the scope of the work as shown by the scientific or technical approach proposed;

(2) Availability and competence of experienced engineering, scientific, or other technical personnel;

(3) Availability, from any source, of necessary research, test, and production facilities;

(4) Experience or pertinent novel ideas in the specific branch of science or technology involved; and

(5) The contractor's willingness to devote his resources to the proposed work with appropriate diligence.

(c) In determining to whom the contract shall be awarded, the contracting officer shall consider not only technical competence, but also all other pertinent factors including management capabilities, cost controls, and past performance in adhering to contract requirements, weighing each factor in accordance with the requirements of the particular procurement. See § 1.903 of this chapter.

§ 4.205–5 Evaluation of price and costs.

(a) While cost or price should not be the controlling factor in selecting a contractor for a research or development contract, cost or price should not be disregarded in the choice of the contractor. It is important to evaluate a proposed contractor's cost or price estimate, not only to determine whether the estimate is reasonable, but also to determine his understanding of the project and ability to organize and perform the contract. The most useful tools for this purpose are price analysis (§ 3.807–3 of this chapter) and cost analysis (§ 3.807–4 of this chapter).

(b) Price analysis generally considers the overall reasonableness of the proposals in relation to the total contemplated expenditures and the extent and nature of the tasks scheduled to be accomplished. In most research and development contracts, the inability to define specifications and the nature of the end items prevent the effective use of certain techniques of price analysis, such as comparisons with prior quotations and current prices and evaluations in terms of quantitative yardsticks. The conclusions reached by price analysis techniques must be supported by cost analysis procedures, used to examine the details of the offeror's proposals.

(c) The analysis of cost factors begins with an evaluation of the reliability of the offeror's cost estimating procedures and the dependability of his cost controls, as demonstrated by his history of cost management in the performance of other contracts or by his establishment of sound practices for this purpose. The cost analysis proceeds with a critical examination of the composition of each cost element in terms of its expected application to the objectives of the contract, and its conformance to the accepted principles of allocability and reasonableness. (See Subpart C, Part 15, and § 15.201 of this subchapter.) A Government cost estimate may help in projecting tools for these purposes and may develop the expected incidence of various cost factors in relation to performance phases, planned segments, or identifiable "milestones". This estimate should provide a summary forecast of the time, effort, materials, equipment, and services necessary to accomplish the research or development objective. The comparison and reconciliation of the Government cost estimate with the offeror's cost estimate for the same phases, segments, or events should

bring into focus any areas of excessive or insufficient emphasis and provide a foundation for meaningful discussions with the offeror.

(d) Special care should be exercised to comply with §§ 15.205–1 and 15.205–33 of this chapter in the allowances of advertising costs under § 15.307–3 of this chapter.

§ 4.205–6 Profit or fee.

See §§ 3.405–1(c), 3.405–5(c), 3.805–2, 3.806, 3.807–5(d), and 3.808 of this chapter.

§ 4.205–7 Documentation.

Contract files for research and development procurement shall be fully documented to include the basis and reasons for the selection of the sources solicited and for the award. Such documentation should be adequate to justify the selection of the contractor over others whose proposals, from the standpoint of some single factors (such as lower estimated costs or shorter performance time), might appear more advantageous to the Government. (See § 1.308 of this chapter.)

§ 4.206 Grants for basic research.

Grants are authorized under 42 U.S.C. 1891 for basic research at educational institutions and other nonprofit organizations whose primary purpose is the conduct of scientific research. The policies and procedures for grants are prescribed by other Department of Defense directives as implemented in Departmental procedures.

§ 4.207 Types of contracts most applicable for research and development.

See Subpart D, Part 3 of this chapter.

§ 4.208 Cost sharing practices.

It is not uncommon that certain advantages accrue to contractors performing research or development. Increased technical knowledge useful in commercial operations, adding to technical knowhow and training of employees, opportunity to benefit through patent rights, and use of background knowledge in future production contracts, are examples of advantages which contractors may receive from performing Government research or development. Because of these advantages, cost sharing arrangements should be negotiated, when appropriate, in research and development procurements. Cost sharing arrangements may be accomplished in a number of ways; for example, by the use of a reduced overhead rate, by eliminating charges for certain direct costs (e.g., salaries of technical personnel), by eliminating particular material or equipment charges, or by eliminating other forms of charges or by acceptance of various types of contributions by the contractor in the performance of the contract.

§ 4.209 Special use allowances for research facilities acquired by educational institutions.

(a) *Definitions.* As used in this section:

(1) "Special use allowance" means a negotiated direct or indirect allowance for buildings, structures, and real property, other than land, computed at an annual rate in excess of the rate which normally would be allowed under Subpart C, Part 15 of this chapter.

(2) "Research facility" means real property, other than land, and includes structures, alterations, and improvements, acquired for the purpose of conducting scientific research under contracts with agencies of the Department of Defense.

(b) *Policy.* The expanding requirements of the Department of Defense for the performance of scientific research programs by the educational institutions may create special situations wherein the acquisition or construction of additional research facilities by such institutions is essential for the effective performance of scientific research programs of major importance to the Department of Defense. Educational institutions are expected to furnish facilities required for the performance of Defense contracts, and the extent of reimbursement by the Government for the research programs of such institutions shall be governed by the principles set forth in Subpart C, Part 15 of this chapter. However, in certain limited situations an educational institution may be unable to provide capital for new laboratories or other expanded facilities necessitated by Defense contracts unless the institution is given governmental assistance in return for the risks and expenses it assumes in acquiring or constructing such facilities. Special use allowances constitute a means for recognizing these risks and expenses on the part of the educational institution and also provide a basis for permitting essential governmental research programs to go forward. The resort to special use allowances as provided by this section is an extraordinary type of arrangement and constitutes an exception to the provisions for normal use allowances contained in § 15.304(e) of this chapter. Any specific agreement providing for a special use allowance shall be negotiated on a case-by-case basis using the criteria established herein.

(c) *Authorization of special use allowances.* The Secretary concerned, or his sole designee for the purpose, may approve special use allowances for the acquisition or construction costs of research facilities financed by educational institutions only when all of the following conditions are met:

(1) The research facility is essential to the performance of Department of Defense contracts;

(2) The program requirements cannot be met practically and effectively by existing facilities, either Government or non-Government;

(3) The proposed agreement for the special use allowances represents a sound business arrangement;

(4) It is undesirable or impractical for the Government to provide Government-owned facilities for the performance of the research; and

(5) The proposed use of the research facility is in consonance with the underlying objective of the Government in granting the special use allowance.

(d) *Negotiation and administration of contracts providing for special use allowances.* The negotiation and administration of contracts providing for special use allowances are subject to the conditions set forth in subparagraph (1) through (13) of this paragraph.

(1) The terms of the agreement for special use allowances authorized herein shall be specified or incorporated by reference in the applicable contracts.

(2) Where the special use allowance is based on the total acquisition cost, no normal use allowance or other use or depreciation charge will apply during the special allowance period nor after the educational institution has recovered the total acquisition cost under Government contracts or from other users. Where the special use allowance is based on less than total acquisition cost of the research facility, the agreement will specify whether any normal use allowance or other use or depreciation charge will apply to the balance during the special use allowance period; however, no more than the normal use allowance computed in accordance with Subpart C, Part 15 of this chapter may be applied thereafter to the balance.

(3) During the period of the special use allowance, and for subsequent periods to the extent agreed upon, the research facility shall be available for Government research use on a priority basis over non-Government use. Any significant use during such period other than that which justified the special use allowance shall be subject to prior consent of the cognizant approval authority specified in this section.

(4) Special use allowances are applicable only in years in which the Government has contracts in effect with the educational institution for research to be conducted in the facility. The Government has no liability to the educational institution for the special use allowance in any year in which there is no Government contract. In any year when the level of research effort under Government contracts has been reduced to a point where the special use allowance is excessive in relation to the extent of the Government research funding, the parties may negotiate a special use allowance for that year at a mutually acceptable rate.

(5) Where more than one Government contract is to be performed in the research facility, special use allowances generally should be allocated to using contracts on an equitable basis.

(6) If during the period when a special use allowance is in effect, any substantial use is made of the research facility for parties other than the Government, only an allocable share of the special use allowance shall be charged to the Government.

(7) Special use allowances shall not include any maintenance, utilities, or other operational costs.

(8) Generally, the period for which a special use allowance is authorized shall be at least ten years. However, a shorter period of time is authorized where the total amount to be allowed is less than acquisition cost for the research facility.

(9) Reimbursements under contracts for special use allowances shall not commence until the research facility is occupied and used for research under the contract. However, equitable adjustments may be made in the special use allowance during the construction period if the research facility is partially used for research under the contract.

(10) Determination of the amount of a special use allowance shall be based on the comparative need for the research facility by the Department of Defense and by the educational institution. In no event shall the institution be paid more than the acquisition costs.

(11) In establishing the annual special use allowance, due consideration shall be given to rental costs for similar space in the area where the research facility is to be located.

(12) No payment shall be made to the educational institution for costs of land or interest charges on capital, used or borrowed, for the acquisition of the research facility.

(13) Information copies of each special use allowance agreement negotiated shall be furnished to each authorizing official specified in paragraph (c) of this section, and to the Director of Defense Research and Engineering, Office of the Secretary of Defense.

§ 4.210 Placing subcontracts for research and development effort.

Since the selection of research or development contractors is based upon seeking the best scientific and technological sources, it is important that the contractor selected on this basis does not in turn subcontract technical or scientific work without prior approval of the contracting officer. The clause prescribed in § 7.402–8 of this chapter for cost-reimbursement type research and development contracts, requires prior written consent of the contracting officer for the placement of any subcontract which has experimental, developmental, or research work as one of its purposes. During the negotiation of the contract, it is imperative that the contracting officer obtain complete information concerning the contractor's plans for subcontracting any portion of the research or development effort. See §§ 1.906, 3.807–5, and 3.903–2 of this chapter.

§ 4.211 Scientific and technical reports.

(a) Research and development contracts are required to contain appropriate data clauses as prescribed in Subpart B, Part 9 of this chapter, which usually provide, among other things, for the reproduction and use for any purpose of the Government of any or all of the information to be provided under the contract. Contracting officers shall require contractors to furnish all such information resulting from research or development contracts. Scientific and technical reports should be reproduced as economically as practicable, consistent with the reporting needs of the Government.

(b) It is important that the results of research and development contracts be made readily available to Government activities, and to non-Government organizations and persons who have a need to know in accordance with procedures of the Military Departments. The Armed Services Technical Information Agency, Arlington Hall Station, Arlington 12, Virginia, provides a central service for the interchange of scientific and technical information of value to Department of Defense agencies and contractors.

§ 4.212 Data under research and development contracts.

(a) It is imperative that all research and development contracts carefully specify the data to be delivered under the contract since the Basic Data clause requires delivery only of "Subject Data" and defines "Subject Data" as data to be delivered under the contract.

(b) In planning a developmental procurement, when subsequent production contracts are contemplated, consideration should be given to the need and time required for obtaining a procurement package. The term "procurement package" means plans, drawings, specifications and other descriptive information and data necessary to achieve competition in production contracts.

§ 4.213 Insurance under research and development contracts.

See Part 10 of this chapter.

§ 4.213–1 Contractor immunity from liability for torts.

In the case of cost-reimbursement type contracts where nonprofit educational institutions or other contractors do not carry insurance either because as charitable organizations they claim immunity from liability for torts or, in the case of state institutions, because the state law does not permit them to expend their funds for insurance premiums, the requirements of the Insurance-Liability clause, § 7.203–22 of this chapter, may be modified to recognize a claim of partial immunity as provided in § 7.402–26(a) or for a claim of total immunity as provided in § 7.402–26(b).

§ 4.213–2 Indemnification against unusually hazardous risks.

Under the authority provided by 10 U.S.C. 2354, research and development contracts may specifically include language to indemnify contractors against liability on account of claims by third parties (including those of contractor's employees) for death, bodily injury, and loss or damage to property, and for loss of or damage to the contractor's property, to the extent such liabilities arise out of the direct performance of the contract involved and from a risk defined in the contract as unusually hazardous.

§ 4.214 Government property under research and development contracts.

§ 4.214–1 General.

In research and development contracts with commercial organizations, the clauses relating to property furnished by the Government or acquired by the contractor at Government expense are the same as those used in other types of contracts. (See §§ 13.502 and 13.503 of this chapter.) Different clauses are prescribed for use in research and development contracts with educational or other nonprofit institutions where no profit or fee is involved. (See §§ 13.505 and 13.506 of this chapter.)

§ 4.214–2 Control of government property in possession of research and development contractors.

The basic requirements to be observed by the Departments for establishing and maintaining control over Government Property as set forth in § 30.2 of this chapter are applicable to research and development contracts except, in contracts with educational or other nonprofit organizations (executed on a nonprofit basis), § 30.3 of this chapter is applicable.

§ 4.214–3 Nonseverable facilities.

Under 10 U.S.C. 2353, construction or acquisition of nonseverable research, developmental, or test facilities is authorized under certain conditions.

§ 4.214–4 Transfer of title to equipment to nonprofit educational or research institutions.

(a) *General.* This section implements 42 U.S.C. 1892 which gives the Department of Defense discretionary authority to vest in nonprofit institutions of higher education or nonprofit organizations whose primary purpose is the conduct of scientific research, without further obligation to the Government or on such other terms and conditions as may be appropriate, title to equipment purchased with funds available for grants or contracts for the conduct of basic or applied research.

(b) *Purpose of the legislation.* The general purpose of the legislation implemented by this section is to facilitate the scientific research performed under contract for the Government by the nonprofit institutions and organizations described in paragraph (a) of this section. It is intended to permit the elimination of the record-keeping required when the Government retains title to equipment furnished or purchased under a research contract, in those cases where the cost of such record-keeping to the contractor or to the Government is out of proportion to the value of the equipment. It is further intended to reduce where desirable the time and labor involved in formally circulating through the Government long lists of highly specialized or minor items of equipment or in relocating major equipment when such relocation is impracticable or uneconomical and not required for other research programs of the Government. Finally, it is intended to provide a measure of administrative flexibility when, from the standpoint of increased research effectiveness and in the absence of other Departmental or Governmental requirements, it is desirable to transfer title to equipment to such research contractors.

(c) *Transfer of title.* (1) Contracts with nonprofit institutions of higher education or nonprofit organizations whose primary purpose is the conduct of scientific research may provide, or may be amended to provide, that the contracting officer may transfer title to equipment to the contractor. Such transfer of title may be effected at the beginning, during the course of, or at the end of a contract: *Provided,*

(i) The equipment was purchased with grant or contract funds allocated for basic or applied scientific research;

(ii) (*a*) Either the retention of title in the Government would create an administrative burden not warranted by the value of the equipment, or the keeping of inventory and records by the contractor would become prohibitively complicated or expensive; or

(*b*) It would be impractical or uneconomical to remove the equipment from the contractor's plant;

(iii) The transfer of title will further the scientific research objectives of the Department concerned; and

(iv) The transfer of title is not precluded by controls governing the equipment involved.

(2) The contracting officer may, when provision is made therefor by contract, vest in the contractor title to any item of equipment having an acquisition cost of $3,000 or less, following his written determination that the criteria in subparagraph (1) of this paragraph have been met. When the acquisition cost of an item of equipment is in excess of $3,000, the contracting officer may transfer title to the contractor upon written approval of the head of the procuring activity or his designee. Such approval shall be given on the basis of the criteria in subparagraph (1) of this paragraph and only after considering whether transfer of title is consistent with any known need of the Department concerned. (No formal screening is required.) In addition, for items of equipment having an acquisition cost in excess of $25,000, the approval of designated representatives* of the Departments must be secured. Such approval shall be given within sixty (60) days, but only after a reasonable check, commensurate with the value of the item involved, has established that there is no known requirement for the item within the respective Departments.

Where title to equipment is vested pursuant to subparagraph (1) of this paragraph, the contractor shall be without further obligation to the Government with respect to such equipment, except that the contractor must agree, as a condition to taking title, that no charge will be made to the Government for any depreciation, amortization, or use charge with respect to such equipment under any existing or future Government contract.

(d) *Contract clauses.* Where it is anticipated that in connection with a contract, title to equipment may be vested in the contractor in accordance with this section, the alternate paragraph (c) of the clause in § 13.505 of this chapter shall be included in fixed-price type contracts, and the addition to paragraph (c) of the clause in § 13.506 of this chapter shall be included in cost-reimbursement contracts.

*In the case of the Department of the Army, the designee is Army Research Office, Office Chief of Research and Development, Washington 25, D.C.

In case of the Department of the Navy, the designee is Chief of Naval Research, Office of Naval Research, Washington 25, D.C.

In the case of the Department of the Air Force, the designee is Commander, Office of Aerospace Research, Washington 25, D.C.

In the case of the Defense Supply Agency, the designee is Executive Director for Supply Operations, Defense Supply Agency, Washington 25, D.C.

PART 5—INTERDEPARTMENTAL AND COORDINATED PROCUREMENT

13. Subpart A of Part 5 is revised, as follows:

Subpart A—Procurement Under Federal Supply Schedule Contracts

Sec.

5.100 Applicability.
5.101 Federal Supply Schedule Contracts.
5.102 Mandatory Federal Supply Schedules.
5.102–1 General.
5.102–2 Exceptions to mandatory use.
5.102–3 Applicability of listed Federal Supply Schedules.
5.102–4 Establishment or revision of Federal Supply Schedules mandatory upon the Department of Defense.
5.103 Federal Supply Schedules not mandatory upon the Department of Defense.
5.104 Other Federal Supply Schedules.
5.104–1 Completely optional Federal Supply Schedules.
5.104–2 Regional Federal Supply Schedules.
5.105 Order for supplies or services.
5.106 Federal Supply Schedules with Multiple Source Provisions.

AUTHORITY: §§ 5.100 to 5.106 issued under sec. 2203, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 5.100 Applicability.

This part applies only to procurement of supplies to be delivered, or services to be performed in the United States, its possessions or Puerto Rico. It does not apply to items under the cognizance of the Defense Subsistence Supply Center or the Defense Medical Supply Center or to items which are being purchased for resale.

§ 5.101 Federal Supply Schedule Contracts.

The Federal Supply Service, General Services Administration, establishes contracts for common use classes of supplies and services. These contracts are summarized in Federal Supply Schedules which list the supplies or services that may be purchased from the contractors named therein. Military purchasing activities shall order their requirements for supplies or services covered by these contracts as set forth in §§ 5.102 and 5.103. Copies of the Federal Supply Schedules and the Federal Supply Schedule Check List (a quarterly publication indicating the status of all Federal Supply Schedules) are distributed by the General Services Administration to all purchasing activities. Copies of the Schedules and the Check List and the General Provisions of the Federal Supply Schedule contracts are available from the General Services Administration regional offices listed in § 5.203. Requests should be submitted on GSA 457.

§ 5.102 Mandatory Federal Supply Schedules.

§ 5.102–1 General.

Federal Supply Schedules under which procurement is mandatory on the Department of Defense are listed in § 5.102–3. The pertinent contracts provide that for a definite period the contractor is obligated to deliver all supplies or services that may be ordered thereunder by Government agencies, subject to the stated minimum and maximum order limitations.

§ 5.102–2 Exceptions to mandatory use.

(a) *Delivery requirements.* When the delivery period offered in the Federal Supply Schedule does not meet the delivery requirements of the purchasing activity, use of the Federal Supply Schedule is not mandatory. However, delivery dates shown in Federal Supply Schedules are based upon the average capability of the contractor and are usually conservative. Contractors, in most instances, are able to make delivery within a shorter period of time than the maximum provided in the Schedule. Therefore, when the delivery requirements of the purchasing activity are less than the maximum shown in the Schedule, the contractor should be queried as to whether the delivery requirements can be met. This procedure shall be followed except in those cases where transportation time from the contractor's shipping point, or time required for inquiry and reply, make conformance impracticable. In cases where multiple award schedules are involved, the purchasing activity need only query one contractor after considering the requirements of § 5.106.

(b) *Similar items.* When specific supplies or services listed in a Federal Supply Schedule will not meet a special requirement, use of the Schedule is not mandatory. When supplies or services having the same general characteristics and intended use are procured from other sources, a statement signed by an authorized official of the purchasing activity will be prepared, identifying the supplies or services purchased, and explaining why similar items listed in the applicable Federal Supply Schedule would not meet the specific requirements. The statement will be furnished to the General Services Administration office which issued the Schedule within 15 days after the date of purchase.

(c) *Abnormal requirements.* When the requirements of the purchasing activity are (1) less than the minimum order limitation or (2) in excess of the maximum order limitation provided in the applicable Federal Supply Schedule, use of the Schedule is not mandatory. However, where requirements for supplies or services exceed the maximum limitations of the applicable Schedule, but are within the DOD–GSA Interagency Purchase Assignments, those items will be procured through the General Services Administration. (See § 5.1201–4 of this chapter.)

§ 5.102–3 Applicability of listed Federal Supply Schedules.

Supplies and services covered by the Federal Supply Schedules listed herein are mandatory in whole or in part upon some element of the Department of Defense. Some of the Federal Supply Schedules listed include classes unrelated to the Federal Supply Group which identifies the Schedule. To aid in locating an item in the mandatory Schedules, the classes included in each Schedule have been listed. The Remarks column states exceptions to the mandatory provisions of the Schedule when applicable. The Schedules should be checked for complete detail concerning the exceptions.

(a) *Mandatory nationally.*

FSC Group	FSC Class	Title of schedule	Remarks
67		PHOTOGRAPHIC EQUIPMENT, PART II	Mandatory except for papers, special white-print diffusion papers, films, and cloths, item 19–4; photographic cloth, items 6750–558–4332 through 6750–558–4336; 6750–551–0033 through 6750–551–0035; and 6750–558–4331, photographic film, item 19–3; photographic paper, items 19–5 and 6750–916–7721 through 6750–299–7218; and plates.
	6750	Photographic sensitized and chemical supplies	No exceptions.
*67		PHOTOGRAPHIC EQUIPMENT, PART IV	
	6760	Photographic supplies (purchase, maintenance, repair, and rental of micro-photographic equipment and supplies). *This schedule also includes certain items in the following class:	Not mandatory for items covered by Army, Navy, or military specifications.
	7830	Microfilm print paper	
71		FURNITURE, PART I	
	7105	Household furniture, correlated groups of living room, dining room, and bedroom furniture in ranch type (oak and knotty pine), Early American (maple and cherry), modern, American style (Danish walnut finish), and bedsprings.	Do.
71		FURNITURE, PART II	
	7105	Household furniture (upholstered living room furniture).	Do.
71		FURNITURE, PART III	
	7105	Household furniture (traditional and modern, bedroom, dining room, living room furniture).	Do.
71		FURNITURE, PART IV	
	7105	Household furniture (rattan living room, dining room, and recreation room furniture).	No exceptions.
*71		OFFICE FURNITURE (WOOD AND METAL) PART V	
	7105	Ash receptacles, folding chairs, mirrors, wardrobe cases.	Do.
	7110	Office furniture	Do.
	7105	Racks, wearing apparel stand, lecture. *This schedule includes certain items in the following classes:	Do.
	8340	Parts for filing cabinet and chairs	
	7520	Filing shelves	
71		FURNITURE, PART V, SUPPLEMENT 1	Do.
	7110	Classroom furniture	Do.
71		FURNITURE, PART V, SUPPLEMENT 2	Do.
	7110	Metal office furniture, filing cabinets, security (insulated and non-insulated).	
71		FURNITURE, PART V, SUPPLEMENT 3	Do.
	7110	Metal office furniture—steel shelf filing cabinets	
	7105	Ash receivers	
71		FURNITURE, PART VIII	Do.
	7110	Office furniture (unitized wood) and companion chairs.	
*72		HOUSEHOLD AND COMMERCIAL FURNISHING AND APPLIANCES, PART I	Not mandatory on DOD for deck covering and items required aboard vessels.
	7220	Floor coverings. *This schedule also includes certain items in the following class:	
	8135	Tape, pressure sensitive adhesive	
*25		VEHICULAR EQUIPMENT COMPONENTS	Mandatory on field service of the DOD for tire chains, brake linings (except brake linings), and automotive seat belts only.
	2530	Brake lining and clutch facings (metallic)	
	2930	Brake lining (nonmetallic) and brake-shoes, bonded or riveted-lined.	
	2540	Tire chains, truck floor mats, and seat belts. *This schedule also includes certain items in the following classes:	
	2990	Engine radiator	
	4330	Oil filter elements	
26		TIRES AND TUBES, PART I	Not mandatory on requirements in excess of $100,000 per line item.
	2620	Tires and tubes, pneumatic, aircraft	
26		TIRES AND TUBES, PART II	Mandatory for commercial tires and tubes, only.
	2610	Tires and tubes, pneumatic, except aircraft	
26	2630	Tires, solid and cushion	
	2610	Valves and valve cores	
29		ENGINE ACCESSORIES	Not mandatory on spark plugs for diesel, semi-diesel, aircraft, and marine motors.
	2920	Spark plugs, resistor and nonresistor types	
*35		SPECIAL INDUSTRY MACHINERY, PART I	No exceptions.
	3610	Offset blankets, plates, lithographic printing, aluminum (presensitized) and paper (presensitized, parchment, and plastic coated) and duplicating machine rolls (gelatin type). *This schedule also includes certain items in the following class:	
	6650	Lithographic solution for plates, aluminum (presensitized) and paper (presensitized), and lithographic plate preserving gum.	
36		SPECIAL INDUSTRY MACHINERY, PART II	Not mandatory for the following machines, their accessories and repair parts: Items 51–1 through 51–3; photocopying and processing machines, items 51–4 through 51–36, 51–58, 51–59, and 51–60–1; printing machines, blueprint, items 51–37 through 51–42; printing and dry d velopine machines, items 51–43 through 51–45; and printing and mat making machines, items 51–52 through 51–54. Rental, repair, and maintenance in section B not mandatory.
	3610	Printing, duplicating, and bookbinding equipment.	
53		COMMUNICATION EQUIPMENT, PART I	Not mandatory on instantaneous recordings; recording of one tape only; blank tape or multiple duplication.
	5835	Sound recording and transcription services (recording pressings and transcription service).	
62		LIGHTING FIXTURES AND LAMPS, PART I	Not mandatory on Army or Air Force for items covered by Army or military specifications.
	6230	Household and quarters lamps	
*62		LIGHTING FIXTURES AND LAMPS, PART II	No exceptions.
	6240	Electric lamps *This schedule also includes certain items in the following class:	
	6750	Photoflash lamps	

FSC Group	FSC Class	Title of schedule	Remarks
		REFLECTORIZED SHEETING, PART I	Do.
	9905	Reflectorized sheeting	
		•This schedule also includes certain items in the following classes:	
	8010	Codit spray reflective liquid	
	8020	Applicator, adhesive activator	
	8040	Fabric adhesive	

(b) Mandatory in Washington, D.C., and contiguous area.

FSC Group	FSC Class	Title of schedule	Remarks
		FIRE FIGHTING EQUIPMENT, PART I	Not mandatory on fire hose, packing materials, and certain fire extinguishers.
42	4210	Fire fighting equipment	
		HARDWARE AND ABRASIVES, PART I	No exceptions.
*53	5305	Metal screening	
	5340	Miscellaneous hardware	
	5350	Abrasive materials	
		•This Schedule also includes certain items in the following class:	
	8135	Packaging and packing bulk materials	Do.
		ELECTRIC WIRE AND POWER AND DISTRIBUTION, PART III	
61	6135	Dry batteries	Mandatory except for supplies procured through Defense Medical Supply Center.
		LABORATORY EQUIPMENT, PART II	
66	6640	Glass, plastic, and porcelain laboratory ware	Not mandatory for refrigerating cases.
		CHEMICALS AND CHEMICAL PRODUCTS, PART III	
*68	6810	Chemicals	
	6830	Gases: Compressed and Liquefied	
		•This Schedule also includes certain items in the following class:	
	6505	Oxygen, USP	No exceptions.
		FURNITURE, PART VI	
*71	7105	Household furniture	
	7110	Office furniture	
	7195	Miscellaneous furniture and fixtures	
		•This schedule also includes certain items in the following class:	
	7520	Office devices and accessories	Do.
		HOUSEHOLD AND COMMERCIAL FURNISHINGS AND APPLIANCES, PART II	
*72	7230	Shades (window)	
		•This schedule also includes certain items in the following class:	
	8305	Textile fabrics (window shade cloth)	Do.
		OFFICES SUPPLIES, PART IV	
75	7520	Office devices and accessories (rubber stamps)	Mandatory only on Marine Barracks, Quantico, Va. for items of bran, oats, hay, and straw.
		AGRICULTURAL SUPPLIES, PART I	
87	8710	Forage and feed	

FSC Group	FSC Class	Title of schedule	Remarks
		OFFICE MACHINES, PART I	Not mandatory for portable typewriters, composing machine and units repair parts, and typewriter repair parts; repair and maintenance of electric typewriters and composing machines.
74	7430	Typewriters and office type composing machines	Not mandatory on instrumentation tape and reels.
		OFFICE MACHINES, PART II AND III	
74	7420	Accounting and calculating machines	Rental, repair, and maintenance in part II not mandatory.
	7450	Office type sound recording and reproducing machines	
	7490	Miscellaneous office machines	Not mandatory for rental of equipment and machines, sections A and B; automatic data processing systems, items 132-16 through 132-21; and repair and maintenance, section D.
		OFFICE MACHINES, PART VI	
74	7410	Punched card system machines	
	7440	Automatic data processing systems	
		OFFICE SUPPLIES, PART I, SECTION A	No exceptions.
*75	7510	Office supplies	
		•This schedule also includes certain items in the following class:	
	7690	Tape, label marking	Do.
		OFFICE SUPPLIES, PART I, SECTION B	
*75	7520	Office devices and accessories	
		•This schedule also includes certain items in the following classes:	
	8110	Tubes, mailing	
	8135	Packaging and packing bulk materials and tape	
	9810	Paper and paperboard	Not mandatory on waterproof paper.
		OFFICE SUPPLIES, PART I, SECTION C	
*75	7510	Holders, binder, label, flange type	
	7530	Stationery and papers, drawing and tracing	
		•This schedule also includes certain items in the following classes:	
	7690	Labels, printed	
	9905	Holders, card, label, stick-on type	No exceptions.
		OFFICE SUPPLIES, PART V	
75		Envelopes, printed and plain	Section A only.
		BOOKS, DICTIONARIES, AND OTHER PUBLICATIONS, PART I, SECTIONS A AND B	
76	7610	Books and pamphlets	
	7640	Charts	Not mandatory on periodicals.
		LAW BOOKS AND PERIODICALS, PART II, SECTIONS A AND B	
76	7610	Law books	
	7630	Newspapers and periodicals	
	7660	Law books, microfilm edition	No exceptions.
		CLEANING EQUIPMENT AND SUPPLIES	
79	7910	Vacuum cleaners, parts and attachments	Do.
		CLEANING EQUIPMENT AND SUPPLIES, SUPPLEMENT 1	
79	7910	Floor polishers, accessories and replacement parts, and steel wool pads	
		FUELS, LUBRICANTS, OILS, AND WAXES, PART III (Service Station Deliveries)	Do.
91	9130	Gasoline and jet fuel	
	9140	Fuel oils	
	9150	Oils and greases, cutting, lubricating, hydraulic	

FSC Group	FSC Class	Title of schedule	Remarks
87		AGRICULTURAL SUPPLIES, PART II	Mandatory only on Naval Air Test Center, Patuxent, Md.
	8730	Seed	
89		SUBSISTENCE, PART II	No exceptions.
	8920	Bread and rolls	
	8940	Sirup	
	8950	Yeast	
89		SUBSISTENCE, PART III	Do.
	8960	Ice	
103		CORRECT TIME SERVICE	Mandatory on Washington, D.C., activities only.
103		REGRAINING OF OFFSET DUPLICATING PLATES, PART II	No exceptions.
103		WIPING CLOTH SERVICE, PART IV	Do.

(c) *Mandatory in GSA Regional Areas other than Region 3.*

FSC Group	FSC Class	Title of schedule	Remarks
68		CHEMICALS AND CHEMICAL PRODUCTS, PART III	Mandatory on DOD activities in Region 10.
	6830	Gases: Compressed and liquefied (propane gas)	
68		CHEMICALS, PART IV	Do.
	6810	Gases, industrial and medicinal	

§ 5.102–4 Establishment or revision of Federal Supply Schedules mandatory upon the Department of Defense.

(a) *Policy.* The Administrator of General Services Administration has agreed that the concurrence of the Office of the Secretary of Defense will be obtained prior to establishing a Federal Supply Schedule which is mandatory upon the Department of Defense or prior to adding or removing any items from Federal Supply Schedules which are mandatory upon the Department of Defense or making any other changes in such Schedules affecting their use by Department of Defense in meeting its supply requirements. However, deletion of an item from a Federal Supply Schedule will not require Office of the Secretary of Defense concurrence when the reports of sales for that item amount to less than $1,000 per year except where:

(1) The item is a part or accessory incidental to a basic item;

(2) The item is a component of a unit assembly;

(3) The item has a demonstrated need to fill out a range of colors, sizes or other characteristics; or

(4) The item involves a contract for services.

(b) *Procedures.* Requests for the establishment of or a change in a Federal Supply Schedule mandatory on elements of the Department of Defense shall be forwarded to the Executive Director, Procurement and Production, Defense Supply Agency for coordination with the Military Departments. Such proposals normally shall be forwarded in sufficient time to provide three months for consideration by all interested elements of the Department of Defense and General Services Administration prior to the desired effective date. In the event action on such proposals is desired in a shorter period of time, a minimum of thirty-five days for consideration should be anticipated. These proposals will be distributed to the representatives of the Military Departments and General Services Administration engaged in the Federal Supply Schedule review program, as appropriate, for comment or concurrence. Any questions will be jointly considered before final action is taken. If the Military Departments and General Services Administration representatives cannot reach agreement on a question raised, the question will be forwarded to the Assistant Secretary of Defense (Installations and Logistics) for resolution.

§ 5.103 Federal Supply Schedules not mandatory upon the Department of Defense.

In addition to the Federal Supply Schedules listed in § 5.102, there are other Schedules mandatory for use by one or more civilian agencies of the Government but not mandatory on the Department of Defense. Any item which has been decentralized for local purchase and listed in a non-mandatory Schedule shall be ordered therefrom if (a) the Schedule or the contractor's price list identifies the item by Federal stock number, (b) delivery requirements can be met and (c) the order is within the minimum and maximum limitations of the Schedule. Exception from the foregoing is permitted only where the contracting office has actual knowledge that the purchase can be made more advantageously to the Government from a source other than the Supply Schedule, after allowing for the burdens and cost of a new procurement under applicable prescribed procedures. The contracting office shall not solicit bids, proposals, quotations, or otherwise test the market for comparison with the Schedule price. Where a procurement from a source of supply other than the non-mandatory Schedule indicates that such source might be more advantageous to the Government as a general source, the name and address of the supplier together with other details of the procurement action shall be forwarded to the General Services Administration through the Regional Office of the GSA region in which the procuring activity is located. The provisions of § 5.102–2 are applicable when determining whether a contractor can meet delivery requirements.

§ 5.104 Other Federal Supply Schedules.

§ 5.104–1 Completely optional Federal Supply Schedules.

In addition to the Federal Supply Schedule contracts described in §§ 5.102 and 5.103, there are Federal Supply Schedules which are completely optional for use by any Government purchasing activity and on which vendors are not required to accept orders. Such Schedules currently exist in the following areas:

FSC group	
25–28–29–38	Motor-Vehicle Parts and Accessories, Engine and Generator Parts, and Road Building Machinery Parts.
74	Office Machines (other than typewriters), Rental, Repair and Maintenance.

When an order is contemplated from such schedules the contracting officer shall assure himself prior to ordering that use of the Schedule is reasonably justifiable as being more advantageous to the Government than a purchase from other sources, price, delivery, service and administrative expense considered.

§ 5.104–2 Regional Federal Supply Schedules.

There are certain Federal Supply Schedules issued by the GSA that are for use in a specific geographical region. These Schedules apply to activities within the specified region to the extent prescribed therein.

§ 5.105 Order for supplies or services.

DD Form 1155 should be used as a delivery order in purchasing supplies or services from Federal Supply Schedule contractors.

§ 5.106 Federal Supply Schedules with Multiple Source Provisions.

Certain of the Federal Supply Schedules, listed in § 5.102–3, provide several sources for certain requirements. When orders in excess of $2,500 are placed at other than the lowest price available for type of services or supplies required, the purchasing activity shall include in the contract file a memorandum for record setting forth the facts and conclusions justifying the order. The justification may be based on considerations such as time of delivery, service, and administrative expense. Where the Federal Supply Schedule indicates that the multiple awards were made in order to make available a selection of services and supplies to meet a specific requirement, the justification may, in addition to the considerations stated above, be

based on differences in performance characteristics, and compatibility with existing equipment or systems.

14. Subparts B, C, and E of Part 5 are revised to read as follows:

Subpart B—Procurement From General Services Administration Stores Depot

Sec.
5.200 Applicability.
5.201 General.
5.202 GSA Stores Stock Catalog.
5.203 General Services Administration Stores Depot and Regional Offices.
5.204 Order for supplies.

AUTHORITY: §§ 5.200 to 5.204 issued under sec. 2203, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 5.200 Applicability.

This part applies only to the procurement of supplies available from General Services Administration Stores Depots for delivery in the United States, its possessions or Puerto Rico. It does not apply to any item which:

(a) Is under the cognizance of the Defense Subsistence Supply Center or the Defense Medical Supply Center;

(b) Is being purchased for resale; or

(c) Costs $25.00 or less.

§ 5.201 General.

It is the policy of the Department of Defense that for an item which has been decentralized for local purchase and which is available from the General Services Administration Stores Depots, such items will be ordered from the depots unless delivery requirements cannot be met. The mandatory provisions of Department of Defense, General Services Administration Interagency Purchase Assignments (§ 5.1201–4) are not applicable to decentralized items which are within these assignments and which are available from the Stores Depots. Such items will be ordered in accordance with the above stated policy.

§ 5.202 GSA Stores Stock Catalog.

The General Services Administration "Stores Stock Catalog" sets forth, among other things, information with respect to items of supply carried in stock by the Stores Depots, prices and delivery information and a listing of the Stores Depots and General Services Administration Regional Offices. Copies of the Catalog may be obtained from any of the depots or offices listed in § 5.203.

§ 5.203 General Services Administration Stores Depots and Regional Offices.

The General Services Administration operates stores depots and regional offices located in or near the cities listed below, serving the areas indicated on the back cover page of the "Stores Stock Catalog". The addresses shown are the mailing addresses to which all orders and correspondence should be forwarded.

GSA Region	Address
1. Boston, Mass.	620 Post Office and Court House Building, Boston 9, Mass.
2. New York, N.Y.	250 Hudson Street, New York 13, N.Y.
3. Washington, D.C.	General Services Regional Office Building, Seventh and D Street SW., Washington 25, D.C.
4. Atlanta, Ga.	Peachtree Seventh Building, 50 Seventh Street N.E., Atlanta 23, Ga.
5. Chicago, Ill.	575 U.S. Court House, Chicago 4, Ill.
6. Kansas City, Mo.	2306 East Bannister Road, Kansas City, Mo.
7. Dallas, Tex.	P.O. Box 2488, Fort Worth, Tex.
8. Denver, Colo.	Denver Federal Center, Denver 25, Colo.
9. San Francisco, Calif.	49 Fourth Street, San Francisco 3, Calif. Orders for shipment by this depot should be directed to the San Francisco address.
10. Seattle, Wash.	c/o Naval Air Station, Seattle 15, Wash.

§ 5.204 Order for supplies.

Either DD Form 1155 or the DD Form 1348 series shall be used to obtain supplies from General Services Administration Stores Depots.

Subpart C—Procurement Through Federal Supply Service Consolidated Purchasing Programs

Sec.
5.300 Applicability.
5.301 Federal Supply Service Consolidated Purchase Program.
5.302 DOD–GSA Interagency Purchase Assignments.
5.303 Order for supplies or services.

AUTHORITY: §§ 5.300 to 5.303 issued under sec. 2203, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 5.300 Applicability.

This subpart is applicable to the procurement of supplies and services within the United States.

§ 5.301 Federal Supply Service Consolidated Purchase Program.

In addition to providing supply sources through Federal Supply Schedules, the General Services Administration conducts the National Buying Program through which purchase is made of definite quantities of selected items for direct delivery from vendors to receiving activity or to transhipping point for overseas delivery. If the items are not obtainable from Federal Supply Schedules or the General Services Administration Stores Depots in accordance with Subparts A and B of this part, requirements for items decentralized for local purchase within the following categories set forth below shall be placed with the General Services Administration Regional Office serving the ordering activity unless delivery requirements cannot be met:

(a) Items identified in § 5.1201–4 as being covered by the Department of Defense/General Services Administration Interagency Purchase Assignments; and

(b) Items covered by an agreement between the Administrator of the General Services Administration and the Secretary of the Department having management control of the items.

§ 5.302 DOD–GSA Interagency Purchase Assignments.

Mandatory use of the General Services Administration consolidated purchasing program is required for those centrally managed items covered by the interagency purchase assignments held by the General Services Administration as listed in § 5.1201–4.

§ 5.303 Order for supplies or services.

Purchasing activities shall submit a DD Form 1155 to the General Services Administration Regional Office of the region in which the activity is located when requesting purchase action in accordance with this subpart.

Subpart E—Procurement of Blind-Made Products

Sec.
5.500 Applicability.
5.501 General.
5.502 Schedule of supplies which are blind-made.
5.503 Mandatory procurement of blind-made supplies.
5.504 Procurement procedure.
5.504–1 Through National Industries for the Blind.
5.504–2 From General Services Administration Stores Depots.
5.505 Clearances.
5.506 Optional procurement of blind-made products.

AUTHORITY: §§ 5.500 to 5.506 issued under sec. 2203, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 5.500 Applicability.

This subpart is applicable to supplies procured within the United States.

§ 5.501 General.

Supplies listed in the Schedule of Blind-Made Products shall be procured in accordance with the policies and procedures set forth in this subpart.

§ 5.502 Schedule of supplies which are blind-made.

Supplies manufactured by agencies for the blind are listed in the Schedule of Blind-Made Products, hereinafter referred to as the Schedule, copies of which may be obtained from any of the General Services Administration Regional Offices or Depots listed in § 5.203. Items available from stocks at General Services Administration Stores Depots are so identified in the Schedule.

§ 5.503 Mandatory procurement of blind-made supplies.

Except as provided in § 5.402, supplies listed in the Schedule shall be procured as follows:

(a) Orders for centrally managed supplies shall be placed through the National Industries for the Blind in accordance with § 5.504–1.

(b) Orders for supplies which have been decentalized for local purchase shall be submitted to the General Services Administration Stores Depot which can best serve the procuring activity or installation, except that when one of the conditions set forth below is present, procurement shall be through the National Industries for the Blind:

(1) Supplies require overseas packaging or packing;

(2) Supplies are required in carload lots, as described in the Consolidated Freight Classification for the Commodity concerned;

(3) Supplies are stocked by General Services Administration Stores Depots, but the procuring activity or installation is so located that it is more practical and economical to purchase directly from the agency for the blind which manufactures the supplies, rather than from the stores depot;

(4) The Schedule indicates that the supplies are not stocked by General Services Administration Stores Depots; or

(5) Delivery requirements cannot be met.

(c) Supplies listed in the Schedule may be procured from commercial sources under any of the conditions set forth below without securing clearance:

(1) Military necessity requires delivery within two weeks and the NIB cannot give assurance of positive availability; or

(2) The procurement is for $25 or less.

§ 5.504 Procurement procedure.

§ 5.504–1 Through National Industries for the Blind.

When procurement of blind-made supplies is to be effected through the National Industries for the Blind, such procurement shall be made by submitting directly to the National Industries for the Blind, 15 West 16th Street, New York 11, N.Y., a request, in letter form, for an allocation. Upon receipt of the request, requirements will be allocated by the National Industries for the Blind, and the procuring activity will be notified of the name and location of the agency designated to manufacture the requirements. Upon receipt of such notification, a delivery order (DD Form 1155) shall be issued to the designated agency for the blind and a copy thereof will be forwarded to the National Industries for the Blind. Such orders may be issued without limitation as to dollar amount and shall be recorded as obligations upon issuance.

§ 5.504–2 From General Services Administration Stores Depots.

When procurement of blind-made supplies is to be effected from a General Services Administration Stores Depot, such procurement shall be made by submitting a delivery order on DD Form 1155 (see § 16.303 of this chapter) to the General Services Administration Stores Depot which can best serve the procuring activity or installation.

§ 5.505 Clearances.

Except as provided in § 5.503(c), a purchasing activity may procure supplies of the types listed in the Schedule from commercial sources only to the extent that such procurement is specifically authorized in clearances issued by National Industries for the Blind, and then only if purchase action is initiated within thirty days from the date of the authorization or such additional period as may be authorized by the National Industries for the Blind.

§ 5.506 Optional procurement of blind-made supplies.

Supplies of any type or classification may be procured from agencies for the blind in any quantity, including less than carload lots, when such agency is the low bidder or offeror in response to an invitation for bids or request for proposals.

15. Section 5.901 is revised to read as follows:

§ 5.901 Policy.

In appropriate cases, the contracting officer should authorize the contractor to utilize General Services Administration supply sources in performing a cost-reimbursement type contract. Before issuing such an authorization, the contracting officer shall determine that it is in the best interests of the Government, considering price, delivery, contract administration, and recommendations of the contractor.

§ 5.903–3 [Amendment]

16. In § 5.903–3, change reference to "§ 5.204" to read "§ 5.203."

17. Section 5.905 and the introductory portion of § 5.907 are revised to read as follows:

§ 5.905 Furnishing information to contractors.

Contracting officers shall assist contractors in obtaining pertinent Federal Supply Schedules (see § 5.101), the General Services Administration Stores Stock Catalog (see § 5.203), and other relevant information.

§ 5.907 Contract clause.

Insert the following clause in all cost-reimbursement type contracts under which the contractor may acquire supplies for the account of the Government.

* * * * *

PART 6—FOREIGN PURCHASES

18. Section 6.401–1 is revised; add "Cuba" to the list of countries in § 6.401–2; and revise § 6.403, as follows:

§ 6.401–1 General policy.

It is the general policy of the Department of Defense that supplies originating from sources within Soviet-controlled areas (except supplies which have been lawfully imported into the United States, its possessions, or Puerto Rico), shall not be acquired for public use, notwithstanding the provisions of any subpart of this part, and that Government contractors and subcontractors shall not acquire for use in the performance of any Government contract or subcontract thereunder any such supplies or services originating from Soviet-controlled areas.

§ 6.401–2 Soviet-controlled areas.

For the purpose of this subpart, Soviet-controlled areas are the following:

* * * * *

Cuba.

§ 6.403 Contract clause.

(a) Except as provided in paragraph (b) of this section, in contracts for supplies, services, or construction, where acceptance is to take place outside the United States, its possessions, or Puerto Rico, the Soviet-controlled areas listed in § 6.401–2 shall set forth in the contract schedule, and the following clause shall be included in the contract:

SOVIET-CONTROLLED AREAS (APR. 1962)

(a) The Contractor shall not acquire for use in the performance of this contract any supplies or services originating from sources within Soviet-controlled areas, as listed in the Schedule of this contract, or transported from or through Hong Kong or Macao, without the written approval of the Contracting Officer.

(b) The Contractor agrees to insert the provisions of this clause, including this subparagraph (b) and the Soviet-controlled areas listed in the Schedule, in all subcontracts hereunder.

(b) The requirements of paragraph (a) of this section do not apply to purchase orders for small purchases (see Subpart F, Part 3 of this chapter) where there is other reasonable assurance of compliance with the policy set forth in this subpart.

PART 7—CONTRACT CLAUSES

19. Section 7.102 is revised; new § 7.104–40 is added; and in § 7.203–7, revise clause heading in paragraph (a) and add new paragraph (c), as follows:

§ 7.102 Applicability.

As used throughout this subpart, the terms "fixed-price supply contract" shall mean any contract (a) entered into either by formal advertising or by negotiation, other than (1) purchase orders (but see §§ 7.104–15 and 7.104–16), (2) short form negotiated supply contracts (see § 16.202(b) of this chapter), (3) letter contracts, (4) notices of award, and (5) supplemental agreements to contracts or purchase orders, which do not effect new procurement; (b) at a fixed price (with or without provision for price redetermination, escalation or other form of price revision as covered in § 3.404 of this chapter; and (c) for supplies other than (1) the construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property, (2) experimental, developmental or research work, or (3) facilities to be provided by the Government under a "Facilities Contract" as defined in Part 13 of this chapter.

§ 7.104–40 Competition in subcontracting.

The following clause shall be included in all negotiated contracts over $10,000, except in firm fixed-price contracts where award is on the basis of effective price competition or where prices are established by law or regulation.

COMPETITION IN SUBCONTRACTING (APR. 1962)

The Contractor shall select subcontractors (including suppliers) on a competitive basis to the maximum practical extent consistent

with the objectives and requirements of the contract.

§ 7.203–7 Records.

RECORDS (APR. 1962)

* * * * *

(c) In the case of existing and completed contracts containing a record retention clause providing for a six-year period of retention, such contracts may be amended, or in the alternative, the retention of records may be administered in accordance with the following procedures.

(1) Upon request of the Contractor for a reduction in the retention requirement in designated existing contracts, individually or by blanket agreement, by substituting the appropriate clause from paragraphs (a) and (b) of this section. If the Contracting Officer deems it more expedient, he may instead notify the Contractor by letter, with copies to the Comptroller General, that with respect to designated contracts the purchasing activity thereby waives any requirement for retention of records beyond three years after the date of final payment under the contract (or, in the case of records relating to a separate period of performance of the kind referred to in the alternate subparagraph (a)(4) of the clause, set forth in paragraph (b) of this section, beyond three years from the date of payment of the voucher or invoice submitted by the Contractor after the completion of the work performed during any such separate period of performance).

(2) Where new procurement is being added to a contract or its completion or delivery date is being extended for other purposes, the appropriate clause from paragraphs (a) and (b) of this section may also be included and made applicable retroactively to the entire contract.

(3) With respect to any contract containing a six year record retention requirement, which has been completed for a period of not less than three years from the date of final payment thereunder, the Contractor is authorized to dispose of records under any such contract, except that records which relate to (i) appeals under the Disputes clause of the contract, (ii) litigation or the settlement of claims arising out of the performance of the contract, or (iii) cost and expenses of the contract as to which the Contractor has been notified in writing that questions have been raised by the Comptroller General or any of his duly authorized representatives, shall be retained by the Contractor until such appeals, litigation, claims, or such questions have been resolved.

20. Section 7.203–8 is revised; new § 7.203–28 is added; and §§ 7.204–9 and 7.302–24 are revised, as follows:

§ 7.203–8 Subcontracts.

SUBCONTRACTS (APR. 1962)

(a) The Contractor shall give advance notification to the Contracting Officer of any proposed subcontract hereunder which (i) is on a cost, cost-plus-a-fee, time and material, or labor-hour basis, or (ii) is on a fixed-price basis exceeding in dollar amount either $25,000 or five percent (5%) of the total estimated cost of this contract.

(b) In the case of a proposed subcontract which (i) is on a cost, cost-plus-a-fee, time and material, or labor-hour basis and which would involve an estimated amount in excess of $10,000, including any fee; or (ii) is proposed to exceed $100,000; or (iii) is one of a number of subcontracts under this contract with a single subcontractor for the same or related supplies or services which, in the aggregate are expected to exceed $100,000; the advance notification required by (a) above shall include:

(1) A description of the supplies or services to be called for by the subcontract;

(2) Identification of the proposed subcontractor and an explanation of why and how the proposed subcontractor was selected, including the degree of competition obtained;

(3) The proposed subcontract price, together with the Contractor's cost or price analysis thereof, including current, complete and correct cost or pricing data accompanied, except when the requirement is specifically waived by the Contracting Officer, by a certificate from the subcontractor to the effect that all cost or pricing data has been considered by the subcontractor in preparing his proposal and that such data is current, and has been provided the Contractor; and

(4) Identification of the type of contract proposed to be used.

(c) The Contractor shall not, without the prior written consent of the Contracting Officer, place any subcontract which (i) is on a cost or cost-plus-a-fee basis, or (ii) is on a fixed-price basis exceeding in dollar amount either $25,000 or five percent (5%) of the total estimated cost of this contract, or (iii) provides for the fabrication, purchase, rental, installation or other acquisition, of any item of industrial facilities, or of special tooling having a value in excess of $1,000, or (iv) is on a time and material or labor-hour basis. The Contracting Officer may, in his discretion, ratify in writing any such subcontract; such action shall constitute the consent of the Contracting Officer as required by this paragraph (c).

(d) The Contractor agrees that no subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

(e) The Contracting Officer may, in his discretion, specifically approve in writing any of the provisions of a subcontract. However, such approval or the consent of the Contracting Officer obtained as required by this clause shall not be construed to constitute a determination of the allowability of any cost under this contract, unless such approval specifically provides that it constitutes a determination of the allowability of such cost.

(f) The Contractor shall give the Contracting Officer immediate notice in writing of any action or suit filed, and prompt notice of any claim made against the Contractor by any subcontractor or vendor which, in the opinion of the Contractor, may result in litigation, related in any way to this contract with respect to which the Contractor may be entitled to reimbursement from the Government.

(g) Notwithstanding (c) above, the Contractor may enter into subcontracts within (ii), or, if the subcontract is for special tooling, within (iii), of (c) above, without the prior written consent of the Contracting Officer if the Contracting Officer has, in writing, approved the Contractor's purchasing system and the subcontract is within the limitations of such approval.

(h) The Contractor shall (i) insert in each price redetermination or incentive price revision subcontract hereunder the substance of the "Limitation on Payments" provision set forth in paragraph (j) of the clause prescribed by paragraph 7–108 of the Armed Services Procurement Regulation, including subparagraph (4) thereof, modified to omit mention of the Government and reflect the position of the Contractor as purchaser and of the subcontractor as vendor, and to omit that portion of subparagraph (3) thereof relating to tax credits, and (ii) include in each cost-reimbursement type subcontract hereunder a requirement that each price redetermination and incentive price revision subcontract thereunder will contain the substance of the "Limitation on Payments" provision, including subparagraph (4) thereof, modified as outlined in (i) above.

In paragraph (a) of the foregoing clause, the percentage and amount set forth therein may be revised downward only in accordance with Departmental procedures. In paragraph (c) of the foregoing clause, the percentage and amount set forth in (ii) thereof may be varied, the dollar amount set forth in (iii) may be increased, and in (i) and (iv) thereof dollar amounts not in excess of $10,000 may be established below which the prior written consent of the contracting officer need not be obtained, in accordance with Departmental procedures. The requirement for the certificate prescribed by paragraph (b)(3) of the clause may be waived at the discretion of the contracting officer if he is satisfied that the price has been based on effective competition, established catalog or market prices, or prices set by law or regulation. When required, the certificate shall be in the form set forth in § 3.807–7 of this chapter appropriately modified to reflect that it is a certificate to a prime contractor, rather than to the Government.

§ 7.203–28 Competition in subcontracting.

Insert the contract clause set forth in § 7.104–40.

§ 7.204–9 Rights in data.

In accordance with the requirements of Subpart B, Part 9 of this chapter, insert one of the contract clauses set forth in §§ 9.203–1, 9.204–2, or 9.206, as appropriate. When the contract clause in § 9.203–1 is used, the appropriate additional provisions shall be added in accordance with the requirements of §§ 9.203, 9.203–2, 9.203–3, or 9.203–4; and the additional provision in § 9.204–1 may be added under the circumstances set forth in § 9.204–1. When the clause in § 9.203–1 is used, the appropriate "Data—Withholding of Payment" clause in § 9.207 shall also be used.

§ 7.302–24 Basic Data Clause.

In accordance with the requirements of § 9.202 of this chapter, insert the clause set forth in § 9.203–1 of this chapter with appropriate additional or alternate paragraphs as prescribed by the instructions in §§ 9.203 and 9.204–1 of this chapter, and the appropriate "Data—Withholding of Payment" clause as set forth in § 9.207 of this chapter.

21. New § 7.303–27 is added; in § 7.402–8, revise the contract clause in paragraph (a) and revise paragraph (b); and revise § 7.402–23, as follows:

§ 7.303–27 Competition in subcontracting.

In accordance with the requirements of § 7.104–40, insert the contract clause set forth therein.

§ 7.402–8 Subcontracts.

(a) * * *

SUBCONTRACTS (APR. 1962)

(a) The Contractor shall give advance notification to the Contracting Officer of any proposed subcontract hereunder which (i) is on a cost, cost-plus-a-fee, time and material, or labor-hour basis, or (ii) is on a fixed-price basis exceeding in dollar amount either $25,000 or five percent (5%) of the total estimated cost of this contract.

(b) In the case of a proposed subcontract which (i) is on a cost-plus-a-fee, time and material, or labor-hour basis and which would involve an estimated amount in excess of $10,000, including any fee; or (ii) is proposed to exceed $100,000; or (iii) is one of a number of subcontracts under this contract with a single subcontractor for the same or related supplies or services which, in the aggregate are expected to exceed $100,000; the advance notification required by (a) above shall include:

(1) A description of the supplies or services to be called for by the subcontract;

(2) Identification of the proposed subcontractor and an explanation of why and how the proposed subcontractor was selected, including the degree of competition obtained;

(3) The proposed subcontract price, together with the Contractor's cost of price analysis thereof, including current, complete and correct cost or pricing data accompanied, except when the requirement is specifically waived by the Contracting Officer, by a certificate from the subcontractor to the effect that all cost or pricing data has been considered by the subcontractor in preparing his proposal and that such data is current, and has been provided the Contractor; and

(4) Identification of the type of contract proposed to be used.

(c) The Contractor shall not, without the prior written consent of the Contracting Officer, place any subcontract which (i) is on a cost or cost-plus-a-fee basis, or (ii) is on a fixed-price basis exceeding in dollar amount either $25,000 or five percent (5%) of the total estimated cost of this contract, or (iii) provides for the fabrication, purchase, rental, installation, or other acquisition, of any item of industrial facilities, or of special tooling having a value in excess of $1,000, or (iv) is on a time and material or labor-hour basis, or (v) has experimental, developmental, or research work as one of its purposes. The Contracting Officer may, in his discretion, ratify in writing any such subcontract; such action shall constitute the consent of the Contracting Officer as required by this paragraph (c).

(d) The Contractor agrees that no subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

(e) The Contracting Officer may, in his discretion, specifically approve in writing any of the provisions of a subcontract. However, such approval or the consent of the Contracting Officer obtained as required by this clause shall not be construed to constitute a determination of the allowability of any cost under this contract, unless such approval specifically provides that it constitutes a determination of the allowability of such cost.

(f) The Contractor shall give the Contracting Officer immediate notice in writing of any action or suit filed, and prompt notice of any claim made against the Contractor by any subcontractor or vendor which, in the opinion of the Contractor, may result in litigation, related in any way to this contract with respect to which the Contractor may be entitled to reimbursement from the Government.

(g) Notwithstanding (c) above the Contractor may enter into subcontracts within (ii), or, if the subcontract is for special tooling, within (iii), of (c) above, without the prior written consent of the Contracting Officer if the Contracting Officer has, in writing, approved the Contractor's purchasing system and the subcontract is within the limitations of such approval.

(h) The Contractor shall (i) insert in each price redetermination or incentive price revision subcontract hereunder the substance of the "Limitation on Payments" provision set forth in paragraph (j) of the clause prescribed by paragraph 7–108 of the Armed Services Procurement Regulation, including subparagraph (4) thereof, modified to omit mention of the Government and reflect the position of the Contractor as purchaser and of the subcontractor as vendor, and to omit that portion of subparagraph (3) thereof relating to tax credits, and (ii) include in each cost-reimbursement type subcontract hereunder a requirement that each price redetermination and incentive price revision subcontract thereunder will contain the substance of the "Limitation on Payments" provision, including subparagraph (4) thereof, modified as outlined in (i) above.

(b) In paragraph (a) of the foregoing clause, the percentage and amount set forth therein may be revised downward only in accordance with Departmental procedures. In paragraph (c) of the foregoing clause, the percentage and amount set forth in (ii) thereof may be varied, the dollar amount set forth in (iii) may be increased, and, in (i), (iv), and (v) thereof, dollar amounts not in excess of $10,000 may be established below which the prior written consent of the contracting officer need not be obtained, in accordance with Departmental procedures. The requirement for the certificate prescribed by paragraph (b)(3) of the clause may be waived at the discretion of the contracting officer if he is satisfied that the price has been based on effective competition, established catalog or market prices, or prices set by law or regulation. When required, the certificate shall be in the form set forth in § 3.807–7 appropriately modified to reflect that it is a certificate to a prime contractor, rather than to the Government.

§ 7.402–23 Basic Data Clause.

In accordance with the requirements of § 9.202 of this chapter, insert the clause set forth in § 9.203–1 of this chapter with appropriate additional or alternate paragraphs as prescribed by the instructions set forth in §§ 9.203 and 9.204–1 of this chapter, and the appropriate "Data—Withholding of Payment" clause as set forth in § 9.207 of this chapter.

22. New § 7.402–29 is added; § 7.603–5 is revised; and new § 7.603–18 is added, as follows:

§ 7.402–29 Competition in subcontracting.

Insert the contract clause set forth in § 7.104–40.

§ 7.603–5 Rights in data.

In accordance with the requirements in Subpart B, Part 9 of this chapter, insert one of the contract clauses set forth in §§ 9.203–1, 9.204–2, or 9.206 of this chapter, as appropriate. When the contract clause in § 9.203–1 is used, the appropriate additional provisions shall be added in accordance with the requirements in §§ 9.203, 9.203–2, 9.203–3, or 9.203–4; and the additional provision in § 9.204–1, may be added under the circumstances set forth in § 9.204–1. When the clause in § 9.203–1 is used, the appropriate "Data—Withholding of Payment" clause in § 9.207 shall also be used.

§ 7.603–18 Competition in subcontracting.

In accordance with the requirements of § 7.104–40, insert the contract clause set forth therein.

PART 9—PATENTS, DATA AND COPYRIGHTS

23. In § 9.107–1, revise paragraph (d); in § 9.107–2(b), revise clause paragraphs (b)(1), (g), (h) and (i), and revoke clause paragraph (j); and new §§ 9.107–8, 9.207, 9.207–1, and 9.207–2 are added, as follows:

§ 9.107–1 General.

* * * * *

(d) *Contracting officer's duties.* (1) When a contract or modification thereof having experimental, developmental, or research work as one of its purposes is proposed, the contracting officer, in consultation with his technical and patent advisors, shall consider whether the contemplated project should entail Government acquisition of title in keeping with paragraph (c) of this section or similar considerations. If in his opinion it should, he shall refer the matter, with supporting information (including identification of any inventions on which patent applications are on file and which are expected to be actually reduced to practice under the proposed project), to higher authority, in accordance with the deviation procedures of § 1.109 of this chapter. If a deviation is authorized, the contracting officer shall insert in the contract the clause specified in § 9.107–2(c).

(2) In all cases not involving the acquisition of title in keeping with paragraph (c) of this section, the contracting officer shall include in the contract the clause specified in § 9.107–2(b), except as provided in § 9.107–3, concerning foreign contracts (unless the clause specified in § 9.107–2(c) has been authorized); § 9.107–4, concerning contracts relating to Atomic Energy; § 9.107–5, concerning contracts relating to Civil Defense; § 9.107–7, concerning contracts placed for the National Aeronautics and Space Administration; and § 9.107–8, concerning contracts relating to Space. In cases falling within these exceptions, the contracting officer shall follow the instructions stated in the applicable paragraph.

§ 9.107–2 Patent rights—Domestic contracts.

* * * * *

(b) *Contract clause (License).* * * *

PATENT RIGHTS (LICENSE) (APR. 1962)

* * * * *

(b)(1) The Contractor agrees to and does hereby grant to the Government an irrevocable, nonexclusive, and royalty-free license to practice, and cause to be practiced by or for the United States Government,

throughout the world, each Subject Invention in the manufacture, use, and disposition according to law, of any article or material, and in the use of any method. Such license (i) shall be nontransferable, except that the Government shall have the right to grant sublicenses to any foreign government or international organization specifically for use in progress established by International Agreements for research, development or production of weapons or equipment for mutual defense, and (ii) shall include the practice of Subject Invention in the manufacture, use, and disposition of any article or material, in the use of any method, or in the performance of any service acquired by or for the Government or with funds derived through the Military Assistance Program of the Government or otherwise through the Government.

• • • • •

(g) The Contractor shall, unless otherwise authorized by the Contracting Officer as hereafter provided, include a patent rights clause containing all the provisions of this Patent Rights Clause except provision (f) in any subcontract hereunder of three thousand dollars ($3,000) or more having experimental, development, or research work as one of its purposes. In the event of refusal by a subcontractor to accept such a patent rights clause, the Contractor (i) shall promptly submit a written report to the Contracting Officer setting forth the subcontractor's reasons for such refusal and other pertinent information which may expedite disposition of the matter, and (ii) shall not proceed with the subcontract without the written authorization of the Contracting Officer. Reports, instruments, and other information required to be furnished by a subcontractor to the Contracting Officer under the provisions of such patent rights clause in a subcontract hereunder may, upon mutual consent of the Contractor and the subcontractor (or by direction of the Contracting Officer) be furnished to the Contractor for transmission to the Contracting Officer.

(h) The Contractor shall, at the earliest practicable date, notify the Contracting Officer in writing of any subcontract containing one or more patent rights clauses; furnish the Contracting Officer a copy of each of such clauses; and notify the Contracting Officer when such subcontract is completed. It is understood that with respect to any subcontract clause granting rights to the Government in Subject Inventions, the Government is a third party beneficiary; and the Contractor hereby assigns to the Government all the rights that the Contractor would have to enforce the subcontractor's obligations for the benefit of the Government with respect to Subject Inventions. If there are no subcontracts containing patent rights clauses, a negative report is required. The Contractor shall not be obligated to enforce the agreements of any subcontractor hereunder relating to the obligations of the subcontractor to the Government in regard to Subject Inventions.

(i) The Contractor recognizes that the Government, or a foreign government with funds derived through the Military Assistance Program or otherwise through the United States Government, may contract for property or services with respect to which the vendor may be liable to the Contractor for royalties for the use of a Subject Invention on account of such a contract. The Contractor further recognizes that it is the policy of the Government not to pay in connection with its contracts, or to allow to be paid in connection with contracts made with funds derived through the Military Assistance Program or otherwise through the United States Government, charges for use of patents in which the Government holds a royalty-free license. In recognition of this policy, the Contractor agrees to participate in and make appropriate arrangements for the exclusion of such charges for such contracts or for the refund of amounts received by the Contractor with respect to any such charges not so excluded.

(j) [Revoked]

§ 9.107–8 Contracts relating to space.

In order that inventions arising out of Department of Defense sponsored space research and development may be available for use for the benefit of the general public in communications satellite systems, whether such systems are operated by or for the Government or by private enterprise for the transmission of commercial or Government traffic, the paragraph set forth below, in lieu of paragraph (b)(1) of the Patent Rights clause prescribed in § 9.107–2(b) shall be inserted, except as provided in § 9.107–7, in any contract having as one of its purposes the performance of research and devolpment work under a space program, project, or task:

(b)(1) The Contractor agrees to and does hereby grant to the Government an irrevocable, nonexclusive, and royalty-free license to practice, and cause to be practiced by or for the United States Government, throughout the world, each Subject Invention in the manufacture, use, and disposition according to law, of any article or material, and in the use of any method. Such license (i) shall be nontransferable, except that the Government shall have (a) the right to grant sublicenses to any foreign government or international organization specifically for use in programs established by International Agreements for research, development or production of weapons or equipment for mutual defense and (b) the right to grant sublicenses to others, under such terms and conditions as may be prescribed, for the practice of any Subject Invention throughout the world in the design, development, manufacture, operation, maintenance and testing of communications satellite systems, and of equipment, components, and ground tracking, transmitting and receiving facilities therefor, and (ii) shall include the practice of Subject Invention in the manufacture, use, and disposition of any article or material, in the use of any method or in the performance of any service acquired by or for the Government or with funds derived through the Military Assistance Program of the Government or otherwise through the Government.

§ 9.207 Data—Withholding of payment.

§ 9.207–1 General.

Timely delivery of required data is particularly important for competitive procurement of follow-on quantities of the contract items and of items broken out from an assembly or equipment. The clauses set forth in § 9.207–2 are designed to insure timely delivery of complete and current data. The clauses provide for a withholding of ten percent (10%) of the contract price, but the contracting officer may specify a lesser amount in the schedule if circumstances warrant. To insure effective enforcement of the clause, a case-by-case determination shall be made by the contracting officer after considering all pertinent factors, including whether the failure to make timely delivery, in accordance with the delivery schedule as originally provided or as modified, arises out of causes beyond the control and without the fault or negligence of the contractor.

§ 9.207–2 Clauses.

(a) The following clause shall be inserted in all fixed-price contracts (except contracts with educational institutions) containing the clause set forth in § 9.203–1:

DATA—WITHHOLDING OF PAYMENT (APR. 1962)

If "Subject Data" (as defined in the clause of this contract entitled "Data"), or any part thereof, is not delivered within the time specified by this contract or is deficient upon delivery (including having restrictive markings not specifically authorized by this contract), the Contracting Officer may, until such data is delivered or deficiencies are corrected, withhold payment to the Contractor of ten percent (10%) of the contract price unless a lesser withholding is specified in the schedule. Payments shall not be withheld nor any other action taken pursuant to this clause where the Contractor's failure to make timely delivery or to deliver data without deficiencies arises out of causes beyond the control and without the fault or negligence of the Contractor within the meaning of the clause hereof entitled "Default". The withholding of any amount or subsequent payment thereof to the Contractor shall not be construed as a waiver of any rights accruing to the Government under this contract.

(b) The following clause shall be used in all cost-reimbursement type contracts (except contracts with educational institutions) containing the clause set forth in § 9.203–1:

DATA—WITHHOLDING OF PAYMENT (APR. 1962)

If "Subject Data" (as defined in the clause of this contract entitled "Data"), or any part thereof, is not delivered within the time specified by this contract or is deficient upon delivery (including having restrictive markings not specifically authorized by the contract), the Contracting Officer may, until such data is delivered or deficiencies are corrected, withhold payment due the Contractor on account of allowable costs and fixed fee, of ten percent (10%) of the contract price, unless a lesser withholding is specified in the schedule. Payments shall not be withheld nor any other action taken pursuant to this clause where the Contractor's failure to make timely delivery or to deliver data without deficiencies arises out of causes beyond the control and without the fault or negligence of the Contractor within the meaning of the clause thereof entitled "Excusable Delays." The withholding of any amount or subsequent payment thereof to the Contractor shall not be construed as a waiver of any rights accruing to the Government under this contract.

PART 11—FEDERAL, STATE AND LOCAL TAXES

24. Sections 11.101–6, 11.102–2 (b) and (c), and 11.102–3 are revised, as follows:

§ 11.101–6 Special fuels.

(a) *Diesel fuel.* A tax at the indicated rates is imposed upon diesel fuel, other than that taxable as gasoline under section 4081 of the Internal Revenue Code (see § 11.102–4) which is (*a*) sold by any person to an owner, lessee, or other operator of a diesel-powered highway vehicle, for use as a fuel in such vehicle, or (*b*) used by any person as a fuel in a diesel-powered highway vehicle unless there was a taxable sale of such liquid pursuant to (*a*) above, as follows:

(1) At 4 cents per gallon, if sold for use or if used as fuel in a diesel-powered highway vehicle;

(i) Which, at the time of such sale or use, is registered, or is required to be registered, for highway use under the laws of any State or foreign country; or

(ii) Which, if owned by the United States, is used on the highways; or

(2) At 2 cents per gallon, if sold for use or if used as fuel in a diesel-powered highway vehicle;

(i) Which, at the time of such sale or use, is not registered, and is not required to be registered, for highway use under the laws of any State or foreign country; or

(ii) Which, if owned by the United States, is not used on the highway; and

(3) At an additional 2 cents per gallon, if fuel on which a tax of 2 cents was paid pursuant to subparagraph (2) of this paragraph, is used as fuel in a diesel-powered highway vehicle:

(i) Which, at the time of such use, is registered, or is required to be registered, for highway use under the laws of any State or foreign country; or

(ii) Which, if owned by the United States, is used on the highway.

No tax is imposed on diesel fuel sold for use or used as fuel in a nonhighway vehicle, such as certain military vehicles, construction equipment, and equipment designed for use at mines, factories, railroad stations, and farms.

(b) *Special motor fuels.* A tax at the rates indicated below is imposed upon benzol, benzene, naphtha, liquefied petroleum gas, or any other liquid (other than kerosene, gas oil, fuel oil, or a product taxable as diesel fuel under paragraph (a) of this section, or as gasoline under section 4081 of the Internal Revenue Code (see § 11.102–4)), which is (*a*) sold by any person to an owner, lessee, or other operator of a motor vehicle, motorboat, or airplane for use as a fuel for the propulsion thereof, or (*b*) used by any person as a fuel for the propulsion of a motor vehicle, motorboat, or airplane, unless there was a taxable sale of such liquid pursuant to (*a*) above, as follows:

(1) At 4 cents per gallon, if such liquid is sold for use or is used as a fuel for a highway vehicle:

(i) Which, at the time of such sale or use, is registered, or is required to be registered, for highway use under the laws of any State or foreign country; or

(ii) Which, if owned by the United States, is used on the highway, or

(2) At 2 cents per gallon, if such liquid is sold for use or is used as a fuel for the propulsion of a motorboat or airplane, or motor vehicle:

(i) Which, at the time of such sale or use, is not registered, and is not required to be registered, for highway use under the laws of any State or foreign country; or

(ii) Which, if owned by the United States, is not used on the highway; and

(3) At an additional 2 cents per gallon, if a liquid on which a tax of 2 cents was paid pursuant to subparagraph (2) of this paragraph, is used as fuel in a highway vehicle:

(i) Which, at the time of such use, is registered, or required to be registered, for highway use under the laws of any State or foreign country; or

(ii) Which, if owned by the United States is used on the highway.

(c) *Refunds and credits.* (1) A retailer, who has paid a tax on diesel fuel or special motor fuel, is entitled to a refund or credit of the tax paid, if such retailer has not included the tax in the sales price or otherwise collected the tax from the purchaser, has repaid the tax to the purchaser, or has the purchaser's written consent to take the refund or credit, as follows:

(i) A refund or credit of 4 cents or 2 cents per gallon, as appropriate, if a liquid upon which a tax of either 4 cents or 2 cents per gallon has been paid, is not used as fuel in a diesel-powered highway vehicle or to propel a motor vehicle, motorboat, or airplane;

(ii) A refund or credit of 2 cents per gallon, if diesel fuel, upon which a tax of 4 cents per gallon has been paid pursuant to paragraph (a)(1) of this section, is used as a fuel for a diesel-powered highway vehicle:

(*a*) Which, at the time of such use is not registered, and is not required to be registered, for highway use under the laws of any State or foreign country; or

(*b*) Which, if owned by the United States, is not used on the highway; or

(iii) A refund of 2 cents per gallon, if special motor fuel, upon which a tax of 4 cents per gallon has been paid pursuant to paragraph (b)(1) of this section, is used to propel a motorboat or airplane, or motor vehicle:

(*a*) Which, at the time of such use is not registered, and is not required to be registered, for highway use under the laws of any State or foreign country; or

(*b*) Which, if owned by the United States, is not used on the highway.

These refunds or credits shall be utilized, in accordance with Departmental procedures, by adjustment of the contract price whenever it is economically advantageous to do so.

(2) If the manufacturers excise tax on gasoline (see § 11.102–4) has been paid on any material used in the production of a special motor fuel taxable under paragraph (b) of this section, the manufacturer of the gasoline is entitled to a refund or credit of such tax, subject to the conditions similar to those stated in the opening lines of subparagraph (1) of this paragraph. The contract price for special motor fuels purchased by any Department shall not include an amount for manufacturers excise tax on gasoline used in the production of such special motor fuel.

§ 11.102–2 Motor vehicles.

• • • • •

(b) Chassis and bodies of automobiles, and of trailers and semitrailers (other than house trailers) suitable for use with passenger automobiles—10 percent; and

(c) Parts or accessories—when sold separately from an automobile, truck, or other item taxable as indicated in paragraphs (a) and (b) of this section—8 percent. Parts or accessories are defined to include any article:

(1) The primary use of which is to improve, repair, replace or serve as a component part of a motor vehicle;

(2) Designed to be attached to or used in connection with a motor vehicle or to add to its utility or ornamentation; or

(3) The primary use of which is in connection with a motor vehicle whether or not essential to its operation or use.

§ 11.102–3 Tires and tubes.

(a) A tax at the rates indicated below is imposed on the following supplies, made wholly or in part of rubber, including synthetic and substitute rubber, sold by a manufacturer, producer, or importer:

(1) Tires of the type used on highway vehicles, which includes motor vehicles which are highway vehicles, and vehicles of the type used with motor vehicles which are highway vehicles—10 cents per pound;

(2) Other tires, which are designed to fit the wheel of any type of vehicle capable of transporting a person or burden (other than laminated tires which consist wholly of scrap rubber from used tire casings with an internal metal fastening agent)—5 cents per pound;

(3) Inner tubes, which include any type of air container for pneumatic tires—10 cents per pound on total weight, including air valves and stems;

(4) Laminated tires (not of the type used on highway vehicles) which consist wholly of scrap rubber from used tire casings with an internal metal fastening agent—1 cent per pound; and

(5) Tread rubber, which includes any material commonly or commercially known as tread rubber or camelback of a type used in retreading or recapping tires—5 cents per pound. An exemption exists for the sale of tread rubber or camelback by a manufacturer to a purchaser for use by that purchaser other than for recapping or retreading tires of the type used on highway vehicles. In addition, if tread rubber, upon which the tax has been paid, is sold for use or is used other than for recapping or retreading tires of the type used on highway vehicles, the manufacturer is entitled to a refund or credit of the tax, provided, that the credit under paragraph (b) of this section is not available. The contract price for supplies purchased by any Department will not include an amount for the manufacturers excise tax on tread rubber to the extent that this exemption of refund or credit is available to the manufacturer. In determining weight of taxable tires under subparagraphs (1) and (2) of this paragraph, metal rims or rim bases are excluded, but any other material or fastening device that forms a part of the tire is included. The tax imposed under subparagraphs (1) and (2) of this paragraph, does not apply to tires which are not more than 20 inches in diameter and not more than 1¾ inches in cross-section, if such tires

are of all-rubber construction without fabric or metal reinforcement, nor does it apply to tires of extruded tiring with an internal wire fastening agent.

(b) The exemption for sales for further manufacture does not apply to taxable tires and tubes (see § 11.202). However, if tax-paid tires and tubes normally sold in connection with the sale by a manufacturer of a taxable motor vehicle are sold therewith, a credit against the tax on the motor vehicle is allowed to the extent of the motor vehicle tax rate applied to the manufacturers purchase price on the tires and tubes. The contract price for supplies purchased by any Department shall not include an amount for manufacturers excise tax on tires and tubes to the extent that this credit is available to the manufacturer.

25. Sections 11.102–4, 11.102–13, 11.104(a), and 11.302 are revised, as follows:

§ 11.102–4 Gasoline.

(a) A tax of 4 cents per gallon is imposed on gasoline sold by a producer or importer. Gasoline means all products commonly or commercially known as gasoline, including casinghead and natural gasoline, but excluding kerosene, gas oil, or fuel oil, and also excluding any product taxable as a special motor fuel under section 4041 of the Internal Revenue Code (See § 11.101–6). The tax does not apply to the sale of gasoline to a producer, which is defined to include a refiner, compounder, blender, or dealer who sells gasoline exclusively to producers of gasoline.

(b) The ultimate purchaser of gasoline is entitled to a refund of 2 cents per gallon for gasoline used otherwise than as fuel in a highway vehicle; for example, gasoline used in stationary engines, in cleaning tools, in motorboats, aircraft, fork lift trucks, bulldozers and earth movers. Refunds will also be made on gasoline used as fuel in a highway vehicle:

(1) Which, at the time of such use is not registered, nor required to be registered, for highway use under the laws of any State or foreign country; or

(2) Which, if owned by the United States is not used on the highway.

In accordance with Departmental procedures, necessary data shall be compiled, to the extent economically advantageous, to support a direct application to the Internal Revenue Service for refund. Such application shall be in accord with pertinent requirements of the Internal Revenue Service.

§ 11.102–13 Pens, mechanical pencils, and lighters.

(a) A tax at the rates indicated below is imposed upon the sale by the manufacturer, producer, or importer of the following articles:

(1) Mechanical pencils, fountain pens and ballpoint pens—10 percent;

(2) Mechanical lighters for cigarettes, cigars, and pipes—10 cents for each lighter but not more than 10 percent of the price for which so sold.

(b) The tax on pens, mechanical pencils, and lighters does not apply if the article also is subject to the retailers excise tax on jewelry imposed by section 4001 of the Internal Revenue Code. If the manufacturers excise tax has been paid, but the article is further processed so as to subject it to the retailers excise tax, the retailer (but not the manufacturer who originally paid the tax) is entitled to a credit to the extent of the manufacturers excise tax paid on the article. (See § 11.101–2.)

§ 11.104 Use tax on highway motor vehicles.

(a) A tax of $3.00 a year for each 1,000 pounds of taxable gross weight, or fraction thereof, is imposed upon the use of any highway motor vehicle which, together with semitrailers and trailers customarily used in connection with a vehicle of this type, has a taxable gross weight in excess of 26,000 pounds. The full tax is due for any vehicle which is used on the public highways of the United States at any time during the month of July, irrespective whether the vehicle is later removed from highway use. If the first use of a taxable vehicle occurs after the end of July, the tax is computed proportionately from the first day of the month in which the vehicle is first used, through the end of the following June. For example, if a vehicle is placed in use during August, ⅛ of the total tax is payable. No tax applies to vehicles, even though of a highway type, which are never used on the public highways during the taxable year.

§ 11.302 Tax exemption forms.

Except when a different form is required by a particular State or local tax jurisdiction, Standard Form 1094 Revised (U.S. Government Tax Exemption Certificate) shall be used in accordance with agency procedures. Unless the contract under which the exemption is claimed otherwise requires, an exemption certificate will not be issued if the amount of the taxes on any one invoice or purchase is one dollar or less.

PART 12—LABOR

26. Section 12.603(d) is revised to read as follows:

§ 12.603 Responsibilities of contracting officers.

* * * * * *

(d) Prepare and transmit three copies of DD Form 350 (top portion), as provided in §§ 16.803–2(c) and 16.901–4(p) of this chapter; where a contract of $10,000 or less is modified to exceed $10,000 the report on DD Form 350 shall be prepared and transmitted in accordance with § 16.901–4(p) of this chapter.

PART 13—GOVERNMENT PROPERTY

27. Section 13.101–17 is revised, and in § 13.102–3, paragraphs (a) and (c) are revised and new paragraph (d) is added, as follows:

§ 13.101–17 Educational or other nonprofit organization.

Educational or other nonprofit organization means any corporation, foundation, trust, or institution operated for scientific, educational, or medical purposes, not organized for profit, no part of the net earnings of which inures to the profit of any private shareholder or individual.

§ 13.102–3 Facilities.

(a) (1) It is the policy of the Department of Defense that contractors will furnish all industrial facilities required for the performance of Government contracts, except in the limited situations described in subparagraph (2) of this paragraph. Accordingly, the Government shall not include in competitive solicitations an offer to purchase and furnish industrial facilities or to have them acquired for its account. This does not preclude the Government from offering to furnish existing Government-owned industrial facilities.

(2) Industrial facilities may be provided by the Government only when it is determined that:

(i) It is not possible to obtain contract performance without Government-owned industrial facilities; or

(ii) Contractor-furnished industrial facilities would likely result in allocations of costs to the contract in excess of reasonable depreciation costs; or

(iii) Furnishing of existing Government-owned industrial facilities will most likely result in substantially lower cost to the Government of the items produced, after taking into account transportation costs, maintenance costs, reactivation costs, and any other costs for the furnishing of such facilities; and

that it is otherwise in the best interest of the Government. Before the Government agrees to provide industrial facilities, the contractor shall be required to show that subcontractors possessing adequate and available capacity to meet military production requirements have been or will be appropriately and fully utilized.

(3) In the case of industrial facilities having an acquisition cost of $1,000,000 or more, the determination required by subparagraph (2) of this paragraph shall be made by the cognizant Secretary, subject to paragraph (d) of this section.

* * * * * *

(c) The policy for authorizing special use allowances for research facilities acquired by educational institutions is contained in § 4.209 of this chapter.

(d) All proposed purchases or acquisitions of industrial facilities involving an expenditure of $1,000,000 or more shall be forwarded to the Secretary of Defense for his approval through the Office of the Assistant Secretary of Defense (I&L).

28. In § 13.505, revise clause heading and the introductory statement for alternative paragraph (c), as follows:

§ 13.505 Government-furnished property clause for fixed-price type contracts with nonprofit institutions.

* * * * * *

GOVERNMENT-FURNISHED PROPERTY (APR. 1962)

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In accordance with 4–214.4(d), the following alternative paragraph (c) may be used:

* * * * * *

29. In § 13.506, revise clause heading and the explanatory note in clause paragraph (c); and revise clause paragraph (j)(5) and the footnote, as follows:

§ 13.506 Government property clause for cost-reimbursement type research and development contracts with nonprofit institutions.

* * * * * *

GOVERNMENT PROPERTY (APR. 1962)

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In accordance with 4–214.4(d), the following additional language may be added to paragraph (c):

* * * * * *

(j) * * *

*(5) If this contract is for the development, production, modification, maintenance or overhaul of aircraft, or otherwise involves the furnishing of aircraft by the Government, the clause of this contract entitled "Flight Risks" shall control, to the extent it is applicable, in the case of loss or destruction of, or damage to, aircraft.

*This subparagraph may be omitted where it is clearly inapplicable.

* * * * * *

30. Subpart H, Transfer of Title to Equipment to Nonprofit Education or Research Institutions, is revoked.

PART 15—CONTRACT COST PRINCIPLES AND PROCEDURES

§ 15.304 [Amendment]

31. In § 15.304, the reference to "§ 3.812" in paragraph (e) is changed to read: "§ 4.209."

PART 16—PROCUREMENT FORMS

32. Section 16.810–2 is revised, as follows:

§ 16.810–2 Conditions for use.

The application shall be submitted and signed by the supplier (the manufacturer or regular dealer), as distinguished from an agent of the supplier. However, suppliers are not precluded from designating, in the Standard Form 129, their agents to receive Invitations for Bids and Requests for Proposals.

PART 17—EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE

33. Section 17.201 is revised; the last sentence of paragraph (a), § 17.203, is revised; and a new paragraph (d) is added to §§ 17.207–1 and 17.207–3, as follows:

§ 17.201 Authority of the Secretaries and the Director, DSA.

(a) The Secretary of each Department may delegate in writing his authority under the Act and the Executive Order, subject to the following limitations:

(1) Authority to approve actions under the Act obligating the United States in an amount in excess of $50,000 shall not be delegated below the Secretarial level; and

(2) Authority to approve any amendment without consideration which increases the stated contract price or unit price may not be delegated below the Secretarial level except in extraordinary cases or classes of cases as to which the Secretary involved finds that there are special circumstances clearly justifying delegation to a lower level.

(b) The Director of the Defense Supply Agency may exercise authority under the Act and the Executive Order in all cases obligating the United States in the amount of $50,000 or less; and in disapproving proposed action in any amount. This authority may be redelegated, consistent with the provisions of this Section. Recommendations for payments in excess of $50,000 will be submitted by the Director to the Assistant Secretary of Defense for Installations and Logistics for approval.

(c) The delegations described in §§ 17.202 and 17.203 shall not be construed as limiting the authority of the Secretaries or the Director to modify or make other delegations. Copies of all delegations and successive redelegations shall be transmitted to the Assistant Secretary of Defense for Installations and Logistics at the time of issuance.

§ 17.203 Authority of other officers and officials.

(a) * * * The foregoing authority may be redelegated only with the written approval of the Secretary concerned or the Director.

§ 17.207–1 Filing requests.

* * * * * *

(d) In the Defense Supply Agency, Commanders of the Defense Supply Centers concerned.

§ 17.207–3 Records.

* * * * * *

(d) Defense Supply Agency activities, to Headquarters, DSA.

34. In § 17.208–3(c), add new subparagraph (3); and revise §§ 17.208–5, 17.301, and 17.304, as follows:

§ 17.208–3 Submission of cases to the Contract Adjustment Board.

* * * * * *

(c) *Forwarding to Boards.* Cases to be submitted to the boards shall be forwarded through the following channels:

* * * * * *

(3) In the Defense Supply Agency, each case shall be sent to Headquarters, DSA for further processing.

§ 17.208–5 Maintenance of records.

The records required by §§ 17.207–3, 17.208–2(b), and 17.208–4 (a) and (b) shall be maintained in the Army by DCSLOG, in the Navy and Air Force, by the respective Boards, and in the Defense Supply Agency, by Headquarters, DSA.

§ 17.301 Delegations of authority.

Authority to take actions under the residual powers of the Act is vested in the Secretary of each Department and may be defined and delegated in writing by him within his Department; provided, however, that authority to approve actions obligating the United States in excess of $50,000 shall not be delegated below the Secretarial level, and authority to approve actions obligating $50,000 or less shall not be delegated below the Head of a Procuring Activity in the Army, the Navy and the Defense Supply Agency and, in the Air Force, the Director of Procurement and Production, Headquarters, AMC. Copies of all delegations and successive redelegations shall be transmitted to the Assistant Secretary of Defense for Installations and Logistics at the time of issuance.

§ 17.304 Maintenance of records.

DCSLOG in the Army, the respective Contract Adjustment Boards in the Navy and the Air Force, and Headquarters, DSA in the Defense Supply Agency, shall be responsible for maintaining two copies of each Memorandum of Approval required by § 17.303(b).

PART 30—APPENDIXES TO ARMED SERVICES PROCUREMENT REGULATIONS

35. In § 30.1, Part 1 is revised as follows:

§ 30.1 Appendix A—Armed Services Board of Contract Appeals.

PART 1—CHARTER

1. There is created the Armed Services Board of Contract Appeals which is hereby designated as the authorized representative of the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy and the Secretary of the Air Force, in hearing, considering and determining as fully and finally as might each of the Secretaries appeals by contractors from decisions of contracting officers or their authorized representatives or other authorities on disputed questions. These appeals may be taken (a) pursuant to the provisions of contracts requiring the decision of appeals by the Secretary of Defense or by a Secretary of a Military Department or their duly authorized representative or board, or (b) pursuant to the provisions of any directive whereby the Secretary of Defense or the Secretary of a Military Department has granted a right of appeal not contained in the contract. The Board shall operate under general policies established or approved by the Assistant Secretary of Defense (Installations and Logistics).

(2) Membership of the Board shall consist of qualified attorneys who have been admitted to practice before the highest court of any State or the District of Columbia. There shall be appointed from members of the Board a chairman and two vice-chairmen. Appointment of the chairman and vice-chairman and other members of the Board shall be made jointly by the Assistant Secretary of Defense (I&L) and the Assistant Secretaries of the Military Departments responsible for procurement. The chairman and vice-chairman shall serve in that capacity for a two-year term unless sooner removed or reappointed for an additional term or terms. The Assistant Secretaries will also designate the order in which the two vice-chairmen will act for the chairman in his absence. In the absence of a vice-chairman, the chairman or acting chairman will designate a member of the Board to serve as a temporary vice-chairman.

(3) It shall be the duty and obligation of the members of the Armed Services Board of Contract Appeals to decide appeals on

the record of the appeal to the best of their knowledge and ability in accordance with applicable contract provisions and in accordance with law and regulation pertinent thereto.

(4) The chairman of the Board shall be responsible for establishing appropriate divisions of the Board in such manner as to provide for the most effective and expeditious handling of appeals. He shall be responsible for assigning appeals to the divisions for decision without regard to the Military Department or other procuring agency which entered into the contract involved. A division may consist of one or more members of the Board. A majority of the members of a division shall constitute a quorum for the transaction of the business of the division and the decision of a majority of the division shall constitute the decision of the Board provided that the chairman and two vice-chairmen jointly signify their approval of the decision. If a majority of the members of a division are unable to agree on a decision, or if the chairman or one or more of the vice-chairmen do not signify approval of the decision, determination of the appeal shall be made by the chairman and vice-chairmen. A decision by a majority of those individuals will constitute the decision of the Board. On request of the appellant, an appeal involving $5,000 or less shall be decided under accelerated procedures as provided by the Rules of the Board.

5. When an appeal is taken pursuant to a disputes clause in a contract which limits appeals to disputes concerning questions of fact, the Board may nevertheless in its discretion hear, consider, and decide all questions of law necessary for the complete adjudication of the issue. When in the consideration of an appeal it appears that a claim is involved which is not cognizable under the terms of the contract, the Board may, insofar as the evidence permits, make findings of fact with respect to such a claim without expressing an opinion on the question of liability.

6. When a contract requires the Secretary of Defense or the Secretary of a Military Department, personally, to render a decision on the matter in dispute, the Armed Services Board of Contract Appeals, in accordance with the procedure set forth in paragraph 4, shall make findings and recommendations to the appropriate Secretary with respect thereto.

7. The Board shall have all powers necessary and incident to the proper performance of its duties. Subject to the approval of the Assistant Secretary of Defense (I&L) and the Assistant Secretaries of the Military Departments responsible for procurement, the Board shall adopt its own methods of procedure, and rules and regulations for its conduct and for the preparation and presentation of appeals and issuance of opinions. The Military Departments and other procuring agencies of the Department of Defense shall provide legal personnel to prepare and present the contentions of the departments or agencies in relation to appeals filed with the Board. It shall not be necessary for the Board, unless it otherwise desires, to communicate with more than one trial attorney in each of the departments or agencies concerning the preparation and presentation of appeals and the obtaining of all records deemed by the Board to be pertinent thereto.

8. Any member of the Board or any examiner, designated by the chairman of the Board, shall be authorized to hold hearings, examine witnesses, receive evidence and argument, and report the evidence and argument, to the designated division for consideration and determination of the appeal.

9. The chairman shall be responsible for the internal organization of the Board and for its administration. He shall provide within approved ceilings for the staffing of the Board with nonmember personnel, including hearing examiners, as may be required for the performance of the functions of the Board. The chairman shall appoint a recorder of the Board. Such personnel shall be responsible to and shall function under the direction, supervision and control of the chairman.

10. Financing of the operations of the Board as authorized herein will be provided through the use of the Navy Management Fund in accordance with Department of Defense Regulations Covering the Operation of Management Funds.

11. The chairman of the Board will furnish to the Secretary of Defense and to the Secretaries of the Military Departments by July 31 of each year a report containing an account of the Board's transactions and proceedings for the preceding fiscal year. Within 30 days following the close of a calendar quarter, the chairman shall forward a report of the Board's proceedings for the quarter to the Assistant Secretary of Defense (I&L), the Assistant Secretaries of the Military Departments responsible for procurement, and to the Director of the Defense Supply Agency. Such reports shall disclose the number of appeals received, cases heard, opinions rendered, current reserve of pending matters, and such other information as may be required.

12. The Board shall have a seal bearing the following inscription: "Armed Services Board of Contract Appeals". This seal shall be affixed to all authentications of copies of records and to such other instruments as the Board may determine.

13. All appeals pending before the Board under the "Charter for the Armed Services Board of Contract Appeals", which became effective on February 1, 1959, shall continue to be subject to the jurisdiction of the Board as established hereunder.

14. This charter will become effective May 1, 1962.

[ASPR, Rev. 9, 15 April 1962] (Sec. 2203, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62-6252; Filed, June 28, 1962; 8:45 a.m.]

Chapter V—Department of the Army

SUBCHAPTER D—MILITARY RESERVATIONS AND NATIONAL CEMETERIES

PART 552—REGULATIONS AFFECTING MILITARY RESERVATIONS

Acquisition of Real Estate and Interests Therein; Miscellaneous Amendments

1. Section 552.34 is revised to read as follows:

§ 552.34 Policies relative to new acquisition.

(a) *Present holdings inadequate for essential mission.* No request to acquire real estate by transfer from Navy or Air Force or from another Government agency, or by purchase, lease or condemnation will be considered or approved unless it is established that:

(1) The activity to be accommodated is essential to an assigned mission.

(2) Real property under the control of the Army is inadequate to satisfy these requirements.

(3) No real property under the control of the Navy or Air Force or other Federal agencies is suitable and available for use by the Army on a permit or joint use basis.

(b) *Order of priority for method of acquisition.* If the activity qualifies as essential to an assigned mission but the need cannot be filled by the use of other Army property or other Federal property on a permit or joint use basis, the following alternatives will be considered in the order listed:

(1) Donation or long-term nominal rental lease.

(2) Transfer from Navy or Air Force. Acquisition of lands excess to the requirements of other military departments.

(3) Recapture of use.

(4) Public Domain. Withdrawal from the public domain for military use. (Public Law 85–337, Feb. 28, 1958 (72 Stat. 28) requires that an Act of Congress be obtained to withdraw, reserve, or restrict for defense purposes more than 5,000 acres of the public domain.)

(5) Acquisition by exchange. Exercise of existing authorities for the exchange of Government-owned real property for non-Government-owned real property that is by type or location adaptable to the military need.

(6) Transfer from other Federal agencies. Acquisition of lands excess to the requirement of Federal agencies other than military departments.

(7) Acquisition by purchase, lease or condemnation.

(c) *Current requirements given preference.* In considering the use of Army real property by another military department, current requirements will, in the absence of unusual circumstances, be given preference over future needs and mobilization requirements. If the current requirement will not continue through mobilization, care must be exercised to avoid modification of the property in a manner that would prevent its timely return to the holding department to meet the mobilization requirement. If it is contemplated that the current requirement will continue through mobilization, the property may be modified as required and the mobilization plans of the military departments concerned should be changed accordingly.

(d) *Firm requirements and minimum acquisition.* Requirements in each individual case will be firmly determined and only the minimum amount of property necessary will be acquired.

(e) *Factors considered insufficient justification for acquisition by lease.* Desirability of location in an urban area, reduced travel time for employees or business representatives, nominal savings in transportation costs, environmental considerations (such as noise or traffic), or desirability of single unit offices instead of split locations in close proximity will not be considered sufficient justification for acquiring leased space or facilities when Government-owned property is available. For exceptions, see paragraph (f) of this section.

(f) *Special location considerations.* Acquisition of title or a leasehold interest in real property may be justified where it is demonstrated that the function to be accommodated is an essential activity and the geographic location thereof in other than Government-owned space is vital to the accomplishment of the assigned mission. Examples that may fall in this group are recruiting stations (exclusive of kindred examining and induction units), airbases, air defense sites, and sites for construction of facilities for Reserve Components of the Armed Forces.

(g) *Army Reserve training sites.* In general, title to lands will not be acquired for exclusive use as training sites. Training sites will be acquired by one of the following means in the order listed:

(1) Use of lands under the control of the Department of the Army regardless of the agency maintaining jurisdiction, to include class II and industrial installations and other Reserve Component facilities, see title 10 U.S.C. 2331 and 2237.

(2) Use of reservoir lands of Civil Works Projects. By informal agreement with the Resident Engineer or Manager (when training activities do not involve exclusive use, construction, or destruction of vegetation) or by permit from the District Engineer (for other activities when such activities are compatible with the operation and maintenance of the project and will not endanger the use by the general public of public access areas).

(3) Use of lands, by permit or otherwise, under the control of the other military departments.

(4) Use of lands by permit of other Government-owned land, including the public domain.

(5) Use by license or nominal rental lease of local, county, or State-owned public lands.

(6) Use of privately owned land by short-term co-use lease under the authority granted in § 552.39.

(7) Use of non-Government-owned land by lease.

(8) Acquisition of lands excess to the requirements of the other military departments.

(9) Acquisition of lands excess to the requirements of Federal agencies other than the military departments.

(10) Acquisition of the non-Government-owned land.

(11) As a rule of thumb, lands will not be acquired for training from any source when the value of the land exceeds that of rural farm land in the area.

(h) *Public notice and release of information relative to proposed real estate acquisitions.* It is the policy of the Department of the Army to give notice to the public and to release information to the public as early as possible (at the site selection stage) and as completely as possible, consistent with existing regulations. Even though opposition may develop in some cases because of early release of information as to proposed acquisitions, application of this policy should more often result in favorable public relations, general public support of proposed acquisitions, and material assistance in the selection of sites which will fulfill the military requirement and still have the least impact on the civilian economy. This policy will permit consideration of public preferences in the establishment of military facilities. Section 302 of the Act of July 14, 1960; Public Law 86–645, which is applicable to military as well as water resources public works projects, provides for dissemination of information on large new installations.

(1) *Restrictions relating to Agency Budget Estimates and Presidential Budget Recommendations.* Bureau of the Budget Circular No. A–10, as revised, places restrictions on disclosure of Agency Budget Estimates and Presidential Budget Recommendations. It provides that budget recommendations and estimates are administratively confidential until made public through formal transmittal of the budget to Congress. Public notice and release of information relative to proposed real property acquisitions will, therefore, exclude any information as to whether the proposed acquisition has been included in a pending budget not yet formally transmitted to the Congress or is to be included in a future budget. Public notice and release of information will be on the basis of "advance planning."

(2) *General application and exceptions.* Non-Government-owned real property generally is acquired by negotiations, based on its fair market value, as established by Government appraisal and regardless of who the owner is, how much the owner paid for the property, and how long the owner has owned the property. For this reason, public notice and release of information should not tend normally to increase the value of the land involved or create speculation therein. Experience has proved that interest of the Government in specific real property normally tends to discourage trafficking therein. Though normally the release of information should not result in subsequent disadvantage to the Government, information will not be released in any specific case where it might have that result. AR 345–15 applies to the acquisition of real property only in those instances in which the release of advance information on proposed plans might provide undue discriminatory advantage to private or personal interests.

(3) *Application to Army Reserve facilities.* During the preliminary site selection stage for Army Reserve facilities, the Army commander's representative will contact responsible local public officials to explain the nature of the proposed facility and to obtain their concurrence in the Army's acquisition and use of the site tentatively selected. Such a statement, including the names and titles of officials contacted, will be furnished by the Army commander to the District Engineer for inclusion in the Real Estate Planning Report. Release of information on Army Reserve centers will be made only by an authorized representative of the Army commander.

(i) *Use of unappropriated and nonnavigable water.* It is the policy of the Department of the Army to utilize unappropriated and nonnavigable water upon or under lands under jurisdiction in such a manner as is consonant with the purposes of water laws which have been enacted by the several States.

(j) *Permanent construction.* If permanent construction, defined as that which produces a building suitable and appropriate to serve a specific purpose for a maximum period of time (at least 25 years) and with a minimum of maintenance, is to be constructed by the Government, the Government must either hold or acquire title to the land (inclusive of all mineral rights and improvements) or a permanent easement interest, with the following exceptions:

(1) *Right of reuse by exercise of National Security Clause.* Property, including land or buildings, over which the Government currently holds the right of reuse by exercise of the National Security Clause.

(2) *Right of reuse by exercise of National Emergency Use Provision.* Property, including land or buildings, over which the Government holds the right of reuse by exercise of a National Emergency Use Provision. Inasmuch as such rights inure to the Government only during the period or periods of national emergency as may be declared by the President or the Congress and are extinguished by the termination thereof, every effort will be made to negotiate a lease covering such property under terms that would provide for the right of continuous possession by the Government for a minimum of 25 years.

(3) *Rights-of-way.* Property required as a site for installation of utility lines and necessary appurtenances thereto, provided a long-term easement or lease can be secured at a consideration of $1 per term or per annum.

(4) *Airbase.* Property required for airbases, provided such property can be acquired by lease containing provisions for:

(i) Right of continuous use by the Government under firm term or right of renewal, for a minimum of 50 years.

(ii) A rental consideration of $1 per term or per annum.

(iii) Reserving to the Government title to all improvements to be placed on the land and the right to dispose of such improvements by sale or abandonment.

(iv) Waiver by the lessor of any and all claims for restoration of the leased premises.

(v) Use of the property for "Government purposes" rather than for a specific purpose.

(5) *Reserve Components facilities.* Property required for facilities for the Reserve Components of the Armed Forces, provided such property can be acquired by lease containing provisions detailed in subparagraph (4) (i), (ii), (iii), and (iv) of this paragraph. When possible the insertion in a lease of provision restricting the use of the land to a specific purpose will be avoided; use of a term as "Government purposes" should be employed, whenever possible.

(6) *Air defense sites.* Property required for air defense sites provided such property can be acquired by lease containing provisions detailed in subparagraph (4) (i), (ii), and (iv) of this paragraph and in addition thereto a right of continuous use by the Government under a firm term or right of re-

newal for as long as required for defense purposes.

(7) *Exception by Assistant Secretary of Defense (Installations and Logistics).* Where leases (for airbases, facilities for Reserve Components of the Armed Forces, or air defense sites) can be obtained containing some but not all of the above-listed provisions or where leases (for all other types of installations upon which permanent construction is to be placed by the Government) can be obtained containing similar provisions and it is considered to be to the best interest of the Government to acquire a lesser interest than fee title, it will be necessary to obtain approval from the Assistant Secretary of Defense (Installations and Logistics) prior to placing permanent construction thereon.

(8) *Construction projects not in excess of $25,000.* Construction projects estimated to cost not in excess of $25,000 will not be considered as permanent construction for purposes of applying the above policy.

(9) *Industrial installations.* See paragraph (1) of this section.

(k) *No permanent construction.* Where temporary construction or no construction is to be placed by the Government, acquisition of a lesser interest (leasehold, easement, license, as appropriate) will generally be considered to be in the best interest of the Government, with the following exceptions:

(1) *Cost of construction.* Where any proposed temporary construction to be placed by the Government has an estimated cost equal to or in excess of the current market value of the property.

(2) *Rent plus restoration.* Where the calculated period of required use is of sufficient duration that the sum expended for rentals over this period plus restoration, if required, would exceed 50 percent of the current market value of the property. (Apply calculated period of required use or 20 years, whichever is less.)

(3) *Easement costing 75 percent of fee value.* Where the cost of acquiring an easement right exceeds 75 percent of the current fair market value of the property.

(l) *Industrial installations*—(1) *Definitions.* Industrial facilities as used herein are defined as plants, buildings, utilities, improvements, and additions and appurtenances thereto used for military production and related purposes, including testing and development. Nonseverable industrial facilities as used herein are defined as industrial facilities located on other than Government-owned land, and which, after erection or installation, cannot be removed without substantial loss of value or damage thereto, or to the premises where installed.

(2) *Policy.* Industrial facilities will be located on land owned by the Government or in which the Government has a permanent, disposable interest. Nonseverable industrial facilities will be located on land in which the Government has a disposable interest equal in term to the estimated useful life of the facilities, unless the Head of a Procuring Activity, with consideration to any nonrecoverable costs involved, determines that such location is not feasible. If the Head of a Procuring Activity makes this determination, he may authorize the location of such facilities on other land, provided:

(i) The estimated useful life of the facilities will not extend beyond the contract under which the facilities are installed or the completion of the work for which the facilities are provided; or

(ii) The contractor agrees to purchase the facilities upon the end of the facilities contract at the acquisition cost of the facilities, less depreciation; or

(iii) The Secretary approves other provisions as being in the interest of national defense.

(iv) If location on land in which the Government does not have a disposable interest, as above set out, is authorized under subdivision (i), (ii), or (iii) of this subparagraph, the Government must have the right to abandon the facilities in place, with no obligation to restore or rehabilitate the facilities or the premises on which they are located.

(m) *Commercial and industrial type facilities*—(1) *Policy.* Privately owned or Government-owned and privately operated commercial and industrial type facilities will be used to the greatest extent practicable, recognizing the basic military necessity for integrated, self-sustaining units responsible to command and the necessity for operating anywhere in the world. It is the policy of the Department of the Army not to engage in the operation of industrial or commercial type facilities unless it can be demonstrated that it is necessary for the Government itself to perform the required work or service.

(2) *Definition.* Commercial and industrial type facilities are defined as those devoted to an activity which normally might be performed by private industry (except commissaries, post exchanges, and nonappropriated fund activities) including, but not limited to, warehouses, motor repair shops, bakeries, laundries, and drycleaning facilities.

(n) *Department of Defense policy relative to liaison with Governor of Commonwealth of Puerto Rico.* By letter dated August 19, 1953, the Secretary of Defense informed the Governor of the Commonwealth of Puerto Rico that the Department of Defense would establish liaison with the Governor to coordinate all military requirements for land acquisition in Puerto Rico. By memorandum dated August 19, 1953, the Secretary of Defense instructed that such liaison would be established under the direction of the Department of the Army, in coordination with the other interested services. On September 8, 1953, the Department of the Army requested the Commander in Chief, Caribbean Command, to establish such liaison. Liaison is being maintained locally between the Commandant of the Caribbean Sea Frontier and the Chairman of the Puerto Rico Planning Board. The liaison applies to the proposed acquisition of title or any interest in land which is other than (Federal) Government-owned land. In all cases, liaison action will be initiated during the advance planning or site selection stages. The purpose is to give Puerto Rican officials advance notice of military real property requirements and to give them an opportunity to suggest suitable alternatives in an effort to improve public relations with Puerto Rican officials, landowners, and the general public.

2. In § 552.37, paragraphs (a), (c)(2), and (e) are revised, as follows:

§ 552.37 Acquisition by Chief of Engineers.

(a) *Statutory authority.* The Chief of Engineers, under the direction of the Secretary of the Army, is charged with the acquisition of all real estate for the use of the Department of the Army (10 U.S.C. 3038).

• • • • • •

(c) *Delegated authority.* • • •

(2) Leasehold acquisition where the estimated annual rental for any single leasehold does not exceed $25,000 and the acquisition is not contraversial, unusual, or inconsistent with Department of Army policies.

• • • • • •

(e) *Responsibility for all negotiations.* To avoid any possibility of misunderstanding by property owners and resultant embarrassment to the Department of the Army, under no circumstances will commitments be made either by negotiation or by dissemination of information to property owners, by any authority other than the Chief of Engineers. This is not intended to restrict the public notice and release of general information as set forth in § 552.34(h).

([AR 405–10, May 28, 1962] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012))

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62-6291; Filed, June 28, 1962; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 5—General Services Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 5 of Title 41 is amended as follows:

PART 5–1—GENERAL

Sections 5–1.602(b)(1), 5–1.605(a), 5–1.606–55, 5–1.606–56, 5–1.606–57, are revised, to read as follows:

§ 5–1.602 Establishment and maintenance of a list of firms or individuals debarred or ineligible.

• • • • • •

(b) • • •

(1) Publication of the GSA Debarred Bidders List shall be based, in the case of GSA administrative debarments, on determinations made by the service performing the debarment, or confirmation of such debarment by the Administrator (or his designee); and in the case of statutory debarments on appropriate notification by the Comptroller General, the Secretary of Labor, or other debarring agency.

§ 5–1.605 Causes and conditions applicable to determination of debarment by an executive agency.

(a) Administrative debarments by GSA shall be made by the Commissioner of the procuring service primarily concerned in accordance with procedures set forth in § 5–1.606.

§ 5–1.606–55 Institution of debarment proceedings.

If a Commissioner decides to institute debarment proceedings, he shall send a letter by certified mail (return receipt requested) to the firm or individual proposed for debarment. The letter shall summarize the facts on which the debarment is predicated, specify a reasonable and definite period for the debarment, and advise that, unless a request for a hearing is received within 15 days from the date of receipt of such letter, the debarment will become effective when the 15-day period has elapsed. When debarment action is based on debarment by another agency, the firm or individual shall be so notified. However, no hearing is required in such cases, pursuant to § 1–1.605(b)(6). The Compliance Division shall be notified of this action.

§ 5–1.606–56 Hearings.

Hearings requested in connection with debarment proceedings shall be conducted before the Administrator or his designee, referred to in this § 5–1.606–56 as the reviewing authority. An opportunity shall be afforded to the firm or individual to appear, with witnesses and counsel, to present facts or circumstances showing cause why such firm or individual should not be debarred. If the firm or individual elects not to appear, the reviewing authority shall make a decision based on the facts on record and such additional evidence as may be furnished by the parties involved.

(a) The reviewing authority shall give notice of the date and place of hearing to the appropriate Commissioner and to the Office of General Counsel.

(b) Hearings shall be held by the reviewing authority within 30 days after the receipt of the request for a hearing, unless the reviewing authority considers that additional time should be granted.

(c) If a firm or individual who requested a hearing is determined by the reviewing authority to be responsible for any unreasonable delay in disposing of the matter, the reviewing authority shall authorize the Compliance Division to place such firm or individual on the GSA Debarred Bidders List pending final action by the reviewing authority. A copy of such notification shall be furnished to the Commissioner who initiated the debarment action.

(d) After consideration of the facts, the reviewing authority shall notify the firm or individual of the final decision.

§ 5–1.606–57 Notice of final decision in debarment proceedings.

When an intended debarment is upheld by the Administrator or his designee, referred to in this § 5–1.606–57 as the reviewing authority, as the result of a hearing, or as the result of forfeiture of the right to be heard, the reviewing authority shall notify the firm or individual of the decision confirming the intended debarment, setting forth the period during which such debarment shall be effective. The period shall be equivalent to that originally imposed by the debarring Commissioner. If an intended debarment is not upheld by the reviewing authority, the reviewing authority shall so notify the firm or individual. Copies of such notification shall be furnished to the interested Commissioner, and to the Compliance Division for action to include the firm or individual in the GSA Debarred Bidders List or for retention without action, as appropriate.

§ 5–1.606–58 Inquiries from debarred or ineligible bidders.

Inquiries presented by debarred or ineligible bidders shall not be discussed but referred to the Office of General Counsel.

§ 5–1.607 General Services Administration responsibility.

§ 5–1.607–51 Consolidated List of Administrative Debarments by Executive Agencies.

(a) The Compliance Division compiles and arranges for the distribution of the Consolidated List of Administrative Debarments by Executive Agencies, and provides necessary related background material to other agencies, as set forth in § 1–1.607, under Reports Control Symbol AA–5.

(b) Notices issued by other agencies and furnished to GSA in accordance with § 1–1.606(c) are collected, processed, and disseminated by the Compliance Division as set forth in § 1–1.606(e) and § 1–1.607.

PART 5–53—CONTRACT ADMINISTRATION

Sections 5–53.602, 5–53.603, and 5–53.604 are deleted and revised; §§ 5–53.602 and 5–53.603 are added, to read as follows:

§ 5–53.602 Notice to contractor.

When a contracting officer has decided a disputed matter involving a question of fact, the contractor shall be notified of such decision in writing. The notice shall contain a paragraph substantially as follows:

> This is the final decision of the contracting officer. Decisions on disputed questions of fact and on other questions that are subject to the Disputes clause may be appealed in accordance with the provisions of the Disputes clause. If you decide to make such an appeal from this decision, the appeal (in triplicate) addressed to the Administrator of General Services, General Services Administration, General Services Building, Washington 25, D.C., must be mailed or otherwise furnished to the contracting officer within thirty days from the date you receive this decision. Such appeal should refer to this decision and identify the contract. Pending final decision of the dispute, you shall proceed diligently with the performance of the contract and in accordance with this contracting officer's decision.

§ 5–53.603 Appeals.

Upon receipt of an appeal or notice of appeal, the rules set forth in Subpart 5–60.2 shall be observed.

Part 5–60 is added, to read as follows:

PART 5–60—CONTRACT APPEALS

Sec.
5–60.000 Scope of part.

Subpart 5–60.1—General Policy

5–60.101 Jurisdiction for considering appeals.
5–60.102 Organization and location of the Board.
5–60.103 Receipt and disposition of appeals.
5–60.104 Board of Contract Appeals procedure.
5–60.104–1 Rules.
5–60.104–2 Appearance of witnesses for GSA.
5–60.104–3 Distribution of decisions.
5–60.105 Annual report.

Subpart 5–60.2—Rules of the General Services Administration Board of Contract Appeals

5–60.201 Notice of appeal.
5–60.202 Contents of notices of appeal.
5–60.203 Preparation of the appeal file.
5–60.204 Scope of appeals.
5–60.205 Untimely appeals.
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5–60.216 Decisions.
5–60.217 Reconsideration of appeals.
5–60.218 Extensions of time.
5–60.219 Optional accelerated procedure for cases involving small sums.
5–60.220 Payment of claims.

§ 5–60.000 Scope of part.

This part establishes policies and procedures regarding matters to be considered by the Board of Contract Appeals, and the rules of the Board.

Subpart 5–60.1—General Policy

§ 5–60.101 Jurisdiction for considering appeals.

(a) Except as stated in (b) below, the General Services Administration Board of Contract Appeals (referred to in this Part 5–60 as "the Board") shall consider and determine appeals from decisions of contracting officers and other officials of GSA arising under contracts which contain provisions requiring the determination of appeals by the head of an agency or his duly authorized representative or board, and as otherwise authorized by the Administrator. The Board has authority to determine appeals falling within the scope of its jurisdiction as fully and finally as might the Administrator himself.

(b) The Administrator reserves the right to direct that the authority of the Board shall not be exercised where he may desire or be required to render a decision on the matter in dispute. In such instances, the Administrator may request the Board to submit findings and recommendations.

§ 5–60.102 Organization and location of the Board.

(a) The Board is located in Washington, D.C., and is a part of the staff of the Administrator.

(b) The Board consists of a Chairman and four to six other members, in addition to clerical personnel. At least three members of the Board must be trained in the law. In general, the appeals are assigned to a panel of at least three members of the Board. The decision of a majority of the panel constitutes the decision of the Board. Each panel shall have one member who is a graduate of an accredited law school or has equivalent legal training and experience. The Chairman is the administrative head of the Board but otherwise serves on an equal status with other members.

§ 5–60.103 Receipt and disposition of appeals.

(a) When a notice of appeal in any form is received in GSA, it shall be endorsed or stamped to show the date of receipt and immediately be forwarded to the Administrator. The Administrator will forward to the Board appeals submitted under the terms of the contract and such other appeals as he determines should be submitted to the Board for decision or recommendation. The Board shall assign a docket number to the appeal, acknowledge its receipt to the appellant, and forward copies of the appeal and acknowledgment to the contracting officer, and the Central Office service or staff office concerned, and the appropriate Assistant General Counsel or Regional Counsel, and such other persons as appropriate. A copy of the "Rules of the General Services Administration Board of Contract Appeals" shall be included with the acknowledgment to the appellant.

(b) When a statement of the matters in dispute is not included with the notice, the Board shall ask the appellant to specify the portion of the decision or finding of fact from which the appeal is taken. A copy of the reply shall be furnished to the contracting officer.

(c) Within 20 days after request by the Board, the contracting officer shall compile and transmit to the appropriate Central Office service or staff office and the appropriate legal counsel, either the original or copies of all documents pertaining to the appeal, including, but not limited to, the following:

(1) The findings of fact and the decision from which the appeal is taken;

(2) The invitation for bids, the contract, pertinent plans, specifications, amendments, and change orders;

(3) Correspondence between the parties and other data material to the appeal;

(4) Transcripts of any testimony taken during the course of the proceedings of the matter prior to the filing of the notice of appeal to the Administrator; and

(5) Such additional information as the contracting officer or other officials may consider material.

(d) Within 30 days from the receipt of the contracting officer's data, prescribed in (c), above, the responsible service or staff office shall transmit the appeal file to the Board, together with a brief statement of the position of the Government.

§ 5–60.104 Board of Contract Appeals procedure.

§ 5–60.104–1 Rules.

Appeals referred to the Board are handled in accordance with the rules of the Board (see Subpart 5–60.2). These rules outline the manner in which appeals are received, hearings conducted, and decisions rendered.

§ 5–60.104–2 Appearance of witnesses for GSA.

GSA witnesses, as determined by the appropriate service or staff office in consultation with the Office of General Counsel, shall appear before the Board and give testimony.

§ 5–60.104–3 Distribution of decisions.

A copy of the decision of the Board shall be furnished to each party, to all affected Central Office services and staff offices, all regional offices, and shall be available for public inspection unless prohibited by GSA regulations governing the availability of records.

§ 5–60.105 Annual report.

The Board shall submit to the Administrator, during the month of July of each year, a report containing an account of its transactions and proceedings for the preceding fiscal year.

Subpart 5–60.2—Rules of the General Services Administration Board of Contract Appeals

§ 5–60.201 Notice of appeal.

A notice of appeal must be in writing, should be addressed to the Administrator of General Services, and mailed or otherwise furnished to the contracting officer. However, where the appeal is addressed to the contracting officer from whose decision the appeal is taken, or the head of the constituent General Services Administration organization, upon referral, the Board will proceed as though the appeal had been made to the Administrator. The notice of appeal must be mailed or otherwise filed within the time specified therefor in the contract, or as allowed in applicable provisions of directives or law.

§ 5–60.202 Contents of notices of appeal.

(a) A notice of appeal should indicate that an appeal is intended and should include the following information:

(1) Identification of contract involved (by number);

(2) The General Services Administration organization involved in the dispute, e.g., Public Buildings Service, Federal Supply Service, etc.;

(3) The decision or finding of fact from which the appeal is taken;

(4) The date of the decision;

(5) The contractual provisions concerned in the dispute; and

(6) The nature of the dispute, and the relief sought by the appellant.

(b) The notice of appeal shall be signed by the appellant personally, if an individual, or if not, by an authorized officer of the appellant organization, or by the appellant's duly authorized representative. A brief in support of the complaint and argument may be submitted with the notice of appeal, or, if the appellant prefers, may be filed with the Board within 15 days after the mailing or filing of the notice.

§ 5–60.203 Preparation of the appeal file.

(a) When the Board has received the notice of appeal, it will promptly acknowledge its receipt to the appellant and furnish copies of the appeal and acknowledgment to the contracting officer and the Central Office service or staff office concerned. Within 20 days after request by the Board, the Contracting Officer, or other constituent element of the General Services Administration, shall compile and transmit to the Board either the original or copies of all documents pertinent to the appeal. This will constitute the appeal file and should include, but not be limited to, the following:

(1) The findings of fact and the decision from which the appeal is taken;

(2) The invitation for bids, the contract, pertinent plans, specifications, amendments, and change orders;

(3) Correspondence between the parties and other data material to the appeal;

(4) Transcripts of any testimony taken during the course of the proceedings of the matter prior to the filing of the appeal;

(5) Such additional information as the contracting officer, or other official may consider material; and

(6) A brief statement of the position of the Government.

(b) The appeal file will be available for inspection by representatives of both interested parties, in the offices of the Board.

§ 5–60.204 Scope of appeals.

When an appeal is within the jurisdiction of the Board, it will in its discretion hear, consider, and make decisions on all questions necessary for the complete adjudication of the issues. Appeals not falling within the scope of the Board's jurisdiction will be referred to the responsible constituent organizational element within the General Services Administration for appropriate action and notice thereof will be furnished to the appellant.

§ 5–60.205 Untimely appeals.

In cases where it is claimed by the Government that an appeal was not filed within the time specified, the Board's initial consideration will be limited solely to the timeliness of the appeal. The Board will not consider the merits or other factors of the appeal if the submission was untimely. If the Board determines that an appeal is untimely, it shall so notify the appellant and the appropriate officials of the General Services Administration.

§ 5–60.206 Conferences.

(a) The Board may, upon the request of either party, or in its own discretion, arrange a conference of representatives of the appellant and the Government. This informal conference is designed to secure a just and less expensive determination of appeals without unnecessary delay. The conference will be held at a specified time and place to consider the following:

(1) Simplification of the issues;

(2) Possibility of obtaining stipulations, admissions of fact, and introduction of documents;

(3) If a hearing is to be held, limitation of the number of expert witnesses; and

(4) Such other matters as may aid in the disposition of the appeal.

(b) The results of the conference shall be reduced to writing by a designee of the Board and made a part of the official file.

§ 5–60.207 Hearings.

The Board shall, at the request of either party, grant a hearing. In the absence of a request, the Board may, in its discretion, order and hold a hearing on any appeal. The parties involved will be given a minimum of 15 days' notice in writing of the time and place of the hearing. Unless there is substantial justification for holding the hearing elsewhere, it will be held in the General Services Building, Washington, D.C. The hearing will be presided over by a designated member of the panel which renders the decision.

§ 5–60.208 Submission without a hearing.

If neither party to the dispute requests a hearing, and the Board does not require one, the decision will be made upon the available records and such additional evidence and argument as may be furnished by the parties involved. If such additional evidence or argument is furnished by one of the parties involved, the Board will make this information available to the other party. The other party may then present argument in rebuttal within a time limitation fixed by the Board.

§ 5–60.209 Absence of parties.

The unexcused absence of a party or his authorized representative at the time and place set for the hearing will not be the occasion for delay of the hearing. In such event, the hearing will proceed and the case will be regarded as submitted on the record by the absent party.

§ 5–60.210 Nature of hearings.

Hearings before the Board will be as informal as may be reasonably permitted under the circumstances. Hearings are held primarily for the purpose of listening to the presentation of both parties and serve as a basis for developing the Board's decision or recommendation. The parties involved may offer such relevant evidence or argument as they deem appropriate subject, however, to the exercise of reasonable discretion by the presiding member of the Board in supervising the extent and manner of presentation of such evidence. The weight to be attached to evidence presented in any particular form will be determined by the Board.

§ 5–60.211 Examination of witnesses.

Witnesses at hearings before the Board will not be required to testify under oath. However, if the circumstances so warrant, the presiding officer may warn the witness that his statements may be subject to the provisions of Title 18, U.S.C. secs. 287, 1001, and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof. All witnesses may be examined or cross-examined by the presiding member or other members of the Board, the parties, or their representatives.

§ 5–60.212 Copies of papers.

Copies of papers, books, records, or documents will be accepted as evidence in lieu of submission of the original documents where such submission is not practicable. After a decision has become final, such copies of documents as are not needed for the official file will be returned to the parties entitled to them.

§ 5–60.213 Transcript of proceedings.

Testimony at hearings shall be reported verbatim unless the Board otherwise orders. Transcripts of the proceedings will be supplied to the appellant and to other interested parties, other than employees of the United States, upon payment of the cost of recording by the public reporter. The transcript will be made available to elements within the General Services Administration and to other interested Government agencies upon request to the Board.

§ 5–60.214 Representation.

An appellant may appear before the Board in person, may be represented by counsel, or by any other duly authorized representative.

§ 5–60.215 Submission of additional information.

If the parties involved desire to submit additional argument or evidence subsequent to a hearing before the Board, they will do so within a period of time set by the presiding officer not in excess of 30 days. When such material is filed by either party involved, the Board will make this material available to the other party. An opportunity for rebuttal shall be given within a time limitation fixed by the presiding officer. In some instances, the Board may require that additional material be presented in order to make a just decision or recommendation.

§ 5–60.216 Decisions.

The decision of the Board will be made in writing and will be accompanied by a report containing the pertinent factors which formed the basis for the decision. The appellant will be notified of the Board's decision by letter. The appellant and the appropriate administrative officials of the General Services Administration will be furnished copies of the decision, including the report. In certain instances, where the circumstances warrant, the decisions of the Board will be in summary form. In those instances where the Administrator of General Services reserves the right to make the decision, the appellant will be notified by a letter signed by the Administrator accompanied by a copy of the findings and recomendations made by the Board or otherwise appropriately documented.

§ 5–60.217 Reconsideration of appeals.

A request for reconsideration of an appeal may be filed by either party within 30 days after the date of the decision. Such requests will be considered if based upon (a) newly discovered evidence or (b) a point of law. A motion for either rehearing or reconsideration shall set forth specifically the grounds relied upon to sustain the motion.

§ 5–60.218 Extensions of time.

The Board may grant extensions of time except with respect to the filing of the notice of appeal.

§ 5–60.219 Optional accelerated procedure for cases involving small sums.

An appeal involving relatively small sums of money (not in excess of $5,000) shall be processed under this rule at the request of or upon the written approval of the appellant subject to the concurrence of the affected constituent element of the General Services Administration. For purposes of this rule, the amount involved in an appeal shall be the difference between the amount of the appellant's claim as stated in this complaint and the amount, if any, determined by the decision from which the appeal is taken.

(a) The appeal will be decided by a single designated member of the Board who shall have, for this purpose, all the authority and power of the full Board to hear, consider, determine, and reconsider the matter.

(b) The appeal shall be deemed submitted for decision on the record unless the appellant, or the Government, within 10 days after the appellant's receipt of the Government's answer to the appeal, requests the Board to schedule an oral hearing.

§ 5–60.220 Payment of claims.

In cases where the Board finds in favor of the appellant, claims shall not be paid by the Office of Financial Management, OFA, General Services Administration, before 30 days after the date of the Board's decision unless, prior thereto, the Director of Financial Management is notified that the Government does not intend to request reconsideration of the appeal. If the Government requests reconsideration, payment shall be withheld pending the Board's final ruling on the matters involved in such request.

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

(Sec. 205(e), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: June 25, 1962.

LAWSON B. KNOTT, JR.,
Acting Administrator.

[F.R. Doc. 62–6328; Filed, June 28, 1962; 8:52 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2712]

IDAHO

Withdrawing National Forest Lands for Use of Forest Service; Revoking Reclamation Withdrawal

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. Subject to valid existing rights the following-described national forest lands are hereby withdrawn from prospecting, location, entry, and purchase under the United States mining laws, in aid of utilization of the surface of the lands by the Forest Service as administrative sites and recreation areas, as indicated:

[Idaho 010604]

BOISE MERIDIAN

SALMON NATIONAL FOREST

Corn Creek Recreation Area

T. 23 N., R. 14 E.,
Sec. 1, W½SW¼NE¼, S½NE¼NW¼, N½SE¼NW¼, SE¼SE¼NW¼ (Unsurveyed).

McKay Flat Public Service Site

T. 24 N., R. 19 E.,
Sec. 19, S½SW¼SE¼ (Unsurveyed);
Sec. 30, N½NW¼NE¼ (Unsurveyed).

SAWTOOTH NATIONAL FOREST

Bear Gulch Picnic Area

T. 14 S., R. 18 E.,
Sec. 7, NE¼NE¼.

Kirkman Campground

T. 14 S., R. 18 E.,
Sec. 14, SE¼NE¼NW¼.

Magic Mountain Recreation Area

T. 14 S., R. 18 E.,
Sec. 24, W½SE¼ and E½SW¼;
Sec. 25, W½NW¼NE¼ and NE¼NW¼.

Pentstemon Picnic Area

T. 14 S., R. 18 E.,
Sec. 24, E½NE¼ and NE¼SE¼.

Petit Campground

T. 14 S., R. 18 E.,
Sec. 25, SE¼NE¼.

Balsam Recreation Area

T. 14 S., R. 18 E.,
Sec. 36, N½N½SE¼ and S½S½NE¼.

Rock Creek Administrative Site

T. 14 S., R. 18 E.,
Sec. 24, SE¼SE¼;
Sec. 25, NE¼NE¼ and E½NW¼NE¼.
T. 14 S., R. 19 E.,
Sec. 19, lot 4, SE¼SW¼;
Sec. 30, lot 1.

Birch Glen Picnic Area

T. 13 S., R. 19 E.,
Sec. 6, W½SE¼SE¼.

Schipper Picnic Area

T. 13 S., R. 19 E.,
Sec. 6, E½NW¼SE¼.

330 Spring Picnic Area

T. 13 S., R. 19 E.,
Sec. 7, E½NE¼NE¼.

Big Bluff Picnic Area

T. 13 S., R. 19 E.,
Sec. 8, W½SW¼NW¼.

Harrington Fork Picnic Area

T. 13 S., R. 19 E.,
Sec. 17, NE¼NW¼ and N½SE¼NW¼.

Juniper Spring Picnic Area

T. 13 S., R. 19 E.,
Sec. 18, SE¼SE¼SE¼.

Porcupine Spring Campground and Picnic Area

T. 14 S., R. 19 E.,
Sec. 31, SE¼NE¼;
Sec. 32, SW¼NW¼.

The areas described aggregate 977.40 acres.

2. The Departmental order of December 22, 1903, withdrawing lands for reclamation purposes in connection with Boise Valley Project, is hereby revoked so far as it affects the following-described lands:

[Idaho 013075]

BOISE MERIDIAN

T. 1 N., R. 1 W.,
Sec. 7, NE¼SE¼;
Sec. 8, NW¼SW¼.

Aggregating 80 acres, which are included in an allowed entry.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JUNE 23, 1962.

[F.R. Doc. 62-6313; Filed, June 28, 1962; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

GRAND TETON NATIONAL PARK, WYOMING

Boats

Notice is hereby given that pursuant to the authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), Departmental Order 2640 (16 F.R. 5846), National Park Service Order No. 14 (19 F.R. 8824), Regional Director, Region Two Order No. 3 (21 F.R. 1494), as amended, it is proposed to amend 36 CFR 7.22 as set forth below. The purpose of this amendment is to establish reasonable regulations which will provide adequate control over boats and insure a maximum of safety in their use.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Superintendent, Grand Teton National Park, Moose, Wyoming, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

ROBERT B. MOORE,
Acting Superintendent, Grand Teton National Park.

Paragraph (g) of § 7.22 is amended to read as follows:

§ 7.22 Grand Teton National Park.

* * * * *

(g) *Boats.* (1) No privately owned waterborne craft, including but not limited to boats, canoes, rafts or other floating objects, shall be placed or operated upon the waters of Grand Teton National Park without a permit from the superintendent, who shall have authority to revoke the permit and require the immediate removal of such waterborne craft upon the failure of the permittee to comply with the terms and conditions of the permit. This permit must be carried within the craft at all times and shall be exhibited upon request to any person authorized to enforce the regulations in this chapter.

(2) Numbering of boats: No waterborne craft propelled by machinery of more than ten (10) horsepower shall be operated upon the waters of the park, unless such craft has been documented by the Bureau of Customs or, if undocumented, has been numbered by the United States Coast Guard or by a state having a numbering system approved by the United States Coast Guard.

(3) Rules of the road: The following rules of the road shall apply:

(i) No person shall operate a waterborne craft of any type or description upon any body of water in the park in a reckless or negligent manner, so as to endanger or be likely to endanger the life, limb or property of any person.

(ii) In narrow channels, boats or other craft shall be operated to the right of the middle of the channel.

(iii) When boats or craft are approaching each other head on, or nearly so, each shall be operated to pass the other on the port (left) side at a distance and at a speed so that the wake of each will not endanger the other.

(iv) When a boat or craft desires to pass another traveling in the same direction, the overtaking boat or craft shall keep clear of the overtaken boat or craft and shall pass at a speed and at a distance so as not to endanger the overtaken boat or craft. The overtaken boat or craft shall maintain its course and speed until the overtaking boat or craft has safely passed.

(v) When two boats are approaching each other at right angles or obliquely so as to involve risk of collision, other than when one vessel is overtaking another, the boat which has the other on her own port (left) shall hold her course and speed; and the boat which has the other on her own starboard (right) side shall keep out of the way of the other by directing her course to starboard so as to cross the stern of the other boat, or stop and reverse, if necessary.

(vi) A crossing situation shall exist when two boats or craft are approaching so that each has the other forward of its beam.

(vii) An overtaking situation shall exist whenever a boat or craft approaches another from abaft the beam of the other boat or craft.

(viii) Any boat or craft propelled by machinery shall keep clear of any boat or craft under sail or being propelled by oars or paddles.

(ix) Slow speed shall be maintained in docking and fishing areas so as not to endanger persons or other craft.

(4) Safety requirements and equipment: (i) All boats or craft shall carry a life preserver, buoyant vest, buoyant cushion, or ring buoy approved by the United States Coast Guard and in good and serviceable condition for each person on board. Such devices shall be properly secured and stowed so as to be readily accessible in an emergency, except that, any person, twelve (12) years or younger and any nonswimmer, aboard a boat or craft while such boat or craft is in motion, and every person on the Snake River in a craft less than 20 feet in length shall have an approved buoyant device securely fastened to his or her person.

(ii) Every motorboat or other motor-propelled craft, operated between sunset and sunrise shall carry and exhibit the following lights, and during such time, no other lights which may be mistaken for those prescribed, shall be exhibited:

(a) Class A (less than 16 feet in length): A bright white light aft to show all around the horizon and visible for two (2) miles and a combined lantern in the forepart of the boat and lower than the white light, showing green to starboard (right) and red to port (left), each visible one (1) mile and so fixed as to throw the light from right ahead to two (2) points abaft the beam on their respective sides.

(b) Class 1 (16 feet to less than 26 feet in length): Same as required for Class A boats.

(c) Class 2 (26 feet to less than 40 feet in length): A bright white light aft showing all around the horizon and visible two (2) miles). A bright white light in the fore part of the boat as near the stem as possible and lower than the white light aft and so fixed as to throw the light ten (10) points on each side of the boat, from right ahead to two (2) points abaft the beam on either side, and visible two (2) miles. On the starboard (right) side, a green light and on the port (left) side a red light each visible (1) mile and so fixed as to throw the light from right ahead to two (2) points abaft the beam on their respective sides.

(iii) Every motorboat of Class 1 or 2 shall be equipped with an efficient whistle or other sound producing mechanical device.

(iv) Every motorboat of Class 2 shall be provided with an efficient bell.

(v) Every motorboat shall have the carburetor or carburetors of every engine, except outboard motors, using gasoline as fuel, equipped with an efficient flame arrestor of a type approved by the United States Coast Guard.

(vi) Every motorboat, except open boats, using as fuel a liquid of a volatile nature, shall be provided with a natural or a mechanical ventilating system capable of effectively ventilating the bilges of the engine and fuel tank compartments, so as to remove any explosive or inflammable gases.

(vii) Every motorboat shall be provided with at least the minimum number of hand portable fire extinguishers of the size and type approved by the United States Coast Guard, and which shall be at all times kept in condition for immediate and effective use and shall be so placed as to be readily accessible. Inboard motorboats and those outboard motorboats having fuel containers in compartments wherein vapors could be pocketed shall carry the following fire extinguishers:

(a) Class A: At least one (1) approved B–1 type extinguisher.

(b) Class 1: Same as Class A.

(c) Class 2: At least two (2) approved B–1 type extinguishers, or a fixed fire extinguishing system in machinery spaces.

(5) Accidents: (i) In case of collision, accident, or other casualty involving a motorboat or other craft, the operator shall, if, and so far as he can without serious danger to his own boat or craft,

or persons aboard, render such assistance as may be practicable and necessary to other persons affected by the collision, accident, or casualty, in order to save them from danger caused by the collision, accident or casualty. He shall also give his name, address, and identification of his boat or craft to any person injured and to the owner of any property damaged.

(ii) A report of any collision, accident, fire or other casualty that results in property damage in excess of $50 or any personal injury or death to any person or persons must be made at the nearest Ranger Station within 24 hours.

(6) Prohibited operation: (i) No person shall operate, or knowingly permit any person to operate, any motorboat or craft in a reckless or negligent manner so as to endanger or be likely to endanger, the life, limb or property of any person.

(ii) No person shall operate or knowingly permit any person to operate any motorboat or craft while under the influence of intoxicants, narcotic drugs, barbituates or marijuana.

(iii) Boats propelled by a propeller above the water line of the boat or craft (airboats) are prohibited on all waters within the park.

(iv) No boat or craft shall be used to carry passengers for hire or be used in any commercial operation, unless authorization for such service has been granted by the Secretary.

(v) Motor-propelled waterborne craft are prohibited on all park waters, except Jackson and Phelps Lakes. On Jenny Lake, an authorized boating concessioner may operate motor-propelled boats under conditions specified by the Superintendent.

(vi) Hand-propelled waterborne craft may be used on Jackson, Jenny, Phelps, Emma Matilda, Two Ocean, Taggart, Bradley, Bearpaw, Leigh and String Lakes, and on the Snake River, except within 1,000 feet of the downstream face of Jackson Lake Dam. Hand-propelled craft may also be used on the stream flowing from the outlet of Bearpaw Lake to Jackson Lake. All other lakes, streams, and ponds in the park are closed to boating.

(vii) Sailboats may be used only on Jackson Lake.

(viii) No motor propelled waterborne craft shall be placed or operated upon Jackson Lake from November 1 through April 30.

(ix) No boat more than 32 feet in length shall be placed or operated on park waters, except that this prohibition shall not extend to concessioner-operated sightseeing launches.

(x) No waterborne craft shall be operated within any area delineated by a line of red buoys.

(xi) No waterborne craft shall be operated in excess of five (5) miles per hour within any area delineated by a line of yellow buoys.

(xii) No motor-propelled craft shall be operated within 500 feet of any designated swimming area. Swimming areas are designated by white buoys and float lines.

(xiii) The superintendent may authorize motor propelled craft engaged in the official business of the Federal Government to operate in closed or restricted water areas.

(xiv) The towing of water skis, surfboards, and similar devices by motorboats or other craft is prohibited on all park waters unless specifically authorized by the superintendent by the posting of signs setting forth the body of water and delineated portion thereof where such activity is permitted.

(xv) Swimming from unanchored boats is prohibited.

(xvi) No person, other than the authorized concessioner or his representatives, shall moor or beach a waterborne craft on the shore of a designated harbor area except in an emergency.

[F.R. Doc. 62-6316; Filed, June 28, 1962; 8:50 a.m.]

[36 CFR Part 7]

MAMMOTH CAVE NATIONAL PARK, KENTUCKY

Establishing Use of Radar

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), Departmental Order 2640 (16 F.R. 5846), National Park Service Order No. 14 (19 F.R. 8824), Regional Director, Region One, Order No. 3 (21 F.R. 1493), as amended, it is proposed to amend § 7.36 of Title 36, Code of Federal Regulations, as is set forth below.

The purpose of this amendment is to permit the use of radiomicrowaves (radar) or other electrical timing devices in checking the speed of motor vehicles at Mammoth Cave National Park.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Superintendent, Mammoth Cave National Park, Kentucky, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

A new subparagraph (3) is added to paragraph (b) of § 7.36 to read as follows:

§ 7.36 Mammoth Cave National Park.

* * * * *

(b) *Speed.* * * *

(3) The speed of any motor vehicle may be checked on any park road in the Mammoth Cave National Park, in the State of Kentucky, by the use of radiomicrowaves or other electrical device when such park road, on which the device is used, is clearly marked "Speed Checked by Radar" or "Speed Radar Controlled". The results of such checks shall be accepted as prima facie evidence of the speed of such motor vehicle in any court or legal proceedings where the speed of the motor vehicle is at issue.

PERRY E. BROWN,
Superintendent,
Mammoth Cave National Park.

[F.R. Doc. 62-6317; Filed, June 28, 1962; 8:50 a.m.]

[36 CFR Part 7]

BIG BEND NATIONAL PARK, TEXAS

Fishing

Notice is hereby given that pursuant to the authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), Departmental Order 2640 (16 F.R. 5846), National Park Service Order No. 14 (19 F.R. 8824), Regional Director, Region Three Order 3 (21 F.R. 1494), as amended, it is proposed to amend 36 CFR 7.41 as set forth below.

The purpose of this amendment is to establish a suitable program for management of the waters of the park in the interest of fish conservation.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Superintendent, Big Bend National Park, Texas, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

STANLEY C. JOSEPH,
Superintendent,
Big Bend National Park, Texas.

Paragraphs (a), (b), and (c) of § 7.41 are amended to read as follows:

§ 7.41 Big Bend National Park.

(a) *Fishing; closed waters.* Special ponds and springs reserved for species of rare fish are closed to fishing and bait collecting. The taking or release of any form of fish life in these ponds or springs is prohibited except by special authorization by the Superintendent. These ponds and springs will be posted as closed to fishing and bait collecting and molestation.

(b) *Fishing; method.* (1) Fishing with pole and line, rod and reel, and trot and throw line is permitted all year from the United States side of the Rio Grande.

(2) Use of seine: The use of seines and nets is prohibited except minnow seines no greater than 20 feet in length may be used for taking of minnows for bait.

(c) *Fishing; limit of catch.* The limit of catch per person per day or in possession shall be 25 fish, except that minnows caught for bait shall not be accountable for the purpose of this section.

[F.R. Doc. 62-6315; Filed, June 28, 1962; 8:49 a.m.]

[36 CFR Part 7]

NATCHEZ TRACE PARKWAY

Use of Radar

Notice is hereby given that pursuant to the authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), Departmental Order 2640 (16 F.R. 5846), National Park Service Order No. 14 (19 F.R. 8824), and Regional Director, Region One, Order No. 3 (21 F.R. 1493), as amended, it is proposed to amend 36 CFR 7.43 as set forth below.

The purpose of this amendment is to permit the use of radio-microwaves (radar) or other electrical timing devices in checking the speed of motor vehicles at Natchez Trace Parkway.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Superintendent, Natchez Trace Parkway, Box 428, Tupelo, Mississippi, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

MALCOLM GARDNER,
Superintendent,
Natchez Trace Parkway.

A new subparagraph (3) is added to paragraph (c) of § 7.43 to read as follows:

§ 7.43 Natchez Trace Parkway.

* * * * *

(c) Except ambulances and Government cars on emergency trips:

* * * * *

(3) The speed of any motor vehicle may be checked on any park road in the Natchez Trace Parkway, in the States of Alabama, Tennessee, and Mississippi, by the use of radiomicrowaves or other electrical devices when such park road, on which the device is used, is clearly marked "Speed Checked by Radar" or "Speed Radar Enforced" at or near intersections with primary State or Federal highways between which the device is used. The results of such checks shall be accepted as prima facie evidence of the speed of such motor vehicle in any court or legal proceedings where the speed of the motor vehicle is at issue.

[F.R. Doc. 62-6318; Filed, June 28, 1962; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket No. AO 192 A4]

[7 CFR Part 984]

WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amended Marketing Agreement and Order

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) notice is hereby given of the filing with the Hearing Clerk, United States Department of Agriculture, of this recommended decision with respect to proposed amendment of the amended marketing agreement and order (7 CFR Part 984), hereinafter referred to collectively as the "order", regulating the handling of walnuts grown in California, Oregon, and Washington. The order is effective pursuant to provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.), hereinafter referred to as the "act," and any amendments which may be adopted as a result of this proceeding will also be effective pursuant to said act. Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., not later than fifteen days after publication of this document in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing on the record of which the presently recommended amendment of the order was formulated was held in San Francisco, California, on April 5, 1962, pursuant to a notice thereof which was published in the FEDERAL REGISTER on March 15, 1962 (27 F.R. 2471). The notice contained amendment proposals which had been submitted to the Secretary of Agriculture, hereinafter referred to as the "Secretary," by the Walnut Control Board which is the administrative body for the Walnut Marketing Agreement and Order.

Material issues. The material issues presented on the record of the hearing involve amendatory proposals relating to:

(1) Changes in the definitions of area of production, unshelled walnuts, to handle, packer, sound kernel, handler, carry-over, merchantable free walnuts, merchantable restricted walnuts, merchantable allocation percentage, surplus walnuts, and diversion percentage; addition of a definition of grower; simplification of the definitions of Control Board or Walnut Control Board, shelled walnuts, and trade demand; and conforming changes in eight others;

(2) Changes in provisions relating to the administrative body with respect to: composition, term of office, nomination, qualification, vacancies, duties, and procedures;

(3) A provision authorizing marketing research and development;

(4) Changes in the provisions relating to marketing policy;

(5) Changes in the provisions relating to quality control;

(6) Changes in the withholding requirements;

(7) Changes in the provisions relating to postponement of control obligations;

(8) Changes in the provisions relating to disposition of controlled walnuts;

(9) Changes in the exemption provisions;

(10) Changes in the provisions relating to expenses and assessments;

(11) Changes in the provisions relating to reports and records;

(12) Changes in the provisions relating to rights of the Secretary and agents of the Secretary; and

(13) Conforming changes.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence adduced at the hearing and the record thereof are set forth below.

(1) Area of production should be modified to include a definition of the two districts now set forth in § 984.47(a). This would have the effect of giving general applicability to the district concept now used for marketing policy purposes in which California is designated as District 1 and Oregon and Washington as District 2. This change is desirable because district designations will be used in connection with several proposals hereinafter discussed.

A new section should be added to define "grower" as any person engaged in a proprietary capacity in the commercial production of walnuts. The definition should also state that the term grower and producer are synonymous so that the term grower as used in the present order and the term producer as used in the act, are the same. Defining the term grower in this way would clarify for program purposes who is eligible to participate in referenda, Board nominations and other program activities in the capacity of a grower. By limiting the term to persons having a proprietary interest in the commercial production of walnuts it eliminates persons performing as employees of walnut growers and persons who are not producer-handlers or delivering to handlers.

"Control Board or Walnut Control Board" should be changed to "Board," defined as meaning the Walnut Control Board, to recognize the term of common usage and make it available for official use under the program.

"Unshelled walnuts" should be changed to "Inshell walnuts" and its meaning should be continued without change. This would adopt the term most commonly used in the industry to describe walnuts in the shell. In order to conform with this change the word unshelled should be changed to inshell wherever it appears throughout the order.

"Merchantable walnuts, (b) shelled" should be modified by adding the word "minimum" immediately preceding the word "grade." This is a conforming change and does not change the meaning of the present definition.

"To handle" should be modified by inserting the words "or a retailer" immediately after the word "manufacturer" in order to clearly establish responsibility in grower-retailer transactions. The act exempts growers in their capacity as growers and retailers in their capacity as retailers from program requirements. However, either the grower or the retailer may bypass the normal handlers and deal directly with each other in which case one becomes a handler. It has been difficult in some instances to determine who was the handler for program purposes. This should be corrected by specifically including the purchase of walnuts by a retailer as an act of handling in all direct grower to retailer transaction. A similar procedure has been followed in the case of manufacturers who purchase walnuts directly from growers and on the basis of this experience should be adopted for retailers.

The reference to inter-handler transfers in the proviso at the end of the definition of "to handle" should be deleted inasmuch as specific requirements relating to inter-handler transfers are covered in present § 984.85 and need not

be treated as an exemption from the definition.

"Packer" should be modified to specify the two classes of packers represented on the Board. "Cooperative packer" should be defined to mean any packer who is a cooperative marketing association of growers regardless of where or under what laws it may be organized and "independent packer" to mean any packer who is not a cooperative packer. These terms are of long usage both in the industry and for program purposes and to introduce no substantive change.

"Sound kernel" should be deleted and replaced with "kernelweight" meaning the total weight of the kernels in a quantity of walnuts without regard to their quality. The term would be used in connection with restricted and surplus obligations and would provide a simpler and more workable means of determination than has been true of the sound kernel concept. At present, both inshell and shelled shipments must meet minimum grade standards and hence differences in their sound kernel content are minimized to a point where the difficulties of its determination override the desirability of continuing the practice.

"Handler carryover" paragraph (b) should be amended to include the estimated quantity of merchantable shelled walnuts in shelled lots needing further preparation before they can be designated merchantable by the handler. Since such walnuts constitute part of the marketable supply when they become merchantable, they should be included in the shelled walnut carryover which is used for marketing policy determinations.

"Trade demand" should be rewritten to consolidate duplicating provisions in paragraphs (a) and (b) thereof which deal with inclusion of Canada and Cuba in the trade demand under certain circumstances and to recognize the recent inclusion of Alaska and Hawaii in the United States, the terms "Continental United States, Alaska and Hawaii" should be deleted and the term "United States" inserted. These changes are not intended to affect the meaning of the definition as it has been used in the past.

"Merchantable free walnuts" and "Merchantable restricted walnuts" should be modified by deleting the word merchantable, the reference to such walnuts being certified by the Control Board as merchantable free or merchantable restricted and the reference to certification should be deleted from "surplus walnuts." These deletions are necessary to shorten the terms and to recognize that the inclusion of walnuts in the various categories is an act of administration, not certification. Moreover, the definitions of restricted and surplus walnuts should be rewritten to specify that they apply only to walnuts withheld in satisfaction of the respective obligations. This definition should make it clear that when these terms are applied to walnuts withheld by a handler such walnuts may be used only for specified purposes.

"Merchantable allocation percentage" should be modified by deleting the word merchantable to shorten the phrase, deleting the reference to establishment by the Secretary and the provision for adjustment to the nearest whole number or tenths place. The definition should be reworded for clarity and to conform with other changes herein proposed. The allocation percentage would be used by the Board in computing each handler's restricted obligation and as such need not be fixed by the Secretary but must be carried out as to many places as necessary for each handling transaction to result in compliance with the restricted percentage then in effect.

"Diversion percentage" should be modified for the same reasons as discussed above in connection with "allocation percentage."

"Light amber halves and pieces" should be deleted. Since United States Standards for Shelled Walnuts have been adopted as a basis for shelled walnut grade requirements and light amber halves and pieces are defined in such standards it is no longer necessary to include this definition in the order.

(2) Provisions relating to establishment and membership should be reworded to use the term "independent packer" rather than the words "other than cooperative packer" since the term independent packer is now proposed to be defined. Also the word "eligible" should replace the word "qualified" in the first paragraph to conform with a proposed section entitled "Eligibility" hereinafter discussed.

Provisions relating to term of office should be brought up to date by deleting the obsolete provisions dealing with the term of office of incumbents who were in office prior to June 30, 1955, and the special provision covering the initial sheller member which was added to the Board in 1954. Also, the section should be clarified by rewording it to provide that all members serve for two year terms ending on June 30 of odd numbered years and continue in office beyond that date until their successors have been selected and have qualified. This does not constitute a substantive change in present purposes of the provision but recognizes the practical aspects of not being able to begin terms on July 1 if successors have not qualified.

Provisions relating to nominations should be modified to authorize methods for obtaining candidates for the independent grower nomination in California, provide for issuance of press releases by the Board, list the candidates for the independent grower nomination in California on the ballot, give equal weight to all votes for the grower representative for Oregon and Washington, and to simplify the wording of the section.

At present all votes of growers marketing through independent packers in District 2 are weighted by the total quantity of inshell walnuts handled by such packer group and those marketing through cooperative packers are weighted by the total quantity of inshell walnuts handled by that group. Hence, one group can be excluded from a voice in selecting the nominee from District 2. Since all growers in District 2 have similar interests and there is only one position on the Board to represent them, each grower, regardless of his marketing affiliation, should vote directly for a nominee and the method of nominating the grower representative for District 2 should be modified so that each grower's vote is given equal weight.

In the case of California growers who market their walnuts through independent packers there is presently no provision for placing candidates on a nomination ballot other than to write them in at the time of voting. It was testified at the hearing that incumbents willing to serve should be placed on the ballot and that a petition method requiring a fixed number of signatures of growers having a specified tonnage in each of two counties be used to obtain the names of additional candidates for inclusion on the ballot. Since the proposed petition method is untried and its effectiveness has not been tested it should not be specifically set forth in the order. However, the Board should develop this or another workable method of obtaining such candidates and establish, with the approval of the Secretary, such procedure for obtaining candidates for the independent grower nomination in California as is appropriate.

The section should also be modified to provide that balloting be announced by press releases issued by the Walnut Control Board rather than the U.S. Department of Agriculture as is now required. Such press releases are matters of primarily local interest and should be issued by the Board which is charged with conducting other phases of the nominations.

Provisions relating to qualification should be modified by dividing it into a section dealing with eligibility and further a section dealing with acceptance of a position on the Board and entitled "Qualify by acceptance." Rearrangement of these provisions into two sections with titles appropriate to the subject matter does not constitute a substantive change in their meaning.

Provisions relating to vacancy should be modified to recognize a situation not now provided for, namely, selection of a new nominee when a member or alternate member of the Board fails to qualify. This does not result in a vacancy but is still cause for the selection of a successor. The Board should be provided sixty days rather than thirty days as at present in which to certify to the Secretary a nominee for a vacancy. The sixty day period is necessary to give the Board sufficient time to carry out procedures for selecting a new nominee under varying situations.

Provisions relating to duties should be modified to incorporate the requirements of §§ 984.47(d) and 984.52(c) that the Secretary be furnished a complete report of the proceedings of any meeting at which control percentages are recommended by the Board. This is intended to broaden the application of this requirement to apply to all meetings at which Board business is conducted. In addition, a new provision should be included for the Board to recommend rules and regulations for the purpose of administering the program. This is desirable to specifically state that this activity is one of the Board's normal duties.

Provisions relating to procedure should be modified to delete the provision in paragraph (a) thereof that all communications from the Secretary be addressed to the chairman at such address that he may from time to time file with the Secretary as this is unduly restrictive for administrative purposes and should not be included in the order.

The present quorum requirement should be clarified by specifically stating that a quorum must be present to conduct Board business.

It was testified that in conducting votes by mail or telegram the Board follows a policy of obtaining a vote from every member or his alternate prior to taking any action and that full participation is desirable in all such cases. Therefore, the provisions of paragraph (c) should be modified to require that failure of a member or his alternate to vote or one dissenting vote should prevent adoption of any action voted upon in this manner.

(3) A new section should be added to the order which would authorize research and development projects designed to assist, improve or promote marketing distribution and consumption of walnuts as authorized by the act.

In the past individual handlers have engaged in various marketing research and development projects and the Board is now engaged in a research project designed to improve crop estimates under authority of § 984.40(f). Research results in benefits to all handlers and should be organized on a common basis and receive common financial support. As is normal with this provision, there should be included that such projects would be financed through regular assessment funds.

(4) Provisions relating to recommendation for merchantable free, restricted and allocation percentages and recommendation for marketable, surplus, and diversion percentages should be reworded to more clearly set forth the estimates and recommendations now made by the Board in adopting its marketing policy each year and which now appear in two separate sections of the order. The rewording would not result in any change in the methods of calculating percentages and making recommendations except for the provision for establishment of different percentages in District 2 and deletion of the requirement that the Board recommend allocation and diversion percentages.

This section should combine all of the estimates and recommendations that the Board needs to make to arrive at determinations with respect to control percentages. Estimates and recommendations are now set forth in § 984.47 for the inshell phase of the marketing policy, and in § 984.52 for over-all marketing policy.

The two phases of the market are clearly inter-related, and in practice the Board has considered them together in arriving at its marketing policy. It is reasonable, therefore, that they should be grouped in one section and listed in the order in which they are considered as the marketing policy is developed in a meeting. Each of the estimates and recommendations required is statistically significant and adds support to the final determinations.

In items 4 and 8, the words "imports," "prices," and "other factors" affecting inshell and shelled walnut trade demand should be added. The potential level of imports has a very significant bearing on the demand for U.S. shelled walnuts. It is so important that the industry has sought and received competent assistance from the University of California Agricultural Extension Service economist in developing statistical measurements of it. Statistical formulas have been developed that will make possible estimates of the quantities of shelled walnuts likely to be imported under given price and supply conditions. This information and related price information on probable U.S. and foreign prices has been used by the Board in its marketing policy discusssions, and therefore should properly be included in the order. Adequate information and procedures exist to make reasonable estimates of the other requirements.

The present requirement that the Board recommend differences in percentages between the two districts, not less than one-half of the other district, that will give reasonable effect to the degree to which the production between districts varies from its normal relative production, was justified in 1954 largely on testimony that production in the northwest was declining and should not be required to fully share the burden of restricted and surplus disposition. Average production in Oregon for the period 1956–60, the most recent years for which production and utilization data are available was 4,260 tons or about one-half the 8,120 tons average of the 1948–52 base period used in determining the present provision's normal relative production. On the other hand, the production of California during the same period was 68,268 tons compared to 68,820 tons during the base period. Present indications are that California production will not decrease and that the production decline in Oregon could continue. In order to recognize the new relationships and to eliminate any future uncertainty as to the differences in control percentages this section should be modified to provide that the Board will recommend control percentages for District 2 at one-half those recommended for District 1.

Since California dominates the market with over ninety percent of the total production a large crop in District 2 could not possibly create a total surplus condition in the face of a small or normal crop in District 1. Hence, application of the percentage reduction to District 1 as well as District 2 as now provided is unnecessary and should be eliminated.

As discussed in connection with their definition it is proposed that the allocation and diversion percentages be used by the Board primarily for accounting purposes to aid handlers in complying with the free, restricted, marketable and surplus percentages fixed by the Secretary. For this reason, it is not necessary that they be included among the Board's recommendations and this requirement should be deleted.

A new provision should be added to require that the Board make appropriate recommendations each year as to grade and size regulations. It was established at the hearing that quality may vary from year to year making different grade and size regulations appropriate between districts. It is also possible that marketing conditions will make changes in grade and size regulations desirable from time to time; therefore, the Board should consider grade and size regulations then in effect and recommend any changes that may be appropriate at its marketing policy meetings.

The present provisions relating to establishment of merchantable free, restricted and allocation percentage regulations by the Secretary, establishment of marketable, surplus and diversion percentage regulations by the Secretary, revision of control percentages, adjustment upon revision of control percentages, and application of control percentages after end of marketing year should be consolidated and modified to provide for establishment of control percentages in District 2 at one-half those in District 1, eliminate the requirement (as already discussed) for establishment of the merchantable allocation and diversion percentages, delete the requirement that the Secretary act on a request for revision of control percentages by two or more handlers, delete the mandatory requirement that the Board review and make percentage recommendations prior to February 15, and delete the automatic continuation of control percentages after the end of the market year.

As discussed in connection with §§ 984.48 and 984.52 present methods of establishing different control percentages between districts should be deleted and there should be substituted a provision that the restricted percentage for District 2 shall always be one-half that of District 1.

The requirement that the Secretary act on a control percentage request made by two or more handlers who handled during the immediately preceding marketing year at least 10 percent of the total walnuts handled should be deleted. The Board is intended to represent the industry and it has been the practice of the Secretary to obtain the views of the Board in all cases prior to taking any action on control percentages or other matters affecting the industry. Moreover, this provision has never been utilized and hence serves no purpose in the program.

The requirement that the Board shall review the percentages prior to February 15 should be changed to provide that the Board may review the control percentages prior to February 15. The matter of reviewing the control percentages by that date should depend on the circumstances of the year and should not be a mandatory requirement. Other than this, no substantive changes in § 984.82 and the first sentence of § 984.83 other than those to conform with other proposed changes are intended.

The requirements of present § 984.84 (a) should be deleted. It was testified at the hearing that in lieu of automatically extending control percentages into the following year until such time as new percentages are established, that the Board when recommending establishment of control percentages could specify whether such percentages should continue into the following year and the Secretary would establish the period of such percentages in his regulatory order. This is in recognition of the fact that control percentages are not used in each season.

(5) The present provisions relating to establishment of grade and size regulations for unshelled walnuts, establishment of grade and size regulations for shelled walnuts and minimum sound kernel content requirement for surplus should be consolidated and modified to specify the inshell minimum standard in terms of United States Standards for Walnuts in the Shell, authorize additional grade and size regulation of shelled walnuts, authorize different grade and size regulations between districts, and provide for the use of kernel weight rather than sound kernel weight.

The minimum standard for inshell walnuts is not now determinable except by referring to the Administrative Rules. This provision should be included in the order to incorporate therein the minimum standards effective since adoption of U.S. Standards for all walnuts by the industry in 1959.

Present §§ 984.43(a) and 984.45 covering operation of minimum standards of quality regardless of whether the prices are above parity should be stated in a single sentence thereby avoiding repetition. The provisions of § 984.43(b) authorizing additional grade and size regulations for inshell walnuts should be broadened in order to provide similar authority for additional grade and size regulations of shelled walnuts. Although no specific requirements were discussed or recommended it was testified at the hearing that the industry desires authority for such additional grade and size regulations of shelled walnuts should the need arise.

Provisions should also be included for application of different grade and size regulations in each of the two districts when growing conditions are such as to create significant differences in quality. Under such authority the Board should make appropriate recommendations at the beginning of any season when differences in regulations appear to be necessary. On the basis of such recommendations and other available information the Secretary should establish different grade regulations for the two districts if appropriate.

The requirements of present § 984.56 should be rewritten in consolidated form and with necessary conforming changes to embody the deletion of the sound kernel requirements and permit the Board to adopt, by rules, such requirements as will safeguard the volume regulation and insure that adequate quantities of kernels are withheld.

The present provisions relating to certification of merchantable unshelled walnuts, inspection and certification of shelled walnuts, inspection and certification of surplus and cancellation of certificates should be consolidated and modified to delete the provision for three types of inshell walnut inspection certificates and add a requirement limiting removal of inspection identification.

Provision for three types of certificates in present § 984.44 should be deleted. This is for the purpose of permitting the certificate to be concerned solely with the walnuts meeting quality requirements without regard to the intended usage by the handler. The present provision has proven to be unduly burdensome and unnecessary to effectuate the grade or volume regulations. When certificates are used in this manner provision for cancellation is no longer needed.

The requirements of §§ 984.44(a), 984.46(a), and 984.57 should be consolidated to bring together in a single paragraph all present requirements relating to inspection and certification of all walnuts handled or withheld and to conform such requirements with other proposed modifications. It should be required that certificates covering all inshell walnuts and all surplus shelled walnuts for export show their quality in terms of the U.S. Standards and thereby consolidate present § 984.443 of Administrative Rules with order provisions. All of these requirements and such other information as the Board may find necessary for proper administration should be included on the certificate in order to insure effective application of the quality requirements of the program.

The requirements of present §§ 984.44 (c) and 984.46(b) should be combined to set forth in a single paragraph the authorizations for identification of all certified walnuts. It should specifically state that inspection identification shall not be altered or removed except as directed by the Board and that the Board may prescribe other requirements as necessary to insure adequate identification of all such certified walnuts. These should be specifically included in the order to clearly set forth the Board's administrative obligations and to provide the Board with authority to carry them out.

(6) The provisions on withholding merchantable restricted walnuts, withholding surplus walnuts, determination of sound kernel weight, and the last sentence of the provision on adjustment upon revision of control percentages should be consolidated and modified to specify that control obligations of the district of production shall apply to walnuts shipped into the other district, provide for surplus withholding by kernel weight, conform to the inshell walnut provision with respect to meeting control obligations in advance to that on shelled walnuts, and provide for broader application of the provisions for release of walnuts withheld.

The restricted obligation requirements should provide that the Board may specify different requirements for walnuts withheld for shelling. Under this authority the Board could continue to allow withholding credit for unbleached walnuts suitable for bleaching, which are held for shelling, without the unnecessary expense of having them bleached beforehand and could also allow withholding credit for walnuts to be shelled without the need for sizing to meet merchantable requirements. These differences are now provided for in § 984.443 of Administrative Rules, hence, this authority does not constitute a change in present program operations.

The order should specify that control obligations applicable to the district of production apply to any walnuts that may be transferred to the other district for handling. Although not specifically stated, this is the intent of present provisions and is intended to maintain existing practices.

As previously indicated, surplus withholding requirements should be in terms of "kernelweight" rather than "sound kernel weight." A handler could thus receive credit for the entire weight of the kernels in any lot of walnuts withheld. It was testified that allowing withholding credit for the entire weight of the kernels withheld would encourage a better merchantable pack by providing an outlet for damaged walnuts and would eliminate considerable inspection effort to determine the sound kernel content.

The applicability of § 984.54(b) should be extended to inshell as well as shelled walnuts. This method of meeting control obligations in advance has proved administratively satisfactory for shelled walnuts and should also be used for inshell walnuts as a substitute for the certificate cancellation and adjustment procedures now applicable under § 984.80.

The last sentence of §§ 984.83 and 984.86 dealing with release of restricted or surplus walnuts in excess of the handler's obligations should be continued and given broader application in recognition of the fact that, as a practical matter, handlers sometimes find themselves in an over withheld position for reasons other than a reduction in the restricted or surplus percentage. It should be provided that any time a handler has withheld in excess of his obligations he may release the excess in a manner specified by the Board.

(7) Provisions relating to postponement of the control obligations upon the filing of a bond and application of bonding rates after end of year should be combined and modified to fix a single final date, March 31, for deferment of surplus withholding, authorize the Board to determine the bonding rate upon a new basis, require one bonding rate for all restricted walnuts based on U.S. No. 2 medium size walnuts, and delete administrative detail.

Provisions limiting the deferment of the surplus withholding obligation to March 1 on obligations accrued prior to January 31 and until the following August 31 on obligations accrued after January 31 should be replaced with a final deferment date of March 31 on all surplus obligations. On or before March 31 practically all walnuts have been delivered by growers to handlers and most processing and shelling has been completed. Therefore, handlers should have no difficulty withholding walnuts to meet their surplus obligations on a current basis after that time. Extending the period of deferment to August 31 of the next marketing year as now provided increases the cost of the deferment bond without commensurate benefit to handlers.

Bonding rates should be established by the Board on the basis of information available to it not later than October 15 of any marketing year in which control percentages are likely to be in effect. The Board now has access to selling prices of most handlers and is in a good position to determine prices for use as bonding rates which are representative of prevailing prices. The price per pound for light amber halves and pieces should continue to be used as a bonding rate for surplus walnuts. The price per pound for bulk pack U.S. No. 2 medium size inshell walnuts should be used as the bonding rate for restricted walnuts rather than a figure computed at 95 percent of the opening price for each bulk pack of walnuts announced by certain specified packers. The requirements that prices be established for each pack of inshell walnuts was considered necessary when walnuts were withheld in various pack categories; however, this is no longer required. Use of U.S. No. 2 and medium size rather than a third quality and baby size, which is the minimum standard, should be ample protection in event of a default.

Paragraphs (d) and (e) of present § 984.81 should be simplified to provide a general authorization and method of disposing of sums collected upon default. Rewording these paragraphs for simplification and conforming changes is not intended to constitute a change in the approach to distribution of sums collected on bonds.

In order to consolidate all provisions dealing with bonding rates § 984.84(b) should be included with the other bonding provisions.

(8) Provisions relating to disposition of merchantable restricted walnuts withheld by shelling and reports of receipts of merchantable restricted walnuts for shelling should be combined and continued substantially unchanged except to recognize that persons other than handlers may desire to shell restricted walnuts. In this case, the Board should be provided with necessary flexibility to obtain all needed information concerning such disposition.

Provisions relating to disposition of merchantable restricted walnuts withheld by export, and disposition of surplus walnuts withheld by export, should be consolidated, retaining the general authority and method of exporting controlled walnuts in simplified form and modified to delete the requirement that exports to Canada and Mexico be on the basis of a delivered price, duty paid, and the limitation on pooling surplus after February 15.

Present requirements that the Board execute an agreement to prevent reimportation into the United States and that the handler agent who exports walnuts be entitled to a commission of 5 percent of the export price should be deleted so that the Board may use prevailing commercial practices. Requirements such as these should be left to the terms and conditions in the export agreement entered into by each agent handler with the Board.

The requirement that exports to Canada and Mexico be on the basis of a delivered price duty paid should be deleted. This has been a safeguard intended to insure that walnuts exported to these neighboring countries are permanently removed from normal markets in the United States. However, experience has shown that good control of export shipments can be maintained by the Board without this requirement which involves burdensome paper work and is not normal to export sales.

The withholding handler should continue to be credited with restricted or surplus disposition for walnuts exported by either himself or another handler acting as agent to the Board and to have exports in excess of his withholding obligation transferred to such other handler as he may designate.

Provisions relating to disposition of surplus walnuts withheld, by other than export and disposition of proceeds from sales of pooled surplus should be modified to simplify the wording and allow the Board to accept for pooling and disposition walnuts in excess of a handler's accumulated surplus obligation after February 15. The present limitation has proven incompatible with handlers' normal operating procedures in that it often requires walnuts withheld in anticipation of a surplus requirement to be retained on the handler's premises long after he has processed them and set them aside for such use. When such walnuts are of low quality and destined for disposition at an oil mill, they constitute a sanitation problem which would not be necessary if they were sent to the oil mill for disposition immediately. In accepting such walnuts for pooling in excess of the handler's accrued surplus obligation, the Board should protect itself against liability for any losses sustained by a handler by virtue of disposing of walnuts in excess of his surplus obligation.

A provision should be added for handlers to transfer excess surplus pool credits in the manner presently provided for export credits. It is anticipated that surplus control may be more important in the future and in a recent surplus year it became apparent that transfers of surplus pool credits as well as export credits are desirable.

(9) Provisions relating to exemptions, and the exemption requirements of Administrative Rules should be combined. These provisions should remain substantially unchanged except for additional authorization to modify exemption requirements to accommodate situations that may occur in the future wherein it would be in the best interests of the program to make such changes and permit the disposition of walnuts into the low-order outlets, animal feed and oil, under any governmental program. The latter is necessary to permit producers and handlers to participate in programs to remove supplies from the market without conflict with this part.

(10) Provisions relating to expenses should be modified by addition of a requirement that the Board file a proposed budget of expenses and rates of assessment for inshell and shelled walnuts with the Secretary as soon as practicable after the beginning of each marketing year. This requirement recognizes normal practice of the Board which is to prepare a budget together with recommended rates of assessments for submission to the Secretary and is necessary so the Secretary may approve the budget and set the rates of assessment.

Provisions relating to assessments should be modified to clarify the refund computation method, delete the authority for the Board to enter into a suit to enforce payment, and to require payment of assessments on inshell walnuts at the time of handling or when declared for handling as is now done for shelled walnuts. The Board has found that the use of periodic reports of walnuts handled as a basis for administration rather than inspection certificates is now more appropriate in view of changes in handling practices resulting in inspection being done on an in-line or stock basis rather than at the time of actual shipment as was true several years ago. Therefore, it is desirable to base inshell walnut assessments on handling or declaration for handling rather than certification.

Authority for the Board to enter into a suit to enforce payment of assessments by handlers should be deleted. The facilities of the U.S. Department of Agriculture and Justice are available to the Board for such actions and should be used in all cases.

(11) Reports of handler carryovers and reports of merchantable restricted and surplus walnuts held should be consolidated and modified to eliminate the detailed reporting requirements. Reporting requirements in this subpart should be general terms rather than requiring a detailed breakdown of the information to be included. These provisions are administered on the basis of forms prepared by the Board and distributed to handlers for use in making reports and the present requirements have proven unnecessarily rigid, making it difficult to specify the form in which the needed information is to be submitted. Therefore, the Board should be authorized to specify the manner of reporting such information. Also, the Board should continue, with the approval of the Secretary, to be authorized to obtain such information as may be necessary to enable it properly to perform its functions under the regulatory program.

Reports of merchantable unshelled walnuts shipped from stock and reports of merchantable shelled walnuts handled should be consolidated and modified by eliminating the detailed reporting requirements. As previously discussed most walnuts are now shipped under what might be described as stock certificates and the report of walnuts shipped from stock has assumed general importance. The need for reports on both inshell and shelled walnuts handled is similar and both these reports can be handled together, making it desirable to consolidate the requirements. The more general authority for obtaining reports

on shelled walnuts has proven adequate and there is no need to continue the detailed breakdown of information required on unshelled walnuts. Hence, the details of the report should be left to the Board rather than specified in the order.

Reports of disposition of merchantable restricted walnuts withheld should be expanded to cover surplus as well as restricted walnuts since similar information is needed on both categories of controlled walnuts. The detailed reporting requirements should be deleted in favor of a general requirement authorizing the Board to specify the detailed information needed. In this way the Board will not be limited in its preparation of forms suitable to all requirements as they occur.

Reports of interstate handling within the area of production should be modified to eliminate the details, make conforming changes, and require the report only from the receiving handler. It was testified that the primary purpose of this report is to insure that the control obligations applicable to the district in which the walnuts are grown apply to such walnuts if they are transferred to another district. Such controls are applied on the receiving handler, accustomed to filing reports with the Board, and hence obtaining a single report is adequate.

Certification of reports should be modified by changing the word "subpart" to "part." Under the proposals herein recommended, reports may be made that are authorized by this subpart but not specifically required by this subpart. All such reports should be certified.

A new section "Confidential Information" should be added to the order. It should specify that all reports and records submitted by handlers to the Board containing information that constitutes a trade secret or discloses a trade position or financial condition or other aspects to the business operations of a handler shall be kept in custody of employees of the Board and shall be disclosed to no one except the Secretary. The act requires such safeguarding of confidential information and this is the normal practice of the Board. However, it is advisable to specifically include such requirement in the order in that it serves to advise all persons connected with the program that confidential information will be accorded due respect by those having access to it.

(12) Rights of the Secretary should be modified by deleting the proviso at the end of the third sentence which states "except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary" so that the sentence will permit any such acts to be considered on their merits. The last sentence in the section which deals with designation of another agency in the event the Walnut Control Board does not perform its duties or exercise its powers should also be deleted. Since the Secretary has the right to remove individual employees or Board representatives there may be no need for appointing another administrative agency and a more preferable method of operation could be to remove and replace the individual persons.

Agents should be modified by deleting the reference to "bureau or division" of the United States Department of Agriculture and inserting the words "any subdivision" in lieu thereof. Since subdivision designations of the Department are changed from time to time this is intended to give this section continuing applicability regardless of the changes in the organizational structure of the Department.

(13) The proposals for amendment heretofore recommended will make it necessary to make certain conforming changes in sections not specifically discussed in connection with the proposals. All such changes should be incorporated in the proposed order as necessary.

The rulings on proposed findings and conclusions. At the conclusion of the hearing the presiding officer set April 20, 1962, as the time by which briefs from interested persons with respect to testimony presented in evidence at the hearing and the conclusions to be drawn therefrom could be filed with the Hearing Clerk of the Department. A brief was submitted by the California Farm Bureau Federation. The brief discussed the proposals made at the hearing with regard to establishment of a method for obtaining candidates for the California independent grower position on the Board. The brief suggested that the method of obtaining such candidates proposed at the hearing or a similar petition procedure be included in the order and that the order further provide flexibility for the Board at its discretion to obtain candidates for the nomination by other methods. The specific method proposed is not included herein. However, authority for the Board to establish appropriate methods of obtaining such candidates is proposed. Every point covered in this brief has been carefully considered, consistent with the evidence in the record, in making the findings and reaching the conclusions set forth herein. To the extent that the proposals in the brief are inconsistent with the findings and conclusions contained herein, they are denied on the basis of the facts found and stated in connection with this recommended decision.

General findings. (a) The order is hereby proposed to be amended and all the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The order as hereby proposed to be amended regulates the handling of walnuts in California, Oregon, and Washington in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activities specified in proposals on which the amendment hearing has been held;

(c) The order as hereby proposed to be amended prescribes so far as practicable such different terms applicable to different parts of the production area as are necessary to give due recognition to differences in the production and marketing of walnuts covered thereby;

(d) The order as hereby proposed to be amended is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act and the issuance of several marketing orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(e) All handling of walnuts as defined in the order as hereby proposed to be amended is in the current of interstate or foreign commerce or directly burdens, obstructs or affects such commerce.

Recommended order. The following amended marketing agreement and order are recommended as the detailed means by which the foregoing conclusions may be carried out.[1]

Amended Order Regulating Handling of Walnuts Grown in California, Oregon, and Washington

DEFINITIONS

Secs.
984.1 Secretary.
984.2 Act.
984.3 Person.
984.4 Area of production.
984.5 Grower.
984.6 Board.
984.7 Marketing year.
984.8 Walnuts.
984.9 Inshell walnuts.
984.10 Shelled walnuts.
984.11 Merchantable walnuts.
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984.13 To handle.
984.14 Handler.
984.15 To pack.
984.16 Packer.
984.17 Pack.
984.18 Sheller.
984.19 Manufacturer.
984.20 Kernelweight.
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984.23 Free walnuts.
984.24 Restricted walnuts.
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ADMINISTRATIVE BODY

984.35 Walnut Control Board.
984.36 Term of office.
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RESEARCH AND DEVELOPMENT

984.46 Research and development.

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984.48 Marketing estimates and recommendations.
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QUALITY CONTROL

984.50 Grade and size regulations.
984.51 Inspection and certification of inshell and shelled walnuts.
984.52 Processing of shelled walnuts.

CONTROLLED WALNUTS

984.54 Withholding obligation.
984.55 Interhandler transfers.
984.56 Deferment of withholding.

[1] The provisions identified with an asterisk (*) apply only to the proposed amended marketing agreement.

DISPOSITION OF CONTROLLED WALNUTS

Sec.
984.60 Shelling restricted walnuts.
984.61 Export.
984.62 Surplus pool.
984.63 Storage facilities.
984.64 Disposition of substandard walnuts.
984.65 Compliance.
984.66 Assistance of Board in meeting control obligations.
984.67 Exemptions.

EXPENSES AND ASSESSMENTS

984.68 Expenses.
984.69 Assessments.

REPORTS, BOOKS AND OTHER RECORDS

984.71 Reports of handler carryover.
984.72 Reports of merchantable handled.
984.73 Reports of disposition of controlled walnuts.
984.74 Reports of interdistrict shipment of walnuts.
984.75 Reports of disposition of substandard walnuts.
984.76 Other reports.
984.77 Verification of reports.
984.78 Certification of reports.
984.79 Confidential information.
984.80 Books and other records.

MISCELLANEOUS PROVISIONS

984.83 Rights of the Secretary.
984.84 Personal liability.
984.85 Separability.
984.86 Derogation.
984.87 Duration of immunities.
984.88 Agents.
984.89 Effective time and termination.
984.90 Effective time and termination or amendment.

DEFINITIONS

§ 984.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

§ 984.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.)

§ 984.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 984.4 Area of production.

"Area of production" means the States of California, Oregon, and Washington, of which the State of California shall be District 1, and the States of Oregon and Washington District 2.

§ 984.5 Grower.

"Grower" is synonymous with "producer" and means any person engaged in a proprietary capacity in the commercial production of walnuts.

§ 984.6 Board.

"Board" means the Walnut Control Board established pursuant to § 984.35.

§ 984.7 Marketing year.

"Marketing year" means the twelve months from August 1 to the following July 31, both inclusive.

§ 984.8 Walnuts.

"Walnuts" means only walnuts of the "English" (Juglans regia) varieties grown in the States of California, Oregon, and Washington.

§ 984.9 Inshell walnuts.

"Inshell walnuts" means walnuts the kernels of which are contained in the shell.

§ 984.10 Shelled walnuts.

"Shelled walnuts" means walnut kernels after the shells are removed.

§ 984.11 Merchantable walnuts.

(a) *Inshell.* "Merchantable inshell walnuts" means all inshell walnuts meeting the minimum grade and size regulations set forth in § 984.50.

(b) *Shelled.* "Merchantable shelled walnuts" means all shelled walnuts meeting the minimum grade and size regulations effective pursuant to § 984.50.

§ 984.12 Substandard walnuts.

"Substandard walnuts" means all walnuts (whether inshell or shelled) the kernels of which do not meet the minimum standard prescribed for merchantable shelled walnuts.

§ 984.13 To handle.

"To handle" means to sell, consign, transport or ship (except as a common or contract carrier of walnuts owned by another person), or in any other way to put walnuts, inshell or shelled, in the current of commerce either within the area of production, or from such area to any point outside thereof, or for a manufacturer or retailer within the area of production to purchase directly from a grower: Except, that the term "to handle" shall not include sales and deliveries within the area of production by growers to handlers, or the authorized disposition of merchantable restricted, surplus, or substandard walnuts.

§ 984.14 Handler.

"Handler" means any person who handles inshell or shelled walnuts.

§ 984.15 To pack.

"To pack" means to bleach, clean, grade, or otherwise prepare walnuts for market as inshell walnuts.

§ 984.16 Packer.

"Packer" means any person who is engaged in the business of packing walnuts or has walnuts packed for his account and handles them as inshell walnuts, categorized as either:

(a) *Cooperative packer*, meaning any packer which is a cooperative marketing association of growers regardless of where or under what laws it may be organized; or

(b) *Independent packer*, meaning any packer who is not a cooperative packer.

§ 984.17 Pack.

"Pack" means a specific commercial classification according to size, internal quality, and external appearance and condition, of merchantable inshell walnuts, packed in accordance with the pack specifications prescribed pursuant to § 984.50.

§ 984.18 Sheller.

"Sheller" means any person who is engaged in the business of shelling walnuts or has walnuts shelled for his account and handles them as shelled walnuts.

§ 984.19 Manufacturer.

"Manufacturer" means any person who uses walnuts in the production of bakery goods, ice cream, candy, or other food products, except walnut oil.

§ 984.20 Kernelweight.

"Kernelweight" means the total weight of the kernels in a quantity of walnuts regardless of their quality.

§ 984.21 Handler carryover.

"Handler carryover," as of any date, means:

(a) *Inshell.* All merchantable inshell walnuts (except those held in satisfaction of control obligations) wherever located, then held by a handler or for his account (whether or not sold), plus the estimated quantity of merchantable inshell walnuts in lots then held by a handler for packing as merchantable inshell walnuts;

(b) *Shelled.* All merchantable shelled walnuts (except those held as surplus) wherever located, then held by a handler or for his account (whether or not sold), plus the estimated quantity of merchantable shelled walnuts to be produced from inshell and shelled walnuts then held by a handler.

§ 984.22 Trade demand.

(a) *Inshell.* The quantity of merchantable inshell walnuts which the trade will acquire from all handlers during a marketing year for distribution in the United States, Puerto Rico, and the Canal Zone.

(b) *Shelled.* The quantity of merchantable shelled walnuts which the trade will acquire from all handlers during a marketing year for distribution in the United States, Puerto Rico, and the Canal Zone.

(c) *Inclusion of Canada and Cuba in trade demand.* Whenever there is reasonable probability that distribution of inshell and shelled walnuts may be made to the trade in either Canada or Cuba at prices reasonably comparable with prices received in the United States, either or both may be included in the trade demand.

§ 984.23 Free walnuts.

"Free walnuts" means those inshell walnuts which are included in the free percentage established by the Secretary pursuant to § 984.49.

§ 984.24 Restricted walnuts.

"Restricted walnuts" means those inshell walnuts which are withheld in satisfaction of a restricted obligation arising from application of a restricted percentage.

§ 984.25 Marketable walnuts.

"Marketable walnuts" means those walnuts, inshell or shelled, which are included in the marketable percentage established by the Secretary pursuant to § 984.49.

§ 984.26 Surplus walnuts.

"Surplus walnuts" means those inshell or shelled walnuts which are withheld in satisfaction of a surplus obligation arising from application of a surplus percentage.

§ 984.27 Allocation percentage.

"Allocation percentage" means the quotient, expressed as a percentage with applied accuracy to the nearest pound, that results from dividing the restricted percentage by the free percentage.

§ 984.28 Diversion percentage.

"Diversion percentage" means the quotient, expressed as a percentage with applied accuracy to the nearest pound, that results from dividing the surplus percentage by the marketable percentage.

§ 984.29 Control percentages.

"Control percentages" means free, restricted, marketable, and surplus percentages established by the Secretary pursuant to § 984.49.

§ 984.30 Control obligations.

"Control obligations" means the quantity of walnuts each handler must withhold to meet the restricted or the surplus percentage established by the Secretary pursuant to § 984.49.

§ 984.31 Part and subpart.

"Part" means the order regulating the handling of walnuts grown in California, Oregon, and Washington, and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of walnuts grown in California, Oregon, and Washington shall be a "subpart" of such part.

ADMINISTRATIVE BODY

§ 984.35 Walnut Control Board.

(a) A Walnut Control Board is hereby established, consisting of ten members, selected by the Secretary, each of whom shall have an alternate nominated and selected in the same way and with the same qualifications as the member. One member and one alternate member shall be selected by the Secretary from nominees submitted by each of the following groups or from among other eligible persons belonging to such groups:

(1) The cooperative packers doing business within the State of California;

(2) The independent packers doing business within the State of California;

(3) The group of cooperative packers or independent packers doing business within the State of California, who, during the preceding marketing year, handled more than 50 percent of the merchantable inshell walnuts handled by packers located within the State of California;

(4) Walnut growers whose orchards are located in California and who market their walnuts through cooperative packers;

(5) All other walnut growers whose orchards are located in California;

(6) Walnut growers whose orchards are located in California and whose walnuts were marketed during the preceding marketing year through the packer group specified in subparagraph (3) of this paragraph;

(7) Walnut packers whose plants are located within the States of Oregon or Washington;

(8) Walnut growers whose orchards are located within the States of Oregon or Washington;

(9) Walnut shellers within the area of production who are handlers but who are not packers.

(b) The tenth member shall be selected after the selection of the nine members from the above specified groups and after opportunity for such nine members to nominate the tenth member.

§ 984.36 Term of office.

The term of office of Board members and alternate members shall be for a period of two years ending on June 30 of odd-numbered years, but they shall serve until their respective successors are selected and have qualified.

§ 984.37 Nominations.

(a) Each of the nine groups specified in § 984.35 may nominate one person as member and one person as alternate, and the nine members selected to represent such groups may nominate by majority vote one person as member and one person as alternate for the tenth member position. Nominations for each group of handlers shall be submitted on ballots mailed by the Board to all handlers in such groups. Nominations on behalf of growers who market their walnuts through cooperative handlers shall be submitted on ballots cast by each such handler for its growers: Except, that growers in group 8 shall vote individually. Nominations on behalf of growers in groups 5 (and 6 when group 3 represents independent packers) and 8 shall be submitted after ballot by such growers pursuant to announcements by press releases of the Board to the principal papers in the walnut producing area in California, Oregon, and Washington. Such releases shall provide pertinent voting information, including the names of the candidates and the locations where ballots may be obtained. The ballots shall be accompanied by full instructions as to their marking and mailing and shall include the names of the incumbents who are willing to continue serving on the Board and such other candidates as may be proposed pursuant to methods established by the Board, with the approval of the Secretary. All packer votes shall be weighted by the quantity (rounded upward to the nearest whole ton) of merchantable inshell walnuts handled by each packer during the preceding marketing year and all grower votes shall be given equal weight. Sheller votes shall be weighted by the quantity of merchantable shelled walnuts handled by each sheller during the preceding marketing year. The packer, sheller, or grower receiving the highest vote for each position shall be the nominee.

(b) Nominations received in the foregoing manner by the Board shall be reported to the Secretary on or before June 15 of each odd-numbered year, together with a certified summary of the results of the nominations. If the Board fails to report nominations to the Secretary in the manner herein specified by June 15 of any such year, the Secretary may select the members without nomination. If nominations for the tenth member are not submitted by August 1 of any such year, the Secretary may select such member without nomination.

§ 984.38 Eligibility.

No person, other than the tenth member and alternate, shall be selected or continue to serve on the Board more than 30 days after he ceases to be a member of or employed by a member of the group he represents.

§ 984.39 Qualify by acceptance.

Each person selected by the Secretary as a member or alternate of the Board shall, prior to serving; qualify by filing with the Secretary a written acceptance as soon as practicable after being notified of such selection.

§ 984.40 Alternates.

(a) An alternate for a member of the Board shall act in the place and stead of such member in his absence or in the event of his death, removal, resignation, or disqualification, until a successor for his unexpired term has been selected and has qualified.

(b) In the event any member of the Board and his alternate are both unable to attend a meeting of the Board, any alternate for any other member representing the same group as the absent member may serve in the place of the absent member, or in the event such other alternate cannot attend, or there is no such other alternate, such member, or in the event of his disability or a vacancy, his alternate may designate, subject to the disapproval of the Secretary, a temporary substitute to attend such meeting. At such meeting such temporary substitute may act in the place of such member. For the purposes of this paragraph, a cooperative handler group and a cooperative grower group in the same state shall be considered the same group.

§ 984.41 Vacancy.

Any vacancy occasioned by the removal, resignation, disqualification, or death of any member or alternate, or any need to select a successor through failure of any person selected as a member or alternate member to qualify, shall be recognized by the Board causing a nomination to be made by the appropriate group and certifying to the Secretary a new nominee within 60 calendar days.

§ 984.42 Expenses.

The members of the Board shall serve without compensation, but shall be allowed their necessary expenses.

§ 984.43 Powers.

The Board shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 984.44 Duties.

The duties of the Board shall be as follows:

(a) To act as intermediary between the Secretary and any handler or grower;

(b) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall at any time be subject to the examination of the Secretary;

(c) To furnish to the Secretary a complete report of all meetings and such other available information as he may request;

(d) To appoint such employees as it may deem necessary and to determine the salaries, define the duties, and fix the bonds of such employees;

(e) To cause the books of the Board to be audited by one or more competent public accountants at least once for each marketing year and at such other times as the Board deems necessary or as the Secretary may request, and to file with the Secretary three copies of all audit reports made;

(f) To investigate the growing, shipping and marketing conditions with respect to walnuts and to assemble data in connection therewith;

(g) To investigate compliance with the provisions of this part; and

(h) To recommend rules and regulations for the purpose of administering this subpart.

§ 984.45 Procedure.

(a) The members of the Board shall select a chairman from their membership, and shall select such other officers and adopt such rules for the conduct of Board business as they deem advisable. The Board shall give the Secretary the same notice of its meetings as is given to members of the Board.

(b) All decisions of the Board, except where otherwise specifically provided, shall be by majority vote of the members present. A quorum of six members shall be required for the conduct of Board business.

(c) The Board may vote by mail or telegram upon due notice to all members. When any proposition is submitted for voting by one of such methods, one dissenting vote or failure of a member or alternate to vote, shall prevent its adoption until submitted to a meeting of the Board.

RESEARCH AND DEVELOPMENT

§ 984.46 Research and development.

The Board, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote marketing, distribution, and consumption of walnuts, the expense of such projects to be paid from funds collected pursuant to § 984.69.

MARKETING POLICY

§ 984.48 Marketing estimates and recommendations.

(a) Each marketing year prior to September 20, the Board shall hold a meeting for the purpose of recommending to the Secretary a marketing policy for such year. Such recommendation shall be adopted by the affirmative vote of at least six members of the Board and shall include the following:

(1) Its estimate of the orchard-run production in each district for the marketing year;

(2) Its estimate of the quantity of merchantable inshell walnuts likely to be produced and be available for inshell use during such year, expressed in pounds, inshell weight, and kernelweight;

(3) Its estimate of merchantable inshell walnut handler carryover as of August 1, expressed in pounds, inshell weight, and kernelweight;

(4) Its estimate of merchantable inshell walnut trade demand for such year, taking into consideration trade carryover at the beginning and end of the year, imports, prices, prospective shelled walnut market conditions, and other factors affecting inshell trade demand during such year, expressed in pounds, inshell weight, and kernelweight;

(5) Its recommendation for inshell walnut handler carryover on July 31 of such year expressed in pounds, inshell weight, and kernelweight;

(6) Its estimate of merchantable shelled walnut production during such marketing year;

(7) Its estimate of merchantable shelled walnut handler carryover as of August 1;

(8) Its estimate of merchantable shelled walnut trade demand, taking into consideration trade carryover, at the beginning and end of the year, imports, prices, and other factors affecting shelled walnut trade demand;

(9) Its recommendation for shelled walnut handler carryover on July 31 of such year;

(10) Its recommendation as to the merchantable free and restricted percentages to be fixed for inshell walnuts produced in each district. In recognition of differences in production and marketing, the Board shall recommend that the restricted percentage in District 2 be one-half of the percentage in District 1;

(11) Its recommendation as to the marketable and surplus percentages to be fixed for walnuts produced in each district. In recognition of differences in production and marketing, the Board shall recommend that the surplus percentage in District 2 be one-half of the percentage in District 1; and

(12) Its recommendation as to grade and size regulations.

§ 984.49 Control percentages.

(a) *Free and restricted percentages.* Whenever the Secretary finds on the basis of the Board's recommendations or other information that limiting the quantity of merchantable inshell walnuts which may be handled during a marketing year would tend to effectuate the declared policy of the Act, he shall establish for District 1 a free percentage to prescribe the portion of such walnuts which may be handled as inshell walnuts and a restricted percentage to prescribe the portion that must be withheld from such handling and similarly for District 2 except that the restricted percentage shall be one-half that of District 1.

(b) *Marketable and surplus percentages.* Whenever the Secretary finds on the basis of the Board's recommendations or other information that limiting the quantity of merchantable inshell and shelled walnuts which may be handled during a marketing year would tend to effectuate the declared policy of the Act, he shall establish for District 1 a marketable percentage to prescribe the portion of such walnuts which may be handled in normal markets and a surplus percentage to prescribe the portion that must be withheld from handling in such markets and similarly for District 2 except that the surplus percentage shall be one-half that of District 1.

(c) *Revision of percentages.* In the same manner, at any time prior to February 15 of the marketing year, the Board may recommend that the marketable and free percentages be increased and the surplus and restricted percentages decreased. On the basis of the Board's recommendation or other information, the Secretary may establish revised control percentages. Upon revision, all control obligations theretofore accrued on walnuts handled or declared for handling during such year on the basis of previously effective percentages shall be adjusted accordingly.

QUALITY CONTROL

§ 984.50 Grade and size regulations.

(a) *Minimum standards for inshell walnuts.* No handler shall handle inshell walnuts unless such walnuts are equal to or better than the requirements of U.S. No. 3 grade and baby size as defined in the then effective United States Standards for Walnuts (Juglans regia) in the Shell. This minimum standard may be modified by the Secretary on the basis of a Board recommendation or other information.

(b) *Minimum standard for shelled walnuts.* No handler shall handle shelled walnuts unless such walnuts are equal to or better than the requirements of the U.S. Commercial grade as defined in the then effective United States Standards for Shelled Walnuts (Juglans regia) and the minimum size shall be pieces not more than 5 percent of which will pass through a round opening 9/64 inch in diameter. This minimum standard may be modified by the Secretary on the basis of a Board recommendation or other information.

(c) *Effective period.* The minimum standards established pursuant to paragraphs (a) and (b) of this section and the provisions of this part relating to the administration thereof, shall continue in effect irrespective of whether the season average price for walnuts is above the parity level specified in section 2(1) of the Act.

(d) *Additional grade and size regulations.* The Board may recommend to the Secretary additional grade and size regulations in the form of more restrictive minimum standards than those specified in this section, or pack specifications as to grades and sizes that may be handled. Different regulations may be recommended for each district when

necessary due to significant differences in the quality of walnuts produced in each district. If the Secretary finds, on the basis of such recommendation or other information, that additional grade and size regulations for a district would tend to effectuate the declared policy of the Act, he shall establish such regulations.

(e) *Minimum requirements for surplus.* The Board, with the approval of the Secretary, may specify the minimum kernel content and related requirements for any lot of walnuts acceptable in satisfaction of a surplus obligation: *Provided,* That surplus walnuts exported must meet the requirements of paragraph (a) of this section, if inshell, or paragraph (b) of this section, if shelled.

§ 984.51 Inspection and certification of inshell and shelled walnuts.

(a) Before or upon handling or withholding any walnuts, each handler, at his own expense, shall cause such walnuts to be inspected and certified as meeting the then effective grade and size regulations or the quality requirements for walnuts withheld by the inspection service designated, with approval of the Secretary, by the Board. Each certificate shall show the identity of the handler, the quantity of walnuts, the date of inspection, and for inshell walnuts, the kernelweight, and the grade and size of such walnuts as set forth in the United States Standards for Walnuts in the Shell. Certificates covering surplus shelled walnuts for export shall also show the grade, size, and color of such walnuts as set forth in the United States Standards for Shelled Walnuts. The Board may prescribe such additional information to be shown on the inspection certificates as it deems necessary for the proper administration of this part. Handlers shall cause a copy of each certificate issued by the inspection service to be furnished to the Board.

(b) Upon inspection, all certified walnuts shall be identified by seals, stamps, or other means of identification prescribed by the Board and affixed to the container by the handler under the supervision of the Board or a designated inspector and such identification shall not be altered or removed except as directed by the Board. The Board may, with the approval of the Secretary, prescribe such other requirements as may be necessary to insure adequate identification of such certified walnuts.

(c) Whenever the Board determines that the length of time in storage or conditions of storage of any lot of walnuts which has been previously inspected have been or are such as normally to cause deterioration, such lot of walnuts shall be reinspected at the handler's expense and recertified as merchantable prior to shipment.

§ 984.52 Processing of shelled walnuts.

(a) No handler shall slice, chop, grind, or in any manner change the form of shelled walnuts unless such walnuts have been certified as merchantable or as suitable for processing pursuant to paragraph (b) of this section. The Board shall establish such procedures as are necessary to insure that all such walnuts are inspected and certified prior to any such processing.

(b) Any lot of shelled walnuts which, upon inspection, fails to meet the minimum standard effective pursuant to § 984.50 solely due to excess shriveling may be certified for processing provided that the total amount of shrivel does not exceed 20 percent, by weight, of the lot. All such walnuts must be reinspected after processing and shall be certified as merchantable if the processed material meets the effective minimum standard. The provisions of this paragraph may be modified by the Secretary, upon recommendation of the Board or other information.

CONTROLLED WALNUTS

§ 984.54 Withholding obligation.

(a) *Restricted obligation.* No handler shall handle inshell walnuts unless prior to or upon shipment thereof (or purchase if applicable), he has withheld a quantity, by weight, of certified merchantable inshell walnuts equal to the allocation percentage of the inshell walnuts handled or declared for handling by him: *Provided,* That such withholding may be temporarily deferred pursuant to the bonding provisions of § 984.57 and that the Board, with the approval of the Secretary, may modify the merchantable requirements for walnuts withheld for shelling.

(b) *Surplus obligation.* No handler shall handle walnuts unless prior to or upon shipment thereof (or purchase if applicable) he has withheld a quantity of walnuts meeting the requirements of § 984.50(e) and having a certified kernelweight equal to the diversion percentage of the kernelweight of all inshell walnuts handled or declared for handling and the actual net weight of all shelled walnuts handled or declared for handling by him: *Provided,* That such withholding may be temporarily deferred pursuant to the bonding provisions of § 984.57.

(c) Walnuts withheld as surplus shall be set aside and thereafter held for the account of the Board at the expense of the handler and, from the date of withholding, shall be available for inspection during reasonable business hours by the Board or its designees. Such walnuts shall be stored in such manner as to maintain them in the same condition as when certified for surplus, except for loss through conditions beyond the handler's control. Upon demand of the Board, they shall be delivered to the Board f.o.b. rail car or truck at handlers' warehouse or point of storage. All such surplus walnuts so withheld by the handler shall be at the time of withholding placed by the handler, at his own expense, in suitable containers, which may be prescribed by the Board and identified by appropriate seals, stamps, or other means of identification to be furnished by the Board and to be affixed to the containers by the handler under the direction or supervision of the Board or a designated inspector.

(d) The requirement for withholding a quantity of walnuts pursuant to paragraphs (a) and (b) of this section shall be the restricted and surplus obligations, respectively. The control obligations applicable to the district of production shall apply to any walnuts transferred to the other district prior to handling. Merchantable walnuts handled in accordance with the provisions of this subpart shall be deemed to be such handler's quota fixed by the Secretary within the meaning of section 8a(5) of the act.

(e) Any handler may at any time prior to the end of the marketing year satisfy his control obligations with respect to a specified quantity of certified merchantable walnuts which he then owns and has on hand and on which he declares to the Board his intention to handle, by withholding a quantity of walnuts sufficient to meet the obligations on the walnuts so declared for handling. Such declared quantity, if not handled, and the applicable withholding may be canceled by the handler prior to the end of the marketing year.

(f) Any handler withholding restricted or surplus walnuts in excess of his respective obligations may have excess walnuts of his choice freed from withholding by complying with such procedures as the Board may require to insure compliance with his obligations and identification of the remaining walnuts withheld. Similarly, he may exchange other eligible walnuts for walnuts withheld.

§ 984.55 Interhandler transfers.

(a) Within the area of production inshell walnuts other than free walnuts may be sold or delivered by one handler to another for packing or shelling and the receiving packer or sheller shall comply with the regulations made effective pursuant to this part with respect to such walnuts.

(b) A handler may, for the purposes of meeting his control obligations, acquire walnuts from another handler, and any assessments, control obligations, and inspection requirements with respect to walnuts so transferred shall be waived insofar as the seller is concerned. The Board, with the approval of the Secretary, may establish methods and procedures including necessary reports for such transfers.

(c) Except as provided in paragraphs (a) and (b) of this section, whenever transfers of walnuts are made from one handler to another, the first handler thereof shall comply with all of the regulations effective pursuant to this part.

§ 984.56 Deferment of withholding.

(a) *General.* Compliance by any handler with the requirements of § 984.54 as to the time during the marketing year when restricted and surplus walnuts shall be withheld may be deferred to any date desired by the handler up to December 31 for restricted and March 31 for surplus obligations. Such deferment shall be granted only upon the execution and delivery by such handler to the Board of a written undertaking that on or prior to the dates specified he will have fully satisfied his control obligations.

(b) *Filing of bond.* Such undertaking shall be secured by a commercial surety bond or a personal bond with surety to be filed with, and acceptable to, the Board in the amount stated in paragraph (c) of this section, conditioned upon full compliance with such undertaking. The amount of the bond for deferment of compliance with a restricted or surplus obligation shall be the total weight of the applicable obligation multiplied by the applicable bonding rate. The cost of the bond shall be borne by the handler.

(c) *Bonding rates*—(1) *Establishment.* The bonding rate for restricted walnuts shall be the price per pound for bulk pack, U.S. No. 2, medium size inshell walnuts, f.o.b. shipping point, and for surplus walnuts the price per pound for bulk U.S. Commercial grade light amber halves and pieces, f.o.b. shipping point as determined by the Board to be prevailing at the time bonding rates are established, which shall be not later than October 15 of any marketing year in which control percentages are recommended to the Secretary.

(2) *Effective period.* The bonding rates established for any marketing year shall continue in effect after the end of such marketing year until such bonding rates are modified. After bonding rates are established for the new marketing year, the new rates shall be applicable and any bonds theretofore given for that marketing year shall be adjusted to the new rates.

(d) *Disposition of bond collections.* (1) Any sums collected through default of a handler on his bond shall be used by the Board to purchase from handlers walnuts not to exceed the total quantity of default referable to such bond or that represented by the sums collected, whichever is lesser. The Board shall at all times purchase the lowest priced walnuts offered.

(2) Any unexpended sums, which have been collected by the Board through default of a handler on his bond, remaining in the possession of the Board at the end of a marketing year shall be used to reimburse the Board for its expenses, including administrative and other costs, incurred in the collection of such sums and in the purchase of walnuts. Any balance remaining after reimbursement of such expenses shall be returned to the defaulting handler.

(3) Walnuts purchased as provided for in this section shall be turned over to the defaulting handler for restricted or surplus disposition, as appropriate. If the quantity of walnuts represented by the bond collection cannot be purchased, the Board shall distribute any unexpended sum collected, after deducting necessary expenses, to all handlers on the basis of their respective inshell handlings with respect to a restricted obligation default or total handlings, kernelweight basis, with respect to a surplus obligation default.

(e) *Satisfaction of control obligations.* Collection by the Board upon any bond filed pursuant to the provisions of this section shall be deemed a satisfaction of the control obligations represented by such collection and the handler shall be credited on his control obligation with that quantity of walnuts represented by the bond sums collected on account of such default.

DISPOSITION OF CONTROLLED WALNUTS

§ 984.60 Shelling restricted walnuts.

(a) Any handler may shell restricted walnuts which he has withheld pursuant to § 984.54 or deliver them for shelling to another handler or an authorized sheller (i.e., a person other than a handler).

(b) Any person within the area of production who desires to become an authorized sheller may submit an application to the Board. Such authorization shall be granted to the applicants for a period of one year upon submission to the Board of an agreement, in writing, to:

(1) Shell restricted walnuts within the area of production or deliver them as inshell walnuts only to another authorized sheller for shelling;

(2) Comply fully with all requirements of this part, applicable to the shelling of walnuts;

(3) Permit such audits and inspections as the Board may require to determine compliance with provisions of this part; and

(4) Make such reports, certified to the Board and the Secretary as to their correctness, as the Board may require.

§ 987.61 Export.

(a) Sale or shipment of merchantable restricted and merchantable surplus walnuts in export to destination outside of the United States, Puerto Rico, and the Canal Zone, and Canada and Cuba when included in the trade demand, shall be made only by the Board. The Board shall be obligated to export only such quantities for which it is able to find satisfactory outlets. Any handler may be designated an agent of the Board under such terms and conditions as the Board may specify for export sales. Proceeds of any export sales made by the Board after deducting all expenses actually and necessarily incurred shall be paid to the handler withholding the walnuts.

(b) The respective kernelweights of restricted and surplus walnuts so exported shall be credited against the applicable withholding obligations of the withholding handler. Upon a handler's written request during a marketing year, the Board shall transfer any part or all of such handler's exports in excess of his withholding obligations to such other handlers as he may designate.

§ 984.62 Surplus pool.

(a) Surplus walnuts which are not disposed of pursuant to § 984.61 shall be pooled not later than August 31 of the next marketing year and shall be disposed of by the Board upon the best terms and highest prices obtainable consistent with the ultimate complete disposition of surplus, subject to the following conditions:

(1) No such surplus walnuts shall be sold in the United States, Puerto Rico, or the Canal Zone, other than to Government agencies or to charitable institutions for charitable purposes or for diversion into walnut oil, poultry or animal feed, or such other uses as the Board finds to be non-competitive with normal markets and with proper safeguards in each case to prevent such walnuts thereafter entering the channels of trade in such normal markets.

(2) The Board shall not accept delivery of any surplus walnuts for pooling and disposition prior to making a determination on or before December 15 of any marketing year as to the percentage of a handler's withholding obligation which may be accepted for pooling and disposition prior to February 15 of such year.

(b) *Disposition of proceeds from sales of pooled surplus.* Expenses incurred by the Board in receiving, handling, holding, and disposing of the pooled surplus walnuts shall be charged against the proceeds of the sales of such surplus walnuts. The remaining proceeds from the disposition of pooled surplus walnuts shall be distributed by the Board to handlers in proportion to their contribution thereto, measured in kernelweight.

(c) *Surplus pool credits.* Upon a handler's written request during a marketing year, the Board shall transfer any part or all of a handler's surplus pool credits in excess of his surplus withholding obligation to such other handler as he may designate.

§ 984.63 Storage facilities.

The Board may rent and operate, or arrange for the use of facilities for storage and handling of surplus walnuts withheld.

§ 984.64 Disposition of substandard walnuts.

Substandard walnuts may be disposed of only for manufacture into oil, livestock feed, or for such other uses as the Board determines to be noncompetitive with existing normal markets for walnuts and with proper safeguards to prevent such walnuts from thereafter entering the channels of trade in such normal markets.

§ 984.65 Compliance.

Except as provided in this subpart, no person shall handle walnuts, inshell or shelled, during any marketing year in which this subpart and any regulations issued by the Secretary hereunder are in effect, unless such person has previously met the obligations imposed by each such regulation and the provisions of this subpart.

§ 984.66 Assistance of Board in meeting control obligations.

The Board, on written request, may assist handlers in accounting for their control obligations and may aid any handler in acquiring walnuts to meet any deficiency in a handler's control obligation, or in accounting for and disposing of walnuts withheld.

§ 984.67 Exemptions.

(a) *Exemption from volume regulations.* Control percentages shall not apply to lots of merchantable inshell walnuts which are of Mammoth size or larger as defined in the then effective United States Standards for Walnuts in the Shell, or to such quantities as the

Board may, with the approval of the Secretary, prescribe.

(b) *Exemptions from assessments, quality, and volume regulations*—(1) *Sales by growers direct to consumers.* Any walnut grower may handle walnuts of his own production free of the regulatory and assessment provisions of this part if he sells such walnuts in the area of production directly to consumers under the following types of exemptions:

(i) At roadside stands and farmers' markets;

(ii) In quantities not exceeding an aggregate of 500 pounds of inshell walnuts or 200 pounds of shelled walnuts during any marketing year (at locations other than those specified in subdivision (i) of this subparagraph); and

(iii) If shipped by parcel post or express in quantities not exceeding 10 pounds of inshell walnuts or 4 pounds of shelled walnuts to any one consumer in any one calendar day.

(2) *Green walnuts.* Walnuts which are green and which are so immature that they cannot be used for drying and sale as dried walnuts may be handled without regard to the provisions of this part.

(3) *Noncompetitive outlets.* Any person may handle walnuts, free of the provisions of this part, for use by charitable institutions, relief agencies, governmental agencies for school lunch programs, and diversion to animal feed or oil manufacture pursuant to an authorized governmental diversion program.

(c) *Rules and modifications.* The Board may establish, with the approval of the Secretary, such rules, regulations and safeguards and such modifications as will promote the objectives of this subpart.

EXPENSES AND ASSESSMENTS

§ 984.68 Expenses.

The Board is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each marketing year for the maintenance and functioning of the Board, and for such other purposes as the Secretary may, pursuant to this part, determine to be appropriate. Such expenses shall be allocated between inshell and shelled walnuts handled or declared for handling on the basis of the estimated costs of the respective operations. The Board shall file a proposed budget of expenses and rates of assessment for inshell and shelled walnuts with the Secretary as soon as practicable after the beginning of each marketing year.

§ 984.69 Assessments.

(a) *Requirement for payment.* Each handler shall pay to the Board, on demand, his pro rata share of the expenses authorized by the Secretary for each marketing year. Each handler's pro rata share shall be the rate of assessment per pound for inshell or shelled walnuts fixed by the Secretary times the respective quantity of merchantable inshell or shelled walnuts he has handled or declared for handling. At any time during or after a marketing year the Secretary may increase the assessment rates as necessary to cover authorized expenses and each handler's pro rata share shall be adjusted accordingly.

(b) *Surplus walnut pool expenses.* The Board is authorized temporary use of funds derived from assessments collected pursuant to paragraph (a) of this section to defray expenses incurred in disposing of surplus walnuts pooled. All such expenses shall be deducted from the proceeds obtained by the Board from the sale or other disposal of pooled surplus walnuts.

(c) *Refunds.* At the end of a marketing year, funds in excess of the marketing year's expenses shall be refunded to handlers from whom collected and each handler's share of such excess funds shall be the amount of assessments he has paid in excess of his pro rata share of the actual expenses of the Board. Excess funds may be used temporarily by the Board to defray expenses of the subsequent marketing year: *Provided*, That each handler's share of such excess shall be made available to him by the Board within five months after the end of the year.

(d) *Termination.* Any money collected from assessments hereunder and remaining unexpended in the possession of the Board upon termination of this part shall be distributed in such manner as the Secretary may direct.

REPORTS, BOOKS, AND OTHER RECORDS

§ 984.71 Reports of handler carryover.

Each handler, on or before August 15 and January 15 of each marketing year, shall file with the Board a written report of his handler carryover of inshell and shelled walnuts as of August 1 and January 1 on such forms as the Board may prescribe.

§ 984.72 Reports of merchantable walnuts handled.

Each handler who handles merchantable walnuts, inshell or shelled, at any time during a marketing year shall submit to the Board in such form and at such intervals as the Board may prescribe, reports showing the quantity so handled and such other information pertinent thereto as the Board may specify.

§ 984.73 Reports of disposition of controlled walnuts.

Each handler who disposes of restricted or surplus walnuts shall submit to the Board in such form and at such intervals as the Board may prescribe reports showing the quantity so disposed of and such other information pertinent thereto as the Board may specify.

§ 984.74 Reports of interdistrict shipments of walnuts.

Any shipments of walnuts between District 1 and District 2 for sale or delivery to a handler shall be reported to the Board by the receiving handler, upon receipt, on forms prescribed by the Board, showing the net weight of each shipment and such other information pertinent thereto as the Board may specify.

§ 984.75 Reports of disposition of substandard walnuts.

Each handler shall submit, in such form and at such intervals as the Board may determine, reports of (a) his production and holdings of substandard walnuts and (b) the disposition of all substandard walnuts, including all deliveries of such walnuts to any other person, showing the quantity, lot, date, name and address of the person to whom delivered, the approved use and such other information pertaining thereto as the Board may specify.

§ 984.76 Other reports.

Upon request of the Board, made with the approval of the Secretary, each handler shall furnish to the Board in such manner and at such times as it prescribes (in addition to such other reports as are specifically provided for herein) such other information as will enable the Board to perform its duties and exercise its powers hereunder.

§ 984.77 Verification of reports.

For the purpose of checking and verifying reports filed by handlers or the operations of handlers under the provisions of this part, the Board, through its duly authorized agents shall have access to any handler's premises wherein walnuts may be held by such handler and, at any time during reasonable business hours, shall be permitted to inspect any walnuts so held by such handler and any and all records of the handler with respect to the holding or disposition of all walnuts which may have been disposed of by such handler, including records with respect to acquirements, packing, shelling, and shipment of both inshell and shelled walnuts, as applicable. Each handler shall furnish all labor necessary to facilitate such inspections as the Board may make of such handler's holdings of any walnuts. Each handler shall store all restricted and surplus walnuts held by him in such manner as to facilitate inspection and shall maintain adequate storage records which will permit accurate identification with respect to inspection certificates of respective lots and of all such walnuts held or disposed of theretofore.

§ 984.78 Certification of reports.

All reports submitted to the Board as required in this part shall be certified to the Secretary and the Board as to the completeness and correctness of the information contained therein.

§ 984.79 Confidential information.

All reports and records submitted by handlers to the Board, which include data or information constituting a trade secret or disclosing the trade position, or financial condition or business operations of the handler shall be kept in custody of one or more employees of the Board and shall be disclosed to no person except the Secretary.

§ 984.80 Books and other records.

Each handler shall maintain such records of walnuts received, held and disposed of by him as may be prescribed by the Board for the purpose of performing its functions under this subpart. Such books and records shall be retained and be available for examination by authorized representatives of the Board and the Secretary for a period of two years after the end of the marketing year in which the recorded transactions are completed.

MISCELLANEOUS PROVISIONS

§ 984.83 Rights of the Secretary.

The members and alternates of the Board and any agent or employee appointed or employed by the Board, shall be subject to removal or suspension by the Secretary, at his discretion, at any time. Each and every decision, determination, or other act of the Board shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and upon such disapproval, shall be deemed null and void.

§ 984.84 Personal liability.

No member or alternate of the Board nor any employee or agent thereof shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or any person for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate, employee or agent, except for acts of dishonesty.

§ 984.85 Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 984.86 Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 984.87 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination hereof except with respect to acts done under and during the existence hereof.

§ 984.88 Agents.

The Secretary may, by a designation in writing, name any person, including any officer or employee of the Government, or name any subdivision of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 984.89 Effective time and termination.

(a) *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare above his signature attached to this subpart, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart, whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions of this subpart at the end of any marketing year whenever he finds that such termination is favored by a majority of the producers of walnuts who during the preceding marketing year have been engaged in the production for market of walnuts in the States of California, Oregon, and Washington: *Provided*, That such majority have during such period produced for market more than 50 percent of the volume of such walnuts produced for market within said States, but such termination shall be effected only if announced on or before July 1 of the then current marketing year.

(4) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions of this subpart, the members of the Board then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the Board, of all funds and property then in the possession or under the control of the Board, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) Said trustees shall continue in such capacity until discharged by the Secretary; shall from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Board and the joint trustees to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Board or the joint trustees pursuant hereto.

(3) Any person to whom funds, property or claims have been transferred or delivered by the Board or its members, pursuant to this section, shall be subject to the same obligation imposed upon the members of the said Board and upon said joint trustees.

§ 984.90 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person, with respect to any such violation.

*§ 984.91 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

*§ 984.92 Additional parties.

After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting part at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

*§ 984.93 Order with marketing agreement.

Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for regulating the handling of walnuts in the same manner as is provided for in this agreement.

Dated: June 22, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-6277; Filed June 28, 1962; 8:45 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Parts 1001, 1006, 1007, 1014, 1015]

[Docket Nos. AO-14-A 33, AO-203-A 15, AO-204-A 15, AO-302-A 7, AO-305-A 6]

MILK IN GREATER BOSTON, SPRINGFIELD AND WORCESTER, MASSACHUSETTS; SOUTHEASTERN NEW ENGLAND; AND CONNETICUT MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Boston, Massachusetts, on April 2-4, 1962, pursuant to notice thereof issued on March 21, 1962 (27 F.R. 2802).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary, United States Department of Agriculture, on May 31, 1962 (27 F.R. 5335; F.R. Doc. 62-5494) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (27 F.R. 5335; F.R. Doc. 62-5494) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. Under subheading 1 "*Definition of 'city plant'.*", the seventh paragraph is changed.

2. Under subheading 2(b) "*System Pooling.*", the second paragraph, the first sentence of the third paragraph, the second sentence of the fourth paragraph, the second sentence of the fifth paragraph, and the second sentence of the sixth paragraph are changed.

3. Under subheading 2(c) "*Pooling cooperatives' supply plants under the Connecticut order.*", a new paragraph is added immediately after the tenth paragraph.

4. Under subheading 2(d) "*Other pool plant proposals.*", the first paragraph is changed and the fourth, fifth and sixth paragraphs are deleted and six new paragraphs are substituted therefor.

5. Under subheading 3 "*Nearby farm location differentials.*", the last sentence in the third paragraph is changed.

6. Under subheading 3a "*Common nearby farm differential area.*", the first sentence in the first and second paragraphs is changed.

7. Under subheading 4 "*Diversion provisions.*", the last paragraph is changed.

8. Under subheading 5(b) "*Classification of transfers and diversions.*", the third sentence of the eighth paragraph is changed and two new paragraphs are added at the end.

The material issues on the record of the hearing relate to:

1. Extension of city plant pricing area;
2. Qualifications for determining pool plant status under each of the New England orders;
3. Revision of the nearby farm location differential provisions of each New England order;
4. Revision of the diversion provisions of the Southeastern New England order; and
5. Miscellaneous, administrative and conforming changes affecting the several orders.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Definition of "city plant".* The Greater Boston order should be amended to provide that the "city plant" price differentials be applied to all pool plants within 80 miles of Boston.

Under the present provisions of the order all plants located within 40 miles of the State House in Boston are subject to zone price differentials over the 21st zone of 54 cents on Class I milk and on milk received from producers and of 5.8 cents on Class II milk. The 54-cent differential allows for the cost of moving milk from country plants to the marketing area and other factors, including a handling allowance to compensate for the additional costs of first receiving milk at country plants and then transporting it to city distributing plants. The 5.8 cent differential on Class II milk compensates for the cost of moving cream and nonfat dry milk, which are among the principal products made from Class II milk. These differentials are based solely on plant location and do not take into consideration whether a plant is a distributing plant or a supply plant.

Historically, with few exceptions, distributing plants have been located within a short distance of the major retail outlets served. Supply plants, on the other hand, are located in the major production areas of Vermont, New Hampshire, and Maine. Until recently the present definition of "city plant" has not caused problems as between distributing plants and supply plants.

Because of recent technological changes within the industry, distributing plant operators have expanded considerably the areas in which they distribute milk on routes. As distribution areas have expanded, distributing plants may become regulated by virtue of route sales within the marketing area even though the plants are located outside the 40-mile boundary that now distinguishes "city plants" from "country plants".

Under the present terms of the Boston order, a distributing plant located just beyond the 40-mile boundary would account for Class I milk at 17 cents per hundredweight less than plants located within the 40-mile boundary. In December 1961, a plant located in the Worcester marketing area and previously regulated under the Worcester order became regulated for one month under the Greater Boston order because its route sales within the Boston marketing area were greater than its route sales in the Worcester marketing area. The price at which the handler accounted for his Class I milk under the Boston order was 17 cents less than that applicable under the Worcester order, because the plant was so situated as to be a city plant under the Worcester order but a country plant, in the 41–60 mile zone, under the Boston order.

Another effect of the plant's shift from city plant status to country plant status was that for the month involved the minimum blended price payable to the producers was a country plant price, rather than a city plant price as was the case under the Worcester order. This country plant blended price was 17 cents less than the city plant blended price under the Boston order.

The recommended change would cause this plant to be a city plant under either order, and thus reduce variations in the class and blended prices payable at this plant in the event of any future shift between the markets. This change will have no effect on the long-run total income from Class I sales for the two markets.

The proposed amended definition of "city plant" will cause it to encompass all distributing plants now serving the Greater Boston market with the exception of a plant located at Bellows Falls, Vermont. Although this plant qualifies for pooling as a distributing plant on the basis of its route distribution in the marketing area, it also meets the order requirements for pooling as a supply plant. To require this plant to account for Class I milk on the same basis as distributing plants that are located in close proximity to city markets, would place it at a competitive disadvantage in relation to supply plants in the same general area in which it procures milk from producers.

2. *Qualifications for pool plant status*—(a) *Distributing plants.* The requirement under which a plant must dispose of at least 50 percent of its total receipts of fluid milk products as Class I milk to qualify as a "distributing plant" under the five New England orders should not be changed. However, a distributing plant which otherwise qualifies as a pool plant but which fails to meet such minimum percentage requirements should not be disqualified as a pool plant until the third consecutive month in which it has so failed to meet such requirements.

A proposal to reduce the Class I utilization requirements for distributing plants was offered by a cooperative association representing producers in all 5 New England markets. This producer association was concerned that in the present surplus situation, certain distributing plants might not meet the total Class I requirement and consequently would lose their pool status. The proposal presented would reduce the total Class I requirement from 50 to 25 percent in all months or, in the alternative, to the same level as the respective shipping percentage applicable to supply plants in such market.

In support of its proposal, the cooperative stated that the present utilization requirement has worked a hardship on distributing plants, and especially on those handlers receiving milk from local producers only. It was pointed out that such handlers are not able to adjust receipts to Class I needs as readily as are multiple plant operators receiving milk from supply plants. Plants receiving milk from local producers must either receive all the milk of their normal complement of producers or seek a temporary outlet through diversion or assignment of certain producers to other plants. When all the milk normally received by such handlers is not needed, it is generally the proponent cooperative which assumes the responsibility of providing a market for such milk.

It is recognized that the present requirements may at times place a burden on certain distributing plants and also on cooperative associations which have assumed supply balancing functions for the several markets. However, the important consideration in establishing standards for association with the marketwide pool is to distinguish between plants primarily engaged in Class I operations and properly part of the Class I market and those primarily engaged in manufacturing operations.

The present 50 percent Class I utilization requirements for distributing plants were included in Connecticut and Southeastern New England orders at their inception and were incorporated in the other New England orders on September 1, 1960. There has been only one instance of a plant losing pool status for failure to meet the stated Class I utilization requirements. This plant failed to qualify by a very small margin. Although evidence was presented with regard to problems encountered in allocating milk supplies in a manner to insure pool status of some plants, the remedy proposed is extreme for the circumstances found.

There are serious consequences involved to a handler and to his producers when a plant loses its pool status.

Allowing a plant which fails to meet the 50 percent requirement to have pool status, as otherwise provided, for a period sufficiently long to give the plant operator time to adjust his operations in a manner which will insure continued pool status will alleviate the problems cited. This may be accomplished by providing that a distributing plant which fails to meet the Class I utilization requirements may have such pool status for two consecutive months before being excluded from pooling for failure to meet the specified requirements.

(b) *System pooling.* The pooling requirements for supply plants under the Greater Boston order should be modified to provide more flexibility for plants pooling on a "system" basis.

The Boston order now permits system pooling during the months of August through November for two or more supply plants operated by the same handler if the total shipments to regulated distributing plants under the Greater Boston order in each month of the July–November period are at least 15 percent of the combined dairy farmer receipts in the month and if each plant in the system ships to regulated distributing plants at least 15 percent of its dairy farmer receipts in the month of July.

A proposal presented would modify the system pooling provisions of the Boston order so that the system pooling could apply in July also, with each plant in a pooled system having the choice of shipping 15 percent of its dairy farmer receipts to regulated distributing plants under the Greater Boston order in any one of the months of July through November. Under the proposal the system as a whole would continue to be required to ship 15 percent in each of the months of July through November.

The provision that each plant in a system ship 15 percent in the first month of the qualifying period is intended to demonstrate such plant's ability and right to association with the pool. Demonstration of the ability to ship from a particular plant is a reasonable requirement for its participation in a system and should be continued. However, requiring each plant in a system to meet the specified shipping percentage in the month of July tends to nullify in that month the objectives of the system pooling provisions.

In multiple plant operations it is normally more economical to ship milk from certain supply plants closest to the market while more distant milk is held up country for manufacturing purposes. Requiring all plants in a system to ship 15 percent of its dairy farmer receipts to regulated distributing plants under the Greater Boston order in the same month may result in uneconomic "back hauling" of milk and increased hauling charges for milk received from more distant plants.

The objectives of orderly marketing of supply plant milk will be maintained and the marketwide pool adequately protected if each supply plant in a system is allowed to make its qualifying shipment in any one of the months of July through November. The system in its entirety, however, should be required to ship 15 percent to regulated distributing plants under the Greater Boston order of the total dairy farmer receipts in each of these months. As is presently provided, a plant entering the system for the first time should establish its association with the pool by making a qualifying shipment apart from the remainder of the system in the first month in which it becomes associated with the market.

In opposition it was stated that the adoption of this proposal would make it easier for handlers to qualify plants. However, since each plant will continue to be required to make individual shipments in at least one month and since a system must continue, as before, to ship not less than 15 percent of its total dairy farmer receipts in each month of the qualifying period, the pooling standards will not be significantly changed.

(c) *Pooling cooperatives supply plants under the Connecticut order.* The Connecticut order pool plant provisions should be amended to facilitate the pooling of producer-operated supply plants that serve a supply-balancing function for the market.

A proposal to provide automatic pool status for a plant operated by a cooperative association was supported by two major cooperative associations in the market. Representatives of both cooperatives testified that such a provision should apply to plants that serve an essential supply-balancing function for the market. It was suggested by one of the cooperatives that an appropriate method might be to designate a cooperatively-owned plant as a pool plant if a large percentage of the member dairy farmers delivering to such plant are in the Connecticut order nearby farm location differential area.

Each of the two cooperatives supporting the proposal operates plants now pooled as supply plants under the Connecticut order. Although their operations differ in some respects, both cooperatives perform important supply-balancing functions for Connecticut proprietary handlers and insure markets for member producers.

One of the cooperative plants, located at Great Barrington, Massachusetts, regularly receives the milk of certain producers for sale in various markets. Milk is assembled at Great Barrington for regular delivery to Connecticut order distributing plants in the quantities needed to fulfill day-to-day fluid requirements of its buying handlers. On days when distributing plants supplied by this plant are not operating, milk is shipped from Great Barrington for disposition in outside markets.

In addition to supplying handlers directly from its Great Barrington plant, the cooperative also supplies milk to Connecticut distributing plants in bulk tank trucks. Frequently, when this milk is not needed by the handler, it is moved to the Great Barrington plant as producer milk and there assembled for outside disposition. In this manner the cooperative not only serves as a supply plant for certain distributing plants but also assists such plants by marketing milk of its members which is normally delivered to such plants directly from farms.

The other cooperative operates a supply plant at Hartford, Connecticut, at which milk is received from member producers. In addition, member milk is moved directly from farms to some 65 buying handlers' distributing plants. A portion of the milk received at the cooperative's supply plant is moved regularly to distributing plants and some is used as supplemental supplies for buying handlers who normally receive milk directly from cooperative members' farms. On weekends and on other days when distributing plants are not operating, the milk normally received at buying handlers' plants is received as producer milk at the Hartford plant. Most buying handlers receive only the amount of milk needed to fulfill their fluid needs. When necessary the cooperative obtains outside milk to fulfill handlers' requirements.

The plants for which automatic pooling was requested perform an essential and necessary service to the market in supplying handlers' needs and in providing a market for milk in excess of fluid requirements. The amount of milk supplied to distributing plants by proponent cooperatives would be more than ample to qualify such plants if received there and then moved on to the proprietary handler, but with the wide use of bulk tank delivery it is more economical in most cases to cause such milk to be delivered directly from the farm to distributing plants. When moved by the latter method the milk, of course, is not available as a qualifying shipment from the cooperative's plant.

Each cooperative's plant is so located that member milk could be first received there and then transported to buying handlers' distributing plants. This would facilitate the qualification of such plants but could force producer associations to make uneconomical movements of milk for the sole purpose of assuring pool status for their plants.

The proponent cooperatives supply a large percentage of their members' milk deliveries to distributing plants, either directly or through the supply plants for which automatic pooling is requested. This service provided by proponent cooperatives may be appropriately recognized in the pooling of such supply plants.

The order should allow a cooperative association to pool automatically one supply plant if the total deliveries of milk of member producers to Connecticut distributing plants, either directly or through its supply plants, are equal to at least 50 percent of the total receipts of producer milk marketed by such cooperative. Such a provision will make it possible for a cooperative to direct producer milk from the farms to distributing plants when this method is more economical than receiving such milk at its plant. The amendment

would base such qualification of a cooperative's supply plant on the aggregate, and continuing, delivery performance and service to the market and would be available on the above basis to any cooperative association performing a similar service.

To prevent the possibility of duplication of regulation by two or more orders of a cooperative's supply plant which has automatic pooling status under the Connecticut order, such order should provide that both shipments from such plant and the direct deliveries from its producer-members to plants in the Connecticut market should apply toward meeting the Connecticut pooling requirements when comparison with shipments to another market is required to determine the market in which the plant should be pooled. This provision is consistent with the above basis for automatic pooling under the Connecticut order since to obtain automatic pool status the plant must have close association with the market.

Although one of the proponent cooperatives presently has two supply plants pooled under the order, it was stated by a representative of such association that the provision should be limited to their plant closest to the marketing area, which plant is presently performing the services described. Limiting the proposed provision to a cooperative's plant closest to the marketing area is reasonable in view of the underlying considerations.

The suggestion that a cooperative's supply plant be designated as a pool plant if the members delivering to such plant are located in a certain designated area would not base the plant's qualification on performance of a service to the market and should not be adopted for that reason.

If a cooperative elects to have a plant which qualifies partially on the basis of direct-shipped milk included as a part of a plant system, the shipment requirements for system pooling should be the determining factor for qualifying such plant within the unit.

(d) *Other pool plant proposals.* The performance standards for supply plants to pool under the various orders should be revised.

There were two proposals to alter the New England order shipping percentages for supply plants. One proposal would lower the Connecticut, Southeastern New England, Springfield and Worcester shipping percentages to 15 percent, the level now contained in the Boston order. The other proposal would raise the Boston order shipping requirement to 30 percent, the level presently contained in the other four New England orders. Another proposal to amend only the Southeastern New England pooling provisions would require the pooling provisions of such order to be met before a country plant could be pooled under the order, notwithstanding that the plant was pooled in the qualifying months under another order.

For the most part the proposals to alter the shipping percentages and related proposals were intended to facilitate movements of milk among the markets and thereby promote better intermarket price alignment.

The evidence presented in support of the proposal to reduce pooling requirements for supply plants was concerned primarily with marketing under the Southeastern New England order, although the proponent indicated the desirability of modifying corresponding provisions in the other orders to correlate them with any amendments adopted in the Southeastern New England order. It was recognized in the recommended decision that some immediate problems might be alleviated temporarily by changing the pooling requirements under the Southeastern New England order. However, it was recognized also that problems of pooling under other New England orders might also be raised by such action and that amendatory action therefore should be deferred.

Following the issuance of the recommended decision, cooperative associations representing the vast majority of the producers in the New England markets requested that the proposed pooling qualifications for supply plants be revised by installing a 15 percent minimum pooling requirement in all the New England Federal orders, with shipments to any of the New England orders to apply toward meeting the 15 percent. A plant qualifying under this minimum percentage would be pooled in the market to which the largest quantity was shipped from the plant.

They stressed in their exceptions that as a result of the Supreme Court decision issued June 4, 1962, concerning Lehigh Valley Cooperative Farmers, Inc., et al., petitioners, v. United States et al., of which official notice is hereby taken, there is the strong possibility that the pooling structure in the New England markets would be significantly weakened, thus warranting the requested revision. It was pointed out that presently regulated supply plants in the New England markets could be withdrawn from pooling status but continue to ship milk to the market for Class I purposes. The movement of unpriced milk to the regulated markets could thus result in the disintegration of classified pricing and market equalization of producer returns for milk, the primary basis for achieving orderly marketing conditions.

The application of a minimum 15 percent shipping requirement, based upon combined shipments to the five New England markets, would reduce sharply the opportunities to withdraw supply plants from regulation and to move unpriced milk to such markets. It was felt such a requirement would suffice pending a longer-term and more comprehensive solution to the problems that would be created by the ready availability of unpriced milk.

While it was concluded in the recommended decision that action to amend the supply plant pooling requirements on the basis of this record might be deferred pending another hearing review, the Supreme Court's decision on the previously mentioned case gives increased significance to the proposal in the notice of hearing to reduce pooling requirements in all the markets to a minimum 15 percent shipment, the level provided in the current Boston order, and to the testimony supporting such proposal. To insure continued pooling of milk available to the New England markets in a manner that will deter price undercutting of milk regularly supplied to such markets the pooling requirements for supply plants should be amended in the manner requested.

The high degree of uniformity needed in the provisions of the five New England orders necessitates that all orders be treated in the same manner. The ability to move milk supplies among markets applies equally to the Connecticut market as well as to the others. Thus, separate and differing action as requested by Connecticut producers should not be adopted. It is concluded, however, that upon clarification of the full intent of the Supreme Court's decision further review in hearing of the provisions of the New England Federal orders may be warranted.

3. *Nearby farm location differentials.* The town of Brookline, Vermont, should be included in the 23-cent per hundredweight nearby farm differential area of the Springfield order. No other change should be made in the nearby farm location differential provisions of the five New England Federal orders.

A producer in the Springfield market whose farm is located in the southern half of the town of Brookline, Vermont, proposed that the southern portion of such town be added to the present 23-cent nearby farm differential area of the Springfield order. Recent legal action over disputed town boundary lines has resulted in a change in the boundary between the town of Brookline and the adjoining town of Putney from that which existed at the time the present 23-cent nearby farm differential area was established. As a result of this action, the southern boundary of the town of Brookline was moved southward to adjoin the Vermont town of Dummerston. This places the major portion of the town of Brookline south of the northern limit of the current 23-cent nearby farm differential area in the adjoining towns of Putney and Newfane. Also, the enlarged town of Brookline now encompasses a previous portion of the town of Putney which currently is in the 23-cent differential area. The proponent contends that this major portion of the town of Brookline logically should be included in that differential area.

In conformity with the practice under the Springfield order of defining nearby farm differential areas by town boundaries, the Springfield order should be amended to include the town of Brookline in its entirety within the 23-cent nearby farm differential area under that order. This will provide more equitable pricing to any Springfield producer with a farm located in the town of Brookline as compared with neighboring Springfield producers, and will insure payment of the differential to any Springfield producer whose farm may be located in that portion of the town of Brookline which was formerly in the town of Putney.

3a. *Common nearby farm differential area.* Three cooperative associations proposed that the nearby farm location differential provisions of all the New England orders be amended to provide that any producer whose farm location in New England now permits him a differential of 46 cents or of 23 cents per hundredweight under any New England order shall receive the highest farm location differential which he would receive under any of these orders, irrespective of the New England order under which his milk may be pooled. The proponents contended that changes in recent years in the marketing of milk in the five markets necessitate further coordination of the nearby farm differentials of these orders.

Conversion to bulk tank delivery of milk from farm to market, closing and consolidation of distributing plants with remaining plants serving more than one market, shifting of plants between markets on a month-to-month basis, and expansion of Federal order regulation to the Southeastern New England and Connecticut markets in recent years were given as factors causing some producers to become disassociated with their customary market. The shifting of producers to other markets has resulted, in some cases, in a reduction in returns to such producers because of a change in the nearby farm differential to which they are entitled. When producers must be transferred to another market, the cooperative association shifting the milk considers it imperative to find a new market which will entitle the producers involved to the same nearby farm differential which they had received previously. Lack of uniformity in the nearby farm differential zones of the five orders was described as an impediment to the maintenance of customary returns to producers. Proponents indicated that common nearby farm differential areas for all five orders would contribute to the natural and orderly movement of producer milk to the several New England markets, and would allow the shifting of individual producers between markets without undue loss in their returns.

These orders presently provide that there be deducted from the respective pools sufficient funds to return to producers located in specified areas relatively near to the respective marketing areas either 46 cents or 23 cents per hundredweight in excess of the applicable blended price, depending upon location. These provisions were established in recognition of the customary pattern of prices that existed in these markets prior to Federal order regulation. Such prices reflected the higher returns received by nearby producers because of their proximity to the principal consumption areas as compared with lower returns received by producers more distant from such areas. As pointed out in the record, the problems described by the proponents at this hearing do not warrant such a change in the nearby farm differential provisions at the present time. The plan suggested by proponents would result in a pricing structure for producers under the five orders considerably different from the historical price patterns on which the present provisions were based. In many cases producers who customarily have received a 23-cent nearby farm differential or none at all might become eligible to receive a higher differential in markets with which they have not had an historical association. As long as pricing is maintained by individual market areas, the function of the nearby farm differential properly is related to the orientation of supplies for the several markets individually.

The several individual cases of producer shifts between markets, which were cited by the proponents to illustrate the need for more uniform nearby farm differentials among the five markets, indicate that at least some of the problems encountered by the proponents have not been of a continuing nature. In certain instances the cooperative associations involved were able to shift their producer members to other markets without loss in returns, and in at least one instance specific amendment action was taken by the Department to alleviate the problem.

As suggested in the record, factors such as the rapid conversion to bulk tank delivery of milk and the closing and consolidation of distributing plants indicate the pertinency of review of the present structure of nearby farm differential areas in relation to any proposed changes in the scope of the regulation. The record of this hearing, however, does not contain evidence that is sufficiently exploratory or comprehensive in nature to support a substantial deviation from the present design of the nearby farm differential provisions.

On the basis of the record of this hearing, it is therefore concluded that no changes, other than as described for the Springfield order, should be made in the nearby farm location differential provisions of the New England orders.

4. *Diversion provisions.* The producer definition of the Southeastern New England order should be amended to provide for more flexible diversion privileges than it now provides.

The definition of producer sets forth the requirements which a dairy farmer must meet if he is to qualify as a producer under the order. Stipulated in these requirements are certain limitations regarding any diversion of his milk from the pool plant where it is customarily received to an unregulated plant. Should a dairy farmer's milk be diverted in excess of the prescribed limits, such person would become ineligible as a producer for the entire month in which the "over-diversion" occurred. The present provisions allow diversions without limitation during any of the months of April through June. During July, August, or September, however, the milk of a producer may not be diverted on more than 8 days per month (4 days in the case of every-other-day delivery). During each of the remaining months of October through March, diversions are limited to 12 days per month (6 days in the case of every-other-day delivery).

A proprietary handler proposed that the diversion provisions under the Southeastern New England order be made identical to those of the Greater Boston order. A witness representing a cooperative association which has members delivering milk to the proponent's plant gave testimony in support of this proposal. Each stressed that the present diversion provisions are too stringent and work a hardship on handlers and cooperative associations in keeping dairy farmers qualified as producers. They contended that handlers should be permitted to match their diversion schedules against their supply-demand patterns. Such factors as a substantial oversupply of milk in certain months, the loss of major outlets such as military installations, and unusual circumstances causing disruptions in plant operations create the need for greater flexibility in the diversion provisions for producer milk. They indicated that diversion provisions similar to those in the Greater Boston, Springfield, and Worcester orders would provide such flexibility without need to increase the total number of days on which the milk of a producer could be diverted.

The diversion limitations now prescribed for milk diverted from a pool plant to an unregulated plant should be modified to permit diversion of a producer's milk on any day: Provided that his milk is not diverted on more days during the 12 months ending with the current month than the number of days in the 12-month period it is delivered to a pool plant. Under this arrangement diversion would not be tied to monthly limits. Instead, the allowable number of days on which producer milk might be diverted could accumulate over a period of several months. Such a modification would not result in an increase in the total number of allowable days of diversion. In fact, on an annual basis five fewer days of diversion would be allowed. The modification would provide, however, an element of flexibility in the diversion of milk to an extent heretofore not possible under the terms of the Southeastern New England order.

The diversion provisions proposed herein would afford a handler the opportunity of adjusting more efficiently his milk supply to his fluid milk requirements. Any unusual marketing conditions or unexpected interruptions in plant operations would tend to have a less disruptive effect on the daily coordination of a handler's supply with his sales. From time to time handlers find it necessary, for the purpose of keeping dairy farmers qualified as producers, to move milk which is surplus to their operation from farms to their distributing plants, unload and reload the milk at that point, and move the milk to manufacturing plants located nearer such farms than the distributing plants. Also, the handler occasionally finds it to his advantage to release producers rather than to over-divert their milk, inasmuch as over-diversion results in the receipt of other source milk, with possible adverse effects on cost to the handler. More flexible diversion privileges would promote more orderly marketing of milk.

A corollary provision should be included to accommodate the dairy farmer who would not otherwise have the diversion privilege, but whose milk is moved from his farm in a tank truck in which it is commingled with milk from other farms, the milk from a majority of which farms is diverted within the limits proposed herein.

5. *Miscellaneous, administrative and conforming changes*—(a) *New England Class I price formula.* One of the factors used in the New England Class I price formulas is the United States Wholesale Commodity Price Index. This index is compiled and issued by the Bureau of Labor Statistics, U.S. Department of Labor.

Until March 1962 this index had been reported with 1947–49 as the base years. Beginning with March 1962 the Bureau updated its formula and began reporting this index with the years 1957–59 as the base period.

The Class I price formula contains a conversion factor (1.19) which has been used to convert the monthly index to a 1958 equivalent, the base year used for computing all Class I pricing factors.

Because of the time lag in the use of the price index, the months of November 1957 through October 1958 would have been used to compute the Class I prices for the months in 1958. The average of the monthly indexes for this period, on a 1957–59 base, is 100.25.

Accordingly, the factor 1.0025 should replace the factor 1.19 for the purpose of converting the monthly wholesale commodity price indexes to a 1958 equivalent. This amendment does not change the New England basic Class I price but is necessary to accommodate the Department of Labor's revised method of reporting the index.

Another factor used in the Class I pricing formula is the per capita disposable income in the United States as computed by the U.S. Department of Commerce. Until recently this income series carried a reference "continental United States". The reference to the word "continental" is no longer employed by the Department of Commerce and the New England orders should be amended accordingly.

(b) *Classification of transfers and diversions.* The Connecticut order should be amended to provide that during the months of July through November milk transferred or diverted in bulk, or transferred as a packaged fluid milk product containing at least 3 percent butterfat, to pool plants under the New York-New Jersey Federal order shall be classified as Class I milk to the extent of that amount of such milk assigned to Class I–A under the New York-New Jersey order and not subject to compensatory payments under such order.

The Connecticut order presently provides that milk moved from a plant regulated under that order to a New York-New Jersey plant shall be classified as Class II milk, regardless of its ultimate use or assignment under the New York-New Jersey order. One exception is made, however, in that a Class I classification is given to any milk so moved which is classified as Class I–B milk under the New York-New Jersey order. In his decision issued February 11, 1959 (24 F.R. 1049) with respect to the promulgation of the Connecticut order, the Secretary stated that such a provision was established in recognition of those instances when Connecticut handlers might find it more convenient and economical to move surplus milk to nearby New York-New Jersey distributing plants rather than to more distant manufacturing plants.

Such a movement of milk could occur even though the New York-New Jersey plants customarily obtain their milk supplies from the New York-New Jersey milkshed and such milkshed has ample supplies for all the fluid milk needs of that market. The Secretary further stated that the Connecticut milk so moved should be considered as surplus to the needs of the Connecticut market. The classification provisions of the two orders were coordinated in this manner to provide for the appropriate classification of milk moved from Connecticut plants to New York-New Jersey plants in accordance with these findings.

Unusual marketing conditions, however, such as those resulting from the strike of employees at New York City milk plants in October and November 1961 which led to the shipment to New York City of considerable quantities of bottled milk from Connecticut regulated plants, may cause producer milk under the Connecticut order to be priced in certain months of the year in a manner which does not return to the producers the full use value of the milk.

In the specific case referred to, New York-New Jersey supply plants moved bulk milk to Connecticut plants for processing and packaging, and these plants in turn moved packaged fluid milk products to New York-New Jersey plants from which the milk was disposed of on routes in the New York-New Jersey marketing area. Because the amount of milk moved from Connecticut plants to New York-New Jersey plants for distribution was at least equal to the amount moved to the Connecticut plants from the New York-New Jersey supply plants, the New York-New Jersey order milk so moved was required to be classified as Class I–A milk under that order. No compensatory charges under the New York-New Jersey order were applicable on the milk received from the Connecticut plants since an equivalent amount of Class I–A milk had been moved to Connecticut plants.

The Connecticut order provides that during the months of July through November the lesser of (a) 15 percent of producer receipts, or (b) the amount of Class II utilization remaining after the assignment of receipts of other source milk from non-Federal order sources, be set aside prior to the assignment of receipts of milk from other Federal order markets.

In the cases cited, this procedure resulted in the assignment of milk received from New York-New Jersey plants to the Class I utilization of the Connecticut plants in these months. Consequently, an equal amount of Connecticut producer milk had to be assigned to Class II utilization at those plants.

The set-aside provision in the Connecticut order was established in recognition that the months of July through November were the months of greatest demand for fluid milk in the market in relation to regular supplies and, hence, the months in which supplemental supplies most likely would be needed by Connecticut plants. The New York-New Jersey milk moved to Connecticut plants was moved back to New York-New Jersey plants in packaged form for disposition in the New York-New Jersey marketing area and was not used to supplement the Connecticut market under conditions of inadequate supplies. The Connecticut producer milk, on the other hand, which was classified as Class II milk because of the set-aside provision of the order, was in fact used for Class I purposes in the Connecticut market. Thus, the returns to the Connecticut producers did not reflect the actual utilization of the milk in the market for which it was produced.

To achieve equitable pricing of the milk of Connecticut producers under unusual marketing conditions such as herein described, it is concluded that the classification provisions of the Connecticut order should be amended as provided herein.

Connecticut producers noted in their exceptions that the proposed provision should be applicable during all months rather than just in the months of July through November. The circumstances to which this amendment was directed in the recommended decision can occur only during the months of July through November.

In view of the Supreme Court decision previously discussed, however, the scope of this problem is changed. The possibility now exists that Connecticut producer milk could be delivered to a New York-New Jersey pool plant at the Class II price and be assigned to Class I–A under the New York-New Jersey order, but without the full value for such milk commensurate with its use accruing to producers in either market. Because this possibility could exist during any month of the year, it is necessary to revise the transfer and diversion provisions of the Connecticut order to provide that Connecticut producers shall receive the Class I price during any month if such milk is assigned to Class I–A and not subject to compensating payment under the New York-New Jersey order.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreements upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreements and orders. Annexed hereto and made a part hereof are ten documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Greater Boston, Massachusetts, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Greater Boston, Massachusetts, Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Springfield, Massachusetts, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Springfield, Massachusetts, Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Worcester, Massachusetts, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Worcester, Massachusetts, Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Southeastern New England Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Southeastern New England Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Connecticut Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Connecticut Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the orders as hereby proposed to be amended by the attached orders which will be published with this decision.

Determination of representative period. The month of April 1962, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached orders amending the order regulating the handling of milk in the Greater Boston, Springfield, and Worcester, Massachusetts, Southeastern New England, and Connecticut marketing areas are approved or favored by producers, as defined under the terms of the orders as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing areas.

Signed at Washington, D.C., on June 25, 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62-6345; Filed, June 28, 1962; 8:56 a.m.]

Order[1] Amending the Order Regulating the Handling of Milk in the Greater Boston, Massachusetts, Marketing Area

§ 1001.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Boston, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Greater Boston, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby further amended as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Assistant Secretary, United States Department of Agriculture, on May 31, 1962, and published in the FEDERAL REGISTER on June 6, 1962 (27 F.R. 5335; F.R. Doc. 62–5494) shall be and are the terms and provisions of this order and are set forth in full herein, subject to the following modifications:

In § 1001.20, a new paragraph (f) is added.

1. In § 1001.3, the number "40" in paragraphs (b) and (c) is changed to "80" and paragraph (f) is revised as follows:

§ 1001.3 Definitions of plants.

* * * * * *

(f) "Distributing plant" means any processing and packaging plant: (1) With route disposition in the marketing area in the month of not less than 10 percent of its receipts from dairy farmers or of its total receipts of fluid milk products; and (2) with total Class I disposition in the month or in either of the two preceding months of at least 50 percent of its total receipts of fluid milk products in the corresponding month.

2. In § 1001.20, the word "August" in the introductory text of paragraph (d) is changed to "July" and new paragraphs (d)(3) and (f) are added as follows:

§ 1001.20 Basic pooling requirements.

* * * * * *

(d) * * *

(3) No plant shall be eligible for pool plant status under this paragraph in November of any year unless it has met the requirements of paragraph (c) of this section in one of the months of July through October of that year.

* * * * * *

(f) It is a supply plant from which a greater quantity of fluid milk products is shipped to regulated distributing plants under this order than to plants to which qualifying shipments of fluid milk products may be made under any other New England Federal order, and from which the total quantity of fluid milk products shipped to all plants to which qualifying shipments of fluid milk products may be made under any New England Federal

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

order is at least 15 percent of its total receipts of milk from dairy farmers.

§ 1001.42 [Amendment]

3. In § 1001.42(c), the phrase "Within 40" in Column A of the table is changed to "Within 80" and the second, third and fourth lines in Columns A, B, C and D of the table are revoked.

4. In § 1001.48(a) the word "continental" in subparagraph (2) is changed to "the" and subparagraph (1) is revised as follows:

§ 1001.48 Computation of New England basic Class I price.

* * * * *

(a) * * *

(1) Divide by 1.0025 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1957–59 as the base period.

Order[1] Amending the Order Regulating the Handling of Milk in the Springfield, Massachusetts, Marketing Area

§ 1006.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Springfield, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order Relative to Handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Springfield, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby further amended as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Assistant Secretary, United States Department of Agriculture, on May 31, 1962, and published in the FEDERAL REGISTER on June 6, 1962 (27 F.R. 5335; F.R. Doc. 62–5494) shall be and are the terms and provisions of this order and are set forth in full herein subject to the following modifications:

In § 1006.20, paragraph (c) is changed and a new paragraph (d) is added.

1. In § 1006.3, paragraph (f) is revised as follows:

§ 1006.3 Definitions of plants.

* * * * *

(f) "Distributing plant" means any processing and packaging plant: (1) With route disposition in the marketing area in the month of not less than 10 percent of its receipts from dairy farmers or of its total receipts of fluid milk products; and (2) with total Class I disposition in the month or in either of the two preceding months of at least 50 percent of its total receipts of fluid milk products in the corresponding month.

2. In § 1006.48(a), the word "continental" in subparagraph (2) is changed to "the" and subparagraph (1) is revised as follows:

§ 1006.48 Computation of New England basic Class I price.

* * * * *

(a) * * *

(1) Divide by 1.0025 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1957–59 as the base period.

§ 1006.64 [Amendment]

3. In § 1006.64(a), the town of "Brookline" is added to the list of Vermont towns.

4. In § 1006.20, the number "30" in paragraph (c) is changed to "15" and a new paragraph (d) is added as follows:

§ 1006.20 Basic pooling requirements.

* * * * *

(d) It is a supply plant from which a greater quantity of fluid milk products is shipped to regulated distributing plants under this order than to plants to which qualifying shipments of fluid milk products may be made under any other New England Federal order, and from which the total quantity of fluid milk products shipped to all plants to which qualifying shipments of fluid milk products may be made under any New England Federal order is at least 15 percent of its total receipts of milk from dairy farmers.

Order[1] Amending the Order Regulating the Handling of Milk in the Worcester, Massachusetts, Marketing Area

§ 1007.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the finding and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Worcester, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order Relative to Handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Worcester, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby further amended as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Assistant Secretary, United States Department of Agriculture, on May 31, 1962, and published in the FEDERAL REGISTER on June 6, 1962 (27 F.R. 5335; F.R. Doc. 62–5494) shall be and are the terms and provisions of this order, and are set forth in full herein subject to the following modifications: In § 1007.20, paragraph (c) is changed and a new paragraph (d) is added.

1. In § 1007.3, paragraph (f) is revised as follows:

§ 1007.3 Definitions of plants.

* * * * *

(f) "Distributing plant" means any processing and packaging plant: (1) With route disposition in the marketing area in the month of not less than 10 percent of its receipts from dairy farmers or of its total receipts of fluid milk products; and (2) with total Class I disposition in the month or in either of the two preceding months of at least 50 percent of its total receipts of fluid milk products in the corresponding month.

2. In § 1007.48(a) the word "continental" in subparagraph (2) is changed to "the" and subparagraph (1) is revised as follows:

§ 1007.48 Computation of New England basic Class I price.

* * * * *

(a) * * *

(1) Divide by 1.0025 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1957–59 as the base period.

3. In § 1007.20, the number "30" in paragraph (c) is changed to "15" and a new paragraph (d) is added as follows:

§ 1007.20 Basic pooling requirements.

* * * * *

(d) It is a supply plant from which a greater quantity of fluid milk products is shipped to regulated distributing plants under this order than to plants to which qualifying shipments of fluid milk products may be made under any other New England Federal order, and from which the total quantity of fluid milk products shipped to all plants to which qualifying shipments of fluid milk products may be made under any New England Federal order is at least 15 percent of its total receipts of milk from dairy farmers.

Order[1] Amending the Order Regulating the Handling of Milk in the Southeastern New England Marketing Area

§ 1014.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southeastern New England marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southeastern New England marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby further amended as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Assistant Secretary, United States Department of Agriculture, on May 31, 1962, and published in the FEDERAL REGISTER on June 6, 1962 (27 F.R. 5335; F.R. Doc. 62–5494) shall be and are the terms and provisions of this order, and are set forth in full herein subject to the following modifications:

Sections 1014.2(e) and 1014.3(c)(3) are changed.

1. In § 1014.2, paragraph (e) is revised as follows:

§ 1014.2 Definitions of persons.

* * * * *

(e) "Producer" means any dairy farmer (except a dairy farmer for other markets, a dairy farmer with respect to exempt milk delivered, any person holding producer-handler status under any Federal order, or a dairy farmer who is a producer under another Federal order with respect to milk diverted from a plant subject to such other order) whose milk is delivered from his farm to a pool plant or is diverted from a pool plant to a plant specified in subparagraphs (1) through (3) of this paragraph if the handler, in filing his monthly report pursuant to § 1014.30, reports the milk as receipts from a producer at such pool plant: *Provided*, That this definition shall not include a local or state government not engaged in the resale of any packaged fluid milk products on routes, if such governing body so elects by written notification to the market administrator and the handler to which it delivers, in which event such election shall be effective for the 12 months beginning with the month in which the election is made, and for each subsequent month until cancelled in writing: *And provided further*, That any dairy farmer whose milk is diverted on more than the number of days specified shall not be considered to qualify under this paragraph with respect to any of his deliveries of milk during such month:

(1) A regulated plant of another handler;

(2) A regulated plant of the same handler in the same plant zone; or

(3) An unregulated plant under the following conditions:

(i) Milk moved from such farm is not diverted to an unregulated plant from such pool plant on more days during the 12 months ending with the current month than it is delivered to such pool plant; or

(ii) Milk moved from such farm is moved in a tank truck in which it is commingled with milk from other farms, the milk from a majority of which farms is diverted from such pool plant during the month in accordance with subdivision (i) of this subparagraph.

2. In § 1014.3, paragraphs (c)(1), (c)(3)(i), and (d) and the introductory text of paragraph (c)(3) are revised as follows:

§ 1014.3 Definitions of plants.

* * * * *

(c) * * *

(1) Any receiving plant (except the plant of a producer-handler under any Federal order) with route disposition in the marketing area in the month of not less than 10 percent of its receipts from dairy farmers and with total Class I disposition in the month or in either of the two preceding months of at least 50 percent of its total receipts of fluid milk products in the corresponding month, unless the market administrator determines that such plant disposed of a greater proportion of its Class I milk in another Federal order marketing area on routes than was so disposed of in this marketing area.

* * * * *

(3) Except as provided in subdivisions (i) through (iv) of this subparagraph, any receiving plant (other than a plant fully regulated under the provisions of any Federal order on the basis of its route disposition) from which a greater quantity of fluid milk products is shipped during the month to a pool plant qualified pursuant to subparagraph (1) of this paragraph or to a regulated plant under this order other than a pool plant than

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

to plants to which qualifying shipments of fluid milk products may be made under any other New England Federal order, and from which the total quantity of fluid milk products shipped to all plants to which qualifying shipments of fluid milk products may be made under any New England Federal order is at least 15 percent of its total receipts of milk from dairy farmers: *Provided*, That any plant qualifying for pooling under the Boston order on the basis of greater shipments under such order, but which is designated as a nonpool plant under the Boston order for such month, and from which the qualifying shipments under this order are at least 15 percent of its receipts of milk from dairy farmers and are greater than under any other order except Boston shall also qualify under this subparagraph.

(i) Any plant qualifying as a pool plant pursuant to this subparagraph, other than a plant which retains automatic pool plant status for the month under subdivision (ii) or (iii) of this subparagraph, shall be a nonpool plant in any month of December through June in which it retains automatic pool plant status under another New England Federal order.

• • • • •

(d) "Regulated plant" means (1) any pool plant, or (2) any other plant (except the plant of a producer-handler under any Federal order) with route disposition in the marketing area in the month of not less than 10 percent of its total receipts of fluid milk products and with total Class I disposition in the month or in either of the two preceding months of at least 50 percent of its total receipts of fluid milk products in the corresponding month, unless the market administrator determines that such plant disposed of a greater proportion of its Class I milk in another marketing area on routes.

3. In § 1014.41(a), the word "continental" in subparagraph (2) is changed to "the" and subparagraph (1) is revised as follows:

§ 1014.41 Computation of New England basic Class I price.

• • • • •

(a) • • •

(1) Divide by 1.0025 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1957–59 as the base period.

Order[1] Amending the Order Regulating the Handling of Milk in the Connecticut Marketing Area

§ 1015.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Connecticut marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Connecticut marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby further amended as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Assistant Secretary, United States Department of Agriculture, on May 31, 1962, and published in the FEDERAL REGISTER on June 6, 1962 (27 F.R. 5335; F.R. Doc. 62–5494) shall be and are the terms and provisions of this order, and are set forth in full herein subject to the following modifications:

Sections 1015.3(c)(2) and 1015.22(c)(2) are changed.

1. In § 1015.3, a colon is placed after the word "means" which immediately precedes paragraph (c)(1), paragraphs (c)(1), (c)(2)(i), and (d) and the introductory text of paragraph (c)(2) are revised, and a new paragraph (c)(2)(vi) is added as follows:

§ 1015.3 Definitions of plants.

• • • • •

(c) • • •

(1) Any receiving plant (except the plant of a producer-handler under any Federal order) with route disposition in the marketing area in the month of not less than 10 percent of its receipts from dairy farmers and with total Class I disposition in the month or in either of the two preceding months of at least 50 percent of its total receipts of fluid milk products in the corresponding month, unless the market administrator determines that such plant disposed of a greater proportion of its Class I milk in another Federal order marketing area on routes than was so disposed in the marketing area.

(2) Except as provided in subdivisions (i) through (vi) of this subparagraph, any receiving plant (other than a plant fully regulated under the provisions of any Federal order on the basis of its route disposition) from which a greater quantity of fluid milk products is shipped during the month to a pool plant qualified pursuant to subparagraph (1) of this paragraph, to a producer-handler or to a regulated plant under this order other than a pool plant than to plants to which qualifying shipments of fluid milk products may be made under any other New England Federal order, and from which the total quantity of fluid milk products shipped to all plants to which qualifying shipments of fluid milk products may be made under any New England Federal order is at least 15 percent of its total receipts of milk from dairy farmers: *Provided*, That any plant qualifying for pooling under the Boston order on the basis of greater shipments under such order, but which is designated as a nonpool plant under the Boston order for such month, and from which the qualifying shipments under this order are at least 15 percent of its receipts of milk from dairy farmers, and are greater than under any other order except Boston shall also qualify under this subparagraph: *And provided further*, That in the case of any plant for which qualifications pursuant to subdivision (vi) of this subparagraph is requested, shipments to plants in this market, for the purpose described above in this subparagraph, shall include all deliveries of milk by the cooperative association and by its producer-members in the manner described in such subdivision (vi).

(i) Any plant qualifying as a pool plant pursuant to this subparagraph, other than a plant which retains automatic pool plant status for the month under subdivision (ii) or (iii) of this subparagraph, shall be a nonpool plant in any month of December through June in which it retains automatic pool plant status under another New England Federal order.

• • • • •

(vi) Subject to subdivisions (ii), (iii), and (iv) of this subparagraph, that receiving plant operated by an association of producers (which shall be the plant closest to Hartford, Connecticut, if more than one plant is operated by such association) shall be a pool plant in any month in which the total quantity of milk shipped therefrom to a pool plant qualified pursuant to subparagraph (1) of this paragraph, to a producer-handler or to a regulated plant other than a pool plant, plus the total quantity of milk received directly from farms at pool plants qualified pursuant to subparagraph (1) of this paragraph from producers who are members of such association, is at least 50 percent of the milk delivered by dairy farmer-members of such association to all pool plants and to the receiving plant for which pooling qualification pursuant to this subdivision is requested in writing on or before the 15th day of such month: *Provided*, That a receiving plant which has pooling status under this subdivision may be a nonpool plant for the month if the operating association submits, on or before the 15th day of the month to which nonpool status is to apply, a written request to the market administrator to withdraw such plant from pool plant status, and, if so withdrawn, such plant may not requalify under this subdivision prior to the next following July: *And provided further*, That qualification for pooling under this subdivision shall not affect in any way the requirements of subdivision (v) of this subparagraph for unit pooling.

(d) "Regulated plant" means (1) any pool plant, or (2) any other plant (except the plant of a producer-handler under any Federal order) with route disposition in the marketing area in the month of not less than 10 percent of its total receipts of fluid milk products and with total Class I disposition in the month or in either of the two preceding months of at least 50 percent of its total receipts of fluid milk products in the corresponding month, unless the market administrator determines that such plant disposed of a greater proportion of its Class I milk in another marketing area on routes.

2. In § 1015.22(c), subparagraph (2) is revised as follows:

§ 1015.22 Transfers and diversions of fluid milk products.

• • • • •

(c) • • •

(2) In Class II milk to the extent it is not assigned to Class I–B (i) if diverted or transferred in bulk, or (ii) if transferred as a packaged fluid milk product containing at least 3 percent butterfat, to a pool plant as defined in Federal Order No. 2 or to any plant from which a greater aggregate quantity of fluid milk products is disposed of on routes in the New York-New Jersey marketing area under Order No. 2 than is disposed of in the Connecticut marketing area: *Provided*, That such skim milk or butterfat so transferred or diverted shall be classified as Class I milk to the extent that it is assigned to Class I–A under Federal Order No. 2 and not subject to charges specified in § 1002.83 of such order.

3. In § 1015.41(a) the word "continental" in subparagraph (2) is changed to "the" and subparagraph (1) is revised as follows:

§ 1015.41 Computation of New England basic Class I price.

• • • • •

(a) • • •

(1) Divide by 1.0025 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1957–59 as the base period.

[F.R. Doc. 62–6345; Filed, June 28, 1962; 8:56 a.m.]

[7 CFR Part 1002]

MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Termination of Proceeding to Terminate Certain Provisions of the Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), notice was issued by the Secretary of Agriculture on May 24, 1962, that termination of certain provisions of the order regulating the handling of milk in the New York-New Jersey marketing area was being considered.

The provisions proposed to be terminated were §§ 1002.15 (b) (2), (3), (4), (5), and (c) (1), (2), (3), (4), and in (c) proper the words "under conditions set forth in subparagraphs (1) and (2) of this paragraph or, except as specified in subparagraphs (3) and (4) of this paragraph." Such provisions relate to the basis on which handlers may be designated as "producer-handlers" and consequently be exempt from the pricing and pooling provisions of the order.

Interested persons were invited to submit to the Department not later than June 13, 1962, written data, views or arguments in connection with the proposed termination.

A substantial number of responses to this invitation were received by the Department. Careful review of the views, data and arguments received has been made. A large majority of those submitting views strongly urged that the proposed termination action not be taken, and that the present relationship under the order of producer-handler milk to the pricing and pooling of milk of other producers be reviewed in a public hearing.

It is concluded that a public hearing will provide the most satisfactory basis for determining whether the order provisions as they relate to producer-handler operations should be changed.

It is found and determined, therefore, that no further action should be taken to terminate order provisions relating to requirements for producer-handler status under the order, and the proceeding begun on May 24 is hereby ended.

Signed at Washington, D.C., on June 25, 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62–6339; Filed, June 28, 1962; 8:54 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 62–CE–17]

CONTROL ZONE

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of a control zone within a 5-mile radius of the Rock County Airport, Janesville, Wis. (latitude 42°37'12" N., longitude 89°02'25" W.) from 0600 to 2400 hours, local time, daily. This would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Rock County Airport. The time of designation would coincide with the hours of operation of the aviation weather reporting service provided by North Central Airlines. Communications would be provided within the proposed control zone by the Rockford, Wis., Tower and the Rockford Flight Service Station.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 22, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62–6304; Filed, June 28, 1962; 8:46 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 14690; FCC 62-669]

REVISION OF FORMS FOR NONCOMMERCIAL EDUCATIONAL TV AND FM STATIONS OPERATING ON RESERVED CHANNELS

Notice of Proposed Rule Making

1. Notice is hereby given of rule making in the above-entitled matter, relating to changes in the forms to be filed by applicants for, and permittees and licensees of, noncommercial educational TV and FM stations operating on reserved channels.

2. At present, noncommercial educational TV applicants and stations use the same forms as commercial TV stations—FCC Form 301 for construction permit application, FCC Form 302, application for license to cover CP, FCC Form 303, application for renewal of license, and FCC Form 323, the ownership report. Noncommercial educational FM licensees, operating on the 20 FM channels reserved for educational use, file the same ownership report, but in other respects use a much simpler set of forms, FCC Form 340 for construction permit, FCC Form 341 for license to cover, and FCC Form 342 for renewal.

3. There appears to be no significant reason for differing procedures in the two services; therefore the same forms, it appears, should apply to both. Moreover, the present ownership report (Form 323), and the 301 and other forms used in television, were in the main designed to apply to the more numerous commercial stations. Use thereof in the noncommercial educational area is sometimes confusing to those using the forms, and not always productive of the information needed by the Commission concerning noncommercial educational operations. There is need for forms more specifically tailored to educational operations. On the other hand, the Form 340 and other forms used in the educational FM service are in some respects too brief to secure desired information.

4. Therefore, we propose to change the forms applicable to noncommercial educational TV and FM stations operating on channels reserved for such use (i.e., in television, channels reserved in § 3.606 for educational use, and in FM, channels 201 to 220). All such applicants and stations would use new Forms 340, 341, 342, and 323E. Copies of these forms, as proposed to be revised, are attached hereto.[1] In the case of FM stations, preparation of the proposed form may involve slightly more effort than the present 340, etc.; but it is not believed that the work involved will be unduly burdensome. The information to be supplied is needed for the proper handling of the Commission's business and discharge of its obligations.

5. It should be noted that, except in the case of educational FM stations in Alaska, these forms would be used only in connection with operations on channels reserved for education. In both TV and FM there are stations of a noncommercial educational character operating on unreserved channels; these would continue to file Forms 301, 302, 303, and 323, just as commercial stations do. In Alaska, where (because the lower portion of the FM band is not available for broadcast use) noncommercial educational stations may be assigned to any available FM channel, such stations would file the new educational forms, 340, etc.

6. Use of the new forms, as proposed, would involve changes in certain of our Rules relating to forms. The text of these proposed changes is set forth below as Appendix A. Appendices B, C, D, and E hereto are the proposed Forms 340, 341, 342, and 323E, respectively.[1]

7. Comments are invited on: (1) Use of the same form for both television and FM noncommercial educational stations on reserved channels; and (2) the specific contents of the proposed forms. Authority for the adoption of the forms and changes in the rules is contained in sections 4(i), 303(r), 308(b), and 319(a) of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested persons may file comments on or before August 1, 1962, and reply comments on or before August 16, 1962. In reaching its decision herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

9. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: June 20, 1962.

Released: June 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

APPENDIX A

1. Section 1.322(a)(5) is amended to read as follows:

§ 1.322 Application forms for authority to construct a new station or make changes in an existing station.

* * * * * *

(a) * * *

(5) FCC Form 340 "Application for Authority to Construct or Make Changes in a Noncommercial Educational FM or TV Broadcast Station on a Reserved Channel."

2. Section 1.325(a)(5) is amended to read as follows:

§ 1.325 Application for license to cover construction permit.

* * * * * *

(a) * * *

(5) FCC Form 341 "Application for Noncommercial Educational FM or TV Broadcast Station License to Operate on a Reserved Channel."

3. Section 1.326(b) is amended to read as follows:

§ 1.326 Application for license to use former main transmitter or antenna as auxiliary.

* * * * * *

(b) FCC Form 341 "Application for Noncommercial Educational FM or TV Station License to Operate on a Reserved Channel."

4. Section 1.328(c)(5) is amended to read as follows:

§ 1.328 Application for renewal of license.

* * * * * *

(c) * * *

(5) FCC Form 342 "Application for Renewal of Noncommercial Educational FM or TV Broadcast Station License to Operate on a Reserved Channel."

5. In § 1.343, the preliminary text of paragraph (a) is amended to read as follows, and new paragraph (e) is added, as follows:

§ 1.343 Ownership reports.

(a) Each licensee of a standard, FM, or television station (as defined in Part 3 of this chapter), other than noncommercial educational television or FM stations operating on channels reserved for educational use under Part 3 of this chapter, shall file an Ownership Report (FCC Form 323) at the time the application for renewal of station license is required to be filed: *Provided, however,* That licensees owning more than one standard, FM, or television broadcast station need file only one Ownership Report at three-year intervals. Ownership Reports shall give the following information as of a date not more than 30 days prior to the filing of the Ownership Report:

* * * * * *

(e) The provisions of this paragraph apply to all licensees and permittees of noncommercial educational FM and TV stations operating on channels reserved for educational use under the provisions of §§ 3.501 and 3.606 of this chapter.

(1) Each licensee covered by this paragraph shall file an Ownership Report (FCC Form 323E): *Provided, however,* That licensees owning more than one noncommercial educational FM or television broadcast station need file only one Ownership Report at three-year intervals. Ownership Reports shall give the following information as of a date not more than 30 days prior to the filing of the Ownership Report:

(i) The following information as to all officers, members of governing board, and holders of 1 percent or more ownership interest (if any): Name, residence, office held, citizenship, principal profession or occupation, and by whom appointed.

(ii) Full information on FCC Form 323E with respect to the interest and identity of any individual, organization, corporation, association, or any other entity which has direct or indirect control over the licensee or permittee.

[1] Appendices B–E filed as part of original document.

(iii) A list of all contracts still in effect required by § 1.342 to be filed with the Commission, showing the date of execution and expiration of each contract.

(iv) Any interest in any other broadcast station of the licensee or permittee, or any of its officers, members of the governing board, and holders of 1 percent or more ownership interest (if any).

(2) A permittee shall file an Ownership Report (FCC Form 323E) within 30 days of the date of grant by the Commission of an application for original construction permit. The Ownership Report of the permittee shall give the information required by the applicable portions of this paragraph.

(3) A supplemental Ownership Report (FCC Form 323E) shall be filed by each licensee or permittee within 30 days after any change occurs in the information required by the Ownership Report from that previously reported. Such report should include, without limitation:

(i) Any change in organization;

(ii) Any change in officers or directors;

(iii) Any transaction affecting the ownership (direct or indirect) or voting rights with respect to the licensee or permittee (or with respect to any stock interest therein).

[F.R. Doc. 62-6329; Filed, June 28, 1962; 8:52 a.m.]

Notices

FEDERAL POWER COMMISSION

[Docket Nos. G-11980, G-17166]

TENNESSEE GAS TRANSMISSION CO.

Order Consolidating Proceedings

JUNE 22, 1962.

On May 28, 1962, the presiding examiner issued an initial decision in Docket No. G-19983 concerning the cost of service issues in that proceeding, leaving for future determination all rate design issues. No final decision thereon has yet been issued. In his decision, the examiner directed that a conference be held commencing on June 27, 1962, to explore the possibilities for settlement of the issues in all three pending Tennessee rate proceedings including those captioned above.

The issues involved in those dockets are related and discussions concerning the possibility of settlement of issues is appropriate. We are of the further view that the above captioned dockets should be consolidated for purposes of hearing and in the event the conference herein referred to is not productive of a settlement such consolidated hearing should be convened as expeditiously as possible.

The Commission orders. The matters involved in Tennessee Gas Transmission Company, Docket Nos. G-11980 and G-17166 are hereby consolidated for the purposes of hearing and decision.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6307; Filed, June 28, 1962; 8:47 a.m.]

[Docket No. CP62-272]

EASTERN SHORE NATURAL GAS CO.

Notice of Application and Date of Hearing

JUNE 22, 1962.

Take notice that on May 22, 1962, Eastern Shore Natural Gas Company (Applicant), 120 East Main Street, Salisbury, Maryland, filed in Docket No. CP62-272 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a lateral line and metering facilities to initiate a direct sale on an interruptible basis to H. P. Cannon and Son, Inc., authorizing a new delivery point for the sale of gas to the Sussex Gas Company (Sussex), and authorizing an increase in the contract demand service to Delaware Power and Light Company (DP&L), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to tap its existing transmission line near Bridgeville, Delaware, and to construct and operate 6,700 feet of 6-inch lateral line and metering facilities to supply additional volumes of gas to Applicant's existing customer, Sussex, and to initiate a direct interruptible sale of gas to H. P. Cannon and Son, Inc. The application states that Sussex will take an additional volume of 10,000 Mcf per year to supply additional heating customers in Bridgeville, Delaware, and to supply one interruptible industrial customer which will use gas largely during the summer months for food processing and freezing. The additional gas will be sold to Sussex under its existing service agreement which provides for the sale of gas under Applicant's G-1 Rate Schedule. H. P. Cannon and Son, Inc., will require approximately 42,000 Mcf of gas annually to cook and can various types of food.

Applicant further proposes to increase its firm sales to Delaware Power and Light Company under the G-1 Rate Schedule from 50 Mcf per day to 100 Mcf per day. DP&L requires the additional gas in order to supply the increased requirements of Globe Union Battery Company of Middletown, Delaware, for use in its industrial processing operations. The application states that Applicant will be able to supply the additional requirements from its present gas supply.

Applicant estimates that the tap, lateral, and metering facilities will cost $33,500, to be financed from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 26, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, at 441 G St., NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 16, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-6308; Filed, June 28, 1962; 8:47 a.m.]

[Docket Nos. RI62-485—RI62-507]

PHILLIPS PETROLEUM CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JUNE 20, 1962.

Phillips Petroleum Company, Docket No. RI62-485; Texaco, Inc., Docket No. RI62-486; W. S. Kilroy (Operator), et al., Docket No. RI62-487; Humble Oil & Refining Company, Docket No. RI62-488; The Atlantic Refining Company, Docket No. RI62-489; United Producing Company, Inc., Docket No. RI62-490; Kerr-McGee Oil Industries, Inc., Docket No. RI62-491; Sinclair Oil & Gas Company, Docket No. RI62-492; National Cooperative Refinery Association, Docket No. RI62-493; Midwest Oil Corporation, Docket No. RI62-494; Champlin Oil and Refining Company, Docket No. RI62-495; Monsanto Chemical Company, Docket No. RI62-496; The Superior Oil Company, Docket No. RI62-497; Shell Oil Company (Operator), et al., Docket No. RI62-498; Socony Mobil Oil Company, Inc., Docket No. RI62-499; Pan American Petroleum Corporation, Docket No. RI62-500; Keating-Parker Drilling Company (Agent) (Operator), et al., Docket No. RI62-501; Sunray DX Oil Company (Formerly Sunray Mid-Continent Oil Company), Docket No. RI62-502; Oklahoma Natural Gas Company, Docket No. RI62-503; Shell Oil Company, Docket RI62-504; Amerada Petroleum Corporation (Operator), et al., RI62-505; Delhi-Taylor Oil Corporation, Docket No. RI62-506; Sohio Petroleum Company, Docket No. RI62-507.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI62-485	Phillips Petroleum Co., Bartlesville, Okla.	352	1	Coastal Transmission Corp. (East Corpus Christi Bay Field, Nueces County, Tex.) (R.R. District No. 4).	$4,753	5-28-62	7-1-62	12-1-62	[2] [4] 16.5	[3] [4] 17.5	
		361	2	Northern Natural Gas Co. (Harper County, Okla.).	402	5-28-62	7-1-62	12-1-62	[2] [6] 16.425	[5] 17.520	
RI62-486	Texaco Inc., P.O. Box 2332, Houston 1, Tex.	281	3	Coastal Transmission Corp. (South Clara Driscoll Field, Nueces County, Tex.). (R.R. District No. 4).	1,080	5-28-62	7-1-62	12-1-62	[2] [4] 16.5	[4] [5] 17.5	
		279	3	Coastal Transmission Corp. (East Mustang Island Field, Nueces County, Tex.) (R.R. District No. 4).	6,329	5-28-62	7-1-62	12-1-62	[2] [4] 16.5	[2] [4] 17.5	
		9	17	Northern Natural Gas Co. (West Panhandle Field Carson County, Tex.) (R.R. District No. 10).	106	5-25-62	7-1-62	12-1-62	[3] 11.7168	[6] 11.8067	RI62-229
		164	5	Panhandle Eastern Pipe Line Co. (NE. Greenough Field, Beaver County Okla., and Singley-Sanders Field, Meade County, Kans.).	1,850	5-24-62	7-1-62	12-1-62	[3] 16.0	[3] 17.0	
RI62-487	W. S. Kilroy (Operator), et al., c/o Kilroy Co. of Texas, Inc., 1908 First City National Bank Bldg., Houston 2, Tex.	1	3	Coastal Transmission Corp. (Palacios Field, Matagorda County, Tex.) (R.R. District No. 3).	17,109	5-24-62	7-1-62	12-1-62	[2] [4] 17.5	[3] [4] 18.5	
RI62-488	Humble Oil & Refining Co., P.O. Box 2180, Houston 1, Tex.	217	1	Northern Natural Gas Co. (Hugoton Field, Edwards County, Kans.).	1,715	5-21-62	7-1-62	12-1-62	[3] [4] 13.5	[3] [4] 14.5	
RI62-488	do	221	2	Northern Natural Gas Co. (Beaver County, Okla.).	995	5-21-62	7-1-62	12-1-62	[3] [6] 16.5	[3] [6] [14] 17.5	RI61-92
RI62-489	The Atlantic Refining Co., P.O. Box 2819, Dallas 21, Tex.	196	1	Northern Natural Gas Co. (South Glenwood Fld., Beaver County, Okla.).	426	5-21-62	7-1-62	12-1-62	[3] [11] 15.0	[3] [11] 16.0	
RI62-490	United Producing Co., Inc., P.O. Box 1503, Houston 1, Tex.	29	4	do	1,776	5-21-62	7-1-62	12-1-62	[3] [12] 16.71	[4] [12] 17.82	
RI62-491	Kerr-McGee Oil Industries, Inc., Kerr-McGee Bldg., Oklahoma City 2, Okla.	54	4	do	789	5-21-62	7-1-62	12-1-62	[3] [12] 16.530	[3] [12] 17.632	
RI62-492	Sinclair Oil & Gas Co., P.O. Box 521, Tulsa 2, Okla.	141	2	Panhandle Eastern Pipe Line Co. (Stevens Field, Meade County, Kans.).	342	5-22-62	6-28-62	11-28-62	[3] 15.0	[3] 16.0	
		157	4	Northern Natural Gas Co. (Rosston-Madison Field, Beaver County, Okla.).	976	5-22-62	7-1-62	12-1-62	[3] [13] 16.77	[3] [13] 17.89	
RI62-493	National Cooperative Refinery Association, 305 Rule Bldg., Wichita, Kans.	2	4	Cities Service Gas Co. (NW. Sharon, Stumph, NE. Rhodes, Hardtner, and Donald Fields, Barber County, Kans.).	12,000	5-21-62	6-21-62	11-21-62	[3] [6] 12.0	[3] [6] 13.0	
RI6-494	Midwest Oil Corp., 1700 Broadway, Denver 2, Colo.	18	3	Northern Natural Gas Co. (NE. Gate Field, Harper County, Okla.).	63	5-24-62	7-1-62	12-1-62	[2] [14] 16.5	[4] [15] 17.6	
RI62-495	Champlin Oil & Refining Co., P.O. Box 9365, Fort Worth 7, Tex.	43	6	Northern Natural Gas Co. (Hugoton Field, Texas County, Okla.).	117	5-25-62	7-1-62	12-1-62	[3] 12.0	[4] 13.0	
RI62-496	Monsanto Chemical Co., 1401 South Coast Bldg., Houston 2, Tex.	27	1	Northern Natural Gas Co. (Fingham Field, Beaver County, Okla.).	2,049	5-25-62	7-1-62	12-1-62	[3] [6] 16.36	[3] [7] 17.46	
RI62-497	The Superior Oil Co., 909 RCA Bldg., 1725 K Street NW., Washington 6, D.C.	76	2	Colorado Interstate Gas Co. (Mocane Field, Beaver County, Okla).	4,676	5-25-62	6-25-62	11-25-62	[2] [16] 16.667	[17] [18] 19.057	
RI62-498	Shell Oil Co. (Operator), et al., 50 West 50th Street, New York 20, N.Y.	164	6	Northern Natural Gas Co. (Rosston Field, Beaver County, Okla.).	7,104	5-28-62	7-1-62	12-1-62	[3] [6] 16.71	[4] [7] 17.82	
RI62-499	Socony Mobil Oil Co., Inc., 150 East 42d Street, New York 17, N.Y.	189	3	Northern Natural Gas Co. (South Glenwood Field, Beaver County, Okla.).	8	5-28-62	7-1-62	12-1-62	[3] [6] 16.320	[4] [7] 17.408	
		128	1	Northern Natural Gas Co. (NE. Gate Field, Harper County, Okla.).	215	5-28-62	7-1-62	12-1-62	[3] [6] 16.425	[4] [7] 17.520	
RI62-500	Pan American Petroleum Corp., P.O. Box 591, Tulsa 2, Okla.	221	4	Panhandle Eastern Pipe Line Co. (Enns-Carrick Field, Texas County, Okla.).	1,334	5-28-62	7-1-62	12-1-62	[3] 16.6	[4] 16.8	RI62-2
RI62-501	Keating-Parker Drilling Co. (Agent) (Operator), et al., c/o John L. Arrington, Jr., Lupardus, Holliman & Huffman, 510 Oklahoma Natural Bldg., Tulsa 19, Okla.	6	1	Northern Natural Gas Co. (NE. Gate Field, Harper County, Okla.).	255	5-28-62	7-1-62	12-1-62	[3] [6] 16.440	[4] [7] 17.536	
RI62-502	Sunray DX Oil Co. (Formerly Sunray Mid-Continent Oil Oil Co.), P.O. Box 2039 Tulsa 2, Okla.	138	5	Colorado Interstate Gas Co. (Laverne Field, Harper County, Okla.).	45,686	5-28-62	6-30-62	11-30-62	[3] [6] 16.82	[4] [7] 17.94	
RI62-503	Oklahoma Natural Gas Co., c/o John L. Arrington, Jr., Lupardus, Holliman & Huffman, 510 Oklahoma Natural Bldg., Tulsa 19, Okla.	5	1	Northern Natural Gas Co. (South Glenwood Field, Beaver County, Okla.).	2,585	5-28-62	7-1-62	12-1-62	[3] [16] 16.995	[7] [19] 18.128	
				do					[3] [6] 16.275	[7] [20] 17.360	
				do					[3] [6] 16.20	[7] [20] 17.28	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
R162-504...	Shell Oil Co., 80 West 50th Street, New York 20, N.Y.	163	8	Northern Natural Gas Co. (Buffalo Field, Harper County, Okla.).	$26,200	5-28-62	7-1-62	12-1-62	[2] [3] 16.40	[4] [5] 17.49	
		190	6	...do...	24,272	5-28-62	7-1-62	12-1-62	[3] 15.0	[6] 16.0	
		229	1	Coastal Transmission Corp. (Mystic Bayou Field, St. Martin Parish, La.).	3,285	5-28-62	7-1-62	12-1-62	[6] 19.75	[7] 23.55	
		232	2	Coastal Transmission Corp. (White Castle Field, Iberville Parish, La.).	1,186	5-28-62	7-1-62	12-1-62	[6] 19.75	[7] 20.75	
R162-505...	Amerada Petroleum Corp. (Operator), et al., P.O. Box 2040, Tulsa 2, Okla.	86	2	Coastal Transmission Corp. (Napoleonville Field, Assumption Parish, La. Coastal Transmission Corp. (Port Allen Field, West Baton Rouge Parish, La.).	2,166	5-24-62	7-1-62	12-1-62	[6] 19.75	[7] 20.75	
R162-506...	Delhi-Taylor Oil Corp., Fidelity Union Tower, Dallas 1, Tex.	24	1	Coastal Transmission Corp. (Bay Natchez Field, Iberville Parish La.).	7,600	5-29-62	7-1-62	12-1-62	[6] 19.75	[7] 23.55	
R162-507...	Sohio Petroleum Co., 970 First National Annex, Oklahoma City, Okla.	49	4	Coastal Transmission Corp. (Gross Tete Field, Baton Rouge Parish, La.).	4,379	5-31-62	7-1-62	12-1-62	[6] 19.75	[7] 20.75	

[1] The stated effective date is the first day after expiration of the required statutory notice or, if later, the date requested by respondent.
[2] Pressure base is 14.65 psia.
[3] Subject to determination of initial rates in Docket Nos. G-18338, et al.
[4] Subject to downward Btu adjustment below 1,000 Btu's per cubic foot.
[5] Periodic increase.
[6] Includes base rate of 15.0 cents per Mcf plus Btu adjustment.
[7] Includes base rate of 16.0 cents per Mcf plus Btu adjustment.
[8] Redetermined increase.
[9] Subject to downward Btu adjustment.
[10] Includes 1.0 cent per Mcf for liquids.
[11] Subject to upward and downward Btu adjustments.
[12] Includes base rate of 15.0 cents per Mcf plus Btu adjustment.
[13] Includes base rate of 16.0 cents per Mcf plus Btu adjustment.
[14] Includes base rate of 15.0 cents per Mcf plus Btu adjustment for gas containing 1,100 Btu's per cubic foot.
[15] Includes base rate of 16.0 cents per Mcf plus Btu adjustment for gas containing 1,100 Btu's per cubic foot.
[16] Includes base rate of 15.0 cents per Mcf plus Btu adjustment for gas containing 1,111 Btu's per cubic foot.
[17] Renegotiated increase.
[18] Includes base rate of 17.0 cents per Mcf plus Btu adjustment for gas containing 1,121 Btu's per cubic foot.
[19] Lewis Unit.
[20] Lone Unit.
[21] Berends Unit.
[22] Increase not applicable to acreage included in Supplement Nos. 5 and 6 to Rate Schedule No. 163.
[23] Increase applicable to acreage included in Supplement Nos. 5 and 6 to Rate Schedule No. 163, for which Btu adjustment is not applicable.
[24] Rate base is 15.025 psia.

The proposed increased rates exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, § 2.56).

The proposed changes in rates and changes may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before August 6, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6214; Filed, June 28, 1962; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[Order 3, Amdt. 10]

ASSISTANT REGIONAL DIRECTOR

Delegation of Authority Regarding Execution and Approval of Contracts for Construction, Supplies, Equipment or Services

Section 4 shall read:

SEC. 4. *Assistant Regional Directors.* The Assistant Regional Directors may execute and approve contracts not in excess of $200,000 for construction, supplies, equipment and services. This authority may be exercised by the Assistant Regional Directors in behalf of any office or area for which the Region One Office serves as the field finance office.

Section 5 shall be deleted.

Section 6 shall read:

SEC. 6. *Regional Chief, Division of Property Management and General Services.* The Regional Chief, Division of Property Management and General Services may execute and approve contracts not in excess of $50,000 for construction, supplies, equipment and services. This authority may be exercised by the Regional Chief, Division of Property Management and General Services in behalf of any area or office for which the Region One Office serves as the field finance office.

Sections 6, 7, 8, 9, and 10 are hereby renumbered 5, 6, 7, 8, and 9.

(National Park Service Order No. 14 (19 F.R. 8824); 39 Stat. 535; 16 U.S.C., 1962 ed., sec. 2, Region One Order No. 3 (21 F.R. 1493))

ELBERT COX,
Regional Director,
Region 1 Office, Richmond, Va.

[F.R. Doc. 62-6314; Filed, June 28, 1962; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FRESH PEACHES

Notice of Purchase Program DMP 49a

In order to encourage the domestic consumption of peaches by diverting them from the normal channels of trade and commerce in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, a fresh peach purchase program was made effective on June 19, 1962, in the States of Georgia, North Carolina, and South Carolina, and on June 22, 1962, in Alabama. Purchases will be made on an announced price basis as a surplus removal activity. Peaches purchased under the program will be distributed to eligible institutions. Details regarding price, container, and other program specifications are contained in purchase announcements issued by the Agricultural Stabilization and Conservation (ASC) Committees in these States.

Quantities purchased will depend upon marketing conditions at the time of purchase, and availability of outlets for use of the peaches without waste. Information concerning this purchase program may be obtained from the Fruit and Vegetable Division, Agricultural Marketing Service, Department of Agriculture, Washington 25, D.C.

(Sec. 32, 49 Stat. 774, as amended, 7 U.S.C. 612c)

Dated: June 26, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-6337; Filed, June 28, 1962; 8:54 a.m.]

Commodity Credit Corporation

1962 CROP PRICE SUPPORT LOAN PROGRAMS

Announcement of Interest Rate

Commodity Credit Corporation announces that 1962 crop year price support loans for all commodities shall bear interest at the per annum rate of 3½ percent from the date of disbursement of the loan, except that where there has been a willful misrepresentation in obtaining the loan, such loan shall bear interest at the per annum rate of 6 percent from the date of disbursement thereof.

Signed at Washington, D.C., on June 26, 1962.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-6344; Filed, June 28, 1962; 8:55 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 12319 etc.; Order E-18502]

SOUTHERN AIRWAYS, INC.

Renewal Case; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of June 1962.

By application filed on April 13, 1961 (Docket 12319), pursuant to section 401 of the Federal Aviation Act of 1958, as amended, Southern Airways, Inc. (Southern) requests amendment of its certificate of public convenience and necessity for route 98 so as to renew for an indefinite period its existing temporary authority to engage in air transportation with respect to persons, property and mail between Atlanta, Ga., and New Orleans, La., via the intermediate points Columbus, Ga., Dothan, Ala., Panama City, Fla., and Eglin Air Force Base, Fla., over segment 5.

In the Panama City, Fla.-Atlanta Investigation, Docket 7233, the Board, by Order E-10332, May 29, 1956, certificated Southern between Atlanta and Panama City via Columbus and Dothan. In the Southeastern Area Local Service Case, Docket 7038, et al., the Board, by Order E-14754, December 18, 1959, extended Southern from Panama City to New Orleans via Eglin Air Force Base, and suspended Eastern Air Lines between Dothan and Atlanta.

Upon consideration of the data available to the Board from regularly filed carrier reports, reflected in part in the attached Appendices A through E,[1] which are hereby incorporated into the record, the Board finds that Southern's service has developed the market, especially in view of the fact that the carrier provides five daily round trips over this segment serving Atlanta, the principal community of interest point for the intermediate points on this segment (Appendix C).

In addition, the volume of service provided with both DC-3 and Martin 404 equipment has developed substantial volumes of traffic at all of the intermediate points, ranging upwards from 19 originating passengers daily (Appendix B). The carrier's service has generated 11.7 passengers per mile for the calendar year 1961—substantially in excess of the Board's standard of seven passengers per mile as envisaged in the "use it or lose it" policy (Appendix A).

Further, Southern's subsidy need for its operations over this segment is relatively minimal, in light of the breakeven need of $1.80 per passenger (Appendix E), compared to the system cost of $11.98 per passenger and the average fare of $14.66 per passenger for the year ended June 30, 1961.

As shown in attached Appendix C, the majority of traffic from these intermediate points is destined to points beyond Atlanta and New Orleans, and Appendix D shows some of the connections with trunkline carriers that are provided by Southern in its schedules for the major destinations beyond.

Consequently, in view of the foregoing, and pursuant to section 401(g) of the Federal Aviation Act of 1958, as amended, the Board tentatively finds that the public convenience and necessity require that Southern's present authority for segment 5 should be renewed for an indefinite period and that its certificate of public convenience and necessity should be so amended.

On February 26, 1960, Southern filed a certificate amendment application in Docket 11166 requesting authority to operate between Panama City and Memphis via the intermediate points Montgomery and Birmingham. The City of Panama City, Fla., filed, on February 19, 1960, a request for certificated air service between these same points (Docket 11151). Since, in large measure, the traffic generated to and from Panama City will have a substantial effect on the need for service over this proposed routing, and since the Board will consider service to Panama City in this proceeding, we believe that these two dockets should be consolidated herein.

Accordingly, it is ordered,

1. That all interested persons are directed to show cause why the Board should not issue an order making final the findings and conclusions stated herein and issue to Southern an amended certificate making indefinite its authority to provide service between Atlanta and New Orleans via Columbus, Dothan, Panama City and Eglin Air Force Base over segment 5 of route 98;

2. That any interested person having objection to the issuance of an order making final the findings and conclusions stated herein, and to the issuance of an amended certificate making indefinite Southern's authority to provide service over segment 5 of route 98, shall, within 15 days from the service date hereof, file written notice of objection with the Board;

3. That on the expiration of the 15-day period allowed for the filing of objections, this proceeding shall be set for hearing before an examiner of this Board limited to consideration of issues raised by the objections filed and to the issues contained in Dockets 11151 and 11166, hereinafter consolidated;

4. That in the event there are no objections with respect to the indefinite continuation of segment 5, all further procedural steps will be deemed to have been waived as to this issue, and that matter will be submitted for final action;

5. That Dockets 11151 and 11166 be and hereby are consolidated into this proceeding for hearing and decision;

6. That a copy of this order shall be served on Southern Airways, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., United Air Lines, Inc., National Airlines, Inc., the Cities of Atlanta and Columbus, Ga., Dothan, Birmingham, and Montgomery, Ala., Panama City, Fla., New Orleans, La., Memphis, Tenn., The Department of Defense, and the Aviation Commissions of the States of Alabama, Louisiana, Florida, and Tennessee, who are hereby made parties to this proceeding;

7. That all motions to consolidate and requests to expand or change the issues herein shall be filed within the 15-day period allowed for the filing of objections, and no further such motions or requests, or petitions for reconsideration of this order, will be entertained; and

8. That a copy of this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-6335; Filed, June 28, 1962; 8:53 a.m.]

[1] Filed as part of original document.

ATOMIC ENERGY COMMISSION

[Docket No. 50-185]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Order of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to July 31, 1963, the latest completion date specified in Construction Permit No. CPRR-62 for the construction of the National Aeronautics and Space Administration's Mock-Up Reactor (MUR) to be located on the grounds of the Plum Brook Station situated ap-

proximately three miles south southeast of Sandusky, Ohio.

Copies of the Commission's order and of the application by National Aeronautics and Space Administration are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 19th day of June 1962.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-6308; Filed, June 28, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14662; FCC 62M-883]

DOVER BROADCASTING CO.

Order Continuing Hearing

In the matter of revocation of licenses of the Dover Broadcasting Company for Standard Broadcast Station WDOV and FM Broadcast Station WDOV-FM Dover, Delaware; Docket No. 14662.

The Hearing Examiner having under consideration a "Petition for Rescheduling of Prehearing and Hearing Dates" filed by Dover Broadcasting Company on June 13, 1962, requesting that the prehearing conference presently scheduled for July 10, 1962, at 9:00 a.m., in the offices of the Commission, Washington, D.C., be continued to September 10, 1962 at 9:00 a.m., and that the date for the hearing presently scheduled for July 27, 1962, at Dover, Delaware be continued to a date to be set at the prehearing conference;

It appearing that counsel for Dover Broadcasting Company will be absent from the country during the period from July 1, 1962, through August 4, 1962; and

It further appearing that good cause has been shown for a grant of the requested relief; and

It further appearing that the Broadcast Bureau, the only other party, has interposed no objection to the requested continuance;

It is ordered, This 22d day of June 1962, that the "Petition for Rescheduling of Prehearing and Hearing Dates" filed on June 13, 1962, by Dover Broadcasting Company, be, and the same is, hereby granted, and that the prehearing conference in this proceeding presently scheduled for July 10, 1962, at 9:00 a.m., be, and the same is, hereby continued to September 10, 1962, at 9:00 a.m., in the offices of the Commission, Washington, D.C., and that the hearing presently scheduled for July 27, 1962, at Dover, Delaware, be, and the same is, hereby continued to a date to be set at the prehearing conference.

Released: June 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6330; Filed, June 28, 1962; 8:52 a.m.]

[Docket No. 14583; FCC 62M-885]

FIFTH MARKET BROADCASTING CO., INC. (WGSM)

Order Continuing Proceedings

In re application of Fifth Market Broadcasting Co., Inc. (WGSM), Huntington, New York, Docket No. 14583; File No. BP-14332; for construction permit.

The Hearing Examiner having under consideration the "Petition for Continuance" filed by Fifth Market Broadcasting Co., Inc., on June 13, 1962, requesting that the presently scheduled dates for further proceedings in the above-entitled matter be continued;

It appearing that because of the amount of work involved in preparation of the exhibits, the scheduled dates cannot be met and that the hearing set for June 27, 1962, must be continued; and

It further appearing that the Broadcast Bureau, the only other party to the proceeding, has informally consented to a continuance, and that good cause has been shown therefor;

It is ordered, This 22d day of June 1962, that the "Petition for Continuance" filed by Fifth Market Broadcasting Co., Inc., be, and the same is, hereby granted, and that the presently scheduled date of June 13, 1962, for the exchange of exhibits is hereby continued to June 29, 1962; and

It is further ordered, That the scheduled date of June 27, 1962, for the hearing is hereby continued to July 18, 1962.

Released: June 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6331; Filed, June 28, 1962; 8:52 a.m.]

[Docket Nos. 14639, 14640; FCC 62M-882]

OLNEY BROADCASTING CO. AND JAMES R. WILLIAMS

Order Continuing Hearing

In re applications of Harwell V. Shepard tr/as Olney Broadcasting Company, Olney, Texas, Docket No. 14639, File No. BP-10494; and James R. Williams, Anadarko, Oklahoma, Docket No. 14640, File No. BP-13635; for construction permits.

Pursuant to a prehearing conference held this date: *It is ordered*, This 22d day of June 1962, that the hearing herein now scheduled for July 25, 1962, be and the same is hereby rescheduled for September 20, 1962, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: June 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6332; Filed, June 28, 1962; 8:53 a.m.]

[Docket Nos. 14629, 14630; FCC 62M-889]

RHODE ISLAND-CONNECTICUT RADIO CORP. (WERI-FM) AND WILLIE BROADCASTING CO.

Order Establishing Procedural Dates

In re applications of Rhode Island-Connecticut Radio Corporation (WERI-FM), Westerly, Rhode Island, Docket No. 14629, File No. BPH-3669; and The Willie Broadcasting Company, Willimantic, Connecticut, Docket No. 14630, Filed No. BPH-3693; for construction permits (FM).

Pursuant to agreement of counsel for all parties at the prehearing conference held on June 22, 1962: *It is ordered*, This 22d day of June 1962, that the following procedural dates are established:

Exchange of applicants' entire direct case exhibits in written form (by mail) with copies to the Hearing Examiner, July 16, 1962.
Notification of witnesses, if any, desired for cross-examination, July 20, 1962.
Commencement of hearing (as previously scheduled), July 24, 1962 (10:00 a.m.).

Released: June 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6333; Filed, June 28, 1962; 8:53 a.m.]

[Docket No. 14577; FCC 62M-892]

TRIANGLE PUBLICATIONS, INC. (WNHC-TV)

Order Continuing Hearing

In re application of Triangle Publications, Inc. (WNHC-TV), (Radio and Television Division), New Haven, Connecticut, Docket No. 14577, File No. BPCT-2897; for construction permit.

The Hearing Examiner having under consideration the oral request of counsel for Triangle Publications, Inc. (WNHC-TV) for continuance of the hearing in this proceeding from June 26 to July 2, 1962;

It appearing that a sudden death in the family of counsel for applicant requires said counsel to leave Washington, D.C., making impossible his attendance at the hearing presently scheduled for June 26; and

It further appearing that counsel for the other parties have informally consented to immediate consideration and grant of the request and that good cause has been shown for a grant thereof;

It is ordered, This 25th day of June 1962, that the subject request is granted, and that the hearing, presently scheduled to commence on June 26, 1962, is continued to 10:00 a.m., July 2, 1962.

Released: June 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6334; Filed, June 28, 1962; 8:53 a.m.]

FEDERAL MARITIME COMMISSION

BOARD OF PORT COMMISSIONERS OF THE CITY OF OAKLAND AND SEA-LAND SERVICE, INC.

Notice of Agreement

Notice is hereby given that the agreement described below has been filed with the Commission for determination as to whether it is subject to section 15 of the Shipping Act, 1916, as amended, (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Proposed Agreement No. 8845 between the Board of Port Commissioners of the City of Oakland (hereinafter referred to as Port of Oakland) and Sea-Land Service, Inc. (hereinafter referred to as Sea-Land) is a lease and preferential assignment agreement of Parcels A and B described therein. Parcel A is a facility to be used as a container yard. Parcel B is a wharf.

The agreement provides that the Lessee shall guarantee as rental each month a fixed minimum sum. The amount of the "port terminal charge" prescribed by Port of Oakland Tariff No. 2 for the passage of cargo in containers over Parcel B from or to containerships and for use of Parcel A for receipt, handling, storage and delivery of cargo will be applied against the minimum fixed rental. If during any month the port terminal charge exceeds the minimum fixed rental, the excess shall be paid to the Port of Oakland. The port terminal charge, but not the minimum, is subject to review and adjustment in accordance with the so-called "Freas Formula," on a prospective basis at any time after a period of six (6) consecutive months during which the average monthly net volume of inbound and outbound traffic moving over Parcel B exceeds 25,000 tons.

The proposed assignment for the docking and mooring of vessels at Parcel B is preferential but not exclusive. Use of Parcel A is exclusive. Whenever Parcel B or any part thereof is not required for use of vessels of the Lessee the Executive Director of the Port of Oakland shall have the right to and may make temporary assignments to other vessels as provided in the Port's Tariff No. 2.

The Commission will consider whether proposed Agreement No. 8845 is subject to section 15, Shipping Act, 1916, and if so whether it would be approvable under the standards of that section.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulations, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should a hearing be desired.

Dated: June 25, 1962.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 62-6306; Filed, June 28, 1962; 8:47 a.m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

FINANCING OFFICERS, LEGAL DIVISION

Delegation of Final Authority

Section II *Delegation of final authority* is amended as follows:

1. Paragraph E6 is amended as follows:

Delete the title "Administrative Assistant to the Legal Division," and substitute in lieu thereof "Financing Officers, Legal Division."

Approved: June 21, 1962.

[SEAL] MARIE C. MCGUIRE,
Commissioner.

[F.R. Doc. 62-6312; Filed, June 28, 1962; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-2478]

PROFESSIONAL INSURORS AND INVESTORS, LTD.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 25, 1962.

I. Professional Insurors and Investors, Ltd. (issuer), a Colorado corporation, 123 Cook Street, Denver, Colorado, filed on November 4, 1960, a notification and offering circular relating to an offering of 215,000 shares of its $1.00 par value common stock at an offering price of $1.00 per share for an aggregate of $215,000, and filed various amendments thereto, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) of the Act and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the issuer has:

1. Failed to cooperate with the staff in furnishing pertinent information in connection with the offering.

2. Failed to file a report on Form 2-A.

B. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, in

1. The statement that 50 percent of the offering will be spent for the purpose of purchasing land and developing small apartment houses in Denver, Colorado, and vicinity.

2. The failure to disclose that the company is not keeping and has not kept accurate and current financial records.

3. The failure to disclose the remuneration of the three highest paid officers and the aggregate remuneration of the officers and directors as a group.

III. *It is ordered*, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-6322; Filed, June 28, 1962; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 655]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 26, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by

petitioners must be specified in their petitions with particularity.

No. MC–FC 35372. By order of June 20, 1962, the Transfer Board approved the lease to Pacific Inland Transportation Company, a corporation, Sunland Park, N. Mex., of Permit No. MC 34227, issued August 27, 1943, to E. L. Northcutt, Albuquerque, N. Mex., authorizing the transportation of: Onions, carrots, and potatoes, from Duncan, Ariz., to Albuquerque, N. Mex., agricultural commodities and canned goods from Denver, Colo., to Albuquerque, N. Mex., potatoes, lettuce, peas, broccoli, and cauliflower, from Alamosa, Colo., to Albuquerque, N. Mex., from Del Norte, Colo., to Albuquerque, N. Mex., canned grapefruit juice, grapefruit, oranges, and agricultural commodities, from Brownsville, Tex., to Albuquerque, N. Mex., such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies, used in the conduct of such business, from Los Angeles, Calif., to Albuquerque, N. Mex., from Albuquerque, N. Mex., to Gallup, N. Mex., and grapefruit, oranges, bananas, pineapples, lemons, potatoes, onions, and peppers, from El Paso, Tex., to Albuquerque, N. Mex. William J. Torrington, 1003 Maryland Trust Building, Baltimore 2, Md., attorney for applicant.

No. MC–FC 64786. By order of June 20, 1962, the Transfer Board approved the transfer to South Branch Motor Freight, Inc., Petersburg, W. Va., of that portion of the operating rights in Certificate No. MC 7535, issued February 3, 1950, to Edgar Head McDonald, doing business as E. H. McDonald, Headsville, W. Va., authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in Hampshire, Grant, and Mineral Counties, W. Va., on the one hand, and, on the other, Baltimore, Md. Eston H. Alt, P.O. Box 81, Winchester, Va., applicants' representative.

No. MC–FC 64889. By order of June 20, 1962, the Transfer Board approved the transfer to Dudley H. Howery, doing business as Laramie-Walden Bus Line, 303 South Second Street, Laramie, Wyo., of Certificate No. MC117506, issued August 17, 1959, to C. Edward Long, doing business as Laramie-Walden Bus Lines, 164 North Third Street, Laramie, Wyo., authorizing the transportation of: Passengers and their baggage, and express, mail, and newspapers in the same vehicle with passengers, between Laramie, Wyo., and Walden, Colo., serving all intermediate points.

No. MC–FC 64910. By order of June 20, 1962, the Transfer Board approved the transfer to Chester Hodgdon, doing business as Marshall Motor Coach, Marshalltown, Iowa, of that portion of the operating rights in Certificate No. MC 107575, issued January 19, 1956, to Mid-Western Charter Bus, Inc., Mason City, Iowa, authorizing the transportation, over irregular routes, of passengers and their baggage, in round-trip charter operations, over irregular routes, beginning and ending at points in Poweshiek, Marion, Tama, and Jasper Counties, Iowa, and extending to points in Missouri, Illinois, Wisconsin, Minnesota, South Dakota, Nebraska, and Colorado. Robert R. Rydell, 1020 Savings and Loan Building, Des Moines 9, Iowa, applicants' attorney.

No. MC–FC 64939. By order of June 20, 1962, the Transfer Board approved the transfer to Reilley Truck Line, a corporation, Stockton, Calif., of Certificates Nos. MC 40714 and MC 40714 Sub-1, issued June 15, 1943 and January 22, 1953, respectively, to H. F. Reilley, doing business as Reilley Truck Line, Stockton, Calif., authorizing the transportation of: Flour and cerelose, from Stockton and San Francisco, Calif., to Lodi and 39 other specified points in California; sugar from Manteca, Calif., to Stockton, Calif., lumber, from Oakland, Calif., to Stockton, machinery, from Stockton, Calif., to Sacramento, Calif., household goods, as defined by the Commission, between Stockton, Calif., on the one hand, and, on the other, points in California within 250 miles of Stockton; and canned pineapple and canned pineapple juice, over irregular routes, from ports of Oakland and Alameda, Calif., to Stockton, Calif. Marshall G. Berol, Berol, Loughran & Geenaert, 100 Bush Street, San Francisco 4, Calif., attorney for applicants.

No. MC–FC 64992. By order of June 20, 1962, the Transfer Board approved the transfer to Dino D'Agata, Northeast Corner, 25th and Dickinson Streets, Philadelphia, Pa., of that portion of the operating rights in Certificate No. MC 114301 Sub-4, issued March 22, 1961, to Delaware Express Co., a corporation, P.O. Box 141, Elkton, Md., authorizing the transportation, over irregular routes, of malt beverages, from Philadelphia, Pa., to points in Connecticut and New York, from Allentown, Pa., to Atlantic City, Camden, Hammonton, Jersey City, Paulsboro, Penns Grove, and Wildwood, N.J., Baltimore and Cumberland, Md., Beckley, W. Va., New York, N.Y., Roanoke and Harrisonburg, Va., Wilmington, Del., and Washington, D.C., and brewers' supplies, from Baltimore, Md., and Jersey City, N.J., to Allentown, Pa.

No. MC–FC 65021. By order of June 20, 1962, the Transfer Board approved the transfer to Evans Express Company, Inc., of a portion of Certificate No. MC 32102, issued October 17, 1957, to T. A. D. Trucking Corporation, Brooklyn, N.Y., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities between points in Hudson, Bergen, Passaic, and Essex Counties, N.J., on the one hand, and, on the other, New York, N.Y. John J. Brady, Jr., 75 State Street, Albany 7, N.Y., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-6325; Filed, June 28, 1962; 8:51 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 26, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37815: *Sugar from points in Louisiana to Atlanta, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-8233), for interested rail carriers. Rates on sugar, beet or cane, in carloads, from points in Louisiana, to Atlanta, Tex.

Grounds for relief: Rail-private truck and Texas intrastate competition.

Tariff: Supplement 122 to Southwestern Freight Bureau tariff I.C.C. 4088.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-6324; Filed, June 28, 1962; 8:51 a.m.]

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FEDERAL REGISTER

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Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 58—GRADING AND INSPECTION, MINIMUM SPECIFICATIONS FOR APPROVED PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

Subpart L—United States Standards for Grades of Nonfat Dry Milk (Spray Process)

SOLUBILITY INDEX AND HEAT TREATMENT CLASSIFICATION

On May 17, 1962, notice was published in the FEDERAL REGISTER (27 F.R. 4692) regarding a proposed amendment of the United States Standards for Grades of Nonfat Dry Milk (Spray Process) (7 CFR Part 58, Subpart L), affording interested persons an opportunity to file written data, views or arguments in connection therewith. No such comments were received within the prescribed time.

Statement of considerations. Recently some bakers have been requiring spray process nonfat dry milk with increased water absorption capacity. The heat treatment necessary to attain such increased water absorption capacity may cause a rise in the solubility index of the product which does not affect its baking quality. Therefore, the maximum solubility index levels in the present grade standards for the product would thus appear to be too restrictive for bakery-type nonfat dry milk. The purpose of this amendment is to allow for such possible rise in the solubility index with due recognition to the respective U.S. grades of the product.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following amendment is hereby promulgated pursuant to the Agricultural Marketing Act, 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), to become effective August 1, 1962:

§ 58.2528 [Amendment]

1. In § 58.2528, change paragraph (a) (3) (v) to read as follows:

(v) Solubility index: Not more than 1.2 ml., except that product classified as U.S. High Heat may have not more than 2.0 ml.

2. In § 58.2528, change paragraph (b) (3) (v) to read as follows:

(v) Solubility index: Not more than 2.0 ml., except that product classified as U.S. High Heat may have not more than 2.5 ml.

3. In Table III of § 58.2528, change item (5) to read as follows:

	Extra	*Standard*
(5) Solubility index, ml	1.2	2.0
U.S. High Heat	2.0	2.5

4. Change § 58.2538 to read:

§ 58.2538 **Basis for obtaining heat treatment classification.**

Heat treatment classification is not a U.S. Grade requirement except in cases when the higher solubility index specified for U.S. High Heat product is permitted. In all other instances, product submitted for USDA grading may be analyzed for heat treatment classification upon request of the applicant and the results shown on the grading certificate. Heat treatment classification will be made available only upon a U.S. graded product.

(Sec. 205, 60 Stat. 1090; 7 U.S.C. 1624)

Done at Washington, D.C., this 26th day of June 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-6389; Filed, June 29, 1962; 8:50 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service, (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 725—TOBACCO

Subpart—Burley, Flue-Cured, Fire-Cured, Dark Air-Cured, and Virginia Sun-Cured Tobacco Marketing Quota Regulations, 1962–63 Marketing Year

Correction

In F.R. Doc. 62-6065, appearing at page 5849 of the issue for Thursday, June 21, 1962, the following corrections are made:

1. In § 725.1331(q), the word "preson" should read "person".

2. In § 725.1349(e), the word "maner" should read "manner".

3. In § 725.1352(e):

a. In the phrase immediately preceding subparagraph (1), the word "filling" should read "filing", so that the phrase reads as follows: "* * * as to the farm at the time of filing such report,".

b. In subparagraph (4), the word "same" should read "name".

4. In the second sentence of § 725.1353 (a) (3), the word "warehousemen" should read "warehouseman".

SUBCHAPTER D—SPECIAL FEED GRAIN PROGRAM

[1962 Feed Grain Program, Supp. 1, Amdt. 2]

PART 775—FEED GRAINS

Subpart—1962 Feed Grain Program Regulations

CORN AND GRAIN SORGHUMS

Correction

In F.R. Doc. 62-5461, appearing at page 5469 of the issue for Saturday, June 9, 1962, the following changes are made:

1. In the table titled "1962 Feed Grain Program—County 1959–60 Adjusted Average Yields and Per Acre Payment for Corn":

a. Under "Georgia, District 8, Colquitt County", the "60 percent payment rate per acre" should read "$28.70" instead of "$26.70".

b. Under "Kansas, District 8, Edwards County", the "1959–60 adjusted average yield" should read "26.0 Bushels" instead of "36.0 Bushels".

c. Under "Louisiana, District 3, Morehouse County", the "50 percent payment rate per acre" should read "$21.50" instead of "$21.59".

d. Under "Tennessee, District 3", "Steward County" is changed to read "Stewart County".

2. In the table titled "1962 Feed Grain Program—County 1959–60 Adjusted Average Yields and Per Acre Payment for Grain Sorghums", under "Idaho, District 9, Jefferson County", the "60 percent payment rate per acre" should read "$22.30" instead of "$23.30".

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 19]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.319 **Valencia Orange Regulation 19.**

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided

will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 28, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., July 1, 1962, and ending at 12:01 a.m., P.s.t., July 8, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 400,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 29, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-6485; Filed, June 29, 1962; 11:45 a.m.]

[Lemon Reg. 28]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.328 Lemon Regulation 28.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 26, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., July 1, 1962, and ending at 12:01 a.m., P.s.t., July 8, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 279,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 27, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-6410; Filed, June 29, 1962; 8:51 a.m.]

[Plum Order 7]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Size

§ 917.309 Plum Order 7 (Gaviota, Burbank, Duarte, Becky Smith, Elephant Heart, Laroda, and Sharkey).

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 26, 1962.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 1, 1962, and ending at 12:01 a.m., P.s.t., November 1, 1962, no shipper shall ship any package or container of Gaviota, Burbank, Duarte, Becky Smith, Elephant Heart, Laroda, or Sharkey plums, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided,* That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 28, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-6486; Filed, June 29, 1962; 11:45 a.m.]

[Plum Order 8]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Sizes

§ 917.310 Plum Order 8 (Nubiana).

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 26, 1962.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 1, 1962, and ending at 12:01 a.m., P.s.t., November 1, 1962, no shipper shall ship any package or container of Nubiana plums, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 3 x 4 x 5 standard pack; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 28, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-6487; Filed, June 29, 1962; 11:45 a.m.]

[Plum Order 9]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grade and Size

§ 917.311 Plum Order 9 (Mariposa, Ace, and Queen Ann).

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available informa-

tion, it is hereby found that the limitation of shipments of plums of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 26, 1962.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 1, 1962, and ending at 12:01 a.m., P.s.t., November 1, 1962, no shipper shall ship any package or container of Mariposa, Ace, or Queen Ann plums, unless:

(i) Such plums grade at least U.S. No. 1, as required by the provisions of § 917.301 (Plum Order 1; 27 F.R. 4729), except that a total tolerance of ten (10) percent for defects not considered serious damage is permitted in addition to the tolerances permitted by such grade;

(ii) Such plums are of a size that, when packed in a standard basket, they will pack at least a 3 x 4 x 5 standard pack;

(iii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "U.S. No. 1" and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of fruits covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 28, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-6488; Filed, June 29, 1962; 11:46 a.m.]

[Apricot Reg. 1]

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

§ 922.301 Apricot Regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 922, as amended (7 CFR Part 922), regulating the handling of apricots grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Washington Apricot Marketing Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of apricots, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 2, 1962. A reasonable determination as to the supply of, and the demand for, such apricots must await the development of the crop and adequate information thereon was not available to the Washington Apricot Marketing Committee until June 22, 1962; recommendation as to the need for, and the extent of, regulation of shipments of such apricots was made at the meeting of said committee on June 22, 1962, after consideration of all available information relative to the supply and demand conditions for such apricots, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such apricots will begin on or about July 4, 1962, and this section should be applicable, insofar as practicable, to all shipments of such apricots in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 2, 1962, and ending at 12:01 a.m., P.s.t., October 1, 1962, no handler shall handle any container of apricots unless:

(i) Such apricots grade not less than Washington No. 1: *Provided*, That such apricots are at least reasonably uniform in color;

(ii) Such apricots measure not less than 1⅝ inches in diameter: *Provided*, That apricots of the Blenheim variety and apricots of the Tilton variety when packed in unlidded wooden boxes may measure not less than 1¼ inches; and: *Provided, further*, That not more than 10 percent, by count, of such apricots may fail to meet the applicable minimum diameter requirement; and

(iii) Such apricots when packed in lidded containers are row-faced: *Provided*, That this requirement shall not apply to apricots in experimental containers approved pursuant to § 922.110.

(2) All apricots handled during the period specified in this section are subject also to all applicable container restrictions which are in effect pursuant to this part during such period.

(3) Notwithstanding any other provision of this section, any individual shipment of apricots which (i) does not, in the aggregate, exceed 150 pounds may be handled without regard to the restrictions specified in this paragraph (grade, size, pack, and container) or in § 922.41 (Assessments) or § 922.55 (Certification), (ii) is sold at the orchard, is in excess of 150 pounds but not in excess of 500 pounds, and is for home use only and not for resale in commercial channels may be handled without regard to the restrictions in § 922.55 (Certification) or the pack and container requirements of this paragraph: *Provided*, That the fruit so shipped meets the grade and size requirements of this paragraph and is subject to § 922.41 (Assessments) and is reported to the committee on forms furnished by the committee in the manner specified therein.

(4) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said amended marketing agreement and order; "diameter" and "Washington No. 1" shall have the same meaning as when used in the Washington State Department of Agriculture Standards for Apricots (1953); and "reasonably uniform in color" means that the apricots in the individual container do not show sufficient variation in color to materially affect the general appearance of the apricots.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 27, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-6411; Filed, June 29, 1962; 8:51 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 1]

PART 1001—MILK IN GREATER BOSTON, MASSACHUSETTS, MARKETING AREA

Order Amending Order

§ 1001.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Boston, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than July 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued May 31, 1962, and the decision of the Under Secretary containing all amendment provisions of this order was issued June 25, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective July 1, 1962, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days afer its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Greater Boston, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. In § 1001.3, the number "40" in paragraphs (b) and (c) is changed to "80" and paragraph (f) is revised as follows:

§ 1001.3 Definitions of plants.

• • • • • •

(f) "Distributing plant" means any processing and packaging plant: (1) With route disposition in the marketing area in the month of not less than 10 percent of its receipts from dairy farmers or of its total receipts of fluid milk products; and (2) with total Class I disposition in the month or in either of the two preceding months of at least 50 percent of its total receipts of fluid milk products in the corresponding month.

2. In § 1001.20, the word "August" in the introductory text of paragraph (d) is changed to "July" and new paragraphs (d)(3) and (f) are added as follows:

§ 1001.20 Basic pooling requirements.

• • • • • •

(d) • • •

(3) No plant shall be eligible for pool plant status under this paragraph in November of any year unless it has met the requirements of paragraph (c) of this section in one of the months of July through October of that year.

• • • • • •

(f) It is a supply plant from which a greater quantity of fluid milk products is shipped to regulated distributing plants under this order than to plants to which qualifying shipments of fluid milk products may be made under any other New England Federal order, and from which the total quantity of fluid milk products shipped to all plants to which qualifying shipments of fluid milk products may be made under any New England Federal order is at least 15 percent of its total receipts of milk from dairy farmers.

§ 1001.42 [Amendment]

3. In § 1001.42(c), the phrase "Within 40" in Column A of the table is changed to "Within 80" and the second, third and fourth lines in Columns A, B, C, and D of the table are revoked.

4. In § 1001.48(a) the word "continental" in subparagraph (2) is changed to "the" and subparagraph (1) is revised as follows:

§ 1001.48 Computation of New England basic Class I price.

• • • • • •

(a) • • •

(1) Divide by 1.0025 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1957–59 as the base period.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: July 1, 1962.

Signed at Washington, D.C., on June 27, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-6414; Filed, June 29, 1962; 8:51 a.m.]

[Milk Order 6]

PART 1006—MILK IN SPRINGFIELD, MASSACHUSETTS, MARKETING AREA

Order Amending Order

§ 1006.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Springfield, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than July 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued May 31, 1962, and the decision of the Under Secretary containing all amendment provisions of this order was issued June 25, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective July 1, 1962, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Springfield, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. In § 1006.3, paragraph (f) is revised as follows:

§ 1006.3 Definitions of plants.

* * * * *

(f) "Distributing plant" means any processing and packaging plant: (1) With route disposition in the marketing area in the month of not less than 10 percent of its receipts from dairy farmers or of its total receipts of fluid milk products; and (2) with total Class I disposition in the month or in either of the two preceding months of at least 50 percent of its total receipts of fluid milk products in the corresponding month.

2. In § 1006.48(a), the word "continental" in subparagraph (2) is changed to "the" and subparagraph (1) is revised as follows:

§ 1006.48 Computation of New England basic Class I price.

* * * * *

(a) * * *

(1) Divide by 1.0025 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1957–59 as the base period.

§ 1006.64 [Amendment]

3. In § 1006.64(a), the town of "Brookline" is added to the list of Vermont towns.

4. In § 1006.20, the number "30" in paragraph (c) is changed to "15" and a new paragraph (d) is added as follows:

§ 1006.20 Basic pooling requirements.

* * * * *

(d) It is a supply plant from which a greater quantity of fluid milk products is shipped to regulated distributing plants under this order than to plants to which qualifying shipments of fluid milk products may be made under any other New England Federal order, and from which the total quantity of fluid milk products shipped to all plants to which qualifying shipments of fluid milk products may be made under any New England Federal order is at least 15 percent of its total receipts of milk from dairy farmers.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: July 1, 1962.

Signed at Washington, D.C., on June 27, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-6415; Filed, June 29, 1962; 8:52 a.m.]

[Milk Order 7]

PART 1007—MILK IN WORCESTER, MASSACHUSETTS, MARKETING AREA

Order Amending Order

§ 1007.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the order regulating the handling of milk in the Worcester, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than July 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued May 31, 1962, and the decision of the Under Secretary containing all amendment provisions of this order was issued June 25, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective July 1, 1962, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Worcester, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1007.3, paragraph (f) is revised as follows:

§ 1007.3 Definitions of plants.

* * * * *

(f) "Distributing plant" means any processing and packaging plant: (1) With route disposition in the marketing area in the month of not less than 10 percent of its receipts from dairy farmers or of its total receipts of fluid milk products; and (2) with total Class I disposition in the month or in either of the two preceding months of at least 50 percent of its total receipts of fluid milk products in the corresponding month.

2. In § 1007.48(a) the word "continental" in subparagraph (2) is changed to "the" and subparagraph (1) is revised as follows:

§ 1007.48 Computation of New England basic Class I price.

* * * * *

(a) * * *

(1) Divide by 1.0025 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1957–59 as the base period.

3. In § 1007.20, the number "30" in paragraph (c) is changed to "15" and a new paragraph (d) is added as follows:

§ 1007.20 Basic pooling requirements.

* * * * *

(d) It is a supply plant from which a greater quantity of fluid milk products is shipped to regulated distributing plants under this order than to plants to which qualifying shipments of fluid milk products may be made under any other New England Federal order, and from which the total quantity of fluid milk products shipped to all plants to which qualifying shipments of fluid milk products may be made under any New England Federal order is at least 15 percent of its total receipts of milk from dairy farmers.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: July 1, 1962.

Signed at Washington, D.C., on June 27, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-6416; Filed, June 29, 1962; 8:52 a.m.]

[Milk Order 14]

PART 1014—MILK IN SOUTHEASTERN NEW ENGLAND MARKETING AREA

Order Amending Order

§ 1014.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southeastern New England marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than July 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued May 31, 1962, and the decision of the Under Secretary containing all amendment provisions of this order was issued June 25, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective July 1, 1962, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative

period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southeastern New England marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. In § 1014.2, paragraph (e) is revised as follows:

§ 1014.2 Definitions of persons.

• • • • •

(e) "Producer" means any dairy farmer (except a dairy farmer for other markets, a dairy farmer with respect to exempt milk delivered, any person holding producer-handler status under any Federal order, or a dairy farmer who is a producer under another Federal order with respect to milk diverted from a plant subject to such other order) whose milk is delivered from his farm to a pool plant or is diverted from a pool plant to a plant specified in subparagraphs (1) through (3) of this paragraph if the handler, in filing his monthly report pursuant to § 1014.30, reports the milk as receipts from a producer at such pool plant: *Provided*, That this definition shall not include a local or state government not engaged in the resale of any packaged fluid milk products on routes, if such governing body so elects by written notification to the market administrator and the handler to which it delivers, in which event such election shall be effective for the 12 months beginning with the month in which the election is made, and for each subsequent month until cancelled in writing: *And provided further*, That any dairy farmer whose milk is diverted on more than the number of days specified shall not be considered to qualify under this paragraph with respect to any of his deliveries of milk during such month:

(1) A regulated plant of another handler;

(2) A regulated plant of the same handler in the same plant zone; or

(3) An unregulated plant under the following conditions:

(i) Milk moved from such farm is not diverted to an unregulated plant from such pool plant on more days during the 12 months ending with the current month than it is delivered to such pool plant; or

(ii) Milk moved from such farm is moved in a tank truck in which it is commingled with milk from other farms, the milk from a majority of which farms is diverted from such pool plant during the month in accordance with subdivision (i) of this subparagraph.

2. In § 1014.3, paragraphs (c)(1), (c)(3)(i), and (d) and the introductory text of paragraph (c)(3) are revised as follows:

§ 1014.3 Definitions of plants.

• • • • •

(c) • • •

(1) Any receiving plant (except the plant of a producer-handler under any Federal order) with route disposition in the marketing area in the month of not less than 10 percent of its receipts from dairy farmers and with total Class I disposition in the month or in either of the two preceding months of at least 50 percent of its total receipts of fluid milk products in the corresponding month, unless the market administrator determines that such plant disposed of a greater proportion of its Class I milk in another Federal order marketing area on routes than was so disposed of in this marketing area.

• • • • •

(3) Except as provided in subdivisions (i) through (iv) of this subparagraph, any receiving plant (other than a plant fully regulated under the provisions of any Federal order on the basis of its route disposition) from which a greater quantity of fluid milk products is shipped during the month to a pool plant qualified pursuant to subparagraph (1) of this paragraph or to a regulated plant under this order other than a pool plant than to plants to which qualifying shipments of fluid milk products may be made under any other New England Federal order, and from which the total quantity of fluid milk products shipped to all plants to which qualifying shipments of fluid milk products may be made under any New England Federal order is at least 15 percent of its total receipts of milk from dairy farmers: *Provided*, That any plant qualifying for pooling under the Boston order on the basis of greater shipments under such order, but which is designated as a nonpool plant under the Boston order for such month, and from which the qualifying shipments under this order are at least 15 percent of its receipts of milk from dairy farmers and are greater than under any other order except Boston shall also qualify under this subparagraph.

(i) Any plant qualifying as a pool plant pursuant to this subparagraph, other than a plant which retains automatic pool plant status for the month under subdivision (ii) or (iii) of this subparagraph, shall be a nonpool plant in any month of December through June in which it retains automatic pool plant status under another New England Federal order.

• • • • •

(d) "Regulated plant" means (1) any pool plant, or (2) any other plant (except the plant of a producer-handler under any Federal order) with route disposition in the marketing area in the month of not less than 10 percent of its total receipts of fluid milk products and with total Class I disposition in the month or in either of the two preceding months of at least 50 percent of its total receipts of fluid milk products in the corresponding month, unless the market administrator determines that such plant disposed of a greater proportion of its Class I milk in another marketing area on routes.

3. In § 1014.41(a), the word "continental" in subparagraph (2) is changed to "the" and subparagraph (1) is revised as follows:

§ 1014.41 Computation of New England basic Class I price.

• • • • •

(a) • • •

(1) Divide by 1.0025 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1957–59 as the base period.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: July 1, 1962.

Signed at Washington, D.C., on June 27, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-6417; Filed, June 29, 1962; 8:52 a.m.]

[Milk Order 15]

PART 1015—MILK IN CONNECTICUT MARKETING AREA

Order Amending Order

§ 1015.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determintions are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Connecticut marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified

in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than July 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary, United States Department of Agriculture, was issued May 31, 1962, and the decision of the Under Secretary containing all amendment provisions of this order was issued June 25, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective July 1, 1962, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8(c)(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Connecticut marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. In § 1015.3, a colon is placed after the word "means" which immediately precedes paragraph (c)(1), paragraphs (c)(1), (c)(2)(i), and (d) and the introductory text of paragraph (c)(2) are revised, and a new paragraph (c)(2)(vi) is added as follows:

§ 1015.3 Definitions of plants.

• • • • •

(c) • • •

(1) Any receiving plant (except the plant of a producer-handler under any Federal order) with route disposition in the marketing area in the month of not less than 10 percent of its receipts from dairy farmers and with total Class I disposition in the month or in either of the two preceding months of at least 50 percent of its total receipts of fluid milk products in the corresponding month, unless the market administrator determines that such plant disposed of a greater proportion of its Class I milk in another Federal order marketing area on routes than was so disposed in the marketing area.

(2) Except as provided in subdivisions (i) through (vi) of this subparagraph, any receiving plant (other than a plant fully regulated under the provisions of any Federal order on the basis of its route disposition) from which a greater quantity of fluid milk products is shipped during the month to a pool plant qualified pursuant to subparagraph (1) of this paragraph, to a producer-handler or to a regulated plant under this order other than a pool plant than to plants to which qualifying shipments of fluid milk products may be made under any other New England Federal order, and from which the total quantity of fluid milk products shipped to all plants to which qualifying shipments of fluid milk products may be made under any New England Federal order is at least 15 percent of its total receipts of milk from dairy farmers: *Provided*, That any plant qualifying for pooling under the Boston order on the basis of greater shipments under such order, but which is designated as a nonpool plant under the Boston order for such month, and from which the qualifying shipments under this order are at least 15 percent of its receipts of milk from dairy farmers, and are greater than under any other order except Boston shall also qualify under this subparagraph: *And provided further*, That in the case of any plant for which qualification pursuant to subdivision (vi) of this subparagraph is requested, shipments to plants in this market, for the purpose described above in this subparagraph, shall include all deliveries of milk by the cooperative association and by its producer-members in the manner described in such subdivision (vi) of this subparagraph.

(i) Any plant qualifying as a pool plant pursuant to this subparagraph, other than a plant which retains automatic pool plant status for the month under subdivision (ii) or (iii) of this subparagraph, shall be a nonpool plant in any month of December through June in which it retains automatic pool plant status under another New England Federal order.

• • • • •

(vi) Subject to subdivisions (ii), (iii) and (iv) of this subparagraph, that receiving plant operated by an association of producers (which shall be the plant closest to Hartford, Connecticut, if more than one plant is operated by such association) shall be a pool plant in any month in which the total quantity of milk shipped therefrom to a pool plant qualified pursuant to subparagraph (1) of this paragraph, to a producer-handler or to a regulated plant other than a pool plant, plus the total quantity of milk received directly from farms at pool plants qualified pursuant to subparagraph (1) of this paragraph from producers who are members of such association, is at least 50 percent of the milk delivered by dairy farmer-members of such association to all pool plants and to the receiving plant for which pooling qualification pursuant to this subdivision is requested in writing on or before the 15th day of such month: *Provided*, That a receiving plant which has pooling status under this subdivision may be a nonpool plant for the month if the operating association submits, on or before the 15th day of the month to which nonpool status is to apply, a written request to the market administrator to withdraw such plant from pool plant status, and, if so withdrawn, such plant may not requalify under this subdivision prior to the next following July: *And provided further*, That qualification for pooling under this subdivision shall not affect in any way the requirements of subdivision (v) of this subparagraph for unit pooling.

(d) "Regulated plant" means (1) any pool plant, or (2) any other plant (except the plant of a producer-handler under any Federal order) with route disposition in the marketing area in the month of not less than 10 percent of its total receipts of fluid milk products and with total Class I disposition in the month or in either of the two preceding months of at least 50 percent of its total receipts of fluid milk products in the corresponding month, unless the market administrator determines that such plant disposed of a greater proportion of its Class I milk in another marketing area on routes.

2. In § 1015.22(c), subparagraph (2) is revised as follows:

§ 1015.22 Transfers and diversions of fluid milk products.

• • • • •

(c) • • •

(2) In Class II milk to the extent it is not assigned to Class I–B (i) if diverted or transferred in bulk, or (ii) if transferred as a packaged fluid milk product containing at least 3 percent butterfat, to a pool plant as defined in Federal Order No. 2 or to any plant from which a greater aggregate quantity of fluid milk products is disposed of on routes in the New York-New Jersey marketing area under Order No. 2 than is disposed of in the Connecticut marketing area: *Provided*, That such skim milk or butterfat so transferred or diverted shall be classified as Class I milk to the extent that it is assigned to Class I–A under Federal Order No. 2 and not subject to charges specified in § 1002.83 of such order.

3. In § 1015.41(a) the word "continental" in subparagraph (2) is changed to "the" and subparagraph (1) is revised as follows:

§ 1015.41 Computation of New England basic Class I price.

• • • • •

(a) • • •

(1) Divide by 1.0025 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1957–59 as the base period.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: July 1, 1962.

Signed at Washington, D.C., on June 27, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-6418; Filed, June 29, 1962; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-358]

PART 288—EXEMPTION OF AIR CARRIERS FOR SHORT NOTICE MILITARY CONTRACTS

Standard Mileage

JUNE 27, 1962.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of June 1962.

Part 288 of the Board's Economic Regulations, 14 CFR Part 288, exempts air carriers, subject to certain conditions, limitations and requirements, from sections 401 and 403 of the Federal Aviation Act of 1958, to enable such carriers to perform charter services for the Military Air Transport Service (MATS) on short notice.

Section 288.7 of Part 288, conditions the exemptions on a minimum reasonable level of compensation for such services and prescribes minimum charges per passenger-mile and per cargo ton-mile, the minimum amount of traffic on which these charges must be based, and the computation of mileages to which such charges apply. The minimum charges set forth in § 288.7 are also considered as the fair and reasonable charges for the granting of individual exemptions to air carriers for the purpose of performing long term charter services for MATS. The Board's policy for granting such exemptions is set forth in § 399.36 of the Board's Statements of Policy, 14 CFR Part 399.

This section was amended, first to establish a standard mileage rule, including a minimum mileage standard for transpacific services with no required intermediate stops (Amendment 1, ER-342), and second, to provide for reduced minimum charges, a new definition of "round-trip services", and to specify the minimum passenger and cargo loads for additional aircraft types (Amendment 2, ER-347). Prior to the effective date of Amendment 2, the Board received from Slick Airways, Inc. (Slick) and The Flying Tiger Line Inc. (Flying Tiger), petitions for reconsideration and motions for stay of the Amendment insofar as it established a reduced minimum charge of 21.5 cents per ton-mile for one-way cargo charters. The Board in Amendment 3 to Part 288 (ER-349), effective February 1, 1962, postponed the effective date of this provision insofar as it related to one-way cargo charters in transpacific operations. The Board's decision to postpone the effective date of this provision of Amendment 2 was largely based upon the allegations of Slick and Flying Tiger that they received an unreasonably low level of compensation as a result of the excessive amount of mileage they must absorb in their transpacific cargo operations.

The Board on May 17, 1962, adopted Amendment 4 to Part 288, ER-356[1] which is to become effective on July 1, 1962. Amendment 4 established, inter alia, a series of standard routings to be used in determining the rate-making mileage between transpacific points and provided that operations at rates computed via North Pacific routings must normally be flown via that routing. The basic purpose was to provide a rule whereby air carriers could substantially reduce the amount of mileage which they are required to absorb under the presently effective rule and accordingly receive a reasonable level of compensation for the service they provide. Amendment 4 allows the 21.5-cent rate to go into effect.

World Airways, Inc. (World) and Slick have filed petitions requesting reconsideration and motions for stay of Amendment 4 of Part 288 insofar as the amendment changes the presently effective standard mileage rule to require a carrier to operate a North Pacific route where the award is priced on the basis of North Pacific mileage. Slick and World in their petitions allege that the North Pacific route is more hazardous and costly to operate than the mid-Pacific routing, and that the "dual mileage" concept embodied in Amendment 4 will result in considerable inconvenience and added cost to MATS. Both of these carriers submitted information and data in support of these allegations. These carriers did not request restoration of the 22.5-cent per ton-mile rate for one-way cargo operations.

Flying Tiger has filed a petition for reconsideration and a motion for stay of Amendment 4 urging the Board to keep effective the 22.5-cent per ton-mile rate as the minimum for one-way cargo operations or in the alternative to raise the minimum available cabin load for CL-44 aircraft engaged in cargo operations from 28 tons to 31 tons, and the minimum available cabin load for L-1049H aircraft from 18 tons to 20 tons. Slick filed an answer in support of Flying Tiger's petition insofar as Flying Tiger urges an increase in minimum available cabin load for CL-44 and L-1049H aircraft.

The Board has decided to make Amendment 4 effective on July 1, 1962. However, we are amending the standard mileage rule contained therein insofar as transpacific operations are involved to permit air carriers to base their bids on mileage computed via the north-Pacific routings, but operate their aircraft via mid-Pacific routings.

The Board is denying Flying Tiger's motion for stay of the effective date of the 21.5-cent minimum rate. Although Amendment 4 was issued by the Board on May 17, 1962, Flying Tiger did not file its petition for reconsideration and motion for stay until June 14, 1962. Nor has petitioner made any claim that it will suffer serious financial losses during the period required for the Board to evaluate the petition on the merits.

With respect to Flying Tiger's petition for reconsideration of the 21.5-cent rate, we are not persuaded that that rate is uneconomic for this carrier. The rate was developed on the basis of industry-wide operating results and other data, and Flying Tiger has not established why such rate would be uneconomic for it, especially considering the fact that due to the range of its equipment it is not in a position where it must operate short flight stages and, therefore, does not have to absorb significant amounts of circuitous mileage for the bulk of its operations. Moreover, the carrier operates the most modern and efficient turbine-powered all-cargo aircraft which should enable it to operate at reduced costs. We will therefore deny the request for an increase in the rate, but will defer action on Flying Tiger's request insofar as it seeks an increase in the available cabin load for CL-44 and L-1049H aircraft until we have made a detailed analysis of the information and data contained in Flying Tiger's petition.

The Board has been advised since the adoption of Amendment 4 that the bulk of the military traffic moving under MATS contract awards across the Pacific during fiscal year 1963 will be moved in aircraft with north-Pacific capability. Thus, 80 percent of all cargo traffic will be moved in CL-44 aircraft and 74 percent of all passenger traffic will be moved in pure jet and CL-44 aircraft. These percentages represent a substantial increase over last year of the amount of traffic moving in aircraft with north-Pacific capability. This will reduce the incidence of involuntary mileage absorption by bidders who are not capable of flying the northern route.

The amendment to the standard mileage rule adopted herein will minimize mileage absorption by air carriers, even after elimination of the requirement that services provided on this basis of north-Pacific mileage be operated via that routing. In Amendment 4 the Board established a routing chart (Schedule A to § 288.7(d)(2)) which sets forth routings between various points to which MATS traffic is moved. This routing chart will become effective under the revised standard mileage rule adopted herein. Thus, air carriers will be required to base the mileage factor in their bids on the mileage via the routings set forth in Schedule A as amended herein to eliminate the dual mileage concept. For example, under the presently effective rule a carrier may bid on traffic originating at Travis with a destination of Thailand, on the basis of the direct statute miles from Travis to Anchorage and Thailand. Since the carrier must operate over a much longer route in order to arrive at its destination in Thailand, the carrier would absorb a substantial amount of mileage. However, the routing chart will not permit such excessive absorption. Thus, a carrier bidding on traffic moving from Travis to Thailand must base its bid on the mileage via Anchorage, Japan, Clark AFB, and Thailand.

[1] 27 F.R. 4806.

In light of the foregoing, the Board now is of the view that the rate making principle of charging a single fare or rate between two points irrespective of the route operated can and should remain applicable to the type of operation now conducted by air carriers for the military in the transpacific. This rate making principle is well established and has for years been applied by air carriers engaged in regularly scheduled service between the west coast of the United States and Japan. The Board can no longer find any justification for deviating from the principle with respect to transpacific military charter operations, particularly since the carriers now engaged in such operations either have the aircraft capability of operating over the North Pacific route or prefer the mid-Pacific route on the basis of their cost experience. For the above reason, the Board is of the view that the proper standard should be the mileage via the shorter north-Pacific route.

The Board is aware that the instant amendment constitutes a relaxation of the stringency of the mileage standard, correspondingly increasing the area of management discretion of the carriers. The new rule does not foreclose all possibilities of uneconomic bids of carriers. The responsibility for not undertaking operations which will economically weaken the carrier lies therefore with management. However, the Board will closely monitor developments and may at any time require any carrier to submit information on its operations under this rule. In case effects are observed to flow from this Amendment which are contrary to the public interest, the Board will take corrective action.

Since the action taken herein relieves air carriers of an existing restriction, notice and public procedure thereon are unnecessary and this amendment may be made effective on less than 30 days' notice.

Accordingly, the Board hereby amends §§ 288.7(d)(2) and 288.8(c) adopted in Amendment 4 to Part 288 (ER-356) of the Board's Economic Regulations, 14 CFR Part 288, effective July 1, 1962, by

1. Amending § 288.7(d)(2) to read:

(2) *Transpacific services.* In the case of transpacific services between the 48 contiguous states and points beyond Alaska or Hawaii, the general rule shall not apply but the mileage shall be computed as prescribed in Schedule A incorporated in this paragraph and attached hereto.

2. Deleting paragraph (c) *Deviation report,* of § 288.8.

(Secs. 204(a), and 416 of the Federal Aviation Act of 1958; 72 Stat. 743, 771; 49 U.S.C. 1324, 1386)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

TRANSPACIFIC ROUTINGS

Between	And									
	Thailand	South Viet Nam	Philippine Islands	Guam	Wake	Hawaii	Formosa	Okinawa	Japan	Alaska
U.S. west coast [1]	8 or 5	8 or 5	7 or 4	7	6	1	14 or 4	7 or 4	7 or 2	1
Alaska	15	15	3				3	3	1	
Japan	12	12	1	1	1	9	1	1		
Okinawa	12	12	1	1	1	9	1			
Formosa	12	12	1	1	11	10				
Hawaii	13	13	9	9	1					
Wake	12	12	1	1						
Guam	12	12	1							
Philippine Islands	1	1								
South Viet Nam	1									

Routings

1. Direct.
2. Via Anchorage.
3. Via Tachikawa.
4. Via Anchorage—Tachikawa.
5. Via Anchorage—Tachikawa—Clark.
6. Via Honolulu.
7. Via Honolulu—Wake.
8. Via Honolulu—Wake—Clark.
9. Via Wake.
10. Via Wake—Guam.
11. Via Guam.
12. Via Clark.
13. Via Wake—Clark.
14. Via Honolulu—Wake—Guam.
15. Via Tachikawa—Clark.

NOTE: Alternative routings 7, 8, and 14 are to be used for calculation of the mileage if MATS requires that an intermediate point along the mid-Pacific route be served.

[1] Any place in the States of California, Oregon or Washington.

[F.R. Doc. 62-6401; Filed, June 29, 1962; 8:50 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1273; Amdt. 458]

PART 507—AIRWORTHINESS DIRECTIVES

Curtiss-Wright C-46 Series Aircraft

Amendment 427, 27 F.R. 3799 (AD 62-10-2), requires correction of fire protection deficiencies on Curtiss-Wright C-46 Series aircraft. Certain modifications are required within 250 hours' time in service after the effective date of the AD. However, it has subsequently been determined that this period of time does not provide the operators with sufficient time to secure the necessary parts and materials to accomplish the required modifications and that such compliance time may be extended to 500 hours time in service without adversely affecting safety. The compliance time for paragraphs (a) (1), (2) and (3) and (b)(4)(vi) is changed from 250 to 500 hours' time in service. An explanatory notation also is being added to paragraph (b)(4) to further identify the fire detectors which are to be removed.

Since this amendment relaxes a requirement and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended as follows:

Amendment 427, 27 F.R. 3799, Curtiss-Wright C-46 Series aircraft, is amended by

1. Deleting the first and second compliance statements and inserting in lieu thereof the following compliance statement to read:

Compliance required within the next 500 hours of time in service after May 22, 1962.

2. Changing paragraph (b)(4) to read as follows:

(b)(4) The Fenwal continuous type fire detectors (non-repeatable, fusible-alloy, obsoleted in 1950), which were originally provided, must be removed and replaced with unit or continuous type fire detectors conforming with FAA Technical Standard Order, TSO-C11. Such detectors shall also meet the requirements specified in subparagraphs (i) through (vi). If unit type detectors are used, they shall be spaced as specified in subparagraphs (i) and (ii) and continuous type detectors, if used, shall be so installed as to provide the same coverage.

This amendment shall become effective June 30, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 25, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-6347; Filed, June 29, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-WE-85]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extension

The purpose of this amendment to § 601.1301 of the regulations of the Administrator is to alter the Winslow, Ariz., control area extension.

The Winslow control area extension is presently designated, in part, with reference to the Winslow radio range. The Federal Aviation Agency has scheduled the conversion of the Winslow radio range to a nondirectional radio beacon. Accordingly, action is taken herein to substitute the 174° and 354° True bearings from the Winslow radio beacon for the north and south courses of the Winslow radio range in the description of the control area extension.

Since the change effected by this amendment is minor in nature, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.1301 (14 CFR 601.1301) is amended to read:

§ 601.1301 Control Area Extension (Winslow, Ariz.).

Within 5 miles either side of the 174° and 354° bearings from the Winslow, Ariz., RBN extending from 25 miles N to 25 miles S of the RBN; within 5 miles either side of the Winslow VORTAC 134° and 314° radials extending from 25 miles NW to 25 miles SE of the VORTAC; and the airspace NE of Winslow within a 20-mile radius of the Winslow VORTAC extending clockwise from VOR Federal airway No. 95 to VOR Federal airway No. 12.

This amendment shall become effective 0001 e.s.t., August 23, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 26, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-6348; Filed, June 29, 1962; 8:45 a.m.]

[Airspace Docket No. 62-EA-46]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2202 of the regulations of the Administrator is to alter the description of the North Philadelphia, Pa., control zone.

The North Philadelphia control zone is designated, in part, with reference to the North Philadelphia radio range. The Federal Aviation Agency is planning to convert this facility to a nondirectional radio beacon. Because of technical and budgetary considerations, the date for conversion is uncertain at this time. However, to provide the scheduling flexibility necessary to effect this conversion, action is taken herein to substitute geographical coordinates for the radio range in the description of the North Philadelphia control zone.

Since this amendment is editorial in nature, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, § 601.2202 (14 CFR 601.2202) is amended to read:

§ 601.2202 North Philadelphia, Pa., control zone.

Within a 5-mile radius of the North Philadelphia Airport (latitude 40°04'45" N., longitude 75°00'35" W.); within 2 miles either side of the North Philadelphia VOR 039° radial, extending from the 5-mile radius zone to 12 miles NE of the VOR; and within 2 miles either side of the 048° bearing from latitude 40°06'47" N., longitude 74°58'04" W., extending from the 5-mile radius zone to 12 miles NE of latitude 40°06'47" N., longitude 74°58'04" W., excluding the portion which coincides with the Willow Grove, Pa., control zone.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 26, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-6349; Filed, June 29, 1962; 8:45 a.m.]

[Airspace Docket No. 62-SW-31]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Control Zone

The purpose of this amendment to Part 601 of the regulations of the Administrator is to revoke the Harlingen, Texas, control zone.

The Department of the Air Force has advised that all military flying activities ceased at the Harlingen Air Force Base on June 9, 1962. Therefore, the Federal Aviation Agency has determined that the Harlingen control zone is no longer required as an assignment of controlled airspace and action is taken herein to revoke the Harlingen control zone.

Since the change effected by this amendment is less restrictive in nature than present requirements, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) Part 601, (14 CFR Part 601) is amended by revoking the following section: § 601.2404 *Harlingen, Tex., control zone.*

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 25, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-6350; Filed, June 29, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WE-12]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Control Zone

On March 22, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 2703) stating that the Federal Aviation Agency proposed to designate a control zone at Gillespie Airport, Calif.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

In the text of § 601.1983 (14 CFR 601.1983) the following is added: "San Diego, Calif.: San Diego County-Gillespie Field (latitude 32°49'26" N., longitude 116°58'18" W.), from 0600 to 2200 hours local time, daily."

This amendment shall become effective 0001 e.s.t., August 23, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 26, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-6353; Filed, June 29, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WA-25]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

Designation of Jet Advisory Area

On May 2, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 4202), stating that the Federal Aviation Agency was considering the designation of an en route radar jet advisory area on the segment of Jet Route No. 13 from Albuquerque, N. Mex., to Denver, Colo.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

In § 602.200 *En route jet advisory areas* (14 CFR 602.200) the following is added:

Jet Route No. 13 jet advisory area.
Radar—Albuquerque, N. Mex., to Denver, Colo.

This amendment shall become effective 0001 e.s.t., August 23, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 26, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-6351; Filed, June 29, 1962; 8:45 a.m.]

[Airspace Docket No. 61-WA-200]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Jet Route Description

In Airspace Docket No. 61-WA-200, published in the FEDERAL REGISTER on May 30, 1962 (27 F.R. 5087), effective July 26, 1962, Jet Route No. 29 was redescribed in its entirety.

In the description of J-29, reference was made to Evansville, Ill. This reference should have been to Evansville, Ind., and action is taken herein to make this editorial change.

Since this action effects no substantive change to the rule as initially adopted, compliance with section 4 of the Administrative Procedure Act is unnecessary and the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 61-WA-200 (27 F.R. 5087) is hereby modified as follows:

In Paragraph 1(c) "Evansville, Ill." is deleted and "Evansville, Ind." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 26, 1962.

D. D. THOMAS,
Director, Air Traffic Service

[F.R. Doc. 62-6352; Filed; June 29, 1962; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, paragraph (w), subparagraphs (1) and (2), are added to § 6.302 as set out below.

§ 6.302 Department of State.

• • • • • •

(w) *Office of the Inspector General, Foreign Assistance.*

(1) One Private Secretary to the Inspector General, Foreign Assistance.

(2) One Private Secretary to the Deputy Inspector General, Foreign Assistance.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-6413; Filed, June 29, 1962; 8:51 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

National Aeronautics and Space Administration

Effective upon publication in the FEDERAL REGISTER, paragraph (e) is added to § 6.347 as set out below.

§ 6.347 National Aeronautics and Space Administration.

• • • • • •

(e) One Secretary to the Special Assistant to the Administrator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-6448; Filed, June 29, 1962; 8:52 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-70]

PART 13—PROHIBITED TRADE PRACTICES

N. & E. Greenberg Sons, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1255 *Manufacture or preparation:* § 13.1255-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1865 *Manufacture or preparation:* § 13.1865-40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, N. & E. Greenberg Sons, Inc., et al., New York, N.Y., Docket C-70, Feb. 2, 1962]

In the Matter of N. & E. Greenberg Sons, Inc., and Edward Greenberg, Louis Greenberg, Isadore Greenberg, Samuel Greenberg, and Harry Greenberg, Individually and as Officers of Said Corporation

Consent order requiring New York City furriers to cease violating the Fur Products Labeling Act by labeling and invoicing as natural, fur in fur products which was artificially colored, and failing to show on labels and invoices that other fur products were artificially colored.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That N. & E. Greenberg Sons, Inc., a corporation, and its officers, and Edward Greenberg, Louis Greenberg, Isadore Greenberg, Samuel Greenberg and Harry Greenberg, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce of fur products; or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

1. Misbranding fur products by:

A. Representing directly or by implication on labels that the fur contained in the fur products is natural, when such is not the fact.

B. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Falsely or deceptively invoicing fur products by:

A. Representing directly or by implication on invoices that the fur contained in fur products is natural, when such is not the fact.

B. Failing to furnish to purchasers of fur products invoices showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

3. Falsely or deceptively invoicing fur products by representing directly or by implication that respondents have a continuing guarantee on file with the Federal Trade Commission when such is not the fact.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 2, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-6354; Filed, June 29, 1962; 8:46 a.m.]

[Docket C-68]

PART 13—PROHIBITED TRADE PRACTICES

Jack Levine et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–90 *Wool Products Labeling Act;* § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–30 *Fur Products Labeling Act;* § 13.1212–90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1845–80 *Wool Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1852–80 *Wool Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865–40 *Fur Products Labeling Act;* § 13.1880 *Old, used, or reclaimed as unused or new:* § 13.1880–40 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900–40 *Fur Products Labeling Act:* § 13.1900–40(a) *Maker or seller;* § 13.1900–40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2–5, 54 Stat. 1128–1130; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 68, 69f) [Cease and desist order, Jack Levine Furs, etc., Beverly Hills, Calif., Docket C-68, Feb. 1, 1962]

In the Matter of Jack Levine, Trading Under His Own Name and as Jack Levine Furs, Jale of California, and Jack Levine & Company

Consent order requiring a furrier in Beverly Hills, Calif., to cease violating the Fur Products Labeling Act by failing to disclose on labels and invoices the true animal name of the fur used in fur products, the country of origin of imported furs, and when furs were artificially colored; failing to identify the manufacturer, etc., on labels, and to show on invoices when products contained used fur, and to comply in other respects with labeling and invoicing requirements; and by making price and value claims in advertising in newspapers without maintaining adequate records disclosing the facts upon which such representations were based; and to cease violating the Wool Products Labeling Act by failing to disclose on labels the percentage of the total fiber weight of each of the fibers present in ladies' sweaters, and showing the fiber content of sweaters as "cashmere" without setting forth the actual percentage of cashmere fleece contained therein.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Jack Levine, an individual trading under his own name or as Jack Levine Furs, Jale of California, or Jack Levine & Company, or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Representing directly or by implication that the fur contained in the fur products is natural, when such is not the fact.

C. Setting out a guaranty on labels affixed thereto that such fur products are not misbranded or falsely or deceptively invoiced or advertised under the provisions of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder, when such is not the fact.

D. Setting forth on labels affixed to fur products:

(1) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

(2) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with nonrequired information.

(3) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

E. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal furs the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

2. Falsely and deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Setting forth on invoices pertaining to fur products the name or names of any animal or animals other than the name or names of the animal or animals producing the fur contained in the fur products as specified in the Fur Products Name Guide and as prescribed under the rules and regulations.

C. Failing to set forth the term "Broadtail Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

D. Failing to set forth the term "Dyed Broadtail-processed Lamb" where an election is made to use that term instead of the term "Dyed Lamb".

E. Failing to disclose that fur products are "secondhand", when such is the fact.

F. Failing to set forth the item number or mark assigned to a fur product.

G. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

3. Making pricing claims and representations of the types covered by subsections (a), (b), (c) and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That respondent Jack Levine, an individual trading under his own name or as Jack Levine Furs, Jale of California, or Jack Levine & Company, or under any other name, and respondent's representatives, agents and employees directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation, or delivery for shipment, in commerce of any wool product, as "wool product" and "commerce" are defined in the Wool Products Labeling Act of 1939 do forthwith cease and desist from misbranding such products by:

1. Failing to securely affix to or place on each product, a stamp, tag, label or other means of identification showing in a clear and conspicuous manner, each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

2. Stamping, tagging, labeling or otherwise identifying such products as containing the hair or fleece of the Cashmere goat without setting out in a clear and conspicuous manner on each such stamp, tag, label or means of identification the percentage of such Cashmere therein.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: February 1, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6356; Filed, June 29, 1962; 8:46 a.m.]

[Docket 8421 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Regina Corp.

Subpart—Discriminating in price under Sec. 2, Clayton Act—Payment for services or facilites for processing or sale under 2(d): § 13.825 *Allowances for services or facilties.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies Sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, The Regina Corporation, Rahway, N.J., Docket 8421, Feb. 2, 1962]

Consent order requiring a Rahway, N.J., distributor of floor polishers, waxers, and vacuum cleaners and parts and accessories therefor, with gross annual sales in excess of $12,000,000, to cease violating section 2(d) of the Clayton Act by giving allowances as compensation for services to certain favored customers but not to others competing with them, such as (1) a payment of $1,612 toward the salary of demonstrating sales persons hired by Abraham & Straus, (2) promotional allowances of $1,000 paid to L. R. Beavis & Co., a distributor of its products, and of $2,501 paid to Gimbel Brothers, Inc., of New York, and (3) varying amounts paid different customers in connection with advertising programs, which bore no relation to the amounts accrued by them upon purchases.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent The Regina Corporation, a corporation, its officers, employees, agents and representatives, directly or through any corporate or other device, in the course of business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of respondent as compensation or in consideration for advertising, demonstrator services, or any other services or facilities furnished by or through such customer in connection with the processing, handling, sale or offering for sale of floor polishers, waxers, vacuum cleaners, and related products manufactured, sold or offered for sale by respondent, unless such payment or consideration is made available on proportionally equal terms to all other customers competing with such favored customers in the distribution of such products.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: February 2, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6355; Filed, June 29, 1962; 8:46 a.m.]

[File No. 21-371]

PART 35—WALL COVERINGS INDUSTRY

Promulgation of Trade Practice Rules

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of June 30, 1962.

Statement by the Commission. Trade practice rules for the Wall Coverings Industry as hereinafter set forth are promulgated by the Federal Trade Commission under the trade practice conference procedure. Such rules constitute a revision and extension of, and supersede, the trade practice rules for the Wall Paper Industry as promulgated by the Commission on August 21, 1931.

The industry for which these trade practice rules are established is composed of persons, firms, corporations, or organizations engaged in the manufacture, fabrication, processing, importation or sale of wall coverings composed in whole or in part of materials such as, but not limited to, paper, cloth, plastics, glass or combinations thereof which are by custom supplied in rolls or sheets and sold to consumers through retail wall covering outlets, and which are applied with an adhesive to produce a permanent or semi-permanent bond to the surface to which they have been applied. Excluded as products of the industry are ceramic and plastic tiles and commercial heavy duty wall coverings which are ordinarily sold by the manufacturers and/or distributors through building supply concerns to installers, contractors, and builders.

Proceedings for the establishment of these rules were instituted upon application of the Wallpaper Institute. A general trade practice conference was held under Commission auspices in New York, New York, on November 10, 1961, at which proposals for rules were submitted for consideration of the Commission. Thereafter, proposed rules were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions or amendments as they desired to offer, and to be heard in the premises. Pursuant to such notice a public hearing was held in Washington, D.C., on May 3, 1962, and all matters there presented, or otherwise received in the proceeding, were considered by the Commission.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth.

The rules, as approved, become operative ninety (90) days after the date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

Sec.
35.0 Definitions.
35.1 Misrepresentation as to character of business.
35.2 Misrepresenting products as conforming to standards.
35.3 Guarantees, warranties, etc.
35.4 Imperfects, irregulars, etc.
35.5 Deceptive use or imitation or simulation of trade or corporate names, trade-marks, etc.
35.6 Commercial bribery.
35.7 False invoicing.
35.8 Substitution of products.
35.9 Defamation of competitors or false disparagement of their products.
35.10 Unfair threats of infringement suits.
35.11 Tie-in sales.
35.12 Deception (general).
35.13 Misuse of terms "jobs," "close-outs," "discontinued lines," "special bargains," etc.
35.14 Use of the word "free."
35.15 Deceptive pricing.
35.16 Disclosure of foreign origin.
35.17 Prohibited forms of trade restraints (unlawful price fixing, etc.)
35.18 Prohibited discrimination.
35.19 Aiding or abetting use of unfair trade practices.

AUTHORITY: §§ 35.0 to 35.19 issued under sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.

§ 35.0 Definitions.

As used in these rules the terms "Industry Member" and "Industry Product" shall have the following meaning:

(a) *Industry member.* Any person, firm, corporation or organization engaged in the manufacture, fabrication, processing or sale of industry products, including screen or hand printers, importers, wholesalers, distributors, jobbers, retail dealers, decorating contractors, decorators and paperhangers.

(b) *Industry products.* Wall coverings composed in whole or in part of basic materials such as, but not limited to, paper, cloth, plastics, glass or combinations thereof, which are by custom supplied in rolls or sheets and sold to consumers through retail wall covering outlets, and which are applied with an adhesive to produce a permanent or semi-permanent bond to the surface to which they have been applied. Excluded as products of the industry are ceramic and plastic tiles and commercial heavy duty wall coverings which are ordinarily sold by the manufacturers and/or distributors through building supply concerns to installers, contractors, and builders.

§ 35.1 Misrepresentation as to character of business.

It is an unfair trade practice for any person to represent, directly or indirectly, through the use of any word or term in his corporate or trade name, in his advertising, or otherwise, that he is a manufacturer, machine, screen or hand printer, processor, converter, wholesaler; jobber, dealer contractor, decorator or importer of wall coverings or that he owns or controls a factory making or processing such products, or has connections abroad through which imports are secured, or maintains offices abroad, when such is not the fact, or in any other manner to misrepresent

the character, extent, volume, or type of his business. [Rule 1]

§ 35.2 Misrepresenting products as conforming to standards.

In connection with the sale or offering for sale of wall coverings it is an unfair trade practice to represent, through advertising or otherwise, that such wall coverings conform to any standards recognized in or applicable to the industry when such is not the fact. [Rule 2]

§ 35.3 Guarantees, warranties, etc.

(a) Advertising of products shall not contain representations that a product is "guaranteed" without clear and conspicuous disclosure of:

(1) The nature and extent of the guarantee, and

(2) Any material conditions or limitations in the guarantee which are imposed by the guarantor, and

(3) The manner in which the guarantor will perform thereunder, and

(4) The identity of the guarantor.

(b) Guarantees shall not be used which under normal conditions are impractical of fulfillment or which are for such a period of time or are otherwise of such nature as to have the capacity and tendency of misleading purchasers or prospective purchasers into the belief that the product so guaranteed has a greater degree of serviceability, durability or performance capability in actual use than is true in fact. [Rule 3]

§ 35.4 Imperfects, irregulars, etc.

Wall coverings which fall below quality specifications of the manufacturer for his first quality, and which are sold and offered for sale under the same trade name or designation as his first quality, shall be marked "imperfects," or with some other word or term of similar import, so as to prevent deception of purchasers and prospective purchasers as to the quality of such products. The mark or label shall be on or attached to the product, and the immediate package, if any, in which it is sold or offered for sale to consumer purchasers, and the disclosure shall be of such degree of permanency and conspicuousness as to be noticeable upon casual inspection when the wall coverings are offered for sale to consumer purchasers. A similar disclosure shall also be made on invoices, and in all advertisements relating to the wall coverings. [Rule 4]

§ 35.5 Deceptive use or imitation or simulation of trade or corporate names, trade-marks, etc.

It is an unfair trade practice for any member of the industry:

(a) To imitate or simulate the trademarks, trade names, brands, or labels of competitors, with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers; or

(b) To represent by use of any trade name, trade-mark, or other trade designation, that any industry member is a manufacturer, wholesaler or importer when such is not the fact; or

(c) To use any trade name, corporate name, trade-mark, or other trade designation, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers, as to the name, nature, or origin of any product of the industry, or of any material used therein, or which is false, deceptive, or misleading in any other material respect. [Rule 5]

§ 35.6 Commercial bribery.

It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, salesclerks, employees, or representatives of customers or prospective customers of an industry member, without the knowledge of the employers or principals of such agents, salesclerks, employees, or representatives, as an inducement:

(a) To influence such employers or principals to purchase or contract to purchase wall coverings manufactured or sold by the industry member; or

(b) To influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors; or

(c) For the purpose of causing said agents, salesclerks, employees, or representatives to push and promote the resale of the industry member's wall coverings over competing products being offered for resale by the employers or principals of said agents, salesclerks, employees, or representatives. [Rule 6]

§ 35.7 False invoicing.

Withholding from or inserting in invoices or sales slips by an industry member, any statement or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices or sales slips, used with the capacity and tendency or effect of thereby misleading or deceiving purchasers, prospective purchasers, or the consuming public, in any material respect, is an unfair trade practice. [Rule 7]

§ 35.8 Substitution of products.

It is an unfair trade practice for a member of the industry to make unauthorized substitutions of wall coverings where such substitutions have the capacity and tendency or effect of misleading or deceiving purchasers, by:

(a) Shipping or delivering wall coverings which do not conform to samples submitted, to specifications (in bids or otherwise) upon which the sale is consummated, or to representations made prior to securing the order, without advising the purchaser of the substitution and obtaining his consent thereto prior to making shipment or delivery; or

(b) Falsely representing the reason for making substitutions. [Rule 8]

§ 35.9 Defamation of competitors or false disparagement of their products.

It is an unfair trade practice for any industry member:

(a) To defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representation; or

(b) To falsely disparage competitors' wall coverings as to grade, quality, or method of manufacture and distribution, or in any other respect; or

(c) To falsely disparage the business methods, selling prices, values, credit terms, policies, services, or conditions of employment, of competitors.

NOTE: Nothing in this section shall be construed as preventing the full, fair, and nondeceptive comparison, by demonstration or otherwise, of competitors' wall coverings with those of another industry member before purchasers or prospective purchasers. [Rule 9]

§ 35.10 Unfair threats of infringement suits.

The circulation of threats of suit for infringement of patents, trade-marks, or copyrights among competitors or customers or prospective customers of competitors, when not made in good faith but for the purpose or with the effect of thereby harassing or intimidating such customers or prospective customers, or of unduly hampering, injuring, or prejudicing competitors in their business, is an unfair trade practice. [Rule 10]

§ 35.11 Tie-in sales.

The practice of coercing the purchase of one or more wall coverings as a prerequisite to the purchase of one or more other wall coverings, where the effect may be substantially to lessen competition or tend to create a monopoly or unreasonably to restrain trade, is an unfair trade practice. [Rule 11]

§ 35.12 Deception (general).

(a) It is an unfair trade practice for members of the industry to offer for sale or sell wall coverings under any representations, description, circumstance or condition which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers thereof, as to the type, kind, grade, quality, quantity, weight, color, substance, durability, serviceability, terms of sale, value, production, manufacture, or distribution of such wall coverings or which has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public in any other material respect.

(b) The prohibitions of this section are applicable to all forms of advertising, whether written or oral, in periodicals, on the radio or television, and to any form of marking or labeling of industry products or the packages or containers in which they may be shipped, offered for sale or sold. [Rule 12]

§ 35.13 Misuse of terms "jobs," "close-outs," "discontinued lines," "special bargains," etc.

It is an unfair trade practice to offer for sale, sell, advertise, describe, or otherwise represent, wall coverings as "Jobs," "Close-Outs," "Discontinued Lines," or "Special Bargains," by use of such terms, or by words or representations of similar import, when such is not true in fact; or to so offer for sale, sell, advertise, describe, or otherwise represent, industry products where the capacity and tendency or effect thereof is to lead the purchaser or consuming public to believe such products are being offered for sale or sold at greatly reduced prices, or at so-called "bargain" prices, when such is not the fact. [Rule 13]

§ 35.14 Use of the word "free."

In connection with the sale, offering for sale, or distribution of wall coverings, it is an unfair trade practice to use the word "free" or any other word or words of similar import, in advertisements or in other offers to the public, as descriptive of an article of merchandise, or service, which is not an unconditional gift, under the following circumstances:

(a) When all the conditions, obligations, or other prerequisites to the receipt and retention of the "free" article of merchandise or service offered are not clearly and conspicuously set forth at the outset so as to leave no reasonable probability that the terms of the offer will be misunderstood; and, regardless of such disclosure;

(b) When, with respect to any article of merchandise required to be purchased in order to obtain the "free" article or service, the offerer (1) increases the ordinary and usual price of such article of merchandise, or (2) reduces its quality, or (3) reduces the quantity thereof.

NOTE: The disclosure required by paragraph (a) of this section shall appear in close conjunction with the word "free" (or other word or words of similar import) wherever such word first appears in each advertisement or offer. A disclosure in the form of a footnote, to which reference is made by use of an asterisk or other symbol placed next to the word "free," will not be regarded as compliance. [Rule 14]

§ 35.15 Deceptive pricing.

(a) It is an unfair trade practice for any member of the industry to represent directly or indirectly in advertising or otherwise that an industry product may be purchased for a specified price, or at a saving, or at a reduced price, when such is not the fact; or otherwise to deceive purchasers or prospective purchasers with respect to the price of any product offered for sale; or to furnish any means or instrumentality by which others engaged in the sale of industry products may make any such representation.

(b) Among the practices prohibited by this section are:

(1) Representing or implying that a stated price is the seller's usual and regular price of an industry product when in fact such stated price is in excess of the price at which such product is regularly and customarily sold by the seller in the usual and recent course of business.

NOTE: The words and phrases "regularly," "usually," "formerly," "was ------ now ------" "------% off" and "you save $------" when used in connection with prices constitute representations of the advertiser's former usual and customary prices in recent course of business.

(2) Representing or implying that a stated price constitutes a reduction from the trade area price unless the saving or reduction is from the usual and customary price of an industry product in the trade area, or areas where the representation is made.

NOTE: The words and phrases "manufacturer's suggested list $------—our price $------," "sold nationally at $------" and "value $------" constitute representations of an article's usual and customary retail price in the trade area where the representations are made.

(3) Representing, by preticketing a product with any price figure, or otherwise representing, contrary to the fact, that there is a usual and customary price for the product in the trade area where it is offered for sale and that the usual and customary price is the preticketed price, or preticketing a product with any price if the preticketed product is usually and customarily sold at a lower price or at a variety of prices significantly lower than the preticketed price in the trade area or areas where it is offered for sale.

(4) Disseminating preticketed price figures for use in connection with the offer for sale of products at retail by others (even though they themselves are not engaged in retail sales) when the price figures do not meet the standard set forth in this section.

(5) Placing in the hands of others a means or instrumentality by which they may mislead the public. For the purposes of this section preticketing includes the use of price figures,

(i) Affixed to the product by tag, label or otherwise, or

(ii) In such a form as to be affixed to the product by others, or

(iii) In material, such as displays or sample books which are used, or designed to be used, at point of sale to the consuming public.

EXAMPLE. A manufacturer pre-tickets his products with "Price $3.95." Although this price prevails in many trade areas, in other areas the product generally sells for $2.25. The pre-ticketed price would violate this section in any trade area where the $3.95 price was not the usual and customary retail price.

NOTE: Guides Against Deceptive Pricing adopted by the Commission October 2, 1958, are now in the process of revision. The new guides will supplement this section by affording additional guidance on the subject. When approved, the new guides will be published in the FEDERAL REGISTER and copies thereof will be furnished upon request. [Rule 15]

§ 35.16 Disclosure of foreign origin.

(a) It is in an unfair trade practice:

(1) To misrepresent the country of manufacture of industry products or their components; or

(2) To fail to make adequate disclosure that an industry product is of foreign origin or manufacture when the failure to make such disclosure has the capacity and tendency or effect of deceiving purchasers or prospective purchasers.

(b) The disclosure required by subparagraph (2) of this paragraph will be deemed adequate when naming the foreign country in the form of a legible marking or stamping on the product, or on a label or tag attached thereto, which is of such degree of permanency as to remain on or attached to the product until consummation of consumer sale thereof, and is of such conspicuousness as to be likely observed by purchasers and prospective purchasers making casual inspection of the product. [Rule 16]

§ 35.17 Prohibited forms of trade restraints (unlawful price fixing, etc.)[1]

It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; except as permitted under the McGuire Act, or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 17]

§ 35.18 Prohibited discrimination.[2]

(a) *Prohibited discriminatory prices, rebates, discounts, etc.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly, or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

[1] The prohibitions of this section are subject to Public Law 542, approved July 14, 1952—66 Stat. 632 (the McGuire Act, commonly referred to as the Fair Trade Amendment) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

[2] See explanatory note at end of this section.

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the different methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE No. 1: Cost justification to be based on net savings in cost of manufacture, sale or delivery. Cost justification under the above proviso depends upon net savings in cost based on all facts relevant to the transactions under the terms of subparagraph (2) of this paragraph. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

NOTE No. 2: Credit or refund for returned goods. In determining whether a price differential based on cost savings under the above proviso is warranted there shall be taken into account any portion of the goods involved which are returned by the customer-purchaser to the seller for credit or refund. See also Note No. 2 under paragraph (e) of this section.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor.

NOTE No. 1: Subsection (b) of section 2 of the Clayton Act, as amended, reads as follows: "Upon proof being made at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor."

NOTE No. 2: In complaint proceedings, justification of price differentials under subparagraphs (2), (4), and (5) of this paragraph is a matter of affirmative defense to be established by the person or concern charged with price discrimination.

(b) *Examples of prohibited price differential practices.* The following are examples of price differential practices to be considered as subject to the prohibitions of paragraph (a) of this section when involving goods of like grade and quality which are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and which are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use and when:

(1) The commerce requirements specified in paragraph (a) of this section are present; and

(2) The price differential has a reasonable probability of substantially lessening competition or tending to create a monopoly in any line of commerce, or of injury, destroying, or preventing competition with the industry member or with the customer receiving the benefit of the price differential, or with customers of either of them; and

(3) The price differential is not justified by cost savings (see paragraph (a) (2) of this section); and

(4) The price differential is not made in response to changing conditions affecting the market for or the marketability of the goods concerned (see paragraph (a) (4) of this section); and

(5) The lower price was not made to meet in good faith an equally low price of a competitor (see paragraph (a) (5) of this section).

Example No. 1. An industry member sells goods to one or more of his customers at a higher price than he charges other customers for like merchandise. It is immaterial whether the goods sold at the lower price are classified by the industry member as "seconds," "secondary line," "rejects," or are otherwise represented by the industry member as inferior, if the goods are in fact of like grade and quality as the goods sold at the higher price.

Example No. 2. Terms of 2%/10 net 60 are granted by an industry member to some customers on goods purchased by them from the industry member. Another customer or customers are, nevertheless, allowed to take a 5% instead of a 2% discount when making payment to the industry member within the time prescribed.

Example No. 3. An industry member sells goods to one or more of his customers at a lower price than he charges other customers therefor, basing his justification for the price difference solely on the fact that the goods sold at the lower price bear the private brand name of customers.

Example No. 4. An industry member invoices goods to all his customers at the same price but supplies additional quantities of such goods at no extra charge to one or more, but not to all, such customers; or supplies other goods or premiums to one or more, but not to all, such customers for which he makes no extra charge and which effects an actual price difference in favor of certain of his customers.

NOTE: As previously indicated, the foregoing are examples of practices to be considered violative of the prohibitions of paragraph (a) of this section.

(c) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(d) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is made known to and is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

NOTE No. 1: Industry members giving allowances for advertising or sales promotion must, in addition to according same to all competing customers on proportionally equal terms, exercise precaution and diligence in seeing that all such allowances are used by the customers for such purpose. Customers receiving such allowances must not use same for any other purpose.

When an allowance is made ostensibly for advertising or sales promotion of products and is not in fact used for that purpose the practice may constitute a price discrimination. In such case, the party giving the allowance may violate paragraph (a) of this section and the party receiving same may violate paragraph (f) of this section.

NOTE No. 2: When an industry member gives allowances to competing customers for advertising in a newspaper or periodical, the fact that a lower advertising rate for equivalent space is available to one or more, but not all, such customers, is not to be regarded by the industry member as warranting the retention by such customers of any portion of the allowance for his or their personal use or benefit.

(e) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

NOTE No. 1: Subsection (b) of section 2 of the Clayton Act, as amended, which is set forth in the note concluding paragraph (a) of this section is applicable to paragraph (e) of this section.

NOTE No. 2: Among the practices prohibited by paragraph (e) of this section is that of an industry member according to one or more customers the privilege of returning for credit or refund any or all of the goods purchased by them and failing to accord the same privilege to another or other competing customers on proportionally equal terms. In this connection see also Note No. 2 under cost justification proviso (paragraph (a)(2) of this section).

(f) *Inducing or receiving an illegal discrimination in price, advertising or promotional allowances, or services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price, advertising or promotional allowances, or services or facilities, prohibited by the foregoing provisions of this section. [Rule 18]

§ 35.19 Aiding or abetting use of unfair trade practices.

It is an unfair trade practice for any person, firm or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice prohibited in the foregoing part. [Rule 19]

Authorized: June 26, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6368; Filed, June 29, 1962; 8:46 a.m.]

[File No. 21-437]

PART 60—METALLIC WATCH BAND INDUSTRY

Promulgation of Trade Practice Rules

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of June 30, 1962.

Statement by the Commission. Trade practice rules for the Metallic Watch Band Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under its Trade Practice Conference procedure.

Proceedings for the establishment of rules for this industry were authorized by the Commission pursuant to an application therefor by the Watch Attachment Manufacturers' Association. The Manufacturing Jewelers and Silversmiths of America, Inc., and Jewelers Vigilance Committee, also advocated, and participated in, such proceedings. It is estimated that the members of these three associations account for in excess of 85 percent of the total domestic production of the products involved.

A general industry trade practice conference was held, and thereafter proposed rules were released by the Commission and public hearings were held thereon pursuant to public notice. The views and suggestions of industry members and other interested parties, expressed at such conference and hearings, or otherwise submitted during the pendence of the proceedings, were duly considered, and thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved rules for the industry in the form hereinafter set forth.

Such rules are designed to give guidance to the industry members as to the requirements of statutes administered by the Commission having application to their trade practices. Appropriate proceedings in the public interest will be taken by the Commission against industry members subject to its jurisdiction who engage in practices prohibited by such rules.

The rules hereinafter set forth become operative thirty (30) days from the date of their promulgation.

The Rules. The unfair trade practices embraced in the rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission, and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

Sec.
60.0 The industry and its products defined.
60.1 Deception (general).
60.2 Deception as to metallic content.
60.3 Misuse of "corrosion proof," "noncorrosive," "corrosion resistant," "rust proof," "rust resistant," etc.
60.4 Deception as to origin or place of manufacture.
60.5 Misrepresentation as to character of business.
60.6 Deceptive pricing.
60.7 Deception as to identity of manufacturer or seller.
60.8 Misrepresenting products as conforming to standard.
60.9 Guarantees, Warranties, etc.
60.10 Prohibited forms of trade restraints (unlawful price fixing, etc.).
60.11 Defamation of competitors or false disparagement of their products.
60.12 Prohibited discrimination.

AUTHORITY: §§ 60.0 to 60.12 issued under sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.

§ 60.0 The industry and its products defined.

(a) Members of this industry are persons, firms, corporations, or organizations which engage in the manufacture, sale, offering for sale or distribution of industry products as the term "industry products" is defined in the paragraph which immediately follows.

(b) The term "industry products," as used in the foregoing paragraph and in the following rules, includes any kind of metallic wrist bands which are designed for holding wrist watches to the wrists of human beings and which are not permanently attached to the cases of such watches. When permanently attached to the cases of wrist watches, by soldering or otherwise, they are not subject to the rules for this industry, and are to be regarded as among the products which are subject to the rules promulgated by the Commission for the Watch Case Industry on January 30, 1948.

§ 60.1 Deception (general).

(a) It is an unfair trade practice for any industry member to sell or offer for sale any industry product under any representation, circumstance, or condition having the capacity and tendency or effect of deceiving purchasers or prospective purchasers in any material respect.

(b) The prohibitions of this section are applicable to all forms of advertising, whether in periodicals, on the radio or television, and whether written or oral, and to any form of marking or labeling of the products, or their containers or display cards. [Rule 1]

§ 60.2 Deception as to metallic content.

(a) In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice to:

(1) Misrepresent the kind, quantity, quality, fineness, thickness, or manner of application, of any metal or metal alloy contained in an industry product or part thereof; or

(2) Fail to adequately and nondeceptively disclose the metallic composition of an industry product, or part thereof, which has an exposed surface of the appearance of gold and is not throughout of pure (24 Kt.) gold.[1]

(3) Use the words "gold," "karat," "carat," "silver," "solid silver," "sterling," "sterling silver," "coin," "coin silver," "platinum," "iridium," "palladium," "ruthenium," "rhodium," or "osmium," or any abbreviation thereof, either alone or in conjunction with the words "plated," "plate," "filled," "overlay," "electroplate," "electroplated" or any abbreviation thereof, except in accord with the requirements and provisions relating thereto which are hereinafter set forth.

(b) Use of "Silver," "Solid Silver," "Sterling," "Sterling Silver," "Coin," and "Coin Silver": Industry products or parts thereof shall not be marked, described, or otherwise represented as being "silver," "solid silver," "sterling,"

[1] Such disclosure shall be in the form of a legible and permanent marking on the product which is so positioned, and of such conspicuousness, as to conform with the requirements relating to quality markings which are set forth in paragraph (g) of this section. When the composition is wholly of a base metal having the appearance of gold, the marking may be either "Base Metal" or by use of a generally understood identification of the kind of base metal present (such as, "Anodized Aluminum"; "Brass"; etc.). When of a base metal having a surface plating or coating of gold alloy, a marking of "Gold Filled", "Gold Plated", "Gold Plate", "Gold Overlay", "Rolled Gold Plated", "Rolled Gold Plate", "Gold Electroplated", "Gold Electroplate", "Heavy Gold Electroplated", or "Heavy Gold Electroplate", will be considered adequate when the use of such term is in full accord with the respective requirements and provisions relating thereto which are set forth in paragraphs (d), (e), (f), and (g), of this section.

or "sterling silver," unless they are throughout of silver of not less than 925/1000ths fineness. Nor shall they be marked, described, or otherwise represented as being "coin" or "coin silver" unless they are throughout of silver of not less than 900/1000ths fineness. The terms "sterling" and "coin" shall not be used as a marking on, or as descriptive of, products or parts which are of base metal on a surface or surfaces of which there has been applied a plating or coating of silver. When an industry product or part is marked or described as "silver plated" or "silver plate," all significant surfaces thereof shall have a plating or coating of silver of a high degree of fineness, and such plating or coating shall be of substantial thickness. Abbreviations of any of the mentioned terms are to be regarded as subject to the same requirements. (Additional requirements for use of these terms as markings on products are set forth in paragraph (g) of this section.)

(c) Use of "Platinum," "Iridium," "Palladium," Rhodium," "Ruthenium," and "Osmium": These words, and their abbreviations, shall not be used in any manner, or under any circumstance or condition, having the capacity and tendency or effect of deceiving purchasers or prospective purchasers as to the true metallic composition of an industry product or part thereof.

NOTE: Commercial Standard, CS66–38, issued by the National Bureau of Standards of the U.S. Department of Commerce, covers the marking of articles made wholly or in part of platinum, and markings on industry products which are in compliance with applicable provisions of said CS66–38, and the additional requirements of paragraph (g) of this section, will be considered as proper.

(d) Use of "Gold," "Karat," "Carat," "Gold Filled," "Gold Plated," "Gold Plate," "Gold Overlay," "Rolled Gold Plated," "Rolled Gold Plate," "Gold Electroplated," "Gold Electroplate," "Heavy Gold Electroplated," and "Heavy Gold Electroplate": Industry members shall not use any of these words or terms, or any abbreviations thereof, under any circumstances or condition, or in any manner, which has the capacity and tendency or effect of deceiving purchasers or prospective purchasers as to presence of gold or gold alloy in any industry product or part thereof, or as to the extent or fineness of gold or gold alloy in any industry product or part thereof, and shall regard, as among the practices prohibited, the following:

(1) Use of the unqualified word "Gold," or any abbreviation thereof, as descriptive of any industry product, or part thereof, which is not composed throughout of fine (24 karat) gold.

(2) Use of the word "Gold," or any abbreviation thereof, as descriptive of any industry product, or part thereof, which is composed throughout of an alloy of gold, unless a correct designation of the karat fineness of the alloy immediately precedes the word "Gold," or abbreviation thereof, and such fineness designation is of at least equal conspicuousness therewith.

(3) Use of the word "Gold," or any abbreviation thereof, as descriptive of any industry product, or part thereof, which is not composed throughout of gold or gold alloy, but is surface-plated or coated with gold alloy, unless the word "Gold," or abbreviation thereof, is so qualified as adequately and nondeceptively to disclose that the product or part is but surface-plated or coated with an alloy of gold; and, when such plating has been mechanically applied, unless such word "Gold," or abbreviation thereof, is immediately preceded by a correct designation of the karat fineness of the alloy and such fineness designation is of at least equal conspicuousness therewith.

NOTE: See acceptable forms of markings and descriptions for such products set out in paragraph (e)(2) of this section.

(4) Use of the terms "Gold Filled," "Rolled Gold Plate," "Rolled Gold Plated," "Gold Overlay," "Gold Plated," or "Gold Plate," as descriptive of an industry product or part thereof, unless such product or part contains a surface-plating of gold alloy applied by a mechanical process which is of such thickness and extent of surface coverage that use of the term as descriptive of the product or part will not have the capacity and tendency of deceiving purchasers or prospective purchasers, and unless the term is immediately preceded by a correct designation of the karat fineness of the alloy and such designation is of at least equal conspicuousness as the term used.

NOTE: See acceptable forms of markings and descriptions for such products set out in paragraph (e)(2) of this section.

(5) Use of the term 'Gold Electroplate," or "Gold Electroplated," as descriptive of any industry product or part thereof, unless such product or part is plated or coated with gold or a gold alloy and such plating or coating is of such karat fineness, thickness, and extent of surface coverage that the use of the term will not have the capacity and tendency of deceiving purchasers or prospective purchasers.

NOTE: See acceptable forms of markings and descriptions for such products set out in paragraph (e)(3) of this section.

(6) Representing, directly or by implication, by use of any name, terminology, or otherwise, that an industry product is equal or superior to, or different than, a known and established type of industry product with reference to its gold content or method of manufacture, unless the representation is true in fact (namely, that it is equal or superior to or different than the established type in the respects represented or implied).

NOTE: Requirements for use of the word "Gold," or any abbreviation thereof, as above set forth, are applicable to "Duragold," "Diragold," "Noblegold," "Goldine," or any words or terms of similar import.

NOTE: See also paragraph (g) of this section entitled "Additional Requirements Relating to Markings."

(e) Markings and descriptions of industry products or parts thereof will be considered as proper when meeting applicable requirements of paragraph (g) of this section and in conformity with the following:

(1) An industry product or part thereof composed throughout of an alloy of gold of not less than 10 karat fineness may be marked and described as "Gold" when such word "Gold," wherever appearing, is immediately preceded by a correct designation of the karat fineness of the alloy and such karat designation is of equal conspicuousness as the word "Gold" (as, for example, "14 Karat Gold"; "14 K. Gold"; and "14 Kt. Gold"). Such a product may also be marked and described by a designation of the karat fineness of the gold alloy unaccompanied by the word "Gold" (as, for example, "14 Karat," "14 Kt.," and "14 K.").

NOTE: When the term "Gold," or any abbreviation thereof, is used as descriptive of any product or part of a product which is composed throughout of gold alloy but contains a concealed hollow center or interior, the term or its abbreviation shall also be immediately accompanied by a disclosure of the fact that the product or part contains a hollow center or interior (as, for example, "14 Karat Gold-Hollow Center" and "14 K. Gold Tubing," when of a gold alloy tubing of such a karat fineness), when the failure to make such disclosure has the capacity and tendency or effect of deceiving purchasers or prospective purchasers. Such products must not be marked or described as "solid" or as being solidly of gold or of a gold alloy. For example, though the composition of such product is 14 karat gold alloy, it shall not be described or marked as either "14 Kt. Solid Gold" or as "Solid 14 Kt. Gold."

(2) An industry product or part thereof on which there has been affixed on all significant surfaces, by soldering, brazing, welding, or other mechanical means, a plating of gold alloy of not less than 10 karat fineness which is of substantial thickness[1] may be marked or described as "Gold Filled," "Gold Plate," "Gold Plated," "Gold Overlay," "Rolled Gold Plate," or adequate abbreviations thereof, when such plating constitutes at least 1/20th of the weight of the metal in the entire article, and when the term is immediately preceded by a designation of the karat fineness of the plating which is of equal conspicuousness as the term used (as, for example, "14 Kt. Gold Filled," "14 Kt. G.F.," "14 Kt. Gold Plated," "14 Kt. G.P.," and "14 Kt. Gold Overlay"). When conforming to all such requirements except the specified minimum of 1/20th of the weight of the metal in the entire article, the terms "Gold Plate," "Gold Plated," "Rolled Gold Plate," and "Gold Overlay" may be used when the karat fineness designation is immediately preceded by a fraction which accurately discloses the portion of the weight of the metal in the entire article accounted for by the plating, and when such fraction is of equal conspicuousness as the term used (as, for example, "1/10 12 Kt. Rolled Gold Plate," and "1/10 12 Kt. R.G.P.").

[1] As here used, the term "substantial thickness" is to be construed as requiring that all areas of the plating be of such thickness as to assure of a durable coverage of the base metal to which it has been affixed. Since industry products embrace items having surfaces and parts of surfaces which are subject to different degrees of wear, this requirement of substantial thickness may not necessitate uniformity of thickness of plating for all items or for different areas of the surface or surfaces of individual items.

Examples of Proper Markings for Expansion Bands of Specified Composition and Construction. A substantial portion of metallic watch bands are of the expansion type and consist of a skeleton (containing links, springs, rivets, and other small parts) of a base metal; top caps and end pieces which are of a base metal and to the exterior surfaces of which there have been affixed, by a mechanical process, platings of yellow gold alloy of 10 karat fineness; and bottom caps which are of stainless steel and which do not have the appearance of yellow gold.

When such platings of the top caps and end pieces are of substantial thickness and account for not less than 1/20th of the total weight of the base metal and gold alloy in each such cap and end piece, a proper marking on the band would be—

"10 Karat Gold Filled Top Caps and End Pieces. Stainless Steel Bottom Caps."

or

"10 K. G. F. Top Caps and End Pieces."

or

"10 K. G. F. Top Caps.";

and when such platings of the top caps and end pieces are of substantial thickness and account for 1/30th of the total weight of the base metal and gold alloy in each such top cap and end piece, a proper marking on the band would be—

"1/30 10 Karat Rolled Gold Plate Top Caps and End Pieces. Stainless Steel Bottom Caps."

or

"1 30 10 K. R. G. P. Top Caps and End Pieces."

or

"1 30 10 K. R. G. P. Top Caps.";

Provided, however, That the size and placement of any such markings shall conform to the requirements of paragraph (g) of this section.

NOTE: When the plated top caps are affixed, by swedging or otherwise, to a base metal reinforcement lining, the weight of such lining shall be included in the weight used for determining the weight ratio and proper term to be used.

(3) An industry product or part thereof, all significant surfaces on which there has been affixed by an electrolytic process a coating or plating of gold, or of a gold alloy of not less than 10 karat fineness, the minimum thickness throughout of which is equivalent to 7/1,000,000th of an inch of fine gold, may be marked or described as "Gold Electroplate" or "Gold Electroplated." When the coating or plating meets the minimum fineness, but not the minimum thickness, above specified, the marking or description may be "Gold Flashed" or "Gold Washed," and when of the minimum fineness above specified and of a minimum thickness throughout which is equivalent to 100/1,000,000th of an inch of fine gold, the marking or description may be "Heavy Gold Electroplate" or "Heavy Gold Electroplated." When coatings or platings qualify for the term "Gold Electroplate" (or "Gold Electroplated"), or the term "Heavy Gold Electroplate" (or "Heavy Gold Electroplated"), and have been applied by use of a special kind of electrolytic process, the designation for which the coating or plating is qualified may be accompanied by an identification of the process used, as for example, "Gold Electroplated (X Process)"; "Heavy Gold Electroplated (Y Process)."

(f) Tolerances and exemptions: The requirements of this section relating to markings and descriptions of industry products and parts thereof are subject to the tolerances applicable thereto under the National Stamping Act (15 U.S. Code, sections 294, et seq.). Such requirements are also subject to exemptions applicable thereto under section 10(a) of Commercial Standard CS 67–38, relating to articles made of karat gold, and under section 12(a) of Commercial Standard CS 47–34, relating to articles having mechanically-applied surface platings of gold alloy; and also to the exemptions applicable thereto enumerated in section 8 of Commercial Standard CS 118–44 (relating to marking of Jewelry and Novelties of Silver) and section 8(a) of Commercial Standard CS 51–35 (relating to marking of articles made of silver in combination with gold).

(g) Additional requirements relating to markings. As used in this paragraph, the term "quality marking" means any marking on an industry product which indicates or suggests that the product contains precious metal or an alloy thereof. Included are the words "gold", "karat", "carat", "duragold", "diragold", "noblegold", "goldine", "silver", "sterling", "coin", "coin silver", "platinum", "irridium", "palladium", "ruthenium", "rhodium", and "osmium", and any abbreviation of any such word, whether used alone or in conjunction with such terms as "filled", "plated", "overlay", "electroplated", or any abbreviation thereof.

(1) *Markings to be legible, conspicuous, and of adequate permanency.* Quality markings on industry products shall be legible and of such degree of permanancy as to remain on the products until consummation of consumer sale thereof. They shall also be of such size and conspicuousness as to likely be observed and read by purchasers and prospective purchasers making casual inspection of the products; provided, however, that when markings of such size and conspicuousness would seriously impair the appearance of the product, they may be of less size and conspicuousness if also appearing on a tag or label attached or affixed to the product in such a manner as to remain thereon until consummation of consumer purchase and of such size and conspicuousness as to be likely observed and read by purchasers and prospective purchasers. When the marking on or attached to the product is concealed or obscured because of the manner in which the product is packaged, or mounted in a container or on a display card, and is offered for consumer sale in such form with consequence of likely deception of purchasers or prospective purchasers as to the true metallic composition of the product, the marking shall also appear on the outside of the packaging, or on the container or display card on which the product is mounted, in such a position as to be clearly applicable to the product and in such size and conspicuousness as to be likely observed and read by purchasers and prospective purchasers.

(2) *Deception by reason of difference in size of letters or words in the markings.* Words and letters in quality markings shall not appear in larger type than other words and letters in such markings when such size difference has the capacity and tendency or effect of deceiving purchasers or prospective purchasers as to the true metallic content of the product. (An example of such improper marking is where the product is marked as gold electroplate with the word "GOLD" in large type and the word "electroplate" in small type.)

(3) *When exposed parts are of similar appearance but of different composition.* When watch bands contain two or more parts having exposed surfaces of the same composition appearance but which in fact are of different composition, any marking as to the composition of one of such parts shall be accompanied by a disclosure of the composition of the other part or parts. Thus, when a band has top caps and end pieces of 14 karat yellow gold and bottom caps of yellow gold electroplate, a proper marking would be "14 K. Gold Top Caps and End Pieces. Gold Electroplated Bottom Caps"; and when the top caps and end pieces are 14 karat white gold, and the bottom caps are of stainless steel which has the appearance of white gold, a proper marking would be "14 K. White Gold Top Caps and End Pieces. Stainless Steel Bottom Caps". [Rule 2]

§ 60.3 Misuse of "corrosion proof," "non-corrosive," "corrosion resistant," "rust proof," "rust resistant," etc.

(a) In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice:

(1) To use the terms "corrosion proof," "non-corrosive," "rust proof," or any word or term of equivalent import, as descriptive of an industry product, unless all parts thereof will be immune from rust and other forms of corrosion during the life expectancy of the product; or

(2) To use the terms "corrosion resistant," "rust resistant," or any word or term of equivalent import, as descriptive of an industry product unless all parts of the product are of such composition as to not be subject to material damage by corrosion or rust during the major portion of the life expectancy of the product under normal conditions of use.

(b) Among the metals which may be considered as corrosion (and rust) resistant are:

Pure Nickel.
Gold Alloys of not less than 10 Kt. fineness.
Austenitic stainless steels.

[Rule 3]

§ 60.4 Deception as to origin or place of manufacture.

In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice:

(a) To misrepresent the origin or place of manufacture of an industry product or any part thereof; or

(b) Subject to the exemptions hereinafter specified, to fail to adequately disclose to purchasers and prospective purchasers that an industry product, or

substantial part thereof[3] is of foreign origin, or has been manufactured, processed, or assembled in a foreign country.

NOTE: The disclosure required by paragraph (b) of this section shall be in the form of a legible marking or stamping on the industry product, or on a label or tag affixed thereto, which is of such degree of permanency as to remain on or attached to the product, in legible form, until consummation of the consumer sale thereof, and of such conspicuousness as to be likely observed and read by purchasers and prospective purchasers making casual inspection of the product; and if such marking or stamping is concealed or obscured by packaging of the product, or by the manner in which it is mounted in a container or on a display card, and is offered for consumer sale in such form, then the marking or stamping shall also appear on the front or face of such packaging, container, or display card, and be so positioned as to clearly have application to the product so packaged or mounted, and shall also be of such degree of permanency as to remain thereon until consummation of consumer sale of the product, and of such conspicuousness as to be likely observed and read by purchasers and prospective purchasers making casual inspection of the product as so packaged or mounted. The disclosure shall name the foreign country of origin or manufacture, and when not applicable to the entire product shall specify the part or parts to which it has applicability.

Exemptions. To be regarded as exempt from the disclosure requirements of paragraph (b) of this section are:

Sheet, strip, wire, tubing, and similar basic material when imported in that form;

Parts of industry products which after their importation are subjected to processing or manufacturing in this country, or are merged with another or other parts of domestic manufacture, and as a consequence of such processing, manufacturing, or merger, no longer retain the appearance and essential characteristics possessed by them at the time of their importation.

NOTE: The affixing in this country of domestically manufactured caps and end pieces to imported skeletons of expansion type bands is not to be regarded as so changing the appearance and essential characteristics of such skeletons as to exempt them from the disclosure requirements of paragraph (b) of this section.

Rivets, springs, screws, bolts, washers, and similar small parts which are imported in an unassembled state;

Natural stones and cultured pearls which are used as decorative settings of industry products.

NOTE: Nothing in this section is to be construed as relieving any industry member from compliance with the requirements of custom laws of the U.S. having application to industry products and parts imported from a foreign country.

[Rule 4]

§ 60.5 Misrepresentation as to character of business.

It is an unfair trade practice for any industry member, in the course of or in connection with the sale of industry products, to represent, directly or indirectly, that he is a manufacturer of industry products, unless he owns and operates or directly controls a factory wherein such products are made, or in any other manner to misrepresent the character, extent, or type of his business. [Rule 5]

§ 60.6 Deceptive pricing.

(a) It is an unfair trade practice for any member of the industry to represent directly or indirectly in advertising or otherwise that an industry product may be purchased for a specified price, or at a saving, or at a reduced price, when such is not the fact; or otherwise to deceive purchasers or prospective purchasers with respect to the price of any product offered for sale; or to furnish any means or instrumentality by which others engaged in the sale of industry products may make any such representation.

(b) Among the practices prohibited by this section are:

(1) Representing or implying that a stated price is the seller's usual and regular price of an industry product when in fact such stated price is in excess of the price at which such product is regularly and customarily sold by the seller in the usual and recent course of business.

NOTE: The words and phrases "regularly," "usually," "formerly," "was ------ now ------," "------% off" and "you save $------" when used in connection with prices constitute representations of the advertiser's former usual and customary prices in recent course of business.

(2) Representing or implying that a stated price constitutes a reduction from the trade area price unless the saving or reduction is from the usual and customary price of an industry product in the trade area, or areas where the representation is made.

NOTE: The words and phrases "manufacturer's suggested list $------—our price $------," "sold nationally at $------" and "value $------" constitute representations of an article's usual and customary retail price in the trade area where the representations are made.

(3) Preticketing a product with any price figure or otherwise representing, contrary to the fact, that there is a usual and customary price for the product in the trade area where it is offered for sale and that the usual and customary price is the preticketed price, or preticketing a product with any price if the preticketed product is usually and customarily sold at a lower price or at a variety of prices significantly lower than the preticketed price in the trade area or areas where it is offered for sale.

(4) Disseminating preticketed price figures for use in connection with the offer for sale of products at retail by others (even though they themselves are not engaged in retail sales) when the price figures do not meet the standard set forth in this section.

(5) Placing in the hands of others a means or instrumentality by which they may mislead the public. For the purposes of this section preticketing includes the use of price figures,

(i) Affixed to the product by tag, label or otherwise, or

(ii) In such a form as to be affixed to the product by others, or

(iii) In material, such as display placards, which are used, or designed to be used, with the product at point of sale to the consuming public.

EXAMPLE. A manufacturer pre-tickets his products with "Price $12.95." Although this price prevails in many trade areas, in other areas the product generally sells for $10.95. The pre-ticketed price would violate this section in any trade area where the $12.95 price was not the usual and customary retail price.

NOTE: Guides Against Deceptive Pricing adopted by the Commission October 2, 1958, are now in the process of revision. The new guides will supplement this section by affording additional guidance on the subject. When approved, the new guides will be published in the FEDERAL REGISTER and copies thereof will be furnished upon request.

[Rule 6]

§ 60.7 Deception as to identity of manufacturer or seller.

In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any member of the industry to use any corporate name, trade name, trade-mark, slogan or other means of identification, which, by reason of its similarity with the corporate name, trade name, trade-mark, slogan, or other means of identification used by another party, which has the capacity and tendency or effect of deceiving purchasers or prospective purchasers as to the identity of the manufacturer or vendor of any industry product which is sold or offered for sale by the industry member. [Rule 7]

§ 60.8 Misrepresenting products as conforming to standard.

It is an unfair trade practice to represent, through advertising or otherwise, that any product of the industry conforms to any standard recognized in or applicable to the industry when such is not the fact. [Rule 8]

§ 60.9 Guarantees, warranties, etc.

(a) It is an unfair trade practice to represent in advertising or otherwise that a product is "guaranteed" without clear and conspicuous disclosure of:

(1) The nature and extent of the guarantee, and

(2) Any material conditions or limitations in the guarantee which are imposed by the guarantor, and

(3) The manner in which the guarantor will perform thereunder, and

(4) The identity of the guarantor.

Representations that a product is "guaranteed for life" or has a "lifetime guarantee" in addition to meeting the above requirements, shall contain a conjunctive and conspicuous disclosure of the meaning of "life" or "lifetime" as used (whether that of the purchasers, the product or otherwise).

(b) Guarantees shall not be used which under normal conditions are impractical of fulfillment or which are for such a period of time or are otherwise of such nature as to have the capacity and tendency of misleading purchasers or prospective purchasers into the belief that the product so guaranteed has a greater degree of serviceability, durability or performance capability in actual use than is true in face.

(c) This section has application not only to "guarantees" but also to "warranties," to purported "guarantees" and "warranties," and to any promise or representation in the nature of a "guarantee" or "warranty". [Rule 9]

§ 60.10 Prohibited forms of trade restraints (unlawful price fixing, etc.)[4]

Members of the industry, either directly or indirectly, shall not engage in any planned common course of action, or enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any industry products or otherwise unlawfully to restrain trade; or use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or become a party to any such understanding, agreement, combination, or conspiracy. [Rule 10]

§ 60.11 Defamation of competitors or false disparagement of their products.

Members of the industry shall not defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, nor shall such members falsely disparage the products of competitors in any respect, nor their business methods, selling prices, values, credit terms, policies or services. [Rule 11]

§ 60.12 Prohibited discrimination.

(a) *Prohibited discriminatory prices, rebates, discounts, etc.* No member of the industry engaged in commerce, in the course of such commerce, shall grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchasers involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however,*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE: Cost justification under the above proviso depends upon net savings in cost based on all facts relevant to the transactions under the terms of subparagraph (2) of this paragraph. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor.

NOTE: Subsection (b) of section 2 of the Clayton Act, as amended, reads as follows: "Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor."

(b) *Prohibited brokerage and commissions.* No member of the industry engaged in commerce, in the course of such commerce, shall pay or grant, or receive or accept, anything of value as a commission, brokerage, or other compensation or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* No member of the industry engaged in commerce shall pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold or offered for sale by such member, unless such payment or consideration is made known to and is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* No member of the industry engaged in commerce shall discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities including, but not limited to, displays exhibits, and promotional material connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not made known to and accorded to all competing purchasers on proportionally equal terms.

NOTE: Subsection (b) of section 2 of the Clayton Act, as amended, which is set forth in the note concluding paragraph (a) of this section, is applicable to paragraph (d) of this section.

(e) *Inducing or receiving an illegal discrimination in price.* No member of the industry engaged in commerce, in the course of such commerce, shall knowingly induce or receive a discrimination in price, advertising or promotional allowances, or services or facilities, which is prohibited by the foregoing provisions of this section. [Rule 12]

Authorized: June 26, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6377; Filed, June 29, 1962; 8:47 a.m.]

[3] Parts which are to be considered as substantial include the skeletons or interliners of the expansion type bands, whether of the entire length of the band or but a substantial portion of such length, and whether caps and end pieces are affixed thereto before or after the importation of such skeletons or interliners.

[4] The prohibitions of this section are subject to Public Law 542, approved July 14, 1952—66 Stat. 632 (the McGuire Act commonly referred to as the "Fair Trade Amendment") which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

[File No. 21-543]

PART 62—REBUILT, RECONDITIONED AND OTHER USED AUTOMOTIVE PARTS INDUSTRY

Promulgation of Trade Practice Rules

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of June 30, 1962.

Statement by the Commission. Trade practice rules for the Rebuilt, Reconditioned and Other Used Automotive Parts Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

The industry for which rules are established is composed of the persons, firms, corporations and organizations engaged in the sale or distribution of automotive parts and automotive assemblies which have been used or which contain used parts, whether such assemblies or parts have been rebuilt, remanufactured, reconditioned, relined or otherwise. The terms "automotive parts" and "automotive assemblies" as herein used embraces all parts, and assemblies containing more than one part, designed for an automobile, truck, motorcycle, tractor or similar self-propelled vehicle. Industry products include, but are not limited to, armatures, generators, starters, carburetors, clutches, distributors, connecting rods, crankshafts, cylinder blocks, engine assemblies, fuel pumps, brakes, master and wheel brake cylinders, power brakes, shock absorbers, starter drives, solenoids, automatic transmissions, regulators, spark plugs, springs, windshield wiper motors and water pumps. Automobile tires are not products of the industry.

Proceedings to establish these rules were instituted pursuant to industry applications. Proposed rules for the industry were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, or amendments as they desired to offer, and to be heard in the premises. Pursuant to such notice a public hearing was held in Chicago, Illinois, and all matters there presented or otherwise received in the proceeding were considered by the Commission.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth.

The rules, as approved, become operative thirty (30) days after the date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competition in the interest of protecting industry, trade, and the public. The practices prohibited by the provisions of these rules are considered to be unfair methods of competition and unfair or deceptive acts or practices prohibited by the Federal Trade Commission Act, and appropriate proceedings in the public interest will be taken by the Commission to prevent the use by any person, partnership, corporation, or other organization, subject to its jurisdiction, of such unlawful practices in commerce.

Sec.
62.0 Definitions.
62.1 Deception as to previous use of products.
62.2 Deception as to identity of rebuilder, remanufacturer, reconditioner or reliner.
62.3 Misrepresentation as to condition of products and misuse of the terms "rebuilt," "factory rebuilt," "remanufactured," etc.

AUTHORITY: §§ 62.0 to 62.3 issued under sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C 45.

§ 62.0 Definitions.

(a) *Industry member.* Any person, firm, corporation or organization engaged in the sale or distribution of any industry product as defined below.

(b) *Industry products.* Industry products are automotive parts and automotive assemblies which have been used or which contain used parts, whether such parts or assemblies have been rebuilt, remanufactured, reconditioned, relined, or otherwise. The terms "automotive parts" and "automotive assemblies" as herein used mean any part or assembly designed for an automobile, truck, motorcycle, tractor or similar self-propelled vehicle. Industry products include, but are not limited to, armatures, generators, starters, carburetors, clutches, distributors, connecting rods, crankshafts, cylinder blocks, engine assemblies, fuel pumps, brakes, master and wheel brake cylinders, power brakes, shock absorbers, starter drives, solenoids, automatic transmissions, regulators, spark plugs, springs, windshield wiper motors and water pumps. Automobile tires are not products of the industry.

§ 62.1 Deception as to previous use of products.

(a) It is an unfair trade practice to represent, directly or by implication, that any industry product is new or unused, or that any part of an industry product is new or unused when such is not the fact, or to misrepresent the extent of previous use thereof.

(b) It is an unfair trade practice for an industry member to offer for sale or sell any industry product unless a clear and conspicuous disclosure that such product has been used or contains used parts is made in all the industry member's advertising, sales promotional literature and invoices concerning the product, on the container in which the product is packed and, if the product has been rebuilt, remanufactured, reconditioned or has the appearance of being new, on the product with sufficient permanency to remain thereon after installation for a reasonable period of time under ordinary conditions of use, and in such manner that said disclosure cannot be easily removed or obliterated.

(1) *Form of disclosure.* The disclosure that an industry product has been used or contains used parts as required by this section may be made by use of a word such as, but not limited to, "Used," "Secondhand," "Repaired," "Remanufactured," "Reconditioned," "Rebuilt," or "Relined," whichever is applicable to the product involved. On invoices to the trade only the disclosure required by this section may be made by use of any number, mark, or other symbol which is clearly understood by all purchasers receiving such invoices as meaning that the products, or parts thereof, identified on the invoices have been used.

(2) *Conspicuousness of disclosure.* The disclosure required by this section shall be of such size or color contrast and so placed as to be readily noticeable to purchasers or prospective purchasers reading advertising, sales promotional literature, or invoices containing same, or reading any representation as to content on the container in which an industry product is packed, or inspecting an industry product before installation, or with a minimum of disassembly after installation.

(c) It is an unfair trade practice to place any means or instrumentality in the hands of others whereby they may mislead purchasers or prospective purchasers as to the previous use of industry products or parts thereof. [Rule 1]

§ 62.2 Deception as to identity of rebuilder, remanufacturer, reconditioner or reliner.

(a) It is an unfair trade practice to misrepresent the identity of the rebuilder, remanufacturer, reconditioner or reliner of an industry product.

(b) In connection with the sale or offering for sale of an industry product if the identity of the original manufacturer of the product, or the identity of the manufacturer for which the product was originally made, is revealed and the product was rebuilt, remanufactured, reconditioned or relined by other than the manufacturer so identified, it is an unfair trade practice to fail to disclose such fact wherever either of said manufacturers is identified in advertising and sales promotional literature concerning the product, on the container in which the product is packed, and on the product, in close conjunction with, and of the same permanency and conspicuousness as, the disclosure of previous use of the product required by this section. Examples of disclosures considered to be in compliance with the requirements of this section are as follows:

(1) Disclosure of the identity of the rebuilder as, for example:

Rebuilt
by
John Doe Co.

(2) Disclosure that the product was rebuilt by an independent rebuilder as, for example:

Rebuilt
by an
Independent Rebuilder

(3) Disclosure that the product was rebuilt by other than the manufacturer so identified as, for example:

Rebuilt
by other than
XYZ Motors

(4) Disclosure that the product was rebuilt for the identified manufacturer, if such is the case, as for example:

Rebuilt
for
XYZ Motors

[Rule 2]

§ 62.3 Misrepresentation as to condition of products and misuse of the terms "rebuilt," "factory rebuilt," "remanufactured," etc.

(a) It is an unfair trade practice to use, or cause or promote the use of, any statement or representation in advertising, on containers, on industry products, or elsewhere, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the condition of an industry product, or the extent that an industry product has been repaired or reconstructed.

(b) It is an unfair trade practice to use the words "Rebuilt," "Remanufactured," or words of similar import, as descriptive of an industry product which, since it was last subjected to any use, has not been dismantled and reconstructed as necessary, all of its internal and external parts cleaned and made free from rust and corrosion, all impaired, defective or substantially worn parts restored to a sound condition or replaced with new, rebuilt[1] or unimpaired used parts, all missing parts replaced with new, rebuilt[1] or unimpaired used parts, and such rewinding or machining and other operations performed as are necessary to put the industry product in sound working condition.

(c) It is an unfair trade practice to represent an industry product as "Factory Rebuilt" unless the product was rebuilt as described in paragraph (b) of this section at a factory generally engaged in the rebuilding of such products. (See also § 62.2) [Rule 3]

Authorized: June 26, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6365; Filed, June 29, 1962; 8:46 a.m.]

[1] In accord with the provisions of this paragraph (b).

[File No. 21-220]

PART 105—TOBACCO DISTRIBUTING INDUSTRY

Promulgation of Trade Practice Rules

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of June 30, 1962.

Statement by the Commission. The revised trade practice rules for the Tobacco Distributing Industry, formerly known as the Wholesale Tobacco Trade, are promulgated by the Federal Trade Commission as hereinafter set forth.

The industry is composed of persons, firms, corporations, and organizations engaged in the distribution of various forms of finished tobacco for human use. Such products include cigarettes, cigars, pipe tobacco, chewing tobacco and snuff.

The rules constitute a revision of those promulgated for the Wholesale Tobacco Trade on September 28, 1935. Numerous changes embodying clarification of the applicable requirements of laws administered by the Commission have been made.

The primary objective of the rules is the maintenance of free and fair competition in the industry and elimination and prevention of unfair methods of competition, unfair acts or practices, and other trade abuses. They are to be applied to such end, and to the exclusion of any acts or practices which suppress competition, or which otherwise restrain trade. The rules are designed to meet particular needs of the industry and should not be construed as covering all acts or practices prohibited by the laws administered by the Commission.

Proceedings for revision of the trade practice rules for the industry were instituted upon application made by the National Association of Tobacco Distributors. Proposed rules were published by the Commission and made available to all industry members and interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, amendments, or objections as they desire to offer, and to be heard in the premises. Pursuant to such notice, the public hearing was held in Miami Beach, Florida on April 2, 1962, and all matters presented or otherwise received in the proceeding were duly considered.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth.

The rules, as approved, become operative thirty (30) days after the date of promulgation.

Sec.
105.0 Definitions.
105.1 Misrepresentation and deception in general.
105.2 False invoicing.
105.3 Misrepresentation as to character of business.
105.4 Deceptive Use or imitation or simulation of trade or corporate names, trade-marks, etc.
105.5 False and misleading price quotations, etc.
105.6 Defamation of competitors or false disparagement of their products.
105.7 Commercial bribery.
105.8 Inducing breach of contract.
105.9 Tie-in sales—coercing purchase of one product as a prerequisite to the purchase of other products.
105.10 Prohibited discrimination.
105.11 Prohibited forms of trade restraints (unlawful price fixing, etc.)
105.12 Aiding or abetting use of unfair trade practices.

AUTHORITY: §§ 105.0 to 105.12 issued under sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.

§ 105.0 Definitions.

(a) Industry member. Any person, firm, corporation or organization engaged in the distribution of industry products as defined below.

(b) Industry products. Industry products consist of all forms of finished tobacco for human use and include cigarettes, cigars, pipe tobacco, chewing tobacco and snuff.

§ 105.1 Misrepresentation and deception in general.

It is an unfair trade practice to use, or cause or promote the use of, any trade promotional literature, advertising matter, guarantee, warranty, mark, brand, label, trade name, picture, design or device, designation, or other type of oral or written representation, however disseminated or published, which directly or by implication, or through failure to disclose material information has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers with respect to the type, kind, brand, grade, quality, quantity, size, weight, nature, substance, origin, preparation, production, manufacture, distribution, or customary and usual price, of any product of the industry, or which otherwise has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers. [Rule 1]

§ 105.2 False invoicing.

Withholding from or inserting in invoices any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices, when having the capacity and tendency or effect of thereby misleading or deceiving purchasers, prospective purchasers, or the consuming public, in any material respect, is an unfair trade practice. [Rule 2]

§ 105.3 Misrepresentation as to character of business.

(a) It is an unfair trade practice for any member of the industry, in connection with the distribution of industry products, to misrepresent, directly or indirectly, by means of advertising, letterheads, telephone listings, oral statements, or otherwise, the character, extent, or type of his business.

(b) When an industry member sells industry products at both wholesale and at retail in the same establishment, it is an unfair trade practice for such industry member to sell any such products under circumstances having the capacity and tendency or effect of causing purchasers to believe that they are buying at

wholesale prices when such is not the case. [Rule 3]

§ 105.4 Deceptive use or imitation or simulation of trade or corporate names, trade-marks, etc.

It is an unfair trade practice for any member of the industry:

(a) to imitate or simulate the trademarks, trade names, brands, or labels of competitors, with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers; or

(b) to use any trade name, corporate name, trade-mark, or other trade designation, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the name, nature, or origin of any product of the industry, or of any material used therein, or which is false, deceptive, or misleading in any other material respect. [Rule 4]

§ 105.5 False and misleading price quotations, etc.

The publishing or circulating to purchasers or prospective purchasers by any member of the industry of false or misleading price quotations, price lists, or terms or conditions of sale, with the capacity and tendency or effect of thereby misleading or deceiving purchasers or prospective purchasers, is an unfair trade practice. [Rule 5]

§ 105.6 Defamation of competitors or false disparagement of their products.

The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the products of competitors in any respect, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. [Rule 6]

§ 105.7 Commercial bribery.

It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 7]

§ 105.8 Inducing breach of contract.

(a) Knowingly inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or between competitors and their suppliers, or interfering with or obstructing the performance of any such contractual duties or services, under any circumstance having the capacity and tendency or effect of substantially injuring or lessening competition, is an unfair trade practice.

(b) Nothing in this section is intended to imply that it is improper for any industry member to solicit the business of a customer of a competing industry member; nor is the section to be construed as in anywise authorizing any agreement, understanding, or planned common course of action by two or more industry members not to solicit business from, or to sell to, the customers of either of them, or customers of any other industry member. [Rule 8]

§ 105.9 Tie-in sales—coercing purchase of one product as a prerequisite to the purchase of other products.

The practice of coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be substantially to lessen competition or tend to create a monopoly or unreasonably to restrain trade, is an unfair trade practice. [Rule 9]

§ 105.10 Prohibited discrimination.

(a) *Prohibited discriminatory prices, rebates, discounts, etc.* No member of the industry engaged in commerce, in the course of such commerce, shall grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however,*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE: Cost justification under the above proviso depends upon net savings in cost based on all facts relevant to the transactions under the terms of subparagraph (2) of this paragraph. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor.

NOTE: Subsection (b) of section 2 of the Clayton Act, as amended, reads as follows: "Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor."

(b) *Prohibited brokerage and commissions.* No member of the industry engaged in commerce, in the course of such commerce, shall pay or grant, or receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* No member of the industry engaged in commerce shall pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is made known to and is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* No member of the industry engaged in commerce shall discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities including, but not limited to, displays, exhibits, and promotional material connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

NOTE: Subsection (b) of section 2 of the Clayton Act as amended, which is set forth in the note concluding paragraph (a) of this section is applicable to paragraph (d) of this section.

(e) *Inducing or receiving an illegal discrimination in price, advertising or promotional allowances, or services or facilities.* No member of the industry engaged in commerce, in the course of such commerce, shall knowingly induce or receive a discrimination in price, advertising or promotional allowances, or services or facilities, which is prohibited by the foregoing provisions of this section. [Rule 10]

§ 105.11 Prohibited forms of trade restraints (unlawful price fixing, etc.)[1]

It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 11]

§ 105.12 Aiding or abetting use of unfair trade practices.

It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice prohibited by this part. [Rule 12]

[1] The prohibitions of this section are subject to Public Law 542, approved July 14, 1952—66 Stat. 632 (the McGuire Act, commonly referred to as the Fair Trade Amendment) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

Authorized: June 26, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6378; Filed, June 29, 1962; 8:47 a.m.]

[File No. 21-265]

PART 118—MIRROR INDUSTRY

Promulgation of Trade Practice Rules

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of June 30, 1962.

Statement by the Commission. Trade practice rules for the Mirror Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure. Such rules constitute a revision of, and supersede, the trade practice rules for this industry as promulgated by the Commission July 19, 1939.

The industry for which these rules are established is composed of persons, firms, corporations and organizations engaged in the manufacture, sale, offering for sale, or distribution of all kinds and types of glass mirrors, both utilitarian and decorative.

Proceedings for the establishment of these rules were instituted upon application of the National Association of Mirror Manufacturers. Proposed revised rules for the industry were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, or amendments as they desired to offer, and to be heard in the premises. Pursuant to such notice a public hearing was held and all matters there presented, or otherwise received in the proceeding, were considered by the Commission.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth.

The rules as approved become operative thirty (30) days after the date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

The unfair trade practices embraced in the rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission, and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

Sec.

118.0 Definitions.
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118.16 Prohibited discrimination.
118.17 Aiding or abetting use of unfair trade practices.

AUTHORITY: §§ 118.0 to 118.17 issued under sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.

§ 118.0 Definitions.

As used in these rules the terms "Industry Member" and "Industry Products" shall have the following meaning:

(a) *Industry member:* Any person, firm, corporation or organization (including manufacturers, wholesalers, jobbers, importers, retailers, etc.) engaged in the manufacture, sale, offering for sale, or distribution of industry products as defined below.

(b) *Industry products:* All kinds and types of mirrors both utilitarian and decorative.

(c) For the purposes of these rules the following definitions shall apply:

Plate glass: A transparent glass which has been drawn, rolled, or cast then ground and polished on both sides to the desired thickness and to the degree that its surfaces are plane and parallel, and provide clear and undistorted vision and reflection.

Float glass: A transparent glass, the two surfaces of which are flat, parallel and fire polished so that they give clear and undistorted vision and reflection, manufactured by floating hot glass in ribbon form upon a heated liquid of greater density than that of glass.

Window glass: A transparent glass which has been drawn or rolled, has glossy, fire polished surfaces and a characteristic waviness of its surfaces which is visible when viewed at an acute angle or in reflected light. Window glass is sometimes referred to in the industry as sheet or shock glass.

§ 118.1 Deception (general).

It is an unfair trade practice for any industry member in connection with the sale, offering for sale, or distribution of industry products to use any advertisement[1] or representation which is false, or which by failure to disclose material facts has the capacity, tendency or effect of misleading purchasers or prospective purchasers with respect to the type, grade, quality, quantity, use, size, design, material, finish, strength, backing, silvering, thickness, composition, origin, preparation, manufacture, value, or distribution of any product of the industry, or in any other material respect. [Rule 1]

§ 118.2 Misrepresentation of quality of industry products.

It is an unfair trade practice for any member of the industry to sell, offer for sale, or distribute any industry product under any representation or circumstance having the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers in any respect with regard to the kind or type of glass contained in any industry product, or the kind or type of backing affixed thereto.

(a) *Misrepresentation as to quality of glass.* (1) (i) It is an unfair trade practice to sell, offer for sale, or distribute any industry product containing "float glass", or "window glass", unless such product is marked, labeled or stamped so as to clearly reveal the kind or type of glass contained in the product, as for example "window glass."

(ii) The disclosure required by this section must be made on the product and be of such conspicuousness and legibility as to readily come to the attention of the casual observer, and of such permanence, and so affixed, as to remain on the product until consummation of consumer sale thereof. Such disclosure is not required upon industry products 72 square inches or less in size.

(2) In the sale, offering for sale, or distribution of industry products it is an unfair trade practice to represent that a product contains "crystal" or "crystale" glass, when, contrary to the representation, such product contains a different kind or type of glass e.g., "plate glass," "float glass" or "window glass."

(3) In the sale, offering for sale, or distribution of industry products it is an unfair trade practice to represent window glass as "distortion free," or to represent any other kind of glass as "distortion free," when such is not the fact.

(4) In the sale, offering for sale, or distribution of industry products it is an unfair trade practice to describe the glass contained in an industry product as "shatter proof" unless the glass is so constituted or treated so as in fact to prevent, in the event of breakage, the shattering and dispersal of particles of the glass.

(b) *Misrepresentation as to backing.* (1) In the sale, offering for sale, or distribution of industry products it is an unfair trade practice to represent that an industry product is "copper backed", or is backed with "metallic copper" or has a "copper electroplated" back, or to similarly use any other word, term or legend of like import as descriptive of the backing of an industry product, unless the electroplating of the copper backing is accomplished by an electrolytic process.

NOTE: For the purposes of this part it is established that both the "galvanic," or "contact" method, of electroplating (i.e., the plating method using a self induced electric current), and the method using an external source of current, are truly electroplating processes. Both processes are equally well defined by the definition of Electroplating established by the American Society for Testing Materials, as follows:

"Electroplating: The electro-deposition of an adherent metallic coating upon an electrode for the purpose of securing a surface with properties or dimensions different from those of the basic metal."

No useful purpose can be served by attempting to establish a differentiation between the mirror backing produced by these two methods.

(2) Nothing in this section shall be construed as prohibiting the use of representations that any backing on products of the industry contains copper, which has been applied mechanically or by means other than the use of electric current when such is the fact, provided that a clear and conspicuous disclosure is made in conjunction with such representations as to the manner of application of the backing, as for example, "window glass mirror, painted back."

(3) The disclosure of the kind or type of glass and the kind and type of backing thereof required under this section may be in the form of a stamp, tag, mark or label on or attached to the product and shall be of such size type and so situated that it will come to the attention of the casual observer and be so affixed as to remain on the product until consummation of consumer sale.

(4) The following are examples of the marks, stamps or labels which will be regarded as meeting the requirements of this section: An industry product containing "plate glass," copper backed by an electrolytic process may be marked or described "plate glass-copper electroplated," or "float glass-copper backed"; an industry product containing window glass backed by an electrolytic process may be marked or described "window glass-copper plated back" or "sheet glass-copper plated back," or an article containing plate glass backed with a copper plating which has been applied mechanically or by means other than the use of electric current may be marked or described as "plate glass-painted back." [Rule 2]

§ 118.3 Disclosure of foreign origin.

(a) It is an unfair trade practice to misrepresent the country of manufacture of industry products or their components.

(b) It is also an unfair trade practice to offer for sale, sell, or distribute any industry product manufactured in a foreign country, or any industry product containing a substantial or material part manufactured in a foreign country, without clear and adequate disclosure of such fact, when the failure to make such disclosure has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers.

(c) Disclosure of foreign origin as and when required under paragraphs (a) and (b) of this section, may be in the form of a stamping or marking on the product itself, or on a label or tag securely attached to the product. Such disclosure shall clearly identify the foreign country in which the product, or part thereof, was manufactured and shall be of such conspicuousness as to be noticeable and readable on casual inspection and of such permanence as to remain on the product until consummation of consumer sale.

NOTE 1: Paragraph (b) of this section is not to be construed as requiring disclosure as to foreign manufacture or processing when, by reason of further manufacturing or processing operations in this country, or merger with another part or other parts, the imported product or part does not retain the appearance and essential characteristics which it possessed at the time of its importation.

NOTE 2: Nothing in this section shall be construed as relieving any member of the industry (or other party) of the necessity of complying with the requirements of the customs laws or regulations, or other applicable provisions of law or regulation, relating to marking of imported articles.

[Rule 3]

§ 118.4 Disclosure of fact that products are "rejects," "seconds," etc.

An industry product not equalling the manufacturer's standard for his first quality products shall not be represented as being of first quality and shall be marked or labeled as being a "second" or "reject," or by some other term which adequately makes known the fact that it is not first quality. Such disclosure shall be in the form of a legible stamping or marking on the product itself, or on a label or tag securely attached to the product, and be sufficiently conspicuous as to be likely noticed and read on casual inspection of the product, and be so placed on or affixed to the product as to remain thereon until consummation of consumer sale. Disclosure that such products are "seconds" or "rejects" shall also be made in advertisements, price lists, other sales promotional literature, and radio and television advertisements relating to such products. [Rule 4]

§ 118.5 Misrepresentating products as conforming to standard.

In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice to represent, through advertising or otherwise, that such products conform to any standards recognized in or applicable to the industry when such is not the fact. [Rule 5]

[1] The word "advertisement" as here used includes any written or verbal statement, notice, presentation, illustration, or depiction which directly or indirectly promotes the sale of any industry product, or creates an interest in the purchase of any such product, whether same appears in a newspaper, magazine, catalog, letter, sales promotional literature, radio or television broadcast, or in any other media.

§ 118.6 Deceptive pricing.

(a) It is an unfair trade practice for any member of the industry to represent directly or indirectly in advertising or otherwise that an industry product may be purchased for a specified price, or at a saving, or at a reduced price, when such is not the fact; or otherwise to deceive purchasers or prospective purchasers with respect to the price of any product offered for sale; or to furnish any means or instrumentality by which others engaged in the sale of industry products may make any such representation.

(b) Among the practices prohibited by this section are:

(1) Representing or implying that a stated price is the seller's usual and regular price of an industry product when in fact such stated price is in excess of the price at which such product is regularly and customarily sold by the seller in the usual and recent course of business.

NOTE: The words and phrases "regularly," "usually," "formerly," "was _____ now _____" "_____% off" and "you save $_____" when used in connection with prices constitute representations of the advertiser's former usual and customary prices in recent course of business.

(2) Representing or implying that a stated price constitutes a reduction from the trade area price unless the saving or reduction is from the usual and customary price of an industry product in the trade area, or areas where the representation is made.

NOTE: The words and phrases "manufacturer's suggested list $_____—our price $_____" "sold nationally at $_____" and "value $_____" constitute representations of an article's usual and customary retail price in the trade area where the representations are made.

(3) Pre-ticketing a product with any price figure, or otherwise representing, contrary to the fact, that there is a usual and customary price for the product in the trade area where it is offered for sale and that the usual and customary price is the pre-ticketed price, or pre-ticketing a product with any price if the pre-ticketed product is usually and customarily sold at a lower price or at a variety of prices significantly lower than the pre-ticketed price in the trade area or areas where it is offered for sale.

(4) Disseminating pre-ticketed price figures for use in connection with the offer for sale of products at retail by others (even though they themselves are not engaged in retail sales) when the price figures do not meet the standard set forth in this section.

(5) Placing in the hands of others a means or instrumentality by which they may mislead the public. For the purposes of this section pre-ticketing includes the use of price figures:

(i) Affixed to the product by tag, label or otherwise, or

(ii) In such a form as to be affixed to the product by others, or

(iii) In material, such as display placards, which are used, or designed to be used, with the product at point of sale to the consuming public.

EXAMPLE: A manufacturer pre-tickets his products with "Price $3.95." Although this price prevails in many trade areas, in other areas the product generally sells for $2.25. The pre-ticketed price would violate this section in any trade area where the $3.95 price was not the usual and customary retail price.

NOTE: Guides Against Deceptive Pricing adopted by the Commission October 2, 1958, are now in the process of revision. The new guides will supplement this section by affording additional guidance on the subject. When approved, the new guides will be published in the Federal Register and copies thereof will be furnished upon request.

[Rule 6]

§ 118.7 Deceptive use or imitation or simulation of trade or corporate names, trade-marks, etc.

It is an unfair trade practice for any member of the industry:

(a) To imitate or simulate the trademarks, trade names, brands, or labels of competitors, with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers; or

(b) To represent by use of any trade name, trade-marks, or other trade designation, that any industry member is a manufacturer, wholesaler or importer when such is not the fact; or

(c) To use any trade name, corporate name, trade-mark, or other trade designation, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the name, nature, or origin of any product of the industry, or of any material used therein, or which is false, deceptive, or misleading in any other material respect. [Rule 7]

§ 118.8 False invoicing.

Withholding from or inserting in invoices or sales slips any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices or sales slips, with the capacity and tendency or effect of thereby misleading or deceiving purchasers, prospective purchasers, or the consuming public in any material respect, is an unfair trade practice. [Rule 8]

§ 118.9 Guarantees, warranties, etc.

(a) Advertising of products shall not contain representations that a product is "guaranteed" without clear and conspicuous disclosure of:

(1) The nature and extent of the guarantee, and

(2) Any material conditions or limitations in the guarantee which are imposed by the guarantor, and

(3) The manner in which the guarantor will perform thereunder, and

(4) The identity of the guarantor.

(b) Guarantees shall not be used which under normal conditions are impractical of fulfillment or which are for such a period of time or are otherwise of such nature as to have the capacity and tendency of misleading purchasers or prospective purchasers into the belief that the product so guaranteed has a greater degree of serviceability, durability or performance capability in actual use than is true in fact. [Rule 9]

§ 118.10 Substitution of products.

It is an unfair trade practice for a member of the industry to make unauthorized substitutions of products, where such substitutions have the capacity and tendency or effect of misleading or deceiving purchasers, by:

(a) Shipping or delivering industry products which do not conform to samples submitted, to specifications (in bids or otherwise) upon which the sale is consummated, or to representations made prior to securing the order, without advising the purchaser of the substitution and obtaining his consent thereto prior to making shipment or delivery; or

(b) Falsely representing the reason for making substitutions. [Rule 10]

§ 118.11 Commercial bribery.

It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products imported, manufactured, or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 11]

§ 118.12 Procurement of competitors' confidential information by unfair means and wrongful use thereof.

It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained so as substantially to injure a competitor or unreasonably restrain trade. [Rule 12]

§ 118.13 Unfair threats of infringement suits.

The circulation of threats of suit for infringement of patents or trade-marks among customers or prospective customers of competitors, not made in good faith but for the purpose and with the effect of harassing or intimidating such customers or prospective customers, or of unduly hampering, injuring, or prejudicing competitors in their business, is an unfair trade practice. [Rule 13]

§ 118.14 Inducing breach of contract.

(a) Knowingly inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers, or between competitors and their suppliers, or interfering with or obstructing the performance of any such contractual duties or services, under any circumstance having the capacity and tendency or effect of substantially in-

juring or lessening competition, is an unfair trade practice.

(b) Nothing in this section is intended to imply that it is improper to solicit the business of a customer of a competing industry member; nor is the section to be construed as in anywise authorizing any agreement, understanding, or planned common course of action by two or more industry members not to solicit business from the customers of either of them, or from customers of any other industry member. [Rule 14]

§ 118.15 Prohibited forms of trade restraints (unlawful price fixing, etc.)[1]

It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 15]

§ 118.16 Prohibited discrimination.

(a) *Prohibited discriminatory prices, rebates, discounts, etc.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchasers involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however,*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this section shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE: Cost justification under the above proviso depends upon net savings in cost based on all facts relevant to the transactions under the terms of subparagraph (2) of this paragraph. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not necessarily follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor.

NOTE: Subsection (b) of section 2 of the Clayton Act, as amended, reads as follows: "Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor."

(b) The following are examples of price differential practices to be considered as subject to the prohibitions of paragraph (a) of this section when involving goods of like grade and quality which are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and which are not purchased by schools, colleges, universities, public libraries, churches, hospitals, or charitable institutions not operated for profit, as supplies for their own use, and when:

(1) The commerce requirements specified in paragraph (a) of this section are present; and

(2) The price differential has a reasonable probability of substantially lessening competition or tending to create a monopoly in any line of commerce, or of injuring, destroying, or preventing competition with the industry member or with the customer receiving the benefit of the price differential, or with customers of either of them; and

(3) The price differential is not justified by cost savings (see paragraph (a) (2) of this section); and

(4) The price differential is not made in response to changing conditions affecting the market for or the marketability of the goods concerned (see paragraph (a) (4) of this section; and

(5) The lower price was not made to meet in good faith an equally low price of a competitor (see paragraph (a) (5) of this section):

EXAMPLE No. 1. At the end of a given period an industry member grants a discount to a customer equivalent to a fixed percentage of the total of the customer's purchases during such period and fails to grant a discount of the same percentage to other customers on their purchases during such period.

EXAMPLE No. 2. An industry member sells goods to one or more of his customers at a higher price than he charges other customers for like merchandise. It is immaterial whether or not such discrimination is accomplished by misrepresentation as to the grade and quality of the products sold.

(c) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(d) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is made known to and is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

NOTE 1: Industry members giving advertising allowances to competing customers must exercise precaution and diligence in seeing that all of such allowances are used in accordance with the terms of their offers.

NOTE 2: When an industry member gives allowances to competing customers for advertising in a newspaper or periodical, the fact that a lower advertising rate for equivalent space is available to one or more, but not all, such customers, is not to be regarded by the industry member as warranting the retention by such customer or customers of any portion of the allowance for his or their personal use or benefit.

(e) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

NOTE: Subsection (b) of section 2 of the Clayton Act, as amended, which is set forth in the note concluding paragraph (a) of this section is applicable to paragraph (e) of this section.

(f) (1) The following is presented for the purpose of clarifying the requirements of paragraphs (d) and (e) of this section with respect to the supplying of marketing services, facilities or allowances by industry members to their customers but it is not intended to imply by such presentation that other methods which assure of proportional equality of treatment of competing customers may not also be used.

(2) An industry member may simultaneously offer to each of his customers competing in the resale of his products the same kind of promotional service, facility or allowance of a cost value equal to a uniform percentage of the sales (or purchases) of the industry member's products by each customer during a specified and identical period of time: *Provided, however,* That when the service, facility or allowance offered is of a type which under reasonable terms and conditions is not usable or suitable to the facilities and business of all customers, and is offered to any one customer, the member offer each of those customers to whom the service, facility or allowance is not usable or suitable an alternative type of promotional service, facility or allowance which is of equivalent measurable cost, is usable by the customer, and is suitable to his facilities and business, and promptly inform all competing customers of the kind and amount of services, facilities or allowances which he has offered to each and the respective terms and conditions under which such services, facilities or allowances are to be furnished by the industry member: *And provided, further,* That when the offer of any service, facility or allowance to any customer is conditioned on such customer supplying some reciprocal service, facility or payment, a reciprocal service, facility or payment be required in the offers to all other customers and there be an equality of ratio among all customers as to the measureable cost of that which is supplied by the industry member and the reciprocal service, facility or payment required by any customer. The industry member must take every reasonable precaution to see that services, facilities or allowances which he furnished to customers are used in accord with the terms of his offer; and upon failure of the customer to perform any obligation on his part the industry member must cease supplying the customer any further service, facility or allowance.

(g) *Inducing or receiving an illegal discrimination in price, advertising or promotional allowances, or services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price, advertising or promotional allowances, or services or facilities, prohibited by the the foregoing provisions of this section. [Rule 16]

§ 118.17 Aiding or abetting use of unfair trade practices.

It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice prohibited by this part. [Rule 17]

Authorized: June 26, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6367; Filed, June 29, 1962; 8:46 a.m.]

[1] The prohibitions of this section are subject to Public Law 542, approved July 14, 1952—66 Stat. 632 (the McGuire Act, commonly referred to as the Fair Trade Amendment) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

[File No. 21-359]

PART 154—LUGGAGE AND RELATED PRODUCTS INDUSTRY

Promulgation of Trade Practice Rules

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of June 30, 1962.

Statement by the Commission. Trade practice rules for the Luggage and Related Products Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure. Such rules constitute a revision of, and supersede, the trade practice rules for this industry as promulgated by the Commission September 17, 1941.

The industry for which these rules are established is composed of persons, firms, corporations and organizations engaged in the manufacture, sale or distribution of any kind or type of trunks, suitcases, traveling bags, sample cases, instrument cases, brief cases, ring binders, billfolds, wallets, key cases, coin purses, card cases, French purses, dressing cases, stud boxes, tie cases, jewel boxes, travel kits, gadget bags, camera bags, and similar articles, of any composition. Ladies' handbags are not included.

Proceedings for the establishment of these rules were instituted pursuant to an industry application. Proposed revised rules for the industry were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, or amendments as they desired to offer, and to be heard in the premises. Pursuant to such notice a public hearing was held and all matters there presented, or otherwise received in the proceeding, were considered by the Commission.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth.

The rules as approved become operative thirty (30) days after the date of promulgation.

The rules. These rules promulgated by the Commission are designated to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

The practices prohibited by the provisions of these rules are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission, and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

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AUTHORITY: §§ 154.0 to 154.27 issued under sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.

§ 154.0 Definitions.

Industry member. Any person, firm, corporation or organization engaged in the manufacture, sale or distribution of any industry products as defined below.

Industry products. Industry products consist of all kinds and types of trunks, suitcases, traveling bags, sample cases, instrument cases, brief cases, ring binders, billfolds, wallets, key cases, coin purses, card cases, French purses, dressing cases, stud boxes, tie cases, jewel boxes, travel kits, gadget bags, camera bags, and similar articles, of any composition. Ladies' handbags are not included.

§ 154.1 Deception (general).

It is an unfair trade practice to sell, offer for sale, or distribute industry products by any method, or under any circumstance or condition which has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public with respect to the kind, grade, quality, quantity, material content, thickness, finish, serviceability, durability, price, origin, size, weight, ease of cleaning, construction, manufacture, processing, or distribution of any product of the industry or part thereof, or in any other material respect. [Rule 1]

§ 154.2 Deception as to composition.

(a) In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice to misrepresent the composition of any industry product or part thereof, or to fail to disclose, in the manner hereinafter set forth (see paragraph (b) (9) of this section), material facts concerning the composition of an industry product when the failure to do so has the capacity and tendency or effect of deceiving purchasers or prospective purchasers.

(b) The foregoing provisions of this section are to be construed as, but not limited to:

(1) *Split leather.* Requiring disclosure[1] of the fact that an industry product, or part thereof, is made of split leather if the split leather is visible or if any representation is made as to the composition thereof. For example, a disclosure such as,

Split Cowhide

NOTE: For purposes of this part leather from portions of hides or skins which have been split into two or more thicknesses, other than the grain or hair side, shall be considered split leather.

(2) *Imitation or simulated leather.* Requiring that when an industry product or part thereof is made of non-leather material which has the appearance of leather, disclosure[1] be made either of the fact that the material is not leather, or of the general nature of the material as will clearly show that it is not leather, as, for example:

Not leather
Imitation leather
Simulated leather
Vinyl
Vinyl coated fabric
Plastic

(3) *Embossed or processed leather.* Requiring disclosure[1] of the kind and type of leather of which an industry product or part thereof is made when such leather has been embossed, dyed, or otherwise processed, so as to simulate the appearance of a different kind or type of leather, as, for example:

(i) An industry product made wholly of top grain cowhide which has been processed so as to imitate pigskin may be represented as being made of:

Top Grain Cowhide

(ii) Any additional representation as may be made concerning the simulated appearance of an industry product composed of leather shall be immediately accompanied by the required disclosure, of the kind and type of leather in the product, as, for example:

Top Grain Cowhide
Simulated Pigskin Grain

(4) *Backing material.* Requiring disclosure[1] that any material in an industry product is backed with another kind of material when the backing is not apparent to purchasers or prospective purchasers upon casual inspection of the product, or when representations are made which, in the absence of such disclosure, would be deceptive as to the composition of the product. For example, disclosures such as,

Top Grain Cowhide Backed With Split Cowhide

or

Split Cowhide Backed With Simulated Leather

or

Vinyl Backed With Other Material

If the different backing material used is visible and is split leather, non-leather material which has the appearance of leather, or leather processed so as to simulate a different kind of leather, disclosure as is required by subparagraphs (1), (2) or (3) of this paragraph, whichever is applicable, must also be made.

(5) *Fictitious animal designations.* Prohibiting any representation or implication that an industry product is made in whole or in part from the skin or hide of an animal which in fact is nonexistent.

(6) *Misuse of trade names, etc.* Prohibiting the use of any trade name, coined name, trade-mark, or other word or term, or any depiction or device, which has the capacity and tendency or effect of deceiving purchasers or prospective purchasers into believing that an industry product is made in whole or in part from the skin or hide of an animal or that material in an industry product is leather, top grain leather, split leather, plastic, fiber-glass, nylon or other material, when such is not the case. This prohibition shall include, among other practices, the use of a stamping, tag, label, card, or other device in the shape of a tanned hide or skin or in the shape of a silhouette of an animal in connection with any industry product having the appearance of leather but which is not made wholly or in substantial part from the skin or hide of an animal.

(7) *Misrepresentation that product is wholly of a particular composition.* Prohibiting any representation or implication that an industry product is made wholly of a particular composition when such is not the case.

A representation as to the composition of a particular part of a product must clearly indicate the part to which the representation is properly applicable.

(i) Where a product is made principally of top grain leather or of split leather with the exception of certain non-leather parts thereof which have the appearance of leather, the product may be described as made of top grain leather or split leather, as the case may be, except for such designated non-leather parts when accompanied by disclosure[1] either of the fact that the designated parts are not leather or of the general nature of such parts as will clearly show that they are not leather. For example: A brief case made of top grain cowhide except for frame covering, gussets and partitions which are made of plastic but have the appearance of leather may be described as—

Top Grain Cowhide
With Plastic Frame Covering, Gussets and Partitions

or

Top Grain Cowhide
With Gussets, Frame Covering and Partitions Made of Non-leather Material

A zipper binder made throughout, except for hardware, of vinyl backed with split cowhide may be described as—

Vinyl
Backed With
Split Cowhide

(See also disclosure requirements concerning use of backing material set forth in subparagraph (4) of this paragraph.) A billfold made of top grain cowhide except for partitions and stay which are made of plastic coated fabric but have the appearance of leather may be described as—

Top Grain Cowhide
With Partitions and Stay Made of Non-Leather Material

or

Top Grain Cowhide
With Partitions and Stay Made of Plastic Coated Fabric

(ii) Where a product is made principally of top grain leather and the only other parts thereof which have the appearance of leather are made of split leather, the product may be described as made of top grain leather except for the designated parts made of split leather when accompanied by disclosure[1] that such parts are made of split leather. For example: A brief case made of top grain cowhide except for frame covering, gussets and partitions which are made of split cowhide may be described as—

Top Grain Cowhide
With Split Cowhide Frame Covering, Gussets and Partitions

(8) *Ground, pulverized or shredded leather.* Prohibiting any representation directly or by implication that a material in an industry product is leather, if such material contains ground, pulverized or shredded leather and thus is not wholly the hide of an animal. This provision shall not be construed as preventing an accurate representation as to the ground, pulverized or shredded leather content of the material. However, if the material has the appearance of being leather it must be accompanied by disclosure[1] as is required by subparagraph (2) of this paragraph. For example: A brief case made of a composition material consisting of shredded leather fibers held together with a rubber adhesive and coated with vinyl may be described as—

Composition Material Containing Shredded Leather Fibers, Rubber Adhesive and Vinyl Coating.

(9) *Form of required disclosures under this Section.* All disclosures required by provisions of this section shall appear in the form of a stamping on the product, or on a tag, label, or card attached thereto, and be affixed with such degree of permanence as to remain on or attached to the product until it is received by the consumer purchaser. All disclosures so required on industry products shall also appear in all advertising of such products irrespective of the media used whenever statements, representations or depictions appear in such advertising which in the absence of such disclosures serve to create a false impression that the products, or parts thereof, are of a certain kind of composition. The disclosures affixed to products and made in advertising must be of such conspicuousness and clarity as to be noted by purchasers and prospective purchasers casually inspecting the products or casually reading, or listening to, such advertising. A disclosure required in connection with any representation must be in close conjunction therewith. [Rule 2]

§ 154.3 Deceptive practices as to aniline finish, graining, embossing and processing.

In the sale, offering for sale or distribution of industry products, it is an unfair trade practice to represent, directly or by implication:

(a) That any such product is colored, finished, or dyed with aniline dye when such is not true in fact; or

(b) That any such product or any part thereof is dyed, embossed, grained, processed, finished or stitched in a certain manner when such is not true in fact. [Rule 3]

§ 154.4 Deception as to hardware, frame or box.

In the sale, offering for sale or distribution of industry products, it is an unfair trade practice to represent, directly or by implication:

(a) That the hardware or any item thereof contained in an industry product is brass, solid brass, or some other designated material when such is not true in fact or when such hardware is only plated or coated with the material designated and the remaining metal therein is of a different kind; or

(b) That the box or frame of an industry product is made in whole or in part of a certain kind of material when such is not true in fact. [Rule 4]

§ 154.5 Misuse of the terms "waterproof," "dustproof," "warpproof," "scuffproof" and "scratchproof."

It is an unfair trade practice to:

(a) Use the term "Waterproof" as descriptive of an industry product or the material of which an industry product is made unless such product or material, whichever is so designated, is impermeable to water and moisture.

(b) Use the term "Dustproof" as descriptive of an industry product unless such product is so constructed that when it is closed dust cannot enter the product.

(c) Use the term "Warpproof" as descriptive of an industry product or part thereof unless the product or part so designated is such that it cannot warp.

(d) Use the term: "Scuffproof" or "Scratchproof" as descriptive of an industry product unless the outside surface of the product is immune to scratches or scuff marks. [Rule 5]

§ 154.6 False invoicing.

Withholding from or inserting in invoices or sales slips any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices or sales slips, with the capacity and tendency or effect of thereby misleading or deceiving purchasers, prospective purchasers, or the consuming public in any material respect, is an unfair trade practice. [Rule 6]

§ 154.7 Substitution of products.

It is an unfair trade practice for a member of the industry to make unauthorized substitutions of products, where such substitutions have the capacity and tendency or effect of misleading or deceiving purchasers, by:

(a) Shipping or delivering industry products which do not conform to samples submitted, to specifications (in bids or otherwise) upon which the sale is consummated, or to representations made prior to securing the order, without advising the purchaser of the substitution and obtaining his consent thereto prior to making shipment or delivery; or

(b) Falsely representing the reason for making substitutions. [Rule 7]

§ 154.8 Commercial bribery.

It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products sold or offered for sale by such industry member, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 8].

§ 154.9 Defamation of competitors or false disparagement of their products.

The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the quality, grade, origin, use, construction, design, manufacture, or distribution of the products of competitors, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. [Rule 9]

§ 154.10 Procurement of competitors' confidential information.

It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained so as substantially to injure a competitor or unreasonably restrain trade. [Rule 10]

§ 154.11 Unfair threats of infringement suits.

The circulation of threats of suit for infringement of patents or trade-marks among competitors, or customers or prospective customers of competitors, not made in good faith but for the purpose and with the effect of harassing or intimidating such competitors, or customers or prospective customers, or of hampering, injuring, or prejudicing competitors in their business, is an unfair trade practice. [Rule 11]

§ 154.12 Deceptive use and imitation of trade or corporate names, trade-marks, etc.

It is an unfair trade practice for any member of the industry to use any trade name, corporate name, trade-mark, or other trade designation, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the character, name, nature, manufacture or origin of any product of the industry, or of any

[1] See subparagraph (9) of this paragraph.

material used therein, or which is false or misleading in any material respect. (See also § 154.16.) [Rule 12]

§ 154.13 Guarantees, warranties, etc.

(a) It is an unfair trade practice to represent in advertising or otherwise that a product is "guaranteed" without clear and conspicuous disclosure in conjunction therewith of:

(1) the nature and extent of the guarantee, and

(2) any material conditions or limitation in the guarantee which are imposed by the guarantor, and

(3) the manner in which the guarantor will perform thereunder, and

(4) the identity of the guarantor.

Representations that a product is "guaranteed for life" or has a "lifetime guarantee" in addition to meeting the above requirements, shall contain a conjunctive and conspicuous disclosure of the meaning of "life" or "lifetime" as used (whether that of the purchaser, the product or otherwise).

(b) Guarantees shall not be used which under normal conditions are impractical of fulfillment or which are for such a period of time or are otherwise of such nature as to have the capacity and tendency of misleading purchasers or prospective purchasers into the belief that the product so guaranteed has a greater degree of serviceability, durability or performance capability in actual use than is true in fact.

(c) This section has application not only to "guarantees" but also to "warranties," to purported "guarantees" and "warranties," and to any promise or representation in the nature of a "guarantee" or "warranty." [Rule 13]

§ 154.14 Coercing purchase of one product as a prerequisite to the purchase of other products.

The practice of coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be substantially to lessen competition or tend to create a monopoly or unreasonably to restrain trade, is an unfair trade practice. [Rule 14]

§ 154.15 Inducing breach of contract.

(a) Knowingly inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or between competitors and their suppliers, or interfering with or obstructing the performance of any such contractual duties or services, under any circumstance having the capacity and tendency or effect of substantially injuring or lessening competition, is an unfair trade practice.

(b) Nothing in this section is intended to imply that it is improper to solicit the business of a customer of a competing industry member; nor is the section to be construed as in anywise authorizing any agreement, understanding, or planned common course of action by two or more industry members not to solicit business from, or to sell to, the customers of either of them, or customers of any other industry member. [Rule 15]

§ 154.16 Misrepresentation as to character of business.

It is an unfair trade practice for any industry member, in the course of or in connection with the sale of industry products, to represent, directly or indirectly, that he is a manufacturer of industry products, unless he owns and operates or directly controls a factory wherein such products are made, or to represent that he is a wholesaler of industry products when such is not a fact, or in any other manner to misrepresent the character, extent, or type of his business. [Rule 16]

§ 154.17 Deception in distribution of special lots.

In the case of lots or quantities of industry products advertised or offered for sale at so-called special or bargain sales or reduced price sales or otherwise, it is an unfair trade practice to use advertisements or representations thereof which represent, import or imply that such merchandise consists entirely or in substantial or greater part of products or articles of well-known manufacturers or of well-known or reputable brands or of products or articles of certain high quality, grade, or price, when no such products or articles are contained in said lot or quantity of merchandise or when only a relatively small quantity or number thereof is contained in such merchandise, or when such advertisements or representations otherwise have the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public. [Rule 17]

§ 154.18 Use of the word "free."

In connection with the sale, offering for sale, or distribution of industry products, it is an unfair trade practice to use the word "free," or any other word or words of similar import, in advertisements or in other offers to the public, as descriptive of an article of merchandise, or service, which is not an unconditional gift, under the following circumstances:

(a) When all the conditions, obligations, or other prerequisites to the receipt and retention of the "free" article of merchandise or service offered are not clearly and conspicuously set forth at the outset so as to leave no reasonable probability that the terms of the offer will be misunderstood; and, regardless of such disclosure:

(b) When, with respect to any article of merchandise required to be purchased in order to obtain the "free" article or service, the offerer (1) increases the ordinary and usual price of such article of merchandise, or (2) reduces its quality, or (3) reduces the quantity or size thereof.

NOTE: The disclosure required by paragraph (a) of this section shall appear in close conjunction with the word "free" (or other word or words of similiar import) wherever such word first appears in each advertisement or offer. A disclosure in the form of a footnote, to which reference is made by use of an asterisk or other symbol placed next to the word "free," will not be regarded as compliance.

[Rule 18]

§ 154.19 Deceptive pricing.

(a) It is an unfair trade practice for any member of the industry to represent directly or indirectly in advertising or otherwise that an industry product may be purchased for a specified price, or at a saving, or at a reduced price, when such is not the fact; or otherwise to deceive purchasers or prospective purchasers with respect to the price of any product offered for sale; or to furnish any means or instrumentality by which others engaged in the sale of industry products may make any such representation.

(b) Among the practices prohibited by this section are:

(1) Representing or implying that a stated price is the seller's usual and regular price of an industry product when in fact such stated price is in excess of the price at which such product is regularly and customarily sold by the seller in the usual and recent course of business.

NOTE: The words and phrases "regularly," "usually," "formerly," "was _____ now _____," "_____% off" and "you save $_____" when used in connection with prices constitute representations of the advertiser's former usual and customary prices in recent course of business.

(2) Representing or implying that a stated price constitutes a reduction from the trade area price unless the saving or reduction is from the usual and customary price of an industry product in the trade area, or areas where the representation is made.

NOTE: The words and phrases "manufacturer's suggested list $_____—our price $_____," "sold nationally at $_____" and "value $_____" constitute representations of an article's usual and customary retail price in the trade area where the representations are made.

(3) Preticketing a product with any price figure or otherwise representing, contrary to the fact, that there is a usual and customary price for the product in the trade area where it is offered for sale and that the usual and customary price is the pre-ticketed price, or preticketing a product with any price if the preticketed product is usually and customarily sold at a lower price or at a variety of prices significantly lower than the preticketed price in the trade area or areas where it is offered for sale.

(4) Disseminating preticketed price figures for use in connection with the offer for sale of products at retail by others (even though they themselves are not engaged in retail sales) when the price figures do not meet the standard set forth in this section.

(5) Placing in the hands of others a means or instrumentality by which they may mislead the public. For the purposes of this section preticketing includes the use of price figures:

(i) Affixed to the product by tag, label or otherwise, or

(ii) In such a form as to be affixed to the product by others, or

(iii) In material, such as display placards, which are used, or designed to be used, with the product at point of sale to the consuming public.

EXAMPLE: A manufacturer pretickets his products with "Price $12.95." Although this price prevails in many trade areas, in other areas the product generally sells for $10.95. The preticketed price would violate this section in any trade area where the $12.95 price was not the usual and customary retail price.

NOTE: Guides Against Deceptive Pricing adopted by the Commission October 2, 1958, are now in the process of revision. The new guides will supplement this section by affording additional guidance on the subject. When approved, the new guides will be published in the FEDERAL REGISTER and copies thereof will be furnished upon request.

[Rule 19]

§ 154.20 Use of gift enterprise or lottery schemes.

The offering or giving of prizes, premiums, or gifts in connection with the sale or distribution of industry products, or as an inducement thereto, by any method which involves a lottery or gift enterprise, and the sale or distribution of industry products by any method or plan which involves a lottery or gift enterprise, are unfair trade practices. [Rule 20]

§ 154.21 Prohibited forms of trade restraints (unlawful price fixing, etc.)[2]

It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 21]

§ 154.22 Unfair interference.

It is an unfair trade practice for any member of the industry, by means of any monopolistic practice, or through combination, conspiracy, coercion, boycott, threats, or any other unlawful means, directly or indirectly, to interfere with a competitor's right to purchase his materials and supplies from whomsoever he chooses, or to sell to whomsoever he chooses. [Rule 22]

§ 154.23 Prohibited discrimination.

(a) Prohibited discriminatory prices, rebates, discounts, etc. It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchasers involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE: Cost justification under subparagraph (2) of this paragraph depends upon net savings in cost based on all facts relevant to the transactions under the terms of such subparagraph. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor.

NOTE: Subsection (b) of section 2 of the Clayton Act, as amended, reads as follows: "Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor."

(b) Prohibited brokerage and commissions: It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) Prohibited advertising or promotional allowances, etc.: It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is made known to and is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

NOTE 1: Industry members giving advertising allowances to competing customers must exercise precaution and diligence in seeing that all of such allowances are used in accordance with the terms of their offers.

NOTE 2: When an industry member gives allowances to competing customers for advertising in a newspaper or periodical, the fact that a lower advertising rate for equivalent space is available to one or more, but not all, such customers, is not to be regarded by the industry member as warranting the retention by such customer or customers of any portion of the allowance for his or their personal use or benefit.

(d) Prohibited discriminatory services or facilities: It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the fur-

[2] The prohibitions of this section are subject to Public Law 542, approved July 14, 1952—66 Stat. 632 (the McGuire Act, commonly referred to as the Fair Trade Amendment) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

nishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

NOTE: Subsection (b) of section 2 of the Clayton Act as amended, which is set forth in the note concluding paragraph (a) of this section is applicable to this paragraph.

(e) (1) The following is presented for the purpose of clarifying the requirements of paragraphs (c) and (d) of this section with respect to the supplying of marketing services, facilities or allowances by industry members to their customers, but it is not intended to imply by such presentation that other methods which assure of proportional equality of treatment of competing customers may not also be used.

(2) An industry member may simultaneously offer to each of his customers competing in the resale of his products the same kind of promotional service, facility or allowance of a cost value equal to a uniform percentage of the sales (or purchases) of the industry member's products by each customer during a specified and identical period of time: *Provided, however,* That when the service, facility or allowance offered is of a type which under reasonable terms and conditions is not usable or suitable to the facilities and business of all customers, and is offered to any one customer, the member offer each of those customers to whom the service, facility or allowance is not usable or suitable an alternate type of promotional service, facility or allowance which is of equivalent measurable cost, is usable by the customer, and is suitable to his facilities and business, and promptly inform all competing customers of the kind and amount of services, facilities or allowances which he has offered to each and the respective terms and conditions under which such services, facilities or allowances are to be furnished by the industry member; and provided, further, that when the offer of any service, facility or allowance to any customer is conditioned on such customer supplying some reciprocal service, facility or payment, a reciprocal service, facility or payment be required in the offers to all other customers and there be an equality of ratio among all customers as to the measurable cost of that which is supplied by the industry member and the reciprocal service, facility or payment required of any customer. The industry member must take every reasonable precaution to see that services, facilities or allowances which he furnishes to customers are used in accord with the terms of his offer; and upon failure of the customer to perform any obligation on his part the industry member must cease supplying the customer any further service, facility or allowance.

(f) Inducing or receiving an illegal discrimination in price, advertising or promotional allowances, or services or facilities: It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price, advertising or promotional allowances, or services or facilities, prohibited by the foregoing provisions of this section. [Rule 23]

§ 154.24 Discriminatory returns.

It is an unfair trade practice for any member of the industry to discriminate in favor of one customer-purchaser against another customer-purchaser of industry products, bought from such member of the industry for resale, by contracting to furnish, or furnishing in connection therewith, upon terms not accorded to all customer-purchasers on proportionally equal terms, the service or facility whereby such favored customer is accorded the privilege of returning industry products so purchased and receiving therefor credit or refund of purchase price: *Provided, however,* That nothing in this part shall prohibit or be used to prevent the return of merchandise by purchaser for credit or refund of purchase price: *Provided, however,* That merchandise has not been properly labeled by the seller in accordance with this part or has been otherwise falsely or deceptively labeled or represented, or when and because such merchandise is defective in material, workmanship, or in any other respect is contrary to warranty or purchase contract: *And provided, further,* That nothing herein shall prohibit a purchaser from exchanging the current season's merchandise for different sizes of the same style number in order to balance purchaser's stock. (Nothing in this section is intended to modify or affect any of the requirements of § 154.23 entitled "Prohibited Discrimination.") [Rule 24]

§ 154.25 Consignment distribution.

(a) It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment without the express request or prior consent of the purchasers.

(b) Nothing in this section shall be construed to authorize any understanding or agreement, combination or conspiracy, or planned common course of action, by and between industry members, mutually to conform or restrict their practice of shipping goods on consignment. [Rule 25]

§ 154.26 Exclusive dealing.

It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to lease or make a sale or contract for sale of any industry product, for use, consumption, or resale within any place under the jurisdiction of the United States, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use or deal in the goods of a competitor or competitors of the lessor or seller, where the effect of such lease, sale, or contract for sale, or such condition, agreement, or understanding, may be to substantially lessen competition or tend to create a monopoly in any line of commerce. [Rule 26]

§ 154.27 Aiding or abetting use of unfair trade practices.

It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another directly or indirectly, to use or promote the use of any unfair trade practice prohibited by this part. [Rule 27]

Authorized: June 19, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6366; Filed, June 29, 1962; 8:46 a.m.]

PART 192—OPTICAL PRODUCTS INDUSTRY

Promulgation of Trade Practice Rules

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of June 30, 1962.

Statement by the Commission. Trade practice rules for the Optical Products Industry, hereinafter set forth, are promulgated by the Federal Trade Commission under its trade practice conference procedure. They constitute a revision and extension of the trade practice rules promulgated for the Wholesale Optical Industry on June 30, 1950 and supersede and replace such rules.

The industry members and products, to which the rules now promulgated have application, are defined in § 192.0 (a) and (b) which immediately precede such rules.

Proceedings for the establishment of rules for the Optical Products Industry were instituted pursuant to an application from an industry trade association. An industry trade practice conference was held in Chicago, Illinois, on January 19, 1962, under auspices of the Commission. Subsequently proposed rules were released by the Commission and a public hearing was held thereon, pursuant to public notice, in the Federal Trade Commission Building, Washington, D.C., on May 14, 1962, at which industry members and other interested and affected parties were afforded opportunity to express their views, objections, and suggestions concerning the coverage and form and content of such proposed rules. Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved rules for the industry in the form hereinafter set forth and directed that same be promulgated.

The rules are interpretive of requirements of laws administered by the Commission. They define and proscribe various practices deemed to be violative of such laws, and are thus designed to be of assistance to the industry members in keeping their trade practices and business behavior in full consonance with legal requirements.

Such rules become operative thirty (30) days from the date of their promulgation.

The rules. The rules which follow are based on statutes administered by the Commission. Their application is subject to jurisdictional requirements specified in such statutes.[1] When such jurisdictional requirements are present, appropriate proceedings will be taken by the Commission in the public interest to prevent any member of the industry from engaging in any practice proscribed by such rules. When a formal complaint proceeding is instituted, the complaint charge will be that of violation of the statutory provision on which the rule is based.

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192.20 Prohibited forms of trade restraints (unlawful price fixing, etc.)
192.21 Exclusive dealing.

AUTHORITY: §§ 192.0 to 192.21 issued under sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.

§ 192.0 The industry and its products defined.

(a) Members of the industry are persons, firms, corporations, or organizations engaged in the manufacture, processing, assembly, sale, offering for sale, or distribution of any kind of industry products as the term "industry products" is defined in paragraph (b) of this section.

(b) The term "industry products," as used in paragraph (a) of this section and in the following sections, includes eyeglasses and contact lenses which are designed to provide correction and improvement of eyesight, and parts (lenses, frames, etc.) or accessories therefor. As here used, the term "eyeglasses" includes spectacles and eyeglass clip-ons having nonprescription magnifying lenses, as well as eyeglasses with prescription lenses. Sunglasses, goggles and safety spectacles which are designed solely for the protection of eyes or eyesight, as distinguished from correction or improvement of eyesight, are not included; nor are precision lenses for telescopes, binoculars, etc., to be considered as included.

NOTE: It is to be understood that the word "sale," as used in paragraph (a) of this section and in the sections which follow, is to be construed as including the dispensing of prescription eyeglasses or contact lenses by ophthalmologists, oculists, physicians, or optometrists, to their patients, as well as the dispensing of such products by opticians to their customers.

§ 192.1 Deception (general).

(a) It is an unfair trade practice for any industry member to sell or offer for sale any industry product under any representation, circumstance, or condition, having the capacity and tendency or effect of deceiving a purchaser or prospective purchaser in any material respect.

(b) Among the practices which are to be regarded as prohibited by paragraph (a) of this section are advertisements and sales presentations in newspapers, magazines, catalogues, telephone directories, radio or television broadcasts, or otherwise, which deceive purchasers or prospective purchasers with respect to:

(1) The composition, construction, design, type, quality, durability, or efficacy of any industry product or part thereof;

(2) The identity of the manufacturer, processor, or distributor of any industry product or part thereof;

(3) The conformance of contact lenses, and lenses and frames of eyeglasses, to the requirements of the purchaser as prescribed by an ophthalmologist, oculist, physician, or optometrist;

(4) The extent of vision improvement that may reasonably be expected from use of the advertised eyeglasses or contact lenses;

(5) The probable length of time that the lenses of an advertised product will be satisfactory for use by the wearer without need for polishing, processing, or replacement; or

(6) The immunity or degree of resistance possessed by an industry product, or part thereof, with respect to breakage, discoloration, tarnish, or corrosion. [Rule 1]

§ 192.2 False advertising of nonprescription magnifying spectacles.

It is an unfair trade practice for any industry member to publish, or cause to be published, any advertisement or sales presentation relating to nonprescription magnifying spectacles (sometimes referred to as ready-made spectacles) which represents, directly or by implication, that the spectacles so offered will correct, or are capable of correcting, defects in vision of persons, unless it is clearly and conspicuously disclosed in the advertisement or sales presentation that the correction of defects in vision by such products is limited to persons approximately 40 years of age and older who do not have astigmatism or diseases of the eye and who require only simple magnifying or reducing lenses; or to publish or cause to be published any advertisement or sales presentation which has the capacity and tendency or effect of deceiving purchasers or prospective purchasers in any other material respect. [Rule 2]

§ 192.3 False advertising of contact lenses.

It is an unfair trade practice, in the offering for sale, sale, or distribution of contact lenses, for an industry member to publish or cause to be published any advertisement which represents directly or by implication that contact lenses:

(a) Are suitable and safe for all persons, regardless of their age, health, or eye condition;

(b) Can be worn satisfactorily and without discomfort by all, or nearly all, persons;

(c) Can be fitted without any discomfort;

(d) Can be worn for any short or long period without discomfort unless the advertisement clearly reveals that prac-

[1] This part is based on sections 5, 12, and 15 of the Federal Trade Commission Act, as amended, and sections 2 and 3 of the Clayton Act, as amended.

For application of the prohibitions of section 5 of the Federal Trade Commission Act, as amended, it is requisite that the practice be "in commerce." The term "commerce" is defined in said Act as follows:

"'Commerce' means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation."

Industry products are "devices" as the term is defined in section 15 of the Act. Under section 12 of the Act, the Commission has authority to take corrective action respecting any false advertisement of such products which is disseminated "by the United States mails, or in commerce by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly" a purchase of the advertised product; and under section 13 of the Act, it also has authority to bring court suits t enjoin dissemination of false advertisements of such products pending the issuance by it (the Commission) of a formal complaint.

Though having authority to take corrective action respecting the mislabeling, as well as false advertising, of the industry products, it is the Commission's general policy to not exercise its authority respecting the mislabeling of the products, and to thus avoid duplication, and possible conflict, of effort with the Food and Drug Administration of the Department of Health, Education and Welfare, such Administration having responsibilities under specific statutes relating to the mislabeling of the products. This general policy is not to be considered as applicable to price preticketing violative of § 192.6 of this part, nor to deception as to origin or place of manufacture violative of § 192.9 of this part; and there may be additional situations in which the Commission will exercise its jurisdiction over mislabeling of the products.

For application of the prohibitions of sections 2 and 3 of the Clayton Act, as amended, it is requisite that the party be "engaged in commerce" and that the practice be "in the course of such commerce."

tically all persons will experience some discomfort when first wearing them and that in a significant number of cases the discomfort period may be prolonged;

(e) Can be worn all day without discomfort by any person except after that person has become fully adjusted thereto and unless such is the fact;

(f) Will completely replace eyeglasses in all, or nearly all, cases, or will provide better correction of vision than eyeglasses in all, or nearly all, cases;

(g) Which are bifocal are as satisfactory to the wearer as prescription eyeglasses having bifocal lenses;

(h) Will correct all defects in vision;

(i) Will stay in place under all conditions; or under any specified conditions when such is not the fact;

(j) Are unbreakable in all circumstances; or are unbreakable in any indicated circumstances when such is not the fact;

(k) Can be adequately tried without financial obligation, unless such is the fact;

(l) Will protect the eyes, unless such representation is limited in application to the portion of the eyes covered by such lenses and does not denote or connote a greater degree of protection to such portion, than is in fact the case;

(m) Do not rest upon, or have contact with, the eyes;

(n) Are more comfortable than all other types or kinds of contact lenses; (When represented as more comfortable than all other types or kinds, they must be of unique design or construction or have unique features, which assure of comfort during wear superior to that of any other contact lenses currently available for purchase;)

(o) Or which is misleading in any other material respect. [Rule 3]

§ 192.4 Bait advertising.

It is an unfair trade practice for an industry member to offer for sale any industry product when the offer is not a bona fide effort to sell the product so offered as advertised and at the advertised price.

NOTE: In determining whether there has been a violation of this section, consideration will be given to acts or practices indicating that the offer was not made in good faith for the purpose of selling the advertised product, but was made for the purpose of contacting prospective purchasers and selling them a product or products other than the product offered. Among acts or practices which will be considered in making that determination are the following:

(a) The creation, through the initial offer or advertisement, of a false impression of the grade, quality, make, value, currency of model, size, usability, or origin of the product offered;

(b) The refusal to show, demonstrate, or sell the product offered in accordance with the terms of the offer;

(c) The disparagement, by acts or words, of the product offered, or the disparagement of the guarantee, credit terms, availability of service, repairs or parts, or in any other respect, in connection with it;

(d) The showing, demonstrating, and in the event of sale, the delivery, of a product which is unusable or impractical for the purpose represented or implied in the offer;

(e) The refusal, in the event of sale of the product offered, to deliver such product to the buyer within a reasonable time thereafter;

(f) The failure to have available a quantity of the advertised product at the advertised price sufficient to meet reasonably anticipated demands.

It is not necessary that each act or practice set forth above be present in order to establish that a particular offer is violative of this section.

[Rule 4]

§ 192.5 Guarantees, warranties, etc.

(a) It is an unfair trade practice to represent in advertising or otherwise that a product is "guaranteed" without clear and conspicuous disclosure of:

(1) The nature and extent of the guarantee, and

(2) Any material conditions or limitations in the guarantee which are imposed by the guarantor, and

(3) The manner in which the guarantor will perform thereunder, and

(4) The identity of the guarantor.

(b) Guarantees shall not be used which under normal conditions are impractical of fulfillment or which are for such a period of time or are otherwise of such nature as to have the capacity and tendency of misleading purchasers or prospective purchasers into the belief that the product so guaranteed has a greater degree of serviceability, durability or performance capability in actual use than is true in fact.

(c) This section has application not only to "guarantees" but also to "warranties," to purported "guarantees" and "warranties," and to any promise or representation in the nature of a "guarantee" or "warranty." [Rule 5]

§ 192.6 Deceptive pricing.

(a) It is an unfair trade practice for any member of the industry to represent directly or indirectly in advertising or otherwise that an industry product may be purchased for a specified price, or at a saving, or at a reduced price, when such is not the fact; or otherwise to deceive purchasers or prospective purchasers with respect to the price of any product offered for sale; or to furnish any means or instrumentality by which others engaged in the sale of industry products may make any such representation.

(b) Among the types of practices to be regarded as prohibited by paragraph (a) of this section are the following:

(1) Statements in advertising which represent or imply that a specified price for prescription eyeglasses or contact lenses includes the cost to the buyer of necessary eye examination and test by an ophthalmologist or optometrist for the purpose of determining his visual defects and prescribing suitable lenses for the relief or correction thereof, when such is not the case;

(2) Statements in advertising which represent or imply that complete eyeglasses are purchasable for a specified price when an additional price is charged for a component part of the complete eyeglasses (such as the frames thereof);

(3) Statements in advertising which represent or imply that a specified price is applicable to all types and kinds of eyeglasses or contact lenses when a higher price is charged for certain kinds or types (e.g., when the stated price has applicability to eyeglasses with single vision lenses and a higher price is charged for eyeglasses with bifocal lenses);

(4) Statements in advertising which represent or imply that contact lenses may be purchased at a specified price when an additional and undisclosed charge is made for processing and fitting services that are necessary and made evident after first use by the buyer and during the period required for his adjustment to the use of such lenses;

(5) Statements in advertising which represent or imply that products may be purchased on credit for the same price that is applicable to cash sales; that no down payment is required in the case of credit sales; that no finance charge or interest is required when products are sold on credit or an installment payment plan; or that a finance or interest charge in the case of sales on credit will not exceed a specified amount or rate; when any such statement is false or misleading;

(6) Statements in advertising which represent or imply that the price at which an industry product may be purchased from the seller by a consumer purchaser is the "factory" or "manufacturer's" price when such price is higher than the usual and customary price paid by wholesalers or others purchasing directly from the factory in the trade area or areas where the representation is made.

(7) Representing or implying that a stated price is the seller's usual and regular price of an industry product when in fact such stated price is in excess of the price at which such product is regularly and customarily sold by the seller in the usual and recent course of business.

NOTE: The words and phrases "regularly," "usually," "formerly," "was _____ now _____," "_____% off" and "you save $_____" when used in connection with prices constitute representations of the advertiser's former usual and customary prices in recent course of business.

(8) Representing or implying that a stated price constitutes a reduction from the trade area price unless the saving or reduction is from the usual and customary price of an industry product in the trade area, or areas where the representation is made.

NOTE: The words and phrases "manufacturer's suggested list $_____—our price $_____," "sold nationally at $_____" and "value $_____" constitute representations of an article's usual and customary retail price in the trade area where the representations are made.

(9) Pre-ticketing a product with any price figure or otherwise representing, contrary to the fact, that there is a usual and customary price for the product in the trade area where it is offered for sale and that the usual and customary price is the preticketed price, or preticketing a product with any price if the preticketed product is usually and customarily sold at a lower price or at a variety of prices significantly lower than

the preticketed price in the trade area or areas where it is offered for sale.

(10) Disseminating preticketed price figures for use in connection with the offer for sale of products at retail by others (even though they themselves are not engaged in retail sales) when the price figures do not meet the standard set forth in this section.

(11) Placing in the hands of others a means or instrumentality by which they may mislead the public. For the purposes of this section preticketing includes the use of price figures:

(i) Affixed to the product by tag, label or otherwise, or

(ii) In such a form as to be affixed to the product by others, or

(iii) In material, such as display placards, which are used, or designed to be used, with the product at point of sale to the consuming public.

EXAMPLE: A manufacturer pretickets his products with "Price $12.95." Although this price prevails in many trade areas, in other areas the product generally sells for $10.95. The preticketed price would violate this section in any trade area where the $12.95 price was not the usual and customary retail price.

NOTE: Guides Against Deceptive Pricing adopted by the Commission October 2, 1958, are now in the process of revision. The new guides will supplement this section by affording additional guidance on the subject. When approved, the new guides will be published in the FEDERAL REGISTER and copies thereof will be furnished upon request.

[Rule 6]

§ 192.7 Prohibited payments by dispensers to doctors: prohibited tying of refractions with dispensing, etc.

(a) As used in this section, the word "doctor" makes reference to any ophthalmologist, oculist, physician, or optometrist, who makes ophthalmic refractions for a patient and prescribes eyeglasses or contact lenses for the correction or improvement of the vision of such patient, and the word "dispenser" makes reference to any party who supplies eyeglasses or contact lenses, so prescribed, to any such patient. The terms are to be understood as embracing any agent, representative, or employee of the doctor or dispenser, and any employer, principal, or associate, corporate or otherwise, for which either acts or purports to act.

(b) It is an unfair trade practice for any dispenser to make or give directly or indirectly, to any doctor (whether such dispenser acts or purports to act as an agent of the doctor or otherwise), any payment arising out of or connected with his (the dispenser's) sale or dispensing of eyeglasses or contact lenses to a patient of such doctor, whether such payment be in the form of, or is described or regarded as, a rebate, credit, credit balance, gift, dividend, participation in or share in profits, or otherwise; or for a dispenser to enter into or participate in any agreement, understanding, scheme, plan, or concert of action, with any doctor, or with any other party or parties, which provides for, or facilitates, any such payments.

NOTE 1: It is to be understood that paragraph (b) of this section does not have application to the dispensing of eyeglasses or contact lenses by a doctor (either himself or through a bona fide employee) in his own professional offices. Such dispensing is, however, to be considered as among the practices which are subject to the prohibitions of paragraph (c) of this section.

NOTE 2: In 1951, in actions instituted by the Department of Justice, decrees were entered in the United States District Court for the Northern District of Illinois, Eastern Division, which have application to oculists an ophthalmologists as a class, as well as other defendants, including ophthalmic dispensers. These decrees perpetually enjoin such doctors:

"(a) From accepting, directly or indirectly, or designating any person to thus accept, from any dispenser (whether such dispenser acts or purports to act as an agent of the doctor, or otherwise), any payment arising out of or connected with dispensing to any patient of such defendant doctor, whether such payment is in the form of, or is described or regarded as, a rebate, credit, credit balance, gift, dividend, participation in or share in profits, or otherwise;

(b) Entering into or participating in any plan, arrangement, or scheme whereby said defendant doctor receives from any dispenser (whether such dispenser acts or purports to act as agent of the doctor, or otherwise) directly or indirectly in any form (including any of the forms and methods referred to above) any payment arising out of or connected with dispensing to any patient of such defendant doctor."

with explanation that the term "dispenser," as so used, does not have application "to a refractionist who engages in dispensing in his own professional offices (either himself or through a bona fide employee) to his own patients only." These decrees remain in force and effect, and nothing in this section, or any of the other sections, is to be construed as relieving any industry member or other party subject to such decrees from complying with the requirements and provisions thereof. In the interest of clarifying certain of the requirements of these decrees the Department has issued opinions in the form of three letters bearing dates of May 28, 1951, September 10, 1951, and September 24, 1951, which are set forth in an appendix to this part.

(c) It is an unfair trade practice to tie in or condition eye refraction service for a patient with the dispensing of the prescribed eyeglasses or contact lenses to the patient, when such practice effects, or has a reasonable probability of effecting, substantial injury to competition, or creates or tends to create a monopoly, at any competitive level in the trade area or areas where the practice is employed.

NOTE: To be considered as subject to the prohibitions of paragraph (c) of this section, when effecting, or having a reasonable probability of effecting, substantial injury to competition at any competitive level in the trade area or areas where the practice is employed, are tyings of dispensing with refractions which are accomplished by:

(1) Refusal of the doctor to perform refractions, or to supply prescriptions based thereon, when and because the patient desires to have the dispensing of the product done by another party lawfully qualified to dispense same.

(2) The doctor requiring a higher fee for his refraction service when he does not dispense the products he prescribes than when he does dispense such products.

(3) The doctor falsely disparaging the competency or workmanship of others competing with him in the dispensing of the products.

See also § 192.15 of this part, entitled "False Disparagement of Competitors or Their Products," § 192.16 of this part, entitled "Coercing Purchase of One Product as a Prerequisite to the Purchase of Another or Other Products," § 192.20 of this part, entitled "Prohibited Forms of Trade Restraints (Unlawful Price Fixing, Etc.)" and § 192.21 of this part, entitled "Exclusive Dealing," which are applicable to all industry members. [Rule 7]

§ 192.8 Prohibited discrimination.

(a) Prohibited discriminatory prices, rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination: It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE 1: *Cost justification to be based on net savings in cost of manufacture, sale or delivery.* Cost justification under the above proviso depends upon net savings in cost based on all facts relevant to the transactions under the terms of subparagraph (2) of this paragraph. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

NOTE 2: *Credit or refund for returned goods.* In determining whether a price differential based on cost savings under the above proviso is warranted there shall be taken into account any portion of the goods involved which are returned by the customer-purchaser to the seller for credit or refund. See also Note under paragraph (e) of this section.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise

in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor.

NOTE 1: In complaint proceedings, justification of price differentials under subparagraphs (2), (4) and (5) of this paragraph is a matter of affirmative defense to be established by the person or concern charged with price discrimination.

NOTE 2: Subsection (b) of section 2 of the Clayton Act, as amended, reads as follows: "Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor."

(b) The following are examples of some of the price differential practices which are to be considered as subject to the prohibitions of paragraph (a) of this section when:

(1) The commerce requirements specified in paragraph (a) of this section are present; and

(2) The goods involved are of like grade and quality and are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use; and

(3) The price differential has a reasonable probability of substantially lessening competition or tending to create a monopoly in any line of commerce, or of injuring, destroying, or preventing competition with the industry member or with the customer knowingly receiving the benefit of the price differential, or with customers of either of them; and

(4) The price differential is not justified by cost savings (see paragraph (a) (2) of this section); and

(5) The price differential is not made in response to changing conditions affecting the market for or the marketability of the goods concerned (see paragraph (a) (4) of this section); and

(6) The lower price was not made to meet in good faith an equally low price of a competitor (see paragraph (a) (5) of this section).

EXAMPLE 1: Payment terms of 2/10th prox. are granted by an industry member to some customers on goods purchased by them from the industry member. Another customer or customers are, nevertheless, allowed to take a 5% instead of a 2% discount when making payment to the industry member within the time prescribed.

EXAMPLE 2: An industry member sells goods to one or more of his customers at a lower price than he charges other customers therefor, basing his justification for the price difference solely on the fact that the goods sold at the lower price bear the private brand name of customers.

EXAMPLE 3: An industry member sells goods to one or more of his customers at a higher price than he charges other customers for like merchandise. It is immaterial whether the goods sold at the lower price are classified by the industry member as "seconds," "secondary line," "rejects," or are otherwise represented by the industry member as inferior, if in fact of like grade and quality as the goods sold at the higher price.

EXAMPLE 4: An industry member sells, to a customer, which operates as both a wholesaler and a retailer, industry products which the customer resells in its capacity as a retailer, and the industry member charges such customer a lower price therefor than such industry member charges other retailers for like products.

(c) Prohibited brokerage and commission: It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(d) Prohibited advertising or promotional allowances, etc.: It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any service or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is made known to and is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

NOTE 1: Industry members giving allowances for advertising or sales promotion must, in addition to according same to all competing customers on proportionally equal terms, exercise precaution and diligence in seeing that all such allowances are used by the customers for such purpose. Customers receiving such allowances must not use same for any other purpose.

When an allowance is made ostensibly for advertising or sales promotion of products and is not in fact used for that purpose the practice may constitute a price discrimination. In such case, the party giving the allowance may violate paragraph (a) of this section and the party receiving same may violate paragraph (f) of this section.

NOTE 2: When an industry member gives allowances to competing customers for advertising in a newspaper or periodical, the fact that a lower advertising rate for equivalent space is available to one or more, but not all, such customers, is not to be regarded by the industry member as warranting the retention by such customer or customers of any portion of the allowance for his or their personal use or benefit.

(e) Prohibited discriminatory services or facilities: It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not made known to and accorded to all competing purchasers on proportionally equal terms.

NOTE No. 1: Subsection (b) of section 2 of the Clayton Act, as amended, which is set forth in the note concluding paragraph (a) of this section is applicable to paragraph (e) of this section.

NOTE No. 2: Among the practices prohibited by paragraph (e) of this section is that of an industry member according to one or more customers the privilege of returning for credit or refund any or all of the goods purchased by them and failing to accord the same privilege to another or other competing customers on proportionally equal terms. In this connection see also Note No. 2 under cost justification proviso (paragraph (a) (2) of this section).

(f) Inducing or receiving an illegal discrimination in price, advertising or promotional allowances, or services or facilities: It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price, advertising or promotional allowances, or services or facilities, prohibited by the foregoing provisions of this section. [Rule 8]

§ 192.9 Deception as to origin or place of manufacture.

(a) In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice:

(1) To misrepresent the origin or place of manufacture of an industry product or any part thereof; or

(2) Subject to the exemptions hereinafter specified, to fail to adequately disclose that an industry product, or any substantial part thereof, is of foreign origin, or has been manufactured, processed, or assembled in a foreign country, when the failure to make such disclosure has the capacity and tendency or effect of deceiving purchasers or prospective purchasers.

(b) The disclosure required by paragraph (a) (2) of this section shall be in the form of a legible marking or stamping on the industry product, or on a label or tag which is affixed thereto with such degree of permanency as to remain on or attached to the product, in legible form, until consummation of the consumer sale thereof, and shall be of such conspicuousness as to be likely observed by purchasers and prospective purchasers making casual inspection of the product. The disclosure shall name the foreign country of origin or manufacture, and when not applicable to the entire product, shall specify the part or parts to which it has applicability. If such disclosure on the product is concealed or obscured by reason of packaging or manner in which it is mounted in a container or on a display card, and is displayed and offered for consumer sale in such form, then the disclosure shall also appear on such packaging, container, or display card with such conspicuousness as to be likely observed by consumer purchasers and prospective consumer purchasers before consummation of their purchase of the product.

EXEMPTIONS: To be regarded as exempt from the disclosure requirements of paragraph (a) (2) of this section are:

Sheet, wire, tubing, and similar basic material, whether of plastic, metal, or other substance, when imported in that form; and

Rivets, springs, screws, bolts, brads, washers and similar small parts of eyeglass frames, when imported in an unassembled state and thereafter used in the manufacture of eyeglass frames;

Small and basically decorative and nonfunctional imported parts; and

Imported parts, which because of substantial domestic processing or merger with other parts after importation, no longer retain the appearance and essential characteristics possessed by them at the time of their importation.

NOTE: In this connection it is to be understood that the installation of lenses into frames in this country, though involving cutting, edging, and beveling of the lenses, and boring of holes in the frames or edges of the lenses, does not exempt from the requirements of paragraph (a) (2) of this section when either the lenses or frames so assembled, or both such parts, have been imported from a foreign country.

NOTE: Nothing in this section is to be construed as relieving any industry member from compliance with the requirements of custom laws of the U.S. having application to industry products and parts imported from a foreign country.

[Rule 9]

§ 192.10 Misrepresenting products as conforming to a standard.

In the sale, offering for sale or distribution of industry products, it is an unfair trade practice to represent, directly or indirectly, that any such product, or any part thereof, has been designed or constructed so as to conform to a standard when:

(a) No disclosure is made of the identity of the standard (whether private, official, or otherwise); or

(b) The standard to which reference is made has been rescinded, amended, or superseded, and no disclosure is made of such fact; or

(c) The product or part does not fully conform to the requirements of the standard. [Rule 10]

§ 192.11 Misrepresentation as to character of business.

It is an unfair trade practice for any industry member, in connection with his sale, offering for sale, or distribution of industry products, to misrepresent the character, extent, or type of his business. [Rule 11]

§ 192.12 False invoicing.

(a) It is an unfair trade practice to withhold from or insert in invoices any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices, with the capacity and tendency or effect of thereby misleading or deceiving purchasers, prospective purchasers, or the buying public in any material respect.

(b) In order to prevent misunderstanding, confusion, or deception, the invoice or billing should disclose that the products of the industry covered thereby are seconds, defective, or other than first-quality merchandise, when such is the fact. [Rule 12]

§ 192.13 Consignment distribution.

(a) It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment without the express request or prior consent of the purchasers.

(b) Nothing in this section shall be construed as authorizing any understanding or agreement, combination or conspiracy, or planned common course of action, by and between industry members, mutually to conform or restrict their practice of shipping goods on consignment. [Rule 13]

§ 192.14 Commercial bribery.

It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products sold or offered for sale by such industry member, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 14]

§ 192.15 False disparagement of competitors or their products.

It is an unfair trade practice for any industry member to represent or imply that a competitor is incompetent or not qualified to make, process, or fit industry products, or certain kinds or types of industry products, or that a competitor's products are inferior to those of the industry member, when such is not the case; or in any other manner to falsely disparage a competitor or his products. [Rule 15]

§ 192.16 Coercing purchase of one product as a prerequisite to purchase of another or other products.

The practice of coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade, is an unfair trade practice. [Rule 16]

§ 192.17 Inducing breach of contract.

(a) Knowingly inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or between competitors and their suppliers, or interfering with or obstructing the performance of any such contractual duties or services, under any circumstance having the capacity and tendency or effect of substantially injuring or lessening competition, is an unfair trade practice.

(b) Nothing in this section is intended to imply that it is improper to solicit the business of a customer of a competing industry member; nor is the section to be construed as in anywise authorizing any agreement, understanding, or planned common course of action by two or more industry members not to solicit business from, or to sell to, the customers of either of them, or customers of any other industry member. [Rule 17]

§ 192.18 Enticing away employees of competitors.

It is an unfair trade practice for any member of the industry wilfully to entice away employees or sales-contract personnel of competitors with the intent and effect of thereby unduly hampering or injuring competitors in their business and destroying or substantially lessening competition: *Provided:* That nothing in this section shall be construed as prohibiting employees from seeking more favorable employment, or as prohibiting employers from hiring or offering employment to employees of a competitor in good faith and not for the purpose of inflicting injury on such competitor. [Rule 18]

§ 192.19 Deceptive use or imitation or simulation of trade or corporate names, trade-marks, etc.

It is an unfair trade practice for any member of the industry:

(a) To imitate or simulate the trademarks, trade names, brands, or labels of competitors, with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers; or

(b) To represent by use of any trade name, corporate name, trade-mark, or other trade designation that any industry member is a manufacturer, wholesaler or importer when such is not the fact; or

(c) To use any trade name, corporate name, trade-mark, or other trade designation, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the name, nature, or origin of any product of the industry, or of any material used therein, or which is false, deceptive, or misleading in any other material respect. [Rule 19]

§ 192.20 Prohibited forms of trade restraints (unlawful price fixing, etc.)[2]

It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 20]

§ 192.21 Exclusive dealing.

It is an unfair trade practice for any member of the industry to contract to sell or sell any industry product, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in the products of a competitor or competitors of such industry member, where the effect of such sale or contract for sale, or of such condition, agreement, or understanding, may be substantially to lessen competition or tend to create a monopoly in any line of commerce. [Rule 21]

APPENDIX

Set forth below are copies of the letters of the Department of Justice which are referred to in "Note 2" of § 192.7 of this part of the foregoing trade practice rules for the Optical Products Industry.

DEPARTMENT OF JUSTICE

Suite 820, 208 South La Salle Street
Chicago 4, Illinois

MAY 28, 1951.

Re: [Title of case]

DEAR DOCTOR: I am enclosing a copy of the final judgment which has been approved by the Court and entered in this case. Certain provisions of this judgment are binding upon you as a defendant class doctor and therefore this letter, which has been approved by the Court, is being written to you, in order that you may understand why the judgment is binding upon you, as well as the purpose and effect of the judgment, as it affects you.

Final judgments containing identical provisions forbidding doctors from sharing profits connected with the sale of glasses have been approved and entered in all six of the "Optical Rebating" cases which were brought by the Government. These cases are United States v. Bausch & Lomb Optical Company et al., United States v. American Optical Company et al., United States v. House of Vision-Belgard-Spero, Inc., et al., United States v. Uhlemann Optical Company et al. (all filed in Chicago), United States v. N. P. Benson Optical Company et al. (filed in Minneapolis, Minnesota), and United States v. The White-Haines Optical Company et al. (Filed in Columbus, Ohio). These six final judgments directly bind you, and the approximately 4,000 other doctors who were sued in those cases. These judgments were entered with the consent of the parties who had signed them (and for that reason frequently are called "consent decrees"), but they have the same binding effect as a judgment entered by the Court after trial.

When the complaints in this case and the related cases were first filed, the Government anticipated trying them in court. A date was set by the Court for the trial of the first of these cases and the Government made extensive preparations for trial in all six cases. Counsel representing the defendants in the various cases then opened negotiations with the Government with a view to disposing of the cases by consent instead of undergoing what undoubtedly would be lengthy trials. The final judgment which you now have is the result of negotiations which extended over a period of more than two years.

As you know, this case and the five other Optical Rebating cases are "class actions." Only a selected number of doctors (in no one case more than 30) were named in each of the complaints that were filed in the cases, but those were chosen as being representative of a much larger "class" of doctors. This is the authorized procedure where a number of persons sued in a case is large. Clearly it would have been impractical to name as individual defendants the approximately 4,000 doctors who we knew had received rebates and to require each one of them to appear in court to file answers and otherwise defend themselves in the suits.

All of the doctors in this case who were sued individually and as representatives of the "class doctors" have consented to the entry of this final judgment. Of the 75 doctors who were sued as representatives of the class doctors in the six cases, all have agreed to the entry of similar judgments. In each of the six cases a considerable number of "class doctors," i.e., those not named as individual defendants in the complaint, voluntarily filed statements submitting to the jurisdiction of the court and agreeing to be bound by whatever judgment might be entered. The remaining "class doctors" were served with "show cause orders" which informed the doctor as to his status in this case. These "show cause orders" also gave him the right, if he objected to being represented by the doctors named as representative defendants in the complaint or to being bound by a final judgment entered in the case, to answer the complaint and defend himself as an individual defendant. It is noteworthy that not a single doctor of the 4,000 involved in the six cases availed himself of the "day in court" afforded by the show cause order.

Over two years after the show cause orders were issued, one doctor (who shortly thereafter died and whose position was assumed by two doctors) filed a motion attacking the theory and operation of the class action in this case and seeking to have this case dismissed as to all "class doctors." The Court denied the motion and upheld the class suit as being a valid and proper one. A copy of the Court's memorandum opinion on that question is sent you herewith. Considering all the foregoing, it is the Government's opinion that the final judgment in this case is as binding on you as if you had been personally present in court as an individual defendant and had in that capacity given your assent to its entry against you.

Your attention is called particularly to paragraph III of this final judgment and to the relevant definitions contained in paragraph II. These are the provisions which will probably be of greatest interest to you and the other doctors. Paragraph III is the order of the Court enjoining the individual and class defendant doctors from accepting, directly or indirectly, from any dispenser any payment, however described, arising out of or connected with dispensing to any person and further enjoining any entry into or participation in any plan, arrangement, or scheme under which any defendant doctor receives any such payment from any dispenser.

The final judgment does not prevent you from following the normal professional practice and procedure of prescribing lenses for your patients and giving the prescription to the patient, who then takes the prescription to an optical supply company (dispensing optician) to be filled. The optical supply company then fulfills the purely business function of filling the prescription, selling the glasses to the patient, and making the necessary fitting of the glasses to the patient's face. Doctors continue to be free to follow this procedure. They are, of course, subject to those provisions in the final judgment which prohibit the rebating practice in all its forms.

In our opinion, the provisions of this final judgment would not prevent any individual doctor from doing his own dispensing in his own professional offices (either himself or through a bona fide full time employee) to his own patients only. The same holds true as to doctors who operate through a partnership for purely professional purposes, or in a clinic, or through other similar arrangements involving the occupancy by the doctors in the group of common, or contiguous and inter-connected professional office space, and the sharing of such common facilities as the reception room, telephone operator, receptionist, stenographic help, and the like. Such "group practice" doctors could likewise share in the common utilization of the services of a bona fide employee of such doctors who does dispensing to the patients of such doctors only, in the professional offices of such doctors.

It is clear to us, however, that the individual doctors or "group practice" doctors as described above, who do their own dispensing or use a bona fide employee to do such dispensing to patients of such doctors only, could not enter into any agreement or understanding or concert of action with any other persons, including other doctors or other dispensers, with respect to the prices to be charged for the spectacles and parts thereof dispensed.

It is also clear to us that all forms of arrangements between doctors (other than the above arrangements associated with "group practice"), directed at setting up or utilizing a dispenser whose services shall be shared by more than one doctor and from whom such doctors derive any payments arising out of or connected with such dispensing to their patients, whether such payment be in the form of or regarded as a rebate, credit, credit balance, gift, dividend, participation in or share in profits or otherwise, would be prohibited under the decree.

Sincerely yours,

H. G. MORISON,
Assistant Attorney General.
By WILLIS L. HOTCHKISS,
Chief, Midwest Office
Antitrust Division.

(TEXT OF DEPARTMENT'S SEPTEMBER 24, 1951, LETTER PERTAINING TO INVESTMENT BY DOCTORS IN CORPORATIONS ENGAGED IN DISPENSING)

* * * * *

Your second inquiry concerns the applicability of the Judgments to the investment by doctors in corporations engaged in dispensing. The situation which you describe may be summarized as follows:

Four doctors and a layman form a corporation which is to engage in optical dispensing. Each of these persons pays $2,000 for 20% of the stock. The doctors direct their patients to the company without disclosing their ownership interest therein. Each doctor and the layman receives dividends proportionate to the amount of stock held by each, without regard to the number of referrals. The doctor-stock-holders "have no connection whatsoever with the prices charged."

It is not our general practice to give our construction of a consent judgment except with respect to the facts of specific and identified cases involving parties to the judgment. However, it is our view that the "stock investment" plan outlined in the preceding paragraph would be in violation of the Optical Rebating Judgments.

Sincerely yours,

H. G. MORISON,
Assistant Attorney General.

(TEXT OF DEPARTMENT'S SEPTEMBER 10, 1951, LETTER ON CHARGE AND SEND PLANS)

Since receiving your letter requesting an opinion on the question whether the final judgment in this case applies to the type of "charge and send" plan you describe, we have had a number of inquiries relating to variations of the same plan asking whether such plans are permissible under the final judgments entered in the optical rebating cases. These inquiries have provided us with considerable information on the operation and effect of the various plans.

The basic "charge and send" plan consists of the following procedure:

(a) the doctor makes a refraction for which he charges the patient a professional fee, writes a prescription, and sends the patient to a designated optical house to have it filled;

(b) the optical house makes the necessary measurements, displays the frames and mountings from which the patient makes his selection, quotes the patient the consumer price for the finished glasses, grinds the lenses to the prescription and mounts them;

(c) the patient later returns to the optical house to have the glasses fitted and adjusted, and the optical house then sends the glasses to the doctor rather than turning them over to the patient;

(d) the patient returns to the doctor who turns the glasses over to the patient and collects the consumer price for them, remits to the optical house the wholesale price plus the fitting fee, and retains for himself the difference between that amount and the consumer price.

You have described a variant whereby the doctor would keep a case of sample frames in his professional office from which the patient would make his selection, with the doctor then quoting to the patient the consumer price.

It is our opinion that the basic "charge and send" plan is prohibited under the optical rebating judgments. The same is true as to the variations which you describe, and those variations similar thereto, such as the "C.O.D. charge and send." Each of these procedures constitutes a plan, arrangement, or scheme whereby the doctor obtains a financial return arising out of or connected with dispensing to his patient, with the doctor performing no real function in the dispensing procedure other than collecting the consumer price. The procedures accomplish by indirection, and by a complex and artificial procedure, what was done directly and simply under the old rebate system. The procedures therefore come under the prohibition of the final judgments in this and the related optical rebating cases.

Sincerely yours,

H. G. MORISON,
Assistant Attorney General.
By WILLIS L. HOTCHKISS,
Chief, Midwest Office
Antitrust Division.

Authorized: June 26, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-6369; Filed, June 29, 1962; 8:46 a.m.]

[2] The prohibitions of this section are subject to Public Law 542, approved July 14, 1952—66 Stat. 632 (the McGuire Act, commonly referred to as the Fair Trade Amendment) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 34-6820, 33-4499]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Filing of Quarterly Reports by Certain Real Estate Companies

The Securities and Exchange Commission has adopted two new rules and a new quarterly report form under the Securities Exchange Act of 1934.

The new rules, designated Rules 13a-15 and 15d-15 (§§ 240.13a-15 and 240.-15d-15 of Title 17, CFR) require certain real estate companies to file with the Commission pursuant to sections 13 and 15(d) of the Act quarterly reports on Form 7-K (§ 249.307) with respect to distributions made to shareholders. Such reports are required to be filed within 45 days after the end of the fiscal quarter for which they are filed. Such reports are not required, however, by investment companies registered under the Investment Company Act of 1940 or partnerships all of whose properties are under long term lease to other persons.

The text of the Commission's action is set forth below.

I. Section 240.13a-15 is adopted to read as follows:

§ 240.13a-15 Quarterly reports of certain real estate companies.

(a) Except as provided in paragraph (b) of this section every issuer of a security registered on a national securities exchange (1) which is a real estate investment trust, as defined in section 856 of the Internal Revenue Code, or (2) whose business is primarily that of acquiring and holding for investment real estate or interests in real estate or interests in other issuers whose business is primarily that of acquiring and holding real estate or interests in real estate for investment, shall file a report on Form 7-K (§ 249.307) for each fiscal quarter ending on or after June 1, 1962, or the date on which a class of securities of the issuer first becomes effectively registered on a national securities exchange, whichever date is later. Such reports shall be filed not more than 45 days after the end of the fiscal quarter for which they are filed.

(b) Notwithstanding paragraph (a) of this section, no report need be filed pursuant to this rule with respect to:

(1) Any investment company registered under the Investment Company Act of 1940; or,

(2) Any partnership all of whose properties are under long term lease to other persons.

(c) Notwithstanding § 240.13a-13, any issuer which files quarterly reports pursuant to this rule for the first two fiscal quarters of any fiscal year need not file a semiannual report on Form 9-K (listed in § 249.309) for the period covered by such quarterly reports.

II. Section 240.15d-15 is adopted to read as follows:

§ 240.15d-15 Quarterly reports of certain real estate companies.

(a) Except as provided in paragraph (b) of this section, every issuer which, by reason of an undertaking contained in a registration statement under the Securities Act of 1933, is required to file periodic information, documents and reports pursuant to section 15(d) of the Securities Exchange Act of 1934, and (1) which is a real estate investment trust, as defined in section 856 of the Internal Revenue Code, or (2) whose business is primarily that of acquiring and holding for investment real estate or interests in real estate or interests in other issuers whose business is primarily that of acquiring and holding real estate or interests in real estate for investment, shall file a report on Form 7-K (§ 249.307) for each fiscal quarter ending on or after June 1, 1962, or the date on which such registration statement becomes effective, whichever date is later. Such reports shall be filed not more than 45 days after the end of the fiscal quarter for which they are filed.

(b) Notwithstanding paragraph (a) of this section, no report need be filed pursuant to this rule with respect to:

(1) Any investment company registered under the Investment Company Act of 1940; or

(2) Any partnership all of whose properties are under long term lease to other persons.

(c) Notwithstanding § 240.15d-13, any issuer which files quarterly reports pursuant to this rule for the first two fiscal quarters of any fiscal year need not file a semiannual report on Form 9-K (listed in § 249.309) for the period covered by such quarterly reports.

III. Section 249.307 is adopted, to read as follows.

§ 249.307 Form 7–K, for quarterly reports of certain real estate companies.

(a) *General instructions*—(1) *Rule as to use of Form 7–K.* (i) Form 7–K is to be used for the quarterly reports required by Rules 13a–15 and 15d–15 of the general rules and regulations under the Securities Exchange Act of 1934 (§§ 240.13a–15 and 240.15d–15). Reports are to be prepared and filed in accordance with Rules 12b–11 and 12b–12 (§§ 240.12b–11, 12b–12) within 45 days after the end of the period covered thereby.

(ii) This is not a blank form to be filled in. It is a guide copy to be used in preparing the report in accordance with Rules 12b–11 and 12b–12 (§§ 240.12b–11, 12b–12). The Commission does not furnish blank copies of this form to be filled in for filing.

(iii) These general instructions are not to be filed with the report. The instructions to the various captions of the form are also to be omitted from the report as filed.

(2) *Persons for whom the information is to be given.* (i) The required information is to be given as to the registrant or, if the registrant files consolidated financial statements with its annual reports, it shall be given for the registrant and its consolidated subsidiaries. If the information is given for the registrant and its consolidated subsidiaries, it need not be given separately for the registrant.

(ii) The required information shall also be given separately as to each unconsolidated subsidiary or group of such subsidiaries for which separate individual or group statements are required to be filed with the registrant's annual reports. It need not be furnished, however, for any such unconsolidated subsidiary which would not be required to file semi-annual reports if it were a registrant.

(3) *Presentation of information.* The information is not required to be certified and may carry a notation to that effect and any other qualification considered necessary or appropriate. Except where amounts are required to be stated on a per share basis, amounts may be stated in thousands of dollars (000 omitted), provided it is stated that such has been done.

(4) *Incorporation by reference to published statements.* If the registrant makes available to its stockholders or otherwise publishes, within the period prescribed for filing the report, a quarterly financial statement containing the information required by this form, the information called for may be incorporated by reference to such published statement provided copies thereof are filed as an exhibit to the report on this form.

(5) *Delay in filing information.* (i) If the registrant has securities registered on a national securities exchange and publishes, pursuant to the regulations of such exchange, a quarterly statement which it desires to incorporate by reference pursuant to Instruction (4), above, the filing of a report on this form may be deferred until the statement becomes available, provided the report is filed immediately thereafter.

(ii) If a delay in filing the report or in furnishing any of the required information becomes necessary under any other circumstances, a request for an extension of time shall be made pursuant to Rule 12b–25 (§ 240.12b–25).

(b) *Cover sheet of report.*

SECURITIES AND EXCHANGE COMMISSION

WASHINGTON 25, D.C.

Form 7–K

QUARTERLY REPORT

Pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934 for the fiscal quarter ended _____

_____

(Exact name of registrant as specified in charter)

_____

(Address of registrant's principal executive offices)

(c) *Body of report.*

Company or Group of Companies for Which Report Is Filed

(I) Profit and loss statement, cash generated, cash distributions to stockholders and cash balance.

	Period Income (loss)	Cash generated
(1) Income	$------	$------
Instruction: State separately material amounts of rental income, mortgage interest, and management fees.		
(2) Deductions	------	------
Instruction: State separately in the appropriate columns material amounts of operating expenses, real estate taxes, depreciation, interest expense and income taxes.		
(3) Extraordinary items	------	------
Instruction: State separately any material amounts of other income or deductions of an unusual or nonrecurring nature included in the determination of net income or loss and cash generated during the period covered by the report. Profits from syndications shall be included herein.		
(4) Net income (loss)	------	
Instruction: Indicate clearly whether the amount stated represents income or loss.		
(5) Cash generated before special items	------	
(6) Special items	------	
Instruction: State separately and describe each material item not included in Items (4) and (5). Profits or losses from sales of properties shall be included herein. Cash generated from profits shall exclude recovery of accumulated depreciation. Any balance of the proceeds from sales of properties shall be shown under caption (13).		
(7) Net income (loss) and special items	------	
(8) Cash generated (total of captions 5 and 6)	------	
(9) Principal payments on mortgages	------	
(10) Balance of cash generated	------	
(11) Cash distributions to shareholders		$------
Instruction: Include a tabulation of the amounts per share and the number of shares outstanding at each distribution date. A note to this item shall indicate the amounts representing income and the amounts representing a return of invested capital.		
(12) Excess (deficiency) of cash generated over distributions		------
(13) Other sources of funds		------
Instruction: State separately any item of a material amount.		
(14) Total		------
(15) Other disposition of funds		------
Instruction: State separately any item of a material amount.		
(16) Net increase (decrease)		------
(17) Cash balance at beginning of quarterly period covered by this report		------
(18) Cash balance at close of quarterly period covered by this report		------

(II) Cumulative amounts of excess (deficiency) of cash generated over distributions.

(19) Excess (deficiency) of cash generated over distributions at the beginning of the fiscal year	$------
(20) Net increase (decrease) from beginning of the fiscal year to end of period covered by this report	------
(21) Excess (deficiency) of cash generated over distribution at end of fiscal period to date	------
(22) Per share amounts declared at the date of this report for distribution in the forthcoming period(s). List separately the declaration by payment period.	

(d) *Remarks.* Under "remarks" furnish any material information necessary to make the information called for by this form not misleading.

(e) *Registrant's name and signature.*

_____
(Registrant)

By _____
(Signature)*

*Print name and title of signing officer under his signature.

(f) *Date.* _____

(Secs. 13, 15, 23(a), 48 Stat. 894, 895, 901, as amended; 15 U.S.C. 78m, 78o, and 78w)

The Commission deems it necessary in the interest of investors that the filing of the reports required by the foregoing rules and form be commenced as soon as possible. Accordingly the Commission finds that notice and procedure pursuant to the Administrative Procedure Act with respect thereto is not necessary in the public interest or for the protection of investors and that such rules and form should be made effective immediately. However, the Commission will consider all views and comments submitted with respect to the rules and form by interested persons and will make such changes, if any, as it may deem necessary or appropriate in the light of such views and comments. In view of the foregoing, the rules and form shall become effective immediately upon publication June 12, 1962. Copies of the form may be obtained from the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JUNE 12, 1962.

[F.R. Doc. 62–6321; Filed, June 29, 1962; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

Muenster Cheese for Manufacturing; Identity

Correction

In F.R. Doc. 62–6186, appearing at page 5985 of the issue for Tuesday, June 26, 1962, § 19.551 should read as set forth below:

§ 19.551 Muenster cheese for manufacturing, munster cheese for manufacturing; identity.

Muenster cheese for manufacturing conforms to the definition and standard of identity for muenster cheese prescribed by § 19.550, except that the milk is not pasteurized and the provisions of paragraphs (d) and (e) of that section do not apply.

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of Demeton

A petition was filed with the Food and Drug Administration by Chemagro Corporation, P.O. Box 4913, Kansas City 20, Missouri, requesting the establishment of tolerances of 5 parts per million for residues of the insecticide demeton in or on barley (green fodder and straw), oats (green fodder and straw), and wheat (green fodder and straw) and 0.75 part per million in or on barley grain, oat grain, and wheat grain.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.105; 26 F.R. 6917) are amended by inserting the term "the insecticide" in the introduction to the section and by adding to the section tolerances for residues of demeton in or on the aforementioned raw agricultural commodities. As amended, the affected portions of § 120.105 read as follows:

§ 120.105 Tolerances for residues of demeton.

Tolerances for residues of the insecticide demeton (a mixture of *O,O*-diethyl *O*(and *S*)-2-(ethylthio)ethyl phosphorothioates) in or on raw agricultural commodities are established as follows:

* * * * * *

5 parts per million in or on almond hulls, barley (green fodder and straw), fresh alfalfa, fresh clover, oats (green fodder and straw), sugar beet tops, and wheat (green fodder and straw).

* * * * * *

0.75 part per million in or on almonds, apples, apricots, barley grain, broccoli, brussels sprouts, cabbage, cauliflower, celery, cottonseed, grapefruit, lemons, lettuce, muskmelons, oat grain, oranges, peaches, pears, peas, pecans, peppers, plums (fresh prunes), potatoes, strawberries, tomatoes, walnuts, wheat grain.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 6 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: June 22, 1962.

JOHN L. HARVEY,
Deputy Commissioner, of Food and Drugs.

[F.R. Doc. 62–6384; Filed, June 29, 1962; 8:48 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Diphenylamine; Amendment of Tolerance

No comment having been received on the proposal of the Commissioner of Food and Drugs published in the FEDERAL REGISTER of May 9, 1962 (27 F.R. 4428), with reference to amending the tolerance for residues of diphenylamine in or on apples for scald control, and no request having been received for referral of the proposal to an advisory committee: *It is ordered*, That the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities be amended by changing § 120.190 (21 CFR 120.190; 27 F.R. 883) to read as follows:

§ 120.190 Tolerances for residues of diphenylamine.

Tolerances for residues of diphenylamine are established as follows:

10 parts per million in or on apples from preharvest or postharvest use, including use of impregnated wraps, for scald control.

Zero in milk and meat.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), and delegated to the Commissioner by the Secretary (25 F.R. 8625).

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: June 22, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62–6385; Filed, June 29, 1962; 8:48 a.m.]

PART 120—TOLERANCES AND EXEMTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of O,O-Diethyl S-2-(Ethylthio)Ethyl Phosphorodithioate

A petition was filed with the Food and Drug Administration by Chemagro Corporation, Post Office Box 4913, Kansas City 20, Missouri, requesting the establishment of tolerances of 5 parts per million for residues of the insecticide *O,O*-diethyl *S*-2-(ethylthio) ethyl phosphorodithioate, calculated as demeton, in or on barley (green fodder and straw), oats (green fodder and straw), and pea vines, and 0.75 part per million in or on barley grains, beans (dry, green, and lima), brussels sprouts, cauliflower, lettuce, oats, peas, and tomatoes. The petition was later amended to include bean vines at 5 parts per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.183; 26 F.R. 9131) are amended by inserting the words "the insecticide" in the introduction to the section and by adding thereto tolerances for residues of the subject pesticide chemical in or on the aforementioned raw agricultural commodities. As amended, the affected portions of § 120.183 read as follows:

§ 120.183 Tolerances for residues of *O,O*-diethyl *S*-2-(ethylthio) ethyl phosphorodithioate.

Tolerances for residues of the insecticide *O,O*-diethyl *S*-2-(ethylthio)ethyl phosphorodithioate, calculated as demeton, in or on raw agricultural commodities are established as follows:

5 parts per million in or on barley (green fodder and straw), bean vines, oats (green fodder and straw), pea vines.

• • • • •

0.75 part per million in or on barley grain, beans (dry), beans (snap), beans (lima), brussels sprouts, cabbage, cauliflower, cottonseed, lettuce, oat grain, peas, potatoes, tomatoes.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: June 22, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-6386; Filed, June 29, 1962; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Boiler Water Additives

The Commissioner of Food and Drugs, having evaluated data available to the Food and Drug Administration, and based in part on data submitted by Armour Chemical Division, Armour and Company, 1355 West Thirty-first Street, Chicago 9, Illinois; Betz Laboratories, Inc., Gillingham and Worth Streets, Philadelphia 24, Pennsylvania; Dearborn Chemical Company, 375 Merchandise Mart Plaza, Chicago 54, Illinois; Hagen Chemicals & Controls, Inc., P.O. Box 1346, Pittsburgh 30, Pennsylvania; and Union Carbide Chemicals Company, P.O. Box 65, Tarrytown, New York, and other relevant information, concludes that a regulation should issue concerning safe uses of boiler compounds employed in the preparation of steam that contacts food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), (d), 72 Stat. 1786, 1787; 21 U.S.C. 348(c)(1), (d), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Subpart D is amended by adding thereto the following new section:

§ 121.1088 Boiler water additives.

Boiler water additives may be safely used in the preparation of steam that will contact food, under the following conditions:

(a) The amount of additive is not in excess of that required for its functional purpose, and the amount of steam in contact with food does not exceed that required to produce the intended effect in or on the food.

(b) The compounds are prepared from substances identified in paragraphs (c) and (d) of this section, and are subject to the limitations, if any, prescribed:

(c) List of substances:

	Limitations
Ammonium alginate	------
Potassium carbonate	------
Sodium acetate	------
Sodium alginate	------
Sodium aluminate	------
Sodium carbonate	------
Sodium hexametaphosphate	------
Sodium hydroxide	------
Sodium lignosulfonate	------
Sodium nitrate	------
Sodium phosphate (mono-, di-, tri-)	------
Sodium silicate	------
Sodium sulfate	------
Sodium sulfite (neutral or alkaline)	------
Sodium tripolyphosphate	------
Tannin (including quebracho extract)	------
Tetrasodium pyrophosphate	------

(d) Substances used alone or in combination with substances in paragraph (c) of this section:

	Limitations
Cyclohexylamine	Not to exceed 10 parts per million in steam, and excluding use of such steam in contact with milk and milk products.
Morpholine	Do.
Octadecylamine	Not to exceed 3 parts per million in steam, and excluding use of such steam in contact with milk and milk products.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents should be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), (d), 72 Stat. 1786; 21 U.S.C. 348(c)(1)(d))

Dated: June 22, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-6383; Filed, June 29, 1962; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

POTASSIUM IODIDE

The Commissioner of Food and Drugs has reviewed the information submitted by Mallinckrodt Chemical Works, St. Louis 7, Missouri, concerning the requirement in § 121.1073 for adequate directions for use on the labeling of packages of potassium iodide. The data furnished indicates that there is no need for directions for use on commercial packages. Likewise, data shows that the use of the phrase "food grade" on the label of the additive, is not necessary to insure safety. The Commissioner, therefore, concludes that the regulation should be amended to relieve these requirements.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787, 21 U.S.C. 348(d)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.1073(b) (21 CFR 121.1073) is amended to read as follows:

§ 121.1073 Potassium iodide.

• • • • •

(b) To assure safe use of the additive, in addition to the other information required by the act, the label of the additive shall bear:

(1) The name of the additive.

(2) A statement of the concentration of the additive in any mixture.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the amendment relaxes existing requirements.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d))

Dated: June 22, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-6387; Filed, June 29, 1962; 8:50 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Collapsible Metal Tubes; Temporary Suspension of Effective Date

The Commissioner of Food and Drugs pursuant to the provisions of the Federal Hazardous Substances Labeling Act (sec. 10, 74 Stat. 378; 15 U.S.C. 1269) and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), on March 15, 1962, prescribed the placement on collapsible metal tubes of the label information required by section 2(p)(1) of the act and by § 191.101 of the regulations. This regulation was to become effective August 1, 1962.

On the basis of the evidence submitted to him and by independent investigation the Commissioner finds that many hazardous substances in collapsible metal tubes intended or suitable for household use now in the channels of commerce, either through label revision or by the use of sticker labels, approach full compliance with § 191.101. There are, however, a substantial number of collapsible metal tubes that, although bearing the warnings required by the regulations, do not have the information with the placement required by § 191.101(e). The Commissioner therefore finds that more time is necessary to meet these requirements and, accordingly, the effective date of § 191.101(e) is extended to February 1, 1963. Articles subject to the act shall bear all the mandatory labeling required by the statute and regulations thereunder, but the placement of this labeling as required by the above-referenced regulation will not be enforced until February 1, 1963.

Effective date. This order will become effective on the date of signature.

(Sec. 10, 74 Stat. 378; 15 U.S.C. 1269)

Dated: June 22, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-6388; Filed, June 29, 1962; 8:50 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

Certain Persons in United States Unblocked

The Foreign Assets Control Regulations, 31 CFR 500.101–500.808 are being amended as follows:

Section 500.505 of the Foreign Assets Control Regulations is being amended to unblock those designated nationals who are Chinese refugees and who are paroled into the United States by the Attorney General.

Section 500.505 is hereby amended to read as follows:

§ 500.505 Certain persons in the United States unblocked.

The following are hereby licensed as unblocked nationals:

(a) Any individual in the United States except an individual who on or after the "effective date" was in, or who, on or since such date, has acted or purported to act directly or indirectly for the benefit of or on behalf of any designated foreign country.

(b) Any individual in the United States who has been paroled into the United States pursuant to section 212(d)(5) of the Immigration and Nationality Act by the Attorney General: *Provided*, That this subsection shall not apply:

(1) To any individual who after such parole has acted or purported to act directly or indirectly for the benefit of or on behalf of any designated foreign country; or,

(2) To any individual whose parole has been revoked, after the date of such revocation.

(c) Any partnership, association, corporation or other organization which is a national of a designated foreign country solely by reason of the interest of persons licensed by this section.

(Sec. 5, 40 Stat. 415, as amended; 50 U.S.C., App. 5. E.O. 9193, July 6, 1942, 7 F.R. 5205; 3 CFR 1943 Cum. Supp., E.O. 9989, Aug. 20, 1948, 13 F.R. 4891; 3 CFR 1948 Supp.)

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 62-6394; Filed, June 29, 1962; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2667]

ALASKA

Withdrawing Lands at Whittier for Alaska Railroad and Department of the Army

Correction

In F.R. Doc. 62-4455, appearing at page 4425 of the issue for Wednesday, May 9, 1962, the following correction is made in the first paragraph of Parcel No. 1, under paragraph (a) of the land description for Anchorage 047336: The measurement now reading "509.35 feet" should read "509.85 feet".

[Public Land Order 2713]

ALASKA

Withdrawing Lands for Protection of Facilities of Federal Aviation Agency

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, and in furtherance of the objectives of section 4 of the act of May 24, 1928 (45 Stat. 728; 49 U.S.C. 214), it is ordered as follows:

1. Subject to existing valid rights, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved under jurisdiction of the Secretary of the Interior for the protection of air navigation facilities erected on the lands or on adjacent lands and being operated and maintained by the Federal Aviation Agency:

a.

[Anchorage 050312]

SEWARD MERIDIAN

POINT WORONZOF AREA

T. 13 N., R. 4 W.,
Sec. 28, W½;
Sec. 29, lots 1, 2, 3, SE¼NE¼, E½SE¼, and SW¼SE¼.
Containing 592.87 acres.

SEWARD MERIDIAN

KING SALMON AREA

b. [Anchorage 046709]

T. 17 S., R. 45 W., S.M. (Unsurveyed),
Sec. 5, S½SW¼, S½N½SW¼, SW¼SE¼, S½NW¼SE¼, W½SE¼SE¼, and SW¼NE¼SE¼;
Sec. 8, NW¼W½NE¼, and W½E½NE¼.

Containing 490 acres.

[Anchorage 050613]

T. 17 S., R. 45 W., S.M. (Unsurveyed),
Sec. 6, N½SE¼NE¼NW¼.

Containing 5 acres.

c. [Anchorage 041869]

SEWARD MERIDIAN

HOMER AREA

T. 5 S., R. 13 W., S.M.,
Sec. 26, S½S½SW¼NW¼;
Sec. 27, NE¼SE¼;
Sec. 34, NE¼NE¼;
Sec. 35, NE¼NW¼.

Containing 130 acres.

d. [Anchorage 042420]

SEWARD MERIDIAN

TALKEETNA AREA

T. 26 N., R. 4 W., S.M.,
Sec. 30, lot 5, SE¼SW¼, SW¼SE¼;
Sec. 31, lots 1, 2, 3, E½NW¼, W½NW¼NE¼, and N½NE¼SW¼.

Containing 347.81 acres.

The areas described in this order contain in the aggregate approximately 1,565 acres.

2. The Bureau of Land Management shall administer the lands under the public land laws and may issue leases and permits for the surface and subsurface use thereof, provided, that no use shall be authorized which may interfere unreasonably with the paramount objectives of this order, and provided further, that the Federal Aviation Agency shall have exclusive jurisdiction and control of its structures and improvements on any of the lands together with the lands occupied thereby.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JUNE 26, 1962.

[F.R. Doc. 62-6357; Filed, June 29, 1962; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Sixth Rev. S.O. No. 95]

PART 95—CAR SERVICE

Appointment of Refrigerator Car Agent

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, in Washington, D.C., on the 25th day of June A.D. 1962.

It appearing, the matter of car service (section 1, paragraphs 10 to 17, inclusive) of the Interstate Commerce Act being under consideration, that car service will be promoted in the interest of the public and commerce of the people by the appointment of an agent with the authority and duties herein described.

§ 95.95 **Appointment of refrigerator car agent.**

(a) D. W. Benton, Assistant to Chairman, Car Service Division, Association of American Railroads, 59 East Van Buren Street, Chicago 5, Illinois, is hereby designated and appointed refrigerator car agent of the Interstate Commerce Commission. As agent he is required to provide the Commission with current information, through its Director of the Bureau of Safety and Service, with respect to the supply of and the need for refrigerator cars in all sections of the United States. As agent, he is authorized and directed to determine and advise the Commission through its Director of the Bureau of Safety and Service concerning measures which will reduce the time of loading and unloading refrigerator cars or increase the efficiency and economy of such cars' utilization, operation and movement.

(b) Application: The provisions of this order shall apply to shipments moving in intrastate commerce as well as to those moving in interstate commerce.

(c) Effective date: This order shall become effective at 12:01 a.m., July 1, 1962.

(d) Expiration date: This order shall expire at 11:59 p.m., June 30, 1963, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies secs. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4)).

It is further ordered, That this order shall vacate and supersede Fifth Revised Service Order No. 95, as amended on the effective date hereof, and that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-6370; Filed, June 29, 1962; 8:46 a.m.]

[S.O. No. 928; Amdt. 7]

PART 95—CAR SERVICE

Indiana Harbor Belt Railroad Co.; Authority To Operate Over Certain Trackage

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 25th day of June A.D. 1962.

Upon further consideration of Service Order No. 928 (24 F.R. 4995, 7404; 25 F.R. 80, 6361; 26 F.R. 26; 26 F.R. 6027; 26 F.R. 12576), and good cause appearing therefor:

It is ordered, That: § 95.928 *Indiana Harbor Belt Railroad Company authorized to operate over certain trackage of the Chicago Aurora and Elgin Railway Company,* of Service Order No. 928, be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1962, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1962.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies secs. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That a copy of this amendment shall be served upon the Illinois Commerce Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-6371; Filed, June 29, 1962; 8:47 a.m.]

[S.O. No. 930; Amdt. 7]

PART 95—CAR SERVICE

Chicago, Milwaukee, St. Paul and Pacific Railroad Co.; Authority To Operate Over Certain Trackage

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 25th day of June A.D. 1962.

Upon further consideration of Service Order No. 930 (24 F.R. 4996, 7405; 25 F.R. 80, 6361; 26 F.R. 26, 6027; 26 F.R. 12576), and good cause appearing therefor:

It is ordered, That: § 95.930 *Chicago, Milwaukee, St. Paul and Pacific Railroad Company authorized to operate over certain trackage of the Chicago Aurora and Elgin Railway Company,* of Service Order No. 930, be and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof.

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1962, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1962.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies secs. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That copies of this amendment shall be served upon the Illinois Commerce Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-6372; Filed, June 29, 1962; 8:47 a.m.]

[S.O. No. 940]

PART 95—CAR SERVICE

Chicago, Milwaukee, St. Paul and Pacific Railroad Co.; Authority To Operate Over Certain Trackage

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 26th day of June A.D. 1962.

It appearing, that because of a bridge out of service, the Fort Dodge, Des Moines & Southern Railway Company is unable to transport traffic over certain portions of its lines and that the Chicago, Milwaukee, St. Paul and Pacific Railroad has requested authority to operate over trackage of the Fort Dodge, Des Moines & Southern Railway Company beginning at point of interchange between Chicago, Milwaukee, St. Paul and Pacific Railroad Company and the Fort Dodge, Des Moines & Southern Railway Company at Rockwell City, Iowa, thence southeasterly over the Fort Dodge, Des Moines & Southern Railway Company main line for a distance of approximately 500 feet, together with approximately 1600 feet of secondary track. The Commission is of the opinion that there is need for service over this line of railroad and that operation of this line will best promote the service in the interest of the public and the commerce of the people; and that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered. That:

§ 95.940 **The Chicago, Milwaukee, St. Paul and Pacific Railroad Company authorized to operate over certain trackage of Fort Dodge, Des Moines & Southern Railway Company.**

(a) The Chicago, Milwaukee, St. Paul and Pacific Railroad Company be, and it is hereby authorized to operate over trackage of the Fort Dodge, Des Moines & Southern Railway Company beginning at point of interchange between Chicago, Milwaukee, St. Paul and Pacific Railroad Company and Fort Dodge, Des Moines & Southern Railway Company at Rockwell City, Iowa, thence southeasterly over the Fort Dodge, Des Moines & Southern Railway Company main line for a distance of approximately 500 feet, together with approximately 1,600 feet of secondary track in order to serve the public and the commerce of the people.

(b) Application: The provisions of this order shall apply to intrastate and foreign traffic as well as interstate traffic.

(c) Effective date: This order shall become effective at 12:01 a.m., June 28, 1962.

(d) Expiration date: The provisions of this order shall expire at 11:59 p.m., December 31, 1962, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies secs. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That copies of this order and direction shall be served upon the Iowa State Commerce Commission, Illinois Commerce Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-6393; Filed, June 29, 1962; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[9 CFR Part 201]

REGULATIONS UNDER PACKERS AND STOCKYARDS ACT

Deductions for Meat Promotional Programs; Notice of Proposed Rule Making

Under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), the Department of Agriculture has the responsibility to assure that the practices of packers, market agencies, and dealers are not unfair, unjustly discriminatory, or deceptive. It is not the function of the Department to determine whether livestock shippers should contribute to meat promotional agencies or, if such contributions are made, to whom or in what amount such contributions are made. The Department cannot require a packer, market agency, or dealer to make a deduction from a shipper's proceeds for contribution to a promotional agency, irrespective of whether the shipper authorizes or requests that such deduction be made.

Notice is hereby given, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that in order to specify under what circumstances deductions may be made from shipper's proceeds for meat promotional purposes, it is proposed to amend § 201.39 of the regulations issued pursuant to the provisions of the Act (9 CPR 201.39) in the following respects:

1. A new paragraph (c) would be added to such section reading as follows:

(c) The following requirements shall be applicable to deductions by any packer, market agency, or dealer from shippers' proceeds for payment to an organization for meat promotional purposes:

(1) The packer, market agency, or dealer, or the organization to which the payment is to be made, shall hold a written authorization for such deduction and payment, executed by the owner of the livestock, or his duly authorized agent, prior to or immediately following the consignment of the livestock;

(2) A packer, market agency, or dealer may not make a deduction for a shipper who wishes to contribute to one promotional agency selected by him or the packer, market agency, or dealer, and refuse to make a deduction for a shipper who wishes to contribute to a different promotional agency; *Provided*, That a packer, market agency, or dealer who chooses to make such deductions may restrict the number of deductions to be made from the proceeds from any one consignment and may establish such other conditions and rules with respect thereto as are not unfair or unjustly discriminatory;

(3) Each packer, market agency, and dealer who makes any deductions for meat promotional purposes shall file a report concerning such deductions quarterly with the Division on prescribed forms not later than 30 days following the end of the calendar quarter or, if the records are kept on a fiscal year basis, not later than 30 days after the close of the fiscal quarter. Such reports shall include the following: (i) the names of the organizations for which deductions were made during the quarter; (ii) the total amounts withheld and paid to each such organization during the reporting period; and (iii) a statement that, prior to making each such deduction, the packer, market agency, or dealer held, or ascertained that the organization to which the payment was to be made held, the written authorization specified in subparagraph (1) of this paragraph. If the packer, market agency, or dealer in any instance failed to comply with the provisions of this paragraph, the report shall include a full explanation of the reasons therefor, including the name of the shipper, the date of the transaction, and any factors explaining the failure to comply with the specified requirements.

2. The headnote of § 201.39 would be amended to read: "Payment of Shippers' Proceeds."

Any person who wishes to submit written data, views or arguments concerning the proposed amendment may do so by filing them with the Director, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 20 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 29th day of June 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-6495; Filed, June 29, 1962; 12:00 m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

DDT on Peppermint Hay and Spearmint Hay; Notice of Proposal To Establish Tolerance

Oregon State University, Agricultural Experiment Station, Corvallis, Oregon, has requested that action be taken to establish a tolerance for the residues of the insecticide DDT in or on peppermint hay and spearmint hay. The United States Department of Agriculture advises that DDT is useful for the purposes proposed. Data in the petition indicates that the residues in or on peppermint hay and spearmint hay from use of DDT as proposed do not exceed 50 parts per million. The residues will not constitute a hazard to health.

The petition proposes that the treated hay will be used only for the extraction of mint oil and that neither the hay nor spent hay will be fed to livestock.

After consideration of the data in the petition and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(c), 68 Stat. 512; 21 U.S.C. 346a(c)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), it is proposed by the Commissioner that the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities be amended by inserting the word "insecticide" in the introduction to § 120.147, and by adding to the section a new item, reading as set forth below:

§ 120.147 Tolerances for residues of DDT.

Tolerances for residues of the insecticide DDT (a mixture of 1,1,1-trichloro-2,2-bis(*p*-chlorophenyl)ethane and 1,1,1-trichloro-2-(*o*-chlorophenyl)-2-(*p*-chlorophenyl)ethane are established in or on raw agricultural commodities, as follows:

50 parts per million in or on peppermint hay, spearmint hay.

Any person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing DDT may request, within 30 days from the publication of this proposal in the FEDERAL REGISTER, that the proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person may, within thirty days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue, SW., Washington 25, D.C., written comments on the proposal. Comments may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Dated: June 22, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-6382; Filed, June 29, 1962; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 703) has been filed by United States Rubber Company, Elm Street, Naugatuck, Connecticut, proposing the issuance of a regulation to provide for the safe use of a carboxylated butadiene-styrene copolymer latex coating for paper and paperboard used in packaging and handling food.

Dated: June 26, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-6396; Filed, June 29, 1962; 8:50 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 791) has been filed by Elanco Products Company, Division of Eli Lilly and Company, Indianapolis 6, Indiana, proposing an amendment of § 121.217(a)(1) of the food additive regulations to provide for the feeding of tylosin phosphate to swine, by weight, as follows:

Quantity	Limitations	Indications for use
(1) In swine feed:		
Grams per ton		
(i) 10-20	Finisher ration	Growth promotion and feed efficiency.
(ii) 20-100	Starter/grower ration.	Do.

Dated: June 25, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-6380; Filed, June 29, 1962; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 855) has been filed by The Upjohn Company, 7000 Portage Road, Kalamazoo, Michigan, proposing the issuance of a regulation to provide for the safe use of mannitol in chewable multiple vitamin tablets.

Dated: June 25, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-6381; Filed, June 29, 1962; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 61; Offer No. 23]

NEW MEXICO

Small Tract Classification

1. Pursuant to authority delegated to me by Bureau Order No. 684, dated August 28, 1961 (26 F.R. 8216), I hereby offer for sale at public auction under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, 330 tracts listed in Part 3 of this order.

2. The lands lie 42 miles northeast of Farmington, New Mexico, 17 miles south of Ignacio, Colorado, 4 miles north of the Navajo Dam, and 1 mile west of the Pine River which will become part of the Navajo Reservoir. These tracts are accessible by an improved county road traversing the west portion of the lands. The terrain varies from nearly flat to rolling to very steep canyon slopes and bluffs. Vegetation consists primarily of sagebrush, pinon juniper, and browse. Culinary water is not available within reasonable depths. Electric power will be available from 2 miles south of these lands as soon as the demand merits the extension of the line to the area. The highest and best use of these tracts is for summer cabin sites because of the proximity of the Pine River boat-landing dock which is one of three proposed public-use facilities at the Navajo Reservoir. Also, the area affords good deer hunting during the hunting season. All minerals will be reserved to the United States. The tracts will be patented subject to existing rights-of-way, together with rights-of-way shown under Part 3, hereof.

3. The unit numbers, legal description by lot number, sides with right-of-way reservations, and the appraised value are shown below.

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

[T. 31 N., R. 8 W., Sec. 24]

Unit	Lot	Acres	33' R/W	Value
1	9	2.38		
	10	2.38	(*)	$450
2	11	2.38	(*)	
	12	2.38		450
3	13	2.38	South	250
4	14	2.38	do	325
5	15	2.39	do*	375
6	16	2.39	do*	325
7	17	2.42	West*	375
8	18	2.42	East	375
9	19	2.42	West	375
10	20	2.42	East	375
11	21	2.42		375
12	22	2.42		250
13	23	2.43	West	375
14	24	2.43	East	375
15	25	2.43	do	375
16	26	2.43	West	375
17	27	2.43	East	375
18	28	2.42	West	375
19	29	2.43	East	375
20	30	2.43	West	375
21	31	2.43	East*	375
22	32	2.42	West*	250
23	33	2.39	North	325

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

[T. 31 N., R. 8 W., Sec. 24]

Unit	Lot	Acres	33' R/W	Value
	24	2.39	North	$325
	25	2.39	North, East	375
	26	2.39	West, South	325
	27	2.39		225
	28	2.39		
	39	2.38	(*)	325
	29	40	2.38	(*)
	41	2.39	(*), (**)	
	42	2.39	(**)	225
130	43	2.39		
	44	2.39		225
131	45	2.39	North	
	68	2.40		325
132	46	2.40		
	67	2.40		450
33	47	2.40	South	325
134	48	2.40	do	325
35	49	2.42	do	325
36	50	2.42	do*	325
137	51	2.42	South, West*	375
38	52	2.42	East	375
39	53	2.42	West	375
40	54	2.43	East	375
141	55	2.43	West	375
42	56	2.43	East	
42	57	2.43	County Road, East	450
43	58	2.43	West	375
44	59	2.43	East	
	86	2.42	East, South*	450
45	60	2.43	West*	375
46	61	2.43	East*	
	84	2.42	South, East	450
47	62	2.43	West, North	375
48	63	2.43	North	325
49	64	2.42	do	375
150	65	2.40	do	250
151	66	2.40	do	150
152	69	2.40	(**)	150
153	70	2.40	(**)	150
154	71	2.40	(**)	150
155	72	2.39	(**)	150
156	73	2.40	(**)	150
157	74	2.40	(**)	150
158	75	2.40	(**)	150
159	76	2.40	South**	150
160	77	2.40	do	250
161	78	2.40	do	325
162	79	2.40	do	250
163	80	2.41	do	375
164	81	2.42	do	325
	65	2.42	do	375
	66	2.42	South, West	375
	67	2.42	West, South*	325
	68	2.42	South, County Road	
		2.43	South	450
	88	2.43	North	375
169	89	2.43	do	325
170	90	2.43	do	
	71	2.43	County Road, North*	
		2.43	North	450
	72	2.43	East, North	375
	73	2.43	West, North	375
	74	2.43	North, East	375
175	96	2.42	North, West	375
176	97	2.41	North, East	375
177	98	2.41	North, West	325
178	99	2.41	North, East	250
179	100	2.40	North, West	250
180	101	2.40	North	250
181	102	2.40	North, South	150
182	103	2.40		
	106	2.41	South, West	450
183	104	2.40	(**)	
	105	2.40		325
184	107	2.41	South, East	325
185	108	2.41	South	250
186	109	2.41	South, West	325
187	110	2.41	East	250
188	111	2.41	West	325
189	112	2.42	East	375
190	113	2.42	West	375
191	114	2.42	East, South*	375
192	115	2.42	South, East	375
193	116	2.42	South, West	375
194	117	2.42	South	375
195	118	2.42	County Road, South	325
196	119	2.42	South	325
197	120	2.43	do	375
198	121	2.43	North	250
199	122	2.43	do	325
200	123	2.43	North, County Road	375
201	124	2.43	do	325
202	125	2.43	North	375
203	126	2.42	do	375
204	127	2.42	do	375
205	128	2.42	do	375
206	129	2.42	do	375
207	130	2.42	do	375
208	131	2.42	do	375
209	132	2.42	do	375
210	133	2.42	do	375
211	134	2.42	do	375
212	135	2.42	do	375
213	136	2.42	do	375
214	137	2.42	do	375
215	138	2.42	do	375
216	139	2.42	do	375
217	140	2.42	do	375
218	141	2.42	do	375
219	142	2.42	do	375
220	143	2.42	do	375
221	144	2.42	do	375
222	145	2.42	do	375
223	146	2.42	do	375
224	147	2.42	do	375
225	148	2.42	do	375
226	149	2.42	do	375
227	150	2.42	do	375
228	151	2.42	do	375
229	152	2.42	do	375
230	153	2.42	do	375
231	154	2.42	do	375
232	155	2.42	do	375
233	156	2.42	do	375
234	157	2.42	do	375
235	158	2.42	do	375
236	159	2.42	do	375
237	160	2.42	do	375
238	161	2.42	do	375
239	162	2.42	do	375
240	163	2.42	do	375
241	164	2.42	do	375
242	165	2.42	do	375
243	166	2.42	do	375
244	167	2.42	do	375
245	168	2.42	do	375
246	169	2.42	do	375
247	170	2.42	do	375
248	171	2.42	do	375
249	172	2.42	do	375
250	173	2.42	do	375
251	174	2.42	do	375
252	175	2.42	do	375
253	176	2.42	do	375
254	177	2.42	do	375
255	178	2.42	do	375
256	179	2.43	do	375
257	180	2.43	do	375
258	181	2.43	do	375
259	182	2.43	do	375
260	183	2.43	do	375
261	184	2.43	do	375
262	185	2.43	do	375
263	186	2.43	do	375
264	187	2.43	do	375
265	188	2.43	do	375
266	189	2.43	do	375
267	190	2.43	do	375
268	191	2.43	do	375
269	192	2.43	do	375
270	193	2.43	do	375
271	194	2.43	do	375
272	195	2.43	do	375
273	196	2.43	do	375
274	197	2.43	do	375
275	198	2.43	do	375
276	199	2.43	do	375
277	200	2.43	do	375
278	201	2.43	do	375
279	202	2.43	do	375
280	203	2.43	do	375
281	204	2.43	do	375
282	205	2.43	do	375
283	206	2.43	do	375
284	207	2.43	do	375
285	208	2.43	do	375
286	209	2.43	do	375
287	210	2.43	do	375
288	211	2.43	do	375
289	212	2.43	do	375
290	213	2.43	do	375
291	214	2.43	do	375
292	215	2.43	do	375
293	216	2.43	do	375
294	217	2.43	do	375
295	218	2.43	do	375
296	219	2.43	do	375
297	220	2.43	do	375
298	221	2.43	do	375
299	222	2.43	do	375
300	223	2.43	do	375
301	224	2.43	do	375
302	225	2.43	do	375
303	226	2.43	do	375
304	227	2.43	do	375
305	228	2.43	do	375
306	229	2.43	do	375
307	230	2.43	do	375
308	231	2.43	do	375
309	232	2.43	do	375
310	233	2.44	do	375
311	234	2.43	do	375
312	235	2.43	do	375
313	236	2.43	do	375
314	237	2.43	do	375
315	238	2.43	do	375
316	239	2.43	do	375
317	240	2.43	do	375
318	241	2.42	do	375
319	242	2.42	do	375
320	243	2.43	do	375
321	244	2.43	do	375
322	245	2.43	do	375
323	246	2.43	do	375
324	247	2.43	do	375
325	248	2.43	do	375
326	249	2.43	do	375
327	250	2.43	do	375
328	251	2.44	do	375
329	252	2.44	do*	325
330	253	2.44	do*	250
	254	2.44		325
	255	2.44	(*)	325
			Total 330 tracts	109,500

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

[T. 31 N., R. 8 W., Sec. 24]

Unit	Lot	Acres	33' R/W	Value
108	131	2.41	East	$325
109	132	2.41	West, North	

[T. 31 N., R. 8 E., Sec. 25]

	5	2.43		$450

[T. 31 N., R. 8 W.]

110	Sec. 24 133	2.41	North	
	Sec. 26 4	2.42		$450
111	Sec. 24 134	2.41	North, East	
	Sec. 25 3	2.43		450
112	Sec. 24 135	2.41	North, West	325
113	136	2.41		
	Sec. 25 1	2.43		225

[T. 31 N., R. 8 W., Sec. 25]

114	2	2.42		$150
115	6	2.42		250
116	7	2.42		325
117	8	2.42	South	325
118	9	2.43	do	250
119	10	2.43	do	325
120	11	2.43	do	375
121	12	2.43	do	375
122	13	2.43	South, County Road	325
123	14	2.43	South	375
124	15	2.43	do	
	16	2.43		325
125	17	2.43		375
126	18	2.42	North	375
127	19	2.43	do	375
128	20	2.42	North, County Road	
	21	2.43	North	450
	22	2.42	do	375
129	22	2.42	do	325
130	23	2.43	do	325
131	24	2.42	North, East	325
132	25	2.42	North, West, South	250
	26	2.42	South	250
	27	2.42	do	250
	28	2.42	do	250
	29	2.42	do	250
	30	2.42	do	250
	31	2.42	South, East	250
138	32	2.42	South, West	250
139	33	2.41	North, West	250
140	34	2.41	North, East	250
141	35	2.41	North, West	250
142	36	2.41	North, East	250
143	37	2.41	North	
144	38	2.41	do	225
145	39	2.40		
146	40	2.41	North	325
147	41	2.41		
	42	2.41	North	325
	43	2.43		325
	44	2.43		375
	45	2.43	South, County Road	450
	46	2.43	South	375
	47	2.43	do	375
	48	2.43		375
	49	2.43		375
	50	2.42	North	375
	51	2.43	do	
	52	2.42	North, County Road	375
	53	2.43	East	375
	54	2.42	West	375
	55	2.42	East	375
	56	2.42	West	
	60	2.41		325
	69	2.40		150
	64	2.41	South, East	150
	63	2.41	South, West	150
	62	2.41	South	150
167	61	2.41		

[T. 31 N., R. 8 W., Sec. 25]

Unit	Lot	Acres	33' R/W	Value
263	190	2.40	West	$450
264	169	2.44	South	250
265	170	2.44	do	250
266	171	2.44	South, County Road	325
267	172	2.43		250
268	173	2.43		
	180	2.43		450
269	177	2.42		375
270	178	2.43		
	179	2.43		450
271	181	2.43		
	204	2.43		450
272	182	2.43	North, County Road	325
273	183	2.43	North	325
274	184	2.43	do	
	201	2.44	South	450
275	185	2.40	North	
	186	2.41	do	450
276	187	2.41		
	198	2.42	South	450
277	188	2.41		
	197	2.42	South, East	325
278	193	2.43		
	224	2.43		325
279	194	2.43		
	223	2.43		325
280	195	2.42		
	196	2.42	West	450
281	199	2.42	South	375
282	200	2.42	do	375
283	202	2.43	do	375
284	203	2.43	South, County Road	375
285	205	3.43		250
286	206	2.43		325
287	207	2.43	West	325
288	208	2.43	East	375
289	209	2.42	East *	375
290	210	2.42	West *	
	211	2.42	East *	450
291	212	2.43	West *	
	213	2.43	(*)	450
292	214	2.43	North, County Road	375
293	215	2.43	North	325
294	216	2.43	do	325
295	217	2.42	North, East	375
296	218	2.42	North, West	375
297	219	2.42	North	375
298	220	2.43	do	325
299	221	2.43		
	222	2.43		450
300	225	2.44	West	
	256	2.44	(*)	450
301	226	2.44	East*	375
302	227	2.44	(*)	375
303	228	2.43	South*	375
304	229	2.43	South	325
305	230	2.43	do	375
306	231	2.43	South, West	375
307	232	2.43	South, East	375
308	233	2.44	South	375
309	234	2.43	do	325
310	235	2.43	South, County Road	375
311	236	2.43		375
312	237	2.43	West	375
313	238	2.43	East	325
314	239	2.43	West	375
315	240	2.43	East	375
316	241	2.42	do	375
317	242	2.42	West	375
318	243	2.42	East	375
319	244	2.43	West	375
320	245	2.43		375
321	246	2.43	North, County Road	375
322	247	2.43	North	375
323	248	2.43	do	375
324	249	2.43	do	375
325	250	2.43	do	375
326	251	2.44	do	375
327	252	2.44	do*	325
328	253	2.44	do*	250
329	254	2.44		325
330	255	2.44	(*)	325
			Total 330 tracts	109,500

See footnotes at end of table.

1 Preference applicants covered by applications from persons entitled to preference right as provided by 43 CFR 257.5.

Rights-of-Way Reservations

County Road—66 feet in width.

*—Pipeline R/W road as per R/W reservation.

**—Access road R/W reservation for a distance of 33 feet on each side of a center line which is described as follows: Beginning at the pipeline road along the east boundary of Lot 41, Section 24, thence south along lot boundary 2 chains; thence S. 70° W., 5 chains (into Lot 72); thence S. 88° W., 0.73 chains; thence N. 62° W., 3.00 chains (into Lot 71); thence S. 49° W., 2.72 chains (into Lot 71); thence south on west boundary of Lot 71 for 2.1 chains; thence S. 39° W., 1.5 chains; thence S. 66° W., 1.25 chains; thence N. 65° W., 2.72 chains (into Lot 70); thence S. 36° W., 1 chain (across canyon bottom); thence S. 40° E., 1 chain; thence S. 77° E., 4 chains (across Lot 75); thence S. 52° E., 2.9 chains; thence N. 67° E., 1 chain; thence S. 70° E., 1.27 chains (across Lot 74); thence N. 89° E., 0.5 chain; thence along canyon bottom to east boundary of Lot 73.

4. The above-described units will be sold at public auction at a public sale to be held at the City Hall, Farmington, New Mexico, beginning at 10:00 a.m. on September 18, 1962.

Bids may be made personally by the bidder or his agent at the sale or may be mailed. Bids sent by mail will be considered only if received at the Santa Fe Land Office, Bureau of Land Management, prior to 10:00 a.m. on September 17, 1962. (See mailing address below.) No sealed bid will be accepted if it is less than the appraised value of the tract. Oral bidding will be in increments to be announced at the sale. See part 3 above for appraised values.

5. Persons who have previously acquired a tract under the Small Tract Act are not qualified to purchase a tract at the sale unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

6. Each bid sent by mail must clearly show (a) the name and post office address of the bidder, (b) Offer No. 23, and (c) the land description of the tract for which the bid is made, described in accordance with Paragraph 3 of this order. Each bid must be accompanied by the full amount bid in the form of a certified or cashier's check, post office money order, or bank draft made payable to the Bureau of Land Management. Each bid must be enclosed in a separate envelope but payment need accompany only the highest bid, provided all other bids designate the envelope containing the payment. Each envelope must carry on its reverse the following information and nothing else: (a) Offer No. 23, September 18, 1962, (b) the number of the tract for which the bid is made, described in accordance with Paragraph 3 of this order.

7. Each tract will be awarded to the highest qualified bidder. If the highest bid is oral, the bidder will be required to make payment for the tract at the close of bidding and a personal check will be acceptable for that purpose. Any person who is declared high bidder for any tract will automatically be disqualified from consideration for other tracts at the sale.

8. Any tracts not sold when offered in the course of bidding (and on which no qualifying mailed bid has been received) will be reoffered at public auction upon the motion of any qualified bidder beginning at 10:30 a.m., September 26, 1962, at the Bureau of Land Management, Greer Building, 113 Washington Avenue, Santa Fe, New Mexico. The remaining tracts will continue to be subject to nomination and auction at that place each succeeding Wednesday at 10:30 a.m. (except holidays) until all tracts are sold or until the termination of the sale, March 13, 1963.

9. Inquiries concerning these lands should be addressed to the Manager, Land Office, Bureau of Land Management, Post Office Box 1251, Santa Fe, New Mexico.

Dated: June 19, 1962.

CHESLEY P. SEELY,
State Director.

[F.R. Doc. 62-6273; Filed, June 29, 1962; 8:45 a.m.]

DISTRICT MANAGERS, STATE OF NEVADA

Delegation of Authority

In accordance with section 1.1(a) of BLM Order No. 684 (26 F.R. No. 168, August 31, 1961), as amended, I hereby authorize the District Managers, State of Nevada, effective July 1, 1962, to perform the functions which are delegated to me in section 1.5(a) of the above cited order. The authority delegated may not be redelegated.

Dated: June 13, 1962.

J. R. PENNY,
State Director, Nevada.

Approved: June 25, 1962.

H. R. HOCHMUTH,
Acting Director,
Bureau of Land Management.

[F.R. Doc. 62-6376; Filed, June 29, 1962; 8:47 a.m.]

Office of the Secretary

[Administrative Management Reg. No. 4]

DIRECTOR, DIVISION OF PROPERTY MANAGEMENT

Delegation of Authority

JUNE 26, 1962.

SECTION 1. *Authority.* The Director, Division of Property Management, Office of the Administrative Assistant Secretary, is hereby authorized, without power of redelegation, to make the determinations provided for in Federal Procurement Regulations, Part 1-2.406-3 and Part 1-2.406-4, as follows:

A. In the event of mistake in a responsive bid alleged after opening and before award—

(1) A determination may be made permitting the bidder to withdraw his bid where the bidder requests permission to do so and clear and convincing evidence establishes the existence of a mistake. However, if the evidence is clear and convincing both as to the existence of a mistake and as to the bid actually intended, and if the bid, both as uncorrected and corrected, is the lowest received, a determination may be made to correct the bid and not permit its withdrawal.

(2) A determination may be made permitting the bidder to correct his bid where the bidder requests permission to do so and clear and convincing evidences establishes both the existence of a mistake and the bid actually intended. However, if such correction would result in displacing one or more lower bids, the determination shall not be made unless the existence of the mistake and the bid actually intended are ascertainable substantially from the invitation and bid itself. If the evidence is clear and convincing only as to the mistake, but not as to the intended bid, a determination permitting the bidder to withdraw his bid may be made.

(3) If the evidence does not warrant a determination under subparagraph (1) or (2) of this paragraph, a determination may be made that a bidder may neither withdraw nor correct his bid.

B. In the event a mistake in a contractor's bid is not discovered until after the award—

(1) A determination may be made to rescind a contract where the original contract price does not exceed $1,000.

(2) A determination may be made to reform a contract, irrespective of amount, (i) to delete the item or items involved in the mistake where such deletion does not reduce the contract price by more than $1,000, or (ii) to increase the price where such increase does not exceed $1,000 and if the contract price, as corrected, does not exceed that of the next lowest acceptable bid under the original invitation for bids.

(3) If the evidence does not warrant a determination under (1) or (2) of this subsection, a determination may be made that no change shall be made in the contract as awarded.

C. Each proposed determination made hereunder shall before becoming effective be approved by the Solicitor, an Assistant Solicitor, or comparable legal officer of the Department.

D. Records shall be maintained of all administrative determinations made in accordance with these provisions, and copies of all such administrative determinations, with the facts involved, shall be included in the case file. Where a contract is awarded under section 1 hereof, the General Accounting Office copy of the contract shall be accompanied by a signed copy of any related determination.

E. The said Director, Division of Property Management, may not redelegate the authority herein delegated to him.

SEC. 2. *Effective date.* This regulation is effective June 26, 1962 (Subpar. 210.1.4B, Delegations of Authority by Secretary of the Interior).

D. OTIS BEASLEY,
Administrative Assistant Secretary.

[F.R. Doc. 62-6358; Filed, June 29, 1962; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

CALIFORNIA

Extension of Period for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the State of California, the natural disaster for which said counties were designated (26 F.R. 5079, 5433, 6397, and 6609) has resulted in a continuing need in those counties for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

CALIFORNIA

Amador.	Napa.
Butte.	Nevada.
Calaveras.	Orange.
Colusa.	Placer.
Contra Costa.	Riverside.
Del Norte.	Sacramento.
El Dorado.	San Bernadino.
Fresno.	San Diego.
Glenn.	San Joaquin.
Humboldt.	San Luis Obispo.
Imperial.	Santa Barbara.
Inyo.	Solano.
Kern.	Sonoma.
Kings.	Stanislaus.
Lake.	Sutter.
Los Angeles.	Tulare.
Madera.	Tuolumne.
Marin.	Ventura.
Mariposa.	Yolo.
Mendocino.	Yuba.
Merced.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 26th day of June, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-6391; Filed, June 29, 1962; 8:50 a.m.]

MINNESOTA

Extension of Period for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the State of Minnesota a recent natural disaster has resulted in a continuing need in those counties for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MINNESOTA

Beltrami.	Norman.
Clay.	Pennington.
Clearwater.	Polk.
Kittson.	Red Lake.
Lake of the Woods.	Roseau.
Marshall.	Wilkin.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 26th day of June 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-6390; Filed, June 29, 1962; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

TRADE ROUTE NO. 19, U.S. GULF/CARIBBEAN AND EAST COAST MEXICO

Notice of Conclusions and Determinations Regarding Essentiality and United States Flag Service Requirements

Notice is hereby given that on June 25, 1962, the Maritime Administrator acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined the essentiality and United States flag service requirements of United States foreign Trade Route No. 19 and ordered that the following conclusions and determinations be published in the FEDERAL REGISTER:

1. Trade Route No. 19 as described below is reaffirmed as an essential foreign trade route of the United States:

Trade Route No. 19—U.S. Gulf/Caribbean and East Coast Mexico. Between United States Gulf ports (Key West to Mexican border) and foreign ports in the Gulf of Mexico, Caribbean Sea and the Guianas (Mexico to southern border of French Guiana, all islands of the Caribbean and West Indies except Puerto Rico, and other nearby islands including Barbados, Trinidad and Tobago, and Cristobal, C.Z.).

2. Requirements for United States flag operations on Trade Route No. 19 are approximately 13 sailings per month of freight ships serving the route exclusively or predominantly, with some supplemental service by other regularly scheduled sailings of U.S. flag combination passenger-cargo and freight ships serving the route in part only.

3. Existing C-1 and C-2 and Victory type freight ships are suitable for operation on Trade Route No. 19 pending replacement.

Dated: June 25, 1962.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-6364; Filed, June 29, 1962; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

AUSTRIA

Notice of Finding Regarding Foreign Social Insurance and Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has considered evidence relating to the social insurance or pension system of Austria, from which evidence it appears that Austria prior to December 31, 1957, had, and again beginning with July 12, 1961, has, a social insurance or pension system of general application which pays periodic benefits on account of old age, retirement, or death, and under which citizens of the United States, not citizens of Austria, who leave Austria, are permitted to receive benefits or their actuarial equivalent while outside that country, but that during the period from December 31, 1957, through July 11, 1961, not all United States citizens who qualified under the social insurance or pension system of Austria in effect during this period could receive benefits or their actuarial equivalent while outside of Austria, if outside that country for more than 2 months in any one calendar year.

Accordingly, it is hereby determined and found that Austria had a social insurance or pension system prior to December 31, 1957, which met the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) and that it again has a social insurance or pension system which meets such requirements beginning with July 12, 1961, but that Austria did not have a social insurance or pension system which met the requirements of section 202(t)(2) during the period from December 31, 1957, through July 11, 1961.

This notice supersedes the notice of finding regarding the social insurance or pension system of Austria published in the FEDERAL REGISTER of March 5, 1959 (24 F.R. 1664).

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: June 26, 1962.

ABRAHAM RIBICOFF,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 62-6395; Filed, June 29, 1962; 8:50 a.m.]

Food and Drug Administration

DECACHLOROOCTAHYDRO-1,3,4-METHENO-2H-CYCLOBUTA(CD) PENTALEN-2-ONE

Notice of Establishment of Temporary Tolerance

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and in accordance with authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is given that at the request of Allied Chemical Corporation, New York, New York, a temporary tolerance of 0.1 part per million is established for residues of the insecticide decachlorooctahydro-1,3,4-metheno-2H-cyclobuta(cd)pentalen-2-one in or on potatoes. While this temporary tolerance is in effect, decachlorooctahydro-1,3,4-metheno-2H-cyclobuta(cd)pentalen-2-one is considered to be a member of the class of chlorinated organic compounds (§ 120.3(e)(4)). Included in the conditions of granting the temporary tolerance are:

1. The pesticide will not be marketed for general sale, but will be supplied to qualified persons as permitted in the experimental permit issued by the U.S. Department of Agriculture for bona fide experimental use.

2. The total amount of the finished product containing 50 percent decachlorooctahydro-1,3,4,-metheno-2H-cyclobuta(cd)pentalen-2-one to be used under experimental permit will not exceed 20,000 pounds.

This temporary tolerance expires June 11, 1963.

Dated: June 22, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-6379; Filed, June 29, 1962; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-194]

PETROLITE CORP.

Notice of Proposed Issuance of Construction Permit

Please take notice that the Atomic Energy Commission proposes to issue to Petrolite Corporation a construction permit substantially in the form set forth below. This license authorizes construction of a 10 kilowatt (thermal) pool-type nuclear reactor located at Webster Groves, Missouri.

The Commission has found that the application as amended complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the proposed issuance of this construction permit may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued. If no request for a hearing or a petition for leave to intervene is

filed within the time prescribed in the notice, the Director of Regulation will issue the construction permit fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER.

For further details with respect to this proposed issuance see (1) the application and amendments thereto and (2) the related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of Item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 22d day of June 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

PROPOSED CONSTRUCTION PERMIT

1. By application dated December 15, 1961, and amendments thereto dated January 26, 1962, March 21, 1962, and April 17, 1962 (hereinafter collectively referred to as "the application") Petrolite Corporation requested a Class 104 license, authorizing construction and operation on their plant property in Webster Groves, Missouri, of a 10 kilowatt (thermal) pool-type nuclear reactor (hereinafter referred to as "the reactor").

2. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter 1, CFR, Part 50, "Licensing of Production and Utilization Facilities";

B. The reactor will be used in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act");

C. Petrolite Corporation is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter 1, CFR, to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time;

D. Petrolite Corporation is technically qualified to design, construct and operate the reactor;

E. Petrolite Corporation has submitted sufficient information to provide reasonable assurance that a reactor of the general type proposed can be constructed and operated at the proposed location without undue risk to the health and safety of the public, and that the omitted information necessary to complete the application will be supplied; and

F. The issuance of a construction permit to Petrolite Corporation will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, Chapter 1, CFR, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to Petrolite Corporation to construct the reactor in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in sections 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest completion date of the reactor is three months after issuance of the construction permit. The latest date for completion of the reactor is nine months after issuance of the construction permit The term "completion date" as used herein, means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The reactor shall be constructed and located on the plant property of Petrolite Corporation in Webster Groves, Missouri, specified in the application.

4. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless Petrolite Corporation has submitted to the Commission (by amendment of the application) additional data required to complete the hazards analysis of operating the proposed facility and the Commission has found the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor in accordance with the specified procedures.

5. Upon completion (as defined in paragraph "3.A." above) of the construction of the reactor in accordance with the terms and conditions of this permit, upon filing of the additional information needed to bring the original application up-to-date, and upon finding that the reactor authorized has been constructed and will operate in conformity with the application as amended and in conformity with the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to Petrolite Corporation pursuant to section 104c of the Act, which license shall expire forty (40) years after the date of this construction permit.

6. Pursuant to § 50.60 of the regulations in Title 10, Chapter 1, CFR, the Commission has allocated to Petrolite Corporation for use in connection with the operation of the reactor, 4.7 kilograms of uranium-235 contained in fully enriched uranium and a one-curie antimony-beryllium source canned in aluminum.

For the Atomic Energy Commission.

[F.R. Doc. 62-6346; Filed, June 29, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

BAGGAGE LIABILITY CASE

[Docket No. 7031]

Notice of Prehearing Conference

Notice is hereby given, that a prehearing conference in the above-entitled matter is assigned to be held on July 12, 1962, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Edward T. Stodola.

Dated at Washington, D.C., June 27, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-6396; Filed, June 29, 1962; 8:50 a.m.]

[Docket No. 12078]

FRONTIER AIRLINES, INC., "USE IT OR LOSE IT" INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on July 18, 1962, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C.

Dated at Washington, D.C., June 27, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-6399; Filed, June 29, 1962; 8:50 a.m.]

[Docket No. 13674]

NORTH CENTRAL AIRLINES, INC., "USE IT OR LOSE IT" INVESTIGATION OF TRANSBORDER ROUTE 86F

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 17, 1962 at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Barron Fredricks.

Dated at Washington, D.C., June 27, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-6400; Filed, June 29, 1962; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14644; FCC 62M-890]

BAY SHORE BROADCASTING CO.

Order on Procedural Dates

In re application of Keith Moyer and James Hilderbrand d/b as Bay Shore Broadcasting Company, Hayward, California, Docket No. 14644, File No. BP-14113; for construction permit.

Pursuant to agreement of counsel for all participants at the prehearing conference held on June 21, 1962: *It is ordered*, This 22d day of June 1962, that the following procedural dates are established:

Preliminary exchange of applicant's engineering data to be secured as a result of the setting up of a test transmitter by applicant, September 12, 1962.
Informal conference among counsel for all parties in Room 7502, New Post Office Building, Washington, D.C., September 25, 1962 (10:00 a.m.).
Final exchange of applicant's entire direct case exhibits in written form with copies to the Hearing Examiner, October 5, 1962.
Commencement of hearing, October 17, 1962 (10:00 a.m.).

It is further ordered, That the hearing, now scheduled to commence on July 25, 1962, is continued to 10:00 a.m., October 17, 1962.

Released: June 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6402; Filed, June 29, 1962; 8:51 a.m.]

[Docket Nos. 14678-14683; FCC 62M-900]

DENISON BROADCASTING CO. (KDSN) ET AL.

Order Scheduling Hearing and Prehearing Conference

In re applications of The Denison Broadcasting Company (KDSN), Denison, Iowa, Docket No. 14678, File No. BP-14189; Norton Broadcasting, Inc., Norton, Kansas, Docket No. 14679, File No. BP-14239; David N. Osborne, Lincoln, Nebraska, Docket No. 14680, File No. BP-14764; H & M Broadcasting Co., Lincoln, Nebraska, Docket No. 14681, File No. BP-14983; Modern Air Communicative Electronics, Inc., Lincoln, Nebraska, Docket No. 14682, File No. BP-15075; Merlin J. Meythaler, Merton J. Gonstead, Rex N. Eyler and James B. Goetz, d/b as Lancaster County Broadcasting Company, Lincoln, Nebraska, Docket No. 14683, File No. BP-15083; for construction permits.

It is ordered, This 25th day of June 1962, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 13, 1962, in Washington, D.C.; *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Thursday, July 26, 1962.

Released: June 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6403; Filed, June 29, 1962; 8:51 a.m.]

[Docket No. 14672; FCC 62M-896]

HAYWOOD COUNTY BROADCASTING CO.

Order Scheduling Hearing and Prehearing Conference

In re application of R. M. McKay, Jr., tr/as Haywood County Broadcasting Company, Brownsville, Tennessee, Docket No. 14672, File No. BP-14492; for construction permit.

It is ordered, This 25th day of June 1962, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 11, 1962, in Washington, D.C.; *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Thursday, July 26, 1962.

Released: June 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6404; Filed, June 29, 1962; 8:51 a.m.]

[Docket Nos. 14684-14686; FCC 62M-901]

NORTHFIELD BROADCASTING CO. ET AL.

Order Scheduling Hearing and Prehearing Conference

In re applications of Kingsley H. Murphy, Jr., and Carroll E. Crawford, d/b as Northfield Broadcasting Company, Northfield, Minnesota, Docket No. 14684, File No. BP-13872; Hastings Broadcasting Company, Hastings, Minnesota, Docket No. 14685, File No. BP-14823; Albert Lea Broadcasting Company (KATE), Albert Lea, Minnesota, Docket No. 14686, File No. BP-14870; for construction permits.

It is ordered, This 25th day of June 1962, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 19, 1962, in Washington, D.C.; *And it is further ordered*, that a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Monday, July 30, 1962.

Released: June 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6405; Filed, June 29, 1962; 8:51 a.m.]

[Docket No. 14677; FCC 62M-899]

POPLAR BLUFF BROADCASTING CO. (KWOC)

Order Scheduling Hearing and Prehearing Conference

In re application of Poplar Bluff Broadcasting Company (KWOC), Poplar Bluff, Missouri, Docket No. 14677, File No. BP-14495; for construction permit.

It is ordered, This 25th day of June 1962, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 13, 1962, in Washington, D.C.; *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Thursday, July 26, 1962.

Released: June 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6406; Filed, June 29, 1962; 8:51 a.m.]

[Docket Nos. 14673-14675; FCC 62M-897]

RELIABLE BROADCASTING CO. ET AL.

Order Scheduling Hearing and Prehearing Conference

In re applications of Thurman F. Chitwood, Paul J. Smith and Vern L. Kuhlman d/b as Reliable Broadcasting Co., Calhoun, Georgia, Docket No. 14673, File No. BP-14483; Blue Ridge Mountain Broadcasting Company, Inc., Ellijay, Georgia, Docket No. 14674, File No. BP-14942; Allen Woodall tr/as Radio Canton, Canton, Georgia, Docket No. 14675, File No. BP-15266; for construction permits.

It is ordered, This 25th day of June 1962, that Chester F. Naumowicz will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 11, 1962, in Washington, D.C.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Wednesday, July 25, 1962.

Released: June 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6407; Filed, June 29, 1962; 8:51 a.m.]

[Docket Nos. 14676; FCC 62M-898]

ST. MARTIN BROADCASTING CO.

Order Scheduling Hearing and Prehearing Conference

In re application of Dierrell Hamm, tr/as St. Martin Broadcasting Co., St. Martinville, Louisiana, Docket No. 14676, File No. BP-14207; for construction permit.

It is ordered, This 25th day of June 1962, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 17, 1962, in Washington, D.C.; *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, July 27, 1962.

Released: June 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6408; Filed, June 29, 1962; 8:51 a.m.]

[Docket Nos. 14669-14671; FCC 62M-895]

WIDE WATER BROADCASTING CO., INC., ET AL.

Order Scheduling Hearing and Prehearing Conference

In re applications of Wide Water Broadcasting Co., Inc., East Syracuse, New York, Docket No. 14669, File No. BP-14212; Fred S. Grunwald, tr/as Onondaga Broadcasters, Syracuse, New York, Docket No. 14670, File No. BP-

15146; Radio Voice of Central New York, Inc., Syracuse, New York, Docket No. 14671, File No. BP-15147; for construction permits.

It is ordered, This 25th day of June 1962, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 12, 1962, in Washington, D.C.; *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Wednesday, July 25, 1962.

Released: June 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6409; Filed, June 29, 1962; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 27, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37816: *Asphalt from Montana points to Mitchell, S. Dak.* Filed by Northern Pacific Railway Company (No. 124), for itself and interested rail carriers. Rates on asphalt (asphaltum), natural, byproduct or petroleum (other than paint, stain or varnish), in tank-car loads, subject to aggregate shipment in one day of twenty tank-car loads, from Billings, East Billings and Laurel, Mont., to Mitchell, S. Dak.

Grounds for relief: Carrier competition.

Tariff: Supplement 15 to Northern Pacific Railway Company tariff I.C.C. 9977.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-6373; Filed, June 29, 1962; 8:47 a.m.]

[No. 34046]

MINIMUM WEIGHT LIMITS

Prescription

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 18th day of June A.D. 1962.

It appearing that a petition, dated April 12, 1962, has been filed by the New England Motor Rate Bureau, on behalf of its membership seeking the institution of an investigation directed to the stabilization of the system of less-than-truckload weight breakdowns and truckload minimum weights applicable in connection with the New England Territory commodity rate structure, and replies having been filed thereto; and for good cause appearing:

It is ordered, That a proceeding of investigation be, and it is hereby, instituted into and concerning the stabilization of the commodity rate weight breakdown structure, including truckload minimum weights between points in New England Territory and between points in New England Territory and the Metropolitan New York-New Jersey Area;

And it is further ordered, That all common carriers of property by motor vehicle, except those of Household Goods as defined by the Commission, Livestock, Lumber and Commodities in bulk transported in dump or tank trucks, in interstate and foreign commerce be, and they are hereby, made respondents; that a copy of this order be forthwith served upon said respondents and that a notice of the proceeding be given to the public by posting a copy of this order in the office of the Secretary of the Commission and by filing a copy with the Director, Division of Federal Register.

And it is further ordered, That this proceeding be assigned for hearing at such time and place as may hereafter be fixed.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-6374; Filed, June 29, 1962; 8:47 a.m.]

[Notice 656]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 27, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65013. By order of June 21, 1962, the Transfer Board approved the transfer to Vale Transportation Co., Inc., Brooklyn, N.Y., of Certificates Nos. MC 69822 and MC 69822 Sub 2, issued January 6, 1954 and July 28, 1960, respectively, in the name of Marco Caccavale and Joseph Caccavale, a partnership, doing business as J & M Trucking, Brooklyn, N.Y., authorizing the transportation, over irregular routes, of bar, restaurant, pool room, bowling alley fixtures and equipment, between New York, N.Y., and points in New Jersey within 25 miles of New York, N.Y., on the one hand, and, on the other, points in that part of New Jersey, New York, Connecticut, Massachusetts, and Pennsylvania within 250 miles of the City Hall, New York, N.Y.; new and used store fixtures and parts thereof, from New York, N.Y., to points in New York, New Jersey, those in Connecticut west of the Connecticut River, and those in Pennsylvania east of a line beginning at Penn.-N.Y. State line and extending along U.S. Highway 15 to Northumberland, Pa., and thence along Susquehanna River to Penn-Md. State line, including points on the indicated portion of specified highways; paints and putty, from New York, N.Y., to points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J.; and damaged, defective, and returned shipments of paints and putty, on return. Charles H. Trayford, 220 East 42d Street, New York 17, N.Y., representative for applicants.

No. MC-FC 65020. By order of June 19, 1962, the Transfer Board approved the transfer to John R. Hafner, doing business as Motor Service Company, Coshocton, Ohio, of the operating rights in Certificate No. MC 107188 Sub-2, issued June 22, 1955, to J. Lawrence Hughes, doing business as Moore's Trailer Transport, Toledo, Ohio, authorizing the transportation, over irregular routes, of trailers, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Alma, Cassopolis, Owosso, Flint, and Wahjamega, Mich., to all points in Ohio, and trailers, designed to be drawn by passenger automobiles, in secondary movements, in truckaway service, from Toledo, Ohio, and points in Ohio within 60 miles of Toledo, to all points in Indiana and Michigan. Thos. W. Maxson, 30 East Broad Street, Columbus 15, Ohio, applicants' attorney.

No. MC-FC 65007. By order of June 21, 1962, the Transfer Board approved the transfer to David C. Peachey, Belleville, Pa., of Permits Nos. MC 104912 and MC 104912 Sub-4, issued October 18, 1949 and August 19, 1958, respectively, to Irvin R. Yoder, Belleville, Pa., authorizing the transportation of fertilizer, over regular route, from Baltimore, Md., to Belleville, Pa., meat scrap, tankage, bone meal, linseed oil meal, beans, fertilizer, seeds, cotton seed meal, linseed meal, feeds, oyster shells, bone charcoal, and seed potatoes, over irregular routes, between Belleville, Pa., on the one hand, and, on the other, points in New Jersey, Delaware, and Maryland, and those in New York south and east of a line beginning at the N.Y.-Penn. State line and extending north to Binghamton, thence along N.Y. Highway 12 to Sangerfield, and thence along U.S. Highway 20 to the N.Y.-Mass. State line, including points on the indicated portions of the highways specified; flour, in shipments of not less than 20,000 pounds, over irregular routes, from Belleville, Pa., to points in Delaware, Maryland, New Jersey, and New York; cotton seed meal, over irregular routes, from points in North Carolina, to Belleville, Pa., and points within 15 miles thereof; and rejected shipments of cotton seed meal, from Belleville, Pa., and points within 15 miles thereof, to points in North Carolina.

Albert Houck, 5 West Market Street, Lewistown, Pa., attorney for applicants.

No. MC-FC 65101. By order of June 20, 1962, the Transfer Board approved the transfer to Jerry Cereghino, Inc., New York, N.Y., of Certificate No. MC 19565, issued June 26, 1951, to Jerry Cereghino and Gerald Cereghino, a partnership, doing business as J. C. Trucking Co., New York, N.Y., authorizing the transportation, over irregular routes, of paper boxes, from New York, N.Y., to points in Bergen, Hudson, Essex, Union, and Middlesex Counties, N.J., and Fairfield County, Conn.; advertising matter, from New York, N.Y., to points in Bergen, Hudson, Essex, Union and Middlesex Counties, N.J.; and paper box machinery, requiring special handling, equipment, or rigging, because of size or weight, between New York, N.Y., on the one hand, and, on the other, Philadelphia, Pa., points in New Jersey and Massachusetts, those in Bucks and Montgomery Counties, Pa., and those in that part of Connecticut on the west of U.S. Highway 5. Abraham Ellis, 200 Fifth Avenue, New York 10, N.Y., attorney for applicants.

No. MC-FC 65107. By order of June 21, 1962, the Transfer Board approved the transfer to Lomar Transportation Co., Inc., Philadelphia, Pa., of Certificate No. MC 3189, issued December 8, 1953, to Edwin Thompson, doing business as Thompson Trucking, Philadelphia, Pa., authorizing the transportation of: Corrugated boxes, from Philadelphia, Pa., to Brooklyn, N.Y., and points in New Jersey. Morris J. Winokur, 1920—Two Penn Center Plaza, Philadelphia 2, Pa., attorney for applicants.

No. MC-FC 65138. By order of June 21, 1962, the Transfer Board approved the transfer to Anthony S. Petruzzello, doing business as Petruzzello Transport, Shelton, Conn., of Certificate No. MC 32775 Sub-4, issued February 23, 1950, to Hermann Forwarding Company, a corporation, New Brunswick, N.J., authorizing the transportation over irregular routes of general commodities, from New York, N.Y. to points in Fairfield County, Conn.; and sugar from New York, N.Y., to New Haven and Waterbury, Conn., and from Edgewater, N.J., to Stamford, Bridgeport, New Haven, Fairfield, Greenwich, Waterbury, Norwalk, and South Norwalk, Conn. Thomas W. Murrett, 410 Asylum Street, Hartford, Conn., attorney for transferee. Bert Collins, 140 Cedar Street, New York 6, N.Y., representative for transferor.

No. MC-FC 65143. By order of June 20, 1962, the Transfer Board approved the transfer to Chicago-Aurora Motor Service, Inc., Aurora, Ill., of Certificate No. MC 14277, issued July 7, 1953, to Harry E. Dullinger, doing business as Chicago-Aurora Motor Service, Aurora, Ill., authorizing the transportation of general commodities excluding household goods and commodities in bulk, over irregular routes, between Chicago, Ill., on the one hand, and, on the other, points in that part of Illinois bounded by a line beginning at Chicago and extending along Illinois Highway 64 to junction Illinois Highway 31, thence along Illinois Highway 31 to Kane County line, thence along Kane County line to DuPage County line, thence along DuPage County line to U.S. Highway 66, thence along U.S. Highway 66 to point of beginning, including points on the indicated portions of the highways specified. Paul J. Maton, 10 South LaSalle Street, Suite 1149, Chicago 3, Ill., attorney for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-6375; Filed, June 29, 1962; 8:47 a.m.]

[Rev. S.O. No. 562, Taylor's I.C.C. Order No. 144]

FORT DODGE, DES MOINES & SOUTHERN RAILWAY CO.

Rerouting of Traffic

In the opinion of Charles W. Taylor, Agent, Fort Dodge, Des Moines & Southern Railway Company is unable to transport traffic routed over its line, because of bridge out between Gowrie and Rockwell City, Iowa.

It is ordered, That:

(a) Rerouting traffic: The Fort Dodge, Des Moines & Southern Railway Company, being unable to transport traffic in accordance with shippers' routing because of bridge washed out between Gowrie and Rockwell City, Iowa, are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier diverting or rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with the pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 a.m., June 28, 1962.

(g) Expiration date: This order shall expire at 11:59 p.m., December 31, 1962, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 27, 1962.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 62-6392; Filed, June 29, 1962; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4031; 37-22]

COLUMBIA GAS SYSTEM SERVICE CORP. AND COLUMBIA GAS SYSTEM, INC.

Notice of Filing of Application-Declaration Regarding Proposed Expansion of Servicing Activities by Subsidiary Service Company and Issuance and Acquisition of Securities

JUNE 25, 1962.

Notice is hereby given that Columbia Gas System Service Corporation ("Columbia Service"), a wholly owned subsidiary service company of The Columbia Gas System, Inc. ("Columbia Gas"), a registered holding company, and Columbia Gas, 120 East 41st Street, New York 17, N.Y., have filed with this Commission a joint application-declaration and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), and have specified sections 6(a), 7, 9, 10 and 13 of the Act and Rules 40(b) and 50 promulgated thereunder as applicable thereto.

All interested persons are referred to the joint application-declaration, as amended, on file at the office of the Commission for a statement of the proposed transactions, which are summarized as follows:

By its order dated March 11, 1943, the Commission continued its authorization of the organization and conduct of business, as modified, of Columbia Service (formerly Columbia Engineering Corp.) subject to certain conditions which provided, among other things, that no change may be made in the scope or character of services to be rendered by Columbia Service to associate companies without prior approval by the Commission. Columbia Service now requests permission to expand the scope of accounting services presently being ren-

dered to associate companies, including the speeding up (to 16 times the present rate) of the centralized computer processing of the operating subsidiary companies' monthly billings to their 1.5 million gas customers, and the centralization and mechanization by Columbia Service of other customer revenue accounting functions now carried on by the operating subsidiary companies. Columbia Service will construct an addition to its Marble Cliff office building near Columbus, Ohio to house the larger electronic computer and related equipment required for the proposed increases in servicing activities and to provide more efficient space for the company's customer service personnel training school which will be transferred from another location.

Columbia Service proposes to increase its authorized common capital stock of $100 par value from 13,000 shares to 19,000 shares. The company further proposes to issue and sell to Columbia Gas, and Columbia Gas proposes to purchase, 6,000 shares of such additional stock for $600,000 and $1,850,000 principal amount of installment promissory notes at the face amount thereof. The notes will be dated the date of their issue and may be prepaid at any time, in whole or in part, without premimum.

An aggregate principal amount of $1,450,000 of the aforesaid notes will be issued in 1962 and will be payable in 25 equal annual installments on January 15 of each of the years 1964–1988, inclusive. The interest rate on such notes will be 4.5 percent per annum (the cost of money to Columbia Gas with respect to its last sale of Senior Debentures on June 7, 1962). The remaining $400.000 principal amount of the aforesaid notes will be issued during the years 1963 through 1966 in an amount estimated not to exceed $100,000 in any one calendar year, and such notes will be payable in 25 equal annual installments beginning January 15, 1965, 1966, 1967 and 1968, respectively. The interest rate on each of these notes shall be equal to the approximate cost of money with respect to Columbia Gas' then most recent sale of Senior Debentures.

Columbia Service will use the proceeds of the proposed issuance and sale of its securities (1) to repay an open account indebtedness to Columbia Gas in the amount of $100,000, (2) to supply $350,000 additional working capital required in 1962, (3) to supply additional working capital of approximately $100,000 in each of the four years from 1963 to 1966, inclusive, and (4) to pay the estimated cost of $1,600,000 of the proposed additions to the company's office facilities and equipment. Columbia proposes to maintain its working capital at a level equivalent to approximately 45 to 60 days' billings.

It is estimated that the proposed additional servicing activities, together with the plans of associate operating companies to convert customer meter reading from a monthly to a bi-monthly basis, will result in annual savings of nearly $1,700,000 in system customer accounting costs.

The amended joint application-declaration states that the estimated fees and expenses to be incurred in connection with the proposed transactions are $100 by Columbia Gas and $860 by Columbia Service and that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than July 9, 1962, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants-declarants, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the amended joint application-declaration, as filed or as it may be further amended, may be granted and permitted to become effective as provided by Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rule as provided by Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-6359; Filed, June 29, 1962; 8:46 a.m.]

[File No. 811-1112]

PRESTIGE CAPITAL CORP.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JUNE 25, 1962.

Notice is hereby given that Prestige Capital Corporation ("Applicant"), 485 Fifth Ave., New York 17, New York, a small business investment company organized under New York law and registered under the Investment Company Act of 1940 ("Act") has filed an application pursuant to section 8(f) of the Act for an order declaring that the applicant has ceased to be an investment company.

Applicant makes the following representations in its application:

Applicant has withdrawn its pending registration statement under the Securities Act of 1933 and it is not presently proposing a public offering of its stock which is held by fewer than 100 shareholders. Applicant therefore asserts that it is not an investment company within the Act's definitions and exemptions.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 12, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such a request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall hold a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-6360; Filed, June 29, 1962; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 387]

NEBRASKA

Declaration of Disaster Area

Whereas, it has been reported that during the month of June, 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Cherry County in the State of Nebraska;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on or about June 15, 1962.

Offices:
Small Business Administration Regional Office,
Home Savings Building, Fifth Floor,
1006 Grand Avenue,
Kansas City 6, Mo.
Small Business Administration Branch Office,
Federal Building, Room 7425,
215 North 17th Street,
Omaha 2, Nebr.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1962.

Dated: June 21, 1962.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62-6361; Filed, June 29, 1962; 8:46 a.m.]

[Delegation of Authority No. 30 (Rev. 7)]

REGIONAL DIRECTORS

Delegation of Authority To Conduct Program Activities in Regional Offices

I. Pursuant to the authority vested in the Administrator by the Small Business Act (1958), 72 Stat. 384, as amended; the Small Business Investment Act of 1958, 72 Stat. 689, as amended; there is hereby delegated to each regional director within his region, the authority:

A. *Financial assistance.*

1. To approve the following:
a. Direct loans not exceeding $50,000.
b. Participation loans not exceeding $150,000.
c. Limited loan participation not exceeding $25,000.
d. Small loans not exceeding $25,000.
e. Disaster loans not exceeding $50,000.

2. To decline direct and participation business and disaster loans of any amount.

3. To disburse approved loans.

4. To enter into business loan and disaster loan participation agreements with banks.

5. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------
(Name)
Regional Director.

6. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

10. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to apopint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

11. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

B. *Investment program.*

1. To disburse section 502 loans.

2. To extend the disbursement period on section 502 loan authorization or undisbursed portions of section 502 loans.

3. To cancel wholly or in part undisbursed balances of partially disbursed section 502 loans.

4. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of section 502 loans.

C. *Procurement and technical assistance.*

1. To determine joint set-asides for Government procurements and sales.

**2. To deny an application for a Certificate of Competency when the regional director agrees with an adverse survey report as to production or credit, unless application for an SBA loan is being filed, which loan must be approved in the Washington Office.

D. *Administration.*

1. To administer oaths of office.

**2. To advertise regarding the public sale of (a) collateral in connection with the liquidation of loans, and (b) acquired property.

**3. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by United States Attorneys in foreclosure cases.

4. To approve (a) annual and sick leave; (b) advanced sick leave, **(b) not to exceed 30 days; (c) advanced annual leave, not to exceed **(c) the amount of annual leave the employee would earn during the **(e) leave year; (d) leave without pay, not to exceed 30 days; and (e) overtime for employees under his supervision.

5. To (a) make emergency purchases chargeable to the Administrative expense fund, not in excess of $50 in any one object class in any one instance but more than $100 in any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph; and (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance.

6. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

7. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or service rendered.

8. To (a) authorize or approve official travel; **(b) approve expenses incident to change of official duty station; and (c) administratively approve travel reimbursement claims.

9. To procure from General Services Administration all standard forms and all supply items listed in Part I of the SBA Index of Standard Supply Items.

10. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this administration.

**11. To authorize expenditures for registration fees not in excess of $25 each.

**12. To approve all personnel actions for all non-technical positions of his region at grades GS–7 and below, except the following: All adverse actions including but not limited to change to lower grade, removal, suspension, reduction in force, separation for failure to accompany functions, etc. Such actions shall be accomplished by the Director, Office of Personnel.

**13. To clear applicants for nonsensitive, nontechnical positions in grades GS–7 and below and grant security clearance to employees when the security investigation discloses no derogatory information.

14. To establish and classify all nontechnical positions subject to the Classification Act of 1949, as amended, in grades GS–1 through GS–7.

**15. To approve in-service training where the cost of such training does not exceed $50, exclusive of travel and per diem costs, for each employee concerned.

E. *Eligibility.*

1. To make original determinations and determinations upon the reconsideration thereof as to which concerns are small business within the meaning of the Small Business Size Standards Regulation, as amended, except no determinations will be made in those cases which

involve questions of dominance, questions relating to cooperatives, and questions involving franchise, license or other contractual agreements, unless otherwise authorized. This authorization does not permit the issuance of Small Business Certificates.

2. To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

**II. The specific authority delegated in subsection I.A.10; subsection I.C.2; and subsections I.D.2; 3; 4 b, c, and e; 8b; 11; 12; 13; and 15 cannot be redelegated. These are indicated by asterisks (**). The specific authority in the other subsections may be redelegated to the appropriate positions within the regional and branch offices.

III. All authority delegated herein may be exercised by any Small Business Administration employee designated as Acting Regional Director.

IV. All previous authority delegated by the Administrator to each Regional Director by Delegation of Authority No. 30 (Revision 6) is hereby rescinded without prejudice to actions taken under such Delegation of Authority prior to the date hereof.

Effective date: June 20, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-6362; Filed, June 29, 1962; 8:46 a.m.]

[Delegation of Authority No. 54-3]

CHIEF, DEVELOPMENT COMPANY ACTIVITIES DIVISION

Delegation Relating to the Investment Program

I. Pursuant to the authority delegated to the Director, Office of Investment, by the Deputy Administrator, Investment Division, by Delegation of Authority No. 54 (Revision 2) as amended (27 F.R. 1779, 2658) there is hereby redelegated to the Chief, Development Company Activities Division, the following authority:

A. *Development.*

1. To take any and all action necessary to effect the disbursement of loans approved under section 502 of the Small Business Investment Act.

2. To approve changes and modifications in terms and conditions of loan authorizations except where such changes affect the amount of the loan or the collateral pledged.

B. *Administrative.*

1. To approve (a) sick and annual leave, (b) leave without pay not in excess of 30 days, and (c) overtime work for employees under his supervision.

II. The authority delegated I. A. 1 and I. B. 1 may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Development Company Activities Division.

IV. All previous authority delegated to the Chief, Development Company Activities Division, is hereby rescinded without prejudice to actions taken under such Delegation prior to the date hereof.

Effective date: March 1, 1962.

LAWRENCE S. CASAZZA,
Director Office of Investment.

[F.R. Doc. 62-6363; Filed, June 29, 1962; 8:46 a.m.]

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3480

PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES TERMINATING IN PART THE PROCLAMATION OF MAY 1, 1937, AND CONTINUING THE APPLICATION OF A PORTION OF THE FEBRUARY 19, 1937 TRADE AGREEMENT WITH EL SALVADOR

PART I—STATEMENT OF PURPOSES

The purposes of this proclamation are:

First—to terminate the proclamation of May 1, 1937, 50 Stat. 1564, insofar as it put into effect the schedules of concessions and related provisions of the trade agreement of February 19, 1937 between the United States and the Republic of El Salvador, 50 Stat. 1564. The two governments have, by an exchange of notes dated June 29, 1962, agreed to terminate, as of the close of August 8, 1962, the schedules of concessions and the related provisions, including Article I, the first paragraph of Article II, Articles III, V, VI, XVI, and in Article XVII the references to Article VI.

Second—to continue in effect the language of the note originally appended to Schedule I of the 1937 agreement, which relates to pharmaceutical specialties or patent medicines, and which by the agreement of June 29, 1962 has been transferred into a new Article III of the 1937 agreement.

PART II—TERMINATING IN PART THE PROCLAMATION OF MAY 1, 1937 AND CONTINUING THE APPLICATION OF A PORTION OF THE 1937 AGREEMENT WITH EL SALVADOR

NOW, THEREFORE,

I, JOHN F. KENNEDY, under the authority vested in me, as President, by the Constitution and statutes, in particular section 350(a) of the Tariff Act of 1930, as amended, do proclaim that, as of August 8, 1962:

(1) *Termination*

The proclamation dated May 1, 1937, 50 Stat. 1564, shall be terminated insofar as it relates to the schedules of concessions, and related provisions, contained in the agreement of February 19, 1937, between the United States and El Salvador (50 Stat. 1564), and identified in the first paragraph of Part I of this proclamation.

(2) *Continuation*

The language of the note originally appended to Schedule I of the agreement of February 19, 1937 between the United States and El Salvador (50 Stat. 1564), now contained in new Article III of that agreement and described in the second paragraph of Part I of this proclamation, shall continue to be applied.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-ninth day of June in the year of our Lord nineteen hundred and sixty-two, and of the Independence of the United States of America the one hundred and eighty-sixth.

[SEAL]

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-6552; Filed, July 2, 1962; 10:35 a.m.]

Memorandum of July 1, 1962

[EFFECTIVE DATE OF TARIFF CONCESSIONS IN UNITED STATES SCHEDULE TO TRADE AGREEMENT WITH AUSTRIA]

Memorandum for the Secretary of the Treasury

THE WHITE HOUSE,
Washington, July 1, 1962.

Reference is made to Proclamation 3468 of April 30, 1962 carrying out certain agreements negotiated at the 1960–61 Tariff Conference. (27 F.R. 4235.)

Pursuant to Part I:1(a)(ii) of that proclamation I notify you that the effective date for the rates of duty or import tax specified in column A at the right of the respective descriptions of products in the schedule of United States concessions to the Interim Agreement between the United States and Austria, of March 5, 1962, identified in recital 12(p) of that proclamation and annexed thereto as Annex P (Treas. Decs. (Cust.) May 10, 1962, 95), or in any case in which there are two such rates in column A the first such rate, shall be July 1, 1962.

JOHN F. KENNEDY

[F.R. Doc. 62-6582; Filed, July 2, 1962; 11:24 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 5—PROHIBITION AGAINST HOLDING STATE OR LOCAL OFFICE

Exception of Residents of Certain Municipalities

Section 5.104(a) is amended by the addition of "Prince Georges County (June 19, 1962)" under the heading "In Maryland", as set forth below.

§ 5.104 Exception of residents of certain municipalities.

(a) • • •

IN MARYLAND

• • • • • •

Prince Georges County (June 19, 1962).

(R.S. 1753; 5 U.S.C. 631)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-6449; Filed, July 2, 1962; 8:52 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, subparagraph (7) is added to paragraph (q) of § 6.302 as set out below.

§ 6.302 Department of State.

• • • • • •

(q) *Office of the Deputy Under Secretary for Administration.* • • •

(7) One Special Assistant to the Deputy Under Secretary.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-6504; Filed, July 2, 1962; 8:54 a.m.]

PART 30—ANNUAL AND SICK LEAVE REGULATIONS

Home Leave

Effective as of the first day of the first pay period after September 6, 1960, section 30.606(a) is amended as set out below.

§ 30.606 Grant of home leave.

(a) *Entitlement.* Unless otherwise authorized by statute, home leave may not be granted until the completion of 24 months of continuous creditable service abroad (hereinafter called the "basic service period"). A basic service period is terminated by (1) a break in service of one or more workdays, or (2) an assignment (other than a detail) to a position whereby the employee is no longer subject to section 203(f) of the Act.

(Sec. 206, 65 Stat. 681; 5 U.S.C. 2065)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-6451; Filed, July 2, 1962; 8:52 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1962 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1962-Crop Rye Loan and Purchase Agreement Program

A price support program has been announced for the 1962-crop of rye. The 1962 C.C.C. Grain Price Support Bulletin 1 (27 F.R. 4411) issued by the Commodity Credit Corporation and containing the specific regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1962 is supplemented as follows:

Sec.
421.1541 Purpose.
421.1542 Availability of price support.
421.1543 Eligibility requirements.
421.1544 Eligible rye.
421.1545 Determination of quality.
421.1546 Determination of quantity.
421.1547 Warehouse receipts.
421.1548 Warehouse charges.
421.1549 Maturity of loans.
421.1550 Inspection of rye under purchase agreement.
421.1551 Settlement.
421.1552 Support rates.

AUTHORITY: §§ 421.1541 to 421.1552 issued under sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051 as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 421.1541 Purpose.

This supplement states additional specific requirements which, together with the applicable provisions of the general regulations contained in the 1962 C.C.C. Grain Price Support Bulletin 1 (27 F.R. 4411), and any amendments thereto, apply to loans and purchase agreements under the 1962-Crop Rye Price Support Program.

§ 421.1542 Availability of price support.

(a) *Area.* Price support will be available through farm-storage and warehouse-storage loans and purchase agreements on eligible rye produced in the United States. Farm-storage loans will not be available in areas where the State committee determines that rye cannot be safely stored on the farm.

(b) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm program records for the farm.

(c) *When to apply.* Loans and purchase agreements will be available from harvest through January 31, 1963. The applicable documents must be signed by the producer and delivered to the office of the county committee not later than such date.

§ 421.1543 Eligibility requirements.

(a) *Beneficial interest.* To be eligible for price support, the beneficial interest must be in the eligible producer tendering the rye for loan or for delivery under a purchase agreement, and must always have been in him, or in him and a former producer whom he succeeded before it was harvested. Any producer who is in doubt as to whether his interest in the rye complies with the requirements of this paragraph (a) should make available to the county committee, prior to filing an application, all pertinent information which will permit a determination to be made by CCC.

(b) *Succession of interest.* To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the rye was produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

§ 421.1544 Eligible rye.

The rye must meet all of the applicable requirements of this section in addition to other applicable requirements of the program in order to be eligible for a loan, for delivery under a loan and for purchase under a purchase agreement.

(a) *Production.* The rye must have been produced in the United States in 1962 by an eligible producer.

(b) *Grade requirements.* Rye at the time it is placed under loan and rye under purchase agreement which is in approved warehouse-storage prior to notification by the producer of his intention to sell to CCC, must meet the requirements set forth in this paragraph. The rye must grade No. 2 or better, or

No. 3 on the factor of "test weight" only, but otherwise No. 2 or better. Rye grading Tough, Light Smutty, Smutty, Light Garlicky, Garlicky, or Weevily, or containing in excess of 1 percent ergot shall not be eligible, except that rye represented by warehouse receipts grading "Tough" will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt substantially as follows:

CERTIFICATION

On rye grading "Tough" delivery will be made of rye not tough but otherwise of the same country-run quality, quantity and grade as indicated on the applicable warehouse receipt and supplemental certificates, and no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of said warehouse receipt.

(c) *Poisonous substances.* The rye must not contain mercurial compounds or other substances poisonous to man or animals.

(d) *Waiting period.* If offered as security for a farm-storage loan, the rye must have been in store for at least 30 days prior to inspection, measurement, sampling, and sealing, unless otherwise approved by the State committee.

(e) *Purchase agreements—predelivery inspection.* Except as otherwise provided in § 421.1550 (a), rye under purchase agreement stored in other than approved warehouse storage shall not be eligible for sale to CCC if it does not meet the requirements of paragraphs (b) and (c) of this section on the basis of a predelivery inspection performed by a representative of the county committee, unless the producer complies with the conditions specified in § 421.1550 (a) and the rye on the basis of the inspection made at the time of delivery meets the requirements of paragraphs (b) and (c) of this section.

(f) *Deliveries under farm-storage loans.* Only rye covered by the loan documents is eligible for delivery under farm-storage loans.

§ 421.1545 Determination of quality.

(a) *Grading factors.* The grade and grading factors and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Rye, whether or not such determinations are made on the basis of an official inspection.

(b) *Ergot.* The quantity of ergot shall be stated in terms of tenths of one percent and where applicable, the word "Ergoty" shall be added to, and made a part of the grade designation.

§ 421.1546 Determination of quantity.

(a) *In warehouse.* The quantity of rye on which a warehouse storage loan shall be made and the quantity delivered to or acquired by CCC in an approved warehouse under a farm-storage loan or purchase agreement shall be the net weight specified on the warehouse receipt or on the supplemental certificate, if applicable.

(b) *On farm.* The quantity of rye placed under farm-storage loan may be determined either by weight or by measurement. The quantity delivered under a farm-storage loan or a purchase agreement shall be determined by weight. When the quantity is determined by weight, a bushel shall be 56 pounds of rye free of dockage. In determining the quantity of sacked rye by weight, a deduction of three-fourths of a pound for each sack shall be made.

(c) *Adjustment for test weight.* When the quantity is determined by measurement, a bushel shall be 1.25 cubic feet of rye testing 56 pounds per bushel. The quantity determined for rye of a different test weight shall be adjusted by the applicable percentage in the following table:

For rye testing:	Percent
56 pounds or over	100
55 pounds or over, but less than 56 pounds	98
54 pounds or over, but less than 55 pounds	96
53 pounds or over, but less than 54 pounds	95
52 pounds or over, but less than 53 pounds	92

(d) *Safety margin.* A safety factor as established by the State committee shall be deducted from the net quantity as determined by measurement when rye is offered for a farm-storage loan.

(e) *Dockage.* The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the rye in determining the net quantity available for loan or purchase.

§ 421.1547 Warehouse receipts.

Warehouse receipts representing rye in approved warehouse storage, to be placed under a warehouse-storage loan, to be delivered in satisfaction of a farm-storage loan or, to be acquired under a purchase agreement, must meet the requirements of this section.

(a) *Manner of issuance and endorsement.* Warehouse receipts presented for warehouse-storage loans must be issued in the name of the producer and for deliveries under farm-storage loans or purchase agreements, in the name of the producer or CCC, and must be properly endorsed in blank when issued in the name of the producer so as to vest title in the holder. Receipts must be issued by a warehouse for which a Uniform Grain Storage Agreement is in effect and which is approved by CCC for price support purposes or must be receipts issued on approved warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission. The term "Eastern common carriers" as used in this subpart includes the Port of New York Authority.

(b) *Entries for weight and grade.* (1) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show: (i) Gross weight and net bushels, (ii) grade (including special grades), (iii) percentage of ergot for rye containing in excess of 7/10 of 1 percent of ergot, (iv) test weight, (v) dockage, (vi) any other grading factor(s) when such factor(s) and not test weight determine the grade, and (vii) whether the rye arrived by rail, truck or barge. The grading factors on the warehouse receipt must agree with the inbound inspection certificate for the car, truck or barge when such certificate is issued.

(2) If a warehouseman has furnished a statement as provided in § 421.1544(b), the supplemental certificates must show the numerical grade and the grading factors of the rye to be delivered. Where the grade and grading factors shown on the supplemental certificate do not agree with the warehouse receipt, the factors shown on the supplemental certificate shall take precedence.

(3) A separate warehouse receipt must be submitted for each grade and quality of rye.

(c) *Liens.* The warehouse receipts may be subject to liens for warehouse charges only to the extent indicated in § 421.1548(a).

(d) *In-transit movement.* Warehouse receipts representing rye which has been shipped by rail or water from a country shipping point to a designated terminal point, or shipped by rail or water from a country shipping point to a storage point and stored in-transit to a designated terminal point, must be accompanied by registered freight bills or by a certificate containing similar information. These registered freight bills or certificates must be representative as to origin and date of movement of the rye. The form of these certificates will be prescribed by the ASCS commodity office and shall be signed by the warehouseman and may be made a part of the supplemental certificate.

(e) *Where warehouseman is also owner.* If the receipt is issued for rye of which the warehouseman is the owner either solely, jointly or in common with others, the fact of such ownership shall be stated on the receipt. Such receipts shall also be registered or recorded with appropriate State or local officials when required by State law. In States where the pledge of warehouse receipts by a warehouseman on his own rye is not valid under State law and the warehouseman elects to deliver rye to CCC under a purchase agreement for which he is eligible under this program, the warehouse receipt shall be issued in the name of CCC.

(f) *Insurance.* Each warehouse receipt or accompanying supplemental certificate representing grain stored in an approved warehouse operating under the Uniform Grain Storage Agreement shall indicate that the rye is insured, in accordance with such agreement. Each warehouse receipt or accompanying supplemental certificate issued on warehouses operated by Eastern common carriers and representing rye to be placed under loan shall indicate that it is insured at the full market value against loss or damage by fire, lightning, inherent explosion, windstorm, cyclone, and tornado. The cost of such insurance shall not be for the account of CCC.

§ 421.1548 Warehouse charges.

(a) *Handling and storage liens.* Warehouse receipts and the rye represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date it is deposited in the warehouse for storage. Warehouse receipts and the rye represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. In no event shall a warehouseman be entitled to satisfy the lien by sale of the rye when CCC is holder of the warehouse receipt.

(b) *Deduction of storage charges—UGSA warehouses.* The table shown below provides the deduction for storage charges to be made from the amount of the loan or purchase price in the case of rye stored in an approved warehouse operated under the Uniform Grain Storage Agreement. Such deduction shall be based on entries shown on the warehouse receipts. If written evidence is submitted with the warehouse receipt that all warehouse charges except receiving and loading out charges have been prepaid through the applicable loan maturity date, no storage deductions shall be made. If such written evidence is not submitted, the date to be used for computing the storage deduction on rye stored in warehouses operating under the Uniform Grain Storage Agreement shall be the date of deposit or the date storage charges start, whichever is later; if neither the date of deposit nor the date storage charges start is shown, the date of the warehouse receipt shall be used.

SCHEDULE OF DEDUCTION FOR STORAGE CHARGES BY MATURITY DATES

Feb. 28, 1963	Deduction (cents per bushel)	Apr. 30, 1963
		Storage start date[1]
	13	Prior to May 29, 1962.
	12	May 29–June 24, 1962.
Storage start date[1]		
Prior to May 22, 1962	11	June 25–July 21, 1962.
May 22–June 17, 1962	10	July 22–Aug. 17, 1962.
June 18–July 14, 1962	9	Aug. 18–Sept. 13, 1962.
July 15–Aug. 10, 1962	8	Sept. 14–Oct. 10, 1962.
Aug. 11–Sept. 6, 1962	7	Oct. 11–Nov. 6, 1962.
Sept. 7–Oct. 3, 1962	6	Nov. 7–Dec. 3, 1962.
Oct. 4–Oct. 30, 1962	5	Dec. 4–Dec. 30, 1962.
Oct. 31–Nov. 26, 1962	4	Dec. 31, 1962–Jan. 26, 1963.
Nov. 27–Dec. 23, 1962	3	Jan. 27–Feb. 22, 1963.
Dec. 24, 1962–Jan. 19, 1963.	2	Feb. 23–Mar. 21, 1963.
Jan. 20–Feb. 28, 1963	1	Mar. 22–Apr. 30, 1963.

[1] All dates inclusive.

(c) *Deduction of storage charges—Eastern common carriers.* In the case of rye stored in an approved warehouse operated by an Eastern common carrier, there shall be deducted in computing the loan or purchase price the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through the applicable maturity date unless written evidence is submitted with the warehouse receipt that such charges have been prepaid. The county office shall request the ASCS commodity office to determine the amount of such charges. Where the producer presents evidence showing the elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.1549 Maturity of loans.

Loans mature on demand but not later than February 28, 1963 for rye stored in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, and not later than April 30, 1963, in all other States.

§ 421.1550 Inspection of rye under purchase agreement.

(a) *Predelivery inspection.* (1) Where the producer has given written notice within the 30-day period prior to the loan maturity date of his intent to sell his rye stored in other than an approved warehouse under purchase agreement to CCC, the county office shall make an inspection, obtain a sample and submit it for grade analysis prior to delivery.

(2) If the rye on the basis of the predelivery inspection is of a quality which meets the requirements for a farm-storage loan, the county office shall issue delivery instructions on or after the date of inspection. The producer must then complete delivery within the period specified in the delivery instructions unless the county office determines that more time is needed.

(3) The producer whose rye is stored in other than an approved warehouse which is not of a quality eligible for a loan at the time of the predelivery inspection shall be notified in writing by the county office that his rye is not eligible for purchase by CCC. If, nevertheless, the producer informs the county office that he will condition the rye or otherwise take action to make it eligible and insists upon delivery of the rye, the county office shall issue delivery instructions. In such case if the rye does not meet the eligibility requirements of § 421.1544 (b) and (c) as determined on the basis of a sample taken at the time of delivery, the rye will not be accepted for purchase by CCC.

(4) A predelivery inspection shall not be made in unapproved warehouses where the rye is stored commingled or is stored so that the identity of the producer's rye is maintained but a predelivery inspection is not possible. When a predelivery inspection is not made such rye at the time of delivery must meet the eligibility requirements of § 421.1544 (b) and (c).

(b) *Inspection of rye stored by producer after maturity date.* (1) The producer may be required to retain the rye stored in other than approved warehouse storage under purchase agreement for a period of 60 days after the loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of the rye covered by a purchase agreement occurring prior to delivery to CCC except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions for rye which was determined to be of an eligible grade and quality at the time of the predelivery inspection, and CCC cannot accept delivery within the 60-day period following the loan maturity date, the producer may notify the county office at any time after such 60-day period that it is going out of condition or is in danger of going out of condition. If the county office determines that the rye is going out of condition or is in danger of going out of condition and it cannot be satisfactorily conditioned by the producer; and delivery cannot be accepted within a reasonable length of time, the county office shall obtain an inspection and grade and quality determination.

(2) When delivery is completed, settlement shall be made on the basis of such grade and quality determination or the grade and quality determination made at the time of delivery, whichever is higher, and on the quantity actually delivered.

§ 421.1551 Settlement.

(a) *General.* Settlement for rye acquired by CCC under loan or purchase agreement will be made with the producer as provided in this section. The support rate per bushel at which settlement will be made for eligible rye shall be determined under the applicable provisions of § 421.1552, and this section.

(1) *Warehouse-storage loans.* Settlement for eligible rye acquired by CCC under warehouse-storage loans and represented by warehouse receipts shall be made on the basis of weight, grade and other quality factors shown on such warehouse receipt or accompanying documents.

(2) *Farm-storage loans and purchase agreements.* (i) Delivery will be made in accordance with instruction issued by the county office. The settlement rate for eligible rye delivered under farm-storage loans or purchase agreements from other than approved warehouses, shall be the applicable support rate for the county in which the producer's customary shipping point (as determined by the county committee) is located, except that if the producer is directed to deliver his rye to a terminal market for which a support rate is established, settlement shall be based on the support rate for such terminal market. Settlement will be based on the quality and quantity as indicated on warehouse receipts and accompanying documents issued by an approved warehouse or if applicable, the quality and quantity as shown on Form CCC–50.

(ii) Rye purchased under the purchase agreement shall be paid for by sight draft drawn on CCC. The producer shall indicate on commodity purchase Form 4 to whom payment shall be made.

(b) *Settlement rate to be established.* In the case of delivery of rye under a farm-stored loan and rye under purchase agreement which was determined to be eligible at the time of predelivery in-

spection but which upon delivery is of a grade or quality for which no support rate has been established, the settlement rate shall be the applicable basic support rate adjusted by the discounts shown in § 421.1552 to the extent they apply and in addition, by the amount of market discounts, if any, as determined by the appropriate ASCS commodity office for the quality by which the rye is lower than the quality for which such price support discounts are established: *Provided, however,* That if such rye is sold by CCC for the purpose of determining its market price, the settle-value shall not be less than such sales price. Notwithstanding the foregoing, the settlement rate shall not in any event be more than the rate which would have been established under § 421.1552 by using the price support premiums and discounts in such section to the extent that they apply.

(c) *Compensation for hauling.* If the producer is directed by the county office to deliver his price support rye to a point a greater distance than to his customary delivery point, the producer will be allowed compensation (as determined by the ASC State committee at not to exceed the common carrier truck rate or the rate available from local truckers) for hauling eligible rye the additional distance: *Provided,* That if the producer is directed to deliver his rye to a terminal market for which a support rate is established, no compensation shall be allowed for hauling. The ASC State committee, may in determining the rates of payments for any excess haul, establish reasonable mileage minimums below which producers will not receive compensation for hauling the rye.

(d) *Track-loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on eligible rye delivered to CCC on track at a country point.

(e) *Storage payment where CCC is unable to take delivery of rye stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain rye stored in other than an approved warehouse under loan or purchase agreement for a period of 60 days after the maturity date without any cost to CCC. However, if CCC is unable to take delivery of such rye within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery to CCC: *Provided, however,* That a storage payment shall be paid a producer whose rye is stored in other than an approved warehouse under purchase agreement only if he had properly given notice of his intention to sell the rye to CCC and delivery cannot be accepted within the 60-day period after maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office whichever is earlier. The storage payment shall be computed at the storage rate for rye provided for in the Uniform Grain Storage Agreement in effect at the time of such storage.

(f) *Storage deduction for early delivery.* If farm-stored rye is delivered to CCC prior to maturity date, a deduction for storage shall be made, except that no deduction shall be made if such early delivery is made because the loan is called solely for the convenience of CCC, or if it is determined by CCC at the time of delivery that the rye will be sold rather than stored, or if CCC requires early delivery on an area basis.

(g) *Refund of prepaid handling charges.* In the case a warehouseman charges the producer for the receiving or the receiving and loading out charges on rye under loan or purchase agreement stored in an approved warehouse, the producer shall, upon delivery of the rye to CCC, be reimbursed or given credit by the county office for such prepaid charges not to exceed those specified in the Uniform Grain Storage Agreement, provided the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid. In the case an approved warehouse operated by an Eastern common carrier charges the producer for the elevation charges on rye under loan or purchase agreement, the producer shall, upon delivery of the rye to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges specified in the applicable approved tariff; provided the producer furnishes to the county office written evidence signed by the warehouseman that such charges have been paid and that CCC has not previously given the producer credit for such charges as provided in § 421.1548(e).

(h) *Ineligible rye inadvertently accepted by CCC.* (1) In the case of (i) ineligible rye delivered to or acquired by CCC under a loan; (ii) rye delivered in excess of the maximum quantity stated in the purchase agreement; (iii) ineligible rye delivered under a purchase agreement where a predelivery inspection was not made; (iv) ineligible rye delivered under a purchase agreement where the predelivery inspection indicated it to be of an ineligible quality, and (v) any other ineligible rye acquired by CCC under a purchase agreement, the settlement value shall be the market price as determined by CCC, but in no event more than the applicable support rate.

(2) If CCC sells the rye for the purpose of determining its market price, the settlement value shall be such sales price. The provisions of this paragraph do not apply to ineligible rye covered by paragraphs (i) and (j) of this section.

(i) *Fraud.* The making of any fraudulent representation by the producer in connection with settlement or deliveries under a loan shall render the producer personally liable, aside from any additional liability under criminal and civil frauds statutes, for the amount of the loan, for any additional amounts paid to the producer on the rye, and for all costs which CCC would not have incurred had it not been for the producer's fraudulent representation, together with interest at the rate of 6 percent per annum on such amounts from the date of disbursement. For the purpose of establishing any deficiency remaining due in the event the producer has made any such fraudulent representation, the value of the rye acquired by CCC under the loan shall be the market value as determined by CCC on the date of delivery or removal in the case of farm-storage loans or the market value of the rye as of the close of the market on the final date for repayment in the case of warehouse-storage loans, or in the case of both farm-storage and warehouse-storage loans the sales price if the rye is sold by CCC in order to determine its market value. If the producer has made a fraudulent representation in a sale under a purchase agreement or in the purchase agreement documents, he shall be personally liable, aside from any additional liability under criminal or civil fraud statutes for any loss which CCC sustains upon the rye delivered under the purchase agreement. For the purpose of this program, such loss shall be deemed to be the price paid to the producer on the rye delivered under the purchase agreement plus all costs sustained by CCC in connection with the rye, together with interest at the rate of 6 percent per annum from the date of disbursement, less the market value, as determined by CCC of the rye as of the close of the market on the date of delivery, or the sales price if the rye is sold in order to determine its market value.

(j) *Poisonous substances.* If rye is delivered to CCC which contains mercurial compounds or other substances poisonous to man or animals, such rye shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such rye for the uses specified above, the settlement value shall be the market value, as determined by CCC, as of the date of delivery.

§ 421.1552 Support rates.

The support rate for the quality of rye placed under a loan or acquired under a loan or a purchase agreement shall be the applicable basic support rate adjusted in accordance with the provisions of this section, and in the case of settlement of loans and purchase agreements as further provided in § 421.1551. Basic support rates for rye per bushel are for rye grading No. 2 or better or grading No. 3 on the basis of test weight only; but otherwise grading No. 2 or better.

(a) *Basic support rates at designated terminal markets.* (1) The basic support rates established for designated terminal markets apply to rye shipped on a domestic interstate freight rate basis. The support rate at the designated terminal market for any rye shipped at other than the domestic interstate freight rate shall be reduced by the difference between the freight rate paid and the domestic interstate freight rate.

(2) The basic support rates established for designated terminal markets also apply to rye which has been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges.

In the event the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate, if any, from the terminal market to a recognized market determined by CCC, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate. If the rye is stored at any designated terminal market and neither registered freight bills nor registered freight certificates are presented, the support rate shall be equal to the terminal rate minus the actual amount of paid-in freight required to guarantee the proportional outbound rate from the terminal market to a recognized market determined by the appropriate ASCS commodity office.

(3) The basic support rate for rye received by truck and stored at any designated terminal market shall be determined by deducting from the terminal rate, the actual amount of paid-in freight required to guarantee the proportional outbound rate from the terminal market to a recognized market determined by the appropriate ASCS commodity office, plus 3.25 cents per bushel.

(4) Notwithstanding the foregoing provisions of this paragraph, the support rate for rye shipped by rail or water and stored at any of the following terminal markets shall be equal to the applicable terminal rate, less the transportation cost, if any, as determined by the appropriate ASCS commodity office, for moving the rye to a tidewater facility located within the same switching limits:

Long Beach, Los Angeles, Oakland, San Francisco, Stockton, and Wilmington, Calif.
Baton Rouge and New Orleans, La.
Baltimore, Md.
Duluth, Minn.
Astoria and Portland, Oreg.
Albany and New York, N.Y.
Philadelphia, Pa.
Galveston, Houston, and Port Arthur, Tex.
Norfolk, Va.
Kalama, Longview, Seattle, Tacoma, and Vancouver, Wash.
Superior, Wis.

(5) Notwithstanding the foregoing provisions of this paragraph, the support rate for rye received by truck and stored at any of the terminal markets listed in subparagraph (4) of this paragraph shall be determined by making a deduction of 3.25 cents per bushel from the terminal rate, plus the transportation cost, if any, as determined by the appropriate ASCS commodity office, for moving the rye to a tidewater loading facility located within the same switching limits.

(6) Designated terminal markets and basic terminal support rates.

Terminal market	Rate per bushel
Omaha, Nebr	$1.22
Sioux City, Iowa	1.22
Duluth, Minn	1.22
Minneapolis, Minn	1.22
Saint Paul, Minn	1.22
Superior, Wis	1.22
Atchison, Kans	1.25
Kansas City, Mo	1.25
St. Joseph, Mo	1.25
Chicago, Ill	1.31
Milwaukee, Wis	1.31
Memphis, Tenn	1.32
St. Louis, Mo	1.32
Galveston, Tex	1.31
Houston, Tex	1.31
Port Arthur, Tex	1.31
Long Beach, Calif	1.34
Los Angeles, Calif	1.34
Oakland, Calif	1.34
San Francisco, Calif	1.34
Stockton, Calif	1.34
Wilmington, Calif	1.34
Astoria, Oreg	1.32
Kalama, Wash	1.32
Longview, Wash	1.32
Portland, Oreg	1.32
Seattle, Wash	1.32
Tacoma, Wash	1.32
Vancouver, Wash	1.32
Albany, N.Y	1.45
Baltimore, Md	1.45
New York, N.Y	1.45
Norfolk, Va	1.45
Philadelphia, Pa	1.45

(b) *Basic support rates for rye in approved warehouse storage at other than designated terminal markets.* The support rate for rye which is shipped by rail or water and which is stored in approved warehouses (other than those situated in the designated terminal market) shall be determined by deducting from the rate for the appropriate designated terminal market, as determined by CCC, an amount equal to the transit balance, if any, of the through-freight rate from the point of origin for such rye to such terminal market: *Provided,* That on any rye shipped at other than the domestic interstate freight rate, the support rate shall be further reduced by the difference between the freight rate paid and the domestic interstate freight rate from the point of origin of such rye to the point of destination or appropriate terminal market: *And provided further,* That in the case of rye stored at any railroad transit point, taking a penalty by reason of out-of-line movement to the appropriate designated market, or for any other reason, there shall be added to such transit balance an amount equal to any out-of-line costs or other cost incurred in storing rye in such position.

(c) *Basic support rates for rye in farm storage and country warehouse storage.* (1) Farm-storage loans and country warehouse-storage loans will be based on the support rate established for the county in which the rye is stored.

(2) If two or more approved warehouses are located in the same or adjoining towns, villages, or cities, having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point and the same support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.

Basic County Price Support Rates

ALABAMA

County	Rate per bushel
All counties	$1.16

ARIZONA

All counties	$1.06

ARKANSAS

All counties	$1.04

CALIFORNIA

County	Rate per bushel	County	Rate per bushel
Colusa	$1.17	Plumas	$1.11
Contra Costa	1.22	Riverside	1.16
Glenn	1.15	San Joaquin	1.23
Kern	1.14	Shasta	1.09
Lassen	1.04	Sierra	1.03
Marin	1.22	Siskiyou	1.09
Merced	1.20	Sonoma	1.20
Modoc	1.09	Stanislaus	1.22
Mono	.99	Yuba	1.18

COLORADO

Adams	$0.89	Las Animas	$0.88
Arapahoe	.89	Lincoln	.89
Baca	.90	Logan	.89
Bent	.90	Morgan	.89
Boulder	.89	Otero	.89
Crowley	.89	Pueblo	.89
Douglas	.89	Washington	.89
Elbert	.89	Weld	.89
El Paso	.89	All other counties	.91
Jefferson	.89		
Larimer	.89		

CONNECTICUT

All counties	$1.15

DELAWARE

All counties	$1.15

FLORIDA

All counties	$1.21

GEORGIA

All counties	$1.21

IDAHO

County	Rate per bushel	County	Rate per bushel
Ada	$0.97	Gem	$0.98
Adams	.95	Gooding	.94
Bannock	.89	Idaho	1.06
Bear Lake	.90	Jefferson	.88
Benewah	1.10	Jerome	.93
Bingham	.88	Kootenai	1.09
Blaine	.91	Latah	1.10
Boise	.97	Lemhi	.88
Bonner	1.03	Lewis	1.07
Bonneville	.88	Lincoln	.92
Boundary	1.03	Madison	.88
Butte	.88	Minidoka	.92
Camas	.91	Nez Perce	1.10
Canyon	.98	Oneida	.88
Caribou	.90	Owyhee	.97
Cassia	.91	Payette	.99
Clark	.86	Power	.91
Clearwater	1.08	Shoshone	.99
Custer	.88	Teton	.88
Elmore	.96	Twin Falls	.91
Franklin	.88	Valley	.98
Fremont	.88	Washington	.99

ILLINOIS

Adams	$1.09	Frankin	$1.11
Alexander	1.11	Fulton	1.11
Bond	1.14	Gallatin	1.07
Boone	1.12	Greene	1.14
Brown	1.09	Grundy	1.13
Bureau	1.10	Hamilton	1.11
Calhoun	1.12	Hancock	1.08
Carroll	1.10	Hardin	1.04
Cass	1.11	Henderson	1.08
Champaign	1.12	Henry	1.09
Christian	1.11	Iroquois	1.14
Clark	1.11	Jackson	1.11
Clay	1.11	Jasper	1.10
Clinton	1.14	Jefferson	1.11
Coles	1.11	Jersey	1.14
Cook	1.17	Jo Daviess	1.09
Crawford	1.08	Johnson	1.06
Cumberland	1.11	Kane	1.15
De Kalb	1.13	Kankakee	1.15
De Witt	1.11	Kendall	1.14
Douglas	1.12	Knox	1.09
Du Page	1.15	Lake	1.17
Edgar	1.11	La Salle	1.12
Edwards	1.10	Lawrence	1.11
Effingham	1.11	Lee	1.11
Fayette	1.11	Livingston	1.11
Ford	1.11	Logan	1.11

ILLINOIS—Continued

County	Rate per bushel	County	Rate per bushel
McDonough	$1.08	Randoph	$1.11
McHenry	1.13	Richland	1.10
McLean	1.11	Rock Island	1.09
Macon	1.11	St. Clair	1.14
Macoupin	1.14	Saline	1.07
Madison	1.15	Sangamon	1.11
Marion	1.11	Schuyler	1.11
Marshall	1.10	Scott	1.11
Mason	1.11	Shelby	1.11
Massac	1.11	Stark	1.10
Menard	1.11	Stephenson	1.10
Mercer	1.08	Tazewell	1.11
Monroe	1.14	Union	1.11
Montgomery	1.13	Vermillion	1.14
Morgan	1.11	Wabash	1.08
Moultrie	1.12	Warren	1.09
Ogle	1.11	Washington	1.12
Peoria	1.10	Wayne	1.10
Perry	1.11	White	1.08
Platt	1.11	Whiteside	1.10
Pike	1.11	Will	1.15
Pope	1.07	Williamson	1.11
Pulaski	1.11	Winnebago	1.10
Putnam	1.10	Woodford	1.11

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	$1.06	Lawrence	$1.04
Allen	1.06	Madison	1.07
Bartholomew	1.03	Marion	1.06
Benton	1.11	Marshall	1.09
Blackford	1.08	Martin	1.03
Boone	1.06	Miami	1.09
Brown	1.03	Monroe	1.04
Carroll	1.09	Montgomery	1.08
Cass	1.09	Morgan	1.04
Clark	1.01	Newton	1.14
Clay	1.09	Noble	1.07
Clinton	1.08	Ohio	1.01
Crawford	1.01	Orange	1.01
Daviess	1.04	Owen	1.04
Dearborn	1.04	Parke	1.07
Decatur	1.04	Perry	.97
De Kalb	1.07	Pike	1.03
Delaware	1.06	Porter	1.13
Dubois	1.01	Posey	1.09
Elkhart	1.09	Pulaski	1.11
Fayette	1.06	Putnam	1.06
Floyd	1.01	Randolph	1.07
Fountain	1.07	Ripley	1.03
Franklin	1.07	Rush	1.06
Fulton	1.10	Saint Joseph	1.09
Gibson	1.09	Scott	1.01
Grant	1.08	Shelby	1.04
Greene	1.04	Spencer	.97
Hamilton	1.06	Starke	1.10
Hancock	1.06	Steuben	1.06
Harrison	1.01	Sullivan	1.09
Hendricks	1.06	Switzerland	.99
Henry	1.07	Tippecanoe	1.09
Howard	1.09	Tipton	1.08
Huntington	1.07	Union	1.06
Jackson	1.03	Vanderburgh	1.12
Jasper	1.13	Vermillion	1.14
Jay	1.07	Vigo	1.14
Jefferson	1.01	Wabash	1.09
Jennings	1.02	Warren	1.12
Johnson	1.04	Warrick	1.00
Knox	1.07	Washington	1.01
Kosciusko	1.08	Wayne	1.06
Lagrange	1.07	Wells	1.06
Lake	1.16	White	1.12
La Porte	1.11	Whitley	1.08

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$1.01	Carroll	$1.03
Adams	1.03	Cass	1.03
Allamakee	1.04	Cedar	1.07
Appanoose	1.06	Cerro Gordo	.99
Audubon	1.04	Cherokee	1.00
Benton	1.05	Chickasaw	1.03
Black Hawk	1.03	Clarke	1.02
Boone	1.00	Clay	.99
Bremer	1.03	Clayton	1.05
Buchanan	1.04	Clinton	1.08
Buena Vista	.99	Crawford	1.04
Butler	1.01	Dallas	1.01
Calhoun	1.01	Davis	1.06

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Decatur	$1.02	Marshall	$1.03
Delaware	1.05	Mills	1.05
Des Moines	1.08	Mitchell	1.00
Dickinson	.98	Monona	1.04
Dubuque	1.06	Monroe	1.05
Emmet	1.00	Montgomery	1.05
Fayette	1.04	Muscatine	1.07
Floyd	.99	O'Brien	1.00
Franklin	1.01	Osceola	.99
Fremont	1.05	Page	1.04
Greene	1.01	Palo Alto	.98
Grundy	1.03	Plymouth	1.02
Guthrie	1.02	Pocahontas	.99
Hamilton	1.01	Polk	1.02
Hancock	.98	Pottawattamie	1.05
Hardin	1.02	Poweshiek	1.03
Harrison	1.05	Ringgold	1.01
Henry	1.06	Sac	1.01
Howard	1.02	Scott	1.08
Humboldt	.98	Shelby	1.05
Ida	1.02	Sioux	1.01
Iowa	1.04	Story	1.01
Jackson	1.08	Tama	1.04
Jasper	1.02	Taylor	1.02
Jefferson	1.05	Union	1.02
Johnson	1.06	Van Buren	1.06
Jones	1.07	Wapello	1.05
Keokuk	1.04	Warren	1.02
Kossuth	.98	Washington	1.05
Lee	1.08	Wayne	1.04
Linn	1.06	Webster	1.00
Louisa	1.06	Winnebago	1.00
Lucas	1.03	Winneshiek	1.03
Lyon	.99	Woodbury	1.02
Madison	1.01	Worth	1.00
Mahaska	1.04	Wright	.99
Marion	1.03		

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	$1.04	Labette	$1.04
Anderson	1.06	Lane	.95
Atchison	1.07	Leavenworth	1.08
Barber	.98	Lincoln	.99
Barton	.98	Linn	1.07
Bourbon	1.06	Logan	.94
Brown	1.06	Lyon	1.04
Butler	1.00	McPherson	1.00
Chase	1.02	Marion	1.00
Chautauqua	1.02	Marshall	1.04
Cherokee	1.04	Meade	.94
Cheyenne	.93	Miami	1.08
Clark	.95	Mitchell	1.00
Clay	1.01	Montgomery	1.04
Cloud	1.01	Morris	1.02
Coffey	1.05	Morton	.91
Comanche	.96	Nemaha	1.04
Cowley	1.00	Neosho	1.04
Crawford	1.05	Ness	.97
Decatur	.96	Norton	.98
Dickinson	1.00	Osage	1.05
Doniphan	1.05	Osborne	.99
Douglas	1.08	Ottawa	1.00
Edwards	.98	Pawnee	.98
Elk	1.02	Phillips	.98
Ellis	.98	Pottawatomie	1.04
Ellsworth	.99	Pratt	.98
Finney	.94	Rawlins	.94
Ford	.97	Reno	.99
Franklin	1.07	Republic	1.01
Geary	1.02	Rice	.99
Gove	.95	Riley	1.04
Graham	.98	Rooks	.98
Grant	.93	Rush	.98
Gray	.95	Russell	.98
Greeley	.93	Saline	1.00
Greenwood	1.03	Scott	.94
Hamilton	.93	Sedgwick	1.00
Harper	.99	Seward	.93
Harvey	1.00	Shawnee	1.06
Haskell	.94	Sheridan	.95
Hodgeman	.97	Sherman	.93
Jackson	1.06	Smith	.99
Jefferson	1.07	Stafford	.98
Jewell	1.00	Stanton	.92
Johnson	1.08	Stevens	.93
Kearny	.93	Sumner	1.00
Kingman	1.00	Thomas	.94
Kiowa	.98	Trego	.98

KANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Wabaunsee	$1.04	Wilson	$1.04
Wallace	.93	Woodson	1.04
Washington	1.02	Wyandotte	1.08
Wichita	.93		

KENTUCKY

All counties	$1.15

LOUISIANA

All counties	$1.06

MAINE

All counties	$1.15

MARYLAND

All counties	$1.15

MASSACHUSETTS

All counties	$1.15

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	$0.96	Lapeer	$1.06
Alger	.98	Leelanau	.95
Allegan	1.05	Lawanee	1.08
Alpena	.95	Livingston	1.06
Arenac	.98	Macomb	1.09
Baraga	.96	Manistee	1.03
Barry	1.05	Marquette	.98
Bay	1.02	Mason	1.03
Benzie	1.03	Mecosta	1.03
Berrien	1.09	Menominee	1.02
Branch	1.06	Midland	1.03
Calhoun	1.09	Missaukee	.99
Cass	1.09	Monroe	1.09
Clare	1.03	Montcalm	1.02
Clinton	1.04	Montmorency	.95
Crawford	.97	Muskegon	1.02
Delta	.99	Newaygo	1.01
Dickinson	1.00	Oakland	1.07
Eaton	1.05	Oceana	1.03
Genesee	1.06	Ogemaw	1.00
Gladwin	1.00	Ontonagon	.97
Gogebic	.98	Osceola	1.08
Grand Traverse	.97	Oscoda	1.00
Gratiot	1.04	Ottawa	1.05
Hillsdale	1.06	Roscommon	.97
Huron	1.03	Saginaw	1.04
Ingham	1.05	Saint Clair	1.08
Ionia	1.04	Saint Joseph	1.08
Iosco	.97	Sanilac	1.06
Iron	.98	Shiawassee	1.05
Isabella	1.03	Tuscola	1.05
Jackson	1.06	Van Buren	1.07
Kalamazoo	1.08	Washtenaw	1.08
Kalkaska	.95	Wayne	1.08
Kent	1.04	Wexford	1.01
Lake	1.03	All other counties	.94

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$1.11	Isanti	$1.04
Anoka	1.04	Itasca	1.11
Becker	1.04	Jackson	.99
Beltrami	1.06	Kanabec	1.09
Benton	1.04	Kandiyohi	1.04
Big Stone	1.04	Kittson	.98
Blue Earth	1.04	Koochiching	1.04
Brown	1.04	Lac Qui Parle	1.04
Carlton	1.11	Lake of the Woods	1.02
Carver	1.04	Le Sueur	1.04
Cass	1.08	Lincoln	1.03
Chippewa	1.04	Lyon	1.04
Chisago	1.04	McLeod	1.04
Clay	1.03	Mahnomen	1.03
Clearwater	1.05	Marshall	1.01
Cottonwood	1.00	Martin	1.00
Crow Wing	1.09	Meeker	1.04
Dakota	1.04	Mille Lacs	1.06
Dodge	1.04	Morrison	1.09
Douglas	1.04	Mower	1.04
Faribault	1.00	Murray	.99
Fillmore	1.04	Nicollet	1.04
Freeborn	1.04	Nobles	.98
Goodhue	1.04	Norman	1.02
Grant	1.04	Olmsted	1.04
Hennepin	1.04	Otter Tail	1.05
Houston	1.04	Pennington	1.02
Hubbard	1.06		

MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel
Pine	$1.10	Steele	$1.04
Pipestone	.99	Stevens	1.04
Polk	1.02	Swift	1.04
Pope	1.04	Todd	1.05
Ramsey	1.04	Traverse	1.04
Red Lake	1.03	Wabasha	1.04
Redwood	1.04	Wadena	1.06
Renville	1.04	Waseca	1.04
Rice	1.04	Washington	1.04
Rock	.97	Watonwan	1.01
Roseau	.99	Wilkin	1.04
St. Louis	1.03	Winona	1.04
Scott	1.04	Wright	1.04
Sherburne	1.04	Yellow Medicine	1.04
Sibley	1.04		
Stearns	1.04		

MISSISSIPPI

All counties	$1.15

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$1.07	Linn	$1.07
Andrew	1.07	Livingston	1.06
Atchison	1.04	McDonald	1.02
Audrain	1.10	Macon	1.08
Barry	1.02	Madison	1.11
Barton	1.04	Maries	1.11
Bates	1.07	Marion	1.10
Benton	1.05	Mercer	1.03
Bollinger	1.10	Miller	1.07
Boone	1.10	Mississippi	1.06
Buchanan	1.07	Moniteau	1.08
Butler	1.08	Monroe	1.09
Caldwell	1.07	Montgomery	1.12
Callaway	1.10	Morgan	1.07
Camden	1.07	New Madrid	1.07
Cape Girardeau	1.09	Newton	1.02
Carroll	1.06	Nodaway	1.04
Carter	.99	Oregon	.99
Cass	1.08	Osage	1.10
Cedar	1.06	Ozark	1.00
Chariton	1.07	Pemiscot	1.06
Christian	1.02	Perry	1.11
Clark	1.09	Pettis	1.08
Clay	1.08	Phelps	1.10
Clinton	1.07	Pike	1.11
Cole	1.09	Platte	1.08
Cooper	1.06	Polk	1.04
Crawford	1.12	Pulaski	1.08
Dade	1.04	Putnam	1.08
Dallas	1.04	Ralls	1.10
Daviess	1.06	Randolph	1.09
De Kalb	1.07	Ray	1.07
Dent	1.09	Reynolds	1.07
Douglas	1.01	Ripley	1.07
Dunklin	1.06	St. Charles	1.16
Franklin	1.14	St. Clair	1.06
Gasconade	1.12	Ste. Genevieve	1.13
Gentry	1.05	St. Louis	1.16
Greene	1.04	Saline	1.07
Grundy	1.05	Schuyler	1.07
Harrison	1.04	Scotland	1.08
Henry	1.07	Scott	1.08
Hickory	1.04	Shannon	.99
Holt	1.05	Shelby	1.09
Howard	1.09	Stoddard	1.08
Howell	.99	Stone	1.01
Iron	1.11	Sullivan	1.03
Jackson	1.08	Taney	1.00
Jasper	1.04	Texas	.99
Jefferson	1.15	Vernon	1.06
Johnson	1.07	Warren	1.15
Knox	1.08	Washington	1.13
Laclede	1.07	Wayne	1.09
Lafayette	1.07	Webster	1.05
Lawrence	1.02	Worth	1.04
Lewis	1.10	Wright	1.01
Lincoln	1.14		

MONTANA

County	Rate per bushel	County	Rate per bushel
Beaverhead	$0.84	Carter	$0.80
Big Horn	.71	Cascade	.90
Blaine	.81	Chouteau	.87
Broadwater	.90	Custer	.78
Carbon	.82	Daniels	.75

MONTANA—Continued

County	Rate per bushel	County	Rate per bushel
Dawson	$0.79	Park	$0.88
Deer Lodge	.93	Petroleum	.81
Fallon	.80	Phillips	.76
Fergus	.84	Pondera	.88
Flathead	.97	Powder River	.76
Gallatin	.88	Powell	.94
Garfield	.77	Prairie	.78
Glacier	.89	Ravalli	.97
Golden Valley	.83	Richland	.79
Granite	.97	Roosevelt	.79
Hill	.84	Rosebud	.73
Jefferson	.91	Sanders	.99
Judith Basin	.86	Sheridan	.78
Lake	.97	Silver Bow	.93
Lewis and Clark	.90	Stillwater	.83
Liberty	.85	Sweet Grass	.85
Lincoln	.97	Teton	.89
McCone	.78	Toole	.88
Madison	.89	Treasure	.74
Meagher	.88	Valley	.75
Mineral	.99	Wheatland	.85
Missoula	.99	Wibaux	.80
Musselshell	.82	Yellowstone	.82

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$1.00	Jefferson	$1.03
Antelope	1.00	Johnson	1.03
Arthur	.92	Kearney	.99
Banner	.87	Keith	.92
Blaine	.95	Keya Paha	.95
Boone	1.01	Kimball	.89
Box Butte	.90	Knox	.98
Boyd	.97	Lancaster	1.05
Brown	.95	Lincoln	.94
Buffalo	.99	Logan	.95
Burt	1.05	Loup	.98
Butler	1.04	McPherson	.94
Cass	1.05	Madison	1.01
Cedar	.99	Merrick	1.01
Chase	.92	Morrill	.89
Cherry	.92	Nance	1.02
Cheyenne	.89	Nemaha	1.03
Clay	1.00	Nuckols	1.00
Colfax	1.05	Otoe	1.05
Cuming	1.04	Pawnee	1.04
Custer	.97	Perkins	.92
Dakota	1.02	Phelps	.98
Dawes	.88	Pierce	1.01
Dawson	.97	Platte	1.03
Deuel	.91	Polk	1.03
Dixon	1.01	Red Willow	.96
Dodge	1.05	Richardson	1.04
Douglas	1.05	Rock	.95
Dundy	.92	Saline	1.03
Fillmore	1.02	Sarpy	1.05
Franklin	.98	Saunders	1.05
Frontier	.96	Scotts Bluff	.87
Furnas	.98	Seward	1.04
Gage	1.03	Sheridan	.89
Garden	.90	Sherman	.99
Garfield	.98	Sioux	.86
Gosper	.98	Stanton	1.02
Grant	.91	Thayer	1.02
Greeley	1.00	Thomas	.94
Hall	1.00	Thurston	1.03
Hamilton	1.01	Valley	.98
Harlan	.98	Washington	1.05
Hayes	.92	Wayne	1.00
Hitchcock	.94	Webster	.99
Holt	.98	Wheeler	1.01
Hooker	.92	York	1.02
Howard	1.00		

NEVADA

All counties	$0.96

NEW HAMPSHIRE

All counties	$1.15

NEW JERSEY

All counties	$1.15

NEW MEXICO

All counties	$0.91

NEW YORK

All counties	$1.16

NORTH CAROLINA

All counties	$1.19

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$0.85	McLean	$0.88
Barnes	.98	Mercer	.87
Benson	.91	Morton	.87
Billings	.85	Mountrail	.85
Bottineau	.86	Nelson	.96
Bowman	.84	Oliver	.87
Burke	.85	Pembina	.97
Burleigh	.90	Pierce	.89
Cass	1.00	Ramsey	.93
Cavalier	.92	Ransom	1.00
Dickey	.99	Renville	.85
Divide	.84	Richland	1.03
Dunn	.85	Rolette	.89
Eddy	.94	Sargent	1.02
Emmons	.91	Sheridan	.90
Foster	.95	Sioux	.87
Golden Valley	.81	Slope	.82
Grand Forks	.99	Stark	.85
Grant	.85	Steele	.98
Griggs	.97	Stutsman	.96
Hettinger	.85	Towner	.90
Kidder	.93	Traill	.99
La Moure	.97	Walsh	.97
Logan	.94	Ward	.86
McHenry	.88	Wells	.93
McIntosh	.94	Williams	.84
McKenzie	.82		

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	$1.08	Licking	$1.10
Allen	1.09	Logan	1.19
Ashland	1.11	Lorain	1.11
Ashtabula	1.13	Lucas	1.09
Athens	1.10	Madison	1.09
Auglaize	1.08	Mahoning	1.13
Belmont	1.11	Marion	1.10
Brown	1.08	Medina	1.11
Butler	1.08	Meigs	1.08
Carroll	1.11	Mercer	1.08
Champaign	1.08	Miami	1.08
Clark	1.08	Monroe	1.11
Clermont	1.08	Montgomery	1.08
Clinton	1.08	Morgan	1.11
Columbiana	1.12	Morrow	1.10
Coshocton	1.11	Muskingum	1.11
Crawford	1.10	Noble	1.11
Cuyahoga	1.11	Ottawa	1.10
Darke	1.08	Paulding	1.08
Defiance	1.08	Perry	1.10
Delaware	1.10	Pickaway	1.09
Erie	1.10	Pike	1.08
Fairfield	1.10	Portage	1.11
Fayette	1.08	Preble	1.08
Franklin	1.10	Putnam	1.09
Fulton	1.08	Richland	1.11
Gallia	1.08	Ross	1.09
Geauga	1.13	Sandusky	1.10
Greene	1.08	Scioto	1.08
Guernsey	1.11	Seneca	1.10
Hamilton	1.08	Shelby	1.08
Hancock	1.10	Stark	1.11
Hardin	1.10	Summit	1.11
Harrison	1.11	Trumbull	1.13
Henry	1.08	Tuscarawas	1.11
Highland	1.08	Union	1.10
Hocking	1.10	Van Wert	1.08
Holmes	1.11	Vinton	1.10
Huron	1.10	Warren	1.08
Jackson	1.08	Washington	1.11
Jefferson	1.12	Wayne	1.11
Knox	1.10	Williams	1.08
Lake	1.12	Wood	1.10
Lawrence	1.08	Wyandot	1.10

OKLAHOMA

County	Rate per bushel	County	Rate per bushel
Adair	$0.98	Cleveland	$0.90
Alfalfa	.98	Coal	.90
Atoka	.90	Comanche	.88
Beaver	.91	Cotton	.87
Beckham	.88	Craig	1.03
Blaine	.91	Creek	.98
Bryan	.87	Custer	.89
Caddo	.89	Delaware	1.02
Canadian	.91	Dewey	.89
Carter	.88	Ellis	.90
Cherokee	.99	Garfield	.97
Choctaw	.87	Garvin	.89
Cimarron	.90	Grady	.89

OKLAHOMA—Continued

County	Rate per bushel	County	Rate per bushel
Grant	$0.98	Nowata	$1.03
Greer	.87	Okfuskee	.94
Harmon	.87	Oklahoma	.91
Harper	.92	Okmulgee	.98
Haskell	.95	Osage	1.00
Hughes	.94	Ottawa	1.03
Jackson	.87	Pawnee	.98
Jefferson	.87	Payne	.94
Johnston	.89	Pittsburg	.93
Kay	.99	Pontotoc	.91
Kingfisher	.93	Pottawatomie	.91
Kiowa	.88	Pushmataha	.90
Latimer	.93	Roger Mills	.88
Le Flore	.93	Rogers	1.01
Lincoln	.93	Seminole	.92
Logan	.94	Sequoyah	.97
Love	.87	Stephens	.88
McClain	.89	Texas	.91
McCurtain	.86	Tillman	.86
McIntosh	.97	Tulsa	1.00
Major	.93	Wagoner	1.00
Marshall	.88	Washington	1.03
Mayes	1.01	Washita	.89
Murray	.88	Woods	.97
Muskogee	.98	Woodward	.92
Noble	.98		

OREGON

Baker	$1.09	Lake	$1.08
Benton	1.13	Lane	1.10
Clackamas	1.16	Lincoln	1.07
Clatsop	1.13	Linn	1.13
Columbia	1.15	Malheur	.98
Coos	1.04	Marion	1.16
Crook	1.16	Morrow	1.17
Curry	1.02	Multnomah	1.20
Deschutes	1.16	Polk	1.15
Douglas	1.06	Sherman	1.18
Gilliam	1.18	Tillamook	1.18
Grant	1.16	Umatilla	1.16
Harney	.94	Union	1.11
Hood River	1.18	Wallowa	1.08
Jackson	.99	Wasco	1.21
Jefferson	1.18	Washington	1.18
Josephine	.99	Wheeler	1.16
Klamath	1.09	Yamhill	1.17

PENNSYLVANIA

All counties $1.15

RHODE ISLAND

All counties $1.15

SOUTH CAROLINA

All counties $1.21

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$0.95	Harding	$0.84
Beadle	.96	Hughes	.91
Bennett	.90	Hutchinson	.98
Bon Homme	.98	Hyde	.92
Brookings	.98	Jackson	.86
Brown	.98	Jerauld	.95
Brule	.94	Jones	.89
Buffalo	.94	Kingsbury	.97
Butte	.83	Lake	.97
Campbell	.93	Lawrence	.83
Charles Mix	.96	Lincoln	.99
Clark	.99	Lyman	.91
Clay	1.01	McCook	.98
Codington	1.00	McPherson	.94
Corson	.87	Marshall	1.01
Custer	.85	Meade	.82
Davison	.97	Mellette	.94
Day	1.00	Miner	.97
Deuel	.99	Minnehaha	.98
Dewey	.86	Moody	.97
Douglas	.97	Pennington	.83
Edmunds	.95	Perkins	.85
Fall River	.85	Potter	.90
Faulk	.93	Roberts	1.03
Grant	1.03	Sanborn	.95
Gregory	.96	Shannon	.89
Haakon	.85	Spink	.97
Hamlin	.98	Stanley	.90
Hand	.94	Sully	.89
Hanson	.97	Todd	.94

SOUTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Tripp	$0.95	Washabaugh	$0.86
Turner	.99	Yankton	.99
Union	1.01	Ziebach	.84
Walworth	.91		

TENNESSEE

All counties $1.16

TEXAS

County	Rate per bushel	County	Rate per bushel
Archer	$1.01	Jones	$1.01
Bosque	1.10	Karnes	1.13
Bowie	1.05	Lampasas	1.10
Brown	1.06	Limestone	1.14
Callahan	1.03	Lipscomb	.97
Cass	1.06	McCulloch	1.05
Clay	1.03	McLennan	1.13
Collin	1.08	Mason	1.06
Comanche	1.06	Montague	1.04
Concho	1.04	Moore	.98
Coryell	1.11	Ochiltree	.96
Dallam	.97	Palo Pinto	1.05
Denton	1.06	Parker	1.07
Eastland	1.05	Reeves	.91
Fannin	1.05	Roberts	.99
Fisher	1.00	Runnels	1.03
Gillespie	1.08	San Saba	1.06
Grayson	1.05	Sherman	.97
Hamilton	1.08	Smith	1.11
Hansford	.97	Tarrant	1.09
Hartley	.98	Taylor	1.02
Hemphill	.98	Wichita	1.02
Hood	1.06	Wise	1.06
Hunt	1.06	Young	1.04
Jack	1.04	All other counties	1.00
Johnson	1.09		

UTAH

All counties $0.91

VERMONT

All counties $1.15

VIRGINIA

All counties $1.15

WASHINGTON

County	Rate per bushel	County	Rate per bushel
Adams	$1.14	Lewis	$1.13
Asotin	1.10	Lincoln	1.13
Benton	1.16	Mason	1.12
Chelan	1.15	Okanogan	1.13
Clallam	1.04	Pacific	1.12
Clark	1.18	Pend Oreille	.99
Columbia	1.14	Pierce	1.18
Cowlitz	1.17	San Juan	1.14
Douglas	1.14	Skagit	1.14
Ferry	.94	Skamania	1.18
Franklin	1.16	Snohomish	1.16
Garfield	1.13	Spokane	1.10
Grant	1.15	Stevens	1.07
Grays Harbor	1.12	Thurston	1.13
Island	1.16	Wahkiakum	1.17
Jefferson	1.06	Walla Walla	1.16
King	1.18	Whatcom	1.14
Kitsap	1.10	Whitman	1.11
Kittitas	1.19	Yakima	1.16
Klickitat	1.18		

WEST VIRGINIA

All counties $1.15

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$1.05	Dodge	$1.08
Ashland	1.02	Door	1.03
Barron	1.01	Douglas	1.07
Bayfield	1.02	Dunn	1.02
Brown	1.06	Eau Claire	1.01
Buffalo	1.01	Florence	1.01
Burnett	1.11	Fond Du Lac	1.08
Calumet	1.07	Forest	1.01
Chippewa	1.00	Grant	1.05
Clark	1.02	Green	1.09
Columbia	1.07	Green Lake	1.07
Crawford	1.04	Iowa	1.06
Dane	1.09	Iron	.98

WISCONSIN—Continued

County	Rate per bushel	County	Rate per bushel
Jackson	$1.04	Price	$0.98
Jefferson	1.10	Racine	1.15
Juneau	1.06	Richland	1.06
Kenosha	1.15	Rock	1.10
Kewaunee	1.04	Rusk	1.00
La Crosse	1.04	St. Croix	1.04
Lafayette	1.06	Sauk	1.06
Langlade	1.03	Sawyer	1.01
Lincoln	1.02	Shawano	1.05
Manitowoc	1.07	Sheboygan	1.08
Marathon	1.03	Taylor	.98
Marinette	1.02	Trempealeau	1.00
Marquette	1.06	Vernon	1.04
Milwaukee	1.14	Vilas	.98
Monroe	1.05	Walworth	1.11
Oconto	1.04	Washburn	1.02
Oneida	1.01	Washington	1.09
Outagamie	1.06	Waukesha	1.10
Ozaukee	1.09	Waupaca	1.05
Pepin	1.03	Waushara	1.06
Pierce	1.04	Winnebago	1.07
Polk	1.04	Wood	1.05
Portage	1.05		

WYOMING

All counties $0.91

(d) *Discounts*—(1) *Where weed control laws apply.* Where the State committee determines that State, district, or county weed control laws, as administered, affect the rye crop, the support rate in the case of farm storage shall be 10 cents per bushel below the applicable county support rate unless the producer obtains a certificate from the appropriate weed control official indicating that the rye complies with the weed control laws. In the case of warehouse storage, whenever the State committee of the State in which the rye is stored determines that State, district or county weed control laws as administered affect rye stored in approved warehouses, the rate shall be 10 cents per bushel below the applicable support rate unless the producer obtains a certificate from either the appropriate State, county or district weed control official or the storing warehouseman that the rye complies with the weed control laws and in the case of a certificate from the warehouseman, that he will save CCC harmless from loss or penalty because of the weed control laws. The certificate of the warehouseman may be in substantially the following form:

CERTIFICATION

This is to certify that the grain evidenced by warehouse receipt No. _____ issued to _____ is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that should such grain be taken over by CCC in settlement of a loan or be purchased under the purchase agreement program that the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the grain was stored under the above warehouse receipt.

_____
(Signature)

_____
(Address)

_____
(Date)

(2) *Ergot.* Rye containing more than 3/10 of 1 percent ergot, but not more than 1 percent ergot shall be discounted as follows:

Ergot content (percent):	Cents per bushel
0.31 to 0.40	1
0.41 to 0.50	2
0.51 to 0.60	3
0.61 to 0.70	4
0.71 to 0.80	5
0.81 to 0.90	6
0.91 to 1.00	7

Effective upon publication in the FEDERAL REGISTER.

Signed in Washington, D.C., on June 27, 1962.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-6412; Filed, July 2, 1962; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-SW-22]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

The purpose of this amendment to § 600.6020 of the Regulations of the Administrator is to realign the north alternate of VOR Federal airway No. 20 between Lafayette, La., and Lake Charles, La., by 2 degrees thus providing the standard 15° divergence between Victor 20 north alternate and Victor 20 west of Lafayette in lieu of the 17° which now exists. Additionally, this realignment will provide the necessary lateral distance to preclude airspace conflict with a TV antenna tower in this vicinity.

Since this change is minor in nature and imposes no additional burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In the text of § 600.6020 (14 CFR 600.6020, 26 F.R. 2678 and 8485) "via the intersection of the Lake Charles omnirange 058° and the Lafayette 287° radials" is deleted and "via the INT of the Lake Charles VOR 058° and the Lafayette VOR 285° radials" is substituted therefor.

This amendment shall become effective 0001 e.s.t., August 23, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 27, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-6423; Filed, July 2, 1962; 8:46 a.m.]

[Airspace Docket No. 61-KC-37]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Federal Airways and Controlled Airspace

On August 23, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 7838) stating that the Federal Aviation Agency proposed to designate VOR Federal airway No. 465, and its associated control areas, from the Miles City, Mont., VORTAC to the Williston, N. Dak., VOR. In addition, it was also proposed to designate VOR Federal airway No. 1765 to overlie Victor 465 between Miles City and Williston. On February 22, 1962, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1728) which amended the original notice by proposing to designate an east alternate to the proposed Victor 465.

No adverse comments were received on the proposed amendments as altered by the supplemental notice.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice and supplemental notice, the following actions are taken:

1. Part 600 (14 CFR 600) is amended by adding the following sections:

§ 600.6465 VOR Federal airway No. 465 (Miles City, Mont., to Williston, N. Dak.).

From the Miles City, Mont., VORTAC to the Williston, N. Dak., VOR, including an east alternate.

§ 600.1765 VOR Federal airway No. 1765 (Miles City, Mont., to Williston, N. Dak.).

From the Miles City, Mont., VOR to the Williston, N. Dak., VOR.

2. Part 601 (14 CFR 601) is amended by adding the following section:

§ 601.6465 VOR Federal airway No. 465 control areas (Miles City, Mont., to Williston, N. Dak.).

All of VOR Federal airway No. 465 including an east alternate.

These amendments shall become effective 0001 e.s.t., August 23, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 27, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-6424; Filed, July 2, 1962; 8:46 a.m.]

[Airspace Docket No. 61-NY-59]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airways, Associated Control Areas and Control Area Extension

On February 24, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1774) stating that the Federal Aviation Agency proposed to redesignate the segment of VOR Federal airway No. 91 from Glens Falls, N.Y., to St. Eustache, Quebec, Canada; to extend VOR Federal airway No. 487 from Cambridge, N.Y., to St. Eustache; and to alter and extend VOR Federal airway No. 1693 between Riverhead, N.Y., and St. Johns, Quebec, Canada.

Subsequent to the publication of the notice, the proposed redesignation of the segment of Victor 91 between Glens Falls and Burlington, N.Y., and the segment of Victor 487 between Cambridge and Burlington via the prescribed radials has been accomplished in Airspace Docket No. 61-NY-111 (27 F.R. 1114). This action was deemed urgent due to the loss of Benson, Vt., VOR by fire.

Although not mentioned in the notice action is taken herein to correct the description of the Plattsburgh, N.Y., control area extension in respect to its western boundary. With the renumbering of V91E as Victor 487 and the realignment of the segment of this airway between Burlington and St. Johns, the western boundary of this control area extension is redefined as Victor 91.

The Air Transport Association concurred in the action proposed and no other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), and for the reasons stated herein and in the Notice, the following actions are taken:

§ 600.6091 [Amendment]

1. In the text of § 600.6091 (14 CFR 600.6091, 27 F.R. 1114) "to the St. Eustache, Quebec, Canada VOR, including an east alternate from the Burlington VOR to the St. Eustache VOR via the St. Johns, Quebec, Canada VOR." is deleted and "to the St. Eustache, Quebec, Canada VOR." is substituted therefor.

§ 601.6091 [Amendment]

2. In the text of § 601.6091 (14 CFR 601.6091) "all of VOR Federal airway No. 91 including an east alternate." is deleted and "all of VOR Federal airway No. 91." is substituted therefor.

§ 600.6487 [Amendment]

3. Section 600.6487 (27 F.R. 1114) is amended as follows:

(a) In the caption "to Cambridge, N.Y.," is deleted and "to St. Eustache, Quebec, Canada," is substituted therefor.

(b) In the text "and the Glens Falls, N.Y., VORTAC 032° radials." is deleted and "and the Glens Falls, N.Y., 032° radials; Burlington, Vt., VOR; the intersection of the Burlington VOR; 359° and the St. Johns, Quebec, Canada, VOR 158° radials; the St. Johns VOR; to the St. Eustache, Quebec, Canada, VOR, excluding the portion outside the United States." is substituted therefor.

§ 601.6487 [Amendment]

4. In the caption of § 601.6487 (14 CFR 601.6487, 27 F.R. 1114) "to Cambridge, N.Y." is deleted and "to St. Eustache, Quebec, Canada." is substituted therefor.

5. Section 600.1693 (14 CFR 600.1693) is amended to read:

§ 600.1693 VOR Federal airway No. 1693 (Riverhead, N.Y., to St. Johns, Quebec, Canada).

From the Riverhead, N.Y., VOR via a 10-mile-wide airway to the Poughkeepsie, N.Y., VOR; Cambridge, N.Y., VOR; Burlington, Vt., VOR; INT of the Burlington VOR 359° and the St. Johns, Quebec, Canada, VOR 158° radials to the St. Johns VOR, excluding the portion which lies over Canada.

§ 601.1395 [Amendment]

6. In the text of § 601.1395 (14 CFR 601.1395) "on the W by VOR Federal airway No. 91E alternate," is deleted and "on the W by VOR Federal airway No. 91" is substituted therefor.

These amendments shall become effective 0001 e.s.t., August 23, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 27, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-6425; Filed, July 2, 1962; 8:46 a.m.]

[Airspace Docket No. 61-NY-110]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airways and Associated Control Areas

On March 15, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 2481) stating that the Federal Aviation Agency proposed to realign segments of low altitude VOR Federal airways Nos. 1, 44 and 238.

The Air Transport Association concurred in this proposal and no other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In the text of § 600.6001 (26 F.R. 3522, 9207) "Waterloo, Del., VOR; INT of the Waterloo VOR 023° and the Barnegat, N.J., VOR 233° radials; Barnegat VOR;" is deleted and "Waterloo, Del., VOR; INT of the Waterloo VOR 023° and the Atlantic City, N.J., VORTAC 238° radials; Atlantic City VORTAC; Barnegat, N.J., VOR;" is substituted therefor.

2. In the text of § 600.6044 (26 F.R. 3521, 9207) "Kenton VORTAC; INT of the Kenton VORTAC 086° and the Barnegat, N.J., VOR 233° radials; Barnegat VOR;" is deleted and "Kenton VORTAC; INT of the Kenton VORTAC 086° and the Atlantic City, N.J., VORTAC 238° radials; Atlantic City VORTAC; Barnegat, N.J., VOR;" is substituted therefor.

3. In § 600.6238 (14 CFR 600.6238, 26 F.R. 3852) the following actions are taken:

a. In the caption "Pomona, N.J." is deleted and "Atlantic City, N.J." is substituted therefor.

b. In the text "Woodstown, N.J., VOR; to the INT of the Woodstown VOR 106° True and the Barnegat, N.J., VOR 233° True radials. The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Indiantown Gap Restricted Area (R-69) is excluded during this restricted area's time of designation." is deleted and "Woodstown, N.J., VOR; Millville, N.J., VOR; to the Atlantic City, N.J., VORTAC excluding the airspace within R-5802." is substituted therefor.

4. In the caption of § 601.6238 (14 CFR 601.6238, 26 F.R. 3852) "Pomona, N.J." is deleted and "Atlantic City, N.J." is substituted therefor.

These amendments shall become effective 0001 e.s.t., August 23, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 27, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-6426; Filed, July 2, 1962; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-72]

PART 13—PROHIBITED TRADE PRACTICES

Durable Fur Co., Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865-40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Durable Fur Company, Inc., et al., New York, N.Y., Docket C-72, Feb. 12, 1962.]

In the Matter of Durable Fur Company, Inc., a Corporation, and Joseph Schimmel, Bernard Browner, and Sol Goldstein, Individually and as Officers of Said Corporation

Consent order requiring New York City furriers to cease violating the Fur Products Labeling Act by failing to show on labels and invoices the true animal name of fur used in fur products, to disclose on labels when fur was artificially colored, and to comply in other respects with labeling and invoicing requirements.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Durable Fur Company, Inc., a corporation, and its officers, and Joseph Schimmel, Bernard Browner and Sol Goldstein, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale, in commerce, or the transportation or distribution in commerce of fur products; or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Setting forth on labels affixed to fur products:

(1) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form;

(2) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder, mingled with non-required information.

C. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 12, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-6434; Filed, July 2, 1962; 8:49 a.m.]

[Docket No. C-73]

PART 13—PROHIBITED TRADE PRACTICES

I. J. Fox, Inc., and Alfred H. Lilienthal

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155-40 *Exaggerated as regular and customary;* § 13.155-70 *Percentage savings.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865-40 *Fur Products Labeling Act:* § 13.1900 *Source or origin:* § 13.1900-40 *Fur Products Labeling Act:* § 13.1900-40 (b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, I. J. Fox, Inc., et al., Boston, Mass., Docket C-73, Feb. 12, 1962]

In the Matter of I. J. Fox, Inc., a Corporation, and Alfred H. Lilienthal, Individually and as an Officer of Said Corporation

Consent order requiring Boston furriers to cease violating the Fur Products Labeling Act by failing to show on invoices the true animal name of the fur used in fur products, when such fur was artificially colored, and the country of origin of imported furs, and failing to comply in other respects with invoicing requirements; by advertising in newspapers which represented prices of fur products as reduced from usual prices which were in fact fictitious, and as "⅓ to ½ off and even more" when such was not true; and by making such price and value claims without maintaining adequate records as a basis therefor.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents I. J. Fox, Inc., a Corporation, and its officers and Alfred H. Lilienthal, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

C. Setting forth the term "assembled" or any term of like import as part of the information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products composed of any of the pieces or parts specified in Rule 20 of said rules and regulations.

2. Falsely or deceptively advertising fur products through the use of any advertisement representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

A. Represents, directly or by implication, that the regular or usual price of any fur product is any amount which is in excess of the price at which respondents have usually and customarily sold such products in the recent regular course of business.

B. Represents directly or by implication through percentage savings claims that the prices of fur products are reduced in direct proportion to the percentage of savings stated when such is not the fact.

3. Making claims and representations of the types covered by subsections (a), (b), (c) and (d) of Rule 44 of the regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 12, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-6435; Filed, July 2, 1962; 8:49 a.m.]

[Docket No. C-71]

PART 13—PROHIBITED TRADE PRACTICES

United States Credit Rating Bureau, Inc., and Landres Chilton

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15-80 *Government connection;* § 13.15-195 *Nature;* § 13.15-265 *Service;* § 13.15-270 *Size and extent.* Subpart—Using misleading name—Vendor: § 13.2380 *Government connection;* § 13.2425 *Nature, in general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, United States Credit Rating Bureau, Inc., et al., Baltimore, Md., Docket C-71, Feb. 8, 1962]

In the Matter of United States Credit Rating Bureau, Inc., a Corporation, and Landres Chilton, Individually and as an Officer of Said Corporation

Consent order requiring Baltimore operators of a collection agency to cease representing falsely through use of their corporate name, that they were a "bureau" and were engaged in rating other concerns from a credit standpoint; and representing falsely in printed matter disseminated to clients and debtors that they provided "Nationwide Credit Protection".

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents United States Credit Rating Bureau, Inc., a corporation, and its officers, and Landres Chilton, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale or sale of any service or printed matter for use in the collection of claims or accounts, the solicitation of accounts or contracts therefor, or the collection of accounts in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "credit rating" or "bureau", or any other term of similar import or meaning in the corporate name or in any other manner to designate, describe or refer to respondents' business, or otherwise representing, directly or by implication, that respondents' business is a credit rating bureau or is other than that of a collection agency;

2. Using the word "nationwide" to describe or refer to respondents' business, or otherwise representing, directly or by

implication, that respondents' business is nationwide in scope or that it serves an area larger than is the fact.

3. Using the words "credit protection" in connection with the business aforesaid or otherwise representing, directly or by implication, that respondents offer or supply credit protection or furnish credit reports.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 8, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6436; Filed, July 2, 1962; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER J—AIR FORCE PROCUREMENT INSTRUCTION

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter J is amended as set forth below.

PART 1001—GENERAL PROVISIONS

Subpart A—Introduction

§ 1001.100 [Deletion]

1. Delete § 1001.100.

2. Revise §§ 1001.101 to 1001.104 and 1001.107 to read as follows:

§ 1001.101 Purpose of subchapter.

The Air Force Procurement Instruction (AFPI) (this subchapter) is issued by the Commander, AFLC by authority of the Secretary of the Air Force, delegated through the Director of Procurement Management (AFSPM), DCS/S&L, Hq USAF. It implements the Armed Services Procurement Regulation (ASPR) (Subchapter A, Chapter I of this title), and establishes for the Air Force uniform policies and procedures for the procurement of supplies and services under the authority of Chapter 137, Title 10 of the United States Code or other laws.

§ 1001.102 Applicability of subchapter.

This subchapter applies to all procurements of supplies or services which obligate appropriated funds (including contract authorizations). If a particular part, subpart, or section has a limited application, it will so state.

§ 1001.104 Content of subchapter.

This subchapter will contain all policies, procedures, and instructions relating to procurement of supplies and services within the Air Force, except those contained in Subchapter A, Chapter I of this title and the 70 series of Air Force regulations.

§ 1001.107 Effective date.

Compliance with an amendment to the Air Force Procurement Instruction is permissible from the date of the change and will be mandatory 30 days thereafter, except:

(a) As otherwise prescribed in the amendment.

(b) Use of new or revised AFPI contract clauses, will, unless otherwise specified, be mandatory 90 days after date of issuance. However, procurements initiated after receipt of the new or revised clauses by the purchasing activity should, to the maximum practicable extent, include such clauses prior to the mandatory date. In the following situations, when compliance with the mandatory date is impracticable, procurements may be completed on the basis initiated, provided that, prior to the mandatory date for use of the new or revised clause: (1) DD Forms 746 and 746-1 have been issued, and the award is to be made by means of DD Form 746-2, (2) Invitations for Bids have been issued, or (3) bilateral contractual documents have been submitted to the contractors and introduction of the new or revised clause may delay the procurement.

Subpart C—General Policies

In § 1001.350, change the last sentence of the introductory paragraph to read as follows:

§ 1001.350 Forward purchasing policy.

• • • Consistent with this objective, and with the basic Air Force policy to make all procurements on a competitive basis to the maximum practical extent, the following requirements are established:

Subpart G—Small Business Concerns

Revise § 1001.706-5 to read as follows:

§ 1001.706-5 Total set-asides.

(a) (1) Subject to any applicable preference for labor surplus set-asides every procurement, except proposed procurements for construction, in excess of $2,500 will be set-aside either totally or partially for competition solely among small business concerns if records of previous procurements for the same item or service disclose that two or more small business concerns submitted responsive bids or proposals that were considered fair and reasonable. However, a partial set-aside may be appropriate where only one small business concern appears to have the technical competence and productive capacity to furnish a portion of the procurement (see § 1.706-6 of this title). Deviations from this policy may be approved in specific cases by notation on the PR or other authorized requisition by the chief of the contracting office or his designee provided the designee is not the contracting officer or buyer for the particular procurement. Procurements of less than $2,500 which meet the criteria established by this paragraph (a) (1) may be set aside at the discretion of the contracting officer.

(2) All proposed procurements for construction (except Capehart Housing Construction) in excess of $2,500 and under $500,000 will be individual total small business set-asides and such actions will be considered as having been initiated by the SBA and reported as joint small business set-asides.

(3) Proposed procurements for construction, amounting to $500,000 or more will be considered on an individual procurement basis according to § 1.706-1 of this title.

(4) Proposed procurements for Capehart Housing construction are not subject to unilateral set-aside procedures and set-asides will not be agreed to by the contracting officer if initiated by the SBA. Appeal procedures according to § 1.706-2(a) (1) and (2) of this title will be followed. The foregoing applies to both on-site and off-site Capehart-Rains projects.

(5) For procurements for new family housing construction projects, other than Capehart-Rains, or family housing repair projects, the procedure below will be followed: If a unilateral set-aside on a housing procurement is being considered according to this section or if an SBA representative initiates a joint set-aside on a housing procurement of $500,000 or more, prior to agreeing or disagreeing to such action the contracting officer will advise USAF (AFOCE-H). SBA set-asides of housing procurement of less than $500,000 will be processed according to outstanding instructions without advising Hq USAF (AFOCE-H).

(b) and (c) See § 1.706-5 (b) and (c) of this title.

Subpart K—Qualified Products

§ 1001.1103-50 [Amendment]

In § 1001.1103-50, *Waivers of qualification requirement,* amend the reference to read: "§ 1001.109-2."

Subpart M—Transportation

Revise §§ 1001.1302-1 and 1001.1305-3 to read as follows:

§ 1001.1302-1 Shipments within the United States.

Central procurement activities will use the procedures specified in § 1.1302-1 (a) or (b) (2) of this title when a single destination is specified in the contractual document, that destination is considered definite (no future change in destination contemplated), and the destination is either an AFLC AMA or depot. If all the above conditions do not exist, it will be considered that valid reasons to the contrary exist, and delivery will be on the basis specified in paragraph (a) of this section.

(a) At the Government's option, f.o.b. carrier's equipment, wharf, or freight station at a specified city or shipping point at or near contractor's plant.

§ 1001.1305 F.o.b. destination.

Central procurement activities see § 1001.1302-1. When supplies are to be delivered "f.o.b. destination" the following will appear in the schedule:

F.o.b. point: Supplies shall be shipped direct by the Contractor to the specified destinations on commercial bills of lading at the expense of the Contractor.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314)

PART 1002—PROCUREMENT BY FORMAL ADVERTISING

Subpart B—Solicitation of Bids

In § 1002.201, amend paragraph (b) as follows:

§ 1002.201 Preparation of invitations for bids.

• • • • • •

(b) • • •

(1)-(13) See § 2.201(b) (1)-(13) of this title.

(14)-(20) [Reserved]

• • • • • •

Subpart E—Two-Step Formal Advertising

§ 1002.503-1 [Amendment]

In § 1002.503-1 *Step one,* revise paragraph (c) to read as follows, and delete present paragraph (d):

(c) and (d) See § 2.503-1 (c) and (d) of this title.

(Sec. 8012, 70A Stat; 10 U.S.C. 8012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; U.S.C. 2301-2314)

PART 1003—PROCUREMENT BY NEGOTIATION

Subpart A—Use of Negotiation

1. Revise § 1003.101-50(c) as follows:

§ 1003.101-50 Requests for proposals (RFPs).

• • • • • •

(c) Where the value of the competitive procurement is estimated to exceed $2,500 and is for:

(1) Replenishment spare parts where solicitation is to be made to the prime contractor and/or known sources which have satisfactorily furnished the item(s) to be procured, the contracting officer may allow less than 30 days (i.e., what is reasonable for that particular procurement) for submission of proposals;

(2) Requirements which do not meet the criteria of subparagraph (1) of this paragraph, a minimum time of 30 days will normally be allowed for submission of proposals. When a period of less than 30 days is to be allowed, written authorization will be obtained by the contracting officer from the director or deputy director of procurement and production at AFLC activities, directors or deputy directors of procurement (or comparable level) at AFSC activities and OAR, or the chief or deputy chief of base procurement officers. The contract file will be documented accordingly.

2. Revise § 1003.101-51 to read as follows:

§ 1003.101-51 Verification of the requirement.

During the course of negotiation, the contracting officer will verify the requirement with the initiating office to insure that only required supplies or services are procured. This is particularly important in those circumstances where negotiations have been prolonged, or the description of the item or delivery schedule is changed in negotiation. In every case, the contracting officer will again verify the requirement within 20 days prior to final execution of the contract for the Government and will document the record accordingly.

Subpart B—Circumstances Permitting Negotiation

1. Revise § 1003.209-2 to read as follows:

§ 1003.209-2 Application.

See § 3.209-2 of this title.

§ 1003.210-2 [Amendment]

2. In § 1003.210-2, *Application,* change paragraphs (n) to (p) to read:

(n) to (p) See § 3.210-2 (n) to (p) of this title.

3. Revise § 1003.210-3 to read as follows:

§ 1003.210-3 Limitation.

Determinations and findings will set forth the particular reasons why competition by formal advertising is impracticable, and will be approved as provided in § 1003.306(b). With respect to procurements exceeding $10,000 to be negotiated under the provisions of § 3.210-2 (m) and (o) of this title and § 1003.210-2 (m), determinations and findings will be approved as provided in § 1003.306(b) (5).

§ 1003.217-2 [Amendment]

4. Delete paragraph (e) of § 1003.217-2.

Subpart C—Determinations and Findings

§§ 1003.301; 1003.303 [Amendment]

1. In § 1003.301 delete the last sentence; in § 1003.303 amend the heading to read: "Determinations and findings by the head of a procuring activity."

2. Revise § 1003.306 to read as follows:

§ 1003.306 Procedure with respect to determinations and findings.

(a) *Contracting officer's determinations and findings; negotiated contracts.* There is no approved format for individual determinations and findings with respect to the negotiation of contracts under the authority of § 3.202 of this title but those set forth for the Secretarial determinations and findings may be used as a guide.

(b) *Approval of determinations and findings under §§ 3.202 and 3.210 of this title and §§ 1003.202 and 1003.210; negotiated contracts.* Determinations and findings under §§ 3.202 and 3.210 (except § 3.210-2(m) for procurements exceeding $50,000) requires contracting officer's signature and will be subject to the following written approvals.

(1) AMC centers.

(i) Branch chiefs or their deputies—procurements initially estimated to be in excess of $10,000 but not in excess of $50,000.

(ii) Division chiefs (WSPOs, ESPOs, or comparable level) or their deputies—procurements initially estimated to be in excess of $50,000.

(2) AMC field procurement activities (other than centers).

(i) Chiefs or deputy chiefs of divisions-procurements initially estimated to be in excess of $10,000 but not in excess of $50,000.

(ii) Directors or deputy directors of procurement and production procurements initially estimated to be in excess of $50,000.

(3) Hq ARDC and ARDC centers and divisions.

(i) Chief or deputy chief of buying divisions—procurements initially estimated to be in excess of $10,000 but not in excess of $50,000.

(ii) Director or deputy director of procurement—procurements initially estimated to be in excess of $50,000.

(4) Purchasing activities other than those stated in subparagraphs (1), (2), and (3) of this paragraph: Chief or deputy chief of the purchasing office—procurements initially estimated to be in excess of $10,000.

(5) Determinations and findings for procurements exceeding $50,000 to be negotiated under the provisions of § 3.210-2(m) of this title and § 1003.210-2(m) will be approved by the Director, Deputy Directors, or assistant to the Director of Procurement and Production, Hq AMC. Such determinations and findings will be prepared and signed by the contracting officer. An original and four carbon copies will be submitted to AMC (MCPC) and will include a copy of the procurement plan, including the number of sources to be solicited, the form to be used in solicitation (e.g., SF 18, DD Form 746, letter request for proposal), and type of contract contemplated. (Where the D and F covers only the procurement of data, the foregoing procedure is waived and D and Fs will be approved according to the applicable provisions of subparagraphs 1 through 4 of this paragraph.)

(c) *Limitation.* No person will exercise the authority redelegated in paragraph (b) of this section if he is the contracting officer in the procurement involved. This limitation does not apply to WSPOs at ASC (or comparable organizations) where the chief of the WSPO is the only contracting officer appointed for such WSPO. In these instances, the determination and finding will indicate that the person executing the determination and finding is both the contracting officer and the chief of the WSPO and no further approval of such determination and finding will be required.

(d) *Procedure for Secretarial determinations and findings.* (1) Determinations and findings authorizing negotiation under 10 U.S.C. 2304(a) (11) and (14) will be prepared and processed as soon as the procurement program becomes reasonably firm, i.e., at least 3 months and preferably, but not more than, 6 months prior to estimated contract placement date. Since, in certain situations, this will require submission of determinations and findings prior to receipt of Purchase Authorizations and Requests, the supporting documentation will recite the total estimated quantities, scope of services, or effort expected to be procured and will set forth the procurement plan and the assumptions on which it is based.

(2) Determinations and findings will be prepared on plain bond paper, undated, and without signature block. An original and 10 copies wil be submitted with a letter of transmittal containing complete justification for the determinations and findings.

(3) The letter transmitting a determinations and findings to the Secretary is a most important document. In addition to setting forth sufficient facts to satisfy the statutory requirements for negotiation, it should inform the Secretary about the competitive or noncompetitive aspects of the proposed procurement. In cases involving noncompetitive negotiations, it will include an explanation of the background causes that led to the present noncompetitive situation and the actions taken or planned, if any, to eliminate the impediments to competition in the future. It is especially important to highlight those impediments which are beyond the capability of procurement personnel to correct without the active cooperation of other operating or staff agencies. Letter of transmittal will also reference previous determinations and findings, if any, authorizing negotiation for the same item during the past two fiscal years and will state the required contract placement date for the current request.

(4) Letters of transmittal (original and five copies) for 10 U.S.C. 2304(a)(14) determinations and findings will be signed by commander or deputy commander of the initiating activity and for 10 U.S.C. 2304(a)(11) determinations and findings by Director or Deputy Director of Procurement or by Director of Research and Development Contracting. They will be forwarded to Hq USAF (AFSPM-PO-1) through the following channels:

(i) AFLC activities—AFLC (MCPC).

(ii) AFSC activities—AFSC (SCMK).

(iii) OAR activities—OAR (RRK).

(iv) Other major commands—AFLC (MCPC).

(e) *Quantitative change in requirements.* Whenever a quantitative increase in the requirement or scope of effort over that recited in the justification for a Secretarial determinations and findings occurs prior to or after the execution of the contract, the following policies will govern:

(1) In determinations and findings authorizing negotiation for research and development, the scope of the effort to be incorporated in the contract will not exceed the scope of effort recited in the original request. However, minor modifications within the stated scope of the work occurring prior to execution of contract are authorized.

(2) Secretarial determinations and findings authorizing negotiation under 10 U.S.C. 2304(a)(14) will be considered to authorize increase in quantities for or configuration changes in items provided the net result does not invalidate the basis for the original determinations and findings nor constitute a basic change in the procurement. In any event, if the aggregate increase in quantities exceeds 50 percent or if any quantity is to be added to an existing contract after 6 months from the date of the determinations and findings, an amendment to the determinations and findings must be obtained. Such can be obtained by a message to Hq USAF (AFSPM-PO-1) setting forth the new quantity and either a statement that the factors cited to justify the original submission have not altered or a brief explanation of any significant changes in these factors.

(3) If a change in requirements exceeds the authorized limitations, the procurement will not be consummated until a new determinations and findings covering the increase has been obtained according to prescribed procedures.

(f) *Cancellation.* If total requirements are cancelled or if a signed Secretarial determinations and findings is cancelled or not used for any other reason, Hq USAF (AFSPM-PO-1) will be so notified through the same channels prescribed for submission of requests for determinations and findings. This notification will be made immediately after deciding that the determinations and findings will not be needed; and the determinations and findings will be marked "cancelled" and placed, together with a copy of the letter of notification, in the cancelled PR/MIPR case file.

Subpart D—Types of Contracts

Revise § 1003.406-3 to read as follows:

§ 1003.406-3 Contracts with value engineering incentives.

(a) *Description.* Contracts containing value engineering incentives will be identified by adding "V" to the symbol designating the basic pricing provision of the contract: e.g., FPIFV or FPR-CV.

(b) *Applicability.* Many of the contract types desctibed in this Subpart D, when properly negotiated and administered provide the contractor with an incentive for reducing costs. However, under these contract types, this incentive applies only to cost reductions for which the contractor is able to achieve while performing according to existing contractual requirements. The objective of special value engineering incentive provisions is to motivate the contractor to develop and submit cost reduction ideas involving a change in contractual requirements. Value engineering incentive clauses will be used in development, production, and modification procurements in excess of $100,000 where (1) potentialities exist for significant cost reduction, and (2) governing specifications are such that engineering efforts will result in cost reduction ideas which, to be acceptable under the contract, would necessitate issuing a contractual change. For development contracts where governing specifications are not detailed, use paragraph (e) of this section. Whenever a clause according to either paragraph (d) or (e) of this section is omitted from a contract over the dollar limitation set forth in this paragraph, such omission will be justified in writing by the contracting officer and approved specifically by the official manually approving the contract, if manual approval is otherwise required.

(c) *Limitations.* Use of value engineering incentive provisions, providing the clauses in § 1007.4064 of this chapter and paragraph (e) of this section are used, are approved by the Commanders, AFSC and AFLC. A blanket deviation to § 3.407-3(c) of this title has been granted the Air Force. Use of value engineering clauses other than those in this subchapter requires the prior written approval of Hq AFSC (ASXKF), Wright-Patterson AFB, Ohio, or Hq AFLC (MCPKP), as appropriate. Requests will describe the procurement, in the proposed clause, and explain why authorized clauses are not appropriate.

(d) *Contract clauses.* (1) If, according to paragraph (b) of this section, a value engineering incentive is to be included in a FFP contract (negotiated or advertised), or a FPIF contract, the clause in § 1007.4064 of this chapter should be used.

(2) If, according to paragraph (b) of this section, a value engineering incentive is to be included in a contract type other than the FFP or FPIF, a clause should be used which provides:

(i) That it applies to any proposal for deviation from contractual specifications which, to be accepted under the contract, would necessitate issuing a contractual change, and which reduces the cost of performing the contract without degrading operational functions; e.g., performance, realiability, or maintainability of the item for governmental purposes.

(ii) For the submission of applicable proposals in the same manner and form as prescribed for any other proposal which would likewise necessitate a change in contractual requirements.

(iii) The manner in which the price, target, or fee will be adjusted if applicable proposals are accepted by the Government and incorporated into the contract. In no event will contractor sharing exceed 50 percent of the estimated savings, nor in the case of cost reimbursement contracts, administrative or statutory limits on fee, including other contract incentives.

(iv) That the Government does not have to accept any applicable proposal submitted by the contractor, and that nonacceptance will not be a cause for dispute under the "Disputes" clause of the contract.

(e) *Value engineering in development contracts.* Value engineering is often of particular importance in development contracts because of its potential for minimizing the cost of prototype and follow-on quantities of the item being developed. In development programs, the nature of the procurement situation often precludes awarding a fixed-price contract type which provides the contractor with a significant incentive for cost reduction. A special value engineering incentive also may be inappropriate because specifications are not detailed and the application of value engineering techniques is not likely to result in requirements for contract changes. In many of these procurements, especially where the estimated dollar value is in excess of $500,000, it is in the Government's best interest to incorporate a contractual provision specifically requiring the contractor to engage in value engineering efforts, of a specified nature and extent. Such a provision will be negotiated by the PCO with the advice and cooperation of the cognizant ACO, and pricing and engineering specialists. Provision will set forth the manner in which the contractor is to carry out the required value engineering effort, and how such effort will be recognized contractually. Following is a sample clause which is authorized for use in such a development contract:

REQUIRED VALUE ENGINEERING (APR. 1962)

The Contractor shall, during the life of this contract, establish and maintain an active value engineering program. A value engineering program is defined as a continuing and intensive appraisal of all elements influencing the cost of Air Force materiel and the elimination of those factors which contribute to an item's costs but are not necessary for required functional performance and other aspects of quality assurance. In the performance of the value engineering program, the Contractor, and to the extent practicable, his subcontractors, shall have in their normal employ full-time engineering and other personnel, the number of whom shall be subject to the approval of the Contracting Officer, specifically designated for this field of activity. These personnel will devote their time and effort to those elements of end item design (including materiel), manufacturing processes and tool design which offer the greatest potential for (i) minimizing the cost of the item for initial prototype quantities, and (ii) reducing the cost of potential follow-on quantities. Throughout the life of this value engineering program the Contractor will maintain detailed documentation of achievements which will be subject to review by the Contracting Officer or his representative to assure the value engineering being performed is in accordance with the intent cited herein. In the event the value engineering program required hereunder should result in Contractor development of a proposal involving a change in contractual requirements, and such proposal is acceptable to the Government, the parties agree that there will be no reduction in fee by reason of the incorporation of the proposal into the contract.

Subpart F—Small Purchases

§ 1003.601 [Deletion]

1. Delete § 1003.601.

2. Add § 1003.602 as follows:

§ 1003.602 Policy.

(a) See § 3.602(a) of this title.

(b) With respect to supplies or services required to be procured according to Part 5 of this title, small purchase procedures may be used to effect these purchases from mandatory sources if authorized by the mandatory contracts or concurred in by the contractor or mandatory source of supply.

(c) See § 3.602(c) of this title.

(d) At the discretion of the contracting officer or cash purchasing officer, quantities in excess of those requisitioned by the using activity may be procured if the standard unit pack of such item can be purchased more economically than the exact quantity requested. The full unit pack will be accepted by the requisitioning activity.

(e) Administrative requirements not contained in Subchapter A, Chapter I of this title or this subpart for additional copies or wider distribution of small purchase documents or the addition of certificates regarding the use or purpose of items being purchased, or the maintenance of records or administrative controls in the procurement office, required for accounting or other purposes, will not be observed by contracting officers.

3. Revise §§ 1003.604 and 1003.604-1 to read as follows:

§ 1003.604 Imprest funds (petty cash) method.

For the purpose of this section, the following definitions will apply:

(a) *Base Commander.* The officer, or in his absence his deputy, who has command over an installation having a comptroller activity and who is responsible to higher authority for the execution of the mission of the installation.

(b) *Cash purchasing officer.* Any qualified person who has been appointed cash purchasing officer by the base commander.

(c) *Comptroller activity.* This term includes the accounting and disbursing agent or the accounting and finance officer.

(d) *Subvoucher.* A receipt for authorized goods or services purchased and payments made (AF Form 385).

§ 1003.604-1 Conditions for use.

See § 3.604-1 of this title.

(a) Purchases for each activity, i.e., civil engineer or base supply, will be considered separate transactions if based upon separate Purchase Requests or other authorized requisition forms used as purchase requests. Requirements aggregating more than $100 will not be broken down into several purchases amounting to less than $100 for the purpose of using imprest funds.

(b) to (d) See § 3.604-1 (b) to (d) of this title.

(e) A cash purchasing officer has been appointed, is bonded, and has been intrusted with funds.

(f) The supplies or services to be procured are authorized for purchase by existing regulations or directives.

(g) The signature of the vendor or his agent can be obtained for each transaction over $3. Purchases authorized in § 1003.604-4(a)(7) are exempt from this condition.

(h) The cost of the item is considered reasonable.

(i) No additional action following payment for the supplies or services and the signing of the receipt by the vendor is required to complete the procurement. Assigning a defense order rating or execution of a hand receipt by the vendor for equipment delivered to him for repair are not considered "additional action."

(j) Funds have been made available or, if funds have not been committed for the petty cash fund, the fund allotment to be charged is available from an obligation authority in the procurement office or has been cited and certified on the purchase request.

(k) Imprest funds will not be used to pay for personal services, to pay intercity transportation charges on bills of common carriers, to cash checks or other negotiable instruments, or for any other payment that is not for authorized small purchases contemplated by these instructions. The fee paid to a post office for a c.o.d. payment is not considered purchasing a negotiable instrument even though the post office may use a money order to pay the vendor.

(l) Imprest funds intrusted to a cash purchasing officer in a procurement office will not be used to accomplish purchases from vendors who hold blanket purchase agreements with the same procurement office.

§ 1003.604-2 [Deletion]

4. Delete § 1003.604-2.

5. Add § 1003.604-3 as follows:

§ 1003.604-3 Cash discounts.

See § 3.604-3 of this title.

6. Revise § 1003.604-4 as follows:

§ 1003.604-4 Delivery of cash purchases by suppliers.

(a) Purchases will be made by c.o.d. petty cash in preference to issuance of separate purchase orders on DD Form 1155, "Order for Supplies or Services." The following criteria applies to all c.o.d. purchases from local or out of town vendors:

(1) The total cost of each purchase, including delivery and c.o.d. charges must be $100 or less.

(2) Delivery can be made within 10 days from date supplies are ordered.

(3) When ordering supplies from out of town sources, prices must be solicited on the basis of net prices, f.o.b. source, including parcel post, mail and c.o.d. fees payable at destination. Government bill of lading will not be used. All c.o.d. orders from out of town sources must be shipped by parcel post or mail. Petty cash will not be used for payment of intercity transportation services performed by common carriers. Local cartage or drayage charges may be paid by adding the charges to the cost of the items purchased or by entering as a separate item on the same receipt.

(4) Instructions to the vendor may be verbal or written.

(5) Sufficient cash must be reserved for each outstanding c.o.d. purchase.

(6) The carrier will sign the AF Form 385 for the total cash received, or the signed original c.o.d. receipt may be attached to the AF Form 385.

(7) When a receipt cannot be obtained, cash purchasing officers located in foreign countries are authorized to use the c.o.d. procedure for purchases up to $100 by: Certifying on the AF Form 385 that the parcel was "Delivered by _____ (name of post office or carrier), no receipt given"; and the c.o.d. label is removed from the parcel and affixed to the AF Form 385 furnished to the comptroller activity in support of the reimbursement voucher.

(b) Orders placed c.o.d. but received prepaid: When a vendor erroneously ships an order prepaid, a confirming purchase order will be issued instructing the vendor to submit an invoice for payment by check. Decentralized cash purchasing officers will process the purchase request involving the confirming action

through the accountable supply officer to the base procurement office at the support base for the issuance of the confirming purchase order.

(c) Disposition of c.o.d. orders at time of transfer and/or termination of cash purchasing officers: Outstanding c.o.d. orders will be disposed of in the following order of preference:

(1) Reviewed and accepted by the successor cash purchasing officer or by a cash purchasing officer assigned to a base procurement office for subsequent payment. New receipt numbers will be assigned to each AF Form 385 if necessary. Sufficient cash will be reserved in the fund of the successor cash purchasing officer to cover all outstanding c.o.d. orders accepted.

(2) Orders unacceptable to the successor cash purchasing officer will be referred to the base commander for approval in writing. If approved, the receipt may be accepted by the successor cash purchasing officer and paid. If disapproved, the order will be cancelled with the vendor.

(3) All orders which cannot be assumed by another cash purchasing officer because of insufficient funds or other reasons, will be referred to the base procurement officer (through the accountable supply officer, if necessary) of the support base for issuance of a confirming purchase order or cancellation.

7. In § 1003.606–2, revise paragraph (a) to read as follows:

§ 1003.606–2 Establishment of blanket purchase agreement.

* * * * *

(a) BPAs under $2,500 will not require the reference to individual requests over $2,500.

Subpart H—Price Negotiation Policies and Techniques

§ 1003.812–4 [Amendment]

To § 1003.812–4 add the following: "See § 3.812–4 of this title."

Subpart I—Subcontracting Policies and Procedures

1. Revise § 1003.903–3 to read as follows:

§ 1003.903–3 Approval of purchasing system.

(a) While the approval of the system is the responsibility of the ACO, the purchase methods analyst (PMA) is responsible for "Purchase System Review," continual surveillance and the "Annual Surveillance Report."

(1) to (3) See § 3.903–3(a) (1) to (3) of this title.

(4) See Subparts G and H, Part 1 of this title and Subparts G and H, Part 1001 of this chapter regarding DOD and AF policy respecting subcontracting with small business and labor surplus concerns. The PMA in his continual surveillance of the contractor's purchasing system will secure technical guidance and information from the cognizant AF small business specialist when making the appraisal as to the effectiveness of the contractor's practices. The purchase methods analysts will advise the cognizant AF small business specialist when a "Purchase System Review" or "Annual Surveillance Report" is to be made and request the AF small business specialist, during the time of the review to examine in the contractor's plant the practices of the contractor in the Small Business Program (see paragraph (d) of this section). The findings and conclusions of the AF small business specialist will be incorporated in the report. A contractor's purchasing system will not be approved that does not meet objectives of the Small Business Program. The Contract Management Region Purchase Methods Evaluation Panel during their evaluation of purchasing systems according to paragraph (d) of this section will determine whether small business concerns have been afforded an equitable opportunity to compete for subcontracts within their capabilities (see § 1.707 of this title and § 1001.707 of this chapter).

(5) Where the relationship or working arrangements between the contractor and subcontractor, or subcontractor and his supplier, are such as may deter arm's-length bargaining, the contracting officer will insure that the Government's interest is protected before approving the subcontract or purchase order. (See also § 15.205–22(e) of this title.)

(6) and (7) See § 3.903–3(a) (6) and (7) of this title.

(b) Reliance upon the contractor's purchasing system where it has been determined to be efficient is preferable to checking and approving individual subcontracts.

(c) Approval of a contractor's purchasing system must be based upon its conforming to sound industrial procurement standards and incorporation of pertinent AF purchasing principles.

(d) After approval of a contractor's purchasing system there will be a resumé (Annual Surveillance Report) of each purchasing system each year by a purchase methods analyst. The "Annual Surveillance Report" comments and recommendations will be submitted to the Contract Management Region Purchase Methods Evaluation Panel, to be used in determining the continued adequacy of the contractor's purchasing system. All pertinent information and accepted recommendations will be forwarded to the ACO for necessary action. The PMA has the responsibility to make continual surveillance and maintain the forms set forth in AFSCM 70–3 for each AF contractor in the "Contractor Procurement Review Program" regardless of approval or nonapproval of such systems as follows:

(i) Specific surveillance techniques evaluation of purchasing system.

(i) Continuing review, with recorded comments, will be made on the policies, procedures, methods, and controls that are used in the various procurement areas.

(ii) Detailed individual case study will be made to certify that the systematic procedures and methods are followed. This should be accomplished: (*a*) By inspection of records, (*b*) by tactful discussions with personnel of the contractor's organization including the contractor's purchasing department, and (*c*) through careful and constant observations.

(iii) Reviews will be conducted and statistical analyses made as to effectiveness of the bidding process, use of cost analysis, size of order placed, type of contract used, reasons for making the award, and such other items as are pertinent.

(iv) See § 3.903–3(e) of this title and paragraph (e) of this section.

(v) Detailed selective investigation and special surveillance will be made on the basis specified by the ACO. Where subcontracts involve considerable sums and are for items for which there is no previous cost experience, they will be included in the review.

(2) The AFPR and chief of the AF contract management district (AFCMD) have administrative responsibility to assure that there is continual surveillance and sufficient data is maintained to determine whether the contractor is following the procurement procedures that were approved. Guidelines for continual surveillance are found in AFSCM 70–3, "Contractor Procurement Review Manual," and Subparts H and I, Part 3 of this title and Subparts H and I of this part. The contractor will not be required to establish any new reports to satisfy the requirements of any form used in continual surveillance.

(e) Where other government personnel have performed checks, maximum use will be made of such reports thus avoiding duplication of effort. Also where the contractor's internal administrative controls assure reasonable system compliance, such controls will be used.

(f) See § 3.903–3(f) of this title.

§ 1003.903–50 [Amendment]

2. In § 1003.903–50, *Consent to subcontracts*, paragraph (f) is rescinded and paragraph (g) is redesignated paragraph (f).

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or aply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1007—CONTRACT CLAUSES

Subpart Z—Clauses for Open Contracts for Equipment and Services

Revise § 1007.2604 to read as follows:

§ 1007.2604 Clauses to be used when applicable.

See § 7.104 of this title, and §§ 1007.104 and 1009.203–2(d) of this chapter.

Subpart KK—Clauses and Arrangements for Negotiated Utility Service Contracts

Subpart KK is deleted.

Subpart NN—Special Clauses

1. Revise §§ 1007.4014 and 1007.4064 to read as follows:

§ 1007.4014 Certificate of conformance.

The following clause will be incorporated in all central procurement supply contracts according to § 1014.204–50 of this chapter and § 14.202 of this title.

Clause may be incorporated into base procurement contracts according to § 1014.204–51 of this chapter provided the first lines are revised to read: "The supplies or services to be furnished hereunder shall be accepted." When the clause is incorporated into the contract utilizing DD Form 1155, either central or base procurement, the portion of paragraph (b) of the clause inclosed in brackets will be omitted. Omission of the bracketed portion is required because the DD Form 1155 does not include either of the contract clauses mentioned therein. When this clause is incorporated into a base procurement contract, the Certificate of Conformance will be attached to it or entered on the invoice. When the clause is incorporated into a central procurement contract utilizing DD Form 1155 using the DD Form 250, "Materiel Inspection and Receiving Report," the Certificate will be attached to or entered on the DD Form 250. The applicable portions inclosed in brackets in paragraph (a) of the clause will be incorporated into the contract.

CERTIFICATE OF CONFORMANCE (AUG. 1961)

(a) At the option of the Government, any of the supplies or services to be furnished f.o.b. origin hereunder may be accepted without prior government inspection upon receipt of a Certificate of Conformance of the contractor attached to [an invoice (for base procurement)] [or to DD Form 250 (for central procurement)] for supplies or services reading substantially as follows:

I hereby certify that I did, on the _____ (Date) of _____ 19__ ship via _____ (Month) (Name of carrier) on _____ in accordance with shipping instructions issued by the contracting officer, the supplies called for by contract number (insert contract No.) _____; that such supplies were in the quantities and the quality called for, and were in all respects in accord with the applicable specifications) or (complete the services called for by Contract Number (insert contract No.) _____, item _____; that such services were in the quantity and of the quality called for, and were in all respects in accord with applicable specifications). This statement is furnished to support payment of the attached invoice.

(b) Notwithstanding any provisions of the certificate above referred to [and notwithstanding the provisions of paragraph (c) of clause hereof entitled "Inspection" or "Inspection of Supplies and Correction of Defects" as the case may be], the liability of the Contractor with respect to supplies accepted by the Government under the provisions of paragraph (a) above will, after inspection by the Government or after the expiration of a reasonable time following delivery to the Government within which inspection may be made, whichever occurs first, be limited (except as to supplies rejected upon such inspection) to liability for latent defects, fraud, or such gross mistakes as amount to fraud.

§ 1007.4064 Value engineering incentive (FFP and FPIF contracts).

The following value engineering incentive clause will be inserted in FFP (advertised and negotiated) and FPIF contracts when appropriate (see § 1003.–406–3(b) of this chapter):

VALUE ENGINEERING INCENTIVE (APR. 1962)

(a) This clause applies to any proposal initiated and developed by the Contractor for variation from contractual requirements which, to be acceptable under the contract, would necessitate issuance of a contractual change, and which reduces the cost of performing the contract, without degrading operational functions; e.g., performance, reliability, or maintainability of the item. Such proposals will be submitted to the Government in the same form as prescribed for any other proposal which would likewise necessitate a change in contractual requirements, but will include a statement that they are subject to the operation of this clause. The Government shall not be obligated to accept such proposals and nonacceptance shall not be a cause for dispute under the "Disputes" clause of the contract.

In FFP contracts, insert the following paragraph (b):

(b) As an incentive for the Contractor to submit proposals, as described in paragraph (a) above, during the life of this contract, the parties agree that if the Government accepts and incorporates any such proposal into the contract, the contract price shall be reduced by an amount equal to (1) percent of the amount agreed to be the estimated reduction in cost that will result from incorporation of the proposal into the contract.

[1] Not less than 50 percent.

In FPIF contracts, insert one of the following paragraphs (b):

(b) As an incentive for the Contractor to submit proposals, as described in (a) above, during the life of this contract, the parties agree that if the Government accepts and incorporates any such proposal into the contract, the contract price shall be adjusted as follows:

(1) The target cost will be reduced by the full amount agreed to be the estimated reduction in cost that will result from incorporation of the proposal into the contract.

(ii) The target profit will be increased by an amount equal to (1) percent of the amount by which the target cost was reduced pursuant to (i) above. Profit increases resulting from the operation of this clause shall not be considered within the limitation on profit, if any, appearing in the "incentive price revision" clause of this contract.

[1] Not to exceed 50 percent.

or

(b) As an incentive for the Contractor to submit proposals as described in (a) above, during the life of this contract, the parties agree that if any such proposal is accepted by the Government, neither the target cost nor the target profit will be reduced by reason of the incorporation of the proposal into the contract.

Subpart QQ—Clauses for Fixed-Price Architectural Engineering Service Contracts

§ 1007.4301 [Amendment]

1. In § 1007.4301, change "AFR 93–13 (Procedure for Negotiations of Architect-Engineer Fixed Price Contract)" to read: "AFR 85–8 (Selecting Architect-Engineers for Professional Services by Negotiated Contracts)."

2. Delete §§ 1007.4303–17, 1007.4303–19 and 1007.4303–20, and insert the following:

§ 1007.4303–16 Data.

See § 9.203–1 of this title.

§ 1007.4303–17 Release of information.

RELEASE OF INFORMATION (MAR. 1957)

The Contractor agrees not to divulge or release any information developed or obtained in connection with performance of this contract concerning the details of performance of this contract or any possible construction based on the results thereof (including but not limited to plans, specifications, location, time or estimated cost of construction), except to authorized Government personnel or upon the prior written approval of the Contracting Officer.

§ 1007.4303–18 Approval of contract.

See § 7.105–2 of this title.

§ 1007.4304–2 [Amendment]

3. In § 1007.4304–2 *Reports*, amend the last sentence of the introductory material to read: "One copy of the report will be forwarded to the Major Air Command."

4. Revise § 1007.4304–3 to read as follows:

§ 1007.4304–3 Preparation of specifications.

Insert the following clause in all contracts calling for furnishing specifications by the contractor.

PREPARATION OF SPECIFICATIONS (APR. 1962)

The Contractor shall make reference to applicable Federal specifications, if available, for items and materials to be used. If Federal specifications are not available, the Contractor shall reference specifications prepared by recognized professional manufacturer or construction societies, or furnish descriptions of the items or materials containing all the fundamental properties and all the essential requirements to be met by the items or materials. When an item or material cannot be described because of its technical construction or composition or because it is a proprietary item, the name of one, and if available, several, suitable commercial products shall be included as part of the required description, followed by the words "or equal." If it is determined that one and only one brand of item or material will meet the requirement, the Contractor shall so state and shall give full justification for that determination. Specifications will not duplicate, contradict or cover the same subject matter contained in the general and special provisions to be used with the construction contract. A complete set of construction contract general and special provisions will be furnished to the contractor by the Contracting Officer.

Subpart RR—Clauses for Teacher Contracts

Subpart RR is revised to read as follows:

Sec.	
1007.4400	Scope of subpart.
1007.4401	Authority.
1007.4402	Definition.
1007.4403	Required clauses.
1007.4403–1	Definitions.
1007.4403–2	Assignment of claims.
1007.4403–3	Disputes.
1007.4403–4	Officials not to benefit.
1007.4403–5	Covenant against contingent fees.
1007.4403–6	Termination for convenience of the Government.
1007.4403–7	Subcontracts.
1007.4403–8	Change in rate of pay.
1007.4404	Clauses to be used when applicable.
1007.4404–1	Alterations in contract.

Sec.
1007.4405 Required schedule clauses for contracts with full-time teachers.
1007.4405-1 Part I—Statement of services.
1007.4405-2 Part II—Period of performance.
1007.4405-3 Part III—Leave of absence.
1007.4405-4 Part IV—Consideration and payment.
1007.4405-5 Part V—Qualifications.
1007.4405-6 Part VI—Renewal.
1007.4406 Required schedule clauses for contracts with substitute teachers.
1007.4406-1 Part I—Statement of services.
1007.4406-2 Part II—Period of performance.
1007.4406-3 Part III—Consideration and payment.
1007.4406-4 Part IV—Qualifications.
1007.4407 Required schedule clauses for contracts with principals.
1007.4407-1 Part I—Statement of services.
1007.4407-2 Part II—Period of performance.
1007.4407-3 Part III—Leave of absence.
1007.4407-4 Part IV—Consideration and payment.
1007.4407-5 Qualifications.
1007.4407-6 Part VI—Renewal.

AUTHORITY: §§ 1007.4400 to 1007.4407-6 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314.

§ 1007.4400 Scope of subpart.

This subpart sets forth the clauses for use in personal service contracts with teachers, substitute teachers, and principals for Air Force-operated dependents' schools in the United States and Puerto Rico. The requirements for this type of contract will be initiated according AFL 34-26 (Initiating Contractual Requirements for Certain AF-Operated Dependents' Schools).

§ 1007.4401 Authority.

The authority for this type of service is set forth in section 6 of Public Law 874 (81st Congress) as amended. Each contract will cite that statute as well as 10 U.S.C. 2304(a)(4). No findings and determinations are required for contracts of this type.

§ 1007.4402 Definition.

The term "teacher contract" means a contract made with a teacher, a substitute teacher, or a principal for Air Force-operated dependents' schools pursuant to section 6 of Public Law 874 (81st Congress) as amended.

§ 1007.4403 Required clauses.

The following clauses will be inserted in all contracts for teachers.

§ 1007.4403-1 Definitions.

See § 7.103-1 of this title, omitting paragraph (c).

§ 1007.4403-2 Assignment of claims.

See § 7.503-3 of this title.

§ 1007.4403-3 Disputes.

See § 7.103-12 of this title.

§ 1007.4403-4 Officials not to benefit.

See § 7.103-19 of this title, omitting the final clause which begins, "but this provision * * *"

§ 1007.4403-5 Covenant against contingent fees.

See § 7.103-20 of this title.

§ 1007.4403-6 Termination for convenience of the Government.

See § 1008.750 of this chapter.

§ 1007.4403-7 Subcontracts.

See § 1007.503-50.

§ 1007.4403-8 Change in rate of pay.

CHANGE IN RATE OF PAY (OCT. 1957)

The rate of pay for services herein provided is comparable to the rate of pay for similar services paid by nearby school districts of the State in which this contract is to be performed. In the event such nearby districts increase or decrease the rate of pay for such services during the period of this contract, the rate of pay for this contract may be proportionately adjusted and the contract amended accordingly. No such adjustment shall be made unless and until the cognizant Area Field Representative of the U.S. Office of Education certifies to the justification of such change in the comparable rates of pay. Any adjustment hereunder shall be evidenced by a supplemental agreement to this contract.

§ 1007.4404 Clauses to be used when applicable.

§ 1007.4404-1 Alterations in contract.

According to instructions for use in § 1007.105-1, insert the clause in § 7.105-1 of this title.

§ 1007.4405 Required schedule clauses for contracts with full-time teachers.

The schedule for contracts with teachers will contain the following provisions to be completed with appropriate information.

§ 1007.4405-1 Part I—Statement of services.

PART I—STATEMENT OF SERVICES (OCT. 1957)

The Contractor shall teach elementary school at the ---------- Air Force Base on regular school days at such hours as the school principal shall designate. Performance by the Contractor shall be in accordance with the direction of the school principal, and include the teaching of such subjects as may be prescribed, the keeping of required records, and such other curricular and extra curricular duties as are customarily performed by an elementary school teacher.

§ 1007.4405-2 Part II—Period of performance.

PART II—PERIOD OF PERFORMANCE (OCT. 1957)

Performance of services shall commence on the ------ day of ---------- 19-- and continue until the ------ day of ---------- 19--. In the event the school is closed temporarily on account of an epidemic or for any other necessary cause the period of performance may be extended by the principal to make up for such lost time, and no additional payment shall be made for such make-up period.

§ 1007.4405-3 Part III—Leave of absence.

PART III—LEAVE OF ABSENCE (OCT. 1957)

The Contractor will be allowed leave, when sick, with pay for not exceeding ---- days. If required by the principal, the Contractor shall furnish a doctor's certificate of illness when sick for three or more consecutive school days. When approved by the principal the Contractor will be granted leave with pay for not exceeding ---- days for reasons of death or critical illness of a member of the Contractor's immediate family.

§ 1007.4405-4 Part IV—Consideration and payment.

The second sentence of the following clause will be modified, as indicated, to conform to local practices.

PART IV—CONSIDERATION AND PAYMENT (MAR. 1962)

The Government will pay the Contractor upon satisfactory performance of the above described services the sum of $------. Payments will be made (monthly, biweekly, etc.) during the period of performance in the amount of $------. For each pay period as described above the Contractor shall present to the Contracting Officer an invoice for services rendered. Deductions for Federal income tax and social security contributions, Retirement and Life Insurance and Health Benefits will be made from payments as appropriate; where withholding of payments for purposes of State income taxes is authorized by 5 U.S.C. 84b (1952), deductions for State income taxes will also be made.

§ 1007.4405-5 Part V—Qualifications.

PART V—QUALIFICATIONS (OCT. 1957)

The Contractor warrants that ---------- is qualified and duly licensed to teach elementary school within the State of ---------- and affirms ---------- loyalty to the United States of America.

§ 1007.4405-6 Part VI—Renewal.

PART VI—RENEWAL (OCT. 1957)

In the event the services of the Contractor are desired by the Government for the succeeding school year the Contractor will be so advised on or before the ---- day of ---------- 19--. It is agreed that such notice will be subject to the availability of funds for the succeeding Government fiscal year for this purpose.

§ 1007.4406 Required schedule clauses for contracts with substitute teachers.

The schedule for contracts with substitute teachers will contain the following provisions to be completed with appropriate information.

§ 1007.4406-1 Part I—Statement of services.

PART I—STATEMENT OF SERVICES (OCT. 1957)

The Contractor shall teach elementary school at the ---------- Air Force Base on regular days at such hours and on such days as the school principal shall designate during the period of performance of this contract as set forth in Part II hereof. It is understood and agreed that this is a call contract, that the Contractor is a substitute teacher to perform services in the absence of a regularly employed teacher, and that the Government is not hereby obligated to issue any call for the Contractor's service.

§ 1007.4406-2 Part II—Period of performance.

PART II—PERIOD OF PERFORMANCE (OCT. 1957)

The period during which calls may be made shall begin on the ------ day of ---------- 19-- and end on the ------ day of ---------- 19--. In the event the school is closed temporarily on account of an epidemic, or for any other necessary cause, the period of performance may be extended by the principal to make up for such lost time.

§ 1007.4406-3 Part III—Consideration and payment.

The second sentence of the following clause will be modified, as indicated, to conform to local practices.

PART III—CONSIDERATION AND PAYMENT (JAN. 1962)

The Government will pay the Contractor upon satisfactory performance of the above described services the sum of $------ for each day worked. Payment will be made [monthly, biweekly, etc.]. For each pay period as described above the Contractor shall present to the Contracting Officer an invoice for any service rendered. Deductions for Federal income tax and social security contributions will be made from payments; where withholding of payments for purposes of state income taxes is authorized by 5 U.S.C. 84b (1952), deductions for state income taxes will also be made.

§ 1007.4406-4 Part IV—Qualifications.

See § 1007.4405-5.

§ 1007.4407 Required schedule clauses for contracts with principals.

The schedule for contracts employing school principals will contain the following provisions to be completed with appropriate information.

§ 1007.4407-1 Part I—Statement of services.

PART I—STATEMENT OF SERVICES (OCT. 1957)

The Contractor shall act as principal of an elementary school at the ---------- Air Force Base. Performance by the Contractor shall be in accordance with the direction of the Base Commander, and includes the supervision of the school, the teaching staff thereof, keeping of required records, and such other curricular and extra curricular duties as are customarily performed by an elementary school principal.

§ 1007.4407-2 Part II—Period of performance.

PART II—PERIOD OF PERFORMANCE (OCT. 1957)

Performance of services shall commence on the ------ day of ---------- 19 -- and continue until the ------ day of ---------- 19--. In the event the school is closed temporarily on account of an epidemic or for any other necessary cause the period of performance may be extended by the Base Commander to make up for such loss time, and no additional payment shall be made for such make-up period.

§ 1007.4407-3 Part III—Leave of absence.

PART III—LEAVE OF ABSENCE (OCT. 1957)

The Contractor will be allowed leave when sick, with pay for not exceeding ---- days. When approved by the Base Commander the Contractor will be granted leave with pay for not exceeding ------ days for reasons of death or critical illness of a member of the Contractor's immediate family.

§ 1007.4407-4 Part IV—Consideration and payment.

See § 1007.4405-4.

§ 1007.4407-5 Part V—Qualifications.

PART V—QUALIFICATIONS (OCT. 1957)

The Contractor warrants that ---------- is qualified and duly licensed to act as principal of an elementary school within the State of ----------, and affirms ------ loyalty to the United States of America.

§ 1007.4407-6 Part VI—Renewal.

See § 1007.4405-6.

PART 1008—TERMINATION OF CONTRACTS

Subpart B—General Principles Applicable to the Settlement of Fixed-Price Type Contracts Terminated for Convenience and to the Settlement of All Terminated Cost-Reimbursement Type Contracts

In § 1008.202-50, revise paragraph (c)(3) to read as follows:

§ 1008.202-50 Termination of AF contracts.

* * * * *

(c) * * *

(3) Select the source or sources to be terminated when the termination request (AFPI Form 49) does not specify the source and more than one source is producing or developing the end item. When the contract has been selected, the contracting officer will show in "Remarks", Part III of AFPI Form 49, the date the items were procured, or in the event of a call type contract, the date the call was made.

Subpart H—Forms

In § 1008.850, revise paragraph (a)(3) to read as follows:

§ 1008.850 Instructions for completing AFPI Form 49, "Termination Authority."

(a) * * *

(3) Part III, AFPI Form 49, "Remarks." Include any other pertinent information or special instructions. In every instance the contracting officer will show the date the items were procured, or in the event of a call type contract, the date the call was made.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314)

PART 1009—PATENTS, DATA, AND COPYRIGHTS

Subpart A—Patents

Revise § 1009.107-2 to read as follows:

§ 1009.107-2 License rights; domestic contracts.

(a) Exclusion of inventions from the license grant: Pursuant to the provisions of § 9.107-2(a) of this title, the contracting officer will obtain identification of the patent number or patent application serial number of each invention for which exclusion is sought by the contractor and obtain verification of the existence of one or more of the circumstances in § 9.107-2(a)(1) through (4) of this title. Where the invention is identified only by a patent application serial number, a copy of such application and information as to the filing date will be obtained from the contractor. For the purpose of obtaining advice and recommendations, the contracting officer will then forward the contractor's request for exclusion, together with copies of all pertinent material and a full statement of facts, within:

(1) AMC and WADD to AMC (MCJP), Hq AMC.

(2) ARDC, other than WADD, to ARDC (RDJP), Hq ARDC.

(3) AF activities other than AMC and ARDC, to the Chief, Patents Division, Hq USAF.

With respect to the provisions of § 9.107-2(a)(1) of this title, in comparing the contractor's expenditures with the amount of the proposed contract or such portion of the proposed contract amount as can be allocated in advance for the development of such an invention, prior Government expenditures on the development of such invention and the Government contribution to the general research work of the contractor related to the subject matter of the contract shall be taken into consideration. Upon granting a request for exclusion of inventions pursuant to § 9.107-2(a) of this title and this paragraph, a report thereof along with a statement of all pertinent facts will be forwarded to the Chief, Patents Division.

(b) Contract clause: The following paragraphs relate to material required to be furnished by contractors under the provisions of paragraphs (c), (d), (e), and (h) of the Patent Rights clause of § 9.107-2(b) of this title.

(1) All such material will be processed according to the procedure in Subpart K, Part 1011 of this chapter. BOB approval No. 22-R160 authorizes submission of DD Form 882, "Reports of Inventions and Subcontracts," by contractors (see §§ 9.107-2(b) and 16.809 of this title). This clearance also includes authority for obtaining "Invention Disclosure Reports" from contractors pursuant to requirements of paragraph (c)(i) of the clause in § 9.107-2(b) of this title.

(2) In complying with paragraphs (c) and (d) of the Patent Rights clause, if the contractor has had a patentability search made or has otherwise determined that an invention reasonably appears to be patentable, but the contractor decides not to file a patent application thereon, and if the costs of such search or determination are allowed as an item of cost under a Government contract, or such search report or determination will be furnished without specific charge, the contractor will transmit to the contracting officer a copy of such patentability search report or documents supporting such determination when the contractor notifies the contracting officer that the contractor will not file such application. The report or documents will include a copy of all applicable references.

(c) Contract clause for use in Communication Satellite and Space Program Contracts: The Patent Rights (License) Clause (§ 9.107-2(b) of this title) will be modified in:

(1) Existing Advent contracts and other contracts specifically related to communications satellites.

(2) Any future contract having as one of its purposes the performance of research and development under a space program, project, or task, including space

exploration and space communication, as follows:

(i) Delete the effective date of the clause and substitute January 1962.

(ii) (a) Delete paragraph (b) (1) and substitute the following:

The Contractor agrees to and does hereby grant to the Government an irrevocable, nonexclusive, and royalty-free license to practice, and cause to be practiced by or for the United States Government, throughout the world, each Subject Invention in the manufacture, use, and disposition of any article or material, in the use of any method, or in the performance of any service acquired by or for the Government or with funds derived through the Mutual Security Program of the Government or otherwise through the Government. Such license shall be nontransferable except that the Contractor does hereby grant to the Government the right to grant sublicenses to others, under such terms and conditions as may be prescribed, for the practice of any Subject Invention throughout the world in the design, development, manufacture, operation, maintenance and testing of communications satellite systems, and of equipment, components, ground tracking, transmitting and receiving facilities therefor.

(b) In amending existing contracts, if the contractor refuses to accede to deletion of third sentence of paragraph (b) (1), the following will be added as last sentence to (b) (1) above:

Subject to the foregoing, no license granted herein shall convey any right to the Government to manufacture, have manufactured, or use any Subject Invention for the purpose of providing services or supplies to the general public in competition with the Contractor or the Contractor's commercial licensees in the licensed fields; but provided, however, that the restriction of this sentence shall not be applicable in respect to any services or supplies which the Government has heretofore or may hereafter provide as a governmental function pertaining to the general public health, safety, or welfare.

(iii) The fourth sentence of paragraph (g) beginning: "If, within thirty-five (35) days * * *" is modified by deleting the period at the end of said sentence and adding "or to the design, development, manufacture, operation, maintenance, and testing of communications satellite systems, and of equipment, components, ground tracking, transmitting and receiving facilities therefor."

(iv) Add the following sentence at the end of paragraph (g):

The provisions of this paragraph (g), as modified, shall be applicable to subcontracts hereunder in existence at the time of making the modification by which this sentence was added to this clause, as well as to subcontracts made thereafter.

(v) The following revised Patent Rights (License) Clause which is authorized for use at this time in all contracts in which the above clause is required may be used in lieu of the above modification:

(a) Delete paragraph (b) (1) and substitute the following:

(b) (1) The Contractor agrees to and does hereby grant to the Government an irrevocable, nonexclusive, and royalty-free license to practice, and cause to be practiced by or for the United States Government, throughout the world, each Subject Invention in the manufacture, use, and disposition according to law, of any article or material, and in the use of any method. Such license (i) shall be nontransferable, except that the Government shall have (a) the right to grant sublicenses to any foreign government or international organization, specifically for use in programs established by International Agreements for research, development or production of weapons or equipment for mutual defense and (b) the right to grant sublicenses to others, under such terms and conditions as may be prescribed, for the practice of any Subject Invention throughout the world in the design, development, manufacture, operation, maintenance and testing of communications satellite systems, and of equipment, components, ground tracking, transmitting and receiving facilities therefor, and (ii) shall include the practice of Subject Invention in the manufacture, use and disposition of any article or material, in the use of any methods, or in the performance of any service acquired by or for the Government or with funds derived through the Mutual Security Program of the Government or otherwise through the Government.

(b) Delete paragraph (b) (2) (iii).

(c) Delete paragraph (g) and substitute the following:

The Contractor shall, unless otherwise authorized by the Contracting Officer, include a patent rights clause containing all the provisions of this Patent Rights Clause except provision (f) in any subcontract hereunder of three thousand dollars ($3,000) or more having experimental, developmental, or research work as one of its purposes. In the event of refusal by a subcontractor to accept such a patent rights clause, the Contractor shall not proceed with the subcontract without the written authorization of the Contracting Officer. Reports, instruments, and other information required to be furnished by a subcontractor to the Contracting Officer under the provisions of such a patent rights clause in a subcontract hereunder may, upon mutual consent of the Contractor and the subcontractor (or by direction of the Contracting Officer), be furnished to the Contractor for transmission to the Contracting Officer.

(vi) In existing contracts add the following:

(a) The provisions of this paragraph (g), as modified, shall be applicable to subcontracts hereunder in existence at the time of making the modification by which this sentence was added to this clause, as well as to subcontracts made thereafter.

(b) Delete paragraph (i) and reletter the present paragraph (j) as (i).

(d) Modifications of existing contracts in accordance with the foregoing will be made effective only with respect to Subject Inventions occurring after the date of the modification, and will be accomplished without monetary consideration. Amendments to existing contracts will recite that the modifications to Patent Rights (License) Clause are in consideration of the acceptance by one or more Government space satellite contractors of like modifications of their existing contracts and other good and valuable consideration.

(e) A monthly progress report, Report Control Symbol DD–I&L(SI) 6169, will be assembled by the procurement contracting officer prior to amendment of existing contracts or execution of future contracts and subsequent to amendment or execution thereof by the administrative contracting officer and forwarded in duplicate to Hq USAF (AFSPM–CP–1) for transmittal to DOD. The report should reach AFSPM–CP–1 four days before the end of each month as it is due in DOD by the first of the following month. A copy of the report will be sent to AFSC (SCMKP). Format for the report is as follows:

(1) Name of each prime contractor, contract number, date of contract, type of contract (whether R&D, supply, services, etc.), subject matter of contract.

(2) Specific description of any difficulties encountered in modifying any contract.

(3) Contract language used in modifying existing contracts and used in new contracts which are subject to this letter.

(4) Name of each subcontractor under each prime contract, with information corresponding to that requested above for prime contractors.

(5) Total number of existing contracts and subcontracts modified, and total number of existing contracts and subcontracts to be modified.

Subpart B—Data and Copyrights

1. In § 1009.202–1, revise paragraph (a) (4) to read as follows:

§ 1009.202–1 Acquisition of data.

(a) *General.* * * *

(4) Data pricing, delivery and payment requirements: (i) Whenever there is a requirement by the requiring activity for data, as determined in subparagraph (2) of this paragraph, the IFB or RFP will contain the following:

DATA PRICING (NOV. 1961)

(a) Bidders are requested to insert opposite the data items the price of such data or a specific response such as "Not Applicable," "No Charge," "Included in the Price of Items ------," "Revisions Not Presently Required," etc. If a bidder fails to price or enter a specific response to a data item required to be furnished (excepting revisions for which a price is to be negotiated later) it will be considered that the data is being furnished at no charge.

(b) Under any contract which requires the delivery of data, the accounting and finance office will be advised by the contracting officer to withhold final payment until DD Form 250, "Materiel Inspection and Receiving Report," is obtained through regular channels indicating that data has been delivered and accepted.

(ii) Under RFPs where the bidder has failed to quote a price for data, the matter shall be negotiated and a separate price, or appropriate specific response, established and included in the contract(s) awarded thereunder, unless the procurement is let as a DD Form 746–2 award.

2. Revise § 1009.203–2 to read as follows:

§ 1009.203–2 Provision for addition to basic data clause for use in supply contracts.

(a) *Purpose of additional provisions.* The additional provision (i) in § 9.203–2 of this title is intended to negate statements or requirements appearing in Tables or Specifications included or incorporated in the contract by reference which may call for "proprietary data"; no such data is required unless the Contract Schedule itself specifies that such data is to be furnished and indicates that it is to be furnished notwithstanding that it may be "proprietary data." The special clause as to Rights in Data in Supply Contracts in § 1009.202–1(b) (1) is intended to supplement, and in no way contradicts, paragraph (i) of § 9.203–2 of this title. This special clause is intended simply to negate any implication that statements as to "intended use" in the Tables or Specifications alter the legal rights obtained by the Government under the particular data provision or provisions of § 9.203 of this title included in any contract or contracts.

(b) *Designation of non-proprietary data in schedule of negotiated supply contracts.* If the Government and the contractor agree that it is desirable to identify in the contract the required data which is not "proprietary data," a contractual provision as follows will be inserted in the Contract Schedule of negotiated supply contracts:

For the purpose of paragraph (i) of clause ------ entitled Data, the Contractor agrees that none of the data required by Items ------ and ------ is "proprietary data", as defined in said paragraph (i).

(c) *Identification of "Proprietary data" in schedule of negotiated supply contracts calling for other than standard commercial items.* (1) If a clear Government need for "proprietary data" is established in such contracts, the following or substantially identical language will be included in the Schedule of the contract for the purpose of identifying such data:

For the purpose of paragraph (i) of clause ------ entitled Data, the data called for by Item(s) ------ and ------ and the data listed at the end of this paragraph, if any, is hereby identified as data required to be furnished under this contract notwithstanding that it is or may be "proprietary data." Such identification is not to be deemed a determination by the Government that such data is "proprietary data."

(2) Data listed at the end of the above clause will be identified in the Schedule of the Contract for the purpose of such paragraph (i) (§ 9.203–2 of this title) by any suitable means, such as a specific reference to individual or groups of drawings, to subject matter of identifiable portions of data, to areas or structural features or processes within certain specific perimeters of description, or by any other method or device acceptable to the contractor and the contracting officer. Such data may be identified by references in the Schedule to Tables or Specifications where appropriate.

(d) *Additional clauses for use in open contracts.* In open contracts (see § 1003.405–50 of this chapter and Subpart X, Part 1007 of this chapter), in addition to the Data Clause of §§ 9.203–1, 9.203–2, and 9.203–3 of this title, the following clause will be inserted:

PROPRIETARY DATA IN OPEN CONTRACTS (MAR. 1962)

(a) The reference in paragraph (j) of the clause of the General Provisions of this contract entitled "Data" to "Data—identified in the Schedule" shall be deemed to include data identified, as hereinafter provided, in the respective approved production lists, orders, calls and/or instruments of like import, as amended.

(b) In order to establish the proprietary nature of any data the following procedures will apply.

(1) The Contractor shall specify in writing to the Contracting Officer, prior to the submission of a propsed Priced Exhibit, that data specifically identified is claimed to be proprietary, as defined in paragraph (i) of the Clause entitled "Data."

(2) The Contracting Officer shall negotiate with the Contractor, and, to the extent it is agreed such data is proprietary, as defined in such paragraph (i), and if such data is to be acquired subject to limitation on use, the approved Production List shall be amended to identify such data as being subject to the limitation on use of paragraph (j) of the Clause entitled "Data."

(c) The limitation on use which appears in the above referenced paragraph (j) is based upon the assertion by the Contractor that the data identified as proprietory in accordance with the procedure specified in paragraph (b) of this clause is "proprietary data" as defined in paragraph (i) of the above referenced clause entitled "Data." However, if such data is not "proprietary data" as defined in referenced paragraph (i), the limitation on use of such data shall be of no force and effect.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1011—FEDERAL, STATE AND LOCAL TAXES

Subpart B—Exemptions From Federal Excise Taxes

§ 1011.205 [Amendment]

In § 1011.205 *Tax exemption forms:*

a. Following paragraph (a) (1), in the parenthetical material in the Exemption Certificate, "sec. 4222" should read "sec. 4221."

b. In paragraph (b), line 6, "designated" should be "designate."

Subpart C—State and Local Taxes

Add § 1011.351 as follows:

§ 1011.351 Michigan sales and use tax; construction contracts.

(a) Scope: The provisions of this section relate to construction contracts of the Air Force which are performed in whole or part in Michigan.

(b) Instructions to Michigan contractors: An agreement with state authorities administering this tax has been reached pending final resolution of the legality of this tax by test litigation requires a change to previous instructions. The following instructions and procedures will be furnished by the contracting officer to each contractor performing military construction contracts in excess of $10,000 in Michigan if such tax is included in prices or will be passed on in whole or in part directly or indirectly to the Federal Government as an allowable item of cost, reimbursement, or price escalation under a contract administered by the Air Force.

(1) Each such military contractor will not pay the Michigan sales and use tax on materials incorporated in, or consumed in the performance of construction, and will exclude from its invoices submitted to the Federal Government all amounts of such tax.

(2) A record will be maintained of the tax excluded and each invoice will note the exclusion of the Michigan sales and use tax.

(c) Contractors performing in Michigan on AF construction contracts in excess of $10,000 will also be instructed according to the agreement with state taxing authorities as follows:

(1) The prime contractor must be registered as a consumer under Michigan use tax statute unless he is already the holder of a sales tax license.

(2) The prime contractor so registered will file regularly with the Michigan Department of Revenue the required monthly returns.

(3) The monthly returns are to be filed by the prime contractor and are to reflect all purchases by the prime contractor, including taxable purchases for nonfederal contracts, as well as all purchases by his subcontractors for use on federal contracts. If any portion of the monthly return covers materials to be used on contracts other than those with the U.S. Government, the proper tax is to be paid on such purchases and a supplemental letter should accompany such return showing a detailed breakdown of the federal and nonfederal purchases. If the return covers purchases for more than one Federal contract, a separate breakdown per contract is required. A copy of each return must be furnished to the office of administration.

(4) At the time of sales of such tangible personal property by sellers to prime contractor and his subcontractors, the use tax consumer registration number of the prime contractor will be furnished the sellers so that such sales are deductible by the sellers on their sales and use tax returns. This is done by entering the gross amounts on line 22 of their returns and by identifying same as sales to licensed contractors with the Federal Government.

(5) In the event, notwithstanding the agreement, Michigan sales and use taxes are assessed in connection with the performance of a military contract for construction, the prime contractor will immediately notify the contracting officer of this fact. Such notification will include the following information:

(i) Contract number and pertinent contract provisions under which reimbursement will be claimed, or if included in price.

(ii) A copy of the assessment and other information or correspondence which relates to the tax in question.

(d) Special Tax Clause for use in Michigan construction contracts in excess of $10,000 with the Air Force which contain any ASPR tax clause and amendments thereto: (This clause contains the contractual language under which the contractor is required to exclude such tax from its price.)

(JUNE 1962)

Notwithstanding any other provision of this contract, the contract price or prices do not include any amount for Michigan sales and use taxes on materials incorporated in the construction or consumed solely in the performance of this contract. Although expressly excluded, the amount of such taxes is estimated to be $------. In the event it is finally determined by the courts that the aforementioned taxes are required to be paid and the contractor pays such taxes, the amount excluded will be reimbursed the contractor, provided the contractor complied

with the instructions of the Contracting Officer.

(e) Statement for IFBs, RFPs, and RFQs for construction: IFBs, RFPs, and RFQs for construction should contain a statement that if the contract or any portion thereof is to be performed in the state of Michigan, there should be excluded from price all Michigan sales and use taxes imposed on materials incorporated in or used and consumed during construction. In this regard, reference s made to clause in preceding para-,raph which will be used when ap-)ropriate.

(f) Existing contracts: Contracting officers will, in connection with existing construction contracts performed, or to be performed, in Michigan, take action to insure that the benefit of any reduction in cost by reason of the elimination of such Michigan sales and use taxes will accrue to the Government. Where necessary, this will be accomplished by contract amendments. It is to be noted that the administrative contracting officer is to be apprised of all assessments of excluded taxes. Contracting officers receiving such information will forward it in triplicate to AFLC (MCJ) through their local staff judge advocate.

Subpart D—Contract Clauses

§ 1011.401–50 [Amendment]

In § 1011.401–50(a), the last word of the second sentence—"included"—is deleted.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1012—LABOR

Subpart D—Labor Standards in Construction Contracts

1. In § 1012.404–7, paragraph (c) is amended as follows:

§ 1012.404–7 Investigations.

* * * * *

(c) *Special investigations.* Special investigations of suspected criminal or other violations of applicable labor laws must be full scale investigations to determine all pertinent facts, not merely inquiries as to the truth of allegations. It is the responsibility of the cognizant major command to monitor investigations of alleged labor law violations that are being conducted by base personnel under their jurisdiction to insure that qualified personnel are assigned to the investigations and that investigations are conducted properly and expeditiously.

* * * * *

(2) Special investigations at AFLC or AFSC installations, and reports of same in writing, will be made by the industrial relations office in the AF contract management district having geographic jurisdiction upon request of ACOs, Hq USAF, or other appropriate sources, or if special investigation is required under paragraph (a)(1)(vii) of this section. Hq USAF will forward such requests for investigation to the AFLO through AFLC (MCPP). The AFLO will forward the requests to the appropriate contracting officer and an information copy to the appropriate major air command headquarters (staff procurement office), or, in the case of AFLC or AFSC contracts, to the appropriate industrial relations office. Special investigations at all major air commands in the United States, except AFLC and AFSC installations, will be made by a disinterested person designated by the base commander. If routine or field checks, complaints of violations, or the existence of actual or incipient work stoppages indicates that assistance is needed, a request for assistance may be sent to the nearest industrial relations office.

(3) and (4) * * *

Subpart H—Nondiscrimination in Employment

In § 1012.806–2, the introductory paragraph only is changed to read as follows:

§ 1012.806–2 Educational responsibility.

ACO's will at the earliest practical time acquaint the contractor with his responsibilities under the Nondiscrimination clause. To assure that the contractor is aware of his responsibilities under this provision, the contracting officer will submit a letter with the initial contract over $5,000 and at periodic intervals thereafter (but not less frequently than every 6 months), submit letters to the contractors with copies of such letters maintained at the office of administration setting forth statements that:

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1013—GOVERNMENT PROPERTY

Subpart D—Industrial Facilities

In § 1013.401(a), subparagraph (2) is revised to read as follows:

§ 1013.401 Award of procurement.

* * * * *

(a) * * *

(2) The procurement contract containing such clause will be placed in effect only under the following circumstances:

(i) When the expansion has been approved by the issuance of a procurement directive or fully approved purchase request authorizing the facilities expansion described in the facilities clause, or

(ii) When authorization has been obtained from the commander of the appropriate AMC center.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1014—INSPECTION AND ACCEPTANCE

Part 1014 is revised to read as follows:

Sec.
1014.000 Scope of subpart.

Subpart A—Inspection

1014.100 Definitions.
1014.100–1 Inspection.
1014.100–2 Testing.
1014.101 General.
1014.102 Activities responsible for inspection.
1014.103 Inspection interchange agreements.
1014.104 Contractor responsibility.
1014.105 Places of inspection.
1014.105–1 General.
1014.105–2 Inspection at source.
1014.105–3 Inspection at destination.
1014.106 Inspection of small purchases ($2,500 or less).
1014.107 Rejection of nonconforming supplies or services.
1014.108 Government inspection under subcontracts.
1014.109 Inspection for foreign Governments.

Subpart B—Acceptance

1014.201 General.
1014.202 Delivery under f.o.b. origin contracts.
1014.203 Point of acceptance.
1014.204 Responsibility for acceptance.
1014.204–50 General.
1014.204–51 Base procurement.
1014.205 Acceptance of supplies or services not conforming with contract requirements.

AUTHORITY: §§ 1014.000 to 1014.205 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1014.000 Scope of part.

This part sets forth general policy and basic requirements for the inspection and acceptance of supplies and services.

Subpart A—Inspection

§ 1014.100 Definitions.

See § 14.100 of this title.

§ 1014.100–1 Inspection.

See § 14.100–1 of this title.

§ 1014.100–2 Testing.

See § 14.100–2 of this title.

§ 1014.101 General.

See § 14.101 of this title.

§ 1014.102 Activities responsible for inspection.

(a) AFSC is responsible for assuring the accomplishment within the Air Force of the procurement quality control objectives of the Department of Defense. The objectives are: (1) Achieve adequate, uniform, and economical procurement inspection, testing, and acceptance; (2) eliminate duplicate, overlapping, and multiple quality control assignments; (3) have all military quality control at a plant conducted by a single military quality control activity; and (4) develop and implement uniform quality control procedures, methods, and practices.

(b) AFSC will normally accomplish inspection and acceptance functions at contractors' facilities. Where contractors are to perform work or services at AF installations, the technical and inspection capabilities of such installations will be used to the fullest extent practicable for accomplishing these functions.

§ 1014.103 Inspection interchange agreements.

See § 14.103 of this title.

§ 1014.104 Contractor responsibility.

See § 14.104 of this title.

§ 1014.105 Places of inspection.

See § 14.105 of this title.

§ 1014.105–1 General.

See § 14.105–1 of this title.

(a) To aid in determining the point of inspection, the procuring and quality control (inspection) activities will collaborate in establishing categories of supplies appropriate for source or destination inspection and accepance. Unless there are compelling reasons, there will be only one inspection of material. Where preservation, packaging, packing, and shipping are accomplished at a point other than where the supplies are to be manufactured, the material must be inspected at the point of manufacture. If it is desired that the packaging be inspected at the point where the packaging is accomplished this should be so stated in the contract. Normally the point of inspection and acceptance will be specified in the contract by using one of the following "inspection options":

(1) Inspection and acceptance at _____
(Insert contractor's plant or other source location(s))
This determination is made in compliance with §§ 14.105–2 and 14.203 of this title, and § 1001.1302 of this chapter.

(2) Inspection and acceptance at _____
(Insert the destination point)
This determination is made in compliance with §§ 14.105–3 and 14.203 of this title, and § 1001.1302 of this chapter.

(3) Inspection at _____
(Insert the source location(s))
with acceptance at _____
(Insert the destination point)
This determination is made in compliance with §§ 14.105–2 and 14.203 of this title, and § 1001.1302 of this chapter, wherein the contract provides for delivery f.o.b. destination.

(4) Preliminary inspection at _____
(Insert the source location(s))
with final inspection and acceptance at _____
(Insert the destination point)
This determination is made in compliance with §§ 14.105–2 and 14.203 of this title, and § 1001.1302 of this chapter. This option is used, for example, where the contractor furnishes supplies requiring source inspection and also performs work, such as installation, at destination which requires further inspection prior to acceptance. The inspection at source will be complete as to the performance of work required of the contractor at that location and will not be duplicated at destination.

(5) Inspection and acceptance of material will be at _____
(Insert contractor's plant or other source location(s))
Inspection and acceptance of the preservation, packaging, packing and shipping of the above material will be at _____
(Insert packaging subcontractor plant or location)
Upon completion of inspection and acceptance of material and the packaging as specified above, final inspection and acceptance will be considered as having been accomplished at the packaging subcontractor's plant or location.

§ 1014.105–2 Inspection at source.

See § 14.105–2 of this title.

§ 1014.105–3 Inspection at destination.

See § 14.105–3 of this title.

§ 1014.106 Inspection of small purchases ($2,500 or less).

See § 14.106 of this title.

§ 1014.107 Rejection of nonconforming supplies or services.

See § 14.107 of this title.

§ 1014.108 Government inspection under subcontracts.

See § 14.108 of this title.

§ 1014.109 Inspection for foreign governments.

See § 14.109 of this title.

Subpart B—Acceptance

§ 1014.201 General.

See § 14.201 of this title.

§ 1014.202 Delivery under f.o.b. origin contracts.

See § 14.202 of this title.

§ 1014.203 Point of acceptance.

See § 14.203 of this title.

§ 1014.204 Responsibility for acceptance.

See § 14.204 of this title.

§ 1014.204–50 Central procurements.

In consonance with § 14.202 of this title, all central procurement contracts for supplies will include the appropriate clause in § 1007.4014 of this chapter, "Certificate of Conformance." The determination as to use of Contractor's Certificate of Conformance will be made by the quality control representative of the administering activity on the basis of experience, knowledge, and optimum utilization of quality control effort.

§ 1014.204–51 Base procurement.

In consonance with § 14.202 of this title, the clause in § 1007.4014 of this chapter, "Certificate of Conformance" may be included in base procurement contracts when the contracting officer has determined that inspection prior to acceptance is unnecessary, the f.o.b. point and point of acceptance are specified as source, and one of the following conditions exist:

(a) Delivery will be made directly from the contractor to an accountable supply officer at a destination other than the procuring base.

(b) Delivery will be made to a POE, APOE, or APO for shipment to an oversea activity.

(c) Supplies or services are being procured by an oversea activity and the shipment must cross an international border.

§ 1014.205 Acceptance of supplies or services not conforming with contract requirements.

See § 14.205 of this title.

PART 1015—CONTRACT COST PRINCIPLES AND PROCEDURES

A new Subpart A is added as follows:

Subpart A—Applicability

§ 1015.150 Allowability of costs of production during strikes.

The following principles and procedures for review of significant problems of cost allowability during strikes are established:

(a) *Principles.* It is recognized that increased costs may occur during a labor dispute. Whether the Air Force will bear the normal or increased costs incurred by the contractor during a labor dispute necessarily depends upon the nature of the costs and the terms of the contract in question. Where it is clear that increased costs have been kept within reasonable bounds, and are no greater than necessary for the performance of a contract according to the Air Force's essential interests during the period, they would be allowable. However, where the amount of such increases exceeds an amount which good business judgment would determine necessary for compliance with the terms of the contract; for instance, where they appear to have been incurred for the purpose of fighting a strike rather than for performing the contract according to the Government's requirements, they would not be allowed. Acceptable costs must be in categories of costs which are allocable and allowable according to established cost principles applicable to a contract, and are reasonable in the light of the Government's needs.

(b) *Review procedures.* The administrative contracting officer will review all such significant costs and determine the allowability of such costs for reimbursement under current contracts which are subject to his administration (including cost reimbursement type or other contracts which may be subject to subsequent price redetermination). In the conduct of the reviews, consideration of allowable and allocable costs will be according to the principles outlined in paragraph (a) of this section and a determination will be made that:

(1) The increases have been kept within reasonable bounds and were no greater than necessary for the performance of the contract according to the Government's essential interests during that period.

(2) Such increases exceed the amount which good business judgment would have determined necessary for compliance with the terms of the contract.

The ACO will forward his determination, suitably documented, to the commander of the appropriate contract management region for his approval prior to implementing the determination. Where contract administration is assigned to individuals not under the command of a contract management region, the contracting officer's determination will be submitted through channels to the commander of the first echelon of

command immediately subordinate to the headquarters of the major air command.

Subpart D—Construction Contracts

Subpart D is deleted.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1054—CONTRACT ADMINISTRATION

Subpart O—Preparation and Issuance of Shipping Instructions

1. In § 1054.1502, revise paragraph (a)(3) and add a new subparagraph (5) to paragraph (b), as follows:

§ 1054.1502 Application.

(a) • • •

(3) Changes in existing shipping instructions, except on DD Form 1155, "Order for Supplies and Services."

• • • • • •

(b) • • •

(5) Contracts which are placed on an acceptance at destination basis: Where there are compelling reasons for changing shipping instructions on contracts which provide for delivery and acceptance at destination, the activity desiring the change will notify the appropriate buyer and will provide him with information as to the effected contract items, quantities, and destinations together with detailed justification for the change. The buyer will, after determination that there are valid reasons for changing shipping instructions "(destination)", negotiate with the contractor for a change in the f.o.b. inspection and acceptance terms of the contract. Where new destinations are involved, the buyer will amend the contract to include inspection and acceptance at origin.

2. In § 1054.1504, paragraph (h) is revised to read as follows:

§ 1054.1504 Shipping instruction activities.

• • • • • •

(h) Copies of shipping instructions will be distributed according to requirements of activities and will include copies for office of contract administration; three copies for initiator; one copy for the monitoring activity; one copy for consignee of the shipment, unless consignee is an MAP recipient country. When amended shipping instructions are issued on a contract which provides for acceptance at destination, internal procedures will be established between the issuing office and the applicable contract distribution office to insure that the consignee specified in the shipping instructions (except when consignee is another contractor) is furnished a copy of the applicable contract and appropriate changes. A copy of shipping instructions making packaging changes, will be routed to the cognizant administrative contracting officer by separate distribution from that of other copies forwarded to administrative activities.

3. In § 1054.1505, paragraph (c) is revised to read as follows:

§ 1054.1505 Contract administrative activities.

• • • • • •

(c) Obtain from the contractor a proposal for contract price adjustment for changed packaging requirements, resulting from amended shipping instructions, ACCs will review all amended shipping instructions on a periodic, consolidated basis (at least once a year or whenever the net adjustment resulting from packaging or destination charges exceeds $5,000) and at the completion of contract. Except where the ACO has pricing responsibility according to § 1001.457(a)(12) and Subpart D, Part 1055 of this chapter, the ACO will forward the proposal for price change with his recommendation to the procuring contracting officer for contract amendment. The ACO will not delay shipment according to the revised shipping instructions pending completion and formalization of negotiations.

Subpart AA—Special Bank Accounts for Advance Payments

Subpart AA is deleted.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314; 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1057—REPORTS

Subpart W—Report of Effectiveness of Labor Law Enforcement on Air Force Contracts

Revise § 1057.2303 to read as follows:

§ 1057.2303 Procedure.

(a) Upon receipt of a complaint of an alleged labor law violation, the front side of the AFPI Form 30 will be accomplished as completely as possible in quintuplicate by the AFLO. Additional information and record of actions will be added as received or as they occur. (The form is self-explanatory.) Record of actions will be posted in very abbreviated form.

(b) The reverse side of AFPI Form 30 will be completed when cases are either closed by AFLO or forwarded to Hq USAF for decision and disposition.

(c) At the end of the reporting period all duplicates of the form will be removed and forwarded to AFLC (MCPP); triplicates will be forwarded to the appropriate CMR; quadruplicates will be forwarded to AFSC (SCMKM); and, except for AFLC and AFSC, quintuplicates will be forwarded to the appropriate major air command headquarters (staff procurement office). At this time four AFPI Forms 30, completed only as to contractor's name, AFLO Investigation No., and AFLO location, will be attached with interleaved carbon to the original (settled cases or cases forwarded to Hq USAF excepted) and filed for further posting.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

By order of the Secretary of the Air Force.

CARROLL W. KELLEY,
Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 62–6419; Filed, July 2, 1962; 8:45 a.m.]

Chapter XVII—Office of Emergency Planning

PART 1710—FEDERAL DISASTER ASSISTANCE

Criteria of Eligibility for Financial Assistance

Subsection 1710.15(a) is amended by deleting the word "annually" after the phrase "an amount published."

Dated: June 28, 1962.

EDWARD A. MCDERMOTT,
Director.

[F.R. Doc. 62–6502; Filed, June 29, 1962; 12:32 p.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 1—GENERAL RULES AND REGULATIONS

Fishing in National Parks

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), 36 CFR 1.4 is amended as set forth below.

The purpose of the amendments is to permit the use of seines for procuring bait and to permit the use of minnows for bait in Big Bend National Park where both practices were formerly prohibited.

The following amendments shall become effective upon publication in the FEDERAL REGISTER in order to give the public the benefit of its provisions as soon as possible.

Paragraphs (b) and (c) of § 1.4 are amended to read as follows:

§ 1.4 Fishing.

• • • • • •

(b) Fishing with nets, seines, traps, or by the use of drugs or explosives, or for merchandise or profit, or in any other way than with hook and line, the rod or line being held in the hand, is prohibited: *Provided*, That fishing with trot and throw lines in the Green and Nolin Rivers in Mammoth Cave National Park and in the Rio Grande River in Big Bend National Park is permitted: *Provided further*, That commercial fishing in the waters of Everglades National Park and Fort Jefferson, Glacier Bay, and Channel Islands National Monuments, and the use of seines for procuring bait in Big Bend National Park and Mammoth Cave National Park, are permitted under special regulations.

(c) The possession of live or dead minnows, chubs, or other bait fish, or fish eggs or the use thereof as bait, or the placing or depositing of fish eggs, fish roe, food or other substance in any waters for the purpose of attracting, collecting, or feeding fish, is prohibited except in Acadia National Park, Big Bend National Park, Everglades National Park, Hawaii National Park, Fort Jefferson and Channel Islands National Monuments, the Green and Nolin Rivers in Mammoth Cave National Park, and the waters of Glacier Bay National Monument in which commercial fishing is permitted in accordance with regulations approved by the Secretary of the Interior.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JUNE 27, 1962.

[F.R. Doc. 62–6442; Filed, July 2, 1962; 8:51 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

MISCELLANEOUS AMENDMENTS

1. In § 3.205, paragraph (a), subparagraphs (5) and (6) are amended and subparagraph (7) is added, and paragraphs (b) and (c) are amended to read as follows:

§ 3.205 Marriage.

(a) *Proof of marriage.* • • •

(5) The affidavits or certified statements of two or more eyewitnesses to the ceremony.

(6) In jurisdictions where marriages other than by ceremony are recognized the affidavits or certified statements of one or both of the parties to the marriage, if living, setting forth all of the facts and circumstances concerning the alleged marriage, such as the agreement between the parties at the beginning of their cohabitation, the period of cohabitation, places and dates of residences, and whether children were born as the result of the relationship. This evidence should be supplemented by affidavits or certified statements from two or more persons who know as the result of personal observation the reputed relationship which existed between the parties to the alleged marriage including the periods of cohabitation, places of residences, whether the parties held themselves out as husband and wife, and whether they were generally accepted as such in the communities in which they lived.

(7) Any other secondary evidence which reasonably supports a belief by the Adjudicating activity that a valid marriage actually occurred.

(b) *Valid marriage.* In the absence of conflicting information, proof of marriage which meets the requirements of paragraph (a) of this section together with the claimant's certified statement concerning the date, place and circumstances of dissolution of any prior marriage may be accepted as establishing a valid marriage, except in a case involving a Mexican divorce, provided that such facts, if they were to be corroborated by record evidence, would warrant acceptance of the marriage as valid. Where necessary to a determination because of conflicting information, proof of termination of a prior marriage will be shown by proof of death, or a certified copy or a certified abstract of final decree of divorce or annulment specifically reciting the effects of the decree. (See § 3.206.)

(c) *Marriages deemed valid.* In a widow's claim where she has submitted proof of marriage in accordance with paragraph (a) of this section and also meets the requirements of § 3.52, her signed statement that she had no knowledge of an impediment to her marriage to the veteran will be accepted, in the absence of information to the contrary, as proof of that fact.

2. Immediately following § 3.205, a new cross reference is added so that the cross references read as follows:

CROSS REFERENCES: Marriages deemed valid. See § 3.52. Definitions; marriage. See § 3.1(j).

3. Section 3.206 is revised to read as follows:

§ 3.206 Divorce.

Divorce should be established by a certified copy, or a certified abstract, of the final decree, specifically reciting the effect of the judgment. A divorce decree, regular on its face and granted either within or without the matrimonial domicile, will be accepted for pension, compensation, or dependency and indemnity compensation purposes in determining marital status unless there is a protest or there is other reason for further inquiry; e.g., a divorce granted in Mexico, which jurisdiction does not normally require bona fide domicile, is routinely subject to inquiry. In cases where recognition of the decree is questionable:

(a) Where the issue is whether the veteran is single or married (dissolution of a subsisting marriage), there must be a bona fide domicile in addition to the standards of the granting jurisdiction respecting validity of divorce;

(b) Where the issue is the validity of marriage to a veteran following a divorce, the matter of recognition of the divorce by Veterans Administration (including any question of bona fide domicile) will be determined according to the laws of the jurisdictions specified in § 3.1(j).

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective July 3, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62–6462; Filed, July 2, 1962; 8:54 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2714]

[Washington 04382]

WASHINGTON

Power Site Restoration No. 582; Power Site Cancellation No. 169; Partly Revoking Power Withdrawals

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission, it is ordered as follows:

1. The Executive orders of December 1, 1910 and February 3, 1913, creating Power Site Reserves Nos. 160 and 333, respectively, and the departmental order of November 13, 1928, establishing Power Site Classification No. 207, are hereby revoked so far as they affect the following described lands:

WILLAMETTE MERIDIAN

T. 35 N., R. 9 E.,
Sec. 7, lots 6, 7, and NE¼SE¼.
T. 37 N., R. 9 E.,
Sec. 4, SW¼SW¼;
Sec. 17, SE¼SE¼ and NE¼NE¼;
Sec. 18, lots 3 and 4;
Sec. 29, W½NE¼ and NW¼SE¼;
Sec. 30, NW¼NE¼ and NE¼NW¼.
T. 38 N., R. 9 E.,
Sec. 26, SW¼SE¼;
Sec. 34, NE¼NE¼ and SW¼NE¼;
Sec. 35, N½NW¼;
Sec. 36, NE¼SE¼ and S½SE¼.

The areas described aggregate 830.40 acres. The lands described in section 7, T. 35 N., R. 9 E., are public lands, the remainder comprising national forest lands in the Mt. Baker National Forest.

2. In its determination docketed DA–166–Washington, the Federal Power Commission vacated the withdrawal created pursuant to the filing of an application for license for Project No. 426 so far as it affects the following described lands:

WILLAMETTE MERIDIAN

T. 35 N., R 9 E.,
Sec. 7, lot 7.

Containing 23.40 acres.

3. Until 10:00 a.m. on December 26, 1962, the State of Washington shall have (1) a preferred right of application to select the public lands in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and (2) a preferred right to apply for the reservation to it or to any of its political subdivisions under any statute or regulation applicable thereto of any of the lands de-

scribed in paragraph 1 of this order required for a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, in accordance with the provisions of section 24 of the Federal Power Act.

4. This order shall not otherwise be effective to change the status of the lands until 10:00 a.m. on December 26, 1962. At that time the public lands shall be open to the operation of the public land laws generally, subject to valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals, the national forest lands being open at that time to such forms of disposition as may by law be made of national forest lands.

5. The lands have been open to applications and offers under the mineral leasing laws and to location under the mining laws, subject to the provisions of the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JUNE 27, 1962.

[F.R. Doc. 62-6441; Filed, July 2, 1962; 8:51 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 16—LAND TRANSPORTATION RADIO SERVICES

Station Records

In the matter of amendment of § 16.160 of Part 16—Land Transportation Radio Services, for the purpose of making editorial changes therein.

The Commission having considered paragraphs (c) and (d) of § 16.160 of Part 16—Land Transportation Radio Services; and

It appearing that prior to April 27, 1960, the provisions of these paragraphs required certain station records to be maintained at base and fixed stations in the Land Transportation Radio Services at which licensed operators were required; and

It further appearing that by virtue of the provisions of the former § 16.354, which provided that employees of the Class I and Class II railroads of the United States might operate fixed and base stations without holding any class of commercial radio license issued by the Commission upon compliance with the requirements therein, most licensees of base and fixed stations in the Railroad Radio Service were exempt from these station record requirements; and

It further appearing that by its Report and Order (FCC 60-397) in Docket No. 12913, the Commission, effective April 25, 1960, greatly relaxed its requirement of licensed commercial operators at base and fixed stations in the Land Transportation Radio Services and, therefore, by its Second Report and Order (FCC 60-463) in Docket No. 12913 amended paragraphs (c) and (d) of § 16.160 to impose the station record requirement on all base or fixed stations at which operators, either licensed or unlicensed, are required; and

It further appearing that although the Commission in its Second Report and Order in Docket 12913 stated it did not intend to alter existing station record requirements, the inadvertent effect of the amendments adopted therein was to delete the exemption to the station record requirements previously afforded to licenses in the Railroad Radio Service; and

It further appearing that the amendment ordered herein would correct this error and would serve the public interest; and

It further appearing that the amendments adopted herein are editorial in nature, thus making compliance with the public notice and rule making procedures of section 4 (a) and (b) of the Administrative Procedure Act unnecessary, and for same reason, compliance with the effective date provisions of section 4(c) of the same act is not required; and

It further appearing that authority for the issuance of this Order is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Delegation of authority;

It is ordered, This 25th day of June 1962, that effective July 2, 1962, § 16.160 of Part 16 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: June 28, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

In § 16.160, paragraph (c) and the introductory text of paragraph (d) are amended to read as follows:

§ 16.160 Station records.

• • • • •

(c) Except in the Railroad Radio Service, for base stations and fixed stations at which operators (either licensed or unlicensed) are required, the name or names of the persons responsible for the operation of the transmitting equipment each day, together with the period of their duty.

(d) Except in the Railroad Radio Service, for base stations at which operators (either licensed or unlicensed) are required, when they communicate with other base stations or with fixed stations:

[F.R. Doc. 62-6457; Filed, July 2, 1962; 8:53 a.m.]

PART 43—REPORTS OF COMMUNICATION COMMON CARRIERS AND CERTAIN AFFILIATES

Miscellaneous Amendments

In the matter of amendment of Part 43—Reports of Communication Common Carriers and Certain Affiliates, of the Commission's rules and of Annual Report Forms H, M, O, and R to remove the present requirements that the reports be verified under oath.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 27th day of June 1962;

The Commission having under consideration the desirability of amending its rules and its common carrier annual report forms to delete the requirement that the reports be verified under oath; and

It appearing that Public Law No. 87-444, 87th Congress (approved April 27, 1962), amended the Communications Act by removing the requirement from section 219(a) that annual reports from communication common carriers and persons controlling such carriers be under oath; and

It further appearing that removal of the oath requirement in the annual reports of communication common carriers is desirable in that it will relieve the carriers of an unnecessary requirement and, at the same time, relieve the Commission of the administrative burden of returning reports filed which are not verified; and

It further appearing that the accuracy of the annual reports should be adequately assured by the provisions of section 1001 of Title 18 of the United States Code which provides penalties for willful false statements; and

It further appearing that § 43.21 of Part 43—Reports of Communication Common Carriers and Certain Affiliates, of the Commission's rules; Annual Report Form H for Holding Companies; Annual Report Form M for Class A and Class B Telephone Companies; Annual Report Form O for Wire-Telegraph and Ocean-Cable Carriers; and Annual Report Form R for Radiotelegraph Carriers each now contains provisions that require that the annual reports be signed under oath; and

It further appearing that the Verification in Form H contains, in addition to the oath by the officer having control of the accounting, a supplemental oath by the president or other chief officer of the reporting company, unless such chief officer has no control over the accounting of the respondent; and

It further appearing that it is unnecessary to require a certification in Form H which is more comprehensive than the ones used in Forms M, O, and R; and

It further appearing that the amendments adopted herein represent relaxation of the Rules and do not, in any event, relate to matters of substance to be reported, and hence do not require compliance with the public notice and

procedural requirements of section 4 of the Administrative Procedure Act;

It is ordered, That, under authority contained in sections 4(i) and 219 of the Communications Act of 1934, as amended, § 43.21(a) of the Commission's rules is hereby amended, effective August 1, 1962, by deleting the next to the last sentence reading "At least one copy of the report shall be verified under oath (or affirmed according to law) by the responsible accounting officer before a person authorized to administer an oath." and by substituting therefor the following: "At least one copy of the report shall be signed on the Signature Page by the responsible accounting officer."; and as so amended, § 43.21(a) reads as follows:

§ 43.21 Annual reports of carriers and certain affiliates.

(a) Class A and Class B communication common carriers and certain companies (as indicated in paragraph (c) of this section) directly or indirectly controlling such carriers shall file with the Commission annual reports as provided in this section. Except as provided in paragraph (c) of this section, each annual report required by this section shall be filed not later than March 31 of each year, covering the preceding calendar year. It shall be filed on the appropriate report form prescribed by the Commission (see § 1.471 of this chapter) and shall contain full and specific answers to all questions propounded and information requested in the currently effective report forms. The number of copies to be filed shall be as specified in the applicable report form. At least one copy of the report shall be signed on the Signature Page by the responsible accounting officer. A copy of each annual report shall be retained in the principal office of the respondent and shall be filed in such manner as to be readily available for reference and inspection.

It is further ordered, That the present Verification pages in Annual Report Forms H, M, O and R are hereby deleted and new Signature Pages substituted therefor each of which reads as follows:

SIGNATURE PAGE

I certify that I am the responsible accounting officer of the _____; that I have examined the foregoing report; that to the best of my knowledge, information, and belief, all statements of fact contained in the said report are true and the said report is a correct statement of the business and affairs of the above-named respondent in respect to each and every matter set forth therein during the period from January 1, 19__, to December 31, 19__, inclusive.

Date _____

_____
(Signature)

_____
(Title)

(Persons making willful false statements in this report form can be punished by fine or imprisonment under the provisions of the U.S. Code, Title 18, Section 1001.);

It is further ordered, That the "Table of Contents," "General Instructions" and the "Index" in Annual Report Forms H, M, O, and R are hereby amended by deleting therefrom all reference to the "Oath" and "Verification" and by inserting in lieu thereof the words "Signature Page," and that the "Notice" in Annual Report Form H is amended to correctly quote Section 219(a) of the Communications Act as amended April 27, 1962.

It is further ordered, That the above report form changes shall be effective for the reporting year 1962.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 219, 48 Stat. 1077; 47 U.S.C. 219)

Released: June 28, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6458; Filed, July 2, 1962; 8:54 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 12]

CERTAIN LANDS WITHIN AND ADJACENT TO SABINE NATIONAL WILDLIFE REFUGE, LOUISIANA

Proposed Designation of Closed Area Under Migratory Bird Treaty Act

Notice is hereby given that it is proposed to designate an area closed to the hunting of migratory birds, as set forth below. The purpose of this designation is to aid administration of the Sabine National Wildlife Refuge and to improve the effectiveness of the refuge for the purpose for which it was established by the United States.

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rule-making process. Accordingly, interested persons may submit their written comments, suggestions, or objections with respect to the proposal to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

The text of the proposed designation is as follows:

This action is taken by virtue of and pursuant to section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the Act of June 20, 1936 (49 Stat. 1555), and by virtue of the Reorganization Plan II (53 Stat. 1431), and in accordance with section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238).

Having due regard to the zones of temperature, and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, I hereby designate as a closed area in or on which pursuing, hunting, taking, capturing, or killing of migratory birds, or attempting to take, capture, or kill migratory birds is not permitted, all those areas of land in Cameron Parish, Louisiana within and adjacent to the Sabine National Wildlife Refuge and more particularly described as follows:

LOUISIANA MERIDIAN

T. 13 S., R. 12 W.,
Sec. 16, all.
T. 13 S., R. 13 W.,
Sec. 6, S½N½, E½SW¼, and SE¼;
Sec. 7, SW¼SW¼;
Sec. 16, all;
Sec. 18, NW¼NW¼.
T. 13 S., R. 14 W.,
Sec. 12, S½S½;
Sec. 13, N½N½;
Sec. 14, NE¼, S½NW¼, and SW¼;
Sec. 15, S½NE½, and S½;
Sec. 16, all;
Sec. 17, SE¼;
Sec. 20, NE¼;
Sec. 21, all;
Sec. 22, N½NE¼, and NW¼;
Sec. 28, N½N½.

Containing 4,613.70 acres, more or less.

JAMES K. CARR,
Under Secretary of the Interior.

JUNE 26, 1962.

[F.R. Doc. 62-6439; Filed, July 2, 1962; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 62-WA-43]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below. The Canadian Department of Transport is installing a new VOR in the vicinity of Aylmer, Ontario, at latitude 42°42'00" N., longitude 80°53'00" W., to be commissioned approximately November 15, 1962. The actions proposed below would incorporate this facility in the United States/Canadian Airway Structures.

Low altitude VOR Federal airway No. 2 (§§ 600.6002, 601.6002) is designated in part from the Lansing, Mich., VOR to the Salem, Mich., VORTAC and from the Buffalo, N.Y., VORTAC to the Rochester, N.Y., VOR. It is proposed to extend Victor 2 and its associated control areas from the Salem VORTAC via the intersection of the Salem VORTAC 079° and the Aylmer VOR 266° True radials; the Aylmer VOR; intersection of the Aylmer VOR 087° and the Buffalo, N.Y., VORTAC 259° True radials; to the Buffalo VORTAC, excluding the portion within Canada. This would provide a more direct route for VOR equipped aircraft operating between Detroit, Mich., and Buffalo.

Low altitude VOR Federal airway No. 90 (§§ 600.6090, 601.6090) is designated in part from the Litchfield, Mich., VORTAC via the Windsor, Ont., VOR; to the London, Ont., VOR. It is proposed to realign and extend this segment of Victor 90 and its associated control areas from the Litchfield VORTAC via the Windsor VOR; intersection of the Windsor VOR 082° and the Dunkirk, N.Y., VOR 268° True radials; to the Dunkirk VOR, including a north alternate from the intersection of the Windsor VOR 082° and the Dunkirk VOR 268° True radials to the Dunkirk VOR via the Aylmer VOR, excluding the portion within Canada. This, together with the proposed Victor 2 would provide a dual airway structure between Detroit and Buffalo. The proposed north alternate would provide for transition between Victor 2 and 90.

Low altitude VOR Federal airway No. 37 (§ 600.6037) is designated in part from the Erie, Pa., VORTAC to the intersection of the Erie VORTAC 005° and the London, Ont., VOR 093° True radials; to the Toronto, Ont., VOR. It is proposed to realign Victor 37 from the Erie VORTAC direct to the Toronto VOR excluding the portion within Canada. This would reduce the airway mileage between Erie and Toronto.

Low altitude VOR Federal airway No. 443 (§§ 600.6443, 601.6443) is designated in part from the Tiverton, Ohio, VOR to the Cleveland, Ohio, VORTAC. It is proposed to extend Victor 443 and its associated control areas from the Cleveland VORTAC via the intersection of the Cleveland VORTAC 049° and the Aylmer VOR 207° True radials; the Aylmer VOR; to the Toronto VOR, excluding the portion within Canada. This would provide a more direct route between Cleveland and Toronto.

Intermediate altitude VOR Federal airway 1729 (§ 600.1729) is designated in part from the Erie, Pa., VOR as a 10-mile-wide airway via the Erie VOR 005° True radial; to the United States/Canadian Border. It is proposed to realign this segment of V-1729 from the Erie VOR as a 10-mile-wide airway direct to the Toronto VOR, excluding the portion within Canada. This would reduce the airway mileage between Erie and Toronto and align Victor 1729 to overlie Victor 37 proposed for realignment herein.

It is proposed to designate Intermediate altitude VOR Federal airway No. 1771 (§ 600.1771) from the Cleveland VOR as a 10-mile-wide airway via the intersection of the Cleveland VOR 049° and the Aylmer VOR 207° True radials; Aylmer VOR; to the Toronto VOR, excluding the portion within Canada. This, together with Victor 1749 would provide a dual airway structure between Cleveland and Toronto. Victor 1771 would overlie Victor 443 proposed for alteration herein.

Intermediate altitude VOR Federal airway No. 1676 (§ 600.1676) is designated in part from the South Bend, Ind., VOR to the Salem, Mich., VOR. It is proposed to extend Victor 1676 from the Salem VOR via the Windsor VOR; thence as a 10-mile-wide airway via the intersection of the Windsor 082° and the Dunkirk VOR 268° True radials; to the Dunkirk VOR. This would provide a dual airway structure with Victor 1706 proposed for alteration herein and would overlie Victor 90 proposed alteration herein.

Intermediate altitude VOR Federal airway No. 1706 is designated in part from the Pullman, Mich., VOR to the Salem, Mich., VOR. It is proposed to extend Victor 1706 from the Salem VOR as a 10-mile-wide airway via the intersection of the Salem VOR 079° and the Aylmer VOR 266° True radials; the Aylmer VOR; intersection of the Aylmer VOR 087° and the Buffalo VOR 259° True radials; to the Buffalo VOR, excluding the portion within Canada. This would provide a dual airway structure with Victor 1676 proposed for alteration herein and would overlie Victor 2 proposed for alteration herein.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Isssued in Washington, D.C., on June 26, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-6422; Filed, July 2, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

ORGANIZATION AND FUNCTIONS

Revised Statement of Delegations of Authority

The following section 109 replaces section 109 "Delegations by the Surgeon General" published in 23 F.R. 4039, as amended by 25 F.R. 6606, 8390, and 10070. Also, the following section 109.1 replaces section 109.1 "Redelegations by the Chief, Division of Administrative Services" published in 25 F.R. 6606 (delegations made in the areas of procurement and contracting are published in Title 41, CFR, Public Contracts):

SEC. 109 *Delegations by the Surgeon General.* (a) The Chief, and Assistant Chief, Division of Foreign Quarantine, and the Assistant Chief for Entomology, Epidemiology, and Domestic Operations Branch of that Division are authorized to make findings as to the effectiveness of insecticides for aircraft, pursuant to § 71.102(b) of the Public Health Service regulations.

(b) The Chief, Bureau of Medical Services, the Chief and the Assistant Chief, Division of Foreign Quarantine, and the Assistant Chief for Entomology in the Epidemiology and Domestic Operations Branch of that Division are authorized to: (1) Issue permits for the importation of psittacine birds, pursuant to § 71.152(b) (1) and (2) of the Public Health Service regulations; and (2) issue permits for the importation and distribution of etiological agents and vectors, pursuant to § 71.156 of the PHS regulations.

(c) The Chief, Bureau of Medical Services, and the Chief, Division of Foreign Quarantine, are authorized to: (1) Convene boards of medical officers for reexamination of aliens, and to authorize medical officers in charge to convene such boards, pursuant to § 34.14 of the PHS regulations; and (2) establish the hours during which quarantine service shall be performed at quarantine stations, pursuant to section 364(b) of the Public Health Service Act, as amended (42 U.S.C. 267).

(d) Each Regional Health Director of the Public Health Service in the Regional offices of the Department of Health, Education, and Welfare is authorized to exercise, within his Region, the powers of the Surgeon General: (1) To approve, pursuant to Title III of the Defense Housing and Community Facilities and Services Act of 1951 and Executive Order No. 10296, the public health aspects concerning the sources of water supply developed, utilized, or aided by the Housing and Home Finance Administrator, and to consult with the said Administrator with respect to public health aspects of water distribution systems and sewerage systems constructed or aided by him; (2) to review and approve State plans (including budgets) and applications for funds relating to grants-in-aid presented under section 314 of the Public Health Service Act (42 U.S.C. 246), the annual appropriation acts, and the regulations of the Surgeon General governing grants to States for public health services; and (3) to take action on architectural plans and specifications for the construction of community hospitals which would serve Indians, pursuant to section 3, Public Law 85–151 (45 U.S.C. 2005b), and to waive technical compliance with requirements of the terms and conditions of agreements executed pursuant to section 1, Public Law 85–151, as they pertain to plans and specifications and as a waiver is permitted in such terms and conditions.

(e) The authorities contained in the following items (1) through (7) have been delegated to officials, as specified:

Authority delegated	*To whom delegated*
(1) To make grants-in-aid to States, political subdivisions, universities, hospitals, and other public and private nonprofit institutions or organizations for projects for the conduct of research, experiments, or demonstrations relating to the development, utilization, and coordination of services, facilities, and resources of hospitals or other medical facilities, agencies, or institutions, pursuant to section 636 and related sections of the Public Health Service Act, as amended (42 U.S.C. 291n).	Chief, Bureau of State Services. Chief, Division of Hospital and Medical Facilities, BSS.
(2) To review and approve: (1) State plans under section 623(b) of the Public Health Service Act, as amended (42 U.S.C. 291f(b)); (2) supplements to or revisions of State plans under section 653(a) (42 U.S.C. 291u(a)); (3) standards, and modifications thereof, for determination of the Federal share of the cost of approved projects submitted in accordance with section 623(e) (42 U.S.C. 291f(e)); and (4) the annual revisions of State plans required under § 53.122(d) of the Public Health Service regulations. Where there does not appear to be a satisfactory basis for approval of any such plan, supplement, standard, or revision, it shall be referred to the Surgeon General for approval or disapproval.	Same as in item (1).
(3) To review and approve modifications of State plans under section 623(b) of the Public Health Service Act, as amended (42 U.S.C. 291f(b)), except the revisions of and supplements to State plans submitted under section 653(a) (42 U.S.C. 291u(a)) and the annual modifications of State plans required under § 53.122(d) of the Public Health Service regulations. Where there does not appear to be a satisfactory basis for approval of any such modification, the modification or question in connection therewith shall be referred to the Chief, Bureau of State Services for review and any further action taken shall be based on advice received from him.	Regional Health Directors, Associate Directors for Community Health Services, Regions III, IV, V, VI, and VII (for States within their respective regions). Regional Health Director, Associate Director for Community Health Services, Region II (for States within Regions I and II). Regional Health Director, Associate Director for Community Health Services, Region IX (for States within Regions VIII and IX).
(4) To review and, except where significant variations from established policies are involved, to approve applications, and amendments of approved applications from States, submitted under sections 625, 654, and 662 of the Public Health Service Act, as amended (42 U.S.C. 291h, 291v, 291x); to make the findings required by sections 625(a), 654(a), and 662; to enter into agreements as to terms, conditions, and covenants of loans pursuant to section 663 (42 U.S.C. 291y); to determine the necessary cost of construction pursuant to section 631(1) (42 U.S.C. 291l(1)); to waive technical compliance with the requirements of the Public Health Service regulations as permitted under § 53.127 of the regulations; and to approve the findings of the State agency pursuant to §§ 53.112 and 53.113 of the regulations.	Same as in item (3).

Authority delegated	*To whom delegated*
(5) To sign vouchers certifying to the Secretary of the Treasury payments of loans and of the Federal share of construction of hospital and medical facilities, pursuant to section 625 (b) and (c) and 662 of the Public Health Service Act, as amended (42 U.S.C. 291h(b), 291h(c), 291x).	Regional Health Directors, Associate Directors for Community Health Services, and Regional Hospital and Medical Facilities Program Directors, Regions III, IV, V, VI, and VII (for States within their respective regions). Regional Health Director, Associate Director for Community Health Services, and Regional Hospital and Medical Facilities Program Director, Region II (for States within Regions I and II). Regional Health Director, Associate Director for Community Health Services, and Regional Hospital and Medical Facilities Program Director, Region IX (for States within Regions VIII and IX).
(6) To adjust State allotments for construction of chronic disease hospitals, diagnostic or treatment centers, and nursing homes; and to notify the State agency of such adjustment pursuant to the provisions of section 654(b) of the Public Health Service Act, as amended (42 U.S.C. 291v(b)) and § 53.91 of the Public Health Service regulations.	Same as in item (3).
(7) To approve interstate transfer of allotments for which appropriations are authorized under sections 621 and 651, respectively, of the Public Health Service Act, as amended (42 U.S.C. 291d, 291s), for: (1) The construction of hospitals; and (2) the construction of diagnostic or treatment centers, hospitals for the chronically ill and impaired, rehabilitation facilities and nursing homes. The authority delegated herein shall be exercised in accordance with the provisions of section 637 of the Public Health Service Act as amended (42 U.S.C. 291n–1) which makes the Secretary's approval prerequisite to the transfer of allotments between States when such transfer involves rehabilitation facilities. The Secretary has delegated authority to approve such transfer to the Director, Office of Vocational Rehabilitation (section 12–00–20.A1 of the HEW Organization Manual).	Chief, Division of Hospital and Medical Facilities, BSS.

(f) The PHS Regional Health Director of HEW Regional Office IX, San Francisco, California, is authorized, in connection with grants for the construction of hospital and other facilities as provided under Part H, Grants to Alaska for Mental Health, section 372 of the PHS Act, to: (1) Approve or disapprove plans, specifications and related documents and modifications thereof; and (2) certify payments on such construction projects.

(g) For purposes of administering the provisions of the Federal Water Pollution Control Act (33 U.S.C. 466 et. seq.) as amended by Public Law 87–88, the following officials have been delegated the authorities specified: The Chief, and Deputy Chief, Bureau of State Services, the Regional Health Directors (for their respective regions), and the Associate Directors for Environmental Health (for their respective regions) have been delegated the authority contained in items (1), (3), and (4) below. The Regional Health Directors (for their respective regions) and the Associate Directors for Environmental Health (for their respective regions) have been delegated the authority contained in item (2) below. The Chief, and Deputy Chief, Bureau of State Services, and the Chief, Division of Water Supply and Pollution Control, have been delegated the authority contained in items (5) and (6) below:

(1) To approve plans and modifications or revisions thereof for the prevention and control of water pollution submitted by State and interstate agencies pursuant to section 5 of the Act. (Where there does not appear to be a satisfactory basis for approval of any such plan or modification or revision thereof, it shall be referred to the Office of the Surgeon General through the Bureau of State Services and any further action shall be based on advice given by the Office of the Surgeon General.)

(2) To authorize payments for construction pursuant to section 6 of the Act.

(3) To approve or disapprove project applications and requests for Federal financial aid in connection therewith submitted by a State, municipality or intermunicipal or interstate agency for the construction of necessary treatment works to prevent the discharge of untreated or inadequately treated sewage or other waste into any waters, pursuant to section 6 of the Act. (Where there does not appear to be a satisfactory basis for approval or when a project does not clearly meet the criteria specified in § 55.28 of the Departmental regulations, the case shall be referred to the Office of the Surgeon General through the Bureau of State Services and any further action shall be based on advice given by the Office of the Surgeon General.)

(4) To waive, in whole or in part (and subject to such conditions as may be deemed necessary) the requirements for and compliance with: (1) Assurances (a), (b), and (c) specified in § 55.26 of the Departmental Regulations in connection with "force account" work and "pick-up" projects and (2) assurance (d) in connection with any project, if it is found that the purpose of such assurance is fulfilled: *Provided*, That assurance (a) shall be waived in connection with "pick-up" projects only in cases where adequate methods of obtaining competitive bidding were employed prior to awarding the construction contract and the award of the contract was made to the responsible bidder submitting the lowest acceptable bid.

(5) To make grants-in-aid to public or private agencies and institutions and to individuals for training projects and for demonstrations and provide for the conduct of training and demonstrations by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes, pursuant to section 4(a)(2) of the Act.

(6) To award research fellowships, to fix stipends, and to authorize allowances including applicable travel and subsistence expenses, pursuant to section 4(a)(4) of the Act.

(h) Authority has been delegated to each Public Health Service Regional Health Director to take the following actions with respect to projects within their respective regions and, in the case of the Regional Medical Director Region IX, to take such actions within Regions VIII and IX: (1) To authorize payments of the Federal portion of costs of construction of community hospital facilities, to project sponsors who have executed agreements with the Public Health Service for the construction of such facilities to provide care for Indians. (Section 1, Public Law 85–151 (42 U.S.C. 2005)); and (2) To amend the schedule of payments, if necessary, and by agreement with construction project sponsors: (a) To provide that reimbursement shall be made in installments consistent with construction progress; or (b) To provide for payments to be made in advance of construction as he determines necessary, except that the schedule of advance payments shall be submitted to and approved by the Chief, Division of Indian Health, Bureau of Medical Services, prior to notifying a project sponsor that such schedule of payments will be followed. (Section 4, Public Law 85–151 (42 U.S.C. 2005c).)

(i) The Chief, Bureau of Medical Services, and the Chief Division of Hospitals, BMS, are authorized, pursuant to section 342 of the PHS Act, as amended (42 U.S.C. 258), to: (1) Establish at PHS hospitals designated for the care of narcotic addicts: industries, plants, factories, or shops for the production or

manufacture of articles, commodities, and supplies for the U.S. Government, and to employ inmates in such industries; and (2) employ narcotic addict patients in patients' commissaries at PHS hospitals designated for the care of narcotic addicts, and prescribe a scale of pecuniary earnings for such employment, from funds available for the operation of the commissaries.

(j) The Chief, Division of Hospitals, Bureau of Medical Services, is authorized to: (1) Fix the rate to be charged voluntary patients at PHS hospitals, for subsistence, and for care and treatment for narcotic addiction, pursuant to section 344(b) of the PHS Act, as amended (42 U.S.C. 260); and (2) approve arrangements entered into by the Superintendent of Freedmen's Hospital with non-Federal local governmental authorities, pursuant to 42 CFR 401.13(c), as amended, for the care of patients referred to the hospital by such governmental authorities; and to approve contracts entered into by the Superintendent of Freedmen's Hospital with non-profit organizations, pursuant to 42 CFR 401.15(b), as amended, for the care of patients referred to the hospital by such organizations.

(k) The Chief, Bureau of Medical Services, the Chief, Division of Hospitals, BMS, and the respective Medical Officers in Charge of the PHS hospitals at Lexington, Ky., and Fort Worth, Tex., are authorized to examine and admit narcotic addict applicants to the above designated PHS hospitals, pursuant to section 344(b) of the PHS Act, as amended (42 U.S.C. 260).

(l) The officials designated in (1) and (2) of this subsection are authorized to exercise the provisions of Public Law 569, 81st Congress, as amended by Public Law 86–145, as follows: (1) The Chief, and Deputy Chief, Division of Hospitals, Bureau of Medical Services, are authorized to appoint boards to determine the mental competency of members of the uniformed services (except PHS commissioned officers on active duty) who are receiving medical care or treatment at PHS medical care facilities or elsewhere at the expense of PHS; and retired PHS commissioned officers who are receiving hospitalization or medical care in nongovernmental facilities at no expense to the Government; and (2) the Chief, and Deputy Chief, Office of Personnel, are authorized to appoint boards to determine the mental competency of PHS commissioned officers on active duty who are receiving medical care or treatment at PHS medical care facilities or at nongovernmental facilities at PHS expense, or at nongovernmental facilities at no expense to the Government.

(m) The Medical Officer in Charge, PHS Alaska Native Health Service, Juneau, Alaska, is authorized to establish reasonable charges, which may in no case exceed the cost as determined by him, for laboratory services and orthopedic braces to be furnished by the PHS Alaska Native Hospital, Mt. Edgecumbe, Alaska, for patients of the Sitka Alaska Community Hospital, pursuant to the provisions of Public Law 568, 83d Congress (42 U.S.C. 2001).

(n) The Chief, Bureau of Medical Services and the respective Chiefs of the Division of Hospitals and Division of Indian Health, BMS, have authority to authorize the temporary deposit of clinical records, other than X-rays with a responsible court official or with officials of other bodies having compellent power, for purposes of examination, pursuant to 42 CFR 1.107(b) PHS regulations.

(o) The Medical Officers in Charge, the Deputy and Assistant Medical Officers in Charge, and the Executive Officers in each of the Area Offices of the Division of Indian Health, Bureau of Medical Services, are authorized to make arrangements and agreements with appropriate public authorities and nonprofit organizations or agencies and with the Indians to be served and any other person so served by sanitation facilities provided under Public Law 86–121, regarding contributions toward the construction, improvement, extension and provision of sanitation facilities and responsibilities for maintenance thereof, pursuant to section 7(a)(3) of Public Law 86–121.

(p) In their respective areas of responsibility, the Chief, and Deputy Chief, Bureau of Medical Services; the Chief, and Deputy Chief, Division of Hospitals; the Chief, Division of Indian Health; the medical officers in charge of USPHS hospitals, outpatient clinics and outpatient offices; and the medical officers in charge of Indian health and Alaska native health area offices and field offices, Indian hospitals including Alaska native hospitals, and Indian health centers; the Director, National Institutes of Health; the Director of Laboratories and Clinics, NIH; and the Director of the Clinical Center, NIH, are authorized to provide, to the extent that each determines that other public or private funds are not available therefor, for the payment of expenses of preparing and transporting the remains of, or the payment of reasonable burial expenses for, any patient dying in a hospital or station of the Public Health Service, pursuant to section 321(e) of the Public Health Service Act, as amended (42 U.S.C. 248(e)).

(q) The Director, National Center for Health Statistics; the Chief, National Vital Statistics Division; the Chief and Deputy Chief, Bureau of Medical Services; the Chief and Deputy Chief, Division of Hospitals; the Chief and Deputy Chief, Division of Indian Health; the Chief, Deputy Chief, Executive Officer, and Assistant Executive Officer, Bureau of State Services; the chiefs, respective divisions in Bureau of State Services; the Chief, Communicable Disease Center; the Officer in Charge, Arctic Health Research Center, Division of Community Health Services; the Director, Robert A. Taft Engineering Center, Division of Environmental Engineering and Food Protection; the Chief, Occupational Health Research and Training Facility, Division of Occupational Health; the chiefs, respective field stations of the Division of Occupational Health; the Director, National Institutes of Health; and the Director, Clinical Center, NIH, are delegated authority to authorize and direct the furnishing of clinical information or records obtained in the performance of their Public Health Service functions, to State or other public health agencies engaged in collecting data regarding diseases, pursuant to 42 CFR 1.102(b)(3), and section 215 of the PHS Act, as amended (42 U.S.C. 216).

(r) The Chief, Division of Indian Health, Bureau of Medical Services, is authorized to: (1) Make determinations, pursuant to section 1 of Public Law 85–151 (42 U.S.C. 2005), that the provision of Federal financial assistance to one or more public or other nonprofit agencies or organizations for the construction of a community hospital constitutes a more desirable and effective method of making needed hospital services available for the Indians of a particular area, than by direct Federal construction; (2) prescribe standards of construction and equipment to be met by the construction projects, and to require submittal of architectural plans and specifications for such projects, in accordance with section 3, Public Law 85–151 (42 U.S.C. 2005b); (3) offer, execute and amend agreements to extend Federal financial assistance to public or other nonprofit agencies or organizations for the construction of community hospitals which will provide services to Indians, pursuant to section 1 of Public Law 85–151, including the determination of that portion of the reasonable cost of the construction project which is attributed to the Indian Health needs, as provided in section 2, Public Law 85–151 (42 U.S.C. 2005a); and (4) prescribe and obtain such assurances and agreements as are equitable in the light of the financial assistance provided, under section 1 of Public Law 85–151, and as are necessary to assure the availability of the facility for the provision of hospital and medical care to Indians, as provided in section 3, Public Law 85–151.

(s) The Chief, and Deputy Chief, Bureau of State Services, are authorized: (1) To approve, disapprove, or take other necessary action concerning State plans (including budgets) and applications for funds relating to grants-in-aid presented under section 314 of the PHS Act, as amended (42 U.S.C. 246), the annual appropriation acts, and the regulations of the Surgeon General for grants to the States for public health services. Action with respect to plans relating to mental health is subject to approval of officials of the National Institutes of Mental Health as designated by the Director, NIH; and (2) to make grants to State and local government air pollution control agencies and to other public and private agencies and institutions, and individuals, for air pollution training and demonstration projects, pursuant to § 56.3 of the PHS regulations.

(t) The Chief, and Deputy Chief, Bureau of State Services, and the Chief, Division of Community Health Services, BSS, are authorized: (1) To carry out the provisions of section 306 of the PHS Act, as amended, by awarding traineeships either directly to individuals whose applications for admission have been accepted by public or other nonprofit institutions providing the training, or

through grants to such institutions; and by establishing the amounts necessary to cover the cost of tuition and fees, and a stipend and allowances (including travel and subsistence expenses) for the trainees; (2) to approve, or, upon advice of the Surgeon General, disapprove, or take other necessary action concerning applications for grants to schools of public health, pursuant to section 314(c)(2) of the Public Health Service Act (Public Law 85–544 as amended by Public Law 86–720) (42 U.S.C. 246(c)(2)); and (3) to make project grants pursuant to section 309 of the PHS Act, to schools of public health and to those schools of nursing or engineering which provide graduate or specialized training in public health for nurses or engineers, for the purpose of strengthening or expanding graduate public health training in such schools.

(u) The Chief and Deputy Chief, Bureau of State Services, and the Chief, Communicable Disease Center, BSS, are authorized to make grants to States, and with the approval of State health authorities, to political subdivisions of the States, for the conduct of venereal disease control projects pursuant to the current appropriation acts of the Department of Health, Education, and Welfare.

(v) The Chief and Deputy Chief, Bureau of State Services, and the Chief, Division of Chronic Diseases, BSS, are authorized to award grants for community cancer demonstration and evaluation projects, in accordance with current appropriation acts of the Department of Health, Education, and Welfare.

(w) The Chief and Deputy Chief, Bureau of State Services, and the Chief, Division of Radiological Health, BSS, are authorized to make training grants to universities and other educational institutions for the training of radiation health specialists, pursuant to section 4(a)(2) of Public Law 660, as amended (33 U.S.C., 466c(a)(2)), or section 5 of Public Law 159 (42 U.S.C. 1857d), as amended.

(x) The Chief, Bureau of State Services, and Associate Chief for Community Health, BSS have been delegated authority to approve, disapprove or take other necessary action on applications for project grants submitted by State or other public or nonprofit private agencies or organizations, for studies, experiments and demonstrations, looking towards development of new or improved methods of providing health services outside the hospital, particularly for chronically ill and aged persons, in accordance with the provisions of section 316 of the PHS Act, and approved terms and conditions of the Public Health Service governing such grants and other applicable policies for administration of grants-in-aid.

(y) The Chief, Bureau of State Services; and Associate Chief for Community Health, Bureau of State Services; and the Chief, Communicable Disease Center, Bureau of State Services; have been delegated authority to approve, disapprove or take other necessary action on applications for project grants submitted by State, or with the approval of the respective State health authority, by counties, health districts and other political subdivisions of the States for the control of tuberculosis, in accordance with the provisions of the Labor-HEW Appropriation Act for Fiscal Year 1962 and subsequent appropriation acts, and pursuant to terms and conditions approved by the Surgeon General governing such grants and other applicable policies for the administration of grants-in-aid.

(z) The Chief and Deputy Chief, Bureau of State Services; the Director and Deputy Director, National Institutes of Health; and the Director and Deputy Director, National Library of Medicine; are authorized to carry out programs under section 104(k) of the Agricultural and Trade Development and Assistance Act of 1954, as amended, and in accordance with memorandum dated April 5, 1961, from the Secretary, HEW, to the Surgeon General, PHS, insofar as these provisions pertain to health activities.

(aa) The Chief, Bureau of State Services, the Associate Chief for Community Health, BSS, and the Chief, Division of Chronic Diseases, BSS, are authorized to approve, disapprove or take other necessary action on applications for training and service project grants submitted by State or other public or nonprofit private agencies or organizations, for the prevention, control and eradication of neurological and sensory disease (as provided for in the Labor-HEW Appropriation Act, 1962, and subsequent appropriation acts), in accordance with approved terms and conditions of the Public Health Service governing such grants and other applicable policies for administration of grants-in-aid.

(bb) The Chief, Bureau of State Services, and the Chief, Division of Nursing, BSS, are authorized to carry out the provisions of section 307 of the PHS Act, as amended, by awarding traineeship grants to public or other nonprofit institutions for the training of professional nurses to teach or serve in an administrative or supervisory capacity in the various fields of nurse training, and to establish the amounts necessary to cover cost of tuition and fees, and a stipend and allowances (including travel and subsistence expenses) for the trainees.

(cc) The following officials are authorized, within their respective jurisdictional areas, to determine, and pursuant to § 1.104 of the PHS regulations, and in the light of the need to assure the integrity and safety of the records or the efficient administration of the Service, the places at which clinical or nonclinical records may be made available for examination or copying, where their production is required other than before a court or an agency or other body having power to compel appearance before it: The Director and Executive Officer, National Center for Health Statistics; the Chief[1] and Deputy Chief,[1] Division of Personnel; the Chief and Deputy Chief, Bureau of Medical Services; the Chief, and Deputy Chief, Division of Hospitals, BMS; the Chief, Division of Indian Health, BMS; the medical officers in charge of the respective Indian health and Alaska native health area and field offices; the medical officers in charge of the respective Indian, and Alaska native hospitals and Indian health centers; the Chief, Deputy Chief, Executive Officer, and Assistant Executive Officer of the Bureau of State Services; the Director, National Institutes of Health; the Director of Laboratories and Clinics, NIH; and the Director, Clinical Center, NIH.

(dd) The following officials are authorized, within their respective jurisdictional areas, to give assurances of confidentiality, pursuant to 42 CFR 1.103(a), which they determine to be necessary for the purposes of any research, survey, investigation, or collection of statistical data conducted under their respective areas of authority: Executive Officer, PHS; Director, National Center for Health Statistics; Chief, National Health Survey Division; Chief, National Vital Statistics Division; Chief, Division of Health Mobilization; Chief, and Assistant to the Chief, Division of Public Health Methods; Chief, Deputy Chief, Executive Officer, and Assistant Executive Officer, Bureau of Medical Services; Chief, respective divisions in the Bureau of Medical Services; Chief, Deputy Chief, Executive Officer, Assistant Executive Officer, and Chief Program Officer, Bureau of State Services; Chief, respective divisions in the Bureau of State Services; Director, Robert A. Taft Sanitary Engineering Center; Director, Arctic Health Research Center; Chief, Communicable Disease Center; Chief, Occupational Health Research and Training Facility, Division of Occupational Health; Chief, respective field stations of the Division of Occupational Health; Director and Assistant Director, National Clearinghouse for Poison Control Center, Division of Accident Prevention; Director, Deputy Director, Executive Officer, and Assistant Executive Officer, National Institutes of Health; Director, Clinical Center, NIH; Director, Assistant Director, Associate Director, and Clinical Director, National Cancer Institute; Chief, Cancer Chemotherapy National Service Center, NCI; Director, respective Institutes, NIH; Director and Assistant Director, Division of Biologic Standards, NIH; and Chiefs of the respective divisions of General Medical Sciences, Research Grants, and Research Services, NIH.

(ee) The officials designated below, and within the areas of authority specified, are authorized: (1) To award research fellowships, to fix stipends, and to authorize allowances including applicable travel and subsistence expenses, pursuant to sections 207 (g) and (h), 301(c), 402(d), 412(g), 422(c), and 433 (a) of the Public Health Service Act, as amended (42 U.S.C. 209 (g) and (h), 241(c), 282(d), 287a(g), 288a(c), and 289(a), and the current appropriation act; (2) to make grants-in-aid to universities, hospitals, laboratories and other public or private institutions and to award traineeships to individuals, to provide for training, pursuant to sections 301, 402(c), 412(g), 422(f), and 433(a) of the Public Health Service Act, as amended (42 U.S.C. 241, 282(c), 287a (g), 288a(f), and 289(a), and the cur-

[1] These officials exercise this authority Service-wide.

rent appropriation act; (3) to make grants-in-aid for research projects to universities, hospitals, laboratories, and other public and private institutions, and to individuals, pursuant to sections 301(d), 402, 403(c), 412(d), 423(a), and 433(a) of the Public Health Service Act, as amended (42 U.S.C. 241(d), 282, 283 (c), 287a(d), 288b(a), and 289(a)), and the current appropriation act; and (4) to make grants-in-aid to universities, hospitals, laboratories, and other public or nonprofit institutions for the general support of their research and research training programs, pursuant to section 301(d) of the Public Health Service Act, as amended (42 U.S.C. 241 (d)), and the current appropriation act; The Director, and the Deputy Director, National Institutes of Health, the Associate Directors, Office of the Director, NIH, and the Chief, Division of Research Grants, NIH, are authorized to exercise the authorities specified in this subparagraph, relating to cancer, heart disease, allergy and infectious diseases, arthritis, and metabolic diseases, dental health activities, mental health, neurological diseases and blindness, and general health, general medicine, aging, and the clinical and preclinical sciences. The respective Directors of the National Cancer Institute, the National Heart Institute, the National Institute of Allergy and Infectious Diseases, the National Institute of Arthritis and Metabolic Diseases, the National Institute of Dental Research, the National Institute of Mental Health, and the National Institute of Neurological Diseases and Blindness, are authorized to exercise the authorities specified in this subparagraph, in their respective organizational jurisdictions; and the Chief, Division of General Medical Sciences, NIH, is authorized to exercise the authorities specified in this subparagraph, in the fields of general health, general medicine, aging, and the clinical and preclinical sciences.

(ff) The officials designated below, and within their respective organizational jurisdictions are authorized to accept unconditional gifts not in excess of $1,000 cash, or personal property whose market value does not exceed $1,000 (such as, but not limited to, recreational equipment, furniture, radio or television sets), made by will or otherwise for the benefit of the Public Health Service or for carrying out any of its functions, pursuant to § 2.2 of the PHS regulations; the Executive Officer, PHS; the Chief,[1] Division of Administrative Services, Office of the Surgeon General; the Chief[1] Finance Officer, Division of Finance, Office of the Surgeon General; the Director and Executive Officer, National Center for Health Statistics; the Director, National Library of Medicine; the Chief, Duty Chief, Executive Officer, and Assistant Executive Officer, Bureau of State Services; the Chief, Communicable Disease Center; the Officer in Charge, Arctic Health Research Center; the Director, Robert A. Taft Sanitary Engineering Center; the Chief, and the Executive Officer, Bureau of Medical Services; the Chief, Division of Hospitals, the Chief, Division of Indian Health; the medical officers in charge of the respective USPHS hospitals and outpatient clinics, Indian health and the Alaska native health area and field offices and hospitals; and the officers in charge of the Indian health centers and Indian health practical nurse training schools; the Director, Executive Officer and Assistant Executive Officer, National Institutes of Health; and the directors of the Institutes and chiefs of divisions, NIH.

(gg) The PHS Executive Officer, and the Chief Finance Officer and Chief Fiscal Officer of the Division of Finance have Service-wide authority; and the officers in charge of PHS accounting points have authority for field stations under their respective jurisdictions to approve for payment: (1) The expenses for transportation of remains and necessary burial expenses of commissioned officers; and (2) the expenses for transportation of the remains of dependents of commissioned officers; such authority to be exercised in accordance with and subject to the limitations of §§ 21.331, 21.332, and 21.333 of the Public Health Service regulations; section 221(a)(6) of the PHS Act; and sections 1481 and 1482 of chapter 75, Title 10, U.S.C.

(hh) The officials listed below are authorized, within their specified areas of jurisdiction, to award grants for research projects in the environmental health area, and for accident prevention research within the community health area, pursuant to section 301(d) of the PHS Act, as amended (42 U.S.C. 241(d)); section 5 of the Air Pollution Control Act (42 U.S.C. 1857d); section 4(a)(2) of the Federal Water Pollution Control Act, 33 U.S.C. 466c(a)(2)); and the current appropriation act: The Chief and Deputy Chief, Bureau of State Services, the Associate Chief for Community Health, and the Associate Chief for Environmental Health, BSS, are authorized to exercise the authority specified in this subparagraph in the areas of water supply and pollution control, air pollution, radiological health, occupational health, milk, food, interstate and community sanitation, and accident prevention. The following officials may exercise the authority specified in this subparagraph within the area of their respective organizational jurisdictions: Chief, Division of Water Supply and Pollution Control; Chief, Division of Air Pollution; Chief, Division of Radiological Health; Chief, Division of Occupational Health; Chief, Division of Environmental Engineering and Food Protection; and Chief, Division of Accident Prevention.

(ii) The Executive Officer of the Public Health Service is authorized: (1) To approve all selections of sites for the construction of Indian Health facilities and to execute for the Public Health Service, on behalf of the United States Government, the documents of final acceptance of vendors' offers to sell sites for the construction of Indian Health facilities, pursuant to Public Law 86-703 (68 Stat. 674); the current appropriation acts of the Department of Health, Education, and Welfare and section 201 of the PHS Act, as amended; and (2) to select and acquire (with the joint approval of the Secretary, DHEW, and of the Bureau of the Budget) suitable sites for the establishment of such additional institutions, hospitals, and stations in the States and possessions of the United States as in the judgment of the Surgeon General are necessary to enable the Service to discharge its functions and duties, pursuant to section 321(a) of the Public Health Service Act, as amended.

(jj) Each Principal Public Health Service Regional Representative, upon activation of the Departments' emergency operating plans and in circumstances resulting in a cut-off of communication between Department headquarters and regional offices, is delegated all the authority of the Surgeon General whether vested in him by law or by delegation from the Secretary, except as otherwise provided, delegated, or prohibited by law or Executive Order, for all Public Health Service activities located within the physical boundaries of the respective HEW regions.

SEC. 109.1 *Redelegations by the Chief, Division of Administrative Services.* (a) The Medical Officer in Charge, the Deputy and Assistant Medical Officer in Charge, the Executive Officer or Administrative Officer, and the General Services Officer in the Area Offices of the Division of Indian Health are authorized to exercise the following functions under Public Law 86-121: (1) To obtain rights-of-way, easements, water rights, and related interest in land, other than title, from the Bureau of Indian Affairs (Department of the Interior) and from others as required for project execution, pursuant to section 7(a)(2) of the Act; and (2) to transfer sanitation facilities together with appurtenant water rights, easements, rights-of-way and related interests in land, other than title, to any State or subdivision or public authority thereof, or to any Indian tribe, group, band, or community, or in the case of domestic appurtenances and fixtures, to any one or more of the occupants of the Indian homes served thereby, pursuant to section 7(a)(4) of the Act.

(b) The Executive Officer, PHS, and the Chief, Property Management Branch, Division of Administrative Services, are authorized to abandon, destroy or donate to public bodies certain properties (for which PHS is the holding agency) which have no commercial value, or of which the estimated cost of continued protection and maintenance would exceed the estimated proceeds from its sale.

C. R. SEATON,
Acting Executive Officer,
Public Health Service.

JUNE 22, 1962.

[F.R. Doc. 62-6397; Filed, July 2, 1962; 8:45 a.m.]

[1] These officials exercise this authority Service-wide.

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Supplemental List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR Part 181.1 the following table lists additional establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which have been officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This list supplements the list previously published under the Act (27 F.R. 5880) for May and represents those establishments and species which were reported too late to be included in the earlier list or which have come into compliance with respect to species indicated since the completion of the reports on which the earlier list was based. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co.	2AG	(*)					
Swift and Co.	3CC	(*)		(*)			
Do.	3NN			(*)		(*)	
Lykes Bros., Inc.	8	(*)				(*)	
Pocomoke Provision Co.	39	(*)	(*)	(*)			
The Merchants Co.	116	(*)	(*)			(*)	
Frosty Morn Meats	414	(*)	(*)	(*)		(*)	
Voct Packing Co.	730	(*)					
Stevens Meat Co., Inc.	1485	(*)	(*)				
The Rath Packing Co.	186					(*)	
Triangle Meat Distributors, Inc.	521A	(*)					

11 establishments reported.

Done at Washington, D.C., this 28th day of June 1962.

C. H. PALS,
Director, Meat Inspection Division,
Agricultural Research Service.

[F.R. Doc. 62-6459; Filed, July 2, 1962; 8:54 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13716]

AEROLINEAS PERUANAS, S.A.

Notice of Prehearing Conference

In the Matter of the Application of Aerolineas Peruanas, S.A., for renewal of its foreign air carrier permit.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 12, 1962, at 10 a.m., e.d.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William Madden.

Dated at Washington, D.C., June 27, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-6450; Filed, July 2, 1962; 8:52 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61-WE-25]

NOTICE OF HEARING

Proposed Television Antenna Structure

Pursuant to the notice issued December 27, 1961 (27 F.R. 61), in the matter of the American Broadcasting—Paramount Theatres, Inc., Television Station KGO-TV, petition for a hearing with respect to a proposed antenna structure at Mt. Sutro, San Francisco, California, notice is hereby given that the hearing will be held beginning at 10:00 a.m., July 10, 1962, in Room 59 of the Federal Office Building, 50 Fulton Street, San Francisco, California.

Issued in Washington, D.C., on June 25, 1962.

W. THOMAS DEASON,
Presiding Officer.

[F.R. Doc. 62-6420; Filed, July 2, 1962; 8:45 a.m.]

[OE Docket No. 61-WE-26]

NOTICE OF HEARING

Proposed Television Antenna Structure

Pursuant to the Notice issued December 27, 1961 (27 F.R. 62), in the matter of The Chronicle Publishing Company, Television Station KRON-TV, petition for a hearing with respect to a proposed antenna structure at Mt. Bruno, San Francisco, California, notice is hereby given that the hearing will be held beginning at 10:00 a.m., July 10, 1962, in Room 59 of the Federal Office Building, 50 Fulton Street, San Francisco, California.

Issued in Washington, D.C., on June 25, 1962.

W. THOMAS DEASON,
Presiding Officer.

[F.R. Doc. 62-6421; Filed, July 2, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8716 etc.; FCC 62M-902]

GREENWICH BROADCASTING CORP. ET AL.

Order on Procedural Dates

In re applications of the Greenwich Broadcasting Corporation, et al., Greenwich, Connecticut, Docket No. 8716, File No. BP-6315; Docket Nos. 14569, 14571, 14573, 14574, 14575, 14576; for construction permits.

As a result of agreements reached on the record of a prehearing conference held this date in the above-entitled matter: *It is ordered,* This 26th day of June 1962:

1. That all remaining exhibits shall be exchanged on or before September 5, 1962,

2. That notification of witnesses desired shall be made on or before September 19, 1962, and

3. That the hearing proper shall commence at 10:00 a.m., October 1, 1962, in the Commission's offices in Washington, D.C.

Released: June 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6452; Filed, July 2, 1962; 8:53 a.m.]

[Docket No. 14666; FCC 62M-909]

KDIA, INC. (KDIA)

Order Continuing Prehearing Conference

In re application of KDIA, Inc. (KDIA), Oakland, California, Docket No. 14666, File No. BP-13723; for construction permit.

Pursuant to a formal request from counsel for KDIA: *It is ordered,* This 27th day of June 1962, that the prehearing conference herein now scheduled for July 20, be and the same is hereby rescheduled for July 25, 1962, 9:00 a.m. in the Commission's Offices, Washington, D.C.

Released: June 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6453; Filed, July 2, 1962; 8:53 a.m.]

[Docket No. 14380; FCC 62M-905]

KSAY BROADCASTING CO.

Order Continuing Hearing

In re application of Grant R. Wrathall and Taft R. Wrathall as Trustee for Grant R. Wrathall, Jr., Charlotte Wrathall, Lawrence Wrathall and Loretta Wrathall, d/b as KSAY Broadcasting Company, San Francisco, California, Docket No. 14380, File No. BR-3528; for renewal of license of Standard Broadcast Station KSAY.

The Hearing Examiner having under consideration a "Motion for Continuance" filed June 26, 1962, by the Secretary of the Army in the above-entitled matter, and

It appearing that the Secretary desires that the hearing in this matter be continued from July 17, 1962 to September 18, 1962 and that the date for exchange of exhibits be extended to 4 September 1962, and

It further appearing that counsel for the licensee and counsel for the Broadcast Bureau have no objection to a grant of this extension, and

It further appearing that good cause therefor has been shown,

It is ordered, This 26th day of June 1962, that the aforesaid Motion for Continuance be and it hereby is granted.

Released: June 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6454; Filed, July 2, 1962; 8:53 a.m.]

[Docket Nos. 13227, 13251; FCC 62M-913]

SEVEN LOCKS BROADCASTING CO. AND TENTH DISTRICT BROADCASTING CO.

Order Continuing Hearing

In re applications of Seven Locks Broadcasting Company, Potomac-Cabin John, Maryland, Docket No. 13227, File No. BP-11877; Mary Cobb and Richard S. Cobb, d/b as Tenth District Broadcasting Company, McLean, Virginia, Docket No. 13251, File No. BP-13153; for construction permits.

The Hearing Examiner having under consideration a motion filed on June 25, 1962, by Seven Locks Broadcasting Company, requesting a change in the dates now fixed for the hearing and the exchange of evidence in the above-entitled proceeding; and

It appearing that counsel for all parties to this proceeding have informally agreed to a waiver of the four-day requirement of § 1.43 of the Commission's rules and consented to a grant of the instant motion; and good cause has been shown for the grant thereof;

It is ordered, This 27th day of June 1962, that the instant motion of Seven Locks Broadcasting Company be and the same is hereby granted; and, accordingly, the hearing is continued from July 9, 1962, to September 10, 1962, and the following dates shall govern the procedural steps:

Final exchange of engineering exhibits, July 2, 1962.
Notice of intention to take depositions, if desired, August 20, 1962.
Final exchange of all other exhibits, August 27, 1962.
Notification of witnesses desired for cross-examination, September 4, 1962.

Released: June 28, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6455; Filed, July 2, 1962; 8:53 a.m.]

[Docket Nos. 12488, 12489; FCC 62M-904]

YOUNG PEOPLE'S CHURCH OF THE AIR, INC., AND WJMJ BROADCASTING CORP.

Order Scheduling Hearing

In re applications of The Young People's Church of The Air, Inc., Philadelphia, Pennsylvania, Docket No. 12488, File No. BPH-2394; WJMJ Broadcasting Corporation, Philadelphia, Pennsylvania, Docket No. 12489, File No. BPH-2423; for construction permits.

The Hearing Examiner having under consideration agreement of parties participating at prehearing conference on June 26, 1962, regarding date for hearing:

It is ordered, This 26th day of June 1962, that the hearing is scheduled for November 14, 1962, at 10:00 a.m.

Released: June 27, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6456; Filed, July 2, 1962; 8:53 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-5471 etc.]

ALABAMA-TENNESSEE NATURAL GAS CO.

Order Deferring Oral Argument and Postponing Briefing Schedule

JUNE 26, 1962.

Alabama-Tennessee Natural Gas Company, Docket Nos. G-5471, G-11982, G-17218, and G-19984.

By order issued herein on June 1, 1962, the Commission provided for oral argument to be held on July 10, 1962, and, inter alia, for the serving of briefs by parties to these proceedings or by any amici granted permission to participate by the Commission. The issues to be briefed and argued were designated; i.e., the treatment to be accorded liberalized depreciation deductions in the computation of income taxes and the treatment of accumulated deferred taxes in the determination of rate of return.[1]

[1] On June 13, 1962, the Commission issued its Opinion No. 360 in these proceedings, and therein reserved (prospectively only) for future reconsideration the two issues which are to be the subject of oral argument.

Thirty-seven requests for permission to participate in the briefing and oral argument have been filed. A number of the pipeline companies making such requests also urge that the reopening of these issues be extended to permit a longer period of time in which to prepare for such briefing and oral argument. Upon consideration of such requests and of the reasons given for requesting such additional time, it appears appropriate and in the public interest to postpone the briefing and oral argument as provided herein.

The Commission orders:

(A) Oral Argument to be held before the Commission in accordance with paragraph (A) of the said order issued herein on June 1, 1962, is hereby deferred and shall be held on September 6, 1962, at 10:00 a.m., e.d.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

(B) The period within which to notify the Commission's Secretary of the time requested for presentation of argument in accordance with paragraph (C) of the said order issued June 1, 1962, by those who have filed in accordance with paragraph (B) of said order issued June 1, 1962, is hereby extended to August 15, 1962.

(C) The time within which parties or amici may file written briefs in accordance with paragraph (D) of the said order issued June 1, 1962, is hereby extended to August 8, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6427; Filed, July 2, 1962; 8:47 a.m.]

[Docket No. CP62-176]

EL PASO NATURAL GAS CO.

Notice of Postponement of Hearing

JUNE 26, 1962.

Take notice that the hearing in the above-docketed proceeding heretofore scheduled to commence on July 3, 1962, by notice issued on May 24, 1962, and published in the FEDERAL REGISTER on June 1, 1962 (27 F.R. 5157), be and the same is hereby postponed to a date to be fixed by further notice.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6428; Filed, July 2, 1962; 8:47 a.m.]

[Docket No. CP62-212]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Date of Hearing

JUNE 26, 1962.

Take notice that on June 25, 1962, Michigan Wisconsin Pipe Line Company (Applicant) filed in the above-entitled proceeding an amendment to its original certificate application, requesting that said application be considered and disposed of in two phases, as follows:

Phase One. Authorization for the operation under lease from Michigan Consolidated Gas Company of the Norwich Storage Field in Newaygo County, Michigan, and the Orient Field in Osceola and Clare Counties, Michigan, with appurtenant facilities, to increase Applicant's firm capacity by 85,000 Mcf per day; and authorization for the construction and operation of partial loops of Applicant's Racine and Beloit pipelines in Wisconsin, and the supercharging of the compressor engines at its Wisconsin "A" Station to provide an increase of 2210 horsepower to deliver increased firm volumes needed by its present market; and

Phase Two. Authorization to construct and operate a 20-mile extension of Applicant's 6⅝-inch pipeline north from Merrill, Wisconsin, to Tomahawk, Wisconsin, and to sell and deliver natural gas at that point to Wisconsin Public Service Corporation for resale in the communities of Tomahawk and Rhinelander, Wisconsin, which do not have natural gas service.

Due notice of the original application herein was published in the FEDERAL REGISTER on May 30, 1962 (27 F.R. 5111), setting hearing for June 26, 1962. A number of petitions to intervene and supplements thereto were timely filed, none of which objected to that portion of Applicant's proposal which is covered by Phase One above nor to the use of the shortened hearing procedure therefor. The hearing was duly convened on June 26, 1962, and upon motion of staff counsel was recessed by the Presiding Examiner without date.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 19, 1962, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the so-called Phase One of the application in Docket No. CP62-212 as set forth hereinabove and as more fully set forth in the amendment to said application filed by Michigan Wisconsin Pipe Line Company on June 25, 1962: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of Phase One of the proceeding herein pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at said hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6429; Filed, July 2, 1962; 8:47 a.m.]

[Docket No. CP62-225]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application and Date of Hearing

JUNE 26, 1962.

Take notice that on March 28, 1962, Montana-Dakota Utilities Company (Applicant), 831 Second Avenue South, Minneapolis 2, Minnesota, filed in Docket No. CP62-225 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities in order to meet the increased requirements of existing customers for the 1962-1963 winter and thereafter, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the following facilities:

In the year 1962:

Approximately 25.8 miles of 12¾-inch pipeline looping its existing 12¾-inch line in Harding County, South Dakota;

An additional 880 h.p. compressor unit in the existing Little Beaver compressor station, Fallon County, Montana; and

An additional 880 h.p. compressor unit in the existing Belle Fourche compressor station, Butte County, South Dakota.

In the year 1963:

Approximately 29.4 miles of 12¾-inch pipeline looping its existing 12¾-inch line in Butte County, South Dakota.

Applicant states that the maximum capacity of its Little Beaver, Montana, to Rapid City, South Dakota (Black Hills) system is now being used to serve the firm market requirements of customers in the area, including the constantly expanding requirements of Ellsworth Air Force Base and related family housing units. The proposed facilities will enable Applicant to meet these requirements for the 1962-1963 winter season and thereafter. The application states that the capacity of the existing Black Hills facilities is 39,400 Mcf per day. The maximum day firm demand in 1962-1963 is estimated at 46,800 Mcf and in 1963-1964 at 48,990 Mcf.

The total estimated cost of the proposed facilities is $2,175,900, which will be financed from internally generated funds and short-term bank loans.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 31, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before July 20, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6430; Filed, July 2, 1962; 8:47 a.m.]

[Docket No. E-7039]

SOUTH CAROLINA ELECTRIC & GAS CO.

Notice of Application

JUNE 25, 1962.

Take notice that on June 13, 1962 an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by South Carolina Electric & Gas Company (Applicant) a corporation organized under the laws of the State of South Carolina and doing business in that State, with its principal business office at Columbia, South Carolina, seeking an order authorizing the purchase of certain electric generating facilities from United Merchants and Manufacturers, Inc. (United Merchants), a corporation organized under the laws of the State of Delaware and engaged in the manufacture and sale of textile fabrics and products in the United States and in Canada, Argentina and other foreign countries. The facilities which Applicant proposes to acquire from United Merchants constitute the generating plant, commonly known as Neal Shoals Project, together with the 13.2 KV transmission lines from the Neal Shoals Project to Midway Station and all of the appurtenances, rights and hereditaments belonging to or pertaining to either of them. The aforementioned facilities are presently used to supply the load at the two nearby mills of United Merchants. The facilities would be purchased for a cash consideration of $300,000, pursuant to an agreement dated November 29, 1961, between Applicant and United Merchants. Applicant states that the purchase price was determined through arms-length negotiations and agreement as to what United Merchants would accept and Applicant would pay.

Applicant renders electric service to the public in an area in the central, southern and southwestern sections of South Carolina, comprising about 40 percent of the geographical area of the state, having an estimated total population of about 750,000 and including the Cities of Charleston and Columbia. According to the application, upon consummation of the proposed transaction United Merchants will convert the mill load of its plants served by the Neal Shoals Project from 40 cycles to 60 cycles; Applicant will convert the generating facilities acquired to a 60-cycle operation, will generally improve the plant, will incorporate it into its electrical system, and will serve United Merchants from its general system. Applicant states that consummation of the proposed transaction will enable the Neal Shoals Project to operate on a more efficient basis and to serve more people, and will result in better utilization of the natural resources available.

Concurrently with the filing of the present application, Applicant filed an application (Project No. 2315) requesting that a license for the Neal Shoals Project be issued to Applicant after the completion of the transaction herein proposed.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 16th day of July, 1962 file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6431; Filed, July 2, 1962; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

THE PEOPLES BANK AND TRUST CO.

Order Approving Consolidation of Banks

In the matter of the application of The Peoples Bank and Trust Company for approval of consolidation with The Spring Lake State Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by The Peoples Bank and Trust Company, Grand Haven, Michigan, a member bank of the Federal Reserve System, for the Board's prior approval of the consolidation of The Spring Lake State Bank, Spring Lake, Michigan, with The Peoples Bank and Trust Company, under the charter and title of the latter, the one office of The Spring Lake State Bank to be operated as a branch of The Peoples Bank and Trust Company. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant materials in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed consolidation:

It is ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be, and hereby is approved, provided that said consolidation shall not be consummated (a) sooner than seven calendar days after the date of this Order or (b) later than three months after said date.

Dated at Washington, D.C., this 25th day of June 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-6432; Filed, July 2, 1962; 8:47 a.m.]

UNION TRUST COMPANY OF MARYLAND

Order Approving Merger of Banks

In the matter of the application of Union Trust Company of Maryland for approval of merger with Farmers and Merchants' Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by Union Trust Company of Maryland, Baltimore, Maryland, a member bank of the Federal Reserve System, for the Board's prior approval of the merger of Farmers and Merchants' Bank, Salisbury, Maryland, also a member bank of the Federal Reserve System, with and into Union Trust Company of Maryland, under the charter and title of the latter, the offices of Farmers and Merchants' Bank to be operated as branches of Union Trust Company of Maryland. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed merger:

It is ordered, For the reasons set forth in the Board's Statement[2] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) sooner than seven calendar days after the date of this Order or (b) later than three months after said date.

Dated at Washington, D.C., this 25th day of June 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-6433; Filed, July 2, 1962; 8:48 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Chicago. Dissenting statement of Governor Robertson also filed as part of the original document and available upon request.

[2] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Richmond. Dissenting statement of Governor Robertson also filed as part of the original document and available upon request.

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

COMMUNITY FACILITIES COMMISSIONER

Amendment of Certain Delegations of Authority

The delegations of authority identified below are hereby amended by changing "Commissioner, Community Facilities and Special Operations," to read "Community Facilities Commissioner":

Delegation with respect to public facility loan program, effective November 2, 1954 (19 F.R. 7123, November 2, 1954);

Delegation with respect to second advance planning program, effective March 31, 1954 (19 F.R. 1783, March 31, 1954); and

Delegation with respect to approved defense community facilities projects, effective December 29, 1953 (18 F.R. 8813, December 29, 1953).

Effective as of the 3d day of July 1962.

[SEAL] ROBERT C. WEAVER,
Housing and Home Finance Administrator.

[F.R. Doc. 62-6460; Filed, July 2, 1962; 8:54 a.m.]

COMMUNITY FACILITIES COMMISSIONER

Delegation of Authority With Respect to Housing for Educational Institutions

The delegation of authority to the Commissioner, Community Facilities and Special Operations, effective June 2, 1954 (19 F.R. 3240, June 2, 1944), is revised to read as follows:

The Community Facilities Commissioner is hereby authorized:

1. To execute the powers and functions vested in the Housing and Home Finance Administrator under Title IV of the Housing Act of 1950, as amended (64 Stat. 77, as amended), 12 U.S.C. 1749–1749c, with respect to the program of loans for housing for educational institutions except the power (a) to determine the rate of interest on loans and (b) to issue notes or other obligations for purchase by the Secretary of the Treasury; and

2. To redelegate to one or more employees in the Community Facilities Administration any of the authority herein delegated except the power to authorize loans.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 3d day of July 1962.

[SEAL] ROBERT C. WEAVER,
Housing and Home Finance Administrator.

[F.R. Doc. 62-6461; Filed, July 2, 1962; 8:54 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 657]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 28, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64316. By order of June 26, 1962, the Transfer Board approved the transfer to Umthun Trucking Co., a corporation, Eagle Grove, Iowa, of Permit No. MC 118468 Sub 3, issued July 24, 1961, to Joe Umthun and Virgil Umthun, a partnership, doing business as Umthun Trucking Co., Eagle Grove, Iowa, authorizing the transportation of: Animal and poultry feed, and feed ingredients, from Fremont, Nebr., to points in South Dakota, Wyoming, and Colorado. William A. Landau, Post Office Box 1634, Des Moines 6, Iowa, representative for applicants.

No. MC–FC 64971. By order of June 25, 1962, the Transfer Board approved the transfer to Scari's Delivery Service, Inc., 409 North Harrison Street, Wilmington, Del., of Certificates Nos. MC 115955 Sub 2 and MC 115955 Sub 6, issued December 24, 1958 and December 19, 1960, respectively, to Harry J. Scari doing business as Scari's Delivery Service, 409 North Harrison Street, Wilmington, Del., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, between the Philadelphia International Airport and the North Philadelphia Airport, near Philadelphia, Pa., on the one hand, and on the other, New Castle County Airport, near Wilmington, Del., and the Dover Air Force Base, Dover, Del., between Wilmington, Del., on the one hand, and, on the other, the Philadelphia International Airport and the North Philadelphia Airport, near Philadelphia, Pa., and the Dover Air Force Base, Dover, Del., between the sites of the plants of International Latex Corporation in Dover, Del., on the one hand, and, on the other, the Philadelphia International Airport and the North Philadelphia Airport, near Philadelphia, Pa., and the New Castle County Airport, New Castle, Del., between the Philadelphia International Airport and the North Philadelphia Airport, Philadelphia, Pa., and the New Castle County Airport, near New Castle, Del., on the one hand, and, on the other, Newark, Del., and Elkton, Md., and between the New Castle County Airport, near New Castle, Del., and Philadelphia, Pa.

No. MC–FC 64991. By order of June 25, 1962, the Transfer Board approved the transfer to Robert N. Mark, doing business as Mark Truck Service, Lebo, Kans., of Certificate No. MC 1008, issued May 14, 1942, to V. R. Longhofer, Lebo, Kans., authorizing the transportation of: Livestock, feed, agricultural implements and machinery and parts thereof, and binder twine, between Lebo, Kans., and points within ten miles of Lebo, on the one hand, and, on the other, Kansas City, Mo., and Kansas City, Kans. Edward N. Pratt, Ed Pratt's Insurance Agency, 1736 Linn, Topeka, Kans., representative for applicants.

No. MC–FC 65011. By order of June 25, 1962, the Transfer Board approved the transfer to John R. Campbell, doing business as Tri State Transit Co., East Liverpool, Ohio, of Certificates Nos. MC 116009 Sub 1 and MC 116009 Sub 2, issued January 23, 1957, and August 17, 1960, respectively, to Donald W. Barnes and John R. Campbell, a partnership, doing business as Tri State Transit Co., East Liverpool, Ohio, authorizing the transportation of: Passengers and their baggage, express and newspapers in the same vehicle between (1) East Liverpool, Ohio, and Waterford Park, W. Va., in seasonal operations, and (2) between Wellsville, Ohio and Midland, Pa., serving all intermediate points. George A. Aronson, 525 Market Street, East Liverpool, Ohio, attorney for applicants.

No. MC–FC 65035. By order of June 25, 1962, the Transfer Board approved the transfer to Pacifica Truck Lines, Inc., Hayward, Calif., of Certificates Nos. MC 73138, MC 73138 Sub 7 and MC 73138 Sub 10, issued December 23, 1941 (second corrected Certificate) and October 1, 1957, and June 19, 1957, respectively, to E. Guy Warren, doing business as Warren Transportation Company, Hayward, Calif., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, and canned goods, dried fruits, groceries, lumber products, between points in California, with San Francisco and Stockton, Calif., as the radial bases. Boards and sheets, from Ukiah, Calif., to Dorris and Yreka, Calif., and mining machinery, general commodities, with the above exceptions, and certain other commodities, between specified points in California and Oregon. Marvin Handler, 625 Market Street, San Francisco 5, Calif., attorney for applicants.

No. MC–FC 65038. By order of June 25, 1962, the Transfer Board approved the transfer to Allen Christensen, Anita, Iowa, of Certificate No. MC 9801, issued November 3, 1952, to Irwin Weimer, Anita, Iowa, authorizing the transportation of: Coal, tankage, feed, flour, hay, furniture, agricultural implements, and parts, petroleum products, in containers, wallpaper, drugs, paint, lumber, building materials, plumbers supplies, iron pipe, molasses, potatoes, and twine, empty oil drums, horses and mules, and livestock, over irregular routes, between Anita, Iowa, and Omaha, Nebr., and points within certain mileage radii of each.

No. MC–FC 65084. By order of June 25, 1962, the Transfer Board approved the transfer to H & H Transport, Inc., 420 Lena Street, Nokomis, Ill., of Certificate No. MC 52867, issued August 15, 1958, to Carroll Hagemeier, 420 Lena Street, Nokomis, Ill., authorizing the transportation of beer, over regular routes, from St. Louis, Mo., to Nattoon, Ill., and empty beer containers, on return; general commodities, excluding household goods and commodities in bulk, over irregular routes, from St. Louis, Mo., to points in Christian and Nibtginert Counties, Ill., and empty beer containers, from Nokomis, Pana, and Taylorville, Ill., to St. Louis, Mo.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-6447; Filed, July 2, 1962; 8:52 a.m.]

OFFICE OF EMERGENCY PLANNING

FEDERAL DISASTER ASSISTANCE

Notice of Minimum State and Local Expenditures

The schedule of minimum State and local expenditures and obligations which became effective on July 1, 1959, and was republished in the FEDERAL REGISTER on May 17, 1961 (26 F.R. 4301), shall remain in effect until duly amended or revoked.

Dated: June 28, 1962.

EDWARD A. MCDERMOTT,
Director.

[F.R. Doc. 62-6501; Filed, June 29, 1962; 12:32 p.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

JUNE 27, 1962.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (Formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such

action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, June 28, 1962, to July 7, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-6443; Filed, July 2, 1962; 8:51 a.m.]

[File No. 811-997]

FIDELITY ACCUMULATION PLANS

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JUNE 26, 1962.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 for an order of the Commission declaring that Fidelity Accumulation Plans ("Applicant"), 31 Milk Street, Boston, Mass., a registered unit investment trust, has ceased to be an investment company. The application represents that Applicant has no assets, has sold no plans, has not transacted any business, and it will not engage in business as an investment company.

Section 8(f) of the Act provides, in part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 13, 1962 at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-6444; Filed, July 2, 1962; 8:51 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 388]

ILLINOIS

Declaration of Disaster Area

Whereas, it has been reported that during the month of June, 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Cook County in the State of Illinois;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on or about June 23, 1962.

Office:
Small Business Administration Regional Office,
Bankers Building, Room 430,
105 West Adams Street,
Chicago 3, Illinois.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1962.

Dated: June 25, 1962.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62-6445; Filed, July 2, 1962; 8:51 a.m.]

[Delegation of Authority No. 30-IV-37]

CHIEF, LOAN ADMINISTRATION SECTION

Delegation Relating to Servicing of 502 Loans

I. Pursuant to the Authority delegated to the Chief, Investment Division by Delegation of Authority No. 30-IV-28 (25 F.R. 2938), there is hereby delegated to the Chief, Loan Administration Section the authority:

A. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of section 502 loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Administration Section.

Effective date: March 12, 1962.

S. B. PEARSON, *Chief, Investment Division, Richmond Regional Office.*

[F.R. Doc. 62-6446; Filed, July 2, 1962; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Document 251, Amdt. 1]

ARIZONA

Redelegation of Authority by State Director

Paragraph 2 of Arizona Document 251, published in the FEDERAL REGISTER July 20, 1961 (F.R. Doc. 61-6800) shall be amended to read as follows:

2. Any field employee when away from headquarters is authorized to make open market purchase not to exceed $100, except that the Chief of the Division of Engineering, Chief of the Cadastral Surveying Branch, and Cadastral Surveyors in charge of field parties, when on field duties, are authorized to make open market purchases in amounts not to exceed $200.

FRED J. WEILER, *State Director.*

JUNE 26, 1962.

[F.R. Doc. 62-6440; Filed, July 2, 1962; 8:51 a.m.]

Office of the Secretary

MARVIN F. PERSONS

Appointee's Statement of Financial Interests

MAY 31, 1962.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of Appointee: Marvin F. Persons.

Name of Employing Agency: Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The Title of the Appointee's Position: Area Director, Defense Electric Power Area.

The Name of the Appointee's Private Employer or Employers: Consumers Power Company, Jackson, Mich.

The statement of "financial interests" for the above appointee is set forth below.

STEWART L. UDALL, *Secretary of the Interior.*

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on May 31, 1962, as Director, DEPA Area 5, Office of Assistant Secretary for Water & Power, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

1. Consumers Power Company, Jackson, Mich.
2. Consumers Power Company Savings & Investment Program (The First National City Bank of New York, as Trustee).

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

MARVIN F. PERSONS.

JUNE 19, 1962.

[F.R. Doc. 62-6438; Filed July 2, 1962; 8:50 a.m.]

Now Available

CFR SUPPLEMENTS

(As of January 1, 1962)

The following Supplements are now available:

Title 7 (Parts 400–899)__ $2.50
General Index_____ 1.25

Previously announced: Title 3, 1954–1958 Compilation ($4.00); 1961 Supplement to Title 3 ($0.60); Titles 1–4 ($1.00); Title 5 ($0.50); Title 6 ($2.00); Title 7, Parts 1–50 ($0.65); Parts 51–52 ($0.70); Parts 53–209 ($0.60); Parts 210–399 ($0.40); Parts 900–944 (Revised) ($1.00); Parts 945–980 (Revised) ($1.00); Parts 981–999 (Revised) ($0.55); Parts 1000–1029 (Revised) ($1.00); Parts 1030–1059 (Revised) ($1.50); Parts 1060–1089 (Revised) ($1.00); Parts 1090–1119 (Revised) ($1.25); Parts 1120 to end (Revised) ($1.00); Title 8 ($0.50); Title 9 ($0.65); Titles 10–13 ($1.25); Title 14, Parts 1–19 (Revised) ($2.50); Parts 20–199 (Revised) ($1.75); Parts 200–399 (Revised) ($1.00); Parts 400–599 (Revised) ($0.65); Parts 600 to end (Revised) ($0.70); Title 15 ($1.25); Title 16 ($0.45); Title 17 ($1.00); Title 18 ($0.35); Title 19 ($0.35); Title 20 ($0.40); Title 21 ($2.25); Titles 22–23 ($0.55); Title 24 (Revised) ($3.00); Title 25 ($0.50); Title 26, Part 1 (§§ 1.0–1—1.400) ($0.40); Part 1 (§§ 1.401—1.860) ($0.55); Part 1 (§ 1.861 to end) to Part 19 ($0.30); Parts 20–29 ($0.30); Parts 30–39 ($0.30); Parts 40–169 ($0.50); Parts 170–299 ($0.50); Parts 300–499 ($0.35); Parts 500–599 ($0.30); Parts 600 to end ($0.30); Title 27 ($0.30); Titles 28–29 ($2.25); Titles 30–31 ($1.00); Title 32, Parts 1–39 ($0.50); Parts 40–399 ($0.40); Parts 400–589 (Revised) ($3.50); Parts 590–699 (Revised) ($4.25); Parts 700–799 (Revised) ($5.00); Parts 800–999 ($0.50); Parts 1000–1099 ($1.75); Parts 1100 to end (Revised) ($4.50); Title 32A ($0.75); Titles 33–34 (Revised) ($8.25); Title 35 ($0.30); Title 36 ($0.35); Title 37 ($0.30); Title 38 ($1.25); Title 39 (Revised) ($5.25); Titles 40–41 (Revised) ($1.75); Title 42 ($0.40); Title 43 ($1.25); Title 44 ($0.30); Title 45 ($0.45); Title 46, Parts 1–145 ($1.50); Parts 146–149 (1961 Supplement 2) ($1.25); Parts 150 to end ($1.25); Title 47, Parts 1–29 ($1.50); Parts 30 to end ($0.40); Title 49, Parts 1–70 ($1.00); Parts 71–90 ($1.25); Parts 91–164 ($0.55); Parts 165 to end ($0.30); Title 50 ($0.40)

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PART II

FEDERAL REGISTER

VOLUME 27 NUMBER 128

Washington, Tuesday, July 3, 1962

Federal Aviation Agency

Proposed Recodification of Airspace Rules

FEDERAL AVIATION AGENCY

[14 CFR Parts 71 [New], 73 [New], 75 [New], 77 [New], 79 [New], 600, 601, 602, 608, 626]

[Reg. Docket No. 1274, Draft Release No. 62-32]

AIRSPACE

Notice of Proposed Rule Making

Notice is hereby given that there is under consideration a proposal to recodify Parts 600, 601, 602, 608, and 626 of the Regulations of the Administrator. Chapter I of Title 14 of the Code of Federal Regulations would be amended by adding a Subchapter E—Airspace [New] containing the recodified parts.

Interested persons are invited to participate in the proposed recodification by submitting such written data, views or arguments as they may desire. Communications must be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before August 15, 1962 will be considered before taking action on the proposed recodification. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Docket Section for examination by interested persons.

This proposal is a part of the program of the Federal Aviation Agency to recodify its regulatory material. It conforms to the "Outline and Analysis" for the proposed recodification contained in Draft Release 61-25 and published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698). The object of the new chapter is to restate existing regulations, not to make new ones. The pertinent provisions have been freely reworded and rearranged, subject to every precaution against disturbing existing rights, privileges, duties, or functions. In addition, in cases where well established administrative practice or construction has established authoritative interpretations, the revised language reflects the interpretations.

Each proposed recodified section is followed by a note citing the present section of the regulations upon which it is based. A cross-reference table has been placed at the end of each recodified part to permit easy access from the old regulations to the new. Internal cross references to parts or sections that are not yet recodified contain a blank space for later insertion of the correct recodified number with the present number contained in brackets. When a part or section that is referred to in a cross reference is later recodified, the correct number will be inserted and the bracketed number will be dropped.

No substantive changes has been made in the regulations, the purpose of the recodification project being simply to streamline and clarify present regulatory language and to delete obsolete or redundant provisions. It should be noted that the definitions, abbreviations, and rules of construction contained in Part 1 [New] published in the FEDERAL REGISTER on May 15, 1962 (27 F.R. 4587) would apply to proposed Subchapter E [New].

When finally adopted, the new subchapter will include the substance of any applicable rules or amendments adopted and effective during the period between the date of notice and the effective date of the final rule, and may also include applicable rules on which individual notices of proposed rule making have been issued and the comment period has expired, but which have not been theretofore adopted.

In consideration of the foregoing, it is proposed to amend Chapter III of Title 14 by deleting Parts 600, 601, 602, 608, and 626 and to amend Chapter I of that Title by adding Subchapter E [New] reading as hereinafter set forth.

This amendment is proposed under the authority of sections 307 and 313 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1354).

Issued in Washington, D.C., on June 28, 1962.

N. E. HALABY,
Administrator.

SUBCHAPTER E—AIRSPACE [New]

Part
71 Designation of Federal Airways [New].
73 Designation of Controlled Airspace [New].
75 Special Use Airspace [New].
77 Establishment of Jet Routes [New].
79 Notice of Construction or Alteration Affecting Navigable Airspace [New].

PART 71—DESIGNATION OF FEDERAL AIRWAYS [New]

Subpart A—General

Sec.
71.1 Applicability.
71.11 Classification of Federal airways.
71.13 Extent of Federal airways.
71.15 Direction of Federal airways.
71.17 Bearings; radials; miles.

Subpart B—Low Altitude Colored Federal Airways

[Renumbered present sections]

Subpart C—Low Altitude VOR Federal Airways

[Renumbered present sections]

Subpart D—Intermediate Altitude VOR Federal Airways

[Renumbered present sections]

Subpart A—General

§ 71.1 Applicability.

The paths through the navigable airspace of the United States that are described in Subparts B, C, and D, of this part are designated as Federal airways, identified by an area on the surface, to provide suitable and, so far as possible, safe routes for air commerce.

[Revision note: Combines §§ 600.1, 600.2 (c) (less (1)-(3)), and 600.10]

§ 71.11 Classification of Federal airways.

Federal airways are classified as follows—

(a) Low Altitude Colored Federal airways:
(1) Green Federal airways.
(2) Amber Federal airways.
(3) Red Federal airways.
(4) Blue Federal airways.

(b) Low Altitude VOR Federal airways:
(1) Even numbered Federal airways.
(2) Odd numbered Federal airways.

(c) Intermediate Altitude VOR Federal airways:
(1) Even numbered Federal airways.
(2) Odd numbered Federal airways.

[Revision note: Based on § 600.2(c)(1)-(3)]

§ 71.13 Extent of Federal airways.

(a) Unless otherwise provided in Subpart B or C of this part, each Low Altitude Federal airway includes the navigable airspace of the United States that lies within five miles of its centerline. However, a low altitude Federal airway that lies within the 48 contiguous States and the District of Columbia does not include the airspace at or above 14,500 feet MSL or the airspace of any prohibited area.

(b) Unless provided otherwise in Subpart D of this part, each Intermediate Altitude Federal airway includes the navigable airspace of the United States that lies within eight miles of its centerline, and an Intermediate Altitude Federal airway that lies within the 48 contiguous States and the District of Columbia includes the airspace beginning at 14,500 feet MSL and extending up to, but not including, 24,000 feet MSL. However, it does not include the airspace of any prohibited area.

(c) The centerline of each Federal airway is a line extended through the center of the points or intersections specified for that airway.

(d) Unless provided otherwise in Subpart C of this part, at least one alternate VOR Federal airway will be established between specified points along, and be a part of, each VOR Federal airway. The centerline of an alternate VOR Federal airway departs from and returns to the main VOR Federal airway by the intersection of radials having an angle of 15 degrees (unless otherwise specified) separation from the main VOR airway.

[Revision note: Based on § 600.3]

§ 71.15 Direction of Federal airways.

(a) Green and red colored Federal airways and even numbered VOR Federal airways are normally designated in a west to east direction between their initial and final points, even though parts of such an airway may deviate from that direction between any two or more intermediate points.

(b) Amber and blue colored Federal airways and odd numbered VOR Federal airways are normally designated in a south to north direction between their initial and final points, even though a part of such an airway may deviate from that direction between any two or more intermediate points.

[Revision note: based on § 600.4]

§ 71.17 Bearings; radials; miles.

(a) All bearings and radials in this part are true from point of origin.

(b) Unless otherwise specified, all mileages in this part are stated as statute miles.

[Revision note: based on § 600.2 (d) and (e)]

Subpart B—Low Altitude Colored Federal Airways

[No change in present sections contemplated, except renumbering]

Subpart C—Low Altitude VOR Federal Airways

[No change in present sections contemplated, except renumbering]

Subpart D—Intermediate Altitude VOR Federal Airways

[No change in present sections contemplated, except renumbering]

PART 71—DISTRIBUTION TABLE

Present section	Revised section	Present section	Revised section
600.1	71.1	600.2 (d) and (e)	71.17
600.2 (less (c)-(e))	(1)	600.3	71.13
600.2(c) (less (1)-(3))	71.1	600.4	71.15
600.2(c) (1)-(3)	71.11	600.10	71.1
		600.11-600.6635	(2)

[1] Transferred to Part 1.
[2] To be renumbered without change.

PART 73—DESIGNATION OF CONTROLLED AIRSPACE [New]

Subpart A—General

Sec.
73.1 Applicability.
73.3 Control areas.
73.5 Control zones.
73.7 Reporting points.
73.9 Positive control route segments.
73.11 Positive control areas.
73.13 Transition areas.
73.15 Continental control area.
73.17 Bearings; radials; miles.

Subpart B—Low Altitude Colored Federal Airway Control Areas

[Renumbered present sections]

Subpart C—Control Area Extensions

[Renumbered present sections]

Subpart D—Control Zones

[Renumbered present sections]

Subpart E—Low Altitude Colored Federal Airway Reporting Points

[Renumbered present sections]

Subpart F—Low Altitude VOR Federal Airway Control Areas

[Renumbered present sections]

Subpart G—VOR Federal Airway Reporting Points

[Renumbered present sections]

Subpart H—Continental Control Area

[Restated present section]

Subpart I—Positive Control Route Segments

[Renumbered present sections]

Subpart J—Positive Control Areas

[Renumbered present sections]

Subpart K—Transition Areas

[Renumbered present sections]

Subpart A—General

§ 73.1 Applicability.

Those parts of the navigable airspace of the United States that are described in subparts B, C, D, E, F, G, H, I, J, and K of this part, are designated as control areas, control zones, reporting points, positive control route segments, positive control areas, transition areas, and the continental control area, as named in the appropriate subpart, to provide for the safety of aircraft operating in air commerce.

[Revision note: Combines §§ 601.1, 601.10, 601.1982, and 601.4001]

§ 73.3 Control areas.

(a) The control areas and control area extensions listed in Subparts B, C, and F of this part, extend upward from an altitude of 700 feet above the surface (until designated from 1,200 feet above the surface, or from at least 500 feet below the MEA, whichever is higher) to the base of the continental control area.

(b) Except as otherwise provided in Subparts B, C, and F of this part, where a point or intersection prescribed for designating a control area coincides with a point or intersection specified in designating the centerline of a Federal airway, the control area includes all of the airspace that lies within five miles of either side of a straight line extended through the center of the points or intersections specified in designating the Federal airways and the airspace that lies within a five mile radius of the point or intersection. Unless otherwise specified, such a control area includes the airspace between straight lines connecting the center of the points or intersections specified in designating the main and associated alternate VOR Federal airways.

[Revision note: Combines §§ 601.2(d) and 601.9]

§ 73.5 Control zones.

(a) The control zones listed in Subpart D of this part consist of controlled airspace extending upward from the surface to include one or more airports, and within which rules additional to those governing flight in control areas are prescribed for the protection of air traffic.

(b) Each control zone includes the navigable airspace above that area on the surface that lies within the specified radius of the center points prescribed for that zone (unless otherwise prescribed in this part), with extensions where necessary to protect instrument approach and departure procedures, but does not include any of the airspace of any prohibited area.

[Revision note: Combines §§ 601.2(e) and 601.1981]

§ 73.7 Reporting points.

The reporting points listed in Subparts E and G of this part consist of geographic locations in relation to which the position of an aircraft must be reported in accordance with section ---- of this chapter [Present § 60.47].

[Revision note: Based on § 601.2(g)]

§ 73.9 Positive control route segments.

The positive control route segments listed in Subpart I of this part consist of those parts of the Federal airways from 17,000 feet to 22,000 feet, MSL, inclusive. Those parts of positive control route segments that underlie positive control areas include altitudes beginning at 17,000 feet and extending up to, but not including, 24,000 feet MSL.

[Revision note: Based on § 601.8001]

§ 73.11 Positive control areas.

The positive control areas listed in Subpart J of this part consist of controlled airspace, within the continental control area, within which there is positive control of air traffic.

[Revision note: Combines §§ 601.2(gg) and 601.9001]

§ 73.13 Transition areas.

The transition areas listed in Subpart K of this part consist of controlled airspace extending up from 700 feet or higher above the surface when designated in conjunction with an airport for which an approved instrument approach procedure has been prescribed; or from 1,200 feet or higher above the surface when designated in conjunction with airway route structures or segments. Unless otherwise limited, they terminate at base of the overlying controlled airspace.

[Revision note: Based on § 601.2(jj)]

§ 73.15 Continental control area.

The continental control area specified in Subpart H of this part consists of controlled airspace of the 48 contiguous States and the District of Columbia at the altitudes specified in that subpart.

[Revision note: Based on § 601.2(c)]

§ 73.17 Bearings; radials; miles.

(a) All bearings and radials in this part are true from point of origin.

(b) Unless otherwise specified, all mileages in this part are stated as statute miles.

[Revision note: Based on § 601.2 (h) and (i)]

Subpart B—Low Altitude Colored Federal Airway Control Areas

[No change in present sections contemplated, except renumbering]

Subpart C—Control Area Extensions

[No change in present sections contemplated, except renumbering]

Subpart D—Control Zones

[No change in present sections contemplated, except renumbering and elimination of sections 1981 and 1982]

Subpart E—Low Altitude Colored Federal Airway Reporting Points

[No change in present sections contemplated, except renumbering and elimination of section 4001]

Subpart F—Low Altitude VOR Federal Airway Control Areas

[No change in present sections contemplated, except renumbering]

Subpart G—VOR Federal Airway Reporting Points

[No change in present sections contemplated, except renumbering]

Subpart H—Continental Control Area

[Will be restated to conform to elimination of definition of "continental United States"]

Subpart I—Positive Control Route Segments

[No change in present sections contemplated, except renumbering and elimination of section 8001]

Subpart J—Positive Control Areas

[No change in present sections contemplated, except renumbering and elimination of section 9001]

Subpart K—Transition Areas

[No change in present sections contemplated, except renumbering]

PART 73—DISTRIBUTION TABLE

Present section	Revised section	Present section	Revised section
601.1	73.1	601.9	73.3
601.2(c)	73.15	601.10	73.1
601.2(d)	73.3	601.1981	73.5
601.2(e)	73.5	601.1982	73.1
601.2(g)	73.7	601.4001	73.1
601.2 (h) and (i)	73.17	601.8001	73.9
601.2(gg)	73.11	601.9001	73.11
601.2(jj)	73.13		
601.2 (less (c), (d), (e), (g), (h), (i), (gg), and (jj))	(1)		

[1] Transferred to Part 1.

PART 75—SPECIAL USE AIRSPACE [New]

Subpart A—General

Sec.
75.1 Applicability.
75.3 Special use airspace.
75.5 Bearings; radials; miles.

Subpart B—Restricted Areas

75.11 Applicability.
75.13 Restrictions.
75.15 Using agency.
75.17 Controlling agency.
75.19 Reports by using agency.
75.21–75.72 [Present §§ 608.21–608.72 unchanged except for renumbering].

Subpart A—General

§ 75.1 Applicability.

The airspace that is described in Subpart B of this part is designated as special use airspace. This part prescribes the requirements for the use of that airspace.

[Revision note: Based on § 608.2]

§ 75.3 Special use airspace.

(a) Special use airspace consists of airspace of defined dimensions identified by an area on the surface of the earth wherein activities must be confined because of their nature, or wherein limitations are imposed upon aircraft operations that are not a part of those activities, or both.

(b) The vertical limits of special use airspace are measured by designated altitude floors and ceilings expressed as flight levels or as feet above mean sea level.

(c) The horizontal limits of special use airspace are measured by boundaries described by geographic coordinates or other appropriate references to clearly define their perimeter.

(d) The period of time during which a designation of special use airspace is in effect is stated in the designation.

[Revision note: Based on § 608.3 (3d, 6th, and 28th clauses)]

§ 75.5 Bearings; radials; miles.

(a) All bearings and radials in this part are true from point of origin.

(b) Unless otherwise specified, all mileages in this part are stated as statute miles.

[Revision note: Based on § 608.3 (2d and 16th clauses)]

Subpart B—Restricted Areas

§ 75.11 Applicability.

This subpart designates restricted areas and prescribes limitations on the operation of aircraft within them.

[Revision note: Based on § 608.11 (less 2d sentence)]

§ 75.13 Restrictions.

No person may operate an aircraft within a restricted area between the designated altitudes and during the time of designation, unless he has the advance permission of—

(a) The using agency described in § 75.25; or

(b) The controlling agency described in § 75.27 of this chapter.

[Revision note: Based on § 608.12]

§ 75.15 Using agency.

(a) For the purposes of this part, the following are using agencies:

(1) The agency, organization, or military command whose activity within a restricted area necessitated the area being so designated.

(2) In the case of a Restricted Area/Military Climb Corridor that does not have a designated controlling agency, the Military Air Traffic Control facility that may be contacted for permission for transit through the climb corridor.

(b) Upon the request of the FAA, the using agency shall execute a letter establishing procedures for joint use of a restricted area by the using agency and the controlling agency, under which the using agency would notify the controlling agency whenever the controlling agency may grant permission for transit through the restricted area in accordance with the terms of the letter.

(c) The using agency shall—

(1) Schedule activities within the restricted area;

(2) Authorize transit through, or flight within, the restricted area as feasible; and

(3) Contain within the restricted area all activities conducted therein in accordance with the purpose for which it was designated.

[Revision note: Combines §§ 608.3 (13th and 34th clauses), 608.11 (2d sentence), and 608.13 (less 1st 42 words)]

§ 75.17 Controlling agency.

For the purposes of this part, the controlling agency is the FAA, or the agency, office, facility, or person to whom has been delegated the authority to allow the use of special use airspace during the time that it is not being used for the purpose to which it was assigned.

[Revision note: Combines §§ 608.3 (5th clause) and 608.14]

§ 75.19 Reports by using agency.

(a) Each using agency shall report once a year, in duplicate, to the Director, Air Traffic Service, Federal Aviation Agency, Washington 25, D.C., on each restricted area for which it is the using agency. The report must reach the Director not later than January 31 and shall cover the 12-month period ending with the preceding September 30.

(b) In its report under this section the using agency shall—

(1) State the name and number of the restricted area as published in this part;

(2) State the period covered by the report;

(3) List in detail the activities carried on in the area by all organizations using it for the restricted area purposes;

(4) State the time that daily operations are normally scheduled to begin and end;

(5) State the average number of hours the area is actually used each day, and in addition, for a restricted area used for aircraft operations, the total number of aircraft hours of actual use during the reporting period;

(6) State the number of days each week, weeks each month, and months each year (as appropriate) that the area is used for actual operations;

(7) State whether or not radar is used during operations;

(8) State the number and type of aircraft, if any, normally involved in the activities for which the area was restricted.

(9) List the altitudes used in daily operations of aircraft, including for each activity the altitudes used and the number of hours at each of those altitudes;

(10) Include a chart of the area (of optional scale and design) showing—

(i) The approximate location, and the representative pattern (if any), for firing runs (if any), for bombing runs (if any), the place where runs begin, where firing (if any) begins and ends, and the release point and pullup point; and

(ii) The location of impact areas, if any;

(11) State the maximum ordinate of surface firing (expressed in feet, mean sea level altitude) used for required operations;

(12) State the daily number of hours or minutes, or both, that the maximum ordinate altitudes are normally used in surface to surface firing operations;

(13) List the altitudes normally used for daily surface to surface firing operations;

(14) Include a chart of the area (of optional scale and design) showing—

(i) The location of firing points and impact areas, if any; and

(ii) The perimeter of the firing fan for each weapon used, if any; and

(15) Include a brief statement of any other pertinent facts concerning the current use of the restricted area and requirements for future use of the area or part of it.

(c) This section does not apply to restricted areas established for climb corridors.

[Revision note: Combines §§ 608.13 (1st 42 words) and 608.15]

NOTE: Present §§ 608.21–608.72 will be renumbered but not otherwise changed.

PART 75—DISTRIBUTION TABLE

Present section	Revised section	Present section	Revised section
608.1	(1)	608.11 (2d sentence)	75.15
608.2	75.1	608.11 (less 2d sentence)	75.11
608.3 (2d and 16th clauses)	75.5	608.12	75.13
608.3 (3d, 6th, and 28th clauses)	75.3	608.13 (1st 42 words)	75.19
608.3 (5th clause)	75.17	608.13 (less 1st 42 words)	75.15
608.3 (13th and 34th clauses)	75.15	608.14	75.17
608.3 (less 2d, 3d, 5th, 6th, 13th, 16th, 28th, and 34th clauses)	(2)	608.15	75.19
		608.21–608.72	(2)

[1] Note.
[2] Transferred to Part 1.
[3] Unchanged, except for renumbering.

PART 77—ESTABLISHMENT OF JET ROUTES [New]

Subpart A—General

Sec.
77.1 Applicability.
77.11 Jet routes.
77.13 High altitude navigational aids.
77.15 Jet advisory areas.
77.17 Bearings; radials; miles.

Subpart B—Jet Routes

[No change, except for renumbering]

Subpart C—Jet Advisory Areas

[No change, except for renumbering]

Subpart A—General

§ 77.1 Applicability.

The routes that are described in Subpart B of this part are designated as jet routes between high altitude navigational aids or intersections of their signals, along which aircraft may be operated at and above flight level 240. The areas described in Subpart C of this part are designated as jet advisory areas along specified jet route segments, VOR/VORTAC radials, bearings from L/MF navigational facilities, direct courses between high altitude navigational facilities, centerlines of control area extensions, or in the vicinity of specific geographical locations.

[Revision note: Based on § 602.1]

§ 77.11 Jet routes.

(a) Each jet route consists of a direct course for navigating aircraft at and above flight level 240 between the respective navigational aids and intersections specified for that route. They are designated in Subpart B.

(b) Jet routes designated in a west to east direction between their initial and final points are normally assigned even numbers, even though parts of such a route may deviate from that direction between any two or more intermediate points.

(c) Jet routes designated in a south to north direction between their initial and final points are normally assigned odd numbers, even though parts of such a route may deviate from that direction between any two or more intermediate points.

[Revision note: Combines §§ 602.2 (10th clause), 602.3, and 602.10]

§ 77.13 High altitude navigational aids.

The navigational facilities used in the jet route descriptions in Subpart B of this part, and the following, are high altitude navigational aids:

(a) Nantucket, Mass.—CONSOLAN.
(b) Newark, N.J.—RR.
(c) Wilmington (Carolina Beach), N.C.—RBN.
(d) Marathon, Fla.—RBN.
(e) Galveston, Tex.—RBN.
(f) Grand Isle, La.—RBN.
(g) Egmont Key, Fla.—RBN.
(h) Miami, Fla.—RBN.
(i) Pensacola, Fla.—RR.
(j) Millville, N.J.—RR.
(k) Boston, Mass.—RR.
(l) Squantum, Mass.—RBN.

[Revision note: Based on § 602.9]

§ 77.15 Jet advisory areas.

(a) Unless otherwise designated in Subpart C of this part, each jet advisory area consists of airspace within the continental control area, as designated in that subpart.

(b) En route radar jet advisory areas consist of areas within which jet advisory service is provided by using radar. Unless otherwise designated, each of them includes the area within 16 miles on each side of the jet route segment from flight level 240 through flight level 390, inclusive.

(c) Terminal radar jet advisory areas consist of areas in which jet advisory service is provided by using radar. Unless otherwise designated, each of them includes the area within 16 miles on each side of the jet route segment, VOR/VORTAC radials, bearings from L/MF navigational facilities, direct courses between navigational facilities, or centerlines of control area extensions from flight level 240 through flight level 390, inclusive.

(d) Unless otherwise designated, nonradar jet advisory areas consist of areas in which jet advisory service is provided on a procedural basis without the use of radar, from flight level 270 through flight level 310, inclusive, and from flight level 370 through flight level 390, inclusive.

(e) Jet advisory areas do not include the airspace within prohibited areas or restricted areas except those restricted areas specified in Subpart H of Part 73 of this chapter.

(f) Jet advisory areas that are based on jet routes are identified by the associated jet route number. Those based on jet route segments, VOR/VORTAC radials, bearings from L/MF navigational facilities, direct courses between navigational facilities, or centerlines of control area extensions, and those in the vicinity of geographical locations, are identified by geographical names.

[Revision note: Combines §§ 602.2 (9th clause), 602.50, and 602.60]

§ 77.17 Bearings; radials; miles.

(a) All bearings and radials in this Part are true from point of origin.

(b) Unless otherwise specified, all mileages in this part are stated as statute miles.

[Revision note: Based on § 602.2 (2d and 14th clauses)]

Subpart B—Jet Routes

[No change, except for renumbering]

Subpart C—Jet Advisory Areas

[No change, except for renumbering]

PART 77—DISTRIBUTION TABLE

Present section	Revised section	Present section	Revised section
602.1	77.1	602.3	77.11
602.2 (2d and 14th clauses)	77.17	602.9	77.13
602.2 (9th clause)	77.15	602.10	77.11
602.2 (10th clause)	77.11	602.50	77.15
602.2 (less 2d, 9th, 10th, and 14th clauses)	(1)	602.60	77.15
		602.100	(2)
		602.200–300	(2)

[1] Transferred to Part 1.
[2] No change, except for renumbering.

PART 79—NOTICE OF CONSTRUCTION OR ALTERATION AFFECTING NAVIGABLE AIRSPACE

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Subpart A—General

§ 79.1 Applicability.

This part:

(a) Sets forth the requirements for notice to the Administrator of certain proposed construction or alteration described in Subpart B of this part;

(b) Establishes standards for determining whether that proposed construction or alteration would be a hazard to air navigation;

(c) Provides for aeronautical studies of proposed construction or alteration that would exceed the standards in this part, to determine its effect on the safe flight of aircraft and the efficient use of airspace;

(d) Provides for public hearings on the hazardous effect of proposed construction or alteration on air navigation; and

(e) Provides for establishing antenna farm areas.

[Revision note: Based on § 626.1]

§ 79.3 Kinds of construction or alteration affected.

(a) This part applies to the following kinds of construction or alteration:

(1) Erecting any permanent or temporary construction or apparatus, including implements or materials used therein.

(2) Altering any permanent or temporary existing structure by a change in its height (including appurtances), or lateral dimensions, including implements or materials used therein.

(b) This part does not apply to any structure that was in existence on July 15, 1961, except with respect to a change in its height (including appurtenances), or lateral dimensions, after that date.

(c) The standards in this Part apply only in determining the effect that proposed construction or alteration would have on air navigation from an airspace utilization standpoint. They do not affect the standards in Parts ____ and ____ [Present Parts 609 and 610] of this chapter or in Technical Standard Order TSO–N18.

[Revision note: Combines §§ 626.2 (f), (h), (m), and (x), and 626.3]

Subpart B—Notice of Proposed Construction or Alteration

§ 79.11 Scope.

(a) This subpart requires each person proposing any kind of construction or alteration described in § 79.13 to give adequate notice to the Administrator. It specifies the locations and dimensions of the construction or alteration for which notice is required and prescribes the form and manner of the notice.

(b) The information in notices received under this subpart provides a basis for charting and other notification to airmen of new or altered construction or apparatus.

[Revision note: Based on § 626.8 (less last 18 words of (a) and less last sentence of (b))]

§ 79.13 Construction or alteration requiring notice.

Each person who proposes any of the following construction or alteration shall notify the Administrator in the form and manner prescribed in § 79.17—

(a) Any construction or alteration that would be more than 150 feet above the surface level of its site.

(b) Any construction or alteration within 15,000 feet of the boundary of an airport (except a heliport), that would extend above the airport elevation, or above the surface level of its site, whichever is higher, more than one foot vertically for each 100 feet (or fraction thereof) of the horizontal distance from the construction or alteration to the airport boundary.

(c) Any construction or alteration within 5,000 feet of the boundary of any heliport, that would extend above the heliport elevation, or above the surface level of its site, whichever is higher, more than three feet vertically for each 100 feet (or fraction thereof) of the horizontal distance from the construction or alteration to the heliport boundary.

(d) Any construction or alteration that would extend into an airport approach plane consisting of an imaginary surface extending from each end of any airport runway that is at least 2,000 feet long, longitudinally centered on the extended centerlines thereof, for 1,000 feet at the elevation of the approach end of the runway and then sloping upward at a ratio of 1 to 60, but not extending beyond any limit in paragraph (b) of this section or beyond 10,000 feet from the runway end, and having—

(1) In the case of an instrument approach runway or runway at least 5,000 feet long, a width of 1,000 feet at the end adjacent to the runway and expanding uniformly to a width of 4,000 feet at a distance of 10,000 feet from the end of the runway; and

(2) In the case of a non-instrument approach runway having a length of 2,000 feet or more up to, but not including, 5,000 feet, a width of 500 feet at the end adjacent to the runway and expanding uniformly to a width of 3,000 feet at a distance of 10,000 feet from the end of the runway.

(e) Any construction or alteration within 500 feet of the centerline of any runway.

(f) Any construction or alteration 500 feet or more from a runway centerline, if that construction or alteration would project above an inclined plane extending upward from the ground from a base line 500 feet either side of and parallel to each runway centerline, sloping upward and away from the runway at a ratio of one to seven to a height of 150 feet above the airport elevation.

(g) Any construction or alteration that would project above an inclined plane that extends upward and away from the outer edge of an airport approach plane (as described in paragraph (d) of this section) at a ratio of one to seven until it intersects the limits described in paragraph (b) of this section, but not more than a height of 150 feet above the airport elevation.

[Revision note: Based on § 626.9(a)]

§ 79.15 Construction or alteration not requiring notice.

No person is required to notify the Administrator as prescribed by § 79.17, for—

(a) Any construction or alteration that, when completed, would be shielded by—

(1) Existing construction of a permanent and substantial nature;

(2) Natural terrain; or

(3) Topographic features of equal or greater height; if as a result of that shielding, the proposed construction or alteration would not cause an increase in potential hazard to aircraft operations;

(b) Any antenna structure that, when completed, would not be more than 20 feet high and would be located on the ground or on an existing structure other than an antenna structure; or

(c) Any electronic facility the broadcast signal of which is used for navigational guidance by aircraft, any airport visual approach or landing aid, or any airport ceiling or visibility indicator device, the location and height of which would be fixed by its functional purpose.

In any case where there is doubt as to whether construction or alteration of the type described in paragraph (a) of this section would increase the potential hazard to aircraft, the sponsor of the construction or alteration shall notify the Administrator as prescribed in § 79.17.

[Revision note: based on § 626.9 (less (a))]

§ 79.17 Form and time of notice.

(a) Each person who is required to notify the Administrator under this subpart shall send three executed copies of Form FAA–117, "Notice of Proposed Construction or Alteration", to the Chief, Air Traffic Division, of the nearest regional office of the FAA, or to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C.

(b) The notice must be submitted at least 30 days before the earlier of the following dates:

(1) The date the proposed construction or alteration is to begin.

(2) The date an application for a construction permit is to be filed.

However, a notice relating to proposed construction or alteration that is subject to the licensing requirements of the Federal Communications Act may be sent to the FAA at the same time the application for construction is filed with the Federal Communications Commission.

(c) In the case of an emergency involving essential public services, public health, or public safety, that requires immediate construction or alteration, the 30-day requirement in paragraph (b) of this section does not apply and the notice may be sent by telephone, telegraph, or other expeditious means, with an executed Form FAA–117 submitted within 5 days thereafter.

[Revision note: Based on § 626.10]

§ 79.19 Acknowledgment of notice.

(a) The FAA acknowledges receipt of each notice submitted under § 79.13.

(b) If the construction or alteration proposed in a notice does not violate the standards in Subpart C of this part, the acknowledgment contains a statement to that effect and a request that the acknowledging office be notified when the construction or alteration reaches the minimum height requiring notice under § 79.13.

(c) If the construction or alteration proposed in a notice violates the standards in Subpart C of this part, the acknowledgment advises the sponsor—

(1) That the construction or alteration at the location and to the height specified in the notice, would violate those standards, and a preliminary determination has been made that it would be a hazard to air navigation;

(2) Of any possible modifications of the construction or alteration that would eliminate the violation;

(3) That he may request the FAA, within 30 days after the date of acknowledgment, to make an aeronautical study of the proposal or an amended proposal, and that the preliminary determination of a hazard would expire at the beginning of the study; and

(4) That the preliminary determination of hazard becomes final unless the FAA receives a request for an aeronautical study within 30 days after the date of acknowledgment or an aeronautical study is initiated within 60 days after that date.

[Revision note: Based on § 626.11]

Subpart C—Standards for Determining Hazards to Air Navigation

§ 79.21 Scope.

(a) This subpart establishes standards for evaluating the effect on air navigation of any proposed construction or alteration for which a notice has been sent to the Administrator under Subpart B of this part.

(b) The standards in this subpart are applied to establish which proposed construction or alteration requiring notice would result in a hazard to air navigation unless, upon an aeronautical study under this part, it is determined that it would not be a hazard.

[Revision note: Based on § 626.8 (last 18 words of (a) and last sentence of (b))]

§ 79.23 Standards for determining hazards.

(a) Unless, based upon an aeronautical study under this part, it is determined that it would not be a hazard, or unless it is entirely within an antenna farm area established under Subpart E of this part, any proposed construction or alteration for which a notice has been submitted under § 79.17 and that would extend above a height set forth in any of the following subparagraphs, may ultimately be considered to be a hazard to air navigation:

(1) An elevation of 500 feet above ground at the site of the construction or alteration.

(2) An elevation of 200 feet above ground at the site of the construction or alteration and within a control zone or within five miles of either side of the centerline of a low altitude Federal airway or a VFR flyway that is an established air route, depicted on aeronautical charts, along a valley, river, highway, railroad, shoreline, or other visually identifiable path over the ground, used for pilotage under weather conditions suitable for flight under Visual Flight Rules.

(3) An elevation, at the site of the construction or alteration, that is 951 feet below the minimum en route altitude of an approved off-airway, route, or 200 feet above ground, whichever is higher, if the construction or alteration is within five miles of either side of that route.

(4) An elevation above mean sea level, at the site of the construction or alteration, that is on a slope ratio of 1 to 50 extending upward from 500 feet below the minimum en route altitude of any Low Altitude Federal airway or approved off-airway route, beginning at a point 5 miles from and perpendicular to the centerline of that airway or the course of that route, if the construction or alteration would be more than five, but not more than 10, miles from that centerline or course and a perpendicular line from that centerline or course on which the construction or alteration lies intersects the centerline or course not more than 25 miles from the nearest electronic air navigation aid upon which that airway or route is based.

(5) An elevation above mean sea level, at the site of the construction or alteration, that is 500 feet below the minimum en route altitude for any Low Altitude Federal airway or approved off-airway route, if the construction or alteration would be more than five, but not more than 10, miles perpendicular distance from the centerline of that airway or the course of that route and more than 25 miles from the nearest electronic air navigation aid upon which the airway or route is based, measured as prescribed in subparagraph (4) of this paragraph.

(6) Any airport or heliport imaginary surface as established under § 79.25, § 79.27, or § 79.29.

(b) The standards in this section apply to the effect of proposals for construction or alteration upon any electronic facility whose broadcast signal is used for navigational guidance by aircraft, airports, Low Altitude Federal airways, standard instrument approach procedures, approved off-airway routes, or control zones, and changes in any of them, that are not in existence at the time of filing the notice required by Subpart B of this part, but only if plans or proposals for such a facility or change are on file with the FAA on the date the notice is filed. Minimum obstruction clearance altitudes are considered in place of minimum en route altitudes in applying these standards to construction or alteration proposals whenever planning information available at the time of the notice indicates a need to lower the minimum en route altitude of a segment of a Federal airway, and that need may be filled by an additional VOR, distance measuring equipment, or other electronic air navigation aid.

(c) In any case in which more than one of the standards in this section would apply, the most restrictive one is applied.

[Revision note: Combines §§ 626.12 and 626.75(a) (last sentence)]

§ 79.25 Airport imaginary surfaces, except runways and heliports.

The following airport imaginary surfaces are established for airports based on the length of the longest runway:

(a) Inner horizontal surface—a circular plane, 150 feet above the established elevation of the airport having a radius from an airport reference point selected or approved by the FAA as its approximate center—

(1) 2½ miles (13,200 feet)—for runways at least 5,000 feet long;

(2) 1½ miles (7,920 feet)—for runways at least 2,000, but less than 5,000 feet long; or

(3) One mile (5,280 feet)—for runways less than 2,000 feet long.

(b) Conical surface—a surface extending from the periphery of the inner horizontal surface upward and outward at a—

(1) Slope ratio of 1 to 40 for a horizontal distance of 14,000 feet—for runways at least 5,000 feet long;

(2) Slope ratio of 1 to 30 for a horizontal distance of 10,500 feet—for runways at least 2,000, but less than 5,000, feet long; or

(3) Slope ratio of 1 to 20 for a horizontal distance of 7,000 feet—for runways less than 2,000 feet long.

(c) Outer horizontal surface—a circular plane, 500 feet above the established airport elevation extending outward from the periphery of the conical surface—

(1) 25,600 feet—for runways at least 5,000 feet long; or

(2) 7,980 feet—for runways at least 2,000, but less than 5,000 feet long.

[Revision note: based on § 626.13(a)]

§ 79.27 Airport imaginary surfaces: Runways.

The following airport imaginary surfaces are established for runways:

(a) Instrument approach area surface—a plane longitudinally centered on the extended runway centerline beginning at the end of the runway and ex-

tending 500 feet outward at the elevation of the approach end of the runway and then sloping upward at a ratio of 1 to 50 to an altitude of 500 feet above the established airport elevation, then constant to the outer end of the plane; being 1,000 feet wide at the end adjacent to the runway and expanding uniformly to a width of 16,000 feet at a distance of 50,000 feet from the end of the runway (and, in the case of a runway for which an instrument approach with straight-in landing minimums are prescribed, having an instrument approach area surface at each end).

(b) Non-instrument approach area surface—a plane longitudinally centered on the extended runway centerline, the runway having (in the case of one for which no instrument approach with straight-in landing minimums are prescribed) a non-instrument approach area surface at each end as follows:

(1) For runways at least 5,000 feet long—beginning at the end of the runway and extending 500 feet outward at the elevation of the approach end of the runway and then sloping upward at a ratio of 1 to 50, being 1,000 feet wide at the beginning and expanding uniformly to a width of 4,000 feet at the outer extremity, 10,000 feet from the end of the runway.

(2) For runways at least 2,000, but less than 5,000, feet long—beginning at the end of the runway and extending 500 feet outward at the elevation of the approach end of the runway and then sloping upward at a ratio of 1 to 40, being 500 feet wide at the beginning and expanding uniformly to a width of 3,000 feet at the outer extremity, 10,000 feet from the end of the runway.

(3) For runways less than 2,000 feet long—beginning at the end of the runway, at the elevation of the approach end of the runway and sloping upward at a ratio of 1 to 20, being 250 feet wide at the beginning and expanding uniformly to a width of 2,000 feet at the outer extremity, 10,000 feet from the end of the runway.

(c) Transitional surface—an inclined plane sloping upward and away from each side of each runway and its associated approach area surfaces, at a ratio of 1 to 7 to a height of 150 feet above the airport elevation, and with—

(1) The edge of the approach area surface as a base line for the transitional surface of the approach area surface;

(2) For the length of the runway, the base of the transitional surface parallel to and at the elevation of the runway; and

(3) The distance of the runway transitional surface base line from the runway centerline as follows:

(i) 500 feet—for runways at least 5,000 feet long and for instrument approach runways.

(ii) 250 feet—for runways at least 2,000, but less than 5,000, feet long.

(iii) 125 feet—for runways less than 2,000 feet long.

[Revision note: Based on § 626.13(b)]

§ 79.29 Heliport imaginary surfaces.

A heliport conical surface is a surface sloping upward and outward to an altitude of 500 feet above the established heliport elevation at a ratio of 1 to 8, beginning at the heliport elevation on the perimeter of a circle or circles of 200-foot radius centered on each helipad.

[Revision note: Based on § 626.13 (less (a) and (b))]

Subpart D—Aeronautical Studies of Effect of Proposed Construction on Navigable Airspace

§ 79.31 Scope.

(a) This subpart establishes procedures to be applied in initiating and processing informal aeronautical studies of the effect of proposed construction or alteration on the use of navigable airspace by aircraft.

(b) Whenever a study is made under this subpart, its conclusion is normally a determination as to whether the specific proposal being studied would be a hazard to air navigation.

[Revision note: Based on § 626.30]

§ 79.33 Initiation of studies.

Aeronautical studies of the effect, on the use of navigable airspace, of proposed construction or alterations to heights that would exceed the standards set forth in Subpart C of this part are initiated by the FAA—

(a) Upon the request of the sponsor of any construction or alteration for which a notice was submitted under Subpart B of this part; or

(b) Whenever it is otherwise considered appropriate.

[Revision note: Based on § 626.31]

§ 79.35 Regional office procedures for aeronautical studies.

(a) Whenever an aeronautical study is initiated under this subpart, the Chief of the Air Traffic Division of the Region in which the construction or alteration is proposed informally notifies the sponsor of the construction or alteration and all other known interested persons, by informal circularization, that an informal study is to be made, including enough details of the proposal to provide a basis for the study, such as location by geographical coordinates, height above ground, and height above mean sea level. Aeronautical comments on the proposal are solicited.

(b) If the Chief of the Air Traffic Division concerned finds that there is no substantial aeronautical objection to the proposal in comments he receives, or from the analysis made by that division, he notifies the sponsor, in writing, that the proposal would not result in a hazard to air navigation, and sends a copy of the notice to each other interested person. If the proposed construction or alteration is to be used for or in connection with communications, he sends a copy of the letter to the Secretary of the Federal Communications Commission.

(c) If the Chief of the Air Traffic Division concerned finds that there is substantial aeronautical objection to the proposal in comments he receives, or from the analysis made by that Division, he sends a written notice to all interested persons, including the sponsor, of an informal meeting, to be held in the Regional Office, at which the aeronautical study will be discussed. In addition to evaluating the effects of the proposed construction or alteration on air navigation, the purposes of such a meeting are to explore aeronautical objections to the proposal, attempt to develop recommendations for adjustment of aviation requirements that would accommodate the proposed construction or alteration, and examine possible changes in the proposal, including revisions that would eliminate the violation of the standards in Subpart C of this part.

(d) Any interested person may attend the meeting in person or be represented by an attorney or other person, and may introduce at the meeting any material, oral presentation, or written statements that are pertinent to the study. A designated FAA representative presides at the meeting.

(e) The Chief of the Air Traffic Division concerned has a summary report made of the informal meeting and recommends conclusions on the effect of the proposed construction or alteration on the use of navigable airspace. He sends the report and copies of all pertinent written material and statements received as a result of the circular and meeting to the Obstruction Evaluation Branch of the Airspace Utilization Division for its review.

[Revision note: Based on § 626.32]

§ 79.37 Headquarters review and issue of determination.

(a) Based on its review and analysis of the report made under § 79.35, the Obstruction Evaluation Branch evaluates each construction or alteration proposal as to its effect on the safe and efficient use of airspace by aircraft. The Chief of that Branch issues a determination as to whether it would be a hazard to air navigation, including appropriate findings. He sends copies of the determination to the sponsor of the construction or alteration and each other interested person (including the Secretary of the Federal Communications Commission, if appropriate), and publishes it in the FEDERAL REGISTER.

(b) A determination made under this section is final unless an appeal from it is granted under § 79.39.

[Revision note: Based on § 626.33]

§ 79.39 Petitions for public hearing.

(a) The sponsor of any proposed construction or alteration, or any person who stated a substantial aeronautical objection to it in the study made under § 79.35 may petition the Administrator, within 30 days after the date the determination is issued under § 79.39, for a public hearing to obtain a formal decision of the Administrator on the matter.

(b) The petition must be in triplicate and must contain a full statement of the basis for it.

(c) The Administrator determines whether there is adequate grounds for the substance of the petition and grants or denies a hearing on that basis.

[Revision note: Based on § 626.34]

§ 79.41 Effective period of determination of no hazard.

(a) Unless it is otherwise revised or terminated, each final determination, made under this subpart or subpart E of this part, that proposed construction or alteration would not be a hazard to air navigation, expires 18 months after its effective date or upon the date the proposed construction or alteration is abandoned, whichever is earlier.

(b) In any case where the proposed construction or alteration has not been started during the 18-month period any interested person may petition the Administrator to—

(1) Revise the final determination based on new facts that alter the basis upon which the determination was made; or

(2) Extend the effective period of the determination.

(c) The Administrator provides an appropriate review for each petition and the facts upon which it is based, and revises, extends, or reaffirms the determination as indicated by his findings.

[Revision note: Based on § 626.35]

Subpart E—Rules of Practice for Hearings Under Subpart D

§ 79.51 Scope.

This subpart applies to hearings held by the FAA under Titles III and X of the Federal Aviation Act of 1958 (49 U.S.C. Subchapters III and X), on proposed construction or alteration that affects the use of navigable airspace.

[Revision note: Based on § 626.50]

§ 79.53 Nature of hearing.

Sections 4, 5, 7 and 8 of the Administrative Procedure Act (5 U.S.C. 1003, 1004, 1006 and 1007) do not apply to hearings held on proposed construction or alteration to determine its effect on the safety of aircraft and the efficient use of navigable airspace because those hearings are fact-finding in nature. As a fact-finding procedure, each hearing is non-adversary and there are no formal pleadings or issues and no adverse parties.

[Revision note: Based on § 626.51]

§ 79.55 Presiding officer.

(a) If, under § 79.39, the Administrator orders a public hearing to be held on any proposed construction or alteration covered by this part, the Director of the Air Traffic Service designates an employee of the FAA to be the Presiding Officer at that hearing.

(b) The Presiding Officer may—

(1) Give notice of the date and location of the hearing and any pre-hearing conference that may be held;

(2) Administer oaths and affirmations;

(3) Examine witnesses;

(4) Issue subpoenas and take depositions or have them taken;

(5) Obtain, in the form of a public record, all pertinent and relevant facts relating to the subject matter of the hearing;

(6) Rule, with the assistance of the Legal Officer, upon the admissibility of evidence;

(7) Regulate the course and conduct of the hearing; and

(8) Designate parties to the hearing and revoke those designations.

[Revision note: Based on § 626.52]

§ 79.57 Legal officer.

The General Counsel designates a member of his staff to serve as Legal Officer at each hearing under this subpart. The Legal Officer may examine witnesses and assist and advise the Presiding Officer on questions of evidence or other legal questions arising during the hearing.

[Revision note: Based on § 626.53]

§ 79.59 Notice of hearing.

In designating a time and place for a hearing under this subpart, the Presiding Officer considers the needs of the FAA and the convenience of the parties and witnesses. The time and place of each hearing is published in the "Notices" section of the FEDERAL REGISTER before the date of the hearing, unless the notice is impractical or unnecessary.

[Revision note: Based on § 626.54]

§ 79.61 Parties to the hearing.

The Presiding Officer shall designate the following as parties to the hearing:

(a) The proponent of the proposed construction or alteration.

(b) Those persons whose activities would be substantially affected by the proposed construction or alteration.

[Revision note: Based on § 626.55]

§ 79.63 Prehearing conference.

(a) The Presiding Officer may, in his discretion, hold a prehearing conference with the parties to the hearing and the Legal Officer at a convenient time and place.

(b) Each party to a prehearing conference shall, at least 24 hours before the conference, submit a brief written statement of the evidence he intends to provide through his witnesses and by questioning other witnesses at the hearing, and shall provide enough copies of the statement so that the Presiding Officer may keep three for the FAA and give one to each other party.

(c) At the prehearing conference, the Presiding Officer reduces and simplifies each issue so far as possible and advises the parties of the probable order of presenting the evidence.

[Revision note: Based on § 626.56]

§ 79.65 Examination of witnesses.

(a) Each witness at a hearing under this subpart shall, after being sworn by the Presiding Officer, give his testimony under oath.

(b) The party for whom a witness, other than an employee of the FAA, is testifying shall examine that witness. After that examination, other parties to the hearing may examine the witness, in order fixed by the Presiding Officer. The Presiding Officer and the Legal Officer may then examine the witness. The Presiding Officer may grant any party an additional opportunity to examine any witness, if that party adequately justifies the additional examination.

(c) The Legal Officer examines each FAA employee who is a witness, before the other parties examine him. After that examination, the order prescribed in paragraph (b) of this section applies.

[Revision note: Based on § 626.57]

§ 79.67 Evidence.

(a) The Presiding Officer receives all testimony and exhibits that are relevant to the issues of the hearing. So far as possible, each party shall submit enough copies of his exhibits that the Presiding Officer may keep three copies for the FAA and give one to each other party.

(b) The Presiding Officer excludes any testimony that is irrelevant or unduly repetitious. A party to the hearing may object to the admission of evidence only on the ground that it is irrelevant.

[Revision note: Based on § 626.58]

§ 79.69 Subpoenas of witnesses and exhibits.

(a) The Presiding Officer of a hearing may issue subpoenas for any witness or exhibit that he determines may be material and relevant to the issues of the hearing. So far as possible, each party to the hearing shall provide the witnesses and exhibits that he intends to present at the hearing.

(b) If any party to the hearing is unable to provide his necessary witnesses and exhibits, he shall advise the Presiding Officer far enough in advance that the Presiding Officer can determine whether he should issue subpoenas for the desired witnesses or exhibits.

[Revision note: Based on § 626.59]

§ 79.71 Revision of construction or alteration proposal.

(a) The sponsor of any proposed construction or alteration covered by this part may revise his proposal at any time before or during the hearing. If he revises it, the Presiding Officer decides whether the revision affects the proposal to the extent that he should send it to the Administrator for a redetermination of the need for a hearing.

(b) If the Presiding Officer decides that it does not need to be re-submitted to the Administrator, he advises the parties of the revised proposal and takes the action necessary to allow all parties to effectively participate in the hearing on the revised proposal. Without limiting his discretion, the Presiding Officer may recess and reconvene the hearing, or hold another prehearing conference.

[Revision note: Based on § 626.60]

§ 79.73 Record of hearing.

(a) Each hearing is recorded verbatim by an official reporter under an FAA contract. The transcript, and all exhibits, become a part of the record of the hearing.

(b) Any person may buy a copy of the transcript of the hearing from the reporter at the price fixed for it.

(c) The Presiding Officer may allow any party to withdraw an original document if he submits authenticated copies of it.

(d) Any person may buy, from the FAA, photostatic copies of any exhibit by paying the copying costs.

(e) A change in the official transcript of a hearing may be made only if it involves an error of substance. Any recommendation to correct the transcript must be filed with the Presiding Officer within five days after the hearing closes. The Presiding Officer reviews each request for a correction to the extent he considers appropriate as a result of that review.

[Revision note: Based on § 626.61]

§ 79.75 Recommendations by parties.

Within 20 days after a hearing closes, each party to it, or any other interested person, may submit five copies of his recommendations for a final decision to be made by the Administrator.

[Revision note: Based on § 626.62]

§ 79.77 Final decision of the Administrator.

After reviewing the evidence relevant to the issues of a hearing, including the official transcript and the exhibits, the Administrator resolves all questions of fact, based on the weight of evidence, and makes his determination, stating the basis and reasons for it. He then issues an appropriate order to be published in the FEDERAL REGISTER and served on each of the parties.

[Revision note: Based on § 626.63]

§ 79.79 Limitations on appearance and representation.

(a) A former officer or employee of the FAA may not appear on behalf of, or represent, any party before the FAA in connection with any matter to which this part applies, if he considered or passed on that matter while he was an officer or employee of the FAA.

(b) A person appearing before the FAA on any matter to which this part applies may not, in connection with that appearance, knowingly accept assistance from, or share fees with, any person who is prohibited, by paragraph (a) of this section, from appearing himself on that matter.

(c) A former officer or employee of the FAA may not, within six months after he ceases to be such an officer or employee, appear before the FAA on behalf of, or represent, any party in connection with any proceeding that was pending under this part while he was an officer or employee of the FAA, unless he obtains written consent from an appropriate officer of the FAA, based on a verified showing that he did not personally consider the matter concerned or gain particular knowledge of it while he was an officer or employee of the FAA.

[Revision note: Based on § 626.64]

Subpart F—Establishment of Antenna Farm Areas

§ 79.81 Scope.

(a) This subpart establishes antenna farm areas in which antenna structures may be grouped to localize their effect on the use of navigable airspace.

(b) It is the policy of the FAA to encourage the use of antenna farms and the single structure-multiple antenna concept for radio and television towers whenever possible. In considering proposals for establishing antenna farm areas, it considers as far as possible the revision of aeronautical procedures and operations to accommodate antenna structures that will fulfill broadcasting requirements.

[Revision note: Based on § 626.75 (less last sentence of (a))]

§ 79.83 General provisions.

(a) An antenna farm area consists of a specified geographic location with established dimensions of area and height, where antenna towers with a common impact on aviation may be grouped.

(b) Each proposal for an antenna farm area is evaluated on the basis of its effect on the use of navigable airspace. The views of the Federal Communications Commission are requested on the effect that each establishment of an antenna farm area would have on its statutory responsibilities. Any views submitted by it are fully considered before the antenna farm concerned is established. If the Commission advises that the establishment of any proposed antenna farm area would interfere with its statutory responsibility, the proposed area is not established.

(c) The establishment of an antenna farm area is considered whenever it is proposed by—

(1) The FAA;

(2) The Federal Communications Commission;

(3) The sponsor of a proposed antenna tower; or

(4) Any person having a substantial interest in a proposed antenna tower.

[Revision note: Based on § 626.76]

§ 79.85 Establishment of antenna farm areas.

The airspace areas described in the following sections of this subpart are established as antenna farm areas.

[Revision note: Based on § 626.77]

NOTE: §§ 79.87–79.1100 reserved for descriptions of antenna farm areas.

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[1] Transferred to Part 1.

[F.R. Doc. 62-6437; Filed, July 2, 1962; 8:45 a.m.]

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Agriculture

Effective upon publication in the FEDERAL REGISTER, subparagraph (5) is added to paragraph (f) of § 6.111 as set out below.

§ 6.111 Department of Agriculture.

• • • • •

(f) *Farmers Home Administration.* • • •

(5) Until December 31, 1962, two positions of Insured Loan Representative.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-6530; Filed, July 3, 1962; 8:56 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Justice

Effective upon publication in the FEDERAL REGISTER, subparagraph (7) is added to paragraph (b) of § 6.308 as set out below.

§ 6.308 Department of Justice.

• • • • •

(b) *Office of the Deputy Attorney General.* • • •

(7) One Executive Assistant to the Deputy Attorney General.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

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PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Peace Corps

Effective upon publication in the FEDERAL REGISTER, paragraphs (a) and (l) of § 6.368 are revoked, and paragraph (s) is added as set out below.

§ 6.368 Peace Corps.

• • • • •

(s) One Special Assistant to the Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

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PART 25—FEDERAL EMPLOYEES PAY REGULATIONS

Step Increases

1. For the purpose of clarification, the definition of "calendar week" in § 25.152 (a) is amended effective November 9, 1961. The word "calendar" is added between "78" and "weeks" in the first sentence in the same section, effective upon publication in the FEDERAL REGISTER. As amended, § 25.152(a) reads as set forth below.

§ 25.152 Schedule waiting period.

(a) For full-time and nonfull-time employees with a prearranged regularly scheduled tour of duty, the waiting period for a schedule step increase (hereinafter called "schedule waiting period") is the 52 or 78 calendar weeks of creditable service as prescribed in the Act and these regulations. For nonfull-time employees with no prearranged regularly scheduled tour of duty, the waiting period shall be 260 days in a pay status over a period of not less than 52 calendar weeks, or 390 days in a pay status over a period of not less than 78 calendar weeks. For purposes of this section, a calendar week is a period of any seven calendar days.

2. Effective upon publication in the FEDERAL REGISTER, paragraph (f) is added to § 25.173 as set out below.

§ 25.173 Creditable service—longevity waiting period.

• • • • •

(f) A period of creditable service in excess of one or two completed longevity waiting periods shall be credited toward completion of the employee's next longevity waiting period.

(Sec. 1101, 63 Stat. 971; 5 U.S.C. 1072)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-6533; Filed, July 3, 1962; 8:56 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 464—TOBACCO

Subpart—Tobacco Loan Program

Statement with respect to the tobacco price support loan program formulated by Commodity Credit Corporation and Agricultural Stabilization and Conservation Service (hereinafter referred to respectively as "CCC" and "ASCS"). Due to certain operational changes in the tobacco loan program, § 464.1201 et seq. of this part are hereby revised.

Sec.
464.1201 Administration.
464.1202 Availability of price support.
464.1203 Level of price support.
464.1204 Deductions from advances.
464.1205 Interest rate and general provisions.
464.1206 Adjustment of interest and disposition of overplus.
464.1207 Maturity date.
464.1208 Eligible producer.
464.1209 Eligible tobacco.
464.1210 Auction warehouse certification of flue-cured tobacco.
464.1211 Special provisions applicable only to 1962 crop flue-cured tobacco.

AUTHORITY: §§ 464.1201 to 464.1211 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054; 74 Stat. 6; 15 U.S.C. 714c, 7 U.S.C. 1441, 1445, 1421, 1423; sec. 125, 70 Stat. 198, 7 U.S.C. 1813.

§ 464.1201 Administration.

(a) This program will be administered by the Tobacco Division, ASCS, under the general direction and supervision of the Executive Vice President, CCC. The program will be carried out in the field by producer associations (hereinafter referred to as "associations") acting for groups of producers. To obtain a loan, an association must enter into a loan agreement with CCC, which agreement will set forth terms and conditions prescribed by CCC. CCC reserves the right to restrict the number of associations with which it will contract, and in so doing will select such associations as it deems necessary or desirable to effectuate the purposes of this program with a maximum of efficiency and economy of operation. The names of such associations may be obtained from the Tobacco Division, ASCS, United States Department of Agriculture, Washington 25, D.C.

(b) Each year CCC will make loans to associations upon the security of eligible tobacco, and the associations in turn will make price support advances to eligible producers either directly or through auction warehouses. Loans made to associations will include not only the initial loan value of the tobacco, but also amounts to cover costs of receiving, processing, storing, and selling tobacco pledged as security for the loan, including that part of overhead costs not borne by the association pursuant to § 464.1204. Associations will be authorized to enter into contracts for these services through the usual trade channels.

§ 464.1202 Availability of price support.

(a) Price support will be available for any crop of each of the following kinds of tobacco, if producers have not disapproved marketing quotas for such crop:

Flue-cured tobacco, types 11, 12, 13, and 14.
Kentucky-Tennessee fire-cured tobacco, types 22 and 23.
Virginia fire-cured tobacco, type 21.
Virginia sun-cured tobacco, type 37.
Dark air-cured tobacco, types 35 and 36.
Burley tobacco, type 31.
Maryland tobacco, type 32.
Cigar filler tobacco, type 41.
Cigar filler and binder tobacco, types 42, 43, 44, 53, 54, and 55.
Puerto Rican tobacco, type 46.
Cigar binder tobacco, types 51 and 52.

(b) No price support will be available with respect to any kind of tobacco for any year for which marketing quotas have been disapproved by growers.

(c) Price support to eligible producers will be made available on eligible tobacco in the following manner:

(1) *Auction market area.* (i) In the areas where tobacco is marketed through auction markets, price support will be extended through auction warehouses which have contracted with the association, on a form of agreement approved by CCC, to make price support advances to producers on behalf of the association. Producers will deliver their tobacco to auction warehouses to be displayed and offered for sale at auction. The association contract with auction warehouses will require the auction warehouses to see that producers are informed that price support advances are available and to make price support advances to eligible producers on eligible tobacco. Producers will generally receive the price support advances from the warehouseman for any tobacco to be consigned to the association at the time the warehouseman settles with the producer for the entire quantity of the producer's tobacco that has been displayed for inspection and offered for sale on any one day's auction market. The warehouseman will in turn be reimbursed by the association with funds borrowed from CCC.

(ii) Price support will be available only at warehouses where tobacco inspection service is provided by the Agricultural Marketing Service, U.S.D.A. Inspection and price support services may be extended to new markets or to additional sales on established markets in accordance with this part and Subpart A of 7 CFR Part 29. These regulations provide that such additional services may be extended only after a formal public hearing establishes the need for the services and the adequacy of the buying power that will participate.

(iii) CCC reserves the right to direct the association to withhold a contract under the price support program from any auction warehouse for one or more years if, based on previous performance of similar contracts, or other evidence, there is substantial reason to expect that such warehouse will not fulfill the contract obligations.

(iv) In the case of flue-cured tobacco, price support will be available through auction warehouses in the States of Georgia and Florida only if such tobacco is in untied form.

(2) *Non-auction market area.* Eligible producers in non-auction market areas will deliver eligible tobacco to central receiving points designated by the appropriate association. After the tobacco has been graded by U.S.D.A. inspectors, the producer will receive the advance directly from the association for any tobacco to be pledged as security for loans.

(3) *Period of price support.* Price support will be available to eligible producers on eligible tobacco only during each year's normal marketing season for each kind of tobacco for which support is provided.

§ 464.1203 Level of price support.

The level of price support to eligible producers shall be as required by statute. For each crop of any kind of tobacco the level of price support shall be determined by multiplying the support level of the 1959 crop or, if marketing quotas were disapproved for the 1959 crop, the level at which the 1959 crop would have been supported if marketing quotas had been in effect, by the ratio of (a) the average index of prices paid by farmers, as defined in section 301(a)(1)(C) of the Agricultural Adjustment Act of 1938, for the three calendar years immediately preceding the calendar year in which the marketing year begins for the crop for which the support level is being determined to (b) the average index of such prices paid by farmers for the 1959 calendar year. Generally, the price support level for each kind of tobacco will be announced soon after the beginning of each calendar year. Schedules of loan rates, by types and grades for each kind of tobacco will be announced as supplements to this statement before the opening of the markets. Flue-cured tobacco of varieties Coker 139, Coker 140, and Dixie Bright 244, or a mixture or strain of such seed varieties or any breeding line of flue-cured tobacco seed varieties, including, but not limited to, 187-Golden Wilt (also designated by such names as No-Name, XYZ, Mortgage Lifter, Super XYZ), having the quality and chemical characteristics of the seed varieties designated as Coker 139, Coker 140, or Dixie Bright 244 will be supported at one-half the support rate for comparable grades of acceptable varieties.

§ 464.1204 Deductions from advances.

(a) The associations will be required to bear a portion of the overhead costs in connection with the loan operation. For this purpose, the associations in the auction marketing areas may charge the producer a fee of 12 cents per hundred pounds and may make such other charges as may be authorized or approved by CCC. Such charges may be collected by a deduction from the advance made to the producer on his tobacco or by arrangements with the auction warehousemen under which they will collect such charges and remit to the associations. In the nonauction market areas, the fee will be established at a rate commensurate with the services performed by the associations.

(b) If any producer on a farm is indebted to the United States and such indebtedness is listed on the county debt register, the Government will effect collection of the amount of the indebtedness by set-off from the amount of price support advance due the producer in the following manner: Any within-quota marketing card issued for such farm in accordance with the applicable regulations issued by the Secretary of Agriculture with respect to marketing quotas will bear the notation "Indebted to U.S." on the front cover thereof and on the county office copy of each memorandum of sale, and the name of the debtor and the amount of the indebtedness will be shown on the inside back cover of the marketing card. The acceptance and use of a within-quota marketing card bearing a notation and information of indebtedness to the United States by the producer named as debtor on such card will constitute an authorization by such producer to any tobacco warehouseman or association to pay to the United States the price support advance due the producer to the extent of his indebtedness set forth on such card but not to exceed that portion of the price support advance remaining after deduction of usual warehouse and authorized price support charges and amounts due prior lienholders. The acceptance and use of a within-quota marketing card bearing a notation and information of indebtedness to the United States will not constitute a waiver of any right of the producer to contest the validity of such indebtedness by appropriate administrative appeal or legal action. Under the marketing quota regulations issued by the Secretary, if the produced named as debtor on the card objects to the issuance, or after issuance to the use, of a within-quota marketing card bearing the notation and information of indebtedness to the United States thereon, he may elect to receive an excess marketing card showing "zero percent" penalty, in which event the producer will be ineligible for price support advances.

§ 464.1205 Interest rate and general provisions.

The loans made to the associations will bear interest at the rate announced by CCC for each crop year and will be nonrecourse both as to principal and interest except in the case of misrepresentation, fraud, or failure to carry out the terms of the loan contract. Tobacco loses its identity as to original ownership through commingling in the packing process, and individual producers may not redeem their tobacco once it has been pledged for loan. Associations will sell the loan tobacco as provided in the loan agreements, and all proceeds of sales of the loan collateral of each crop year will be applied to the loan account for such crop year until the loan is repaid in full.

§ 464.1206 Adjustment of interest and disposition of overplus.

The loan agreement between CCC and any association may include provisions under which CCC will adjust the interest rate as outlined in paragraph (c) of this section and the association will apply, as directed by CCC, one-half of the "overplus" from any crop year loan to the indebtedness on other crop year loans. This arrangement will be available only to those associations which include under the arrangement all CCC loans outstanding at the time the arrangement is made.

(a) *Definition of overplus.* "Overplus" is the balance remaining from the sales proceeds of the loan tobacco, after deducting (1) the amount of the loan, plus all handling charges and operating costs, and interest; and (2) any amount due CCC under a barter transfer agreement entered into between CCC and the association.

(b) *Disposition of overplus.* For those associations which agree to apply one-half of the overplus to other crop year loans, the remaining one-half of the overplus shall constitute "net gains", and for those associations which do not agree to apply one-half of the overplus to other crop year loans, the entire overplus shall constitute "net gains". Net gains shall be distributed in cash by the associations to the producers who placed the tobacco under loan unless other disposition is approved by CCC.

(c) *Adjustment of interest rate.* In consideration of any association's agreement to apply to the CCC loan indebtedness of other crop years one-half of the overplus from any crop year loan, the interest rate on such crop year loan shall be adjusted annually, as of the beginning of each subsequent marketing year (July 1 for flue-cured tobacco loans and October 1 for loans on other kinds of tobacco) to the rate established by CCC as applicable to price support loans on the current crops, minus one percent per annum: *Provided*, That if such adjusted interest rate is determined by CCC to be less than the average rate of interest applicable to CCC's borrowings from the Treasury, the amount of interest accrued at such adjusted interest rate shall be increased at the end of the marketing year or at the time of final repayment of the loan to the amount which would have accrued at the average interest rate applicable to CCC's borrowings from the Treasury, but not exceeding the rate of interest established by CCC as applicable to the current crop year loans.

§ 464.1207 Maturity date.

Loans made under the program will mature on demand.

§ 464.1208 Eligible producer.

(a) An eligible producer is one for whom a within-quota marketing card has been issued under the applicable regulations issued by the Secretary of Agriculture with respect to tobacco marketing quotas for the applicable marketing year. (In general, the marketing quota regulations provide for the issuance of a within-quota marketing card where the tobacco acreage harvested for each kind of tobacco produced on the farm is not in excess of the applicable acreage allotment established under the marketing quota program for such farm, except that a within-quota marketing card is not issued where the planted acreage of any kind of tobacco exceeds the farm acreage allotment established therefor unless a request for disposition of the excess acreage is filed promptly.) In the case of flue-cured tobacco, two types of within-quota marketing cards will be used: a "white" within-quota marketing card will signify that the tobacco produced on the farm for which such marketing card was issued is eligible for full price support, and a "blue" within-quota Limited Support marketing card will signify that the tobacco produced on the farm for which such card was issued is eligible for price support on a grade basis at one-half the regular price support rate. The regulations further provide for collection of indebtedness to the United States as set out in § 464.1204. Also an excess marketing card (ineligible for price support loans) shall be issued in any case where tobacco is produced on land owned by the Federal Government in violation of the provisions of a lease restricting the production of tobacco. Marketing quota cards issued pursuant to the Agricultural Adjustment Act of 1938, as amended, when utilized for the purpose of obtaining price support under the regulations in this subpart, are submitted, and the data in support thereof is reported, under the Agricultural Act of 1949, as amended, and under the Commodity Credit Corporation Charter Act, as amended, and may be utilized as Commodity Credit Corporation deems necessary or desirable for the conduct of the price support program.

(b) As Puerto Rican tobacco is not under U.S. marketing quotas, all producers of this type of tobacco are considered eligible producers for the purpose of this program.

§ 464.1209 Eligible tobacco.

Eligible tobacco shall be U.S. and Puerto Rican tobacco (as defined in the Agricultural Adjustment Act of 1938, as amended) which (a) has been properly identified in accordance with applicable tobacco Marketing Quota Regulations on a valid memorandum of sale issued from a "Within-Quota" Marketing Card or a Within-Quota Limited Support Marketing Card, where marketing quotas are in effect; (b) has been delivered to the association by the producer prior to sale to any other person; (c) is in sound and merchantable condition; (d) is of a type and crop year for which price support is available; (e) is free and clear of any and all liens and encumbrances; and (f) was not produced on land owned by the Federal Government in violation of the provisions of a lease restricting the production of tobacco.

§ 464.1210 Auction warehouse certification of flue-cured tobacco.

Auction warehouses through which price support is made available to producers of flue-cured tobacco shall identify, through the use of "certified" basket tickets, all tobacco (including resale and "excess" tobacco) offered for sale at auction which is determined to be of varieties eligible for full price support. A distinguishably different type of basket ticket shall be used for all other tobacco offered for sale at auction. The basis for determining whether tobacco is of varieties eligible for full price support shall be (a) for tobacco being offered for sale by or for the account of the producer thereof, the marketing card issued pursuant to marketing quota regulations for the farm on which the tobacco was produced, and (b) for resale tobacco (tobacco which has been previously sold by the producer), a certification by the seller to U.S.D.A. and the warehouse on Form MQ 79–1 Dealer's Certification—Resale Tobacco, a form provided for under the applicable marketing quota regulations, except where another basis is authorized by the Director, Tobacco Division, ASCS. In the case of producer tobacco, the warehouse shall examine the marketing card prior to the time the tobacco is offered for sale, record the marketing card serial number on the warehouse floor sheet, and shall use certified basket tickets on the tobacco only if the marketing card presented is a Within-Quota (white) Marketing Card or an Excess (red) Marketing Card stamped "Acceptable Varieties". A dealer by execution of the Form MQ 79–1, Dealer's Certification—Resale Tobacco shall certify that the tobacco offered for sale and all other resale tobacco in which the dealer has an interest was purchased directly from the producer and was identified by a valid bill of non-warehouse sale issued from a Within-Quota (white) Marketing Card or an Excess (red) Marketing Card stamped "Acceptable Varieties", or was purchased by him at auction sale through a warehouse having price support available to producers and was identified by a certified basket ticket. Properly executed Dealer's Certification—Resale Tobacco shall be furnished to the U.S.D.A. representative stationed at the warehouse prior to the sale of the tobacco, with a copy to the warehouse. Where the Director, Tobacco Division, notifies the warehouse that the certifications of any dealer are not acceptable for this purpose, the Dealer's Certification shall not be used by the warehouse as a basis for a "certified" basket ticket. Such notice will be given to all warehouses having price support available to producers if a dealer is found to have made a false certification, or if a dealer

fails to file reports required by applicable marketing quota regulations. In the latter case, the notice will be rescinded when the dealer files the reports if they show that he has not made false certifications with respect to identification of full support variety tobacco. Dealers making false certifications, or producers using marketing cards other than the one issued for the farm on which the tobacco was produced, to obtain use of certified basket tickets for tobacco not entitled to such identification, shall be subject to applicable provisions of law relating to conspiracy, fraud, or other offenses, and to penalties imposed by applicable marketing quota regulations. A dealer who has full support variety resale tobacco for which the Dealer's Certification cannot properly be executed because such tobacco or other tobacco in which he has an interest was acquired other than as the certification form provides, or a dealer whose certifications have been determined to be unacceptable, may have full support variety tobacco identified on a "certified" basket ticket through application to the Director, Tobacco Division. In such instances, if by examination of the marketing quota records and other evidence, the Director determines that the tobacco is of a full support variety, a special authorization will be given for the warehouses to identify the tobacco on a "certified" basket ticket.

§ 464.1211 Special provisions applicable only to 1962 crop flue-cured tobacco.

During the first five sales days on each flue-cured tobacco market other than the Georgia-Florida markets, price support will be available only on lugs, including primings and nondescript grades thereof, which are otherwise eligible for price support and are offered for sale in untied form. During these five days, price support will not be available on tied tobacco or on untied tobacco of other grades. Beginning with the sixth day of the sale, price support will be available only on eligible tobacco offered for sale in tied form.

Effective date: Date of publication.

Signed at Washington, D.C., on June 29, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-6528; Filed, July 3, 1962; 8:56 a.m.]

Chapter V—Agricultural Marketing Service, Department of Agriculture

SUBCHAPTER B—EXPORT AND DOMESTIC CONSUMPTION PROGRAMS

[Amdt. 3]

PART 540—PILOT FOOD STAMP PROJECTS

Miscellaneous Amendments

The regulations governing Pilot Food Stamp Projects, 26 F.R. 4137, as amended, 26 F.R. 5945 and 26 F.R. 8967 are hereby further amended:

1. Section 540.2(c) is amended to read as follows:

(c) "Coupon" means any food stamp coupon or food coupon issued pursuant to the provisions of this part.

2. Section 540.2 is further amended by adding thereto the following paragraph:

(u) "Food Stamp Program Redemption Certificate" means AMS Forms: "Food Stamp Program Redemption Certificate"; "Retail Merchants Food Stamp Program Redemption Certificate"; or "Wholesalers Food Stamp Program Redemption Certificate".

3. The last sentence in § 540.9(a) is amended to read as follows: "Except for those coupons of twenty-five or fifty cent denominations returned to him as change by the authorized retail food store, coupons shall be detached from the book only at the time such coupons are exchanged for food in authorized retail food stores."

4. Section 540.10(d) is amended to read as follows:

(d) No owner or employee of any retail food store authorized to receive coupons shall accept coupons marked "cancelled"; coupons which bear the stamped or written endorsement of any bank; or coupons of other than twenty-five- or fifty-cent denominations which have been detached from the coupon book prior to the time of purchase of eligible food nor shall any such person knowingly accept coupons from a person presenting coupons in exchange for eligible food who has no right to the possession of such coupons for such use.

5. Section 540.10(e) is amended to read as follows:

(e) Change in cash shall not be given for coupons, but authorized retail food stores may use for the purpose of making change those coupons having a denomination of twenty-five or fifty cents which were previously accepted in exchange for eligible foods. If change in an amount of less than fifty cents is required, the eligible household shall have the option of paying in cash or receiving credit from the authorized retail food store for the future delivery of an equivalent value of eligible foods: *Provided, however,* That to the extent twenty-five cent coupons are available, the food retailer shall utilize such coupons in making change in amounts of less than fifty cents.

Effective date. This amendment shall be effective as of July 2, 1962.

ROY W. LENNARTSON,
Associate Administrator.

Approved: June 29, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-6529; Filed, July 3, 1962; 8:56 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 728—WHEAT

Subpart—1963–64 Marketing Year

Sec.

728.1301 Basis and purpose.
728.1302 National marketing quota for wheat for the 1963–64 marketing year.
728.1303 1963 national acreage allotment for wheat.
728.1304 Apportionment of the 1963 national acreage allotment for wheat among the several States.
728.1305 Designation of States outside the commercial wheat-producing area for the 1963–64 marketing year.

AUTHORITY: §§ 728.1301 to 728.1305 issued under secs. 301, 332, 333, 334, 335, 375, 377, 52 Stat. 38, as amended, 53, as amended, 54, as amended, 66, as amended, 73 Stat. 393, 76 Stat. 69; 7 U.S.C. 1301, 1332, 1333, 1334, 1335, 1375, 1377.

§ 728.1301 Basis and purpose.

(a) The regulations contained in §§ 728.1301 to 728.1305 are issued (1) to proclaim the national marketing quota for wheat for the marketing year beginning July 1, 1963, (2) to proclaim the 1963 national acreage allotment for wheat, (3) to apportion among the several States the 1963 national acreage for wheat, and (4) to designate the States outside the commercial wheat-producing area for the 1963–64 marketing year.

(b) Section 335 of the Agricultural Adjustment Act of 1938, as amended, provides that whenever in any calendar year the Secretary of Agriculture determines (1) that the total supply of wheat for the marketing year beginning in such calendar year will exceed the normal supply for such marketing year by more than 20 per centum or (2) that the total supply of wheat for the marketing year ending in such calendar year is not less than the normal supply for such marketing year and that the average farm price for wheat for three consecutive months of such marketing year did not exceed 66 per centum of parity, the Secretary shall, not later than May 15 of such calendar year proclaim such fact that a national marketing quota shall be in effect with respect to the marketing of wheat during the marketing year beginning July 1 of the next succeeding calendar year. Public Law 87-450, approved May 15, 1962, authorized the Secretary to defer such proclamation until June 15, 1962, and Public Law 87-485, approved June 15, 1962, authorized the Secretary to defer such proclamation until July 15, 1962.

(c) Section 332 of the act provides that not later than May 15 of each calendar year the Secretary shall ascertain and proclaim the national acreage allotment for the crop of wheat produced in the next succeeding calendar year. Public Law 87-450, authorized the Secretary to defer such proclamation until June 15, 1962, and Public Law 87-485, approved June 15, 1962, authorized the Secretary to defer such proclamation until July 15, 1962. Section 333 of the act, as amended, provides that the national acreage allotment for any crop of wheat shall be that acreage which the Secretary determines will, on the basis of the national average yield of wheat produce an amount thereof adequate, together with the estimated carry-over at the beginning of the marketing year for such crops and imports, to make available a supply for such marketing year equal to a normal year's domestic consumption and exports plus 30 per centum thereof, but such national acreage allotment cannot be less than 55 million acres.

(d) Section 334(a) of the act, as amended, provides that the 1963 national acreage allotment for wheat (less a reserve of not to exceed one per centum thereof for apportionment to counties in addition to the county allotments made under section 334(b) of the act on the basis of the relative needs of counties for additional allotment because of new areas coming into the production of wheat during the preceding ten years) shall be apportioned among the several States on the basis of the acreage seeded for the production of wheat during the ten calendar years 1952 to 1961 (plus, in applicable years, the acreage diverted from wheat under agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and for trends in acreage during such period.

(e) Section 335(e) of the act, as amended, provides that if, for the 1963–64 marketing year, the acreage allotment for wheat for any State is 25,000 acres or less, the Secretary, in order to promote efficient administration of the act and the Agricultural Act of 1949, may designate such State as outside the commercial wheat-producing area for such marketing year. No farm marketing quota or acreage allotment for wheat shall be applicable in such marketing year to any farm in any State so designated; and no acreage allotment in any other State shall be increased by reason of such designation.

(f)(1) The findings and determinations by the Secretary contained in §§ 728.1302, 728.1303, and 728.1304 have been made on the basis of the latest available statistics of the Federal Government as required by section 301(c) of the Agricultural Adjustment Act of 1938, as amended. In making the findings and determinations contained in § 728.1304 the State wheat acreage estimates of the Statistical Reporting Service of this Department were used for the years 1952–56, inclusive, adjusted where necessary to reflect the acreages of wheat used for green manure, cover crop, hay, pasture, and silage, in all States, the acreage planted to Durum Wheat (Class II) under Public Law 290, 83rd Congress, and Public Law 8, 84th Congress in the States of Minnesota, Montana, North Dakota, and South Dakota, and Public Law 431, 84th Congress, in the States of North Dakota, Minnesota, Montana, South Dakota, and California, as indicated by statistics of the Agricultural Stabilization and Conservation Service of this Department.

For States for which wheat acreage estimates are not compiled by the Statistical Reporting Service, and for the 1957, 1958, 1959, 1960, and 1961 crop years, statistics of the Agricultural Stabilization and Conservation Service were used.

(2) Credit for wheat diversion in 1954 was computed on a farm basis as follows: If the 1954 farm wheat acreage allotment was knowingly exceeded, no credit for diversion was allowed. If the 1954 allotment was not knowingly exceeded and the 1954 wheat acreage was 90 per centum or more of the farm allotment, the diversion credit allowed was the difference between the base acreage and the 1954 wheat acreage. If the 1954 wheat acreage was less than 90 per centum of the allotment, the maximum diversion credit for the farm was determined by dividing the 1954 wheat acreage by 90 per centum of the county scaling factor and subtracting from this result the 1954 wheat acreage.

(3) Credit for wheat diversion in 1955 and 1956 was computed on a farm basis in a similar manner as for 1954, except that for 1956 there was added to the computed wheat diversion for each farm the acreage placed in the 1956 acreage reserve program for wheat which was not planted to wheat.

(4) For the years 1954, 1955, and 1956, the State diversion credit for wheat was determined by obtaining the sums of the computed farm diversion credits for each year. For the States of Minnesota, Montana, North Dakota, and South Dakota the acreage of Durum Wheat (Class II) grown within the allotment increases made for 1954 under Public Law 290, 83d Congress, and for 1955 and 1956 under Public Law 431, 84th Congress, were deducted from the 1954, 1955, and 1956 State wheat acreages, respectively, adjusted as described above so that such increases made for Durum Wheat (Class II) would not be reflected in the determination of future allotments as provided by those acts. For the State of California a similar adjustment was made in the 1956 State wheat acreage for Durum Wheat (Class II).

(5) Adjustments for abnormal weather conditions were determined on a county basis for each State because the nature of such adjustments does not permit their determination at the State level. Such adjustments in the county wheat acreage estimates were approved only for counties for which the ASC State committees had determined that the wheat acreage seeded and diverted for any year of the 10-year period was below normal due to abnormal weather conditions. Counties thus approved which had wheat acreage plus diverted acreage for the year in question lower than the level represented by 90 percent of the most recent previous normal year's acreage or 110 percent of the previous 10-year average wheat acreage plus diverted acreage, whichever was less, were increased to such level. The State wheat acreage estimates of the Statistical Reporting Service, as previously adjusted, were increased by an acreage equal to the difference between the wheat acreage plus diversion and the acreage substituted in lieu thereof as an adjustment for abnormal weather, for all applicable counties in the State.

(6) The 1957 wheat acreage data as compiled from Agricultural Stabilization and Conservation Service statistics included the following as wheat acreage: (i) Acreage actually seeded on the farms and classified as wheat under marketing quota regulations, less the acreage of Durum Wheat (Class II) grown within the allotment increased under Public Law 85-13; (ii) the amount by which the acreage on a farm was less than the wheat acreage allotment, except those farms underplanting the allotment for the purpose of depleting stored excess; (iii) the acreage diverted from the production of wheat on complying farms; and (iv) the acreage released and reapportioned to farms under regulations issued by the Secretary governing the temporary release and reapportionment of such acreage.

(7) Section 334 of the Agricultural Adjustment Act of 1938, as amended, was amended by Public Law 85-203 to add subsection (h), reading in part as follows: "Notwithstanding any other provision of law, no acreage in the commercial wheat-producing area seeded to wheat for harvest as grain in 1958 or thereafter in excess of acreage allotments shall be considered in establishing future State and county acreage allotments except as prescribed in the provisos to the first sentence of subsections (a) and (b), respectively, of this section."

(8) Under the provisions of this amendment, only the allotment can be counted as wheat acreage history on any farm on which the allotment was overseeded for the 1958 crop year. The acreage data from 1958 compiled from Agricultural Stabilization and Conservation Service statistics were the sum of the following: (i) The wheat acreage allotment for all farms on which the allotment was overseeded; (ii) the wheat acreage base on all farms complying with the wheat acreage allotment, except those farms underplanting the allotment for the purpose of depleting stored excess; and (iii) for those farms underplanting the allotment for the purpose of depleting stored excess, the acreage actually classified as wheat under marketing quota regulations, plus the diversion credit determined by multiplying the acreage seeded by the reciprocal of the county scaling factor.

(9) Section 334 of the Agricultural Adjustment Act of 1938, as amended, was amended by Public Law 86-419, to add subsection (d) as follows:

(d) For the purpose of subsections (a), (b), and (c) of this section, any farm (1) to which a wheat marketing quota is applicable; and (2) on which the acreage planted to wheat exceeds the farm wheat acreage allotment; and (3) on which the marketing excess is zero shall be regarded as a farm on which the entire amount of the farm marketing excess has been delivered to the

Secretary or stored in accordance with applicable regulations to avoid or postpone the payment of the penalty. This subsection shall be applicable in establishing the acreage seeded and diverted and the past acreage of wheat for 1959 and subsequent years in the apportionment of allotment beginning with the 1961 crop of wheat. For the purpose of clause (1) of this subsection, a farm with respect to which an exemption has been granted under section 335(f) for any year shall not be regarded as a farm to which a wheat marketing quota is applicable for such year, even though such exemption should become null and void because of a violation of the conditions of the exemption.

Under the provisions of this amendment and under the exceptions as prescribed in the provisos to Public Law 85–203, only the allotment can be counted as wheat acreage history on any farm on which the allotment is overseeded, unless the entire amount of the marketing quota excess is stored or delivered to the Secretary to avoid or postpone the payment of penalty, and none of such excess has been depleted, or the excess has been adjusted to zero because of underproduction. The 1959, 1960, and 1961 wheat acreage data compiled from Agricultural Stabilization and Conservation Service statistics were the sum of the following: (i) The wheat acreage allotment for all farms on which the allotment was overseeded, except those farms on which the entire amount of the farm marketing excess was stored or delivered to the Secretary to avoid or postpone the payment of penalty, and none of such excess was depleted, or the farm marketing excess was adjusted to zero because of underproduction; (ii) the wheat base acres on all old farms on which the allotment was overseeded and on which the entire amount of the farm marketing excess was stored or delivered to the Secretary to avoid or postpone payment of penalty, and none of such excess was depleted, or the farm marketing excess was adjusted to zero because of underproduction; (iii) the wheat base acreage on all old farms complying with the wheat acreage allotment, except those farms underplanting the allotment for the purpose of depleting stored excess and except for 1960 and 1961 those old farms other than federally-owned farms on which less than 75 per centum of the farm allotment for 1960 or 1961, as the case may be, and for each of the two immediately preceding years was actually planted to wheat or was regarded as planted to wheat under the Soil Bank Act and the Great Plains program; (iv) for those old farms underplanting the allotment for the purpose of depleting stored excess, the acreage actually classified as wheat under marketing quota regulations, plus the diversion credit determined by multiplying the acreage seeded by the reciprocal of the scaling factor; (v) for 1960 and 1961, for any old farm other than a federally-owned farm on which less than 75 per centum of the farm acreage allotment for 1960 or 1961, as the case may be, and for each of the two immediately preceding years was actually planted to wheat or regarded as planted to wheat under the Soil Bank Act and the Great Plains program, the smaller of the farm base acreage for 1960 or 1961, whichever is applicable, or the acreage obtained by multiplying the wheat acreage for such year by the county wheat diversion factor, for such year, which will be the reciprocal of a decimal fraction which is 75 per centum of the county proration factor; (vi) for new farms knowingly overplanted for which the farm marketing excesses were adjusted to zero on account of actual production or for which farm marketing excesses were determined and such excesses were stored or delivered to the Secretary to avoid or postpone payment of penalty, the final allotment determined for the farm multiplied by the county wheat diversion factor, which will be the reciprocal of a decimal fraction equal to 100 per centum of the county proration factor; and (vii) for any new farm for which a wheat acreage allotment was determined and such allotment was not overplanted, the final allotment determined for the farm multiplied by the wheat diversion credit factor, which will be the reciprocal of a decimal fraction which is equal to the county proration factor. To the acreages determined above, the special allotments assigned to farms in the Tulelake Area of California (under the provisions of Public Law 86–385) were added for each of the years 1959, 1960, and 1961.

(10) A preliminary adjustment for trend was made by deducting from the State wheat acreage history, as computed in accordance with the preceding paragraphs, the wheat acreage history for the years 1955 through 1958 for those farms which have been removed from agricultural production due to the encroachment of urban and industrial development.

(11) Further adjustments for trends in acreage during the applicable base period were made for each State by first computing an average of the adjusted State wheat acreage estimates for the 10-year period, 1952–61, and the 5-year period, 1957–61, and then computing for each State the mid-point of such 10-year and 5-year average acreages.

(12) The effect of this adjustment for trend was limited by not permitting the finally determined base acres to vary from the average of the 10-year period (1952–61) by more than 3 per centum.

(13) It is hereby found and determined that the statistics of the Statistical Reporting Service, as so adjusted and supplemented by data compiled by the Agricultural Stabilization and Conservation Service, constitute the latest available and most reliable statistics of the Federal Government.

(g) The Agricultural Adjustment Act of 1938, as amended and supplemented requires that the proclamations of the national marketing quota for the 1963–64 marketing year and of the 1963 national acreage allotment be issued not later than June 15, 1962. With respect to the national marketing quota, the amount by which the total supply of wheat actually exceeded the normal supply thereof (66 per centum) is so greatly in excess of the percentage required for a proclamation of a national marketing quota (20 per centum) that the need for a proclamation thereof was readily apparent to all interested persons. With respect to the national acreage allotment, since such allotment would have been determined as 10,000,000 acres except for the statutory minimum of 55,000,000 acres, it was clear that such allotment would be at the minimum level. The act requires the holding of a referendum of wheat producers who will be subject to the marketing quotas proclaimed for the 1963–64 marketing year not later than July 24, 1962, to determine whether such producers favor or oppose such marketing quotas and requires, insofar as practicable, the mailing of notices of farm acreage allotments to farm operators in sufficient time to be received prior to the date of the referendum. Farm acreage allotments cannot be established until the national acreage allotment for wheat has been apportioned among States and counties and the States outside the commercial wheat-producing area for the 1963–64 marketing year have been designated. Accordingly, it is hereby found that with respect to the proclamations, determinations, and designations contained herein compliance with the notice, public procedure, and effective date provisions of section 4 of the Administrative Procedure Act is impracticable, unnecessary, and contrary to the public interest, and this document shall become effective upon filing with the Director, Office of the Federal Register.

§ 728.1302 National marketing quota for wheat for the 1963–64 marketing year.

The total supply of wheat for the 1962–63 marketing year is determined to be 2,434 million bushels, consisting of an estimated carry-over on July 1, 1962, of 1,370 million bushels, an estimated production in 1962 of 1,058 million bushels, and estimated imports during the 1962–63 marketing year of six million bushels. The normal supply of wheat for such marketing year is determined to be 1,462 million bushels, consisting of 598 million bushels for estimated domestic consumption for the 1961–62 marketing year, 620 million bushels for estimated exports for the 1962–63 marketing year, plus 20 per centum of such consumption and exports. Since the total supply exceeds normal supply by more than 20 per centum, a national marketing quota shall be in effect with respect to the marketing of wheat during the 1963–64 marketing year.

§ 728.1303 1963 national acreage allotment for wheat.

A normal year's domestic consumption of 612 million bushels and exports of 479 million bushels of wheat plus 30 per centum thereof is determined to be 1,418 million bushels. The estimated carry-over of wheat for the marketing year beginning July 1, 1963, is 1,210 million bushels. Imports of wheat during the 1963–64 marketing year are estimated to be five million bushels. Thus the amount of wheat production needed in 1963 is determined to be 203 million bushels. The national average yield of wheat is determined to be 20.3 bushels per acre. The national acreage allotment of wheat for the 1963 crop is computed to be 10,000,000 acres. Since this amount is less than the minimum provided by law, the national acreage allotment of wheat for the 1963 crop shall be 55 million acres.

§ 728.1304 Apportionment of the 1963 national acreage allotment of wheat among the several States.

The national acreage allotment proclaimed in § 728.1303, less a reserve of twenty thousand acres for additional allotments to counties, is hereby apportioned among the several States as follows:

State:	Acreage allotment
Alabama	46,808
Alaska [1]	40
Arizona	38,190
Arkansas	71,644
California	422,800
Colorado	2,638,505
Connecticut [1]	448
Delaware	29,701
Florida [1]	6,067
Georgia	107,741
Hawaii [1]	0
Idaho	1,192,819
Illinois	1,423,391
Indiana	1,085,565
Iowa	117,677
Kansas	10,762,443
Kentucky	203,006
Louisiana [1]	24,760
Maine [1]	969
Maryland	167,152
Massachusetts [1]	581
Michigan	938,320
Minnesota	720,400
Mississippi	48,985
Missouri	1,320,954
Montana	4,026,229
Nebraska	3,157,822
Nevada [1]	12,420
New Hampshire [1]	46
New Jersey	48,950
New Mexico	469,200
New York	312,200
North Carolina	278,876
North Dakota	7,500,309
Ohio	1,478,831
Oklahoma	4,921,799
Oregon	851,980
Pennsylvania	523,258
Rhode Island [1]	366
South Carolina	139,688
South Dakota	2,755,221
Tennessee	178,019
Texas	4,020,096
Utah	300,244
Vermont [1]	587
Virginia	236,398
Washington	2,042,012
West Virginia	32,246
Wisconsin	36,459
Wyoming	287,778
Total apportioned to States	54,980,000
National reserve	20,000
Total national allotment	55,000,000

[1] Designated noncommercial wheat State.

§ 728.1305 Designation of States outside the commercial wheat-producing area for the 1963–64 marketing year.

The 1963 State acreage allotment of wheat for each of the States of Alaska, Connecticut, Florida, Hawaii, Louisiana, Maine, Massachusetts, Nevada, New Hampshire, Rhode Island, and Vermont, as issued under § 728.1304, was twenty-five thousand acres or less. In order to promote efficient administration of the act, each of the States mentioned in this section is hereby designated as outside the commercial wheat-producing area for the 1963–64 marketing year. Accordingly, the commercial wheat-producing area for the 1963–64 marketing year, in which the provisions of §§ 728.1010 to 728.1024 shall be applicable, shall consist of all States in the United States except the States mentioned above.

Effective date: Upon filing with the Director, Office of the Federal Register.

Issued at Washington, D.C., this 26th day of June, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-6597; Filed, July 2, 1962; 2:05 p.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Bartlett Pear Reg. 1]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grades and Sizes

§ 917.308 Bartlett Pear Regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Bartlett Pear Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Bartlett pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 5, 1962. A reasonable determination as to the supply of, and the demand for, Bartlett pears must await the development of the crop and adequate information thereon was not available to the Bartlett Pear Commodity Committee until June 21, 1962; recommendation as to the need for, and the extent of, regulation of shipments of such pears was made at the meeting of said committee on June 21, 1962, after consideration of all available information relative to the supply and demand conditions for such pears, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such pears are expected to begin on or about July 10, 1962; and this section should be applicable to all shipments of such pears in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 5, 1962, and ending at 12:01 a.m., P.s.t., January 1, 1963, no shipper shall ship any box or container of Bartlett pears unless:

(i) All such pears grade not less than U.S. No. 2;

(ii) At least 85 percent, by count, of the pears contained in any box or container grade at least U.S. No. 1, except that such pears may fall to be fairly well formed only because of short shape but shall not be seriously misshapen; and

(iii) Such pears are of a size not smaller than the size known commercially as size 165: *Provided,* That a shipper may ship pears which are smaller than the size known commercially as size 165 if (*a*) such smaller pears are not smaller than the size known commercially as size 180; and (*b*) the quantity of such smaller pears shipped does not at any time exceed 5.26 percent of such shipper's total shipments of pears which are not smaller than the size known commercially as size 165.

(2) Section 917.143 of the rules and regulations, as amended (7 CFR 917.100 et seq.), sets forth the requirements with respect to the inspection and certification of shipments of Bartlett pears. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(c) *Definitions.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(2) "Size 165" means Bartlett pears of a size which when packed in a standard pear box will pack, in accordance with the requirements prescribed for a standard pack, 165 pears in said box with the twenty-two smallest pears weighing not less than five and three-quarter pounds.

(3) "Size known commercially as size 180" means a size Bartlett pear that will pack a standard pear box, packed in accordance with the specifications of a standard pack, with five tiers, each tier having six rows with six pears in each row, and with the twenty-one smallest pears weighing not less than five pounds.

(4) "Standard pear box" means the container so designated in section 828.3 of the Agricultural Code of California.

(5) "U.S. No. 1," "U.S. No. 2," "fairly well formed," "seriously misshapen," and "standard pack" shall have the same meaning as when used in the United States Standards for Pears (Summer and Fall), §§ 51.1260–51.1280 of this title.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 28, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-6493; Filed, July 3, 1962; 8:50 a.m.]

[Plum Order 10]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Size

§ 917.312 Plum Order 10 (Sugar and Diamond).

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 26, 1962.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 7, 1962, and ending at 12:01 a.m., P.s.t., November 1, 1962, no shipper shall ship any package or container of Sugar or Diamond plums, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 5 x 5 standard pack; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 28, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-6489; Filed, July 3, 1962; 8:49 a.m.]

[Plum Order 11]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grade and Size

§ 917.313 Plum Order 11 (Late Santa Rosa, Casselman, and Improved Late Santa Rosa).

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about July 15, 1962; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 26, 1962.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 7, 1962, and ending at 12:01 a.m., P.s.t., November 1, 1962, no shipper shall ship any package or container of Late Santa Rosa, Casselman, or Improved Late Santa Rosa plums, unless:

(i) Such plums grade at least U.S. No. 1, as required by the provisions of § 917.301 (Plum Order 1; 27 F.R. 4729), except that cracks emanating from the stem end which do not cause serious damage shall not be considered as a grade defect with respect to such grade;

(ii) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack; and

(iii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "U.S. No. 1," "standard pack," and "serious damage" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 28, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-6490; Filed, July 3, 1962; 8:49 a.m.]

[Plum Order 12]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grade and Size

§ 917.314 Plum Order 12 (Late Tragedy).

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about July 15, 1962; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 26, 1962.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 7, 1962, and ending at 12:01 a.m., P.s.t., November 1, 1962, no shipper shall ship any package or container of Late Tragedy plums, unless:

(i) Such plums grade at least U.S. No. 1, as required by the provisions of § 917.301 (Plum Order 1; 27 F.R. 4729), except that gum spots which do not cause serious damage shall not be considered as a grade defect with respect to such grade;

(ii) Such plums are of a size that, when packed in a standard basket, they will pack at least a 5 x 6 standard pack; and

(iii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "U.S. No. 1," "standard pack," and "serious damage" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 28, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-6491; Filed, July 3, 1962; 8:49 a.m.]

[Peach Reg. No. 1]

PART 919—PEACHES GROWN IN MESA COUNTY, COLO.

Regulation by Grades and Sizes

§ 919.301 Peach Regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of peaches grown in the County of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such

peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 5, 1962. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop and adequate information thereon was not available to the Administrative Committee until June 7, 1962; recommendations as to the need for, and the extent of, regulation of shipments of such peaches were made by said committee on June 7, 1962, after consideration of all information then available relative to the supply and demand conditions for such peaches, at which time the recommendations and supporting information were submitted to the Department, and made available to growers and handlers; necessary supplemental economic and statistical information upon which this recommended regulation is based were received in the Fruit Branch on June 28, 1962; shipments of the current crop of peaches are expected to begin shortly, and this section should be applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., M.s.t., July 5, 1962, and ending at 12:01 a.m., M.s.t., October 21, 1962, no handler shall ship:

(i) Any peaches of any variety which do not grade at least U.S. No. 1; or

(ii) Any varieties of peaches which are of a size smaller than 2⅛ inches in diameter: *Provided,* That any lot of peaches shall be deemed to be of a size not smaller than 2⅛ inches in diameter (*a*) if not more than 10 percent, by count, of the peaches in such lot are smaller than 2⅛ inches in diameter; and (*b*) if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2⅛ inches in diameter.

(3) *Definitions.* As used herein, "peaches," "handler," "ship," and "varieties" shall have the same meaning as when used in the aforesaid amended marketing agreement and order; "U.S. No. 1," "diameter," and "count" shall have the same meaning as when used in the United States Standards for Peaches (§§ 51.1210–51.1223 of this title).

(Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 29, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-6527; Filed, July 3, 1962; 8:56 a.m.]

[Peach Reg. No. 1]

PART 921—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

§ 921.301 Peach Regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, and Order No. 921 (7 CFR Part 921), regulating the handling of fresh peaches grown in designated counties in Washington, effective May 27, 1960, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the recommendations of the Washington Fresh Peach Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of fresh peaches, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 5, 1962. A reasonable determination as to the supply of, and the demand for, peaches must await the development of the crop and adequate information thereon was not available to the Washington Fresh Peach Marketing Committee until June 25, 1962; recommendation as to the need for, and the extent of, regulation of shipments of such peaches was made at the meeting of said committee on June 25, 1962, after consideration of all available information relative to the supply and demand conditions for such peaches, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such peaches will begin on or about July 5, 1962, and this section should be applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* During the period beginning at 12:01 a.m., P.s.t., July 5, 1962, and ending at 12:01 a.m., P.s.t., November 1, 1962, no handler shall handle any lot of peaches unless such peaches meet the following applicable requirements, or are handled in accordance with subparagraph (5) of this paragraph:

(1) *Minimum grade requirement.* Such peaches shall grade at least U.S. No. 1: *Provided,* That peaches of any variety which are damaged but not seriously damaged by hail injury, healed open seams, or rough suture growth may be shipped if they otherwise grade at least U.S. No. 1.

(2) *Uniform firmness requirement.* Such peaches in individual containers shall have a reasonably uniform degree of firmness.

(3) *Minimum size requirements.* Such peaches shall measure at least 2⅜ inches in diameter: *Provided,* That any lot of peaches shall be deemed to meet such minimum diameter requirement if (i) not more than 10 percent, by count, of the peaches in such lot are smaller than 2⅜ inches in diameter, or (ii) such peaches are not smaller than a size that will pack, in accordance with the requirements prescribed for standard pack, 65 peaches in a standard peach box, 72 peaches in a cascade lug box, or 72 peaches in a L.A. lug box, or other containers of a capacity at least equivalent to the L.A. lug box.

(4) *Pack requirements.* Such peaches in loose or jumble packs shall be in containers of a capacity equal to or greater than that of the western lugs (boxes with inside dimensions of 7 inches by 11½ inches by 18 inches) and shall contain not less than 26 pounds net weight of peaches: *Provided,* That such containers of peaches having less than 26 pounds net weight of peaches may be handled if such containers are well filled.

(5) Notwithstanding any other provisions of this section, any individual shipment of peaches which (i) does not, in the aggregate, exceed 150 pounds may be handled without regard to the restrictions specified in this paragraph (grade, size, pack, and container) or in § 921.41 *Assessments* or § 921.55 *Certification,* (ii) is in excess of 150 pounds but not in excess of 500 pounds, and is for home use only and not for resale in commercial channels may be handled without regard to the restrictions in § 921.55 *Certification,* or the pack and container requirements of this paragraph: *Provided,* That the fruit so shipped meets the grade and size requirements of this paragraph and is subject to § 921.41 *Assessments,* and is reported to the committee on forms furnished by the committee in the manner specified therein.

(6) The terms "U.S. No. 1," "damage," "serious damage," "hail injury," "standard pack" and "well filled," shall have the same meaning as when used in the United States Standards for Peaches (§§ 51.1210 to 51.1223 of this title); the term "loose or jumble pack" shall mean that the peaches are not placed in the container in rows, cups, compartments, or otherwise are not placed in the container in symmetrical order; the term "standard peach box" shall mean a wooden container with inside dimensions of 4½ to 5 by 11½ by 16 inches; the term "cascade lug box" shall mean a wooden container with inside dimensions of 6 by 11½ by 18 inches; the term "L.A. lug box" shall mean a wooden container with inside dimensions of 5¾ by 13½ by 16⅛ inches, except that the 1-layer L.A. lug shall have a depth of not less than 3½ inches; the term "diameter" shall mean the greatest distance, measured through the center of the peach at right angles to a line running from the stem to the blossom end; and terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 28, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-6492; Filed, July 3, 1962; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 1167; Reg. No. SR-411B]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR CERTIFICATED ROUTE AIR CARRIERS ENGAGED IN OVERSEAS AND FOREIGN AIR TRANSPORTATION AND AIR TRANSPORTATION WITHIN HAWAII AND ALASKA

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

PART 44—FOREIGN AIR CARRIER REGULATIONS

Operation of Certain Transport Category Airplanes in Cargo Service at Increased Zero Fuel and Landing Weights; Special Civil Air Regulation

The Federal Aviation Agency published as a notice of proposed rule making (27 F.R. 3890) and circulated as Civil Air Regulations Draft Release No. 62–18 dated April 19, 1962, a proposed Special Civil Air Regulation to permit certain transport category airplanes to be operated in cargo service at increased zero fuel and landing weights. The proposed regulation was intended to supersede Special Civil Air Regulation No. SR–411A, which contains a termination date of June 30, 1962.

Trial operations of cargo airplanes (Douglas DC–6A) at increased weights were first authorized in waivers issued by the Civil Aeronautics Board to individual air carriers. The first such waiver was issued on July 21, 1954. The weights involved were the zero fuel weight (i.e., the maximum weight of the airplane with no disposable fuel and oil, which has the effect of limiting the weight of the fuselage contents) and the structural landing weight. The weight increases were limited to not more than 5 percent of the zero fuel weight approved for passenger operations, and their use was made contingent upon certain findings by the Administrator of Civil Aeronautics and upon certain conditions of operation, inspections, and reporting. Authorization of the trial operations was predicated on the premise that such operations could eventually lead to the establishment of a sound basis for differentiating between standards for passenger and cargo air carrier operations. Based upon the trial operations under the waivers, the Board determined that a more extensive background of operating experience was necessary. This led to the promulgation of Special Civil Air Regulation No. SR–411 (20 F.R. 4765) which permitted any number of any type of transport category airplane to be operated by any air carrier at increased weights in cargo service.

From the data submitted by the operators in accordance with SR–411, the Board concluded that the scope of operations under SR–411 had been such that substantiation of the conditions for these operations for inclusion in the regulations on a permanent basis would entail a long-range program. The Board, therefore, extended the trial operations by adopting SR–411A on June 28, 1957 (22 F.R. 4684), with a termination date of June 30, 1962.

SR–411A is applicable to airplanes certificated under the transport category airworthiness requirements effective before March 13, 1956. The applicability was so limited because the Board believed it advisable to gain some experience with the airplanes certificated under the provisions of Part 4b effective on and after March 13, 1956, at the normal transport category weights before permitting such airplanes to operate at increased weights. In arriving at this conclusion, the Board took into consideration the new concept of structural design requirements as well as other related changes in these requirements which were introduced in Part 4b on March 13, 1956.

As the preambles to both SR–411 and SR–411A indicated, the purpose in permitting the trial operation of transport category airplanes in cargo service at the arbitrary increased zero fuel and landing weights was to determine through operating experience whether the conditions governing the trial operations would provide a sound basis for establishing future standards for airplanes in cargo operations at increased weights. During the approximately seven years that these trial operations have been conducted, a substantial amount of data has been amassed concerning the airplanes approved for operation under these Special Civil Air Regulations.

The data submitted and the operating experience gained under SR–411 and SR–411A indicate that the airplanes approved for and operated at the increased weights can continue to be operated at such increased weights under certain conditions without adverse effect upon the safety of such airplanes. The inspection reports submitted by the operators under SR–411 and SR–411A have not indicated any serious structural difficulties resulting from operation at the increased weights. The service history of these airplanes with respect to fatigue cracks and other damage is similar to that for airplanes of the same type operated in passenger service. Furthermore, cargo operators have expressed a need to continue operation of these airplanes at the increased weights in their cargo operations. Therefore, Draft Release 62–18 proposed to extend the provisions of SR–411A indefinitely to the types of airplanes that have been qualified and operated at such weights. However, the proposal did not specify the particular models of the various types approved for increased weights under SR–411 and SR–411A. Furthermore, it has subsequently been determined that the L–1649A airplane as modified under supplemental type certificate SA 4–1402 has been approved for operation and has been operated under the provisions of SR–411A. While the application for the type certificate for this airplane was filed in 1955, the manufacturer elected to comply with the later requirements of Part 4b rather than those in effect at the time of his application for type certificate. Subsequently, a supplemental type certificate was issued covering a modification to this airplane based on a demonstration of compliance with the requirements in effect on the date of the application for the type certificate for the airplane. Since this modified airplane was certificated in accordance with the provisions of Part 4b, effective prior to March 13, 1956, it is included in the airplanes permitted to be operated under the terms of this special regulation.

One of the comments received in response to Draft Release 62–18 expressed opposition to the proposed indefinite extension of SR–411A on the grounds that there should be one set of safety standards for the design and operation of all transport category airplanes without regard as to whether the airplane is used for the carriage of cargo or passengers. In this respect, it should be noted that the airplanes covered under this regulation are the airplanes which have been operated for the carriage of cargo at the increased weights without any adverse effect on safety, and that the special inspections conducted by the operators have not indicated any serious structural problems with respect to these airplanes operated at the increased weights as compared with airplanes operated in passenger operations. Furthermore, this regulation requires operators to continue these special inspections. Consequently, the Agency does not believe that it would be justified

in arbitrarily terminating the authorization to operate such airplanes at the increased weights.

On the other hand, the majority of the comments received in response to Draft Release 62–18 concurred in the proposed regulation and at the same time recommended that various airplanes other than those covered in the proposal be permitted to operate in cargo service at the arbitrary increased weights. Numerous and detailed arguments have been presented in support of these recommendations for broadening the scope of the proposal. However, these recommendations require consideration of matters which go beyond the scope of the proposed regulation, and there is not sufficient time remaining prior to the expiration of SR–411A for the necessary evaluation of such matters. Therefore, the regulation is being adopted substantially as proposed and further study will be given to such recommendations insofar as they might indicate a need for additional rule making action on this matter.

In view of the foregoing, the special regulation set forth hereinafter permits only those airplane types and models which were approved for trial operations under SR–411 and SR–411A to be used in the carriage of cargo with the arbitrary increased weights.

This regulation relaxes the provisions of SR–411A to the extent that it also applies to foreign air carriers operating the specified airplanes. The provisions of SR–411A were made applicable only to United States air carriers because the conditions for the trial operations required close cooperation between the manufacturer, operator, and the Civil Aeronautics Administration during the initial technical evaluation and in the inspection and reporting procedures. However, since this regulation permits the continued use of increased weights only for those type airplanes previously approved for operation under SR–411A, for which the necessary data and procedures are already available, the increased weights can now be made applicable to any foreign air carrier using ariplanes of the specified types in the carriage of cargo only.

This regulation continues the requirement contained in SR–411A that airplanes used by air carriers at the increased weights be operated in accordance with the passenger-carrying transport category operating limitations of Part 40, 41, or 42, as the case may be. In addition, foreign air carriers are permitted to operate airplanes under the authority of this regulation if the country of registry of the airplanes requires such airplanes to be operated in accordance with the performance operating limitations applicable to United States air carriers or the equivalent thereof. The requirement that air carriers must operate their airplanes under the provisions of the regulation in accordance with the passenger-carrying performance operating limitations prescribed in Part 40, 41, or 42 is considered necessary in the interest of safety. Therefore, in order to insure an equivalent level of safety for operations by foreign air carriers, it is considered appropriate to permit such carriers to operate airplanes under the authority of this regulation only on the condition that the country of registry of the airplanes requires that such airplanes be operated in accordance with the same or equivalent performance operating limitations.

This regulation also continues the requirement for special inspections, including the special inspections required prior to returning an airplane from cargo to passenger service. However, in view of the volume of data now available for the eligible airplane types, it no longer requires special reports and records be kept with respect to operations at increased weights. Based on experience gained under SR–411 and SR–411A, it is believed that intermittent cargo-passenger operations can now be permitted provided the special inspection is made each time the airplane is returned to passenger service.

This regulation contains a proviso, similar to that which appears in SR–411A, requiring a determination that any increase in the zero fuel and landing weights for the specified airplanes does not seriously affect the strength, fatigue, flutter, deformation, or vibration characteristics of such airplanes. While not proposed in Draft Release 62–18, the Agency is now of the opinion that even though such a determination has already been made for the increased weights presently authorized for the specified airplanes, such a requirement should be continued in effect to cover possible modifications to these airplanes as well as further increases in the approved weights. Since this provision merely continues in effect a provision currently applicable to the specified airplanes and imposes no additional burden on any person, notice and public procedure thereon are unnecessary for its adoption as part of this regulation.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. Since this regulation extends many of the provisions of a currently effective regulation which expires on June 30, 1962, imposes no additional burden on any person, and a delay in its effectiveness would impose a hardship on the cargo operators, good cause exists for making it effective on less than 30 days' notice.

In consideration of the foregoing, the following Special Civil Air Regulation is adopted to become effective on June 30, 1962:

Notwithstanding the applicable structural provisions of the Civil Air Regulations, any air carrier or foreign air carrier may operate, for the carriage of cargo only, the transport category airplanes specified in paragraph (1) of this regulation, at increased zero fuel and landing weights, under the conditions specified in paragraphs (2) through (6) of this regulation.

(1) Transport category airplanes certificated under the provisions of Part 4b, effective prior to March 13, 1956, as follows:

(a) DC–6A, DC–6B, DC–7B, DC–7C; and

(b) L–1049 B, C, D, E, F, G, H, L–1649A when modified in accordance with supplemental type certificate SA 4–1402.

(2) The zero fuel weight (maximum weight of the airplane with no disposable fuel and oil) and the structural landing weight may be increased beyond the maximum approved in full compliance with the applicable Civil Air Regulations: *Provided*, That any increase in the zero fuel weight shall not exceed 5 percent and that the increase in the structural landing weight shall not exceed the amount, in pounds, of the increase in zero fuel weight: *And provided further*, That the Administrator finds that the increase in either such weight is not likely to reduce seriously the structural strength, that the probability of sudden fatigue failure is not noticeably increased, and that the flutter, deformation, and vibration characteristics do not fall below those required by the applicable Civil Air Regulations. All other weight limitations established in accordance with the Civil Air Regulations applicable to the type airplane shall apply.

(3) Each airplane shall be inspected in accordance with the special inspection procedures for operations at increased weights established and issued by the manufacturer of the particular type airplane and approved by the Administrator.

(4) Each airplane operated by an air carrier under this regulation shall be operated in accordance with the passenger-carrying transport category performance operating limitations prescribed in Part 40, 41, or 42. Operation of airplanes by a foreign air carrier is not permitted under the authority of this regulation unless the country of registry requires the airplanes to be operated in accordance with such performance operating limitations or the equivalent thereof.

(5) The Airplane Flight Manual for each airplane operated under the provisions of this regulation shall be appropriately revised to include the operating limitations and information required for operation with the increased weights.

(6) An airplane operated at increased weights under the provisions of this regulation shall be inspected in accordance with the special inspection procedures for return to passenger service established and issued by the airplane manufacturer and approved by the Administrator, before it is used in passenger service, except as provided for the carriage of persons under Special Civil Air Regulation No. SR–432A.

This regulation supersedes Special Civil Air Regulation No. SR–411A.

(Secs. 313(a), 601, 603, 604, 610; 72 Stat. 752, 775, 776, 778, 780; 49 U.S.C. 1354, 1421, 1423, 1424, 1430)

Issued in Washington, D.C., on June 29, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62–6534; Filed, July 3, 1962; 8:56 a.m.]

[Reg. Docket No. 1069; Amdt. 22–14]

PART 22—LIGHTER-THAN-AIR PILOT CERTIFICATES

Issuance of Free Balloon Pilot Certificates Limited to Hot-Air Balloons

Section 22.13 of the Civil Air Regulations currently provides for the issuance of free balloon pilot certificates. This section also provides for the issuance of free balloon pilot certificates which are limited to hot-air balloons. An applicant for such a certificate must comply with certain requirements of age, character, citizenship, education, and physical condition. He does not have to comply with any requirement of aeronautical knowledge, experience, or skill. As a result, anyone who holds an airman medical certificate of the third class or higher, and who is at least 17 years of age, can secure a free balloon pilot certificate limited to hot-air balloons. These requirements are easily met by many certificated airmen, and hundreds of them have acquired a hot-air balloon certificate merely as a novelty and with no serious intention of operating any kind of free balloon.

Until recently each ascent of a hot-air balloon was necessarily of short duration; when the heated air cooled, the balloon descended. A new development for hot-air balloons provides a gas-fired heater to generate hot air as needed and hot-air balloons using this device can now ascend and descend at the operator's will, and can remain aloft as long as there is fuel for the heater. This substantial change in the operation of such balloons requires a demonstration of skill by the applicant to assure his use of safe and proper piloting technique. Accordingly, the Federal Aviation Agency, on February 7, 1962, issued a notice of proposed rule making on this subject which was published in the FEDERAL REGISTER (27 F.R. 1363) and circulated as Civil Air Regulations Draft Release No. 62–6. This notice proposed to amend the introductory paragraph of § 22.13 to require that an applicant for a free balloon pilot certificate limited to the operation of a hot-air balloon demonstrate his ability to pilot and maneuver a free balloon in actual solo flight. In addition, in order to avoid placing a hardship on the holder of a student lighter-than-air pilot certificate who seeks a hot-air balloon certificate, it was proposed to amend § 22.31(a)(1)(ii) to omit the 6 instruction flights now required for endorsement of his certificate for solo in free balloons.

Interested persons have been afforded an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented.

Although most of the comments received in response to Draft Release 62–6 were favorable, several suggested that the proposed regulation was not stringent enough. However, some comments recommended further amendments to the present requirements for a minimum of 6 instruction flights, each of not less than one hour duration, presently contained in §§ 22.31(a) (1)(ii) and (2)(ii). It was pointed out that the duration of such individual flights, after flight equilibrium has been established, is relatively unimportant, and that the training value of takeoffs and landings is more significant. Therefore, it was recommended that the requirement of one hour duration for such flights should be deleted.

After consideration of these comments, the Agency believes that it is desirable, as a part of this regulatory action, to delete the requirement that the 6 instruction flights be of one hour duration each while still requiring a minimum of 6 instruction flights and a total of 6 hours of instruction time. The Agency agrees that this change would tend to increase the skill of the students by applying training emphasis where it is needed. Since this change relieves a present restriction and imposes no additional burden on any person, notice and public procedure thereon are unnecessary for its adoption as a part of this amendment.

This amendment will be included in the recodification of the provisions of Part 22 under the Agency's recodification program announced in Civil Air Regulation Draft Release No. 61–25 (26 F.R. 10698).

In consideration of the foregoing, Part 22 of the Civil Air Regulations (14 CFR Part 22) is hereby amended as follows, effective August 7, 1962:

1. By amending the introductory paragraph of § 22.13 to read as follows:

§ 22.13 Free balloon pilot certificate.

An applicant for a free balloon pilot certificate shall comply with the requirements of paragraphs (a) through (h) of this section. An applicant for a free balloon pilot certificate which is limited to the operation of hot-air balloons shall comply only with the requirements of paragraphs (a) through (e), and paragraph (h) of this section.

2. By amending § 22.31(a) by revising subparagraphs (1)(ii) and (2)(ii) to read as follows:

§ 22.31 Flight limitations and privileges.

(a) *Student lighter-than-air pilot.*

(1) • • •

(ii) He shall have had a minimum of 6 instruction flights in free balloons, which total not less than 6 hours, and such fact has been certified to by his instructor on the student pilot certificate. This subdivision does not apply to the flight demonstration required by § 22.13(h) for a free balloon pilot certificate limited to hot-air balloons.

(2) • • •

(ii) He shall have had a minimum of 6 instruction flights in free balloons, which total not less than 6 hours, and shall have logged at least one hour of actual solo flight in a free balloon and such fact shall be certified to by his instructor on the student lighter-than-air pilot certificate. If the student possesses a free balloon pilot certificate, such certification shall not be required.

(Secs. 313(a), 601, 602; 72 Stat. 752, 775, 776; 49 U.S.C. 1354, 1421, 1422)

Issued in Washington, D.C., on June 28, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62–6470; Filed, July 3, 1962; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C–78]

PART 13—PROHIBITED TRADE PRACTICES

Jack Berger Furriers Corp. et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* § 13.1053–35 *Fur Products Labeling Act.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Jack Berger Furriers Corp. et al., New York, N.Y., Docket C–78, Feb. 14, 1962]

In the Matter of Jack Berger Furriers Corp., a Corporation, and Jack Berger, Individually and as an Officer of Said Corporation, and Louis Cohen, Individually

Consent order requiring manufacturing furriers in New York City to cease violating the Fur Products Labeling Act by failing to show on invoices the true animal name of the fur used in a fur product, to disclose when fur was artificially colored, and to comply with other invoicing requirements; and by furnishing false guaranties that certain of their fur products were not misbranded, falsely invoiced, or falsely advertised.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Jack Berger Furriers Corp., a corporation, and its officers, and Jack Berger, individually and as an officer of said corporation, and Louis Cohen, individually and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Failing to set forth the item number or mark assigned to a fur product.

2. Furnishing false guaranties that fur products are not misbranded, falsely advertised or falsely invoiced under the provisions of the Fur Products Labeling Act, when there is reason to believe that the fur products falsely guaranteed may be introduced, sold, transported or distributed in commerce.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report

in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 14, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6477; Filed, July 3, 1962; 8:48 a.m.]

[Docket C-74]

PART 13—PROHIBITED TRADE PRACTICES

L. Chester, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary;* § 13.155–85 *Sales below cost.* Subpart—Concealing, obliterating or removing law required and informative marking: § 13.512 *Fur products tags or identification.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–30 *Fur Products Labeling Act;* § 13.1255 *Manufacture or preparation:* § 13.1255–30 *Fur Products Labeling Act;* § 13.1280 *Price.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act;* § 13.1886 *Quality, grade or type;* § 13.1900 *Source or origin:* § 13.1900–40 *Fur Products Labeling Act:* § 13.1900–40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, L. Chester, Inc., et al., Fort Wayne, Ind., Docket C-74, Feb. 12, 1962]

In the Matter of L. Chester, Inc., a Corporation, and L. Chester Franckowiak and Emily Franckowiak, Individually and as Officers of Said Corporation

Consent order requiring furriers in Fort Wayne, Ind., to cease violating the Fur Products Labeling Act by substituting for the labels affixed to fur products by the manufacturer, others which did not conform to requirements; falsely labeling furs as to the names of the producing animal, and as natural when they were artificially colored; labeling fur products with fictitious prices represented thereby as usual retail prices; failing to show on labels and invoices and in advertising the true animal name of the fur used in fur products, when fur was artificially colored, and when fur products were composed of cheap and waste fur; failing to show on invoices the country of origin of imported furs; advertising which represented prices of fur products as reduced from regular prices which were in fact fictitious, and as "at cost or below cost" when such was not the fact; and failing to maintain adequate records as a basis for price and value claims.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents L. Chester, Inc., a corporation, and its officers, and L. Chester Franckowiak and Emily Franckowiak, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale, in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce; or in connection with the sale, advertising, offering for sale or processing of any fur product which has been shipped and received in commerce, and upon which fur product a substitute label has been placed by the respondents, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Placing thereon substitute labels for labels affixed to such fur products pursuant to section 4 of the Fur Products Labeling Act and which substitute labels do not conform to the requirements of section 4 of the said Act.

B. Falsely and deceptively labeling or otherwise identifying such fur products as to the name or names of the animal or animals that produced the furs from which such fur products were manufactured.

C. Representing directly or by implication that the fur contained in fur products is natural, when such is not the fact.

D. Falsely and deceptively labeling or otherwise identifying such products as to the regular price or values thereof by any representation that the regular or usual prices of such products are any amount in excess of the price at which respondents have usually and customarily sold such products in the recent regular course of their business.

E. Failing to affix labels to fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

F. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

G. Failing to set forth on one side of the labels the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder.

H. Failing to disclose that fur products are composed in whole or substantial part of paws, tails, bellies, sides, flanks, gills, ears, throats, heads, scrap pieces or waste fur.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Setting forth any misrepresentation as to the name or names of the animal or animals that produced the fur from which the said fur product has been manufactured.

C. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

D. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

E. Failing to set forth the term "Dyed Mouton Lamb" in the manner required where an election is made to use that term instead of the term "Dyed Lamb".

F. Failing to set forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to each section of fur products composed of two or more sections containing different animal furs.

G. Failing to disclose that fur products are composed in whole or in substantial part of paws, tails, bellies, sides, flanks, gills, ears, throats, heads, scrap pieces or waste fur.

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

A. Fails to disclose the name or names of the animal or animals producing the fur or furs contained in the fur products, as set forth in the Fur Products Name Guide, and as prescribed under the rules and regulations.

B. Fails to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

C. Fails to disclose that the fur products are composed in whole or in substantial part of paws, tails, bellies, sides, flanks, gills, ears, throats, heads, scrap pieces or waste fur.

D. Represents directly or by implication that the regular or usual price of any fur product is any amount which is in excess of the prices at which the respondents have usually and regularly sold such products in the recent regular course of their business.

E. Represents directly or by implication that prices of fur products are "at cost" or "below cost", when such is not the fact.

F. Misrepresents in any manner the savings available to purchasers of respondents' products.

4. Making claims and representation of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

5. Failing to keep and preserve the records required by the Fur Products Labeling Act and the rules and regulations promulgated thereunder when making the substitution of labels on fur products as provided for in section 3(e) of the said act.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 12, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6478; Filed, July 3, 1962; 8:48 a.m.]

[Docket No. C-79]

PART 13—PROHIBITED TRADE PRACTICES

Bea Wright, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* § 13.1053–30 *Flammable Fabrics Act.* Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Bea Wright, Inc., et al., New York, N.Y., Docket C-79, Feb. 16, 1962]

In the Matter of Bea Wright, Inc., a Corporation, Bea Rite Frocks, Inc., a Corporation, and Philip Silverman, and Louis Levitan, Individually and as Officers of Both Corporations

Consent order requiring New York City manufacturers to cease violating the Flammable Fabrics Act by selling ladies' dresses which were so highly flammable as to be dangerous when worn, and furnishing their customers with a guaranty that the required tests showed the dresses were not dangerously flammable.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents Bea Wright, Inc., and Bea Rite Frocks, Inc., corporations, and their officers, and Philip Silverman and Louis Levitan, individually and as officers of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

1. (a) Importing into the United States; or

(b) Manufacturing for sale, selling, offering for sale, introducing, delivering for introduction, transporting or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce;

any article of wearing apparel which, under the provisions of section 4 of the said Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

2. Manufacturing for sale, selling, or offering for sale any article of wearing apparel made of fabric which has been shipped or received in commerce and which fabric, under section 4 of the Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

3. Furnishing to any person a guaranty with respect to any article of wearing apparel which respondents, or any of them, have reason to believe may be introduced, sold or transported in commerce, which guaranty represents, contrary to fact, that reasonable and representative tests made under the procedures provided in section 4 of the Flammable Fabrics Act, as amended, and the Rules and Regulations promulgated thereunder, show and will show that the article of wearing apparel, or the fabric used or contained therein, covered by the guaranty, is not, in the form delivered or to be delivered by the guarantor, so highly flammable under the provisions of the Flammable Fabrics Act, as to be dangerous when worn by individuals, provided, however, that this prohibition shall not be applicable to a guaranty furnished on the basis of, and in reliance upon, a guaranty to the same effect received by respondents in good faith signed by and containing the name and address of the person by whom the article of wearing apparel or fabric was manufactured or from whom it was received.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 16, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6479; Filed, July 3, 1962; 8:48 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55653]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

PART 22—DRAWBACK

Vessels Supplies

Sections 10.59 to 10.64, inclusive, and § 19.15, Customs Regulations, concerning duty and tax free withdrawals under section 309 of the Tariff Act of 1930, as amended, of supplies and equipment for vessels engaged in certain classes of trade and section 22.18, Customs Regulations, concerning allowance of drawback under section 309 of the Tariff Act of 1930, as amended, on supplies and equipment for vessels engaged in certain classes of trade, amended.

In C.A.D. 389 the United States Court of Customs and Patent Appeals ruled that under section 309(b) of the Tariff Act of 1930, as amended by the Customs Administrative Act of 1938, oil withdrawn from a customs bonded manufacturing warehouse (class 6) for use as fuel supplies on a vessel engaged in foreign trade was exported when laden on the vessel.

It has been decided that the principle expressed in C.A.D. 389, supra, is equally applicable to withdrawals of merchandise under section 309(a) of the Tariff Act.

This conclusion is supported by the Decision of the United States Customs Court in C.D. 1516. There the Court ruled that, for the purposes of section 309(c) of the Tariff Act, oil withdrawn under section 309(a) for use as fuel supplies on a vessel engaged in trade between the Atlantic and Pacific ports of the United States was exported when laden on the receiving vessel.

The adoption of the foregoing proposal will expedite the crediting of bonds by reason of the elimination of a considerable number of the declarations of business or trade presently required under section 309(a) from American-flag vessels engaged in intercoastal and noncontiguous territory trade and reduce work.

Accordingly, to give effect to the above views and to delete any reference to section 4222 of the Internal Revenue Code of 1954 which, renumbered as section 4221, no longer pertains to customs, the Customs Regulations are amended as follows:

§ 10.59 [Amendment]

Section 10.59(c) is amended by deleting "and I.R.C. sec 4222."

Footnote 56 to part 10 is amended by deleting the quotation of subsection (c) of section 309, Tariff Act of 1930, as amended.

(Sec. 309(a), 46 Stat. 690, as amended; 19 U.S.C. 1309(a))

§ 10.60 [Amendment]

Section 10.60 is amended as follows: Paragraph (f) is amended by deleting "or I.R.C. section 4222, as the case may be," in the last sentence.

Paragraph (h) is amended by deleting "or section 4222 of the Internal Revenue Code," in the first sentence and by deleting the last sentence so that the paragraph will read as follows:

(h) If a request is made for permission to transfer supplies or stores from one vessel to another which would be entitled to withdraw them free of duty and tax under section 309 or 317, Tariff Act of 1930, as amended, the collector in his discretion may permit the articles to be so transferred under customs supervision under a permit on customs Form 3171 in lieu of a formal withdrawal under the pertinent statute. In such a case, the pertinent statute shall be indicated by an endorsement made on the permit by the collector.

(Sec. 309, 46 Stat. 690, as amended; 19 U.S.C. 1309)

Section 10.61 is amended to read:

§ 10.61 Withdrawal permit.

Upon the filing of the withdrawal and the execution of the bond, when required, the collector shall issue a permit on customs Form 7506 or 7512.

(Sec. 309(a), 46 Stat. 690, as amended; 19 U.S.C. 1309(a))

§ 10.62 [Amendment]

Section 10.62(a) is amended by deleting "or section 4222, Internal Revenue Code," in the first sentence.

(Sec. 309, 46 Stat. 690, as amended; 19 U.S.C. 1309)

Section 10.63 is amended to read:

§ 10.63 Landing of supplies and stores from receiving vessel in the United States.

Supplies or stores laden on a vessel duty and tax free under section 309, Tariff Act of 1930, as amended, may be landed under customs supervision under proper permit, the same as if they had been laden in a foreign country. See §§ 4.39 and 23.4 of this chapter. Except when transfer to another vessel entitled to the free withdrawal privilege is permitted under the original withdrawal under section 309, Tariff Act of 1930, as amended, the landed articles shall be treated as an importation from a foreign country.[58]

Part 10 is amended by adding a new footnote designated 58, to read as follows:

[58] (c) Articles removed in, or returned to, the United States. Any article exempted from duty or tax, or in respect of which drawback has been allowed, under this section or section 317 of this Act and thereafter removed in the United States from any vessel or aircraft, or otherwise returned to the United States, shall be treated as an importation from a foreign country.

(Tariff Act of 1930, sec. 309, as amended; 19 U.S.C. 1309)

(Sec. 309(a), 46 Stat. 690, as amended; 19 U.S.C. 1309(a))

§ 10.64 [Amendment]

Section 10.64 is amended as follows: Paragraph (a) is amended to read:

(a) Except as stated below, the warehouse or rewarehouse entry bond or the bond identified in § 10.60 (c) or (f) for articles withdrawn under section 309, Tariff Act of 1930, as amended, for use as supplies, equipment, or for repair of a vessel may be credited or canceled in respect of such articles upon the vessel's departure from the port of lading in a class of trade or business entitling the articles to exemption from duty and tax under the statute. If the vessel is not operated by the United States and proceeds in ballast from the port where the articles are laden to another port to lade passengers or cargo for carriage in a class of trade specified in section 309, Tariff Act of 1930, as amended, the bond may be credited or canceled upon the filing with the collector at the port of withdrawal within 3 months after the date of withdrawal of a proper declaration as prescribed below. The declaration shall be executed by one of the following who has knowledge of the facts:

(1) The operations manager or port captain for the vessel on which the articles are laden but not a representative of the supplier.

(2) The master or other officer of the vessel on which the articles are laden.

The declaration shall be in substantially the following form:

I, _____
(Operations manager, port captain, master, or other officer)

of the vessel _____ declare that I have knowledge of the facts set forth herein, and that upon the lading of the articles described below covered by withdrawal No. _____, filed at _____, the vessel then proceeded
(Name of port)

in ballast to _____ to lade cargo or
(Name of port)

passengers; that the vessel was suitable for service in the class of trade checked below with fittings, outfit, and equipment for such trade already installed when it so departed in ballast; and that upon arrival it proceeded to engage in the carriage of cargo or passengers in such trade, except as stated below:

_____
(If no exception, note "None")

1. Foreign Trade.
2. Trade between Atlantic and Pacific ports of the United States, when such trade is not prohibited by coastwise laws.
3. Trade between the United States and any of its possessions, when such trade is not prohibited by coastwise laws.
4. Trade between Alaska or Hawaii and any other part of the United States, when such trade is not prohibited by coastwise laws.

Description of articles:

_____
_____
_____
_____
_____
(Name and title)

(Sec. 309, 46 Stat. 690, as amended; 19 U.S.C. 1309)

§ 19.15 [Amendment]

To delete all references to section 4222 of the Internal Revenue Code of 1954 which, renumbered as section 4221, no longer pertains to customs, § 19.15(g) is amended by deleting ", or I.R.C. section 4222" from the first and fourth sentences and by deleting "or in accordance with I.R.C. section 4222," from the fifth sentence thereof.

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

At the present time when notice of lading is filed after lading of fuel on aircraft, a separate receipt by an officer of the aircraft is required for each lading. In view of the relatively small quantities of fuel laden this requirement has been found to be onerous and henceforth a blanket receipt covering a period not exceeding one calendar month will be authorized. Under judicial decisions, lading alone is sufficient to suport an allowance of drawback under section 309 and entries in the stores' log book are no longer necessary. To reflect these views and the fact that section 4222 of the Internal Revenue Code of 1954 which, renumbered as section 4221, no longer pertains to customs, and to delete all references to the stores' log book, § 22.18 is amended as follows:

§ 22.18 [Amendment]

Paragraph (a) is amended by deleting "and I.R.C. section 4222," therefrom.

Paragraph (e) is amended to read as follows:

(e) Paragraphs (g) and (h) of this section, insofar as applicable, shall apply with respect to aircraft registered in the United States and actually engaged in foreign trade or trade between the United States and any of its possessions, or between Hawaii and any other part of the United States or between Alaska and any other part of the United States, and aircraft registered in any foreign country and actually engaged in foreign trade or trade between the United States and any of its possessions, or between Hawaii and any other part of the United States or between Alaska and any other part of the United States, where such trade by foreign aircraft is permitted.

Paragraph (f) is deleted.

Paragraph (h) is amended to read as follows:

(h) If the supplies were laden on an American vessel, a declaration of the master or other officer of the vessel who has knowledge of the facts, or of a representative of the vessel owner having knowledge of the facts and holding a customs power of attorney, showing the class of business or trade in which the vessel on which the articles were laden as supplies was engaged at the time of lading shall be furnished in support of the drawback entry. Such declaration may be executed on the copy of the notice of lading on which the master or other officer or authorized representative certifies as to the receipt and quantity of the articles laden, or be separately furnished, and shall be in substantially the following form:

I, _____
(Master or other officer or authorized representative)

of the S.S. _____, declare that I have knowledge of the facts set forth herein; that certain articles covered by notice of lading No. _____, filed at the port of _____, were laden on the above-named vessel at said port on _____, 19__, for use on board the vessel as supplies; and that at the time of lading of the articles, said vessel was engaged in the business or trade checked below:

1. Fisheries.
2. Whaling.
3. Trade between Atlantic and Pacific ports of the United States.
4. Trade between the United States and any of its possessions.
5. Foreign trade.
6. Trade between Hawaii or Alaska and any other part of the United States.

_____
(Name and title)

Paragraph (i) is deleted.

Paragraph (j) is amended to read as follows:

(j) In the case of articles laden or installed on aircraft as equipment or claimed to have been used in the maintenance or repair of aircraft, the collector shall require such declarations or other evidence as will satisfy him concerning the facts. In the case of articles laden on aircraft as supplies there may be filed with the collector a composite notice of lading for each calendar month covering all deliveries of supplies during that month by one drawback claimant at a single airport to all airplanes of one airline engaged in appropriate traffic. The notice shall show, either on its face or on a continuation sheet, as to each flight, the identity of the aircraft, the description of the supplies laden, the amount laden, and the date of lading. At the end of the line relating to each flight sufficient space shall be left for the collector's notation as to clearance. On the reverse of the notice the "Receipt of Master or Other Officer" shall be certified by an airline representative having knowledge of the facts and holding a customs power of attorney.

Paragraph (k) is amended by deleting ", or I.R.C. section 4222" from the last sentence of the "Declaration of Lading or Use".

Footnote 7 is deleted.

(Secs. 309, 624, 46 Stat. 690, as amended, 759; 19 U.S.C. 1309, 1624)

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: June 27, 1962.

JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 62-6524; Filed, July 3, 1962; 8:55 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of 1-Naphthyl *N*-Methylcarbamate

A petition was filed with the Food and Drug Administration by Union Carbide Corporation, 270 Park Avenue, New York 17, New York, requesting the establishment of tolerances for residues of the insecticide 1-naphthyl *N*-methylcarbamate in or on whole almonds and whole walnuts (meat plus shell) at 10 parts per million, and in or on almond hulls at 40 parts per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the residues in the nut meats from the proposed use will not exceed 1 part per million and that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities are amended by adding to § 120.169 (21 CFR 120.169; 27 F.R. 823, 4913) tolerances for this insecticide in or on almonds, almond hulls, and walnuts, as follows:

§ 120.169 Tolerances for residues of 1-naphthlhyl *N*-methylcarbamate.

* * * * *

40 parts per million in or on almond hulls.

* * * * *

10 parts per million in or on whole almonds (meat plus shell) and whole walnuts (meat plus shell) of which not more than 1 part per million shall be in or on the nut meats after shell is removed and discarded.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: June 28, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-6506; Filed, July 3, 1962; 8:52 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RESINOUS AND POLYMERIC COATINGS

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by:

Can Manufacturers Institute, Inc., 815 Fifteenth Street NW., Washington 5, D.C.;
Cook Paint and Varnish Company, Post Office Box 389, Kansas City 41, Missouri;
Esso Research and Engineering Company, Post Office Box 172, Linden, New Jersey;
W. R. Grace and Company, Dewey and Almy Chemical Division, Cambridge 40, Massachusetts;
Hercules Powder Company, 910 Market Street, Wilmington 99, Delaware;
Minnesota Mining and Manufacturing Company, 900 Bush Avenue, St. Paul 6, Minnesota,

and other relevant material, has concluded that the following amendments to § 121.2514(b)(3) of the food additive regulations should issue to permit the use of additional substances in the formulation of resinous and polymeric coatings. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.2514 *Resinous and polymeric coatings* (21 CFR 121.2514; 27 F.R. 1252, 3624) is amended as follows:

1. Paragraph (b)(3)(iii) is amended by changing the item "Butadiene and styrene copolymer" to read "Butadiene and styrene copolymer, blown or unblown."

2. Paragraph (b)(3)(vi)(*a*) is amended by inserting therein, in alphabetical order, the item "3-Pentadecyl phenol mixture obtained from cashew nut shell liquid."

3. Paragraph (b)(3)(xvi) is amended by inserting therein, in alphabetical order, the item "Hydroxyethylcellulose."

4. Paragraph (b)(3)(xxii)(*a*) is amended by inserting therein, in alphabetical order, the item "Cerium."

5. Paragraph (b)(3)(xxvi) is amended by inserting therein, in alphabetical order, the item "Diatomaceous earth."

6. Paragraph (b)(3)(xxxii) is amended by changing the items "Ethyl toluene solfonamide catalyst" and "Polyamides derived from dimerized vegetable oil acids * * *" to read as follows:

Ethyl toluene sulfonamide.
Polyamides derived from the following acids and amines:
Acids:
Sebacic.
Vegetable oil acids (with or without dimerization).
Amines:
Diethylenetriamine.
Diphenylamine.
Ethylenediamine.
Tetraethylenepentamine.
Triethylenetetramine.

7. Paragraph (b)(3)(xxxiii) is amended by inserting therein, in alphabetical order, the items:

Monodibutylamide pyrophosphate as sequestrant for iron.
Tin chloride.
Tin sulfate.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the

order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 28, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-6507; Filed, July 8, 1962; 8:52 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

PULP FROM RECLAIMED FIBER

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed jointly by the American Paper and Pulp Association, 122 East Forty-second Street, New York 17, New York, and the National Paperboard Association, 80 East Jackson Boulevard, Chicago 4, Illinois, and other relevant material, has concluded that the following regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act with respect to pulp from reclaimed fiber used in the manufacture of paper and paperboard for food packaging. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2546 Pulp from reclaimed fiber.

(a) Pulp from reclaimed fiber may be safely used as a component of articles used in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of paragraph (b) of this section.

(b) Pulp from reclaimed fiber is prepared from the paper and paperboard products described in subparagraphs (1) and (2) of this paragraph, by repulping with water to recover the fiber with the least possible amount of nonfibrous substances.

(1) Industrial waste from the manufacture of paper and paperboard products.

(2) Salvage from used paper and paperboard excluding that which bears or contains, or has been used for shipping or handling any poisonous or deleterious substance which may have contaminated the paper or paperboard and which may reasonably be expected to be retained in the recovered pulp.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 28, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-6509; Filed, July 3, 1962; 8:52 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. No. 69]

PART 151—REGULATORY TAXES ON NARCOTIC DRUGS

Exceptions to Use of Order Forms

Paragraph (d) of § 151.211, Part 151, Chapter I of the Code of Federal Regulations is amended to conform to the provisions of §§ 151.421–151.428, designating two general classes of exempt narcotic preparations. Sections 151.421–151.428 were issued as a result of the amendment of section 4702 of the Internal Revenue Code of 1954 by section 4(c) of the Narcotics Manufacturing Act of 1960.

As amended, § 151.211(d) reads as follows:

§ 151.211 When forms not required.

The use of order forms is not required—

* * * * * *

(d) For the sale, distribution, giving away, dispensing, or possession of exempt narcotic pharmaceutical preparations designated as Class "X" or Class "M" and listed in § 151.428, providing the conditions of exemption set forth in § 151.424 and § 151.425 are met.

Because this amendment conforms § 151.211(d) with the regulations in § 151.421–151.428, it is hereby found that it is unnecessary to issue this Treasury Decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

Effective date. This Treasury Decision shall become effective upon publication in the FEDERAL REGISTER.

(26 U.S.C. 4702 as amended by sec. 4(c), Pub. Law 86-429 (74 Stat. 58); sec. 17, Pub. Law 86-429 (74 Stat. 67))

[SEAL] HENRY L. GIORDANO,
Acting Commissioner of Narcotics.

Approved: June 26, 1962.

JAMES A. REED
Assistant Secretary of the Treasury.

[F.R. Doc. 62-6484; Filed, July 3, 1962; 8:49 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 57—GRANTS FOR CONSTRUCTION OF RESEARCH FACILITIES

Related Facilities

The following amendment to the regulations (implementing amendments to the Public Health Service Act) relates exclusively to grants. Accordingly, notice of proposed rule making, public rule involving procedures and postponement of effective date have been omitted.

1. Amend Section 57.1 by adding a new Paragraph (e) to read as follows:

(e) "Research" means (1) research or (2) research and activities having related purposes (including research training and the use for medical libraries to the extent that they support research and research training).

2. This amendment shall be effective immediately upon publication in the FEDERAL REGISTER.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply Sec. 709, 70 Stat. 720; 42 U.S.C. 292h)

Dated: June 20, 1962.

[SEAL] LUTHER L. TERRY,
Surgeon General.

Approved: June 27, 1962.

ABRAHAM RIBICOFF,
Secretary.

[F.R. Doc. 62-6511; Filed, July 3, 1962; 8:52 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER L—MINERAL LANDS

[Circular No. 2082]

PART 191—GENERAL REGULATIONS APPLICABLE TO MINERAL PERMITS, LEASES, AND LICENSES

PART 203—NATIVE ASPHALT SOLID AND SEMISOLID BITUMEN AND BITUMINOUS ROCK LEASES

Miscellaneous Amendments

On page 10808 of the FEDERAL REGISTER of November 18, 1961, there was published a notice and text of a proposed amendment of Part 191 and addition of Part 203 of Title 43, Code of Federal Regulations. The purpose of this amendment and addition is to implement the provisions of section 7 of the Mineral Leasing Act Revision of 1960, enacted September 2, 1960, Public Law 86-705 (74 Stat. 781; 30 U.S.C. secs. 181, 182, 184).

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed revisions. Comments received were carefully studied and the proposed regulations are hereby adopted with the following change and are set forth below.

1. The last sentence of paragraph (a) of § 203.2 is deleted.

This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

JUNE 27, 1962.

1. Section 191.1 is amended to read as follows:

§ 191.1 Purpose of the leasing acts.

The act of February 25, 1920 (41 Stat. 437; 30 U.S.C., 181 et seq.), as amended and supplemented, including the amendatory act of August 8, 1946 (60 Stat. 950; 30 U.S.C., sec. 181 et seq.) and the act of September 2, 1960 (74 Stat. 781; 30 U.S.C., sec. 181 et seq.), the act of February 7, 1927 (44 Stat. 1057; 30 U.S.C., 281–287) and the act of April 17, 1926 (44 Stat. 301; 30 U.S.C., 271–276) as amended, hereinafter called "the act", provide for the leasing of oil and gas, coal, potassium, sodium, phosphate, and oil shale, native asphalt, solid and semisolid bitumen, and bituminous rock including oil-impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried, and lands containing such deposits owned by the United States in the public domain and deposits of sulphur and the public lands containing such deposits in the States of Louisiana and New Mexico, except as stated in § 191.2.

2. A new Part 203 is added to Title 43 Code of Federal Regulations to read as follows:

GENERAL

Sec.
203.1 Statutory authority.
203.2 Application for lease.
203.3 Rentals, royalties and minimum royalties.
203.4 Term of lease.
203.5 Multiple use of lands.
203.6 Form of lease.
203.7 Lease bond.

GENERAL

§ 203.1 Statutory authority.

The Act of February 25, 1920 (41 Stat. 437; 30 U.S.C., sec. 181), as amended by the act of September 2, 1960 (74 Stat. 781; 30 U.S.C. secs. 181, 241) provides for the leasing of native asphalt, solid and semisolid bitumen and bituminous rock (including oil impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried).

§ 203.2 Application for lease.

(a) An applicant must give his name and address and citizenship qualifications in the manner prescribed in § 191.3 of this chapter.

(b) Lands included in an application for a lease must be described in the same manner as specified in § 192.42a of this chapter. No more than 7,680 acres may be acquired or held under lease by any person, association or corporation in any one State irrespective of the number of leases.

(c) Each application must be filed in the proper land office as set forth in § 192.42 of this chapter and must be accompanied by a filing fee of $10 which will not be returnable.

(d) All leases will be issued through competitive bidding only in the same manner as that provided for in §§ 192.51 to 192.53 of this chapter.

§ 203.3 Rentals, royalties and minimum royalties.

The minimum royalty and royalty rates will be fixed and determined prior to the offering of the lands for lease and the issuance of the lease to the successful bidder. Such rates will be set out in the notice of publication inviting bids and will be determined on an individual case basis. The annual rental will be 50 cents per acre or fraction thereof payable annually in advance.

§ 203.4 Term of lease.

All leases shall be for a term of 10 years and so long thereafter as the lessee complies with the terms and conditions of the lease.

§ 203.5 Multiple use of lands.

In accordance with, and in furtherance of the principle of the multiple use of the public lands, a lease for the mineral deposits enumerated in this Part may be issued, notwithstanding the existence of any lease covering the same lands issued under any other provision of the act.

§ 203.6 Form of lease.

The form of lease will be substantially the same as that set forth in 47 L.D. 426–429. The right is reserved to insert in the lease such other terms and conditions as may be deemed necessary for the protection of the surface of the land, its resources and any other lessees of the lands.

§ 203.7 Lease bond.

Prior to the issuance of the lease and as a condition therefor, the successful bidder must furnish a corporate surety bond in an amount to be set forth in the invitation to bid. The right is reserved to require an increase of the amount of the bond before or after the issuance of the lease when deemed proper by the authorized officer.

[F.R. Doc. 62-6482; Filed, July 3, 1962; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Miscellaneous Amendments

The Commission having under consideration the desirability of making certain editorial changes in § 2.601 of its rules and regulations; and

It appearing, that the amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4(i), (5)(d)(1) and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 29th day of June 1962, that, effective July 1, 1962, § 2.601 is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155)

Released: June 29, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 2.601 is amended to change the parenthetical statement following the title to read: "Corrected to July 1, 1962. The Commission does not distribute copies of these documents. Inquiry may be made to the U.S. Government Printing Office concerning availability for purchase."

2. Paragraph (a) is amended as follows:

a. The following entries are deleted in their entirety:

1951	2 UST (2) 2500 TIAS 2366	Agreement between --
1952	3 UST (4) 4823 TIAS 2654	Amendment to ----

b. "TIAS 4892" is added to line 2 of the "Citations" column of the entry for "1959 International Telecommunication Convention ------"

c. "TIAS 4893" is added to line 2 of the "Citations" column of the entry for "1959 International Radio Regulations ------"

d. "TIAS 4888" is added to line 2 of the "Citations" column of the entry for "1961 Agreement between the United States and Bolivia ------"

e. The following entries are added in chronological sequence:

1962	-------- TIAS 5043	Agreement between the United States and Mexico concerning the Allocation and Use of VHF Television Channels along the United States-Mexican Border. Effected by exchange of notes signed at Mexico, Apr. 18, 1962. Entered into force Apr. 18, 1962.
1962	-------- TIAS 5001	Agreement between the United States and El Salvador concerning Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at El Salvador, Apr. 5, 1962. Entered into force May 5, 1962.

3. Paragraph (d) is amended by adding the following entry in chronological sequence:

1962	---------	ICAO Communications Division, Seventh Session, Montreal.[3]

[F.R. Doc. 62-6520; Filed, July 3, 1962; 8:54 a.m.]

[Docket No. 14002, RM-215; FCC 62-690]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations, Albany, New York

1. The Commission has before it for consideration its Notice of Proposed Rule Making released in this proceeding March 17, 1961 (FCC 61-362), inviting comments on the proposal of the Board of Regents of the University of the State of New York to reserve Channel 23 at Albany, New York, for noncommercial educational use.

2. Section 3.606 of the rules presently assigns Channels 6, 13, *17+, 23—, 35, and 41 to the Albany-Schenectady-Troy area. WRGB operates on Channel 6; Van Curler Broadcasting Corporation operates WAST on Channel 13 and a satellite in Albany on Channel 35. WTEN, Channel 10, Vail Mills, also serves the Albany-Schenectady-Troy area and operates a satellite on Channel 41 at Albany. The Mohawk-Hudson Council on Educational Television, Inc., is operating on Channel 17 at Schenectady. A construction permit for this channel had been relinquished by the Board of Regents of the University of New York to afford the Mohawk-Hudson Council an opportunity to apply for it.

3. In its notice of proposed rule making, the Commission invited comments on whether the reservation of a second UHF channel in Albany for noncommercial educational use would encourage the early institution of educational television in the Albany area and throughout New York State and whether such a reservation would be in the public interest.

4. Petitioner filed a statement in support of the proposal. Van Curler Broadcasting Corporation, the licensee of WAST, Channel 13, opposed the proposal.

5. In its supporting statement, the Board of Regents repeated its intention that as soon as financial resources are provided by the Legislature of the State of New York, it would provide educational television service to all the people of New York State. The Board stated legislation has now been approved providing $1,050,000 for educational television in New York State.

6. In its opposition, Van Curler Broadcasting argued as follows: it had operated on Channel 35 in Albany until 1955 when it changed its operation to Channel 13 but had to locate its transmitter 40 miles from downtown Albany because of co-channel spacing requirements; it operates Channel 35 on Bald Mountain as a satellite because its signal is unable effectively to provide adequate service to some portions of Albany; despite the satellite operation Van Curler is still not in a position to compete with Capital Cities Broadcasting Corporation (Channel 10, Vail Mills) because of the increased coverage which Capital Cities enjoys by reason of its satellite operation on Mt. Greylock; Van Curler could become competitive with Capital Cities if it operated on Channel 35 from Mt. Greylock and used Channel 23 on Bald Mountain; if Channel 23 is reserved for educational use, the only channel by which Van Curler could establish service on a parity with its competitors in the area would be lost. Van Curler further points out that the Board of Regents can apply for Channel 23 even though it is not reserved for noncommercial educational use and that the Board held a construction permit for Channel 17 in Albany from 1952 until 1960 and that it has six construction permits for other channels in New York, upon which no construction has been started.

7. The Commission is aware of the substantial benefits which noncommercial educational services can bring to large populations and believes it desirable to encourage means by which the opportunities for the provision of such services may be enhanced. We do not question the intention of the State Board of Regents to proceed with the construction and operation of educational stations when funds are provided. The appropriation of $1,050,000 is indicative of the continuing interest of the State of New York in educational television and the Commission is desirous of encouraging the establishment of a statewide system there. Albany is the capital of the State and would be significant in any statewide system. It is hoped that the reservation of a second channel there for which the State Board of Regents can apply will lend impetus to construction of such a system.

8. In view of the foregoing: *It is ordered*, That effective August 10, 1962, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended insofar as the communities named are concerned, to read as follows:

City	*Channel No.*
Albany-Schenectady-Troy, N.Y.	6, 13, *17+, *23—, 35, 41.

9. Authority for the amendment ordered herein is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: June 27, 1962.

Released: June 29, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6521; Filed, July 3, 1962; 8:54 a.m.]

[Docket No. 14495, RM-295; FCC 62-689]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations, Elmira, New York

1. The Commission has before it for consideration its Notice of Proposed Rule Making released January 18, 1962 (FCC 62-92), proposing that Channel 30, now assigned to Elmira, New York, be (1) reserved for noncommercial educational use and (2) reassigned to Corning-Elmira, New York.

THE QUESTION OF RESERVATION FOR EDUCATION

2. At the present time, the Corning-Elmira area has no educational reservation. Corning, with a 1960 population of 17,085, has no television channel specifically assigned to it, although Elmira channels are available to Corning applicants under § 3.607(b) of the rules. Elmira, with a 1960 population of 46,517, has three UHF channels assigned to it (18, 24, and 30). Of these, Station WSYE-TV operates on Channel 18, and the Commission has proposed that Channel 24 be deleted from Elmira and assigned to Binghamton, New York, as part of the Binghamton deintermixture proceeding (see Docket No. 14243, FCC 61-1009, released August 3, 1961). No authorization is outstanding nor is any application pending for Channels 24 or 30. An engineering survey conducted for the Gannett Company, which earlier indicated an interest in this proceeding, discloses that it may be possible to assign another UHF channel to the Elmira area.

3. Letters concerning the reservation of Channel 30 as an educational television station were received from the President of the Executive Council for the Teachers' Association of Corning, New York, and the Director of the College Center of the Finger Lakes. A reply comment was filed by the Corning City School District.

4. All of the statements received concerning the reservation of Channel 30 for educational use supported the petitioner's proposal. The Commission is advised that the Corning City School District, using its own funds and those of the New York State Education Department, has commissioned an engineering study of the transmission requirements for educational television in the area. This study is now complete. Much public relations work apparently has been done to prepare the area for educational television. The Corning City School District asserts that careful plans are now underway for the early activation of the station once the channel is reserved. The statements received suggested that an ETV station would benefit education from pre-school through high school and adult education through college in the Corning-Elmira area. Furthermore, the fact that this area is continuing its educational efforts by applying for the reservation of Channel 30, notwithstanding the fact that an earlier proposal in 1960 directed to the reservation of Channel 9 was unsuccessful, is indicative of the sustained interest, enthusiasm, and audience so necessary for the successful operation of an educational station.

THE QUESTION OF HYPHENATION FOR CORNING-ELMIRA

5. The petitioner apparently relies upon educational television interest in both Corning and Elmira to support its request for hyphenation of the channel assignment. None of the comments or reply comments was directed specifically to the question of hyphenation. Under § 3.607(b), however, Channel 30 can presently be used at either Elmira or Corning in that Corning is less than 15 miles distant from Elmira. It should be noted, too, that any licensee must normally, even though using a hyphenated assignment, identify its station's location at the specific community of its origin. Any station after making proper identification may, without special permission from the Commission, recite the names of the communities it serves. Furthermore, any licensee may petition the Commission for a waiver of § 3.652 (a) of the rules to permit the licensee to identify its station with any communities receiving a principal city signal.

6. In view of the foregoing, the Commission finds that the adoption of the proposal to reserve Channel 30 in Elmira for noncommercial educational use is in the public interest, but that the hyphenated reassignment of Channel 30 to Corning-Elmira is not advisable at this time.

7. Authority for the amendment adopted herein is contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

8. In view of the foregoing: *It is ordered*, That effective August 10, 1962, the Table of Assignments contained in § 3.606 of the Commission rules and regulations is amended, with respect to the community named, to read as follows:

City	*Channel No.*
Elmira, N.Y.	18+, 24—, *30

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307.)

Adopted: June 27, 1962.

Released: June 29, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6522; Filed, July 3, 1962; 8:54 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 29]

TOBACCO INSPECTION

Standards

Notice is hereby given that the United States Department of Agriculture is considering the promulgation, as hereinafter proposed, of Official Standard Grades for Connecticut Valley Cigar-binder Tobacco, U.S. Types 51 and 52, pursuant to the authority contained in The Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 et seq.).

Statement of considerations leading to the proposed publication. Twelve years ago trial standards were established for Type 51 Sorted and Unsorted Broadleaf and Type 52 Unsorted Havana Seed tobaccos, treating each as a separate type. Subsequently these standards were amended to meet conditions brought about by cultural and marketing changes.

Several years ago marketing and usage trends for cigar tobaccos prompted inspection personnel and cooperative and industry representatives to request further changes in the tentative standard grades for both types. In April 1959 an amendment to the Type 51 standards eliminated the 21 grades for sorted tobacco and reduced from 13 to 9 the grades for unsorted tobacco. At the same time a similar amendment to the Type 52 standards reduced the 13 unsorted grades to 9. These amendments constitute the present tentative standards which employ identical composition. The proposed official standards would retain the format and grade structure but would consolidate the two sets of grades.

The present tentative standards have favorably undergone a three-year period of inspection and grade application. This would indicate that the proposed standards, incorporating the slight changes enumerated below, are ready to be made official.

Notwithstanding the successful period of application, informal discussions were held with Connecticut Valley tobacco growers and inspectors as well as cooperative and industry representatives to request their views of these tentative standards. Subsequently a preliminary draft was prepared and submitted to these groups for further comment. As a result of suggestions received, these proposed standards incorporate slight changes to reflect area terminology.

In addition to the proposal to consolidate the Type 51 and 52 standards, make them official, and incorporate area terminology, other changes would (1) add two definitions to clarify present terminology; (2) delete eleven definitions, seven of which describe elements of quality that the past three years of application would indicate as unessential to uniform grading; (3) delete these seven terms from the elements of quality chart and the grade specifications; (4) adopt the use of three terms to describe the degrees comprising the range of each element of quality; (5) add two rules to cover the tolerances of crude and frozen; and (6) delete the third factor "M" from the grademarks to provide more uniformity with respect to other unsorted cigar types. This letter symbolizes unsorted and its use was adopted when Type 51 tobacco was offered for sale in either sorted or unsorted lots. Although the grades for sorted tobacco were deleted in 1959, the "M" symbol was retained during the past three-year transitory period of these standards.

All persons who desire to submit written data, views, or arguments for consideration in connection with these proposed official standard grades should file the same with the Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 30 days after publication of this notice in the FEDERAL REGISTER.

The proposal is as follows:

1. Insert in Subpart C of Part 29 immediately after § 29.3407 the following:

OFFICIAL STANDARD GRADES FOR CONNECTICUT VALLEY CIGAR-BINDER TOBACCO (U.S. TYPES 51 AND 52)

DEFINITIONS

Sec.
29.5501 Definitions.
29.5502 Air-cured.
29.5503 Body.
29.5504 Burn.
29.5505 Case (order).
29.5506 Class.
29.5507 Clean.
29.5508 Condition.
29.5509 Crude.
29.5510 Cured.
29.5511 Damage.
29.5512 Dirty.
29.5513 Elasticity.
29.5514 Elements of quality.
29.5515 Foreign matter.
29.5516 Form.
29.5517 General quality.
29.5518 Grade.
29.5519 Grademark.
29.5520 Group.
29.5521 Injury.
29.5522 Leaf scrap.
29.5523 Leaf structure.
29.5524 Length.
29.5525 Lot.
29.5526 Maturity.
29.5527 Nested.
29.5528 No Grade.
29.5529 Offtype.
29.5530 Package.
29.5531 Packing.
29.5532 Quality.
29.5533 Raw.
29.5534 Semicured.
29.5535 Side.
29.5536 Sound.
29.5537 Stem.
29.5538 Stemmed.
29.5539 Stem rot.
29.5540 Strength (tensile).
29.5541 Strips.
29.5542 Sweated.
29.5543 Tobacco.
29.5544 Tobacco products.
29.5545 Type.
29.5546 Type 51.
29.5547 Type 52.
29.5548 Undried.
29.5549 Uniformity.
29.5550 Unstemmed.
29.5551 Unsweated.
29.5552 Wet (high-case).
29.5553 Width.

ELEMENTS OF QUALITY

29.5581 Elements of quality and degrees of each element.

RULES

29.5586 Rules.
29.5587 Rule 1.
29.5588 Rule 2.
29.5589 Rule 3.
29.5590 Rule 4.
29.5591 Rule 5.
29.5592 Rule 6.
29.5593 Rule 7.
29.5594 Rule 8.
29.5595 Rule 9.
29.5596 Rule 10.
29.5597 Rule 11.
29.5598 Rule 12.
29.5599 Rule 13.
29.5600 Rule 14.
29.5601 Rule 15.
29.5602 Rule 16.
29.5603 Rule 17.
29.5604 Rule 18.

GRADES

29.5626 Binder (B Group).
29.5627 Nonbinder (X Group).
29.5628 Nondescript (N Group).
29.5629 Scrap (S Group).

SUMMARY OF STANDARD GRADES

29.5651 Summary of standard grades.

KEY TO STANDARD GRADEMARKS

29.5656 Key to standard grademarks.

DEFINITIONS

§ 29.5501 Definitions.

As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.5502 Air-cured.

Tobacco cured under natural atmospheric conditions. Artificial heat sometimes is used to control excess humidity during the curing period to prevent pole-sweat, pole-burn, and shed-burn in damp weather. Air-cured tobacco should not carry the odor of smoke or fumes resulting from the application of artificial heat.

§ 29.5503 Body.

The thickness and density of a leaf or the weight per unit of surface. (See chart.)

§ 29.5504 Burn.

The duration of combustion or length of time that a tobacco leaf will hold fire after ignition. (See rule 18.)

§ 29.5505 Case (order).

The state of tobacco with respect to its moisture content.

§ 29.5506 Class.

A major division of tobacco based on method of cure or principal usage.

§ 29.5507 Clean.

Tobacco is described as clean when it contains only a normal amount of sand or soil particles. Leaves grown on the lower portion of the stalk normally contain more sand or dirt than those from higher stalk positions. (See rule 4.)

§ 29.5508 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are: Undried, air-dried, steam-dried, sweating, sweated, and aged.

§ 29.5509 Crude.

A subdegree of maturity. (See rule 15.)

§ 29.5510 Cured.

Tobacco dried of its sap by either natural or artificial processes.

§ 29.5511 Damage.

The effect of mold, must, rot, black rot, or other fungus or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See rule 17.)

§ 29.5512 Dirty.

The state of tobacco containing an abnormal amount of dirt or sand, or tobacco to which additional quantities of dirt or sand have been added. (See rule 17.)

§ 29.5513 Elasticity.

The flexible, springy nature of the tobacco leaf to recover approximately its original size and shape after it has been stretched. (See chart.)

§ 29.5514 Elements of quality.

Physical characteristics used to determine the quality of tobacco. Words selected to describe degrees within each element are shown in the chart in § 29.5581.

§ 29.5515 Foreign matter.

Any extraneous substance or material such as stalks, suckers, straw, strings, and rubber bands. (See rule 17.)

§ 29.5516 Form.

The state of preparation of tobacco such as stemmed or unstemmed.

§ 29.5517 General quality.

The quality of tobacco considered in relation to the type as a whole. General quality is distinguished from the restricted use of the term "quality" within a group.

§ 29.5518 Grade.

A subdivision of a type according to group and quality and to other characteristics when they are of sufficient importance to be treated separately.

§ 29.5519 Grademark.

In Types 51 and 52 a grademark normally consists of a letter to indicate group and a number to indicate quality. For example, B2 means Binder, good quality.

§ 29.5520 Group.

A type division consisting of one or more grades based on the general quality of tobacco. Groups in Types 51 and 52 are: Binder (B), Nonbinder (X), Nondescript (N), and Scrap (S).

§ 29.5521 Injury.

Hurt or impairment from any cause except the fungus or bacterial diseases which attack tobacco in its cured state. (See definition of Damage.) Injury to tobacco may be caused by field diseases, insects, or weather conditions; insecticides, fungicides, or cell growth inhibitors; nutritional deficiencies or excesses; or improper fertilization, harvesting, curing, or handling. Injured tobacco includes dead, burnt, hail-cut, torn, broken, frostbitten, frozen (see rule 16), sunburned, sunscalded, bulk-burnt, pole-burnt, shed-burnt, pole-sweated, stem rotted, bleached, bruised, discolored, or deformed leaves; or tobacco affected by wildfire, rust, frogeye, mosaic, root rot, wilt, black shank, or other diseases. (See rule 13.)

§ 29.5522 Leaf scrap.

A byproduct of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of loose and tangled whole or broken leaves.

§ 29.5523 Leaf structure.

The cell development of a leaf as indicated by its porosity. The degrees range from close (slick and tight) to open (porous). (See chart.)

§ 29.5524 Length.

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip.

§ 29.5525 Lot.

A pile, basket, bulk, package, or other definite unit.

§ 29.5526 Maturity.

The degree of ripeness. (See chart.)

§ 29.5527 Nested.

Any tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. Nested includes any lot of tobacco which contains foreign matter or damaged, injured, tangled, or other inferior tobacco, any of which cannot be readily detected upon inspection because of the way the lot is packed or arranged. (See rule 17.)

§ 29.5528 No Grade.

A designation applied to a lot of tobacco classified as damaged, dirty, nested, offtype, semicured, or wet; tobacco that is improperly packed, contains foreign matter, or has an odor foreign to the type. (See rules 5 and 17.)

§ 29.5529 Offtype.

Tobacco of distinctly different characteristics which cannot be classified as Type 51 or 52. (See rule 17.)

§ 29.5530 Package.

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

§ 29.5531 Packing.

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspection. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

§ 29.5532 Quality.

A division of a group or the second factor of a grade, based upon the relative degree of one or more of the elements of quality.

§ 29.5533 Raw.

Tobacco as it appears between the time of harvesting and the beginning of the curing process.

§ 29.5534 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, swell stems, and tobacco having frozen stems or stems that have not been thoroughly dried in the curing process. (See definition of No Grade and rule 17.)

§ 29.5535 Side.

A certain phase of quality as contrasted with some other phase of quality, or any peculiar characteristic of tobacco.

§ 29.5536 Sound.

Free of damage. (See rule 4.)

§ 29.5537 Stem.

The midrib or large central vein of a tobacco leaf.

§ 29.5538 Stemmed.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

§ 29.5539 Stem rot.

The deterioration of an uncured or frozen stem resulting from bacterial action. Although stem rot results from bacterial action, it is inactive in cured tobacco and is treated as a kind of injury in Types 51 and 52. (See rule 14.)

§ 29.5540 Strength (tensile).

The stress a tobacco leaf can bear without tearing. (See chart.)

§ 29.5541 Strips.

The sides of tobacco leaves from which the stems have been removed or a lot of tobacco composed of strips.

§ 29.5542 Sweated.

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition sometimes is described as aged.

§ 29.5543 Tobacco.

Tobacco in its unmanufactured forms as it appears between the time it is cured

and stripped from the stalk, or primed and cured, and the time it enters a manufacturing process. Conditioning, sweating, and stemming are not regarded as manufacturing processes.

§ 29.5544 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff, which is subject to Internal Revenue tax.

§ 29.5545 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 29.5546 Type 51.

That type of cigar-leaf tobacco commonly known as Connecticut Valley Broadleaf or Connecticut Broadleaf, produced principally in the Connecticut River Valley.

§ 29.5547 Type 52.

That type of cigar-leaf tobacco commonly known as Connecticut Valley Havana Seed or Havana Seed of Connecticut and Massachusetts, produced principally in the Connecticut River Valley.

§ 29.5548 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

§ 29.5549 Uniformity.

A grade requirement designating the percentage of a lot which must meet the specified degree of each element of quality. (See rule 12.)

§ 29.5550 Unstemmed.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

§ 29.5551 Unsweated.

The condition of cured tobacco which has not been sweated.

§ 29.5552 Wet (high-case).

Any sound tobacco containing excessive moisture to the extent that it is in an unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See Rule 17.)

§ 29.5553 Width.

The relative breadth of a tobacco leaf expressed in relation to its length. (See chart.)

ELEMENTS OF QUALITY

§ 29.5581 Elements of quality and degrees of each element.

These standardized words or terms are used to describe tobacco quality and to assist in interpreting grade specifications. Tobacco attributes or characteristics which constitute quality are designated as elements of quality. The range within each element is expressed by the use of words or terms designated as degrees. These degrees are arranged to show their relative value, but the actual value of each degree varies with type and group. In each case the first and last degrees represent the full range for the element.

Elements		Degrees	
Body	Heavy	Medium	Thin.
Maturity	Immature	Mature	Ripe.
Leaf Structure	Close	Firm	Open.
Elasticity	Inelastic	Semielastic	Elastic.
Strength (Tensile)	Weak	Normal	Strong.
Width	Narrow	Normal	Spready.
Length	(1)	(1)	(1).
Uniformity	(2)	(2)	(2).
Injury Tolerance	(2)	(2)	(2).

[1] Expressed in inches.
[2] Expressed in percentages.

RULES

§ 29.5586 Rules.

The application of these official standard grades shall be in accordance with the following rules.

§ 29.5587 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.5588 Rule 2.

The determination of a grade shall be based upon a representative sample or a thorough examination of a packing of tobacco.

§ 29.5589 Rule 3.

The grade of unsorted tobacco shall be based upon a representative sample of the packing. A minimum of 10 percent of the bundles or bales shall be selected at random for sampling; a higher percentage may be sampled at the discretion of the inspector. To obtain the sample, a sufficient amount of tobacco shall be drawn to be representative of each selected bale. In determining the grade, the inspector shall consider the quality of all samples. The grade assigned shall represent the quality of the lot as a whole.

§ 29.5590 Rule 4.

Standard grades shall be applied to clean and sound tobacco only.

§ 29.5591 Rule 5.

Tobacco leaves shall be placed straight in bundles or bales of normal weight, size, and shape with the butts out and tips overlapping from 6 to 8 inches or sufficiently to make a level, solid, and uniform pack. The sides of the bundles shall be completely covered with paper, or other suitable protective material, and tightly bound with not less than three large twines spaced so that the tobacco will be held securely together. Improperly packed tobacco shall be designated as "No-G."

§ 29.5592 Rule 6.

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned, it shall not thereafter be represented as such grade.

§ 29.5593 Rule 7.

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

§ 29.5594 Rule 8.

A lot of tobacco meets the specifications of a grade when it is not lower in any degree of any element of quality than the minimum specifications of such grade.

§ 29.5595 Rule 9.

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Minor irregularities which do not affect over one percent of the tobacco shall be overlooked.

§ 29.5596 Rule 10.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards Branch and approved by the Director of the Tobacco Division, Agricultural Marketing Service.

§ 29.5597 Rule 11.

The use of any grade may be restricted by the Director during any marketing season when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.5598 Rule 12.

Uniformity shall be expressed in percentages. These percentages shall govern the portion of a lot which must meet each specification of the grade; the remaining portion must be related. Grade specifications state the minimum acceptable degree of each element of quality. Specified percentages of uniformity shall not affect limitations established by other rules.

§ 29.5599 Rule 13.

Injury tolerance shall be expressed in percentages. The appraisal of injury shall be based upon the percentage of affected leaf surface or the degree of injury, and consideration shall be given to the kinds of injury normal to the group or grade.

§ 29.5600 Rule 14.

Stem rot shall not exceed 50 percent of the specified injury tolerance for any grade.

§ 29.5601 Rule 15.

In grade specifications the tolerance of crude shall apply to the entire leaf surface of the lot.

§ 29.5602 Rule 16.

In grade specifications frozen shall be treated as a separate kind of injury and the tolerance shall apply to the entire leaf surface of the lot.

§ 29.5603 Rule 17.

Tobacco shall be designated as No Grade, using the grademark "No-G," when it is damaged, dirty, nested, off-type, semicured, wet, improperly packed, contains foreign matter, or has an odor foreign to the type.

§ 29.5604 Rule 18.

Burn shall be determined as the average burning time of leaves selected at random from the sample. A minimum of 10 leaves shall be selected as representative regardless of the number of bundles or bales in the lot. All burn tests shall be made in the binder-cutting area on the same side of the leaf. The leaf shall be punctured to permit quick ignition when placed over a candle, alcohol lamp, or electrical-lighting device. Good burn shall average 6 seconds or longer; fair burn, 3 to 5 seconds; and poor burn, under 3 seconds. B1 and B2 shall require good burn and B3, fair burn.

GRADES

§ 29.5626 Binder (B Group).

Farm lots of tobacco suitable for utilization as cigar binders.

U.S. Grades	Grade Names, Minimum Specifications, and Tolerances
B1	Fine Quality Binder: Thin, ripe, open, elastic, strong, spready, and over 19 inches in length. Uniformity, 90 percent; injury tolerance, 10 percent.
B2	Good Quality Binder: Thin, ripe, open, elastic, normal strength and width, and over 19 inches in length. Uniformity, 80 percent; injury tolerance, 20 percent.
B3	Fair Quality Binder: Medium body, mature, firm, semielastic, normal strength and width, and over 19 inches in length. Uniformity, 70 percent; injury tolerance, 30 percent.
B4	Poor Quality Binder: Medium body, mature, firm, inelastic, normal strength, and narrow. Uniformity, 60 percent; injury tolerance, 40 percent.
B5	Low Quality Binder: Heavy, immature, close, inelastic, weak, and narrow. Uniformity, 60 percent. Tolerances: 5 percent crude, 5 percent frozen, and 40 percent injury.

§ 29.5627 Nonbinder (X Group).

Farm lots of nonbinder tobacco.

U.S. Grades	Grade Name, Minimum Specifications, and Tolerances
X1	Nonbinder: Heavy, immature, close, inelastic, weak, and narrow. Tolerances: 10 percent crude, 10 percent frozen, and 50 percent injury.

§ 29.5628 Nondescript (N Group).

Tobacco which does not meet the minimum specifications of the lowest grade of any other group.

U.S. Grades	Grade Names and Tolerances
N1	First Nondescript: Tolerances: 20 percent crude, 20 percent frozen, and 60 percent injury.
N2	Second Nondescript: Over 20 percent crude, over 20 percent frozen, or over 60 percent injury.

§ 29.5629 Scrap (S Group).

A byproduct of unstemmed and stemmed tobacco. Scrap accumulates from handling tobacco in farm buildings, warehouses, packing and conditioning plants, and stemmeries.

U.S. Grade	Grade Name and Specifications
S	Scrap: Loose, tangled, whole, or broken unstemmed leaves, or the web portions of tobacco leaves reduced to scrap by any process.

SUMMARY OF STANDARD GRADES

§ 29.5651 Summary of standard grades.

5 Grades of Binder	1 Grade of Nonbinder
B1	X1
B2	
B3	
B4	
B5	
2 Grades of Nondescript	**1 Grade of Scrap**
N1	S
N2	

Tobbacco not covered by standard grades is designated as "No-G."

KEY TO STANDARD GRADEMARKS

§ 29.5656 Key to standard grademarks.

Groups	Qualities
B—Binder.	1—Fine.
X—Nonbinder.	2—Good.
N—Nondescript.	3—Fair.
S—Scrap.	4—Poor.
	5—Low.

(49 Stat. 734; 7 U.S.C. 511m)

Done at Washington, D.C., this 29th day of June 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-6526; Filed, July 3, 1962; 8:55 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 677) has been filed by Food and Drug Research Laboratories, Inc., Maurice Avenue and 58th Street, Maspeth 78, New York, proposing amendment of the food additive regulations, as follows:

1. It is proposed to amend § 121.2508 *Ethylene-alkene-1 copolymers* by changing paragraph (b)(2)(iii)(c) [previously designated (d)(3)(iii)] to read:

(b) * * *
(2) * * *
(iii) * * *
(c) Maximum extractable fraction of 2.6 percent when extracted with *n*-hexane at 50° C.

2. It is proposed to amend § 121.2510 *Polyethylene*, as follows:

a. By changing paragraph (d)(3) to read:

(d) * * *
(3) Polyethylene may be used as a component of articles for packing or holding food during cooking, provided it meets the following extractability limitations:
(i) Maximum soluble fraction of 11.3 percent in xylene after refluxing and subsequent cooling to 25° C.
(ii) Maximum extractable fraction of 3.1 percent when extracted with ethyl acetate at 50° C.
(iii) Maximum extractable fraction of 2.6 percent when extracted with *n*-hexane at 50° C.

b. By deleting subparagraph (4) of paragraph (e).

Dated: June 28, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-6505; Filed, July 3, 1962; 8:51 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 847) has been filed by Monsanto Chemical Company, Plastics Division, Springfield, Massachusetts, proposing the amendment of § 121.2514 of the food additive regulations to permit the use of melamine formaldehyde and melamine formaldehyde chemically modified with amine catalysts in resinous and polymeric coatings that contact food. The petition also proposes to amend § 121.2514 to include the following catalysts:

Triethanolamine.
Dimethylamine-2-methyl-1-propanol.
Methylpropanolamine.

Dated: June 28, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-6508; Filed, July 3, 1962; 8:52 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 777) has been filed by Merck

Chemical Division, Merck and Co., Inc., Rahway, New Jersey, proposing the amendment of § 121.210 of the food additive regulations to provide for the safe use of 0.0125 to 0.025 percent amprolium with 0.0004 percent ethopabate (methyl - 4 - acetamido - 2 - ethoxy benzoate) plus the following antibiotics added for growth promotion and feed efficiency:

Antibiotic	Grams per ton	Limitations
Penicillin	2.4–50	As procaine penicillin.
Penicillin plus bacitracin.	4–50	Not less than 0.6 grams of penicillin nor less than 3.0 grams of bacitracin; as procaine penicillin plus bacitracin or bacitracin methylene disalicylate or manganese bacitracin or zinc bacitracin.
Penicillin plus streptomycin.	14.4–50	Not less than 2.4 grams of penicillin nor less than 12 grams of streptomycin as procaine penicillin plus streptomycin.
Bacitracin	4–50	As bacitracin, bacitracin methylene disalicylate, manganese bacitracin, or zinc bacitracin.
Streptomycin	30–50	
Chlortetracycline	10–50	

Dated: June 28, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62–6510; Filed, July 3, 1962; 8:52 a.m.]

FEDERAL AVIATION AGENCY

Air Traffic Service

[14 CFR Part 600]

[Airspace Docket No. 61–NY–74]

FEDERAL AIRWAYS

Proposed Alteration of Federal Airways

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6139, 600.6837 and 600.6885 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 139 and VOR Federal airways Nos. 837 and 885 extend in part from the Providence, R.I., VOR to the Whitman, Mass., VOR. The Federal Aviation Agency is proposing to reduce these segments of V139, V837 and V885 from a 10-mile wide airway to an 8-mile wide airway to prevent the Franklin, Mass., holding pattern (intersection of the Gardner, Mass., VORTAC 132° and the Boston, Mass., VORTAC 223° radials) from overlying the segments of V139, V837 and V885 described above. This would permit en route operation on V139, V837 and V885 and simultaneous holding at the Franklin Intersection.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 27, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62–6467; Filed, July 3, 1962; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 62–EA–26]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Designation of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering the designation of low altitude VOR Federal airway No. 469 and its associated control areas from the Danville, Va., VOR to the Lynchburg, Va., VORTAC. This airway would provide a direct route between these two cities for the control of instrument flight rule traffic. Further, air carrier service is to be inaugurated in the near future. Under Agency Airway Planning Standard No. 2 dated September 1960, these two cities qualify for a connecting airway on the basis of these terminals being certified air carrier stops.

The airspace that would be involved in the designation of V–469 is presently designated as control area with the exception of approximately a 14 square mile area. The Civil Aeronautics Board has directed that air carrier service be provided these two cities at an early date. A direct routing and air traffic control service for the expeditious movement of air traffic between these terminals is deemed necessary. In view of the foregoing, it is in the public interest to limit the comment period for this Notice to 15 days.

The control areas associated with V–469 would extend upward from 700 feet above the surface to the base of the continental control area. Separate actions would be initiated to implement on an area basis Amendment 60–21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within fifteen days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 27, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62–6468; Filed, July 3, 1962; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61–NY–97]

FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS

Revocation of Federal Airway, Associated Control Areas and Reporting Points

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.220, 601.220 and and 601.4220 of the regulations of the Administrator, the substance of which is stated below.

Low altitude Red Federal airway No. 20 is designated in part from Windsor, Ont., Canada, to Cleveland, Ohio, and from Pittsburgh, Pa., to Martinsburg, W. Va., and from Washington, D.C., to Meekins Neck, Md. The Federal Aviation Agency is considering the revocation of these segments of Red 20. It is the policy of this Agency to revoke L/MF airways wherever adequate VOR airways are available and it appears that the segment of Red 20 between Windsor and Cleveland is adequately served by Low altitude VOR Federal airway Nos. 42, 42E, V5, V14N and V103. The segment of Red 20 between Pittsburgh and Martinsburg is adequately served by Low altitude VOR Federal airway No. 8 and the segment of Red 20 between Washington and Meekins Neck is adequately served by Low altitude VOR Federal airway No. 31 between Nottingham, Md., and Golden Hill, Md. The segment between Washington and Nottingham is within the Washington terminal area and covered by terminal area traffic control procedures. Accordingly, the Federal Aviation Agency proposes to revoke the United States segments of Red 20, its associated control areas and reporting points, from Windsor to Cleveland; Pittsburgh to Martinsburg; and Washington to Meckins Neck.

Adoption of this proposal would not result in discontinuance of the low frequency navigational aids associated with these segments of Red 20. Any proposals to discontinue one or more of these aids would be circularized separately and interested persons would be afforded an opportunity to comment.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 27, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62–6469; Filed, July 3, 1962; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14697, RM–340; FCC 62–691]

TELEVISION BROADCAST STATIONS, MARIETTA AND ATLANTA, GEORGIA

Table of Assignments

1. Notice is hereby given in the above-entitled matter.

2. The Commission has before it for consideration a request for rule making filed May 28, 1962, by the Board of Education of the City of Atlanta (hereinafter Atlanta Board), licensee of Station WETV, Channel *30, and Station WABE–FM in Atlanta, Georgia, requesting the reassignment of Channel 57 from Marietta, Georgia, to Atlanta, Georgia, and its reservation as a noncommercial educational station, in addition to Channel *30.

3. Petitioner asserts that because of the present growth trend in the Atlanta metropolitan area (the population of the Atlanta metropolitan area as of the 1960 U.S. Census is 1,017,188; the population of Marietta, a community 18 miles distant from Atlanta but included in the metropolitan area of Atlanta, is 25,565), there is at present a real need for expanded facilities in the field of educational television. At the present time, Channel *30 broadcasts approximately 20 hours of general adult programming per week and approximately 33 hours of in-school instructional programs per week. Assertedly, there is a shortage of television time which does not permit easy scheduling of course work directed toward in-school viewing on all levels. Petitioner states, "The few high school courses offered do not begin to realize one of the great potentials of in-school television, that is, to increase the elective course areas where trained classroom teachers cannot be obtained."

4. The basic plan put forward by the Atlanta Board on the reservation of Channel 57 in Atlanta as a noncommercial educational station contemplates using existing Channel *30 primarily for pre-high school, in-school training during the day and to continue to use Channel *30 for the general education of the adult population in the evening. Channel 57 would be primarily used for secondary education for in-school training during the day and secondary education directed at the adult population in the evening, for which credit would be given.

5. In view of the above, it is proposed to amend § 3.606 of the rules, insofar as the communities named are concerned, to read as follows:

City	Channel No.	
	Present	Proposed
Atlanta, Ga.	2, 5–, 11+, *30, 36	2, 5–, 11+, *30, 36, *57+
Marietta, Ga.	57+	

6. The Commission is of the view that rule making should be instituted on this proposal in order that all interested parties may submit their views and relevant data.

7. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested parties may file comments on or before August 6, 1962, and reply comments on or before August 21, 1962. In reaching its decision on the rule amendment which is proposed herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

9. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished the Commission.

Adopted: June 27, 1962.

Released: June 29, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–6519; Filed, July 3, 1962; 8:53 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 502]

[General Order 3]

ESTABLISHMENT OF USER CHARGES

Withdrawal of Proposed Rule Making

Notice appeared in the FEDERAL REGISTER issue of October 11, 1961 (26 F.R. 9602) of proposed rule making issued under 46 CFR Part 502 relative to the establishment of user charges with respect to: § 502.1 *Permission to practice before the Commission* and § 502.2 *Copies of regulations.*

Pursuant to action of the Federal Maritime Commission taken on June 28, 1962, notice is hereby given that said proposed rule is hereby withdrawn.

By order of the Federal Maritime Commission.

Dated: June 28, 1962.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 62–6512; Filed, July 3, 1962; 8:52 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Rev. 2]

SMALL BUSINESS SIZE STANDARDS

Notice of Proposal To Amend the Definition of Small Business for Owners and Operators of Shopping Centers for the Purpose of SBA Business Loans

Notice is hereby given that the Administrator of the Small Business Administration proposes to establish a definition of small business owners and operators of shopping centers for the purpose of receiving SBA loans.

The current Small Business Size Standards Regulation does not contain a small business definition for this industry. The proposed amendment would define a small business in this industry as a concern which, together with its affiliates, does not have assets exceeding $2,500,000, does not own or operate shopping centers which contain in excess of 250,000 square feet of gross leasable area and does not lease more than one out of every ten square feet to a concern which is not a small business within the meaning of the definition of a small business for SBA business loans contained in § 121.3-10 of the regulation.

Interested persons may file with the Small Business Administration within fifteen (15) days after publication in the FEDERAL REGISTER written statements of facts, opinions, or arguments concerning the proposed defintion.

All correspondence on this matter shall be addressed to:

Samuel S. Solomon, Director,
Office of Small Business Size Standards,
Small Business Administration,
Washington 25, D.C.

It is proposed to establish a definition of small business owners and operators of shopping centers for the purpose of receiving SBA business loans as follows:

The Small Business Size Standards Regulation (Revision 2) (26 F.R. 812), as amended (26 F.R. 1441, 1983, 2778, 3064, 7508, 6642, 8592, 10633, 10634, 12069; 27 F.R. 5653), is hereby further amended by:

1. Adding new paragraphs (u) and (v) to § 121.3-2 as follows:

§ 121.3-2 Definition of terms used in this part.

. . . . . .

(u) "Shopping Center" means a group of commercial establishments planned, developed, owned, and managed as a unit with off-street parking provided on the property.

(v) "Gross Leasable Area" means the total floor area designed for tenant occupancy and exclusive use, including basement, mezzanines, and upper floors, if any, expressed in square feet measured from the center line of a joint partition and from outside wall faces.

2. Adding new paragraph (m) to § 121.3-10 as follows:

§ 121.3-10 Definition of small business for SBA business loans.

. . . . . .

(m) *Shopping centers.* Any concern engaged in the operation of shopping centers is small if its total assets do not exceed $2,500,000, the total gross leasable area of all shopping centers owned or operated by the concern does not exceed 250,000 square feet, and does not lease more than one out of every ten square feet of gross leasable area to concerns which do not meet the small business definitions contained in this section.

For the purpose of size determinations, shopping center owners and operators will not be considered affiliated with its tenants merely because of a lease agreement.

Dated: July 2, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-6619; Filed, July 3, 1962; 9:22 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 55652]

COTTON TEXTILES PRODUCED OR MANUFACTURED IN COLOMBIA, ISRAEL, THE REPUBLIC OF CHINA AND THE UNITED ARAB REPUBLIC

Restrictions on the Entry or Withdrawal From Warehouse

JUNE 27, 1962.

There is published below a letter of June 25, 1962, from the Interagency Textile Administrative Committee, recommending and requesting the taking of specified action relating to certain cotton textiles produced or manufactured in Colombia, Israel, the Republic of China and the United Arab Republic which were exported from any of the aforesaid countries on or after a certain date.

Accordingly, it is hereby ordered that cotton textiles produced or manufactured in Colombia, Israel, the Republic of China or the United Arab Republic included in Category I and exported from any of the aforesaid countries on or after June 23, 1962, shall not be permitted to be entered for consumption, or withdrawn from warehouse for consumption, at any port of entry in the United States (including the Commonwealth of Puerto Rico). The categories involved are described in detail in the "Schedule A and U.S.I.D.A. Components of Selected International Cotton Textile Arrangement Categories," attached to the aforesaid letter. This order is not applicable to samples which would otherwise be eligible for duty-free importation pursuant to title 19, United States Code, section 1201, paragraph 1821(b). The procedures set forth in §§ 12.70-12.73 of the Customs Regulations should apply.

[SEAL] JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

THE ASSISTANT SECRETARY OF COMMERCE
WASHINGTON 25, D.C.

THE INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

JUNE 25, 1962.

The Honorable C. DOUGLAS DILLON,
The Secretary of the Treasury, Washington, D.C.

DEAR MR. SECRETARY: In accordance with the letter of June 21, 1962, to you from the President of the United States delegating authority under certain parts of section 204 of the Agricultural Act of 1956 as amended by P.L. 87-488 and in accordance with the authority granted to the Interagency Textile Administrative Committee in that letter, the Interagency Textile Administrative Committee recommends and requests, in accordance with Article ID of the Arrangements Regarding International Trade in Cotton Textiles done at Geneva July 21, 1961, that you take the actions listed below to prevent circumvention or frustration of the said Arrangements by non-participants. These Arrangements were concluded under authority of section 204 of the Agricultural Act of 1956 on a multilateral basis by countries accounting for a significant part of the world trade in cotton textiles and cotton textile products.

Actions Recommended and Requested

Cotton textile and cotton textile products, included in Category 1, produced or manufactured in Colombia and exported therefrom on or after June 23, 1962, produced or manufactured in Israel and exported therefrom on or after June 23, 1962, produced or manufactured in the Republic of China and exported thereform on or after June 23, 1962, or produced or manufactured in the United Arab Republic and exported therefrom on or after June 23, 1962, shall be refused entry into the United States for consumption. Because of the critical circumstances that arose from importation of this category of cotton textiles, the United States found it necessary to inform these countries that the United States would not accept entry for consumption of goods in this category shipped from these countries on or after June 23, 1962.

The products included in Category 1 are described in detail in the attached "Schedule A and U.S.I.D.A. Components of Selected International Cotton Textile Arrangement Categories." The foregoing restraint should not be made applicable to samples otherwise eligible for duty-free importation pursuant to paragraph 1821 of Section 1201 of Title 19 of the United States Code. Furthermore, in carrying out the above-described recommendations, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

This recommendation was arrived at on the 25th day of June, 1962, by unanimous vote of the Interagency Textile Administrative Committee.

Sincerely yours,

HICKMAN PRICE, JR.,
Chairman.

Enclosure:

UNITED STATES DEPARTMENT OF COMMERCE

INTERNATIONAL COTTON TEXTILE AGREEMENT CATEGORY BY SCHEDULE A NUMBER AND UNITED STATES IMPORT DUTIES ANNOTATED NUMBER

Category	Schedule A Number	U.S.I.D.A. Number
1. Cotton yarn, carded, singles, not ornamented, etc.	3011 000	0901 11**
	3021 100	0901 21**

** The last two digits represent yarn number groups (e.g., *05* represents yarn numbers 1 through 5; *30* represents yarn numbers 26 through 30; *90* represents yarn numbers from 81 through 90, etc.).

[F.R. Doc. 62-6523; Filed, July 3, 1962; 8:54 a.m.]

Office of the Secretary

[AA 643.3-m]

ELECTROLYTIC MANGANESE FROM JAPAN

Fair Value Determination

JUNE 26, 1962.

A complaint was received that electrolytic manganese from Japan was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that electrolytic manganese from Japan is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. The quantity of electrolytic manganese sold in the home market for home consumption was sufficient to form a basis for a fair value comparison. There is no relationship within the meaning of section 207 of the Antidumping Act between the seller and the purchaser in the United States.

In calculating purchase price, deductions from the packed, f.o.b. Yokohama selling price for export to the United States were made for storage, inland transportation, and shipping charges.

Computation of the home market price was based on the home market selling price, delivered customer's plant. Adjustments were made to the home market price to allow for differences between home market and export packing, interest costs applying only to home market sales, and a difference in the commissions applicable to home market and export sales. Deductions from home market price were also made for various inland transportation charges accruing from the factory to the customer's plant.

Purchase price was found to be not lower than the adjusted home market price.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-6525; Filed, July 3, 1962; 8:55 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Anchorage 052775]

ALASKA

Order Opening Public Lands

1. The following public land orders revoked prior orders of withdrawal affecting lands in Alaska, and provided that after expiration of the time during which the State of Alaska should have a preferred right to select the lands as provided by the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), the lands affected would not be subject to other disposition under the public land laws unless and until it were so provided by order of an authorized officer of the Bureau of Land Management:

a. Misc. 1583870—Order No. 2294 of March 9, 1961.

b. Fairbanks 012594—Order No. 2366 of February 13, 1961.
c. Misc. 60101—Order No. 2386 of May 15, 1961.
d. Misc. 1917065—Order No. 2371 of May 11, 1961.
e. Fairbanks 010504 and 013034—Order No. 2385 of May 15, 1961.
f. Fairbanks 011003—Order No. 2387 of May 15, 1961.
g. Fairbanks 014221—Order No. 2406 of June 21, 1961.
h. Anchorage 026009—Order No. 2425 of July 3, 1961.

2. The State has made selections of substantial areas. Portions of the remaining lands are unavailable for appropriation under the public land laws because of inclusion in other withdrawals or lacking the status of public lands. Interested persons may ascertain the status of the affected areas by inquiry of the Manager of the Land Office at Anchorage or Fairbanks, depending upon the location of the lands.

3. Subject to valid existing rights, the unselected, unreserved and unappropriated public lands released from withdrawal by the orders described in Paragraph 1 hereof are hereby restored to operation of the public land laws, effective at 10:00 a.m. on August 1, 1962.

JERRY A. O'CALLAGHAN,
Assistant Director.

JUNE 27, 1962.

[F.R. Doc. 62-6480; Filed, July 3, 1962; 8:48 a.m.]

ARIZONA

Notice of Filing of Plat of Survey; Correction

The following corrections are made to paragraph numbered 4 of the Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands, dated June 15, 1962, which order appears at page 5878 of the FEDERAL REGISTER issue of June 21, 1962:

a. The words "Executive Order 759 of November 22, 1924, for a power site reserve", are corrected to read, "The Executive Order of November 22, 1924, creating Power Site Reserve No. 759."

b. The words, "by Secretary's Order of September 2, 1927, for Power Project 837", are corrected to read, "pursuant to an application for a preliminary permit filed September 2, 1927, by Arizona Edison Co., pursuant to Section 24 of the Federal Power Act for Power Project No. 837."

c. The words "and on February 1, 1917, for Water Power Designation No. 4, Arizona No. 1," are corrected to read "and by departmental order of February 1, 1917, as Water Power Designation No. 4, Arizona No. 1."

JERRY A. O'CALLAGHAN,
Assistant Director.

JUNE 27, 1962.

[F.R. Doc. 62-6481; Filed, July 3, 1962; 8:48 a.m.]

Office of the Secretary

CHRISTIANSTED NATIONAL HISTORIC SITE

Order Adding Certain Federally Owned Lands

Whereas the Secretary of the Interior on March 4, 1952, designated as the Virgin Islands National Historic Site, and on January 16, 1961, redesignated as the Christiansted National Historic Site, the wharf area and its buildings, the D. Hamilton Jackson Park, and the Government House and grounds in Christiansted, St. Croix, Virgin Islands, these structures and grounds being excellent historical examples of the old Danish economy and way of life in the Virgin Islands; and

Whereas the following parcel of federally owned land held in the name of the Virgin Islands Corporation, a wholly owned Government corporation, is needed for use in administering, developing, protecting, and interpreting the said National Historic Site:

Now, therefore, by virtue of and pursuant to authority contained in the act of August 21, 1935 (49 Stat. 666; 16 U.S.C., secs. 461, et seq.), the following described land is hereby added to and made a part of the Christiansted National Historic Site as a detached unit thereof:

All that certain piece of land designated as Parcel No. 6, Estate Sion Farm, St. Croix, Virgin Islands, partitioned from lands of the Virgin Islands Corporation, and delineated on a plat dated 11-10-61 by H. M. Berning, licensed engineer, correlated to P.W.D. Drawing No. 319 of the United States Department of Agriculture, more particularly bounded and described as follows:

Beginning at a found concrete boundpost on the northeasterly corner of Parcel No. 4, Estate Sion Farm,

Thence N. 8°48' W., 722.8 feet along an easterly line of Estate Constitution Hill to a found concrete boundpost;

Thence S. 77°05' W., 1,271.8 feet along a southerly line of Parcel No. 3, Estate Sion Farm, to a set iron boundpost;

Thence S. 8°57' E., 625.6 feet along a partition line, being an easterly line of the parcel of land remaining in the Virgin Islands Corporation, to a set iron boundpost;

Thence N. 81°28' E., 1,267.0 feet along a northerly line of Parcel No. 4, Estate Sion Farm, to the place of beginning.

The tract as described contains approximately 19.6 United States acres.

Together with a 50-foot right-of-way from the southwesterly corner of Parcel No. 6, Estate Sion Farm, running westward along a northerly line of Parcel No. 4, Sion Farm, over the so-called Remainder Estate Sion Farm to the Public Road.

The administration, protection, and development of the land hereinabove described as a part of the said National Historic Site shall be exercised in accordance with the provisions of the act of August 21, 1935, supra.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this addition to said Site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed at the city of Washington, this 27th day of June 1962.

[SEAL] STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 62-6483; Filed, July 3, 1962; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

HANDLING OF DRIED FIGS PRODUCED IN CALIFORNIA [1]

Order Discharging Trustees for Liquidation Action

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), Marketing Agreement No. 123, as amended, and Marketing Order No. 64, as amended (7 CFR Part 964; issued 20 F.R. 1685 and amended 21 F.R. 7649), regulating the handling of dried figs produced in California, were terminated, effective August 1, 1960, by order dated July 6, 1960 (25 F.R. 6459). It was provided in § 964.87 of said amended marketing agreement and order that upon termination thereof the members of the Dried Fig Administrative Committee then functioning shall continue as joint trustees for the purpose of liquidating the affairs of the committee; and said termination order prescribed that the liquidation shall be in accordance with the provisions of said section.

The joint trustees have, in accordance with said termination order and the provisions of said § 964.87, completed such liquidation; and all books and records of the Dried Fig Administrative Committee and of the said trustees have been delivered to appropriate depositories. There are no funds or properties in possession or under control of said trustees; and there is no further liability or outstanding obligations to be discharged by said trustees in connection with the liquidation action.

Therefore, the aforesaid members of the Dried Fig Administrative Committee, serving as joint trustees pursuant to said amended marketing agreement and order, and said termination order, be, and they hereby are, discharged and released from any further obligations to serve as joint trustees pursuant thereto and from any and all further obligations thereunder.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: June 28, 1962, to become effective upon publication in the FEDERAL REGISTER.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-6494; Filed, July 3, 1962; 8:51 a.m.]

[1] Order No. 64, issued 20 F.R. 1685; amended 21 F.R. 7649; terminated 25 F.R. 6459.

Agricultural Stabilization and Conservation Service

WHEAT

Notice of Referendum for Marketing Quotas 1963-64

The Secretary is required to proclaim pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, a national marketing quota for wheat for the marketing year beginning July 1, 1963, on or before May 15, 1962. Said Act requires the Secretary to conduct a referendum between the date of said proclamation and July 25, 1962, of farmers who will be subject to such quota in order to determine whether such farmers favor or oppose such quota.

Public Law 87-450 approved May 15, 1962, extended to June 15, 1962, the time for the issuance of said proclamation and Public Law 87-485 approved June 15, 1962, further extended to July 15, 1962, the time for the issuance of said proclamation. In view of the limited time between the date of the issuance of said proclamation and the last date for holding the referendum and the necessity of giving public notice of the date of the referendum a reasonable time in advance thereof, it is hereby found that compliance with notice, public procedure, and effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest.

It is hereby determined that such referendum shall be held on July 24, 1962.

Effective date: Upon filing with the Director, Office of the Federal Register.

Issued at Washington, D.C., this 26th day of June, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-6596; Filed, July 2, 1962; 2:05 p.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

TRADE ROUTE NO. 14-1; U.S. ATLANTIC/WEST COAST OF AFRICA

Notice of Determinations Regarding United States Flag Service Requirements

Notice is hereby given that on June 28, 1962, the Maritime Administrator, acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined that U.S. flag service requirements for Service 1 of Trade Route No. 14 are approximately four freighter sailings per month. The Maritime Administrator also ordered that the foregoing conclusions be published in the FEDERAL REGISTER.

Dated: June 28, 1962.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-6471; Filed, July 3, 1962; 8:46 a.m.]

FEDERAL AVIATION AGENCY

AIRPORT DISTRICT OFFICE AT CARSON CITY, NEVADA

Notice of Closing

Notice is hereby given that on or about July 1, 1962, the Airport District Office in Carson City, Nevada, will be closed. Services provided by this office will be rendered by the Airport District Office to be opened July 1, 1962, at Reno, Nevada.

(Sec. 313(a), 72 Stat. 752, 49 U.S.C. 1354)

Issued in Washington, D.C., on June 28, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-6466; Filed, July 3, 1962; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-170]

ARMED FORCES RADIOBIOLOGY RESEARCH INSTITUTE

Notice of Issuance of Facility License

Please take notice that no request for a formal hearing having been filed following the publication of notice of the proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Facility License No. R-84 to Armed Forces Radiobiology Research Institute, authorizing operation of the Defense Atomic Support Agency's (DASA's) TRIGA Mark F tank-type nuclear reactor located on the grounds of the National Naval Medical Center in Bethesda, Maryland.

The license as issued was set forth in the Notice of Proposed Issuance of Facility License published in the FEDERAL REGISTER June 1, 1962, 27 F.R. 5154.

Dated at Germantown, Md., this 26th day of June 1962.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-6463; Filed, July 3, 1962; 8:45 a.m.]

[Docket No. 50-181]

MARTIN-MARIETTA CORP.

Notice of Issuance of Byproduct Material License

Please take notice that no request for a formal hearing having been filed following the publication of notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Byproduct Material License No. 19-1398-29 (F64) authorizing Martin-Marietta Corporation to process Strontium 90 and contaminants thereof at the facility constructed in accordance with Construction Permit No. CPCSF-1 at Quchanna, Pennsylvania.

The license as issued is substantially the same as set forth in the Notice of Proposed Issuance of Byproduct Material License published in the FEDERAL REGISTER June 9, 1962, 27 F.R. 5518. The only change is the addition of a provision requiring leak testing of each sealed source fabricated by Martin-Marietta prior to transfer to an authorized recipient.

Dated at Germantown, Md., this 26th day of June 1962.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 62-6464; Filed, July 3, 1962; 8:45 a.m.]

[Docket No. 50-130]

NORTHERN STATES POWER CO.

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to June 30, 1963 the latest completion date specified in Construction Permit No. CPPR-8 for the construction of a 203 megawatt (thermal) controlled recirculation boiling water nuclear reactor to be located at a site approximately five and one-half miles northeast of Sioux Falls, South Dakota.

Copies of the Commission's order and of the application by Northern States Power Company are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 18th day of June 1962.

For the Atomic Energy Commission.

R. L. KIRK,
Director, Division of Licensing and Regulation.

[F.R. Doc. 62-6465; Filed, July 3, 1962; 8:45 a.m.]

[Docket Nos. 50-172, 50-176]

LOCKHEED AIRCRAFT CORP. AND DEPARTMENT OF THE AIR FORCE

Notice of Proposed Issuance of Facility License

Please take notice that the Atomic Energy Commission proposes to issue jointly to Lockheed Aircraft Corporation and the Department of the Air Force, a facility license substantially in the form set forth below. This license authorizes possession by the Department of the Air Force and operation by Lockheed Aircraft Corporation of the Radiation Effects Reactor at a steady state power level of one megawatt (thermal). The reactor is located on a 10,000 acre site in Dawson County, Georgia.

The Commission has found that the application, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in 10 CFR Ch. I.

Prior to issuance of the license the facility will be inspected by representatives of the Commission to determine whether the facility has been con-

structed in accordance with the application, as amended.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the proposed issuance of this license may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued. If no request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Director of Regulation will issue the license fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER.

For further details with respect to this proposed issuance see (1) the applications and amendments thereto and (2) the related hazards analysis prepared by the Test and Power Reactor Safety Branch of the Division of Licensing and Regulation, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 29th day of June 1962.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

PROPOSED FACILITY LICENSE

1. This license applies to the Radiation Effects Reactor (RER), a heterogeneous pressurized water-type nuclear reactor (Air Force Plant No. 67) (hereinafter referred to as "the reactor") which is possessed by the Department of the Air Force and located on a 10,000 acre site in Dawson County, Georgia, and described in the Lockheed Aircraft Corporation application for license dated February 23, 1962, and amendments thereto dated April 20, 1962, and May 25, 1962, and described in the Department of the Air Force application for license dated March 15, 1962 and April 11, 1962 (hereinafter collectively referred to as "the applications"). The reactor was constructed for the Department of the Air Force as a facility exempt from AEC licensing requirements under section 91b of the Atomic Energy Act of 1954, as amended.

2. Pursuant to the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act"), and having considered the record in this matter, the Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor as constructed will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

B. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

C. Lockheed Aircraft Corporation, with whom the Department of the Air Force has consummated a lease agreement to use the facility, is technically and financially qualified to operate the reactor, to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed activities in accordance with the Commission's regulations;

D. The Department of the Air Force is financially qualified, and through its contractual relationship with Lockheed Aircraft Corporation, is technically qualified, to possess the facility;

E. Issuance of a license authorizing the Department of the Air Force to possess and Lockheed Aircraft Corporation to use and operate the facility and to receive, possess and use the special nuclear material in the manner proposed in the applications will not be inimical to the common defense and security or to the health and safety of the public;

F. The Department of the Air Force is a Federal Agency and need not furnish proof of financial protection as would otherwise be required by subsection 170a of the Act, and Lockheed Aircraft Corporation has submitted proof of financial protection which satisfies the requirements of Commission regulations currently in effect.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", the Department of the Air Force to possess and Lockheed Aircraft Corporation to use and operate the reactor as a utilization facility at the designated location in Dawson County, Georgia, in accordance with the procedures and limitations described in the applications and this license;

B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material", Lockheed Aircraft Corporation to receive, possess and use up to 18.8 kilograms of contained uranium 235 in connection with operation of the reactor; and

C. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Licensing of Byproduct Material", the Department of the Air Force and Lockheed Aircraft Corporation to possess but not to separate, such byproduct material as may be produced by operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 30.32 of Part 30, § 50.54 of Part 50, and § 70.32 of Part 70, Title 10, Chapter I, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, now or hereafter in effect, and to the additional conditions specified below:

A. Lockheed Aircraft Corporation shall not operate the reactor at power levels in excess of 1,000 kilowatts (thermal) without prior written authorization from the Commission:

B. During any work shift change of personnel the reactor shall be lowered into the pool, and no change in this procedure shall be made without prior written authorization from the Commission:

C. Lockheed Aircraft Corporation shall comply with the shutdown procedures and precautions described in the application, and the following additional limitations:

(1) Lockheed Aircraft Corporation shall maintain nuclear control instrumentation in operation and shall assure that such instrumentation is attended and observed at all times during operations which could involve changes in core reactivity when the facility is shutdown.

(2) Lockheed Aircraft Corporation shall conduct core loading changes and all other operations which could involve changes in core reactivity when the facility is shutdown only under the direct and personal supervision of a technically qualified and designated supervisor.

(3) Lockheed Aircraft Corporation shall not conduct experiments employing cryogenic equipment utilizing relatively large amounts of non-inert gases unless explicit and definitive information relative to explosion hazards has been submitted to the Commission for evaluation, and written authorization from the Commission has been obtained.

D. The Department of the Air Force and Lockheed Aircraft Corporation shall not permit or authorize any organization other than Lockheed Aircraft Corporation to operate the facility without prior written authorization from the Commission:

E. Notwithstanding any expiration, modification, cancellation or termination of the Lease Agreement between the Department of the Air Force and Lockheed Aircraft Corporation dated April 4, 1962 (hereinafter referred to as "the Agreement"), Lockheed Aircraft Corporation shall, so long as this license shall be in force with respect to Lockheed Aircraft Corporation, be responsible for assuring that the provisions of this license and Commission regulations for protection of health and safety from radiation hazards are observed with respect to the facility and materials covered by this license. In the event of any expiration, modification, cancellation or termination of the Agreement, Lockheed Aircraft Corporation or the Department of the Air Force, may apply to the Commission for an appropriate amendment of this license to terminate this license insofar as it is granted to Lockheed Aircraft Corporation and upon issuance of such amendment, the aforesaid responsibility of Lockheed Aircraft Corporation shall cease and terminate. Until such amendment is issued, the Department of the Air Force shall in no way prevent Lockheed Aircraft Corporation from observing the requirements set forth in this condition.

F. Lockheed Aircraft Corporation shall promptly submit a written report to the Commission whenever, during operation of the reactor any of the operating conditions or characteristics of the reactor, which might affect nuclear safety, is observed to vary significantly from its predicted value.

G. As promptly as practicable, but no later than 60 days after the initial criticality of the facility, Lockheed Aircraft Corporation shall submit a written report to the Commission describing the measured values of the operating conditions or characteristics listed below and evaluating any significant variation of a measured value from the corresponding predicted value:

(1) Maximum excess reactivity of the facility, not including the worth of control rods or other control devices such as burnable poison strips or soluble poison, or any experiments;

(2) Total control rod worth;

(3) Minimum shutdown margin both at room and operating temperature;

(4) Maximum worth of the single control rod of highest reactivity value; and

(5) Maximum total and individual worth of any fixed or movable experiments inserted in the facility.

RECORDS

H. In addition to those otherwise required under this license and applicable regulations, Lockheed Aircraft Corporation shall keep the following records:

(1) Reactor operating records, including power levels.

(2) Records of in-pile irradiations.

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of Lockheed Aircraft Corporation as measured at the point of such release or discharge.

(4) Records of emergency reactor scrams, including reasons for emergency shutdowns.

I. (1) Lockheed Aircraft Corporation shall immediately report to the Commission in writing any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

(2) A copy of any notice of intent to terminate or modify the Agreement submitted by either party to the other shall be furnished simultaneously to the Commission. On or before February 4, 1963, the Department of the Air Force and Lockheed Aircraft Corporation shall notify the Commission as to whether the Agreement will expire on April 4, 1963.

COMMUNICATIONS

J. Communications from the Commission with respect to activities under this license shall be directed to the Director, Georgia Nuclear Laboratories, Lockheed Aircraft Corporation, and notice to such individual shall constitute notice to both Lockheed Aircraft Corporation and the Department of the Air Force.

5. Pursuant to § 50.60 of the regulations in Title 10, Chapter 1, CFR, Part 50, the Commission has allocated to Lockheed Aircraft Corporation for use in connection with the facility 18.8 kilograms of uranium 235 contained in uranium enriched in the isotope uranium 235. Estimated schedules of special nuclear material transfers to Lockheed Aircraft Corporation and returns to the Commission are contained in Appendix "A" which is attached hereto. Shipments by the Commission to Lockheed Aircraft Corporation in accordance with column 2 in Appendix "A", will be conditioned upon Lockheed Aircraft Corporation return to the Commission of material substantially in accordance with column 3 of Appendix "A".

6. This license is effective as of the date of issuance and shall expire on April 4, 1963.

Date of issuance: —.

For the Atomic Energy Commission.

LOCKHEED AIRCRAFT CORPORATION

[Air Force Plant No. 67]

FACILITY LICENSE

Estimated Schedule of Transfers of Special Nuclear Material From the Commission to Lockheed Aircraft Corporation and to the Commission From Lockheed Aircraft Corporation

(1) Date of transfer (fiscal year)	(2) Transfers from AEC to LAC kgs. U-235	(3) Returns by LAC to AEC, U-235		(4) Net yearly distribution including cumulative losses kgs. U-235	(5) Cumulative distribution including cumulative losses kgs. U-235
		Recoverable cold scrap	Spent hot fuel		
1963	17.9	0	0	17.9	17.9
1964	0	0	4.9	(4.9)	13.0
1965	6.8	[1] 1.6	4.9	0.3	13.3
1966	6.8	[1] 1.6	4.9	0.3	13.6
1967	6.8	[1] 1.6	0	5.2	18.8
1968	0	0	[1] 4.9	(4.9)	[2] 13.9
	38.3	4.8	19.6	[3] 13.9	

[1] Inventory to be returned.
[2] Fabrication and burnup losses.
[3] Assumed to be returned by fabricator.

[F.R. Doc. 62-6558; Filed, July 3, 1962; 8:59 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13743]

NORTH CENTRAL AREA AIRLINE SERVICE AIRPORT INVESTIGATION

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of June 1962

The Civil Aeronautics Board has become increasingly concerned over the use or establishment of separate air carrier airports in cities sufficiently close to be served through one airport. The Board believes that in many instances the use of two or more airports by the scheduled airlines in serving an area tends to diminish the services to each airport and increase the cost of air transportation. Contrariwise, the concentration of the services provided to an area through the use of one airport will often improve the service offered by both scheduled airlines and general aviation at reduced costs. Our interest is in a determination as to whether consolidation of services to two or more separate cities at a single airport would, without substantial inconvenience to the air passengers, produce more economical airline operations, improved scheduling, better quality of service through the use of larger equipment, and an overall improvement in air service to the area. Though the Board will continue to have opportunity to consider specific single-airport issues in formal proceedings, it does not appear that this point-by-point approach will effectively increase the quality of airline service or produce the desired economies within a reasonable period of time. The Board has decided that it would be preferable to select a number of pairs of points within a given area to provide the most effective, expeditious and equitable solution to the problems raised.

The Board, therefore, is instituting a series of area airline service airport investigations in which it will consider the designation of single airports for those points which appear to be capable of being adequately served through a single airline airport. Generally speaking, the initial reference point for consideration of whether an airport might usefully serve two or more communities is the distance between them. For such purpose, we have initially focussed on points located within a 50-mile radius of each other. Thereafter, other considerations, as set forth, have been given greater weight. These area airport investigations, which look toward the possibility of combining scheduled air services at single airports, do not involve any intent or effort to determine the airport needs of general aviation. Airports are highly desirable for the economic well-being of communities, and it is not the intention of the Board to minimize the importance of airports for general aviation purposes.

This is the second airline service airport investigation instituted by the Board and will pertain to points served by North Central Airlines.[1] This carrier has been selected because its routes involve the greatest number of adjacent points, which may be served through a single airport, authorized to any individual local carrier. It should be noted, however, that Michigan pairs will be excluded from this proceeding in view of a forthcoming Great Lakes "Use It or Lose It" Investigation Case, which will involve many of these points. Appropriate airline service issues will be considered in that proceeding.

The Board has decided that in an investigation to determine whether an area airline service airport is warranted certain fundamental factors, as set forth below, will be studied. The factors relative to the desirability of a single airport, it should be noted, are only guidelines for investigation and decision. Each case will be carefully weighed on all factors presented in the proceeding, and the final Board decision will be made on the record there developed.

I. *Airport accessibility.* We recognize that the usefulness of airline service must take into account not only flight performance and schedule availability, for example, but also consideration of airport accessibility. Significant aspects of accessibility include the travel time between the airport and the point being served, as well as the availability of public and private transportation. In this context, we would normally consider that a community could not be adequately served through an airport which was more than one hour's ground time away. The following items, among others, would be pertinent to the question of accessibility: (1) Weather conditions, (2) geographical conditions, (3) present and future road conditions, and (4) present and future means of transportation to and from the airport.

II. *Traffic.* A. Traffic experience will be a major factor to be considered. In many instances, traffic will determine the weight to be given all other factors. For example, if a point is more than a one-hour drive away from a potential area airline service airport, but is presently originating less than five passengers per day, it might still be deemed advisable to designate the area airport to serve the point in question. However, if the point was presently originating five or more passengers per day, the time-distance factor would weigh in favor of not designating that airport to serve the point in question. In this regard, it should be noted that achieving the basic

[1] The first, the New England Regional Airport Investigation, Docket 13494, was instituted on March 23, 1962, Order E-18146.

standards of the "use it or lose it" policy, i.e., five passengers originated per day, seven passengers per segment flight, does not indicate that flights must go to that point, but is rather an indication that such point meets a standard which the Board has used in determining whether or not that point should be served. Such a point may be adequately or even better served by an adjacent airport. Thus, the fact that a point is meeting the "use it or lose it" standard does not necessarily mean it should be served through its own airport.

B. Frequency of service has been shown to have a direct relationship to increased traffic development in many instances. Where, in a given situation, it would appear that schedules and frequency of service would improve by the use of an area airline service airport over that presently provided at the point or points in question, a factor favorable to the institution of an area airport exists. In this regard, it is expected that the air carrier serving an area airport would be permitted to advertise this as service to all the individual points served by that airport. Permission to so advertise would provide an advertising flexibility which should prove of value to both carriers and communities.

C. Direction of traffic flow: We will give considerable weight to the air traffic pattern of points to be served through area airports. Area airline airports will be most effective where they are so located as to avoid a situation where the passenger must "backhaul" a substantial distance to the airport to fly to his destination. Time and cost considerations suggest that "backhaul" characteristics of area airports may be significant deterrents to traffic development, especially in short-haul markets.

III. *Airport capabilities.* A. To be considered for designation as an area airline service airport, an airport should be, or be capable of becoming, an all-weather airport having an instrument landing system, runway lighting, a control tower, at least a 5,000-foot runway, facilities for plane maintenance and housing, and facilites for the convenience of the public.

B. Determinative factors in area airline service airport selection will be an airport's present condition, the ability to transform an existing airport into an acceptable area airport, and the practicality of building a new area airport.

IV. *Cost.* Present in all area airline service airport investigations will be the question of cost; cost to all concerned, the communities, the carriers, and the public in general. Community cost questions will include such items as the cost of ground transportation and the cost of further or new construction of airport facilities and runways. Included among carrier-cost questions will be the system and local station expenses and such costs as those involving changes in equipment which might be used at the area airports. Costs to the public in general would include the overall question of subsidy, and the funds expended in airport facility and public highway construction.

After the consideration of facts available to the Board and in light of the foregoing considerations, we have determined to institute an investigation into whether the following pairs and complexes of points should be jointly served through single area airline service airports:

Appleton-Oshkosh.
Ashland-Ironwood.
Clintonville-Green Bay.
La Crosse-Winona.
Land O'Lakes-Rhinelander.
Marshfield-Wausau.
Marshfield-Wisconsin Rapids/Stevens Point.
Wausau-Wisconsin Rapids/Stevens Point.

Our immediate objective in this investigation is to determine the extent to which each of the point pairs here involved should be served through a single existing airport. In addition, we will also be prepared to explore the extent to which the construction of a new airport in any particular area here involved may represent a sound long-term solution to airline service problems.

Accordingly, it is ordered:

1. That an investigation, to be known as the North Central Area Airline Service Airport Investigation, Docket 13743, be and it hereby is instituted, pursuant to sections 204, 401, and 1001 of the Act, to determine whether the public convenience and necessity require the alteration, amendment, or modification of the certificate of public convenience and necessity of North Central Airlines, Inc., in such a manner as to require that the following pairs and complexes of points be served through a single airport:

1. Appleton-Oshkosh.
2. Ashland-Ironwood.
3. Clintonville-Green Bay.
4. La Crosse-Winona.
5. Land O'Lakes-Rhinelander.
6. Marshfield-Wausau.
7. Marshfield-Wisconsin Rapids/Stevens Point.
8. Wausau-Wisconsin Rapids/Stevens Point.

2. That a copy of this order shall be served upon North Central Airlines, Inc., and the communities described above, who are hereby made parties to this proceeding;

3. That a copy of this order shall be served upon the Wisconsin State Aeronautics Commission, the Minnesota Department of Aeronautics, and the Michigan Department of Aeronautics.

4. That the proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated, and

5. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62-6513; Filed, July 3, 1962; 8:53 a.m.]

[Docket No. 5132 etc.]

ASSOCIATED AIR TRANSPORT, INC.

Order To Show Cause Why Certificate Should Not Be Denied

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of June 1962.

In the matter of the Large Irregular Air Carrier Investigation, Docket 5132, et al.; and in the matter of the application of Associated Air Transport, Inc., Docket 12081; for renewal of its temporary certificate of public convenience and necessity authorizing supplemental air services.

Pursuant to Order E-13436, adopted January 28, 1959, the Board awarded Associated Air Transport, Inc. (Associated) a temporary certificate of public convenience and necessity for supplemental air service between any point in any State of the United States, or in the District of Columbia, and any other point in any State of the United States or in the District of Columbia, with respect to persons or property. This certificate became effective on March 30, 1959, and by its terms was to expire on March 30, 1961.[1]

On January 27, 1961, Associated filed the subject application for renewal of its temporary certificate.[2]

Based on the carrier's records filed with the Board and upon information now available to the Board, we tentatively conclude that Associated is not fit, willing or able to perform properly the services authorized by its temporary certificate, and to conform to the provisions of the Act and the rules, regulations and requirements of the Board thereunder, and that its application for renewal should accordingly be denied.

The Board, by Order E-13436, supra, found that certain applicants were qualified to receive certificates of five years' duration, and that certain others, of which Associated was one, whose qualifications were found to be less acceptable than those of the first group, should be awarded certificates of a lesser duration (viz., two years).[3] The Board declined to certificate Associated for a five-year term because of doubts of overall operational ability based largely on its reported financial position.[4]

More than three years have passed since applicant was granted its certificate and the deficiencies and weakness in its financial structure, which at that time cast serious doubt on the carrier's operational ability to perform supplemental air services, have currently become so pronounced that Associated presently has not even a going-concern status. Applicant has conducted no operations whatsover since March 9, 1962, the date its air carrier certificate was revoked by the Administrator of the Federal Aviation Agency.[5] The alleged violations of the Civil Air Regulations regarding inadequate operations and maintenance appear to have flowed directly from the carrier's increasingly precarious financial condition which is more fully explained below. In addition

[1] By order E-14509, adopted October 1, 1959, the Board clarified certain provisions of the certificate and reissued an amended certificate.

[2] Associated's certificate has remained in effect by virtue of section 9(b) of the Administrative Procedure Act. 5 U.S.C. 1008 (1946).

[3] See Order E-13436 at pp. 43-44.

[4] *Id.*, at p. 44.

[5] On March 26, 1962, the Administrator of the Federal Aviation Agency filed a complaint indicating that on March 9, 1962, he had

to the present dormant state of applicant resulting from the revocation and suspension of its air carrier certificate, it should be noted that for several months prior to the revocation Associated was deprived of a major source of revenue[6] by virtue of MATS' finding of November 1961 that the carrier was not qualified to participate in air operations for the military establishment.[7] In the light of carrier's dire financial straits, the likelihood of its qualifying for future MATS contracts appears no brighter than its prospects for successfully meeting the requirements of the Civil Air Regulations—a prerequisite to restoration of its air carrier certificate by the Federal Aviation Agency.

Information available to the Board and the results of a recent investigation of the carrier's financial records by the Board's auditors disclose in detail the extremities of Associated's financial position and underscores its steady economic deterioration, while at the same time portending the apparent hopelessness of the carrier ever again attaining a going-concern status based on a sound fiscal structure.[8] Thus, an analysis of the carrier's financial condition as at December 31, 1961, shows total current assets of $113,093 against total current liabilities of $399,203, or a current adverse ratio of approximately 1 to 4; cash and receivables of only $76,093 as opposed to current liabilities of $399,203, or an adverse liquidity ratio of about 1 to 5; a negative earned surplus of $213,930; a working capital deficit of $286,113;[9] unpaid and past due trade accounts of $186,233, including payables totaling $137,159 (60%) that were incurred before October 1, 1961. The amount paid on these accounts between October 1, 1961 and December 31, 1961 was only $13,537. Associated's own statistical reports show that as of September 30, 1961, it had an accounts payable balance of $197,133.57, of which amount approximately $60,000 was at least 6 months old and an additional $33,000 more than 9 months old.[10] The Board's audit also revealed that at December 31, 1961, the carrier had notes payable in the sum of $114,797. The audit adjusted $52,000 of this amount to reflect defaulted portion of a long-term debt as a current liability applicable to thirteen monthly payments of $4,000, each of which was in default at December 31 on a note payable to the Peoples Trust of Bergen County, New Jersey.[11]

Further indication of the progressive deterioration of Associated's financial structure is furnished by the carrier's profit and loss statement for the year ended December 31, 1961, which shows a net loss of $120,372 compared to a net loss of $81,209.32 for a like period in 1960. The applicant's precarious position is also reflected by overdrawn bank accounts in each of the quarterly reporting periods of 1961. As of December 31, 1961, bank accounts showed a deficit of $19,073 which, after adjustment by the Board's auditors, indicated a deficit of $9,362 as the carrier's true cash position. Moreover, its accounts on December 31, 1961, listed accrued back wages and salaries in excess of $33,000, which by March 31, 1962, had increased to $49,522.[12] In addition to the foregoing illustrations evidencing the carrier's economic prostration, information available to the Board demonstrates that Associated has shown a continuous capital deficit since some time in 1956.[13]

In considering the disposition of the carrier's application for renewal, it should also be noted that Associated has freely and publicly admitted[14] that its mounting financial losses, inability to meet its outstanding obligations and the pressing demands of its creditors, together with the current suspensions by MATS and FAA, have had the cumulative effect of forcing the corporation to the brink of bankruptcy, thus placing the future status of Associated as an operating supplemental air carrier in grave jeopardy.[15]

The carrier's long history of financial instability and unchecked economic decline to the point of expiration, as illustrated by the economic deficiencies herein cited, leads the Board to tentatively conclude that it lacks the necessary financial ability to warrant renewal of its supplemental air carrier authority.

Related to its poor financial health, there is another factor directly related to applicant's qualifications of fitness, which the Board tentatively concludes operates strongly against the renewal of the carrier's certificate. Thus, the record amply demonstrates a lack of sound operational capability. The Board would be remiss in its obligation to protect the public were it to hold fit a carrier who is unable satisfactorily to meet the operational standards necessary for issuance of an air carrier operating certificate under Title VI of the Act. Further, the Board can and should give weight to the determination of another Government agency that the carrier is operationally unfit to provide service which is of a type comparable to that performed for normal civil traffic. The Board is charged by its statute, in carrying out its powers and duties, with the responsibility of assuring the highest degree of safety in air transportation. It would certainly be derelict in these responsibilities were it to ignore this carrier's unfortunate operational history.

Moreover, it is our firm judgment based upon experience that a virtually bankrupt carrier, struggling to continue operations, is less likely to conduct its operations in a manner consistent with the highest possible degree of care and efficiency required by the public interest than an economically sound one.

Upon careful consideration of the foregoing and acting pursuant to the provisions of the Federal Aviation Act of 1958, as amended, and the Board's Economic Regulations, the Board finds that Associated should be directed to show cause within 20 days from the date of this order why the Board should not deny its application for renewal of its certificate of public convenience and necessity.

The proposed action raises the further question as to the disposition of the authority of the carrier to engage in overseas and foreign air transportation. Pursuant to Order E-9744, adopted November 15, 1955, the carrier has an

issued an Emergency Order of Revocation, revoking the air carrier certificate held by Associated. The Administrator's complaint charged specific violations of the Civil Air Regulations resulting from inadequacies in operations and maintenance (underlining supplied). Respondent filed an appeal with the Board on March 19, 1962, and on April 18, 1962, the Examiner's order was issued terminating the proceeding following modification by the Administrator of the revocation order to provide for suspension of respondent's air carrier operating certificate until such time as respondent meets the requirements for the original issuance of said certificate. Administrator v. Associated Air Transport, Inc., Docket SE-280.

[6] Financial and Statistical Reports for the year ended December 30, 1960, indicate that approximately 56% of Associated's gross revenues were derived from military air service operations.

[7] In November 1961, Associated received the following telegram from MTMA: "As a result of the recent capability survey, Headquarters MATS has determined that Associated Air Transport is not capable of performing the service required because of failure to meet financial maintenance safety and standard of service requirements." Again it would appear that MATS' action, like that of the Administrator, was occasioned by the carrier's financial distress.

[8] Special Audit of Associated Air Transport, Inc., by Office of Carrier Acounts and Statistics, completed April 20, 1962.

[9] Associated's Financial and Statistical Reports for the year ended December 31, 1961, show a net decrease in working capital deficit of $26,651 from the previous year. However, the Board's audit revealed this apparent improvement was actually achieved by the sale of fixed assets rather than as a result of operations.

[10] Patently, a carrier's ability to meet its current obligations as they fall due is an important indicator of a carrier's fitness and capability to sustain and provide adequate and proper service.

[11] This note was secured by a Curtis Super 46 C aircraft. On January 31, 1961, the aircraft made a crash landing at Miami International Airport and was taken to Airtech Services, Inc., for necessary repairs. The insurance company paid $16,562 of the $19,256 total repair costs and Associated was billed for the remaining $2,694. These costs have not been paid and as a result Airtech has been in possession of the aircraft since the crash.

[12] Relative to Associated's current operational inactivity and chaotic financial status, it is, we feel, significant that by March 17, 1962, all employees except the officers had been released. The officers resigned on March 30, 1962.

[13] In 1957 Associated acquired certain shares of treasury stock while its capital was in a deficit. This apparently was a violation of Section 160 of the Delaware Corporation Law. Associated was incorporated under the laws of the State of Delaware in 1946.

[14] Joint Application of Associated Air Transport, Inc. and California Airmotive Corporation, for approval of acquisition of control under section 408(a) of the Act, filed with the Board April 9, 1962, in Docket 13532.

[15] It is noted that on June 11, 1962, a Petition for Enforcement and a Complaint against Associated Air Transport, Inc., California Airmotive Corporation, Allen L. Paulson and Edward Lund, Respondents, was filed in Docket 13693. The complaint, seeking divestiture of all rights, assets and interests acquired by California Airmotive and its officers in Associated by virtue of an executed agreement, alleges, inter alia, that both corporations violated sections 408 and 409 of the Act.

interim operating authorization to engage in overseas air transportation. The carrier also holds a letter of registration, No. 1758, issued under Part 291 of the Board's Economic Regulations, to engage in foreign air transportation of property as a large irregular air carrier.

These rights conferred by Order E–9744 and the carrier's individual letter of registration expire, by their terms, 60 days after the Board finally disposes, in Docket 5132, et al., of the carrier's applications for certificate and exemption authority to conduct supplemental services in overseas and foreign air transportation."[16]

The Board concludes that the same considerations outlined above, which led us to the tentative conclusion that Associated's application for renewal of its certificate authorizing interstate supplemental air services be denied, apply with equal force to Associated's applications for overseas and foreign authorization. Accordingly, the Board will also direct Associated, within 20 days from the publication of this order, to show cause why its applications for foreign and overseas authorization, which have been consolidated into Docket 5132, et al.,[17] should not be denied.

Now, therefore, it is ordered:

1. That Associated and all other persons having an interest herein show cause why the carrier's application for renewal of its certificate of public convenience and necessity and its pending applications in Docket 5132, et al., for overseas and foreign authorizations should not be denied;

2. That any interested persons desiring to file a memorandum in opposition or exceptions to the proposed findings and conclusions of this tentative decision shall file such objections within 20 days from the date hereof; and that such objections shall specify, by separately numbered paragraphs, the part of the tentative decision excepted to and state the grounds thereof; and such objections filed by persons other than Associated shall be accompanied by a petition to intervene in the form prescribed by Rule 15 of the board's rules of practice;

3. That any objection to the tentative decision not filed within the 20-day period or in the form specified herein shall be deemed waived;

4. That, if proper objections are filed within the 20-day period specified above, this proceeding shall be set for hearing, and the hearing shall be limited, to the extent practicable and consistent with the public interest, to consideration of issues raised by the objections filed; and

5. That this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62–6514; Filed, July 3, 1962; 8:53 a.m.]

[16] See footnote 1, page 2, of Order E–16277, adopted January 17, 1961. Large Irregular Air Carrier Investigation, Docket 5132, et al. By this order, the Board, among other things, deferred action on Associated's applications for overseas and foreign authority.

[17] Dockets 3874 (exemption application), 5372 and 5373 (certificate applications) were consolidated into Docket 5132 by Orders E–5722 and E–6336, dated September 21, 1951, and April 17, 1952, respectively.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12445–12450; FCC 62–676]

FLORIDA GULFCOAST BROADCASTERS, INC., ET AL.

Memorandum, Opinion and Order Staying Decision, and Remanding for Further Proceedings on Stated Issues

In re applications of Florida Gulfcoast Broadcasters, Incorporated, Largo, Florida, Docket No. 12445, File No. BPCT–2371; City of St. Petersburg, Florida (WSUN–TV), Largo, Florida, Docket No. 12446, File No. BPCT–2373; Suncoast Cities Broadcasting Corporation, Largo, Florida, Docket No. 12447, File No. BPCT–2389; Tampa Telecasters, Inc., Largo, Florida, Docket No. 12448, File No. BPCT–2432; WTSP–TV, Inc., Largo, Florida, Docket No. 12449, File No. BPCT–2437; Bay Area Telecasting Corporation, Largo, Florida, Docket No. 12450, File No. BPCT–2445; for construction permits for television broadcast stations.

1. The Commission has before it for consideration four petitions for reconsideration of its Decision in the above-entitled proceeding filed February 19, 1962, by City of St. Petersburg, Florida (WSUN–TV), Florida Gulfcoast Broadcasters, Incorporated, Tampa Telecasters, Inc., and Suncoast Cities Broadcasting Corporation, together with pleadings properly filed in response thereto. The petitions of Gulfcoast and City additionally request that the record in this proceeding be reopened for the adduction of further evidence.

I. PRELIMINARY STATEMENT

2. The Commission, by its Decision adopted January 17, 1962 (32 FCC 197, 23 RR 1), granted the application of WTSP–TV, Inc. for a new television station to operate on Channel 10 at Largo, Florida, and denied the competing applications of Florida Gulfcoast Broadcasters, Incorporated, City of St. Petersburg (WSUN–TV), Suncoast Cities Broadcasting Corporation, Tampa Telecasters, Inc., and Bay Area Telecasting Corporation.

II. REQUESTS FOR REOPENING OF THE RECORD

3. Gulfcoast and City, supported by Suncoast and the Bureau, request that the record herein be reopened for the taking of "newly-discovered" evidence concerning the current programming of Station WLCY, WTSP–TV's AM operation in St. Petersburg. They point to the substantial reliance placed by the Commission upon WTSP–TV's past broadcast record, particularly the operation of WLCY, and allege (with supporting affidavits) that following the close of the record herein, WLCY's programming changed radically to a disc-jockey and news format, with most of its live and public service programming discontinued. Gulfcoast suggests that if WLCY's 1958 composite week, upon which the Commission relied, had shown an operation similar to its present one, the Commission would not have granted WTSP–TV's application, and that the "drastic" format change shows the "utter unreliability of the Rahall promises." Gulfcoast urges that Commission concern with programming requires that WTSP–TV's programming record and proposals be recompared through further hearing. Gulfcoast argues that the evidence is newly discovered, could not have been presented previously, and would affect the Commission's Decision.

4. City contends that WTSP–TV fabricated a strong record of live public service programming on WLCY prior to the hearing herein, representing that equivalent programs with the same personnel would be carried on its television operation, but that shortly after the close of the hearing record the public service programs were dropped and the experienced personnel connected with them were discharged or forced out of the organization, thus rendering WTSP–TV's Channel 10 proposals impossible of effectuation. Moreover, City charges, WTSP–TV misrepresented the affiliation of certain personnel with the proposed operation, the broadcast experience of the Rahalls, and the function of their Management Team.

5. The Broadcast Bureau supports the requested reopening, viewing the affidavits submitted by City and Gulfcoast as warranting the conclusion that "the bases upon which the majority of the Commission had concluded that WTSP–TV was the applicant most likely to effectuate its proposals, have been wiped out since the close of the record herein." Bureau urges that "whether the circumstances reveal an abuse of Commission process or a change of such significance as to warrant reconsideration of the decision reached can only be determined upon evidence taken in hearing." Bureau suggests the following issues for a reopened proceeding:

a. To determine whether the program format of Station WLCY was changed subsequent to the prior close of the record in this proceeding so as to reduce significantly the amount of live and public service programming.

b. To determine whether such change in format upon conclusion of the hearing constituted an abuse of Commission process or would otherwise justify reconsideration and setting aside the determination made to grant the application of WTSP–TV.

6. WTSP–TV argues in reply that it is well-settled that in order to reopen a comparative proceeding after final decision, the following showing must be made: (a) the matters alleged must constitute new evidence; (b) the facts could not have been diligently discovered and presented previously; and (c) the facts would, if proven, affect the basis of the decision. WTSP–TV contends that the Gulfcoast and City petitions fail on all three counts, in that (a) the affidavits relate to matters that have been known to petitioners since mid-1960, months before the Initial Decision was released; (b) such matters could clearly have been presented earlier; and (c) the facts alleged, if proven, would not, in any event, affect the basis of the Commission's Decision.

7. WTSP–TV correctly points out that the requests for reopening are based essentially upon evidence which was known to petitioners ten months before release of the Initial Decision and more than one and one-half years prior to the Commission's Decision. Gulfcoast's reply arguments—that WLCY's 1962 operation is obviously new evidence, and that the change in that station's programming was not a sudden occurrence but "a developing pattern over a period of time"—is unconvincing. The 1962 operation with which Gulfcoast's petition largely concerns itself is essentially the same as that put into effect with the format change in 1960. We need only look to Gulfcoast's petition to rebut its second argument, for there it states that WLCY's November 1960 renewal application "first disclosed" the "drastic changes made in the operation." Petitioners have offered no cogent explanation as to why they permitted nearly two years to pass before bringing to the Commission's attention facts which, they contend, undermine the bases of a grant to WTSP–TV. Petitioners' characterization of such evidence as "newly discovered" notwithstanding, it is clear that they were well aware of the facts as they developed. Accordingly, that portion of the City and Gulfcoast petitions requesting reopening of the record will be denied.

8. Notwithstanding the foregoing, the Commission is of the view that the matters presented in the foregoing petitions raise sufficient doubt as to the validity of some conclusions upon which our award to WTSP–TV rested that reopening of the record upon our own motion is warranted. In so doing, we have not not overlook the explanations for its actions presented by WTSP–TV in its Reply and the associated affidavits, but are of the view that the nature of the matter requires an evidentiary hearing.

9. As noted in paragraph 2, supra, the Bureau has recommended issues for consideration in a reopened proceeding. The first is designed to determine whether WLCY has significantly reduced its live and public service programming; the second, to determine whether such change in format "constituted an abuse of process or would otherwise justify reconsideration and setting aside" the grant to WTSP–TV. The first suggested issue is, in our view, unnecessarily limited in scope, and we think it appropriate to consider the WLCY programming as a whole. The reference in the second proposed issue to the possibility that the format change constitutes an "abuse of process" misplaces the emphasis. As pointed out in WTSP–TV's reply, a programming change fully reported to the Commission in a nearly contemporaneous renewal application can hardly be characterized as an abuse of process. Of primary significance here, however, is whether, as charged by City and Gulfcoast the pre-change programming was a sham designed primarily to obtain a preference in this proceeding. If such is the case, questions of character qualifications, apart from the normal comparative criteria, may be raised. Of course, the reasons for the change in format would be relevant to this question. Accordingly, an issue to inquire into the reasons underlying WTSP–TV's choice of programming both prior to and following its format change will be specified.

10. Action upon the Suncoast and Tampa petitions, as well as the City and Gulfcoast petitions to the extent that they request reconsideration of the Decision, will be held in abeyance pending resolution of the issues specified herein. The grant of WTSP–TV's application will be stayed pending determination of these matters.

Accordingly, it is ordered, This 27th day of June 1962, That the Decision of January 17, 1962 (32 FCC 197), is stayed, the record herein is reopened and the above-entitled proceeding is remanded to the Hearing Examiner for further proceedings upon the following issues:

1. To determine the nature of the programming service rendered by Station WLCY since the close of the record herein on May 16, 1960, and the extent to which such service differs from that relied upon by WTSP–TV at the earlier hearing herein.

2. To determine the reasons underlying (a) the choice of programming service of Station WLCY relied upon by WTSP–TV at the earlier hearing herein; and (b) the choice of programming service of that station since May 16, 1960.

3. To determine, in light of the facts developed under the foregoing issues, (a) whether WTSP–TV, Inc., possesses the requisite character qualifications to be a licensee of the Commission, and (b) whether, and in what respects, modification of the Commission's Decision in this proceeding is required.

It is further ordered, That the Petition for Rehearing and Reconsideration, filed February 19, 1962, by city of St. Petersburg, Florida (WSUN–TV), and the Petition for Reconsideration, Reopening of the Record, and Rehearing, filed February 19, 1962, by Florida Gulfcoast Broadcasters, Incorporated, to the extent that they request reopening of the record, are denied, and otherwise are held in abeyance, together with the Petitions for Reconsideration, filed February 19, 1962, by Tampa Telecasters, Inc., and Suncoast Cities Broadcasting Corporation.

Released: June 29, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62–6515; Filed, July 3, 1962; 8:53 a.m.]

[Docket No. 14651; FCC 62M–918]

KFNF BROADCASTING CORP.

Order re Place of Hearing

In re application of KFNF Broadcasting Corporation (KFNF), Shenandoah, Iowa, Docket No. 14651, File No. BP–14026; for construction permit.

The Chief Hearing Examiner having under consideration a petition in behalf of the Commission's Broadcast Bureau, filed June 19, 1962, for a change in the place of hearing in the above-entitled proceeding from Washington, D.C., to Shenandoah, Iowa, and the applicant's partial opposition thereto;

It appearing, that the instant application involves essentially a proposal to move the KFNF radio facility from Shenandoah to Council Bluffs, Iowa, and that it is in accordance with established policy to authorize field hearings in proceedings of this type;

It appearing further, that, as suggested by the applicant any field hearings authorized in this proceeding should extend not only to Shenandoah, Iowa, but as well to Council Bluffs, Iowa, and that public interest would be best served by holding hearing sessions in each of the cities involved;

It is ordered, This 27th day of June 1962, that the petition is granted in part, and that hearings in the above-entitled proceeding shall be held in Shenandoah and Council Bluffs, Iowa, in lieu of Washington, D.C.

Released: June 28, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 62–6516; Filed, July 3, 1962; 8:53 a.m.]

[Docket Nos. 14125–14127; FCC 62–677]

MASSILLON BROADCASTING CO., INC., ET AL.

Memorandum Opinion and Order Remanding and Enlarging Issues

In re applications of Massillon Broadcasting Company, Inc., Norwood, Ohio, Docket No. 14125, File No. BP–13633; Covington Broadcasting Company, Covington, Kentucky, Docket No. 14126, File No. BP–14552; Irving Schwartz, tr/as Kenton County Broadcasters, Covington, Kentucky, Docket No. 14127, File No. BP–14613; for construction permits.

1. The Commission has before it for consideration a petition to reopen record, filed April 11, 1962, by Covington Broadcasting Company, together with pleadings properly filed in reply thereto.

2. Petitioner seeks to have included in the hearing record measurement data it took from a test transmitter at its proposed site on March 22–23, 1962, which, it submits, will prove that its proposal will cause no interference to existing stations, and permit it to accurately predict its proposed service area.

3. The Initial Decision (FCC 62D–22) released March 7, 1962, proposes denial of all three applications. The Examiner concluded that the petitioner defaulted in its showing of areas and populations to be served because no persuasive evidence was presented to prove that its proposed service area was accurately portrayed. No issue included in the proceeding was specifically directed to petitioner's proposed hillside antenna.

4. Respondent WHOK, the two other applicants, Massillon and Kenton, and the Broadcast Bureau oppose the petition on procedural grounds. In addition, the Bureau opposes on the merits. We find, however, that the petition raises questions on difficult problems which should be resolved on the basis of an evidentiary record. It is for this reason that we will on our own motion add the new issue, below, concerning petitioner's proposed hillside antenna. The petition to reopen record will be granted, and the proceeding will be remanded to the Hearing Examiner for further determination as to the feasibility of the Covington Broadcasting Company proposed site, and as to interference involved with existing stations.[1]

Accordingly, it is ordered, This 27th day of June 1962, that the petition to reopen record, filed April 11, 1962, by Covington Broadcasting Company is granted; the record in this proceeding is reopened, and this proceeding is remanded to the Hearing Examiner for further determination and issuance of a Supplemental Initial Decision; and

It is further ordered, That the issues in this proceeding are enlarged on the Commission's own motion to include the following additional issue: To determine the nature of the terrain at its proposed site and to determine whether Covington Broadcasting Company can construct and operate the directional antenna system as proposed in its application.

Released: June 29, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6517; Filed, July 3, 1962; 8:53 a.m.]

[Docket Nos. 14646, 14647; FCC 62M-917]

MINEOLA BROADCASTING CO., AND CENTER BROADCASTING CO., INC.

Order After Prehearing Conference

In re applications of J. A. Windham and Leo Robinson d/b as Mineola Broadcasting Co., Mineola, Texas, Docket No. 14646, File No. BP-14244; Center Broadcasting Company, Inc., Pittsburg, Texas, Docket No. 14647, File No. BP-14418; for construction permits.

The Hearing Examiner having under consideration the prehearing conference in the above-entitled proceeding held June 27, 1962 and the undertakings of the parties as approved by the examiner;

It is ordered, This 28th day of June 1962, that the hearing which is presently scheduled to commence on July 23, 1962, is hereby postponed to Monday, October 1, 1962, at 10 a.m., at the Commission's offices, Washington, D.C.[1] and that exhibits are to be exchanged (with a copy of each provided the examiner) not later than the close of business, Tuesday, September 4, 1962.

Released: June 28, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6518; Filed, July 3, 1962; 8:53 a.m.]

[1] It is clear that the specific matters embraced in the issue herein adopted are not encompassed by any of the pre-existing issues in this proceeding; hence, it was not part of the petitioner's burden of proof at the hearing to defend its directional antenna proposal. Under the circumstances it was improper for the Hearing Examiner to permit the adduction of evidence as to such matters. The Hearing Examiner has no authority to enlarge the issues either directly, or indirectly by reinterpretation of the issues, and when he does so he exceeds his authority. If existing issues do not encompass matters which appear to be pertinent to the ultimate decision in a case, one or more of the interested parties should file a petition with the Commission to enlarge the issues. It is not for the Hearing Examiner to decide whether such matters should be determined.

FEDERAL POWER COMMISSION

[Docket No. G-17488 etc.]

AMERADA PETROLEUM CORP. ET AL.

Notice of Applications, Consolidation, and Date of Hearing

JUNE 27, 1962.

Amerada Petroleum Corporation, Docket No. G-17488; John B. Holmes d.b.a. Holmes Drilling Company (Operator), et al., Docket No. CI62-1241; Jake L. Hamon (Operator), et al., Docket No. CI62-1250.

Take notice that each of the above Applicants has filed an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service subject to the jurisdiction of the Commission, as hereinafter described and as more fully described in the respective applications which are on file with the Commission and open to public inspection.

The pertinent facts in each application are as follows:

Docket No.	Location	Purchaser	Docket No. in which sale was authorized	Reason for abandonment
G-17488	Maetze Field, Goliad County, Tex.	Sylio Gas Co.	Application for certificate pending in Docket No. G-17488.	Applicant's interests in producing property assigned to gas purchaser.
CI62-1241	Jennie Bell Field, DeWitt County, Tex.	Texas Eastern Transmission Corp.	G-4052	Depletion of reserves.
CI62-1250	North Mathis Field, San Patricio County, Tex.	Coastal States Gas Producing Co.	G-20563	Do.

Each Applicant has filed a notice of cancellation of its related FPC Gas Rate Schedule.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 2, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 23, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6472; Filed, July 3, 1962; 8:47 a.m.]

[1] It is understood (the applicants stand committed on the record to do so) that a joint petition for approval of an agreement looking toward the dismissal of the Pittsburg, Texas, application and the grant of the Mineola, Texas, application is to be filed not later than July 31st; and that such an agreement, if approved, would result in the termination of this proceeding without hearing. The October 1 date for commencement of the hearing, in the event one should be necessary, was selected in the light of the state of the Hearing Examiner's calendar, which is filled with other hearing commitments during the months of July and September 1962.

[Docket No. G-17109 etc.]

CABOT GASOLINE CORP. ET AL.

Notice of Applications and Date of Hearing

JUNE 27, 1962.

Cabot Gasoline Corporation (now Cabot Corporation), Docket No. G-17109; Kansas-Nebraska Natural Gas Company, Inc., Docket No. G-17303; North Central Gas Company, Docket No. G-17850.

Take notice that on November 28, 1958, as amended on May 25, August 31 and November 23, 1959, Cabot Gasoline Corporation, now Cabot Corporation (Cabot), 77 Franklin Street, Boston 10, Massacusetts, and on December 18, 1958, as supplemented and amended on January 6, May 7, August 21 and November 12, 1959, Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska), Phillipsburg, Phillips County, Kansas, filed in Docket Nos. G-17109 and G-17303, respectively, applications pursuant to section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing Cabot to sell natural gas from its gasoline plant, Converse County, Wyoming, to Kansas-Nebraska, and authorizing Kansas-Nebraska originally to resell said natural gas immediately to North Central Gas Company (North Central) for a temporary period of 120 days, all as more fully set forth in the applications, as supplemented and amended, on file with the Commission and open to public inspection.

The applications show that North Central would take the subject gas directly from Cabot upon purchase by North Central from Kansas-Nebraska.

Take further notice that on February 16, 1959, as amended on May 4, August 20 and November 16, 1959, North Central Casper Wyoming, filed in Docket No. G-17850 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of a tap on North Central's existing pipeline, Converse County, Wyoming, in order to take the subject gas directly from Cabot, all as more fully set forth in the application on file with the Commission and open to public inspection.

The short-term sale to North Central was for the purpose of giving Kansas-Nebraska time to seek a permanent market for the gas or to seek means by which such gas could be made available to Kansas-Nebraska's own system.

By Applicants' third amendments to their applications, filed November 23, 12, and 16, 1959, by Cabot, Kansas-Nebraska and North Central, respectfully, they request authorization to make the short-term arrangement a permanent one. Pursuant to the proposals in said third amendments, the subject gas would be delivered by Cabot to North Central at Cabot's gasoline plant for the account of Kansas-Nebraska; Kansas-Nebraska would pay Cabot 10 cents per Mcf for all gas delivered to North Central. North Central would pay Kansas-Nebraska 10 cents per Mcf for one-third of such gas. For the remaining two-thirds North Central would deliver equivalent volumes to Kansas-Nebraska at an existing interconnection between the two systems near the Huntsman Field, Cheyenne County, Nebraska.[1]

The sale of gas by Cabot to Kansas-Nebraska will be made pursuant to a contract between the parties, dated September 12, 1958. The sale and exchange arrangement between Kansas-Nebraska and North Central will be made pursuant to a contract, dated October 30, 1959.

These related matters should be heard on a consolidated record and disposed of an promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 6, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 25, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6473; Filed, July 3, 1962; 8:47 a.m.]

[1] Kansas-Nebraska in its third amendment also seeks authorization to modify its existing measuring station near the Huntsman Field in order to carry out the proposed exchange of gas. The cost for such modification is $1,000 which cost is to be shared equally by Kansas-Nebraska and North Central.

[Docket No. CP62-252]

DAYTON POWER AND LIGHT CO.

Notice of Application

JUNE 27, 1962.

Take notice that on May 2, 1962, The Dayton Power and Light Company (Applicant), P.O. Box 1034, Dayton, Ohio, filed in Docket No. CP62-252 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing The Ohio Fuel Gas Company (Ohio Fuel) to establish physical connection of its transmission facilities with the proposed facilities of and to sell natural gas to Applicant for resale in and near the unincorporated community of Country Club Village, Greene County, Ohio, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant will construct and operate a distribution system as well as 4,640 feet of 4-inch pipeline extending from a connection with Ohio Fuel's Line Z-50 south of the village.

The application shows estimated third year peak day and annual natural gas requirements of 280 Mcf and 27,700 Mcf, respectively.

The total estimated cost of transmission and distribution facilities for the project aggregate $60,642, which cost will be financed from construction funds on hand.

On June 4, 1962, Ohio Fuel filed an answer to the subject application stating that it had no objection to a Commission order directing the sale.

Protests, petitions to intervene or requests for hearing may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 23, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6474; Filed, July 3, 1962; 8:47 a.m.]

[Docket No. CP62-251]

FLORIDA GAS TRANSMISSION CO.

Notice of Application and Date of Hearing

JUNE 27, 1962.

Take notice that on May 1, 1962, Florida Gas Transmission Company (Applicant), P.O. Box 10400, St. Petersburg, Florida, filed in Docket No. CP62-251 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 1.4 miles of 3½-inch pipeline extending in a general northwesterly direction from a point of connection with Applicant's 8-inch Sarasota lateral in Polk County, Florida, (0.3 mile to a meter and regulator station from which a branch will extend approximately 1.0 mile to the Superphosphate Plant and another branch will extend approximately 0.1 mile to the Ridgewood Dry Mill both of the Davison Chemical Division of W. R. Grace & Co. (Davison)) and to sell and deliver natural gas to Davison on an interruptible basis for use in said plants, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that the subject gas will be used by Davison in the drying of phosphate rock and of triple superphosphate. Applicant estimates that the average annual deliveries to Davison will be approximately 900,000 M^2 Btu.

The cost of the subject facilities is estimated to be $36,500, which will be financed from internally generated funds. The gas will be sold to Davison at a contract price of 3.5 cents per therm.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject

to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 8, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 30, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6475; Filed, July 3, 1962; 8:47 a.m.]

[Docket No. CP62-277]

NORTHERN NATURAL GAS CO.

Notice of Application and Date of Hearing

JUNE 27, 1962.

Take notice that on May 25, 1962, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha 1, Nebraska, filed in Docket No. CP62-277 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon approximately 3.4 miles of 4-inch pipeline and the second Pilot Mound, Iowa, town border station, all of which are in Boone County, Iowa, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The subject facilities were authorized by the Commission in the order of December 7, 1948, in Docket No. G-1129 (7 FPC 1085).

The application states that the subject facilities which were used for the sale of gas to Peoples Natural Gas Company for resale to the Fort Dodge, Des Moines and Southern Railway Power Plant are no longer necessary because the power plant has been removed from service.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 8, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 30, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6476; Filed, July 3, 1962; 8:47 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING DIRECTOR FOR NORTHWEST OPERATIONS, REGION VI

Designation

1. The officers appointed to the following listed positions in the Office of the Director for Northwest Operations, Region VI, are hereby designated to serve as Acting Director for Northwest Operations, Region VI, during the absence of the Director, with all the powers, functions, and duties redelegated or assigned to the Director, provided that no officer is authorized to serve as Acting Director for Northwest Operations unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

(a) Deputy Director for Northwest Operations;

(b) Area Engineer.

2. This designation supersedes paragraph 2 of the document effective March 28, 1962 (27 F.R. 3576, April 13, 1962).

Effective as of the 4th day of July 1962.

MELVIN S. FRAZIER,
Acting Regional Administrator, Region VI.

[F.R. Doc. 62-6503; Filed, July 3, 1962; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

[No. 217]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 29, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Deviation No. 19), PACIFIC INTERMOUNTAIN EXPRESS CO., 14th and Clay Streets, P.O. Box 958, Oakland 4, Calif., filed June 19, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Seattle, Wash., over Interstate Highway 5 to the Oregon-California State line, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Seattle over U.S. Highway 99, via Tacoma, Wash., and Portland, Oreg., to the Washington-Oregon State line; also from Albany, Oreg., over U.S. Highway 99W to Eugene, Oreg.; also from Albany over U.S. Highway 99E to junction U.S. Highway 99W, and return over the same route.

No. MC 2202 (Deviation No. 48), ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 471, Akron 9, Ohio, filed June 18, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Columbia, Mo., over Interstate Highway 70 to junction U.S. Highway 40, west of Boonville, Mo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route between the same points over U.S. Highway 40.

No. MC 10761 (Deviation No. 22), TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich., filed June 19, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Indianapolis, Ind., and Chicago, Ill., over Interstate Highway 65, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to Indianapolis, and return over the same route.

No. MC 43654 (Deviation No. 4), DIXIE OHIO EXPRESS, INC., 237 Fountain Street, P.O. Box 750, Akron, Ohio, filed June 15, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Knoxville and Harriman, Tenn. over Interstate Highway 40, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Knoxville over U.S. Highway 11 to Chattanooga, Tenn.; and from Harriman over U.S. Highway 27 to Chattanooga, Tenn., and return over the same routes.

No. MC 43654 (Deviation No. 5), DIXIE OHIO EXPRESS, INC., 237 Fountain Street, P.O. Box 750, Akron, Ohio, filed June 15, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Lexington, Ky., over U.S. Highway 60 to Frankfort, Ky., thence over Interstate Highway 64 to Louisville, Ky., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Lexington over U.S. Highway 60 to Versailles, Ky., thence over U.S. Highway 62 to Bardstown, Ky., thence over U.S. Highway 31E to Louisville, Ky., and return over the same route.

No. MC 43654 (Deviation No. 6), DIXIE OHIO EXPRESS, INC., 237 Fountain Street, P.O. Box 750, Akron, Ohio, filed June 18, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 41 and Interstate Highway 24, near Pelham, Tenn., over Interstate Highway 24 to junction U.S. Highway 64, near Monteagle, Tenn., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chattanooga, Tenn., over U.S. Highway 41 to Nashville, Tenn., and return over the same route.

No. MC 43654 (Deviation No. 7), DIXIE OHIO EXPRESS, INC., 237 Fountain Street, P.O. Box 750, Akron, Ohio, filed June 18, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 31 and Relocated U.S. Highway 31, south of Elkton, Tenn., over Relocated U.S. Highway 31 to junction U.S. Highway 31, south of Athens, Ala., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Louisville, Ky., over U.S. Highway 31W or U.S. Highway 31E to Nashville, Tenn., thence over U.S. Highway 31 to Birmingham, Ala., and return over the same route.

No. MC 43654 (Deviation No. 8), DIXIE OHIO EXPRESS, INC., 237 Fountain Street, P.O. Box 750, Akron, Ohio, filed June 18, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Louisville, Ky., over Interstate Highway 65 to Birmingham, Ala.; also from Ardmore, Tenn., over Alabama Highway 63 to junction Interstate Highway 65, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Louisville over U.S. Highways 31W and 31E to Nashville, Tenn., thence over U.S. Highway 31 to Birmingham, and return over the same route.

No. MC 69116 (Deviation No. 14), SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago 8, Ill., filed June 14, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Toledo, Ohio and Bay City, Mich., over Interstate Highway 75, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Toledo, Ohio, over U.S. Highway 25 to Detroit, Mich., thence over U.S. Highway 10 to junction U.S. Highway 23, thence over U.S. Highway 23 to Bay City, and return over the same route.

No. MC 76266 (Deviation No. 8), ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul 14, Minn., filed June 22, 1962. Carrier proposes to operate as *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Council Bluffs, Iowa, over Alternate U.S. Highway 30 to Missouri Valley, Iowa, thence over U.S. Highway 30 to Ames, Iowa, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Council Bluffs over U.S. Highway 6 to Des Moines, Iowa, thence over U.S. Highway 69 to Ames, and return over the same route.

No. MC 108185 (Deviation No. 6), filed June 18, 1962, AMENDING DEVIATION NO. 5, DIXIE HIGHWAY EXPRESS, INC., 1600 B Street, P.O. Box 631, Meridian, Miss., filed June 4, 1962, published in the June 13, 1962, issue of the FEDERAL REGISTER. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Notasulga and Selma, Ala., over Alabama Highway 14, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Notasulga over Alabama Highway 81 to junction U.S. Highway 80, thence over U.S. Highway 80 to Selma, and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 2890 (Deviation No. 19), AMERICAN BUSLINES, INC., 1805 Leavenworth Street, Omaha 2, Nebr., filed June 18, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From the junction of U.S. Highway 66 and Interstate Highway 44 (Will Rogers Turnpike), east of Tulsa, Okla., over Interstate Highway 44 to junction U.S. Highway 66, southwest of Tulsa, Okla., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Joplin, Mo., Depot, over city streets and Missouri Highway 43 to junction Missouri Superhighway, thence over Missouri Superhighway to the Missouri-Oklahoma State line, thence over Will Rogers Turnpike to Tulsa, Okla., East Terminus, thence over U.S. Highway 66 and city streets to Tulsa Depot, thence over city streets, U.S. Highway 66 and unnumbered highway to junction Turner Turnpike, at Tulsa Terminus, thence over Turner Turnpike to junction Bypass U.S. Highway 66 (near Oklahoma City, Okla.), thence over Bypass U.S. Highway 66 and U.S. Highway 66 to Oklahoma City, Okla., Depot, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-6497; Filed, July 3, 1962; 8:50 a.m.]

[No. 455]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 29, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers of brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The application immediately following MC94265 Sub 88 is assigned for hearing at the time and place designated in the notice of filing as here published and is subject to the special rules of procedure for hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will at the time of offer, be subject to the same rules as if the evidence was produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 94265 (Sub-No. 88), filed June 25, 1962. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Potatoes and potato products*, frozen and unfrozen, cooked, uncooked, and blanched, (1) from Fargo, Grand Forks, and Grafton, N. Dak., and Crookston and Barnesville, Minn., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, (2) from Grand Forks, Fargo, and Grafton, N. Dak., to Mankato, Minn., and (b) *Frozen foods* from Mankato, Minn., and Sioux City, Iowa to points in the destination states indicated in (1) above.

HEARING: July 31, 1962, at the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 107496 (Sub-No. 246), filed May 21, 1962. Applicant: RUAN TRANSPORT CORPORATION, 408 SE. 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, P.O. Box 855, Des Moines 4, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids, rocket propellant fuels* and *helium*, in bulk, in specially designed tank vehicles, including, but not restricted to government or shipper-owned tank vehicles, and *empty vehicles*, between points in Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, Nebraska, New Mexico, Nevada, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington and Wyoming.

NOTE: Applicant is affiliated with John Ruan and Illinois-Ruan Transport Corp., through stock ownership. Applicant also holds contract authority under MC-119136 and subs thereunder, and dual operations may be involved.

HEARING: July 17, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Wm. N. Culbertson.

No. MC 110525 (Sub-No. 518), filed June 25, 1962. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen tetroxide*, in bulk, in tank trailers, from Hopewell, Va., to the Missile sites located at or near Davis Monthan Air Force Base, Arizona, and Little Rock Air Force Base, Arkansas.

HEARING: July 25, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-6498; Filed, July 3, 1962; 8:50 a.m.]

[No. 456]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 29, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers of brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 151 (Sub-No. 13), filed May 2, 1962. Applicant: LOVELACE TRUCK SERVICE, INC., 425 North Second Street, Terre Haute, Ind. Applicant's representative: R. W. Burgess, 1507 Poplin, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between St. Louis, Mo., and points in its commercial zone, and Champ, Mo.-Industrial Village, as follows: (1) from applicant's St. Louis terminal 4138 N. Second Street, over Second Street to East Grand, thence over East Grand to Interstate Highway 70, thence over Interstate Highway 70 to Champ, Mo.-Industrial Village and return over the same route, serving no intermediate or off-route points, and (2) from the western boundary of the St. Louis Commercial Zone to the junction of Bypass 66 and Interstate Highway 70, thence over Interstate Highway 70 to Champ, Mo.-Industrial Village and return over the same route, serving no intermediate or off-route points.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135.

No. MC 1222 (Sub-No. 20) (AMENDMENT), filed May 23, 1962, published FEDERAL REGISTER issue June 13, 1962, amended June 18, 1962, and republished this issue. Applicant: THE REINHARDT TRANSFER COMPANY, a corporation, 1410 10th Street, Portsmouth, Ohio. Applicant's attorney: Robert H. Kinker, Seventh Floor McClure Building, P.O. Box 127, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foam, cellular, expanded, or sponge plastic articles, and materials*, from Hanging Rock, Ohio, and points within (4) four miles thereof (just west of Ironton), to points in Indiana, Kentucky, West Virginia, and those points in Pennsylvania on and west of U.S. Highway 219, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

NOTE: The purpose of this republication is to include "points within (4) four miles thereof" as shown above, in the origin territory.

HEARING: Remains as assigned, July 23, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William R. Tyers.

No. MC 2202 (Sub-No. 231), filed May 16, 1962. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Muncie, Ind., and Logansport, Ind., as follows: From Muncie over U.S. Highway 35 to Logansport, and return over the same route, serving no intermediate points but serving junction of Indiana Highway 37 and U.S. Highway 35 for joinder purposes only, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations.

HEARING: September 21, 1962, at Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 72.

No. MC 2202 (Sub-No. 232), filed May 28, 1962. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio. Applicant's representative: P. G. Whitmore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Elyria, Ohio, and the junction of U.S. Highway 42 and Ohio Highway 301 south of Elyria; from Elyria over Ohio Highway 301 and U.S. Highway 42, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular-route operations.

NOTE: Applicant states "the purpose of this application is to permit operating truckloads over applicant's presently authorized route between Elyria and Lorain on the one hand and applicant's terminal at Cleveland, Ohio on the other hand. Lorain is an off-route point in connection with applicant's regular service route between Cleveland, Ohio, and Elyria, Ohio. The truckloads involved will be those originating at or destined to Elyria and Lorain to or from points in the South and Southwest. Applicant will continue pickup and delivery service daily at both Elyria and Lorain on less truckload shipments." It is further noted that applicant was authorized to own, operate, and control M & R Transportation Co., Inc., MC 69274 in MC-F-6161.

HEARING: September 28, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 2304 (Sub-No. 25), filed June 12, 1962. Applicant: THE KAPLAN TRUCKING, a corporation, 2900 Chester Avenue, Cleveland, Ohio. Applicant's attorney: James M. Burtch, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plant site of Ford Motor Co., located on Mound Road, Macomb County, Mich., as an off-route point in connection with applicant's regular route operations between Cleveland, Ohio, and Detroit, Mich.

HEARING: September 10, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 2980 (Sub-No. 1) (CORRECTION), filed April 26, 1962, published FEDERAL REGISTER, issue of June 13, 1962, and republished as corrected this issue. Applicant: LANDGREBE MOTOR TRANSPORT, INC., State Road No. 130, Valparaiso, Ind. Applicant's attorney: William J. Guenther, 1212 Fletcher Trust Building, Indianapolis, Ind. The purpose of this republication is to show that the proper Joint Board should have been Joint Board No. 72 in lieu of Joint Board No. 149 as shown in previous publication.

HEARING: July 26, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 72.

No. MC 15473 (Sub-No. 9), filed April 18, 1962. Applicant: BEST TRUCK LINES, INC., P.O. Box 60, Ottawa, Kans. Applicant's attorney: Frank W. Taylor, Jr., 10th Floor, 1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving Edgerton, Kans. as an off-route point in connection with applicant's regular-route operations between Ottawa, Kans., and Kansas City, Mo.

HEARING: September 28, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 52.

No. MC 15909 (Sub-No. 5), filed May 14, 1962. Applicant: E. L. BONER, doing business as OWENS TRANSFER, P.O. Box 146, Du Quoin, Ill. Applicant's representative: R. W. Burgess, 1507 Poplin Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except Classes A and B explosives, household goods as defined in 17 M.C.C. 467, commodities in bulk and commodities requiring special equipment), between St. Louis, Mo., and points in the Commercial Zone thereof, and Champ, Mo.-Industrial Village; (1) from the St. Louis Terminal at Carr Street, via Carr Street to 12th Street, 12 Street to Cass Avenue, Cass Avenue to Interstate Highway 70, thence via Interstate Highway 70 to Champ Mo.-Industrial Village and return over the same route, serving no intermediate points, and (2) from the western boundary of the St. Louis Commercial Zone to the junction of Bypass 66 and Interstate Highway 70, thence via Interstate Highway 70 to Champ, Mo.-Industrial Village and return over the same route, serving no intermediate points.

HEARING: July 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135.

No. MC 15975 (Sub-No. 3), filed May 2, 1962. Applicant: BUSKE LINES, INC., P.O. Box 249, 123 West Syler Street, Litchfield, Ill. Applicant's representative: R. W. Burgess, 1507 Poplin, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between St. Louis, Mo. and points in its commercial zone, and Champ, Mo.-Industrial Village, as follows: (1) From applicant's St. Louis terminal at 1701 North 11th Street, via 11th Street to Interstate Highway 70, thence over Interstate Highway 70 to Champ, Mo.-Industrial Village, and return over the same route, serving no intermediate or off-route points; and (2) from the western boundary of the St. Louis commercial zone to the junction of Bypass 66 and Interstate Highway 70, thence over Interstate Highway 70 to Champ, Mo.-Industrial Village, and return over the same route, serving no intermediate or off-route points.

NOTE: Applicant also holds contract carrier authority under MC-43246 and subs thereunder; therefore dual operations may be involved.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135.

No. MC 18738 (Sub-No. 29), filed June 1, 1962. Applicant: SIMS MOTOR TRANSPORT LINES, INC., 610 West 138th Street, Chicago 27, Ill. Applicant's attorney: Ferdinand Born, Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to *Descriptions in Motor Carrier Certificates*, Ex Parte MC-45, from Kokomo, Ind., to points in Kentucky and Tennessee.

HEARING: September 17, 1962, at Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 264.

No. MC 29079 (Sub-No. 14), filed May 31, 1962. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1200 Home Avenue, Kokomo, Ind. Applicant's attorney: Howell Ellis, Suite 1210-12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V, *Descriptions in Motor Carrier Certificates*, Ex Parte No. MC-45, from Kokomo, Ind., to points in Kentucky and Tennessee.

HEARING: September 17, 1962, at Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 264.

No. MC 30844 (Sub-No. 73) (AMENDMENT), filed May 11, 1962, published in FEDERAL REGISTER issue June 13, 1962, amended and republished this issue. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Applicant's attorney: J. Max Harding, Box 2041, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, as described by the Commission in Appendix I, 61 M.C.C. 209, from Luverne, Minn., and Sioux City, Iowa, to points in Connecticut, Delaware, Illinois, Indiana, Kansas, Maine, Massachusetts, New Hampshire, New Jersey,

New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Washington, D.C.

NOTE: The purpose of this republication is to designate the territorial description above in lieu of the one previously published.

HEARING: Remains as assigned July 23, 1962, at the U.S. Court Rooms, Sioux City, Iowa, before Examiner Leo M. Pellerzi.

No. MC 40302 (Sub-No. 34), filed June 4, 1962. Applicant: FEDERAL EXPRESS, INC., 4930 North Pennsylvania Street, Indianapolis, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), over alternate routes for operating convenience only: (1) Between the junction of U.S. Highway 31 and Indiana Highway 26 and the junction of Indiana Highway 67 and Indiana Highway 26 (near Portland, Ind.), over Indiana Highway 26, serving the termini points, the junction of Indiana Highway 26 and Indiana Highway 9, the junction of Indiana Highway 3 and Indiana Highway 26, the junction of Indiana Highway 37 and Indiana Highway 26, and the junction of Indiana Highway 26 and U.S. Highway 35, as points of joinder. (2) (a) Between the junction of U.S. Highway 31 and Indiana Highway 28 and the site of the new terminal of applicant approximately 0.9 of a mile west of the junction of Indiana Highway 9 and Indiana Highway 28, over Indiana Highway 28. (b) Between the site of applicant's new terminal approximately 0.9 of a mile west of the junction of Indiana Highway 9 and Indiana Highway 28, and the junction of Indiana Highway 28 and Indiana Highway 67, over Indiana Highway 28, serving the termini points and the junction of Indiana Highway 28 and Indiana Highway 3 as points of joinder. (3) Between the junction of Indiana Highway 28 and Indiana Highway 13 and the junction of Indiana Highway 13 and U.S. Highway 35, over Indiana Highway 13, connecting with Indiana Highway 28, Indiana Highway 26 and U.S. Highway 35 as points of joinder. (4) Between the junction of Highway 18 and Indiana Highway 3 and Fort Wayne, Ind., over Indiana Highway 3. (5) Between the junction of U.S. Highway 40 and Indiana Highway 1 and Indiana Highway 1 and Indiana Highway 38, over Indiana Highway 1, connecting with Indiana Highway 38 and U.S. Highway 40 as points of joinder. (6) Between Tiffin, Ohio, and Bellvue, Ohio, over Ohio Highway 18.

NOTE: Applicant states that the routes as set forth above are related to those routes authorized in outstanding certificates between Toledo, Ohio, and Bloomington, Ind., between Huntington, Ind., and junction of Indiana Highway 9 and Indiana Highway 67; the route between Detroit, Mich., and Evansville, Ind.; and the route between Dunreith, Ind., and the junction of Indiana Highway 3 and Indiana Highway 18. With respect to Route 6 the request for the alternate route is related to outstanding authority reading between Barberton, Ohio, and Findlay, Ohio, between Toledo, Ohio, and Youngstown, Ohio, and between Bucyrus, Ohio, and the junction of Ohio Highway 4 and U.S. Highway 20.

HEARING: September 19, 1962, at Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 60.

No. MC 42343 (Sub-No. 11), filed June 18, 1962. Applicant: MACHISE EXPRESS COMPANY, INC., 500 North Egg Harbor Road, Hammonton, N.J. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Jet fuel and aviation gasoline*, in bulk, in tank vehicles, between Burlington and Jacksonville, N.J., on the one hand, and, on the other, points in Delaware and those in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 15 to its junction with U.S. Highway 522, and thence along U.S. Highway 522 to the Pennsylvania-Maryland State line.

HEARING: July 24, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John B. Mealy.

No. MC 42487 (Sub-No. 558), filed June 14, 1962. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: R. E. Poelman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers, dry fertilizer ingredients*, and *dry fertilizer compounds*, (a) from points in Bonneville, Power and Minidoka Counties, Idaho, to points in Montana and Wyoming, (b) between points in Malheur, Harney, and Baker Counties, Oreg., and points in Owyhee, Canyon, Ada, Gem, Payette, Washington, Power, and Adams Counties, Idaho, (c) from points in Utah to points in Colorado, New Mexico, Arizona, California, and Nevada, (d) between points in Utah and Colorado, and (e) from points in California to points in Idaho, Utah, Nevada, and Oregon.

NOTE: Applicant states it "is a wholly owned subsidiary of Consolidated Freightways, Inc., a noncarrier, as is Missouri Consolidated Freightways Corporation (MC-52746); and, in addition, applicant owns all of the outstanding stock of New York Consolidated Freightways Corporation (MC 222). Applicant also owns all of the outstanding stock of Foster Freight Lines, Inc. (an Indiana intrastate carrier), Wheeler Transfer and Storage Company (a Wisconsin intrastate carrier), and Canadian Freightways, Ltd., a motor carrier operating in Canada".

HEARING: July 24, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Henry A. Cockrum.

No. MC 44290 (Sub-No. 15), filed May 21, 1962. Applicant: HUSMANN & ROPER FREIGHT LINES, INC., 1717 North Broadway, St. Louis, Mo. Applicant's attorney: B. ' LaTourette, Jr., Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Ashley, Ill., as an off-route point in connection with applicant's authorized routes between St. Louis, Mo., and Cincinnati, Ohio, and Louisville, Ky.

HEARING: September 12, 1962, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 149.

No. MC 46737 (Sub-No. 39), filed May 28, 1962. Applicant: GEO. F. ALGER COMPANY, a corporation, 3050 Lonyo Road, Detroit 9, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bags, (1) between points in Michigan, (2) between points in Ohio and (3) between points in Indiana.

NOTE: Applicant states that this application is to cover movements of "interstate traffic to and from rail heads, boats docks, etc."

HEARING: September 13, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 9.

No. MC 47710 (Sub-No. 1), filed May 1, 1962. Applicant: JOSEPH F. KLAWITTER, doing business as KLAWITTER TRUCKING COMPANY, 1674 Westwood Avenue, Cincinnati 14, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 Leveque-Lincoln Tower, 50 West Broad Street, Columbus 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal and coke* and *such commodities as are transported in dump vehicles*, between Cincinnati, Ohio, on the one hand, and on the other, points in Wayne, Henry, Union, Fayette, Rush, Franklin, Decatur, Dearborn, Ohio, Ripley, Switzerland, and Jefferson Counties, Ind.

NOTE: Applicant states that under Certificate MC 47710 it has authority to transport the aforesaid commodities between Cincinnati, Ohio, and one point in Indiana, namely Aurora. With respect to service between said points duplicative authority is not requested.

HEARING: September 25, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 208.

No. MC 52709 (Sub-No. 173), filed May 25, 1962. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brandy*, in bulk, in tank vehicles, from Orange Cove, Calif., to Philadelphia, Pa., and Bardstown, Ky.

NOTE: Applicant states it controls United Freight, Inc. (Docket FF 155) and Inter State Express, Inc. (Docket FF 102), both of which are wholly owned by applicant.

HEARING: July 25, 1962, at the Federal Building, Los Angeles, Calif., before Examiner David Waters.

No. MC 55896 (Sub-No. 13), filed May 15, 1962. Applicant: R. W. EXPRESS, INC., 4840 Wyoming Avenue, Dearborn, Mich. Applicant's attorney: William B. Elmer, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* and *iron and steel products*, from Kokomo, Ind., to points in Kentucky and Tennessee, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: September 17, 1962, at Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 264.

No. MC 55896 (Sub-No. 14) (CLARIFICATION), filed May 15, 1962, published FEDERAL REGISTER issue of June 13, 1962, clarified June 19, 1962, and republished, as clarified, this issue. Applicant: R. W. EXPRESS, INC., 4840 Wyoming Avenue, Dearborn, Mich. Applicant's attorney: William B. Elmer, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except Classes A and B explosives, household goods as defined in 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment) between Goshen and Marion, Ind., over Indiana Highway 15, serving Wabash, Ind., as an intermediate point.

NOTE: The purpose of this republication is to change the proposed operation from a "from and to" movement to a "between" movement and also to add Wabash, Ind., as an intermediate point.

HEARING: Remains as assigned July 27, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 149.

No. MC 70151 (Sub-No. 32), filed June 11, 1962. Applicant: UNITED TRUCKING SERVICE, INCORPORATED, 3047 Lonyo Road, Detroit 9, Mich. Applicant's attorney: Archie C. Fraser, 1400 Michigan National Tower, Lansing 8, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, commodities in bulk, not including salt in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Tecumseh, Mich., and Monroe, Mich.; from Tecumseh over Michigan Highway 50 to Monroe, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points.

HEARING: September 11, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 71743 (Sub-No. 3), filed May 2, 1962. Applicant: BEILM FREIGHT LINES, INC., 1819 North 17th Street, St. Louis 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) between St. Louis, Mo., and points in its commercial zone, and Champ, Mo.-Industrial Village, as follows: (1) From applicant's St. Louis terminal at 1819 North 17th Street, via 17th Street to Cass Avenue, thence over Cass Avenue to Interstate Highway 70, thence over Interstate Highway 70 to Champ, Mo.-Industrial Village, and return over the same route, serving no intermediate or off-route points; and (2) from the western boundary of the St. Louis commercial zone to the junction of By-Pass 66 and Interstate Highway 70, thence over Interstate Highway 70 to Champ, Mo.-Industrial Village, and return over the same route, serving no intermediate or off-route points.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135.

No. MC 75397 (Sub-No. 2), filed May 14, 1962. Applicant: HOMER SPRUANCE, 1221 South Verity Parkway, Middletown, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Paper and paper products*, and *corrugated paper cartons*, and *scrap paper*, between Middletown, Ohio, and Ligonier, Ind., from Middletown, over Ohio Highway 122 to Eaton, Ohio, thence over U.S. Highway 35 to junction of U.S. Highway 40, thence over U.S. Highway 40 to Richmond, Ind., thence over U.S. Highway 27, to Fort Wayne, Ind., thence over U.S. Highway 33 to Ligonier, and return over the same routes, serving no intermediate or off-route points.

NOTE: The applicant states the proposed service will be a plant to plant operation.

HEARING: September 26, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 60.

No. MC 75406 (Sub-No. 22), filed June 21, 1962. Applicant: SUPERIOR FORWARDING COMPANY, INC., 2600 South Fourth Street, St. Louis 18, Mo. Applicant's attorney: B. W. LaTourette, Jr., Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the Village of Champ, Mo. (also known as Champ Industrial Village) as an off-route point in connection with applicant's authorized regular routes as described in MC 75406 and subs thereunder.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 76177 (Sub-No. 288) (AMENDMENT), filed May 3, 1962, published issue of June 13, 1962, amended June 22, 1962, and republished as amended this issue. Applicant: BAGGETT TRANSPORTATION COMPANY, a corporation, 2 South 32d Street, Birmingham 5, Ala. Applicant's attorney: Harold G. Hernly, Suite 605, 711 14th Street, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B* explosives, between Milan Arsenal, near Milan, Tenn., and Eglin Air Force Base, near Valparaiso, Fla.

NOTE: Applicant holds contract authority under MC 89778; therefore dual operations may be involved. Applicant states that it controls Alabama Highway Express. The purpose of this republication is to shown a between movement in lieu of a from and to.

HEARING: Remains as assigned July 20, 1962, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Wm. N. Culbertson.

No. MC 78400 (Sub-No. 15), filed June 11, 1962. Applicant: BEAUFORT TRANSFER COMPANY, a corporation, Post Office Box 102, Gerald, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Clay*, in bulk, from Owensville, Mo., to East St. Louis, Ill., from Owensville, over Missouri Highway 28, to junction U.S. Highway 50, thence over U.S. Highway 50, to East St. Louis, and return over the same route serving no intermediate or off-route points, (2) *charcoal*, in bulk, from the plant site of The Kingsford Company, located approximately six miles southwest of Belle, Mo., to East St. Louis, Ill., from the plant site of The Kingsford Company, over unnumbered highway to junction Missouri Highway 28, thence over Missouri Highway 28, to junction U.S. Highway 50, thence over U.S. Highway 50, to East St. Louis, and return over the same route serving no intermediate or off-route points, and (3) *materials and supplies used in the production of charcoal*, from East St. Louis, Ill., to the plant site of the Kingsford Company, located approximately six miles southwest of Belle, Mo., from East St. Louis, over U.S. Highway 50, to junction Missouri Highway 28, thence over Missouri Highway 28, to junction unnumbered highway, thence over unnumbered highway to plant site of the Kingsford Company, and return over the same route, serving no intermediate or off-route points.

HEARING: September 21, 1962, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 135.

No. MC 80430 (Sub-No. 103), filed June 21, 1962. Applicant: GATEWAY TRANSPORTATION CO., INC., 2130-2150 South Avenue, La Crosse, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods, livestock, and Classes A and B explosives), serving Champ, Mo., Industrial Village as an off-route point in connection with applicant's regular-route operations between Chicago, Ill., and St. Louis, Mo.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 87566 (Sub-No. 2), filed May 9, 1962. Applicant: SCHMIDT TRUCK

SERVICE, INC., U.S. Highway 66, Litchfield, Ill. Applicant's representative: R. W. Burgess, 1507 Poplin Street, St. Louis 3, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between St. Louis, Mo., and points in its commercial zone, and Champ, Mo.-Industrial Village, as follows: (1) From applicant's St. Louis terminal at 5136 Bulwer Avenue, via Bulwer Avenue, to East Grand, thence over East Grand to Interstate Highway 70, thence over Interstate Highway 70 to Champ, Mo.-Industrial Village and return over the same route serving no intermediate points or offroute points; and (2) from the western boundary of the St. Louis commercial zone to the junction of By-Pass 66 and Interstate Highway 70 thence over Interstate Highway 70 to Champ, Mo.-Industrial Village and return over the same route, serving no intermediate or offroute points.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135.

No. MC 92983 (Sub-No. 407), filed June 4, 1962. Applicant: ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from points in Connecticut, Idaho, Mississippi, and Missouri to Turner, Kans.

HEARING: July 31, 1962, at the Park East Hotel, Kansas City, Mo., before Examiner Laurence E. Masoner.

No. MC 94265 (Sub-No. 83) (AMENDMENT), filed April 18, 1962, published FEDERAL REGISTER issue June 13, 1962, amended June 21, 1962, and republished as amended this issue. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 12388—Thomas Corner Station, Norfolk, Va. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as listed in parts A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Perry, Iowa, to points in Delaware, North Carolina, Pennsylvania, Rhode Island, Virginia, West Virginia, Maryland, New Jersey, New York, and the District of Columbia.

NOTE: The purpose of this republication is to add the destination States of Maryland, New Jersey, and New York, to the authority previously sought.

HEARING: Remains as assigned July 26, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Bernard J. Hasson, Jr.

No. MC 94265 (Sub-No. 85) (AMENDMENT), filed May 11, 1962, published FEDERAL REGISTER issue June 13, 1962, amended and republished this issue. Applicant: BONNEY MOTOR EXPRESS, INC., Thomas Corner Station, Norfolk, Va. Applicant's attorney: J. Max Harding, Box 2041, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, as described by the Commission, in Appendix I, 61 M.C.C. 209, from Luverne, Minn., and Sioux City, Iowa, to points in Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, Virginia, West Virginia, and Washington, D.C.

NOTE: The purpose of this republication is to designate the territorial description above in lieu of the one previously published.

HEARING: Remains as assigned July 23, 1962, at the U.S. Court Rooms, Sioux City, Iowa, before Examiner Leo M. Pellerzi.

No. MC 94670 (Sub-No. 2), filed April 9, 1962. Applicant: RAYMOND A. ALBERT AND EUGENE C. USSERY, doing business as USSERY TRUCK LINE, a partnership Star Route Marshall, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer* (except fertilizer in bulk in tank vehicles), from East St. Louis, Ill., and points in Kansas, to points in Saline, Howard, Pettis, Lafayette, Johnson, Carroll, and Chariton Counties, Mo., and (2) *feed*, from East St. Louis, Ill., to points in Saline, Howard, Pettis, Lafayette, Johnson, Carroll, and Chariton Counties, Mo.

HEARING: September 19, 1962, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 195.

No. MC 95540 (Sub-No. 420) (AMENDMENT), filed April 18, 1962, published FEDERAL REGISTER issue of June 13, 1962, amended June 18, 1962, and republished, as amended, this issue. Applicant: WATKINS MOTOR LINES, INC., Albany Road, Thomasville, Ga. Applicant's attorney: Duane W. Acklie 605 South Twelfth Street, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, as described by the Commission in Appendix I, 61 M.C.C. 209, from Luverne, Minn., and Sioux City, Iowa, to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE: The purpose of this republication is to designate the territorial description above in lieu of the one previously published.

HEARING: Remains as assigned July 23, 1962, at the U.S. Court Rooms, Sioux City, Iowa, before Examiner Leo M. Pellerzi.

No. MC 95540 (Sub-No. 425), filed April 26, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as defined in A and C of Appendix I to *Description in Motor Carrier Certificates*, reported at 61 M.C.C. 209 (272–273) (except commodities in bulk), and restricted to transportation in vehicles equipped with mechanical refrigeration, from Evansville, Ind., and its Commercial Zone, to points in Mississippi, and New Orleans, La., including points in its Commercial Zone, and *rejected shipments*, on return.

NOTE: Common control may be involved.

HEARING: July 23, 1962, at Federal Office Building, 600 South Street, New Orleans, La., before Examiner Lacy W. Hinely.

No. MC 97183 (Sub-No. 14), filed June 4, 1962. Applicant: MARION TRUCKING COMPANY, INC., 1620 Factory Avenue, Marion, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk). (1) Between Greensburg, Ind., and Muncie, Ind., as follows: From Greensburg over Indiana Highway 3 to Muncie, and return over the same route as an alternate route for operating convenience only, serving no intermediate points, with service at Muncie for purposes of joinder only, in connection with applicant's authorized regular-route operations. (2) Between Shelbyville, Ind., and the junction of Indiana Highways 9 and 67, as follows: From Shelbyville, Ind., over Indiana Highway 9 to its junction with Indiana Highway 67, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations.

HEARING: September 20, 1962, at Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 72.

No. MC 102616 (Sub-No. 705), filed June 26, 1962. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 711 14th Street, Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids and rocket propellant fuels*, in bulk, in specially designed tank trailers, between missile sites, production plants, and missile test facilities in the States of Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

HEARING: July 17, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Wm. N. Culbertson.

No. MC 106914 (Sub-No. 18), filed June 4, 1962. Applicant: HAROLD FINE, doing business as AMERICAN CARTAGE COMPANY, 1575 Fairfield Avenue, Cleveland, Ohio. Applicant's representative: G. H. Dilla, 5275 Ridge Road, Cleveland 29, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities of unusual value, livestock, household goods, commodities in bulk and commodities requiring special equipment), serving the site of the Ford Motor Company plant located on Mound Road and 23 Mile Road, Macomb County, Mich., as an off-route point in connection with applicant's regular-route operations.

HEARING: September 10, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 107107 (Sub-No. 221), filed June 18, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses, and frozen foods*, from Sylvester, and Tifton, Ga., to points in Alabama, Colorado, Connecticut, Delaware, Florida, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia.

HEARING: July 23, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Wm. N. Culbertson.

No. MC 107403 (Sub-No. 410), filed June 21, 1962. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Huron, Ohio, and points within five miles thereof, to points in Illinois, Indiana, Michigan, Minnesota, New York, and Wisconsin.

NOTE: Common control may be involved.

HEARING: July 16, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Edith H. Cockrill.

No. MC 107515 (Sub-No. 393) (AMENDMENT), filed April 19, 1962, published FEDERAL REGISTER issue May 30, 1962, amended June 22, 1962, and republished this issue. Applicant: REFRIGERATED TRANSPORT CO, INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts*, as defined by the Commission, from Shafter, Tex., and points in Caldwell, Gonzales, De Witt, and Galveston Counties, Tex., to points in Florida, Georgia, Alabama, North Carolina, South Carolina, and Tennessee (except Memphis). Common control may be involved.

NOTE: The purpose of this republication is to include points in Galveston County, Tex., as shown above, as origin points.

HEARING: Remains as assigned, July 20, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Frank J. Mahoney.

No. MC 107643 (Sub-No. 60), filed June 7, 1962. Applicant: ST. JOHNS MOTOR EXPRESS, INC., 7220 North Burlington Avenue, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, (a) between points in California, on the one hand, and, on the other, points in Montana; (b) between points in Oregon, on the one hand, and, on the other, points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming; and (c) between points in Washington, on the one hand, and, on the other, points in Arizona, Colorado, Nevada, New Mexico, Utah, and Wyoming.

HEARING: August 7, 1962, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner Richard H. Roberts.

No. MC 108449 (Sub-No. 148) (AMENDMENT), filed May 9, 1962, published issue of June 13, 1962, amended June 18, 1962, and republished as amended this issue. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West Country Road "C", St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, from West Fargo, N. Dak., and points within 15 miles thereof to points in Minnesota, South Dakota, Iowa, and Nebraska.

NOTE: Applicant states that Moore Motor Freight Lines, Inc., MC 17481 is a wholly owned subsidiary.

NOTE: The purpose of this republication is to add "petroleum" and "points within fifteen miles" of West Fargo, N. Dak.

HEARING: Remains as assigned July 16, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Leo M. Pellerzi.

No. MC 109397 (Sub-No. 59), filed June 21, 1962. Applicant: TRI-STATE MOTOR TRANSIT CO., A CORPORATION, P.O. Box 113, Joplin, Mo. Applicant's attorney: Max G. Morgan, 443–54 American National Bank Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives and other classified materials*, between Milan Arsenal near Milan, Tenn., and Eglin Air Force Base near Valparaiso, Fla.

HEARING: July 20, 1962, at Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Wm. N. Culbertson.

No. MC 109637 (Sub-No. 205), filed May 24, 1962. Applicant: SOUTHERN TANK LINES INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain neutral spirits*, in bulk, in tank vehicles, from Lawrenceburg, Ind., to St. Louis, Mo.

HEARING: September 21, 1962, at Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 160.

No. MC 109689 (Sub-No. 134), filed June 25, 1962. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, Utah. Applicant's attorney: Mark K. Boyle, 345 South State Street, Salt Lake City 1, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beet pulp and beet pulp pellets* (a) between points in Oregon and Idaho and (b) from points in Oregon, Idaho, Utah, Washington, and South Dakota to points in Utah, Idaho, Wyoming, Montana, Washington, North Dakota, South Dakota, Nebraska, California, Arizona, New Mexico, Texas, and Nevada.

HEARING: July 23, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Henry A. Cockrum.

No. MC 110525 (Sub-No. 513), filed June 12, 1962. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Huron, Ohio, and points within 5 miles thereof, to points in Minnesota, New York, Wisconsin, Illinois, Indiana, and Michigan.

HEARING: July 16, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Edith H. Cockrill.

No. MC 110698 (Sub-No. 213), (AMENDMENT), filed May 15, 1962, published in FEDERAL REGISTER issue of June 13, 1962, republished this issue as amended June 25. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Winston Salem Road, Greensboro, N.C. Applicant's attorney: Dale Woodall, P.O. Box 2408, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry chemicals*, in bulk, in tank and hopper vehicles, from points in Richmond County, Ga., to points in Richmond County, Ga., and points in Alabama, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. The purpose of this republication is to add "tank" vehicles to this portion. Part (2) remains as published.

HEARING: Remains as assigned July 26, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Wm. N. Culbertson.

No. MC 110698 (Sub-No. 218), filed June 22, 1962. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Winston Salem Road, Greensboro, N.C. Applicant's attorney: Dale Woodall, P.O. Box 2408, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen tetroxide*, in bulk, in tank vehicles, from Hopewell, Va., to missile sites at or near Davis Monthan Air Force Base, Ariz., Little Rock Air Force Base, Ark., and McConnell Air Force Base, Kans.

NOTE: Applicant states that capital stock is owned by the Ryder System, Inc., of Miami, Fla., which also controls Ryder Truck Lines, Inc., and other motor carriers subject to Part II of the Act.

HEARING: July 25, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 112049 (Sub-No. 8), filed April 10, 1962. Applicant: McBRIDE'S EXPRESS, INC., 1507 Papin Street, St. Louis, Mo. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Decatur, Ill., on the one hand, and, on the other, points in that part of Illinois bounded by a line beginning at Vandalia, and extending along U.S. Highway 40 to Greenup, thence along Illinois Highway 130 to Charleston, thence along Illinois Highway 16 to Mattoon, thence along U.S. Highway 45 to Tuscola, thence along U.S. Highway 36 to Decatur, thence along U.S. Highway 51 to Vandalia, including points on the indicated portion of the highways specified above.

HEARING: September 10, 1962, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 149.

No. MC 112049 (Sub-No. 9), filed April 12, 1962. Applicant: McBRIDE'S EXPRESS, INC., 1507 Papin Street, St. Louis 3, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between St. Louis, Mo., and points in the Commercial Zone thereof, and Champ, Mo.-Industrial Village; (1) from the St. Louis Terminal at Papin Street, over Papin Street to 13th Street, thence over 13th Street to Market Street, thence over Market Street to the approach of U.S. Highway 70, thence over U.S. Highway 70 to Champ, Mo.-Industrial Village, and return over the same route, serving no intermediate points; and (2) from the western boundary of the St. Louis Commercial Zone to the junction of By-Pass 66 and U.S. Highway 70, thence over U.S. Highway 70 to Champ, Mo.-Industrial Village, and return over the same route, serving no intermediate points.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135.

No. MC 113434 (Sub-No. 8), filed May 31, 1962. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, P.O. Box 511, Holland, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cider vinegar stock*, and (2) *vinegar and cider*, from points in Kent County, Mich., to Chicago, Ill.

HEARING: September 14, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 73.

No. MC 113509 (Sub-No. 2) (AMENDMENT), filed April 23, 1962, published FEDERAL REGISTER issue June 6, 1962, amended June 18, 1962, and republished this issue. Applicant: DANTE GENTILINI TRUCKING, INC., 1636 West 125th Street, Chicago, Ill. Applicant's attorney: Bernard G. Colby, One North La Salle Street, Chicago 2, Ill. The purpose of this republication is to change the route description to read "eastern" boundary of Lake Michigan to point of origin, from "western", as requested and previously published.

HEARING: Remains as assigned July 17, 1962, at the Midland Hotel, 172 West Adams Street, Chicago, Ill., before Joint Board No. 73.

No. MC 114227 (Sub-No. 9), filed May 14, 1962. Applicant: ALBERT MEEUSEN AND CLIFFORD RUSSELL, a partnership, doing business as A & C CARRIERS 2909 East Laketon Avenue, Muskegon, Mich. Applicant's attorney: James R. Davis, 1400 Michigan National Tower, Lansing 8, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the plant of Pan Handle Eastern Pipe Line Company, located at or near New Baltimore, Mich., to points in Ohio and Indiana.

HEARING: September 14, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 9.

No. MC 114533 (Sub-No. 49), filed May 15, 1962. Applicant: B.D.C. CORPORATION, 4658 South Kedzie Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments* (except coins, currency, and negotiable securities), *as are used in the conduct and operation of banks and banking institutions*, between Joplin, Mo., on the one hand, and, on the other, Baxter Springs, and Galena, Kans.

HEARING: September 18, 1962, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 36.

No. MC 114533 (Sub-No. 50), filed May 15, 1962. Applicant: B.D.C. CORPORATION, 4658 South Kedzie Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Papers, used in the processing of data by computing machines, punch cards, magnetic, encoded documents, magnetic tape, punch paper tape, printed reports, documents and office records*, between South Bend, Ind., on the one hand, and, on the other, Detroit, Mich.

HEARING: September 12, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 23.

No. MC 115331 (Sub-No. 28), filed June 28, 1962. Applicant: TRUCK TRANSPORT, INC., Room 719 Buder Building, St. Louis, Mo. Applicant's attorney: Thomas F. Kilroy, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia, fertilizers, fertilizer compounds, fertilizer ingredients, urea, ammonia, nitrate, and nitrogen solution*, from Fort Madison, Iowa, and points within five (5) miles thereof, to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, and (2) *anhydrous ammonia*, from Meredosia, Ill., and points within five (5) miles thereof, to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, and *rejected and returned shipments* in connection with the commodities specified (1) and (2) above and *exempt commodities*, on return.

HEARING: August 7, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard A. White.

No. MC 115491 (Sub-No. 29), filed June 14, 1962. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Auburndale, Fla. Applicant's representative: H. R. Marlane (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, frozen fruit juices, and frozen fruit concentrates, in mixed truckloads, with canned and processed citrus fruits and juices*, from points in Florida, to points in Iowa, Nebraska, Missouri, and Kansas.

HEARING: July 18, 1962, at the U.S. Court Rooms, Tampa, Fla., before Commissioner Laurence K. Walrath.

No. MC 115523 (Sub-No. 107), filed June 14, 1962. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 Beck Street, Salt Lake City, Utah. Applicant's attorney: Edward M. Berol, 21st Floor, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids and rocket propellant fuels*, in bulk, in specially designed tank vehicles, between points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

HEARING: July 17, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Wm. N. Culbertson.

No. MC 115669 (Sub-No. 30), filed June 22, 1962. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Clay Center, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier* by motor vehicle, over

irregular routes, transporting: (1) *Oyster shells, fish meal, fish scrap, and animal feed grade sugar*, from Council Bluffs, Iowa, and Omaha, Nebr., to points in Iowa, Nebraska, Minnesota, Missouri, North Dakota, South Dakota, and Kansas. (2) *Salt*, from Council Bluffs, Iowa, to points in Kansas. (3) *Returned and rejected shipments*, on return in (1) and (2) above.

HEARING: July 19, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Leo M. Pellerzi.

No. MC 116317 (Sub-No. 18), filed May 8, 1962. Applicant: FEASTER TRUCKING SERVICE, INC., Claflin, Kans. Applicant's representative: H. V. Eskelin, P.O. Box 2028, Kansas City 42, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from the plant site of Cloud Ceramics located approximately seven (7) miles southeast of Concordia, Kans., to points in Nebraska, and *rejected shipments* of the above-specified commodities, on return.

NOTE: Applicant holds common carrier authority in MC 117651 and Subs thereunder; therefore dual operations may be involved.

HEARING: September 28, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 19.

No. MC 117119 (Sub-No. 60), filed June 22, 1962. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark., and A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Elk City and Oklahoma City, Okla., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis).

HEARING: July 18, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Frank J. Mahoney.

No. MC 117344 (Sub-No. 91), filed May 4, 1962. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement and mortar*, from Cincinnati, Ohio, to points in Indiana and Kentucky, and *empty containers or other such incidental facilities* used in transporting the commodities specified above, on return.

HEARING: September 24, 1962, at New Post Office Building, Columbus, Ohio, before Joint Board No. 208.

No. MC 118866 (Sub-No. 2), filed May 28, 1962. Applicant: JAY CONRAD AND GALE RICKNER, Jr., a partnership, doing business as RICK-CON TRUCKING CO., 755 Lehman Street, Berne, Ind. Applicant's attorney: Walter F. Jones, Jr., 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and animal and poultry feed ingredients*, in bulk, and in hopper type vehicles, between the plant site of Yieldmor Feeds, Inc., Piqua, Ohio, and points in that part of Indiana bounded by a line beginning at Michigan City, Ind., and extending south along U.S. Highway 421 to junction Indiana Highway 43, thence over Indiana Highway 43 to Lafayette, Ind., thence along Indiana Highway 38 to Richmond, Ind., thence along U.S. Highway 40 to the Indiana-Ohio State line to Lake Michigan and thence along the shore of Lake Michigan to point of beginning.

HEARING: September 19, 1962, at Room 908, Indiana Public Service Commission, New Post Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 60.

No. MC 119778 (Sub-No. 11), filed June 21, 1962. Applicant: REDWING CARRIERS, INC., P.O. Box 34, Powerly Station, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 413-414 Bell Building, Montgomery 4, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions, chemicals, and acids*, in bulk, from points in Richmond County, Ga., to points in Alabama, Florida, Louisiana, Mississippi, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Common control may be involved.

HEARING: July 26, 1962, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Wm. N. Culbertson.

No. MC 119934 (Sub-No. 48), filed May 28, 1962. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible flour*, in bulk, in tank vehicles, from Dayton, Ohio, to points in Indiana, Kentucky, and Ohio, and *damaged and rejected shipments*, on return.

HEARING: September 18, 1962, at Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 208.

No. MC 123274 (Sub-No. 1), filed June 18, 1962. Applicant: MARSHALL SERVICE, INC., Pearl and Church Streets, Newfield, N.J. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Jet fuel* and *aviation gasoline*, in bulk, in tank vehicles, between Burlington and Jacksonville, N.J., on the one hand, and, on the other, points in Delaware and those in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 15 to its junction with U.S. Highway 522, and thence along U.S. Highway 522 to the Pennsylvania-Maryland State line.

HEARING: July 24, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John B. Mealy.

No. MC 123781 (Sub-No. 3), filed April 6, 1962. Applicant: JAMES D. TURNER, Route 1, Stark City, Mo. Applicant's attorney: George Henry, 115 West Spring Street, Neosho, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured feed and grain poultry supplies*, from Coffeyville, Kans., to points in Newton, McDonald, and Jasper Counties, Mo., and *empty containers and other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

NOTE: Applicant states "Shipper owned freight as described will be hauled from Mill of Nutrena Mills, Inc., Coffeyville, Kans., to poultry farms located in Newton, McDonald, and Jasper Counties, Mo."

HEARING: September 19, 1962, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 36.

No. MC 123991 (Sub-No. 3) (CORRECTION), filed May 29, 1962, published FEDERAL REGISTER, issue of June 27, 1962, and republished this issue. Applicant: J. V. McNICHOLAS TRANSFER COMPANY, a corporation, 555 West Federal Street, Youngstown, Ohio. Applicant's attorney: Chester A. Zyblut, 1700 K Street NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precut homes and buildings*, from Niles, Ohio, to points in Missouri, Maryland, Delaware, Virginia, Wisconsin, and the District of Columbia, and *empty containers or other such incidental facilities* and *rejected shipments* of the above-specified commodities, on return.

NOTE: Applicant holds common carrier authority in MC 14552 and Subs thereunder; therefore, dual operations may be involved. The purpose of this republication is to correctly set forth the hearing information as shown below.

HEARING: August 2, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 124164 (Sub-No. 1), filed May 17, 1962. Applicant: HARLAND K. THOMAS, doing business as THOMAS GARAGE, 301 South Market Street, St. Clairsville, Ohio. Applicant's attorney: James M. Burtch, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles, and serviceable trucks and tractors*, for replacement of wrecked and disabled vehicles, by use of wrecker equipment only, between points in Belmont County, Ohio, and those in Pennsylvania on and west of U.S. Highway 15, and those in Brooke, Hancock, Marshall, and Ohio Counties, W. Va.

HEARING: September 28, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 59.

No. MC 124198 (REPUBLICATION), filed February 7, 1962, published FEDERAL REGISTER, issue of March 21, 1962,

and republished this issue. Applicant: EDWARD P. DUNN, JR., doing business as DUNN'S, 425 10th Street, Carlstadt, N.J. Applicant's attorney: LeRoy Dunzinger, 334 King Road, North Brunswick, N.J. By application filed February 7, 1962, authority was sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Disabled trucks, disabled tractors, disabled busses, and disabled cars, in driveaway or towaway service, using wrecker vehicles, between points in New York and New Jersey, on the one hand, and, on the other, points in New York, New Jersey, Rhode Island, Massachusetts, Connecticut, Pennsylvania, and Delaware. Hearing was held on May 4, 1962, at Newark, N.J., Hearing Examiner Harold P. Boss presiding. At the hearing the application was amended to include replacement tractors and trucks. In a Report and Order served May 24, 1962, effective June 13, 1962, the examiner found that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, of (1) *wrecked or disabled trucks, tractors, busses, and passenger cars*, requiring the use of wrecker equipment, Between points in New Jersey and New York, on the one hand, and, on the other, points in Connecticut, Delaware, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island, and (2) *replacement vehicles for such wrecked or disabled trucks, tractors, and passenger cars*, from points in New Jersey and New York to points in Connecticut, Delaware, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island, and recommends that an appropriate certificate authorizing such operation should be issued after the elapse of 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124266, filed March 9, 1962. Applicant: NELSON GWILLIM, 914 Sumner, Carlinville, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, (a) from Carlinville, Carbondale, Olney, Danville, Springfield, Carlyle, Mount Sterling, Quincy, and Alton, Ill., to Evansville, Ind.; and (b) between Carlinville, Carbondale, Olney, Danville, Springfield, Carlyle, Mount Sterling, Quincy, and Alton, Ill., and Lafayette, Ind.; and (2) *empty containers or other such incidental facilities* (not specified) used in transporting dairy products, from the above-specified destination points to the respective origin points.

NOTE: Applicant states the above-specified commodities will be for interplant transfer of dairy products from and between the various dairies of Prairie Farms Dairy, Inc., located in the above-specified points to sales areas of Evansville and Lafayette, Ind.

HEARING: September 12, 1962, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 21.

No. MC 124369, filed April 16, 1962. Applicant: RAY E. LEMAN, doing business as LEMAN MOTOR SERVICE, 208 North First Street, Hiawatha, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled automobiles, trucks, truck tractors*, and *trailers*, between points in Kansas, Missouri, and Nebraska.

HEARING: September 26, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 140.

No. MC 124382 (CLARIFICATION), filed April 19, 1962, published in FEDERAL REGISTER issue of June 6, 1962, republished this date to specify ports of entry. Applicant: RUSSELL HOLMES, R.R. No. 1, Cardinal, Ontario, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bagged and bulk gluten meal and feed* from ports of entry in New York on the International Boundary Line between the United States and Canada, located at Cornwall-Rooseveltown, Johnstown-Ogdensburg and Ivy Lea Bridge, to points in New York, the operations to be under contract with Canada Starch Co., Ltd., Cardinal, Ontario, Canada.

HEARING: Remains as assigned July 16, 1962, at the Federal Building, Syracuse, N.Y., before Examiner Lyle C. Farmer.

No. MC 124399, filed April 23, 1962. Applicant: MRS. R. G. LARZELERE, doing business as LARZELERE STANDARD STATION, Troy, Kans. Applicant's attorney: G. T. Van Bebber, Troy, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles and trailers*, between points in Doniphan County, Kans., on the one hand, and, on the other, points in Buchanan, Andrew, Nodaway, DeKalb, Clinton, Caldwell, Daviess, Livingston, Platte, Clay, and Jackson Counties, Mo., Richardson, Nemaha, Otoe, Cass, Lancaster, Johnson, Pawnee, Gage, Douglas, and Sarpy Counties, Nebr.

HEARING: September 27, 1962, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 140.

No. MC 124419, filed April 26, 1962. Applicant: L. W. HOEHNS, doing business as HOEHNS FEED & PRODUCE COMPANY, Smithton, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed* and *fertilizer*, dry, in bulk and in bags, from East St. Louis, Ill., to points in Cooper, Morgan, Miller, Camden, Hickory, Benton, Pettis, Henry, Johnson, and Lafayette counties, Mo., and *livestock and exempt commodities*, on return.

HEARING: September 20, 1962, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 135.

No. MC 124482, filed May 28, 1962. Applicant: WISE GARAGE, INC., 1845 Troy Street, Dayton 4, Ohio. Applicant's attorney: Jack B. Josselson, Atlas Bank Building, Cincinnati 2, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrecked, damaged, and disabled motor vehicles* (except passenger vehicles and trailers designed to be drawn by passenger vehicles), by use of wrecker only, from points in Indiana, to Dayton, Ohio; and (2) *replacement vehicles and repair parts for wrecked, damaged and disabled motor vehicles*, in secondary movements, by the truckaway method with wrecker equipment, from Dayton, Ohio, to points in Indiana.

HEARING: September 27, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 60.

No. MC 124497, filed June 1, 1962. Applicant: MARVIN KAHN, doing business as G&S TRUCKING, 3269 East Berkshire Road, Cleveland Heights 18, Ohio. Applicant's attorney: Edwin C. Reminger, 905 The Leader Building, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refractories, including, but not limited to fire brick, plastic and (other than plastic), fire clay, mortar or cement (high temperature bonding), kiln or furnace lining, wooden pallets or shipping containers, materials and supplies used or useful in the manufacture of refractories*, (2) *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, between Cleveland, Ohio, on the one hand, and, on the other, the plant sites of North American Refractories Co., located at Ashland, Ky., Curwensville, Little Gap, Mount Union, and Womelsdorf, Pa.

HEARING: September 26, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 150.

No. MC 124579, filed June 28, 1962. Applicant: G. EDWARD WIKEL, doing business as WIKEL MILK CARTAGE, Route No. 1, Huron, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Methanol*, in bulk, in tank vehicles, from Huron, Ohio, and points within five (5) miles thereof, to points in Illinois, Indiana, Michigan, Minnesota, and New York.

NOTE: Applicant holds contract authority in MC 114377, therefore, dual operations may be involved.

HEARING: July 16, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Edith H. Cockrill.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub-No. 260), filed January 12, 1962. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Robert J. Bernard (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers, and mail*, in the same vehicle with passengers; (1) between junction U.S. Highway 117 and North Carolina Highway 53 near Burgaw, N.C., and Junction U.S. Highway 258 and North Carolina Highway 53, from junction U.S. Highway 117 and North Carolina Highway 53 near Burgaw, over North Carolina Highway 53 to its junction with U.S. Highway 258, and return over the same route, serving all intermediate points; (2) between Junction U.S. Highway 258 and North Carolina Highway 24, and Goldsboro, N.C., from junction U.S. Highway 258 and North Carolina Highway 24, over North Carolina Highway 24 to Beulaville, N.C., thence over North Carolina Highway 111 to Goldsboro, and return over the same route, serving all intermediate points; (3) between Jacksonville, N.C., and Petersburg, Va., from Jacksonville over North Carolina Highway 24 to its junction with U.S. Highway 258, thence over U.S. Highway 258 to its junction with U.S. Highway 13 in Snow Hill, N.C., thence over U.S. Highway 13 to its junction with North Carolina Highway 58, thence over North Carolina Highway 58 to Wilson, N.C., thence over U.S. Highway 301 to Rocky Mount, N.C., thence over U.S. Highway 301 to Emporia, Va., thence over Interstate Highway 95 and U.S. Highway 301 to Petersburg, and return over the same route, serving all intermediate points; and (4) between Jacksonville, N.C., and Camp Le Jeune, N.C., from Jacksonville over U.S. Highway 24 to Camp Le Jeune, and return over the same route, serving all intermediate points.

HEARING: September 4, 1962, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 7.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 2998 (Sub-No. 24), filed June 19, 1962. Applicant: WOLVERINE EXPRESS, INCORPORATED, 701 Erie Avenue, Muskegon, Mich. Applicant's representative: James F. Nolan, 1901 Train Avenue, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, articles in bulk, livestock, automobiles, and those requiring special equipment) serving the site of the A.C.E. Freight, Inc. truck terminal, to be located in Summit County, Ohio, at Ohio Highway 8 and Twinsburg Road, approximately eleven (11) miles north of Akron, Ohio, as an intermediate and off-route point in connection with its authorized operations to and from Cleveland, Ohio, over regular routes.

NOTE: The service would be restricted to interchange and connecting-line freight only on traffic originating or destined beyond the above specified point.

No. MC 3560 (Sub-No. 16) (AMENDMENT), filed February 15, 1962, published FEDERAL REGISTER issue of May 9, 1962, amended June 14, 1962, and republished, as amended, this issue. Applicant: GENERAL EXPRESSWAYS, INC., 1205 South Platte River Drive, Denver 23, Colo. Applicant's attorney: O. Russell Jones, Bokum Building, 142 West Palace Avenue, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading), between junction U.S. Highway 11 and Interstate Highway 83 at or near Harrisburg, Pa., and Baltimore, Md., serving no intermediate points, and serving junction U.S. Highway 11 and Interstate Highway 83 for joinder purposes only, as an alternate route for operating convenience only in connection with carrier's regular-route operations; from junction U.S. Highway 11 and Interstate Highway 83 over Interstate Highway 83 to Baltimore, and return over the same route.

NOTE: The purpose of this republication is to designate the route description above in lieu of the route description previously published.

No. MC 19537 (Sub-No. 3), filed June 20, 1962. Applicant: CLARENCE CALDWELL CLARK, doing business as CLARK'S TRUCK LINE, RFD No. 3, Pontotoc, Miss. Applicant's attorney: Louis I. Dailey, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, and those requiring special equipment), between Potts Camp, Miss., and New Albany, Miss., as follows: Over Mississippi Highway 349 from its intersection with U.S. Highway 78, at or near Potts Camp, to its intersection with Mississippi Highway 30, thence over Mississippi Highway 30 to New Albany, and return over the same route, serving the intermediate points of Poolville, Enterprise, Darden, Macedonia, Cornersville, and Bethlehem, Miss.

No. MC 105632 (Sub-No. 27) (AMENDMENT), filed June 5, 1962, published FEDERAL REGISTER issue June 13, 1962, amended and republished this issue. Applicant: CENTRAL OF GEORGIA MOTOR TRANSPORT COMPANY, a corporation, 227 West Broad Street, Savannah, Ga. Applicant's attorney: William H. Teasley, P.O. Box 2126, Savannah, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving by Railway Express, in service auxiliary to or supplemental of the rail service of Central of Georgia Railway Company, between Cedartown, and Atlanta, Ga., from Cedartown, over U.S. Highway 27 (Georgia Highway 1), to Carrolton, Ga., thence over Georgia Highway 16, to Newnan, Ga., thence over U.S. Highway 29, to Atlanta, and return over the same route, serving all intermediate points between Cedartown and Newnan as presently authorized, but serving none between Newnan and Atlanta, Ga. Common control may be involved.

NOTE: The purpose of this republication is to indicate Georgia Highway "16" in lieu of Highway "15" as previously published erroneously.

No. MC 112750 (Sub-No. 104), filed June 19, 1962. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: James K. Knudson, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Charge sales tickets, cash sales tickets, charge credit sales tickets, refund slips, cash register tapes, application forms and accompanying documents*, between New York, N.Y., on the one hand, and, on the other, points in Bergen, Middlesex, and Morris Counties, N.J.

NOTE: Applicant states the proposed service will be for the account of J. C. Penney Company, Inc. Common control may be involved.

No. MC 114897 (Sub-No. 38), filed June 20, 1962. Applicant: WHITFIELD TANK LINES, INC., 240 West Amador Street, Las Cruces, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from the plant site of Climax Chemical Company, located at or near Monument, N. Mex., to points in Texas, on and west of U.S. Highway 277, beginning at boundary between the United States and Mexico (near Del Rio, Tex.), and extending along U.S. Highway 277, to the Texas and Oklahoma line and to points in Tillman, Jackson, and Kiowa Counties, Okla.

NOTE: Common control may be involved.

No. MC 123254 (Sub-No. 2), filed June 25, 1962. Applicant: ALBERT PITZER AND JANE PITZER, a partnership, doing business as PITZER BROTHERS, Arch and Thompson Street, Box 633, Jeannette, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt and brewed beverages*, from Latrobe, Pa., to Hornell, N.Y., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

No. MC 124169 (Sub-No. 1), filed June 18, 1962. Applicant: KAUFER AND BLUE, INC., P.O. Box 17, Riviera, Tex. Applicant's attorney: Austin L. Hatchell, Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wild birds and wild animals*, and *empty containers or other such incidental facilities* (not specified), used in the transportation of the above commodities, between points in Texas on the one hand, and on the other, points in the United States (except Hawaii and Alaska).

MOTOR CARRIERS OF PASSENGERS

No. MC 70947 (Sub-No. 16), filed June 22, 1962. Applicant: MT. HOOD STAGES, INC., doing business as PACIFIC TRAILWAYS, 1068 Bond Street, Bend, Oreg. Applicant's attorney: Donald A. Schafer, 12321 Southeast Evergreen Highway, Vancouver, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers*, and *mail* in the same vehicles with passengers, between the junction of U.S. Highway 20 (3 miles west of San-

tiam Junction) with unnumbered Oregon highway known as Clear Lake Cutoff, and the junction of U.S. Highway 126 with the unnumbered Oregon Highway known as Clear Lake Cutoff, at Belknap Springs, Oreg., traversing said unnumbered highway known as Clear Lake Cutoff, and serving all intermediate points in both directions.

No. MC 70947 (Sub-No. 17), filed June 22, 1962. Applicant: MT. HOOD STAGES, INC., doing business as PACIFIC TRAILWAYS, 1068 Bond Street, Bend, Oreg. Applicant's attorney: Donald A. Schafer, 12321 Southeast Evergreen Street, Vancouver, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers and mail*, in the same vehicles with passengers, between Ontario, Oreg., and the junction of U.S. Highways 20 and 30 at Caldwell, Idaho, traversing Interstate Highway 80–N, and serving no intermediate points in either direction.

No. MC 124552, filed June 11, 1962. Applicant: JOHN W. YOUNG, an individual, doing business as INTER-CITY TRANSIT, 300 West North Avenue, East Palestine, Ohio. Applicant's attorney: Robert S. Hartford, 161 North Market Street, East Palestine, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, (1) between Youngstown, Ohio, and Wheeling, W. Va., as follows: From Youngstown, Ohio, over U.S. Highway 62 to Salem, Ohio, thence over Ohio Highway 45 to Lisbon, Ohio, thence over U.S. Highway 30 to East Liverpool, Ohio, thence over Ohio Highway 7 to Steubenville, Ohio, thence across the Ohio River to East Steubenville, W. Va., and thence over West Virginia Highway 2 to Wheeling, W. Va., returning over the same route, serving all intermediate points except on traffic which originates and terminates at Steubenville or Wheeling or points between those points, (2) between Youngstown, Ohio, and East Liverpool, Ohio, as follows: From Youngstown over Ohio Highway 7 to junction with U.S. Highway 30, thence over U.S. Highway 30 to East Liverpool serving all intermediate points, returning over the same route.

NOTE: Applicant operates the Ohio Valley Charter Service (MC–109417).

NOTICE OF FILING OF PETITIONS

No. MC 99749 (Sub-No. 2) (PETITION FOR INTERPRETATION OF CERTIFICATE, AND FOR WAIVER OF RULE 1.101(e), TO PERMIT FILING OF PETITION FOR REOPENING AND RECONSIDERATION OF No. MC–43708 and FOR PARTIAL REOPENING AND INVESTIGATION OF AUTHORITY NOW INCLUDED IN NO. MC–99749 (Sub-No. 2). Petitioner: BOURNE'S TRANS., INC., Brockton, Mass. Petitioner's attorney: Reubin Kaminsky, 410 Asylum Street, Hartford, Conn. In No. MC 43708 a Certificate of Public Convenience and Necessity was issued to the Atkinson Transport, Inc., insofar as the said Certificate authorizes irregular-route operations, set forth the authority to transport general commodities, with certain exceptions, between Bridgewater and East Bridgewater, Mass., on the one hand, and, on the other, points in Massachusetts and Rhode Island. This certificate was acquired by petitioner pursuant to a proceeding in No. MC-FM 62884. It was thereafter reissued to the petitioner in Docket No. MC 99749 (Sub-No. 2). Petitioner was advised that Arkinson Transport, Inc., for a long time prior to June 1, 1935, and subsequent thereto had engaged in the transportation of general commodities, with certain exceptions, between points in Massachusetts and Rhode Island, using its terminal facilities located at Bridgewater and East Bridgewater, Mass., as the gateway for such operations. Petitioner requests the Commission interpret the irregular-route portion of the Certificate in No. MC 99749 (Sub-No. 2) to permit the transportation of general commodities, with certain exceptions, over irregular routes, between points in Massachusetts and Rhode Island, via the gateways of Bridgewater and East Bridgewater, Mass., and reissue the same as necessary, or in the alternative, that Rule 1.101(e) of the Commission's rules of practice be waived to permit the filing of a petition for reconsideration and for reopening and reconsideration of the application in Docket No. MC 43708, and for partial reopening and modification of authority now included in No. MC 99749 (Sub-No. 2), and that in the discretion of the Commission this matter be assigned for oral hearing or designate the matter as one to be handled under the modified procedure. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 109749 (Sub-No. 12) (PETITION TO ADD SHIPPER), filed June 6, 1962. Petitioner: GAIL W. DAHL AND FRED E. HAGEN, a partnership, doing business as DAHL TRUCK LINES, Sioux City, Iowa. Petitioner's attorney: J. Max Harding, 605 South 12th Street, Lincoln, Nebr. Petitioner filed an application with this Commission which was assigned docket No. MC 109749 (Sub-No. 12), seeking motor contract carrier authority under a continuing contract with Armour and Company for the transportation of meat and packinghouse products, as described by the Commission, from Sioux City, Iowa, to specified points in Wyoming and Montana, under continuing contract with Armour and Company of Sioux City, Iowa. This permit was subsequently amended by adding Swift and Company of Sioux City, Iowa, as an additional shipper on this permit. On April 23, 1962, the Commission notified the Petitioner that the application for authority to transport meat and packinghouse products from Sioux City, Iowa, to specified areas in Wyoming and Montana, limited to a transportation service to be performed under continuing contracts with Armour and Company and Swift and Company of Sioux City, Iowa, had been granted. By petition filed June 6, 1962, petitioner requests the Commission to approve the addition of a contract with Sioux City Dressed Pork, Inc., of Sioux City, Iowa, as an additional shipper for whom the above-described transportation would be performed. Any person or persons desiring to oppose the addition, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 66462 (Sub-No. 8), filed June 27, 1962. Applicant: THE WILLETT COMPANY, a corporation, 700 South Desplaines Street, Chicago, Ill. Applicant's attorney: Nuel D. Belnap, 1 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron, steel, copper and brass articles, structural steel, paint and machinery*, from De Kalb, Joliet, and Waukegan, Ill., and points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to Chicago, Ill., and points in Illinois, Indiana, and Wisconsin within 150 miles of Chicago, and (2) *aluminum products*, from the plant site of the warehouse of Joseph T. Ryerson and Son, Inc., in Chicago, Ill., to points in Indiana and Wisconsin within 150 miles of Chicago.

NOTE: This application is directly related to MC–F 8172, published this issue.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–7598 (SULLIVAN LINES, INC.,—CONTROL AND MERGER—RICKENBACHER TRANSPORTATION, INC.), published in the August 3, 1960, issue of the FEDERAL REGISTER on page 7301. Petition filed September 22, 1961, as supplemented May 31, 1962, for reconsideration of the Report and Order of the Commission, Finance Board 1, dated May 17, 1961, and for consideration of a modified plan of acquisition. Authority sought for lease, by SULLIVAN LINES, INC., 1219 Morris Street, Philadelphia, Pa., of the operating rights and property of RICKENBACHER TRANSPORTATION, INC., 1 Bloomfield Avenue, Newark, N.J., for a term of 5 years. Operating rights sought to be leased as stated in the August 3, 1960, issue of the FEDERAL REGISTER.

No. MC–F–8168. Authority sought for purchase by ALKIRE TRUCK LINES, INC., 1600 Genesee, Kansas City, Mo., of the operating rights of KISSICK TRANSFER COMPANY, INC., Room 841, Live Stock Exchange Building, Kansas City, Mo., and for acquisition by TENNYS L. ALKIRE, 1600 Genesee, Kansas City, Mo., of control of such rights through the purchase. Applicants' attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone as defined by the Commission, on the one hand, and, on the other, points in St. Louis County, Mo., not within said Commercial Zone; *grain, grain products*, and *manufactured mill feeds*, in packages from East St. Louis, Ill., to St. Charles, Mo., and points in St. Louis County, Mo.; and *heavy machinery, construction materials, supplies* and *equipment, junk*, and *fencing materials*, between Kansas City, Mo., on the one hand, and, on the other, points in Kansas, Oklahoma, Nebraska, Iowa, and Illinois. Vendee is authorized to operate as a *common carrier* in Missouri, Kansas, Oklahoma, Iowa, Illinois, Nebraska, Michigan, Wisconsin, Indiana, and Minnesota. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8169. Authority sought for purchase by MORRISON MOTOR FREIGHT, INC., 1100 East Jenkins Boulevard, Akron, Ohio, of the operating rights of ALPHA LINES, INC., 827 Reynolds Avenue, Columbus, Ohio, and for acquisition by MERMAC INSURANCE AGENCY, INC., 135 South La Salle Street, Chicago, Ill., and in turn by PATRICK MULLADY, 7038 Ridge Avenue, Chicago, Ill., of control of such rights through the purchase. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill., and John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Operating rights sought to be transferred: *General commodities*, except those of unusual value, Class A and B explosives, livestock, commodities in bulk (not including salt in bulk), commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over a regular route, between Newcomerstown, Ohio, and Columbus, Ohio, serving all intermediate points; *such commodities* as are dealt in by wholesale and retail hardware stores, *building and construction materials and supplies, paper and paper products, glassware, junk*, and *rags*, over irregular routes, between Columbus and Grandview Heights, Ohio, and points in Ohio within one mile of Columbus, on the one hand, and, on the other, points in Ohio, Indiana, West Virginia, that part of Kentucky east of a line beginning at the Ohio-Kentucky State line, and extending along U.S. Highway 25 to Corbin, Ky., thence along U.S. Highway 25W to the Kentucky-Tennessee State line, and that part of Pennsylvania west of a line beginning at Erie, Pa., and extending along U.S. Highway 19 to Pittsburgh, Pa., thence along U.S. Highway 30 to Jennerstown, Pa., and thence along U.S. Highway 219 to the Pennsylvania-Maryland State line, including points on the indicated portions of the highways specified; *new store fixtures*, from Columbus, Ohio, to points in West Virginia, Indiana, and Cook County, Ill. Vendee is authorized to operate as a *common carrier* in Indiana, Ohio, Kansas, Illinois, Missouri, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8170. Authority sought for purchase by B & P MOTOR EXPRESS, INC., 51st Street and A.V.R.R., Pittsburgh 1, Pa., of the operating rights of HICKS EXPRESS, INC., 6301 Quad Avenue, Baltimore 5, Md., and for acquisition by HOWARD MILLER and NELLIE E. MILLER, both of Pittsburgh, of control of such rights through the purchase. Applicants' attorneys: Samuel P. Delisi, Delisi and Wick, 1515 Park Building, Pittsburgh 22, Pa., and A. David Millner, Bowes and Millner, 1060 Broad Street, Newark 2, N.J. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between Philadelphia, Pa., and Washington, D.C., serving all intermediate and certain off-route points. Vendee is authorized to operate as a *common carrier* in Wisconsin, Ohio, Maryland, Pennsylvania, Illinois, Indiana, Michigan, West Virginia, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8171. Authority sought for purchase by LOVELACE TRUCK SERVICE, INC., 425 North Second Street, Terre Haute, Ind., of the operating rights and property of OESCH TRANSFER CO., 501 South East Street, Bloomington, Ill., and for acquisition by M. F. NIEMEYER, also of Terre Haute, of control of such rights and property through the purchase. Applicants' attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Champaign, Ill., and Springfield, Ill., between Champaign, Ill., and Clinton, Ill., and between Decatur, Ill., and Peoria, Ill., serving all intermediate points; *household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, over irregular routes, between Bloomington, Ill., and points within 25 miles of Bloomington, on the one hand, and, on the other, points in Illinois, Indiana, and Missouri; *staple and fancy groceries, stock and poultry feeds*, and *soap and soap powders*, from Bloomington, Ill., to points in Illinois within 100 miles of Bloomington. Vendee is authorized to operate as a *common carrier* in Illinois, Indiana, and Missouri. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8172. Authority sought for control and merger by THE WILLETT COMPANY, 700 South Desplaines Street, Chicago 7, Ill., of the operating rights and property of C. D. GAMMON COMPANY, 1958 West Carroll Avenue, Chicago 12, Ill., and for acquisition by WILLETT MOTOR COACH COMPANY, 700 South Desplaines Street, Chicago, Ill., and in turn by HOWARD L. WILLETT, SR. (HOWARD L. WILLETT, SR., TRUSTEE), 1260 Astor Street, Chicago, Ill., FLORENCE COLLINS WILLETT, 999 Lake Shore Drive, Chicago, Ill., ALVIN T. WILLETT, 700 South Desplaines Street, Chicago, Ill., HELEN WILLETT FALLON, 704 East Glendale, Milwaukee, Wis., and CHARMIAN JUNE WILLETT SCHWARTZ, 1446 Benedict Canyon Drive, Beverly Hills, Calif., of control of such rights and property through the transaction. Applicants' attorneys: Daniel J. Ahern, 700 South Desplaines Street, Chicago, Ill., and Nuel D. Belnap, 1 North La Salle Street, Chicago, Ill. Operating rights sought to be controlled and merged: *Iron, steel, copper and brass articles, structural steel, paints*, and machinery, as a *contract carrier* over irregular routes, from De Kalb, Joliet, and Waukegan, Ill., and points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to Chicago, Ill., and points in Illinois, Indiana, and Wisconsin within 150 miles of Chicago; *aluminum products*, from the site of the warehouse of Joseph T. Ryerson and Son, Inc., in Chicago, Ill., to points in Indiana and Wisconsin within 150 miles of Chicago. THE WILLETT COMPANY is authorized to operate as a *common carrier* in Indiana, Illinois, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

NOTE: No. MC–66462 Sub-8 is a matter directly related.

No. MC–F–8173. Authority sought for control by ATLANTA MOTOR LINES, INC., 1268 Caroline Street NE., Atlanta, Ga., of ATLANTA-ASHEVILLE MOTOR EXPRESS, INC., 260 University Avenue SW., Atlanta, Ga., and for acquisition by JENNINGS E. WATKINS and JAMES L. WATKINS, 1268 Caroline Street NE., Atlanta, Ga., of control of ATLANTA-ASHEVILLE MOTOR EXPRESS, INC., through the acquisition by ATLANTA MOTOR LINES, INC. Applicants' attorney: Paul M. Daniell, Watkins & Daniell, 214 Grant Building, Atlanta 3, Ga. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and liquid commodities in bulk, as a *common carrier* over regular routes between Hollywood, Ga., and Toccoa, Ga., serving all intermediate points. Restriction: The operation authorized above is restricted against the transportation of shipments moving between Toccoa and Atlanta, Ga., or points beyond Atlanta; *general commodities*, excepting, among others, household goods but not excepting commodities in bulk, between Buford, Ga., and Asheville, N.C., serving all intermediate and certain off-route points, and between Atlanta, Ga., and Buford, Ga., serving all intermediate points and the off-route points within 15 miles of Atlanta, Ga.; *carpets, carpeting, rugs, yarn, latex, latex compounds, textile machinery* and *textile machinery parts, scoured wool, rayon and synthetic fibre* and *shipping containers*, over irregular routes between Dahlonega and Rabun Gap, Ga., and Robbinsville, N.C. ATLANTA MOTOR LINES, INC., is authorized to operate as a *common carrier*

in Georgia, North Carolina, and Tennessee. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-6499; Filed, July 3, 1962; 8:51 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 29, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37817: *Phosphate rock from Tennessee points to central territory.* Filed by O. W. South, Jr., Agent (No. A4208), for interested rail carriers. Rates on phosphate rock, ground or not ground, as described in the application, in carloads, from specified L&N RR points in Tennessee, to points in Indiana, Michigan, Ohio, and West Virginia.

Grounds for relief: Market competition.

Tariff: Supplement 5 to Southern Freight Association tariff I.C.C. S-195.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-6500; Filed, July 3, 1962; 8:51 a.m.]

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Washington, Friday, July 6, 1962

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JUL 11 1962
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PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Housing and Home Finance Agency

Effective upon publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (a) of § 6.142 is amended as set out below.

§ 6.142 **Housing and Home Finance Agency.**

(a) *Office of the Administrator.* (1) Until July 31, 1965, Executive Secretary and Deputy Executive Secretary of the National Committee and the Executive Secretary of each regional subcommittee established under Title VI of the Housing Act of 1954.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-6599; Filed, July 5, 1962; 8:59 a.m.]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 40]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

MISCELLANEOUS AMENDMENTS

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1963 crop year in the following respect:

1. That portion of the second sentence of paragraph (a) of § 401.3 of this chapter, beginning with "(2)" and ending with a colon, is amended, effective beginning with the 1963 crop year to read as follows:

§ 401.3 **Application for insurance.**

(a) • • •

(2) in counties where wheat is an insurable crop an application for insurance on wheat may be filed until the March 31 following the closing date in all counties in Montana, in any county in North Dakota and South Dakota in which insurance is not limited to spring wheat only on the county actuarial table, in Linn and Malheur Counties, Oregon, and in Bannock, Bonneville, Caribou, Cassia, Franklin, Fremont, and Madison Counties, Idaho, but in any such case for the first wheat crop year of the contract, winter wheat in all of such counties and spring wheat planted on land which is non-irrigated in Bannock, Bonneville, Caribou, Cassia, Franklin, Fremont, and Madison Counties, Idaho, will not be insured:

2. The portion of the table following paragraph (a) of § 401.3 of this chapter, under the heading "wheat" and pertaining to Idaho, Minnesota and North Dakota is amended effective beginning with the 1963 crop year to read as follows:

Idaho:
Idaho County and all Idaho counties lying north thereof: October 31.
All Idaho counties lying south of Idaho County except Bingham, Canyon, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls Counties: September 15.
Bingham, Canyon, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls Counties: March 31.
Minnesota: March 31.
North Dakota:
Adams, Bowman, Golden Valley and Slope Counties: August 31.
All other North Dakota counties: March 31.

3. Section 2 of the wheat endorsement shown in § 401.32 of this chapter is amended effective beginning with the 1963 crop year by adding a sentence at the end thereto reading as follows:

Insurance on winter wheat will not be provided for the 1963 crop year to insureds in Adams, Bowman, Golden Valley, and Slope Counties, North Dakota, and Faulk, Hand, Potter, and Sully Counties, South Dakota, with a contract in force during the 1962 crop year unless such insureds elect prior to August 31, 1962, to include winter wheat as an insurable crop and waive all rights with respect to cancellation under section 15(a) of the policy for the 1963 crop year.

4. In subsection 8 of the wheat endorsement shown in § 401.32 of this chapter, the table at the end thereof is amended effective beginning with the 1963 crop year by amending the portion of the table pertaining to Idaho, Minnesota and North Dakota to read as follows:

State and County	Cancellation date	Termination date for indebtedness
Idaho:		
Idaho County and all Idaho Counties lying north thereof	Mar. 15	Oct. 31
All Idaho Counties lying south of Idaho County except Bingham, Canyon, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls Counties	do	Sept. 15
Bingham, Canyon, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls Counties	Dec. 31	Mar. 31
Minnesota	do	Do.
North Dakota:		
Adams, Bowman, Golden Valley, and Slope Counties	Mar. 15	Aug. 31
All other North Dakota Counties	Dec. 31	Mar. 31

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on June 27, 1962.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved: July 2, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-6615; Filed, July 5, 1962; 9:02 a.m.]

[Amdt. 36]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

FLAX ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1963 crop year in the following respects:

The flax endorsement, published in § 401.22 of this chapter, is amended effective beginning with the 1963 crop year to read as follows:

§ 401.22 **The flax endorsement.**

The provisions of the flax endorsement for the 1963 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production due to wildlife, insect infestation, plant disease, earthquake, drought, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, hurricane, tornado, and any other unavoidable cause of loss due to adverse weather conditions subject however, to any exceptions, exclusions or limitations with respect to such causes of loss that are set forth in the county actuarial table.

2. *Insured crop.* Insurance shall not attach on acreage on which it is determined by the Corporation that flax is (a) seeded with any other crop, except perennial grasses of legumes other than vetch, or (b) not seeded for harvest as seed.

3. *Bushel guarantee, and price per bushel.* (a) The provisions of section 3 of the policy with respect to guaranteed production and amounts of insurance per acre shall not be applicable under this endorsement. For each crop year of the contract the bushel guarantee, and the price at which indemnities shall be computed shall be those established by the Corporation and shown on the county actuarial table.

(b) The bushel guarantee per acre shown on the county actuarial table shall be increased by 0.7 of a bushel for any harvested acreage on which the amount harvested is 0.7 of a bushel or more per acre.

At the time the application for insurance is made the applicant shall elect a price per bushel at which indemnities shall be computed from among those shown on the county actuarial table. Any insured with a contract in force prior to the 1963 crop year may elect the price per bushel to be in effect beginning with the 1963 crop year.

If any applicant or insured fails to make an election or elects a price per bushel not shown on the actuarial table the price per bushel which shall be in effect shall be the amount provided on the county actuarial table for such purposes.

As to any succeeding crop year any insured may change the price per bushel which was in effect for a prior crop year and make a new election by notifying the county office in writing of such election before contracts are terminated for indebtedness for the crop year for which the election is to become effective. If no such change is made, the price per bushel at which indemnities shall be computed shall be the price most recently in force under the contract but for any crop year shall not exceed the maximum price per bushel as shown on the county actuarial table.

4. *Insurance period.* Insurance on any insured acreage shall attach at the time the flax is seeded and shall cease upon threshing or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than October 31 of the calendar year in which the flax is normally harvested.

5. *Claims for loss.* (a) In lieu of subsection 11(c) of the policy, the following shall apply: Losses shall be determined separately for each insurance unit (hereafter called "unit"). The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of flax on the unit by the applicable bushel guarantee per acre, which product shall be the bushel guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the insured interest, and (4) multiplying this result by the applicable price per bushel for computing indemnities: *Provided*, That if for the unit the insured fails to report all of his interest or insurable acreage the amount of loss shall be determined with respect to all of his interest and insurable acreage, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 2 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for a unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include all threshed production and any appraisals made by the Corporation for unthreshed, unharvested, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided*, That the production to be counted on any acreage of flax which, with the consent of the Corporation, is planted in the current crop year, before harvest becomes general, to any other crop insurable under the regulations of the Corporation, shall be 50 percent of the bushel guarantee for such acreage or the appraised production, whichever is greater: *Provided*, That on any acreage from which less than 0.7 of a bushel per acre is harvested, the total production to be counted under the provision of this section shall be that amount in excess of 0.7 of a bushel per acre, except that the production to be counted for any acreage of flax which is abandoned or put to another use without the consent of the Corporation shall be the bushel guarantee provided on the county actuarial table.

(b) Notwithstanding the provisions of paragraph (a) of this section for determining production to be counted, the production to be counted of any threshed flax which does not grade No. 2 or better (determined in accordance with Official Grain Standards of the United States), because of poor quality due to insurable causes occurring within the insurance period and would not meet this grade requirement if properly handled, shall be adjusted by (1) dividing the value per bushel of the damaged flax, as determined by the Corporation, by the market price per bushel at the local market for flax grading No. 2, at the time the loss is adjusted, and (2) multiplying the result thus obtained by the number of bushels of such damaged flax.

6. *Meaning of terms.* For the purpose of insurance on flax the terms:

(a) "Insurance unit," notwithstanding section 21(g) of the policy, means the insurable acreage of flax in the county in which (1) one person at the time of planting has the entire interest in the crop, or (2) the same two or more persons at the time of planting have the entire interest in the crop: *Provided, however*, The Corporation and the insured may agree in writing before insurance attaches in any crop year to divide the insured's insurable acreage of flax in the county into two or more units, taking into consideration separate and distinct farm operations.

(b) "Harvest" means the mechanical severance from the land of matured flax for threshing.

7. *Cancellation and termination for indebtedness dates.* For each year of the contract the cancellation date shall be the December 31 and the termination date for indebtedness shall be the March 31 immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

(Secs. 506, 516, 52 Stat. 73, as amended, 77 as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on June 27, 1962.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved: July 2, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-6611; Filed, July 5, 1962; 9:01 a.m.]

[Amdt. 37]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

OAT ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1963 crop year in the following respects:

The oat endorsement, published in § 401.24 of this chapter, is amended effective beginning with the 1963 crop year to read as follows:

§ 401.24 The oat endorsement.

The provisions of the oat endorsement for the 1963 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production due to wildlife, insect infestation, plant disease, earthquake, drought, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, hurricane, tornado, and any other unavoidable cause of loss due to adverse weather conditions, subject however, to any exceptions, exclusions or limitations with respect to such causes of loss that are set forth in the county actuarial table.

2. *Insured crop.* Insurance shall not attach on acreage on which it is determined by the Corporation that oats are (a) seeded with flax or other small grains or vetch, or (b) not seeded for harvest as grain.

3. *Bushel guarantee, and price per bushel.* (a) The provisions of section 3 of the policy with respect to guaranteed production and amounts of insurance per acre shall not be applicable under this endorsement. For each crop year of the contract the bushel guarantee, and the price at which indemnities shall be computed shall be those established by the Corporation and shown on the county actuarial table.

(b) The bushel guarantee per acre shown on the county actuarial table shall be increased by three bushels for any harvested acreage on which the amount harvested is three or more bushels per acre.

At the time the application for insurance is made the applicant shall elect a price per bushel at which indemnities shall be computed from among those shown on the county actuarial table. Any insured with a contract in force prior to the 1963 crop year may elect the price per bushel to be in effect beginning with the 1963 crop year. If any applicant or insured fails to make an election or elects a price per bushel not shown on the actuarial table the price per bushel which shall be in effect shall be the amount provided on the county actuarial table for such purposes.

As to any succeeding crop year any insured may change the price per bushel which was in effect for a prior crop year and make a new election by notifying the county office in writing of such election before contracts are terminated for indebtedness for the crop year for which the election is to become effective. If no such change is made, the price per bushel at which indemnities shall be computed shall be the price most recently in force under the contract but for any crop year shall not exceed the maximum price per bushel as shown on the county actuarial table.

4. *Insurance period.* Insurance on any insured acreage shall attach on the time the oats are seeded and shall cease upon threshing or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than October 31 of the calendar year in which the oats are normally harvested.

5. *Claims for loss.* (a) In lieu of subsection 11(c) of the policy, the following shall apply: Losses shall be determined separately for each insurance unit (hereafter called "unit"). The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of oats on the unit by the applicable bushel guarantee per acre, which product shall be the bushel guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the insured interest, and (4) multiplying this result by the applicable price per bushel for computing indemnities: *Provided*, That if for the unit the insured fails to report all of his interest or insurable acreage the amount of loss shall be determined with respect to all of his interest and insurable acreage, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 2 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for a unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include all threshed production and any appraisals made by the Corporation for unthreshed, unharvested, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided*, That the production to be counted on any acreage of oats which, with the consent of the Corporation, is planted in the current crop year, before harvest becomes general, to any other crop insurable under the regulations of the Corporation, shall be 50 percent of the bushel guarantee for such acreage or the appraised production, whichever is greater: *Provided*, That on any acreage from which less than three bushels per acre are harvested, the total production to be counted under the provision of this section shall be that amount in excess of three bushels per acre, except that the production to be counted for any acreage of oats which is abandoned or put to another use without the consent of the Corporation shall be the bushel guarantee provided on the county actuarial table.

(b) The total production to be counted shall include any harvested production from acreage initially seeded for purposes other than for harvest as grain as determined by the Corporation.

(c) In determining total production volunteer small grains and volunteer vetch growing with the seeded oat crop, and small grains seeded in the growing oat crop on acreage on which the Corporation has not given its consent to be put to another use shall be counted as oats on a weight basis.

(d) Notwithstanding any provisions of this section for determining production to be counted, the production to be counted of any threshed oats which do not grade No. 3 or better and in addition, do not grade No. 4 on the basis of test weight only but otherwise grades No. 3 or better (determined in accordance with Official Grain Standards of the United States), because of poor quality due to insurable causes occurring within the insurance period and would not meet this grade requirement if properly handled, shall be adjusted by (1) dividing the value per bushel of the damaged oats as determined by the Corporation, by the market price per bushel at the local market for oats grading No. 3 at the time the loss is adjusted, and (2) multiplying the result thus obtained by the number of bushels of such damaged oats.

6. *Meaning of terms.* For the purpose of insurance on oats the terms:

(a) "Insurance unit," notwithstanding section 21(g) of the policy, means the insurable acreage of oats in the county in which (1) one person at the time of planting has the entire interest in the crop, or (2) the same two or more persons at the time of planting have the entire interest in the crop: *Provided, however*, The Corporation and the insured may agree in writing before insurance attaches in any crop year to divide the insured's insurable acreage of oats in the county into two or more units, taking into consideration separate and distinct farm operations.

(b) "Harvest" means the mechanical severance from the land of matured oats for threshing.

7. *Cancellation and termination for indebtedness dates.* For each year of the contract the cancellation date shall be the December 31 and the termination date for indebtedness shall be the March 31 immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on June 27, 1962.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved: July 2, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-6612; Filed, July 5, 1962; 9:01 a.m.]

[Amdt. 38]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

RYE ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1963 crop year in the following respects:

The rye endorsement, published in § 401.28 of this chapter, is amended effective beginning with the 1963 crop year to read as follows:

§ 401.28 The rye endorsement.

The provisions of the rye endorsement for the 1963 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production due to wildlife, insect infestation, plant disease, earthquake, drought, flood, hail, wind, frost, freeze, winter-kill, lightning, fire, excessive rain, snow, hurricane, tornado, and any other unavoidable cause of loss due to adverse weather conditions, subject however, to any exceptions, exclusions or limitations with respect to such causes of loss that are set forth in the county actuarial table.

2. *Insured crop.* Insurance shall not attach on acreage on which it is determined by the Corporation that rye is (a) seeded with flax or other small grains or vetch, or (b) not seeded for harvest as grain.

3. *Bushel guarantee, and price per bushel.* (a) The provisions of section 3 of the policy with respect to guaranteed production and amounts of insurance per acre shall not be applicable under this endorsement. For each crop year of the contract the bushel guarantee, and the price at which indemnities shall be computed shall be those established by the Corporation and shown on the county actuarial table.

(b) The bushel guarantee per acre shown on the county actuarial table shall be increased by one and one-half bushels for any harvested acreage on which the amount harvested is one and one-half or more bushels per acre.

At the time the application for insurance is made the applicant shall elect a price per bushel at which indemnities shall be computed from among those shown on the county actuarial table. Any insured with a contract in force prior to the 1963 crop year may elect the price per bushel to be in effect beginning with the 1963 crop year. If any applicant or insured fails to make an election or elects a price per bushel not shown on the actuarial table the price per bushel which shall be in effect shall be the amount provided on the county actuarial table for such purposes.

As to any succeeding crop year any insured may change the price per bushel which was in effect for a prior crop year and make a new election by notifying the county office in writing of such election before contracts are terminated for indebtedness for the crop year for which the election is to become effective. If no such change is made, the price per bushel at which indemnities shall be computed shall be the price most recently in force under the contract but for any crop year shall not exceed the maximum price per bushel as shown on the county actuarial table.

4. *Insurance period.* Insurance on any insured acreage shall attach at the time the rye is seeded and shall cease upon threshing or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than October 31 of the calendar year in which the rye is normally harvested.

5. *Claims for loss.* (a) In lieu of subsection 11(c) of the policy, the following shall apply: Losses shall be determined separately for each insurance unit (hereafter called "unit"). The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of rye on the unit by the applicable bushel guarantee per acre, which product shall be the bushel guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the insured interest, and (4) multiplying this result by the applicable price per bushel for computing indemnities: *Provided*, That if for the unit the insured fails to report all of his interest or insurable acreage the amount of loss shall be determined with respect to all of his interest and insurable acreage, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 2 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for a unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include all threshed production and any appraisals made by the Corporation for unthreshed, unharvested, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided*, That the production to be counted on any acreage of rye which, with the consent of the Corporation, is planted in the current crop year, before harvest becomes general, to any other crop insurable under the regulations of the Corporation, shall be 50 percent of the bushel guarantee for such acreage or the appraised production whichever is greater: *Provided*, that on any acreage from which less than one and one-half bushels per acre are harvested, the total production to be counted under the provision of this section shall be that amount in excess of one and one-half bushels per acre, except that the production to be counted for any acreage of rye which is abandoned or put to another use without the consent of the Corporation shall be the bushel guarantee provided on the county actuarial table.

(b) The total production to be counted shall include any harvested production from acreage initially seeded for purposes other than for harvest as grain as determined by the Corporation.

(c) In determining total production volunteer small grains and volunteer vetch growing with the seeded rye crop, and small grains seeded in the growing rye crop on acreage on which the Corporation has not

given its consent to be put to another use shall be counted as rye on a weight basis.

(d) Notwithstanding any provisions of this section for determining production to be counted, the production to be counted of any threshed rye which does not grade No. 2 or better and in addition, does not grade No. 3 on the basis of test weight only but otherwise grades No. 2 or better (determined in accordance with Official Grain Standards of the United States), because of poor quality due to insurable causes occurring within the insurance period and would not meet this grade requirement if properly handled, shall be adjusted by (1) dividing the value per bushel of the damaged rye as determined by the Corporation, by the market price per bushel at the local market for rye grading No. 2, at the time the loss is adjusted, and (2) multiplying the result thus obtained by the number of bushels of such damaged rye.

6. *Meaning of terms.* For the purpose of insurance on rye the terms:

(a) "Insurance unit," notwithstanding section 21(g) of the policy, means the insurable acreage of rye in the county in which (1) one person at the time of planting has the entire interest in the crop, or (2) the same two or more persons at the time of planting have the entire interest in the crop: *Provided, however,* The Corporation and the insured may agree in writing before insurance attaches in any crop year to divide the insured's insurable acreage of rye in the county into two or more units, taking into consideration separate and distinct farm operations.

(b) "Harvest" means the mechanical severance from the land of matured rye for threshing.

7. *Cancellation and termination for indebtedness dates.* For each year of the contract the cancellation date shall be the March 15 and the termination date for indebtedness shall be the August 31 immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

(Secs. 506, 516, 52 Stat. 73, as amended, 77 as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on June 27, 1962.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved: July 2, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

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[Amdt. 39]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

SOYBEAN ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1963 crop year in the following respects:

The soybean endorsement, published in § 401.29 of this chapter, is amended effective beginning with the 1963 crop year to read as follows:

§ 401.29 The soybean endorsement.

The provisions of the soybean endorsement for the 1963 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production due to wildlife, insect infestation, plant disease, earthquake, drought, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, hurricane, tornado, and any other unavoidable cause of loss due to adverse weather conditions, subject however, to any exceptions, exclusions or limitations with respect to such causes of loss that are set forth in the county actuarial table.

2. *Insured crop.* Insurance shall not attach on acreage on which it is determined by the Corporation that soybeans are (a) planted for hay, (b) planted in rows too close for cultivation (except in Ohio), (c) planted for the development of hybrid seed, (d) planted in the same row or interplanted in rows with corn, or (e) not planted for harvest as beans. The first proviso of the third sentence of section 1 of the policy shall not be applicable hereunder in counties in Arkansas, Louisiana and Mississippi.

3. *Bushel guarantee, and price per bushel.* (a) The provisions of section 3 of the policy with respect to guaranteed production and amounts of insurance per acre shall not be applicable under this endorsement. For each crop year of the contract the bushel guarantee, and the price at which indemnities shall be computed shall be those established by the Corporation and shown on the county actuarial table.

(b) The bushel guarantee per acre shown on the county actuarial table shall be increased by one and one-half bushels for any harvested acreage on which the amount harvested is one and one-half or more bushels per acre.

At the time the application for insurance is made the applicant shall elect a price per bushel at which indemnities shall be computed from among those shown on the county actuarial table. Any insured with a contract in force prior to the 1963 crop year may elect the price per bushel to be in effect beginning with the 1963 crop year. If any applicant or insured fails to make an election or elects a price per bushel not shown on the actuarial table the price per bushel which shall be in effect shall be the amount provided on the county actuarial table for such purposes.

As to any succeeding crop year any insured may change the price per bushel which was in effect for a prior crop year and make a new election by notifying the county office in writing of such election before contracts are terminated for indebtedness for the crop year for which the election is to become effective. If no such change is made, the price per bushel at which indemnities shall be computed shall be the price most recently in force under the contract but for any crop year shall not exceed the maximum price per bushel as shown on the county actuarial table.

4. *Insurance period.* Insurance on any insured acreage shall attach at the time the soybeans are planted and shall cease upon threshing or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than the December 10 (October 31 in North Dakota and January 15 in Virginia) immediately following the beginning of the normal harvest period for soybeans.

5. *Claims for loss.* (a) In lieu of subsection 11(c) of the policy, the following shall apply: Losses shall be determined separately for each insurance unit (hereafter called "unit"). The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of soybeans on the unit by the applicable bushel guarantee per acre, which product shall be the bushel guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the insured interest, and (4) multiplying this result by the applicable price per bushel for computing indemnities: *Provided,* That if for the unit the insured fails to report all of his interest or insurable acreage the amount of loss shall be determined with respect to all of his interest and insurable acreage, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 2 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for a unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include all threshed production and any appraisals made by the Corporation for unthreshed, unharvested, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided,* That on any acreage from which less than one and one-half bushels per acre are harvested, the total production to be counted under the provision of this section shall be that amount in excess of one and one-half bushels per acre, except that the production to be counted for any acreage of soybeans which is abandoned or put to another use without the consent of the Corporation shall be the bushel guarantee provided on the county actuarial table.

(b) The total production to be counted shall include any harvested production from acreage initially planted for purposes other than for harvest as beans as determined by the Corporation.

(c) Notwithstanding any provisions of this section for determining production to be counted, the production to be counted of any threshed soybeans which do not grade No. 4 or better (determined in accordance with Official Grain Standards of the United States), because of poor quality due to insurable causes occurring within the insurance period and would not meet this grade requirement if properly handled, shall be adjusted by (1) dividing the value per bushel of the damaged soybeans as determined by the Corporation, by the market price per bushel at the local market for soybeans grading No. 4, at the time the loss is adjusted, and (2) multiplying the result thus obtained by the number of bushels of such damaged soybeans.

6. *Meaning of terms.* For the purpose of insurance on soybeans the terms:

(a) "Insurance unit," notwithstanding section 21(g) of the policy, means the insurable acreage of soybeans in the county in which (1) one person at the time of planting has the entire interest in the crop, or (2) the same two or more persons at the time of planting have the entire interest in the crop: *Provided, however,* The Corporation and the insured may agree in writing before insurance attaches in any crop year to divide the insured's insurable acreage of soybeans in the county into two or more units, taking into consideration separate and distinct farm operations.

(b) "Harvest" means the mechanical severance from the land of matured soybeans for threshing.

7. *Cancellation and termination for indebtedness dates.* For each year of the contract the cancellation date shall be the December 31 and the termination date for indebtedness shall be the April 30 immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

8. *Irrigated acreage.* The following provisions shall apply in lieu of subsection 23(a) of the policy in any case where no damage to the soybean crop on insured acreage occurs due to drought or failure to apply irrigation water: "The acreage of an insured crop which shall be insured on an irrigated basis in any year shall not exceed that acreage which normally could be irrigated adequately with the facilities available, taking into consideration the amount of water available after providing the water required to irrigate the acreage of all uninsured irrigated crops on the farm."

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on June 27, 1962.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved: July 2, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

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Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 723—TOBACCO

Subpart—Cigar-Binder (Types 51 and 52) Tobacco, Cigar-Filler and Binder (Types 42, 43, 44, 53, 54 and 55) Tobacco Marketing Quota Regulations, 1962–63 Marketing Year

GENERAL

Sec.
723.1330 Basis and purpose.
723.1331 Definitions.
723.1332 Instructions and forms.
723.1333 Extent of calculations and rule of fractions.

IDENTIFICATION AND LOCATION OF FARMS AND DETERMINATION OF ACREAGE

723.1334 Identification and location of farms.
723.1335 Determination of tobacco acreage.

FARM MARKETING QUOTAS AND MARKETING CARDS

723.1336 Amount of farm marketing quota.
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723.1338 Issuance of marketing cards.
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723.1345 Disposition of excess tobacco.
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723.1349 Penalties considered to be due from buyers and other persons excluding the producer.
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723.1350 Payment of penalty.
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RECORDS AND REPORTS

723.1352 Producer's records and reports.
723.1353 Buyer's records.
723.1354 Buyer's reports.
723.1355 Buyers not exempt from regular records and reports.
723.1356 Records and reports of truckers and persons sorting, stemming, packing or otherwise processing tobacco.
723.1357 Separate records and reports from persons engaged in more than one business.
723.1358 Failure to keep records or make reports or making false reports or records.
723.1359 Examination of records and reports.
723.1360 Length of time records and reports to be kept.
723.1361 Information confidential.

AUTHORITY: §§ 723.1330 through 723.1361 issued under secs. 301, 313, 314, 372–375, 52 Stat. 38, as amended, 47, as amended, 48, as amended, 65, as amended, 66, as amended, sec. 401, 63 Stat. 1054, as amended, sec. 125, 70 Stat. 198, as amended; 7 U.S.C. 1301, 1313, 1314, 1372–1375, 1421, 1813.

GENERAL

§ 723.1330 Basis and purpose.

Sections 723.1330 through 723.1361 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, the Agricultural Acts of 1949 and 1956, as amended, and govern the issuance of marketing cards for marketing and price support purposes, the identification of tobacco for purpose of marketing restrictions and price support, the collection and refund of penalties, and the records and reports incident thereto on the marketing of cigar-binder (types 51 and 52) tobacco, and cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco during the 1962–63 marketing year. Prior to preparing §§ 723.1330 through 723.1361, public notice (27 F.R. 4367) of their formulation was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). The data, views and recommendations pertaining to §§ 723.1330 through 723.1361 which were submitted have been duly considered within the limts permitted by the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Acts of 1949 and 1956. Since farmers are now engaged in 1962 farming operations, it is herby determined that compliance with the provisions of the Administrative Procedure Act with respect to the effective date is contrary to the public interest. Sections 723.1330 through 723.1361 shall therefore become effective upon filing with the Director, Office of the Federal Register.

§ 723.1331 Definitions.

As used in §§ 723.1330 through 723.1361, and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires. The following words and phrases shall have the meanings assigned to them in the regulations contained in Part 719 of this chapter: "Community Committee," "County Committee," "County Office Manager," "Deputy Administrator," "Farm," "Operator," and "Secretary."

(a) "Act" means the Agricultural Adjustment Act of 1938, as amended.

(b) "Buyer" means a person who engages to any extent in the business of acquiring tobacco from producers without regard to whether such person is registered as a dealer. In the case of a person who employs person(s) to negotiate contracts with producers to purchase their tobacco such person rather than such employed person(s) is the buyer of such tobacco.

(c) "Carry-over" tobacco means, with respect to a farm, tobacco produced prior to the beginning of the calendar year 1962 which has not been marketed or which has not otherwise been disposed of prior to the beginning, as established by the Act, of the 1962–63 marketing year.

(d) "Director" means the Director or Acting Director, Tobacco Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(e) "Market" means the disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. "Marketing" and "marketed" shall have corresponding meanings to the term "market."

(f) "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State or any agency thereof.

(g) "Pound" means that amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers, would equal one pound standard weight.

(h) "Producer" means a person who as owner, landlord, tenant or sharecropper, is entitled to share in the tobacco available for marketing from the farm or in the proceeds thereof.

(i) "Sale" means the first marketing of farm tobacco on which the gross amount of the sales price therefor has been or could be readily determined.

(j) "Sale date" means the date on which the gross amount of the sales price of the first marketing of farm tobacco has been or could be readily determined.

(k) "State Executive Director" means the person employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the ASCS State office, or the person acting in such capacity.

(l) "State committee" means the persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation Service State committee under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(m) "Tobacco" means:

(1) The types set forth below, as classified in Service and Regulatory

Announcement No. 118 (Part 30 of this title) of the former Bureau of Agriculture Economics of the United States Department of Agriculture, or all such types of tobacco as indicated by the context.

(i) Type 42 tobacco, that type of cigar-leaf tobacco commonly known as Gebhardt, Ohio Seedleaf, or Ohio Broadleaf, produced principally in the Miami Valley section of Ohio and extending into Indiana;

(ii) Type 43 tobacco, that type of cigar-leaf tobacco commonly known as Zimmer, Spanish, or Zimmer Spanish, produced principally in the Miami Valley section of Ohio and extending into Indiana;

(iii) Type 44 tobacco, that type of cigar-leaf tobacco commonly known as Dutch, Shoestring Dutch, or Little Dutch, produced principally in the Miami Valley section of Ohio;

(iv) Type 51 tobacco, that type of cigar-leaf tobacco commonly known as Connecticut Valley Broadleaf or Connecticut Broadleaf, produced primarily in the valley area of Connecticut;

(v) Type 52 tobacco, that type of cigar-leaf tobacco commonly known as Connecticut Valley Havana Seed, or Havana Seed of Connecticut and Massachusetts, produced primarily in the Connecticut Valley area of Massachusetts and Connecticut;

(vi) Type 53 tobacco, that type of cigar-leaf tobacco commonly known as York State Tobacco, or Havana Seed of New York and Pennsylvania, produced principally in the Big Flats section of New York, extending into Pennsylvania and in the Onondaga section of New York State;

(vii) Type 54 tobacco, that type of cigar-leaf tobacco commonly known as Southern Wisconsin cigar-leaf or Southern Wisconsin binder type produced principally south and east of the Wisconsin River; and

(viii) Type 55 tobacco, that type of cigar-leaf tobacco commonly known as Northern Wisconsin cigar-leaf or Northern Wisconsin binder type, produced principally north and west of the Wisconsin River.

(2) Any tobacco (i) that has similar appearance and growth characteristics while growing in a field on a farm, or (ii) any cured tobacco that has the same characteristics and corresponding qualities, colors, and lengths of either cigar binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco shall be considered respectively either cigar binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco without regard to any factors of historical or geographical nature which cannot be determined by examination of the tobacco. The term "tobacco" shall include all leaves harvested, including trash.

(3) For the purpose of discovering and identifying all tobacco subject to marketing quotas the term "tobacco" with respect to any farm located in an area in which either cigar binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco is normally produced shall include all acreage of tobacco (without regard to the definition of "tobacco" herein), unless the county committee with the approval of the State committee (i) determines that, under subparagraph (2) of this paragraph, all or a part of such acreage should not be considered as either cigar binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco, or (ii) determines, from satisfactory proof furnished by the operator of the farm, that a part or all of the production of such acreage has been certified by the Agricultural Marketing Service under the Tobacco Inspection Act (7 U.S.C. 511), and regulations issued pursuant thereto, as a kind of tobacco not subject to marketing quotas. Any amount of tobacco so determined as a kind of tobacco not subject to marketing quotas shall be converted to acres on the basis of the average yield per harvested acre of tobacco grown on the farm in 1962 for the purpose of determining the harvested acreage of such kind of tobacco produced on the farm.

(n) "Tobacco available for marketing" means all tobacco produced on the farm in the calendar year 1962 plus any carryover tobacco, less any tobacco disposed of in accordance with § 723.1345.

(o) "Tobacco subject to marketing quotas" means any cigar-binder (types 51 and 52) tobacco or any cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco marketed during the period October 1, 1962 to September 30, 1963, inclusive, and any cigar-binder (types 51 and 52) tobacco or any cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco produced in the calendar year 1962 and marketed prior to October 1, 1962.

(p) "Trucker" means a person who engages to any extent in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers.

§ 723.1332 Instructions and forms.

The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator.

§ 723.1333 Extent of calculations and rule of fractions.

(a) *Harvested acreage.* The acreage of tobacco harvested on a farm in 1962 shall be expressed in hundredths and fractions of less than one hundredth of an acre shall be dropped. For example, 1.550, 1.555, or 1.559 acres would be 1.55 acres.

(b) *Percent excess.* The percentage of excess tobacco available for marketing from a farm, hereinafter referred to as the "percent excess" shall be expressed in tenths percent and calculations thereof rounded to the nearest tenth percent. Computations shall be carried two decimal places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For example, 6.732 would be 6.7; 6.750 would be 6.7; 6.751 would be 6.8; and 6.782 would be 6.8.

(c) *Converted rate of penalty.* The amount of penalty per pound upon marketings of tobacco subject to penalty, hereinafter referred to as the "converted rate of penalty" shall be expressed in tenths of a cent and calculations thereof rounded to the nearest tenth of a cent, except that if the resulting converted rate of penalty is less than a tenth of a cent, it shall be expressed in hundredths of a cent and calculations thereof rounded to the nearest hundredth of a cent. Computations shall be carried two decimal places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For example, expressions in tenths calculated as 6.732 would be 6.7; 6.750 would be 6.7; 6.751 would be 6.8; and 6.782 would be 6.8; and expressions in hundredths calculated as 0.0536 would be 0.05; 0.0551 would be 0.06; and 0.0582 would be 0.06.

(d) *Amount of penalty.* The amount of penalty on any lot of tobacco marketed shall be expressed in dollars and cents and calculations thereof rounded to the nearest cent. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For example, 10.5536 would be 10.55; 10.5550 would be 10.55; 10.5551 would be 10.56; and 10.5582 would be 10.56.

Identification and Location of Farms and Determination of Acreage

§ 723.1334 Identification and location of farms.

(a) Each farm as operated for the 1962 crop of tobacco shall be identified by a farm serial number assigned by the county office manager and all records pertaining to marketing quotas for the 1962 crop of tobacco shall be identified by such number.

(b) A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

§ 723.1335 Determination of tobacco acreage.

(a) *County committee.* For the purpose of ascertaining with respect to each farm whether there is excess tobacco of the 1962 crop available for marketing, the county committee shall determine the acreage of tobacco on each farm in the county for which a 1962 tobacco acreage allotment has been established and on any other farms in the county on which the county committee has reason to believe tobacco was planted. The county committee's determination shall be based upon acreage and performance determined as provided in the applicable provisions of Part 718 of this chapter.

(b) *Variance in measured acreage.* For the purpose of §§ 723.1330 to 723.1361, inclusive, and subject to the rule of fractions heretofore provided in § 723.1333(a), if the tobacco acreage determined for the farm does not exceed the farm tobacco allotment by more than the larger of one-hundredth (0.01) acre or two percent of such allotment not to exceed nine-hundredths (0.09) acre, the farm tobacco acreage shall be considered within the allotment. If the tobacco acreage determined for the farm exceeds the allotment by more than this amount, the tobacco acreage shall be considered in excess of the farm allotment and disposition shall not be limited to the acreage necessary to bring the acreage within the prescribed administrative variance. In such cases, the farm will not be considered in compliance unless disposition is made of all acreage in excess of the allotment.

(c) *Notice to farm operators.* (1) The county office manager or an employee of the county office on behalf of the county office manager, as to each farm, shall notify the farm operator the results of the measurement of tobacco acreage, except that the State committee may elect to not have mailed notices to farm operators where the acreage determined for the farm is within the allotment.

(2) If, it is determined under § 723.1331 (m)(3) that tobacco (harvested or unharvested) is of a kind not subject to marketing quotas, the county office manager, or an employee of the county office on behalf of the county office manager, shall so notify the farm operator.

(d) *Harvested acreage of tobacco for purpose of issuing marketing card.* The acreage of tobacco determined or as redetermined for a farm by the county committee shall be the harvested acreage of tobacco for the farm for the purpose of issuing the correct marketing card for the farm as provided in § 723.1338 unless the farm operator furnishes to the county committee satisfactory proof that a portion of the acreage planted will not be harvested or that tobacco representative of the production of the acreage physically harvested will be disposed of other than by marketing, in which case the harvested acreage shall be the acreage as adjusted by taking into account the portion of the acreage planted which will not be harvested and the portion of the production of the acreage physically harvested under § 723.1345 which will be disposed of other than by marketing.

(e) *Amount of excess acreage for purpose of issuing marketing card if acreage determination refused.* If the farm operator or any producer on the farm prevents the county committee or its representative, or the State committee or its representative, from obtaining information necessary to determine the correct acreage of tobacco on a farm, in addition to any other liability which might be imposed upon the operator, and until the farm operator or any producer on the farm permits a determination of the correct acreage, all acreage of tobacco on the farm shall be deemed to be in excess of the farm acreage allotment for the purpose of issuing a marketing card for the farm.

Farm Marketing Quotas and Marketing Cards

§ 723.1336 Amount of farm marketing quotas.

(a) *Actual production.* The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment as established for the farm in accordance with Cigar-Binder and Cigar-Filler and Binder Tobacco Marketing Quota Regulations 1962–63 Marketing Year (26 F.R. 6414, 6641, 7122, 10471). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1962 times the farm acreage allotment.

(b) *Excess production.* The excess tobacco on any farm shall be (1) that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1962 times the number of acres harvested in excess of the farm acreage allotment, plus (2) any excess carry-over tobacco.

§ 723.1337 Transfer of farm marketing quotas.

There shall be no transfer of farm marketing quotas except as provided in Cigar-Binder and Cigar-Filler and Binder Tobacco Marketing Quota Regulations, 1962–63 Marketing Year (§§ 723.1320, 723.1326 and 723.1329; 26 F.R. 6414, 6641, 6122, 10471).

§ 723.1338 Issuance of marketing cards.

(a) *Marketing card.* A marketing card shall be issued for each farm having tobacco available for marketing. The kind of card to be issued for each farm shall be determined pursuant to paragraphs (b) to (e) of this section. Cards shall be issued in the name of the farm operator except that cards issued for tobacco grown for experimental purposes only shall be issued in the name of the experiment station and cards issued under § 723.1341, shall be issued in the name of the successor in interest, and where a part of the farm, which includes all the tobacco acreage on the farm, is cash rented to one producer, cards shall be issued in the name of the one producer.

(b) *Excess marketing card (MQ–77—Tobacco).* The provisions of this paragraph govern the issuance of excess marketing cards.

(1) *Excess marketing card showing full rate of penalty.* An excess marketing card (ineligible for price support loans) showing the full rate of penalty set forth in § 723.1347(b) shall be issued for a farm in any case:

(i) Where tobacco is harvested in 1962 from a farm for which no 1962 acreage allotment was established, or

(ii) Where tobacco is harvested in 1962 from a farm and the farm operator or any producer on the farm, as provided in § 723.1335(e), prevents the county committee or its representative or the State committee or its representative from obtaining information necessary to determine the correct acreage of tobacco on the farm, or

(iii) Where tobacco is harvested in 1962 from a farm for which, under § 723.1352(g) the 1962 allotment is cancelled.

(2) *Excess marketing card showing converted rate of penalty or zero penalty.* An excess marketing card (ineligible for price support loans) showing the extent to which marketings of tobacco from a farm are subject to penalty, determined as provided in § 723.1344 (including zero penalty except where the provisions of subdivision (ii) of this subparagraph apply), shall be issued in any case:

(i) Where tobacco is harvested in 1962 from a farm in excess of the farm acreage allotment therefor, or

(ii) Where tobacco is to be marketed from a farm in 1962 having carry-over tobacco available for marketing and the percent excess determined pursuant to § 723.1344(b) exceeds zero percent, or

(iii) Where tobacco is produced on land owned by the Federal Government in violation of the provisions of a lease restricting the production of tobacco.

(3) *Excess marketing cards showing zero penalty only.* An excess marketing card (ineligible for price support loans) showing zero penalty only shall be issued under the following conditions:

(i) If more than one kind of tobacco is produced on a farm in 1962, a zero penalty excess marketing card shall be issued for each kind of tobacco produced thereon for which the harvested acreage is not in excess of the farm acreage allotment therefor if at the time of issuing marketing cards for the farm the harvested acreage of any kind of tobacco is in excess of the farm acreage allotment for such kind of tobacco; or

(ii) For any kind of tobacco produced on a farm in 1962 the acreage of which is in excess of the farm acreage allotment therefor and the operator or other producer on the farm fails, within ten (10) days from the date of mailing of Form CSS–590, Notice of Excess Acreage (with deposit to cover the cost as determined by the county committee and approved by the State committee), to notify the ASCS county office of his intention to dispose of any excess tobacco acreage or to request remeasurement of the tobacco acreage, and the tobacco produced on the excess acreage is disposed of in accordance with § 723.1345, unless the county committee, or the county office manager on behalf of the county committee, determines that failure to so notify or request was due to circumstances beyond the control of the farm operator or producer, or

(iii) For any kind of tobacco physically harvested from a farm in 1962 from an acreage in excess of the acreage allotment for the farm and disposed of in accordance with § 723.1345(a) unless the county committee, or the county office manager on behalf of the county committee, determines that the farm operator acted in good faith, that the acreage of tobacco was not measured or remeasured, as the case may be, and the farm

operator notified in sufficient time to afford him an opportunity to dispose of the excess acreage prior to harvest; or

(iv) If, as to farms on which tobacco is being grown experimentally, the Director of a publicly owned Agricultural Experiment Station fails to comply with all the requirements contained in paragraph (c) (2) of this section prior to the beginning of the harvesting of tobacco from the farm.

(c) *Within quota marketing card (MQ–76—Tobacco).* In any case where an excess marketing card is not required to be issued for a farm under paragraph (b) of this section, a within quota marketing card (eligible for price support loans and marketing without penalty) shall be issued for such farm under the following conditions:

(1) If the harvested acreage of tobacco for the farm in 1962 is not in excess of the farm acreage allotment therefor and any excess carry-over tobacco can be marketed without penalty under the provisions of § 723.1344(b).

(2) If, as to farms on which tobacco is being grown experimentally, the Director of a publicly owned Agricultural Experiment Station furnishes to the ASCS State office, prior to the beginning of the harvesting of tobacco from the farm, a report showing the following information with respect to each kind of tobacco and farms on which tobacco is grown for experimental purposes only:

(i) Name and address of the publicly owned experiment station,

(ii) Name of the owner, and name of the operator if different from the owner, of each farm on which tobacco is grown for experimental purposes only,

(iii) The amount of acreage of tobacco grown on each farm for experimental purposes only, and

(iv) A certification signed by the Director of the publicly owned agricultural experiment station to the effect that such acreage of tobacco was grown on each farm for experimental purposes only; the tobacco was grown under his direction; and the acreage on each plot was considered necessary for carrying out the experiment: *Provided, however,* That if the Director of a publicly owned agricultural experiment station does not furnish the information and certification as required above in this subparagraph, prior to the beginning of the harvesting of tobacco from a farm, an excess marketing card showing zero penalty shall be issued under paragraph (b) (3) (iv) of this section for the purpose of identifying tobacco produced for experimental purposes only under the direction of such Director. The report required in this subparagraph shall be posted and kept available for public inspection in each ASCS county office in which a farm included in the report is located.

(d) *Stamping within quota marketing cards (MQ–76) to show indebtedness.* (1) If any producer on a farm is indebted to the United States and such indebtedness is listed on the county debt record, any within quota marketing card (MQ–76) issued for the farm shall bear the notation "Indebted to U.S." on the front cover thereof and on the county office copy of each memorandum of sale. The amount and type of the indebtedness and the name of the debtor shall be entered on the inside back cover of the card. A notation showing indebtedness to the U.S. shall constitute notice to any loan organization that, subject to prior liens, the net proceeds from any price support loan due the debtor shall be paid to the United States to the extent of the indebtedness shown. The acceptance and use of a marketing card bearing a notice and information of indebtedness to the United States shall not constitute a waiver by the producer of any right to contest the validity of such indebtedness by appropriate administrative appeal or legal action and shall not necessitate a producer accepting a price support advance from which such indebtedness would be deductible.

(2) Any marketing card may be stamped for the purpose of notifying loan organizations that the tobacco being marketed pursuant to such card is subject to a lien held by the United States.

(e) *Replacing or issuing additional marketing cards or reissuing the same marketing card.* Subject to the approval of the county office manager, two or more marketing cards may be issued for any farm. Upon the return to the ASCS issuing office of the marketing card after all of the memoranda of sale have been issued therefrom and before the marketings of tobacco from the farm have been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card shall be issued for the farm. A new marketing card of the same kind shall be issued to replace a card which has been determined by the county office manager, who issued the card, to have been lost, destroyed or stolen. The county office manager who issued the marketing card may, under § 723.1352 (b), reissue the same marketing card or issue a new marketing card for any farm from which the marketing of tobacco has not been completed by June 1, 1963.

§ 723.1339 Person authorized to issue marketing cards.

(a) The county office manager shall be responsible for the issuance of tobacco marketing cards for farms in the county, including farms on which tobacco is grown for experimental purposes by a publicly owned Agricultural Experiment Station.

(b) Each marketing card shall bear the actual or facsimile signature of the county office manager who issues the card. The facsimile signature may be affixed by an employee of the ASCS county office.

§ 723.1340 Rights of producers in marketing cards.

Each producer having a share in the tobacco available for marketing from a farm shall be entitled to the use of the marketing card for marketing his proportionate share.

§ 723.1341 Successors in interest.

Any person who succeeds, other than as a buyer, in whole or in part to the share of a producer in the tobacco available for marketing from a farm shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

§ 723.1342 Invalid cards.

(a) A marketing card shall be invalid if:

(1) It is not issued or delivered in the form and manner prescribed;

(2) An entry is omitted or is incorrect;

(3) It is lost, destroyed, stolen, or becomes illegible; or

(4) Any erasure or alteration has been made and not properly initialed.

(b) In the event any marketing card becomes invalid (other than by loss, destruction, or theft, or by omission, alteration or incorrect entry which has been corrected by the county office manager who issued the card), the farm operator, or the person having the card in his possession, shall return it to the ASCS office at which it was issued.

(c) If an entry is not made on a marketing card as required, either through omission or incorrect entry, and the proper entry is made and initialed by the county office manager who issued the card, then such card shall become valid.

§ 723.1343 Report of misuse of marketing card.

Any information which causes a member of a State, county, or community committee, or any employee of an ASCS State or county office, to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the ASCS county or State office.

Marketing or Other Disposition of Tobacco and Penalties

§ 723.1344 Extent to which marketings from a farm are subject to penalty.

(a) Marketings of tobacco from a farm having no carry-over tobacco available for marketing shall be subject to penalty by the percent excess determined, as follows: Divide the acreage of tobacco harvested in excess of the farm acreage allotment and not disposed of under § 723.1345 by the total acreage of tobacco harvested from the farm.

(b) Marketings of tobacco from a farm having carry-over tobacco available for marketing shall be subject to penalty by the percent excess determined as follows:

(1) Determine the number of "carry-over acres" by dividing the number of pounds of carry-over tobacco from the prior years by the normal yield for the farm for that year.

(2) Determine the number of "within quota carry-over acres" by multiplying the "carry-over acres" (subparagraph (1) of this paragraph) by the "percent within quota" (i.e., 100 percent minus the "percent excess") for the year in which the carry-over tobacco was produced except that if the excess portion of the carry-over tobacco has been disposed of under § 723.1345, the "percent within quota" shall be 100.

(3) Determine the "total acres" of tobacco by adding the "carry-over acres" (subparagraph (1) of this paragraph) and the acreage of tobacco harvested in the current year.

(4) Determine the "excess acres" by subtracting from the "total acres" (subparagraph (3) of this paragraph) the sum of the 1962 allotment (for marketing quota purposes) and the "within quota carry-over acres" (subparagraph (2) of this paragraph).

(5) Determine the percent excess by dividing the "total acres" into the "excess acres" (subparagraph (4) of this paragraph).

(c) For the purpose of determining the penalty due on each marketing by a producer of tobacco subject to penalty, the converted rate of penalty per pound shall be determined by multiplying the applicable rate of penalty by the percent excess obtained under paragraph (a) or (b) of this section. The memorandum of sale issued to identify each such marketing shall show the amount of penalty due.

§ 723.1345 Disposition of excess tobacco.

(a) *Where tobacco acreage exceeds the allotment.* (1) The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing from the farm of any of the same kind of tobacco by furnishing to the county committee proof satisfactory to the committee or its representative that such excess tobacco will not be marketed. Such disposition of excess tobacco, subject to the provisions of paragraph (2) of this paragraph, may take place before harvesting, during harvesting, or after completion of harvesting of the kind of tobacco involved from the farm.

(2) No credit toward liquidating excess acreage shall be given for any excess tobacco disposed of after harvest, but prior to marketing, unless the county committee or its representative determines such tobacco is representative of the entire crop from the farm of the kind of tobacco involved.

(b) *Where harvested acreage does not exceed allotment and there is excess carry-over tobacco.* If the 1962 harvested acreage is less than the 1962 allotment an amount of any tobacco from the farm which was placed under storage for a prior marketing year equal to the normal production of the acreage by which the 1962 harvested acreage plus any acreage added with respect to any excess carry-over tobacco for the farm pursuant to § 723.1344(b) is less than the 1962 allotment may be marketed penalty free.

§ 723.1346 Identification of marketing.

Each marketing of tobacco from a farm shall be identified by an executed memorandum of sale from the 1962 marketing card (MQ–76—Tobacco or MQ–77—Tobacco) issued for the farm on which the tobacco was produced.

(a) *Memorandum of sale.* (1) If a memorandum of sale is not issued by the buyer to identify a sale of producer's tobacco by the end of the sale date and recorded and reported on MQ–95, Buyer's Record, by the 10th day of the calendar month next following the month during which the sale date occurred, the marketing shall be identified on MQ–95, Buyer's Record, as a marketing of excess tobacco, and reported not later than the 10th day of the calendar month next following the month during which the sale date occurred.

(2) Each excess memorandum of sale issued by a buyer shall be verified by the buyer to determine whether the amount of penalty shown to be due has been correctly computed and such buyer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur in issuing the memorandum of sale.

§ 723.1347 Rate of penalty.

Marketings of excess tobacco from a farm shall be subject to a penalty per pound equal to seventy-five (75) percent of the average market price for the 1961–62 marketing year as determined by the Crop Reporting Board, Statistical Reporting Service, United States Department of Agriculture. The rate of penalty per pound shall be calculated to the nearest whole cent. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped, if 51 or more, the last required decimal place shall be increased by "1".

(a) *Average market price.* The average market price as determined by the Crop Reporting Board, Statistical Reporting Service, United States Department of Agriculture, for the 1961–62 marketing year was 29.0 cents per pound for cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco, and 41.9 cents per pound for cigar-binder (types 51 and 52) tobacco.

(b) *Rate of penalty per pound.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the 1962–63 marketing year shall be 22 cents per pound for cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco, and 31 cents per pound for cigar-binder (types 51 and 52) tobacco.

(c) *Proportional rate of penalty.* With respect to tobacco marketed from farms having tobacco available for marketing in excess of the farm marketing quota, the penalty shall be paid upon that percentage of each lot of tobacco marketed which the tobacco available for marketing in excess of the farm marketing quota is of the total amount of tobacco available for marketing from the farm as determined under § 723.1344.

§ 723.1348 Persons to pay penalty.

The person to pay the penalty due on any marketing of tobacco subject to penalty shall be determined as follows:

(a) *Sale.* The penalty due on tobacco purchased directly from a producer, other than a buyer outside the United States, shall be paid by the buyer of the tobacco who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Marketing through an agent.* The penalty due on marketings by a producer through an agent who is not a buyer shall be paid by the agent who may deduct an amount equivalent to the penalty from the price paid to the producer.

(c) *Marketings outside the United States.* The penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer.

§ 723.1349 Penalties considered to be due from buyers and other persons excluding the producer.

Any marketing of tobacco under any one of the following conditions shall be considered to be a marketing of excess tobacco:

(a) *Without memorandum of sale.* Any sale of tobacco by a producer which is not identified by a valid memorandum of sale by the end of the sale date shall be presumed, subject to rebuttal, to be a marketing of excess tobacco. The penalty thereon shall be paid by the buyer who may deduct an amount equivalent to the penalty from the amount due the producer.

(b) *Unrecorded sale.* Any sale which is not recorded in MQ–95—Tobacco by the 10th day of the month next following the month during which the sale date occurred, shall be considered to be a marketing of excess tobacco unless and until the buyer furnishes proof acceptable to the State Executive Director showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the buyer.

(c) *Marketings falsely identified by a person other than the producer.* If any marketing of tobacco by a person other than the producer thereof is identified by a marketing card other than the marketing card issued for the farm on which such tobacco was produced, such marketing shall be presumed, subject to rebuttal, to be a marketing of excess tobacco and the penalty thereon shall be paid by such person.

§ 723.1349a Producers' penalties; false identification, failure to account, incorrectly determined acreage.

(a) *Penalties for false identification or failure to account.* (1) If any producer falsely identifies or fails to account for the disposition of any tobacco produced on a farm, an amount of tobacco equal to the normal yield of the number of acres harvested in 1962 in excess of the farm acreage allotment shall be deemed to have been a marketing of excess tobacco from such farm. The penalty thereon for false identification or failure to account shall be paid by the producer and shall be due on the date of the false identification or failure to account. The filing of a report by a producer under § 723.1352(e) which the State committee finds to be incomplete or incorrect or the failure to file such a report as required by said regulations, shall constitute a failure to account for disposition of tobacco produced on the farm.

(2) If any producer who manufactures tobacco products from tobacco produced by or for him fails to make the reports, or makes a false report, required under § 723.1352(c), he shall be deemed to have failed to account for the disposition of tobacco produced on the farm. The fil-

ing of a report by a producer under § 723.1352(c) which the State committee finds to be incomplete or incorrect shall constitute a failure to account for the disposition of tobacco produced on the farm.

(b) *Redetermined excess harvested acreage.* If, after part or all of the tobacco produced on a farm has been marketed, the State or county committee redetermines that the harvested acreage for the farm was more than that shown by the prior determination, and if the harvested acreage may not be deemed to be within the farm acreage allotment pursuant to paragraph (d) of this section, any penalty due on the basis of the harvested acreage as redetermined pursuant to § 723.1335 shall be paid by the producer.

(c) *Cancelled allotment.* If, after part or all of the tobacco produced on a farm has been marketed and the allotment therefor has been cancelled under § 723.1352(g), any penalty due thereon shall be paid by such producer.

(d) *Erroneous notice of measured acreage.* If it is determined that the tobacco acreage on a farm is larger than the tobacco farm acreage allotment approved under § 723.1327, such farm shall be deemed to have not exceeded its allotment if the county committee, with the approval of the State Executive Director, determines from the facts and circumstances that:

(1) The excess acreage was caused by reliance in good faith by the farm operator on an erroneous notice of measured acreage;

(2) Neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage prior to harvest of tobacco from all areas (patches, fields or parts of fields) from the farm;

(3) The incorrect notice was the result of an error made by the performance reporter or by another employee of the county or State office in reporting, computing, or recording the acreage for the farm;

(4) Neither the farm operator nor any producer on the farm was in any way responsible for the error; and

(5) The extent of the error in the notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

§ 723.1350 Payment of penalty.

(a) *Date due.* Penalties shall become due at the time the tobacco is marketed, except in the case of false identification or failure to account for disposition of tobacco, penalty shall be due on the date of such false identification or failure to account for disposition. Penalty shall be paid by remitting the amount thereof to the ASCS State office, not later than the 10th day of the calendar month next following the month in which the tobacco became subject to penalty. A draft, money order, or check drawn payable to the Agricultural Stabilization and Conservation Service may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

(b) *Converted penalty rate.* The penalty due on any sale of tobacco by a producer as determined under §§ 723.1330 to 723.1361 shall be subject to the converted rate of penalty for the farm on which the tobacco was produced and shall be paid in full even though the penalty may exceed the proceeds for the sale of tobacco.

§ 723.1351 Request for return of penalty.

Any producer of tobacco after the marketing of all tobacco available for marketing from the farm and any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under §§ 723.1330 to 723.1361 to be paid. Such request shall be filed on MQ–85—Tobacco with the ASCS county office within two (2) years after the payment of the penalty. Approval of return of penalty to producers shall be by the county committee, subject to the approval of the State executive director.

RECORDS AND REPORTS

§ 723.1352 Producer's records and reports.

(a) *Report of tobacco acreage.* The farm operator or any producer on the farm shall execute and file a report with the ASCS county office or a representative of the county committee on Form CSS–578, Report of Acreage, showing all fields of tobacco on the farm in 1962. If any producer on a farm files or aids or acquiesces in the filing of any false report with respect to the acreage of tobacco grown on the farm, even though the farm operator or his representative refuses to sign such report, the allotment next established for such farm and kind of tobacco shall be reduced pursuant to applicable tobacco marketing quota regulations for determining acreage allotments and normal yields, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the filing of, aiding, or acquiescing in the filing of, such false report was not intentional on the part of any producer on the farm and that no producer on the farm could reasonably have been expected to know that the report was false, provided the filing of the report will be construed as intentional unless the report is corrected and the payment of all additional penalty is made, or (2) no person connected with such farm for the year for which the allotment is being established caused, aided, or acquiesced in the filing of the false acreage report.

(b) *Report on marketing card.* The operator of each farm on which tobacco is produced in 1962 shall return to the ASCS county office the marketing card(s) issued for the farm whenever marketings from the farm are completed and in no event later than June 1, 1963. Failure to return the marketing card(s) within fifteen (15) days after written request by certified mail from the county office manager shall constitute failure to account for disposition of tobacco marketed from the farm unless disposition of all tobacco marketed from the farm is accounted for as provided in paragraph (e) of this section. The county office manager who issued the marketing card may reissue the same marketing card or issue a new marketing card for any farm from which the marketing of tobacco has not been completed by June 1, 1963.

(c) *Reports by producer-manufacturers.* (1) Each producer who manufactures tobacco products from tobacco produced by or for him as a producer shall report to the ASCS State office as follows with respect to such tobacco.

(i) If the 1962 harvested acreage is not in excess of the 1962 farm tobacco acreage allotment, the producer-manufacturer shall furnish the ASCS State office a report, as soon as the tobacco has been weighed, and not later than a date specified in writing by the State Executive Director, showing the total pounds of tobacco produced, the date(s) on which such tobacco was weighed, the farm serial number of the farm on which it was produced, and the estimated value of such tobacco.

(ii) If the 1962 harvested acreage is in excess of the 1962 farm acreage allotment, the producer-manufacturer shall furnish the ASCS State office a report, as soon as the tobacco has been weighed, and not later than a date specified in writing by the State Executive Director, showing the total pounds of tobacco produced on the farm, the date(s) on which the tobacco was weighed, the farm serial number of the farm on which it was produced, the estimated value of the tobacco, and the location of the tobacco. Unless it has become penalty free under circumstances described in § 723.1344(b), or unless he makes the reports outlined in this section, penalty shall be paid on the tobacco by the producer-manufacturer, at the converted rate of penalty shown on the marketing card issued for the farm, when it is moved from the place where it can be conveniently inspected by the county committee at any time separate and apart from any other tobacco.

(2) If the producer-manufacturer has excess tobacco and does not pay the penalty thereon at the converted rate of penalty shown on the marketing card, as provided in this section, he shall notify the buyer of the manufactured product, or the buyer of any residue resulting from processing the tobacco, in writing, at time of sale of such product or residue of the precise amount of penalty due on such manufactured product or residue. In such event, the producer-manufacturer shall immediately notify the Director and shall account for the disposition of such tobacco by furnishing the Director a report, on a form to be furnished him by the Director, showing the name and address of the buyer of the manufactured products or residue, a detailed account of the disposition of such tobacco and the exact amounts of penalty due with respect to each such sale of such products or residue, together with copies of the written notice of the exact amounts of the penalty due given to the buyer of such products or residue. Failure to file such report, or the filing of a report which is found by the State committee to be incomplete or incorrect, shall be considered failure of the producer-manufacturer to account for the disposition of tobacco produced on the farm and the allotment next established for the farm shall be reduced for such failure pursuant to applicable tobacco marketing quota regulations for determining acreage allotments and normal yields, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the failure to furnish such report of disposition was unintentional and the producer-manufacturer on such farm could not reasonably have been expected to furnish such report of disposition, provided such failure will be construed as intentional unless such report of disposition is furnished and payment of all additional penalty is made, or (2) no person connected with such farm for the year for which the allotment is being established, caused, aided or acquiesced in the failure to furnish such report. The producer-manufacturer shall be liable for the payment of penalty as provided in § 723.1349a(a).

(3) The reports required by this paragraph shall be in addition to the reports required by paragraph (a) of this section with respect to tobacco produced by or for the producer-manufacturer but not used by him in the manufacture of products therefrom.

(d) *False identification.* If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments next established for both such farms and kind of tobacco shall be reduced pursuant to applicable tobacco marketing quota regulations for determining acreage allotments and normal yields, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) no person on such farm intentionally participated in such marketing or could have reasonably been expected to have prevented such marketing, provided the marketing shall be construed as intentional unless all tobacco from the farm is accounted for and payment of all additional penalty is made, or (2) no person connected with such farm for the year for which the allotment is being established, caused, aided or acquiesced in such marketing.

(e) *Report of production and disposition.* In addition to any other reports which may be required under §§ 723.1330 through 723.1361, the operator on each farm or any producer on the farm (even though the harvested acreage does not exceed the acreage allotment or even though no allotment was established for the farm) shall upon written request by certified mail from the State Executive Director within fifteen (15) days after the deposit of such request in the United States mails, addressed to such person at his last known address, furnish the Secretary on Form MQ–108—Tobacco a written report of the acreage, production and disposition of all tobacco produced on the farm by sending the same to the ASCS State office showing, as to the farm at the time of filing such report, (1) the number of fields (patches or areas) from which tobacco was harvested, the acres of tobacco harvested from each such field, and the total acreage of tobacco harvested from the farm, (2) the total pounds of tobacco produced, (3) the amount of tobacco on hand and its location, (4) as to each lot of tobacco marketed, the name and address of the buyer or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price and the date of the marketing, and (5) complete details as to any tobacco disposed of other than by sale. Failure to file MQ–108 as requested, the filing of a false MQ–108, or the filing of a MQ–108 which is found by the State committee to be incomplete or incorrect shall constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment next established for such farm and kind of tobacco shall be reduced pursuant to applicable tobacco marketing quota regulations for determining acreage allotments and normal yields, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (i) the failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition, provided such failure will be construed as intentional unless such proof of disposition is furnished and payment of all additional penalty is made, or (ii) no person connected with such farm for the year for which the allotment is being established caused, aided or acquiesced in the failure to furnish such proof.

(f) *Harvesting second tobacco crop from same acreage.* If in the calendar year 1962 more than one crop of tobacco is grown from the same tobacco plants, or different tobacco plants, and is harvested for marketing from the same acreage of a farm, the acreage allotment next established for such farm shall be reduced by an amount equivalent to the acreage from which more than one crop of tobacco has been so grown and harvested.

(g) *Cancellation of new farm allotment.* Any new farm allotment approved under §§ 723.1311 through 723.1329 (26 F.R. 6414, 6641, 7122, 10471) which was determined by the county committee on the basis of incorrect information knowingly furnished the committee by the applicant for the new farm allotment shall be cancelled by the county committee as of the date the allotment was established.

§ 723.1353 Buyer's records.

(a) *Record of marketing.* (1) Each buyer shall keep such records as will enable him to furnish the ASCS State office with respect to each sale of tobacco made by producers to such buyer the following information:

(i) The name of the operator of the farm on which the tobacco was produced and the name of the seller and the seller's address in the case of a sale by a person other than the farm operator.

(ii) Date of sale.

(iii) The serial number of the memorandum of sale used to identify the sale.

(iv) Number of pounds sold.

(v) Gross sale price.

(vi) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s).

(2) Any buyer or any other person who grades tobacco for farmers shall maintain records which will enable him to furnish the ASCS State office the name of the farm operator and the amount of each grade of tobacco obtained from the grading of tobacco from each farm.

(b) *Identification of sale on buyer's records.* The serial number of the memorandum of sale issued to identify each sale by a producer, including tobacco obtained under paragraph (a)(2) of this section, shall be recorded on the buyer's copy of the MQ–95—Tobacco and on the check register or check stub for the check written with respect to such sale of tobacco.

(c) *Marketing card and memorandum of sale.* A valid memorandum of sale to cover each sale of tobacco by a producer, including tobacco obtained under § 723.1353(a)(2), shall be properly issued by the buyer. The buyer shall also properly record the sale on the marketing card.

(d) *Records of buyer's disposition of tobacco.* Each buyer shall maintain records which will show the disposition made by him of all tobacco purchased by or for him from producers.

§ 723.1354 Buyer's reports.

(a) *Report of buyer's name, address and registration number.* Each buyer shall properly execute, detach and promptly forward to the ASCS State office "Receipt for Buyer's Record" contained in MQ–95—Tobacco which is issued to the buyer.

(b) *Record and report of purchases of tobacco from producers.* (1) Each buyer shall keep a record and make reports on MQ–95—Tobacco, Buyer's Record, showing all purchases of tobacco made by or for him from producers. Such record and report shall show for each sale, the sale date, the name of the farm operator (and the name and address of the person selling the tobacco if other than the farm operator), the serial number of the memorandum of sale issued with respect to the sale, the pounds of tobacco represented in the sale, the gross amount; the rate of penalty shown on the memorandum of sale and the amount of penalty. If no marketing card is presented by the producer, the buyer shall record and report the purchase as provided above except that the buyer shall enter the word "none" in the space for the serial number of the memorandum of sale, the applicable rate of penalty per pound shown in § 723.1347 (b) in the space for rate of penalty, and shall show the name and address of the seller in the space for the seller's name.

(2) The original of MQ–95—Tobacco, the memoranda of sale, and a remittance for all penalties shown by the entries on MQ–95—Tobacco and on the memoranda of sale to be due shall be forwarded to the ASCS State office not later than the 10th day of the calendar month next following the month during which the sale date occurred.

§ 723.1355 Buyers not exempt from regular records and reports.

No buyer shall be exempt from keeping the records and making the reports required by the regulations in this part. Any organization which received tobacco from producers for (a) the purpose of selling it for the producer, or (b) the purpose of placing it under a Federal loan, shall keep the records, make the reports, and remit penalties in case of receiving such tobacco for sale, as required in §§ 723.1330 through 723.1361 for buyers.

§ 723.1356 Records and reports of truckers and persons sorting, stemming, packing, or otherwise processing tobacco.

(a) Each trucker shall keep such records as will enable him to furnish the ASCS State office a report with respect to each lot of tobacco received by him showing:

(1) The name and address of the farm operator,

(2) The date of receipt of the tobacco,

(3) The number of pounds received, and

(4) The name and address of the person to whom it was delivered.

(b) Each person engaged to any extent in the business of sorting, stemming, packing, or otherwise processing tobacco for producers shall keep such records as will enable him to furnish the Director a report showing:

(1) The information required above for truckers, and in addition,

(2) The purpose for which the tobacco was received,

(3) The amount of advance made by him on the tobacco, and

(4) The disposition of the tobacco.

§ 723.1357 Separate records and reports from persons engaged in more than one business.

Any person who is required to keep any record or make any report as a buyer or as a person engaged in the business of sorting, stemming, packing, or otherwise processing tobacco for producers and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 723.1358 Failure to keep records or make reports or making false reports or records.

(a) *Failure to keep records or make reports.* Under the provisions of section 373(a) of the Act, any buyer, processor, trucker, or person engaged in the business of sorting, stemming, packing or otherwise processing tobacco for producers who fails to make any report or keep any record as required under §§ 723.1330 through 723.1361, or who makes any false report or record, is guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500 for each offense. In addition, any tobacco buyers who fails, upon being requested to do so, to remedy a violation(s) by submitting complete reports and keeping accurate records shall be subject to an additional fine, not to exceed $5,000.

(b) *False representations.* The penalties designated in paragraph (a) of this section are in addition to other penalties prescribed by criminal statutes including U.S. Code, Title 18, Section 1001 which provides for a fine of not more than $10,000 or imprisonment for not more than 5 years, or both for a person convicted of knowingly and willingly committing such acts as making a false acreage report, altering a marketing card, or falsely identifying tobacco.

§ 723.1359 Examination of records and reports.

For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report but not so furnished, any buyer, processor, trucker, or person engaged in the business of sorting, stemming, packing, or otherwise processing tobacco for producers shall make available at one place for examination by representatives of the State Executive Director, and by employees of the Investigation Division, Audit Division, and of the Tobacco Division of the Agricultural Stabilization and Conservation Service, United States Department of Agriculture, and upon written request by the State Executive Director or Director, all such books, papers, records, accounts, correspondence, contracts, cancelled checks, check registers, check stubs, and documents and memoranda as the State Executive Director or Director has reason to believe are relevant and are within the control of such person.

§ 723.1360 Length of time records and reports to be kept.

Records required to be kept and copies of the reports required to be made by any person under §§ 723.1330 through 723.1361 for the 1962–63 marketing year shall be kept by him until September 30, 1965. Records shall be kept for such longer period of time as may be requested in writing by the State Executive Director or the Director.

§ 723.1361 Information confidential.

All data reported to or acquired by the Secretary pursuant to the provisions of §§ 723.1330 through 723.1361 shall be kept confidential by all officers and employees of the United States Department of Agriculture and by all members of county and community committees and all ASCS county office employees and only such data so reported or acquired as the Deputy Administrator deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the Act.

NOTE: The recordkeeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: Date of filing with the Office of the Federal Register.

Signed at Washington, D.C., on July 2, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62–6610; Filed, July 5, 1962; 9:01 a.m.]

[Amdt. 4]

PART 730—RICE

Subpart—Regulations Pertaining to Rice Marketing Quotas

1962 RATE OF PENALTY

The amendment herein is issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended, to announce the rate of penalty applicable to excess rice produced in the 1962 crop year.

Under the Act, the penalty rate per pound on the farm marketing excess is equal to 65 per centum of the parity price per pound for rice as of June 15 of the calendar year in which the crop is produced.

Since the calculation of the penalty rate is a mathematical determination, it is hereby found that compliance with the notice and public procedure provisions of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary and this amendment shall become effective as provided herein.

Section 730.972 is amended by adding at the end thereof the following sentence: "The rate of penalty applicable to the 1962 crop of rice shall be 4.06 cents per pound, which is 65 per centum of the parity price per pound of rice as of June 15, 1962, which is determined to be 6.24 cents per pound."

(Secs. 356, 375, 52 Stat. 62, as amended; 66, as amended; 7 U.S.C. 1356, 1375)

Effective date: 30 days after publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 2, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62–6607; Filed, July 5, 1962; 9:01 a.m.]

SUBCHAPTER C—REGULATIONS UNDER SOIL BANK ACT

[Amdt. 54]

PART 750—SOIL BANK

Subpart—Conservation Reserve Program for 1956 Through 1959

CORRECTION

In F.R. Doc. 62–4976, on page 4831 of the issue for Wednesday, May 23, 1962, the reference to "Section 750.163(d)(3)(iii)(c)" appearing in the first line of the second paragraph should be "Section 750.163(d)(3)(iii)(c)" and the reference to "subdivision (i) (a) or (b)" appearing in the thirteenth line of the second paragraphs should be "(*a*) (*1*) or (2)".

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Effective date: May 17, 1962.

Signed at Washington, D.C., on July 2, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62–6608; Filed, July 5, 1962; 9:02 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lime Regulation 2]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size Regulation; Correction

In Federal Register Document 62–3700 appearing at page 3589 of the issue of Saturday, April 14, 1962 (27 F.R. 3589), the section number "§ 911.302" is corrected to read "§ 911.303."

The reference to "§ 911.302" appearing in Federal Register Document 62–5984 appearing at page 5733 of the issue of Saturday, June 16, 1962 (27 F.R. 5733), at line 3 in paragraph (b) is corrected to read "§ 911.303".

Dated: July 2, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–6589; Filed, July 5, 1962; 8:57 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–FW–68]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration

On December 9, 1961, Federal Register Document 61–11659 was published in the FEDERAL REGISTER (26 F.R. 11822) and amended in part, § 601.1052 of the regulations of the Administrator by altering the description of the Atlanta control area extension.

In amending § 601.1052, VOR Federal airway No. 185 west alternate should have been deleted in lieu of the Greenwood, S.C., control area extension. Corrective action is taken herein.

Since this alteration is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective immediately.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Federal Register Document 61–11659 (26 F.R. 11822) is altered as follows:

Item 5 is amended to read:

5. In the text of § 601.1052 (14 CFR 601.1052) "and the E. boundary of VOR Federal airway No. 185 W. alternate" is deleted and "VOR Federal airway No. 185" is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 29, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–6545; Filed, July 5, 1962; 8:47 a.m.]

[Airspace Docket No. 62–SO–38]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extension

The purpose of this amendment to § 601.1126 of the regulations of the Administrator is to alter the description of the Knoxville, Tenn., control area extension.

The Knoxville control area extension is designated, in part, with reference to the Knoxville radio range. The Federal Aviation Agency has scheduled the conversion of this facility to a radio beacon on July 9, 1962. Therefore, action is taken herein to substitute the Knoxville radio beacon for the Knoxville radio range in the description of the Knoxville control area extension.

Since this amendment is editorial in nature, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective July 9, 1962.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) § 601.1126 (14 CFR 601.1126) is amended to read:

§ 601.1126 Control area extension (Knoxville, Tenn.).

Within a 40-mile radius of the Knoxville RBN beginning S. of Knoxville on the centerline of VOR Federal airway No. 97 extending counterclockwise to the centerline of VOR Federal airway No. 16 E. of Knoxville, thence E. to and including the airspace within a 50-mile radius of the Knoxville VOR beginning E. of Knoxville on the centerline of VOR Federal airway No. 16 and extending counterclockwise to latitude 36°06'30" N., longitude 84°45'00" W., thence bounded on the NW. by a line extending from latitude 36°06'30" N., longitude 84°45'00" W., to latitude 36°00'00" N., longitude 84°56'45" W., on the W. by VOR Federal airway No. 51, on the S. by VOR Federal airway No. 54, and on the E. by the centerline of VOR Federal airway No. 97, thence to point of beginning; and the airspace NE. of Knoxville extending from the 50-mile radius area bounded on the SE. by VOR Federal airway No. 16 N. alternate, on the NE. by VOR Federal airway No. 53, and on the NW. by VOR Federal airway No. 115.

This amendment shall become effective 0001 e.s.t., July 9, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 29, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–6546; Filed, July 5, 1962; 8:48 a.m.]

[Airspace Docket No. 62–SW–29]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2211 of the regulations of the Administrator is to alter the NAAS Chase Field, Beeville, Texas, control zone.

The NAAS Chase Field control zone is presently designated, in part, with reference to the Normanna nondirectional radio beacon. The Navy has programmed the decommissioning of this facility and the control zone extension based on this navigational aid will no longer be required for air traffic control purposes. Therefore, action is taken herein to revoke the control zone extension based on the Normanna radio beacon.

Since the change effected by this amendment is less restrictive in nature than present requirements, notice and public procedure hereon are unnecessary, and it may be made effective June 30, 1962.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2211 (14 CFR 601.2211) is amended to read:

§ 601.2211 Beeville, Texas, control zone.

Within a 5-mile radius of NAAS Chase Field, Beeville, Texas (latitude 28°22'00" N., longitude 97°40'00" W.), and within 2 miles either side of the 139° bearing from Chase Field extending from the 5-mile radius zone to 8 miles S of Chase Field.

This amendment shall become effective 0001 e.s.t., June 30, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 28, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–6544; Filed, July 5, 1962; 8:47 a.m.]

[Airspace Docket No. 62-SW-28]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone and Control Area Extension

The purpose of these amendments to §§ 601.2334 and 601.1322 of the regulations of the Administrator is to alter the descriptions of the Alice, Texas, control zone and control area extension.

The Alice control zone and control area extension are designated, in part, with reference to the Alice radio range. The Federal Aviation Agency is programming the decommissioning of this facility as it is no longer required for air traffic control purposes. Therefore, action is taken herein to revoke the control zone extension based on the Alice radio range and substitute the Alice VOR for the Alice radio range in the description of the Alice control area extension.

Since the changes effected by these amendments are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary and they may be made effective June 30, 1962.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

1. Section 601.2334 (14 CFR 601.2334) is amended to read:

§ 601.2334 Alice, Texas, control zone.

Within a 5-mile radius of the Alice, Texas, Jim Wells County Airport (latitude 27°44'28'' N., longitude 98°01'38'' W.).

2. Section 601.1322 (14 CFR 601.1322) is amended to read:

§ 601.1322 Control area extension (Alice, Texas).

Within 5 miles either side of a direct line extending from the Alice, Texas, VOR to the Cotulla, Texas, VOR, and within a 35-mile radius of the Alice VOR, excluding the portion which coincides with R-6301.

These amendments shall become effective 0001 e.s.t., June 30, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 28, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-6543; Filed, July 5, 1962; 8:47 a.m.]

[Airspace Docket No. 62-WE-51]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Transition Area

On April 25, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 3931) stating that the Federal Aviation Agency proposed to designate a transition area at Mercury, Nev.

The Aircraft Owners and Pilots Association (AOPA) objected to the designation of airspace with floors at 700 feet above the surface in areas where it appears that communications are not adequate to provide for the control and guidance of aircraft at the lower altitudes. They recommended that the transition area be designated with segmented floors.

At the time the notice was published, no regulatory provision existed providing for variations in the floors of controlled airspace associated with uncontrolled airports. Subsequent to publication of the notice, Amendment 60-29 to the Civil Air Regulations, Part 60, Air Traffic Rules (27 F.R. 4012) has been adopted which provides a basis for segmenting floors of transition areas associated with airports with no control zones. Therefore, action is taken herein to designate the Mercury transition area as that airspace extending upward from 1,200 feet above the surface within the airspace dimensions proposed in the notice, and include an area within a 5-mile radius of the Mercury Airport extending upward from 700 feet above the surface. Adequate communications are provided at these altitudes through the use of nearby radar and radio peripheral sites.

No other adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the Notice, the following action is taken:

Part 601 (14 CFR 601) is amended by adding the following section:

§ 601.10417 Mercury, Nev., transition area.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mercury Airport (latitude 36°39'16'' N., longitude 116°00'54'' W.); and that airspace extending upward from 1,200 feet above the surface bounded on the E. by the Las Vegas, Nev., control area extension (§ 601.1455), on the N. by latitude 36°41'00'' N., on the NW. by a line extending from latitude 36°41'00'' N., longitude 116°26'30'' W., to latitude 36°38'30'' N., longitude 116°24'00'' W., to latitude 36°37'00'' N., longitude 116°27'00'' W., on the W. by VOR Federal airway No. 105, and on the S. by latitude 36°16'00'' N., excluding the portion which coincides with R-4806 and R-4808.

This amendment shall become effective 0001 e.s.t., August 23, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 29, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-6550; Filed, July 5, 1962; 8:49 a.m.]

[Airspace Docket No. 62-WE-66]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area and Continental Control Area

The purpose of these amendments to §§ 601.7101 and 608.25 of the regulations of the Administrator is to reduce the designated altitudes of the Chocolate Mountains, Calif., Restricted Area R-2507, to designate the area for joint use, and to include R-2507 in the continental control area.

The Department of the Navy has concurred in the joint use of R-2507 and has advised that there is no longer a requirement for the portion of R-2507 which extends above flight level 400. Therefore, the Los Angeles, Calif., ARTC Center is being designated as the controlling agency of R-2507 and the designated altitudes changed from "Surface to flight level 500" to "Surface to flight level 400." In addition, the continental control area is being altered to include the airspace within R-2507. Such actions are taken herein.

Since these amendments reduce a burden on the public, notice and public procedure hereon are unnecessary, and they may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In § 608.25 *California*, R-2507 Chocolate Mountains, Calif., Restricted Area (14 CFR 608.25) is amended to read:

R-2507 Chocolate Mountains, Calif.:

Boundaries. Beginning at latitude 33°32'-40'' N., longitude 115°33'50'' W.; to latitude 33°31'30'' N., longitude 115°32'00'' W.; to latitude 33°31'15'' N., longitude 115°26'45'' W.; to latitude 33°29'00'' N., longitude 115°-20'00'' W.; to latitude 33°25'50'' N., longitude 115°14'30'' W.; to latitude 33°24'15'' N., longitude 115°17'00'' W.; to latitude 33°-21'40'' N., longitude 115°12'00'' W.; to latitude 33°22'50'' N., longitude 115°09'58'' W.; to latitude 33°08'45'' N., longitude 114°56'-40'' W.; to latitude 33°01'00'' N., longitude 115°06'00'' W.; to latitude 33°28'30'' N., longitude 115°42'10'' W.; to the point of beginning, excluding the portion that would coincide with VOR Federal airway No. 117.

Designated altitudes. Surface to flight level 400.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.

Using agency. Commanding Officer, Marine Corps Auxiliary Air Station, Yuma, Ariz.

2. In the text of § 601.7101 (14 CFR 601.7101) the following is added:

R-2507 Chocolate Mountains, Calif.

These amendments shall become effective upon date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 29, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-6549; Filed, July 5, 1962; 8:48 a.m.]

[Airspace Docket No. 60-LA-79]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area and Continental Control Area

The purpose of these amendments to §§ 608.51 and 601.7101 of the regulations of the Administrator is to subdivide the White Sands, N. Mex., Restricted Area R-5109 and include a portion of this restricted area in the continental control area.

This is part of a series of airspace changes to be effected as the result of a recent special airspace review by the Federal Aviation Agency conducted for the purpose of promoting safety of flight and more efficient airspace utilization in the McGregor, Orogrande, White Sands Proving Grounds and White Sands, N. Mex., Restricted Area Complex of R-5103, R-5106, R-5107, R-5108, and R-5109.

Restricted Area R-5109 is being subdivided into two areas, namely R-5109A and R-5109B to obtain greater utilization of this airspace. The designated altitude of R-5109A and R-5109B is raised from 16,000 feet MSL to unlimited to 24,000 feet MSL to unlimited. R-5109B will be included in the continental control area for joint use with the Albuquerque ARTC Center as the controlling agency to provide air traffic control flexibility in routing aircraft direct between the Socorro, N. Mex., VOR and the Roswell, N. Mex., VOR.

Since these amendments reduce a burden on the public, compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In § 608.51 (26 F.R. 7198) the following changes are made:

a. R-5109 White Sands, N. Mex., is revoked.

b. R-5109A White Sands, N. Mex., is added to read:

R-5109A White Sands, N. Mex.:

Boundaries. Beginning at latitude 33°31'30'' N., longitude 105°27'00'' W.; to latitude 32°45'00'' N., longitude 105°27'00'' W.; to latitude 32°45'00'' N., longitude 105°59'00'' W.; to latitude 32°36'00'' N., longitude 106°00'00'' W.; to latitude 32°36'00'' N., longitude 106°06'00'' W.; to latitude 32°50'00'' N., longitude 106°04'00'' W.; to latitude 33°44'10'' N., longitude 106°04'00'' W.; to the point of beginning.

Designated altitudes. From 24,000 feet MSL to unlimited.

Time of designation. Continuous.

Using agency. Commander, Holloman Air Force Base, New Mexico.

c. R-5109B White Sands, N. Mex., is added to read:

R-5109B White Sands, N. Mex.:

Boundaries. Beginning at latitude 34°17'00'' N., longitude 106°04'00'' W.; to latitude 34°17'00'' N., longitude 105°51'00'' W.; to latitude 33°57'00'' N., longitude 105°27'00'' W.; to latitude 33°31'30'' N., longitude 105°27'00'' W.; to latitude 33°44'-10'' N., longitude 106°04'00'' W.; to the point of beginning.

Designated altitude. From 24,000 feet MSL to unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.

Using agency. Commander, Holloman Air Force Base, New Mexico.

2. Section 601.7101 (26 F.R. 1399) is amended by adding the following:

a. R-5109B White Sands, N. Mex.

These amendments shall become effective 0001 e.s.t., August 23, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 29, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-6548; Filed, July 5, 1962; 8:48 a.m.]

[Airspace Docket No. 62-WE-84]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to § 608.67 of the regulations of the Administrator is to change the designated altitudes of the Yakima, Wash., Restricted Area R-6714.

In response to a proposal by the Federal Aviation Agency for a reduction in the designated altitudes of R-6714, the Department of the Army has agreed that the designated altitudes of the area may be reduced from "Surface to 65,000 feet MSL" to "Surface to 38,000 feet MSL." Such action is taken herein.

Since this amendment reduces a burden on the public, notice and public procedure hereon are unnecessary, and it may be made effective upon publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In § 608.67 *Washington*, R-6714 Yakima, Wash. (14 CFR 608.67) is amended to read:

R-6714 Yakima, Wash.:

Boundaries. Beginning at latitude 46°51'-00'' N., longitude 119°58'00'' W.; along the W. shore of the Columbia River to latitude 46°39'00'' N., longitude 119°55'30'' W.; to latitude 46°33'00'' N., longitude 119°55'30'' W.; to latitude 46°33'00'' N., longitude 120°-13'00'' W.; to latitude 46°40'35'' N., longitude 120°26'35'' W.; to latitude 46°43'00'' N., longitude 120°26'38'' W.; to latitude 46°51'-00'' N., longitude 120°21'30'' W.; to latitude 46°51'00'' N., longitude 120°16'30'' W.; to latitude 46°54'30'' N., longitude 120°15'00'' W.; clockwise along the arc of a 12-mile radius circle centered at latitude 46°44'45'' N., longitude 120°20'00'' W.; to latitude 46°-51'00'' N., longitude 120°08'30'' W.; to the point of beginning.

Designated altitudes. Surface to 38,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Seattle ARTC Center.

Using agency. Commanding General, Fort Lewis, Wash.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 29, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-6547; Filed, July 5, 1962; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8425 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

A. C. Weber & Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices;* § 13.155-10 *Bait.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—prices: § 13.1779 *Bait.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, A. C. Weber & Company, Inc., et al., Chicago, Ill., Docket 8425, Feb. 14, 1962]

In the Matter of A. C. Weber & Company, Inc., a Corporation, Albert C. Weber, Individually and as an Officer of Said Corporation, and Frank Dolven, Individually and as Sales Manager of Said Corporation

Consent order requiring Chicago distributors of "Pfaff" sewing machines to cease representing falsely, in advertisements and advertising mats distributed to dealers for their use, that excessive amounts were the usual retail prices of their products and that the sewing machines were guaranteed for life, or unconditionally; and to cease placing in the hands of their dealers circulars describing a sales plan involving bait advertising, representing falsely that they were making a bona fide offer to sell a low-priced machine which was not intended to be sold at the advertised price but was described as "an excellent tool to enable you to 'step-up' your customer to the [higher-priced] model".

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent A. C. Weber & Company, Inc., a corporation, and its officers, and respondents Albert C. Weber, individually and as an officer of said corporation, and Frank Dolven, individually and as Sales Manager of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of sewing machines and accessories, or any other product or products, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. Any amount is the customary and usual retail price of merchandise in a trade area or areas when it is in excess of the price at which said merchandise is usually and regularly sold at retail in the trade area or areas where the representations are made.

2. Any savings are afforded in the purchase of merchandise from the price at which said merchandise is usually and customarily sold at retail in a trade area or areas where such representations are made, unless the price at which it is offered constitutes a reduction from the price at which said merchandise is usually and customarily sold at retail by respondents' dealers in such trade area or areas.

3. Any amount is respondents' dealers' usual and customary price of merchandise when it is in excess of the price at which said merchandise is usually and customarily sold by said dealers in the recent regular course of their business.

4. Any savings are afforded in the purchase of merchandise from respondents' dealers' usual and customary price, unless the price at which it is offered constitutes a reduction from the price at which said merchandise is usually and customarily sold by said dealers in the recent regular course of their business.

5. Any product is guaranteed unless the terms and conditions of the guarantee and the manner in which the guarantor will perform are clearly set forth.

B. Using the word "value" to describe or refer to the price of merchandise when such amount is not the price at which the merchandise has been usually and customarily sold at retail in the trade area or areas where the representation is made.

C. Using the word "Reg" or "Regular" to describe or refer to the price of merchandise when such amount is not the price at which said merchandise has been usually and customarily sold by respondents or their dealers in the recent regular course of business.

D. Misrepresenting in any manner the amount of savings available to the purchasers of respondents' merchandise; or the amount by which the price of said merchandise is reduced from the price at which it is usually and customarily sold by respondents or their dealers in the normal course of their business.

E. (1) Placing in the hands of retailers or others any sales program or means of offering merchandise for sale when such offer is not a bona fide offer to sell the merchandise so offered.

(2) Representing in any manner that merchandise is being offered for sale when such offer is not a bona fide offer to sell the merchandise.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 14, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6560; Filed, July 5, 1962; 8:50 a.m.]

[Docket 6490]

PART 13—PROHIBITED TRADE PRACTICES

Asheville Tobacco Board of Trade, Inc., et al.

Subpart—Combining or conspiring: § 13.395 *To control marketing practices and conditions;* § 13.470 *To restrain and monopolize trade.* Subpart—Cutting off access to customers or market: § 13.573 *Limiting new warehouse facilities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified order, Asheville Tobacco Board of Trade, Inc. (Asheville, N.C.), et al., Docket 6490, Feb. 19, 1962]

Order modifying, in accordance with the decision of the Fourth Circuit Court of Appeals (Richmond) of Sept. 20, 1961, the Commission's modified order dated October 18, 1960 (25 F.R. 12733, Dec. 13, 1960).

Said modified order to cease and desist, together with further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Asheville Tobacco Board of Trade, Inc., a corporation, and Max M. Roberts, President and director, J. Carlie Adams, Vice President and director, Fred D. Cockfield, Secretary-Treasurer and director, Jeter P. Ramsey, ex officio Assistant to the Secretary, Supervisor of Sales and General Director of the Asheville market, L. G. Hill, director, James M. Stewart, director, and James E. Walker, Jr., director, all individually and as officers and directors of Asheville Tobacco Board of Trade, Inc., and James E. Walker, Jr., and John B. Walker, part owners, co-managers and operators of Bernard-Walker Warehouses; J. Carlie Adams and Luther Hill, co-partners trading under the name and style of Adams & Hill Warehouses; Farmers Federation Cooperative, Inc., a corporation, leasing and operating Carolina Warehouse; Fred D. Cockfield, and James W. Stewart, co-partners trading under the name and style of Planters Warehouses; Sherrod N. Landon, J. W. Moore, E. G. Anderson, J. E. Godwin, Beverly G. Connor, W. G. Maples, members of Asheville Tobacco Board of Trade, Inc., individually and as officers, directly or through any corporate or other device, in connection with procuring, purchasing, offering to purchase, selling or offering for sale leaf tobacco, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from devising, adopting, using, adhering to, maintaining or cooperating in the carrying out of any plan, system, method, policy or practice which:

1. Allots selling time to new entrant warehouses on the Asheville tobacco market on any basis or in any manner which refuses to give any credit to the size and capacity of a new entrant in excess of the average size and capacity of all the warehouses in the market;

2. Limits the possible gain or loss in selling time allotted to any warehouse for any one selling season to 3½% of the selling time allotted to such warehouse for the preceding selling season; or

3. Has the purpose or effect of foreclosing or preventing a new entrant warehouse on the Asheville tobacco market, or any other warehouse doing business on that market, from competing therein.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this modified order to cease and desist, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied therewith.

Issued: February 19, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6561; Filed, July 5, 1962; 8:52 a.m.]

[Docket C-83]

PART 13—PROHIBITED TRADE PRACTICES

Jan Originals, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1255 *Manufacture or preparation:* § 13.1255-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1865 *Manufacture or preparation:* § 13.1865-40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Jan Originals, Inc., et al., New York, N.Y., Docket C-83, Feb. 21, 1962]

In the Matter of Jan Originals, Inc., a Corporation, and Sam Brown and Sam Soifer, Individually and as Officers of Said Corporation

Consent order requiring New York City furriers to cease violating the Fur Products Labeling Act by labeling fur products falsely to show that the fur contained therein was natural, and failing to disclose on labels and invoices that certain furs were artificially colored.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Jan Originals, Inc., a corporation, and its officers, and respondents Sam Brown and Sam Soifer, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of any fur product which has been made in whole or in part of fur which has been shipped and received in commerce; as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Representing directly or by implication on labels that the fur contained in fur products is natural, when such is not the fact.

B. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 21, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6562; Filed, July 5, 1962; 8:52 a.m.]

[Docket C-81]

PART 13—PROHIBITED TRADE PRACTICES

Janice Juniors, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* § 13.1053-30 *Flammable Fabrics Act.* Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Janice Juniors, Inc., et al., New York, N.Y., Docket C-81, Feb. 21, 1962]

In the Matter of Janice Juniors, Inc., a Corporation, and Nat Rolfe and Phil Rolfe, Individually and as Officers of Said Corpration

Consent order requiring New York City manufacturers to cease violating the Flammable Fabrics Act by selling in commerce dresses which were so highly flamamble as to be dangerous when worn, and furnishing customers with a false guaranty that the required tests were made and showed the dresses not to be highly flammable.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Janice Juniors, Inc., a corporation, and its officers, and respondents Nat Rolfe and Phil Rolfe, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

1. (a) Importing into the United States; or

(b) Manufacturing for sale, selling, offering for sale, introducing, delivering for introduction, transporting or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce;

any article of wearing apparel which, under the provisions of the Section 4 of the Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

2. Manufacturing for sale, selling, or offering for sale any article of wearing apparel made of fabric, which fabric has been shipped or received in commerce, and which under Section 4 of the Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

3. Furnishing to any person a guaranty with respect to any article of wearing apparel which respondents, or any of them, have reason to believe may be introduced, sold or transported in commerce, which guaranty represents, contrary to fact, that reasonable and representative tests made under the procedures provided in Section 4 of the Flammable Fabrics Act, as amended, and the Rules and Regulations thereunder, show and will show that the article of wearing apparel covered by the guaranty, is not, in the form delivered or to be delivered by the guarantor, so highly flammable under the provisions of the Flammable Fabrics Act as to be dangerous when worn by individuals, provided, however, that this prohibition shall not be applicable to a guaranty furnished on the basis of, and in reliance upon, a guaranty to the same effect received by respondents in good faith signed by and containing the name and address of the person by whom the fabric contained in the said article of wearing apparel was manufactured or from whom it was received.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 21, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6563; Filed, July 5, 1962; 8:52 a.m.]

[Docket C-80]

PART 13—PROHIBITED TRADE PRACTICES

Pierce Oil & Refining Co., et al.

Subpart—Misbranding or mislabeling: § 13.1220 *Guarantees;* § 13.1265 *Old, secondhand, reclaimed, or reconstructed product as new.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1880 *Old, used, or reclaimed as unused or new.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Pierce Oil & Refining Company et al., Springfield, Ill., Docket C-80, Feb. 21, 1962]

In the Matter of Pierce Oil & Refining Company, a Corporation, Springfield Refinoil Company, a Corporation, and Perry W. Pierce and Twylah M. Pierce, Individually and as Officers of Said Corporations, and Perry W. Pierce, Individually and Trading as Sorco Oil & Refining Company, as Springfield Refinoil Company, and as Perry W. Pierce

Consent order requiring Springfield, Ill., concerns engaged in the sale to the public of reclaimed lubricating oil obtained from motor crankcase drainings, to cease selling their said product in the same kind of containers as those used for new and unused oil, with no markings to indicate its reprocessed nature, which furthered the deception by the words "crude" and "a perfected blend" printed thereon; and to cease similar deceptive use of the word "guaranteed".

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, Pierce Oil & Refining Company, a corporation, Springfield Refinoil Company, a corporation, and their officers, and Perry W. Pierce and Twylah M. Pierce, individually and as officers of said corporations, and Perry W. Pierce, individually and trading as Sorco Oil & Refining Company, as Springfield Refinoil Company and as Perry W. Pierce, or under any other name, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of lubricating oil, do forthwith cease and desist from:

1. Advertising, offering for sale or selling, any lubricating oil which is composed in whole or in part of oil which has been reclaimed or in any manner

processed from previously used oil, without disclosing such prior use to the purchaser or potential purchaser in the advertising and sales promotion material, and by a clear and conspicuous statement to that effect on the front panel or front panels on the container.

2. Representing in any manner that lubricating oil composed in whole or in part of oil that has been manufactured, reprocessed or re-refined from oil that has been previously used for lubricating purposes, has been manufactured from oil that has not been previously used.

3. Representing, directly or by implication, that their products are guaranteed, unless the name of the guarantor is disclosed and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 21, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6564; Filed, July 5, 1962; 8:53 a.m.]

[Docket C-77]

PART 13—PROHIBITED TRADE PRACTICES

Swiss Laboratory Inc. and Leon W. Diamond

Subpart—Advertising falsely or misleadingly: § 13.110 *Indorsements, approval and testimonials;* § 13.135 *Nature of product or service;* § 13.170 *Qualities or properties of product or service:* § 13.170-58 *Non-irritating;* § 13.195 *Safety:* § 13.195-60 *Product.* Subpart—Claiming or using indorsements or testimonials falsely or misleadingly: § 13.330 *Claiming or using indorsements or testimonials falsely or misleadingly:* § 13.330-45 *Health authorities, hospitals, nursing profession, etc.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1890 *Safety.* Subpart—Using misleading name—Goods: § 13.2315 *Nature.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Swiss Laboratory Inc., et al., Cleveland, Ohio, Docket C-77, Feb. 14, 1962]

In the Matter of Swiss Laboratory Inc., a Corporation, and Leon W. Diamond, Individually and as an Officer of Said Corporation

Consent order requiring Cleveland, Ohio, distributors of—among other things—plastic metal menders designated "Black Magic" and "Black Jack" to jobbers for resale to autobody repair shops and automotive supply chains, to cease representing falsely in advertisements in magazines, in form letters and on labels, and otherwise, that the substances used in their metal menders were non-toxic and would not cause itching; that their said "Black Magic" metal mender was endorsed by a shop nurse; and that their said "Black Jack" product was a solder; and requiring them to label their products with warnings of dangers attendant on use thereof.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Swiss Laboratory Inc., a corporation, and its officers, and respondent Leon W. Diamond, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the manufacturing, advertising and offering for sale, sale and distribution of plastic metal menders designated "Black Magic", and "Black Jack", or any other product or products of similar composition or possessing substantially similar properties under whatever name sold, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That such products are nontoxic or will not cause itching or skin irritation.

(b) That the product designated "Black Magic" has been endorsed by a nurse or representing, contrary to fact, that said product has been endorsed or approved by any other person or organization.

2. Using the word "solder" to describe any product which is not a metallic compound or otherwise misrepresenting the composition of the product.

3. Failing to include on the label on the container for the putty the following statements:

CAUTION: Keep out of reach of children. If taken internally, induce vomiting; consult physician. Avoid prolonged or repeated contact with skin. In case of contact, flush skin with water.

4. Failing to include on the label on the container for the cream hardener the following statements:

CAUTION: Keep away from heat or flame. Keep out of reach of children. If taken internally, induce vomiting; consult physician. Avoid prolonged or repeated contact with skin. In case of contact, flush skin with water.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in whch they have complied with this order.

Issued: February 14, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6565; Filed, July 5, 1962; 8:53 a.m.]

[File No. 21-437]

PART 60—METALLIC WATCH BAND INDUSTRY

Deception as to Origin or Place of Manufacture

The language of the Note following § 60.4 (Rule 4) appearing in the FEDERAL REGISTER for Saturday, June 30, 1962 (F.R. Docket No. 62-6377) (27 F.R. 6205) is hereby amended as follows:

The phrase following the semicolon in the Note to § 60.4 (Rule 4) which now reads "and if such marking or stamping is concealed or obscured by packaging of the product, or by the manner in which it is mounted in a container or on a display card," is hereby stricken and replaced with the following phrase "and if such industry product is packaged, or mounted in a container, or on a display card,".

As amended, the Note reads as follows:

NOTE: The disclosure required by paragraph (b) of this section shall be in the form of a legible marking or stamping on the industry product, or on a label or tag affixed thereto, which is of such degree of permanency as to remain on or attached to the product, in legible form, until consummation of the consumer sale thereof, and of such conspicuousness as to be likely observed and read by purchasers and prospective purchasers making casual inspection of the product; and if such industry product is packaged, or mounted in a container, or on a display card, and is offered for consumer sale in such form, then the marking or stamping shall also appear on the front or face of such packaging, container, or display card, and be so positioned as to clearly have application to the product so packaged or mounted, and shall also be of such degree of permanency as to remain thereon until consummation of consumer sale of the product, and of such conspicuousness as to be likely observed and read by purchasers and prospective purchasers making casual inspection of the product as so packaged or mounted. The disclosure shall name the foreign country of origin or manufacture, and when not applicable to the entire product shall specify the part or parts to which it has applicability.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6580; Filed, July 5, 1962; 8:56 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Docket No. R-219]

PART 1—RULES OF PRACTICE AND PROCEDURE

Answers to Petitions for Rehearing; Correction

JUNE 28, 1962.

Order No. 251, Miscellaneous Amendments (18 CFR 1.8, 1.34, 157.28), issued June 18, 1962 and published in the FEDERAL REGISTER June 19, 1962 (F.R. Doc. 62-5931; 27 F.R. 5766).

In paragraph (d), added to § 1.34 by item 2, change the last sentence to read "All such responses shall • • •" instead of "All such petitions shall • • •".

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62-6557; Filed, July 5, 1962; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter VII of this title is amended as follows:

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 805—SAFEGUARDING MILITARY INFORMATION

§§ 805.7, 805.8 [Rescinded]

In Part 805, §§ 805.7 and 805.8 are rescinded.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012) [AFR 205-1C, December 18, 1961]

SUBCHAPTER G—PERSONNEL

PART 878—DECORATIONS AND AWARDS

1. Former §§ 878.86 to 878.90 are deleted and the following inserted therefor:

CERTIFICATE OF HONORABLE SERVICE AND GOLD STAR LAPEL BUTTON

Sec.
878.100 Purpose.
878.101 Certificate of honorable service.
878.102 Gold star lapel button.

AUTHORITY: §§ 878.100 to 878.102 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2, 3 and 4, 61 Stat. 710, as amended; 36 U.S.C. 182a-182d.

SOURCE: AFR 30-9, May 28, 1962.

CERTIFICATE OF HONORABLE SERVICE AND GOLD STAR LAPEL BUTTON

§ 878.100 Purpose.

Sections 878.100 to 878.102 state the procedures for awarding certificates of honorable service and the gold star lapel button to next of kin of military personnel.

§ 878.101 Certificate of honorable service.

This certificate is a testimonial of honest and faithful service which is signed by the Secretary of the Air Force and awarded to the next of kin of those who die in line of duty in time of peace while honorably serving on active duty with the Air Force.

§ 878.102 Gold star lapel button.

This lapel button is made up of a gold star one-fourth inch in diameter mounted on a purple disc three-fourths inch in diameter. The star is surrounded by gold laurel leaves in a wreath five-eighths inch in diameter. The opposite side bears the inscription, "United States of America, Act of Congress, August 1947," and has space for engraving the recipient's initials. It has either a pin or clutch type fastening device.

(a) *Origin of lapel button.* The Gold Star Lapel Button is awarded to widows, widowers, parents, and certain other relatives of members of the United States Armed Forces who lost their lives in the armed services of the United States during World War I (April 6, 1917 to March 3, 1921); World War II (September 8, 1939 to July 25, 1947 at 12 o'clock noon); Korean Operation (June 27, 1950 to July 27, 1954). It also may be awarded to the next of kin of members who lose their lives during any future war or period of armed hostilities in which the United States may be engaged.

(1) Initial issue (without cost): One Gold Star Lapel Button is furnished without cost to the widow or widower (remarried or not), and to each parent (mother, father, stepmother, stepfather, mother through adoption, father through adoption, and foster parents who stood in loco parentis).

(2) Initial issue (at cost): One button is furnished, at cost, to each child, brother, sister, half-brother, half-sister, step-child, and adopted child.

(3) Replacements: Relatives may obtain, at cost, replacements for Gold Star Lapel Buttons that have been lost, destroyed or made unfit for use through no fault or neglect of the persons to whom they were furnished.

(4) Source of supply: Gold Star Lapel Buttons, either the initial issue or replacement, may be obtained by writing to: General Services Administration, Air Force Branch, Military Personnel Records Center, 9700 Page Boulevard, St. Louis 32, Missouri.

(b) *Penalty for fraudulent use.* The law specifies that: "Whoever shall (1) wear, display on his person, or otherwise use as an insignia, any Gold Star Lapel Button issued to another person under the provisions of the law; (2) falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or aid in falsely making, forging, or counterfeiting any lapel button authorized by law; or (3) sell or bring into the United States, or any place subject to the jurisdiction thereof, from any foreign place, or have in his possession any such false, forged, or counterfeited lapel buttons, shall be fined not more than $1,000 or imprisoned not more than two years, or both."

PART 881—PERSONNEL REVIEW BOARDS

2. Former §§ 881.100 to 881.109 are deleted and the following inserted therefor:

AIR FORCE DISCHARGE REVIEW BOARD

Sec.
881.100 Organization and purpose.
881.101 Jurisdiction and authority.
881.102 Application for review.
881.103 Convening the Board.
881.104 Procedures for hearings.
881.105 Findings and conclusions.
881.106 Disposition of proceedings.

AUTHORITY: §§ 881.100 to 881.106 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 72 Stat. 1267, 10 U.S.C. 1553.

SOURCE: AFR 20-10, May 25, 1962.

AIR FORCE DISCHARGE REVIEW BOARD

§ 881.100 Organization and purpose.

The Air Force Discharge Review Board (hereinafter called the "Board") is a part of the Secretary of the Air Force Personnel Council, and is administered and supervised by the Director of that Council. It is an administrative agency which, on its own motion or at the request of former military members (or their appropriate agents), reviews the type and nature of discharges or dismissals from service unless the separations resulted from sentences of general courts-martial.

§ 881.101 Jurisdiction and authority.

The Board has jurisdiction and authority in cases of former military personnel who, at the time of their separation from the service, were members of the U.S. Army aviation components (Aviation Section, Signal Corps; Air Service; Air Corps; or Air Forces) or the U.S. Air Force. The Board does not have jurisdiction and authority concerning personnel of other arms and services who, at the time of their separation, were assigned to duty with the Army Air Forces or the U.S. Air Force.

(a) The Board determines whether the type of discharge or dismissal the former service man or woman received was equitably and properly given and, if not, instructs the Director of Administrative Services (AFCAS), for enlisted personnel, or the Director of Military Personnel (AFPMP), for officers and warrant officers, to adjust the discharge or dismissal in accordance with the facts presented to the Board. The Board's findings are subject to review only by the Secretary of the Air Force.

(b) The Board is not authorized to revoke any discharge or dismissal, to reinstate any person in the military service subsequent to his separation, or to recall any person to active duty.

(c) The Board may on its own motion consider a case, which appears likely to result in a decision favorable to the former military member, without his knowledge or presence. If the decision is favorable, the Board directs AFCAS or AFPMP to notify the former member at his last known address. If the decision is unfavorable, the Board returns the case to the files without record of formal action. It will reconsider the case without prejudice if the former member subsequently files an application for review.

(d) The Board does not reconsider a case after it has rendered a formal decision unless new, pertinent, and material evidence is found which might change the original decision. If new evidence is discovered, the former member (or his appropriate agent) may request a rehearing. The request for rehearing must be written (a letter is permissible) and be submitted within a reasonable time. It must include the new evidence and show that (1) The applicant diligently tried to obtain and present all available evidence at the original hearing and (2) the delay in discovering the new evidence was not the applicant's fault.

§ 881.102 Application for review.

The Air Force must receive applications for review within 15 years after the effective date of the former member's discharge or dismissal.

(a) The former member (or his appropriate agent) will submit (see paragraph (c) of this section) a single copy

of DD Form 293, "Application for Review of Discharge or Separation from the Armed Forces of the United States," and supporting affidavits and other evidence. The application must show:

(1) Member's full name, grade, and service number.

(2) Organization or assignment at date of separation.

(3) Date and place of separation.

(4) Type and nature of the discharge or dismissal.

(5) Basis of the claim for review.

(6) Conclusive action desired of the Board.

(7) Whether the applicant desires:

(i) To appear personally before the Board.

(ii) To be represented by counsel before the Board; if so, the name and address of the designated counsel.

(8) Mail address for receipt of correspondence concerning the review.

(b) The spouse, next of kin, or legal representative of a former member may request the review as agent for the member, but proof of the member's death or mental incompetency must accompany the request.

(c) Applicants will forward their requests for review as follows:

(1) Enlisted personnel: Mail to Air Force Branch, General Services Administration, 9700 Page Boulevard, St. Louis 32, Mo.

(2) Officers and Warrant Officers: Mail to Hq USAF (AFPMP-4B), Washington 25, D.C.

(d) The agency receiving an application for review assembles the originals or official copies of all available military records pertaining to the former service man or woman and transmits the records, application, and supporting documents to the Board.

§ 881.103 Convening the Board.

(a) The president convenes, recesses, and adjourns the Board. If the president is absent, the next senior member acts as president.

(b) The president indicates the time and place the Board will convene, usually in Washington, D.C.

(c) The Board assembles in either open or closed session to consider cases presented to it. It considers cases in closed session when the applicant has not asked to appear in person or to have properly designated counsel appear in his behalf, or when applicant fails to appear when scheduled. Such cases are decided on the basis of documentary evidence, including briefs submitted by or for the applicant.

§ 881.104 Procedures for hearings.

(a) *Applicant's rights.* The law entitles the applicant for a review to appear, at his request, before the Board in open session either in person or by counsel of his own selection, and to present such witnesses as he may desire. In §§ 881.100 to 881.106, "counsel" includes members in good standing of the Federal or a State bar, accredited representatives of veterans organizations recognized by the Veterans' Administration under section 200 of the Act of June 29, 1936 (38 U.S.C. 3402), and any other person the Board considers to be competent to present the applicant's claim equitably and comprehensively. The Government does not pay expenses or compensation of the applicant's witnesses or counsel. The applicant may submit any documents he wishes as evidence for the Board's consideration. Such documents may include, but are not limited to, police clearances, character references, and statements by employers.

(1) When an applicant has requested a personal appearance, the Board will send him (and his designated counsel, if any) written notice of the hearing time and place. The notice will be mailed at least 30 days before the hearing date. If the applicant wishes he may waive the time limit and in such case the Board may set an earlier hearing date. Evidence will be placed in the record to show how and when the notice was given.

(2) If an applicant has requested a personal appearance and, after being notified of the hearing time and place, fails to appear at the appointed time, either in person or by counsel, he waives his right to be present.

(b) *Board actions.* The Board conducts hearings in a way to insure full and fair inquiries. Applicants or their counsel will not be allowed access to any classified reports of investigation or any document received from the Federal Bureau of Investigation. When necessary to inform an applicant about the substance of such a document, the Board requests an appropriate official to prepare a summary of or extract from the document without including references to sources of information and other matter that would be detrimental to public interest if disclosed. The summary may be made available, with or without classification, to the applicant or his counsel.

(c) The Board, in conducting its inquiries, is not limited by the rules of evidence applicable in judicial proceedings.

(d) Witnesses may testify either in person under oath or by affidavit. If a witness testifies under oath, he is subject to examination by Board members. At the request of applicant or his counsel, and at the discretion of the Board, witnesses may be allowed to make unsworn statements in respondent's behalf, in which case they will not be examined by Board members.

(e) The Board may continue a hearing on its own motion or, at its discretion, grant an applicant's (or his counsel's) request for continuance if this appears necessary to insure a full and fair hearing.

(f) The Board, at its discretion and for good cause, may permit an applicant to withdraw his request without prejudice at any time before the Board begins its deliberations.

§ 881.105 Findings and conclusions.

(a) The Board, in closed session, prepares written findings and conclusions in each case. The conclusions state whether the Air Force should correct the discharge or dismissal. Corrective action cannot exceed the Board's jurisdiction (see § 881.101).

(b) The Board's findings and conclusions constitute those of a majority of its members.

§ 881.106 Disposition of proceedings.

(a) When the Board has concluded its proceedings in any case, the recorder prepares a complete record. The record includes the application for review; a transcript of the hearing, if any; documentary evidence considered; the findings, conclusions, and directions (see § 881.101); minority reports of dissenting Board members; and all other documents necessary to a true and complete history of the proceedings. The Board president signs the record and the recorder authenticates it as true and complete. If the recorder is absent or incapacitated, a voting member of the Board may authenticate the record.

(b) The Board transmits a record of its proceedings, including a transcript of testimony, and directions in each case to either AFCAS (for enlisted personnel) or AFPMP (for officers and warrant officers). The pertinent office administratively carries out the Board's directions and reports the results to the applicant (and/or his counsel, if any). The applicant, his guardian, or legal representative, may request in writing the appropriate office to furnish a copy of the Board proceedings, findings, and conclusions. Information that appears to be potentially injurious to the applicant's physical or mental health is furnished only to his guardian or legal representative.

(c) Unclassified records of Board proceedings are open to perusal by the Administrator of Veterans Affairs or his authorized representative.

PART 887—APPOINTMENT OF OFFICER PERSONNEL

3. In § 887.2, paragraphs (a) and (c) are revised to read as follows:

§ 887.2 Grade determination.

(a) *Service credit—(1) Professional service date.* Doctors of medicine and dentistry will be given a professional service date based upon their date of graduation from medical or dental school.

(2) *Promotion list service date.* The promotion list service date will be determined by subtracting 4 years from the professional service date determined in subparagraph (1) of this paragraph. For example, if the professional service date (date of graduation from medical or dental school) is June 1, 1962, the promotion list service date would be June 1, 1958.

(3) *Promotion list service credit.* The promotion list service credit will be determined by subtracting the promotion list service date from date of appointment. For example, if the promotion list service date is July 1, 1948, and the person was appointed on July 1, 1958, his promotion list service credit would be 10 years.

(i) Notwithstanding any other provision of law, a person who was a cadet at the United States Air Force Academy or the United States Military Academy, or a midshipman at the United States Naval Academy, may not be originally appointed in a commissioned grade in the Regular Air Force before the date on which his classmates at the academy are graduated and appointed as officers.

(ii) A person who was enrolled at an academy but did not graduate may not be credited upon appointment as a commissioned officer of the Regular Air Force with longer service than that credited to any member of his class at that academy whose service in the Air Force, or in the Army and the Air Force, has been continuous since graduation.

* * * * * *

(c) *Temporary grade.* (1) Medical and dental officers initially appointed in the permanent grade of first lieutenant will also be appointed in the temporary grade of captain with date of rank on date of graduation. The temporary grade of captain will be effective on the active duty date.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 10 U.S.C. 8284, 8294) [AFR 36-21A, July 1, 1962]

By order of the Secretary of the Air Force.

CARROLL W. KELLEY,
Lieutenant Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 62-6538; Filed, July 5, 1962; 8:45 a.m.]

REDESIGNATION OF SUBCHAPTERS AND PARTS

1. Subchapter I, Parts 895 and 896, is redesignated Subchapter T, Parts 970 and 971, respectively.

2. Subchapter J is redesignated Subchapter W, part numbers to remain unchanged.

By order of the Secretary of the Air Force.

CARROLL W. KELLEY,
Lieutenant Colonel, U.S. Air Force, Chief Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 62-6535; Filed, July 5, 1962; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

MISCELLANEOUS AMENDMENTS

1. In § 3.350(f)(4), subdivision (ii) is added to read as follows:

§ 3.350 Special monthly compensation ratings.

* * * * * *

(f) *Intermediate rates; 38 U.S.C. 314(p).* * * *

(4) *Additional independent 100 percent ratings.* * * *

(ii) The graduated ratings for arrested tuberculosis (38 U.S.C. 356) will not be utilized in this connection, but the permanent residuals of tuberculosis may be utilized.

2. In § 3.371, paragraph (b) is amended to read as follows:

§ 3.371 Criteria for presumptive wartime service connection for tuberculous disease.

* * * * * *

(b) *Pleurisy with effusion without obvious cause.* Pleurisy with effusion with evidence of diagnostic studies ruling out obvious nontuberculous causes will qualify as active tuberculosis. The requirements for presumptive service connection will be the same as those for tuberculous pleurisy.

3. In § 3.374, paragraph (d) is added to read as follows:

§ 3.374 Effect of diagnosis of active tuberculosis.

* * * * * *

(d) *Preexistence of tuberculosis.* Active pulmonary tuberculosis diagnosed by approved methods will be held to have preexisted the diagnosis 6 months in minimal (incipient) cases, 9 months in moderately advanced cases and 12 months in far advanced cases.

4. In § 3.375, paragraph (b) is amended and paragraph (c) is added to read as follows:

§ 3.375 Determination of "complete arrest" (inactivity) in tuberculosis.

* * * * * *

(b) *Nonpulmonary disease.* Determination of complete arrest of nonpulmonary tuberculosis requires absence of evidence of activity for 6 months. If there are two or more foci of such tuberculosis, one of which is active, the statutory award for arrest will not be made until the tuberculous process has reached arrest in its entirety.

(c) *Arrest following surgery.* (1) Where there has been surgical excision of the lesion or organ, the date of complete arrest will be the date of discharge from the hospital, or 6 months from the date of excision, whichever is later.

(2) Following thoracoplasty performed in connection with the collapse therapy for a treatment of an active lesion as opposed to the situation where there has been surgical excision, the statutory ratings for inactive tuberculosis will not be applied until expiration of 1 year, notwithstanding a diagnosis of other than active tuberculosis within the year.

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective July 6, 1962.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 62-6601; Filed, July 5, 1962; 9:00 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER E—FELLOWSHIPS, INTERNSHIPS, TRAINING

PART 61—FELLOWSHIPS

Dependency Allowances; Payment of Entire Award to the Institution; Establishment of Uniform Allowance

The following amendments to the fellowship regulations provide expressly for allowances for dependents, payment of the entire fellowship award directly to the institution, and establishment of a uniform allowance to be paid to the training institution. Notice of proposed rule making, public rule making procedures and delay in effective date are omitted since the amendments relate exclusively to fellowships.

§ 61.9 [Amendment]

1. Amend § 61.9(a) by inserting "and a dependency allowance" after "stipend".

2. Amend § 61.10 to read as follows:

§ 61.10 Tuition and other expenses.

Allowances may be granted for tuition and related fees as authorized by the Surgeon General. Payment of such allowances and benefits under § 61.9 may be made directly to the institution concerned. The Surgeon General may establish a uniform allowance to be paid to the training institution in lieu of tuition, fees and expenses of the institution.

3. These amendments shall be effective immediately upon publication in the FEDERAL REGISTER.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply secs. 301(c), 402(d), 58 Stat. 686, as amended, 692, 707, secs. 412, 422, 62 Stat. 465, 598, Sec. 433, 64 Stat. 444, sec. 4, 70 Stat. 499; 42 U.S.C. 209(g), 241(c), 282(d), 287a, 288a, 289c, 33 U.S.C. 466c)

Dated: June 22, 1962.

[SEAL] LUTHER L. TERRY,
Surgeon General.

Approved: June 29, 1962.

ABRAHAM A. RIBICOFF,
Secretary.

[F.R. Doc. 62-6595; Filed, July 5, 1962; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2715]

[Nevada 048015]

NEVADA

Withdrawing Lands for Reclamation Purposes (Washoe Project)

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32

Stat. 388; 43 U.S.C. 416), it is ordered as follows:

Subject to valid existing rights, the following-described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the Bureau of Reclamation, Department of the Interior, for reclamation purposes in connection with the Washoe Project authorized by the Act of August 1, 1956 (70 Stat. 775; Public Law 858, 84th Cong., 2d Session):

MOUNT DIABLO MERIDIAN

T. 11 N., R. 20 E.,
Sec. 1;
Sec. 2, E½ of lots 1 and 2 of NW¼, NE¼, S½SW¼, N½SE¼, and SE¼SE¼;
Sec. 4, lot 1 of NW¼ and SW¼;
Sec. 5, E½ of lot 2 of NE¼;
Sec. 9, lots 1, 2, 4, NW¼, and SE¼;
Sec. 10, SW¼NW¼, W½SW¼, and E½SE¼;
Sec. 11, NE¼NE¼, W½E½, and W½;
Sec. 12, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 13, E½, E½W½, SW¼NW¼, and SW¼SW¼;
Sec. 14, NE¼, N½SE¼, and SW¼SE¼;
Sec. 24, N½;
Sec. 26, that portion of tract 51 in the State of Nevada containing 45.70 acres.
T. 12 N., R. 20 E.,
Sec. 12, S½S½;
Sec. 13, N½, N½S½, and S½SW¼;
Sec. 23, SW¼SW¼;
Sec. 25, S½NE¼ and SE¼;
Sec. 26, SE¼NE¼, NW¼, NE¼SE¼, and S½SE¼;
Sec. 27, NE¼, NE¼NW¼, S½NW¼, and SW¼;
Sec. 28, SE¼;
Sec. 33, NE¼, N½SE¼, and SE¼SE¼;
Sec. 35, E½NE¼, W½E½, and E½W½;
Sec. 36, E½, NE¼NW¼, S½NW¼, and SW¼.
T. 13 N., R. 20 E.,
Sec. 24, NE¼;
Sec. 25, S½NW¼ and SW¼;
Sec. 36, N½N½.
T. 14 N., R. 20 E.,
Sec. 21, NE¼, N½SE¼, and SE¼SE¼.
T. 11 N., R. 21 E.,
Sec. 6, lots 4 and 5.
T. 12 N., R. 21 E.,
Sec. 31.

The areas described, including the public and national forest lands, aggregate 9,066.42 acres, of which 45.70 acres are national forest lands in the Toiyabe National Forest.

The public lands shall be administered by the Bureau of Land Management, and the national forest lands by the Forest Service, until such time as they or any portion thereof are needed for project works or irrigation purposes.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JUNE 29, 1962.

[F.R. Doc. 62-6573; Filed, July 5, 1962; 8:55 a.m.]

[Public Land Order 2716]

WYOMING

Partly Revoking Reclamation Withdrawals

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental orders of April 29, 1937, and February 16, 1909, and any other order or orders which withdrew lands for reclamation purposes under the provisions of the act of June 17, 1902, supra, are hereby revoked so far as they affect the following described lands:

(a) [Wyoming 069572]

Order of April 29, 1937:

SIXTH PRINCIPAL MERIDIAN

T. 47 N., R. 118 W.,
Sec. 3, lots 4, 5, and 6;
Sec. 4, lots 1, 2, E½SW¼NE¼, SE¼NE¼, E½SE¼SW¼, E½NW¼SE¼, NE¼SE¼, and S½SE¼;
Sec. 9, NE¼.

Containing 536.67 acres.

(b) [Wyoming 0157270]

Order of February 16, 1909:

SIXTH PRINCIPAL MERIDIAN

T. 52 N., R. 104 W.,
Sec. 24, NE¼.

Containing approximately 160 acres.

2. The lands described in subparagraph (a) above are national forest lands in the Targhee National Forest. They are in part withdrawn by Public Land Order No. 1923 of July 23, 1959, for the Squirrel Meadows Administrative Site. The lands in subparagraph (b) are located in Park County, some 16 miles west-southwest of Cody, Wyoming.

3. At 10:00 a.m. on August 4, 1962, the national forest lands shall be open to such forms of disposition as may by law be made of national forest lands.

4. Subject to valid existing rights and equitable claims, the provisions of existing withdrawals, and the requirements of applicable law, rules, and regulations, the public lands released from withdrawal by this order are hereby opened to filing of applications, selections, and locations in accordance with the following:

(a) Until 10:00 a.m. on December 28, 1962, the State of Wyoming shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR.

(b) All valid applications and selections under the nonmineral public land laws other than any from the State of Wyoming presented prior to 10:00 a.m. on December 28, 1962, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

(c) The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws at 10:00 a.m. on December 28, 1962.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims, must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyoming.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JUNE 29, 1962.

[F.R. Doc. 62-6574; Filed, July 5, 1962; 8:55 a.m.]

[Public Land Order 2717]

[Nevada 047972]

NEVADA

Partly Revoking Stock Driveway Withdrawal (Stock Driveway Withdrawal No. 54, Nevada No. 10)

By virtue of the authority vested in the Secretary of the Interior by section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The departmental order of January 16, 1919, which created Stock Driveway Withdrawal No. 54, Nevada No. 10, so far as it affects the following described lands is hereby revoked:

MOUNT DIABLO MERIDIAN

T. 11 N., R. 36 E.,
Sec. 5, lots 3, 4, and S½NW¼.
T. 12 N., R. 36 E.,
Sec. 29;
Sec. 32, W½.

The areas described aggregate approximately 1,120.56 acres.

2. The lands released from withdrawal by this order are hereby restored to the operation of the public land laws, effective at 10:00 a.m. on August 4, 1962, subject to any valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals.

3. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws pursuant to the regulations in 43 CFR 185.35, 185.36.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JUNE 29, 1962.

[F.R. Doc. 62-6575; Filed, July 5, 1962; 8:55 a.m.]

[Public Land Order 2718]

[Fairbanks 020938]

ALASKA

Revoking Public Land Order No. 2092 of May 23, 1960

By virtue of the authority contained in the Act of May 31, 1938 (52 Stat. 593; 48 U.S.C. 353a); it is ordered as follows:

Public Land Order No. 2092 of May 23, 1960, which withdrew the following-described public lands in Alaska under the jurisdiction of the Bureau of Indian Affairs for school purposes is hereby revoked:

BARROW

Beginning at W.C.M.C. Corner No. 1 of Tract A, U.S. Survey 2244; thence South 13°02' E., 1,450.08 feet to a point; thence South 60° West 1,177.42 feet to the true point of beginning; thence N. 30° W., 320 feet; S. 60° W., 335 feet; S. 30° E., 200 feet; S. 60° W., 200 feet; S. 25° E., 692.64 feet; N. 60° E., 595.37 feet; N. 30° W., 570 feet to the true point of beginning.

The tract described contains 10.49 acres.

The lands are included in the withdrawal made by Executive Order No. 3797-A of February 27, 1923, for a Naval Petroleum Reserve.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JUNE 29, 1962.

[F.R. Doc. 62-6576; Filed, July 5, 1962; 8:55 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Klamath Forest National Wildlife Refuge, Oregon

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 **Special regulations; sport fishing; for individual wildlife refuge areas.**

OREGON

KLAMATH FOREST NATIONAL WILDLIFE REFUGE

Sport fishing on the Klamath Forest National Wildlife Refuge, Oregon, is permitted only on the areas designated by signs as open to fishing. This open area is delineated on a map available at the refuge headquarters, Tule Lake National Wildlife Refuge, Tulelake, California, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon.

Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Bullheads and other minor species as permitted under State regulations.

(b) Open season: Bullheads—open entire year; minor species as prescribed by State regulations. Fishing hours: 1 hour before sunrise to 1 hour after sunset.

(c) Daily creel limits: Bullheads—100 fish in the aggregate but not more than 50 lbs. per day. Minor species as per State regulations.

(d) Methods of fishing:

1. Tackle: Line or rod and line in hand or closely attended.

2. Bait: Fish, living or dead, or parts thereof, except salmon eggs, may not be used for bait.

3. Boats: The use of boats is prohibited.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective to April 21, 1963.

J. T. BARNABY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 27, 1962.

[F.R. Doc. 62-6566; Filed, July 5, 1962; 8:53 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 10—PUBLIC SAFETY RADIO SERVICES

Miscellaneous Amendments

The Commission, having under consideration amendment of Part 10 of the rules governing the Public Safety Radio Services, to effect the editorial changes described below;

It appearing, that references to the now non-existent Civil Aeronautics Administration should be deleted and its successor agency, the Federal Aviation Agency, substituted; and

It further appearing, that, because of previous rule changes, the frequency allocation for mobile relay stations now appearing in the Special Emergency Radio Service Rules is incorrect; and

It further appearing, that the changes ordered herein make no substantive change, and, being editorial in nature, the prior public notice and effective date provisions of the Administrative Procedures Act are not applicable; and

It further appearing, that the amendments adopted herein are issued pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Delegations of Authority;

It is ordered, This 29th day of June 1962, that effective June 29, 1962, Part 10 is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: July 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 10.159(c) is amended to read as follows:

§ 10.159 **Inspection and maintenance of tower marking and associated control equipment.**

* * * * * * *

(c) Shall report immediately by telephone or telegraph to the nearest Flight Service Station or office of the Federal Aviation Agency any observed or otherwise known failure of a code or rotating beacon light or top light not corrected within thirty minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

2. In § 10.161(e)(3), subdivisions (iv) and (v) are amended to read as follows:

§ 10.161 **Content of station records.**

* * * * * * *

(e) * * *
(3) * * *

(iv) Identification of the Flight Service Station (FAA) notified of the failure of any code or rotating beacon light or top light not corrected within thirty minutes, and the date and time such notice was given.

(v) Date and time notice was given to the Flight Service Station (FAA) that the required illumination was resumed.

3. The introductory text of § 10.462(h) is amended to read as follows:

§ 10.462 **Frequencies available to the Special Emergency Radio Service.**

* * * * * * *

(h) Mobile relay stations in the Special Emergency Radio Service will be authorized only on frequencies above 952 Mc/s and only where:

[F.R. Doc. 62-6606; Filed, July 5, 1962; 9:01 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 487) has been filed by Geigy Chemical Corporation, P.O. Box 430, Yonkers, New York, proposing the issuance of a regulation to provide for the safe use of 35 parts per million of calcium disodium ethylenediamine tetraacetate as a flavor preservative in canned, carbonated soft drinks.

Dated: June 29, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-6593; Filed, July 5, 1962; 8:58 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 851) has been filed by Union Carbide Corporation, 270 Park Avenue, New York 17, N.Y., proposing the issuance of a regulation to provide for the safe use of ethylene ethyl acrylate copolymer in packaging materials, containers, and equipment which contact food.

Dated: June 29, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-6594; Filed, July 5, 1962; 8:58 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 62-EA-22]

FEDERAL AIRWAY

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6093 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 93 is designated in part from the Concord, N.H., VOR via the intersection of the Concord VOR 041° and the Augusta, Maine, VOR 239° True radials to the Augusta VOR. The Federal Aviation Agency has under consideration the alteration of this segment of Victor 93 from the Concord VOR as a 10-mile wide airway to 45 nautical miles from the Concord VOR; thence as a 12-mile wide airway to 45 nautical miles from the Augusta VOR; thence as a 10-mile wide airway to the Augusta VOR. This would provide protection for aircraft while operating along this segment of Victor 93 when more than 45 nautical miles from either the Concord or Augusta VOR's. The alignment of Victor 93 would remain unchanged.

The control areas associated with this segment of Victor 93 are so designated that they would automatically conform to the altered airway. The vertical extent of these control areas would remain as designated pending review of the adjacent airspace. Separate actions will be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 29, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-6538; Filed, July 5, 1962; 8:45 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 62-NY-5]

FEDERAL AIRWAYS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6153 and 600.6273 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airways Nos. 153 and 273 extend in part from the Georgetown, N.Y., VOR to the Syracuse, N.Y., VORTAC. The Federal Aviation Agency is proposing to reduce these segments of V-153 and V-273 from 10-mile wide airways to 8-mile wide airways to eliminate the Lakeport, N.Y., holding pattern (Intersection of the Syracuse VORTAC 100° and the Rockdale, N.Y., 325° radials) from overlying these airway segments. This would permit the simultaneous operation of aircraft in the Lakeport holding pattern and aircraft on V-153 and V-273.

The control areas associated with these segments of V-153 and V-273 would remain as designated. Separate actions would be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 29, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-6539; Filed, July 5, 1962; 8:46 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 62-SO-14]

FEDERAL AIRWAYS

Alteration of Proposal

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 62-SO-14 on April 21, 1962 (27 F.R. 3859), it was stated that the Federal Aviation Agency proposed to redesignate the Wilmington, N.C.-Cape Charles, Va., segment of VOR Federal airway No. 1503 as a 16-mile wide airway from the Wilmington VOR to the intersection of the Norfolk, Va., VOR 209° and the Cofield, N.C., VOR 101° True radials; thence as a 13-mile wide airway (8 miles to the west and 5 miles to the east of the centerline) to the Norfolk VOR; thence as a 10-mile wide airway to the Cape Charles VOR. In addition it was proposed to redesignate the Wilmington-Rocky Mount, N.C., segment of VOR Federal airway No. 1677 as a 16-mile wide airway from the Wilmington VOR direct to the Rocky Mount VOR.

Notice is hereby given that the original proposal is amended in that the segment of Victor 1503 would be redesignated from the Wilmington VOR as a 16-mile wide airway to the intersection of the Wilmington VOR 028° and the Rocky Mount VOR 135° True radials; thence 18-mile wide airway to the intersection of the Norfolk VOR 209° and the Rocky Mount VOR 110° True radials; thence 16-mile wide airway to the intersection of the Norfolk VOR 209° and the Cofield VOR 101° True radials; thence 13-mile wide airway (8 miles to the west and 5 miles to the east of the centerline) to the Norfolk VOR; thence 10-mile wide airway to the Cape Charles VOR.

This expansion of the width of Victor 1503 from the intersection of the Wilmington VOR 028° and the Rocky Mount VOR 135° True radials to the intersection of the Norfolk VOR 209° and the Rocky Mount VOR 110° True radials would assure adequate lateral protection for aircraft operating at the maximum distance from widely separated navigational aids where minute errors, either in ground or airborne equipment, could result in more than 8 statute miles deviation from the airway centerline.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to July 20, 1962.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 62-SO-14 is extended to July 20, 1962.

Communications should be submitted in triplicate to the Assistant Administrator, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 52 Fairlie St., Atlanta 3, Georgia.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 29, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-6540; Filed, July 5, 1962; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62-KC-9]

CONTROLLED AIRSPACE

Proposed Alteration of Transition Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Vandalia, Ill., transition area (§ 601.10842) is designated as that airspace extending upward from 1,200 feet above the surface within 10 miles northwest and 7 miles southeast of the Vandalia VOR 074° and 254° True radials extending from 20 miles northeast to 9 miles southwest of the VOR.

The Federal Aviation Agency has under consideration the alteration of the Vandalia transition area to include the airspace extending upward from 700 feet above the surface within a 5-mile radius of the Vandalia Municipal Airport (latitude 38°59'26" N., longitude 89°09'55" W.), and within 2 miles either side of the Vandalia VOR 183° True radial extending from the 5-mile radius area to the VOR. This would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Vandalia Airport.

The Vandalia transition area would be further altered to include the airspace south and southwest of Vandalia extending upward from 1,200 feet above the surface within a 15-mile radius of the Vandalia VOR extending clockwise from a line 7 miles southeast of and parallel to the Vandalia VOR 074° True radial to the Vandalia VOR 239° True radial, excluding the portion that would coincide with VOR Federal airway No. 12. This would provide protection for aircraft departing from the Vandalia Airport upon leaving the 700 foot portion of the transition area en route to the airway structure south and southwest of Vandalia.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 29, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-6542; Filed, July 5, 1962; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62-WE-67]

CONTROLLED AIRSPACE

Proposed Designation of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering the designation of a control zone at Marysville, Calif. The proposed control zone would be designated within a 5-mile radius of the Yuba County Airport, Marysville, Calif. (latitute 39°05'51" N., longitude 121°34'10" W.), within 2 miles either side of the 158° True bearing from the Marysville radio beacon extending from the 5-mile radius zone to 8 miles south of the radio beacon; and within 2 miles either side of the 342° True bearing from the Marysville radio beacon extending from the 5-mile radius zone to 8 miles north of the radio beacon, excluding the portion which would coincide with the Beale AFB, Calif., control zone (§ 601.2445).

The proposed control zone would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Yuba County Airport. Communication and weather reporting service will be furnished by the FAA's Marysville Flight Service Station.

Interested persons may submit such written data, views or arguments as they

may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 29, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-6537; Filed, July 5, 1962; 8:45 a.m.]

[14 CFR Parts 601, 608]

[Airspace Docket No. 62-CE-29]

RESTRICTED AREAS AND ALTERATION OF CONTINENTAL CONTROL AREA

Proposed Designation and Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 608.42, 608.43, and 601.7101 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a proposal submitted by the Department of the Air Force to designate a restricted area overlying a portion of Lake Superior as follows:

Boundaries. Beginning at latitude 47°45'-00" N., longitude 90°05'00" W.; to latitude 47°45'00" N., longitude 89°28'00" W.; to latitude 46°55'00" N., longitude 89°28'00" W.; to latitude 46°55'00" N., longitude 90°05'-00" W.; to the point of beginning.

Designated altitudes. Surface to flight level 500.

Time of designation. 0001 c.s.t. Monday to 2400 c.s.t. Friday.

Controlling agency. Federal Aviation Agency, Minneapolis ARTC Center.

Using agency. Commander, Second Air Force, Barksdale AFB, Louisiana.

Further, if the above action is taken, the Upper Lake Huron, Michigan, Restricted Area R-4207 would be reduced in size, altitudes and time by redesignating it as follows:

Boundaries. Beginning at latitude 45°17'-00" N., longitude 83°00'00" W.; to latitude 45°20'24" N., longitude 82°31'18" W.; along the United States-Canadian Border to latitude 44°31'00" N., longitude 82°19'54" W.; to latitude 44°27'42" N., longitude 82°47'08" W.; to the point of beginning.

Designated altitudes. Surface to flight level 450.

Time of designation. 0600 to 2200 e.s.t., April 1 through October 31; 0800 to 1600 e.s.t. Thursday through Sunday, November 1 through March 31.

Controlling agency. Federal Aviation Agency, Detroit ARTC Center.

Using agency. Commander, Permanent Field Training Site Detachment, Phelps-Collins ANGB, Alpena, Michigan.

In order to effect more efficient utilization of these restricted areas, both would be designated as joint use areas and included in the description of the continental control area.

The Air Force has stated that existing overwater gunnery ranges in the midwestern and north central states do not satisfy SAC training and readiness requirements. These areas are shared by other users and their activities often conflict with SAC gunnery activities which are a programmed part of SAC route missions. The designation of a restricted area overlying a portion of Lake Superior would meet an urgent SAC training requirement for a more centrally located overwater gunnery range located adjacent to an established refueling area and "Oil Burner" route. Further, as indicated above, this action would permit a reduction of approximately 45 per cent in the size of R-4207 since all SAC activities now being conducted in R-4207 would be scheduled for the new area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 29, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-6541; Filed, July 5, 1962; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1962, Rev. Supp. No. 3]

DUBUQUE FIRE & MARINE INSURANCE COMPANY

Surety Companies Acceptable on Federal Bonds

JUNE 29, 1962.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6-13 as an acceptable surety on Federal bonds.

An underwriting limitation of $343,-000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1963. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

State in Which Incorporated, Name of Company, and Location of Principal Executive Office

Iowa, Dubuque Fire & Marine Insurance Company, Chicago, Illinois.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 62-6602; Filed, July 5, 1962; 9:00 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

1. A plat of survey for the lands described below will be officially filed in the Fairbanks Land Office, Fairbanks, Alaska, effective at 10:00 a.m., on August 3, 1962:

T. 10 S., R. 12 E., Fairbanks Meridian,
Sec. 3: Lots 1 and 2;
Sec. 4: Lots 1 through 4;
Sec. 5: Lots 1 through 4, W½SW¼, SE¼SE¼;
Sec. 6: Lots 1 through 7, SW¼NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7: All;
Sec. 8: All;
Sec. 9: All;
Sec. 10: Lots 1 through 5, S½NE¼, NW¼NW¼, S½NW¼, N½SW¼, SE¼ SW¼, SE¼;
Sec. 11: Lots 1 through 4, S½N½, S½;
Sec. 12: Lots 1 through 5, SW¼NE¼, S½ NW¼, S½;
Secs. 13 through 36: All.

The area described aggregates 19,598.17 acres. The lands are situated approximately twelve miles east of the town of Big Delta, Alaska, and are traversed by two main streams. The Tanana River flows west along the north boundary of the township, and Clearwater Creek, a tributary of the Tanana River, flows north and west through the length and width of the township, entering in section 36 and crossing the west boundary in section 7. The soil is for the most part good, sandy loam, but is thin in some areas; the majority of the township is swampy. Timber cover consists of first and second growth spruce, birch, aspen, balsam poplar, and larch. A portion of the lands described is suitable for agricultural use.

2. Subject to any existing valid rights and the requirements of applicable law, the lands described in Paragraph 1 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

Applications and selections under the nonmineral public land laws and applications may be presented to the Manager mentioned below beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraph.

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws other than those coming under Paragraph (1) above presented prior to 10:00 a.m. on November 2, 1962, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

3. Persons claiming preference right based upon valid settlement, statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

4. Applications for these lands which shall be filed in the Land Office, at Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the Homestead and Homesite Laws shall be governed by the regulations contained in Parts 64, 65, and 166 of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that Title.

5. Inquiries concerning these lands shall be addressed to the Manager, Fairbanks Land Office, 516 Second Avenue, Fairbanks, Alaska.

DANIEL A. JONES,
Manager.

JUNE 28, 1962.

[F.R. Doc. 62-6568; Filed, July 5, 1962; 8:54 a.m.]

[Arizona 030565]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands, Amendment

By reason of amendment to Application for Withdrawal, Arizona 030565, Notice of Proposed Withdrawal and Reservation of Lands published as Federal Register Doc. 61-4582, appearing on page 4345 of the issue for Thursday, May 18, 1961, is hereby amended to eliminate therefrom the following described lands:

COCONINO NATIONAL FOREST

T. 21 N., R. 7 E., Gila and Salt River Meridian,
Sec. 28: SW¼SW¼, W½SE¼SW¼, W½E½SE¼SW¼.

and to change the last two paragraphs to read as follows:

The area described totals approximately 60 acres.

The entire area comprises 1,546.00 acres.

As of 10 o'clock a.m., May 25, 1962, the above land became open to such forms of disposition as may by law be made of national forest lands.

FRED J. WEILER,
State Director.

JUNE 25, 1962.

[F.R. Doc. 62-6569; Filed, July 5, 1962; 8:54 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 27, 1962.

The United States Coast Guard, Department of the Treasury, has filed an application, Serial Number Sacramento 061495 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws and the mineral leasing laws, subject to existing valid claims. The applicant desires the land for aids to navigation sites.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Manage-

ment, Department of the Interior, Land Office, 4201 U.S. Courthouse and Federal Building, 650 Capitol Avenue, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are: Point Stuart, Tract 40; Point Knox, Tract 41; Point Blunt, Tract 42; T. 1 S., R. 5 W., M.D.M., on Angel Island in San Francisco Bay, Marin County, California, according to official supplemental Plat of Survey filed in the Sacramento Land Office on September 13, 1961, embracing a total of 10.31 acres.

WALTER E. BECK,
Manager, Land Office, Sacramento.

[F.R. Doc. 62-6570; Filed, July 5, 1962; 8:54 a.m.]

SOUTH DAKOTA

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 28, 1962.

The United States Forest Service, Department of Agriculture, has filed an application, Serial Number Montana 051694(SD) for the withdrawal of the lands described below, from all forms of appropriation under the general mining laws, subject to valid existing rights. The applicant desires the land for public campgrounds and development of recreation areas.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BLACK HILLS MERIDIAN, SOUTH DAKOTA

BLACK HILLS NATIONAL FOREST

Canyon Campground Recreation Site

T. 6 N., R. 2 E.,
Sec. 27, Lots 3 and 4.
Total Acres 77.87.

Rod and Gun Campground Recreation Site

T. 4 N., R. 1 E.,
Sec. 2, Lot 1.
Total Acres 54.62.

Pilot Knob Campground Area Extension

T. 2 N., R. 4 E.,
Sec. 1: SE¼SW¼, those portions lying outside the 660' road side withdrawal;
Sec. 12: NE¼NW¼, NW¼NE¼, those portions lying outside the 660' road side withdrawal.
Total Acres 80 (approximately).

Rockerville Campground Area Extension

T. 1 S., R. 6 E.,
Sec. 14, SE¼SW¼.
Total Acres 40.

Sanator Campground

T. 4 S., R. 4 E.,
Sec. 11, SE¼SE¼ (that portion east of the 330' Highway No. 385 roadside withdrawal—M-047492(SD));
Sec. 14, NE¼NE¼ (that portion east of the 330' Highway No. 385 roadside withdrawal—M-047492(SD)).
Total Acres 60 (approximately).

Geological Area Wonderland Cave

T. 4 N., R. 5 E.,
Sec. 27, E½SW¼, W½SE¼.
Total Acres 160.

R. P. RIGTRUP,
Manager, Land Office.

[F.R. Doc. 62-6571; Filed, July 5, 1962; 8:54 a.m.]

[W-031017]

WYOMING

Order Providing for Opening of Public Lands

JUNE 29, 1962.

1. The State of Wyoming has certified that the hereinafter described lands patented to the State under the provisions of section 4 of the Act of August 18, 1894 (28 Stat. 422, 43 U.S.C. sec. 641), as amended, commonly known as the Carey Act, have not been reclaimed as required by the Carey Act and that water is not available for irrigation of these tracts. The State of Wyoming, therefore, has reconveyed the lands to the United States:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 30 N., R. 111 W.,
Sec. 18, SE¼SW¼.
T 30 N., R. 112 W.,
Sec. 13, SE¼NE¼.

containing 80 acres of public.

2. The lands are semi-arid, but have value for grazing. Vegetation consists of sagebrush and native grasses and weeds. Topography is rolling, and soils are silts and sandy loams.

3. No application for these lands will be allowed under the homestead, desert land, small tract or any other non-mineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 are hereby opened to filing of applications and selections in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the classes enumerated as follows:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraph (1) above presented prior to 10:00 a.m. on August 1, 1962, will be considered simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws beginning at 10:00 a.m. on August 1, 1952.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P.O. Box 929, Cheyenne, Wyoming.

EUGENE L. SCHMIDT,
Chief, Division of Lands and Minerals.

[F.R. Doc. 62-6572; Filed, July 5, 1962; 8:54 a.m.]

[Group No. 461]

CALIFORNIA

Notice of Filing of Plat of Survey

JUNE 29, 1962.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Riverside, California, effective at 10 a.m., on July 25, 1962:

SAN BERNARDINO MERIDIAN

T. 22½ N., R. 6 E.,
Sec. 19: Lots 1 to 5 incl., S½SE¼, SE¼SW¼;
Sec. 20: Lots 1 to 4 incl., S½S½;
Sec. 21: Lots 1 to 4 incl., S½S½;
Sec. 22: Lots 1 to 4 incl., S½S½;
Sec. 23: Lots 1 to 4 incl., S½S½;
Sec. 24: Lots 1 to 5 incl., SW¼SE¼, S½SW¼;
Sec. 25: Lots 1 to 4 incl., W½E½, W½;
Sec. 26 to 29 incl., All;
Sec. 30: Lots 1 to 4 incl., E½W½, E½;
Sec. 31: Lots 1 to 4 incl., E½W½, E½;
Sec. 32 to 35 incl., All;
Sec. 36: Lots 1 to 4 incl., W½E½, W½.

The area described aggregates 9,170.25 acres.

2. The survey was made to represent retracement and re-establishment of the north boundary of T. 22 N., R. 6 E., the south boundary of T. 23 N., R. 6 E., and a portion of the west boundary of T. 23 N., R. 6 E., SBM. It was designed to restore the corners to their true original location and to survey the east and west boundaries and subdivisional lines of fractional T. 22½, N., R. 6 E., SBM.

3. Except for and subject to valid existing rights, it is presumed that title to sec. 36 of this township and range passed to the State of California upon acceptance of the above-mentioned plat of survey. The area described aggregates 636.66 acres.

4. Land use characteristics: The subject lands are located in southeastern Inyo County, California, about 5 miles north of the town of Shoshone.

The topography is extremely rough and mountainous in the western part, becoming more level in the eastern half. The lands are dissected by numerous washes which are a part of the drainage from the Greenwater Range to the west. Vegetation is sparse, consisting of Creosote bush, Desert Holly, Greasewood, sagebrush, and annual grasses. The land has no known use.

5. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of applicable laws, rules, and regulations.

6. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claim must enclose properly corroborated statements in support of their application, setting forth all facts relevant to their claims.

7. Inquiries concerning these lands should be addressed to the Manager, Land Office, Bureau of Land Management, 1414—8th Street, P.O. Box 723, Riverside, California.

ROLLA E. CHANDLER,
Manager.

[F.R. Doc. 62-6600; Filed, July 5, 1962; 9:00 a.m.]

Geological Survey

REGIONAL OIL AND GAS SUPERVISORS

Delegation of Authority With Respect to Approval of Communitization or Drilling Agreements

SECTION 1. Approval of communitization or drilling agreements. The authority to give final approval to communitization or drilling agreements submitted for approval in accordance with 43 CFR 192.22, which was delegated to the Director, Geological Survey by Departmental Order No. 2385 of October 8, 1947, is hereby redelegated to the Regional Oil and Gas Supervisors of the Geological Survey.

SEC. 2. Any person aggrieved by the action of a Regional Oil and Gas Supervisor may appeal to the Director of the Geological Survey and from his decision to the Secretary of the Interior pursuant to the provisions of 30 CFR 221.66.

THOMAS B. NOLAN,
Director, Geological Survey.

Approved: June 14, 1962.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 62-6587; Filed, July 5, 1962; 8:53 a.m.]

Office of the Secretary

[Order 2867]

ADMINISTRATOR, SOUTHWESTERN POWER ADMINISTRATION

Delegation of Authority To Negotiate a Contract for Radio Equipment

JUNE 28, 1962.

SECTION 1. *Delegation.* The Administrator, Southwestern Power Administration, is authorized to exercise the authority delegated by the Administrator of General Services to the Secretary of the Interior (27 F.R. 3017) to negotiate without advertising, under section 302(c)(10) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 252 et seq.), a contract for 24 VHF Mobile Radio Transmitter-Receivers, because no responsive bids were received pursuant to formal bid procedures, and further efforts to secure responsive bids through advertising would be impracticable.

SEC. 2. *Exercise of authority.* The authority granted in section 1 of this order may not be redelegated and shall be subject to all provisions of Title III of the Act with respect to negotiated contracts and to all other provisions of law.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 62-6579; Filed, July 5, 1962; 8:56 a.m.]

DIRECTOR, NATIONAL PARK SERVICE

Delegation of Authority

JUNE 26, 1962.

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual signed by the Acting Secretary, James K. Carr, June 26, 1962.

Secretary's Order Number 2640 is revoked.

Redelegation of authority by the Director pursuant to the Secretary's order superseded by this release, shall continue in force for 90 days unless sooner revoked or superseded.

PART 245—NATIONAL PARK SERVICE

CHAPTER 1—GENERAL PROGRAM DELEGATION DIRECTOR, NATIONAL PARK SERVICE

245.1.1 *Delegation.* A. The Director, National Park Service is authorized except as provided in 200 DM 2.1 to exercise the program authority of the Secretary of the Interior with respect to the supervision, management, and operation of the National Park System; historic sites and buildings; archeological salvage; and the preservation of American antiquities.

B. The Director is authorized to issue such rules and regulations as would amend by addition, revision or revocation, special regulations contained in Part 7, Chapter I, Title 36 Code of Federal Regulations.

245.1.2 *Limitation.* A. The following authority is not delegated in the general authority listed in 245 DM 1.1:

(1) Any actions, not within the general policies, procedures and regulations established by the Secretary.

(2) Any action to be taken with the approval or concurrence of the President, or the head of any department or independent agency of the Government.

(3) Authority related to functions and responsibilities under the Act of June 23, 1936 (49 Stat. 1894) which have been or may be reserved by the Secretary.

B. The following authorities may be redelegated only to headquarters officials and regional directors:

(1) Authorization and issuance of revokable permits:

(a) For the construction of roads, trails, paths, or other ways, over, across or upon any Federally owned land within a park or monument;

(b) For granting permission to any person to reside on Federally-owned land within a park or monument;

(c) For the erection or maintenance of buildings or other structures on Federally-owned land within a park or monument;

(d) For the construction of private or public utility lines over, through, or under any Federally-owned land within any park or monument.

C. The following authority may be redelegated only to regional directors and superintendents of parks:

(1) Authority to amend by addition, revision, or revocation, special regulations contained in Part 7, Chapter I, Title 36 Code of Federal Regulations.

JAMES K. CARR,
Acting Secretary of the Interior.

[F.R. Doc. 62-6577; Filed, July 5, 1962; 8:55 a.m.]

[Order 2866]

COMMISSIONER, BUREAU OF INDIAN AFFAIRS

Delegation of Authority to Negotiate Contracts for Purchase of Equipment for Adapting of Road Building Equipment

JUNE 28, 1962.

SECTION 1. *Delegation.* The Commissioner of Indian Affairs is authorized, subject to section 3 of this order, to exercise the authority delegated by the Administrator of General Services to the Secretary of the Interior (27 F.R. 3017), to negotiate without advertising a contract under section 302(c)(10) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 252 et seq.), for the purchase and

installation of four (4) Euclid scrapers and four (4) Euclid hydraulic units for the conversion of four (4) Euclid Bottom Dump Tractor Trailers to tractor-scraper units.

SEC. 2. *Exercise of authority.* The authority delegated by section 2 of this order shall be exercised in accordance with the applicable limitations in the Federal Property and Administrative Services Act of 1949, as amended, and in accordance with applicable policies, procedures and controls prescribed by the General Services Administration and the Department of the Interior. The authority delegated by the order does not include authority to make advance payments under section 305 of the Act.

SEC. 3. *Redelegation.* The authority delegated by section 1 may not be redelegated.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 62-6578; Filed, July 5, 1962; 8:55 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Programs

[Case No. 304]

"AUSTIS" WARENHANDELSGESELLSCHAFT AND OTTO GOLDEBAND

Default Order Denying Export Privileges

In the matter of "Austis" Warenhandelsgesellschaft and Mr. Otto Goldeband, Koestlergasse 11/13, Vienna VI, Austria, Respondents, Case No. 304.

The Director, Investigations Staff, Bureau of International Programs, of the United States Department of Commerce, by letter dated January 10, 1962, charged the respondents, "Austis" Warenhandelsgesellschaft and Otto Goldeband, with violations of the Export Control Act of 1949 as amended, and the regulations issued thereunder. References herein to Goldeband or respondents refer to Goldeband and "Austis" Warenhandelsgesellschaft collectively.

The charging letter alleged, in substance, that three electronics instruments which originally had been exported from the United States and which were subject to the United States Export Control Laws were delivered to a consignee in Munich, Federal Republic of Germany; that Goldeband purchased these instruments from said consignee knowing that they originally had been exported from the United States and were thereby subject to the Export Control Laws; that Goldeband represented to said consignee that these instruments would be transported to Austria and would remain there and would not be re-exported to a Communist bloc country; that said consignee, in writing, notified Goldeband that these instruments were not to be re-sold to Soviet bloc countries; that Goldeband knew when he represented to the consignee that the instruments were to remain in Austria that the instruments were to be delivered to Hungary, a Soviet bloc destination; and that Goldeband, contrary to his representations, and with the specific knowledge that the instruments were not to be delivered to a Soviet bloc destination, did knowingly cause the instruments to be delivered to a firm in Budapest, Hungary. It was further charged that, during the course of the investigation by the United States Government into the facts and whereabouts of the instruments, Goldeband falsely represented that he knew nothing about having received them from the consignee and that during the investigation Goldeband stated that he was not interested and did not recognize any foreign export trade laws in the conduct of his business. It was charged that the respondent had violated §§ 381.2, 381.4, 381.5 and 381.6 of the United States Export Regulations.

Service of the charging letter was duly effected upon respondents in accordance with procedures authorized in § 382.3(b) of the Export Regulations. No response was received and the respondents were considered to be in default. In accordance with the practice, the case was assigned to the Compliance Commissioner for default proceedings under § 382.4 of the Export Regulations.

The Compliance Commissioner received the evidence in the case and reported the findings to the effect that the evidence fully substantiated the charges, and he recommended that the respondents, as well as "Austis" Chemometall Warenhandelsgesellschaft (also known as "Austis" Chemometall) a related party, be denied all United States export privileges so long as the United States export controls remain in effect.

After considering the entire record consisting of the charges, the evidence submitted in support thereof, and the report and recommendations of the Compliance Commissioner, I hereby make the following findings of fact:

(1) At all times hereinafter mentioned, the respondent, Otto Goldeband, was the owner or partner, and manager of "Austis" Warenhandelsgesellschaft, with a place of business in Vienna, Austria. The said respondent, Goldeband, has at times in the past and in connection with the transactions in question done business under the name and style of "Austis" Chemometall or "Austis" Chemometall Warenhandelsgesellschaft.

(2) In July 1960, a United States manufacturer of electronics instruments shipped to its bonded warehouse in Geneva, Switzerland, under validated licenses three electronics instruments. On or about August 18, 1960, said supplier shipped said instruments to its subsidiary in Frankfurt, West Germany, after which said subsidiary sold and shipped said instruments to a consignee in Munich, West Germany .

(3) On or about September 2, 1960, said consignee sold and delivered said instruments to Goldeband in Vienna, Austria, under an order previously given by Goldeband to consignee.

(4) It was a violation of the United States Export Control Law and the Regulations thereunder to re-export said instruments to a Soviet bloc country. At the time Goldeband received delivery of said instruments, he knew that it would be a violation of said law and regulations to permit said instruments to be re-exported to a Soviet bloc country. Further, the said consignee orally and also in writing informed Goldeband that it would be a violation of said laws and regulations to ship said instruments to a Soviet bloc country and the consignee received assurances from Goldeband that said instruments would not be shipped outside of Austria.

(5) After Goldeband received said instruments in Vienna, he re-exported them, or caused them to be re-exported, to a firm called Electroimpex, located in Budapest, Hungary, a Soviet bloc destination. At the time that Goldeband assured the consignee that the instruments would remain in Austria and would not be transported outside of that country he knew that such representations were false and he intended, at that time, to re-export them to Hungary.

(6) During the course of the official investigation by representatives of the United States Government concerning the disposition and whereabouts of said instruments, Goldeband, in June 1961, falsely represented that he had no knowledge of having received said instruments. He also stated that he did not recognize any export trade laws other than those of Austria in the conduct of his business. In September 1961, when Goldeband was aware of the fact that the United States Government had evidence as to the delivery of said instruments to him by the consignee above referred to, he admitted having received them and also admitted having shipped them to Hungary.

From these findings I have reached the following conclusions:

That by the foregoing actions the respondents:

(a) Knowingly caused, induced, procured and permitted the doing of acts which were prohibited by the United States Export Control Laws and Regulations thereunder, in violation of § 381.2 of the Export Regulations.

(b) Bought, received, sold and disposed of exportations from the United States with knowledge that violations of the Export Control Law had occurred with respect to such exportations, in violation of § 381.4 of the Export Regulations.

(c) Made false and misleading representations and statements to and concealed material facts from officials of a United States Agency in the course of an investigation instituted under authority of the Export Control Act, in violation of § 381.5 of the Export Regulations.

(d) Knowingly re-exported, diverted, and transshipped commodities to persons and destinations contrary to prior representations and notifications of prohibition against such actions and the United States Export Control Law, in violation of § 381.6 of the Export Regulations.

It is concluded that the recommended action is fair, just and necessary to achieve the effective enforcement of the law. In view of Goldeband's affiliation, ownership, control, and position of responsibility with "Austis" Chemometall Warenhandelsgesellschaft (also known as "Austis" Chemometall) this order is also to be effective against said firm and for the purposes of this order said firm is considered as a respondent:

It is hereby ordered:

I. All outstanding licenses in which any of the respondents appear or participate as purchaser, intermediate or ultimate consignee, or otherwise are hereby revoked and shall be returned forthwith to the Bureau of International Programs for cancellation.

II. So long as export controls shall be in effect all of the named respondents and each of them hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denials of export privileges, participation in an exportation is deemed to include and prohibit participation by any respondent or related partly directly or indirectly in any manner or capacity (a) as a party or as a representative of a party to any validated export license application, or documents to be submitted therewith, (b) in the preparation or filing of any export license application or of any documents to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the receiving, ordering, buying, selling, using or disposing in any foreign country of any commodities or technical data, in whole or in part exported or to be exported from the United States, and (e) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denial of export privileges shall extend not only to the respondents, but also to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. During the time when any respondent or related party is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Programs, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with any such respondents or related party, or whereby any such respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, re-exportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, re-exportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

Dated: June 25, 1962.

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 62-6598; Filed, July 5, 1962; 8:59 a.m.]

[Case No. 291]

WILLI GROH, G.m.b.H.

Order Conditionally Restoring Export Privileges

In the matter of Willi Groh, G.m.b.H., Schwanthalerstrasse 73, Munich 15, Germany; respondent.

Pursuant to an order of the Bureau of Foreign Commerce (now the Bureau of International Programs) dated June 16, 1961 (26 F.R. 5719, June 27, 1961) the respondent Willi Groh, G.m.b.H., was denied all export privileges so long as export controls remain in effect. The respondent has now applied to the Compliance Commissioner in the Office of Export Control in accordance with the requirements of § 382.4(b) of the Export Regulations contesting the order against it and has sought to have its default set aside and the order vacated. The application was supported by various relevant documents submitted at the same time.

The Compliance Commissioner has reported that though he adheres to his original conclusions of fact, because of the additional factual information submitted by respondent with the application, he recommends the entry of an order conditionally restoring all export privileges to the respondent. The undersigned, after carefully considering the entire record herein, and being of opinion that the action recommended by the Compliance Commissioner is fair and just and that such action will contribute to the effective enforcement of the law and regulations:

It is hereby ordered, That effective forthwith all export privileges heretofore denied to the respondent are restored to it, upon the condition that so long as export controls are in effect, the respondent and all its officers and employees shall fully comply with the requirements of the Export Control Act of 1949, as amended, and the Export Regulations issued thereunder. If, however, at any time hereafter, it be found by the Director of the Office of Export Control or such other officer as may at that time be exercising the functions now exercised by him, upon evidence submitted to him ex parte and without notice to the respondent, that respondent, its officers or employees have knowingly failed to comply with any requirements of the Export Control Act of 1949, as amended and all regulations, licenses or orders issued thereunder, such officer may, without notice to the respondent, enter an order vacating this order and reinvoking the order of June 16, 1961. If such an order be entered, the respondent may apply for a hearing for the purpose of having such action reconsidered and, in the event of an adverse ruling the respondent shall have any right of appeal or review of such order as may at that time be available to similarly situated persons aggrieved by export denial orders.

Dated: June 29, 1962.

FORREST D. HOCKERSMITH,
Acting Director,
Office of Export Control.

[F.R. Doc. 62-6603; Filed, July 5, 1962; 9:00 a.m.]

Office of the Secretary

[Dept. Order 85 (Revised)]

BUREAU OF THE CENSUS

Organization and Functions

The following order was issued by the Secretary of Commerce on June 21, 1962. The material appearing in 25 F.R. 9693–9695 of October 8, 1960; 26 F.R. 6745 of July 27, 1961, is superseded by the following:

SECTION 1. *Purpose.* The purpose of this order is to describe the organization and define the functions of the Bureau of the Census.

SEC. 2. *Organization.* .01 The Bureau of the Census is a primary organization unit within and under the jurisdiction of the Department of Commerce. The Bureau shall be headed by a Director of the Census appointed by the President, by and with the advice and consent of the Senate. The Director shall report and be immediately responsible to the Under Secretary of Commerce.

.02 The Bureau of the Census shall be constituted as follows:

Director.
Deputy Director:
  International Statistical Programs Office.
  Public Information Office.
Assistant Director for Economic Fields:
  Business Division.
  Construction Statistics Division.
  Foreign Trade Division.
  Governments Division.
  Industry Division.
  Transportation Division.
Assistant Director for Demographic Fields:
  Agriculture Division.
  Demographic Surveys Division.
  Foreign Demographic Analysis Division.
  Housing Division.
  Population Division.
  Statistical Methods Division.
Assistant Director for Research and Development:
  Economic Research and Analysis Division.
  Statistical Reports Division.
  Statistical Research Division.
Assistant Director for Operations:
  Demographic Operations Division.
  Data Processing Systems Division.
  Economic Operations Division.
  Geography Division.
  Jeffersonville Census Operations Office.
Assistant Director for Administration:
  Administrative Service Division.
  Budget and Management Division.
  Field Division.
  Personnel Division.

SEC. 3. *Delegation of authority.* .01 Pursuant to the authority vested in the

Secretary of Commerce by law and subject to such policies and directives as the Secretary of Commerce may prescribe, the Director is hereby authorized to perform the functions and duties of the Secretary under Title 13, United States Code, and that part of Chapter 5, Title 15, United States Code relating to the collection, compilation and publication of statistics and any subsequent legislation with respect to the collection, tabulation, analysis, publication and dissemination of statistical data relating to the social and economic activities and characteristics of the population and enterprises of the United States and its possessions.

.02 The Director, Bureau of the Census, may redelegated and authorize the successive redelegation of the authority granted herein to any employee of the Bureau of the Census and may prescribe such limitations, restrictions, and conditions in the exercise of such authority, as he deems appropriate.

SEC. 4. *General functions and responsibilities.* .01 The Bureau of the Census shall, in cooperation with business, industry and other Government and private organizations, be responsible as prescribe by legislation and delegation by the Secretary, for the collection, processing, and analysis of statistical data, and the publication and dissemination of the resulting statistics for use by business, Government agencies, and the public in establishing policies and otherwise guiding their social, economic, commercial, and industrial activities.

.02 The Bureau of the Census shall conduct basic and applied research and development activities directed toward improving quality, lowering costs, and more effective interpretation of censuses and surveys.

.03 The Bureau of the Census conducts research projects and prepares reports, special tabulations, monographs, and special studies on selected phases of domestic and foreign trade, business services, industry, transportation, construction, agriculture, population, housing, and Federal, State, and local governments.

.04 The Bureau of the Census is responsible for providing the necessary skills and services to function as the Department's principal statistics collecting, tabulating and data processing agency.

SEC. 5. *Functions of the Office of the Director.* .01 The Director determines policies and directs the programs of the Bureau of the Census, taking into account applicable legislative requirements and the needs of users of statistical information. He is responsible for the conduct of the activities of the Bureau of the Census and for coordinating its statistical programs and activities with those of other Federal statistical agencies, with due recognition of the programs developed and regulations issued by the Bureau of the Budget.

.02 The Deputy Director is the principal assistant to the Director, Bureau of the Census, and shares with him generally in the direction of the Bureau. In addition, the Deputy Director directs the activities of the International Statistical Programs Office, and the Public Information Office whose functions are:

1 International Statistical Programs Office plans and conducts the Bureau's foreign consultation and training programs and represents the Bureau in international statistical activities; conducts research on international statistical problems of methodology and content and coordinates other research of similar nature in the Bureau; and assembles, through foreign publications, exchange data for use by the Government and the public and provides statistical information to foreign governments and international organizations.

2 Public Information Office, subject to the policy and direction of the Director, Office of Public Affairs, plans and directs the Bureau of the Census public information programs designed to publicize through various appropriate public information media general information concerning forthcoming censuses and surveys for purposes of facilitating data collections and providing statistical information of general interest to the public and special statistical information of value to public and private organizations including business firms and chambers of commerce.

.03 The Assistant Director for Economic Fields is responsible for advising the Director as to necessary and feasible statistical programs in the economic fields, executing the policies established by the Director in these fields; and directing the activities of the Business, Construction Statistics, Foreign Trade, Governments, Industry and Transportation Divisions whose functions are:

1 Business Division formulates and develops over-all plans and programs for the collection, processing and dissemination of statistical data from special and current surveys and censuses relating to the characteristics and operations of business enterprises engaged primarily in the distribution of goods and services; conducts research on the nature and extent of needs for, and other pertinent aspects of, business statistics; and prepares analytical and interpretive reports, monographs, and special studies.

2 Construction Statistics Division formulates and develops over-all plans and programs for the collection, processing and dissemination of statistical data from current surveys relating to building permits and various aspects of the construcion industry; conducts research into the nature and sources of available construction data in the field; and prepares special analytical and interpretive reports, monographs, and special studies.

3 Foreign Trade Division formulates and develops over-all plans and programs for the collection, processing and dissemination of statistical data relating to various aspects of the export and import trade of the United States and foreign trade shipping; conducts research on problems of international comparability of statistics; and prepares special reports, monographs and studies on selected phases of foreign trade.

4 Governments Division formulates and develops over-all plans and programs for, and collects, processes and prepares for dissemination statistical data from special and current surveys and censuses relating to pertinent aspects of State and local governments; conducts research on particular aspects of governmental operations and finances; and prepares special analytical and interpretive reports, monographs, and special studies.

5 Industry Division formulates and develops over-all plans and programs for the collection, processing and dissemination of statistical data from special and current surveys and censuses relating to the characteristics and operations of manufacturing, mineral industries, and related industries; conducts research on the nature and extent of needs for, and other pertinent aspects of, industrial statistics; and prepares special analytical and interpretive reports, monographs, and special studies.

6 Transportation Division formulates and develops over-all plans and programs for the collection, processing and dissemination of statistical data from surveys or censuses relating to the transportation industry and various segments thereof, and collaborates, as appropriate, with public and private agencies in the field of transportation on the development and presentation of these data.

.04 The Assistant Director for Demographic Fields is responsible for advising the Director as to necessary and feasible statistical programs in the demographic fields, executing the policies established by the Director in these fields, and directing the activities of the Agriculture, Demographic Surveys, Foreign Demographic Analysis, Housing, Population, and Statistical Methods Divisions whose functions are:

1 Agriculture Division formulates and develops over-all plans and programs for the collection, processing and dissemination of statistical data from special and current surveys and censuses relating to the general characteristics of agriculture, agricultural activities and agricultural products as well as irrigation and drainage enterprises and cotton ginning; conducts analytical research for the regular census reports and special interpretive analysis; and prepares special analytical reports, monographs and special studies.

2 Demographic Surveys Division plans and develops specifications, survey design and methodology for, and provides technical direction over the development of, statistical data collected in current surveys and special censuses in the Demographic Fields; and conducts surveys and methodology studies for other agencies.

3 Foreign Demographic Analysis Division conducts highly specialized studies of foreign population and manpower, involving the collection, compilation and evaluation of relevant data; prepares estimates and projections; and prepares special analytical and interpretive reports and monographs.

4 Housing Division formulates and develops over-all plans and programs for the collection, processing and dissemination of statistical data from special and current surveys and censuses relating to general housing characteristics; conducts analytical research for the regular census reports and special interpretive analysis; and prepares special analytical and interpretive reports, monographs and special studies.

5 Population Division formulates and develops over-all plans and programs for the collection, processing and dissemination of statistical data from special and current surveys and censuses relating to people and their characteristics; conducts analytical research for the regular census reports and special interpretive analysis; and prepares special analytical and interpretive reports, monographs, and special studies.

6 Statistical Methods Division develops and coordinates the application of mathematical statistical techniques in the design and conduct of statistical programs in the demographic fields.

.05 The Assistant Director for Research and Development is responsible for advising the Director with regard to proposed plans and programs of the Bureau to assure the statistical adequacy of proposed data collections and the application of appropriate statistical methods and appropriate economic principles; executing the policies established by the Director in these areas; formulating and coordinating research in the fulfillment of these responsibilities; developing uniform statistical classification systems between divisions; recommending statistical standards for the programs of the Bureau; providing staff assistance in the review and drafting of legislation affecting Bureau activities; and directing the activities of the Economic Research and Analysis, Statistical Reports, and Statistical Research Divisions whose functions are:

1 Economic Research and Analysis Division conducts economic research and analysis directed at meeting the changing requirements of the economy for statistical intelligence, and performs staff functions on program planning in the Bureau. Stimulates Bureau programs to provide timely and accurate statistical information for making and implementing policy decisions on such major economic issues as recovery and recession, long-term economic growth, chronically distressed areas, structure of economic enterprises, and the like.

2 Statistical Reports Division develops, coordinates and advises on all aspects of statistical publication standards and statistical presentation practices of the Bureau; provides staff services for Advisory Committees; advises on new or proposed legislation affecting Bureau programs or statistical practices; prepares the Statistical Abstract of the United States and its supplements and the documentation of statistical technology and results of major Census programs.

3 Statistical Research Division develops and promotes effective use of mathematical, statistical, and psychological methods and techniques in the work of the Bureau; conducts research in these areas; provides guidance to theoretical and applied statisticians and subject-matter specialists in the Bureau and other agencies on all aspects of mathematical, statistical, and research problems.

.06 The Assistant Director for Operations is responsible for advising the Director as to mass tabulating and processing techniques, and geographic concepts for statistical programs of the Bureau; executing the policies established by the Director in these fields; and directing the activities of the Demographic Operations, Data Processing Systems, Economic Operations, and Geography Divisions, and the Jeffersonville Census Operations Office whose functions are:

1 Demographic Operations Division plans and develops technical operational specifications and provides technical direction over the development of, and processes statistical data collected in the decennial censuses of population and housing, and the censuses of agriculture, irrigation and drainage and current surveys and special censuses in the demographic fields.

2 Data Processing Systems Division plans, coordinates and implements the Bureau's over-all electronic digital computer and mechanical tabulating systems activities in the processing of mass data and in the solution of mathematical and statistical problems; implements the application of new developments and techniques to systems of automation for the purpose of achieving maximum effectiveness and utilization of such systems in the Bureau's operations.

3 Economic Operations Division plans and develops technical operational specifications and provides technical direction over the development of, and collects and processes statistical data for, the censuses of Business, Governments, Manufactures, Transportation, and Mineral Industries and, as required, for current programs in these economic fields and foreign trade. This division also maintains a New York office to carry out phases of the processing of documents received from collectors of customs.

4 Geography Division plans, coordinates and administers a geography program providing all geographic services needed by the Bureau, especially those needed to facilitate the Bureau's field data collection programs, including the designation of administrative and statistical areas and prepares graphic materials to aid in the presentation of statistical data.

5 Jeffersonville Census Operations Office coordinates and directs statistical processing operations involving activities for which there is a functional counter-part of those organizations which report to the Assistant Director for operations; provides administrative type services for such other activities outside the operations area, if circumstances warrant the utilization of the facility; and exercises such authority in management areas as is specifically delegated.

.07 The Assistant Director for Administration is responsible for advising the Director as to necessary and feasible field programs, management policies, programs and actions in the management of the Bureau of the Census; for executing the policies established by the Director in these areas; for providing administrative direction over the Bureau's emergency planning program; and for directing and integrating into substantive statistical and operational programs of the Bureau the activities of the Administrative Service, Budget and Management, Field, and Personnel Divisions whose functions are:

1 Administrative Service Division plans, coordinates, and administers a broad intra-Bureau program of services including procurement and property management, records management, printing, and publications, library, communications, and such other administrative services as are necessary to facilitate the implementation of the Bureau's over-all programs; and administers through the Pittsburg, Kansas, field office a personal census service to provide individuals or their authorized representatives information about themselves as reflected by census records.

2 Budget and Management Division develops budget and fiscal standards and practices for the Bureau; coordinates and administers the allocation and control of all funds and prepares official Bureau budget estimates and justifications; plans and administers the Bureau's finance and accounting activities; develops and implements production standards and production planning, scheduling and control techniques for the Bureau's programs; and promotes sound administration in the conduct and coordination of general management improvement activities and the development and implementation of an internal administrative audit program.

3 Field Division plans, organizes, coordinates and directs the field data collection program; maintains and administers a flexible field organization through regional, district and other branch offices and provides for the effective deployment of personnel to assure the efficient conduct of data collection at the local level.

4 Personnel Division plans, develops and administers the Bureau's personnel management program including organization planning, position classification and pay administration, staffing, performance evaluation, employee training, employee relations and services, personnel records, processing and reporting and program evaluation.

SEC. 6. *Saving provision.* All rules, regulations, orders, certificates, directives and other actions issued by or relating to the Bureau of the Census or any official thereof shall remain in effect until amended or revoked by proper authority. Any reference in any rules, regulations, orders, certificates, directives, and the like to the Bureau of the Census shall not be affected by the issuance of this revised order.

Effective date: June 21, 1962.

JOHN PRINCE,
Deputy Assistant Secretary for Administration.

APPENDIX A—(REVISED)

BUREAU OF THE CENSUS—FIELD ORGANIZATION OFFICES

The location of the Field Organization Offices of the Bureau of the Census and the areas over which they have jurisdiction are as follows:

Name and location of field organization offices	*Regional limits*
Boston, Mass.	The States of Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, and the States of New York and Connecticut, excluding those counties assigned to the New York City Region.
New York, N.Y.	New York City and adjacent counties in the States of New York, Connecticut, and New Jersey.
Philadelphia, Pa.	The States of Pennsylvania, Maryland, Delaware and the State of New Jersey, excluding those counties assigned to the New York City Region.
Charlotte, N.C.	The States of Virginia, West Virginia, North Carolina, South Carolina, Kentucky, and northeastern part of the State of Tennessee.
Atlanta, Ga.	The States of Mississippi, Alabama, Georgia, Florida, and the State of Tennessee, excluding the northeastern part of the State assigned to the Charlotte Region.
Detroit, Mich.	The States of Michigan and Ohio.
Chicago, Ill.	The States of Illinois and Indiana.
St. Paul, Minn.	The States of North Dakota, South Dakota, Minnesota, Wisconsin, and Iowa, Nebraska, Kansas, and Missouri.
Dallas, Tex.	The States of Oklahoma, Arkansas, Texas, and Louisiana.
Denver, Colo.	The States of Wyoming, Utah, Colorado, Arizona, New Mexico, and southern half of the State of Idaho.
Los Angeles, Calif.	The States of California, Nevada, and Hawaii.
Seattle, Wash.	The States of Washington, Oregon, Montana, Alaska, and northern half of the State of Idaho.

[F.R. Doc. 62-6604; Filed, July 5, 1962; 9:01 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14678-14682; FCC 62-661 corrected]

DENISON BROADCASTING CO. (KDSN) ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of The Denison Broadcasting Company (KDSN), Denison, Iowa, has 1580 kc, 500 w, DA, Day, requests 1530 kc, 500 w, Day, Docket No. 14678, File No. BP-14189; Norton Broadcasting, Inc., Norton, Kansas, requests 1530 kc, 1 kw, Day, Docket No. 14679, File No. BP-14239; David N. Osborne, Lincoln, Nebraska, requests 1530 kc, 500 w, Day, Docket No. 14680, File No. BP-14764; H & M Broadcasting Co., Lincoln, Nebraska, requests 1530 kc, 1 kw, 500 w (CH), Day, Docket No. 14681, File No. BP-14983; Modern Air Communicative Electronics, Inc., Lincoln, Nebraska, requests 1530 kc, 1 kw, 500 w (CH), Day, Docket No. 14682, File No. BP-15075; Merlin J. Meythaler, Merton J. Gonstead, Rex N. Eyler and James B. Goetz, d/b as Lancaster County Broadcasting Company, Lincoln, Nebraska, requests 1530 kc, 5 kw, DA, Day, Docket No. 14683, File No. BP-15083; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of June 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially and otherwise qualified to construct and operate the instant proposals; and

It further appearing, that the following matters are to be considered in connection with the issues specified below:

1. The above-captioned and described proposals involve mutual interference.

2. Based on information submitted by the applicants herein, each proposal appears to violate the provisions of § 3.28 (d) (3) of the Commission rules.

3. It cannot be determined that the proposed antenna system of David N. Osborne (BP-14764) would be reasonably free of deleterious effects from nearby structures which may result in serious distortion of the proposed nondirectional radiation pattern.

It further appearing, that in the event of a grant of the proposal of David N. Osborne (BP-14764), H & M Broadcasting Co. (BP-14983), Modern Air Communicative Electronics, Inc. (BP-15075), or Lancaster County Broadcasting Company (BP-15083), the construction permit shall be conditioned on acceptance of interference that may result from a grant of the application of City and Farm Broadcasting, Incorporation (BP-14419), Columbus, Nebraska, and should the said City and Farm application be granted it will be conversely conditioned; and

It further appearing, that in view of the outstanding proposed rule making procedure in Docket No. 14419 with respect to presunrise operation with daytime facilities, any grant of the proposals in this proceeding, prior to a final decision in Docket 14419, should be appropriately conditioned; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposals of Norton Broadcasting, Inc., David N. Osborne, H & M Broadcasting Co., Modern Air Communicative Electronics, Inc. and Lancaster County Broadcasting Company, and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KDSN and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

4. To determine whether the interference received by each of the proposals herein from the other proposals herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28 (d) (3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

5. To determine whether the transmitter site proposed by David N. Osborne is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the event it is concluded pursuant to the foregoing issue that one of the proposals for Lincoln, Nebraska should be favored, which of the proposals would best serve the public interest, convenience and necessity in light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the said applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

(b) The proposal of each with respect to the management and operation of the proposed station.

(c) The programming services proposed in each of the said applications.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That, in the event of a grant of the applications of David N. Osborne, H & M Broadcasting Co., Modern Air Communicative Electronics, Inc., or Lancaster County Broadcasting Company, the construction permit shall contain a condition that the permittee shall accept any interference that may result in the event of a subsequent grant of the City and Farm Broadcasting Incorporation application (BP-14419), Columbus, Nebraska.

It is further ordered, That any grant of the proposals in this proceeding, prior to a final decision in Docket No. 14419, will be conditioned as follows: "Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization and such operation is precluded."

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended and § 1.362(b) of the Commission rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6605; Filed, July 5, 1962; 9:01 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13329 etc.]

AIR BUS TARIFFS INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on July 24, 1962, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to Board Order E-17917, dated January 9, 1962, and Board Order E-18205, dated April 11, 1962; the Prehearing Conference Report served May 25, 1962; and all other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., June 29, 1962.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 62-6616; Filed, July 5, 1962; 9:02 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 1062]

U.S. FLAG CARRIERS IN GULF-MEDITERRANEAN TRADE

Notice of Investigation, Prehearing Conference, and Hearing

On June 27, 1962, the Federal Maritime Commission entered the following order:

Whereas, pursuant to section 15 of the Shipping Act, 1916, an agreement has been filed for approval between Isthmian Lines, Inc.; Kulukundis Maritime Industries Inc.; Waterman Steamship Corporation; Lykes Bros. Steamship Co., Inc.; T. J. Stevenson & Co., Inc.; Central Gulf Steamship Corporation, General Shipping & Trading Corporation and Compania Maritima Unidas, S.A., (three (3) carriers operating as the Central Gulf Lines joint service operating under approved Agreement 8342, as amended); Stockard Steamship Corporation, Atlantic Ocean Transport Corporation and Mediterranean Transport Corporation, (three carriers operating as the Levant Line joint service under approved Agreement 7812, as amended); and States Marine Lines, Inc. and Global Bulk Transport Corporation (two carriers operating as the States Marine Line joint service under approved Agreement 7628, as amended); which has been assigned Federal Maritime Commission Agreement Number 8765; and

Whereas, under said agreement, T. J. Stevenson & Company, Inc., Kulukundis Maritime Industries, Inc., and the carriers comprising the Levant Line joint service, not being members of the Gulf/Mediterranean Ports Conference, have agreed with Isthmian Lines, Inc., Lykes Bros. Steamship Co., Inc., Waterman Steamship Corporation, and the carriers comprising the Central Gulf Lines and the States Marine Lines joint services, all being members of said Conference, to observe the rates, rules and regulations of the Gulf/Mediterranean Ports Conference Tariffs No. 6 and 7, as said tariffs apply to the following commodities:

Cornmeal, in bags,
Cornmeal, in barrels, boxes or cases,
Wheat, in bags,
Flour, Wheat, in bags,
Flour, Wheat, in barrels, boxes or cases,
Milk, Powered skimmed, "For charitable purposes only—not for resale",
Shortening,
Rice, clean in bags, and
Rice, clean in bales or cartons;

and

Whereas, the foregoing commodities move primarily under the cargo preference laws of the United States, which require that such cargoes must be shipped at least 50 percent on American Flag vessels; and

Whereas, under said agreement T. J. Stevenson & Company, Kulukundis Maritime Industries, Inc., and the carriers comprising the Levant Line joint service, will be free to establish rates on all other commercial cargoes, independently of any rates set forth in the Gulf/Mediterranean Ports Conference Tariff; and

Whereas, such agreement may be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or to operate to the detriment of the commerce of the United States, or contrary to the public interest, or in violation of the Shipping Act, 1916; now therefore,

It is ordered, That, pursuant to section 15 of the Shipping Act, 1916, as amended, the Commission, upon its own motion enter upon an investigation and hearing for the taking of evidence to determine whether Agreement 8765, if approved, (1) would be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters of the United States and their foreign competitors, or to operate to the detriment of the commerce of the United States, or to be contrary to the public interest, within the meaning of section 15 of the Shipping Act, 1916; (2) would subject any particular person, locality, or description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever; (3) would be in violation of any other provision of said Act; and (4) whether said agreement should be approved, disapproved, or modified in any respect, pursuant to said section 15; and

It is further ordered, That Isthmian Lines, Inc.; Kulukundis Maritime Industries, Inc.; Waterman Steamship Corporation; Lykes Bros. Steamship Co., Inc.; T. J. Stevenson & Co., Inc.; Central Gulf Steamship Corporation, General Shipping & Trading Corporation and Compania Maritima Unidas, S.A. (Central Gulf Lines joint service); Stockard Steamship Corporation, Atlantic Ocean Transport Corporation and Mediterranean Transport Corporation (Levant Line joint service); and States Marine Lines, Inc. and Global Bulk Transport Corporation (States Marine Lines joint service) be made respondents in this proceeding; and

It is further ordered, That this matter be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place

to be hereafter determined and announced by the Chief Examiner; and

It is further ordered, That action with respect to Agreement 8765 be held in abeyance pending the Commission's decision and order in the proceeding herein ordered; and

It is further ordered, That notice of this order and notice of hearing be published in the FEDERAL REGISTER, and a copy of such order and notice of hearing be served upon respondents, and on any other parties to this proceeding.

Pursuant to the above order, notice is hereby given that a prehearing conference herein will be held before an examiner of the Commission's Office of Hearing Examiners, on July 11, 1962, beginning at 10 a.m., e.d.s.t., in Room 4458, New G.A.O. Building, 441 G Street NW., Washington, D.C. The hearing herein ordered will be held at a date and place to be hereafter determined and announced, and will be conducted in accordance with the Commission's rules of practice and procedure. An initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74) of the Commission's rules of practice and procedure.

Dated: July 2, 1962.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 62-6617; Filed, July 5, 1962; 9:02 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-15285 etc.]

CHRISTIE, MITCHELL AND MITCHELL CO., ET AL.

Notice of Applications, Consolidation, and Date of Hearing

JUNE 28, 1962.

Christie, Mitchell and Mitchell Co., Docket No. G-15285; Christie, Mitchell and Mitchell Co., Docket No. G-15286; Webster & Ware Oil & Gas Company, Docket No. CI62-317; Trigood Oil Company, Docket No. CI62-1072; Jack London, Jr., Docket No. CI62-1147; Akron Gasoline Company (Operator), et al., Docket No. CI62-1149; Akron Gasoline Company (Operator), et al., Docket No. CI62-1150; Ralph E. Davis, Docket No. CI62-1175; Gulf Oil Corporation, Docket No. CI62-1176; J. Glenn Turner and William G. Webb, Docket No. CI62-1177; R. S. Shannon, Docket No. CI62-1192; Kimbark Exploration Company (Operator), et al., Docket No. CI62-1217.

Take notice that each of the above Applicants has filed an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service subject to the jurisdiction of the Commission, as hereinafter described and as more fully described in the respective applications which are on file with the Commission and open to public inspection.

The pertinent facts in each application are as follows:

Docket No., Location, Purchaser, Docket No. in Which Sale Was Authorized, and Reason for Abandonment

G-15285; H. Pickering Lease, Placedo Field, Victoria County, Tex.; Tennessee Gas Transmission Company; G-3750; depletion.

G-15286; R. M. Ward Lease, Orange Hill Field, Austin County, Tex.; Tennessee Gas Transmission Company; G-7337; depletion.

CI62-317; unidentified acreage in W. Va.; South Penn Oil Company; application for certificate authorization never filed; depletion.

CI62-1072; Duncan and Tetsell Leases, Divide Field, Logan County, Colo.; Kansas-Nebraska Natural Gas Company; G-10560; depletion.

CI62-1147; Basin Dakota Field, San Juan County, N. Mex.; El Paso Natural Gas Company, CI61-1718; Applicant's interests in property sold to gas purchaser.

CI62-1149; Akron Gasoline Company Plant, Washington County, Colo.; Kansas-Nebraska Natural Gas Company; G-15914; depletion.

CI62-1150; Akron Gasoline Company Plant, Washington County, Colo.; Kansas-Nebraska Natural Gas Company; G-12172; depletion.

CI62-1175; South Blanco, Pictured Cliffs Field, San Juan County, N. Mex.; El Paso Natural Gas Company; G-4876; Applicant's interests in property sold to gas purchaser.

CI62-1176; Gillam Draw Unit-Federal, Rio Blanco County, Colo.; El Paso Natural Gas Company; G-13571; depletion.

CI62-1177; Kutz Canyon, Pictured Cliffs Field, San Juan County, N. Mex.; El Paso Natural Gas Company; Application for certificate authorization pending in Docket No. G-9999; [1] Applicant's interests in property sold to gas purchaser.

CI62-1177; Blanco Mesaverde Field, Rio Arriba County, N. Mex.; (same as preceding).

CI62-1192; Hiawatha Field, Sweetwater County, Wyo.; Mountain Fuel Supply Company; G-11014; Applicant's interests in property sold to gas purchaser.

CI62-1217; Elm Grove Field, Logan County, Colo.; Kansas-Nebraska Natural Gas Company; CI61-1651; depletion.

In each case, except in Docket CI62-317, the Applicant filed a notice of cancellation of its related FPC gas rate schedule. Applicant in Docket No. CI62-317 never filed a rate schedule nor had authorization to make the sale proposed to be abandoned.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 31, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 20, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6553; Filed, July 5, 1962; 8:49 a.m.]

[1] No temporary authorization has been granted in this docket.

[Docket Nos. CP62-167, CP62-175]

NATURAL GAS PIPELINE COMPANY OF AMERICA AND UNITED GAS PIPELINE CO.

Notice of Application and Date of Hearing

JUNE 28, 1962.

Take notice that on January 16, 1962, as supplemented on April 18, 1962, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago 3, Illinois, filed in Docket No. CP62-167 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to increase the daily design sales capacity of its pipeline system, all as more fully set forth in the application, as supplemented, which is on file with the Comission and open to public inspection.

Natural seeks authorization to construct and operate the following facilities:

1. Approximately 31.29 miles of 30-inch pipeline partially looping Natural's existing pipeline system in San Jacinto, Panola, Rusk, Harrison, and Marion Counties, Texas; Lawrence County, Arkansas; and Marion, Fayette, and Livingston Counties, Illinois;

2. An addition of 370 BHP for a total of 1320 BHP compressor horsepower at Applicant's Polk County Booster Station; and

3. Miscellaneous facilities appurtenant to those above described.

The application in Docket No. CP62-167 states that the proposed facilities will be used in meeting additional contract demands of The Peoples Gas Light and Coke Company and Illinois Power Company beginning in the winter season of 1962-1963.

The estimated cost of the facilities proposed in Docket No. CP62-167 is $3,305,000, which will be financed from installment term loans.

Take further notice that on January 29, 1962, United Gas Pipe Line Company (United), 1525 Fairfield Avenue, Shreveport, Louisiana, filed in Docket No. CP62-175 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas to Natural Gas Pipeline Company of America pursuant to an agreement between United and Natural dated December 12, 1951, all as more fully set forth in the application in Docket No. CP62-175 which is on file with the Commission and open to public inspection.

United proposes to sell to Natural an additional 25,000 Mcf of gas per day at United's Goodrich Compressor Station in Polk County, Texas, for resale as described in Natural's application in Docket No. CP62-167. United states that the subject sale and delivery will not require the construction of additional facilities and that during each of the first three years of operation United will sell and deliver to Natural approximately 6,570,000 Mcf of gas.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 2, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 23, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6556; Filed, July 5, 1962; 8:49 a.m.]

[Project No. 2313]

CITY OF WRANGELL, ALASKA

Notice of Application for Preliminary Permit

JUNE 28, 1962.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by City of Wrangell, Alaska (correspondence to City of Wrangell, P.O. Box 531, Wrangell, Alaska, attention of James S. Evans, City Manager) for a preliminary permit for proposed waterpower Project No. 2313, designated by applicant as "Virginia Lake Hydro-electric Project", to be located on Mill Creek and Virginia Lake in the First Judicial Division, State of Alaska, seven air miles east of Wrangell, affecting lands of the United States within the Tongass National Forest, and to consist of a dam 600 feet long, across Mill Creek about 900 feet downstream from the outlet of Virginia Lake, having a crest elevation at 145 feet and raising the lake elevation to approximately 140 feet, to provide 40,000 acre-feet of usable power storage; fixed spillway; intake structure; 1,700-foot conduit to surge tank; 500-foot penstock to power containing a 4,000-horsepower turbine connected to a 3,000-kilovolt-ampere generator; 1.25 miles of access road; 2 miles of submarine cable across Eastern Passage; 5 miles of conventional transmission to City of Wrangell and all other necessary appurtenances.

While no construction authorized under a preliminary permit, such a permit does give the permittee the right of priority of application for license while the permittee undertakes the necessary studies and examinations required by section 9 (b) of the Act, in order to determine the economic feasibility of the proposed project, the means of securing the necessary financial arrangements for construction, the market for the project power, and all other information necessary for inclusion in an application for license, should one be applied for under the permit.

Pursuant to section 24 of the Federal Power Act, the filing of this application has the effect of segregating from all forms of disposal any lands of the United States which may be contained within the project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is August 13, 1962. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6554; Filed, July 5, 1962; 8:49 a.m.]

[Docket Nos. RI62-467, etc.]

H. L. HUNT ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, Consolidated Proceedings, and Setting Date for Hearing; Correction

JUNE 28, 1962.

In the order providing for hearing on and suspension of proposed changes in rates, consolidating proceedings, and setting date for hearing, issued June 14, 1962 and published in the FEDERAL REGISTER June 21, 1962 (F.R. Doc. 62-5980; 27 F.R. 5890).

In the chart, under column headed "Rate in Effect Subject to Refund in Docket Nos." insert the following Docket Nos.:

Docket No. RI62-469, Hassle Hunt Trust (Operator), et al	*Insert* G-14109
Docket No. RI62-477, Placid Oil Company (Operator), et al	G-13183
Docket No. RI62-482, The Pure Oil Company	G-14351
Docket No. RI62-483, Sun Oil Company:	
Rate Schedule No. 114	G-15122
Rate Schedule No. 101	G-14254
Rate Schedule No. 92	G-13710

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6555; Filed, July 5, 1962; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

ASBURY PARK AND OCEAN GROVE BANK

Order Denying Application for Approval of Merger of Banks

In the matter of the application of Asbury Park and Ocean Grove Bank for approval of merger with The Central Jersey Bank and Trust Company.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by Asbury Park and Ocean Grove Bank, Asbury Park, New Jersey, a member bank of the Federal Reserve System, for the Board's prior approval of the merger of The Central Jersey Bank and Trust Company, Freehold, New Jersey, with and into Asbury Park and Ocean Grove Bank, under the charter of the latter and title of The Central Jersey Bank and Trust Company. Notice of the proposed merger, in form approved by the Board, was published pursuant to said Act.

Upon consideraion of all relevant materials in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed merger and the information received at and in connection with the public proceeding which was ordered in this matter (27 F.R. 4575) pursuant to the Board's rules of procedure (12 CFR 262.2(f)(3)),

It is hereby ordered, For the reasons set forth in the Board's Statement [1] of this date, that the said application be and hereby is denied.

Dated at Washington, D.C., this 29th day of June 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-6559; Filed, July 5, 1962; 8:50 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of New York.

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING REGIONAL ADMINISTRATOR, REGION II (PHILADELPHIA)

Designation

The officers appointed to the following listed positions in Region II are hereby designated to act in the place and stead of the Regional Administrator for Region II, with the title of "Acting Regional Administrator" and with all the powers, rights, and duties delegated or assigned to the Regional Administrator, in the event the Regional Administrator is unable to act by reason of his absence, illness, or other cause, provided that no officer shall have authority to act as "Acting Regional Administrator" unless all those whose titles precede his in this designation are unable to act by reason of absence, illness, or other cause.

1. Deputy Regional Administrator.
2. Regional Director of Urban Renewal.
3. Regional Director of Community Facilities.
4. Regional Counsel.

This designation supersedes the designation effective October 18, 1961 (26 F.R. 9793, October 18, 1961), which is hereby revoked.

(Housing and Home Finance Administrator's delegation effective May 4, 1962 (27 F.R. 4319, May 4, 1962))

Effective as of the 6th day of July 1962.

[SEAL] WARREN P. PHELAN,
Regional Administrator, Region II.

[F.R. Doc. 62-6618; Filed, July 5, 1962; 9:02 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2835]

FRED HARVEY ASSOCIATES, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 29, 1962.

I. Fred Harvey Associates, Inc. (issuer), Queens Canyon, Mineral County, Nevada, incorporated in Nevada on September 3, 1959 to succeed to a previously conducted mining partnership, filed with the Commission on January 9, 1961, a notification and offering circular relating to an offering of 50,000 shares of its $1.00 par value common stock at $1.00 per share, for an aggregate offering of $50,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reason to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the issuer, its officers, directors and promoters have failed to cooperate by withholding basic information requested in deficiency letters.

B. The offering circular omits to state material facts necessary to be disclosed in order to make the statements made, in the light of the circumstances under which they were made, not misleading with respect to:

1. Receipts and disbursements of issuer for the two years preceding the date of the financial statements, and the content of and valuation of assets in the financial statements;

2. The interests of participants in the predecessor, which were the bases for the allocation of shares of the issuer for the property of the predecessor, and the cash costs attributable to such interests; and

3. The bases for allocation of shares of the issuer for prior cash contributions, and the identity of certain of the contributors.

4. The offering of 25,671 shares in violation of the registration requirements of section 5 of the Securities Act of 1933 giving rise to undisclosed contingent liabilities against issuer.

C. The offering, if made, would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be and hereby is temporarily suspended.

Notice is hereby given that any person having an interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-6583; Filed, July 5, 1962; 8:56 a.m.]

[File No. 811-1161]

E. L. HUTTON ASSOCIATES, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased to be an Investment Company

JUNE 28, 1962.

Notice is hereby given that E. L. Hutton Associates, Inc. ("Applicant"), 375 Park Avenue, New York, New York, a New York corporation and a closed-end non-diversified management investment company registered under the Investment Company Act of 1940 ("Act") has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company as defined in the Act.

Applicant makes the following representations in its application.

The Applicant has not more than thirty beneficial holders of its common stock, which is its only class of securities authorized and outstanding (other than short-term paper), is not making and does not presently propose to make a public offering of its securities, and has applied for withdrawal of its registration statement pursuant to Rule 477 of the Securities Act of 1933.

Section 8(f) of the Act provides that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 23, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-6584; Filed, July 5, 1962; 8:56 a.m.]

[File No. 812-1512]

MIDWEST TECHNICAL DEVELOPMENT CORP.

Notice of Filing of Application for Order Exempting Transaction Between Affiliates

JUNE 28, 1962.

Notice is hereby given that Midwest Technical Development Corporation ("Midwest"), 2615 First National Bank Building, Minneapolis, Minnesota, a Minnesota corporation, and registered under the Investment Company Act of 1940 ("Act") as a closed-end non-diversified management investment company, has filed an application pursuant to section 17(b) of the Act for an order exempting from the provisions of section 17(a) of the Act the proposed sale by Midwest to Minco Products, Inc. ("Minco") of 960 shares of Minco's common stock.

The application contains the following representations:

On or about March 10, 1959, Midwest purchased 960 shares of the common stock of Minco from Minco for a consideration of $9,600 or $10 per share. As a result of this acquisition which represents aproximately 28 percent of the 3,447 shares of Minco presently outstanding, Midwest is an affiliated person of Minco as that term is defined in section 2(a)(3) of the Act. At the time of Midwest's acquisition of Minco's common stock, the book value of such stock was approximately $13.45 per share. Minco proposes to purchase and Midwest proposes to sell the aforesaid 960 shares of Minco common stock for $19,200 or $20 per share. The book value of Minco's common stock as of December 31, 1961 was $19.60 per share. For the twelve months ended September 30, 1961, Minco had net income after taxes of $1,651 or $.48 per share of outstanding common stock.

Midwest's investment in Minco constitutes less than ½ of 1 percent of Midwest's total assets.

The application states that Minco has a by-law which in effect gives the company a right of first refusal when a stockholder of Minco proposes to sell his stock in the company. The by-law provides that Minco shall have the right to purchase such shares at either the book value or the market value of such shares whichever is higher. Minco is closely held and there is no public market for its shares.

The application states that Minco first approached Midwest with respect to the possible purchase by Minco of Midwest's investment in Minco, and without negotiation, indicated that it was willing to purchase Midwest's holdings of Minco common stock for the above-mentioned consideration.

Midwest represents that it favors investing in companies having a strong possibility of developing broad public ownership and it appears that Minco will be unable to sell its shares publicly in the forseeable future.

Generally speaking, section 17(a) of the Act prohibits an affiliated person, of a registered investment comany, or an affiliated person of such a person from selling to or purchasing from such registered investment company any security or other property, subject to certain exceptions, unless the Commission upon application pursuant to section 17(b) grants an exemption from the provisions of section 17(a), after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than July 16, 1962, at 5:30 p.m., e.d.s.t. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Midwest. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-6585; Filed, July 5, 1962; 8:56 a.m.]

[File No. 24W-2553]

NATIONAL CAPITAL ACCEPTANCE CORP.

Notice and Order for Hearing

JUNE 29, 1962.

I. National Capital Acceptance Corporation, a District of Columbia Corporation, with its principal office located at 1925 K Street NW, Washington, D.C., filed with the Commission on December 20, 1961, a notification on Form 1-A and an offering circular, and subsequently filed amendments thereto, relating to an offering of 150,000 shares of 10¢ par Class A Common Stock at $2.00 per share for an aggregate offering of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, under Regulation A.

II. The Commission, on May 17, 1962, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest in the matter an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., e.d.s.t., on July 30, 1962, at the Main Office of the Commission, 425 Second Street NW., Washington, D.C., before a hearing officer to be designated later, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the exemption under Regulation A is unavailable to the issuer in that Guardian Investment Corporation, an undisclosed affiliate of the issuer, and Earl J. Lombard, a promoter of the issuer, are subject to an injunction issued on January 29, 1962, by the United States District Court for the District of Columbia enjoining them from certain conduct and practices in connection with the purchase and sale of securities.

B. Whether the terms and conditions of Regulation A have not been complied with, in that the issuer has not filed the required consent and certification of individuals who may be deemed underwriters under section 2(11) of the Securities Act of 1933, as amended.

C. The notification and offering circular, filed by the issuer, contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose the affiliation of Issuer and Guardian Investment Corporation.

2. The failure to disclose the injunctive action against Guardian Investment Corporation and Earl J. Lombard.

3. The failure to identify individuals who may be deemed underwriters under section 2(11) of the Securities Act of 1933, as amended.

4. The failure to disclose the ownership interests of Issuer's officers and directors in Guardian Investment Corporation.

III. *It is further ordered*, That the designated hearing examiner, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(c), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on National Capital Acceptance Corporation, that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall, file with the Secretary of the Commission on or before July 28, 1962, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

It is further ordered, That National Capital Acceptance Corporation, pursuant to Rule 7 of the rules of practice of the Commission (17 CFR 201.7), shall file an answer to the allegations set forth in Section II hereinabove. Such answer shall be filed in the manner, form and within the time prescribed by 17 CFR 201.7 and shall specifically admit or deny or state that National Capital Acceptance Corporation does not have, and is unable to obtain, sufficient information to admit or deny each of the allegations set forth in Section II hereinabove.

Notice is hereby given that if National Capital Acceptance Corporation fails to file an answer pursuant to 17 CFR 201.7 within fifteen days after service upon it of this notice and order for hearing, the proceedings may be determined against National Capital Acceptance Corporation by the Commission upon consideration of this notice and order for hearing and said allegations in section II above may be deemed to be true.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-6586; Filed, July 5, 1962; 8:57 a.m.]

[File No. 24SF-3007]

TRAIL-AIRE, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 29, 1962.

I. Trail-Aire, Inc. (issuer), 18033 South Santa Fe Avenue, Long Beach, California, incorporated in California on September 22, 1958, filed with the Commission on December 27, 1961 a notification and offering circular relating to an offering of 55,000 shares of its $1.00 par value common stock at $5.00 per share, for an aggregate offering of $275,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933 as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reason to believe that:

A. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary to be disclosed in order to make the statements made, in the light of the circumstances under which they were made, not misleading, with respect to:

1. The beneficial owners of 41.7 percent of issuer's outstanding shares, prior to the public offering, who were affiliates of and control issuer, and

2. The relationship between issuer and the major purchaser of its products and services which, through the beneficial owners of 41.7 percent of issuer's outstanding shares prior to the public offering and the volume of its purchases, effectively controlled issuer.

B. The offering was made in violation of section 17 of the Securities Act of 1933, as amended.

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be and hereby is temporarily supended.

Notice is hereby given that any person having an interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-6588; Filed, July 5, 1962; 8:57 a.m.]

[File No. 24SF-2899]

TERRA EQUIPMENT ENGINEERING, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 29, 1962.

I. Terra Equipment Engineering Corporation (issuer), 496 West San Carlos Street, San Jose, California, incorporated in Nevada on April 27, 1961, to acquire the business of Thompson Scoop-Grader, Inc. (predecessor, a California corporation), filed with the Commission on June 12, 1961 a notification and offering circular relating to an offering of 273,423 shares of its $1.00 par value common stock at $1.00 per share, for an aggregate offering of $273,423, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reason to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer failed to disclose in response to Item 3(c) the names of all persons who may be considered as promoters of the issuer within the meaning of Rule 251.

2. The issuer failed to disclose in response to Item 9 the facts regarding the allocation and transfer of 397,142 shares for which an exemption is claimed under section 4(1) of the Securities Act of 1933, as amended.

B. The offering circular omits to state material facts which should necessarily have been included in order to make the representations made, in the light of the circumstances under which they were made, not misleading, with respect to:

1. The interests in the predecessor company which were the basis for the allocation of shares of the issuer in exchange for the business of the predecessor, and material transactions in such interests by officers, directors and promoters of predecessor and issuer;

2. Material transactions in shares of the issuer by officers, directors and promoters thereof;

3. The liabilities of the predecessor company assumed by issuer and the liabilities of the issuer, the items included therein, and provisions and agreements pertaining to the satisfaction or discharge thereof;

4. Transactions in shares of the issuer in violation of state law and resulting contingent liabilities, and

5. Commitments of the issuer to pay salaries and commissions.

C. The exemption provided by Regulation A is not available in that the issuer has failed to comply with Rules 253 and 254 in computing the aggregate amount of the offering and consequently the offering, if made, would exceed the $300,000 limitation of section 3(b) of the 1933 Act.

D. The offering, if made, would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under regulation A be and hereby is temporarily suspended.

Notice is hereby given that any person having an interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-6587; Filed, July 5, 1962; 8:57 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 561 (27 F.R. 4001) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under Section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (section 522.1 to 522.9) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (20 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Benjamin and Johnes, Inc., 410 Ashe Avenue, Dunn, N.C.; effective 6-18-62 to 6-17-63 (women's foundation garments).

Federal Corset Co., Airport Hanger No. 1, Douglas, Ga.; effective 6-26-62 to 6-25-63 (ladies' girdles and bras).

Mid-South Industries, Inc., Hackleburg, Ala.; effective 6-27-62 to 6-26-63 (boys' sport shirts).

Miss Fashions, Inc., Sixth and Hickory Streets, Mount Carmel, Pa.; effective 6-22-62 to 6-21-63 (women's nightwear).

Paducah Shirt Co., Inc., 1117 North Eighth Street, Paducah, Ky.; effective 6-21-62 to 6-20-63 (boys' shirts).

Siceloff Manufacturing Co., Inc., East Second Avenue and Pugh Street, Lexington, N.C.; effective 6-26-62 to 6-25-63 (men's and boys' single pants; women's and children's outerwear).

Vandalia Garment Co., Vandalia, Mo.; effective 6-29-62 to 6-28-63. Learners may not be employed at special minimum wage rates in production of separate skirts (ladies' dresses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Apparel Manufacturing Corp., Center Street, Mebane, N.C.; effective 6-26-62 to 6-25-63; 10 learners (children's dresses).

Granville Manufacturing Co., Hillsboro Street Extension, Oxford, N.C.; effective 6-29-62 to 6-28-63; 10 learners (ladies' dresses).

Hunter Brothers Co., Inc., Statesville, N.C.; effective 6-20-62 to 6-19-63; 10 learners for normal labor turnover purposes in the production of men's sport shirts and ladies' blouses (sport shirts and ladies' blouses).

Iva Manufacturing Co., Inc., Iva, S.C.; effective 7-1-62 to 6-30-63; 10 learners (ladies' blouses and coordinates).

Sportswear Unlimited Co., Antreville, S.C.; effective 6-29-62 to 6-28-63; 10 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (blouses and coordinates).

S & R Dress Company, 221 Schuylkill Avenue, Tamaqua, Pa.; effective 6-20-62 to 6-19-63; 10 learners (children's dresses).

Venus Industries, Inc., 4916 Main Avenue, Ashtabula, Ohio; effective 6-20-62 to 6-19-63; 10 learners (ladies' dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Federal Corset Co., Inc., Airport Hanger No. 1, Douglas, Ga.; effective 6-20-62 to 12-19-62; 10 learners (ladies' girdles and bras).

Joseph Cohen Co., 115 Mulberry Street, Cumming, Ga.; effective 6-21-62 to 12-20-62; 72 learners (men's and boys' slacks and walking shorts).

McCreary Manufacturing Co., Inc., Stearns, Ky.; effective 6-20-62 to 12-19-62; 122 learners (men's shirts).

Pollak Brothers, Inc., 227 West Main Street, Fort Wayne, Ind.; effective 6-25-62 to 12-24-62; 15 learners (women's dresses, smocks, and dusters).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Lambert Manufacturing Co., Inc., Plant No. 3, 1006 Washington Street, Chillicothe, Mo.; effective 6-28-62 to 6-27-63; 10 learners for normal labor turnover purposes (work gloves).

Wells Lamont Corp., Hugo, Okla.; effective 6-20-62 to 12-19-62; 20 learners for plant expansion purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Danville Knitting Mills, Inc., Danville, Va.; effective 6-25-62 to 12-24-62; 15 learners for plant expansion purposes (seamless).

Vance Hosiery Co., Kernersville, N.C.; effective 7-6-62 to 7-5-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Independent Telephone Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.70 to 522.74, as amended).

Fort Kent Telephone Co., Fort Kent, Maine; effective 6-21-62 to 6-20-63.

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Hunter Brothers Co., Inc., Statesville, N.C.; effective 6-20-62 to 6-19-63; five learners for normal labor turnover purposes, in the production of woven under shorts (men's woven cotton shorts).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Americana Mfg. Co., Inc., Guayama, P.R.; effective 6-4-62 to 6-3-63; 10 learners for normal labor turnover purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours, and 90 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 81 cents an hour (brassieres and girdles).

Americana Manufacturing Co., Inc., Guayama, P.R.; effective 6-4-62 to 12-3-62; 65 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours, and 90 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 81 cents an hour (brassieres and girdles).

Bonita Inc., Industrial Ave., Cayey, P.R.; effective 5-7-62 to 5-6-63; five learners for normal labor turnover purposes, in the occupations of: (1) Sewing machine operator for a learning period of 320 hours at the rates of 72 cents an hour for the first 160 hours, and 84 cents an hour for the remaining 160 hours; (2) presser for a learning period of 160 hours at the rate of 72 cents an hour (skirts).

Caribe Staple Co., Inc., Fajardo, P.R.; effective 5-7-62 to 5-6-63; 10 learners for normal labor turnover purposes; (1) In the single occupation of machine operator; inspector for a learning period of 480 hours at the rates of 87 cents an hour for the first 240 hours, and $1.01 an hour for the remaining 240 hours; (2) inspector-packer for a learning period of 240 hours at the rate of 87 cents an hour (industrial staples).

Commonwealth Sports Products, Inc., Foreign Trade Zone, Mayaguez, P.R.; effective 5-7-62 to 11-6-62; 12 learners for plant expansion purposes, in the occupations of: (1) Stitching machine operator for a learning period of 320 hours at the rates of 51 cents an hour for the first 160 hours and 59 cents an hour for the remaining 160 hours for the period May 7, 1962, to June 9, 1962, and at the rates of 57 cents an hour for the first 160 hours and 66 cents an hour for the remaining 160 hours, effective June 10, 1962; (2) die and clicker machine operator; layer off for a learning period of 160 hours at the rate of 51 cents an hour for the period May 7, 1962, to June 9, 1962, and at the rate of 57 cents an hour, effective June 10, 1962 (leather gloves for sports).

Electronic Manufacturing Engineers, Inc., Fajardo, P.R.; effective 5-7-62 to 5-6-63; five learners for normal labor turnover purposes, in the single occupation of basic and/or machine production operation in the manufacture of rotating servo components: Winder; inserter; connector; and former, for a learning period of 480 hours at the rates of 92 cents an hour for the first 240 hours and $1.04 an hour for the remaining 240 hours (rotating servo components).

Electronic Manufacturing Engineers, Inc., Fajardo, P.R.; effective 5-7-62 to 11-6-62; 20 learners for plant expansion purposes, in the single occupation of basic hand and/or machine production operation in the manufacture of rotating servo components: Winder; inserter; connecter; and former, for a learning period of 480 hours at the rates of 92 cents an hour for the first 240 hours and $1.04 an hour for the remaining 240 hours (rotating servo components).

Electrospace Corp. of P.R., Naguabo, P.R.; effective 6-11-62 to 6-10-63; five learners for normal labor turnover purposes, in the occupation of assembler of electronic equipment; cable assembler; electronic wirer and solderer; operator of wire cutter machine; and inspector, each for a learning period of 480 hours at the rates of 89 cents an hour for the first 240 hours and 99 cents an hour for the remaining 240 hours (electronic signal equipment).

Electrospace Corp. of P.R., Naguabo, P.R.; effective 6-11-62 to 2-10-63; 127 learners for plant expansion purposes, in the occu-

pation of assembler of electronic equipment; cable assembler; electronic wirer and solderer; operator of wire cutter machine; and inspector; each for a learning period of 480 hours at the rates of 89 cents an hour for the first 240 hours and 99 cents an hour for the remaining 240 hours (electronic signal equipment).

Euphonics Corp., Rio Piedras, P.R.; effective 5–14–62 to 5–13–63; 12 learners for normal labor turnover purposes, in the single occupation of basic hand and/or machine production operations: Rubber molder; stamper; assembly; inspector and tester, for a learning period of 480 hours at the rates of 92 cents an hour for the first 240 hours and $1.04 an hour for the remaining 240 hours (phonograph pick-up cartridges).

Euphonics Corp., Rio Piedras, P.R.; effective 5–14–62 to 11–13–62; 28 learners for plant expansion purposes, in the single occupation of basic hand and/or machine production operations: Rubber molder; stamper; assembly; inspector and tester, each for a learning period of 480 hours at the rates of 92 cents an hour for the first 240 hours and $1.04 an hour for the remaining 240 hours (phonograph pick-up cartridges).

General Electric Instrument Corp., Caguas, P.R.; effective 6–18–62 to 6–17–63; 25 learners for normal labor turnover purposes, in the occupations of instrument assembler; fine solderer; repair operator; and inspector (electrical and mechanical) each for a learning period of 480 hours at the rates of 95 cents an hour for the first 240 hours and $1.05 an hour for the remaining 240 hours (electric instruments).

Paradise Manufacturing, Inc., Gurabo, P.R.; effective 6–13–62 to 6–12–63; 14 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres).

Playtex Caribe, Inc., Dorado, P.R.; effective 6–19–62 to 6–18–63; 27 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 81 cents an hour for the first 320 hours and 90 cents an hour for the remaining 160 hours (brassieres).

Sunscreen Corp., Calle Igualdad, Fajardo, P.R.; effective 6–4–62 to 6–3–63; five learners for normal labor turnover purposes, in the occupation of koolshade weaving machine operator for a learning period of 480 hours at the rates of 87 cents an hour for the first 240 hours and $1.01 an hour for the remaining 240 hours (koolshade screening).

Transducer Corp., Luquillo, P.R.; effective 5–7–62 to 5–6–63; five learners for normal labor turnover purposes, in the occupation of coil winder; assembler; and wiring girl each for a learning period of 480 hours at the rates of 92 cents an hour for the first 240 hours and $1.04 an hour for the remaining 240 hours (magnetic tape recorder multichannel heads).

Tropical Corp., Mayaguez, P.R.; effective 5–16–62 to 2–11–63; five learners for normal labor turnover purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of: (a) 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours in the manufacture of sachet bags; (b) 66 cents an hour for the first 240 hours and 77 cents an hour for the remaining 240 hours in the manufacture of children's dresses; (2) final inspection of fully assembled garments or bags for a learning period of 160 hours at the rate of 72 cents an hour in the manufacture of sachet bags and 66 cents an hour in the manufacture of children's dresses (sachet bags and children's dresses) (replacement certificate).

Tropical Corp., Mayaguez, P.R.; effective 5–16–62 to 8–11–62; 60 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of: (a) 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours in the manufacture of sachet bags; (b) 66 cents an hour for the first 240 hours and 77 cents an hour for the remaining 240 hours in the manufacture of children's dresses; (2) final inspection of fully assembled garments or bags for a learning period of 160 hours at the rate of 72 cents an hour in the manufacture of sachet bags and 66 cents an hour in the manufacture of children's dresses (sachet bags and children's dresses) (replacement certificate).

Yauco Super Knits, Ltd., Yauco, P.R.; effective 5–28–62 to 5–27–63; 11 learners for normal labor turnover purposes, in the occupations of: (1) Knitter and looper each for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours; (2) machine stitcher; and presser each for a learning period of 320 hours at the rates of 78 cents an hour for the first 160 hours and 92 cents an hour for the remaining 160 hours (knitted sweaters).

Yauco Super Knits, Ltd., Yauco, P.R.; effective 5–28–62 to 11–27–62; 23 learners for plant expansion purposes, in the occupations of: (1) Knitter and looper each for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours; (2) machine stitcher; and presser each for a learning period of 320 hours at the rates of 78 cents an hour for the first 160 hours and 92 cents an hour for the remaining 160 hours (knitted sweaters).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 27th day of June 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62–6581; Filed, July 5, 1962; 8:56 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 658]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 29, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64784. By order of June 26, 1962, the Transfer Board approved the transfer to White Transfer, Inc., Wilmington, Del., of Certificate No. MC 44906, issued March 24, 1949, to Elliott Hitchen and Hazel P. Hitchen, doing business as White Transfer, Wilmington, Del., authorizing the transportation of: Household goods, office furniture and equipment, and store fixtures, between Wilmington, Del., on the one hand, and, on the other, points in New Jersey, Maryland, Virginia, and portions of Pennsylvania and New York as specified. Stanley T. Czajkowski, 1807 Market Street, Wilmington 2, Del., Attorney for applicants.

No. MC–FC 64870. By order of June 26, 1962, the Transfer Board approved the transfer to Arthur L. Gorman, Incorporated, Newark, N.J., of Certificate No. MC 32252 issued March 20, 1942, to Arthur L. Gorman, doing business as Arthur L. Gorman Trucking, Newark, N.J., authorizing the transportation over irregular routes, of general commodities, excluding household goods and commodities in bulk, between points in Essex County, N.J., on the one hand, and on the other, New York, N.Y., and floor title, and materials, equipment and supplies, used by floor tile contractors, between New York, N.Y., on the one hand, and, on the other, points in Hudson, Middlesex, and Union Counties, N.J. Victor J. Gorman, 10 Hennessey Street, Newark 5, N.J., representative for applicants.

No. MC–FC 64893. By order of June 26, 1962, the Transfer Board approved the transfer to Archie J. Brady, Edwin R. Partington, and Archie E. Welch, a partnership, doing business as Big Pine Trucking Company, P.O. Box 674, Big Pine, Calif., of Certificate No. MC 104583, issued January 2, 1958, to Peter Bolt and George W. Hitchborn, a partnership, doing business as Big Pine Trucking Co., Big Pine, Calif., authorizing the transportation of: Talc, from Mines in Nevada within 10 miles of Palmetto, Nev., to Lone Pine, Calif., serving Zurich and Big Pine, for delivery only, over regular routes, and Mining machinery and supplies, maximum 10,000 pounds, on return, and Talc and Clay, between points in Inyo County, Calif.

No. MC–FC 65007. By order of June 26, 1962, the Transfer Board approved the transfer to Hulme Transportation Co., a corporation, Cranston, R.I., of Permit Nos. MC 6879 and MC 6879 Sub-1, issued March 5, 1942, and December 13, 1946, to Raymond J. Moriarty, Providence, R.I., authorizing the transportation of: Petroleum products, in bulk, and such miscellaneous commodities as are used in conducting or operating retail gasoline service stations, over irregular routes, in a service involving Providence and East Providence, R.I., points in Windham and New London Counties, Conn., and a specified portion of Massachusetts. Arthur A. Wentzell, P.O. Box 720, Worcester 1, Mass., representative for applicants.

No. MC–FC 65014. By order of June 26, 1962, the Transfer Board approved the transfer to James Thompson, doing business as Jones Transfer, Spencer, Iowa, of Certificate No. MC 114862, issued April 5, 1955, to James Thompson and Wayne Thompson, a partnership, doing business as Jones Transfer, Spencer, Iowa, authorizing the transportation of: Malt beverages, from Peoria, Ill., Minneapolis, Minn., and Omaha, Nebr., to Spencer, Iowa; from Minneapolis and St. Paul, Minn., and Omaha, Nebr., to Algona, Iowa; empty malt beverage containers, from Spencer, Iowa, to Peoria, Ill., Minneapolis, Minn., and Omaha, Nebr., from Algona, Iowa, to Minneapolis, and St. Paul, Minn., and Omaha, Nebr., and household goods as defined by the Commission, between points in Iowa within 50 miles of Spencer, on the one hand, and, on the other, points in Illinois, Minnesota, South Dakota and Nebraska. William A. Landau, 1307 East Walnut, Street, Des Moines 16, Iowa, representative for applicants.

No. MC–FC 65015. By order of June 26, 1962, the Transfer Board approved the transfer to John C. Mees, doing business as Mees Transfer and Storage, Forsyth, Mont., of Certificate No. MC 65374, issued February 13, 1950, to Birger Aasland and Bruce G. Aasland, a partnership, doing business as Birger Aasland and Son, Forsyth, Mont., authorizing the transportation of: Agricultural implements, feed, bags, fruit, seed, vegetables, wool, household goods as defined by the Commission and new furniture, between Forsyth, Mont., on the one hand, and, on the other, points in Montana within 125 miles of Forsyth, and general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Forsyth, on the one hand, and, on the other, Civilian Conservation Corps Camp Site in Montana within 125 miles of Forsyth, and Agricultural implements, from Billings, Mont., to points in Montana east of U.S. Highway 87 within 90 miles of Forsyth.

No. MC–FC 65022. By order of June 26, 1962, the Transfer Board approved the transfer to Wynne Transport Service, Inc., Omaha, Nebr., of Certificates Nos. MC 108522, MC 108522 Sub-1 and MC 108522 Sub-2, issued July 6, 1949, July 6, 1949, and July 29, 1952, respectively, to Preisendorf Transport, Inc., Grand Island, Nebr., authorizing the transportation of: Petroleum products, and petroleum, in bulk, and also, in tank trucks, from and to specified points in Kansas, Nebraska and Iowa. J. Max Harding, 605 South 12th Street, Lincoln, Nebr., attorney for applicants.

No. MC–FC 65040. By order of June 26, 1962, the Transfer Board approved the transfer to W. Harold Kies, doing business as Harry M. Kies, Easton, Pa., of Certificate No. MC 62324, issued June 3, 1949, to Abbie J. Kies, doing business as Harry M. Kies, Easton, Pa., authorizing the transportation of: Household goods, as defined by the Commission, between Easton, Pa., and Phillipsburg, N.J., and points within 25 miles of each, on the one hand, and, on the other, points in New Jersey, Pennsylvania, and New York, and furnaces and parts, from Bethlehem, Pa., to points in New Jersey within 25 miles of Easton, Pa., and gas and electric appliances, between Easton, Pa., on the one hand, and, on the other, Newton and Lambertville, N.J., and points in New Jersey within 25 miles of Philipsburg, N.J., and between Philipsburg, N.J., on the one hand, and, on the other, points in Pennsylvania within 25 miles of Philipsburg. George C. Laub, 340 Spring Garden Street, Easton, Pa., attorney for applicants.

No. MC–FC 65058. By order of June 26, 1962, the Transfer Board approved the transfer to Alphonse Hinderman and Vincent Hinderman, doing business as Hinderman Brothers, Dickeyville, Wis., of Certificate No. MC 113151 Sub-1, MC 113151 Sub-4 and MC 113151 Sub-5 issued March 2, 1956, August 6, 1957, and June 30, 1961, respectively, to Alphonse Hinderman, Edwin Hinderman, and Vincent Hinderman, doing business as Hinderman Brothers, Dickeyville, Wis., authorizing the transportation of: Livestock, from points in the towns of Paris, Jamestown, Hazel Green, Harrison,, Potosi, and Smelzer, Grant County, Wis., to Dubuque, Iowa, and East Dubuque, Ill., coal, building materials, and livestock, from Dubuque, Iowa, and East Dubuque, Ill., to points in the above-specified Wisconsin towns; feed and fertilizer, from Dubuque, Iowa, to points in Paris and Potosi Townships, Grant County, Wis., and livestock and poultry feed, from Davenport, Iowa, to points in the towns of Fennimore and Potosi, Grant County, Wis. John T. Porter, 707 First National Bank Building, Madison 3, Wis., attorney for applicants.

No. MC–FC 65060. By order of June 26, 1962, the Transfer Board approved the transfer to George J. Wamhoff, doing business as C. J. Smith Express, St. Louis, Mo., of Certificate No. MC 31412, issued June 16, 1941, to Charles John Smith, doing business as C. J. Smith Express, St. Louis, Mo., authorizing the transportation of: Ice cream, from St. Louis, Mo., to Belleville and Collinsville, Ill., and empty ice cream containers on return, and beverage dispensary supplies and equipment, electrical, optical, and theatrical equipment, parts and supplies, dry cleaning, laundry, heating, and plumbing machinery, equipment, parts and supplies, dry ice, elevators, mechanics tools, and carbonic gas in containers, between points within 25 miles of St. Louis, Mo., including St. Louis, and general commodities, excluding household goods, commodities in bulk, and certain other specified commodities, between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission. Austin C. Knetzger, 722 Chestnut Street, St. Louis 1, Mo., attorney for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62–6496; Filed, July 5, 1962; 8:45 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 2, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37818: *Lime from points in southwestern and WTL territories.* Filed by Western Trunk Line Committee, Agent (No. A–2258), for interested rail carriers. Rates on lime, common, viz; lump, crushed, pulverized or hydrated, in carloads, from points in southwestern and western trunk-line territories, to points in Minnesota, North Dakota and South Dakota.

Grounds for relief: Market competition, short-line distance formula and grouping.

Tariff: Supplement 18 to Western Trunk Line Committee tariff I.C.C. A–4360.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62–6590; Filed, July 5, 1962; 8:57 a.m.]

KEITH H. LYRLA

Statement of Changes in Financial Interests

Pursuant to subsection 302(c) Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (20 F.R. 10086; 21 F.R. 3475, 9198; 22 F.R. 3777, 9450; 23 F.R. 3798, 9501; 24 F.R. 4187, 9502; 25 F.R. 102; 26 F.R. 1692, 6284 and 27 F.R. 684) during the period from January 1, 1962 through June 30, 1962:

No change.

Dated: June 15, 1962.

KEITH H. LYRLA.

[F.R. Doc. 62–6591; Filed, July 5, 1962; 8:57 a.m.]

FLOYD A. MECHLING

Statement of Changes in Financial Interests

Pursuant to subsection 302(c) Part II, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as

heretofore reported and published. (22 F.R. 996, 6584; 23 F.R. 1062, 6730; 24 F.R. 552, 6251, 9689, 109; 26 F.R. 1693, 6463 and 27 F.R. 684), for the period January 26, 1962 through July 25, 1962:

There has been no change in my financial interests.

Dated: June 19, 1962.

FLOYD A. MECHLING.

[F.R. Doc. 62-6592; Filed, July 5, 1962; 8:58 a.m.]

FEDERAL REGISTER

Telephone WOrth 3-3261

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Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Rev. III]

PART 483—WHEAT AND FLOUR

Subpart—Wheat Export Program—Payment in Kind (GR–345) Terms and Conditions

The Terms and Conditions of the Wheat Export Program—Payment in Kind (GR–345) (25 F.R. 5807), as amended (25 F.R. 10757), are further amended herein and are reissued as Revision III, as follows:

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AUTHORITY: §§ 483.101 to 483.199 issued under secs. 4 and 5, 62 Stat. 1070 and 1072; sec. 2, 63 Stat. 945, as amended; sec. 407, 63 Stat. 1051 as amended; sec. 201(a), 70 Stat. 188; 15 U.S.C. 1641, 1427, 1851.

GENERAL

§ 483.101 General statement.

Commodity Credit Corporation (hereinafter referred to as "CCC") pursuant to this subpart will conduct a Wheat Export Program (referred to in this subpart as the "program") under which a person or firm who has exported wheat produced in the United States may apply for an export payment in the form of a certificate which is redeemable in wheat held in the inventory of CCC. The program is designed to encourage the exportation through normal trade channels of wheat held in private inventories and in CCC stocks in order (a) to maintain and expand the market in friendly countries for United States produced wheat, (b) to obtain the benefits and fulfill the obligations of the United States under the International Wheat Agreement, (c) to aid the price support program by strengthening the domestic market price to producers, (d) to reduce the quantity of wheat which would otherwise be taken into CCC's stocks under its price support program, and (e) to promote the orderly liquidation of CCC stocks. This program will be administered by the Agricultural Stabilization and Conservation Service, United States Department of Agriculture and information pertaining to the program may be obtained from any ASCS Commodity Office listed in § 483.180.

ELIGIBILITY FOR PAYMENT BY CCC

§ 483.105 General conditions of eligibility.

(a) Payment under this program will be made to an exporter, subject to the terms and conditions set forth in this subpart, in connection with (1) the net quantity of wheat exported from the United States and (2) the net quantity of wheat shipped to Canada via the Great Lakes if the wheat so shipped to Canada is exported from a Canadian port on the St. Lawrence River. Such exportation must be to a designated country as defined in § 483.187 pursuant to a sale to a foreign buyer for which the exporter has received a Notice of Registration from a Contracting Officer of CCC, in accordance with § 483.126. Payment also will be made to an exporter for wheat which was exported prior to sale and for which the exporter has received a Notice of Registration from a Contracting Officer of CCC, subject to the terms and conditions of this subpart, particularly § 483.109.

(b) CCC will determine which sales registered under the program in accordance with § 483.126, are considered eligible for recording under the International Wheat Agreement, and will report such sales to the Wheat Council. Final determination of recordability rests with the Wheat Council. An exporter's rights under this subpart will not be impaired if any transaction is not ultimately recorded by the Wheat Council.

(c) A sale which involves wheat produced outside the United States, or a mixture of wheat which is partly derived from wheat produced outside the United States is not eligible for registration under the program. However, in the event the Director determines that such a mixture is exported unintentionally, payment may be made but only on that portion which it is established to his satisfaction was produced in the United States.

(d) Sales of wheat grading sample because of total damage of thirty percent or more, or because it is musty, sour, heating or unfit for human consumption will not be eligible for registration under this program. Sales of wheat grading sample because of other factors will not be registered for payment if they are not considered to be in the best interests of the program. See § 483.126.

(e) To be eligible for payment under this program, the exporter shall furnish documentary evidence of export, as required in § 483.147, which has not been used, or will not subsequently be used as evidence of export in connection with (1) any other application for wheat export payment under this program, (2) any other export program under which CCC has made or has agreed to make an export allowance, (3) any other export program which involves the sale of wheat for export at prices which reflect any export allowance or (4) a CCC barter transaction. Nothing herein shall be construed as precluding exportations of wheat under this program in fulfillment of Purchase Authorizations pursuant to Public Law 480 (83d Congress), as amended. Documentary evidence of export submitted under Sec. 483.162 in connection with purchases of wheat from CCC may also be submitted to CCC as evidence of export in connection with Applications for Wheat Export Payments.

(f) Sales may be made pursuant to this program to a foreign buyer for ship-

ment to any designated country defined in § 483.187 whether or not such buyer is located in the country of destination. A sale to be eligible for payment must be a bona fide sales transaction with the foreign buyer named in the Declaration of Sale. Brokers or agents of either the seller or the foreign buyer shall not be named as the buyer in the Declaration of Sale.

(g) The foreign buyer may be an affiliate of the U.S. exporter, in which case the sale registered for export payment must be a bona fide sales transaction in which the affiliate is acting in its own behalf as an independent buyer and not on behalf of the exporter. The foreign sale shall not be a "wash sale" or any other type of inter-company transaction which does not result in an actual exportation of wheat against the specific sale on which the export payment rate was based.

(h) Where a sale is made by an exporter to a foreign buyer who simultaneously resells to another foreign buyer, the latter may be the buyer named in the Notice of Sale and Declaration of Sale.

(i) Exportation of wheat by or to a United States Government agency as defined in § 483.195 to or in a designated country shall not qualify as an exportation for the purposes of this program.

§ 483.106 Countries and buyers to which wheat may be exported.

(a) Except as provided in paragraphs (b) and (c) of this section, exports under this program shall be made only to the designated country and buyer named in the Declaration of Sale and the exporter shall not ship, tranship or cause the wheat to be transhipped to any other country.

(b) Shipment shall be made only to the country named in the Declaration of Sale, unless the exporter (1) obtains the written approval of a Contracting Officer, CCC for shipment to a designated country other than the country named in the Declaration of Sale and (2) furnishes a certification to the Contracting Officer, CCC that such shipment is at the request of the buyer named in the Declaration of Sale, that such shipment constitutes delivery against the exporter's sale to the foreign buyer on which the export payment is based pursuant to § 483.121 and is not in connection with a different sale, and that the exporter knows of no circumstances with respect to such shipment which would impair the integrity of such sale.

(c) Shipment may be made to a consignee or notify party other than the buyer named in the Declaration of Sale, provided the exporter furnishes a certification to the Contracting Officer, CCC, as required in paragraph (b) of this section.

§ 483.107 Date of exportation.

Where the wheat is sold for export in a specified rate period announced by CCC the exportation must be completed before the end of that period in order for the exporter to obtain the export payment rate applicable to that period. If two or more export rate periods were announced by CCC (see § 483.120) at time of sale and exportation takes place during one of the later of such export rate periods, the exporter shall be entitled to payment at the export payment rate in effect during such later export rate period without having to obtain approval in writing from the Contracting Officer, CCC for an extension of the export period. If exportation is not completed before the expiration of any and all export rate periods announced at time of sale, no payment shall be made unless an extension of the export period is granted in writing by the Contracting Officer, CCC, and such approval may be given subject to such reduction in the export payment (expressed in a rate per bushel) as may be specified by the Contracting Officer, CCC.

§ 483.108 Loading tolerances.

A contract loading tolerance of not to exceed ten percent more or less is permitted, or if no loading tolerance is specified in the contract, a loading tolerance of one percent more or less is permitted. Payment shall not be made on quantities loaded on vessels, cars, or trucks which are in excess of the contract quantity as shown on the Declaration of Sale plus such loading tolerance, unless (a) a new Notice of Sale and a new Declaration of Sale are filed for such excess quantity loaded and (b) a new Notice of Registration is issued in connection therewith. Failure to export the contract quantity less the loading tolerance shall subject the exporter to the provisions of Section 483.141 for the deficiency in the quantity exported.

§ 483.109 Wheat exported prior to sale.

(a) In connection with any quantity of wheat exported prior to sale, payments shall be made only on that portion thereof which has been reported in accordance with paragraph (b) of this section and only on sales made by the person who actually exports such wheat, and not to a person who buys such wheat after exportation and resells it to a designated country.

(b) In order to receive export payment on wheat exported prior to sale the exporter must have reported the exportation of such wheat to the office indicated in § 483.178 not later than seven days after the date of such exportation as defined in § 483.189, unless additional time for reporting is granted in writing by the Contracting Officer, CCC. This report must include the following information:

(1) Date of exportation.

(2) Port of exportation.

(3) Country and port of original destination of wheat.

(4) Name of ocean vessel upon which loaded.

(5) Quantity in bushels.

(6) Class and grade.

(7) The report shall also contain a statement that the vessel contains other wheat sold by the exporter filing the report, as provided in paragraph (c) of this section.

(c) Unless otherwise approved in writing by the Contracting Officer, CCC, only unsold wheat which is loaded on a vessel which also carries wheat sold by the same exporter under this program, or other export programs of CCC, shall be reported under paragraph (b) of this section, and shall be eligible for export payment when sold. In the case of full cargo shipments the unsold portion shall not exceed one-third of the total cargo. In the case of part cargo lots the unsold portion shall not exceed 2,000 metric tons. The exporter should obtain separate bill or bills of lading for both the unsold and sold quantities of wheat exported.

(d) At such time as the wheat is sold, the exporter shall report the sale to the office indicated in § 483.178 as provided in § 483.125, and shall submit all other reports and documents as required by this subpart. In reporting the sale the exporter must state that the wheat sold was reported to the office indicated in § 483.178 as provided in paragraph (b) of this section. This may be done by the use of the code word "Abroad".

(e) The export rate applicable to such sale shall be that rate in effect at time of sale, or time of giving Notice of Sale, whichever is the lower, for the export rate period current at that time which applies (1) to the port from which the wheat was exported, and (2) to the country shown in the Declaration of Sale.

EXPORT PAYMENT RATES AND ANNOUNCEMENTS

§ 483.120 Announcement of rates.

Export payment rates will be announced from Washington, D.C., daily or at intervals of up to 7 days. Rates will be released at approximately 3:31 p.m., e.s.t. (see § 483.199), and will remain in effect through 3:30 p.m., e.s.t., on the expiration date stated in the announcement at which time a new announcement will be made. No rates will be announced on Saturday, and rates effective at 3:31 p.m., e.s.t., on Friday will be in effect through 3:30 p.m., e.s.t., of the market day succeeding Saturday unless the announcement specifically provides otherwise. Announcements will be available through the press, ticker service, Agricultural Stabilization and Conservation Service Offices at Portland (Oregon), Minneapolis, Kansas City (Missouri), Dallas, Evanston (Illinois), and through representatives of the Office of the General Sales Manager, Foreign Agricultural Service (FAS), located at San Francisco and New York. Different rates of payment for separate coasts or ports, various classes of wheat, destinations, periods of exportation, etc., may be announced simultaneously.

§ 483.121 Determination of rates.

The rate in effect at the time of sale to the foreign buyer or the time of filing Notice of Sale as required by § 483.125 (a), whichever rate is the lower, shall be the rate applicable to the sale. The supporting evidence of sale submitted by the exporter in form prescribed in § 483.127(d), will be the basis for determining the time of sale. Some of the factors which are determinative of such time of sale, for the purpose of this program, are as follows:

(a) Time of the exporter's filing a cablegram or mailing a written acceptance of a definite offer to purchase received from the foreign buyer.

(b) Time of receipt by the exporter of a cablegram or other written acceptance from the foreign buyer of a definite offer by the exporter to sell or the time of receipt by the exporter of a cablegram or other written notification from his agent that the foreign buyer has accepted a definite offer by the exporter to sell.

(c) Time of filing by the exporter of a cablegram or time of mailing of a written confirmation by the exporter of the booking of a shipment or shipments to be made pursuant to a standing order of the buyer to purchase. It must be clear from the evidence, however, that the exporter has the right under the terms of the standing order to create a firm contract of sale by issuing a confirmation. For example, if he is authorized to confirm the sale at a price which may be established at his option, the evidence must show that such is the understanding between buyer and seller, otherwise it will be necessary for the buyer also to confirm the price, and receipt of the buyer's confirmation will establish the time of sale.

(d) A sale shall not be considered as made until the purchase price has been established, and time of sale shall be the earliest time the exporter has knowledge that a firm contract exists with the foreign buyer on which a firm dollar and cent price has been established pursuant to paragraphs (a), (b) and (c) of this section. Any contract provisions which entail provisional, or basic or maximum or minimum prices to be adjusted at a future date, may affect the time of sale for purposes of this subpart. For example, a contract will be considered to have a firm dollar and cent price if it contains a maximum price which can be reduced only at the seller's option or a minimum price which can be increased only at the buyer's option.

(e) If export is wholly by truck or rail and a firm contract exists at a firm dollar and cents price but the time of sale cannot be determined on the basis of the factors set forth in this section, or by any other means, the sale will be deemed to have been made at the time of issuance of the inland bill of lading, or if none is ued, at the time of clearance through ited States Customs. If export is by ocean carrier and time of sale cannot be determined under other provisions of this section, the sale will be deemed to have been made at the time of issuance of ocean carrier bill of lading, or if none is issued, at the time the wheat is loaded on board ocean carrier.

(f) If the time of day at which the sale was made is not established and two payment rates are in effect on such day, the time of sale will be deemed to occur at the time the lower of the two rates was in effect.

(g) If a sale is made through an intermediary, for purposes of determination of the applicable export payment rate, no substantially greater lapse of time for concluding the sales transaction may be recognized than would have elapsed had the exporter been dealing directly with the foreign buyer.

(h) In any unusual cases involving factors other than those enumerated above, an exporter should make a written request for a determination in writing from the office indicated in § 483.178, in advance of making the sale as to the effect of such factors on the time of sale.

REGISTRATION OF SALES

§ 483.125 Notice of Sale.

(a) *Time.* (1) The exporter shall file a Notice of Sale as soon as possible after the date of the sale.

(2) Notices of Sale should normally be filed by telegraph, although telephone may be used. Telephoned notices should be confirmed immediately by telegraph.

(3) In order for the exporter to be assured of the current rate of payment, the telegram reporting the sale must be filed or the telephone call made by 3:30 p.m., e.s.t. of the expiration date for such rate as shown in the rate announcement.

(4) The time of filing the Notice of Sale is considered to be as follows:

(i) In the case of a postal notice, the time which appears on the postmark on the envelope;

(ii) In the case of a telephonic notice, the time transmission of the telephonic message to CCC begins;

(iii) In the case of a telegraphic notice, the time transmission of the message to the telegraph company begins. CCC will accept as evidence of the time of filing a telegraphic Notice of Sale the time which appears on such notice. However, CCC will give consideration to any other corroborative evidence submitted by the exporter to support an earlier filing time. If the time of filing the Notice of Sale cannot be established and two rates are in effect on the day of filing, the time of filing the Notice of Sale will be deemed to be at the time the lower of the two rates was in effect.

(b) *Information required.* In giving Notice of Sale the exporter must report the following information:

(1) Date of sale.

(2) The Purchase Authorization Number, if a sale under Public Law 480 (83d Congress), as amended.

(3) Contract quantity in bushels and the contract loading tolerance, if any, in percentage but not in excess of 10 percent, more or less.

(4) The sale price must be shown on an f.o.b. vessel bulk basis, except that on exports from West Coast ports the price may be given on an instore basis. The f.o.b. or the instore price shown should include all charges and commissions necessary to the sale and moving of the wheat to the f.o.b. or the instore position. For example, a selling agent's commission would be included, whereas guaranteed outturn insurance would not be included.

(5) Coast of export.

(6) Country of destination.

(7) Name of purchaser. (Where the sale involves more than one purchaser, the Notice of Sale should contain the name of one purchaser and the word "others.")

(8) Delivery period specified in contract.

(9) Class and grade of wheat, and protein content or sedimentation value if specified in contract.

(10) If under subparagraph (5) of this paragraph, more than one coast of export is shown, indicate the ASCS Commodity Office (Evanston, Dallas or Portland), to which the exporter will submit Application for Wheat Export Payment.

(11) The word "Abroad" for wheat exported prior to sale. (See § 483.109(d).)

(12) Such additional information in individual cases as may be requested by the Contracting Officer, CCC.

§ 483.126 Notice of Registration.

(a) Upon receipt of the Notice of Sale, a Contracting Officer of CCC will issue a Notice of Registration by telegram unless he determines that to do so would not be in the best interests of the program. A Notice of Registration is a condition precedent to the exporter receiving payment under this subpart. Accordingly, before concluding a transaction it may be to the exporter's advantage in instances involving sales of an unusual nature to ascertain from the office indicated in § 483.178 whether the sale may be registered, or to condition his sales contract upon his receiving a Notice of Registration under this subpart.

(b) In the telegram of registration, the Contracting Officer may utilize the code letters REP to indicate Registered as Eligible for Payment.

(c) Each Notice of Registration will include a registration number which shall be shown on the Declaration of Sale (see § 483.127), and on the Application for Wheat Export Payment, CCC Form 357, and in all correspondence with reference to the transaction.

§ 483.127 Declaration of Sale and evidence of sale.

(a) *Time of submission and required copies.* (1) The exporter shall prepare a Declaration of Sale (CCC Form No. 359), and mail or deliver it normally within two days after receipt of CCC's Notice of Registration (see § 483.178).

(2) The Declaration of Sale must be submitted in an original and three copies all of which shall be signed in an original signature by the exporter or his authorized representative. One copy of the Declaration of Sale will be acknowledged and returned to the exporter.

(3) Only one Declaration of Sale should be submitted by the exporter for each sale identified by a Registration Number assigned in the Notice of Registration (see § 483.126(c)), although this is not mandatory. If more than one Declaration of Sale is submitted, the letters A, B, C, etc., shall be added to Registration Numbers on the respective declarations.

(b) *Information required.* The information to be entered on the Declaration of Sale, is as follows:

(1) The Registration Number.

(2) The Purchase Authorization Number, if a sale under Public Law 480 (83d Congress), as amended.

(3) Date and time of sale and of filing Notice of Sale.

(4) Name of purchaser, or purchasers.

(5) Country of destination.

(6) Contract quantity in bushels, and if the contract provides for a loading tolerance, the amount of such tolerance

in percentage but not to exceed 10 percent more or less.

(7) Class and grade of wheat.

(8) The sales price in the case of bulk wheat must be given on an f.o.b. vessel, bulk basis, on exports from Gulf and East Coast ports and on an instore, or f.o.b. vessel, bulk basis, on exports from West Coast ports. The f.o.b. or the instore price shown should include all charges and commissions necessary to the sale and the moving of the wheat to the f.o.b. or the instore position. For example, a selling agent's commission would be included, whereas guaranteed outturn insurance would not be included.

(9) Delivery period specified in the contract.

(10) Coastal area from which it is anticipated exportation will be made.

(11) Export payment rate per bushel of wheat in effect as determined by § 483.121.

(12) ASCS Commodity Office to which Application for Wheat Export Payment will be submitted.

(13) Where the exporter intends to ship, tranship, or cause wheat to be shipped or transhipped to one or more of the countries or areas to which a validated license is required by the Bureau of International Programs, U.S. Department of Commerce, the license issued for such movement by such agency shall be identified.

(14) Such additional information in individual cases as may be requested by the Contracting Officer, CCC.

(c) *Name in which filed.* The Declaration of Sale must be filed in the name of the exporter who sold the wheat to a foreign buyer. If the sale is made under a trade name, the Declaration of Sale may be filed under such name provided the name of the actual exporter and the relationship between the two is clearly established by an appropriate signature on the Declaration of Sale and all related documents, such as:

American Grain Company
(Trade Name)
U.S. Grain Company
/s/ John Smith, Secretary

(d) *Evidence of sale.* Supporting evidence of sale, in one copy only, must be filed with each Declaration of Sale. Such evidence may be in the form of certified true copies of offer and acceptance or other documentary evidence of sale including contracts between exporter and buyer. In transactions involving an intermediate party (see § 483.121(g)) the evidence required shall consist of certified true copies of all documents evidencing the sales which are exchanged between the exporter, the intermediate party and the buyer shown in the Declaration of Sale, provided such evidence includes all information required under paragraph (b) of this section, and any additional documentation specifically requested by the Contracting Officer, CCC.

OBLIGATION AND DEFAULT

§ 483.140 Exporter's agreement with CCC.

The Notice of Sale by the exporter and the Notice of Registration shall constitute an agreement by the exporter to export the quantity of wheat to which such notices relate in accordance with the provisions of this subpart, in consideration of the undertaking of CCC to make an export payment, subject to the terms and conditions of this subpart.

§ 483.141 Cancellation of sale or failure to export.

(a) The exporter shall notify the office indicated in § 483.178 promptly in every case where he is not able to fulfill his obligation under § 483.140 of this subpart because of (1) cancellation of a sale, (2) failure to export, (3) the reentry into Canada or the United States, Alaska, Hawaii, or Puerto Rico of wheat previously exported, or (4) failure to discharge fully any other obligation assumed by him under the program, and must state the reasons therefor.

(b) The provisions of subparagraph (1) and (2) of this paragraph shall apply if after an exporter has been afforded the opportunity to present evidence, the Vice President determines that the exporter has cancelled the sale, or failed to export, or failed to discharge fully any other obligation under the program unless the exporter establishes to the satisfaction of the Vice President that such failure to discharge his obligations under the program was not due to his fault or negligence. (1) The exporter shall pay on demand any damages resulting from such failure, and (2) the exporter may be denied the right to continue participating in this program or in any other program of CCC for such period as the Vice President may determine and until the exporter has complied with such other terms and conditions as the Vice President may prescribe.

(c) If any quantity of wheat exported pursuant to the exporter's contract with CCC is re-entered into Canada or the United States, Alaska, Hawaii, or Pureto Rico, whether or not such re-entry is caused by the exporter, or if any wheat is transhipped or caused to be transhipped by the exporter to any country that is not a designated country, the exporter shall be in default, shall refund any payment received, and shall comply with the requirements of paragraph (b) of this section unless he establishes to the satisfaction of CCC with respect to any re-entry that (1) the re-entry was not due to his fault or negligence and promptly after receiving notice of reentry he caused to be exported to any designated country, without benefit of an export payment by CCC, the reentered wheat or wheat of an equivalent quantity to that required to be exported under his contract with CCC or (2) the wheat re-entered was lost, damaged, and/or destroyed and the physical condition is such that its re-entry into the United States will not impair CCC's price support program.

WHEAT EXPORT PAYMENT CERTIFICATE

§ 483.145 Application for wheat export payment.

An orginal and two (2) copies of Application for Wheat Export Payment, CCC Form 357, must be prepared and submitted together with the evidence of export as provided in § 483.147, to the ASCS Commodity Office shown on the acknowledged copy of the Declaration of Sale which is returned to the exporter. The exporter should submit the application as soon as possible after exportation as the face value of the certificate is subject to discount as provided in § 483.146(b). Supplies of CCC Form 357 and detailed instructions regarding the preparation and submission of the form may be obtained from the ASCS Commodity Offices in Evanston, Dallas and Portland (Oregon).

§ 483.146 Description of certificate.

Upon receipt of an Application for Wheat Export Payment (CCC Form 357) and satisfactory evidence of export the ASCS Commodity Office will determine the amount of payment due and issue to the exporter a Wheat Export Payment Certificate (CCC Form 358), hereinafter referred to as "Certificate", for the amount due. Such Certificate will be subject to the provisions contained therein and the applicable provisions of this subpart.

(a) *Payee.* Except as provided in § 483.176, the Certificate will be issued only to the exporter who has filed a Declaration of Sale and has obtained the Registration Number which shall be shown in the space provided in the Certificate.

(b) *Face Value.* The amount shown in the space provided for the face value of the Certificate will be the amount obtained by multiplying the number of net bushels of wheat exported in accordance with the exporter's contract with CCC by the applicable export payment rate. Certificates will be accepted by CCC at face value if applied to the purchase of wheat under contracts with CCC entered into pursuant to this subpart which specify a date of sale not more than 60 days after the date of export shown on the certificate. If a certificate is applied to the purchase of wheat under a contract with CCC, as provided in this subpart, which specifies a date of sale more than 60 days after the date of export shown on the certificate, the value at which the certificate will be accepted will be the face value reduced by 1/50 of one percent for each day beginning on the 61st day after such date of export and ending on the date of sale specified in the CCC contract to which it is applied unless for good cause shown on request by the holder, the Director specifies a later beginning date for the reduction in value.

(c) *Date of export.* The date of export shown on the Certificate will be the date of export as defined in § 483.189. Such date shall be deemed to be the date on which the export payment was earned.

(d) *General provisions.* The Certificate will be redeemable in wheat which Commodity Credit Corporation makes available from its stocks for sale under this program. The Certificate may be presented to the Dallas, Evanston, Kansas City, Minneapolis, or Portland offices of the Agricultural Stabilization and Conservation Service, as provided in § 483.155, for wheat handled by the Office to which submitted. The Certificate may be transferred by endorsement subject to all terms and conditions, contained in this section and §§ 483.155 through 483.199 inclusive, applicable to the person or firm to whom it was originally issued.

§ 483.147 Documents required as evidence of export.

Each Application for Wheat Export Payment (CCC Form 357) must be supported by the following documentary evidence, as applicable: [1]

(a) If export is by water, a non-negotiable copy or photostat of the on-board-ship bill of lading issued at point of export signed by an agent of the ocean carrier. The bill of lading must show the name of the vessel, the date and place of issuance, the weight of the wheat, the number or description of the hold or tank in which the wheat was stowed, the designated country to which the wheat was shipped, and the Purchase Authorization Number if exported under Public Law 480 (83d Congress), as amended. Where loss, destruction or damage to the wheat occurs subsequent to loading aboard the ocean carrier but prior to issuance of the on-board-ship bill of lading, one copy of a loading tally sheet or acceptable similar document may be substituted for the ocean bill of lading. If the country of destination shown on the ocean bill of lading differs from that shown on the Declaration of Sale or the country of destination approved by the Contracting Officer, CCC, pursuant to § 483.106, the exporter shall also furnish one copy of the Shipper's Export Declaration, authenticated by the appropriate United States Custom Official, showing that the country of destination is, in fact, the country to which the wheat is required to be exported. In the circumstances described in the preceding sentence, if the export shipment is made from a Canadian port, the exporter shall furnish one copy of a document, in lieu of the Shipper's Export Declaration, authenticated by the appropriate Canadian Customs official showing that the country of destination is in fact the country to which the wheat is required to be exported.

(b) If export is by rail or truck, one copy of the Shipper's Export Declaration, authenticated by the appropriate United States Custom official, which identifies the shipment(s), the date of clearance into the foreign country and the weight of the wheat.

(c) A copy of an official loading weight certificate as defined in § 483.193 applicable to the wheat described in the on-board-ship bill of lading issued at point of export, or Shipper's Export Declaration and showing (1) the date and place of issuance, and (2) name of vessel, and description of hold or tank in which the wheat was stowed, or where exportation is by rail-car or truck, description of such rail-car or truck. In the case of bagged wheat, the official loading weight certificate and the bill of lading or Shipper's Export Declaration shall contain the gross weight of the wheat and either the tare or the number of bags and an acceptable certification as to the weight of the bags. An official loading weight certificate covering bagged wheat issued at an inland bagging point instead of at point of export as required above, may also be accepted by CCC. Such acceptance is conditioned upon the requirement that the exporter establish to the satisfaction of the applicable ASCS Commodity Office that the bagged wheat covered by each such certificate is (1) properly identified by evidence of continuity of movement from the bagging point to on-board the export carrier and (2) the certificate is dated not more than 30 days prior to date of exportation.

(d) A copy of a grain inspection certificate issued at the point of export applicable to the wheat described in the on-board-ship bill of lading or Shipper's Export Declaration and showing (1) the date and place of issuance, (2) quantity of wheat, and (3) name of vessel and description of the hold or tank in which the wheat was stowed, or where exportation is by rail-car or truck, a description of such rail-car or truck. The grain inspection certificate shall be issued by an inspector licensed or authorized under the United States Grain Standards Act or the Agricultural Marketing Act of 1946 and shall show the grade of the wheat determined in accordance with the Official Grain Standards of the United States. If the certificate shows mixed wheat it will be necessary for the grade designation to show the approximate percentage of each class of wheat which constitutes more than 10 percent of the mixture. With respect to grain inspection certificates covering bagged wheat not exported under Public Law 480, as amended, an exporter may apply to the Director for consideration under § 483.147(f) in circumstances which do not enable him to supply inspection certificates issued at point of export as required above.

(e) In the event of exportation from a point in Canada, (1) the bill of lading and other documentary evidence covering the movement of the wheat from the United States to the export vessel described in the on-board-ship bill of lading issued at the point of export, (2) a certification by the exporter that the wheat exported was produced in the United States, and (3) a copy of an official loading weight certificate and of a grain inspection certificate issued by an inspector licensed under the United States Grain Standards Act applicable to the grain shipped from the United States and showing date and place of issuance, name of vessel and description of hold or tank in which wheat was stowed.

(f) Where for good cause, the exporter establishes that he is unable to supply documentary evidence of export as specified in the above provisions of this section, CCC may accept such other evidence of export as will establish to the satisfaction of the Director, that the exporter has fully complied with his obligations to export.

(g) If the shipper or consignor named in the evidence of export is other than the exporter named in the Declaration of Sale, waiver by such shipper or consignor of any interest in the claim in favor of such exporter is required. Such waiver must clearly identify the document which is submitted to evidence export.

(h) Where exportation of the wheat has been made by anyone or transshipment made or caused by the exporter to one or more countries or areas to which a validated license is required by the Bureau of International Programs, United States Department of Commerce, the license issued for such movement by such agency shall be identified.

(i) In case a single bill of lading or other documentary evidence of export covers more than the net quantity of wheat which is applied against the exporter's agreement with CCC, and such documentary evidence of export is to be used as evidence of export of such excess quantity in connection with a different contract with CCC under this program or under any other export program of CCC pursuant to which CCC has paid or agreed to pay an export allowance, each copy of such documentary evidence of export submitted pursuant to paragraph (a) of this section shall be accompanied by a statement certified by the exporter identifying all contracts with CCC to which the documentary evidence of export has been or will be applied and the quantity applicable to each contract.

(j) If the export shipment is made by vessel, plane, truck or other carrier, operated by a United States Government agency, then in lieu of the bill of lading or Shipper's Export Declaration provided for in paragraphs (a) and (b) of this section, the exporter may submit a certificate issued by an authorized official or employee of such agency showing the date of shipment(s), type of carrier used, identification of the commodity, the quantity, the export destination, a certification by the exporter that shipment is not by or to a U.S. Government agency, and such other information required in paragraph (a) of this section as may be applicable hereto.

REDEMPTION OF WHEAT EXPORT CERTIFICATE

§ 483.155 Submission of offers.

Offers to purchase CCC wheat with certificates may be submitted by letter, telegram, or orally to any ASCS Commodity Office from which the exporter desires delivery. The offeror must specify the class, grade, quality and quantity desired, and the desired point of delivery. CCC reserves the right to determine the classes, grades, qualities and quantities and point of delivery for which offers will be considered, and to reject any offer in whole or in part.

§ 483.156 Creation of contracts.

Preliminary negotiations for purchase of wheat under this subpart shall be confirmed by written Confirmation of Sale which shall be issued by the ASCS Commodity Office in duplicate. One copy shall be signed and returned by the ex-

[1] The requirements of this section do not supersede requirements applicable to exports under Public Law 480, 83d Congress, as amended, which exports must also conform to requirements in applicable Public Law 480 regulations or Purchase Authorizations in order to be eligible for Public Law 480 financing.

porter whose offer to purchase wheat is accepted by CCC. Such exporter is hereinafter called "the Purchaser." The Confirmation of Sale, together with the terms and conditions of this subpart and any amendments in effect on the date of sale, shall constitute the sales contract. Any provision of prior negotiations not contained in the Confirmation of Sale shall be of no effect. The term "date of sale," as used in § 483.146 and in §§ 483.155 to 483.165, inclusive, shall mean the date that the parties concluded their preliminary negotiations, and such date will be specified in the Confirmation of Sale.

§ 483.157 Price.

The price shall be basis f.o.b. vessel, instore, or track at port or other point of export (without export allowance) as determined by CCC and shall be specified in the Confirmation of Sale.

§ 483.158 Payment terms and financial arrangements.

(a) The amount due CCC for wheat purchased hereunder shall be paid by the purchaser by surrender to CCC of properly endorsed certificate(s). If certificates having a value in excess of the purchase price are surrendered by the purchaser to CCC, the certificates having the earliest dates of export shall be applied first to the purchase and any certificates not applied shall be returned to the purchaser. If the value of certificates applied to the purchase exceeds the purchase price, such excess will be adjusted by issuance and delivery to the purchaser of a balance certificate which may be used on a subsequent purchase from CCC. The date of export shown on the balance certificate will be the date shown on the original certificate, or if more than one certificate is applied to the purchase, the date of export shown on the balance certificate will be the latest date of export shown on a certificate applied to the purchase. The face value of the balance certificate will be determined by deducting from the face value of certificates surrendered to CCC, the purchase price of the wheat and any discount applicable to the portion of the certificates being applied to the purchase as provided in § 483.146(b).

(b) Financial arrangements covering the purchase price specified in the Confirmation of Sale of any wheat purchased from CCC hereunder shall be made prior to delivery of the wheat by CCC in one (or a combination) of the following ways:

(1) Surrender to the appropriate ASCS Commodity Office of certificate(s) sufficient to pay for the wheat.

(2) If a purchaser desires delivery prior to receipt by CCC of certificates, he may make payment in cash, certified check, or cashier's check for the wheat to be delivered, or if delivery is to be made in store, he may request that CCC draw a sight draft on him through a named bank with warehouse receipts attached or request that CCC surrender the warehouse receipts to him in a simultaneous exchange for an acceptable remittance delivered at the ASCS Commodity Office. To the extent that acceptable certificates are received by CCC within 90 days after delivery of the wheat to the purchaser, CCC shall promptly make refund of funds received.

(3) If a purchaser desires delivery prior to receipt by CCC of certificates, he may establish an irrevocable commercial letter of credit acceptable to CCC for an amount equivalent to the total amount of the purchase price of the wheat plus interest thereon for 60 days, against which CCC will not draw to the extent that the purchaser pays to CCC the purchase price of the wheat and any applicable interest promptly upon presentation of invoices or prior to invoicing by CCC. To the extent that such payment is not made, CCC will draw drafts under the letter of credit for the amount remaining unpaid, supported by a statement specifying the amount due. When financial arrangements are made in this manner, the following shall apply:

(i) The letter of credit shall have an effective period of at least 60 days from the final date for delivery of the wheat to the purchaser as specified in the Confirmation of Sale. If a single letter of credit is used for this purpose as well as for the upward adjustment in price required under paragraph (c) of this section, the effective period shall be 150 days from the final date for delivery.

(ii) Interest on the purchase price of the wheat shall be paid in cash for the period from the date of delivery of the wheat to the date CCC receives acceptable certificates or cash or, in the case of payments against sight drafts drawn by CCC, the date CCC estimates the draft will be paid. The rate of interest will be the rate in effect on the date of sale as announced in the CCC Monthly Sales List for sales made under the CCC credit sales program for periods up to 6 months. The interest shall be included in the amount of sight drafts drawn by CCC.

(iii) Unless otherwise requested by the purchaser, CCC shall, promptly after receiving cash for application on the purchase price and/or interest, or acceptable certificates for application on the purchase price, notify the bank which issued or confirmed the letter of credit that CCC consents to a reduction of such letter of credit in an amount equivalent to the amount of cash or acceptable certificates received.

(iv) To the extent acceptable certificates are received by CCC within 90 days after delivery of the wheat to the purchaser, CCC shall promptly make refund of any funds received representing the purchase price of the grain (but not any interest).

(c) The amount of the upward adjustment in price which is provided in § 483.163 for failure to submit certificates within 90 days after delivery shall be computed as of the date of sale, and shall be specified in the Confirmation of Sale. Financial arrangements for such price adjustments shall be made in one of the following ways:

(1) Payment in cash, certified check, or cashier's check or

(2) Establishment of an irrevocable commercial letter of credit acceptable to CCC which shall have an effective period of at least 150 days from the date for delivery specified in the Confirmation of Sale and upon which CCC will draw drafts for the amount of the upward adjustment in price resulting from such failure to submit certificates within 90 days after delivery, supported by a statement specifying the amount due CCC. Promptly after CCC receives acceptable certificates in payment of the wheat purchased as provided in paragraph (b) (2) or (3) of this section, CCC shall notify the bank which issued or confirmed the letter of credit that CCC consents to a reduction of such letter of credit, unless otherwise requested by the purchaser, or shall make refund to the purchaser of funds received. Any such reduction or refund shall be in an amount equivalent to the purchaser's financial coverage under this subsection related to the quantity for which payment has been received in the form of acceptable certificates by CCC.

(d) The financial arrangements provided in paragraphs (b) and (c) of this section shall be made:

(1) Prior to delivery of the wheat by CCC on purchases which provide for delivery within 5 days following the date of the sale, and,

(2) On all other purchases, not less than 5 days prior to delivery of the wheat by CCC, but in no event later than 30 days following the date of sale, unless CCC consents in writing to a different period.

(e) If the purchaser fails to make a financial arrangement acceptable to CCC in accordance with paragraph (d) of this section, CCC shall have the right to deem the purchaser in default and may avail itself of any remedy available to an unpaid seller. The purchaser shall be liable to CCC for any loss or damages resulting from such default.

§ 483.159 Delivery.

(a) The method, time, and place of delivery will be as specified in the Confirmation of Sale.

(b) If the wheat is to be delivered instore, delivery shall be accomplished by delivery to the purchaser of endorsed warehouse receipts, or other evidence of title. Delivery may be made by posting warehouse receipts in the mail. In the case of instore delivery the terms of continued storage thereafter shall be for determination between the purchaser and warehouseman.

(c) If the wheat is to be delivered other than instore, the details thereof shall be specified in the Confirmation of Sale.

(d) Title and risk of loss and damage shall pass to the purchaser upon delivery. All charges thereafter accruing, including warehouse and loading-out charges, in the case of instore delivery, shall be for the account of the purchaser: *Provided*, That if delivery is not made within 30 days after the date of sale, the purchaser shall pay CCC for warehouse charges on the wheat not delivered, at the rate specified in the Confirmation of Sale for the period beginning on the 31st day to and including the date of delivery or, if the purchaser fails to take delivery, to and including

the final date for delivery specified in the Confirmation of Sale or any written extension thereof: *Provided further*, That the purchaser shall not be responsible for such charges accruing after such 30-day period as a result of delay on the part of CCC in making delivery which is not attributable to the fault or negligence of the purchaser.

(e) If on deliveries other than instore the purchaser fails to take delivery of the wheat within the delivery period specified in the Confirmation of Sale, or any written extension thereof, CCC may at its option deliver the wheat instore in a warehouse of its choice by delivery of endorsed warehouse receipts, or CCC shall have the right to deem the purchaser in default and the purchaser shall be liable to CCC for any loss or damages resulting from such default.

§ 483.160 Specifications.

(a) If the wheat is to be delivered instore, CCC shall deliver warehouse receipts, or other evidence of title, representing the kind of wheat and the quantity, class, grade and/or quality stated in the Confirmation of Sale, and CCC shall have no responsibility in the event of failure of the warehouseman to deliver in accordance with the warehouse receipts or other evidence of title.

(b) If the wheat is to be delivered other than instore, the kind of wheat and the quantity, class, grade and/or quality delivered shall be that stated in the Confirmation of Sale. Determinations as to the class, grade and/or quality of the wheat delivered shall be made on the basis of official inspection at point of delivery, unless otherwise specified in the Confirmation of Sale. The method of determining the quantity delivered shall be as stated in the Confirmation of Sale. If the wheat delivered is within the quality tolerance, if any, specified in the Confirmation of Sale, such delivery shall be accepted by the purchaser. If the wheat delivered is not within the quality tolerance, if any, specified in the Confirmation of Sale, the wheat may be rejected by the purchaser at the time of delivery or accepted subject to an adjustment in price for grade and quality difference in accordance with current market premiums and discounts, as determined by CCC. In case of rejection, CCC shall, upon request of the purchaser, replace such rejected quantity. The purchaser may reject any overdeliveries in quantity. Overdeliveries in quantity accepted by the purchaser shall be settled for at the contract price unless a different price has been agreed to between CCC and the purchaser. In case of underdeliveries a balance certificate shall be issued by CCC, or if other financial arrangements were furnished, the value of certificates the purchaser is required to surrender will be reduced. In the case of overdeliveries the purchaser shall tender cash or certificates to CCC. If the value of wheat delivered exceeds the value of certificates surrendered by $3.00 or less, no adjustment will be necessary. If the value of certificates surrendered exceeds the value of wheat delivered by $3.00 or less, a balance certificate will not be issued unless requested.

§ 483.161 Export requirements.

(a) The purchaser shall, on or after the date of sale and within 60 days after delivery by CCC of the wheat to him or within such extension of that period as may for good cause be approved by the Vice President in writing pursuant to sec. 483.163(c) cause exportation to a designated country of wheat equal in quantity to and of the same class as the wheat delivered by CCC. In the case of delivery of wheat to the purchaser at a Great Lakes port, if exportation takes place other than from the place of delivery by CCC, the purchaser must within such 60-day period, or within such extension of that period as may for good cause be approved by the Vice President in writing, ship from the place of delivery by CCC to any export point not on the Great Lakes, wheat equal in quantity and of the same class as the wheat delivered by CCC. Wheat so shipped shall not be unloaded at any Lake Michigan or Lake Superior port. The requirement that wheat of the same class be exported or shipped may be satisfied by exporting or shipping a quantity of mixed wheat which contains, as evidenced by the applicable Grain Inspection Certificate, wheat at least equal in quantity and of the same class as that delivered by CCC. The wheat exported shall not be reentered by anyone into the United States, Alaska, Hawaii or Puerto Rico, nor shall the purchaser cause the wheat exported to be transhipped to any country excluded by § 483.187.

(b) Except as provided in § 483.162 (g), the purchaser shall, within 30 days after exportation, furnish to the ASCS Commodity Office evidence of such exportation, as required in § 483.162. Failure of the purchaser to furnish CCC proof of exportation within 90 days after delivery of the wheat to him, or in the case of extension of the time for export, within 30 days from the last date specified for exportation under such extension, shall constitute prima facie evidence of failure to export. Documents supporting an Application for Wheat Export Payment on the wheat exported will be accepted as evidence of export of wheat purchased from CCC if they satisfy the requirements specified in § 483.162, and the Application for Wheat Export Payment is accompanied by a letter in duplicate specifying the documents which are submitted as evidence of export and the CCC sales contract number to which they relate.

§ 483.162 Evidence of export.

Evidence of export shall consist of the following documentation, as applicable:[1]

(a) If export is by water, a non-negotiable copy or photostat of the on-board-ship bill of lading certified by the exporter as true and correct and signed by an agent of the ocean carrier. The bill of lading must show the name of the vessel, the date and place of issuance, the weight of the wheat, the number or description of the hold or tank in which the wheat was stowed, the designated country to which the wheat was shipped, and the CCC sales contract number. Where loss, destruction or damage to the wheat occurs subsequent to loading aboard the ocean carrier but prior to issuance of the on-board-ship bill of lading, one copy of a loading tally sheet or acceptable similar document may be substituted for the ocean bill of lading.

(b) If export is by rail or truck, one unauthenticated copy of Shipper's Export Declaration (or photostat copy of an unauthenticated copy) which identifies the shipment(s), the date of clearance into the foreign country, the weight of the wheat, and the CCC sales contract number. The unauthenticated copy, or photostat copy, shall bear the following statement certified by the purchaser:

> The authenticated copy of this Shipper's Export Declaration was forwarded to (name of the ASCS Commodity Office) with application for Wheat Export Payment under Registration No. _____.

(c) A copy of an official loading weight certificate as defined in § 483.193 applicable to the wheat described in the on-board-ship bill of lading or Shipper's Export Declaration and showing (1) date and place of issuance, and (2) name of vessel, and description of hold or tank in which wheat was stowed, or where exportation is by rail-car or truck, description of such rail-car or truck. In the case of bagged wheat, the official loading weight certificate and the bill of lading or Shipper's Export Declaration shall contain the gross weight of the wheat, and either the tare or the number of bags and an acceptable certification as to the weight of the bags. An official loading weight certificate covering bagged wheat issued at an inland bagging point instead of at point of export, as required above, may also be accepted by CCC. Such acceptance is conditioned upon the requirement that the exporter establish to the satisfaction of the applicable ASCS Commodity Office that the bagged wheat covered by each such certificate is (1) properly identified by evidence of continuity of movement from the bagging point to on-board the export carrier and (2) the certificate is dated not more than 30 days prior to date of exportation.

(d) A copy of a grain inspection certificate issued at the point of export applicable to the wheat described in the on-board-ship bill of lading or Shipper's Export Declaration and showing (1) the date and place of issuance, (2) quantity of wheat, and (3) name of vessel and description of the hold or tank in which wheat was stowed, or where exportation is by rail-car or truck, a description of such rail-car or truck. The grain inspection certificate shall be issued by an inspector licensed or authorized under the United States Grain Standards Act or the Agricultural Marketing Act of 1946 and shall show the grade of the wheat determined in accordance with the Official Grain Standards of the

[1] The requirements of this section do not supersede requirements applicable to exports under Public Law 480, 83d Congress, as amended, which exports must also conform to requirements in applicable Public Law 480 regulations or Purchase Authorizations to be eligible for Public Law 480 financing.

United States. If the certificate shows mixed wheat it will be necessary for the grade designation to show the approximate percentage of each class of wheat which constitutes more than 10 percent of the mixture. With respect to grain inspection certificates covering bagged wheat not exported under Public Law 480, as amended, an exporter may apply to the Director for consideration under § 483.162(g) in circumstances which do not enable him to supply inspection certificates issued at point of export as required above.

(e) In the event of exportation from a point in Canada, (1) the bill of lading and other documentary evidence covering the movement of wheat from the United States to the export vessel described in the bill of lading issued at the point of export, (2) a certification by the exporter that the wheat exported was produced in the United States and (3) a copy of an official loading weight certificate and of a grain inspection certificate issued by an inspector licensed under the United States Grain Standards Act applicable to the grain shipped from the United States and showing date and place of issuance, name of vessel and description of hold or tank in which wheat was stowed.

(f) If the wheat is delivered by CCC at a Great Lakes port and if exportation takes place other than from the place of delivery by CCC, the exporter must, in conformance with the requirement in § 483.161(a) submit a non-negotiable copy(s) of the applicable bill(s) of lading showing the shipment of wheat of the required quantity and kind, from the place of delivery by CCC to an export point not on the Great Lakes. This evidence of shipment must be accompanied by an affidavit of the exporter that the wheat represented by such bill(s) of lading was not unloaded at a point other than the destination indicated on the evidence of shipment. The affidavit must also affirm that the bill(s) of lading submitted therewith has not or will not be used in any other instance as proof of such movement pursuant to a similar requirement except as provided in § 483.162(i). Such evidence shall be submitted in the time required by § 483.161(b) or within such extension of that time as may be approved by CCC in writing.

(g) Where for good cause, the exporter establishes that he is unable to supply documentary evidence of export as specified in the above provisions of this section, CCC may accept such other evidence of export as will establish to the satisfaction of the Director that the exporter has fully complied with his obligations to export.

(h) Where exportation of the wheat has been made by anyone or transshipment made or caused by the exporter to one or more countries or areas to which a validated license is required by the Bureau of Foreign Commerce, United States Department of Commerce, the license issued for such movement by such agency shall be identified.

(i) In case a single bill of lading or other documentary evidence of export covers more than the net quantity of wheat which is applied against any one contract with CCC and such documentary evidence of export is to be used as evidence of export of such excess quantity in connection with a different contract with CCC under any export program of CCC pursuant to which CCC has paid or agreed to pay an export allowance or has sold grain at prices which reflect any export allowance, each copy of such documentary evidence of export submitted pursuant to this section shall be accompanied by a statement certified by the exporter identifying all contracts with CCC to which this documentary evidence of export has been or will be applied and the quantity applicable to each contract.

(j) If the export shipment is made by vessel, plane, truck or other carrier, operated by a Government agency, then in lieu of the bill of lading or Shipper's Export Declaration provided for in paragraphs (a) and (b) of this section, the exporter may submit a certificate issued by an authorized official or employee of such agency showing the date of shipment(s), type of carrier used, identification of the commodity, the net quantity, the export destination, a certification by the exporter that shipment is not by or to a U.S. Government agency, and such other information required in paragraph (a) of this section as may be applicable hereto.

§ 483.163 Adjusted sales price.

(a) Sales of wheat by CCC under this announcement are made at prices below the statutory minimum required under section 407 of the Agricultural Act of 1949, as amended, for sales for unrestricted use upon condition that payment in certificates is made as provided in § 483.158, and upon the further condition that all applicable provisions of §§ 483.161 and 483.162 are complied with. In the event of failure to comply with such conditions (but not including a failure to meet requirements as to the time of exportation), the sales price with respect to the quantity of wheat involved shall be the highest of the following prices in effect on the date of sale:

(1) CCC's statutory minimum sales price for unrestricted use for the same kind, class, grade and quality of the wheat, as determined by CCC, or

(2) The sales price, announced by CCC for sale for unrestricted use of the same kind, class, grade and quality of the wheat, or

(3) If no such sales price has been announced, the highest domestic market price at the point where CCC delivered the wheat, as determined by CCC.

(b) The total amount of any upward adjustment in sales price under this section shall be paid in cash by the purchaser to CCC promptly upon demand plus interest at the rate of 6 percent per annum from the date of sale. Any upward adjustment of sales price will not be made to the extent that the Vice President or his designated representative, determines:

(1) That the wheat has been reentered into the United States, Alaska, Hawaii or Puerto Rico due to causes without the fault or negligence of the purchaser, that such wheat was pursuant to written approval of CCC, subsequently actually exported to a designated country within the period specified by CCC, and that the purchaser submitted evidence of such exportation in accordance with § 483.162, or

(2) That the wheat placed in transit to an export location for export under this announcement or re-entered into the United States, Alaska, Hawaii or Puerto Rico was lost, damaged, destroyed, or deteriorated and the physical condition thereof was such that its entry into domestic market channels will not impair CCC's price support operations, or

(3) That the wheat required to be moved from a Great Lakes port to an export point not on the Great Lakes was not moved as a result of its loss, damage, destruction, or deterioration after it was placed in transit for such shipment and the physical condition was such that its entry into domestic market channels will not impair CCC's price support operations.

(c)(1) Late exportation of the wheat required to be exported will cause serious and substantial damage to CCC in carrying out its price support and other programs. Since it will be difficult to prove the amount of such damages, the purchaser shall pay CCC, by way of compensation, and not as a penalty, liquidated damages for delay in exportation not excused pursuant to subparagraph (2) of this paragraph at the rate of 1 cent per calendar day for each bushel of the wheat involved commencing on the sixty-first day after delivery of the wheat or the day following any extension in time for exportation pursuant to subparagraph (2) of this paragraph and ending on the date of actual exportation; provided however, that the total amount of liquidated damages shall not exceed the amount of the upward adjustment in sales price that would be established if the late exportation were considered a failure to export pursuant to paragraph (a) of this section. It is mutually agreed that such damages are a reasonable estimate of the probable actual damages.

(2) An extension of time for exportation may be granted, either before or after the final date for exportation, subject to such terms and conditions as CCC may prescribe, if the purchaser gives CCC prompt written notice of a delay in exportation and the cause thereof, and the contracting officer determines in writing that the delay is due solely to causes without the fault and negligence of the purchaser. Written notice of such determination shall be given to the purchaser and shall be final and conclusive upon the parties, subject only to appeal by the purchaser to the Executive Vice President, CCC, or such other persons designated by CCC to receive such appeals. Any extension of time for exportation will be equivalent to the period of time lost because of such excusable delay.

§ 483.164 Inability to perform.

CCC shall not be responsible for damages for any failure to deliver, or delay in delivery of, the wheat due to any cause without the fault or negligence of

CCC, including, but not restricted to, failure of warehousemen to meet delivery instructions. In case of delay in delivery due to any such causes, CCC shall make delivery to the purchaser as soon as practicable.

§ 483.165 Covenant against contingent fees.

The purchaser warrants that no person or selling agency has been employed or retained to solicit or secure a contract under § 483.140 or § 483.156 upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial agencies maintained by the exporter for the purpose of occurring business. For breach or violation of this warranty CCC shall have the right to annul any such contract without liability or in its discretion in the case of contracts under § 483.140 to deduct from the value which a certificate would otherwise have or otherwise recover the full amount of such commission, percentage, brokerage or contingent fee, or in the case of contracts under § 483.156 require the purchaser to pay such amount in addition to the contract price.

Miscellaneous Provisions

§ 483.174 Performance guarantee.

In addition to the performance guarantees required under § 483.158 (b)(3) and (c), CCC reserves the right to require the exporter to furnish a cash deposit, performance bond, or performance type letter of credit, acceptable to CCC to guarantee performance of any of his obligations under this subpart.

§ 483.175 Good faith.

If the Vice President after affording the exporter an opportunity to present evidence determines that such exporter has not acted in good faith in connection with any transaction under this subpart such exporter may be denied (a) the right to continue participating in this or in any other program of CCC for such period as the Vice President may prescribe and (b) the right to receive payment under this subpart in connection with any sales previously made under this program. Any such action shall not affect any other right of CCC, the Department of Agriculture or the Government by way of the premises.

§ 483.176 Assignments and setoffs.

(a) No exporter shall, assign any right to an export payment under this subpart, except that certificates received by him may be transferred by endorsement as provided in § 483.146(d).

(b) If the exporter is indebted to CCC, the amount of such indebtedness may be set off against payments due the exporter under an Application for Wheat Export Payment, CCC Form 357. Setoff as provided herein shall not deprive the exporter of any right he might otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action.

§ 483.177 Records and accounts.

Each exporter shall maintain accurate records showing sales and deliveries of wheat exported or to be exported in connection with this program. Such records, accounts, and other documents relating to any transaction in connection with this program shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture, and shall be preserved for three years after date of export.

§ 483.178 Submission of reports.

The Notice of Sale, Declaration of Sale, and related reports required under this subpart to be submitted to the Director, should be addressed as follows:

Chief, Commercial Export Branch
Grain Division
Agricultural Stabilization and Conservation Service
U.S. Department of Agriculture
Washington 25, D.C.

Delivery to the above office of telegraphic Notices of Sale will be expedited if addressed as follows:

Com Ex Branch, USDA (AG), Washington, D.C.

Exporters calling this office by long distance telephone may do so by direct dialing. The long distance area number for Washington, D.C. is 202. The telephone numbers of this office are DUdley 8-3261, -3262, -3927, and -3928. For example, exporters may dial 202DU8-3261.

§ 483.179 Additional reports.

The exporter shall file such additional reports as may be required from time to time by the Director, subject to the approval of the Bureau of the Budget.

§ 483.180 ASCS Commodity Offices.

Information concerning this program may be obtained from ASCS Commodity Offices listed below:

Director, Agricultural Stabilization and Conservation Service Office, U.S. Department of Agriculture, 2201 Howard Street, Evanston, Ill.

Director, Agricultural Stabilization and Conservation Service Office, U.S. Department of Agriculture, 500 South Ervay Street, Dallas, 1, Tex.

Director, Agricultural Stabilization and Conservation Service Office, U.S. Department of Agriculture, P.O. Box 205, Kansas City 41, Mo.

Director, Agricultural Stabilization and Conservation Service Office, U.S. Department of Agriculture, 6400 France Avenue South, Minneapolis 10, Minn.

Director, Agricultural Stabilization and Conservation Service Office, U.S. Department of Agriculture, 1218 Southwest Washington Street, Portland 5, Oreg.

§ 483.181 Officials not to benefit.

No member or delegate to Congress, or resident commissioner, shall be admitted to any benefit that may arise from any provision of this program but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

§ 483.182 Amendment and termination.

This offer may be amended or terminated by filing of such amendment or termination with the FEDERAL REGISTER for publication. Any such amendment or termination shall not be applicable to sales for export which otherwise comply with the Terms and Conditions of this offer made before the effective time and date of such amendment or termination.

§ 483.183 Written approval by the Vice President, Director or Contracting Officer, CCC.

Where the program specifies certain requirements unless otherwise approved in writing by the Vice President, Director or Contracting Officer, CCC, and the exporter wishes to obtain such an approval, an application therefor should be filed in writing with the office specified in § 483.178 in advance of the last day for performance of the requirement in order for the exporter to assure himself whether his request will be approved. Approval may also be granted after the time specified for performance of the requirement where the exporter has established good cause therefor.

Definitions

§ 483.186 Day.

"Day" means calendar day.

§ 483.187 Designated countries.

A "designated country" means any destination outside the United States, excluding Alaska, Hawaii or Puerto Rico and also excluding any country or area for which an export license is required under regulations issued by the Bureau of International Programs, U.S. Department of Commerce, unless a license for exportation or transhipment thereto has been obtained from such bureau.

§ 483.188 Director.

"Director" means the Director of the Grain Division, Agricultural Stabilization and Conservation Service, Washington, D.C.

§ 483.189 Export and exportation.

"Export" and "exportation" mean, except as hereinafter provided, a shipment of wheat from the United States destined to a designated country, or a shipment from Canada destined to a designated country, of wheat which has been moved from the United States into Canada, provided the identity of the wheat is preserved until shipped from Canada. The wheat so shipped shall be deemed to have been exported on the date which appears on the applicable on-board export bill of lading, or if shipment to the designated country is by truck or rail, on the date the shipment clears the United States Customs. If wheat is lost, destroyed or damaged after loading on board an export vessel, exportation shall be deemed to have been made as of the date of the on-board-vessel bill of lading or the latest date appearing on the loading tally sheet or similar documents if the loss, destruction or damage occurs subsequent to loading aboard vessel but prior to issuance of the on-board bill of lading: *Provided*, That if the "lost" or "damaged" wheat remains in the United States, it shall be considered as re-entered wheat and shall be subject to the provisions of § 483.141(c) or § 483.163, as

applicable. Exportation by or to a United States Government agency shall not qualify as an exportation under the provisions of this announcement.

NOTE TO EXPORTER: Since the export payment on any given quantity of wheat is conditioned upon the exportation thereof to a designated country, exporters may find it desirable to carry insurance on the full domestic value of wheat against any loss which may occur prior to the wheat leaving this country by rail or truck or prior to loading on the export vessel.

§ 483.190 Exporter.

"Exporter" means an individual, corporation, partnership, association or other business entity, which is engaged in the business of buying and selling wheat for export and for this purpose maintains a bona fide business office in the United States, and therein has a person, principal, or resident agent upon whom service of process may be had.

§ 483.191 International Wheat Agreement.

"International Wheat Agreement" or "IWA" means the 1959 International Wheat Agreement, ratified by the United States on July 16, 1959, or subsequent agreements duly ratified by the United States.

§ 483.192 Ocean Carrier.

"Ocean Carrier" means the vessel on which shipment from the United States or Canada, other than shipments between such countries, is exported under this program.

§ 483.193 Official weight certificate.

"Official weight certificate" means a weight certificate issued:

(a) By Chambers of Commerce, Boards of Trade, Grain Exchanges, State Weighing Departments, or other organizations having qualified, independent, impartial, paid employees stationed at elevators, or

(b) On authority of Chambers of Commerce, Boards of Trade, Grain Exchanges, State Weighing Departments, or other organizations where weighing is performed by elevator employees under the supervision of a qualified, independent, impartial, supervising weighmaster employed by one of the above organizations.

§ 483.194 United States.

"United States" unless otherwise qualified means all of those States situated on the North American Continent excluding Alaska.

§ 483.195 United States Government Agency.

"United States Government Agency" means any corporation, wholly owned by the Federal Government and any department, bureau, administration or other unit of the Federal Government as, for example, the Departments of the Army, Navy, and Air Force, the Agency for International Development, the Army, Navy and Air Force Exchange Services, and the Panama Canal Company. Sales of wheat to foreign buyers, including foreign governments though financed with funds made available by a U.S. agency, such as the Agency for International Development or the Export-Import Bank, are not sales to a U.S. Government agency, provided such wheat is not for transfer to a U.S. Government agency.

§ 483.196 Vice President.

"Vice President" means the Executive Vice President of the Commodity Credit Corporation or his designee.

§ 483.197 Wheat.

"Wheat" means wheat grown in the United States and as defined in the Official Grain Standards of the United States. The quantity of wheat exported which is eligible for export payment and which satisfies the exportation requirements of this subpart, shall be determined by deducting from the weight of the wheat (which shall not include the weight of any bags) any dockage indicated on the inspection certificate issued at the time of loading for export.

§ 483.198 Wheat Council.

"Wheat Council" means the International Wheat Council established by the International Wheat Agreement.

§ 483.199 3:31 e.s.t.

"3:31 e.s.t." as used in the subpart means 3:31 eastern standard time, except that when Washington, D.C., is on daylight saving time 3:31 e.s.t. means 3:31 eastern daylight saving time (2:31 eastern standard time).

NOTE: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This Revision III shall become effective on the date of filing with the Office of the Federal Register.

Issued at Washington, D.C., this 2d day of July 1962.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

APPENDIX

NOTICE TO EXPORTERS

The Department of Commerce, Bureau of International Programs (The Bureau of Foreign Commerce until Aug. 9, 1961) pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities (except absorbent cotton and sterilized gauze and bandages with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Programs.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, 15 CFR 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirement for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule, 15 CFR 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Programs or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

[F.R. Doc. 62-6661; Filed, July 6, 1962; 8:52 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 20]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.320 Valencia Orange Regulation 20.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 5, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., July 8, 1962, and ending at 12:01 a.m., P.s.t., July 15, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 400,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 5, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-6741; Filed, July 6, 1962; 11:48 a.m.]

[Lemon Reg. 29]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.329 Lemon Regulation 29.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 3, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., July 8, 1962, and ending at 12:01 a.m., P.s.t., July 15, 1962, are hereby fixed as follows:

(i) District 1: unlimited movement;

(ii) District2: 325,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 5, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-6711; Filed, July 6, 1962; 8:53 a.m.]

[Nectarine Order 7]

PART 916—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

§ 916.306 Nectarine Order 7.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 916 (7 CFR Part 916) regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such nectarines and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time

hereof. Such committee meeting was held on June 29, 1962.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 11, 1962, and ending at 12:01 a.m., P.s.t., November 1, 1962, no handler shall handle any package or container of Freedom, Grandeur, Le Grand, Late Le Grand, Golden Grand, Gold King, Red Grand, or Marigold nectarines unless:

(i) Such nectarines, when packed in a No. 26 standard lug box, or in a No. 27 standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 88 nectarines in the respective lug box; or

(ii) Such nectarines, when packed in any container other than in a No. 26 standard lug box, or in a No. 27 standard lug box, measure not less than two and one-quarter (2¼) inches in diameter: *Provided*, That not to exceed ten (10) percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(2) When used herein, "diameter" and "standard pack" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145 to 51.3159 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "No. 26 standard lug box" and "No. 27 standard lug box," respectively, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California, and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 3, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-6660; Filed, July 6, 1962; 8:51 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 95—SAFEGUARDING OF RESTRICTED DATA

The Atomic Energy Commission amendment to Atomic Energy Rules and Regulations Part 95—Safeguarding of Restricted Data (10 CFR Chapter I, Part 95) revises certain requirements for the safeguarding and transmission of Secret and Confidential Restricted Data and will apply to all persons who receive such data under an Access Permit issued pursuant to the regulations of Part 25 "Permits for Access to Restricted Data" of this Chapter 10.

The changes vary in complexity and relate in general to the following matters: New terminology; new address for communications and reports; technical changes in right of access, termination thereof, and limitations thereon; clearance by other agencies under certain circumstances; marking of documents; provisions for accounting for Restricted Data upon expiration, suspension or revocation of an Access Permit; new reports particularly year-end reporting of use made of Access Permit and number of access authorizations received; and miscellaneous technical changes.

The currently effective issue of this Part 95 which is to be superseded is identified as follows:

Sections 95.1 to 95.44 appears at 21 F.R. 718, Feb. 2, 1956; § 95.33(d) amended appears at 25 F.R. 3243, April 15, 1960.

Notice of proposed issuance of the amendments was published in the FEDERAL REGISTER on August 12, 1961 (26 F.R. 7357) and a period of 30 days was allowed for receipt of comments by interested persons. The comments received have been considered, and where deemed appropriate, have been used as the basis for revisions.

With the exception of additions of definitions for "access authorization" and "security clearance" under § 95.3, and clarification of §§ 95.4, 95.5 and 95.31, the provisions of the amendments are unchanged from those which appeared in the notice of proposed rule making.

Pursuant to the Administrative Procedures Act of 1946, and the Atomic Energy Act of 1954, as amended, the following revision is published to be effective thirty (30) days after publication in the FEDERAL REGISTER.

GENERAL PROVISIONS

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AUTHORITY: §§ 95.1 to 95.44 issued under sec. 1611, 68 Stat. 948, 42 U.S.C. 2201.

GENERAL PROVISIONS

§ 95.1 Purpose.

The regulations in this part establish requirements for the safeguarding of Secret and Confidential Restricted Data received or developed under an Access Permit. This part does not apply to Top Secret Restricted Data.

§ 95.2 Scope.

The regulations in this part apply to all persons who receive access to Restricted Data under an Access Permit issued pursuant to the regulations in Part 25 of this chapter.

§ 95.3 Definitions.

As used in this part,

(a) "Access authorization" means an administrative determination by the AEC that an employee of an AEC contractor, an employee of a contractor of another Federal agency, or an employee of an Access Permittee is eligible for access to Restricted Data;

(b) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919), including any amendments thereto;

(c) "Commission," "USAEC," or "AEC" means the United State Atomic Energy Commission or its duly authorized representatives;

(d) "Document" means any piece of recorded information regardless of its physical form or characteristics;

(e) "DOD" means the Department of Defense;

(f) "L(X) access authorization" means a determination by the AEC that an individual is eligible for access to Confidential Restricted Data under an Access Permit;

(g) "NASA" means the National Aeronautics and Space Administration;

(h) "Permittee" means the holder of an Access Permit issued pursuant to the regulations in Part 25 of this chapter;

(i) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any State or any political subdivision of, or any political entity within a State, or other entity; and (2) any legal successor, representative, agent or agency of the foregoing;

(j) "Q(X) access authorization" means a determination by the AEC that an individual is eligible for access to Secret and Confidential Restricted Data under an Access Permit;

(k) "Restricted Data" means all data concerning (1) design, manufacture or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to section 142 of the Act;

(l) "Security area" means a physically defined space, access to which is subject to security restrictions and control;

(m) "Security clearance" means an administrative determination by the AEC that an employee of the AEC or of another Federal agency is eligible for access to Restricted Data or defense information; and

(n) "United States," when used in a geographical sense, includes all Territories and Possessions of the United States, the Canal Zone and Puerto Rico.

§ 95.4 Communications.

Communications concerning rule making, i.e., petition to change Part 95, should be addressed to Secretary, U.S. Atomic Energy Commission, Washington 25, D.C. All other communications concerning the regulations in this part should be addressed to the U.S. Atomic Energy Commission at the Commission Operations Office (listed in Appendix "B" of 10 CFR Part 25) administering Access Permits for the geographical area.

§ 95.5 Submission of procedures by Access Permit holder.

No Permittee shall have access to Restricted Data until he shall have submitted to the Commission a written statement of his procedures for the safeguarding of Restricted Data and for the security education of his employees and the Commission shall have determined and informed the Permittee that his procedures for the safeguarding of Restricted Data are in compliance with the regulations in this part and that his procedures for the security education of his employees assure that all his employees, who will have access to Restricted Data, are informed about and understand the regulations in this part.

§ 95.6 Specific waivers.

The Commission may, upon application of any interested party, grant such waivers from the requirements of this part as it determines are authorized by law and will not constitute an undue risk to the common defense and security.

§ 95.7 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

PHYSICAL SECURITY

§ 95.21 Protection of Restricted Data in storage.

(a) Persons who possess Restricted Data pursuant to an Access Permit shall store Secret and Confidential documents and material when not in use in accordance with one of the following methods:

(1) In a locked vault, safe or safe-type steel file cabinet having a 3-position dial-type combination lock; or

(2) In a dual key, Bank Safety Deposit Box; or

(3) In a steel file cabinet secured by a steel lock bar and a 3-position dial-type changeable combination padlock; or

(4) In a locked steel file cabinet when located in a security area established under § 95.23 or when the cabinet or the place in which the cabinet is located is under Commission approved automatic alarm protection.

(b) **Changes of combination:** Each permittee shall change the combinations on locks of his safekeeping equipment whenever such equipment is placed in use, whenever an individual knowing the combination no longer requires access to the repository as a result of change in duties or position in the Permittee's organization, or termination of employment with the Permittee, or whenever the combination has been subjected to compromise, and in any event at least once a year. Permittees shall classify records of combinations no lower than the highest classification of the documents and material authorized for storage in the safekeeping equipment concerned.

(c) The lock on safekeeping equipment of the type specified in paragraph (a)(4) of this section shall be replaced immediately whenever a key is lost.

§ 95.22 Protection while in use.

While in use, documents and material containing Restricted Data shall be under the direct control of an appropriately cleared individual and the Restricted Data shall be capable of being removed from sight immediately.

§ 95.23 Establishment of security areas.

(a) When, because of their nature or size, it is impracticable to safeguard documents and material containing Restricted Data in accordance with the provisions of §§ 95.21 and 95.22, a security area to protect such documents and material shall be established.

(b) The following controls shall apply to security areas:

(1) Security areas shall be separated from adjacent areas by a physical barrier designed to prevent entrance into such areas, and access to the Restricted Data within the areas, by unauthorized individuals.

(2) During working hours, admittance shall be controlled by an appropriately cleared individual posted at each unlocked entrance.

(3) During non-working hours, admittance shall be controlled by protective personnel on patrol, with protective personnel posted at unlocked entrances, or by such automatic alarm systems as the Commission may approve.

(4) Each individual authorized to enter a security area shall be issued a distinctive badge or pass when the number of employees assigned to the area exceeds thirty.

§ 95.24 Special kinds of classified material.

When the Restricted Data contained in material is not ascertainable by observation or examination at the place where the material is located and when the material is not readily removable because of size, weight, radioactivity, or similar factors, the Commission may authorize the Permittee to provide such lesser protection than is otherwise required by §§ 95.21 to 95.23, inclusive, as the Commission determines to be commensurate with the difficulty of removing the material.

§ 95.25 Protective personnel.

Whenever protective personnel are required by § 95.23, such protective personnel shall:

(a) Possess a "Q" or "L" security clearance or access authorization or "Q(X)" or "L(X)" access authorization if the Restricted Data being protected is classified Confidential or a "Q" security clearance or access authorization or "Q(X)" access authorization if the Restricted Data being protected is classified Secret.

(b) Be armed with side-arms of not less than .38 caliber.

§ 95.31 Access to Restricted Data.

(a) Except as the Commission may authorize, no person subject to the regulations in this part shall permit any individual to have access to Secret or Confidential Restricted Data in his possession unless the individual has an appropriate security clearance or access authorization granted by AEC, or has been certified by DOD or NASA through the Commission, and:

(1) The individual is authorized by an Access Permit to receive Restricted Data in the categories involved and, in the case of Secret Restricted Data, the Permittee determines that he requires the access in the course of his duties, or

(2) The individual needs such access in connection with his duties as a Commission employee or Commission contractor employee, or as certified by DOD or NASA.

(b) Inquiries concerning the clearance status of individuals, the scope of Access Permits, or the nature of contracts should be addressed to the Commission Office administering the Access Permit or the contract.

§ 95.32 Classification and preparation of documents.

(a) *Classification.* Restricted Data originated by an Access Permit holder must be appropriately classified. OC DOC–54, "Classification Guide for Use in the Civilian Application Program," will be furnished each Permittee. In the event an Access Permit holder originates information within the definition of Restricted Data (§ 95.3(k)) or information which he is not positive is not within that definition and OC DOC–54 does not provide positive classification guidance for such information, he shall designate the information as Confidential, Restricted Data and request classification guidance from the USAEC through the Classification Officer at the Operations Office administering the Permit, who will refer the request to the Director, Division of Classification, U.S. Atomic Energy Commission, Washington 25, D.C., if he does not have authority to provide the guidance.

(b) *Classification consistent with content.* Each document containing Restricted Data shall be classified Secret or Confidential according to its own content.

(c) *Document which custodian believes improperly classified or lacking appropriate classification markings.* If a person receives a document which in his opinion is not properly classified, or omits the appropriate classification markings, he shall communicate with the sender and suggest the classification which he believes to be appropriate. Pending final determination of proper classification, such documents shall be safeguarded with the highest classification in question.

(d) *Classification markings.* Unless otherwise authorized below, the assigned classification of a document shall be

conspicuously marked or stamped at the top and bottom of each page and on the front cover, if any, and the document shall bear the following additional markings on the first page and on the front cover:

RESTRICTED DATA

This document contains Restricted Data as defined in the Atomic Energy Act of 1954. Its transmittal or the disclosure of its contents in any manner to an unauthorized person is prohibited.

(e) *Documentation.* (1) All Secret documents shall bear on the first page a properly completed documentation stamp such as the following:

This document consists of ____ pages. Copy No. ------ of ------ Series ------.

(2) The series designation shall be a capital letter beginning with the letter "A" designating the original set of copies prepared. Each subsequent set of copies of the same documents shall be identified by the succeeding letter of the alphabet.

(f) *Letter of transmittal.* A letter transmitting Restricted Data shall be marked with a classification at least as high as its highest classified enclosure. When the contents of the letter of transmittal warrant lower classification or require no classification, a stamp or marking such as the following shall be used on the letter:

When separated from enclosures handle this document as ----------

(g) *Permanently fastened documents.* Classified books or pamphlets, the pages of which are permanently and securely fastened together, shall be conspicuously marked or stamped with the assigned classification in letters at least one-fourth (¼) inch in height at the top and bottom on the outside front cover, on the title page, on the front page and on the inside and outside of the back cover. The additional markings referred to in paragraph (d) of this section shall be placed on the first page and on the front cover.

(h) *Physically connected documents.* The classification of a file or group of physically connected documents shall be at least as high as that of the most highly classified document therein. It shall bear only one over-all classification, although pages, paragraphs, sections, or components thereof may bear different classifications. Each document separated from the file or group shall be handled in accordance with its individual classification.

(i) *Attachment of security markings.* Documents which do not lend themselves to marking or stamping shall have securely affixed or attached a tag, sticker, or similar device bearing the appropriate security markings.

§ 95.33 External transmission of documents and material.

(a) *Restrictions.* (1) Documents and material containing Restricted Data shall be transmitted only to persons who possess appropriate clearance or access authorization and are otherwise eligible for access under the requirements of § 95.31.

(2) In addition, such documents and material shall be transmitted only to persons who possess facilities for their physical security consistent with this part. Any person subject to the regulation in this part who transmits such documents or material shall be deemed to have fulfilled his obligations under this subparagraph by securing a written certification from the prospective recipient that such recipient possesses facilities for its physical security consistent with this part.

(3) Documents and material containing Restricted Data shall not be exported from the United States without prior authorization of the Commission.

(b) *Preparation of documents.* Documents containing Restricted Data shall be prepared for transmission outside an individual installation in accordance with the following:

(1) They shall be enclosed in two sealed opaque envelopes or wrappers.

(2) The inner envelope or wrapper shall be addressed in the ordinary manner and sealed with tape, the appropriate classification shall be placed on both sides of the envelope and the additional marking referred to in § 95.32(d) shall be placed on the side bearing the address.

(3) The outer envelope or wrapper shall be addressed in the ordinary manner. No classification, additional marking or other notation shall be affixed which indicates that the document enclosed therein contains classified information or Restricted Data.

(4) A receipt, which identifies the document, the date of transfer, the recipient and the person transferring the document shall accompany the document and shall be signed by the recipient and returned to the sender whenever the custody of a Secret document is transferred.

(c) *Preparation of material.* Material, other than documents, containing Restricted Data shall be prepared for shipment outside an individual installation in accordance with the following:

(1) The material shall be so packaged that the classified characteristics will not be revealed.

(2) A receipt which identifies the material, the date of shipment, the recipient, and the person transferring the material shall accompany the material and the recipient shall sign such receipt whenever the custody of Secret material is transferred.

(d) *Methods of transportation.* (1) Secret documents and material shall be transported only by one of the following methods:

(i) Registered mail.

(ii) Railway or air express in "Armed Guard Service" or "Armed Surveillance Service."

(iii) Individuals possessing appropriate AEC security clearance or access authorization who have been given written authority by their employers.

(2) Confidential documents and material shall be transported by one of the methods set forth in subparagraph (1) of this paragraph or by one of the following methods:

(i) Certified or first-class mail, if approved by the Manager of Operations administering the Permit. Certified or first-class mail may not be used in any transmission of Confidential documents to Alaska, Hawaii, the Canal Zone, Puerto Rico, or any United States territory or possession.

(ii) Railway or air express "Protective Signature Service"; railway express "Recorded Tally Service"; airlines "Protective Signature Service," when available; rail or motor vehicles in sealed car or sealed van service; or services providing equivalent protection.

(iii) Material in less than carload, truckload, or planeload lots, by regular commercial carrier when the container and its contents weigh more than 500 pounds and such container is locked and sealed.

(e) *Transmission by cryptographic means.* Cryptographic systems shall not be used for the transmission of Restricted Data unless approved by the Commission.

(f) *Telephone conversations.* No discussion of classified information is permitted during a telephone conversation.

§ 95.34 Accountability for Secret documents.

Each permittee possessing documents containing Secret Restricted Data shall establish a document accountability procedure and shall maintain records to show the disposition of all such documents which have been in his custody at any time.

§ 95.35 Authority to reproduce.

Nothing in this part shall be deemed to prohibit any person possessing documents containing Restricted Data from reproducing any Confidential documents, or any Secret documents originated by him. He shall not reproduce any other documents containing Secret Restricted Data without prior authorization from the Commission or from the originator of the document.

§ 95.36 Changes in classification.

Documents containing Restricted Data shall not be downgraded to a lower classification or declassified except as authorized by the Commission. Requests for downgrading or declassification shall be submitted to the AEC's Operations Office administering the Permit; the U.S. Atomic Energy Commission, Declassification Branch, Oak Ridge Operations Office, P.O. Box E, Oak Ridge, Tennessee; or U.S. Atomic Energy Commission, Washington 25, D.C., Attention: Division of Classification. If the Commission approves a change of classification or declassification, the previous classification marking shall be cancelled and the following statement, properly completed, shall be placed on the first page of the document:

Classification canceled (or changed to) ----------
(Insert appropriate classification)
by authority of ----------
(Person authorizing change in classification)
by ----------
(Signature of person making change and date thereof)

Any person making a change in classification or receiving notice of such a change shall forward notice of the change in classification to holders of all copies as shown on his records.

§ 95.37 Destruction of documents or material containing Restricted Data.

(a) Documents containing Restricted Data may be destroyed only by shredding and burning, pulping, or by any other method that assures complete destruction of the information. If the document contains Secret Restricted Data, a permanent record of the subject, title, or report number of the document, its date of preparation, its series designation and copy number, and the date of destruction shall be signed by the person destroying the document and shall be maintained in the office of the last custodian.

(b) Restricted Data contained in material, other than documents, may be destroyed only by a method that assures complete obliteration, removal, or destruction of the Restricted Data.

§ 95.38 Suspension or revocation of access authorization.

In any case where the access authorization of an individual subject to the regulations in this part is suspended or revoked in accordance with the procedures set forth in Part 10 of this chapter, such individual shall, upon due notice from the Commission of such suspension or revocation and demand by the Commission, deliver to the Commission any and all documents or materials in his possession containing Restricted Data for safekeeping and such further disposition as the Commission determines to be just and proper.

§ 95.39 Expiration, suspension or revocation of Access Permits.

(a) Upon expiration of an Access Permit, the person to whom such Permit has been issued may, except as provided in paragraph (b) of this section, (1) deliver all documents or materials in his possession containing Restricted Data to the Commission or to a person authorized to receive them and file with the Commission a certificate of non-possession of Restricted Data; (2) destroy them, and file with the Commission a certificate of non-possession; or (3) file with the Commission a certified inventory of Restricted Data attached to a request for approval of retention of such data. A person retaining Restricted Data must maintain an active Access Permit unless otherwise authorized by the Commission.

(b) In any case where an Access Permit has expired or has been suspended or revoked and the Commission has determined that further possession by the former Access Permit holder of documents or materials containing Restricted Data would endanger the common defense and security, such former Access Permit holder shall upon due notice from the Commission of such expiration, suspension, or revocation and of such determination, deliver to the Commission any and all documents or materials in his possession containing Restricted Data for safekeeping and such further disposition as the Commission determines to be just and proper.

§ 95.40 Termination of employment or change of duties.

Each Permittee shall furnish promptly to the Commission written notification of the termination of employment of each individual who possesses an access authorization under his Permit or whose duties are changed so that access to Restricted Data is no longer needed. Upon such notification, the Commission may, (a) terminate the individual's access authorization or (b) transfer the individual's access authorization to the new employer of the individual to allow continued access to Restricted Data where authorized pursuant to Commission regulations. Permittees shall also report to the cognizant AEC Operations Office at the end of each calendar year the use made of the Permit and access authorizations during the year, the number of "Q(X)" and "L(X)" access authorizations received or terminated during the year and the number remaining active at the end of the year and such other information requested by the Commission for determination of the use and continuing need of the Access Permit Program.

§ 95.41 Continued applicability of the regulations in this part.

The expiration, suspension, revocation or other termination of a security clearance or access authorization or Access Permit shall not relieve any person from compliance with the regulations in this part.

§ 95.42 Reports.

Each Permittee shall report promptly to the Commission office administering the Access Permit all losses of Restricted Data documents or material and to that Commission office and the nearest office of the Federal Bureau of Investigation any alleged or suspected violation of the Atomic Energy Act or the Espionage Act.

§ 95.43 Inspection.

The Commission may make such inspections of the premises, activities, records, and procedures of any person subject to the regulations in this part as the Commission deems necessary to effectuate the purposes of the Act.

§ 95.44 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. Any person who willfully violates, attempts to violate or conspires to violate any provision of the Act or any regulation or order issued thereunder, including the provisions of this part, may be guilty of a crime and upon conviction may be punished by fine or imprisonment, or both, as provided by law.

NOTE: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated at Germantown, Md., this 13th day of June 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 62-6621; Filed, July 6, 1962; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. FSLIC-1,392]

PART 563—OPERATIONS

Other Insurance or Guaranty

JULY 3, 1962.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment of Part 563 of the rules and regulations for Insurance of Accounts (12 CFR Part 563) as hereinafter set forth, and for the purpose of effecting such amendment hereby amends said Part 563 as follows, effective July 7, 1962:

Part 563 aforesaid is hereby amended by adding thereto, immediately after § 563.30, the following new section:

§ 563.31 Other insurance or guaranty.

An insured institution shall not, except with the prior approval of the Corporation, acquire or obtain any insurance or guaranty of all or any part of the accounts of such insured institution in addition to the insurance provided by title IV of the National Housing Act. As used in this section, the term "accounts" shall have the same meaning as the term "withdrawable or repurchasable shares, investment certificates, or deposits" where used in subsection (a) of section 405 of the National Housing Act.

(Sec. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, as the obtaining by insured institutions of such additional insurance or guaranty would in the opinion of the Board tend to cause confusion in the minds of the public with respect to whether such insurance or guaranty was being provided by the Federal Savings and Loan Insurance Corporation and with respect to the extent of insurance by that corporation and such additional insurance or guaranty is, according to information received by the Board, being sought or about to be sought by a number of insured institutions, the Board hereby finds that notice and public procedure on said amendment are impracticable and contrary to the public interest under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board or section 4(a) of the Administrative Procedure Act, and the Board hereby finds that for the same

reason the publication of said amendment for the period specified in section 4(c) of said act prior to the effective date of said amendment would be impracticable and contrary to the public interest and hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 62-6662; Filed, July 6, 1962; 8:52 a.m.]

Title 29—LABOR

Chapter IV—Bureau of Labor-Management Reports, Department of Labor

SUBCHAPTER A—REGULATIONS

PART 403—LABOR ORGANIZATION ANNUAL FINANCIAL REPORTS

Terminal Financial Reports; When Filed

Pursuant to section 208 of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 208), 29 CFR 403.5(a) published in the FEDERAL REGISTER dated April 18, 1962 (27 F.R. 3656) is hereby amended in the manner hereinafter indicated.

The requirement that terminal financial reports be filed within 30 days of the effective date of § 403.5 is deleted, because it is now obsolete. In lieu of this requirement, a provision is added which requires any labor organization which loses its identity as a reporting labor organization to file a terminal financial report within 30 days following such loss.

The amendment shall become effective upon its publication in the FEDERAL REGISTER. The amendment is procedural and does not alter substantive reporting requirements. Therefore, the public procedure and effective date requirements of section 4 of the Administrative Procedure Act do not apply.

As amended, 29 CFR 403.5(a) reads as follows:

§ 403.5 Terminal financial report.

(a) Any labor organization required to file a report under the provisions of this part, which during its fiscal year loses its identity as a reporting labor organization through merger, consolidation, or otherwise, shall, within 30 days after such loss, file a terminal financial report, and one copy, with the Commissioner, Bureau of Labor-Management Reports, United States Department of Labor, Washington 25, D.C., on Form LM-2 (Revised) or Form LM-3 (Revised), as may be appropriate, signed by the President and Treasurer or corresponding principal officers of the labor organization immediately prior to the time of its loss of reporting identity.

(Sec. 208, 73 Stat. 529; 29 U.S.C. 438)

Signed at Washington, D.C., this 27th day of June 1962.

ARTHUR J. GOLDBERG, *Secretary of Labor.*

[F.R. Doc. 62-6638; Filed, July 6, 1962; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1278; Amdt. 460]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC-6 Series Aircraft

Investigation has shown that extensions of repetitive inspection intervals based on service experience may be granted to some operators of Douglas DC-6 Series aircraft in complying with AD 56-13-1, 21 F.R. 9543. Accordingly, this amendment is being published to permit extension of inspection intervals where justified.

Since this amendment provides a procedure by which a different inspection interval may be established for the operators concerned, and thus relieves a present restriction, compliance with notice and public procedure hereon is unnecessary, and it may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

AD 56-13-1, 21 F.R. 9543, Douglas DC-6, DC-6A and DC-6B aircraft, is amended by adding the following paragraph before the parenthetical reference statement:

Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This amendment shall become effective July 7, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 29, 1962.

G. S. MOORE, *Acting Director, Flight Standards Service.*

[F.R. Doc. 62-6624; Filed, July 6, 1962; 8:46 a.m.]

[Regulatory Docket No. 1277; Amdt. 459]

PART 507—AIRWORTHINESS DIRECTIVES

Sikorsky S-58 Series Helicopters

Amendment 181, 25 F.R. 7015, requires inspection and replacement of the upper pylon hinge fittings on Sikorsky S-58 Series helicopters. Recent service experience has indicated that the mating fitting is equally subject to fatigue cracking. To correct this unsafe condition, Amendment 181 is being superseded by a new directive requiring daily inspection of both fittings.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

SIKORSKY. Applies to all S-58 Series helicopters.

Compliance required as indicated.

Fatigue cracks have been found in the area of the rear three bolt holes of upper pylon folding hinge fitting P/N S1620-63130-2 and the forward bolt holes of the mating fitting P/N S1620-64127. In order to preclude propagation of fatigue cracks in these areas, and consequent serious weakening of the pylon attachment, the following must be accomplished on all fittings, P/N's S1620-63130-2, -11, and P/N S1620-64127.

(a) As of the effective date of this AD, conduct daily visual inspections of the area around the fitting bolt holes for cracks. Fittings with cracks must be replaced prior to further flight.

(b) When P/N's S1620-63130-2 and -11 are reinforced in accordance with Sikorsky Drawing S1607-2169, the provisions of the AD no longer apply to these parts. (Sikorsky Service Bulletin No. 58B20-1 covers this subject.)

(c) When P/N S1620-64127 is reinforced in accordance with Sikorsky Drawing S1607-2251, the provisions of the AD no longer apply to this part. (Sikorsky Service Bulletin 58B20-6A covers this subject.)

This supersedes Amendment 181, 25 F.R. 7015 (AD 60-15-2).

This amendment shall become effective July 18, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 29, 1962.

G. S. MOORE, *Acting Director, Flight Standards Service.*

[F.R. Doc. 62-6625; Filed, July 6, 1962; 8:46 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-LA-66]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airway and Associated Control Areas

On February 13, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 1323) stating that the Federal Aviation Agency (FAA) proposed the revocation of the south alternate of VOR Federal airway No. 210 and its associated control areas between Goffs, Calif., and Tuba City, Ariz.

No comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

1. In the text of § 600.6210 (14 CFR 600.6210, 27 F.R. 4243, 4592) "including a south alternate via the INT of the Goffs VOR 084° and the Peach Springs VOR 222° radials; Tuba City, Ariz., VOR; including a south alternate via the INT of the Peach Springs VOR 096° and the Tuba City VOR 236° radials;" is deleted and "Tuba City, Ariz., VOR;" is substituted therefor.

2. In the text of § 601.6210 (14 CFR 601.6210) "north and south alternates." is deleted and "north alternates and a south alternate." is substituted therefor.

This amendment shall become effective 0001 e.s.t., August 23, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 2, 1962.

D. D. THOMAS, *Director, Air Traffic Service.*

[F.R. Doc. 62-6627; Filed, July 6, 1962; 8:47 a.m.]

[Airspace Docket No. 62-WE-87]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2120 of the regulations of the Administrator is to alter the Lewistown, Mont., control zone.

The Lewistown control zone is presently designated, in part, with reference to the Lewistown radio range. The control zone extension based on this navigational aid is no longer required for air traffic control purposes. Therefore, action is taken herein to revoke the control zone extension based on the Lewistown radio range.

Since the change effected by this amendment is less restrictive in nature than the present requirements, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2120 (14 CFR 601.2120) is amended to read:

§ 601.2120 Lewistown, Mont., control zone.

Within a 5-mile radius of the Lewistown Airport (latitude 47°03'00" N., longitude 109°28'30" W.), and within 2 miles either side of the Lewistown VOR 090° radial extending from the 5-mile radius zone to the VOR.

This amendment shall become effective 0001 e.s.t., August 23, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 29, 1962.

D. D. THOMAS, *Director, Air Traffic Service.*

[F.R. Doc. 62-6626; Filed, July 6, 1962; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Various Waterways, Tex.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.245 is hereby amended with respect to paragraph (j) revising subparagraph (27) to include the Texas Highway Department bridge at Bridge City, redesignating subparagraphs (28)-(40) as (29)-(41), and adding new subparagraph (28) to govern the operation of the Gulf, Colorado and Santa Fe Railway Company bridge across Neches River at Evadale, Texas, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where the constant attendance of draw tenders is not required.

* * * * *

(j) *Waterways discharging into Gulf of Mexico west of Mississippi River.*

* * * * *

(27) Cow Bayou, Tex.; Orange County highway bridge on Round Bunch Road and Texas Highway Department bridges at Bridge City and at Orangefield. At least 6 hours' advance notice required.

(28) Neches River, Tex.; Gulf, Colorado and Santa Fe Railway Company bridge at Evadale. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(29)-(41) [Redesignated.]

[Regs., June 19, 1962, 285/111 (Various Waterways, Tex.)—ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT, *Major General, USA, The Adjutant General.*

[F.R. Doc. 62-6620; Filed, July 6, 1962; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Great Smoky Mountains National Park, North Carolina and Tennessee; Fishing

On page 4031 of the FEDERAL REGISTER of April 26, 1962, there was published a notice and text of a proposed amendment to § 7.14 of Title 36, Code of Federal Regulations. The purpose of the amendment is to close additional waters to general fishing and to provide special fishing streams for the exclusive use of children under age twelve. Special creel limits and rules governing lures are provided for this purpose.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed regulation is hereby adopted with the following minor change: The word "live" is omitted from the list at the end of subparagraph (c). This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

(39 Stat. 535; 16 U.S.C. 3)

Paragraph (a) of § 7.14 is amended to read as follows:

§ 7.14 Great Smoky Mountains National Park.

(a) *Fishing*—(1) *Open and closed waters.* All park waters are open to fishing except the following:

* * * * *

(ii) Tennessee: All waters of the Middle Prong of Little Pigeon River above the point where Ramsey Prong enters it; and that portion of LeConte Creek (also known as Mill Creek) as posted through the residential area of Twin Creeks.

* * * * *

(4) *Restrictions as to use of bait.* Fishing is permitted only with artificial flies or lures with one hook. Possession of insect adults, pupae and larvae, earthworms, amphibians or mammals, or parts thereof, along any stream while in possession of fishing tackle shall be considered prima facie evidence of violation of this section, except as noted in subparagraph (7)(i)(c) of this paragraph.

* * * * *

(6) *Limit of catch and in possession.* Five fish is the maximum number of trout or bass, or combination thereof, which an angler may catch and retain in any one day or have in his possession at any time, except upon portion of streams designated as waters reserved for children, where limit shall be two (2) fish per child fishing per day with one day's catch in possession. Immediately upon retention of the fifth fish, the fisherman

must disassemble his fishing tackle and cease fishing. There is no creel limit on other species of fishes.

(7) *Restrictions and exceptions in certain waters of the park.* The following waters are designated as "Sport Fishing Streams" and subject to the following restrictions:

(i) • • •

(c) Waters reserved for children. That portion of the Little River in Tennessee which lies between the stone bridge at the entrance to the Appalachian Club downstream to the lower boundary of Millsaps Picnic Area, and that portion of the Oconaluftee River in North Carolina which lies between the junction of the Bradley Fork with the Oconaluftee River to the steel bridge where Tow String Road crosses the Oconaluftee River, shall be reserved for children under the age of 12 during the regular fishing season as permitted under subparagraph (3) of this paragraph. Children may use artificial flies and lures, worms, grasshoppers, or other insects, on single hook.

FRED J. OVERLY,
Superintendent, Great Smoky Mountains National Park.

[F.R. Doc. 62-6650; Filed, July 6, 1962; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 20, 25]

VALUATION OF SHARES OF OPEN-END INVESTMENT COMPANIES

Notice of Hearing on Proposed Regulations

Proposed amendments to the regulations under sections 2031 and 2512 of the Code, relating to valuation of shares of open-end investment companies, were published in the FEDERAL REGISTER for June 5, 1962.

A public hearing on the provisions of these proposed regulations will be held on Wednesday, July 25, 1962, at 10:00 a.m., e.d.s.t., in Room 3303, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., by July 23, 1962.

[SEAL] PAUL T. MAGINNIS,
Acting Director, Technical Planning Division, Internal Revenue Service.

[F.R. Doc. 62-6695; Filed, July 6, 1962; 8:53 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

GRAND CANYON NATIONAL MONUMENT, ARIZONA

Travel on Monument Waters

Notice is hereby given that pursuant to the authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), Departmental Order 2640 (16 F.R. 5846), National Park Service Order No. 14 (19 F.R. 8824), Regional Director, Region Three, Order No. 3 (24 F.R. 5748), as amended, it is proposed to amend Title 36 CFR 7 as set forth below. The purpose of this amendment is to establish suitable control to provide for safe travel over hazardous waters of the monument.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

JOHN S. MCLAUGHLIN,
Superintendent, Grand Canyon National Park.

A new section is added to Part 7, to read as follows:

§ 7.60 Grand Canyon National Monument.

(a) *Travel on water*—(1) *Permit.* A permit, issued by the Superintendent of Grand Canyon National Park, is required for all travel upon the waters of the monument. Travel as used herein includes boat or raft use, or the use of any floating or mechanical device to support a person or property, or use by any means which may be deemed hazardous by the Superintendent.

(2) *Sanitation.* No cans, rubbish, bottles, or other refuse shall be discarded along the shores of the waters of the monument. Such refuse shall be buried or removed to facilities provided at specified places.

[F.R. Doc. 62-6637; Filed, July 6, 1962; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Parts 1103, 1105, 1107]

[Docket Nos. AO 252-A8, AO 297-A3, AO 304-A4]

MILK IN THE CENTRAL MISSISSIPPI, MISSISSIPPI DELTA AND MISSISSIPPI GULF COAST MARKETING AREAS

Supplemental Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the notice of hearing on proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Central Mississippi, Mississippi Delta, and Mississippi Gulf Coast marketing areas which was issued June 19, 1962, and published in the FEDERAL REGISTER on June 23, 1962 (27 F.R. 5960), is hereby amended by changing the date on which such hearing is to be held from July 10, 1962, to July 23, 1962. The hearing will begin at 10:00 a.m., local time, in the Rose Room, Heidelberg Hotel, 131 East Capitol Street, Jackson, Mississippi.

In addition to the proposals set forth in the said notice of June 19, 1962, evidence will be received with respect to an additional proposal, hereafter set forth, and any appropriate modifications thereof, to provide for individual-handler pooling under the tentative marketing agreement and order regulating the handling of milk in the Mississippi Gulf Coast marketing area. The additional proposal contained in this supplemental notice has not received the approval of the Secretary of Agriculture.

Additional proposal is as follows:

Proposed by a number of dairy farmers:

Proposal No. 1. That the Mississippi Gulf Coast order be amended to provide for individual-handler pooling in lieu of the present marketwide pooling.

Copies of this supplemental notice of hearing and the orders may be procured from the Market Administrator, P.O. Box 4646, Fondren Station, Jackson 6, Mississippi; P.O. Box 864, Greenwood, Mississippi; P.O. Box 971, Gulfport, Mississippi, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on July 5, 1962.

W. E. UNDERHILL,
Acting Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-6678; Filed, July 6, 1962; 10:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition has been filed by Stauffer Chemical Company, 380 Madison Avenue, New York 17, New York, proposing the establishment of tolerances for residues of the insecticide carbophenothion (*S*-(*p*-chlorophenylthiomethyl) *O,O*-diethyl phosphorodithioate) in or on raw agricultural commodities, as follows:

10 parts per million in or on almond hulls.

5 parts per million in or on alfalfa (fresh), alfalfa (hay), bean straw, clover (fresh), clover (hay), corn forage, and sorghum forage.

2 parts per million in or on sorghum grain.

0.5 part per million in or on corn (kernels plus cob with husks included).

The 10 parts per million in or on almond hulls would represent an increase from the present tolerance of 2 parts per million.

The analytical method proposed in the petition for determining residues of carbophenothion (*S*-(*p*-chlorophenylthiomethyl) *O,O*-diethyl phosphorodithioate) is a modification of that published in Journal of Agricultural and Food Chemistry, Volume 8, page 54 (1960).

Dated: June 29, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-6635; Filed, July 6, 1962; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 1276]

CERTAIN BELLANCA AIRCRAFT

Proposed Airworthiness Directive

Pursuant to the authority delegated to me by the Administrator, (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the rudder bellcranks and replacement of any with elongated bolt holes on Bellanca 14-13 Series, 14-19 and 14-19-2 aircraft.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before August 7, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

BELLANCA. Applies to 14-13 Series (Downer), 14-19, and 14-19-2 aircraft.

Compliance required as indicated.

As a result of instances of elongation of the control cable attachment bolt hole in the rudder bellcrank, P/N 9817, accomplish the following inspection within the next 25 hours' time in service after the effective date of this airworthiness directive, unless accomplished within the last 75 hours' time in service, and thereafter within each 100 hours' time in service.

Remove the left and right rudder bellcranks, P/N 9817, located at the left and right ends of the rudder torque tube. (This may be accomplished by working from inside the cabin and through the inspection hole in the bottom cabin cowl.) If the control cable attachment bolt hole in the rudder bellcrank is elongated beyond maximum diameter of 0.210 inch, the rudder bellcrank must be replaced with a new rudder bellcrank of the same part number (P/N 9817), or FAA approved equivalent prior to further flight. The new rudder bellcrank must be inspected thereafter within each 100 hours' time in service.

Issued in Washington, D.C., on June 29, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-6623; Filed, July 6, 1962; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 1267]

DOUGLAS DC-3 SERIES AIRCRAFT

Proposed Airworthiness Directive

Correction

In F.R. Doc. 62-6254, appearing at page 6097 of the issue for Thursday, June 28, 1962, the designation "A-632-5110506-IF2" in the second paragraph of (3)(i) should read "A-652-5110506-IF2".

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[RM-327 and Docket No. 14245]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS; COLUMBIA, S.C.

Order Extending Time for Filing Reply to Counterproposal

In the matter of amendment of § 3.606 Table of Assignments, Television Broadcast Station (Columbia, South Carolina) and deintermixture of Columbia, South Carolina.

1. WCSC, Inc., licensee of WCSC-TV, Channel 5, Charleston, South Carolina, requests an extension of time until July 12, 1962, to file a reply to the counterproposal of the First Carolina Corp. in the above-captioned proceeding.

2. In support of the requested extension WCSC, Inc., cites the complex changes in television channel assignments which First Carolina Corp. has proposed and states that adequate time to prepare a considered response necessitates this extension. WCSC, Inc., states that counsel for First Carolina Corp. has consented to grant of the extension.

3. The Commission believes that good cause has been shown in support of the request and interested persons may file replies to the First Carolina Corp. counterproposal by July 12, 1962

4. *Accordingly, it is ordered*, This 2d day of July 1962, that the request of WCSC, Inc., is granted and that the time for filing replies to the counterproposal of First Carolina Corp. is extended to July 12, 1962.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and section 0.241 (d)(8) of the Commission's rules.

Released: July 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6656; Filed, July 6, 1962; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. I]

[Ex Parte No. 230]

SUBSTITUTED SERVICE; CHARGES AND PRACTICES OF FOR-HIRE CARRIERS AND FREIGHT FORWARDERS; PIGGYBACK SERVICE

Notice of Proposed Rule Making

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 29th day of June A.D. 1962.

It appearing that in recent years there has been a marked expansion of and changes in the use of coordinated and substituted service, in particularly in so-called motor-rail piggyback operations; and that it is desirable that certain aspects of coordinated and substituted service be further considered by the Commission looking to the resolution and control of the legal and operational problems arising in connection therewith through the promulgation of appropriate rules, regulations, statements of policy, and precedent; therefore:

It is ordered, That a proceeding be, and it is hereby, instituted under the authority of Parts I, II, III, and IV of the Interstate Commerce Act and section 4 of the Administrative Procedure Act, into the practices of, and the manner and methods of the performance and use of coordinated and substituted motor-rail service, as hereinafter more particularly described, and all similar and related types of service, including, but not limited to, so-called "piggyback" service under Plans I to V, both inclusive (defined in the Appendix hereto), now provided by or participated in, or to be provided by or participated in, or used by shippers and carriers not subject to economic regulation, and by motor common and contract carriers, rail carriers, water carriers, express companies and freight forwarders subject to the Act, for the transportation or shipment of property, in interstate or foreign commerce, for the purposes of ascertaining and determining, in the light of the national transportation policy, and the provisions of the Interstate Commerce Act, the desirability, feasibility, and lawfulness of the operational

practices, services, and facilities provided and utilized by or for rail, motor, and water carriers, express companies and freight forwarders subject to the Act, and of encouraging the participation in and the expansion of coordinated service by all such carriers, and of taking such other and further action as the facts and circumstances may justify or require.

Specific issues to be considered and determined in this proceeding, among others, are:

I. What is the nature of the operating rights that must be held by motor carriers in order to participate in TOFC Plan I substituted service, including the question whether motor carriers may participate in such service where the motor carrier's route is circuitous with respect to the portion of the rail route used.

II. The extent to which motor carriers, water carriers, express companies and freight forwarders should be permitted to use Plans III and IV TOFC rail rates and service in their operations. If so permitted, under what conditions and limitations.

Evidence to be considered in this proceeding bearing upon the above-described issues shall include, but not be limited to:

I. All operational practices and methods utilized in coordinated and substituted service transportation;

II. Re-examination of existing Commission precedents and pronouncements governing coordinated and substituted service transportation;

III. Rules and regulations, if any, which may be required to regulate, in the public interest, the utilization of coordinated and substituted service transportation from a competitive standpoint or otherwise, particularly in connection with the substitution of rail service for any other mode of transportation;

IV. The need, if any, for corrective or implementing legislation for expansion or regulation of coordinated and substituted service transportation;

V. The existence of unjust discrimination, or undue preference or prejudice in the offering or furnishing of services in the transportation of such vehicles or containers, or in the rates demanded or charged therefor; and

VI. All related matters inherent in or to the basic purposes underlying this investigation.

It is further ordered, That the Bureau of Inquiry and Compliance of this Commission be, and it is hereby, authorized and directed to participate in this proceeding for the purpose of developing the evidence and the issues.

It is further ordered, That all railroads, motor carriers, water carriers, express companies, and freight forwarders of property operating in interstate or foreign commerce, subject to the Interstate Commerce Act, be, and they are hereby, made respondents in this proceeding.

It is further ordered, That all respondents herein that participate in coordinated and substituted service to any extent or any other interested party including shippers or carriers of any mode not subject to the Interstate Commerce Act, be, and they are hereby, invited to submit to this Commission, on or before September 4, 1962, representations, consisting of an original and 20 copies, setting forth the exent of such participation and the practices connected therewith. Those filing representations are urged to include therein, among other things, the following information to assist the Commission in accomplishing the purposes of this investigation: Whether such service is participated in as joint line service or substituted service; if the latter, whether the motor or water carrier has underlying operating rights and if so, the amount of circuity involved; the type of tariff arrangements entered into with the railroads; whether at any time the carrier acts as a shipper or agent of a shipper; and whether the trailers or containers move on joint through routes and rates or single factor rates, or otherwise. The statements of the rail respondents should set forth, among other things, the type of tariff arrangements entered into with the motor carriers or other carriers; the particular plans that they have in effect and the nature thereof; the extent to which the several plans utilized are held out to all carriers; whether they receive a division of a rate or a published rate for their services; the extent to which they furnish terminal or over the road services; and the extent to which they participate in coordinated and substituted service with motor or other carriers exempt from economic regulations.

It is further ordered, That, in accordance with Rule 68 of the Commission's general rules of practice, the proceeding be, and it is hereby, assigned for a prehearing conference at 8:30 o'clock a.m., United States Standard Time (9:30 o'clock a.m., District of Columbia daylight saving time), on October 9, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Commissioners Clyde E. Herring and William H. Tuck[illegible], for the purposes of:

1. Agreeing upon special procedures to expedite and control the handling of this proceeding and the production and submission of evidence on the issues presented;

2. Agreeing as to the time and place or places of any hearing or hearings which may be required;

3. Determining the practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of hearing, if one is to be held;

4. Ascertaining the need, if any, of the entry of a supplemental order changing the scope of the proceeding;

5. Determining any other matters by which the processing of the proceeding can be expedited, simplified, or the Commission's handling thereof aided.

And it is further ordered, That a copy of this order be served on the Public Utility Commissions or Boards, or similar regulatory bodies, of each State having jurisdiction over the transportation here involved; that a copy be posted in the Office of the Secretary of the Interstate Commerce Commission for public inspection; and that a copy be delivered to the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

APPENDIX

Plan I: Railroad movement of trailers or containers of common motor carriers, with the shipment moving on one bill of lading and billing being done by the trucker. Traffic moves under rates in regular motor carrier tariffs.

Plan II: Railroad performs its own door-to-door service, moving its own trailers or containers on flat cars under tariffs usually similar to those of truckers.

Plan III: Ramp-to-ramp rates based on a flat charge, regardless of the contents of trailers or containers, usually owned or leased by freight forwarders or shippers. No pickup or delivery is performed by the railroad.

Plan IV: Shipper or forwarder furnishes a trailer or container-loaded flat car, either owned or leased. The railroad makes a flat charge for loaded or empty-car movement, furnishing only power and rails.

Plan V: Traffic moves generally under joint railroad-truck or other combination of coordinated service rates. Either mode may solicit traffic for through movement.

[F.R. Doc. 62-6645; Filed, July 6, 1962; 8:50 a.m.]

[49 CFR Ch. I]

[No. 34013]

ASSEMBLING AND PRESENTING OF COST EVIDENCE

Consideration of Cost Principles, Methods, and Formulas; Notice of Proposed Rule Making

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 28th day of June A.D. 1962.

Upon consideration of the record in the above-entitled proceeding, and of a joint petition filed May 29, 1962, by National Motor Freight Traffic Association, Inc., and others for (1) postponement of the date for the filing of representations and (2) for clarification of the notice of proposed rule making dated April 16, 1962 (27 F.R. 4102; 27 F.R. 5748);

It appearing that by notice dated June 4, 1962, the dates for the filing of representations in this proceeding, and of replies thereto, have been postponed to October 1, 1962, and November 20, 1962, respectively;

It is ordered, That the notice issued herein on April 16, 1962, entitled Rules to Govern the Assembling and Presenting of Cost Evidence—Notice of Proposed Rule Making, be, and it is hereby modified to show that the Commission will consider evidence, if presented, respecting cost principles, methods, and formulas other than those used or favored by the Commission's Cost Finding Section and that the petition be, and it is hereby denied in all other respects.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-6646; Filed, July 6, 1962; 8:50 a.m.]

Notices

POST OFFICE DEPARTMENT

ASSISTANT POSTMASTER GENERAL, BUREAU OF OPERATIONS

Delegation of Authority

The following is the text of Headquarters Circular No. 62–105, signed by the Postmaster General, delegating authority to the Assistant Postmaster General, Bureau of Operations:

Pursuant to authority of section 1(b) of Reorganization Plan No. 3 of 1949, authority is hereby delegated to the Assistant Postmaster General, Bureau of Operations, to execute and perform in his own name and title all powers, functions and duties conferred by law upon the Postmaster General, including authority to modify, suspend or rescind orders, instructions and regulations which have heretofore, or which may hereafter be issued in the name of the Postmaster General, except that I do hereby reserve exclusive authority to modify, suspend or rescind all, or any part of, the authority delegated to the Assistant Postmaster General, Bureau of Operations, by this order.

The Assistant Postmaster General, Bureau of Operations, is hereby authorized to redelegate to any officer, employee or agency of the Post Office Department such of the powers, functions and duties delegated to him by this order.

All prior delegations made by me or by the Deputy Postmaster General are to remain in full force and effect until changed by the order of the Postmaster General or the Assistant Postmaster General, Bureau of Operations.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62–6651; Filed, July 6, 1962; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Forest Service

CERTAIN LANDS ACQUIRED UNDER TITLE III—BANKHEAD-JONES FARM TENANT ACT

Suitability for National Forest Purposes

Pursuant to the requirement of Executive Order 10445, dated April 10, 1953 (18 F.R. 2069), except as to lands within the States of Arizona, California, Colorado, Idaho, Montana, New Mexico, Oregon, Washington, and Wyoming, all lands within the exterior boundaries of national forests which have been acquired through exchange since June 30, 1961, or that are in the process of being acquired through exchange, by the Forest Service on behalf of the United States under authority of Title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1010–1013), are hereby determined to be suitable for national forest purposes.

EDWARD P. CLIFF,
Chief, Forest Service.

JUNE 28, 1962.

[F.R. Doc. 62–6648; Filed, July 6, 1962; 8:49 a.m.]

Office of the Secretary

OKLAHOMA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 (a) of public Law 87–128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the State of Oklahoma natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

OKLAHOMA

Cotton.	Kiowa.
Harmon.	Tillman.
Jackson.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 2d day of July, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62–6647; Filed, July 6, 1962; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order 601 Amdt. 8]

REVESTED OREGON AND CALIFORNIA RAILROAD GRANT LANDS, COOS BAY WAGON ROAD GRANT LANDS AND PUBLIC DOMAIN LANDS

Declaration of Annual Productive Capacity

JUNE 29, 1962.

The annual productive capacities of the Master Units composing the Revested Oregon and California Railroad Grant Lands, and the Coos Bay Wagon Road Grant Lands in Oregon declared in Bureau Order No. 601, Amendment No. 7, dated April 1, 1959, are amended as follows:

Master unit:	*Annual productive capacity, feet board measure*
1. Columbia River	59,000,000
2. Clackamas-Molalla	34,000,000
3. Alsea-Rickreall	90,000,000
4. Santiam River	61,000,000
5. Upper Willamette	77,000,000
6. Siuslaw	82,000,000
7. Douglas	135,000,000
8. South Umpqua	28,000,000
9. South Coast	173,000,000
10. Josephine	129,000,000
11. Jackson	86,000,000
12. Klamath	23,000,000
Total	977,000,000

Annual Productive Capacity as declared in this amendment, includes the Revested Oregon and California Railroad and Reconveyed Coos Bay Wagon Road Grant Lands, other lands administered by the Bureau under provisions of the act approved August 28, 1937, and the public lands administered by the Bureau of Land Management which are in Oregon west of Range 8 E., Willamette Meridian, Oregon.

JAMES F. DOYLE,
Acting Director.

[F.R. Doc. 62–6636; Filed, July 6, 1962; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–10]

COMMONWEALTH EDISON CO.

Notice of Hearing on Amendment to Operating License for Nuclear Facility

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Part 2, 10 CFR, "Rules of Practice", notice is hereby given that a hearing will be held at 10:00 a.m., e.d.t., on August 8, 1962, in the Auditorium of the Atomic Energy Commission Headquarters in Germantown, Maryland, to consider the applications filed by Commonwealth Edison Company on March 2, 1962, and April 10, 1962, both of which were supplemented by a letter dated May 28, 1962, which respectively request (1) an authorization to increase the maximum heat flux limits for the Dresden Nuclear Power Station (the facility), and (2) an amendment to facility license DPR–2 to authorize operation of the facility at powers up to and including, but not in excess of, 700 megawatts (thermal).

The issues to be considered at the hearing will be the following:

1. Whether there is reasonable assurance that the operation of the facility at the power level proposed in the application filed by Commonwealth Edison Company on April 10, 1962, as supplemented by letter dated May 28, 1962, and at the maximum heat flux limits proposed in the request dated March 2, 1962, as supplemented by letter dated May 28, 1962, can be conducted without endangering the health and safety of the public, and that such operation will be conducted in compliance with the Atomic Energy Act of 1954, as amended, and the rules and regulations of the Commission;

2. Whether amendment of facility license DPR–2, as proposed, will be inimical to the common defense and security or to the health and safety of the public.

Notice is hereby given that the report of the AEC's Advisory Committee on Reactor Safeguards in this manner is available for public inspection at the Commission's Public Document Room. Copies of this report may be obtained by request to the Director, Division of Licensing and Regulation, United States Atomic Energy Commission, Washington 25, D.C.

Petitions for leave to intervene must be received in the Office of the Secretary, Atomic Energy Commission, Germantown, Maryland, or in Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than July 30, 1962, or in the event of a postponement of the hearing date specified above at such time as the Presiding Officer may provide.

Answers to this notice pursuant to § 2.705 of the Commission's rules of practice shall be filed on or before July 27, 1962, by the applicant.

Papers required to be filed with the Commission in this proceeding shall be filed by mailing to the Secretary, Atomic Energy Commission, Washington 25, D.C., or may be filed in person at the Office of the Secretary, Atomic Energy Commission, Germantown, Maryland, or at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Presiding Officer, parties shall file twenty (20) copies of each such paper with the Commission and where service of papers is required on other parties shall file five (5) copies of each

The hearing will be conducted by a presiding officer to be designated by the Chief Hearing Examiner.

Dated at Germantown, Md., this 6th day of July 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 62–6716; Filed, July 6, 1962; 10:17 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13370; Order No. E–18542]

ALLEGHENY AIRLINES, INC.

Order to Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3d day of July 1962.

On February 1, 1962, Allegheny Airlines, Inc. (Allegheny) filed an application with the Board requesting that its certificate of public convenience and necessity be amended so as to redesignate Harrisburg, Pa., as Harrisburg/York, Pa. Harrisburg is an intermediate point on Segments 3 and 7 of Allegheny's route 97.

In support thereof, Allegheny alleges that it currently serves the point designated as Harrisburg through the Harrisburg/York State Airport; that the airport is located 17 miles from York, an industrial community with a population of 54,504,[1] and 4 miles from Harrisburg; that traffic figures indicate Allegheny serves York through the Harrisburg/York State Airport; that in November and December of 1961, 865 York passengers boarded at the airport; that travel time between York and the airport is approximately thirty minutes; and that York is connected with the airport by a new highway, Interstate 83.

The City and Chamber of Commerce of Harrisburg and the Chamber of Commerce of York filed letters in the nature of answers supporting Allegheny's application.

The Board has decided to institute a proceeding under section 401(g) of the Act with a view toward amending Allegheny's certificate of public convenience and necessity for route 97 so as to redesignate the present point, Harrisburg, Pa., as Harrisburg/York, Pa.

In reaching the conclusion that Allegheny's certificate should be amended as sought in its application, the Board has taken all relevant factors into consideration. Because of the proximity of York to Harrisburg, and of the Harrisburg/York State Airport to both communities, service to Harrisburg is, in fact, service to York. Traffic figures submitted by the applicant show that 885 York passengers boarded at Harrisburg during November and December 1961, accounting for approximately 12.1 percent, projected over a three-month period.[2] This is a substantial number of York passengers actually using Harrisburg and redesignation would reflect the service which is actually being provided. It would also permit the carrier to show York in its advertising and schedules, with resulting benefits to the carrier as well as the traveling public. Since Allegheny proposes service through a single airport, the redesignation would not entail additional subsidy and would be consistent with the area airline service airport concept. In addition, both Harrisburg and York have endorsed Allegheny's application.

Upon consideration of the foregoing, the Board tentatively finds and concludes that the public convenience and necessity require that the certificate held by Allegheny for Route 97 should be amended so as to redesignate the present point Harrisburg, Pa., as Harrisburg/York, Pa. (to be served through a single airport) on segments 3 and 7 thereof.

Accordingly, it is ordered:

1. That a proceeding be, and it hereby is, instituted in Docket 13370, pursuant to section 401(g) of the Act, to determine whether the public convenience and necessity require, and the Board should order, the amendment of the certificate of public convenience and necessity held by Allegheny for Route 97 so as to redesignate the present point Harrisburg, Pa., as Harrisburg/York, Pa. (to be served through a single airport);

2. That all interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue to Allegheny Airlines, Inc. an amended certificate of public convenience and necessity for Route 97 redesignating the present point, Harrisburg, Pa., as Harrisburg/York, Pa. (to be served through a single airport), on segments 3 and 7 thereof;

3. That any interested persons having objection to the issuance of an order making final the proposed findings, conclusions and certificate amendment set forth herein shall, within fifteen days of service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections;

4. That if timely objections are filed, further consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;

5. That all motions to consolidate and requests to expand or change the issues herein shall be filed within the 15-day period allowed for the filing of objections, and no further such motions or requests, or petitions for reconsideration of this order will be entertained;

6. That in the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action;

7. That copies of this order shall be served upon the following persons who are hereby made parties to this proceeding: Allegheny Airlines, Inc.; the City of Harrisburg, Pennsylvania; the City of York, Pennsylvania; the Pennsylvania Aeronautics Commission; and the Postmaster General; and

8. That this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62–6652; Filed, July 6, 1962; 8:50 a.m.]

[Docket No. 13495, etc.; Order No. E–18549]

FORT LAUDERDALE RESTRICTION CASE ET AL.

Order Expanding Scope of Show Cause Proceeding

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of July 1962.

In the matter of the Fort Lauderdale Restriction Case, Docket No. 13495; in the matter of the application of Northeast Airlines, Inc., Docket No. 11230; Mackey Airlines, Inc., Docket No. 11255; National Airlines, Inc., Docket No. 11266; Delta Air Lines, Inc., Docket No. 13651; to carry mail between Fort Lauderdale and Miami.

On March 23, 1962, the Board adopted Order E–18144, directing those trunkline carriers authorized to serve Fort Lauder-

[1] U.S. Census of Population: 1960. United States Summary. Final Report PC(1)–1A, U.S. Government Printing Office, Washington, D.C.; 1961.

[2] CAB Form 41 Reports, Schedule T–4, for quarter ending December 31, 1961, show 10,981 passengers boarded at Harrisburg.

dale, Florida, to show cause why the Board should not amend their certificates of public convenience and necessity, eliminating therefrom the restrictions which prevent the carriers from providing single-plane air transportation of persons, property, and mail between Fort Lauderdale and Tampa-St. Petersburg-Clearwater. This proceeding is known as the Fort Lauderdale Restriction Case, Docket 13495. Earlier Delta Air Lines, Inc. (Delta) on December 21, 1961, and Northwest Airlines, Inc. (Northwest) on May 26, 1960, had filed a petition and an application,[1] respectively, requesting that the Board remove all restrictions on their Fort Lauderdale services. Order E–18144, however, ordered only that the carriers show cause as to service between Fort Lauderdale and Tampa-St. Petersburg-Clearwater.

On April 9, 1962, Delta filed a letter requesting the Board to give further consideration to Order E–18144 and to broaden or expand the action contemplated therein so as to embody the complete elimination of restrictions at Fort Lauderdale, including the portion thereof which is now rendered ineffective by virtue of the temporary exemption granted by Order E–15596, July 29, 1960.[2]

On April 9, 1962, Northwest filed a "Motion to Expand Scope of Show Cause Order" requesting that all of the restrictions which have already been lifted by exemption, discussed hereafter, be permanently disposed of herein. The carrier would preclude consideration of authority to transport passengers and property between Fort Lauderdale and Miami.

By Order E–15596, supra, the Board, by exemption, lifted the "closed-door" restrictions imposed upon the trunkline carriers serving Fort Lauderdale[3] to the extent that such restrictions prevented single-plane service between Fort Lauderdale and points other than those served by Mackey Airlines, Inc. (Mackey) on its domestic route 145.[4] This order also permitted single-plane air transportation of mail between Fort Lauderdale and West Palm Beach and Tampa-St. Petersburg-Clearwater. The exemption authority will continue in effect until 90 days after final decision in Mackey's route 145 Certificate Renewal Case, now pending.[5] However, there are no issues with respect to service between Fort Lauderdale and those points as to which the services of the trunkline carriers were restricted by Order E–15596, in the Mackey Certificate Renewal Case and it is unnecessary to await decision in that proceeding before taking the action herein contemplated.

The Board previously granted exemptions[6] to carry mail between Fort Lauderdale and Miami to Mackey and the seven trunkline carriers authorized to serve the two points. Applications for amendment of their certificates to authorize the carriage of mail between Fort Lauderdale and Miami have been filed by four carriers: Northeast, Mackey, Delta, and National, Dockets 11230, 11255, 13651, and 11266, respectively. Since this order would grant authority to carry mail in the Fort Lauderdale-Miami market, we are consolidating three of these applications herein. However, since National is now serving that point only through the Miami airport,[7] the carrier is directed to show cause why its application should not be dismissed.

Inasmuch as those trunkline carriers which are authorized to serve Fort Lauderdale now are able, by virtue of exemption authority, to serve between Fort Lauderdale and certain points[8] (with the exception of West Palm Beach and Miami where mail carriage only is authorized) and the basis for the original imposition of these restrictions no longer exists,[9] there is no apparent reason for their retention. Accordingly, we tentatively find and conclude that the public interest would be served by the elimination of certain restrictions imposed by Order E–14678 on the domestic service of the trunkline carriers serving Fort Lauderdale, Florida. As we found in our original order in this proceeding, these newly proposed certificate amendments do not appear to raise any substantial controversial issues bearing upon the competitive relationship between carriers now authorized to serve Fort Lauderdale. We shall, therefore, direct the carriers and other interested persons to show cause why the Board should not issue an order making final the tentative findings and conclusions set forth herein and, accordingly, amend the certificates of public convenience and necessity of the carriers affected in the manner that may be appropriate.

Accordingly, it is ordered:

1. That Delta, Eastern, National, Northeast, Northwest, TWA, and United be and hereby are directed to show cause why the Board should not amend their certificates of public convenience and necessity, eliminating therefrom restrictions, in addition to those placed in issue in Order E–18144, which prevent the carriers from providing single plane transportation of persons, property, and mail over their respective routes, where applicable, between Fort Lauderdale, on the one hand, and Mobile, Alabama; Gainesville, Jacksonville, Melbourne, Ocala, Orlando, Panama City, Pensacola, Tallahassee, Tampa-St. Petersburg-Clearwater, and Vero Beach, Florida; Albany, Atlanta, and Columbus, Georgia; and Gulfport, Mississippi, on the other, and the single-plane transportation of mail only between Fort Lauderdale, on the one hand, and West Palm Beach and Miami, on the other, where applicable;

2. That Delta, Eastern, National, Northeast, Northwest, TWA, Mackey and United and any other interested persons having objections to the issuance of an order making final the tentative findings and conclusions set forth herein, deleting from the applicable certificates the existing restrictions as set forth in paragraph 1, above, and directing the issuance of amended certificates of public convenience and necessity, shall file objections with the Board within 20 days from the date of service of this order;

3. That the applications in Dockets 11230, 11255, and 13651 be and they hereby are consolidated herein for final decision;

4. That National be and hereby is directed to show cause why its application in Docket 11266 should not be dismissed;

5. That at the expiration of the 20-day period allowed herein for the filing of objections, these matters be included in the Fort Lauderdale Restriction Case, Docket 13495, which shall be heard before an Examiner of the Board, with hearing limited to the consideration of issues raised by the objections filed;

6. That in the absence of objections hereto, the Board will proceed to issue amended certificates in the form proposed herein to the carriers concerned;

7. That copies of this order be served on Delta, Eastern, National, Northeast, Northwest, TWA, United, Mackey, the City of Fort Lauderdale, the Board of Commissioners of Broward County, the Cities and Chambers of Commerce of Tampa, St. Petersburg and Clearwater, and Pinellas County, the Cities of Mobile, Alabama; Gainesville, Jacksonville, Melbourne, Miami, Ocala, Orlando, Panama City, Pensacola, Tallahassee, Vero Beach and West Palm Beach, Florida; Albany, Atlanta and Columbus, Georgia; and Gulfport, Mississippi, who are hereby made parties to this proceeding;

8. That this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62–6653; Filed, July 6, 1962; 8:50 a.m.]

[Docket No. 10043; Order No. E–18543]

WEST COAST AIRLINES, INC.

Order to Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of July 1962.

On December 1, 1958, West Coast Airlines, Inc. (West Coast) filed an application with the Board requesting that its certificate of public convenience and necessity be amended so as to redesignate Astoria, Oregon as Astoria/Seaside, Oregon. Astoria is an intermediate point on segment 2 of West Coast's route 77.

In support thereof, West Coast alleges that it has been providing scheduled air service to Seaside through the point designated as Astoria since December, 1946; that Seaside is located 12 miles from the airport[1] at Astoria, and that since Seaside is a popular summer resort area, identification of Seaside in West Coast's schedules would be of substantial benefit to the traveling public desiring to go to that area.

No answer to West Coast's application has been filed with the Board.

The Board has decided to institute a proceeding under section 401(g) of the Act with a view toward amending West Coast's certificate of public convenience and necessity for route 77 so as to redesignate the present point, Astoria, as Astoria/Seaside.

In concluding that West Coast's certificate should be amended as sought in the instant application the Board has taken all relevant factors into consideration. Because of the proximity of Seaside to Astoria and the proximity of both cities to the Clatsop County Airport, service to Astoria constitutes service to Seaside and, in fact, a substantial number of Seaside passengers use the Astoria service. Redesignation in the manner requested would, therefore, reflect a service actually being provided and would permit the carrier to show Seaside in its advertising and schedules, resulting in obvious benefits to the traveling public, as well as the carrier. The redesignation would not entail additional subsidy since the carrier proposes to serve the hyphenated point through a single airport and it would be consisten, with the area airline service airport concept. Furthermore, none of the allegations relating to the foregoing points has been challenged.

Upon consideration of all of the foregoing, the Board tentatively finds and concludes that the public convenience and necessity require that the certificate held by West Coast Airlines, Inc. for Route 77 should be amended so as to redesignate the present point Astoria, as Astoria/Seaside (to be served through a single airport) on segment 2 thereof.

Accordingly, it is ordered:

1. That a proceeding be, and it hereby is, instituted in Docket 10043, pursuant to section 401(g) of the Act, to determine whether the public convenience and necessity require, and the Board should order, the amendment of the certificate of public convenience and necessity held by West Coast Airlines, Inc., for Route 77 so as to redesignate the present point Astoria, as Astoria/Seaside (to be served through a single airport);

2. That all interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue to West Coast Airlines, Inc. an amended certificate of public convenience and necessity for Route 77 redesignating the present point, Astoria, as Astoria/Seaside (to be served through a single airport) on segment 2 thereof;

3. That any interested persons having objection to the issuance of an order making final the proposed findings, conclusions and certificate amendment set forth herein shall, within 15 days of service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections;

4. That if timely objections are filed, further consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;

5. That all motions to consolidate and requests to expand or change the issues herein shall be filed within the 15-day period allowed for the filing of objections, and no further such motions or requests, or petitions for reconsideration of this order will be entertained;

6. That in the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action;

7. That copies of this order shall be served on the following persons who are hereby made parties to this proceeding: West Coast Airlines, Inc., the City of Astoria, Oregon, the City of Seaside, Oregon, and the Postmaster General; and

8. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62–6654; Filed, July 6, 1962; 8:50 a.m.]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

In accordance with the requirements of the Delaware River Basin Compact, notice is hereby given of a public hearing to be held by the Delaware River Basin Commission on July 25, 1962. The hearing will take place in the top floor conference room of the Pennsylvania State Office Building, at Broad and Spring Garden Streets in Philadelphia at 10:30 a.m.

The subject of the public hearing will be the proposed amendment and extension of Phase I of the Commission's Comprehensive Plan by the addition thereto of a Section VII comprised of certain existing:

1. Municipal water supply and waste disposal facilities;

2. Federal, state and local non-urban recreation areas;

3. River stage and stream gauging stations, and,

4. Interstate water quality standards.

Documents describing these existing projects and standards may be examined at the Commission's temporary offices, 950 Suburban Station Building, Philadelphia 3, Pennsylvania. A limited number of copies are available for distribution.

All persons and organizations desiring to be heard at the public hearing are requested to register in advance with the Secretary of the Commission.

Immediately following the public hearing the Commission will hold a meeting in the same place for the transaction of regular business.

W. BRINTON WHITALL, *Acting Secretary.*

JULY 2, 1962.

[F.R. Doc. 62–6629; Filed, July 6, 1962; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 62–CE–13]

PROPOSED TELEVISION ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace:

The Wichita-Hutchinson Company, Inc., Hutchinson, Kansas, proposes to construct a television antenna structure near Hutchinson, Kansas at latitude 38°-03'39.69" N., longitude 97°45'48.74" W. The overall height of the structure would be 3,049 feet above mean sea level (1,514 feet above ground).

This is the second proposal which has been submitted by the sponsor. The original proposal was for an increase in height from 779 feet to 1,622 feet above ground near the site of the existing antenna structure. The proposal was considered at FAA Informal Airspace Meeting No. 17 on October 23, 1961, in Kansas City, Missouri. As a result of comments and objections to the proposal, the sponsor withdrew same and submitted a proposal for a new site and height described above which places the location of the proposed structure outside of the Hutchinson Municipal Airport control zone. The sponsor advised that it is planned to dismantle the existing structure if the proposed structure is constructed.

Objections were made in response to the circularization of this proposal by the Air Transport Association of America and the Air Line Pilots Association. At the FAA Kansas City Informal Airspace Meeting the ATA reaffirmed its previous objection. No other objections were made. Subsequent to the meeting, the ATA and ALPA withdrew their objections.

The proposed structure would be located approximately 5.3 miles east of the Hutchinson, Kansas, Municipal Airport; 10.3 miles northeast of the Hutchinson, Kansas, VOR; 6.5 miles east of the centerline of VOR Federal airway No. 73; and within Victor 280 and Victor 10/132. The Agency study disclosed that the pro-

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[1] Dockets 13302 and 11440, respectively.

[2] As to Delta, between Fort Lauderdale, on the one hand, and Orlando and Jacksonville, Florida, and Atlanta, Georgia, on the other hand.

[3] Order E–14678, Board's decision in the Fort Lauderdale Service Case, Docket 10665.

[4] The points are Mobile, Alabama; Gainesville, Jacksonville, Melbourne, Ocala, Orlando, Panama City, Pensacola, Tallahassee, Tampa-St. Petersburg-Clearwater and Vero Beach, Florida; Albany, Atlanta, and Columbus, Georgia; and Gulfport, Mississippi.

[5] Docket 12435, et al.

[6] Order E–15237, dated May 16, 1960. In this proceeding the Post Office Department urged that all carriers serving between Fort Lauderdale and Miami be authorized to carry mail.

[7] Order E–18143.

[8] See footnote 4, supra.

[9] The restrictions were imposed by Order E–14678, November 25, 1959, for the reason that service between Fort Lauderdale and these points (see note 4) was then at issue in the Southeastern Area Local Service Case, Docket 7038, et al. Decision in that proceeding was issued on December 18, 1959 (Order E–14754), and did not authorize any services which would be affected by the removal of these restrictions.

[1] Clatsop County Airport, FAA Form FAA–29A, Airport Facilities Record, dated 6–21–61.

posed structures would have the following effects upon aeronautical operations:

1. The proposed structure would require an increase from 2,800 feet to 3,400 feet in the instrument flight rules minimum en route altitude on the 26-nautical-mile segment of Victor 73 between the Hutchinson, Kansas Intersection and the Groveland, Kansas, Intersection. The MEA on Victor 73 either side of this segment beyond Groveland Intersection and beyond the Hutchinson VOR is currently established at 3,400 feet; this airway only extends from Wichita, Kansas, to Salina, Kansas. The Federal Aviation Agency records of en route IFR peak day traffic for FY 1961 disclosed that only nine flights operated IFR that day on the segment of Victor 73 between Hutchinson and Salina, an average use of less than one aircraft per 1,000-foot altitude per day. Therefore, it is concluded that the loss of use of the 3,000-foot cardinal altitude would not adversely affect the safe and efficient flow of IFR traffic on this airway segment.

2. The proposed structure would require an increase from 3,300 feet to 4,000 feet in the MEA on Victor 10 132 between the Hutchinson VOR and the Burrton, Kansas, Intersection. However, the established normal practice in Air Traffic Control assignment of en route instrument flight altitudes for air traffic is to use cardinal altitudes. The minimum cardinal altitude for this segment of airway is 4,000 feet which would remain undisturbed. Therefore, this increase in MEA would have no substantial adverse effect upon IFR aeronautical operations via this airway segment.

3. The proposed structure would require an increase from 3,300 feet to 4,000 feet in the minimum obstruction clearance altitude on Victor 280 between the Hutchinson VOR and the Wilsey, Kansas, Intersection; however, the MEA for this segment of airway, which is the lowest altitude at which IFR en route operations may be conducted, is 4,500 feet. Although tentative Agency planning comprehends a new VORTAC at Wilsey, addition of such a facility to the airway structure could result in no lower minimum en route cardinal altitude for the affected airway segment than 4,000 feet because of existing obstructions. Therefore, this increase in MOCA would have no substantial adverse effect upon IFR aeronautical operations via this segment of Victor 280.

In response to the circularization, the National Pilots Association did not specifically object to the proposed structure, but referred to a prior letter from that association recommending that all airspace approvals of tall towers be conditioned upon agreement of the proponents to provide such lighting of the structure as may ultimately be determined to be advisable. However, in the absence of other substantial adverse effect upon air navigation, the Federal Communications Commission rules on lighting and marking appear to be the highest standard of care which may be required of an antenna tower proponent in improving conspicuity of the structure for mitigating possible hazard to aircraft unless and until improved standards may be developed and adopted.

It is computed from Federal Aviation Agency records of VFR general aviation air traffic patterns for FY 1961 that an average of approximately 12 aircraft per month filed VFR flight plans to or from the Hutchinson Municipal Airport at or lower than 3,000 feet via routes within an angular area of 115° from Hutchinson within which the proposed structure site is approximately centered at about six miles from the angular apex. This averages less than 0.5 flight per day within approximately six miles of the proposed structure. These records also indicate that an average of less than one aircraft per day filed VFR flight plans to or from the Hutchinson Airport at altitudes above 3,000 feet via routes within the above described area. In the light of this record indication of low volume of VFR traffic in the area, together with the proximity of this structure to the site of the existing 779-foot structure which it would replace, it was concluded that the proposed structure would have no substantial adverse effect on VFR flight operations.

No other aeronautical operations, procedures or minimum flight altitudes would be affected.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33), it is concluded that the erection of the proposed structure at the location and mean sea level elevation specified herein would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter unless an appeal is filed under § 626.34 (14 CFR 626.34). If the appeal is denied the determination will then become final as of the date of the denial or 30 days after the issuance of the determination whichever is later. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (14 CFR 626.35).

Issued in Washington, D.C., on June 29, 1962.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 62-6622; Filed, July 6, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14691; FCC 62-682]

GEOFFREY A. LAPPING

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Geoffrey A. Lapping, Blythe, California, Docket No. 14691, File No. BP-13609, requests 1260 kc, 500 w, Day, for construction permit.

1. The Commission has before it for consideration with respect to the above-captioned matter a "Petition to Deny Application" filed on October 23, 1961, by KYOR, Inc., licensee of standard broadcast Station KYOR, Blythe, California.

2. Petitioner predicates its standing as a party in interest upon the potential economic injury to the existing operation of Station KYOR that would occur if a new standard broadcast station were licensed in Blythe, California. The Commission agrees that petitioner has standing under Section 309 of the Communications Act of 1934, as amended.[1]

3. KYOR, Inc.'s "Petition to Deny Application" was filed after the cut-off date specified pursuant to § 1.359(i) of the Commission's rules. However, in view of the fact that the petitioner raises substantial questions involving the public interest, and the fact that the petition was filed with reasonable promptness after the petitioner, on August 16, 1961,[2] assumed control of Station KYOR, the provision of § 1.359(i) prohibiting acceptance of petitions to deny after a cut-off date is hereby waived by the Commission on its own motion.[3]

4. In substance, KYOR, Inc., contends (1) that Blythe, California, is too small to support two radio stations and that, as a result, the licensing of a second station there would not be in the public interest since it would result in a net degradation of radio service available in that area;[4] (2) that the applicant has failed to demonstrate his financial ability to construct the proposed station and to operate it for at least three months without revenue; (3) that the applicant misrepresented to the Commission the availability of the station site proposed in his application; (4) that there is little likelihood that the proposed site of the station would be available to the applicant for that purpose; and (5) that a grant of the instant application would not, therefore, serve the public interest, convenience, and necessity.

5. In support of its first contention, petitioner asserts that Blythe "is a small town located in the southeastern California desert [with] a 1960 Census population of 6,023"; that "the previous licensee of Station KYOR was unable to operate at a profit"; that KYOR is "at most a marginal operation"; that KYOR offers "a very well-balanced program schedule with a good amount of sustaining and public service programs"; and that "if the Commission authorizes a second facility, • • • it is most likely that both facilities would fail, or, at least, [that] all of the public service, non-commercial programming would have to be deleted." In further support of its first contention, petitioner submits a notarized affidavit by the former president of KYOR's preceding licensee substantially agreeing with the above-quoted assertions.

6. Regarding petitioner's second contention, the record shows that the applicant submitted a financial amendment to his application on December 18, 1961, evidencing the availability of bank credit in the amount of $10,000,[5] in addition to cash assets amounting to $5,950 shown in his balance sheet of October 11, 1959, or a total of $15,950 (assuming, arguendo, that there has been no change in his cash situation since 1959) available to the applicant to meet an estimated construction and three-months' operating cost totaling $19,175. Therefore, we cannot find the applicant qualified even under the normal financial requirements. In addition, we believe it is necessary to impose here, and in similar situations, an added burden upon the applicant, that of showing that its estimate of operating revenues is realistic when a serious question has been raised concerning the ability of the area to produce adequate revenue from those sources from which standard broadcast stations generally receive their support. We believe this additional requirement is necessary, not only to demonstrate that the applicant is financially qualified, but also to enable us to make the ultimate finding required by law, i.e., whether grant of the application in question would serve the public interest, convenience, and necessity.

7. In support of its third and fourth contentions, petitioner avers that "[t]he owner of [the site for the proposed station] • • •, Mr. M. C. Wells of Bishop, California, was contacted by telephone, and he stated that he knows nothing of Lapping or his proposal to lease this land for a radio station • • • [,] that no one had contacted him concerning the possibility of leasing the land in question, and [that] if such contact were to be made, he would be very hesitant to enter into a lease." Petitioner adds, "The town of Blythe is developing in the direction of Mr. Wells' land and is increasing in value to such an extent that he could sell it for about $100 per front foot." In response to the FCC letter dated December 7, 1961, regarding the availability of the proposed site, the applicant stated, in a notarized letter received on December 20, 1961, that prior to filing his application he "had lengthy conversations with a local real estate agent and a representative of the local Chamber of Commerce • • • and spoke with a man who was working on the [proposed] site or a short distance away"; that subsequent to these conversations he "found that the property was too far from town (0.6 mile) to be used for residential or commercial subdivision in the foreseeable future"; that "did not attempt to purchase the land or obtain a binding option from the owner" because a one year option would serve no useful purpose in view of the time required by the FCC for processing of an application and because "even a two-year option", for which "most landowners" would require "a very substantial cash payment," would "not [be] of much use, since it would probably expire before an application could be granted." According to the applicant's letter of December 20, 1961, he (at that time) based his conclusion that the site was "reasonably available" on his "visits to Blythe and • • • conversations there with persons • • • acquainted with the real estate situation" and on "present use of the proposed site." On May 31, 1962, the applicant filed a notarized statement indicating that, on an undisclosed date, he had a discussion with the person who holds a ground lease on the proposed site concerning the possibility of a sub-lease and that the present lessee would be agreeable to the proposed installation provided the construction were performed at a time when the crops would not be damaged and the normal farm operations would not be disrupted. The applicant states that no final lease was negotiated but he expects to make a suitable arrangement after a construction permit has been granted. It would appear, in the light of the applicant's position last December and the tentative arrangement with the person said to be the present lessee of the proposed site, that the statement filed in May 1962, does not resolve the substantial questions raised as to whether there is reasonable assurance that the proposed site is available and whether the applicant, in his application as originally filed, willfully misrepresented the availability of the proposed site.

8. In view of the foregoing, the Commission is unable to make a statutory finding that a grant of the subject application without hearing would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues specified below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether there are adequate revenues to support more than one standard broadcast station in Blythe, California, without loss or degradation of standard broadcast service to Blythe and surrounding areas.

2. To determine whether the applicant is financially qualified to construct and operate his proposed station and whether his estimate of expected operating revenues is reasonable.

3. To determine whether there is reasonable assurance of the availability of the transmitter and studio site proposed in his application.

4. To determine whether or not the applicant made a willful misrepresentation to the Commission by proposing a site without having made adequate inquiries as to its availability.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues whether a grant of the instant application would serve the public interest, convenience, and necessity.

It is further ordered, That KYOR, Inc., licensee of Radio Station KYOR, Blythe, California, is made a party to the proceeding.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof with respect to Issue 1 is hereby placed upon KYOR, Inc.

It is further ordered, That the petition filed October 23, 1961, by KYOR, Inc., is granted to the extent indicated above, and is denied in all other respects.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission's rules, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein, shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Adopted: June 27, 1962.

Released: July 3, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6655; Filed, July 6, 1962; 8:50 a.m.]

[Docket No. 14651; FCC 62M-932]

KFNF BROADCASTING CORP.

Order re Place of Hearing

In re applications of KFNF Broadcasting Corporation, Shenandoah, Iowa, Docket No. 14651, File No. BP-14026; for construction permit.

The hearing which had been scheduled for July 30, 1962, in Washington, D.C., has been moved by order of the Chief Hearing Examiner, released June 28, 1962, to Shenandoah and Council Bluffs, Iowa. The hearing date, however, has not been changed, and accordingly,

It is ordered, This 2d day of July 1962, that the hearing will convene Monday,

[1] Sanders Brothers v. FCC, 309 U.S. 470, 9 R.R. 2008 (1940).

[2] The application to assign that station's license to KYOR, Inc., was granted on July 26, 1961 (BAL-4204).

[3] Pursuant to Section 1.15 of the Commission's rules.

[4] Citing Carroll Broadcasting Company v. FCC, 103 U.S. App. D.C. 346, 258 F. 2d 440, 17 R.R. 2066 (1958), for the theory that this would justify denial of a license.

[5] Other sources of financing referred to by the applicant are presumed to be unavailable at this time in view of his failure to document their availability. The application refers, for example, to an agreement with the manufacturer pursuant to which the latter would extend credit to the applicant for the purchase of station equipment; a copy of that agreement has not yet been submitted, however, although it was requested of the applicant in an FCC letter dated March 20, 1961. Similarly, the applicant's financial plan at one time included the discounting of a mortgage note in his possession for a consideration of more than $30,000; this transaction, too, apparently did not materialize.

July 30, 1962, at 10 a.m., in Shenandoah, Iowa, at a place to be announced.

Released: July 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6657; Filed, July 6, 1962; 8:51 a.m.]

[Docket No. 14692; FCC 62-683]

PINELLAS RADIO CO.

Order Designating Application for Hearing on Stated Issues

In re application of William D. Mangold, Francis G. Bonsey, and Edward P. Landt, d/b as Pinellas Radio Company, Pinellas Park, Florida, Docket No. 14692, File No. BP-14387; requests 570 kc, 500 w, DA-D, Class III, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 27th day of June, 1962;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the instant applicant is legally, technically, and otherwise qualified to construct and operate the instant proposal but, for reasons indicated below, it cannot be determined that the applicant is financially qualified; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The instant proposal involves mutual co-channel interference with Station WACL, Waycross, Georgia, resulting in a loss of 18,391 (4.9%) out of 374,517 persons within the WACL service contour, based upon data submitted by the applicant.

2. The applicant has also submitted data indicating that the instant proposal will involve mutual adjacent channel interference with Station WDBO, Orlando, Florida, resulting in a loss to WDBO of 29,539 (4.2%) out of 717,286 persons within the WDBO service contour.

3. Based on information submitted by the applicant, total interference received by the instant proposal from existing stations will result in a population loss of 30,090 (10.6%) out of 286,528 persons within the normally protected service contour of the proposal, in violation of § 3.28(d)(3) of the Commission's rules. However, a study indicates that the interference that will be received by the instant proposal from existing stations will be in excess of that indicated by information submitted by the applicant.

4. On the basis of the information submitted by the applicant it cannot be concluded that the applicant has sufficient cash or liquid assets available to cover construction costs, plus the land lease, and initial operating expense (at least three months) of the proposed operation. Since the balance sheets of the partners do not appear to show any cash or liquid assets available, it cannot be determined from what source it is proposed to secure the funds needed. With reference to plans of the applicant to convert non-liquid assets to cash, there has been no supporting information submitted to indicate the kind of asset involved, the amount of each, the stock exchange on which the stock is listed or the basis for the ready marketability of such asset.

5. One of the parties to the applicant, William D. Mangold, has a 23.9 percent ownership interest in the licensee of Station WILZ, Holiday Isles Broadcasting Co., St. Petersburg Beach, Florida, and the applicant in the instant proposal has stated that in the event of a grant of the instant application, that Mangold's interest in WILZ will be sold. A condition requiring William D. Mangold to sever all connection with Station WILZ will be included in the construction permit in the event of a grant of the instant application.

6. The proposed antenna system of Pinellas Radio Company, applicant herein, has not yet been explicitly approved by the Federal Aviation Agency but has been examined by the Commission in the light of the criteria contained in FAA Regulations, § 626.12 and it appears to meet such criteria; however, a grant of the application will be conditioned upon compliance by the permittee with any applicable procedures of the FAA.

7. The proposed antenna site is located approximately ½ mile (1.5 wavelength at 570 kc) northwest of the 500-foot tower of WGNB-FM, St. Petersburg, Florida. In the event of a grant of the instant proposal, a condition will be required in the construction permit necessitating installation and adjustment of suitable filter circuits or other equipment, if necessary, to prevent re-radiation between the proposed antenna system and the antenna system of WGNB-FM.

8. It appears that the proposed antenna site is located near the coast of Florida and that, in view of the water areas involved, a question obtains as to whether a satisfactory proof-of-performance can be made and adequate monitoring points established as required by §§ 3.151 and 3.186 of the Commission rules.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the instant application and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of Pinellas Radio Company would cause objectionable interference to Station WACL, Waycross, Georgia and Station WDBO, Orlando, Florida, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether interference received from existing stations would affect more than ten percent of the population within the normally protected primary service area of the instant proposal of Pinellas Radio Company, in contravention of § 3.28(d)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

4. To determine whether the proposed directional antenna site will permit compliance with §§ 3.151 and 3.186 of the Commission rules.

5. To determine whether Pinellas Radio Company is financially qualified to construct and operate its proposed station.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That Teletronics, Inc., Waycross, Georgia, and Cherry Broadcasting Company, Orlando, Florida, licensees of Stations WACL and WDBO, respectively, are made parties to the proceeding.

It is further ordered, That in the event of a grant of the instant application of Pinellas Radio Company, the construction permit shall contain the following conditions:

Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

This authorization is subject to compliance by permittee with any applicable procedure of the FAA.

Permittee shall assume responsibility for the installation and adjustment of suitable filter circuits or other equipment, if necessary, to prevent re-radiation between the proposed antenna system and the antenna system of WGNB-FM, St. Petersburg, Florida.

This authorization is subject to the condition that program tests will not be authorized until the permittee has shown that William D. Mangold has divested all interest in, and severed all connection with Station WILZ, St. Petersburg Beach, Florida.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: July 3, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6658; Filed, July 6, 1962; 8:51 a.m.]

[Docket No. 14611; FCC 62M-931]

PROGRESS BROADCASTING CORP. (WHOM)

Order Continuing Hearing

In re application of Progress Broadcasting Corporation (WHOM), New York, New York, Docket No. 14611, File No. BP-13915; for construction permit.

The Hearing Examiner having under consideration petition filed June 29, 1962, on behalf of the applicant requesting an extension of time for the exchange of exhibits and for the evidentiary hearing herein;

It appearing that the exchange of exhibits is now scheduled to be accomplished on June 29, 1962, and the evidentiary hearing is scheduled for July 5, 1962;

It further appearing that petitioner pleads, inter alia, that it has undertaken certain investigations with the hope of eliminating the air space issue herein which could concelvably eliminate a substantial amount of hearing time;

It further appearing that good cause exists why said petition should be granted, the only other party to the proceeding, Chief, Broadcast Bureau, interposes no objection and consents to a waiver of § 1.43 of the Commission's rules to permit immediate consideration of said petition;

Accordingly, it is ordered, This 29th day of June 1962, that petition is granted and the time for the exchange of exhibits is extended from this date to September 14, 1962, and the hearing herein presently scheduled for July 5, 1962, be and the same is hereby rescheduled for October 9, 1962, 10:00 a.m. in the Commission's Offices, Washington, D.C.

Released: July 2, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6659; Filed, July 6, 1962; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI62-467, etc.]

H. L. HUNT ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Consolidating Proceeding With Proceedings Previously Consolidated and Set for Hearing

JUNE 29, 1962.

H. L. Hunt, et al., Docket Nos. RI62-467, etc.; Hunt Oil Company, Docket No. RI62-523.

On June 14, 1962, Hunt Oil Company[1] tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The sale is made at a pressure base of 15.025 psia. The proposed change is designated as follows:

Description: Notice of change, dated June 13, 1962.
Purchaser: Transcontinental Gas Pipe Line Corporation.
Producing area: (Thibodeaux Field, La Fourche Parish, Louisiana.)
Rate schedule designation: Supplement No. 1 to Hunt Oil Company's FPC Gas Rate Schedule No. 50.
Proposed rate: 25.55¢ per Mcf.[2]
Effective rate: 23.55¢ per Mcf.
Annual increase: $519.
Effective date: July 15, 1962. (Stated effective date is the first day after expiration of the required statutory notice.)

Hunt Oil Company's proposed increased rate is similar to those that were suspended by our order issued June 14, 1962 in H. L. Hunt, et al., Docket Nos. RI62-467, et al. Moreover, for the same reasons set forth in that order, we are setting the proceeding in Docket No. RI62-523 for immediate hearing and consolidating it with the proceedings previously consolidated by the June 14, 1962 order.

The proposed increased rate of Hunt Oil Company exceeds the applicable area price level as set forth in the Commission's Statement of General Policy No. 61-1 and the amendments thereto.

The increased rate and charge of Hunt Oil Company so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of Hunt Oil Company's proposed change and that Supplement No. 1 to Hunt Oil Company's FPC Gas Rate Schedule No. 50 be suspended and the use thereof deferred as hereinafter ordered, that the proceeding in Docket No. RI62-523 herein be consolidated for the purpose of hearing with the proceedings in Docket Nos. RI62-467, et al., and that appropriate hearing procedures be prescribed for the proceeding in Docket No. RI62-523, in addition to the procedures prescribed in the order of June 14, 1962, with respect to the proceedings in Docket Nos. RI62-467, et al.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 15 and 16 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), the proceeding in Docket No. RI62-523 is hereby consolidated for the purpose of hearing with the proceedings in Docket Nos. RI62-467, et al., and a public consolidated hearing shall be held on July 16, 1962, commencing at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Hunt Oil Company's FPC Gas Rate Schedule No. 50, in addition to the matters and issues set forth in our order of June 14, 1962.

(B) Pending such hearing and decision thereon, Supplement No. 1 to Hunt Oil Company's FPC Gas Rate Schedule No. 50 is hereby suspended and the use thereof deferred until December 15, 1962, and thereafter until such further time as it is made effective in the manner prescribed in the Natural Gas Act.

(C) On or before July 16, 1962, Hunt Oil Company shall serve upon all parties to the proceeding in Docket No. RI62-523 its direct evidence in support of its proposed increased rate and charge for the subject sale; witnesses for Hunt Oil Company in the proceeding in Docket No. RI62-523 shall adopt their testimony on or before July 23, 1962, and shall be cross-examined with respect thereto immediately thereafter, or at such later date as the presiding examiner deems appropriate in consonance with the procedures outlined in our order of June 14, 1962. Except to the extent that such procedures have been modified herein, the hearing procedures set forth in our order of June 14, 1962, shall be followed.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until the proceeding in Docket No. RI62-523 has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene in the proceeding in Docket No. RI62-523 may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 6, 1962. Answers to petitions to intervene may be filed within ten days after the date of service of the petition, but in no event later than July 12, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6630; Filed, July 6, 1962; 8:47 a.m.]

[1] Address is: 700 Mercantile Bank Building, Dallas 1, Texas.
[2] Periodic rate increase.

[Docket No. RP60-14]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Order Permitting Intervention and Fixing Date of Hearing

JUNE 29, 1962.

This proceeding involves the proposed increased rates and charges tendered for filing by Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska), on May 16, 1960,[1] for sales of natural gas produced in Camrick Field, Texas County, Oklahoma, to Northern Natural Gas Company (Northern). By order issued June 15, 1960, the Commission provided for hearing and suspended the tendered filing until August 1, 1960, on which date the proposed changes in rates and charges became effective subject to refund in this proceeding. No hearing has been held herein.

Northern Natural Gas Company, the purchaser under the subject rate schedule, on July 21, 1960, filed a petition to intervene herein.

The Commission finds: The participation of Northern Natural Gas Company may be in the public interest.

The Commission orders:

(A) Northern Natural Gas Company is hereby permitted to become an intervener in this proceeding subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such intervener shall be limited to the matters affecting asserted rights and interests specifically set forth in its petition for leave to intervene: *And provided, further*, That the admission of such intervener shall not be construed as recognition by the Commission that such intervener might be aggrieved by any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly, sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held commencing July 16, 1962, at 10:00 a.m., e.d.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved and the issues presented in this proceeding.

(C) The Respondent, Kansas-Nebraska, shall serve its prepared testimony and exhibits for its case-in-chief upon the Commission staff and all other parties, on or before July 10, 1962.

(D) Notices and petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 9, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6631; Filed, July 6, 1962; 8:47 a.m.]

[1] Kansas-Nebraska filed re-designated tariff sheets on May 26, 1960, replacing those filed on May 16, 1960.

[Docket No. G-238 etc.]

UNITED GAS PIPE LINE CO. ET AL.

Order Dismissing Requests and Fixing Date of Hearing

JUNE 29, 1962.

United Gas Pipe Line Company, Docket No. G-233; Natural Gas Pipe Line Company of America, Docket No. G-235A; Arkansas Louisiana Gas Company, Docket No. G-253; Montana-Dakota Utilities Company, Docket No. G-584; Northern Natural Gas Company, Docket No. G-643; Colorado-Wyoming Gas Company, Docket No. G-738; North Central Gas Company, Docket No. G-758; Northern Utilities Company, Docket No. G-759; Washington Gas Light Company, Docket No. CP62-205.

All of the above-captioned applicants have filed applications requesting that the Commission make a determination pursuant to section 7(f) of the Natural Gas Act prescribing service areas all as more fully set forth in their applications which are on file with the Commission and open to public inspection.

Applications in the above-captioned dockets were filed on the dates indicated below:

Docket No., Applicant, and Date Filed

G-233; United Gas Pipe Line Co.; February 11, 1942.
G-235A; Natural Gas Pipe Line Co. of America; February 23, 1942.
G-253; Arkansas Louisiana Gas Co.; April 14, 1942.
G-584; Montana-Dakota Utilities Co.; October 7, 1942.
G-643; Northern Natural Gas Co.; June 18, 1945.
G-738; Colorado-Wyoming Gas Co.; June 17, 1946.
G-758; North Central Gas Co.; July 22, 1946.
G-759; Northern Utilities Co.; July 22, 1946.
CP62-205; Washington Gas Light Co.; February 28, 1962.

Washington Gas Light Company (Washington) is the only applicant who has, within a decade, submitted a filing for a determination under section 7(f) of the Act. Washington seeks a determination of a service area by the Commission under section 7(f) of the Act in order to enable it without further authorization of this Commission to enlarge or extend its facilities to meet increased customer requirements within such service area.

The territory which applicant requests the Commission to include in the determination of Applicant's requested service area consists of the following:

The District of Columbia; Montgomery and Prince Georges Counties in Maryland; Arlington, Fairfax, Loudoun, and Prince William Counties in Virginia; and all cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined area of said counties exclusive, however, of the following areas:

Exclusion 1. The area in Prince Georges County, Maryland, known as Laurel Election District Number 10, of Prince Georges County, and described more fully in the application.

Exclusion 2. The area in Prince William County, Virginia, known as Dumfries and vicinity, and Quantico Marine Base and territory adjacent thereto along the southern boundary of Prince William County and described more fully in the application.

Washington makes no sales for resale. All the natural gas received by Washington is received within its service area and is ultimately consumed within such area. Washington's rates, service, and facilities in the District of Columbia are subject to regulation by the Public Utilities Commission of the District of Columbia; those in Maryland by the Public Service Commission of Maryland; and those in Virginia by the State Corporation Commission of Virginia.

The population of the metropolitan area is continuing to expand and Washington anticipates the continued expansion of business in the Requested Service Area, especially in Maryland and Virginia. In order to meet the requirements of an expanding population it will be necessary for Washington to constantly extend new mains from its present distribution system.

Any extension of service by Washington will be pursuant to and in accordance with the regulations and orders of the respective regulatory commissions of the two states and the District of Columbia. A determination by this Commission pursuant to section 7(f) relative to the service area requested by Washington, will enable that company to extend its presently existing facilities without requiring such extensions to be the subject of duplicative regulation.

An analysis of the applications filed by the other above-captioned applicants makes it manifest that they are not similar to Washington which is primarily a local distributor having no rates subject to federal regulation.

It is also apparent from the language of section 7(f) of the Act that even after a formal hearing, it is within the discretion of the Commission as to whether or not it should define a service area.

The provisions of section 7(f) of the Act are as follows:

(f) The Commission, after a hearing had upon its own motion or upon application, may determine the service area to which each authorization under this section is to be limited. Within such service area as determined by the Commission a natural-gas company may enlarge or extend its facilities for the purpose of supplying increased market demands in such service area without further authorization.

It seems manifest that the restricted application of section 7(f) of the Act to those facts underlying the Washington filing enables that section to contribute to the over-all regulatory scheme envisaged by the Natural Gas Act. It is equally apparent that if the Commission in its discretion were to permit other types of applicants, particularly interstate pipelines which perform essentially a transmission service, to invoke the provisions of section 7(f) of the Act that interminable disputes and long drawn-out hearings of dubious benefit would necessarily ensue.

The Commission finds:

(1) That each of the above-captioned applicants is a natural gas company subject to the provisions of the Natural Gas Act.

(2) That Washington is primarily a distribution company and the extension of its facilities is subject to duplicative regulation by this Commission and by state commissions.

(3) That the public interest may require that in the circumstances applicable to Washington the Commission permit the provisions of section 7(f) to be invoked.

(4) That the operations of Washington appear to differ in essential respects from those of the above-mentioned applicants.

(5) That formal hearings should be held to determine whether or not the Commission should prescribe a service area for Washington, and, if so, what proper geographical limitations should be accorded such a service area.

The Commission orders:

(A) That those applications filed by all of the above-mentioned applicants other than Washington be dismissed.

(B) That pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure a hearing be held on July 16, 1962 at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues noted above.

(C) Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 9, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6634; Filed, July 6, 1962; 8:47 a.m.]

OFFICE OF EMERGENCY PLANNING

INVESTIGATION OF IMPORTS OF HARD-FIBER CORDAGE AND TWINE PRODUCTS

Notice of Publication of Report

The Director of the Office of Emergency Planning made public on June 21, 1962, his report in the above matter. The report is made in the form of a "Memorandum of Decision" and concludes an investigation on application of the Columbian Rope Company, Plymouth Cordage Company, and other members of the domestic industry on March 25, 1960, under authority of section 8 of the Trade Agreements Extension Act of 1958.

The Director found that hard-fiber cordage and twine products are not being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

Dated: June 29, 1962.

EDWARD A. MCDERMOTT,
Director,
Office of Emergency Planning.

[F.R. Doc. 62-6649; Filed, July 6, 1962; 8:49 a.m.]

TARIFF COMMISSION

[87-456-1]

TARIFF CLASSIFICATION STUDY

Second Supplemental Report

The Tariff Commission on June 29, 1962, submitted to the President and the Congress the second supplemental report relating to the Tariff Classification Study of November 15, 1960. This report was made pursuant to the Tariff Classification Act of 1962 (Public Law 87-456, approved May 24, 1962).

The second supplemental report sets forth changes made by the Commission in certain provisions of the Tariff Schedules of the United States identified in the Commission's public notice of June 1, 1962 (27 F.R. 5359). The report also contains an explanation of such changes and an appendix which includes written views and oral testimony received by the Commission.

The report was made available for public inspection upon submission to the President and the Congress, as provided in § 201.5 of the Commission's rules of practice and procedure. Copies of the report (not including the appendix thereto) have been reproduced and may be obtained from the Secretary, United States Tariff Commission, Washington 25, D.C., as long as the supply lasts.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 62-6747; Filed, July 6, 1962; 11:55 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3445]

E. L. BRUCE CO.

Order Summarily Suspending Trading

JULY 2, 1962.

The common stock, par value $1, of E. L. Bruce Co. (Incorporated), being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 3, 1962 to July 12, 1962, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 62-6640; Filed, July 6, 1962; 8:48 a.m.]

[File No. 70-4049]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Proposed Issuance of Notes to Banks

JUNE 29, 1962.

Notice is hereby given that Michigan Wisconsin Pipe Line Company ("Michigan Wisconsin"), 500 Griswold Street, Detroit 26, Michigan, a nonutility subsidiary company of American Natural Gas Company, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof as applicable to the proposed transaction. All interested persons are referred to the application, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized below.

Michigan Wisconsin proposes to issue to a group of banks, from time to time during the year 1962, up to an aggregate of $21,000,000 of promissory notes. The notes will be dated as of the date of issuance and will mature on July 31, 1963. They will be issued in varying amounts and at various dates as funds are required by the company. Each note will bear interest at the prime rate (presently 4½ percent per annum) of First National City Bank, New York, New York ("First National"), in effect on the date of each borrowing, and the interest rate will be adjusted to the prime rate in effect at First National at the beginning of each 90-day period subsequent to the date of the first borrowing. There is no commitment fee, and the notes may be prepaid at any time without penalty.

Michigan Wisconsin has obtained a line of credit from a group of banks, the names and respective commitments of which are as follows:

Name of bank	Amount of commitment
First National City Bank, New York, N.Y.	$8,000,000
National Bank of Detroit, Detroit, Mich.	6,500,000
Manufacturers Hanover Trust Company, New York, N.Y.	3,000,000
Mellon National Bank and Trust Company, Pittsburgh, Pa.	2,000,000
First Wisconsin National Bank of Milwaukee, Milwaukee, Wis.	1,000,000
Marine National Exchange Bank, Milwaukee, Wis.	500,000
Total	$21,000,000

Michigan Wisconsin proposes to use the amounts borrowed under the line of credit, together with treasury funds, to retire $8,000,000 of outstanding notes, incurred to finance the 1961 construction program, and to finance its 1962 construction program the cost of which is estimated at $13,500,000.

The application states that the company's expenses incident to the proposed issuance of notes is estimated at $1,000 and that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than July 24, 1962, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 62-6641; Filed, July 6, 1962; 8:48 a.m.]

[File No. 1-4583]

PRECISION MICROWAVE CORP.

Order Summarily Suspending Trading

JULY 2, 1962.

The Common Stock, Par Value $1.00, of Precision Microwave Corp., being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 3, 1962, to July 12, 1962, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 62-6642; Filed, July 6, 1962; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of full-time students (29 CFR Part 519), and Administrative Order No. 561 (27 F.R. 4001) the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below.

The following certificates were issued pursuant to § 519.6 (c) and (g) providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

Region I

S. S. Kresge Co. (#651), New London Shopping Center, 318 U.S. Route No. 1, New London, Conn.; effective 6-10-62 to 6-9-63 (variety store; 42 employees).

S. S. Kresge Co., 10 Colony Street, Meriden, Conn.; effective 6-10-62 to 6-9-63 (variety store; 45 employees).

S. S. Kresge Co., 118 State Street, New London, Conn.; effective 6-10-62 to 6-9-63 (variety store; 33 employees).

S. S. Kresge Co., 2300 Dixwell Street, Hamden, Conn.; effective 6-10-62 to 6-9-63 (variety store; 37 employees).

S. S. Kresge Co. (#66), 1025 Main Street, Bridgeport, Conn.; effective 6-10-62 to 6-9-63 (variety store; 68 employees).

S. S. Kresge Co. (#693), Enfield Shopping Center, 610 Enfield Street, Thompsonville, Conn.; effective 6-10-62 to 6-9-63 (variety store; 21 employees).

S. S. Kresge Co. (#598), 1128 New Britain Avenue, West Hartford, Conn.; effective 6-10-62 to 6-9-63 (variety store; 31 employees).

S. S. Kresge Co., 25 South Main Street, Waterbury, Conn.; effective 6-10-62 to 6-9-63 (variety store; 68 employees).

S. S. Kresge Co., 842 Chapel Street, New Haven 10, Conn.; effective 6-10-62 to 6-9-63 (variety store, 82 employees).

S. S. Kresge Co., 518 Congress Street, Portland, Maine; effective 6-10-62 to 6-9-63 (variety store; 26 employees).

S. S. Kresge Co. (#60), 60 Lisbon Street, Lewiston, Maine; effective 6-10-62 to 6-9-63 (variety store; 57 employees).

S. S. Kresge Co., Northshore Shopping Center, Peabody, Mass.; effective 6-10-62 to 6-9-63 (variety store; 70 employees).

S. S. Kresge Co., 121 Main Street, Brockton, Mass.; effective 6-10-62 to 6-9-63 (variety store; 58 employees).

S. S. Kresge Co. (#192), 71 South Main Street, Fall River, Mass.; effective 6-10-62 to 6-9-63 (variety store; 66 employees).

S. S. Kresge Co. (#532), 24 Corinth Street, Boston 31 (Roslindale) Mass.; effective 6-10-62 to 6-9-63 (variety store; 31 employees).

S. S. Kresge Co. (#653), Porter Square Shopping Center, 35 White Street, Cambridge 40, Mass.; effective 6-10-62 to 6-9-63 (variety store; 54 employees).

S. S. Kresge Co., 824 Purchase Street, New Bedford, Mass.; effective 6-10-62 to 6-9-63 (variety store; 54 employees).

S. S. Kresge Co., 780 Dudley Street, Dorchester, Mass.; effective 6-10-62 to 6-9-63 (variety store; 44 employees).

S. S. Kresge Co., 35 Merrimack Street, Lowell, Mass.; effective 6-10-62 to 6-9-63 (variety store; 74 employees).

S. S. Kresge Co. (#26), 1534 Main Street, Springfield 3, Mass.; effective 6-10-62 to 6-9-63 (variety store; 66 employees).

S. S. Kresge Co., 3 Pleasant Street, Newburyport, Mass.; effective 6-10-62 to 6-9-63 (variety store; 20 employees).

S. S. Kresge Co. (#165), 477 Washington Street, Boston 11, Mass.; effective 6-10-62 to 6-9-63 (variety store; 183 employees).

S. S. Kresge Co., 614-616 Massachusetts Avenue, Cambridge 39, Mass.; effective 6-10-62 to 6-9-63 (variety store; 50 employees).

S. S. Kresge Co. (#294), 329 Union Street, Lynn, Mass.; effective 6-10-63 to 6-9-63 (variety store; 51 employees).

S. S. Kresge Co., 1445 Hancock Street, Quincy, Mass.; effective 6-10-62 to 6-9-63 (variety store; 70 employees).

S. S. Kresge Co., 343 Essex Street, Lawrence, Mass.; effective 6-10-62 to 6-9-63 (variety store; 46 employees).

S. S. Kresge Co., 76 North Main Street, Concord, N.H.; effective 6-10-62 to 6-9-63 (variety store; 21 employees).

S. S. Kresge Co., 191 Westminster Street, Providence 3, R.I.; effective 6-10-62 to 6-9-63 (variety store; 50 employees).

S. S. Kresge Co. (#397), 47 Church Street, Burlington, Vt.; effective 6-10-62 to 6-9-63 (variety store; 35 employees).

S. S. Kresge Co. (#339), 68 Merchants Row, Rutland, Vt.; effective 6-10-62 to 6-9-63 (variety store; 8 employees).

J. J. Newberry Co. (#373), 788 Chapel Street, New Haven, Conn.; effective 6-10-62 to 6-9-63 (variety store; 27 employees).

J. J. Newberry Co. (#351), Norway, Maine; effective 6-10-62 to 6-9-63 (variety store; 17 employees).

J. J. Newberry Co. (#238), 362 Main Street, Rockland, Maine; effective 6-10-62 to 6-9-63 (variety store; 11 employees).

J. J. Newberry Co. (#87), 15-29 Main Street, Bangor, Maine; effective 6-10-62 to 6-9-63 (variety store; 28 employees).

J. J. Newberry Co., 45-57 Main Street, Farmington, Maine; effective 6-10-62 to 6-9-63 (variety store; 21 employees).

Region II

Fisher-Beer Co., Inc., 2844-50 Hudson Boulevard, Jersey City, N.Y.; effective 6-10-62 to 6-9-63 (variety store; 62 employees).

H. L. Green Co. (#1025), 130 Broad Street, Elizabeth, N.J.; effective 6-10-62 to 6-9-63 (variety store; 63 employees).

H. L. Green Co., Inc. (#1034), Circle Plaza, Manasquan, N.J.; effective 6-10-62 to 6-9-63 (variety store; 41 employees).

S. S. Kresge Co., 475 Broadway, Bayonne, N.J.; effective 6-10-62 to 6-9-63 (variety store; 22 employees).

S. S. Kresge Co. (#562), 575 Bloomfield Avenue, Bloomfield, N.J.; effective 6-10-62 to 6-9-63 (variety store; 44 employees).

S. S. Kresge Co. (#243), Mid-State Mall, Route 18 and West Prospect Street, East Brunswick, N.J.; effective 6-10-62 to 6-9-63 (variety store; 38 employees).

S. S. Kresge Co. (#498), Monmouth Shopping Center, Eatontown, N.J.; effective 6-10-62 to 6-9-63 (variety store; 66 employees).

S. S. Kresge Co. (#573), Ellisburg Circle Shopping Center, 1600 Kings Highway East, Haddonfield, N.J.; effective 6-10-62 to 6-9-63 (variety store; 46 employees).

S. S. Kresge Co. (#263), 345 Central Avenue, Jersey City, N.J.; effective 6-10-62 to 6-9-63 (variety store; 26 employees).

S. S. Kresge Co. (#608), 17 Park Place, Morristown, N.J.; effective 6-10-62 to 6-9-63 (variety store; 37 employees).

S. S. Kresge Co. (#392), 514 Bloomfield Avenue, Montclair, N.J.; effective 6-10-62 to 6-9-63 (variety store; 21 employees).

S. S. Kresge Co. (#260), 696 Main Avenue, Passaic, N.J.; effective 6-10-62 to 6-9-63 (variety store; 59 employees).

S. S. Kresge Co. (#30), 228 Main Street, Paterson, N.J.; effective 6-10-62 to 6-9-63 (variety store; 71 employees).

S. S. Kresge Co. (#367), 124 Smith Street, Perth Amboy, N.J.; effective 6-10-62 to 6-9-63 (variety store; 23 employees).

S. S. Kresge Co. (#75), Blue Star Shopping Center, U.S. Highway 22 and Bonnie Burn Road, Plainfield, N.J.; effective 6-10-62 to 6-9-63 (variety store; 85 employees).

S. S. Kresge Co. (#23), North Harrison Street, Princeton Shopping Center, Princeton, N.J.; effective 6-10-62 to 6-9-63 (variety store; 25 employees).

S. S. Kresge Co. (#65), 115 East State Street, Trenton, N.J.; effective 6-10-62 to 6-9-63 (variety store; 98 employees).

S. S. Kresge Co. (#587), 66 South Broad Street, Woodbury, N.J.; effective 6-10-62 to 6-9-63 (variety store; 44 employees).

M. H. Lamston, Inc., 123 Halsey Street, Newark, N.J.; effective 6-10-62 to 6-9-63 (variety store; 26 employees).

McCrory-McLellan-Green Store (#272), 767 Bergen Avenue, Jersey City, N.J.; effective 6-10-62 to 6-9-63 (variety store; 33 employees).

McCrory McLellan Green Corp., 648 Main Avenue, Passaic, N.J.; effective 6-10-62 to 6-9-63 (variety store; 139 employees).

McCrory (#1006), 239 East Front Street, Plainfield, N.J.; effective 6-10-62 to 6-9-63 (variety store; 46 employees).

J. J. Newberry Co. (#216), Bridgeton, N.J.; effective 6-10-62 to 6-9-63 (variety store; 12 employees).

J. J. Newberry Co. (#107), 7 West Main Street, Freehold, N.J.; effective 6-10-62 to 6-9-63 (variety store; 21 employees).

Newberry Monmouth, Inc. (#17), 366 George Street, New Brunswick, N.J.; effective 6-10-62 to 6-9-63 (variety store; 76 employees).

Newberry Monmouth, Inc. (#157), 17 West Front Street, Keyport, N.J.; effective 6-10-62 to 6-9-63 (variety store; 41 employees).

J. J. Newberry Co. (#57), 30 North High Street, Millville, N.J.; effective 6-10-62 to 6-9-63 (variety store; 10 employees).

J. J. Newberry Co., Morris and Mountain Avenues, Springfield, N.J.; effective 6-10-62 to 6-9-63 (variety store; 75 employees).

Newberry Vineland Corp. (#187), 631-33 Landis Avenue, Vineland, N.J.; effective 6-10-62 to 6-9-63 (variety store; 98 employees).

Neisner Brothers, Inc. (#142), 2461 Brunswick Pike, Trenton, N.J.; effective 6-10-62 to 6-9-63 (variety store; 25 employees).

McCrory Store, 104-6 Smith Street, Perth Amboy, N.J.; effective 6-10-62 to 6-9-63 (variety store; 20 employees).

Region III

S. S. Kresge Co. (#698), 460 Harundale Shopping Center, Glen Burnie, Md.; effective 6-10-62 to 6-9-63 (variety store; 57 employees).

S. S. Kresge Co. (#327), 3614 Germantown Avenue, Philadelphia 40, Pa.; effective 6-10-62 to 6-9-63 (variety store; 35 employees).

S. S. Kresge Co., 16 South Centre Street, Pottsville, Pa.; effective 6-10-62 to 6-9-63 (variety store; 22 employees).

S. S. Kresge Co., 1539 Potomac Avenue, Hagerstown, Md.; effective 6-10-62 to 6-9-63 (variety store; 40 employees).

S. S. Kresge Co. (#543), Miracle Mile Shopping Center, Monroeville, Pa.; effective 6-10-62 to 6-9-63 (variety store; 61 employees).

S. S. Kresge Co. (#341), 3842 Donnell Drive, Washington 26, D.C.; effective 6-10-62 to 6-9-63 (variety store; 54 employees).

S. S. Kresge Co. (#492), Springfield Shopping Center, 799 Sproul Road, Springfield, Pa.; effective 6-10-62 to 6-9-63 (variety store; 38 employees).

S. S. Kresge Co. (#153), 666 Pennsylvania Avenue SE., Washington 3, D.C.; effective 6-10-62 to 6-9-63 (variety store; 42 employees).

S. S. Kresge Co., East Hills Center, Penn Hills Branch, Pittsburg 35, Pa.; effective 6-10-62 to 6-9-63 (variety store; 62 employees).

S. S. Kresge Co. (#302), Great Southern Shoppers Mart, Washington Pike, Bridgeville, Pa.; effective 6-10-62 to 6-9-63 (variety store; 44 employees).

S. S. Kresge Co. (#143), 108 West Broad Street, Hazleton, Pa.; effective 6-10-62 to 6-9-63 (variety store; 31 employees).

S. S. Kresge Co. (#476), Levittown, Pa.; effective 6-10-62 to 6-9-63 (variety store; 30 employees).

S. S. Kresge Co., Unit B-5, Camp Hill Shopping Center, Camp Hill, Pa.; effective 6-10-62 to 6-9-63 (variety store; 62 employees).

S. S. Kresge Co. (#284), Unit #68, Pleasant Valley Shopping Center, 3415 Pleasant Valley Boulevard, Altoona, Pa.; effective 6-10-62 to 6-9-63 (variety store; 53 employees).

S. S. Kresge Co. (#378), 45 Seneca Street, Oil City, Pa.; effective 6-10-62 to 6-9-63 (variety store; 23 employees).

S. S. Kresge Co. (#478), 204 Liberty Street, Warren, Pa.; effective 6-10-62 to 6-9-63 (variety store; 36 employees).

S. S. Kresge Co. (#639), 1634 West State Street, Baden, Pa.; effective 6-10-62 to 6-9-63 (variety store; 27 employees).

S. S. Kresge Co., 801 Market Street, Wilmington 1, Del.; effective 6-10-62 to 6-9-63 (variety store; 52 employees).

S. S. Kresge Co. (#576), 5501 Harford Road, Baltimore 14, Md.; effective 6-10-62 to 6-9-63 (variety store; 29 employees).

S. S. Kresge Co. (#475), 575 Morgantown Street, Uniontown, Pa.; effective 6-10-62 to 6-9-63 (variety store; 52 employees).

McCrory McLellan Green, 744 Cumberland Street, Lebanon, Pa.; effective 6-10-62 to 6-9-63 (variety store; 25 employees).

S. S. Kresge Co., 130 Kline Village Annex, Harrisburg, Pa.; effective 6-10-62 to 6-9-63 variety store; 28 employees).

S. S. Kresge Co. (#691), Congressional Plaza, 1631 East Montgomery Avenue, Rockville, Md.; effective 6-10-62 to 6-9-63 (variety store; 27 employees).

S. S. Kresge Co., 5614 North Fifth Street, Philadelphia 20, Pa.; effective 6-10-62 to 6-9-63 (variety store; 36 employees).

McCrory Stores Corp. (#46), 13-15 North Market Street, Frederick, Md.; effective 6-10-62 to 6-9-63 (variety store; 38 employees).

McCrory's Store (#104), 200-202 North Front Street, Philipsburg, Pa.; effective 6-10-62 to 6-9-63 (variety store; 33 employees).

McCrory Stores Corp. (#316), Gateway Shopping Center, South Wyoming Avenue, Edwardsville, Pa.; effective 6-10-62 to 6-9-63 (variety store; 62 employees).

J. J. Newberry Co. (#117), 30-45 West Broad Street, Tamaqua, Pa.; effective 6-10-62 to 6-9-63 (variety store; 18 employees).

W. T. Grant Co. (#28), 508 Penn Street, Reading, Pa.; effective 6-10-62 to 6-9-63 (variety store; 72 employees).

Newberry Coatesville Corp., 221-227 East Lincoln Highway, Coatesville, Pa.; effective 6-10-62 to 6-9-63 (variety store; 49 employees).

McCrory-McLellan-Green Store (#1037), 9 North Centre Street, Pottsville, Pa.; effective 6-10-62 to 6-9-63 (variety store; 44 employees).

J. J. Newberry Co., 61-75 West Washington Street, Hagerstown, Md.; effective 6-10-62 to 6-9-63 (variety store; 105 employees).

J. J. Newberry Co., 2028 Main Street, Northampton, Pa.; effective 6-10-62 to 6-9-63 (variety store; 48 employees).

J. J. Newberry Co. (#34), 58 West Main Street, Waynesboro, Pa.; effective 6-10-62 to 6-9-63 (variety store; 29 employees).

Newberry Susquehanna, Inc., 416-422 Market Street, Sunbury, Pa.; effective 6-10-62 to 6-9-63 (variety store; 35 employees).

J. J. Newberry Co. (#181), 258-266 Mill Street, Danville, Pa.; effective 6-10-62 to 6-9-63 (variety store; 22 employees).

McCrory-McLellan-Green Stores (#39), 33-37 Frederick Street, Hanover, Pa.; effective 6-10-62 to 6-9-63 (variety store; 45 employees).

S. S. Kresge Co. (#92), 415 Lackawanna Avenue, Scranton 3, Pa.; effective 6-10-62 to 6-9-63 (variety store; 96 employees).

McCrory-McLellan-Green Stores (#1029), 231 Fifth Avenue, McKeesport, Pa.; effective 6-10-62 to 6-9-63 (variety store; 114 employees).

McCrory-McLellan-Green Stores (#325), Bucks County, Fairless Hills, Pa.; effective 6-10-62 to 6-9-63 (variety store; 17 employees).

S. S. Kresge Co. (#269), Cottman-Caster Shopping Center, 2051 Cottman Avenue, Philadelphia 49, Pa.; effective 6-10-62 to 6-9-63 (variety store; 43 employees).

Region IV

R. Aland Stores, Inc., 1801 Second Avenue North, Birmingham 3, Ala.; effective 6-10-62 to 6-9-63 (specialty store; 97 employees).

Eagle Stores Co., Inc., 5613 Rivers Avenue, Palmetto Shopping Center, Charleston Heights, S.C.; effective 6-10-62 to 6-9-63 (variety store; 22 employees).

H. L. Green Co., Inc., 1908 North Second Avenue, Birmingham, Ala.; effective 6–10–62 to 6–9–63 (variety store; 50 employees).

S. S. Kresge Co., 32 Midfield Park Place, Birmingham 8, Ala.; effective 6–10–62 to 6–9–63 (variety store; 24 employees).

S. S. Kresge Co., 4425—14th Street West, Bradenton, Fla.; effective 6–10–62 to 6–9–63 (variety store; 53 employees).

S. S. Kresge Co., 18328 NW. Seventh Avenue, Miami, Fla.; effective 6–10–62 to 6–9–63 (variety store; 31 employees).

S. S. Kresge Co., 4390 Sixth Street South, St. Petersburg, Fla.; effective 6–10–62 to 6–9–63 (variety store; 28 employees).

S. S. Kresge Co., 6864 Gulfport Boulevard, St. Petersburg 7, Fla.; effective 6–10–62 to 6–9–63 (variety store; 40 employees).

S. S. Kresge Co., 2581 Piedmont Road, NE., Atlanta, Ga.; effective 6–10–62 to 6–9–63 (variety store; 52 employees).

S. S. Kresge Co., 1400 Moreland Avenue SE., Atlanta, Ga.; effective 6–10–62 to 6–9–63 (variety store; 32 employees).

S. S. Kresge Co., Lenox Square, Lenox and Peachtree Roads NE., Atlanta 5, Ga.; effective 6–10–62 to 6–9–63 (variety store; 61 employees).

McCrory, 409—19th Street, Ensley, Ala., effective 6–10–62 to 6–9–63 (variety store; 77 employees).

McCrory's Store, 103 North Boulevard, DeLand, Fla.; effective 6–10–62 to 6–9–63 (variety store; 22 employees).

McCrory's, 108—110 Broadway, Kissimmee, Fla.; effective 6–10–62 to 6–9–63 (variety store; 21 employees).

McCrory Store, 1124 Broadway, Columbus, Ga.; effective 6–10–62 to 6–9–63 (variety store; 26 employees).

McCrory's, 512 North Limestone Street, Gaffney, S.C.; effective 6–10–62 to 6–9–63 (variety store; 18 employees).

McCrory-McLellan-Green Stores, Parkway City, Huntsville, Ala.; effective 6–10–62 to 6–9–63 (variety store; 37 employees).

McCrory-McLellan-Green Stores, 509–513 Cleveland Street, Clearwater, Fla.; effective 6–10–62 to 6–9–63 (variety store; 44 employees).

McCrory-McLellan-Green, 275 East Clayton, Athens, Ga.; effective 6–10–62 to 6–9–63 (variety store; 25 employees).

McCrory-McLellan-Green Stores Division, 870 Broad Street, Augusta, Ga.; effective 6–10–62 to 6–9–63 (variety store; 96 employees).

McCrory-McLellan-Green, 1141 Broadway, Columbus, Ga.; effective 6–10–62 to 6–9–63 (variety store; 23 employees).

McCrory-McLellan-Green, 2–6 South Main Street, Moultrie, Ga.; effective 6–10–62 to 6–9–63 (variety store; 16 employees).

McCrory-McLellan-Green Stores, 229–231 Main Street, McComb, Miss.; effective 6–10–62 to 6–9–63 (variety store; 19 employees).

McCrory-McLellan-Green Stores, 135 East Main Street, Rock Hill, S.C.; effective 6–10–62 to 6–9–63 (variety store; 37 employees).

McLellan Stores Co., 56 South Park Square, Marietta, Ga.; effective 6–10–62 to 6–9–63 (variety store; 58 employees).

Neisner Brothers, Inc., 18260 Collins Avenue, Miami Beach, Fla.; effective 6–10–62 to 6–9–63 (variety store; 14 employees).

Neisner Brothers, Inc., 8825 Florida Avenue, Tampa, Fla.; effective 6–10–62 to 6–9–63 (variety store; 49 employees).

J. J. Newberry Co., 7 Dexter Avenue, Montgomery, Ala.; effective 6–10–62 to 6–9–63 (variety store; 37 employees).

J. J. Newberry Co., 37 Whitehall Street SW., Atlanta, Ga.; effective 6–10–62 to 6–9–63 (variety store; 159 employees).

J. J. Newberry Co., 1147 Broadway, Columbus, Ga.; effective 6–10–62 to 6–9–63 (variety store; 55 employees).

J. J. Newberry Co., 2212 Fifth Street, Meridian, Miss.; effective 6–10–62 to 6–9–63 (variety store; 36 employees).

J. J. Newberry Co., 1002 Broad Street, Camden, S.C.; effective 6–10–62 to 6–9–63 (variety store; 22 employees).

Raylass Department Store, 835–841 Broad Street, Augusta, Ga.; effective 6–10–62 to 6–9–63 (department store; 18 employees).

Raylass Department Store, 146 South Main Street, Rock Hill, S.C.; effective 6–10–62 to 6–9–63 (department store; 13 employees).

Rose's 5–10–25¢ Store, Milledgeville, Ga.; effective 6–10–62 to 6–9–63 (variety store; 18 employees).

Rose's 5–10–25¢ Stores, Inc., 1815 Watson Boulevard, Warner Robins, Ga.; effective 6–10–62 to 6–9–63 (variety store; 40 employees).

Rose's 5–10–25¢ Store, 1246–1250 Carolina Avenue, Hartsville, S.C.; effective 6–10–62 to 6–9–63 (variety store; 18 employees).

Region V

Grubers Food Market, Petersburg, Mich.; effective 6–10–62 to 6–9–63 (food store; 163 employees).

Grubers Food Markets; 211 North Telegraph, Monroe, Mich.; effective 6–10–62 to 6–9–63 (food store; 163 employees).

Grubers Food Market, Inc., 515 West Main, Milan, Mich.; effective 6–10–62 to 6–9–63 (food store; 163 employees).

Grubers Food Market, Ida, Mich.; effective 6–10–62 to 6–9–63 (food store; 163 employees).

Grubers Food Markets, Inc., 545 East Monroe, Dundee, Mich.; effective 6–10–62 to 6–9–63 (food store; 163 employees).

Grubers Food Markets, Inc., 950 South Monroe, Monroe, Mich.; effective 6–10–62 to 6–9–63 (food store; 163 employees).

Jupiter, 525 Main Street, Zanesville, Ohio; effective 6–10–62 to 6–9–63 (variety store; 10 employees).

Jupiter, 216 South Washington, Lansing, Mich.; effective 6–10–62 to 6–9–63 (variety store; 7 employees).

Jupiter, 346 East Main, Alliance, Ohio; effective 6–10–62 to 6–9–63 (variety store; 7 employees).

S. S. Kresge Co. (#529), 1 East Front, Monroe, Mich.; effective 6–10–62 to 6–9–63 (variety store; 61 employees).

S. S. Kresge Co. (#536), 12 East Eighth Street, Holland, Mich.; effective 6–10–62 to 6–9–63 (variety store; 25 employees).

S. S. Kresge Co. (#449), 8409 Carnegie, Cleveland, Ohio; effective 6–10–62 to 6–9–63 (variety store; 40 employees).

S. S. Kresge Co. (#685), 1750 Dix Highway, Lincoln Park, Mich.; effective 6–10–62 to 6–9–63 (variety store; 66 employees).

S. S. Kresge Co. (#659), 25465 Grand River, Detroit 40, Mich.; effective 6–10–62 to 6–9–63 (variety store; 68 employees).

S. S. Kresge Co. (#640), Northern Lights Shopping Center, 3477 Cleveland, Columbus, Ohio; effective 6–10–62 to 6–9–63 (variety store; 34 employees).

S. S. Kresge Co. (#638), Kenwood Plaza, 7867 Montgomery, Cincinnati 36, Ohio; effective 6–10–62 to 6–9–63 (variety store; 47 employees).

S. S. Kresge Co. (#586), 711 Wheeling, Cambridge, Ohio; effective 6–10–62 to 6–9–63 (variety store; 47 employees).

S. S. Kresge Co. (#531), 6869 Southland Drive, Middleburg Heights 30, Ohio; effective 6–10–62 to 6–9–63 (variety store; 58 employees).

S. S. Kresge Co. (#527), 17646 Joy, Detroit 28, Mich.; effective 6–10–62 to 6–9–63 (variety store; 40 employees).

S. S. Kresge Co. (#443), Reading Road and Seymour Avenue, Cincinnati 37, Ohio; effective 6–10–62 to 6–9–63 (variety store; 40 employees).

S. S. Kresge Co. (#365), 13933 Woodward Avenue, Highland Park 3, Mich.; effective 6–10–62 to 6–9–63 (variety store, 34 employees).

S. S. Kresge Co. (#307), 103 South Third, Ironton, Ohio; effective 6–10–62 to 6–9–63 (variety store; 34 employees).

S. S. Kresge Co. (#298), 5700 Broadway, Cleveland, Ohio; effective 6–10–62 to 6–9–63 (variety store; 43 employees).

S. S. Kresge Co. (#267), 402 Euclid, Cleveland 14, Ohio; effective 6–10–62 to 6–9–63 (variety store; 42 employees).

S. S. Kresge Co. (#223), 224 High Street, Hamilton, Ohio; effective 6–10–62 to 6–9–63 (variety store; 24 employees).

S. S. Kresge Co. (#190), 7717 East Seven Mile, Detroit 34, Mich.; effective 6–10–62 to 6–9–63 (variety store; 23 employees).

S. S. Kresge Co. (#171), 108 West Main, Lancaster, Ohio; effective 6–10–62 to 6–9–63 (variety store; 42 employees).

S. S. Kresge Co. (#160), 317 South State, Ann Arbor, Mich.; effective 6–10–62 to 6–9–63 (variety store; 39 employees).

S. S. Kresge Co. (#118), 2180 Brookpark, Cleveland 34, Ohio; effective 6–10–62 to 6–9–63 (variety store; 30 employees).

S. S. Kresge Co. (#51), 201 North Main, Lima, Ohio; effective 6–10–62 to 6–9–63 (variety store; 86 employees).

S. S. Kresge Co. (#28), 216 Euclid Avenue, Cleveland 14, Ohio; effective 6–10–62 to 6–9–63 (variety store; 179 employees).

S. S. Kresge Co. (#27), Wonderland Shopping Center, 29589 Plymouth Road, Livonia, Mich.; effective 6–10–62 to 6–9–63 (variety store; 103 employees).

S. S. Kresge Co. (#9), 123 South Main, Dayton 2, Ohio; effective 6–10–62 to 6–9–63 (variety store; 80 employees).

S. S. Kresge Co. (#699), 5010 Dixie Highway, Dayton Plains, Mich.; effective 6–10–62 to 6–9–63 (variety store; 39 employees).

S. S. Kresge Co. (#677), North Hill Shopping Center, 1471 Rochester Road, Rochester, Mich.; effective 6–10–62 to 6–9–63 (variety store; 37 employees).

S. S. Kresge Co. (#670), 31039 Harper, St. Clair Shores, Mich.; effective 6–10–62 to 6–9–63 (variety store; 62 employees).

S. S. Kresge Co. (#631), 4207 North Main, Dayton 5, Ohio; effective 6–10–62 to 6–9–63 (variety store; 27 employees).

S. S. Kresge Co. (#623), 360 Main, Plymouth, Mich.; effective 6–10–62 to 6–9–63 (variety store; 38 employees).

S. S. Kresge Co. (#606), 4503 Mayfield Road, Cleveland, Ohio; effective 6–10–62 to 6–9–63 (variety store; 33 employees).

S. S. Kresge Co. (#518), 200 Michigan, Ypsilanti, Mich.; effective 6–10–62 to 6–9–63 (variety store; 20 employees).

S. S. Kresge Co. (#447), 65 Midway Plaza, Tallmadge, Ohio; effective 6–10–62 to 6–9–63 (variety store; 25 employees).

S. S. Kresge Co. (#381), 40–44 North Paint, Chillicothe, Ohio; effective 6–10–62 to 6–9–63 (variety store; 58 employees).

S. S. Kresge Co. (#352), 14300 Jefferson, Detroit 15, Mich.; effective 6–10–62 to 6–9–63 (variety store; 19 employees).

S. S. Kresge Co. (#257), 33111 Plymouth, Livonia, Mich.; effective 6–10–62 to 6–9–63 (variety store; 698 employees).

S. S. Kresge Co. (#47), 5267 Delhi Pike, Cincinnati 38, Ohio; effective 6–10–62 to 6–9–63 (variety store; 29 employees).

S. S. Kresge Co. (#29), 657 Harrisburg Pike, Columbus 23, Ohio; effective 6–10–62 to 6–9–63 (variety store; 33 employees).

S. S. Kresge Co. (#21), 35 West Michigan, Battle Creek, Mich.; effective 6–10–62 to 6–9–63 (variety store; 38 employees).

S. S. Kresge Co. (#5), 85 North High, Columbus 15, Ohio; effective 6–10–62 to 6–9–63 (variety store; 45 employees).

S. S. Kresge Co. (#687), 13751 Eureka, Wyandotte, Mich.; effective 6–10–62 to 6–9–63 (variety store; 55 employees).

S. S. Kresge Co. (#684), 2301 South Telegraph, Pontiac, Mich.; effective 6–10–62 to 6–9–63 (variety store; 69 employees).

S. S. Kresge Co. (#682), 3861 South High, Columbus 7, Ohio; effective 6–10–62 to 6–9–63 (variety store; 38 employees).

S. S. Kresge Co. (#676), 1301 Pleasant Valley Road, Parma 34, Ohio; effective 6–10–62 to 6–9–63 (variety store; 53 employees).

S. S. Kresge Co. (#674), 2505 Parkman Road, Trumbull Plaza, Warren, Ohio; effective 6–10–62 to 6–9–63 (variety store; 24 employees).

S. S. Kresge Co. (#658), 39 Norton Village Shopping Center, 3140 Greenwich Road, Barberton, Ohio; effective 6–10–62 to 6–9–63 (variety store; 26 employees).

S. S. Kresge Co. (#652), 14060 Telegraph, Detroit 39, Mich.; effective 6–10–62 to 6–9–63 (variety store; 31 employees).

S. S. Kresge Co. (#649), 4271 West Third, Dayton 17, Ohio; effective 6–10–62 to 6–9–63 (variety store; 33 employees).

S. S. Kresge Co. (#646), 3301 West Central, Toledo 6, Ohio; effective 6–10–62 to 6–9–63 (variety store; 68 employees).

S. S. Kresge Co. (#643), 137 Graceland Boulevard, Columbus 14, Ohio; effective 6–10–62 to 6–9–63 (variety store; 19 employees).

S. S. Kresge Co. (#642), G–3367 Fenton, Flint, Mich.; effective 6–10–62 to 6–9–63 (variety store; 69 employees).

S. S. Kresge Co. (#636), 3890 East Broad, Columbus, Ohio; effective 6–10–62 to 6–9–63 (variety store; 27 employees).

S. S. Kresge Co. (#628); 316 Stroop, Kettering 39, Ohio; effective 6–10–62 to 6–9–63 (variety store; 55 employees).

S. S. Kresge Co. (#614), 4087 Lee, Cleveland 20, Ohio; effective 6–10–62 to 6–9–63 (variety store; 40 employees).

S. S. Kresge Co. (#605), 6530 Allen, Allen Park, Mich.; effective 6–10–62 to 6–9–63 (variety store; 38 employees).

S. S. Kresge Co. (#604), 3750 East Broad, Columbus 13, Ohio; effective 6–10–62 to 6–9–63 (variety store; 33 employees).

S. S. Kresge Co. (#603), 15818 Broadway, Maple Heights 37, Ohio; effective 6–10–62 to 6–9–63 (variety store; 24 employees).

S. S. Kresge Co. (#588), 365 Boardman Canfield Road, Youngstown, Ohio; effective 6–10–62 to 6–9–63 (variety store; 36 employees).

S. S. Kresge Co. (#580), 13546 Michigan, Dearborn, Mich.; effective 6–10–62 to 6–9–63 (variety store; 56 employees).

S. S. Kresge Co. (#577), 10563 West Jefferson, River Rouge 18, Mich.; effective 6–10–62 to 6–9–63 (variety store; 57 employees).

S. S. Kresge Co. (#550), 10786 Grand River, Detroit 4, Mich.; effective 6–10–62 to 6–9–63 (variety store; 85 employees).

S. S. Kresge Co. (#577), 1411 S O M Center Road, Cleveland 24, Ohio; effective 6–10–62 to 6–9–63 (variety store; 44 employees).

S. S. Kresge Co. (#549), 510 Frandor, Lansing, Mich.; effective 6–10–62 to 6–9–63 (variety store; 44 employees).

S. S. Kresge Co. (#533), 14301 Gratiot, Detroit, Mich.; effective 6–10–62 to 6–9–63 (variety store; 49 employees).

S. S. Kresge Co. (#507), 1104 Ludington, Escanaba, Mich.; effective 6–10–62 to 6–9–63 (variety store; 20 employees).

S. S. Kresge Co. (#499), 211 East Front, Traverse City, Mich.; effective 6–10–62 to 6–9–63 (variety store; 29 employees).

S. S. Kresge Co. (#495), 1400 South Arlington, Akron 6, Ohio; effective 6–10–62 to 6–9–63 (variety store; 37 employees).

S. S. Kresge Co. (#490), 22022 Michigan, Dearborn, Mich.; effective 6–10–62 to 6–9–63 (variety store; 37 employees).

S. S. Kresge Co. (#488), 326 North Main, Piqua, Ohio; effective 6–10–62 to 6–9–63 (variety store; 32 employees).

S. S. Kresge Co. (#458), 438 Market, Steubenville, Ohio; effective 6–10–62 to 6–9–63 (variety store; 51 employees).

S. S. Kresge Co. (#456), Eastland Center, Detroit 36, Mich.; effective 6–10–62 to 6–9–63 (variety store; 171 employees).

S. S. Kresge Co. (#453), 1155 West 14 Mile Road, Clawson, Mich.; effective 6–10–62 to 6–9–63 (variety store; 54 employees).

S. S. Kresge Co. (#428), 310 Genessee, Saginaw, Mich.; effective 6–10–62 to 6–9–63 (variety store; 78 employees).

S. S. Kresge Co. (#415), 26280 Eastgate Boulevard, Roseville, Mich.; effective 6–10–62 to 6–9–63 (variety store; 107 employees).

S. S. Kresge Co. (#411), 11008 Lorain, Cleveland 11, Ohio; effective 6–10–62 to 6–9–63 (variety store; 75 employees).

S. S. Kresge Co. (#406), O'Neil Sheffield Shopping Center, 1321 North Ridge Road, Lorain, Ohio; effective 6–10–62 to 6–9–63 (variety store; 39 employees).

S. S. Kresge Co. (#404), 15 South Telegraph, Pontiac, Mich.; effective 6–10–62 to 6–9–63 (variety store; 47 employees).

S. S. Kresge Co. (#403), 405 Stephenson, Iron Mountain, Mich.; effective 6–10–62 to 6–9–63 (variety store; 54 employees)

S. S. Kresge Co. (#377), 501 M Street, Zanesville, Ohio; effective 6–10–62 to 6–9–63 (variety store; 79 employees).

S. S. Kresge Co. (#376), 3191 Westgate, Cleveland 26, Ohio; effective 6–10–62 to 6–9–63 (variety store; 55 employees).

S. S. Kresge Co. (#369), 11960 East Warren, Detroit 14, Mich.; effective 6–10–62 to 6–9–63 (variety stores; 61 employees).

S. S. Kresge Co. (#362), 143 West Center, Marion, Ohio; effective 6–10–62 to 6–9–63 (variety store; 48 employees).

S. S. Kresge Co. (#354), 1106 South Main, Akron 1, Ohio; effective 6–10–62 to 6–9–63 (variety store; 33 employees).

S. S. Kresge Co. (#350), 5090 Shaefer Highway, Dearborn 2, Mich.; effective 6–10–62 to 6–9–63 (variety store; 47 employees).

S. S. Kresge Co. (#299), 125 West Market, Warren, Ohio; effective 6–10–62 to 6–9–63 (variety store; 65 employees).

S. S. Kresge Co. (#296), 3116 12 Mile Road, Berkley, Mich.; effective 6–10–62 to 6–9–63 (variety store; 31 employees).

S. S. Kresge Co. (#290), 18610 Fenkell, Detroit 23, Mich.; effective 6–10–62 to 6–9–63 (variety store; 35 employees).

S. S. Kresge Co. (#289), 19215 Mack, Detroit 36, Mich.; effective 6–10–62 to 6–9–63 (variety store; 51 employees).

S. S. Kresge Co. (#228), 29650 Lakeshore Boulevard, Willowick, Ohio; effective 6–10–62 to 6–9–63 (variety store; 34 employees).

S. S. Kresge Co. (#248), 16 South Detroit, Xenia, Ohio; effective 6–10–62 to 6–9–63 (variety store; 41 employees).

S. S. Kresge Co. (#214), G–3441, Clio, Flint, Mich.; effective 6–10–62 to 6–9–63 (variety store; 48 employees).

S. S. Kresge Co. (#211), 14551 Woodward, Highland Park, Mich.; effective 6–10–62 to 6–9–63 (variety store; 98 employees).

S. S. Kresge Co. (#208), 15221 Houston, Detroit 5, Mich.; effective 6–10–62 to 6–9–63 (variety store; 43 employees).

S. S. Kresge Co. (#203), 989 Lila, Milford, Ohio; effective 6–10–62 to 6–9–63 (variety store; 37 employees).

S. S. Kresge Co. (#185), 200 West Nine Mile Road, Ferndale, Mich.; effective 6–10–62 to 6–9–63 (variety store; 41 employees).

S. S. Kresge Co. (#150), 400 Chillicothe, Portsmouth, Ohio; effective 6–10–62 to 6–9–63 (variety store; 98 employees).

S. S. Kresge Co. (#123), F–20 Northland Center, Southfield, Mich.; effective 6–10–62 to 6–9–63 (variety store; 151 employees).

S. S. Kresge Co. (#120), 301 North Market, Canton 2, Ohio; effective 6–10–62 to 6–9–63 (variety store; 85 employees).

S. S. Kresge Co. (#103), 133 West Michigan, Jackson, Mich.; effective 6–10–62 to 6–9–63 (variety store; 106 employees).

S. S. Kresge Co. (#102), 23 North Main, Mansfield, Ohio; effective 6–10–62 to 6–9–63 (variety store; 39 employees).

S. S. Kresge Co. (#70), 114 South Washington, Lansing 1, Mich.; effective 6–10–62 to 6–9–63 (variety store; 36 employees).

S. S. Kresge Co. (#2), 240 Huron, Port Huron, Mich.; effective 6–10–2 to 6–9–63 (variety store; 98 employees).

S. S. Kresge Co. (#1), 1201 Woodward, Detroit, Mich.; effective 6–10–62 to 6–9–63 (variety store; 291 employees).

McCrory-McLellan's (#506), 17 North Washington, Ypsilanti, Mich.; effective 6–10–62 to 6–9–63 (variety store; 29 employees).

McCrory-McLellan-Green (#1059), 412 Chillicothe, Portsmouth, Ohio; effective 6–10–62 to 6–9–63 (variety store; 24 employees).

Neisner Brothers, Inc. (#13), 9644 Jos. Campau, Hamtramck 12, Mich.; effective 6–10–62 to 6–9–63 (variety store; 64 employees).

Neisner Brothers, Inc. (#2), 14325 Gratiot, Detroit 5, Mich.; effective 6–10–62 to 6–9–63 (variety store; 43 employees).

Neisner Brothers, Inc. (#17), 42 North Saginaw, Pontiac, Mich.; effective 6–10–62 to 6–9–63 (variety store; 45 employees).

Neisner Brothers, Inc. (#132), 1321 North Ridge, Lorain, Ohio; effective 6–10–62 to 6–9–63 (variety store; 24 employees).

Neisner Brothers, Inc. (#128), 3310 Warren Road Shopping Center, Cleveland 11, Ohio; effective 6–10–62 to 6–9–63 (variety store; 64 employees).

Neisner Brothers, Inc. (#36), 36 Lincoln Way West, Massillon, Ohio; effective 6–10–62 to 6–9–63 (variety store; 43 employees).

Neisner Brothers, Inc. (#113), 700 East 185th, Cleveland 19, Ohio; effective 6–10–62 to 6–9–63 (variety store; 45 employees).

Neisner Brothers, Inc., 1736 Fort, Lincoln Park, Mich.; effective 6–10–62 to 6–9–63 (variety store; 15 employees).

J. J. Newberry Co., 109 South Main, Ishpeming, Mich.; effective 6–10–62 to 6–9–63 (variety store; 28 employees).

J. J. Newberry Co., 374 River, Manistee, Mich.; effective 6–10–62 to 6–9–63 (variety store; 35 employees).

J. J. Newberry Co., 230 Huron, Huron, Mich.; effective 6–10–62 to 6–9–63 (variety store; 37 employees).

J. J. Newberry Co., 108–144 South Sandusky, Bucyrus, Ohio; effective 6–10–62 to 6–9–63 (variety store; 18 employees).

J. J. Newberry Co., 113 North Market, East Palistine, Ohio; effective 6–10–62 to 6–9–63 (variety stores; 16 employees).

J. J. Newberry Co., Alma, Mich.; effective 6–10–62 to 6–9–63 (variety store; 33 employees).

J. J. Newberry Co., 133 South Main, Bryan, Ohio; effective 6–10–62 to 6–9–63 (variety store; 15 employees).

J. J. Newberry Co. (#205), 109 South James, Ludington, Mich.; effective 6–10–62 to 6–9–63 (variety store; 22 employees).

J. J. Newberry Co., 308–312 Sheldon, Houghton, Mich.; effective 6–10–62 to 6–9–63 (variety store; 23 employees).

Newberry Mentor Corp., 850 Mentor, Great Lakes Mall, Mentor, Ohio; effective 6–10–62 to 6–9–63 (variety store; 131 employees).

Newberry Painesville Corp., 135 Main Street, Painesville, Ohio; effective 6–10–62 to 6–9–63 (department store; 76 employees).

Wright's Markets, Inc., 1001 Spencerville, Lima, Ohio; effective 6–10–62 to 6–9–63 (food store; 22 employees).

Region VI

S. S. Kresge Co. (#81), 930 North Lake Street, Aurora, Ill.; effective 6–10–62 to 6–9–63 (variety store; 44 employees).

S. S. Kresge Co. (#164), 82 North Main Street, Canton, Ill.; effective 6–10–62 to 6–9–63 (variety store; 33 employees).

S. S. Kresge Co., 1637 West Chicago Avenue, Chicago, Ill.; effective 6–10–62 to 6–9–63 (variety store; 30 employees).

S. S. Kresge Co. (#505), 4737 South Ashland Avenue, Chicago 9, Ill.; effective 6–10–62 to 6–9–63 (variety store; 23 employees).

S. S. Kresge Co. (#445), 4016 West Madison Avenue, Chicago 24, Ill.; effective 6–10–62 to 6–9–63 (variety store; 100 employees).

S. S. Kresge Co. (#627), 9530 South Western, Chicago 42, Ill.; effective 6–10–62 to 6–9–63 (variety store; 143 employees).

S. S. Kresge Co. (#253), 11221 South Michigan Avenue, Chicago 28, Ill.; effective 6–10–62 to 6–9–63 (variety store; 115 employees).

S. S. Kresge Co., 3141 North Lincoln, Chicago 13, Ill.; effective 6–10–62 to 6–9–63 (variety store; 39 employees).

S. S. Kresge Co., 1956 West Lawrence Avenue, Chicago 40, Ill.; effective 6–10–62 to 6–9–63 (variety store; 32 employees).

S. S. Kresge Co., 7240–50 Foster Avenue, Chicago 31, Ill.; effective 6–10–62 to 6–9–63 (variety store; 33 employees).

S. S. Kresge Co. (#641), Fairview Plaza Shopping Center, 1465 West King Street, Decatur, Ill.; effective 6–10–62 to 6–9–63 (variety store; 33 employees).

S. S. Kresge Co., 343 North Water Street, Decatur, Ill.; effective 6–10–62 to 6–9–63 (variety store; 60 employees).

S. S. Kresge Co. (#177), 32 South Grove Avenue, Elgin, Ill.; effective 6–10–62 to 6–9–63 (variety store; 44 employees).

S. S. Kresge Co. (#417), 162 East Court Street, Kankakee, Ill.; effective 6–10–62 to 6–9–63 (variety store; 53 employees).

S. S. Kresge Co. (#218), 26 South LaGrange Road, LaGrange, Ill.; effective 6–10–62 to 6–9–63 (variety store; 43 employees).

S. S. Kresge Co. (#497), 1603 Broadway Mattoon, Ill.; effective 6–10–62 to 6–9–63 (variety store; 24 employees).

S. S. Kresge Co. (#161), 9525 South Cicero, Oaklawn, Ill.; effective 6–10–62 to 6–9–63 (variety store; 40 employees).

S. S. Kresge Co. (#463), Hometown Shopping Center, 4120 Southwest Highway, Oaklawn 9, Ill.; effective 6–10–62 to 6–9–63 (variety store; 40 employees).

S. S. Kresge Co., 3227–43 Legion Boulevard, Quincy, Ill.; effective 6–10–62 to 6–9–63 (variety store; 46 employees).

S. S. Kresge Co. (#318), 636 Hollister Avenue, Rockford, Ill.; effective 6–10–62 to 6–9–63 (variety store; 39 employees).

S. S. Kresge Co., 419 East Adams, Springfield, Ill.; effective 6–10–62 to 6–9–63 (variety store; 149 employees).

S. S. Kresge Co., 401 Main Street, Evansville 8, Ind.; effective 6–10–62 to 6–9–63 (variety store; 86 employees).

S. S. Kresge Co. (#568), Northcrest Shopping Center, Unit #737, Fort Wayne, Ind.; effective 6–10–62 to 6–9–63 (variety store; 45 employees).

S. S. Kresge Co., 626 Twin Aire Drive, Indianapolis, Ind.; effective 6–10–62 to 6–9–63 (variety store; 49 employees).

S. S. Kresge Co. (#258), 2744 Lafayette Road, Indianapolis, Ind.; effective 6–10–62 to 6–9–63 (variety store; 56 employees).

S. S. Kresge Co. (#85), 214 South Walnut Street, Muncie, Ind.; effective 6–10–62 to 6–9–63 (variety store; 39 employees).

S. S. Kresge Co. (#101), 201 South Michigan Street, South Bend 1, Ind.; effective 6–10–62 to 6–9–63 (variety store; 139 employees).

S. S. Kresge Co. (#694), 2106 East Lake Center, Hi-Lake Center, Minneapolis 7, Minn.; effective 6–10–62 to 6–9–63 (variety store; 23 employees).

S. S. Kresge Co. (#176), Crystal Shopping Center, Broadway and Bass Lake Road, Minneapolis 27, Minn.; effective 6–10–62 to 6–9–63 (variety store; 22 employees).

S. S. Kresge Co. (#426), 206 South Broadway, Rochester, Minn.; effective 6–10–62 to 6–9–63 (variety store; 25 employees).

S. S. Kresge Co. (#683), Sun Ray Shopping Center, 2167 Hudson Road, St. Paul 6, Minn.; effective 6–10–62 to 6–9–63 (variety store; 25 employees).

S. S. Kresge Co. (#193), 336 East Grand Avenue, Beloit, Wis.; effective 6–10–62 to 6–9–63 (variety store; 28 employees).

S. S. Kresge Co. (#324), 222 North Washington Street, Green Bay, Wis.; effective 6–10–62 to 6–9–63 (variety store; 21 employees).

S. S. Kresge Co. (#609), 5722 Sixth Avenue, Kenosha, Wis.; effective 6–10–62 to 6–9–63 (variety store; 58 employees).

S. S. Kresge Co. (#175), 418 Main Street, LaCrosse, Wis.; effective 6–10–62 to 6–9–63 (variety store; 21 employees).

S. S. Kresge Co. (#420), 836 South Eighth Street, Manitowac, Wis.; effective 6–10–62 to 6–9–63 (variety store; 81 employees).

S. S. Kresge Co., 3333 D South 27th Street, Milwaukee, Wis.; effective 6–10–62 to 6–9–63 (variety store; 48 employees).

S. S. Kresge Co. (#86), 3699 Durand Avenue, Racine, Wis.; effective 6–10–62 to 6–9–63 (variety store; 46 employees).

Region VII

Aspen Variety, Inc., d/b/a T. G. & Y. Stores Company (#129), 5222 Chouteau Drive, Kansas City, Mo.; effective 6–10–62 to 6–9–63 (variety store; 33 employees).

Consumers Warehouse Market, 1015 West Kearney Street, Springfield, Mo.; effective 6–10–62 to 6–9–63 (food store; 34 employees).

Consumers Warehouse Market, 1427 South Glenstone, Springfield, Mo.; effective 6–10–62 to 6–9–63 (food store; 29 employees).

Consumers Warehouse Market, Inc., 1737 South Campbell Street, Springfield, Mo.; effective 6–10–62 to 6–9–63 (food store; 32 employees).

Consumers Warehouse Market, Inc., 1854 North Glenstone, Springfield, Mo.; effective 6–10–62 to 6–9–63 (food store; 33 employees).

Consumers Warehouse Market, Inc., 2525 West College Street, Springfield, Mo.; effective 6–10–62 to 6–9–63 (food store; 32 employees).

40 & 7 United Super 30, Blue Springs, Mo.; effective 6–10–62 to 6–9–63 (food store; 26 employees).

Hested Stores Company, 2700 South Colorado Boulevard, Denver, Colo.; effective 6–10–62 to 6–9–63 (variety store; 20 employees).

Hested Stores Company (#787), 4259 West Florida Avenue, Denver, Colo.; effective 6–10–62 to 6–9–63 (variety store; 16 employees).

Hested Stores Co. (#701), 510 East Street, Fairbury, Nebr.; effective 6–10–62 to 6–9–63 (variety store; 15 employees).

Hested Store (#742), Glenwood Springs, Colo.; effective 6–10–62 to 6–9–63 (variety store nine employees).

Hesteds Store (#781), 425 Main, Grand Junction, Colo.; effective 6–10–62 to 6–9–63 (variety store; 21 employees).

Hested Stores Company, 311 Norfolk Avenue, Norfolk, Nebr.; effective 6–10–62 to 6–9–63 (variety store; 22 employees).

Hested Stores Company (#718), York, Nebr.; effective 6–10–62 to 6–9–63 (variety store; 16 employees).

Jahan Super Mart, 417 Spruce, Leavenworth, Kans.; effective 6–10–62 to 6–9–63 (food store; 50 employees).

Justrite Super Markets, Inc., 51st and Gibbs Road, Kansas City, Kans.; effective 6–10–62 to 6–9–63 (food store; 27 employees).

Justrite Super Market, Inc., 3136 Raytown Road, Kansas City, Kans.; effective 6–10–62 to 6–9–63 (food store; 43 employees).

Justrite Super Markets, Inc., 7246 Troost, Kansas City, Mo.; effective 6–10–62 to 6–9–63 (food store; 24 employees).

Justrite Super Markets, Inc., 9021 East 50 Hiway, Raytown, Mo.; effective 6–10–62 to 6–9–63 (food store; 76 employees).

Kaufmann's Inc. (#785), 308 West Third, Grand Island, Nebr.; effective 6–10–62 to 6–9–63 (variety store; 37 employees).

S. S. Kresge Co. (#244), 609 Commercial Street, Atchison, Kans.; effective 6–10–62 to 6–9–63 (variety store; 18 employees).

S. S. Kresge Co. (#95), 320 Jefferson Street, Burlington, Iowa; effective 6–10–62 to 6–9–63 (variety store; 26 employees).

S. S. Kresge Co. (#108), 225 First Avenue, SE., Cedar Rapids, Iowa; effective 6–10–62 to 6–9–63 (variety store; 38 employees).

S. S. Kresge Co. (#154), 516 West Broadway, Council Bluffs, Iowa; effective 6–10–62 to 6–9–63 (variety store; 53 employees).

S. S. Kresge Co. (#140), 202 West Second Street, Davenport, Iowa; effective 6–10–62 to 6–9–63 (variety store; 20 employees).

S. S. Kresge Co. (#270), Village Shopping Center, 902 West Kimberly Road, Davenport, Iowa; effective 6–10–62 to 6–9–63 (variety store; 41 employees).

S. S. Kresge Co., 613 Walnut Street, Des Moines 9, Iowa; effective 6–10–62 to 6–9–63 (variety store; 117 employees).

S. S. Kresge Co. (#100 C), 790 Main Street, Dubuque, Iowa; effective 6–10–62 to 6–9–63 (variety store; 69 employees).

S. S. Kresge Co. (#231 C), 60 Broadway, Fargo, N. Dak.; effective 6–10–62 to 6–9–63 (variety store; 46 employees).

S. S. Kresge Co. (#145), 819 Central Avenue, Fort Dodge, Iowa; effective 6–10–62 to 6–9–63 (variety store; 45 employees).

S. S. Kresge Co. (#306), 103 East Sixth Street, Fremont, Nebr.; effective 6–10–62 to 6–9–63 (variety store; 18 employees).

S. S. Kresge Co. (#89), 101–109 North Main Street, Hannibal, Mo.; effective 6–10–62 to 6–9–63 (variety store; 49 employees).

S. S. Kresge Co. (#625), 111 North Main Street, Independence, Mo.; effective 6–10–62 to 6–9–63 (variety store; 22 employees).

S. S. Kresge Co. (#559), 121 Washington Street, Box 366, Iowa City, Iowa; effective 6–10–62 to 6–9–63 (variety store; 34 employees).

S. S. Kresge Co. (#256), 600 Minnesota, Kansas City, Kans.; effective 6–10–62 to 6–9–63 (variety store; 29 employees).

S. S. Kresge Co. (#555), Northland Shopping Center, Jennings, Mo.; effective 6–10–62 to 6–9–63 (variety store; 120 employees).

S. S. Kresge Co. (#249C), East Moreland Plaza, Seventh and High Streets, Joplin, Mo.; effective 6–10–62 to 6–9–63 (variety store; 34 employees).

S. S. Kresge Co. (#82), 1125 Main Street, Kansas City 5, Mo.; effective 6–10–62 to 6–9–63 (variety store; 198 employees).

S. S. Kresge Co. (#127), 413 Delaware, Leavenworth, Kans.; effective 6–10–62 to 6–9–63 (variety store; 45 employees).

S. S. Kresge Co. (#109), 1137 "O" Street, Lincoln 1, Nebr.; effective 6–10–62 to 6–9–63 (variety store; 61 employees).

S. S. Kresge Co. (#680), 9 Federal Avenue, Mason City, Iowa; effective 6–10–62 to 6–9–63 (variety store; 24 employees).

S. S. Kresge Co. (#692 C), 1700–1702 South Federal Avenue, Mason City, Iowa; effective 6–10–62 to 6–9–63 (variety store; 42 employees).

S. S. Kresge Co. (#326 M), 402 South 16th Street, Omaha, Nebr.; effective 6–10–62 to 6–9–63 (variety store; 132 employees).

S. S. Kresge Co. (#401), 4828 South 24th Street, Omaha 7, Nebr.; effective 6–10–62 to 6–9–63 (variety store; 23 employees).

S. S. Kresge Co. (#93), 132 East Main Street, Ottumwa, Iowa; effective 6–10–62 to 6–9–63 (variety store; 35 employees).

S. S. Kresge Co. (#671), 707 Mountain View Road, Bakeh Park Shopping Center, Rapid City, S. Dak.; effective 6–10–62 to 6–9–63 (variety store; 59 employees).

S. S. Kresge Co. (#58 MW-4), 601 Felix Street, St. Joseph 9, Mo.; effective 6–10–62 to 6–9–63 (variety store; 99 employees).

S. S. Kresge Co. (#601 C), 24 Hampton Village Plaza, St. Louis 9, Mo.; effective 6–10–62 to 6–9–63 (variety store; 74 employees).

S. S. Kresge Co. (#24), 522 Washington Avenue, St. Louis, Mo.; effective 6–10–62 to 6–9–63 (variety store; 223 employees).

S. S. Kresge Co. (#461), 2705 Cherokee Street, St. Louis, Mo.; effective 6–10–62 to 6–9–63 (variety store; 32 employees).

S. S. Kresge Co. (#344 C), 6108 Easton Avenue, St. Louis 33, Mo.; effective 6–10–62 to 6–9–63 (variety store; 57 employees).

S. S. Kresge Co. (#197 M), Sears Center, 546 South Santa Fe, Salina, Kans.; effective 6–10–62 to 6–9–63 (variety store; 38 employees).

S. S. Kresge Co. (#163 C), 423 Fourth Street, Sioux City, Iowa; effective 6–10–62 to 6–9–63 (variety store; 102 employees).

S. S. Kresge Co. (#96), 124 S. S. Square, Springfield, Mo.; effective 6–10–62 to 6–9–63 (variety store; 28 employees).

S. S. Kresge Co. (#451), 1514 South Glenstone, Springfield, Mo.; effective 6–10–62 to 6–9–63 (variety store; 25 employees).

S. S. Kresge Co. (#152), 211–219 East Fourth Street, Waterloo, Iowa; effective 6–10–62 to 6–9–63 (variety store; 52 employees).

S. S. Kresge Co. (#11), Yorkshire Village Shopping Center, 8039 Watson Road, Webster Groves 19, Mo.; effective 6–10–62 to 6–9–63 (variety store; 29 employees).

S. S. Kresge Co. (#697), Parkland Shopping Center, 1012 South Oliver, Wichita 18, Kans.; effective 6–10–62 to 6–9–63 (variety store; 43 employees).

S. H. Kress and Co., 540 Main Street, Grand Junction, Colo.; effective 6–10–62 to 6–9–63 (variety store; 20 employees)

S. H. Kress and Co., 111 North Main Street, Hutchinson, Kans.; effective 6–10–62 to 6–9–63 (Variety store; 23 employees).

S. H. Kress and Co., 215 East High Street, Jefferson City, Mo.; effective 6–10–62 to 6–9–63 (variety store; 17 employees).

S. H. Kress and Co., 103 North Main Street, Nevada, Mo.; effective 6–10–62 to 6–9–63 (variety store; 21 employees).

S. H. Kress and Co., 617 North Broadway, Pittsburg, Kans.; effective 6–10–62 to 6–9–63 (variety store; 48 employees).

S. H. Kress and Co., 301 North Main Street, Pueblo, Colo.; effective 6–10–62 to 6–9–63 (variety store; 63 employees).

S. H. Kress and Co., 224 East Douglas Avenue, Wichita 2, Kans.; effective 6–10–62 to 6–9–63 (variety store; 73 employees).

Lebanon Consumers, Inc., Jefferson and Highway #5, Lebanon, Mo.; effective 6–10–62 to 6–9–63 (Food store; 24 employees).

Lee Sidney Corp. (#732), Sidney, Nebr.; effective 6–10–62 to 6–9–63 (variety store; 31 employees).

McCrory-McLellan-Green Stores (#460), 230 Second Street SE., Cedar Rapids, Iowa; effective 6–10–62 to 6–9–63 (variety store; 25 employees).

McLellan Stores Co. (#569), 801 Central Avenue, Fort Dodge, Iowa; effective 6–10–62 to 6–9–63 (variety store; 25 employees).

McLellans, 827 Kansas Avenue, Topeka, Kans.; effective 6–10–62 to 6–9–63 (variety store; 38 employees).

Nelsner Brothers, Inc. (#87), 308 Jefferson Street, Burlington, Iowa; effective 6–10–62 to 6–9–63 (variety store; 19 employees).

Nelsner Brothers, Inc. (#70), 308 South 16th Street, Omaha 2, Nebr.; effective 6–10–62 to 6–9–63 (variety store; 56 employees).

Nelsner Brothers, Inc. (#83), 407 Fourth Street, Sioux City, Iowa; effective 6–10–62 to 6–9–63 (variety store; 27 employees).

J. J. Newberry Co., 473, 122–124 South Main Street, Aberdeen, S. Dak.; effective 6–10–62 to 6–9–63 (variety store; 27 employees).

Newberry Cheyenne Corp., 214 West 17th Street, Cheyenne, Wyo.; effective 6–10–62 to 6–9–63 (variety store; 29 employees).

J. J. Newberry Co., 808 Broadway, Columbia, Mo.; effective 6–10–62 to 6–9–63 (variety store; 34 employees).

J. J. Newberry Co., (#217), Parsons, Kans.; effective 6–10–62 to 6–9–63 (variety store; 21 employees).

J. J. Newberry Co., 502 Main Street, Joplin, Mo., effective 6–10–62 to 6–9–63 (variety store; 17 employees).

J. J. Newberry Co. (#411), Westroads Shopping Center, Richmond Heights 17, Mo.; effective 6–10–62 to 6–9–63 (variety stores; 94 employees).

J. J. Newberry Co., 131–135 South Phillips, Sioux Falls, S. Dak.; effective 6–10–62 to 6–9–63 (variety stores; 54 employees).

Olson Mercantile Co., 1406 West Main Street, Chanute, Kans.; effective 6–10–62 to 6–9–63 (food store; 21 employees).

Prairie Village Variety, Inc., d/b/a T.G. & Y. Stores Co. (#141), #22 On-The-Mall, Prairie Village, Kans.; effective 6–10–62 to 6–9–63 (variety store; 20 employees).

Twenty-Second and Frederick Variety, Inc., d/b/a T.G. & Y. Stores Co. (#301), 801 North 22d Street, St. Joseph, Mo.; effective 6–10–62 to 6–9–63 (variety store; 20 employees).

Region VIII

H. L. Green Co., 1623 Main Street, Dallas 1, Tex.; effective 6–10–62 to 6–9–63 (variety store; 276 employees).

H. L. Green Co., 224 West Main, Oklahoma City 2, Okla.; effective 6–10–62 to 6–9–63 (variety store; 66 employees).

S. S. Kresge Co. (#714), 3037 North South Freeway, Fort Worth 10, Tex.; effective 6–10–62 to 6–9–63 (variety store; 32 employees).

S. S. Kresge Co., 740 Wynnewood Village, Dallas 24, Tex.; effective 6–10–62 to 6–9–63 (variety store; 40 employees).

S. S. Kresge Co. (#739), 300 Plymouth Park Shopping Center, Irving, Tex.; effective 6–10–62 to 6–9–63 (variety store; 39 employees).

S. S. Kresge Co. (#707), 3301 Veterans Highway, Metairie, La.; effective 6–10–62 to 6–9–63 (variety store; 44 employees).

S. S. Kresge Co. (#744) 1969 Penn Square, Oklahoma City, Okla.; effective 6–10–62 to 6–9–63 (variety store; 46 employees).

S. H. Kress and Co., 210 West Main Street, Blytheville, Ark.; effective 6–10–62 to 6–9–63 (variety store; 29 employees).

S. H. Kress and Co., 810 Garrison Avenue, Fort Smith, Ark.; effective 6–10–62 to 6–9–63 (variety store; 37 employees).

S. H. Kress and Co., 620 Central Avenue, Hot Springs, Ark.; effective 6–10–62 to 6–9–63 (variety store; 40 employees).

S. H. Kress and Co., 326 Main Street, Pine Bluff, Ark.; effective 6–10–62 to 6–9–63 (variety store; 34 employees).

S. H. Kress and Co., 1102 Third Street, Alexandria, La.; effective 6–10–62 to 6–9–63 (variety store; 51 employees).

S. H. Kress and Co., 439 Third Street, Baton Rouge, La.; effective 6–10–62 to 6–9–63 (variety store; 60 employees).

S. H. Kress and Co., 217 DeSiard Street, Monroe, La.; effective 6–10–62 to 6–9–63 (variety store; 19 employees).

S. H. Kress and Co., 923 Canal Street, New Orleans, La.; effective 6–10–62 to 6–9–63 (variety store; 169 employees).

S. H. Kress and Co., 316 Texas Street, Shreveport 24, La.; effective 6–10–62 to 6–9–63 (variety store; 33 employees).

S. H. Kress and Co., 414 Central Avenue, SW., Albuquerque, N. Mex.; effective 6–10–62 to 6–9–63 (variety store; 24 employees).

S. H. Kress and Co., 206 North Main Street, Roswell, N. Mex.; effective 6–10–62 to 6–9–63 (variety store; 37 employees).

S. H. Kress and Co., 119 West Main Street, Ardmore, Okla.; effective 6–10–62 to 6–9–63 (variety store; 28 employees).

S. H. Kress and Co., 129 West Main Street, Enid, Okla.; effective 6–10–62 to 6–9–63 (variety store; 15 employees).

S. H. Kress and Co., 109 North Second Street, Muskogee, Okla.; effective 6–10–62 to 6–9–63 (variety store; 37 employees).

S. H. Kress and Co., 218 West Main Street, Oklahoma City 2, Okla.; effective 6–10–62 to 6–9–63 (variety store; 60 employees).

S. H. Kress and Co., 109 East Main Street, Shawnee, Okla.; effective 6–10–62 to 6–9–63 (variety store; 21 employees).

S. H. Kress and Co., 218 South Main Street, Tulsa 3, Okla.; effective 6–10–62 to 6–9–63 (variety store; 116 employees).

S. H. Kress and Co., 700 Polk Street, Amarillo, Tex.; effective 6–10–62 to 6–9–63 (variety store; 20 employees).

S. H. Kress and Co., 808 Congress Avenue, Austin 1, Tex.; effective 6–10–62 to 6–9–63 (variety store; 23 employees).

S. H. Kress and Co., 308 West Texas Avenue, Baytown, Tex.; effective 6–10–62 to 6–9–63 (variety store; 26 employees).

S. H. Kress and Co., 591 Pearl Street, Beaumont, Tex.; effective 6–10–62 to 6–9–63 (variety store; 35 employees).

S. H. Kress and Co., 1031 Elizabeth Street, Brownsville, Tex.; effective 6–10–62 to 6–9–63 (variety store; 107 employees).

S. H. Kress and Co., 619 North Chapparal Street, Corpus Christi, Tex.; effective 6–10–62 to 6–9–63 (variety store; 39 employees).

S. H. Kress and Co., 1404 Elm Street, Dallas 2, Tex.; effective 6–10–62 to 6–9–63 (variety store; 83 employees).

S. H. Kress and Co., 206 West Jefferson Street, Dallas 8, Tex.; effective 6–10–62 to 6–9–63 (variety store; 75 employees).

S. H. Kress and Co., 720 South Main Street, Del Rio, Tex.; effective 6–10–62 to 6–9–63 (variety store; 24 employees).

S. H. Kress and Co., 410 West Main Street, Denison, Tex.; effective 6–10–62 to 6–9–63 (variety store; 24 employees).

S. H. Kress and Co., 230 Main Street, Eagle Pass, Tex.; effective 6–10–62 to 6–9–63 (variety store; 49 employees).

S. H. Kress and Co., 211 North Mesa, El Paso, Tex.; effective 6–10–62 to 6–9–63 (variety store; 229 employees).

S. H. Kress and Co., 201 West California Street, Gainesville, Tex.; effective 6–10–62 to 6–9–63 (variety store; 37 employees).

S. H. Kress and Co., 124 East Jackson Street, Harlingen, Tex.; effective 6–10–62 to 6–9–63 (variety store; 26 employees).

S. H. Kress and Co., 701 Main Street, Houston 2, Tex.; effective 6–10–62 to 6–9–63 (variety store; 233 employees).

S. H. Kress and Co., 1202 Hidalgo Street, Laredo, Tex.; effective 6–10–62 to 6–9–63 (variety store; 121 employees).

S. H. Kress and Co., 625 Proctor Street, Port Arthur, Tex.; effective 6–10–62 to 6–9–63 (variety store; 34 employees).

S. H. Kress and Co., 109 South Chadbourne Street, San Angelo, Tex.; effective 6–10–62 to 6–9–63 (variety store; 26 employees).

S. H. Kress and Co., 315 East Houston Street, San Antonio 5, Tex.; effective 6–10–62 to 6–9–63 (variety store; 146 employees).

S. H. Kress and Co., 101 North Flores Street, San Antonio 5, Tex.; effective 6–10–62 to 6–9–63 (variety store; 58 employees).

S. H. Kress and Co., 110 North Travis Street, Sherman, Tex.; effective 6–10–62 to 6–9–63 (variety store; 33 employees).

S. H. Kress and Co., 116 West Broad Street, Texarkana, Tex.; effective 6–10–62 to 6–9–63 (variety store; 32 employees).

S. H. Kress and Co., 114 West Erwin Street, Tyler, Tex.; effective 6–10–62 to 6–9–63 (variety store; 42 employees).

S. H. Kress and Co., 101 South College Street, Waxahachie, Tex.; effective 6–10–62 to 6–9–63 (variety store; 24 employees).

S. H. Kress and Co., 808 Indiana Avenue, Wichita Falls, Tex.; effective 6–10–62 to 6–9–63 (variety store; 38 employees).

Levine's, 3506 Sunnyvale, Dallas, Tex.; effective 6–10–62 to 6–9–62 (department store; 27 employees).

McCrory-McLellan-Green Store (#315), 412 North Third Street, Baton Rouge, La.; effective 6–10–62 to 6–9–63 (variety store; 43 employees).

McCrory-McLellan-Green Store, 724 Garrison Avenue, Fort Smith, Ark.; effective 6–10–62 to 6–9–63 (variety store; 53 employees).

McCrory-McLellan-Green, Dal Paso and Bender, Hobbs, N. Mex.; effective 6–10–62 to 6–9–63 (variety store; 27 employees).

McCrory-McLellan (#509), 604 Main, Little Rock, Ark.; effective 6-10-62 to 6-9-63 (variety store; 43 employees).

McCrory-McLellan-Green Store (#533), 102 South Main Street, McAllen, Tex.; effective 6-10-62 to 6-9-63 (variety store; 26 employees).

McCrory-McLellan-Green Store, 300 East Graham, Pryor, Okla.; effective 6-10-62 to 6-9-63 (variety store; 21 employees).

McCrory-McLellan-Green Store (#198), 240 East Houston Street, San Antonio, Tex.; effective 6-10-62 to 6-9-63 (variety store; 48 employees).

McCrory Store (#321), 6305 Camp Bowie Boulevard, Ft. Worth, Tex.; effective 6-10-62 to 6-9-63 (variety store; 23 employees).

McCrory Stores Corp., 385-95 West Jefferson Boulevard, Dallas, Tex.; effective 6-10-62 to 6-9-63 (variety store; 34 employees).

McCrory Stores Corp. (#241), 2123-7 Avenue East, Galveston 10, Tex.; effective 6-10-62 to 6-9-63 (variety store; 35 employees).

McCrory Stores Corp. (#298), 538-40 Jefferson Street, Lafayette, La.; effective 6-10-62 to 6-9-63 (variety store; 40 employees).

McCrory Stores Corp., 812 Indiana Avenue, Wichita Falls, Tex.; effective 6-10-62 to 6-9-63 (variety store; 36 employees).

McLellan Otasco, 717 Main Street, Stillwater, Okla.; effective 6-10-62 to 6-9-63 (variety store; 19 employees).

McLellan Variety Store, 327 D Avenue, Lawton, Okla.; effective 6-10-62 to 6-9-63 (variety store; 27 employees).

McLellans, 11 South Main, Temple, Tex.; effective 6-10-62 to 6-9-63 (variety store; 14 employees).

Neisner Bros., Inc., 1200 East Elizabeth Street, Brownsville, Tex.; effective 6-10-62 to 6-9-63 (variety store; 55 employees).

Neisner Bros., Inc. (#45), 502 Convent, Laredo, Tex.; effective 6-10-62 to 6-9-63 (variety store; 49 employees).

Neisner Bros., Inc. (#172), 3617 Twin City Highway, Port Arthur, Tex.; effective 6-10-62 to 6-9-63 (variety store; 26 employees).

Neisner Bros., Inc. (#120), 101 Broadway, San Antonio, Tex.; effective 6-10-62 to 6-9-63 (variety store; 93 employees).

Neisner Bros., Inc. (#141), 149 Plaza De Las Palmas, San Antonio, 7, Tex.; effective 6-10-62 to 6-9-63 (variety store; 65 employees).

Neisner Bros., Inc. (#195), 3723 Blanco Road, San Antonio, Tex.; effective 6-10-62 to 6-9-63 (variety store; 16 employees).

Neisner Bros., Inc. (#160), 141 Terrell Plaza, San Antonio, Tex.; effective 6-10-62 to 6-9-63 (variety store; 21 employees).

Neisner Bros., Inc. (#134), 2907 Garnett Avenue, Wichita Falls, Tex.; effective 6-10-62 to 6-9-63 (variety store; 16 employees).

J. J. Newberry Co., 320 East Overland Street, El Paso, Tex.; effective 6-10-62 to 6-9-63 (variety store; 62 employees).

J. J. Newberry Co., 819 Ryan Street, Lake Charles, La.; effective 6-10-62 to 6-9-63 (variety store; 31 employees).

J. J. Newberry Co. (#244), 111 South Grand, Okmulgee, Okla.; effective 6-10-62 to 6-9-63 (variety store; 19 employees).

J. J. Newberry Co. (#295), 110-14 West Broad Street, Texarkana, Tex.; effective 6-10-62 to 6-9-63 (variety store; 28 employees).

Linden Variety, Inc., d/b/a, T.G. & Y. Stores Co. (#120), 2624 West 22d, Amarillo, Tex.; effective 6-10-62 to 6-9-63 (variety store; 13 employees).

Hibuscus Variety, Inc., d/b/a, T.G. & Y. Stores Co. (#221), 2934 South Ryan Street, Lake Charles, La.; effective 6-10-62 to 6-9-63 (variety stores; 23 employees).

Pecan Variety, Inc., d/b/a, T.G. & Y. Stores Co. (#37), 133 West Atkinson Plaza, Midwest City, Okla.; effective 6-10-62 to 6-9-63 (variety store; 28 employees).

44th & Western Variety, Inc., d/b/a, T.G. & Y. Stores Co. (#69), 4219 Southwestern, Oklahoma City, Okla.; effective 6-10-62 to 6-9-63 (variety store; 38 employees).

Blackjack Variety, Inc., d/b/a, T.G. & Y. Stores (#30), 7513 Southeast 15th Street, Oklahoma City, Okla.; effective 6-10-62 to 6-9-63 (variety store; 36 employees).

Port Arthur Variety, Inc., d/b/a, T.G. & Y. Stores Co. (#227), 2445 Ninth Avenue, Port Arthur, Tex.; effective 6-10-62 to 6-9-63 (variety store; 16 employees).

Huckleberry Variety, Inc., d/b/a, T.G. & Y. Stores Co. (#218), 3723 Jewella Road, Shreveport, La.; effective 6-10-62 to 6-9-63 (variety store; 15 employees).

Admiral & Sheridan Variety, Inc., d/b/a, T.G. & Y. Stores Co. (#68), 6318 East Admiral Place, Tulsa, Okla.; effective 6-10-62 to 6-9-63 (variety store; 37 employees).

Locust Variety, Inc., d/b/a, T.G. & Y. Stores Co. (#1), 1850 Utica Square, Tulsa, Okla.; effective 6-10-62 to 6-9-63 (variety store; 32 employees).

Toudouze Mart, 4007 South Flores, San Antonio, Tex.; effective 6-10-62 to 6-9-63 (department store; 40 employees).

F. W. Woolworth (#2348), 5501 Alameda, El Paso Tex.; effective 6-10-62 to 6-9-63 (variety store; 16 employees).

F. W. Woolworth Co., 301 North Grant, Odessa, Tex.; effective 6-10-62 to 6-9-63 (variety store; 18 employees).

Region IX

J. J. Newberry Co., North Main, Pocatello, Idaho; effective 6-10-62 to 6-9-63 (variety store; 16 employees).

J. J. Newberry Co. (#480), 1173 Commercial, Astoria, Oreg.; effective 6-10-62 to 6-9-63 (variety store; 24 employees).

M. H. King Co., 1258 Overland Avenue, Burley, Idaho; effective 6-10-62 to 6-9-63 (variety store; 14 employees).

M. H. King Co., Caldwell, Idaho; effective 6-10-62 to 6-9-63 (variety store; 14 employees).

Region X

Cooper & Ratcliff (#2), Collinsville, Va.; effective 6-10-62 to 6-9-63 (food store; 41 employees).

Eagle Stores Co., Inc., 1524 Winchester Avenue, Ashland, Ky.; effective 6-10-62 to 6-9-63 (variety store; 35 employees).

Eagle Stores Co., Inc., (#36), Maryville, Tenn.; effective 6-10-62 to 6-9-63 (variety store; 15 employees).

Eagle Stores Co. (#43), 106 West Main Street, Orange, Va.; effective 6-10-62 to 6-9-63 (variety store; 17 employees).

W. T. Grant Co., 134 North Loudoun Street, Winchester, Va.; effective 6-10-62 to 6-9-63 (variety store; 20 employees).

H. L. Green Co., 3821 Mount Vernon Avenue, Alexandria, Va.; effective 6-10-62 to 6-9-63 (variety store; 25 employees).

S. S. Kresge Co. (#1021), 223 Capitol Street, Charleston, W. Va.; effective 6-10-62 to 6-9-63 (variety store; 20 employees).

S. S. Kresge Co., 209 Capitol Street, Charleston, W. Va.; effective 6-10-62 to 6-9-63 (variety store; 49 employees).

S. S. Kresge Co., 2910 East 49th Street, Chattanooga, Tenn.; effective 6-10-62 to 6-9-63 (variety store; 31 employees).

S. S. Kresge Co., 624 Madison Avenue, Covington, Ky.; effective 6-10-62 to 6-9-63 (variety store; 50 employees).

S. S. Kresge Co., 423 Main Street, Danville, Va.; effective 6-10-62 to 6-9-63 (variety store; 72 employees).

S. S. Kresge Co., 6471 Arlington Boulevard, Falls Chruch, Va.; effective 6-10-62 to 6-9-63 (variety store; 12 employees).

S. S. Kresge Co., 1000 Fourth Avenue, Huntington, W. Va.; effective 6-10-62 to 6-9-63 (variety store; 45 employees).

S. S. Kresge Co., 250 West Main Street, Lexington, Ky.; effective 6-10-62 to 6-9-63 (variety store; 74 employees).

S. S. Kresge Co., 412 South Fourth Street, Louisville, Ky.; effective 6-10-62 to 6-9-63 (variety store; 93 employees).

S. S. Kresge Co., 5320 South Third Street, Louisville, Ky.; effective 6-10-62 to 6-9-63 (variety store; 46 employees).

S. S. Kresge (#457), 414 West Market Street, Louisville, Ky.; effective 6-10-62 to 6-9-63 (variety store; 66 employees).

S. S. Kresge (#385), 4436 Shively Center, Louisville, Ky.; effective 6-10-62 to 6-9-63 (variety store; 23 employees).

S. S. Kresge Co., 902 Main Street, Lynchburg, Va.; effective 6-10-62 to 6-9-63 (variety store; 48 employees).

S. S. Kresge Co., 812 Monmouth Street, Newport, Ky.; effective 6-10-62 to 6-9-63 (variety store; 31 employees).

S. S. Kresge Co. (#1039), 822 Monmouth, Newport, Ky.; effective 6-10-62 to 6-9-63 (variety store; 34 employees).

S. S. Kresge Co. (#439), 240 Granby Street, Norfolk, Va.; effective 6-10-62 to 6-9-63 (variety store; 55 employees).

S. S. Kresge (#660), 130 Janaf Shopping Center, Norfolk, Va.; effective 6-10-62 to 6-9-63 (variety store; 26 employees).

S. S. Kresge (#112), 318 Broadway, Paducah, Ky.; effective 6-10-62 to 6-9-63 (variety store; 97 employees).

S. S. Kresge Co. (#22), 112 North Sycamore Street, Petersburg, Va.; effective 6-10-62 to 6-9-63 (variety store; 31 employees).

S. S. Kresge Co. (#648), Dixie Manor Shopping Center, Pleasure Ridge Park, Ky.; effective 6-10-62 to 6-9-63 (variety store; 33 employees).

S. H. Kress & Co., 628 State Street, Bristol, Tenn.; effective 6-10-62 to 6-9-63 (variety store; 30 employees).

S. H. Kress & Co., 822 Market Street, Chattanooga, Tenn.; effective 6-10-62 to 6-9-63 (variety store; 121 employees).

S. H. Kress & Co. 423 Elk Avenue, Elizabethton, Tenn.; effective 6-10-62 to 6-9-63 (variety store; 33 employees).

S. H. Kress & Co., 220 Broad Street, Kingsport, Tenn.; effective 6-10-62 to 6-9-63 (variety store; 108 employees).

S. H. Kress & Co., 417 South Gay Street, Knoxville, Tenn.; effective 6-10-62 to 6-9-63 (variety store; 111 employees).

S. H. Kress & Co., 243 East Main Street, Johnson City, Tenn.; effective 6-10-62 to 6-9-63 (variety store; 51 employees).

S. H. Kress & Co., 9 North Main Street, Memphis, Tenn.; effective 6-10-62 to 6-9-63 (variety store; 65 employees).

S. H. Kress & Co., 29 West Campbell Avenue, Roanoke, Va.; effective 6-10-62 to 6-9-63 (variety store; 74 employees).

McCrory-McLellan-Green Stores, 528 State Street, Bristol, Tenn.; effective 6-10-62 to 6-9-63 (variety store; 35 employees).

McCrory Stores Corp., 209 East Main Street, Charlottesville, Va.; effective 6-10-62 to 6-9-63 (variety store; 26 employees).

McCrory-McLellan-Green Stores, 711 Market Street, Chattanooga, Tenn.; effective 6-10-62 to 6-9-63 (variety store; 33 employees).

McCrory-McLellan-Green Stores, 114-116 West Seventh Street, Columbia, Tenn.; effective 6-10-62 to 6-9-63 (variety store; 18 employees).

McCrory-Store, 905-907 Third Avenue, Huntington, W. Va.; effective 6-10-62 to 6-9-63 (variety store; 40 employees).

McCrory Stores Corp. (#297), 318-338 Broad Street, Kingsport, Tenn.; effective 6-10-62 to 6-9-63 (variety store; 55 employees).

McCrory-McLellan-Green Stores, 101 Lafayette Street, Jackson, Tenn.; effective 6-10-62 to 6-9-63 (variety store; 36 employees).

McCrory-McLellan-Green, 225 East Main Street, Johnson City, Tenn.; effective 6-10-62 to 6-9-63 (variety store; 31 employees).

McCrory-McLellan-Green Stores, 110 East Main Street, Lexington, Ky.; effective 6-10-62 to 6-9-63 (variety store; 97 employees).

McCrory-McLellan-Green (#1120), 47 South Main, Memphis, Tenn.; effective 6-10-62 to 6-9-63 (variety store; 41 employees).

McCrory-McLellan-Green Corp., 22 North Side Public Square, Murfreesboro, Tenn.; effective 6-10-62 to 6-9-63 (variety store; 21 employees).

McCrory-McLellan-Green Stores (#507), 229-233 Fifth Avenue, North, Nashville, Tenn.; effective 6-10-62 to 6-9-63 (variety store; 67 employees).

McCrory-Corp., 35-37-43 Main Street, Pulaski, Va.; effective 6-10-62 to 6-9-63 (variety store; 26 employees).

J. J. Newberry Co., 227 West Main Street, Danville, Ky.; effective 6-10-62 to 6-9-63 (variety store; 13 employees).

J. J. Newberry Co., 129 North Main Street, Farmville, Va.; effective 6-10-62 to 6-9-63 (variety store; 25 employees).

J. J. Newberry Co. (#195), 316-318-20-22 St. Clair Street, Frankfort, Ky.; effective 6-10-62 to 6-9-63 (variety store; 39 employees).

J. J. Newberry Co., 910-916 Caroline Street, Fredericksburg, Va.; effective 6-10-62 to 6-9-63 (variety store; 34 employees).

J. J. Newberry Co., 125-127 East Main Street, Front Royal, Va.; effective 6-10-62 to 6-9-63 (variety store; 35 employees).

J. J. Newberry Co., 121 Main Street, Glasgow, Ky.; effective 6-10-62 to 6-9-63 (variety store; 39 employees).

J. J. Newberry Co., 110 South Main Street, Harlan, Ky.; effective 6-10-62 to 6-9-63 (variety store; 37 employees).

J. J. Newberry Co., 142 North Queen Street, Martinsburg, W. Va.; effective 6-10-62 to 6-9-63 (variety store; 11 employees).

J. J. Newberry Co., 100-06 South Sixth Street, Mayfield, Ky.; effective 6-10-62 to 6-9-63 (variety store; 30 employees).

J. J. Newberry Co., Main and Maysville Streets, Mount Sterling, Ky.; effective 6-10-62 to 6-9-63 (variety store; 24 employees).

J. J. Newberry Co., 101-5 East Second Street, Owensboro, Ky.; effective 6-10-62 to 6-9-63 (variety store; 30 employees).

J. J. Newberry Co., 627 Main Street, Paris, Ky.; effective 6-10-62 to 6-9-63 (variety store; 21 employees).

Newberry Pineville Corp., 123 Pine Street, Pineville, Ky.; effective 6-10-62 to 6-9-63 (variety store; 29 employees).

J. J. Newberry Co. (#229), 106-110 East Main Street, Salem, Va.; effective 6-10-62 to 6-9-63 (variety store; 76 employees).

J. J. Newberry Co. (#197), 203-7 East Mount Vernon Street, Somerset, Ky.; effective 6-10-62 to 6-9-63 (variety store; 38 employees).

J. J. Newberry Co., 145 North Loudoun Street, Winchester, Va.; effective 6-10-62 to 6-9-63 (variety store; 35 employees).

J. J. Newberry Co., 8-10 North Main Street, Winchester, Ky.; effective 6-10-62 to 6-9-63 (variety store; 24 employees).

Raylass Department Store, 619-621 State Street, Bristol, Va.; effective 6-10-62 to 6-9-63 (department store; 17 employees).

Raylass Department Store, 335 Main Street, Danville, Va.; effective 6-10-62 to 6-9-63 (department store; 13 employees).

Raylass Department Store, 312-320 East Broad Street, Richmond, Va.; effective 6-10-62 to 6-9-63 (department store; 28 employees).

Rose's 5-10-25¢ Store (#31), Farmville, Va.; effective 6-10-62 to 6-9-63 (variety store; 20 employees).

Rose's Stores, Inc., Marion, Va.; effective 6-10-62 to 6-9-63 (variety store; 23 employees).

Rose's 5-10-25¢ Store, 729 West 21st Street, Norfolk, Va.; effective 6-10-62 to 6-9-63 (variety store; 32 employees).

Rose's 5-10-25¢ Stores (#123), 130-32 East Little Creek Road, Norfolk, Va.; effective 6-10-62 to 6-9-63 (variety store; 26 employees).

Rose's 5-10-25¢ Store (#142), 2314 East Little Creek Road, Norfolk, Va.; effective 6-10-62 to 6-9-63 (variety store; 22 employees).

Rose's 5-10-25¢ Stores, Inc. (#20), 3916-18 George Washington Highway, Portsmouth, Va.; effective 6-10-62 to 6-9-63 (variety store; 37 employees).

Rose's 5-10-25¢ Store, Somerset, Ky.; effective 6-10-62 to 6-9-63 (variety store; 25 employees).

Rose's, Inc. (#137), 309 31st Street, Virginia Beach, Va.; effective 6-10-62 to 6-9-63 (variety store; 33 employees).

Rose's 5-10-25¢ Store, Inc., 1904 Atlantic Avenue, Virginia Beach, Va.; effective 6-10-62 to 6-9-63 (variety store; 10 employees).

Rose's 5-10-25¢ Store (#65), Duke of Gloucester Street, Williamsburg, Va.; effective 6-10-62 to 6-9-63 (variety store; 24 employees).

Wytheville Crest 5-10-25¢ Stores, Wytheville, Va.; effective 6-10-62 to 6-9-63 (variety store; 16 employees).

NORTH CAROLINA

Colonial Stores, Inc. (#4231), South Fayette Street, Asheboro, N.C.; effective 6-10-62 to 5-31-63 (food store; 22 employees).

Colonial Stores, Inc. (#4220), 1233 South Church Street, Burlington, N.C.; effective 6-10-62 to 5-31-63 (food store; 26 employees).

Colonial Stores, Inc. (#4053), University Drive and Chapel Hill Road, Durham, N.C.; effective 6-10-62 to 5-31-63 (food store; 13 employees).

Colonial Stores, Inc. (#4201), 426-28 West Main Street, Durham, N.C.; effective 6-10-62 to 5-31-63 (food store; 16 employees).

Colonial Stores, Inc. (#4218), Wellons Shopping Center, Durham, N.C.; effective 6-10-62 to 5-31-63 (food store; 23 employees).

Colonial Stores, Inc. (#4221), 212 North John Street, Goldsboro, N.C.; effective 6-10-62 to 5-31-63 (food store; 12 employees).

Colonial Stores, Inc. (#4408), West Hardin Street, Graham, N.C.; effective 6-10-62 to 5-31-63 (food store; 11 employees).

Colonial Stores, Inc. (#4248), 600 Friendly Center Road, Greensboro, N.C.; effective 6-10-62 to 5-31-63 (food store; 29 employees).

Colonial Stores, Inc. (#4200), 116-20 West Washington Street, Greensboro, N.C.; effective 6-10-62 to 5-31-63 (food store; 13 employees).

Colonial Stores, Inc. (#4051), High Point Road and Hayden Street, Greensboro, N.C.; effective 6-10-62 to 5-31-63 (food store; 20 employees).

Colonial Stores, Inc. (#4052), Ashboro and Douglas Streets, Greensboro, N.C.; effective 6-10-62 to 5-31-63 (food store; 17 employees).

Colonial Stores, Inc. (#4340), 118-22 East Clay Street, Mebane, N.C.; effective 6-10-62 to 5-31-63 (food store; 23 employees).

Colonial Stores, Inc. (#4225), 409 New Street, New Bern, N.C.; effective 6-10-62 to 5-31-63 (food store; 19 employees).

Colonial Stores, Inc. (#4233), Lockwood Shopping Center, Raleigh, N.C.; effective 6-10-62 to 5-31-63 (food store; 17 employees).

Colonial Stores, Inc. (#4100), 510 Woodburn Road, Raleigh, N.C.; effective 6-10-62 to 5-31-63 (food store; 30 employees).

Colonial Stores, Inc. (#4323), 1900 Bernard Street, (Box 6186), Raleigh, N.C.; effective 6-10-62 to 5-31-63 (food store; 21 employees).

Colonial Stores, Inc. (#4226), 10th and Jackson Streets, Roanoke Rapids, N.C.; effective 6-10-62 to 5-31-63 (food store; 53 employees).

Colonial Stores, Inc. (#4217), 409 North George Street, Rocky Mount, N.C.; effective 6-10-62 to 5-31-63 (food store; 13 employees).

Colonial Stores, Inc. (#4403), 202 East Raleigh Street, Siler City, N.C.; effective 6-10-62 to 5-31-63 (food store; 13 employees).

Colonial Stores, Inc. (#4249), 125 East Water Street, Statesville, N.C.; effective 6-10-62 to 5-31-63 (Food store; 20 employees).

Colonial Stores, Inc. (#4215), 307 North Market Street, Washington, N.C.; effective 6-10-62 to 5-31-63 (food store; 27 employees).

Colonial Stores, Inc. (#4224), 406 South Madison Street, Whiteville, N.C.; effective 6-10-62 to 5-31-63 (food store; 9 employees).

Colonial Stores, Inc. (#4219), 309 West Nash Street, Wilson, N.C.; effective 6-10-62 to 5-31-63 (food store; 24 employees).

Eagle Store Co., Inc., 181 West Main Street, Gastonia, N.C.; effective 6-10-62 to 5-31-63 (variety store; 35 employees).

H. L. Green Co., 432 North Liberty Street, Winston-Salem, N.C.; effective 6-10-62 to 5-31-63 (variety store; 95 employees).

McLellan Stores Co., 27-31 North Front Street, Wilmington, N.C.; effective 6-10-62 to 5-31-63 (variety store; 16 employees).

McLellan Stores Co., 118 East Nash Street, Wilson, N.C.; effective 6-10-62 to 5-31-63 (variety store; 24 employees).

McCrory-McLellan Stores Co., 117 North Tryon Street, Charlotte, N.C.; effective 6-10-62 to 5-31-63 (variety store; 39 employees).

McCrory-McLellan Stores Co., Division of McCrory Corp., Concord, N.C.; effective 6-10-62 to 5-31-63 (variety store; 22 employees).

McCrory-McLellan Stores Co., 117 North Queen Street, Kinston, N.C.; effective 6-10-62 to 5-31-63 (variety store; 17 employees).

McCrory-McLellan-Green Stores Corp. (#699), 249 Middle Street, New Bern, N.C.; effective 6-10-62 to 5-31-63 (variety store; 44 employees).

McCrory-McLellan-Green Store (#426), 244 South Main Street, Rocky Mount, N.C.; effective 6-10-62 to 5-31-63 (variety store; 22 employees).

Raylass Department Store, Corner Main and Davis Streets, Burlington, N.C.; effective 6-10-62 to 5-31-63 (department store; 14 employees).

Raylass Department Store, 202 Hay Street, Fayetteville, N.C.; effective 6-10-62 to 5-31-63 (department store; 19 employees).

Raylass Department Store, 315 West Main Street, Durham, N.C.; effective 6-10-62 to 5-31-63 (department store; 26 employees).

Raylass Department Store, Corner Main Street and Second Avenue, Lexington, N.C.; effective 6-10-62 to 5-31-63 (department store; 17 employees).

Raylass Department Store, Corner Elm and South Court Streets, Lumberton, N.C.; effective 6-10-62 to 5-31-63 (department store; 18 employees).

Raylass Department Store, 214-22 Main Street, Salisbury, N.C.; effective 6-10-62 to 5-31-63 (department store; 16 employees).

Raylass Department Store, 9 and 11 West Fourth Street, Winston-Salem, N.C.; effective 6-10-62 to 5-31-63 (department store; 21 employees).

Rose's 5-10-25¢ Store (#121), Charlottetown Mall, Charlotte, N.C.; effective 6-10-62 to 5-31-63 (variety store; 42 employees).

Rose's 5-10-25¢ Store, 123-125 West Avenue, Lenoir, N.C.; effective 6-10-62 to 5-31-63 (variety store; 24 employees).

Rose's 5-10-25¢ Store, 436 Daniels Street, Raleigh, N.C.; effective 6-10-62 to 5-31-63 (variety store; 37 employees).

Rose's 5-10-25¢ Store, 227 Market Street, Smithfield, N.C.; effective 6-10-62 to 5-31-63 (variety store; 31 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees.

The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 27th day of June 1962.

ROBERT G. GRONEWALD,
Authorized Representative, of the Administrator.

[F.R. Doc. 62-6639; Filed, July 6, 1962; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 3, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37819: *Lumber and lumber articles from and to points in southwestern territory.* Filed by Southern Pacific Company (Texas and Louisiana Lines) (No. 19-A), for itself and interested rail carriers. Rates on wooden fallout shelter sections, also lumber and related articles made of ramin or emri woods, in carloads, from El Paso, Tex., to points in Arkansas, Illinois, Indiana, Louisiana, Missouri, Oklahoma, and Tennessee, also from points in Texas and Louisiana to points in Texas and Louisiana.

Grounds for relief: Carrier competition.

Tariffs: Supplements 4 and 1 to Southern Pacific Company tariffs I.C.C. 904 and 5, respectively.

FSA No. 37820: *Grain and grain products between points in Louisiana.* Filed by Southwestern Freight Bureau, Agent (No. B-8235), for interested rail carriers. Rates on grain and grain products, as described in the application, in carloads between points on the IC and L&A railroads in Louisiana, east of the Mississippi River, on the one hand, and stations in Louisiana, west of the Mississippi River, also Texla, La.-Tex., on the other.

Grounds for relief: Market competition.

Tariff: Supplement 14 to Southwestern Freight Bureau tariff I.C.C. 4413.

FSA No. 37821: *Grain and grain products from Kansas to Nebraska and South Dakota.* Filed by Western Trunk Line Committee, Agent (No. A-2257), for interested rail carriers. Rates on grain, grain products, seeds and related articles, as described in the application, in carloads, from points in Kansas, to points in Nebraska and South Dakota.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Western Trunk Line Committee tariff I.C.C. A-4445.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-6643; Filed, July 6, 1962; 8:48 a.m.]

[Notice 659]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 3, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64924. By order of June 28, 1962, the Transfer Board approved the transfer to Edward M. Howey, doing business as Howey's Express, Woodbury, N.J., of the operating rights in Certificate No. MC 59209, issued December 9, 1940, to John M. Hall, doing business as Hall's Express, Salem, N.J., authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Salem, N.J., and Philadelphia, Pa. Walter S. Hunter, 15A Cooper Street, Woodbury, N.J., applicants' attorney. Charles H. Trayford, 220 East 42d Street, New York 17, N.Y., applicants' representative.

No. MC-FC 65050. By order of June 27, 1962, the Transfer Board approved the transfer to Kinnaman Storage, doing business as Kinnaman's Storage, a corporation, Washington, N.J., of Certificate No. MC 17134, issued December 11, 1961, to Anna B. Beddiges, doing business a Glock Bros., Hackensack, N.J., authorizing the transportation of: Household goods, between points in New Jersey, on the one hand, and, on the other, points in New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maryland, Delaware, Virginia, and the District of Columbia, and Flowers, plants, shrubbery, and greenhouse supplies, between points in Bergen and Hudson Counties, N.J., on the one hand, and, on the other, Philadelphia, Pa., New York, N.Y., and Boston, Mass. Charles J. Williams, 1060 Broad Street, Newark 2, N.J., attorney for applicants.

No. MC-FC 65063. By order of June 26, 1962, the Transfer Board approved the transfer to Hamner Transportation Co., Inc., Houston, Tex., of Certificate No. MC 119019, issued April 21, 1961, to Hamner Truck Lines, Inc., Houston, Tex., authorizing the transportation of: fertilizer in bags, from Texas City, Tex., and points in Harris County, Tex., to points in Louisiana except Shreveport. Jo E. Shaw, 641 Bettes Building, Houston 2, Tex., attorney for applicants.

No. MC-FC 65068. By order of June 27, 1962, the Transfer Board approved the transfer to Graham Transfer and Storage Company, a corporation, 2108 A Street, Meridian, Miss., of Permit No. MC 9126, issued January 30, 1962, to M. R. Graham, doing business as Graham Transfer and Storage Company, 2108 A Street, Meridian, Miss., authorizing the transportation of: Soap, powders, lard substitutes, and packinghouse products, from Meridian, Miss., to points in Mississippi within 75 miles of Meridian.

No. MC-FC 65074. By order of June 27, 1962, the Transfer Board approved the transfer to Las Vegas Tank Lines, Inc., doing business as Las Vegas Truck Line, Las Vegas, Nev., of Certificates Nos. MC 116427, MC 116427 Sub 1 and MC 116427 Sub 2, issued May 29, 1957, December 22, 1958, and January 8, 1962, respectively to Joe West, doing business as Las Vegas Truck Line, Las Vegas, Nev., authorizing the transportation of: Ore and ore concentrates, machinery, supplies and equipment used or useful in mining, including particularly petroleum products in containers, coal, and lumber, between Searchlight, Nev., and Nipton, Calif., serving the intermediate and off-route points in Nevada within 25 miles of Searchlight, Nev., between Searchlight, Nev., and Oatman, Ariz., serving the intermediate and off-route points in Nevada within 25 miles of Searchlight, Nev., between Searchlight, Nev., and Boulder City, Nev., serving the intermediate and off-route points in Nevada within 25 miles of Searchlight, Nev., mine ores, from Searchlight, Nev., to Chloride, Ariz., serving the intermediate point of Nelson, Nev., and the off-route points within 5 miles of the described route, for pick-up only; and general commodities over irregular routes between points in California and Nevada within 50 miles of Nipton, Calif., including Nipton, Calif., Petroleum products, in bulk, in tank vehicles, from Las Vegas, Nev., and points within 10 miles thereof, to points in Arizona and Utah; and contaminated or rejected shipments of the commodities specified above from points in Arizona and Utah to Las Vegas, Nev., and points within 10 miles thereof; between Las Vegas, Nev., and the Nevada Test Site near Mercury, Nev. Rulon A. Earl, 223 Fremont Street, Las Vegas, Nev., attorney for applicants.

No. MC-FC 65075. By order of June 27, 1962, the Transfer Board approved the transfer to Edward Joseph Marsan, doing business as Eddie's Amoco, 79 Chickering Road, North Andover, Mass., of Certificate No. MC 107897, issued April 29, 1948, to Louis S. Riopelle, doing business as Riopelle's Garage, 10 Elm Street, Methuen, Mass., authorizing the transportation of: Wrecked or disabled motor vehicles, over irregular routes, from points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, and New York, to Lawrence and Methuen, Mass.

No. MC-FC 65078. By order of June 27, 1962, the Transfer Board approved the transfer to Marjorie W. Griffin, doing business as George L. Duguid Co., Fitchburg, Mass., of Certificate No. MC 6551, issued March 15, 1941, to Jane A. Duguid, doing business as George L. Duguid Co., Fitchburg, Mass., authorizing the transportation of: Household goods, between Fitchburg, Mass., and points within 5 miles of Fitchburg, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York, and New Jersey; and lumber and telephone poles, between Fitchburg and Townsend, Mass., on the one hand, and, on the other, Nashua, N.H., and points in New Hampshire within 10 miles of Nashua. Bernard D. Ward, 470 Main Street, Fitchburg, Mass., attorney for applicants.

No. MC-FC 65080. By order of June 27, 1962, the Transfer Board approved the transfer to Mary Edith Newton, doing business as M. Newton Moving & Storage, Cincinnati, Ohio, of Certificates Nos. MC 84287 and MC 84287 Sub 1, both issued May 21, 1951, to Vincent Newton and Mary Edith Newton, a partnership, doing business as M. Newton Moving & Storage, Cincinnati, Ohio, authorizing the transportation of: New pianos, from Cincinnati, Ohio, to Chicago, and Peoria, Ill., St. Louis and Kansas City, Mo., New York, N.Y., Philadelphia and Pittsburgh, Pa., Louisville, Ky., and Indianapolis, Ind., and damaged, rejected, or imperfect pianos, on return, and, organs and organ benches, between Cincinnati, Ohio, on the one hand, and, on the other, New York, N.Y., Pittsburgh, Pa., St. Louis, Mo., Kansas City, Mo., Louisville, Ky., and Chicago, Ill., over irregular routes. John P. Bok, 914 Main Street, Cincinnati 2, Ohio, attorney for applicants.

No. MC-FC 65083. By order of June 27, 1962, the Transfer Board approved the transfer to Greenfield Mountain Service, Inc., Brooklyn, N.Y., of Certificate No. MC 94278, issued October 22, 1959, to Samuel Gendelman and Jack Rabinowitz, doing business as Greenfield Mountain Service, Brooklyn, N.Y., authorizing the transportation of: Passengers and their baggage, in special operations, during the season extending from the 15th of May to the 30th of September, between New York, N.Y., on the one hand, and, on the other, points in Thompson, Fallsburgh, Neversink, and Liberty Townships, Sullivan County, N.Y. Harry Blum, 189 Montague Street, Brooklyn 1, N.Y., attorney for applicants.

No. MC-FC 65124. By order of June 26, 1962, the Transfer Board approved the transfer to Jacob Steinman and Charles Melemed, a partnership, New York, N.Y., of Certificate No. MC 39161 issued April 29, 1955, to Robert Cohen, doing business as Jersey Motor Lines, New York, N.Y., authorizing the transportation of such general merchandise as is usually dealt in by wholesale and retail chain variety stores, over irregular routes, between New York, N.Y., on the one hand, and, on the other, Perth Amboy, N.J., and points in Essex, Hudson, and Union Counties, N.J. Bert Collins, 140 Cedar Street, New York, N.Y., attorney for transferee. George Olsen, 69 Tonnelle Avenue, Jersey City, N.J., attorney for transferor.

No. MC-FC 65125. By order of June 26, 1962, the Transfer Board approved the transfer to Advance Storage Company, Inc., 101½ York Road, Towson, Md., of Certificate No. MC 20544, issued May 2, 1946, to W. LeRoy Conklin, doing business as Advance Storage Company, Towson, Md., authorizing the transportation of: Household goods, between points in Maryland within 25 miles of Baltimore, Md., including Baltimore, on the one hand, and, on the other, the District of Columbia, and between Baltimore, Md., on the one hand, and, on the other, points in Delaware, New York, New Jersey and Pennsylvania.

No. MC-FC 65153. By order of June 26, 1962, the Transfer Board approved the transfer to Thor Transportation, Inc., South Attleboro, Mass., of Certificate No. MC 123925, issued May 3, 1962, to Albert H. Dumas, doing business as Dumas Express, Cumberland, R.I., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between Attleboro, Mass., and Boston, Mass., serving no intermediate points; and malt beverages, over irregular routes, from Providence, R.I., to Attleboro, Mass., and metal castings, from North Attleboro, Mass., to Pawtucket and Providence, R.I. Joseph A. Kline, 185 Devonshire Street, Boston 10, Mass., attorney at law.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-6644; Filed, July 6, 1962; 8:49 a.m.]

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[Updated to January 1, 1962]

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Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1962 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1962-Crop Barley Loan and Purchase Agreement Program

A price support program has been announced for the 1962-crop of barley. The 1962 C.C.C. Grain Price Support Bulletin 1 (27 F.R. 4411) issued by the Commodity Credit Corporation and containing the specific regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1962 is supplemented as follows:

Sec.
421.1241 Purpose.
421.1242 Availability of price support.
421.1243 Eligibility requirements.
421.1244 Eligible barley.
421.1245 Determination of quality.
421.1246 Determination of quantity.
421.1247 Warehouse receipts.
421.1248 Warehouse charges.
421.1249 Maturity of loans.
421.1250 Inspection of barley under purchase agreements.
421.1251 Settlement.
421.1252 Support rates.

AUTHORITY: §§ 421.1241 to 421.1252 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714, 7 U.S.C. 1441, 1421.

§ 421.1241 Purpose.

This supplement states additional specific requirements which, together with the applicable provisions of the general regulations contained in the 1962 C.C.C. Grain Price Support Bulletin 1, (27 F.R. 4411) (§§ 421.1101 to 421.1132) and any amendments thereto, apply to loans and purchase agreements under the 1962-Crop Barley Price Support Program.

§ 421.1242 Availability of price support.

(a) *Area.* Price support will be available through farm-storage and warehouse-storage loans and purchase agreements on eligible barley wherever barley is grown in the United States. Farm-storage loans will not be available in areas where the State committee determines that barley cannot be safely stored on the farm.

(b) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm program records for the farm.

(c) *When to apply.* Loans and purchase agreements will be available from harvest through January 31, 1963. The applicable documents must be signed by the producer and delivered to the office of the county committee not later than such date.

§ 421.1243 Eligibility requirements.

(a) *Beneficial interest.* To be eligible for price support, the beneficial interest in the barley must be in the eligible producer tendering the barley for loan or for delivery under a purchase agreement, and must always have been in him, or in him and a former producer whom he succeeded before it was harvested. Any producer who is in doubt as to whether his interest in the barley complies with the requirements of this paragraph (a) should make available to the county committee, prior to filing an application, all pertinent information which will permit a determination to be made by CCC.

(b) *Succession of interest.* To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the barley was produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

§ 421.1244 Eligible barley.

The barley must meet all of the applicable requirements of this section, in addition to other applicable requirements of the program, in order to be eligible for a loan, for delivery under a loan and for purchase under a purchase agreement.

(a) *Production.* The barley must have been produced in the United States in 1962 by an eligible producer.

(b) *Grade requirements.* Barley at the time it is placed under loan, and barley under purchase agreement which is in approved warehouse-storage prior to notification by the producer of his intention to sell to CCC, must meet the requirements set forth in this paragraph. (1) The barley must be of any class grading No. 4 or better, except that Western Barley shall have a test weight of not less than 40 pounds per bushel. In addition, barley may have the following special grade designations: (i) "Garlicky" and (ii) in the State of Alaska only, "Tough" (i.e., more than 14.5 percent but not more than 16 percent moisture). The provisions of subparagraph (2) below pertaining to barley grading "Tough" are not applicable to barley produced in Alaska. (2) Barley grading Tough, Weevily, Stained if Western Barley, Blighted, Bleached, Ergoty, or Smutty, shall not be eligible except that barley represented by warehouse receipts grading "Tough" will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt substantially as follows:

CERTIFICATION

On barley grading "Tough" delivery will be made of barley not tough but otherwise of the same country-run quality, quantity and grade as indicated on the applicable warehouse receipt and supplemental certificates, and no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of said warehouse receipt.

(c) *Poisonous substances.* The barley must not contain mercurial compounds or other substances poisonous to man or animals.

(d) *Waiting period.* If offered as security for a farm-storage loan, the barley must have been in store for at least 30 days prior to inspection, measurement, sampling, and sealing, unless otherwise approved by the State committee.

(e) *Purchase agreements—predelivery inspection.* Except as otherwise provided in § 421.1250(a), barley under purchase agreement stored in other than approved warehouse storage shall not be eligible for sale to CCC if it does not meet the requirements of paragraphs (b) and (c) of this section on the basis of a predelivery inspection performed by a representative of the county committee, unless the producer complies with the conditions specified in § 421.1250(a) and the barley on the basis of the inspection made at the time of delivery meets the requirements of paragraphs (b) and (c) of this section.

(f) *Deliveries under farm-storage loans.* Only barley covered by the loan documents is eligible for delivery under farm-storage loans.

§ 421.1245 Determination of quality.

The class, grade, grading factors and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for barley, whether or not such determinations are made on the basis of an official inspection.

§ 421.1246 Determination of quantity.

(a) *In warehouse.* The quantity of barley on which a warehouse-storage loan shall be made and the quantity delivered to or acquired by CCC in an approved warehouse under a farm-storage loan or purchase agreement shall be the net weight specified on the warehouse receipt or on the supplemental certificate, if applicable.

(b) *On farm.* The quantity of barley placed under farm-storage loan may be determined either by weight or by measurement. The quantity delivered under a farm-storage loan or a purchase agreement shall be determined by weight. When the quantity is determined by weight, a bushel shall be 48 pounds of barley free of dockage. In determining the quantity of sacked barley by weight, a deduction of ¾ of a pound for each sack shall be made.

(c) *Adjustment for test weight.* When the quantity is determined by measurement, a bushel shall be 1.25 cubic feet of barley testing 48 pounds per bushel. The quantity determined for barley of a different test weight shall be adjusted by the applicable percentage in the following table:

For barley testing (pounds per bushel):	Percent
50 or over	104
49 or over, but less than 50	102
48 or over, but less than 49	100
47 or over, but less than 48	98
46 or over, but less than 47	96
45 or over, but less than 46	94
44 or over, but less than 45	92
43 or over, but less than 44	90
42 or over, but less than 43	88
41 or over, but less than 42	85
40 or over, but less than 41	83

(d) *Safety margin.* A safety factor as established by the State committee shall be deducted from the net quantity as determined by measurement when barley is offered for a farm-storage loan.

(e) *Dockage.* The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the barley in determining the net quantity available for loan or purchase.

§ 421.1247 Warehouse receipts.

Warehouse receipts representing barley in approved warehouse storage, to be placed under a warehouse-storage loan, to be delivered in satisfaction of a farm-storage loan or, to be acquired under a purchase agreement, must meet the requirements of this section.

(a) *Manner of issuance and endorsement.* Warehouse receipts presented for warehouse-storage loans must be issued in the name of the producer and for deliveries under farm-storage loans or purchase agreements, in the name of the producer or CCC, and must be properly endorsed in blank when issued in the name of the producer so as to vest title in the holder. Receipts must be issued by a warehouse approved by CCC for price support purposes for which a Uniform Grain Storage Agreement is in effect or which is operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission. The term "Eastern common carriers" as used in this subpart includes the Port of New York Authority.

(b) *Entries for weight and grade.* Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show: (1) gross weight and net bushels, (2) class, (3) grade (including special grades), (4) test weight, (5) dockage, (6) any other grading factor(s) and not test weight determine the grade and (7) whether the barley arrived by rail, truck or barge. The grading factors on the warehouse receipt must agree with the inbound inspection certificate for the car, truck or barge when such certificate is issued. If a warehouseman has furnished a statement as provided in § 421.1244(b), the supplemental certificates must show the numerical grade and the grading factors of the barley to be delivered. If the grade and grading factors shown on the supplemental certificate do not agree with the warehouse receipt, the factors shown on the supplemental certificate shall take precedence. A separate warehouse receipt must be submitted for each grade and quality of barley.

(c) *Liens.* The warehouse receipts may be subject to liens for warehouse charges only to the extent indicated in § 421.1248(a).

(d) *In-transit movement.* Warehouse receipts representing barley which has been shipped by rail or water from a country shipping point to a designated terminal point, or shipped by rail or water from a country shipping point to a storage point and stored intransit to a designated terminal point, must be accompanied by registered freight bills or by a certificate containing similar information. These registered freight bills or certificates must be representative as to origin and date of movement of the grain. The form of these certificates will be prescribed by the ASCS commodity office and shall be signed by the warehouseman and may be made a part of the supplemental certificate.

(e) *Where warehouseman is also owner.* If the receipt is issued for barley of which the warehouseman is the owner either solely, jointly or in common with others, the fact of such ownership shall be stated on the receipt. Such receipts shall also be registered or recorded with appropriate State or local officials when required by State law. In States where the pledge of warehouse receipts by a warehouseman on his own barley is not valid under State law and the warehouseman elects to deliver barley to CCC under a purchase agreement for which he is eligible under this program, the warehouse receipt shall be issued in the name of CCC.

(f) *Insurance.* Each warehouse receipt or accompanying supplemental certificate representing barley started in an approved warehouse operating under the Uniform Grain Storage Agreement shall indicate that the barley is insured, in accordance with such agreement. Each warehouse receipt or accompanying supplemental certificate issued on approved warehouses operated by Eastern common carriers and representing barley to be placed under loan shall indicate that it is insured at the full market value against loss or damage by fire, lightning, inherent explosion, windstorm, cyclone, and tornado. The cost of such insurance shall not be for the account of CCC.

§ 421.1248 Warehouse charges.

(a) *Handling and storage liens.* Warehouse receipts and the barley represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date it is deposited in the warehouse for storage, warehouse receipts and the barley represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. In no event shall a warehouseman be entitled to satisfy the lien by sale of the barley when CCC is holder of the warehouse receipt.

(b) *Deduction of storage charges—UGSA warehouses.* The table shown below provides the deduction for storage charges to be made from the amount of the loan or purchase price in the case of barley stored in an approved warehouse operated under the Uniform Grain Storage Agreement. Such deduction shall be based on entries shown on the warehouse receipts. If written evidence is submitted with the warehouse receipt that all warehouse charges except receiving and loading out charges have been prepaid through the applicable loan maturity date, no storage deductions shall be made. If such written evidence is not submitted, the date to be used for computing the storage deduction on barley stored in approved warehouses operating under the Uniform Grain Storage Agreement shall be the date of deposit or the date storage charges start, whichever is later; if neither the date of deposit nor the date storage charges start is shown, the date of the warehouse receipt shall be used.

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES BY MATURITY DATES

Deduction (cents per bushel)	Apr. 30, 1962 [1]	Mar 10, 1962 [1]	Feb 28, 1962 [1]
13	Prior to May 29, 1962	Prior to May 5, 1962	Prior to May 22, 1962.
12	May 29–June 24, 1962	May 5–May 31, 1962	May 22–June 17, 1962.
11	June 25–July 21, 1962	June 1–June 27, 1962	June 18–July 14, 1962.
10	July 22–Aug. 17 1962	June 28–July 24, 1962	July 15–Aug. 10, 1962.
9	Aug. 18–Sept. 13, 1962	July 25–Aug. 20, 1962	Aug. 11–Sept. 6, 1962.
8	Sept. 14–Oct. 10, 1962	Aug. 21–Sept. 16, 1962	Sept. 7–Oct. 3, 1962.
7	Oct. 11–Nov. 6, 1962	Sept. 17–Oct. 13, 1962	Oct. 4–Oct. 30, 1962.
6	Nov. 7–Dec. 3, 1962	Oct. 14–Nov. 9, 1962	Oct. 31–Nov. 26, 1962.
5	Dec. 4–Dec. 30, 1962	Nov. 10–Dec. 6, 1962	Nov. 27–Dec. 23, 1962.
4	Dec. 30, 1962–Jan. 26, 1963	Dec. 7, 1962–Jan. 2, 1963	Dec. 24, 1962–Jan. 19, 1963.
3	Jan. 27–Feb. 22, 1963	Jan. 3–Jan. 29, 1963	Jan. 20–Feb. 28, 1963.
2	Feb. 23–Mar. 21, 1963	Jan. 30–Mar. 10, 1963	
1	Mar. 22–Apr. 30, 1963		

[1] All dates inclusive beginning with date storage charges start.

(c) *Deduction of storage charges—Eastern common carriers.* In the case of barley stored in an approved warehouse operated by an Eastern common carrier, there shall be deducted in computing the loan or purchase price the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through the applicable maturity date unless written evidence is submitted with the warehouse receipt that such charges have been prepaid. The county office shall request the ASCS commodity office to determine the amount of such charges. Where the producer presents evidence showing the elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.1249 Maturity of loans.

Loans mature on demand but not later than February 28, 1963, on barley stored in the States of Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, and not later than March 10, 1963, in Arizona and California; and not later than April 30, 1963, in all other States.

§ 421.1250 Inspection of barley under purchase agreement.

(a) *Predelivery inspection.* Where the producer has given written notice within the 30-day period prior to the loan maturity date of his intent to sell his barley stored in other than an approved warehouse under purchase agreement to CCC, the county office shall make an inspection, obtain a sample and submit it for grade analysis prior to delivery. If the barley on the basis of the predelivery inspection is of a quality which meets the requirements for a farm-storage loan, the county office shall issue delivery instructions on or after the date of inspection. The producer must then complete delivery within the period specified in the delivery instructions unless the county office determines that more time is needed. The producer whose barley is stored in other than an approved warehouse which is not of a quality eligible for a loan at the time of the predelivery inspection shall be notified in writing by the county office that his barley is not eligible for purchase by CCC. If, nevertheless, the producer informs the county office that he will condition the barley or otherwise take action to make it eligible and insists upon delivery of the barley, the county office shall issue delivery instructions. In such case if the barley does not meet the eligibility requirements of § 421.1244 (b) and (c), as determined on the basis of a sample taken at the time of delivery, the barley will not be accepted for purchase by CCC. A predelivery inspection shall not be made in unapproved warehouses where the barley is stored commingled or is stored so that the identity of the producer's barley is maintained but a predelivery inspection is not possible. When a predelivery inspection is not made such barley at the time of delivery must meet the eligibility requirements of § 421.1244 (b) and (c).

(b) *Inspection of barley stored by producer after maturity date.* The producer may be required to retain the barley stored in other than approved warehouse storage under purchase agreement for a period of 60 days after the loan-maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of the barley covered by a purchase agreement occurring prior to delivery to CCC except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions for barley which was determined to be of an eligible grade and quality at the time of the predelivery inspection, and CCC cannot accept delivery within the 60-day period following the loan maturity date, the producer may notify the county office at any time after such 60-day period that it is going out of condition or is in danger of going out of condition. If the county office determines that the barley is going out of condition or is in danger of going out of condition and that it cannot be satisfactorily conditioned by the producer; and delivery cannot be accepted within a reasonable length of time, the county office shall obtain an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or the grade and quality determination made at the time of delivery, whichever is higher, and on the quantity actually delivered.

§ 421.1251 Settlement.

(a) *General.* Settlement for barley acquired by CCC under loan or purchase agreement will be made with the producer as provided in this section. The support rate per bushel at which settlement will be made for eligible barley shall be determined under the applicable provisions of § 421.1252 and this section. Payment for barley acquired under a purchase agreement will be made by the county office through the issuance of a sight draft drawn on CCC. The producer shall indicate on Commodity Purchase Form 4 to whom payment shall be made.

(1) *Warehouse-storage.* Settlement for eligible barley acquired by CCC under warehouse-storage loans or purchase agreements and represented by warehouse receipts issued by an approved warehouse shall be made on the basis of weight, grade and other quality factors shown on such warehouse receipts or accompanying documents, as applicable. In the case of eligible barley under purchase agreement stored in an approved warehouse, the producer must, not later than the day following the loan maturity date or during such period of time thereafter as may be specified by the county committee, submit to the office of the county committee warehouse receipts under which the warehouseman guarantees quality and quantity for the quantity of the barley he elects to sell to CCC.

(2) *Farm-storage loans and purchase agreements.* Delivery will be made in accordance with instructions issued by the county office. The settlement rate for eligible barley delivered under farm-storage loans or purchase agreements from other than approved warehouses, shall be the applicable support rate for the county in which the producers customary shipping point (as determined by the county committee) is located, except that if the producer is directed to deliver his barley to a terminal market for which a support rate is established, settlement shall be based on the support rate for such terminal market. Settlement will be based on the quality and quantity as indicated on warehouse receipts and accompanying documents issued by an approved warehouse or if applicable, the quality and quantity as shown on Form CCC Grain-50.

(b) *Settlement rate to be established.* In the case of delivery of barley under a farm-stored loan and barley under purchase agreement which was determined to be eligible at the time of predelivery inspection but which upon delivery is of a grade or quality for which no support rate has been established, the settlement rate shall be the applicable basic support rate adjusted by the discounts shown in § 421.1252 to the extent they apply and in addition, by the amount of market discounts, if any, as determined by the appropriate ASCS commodity office for the quality by which the barley is lower than the quality for which such price support discounts are established: *Provided, however,* That if such barley is sold by CCC for the purpose of determining its market price, the settlement value shall not be less than such sales price. Notwithstanding the foregoing, the settlement rate shall not in any event be more than the rate which would have been established under § 421.1252 by using the price support premiums and discounts in such section to the extent that they apply.

(c) *Compensation for hauling.* If the producer is directed by the county office to deliver his price support barley to a point a greater distance than to his customary delivery point, the producer will be allowed compensation (as determined by the ASC State committee at not to exceed the common carrier truck rate or the rate available from local truckers) for hauling eligible barley the additional distance: *Provided,* That if the producer is directed to deliver his barley to a terminal market for which a support rate is established, no compensation shall be allowed for hauling. The ASC State committee, may in determining the rates of payments for any excess haul, establish reasonable mileage minimums below which producers will not receive compensation for hauling the barley.

(d) *Track-loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on eligible barley delivered to CCC on track at a country point.

(e) *Storage payment where CCC is unable to take delivery of barley stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain barley stored in other than an approved warehouse under loan or purchase agreement for a period of 60 days after the maturity date without any cost to CCC. However, if CCC is unable to take delivery of such barley within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery to CCC: *Provided, however,* That a storage payment shall be paid a producer whose barley is stored in other than an approved warehouse under purchase agreement only if he had properly given notice of his intention to sell the barley to CCC and delivery cannot be accepted within the 60-day period after maturity. The period for earning such storage payment shall begin the day following the

expiration of the 60-day period after the maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office whichever is earlier. The storage payment shall be computed at the storage rate for barley provided for in the Uniform Grain Storage Agreement in effect at the time of such storage.

(f) *Storage deduction for early delivery.* If farm-stored barley is delivered to CCC prior to maturity date, a deduction for storage shall be made except that no deduction shall be made if such early delivery is made because the loan is called solely for the convenience of CCC, or if it is determined by CCC at the time of delivery that the barley will be sold rather than stored, or if CCC requires early delivery on an area basis. The deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges in § 421.1248.

(g) *Refund of prepaid handling charges.* In the case a warehouseman charges the producer for the receiving or the receiving and loading out charges on barley under loan or purchase agreement stored in an approved warehouse, the producer shall, upon delivery of the barley to CCC, be reimbursed or given credit by the county office for such prepaid charges not to exceed those specified in the Uniform Grain Storage Agreement, provided the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid. In the case, an approved warehouse operated by an Eastern common carrier charges the producer for the elevation charges on barley under loan or purchase agreement, the producer shall, upon delivery of the barley to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges specified in the applicable approved tariff; provided the producer furnishes to the county office written evidence signed by the warehouseman that such charges have been paid and that CCC has not previously given the producer credit for such charges as provided in § 421.1248(c).

(h) *Ineligible barley inadvertently accepted by CCC.* (1) In the following cases of ineligible barley inadvertently accepted by CCC the settlement value shall be the market price as determined by CCC, but in no event more than the applicable support rate: (i) barley delivered in excess of the maximum quantity stated in the purchase agreement; (ii) ineligible barley delivered under a purchase agreement where a predelivery inspection was not made; (iii) ineligible barley delivered under a purchase agreement where the predelivery inspection indicated it to be of an ineligible quality; (iv) any barley which is delivered to or acquired by CCC which has resulted or would result in a producer receiving price support in excess of the total quantity on which price support may be received; and (v) any other ineligible barley acquired by CCC under a purchase agreement or delivered to or acquired by CCC under a loan.

(2) If CCC sells the barley for the purpose of determining its market price, the settlement value shall be such sales price. The provisions of this paragraph do not apply to ineligible barley covered by paragraphs (i) and (j) of this section.

(i) *Fraud.* The making of any fraudulent representation by the producer in connection with settlement or deliveries under loan shall render the producer personally liable, aside from any additional liability under criminal and civil frauds statutes, for the amount of the loan, for any additional amounts paid to the producer on the barley, and for all costs which the Corporation would not have incurred had it not been for the producer's fraudulent representation, together with interest at the rate of 6 percent per annum on such amounts from the date of disbursement. For the purpose of establishing any deficiency remaining due in the event the producer has made any such fraudulent representation, the value of the barley acquired by CCC under the loan shall be the market value as determined by CCC on the date of delivery or removal in the case of farm-storage loans or the market value of the barley as of the close of the market on the final date for repayment in the case of warehouse-storage loans, or in the case of both farm-storage and warehouse-storage loans the sales price if the barley is sold by CCC in order to determine its market value. If the producer has made a fraudulent representation in a sale under a purchase agreement or in the purchase agreement documents, he shall be personally liable, aside from any additional liability under criminal or civil frauds statutes for any loss which CCC sustains upon the barley delivered under the purchase agreement. For the purpose of this program, such loss shall be deemed to be the price paid to the producer on the barley delivered under the purchase agreement plus all costs sustained by CCC in connection with the barley, together with interest at the rate of 6 percent per annum from the date of disbursement, less the market value, as determined by CCC of the barley as of the close of the market on the date of delivery, or the sales price if the barley is sold in order to determine its market value.

(j) *Poisonous substances.* If barley is delivered to CCC which contains mercurial compounds or other substances poisonous to man or animals, such barley shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such barley for the use specified above, the settlement value shall be the market value, as determined by CCC as of the date of delivery.

§ 421.1252 Support rates.

The support rate for the quality of barley placed under a loan or acquired under a loan or a purchase agreement shall be the applicable basic support rate adjusted in accordance with the provisions of this section, and in the case of settlement of loans and purchase agreements as further provided in § 421.1251. Basic support rates per bushel for barley of the classes "Barley" and "Western Barley" grading No. 2 or better will be a part of this section to be issued at a later date.

(a) *Support rates at designated terminal markets.* (1) The basic support rates established for designated terminal markets apply to barley shipped on a domestic interstate freight rate basis. The basic support rate at the designated terminal market for any barley shipped at other than the domestic interstate freight rate shall be reduced by the difference between the freight rate paid and the domestic interstate freight rate.

(2) The basic support rates established for designated terminal markets also apply to barley which has been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges. In the event the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate, if any, from the terminal market to a recognized market determined by the appropriate ASCS commodity office, there shall be deducted from the applicable basic support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate. If the barley is stored at any designated terminal market and neither registered freight bills nor registered freight certificates are presented, the basic support rate shall be reduced by the actual amount of paid-in freight required to guarantee the proportional outbound rate from the terminal market to a recognized market determined by the appropriate ASCS commodity office.

(3) In determining the support rate for barley received by truck and stored at any designated terminal market there shall be deducted from the applicable basic support rate, the actual amount of paid-in freight required to guarantee the proportional outbound rate from the terminal market to a recognized market determined by the appropriate ASCS commodity office, plus 2.5 cents per bushel.

(4) Notwithstanding the foregoing provisions of this paragraph, in determining the support rate for barley shipped by rail or water and stored at any of the following terminal markets there shall be deducted from the applicable basic support rate, the transportation cost, if any, as determined by the appropriate ASCS commodity office, for moving the barley to a tidewater facility located within the same switching limits:

Long Beach, Los Angeles, Oakland, San Francisco, Stockton, and Wilmington, Calif.
Baton Rouge and New Orleans, La.
Baltimore, Md.
Duluth, Minn.
Astoria and Portland, Oreg.
Albany and New York, N.Y.
Philadelphia, Pa.
Galveston, Houston, Corpus Christi, and Port Arthur, Tex.
Norfolk, Va.
Kalama, Longview, Seattle, Tacoma, and Superior, Wis.

(5) Notwithstanding the foregoing provisions of this paragraph, in determining the support rate for barley received by truck and stored at any of the terminal markets listed in subparagraph (4) of this paragraph there shall be deducted from the applicable basic support rate an amount of 2.5 cents per bushel, plus the transportation cost, if any, as determined by the appropriate ASCS commodity office, for moving the barley to a tidewater loading facility located within the same switching limits.

(b) *Support rates for barley in approved warehouse storage at other than designated terminal markets.* In determining the support rate for barley which is shipped by rail or water and which is stored in approved warehouses (other than those situated in the designated terminal markets) there shall be deducted from the basic support rate for the appropriate designated terminal market, as determined by CCC, an amount equal to the transit balance, if any, of the through-freight rate from the point of origin for such barley to such terminal market: *Provided,* That on any barley shipped at other than the domestic interstate freight rate, the basic support rate shall be further reduced by the difference between the freight rate paid and the domestic interstate freight rate from the point of origin of such barley to the point of destination or appropriate terminal market: *And provided further,* That in the case of barley stored at any railroad transit point, taking a penalty by reason of out-of-line movement to the appropriate designated market, or for any other reason, there shall be added to such transit balance an amount equal to any out-of-line costs or other cost incurred in storing barley in such position.

(c) *Basic county support rates.* (1) The applicable support rate for farm-storage loans and barley in approved country warehouse-storage, except as otherwise provided in paragraph (b) of this section and subparagraph (2) of this paragraph will be determined from the basic county support rate established for the county in which the barley is stored.

(2) If two or more approved warehouses are located in the same or adjoining towns, villages, or cities, having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point and the same support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.

(d) *Discounts.* The basic support rates shall be adjusted by the following applicable discounts.

(1) *Where weed control laws apply.* Where the State committee determines that State, district, or county weed control laws, as administered, affect the barley crop, the support rate in the case of farm storage shall be 10 cents per bushel below the applicable county support rate unless the producer obtains a certificate from the appropriate weed control official indicating that the barley complies with the weed control laws. In the case of warehouse storage, whenever the State committee of the State in which the barley is stored determines that State, district or county weed control laws as administered affect barley stored in aproved warehouses, the rate shall be 10 cents per bushel below the applicable support rate unless the producer obtains a certificate from either the appropriate State, county or district weed control official or the storing warehouseman that the barley complies with the weed control laws, and in the case of a certificate from the warehouseman, that he will save CCC harmless from loss or penalty because of the weed control laws. The certificate of the warehouseman may be in substantially the following form.

CERTIFICATION

This is to certify that the grain evidenced by warehouse receipt No. ------ issued to ---------- is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that should such grain be taken over by CCC in settlement of a loan or be purchased under the purchase agreement program that the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the grain was stored under the above warehouse receipt.

(Signature)

(Address)

(Date)

(2) *Class and quality.*

	Amount of discount (cents per bushel)
(i) Class—Mixed Barley	−2
(ii) Grade:	
No. 3	−3
No. 4	−6
(iii) Other—Garlicky	−10

NOTE: Discounts are cumulative except only one grade discount shall be applied. For the purpose of applying discounts, factors which cause barley of the subclass Malting Barley or Blue Malting Barley to have a lower numerical grade than if the barley were graded under a different subclass shall be disregarded.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 6, 1962.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-6749; Filed, July 9, 1962; 8:59 a.m.]

[1962 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1962-Crop Grain Sorghums Loan and Purchase Agreement Program

A price support program has been announced for the 1962-crop of grain sorghums. The 1962 C.C.C. Grain Price Support Bulletin 1 (27 F.R. 4411) issued by the Commodity Credit Corporation and containing the specific regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1962 is supplemented as follows:

Sec.
421.1401 Purpose.
421.1402 Availability of price support.
421.1403 Eligibility requirements.
421.1404 Eligible grain sorghums.
421.1405 Determination of quality.
421.1406 Determination of quantity.
421.1407 Warehouse receipts.
421.1408 Warehouse charges.
421.1409 Maturity of loans.
421.1410 Inspection of grain sorghums under purchase agreements.
421.1411 Settlement.
421.1412 Support rates.

AUTHORITY: §§ 421.1401 to 421.1412 issued under sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 421.1401 Purpose.

This supplement states additional specific requirements which, together with the applicable provisions of the general regulations contained in the 1962 C.C.C. Grain Price Support Bulletin 1 (27 F.R. 4411) (§§ 421.1101 to 421.1132) and any amendments thereto, apply to loans and purchase agreements under the 1962-Crop Grain Sorghums Price Support Program.

§ 421.1402 Availability of price support.

(a) *Area.* Price support will be available through farm-storage and warehouse-storage loans and purchase agreements on eligible grain sorghums wherever grain sorghums are grown in the United States. Farm-storage loans will not be available in areas where the State committee determines that grain sorghums cannot be safely stored on the farm.

(b) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm program records for the farm.

(c) *When to apply.* Loans and purchase agreements will be available from harvest through January 31, 1963. The applicable documents must be signed by the producer and delivered to the office of the county committee not later than such date.

§ 421.1403 Eligibility requirements.

(a) *Beneficial interest.* To be eligible for price support, the beneficial interest in the grain sorghums must be in the eligible producer tendering the grain sorghums for loan or for delivery under a purchase agreement, and must always have been in him, or in him and a farmer producer whom he succeeded before it was harvested. Any producer who is in doubt as to whether his interest in the grain sorghums complies with the requirements of this paragraph (a) should make available to the county committee, prior to filing an application, all pertinent information which will permit a determination to be made by CCC.

(b) *Succession of interest.* To meet the requirements of succession to a

former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the grain sorghums were produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

§ 421.1404 Eligibile grain sorghums.

The grain sorghums must meet all of the applicable requirements of this section in addition to other applicable requirements of the program in order to be eligible for a loan, for delivery under a loan and for purchase under a purchase agreement.

(a) *Production.* The grain sorghums must have been produced in the United States in 1962 by an eligible producer.

(b) *Grade requirements.* Grain sorghums at the time they are placed under loan, and grain sorghums under purchase agreement which are in approved warehouse-storage prior to notification by the producer of his intention to sell to CCC, must meet the requirements set forth in this paragraph:

(1) The grain sorghums must be of any class grading No. 4 or better, and in addition may carry the special grade designation "Smutty";

(2) Grain sorghums grading "Weevily," or containing in excess of 13 percent moisture, shall not be eligible, except that grain sorghums represented by warehouse receipts which indicate that the grain sorghums are ineligible because of moisture content only, will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt that grain sorghums of 13 percent moisture or less of an eligible grade which meet the requirements of subparagraphs (1) and (2) of this paragraph will be delivered. The certification shall be as shown in subdivision (i) of this subparagraph if the grain sorghums received in the warehouse contain from 13.1 to 15.0 percent moisture and as shown in subdivision (ii) of this subparagraph if the grain sorghums received in the warehouse contain moisture over 15.0 percent but not in excess of 18 percent moisture:

(i) On grain sorghums containing over 13 percent moisture and not in excess of 15 percent moisture, delivery will be made of grain sorghums which grade No. ------, which contain not in excess of 13 percent moisture, and which are otherwise of the same quality or better and of the same quantity as the grain sorghums described on warehouse receipt No. ------. No lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or from any subsequent holder of the warehouse receipt;

(ii) On grain sorghums containing over 15 percent moisture, but not in excess of 18 percent moisture, delivery will be made of grain sorghums which grade No. ------, which contain not in excess of 13 percent moisture, which are otherwise of the same quality or better as the grain sorghums described on warehouse receipt No. ------ and which are the actual quantity obtained after drying the grain sorghums described in such receipt to not in excess of 13 percent moisture. No lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of the warehouse receipt.

(c) *Poisonous substances.* The grain sorghums must not contain mercurial compounds or other substances poisonous to man or animals.

(d) *Waiting period.* If offered as security for a farm-storage loan, the grain sorghums must have been in store for at least 30 days prior to inspection, measurement, sampling, and sealing, unless otherwise approved by the State committee.

(e) *Purchase agreements—predelivery inspection.* Except as otherwise provided in § 421.1410(a), grain sorghums under purchase agreement stored in other than approved warehouse storage shall not be eligible for sale to CCC if it does not meet the requirements of paragraphs (b) and (c) of this section on the basis of a predelivery inspection performed by a representative of the county committee, unless the producer complies with the conditions specified in § 421.1410(a) and the grain sorghums on the basis of the inspection made at the time of delivery meets the requirements of paragraphs (b) and (c) of this section.

(f) *Deliveries under farm-storage loans.* Only grain sorghums covered by the loan documents are eligible for delivery under farm-storage loans.

§ 421.1405 Determination of quality.

The class, subclass, grade, grading factors and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Grain Sorghums which become effective August 1, 1962, whether or not such determinations are made on the basis of an official inspection.

§ 421.1406 Determination of quantity.

(a) *In warehouse.* The quantity of grain sorghums on which a warehouse-storage loan shall be made and the quantity delivered to or acquired by CCC in an approved warehouse under a farm-storage loan or purchase agreement shall be the net weight specified on the warehouse receipt or on the supplemental certificate, if applicable. If the warehouseman has made the certification provided in § 421.1404(b)(2)(ii), such quantity shall be the net weight obtained after drying the grain sorghums to not in excess of 13 percent moisture.

(b) *On farm.* The quantity of grain sorghums placed under farm-storage loan may be determined either by weight or by measurement. The quantity delivered under a farm-storage loan or a purchase agreement shall be determined by weight. When the quantity is determined by weight, a unit of 100 pounds shall be determined to be 100 pounds of grain sorghums free of dockage. In determining the quantity of sacked grain sorghums by weight, a deduction of ¾ of a pound for each sack shall be made.

(c) *Adjustment for test weight.* When the quantity is determined by measurement, 100 pounds shall be 2.25 cubic feet testing 56 pounds per bushel. The quantity determined for grain sorghums of a different test weight shall be adjusted by the applicable percentage in the following table:

For grain sorghums testing (pounds per bushel):	Percent
60 or over	107
59 or over, less than 60	106
58 or over, less than 59	104
57 or over, less than 58	102
56 or over, less than 57	100
55 or over, less than 56	98
54 or over, less than 55	96
53 or over, less than 54	95
52 or over, less than 53	93
51 or over, less than 52	91
50 or over, less than 51	89
49 or over, less than 50	87

(d) *Safety margin.* A safety factor as established by the State committee shall be deducted from the net quantity as determined by measurement when grain sorghums are offered for a farm-storage loan.

(e) *Dockage.* The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the grain sorghums in determining the net quantity available for loan or purchase.

§ 421.1407 Warehouse receipts.

Warehouse receipts representing grain sorghums in approved warehouse storage, to be placed under a warehouse-storage loan, to be delivered in satisfaction of a farm-storage loan, or to be acquired under a purchase agreement, must meet the requirements of this section.

(a) *Manner of issuance and endorsement.* Warehouse receipts presented for warehouse-storage loans must be issued in the name of the producer and for deliveries under farm-storage loans or purchase agreements, in the name of the producer or CCC, and must be properly endorsed in blank when issued in the name of the producer so as to vest title in the holder. Receipts must be issued by a warehouse approved by CCC for price support purposes for which a Uniform Grain Storage Agreement is in effect or which is operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission. The term "Eastern common carriers" as used in this subpart includes the Port of New York Authority.

(b) *Entries for weight and grade.* Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show: (1) Gross weight and net weight, (2) class, (3) grade (including special grades), (4) test weight, (5) moisture, (6) dockage, (7) any other grading factor(s) when such factor(s) and not test weight determine the grade and (8) whether the grain sorghums arrived by rail, truck or barge. The grading factors on the warehouse receipt must agree with the inbound inspection certificate for the car, truck or barge when such certificate is

issued. If a warehouseman has furnished a statement as provided in § 421.1404(b)(2)(i) or (ii), the supplemental certificates must show the numerical grade, grading factors and the quantity of the grain sorghums to be delivered. Where the grade, grading factors or the quantity shown on the supplemental certificate do not agree with the warehouse receipt, the factors shown on the supplemental certificate shall take precedence. A separate warehouse receipt must be submitted for each grade and class of grain sorghums.

(c) *Liens.* The warehouse receipts may be subject to liens for warehouse charges only to the extent indicated in § 421.1408(a).

(d) *In-transit movement.* Warehouse receipts representing grain sorghums which have been shipped by rail or water from a country shipping point to a designated terminal point, or shipped by rail or water from a country shipping point to a storage point and stored in-transit to a designated terminal point, must be accompanied by registered freight bills or by a certificate containing similar information. These registered freight bills or certificates must be representative as to origin and date of movement of the grain. The form of these certificates will be prescribed by the ASCS commodity office and shall be signed by the warehouseman and may be made a part of the supplemental certificate.

(e) *Where warehouseman is also owner.* If the receipt is issued for grain sorghums of which the warehouseman is the owner either solely, jointly or in common with others, the fact of such ownership shall be stated on the receipt. Such receipts shall also be registered or recorded with appropriate State or local officials when required by State law. In States where the pledge of warehouse receipts by a warehouseman on his own grain sorghums is not valid under State law and the warehouseman elects to deliver grain sorghums to CCC under a purchase agreement for which he is eligible under this program, the warehouse receipt shall be issued in the name of CCC.

(f) *Insurance.* Each warehouse receipt or accompanying supplemental certificate representing grain stored in an approved warehouse operating under the Uniform Grain Storage Agreement shall indicate that the grain sorghums are insured, in accordance with such agreement. Each warehouse receipt or accompanying supplemental certificate issued on approved warehouses operated by Eastern common carriers and representing grain sorghums to be placed under loan shall indicate that it is insured at the full market value against loss or damage by fire, lightning, inherent explosion, windstorm, cyclone, and tornado. The cost of such insurance shall not be for the account of CCC.

§ 421.1408 Warehouse charges.

(a) *Handling and storage liens.* Warehouse receipts and the grain sorghums represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date it is deposited in the warehouse for storage. Warehouse receipts and the grain sorghums represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. In no event shall a warehouseman be entitled to satisfy the lien by sale of the grain sorghums when CCC is holder of the warehouse receipt.

(b) *Deduction of storage charges—UGSA warehouses.* The table shown below provides the deduction for storage charges to be made from the amount of the loan or purchase price in the case of grain sorghums stored in an approved warehouse operated under the Uniform Grain Storage Agreement. Such deduction shall be based on entries shown on the warehouse receipts. If written evidence is submitted with the warehouse receipt that all warehouse charges except receiving and loading out charges have been prepaid through the applicable loan maturity date, no storage deductions shall be made. If such written evidence is not submitted, the date to be used for computing the storage deduction on grain sorghums stored in approved warehouses operating under the Uniform Grain Storage Agreement shall be the date of deposit or the date storage charges start, whichever is later; if neither the date of deposit nor the date storage charges start is shown, the date of the warehouse receipt shall be used.

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES FOR MATURITY DATE OF NO LATER THAN MARCH 31, 1963

Amount of deduction (cents per hundredweight):	Date the storage charges start
21	Prior to May 28, 1962.
20	May 28–June 11, 1962.
19	June 12–June 26, 1962.
18	June 27–July 11, 1962.
17	July 12–July 26, 1962.
16	July 27–Aug. 10, 1962.
15	Aug. 11–Aug. 25, 1962.
14	Aug. 26–Sept. 9, 1962.
13	Sept. 10–Sept. 24, 1962.
12	Sept. 25–Oct. 9, 1962.
11	Oct. 10–Oct. 24, 1962.
10	Oct. 25–Nov. 8, 1962.
9	Nov. 9–Nov. 23, 1962.
8	Nov. 24–Dec. 8, 1962.
7	Dec. 9–Dec. 23, 1962.
6	Dec. 24, 1962–Jan. 7, 1963.
5	Jan. 8–Jan. 22, 1963.
4	Jan. 23–Feb. 6, 1963.
3	Feb. 7–Feb. 21, 1963.
2	Feb. 22–Mar. 8, 1963.
1	Mar. 9–Mar. 31, 1963.

(c) *Deduction of storage charges—Eastern common carriers.* In the case of grain sorghums stored in an approved warehouse operated by an Eastern common carrier, there shall be deducted in computing the loan or purchase price the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through the applicable maturity date unless written evidence is submitted with the warehouse receipt that such charges have been prepaid. The county office shall request the ASCS commodity office to determine the amount of such charges. Where the producer presents evidence showing the elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.1409 Maturity of loans.

Loans mature on demand but not later than March 31, 1963.

§ 421.1410 Inspection of grain sorghums under purchase agreement.

(a) *Predelivery inspection.* (1) Where the producer has given written notice within the 30-day period prior to the loan maturity date of his intent to sell his grain sorghums stored in other than an approved warehouse under purchase agreement to CCC, the county office shall make an inspection, obtain a sample and submit it for grade analysis prior to delivery. If the grain sorghums on the basis of the predelivery inspection are of a quality which meets the requirements for a farm-storage loan, the county office shall issue delivery instructions on or after the date of inspection. The producer must then complete delivery within the period specified in the delivery instructions unless the county office determines that more time is needed. The producer whose grain sorghums are stored in other than an approved warehouse which are not of a quality eligible for a loan at the time of the predelivery inspection shall be notified in writing by the county office that his grain sorghums are not eligible for purchase by CCC. If, nevertheless, the producer informs the county office that he will condition the grain sorghums or otherwise take action to make them eligible and insists upon delivery of the grain sorghums, the county office shall issue delivery instructions. In such case if the grain sorghums do not meet the eligibility requirements of § 421.1404(b) and (c) as determined on the basis of a sample taken at the time of delivery, the grain sorghums will not be accepted for purchase by CCC.

(2) A predelivery inspection shall not be made in unapproved warehouses where the grain sorghums are stored commingled or are stored so that the identity of the producer's grain sorghums is maintained but a predelivery inspection is not possible. When a predelivery inspection is not made such grain sorghums at the time of delivery must meet the eligibility requirements of § 421.1404(b) and (c).

(b) *Inspection of grain sorghums stored by producer after maturity date.* The producer may be required to retain the grain sorghums stored in other than approved warehouse storage under purchase agreement for a period of 60 days after the loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of the grain sorghums covered by a purchase agreement occurring prior to delivery to CCC except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions for grain sorghums which were determined to be of an eligible grade

and quality at the time of the predelivery inspection, and CCC cannot accept delivery within the 60-day period following the loan maturity date, the producer may notify the county office at any time after such 60-day period that they are going out of condition or are in danger of going out of condition. If the county office determines that the grain sorghums are going out of condition or are in danger of going out of condition and they cannot be satisfactorily conditioned by the producer; and delivery cannot be accepted within a reasonable length of time, the county office shall obtain an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or the grade and quality determination made at the time of delivery, whichever is higher, and on the quantity actually delivered.

§ 421.1411 Settlement.

(a) *General.* Settlement for grain sorghums acquired by CCC under loan or purchase agreement will be made with the producer as provided in this section. The support rate per 100 pounds at which settlement will be made for eligible grain sorghums shall be determined under the applicable provisions of § 421.1412, and this section. Payment for grain sorghums acquired under a purchase agreement will be made by the county office through the issuance of a sight draft drawn on CCC. The producer shall indicate on Commodity Purchase Form 4 to whom payment shall be made.

(1) *Warehouse-storage.* Settlement for eligible grain sorghums acquired by Commodity Credit Corporation under warehouse-storage loans or purchase agreements and represented by warehouse receipts issued by an approved warehouse shall be made on the basis of weight, grade and other quality factors shown on such warehouse receipts or accompanying documents, as applicable. In the case of eligible grain sorghums under purchase agreement stored in an approved warehouse, the producer must, not later than the day following the loan maturity date or during such period of time thereafter as may be specified by the county committee, submit to the office of the county committee warehouse receipts under which the warehouseman guarantees quality and quantity for the quantity of the grain sorghums he elects to sell to CCC, as applicable.

(2) *Other than approved warehouse storage.* Delivery will be made in accordance with instructions issued by the county office. The settlement rate for eligible grain sorghums delivered under farm-storage loans or purchase agreements from other than approved warehouses, shall be the applicable support rate for the county in which the producers customary shipping point (as determined by the county committee) is located, except that if the producer is directed to deliver his grain sorghums to a terminal market for which a support rate is established, settlement shall be based on the support rate for such terminal market. Settlement will be based on the quality and quantity as indicated on warehouse receipts and accompanying documents issued by an approved warehouse or if applicable, the quality and quantity as shown on Form CCC Grain–50.

(b) *Settlement rate to be established.* In the case of delivery of grain sorghums under a farm-stored loan and grain sorghums under purchase agreement which were determined to be eligible at the time of predelivery inspection but which upon delivery are of a grade or quality for which no support rate has been established, the settlement rate shall be the applicable basic support rate adjusted by the premiums and discounts shown in § 421.1412 to the extent they apply and in addition, by the amount of market discounts, if any, as determined by the appropriate ASCS commodity office for the quality by which the grain sorghums are lower than the quality for which such price support discounts are established: *Provided, however,* That if such grain sorghums are sold by CCC for the purpose of determining the market price, the settlement value shall not be less than such sales price. Notwithstanding the foregoing, The settlement rate shall not in any event be more than the rate which would have been established under § 421.1412 by using the price support premiums and discounts in such section to the extent that they apply.

(c) *Compensation for hauling.* If the producer is directed by the county office to deliver his price support grain sorghums to a point a greater distance than to his customary delivery point, the producer will be allowed compensation (as determined by the ASC State committee at not to exceed the common carrier truck rate or the rate available from local truckers) for hauling eligible grain sorghums the additional distance: *Provided,* That if the producer is directed to deliver his grain sorghums to a terminal market for which a support rate is established, no compensation shall be allowed for hauling. The ASC State committee, may in determining the rates of payments for any excess haul, establish reasonable mileage minimums below which producers will not receive compensation for hauling the grain sorghums.

(d) *Track-loading payment.* A track-loading payment of 6 cents per 100 pounds shall be made to the producer on eligible grain sorghums delivered to CCC on track at a country point.

(e) *Storage payment where CCC is unable to take delivery of grain sorghums stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain grain sorghums stored in other than an approved warehouse under loan or purchase agreement for a period of 60 days after the maturity date without any cost to CCC. However, if CCC is unable to take delivery of such grain sorghums within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery to CCC: *Provided, however,* That a storage payment shall be paid a producer whose grain sorghums are stored in other than an approved warehouse under purchase agreement only if he had properly given notice of his intention to sell the grain sorghums to CCC and delivery cannot be accepted within the 60-day period after maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office whichever is earlier. The storage payment shall be computed at the storage rate for grain sorghums provided for in the Uniform Grain Storage Agreement in effect at the time of such storage.

(f) *Storage deduction for early delivery.* If farm-stored grain sorghums are delivered to CCC prior to maturity date, a deduction for storage shall be made, except that no deduction shall be made if such early delivery is made because the loan is called solely for the convenience of CCC, or if it is determined by CCC at the time of delivery that the grain sorghums will be sold rather than stored, or if CCC requires early delivery on an area basis. The deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges in § 421.1408.

(g) *Refund of prepaid handling charges.* In the case a warehouseman charges the producer for the receiving or the receiving and loading out charges on grain sorghums under loan or purchase agreement stored in an approved warehouse, the producer shall, upon delivery of the grain sorghums to CCC, be reimbursed or given credit by the county office for such prepaid charges not to exceed those specified in the Uniform Grain Storage Agreement, provided the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid. In the case an approved warehouse operated by an Eastern common carrier charges the producer for the elevation charges on grain sorghums under loan or purchase agreement, the producer shall, upon delivery of the grain sorghums to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges specified in the applicable approved tariff; provided the producer furnishes to the county office written evidence signed by the warehouseman that such charges have been paid and that CCC has not previously given the producer credit for such charges as provided in § 421.1408 (c).

(h) *Ineligible grain sorghums inadvertently accepted by CCC.* In the following cases of ineligible grain sorghums inadvertently accepted by CCC, the settlement value shall be the market price as determined by CCC, but in no event more than the applicable support rate: (1) Grain sorghums delivered in excess of the maximum quantity stated in the purchase agreement; (2) ineligible grain sorghums delivered under a purchase agreement where a predelivery inspection was not made; (3) ineligible grain sorghums delivered under a purpurchase agreement where a predelivery inspection indicated them to be of an ineligible quality; (4) any grain sorghums which are delivered to or acquired by CCC which has resulted or would result in a producer receiving price support in excess of the total quantity on which price support may be received; and (5) other ineligible grain sorghums acquired by CCC under a purchase agreement or delivered to or acquired by CCC under a loan. If CCC sells the grain sorghums for the purpose of determining the market price, the settlement value shall be such sales price. The provisions of this paragraph do not apply to ineligible grain sorghums covered by paragraphs (i) and (j) of this section.

(i) *Fraud.* The making of any fraudulent representation by the producer in connection with settlement or deliveries under a loan shall render the producer personally liable, aside from any additional liability under criminal and civil frauds statutes, for the amount of the loan, for any additional amounts paid to the producer on the grain sorghums, and for all costs which the Corporation would not have incurred had it not been for the producer's fraudulent representation, together with interest at the rate of 6 percent per annum on such amounts from the date of disbursement. For the purpose of establishing any deficiency remaining due in the event the producer has made any such fraudulent representation, the value of the grain sorghums acquired by CCC under the loan shall be the market value as determined by CCC, on the date of delivery or removal in the case of farm-storage loans or the market value of the grain sorghums as of the close of the market on the final date for repayment in the case of warehouse-storage loans, or in the case of both farm storage and warehouse-storage loans, the sales price if the grain sorghums are sold by CCC in order to determine the market value. If the producer has made a fraudulent representation in a sale under a purchase agreement or in the purchase agreement documents, he shall be personally liable, aside from any additional liability under criminal or civil frauds statutes for any loss which CCC sustains upon the grain sorghums delivered under the purchase agreement. For the purpose of this program, such loss shall be deemed to be the price paid to the producer on the grain sorghums delivered under the purchase agreement plus all costs sustained by CCC in connection with the grain sorghums, together with interest at the rate of 6 percent per annum from the date of disbursement, less the market value, as determined by CCC of grain sorghums as of the close of the market on the date of delivery, or the sales price if the grain sorghums are sold in order to determine the market value.

(j) *Poisonous substances.* If grain sorghums are delivered to CCC which contain mercurial compounds or other substances poisonous to man or animals, such grain sorghums shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such grain sorghums for the use specified above, the settlement value shall be the market value, as determined by CCC, as of the date of delivery.

§ 421.1412 Support rates.

The support rate for the quality of grain sorghums placed under a loan or acquired under a loan or a purchase agreement shall be the applicable basic support rate adjusted in accordance with the provisions of this section, and in the case of settlement of loans and purchase agreements as further provided in § 421.1411. Basic support rates per hundredweight for grain sorghums grading No. 2 and containing not in excess of 13 percent moisture will be a part of this section to be issued at a later date.

(a) *Basic support rates at designated terminal markets.* (1) The basic support rates established for designated terminal markets apply to grain sorghums shipped on a domestic interstate freight rate basis. The support rate at the designated terminal market for any grain sorghums shipped at other than the domestic interstate freight rate shall be reduced by the difference between the rate of freight paid and the domestic interstate freight rate.

(2) The basis support rates established for designated terminal markets also apply to grain sorghums which have been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges. In the event the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate, if any, from the terminal market to a recognized market determined by the appropriate ASCS commodity office, there shall be deducted from the applicable basic support rate the difference between the amount of freight actualy paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate. If the grain sorghums are stored at any designated terminal market and neither registered freight bills nor registered freight certificates are presented, the basic support rate shall be reduced by the actual amount of paid-in freight required to guarantee the proportional outbound rate from the terminal market to a recognized market determined by the appropriate ASCS commodity office.

(3) In determining the support rate for grain sorghums received by truck and stored at any designated terminal market there shall be deducted from the basic support rate, the actual amount of paid-in freight required to guarantee the proportional outbound rate from the terminal market to a recognized market determined by the appropriate ASCS commodity office, plus 6 cents per hundredweight.

(4) Notwithstanding the foregoing provisions of this paragraph in determining the support rate for grain sorghums shipped by rail or water and stored at any of the following terminal markets, there shall be deducted from the applicable basic support rate, the transportation cost, if any, as determined by the appropriate ASCS commodity office, for moving the grain sorghums to a tidewater loading facility located within the same switching limits:

Long Beach, Los Angeles, Oakland, San Francisco, Stockton, and Wilmington, Calif.
Baton Rouge and New Orleans, La.
Astoria and Portland, Oreg.
Corpus Christi, Galveston, Houston and Port Arthur, Tex.
Kalama, Longview, Seattle, Tacoma and Vancouver, Wash.

(5) Notwithstanding the foregoing provisions of this paragraph, in determining the support rate for grain sorghums received by truck and stored at any of the terminal markets listed in subparagraph (4) above there shall be deducted from the basic support rate an amount of 6 cents per hundredweight plus the transportation cost, if any, as determined by the appropriate ASCS commodity office, for moving the grain sorghums to a tidewater loading facility located within the same switching limits.

(b) *Basic support rates for grain sorghums in approved warehouse storage at other than designated terminal markets.* In determining the support rates for grain sorghums which are shipped by rail or water and which are stored in approved warehouses, other than those situated in the designated terminal markets, there shall be deducted from the basic support rate for the appropriate designated terminal market, as determined by CCC, an amount equal to the transit balance, if any, of the through freight rate from the point of origin for such grain sorghums to such terminal market: *Provided,* That on any grain sorghums shipped at other than the domestic interstate freight rate, the support rate shall be further reduced by the difference between the freight rate paid and the domestic interstate freight rate from the point of origin of such grain sorghums to the point of destination or appropriate terminal market: *And provided further,* That in the case of grain sorghums stored at any railroad transit point taking a penalty by reason of out-of-line movement, to the appropriate designated market, or for any other reason, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing grain sorghums in such position.

(c) *Basic county support rates.* (1) The applicable support rate per hundredweight for farm-storage loans and grain sorghums in approved country warehouse-storage, except as otherwise provided in paragraph (b) and (c)(2) of this section shall be the basic support rate established for the county in which the grain sorghums are stored.

(2) If two or more approved warehouses are located in the same or adjoining towns, villages, or cities, having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point and the same basic support rate shall apply even through such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.

(d) *Discounts and premiums.* Applicable basic support rates shall be ad-

justed for premiums and discounts as shown in the schedule below, except that in the case of farm-storage loans the premium adjustment of one-cent for grain sorghums grading No. 1 shall not be made until the time of settlement.

(1) *Schedule of premiums and discounts.*

	Cents per hundredweight
(i) Premiums—Grade No. 1	+1
(ii) Discounts	
Mixed Grain Sorghums	−3
Grade No. 3 (not over 13 percent moisture)	−3
Grade No. 4 (not over 13 percent moisture)	−5
Smutty	−3
Weed control laws (see 2 below)	−15

NOTE: Discounts are cumulative except only one grade discount shall be applied.

(2) *Weed control laws.* Where the State committee determines that State, district, or county weed control laws, as administered, affect the grain sorghums crop, the support rate in the case of farm storage shall be 15 cents per 100 pounds below the applicable county support rate unless the producer obtains a certificate from the appropriate weed control official indicating that the grain sorghums comply with the weed control laws. In the case of warehouse storage, whenever the State committee of the State in which the grain sorghums are stored determines that State, district or county weed control laws, as administered, affect grain sorghums stored in approved warehouses, the rate shall be 15 cents per 100 pounds below the applicable support rate unless the producer obtains a certificate from either the appropriate State, county, or district weed control official or the storing warehouseman that the grain sorghums comply with the weed control laws and in the case of a certificate from the warehouseman, that he will save CCC harmless from loss or penalty because of the weed control laws. The certificate of the warehouseman may be in substantially the following form.

CERTIFICATION

This is to certify that the grain evidenced by warehouse receipt No. ------ issued to ---------- is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that should such grain be taken over by CCC in settlement of a loan or be purchased under the purchase agreement program that the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the grain was stored under the above warehouse receipt.

(Signature)

(Address)

(Date)

Effective date upon publication in the FEDERAL REGISTER.

Issued at Washington, D.C., on July 6, 1962.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-6748; Filed, July 9, 1962; 8:58 a.m.]

[1962 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Flaxseed]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1962-Crop Flaxseed Loan and Purchase Agreement Program

A price support program has been announced for the 1962 crop of flaxseed. The 1962 C.C.C. Grain Price Support Bulletin 1 (27 F.R. 4411) issued by the Commodity Credit Corporation and containing regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1962 is supplemented as follows:

Sec.
421.1651 Purpose.
421.1652 Availability of price support.
421.1653 Eligibility requirements.
421.1654 Eligible flaxseed.
421.1655 Determination of quality.
421.1656 Determination of quantity.
421.1657 Warehouse receipts.
421.1658 Warehouse charges.
421.1659 Maturity of loans.
421.1660 Inspection of flaxseed under purchase agreement.
421.1661 Settlement.
421.1662 Support rates.

AUTHORITY: §§ 421.1651 to 421.1662 issued under sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1054; secs. 3 and 4, 76 Stat. 70; 15 U.S.C. 714 b and c, 7 U.S.C. 1447, 1421.

§ 421.1651 Purpose.

This supplement states additional specific requirements which, together with the applicable provisions of the general regulations contained in the 1962 C.C.C. Grain Price Support Bulletin 1 (27 F.R. 4411) (§§ 421.1101 to 421.1132) and any amendments thereto, apply to loans and purchase agreements under the 1962-Crop Flaxseed Price Support Program.

§ 421.1652 Availability of price support.

(a) *Area.* Price support will be available wherever flaxseed is grown in the United States, except that only direct purchases will be available in Texas counties designated under the 1961 and Subsequent Crop Texas Flaxseed Purchase Programs. Farm-storage loans will not be available in areas where the State committee determines that flaxseed cannot be safely stored on the farm.

(b) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm program records for the farm.

(c) *When to apply.* Loans and purchase agreements will be available from harvest through October 31, 1962, in Arizona and California, and for all other States through January 31, 1963. The applicable documents must be signed by the producer and delivered to the office of the county committee not later than such date.

§ 421.1653 Eligibility requirements.

(a) *Beneficial interest.* To be eligible for price support, the beneficial interest must be in the eligible producer tendering the flaxseed for loan or for delivery under a purchase agreement, and must always have been in him, or in him and a former producer whom he succeeded before it was harvested. Any producer who is in doubt as to whether his interest in the flaxseed complies with the requirements of this paragraph (a) should make available to the county committee, prior to filing an application, all pertinent information which will permit a determination to be made by CCC.

(b) *Succession of interest.* To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the flaxseed was produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

§ 421.1654 Eligible flaxseed.

The flaxseed must meet all of the applicable requirements of this section in addition to other applicable requirements of the program in order to be eligible for a loan, for delivery under a loan and for purchase under a purchase agreement.

(a) *Production.* The flaxseed must have been produced in the United States in 1962 by an eligible producer. Flaxseed produced on diverted acreage under the 1962 Wheat Stabilization Program Regulations (26 F.R. 11347) and any amendements thereto and under the 1962 Feed Grain Program Regulations (27 F.R. 146) and any amendments thereto, shall not be eligible for price support. In order for flaxseed not produced on diverted acreage to be eligible for price support, the producer must maintain such flaxseed separate from any flaxseed produced on diverted acreage until such time as it may be deposited in an approved warehouse for loan or settlement purposes in which event a separate warehouse receipt must be obtained for such flaxseed.

(b) *Grade requirements.* Flaxseed at the time it is placed under loan and flaxseed under purchase agreement which is in approved warehouse storage prior to notification by a producer of his intention to sell to CCC, must grade No. 1 or 2.

(c) *Poisonous substances.* The flaxseed must not contain mercurial compounds or other substances poisonous to man or animals.

(d) *Waiting period.* If offered as security for a farm-storage loan, the flaxseed must have been in store for at least 30 days prior to inspecting, measuring, sampling and sealing, unless otherwise approved by the State committee.

(e) *Purchase agreement—predelivery inspection.* Except as otherwise provided in § 421.1660, flaxseed under purchase agreement stored in other than approved warehouse storage shall not be eligible for sale to CCC if it does not meet the requirements of paragraphs (b) and (c) of this section on the basis of a predelivery inspection performed by a representative of the county committee, unless the producer complies with the conditions specified in § 421.1660 (a) and the flaxseed on the basis of the inspection made at the time of delivery meets the requirements of paragraphs (b) and (c) of this section.

(f) *Deliveries under farm-storage loans.* Only flaxseed covered by the loan documents is eligible for delivery under farm-storage loans.

§ 421.1655 Determination of quality.

The grade, grading factors, and all other quality factors shall be determined in accordance with the method set forth in the Official Grain Standards of the United States for flaxseed, whether or not such determinations are made on the basis of an official inspection.

§ 421.1656 Determination of quantity.

(a) *In warehouse.* The quantity of flaxseed on which a warehouse-storage loan shall be made and the quantity delivered to or acquired by CCC in an approved warehouse under a farm-storage loan or purchase agreement shall be the net weight specified on the warehouse receipt or on the supplemental certificate, if applicable.

(b) *On farm.* The quantity of flaxseed placed under farm-storage loan may be determined either by weight or by measurement. The quantity delivered under a farm-storage loan or a purchase agreement shall be determined by weight. When the quantity is determined by weight, a bushel shall be 56 pounds of flaxseed free of dockage. In determining the quantity of sacked flaxseed by weight, a deduction of three-fourths of a pound for each sack shall be made.

(c) *Adjustment for test weight.* When the quantity is determined by measurement, a bushel shall be 1.25 cubic feet of flaxseed testing 56 pounds per bushel. The quantity determined for flaxseed of a different test weight shall be adjusted by the applicable percentage in the following table:

For flaxseed testing:	Percent
56 pounds or over	100
55 pounds or over, but less than 56 pounds	98
54 pounds or over, but less than 55 pounds	96
53 pounds or over, but less than 54 pounds	94
52 pounds or over, but less than 53 pounds	92
51 pounds or over, but less than 52 pounds	90
50 pounds or over, but less than 51 pounds	88
49 pounds or over, but less than 50 pounds	85
48 pounds or over, but less than 49 pounds	83
47 pounds or over, but less than 48 pounds	81

(d) *Dockage.* The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the flaxseed in determining the net quantity available for loan or purchase.

§ 421.1657 Warehouse receipts.

Warehouse receipts representing flaxseed in approved warehouse storage to be placed under a warehouse-storage loan, to be delivered in satisfaction of a farm-storage loan, or to be acquired under a purchase agreement, must meet the requirements of this section:

(a) *Manner of issuance and endorsement.* Warehouse receipts presented for warehouse-storage loans must be issued in the name of the producer and for deliveries under farm-storage loans or purchase agreements, in the name of the producer or CCC, and must be properly endorsed in blank when issued in the name of the producer so as to vest title in the holder. Receipts must be issued by a warehouse for which a Uniform Grain Storage Agreement is in effect and which is approved by CCC for price support purposes, or must be receipts issued on approved warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission. The term "Eastern common carrier" as used in this subpart includes the Port of New York Authority.

(b) *Entries for weight and grade.* Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt, must show: (1) gross weight, and net bushels, (2) grade, (3) test weight, (4) moisture, (5) dockage, (6) percentage of damage when such factor, and not test weight, determines the grade, and (7) whether the flaxseed arrived by car, truck or barge. The grading factors on the warehouse receipt must agree with the inbound inspection certificate for the truck, car or barge if such certificate is issued. A separate warehouse receipt must be submitted for each grade of flaxseed.

(c) *Liens.* The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.1658.

(d) *In-transit movement.* Warehouse receipts representing flaxseed which has been shipped by rail or water from a country shipping point to a designated terminal point, or shipped by rail or water from a country shipping point to a storage point and stored in transit to a designated terminal point, must be accompanied by registered freight bills, or by a certificate containing similar information. These registered freight bills or certificates must be representative as to origin and date of movement of the flaxseed. The form of these certificates will be prescribed by the ASCS commodity office and shall be signed by the warehouseman and may be made a part of the supplemental certificate.

(e) *Where warehouseman is also owner.* If the receipt is issued for flaxseed of which the warehouseman is the owner either solely, jointly, or in common with others, the fact of such ownership shall be stated on the receipt. Such receipts shall also be registered or recorded with appropriate State or local officials when required by State law. In States where the pledge of warehouse receipts by a warehouseman on his own flaxseed is not valid under State law and the warehouseman elects to deliver flaxseed to CCC under a purchase agreement for which he is eligible under this program, the warehouse receipt shall be issued in the name of CCC.

(f) *Insurance.* Each warehouse receipt or accompanying supplemental certificate representing flaxseed stored in an approved warehouse operating under the Uniform Grain Storage Agreement shall indicate that the flaxseed is insured, in accordance with such agreement. Each warehouse receipt or accompanying supplemental certificate issued on warehouses operated by Eastern common carriers and representing flaxseed to be placed under loan, shall indicate that it is insured at the full market value against loss or damage by fire, lightning, inherent explosion, wind storm, cyclone and tornado. The cost of such insurance shall not be for the account of CCC.

§ 421.1658 Warehouse charges.

(a) *Handling and storage liens.* Warehouse receipts and the flaxseed represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date it is deposited in the warehouse for storage. Warehouse receipts and the flaxseed represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. In no event shall a warehouseman be entitled to satisfy the lien by sale of the flaxseed when CCC is holder of the warehouse receipt.

(b) *Deduction of storage charges—UGSA warehouses.* The table below provides the deductions for storage charges to be made from the amount of the loan or purchase price in the case of flaxseed stored in an approved warehouse operated under the Uniform Grain Storage Agreement. Such deduction shall be based on entries shown on the warehouse receipts. If written evidence is submitted with the warehouse receipt that all warehouse charges except receiving and loading out charges have been prepaid through the applicable loan maturity date, no storage deductions shall be made. If such written evidence is not submitted, the date to be used for computing the storage deduction on flaxseed stored in warehouses operating under the Uniform Grain Storage Agreement shall be the date of deposit or the date storage charges start, whichever is later; if neither the date of deposit nor the date storage charges start is shown, the date of the warehouse receipt shall be used.

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES BY MATURITY DATES

Jan. 31, 1963	Deduction (cents per bushel)	Mar. 31, 1963
Storage start date [1]		*Storage start date* [1]
Prior to Apr. 24, 1962	12	Prior to May 26, 1962.
Apr. 24–May 20, 1962	11	May 26–June 21, 1962.
May 21–June 16, 1962	10	June 22–July 18, 1962.
June 17–July 13, 1962	9	July 19–Aug. 14, 1962.
July 14–Aug. 9, 1962	8	Aug. 15–Sept. 10, 1962.
Aug. 10–Sept. 5, 1962	7	Sept. 11–Oct. 7, 1962.
Sept. 6–Oct. 2, 1962	6	Oct. 8–Nov. 3, 1962.
Oct. 3–Oct. 29, 1962	5	Nov. 4–Nov. 30, 1962.
Oct. 30–Nov. 25, 1962	4	Dec. 1–Dec. 27, 1962.
Nov. 26–Dec. 22, 1962	3	Dec. 28, 1962–Jan. 23, 1963.
Dec. 23, 1962–Jan. 31, 1963.	2	Jan. 24–Feb. 19, 1963.
	1	Feb. 20–Mar. 31, 1963.

[1] All dates inclusive.

(c) ***Deduction of storage charges—Eastern common carriers.*** In the case of flaxseed stored in an approved warehouse operated by an Eastern common carrier, there shall be deducted in computing the loan or purchase price the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through the applicable maturity date unless written evidence is submitted with the warehouse receipt that such charges have been prepaid. The county office shall request the ASCS commodity office to determine the amount of such charges. Where the producer presents evidence showing the elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.1659 Maturity of loans.

Loans mature on demand but not later than January 31, 1963, on flaxseed stored in Arizona and California, and not later than March 31, 1963, in all other States.

§ 421.1660 Inspection of flaxseed under purchase agreement.

(a) ***Predelivery inspection.*** (1) Where the producer has given written notice within the 30-day period prior to the loan maturity date of his intent to sell his flaxseed stored in other than an approved warehouse under purchase agreement to CCC, the county office shall make an inspection, obtain a sample and submit it for grade analysis prior to delivery.

(2) If the flaxseed on the basis of the predelivery inspection is of a quality which meets the requirements for a farm-storage loan, the county office shall issue delivery instructions on or after the date of inspection. The producer must then complete delivery within the period specified in the delivery instructions unless the county office determines that more time is needed.

(3) The producer whose flaxseed is stored in other than an approved warehouse and whose flaxseed is not of a quality eligible for a loan at the time of the predelivery inspection shall be notified in writing by the county office that his flaxseed is not eligible for purchase by CCC. If, nevertheless, the producer informs the county office that he will condition the flaxseed or otherwise take action to make it eligible and insists upon delivery, of the flaxseed, the county office shall issue delivery instructions. In such case, if the flaxseed does not meet the eligibility requirements of § 421.1654 (b) and (c) as determined on the basis of a sample taken at the time of delivery, the flaxseed will not be accepted for purchase by CCC.

(4) A predelivery inspection shall not be made in unapproved warehouses where the flaxseed is stored commingled or is stored so that the identity of the producer's flaxseed is maintained but a predelivery inspection is not possible. When a predelivery inspection is not made such flaxseed at the time of delivery must meet the eligibility requirements of § 421.1654 (b) and (c).

(b) ***Inspection of flaxseed stored by producer after maturity date.*** (1) The producer may be required to retain the flaxseed stored in other than approved warehouse storage under purchase agreement for a period of 60 days after the loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of the flaxseed covered by a purchase agreement occurring prior to delivery to CCC except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions for flaxseed which was determined to be of an eligible grade and quality at the time of the predelivery inspection, and CCC cannot accept delivery within the 60-day period following the loan maturity date, the producer may notify the county office at any time after such 60-day period that it is going out of condition or is in danger of going out of condition. If the county office determines that the flaxseed is going out of condition or is in danger of going out of condition and it cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county office shall obtain an inspection and grade and quality determination.

(2) When delivery is completed, settlement shall be made on the basis of such grade and quality determination or the grade and quality determination made at the time of delivery, whichever is higher, and on the quantity actually delivered.

§ 421.1661 Settlement.

(a) *General.* Settlement for flaxseed acquired by CCC under loan or purchase agreement will be made with the producer as provided in this section. The support rate per bushel at which settlement will be made for eligible flaxseed shall be determined under the applicable provisions of § 421.1662, and this section.

(1) *Warehouse-storage loans.* Settlement for eligible flaxseed acquired by CCC under warehouse-storage loans and represented by warehouse receipts shall be made on the basis of weight, grade and other quality factors shown on such warehouse receipt or accompanying documents.

(2) *Farm-storage loans and purchase agreements.* (i) Delivery will be made in accordance with instructions issued by the county office. The settlement rate for eligible flaxseed delivered under farm-storage loans or purchase agreements from other than approved warehouses, shall be the applicable support rate for the county in which the producer's customary shipping point (as determined by the county committee) is located, except that if the producer is directed to deliver his flaxseed to a terminal market for which a support rate is established, settlement shall be based on the support rate for such terminal market. Settlement will be based on the quality and quantity as indicated on warehouse receipts and accompanying documents issued by an approved warehouse or if applicable, the quality and quantity as shown on Form CCC–50.

(ii) Flaxseed purchased under a purchase agreement shall be paid for by sight draft drawn on CCC. The producer shall indicate on commodity purchase Form 4 to whom payment shall be made.

(b) *Settlement rate to be established.* In the case of delivery of flaxseed under a farm-stored loan and flaxseed under purchase agreement which was determined to be eligible at the time of predelivery inspection but which upon delivery is of a grade or quality for which no support rate has been established, the settlement rate shall be the applicable basic support rate adjusted by the premiums and discounts shown in § 421.1662 to the extent they apply and in addition, by the amount of market discounts, if any, as determined by the appropriate ASCS commodity office for the quality by which the flaxseed is lower than the quality for which such price support discounts are established; *Provided, however,* That if such flaxseed is sold by CCC for the purpose of determining its market price, the settlement value shall not be less than such sales price. Notwithstanding the foregoing, the settlement rate shall not in any event be more than the rate which would have been established under § 421.1662 by using the price support premiums and discounts in such section to the extent that they apply.

(c) *Compensation for hauling.* If the producer is directed by the county office to deliver his price support flaxseed to a point a greater distance than to his customary delivery point, the producer will be allowed compensation (as determined by the ASC State committee at not to exceed the common carrier truck rate or the rate available from local truckers) for hauling eligible flaxseed the additional distance: *Provided,* That if the producer is directed to deliver his flaxseed to a terminal market for which a price support rate is established, no compensation shall be allowed for hauling. The ASC State committee, may, in determining the rates of payments for any excess haul, establish reasonable mileage minimums below which producers will not receive compensation for hauling the flaxseed.

(d) *Track-loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on eligible flaxseed delivered to CCC on track at a country point.

(e) *Storage payment where CCC is unable to take delivery of flaxseed stored in other than approved warehouse under loan or purchase agreement.* The producer may be required to retain flaxseed stored in other than an approved warehouse under loan or purchase agreement for a period of 60-days after the maturity date without any cost to CCC. However, if CCC is unable to take delivery of such flaxseed within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the flaxseed to CCC: *Provided, however,* That a storage payment shall be paid a producer whose flaxseed is stored in other than an approved warehouse under purchase agreement only if he had properly given notice of his intention to sell the flaxseed to CCC and delivery cannot be accepted within the 60-day period after maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office whichever is earlier. The storage payment shall be computed at the storage rate for flaxseed provided for in the Uniform Grain Storage Agreement in effect at the time of such storage.

(f) *Storage deduction for early delivery.* If farm-stored flaxseed is delivered to CCC prior to maturity date, a deduction for storage shall be made, except that no deduction shall be made if such early delivery is made solely for the convenience of CCC, or if it is determined by CCC at the time of delivery that the flaxseed will be sold rather than stored, or if CCC requires early delivery on an area basis.

(g) *Refund of prepaid handling charges.* In the case a warehouseman charges the producer for the receiving or the receiving and loading out charges on flaxseed under loan or purchase agreement stored in an approved warehouse, the producer shall, upon delivery of the flaxseed to CCC, be reimbursed or given credit by the county office for such prepaid charges not to exceed those specified in the Uniform Grain Storage Agreement, provided the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid. In the case an approved warehouse operated by an Eastern common carrier charges the producer for the elevation charges on flaxseed under loan or purchase agreement, the producer shall, upon delivery of the flaxseed to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges specified in the applicable approved tariff; provided the producer furnishes to the county office written evidence signed by the warehouseman that such charges have been paid and that CCC has not previously given the producer credit for such charges as provided in § 421.1658(c).

(h) *Ineligible flaxseed inadvertently accepted by CCC.* In the case of (1) ineligible flaxseed delivered to or acquired by CCC under loan; (2) flaxseed delivered in excess of the maximum quantity stated in the purchase agreement; (3) ineligible flaxseed delivered under a purchase agreement where a predelivery inspection was not made; (4) ineligible flaxseed delivered under a purchase agreement where the predelivery inspection indicated it to be of an ineligible quality; and (5) any other ineligible flaxseed acquired by CCC under a purchase agreement, the settlement value shall be the market price as determined by CCC, but in no event more than the applicable support rate. If CCC sells the flaxseed for the purpose of determining its market price, the settlement value shall be such sales price. The provisions of this paragraph do not apply to ineligible flaxseed covered by paragraphs (i) and (j) of this section.

(i) *Fraud.* The making of any fraudulent representation by the producer, in connection with settlement or deliveries under a loan shall render the producer personally liable, aside from any additional liability under criminal and civil frauds statutes, for the amount of the loan, for any additional amounts paid to the producer on the commodity, and for all costs which CCC would not have incurred had it not been for the producer's fraudulent representation, together with interest at the rate of 6 percent per annum on such amounts from the date of disbursement. For the purpose of establishing any deficiency remaining due in the event the producer has made any such fraudulent representation, the value of the flaxseed acquired by CCC under loan shall be the market value, as determined by CCC on the date of delivery or removal in the case of farm-storage loans or the market value of the flaxseed as of the close of the market on the final date for repayment in the case of warehouse-storage loans, or in the case of both farm-storage and warehouse-storage loans the sales price if the flaxseed is sold by CCC in order to determine its market value. If the producer has made a fraudulent representation in a sale under a purchase agreement or in the purchase agreement documents, he shall be personally liable aside from any additional liability under criminal or civil frauds statutes for any loss which CCC sustains upon the flaxseed delivered under the purchase agreement. For the purpose of this program, such loss shall be deemed to be the price paid to the producer on the flaxseed delivered under the purchase agreement plus all costs sustained by CCC in correction with the flaxseed, together with interest at the rate of 6 percent per annum from the date of disbursement, less the market value, as determined by CCC of the flaxseed as of the close of the market on the date of delivery, or the sales price if the flaxseed is sold in order to determine its market value.

(j) *Poisonous substances.* If flaxseed is delivered to CCC which contains mercurial compounds or other substances poisonous to man or animals, such flaxseed shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such flaxseed for the use specified above, the settlement value shall be the market value, as determined by CCC, as of the date of delivery.

§ 421.1662 Support rates.

The support rate for the quality of flaxseed placed under a loan or acquired under a loan or purchase agreement shall be the applicable basic support rate adjusted in accordance with the provisions of this section, and in the case of settlement of loans and purchase agreements as further provided in § 421.1661. Basic support rates for flaxseed per bushel are for Grade No. 1 containing 10.6 to 11.0 percent moisture.

(a) *Basic support rates at designated terminal markets*—(1) *Minneapolis and St. Paul, Minnesota.* (i) The flaxseed must have been shipped on a domestic interstate freight rate basis. The basic support rate at the Minneapolis and St. Paul, Minnesota terminal markets on any flaxseed shipped at other than the domestic interstate freight rate, shall be reduced by the difference between the freight rate paid and the domestic interstate freight rate.

(ii) The basic support rates for the Minneapolis and St. Paul, Minnesota, terminal markets apply to flaxseed which has been shipped by rail or water from a country shipping point to one of such designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges. In the event the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate, if any, from the terminal market to a recognized market as determined by CCC, there shall be deducted from the applicable basic support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate. If the flaxseed is stored at either of such designated terminal markets and neither registered freight bills nor registered freight certificates are presented, the basic support rate shall be reduced by the actual amount of paid-in freight required to guarantee the proportional outbound rate from the terminal market to a recognized market determined by the appropriate ASCS commodity office.

(iii) In determining the support rate for flaxseed received by truck and stored at either of these terminal markets there shall be deducted from the basic support rate, the actual amount of paid-in freight required to guarantee the proportional outbound rate from the terminal market to a recognized market determined by the appropriate ASCS commodity office, plus 4.5 cents per bushel.

(iv)

Terminal market	*Basic support rate per bushel*
Minneapolis, Minn	$3.13
St. Paul, Minn	3.13

(2) *Port terminal markets.* (i) In determining the support rate for flaxseed which is shipped by rail or water

and stored at any of the port terminal markets specified in this subparagraph, there shall be deducted from the applicable basic support rate the transportation cost, if any, as determined by the appropriate ASCS commodity office for moving the flaxseed to a tidewater facility located within the same switching limits.

(ii) In determining the support rate for flaxseed which is received by truck and stored at any of such port terminal markets, there shall be deducted from the basic support rate, an amount equivalent to 4.5 cents per bushel, plus the transportation cost, if any, as determined by the appropriate ASCS commodity office, for moving the flaxseed to a tidewater facility located within the same switching limits.

(iii)

Terminal market	Basic support rate per bushel
Los Angeles, Calif.	$3.43
San Francisco, Calif.	3.37
Duluth, Minn.	3.13
Superior, Wis.	3.13
Corpus Christi, Tex.	2.92
Houston, Tex.	2.92

(b) *Basic support rates in approved warehouse-storage at other than designated terminal markets.* (1) In determining the support rate for flaxseed which is shipped by rail or water and which is stored in approved warehouses other than those situated in the designated terminal markets, there shall be deducted from the basic support rate for the appropriate designated terminal market as determined by CCC, an amount equal to the transit balance, if any, of the through-freight rate from point of origin for such flaxseed to such terminal market: *Provided*, That on any flaxseed shipped at other than the domestic interstate freight rate, the support rate shall be further reduced by the difference between the freight rate paid and the domestic interstate freight rate from the point of origin of such flaxseed to the point of destination or appropriate terminal market: *And provided further*, That in the case of flaxseed stored at any railroad transit point taking a penalty by reason of out-of-line movement to the appropriate designated market, or for any other reason, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing flaxseed in such position.

(c) *Basic county support rates.* (1) The basic county support rates for farm-storage loans and country warehouse-storage loans, except as otherwise provided in paragraph (b) of this section, shall be the basic support rate established for the county in which the flaxseed is stored.

(2) If two or more approved warehouses are located in the same or adjoining towns, villages, or cities having the same domestic freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point and the same basic support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved

ARIZONA

County	Basic support rate per bushel	County	Basic support rate per bushel
Cochise	$3.10	Pinal	$3.20
Graham	3.03	Yavapai	2.84
Maricopa	3.20	Yuma	3.22
Pima	3.18		

CALIFORNIA

Alameda	$3.22	Napa	$3.22
Colusa	3.15	Riverside	3.23
Fresno	3.19	Sacramento	3.18
Imperial	3.25	San Benito	3.19
Kern	3.20	San Joaquin	3.20
Kings	3.20	San Mateo	3.22
Los Angeles	3.27	Santa Clara	3.21
Madera	3.17	Santa Cruz	3.19
Merced	3.18	Sutter	3.16
Modoc	2.88	Yolo	3.18

GEORGIA

All counties $2.25

IDAHO

All counties $2.28

IOWA

County	Basic support rate per bushel	County	Basic support rate per bushel
Audubon	$2.79	Kossuth	$2.86
Buena Vista	2.84	Lyon	2.83
Butler	2.85	Mitchell	2.87
Calhoun	2.84	Monona	2.82
Carroll	2.82	O'Brien	2.84
Cerro Gordo	2.87	Osceola	2.85
Cherokee	2.82	Palo Alto	2.85
Clay	2.85	Plymouth	2.82
Crawford	2.81	Pocahontas	2.84
Dickinson	2.85	Sac	2.83
Emmet	2.87	Shelby	2.80
Floyd	2.86	Sioux	2.83
Franklin	2.85	Winnebago	2.87
Greene	2.82	Woodbury	2.82
Guthrie	2.82	Worth	2.87
Hancock	2.86	Wright	2.85
Harrison	2.80	All other counties	2.73
Humboldt	2.85		
Ida	2.82		

KANSAS

All counties $2.47

MICHIGAN

All counties $2.72

MINNESOTA

County	Basic support rate per bushel	County	Basic support rate per bushel
Aitkin	$3.00	Hubbard	$2.94
Anoka	2.92	Isanti	2.92
Becker	2.92	Itasca	2.99
Beltrami	2.94	Jackson	2.86
Benton	2.92	Kanabec	2.98
Big Stone	2.92	Kandiyohi	2.92
Blue Earth	2.92	Kittson	2.86
Brown	2.92	Koochiching	2.92
Carlton	3.00	Lac Qui Parle	2.92
Carver	2.92	Lake of the Woods	2.90
Cass	2.97	LeSueur	2.92
Chippewa	2.92	Lincoln	2.90
Chisago	2.92	Lyon	2.92
Clay	2.91	McLeod	2.92
Clearwater	2.93	Mahnomen	2.91
Cottonwood	2.88	Marshall	2.88
Crow Wing	2.98	Martin	2.87
Dakota	2.92	Meeker	2.92
Dodge	2.92	Mille Lacs	2.95
Douglas	2.92	Morrison	2.97
Faribault	2.88	Mower	2.92
Fillmore	2.92	Murray	2.86
Freeborn	2.92	Nicollet	2.92
Goodhue	2.92	Nobles	2.88
Grant	2.92	Norman	2.89
Hennepin	2.92	Olmsted	2.92
Houston	2.92		

MINNESOTA—Continued

County	Basic support rate per bushel	County	Basic support rate per bushel
Otter Tail	$2.93	Stearns	$2.92
Pennington	2.90	Steele	2.92
Pine	2.99	Stevens	2.92
Pipestone	2.88	Swift	2.92
Polk	2.90	Todd	2.93
Pope	2.92	Traverse	2.92
Ramsey	2.92	Wabasha	2.92
Red Lake	2.91	Wadena	2.95
Redwood	2.92	Waseca	2.92
Renville	2.92	Washington	2.92
Rice	2.92	Watonwan	2.88
Rock	2.87	Wilkin	2.92
Roseau	2.86	Winona	2.92
St. Louis	2.91	Wright	2.92
Scott	2.92	Yellow Medicine	2.92
Sherburne	2.92		
Sibley	2.92		

MONTANA

County	Basic support rate per bushel	County	Basic support rate per bushel
Beaverhead	$2.34	Liberty	$2.55
Big Horn	2.46	McCone	2.63
Blaine	2.55	Musselshell	2.55
Broadwater	2.56	Park	2.56
Carbon	2.56	Petroleum	2.55
Carter	2.64	Phillips	2.56
Cascade	2.55	Pondera	2.55
Chouteau	2.55	Powder River	2.61
Custer	2.62	Prairie	2.63
Daniels	2.60	Richland	2.64
Dawson	2.63	Roosevelt	2.64
Deer Lodge	2.49	Rosebud	2.57
Fallon	2.64	Sheridan	2.63
Fergus	2.55	Stillwater	2.56
Gallatin	2.56	Sweet Grass	2.56
Garfield	2.62	Teton	2.55
Glacier	2.55	Toole	2.55
Golden Valley	2.51	Treasure	2.56
Hill	2.55	Valley	2.59
Judith Basin	2.55	Wheatland	2.55
Lewis and Clark	2.55	Wibaux	2.65
		Yellowstone	2.51

NEBRASKA

All counties $2.47

NORTH DAKOTA

County	Basic support rate per bushel	County	Basic support rate per bushel
Adams	$2.71	McLean	$2.74
Barnes	2.86	Mercer	2.72
Benson	2.77	Morton	2.73
Billings	2.70	Mountrail	2.71
Bottineau	2.72	Nelson	2.83
Bowman	2.69	Oliver	2.74
Burke	2.71	Pembina	2.84
Burleigh	2.77	Pierce	2.76
Cass	2.88	Ramsey	2.79
Cavalier	2.79	Ransom	2.87
Dickey	2.87	Renville	2.71
Divide	2.69	Richland	2.91
Dunn	2.71	Rolette	2.75
Eddy	2.81	Sargent	2.90
Emmons	2.78	Sheridan	2.77
Foster	2.82	Sioux	2.73
Golden Valley	2.66	Slope	2.67
Grand Forks	2.87	Stark	2.71
Grant	2.71	Steele	2.85
Griggs	2.85	Stutsman	2.83
Hettinger	2.71	Towner	2.76
Kidder	2.80	Traill	2.87
La Moure	2.84	Walsh	2.84
Logan	2.81	Ward	2.72
McHenry	2.74	Wells	2.80
McIntosh	2.81	Williams	2.70
McKenzie	2.67		

OKLAHOMA

All counties $2.33

OREGON

All counties $2.28

SOUTH DAKOTA

County	Basic support rate per bushel	County	Basic support rate per bushel
Aurora	$2.77	Jackson	$2.70
Beadle	2.82	Jerauld	2.81
Bennett	2.65	Jones	2.70
Bon Homme	2.79	Kingsbury	2.84
Brookings	2.86	Lake	2.83
Brown	2.85	Lawrence	2.64
Brule	2.75	Lincoln	2.83
Buffalo	2.75	Lyman	2.72
Butte	2.64	McCook	2.83
Campbell	2.79	McPherson	2.81
Charles Mix	2.76	Marshall	2.89
Clark	2.85	Meade	2.68
Clay	2.82	Mellette	2.67
Codington	2.87	Miner	2.83
Corson	2.73	Minnehaha	2.84
Custer	2.64	Moody	2.85
Davison	2.80	Pennington	2.68
Day	2.88	Perkins	2.71
Deuel	2.89	Potter	2.77
Dewey	2.72	Roberts	2.91
Douglas	2.77	Sanborn	2.81
Edmunds	2.82	Shannon	2.64
Fall River	2.58	Spink	2.84
Faulk	2.80	Stanley	2.77
Grant	2.91	Sully	2.76
Gregory	2.72	Todd	2.67
Haakon	2.71	Tripp	2.70
Hamlin	2.85	Turner	2.82
Hand	2.81	Union	2.82
Hanson	2.82	Walworth	2.77
Harding	2.70	Washabaugh	2.70
Hughes	2.77	Yankton	2.80
Hutchinson	2.79	Ziebach	2.70
Hyde	2.78		

TEXAS

(Purchase only counties)

Aransas	$2.71	Karnes	$2.65
Atascosa	2.60	Kimble	2.52
Bastrop	2.60	Kleberg	2.69
Bee	2.70	La Salle	2.53
Bell	2.57	Lavaca	2.60
Bexar	2.60	Lee	2.63
Blanco	2.57	Live Oak	2.67
Bowie	2.49	McCulloch	2.52
Brooks	2.62	McMullen	2.62
Brown	2.54	Mason	2.54
Burnet	2.54	Matagorda	2.66
Caldwell	2.60	Maverick	2.47
Calhoun	2.62	Medina	2.59
Cameron	2.57	Milam	2.59
Coleman	2.51	Mills	2.54
Collin	2.54	Nueces	2.72
Colorado	2.67	Real	2.52
Comal	2.60	Red River	2.49
Concho	2.51	Refugio	2.70
De Witt	2.61	Runnels	2.49
Dimmit	2.49	San Particio	2.73
Duval	2.64	San Saba	2.54
Frio	2.57	Taylor	2.47
Galveston	2.71	Travis	2.60
Goliad	2.66	Uvalde	2.52
Gonzales	2.60	Victoria	2.64
Guadalupe	2.60	Webb	2.56
Hamilton	2.50	Wharton	2.68
Hays	2.60	Willacy	2.58
Hidalgo	2.56	Williamson	2.59
Jackson	2.60	Wilson	2.63
Jim Hogg	2.61	Zapata	2.52
Jim Wells	2.69	Zavala	2.49

TEXAS

Carson	$2.45	Hockley	$2.45
Culberson	2.38	Lamb	2.45
Deaf Smith	2.45	Moore	2.43
Floyd	2.45	Pecos	2.38
Glasscock	2.45		

WISCONSIN

County	Basic support rate per bushel	County	Basic support rate per bushel
Adams	$2.82	Burnett	$3.00
Ashland	2.90	Calumet	2.75
Barron	2.89	Chippewa	2.88
Bayfield	2.90	Clark	2.85
Brown	2.77	Columbia	2.80
Buffalo	2.89	Crawford	2.84

WISCONSIN—Continued

County	Basic support rate per bushel	County	Basic support rate per bushel
Dane	$2.77	Oneida	$2.79
Dodge	2.78	Outagamie	2.79
Door	2.75	Ozaukee	2.75
Douglas	2.95	Pepin	2.91
Dunn	2.90	Pierce	2.92
Eau Claire	2.89	Polk	2.92
Florence	2.78	Portage	2.82
Fond du Lac	2.76	Price	2.85
Forest	2.82	Racine	2.75
Grant	2.79	Richland	2.80
Green	2.75	Rock	2.76
Green Lake	2.78	Rusk	2.88
Iowa	2.76	St. Croix	2.92
Iron	2.85	Sauk	2.80
Jackson	2.87	Sawyer	2.89
Jefferson	2.76	Shawano	2.79
Juneau	2.84	Sheboygan	2.75
Kenosha	2.75	Taylor	2.86
Kewaunee	2.75	Trempealeau	2.87
LaCrosse	2.86	Vernon	2.85
Lafayette	2.75	Vilas	2.80
Langlade	2.79	Walworth	2.75
Lincoln	2.79	Washburn	2.90
Manitowoc	2.75	Washington	2.75
Marathon	2.84	Waukesha	2.75
Marinette	2.76	Waupaca	2.81
Marquette	2.81	Waushara	2.80
Milwaukee	2.75	Winnebago	2.78
Monroe	2.85	Wood	2.84
Oconto	2.75		

WYOMING

All counties $2.45

(d) *Discounts.* The following discounts shall, in the case of loans, be applied to the basic rate at the time the loan is completed and at the time of settlement. In the case of deliveries under purchase agreements, they shall be applied to the basic rate at the time of settlement.

(1) *Where weed control laws apply.* Where the State committee determines that State, district or county weed control laws, as administered, affect the flaxseed crop, the support rate in the case of farm storage shall be 15 cents below the applicable county support rate unless the producer obtains a certificate from the appropriate weed control official indicating that the flaxseed complies with the weed control laws. In the case of warehouse-storage, whenever the State committee of the State in which the flaxseed is stored determines that State, district or county weed control laws, as administered, affect flaxseed stored in approved warehouses, the rate shall be 15 cents below the applicable support rate unless the producer obtains a certificate from either the appropriate State, county or district weed control official or the storing warehouseman that the flaxseed complies with the weed control laws, and in the case of a certificate from the warehouseman, that he will save CCC harmless from loss or penalty because of the weed control laws. The certificate of the warehouseman may be in substantially the following form:

CERTIFICATION

This is to certify that the grain evidenced by warehouse receipt No. ------ issued to ---------- is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that should such grain be taken over by CCC in settlement of a loan or be purchased under the purchase agreement program that the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the grain was stored under the above warehouse receipt.

---------- (Signature)

---------- (Address)

---------- (Date)

(2) *Grade discount.* The support rate for grade No. 2 flaxseed shall be 6 cents per bushel less than the support rate for grade No. 1 flaxseed.

(e) *Premiums.* In the case of farm-storage loans and deliveries under purchase agreements, the premium shall be applied to the basic rate at the time of settlement. In the case of warehouse-storage loans, the premium shall be applied to the basic rate at the time the loan is completed.

(1) *Low moisture.*

Moisture content (percent):	Cents per bushel
10.6 to 11.0 inclusive	0
10.1 to 10.5 inclusive	+1
9.6 to 10.0 inclusive	+2
9.1 to 9.5 inclusive	+3
9.0 or less	+4

Effective date: Upon publication in the FEDERAL REGISTER.

Signed on July 3, 1962, in Washington, D.C.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-6710; Filed, July 9, 1962; 8:55 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 624, 8th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Soybean Cyst Nematode

REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS

Pursuant to § 301.79–2 of the regulations supplemental to the soybean cyst nematode quarantine (7 CFR 301.79–2) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), administrative instructions appearing as 7 CFR 301.79–2a are hereby revised to read as follows:

§ 301.79–2a Administrative instructions designating regulated areas under the soybean cyst nematode quarantine.

Infestations of the soybean cyst nematode have been determined to exist in the counties, other civil divisions, farms, and other premises, or parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for

quarantine enforcement purposes from infested localities. Accordingly, such counties, other civil divisions, farms, other premises, and parts thereof, are hereby designated as soybean cyst nematode regulated areas within the meaning of the provisions in this subpart:

ARKANSAS

Clay County. Secs. 1 and 12, T. 18 N., R. 7 E.; sec. 36, T. 19 N., R. 7 E.; secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, and those portions of secs. 11 and 12, T. 18 N., R. 8 E. lying in Clay County; secs. 1, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T. 19 N., R. 8 E.; and those portions of Ts. 18 and 19 N., R. 9 E. lying in Clay County.

Craighead County. That portion of the county bounded by a line beginning at the intersection of the eastern boundary of Craighead County with the Arkansas-Missouri State line and extending southward along the eastern boundary of Craighead County to the southern boundary line of Craighead County, thence westward along the southern boundary line of Craighead County to the St. Francis River, thence northward along the St. Francis River to the junction of the St. Francis River with the boundary line between Craighead County, Arkansas, and Dunklin County, Missouri, thence eastward along the northern boundary of Craighead County.

Crittenden County. The irregular portion on the eastern boundary of the county between the Mississippi River levee and the indeterminate Arkansas-Tennessee State line, bounded on the north by the Crittenden-Mississippi County line and on the south by an east-west line projected from the levee to the State line, lying one mile south of the intersection of a graded road and the levee at the head of Wapanocca Bayou.

All of the property owned by Ceylon B. Frazier in sec. 14, T. 6 N., R. 9 E.

All of the property owned by R. G. Hinkley in sec. 32, T. 6 N., R. 8 E.

All of the propery owned by William F. Johnson Real Estate Company in sec. 19, T. 6 N., R. 9 E.

All of the property owned by Richard Moore in sec. 23, T. 5 N., R. 8 E.

All of the property owned by Wassell Randolph in sec. 15, T. 6 N., R. 9 E.

All of the property owned by Rock Island RR. Company in sec. 18, T. 6 N., R. 9 E.

All of the property known as the Clarence Williams Farm, located in sec. 22, T. 5 N., R. 8 E.

All of the property owned by Jack Wilson in sec. 14, T. 5 N., R. 8 E.

Greene County. Sec. 18, T. 18 N., R. 8 E.

Mississippi County. The irregular portion on the eastern boundary of the county lying between the Mississippi River levee and the indeterminate Arkansas-Tennessee State line.

That area bounded on the north by the Arkansas-Missouri State line, and further bounded by a line beginning at the intersection of the Mississippi River levee and the Arkansas-Missouri State line and extending southward along said levee to State Highway 119, thence westward along State Highway 119 to the intersection of State Highway 119 and U.S. Highway 61, thence northward along U.S. Highway 61 to the intersection of U.S. Highway 61 with the southern boundary of sec. 1, T. 12 N., R. 10 E., thence westward along the southern boundary lines of secs. 2, 3, 4, 5, and 6, T. 12 N., R. 10 E., and secs. 1, 2, 3, 4, 5, and 6, T. 12 N., R. 9 E., and secs. 1, 2, 3, 4, 5, and 6, T. 12 N., R. 8 E. to the western bounary line of Mississippi County, thence north along the western boundary line of Mississippi County to the Arkansas-Missouri State line.

All of the property owned by Mrs. Charles Hale in sec. 19, T. 11 N., R. 11 E.

Poinsett County. Sec. 11, T. 11 N., R. 3 E.; secs. 9 and 10, T. 12 N., R. 3 E.; secs. 1, 2, and 3 and those portions of secs. 4 and 5, T. 12 N., R. 6 E. lying east of the St. Francis River; sec. 15, T. 11 N., R. 7 E.; and secs. 1, 2, 3, 4, 5, and 6, T. 12 N., R. 7 E.

ILLINOIS

Pulaski County. The property owned and operated by H. W. and L. H. Parker, consisting of 20 acres being the E½SW¼NW¼ sec. 13, T. 16 S., R. 1 W.

The property owned by Grace Hayden and operated by Herbert Hayden located in the SE¼ sec. 12, T. 16 S., R. 1 W.

The property owned and operated by Herbert Hayden located in the SE¼SE¼ sec. 12, T. 16 S., R. 1 W. and in the S½SW¼ sec. 7, T. 16 S., R. 1 E.

KENTUCKY

Ballard County. The property owned by O. M. Alexander described as Land Parcel No. 3, 183 acres, Property Identification Map No. 29, Ballard County, Kentucky.

The property owned by Robert Harris described as Land Parcel No. 4, 88½ acres, Property Identification Map No. 29, Ballard County, Kentucky.

Fulton County. The entire county.

MISSISSIPPI

De Soto County. Secs. 28, 29, 31, 32, and 33, T. 2 S., R. 10 W.

MISSOURI

Dunklin County. The entire county.

Mississippi County. The property owned and operated by W. C. Bryant, located between the levee and the Mississippi River in the SE¼ sec. 5, T. 22 N., R. 17 E.

The property owned by C. P. Mayberry and operated by Elva Archie in secs. 21, 28, and 29, T. 23 N., R. 17 E.

The property owned and operated by R. J. Lankheit in secs. 3 and 4, T. 27 N., R. 17 E. and sec. 33, T. 28 N., R. 17 E.

The property owned by A. L. Story and operated by Harve Ivie in sec. 26, T. 25 N., R. 17 E.

New Madrid County. That portion of the county lying south of a line beginning at the point common to Dunklin, Stoddard and New Madrid counties, and extending east (approximately 14 miles) along the Stoddard-New Madrid county line and thence north (three miles) along the Stoddard-New Madrid county line to the northern boundary of T. 3 N., thence east to the Mississippi-New Madrid county line and thence south and east along the Mississippi-New Madrid county line to the Mississippi River.

Pemiscot County. The entire county.

Scott County. The property owned and operated by Jimmie Johnson in the SE¼ sec. 31, and the SW¼ sec. 32, T. 29 N., R. 15 E.

The property owned by Mrs. Connie Johnson and operated by Bud Wright and Jerry Johnson in secs. 30 and 31, T. 29 N., R. 15 E.

Stoddard County. The property owned by Earnest Kellett and operated by Bern Abernathy, being the W½NW¼ sec. 16, T. 27 N., R. 12 E.

The property owned and operated by Claude C. Keasler, located in the SW¼ sec. 7, T. 23 N., R. 12 E.

The property owned by Bernice Frailey and operated by Claude C. Keasler, located in sec. 7, T. 23 N., R. 12 E.

The property owned by Mahan, Mahan Inc., and operated by J. W. Clark, sec. 5, T. 24 N., R. 12 E.

The property owned by Robey Quinn and operated by E. R. Carson in the N½ sec. 14, T. 23 N., R. 10 E.

NORTH CAROLINA

Camden County. The property owned by Woodson Farrill and operated by Vernon Brown, located on the west side of a paved road connecting State Highway 343 and Riddle, the junction of said paved road and Highway 343 lying 1 mile east of Shiloh, the property being at a point 0.4 mile north of the junction of said paved road and State Highway 343.

The J. E. McPherson Trust Farm, located at the end of a field road 1 mile south of State Secondary Road 1239, said field road junctioning with State Secondary Road 1239 one mile east of the junction of said road and State Secondary Road 1224.

The property owned and operated by Frank Sawyer, located at Tar Corner north of the Sharon-Tar Corner and the Moyock-Tar Corner road intersection.

The property owned by Dr. J. B. Sawyer and operated by J. W. Forbes, located on the east side of the Shawboro-Old Trap Road 0.1 mile south of Cow Creek, and 0.1 mile east of the Shawboro-Old Trap Road just north of a graded and drained road.

The property owned and operated by Mack L. Sawyer, located 0.3 mile west of Pearceville and 0.1 mile north of South Mills-Pearceville highway on both sides of a stone surfaced road.

Currituck County. The property owned by P. P. Gregory and operated by Charlie Anderson, located on the east side of the Shawboro-Old Trap Road 0.4 mile north of Indiantown Creek.

Gates County. That portion of the county bounded by a line beginning at a point where State Highway 32 crosses the North Carolina-Virginia State line, thence east along the State line to the Camden County line, thence in a southwesterly direction along the west edge of the Great Dismal Swamp to a point 1.4 miles east of Corapeake on Corapeake Highway, thence along said highway in a westerly direction to Corapeake, thence along State Highway 32 from Corapeake to the Virginia State line, the point of beginning, excluding the corporate limits of Corapeake.

That area bounded by a line beginning at a point where North Carolina secondary road 1305 junctions with the North Carolina-Virginia State line, thence southeast along said road to its junction with North Carolina secondary road 1308, thence northwest along said road to its intersection with ACL Railroad, thence northeast along said railroad to the North Carolina-Virginia State line, thence east along said State line to the point of beginning.

The T. H. Fowler farm, located on the southeast side of U.S. Highway 13 and 100 yards north of the junction of said highway and State Secondary Road 1214.

The J. G. Lyles property, operated by W. J. Daniels, located on the northeast side of secondary road 1002, 1.8 miles northwest of Acron Hill.

The J. H. Wiggins farm, located on the northwest side of U.S. Highway 13 at the junction of said highway and State Secondary Road 1214.

New Hanover County. That portion of the county bounded by a line beginning at a point where the ACL Railroad Bridge crosses the Northeast Cape Fear River and extending south along said railroad to State Highway 132, thence southeast along said highway to Smith Creek, thence west along said creek to the Northeast Cape Fear River, thence in a northwesterly and then easterly direction along said river to the ACL Railroad Bridge, the point of beginning, excluding all of New Hanover County Airport.

The property owned and operated by H. C. Johnson, located on the northeast side of State Secondary Road 1327 and 0.6 mile northwest of its junction with U.S. Highway 17.

The property owned and operated by J. D. Murray, located at the end of State Secondary Road 1322 and 2.2 miles from its intersection with State Highway 132.

The property owned and operated by Alex Trask, located on the north side of State Secondary Road 1322 and east of State Highway 132 at the intersection of these two roads.

The H. C. Johnson farm located on the northeast side of State Secondary Road 1327 and 0.2 mile northwest of its junction with U.S. Highway 17.

The J. A. Yopp farm located on the south side of State Secondary Road 1322 and 1.2 miles east of its intersection with State Highway 132.

The H. C. Johnson farm located on the south side of State Secondary Road 1403 and 1.7 miles east of its junction with State Secondary Road 1407, said junction being 0.5 mile east of U.S. Highway 17.

The H. H. Horrell farm located on the north side of State Secondary Road 1335 and 0.1 mile east of its intersection with State Highway 132.

Pasquotank County. That portion of the county bounded by a line beginning at the junction of State Secondary Road 1338 and U.S. Highway 17 and extending southeast along said highway to its junction with State Secondary Road 1343, thence south along said road to its junction with State Secondary Road 1332, thence southeast along said road to its junction with Knobbs Creek, thence northwest along said creek to its intersection with State Secondary Road 1338, thence northeast along said road to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Road 1101 and U.S. Navy Railroad intersect and extending southeast along said railroad to its intersection with State Secondary Road 1169, thence southwest along said road to its intersection with State Secondary Road 1101, thence northwest and north along said road to the point of beginning.

The property owned and operated by Billy Bakerman, located on the west side of State Secondary Road 1101 and 0.5 mile southwest to its junction with State Secondary Roads 1123 and 1132.

The property owned and operated by E. L. Benton, located on the west side of State Secondary Road 1101 and 0.2 mile southwest of its junction with State Secondary Roads 1123 and 1132.

The property owned by E. L. Brothers and operated by George Hewitt, located on the northeast side of State Secondary Road 1360 and 0.6 mile northwest of its intersection with State Secondary Road 1361.

The property owned by the George Chapel Estate and operated by Moody Meads, located on the west side of State Secondary Road 1101 and 1 mile southwest of its junction with State Secondary Roads 1123 and 1132.

The property owned and operated by W. C. Combs, located on the east side of State Secondary Road 1101 and 0.5 mile southwest of its junction with State Secondary Roads 1123 and 1132.

The property owned and operated by George Hewitt, located on both sides of State Secondary Road 1360 and 0.8 mile northwest of its intersection with State Secondary Road 1361.

The property owned and operated by Joe Spence, located on the east side of State Secondary Road 1360 and 0.5 mile northwest of its intersection with State Secondary Road 1361.

The Carolina Virginia Amusement Company property, operated by Carson Davis, located on the southwest side of State Secondary Road 1152, 0.5 mile south of its intersection with U.S. Highway 17.

Pender County. That portion of the county bounded by a line beginning at a point where State Highway 210 crosses the Northeast Cape Fear River, thence north along said river to Pike Creek, thence northwest along said creek to the Ashton Road, thence west along said road, through Ashton, to its junction with a paved highway, thence south along said highway to Kellys Creek, thence southwest along said creek to Rileys Creek, thence south and west along said creek to its intersection with State Highway 40, thence east and south along said highway to U.S. Highway 117, thence south along said highway to the Northeast Cape Fear River, thence east and north along said river to the point of beginning, excluding the town of Rocky Point.

The property owned and operated by Mike Boryk, located on the west side of Burgaw-Long Creek Road 0.2 mile south of Burgaw city limits.

The property owned and operated by Henry Clark, located on the south side of State Highway 40 and 0.2 mile southeast of Bell's Crossroads.

The property owned and operated by Dr. J. D. Freeman, located on the south side of State Highway 210, 1.8 miles east of Northeast Cape Fear River.

The property owned and operated by P. Katalinic, located on the east and west sides of U.S. Highway 117 at the junction of Stag Park Road and U.S. Highway 117.

The property owned and operated by W. B. Keith, located on the west side of Clarks Landing Loop Road and one mile southwest of Bell's Crossroads.

The property owned and operated by Boney Wilson, located on the southwest side of State Highway 210 and approximately 0.2 mile northwest of Clark's Landing Highway.

Perquimans County. That portion of the county bounded by a line beginning at the junction of the Perquimans-Pasquotank County line and State Secondary Road 1001, thence southwest along said road to its junction with State Secondary Road 1204, thence north and northwest along said road to its intersection with the Perquimans-Gates County line, thence east along said county line to its intersection with the Perquimans-Pasquotank County line, thence southeast along said county line to the point of beginning.

The property owned by the Cox Estate and operated by M. R. Winslow, located on the southeast side of State Secondary Road 1001 and 1 mile southwest of its intersection with the Perquimans-Pasquotank County line.

Tyrrell County. That portion of the county bounded by a line beginning at the junction of Alligator Creek and North Carolina paved road 1209, thence extending northwest along said road to its junction with North Carolina stonesurfaced road 1221, thence southwest along said road to its junction with U.S. Highway 64, thence east along said highway to its junction with Alligator Creek, thence along said creek in an easterly and northerly direction to its junction with North Carolina paved road 1209, the point of beginning.

Union County. The property owned by A. E. Broome and operated by J. C. Broome, located on the east and west sides of State Secondary Road 1645, 1.1 miles north of its intersection with State Secondary Road 1006.

The property owned and operated by J. C. Broome, located on the east side of State Secondary Road 1645, 1.5 miles north of its intersection with State Secondary Road 1006 and 0.6 mile south of its junction with State Secondary Road 1649.

The property owned and operated by Clyde Edwards, located on the northeast side of State Highway 205 between State Secondary Roads 1006 and 1746.

The property owned and operated by R. S. Helms, located on the northwest side of State Secondary Road 1006, 0.3 mile southeast of its intersection State Highway 205.

The property owned and operated by James T. Mills, located on the southeast side of State Secondary Road 1006, 0.5 mile southwest of its intersection with State Highway 205.

The property owned and operated by Fred Smith, located on the southeast and northwest sides of State Secondary Road 1006, 0.1 mile northeast of its intersection with State Highway 205 and extending northwest across said highway.

TENNESSEE

Carroll County. The farm owned by Viona Pope, known as the Pope Farm, consisting of 100 acres located in Civil District 2 on the north side of State Highway 105, 3.5 miles northwest of the town of Trezevant.

The farm owned by J. T. Hill, consisting of 165 acres, located in Civil District 2, on the north side of State Highway 105, 4 miles northwest of the town of Trezevant.

Crockett County. The farm owned by J. T. Connell, known as the George Via farm, consisting of 44 acres located in Civil District 13 on the south side of the Friendship-Chestnut Bluff Road, 2.5 miles southwest of Friendship.

The farm owned by M. V. Williams, Jr., consisting of 75 acres located in Civil District 15 on the south side of a gravel road, 0.25 mile east of the Crockett-Dyer County line and 2 miles northwest of Elizabeth.

Dyer County. The entire county.

Gibson County. Civil Districts 10 and 24.

The farm owned by Walter Bates, known as the Adams Farm, consisting of 35 acres located in Civil District 19 between the Gibson-Obion County line and a dirt road, and 0.2 mile northeast of the junction of said dirt road and FAS Road 8008 at the Gibson-Obion County line.

The farm owned by Frank Patterson, consisting of 76 acres located in Civil District 6 on the south side of State Highway 104 and 3 miles northwest of Central.

The farm owned by Jake Ford, consisting of 100 acres located in Civil District 23 and 0.5 mile southeast of a point on a gravel road, said point being 0.5 mile east of China Grove.

The farm owned by W. M. Summers, known as the Nash farm, consisting of 282 acres, located in Civil District 19 on the northeast side of the Rutherford Fork of the Obion River, 2 miles southeast of the town of Rutherford.

The farm owned by E. L. Marshall, known as the Marshall farm, consisting of 108 acres, located in Civil District 8 on the south side of the Tatumville-Georgetown Road, 4.2 miles east of the Dyer-Gibson County line.

Haywood County. Civil District 11.

Lake County. The entire county.

Lauderdale County. Civil Districts 1, 3, 4, 5, 8, 9, 10, 11, 12, and 13.

Obion County. All Civil Districts except 16.

Shelby County. That part of Shelby County known as President's Island.

That portion of Civil District 1 bounded by a line beginning at the intersection of U.S. Highway 51 and the Shelby-Tipton County line, thence eastward along the Shelby-Tipton County line to its intersection with the Shelby-Fayette County line, thence south along said line to its intersection with the Loosahatchee River Canal, thence southwestward along said Canal to its junction with the Loosahatchee River, thence westward along said river to its intersection with U.S. Highway 51, thence northeastward along U.S. Highway 51 to the point of beginning.

The farm owned by Lawrence Thomas Hughes, known as the Hughes farm, consisting of 650 acres, located in Civil District 1 on the west side of the Collierville-Arlington Road, 2 miles north of the town of Eads.

Tipton County. Civil Districts 1, 3, and 12.

The farm owned by Blucher Glenn, known as the Glenn farm, consisting of 328 acres, located in Civil District 13 on the north side of State Highway 54, 1 mile east of the town of Gift.

Weakley County. The farm owned by Elvis T. Thompson, known as the Thompson farm, consisting of 100 acres, located in Civil District 8 on the west side of Highway 45E, 1 mile north of the town of Sharon.

The farm owned by Mrs. Florence Tansil and Mrs. Ruth Irvin, known as the Mosley farm, consisting of 80 acres, located in Civil District 9 on the west side of a gravel road which intersects State Highway 124, 1.5 miles north, at a point 3.3 miles east of the town limits of Greenfield.

VIRGINIA

Isle of Wight County. The property owned by L. N. Alphin, Sr., located on the west side of State Road 614, 0.75 mile northwest of the junction of State Road 614 and U.S. Highway 258.

The property owned by the A. W. Ballard Estate, located on the west side of State Road 614, 0.9 mile south of the junction of State Road 614 and U.S. Highway 258.

The property owned by the A. W. Ballard Estate, located on the west side of State Road 614, 0.1 mile south of the Virginian Railroad right-of-way.

The property owned by Claire W. Bittle, located on the south of U.S. Highway 58, 0.2 mile southwest of the junction of U.S. Highway 58 and State Road 630.

The property owned by James F. Bracey, Sr., and James F. Bracey, Jr., located on a private road, 0.3 mile south of U.S. Highway 58, said private road junctioning with U.S. Highway 58, 1.2 miles east of the junction of U.S. Highways 58 and 258.

The property owned by Mary Lee W. Bryant, located on the east side of U.S. Highway 258, one mile south of the junction of U.S. Highway 258 and State Road 611.

The property owned by Alphonso L. Duck, Sr., located on the east side of State Road 614, 0.5 mile north of the junction of State Road 614 and U.S. Highway 258.

The property owned by the J. F. Duke, Sr., Estate, located on a private road 0.2 mile east of the junction of said road and State Road 632, said junction being 0.8 mile northeast of the junction of State Roads 632 and 1701.

The property owned by the Jacob E. Eley Estate, located on the east side of State Road 643 at the junction of State Roads 643 and 603.

The property owned by J. Causey Griffen, located on the southeast side of State Road 696, 0.5 mile northeast of the junction of State Roads 615 and 696.

The property owned by the Joseph H. Holland Estate, located on both sides of State Road 609 at the junction of State Roads 609 and 640.

The property owned by Wilson S. Holland, located on the east side of U.S. Highway 258, 0.3 mile south of the junction of U.S. Highway 258 and State Road 611.

The property owned by Rufus A. Jenkins, located on the west side of State Road 609, 0.4 mile north of the intersection of State Road 609 and U.S. Highway 258.

The property owned by R. Phoebus Jones, located on the east side of State Road 615 at the junction of the Seaboard Airline Railway and said road.

The property owned by Alice L. Livsle, located at a point on the east side of U.S. Highway 258, and south of State Road 630 at the southern junction of said highways.

The property owned by Carr H. Munford, located on both sides of State Road 635 at the junction of State Roads 635 and 610.

The property owned by Leon E. Outland, located on the south side of State Road 612, 0.5 mile southeast of the junction of State Roads 612 and 632.

The property owned by Wayland A. Perry, located on the north side of State Road 630 at the junction of State Roads 630 and 631.

The property owned by Mrs. Vergie C. Rhodes, located on the east side of State Road 612 at the intersection of State Roads 611 and 612.

The property owned by John C. Rose, located in Carrsville on the southeast side of State Road 632, 0.3 mile northeast of the junction of State Roads 632 and 1701.

The property owned by James H. and B. A. Vaughn, located on both sides of State Road 612, 0.5 mile north of the junction of State Roads 612 and 633.

The property owned by Elvin H. Whitley, located on the north side of State Road 611, 0.75 mile west of the junction of U.S. Highway 258 and State Road 611.

Nansemond County. That portion of the county bounded by a line beginning at the junction of State Roads 32 and 678 and extending east on State Road 678 to the western boundary of the property owned by E. Hurley Brinkley, thence north and east along the boundaries of said property and continuing east along the northern boundary of the property owned by Willie C. Knight to State Road 604, thence south on State Road 604 to the northern boundary of the property owned by Raymond R. Brinkley, thence east along the northern boundary of said property to the Dismal Swamp, thence south along the Dismal Swamp to the North Carolina-Virginia State line, thence west along the State line to State Road 32, thence northward to the point of beginning.

That portion of the county bounded by a line beginning at the junction of State Road 616 and the Nansemond-Isle of Wight County line, thence southeast to the junction of State Road 615, thence north along State Road 615 following the western and northern boundaries of the properties owned by C. E. Daughtery and Jasper W. Daugherty, thence along the western and northern boundaries of the property owned by Frank Holland and Mary L. Holland to the eastern boundary of this property, thence along the eastern boundary of the property owned by Lydia and J. E. Griffin to State Road 189, thence east along State Road 189 and south along the eastern boundaries of the properties owned by James E. Rawls and Samuel L. Hunter, thence along the southern boundary of the Samuel L. Hunter property to State Road 616, thence northwest along State Road 616 to include the property owned by Clifford D. Holland lying on both sides of State Road 616, and thence from the junction of the northern boundary of said farm and State Road 616 northwest along State Road 616 to the property owned by Helen I. Lawrence, thence along the eastern and southern boundaries of said property to State Road 189, thence along State Road 189 to include all of the property owned by R. Kermit Saunders on both sides of said road, thence in a northerly direction to the junction of State Roads 615 and 618, thence west along State Road 618 to the Nansemond-Isle of Wight County line, thence northeast along said county line, including that portion of the property owned by Carlton L. Cutchin in Isle of Wight County, to the point of beginning.

That portion of the county bounded by a line beginning at the intersection of U.S. Route 58, and the Isle of Wight-Nansemond County line, thence northeast along said county line including that portion of the property owned by Elliott L. Johnson extending into Isle of Wight County, thence south along the eastern boundary of said property to the northern boundary of the property owned by Jasper Daughtrey, Jr., and Mildred B. Daughtrey, his wife, thence along the northern and eastern boundaries of said property, thence east along the northern boundaries of the properties owned by Clarence T. Daughtrey and Mamie D. Duke, thence along the eastern and southern boundaries of the Mamie D. Duke property to the eastern boundary of the Clarence T. Daughtrey property, thence south along the eastern boundary of the Emmett L. Rawles property to U.S. Route 58, thence northwest on U.S. Route 58 to the southern boundary of the Emmett L. Rawles property, thence west along the southern boundaries of the Emmett L. Rawles and Jarvis L. Howell properties, thence north along the western boundaries of the Jarvis L. Howell and Elliott L. Johnson properties to the point of beginning.

That portion of the county bounded by a line beginning at a point where State Road 612 intersects the property owned by J. D. Rawles, 0.2 mile south of the junction of State Roads 612 and 661, and extending east and southeast along the boundaries of said property, thence southeast along State Road 612 to the southern boundary of the property owned by the W. Joe Smith Estate, thence along the southern boundary of said property to the eastern boundary of the property owned by Dr. W. John Norfleet, thence along the eastern and southern boundaries of said property to State Road 664, thence south and west along State Roads 664 and 667 to the western boundary of the property owned by David L. Rawles, Jr., thence along the western and northern boundaries of said property to State Road 616, thence north along the western boundary of the property owned by Dr. W. John Norfleet and continuing north along the western boundary of the property owned by Sue K. Jolly and the property owned by J. D. Rawles, thence east along the northern boundary of the said J. D. Rawles property to the point of beginning.

The property owned by Nancy F. Abernathy, located on the north side of State Road 653, one mile northwest of the junction of State Roads 653 and 612.

The property owned by Percy L. Artis located on State Road 679, one mile southeast of the junction of State Road 189.

The property owned by K. A. Asbell located on the southwest side of State Road 616, 0.1 mile southeast of the junction of said road and U.S. Route 13.

The property owned by W. M. Aston, Jr., located on the east side of State Road 608, 0.2 mile north of the junction of State Roads 608 and 644.

The property owned by Willis Elmer Austin, located on both sides of State Road 668, 0.5 mile west of the junction of said road and U.S. Route 13.

The property owned by Hurley B. Aswell and the property owned by Gurney C. Hare, located at the junction of State Roads 642 and 673, and the adjacent property owned by the M. Gay Taylor Estate and Priscilla Vann on State Road 673. Also the adjacent property owned by R. H. Brinkley located on the west side of State Road 642 at the junction of State Road 678.

The property owned by Rudolph C. Badger, located at the junction of State Roads 642 and 674, the adjoining property to the south owned by the Julius E. Baines Estate located on the west side of State Road 642, the adjacent property on the south owned by John H. Parker located on both sides of State Road 642, and the property owned by Rudolph C. Badger, lying on the east side of State Road 642 between two sections of the John H. Parker property and extending southeast to the Dismal Swamp.

The property owned by Burleigh Edward Baines, located on the east and west sides of State Road 672, 0.25 mile southeast of the junction of State Road 672 and U.S. Highway 13.

The property owned by Ray Lee Baines, located on the west side of State Road 673, 1.75 miles northwest of the junction of State Roads 673 and 642.

The property owned by Shirley M. Baines, located on both sides of State Road 684 at the junction of said road and the North Carolina State line.

The property owned by Shirley M. Baines, located on the east side of State Road 642 at the northern junction of State Roads 642 and 678, and the adjoining property to the east owned by Pearl Brinkley.

The property owned by Samuel M. Barnes, located on the east side of State Road 667, 1 mile southeast of the junction of State Roads 667 and 664.

The property owned by W. Emory Beale, located on the west side of State Road 616, 0.2 mile northwest of the junction of State Roads 616 and 189.

The property owned by J. L. and Lida L. Benton, located on both sides of State Road 604, 1 mile north of the junction of State Roads 604 and 678.

The property owned by James F. Bracey, Jr., and Joyce S. Bracey, his wife, lying on the east side of State Road 612 at the northern junction of State Roads 661 and 612.

The property owned by N. Herman Bradshaw, located on the west side of State Road 647 at the junction of State Road 647 and U.S. Highway 13.

The property owned by G. C. Branton, Jr., located on the east side of U.S. Highway 13 at the junction of U.S. Highway 13 and State Road 676.

The property owned by Carlton W. Brinkley, located on both sides of State Road 678, 0.3 mile west of the junction of State Roads 678 and 32.

The property owned by Floyd J. Brinkley, lying on the east side of State Road 673 at the junction of State Roads 675 and 673.

The property owned by J. M. Brinkley, located on the west side of State Road 32, one-quarter mile north of the junction of State Roads 678 and 32.

The property owned by C. W. Britton and Louise B. Britton, located on a private road 0.25 mile west of State Road 653, said private road junctioning with State Road 653 at a point 1.1 miles south of the junction of said road and State Road 664.

The properties owned by Reginald E. Brothers, Carrie B. Knight and Willie C. Knight, located at the junction of State Roads 675 and 642.

The property owned by Noah Brown, located on both sides of State Road 610 at the junction of State Roads 610 and 650.

The property owned by Clyde H. Bunch, located on both sides of State Road 604, 1.2 miles north of the junction of State Roads 604 and 678.

The property owned by the Haywood Bunch Estate, located on both sides of State Road 642, 0.4 mile south of the junction of State Roads 642 and 32.

The property owned by Frank W. Butler, located on both sides of State Road 662, 1 mile north of the junction of State Roads 662 and 643.

The property owned by Robert D. Butler, located on the east side of State Road 614 at the Nansemond-Isle of Wight County line.

The property owned by Emma Byrd, located on the east side of State Road 643, 1 mile southwest of the junction of State Roads 643 and 663.

The property owned by Wesley Byrd, located on the northwest side of State Road 643, 0.5 mile northeast of the junction of State Roads 643 and 662.

The property owned by James A. Carr, Jr., located on the east side of State Road 653 at the junction of State Roads 653 and 664.

The property owned by Clifton S. Carr, Jr., located on the east side of State Road 653 at the junction of State Roads 653 and 664.

The property owned by James Alfred Carr, Jr., located on the west side of State Road 612 at the junction of State Roads 612 and 651.

The property owned by Juanita Morgan Carr, located on the west side of State Road 653, at the junction of State Roads 653 and 664.

The property owned by Amos M. Carter, located on the south side of State Road 661 at the junction of State Roads 661 and 612.

The property owned by Mike L. Carter and Mary Elizabeth Duke Carter, his wife, located on the north side of State Road 616, 0.6 mile east of the junction of State Roads 616 and 664.

The property owned by Alfred W. Copeland, located on the east side of State Road 649, 0.5 mile north of the junction of State Roads 649 and 662.

The property owned by Christopher C. Copeland, Jr., located on the east side of State Road 662 at the junction of said road and State Road 663.

The property owned by J. E. Copeland, located on the east side of State Road 643, at the west junction of State Roads 643 and 616.

The property owned by Julius E. Copeland, located at the junction of State Roads 664 and 642 and lying on the north side of State Road 642.

The property owned by M. E. Copeland, located on the northwest side of U.S. Highway 13, 0.3 mile southwest of the junction of U.S. Highway 13 and State Road 32.

The property owned by Thurman G. Copeland, located on the west side of State Road 662, 0.2 mile north of the junction of said road and State Road 643.

The property owned by Thurman G. Copeland, located on the southwest side of State Road 662 at the junction of said road and State Road 663.

The property owned by William J. Copeland, located on the south side of State Road 661, 0.1 mile east of the junction of State Roads 661 and 613.

The property owned by Harry W. Davidson, located on both sides of State Road 616, 0.6 mile west of the junction of State Roads 616 and 613.

The property owned by Isaac Demiel, located on the northwest side of State Road 685, 1.2 miles northeast of the junction of State Roads 685 and 647.

The property owned by the Charles E. Duke Estate, located on the north side of State Road 645, 0.7 mile east of the junction of State Roads 645 and 643.

The property owned by Della Lee Eason, located on the east side of State Road 673, at the junction of State Road 673 and U.S. Highway 13.

The property owned by James H. Eley, located on the southeast side of State Road 643, at the junction of State Roads 643 and 662.

The property owned by Isaac O. Ellis, located on the east side of State Road 660, 1 mile south of the junction of State Roads 660 and 616.

The property owned by John Robert Ellis and Jacqueline F. Ellis, his wife, located on the west side of State Road 660 at the junction of State Roads 660 and 616.

The property owned by John Robert Ellis, located on both sides of State Road 612, 0.3 mile northwest of the junction of State Roads 616 and 612.

The property owned by Lloyd Ellis, located on a private road 0.25 mile west of State Road 612, said private road junctioning with State Road 612 at a point 0.71 mile southwest of the junction of State Roads 612 and 680.

The property owned by Rachel Duke Ellis, located on a private road 0.2 mile north of the junction of said road and State Road 634, said junction being 0.5 mile northwest of the junction of State Roads 634 and 644.

The property owned by Oscar, William L., Elihu, Ernest L., and James Faulk, located on the north side of State Road 616, 0.1 mile west of the east junction of State Roads 616 and 643.

The property owned by William L. Faulk, located on the north side of State Road 616 at the west junction of State Roads 616 and 643.

The property owned by W. L. Faulk, located on both sides of State Road 668, 1.2 miles northeast of the junction of said road and State Road 616.

The property owned by the William Luther Faulk Estate, located on the east side of State Road 649, at the junction of State Roads 649 and 650.

The property owned by John E. Felton, located on the east side of State Road 643, 0.1 mile north of the junction of said road and State Road 671.

The property owned by John E. Felton, located on the west side of State Road 643, 0.1 mile north of the junction of said road and State Road 671.

The property owned by T. H. Fowler, located on both sides of U.S. Route 13, at the junction of said route and State Road 670.

The property owned by George M. Gardner, located on both sides of State Road 615, 1.2 miles south of the intersection of State Roads 615 and 667.

The property owned by H. Grady Gardner, located on the west side of State Road 615, 1.2 miles south of the intersection of State Roads 615 and 667.

The property owned by H. Grady Gardner, located on the north side of State Road 667, 0.5 mile west of the intersection of State Roads 667 and 615.

The property owned by Joe Henry Gardner, located on both sides of State Road 664, 0.1 mile west of the junction of State Roads 664 and 648.

The property owned by Joe H. Gardner, located on a private road, 0.3 mile southwest of the junction of said road and State Road 662, said junction being 0.6 mile southeast of the junction of State Roads 662 and 664.

The property owned by Lloyd H. Gardner, located on a private road, 0.5 mile southwest of the junction of said road and State Road 662, said junction being 0.6 mile southeast of the junction of State Roads 662 and 664.

The property owned by H. P. Gomer, located on both sides of State Road 643 at the junction of State Roads 643 and 616.

The property owned by J. Stanley Gomer, located on a private road, 0.1 mile southwest of State Road 616, said private road junctioning with State Road 616, 0.5 mile southeast of the junction of said road and State Road 643.

The property owned by Jessie S. and Mamie B. Griffin, located on both sides of State Road 678, 1 mile west of the junction of State Roads 642 and 678.

The property owned by Arnie N. Harcum, located on the east side of State Road 613, 0.4 mile south of the junction of State Roads 613 and 661.

The property owned by James A. Harcum, located on the east side of State Road 613, 0.6 mile south of the junction of State Roads 613 and 661.

The property owned by Jessie Q. Harcum, located on the east side of State Road 660, 1 mile south of the intersection of State Roads 660 and 664.

The property owned by J. L. Hare Estate, located on both sides of State Roads 648 and 664 at the junction of said roads.

The property owned by Charles C. Harrell, located on both sides of State Road 32, 0.5 mile north of the junction of State Roads 675 and 32.

The property owned by Claudine N. Harrell, located on both sides of State Road 662 at the junction of State Roads 662, 664, and 689.

The property owned by L. Whidby Harrell, located on the south side of State Road 661, 0.1 mile west of the junction of State Roads 661 and 680.

The property owned by Marion J. Harrell, located on the south side of U.S. Highway 58 at the junction of U.S. Highway 58 and State Road 610.

The property owned by W. C. and Eva V. Harrell, located on the north side of State Road 664, at the junction of State Roads 662, 664, and 689.

The property owned by Claudie Hedgebeth, located on the east side of State Road 660, 0.2 mile north of the junction of State Roads 660 and 653.

The property owned by the R. E. Hedgebeth Estate, located on the north side of State

Road 653, 0.5 mile northwest of the junction of State Roads 653 and 664.

The property owned by W. L. Hedgebeth, located on the south side of U.S. Highway 58, 0.2 mile east of the junction of U.S. Highway 58 and State Road 647.

The property owned by F. H. Hedgepeth, located on the north side of U.S. Highway 58 at the junction of State Road 647 and U.S. Highway 58.

The property owned by Annie Hollan[illegible], located at the junction of State Roads 610 and 662, lying on both sides of State Road 610.

The property owned by Ayler J. Holland, located on both sides of State Road 189 at the junction of State Roads 189 and 613.

The properties owned by D. Hurley Holland, located at the junction of State Roads 664 and 649 and extending east on both sides of State Road 664.

The property owned by D. Hurley Holland, located on the south side of State Road 664, 0.2 mile east of the junction of said road and State Road 649.

The property owned by Edna C. Holland, located on the west side of State Road 660, 0.3 mile north of the junction of State Roads 660 and 653.

The property owned by Ella L. Holland and Linwood W. Holland, located on the west side of State Road 661, 0.4 mile south of the junction of State Roads 661 and 679.

The property owned by E. L. H. and Preston G. Holland, located on both sides of State Road 680, 0.3 mile northwest of the junction of State Roads 680 and 661.

The property owned by Eula D. Holland, Maude Lee Marsh, Judith A. Hill and Georgie H. Bounds, located on both sides of State Road 650, 0.4 mile west of the west junction of State Roads 650 and 610.

The property owned by Guss R. Holland, located at the junction of State Roads 661 and 613 and lying on the north side of State Road 661.

The property owned by Ima S. Holland, located on both sides of State Road 660, 0.5 mile south of the junction of State Roads 660 and 664.

The property owned by Mollie W. Holland, located on the east side of State Road 612, 1 mile north of the junction of State Roads 612 and 653.

The property owned by Morris C. Holland and Florence P. Holland, located on the east side of State Road 649 at the junction of State Roads 649 and 689.

The property owned by Nurney H. Holland, located on the east side of State Road 660 at the junction of State Roads 660 and 650.

The property owned by Paul C. Holland, Jr., located on the south side of the Southern Railway 0.1 mile south of U.S. Highway 58, on a private road, the junction of said road and U.S. Highway 58 being at a point 0.3 mile west of the junction of U.S. Highway 58 and State Road 660.

The property owned by Robert W. Holland, located at the junction of State Roads 651 and 612, lying on both sides of State Road 651.

The property owned by Dempsey D. Horton, located on the south side of U.S. Route 13, 0.5 mile west of the junction of said Route and State Road 670.

The property owned by J. Lewis Horton, located on the south side of State Road 647 at the junction of State Road 647 and U.S. Highway 13.

The property owned by Leonard F. Horton, located on the north side of State Road 664, 0.3 mile east of the junction of State Roads 664 and 643.

The property owned by A. T. Howell, located on the south side of State Road 667, 1 mile east of the intersection of State Roads 667 and 666.

The property owned by Delware Howell, located on both sides of State Road 613, 0.3 mile southeast of the junction of State Roads 613 and 189.

The property owned by Dewey H. Howell, located on the north side of State Road 667, 0.6 mile southwest of the junction of said road and State Road 666.

The property owned by E. J. Howell, located on the west side of State Road 615 at the junction of State Roads 615, 687, and 189.

The property owned by W. H. Howell, located 0.5 mile southwest of the village of Ellwood.

The property owned by L. L. Jernigan, located on the south side of State Road 668, 0.1 mile east of the junction of said road and State Road 669.

The property owned by Mallie R. Jernigan, located on both sides of State Road 664, 1 mile east of the junction of State Roads 664 and 643.

The property owned by Charlie T. and Myrtle D. Johnson, located on both sides of State Road 615 at the junction of State Roads 615 and 616.

The property owned by Mary Hamilton Johnson, located on the northwest side of State Road 664, 0.5 mile northeast of the junction of State Roads 664 and 612.

The property owned by Edward Jones, located on a private road 0.1 mile southwest of the junction of said road and State Road 613, said junction being at a point 0.5 mile south of the junction of State Roads 613 and 661.

The property owned by the J. Floyd Jones Estate, located on the west side of State Road 673, 1 mile northwest of the junction of State Roads 673 and 642.

The property owned by Lee Jones, located on the south side of State Road 667, 1.25 miles northeast of the junction of State Roads 667 and 666.

The property owned by Ruby Parker Jones and the property owned by Lawrence F. Jones, located at the junction of State Roads 666 and 615.

The property owned by Eddie A. Kelly, located on State Road 678 one mile west of its junction with State Road 32.

The property owned by Dora King, located on the north side of State Road 664, 0.3 mile west of the junction of State Roads 664 and 642.

The property owned by Harvey P. King, located on the east side of State Road 642, 1.25 miles north of the junction of State Roads 642 and 674.

The property owned by W. C. Knight, located on the east side of State Road 642, 0.7 mile north of the junction of State Roads 642 and 32.

The property owned by Willie C. Knight, located on a private road 0.2 mile east of State Road 32, said private road joining State Road 32 at a point 0.3 mile southeast of the junction of State Roads 642, 32, and 616.

The property owned by Melvin Langston, located on the east side of State Road 643, 0.5 mile north of the junction of said road and State Road 616.

The property owned by Robert E. Langston, located on both sides of State Road 643, 0.3 mile north of the junction of State Roads 643 and 616.

The property owned by Robert E. Langston, located on the east side of State Road 664, 0.8 mile south of the junction of said road and State Road 667.

The property owned by Robert E. Langston, located on the west side of State Road 643 at the junction of State Road 662.

The property owned by Rachel Lassiter, located on State Road 674, 0.5 mile east of the Atlantic Coast Line Railroad tracks.

The property owned by the J. E. March Estate, located on the north side of State Road 616 at the junction of State Roads 616 and 653.

The property owned by the J. E. March Estate, located on the east side of State Road 660, 0.3 mile north of the junction of said road and State Road 616.

The property owned by Tommie Milteer lying between State Roads 32 and 646 at the junction of State Roads 646 and 674.

The property owned by A. W. Moore, located on the north side of State Road 647, 200 feet west of the junction of State Roads 647 and 685.

The property owned by Clarence A. Morgan, located on the east side of State Road 643, 0.6 mile south of the junction of said road and State Road 663.

The property owned by Clarence A. Morgan, located on both sides of State Road 643, 0.2 mile south of the junction of said road and State Road 663.

The property owned by Clarence A. Morgan, located on the west side of State Road 643, 0.7 mile south of the junction of said road and State Road 663.

The property owned by Clarence A. Morgan, located at the town of Leesville on the south side of State Road 664 at its junction with State Road 643.

The property owned by G. W. Morgan, located on the east side of U.S. Route 13, 0.5 mile north of the junction of said Route and State Road 647.

The property owned by H. A. Morgan, located on the west side of State Road 660, 0.2 mile north of the junction of State Roads 660 and 616.

The property owned by Thomas W. Morgan, Jr., and Louise S. Morgan, located on the south side of State Road 616, at the junction of State Road 653.

The property owned by Howard W. Overton lying south of State Road 675 and west of State Road 32 at the junction of State Roads 32 and 675 and extending north on the west side of State Road 646.

The property owned by Frank E. Owen, located on both sides of State Road 643, 0.5 mile northeast of the junction of State Roads 643 and 664.

The property owned by Coston Parker, located on the northwest side of State Road 667, 0.8 mile northeast of the intersection of State Roads 666 and 667.

The property owned by George W. Parker, located on both sides of State Road 664, 0.5 mile west of the junction of State Roads 664 and 673.

The property owned by J. H. Parker, located on the west side of State Road 642, 2.25 miles north of the junction of State Roads 642 and 674.

The property owned by Linwood Parker, located on State Road 604, 0.5 mile southeast of State Road 642.

The property owned by Rufus Peele, located on a private road 0.3 mile west of the junction of said road and State Road 643, said junction being at a point 200 feet north of the junction of State Roads 643 and 645.

The property owned by Willie S. Peele, located on the south side of State Road 645, 0.2 mile east of the junction of State Roads 645 and 643.

The property owned by Frank A. Perry, located on both sides of State Roads 668 and 616 at the junction of said roads.

The property owned by Frank A. Perry and Judith Anne Perry, his wife, located on the south side of State Road 650, 0.5 mile east of the junction of State Roads 650 and 660.

The property owned by Miss Judith A. Perry, located on the southwest side of State Road 647, 0.25 mile northwest of the junction of State Road 647 and U.S. Highway 13.

The property owned by C. E. Piland, located on the southeast side of State Road 664, at the junction of State Roads 664 and 660.

The property owned by Cyrus E. Piland and Irene C. Piland, his wife, located on the southeast side of State Road 664, 0.3 mile southwest of the junction of State Roads 664 and 660.

The property owned by Irene C. Piland, located on the west side of State Road 664, at the junction of State Roads 664 and 653.

The property owned by Penelope Piland, located on the northwest side of State Road 664, 0.1 mile southwest of the junction of State Roads 664 and 660.

The property owned by Jefferson B. Porter, located on the east side of State Road 615 and extending east to State Road 666, 0.5 mile south of the junction of State Roads 615 and 666.

The property owned by the William Porter Estate, located between State Roads 615 and 666, at the junction of said roads.

The property owned by the City of Portsmouth, located on the south side of State Road 604, 1 mile southeast of the junction of State Roads 604 and 640.

The property owned by George D. Privott, located on both sides of State Road 32, 0.5 mile south of the junction of said road and U.S. Route 13.

The property owned by Joseph Lester Pulley, located on the north side of State Road 649 at the junction of State Roads 649 and 648.

The property owned by Boyd Edward Quate, Martha Alice Quate and Martha Holland Quate, located on the south side of State Road 651, 0.5 mile west of the junction of State Roads 651 and 612.

The property owned by Emmett H. Rawles, Jr., located on the south side of State Road 666 at the junction of said road and State Road 661.

The property owned by Estelle C. Rawles, located on both sides of State Road 649, at the junction of State Roads 649 and 650.

The property owned by J. D. Rawles, located on the west side of State Road 649, at the junction of State Roads 649 and 650.

The property owned by Jethro E. Rawles, located on the west side of State Road 643, at the junction of State Roads 643 and 616.

The property owned by Shirley H. Rawles, located on the west side of a private road, 0.2 mile north of State Road 668, said private road junctioning with State Road 668, at a point 1.4 miles southwest of the junction of said road and U.S. Route 13.

The property owned by Ernest J. Reid, Ellen Reid Burwell and James W. Reid, located on the west side of State Road 643, 0.4 mile north of the junction of said road and State Road 616.

The property owned by Ira S. Reid, located on the west side of State Road 643, 0.6 mile north of the east junction of State Roads 643 and 616.

The property owned by McCoy J. Reid and Lillian B. Reid, located on the northeast side of a private road, 0.1 mile southeast of State Road 643, said private road junctioning with State Road 643, at a point 0.5 mile south of the junction of said road and State Road 663.

The property owned by Ruth Knight Rice, located on the south side of State Road 675, 0.5 mile east of the intersection of State Road 675 and the Atlantic Coast Line Railroad.

The property owned by Vernon and Nettie L. Riddick, located on a private road, 0.2 mile south of State Road 678, said private road junctioning with State Road 678, 0.5 mile southeast of the junction of State Roads 678 and 673.

The property owned by the David R. Roberts Estate, located on the north side of State Road 616, at the junction of said road and State Road 660.

The property owned by Gerald C. Rountree, located on both sides of State Road 643, 0.5 mile south of the junction of State Roads 643 and 616.

The property owned by Minnie D. Rountree, located on the east side of State Road 660, 1.1 miles south of the junction of said road and State Road 616.

The property owned by R. Kermit Saunders, located on the east side of State Road 661 at the junction of State Roads 661 and 679 and extending north to the junction of State Roads 661 and 616.

The property owned by C. F. Savage, located on both sides of State Road 634, 0.4 mile northwest of the junction of State Roads 634 and 644.

The property owned by Walter W. Simons, located on the south side of State Road 664, 0.5 mile northwest of the junction of State Roads 664 and 643.

The property owned by the W. Joe Smith Estate, located on the west side of State Road 612 at the junction of State Roads 612 and 664.

The property owned by Grace E. Spivey, Myrtle S. Baines, and John Fletcher Spivey, located on the south side of State Road 664, 0.2 mile east of the junction of State Roads 664 and 643.

The property owned by John Burgess Stephenson, located on both sides of State Road 616, 0.2 mile southeast of the junction of said road and State Road 643.

The Lloyd Stephenson property, located on the north side of State Road 675, 0.2 mile west of the junction of State Roads 675 and 32.

The property owned by Cora L. Sumner, Leroy Langston, Susie L. Doles, Irma L. Skeeter, and Beulah L. Copeland, located on a private road, 0.2 mile east of State Road 643, said private road junctioning with State Road 643, at a point 0.7 mile north of the junction of said road and U.S. Route 13.

The property owned by Lloyd K. Taylor, Sr., located on the northeast side of State Road 673 at the junction of State Roads 673 and 642.

The property owned by William K. Taylor, located on the southwest side of State Road 673 at the junction of State Roads 673 and 642.

The property owned by Cortez H. Tomlin and Marion A. Tomlin, his wife, located on both sides of State Road 680, 0.6 mile southeast of the junction of State Roads 680 and 612.

The property owned by Jesse F. Turner, located on the north side of State Road 673, on a private road which junctions with State Road 673, 0.5 mile south of the junction of State Road 673 and U.S. Route 13, and the adjoining property to the northeast owned by William T. Harrell.

The property owned by Charles H. Vaughn, located on both sides of State Road 616, 0.7 mile northwest of the junction of said road and U.S. Route 13.

The property owned by the Squire Titus Walden Estate, located on the southwest side of State Road 616 at the junction of State Roads 616 and 661.

The property owned by Willis W. Walden, located on the east side of State Road 661, 0.6 mile south of the junction of State Roads 661 and 679.

The property owned by C. C. Ward, located on both sides of State Road 677, at the Virginia-North Carolina State line.

The property owned by Cecil T. Ward, located on a private road 0.1 mile east of State Road 677, said private road junctioning with State Road 677, 0.3 mile north of the Virginia-North Carolina State line.

The property owned by M. S. Ward, located on the north side of State Road 616, at its junction with State Road 677.

The property owned by Annie E. Warren, located on the east side of State Road 653, 1 mile south of the junction of State Roads 653 and 664.

The property owned by Littleton West, located on the north side of State Road 616, 0.6 mile west of the junction of State Roads 616 and 613.

The property owned by W. Jape West, located on the south side of State Road 616, 0.7 mile west of the junction of State Roads 616 and 613.

The property owned by William White and Celia White, his wife, located on the west side of State Road 660 and extending west to State Road 667, 0.3 mile north of the junction of State Roads 660 and 667.

The property owned by Willis L. Whitfield and Junious O. H. Whitfield, located on the south side of State Road 664, 1 mile east of the junction of State Roads 664 and 643.

The property owned by Cora Wiggins, located on the south side of State Road 671, 0.5 mile east of the junction of said road and State Road 643.

The property owned by Doss Wiggins, located on both sides of State Road 616, 300 feet west of the junction of State Roads 616 and 613.

The property owned by the Willis J. Wiggins Estate, located 0.5 mile north of the junction of State Roads 666 and 661 and lying on the west side of State Road 661.

The property owned by Lonnie J. Wilkins, located at the junction of State Roads 612 and 661 and lying on the west side of State Road 612.

The property owned by Mrs. Nettie Wilkins Winslow, located on a private road, 0.7 mile south of State Road 616, said private road junctioning with State Road 616, at its junction with State Road 612.

The property owned by Mignon D. Williams, located on the east side of State Road 604, 2 miles south of the junction of State Roads 604 and 642.

The property owned by Isiah Wilson, located on both sides of State Road 667, 0.5 mile west of the junction of State Roads 667 and 664.

The property owned by W. J. Winslow, located on the west side of State Road 13, 0.4 mile north of the junction of State Roads 13 and 647.

The property owned by Mamie Holland Worrell, located on the east side of State Road 612, 0.6 mile north of the junction of State Roads 612 and 653.

The property owned by Sam Jimmie Worrell and Inez S. Worrell, his wife, located on the east side of State Road 612, 0.8 mile north of the junction of State Roads 612 and 653.

The property owned by James H. Wright, located on a private road, 0.1 mile northwest of State Road 649, said private road junctioning with State Road 649, 0.1 mile north of the junction of State Roads 649 and 650.

The property owned by William Frank Wright, located on a private road 0.2 mile northwest of the junction of said private road and State Road 649, said junction being 0.1 mile north of the junction of State Roads 649 and 650.

Southampton County. The property owned by John M. Camp, Jr., Olive Camp Johnson, and Virginia Camp Smith, located on the east side of U.S. Highway 258 at the junction of U.S. Highway 258 and State Road 690.

The property owned by Mrs. Clarys McClenney Lawrence, located on the west side of State Road 714, 1.5 miles northwest of the junction of State Roads 714 and 189.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 19 F.R. 74, as amended, 7 CFR 301.79–2)

These administrative instructions shall become effective July 10, 1962, when they shall supersede P.P.C. 624, 7th Rev., 7 CFR 301.79–2a, effective April 11, 1961.

This revision adds to the existing soybean cyst regulated areas in two counties in Arkansas, one county in Illinois, six in Missouri, three in North Carolina, four in Tennessee, and two in Virginia. Also it takes under regulation for the first time Greene County, Arkansas, where one township is involved; and Carroll and Weakley Counties, Tennessee, where two farms in each are being

designated as regulated areas. Additions to previously regulated areas were made in Clay and Poinsett Counties, in Arkansas; Pulaski County, in Illinois; Dunklin, Mississippi, New Madrid, Pemiscot, Scott, and Stoddard Counties, in Missouri; Camden, Gates, and Union Counties, in North Carolina; Gibson, Obion, Shelby, and Tipton Counties, in Tennessee; and Isle of Wight and Nansemond Counties, in Virginia.

These instructions impose restrictions supplementing soybean cyst nematode quarantine regulations already effective. They must be made effective promptly in order to carry out the purposes of the regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 5th day of July 1962.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F.R. Doc. 62-6709; Filed, July 9, 1962; 8:55 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 718—DETERMINATION OF ACREAGE AND PERFORMANCE

Miscellaneous Amendments

Basis and purpose. These amendments are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301 et seq.), the Sugar Act of 1948, as amended (7 U.S.C. 1100 et seq.), the Agricultural Adjustment Act of 1949, as amended (7 U.S.C. 1441 et seq.), the Soil Bank Act (7 U.S.C. 1801 et seq.), and the Agricultural Act of 1961 (Public Law 87-128, approved August 8, 1961) for the purpose of: (1) permitting the acceptance of strips in skip row planting patterns as eligible diverted acreage provided such strips are at least four normal rows in width; (2) providing the conditions under which a farm will be revisited at ASCS expense to determine the adjusted acreage of wheat, corn, grain sorghums, or barley; (3) providing the conditions under which a farm will be revisited at ASCS expense to determine the ultimate use made of estimated acreages of wheat reported for purposes other than as harvest for grain, of estimated acreages of barley reported for purposes other than for harvest as silage or grain, and of estimated acreages of sweet corn, sweet sorghums, and grain sorghums; (4) restricting the substitution of other acreage for designated diverted acreage except as authorized by Public Law 87-425, approved March 30, 1962, and Public Law 87-451, approved May 15, 1962; (5) prescribing the conditions under which a farm visit will be made for the express purpose of determining the acreage of conservation reserve or diverted acreage to be used for the harvesting of hay or for grazing under authority granted by the Secretary in designated emergency areas; (6) prescribing the conditions governing notice to county office of intent of completion of disposition of excess acreage or request for release of excess diverted acreage; and (7) amending the Table of Sections Affected by State Committee Determinations Pursuant to §§ 718.10(a) and 718.15(a) for the States of Louisiana and New York.

1. Section 718.5(e)(8) (27 F.R. 3793) is amended to read as follows:

§ 718.5 **Methods of measurement.**

* * * * * * *

(e) *Effect of planting pattern on determination of acreage.* * * *

(8) *Areas diverted under the wheat stabilization and feed grain programs.* The area(s) identified by the farm operator as being diverted from the production of wheat, corn, grain sorghums, or barley under the wheat stabilization and feed grain programs must be whole fields or areas of reasonable size within fields for which the acreage can be readily determined. Strips of less than four normal rows in skip-row planting patterns will not qualify as diverted acreage.

2. Section 718.13 is amended by the insertion of paragraph (a)(8); and paragraphs (a)(3) and (a)(6)(i) (26 F.R. 11813), paragraphs (a)(6)(ii) and (7), and paragraph (f)(i) (27 F.R. 3793) are amended to read as follows:

§ 718.13 **Determination and adjustment of acreage.**

(a) * * *

(3) *Wheat.* If the total acreage of wheat determined for the farm exceeds the allotment, the smaller of 13.5 acres or the highest number of acres actually planted to wheat on the farm for harvest as grain in any one of the calendar years 1959, 1960, or 1961, or the intended acreage, based on the farm operator's statement of intention to participate in the 1962 Wheat Stabilization Program, whichever is applicable for the farm, solely because of an acreage of volunteer wheat, wheat in a specified area identified at the time of the initial visit to the farm as wheat for uses other than as wheat for grain, or a mixture of wheat seeded with other grains in approved wheat-mixture counties, the farm shall be revisited to determine the final acreage at ASCS county office expense. In all other cases, if the farm operator elects to adjust the acreage, he must file a timely request and pay the cost of any second or subsequent visit to the farm to determine the final acreage: *Provided, however,* That if the acreage reported as wheat for grain on a farm participating in the 1962 Wheat Stabilization Program exceeds the intended acreage, based on the farm operator's statement of intention, but does not exceed the larger of the allotment or the smaller of 13.5 acres or the highest number of acres actually planted to wheat on the farm for harvest as grain in any one of the calendar years 1959, 1960, or 1961 and an estimated acreage of volunteer wheat, wheat in a specified area identified at the time of the initial visit to the farm as wheat for uses other than as wheat for grain, or a mixture of wheat seeded with other grains in approved wheat-mixture counties was reported on the initial visit to the farm, the farm shall be revisited at ASCS county office expense to determine the ultimate use made of the wheat reported for purposes other than as harvest for grain if the farm operator notifies the county office prior to the established disposition date that the acreage reported as wheat for harvest as grain will not be adjusted. Notwithstanding this proviso, in areas where farm operators had not been notified of the notification requirement prior to the established disposition date, the requirement that notification be given prior to that date shall be waived. A revisit to the farm to determine the final wheat acreage is not required when the total acreage of wheat on the farm was reported for uses other than for harvest as wheat for grain.

* * * * * * *

(6) *Feed grains.* Any adjustment in the acreage of barley, corn, or grain sorghums under the feed grain programs shall be made within 15 days from the date of the notice of acreage or by the established disposition date, whichever is later, and shall be subject to the following conditions:

(i) *Corn and grain sorghums.* If the measured acreage of field corn, sweet corn, grain sorghums, and sweet sorghums exceeds the intended acreage for the farm, based on the farm operator's statement of intention to participate in the feed grain program for corn and grain sorghums, the farm shall be revisited to determine the adjusted acreage upon receipt of a timely request and payment of the cost. The county committee shall require a sufficient number of farm visits at ASCS expense for the purpose of determining the ultimate use made of estimated acreages of sweet corn, sweet sorghums, and grain sorghums to maintain administrative control of program compliance.

(ii) *Barley.* If the total acreage of barley determined for the farm exceeds the intended acreage, based on the farm operator's statement of intention to participate in the feed grain program for barley, solely because of volunteer barley, barley for uses other than for harvest as silage or grain, or a mixture of barley seeded with other grain not classified as barley at the time of the initial visit to the farm, the farm shall be revisited to determine the final barley acreage at ASCS county office expense. In all other cases, if the farm operator elects to adjust the acreage, he must file a timely request and pay the cost of any second or subsequent visit to the farm to determine the final barley acreage: *Provided, however,* That if the acreage reported for harvest as silage or grain exceeds the intended acreage, based on the farm operator's statement of intention, but does not exceed the maximum acreage permitted for participation in the feed grain program for barley and an estimated acreage of volunteer barley, barley for uses other than for harvest as silage or grain, or a mixture of barley and other grain not classified as barley at the time of the initial visit to the farm was reported, the farm shall be revisited to determine the ultimate use made of the barley planted for uses other than as harvest for silage or grain if the farm operator notifies the county office prior to the established disposition date that the acreage of barley planted on the farm for harvest as silage or grain will not be adjusted. Notwithstanding this proviso, in areas where farm operators had not been notified of the notification requirement prior to the established disposition date, the requirement that notification be given prior to that date shall not apply.

(7) *Diverted acreage*—(i) *Substitution of other acreage.* The substitution of other acreage for designated diverted acreage is not authorized after the closing date for signing a statement of intention to participate in the wheat stabilization or feed grain programs except under the following conditions:

(*a*) In summer-fallow areas, a farm operator participating in both the 1962 Wheat Stabilization Program and the 1962 Feed Grain Program for corn and grain sorghums may file a request to redesignate acreage diverted provided the diverted acreage originally designated is devoted to fall-seeded barley on 1961 summer-fallowed cropland and the request is filed prior to the disposition date for wheat and barley established for the county in which the farm is located.

(*b*) The farm operator files a request with the county office not later than the date specified in the program regulations for substitution of other acreage previously designated as diverted for the purpose of growing rapeseed, mustard seed, guar, sesame, safflower, sunflower, castor beans, or flax on an acreage not previously designated. If a special farm visit is required to make an acreage determination with respect to such substitution, the visit will be at the expense of the farm operator.

(ii) *Acreage adjustment.* If the producer elects to adjust the acreage diverted from the production of barley, corn and grain sorghums, or wheat by the designation of additional acreage in case of deficiency, the farm shall be revisited for the purpose of determining the adjusted acreage if he files a request within 15 days from the date of the notice of acreage and pays the cost. Diverted acreage in excess of that required for compliance with the farm operator's statement of intention shall be released at any time upon receipt of a request and payment of the cost of determining the adjusted acreage. After the final acreage determination for a commodity has been made, diverted acreage in excess of the actual acreage diverted from the crop shall be released upon receipt of a request and payment of the cost by the farm operator. Notwithstanding any other program provisions, any excess diverted acreage designated on any separate visit to the farm and not reclaimed shall be credited automatically to offset a deficiency in the diverted acreage reported for the wheat stabilization or feed grain program at the time of a previous or subsequent farm visit.

(8) *Conservation reserve and diverted acreage in designated emergency areas.* If a farm operator elects to use conservation reserve or diverted acreage for the harvesting of hay or for grazing under authority granted by the Secretary in designated emergency areas and a farm visit which would not otherwise be required for compliance purposes is necessary to determine areas of less than whole fields or subdivisions, such farm visit shall be made upon receipt of a request and payment of the cost by the farm operator.

* * * * * * *

(f) *Notice to county office of intent or completion of disposition of excess acreage or request for release of excess diverted acreage*—(1) *Notice of disposition.* If the farm operator or other producer on the farm elects to dispose of excess acreage, he shall notify the county office by the expiration date entered on the notice of acreage that he has disposed of the excess or, in case of tobacco, that he intends to dispose of such excess in accordance with program regulations, request a determination of the adjusted acreage, and pay the cost of such determination if payment is required by regulations. If payment is required, such payment shall constitute a condition permitting an adjustment in the acreage: *Provided, however,* That notice to the county office of disposition of excess is not required as a condition permitting adjustment when a visit to the farm to determine the final acreage of the crop is made without cost to the producer under applicable regulations or, for crops other than tobacco, if, prior to the completion of harvest of the crop on the farm, the producer pays the cost of determining the acreage and establishes to the satisfaction of the county committee that the excess acreage was in fact disposed of prior to the disposition date. In case of tobacco, the county committee may accept a notice of intention filed after the date specified on the notice of acreage upon receipt of proof satisfactory to the committee that the producer was prevented from notifying the county office by the date specified because of conditions beyond his control.

3. Section 718.15(b), Table of Sections Affected by State Committee Determinations Pursuant to §§ 718.10(a) and 718.15(a) (26 F.R. 2552) is amended for the States of Louisiana and New York to read as follows:

§ 718.15 [Amendment]

* * * * * * * * * * *

TABLE OF SECTIONS AFFECTED BY STATE COMMITTEE DETERMINATIONS PURSUANT TO §§ 718.10(a) AND 718.15(a)

State	718.2(j)	718.5(g)		718.5(h)		718.10(a)	718.12
		(1)	(2)	(2)	(3)		
*	*	*	*	*	*	*	*
Louisiana		Unplanted contour levees within rice fields are not eligible for deduction.			1.0 A. with a minimum width of 0.5 chain for all crops except cotton, peanuts, corn, grain sorghums, and barley, except when an area along one edge or down the middle of the field is destroyed provided all of the excess for the farm is destroyed in one area and the area extends the entire length of the row(s).		
*	*	*	*	*	*	*	*
New York							0.2 A.
*	*	*	*	*	*	*	*

(Sec. 16(d), 75 Stat. 302, sec. 105(c), 75 Stat. 301, secs. 334, 335, 336, 374, 375, 52 Stat. 54, 65, 66, 72, Stat. 79, 75 Stat. 296, 297, 298, 299, sec. 401, 63 Stat. 1054, sec. 403, 61 Stat. 932, sec. 124, 70 Stat. 198; 16 U.S.C. 590 p, 7 U.S.C. 1334, 1335, 1336, 1374, 1375, 1421, 1441, 1153, 1812)

Effective date. Since farmers are now engaged in farming operations for spring-seeded crops and in planning the use of cropland pursuant to Public Laws 87–128, 87–425, and 87–451, it is imperative that notice of these amendments be given as soon as possible. Accordingly, it is hereby found that compliance with the notice, public procedure, and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest and that provisions of this amendment shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 3, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62–6708; Filed, July 9, 1962; 8:54 a.m.]

PART 719—RECONSTITUTION OF FARMS, FARM ALLOTMENTS, AND FARM HISTORY AND SOIL BANK BASE ACREAGES

Sec.
719.1 Basis, purpose, and applicability.
719.2 Definitions.
719.3 Guides for applying cropland definition.
719.4 Guides for applying farm definition.
719.5 Responsibilities of State committee.
719.6 Responsibilities of county committee.
719.7 Initiation of action to reconstitute farms.
719.8 Determination of farm reconstitution.
719.9 Reconstitution of farm allotments, history acreages, and farm bases.
719.10 Rules for determining feed grain bases, farm allotments, farm history and soil bank base acreages and the wheat marketing quota exemption acreage where the reconstitution is by division.
719.11 Rules for determining farm bases, farm allotments, history acreages, and the wheat marketing quota exemption acreage where the reconstitution is by combination.
719.12 Pooling of farm acreage allotments where the farm owner is displaced by a Federal, State, or other agency having the right of eminent domain.
719.13 Determination of commodity allotment diversion credit for participation in the conservation reserve or Great Plains program.
719.14 Preservation of history acreage for unused acreage allotments.

AUTHORITY: §§ 719.1 through 719.14 issued under sec. 375, 52 Stat. 66, sec. 124, 70 Stat. 198; 7 U.S.C. 1375, 1812. Apply or interpret secs. 16(b), 74 Stat 1030, 16(c), 75 Stat. 5, 16(d), 75 Stat. 302, 105(c), 75 Stat. 301; secs. 301, 313, 314, 334, 335, 344, 345, 346, 347, 353, 355, 356, 358, 359, 362, 368, 372, 374, 377, 378, 52 Stat. 31, 38, 47, 48, as amended, 51, 52, 53, as amended, 54, as amended, 57, as amended, 58, as amended, 59, as amended, 61, as amended, 62, as amended, 64, 65, as amended, 55 Stat. 88, as amended, 90, as amended, 203, as amended, 204, as amended, 66 Stat. 597, as amended, 72 Stat. 79, 988, 995, 73 Stat. 393, 74 Stat. 41, 141, 258, 75 Stat. 78, 79, 84, 85; sec. 103, 104, 106, 107, 112, 114, 115, 122, 70 Stat. 189, 190, 191, 195, 196, 197; 16 U.S.C. 590p, 7 U.S.C. 1301, 1313, 1314, 1334, 1335, 1344, 1345, 1346, 1347, 1353, 1355, 1356, 1358, 1359, 1362, 1368, 1372, 1374, 1377, 1378, 1441, 1802, 1803, 1810, 1821, 1822, 1824, 1831, 1836, 1837.

§ 719.1 Basis, purpose, and applicability.

(a) *Basis and purpose.* The regulations set forth in this part are issued pursuant to section 375(b) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1375(b)), section 124 of the Soil Bank Act (7 U.S.C. 1812), and the Agricultural Act of 1961 (Public Law 87–128, approved August 8, 1961) for the purpose of prescribing the provisions governing the constitution and reconstitution of farms, farm allotments, and farm base and history acreages under acreage allotment, marketing quota, agricultural conservation, feed grain, and soil bank programs administered pursuant to the Soil Conservation and Domestic Allotment Act, as amended, the Agricultural Adjustment Act of 1938, as amended, the Soil Bank Act, and the Agricultural Act of 1961. The reissuance of this part is for the purpose of consolidating existing regulations, as amended (23 F.R. 6731, 7693, 9505, 10476, 24 F.R. 2642, 25 F.R. 1065, 1816, 2880, 4129, 5445, 26 F.R. 1262, 1396, 1753, 2686, 5034, 7259, 7324, 12060, and 27 F.R. 2591), with some reorganization of contents to improve continuity and the inclusion of the term "farm bases" to embrace both feed grain bases and soil bank bases, when applicable, and the requirement that the Deputy Administrator, State and County Operations, approve all requests for transfer of pooled allotments applicable to 1962 and subsequent years prior to the issuance of the appropriate allotment notice.

(b) *Applicability.* The regulations in this part are applicable to constitutions and reconstitutions involving 1959 and subsequent crop years.

§ 719.2 Definitions.

As used in the regulations in this part and in all instructions, forms and documents in connection herewith the words and phrases defined in this section shall have the meaning herein assigned to them unless the text or subject matter otherwise requires:

(a) "Allotment" means an acreage of a specific crop established pursuant to the Agricultural Adjustment Act of 1938 and any amendments thereto heretofore or hereafter made: *Provided, however,* That for the purposes of applying the provisions of §§ 719.13 and 719.14, "allotment" means the acreage established pursuant to the Agricultural Adjustment Act of 1938, as amended, minus the acreage released to the county committee and the amount of any reduction in the established allotment for violation of the marketing quota regulations in a prior year but before adding reapportioned acreage or the amount of any increase granted for a type of peanuts determined to be in short supply or the amount of any increase in the cotton allotment under the Choice (B) program in 1959 and 1960.

(b) "Base period", with respect to any commodity or program, means the years considered in establishing acreage allotments or farm bases for the current year.

(c) "Combination" means the consolidation into one farm of two or more tracts or parts thereof.

(d) Committees:

(1) "Community committee" means the persons elected within a community as the community committee, pursuant to the regulations governing the selection and functions of Agricultural Stabilization and Conservation Service county and community committees under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(2) "County committee" means the persons elected within a county as the county committee, pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation Service county and community committees under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended. In Puerto Rico, the Caribbean Area Agricultural Stabilization and Conservation Service Committee shall, insofar as applicable, perform the functions of the county committee.

(3) "State committee" means the persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State committee under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended. In Puerto Rico, the Caribbean Area Agricultural Stabilization and Conservation Committee shall, insofar as applicable, perform the functions of the State committee.

(e) "County" means county or parish of a State.

(f) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the Agricultural Stabilization and Conservation Service county office, or the person acting in such capacity.

(g) "Cropland" means land which the county committee determines: (1) was tilled in at least one of the five calendar years immediately preceding the crop year for which the determination is being made; or (2) was established in permanent vegetative cover within the five calendar years immediately preceding the crop year for which the determination is being made and was classified as cropland at the time of the establishment; or (3) has been tilled but currently is in an established rotation pattern recognized in the community. Notwithstanding subparagraphs (1), (2), and (3) of this paragraph, land planted to trees (other than orchards) which was classified as cropland at the time of planting shall retain the cropland classification for the year of planting only. In so far as the acreage of cropland on any farm enters into the determination of acreage allotments and marketing quotas under the Agricultural Adjustment Act of 1938, as amended, the cropland acreage shall not be decreased during the period of any contract heretofore or hereafter entered into pursuant to the conservation reserve program under the Soil Bank Act or any agreement entered into under the Great Plains conservation program under the Soil Conservation and Domestic Allotment Act, as amended, by reason of any action taken for the purpose of carrying out such contract or agreement and shall not be decreased for such period after the expiration of the contract or agreement as is equal to the period of the contract or agreement by reason of the continued maintenance of previously established permanent vegetation designated under the contract or agreement or maintenance of any change in land use from cropland to permanent vegetation (including trees) carried out under the contract or agreement.

(h) "Current year" means the calendar year for which the allotments and farm bases are established.

(i) "Department" means the United States Department of Agriculture.

(j) "Deputy Administrator" means the Deputy Administrator or the Acting Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(k) "Division" means the dividing of land formerly comprising one farm into two or more parts which may become either individual farms or parts thereof.

(l) "Farm" means:

(1) *Farms constituted under prior regulations.* The term "farm" means land which has been properly constituted and identified as a farm under regulations issued pursuant to the Agricultural Adjustment Act of 1938, as amended, or the Soil Bank Act, as amended, and such land shall continue to constitute a farm for all programs to which the regulations in this part may apply until reconstituted as required under subparagraph (4) of this paragraph.

(2) *Farms constituted for the first time or reconstituted hereafter.* With respect to the constitution and identification of land as a farm for the first time or the reconstitution of farms made hereafter, the term "farm" shall mean all adjoining or nearby and easily accessible farm, wood, or range land under the same ownership which is operated by one person and all additional farm, wood, or range land under different ownership operated by such person which the county committee determines is nearby and easily accessible, is approximately equally productive, and for the past two years has been operated by such person and which will be so operated during the current year, or which has been operated by such person for one year with proof satisfactory to the county committee that it will be operated by such person for at least two more years. Notwithstanding the foregoing definition of "farm" in this subparagraph:

(i) Fields and subdivisions of fields which are part of a farm shall remain a part of such farm when operated under a short-term agreement by another operator, unless and until such fields or subdivisions of fields may be properly constituted as a separate farm or part of another farm under this section.

(ii) Land for which one or more landlord(s) refuse(s) to sign a conservation reserve contract and which is a part of a multiple-ownership farm may be constituted as a separate farm provided some eligible land in the balance of such multiple-ownership farm is covered by a conservation reserve contract.

(iii) Where part of a farm is owned by the Federal Government and the federal agency handling the leasing of such land has leased such land under a lease restricting the production of price-supported commodities in excess supply, the farm shall be reconstituted so that such government-owned land is a separate farm. Such government-owned land, or other land as may be acquired by the Federal Government and leased to producers under such restrictive leases, shall not be combined with privately-owned land or with other government-owned land not under restrictive lease.

(iv) Where a conservation reserve contract has been entered into under the conservation reserve program regulations (6 CFR Part 485) pursuant to which the entire eligible land on the farm is designated as conservation reserve, the farm as constituted at the time all the eligible land becomes so designated shall not be combined with other land (as long as all of the eligible land in the farm is under contract) unless the conservation reserve contract is modified to include in the conservation reserve all eligible land of such other land.

(v) Notwithstanding the above provisions, when designating any area of land as a wildlife refuge farm for the purpose of administering the various agricultural programs, all Federal or State-owned land in one refuge, under the supervision of one manager, must be constituted as one farm and such farm shall not include any land that is privately owned. Any land that is not currently constituted in accordance with this provision shall be reconstituted.

(vi) Separately owned land on which the landlord(s) refuse to participate in the feed grain programs and which is a part of a multiple-ownership farm may be constituted as a separate farm for purposes of the feed grain programs authorized under section 16 of the Soil Conservation and Domestic Allotment Act, as amended. This provision does not affect the farm constitution for other programs.

(vii) When lands owned by two or more persons are involved in a combination, the combination of an owner's land with land under other ownership need not be made or continued if such owner files an objection in writing to the combination of his land and the county committee determines that the objection is not for the purpose of obtaining an advantage with respect to minimum allotment provisions or payments under diversion programs and that program purposes would not be defeated by failure to effect the combination. In any case where an owner objects, the action taken shall be fully documented in the county committee minutes. This provision does not affect the combination of any other separately-owned lands which may be involved.

(3) *Location of farm for administrative purposes.* A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

(4) *Required reconstitutions.* A reconstitution of a farm either by division or by combination shall be required whenever:

(i) A change has occurred in the operation of the land after the last constitution or reconstitution and as a result of such change the farm does not meet the requirements of the definition set forth in subparagraph (2) of this paragraph; or

(ii) The farm was not properly constituted under the applicable regulations in effect at the time of the last constitution or reconstitution; or

(iii) A reconstitution is otherwise required to meet the provisions of subparagraph (2) of this paragraph.

(m) "Farm serial number" means the serial number assigned to a farm by the county committee for the purpose of identification and shall be commonly referred to as "farm number".

(n) "History acreage", with respect to any commodity or program, means the acreages determined in accordance with the applicable regulations to be considered in establishing applicable acreage allotments and farm bases for the current year.

(o) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(p) "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity and, whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(q) "Photograph number" means the number assigned to the photograph for the purpose of identification and may be either the roll and exposure number or a number assigned by the county committee which is recognized in identifying the photographs for internal operations.

(r) "Preceding year" means the calendar year immediately preceding the year for which the allotments or farm bases are established.

(s) "Producer" means a person who, as owner, landlord, tenant, or sharecropper, shares in a sugar crop at time of harvest or is entitled to share in the other crops available for marketing from the farm or in the proceeds thereof and, in the case of rice, also means a person who furnishes water for a share of the crop.

(t) "Reconstitution" means the changing of the identity of a farm as it exists on county office records to a new identity approved by the county committee by process of "division" or "combination". The term shall also include the constitution and identification of land as a farm for the first time.

(u) "Representative of the State committee" means a member of the State

committee or any employee of the State committee.

(v) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(w) "Soil bank contract" means an acreage reserve agreement or conservation reserve contract entered into pursuant to the Soil Bank Act (7 U.S.C. 1801 et seq.).

(x) "State executive director" means the person employed by the State committee to execute the policies of the State committee and to be responsible for the day-to-day operations of the Agricultural Stabilization and Conservation Service State office, or the person acting in such capacity.

§ 719.3 Guides for applying cropland definition.

(a) *General.* The definition of cropland requires certain factual determinations and provides latitude for county committee judgment with respect to several factors. A land area which is not in an established rotation pattern recognized in the community or which was not tilled within the preceding five-year period shall be classified as noncropland. In addition, cropland which is removed from agricultural production under the right of eminent domain or for commercial or residential development shall be reclassified as noncropland for the succeeding year. A land area shall be classified as cropland whenever it meets the provisions of the definition. A brief explanation of the various factors involved is outlined in this section to assist county committees in the uniform application of the definition.

(b) *Tilled land.* Cropland planted or devoted to a crop (including orchards and vineyards but excluding a permanent vegetative cover crop) from which a crop is harvested or on which tillage operations are carried out in a workmanlike manner during the summer growing season in preparation of the land for the seeding of a crop for harvest shall be considered as meeting the "tilled" requirement for that year. Noncropland (new land or cropland previously reclassified as noncropland) broken out during the calendar year immediately preceding the crop year for which the determination is being made and planted to a crop (including orchards and vineyards but excluding a permanent vegetative cover crop) in a workmanlike manner shall be considered as having been tilled during such preceding year if a crop is or will be harvested from the land in that year. The harvesting requirement of this paragraph shall not in itself affect the classification of the land if the county committee determines that harvest was not possible or practicable because of crop failure resulting from adverse weather, insects, or disease or that no crop was harvested in the case of orchards and vineyards because the trees or vines had not reached the bearing age.

(c) *Rotation.* This factor, perhaps more than any other, requires flexibility in application because of the variety of crops grown and production practices peculiar to specific areas of the country. It is a means of recognizing these local practices but must not be used as a device to establish or maintain an unrealistic cropland figure. As a general rule, land may be considered to be in a rotation pattern when a recognized system or cropping plans or land use is carried out over a period of years resulting in the land area being devoted to those crops and land uses which contribute reasonable beneficial effects to the land. The county committee should determine a reasonable period of years, after which cropland that is not in an established rotation pattern will be reclassified as noncropland. As a matter of general policy this period should normally not exceed five years. It may be necessary in some areas to establish a longer rotation period for perennial legumes and grasses.

(d) *Permanent vegetative cover (other than trees).* Cropland established in permanent vegetative cover, other than trees shall be considered as cropland for a period of five years including the year of establishment and as long thereafter as it is determined to be in an established rotation pattern. Meadowland on which a light seeding or fertilizing operation is carried out at intervals will not be considered as tilled for the purpose of retaining the cropland classification on the area. Pasturing any acreage or cutting hay from native hayland shall not be considered as cropping.

(e) *Trees (other than orchards).* Cropland on which a planting of trees (other than orchards) is established in the spring or early summer shall not be considered as being tilled or in rotation during that year and, consequently, will be reclassified as noncropland for the following year. Cropland on which a planting of trees is established in the late summer or fall after a crop has been removed from the land or after the land has been tilled during the growing season shall retain the cropland classification for the succeeding year.

(f) *Noncropland.* Land which because of topography, soil conditions, or vegetative cover is recognized as land on which it is impractical to perform tillage operations shall not be considered as cropland. This in general would include rough and semiarid pasture land, waste land, and land given over to forest or tree growth, etc. In addition, land which is normally utilized for pasture or the production of hay or both and for which a recognized rotation pattern has not been established shall not be considered as cropland even though the productivity of such land is substantially equivalent to other land on the farm and the land could be readily tilled. All such land shall be classified as noncropland unless the county committee specifically determines that the utilization for pasture or hay is within an established rotation pattern that is generally recognized in the community.

(g) *Land covered by a conservation reserve or Great Plains program contract.* Cropland on which permanent vegetation was established and maintained in accordance with the provisions of the contract, or on which permanent vegetation was established prior to the contract but was maintained in accordance with provisions of the contract under the conservation reserve or Great Plains program, shall retain the cropland classification for allotment and quota purposes for the effective period of the applicable contract and for a period following the expiration of any contract which has run its full term equal to the period of such contract. For this purpose, maintenance during the period of the contract must conform with the applicable program provisions. After expiration of the contract, maintenance requirements will be considered as having been met if the land is kept, conformable with good farming practices, in the use approved for it at the time the contract was terminated. Grazing and harvesting are permitted but protection is lost whenever the vegetative cover is destroyed. Re-establishment of the same cover, if needed, or a change to an equally or more enduring cover, will not terminate the protection. Any needed re-establishment must be carried out with the least possible delay. Any soil-depleting crop used as a nurse crop for re-establishment must not be harvested. The utilization of a nurse crop for hay will not be considered as disqualifying if consistent with good farming practices for the re-establishment. Upon expiration of the period of protection, the acreage shall be reappraised in consideration of the definition of cropland to determine its proper classification.

(h) *Miscellaneous land treatment.* The act of applying certain materials to an area of land such as a light seeding, the application of fertilizer, lime, or other soil conditioners, or performing certain cultural practices such as discing, harrowing, subsoiling, mowing, or pasturing do not within themselves constitute a tillage operation and would not in and of themselves serve to cause the area to be classified as cropland.

§ 719.4 Guides for applying farm definition.

(a) *General.* The definition of a farm requiries that consideration be given to a number of provisions such as ownership, operation, accessibility and nearness, and the productiveness of different tracts. A brief explanation of these provisions is outlined in this section to assist committees in properly determining what land is to be included in a farm.

(b) *Ownership.* The requirement of formal proof of title is unnecessary in cases where the county committee knows, or where it is a matter of common knowledge in the community, that the land is owned by the person shown as owner on the county office records. The committee should require specific proof in any case in which there is doubt as to ownership or where the committee believes that collusion may be involved. A person holding a bona fide contract for purchase of land will be considered the owner of the land covered by the contract if he is entitled the possession under the contract and has the right to farm the land.

(c) *Operator and operation.* The operator of a farm means the person who is in charge of the supervision and conduct of the farming operations on the farm. To be in charge of the farming operations of certain tracts of land means to be in general control during the program year of the farming activities and land use on the land unit. The fact that a person may be referred to as a renter or tenant in some localities does not necessarily mean that he is an operator. Such person may be in fact a sharecropper who is not in charge of the supervision and conduct of the farming operations on the entire farm.

(d) *Easily accessible and nearby.* Tracts of land which are close enough together so that farm labor is or could be freely interchanged and the interchange of machinery is or could be regularly accomplished under its own power during the period when normal farming operations are in progress on all tracts of land may be considered nearby and easily accessible. Tracts of land which are only a short distance apart geographically but which are not readily accessible to one another because of some natural barrier or city should not be considered nearby and as parts of the same farm even though they have a common operator.

(e) *Productiveness.* Combinations of tracts under different ownership shall not be permitted where one is primarily irrigated land while the other is primarily non-irrigated land or where, in the judgment of the county committee, the present productivity of the cropland on one tract differs so substantially from that of the other that crops likely would be shifted from one tract to the other, thereby defeating the purpose of the crop adjustment programs.

(f) *Terms of operation.* In determining the constitution of a farm, the county committee shall satisfy itself, from personal knowledge or evidence presented, that the operator will be or has been in charge of the supervision and conduct of the farming operations for the entire farm for the required length of time. Evidence presented to the committee may consist of written leases, written statements from the operator, owner, or other persons having knowledge of the facts, or other probative evidence including oral testimony. If, subsequently, any operator who has obtained approval for a reconstitution is found knowingly operating in a manner substantially different from that represented, such reconstitution shall be disapproved and the farm shall be constituted property.

(g) *Timing and effective date of reconstitutions.* Farms shall be reconstituted as soon as it is determined that the land areas are not properly constituted in accordance with the farm definition: *Provided, however,* That a reconstitution made after the planting of an allotment crop has been completed on the farm, or after the plantings of barley or of corn and grain sorghums have been completed on a farm which is participating in the respective feed grain program, shall not be effective for that crop for the current year unless the conditions supporting the reconstitution existed at the time such crop was planted on the farm and a change in operation had occurred prior to the beginning of such planting but had not been reported to the county office: *And provided further,* That a reconstitution shall not be effective with respect to the conservation reserve program for the current year if, at the time a reconstitution of the farm(s) is required, the action would cause noncompliance with the terms and conditions of the conservation reserve contract(s) for the current year. Notwithstanding this provisio, a reconstitution resulting from a division of a parent farm shall be effective for the current year for conservation reserve purposes unless (1) all of the persons having control of the land being subdivided are eligible and enter into a common modified contract covering the parent farm for the year in which loss of control occurs and (2) simultaneously with the execution of the common modified contract, individual contracts covering the reconstituted farms are entered into and approved to become effective on the following January 1. A farm reconstitution made after the first request for cost-sharing under the agricultural conservation program has been approved for the parent farm(s) for the current program year shall not be effective for the agricultural conservation program for that year unless all persons on the farm who are eligible to receive cost-shares file a request in writing that such reconstitution become effective for the agricultural conservation program for that program year and the county committee determines that failure to make such reconstitution effective for such program for that program year will make one or more of such persons ineligible for cost-sharing which otherwise could be approved under that program. A reconstitution which does not become effective for the current year under the provisions of this paragraph shall become effective beginning with the next succeeding crop year (succeeding program year in case of the conservation reserve and agricultural conservation programs).

§ 719.5 Responsibilities of State committee.

The State committee, through the State executive director, shall be responsible for furnishing such guidance and direction as is necessary to assure, in so far as practicable, uniform understanding and application of the provisions of the regulations in this part.

§ 719.6 Responsibilities of county committee.

The county committee shall be responsible for initiating action to constitute properly any land known to be improperly constituted as a farm under the regulations in this part and for considering and taking appropriate action on requests for reconstitution received from land owners or operators and effecting such reconstitutions as are required in accordance with the regulations in this part.

§ 719.7 Initiation of action to reconstitute farms.

Action to reconstitute farms shall be initiated either by the county committee or by the owner or operator of a farm affected by the proposed action. An owner or operator desiring a reconstitution shall file a Form ASCS–155 with the county office manager, for the use of the county committee, showing all data required in connection with the proposed reconstitution. The Form ASCS–155 shall be signed by a producer, or his representative, on the farm affected by the proposed reconstitution. An owner or operator applying for a reconstitution may be assisted in the preparation of Form ASCS–155 by employees in the county ASCS office. If the action is initiated by the county committee, a Form ASCS–155 shall be prepared under the direction of the county office manager for the use of the county committee.

§ 719.8 Determination of farm reconstitution.

After consideration of the data required to be shown on Form ASCS–155, the county committee shall determine whether the farm should be reconstituted in accordance with the regulations in this part and shall record the approval or disapproval of the proposed reconstitution on the Form ASCS–155. If the approved reconstitution is by division, the basis for dividing feed grain bases, farm allotments, and farm history and soil bank base acreages also shall be recorded on the form. The form shall be signed by a committee member on behalf of the county committee and the action taken shall be recorded in the minutes of the committee meeting. When action on a proposed farm reconstitution is completed by the county committee, the farm operator shall be notified in writing of the action taken. If the farm reconstitution also results in the reconstitution of one or more of the farm allotments or farm bases for the current year, applicable revised allotment notices and revised notices of farm bases shall be mailed to the farm operator and an appropriate statement of the reason for the action taken shall be entered on the notice.

§ 719.9 Reconstitution of farm allotments, history acreages, and farm bases.

(a) *Applicability.* When a determination is made, under the definition of a farm, that a farm should be reconstituted, the farm allotments, history acreages, and farm bases shall be reviewed in accordance with the regulations in this Part 719 and related county office records shall be corrected as necessary to reflect properly the basic data for each farm as reconstituted. All reconstitutions shall be made in accordance with the provisions prescribed in this part and, to the extent practicable, shall be based on facts and conditions existing at the time the change resulting in the reconstitution occurred rather than on the facts and conditions existing at the time the actual reconstitution action is taken by the county committee.

(b) *Reconstitutions involving right of eminent domain*—(1) *Multiple ownership farms.* When all or part of one or more separately owned tracts in a multiple ownership farm is acquired by any Federal, State, or other agency having the right of eminent domain and such land is removed from agricultural production, each separately owned tract affected by the acquisition shall be constituted separately from the parent farm. If a part of an ownership tract is involved, it shall be determined whether the 15 percent provision of subparagraph (2) of this paragraph applies or whether the land, allotments, and history acreages of the acquired portion are to be reconstituted. After the necessary determinations have been made and reconstitution actions have been taken with respect to each ownership tract affected, any portion of such tracts which are not acquired shall be recombined with any remaining portion of the parent farm as constituted prior to the application of this paragraph.

(2) *Single ownership farms.* When a part of a single ownership farm is acquired by the exercise of the right of eminent domain by any Federal, State, or other agency having such right, the farm shall not be reconstituted and the farm allotments, history acreages, soil bank base acreages, and feed grain bases shall not be redetermined if the acreage of cropland which was or could have been acquired under the right of eminent domain represents less than 15 percent of the total cropland on the farm and such land is removed from agricultural production.

(c) *Two or more allotments.* If there are two or more allotments on a farm which is reconstituted, all such allotments shall be redetermined in accordance with the same provisions of the regulations in this part except as otherwise provided under the contribution method of division.

(d) *Determination of allotment crop history acreages.* The history acreages and other basic data required in establishing commodity allotments for the various tracts involved in the division of a parent farm shall be redetermined for each year of the base period for which history acreage is required by the respective commodity regulations by using the same basis as that applicable to apportionment of the allotments for the parent farm among such tracts: *Provided, however,* That where the parent farm allotments are divided on the basis of the contribution method, the history acreage for each identical tract for each year of the base period prior to the combination shall be the history acreage determined for the tract prior to the combination.

(e) *Maximum and minimum provisions, adjustments, and release and reapportionment.* Allotments for reconstituted farms resulting from the divisions or combinations of parent farms in accordance with any applicable provisions of the regulations in this part are subject to maximum and minimum allotment provisions and to adjustments from applicable allotment reserves and released farm allotments pursuant to the applicable regulations governing the determination of farm acreage allotments.

(f) *Continuous application.* Where the farm reconstitution is made prior to determination of current year allotments or farm bases, the allotment crop history acreages and any other required data for the tracts for the base period years shall be determined under the applicable provisions of this procedure for use in establishing the current year's allotments or farm bases for the reconstituted farms.

(g) *Redetermination of cropland acreage.* The cropland acreage on the respective tracts involved in a division of a parent farm shall be verified and redetermined where necessary prior to apportionment of the allotment, history, or farm bases to such tracts. This is particularly important for divisions made on the basis of cropland.

(h) *Land removed from agricultural production (not acquired under right of eminent domain).* When (1) the ownership of a tract of land is transferred from a parent farm, (2) the tract transferred is to be used for non-agricultural purposes and (3) such tract was not or could not have been acquired under right of eminent domain, the farm shall not be reconstituted and the allotments, history acreages, soil bank base acreages, and feed grain bases shall remain with the parent farm: *Provided,* That the county committee determines, on the basis of an agreement signed by all persons interested in the transfer, that the land transferred is in fact to be changed to nonagricultural uses during the current or succeeding year. In all such cases, the farmland and cropland data shall be corrected on all appropriate records for the parent farm. If an agreement as prescribed in this paragraph is not obtained, the farm shall be reconstituted in accordance with the farm definition and the allotments, history acreages, soil bank base acreages, and feed grain bases shall be redetermined. The provisions herein prescribed shall apply beginning with reconstitution which became effective for the 1960 crop year and for any reconstitutions made during the calendar year 1960 which were effective for a prior year.

§ 719.10 Rules for determining feed grain bases, farm allotments, farm history and soil bank base acreages, and the wheat marketing quota exemption acreage where the reconstitution is by division.

(a) *Methods for reconstituting farm allotments and history acreages*—(1) *General.* Allotment and history acreages for a farm which resulted from a combination that became effective during the six-year period immediately prior to the current year and which is being divided into two or more tracts shall be reconstituted under the contribution method of division. The contribution method for dividing allotment and history acreages may be employed beyond the six-year period prescribed above in cases where the county committee determines that division by the cropland or history method would result in allotments not representative of the allotments established for the separate tracts prior to combination and a record of the contribution of the separate tracts at the time of combination is available to support the action taken. If the contribution method is not applicable, the county committee will next apply the cropland method and, finally, if the contribution and cropland methods do not apply, the acreage shall be divided by the history method: *Provided, however,* That the division of allotment and history acreages for a farm which was formed by a combination approved during the period September 1, 1958, through January 3, 1960, may, at the election of the producers involved, be made in accordance with the regulations in effect at the time of the combination if a request in writing, signed by all interested producers involved, is filed at the county office prior to approval of the division and the county committee determines that apportionment under such previous regulations would be representative of the farming operations normally carried out on each part. Feed grain bases and soil bank base acreages shall be apportioned in accordance with paragraph (b) of this section. The provisions for dividing a farm to settle an estate may be applied whenever appropriate. Wheat marketing quota exemption acreages shall be apportioned in accordance with paragraph (c) of this section. The sum of allotment and history acreages, feed grain bases, soil bank base acreages, and other basic data apportioned to the respective tracts in the process of division shall equal the respective crop acreages for the parent farm except in the case of allotment acreages when the minimum and maximum allotment provisions apply.

(2) *Contribution method.* If the farm to be divided is the result of a combination which became effective during the six-year period immediately prior to the current year and for such additional period as is determined to be applicable under the provisions prescribed in subparagraph (1) of this paragraph, each tract which is identical to a tract which went into the combination and which is being separated from the parent farm in whole or in part shall share in the allotments and history acreages for the parent farm for the current year in the same proportion that each tract contributed to the allotments for the parent farm at the time of combination. The allotments used in making these determinations shall be the allotments established prior to release or reapportionment. Notwithstanding the foregoing provision, division shall be made by the cropland or history method, as applicable, rather than by the contribution method in cases involving (i) a further division of the allotment and history acreages for any such identical tract (ii) the division of allotment and history acreages for any commodity for which the allotment was not established at the time of combination, (iii) the division, in case of wheat, of allotment and history acreages for any farm for which the tracts were in an approved odd and even rotation seeding pattern in the year of combination, and (iv) a parent farm, in case of rice, which includes one or more tracts on which an established crop-rotation system was being carried out at the time of the combination. When a further division of an identical tract is required in accordance with the provisions of this subparagraph and the total of all allotments assigned to such tract exceeds the cropland available for planting such allotments, the allotments, history acreages, and other pertinent data for the identical tract shall be apportioned among the reconstituted parts on the basis of the acreage determined by the county committee to be representative of the planting of the allotment crops on each part prior to the reclassification of all or part of the land as noncropland.

(3) *Cropland method.* If the contribution rule is not applicable, the current year allotments and allotment crop history acreages determined for the parent farm, shall, except as otherwise provided under contribution and history methods, be apportioned among the tracts in the same proportion that the acreage of cropland (acreage of developed rice land for rice) in each such tract bears to the cropland (developed rice land for rice) for the parent farm: *Provided, however,* That upon request in writing by the owners and operators, the allotments and history acreages may be apportioned on the basis of the cropland normally considered as available for and adapted to the production of the allotment crops on each tract, as determined by the county committee.

(4) *History method.* The allotments and history acreages for the parent farm may be divided among the tracts resulting from a division on the basis of the history acreage determined to be representative of the operations normally carried out on each tract when:

(i) The county committee determines that because of a substantial physical difference in the soil, topography of the land, location of facilities, or cultural practices, the division of allotments and history acreages by the cropland method would result in allotments and history acreages not representative of the operations normally carried out on each of the tracts, or

(ii) The county committee determines that the division of allotments and history acreages between Federal or State-owned land and privately-owned land (reconstituted in accordance with the provisions of § 719.2(1)(2)(v) by the cropland method) would result in allotments and history acreages not representative of the farming operations previously carried out on each part during the respective base periods used for establishing current allotments.

(b) *Methods for reconstituting feed grain bases and soil bank base acreages.* The feed grain or soil bank base for a farm which is being divided into two or more tracts shall be apportioned among such tracts which are being separated from the parent farm as follows:

(1) The history acreages of allotment crops included in the soil bank base determined for the parent farm shall be apportioned on the same basis as the allotments and history acreages for such allotment crops are apportioned under regulations in this part.

(2) If a base was established for each component part of a parent farm prior to or at the time of combination, the base for each identical tract being separated from the parent farm shall be the base established for such tract prior to or at the time of combination.

(3) If the parent farm which is being divided was not a result of a combination which became effective subsequent to the establishment of the applicable bases, or if the tract which is being divided involves a further division of an identical tract for which the base was apportioned under the provisions of subparagraph (2) of this paragraph, the feed grain base established for the parent farm, or the identical tract, and the history acreage in the soil bank base established for the parent farm, or the identical tract, equal to the acreage of nonallotment crops shall be apportioned among the tracts resulting from the division in the same proportion as the acreage of cropland for each tract bears to the cropland for the farm being divided: *Provided, however,* That the feed grain base and the non-allotment crop soil bank history acreage may be divided among the respective tracts on the basis of the feed grain acreage or the soil bank history acreage, as applicable, which is determined to be representative of the operations normally carried out on the tract when:

(i) The allotment and allotment crop history acreages for the parent farm are divided by the history method; or

(ii) The county committee determines that due to plantings carried out during the applicable base period or because of substantial physical differences in the soil, topography of the land, location of facilities, or cultural practices, division by the cropland method would result in acreages not representative of the operations normally carried out on each of the tracts.

(4) Notwithstanding the provisions of this paragraph (b), if the farm is covered by a conservation reserve contract under which 1960 or a prior year is the first year of the contract period, the acreage of the soil bank base equal to the acreage of non-allotment crops, may, at the election of the producer holding the contract be apportioned in accordance with the regulations in effect at the time such contract was entered into unless the county committee determines that such apportionment would not be representative of the farming operations normally carried out on each part.

(5) In no event may the sum of the feed grain bases and the soil bank base acreages for the respective tracts of a division exceed the feed grain base and soil bank base acreages for the parent farm.

(c) *Method for reconstituting the wheat marketing quota exemption acreage*—(1) *Contribution method.* When the wheat acreage allotment for the farm being divided is 13.5 acres or less or where there is no wheat allotment for the farm but wheat was planted for harvest as grain in any one of the crop years 1959, 1960, or 1961 and the contribution method for dividing allotments for the farm is used, each identical tract split out of such parent farm shall, for the purpose of the 1962 wheat stabilization program, be credited with: (i) The proportionate share of the 1962 allotment for the farm as computed for such tract under the contribution method for dividing allotments and (ii) the highest planted wheat acreage on such tract in 1959, 1960, and 1961: *Provided, however,* That where the contribution method is applicable but the effective date of the combination was prior to or for the 1959 program year and the tracts remained in combination during the three program years 1959, 1960, and 1961, the marketing quota exemption acreage established for the parent farm for the current year may be divided among the identical tracts being split out of the parent farm on the basis of the acreage which the county committee determines to be fair and equitable based on plantings on each tract during 1959, 1960, or 1961 or on the operations normally carried out on the separate tracts prior to combination. Where an identical tract for which a marketing quota exemption acreage was determined pursuant to the foregoing provisions of this subparagraph is being divided further, each part separated from the identical tract shall share in the wheat marketing quota exemption acreage determined for the identical tract on the basis of the cropland method, or the history method, if applicable: *Provided, however,* That if the wheat marketing quota exemption acreage computed for the identical tract by the contribution method exceeds the cropland for such tract, such acreage shall be apportioned among the parts of the identical tract on the basis of the acreage determined by the county committee to be representative of the planting of wheat on the respective parts prior to reclassification of all or part of the land as non-cropland.

(2) *Other methods.* If the contribution method for dividing allotments is not applicable, the wheat marketing quota exemption acreage established for the parent farm being divided may be apportioned among the tracts resulting from the division in accordance with the method prescribed for allotment crops in paragraph (a) (3) or (4) of this section.

(d) *Farms to be divided in settling an estate.* Notwithstanding any other provision of the regulations in this part, if a farm is to be divided among the heirs in settling an estate, the allotment, feed grain bases, history acreages, soil bank base acreages, and the wheat marketing quota exemption acreage, upon approval of the county committee, may be apportioned among the tracts on the basis of a written agreement signed by all interested persons.

§ 719.11 Rules for determining farm bases, farm allotments, history acreages, and the wheat marketing quota exemption acreage where the reconstitution is by combination.

If two or more tracts which were operated as separate farms or parts of farms in the preceding year are combined and operated as a single farm for the current

year, the current year's allotments, history acreages, farm bases, and wheat marketing quota exemption acreage for the reconstituted farm shall be the sum of the current year's allotments, history acreages, farm bases, and wheat marketing quota exemption acreage determined for each of the tracts comprising the combination subject to the provisions of § 719.9(e), except that the wheat marketing quota exemption acreage for the reconstituted farm may not exceed 13.5 acres.

§ 719.12 Pooling and transfer of farm acreage allotments where the farm owner is displaced by a Federal, State, or other agency having the right of eminent domain.

(a) *Definitions.* For purposes of this section unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number:

(1) "Agency" means a Federal, State or other agency having the right of eminent domain which acquires a farm by exercise of such right of eminent domain or by negotiation provided that such right could have been exercised to acquire such farm.

(2) "Displaced owner" means a person whose farm is acquired by an agency.

(3) "Acquired farm" means the farm or part of the farm acquired by an agency.

(4) "Date of displacement" means the date the displaced owner voluntarily relinquishes his right to produce another crop of the commodity on the farm acquired from him by an agency or the date he is legally displaced. Legal displacement occurs when the displaced owner no longer retains the right to possession of the land on the acquired farm as owner or under a lease with the agency which follows immediately after his possession as owner: *Provided, however,* That if the displaced owner was displaced prior to April 9, 1960, and enters into a lease (written lease or written operating agreement) with respect to all or part of the acquired farm with the agency prior to April 9, 1962, displacement shall be deemed not to have occurred as to the leased land if the displaced owner files a copy of the lease with the county committee for the county in which the leased land is located as soon as practicable after execution of the lease but in any event prior to April 9, 1962, and if none of the allotment pooled for the acquired farm has been transferred to another farm.

(5) "Receiving farm" means the farm to which transfer of pooled allotment is requested by the displaced owner.

(6) "Receiving State and county committees" means the respective State and county committees for the State and county in which the receiving farm is located.

(7) "Transferring State and county committees" means the respective State and county committees for the State and county in which the acquired farm is located.

(b) *Limitations on applicability of this section.* This section shall not be applicable:

(1) To an acquired farm if the allotment for such farm next established after the date of displacement would have been reduced because of false or improper identification of the commodity produced on or marketed from the farm or due to a false acreage report.

(2) To an acquired farm where the date of displacement was prior to 1950 in the case of upland cotton, extra long staple cotton, tobacco and peanuts; prior to 1954 in the case of wheat and corn; and prior to 1955 in the case of rice.

(3) If at the time an application for transfer of pooled allotment is being considered by the receiving county committee, there remains unpaid any marketing quota penalty due with respect to the marketing of the commodity from the acquired farm or by the displaced owner; or if any of the commodity produced on the acquired farm has not been accounted for as required under applicable commodity regulations.

(4) If at the time an application for transfer of pooled allotment is being considered by the receiving county committee, there are no farm allotments for the commodity currently in effect for farms in such county and the receiving county committee determines that farms in such county are not suitable for the production of such commodity.

(c) *No pooled allotment where agency will continue production.* If any agency has authority to acquire a farm for the sole purpose of continuing production of an allotment crop and does so acquire a farm and files a written notice with the county committee of the county in which the farm is located within 30 days after the date of acquisition designating the allotment crops to be produced on the farm, there shall be no pooled allotment for such crops but farm allotments shall be established in accordance with applicable commodity regulations.

(d) *Pooled allotment where agency will not continue production.* If an agency acquires a farm and does not file a notice pursuant to paragraph (c) of this section, the allotment for the commodity shall be pooled upon the date of displacement. Pooled allotment shall be available only for use in providing equitable allotments for other farms owned or purchased by the displaced owner. The period of eligibility for making application for transfer of pooled allotment shall be three years from the date of displacement. During such period of eligibility, acreage allotments for the acquired farm shall be established in the pool in accordance with applicable commodity regulations and for purposes of establishing future allotments, such allotments shall be considered to have been fully planted.

(e) *Release of pooled allotment.* Notwithstanding the provisions of paragraph (d) of this section, during any year that the allotment is pooled and has not been transferred to another farm, the displaced owner may, in accordance with applicable commodity regulations, release for one year at a time any part or all of such pooled allotment to the county committee for reapportionment to other farms in the same county having allotments for such commodity. Such reapportionment shall be on the basis of the past acreage of the commodity, land, labor, equipment available for the production of the commodity, crop rotation practices, and soil and other physical facilities affecting the production of the commodity; and the allotment reapportioned shall not, for purposes of establishing future farm allotments, be regarded as planted on the farm to which the allotment was reapportioned.

(f) *Transfer of allotment from the pool.*—(1) *Application by displaced owner.* The displaced owner shall file written application for transfer of allotment from the pool within three years after the date of displacement with the receiving county committee. The application shall contain a certification by the displaced owner that he has made no side agreement with any person for the purpose of obtaining an allotment from the allotment pool for a person other than himself. The displaced owner shall attach to the application all pertinent documents pertaining to his ownership or purchase of land and any leasing arrangements; as for example, the deed of trust or mortgage, warranty deed, note, sales agreement, and lease.

(2) *Action by receiving county committee.* The receiving county committee shall consider each application and determine whether the transfer of allotment from the pool shall be approved. Before an application is acted upon by the receiving county committee, the displaced owner shall personally appear before the receiving county committee after reasonable notice, bring any additional pertinent documents as may be requested for examination by the receiving county committee, and answer all pertinent questions bearing on the proposed transfer: *Provided, however,* That if the receiving State committee determines from facts presented to it on behalf of the displaced owner that such personal appearance would unduly inconvenience the displaced owner on account of illness or other good cause and such personal appearance would serve no useful purpose, the receiving State committee shall notify the receiving county committee that the displaced owner need not make such personal appearance. Any action by the receiving county committee shall be subject to the approval required under subparagraph (4) of this paragraph.

(3) *Elements of bona fide ownership.* The receiving county committee shall approve the transfer of allotment only where the documents and other evidence presented by the displaced owner show conclusively that the displaced owner has made a normal acquisition of the receiving farm for the purpose of bona fide ownership to reestablish his farming operations. The elements of such an acquisition shall include, but are not limited to, the following conditions: (i) Appropriate legal documents establishing title to the receiving farm; (ii) if the displaced owner was the operator (person in charge of the supervision and conduct of the farming operations on the entire farm) of the acquired farm at the date of displacement, such displaced owner shall personally operate and be the operator of the receiving farm for the first year that allotment is transferred; (iii) if the displaced owner was not the operator of the acquired farm at the date of displacement and he was not a producer because the leasing or rental agreement provided for cash, fixed rent, or standing rent payment, such displaced owner shall not be required to personally operate and be the operator of the receiving farm but at least 75 percent of the allotment for the receiving farm shall be planted on the receiving farm for the first year; (iv) if the displaced owner was not the operator of the acquired farm at the date of displacement but he was a producer on the acquired farm at the date of displacement by virtue of receiving a share of the crops produced on the acquired farm, such displaced owner shall not be required to be the operator of the receiving farm but he shall be a producer on the receiving farm the first year that allotment is transferred; (v) the contractual arrangements between the displaced owner and the seller of the receiving farm shall not contain a requirement that the receiving farm be leased to the seller or a person designated by or subject to the control of the seller nor shall the seller or a person designated by or subject to the control of the seller lease the receiving farm for the first year the allotment is transferred even though such contractual arrangements are silent as to any lease; and (vi) contractual arrangements under which the receiving farm was purchased or leased are customary in the community where the receiving farm is located with respect to purchase price, size of payments due, time when payments are due, and size of rental payments, if any.

(4) *Action of receiving State committee and Deputy Administrator.* (i) The approval of a transfer of allotment under this paragraph by the receiving county committee shall be effective only upon approval by the receiving State committee and concurrence by the Deputy Administrator.

(ii) The action of the receiving county committee under this paragraph in disapproving a transfer of allotment shall be effective only upon concurrence of the receiving State committee.

(5) *Amount of allotment available for transfer.* Upon completion of all necessary approvals under this paragraph, the receiving county committee shall issue an appropriate allotment notice under the applicable commodity regulations. The allotment to be transferred for a commodity shall be no greater than an amount required to establish an allotment comparable with allotments determined for other farms in the same area which are similar except for the past acreage of the commodity, taking into consideration the land, labor, and equipment available for the production of the commodity, crop-rotation practices, and the soil and other physical factors affecting the production of the commodity: *Provided, however,* That the acreage transferred from the pool shall not exceed the allotment most recently established for the acquired farm and placed in the pool. When all or a part of the allotment placed in the pool is transferred and used to establish or increase the allotment for other farms owned or purchased by the displaced owner, all or the proportionate part of the past acreage history for the acquired farm shall be transferred to and considered for purposes of future allotments to have been planted on the receiving farm for which an allotment is established or increased under this section. If only a part of the available allotment is transferred from the pool, the remaining part of the allotment and past acreage history shall remain in the pool for transfer to other farms of the displaced owner until all such allotment acreage has been transferred or until the period of eligibility for establishing or increasing allotments under this section has expired.

(6) *Cancellation of transfers of allotments.* If an allotment is transferred under this paragraph and it is later determined by the receiving county or State committee, or the deputy administrator, that the transfer was obtained by misrepresentation by or on behalf of the displaced owner, or the conditions applicable under subparagraph (3) of this paragraph are not met, the allotment for the receiving farm shall be reduced by the amount of the transfer for each year the transfer purportedly was in effect and if the time for withdrawal from the pool has not expired, the amount of the reduction shall be returned to the pool. Any cancellation of transfer of allotment by the receiving county committee shall be subject to approval by the receiving State committee or its representative. The receiving county committee shall issue any notice of marketing quota and penalty as may be required in accordance with applicable commodity regulations.

(7) *Effect of release of pooled allotment.* Notwithstanding the provisions prescribed in this paragraph, if the displaced owner files a request for the transfer of a pooled allotment within the prescribed period for filing such request but his request for transfer is filed during a year in which all or a part of the pooled allotment was released to the transferring county committee pursuant to paragraph (e) of this section, the application for transfer will be processed in the usual manner but action to effect the actual transfer of the allotment which is temporarily released shall be delayed until such time as the pooled allotment which was released for the current year is established for the succeeding year. When a request for transfer of a pooled allotment involves a transfer from one State to another, the receiving State committee shall obtain information from the transferring State committee as to whether any part of the allotment for which the transfer is requested has been released to the transferring county committee for the current year.

(g) *Notice of displacement.* The displaced owner or the acquiring agency should notify the county committee of the county in which the acquired farm is located within thirty days after the date of acquisition of the expected date of displacement. Any displaced owner who voluntarily relinquishes possession of the acquired farm subsequent to its acquisition but prior to actual displacement shall be considered as having been displaced as of the date he voluntarily relinquishes possession.

(h) *Reconstitution where only part of a farm is acquired by an agency.* Where only a part of a farm is acquired by an agency, the acquired portion of the farm shall be constituted separately from that portion not so acquired whenever the date of displacement occurs: *Provided, however,* That no reconstitution shall be made in any case where the cropland acquired by an agency for non-farming purposes is less than 15 percent of the total cropland on the farm, in which case, that portion of the allotment, history acreages, and other pertinent data attributable to that part of the farm so acquired shall be transferred to that part of the farm not so acquired.

(i) *Reconstitution where all or part of an acquired farm is leased to the displaced owner.* Where possession of all or part of an acquired farm is retained by the displaced owner by virtue of a lease with the agency and the conditions prescribed in paragraph (a)(4) of this section have been met, any portion of the acquired farm which is not leased by the displaced owner shall be constituted separately from the leased portion at the date of displacement. Leased land shall be reconstituted upon termination or expiration of the lease or upon voluntary displacement by the displaced owner.

(j) *Procedure in the event of death of the displaced owner or joint ownership of the acquired farm.* The displaced owner may at any time before or after acquisition by an agency, notify the county committee of the county in which the farm is located in writing of his designation of a beneficiary to make application for transfer of allotment to another farm owned by the beneficiary in the event of death of the displaced owner prior to a transfer of pooled allotment but after acquisition of the acquired farm by an agency. Such beneficiary shall be limited to the displaced owner's surviving spouse, mother, father, brothers, sisters, or children. The displaced owner may change his designation of beneficiary at any time by giving written notice to the county committee. In case of death of a displaced owner who owns or has acquired another farm prior to application for transfer of pooled allotment and where no designation of beneficiary was made by such displaced owner, application for transfer of pooled allotment may be made by the person who succeeds to the displaced owner's interest by reason of such displaced owner's death in any such farm owned by such deceased owner at the time of his death. Where an acquired farm is jointly owned, each joint owner may apply for transfer of pooled allotment to the extent of and in proportion to such joint owner's interest in the acquired farm.

§ 719.13 Determination of commodity allotment diversion credit for participation in the conservation reserve or Great Plains program.

(a) *General rules.* The acreage on any farm which is determined to have been diverted from the production of any commodity subject to acreage allotments or marketing quotas in order to carry out the provisions of a conservation reserve or Great Plains contract or in order to maintain, for the applicable period of extended protection, previously established permanent vegetation designated under the contract or any change in land use from cropland to permanent vegetation cover, including trees, carried out under the contract shall be considered as acreage devoted to the commodity for purposes of establishing future State, county, and farm acreage allotments under the provisions of the Agricultural Adjustment Act of 1938, as amended. A period of extended protection shall be a period after the expiration of a conservation reserve or Great Plains contract equal to the period of the contract: *Provided, however,* That, in the case of a conservation reserve contract, the period of extended protection shall be a period equal to the number of years the land was continually under contract, except that such period shall not exceed 10 years unless the land was approved to be devoted to tree cover: *And provided further,* That if the contract is applicable to separate land areas on the farm for different periods of time each such land area shall be considered separately in determining the period of extended protection. The period of extended protection for any given land area shall not apply if the contract applicable to that area is cancelled or terminated prior to the end of the period of years approved under the terms of the contract. In the determination of allotment crop history acreages for the farm(s) or tract(s) resulting from the division of a parent farm, the potential allotment history credit determined under provisions of this § 719.13 shall accrue to the farm(s) or tract(s) on which the permanent vegetation is physically located. The term "final acreage" when used in making apportionments under the provisions of paragraphs (d) and (e) of this section shall be the acreage of the crop as finally determined for the farm except that such acreage shall be the planted acreage in case of cotton. The "final acreage" shall be the acreage determined for the farm prior to any adjustments for abnormal conditions affecting acreage.

(b) *Maximum diversion credit under provisions of a conservation reserve contract.* In determining maximum diversion credit for a conservation reserve farm, the maximum acreage which may be considered as diverted from the production of allotment crops shall be the acreage placed in the conservation reserve at the regular rate for areas for which the conservation reserve contract has not expired plus the acreage placed in the conservation reserve at the regular rate for areas for which the conservation reserve contract has expired but for which the period of extended protection of allotment history credit has not expired less any part of the acreage for which the period of extended protection is otherwise applicable but on which the permanent vegetation is not properly maintained.

(c) *Maximum diversion credit under provisions of a Great Plains contract—*(1) *During the period of a contract.* The maximum acreage for the farm which may be considered as diverted from the production of allotment crops in order to carry out the provisions of a Great Plains contract currently in effect shall be the sum of the amounts by which each underplanted crop allotment exceeds the final acreage of such crop.

(2) *After expiration of a contract.* The maximum acreage which may be considered as diverted from the production of allotment crops after a contract has expired for the farm but before the period of extended protection has ended is the acreage designated by the producer and a work unit conservationist representing the Soil Conservation Service as having been changed from cropland to permanent vegetation under the terms of the contract less any part of such acreage which is not being properly maintained: *Provided, however,* That such maximum shall not be greater than the sum of the amounts by which each underplanted crop allotment exceeds the final acreage of such crop.

(d) *Apportionment of diversion credits earned under a conservation reserve contract—*(1) *General rules.* Diversion credits earned for a farm under a conservation reserve contract shall be apportioned each year, beginning with 1960, to the various crops for which allotments are established for the farm. The apportionment shall be made in accordance with subparagraphs (2) and (3) of this paragraph (d).

(2) *Allotment established for only one crop.* When an allotment is established for only one crop on the farm, the acreage considered as diverted from the production of such crop under the provisions of a conservation reserve contract shall be the acreage determined pursuant to paragraph (b) of this section not to exceed the amount by which the farm allotment exceeds the final acreage of the crop on the farm.

(3) *Allotments established for two or more crops.* (i) When allotments are established for two or more crops on the farm and the acreage determined pursuant to paragraph (b) of this section equals or exceeds the sum of the amounts by which each underplanted crop allotment exceeds the final acreage of such crop on the farm, the acreage considered as diverted from the production of each crop shall be the amount by which the allotment for such crop exceeds the final acreage of such crop on the farm.

(ii) When allotments are established for two or more crops on the farm and the acreage determined pursuant to paragraph (b) of this section is less than the sum of the amounts by which each underplanted crop allotment exceeds the final acreage of such crop on the farm, the acreage determined pursuant to paragraph (b) of this section shall be considered as the acreage diverted from the production of all allotment crops on the farm. Such acreage shall be prorated among the allotment crops as follows: Determine the amount by which each underplanted crop allotment exceeds the final acreage of such crop on the farm and obtain the total of these amounts; divide the acreage determined pursuant to paragraph (b) of this section by this total, carrying the result to four places beyond the decimal, to obtain the proration factor; multiply the amount by which the allotment for each underplanted crop exceeds the final acreage of such crop on the farm by the proration factor. The result obtained will be the acreage to be considered as diverted from the production of the crop under the provisions of the conservation reserve contract.

(4) *Use of diversion credit.* The diversion credit determined under the provisions of this paragraph (d) for each underplanted allotment crop shall be considered as the acreage devoted to the crop and shall be utilized in the establishment of future State, county, and farm acreage allotments under the provisions of the Agricultural Adjustment Act of 1938, as amended.

(e) *Determination of diversion credits earned under a Great Plains contract—*(1) *During the period of a contract.* The acreage considered as diverted from the production of each allotment in order to carry out the provisions of a Great Plains contract currently in effect shall be determined by the county committee after consultation with the producer and a work unit conservationist representing the Soil Conservation Service. The acreage so determined for each allotment crop shall not exceed the amount by which the allotment for such crop exceeds the sum of the final acreage of such crop for the farm and the acreage considered as diverted from the production of the crop under the provisions of a conservation reserve contract.

(2) *After expiration of a contract.* After a Great Plains contract has expired for a farm, the county committee shall determine the acreage diverted from the production of each allotment crop in order to maintain a change in land use from cropland to permanent vegetation. If considered necessary, the county committee may consult with a work unit conservationist representing the Soil Conservation Service in making this determination. The acreage so determined for each allotment crop shall not exceed the amount by which the allotment for such crop exceeds the sum of the final acreage of such crop on the farm and the acreage considered as diverted from the production of the crop under the provisions of a conservation reserve contract. The acreage considered as diverted from the production of all allotment crops on the farm shall not exceed the acreage determined under the provisions of paragraph (c)(2) of this section.

(3) *Use of diversion credit.* The diversion credit determined for each underplanted allotment crop under the provisions of this paragraph (e) shall be considered as the acreage devoted to the crop and shall be utilized in the establishment of future State, county, and farm acreage allotments under the provisions of the Agricultural Adjustment Act of 1938, as amended.

§ 719.14 Preservation of history acreage for unused acreage allotments.

For 1960 and subsequent years, the farm acreage allotment established for a commodity shall be preserved as history acreage if, in the current year or in either of the two preceding years, an acreage equal to 75 percent or more of the farm acreage allotment for such year actually was planted or devoted to the commodity on the farm. In determining the acreage planted or devoted to the commodity, the acreage considered as diverted from the production of the commodity under the provision of the Soil Bank Act or the Great Plains program shall be included pursuant to the provisions of § 719.13. The current farm acreage allotment also shall be preserved as history acreage if the land is federally-owned and a restrictive lease prohibiting the planting of the allotment crop on the federally-owned land is in effect. The provisions of this section do not apply to an acreage which is released to the county committee or to released acreage which the county commitee reapportions to a farm. In the event an erroneous notice of allotment is not discovered and corrected prior to the time the commodity is planted on the farm for which such notice was issued, the 75 percent provision shall be applied to the smaller of the allotment of which the producer was notified or the correct allotment for the farm.

Effective date. The constitution and reconstitution of farms is a continuous operation. Since the reissuance of this part is for the purpose of consolidating and reorganizing existing regulations and contains no new provision except to include feed grain bases as well as soil bank bases by the use of the term "farm bases" when applicable, it is hereby found that compliance with the notice, public procedure, and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest and that the regulations prescribed in this part shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 3, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-6703; Filed, July 9, 1962; 8:54 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lime Reg. 3]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size Regulation

§ 911.304 Lime Regulation 3.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 9, 1962. Shipments of Florida limes are currently regulated pursuant to Lime Regulation 2, as amended (27 F.R. 3589; 5733), and are subject thereunder to quality restrictions; Lime Regulation 2, as amended, is scheduled to terminate effective at 12:01 a.m., e.s.t., April 30, 1963; determinations as to the need for, and extent of, continued regulation of Florida lime shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of lime shipments subsequent to July 9, 1962, and in the manner herein provided, were promptly submitted to the Department after an open meeting of the Florida Lime Administrative Committee on July 5, 1962, held to consider recommendations for regulation; the provisions of this section are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among handlers of Florida limes; it is necessary, in order to effectuate the declared policy of the act, to make this section effective as hereinafter set forth; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Lime Regulation 2, as amended (27 F.R. 3589; 5733), is hereby terminated at 12:01 a.m., e.s.t., July 9, 1962.

(2) During the period beginning at 12:01 a.m., e.s.t., July 9, 1962, and ending at 12:01 a.m., e.s.t., April 30, 1963, no handler shall handle:

(i) Any limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(ii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties), grown in the production area, which do not grade at least U.S. No. 1;

(iii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1⅞ inches in diameter: *Provided,* That not to exceed 10 percent, by count, of the limes in any container may fail to meet this requirement.

(3) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Persian (Tahiti) limes (§§ 51.1000–51.1016 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 6, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-6761; Filed, July 9, 1962; 8:59 a.m.]

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 98 and Order No. 945, as amended (7 CFR Part 945), regulating the handling of Irish potatoes grown in the production area defined therein, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of recommendations and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments regulation as hereinafter established, limiting the grade, size, and quality of such potatoes will maintain orderly marketing conditions and tend to increase returns to producers of such potatoes.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of 1962 crop potatoes grown in the production area will begin the week of July 9, (2) to maximize benefits to growers, this regulation should apply to all shipments during the 1962 season, (3) producers and handlers have operated under the marketing order since 1948, so special

preparation on the part of handlers is not required, and (4) information regarding the comimttee's recommendation has been disseminated to producers and handlers in the production area.

§ 945.321 Limitation of shipments.

During the period from July 16, 1962, through June 30, 1963, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), and (e) of this section.

(a) *Minimum quality requirements*—(1) *Grade.* All varieties—U.S. No. 2, or better grade.

(2) *Size*—(i) *Round red varieties.* 1⅞ inches minimum diameter.

(ii) *All other varieties.* 2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness*—(i) *Kennebec variety.* Not more than "slightly dirty."

(ii) *All other varieties.* "Generally fairly clean."

(b) *Minimum maturity requirements*—(1) *White Rose variety.* "Moderately skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-half of the skin missing or "feathered."

(2) *All other varieties.* "Slightly skinned:" which means that not more than 10 percent of the potatoes in any lot may have more than one-fourth of the skin missing or "feathered."

(3) *Exceptions.* (i) Subject to compliance with subdivision (iii) of this subparagraph, any lot of potatoes not exceeding a total of 50 hundredweight of each variety may be handled for any producer without regard to the foregoing maturity requirements.

(ii) If an officially inspected lot of potatoes meets the foregoing maturity requirements but fails to meet the grade and size requirements, the lot may be regraded. If, after regrading, such lot then meets the grade and size requirements but fails to meet the maturity requirements, as indicated by the applicable Federal-State inspection certificate, such lot if not exceeding 100 hundredweight shall be exempt from the foregoing maturity requirements: *Provided,* That the handler complies with subdivision (iii) of this subparagraph.

(iii) Prior to each shipment of potatoes exempt from the foregoing maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Special purpose shipments.* (1) The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(i) Certified seed;
(ii) Charity;
(iii) Starch;
(iv) Canning or freezing;
(v) Dehydration;
(vi) Experimentation.

(2) The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall be applicable to shipments of potatoes for each of the following purposes:

(i) Export: *Provided,* That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than U.S. No. 2; and

(ii) Potato chipping or prepeeling: *Provided,* That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than Idaho Utility, or Oregon Utility, grade.

(d) *Safeguards.* Each handler making shipments of potatoes for starch, canning or freezing, dehydration, experimentation, export, potato chipping, or for prepeeling pursuant to paragraph (c) of this section shall:

(1) First, apply to the committee for and obtain a Certificate of Privilege to make each shipment;

(2) Pay assessments on such shipment, except shipments for canning or freezing;

(3) Have each shipment inspected, except shipments for canning or freezing;

(4) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(5) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter, furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in the application and that such receiver will complete and return to the committee such periodic receivers' reports that the committee may require;

(6) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(7) Bill each shipment directly to the applicable processor or receiver.

(e) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds 5 hundredweight of potatoes.

(f) *Definition.* The terms "U.S. No. 1," "U.S. No. 2," "fairly clean," and "slightly dirty" shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540 to 51.1556 of this title), including the tolerances set forth therein. The term "generally fairly clean" means that at least 90 percent of the potatoes in a given lot are "fairly clean." The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (United States Standards for Grades of Peeled Potatoes §§ 52.2421 to 52.2433 of this title). The terms "Idaho Utility grade" and "Oregon Utility grade" shall have the same meanings as when used in the respective standards for potatoes for the respective States. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 945, both as amended.

(g) *Applicability to imports.* Pursuant to section 608e of the Act and § 980.1 of this chapter, "Import regulations" (7 U.S.C. 980.1), Irish potatoes imported into the United States during the period July 16, through September 30, 1962, shall meet the grade, size, quality and maturity requirements specified in paragraphs (a) and (b) of this section. From October 1, 1962, through June 30, 1963, imports of long varieties of potatoes shall meet the grade, size, quality, and maturity requirements applicable to long varieties specified in paragraphs (a) and (b) of this section.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 3, 1962, to become effective July 16, 1962.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 62-6679; Filed, July 9, 1962; 8:47 a.m.]

[947.320]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIF., AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in the production area defined therein, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of recommendations and information submitted by the Oregon-California Potato Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments regulation as hereinafter established, limiting the grade, size, and quality of such potatoes will maintain orderly marketing conditions tending to increase returns to producers of such potatoes.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of 1962 crop potatoes grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to growers, this regulation should apply to all such shipments during the effective period, (3) producers and handlers have operated under said marketing order since 1948 so special preparation on the part of handlers is not required, and (4) information regarding the committee's recommendation has been disseminated to producers and handlers in the production area.

§ 947.320 Limitation of shipments.

During the period July 16, 1962, through October 10, 1962, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), and (f) of this section.

(a) *Minimum quality requirements*—(1) *Grade.* All varieties—U.S. No. 2, or better grade.

(2) *Size.* All varieties—1⅞ inches minimum diameter.

(b) *Minimum maturity requirements*—(1) *All varieties.* "Moderately skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-half of the skin missing or "feathered."

(2) Not to exceed a total of 100 hundredweight of any variety of a lot of potatoes may be handled for any producer any seven consecutive days without regard to the aforesaid maturity requirements. Prior to each shipment of potatoes exempt from the above maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Special purpose shipments.* The minimum grade, size, and maturity requirements set forth in paragraphs (a) and (b), of this section, shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed.

(2) Grading and storing, planting, or livestock feed: *Provided,* That potatoes may not be shipped for such purposes outside of the district where grown except that potatoes grown in District No. 2 or District No. 4 may be shipped for grading and storing, for planting, or for livestock feed within, or to, such districts for such purposes.

(3) Charity.
(4) Starch.
(5) Canning or freezing.
(6) Dehydration.
(7) Export.
(8) Potato chipping.
(9) Prepeeling.

(d) *Safeguards.* (1) Each handler making shipments of certified seed pursuant to paragraph (c) of this section shall pay assessments on such shipments and shall furnish the committee with either a copy of the applicable certified seed inspection certificate or shall apply for and obtain a Certificate of Privilege and, upon request of the committee, furnish reports of each shipment made pursuant to each Certificate of Privilege.

(2) Each handler making shipments of potatoes for canning, freezing, dehydration, export, potato chipping, or prepeeling pursuant to paragraph (c) of this section shall:

(i) First, apply to the committee for and obtain a Certificate of Privilege to make such shipments.

(ii) Pay assessments on such shipments except shipments for canning or freezing.

(iii) Have such shipments inspected, except shipments for canning or freezing.

(iv) Prepare, on forms furnished by the committee, a diversion report in quadruplicate on each individual shipment diverted from fresh market channels to outlets authorized in this subparagraph (2).

(v) Forward one copy of such diversion report to the committee office and forward two copies to the receiver with instructions to the receiver that he sign and return one copy to the committee office. The handler and receiver may each keep one copy for their files. Failure of handler or receiver to report such shipments by promptly signing and returning the applicable diversion report to the committee office shall be cause for cancellation of such handler's Certificate of Privilege and/or the receiver's eligibility to receive further shipments pursuant to such Certificate of Privilege. Upon the cancellation of any such Certificate of Privilege the handler may appeal to the committee for reconsideration. Such appeal shall be in writing.

(e) *Minimum quantity exception.* Each handler may ship up to but not to exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds 5 hundredweight of potatoes.

(f) *Inspection.* For the purpose of operation under this part and unless exempted from inspection by the provisions of this section, each required inspection certificate is hereby determined, pursuant to § 947.60(c), to be valid for a period of not to exceed 14 days following completion of inspection as shown on the certificate. The period of validity on an inspection certificate covering inspected and certified potatoes that are stored in refrigerated storage within 14 days of the inspection shall be the entire period such potatoes remain in such storage.

(g) Pursuant to § 947.60(b), the inspection requirements of § 947.60 applicable to the handling of regraded, resorted, or repacked potatoes are suspended during the effective time of this section with respect to any such potatoes which prior to regrading, resorting, or repacking thereof, were inspected pursuant to § 947.60(a) and the inspection certificate is valid at the time of handling such regraded, resorted, or repacked potatoes.

(h) *Definitions.* The terms "U.S. No. 2" and "moderately skinned" shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540 to 51.1556 of this title), including the tolerances set forth therein.

The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (United States Standards for Grades of Peeled Potatoes, §§ 52.2421 to 52.2433 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 5, 1962, to become effective July 16, 1962.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 62-6707; Filed, July 9, 1962; 8:54 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket Nos. 60-WA-204, 60-WA-279]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airways and Associated Control Areas Alteration of Control Area Extension

On February 8, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 1131) stating that the Federal Aviation Agency proposed to alter the following L/MF airways to include the additional airspace within 16 miles either side of the airway centerline at and above 24,000 feet MSL.

1. Green Federal airway No. 8 from King Salmon, Alaska, to Northway, Alaska.

2. Amber Federal airway No. 1 from Sandspit, B.C., to McGrath, Alaska, excluding the portion within Canada.

3. Amber Federal airway No. 2 from Snag, Yukon Territory, Canada, to Fairbanks, Alaska, excluding the portion within Canada.

4. Red Federal airway No. 39 from Bethel, Alaska, to Fairbanks, Alaska.

5. Blue Federal airway No. 26 from Anchorage, Alaska, to Fairbanks, Alaska.

6. The United States portion of Blue Federal airway No. 79 from Sandspit, B.C., Canada, to Snag, Yukon Territory, Canada.

It was also proposed to alter the Anchorage, Alaska, control area extension (§ 601.1310):

Subsequent to publication of the notice, it has been determined that civil turbojet aircraft use VOR Federal airway No. 456 between King Salmon and Anchorage in lieu of Green 8 and also that these aircraft do not use the segment of Green 8 between the Anchorage radio range station and Matanuska Intersection (intersection of the northeast course of the Anchorage radio range and the southeast course of the Skwentna, Alaska, radio range). Accordingly, no action will be taken herein to alter the segment of Green 8 between King Salmon and Matanuska.

On January 19, 1961, Airspace Docket No. 60–WA–279 was published in the FEDERAL REGISTER (26 F.R. 485) as a notice of proposed rule making stating that the Federal Aviation Agency proposed to extend Amber Federal airway No. 15 and its associated control areas from Annette Island, Alaska, to Fairbanks, Alaska, and to designate the airway within 16 miles either side of the airway centerline at and above 24,000 feet MSL, but excluding the portion within Canada. As stated in the notice, it was proposed to align this airway from Big Delta, Alaska, direct to Fairbanks, Alaska. Subsequent to publication of the notice, it has been determined that the proposed direct alignment would cause conflicts with terminal operations at Fairbanks. Accordingly, action is taken herein to align this segment of Amber 15 via the alignment of Amber 2.

No adverse comments were received regarding the proposals contained in Airspace Docket No. 60–WA–204. The Department of the Air Force in commenting on Airspace Docket No. 60–WA–279 noted that Amber 15 would lie partially within R–2207, a recently designated restricted area/military climb corridor at Fairbanks, Alaska (26 F.R. 4635) and requested that an appropriate reference be made to the climb corridor in the airway description. Such action is taken herein. With respect to restricted areas as they would affect the airways described herein, it is noted that subsequent to publication of the Notice, the Fort Greeley, Alaska, Restricted Area R–2208 was designated as a joint use area (26 F.R. 12283) and that the following restricted areas were redesignated as joint use areas: R–2202 and R–2205 (26 F.R. 12283) and R–2203 (27 F.R. 2453). Appropriate action is taken herein regarding the altered status of the restricted areas in relation to the airway descriptions. Pan American World Airways, in commenting on Airspace Docket No. 60–WA–279, endorsed the designation of Amber 15 but proposed that the high level portion of the route be designated J–1L, an extension of the present west coast jet route. The assignment of jet route designators to accommodate high level operations in Alaska will not be accomplished until the over-all Alaskan jet route requirements are determined. This problem is under consideration at the present time.

Since this action involves the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. In the text of § 600.18 (27 F.R. 2453) "to the Northway RR. The portions of this airway within R–2201 and R–2203 shall be used only after obtaining prior approval from appropriate authority." is deleted and "to the Northway RR, including the additional airspace within 16 miles either side of the airway centerline at and above 24,000 feet MSL from the INT of the NE course of the Anchorage RR and the SE course of the Skwentna RR; to the Northway RR. The airspace within R–2201 and R–2203 shall be used only after obtaining prior approval from appropriate authority." is substituted therefor.

2. In the text of § 600.101 (14 CFR 600.101, 26 F.R. 572, 8375, 11485) "That airspace over United States territory from the Sandspit, British Columbia, radio range station via the intersection of the northwest course of the Sandspit, British Columbia, radio range and the southwest course of the Annette Island, Alaska, radio range; Sitka (Biorka Island), Alaska, radio range station; Yakutat, Alaska, radio range station; the intersection of the northwest course of the Yakutat, Alaska, radio range and the southeast course of the Hinchinbrook, Alaska, radio range; Hinchinbrook, Alaska, radio range station; the intersection of the northwest course of the Hinchinbrook, Alaska, radio range and the southeast course of the Anchorage, Alaska, radio range; Anchorage, Alaska, radio range station; the intersection of the northwest course of the Anchorage, Alaska, radio range and the southeast course of the Skwentna, Alaska, radio range; Skwentna, Alaska, radio range station; Puntilla Lake, Alaska, nondirectional radio beacon; Farewell, Alaska, radio range station; McGrath, Alaska, radio range station; Unalakleet, Alaska, radio range station to the Nome, Alaska, RR, excluding the portion of this airway which coincides with R–6703. The portion of this airway which coincides with R–2201 shall be used only after obtaining prior approval from appropriate authority." is deleted and "From the Sandspit, B.C., Canada, RR via the INT of the NW course of the Sandspit RR and SW course of the Annette Island, Alaska RR; Sitka, Alaska RR; Yakutat, Alaska RR; INT of the NW course of the Yakutat RR and the SE course of the Hinchinbrook, Alaska, RR; Hinchinbrook RR; INT of the NW course of the Hinchinbrook RR and the SE course of the Anchorage, Alaska RR; Anchorage RR; INT of the NW course of the Anchorage RR and the SE course of the Skwentna, Alaska RR; Skwentna RR; Puntilla Lake, Alaska RBN; Farewell, Alaska RR; McGrath, Alaska RR; Unalakleet, Alaska RR; to the Nome, Alaska RR, including the additional airspace within 16 miles either side of the airway centerline at and above 24,000 feet MSL from the Sandspit RR to the McGrath RR, but excluding the portion under the jurisdiction of Canada and the airspace within R–6703. The airspace within R–2203 shall be used only after obtaining prior approval from the appropriate authority." is substituted therefor.

3. In the text of § 600.102 (26 F.R. 5389) "excluding the portion which lies outside of the United States." is deleted and "including the additional airspace within 16 miles either side of the airway centerline at and above 24,000 feet MSL from the Snag RR to the Fairbanks RR but excluding the portion within Canada. The airspace within R–2202, R–2205, R–2207, and R–2208 shall be used only after obtaining prior approval from the appropriate authority." is substituted therefor.

4. In § 600.239 (14 CFR 600.239) "Fairbanks, Alaska, radio range station." is deleted and "Fairbanks, Alaska, RR including the additional airspace within 16 miles either side of the airway centerline at and above 24,000 feet MSL." is substituted therefor.

5. In the text of § 600.626 (14 CFR 600.626) "Fairbanks, Alaska, radio range station. The portion of this airway which lies within the Anchorage, Alaska, Elmendorf AFB Restricted Area/Military Climb Corridor (R–561), shall be used only after obtaining prior approval from the controlling agency." is deleted and "Fairbanks RR, including the additional airspace within 16 miles either side of the airway centerline at and above 24,000 feet MSL from the Anchorage RR to the Fairbanks RR. The airspace within R–2201, R–2203 and R–2207 shall be used only after obtaining prior approval from the appropriate authority." is substituted therefor.

6. In the text of § 600.679 (14 CFR 600.679) "Yukon Territory, RBN." is deleted and "Yukon Territory, RBN including the additional airspace within 16 miles either side of the airway centerline at and above 24,000 feet MSL." is substituted therefor.

7. Section 600.115 (14 CFR 600.115) is amended to read:

§ 600.115 Amber Federal airway No. 15 (Ethelda Bay, British Columbia, Canada, to Fairbanks, Alaska).

From the Ethelda Bay, British Columbia, Canada, RBN via the Annette Island, Alaska, RR; Petersburg, Alaska, RR; Coghlan Island, Alaska, RBN; Haines, Alaska, RBN; Pon Lake, Yukon Territory, Canada, RBN; Snag, Yukon Territory, Canada, RR; Northway, Alaska, RR; Big Delta, Alaska, RR; INT of the NW course of the Big Delta RR and the E course of the Fairbanks, Alaska, RR; to the Fairbanks RR., including the additional airspace within 16 miles either side of the airway centerline at and above 24,000 feet MSL, but excluding the portion under the jurisdiction of Canada. The airspace within R–2202, R–2205, R–2207 and R–2208 shall be used only after obtaining prior approval from the appropriate authority.

8. In the caption of § 601.115 (14 CFR 601.115) "Annette Island, Alaska" is deleted and "Fairbanks, Alaska" is substituted therefor.

9. In the caption of § 601.4115 (14 CFR 601.4115) "Annette Island, Alaska" is deleted and "Fairbanks, Alaska" is substituted therefor.

10. The text of § 601.1310 (14 CFR 601.1310) is amended to read:

Within 5 miles either side of a direct line extending from the Anchorage, Alaska, RR to the INT of the SE course of the Anchorage RR, and the NW course of the Hinchinbrook, Alaska, RR (Whittier INT), thence within 16 miles either side of a line extending from the Whittier INT via the Middleton Island, Alaska, RBN to the Sandspit, B.C., RR, including the additional area between lines diverging at 5° angles from the centerline, extending southeastward from the Middleton Island RBN and northwestward from the Sandspit RR, and which terminate at the intersecting points midway between Middleton Island and Sandspit; excluding the portion under the jurisdiction of Canada, and the airspace within the Middleton Island, Alaska, Warning Area (W–533).

These amendments shall become effective 0001 e.s.t., August 23, 1962.

(Sec. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on July 2, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–6663; Filed, July 9, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8417 C.O.]

PART 13—PROHIBITED TRADE PRACTICES

American Stratigraphic Co., et al.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.715 *Charges and price differentials.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, American Stratigraphic Company (Denver, Colo.) et al., Docket 8417, Feb. 24, 1962]

In the Matter of American Stratigraphic Company, a Corporation, and James G. Mitchell and C. E. Brehm, Individually and as Officers of Said Corporation

Consent order requiring a Denver corporation engaged in the sale on a subscription basis, of lithologic logs used in planning oil drilling exploration activities, to cease discriminating in price among competing customers in violation of section 2(a) of the Clayton Act by giving to customers who increased their subscription coverage for the same sized log to additional areas among the four they covered, a lower subscription price for each area, while continuing to charge other customers the higher price.

The order to cease and desist is as follows:

It is ordered, That respondent, American Stratigraphic Company, a corporation, and respondent James G. Mitchell, individually and as an officer of respondent American Stratigraphic Company, and any of respondents' officers, representatives, agents and employees, directly or through any corporate, partnership, sole proprietorship, or any other device, in, or in connection with, the sale of lithologic logs and related products of like grade and quality, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from discriminating directly or indirectly in price, between different purchasers of said products: By selling such products to any purchaser who purchases for one, or more than one area, at lower net prices than those granted for the same area or areas to any other purchaser, where, in the sale of said products, respondent is in competition with any other seller in one or more of the areas for which the said purchasers have purchased said products.

It is further ordered, That the complaint be, and it hereby is, dismissed, as to C. E. Brehm, individually, without prejudice to the right of the Commission to take any further action in the matter in the future which may be warranted by the then existing circumstances.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 23, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62–6669; Filed, July 9, 1962; 8:45 a.m.]

[Docket 8081]

PART 13—PROHIBITED TRADE PRACTICES

Ohmlac Paint & Refining Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.75 *Free goods or services;* § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary;* § 13.155–80 *Retail as cost, wholesale, discounted, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Betty Jordan Paint Factories, Inc., et al. Long Island City, N.Y., Docket 8081, Feb. 24, 1962]

In the Matter of Ohmlac Paint & Refining Co., Inc., a Corporation, and Charles A. Jacobs, Individually and as an Officer of Ohmlac Paint & Refining Co., Inc., and Betty Jordan Paint Factories, Inc., a Corporation, and Irving Rubin, Sidney Jacobs, and Charles A. Jacobs, Individually and as Officers of Betty Jordan Paint Factories, Inc.

Order requiring a seller of paint products in Long Island City, N.Y., to cease misrepresenting its prices in newspaper advertising by such statements as "2 for 1 Sale—Buy one gallon or quart—Get One Free", "Quality Paint at Factory Prices", etc., when the customary retail prices were substantially lower than the amounts listed, two gallons were always sold for $6.98, the price specified for one, and the advertised prices were two to four times as much as factory prices.

The order to cease and desist is as follows:

It is ordered, That respondent Betty Jordan Paint Factories, Inc., a corporation, and its officers and Irving Rubin, Sidney Jacobs, and Charles A. Jacobs, individually and as officers of Betty Jordon Paint Factories, Inc., and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of paint, or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

(a) That any amount is respondents' customary and usual retail price of any merchandise when said amount is in excess of the price at which such merchandise is customarily and usually sold by respondents, at retail, in the recent regular course of business;

(b) That any merchandise is sold or offered for sale at factory prices, when such is not the fact;

(c) That any article of merchandise is being given free or as a gift or without cost or charge, when such is not the fact.

It is further ordered, That the complaint be dismissed as to respondents Ohmlac Paint & Refining Co., Inc., a corporation, and Charles A. Jacobs as an officer of said corporation.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Betty Jordan Paint Factories, Inc., a corporation, and its officers and Irving Rubin, Sidney Jacobs, and Charles A. Jacobs, individually and as officers of Betty Jordan Paint Factories, Inc., shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 23, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62–6670; Filed, July 9, 1962; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

DELETION OF SUBSTANCES TO BE COLOR ADDITIVES

Effective as of the date of publication of this order in the FEDERAL REGISTER, § 121.90 (21 CFR 121.90) of the food additive regulations is amended by deleting the following items:

FLAVORING SUBSTANCES AND NATURAL SUBSTANCES USED IN CONJUNCTION WITH FLAVORS

Product	Specified uses or restrictions	Effective date of statute extended to—
Alkanet root and root extract; Alkanna tinctoria Tausch.	.....	Jan. 1, 1963
Annatto extract and seed; Bixa orellana L.	.....	Do.
Carmine; Coccus cacti L.	.....	Do.
Cochineal; Coccus cacti L.	.....	Do.
Cudbear and cudbear extract; Roccella spp., Lecanora spp., or other lichens.	.....	Do.
Logwood chips extract; Haematoxylon campechianum L.	.....	Do.
Safron, American (safflower); Carthamus tinctorius L.	.....	Do.

The products named are provisionally listed under Title II of the Color Additives Amendments to the Federal Food, Drug, and Cosmetic Act.

(Sec. 701, 52 Stat. 1055 as amended; 21 U.S.C. 371)

Dated: July 2, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-6684; Filed, July 9, 1962; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

DEHYDROACETIC ACID

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Gane's Chemical Works, Inc., 535 Fifth Avenue, New York 17, New York, and other relevant material, has concluded that the following regulation should issue to provide for the safe use of dehydroacetic acid and/or its sodium salt as a preservative on prepeeled, cubed squash for commercial packing. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Part 121 is amended by adding to Subpart D the following new section:

§ 121.1089 **Dehydroacetic acid.**

The food additive dehydroacetic acid and/or its sodium salt may be safely used in accordance with the following prescribed conditions:

(a) The food additive meets the following specifications:

Dehydroacetic acid: Melting point, 109° C.–111° C.; assay, minimum 98.0 percent (dry basis).

Sodium salt of dehydroacetic acid: Assay, minimum 98.0 percent (dry basis).

(b) It is used or intended for use as a preservative for cut or peeled squash, and is so used that no more than 65 parts per million expressed as dehydroacetic acid remains in or on the prepared squash.

(c) The label or labeling of any package of the additive intended for use in food shall bear adequate directions for use to insure compliance with this section.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 2, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-6686; Filed, July 9, 1962; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

DISODIUM INOSINATE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Merck Chemical Division, Merck and Company, Inc., Rahway, New Jersey, and other relevant material, has concluded that the following regulation should issue with respect to the food additive disodium inosinate as a flavoring adjuvent in food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart D the following new section:

§ 121.1090 **Disodium inosinate.**

The food additive disodium inosinate may be safely used in food in accordance with the following prescribed conditions:

(a) The food additive is the disodium salt of inosinic acid, manufactured and purified by passage through a suitable cation-exchange resin so as to contain no more than 150 parts per million of soluble barium in the compound disodium inosinate with seven and one-half molecules of water of crystallization.

(b) The food additive is used as a flavoring adjuvant in food.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 29, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-6687; Filed, July 9, 1962; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

POLYSORBATE 80

The Commissioner of Food and Drugs, having evaluated the data submitted by Eugene Fruit Growers Association, Eugene, Oregon, and other relevant data, has concluded that § 121.1009 should be amended to provide for the use of polysorbate 80 in dill oil in canned green beans. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations are amended by adding to § 121.1009(c) a new subparagraph, as follows:

§ 121.1009 **Polysorbate 80 (polyoxyethylene (20) sorbitan monooleate).**

• • • • • •

(c) • • •

(7) As a solubilizing and dispersing agent for dill oil in canned spiced green beans, not to exceed 0.003 percent.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 29, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-6688; Filed, July 9, 1962; 8:51 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment or Food Additives Otherwise Affecting Food

ETHYLENE-ALKENE-1 COPOLYMERS; POLYETHYLENE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by W. R. Grace and Company, Cambridge 40, Massachusetts, and other relevant material, has concluded that §§ 121.2508 and 121.2510 of the food additive regulations should be amended to provide for the safe use of ethylene-alkene-1 copolymers and polyethylene, alone or in combination, and which have been subjected to irradiation by electron bombardment from a source not to exceed 2.3 million volts intensity, in the production of packaging materials, containers, and equipment intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food. Therefore, pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), §§ 121.2508 and 121.2510 (21 CFR 121.2508, 121.2510) are amended as set forth below:

1. Section 121.2508 is amended by adding thereto a new paragraph (c), reading as follows:

§ 121.2508 **Ethylene-alkene-1 copolymers.**

• • • • • •

(c) Ethylene-alkene-1 copolymers, alone or in combination with polyethylene complying with § 121.2510, may be subjected to irradiation by electron bombardment from a source not to exceed 2.3 million volts intensity to impart desired properties: *Provided*, That the finished resin complies with the limitations prescribed by § 121.2510(d).

2. Section 121.2510 is amended by adding thereto a new paragraph (f), reading as follows:

§ 121.2510 **Polyethylene.**

• • • • • •

(f) Polyethylene, alone or in combination with ethylene-alkene-1 copolymers complying with § 121.2508, may be subjected to irradiation by electron bombardment from a source not to exceed 2.3 million volts intensity to impart desired properties: *Provided*, That the finished resin complies with the limitations prescribed by paragraph (d) of this section.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 29, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-6689; Filed, July 9, 1962; 8:51 a.m.]

SUBCHAPTER C—DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACLINE-(OR TETRACYCLINE-) CONTAINING DRUGS

Chlortetracycline Seed; Change in Expiration Date

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR 146c.241) are amended by changing § 146c.241(c)(1)(iv) to read as follows:

§ 146c.241 **Chlortetracycline seed.**

• • • • • •

(c) • • •

(1) • • •

(iv) The statement "Expiration date _____," the blank being filled in with the date that is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 24 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the nature of the change is such that it cannot be applied to any specific product unless and until the manufacturer thereof has supplied adequate data regarding that article.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: July 2, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-6685; Filed, July 9, 1962; 8:49 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart A—Eligibility Requirements—Homes

RENTAL PROPERTIES

In § 220.40 a new paragraph (c) is added as follows:

§ 220.40 **Rental properties.**

• • • • • •

(c) The provisions of paragraph (a) of this section shall not apply where the Commissioner determines that the application of such provisions would sub-

stantially interfere with the repair and rehabilitation of a subdivision or group of existing properties.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

Issued at Washington, D.C., July 3, 1962.

PAUL E. FERRERO,
Acting Federal Housing Commissioner.

[F.R. Doc. 62-6692; Filed, July 9, 1962; 8:52 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

MISCELLANEOUS AMENDMENTS

1. In § 3.54, paragraph (e) is amended to read as follows:

§ 3.54 Marriage dates.

• • • • •

(e) *More than one marriage to veteran.* For periods commencing on or after January 1, 1958, where a widow has been married legally to a veteran more than once, the date of the original marriage will be used in determining whether the statutory requirement as to date of marriage has been met.

(38 U.S.C. 103(b))

§ 3.55 [Amendment]

2. Following § 3.55, the cross reference "Annulment of void remarriages of widows. See § 3.207" is changed to "Void remarriages of widows. See § 3.207."

3. In § 3.57, paragraphs (b) and (c) (2) are amended to read as follows:

§ 3.57 Child.

• • • • •

(b) *Stepchild.* The term means a legitimate or an illegitimate child of the veteran's spouse, if the child was under the age of 18 years at the time the child became a member of the veteran's household. A child of a surviving spouse whose marriage to the veteran is deemed valid under the provisions of § 3.52 and who otherwise meets the requirements of this paragraph is included.

(c) *Adopted child.* • • •

(2) Legally adopted by the veteran's spouse pursuant to a final decree of adoption or an interlocutory decree of adoption which has the effect of a final decree, rendered within 2 years after August 25, 1959, or the veteran's death, whichever is later, and

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective July 10, 1962.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 62-6690; Filed, July 9, 1962; 8:52 a.m.]

PART 14—LEGAL SERVICES, GENERAL COUNSEL

Accredited Representatives

In § 14.627, the introductory paragraph preceding paragraph (a) is amended to read as follows:

§ 14.627 Accredited representatives.

Recognized organizations shall file with the Veterans Administration on the prescribed form furnished by the Veterans Administration (VA Form 2-21, Recommendation for Accreditation of Representative of an Organization) the name of any person whom they desire recognized as accredited representative thereof. In recommending a person for recognition as a representative, the organization, through its appropriate officer, shall certify to the following: (1) That the designee is a citizen of the United States, of good character and reputation, that he is qualified by ability and experience to present claims, that he is a member of such organization in good standing, or a full-time, paid employee thereof; and that the major portion of his time will be devoted to the preparation or presentation of claims for that organization or other organizations to which he may be accredited or that he is a national officer of the organization requesting accreditation; (2) whether accredited to any other recognized organizations, and, if so, the name or names thereof; (3) that he is not now employed in any civil or military department or agency of the United States and was or was not so employed within 2 years next preceding the date of recommendation for accreditation; (4) if a veteran, the nature of his discharge or separation from the active service. An accredited representative, who is a full-time paid employee of a recognized organization, may, upon proper application, be accredited as a representative of another recognized organization or organizations without being a member or employee thereof but such accreditation shall be automatically canceled upon termination of his employment. Recommendations for accreditation of representatives of national service organizations will be acepted only if approved by the national certifying officer of such organization; those of State organizations only if approved by the director or higher officer of the organization.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective July 10, 1962.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 62-6691; Filed, July 9, 1962; 8:52 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 25—FOURTH CLASS

Certain Written Additions Authorized for Third and Fourth Class Mail

Public Law 87-484, approved June 15, 1962, amended section 4555 of Title 39, United States Code to authorize the inclusion of instructions and directions for the use thereof upon items of third and fourth class mail. The regulations in § 24.6 of Title 39 with respect to third class mail provide that, among others, all additions permissible for fourth class mail are permitted for third class mail. Accordingly, § 25.5(b) of Title 39 with respect to fourth class mail is amended to reflect the provisions of Public Law 87-484 by adding a new subparagraph (3) to read as follows:

§ 25.5 Written additions.

• • • • •

(b) *Permissible.* • • •

(3) There may be enclosed with, attached to, or endorsed upon third and fourth class mail either in writing or otherwise, the instructions and directions for the use thereof.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4555)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-6697; Filed, July 9, 1962; 8:52 a.m.]

PART 45—CITY DELIVERY

Specifications for Construction of Apartment House Mail Receptacles

A notice of proposed changes in specifications for construction of apartment house mail receptacles in § 45.6(b) of Title 39, Code of Federal Regulations effective January 1, 1963, was published in the FEDERAL REGISTER of May 15, 1962, at page 4596. Interested persons were given 30 days in which to submit written comments with respect to the proposal.

No comments have been received with respect to the proposed changes. Accordingly, the proposal is adopted without change. As so adopted, the changes are as follows:

In § 45.6 *Apartment house receptacles,* make the following amendments in paragraph (b):

1. Amend subparagraph (2) to read as follows:

(b) *Specifications for construction of receptacles.* • • •

(2) *Capacity.* Both horizontal- and vertical-type receptacles must be of sufficient capacity to receive long-letter mail 4½ inches in width and certain large and bulky magazines, unrolled as well as rolled, and must be so constructed and of such height or length and capacity that magazines 14¼ inches in length and 2½ inches in diameter, if rolled, may be deposited and removed with facility.

NOTE: Effective January 1, 1963, these height or length, and capacity dimensions will be 14½ inches and 3½ inches respectively.

2. Amend subdivision (i) of subparagraph (3) to read as follows:

(b) *Specifications for construction of receptacles.* • • •

(3) *Individual doors and locks.* (i) Each individual receptacle must be equipped with a door through which the mail may be removed by the tenant.

NOTE: Effective January 1, 1963, the preceding sentence will read: "Each individual receptacle must be equipped with a full-length door through which the mail may be removed by the tenant."

The doors of the several receptacles shall be secured by key locks or combination keyless locks. If key locks are installed, manufacturers must provide a sufficient number of key changes to prevent the opening of receptacles by the use of a key to any other receptacle in the same house or in the immediate locality. These locks must be securely fastened to the door. Each lock should be clearly numbered on the back so that if a key is lost, a duplicate may be ordered by number. The lock number should also be clearly shown on the inside of the master door directly above the individual box to which it is attached.

NOTE: The corresponding Postal Manual Section is 155.622 and 155.623a.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 6001, 6003)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-6696; Filed, July 9, 1962; 8:52 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 1—GENERAL RULES AND REGULATIONS

National Parks; Limitations on Speed

On page 4782 of the FEDERAL REGISTER of May 19, 1962, there was published a notice and text of a proposed amendment to § 1.42 of Title 36, Code of Federal Regulations. The purpose of the amendment is to provide the superintendents of all areas of the National Park System, except national cemeteries, national capital parks, and national recreation areas with authority to post speed limits on all public roads up to and including a maximum of 45 miles per hour.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

Subparagraph (3) of paragraph (a) of § 1.42 is amended to read as follows:

§ 1.42 Limitations on speed.

(a) Limitations on speed of vehicles except in emergencies as provided in paragraph (b) of this section are as follows:

• • • • •

(3) 45 miles per hour upon all public roads except when official signs are posted indicating a lesser speed limit.

(39 Stat. 535; 16 U.S.C. 3)

STEWART L. UDALL,
Secretary of the Interior.

JULY 2, 1962.

[F.R. Doc. 62-6671; Filed, July 9, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 102]

GRAIN WAREHOUSES UNDER UNITED STATES WAREHOUSE ACT

Notice of Proposed Rule Making

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Agricultural Marketing Service, U.S. Department of Agriculture, under authority of the United States Warehouse Act (7 U.S.C. 241 et seq.) is considering amendments of the regulations (7 CFR Part 102) relating to grain warehouses under the act to change the net assets and bond requirements for federally licensed grain warehousemen.

Statement of considerations. The proposed amendments would change the method of computing net assets required for federally licensed warehousemen to the application of a fixed rate in cents per bushel based on the capacity of the warehouse instead of requiring 4 percent of the total value of the maximum number of bushels of wheat (or higher value grain) that the warehouse could accommodate, calculated upon the basis of unit prices for the grain as announced annually by the Administrator. They would change the method of computing bonding requirements from 6 percent of such total value of the wheat (or higher value grain) to the application of a fixed rate in cents per bushel on a graduated scale based on the capacity of the warehouse. They would increase the net assets and bonding requirements generally and increase the maximum bond from $200,000 to $1,000,000 plus any bond needed to offset a deficiency in net assets above the $10,000 required minimum net assets.

The changes proposed to be made in the present regulations by the amendments are intended to strengthen the protection afforded depositors and other persons interested in grain stored in warehouses licensed under the act.

1. It is proposed to amend § 102.6 to read:

§ 102.6 Net assets.

(a) Each warehouseman conducting a warehouse licensed, or for which application for a license has been made, under the regulations in this part, shall have and maintain above all exemptions and liabilities, total net assets liable for the payment of any indebtedness arising from the conduct of the warehouse, to the extent of at least 15 cents per bushel of the maximum number of bushels of grain that his warehouse could accommodate when stored in the manner customary to the warehouse as determined by the Administrator: *Provided*, That no person may be licensed as a warehouseman under the regulations in this part, unless he has allowable net assets of at least $10,000: *And provided further*, That any deficiency in net assets required above the $10,000 minimum may be supplied by an increase in the amount of the warehouseman's bond in accordance with § 102.14(c). In determining total net assets, credit may be given for insurable property such as buildings, machinery, equipment, and merchandise inventory, only to the extent that such property is protected by insurance against loss or damage by fire. Such insurance shall be in the form of lawful policies issued by one or more insurance companies authorized to do such business and subject to service of process in suits brought in the State in which the warehouse is located.

(b) In case a warehouseman is licensed or is applying for a license to operate two or more warehouses under the regulations in this part and his total allowable net assets are subject to the liabilities of each warehouse, the maximum number of bushels which all such warehouses will accommodate when stored in the manner customary to the warehouses, as determined by the Administrator, shall be considered in determining whether the warehouseman meets the net assets requirements specified in paragraph (a) of this section.

(c) For the purposes of paragraphs (a) and (b) of this section only, capital stock as such shall not be considered a liability.

(d) In case a State agency licensed or applying for a license as provided in section 9 of the act has funds of net less than $500,000 guaranteening the performance of obligations of the agency as a warehouseman, such funds shall be considered sufficient to meet the net assets requirements of this section.

2. It is proposed to amend § 102.14 to read:

§ 102.14 Amount of bond; additional amounts.

(a) The amount of bond to be furnished by each warehouseman under the regulations in this part shall be fixed at a rate of 25 cents per bushel for the first 500,000 bushels of licensed capacity; 20 cents per bushel for the next 500,000 bushels of licensed capacity; 10 cents per bushel for the next 1,000,000 bushels of licensed capacity; and 5 cents per bushel for all licensed capacity over 2,000,000 bushels: *Provided*, That in any case the amount of bond shall not be less than $5,000 nor more than $1,000,000, except as prescribed in paragraph (c) of this section. The licensed capacity shall be the maximum number of bushels of grain that the warehouse could accommodate as determined under § 102.6(a).

(b) In case a warehouseman has applied for licenses to operate two or more warehouses in the same State and his total allowable net assets are subject to the liabilities of each warehouse, he may if he desires give a single bond meeting the requirements of the act and the regulations in this part to cover all his warehouses within the State. In such case all of his warehouses in the State shall be deemed to be one warehouse and the maxium number of bushels that all of said warehouses will accommodate when stored in the manner customary to each of such warehouses shall be considered for the purposes of determining the amount of bond required under §§ 102.13 through 102.17.

(c) In case of a deficiency in net assets above the $10,000 minimum required under § 102.6, there shall be added to the amount of bond determined in accordance with paragraph (a) of this section an amount equal to such deficiency. In any other case in which the Secretary, or his designated representative, finds that conditions exist which warrant requiring additional bond, there shall be added to the amount of bond as determined under the other provisions of this section, a further amount to meet such conditions.

Any interested person who wishes to submit data, views, or arguments on the proposals may do so by filing them in writing with the Director, Special Services Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington 25, D.C., within 30 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this fifth day of July 1962.

GEORGE A. DICE,
Director, Special Services Division.

[F.R. Doc. 62-6702; Filed, July 9, 1962; 8:53 a.m.]

[7 CFR Part 990]

HANDLING OF CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Notice of Proposed Rule Making

Notice is hereby given that the Secretary has under consideration a proposal to amend § 990.154 of the Subpart—Administrative Rules and Regulations (27 F.R. 3158), effective under the marketing agreement and Order No. 990 (7 CFR Part 990) regulating the handling of Central California grapes for crushing. This marketing agreement and order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposed amendatory action was recommended by the Grape Crush Administrative Committee and would add to said § 990.154 a new paragraph (d) pertaining to the handler storage, and withdrawal therefrom, of setaside high proof from grapes for crushing of one crop year in the same container with other high proof, whether or not such other high proof has been set aside pursuant to § 990.54 from grapes for crushing of any other crop year(s). Such permissive storage is proposed on the basis that high proofs of different crop years of approximately like proof, are not distinguishable, and thus should be considered "like products" within the meaning of such term as used in § 990.54, and therefore need not be in separate containers. Thus setaside high proof of one crop year could be stored in the same container with high proof of any other crop year, whether or not set aside pursuant to § 990.54, without depreciating the value of any setaside high proof held for the account of, and to be delivered at the direction of, the Committee. Moreover, the need for separate storage space for the setaside would be reduced by permitting handlers to store setaside high proof of one crop year in the same container with high proof of any other crop year(s) under the conditions hereinafter proposed.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are submitted to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., and received within 15 days after publication of this notice in the FEDERAL REGISTER.

The proposal under consideration is as follows:

§ 990.154 Setaside.

* * * * *

(d) *Storage of high proof in the same container*—(1) *Simultaneous storage.* No handler shall store setaside high proof from grapes for crushing of any crop year in the same container with other high proof, whether or not set aside pursuant to § 990.54, from grapes for crushing of any other crop year(s) except in accordance with the requirements of § 990.54 and the following: Such handler (i) stores in such container only marketable high proof of not less than 185 degrees proof or only high proof within the lesser range of alcohol at which setaside storage is permitted by the Committee pursuant to § 990.54; (ii) stores all high proof in such container to preserve the quality of the setaside high proof and maintain its condition as required by § 990.54; (iii) attaches near the outlet of such container a tank card furnished by the Committee and showing currently the number of proof gallons, by crop year, of the setaside high proof being held in such container for the account of the Committee; and (iv) makes no withdrawal from such container below the handler's then effective aggregate setaside therein.

(2) *Substitution.* Pursuant to § 990.54, each handler holding setaside high proof may substitute therefor only products of the same crop year eligible for setaside. If such setaside high proof of a particular crop year is in the same container with other high proof, the handler may, upon the setting aside of the requisite proof gallons of eligible product(s) of that crop year, withdraw the applicable proof gallon quantity of high proof. No substitution may be made except upon prior notice to the Committee.

(3) *Disposition.* Whenever setaside high proof in simultaneous storage is included in a disposition of the Committee, pursuant to § 990.62, the withdrawal gallonage shall be deemed to be from the setaside of the crop year specified by the Committee in its disposition action.

Dated: July 5, 1962.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 62-6701; Filed, July 9, 1962; 8:53 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 1130]

[Docket No. AO 259-A6]

MILK IN CORPUS CHRISTI, TEXAS, MARKETING AREA

Supplemental Notice of Hearing on Proposed Amendment to Tentative Marketing Agreement and Order

Notice was issued on July 14, 1961, and published in the FEDERAL REGISTER on July 19, 1961 (26 F.R. 6479) of a public hearing with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Corpus Christi, Texas, marketing area, to be held in the Echo Motel, Edinburg, Texas, on July 27, 1961. After several hours of testimony the hearing was recessed by the Hearing Examiner at the request of parties to be reconvened at a later date on request of interested parties.

The Hearing Examiner on June 28, 1962, at the request of interested parties issued a notice of reconvening of this hearing at 10:00 a.m., July 17, 1962, in the Echo Motel, Edinburg, Texas.

Notice is hereby given that at this reconvened hearing evidence will also be received with respect to the proposed amendment set forth below. The proposed amendments set forth in the original hearing notice and the additional proposed amendment have not received the approval of the Secretary of Agriculture.

Proposed by Falfurrias Creamery Company:

Proposal No. 1. Revise all of § 1130.51 preceding the proviso to read as follows:

§ 1130.51 Location differential to handlers.

For that portion of milk which is received from producers at a fluid milk plant located more than 50 miles, but not more than 150 miles, from the City Hall in Mercedes, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator, and which is classified as Class I milk, the price specified in § 1130.50(a) shall be reduced fifteen cents per hundredweight and one and one-half cents for each additional 10 miles or fraction thereof that such plant is more than 150 miles distant from the City Hall in Mercedes, Texas.

Proposal No. 2. The order should be further amended by making the necessary conforming changes in Section 82—Location differential to producers.

Copies of this supplemental notice of hearing and the order may be procured from the Market Administrator, Herbert H. Erdmann, 112 Tarlton Street, Corpus Christi, Texas; 834 Brooklyn Avenue, San Antonio 12, Texas, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., on July 5, 1962.

W. E. UNDERHILL,
Acting Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-6676; Filed, July 9, 1962; 8:46 a.m.]

[7 CFR Part 1130]

[Docket No. AO 259-A8]

MILK IN CORPUS CHRISTI, TEXAS, MARKETING AREA

Notice of Hearing on Proposed Amendment to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Robert Driscoll Hotel, Corpus Christi, Texas, beginning at 10:00 a.m., local time on Thursday, July 19, 1962, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Corpus Christi, Texas, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Coastal Bend Milk Producers Association:

Proposal No. 1. Provide a new definition of a market equalization plant as follows:

A market equalization plant means the land, building together with their surroundings, facilities and equipment located within the marketing area which is owned and operated by a cooperative association, qualified pursuant to § 1130.84(b); is approved by a duly constituted health authority for the receipt and disposition of Grade A milk for consumption in the marketing area, and at which no milk is received except milk received directly from farms of pro-

ducers, milk delivered to such plant pursuant to § 1130.12 and milk received as a transfer from fluid milk plants.

Proposal No. 2. Revise § 1130.10 to read as follows:

§ 1130.10 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more approved plants;

(b) Any cooperative association with respect to producer milk diverted by it from a fluid milk plant to a nonfluid plant for the account of such cooperative association; or

(c) Any cooperative association with respect to the milk of its member producers which is delivered from the farms to a fluid milk plant as defined in § 1130.7(a) in a tank truck(s) owned and operated by, or under contract to, such cooperative association if the cooperative association notifies the market administrator and the handler to whom the milk is delivered in writing that it wishes to be the handler for such milk. The cooperative association shall be considered the handler for such milk, effective the first day of the month following receipt of such notice, and milk so delivered shall be considered to have been received by such cooperative association at the fluid milk plant to which it is delivered, except that such milk shall be considered as a receipt of producer milk by the operator of such fluid milk plant for the purpose of §§ 1130.41(b)(5), 1130.42, and 1130.85.

Proposal No. 3. Revise § 1130.12 to read as follows:

§ 1130.12 Producer.

"Producer" means any person, except a producer handler who produces milk in compliance with Grade A inspection requirements of the health authority having jurisdiction in the marketing area, which milk is received at a fluid milk plant: *Provided*, That if such milk is diverted by a handler for his account from a fluid milk plant to a nonfluid milk plant any day during the months of March through July and on not more than 25 of the days of delivery during any other month, the milk so diverted shall be deemed to have been received by the diverting handler at the fluid milk plant at the location of the plant from which it was diverted. "Producer" shall not include any person during periods of degrading by such health authority if such health authority so notifies the operator of the fluid milk plant or the market administrator in writing of the effective date or dates of such action and of subsequent reapproval.

Proposal No. 4. Revise § 1130.41(b)(5) to read as follows:

(5) In shrinkage allocated to: (i) Receipts of other source milk in the form of milk, skim milk, or cream; (ii) receipts of milk of producers in an amount not to exceed 0.5 percent of the total receipts of skim milk and butterfat physically received from producers' farms by the operator of a fluid milk plant, plus one and one-half percent of the total pounds of skim milk and butterfat in milk of producers received in bulk as milk in fluid form at a fluid milk plant from both producers and other fluid milk plants (including milk received from a cooperative association in its capacity as a handler pursuant to § 1130.10(c)) which is not disposed of in bulk as milk in fluid form to the fluid milk plant of another handler.

Proposal No. 5. Revise § 1130.42(a)(1) and (2) to read as follows:

(1) Prorate the resulting amounts between, (i) The total of the pounds of skim milk and butterfat physically received from producers at a fluid milk plant by the operator of such fluid milk plant, plus the pounds of skim milk and butterfat in milk of producers received in bulk as milk in fluid form from other fluid milk plants (including milk received from a cooperative association in its capacity as a handler pursuant to § 1130.10(c)), and (ii) the pounds of skim milk and butterfat in other source milk received in the form of milk, skim milk, or cream.

Proposal No. 6. Revise § 1130.44 by adding a new paragraph (d) to provide for a pro rata classification on milk transferred or diverted from more than one fluid milk plant to a market equalization plant in accordance with the classification of such receipts at the market equalization plant.

Proposal No. 7. Revise § 1130.46 to provide for allocation of milk received at a fluid milk plant from a market equalization plant to Class I milk.

Proposal No. 8. Revise § 1130.70 by eliminating the word "producer" preceding paragraph (a) and by revising § 1130.70(a) to read as follows:

The net obligation of each handler for milk received at each of his fluid milk plant(s) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of producer milk in each class by the applicable class prices and add together the resulting amounts.

Proposal No. 9. Revise § 1130.80 to provide that on or before the 13th day of the month each handler shall pay to each cooperative association, which is also a handler, pursuant to § 1130.10 for milk received from it not less than the value of such milk as classified pursuant to § 1130.44(a) at the applicable respective class prices, including differentials prescribed pursuant to § 1130.81 and § 1130.82.

Proposal No. 10. Revise § 1130.85(a) to read as follows:

(a) Receipts of producer milk (including receipts from a cooperative association in its capacity as a handler pursuant to § 1130.10(c)) and such handlers' own production.

Proposed by Knolle Jersey Farms:

Proposal No. 11. Redesignate § 1130.46(a) (3), (4), (5), and (6) as subparagraphs (5), (6), (8), and (9), respectively, and add four new subparagraphs as follows:

(2) Subtract from the total pounds of skim milk in series beginning with the lowest priced class, the pounds of skim milk in other source milk not priced in Class I under another Federal order.

(3) Subtract from the remaining pounds of skim milk in series beginning with the lowest priced class, 15 percent of the skim milk contained in producer milk receipts: *Provided*, That the market producer milk receipts are less than 115 percent of Class I skim milk utilization.

(4) Substract from the remaining pounds of skim milk in series beginning with the lowest priced class, the pounds of skim milk in other source milk priced in Class I under another Federal order.

(7) Add to the appropriate class the pounds of skim milk substracted pursuant to subparagraph (3) of this paragraph.

Proposed by The Borden Company:

Proposal No. 12. Revise § 1130.46(a) to provide for the allocation to Class I other source milk purchased for Class I use during periods when producer milk is not available.

Proposed by the Milk Marketing Orders Division:

Proposal No. 13. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 112 Tarlton Street, Corpus Christi, Texas; 834 Brooklyn Aveune, San Antonio 12, Texas, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on July 5, 1962.

W. E. UNDERHILL,
Acting Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-6677; Filed, July 9, 1962; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition has been filed by Chemagro Corporation, Post Office Box 4913, Kansas City 20, Missouri, proposing the establishment of tolerances for residues of the fungicide 2,4-dichloro-6-o-chloroanilino-s-triazine in or on blueberries, cranberries, currants, gooseberries, and huckleberries, at 10 parts per million.

The analytical method proposed in the petition for determining residues of 2,4-dichloro-6-o-chloroanilino-s-trianzine is that published in the Journal of Agricultural and Food Chemistry, Volume 7, page 558 (1959).

Dated: July 2, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-6682; Filed, July 9, 1962; 8:48 a.m.]

FEDERAL AVIATION AGENCY

Air Traffic Service

[14 CFR Part 601]

[Airspace Docket No. 62-SO-4]

CONTROLLED AIRSPACE

Revocation of Control Area Extension and Designation of Transition Area; Alteration of Control Zones and Control Areas Associated With Federal Airways

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 of the Regulations of the Administrator, the substance of which is stated below.

The following controlled airspace is designated in the Atlanta, Ga., terminal area:

1. The Atlanta control area extension (§ 601.1052) is designated within a 50-mile radius of the Atlanta radio range (to be converted to a radio beacon July 2, 1962); including the airspace north of Atlanta bounded on the north by VOR Federal airway No. 54, on the east by VOR Federal airway No. 97, and on the west by VOR Federal airway No. 5; the airspace extending beyond the 50-mile radius area bounded on the north by a line 17 miles south and parallel to the Chattanooga, Tenn., VORTAC 088° True radial, on the east by VOR Federal airway No. 267, and on the west by VOR Federal airway No. 97; the airspace extending beyond the 50-mile radius area bounded on the northwest by VOR Federal airway No. 222, on the northeast by the arc of a 30-mile radius circle centered at latitude 34°48'45" N., longitude 82°20'30" N., and VOR Federal airway No. 185, and on the southeast by a line 5 miles northwest of and parallel to the McDonough, Ga., VOR 063° True radial; the airspace northeast of Toccoa, Ga., bounded on the north by VOR Federal airway No. 54, on the southeast by VOR Federal airway No. 222 and on the southwest by a line 5 miles southwest of and parallel to the Greenwood, S.C., VOR 315° True radial; the airspace east of Atlanta bounded on the northwest by VOR Federal airway No. 454, on the east by longitude 83°00'00" W., on the south by VOR Federal airway No. 18 and on the west by VOR Federal airway No. 35; the airspace southwest of Atlanta bounded on the north by VOR Federal airway No. 18, on the west by longitude 86°00'00" W., and on the southeast by VOR Federal airway No. 20; and the airspace west of Atlanta within 12 miles north and 8 miles south of the Atlanta ILS localizer west course extending from the 50-mile radius area to 66 miles west of the localizer, excluding the portion which coincides with Restricted Area R-3001.

2. The Atlanta control zone (§ 601.2130) is designated within a 5-mile radius of the Atlanta Municipal Airport; within 2 miles either side of the Atlanta radio range (to be converted to a radio beacon July 2, 1962) southeast course extending from the 5-mile radius zone to 11 miles southeast of the radio range; within 2 miles either side of the Atlanta ILS localizer west course extending from the 5-mile radius zone to 5 miles west of the outer marker; and within 2 miles either side of the Atlanta ILS localizer east course extending from the 5-mile radius zone to 13 miles east of the localizer; and within 2 miles either side of the Atlanta VORTAC 017° and 197° True radials extending from the 5-mile radius zone to 5 miles south of the VORTAC.

3. The Atlanta (Dobbins AFB/Atlanta NAS) control zone (§ 601.2283) is designated within a 5-mile radius of the Dobbins AFB/Atlanta NAS; within 2 miles either side of the extended centerline of the northwest/southeast runway (runway 10) extending from the end of the runway to 5 miles northwest of the Lost Mountain, Ga., radio beacon; and within 2 miles either side of the 289° True bearing from latitude 33°52'15" N., longitude 84°21'58" W., extending from the Dobbins AFB/Atlanta NAS 5-mile radius zone to the DeKalb-Peachtree Airport, Chamblee, Ga., control zone (§ 601.2373).

4. The Chamblee, Ga., control zone (§ 601.2373) is designated within a 5-mile radius of the DeKalb-Peachtree Airport and within 2 miles either side of the Norcross, Ga., VORTAC 243° True radial extending from the 5-mile radius zone to the VORTAC.

5. The Athens, Ga., control zone (§ 601.2452) is designated within a 5-mile radius of the Athens Airport; within 2 miles either side of the Athens VORTAC 078° True radial extending from the 5-mile radius zone to 12 miles east of the VORTAC; and within 2 miles either side of the Athens VORTAC 194° True radial extending from the 5-mile radius zone to 12 miles southwest of the VORTAC.

6. The Atlanta (Fulton County Airport) control zone (§ 601.2490) is designated within a 5-mile radius of the Fulton County Airport and within 2 miles either side of the Fulton County VOR 276° True radial extending from the 5-mile radius zone to 11 miles west of the VOR excluding the portion which coincides with the Dobbins AFB/NAS Atlanta control zone (§ 601.2283).

7. The control areas associated with the airways which traverse these airspace designations are presently designated to extend upward from 700 feet above the surface.

To implement the provisions of Amendments 60-21 (26 F.R. 570) and 60-29 (27 F.R. 4012) to the Civil Air Regulations, Part 60, Air Traffic Rules, in the Atlanta terminal area, the Federal Aviation Agency has under consideration the following airspace actions:

1. Revoke the Atlanta control area extension and designate in lieu thereof the Atlanta transition area to extend upward from 700 feet above the surface within a 15-mile radius of the Atlanta Municipal Airport (latitude 33°38'42" N., longitude 84°25'37" W.), excluding the airspace within a 1.5-mile radius of the Edwards Skyport (latitude 33°32'47" N., longitude 84°38'31" W.), and the Gunn Airport (latitude 33°43'14" N., longitude 84°09'56" W.); within 2 miles either side of the Atlanta ILS localizer west course extending from the 15-mile radius area to 18 miles west of the localizer; within a 5-mile radius of the DeKalb-Peachtree Airport (latitude 33°52'30" N., longitude 84°18'10" W.), Chamblee, Ga.; within 2 miles either side of the McDonough, Ga., VORTAC 314° True radial extending from the 15-mile radius area to the VORTAC; and the airspace extending upward from 1,200 feet above the surface within a 50-mile radius of the Atlanta Municipal Airport; within a 30-mile radius of the Lost Mountain, Ga., radio beacon; that airspace north of Atlanta extending from the 50-mile radius area bounded on the west by VOR Federal airway No. 51, on the north by VOR Federal airway No. 54, on the east by VOR Federal airway No. 267; that airspace northeast of the Toccoa, Ga., VOR bounded on the north by VOR Federal airway No. 54, on the southeast by VOR Federal airway No. 222 and on the southwest by a line 5 miles southwest of and parallel to the Greenwood, S.C., VOR 315° True radial; that airspace northeast and east of Atlanta extending from the 50-mile radius area bounded on the northwest by VOR Federal airway No. 222, on the east by a line extending from the southeast boundary of VOR Federal airway No. 222 west of Greenville counter-clockwise along the arc of a 30-mile radius circle centered at latitude 34°48'45" N., longitude 82°20'30" W., to its intersection with the arc of a 15-mile radius circle centered at the Greenwood VOR, thence counter-clockwise along this arc to its intersection with the north boundary of VOR Federal airway No. 454, thence via the north boundary of VOR Federal airway No. 454 to longitude 83°00'00" W., thence via longitude 83°00'00" W. to the north boundary of VOR Federal airway No. 18, and on the south by the north boundary of VOR Federal No. 18; that airspace southwest of Atlanta extending from the 50-mile radius area bounded on the north by VOR Federal airway No. 18, on the south by VOR Federal airway No. 20 north alternate, and on the west by longitude 86°00'00" W.; and the airspace west of Atlanta extending from the 50-mile radius area bounded on the north by a line 12 miles north of and parallel to the Atlanta ILS localizer west course, on the south by VOR Federal airway No. 18 north alternate, and on the west by longitude 85°33'00" W., excluding the portion of this transition area which would coincide with Restricted Area R-3001.

2. Redesignate the Atlanta control zone (§ 601.2130) within a 5-mile radius of the Atlanta Municipal Airport; within 2 miles either side of the Atlanta ILS localizer west course extending from the 5-mile radius zone to the outer marker; within 2 miles either side of the Atlanta ILS localizer southeast course extending from the 5-mile radius zone to the outer marker; within 2 miles either side of the Atlanta ILS localizer east course extending from the 5-mile radius zone to the intersection of the Atlanta ILS localizer east course and the McDonough, Ga., VORTAC 333° True radial; and within a 3-mile radius of Morris AAF (latitude 33°37'20'' N., longitude 84°20'30'' W.).

3. Redesignate the Atlanta (Dobbins AFB/NAS Atlanta) control zone (§ 601.2283) within a 5-mile radius of the Dobbins AFB/NAS Atlanta (latitude 33°55'00'' N., longitude 84°31'00'' W.); within 2 miles either side of the 105° True bearing from the Lost Mountain radio beacon extending from the 5-mile radius zone to the radio beacon; within 2 miles either side of the NAS Atlanta TACAN 295° True radial extending from the 5-mile radius zone to 10 miles west of the TACAN; and within 2 miles either side of the 104° True bearing from the Dobbins AFB/NAS Atlanta extending from the 5-mile radius zone to 6 miles southeast of the lift-off end of runway 10.

4. Redesignate the Chamblee, Ga. (DeKalb-Peachtree Airport), control zone (§ 601.2373) within a 3-mile radius of the DeKalb-Peachtree Airport and within 2 miles either side of the Norcross, Ga., VORTAC 242° True radial extending from the 3-mile radius zone to the VORTAC. This control zone would be effective from 0700 to 2300 hours, local time, daily.

5. Redesignate the Athens, Ga., control zone (§ 601.2452) within a 5-mile radius of the Athens Airport (latitude 33°56'56'' N., longitude 83°19'37'' W.); within 2 miles either side of the Athens VORTAC 078° True radial extending from the 5-mile radius zone to 8 miles east of the VORTAC; and within 2 miles either side of the Athens VORTAC 194° True radial extending from the 5-mile radius zone to 8 miles south of the VORTAC.

6. The control areas associated with the airways that traverse the proposed transition area would be redesignated to extend upward from a floor coincident with that of the transition area.

7. The Atlanta (Fulton County Airport) control zone (§ 601.2490) would remain as presently designated.

The actions proposed herein would raise the floor of controlled airspace from 700 feet above the surface to 1,200 feet above the surface at the outer limits of the present Atlanta control area extension but would retain small areas with floors of 700 feet above the surface at certain terminal locations to reduce the control zone dimensions at these airports. Thus, controlled airspace would be released in the outer portions of the terminal area for other uses while retaining protection for the prescribed holding, arrival, departure and radar vector procedures within the Atlanta terminal area. Slight revision of portions of the prescribed procedures would be effected concurrently with the action proposed herein to minimize the extent of controlled airspace required with the lower floors, and permit some reductions in the extent of the control zones. These actions are designed to not adversely affect either aircraft performance or present landing weather minimums.

Because of the time required to complete the rule-making process, and the requirement to have a stable airspace configuration in the Atlanta terminal area for the Terminal Radar Service Area program scheduled to begin at Atlanta in November 1962, the proposal contained herein has been developed in advance of the issuance of revised criteria. It is not expected that such criteria when issued will induce any substantial change in the proposed controlled airspace dimensions. However, such minor adjustments as may be required will be accomplished in the final rule.

Specific details of the changes in procedures and minimum instrument flight rules altitudes that would be required attendant to the implementation of Amendments 60–21 and 60–29 may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Southern Region, Federal aviation Agency, 52 Fairlie Street NW., Atlanta 3, Ga.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 52 Fairlie Street, Atlanta 3, Ga. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 2, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62–6664; Filed, July 9, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

OTIS LIVESTOCK AUCTION ET AL.

Listing of Stockyards

I. *Posted stockyards.* Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act, as amended (7 U.S.C. 202), and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name, Location of Stockyard, and Date of Posting

COLORADO

Otis Livestock Auction, Otis: March 19, 1962.

GEORGIA

Rogers Livestock Sale, La Grange: April 23, 1962.

IDAHO

Prescott's Pony and Horse Sale, Twin Falls: March 16, 1962.

ILLINOIS

Schnapp Auction, Petersburg: April 30, 1962.

MICHIGAN

Hanchett Livestock Yards, Inc., Leslie: April 9, 1962.

MINNESOTA

Rushford Livestock Commission, Rushford: April 24, 1962.

NEBRASKA

Eustis Livestock Commission Co., Eustis: May 11, 1962.
Schuyler Livestock Pavilion, Schuyler: May 14, 1962.

SOUTH DAKOTA

Bales Continental Commission Co., Inc., Huron: May 2, 1962.

WASHINGTON

Northwest Livestock Auction Co-operative, Inc., Marysville: February 27, 1962.

II. *Correction.* Notice is hereby given that the stockyard known as Dominique's Cow Palace, posted on January 20, 1959, is located at Curtis, Louisiana, rather than Bossier City, Louisiana, as shown in the notice of posting published in the FEDERAL REGISTER (24 F.R. 2962).

Done at Washington, D.C., this 5th day of July 1962.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62–6704; Filed, July 9, 1962; 8:54 a.m.]

EARLY LIVESTOCK COMPANY ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, orignally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said act and are, therefore, no longer subject to the provisions of the act.

Name, Location of Stockyard, and Date of Posting

Early Livestock Co., Samson, Ala.: April 17, 1961.
Newport Livestock Auction Co., Newport, Ark.: February 20, 1959.
Elk City Community Sale, Elk City, Kans.: June 16, 1959.
Pratt Livestock Commission Co., Pratt, Kans.: April 11, 1950.
Topeka Livestock Auction Co., Topeka, Kans.: May 22, 1959.
Yates Center Cattle & Calf Auction, Yates Center, Kans.: March 15, 1961.
South Eastern Stockyards, Inc., Laurel, Miss.: October 31, 1960.
Owen Brothers Union Stock Yards, Meridian, Miss.: October 14, 1935.
Lum Brothers Stock Yards, Natchez, Miss.: January 19, 1939.
Nevada Livestock Commission Co., Sparks, Nev.: October 14, 1959.
Franklin Livestock Auction, Franklin, Tex.: April 16, 1959.

The owners of the Pratt Livestock Commission Company, Pratt, Kansas, and the Lum Brothers Stock Yards, Natchez, Mississippi, have constructed new stockyards in other locations and notices of proposed posting of each of the new markets will be issued.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not depositing promptly a stockyard which is no longer within the definition of that term contained in the act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 5th day of July 1962.

H. L. JONES,
Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62–6705; Filed, July 9, 1962; 8:54 a.m.]

FARMERS AND RANCHERS AUCTION COMPANY, ET AL.

Proposed Posting of Stockyards

The Chief of the Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Farmers and Ranchers Auction Co., North Little Rock, Ark.
Hill Crest Livestock Market, Brooksville, Fla.
Reidsville Live Stock Yard, Reidsville, Ga.
Owen-Monroe County Feeder Association, Inc., Spencer, Ind.
Lum Bros. Stockyards, Natchez, Miss.
East Tennessee Livestock Center, Inc., Sweetwater, Tenn.
Pilot Point Livestock Exchange, Pilot Point, Tex.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registrations Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 5th day of July 1962.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 62–6706; Filed, July 9, 1962; 8:54 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13203, etc.; Order No. E–18556]

AMERICAN AIRLINES, INC., ET AL.

Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of July 1962.

In the matter of reduced freight rates proposed by American Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and The Flying Tiger Line, Inc.

By tariffs marked to become effective July 8, 1962, rate reductions are proposed in various markets on florist and

nursery stock; electronic machines and parts; clothing and footwear, not on racks or hangers; footwear; and greeting cards. The carriers filing these proposals involve one or more of the following: American Airlines, Inc. (American), Trans World Airlines, Inc. (TWA), United Air Lines, Inc. (United), and The Flying Tiger Line Inc. (Tiger). No complaint has been filed against these tariffs.

The proposed reductions for florist stock would apply to rates to numerous midwest and eastern cities from Los Angeles, San Diego and San Francisco, and from Dallas, El Paso and San Antonio. The proposals would lower rates on florist stock to current levels for nursery stock by expanding Group 380, which currently covers only nursery stock, to include florist stock. This expansion of Group 380 also widens the definition of nursery stock, and results in reductions in certain types of this commodity in various markets.[1] The reductions to be effected below either currently applicable specific commodity or general commodity rates range up to 34 percent.

The proposals on electronic machines and parts (Group 276) would apply to eastbound movements from Los Angeles to Boston and Philadelphia and from San Francisco to New York and Philadelphia. The rate reductions would range from 13 to 21 percent.

On clothing and footwear, not on racks or hangers, the proposed rates (in a new group 264 or added to current Groups 582 or 584) would apply from Los Angeles to Boston, Kansas City, and Philadelphia. On footwear (Group 288), the fillings would apply from St. Louis to New York. The proposals on greeting cards (Group 250) would apply from Los Angeles to Kansas City. The foregoing reductions would range up to 23 percent.

A number of the proposed eastbound rates on florist stock and of the proposals involving electronic machines are either equal to or below the rates for the identical movements suspended and ordered investigated by the Board in Docket 13203, et al. Upon consideration of all relevant matters, the Board finds that these proposals may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and should be investigated. This investigation will be consolidated with that pending in the foregoing docket. We shall not suspend these filings because of the absence of complaints and because the equivalent rates which had been suspended were put into effect after the expiration of the suspension period.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof.

It is ordered, That:

1. An investigation is instituted to determine whether the rates and provisions described in Appendix A hereto,[2] including suspended revisions and reissues thereof, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and if found to be unlawful, to determine and prescribe lawful rates and provisions.

2. This investigation is consolidated with the proceeding entitled The Flying Tiger Line Rate Cases, Docket 13203, et al.

3. Copies of this order shall be served upon American Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and The Flying Tiger Line, Inc., and upon all other parties in Docket 13203, et al.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-6698; Filed, July 9, 1962; 8:53 a.m.]

[Docket No. 11879; Order No. E-18552; Agreement C.A.B. 16531]

CARGO RATES

Agreements Adopted by Traffic Conferences of International Air Transport Association

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of July 1962.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic regulations, an agreement between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Joint Conferences 1-2-3, 2-3, and 3-1 of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated C.A.B. Agreement number.

The agreement provides that, in the pricing of the carriage of monkeys from India and Pakistan to points in Europe and the Western Hemisphere, the additional quantity discounts heretofore available shall not apply.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find Resolutions JT123(Mail 277)511a, JT23(Mail 83)511a and JT31(Mail 62)511a, which are incorporated in the above-described agreement, to be adverse to the public interest or in violation of the Act.

Accordingly, *It is ordered*:

1. That Agreement C.A.B. 16531 is approved.

2. That any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-6699; Filed, July 9, 1962; 8:53 a.m.]

[Docket No. 11879; Order No. E-18555; Agreement C.A.B. 14827, R-99 and R-100; Agreement C.A.B. 12179, R-10]

SPECIFIC COMMODITY RATES

Agreements Adopted by Traffic Conferences of International Air Transport Association

Issued under delegated authority July 5, 1962.

There have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic regulations, agreements between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 1 and Joint Conference 1-2-3 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board) and 590a (Specific Commodity Rates).

The agreements, adopted pursuant to unprotested notices to the carriers, name additional specific commodity rates as set forth in the attachment hereto.[3]

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the above-described agreements are adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered:

Accordingly, it is ordered, That:

Agreements C.A.B. 14827, R-99 and R-100, and C.A.B. 12179, R-10, are approved: *Provided*, That such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petition within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

ALFRED R. STOUT,
Chief, Rates Division,
Bureau of Economic Regulation.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-6700; Filed, July 9, 1962; 8:53 a.m.]

[1] Currently, Group 380 covers nursery stock, defined to comprise the following list of commodities (almost the same for American, TWA, United, and Tiger): acacia, evergreen, ferns, galax leaves, gypsophila, heather, holly, huckleberry, laurel, mistletoe, moss, decorative greens and rooted cuttings. The proposed Group 380 (identical for all four carriers) would (1) add "Florist stock, namely, bulbs, tubers, growing plants (in pots and tubs) and rooted cuttings;" (2) add "Nursery stock, namely, trees, shrubs or vines grown in the field, excluding growing plants and rooted cuttings;" and (3) define "decorative greens" (currently listed as a type of nursery stock) to comprise the same commodities now listed under nursery stock, excluding rooted cuttings. The last named commodity is proposed to be included under florist stock.

[2] Filed as part of the original document.

[3] Filed as part of the original document.

FEDERAL POWER COMMISSION

[Docket Nos. G-19948 and RI60-334]

BERKSHIRE OIL COMPANY [1]

Order Substituting Respondent Accepting Successors Undertaking and Redesignating Proceedings

JULY 3, 1962.

On September 6, 1961, Berkshire Oil Company (Berkshire) tendered a Motion to Substitute Party together with the Undertaking of Berkshire, as successor in interest to M. Frankel & Sons. In its motion Berkshire states that it is a corporation organized under the laws of the State of Texas and that the outstanding stock of this company is now owned by the same persons who owned all of the interest in the properties of M. Frankel & Sons at the time of its transfer to Berkshire. Berkshire states that with the concurrent filing of its motion, it also filed an appropriate Notice of Succession to each of Frankel's FPC Gas Rate Schedules, including Frankel's Gas Rate Schedule No. 1, which is involved in the above-styled proceedings. In its undertaking Berkshire assumes and accepts all the rights, privileges, duties, obligations, and responsibilities in connection with the undertaking formerly filed by Frankel, to the same extent as if Berkshire had executed such undertaking in its own name. By letter dated December 8, 1961, Berkshire was notified of the redesignation of its rate schedule here involved as Berkshire's FPC Gas Rate Schedule No. 1.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act that Berkshire be substituted for Frankel as respondent in the above-styled proceedings and that said proceedings be redesignated accordingly, and that the undertaking submitted by Berkshire be accepted for filing.

The Commission orders:

(A) Berkshire Oil Company is hereby substituted for R. R. Frankel as respondent in the proceedings in Docket Nos. G-19948 and RI60-334.

(B) The undertaking filed in these proceedings on September 6, 1961, by Berkshire Oil Company assuming the rights and liability under the undertaking previously filed by Frankel is hereby accepted for filing.

(C) Berkshire shall comply with the refunding and reporting procedure required by the Natural Gas Act in § 154.102 of the regulations thereunder. The undertaking shall remain in full force and effect until discharged by the Commission.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6665; Filed, July 9, 1962; 8:45 a.m.]

[1] Formerly R. R. Frankel. In accordance with the Louisiana law, properties owned by the partnership of M. Frankel & Sons were owned of record under the names of the individual partners. All filings with this Commission, therefore, had been under the name of one of these partners, generally either J. R. Frankel or R. R. Frankel. For this reason the above-styled proceeding names R. R. Frankel as respondent.

[Docket No. G-16966 etc.]

CONTINENTAL OIL CO. ET AL.

Order Severing and Terminating Proceeding

JULY 2, 1962.

Continental Oil Company, Docket No. G-16966, et al.; Continental Oil Company (Operator), et al., Docket No. G-11640.

Continental Oil Company (Operator), et al. (Continental) November 23, 1956, tendered for filing a proposed change in its effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constituted an increased rate, was designated as Supplement No. 2 to Continental's FPC Gas Rate Schedule No. 2 and by Commission order of December 26, 1956, was suspended until June 1, 1957, and until such further time as made effective in the manner prescribed by the Natural Gas Act. The proposed change has not been made effective.

By order issued November 18, 1958, the proceeding in the above-entitled docket number was consolidated with other pending section (4)(e) proceedings involving Continental and a general investigation in Docket No. G-16966 instituted pursuant to section 5(a) of the Natural Gas Act.

By letter dated August 10, 1961, the Commission accepted for filing Continental's FPC Gas Rate Schedule No. 200 and Supplement No. 1 thereto to become effective August 17, 1961, to supersede Rate Schedule No. 2 as amended.

Since no monies have been collected subject to refund in Docket No. G-11640 and since Rate Schedule No. 2 involved therein has been superseded, further proceeding in Docket No. G-11640 would be without purpose.

The Commission finds: For the reasons heretofore stated, it is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the above-entitled proceeding be severed from the consolidated proceedings in Docket Nos. G-16966, et al., and terminated.

The Commission orders: The proceeding in Docket No. G-11640 is hereby severed from the consolidated proceedings in Docket Nos. G-16966, et al., and terminated.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6666; Filed, July 9, 1962; 8:45 a.m.]

[Docket No. RI62-467 etc.]

H. L. HUNT ET AL.

Order Permitting Withdrawal of Suspended Increased Rates, Severing Proceedings and Terminating Proceedings as Moot

JULY 2, 1962.

H. L. Hunt et al., Docket Nos. RI62-467, et al.; Humble Oil & Refining Company, Docket No. RI62-471; George R. Brown, et al., Docket No. RI62-475; Texaco Inc., Docket No. RI62-481.

Humble Oil & Refining Company (Humble), George R. Brown, et al. (Brown) and Texaco Inc. (Texaco), on June 21, 1962, June 21, 1962, and June 19, 1962, respectively, submitted notices of withdrawal of suspended rate supplements which proposed periodic increased rates for gas sold to Transcontinental Gas Pipe Line Corporation and United Gas Pipe Line Company from various fields in South Louisiana and Mississippi.

The subject rate filings and the related suspension proceedings are:

Rate schedule supplement No.	Purchaser	Suspended rate	Docket No.
		Cents	
5-1 [1]	Transcontinental Gas Pipe Line Corp.	25.55	RI62-475
101-11 [2]	United Gas Pipe Line Co.	25.54	RI62-481
154-2 [1]	---do	25.54	RI62-471
155-2 [1]	---do	25.54	RI62-471
245-2 [1]	---do	25.25	RI62-471
120-7 [3]	Gas Gathering Corp.[4]	23.3	RI62-471
295-4 [3]	United Gas Pipe Line Co.	25.54	RI62-471

[1] George R. Brown, et al.
[2] Texaco Inc.
[3] Humble Oil & Refining Company.
[4] Resells to Transcontinental Gas Pipe Line Corporation.

The proposed increased rates of Humble, Brown and Texaco were suspended by order issued June 14, 1962, in H. L. Hunt, et al., Docket Nos. RI62-467, et al., with two exceptions [1] until December 1, 1962, and until such further time as they are made effective pursuant to the provisions of the Natural Gas Act. That order also consolidated the proceedings of the subject producers with several others and set such proceedings for immediate hearing to be held July 16, 1962.

The Commission finds: Good cause exists for permitting Humble Oil & Refining Company, George R. Brown, et al. and Texaco Inc. to withdraw the above-designated suspended supplements, for severing the proceedings in Docket No. RI62-471, RI62-475, and RI62-481 from the consolidated proceedings in H. L. Hunt, et al., Docket Nos. RI62-467, et al., and for terminating the proceedings in Docket Nos. RI62-471, RI62-475 and RI62-481.

The Commission orders:

[1] Supplement No. 4 to Humble's FPC Gas Rate Schedule No. 295 and Supplement No. 11 to Texaco's FPC Gas Rate Schedule No. 101 were suspended until December 2, 1962, and until such further time as they are made effective pursuant to the provisions of the Natural Gas Act.

(A) Humble Oil & Refining Company, George R. Brown, et al. and Texaco Inc. are hereby permitted to withdraw the above-designated suspended supplements.

(B) The proceedings in Docket Nos. RI62-471, RI62-475, and RI62-481 are hereby severed from the consolidated proceedings in H. L. Hunt, et al., Docket Nos. RI62-467, et al.

(C) The proceedings in Docket Nos. RI62-471, RI62-475 and RI62-481 are hereby terminated as moot.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6667; Filed, July 9, 1962; 8:45 a.m.]

[Docket Nos. RI62-508—RI62-522]

SHELL OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JUNE 29, 1962.

Shell Oil Company (Operator), et al., Docket No. RI62-508; Shell Oil Company, Docket No. RI62-509; George R. Brown, Docket No. RI62-510; Herman Brown, et al., Docket No. RI62-511; H. L. Hunt, et al., Docket No. RI62-512; Delhi-Taylor Oil Corporation, Docket No. RI62-513; Gulf Oil Corporation, Docket No. RI62-514; Gulf Oil Corporation (Operator), et al., Docket No. RI62-515; Parker Petroleum Company, Inc. (Operator), et al., Docket No. RI62-516; Keating-Parker Drilling Company (Operator), et al., Docket No. RI62-517; Sinclair Oil & Gas Company, Docket No. RI62-518; Sunray DX Oil Company, Docket No. RI62-519; Phillips Petroleum Company, Docket No. RI62-520; Sohio Petroleum Company, Docket No. RI62-521; John B. Hawley, Jr. (Operator), et al., Docket No. RI62-522.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 psia. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI62-508...	Shell Oil Co. (Operator), et al., 50 West 50th St., New York 20, N.Y.	191	6	Coastal Transmission Corp. (East White Point Field, San Patricio County, Tex.) (R.R. District No. 4).	$14,060	5-31-62	[2] 7-1-62	12-1-62	16.5	[3] [4] 17.5	-
RI62-509...	Shell Oil Co	192	5	Coastal Transmission Corp. (Lochridge Field, Brazoria County, Tex.) (R.R. District No. 3).	24,650	5-31-62	[2] 7-1-62	12-1-62	17.5	[3] [4] 18.5	-
	Do	193	5	Coastal Transmission Corp. (Oblate Field, Hidalgo County, Tex.) (R.R. District No. 4).	4,125	5-31-62	[2] 7-1-62	12-1-62	16.0	[3] [4] 17.0	-
	Do	194	5	Coastal Transmission Corp. (Monte Christo Field, Hidalgo County, Tex.) (R.R. District No. 4).	19,373	5-31-62	[2] 7-1-62	12-1-62	16.0	[3] [4] 17.0	-
	Do	195	5	Coastal Transmission Corp. (Kain Field, Matagorda County, Tex.) (R.R. District No. 3).	26,740	5-31-62	[2] 7-1-62	12-1-62	17.5	[3] [4] 18.5	-
	Do	201	1	Coastal Transmission Corp. (East Mustang Island Field, Nueces County, Tex.) (R.R. District No. 4).	8,325	5-31-62	[2] 7-1-62	12-1-62	[5] [6] 16.5	[3] [4] 17.5	-
	Do	209	1	Coastal Transmission Corp. (East Bay Field, Galveston County, Tex.) (R.R. District No. 3).	1,932	5-31-62	[2] 7-1-62	12-1-62	[7] 18.0	[3] [4] 19.0	-
	Do	264	1	Coastal Transmission Corp. (Southwest Helen Gohlke Field, Victoria County, Tex.) (R.R. District No. 2).	2,738	5-31-62	[2] 7-1-62	12-1-62	17.0	[3] [4] 18.0	-
	Do	167	2	Northern Natural Gas Co. (Southwest Camp Creek Field, Beaver County, Okla.).	3,819	5-28-62	[2] 7-1-62	12-1-62	[8] 16.38	[3] [4] 17.47	-
RI62-510	George R. Brown, 1201 San Jacinto Bldg., Houston, Tex. Attn: Mr. J. L. Bianchi.	10	1	Coastal Transmission Corp. (Pheasant Field, Matagorda County, Tex.) (R.R. District No. 3).	1,850	5-31-62	[2] 7-1-62	12-1-62	17.5	[3] [4] 18.5	-
RI62-511	Herman Brown, et al., 1201 San Jacinto Bldg., Houston, Tex. Attn: Mr. J. L. Bianchi.	6	1	Coastal Transmission Corp. (North Monte Christo Field, Hidalgo County, Tex.) (R.R. District No. 4).	5,500	5-31-62	[2] 7-1-62	12-1-62	[8] 16.0	[3] [4] 17.0	-
RI62-512	H. L. Hunt, et al., 700 Mercantile Bank Bldg., Dallas 1, Tex.	26	5	Coastal Transmission Corp. (South Alvin Field, Brazoria County, Tex.) (R.R. District No. 3).	1,452	5-31-62	[2] 7-1-62	12-1-62	17.5	[3] [4] 18.5	-
RI62-513	Delhi-Taylor Oil Corp., Fidelity Union Tower, Dallas 1, Tex. Attn: Mr. Leland W. Carter.	26	5	Coastal Transmission Corp. (South McAllen Field, Hidalgo County, Tex.) (R.R. District No. 4.).	5,000	5-29-62	[2] 7-1-62	12-1-62	16.0	[3] [4] 17.0	-
	Delhi-Taylor Oil Corp.	30	1	Coastal Transmission Corp. (Yzaguirre Field, Starr County, Tex.) (R.R. District No. 4).	7,334	5-29-62	[2] 7-1-62	12-1-62	[8] 16.0	[3] [4] 17.0	-
RI62-514	Gulf Oil Corp., P. O. Drawer 2100, Houston 1, Tex.	157	3	Coastal Transmission Corp. (East Corpus Christi, Bay Field, Nueces County, Tex.) (R.R. District No. 4).	28,340	5-31-62	[2] 7-1-62	12-1-62	16.5	[3] [4] 17.5	-
	Gulf Oil Corp.	158	3	Coastal Transmission Corp. (East Mustang Island Field, Nueces County, Tex.). (R.R. District No. 4).	24,988	5-31-62	[2] 7-1-62	12-1-62	16.5	[3] [4] 17.5	-
	Do	159	3	Coastal Transmission Corp. (Lochridge Field, Brazoria County, Tex.) (R.R. District No. 3).	20,967	5-31-62	[2] 7-1-62	12-1-62	17.5	[3] [4] 18.5	-
	Do	141	3	Northern Natural Gas Co. (Northwest Dower Field, Beaver County, Okla.).	1,013	5-31-62	[2] 7-1-62	12-1-62	16.5	[3] 17.5	RI61-30
	Do	133	1	Northern Natural Gas Co. (South Glenwood Field, Beaver County, Okla).	353	5-31-62	[2] 7-1-62	12-1-62	[8] 16.860	[3] [4] 18.016	-
	Do	238	3	Coastal Transmission Corp. (West Fulten Beach Field, Aransas County, Tex.) (R.R. District No. 4).	867	5-31-62	[2] 7-1-62	12-1-62	17.0	[3] [4] 18.0	-
RI62-515...	Gulf Oil Corp. (Operator), et al.	234	1	Coastal Transmission Corp. (Chenango and Blue Lake Fields, Brazoria County, Tex.) (R.R. District No. 3).	4,800	5-31-62	[2] 7-1-62	12-1-62	17.5	[3] [4] 18.5	-

[1] This order does not provide for the consolidation for hearing or disposition for the several matters covered herein, nor should it be so construed.

[2] The stated effective date is the effective date proposed by respondent.
[3] Periodic rate increase.
[4] Subject to downward Btu adjustment below 1,000 Btu's.
[5] Consolidated with Order Modifying Order Issuing Certificates in Docket Nos. G-18338, et al.
[6] Includes base rate of 16.0 cents per Mcf plus Btu adjustment.
[7] Includes base rate of 16.0 cents per Mcf plus Btu adjustment.
[8] Lonker Unit.
[9] Berends Unit.
[10] Dunn Unit.
[11] Lochner Unit.
[12] Lewis Unit.
[13] Allen Unit.
[14] Hanzl Unit.
[15] Lonker B Unit (Morrow Formation).
[16] Lonker B Unit (Chester Formation).
[17] Includes Btu adjustment.
[18] The stated effective date is the first day after expiration of the required statutory notice.
[19] Redetermined rate increase.
[20] Based on contract rates. Amount based on adjusted Btu content is $589.
[21] Increased rate is adjusted for Btu content (is 0.70780 cent per Mcf).

The proposed increased rates exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 13, 1962.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6632; Filed, July 9, 1962; 8:45 a.m.]

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI62-516...	Parker Petroleum Company Inc. (Operator), et al., c/o Barth P. Walker, Trustee, 220 Cravens Bldg., Oklahoma City, Okla.	11	1	Northern Natural Gas Co. (South Glenwood Field, Beaver County, Okla.)	$4,279	5-28-62	[1] 7-1-62	12-1-62	[2] 16.845	[3] [4] 17.968	-
	do				2,374				[2] 16.260	[5] 17.376	-
RI62-517...	Keating-Parker Drilling Co. (Operator), et al., 510 National Bank of Tulsa Bldg., Tulsa 3, Okla.	3	1	Northern Natural Gas Co. (Northeast Gate Lake and South Glenwood Fields, Harper and Beaver Counties, Okla.).	7,518	5-29-62	[1] 7-1-62	12-1-62	[6] 16.620	17.728	-
	do								[7] 16.425	17.520	-
	do								[8] 16.695	17.808	-
	do								[9] 16.440	17.536	-
	do								[10] [11] 16.305	[3] [4] 17.392	-
	do								[12] 16.230	17.312	-
	do								[13] 16.380	17.472	-
	do								[2] 16.290	17.376	-
RI62-518...	Sinclair Oil & Gas Co., P. O. Box 521, Tulsa 2, Okla.	155	3	Northern Natural Gas Co. (Perryton Field, Ochiltree County, Tex.) (R.R. District No. 10).	1,028	5-29-62	[1] 7-1-62	12-1-62	16.5	[3] 17.5	RI61-56
RI62-519...	Sunray DX Oil Co., P.O. Box 2039, Tulsa, Okla.	141	4	Northern Natural Gas Co. (Embry Field, Edwards County, Kans.).	833	5-31-62	[1] 7-1-62	12-1-62	13.5	[3] 14.5	-
	Sunray DX Oil Co....	155	5	Northern Natural Gas Co. (Northeast Glenwood Field, Beaver County, Okla.).	1,360	5-29-62	[1] 7-1-62	12-1-62	[2] 16.69	[3] [4] 17.81	-
RI62-520...	Phillips Petroleum Co., Bartlesville, Okla.	183	13	Kerr-McGee Oil Industries, Inc., (Panhandle Field, Gray and Carson Counties, Tex.) (R.R. District No. 10).	216	6-4-62	[14] 7-5-62	12-5-62	11.5530	[15] 11.8067	RI61-332
RI62-521...	Sohio Petroleum Co., 970 First National Annex, Oklahoma City, Okla.	51	2	Northern Natural Gas Co. (Glenwood Field, Beaver County, Okla.).	300	5-31-62	[1] 7-1-62	12-1-62	[2] 16.335	[3] [4] 17.424	-
RI62-522...	John B. Hawley, Jr. (Operator), et al., c/o Northern Pump Co., Columbia Heights Post Office, Minneapolis 21, Minn.	4	3	Northern Natural Gas Co. (Hugoton Field, Finney County, Kans.).	[16] 831	5-31-62	[1] 7-1-62	12-1-62	12.0	[17] 13.0	-

[1] The stated effective date is the effective date proposed by respondent.
[2] Periodic rate increase.
[3] Subject to downward Btu adjustment below 1,000 Btu's.
[4] Consolidated with Order Modifying Order Issuing Certificates in Docket Nos. G-18338, et al.
[5] Includes base rate of 16.0 cents per Mcf plus Btu adjustment.
[6] Includes base rate of 16.0 cents per Mcf plus Btu adjustment.
[7] Lonker Unit.
[8] Berends Unit.
[9] Dunn Unit.
[10] Lochner Unit.
[11] Lewis Unit.
[12] Allen Unit.
[13] Hanzl Unit.
[14] The stated effective date is the first day after expiration of the required statutory notice.
[15] Redetermined rate increase.
[16] Based on contract rates. Amount based on adjusted Btu content is $589.
[17] Increased rate is adjusted for Btu content (is 0.70780 cent per Mcf).

[Docket Nos. RI62-524—RI62-538]

SUPERIOR OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; [1] and Allowing Rate Changes To Become Effective Subject to Refund

JUNE 29, 1962.

The Superior Oil Company, Docket No. RI62-524; The Superior Oil Company (Operator), et al., Docket No. RI62-525; V. F. Neuhaus, Docket No. RI62-526; John A. Newman (Operator), et al., Docket No. RI62-527; Clay Johnson, Jr., Docket No. RI62-528; Johnson & McCurdy, Docket No. RI62-529; Mrs. Mae Lusk, et al., Docket No. RI62-530; Mayfair Minerals, Inc., Docket No. RI62-531; Investors Syndicate of the Southwest, Inc., Docket No. RI62-532;

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Diversa, Inc., Docket No. RI62-533; The Sparta Oil Company (Operator), et al., Docket No. RI62-534; W. D. Kennard, Docket No. RI62-535; Jack W. Grigsby (Operator), et al., Docket No. RI62-536; Fisher Gas Company, Docket No. RI62-537; Tuppers Creek Gas Company, Docket No. RI62-538.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI62-524	The Superior Oil Co., P.O. Box 1521, Houston 1, Tex.	83	6	Coastal Transmission Corp. (Monte Christo Field, Hidalgo County, Tex.) (R.R. District No. 4).	$51,560	6-1-62	1 7-5-62	12-5-62	16.0	2 3 17.0	
	The Superior Oil Co.	85	3	Coastal Transmission Corp. (Oblate Field, Hidalgo County, Tex.) (R.R. District No. 4).	1,247	6-4-62	1 7-5-62	12-5-62	16.0	2 3 17.0	
	Do	86	4	Coastal Transmission Corp. (North Monte Christo Field, Hidalgo County, Tex.) (R.R. District No. 4).	1,361	6-4-62	1 7-5-62	12-5-62	16.0	2 3 17.0	
RI62-525	The Superior Oil Co. (Operator), et al.	84	5	Coastal Transmission Corp. (South Alvin, Brazoria County, Tex.) (R.R. District No. 3).	36,192	6-4-62	1 7-5-62	12-5-62	17.5	2 3 18.5	
	Do	87	4	Coastal Transmission Corp. (Algoa Field, Galveston County, Tex.) (R.R. District No. 3).	9,712	6-4-62	1 7-5-62	12-5-62	18.0	2 3 19.0	
RI62-526	V. F. Neuhaus, P.O. Drawer 72, Mission, Tex.	5	2	Coastal Transmission Corp. (North Rincon Field, Starr County, Tex.) (R.R. District No. 4).	7,309	6-4-62	1 7-5-62	12-5-62	16.0	2 3 4 17.0	
	V. F. Neuhaus	6	1	Coastal Transmission Corp. (Cortez Field, Starr County, Tex.) (R.R. District No. 4).	4,561	6-4-62	1 7-5-62	12-5-62	4 16.0	2 3 4 17.0	
RI62-527	John A. Newman (Operator), et al., 3624 Belfontaine, Houston 25, Tex.	1	3	Coastal Transmission Corp. (Lochridge Field, Brazoria County, Tex.) (R.R. District No. 3).	2,500	6-4-62	1 7-5-62	12-5-62	4 17.5	2 3 18.5	
RI62-528	Clay Johnson, Jr., 1213 First National Bank Bldg., Fort Worth 2, Tex.	1	4	....do	1,187	6-4-62	1 7-5-62	12-5-62	17.5	2 3 18.5	
RI62-529	Johnson & McCurdy, 1214-16 First National Bank Bldg., Fort Worth 2, Tex.	1	4	....do	2,373	6-4-62	1 7-5-62	12-5-62	17.5	2 3 18.5	
RI62-530	Mrs. Mae Lusk, et al., Number 11 U-Tote'm Lane, Houston 24, Tex.	1	3	....do	2,099	6-1-62	1 7-2-62	12-2-62	17.5	2 3 18.5	
RI62-531	Mayfair Minerals, Inc., P. O. Box 940, McAllen, Tex.	3	1	Coastal Transmission Corp. (South McAllen Field, Hidalgo County, Tex.) (R.R. District No. 4).	5,000	6-6-62	1 7-7-62	12-7-62	16.0	3 17.0	
RI62-532	Investors Syndicate of the Southwest, Inc., 211 First National Bank Bldg., McAllen, Tex.	1	1	Coastal Transmission Corp. (North Monte Christo Field, Hidalgo County, Tex.) (R.R. District No. 4).	5,580	6-4-62	1 7-5-62	12-5-62	16.0	2 3 17.0	
RI62-533	Diversa, Inc., 633 Meadows Bldg., Dallas, Tex., Attn: Mr. Dale Carpenter.	5	2	Coastal Transmission Corp. (Flores Field, Starr and Hidalgo Counties, Tex.) (R.R. District No. 4).	675	6-4-62	1 7-5-62	12-5-62	16.0	2 3 17.0	
	Diversa, Inc	7	2	Coastal Transmission Corp. (West Fulton Beach Field, Aransas County, Tex.) (R.R. District No. 4).	900	6-4-62	1 7-5-62	12-5-62	17.0	2 3 18.0	
RI62-534	The Sparta Oil Co. (Operator), et al., 2419 Fannin St., Houston 2, Tex.	3	1	Coastal Transmission Corp. (West League City Field, Galveston County, Tex.) (R.R. District No. 3).	8,211	6-6-62	1 7-7-62	12-7-62	18.0	2 3 19.0	
RI62-535	W. D. Kennard, 1015 Nyssa St., McAllen, Tex.	4	5	Coastal Transmission Corp. (McGill Field, Kenedy County, Tex.) (R.R. District No. 4).	1,200	6-5-62	1 7-6-62	12-6-62	16.5	2 3 17.5	
RI62-536	Jack W. Grigsby (Operator), et al., 1002 Beck Bldg., Shreveport, La.	8	3	United Gas Pipe Line Co. (Crescent Farms Field, Terrebonne Parish, La.).	62,100	6-1-62	1 7-2-62	12-2-62	10.75	4 22.25	
RI62-537	Fisher Gas Co., 302 Jarvis St., Charleston, W. Va.	1	2	Cabot Corp. (Cabin Creek District, Kanawha County, W. Va.).	134	6-6-62	1 7-7-62	5 7-8-62	16.666	3 6 21.012	
RI62-538	Tuppers Creek Gas Co., 302 Jarvis St., Charleston, W. Va.	4	2	Cabot Corp. (Kanawha District, Fayette County, W. Va.).	208	6-6-62	1 7-7-62	5 7-8-62	14.40	3 6 18.312	
	Tuppers Creek Gas Co.	3	2	....do	60	6-6-62	1 7-7-62	5 7-8-62	14.666	3 6 19.012	

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] Pressure base is 14.65 psia.
[3] Subject to downward Btu adjustment below 1,000 Btu's.
[4] 16.915 cents per Mcf after adjustment for 995 Btu per cu. ft. gas.
[5] Consolidated with Order on Rehearing Modifying Order Issuing Certificate in Docket No. G-18338, et al.
[6] Pressure base is 15.025 psia.
[7] Pressure base is 15.325 psia.
[8] The suspension period is limited to 1 day.
[9] Revenue-sharing increase.

The revenue-sharing rate increases of Fisher Gas Company and Tuppers Creek Gas Company do not exceed the ceiling for increased rates in West Virginia, but should be suspended because they are based on the purchaser's (Cabot Corporation) resale rate which is currently effective subject to refund in Docket No. RI61-308. The suspension period for each of the aforementioned revenue-sharing increases may be shortened to one day from the date of expiration of the required statutory notice.

The other producers' rate changes herein are periodic increases and exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changed rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* The supplements to the rate schedules filed by Fisher Gas Company and Tuppers Creek Gas Company, as set forth above, shall become effective subject to refund on the date and in the manner prescribed if within 20 days from the date of issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 13, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6633; Filed, July 9, 1962; 8:45 a.m.]

[Docket Nos. G-13018, G-13019]

PACIFIC NORTHWEST PIPELINE CORP. AND EL PASO NATURAL GAS CO.

Temporary Authorization and Prescribing Procedure

JULY 2, 1962.

On June 28, 1962, the Court of Appeals for the District of Columbia Circuit entered an order which vacated this Commission's order of December 23, 1959, issuing a certificate of public convenience and necessity to El Paso Natural Gas Company (El Paso) to acquire and operate the facilities of Pacific Northwest Pipeline Corporation (Pacific). The case was remanded to this Commission for proceedings in conformity with the opinion of the Supreme Court of the United States in California v. F.P.C., et al., No. 187, October Term, 1961 (issued April 30, 1962).

On June 22, 1959, the Federal Government commenced an action against El Paso and Pacific alleging that El Paso's acquisition of the stock of Pacific violated section 7 of the Clayton Act. That action is now pending before the United States District Court for the District of Utah. In view of the Supreme Court's decision it is necessary that further action on the question of the acquisition and operation of Pacific's facilities by El Paso under the Natural Gas Act be stayed pending the outcome of those proceedings. Accordingly, this Commission will take no further action upon El Paso's application to acquire Pacific's facilities until such time as the anti-trust questions are finally resolved in the Federal courts.

The question remains as to the status of the facilities of the former Pacific Northwest Pipeline which under our vacated order were operated, together with certain facilities constructed since that time, as El Paso's Northwest Division Pipeline. We deem it advisable, prior to our resolution of this matter, to allow those parties of record interested in this matter to file pleadings, statements of position or arguments with the Commission suggesting further action which the Commission should take with respect to the manner in which the Supreme Court's decision should be implemented prior to the determination of the anti-trust case. It is recognized that there are many complex problems involved in such a determination. However, in view of the need for expeditious action, it is found that those parties who may be interested should file such pleadings, statements of position or arguments within fifteen days of the issuance of this order.

In the meantime, however, it is clear that the public interest requires maintenance of the service to the customers along the route of the Pacific Northwest Division of El Paso's pipeline system as it has been operating prior to the order of the Court of Appeals. Accordingly we shall temporarily authorize El Paso to continue to operate Pacific's facilities to the extent necessary to maintain existing service in the Pacific Northwest Division, such authorization to remain in effect until such time as the ultimate determination of the appropriate manner of meeting public interest requirements pending resolution of the anti-trust proceeding can be made and put into effect.

The Commission orders:

(A) The parties to this proceeding may file within fifteen days from the date of this order such pleadings, statements of position or arguments with respect to the further action which the Commission should take in accordance with the Court's mandate and the obligations of the public interest in the maintenance of adequate gas transmission facilities.

(B) El Paso Natural Gas Company is hereby issued a temporary certificate to operate the facilities of its Pacific Northwest Division until the effective date of such further order of this Commission specifying the manner of operation of the facilities of the former Pacific Northwest Pipeline Corporation pending final resolution of United States v. El Paso Natural Gas Company, Civil Action No. 143-57 (D.C. Utah).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6668; Filed, July 9, 1962; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

[Commission Order 1; Amdt. 4]

OFFICE OF INTERNATIONAL AFFAIRS

Organization and Functions; Alternate Director

The basic order is hereby amended to reflect the designation of an alternate to the Director, Office of International Affairs, on the Special Permission Committee. Accordingly, section 8 is amended by addition of subparagraph 8.04 as follows:

8.04 The Director, Bureau of Financial Analysis is designated as an alternate for the Director, Office of International Affairs, on the Special Permission Committee.

Dated: July 2, 1962.

THOS. E. STAKEM

[F.R. Doc. 62-6604; Filed, July 9, 1962; 8:52 a.m.]

W. R. ZANES & CO. OF LA., INC., AND J. CORTINA

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 8939 is a cooperative working arrangement between W. R. Zanes & Co. of La., Inc. (New Orleans), and J. Cortina (Tampa), under which the parties will perform freight forwarding services for each other. Forwarding fees will be divided between the parties on the basis of the services to be performed; compensation received from the ocean carrier on shipments handled pursuant to the agreement will be divided as agreed.

Interested persons may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to it, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: July 5, 1962.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 62-6693; Filed, July 9, 1962; 8:52 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14341-14344; FCC 62M-934]

COLLIER ELECTRIC CO.

Order Continuing Hearing

In re applications of Collier Electric Company, for renewal of the license for Station KAQ79, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Fort Morgan, Colorado, Docket No. 14341, File No. 848-C1-R-61; for renewal of the license for Station KAQ80, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Sterling, Colorado, Docket No. 14342, File No. 849-C1-R-61; for renewal of the license for Station KAQ81, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Sidney, Nebraska, Docket No. 14343, File No. 2670-C1-R-61; for renewal of the license for Station KAS41, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Bridgeport, Nebraska, Docket No. 14344, File No. 2710-C1-R-61.

The Hearing Examiner having under consideration:

(a) Orders and Memorandum Opinions and Orders heretofore issued herein;

(b) The record made at the prehearing conferences;

(c) A Petition for Leave to Amend with a proffered amendment attached thereto, filed on behalf of Collier Electric Company (Collier), on June 29, 1962; and

(d) The statements made at an informal conference of all parties to the proceeding held at the office of the Hearing Examiner on June 29, 1962, at the joint request of counsel for Collier and counsel for Frontier Broadcasting Company (Frontier).

It appearing that in a Memorandum Opinion and Order released by the Commission on February 19, 1962 (FCC 62-175), the Commission added a so-called economic impact issue to the proceedings herein;

It further appearing that in a Memorandum Opinion and Order released February 27, 1962 (FCC 62M-293), the Hearing Examiner in scheduling a further prehearing conference called the attention of the parties to the aforementioned economic impact issue, and the Commission's final decision in Carter Mountain Transmission Corporation, 22 RR 193, particularly paragraph 17 thereof and stated that he expected counsel for Collier and Frontier to confer prior to the conference in order to explore the possibility of meeting the criteria set forth by the Commission in the aforementioned Carter Mountain decision with respect to non-duplication;

It further appearing that in the aforementioned Petition for Leave to Amend it is alleged that, pursuant to the requirement of the Examiner, counsel for Collier made a written offer of non-duplias early as April 26, 1962, counsel for Collier made a written offer of non-duplication to counsel for Frontier;

It further appearing upon additional consideration and consultation Collier determined to formalize an offer of non-duplication in the form of an amendment to its application;

It further appearing that, although Frontier reserves the right to make requests for some modifications in the offer of non-duplication contained in the proffered amendment, it appears that this offer is generally satisfactory to it;

It further appearing that all parties except counsel for the Common Carrier Bureau advised the Examiner at the June 29 informal conference that they had no objection to the substance of the request for leave to amend and recommended that the amendment be accepted; counsel for the Common Carrier Bureau feeling that his Bureau should have time to consider the matter further and to submit its comments or objections as provided for in the Commission's rules (47 CFR 1.43);

It further appearing to the Examiner, that, in view of the efforts made and the progress attained in the formulation of a non-duplication agreement the hearing herein now scheduled to commence on July 5, 1962, should not be held until the Examiner has had a reasonable opportunity to dispose of the Petition for Leave to Amend because the course of the hearing, the length thereof and the efforts to be expended by the parties may be substantially affected by action which the Examiner and, thereafter the Commission might take on the Petition for Leave to Amend and subsequent pleadings, should they become necessary;

It further appearing that the dictates of equity require that the hearing herein be postponed until such time as the matters arising out of the Petition for Leave to Amend are disposed of;

It further appearing that unanimous agreement could not be secured on a request for a postponement made at the aforementioned informal conference of June 29;

It is ordered, This 2d day of July 1962, on the Examiner's own motion that the hearing herein, now scheduled to commence on July 5, 1962, is postponed until further order of the Examiner: *Provided, however*, That any party to the proceeding may for good cause shown petition that the hearing be rescheduled to commence on a date certain.

Released: July 3, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6712; Filed, July 9, 1962; 8:56 a.m.]

[Docket Nos. 14617-14621]

MARTIN R. KARIG ET AL.

Notice of Place of Hearing

In the matter of Revocation of Construction Permit of Martin R. Karig for Standard Broadcast Station WIZR, Johnstown, New York, Docket No. 14617; In re application of SPA Broadcasters, Inc. (WSPN), Saratoga Springs, New York, Docket No. 14618, File No. BR-2958; for Renewal of License for Standard Broadcast Station WSPN, Saratoga Springs, New York; In re applications of Radio Station WRSA, Inc., Troy, New York, Docket No. 14619, File No. BP-13827; SPA Broadcasters, Inc. (WSPN), Saratoga Springs, New York, Docket No. 14620, File No. BP-13828; Genkar, Incorporated, Gouverneur, New York, Docket No. 14621, File No. BP-13899; for construction permits.

The hearing on the above-entitled matter presently scheduled for Monday, July 16, 1962, will be held at 10:00 a.m. in Administration Building Public School, 5 Wells Street, Saratoga Springs, New York.

Dated: July 3, 1962.

Released: July 5, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6713; Filed, July 9, 1962; 8:57 a.m.]

[Docket Nos. 14552-14556]

LARAMIE COMMUNITY TV CO. AND ALBANY ELECTRONICS, INC.

Notice of Place of Hearing

In the matter of Laramie Community TV Company, Division of Collier Community TV Co., Inc., Laramie, Wyoming, Docket No. 14552, File No. BPTTV-78; Laramie Community TV Company, Division of Collier Community TV Co., Inc., Tie Siding, Wyoming, Docket No. 14553, File No. BPTTV-79; Laramie Community TV Company, Division of Collier Community TV Co., Inc., Laramie, Wyoming, Docket No. 14554, File No. BPTTV-80; Albany Electronics, Inc., Laramie, Wyoming, Docket No. 14555, File No. BPTTV-539; Docket No. 14556, File No. BPTTV-540; for construction permits for VHF translator stations.

The hearing on the above-entitled matter presently scheduled for Thursday, July 19, 1962, will be held at 9:00 a.m. in Moot Courtroom, Law School, Second floor College of Law Building, University of Wyoming, University Campus, Laramie, Wyoming.

Dated: July 2, 1962.

Released: July 3, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6714; Filed, July 9, 1962; 8:57 a.m.]

[Docket Nos. 14527, 14528; FCC 62M-937]

PEOPLE'S BROADCASTING CO. (WPBC) AND GABRIEL BROADCASTING CO.

Order Continuing Hearing

In re applications of People's Broadcasting Company (WPBC), Minneapolis, Minnesota, Docket No. 14527, File No. BP-13692; Nicholas Tedesco and Victor J. Tedesco d/b as Gabriel Broadcasting Company, Chisholm, Minnesota, Docket No. 14528, File No. BP-14416; for construction permits.

The Hearing Examiner having under consideration (1) a "Joint Petition to Continue Hearing and Waiver of Rule for Consideration" filed by the applicants in the above-entitled matter on June 26, 1962, (2) "Opposition of Broadcast Bureau to Joint Petition to Continue Hearing and Waiver of Rule for Consideration" filed June 28, 1962, and (3) the record of an oral argument held on the matter on July 2, 1962,

It is ordered, This 2d day of July 1962, that the petition is granted to the extent that the hearing heretofore schedule for July 2, 1962, be and hereby is continued to 10:00 a.m., July 23, 1962, in Washington, D.C.

Released: July 3, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6715; Filed, July 9, 1962; 8:57 a.m.]

SMALL BUSINESS ADMINISTRATION

GREATER KANSAS CITY RESEARCH, DEVELOPMENT AND PRODUCTION POOL

Notice of a Small Business Concern Which Has Become a Member of a Small Business Research and Development and Production Pool

Pursuant to sections 9(d) and 11 of the Small Business Act (72 Stat. 391, 394), and section 1 of Executive Order 10493 (18 F.R. 6583), dated October 15, 1953, the names of the following small business concerns are herewith published. These small business concerns became members of the Greater Kansas City Research, Development and Production Pool to participate in the operations and joint program of the pool. The list of original applicants was published in 26 F.R. 9002 (September 23, 1961).

The J. B. Ehrsam & Sons Manufacturing Co., 1416 Board of Trade Building, Kansas City, Mo.

Mid-States Ornamental Iron Co., 5321 East Ninth Street, Kansas City 24, Mo.

West Side Machine Works, Inc., 1001 North Third Street, Kansas City, Kans.

Dated: July 2, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-6675; Filed, July 9, 1962; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

JULY 3, 1962.

The common stock, $1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 5, 1962, to July 14, 1962, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 62-6672; Filed, July 9, 1962; 8:47 a.m.]

[File No. 1-4579]

AUTOMATED PROCEDURES CORP.

Order Summarily Suspending Trading

JULY 3, 1962.

The Class A stock, par value 5 cents per share, of Automated Procedures Corp., being listed and registered on The National Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 5, 1962, to July 14, 1962, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 62-6673; Filed, July 9, 1962; 8:47 a.m.]

[File No. 1-4597]

INDUSTRIAL ENTERPRISES, INC.

Order Summarily Suspending Trading

JULY 3, 1962.

The Common assessable stock, $1.00 par value, of Industrial Enterprises, Inc., being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 4, 1962, to July 13, 1962, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 62-6674; Filed, July 9, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 660]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 5, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 65070. By order of June 28, 1962, the Transfer Board approved the transfer to Homer Jones Moving & Storage, Inc., Columbus, Ga., of Certificate No. MC 50350, issued August 23, 1961, to Homer Jones, doing business as Homer Jones Transfer Company, Columbus, Ga., authorizing the transportation of: Household goods and office furniture, between points in Alabama and Georgia, within 150 miles of Columbus, Ga., and Tombstones and monuments, between points in Alabama and Georgia, within 50 miles of Columbus, Ga. James L. Flemister, 230 Fulton Federal Building, Atlanta 3, Ga., attorney for applicants.

No. MC–FC 65085. By order of June 27, 1962, the Transfer Board approved the transfer to Herms Trucking Inc., Trenton, N.J., of Certificate No. MC 117676, issued July 24, 1959, to Joseph W. Jadczak, doing business as Pratt Trans. Co., Philadelphia, Pa., authorizing the transportation of: Bananas, from New York, N.Y., Weehawken, N.J., and Baltimore, Md., to Philadelphia, Pa. Morris J. Winokur, 1920 Two Penn Center Plaza, Philadelphia 2, Pa., attorney for applicants.

No. MC–FC 65092. By order of June 28, 1962, the Transfer Board approved the transfer to Stevens H. Harris, doing business as Harris Oil Co., Imperial, Calif., of a portion of Certificate No. MC 109126 issued December 22, 1958, to LaSalle Trucking Company, San Diego, Calif., authorizing the transportation of: Liquid petroleum products, in bulk, in tank vehicles, from Colton and Niland, Calif., to ports of entry on the United States-Mexico Boundary Line at or near Calexico, Tecate, and Andrade, Calif., and San Luis, Ariz., petroleum products, in bulk, in tank vehicles, from Imperial, Calif., and points within 10 miles thereof, to ports of entry on the United States-Mexico Boundary Line at Calexico, Tecate, and Andrade, Calif., and San Luis, Ariz., and liquid petroleum products, in bulk, in tank vehicles, from Imperial, Calif., and points within 10 miles thereof, to Yuma, Ariz., and points in Arizona within 50 miles of Yuma. Phil Jacobson, 510 West Sixth Street, Los Angeles 14, Calif., attorney for applicants.

No. MC–FC 65095. By order of June 27, 1962, the Transfer Board approved the transfer to Allen Russell, doing business as Allen Russell Trucking Company, Franklin, Ky., of Certificate No. MC 114507 Sub-2, issued July 31, 1958, to John Downing, Bowling Green, Ky., authorizing the transportation of: Fertilizer, in packages, from Mount Pleasant, Tenn., to points in Adair, Barren, Butler, Christian, Clinton, Cumberland, Edmonson, Grayson, Green, Hart, Marion, Monroe, Ohio, Russell, and Taylor Counties, Ky. Henry J. Potter, Jr., 511½ East 10th Street, Bowling Green, Ky., attorney for applicants.

No. MC–FC 65111. By order of June 27, 1962, the Transfer Board approved the transfer to Springfield-Agawam Bus Lines, Inc., West Springfield, Mass., of Certificate Nos. MC 106668 and MC 106668 Sub-2, issued October 25, 1946, and November 28, 1950, respectively, to E. R. LaValley, Springfield, Mass., authorizing the Transportation of: Passengers and their baggage, and express, mail, and newspapers, in the same vehicle, between Springfield, Mass., and Westfield, Mass., and between Springfield, Mass., and Shaker Pines, Conn., over specified regular routes, serving all intermediate points. William L. Mobley, 1694 Main Street, Springfield 3, Mass., representative for applicants.

No. MC–FC 65158. By order of June 28, 1962, the Transfer Board approved the transfer to Colonial Van Lines, Inc., Reading, Mass., of Certificate No. MC 73962, issued August 21, 1957, to Benjamin Jaffee, Nathan Jaffee, and Aaron Jaffee, a partnership, doing business as M. Jaffee and Sons, Easton, Pa., authorizing the transportation over irregular routes, of household goods, between Easton, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Rhode Island, and the District of Columbia; between Easton, Pa., and Phillipsburg, N.J., and points within 30 miles of Easton and Phillipsburg, respectively, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, and Ohio; between Easton, Pa., and Phillipsburg, N.J., and points within 30 miles of each, on the one hand, and, on the other, points in North Carolina, Virginia, and West Virginia; between Easton, Pa., and Phillipsburg, N.J., and points within 30 miles of each, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Kentucky, South Carolina, and Tennessee. Joseph A. Kline, 185 Devonshire Street, Boston, Mass., attorney for applicants.

No. MC–FC 65159. By order of June 28, 1962, the Transfer Board approved the transfer to Colonial Van Lines, Inc., Reading, Mass., of Certificate No. MC 36937 issued October 13, 1950, to Paul D. Doucette, Reading, Mass., authorizing the transportation of household goods, over irregular routes, between Chelsea, Mass., and points in Massachusetts within 10 miles of Chelsea, on the one hand, and, on the other, points in Massachusetts, New Hampshire, Maine, Vermont, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania. Joseph A. Kline, 185 Devonshire Street, Boston 10, Mass., attorney for applicants.

No. MC–FC 65166. By order of June 28, 1962, the Transfer Board approved the transfer to Henry O. Flategraf and Alfred M. Flategraff, a partnership, doing business as Gardner Truck Line, Pine River, Minn., of Certificate No. MC 1718 issued June 1, 1949, to Henry O. Flategraf, doing business as Gardner Truck Line, Pine River, Minn., authorizing the transportation, over irregular routes, of butter, from Pequot Lakes, Minn., to Duluth, Minn., wooden spools, reels and lagging, from Pine River, Minn., to Minneapolis, St. Paul and Duluth, Minn., new store and new office fixtures and new furniture, uncrated, from Pine River, Minn., to points in Iowa, North Dakota, South Dakota, and Wisconsin. W. E. Hustleby, 1681 Highland Parkway, St. Paul 16, Minn., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-6680; Filed, July 9, 1962; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 5, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37822: *Lumber and related articles from points in Montana.* Filed by Trans-Continental Freight Bureau, Agent (No. 389), for interested rail carriers. Rates on lumber and related articles, in carloads, from points in Montana, to points in Minnesota, North Dakota, and South Dakota.

Grounds for relief: Motor-truck competition.

Tariffs: Supplements 96 and 107 to Trans-Continental Freight Bureau tariffs I.C.C. 1589 and 1581, respectively.

FSA No. 37823: *Crude rubber from Orange, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B–8234), for interested rail carriers. Rates on crude rubber, artificial, guayule, natural, neoprene, or synthetic, loose or in packages, in carloads, from Orange, Tex., to points in official (including Illinois), southern, southwestern, and western trunk-line territories.

Grounds for relief: Modified short-line distance formula and grouping.

Tariff: Supplement 27 to Southwestern Freight Bureau tariff I.C.C. 4417.

FSA No. 37824: *Dry fertilizers from, to and between points in southwestern and WTL territories.* Filed by Southwestern Freight Bureau, Agent (No. B–8232), for interested rail carriers. Rates on fertilizer and fertilizer materials, as described in the application, in carloads, from, to and between points in southwestern and western trunk-line territories; also from points in southern territory to points in southwestern and western trunk-line territories.

Grounds for relief: Modified short-line distance formula and grouping.

Tariffs: Supplement 203 to Southwestern Freight Bureau tariff I.C.C. 4252, and 5 other schedules listed in the application.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-6681; Filed, July 9, 1962; 8:48 a.m.]

[Notice 656]

MOTOR CARRIER TRANSFER PROCEEDINGS

Correction

In F.R. Doc. 62–6375, appearing at page 6244 of the issue for Saturday, June 30, 1962, the designation "No. MC–FC 65007" which begins the fifth paragraph should read "No. MC–FC 65057".

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11035

MANAGEMENT OF FEDERAL OFFICE SPACE

By virtue of the authority vested in me by the Federal Property and Administrative Services Act of 1949, as amended, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Administrator of General Services (hereinafter referred as the Administrator) shall initiate and maintain plans and programs for the effective and efficient acquisition and utilization of Federally-owned and leased office space located in the states of the United States or in the District of Columbia or in Puerto Rico (hereinafter termed "in the United States"). The Administrator shall prepare and issue standards and criteria for the use of such office space and shall periodically undertake surveys of space requirements and space utilization in the executive agencies and initiate actions and formulate programs to meet the essential office space requirements of executive agencies. In carrying out these functions, the Administrator shall (a) coordinate proposed programs and plans for office buildings and space with the Bureau of the Budget, (b) obtain from the Civil Service Commission and the Office of Emergency Planning any information in the possession of those agencies which may bear upon such programs and plans, (c) take steps to relate programs for Federal office space to urban and metropolitan area planning and redevelopment objectives, (d) seek the cooperation of the heads of the executive agencies concerned with any of the foregoing, and (e) annually submit long-range plans and programs for the acquisition, modernization, and use of space for approval by the President.

SEC. 2. In carrying out the provisions of Section 210(e) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(e)):

(a) The Administrator, and the heads of executive agencies, shall be guided by the following policies for the assignment, reassignment, and utilization of office buildings and space in the United States:

(1) Primary consideration shall be given to the efficient performance of the missions and programs of the executive agencies, with due regard for the convenience of the public served and the maintenance and improvement of the working conditions of employees;

(2) Maximum use shall be made of existing Government-owned permanent buildings which are adequate or economically adaptable to the space needs of executive agencies;

(3) Suitable privately-owned space shall be acquired only when satisfactory Government-owned space is not available, and only at rental charges which are consistent with prevailing scales in the community for comparable facilities;

(4) Space planning and assignments shall take into account the objective of consolidating agencies and constituent parts thereof in common or adjacent space for the purpose of improving management and administration;

(5) The quality of office space for Government operations shall be appropriate for the efficient and economical performance of governmental activities, while affording employees safe, healthful, and convenient conditions of employment.

(b) The Administrator shall assign and reassign office space in the United States upon his determination that such assignment or reassignment will serve to improve the management and administration of governmental activities and services, and will foster economy and efficiency. Prior to making such determinations, the Administrator shall consult with the heads of the executive agencies concerned and

take fully into account their requirements, consistent with his responsibilities. In the event that a head of an agency deems space assigned or reassigned to his agency to be unsuitable, and the agency head and the Administrator are unable to resolve the matter, the former, as promptly as may be practicable and in no event later than the effective date of the Administrator's assignment or reassignment, may make a written report thereof, including information and views pertinent thereto, to the President or to the Director of the Bureau of the Budget.

SEC. 3. The heads of executive agencies shall (a) cooperate with and assist the Administrator in carrying out his responsibilities respecting office buildings and space, (b) take measures to give the Administrator early notice of new or changing space requirements, (c) seek to economize in their requirements for space, and (d) review continuously their needs for space in and near the District of Columbia, taking into account the feasibility of decentralizing services or activities which can be carried on elsewhere without excessive costs or significant loss of efficiency.

SEC. 4. The provisions of this order shall be subject to applicable provisions of law (including applicable provisions of any reorganization plan).

SEC. 5. To the extent that it pertains to office space and buildings, the letter of the President to the Administrator, General Services Administration, dated August 31, 1960, is hereby superseded.

JOHN F. KENNEDY

THE WHITE HOUSE,
July 9, 1962.

[F.R. Doc. 62-6811; Filed, July 9, 1962; 5:03 p.m.]

Rules and Regulations

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 82, 6th Rev.]

PART 309—VESSEL VALUES FOR WAR RISK INSURANCE

Part 309 is hereby revised by changing the existing text to read as follows:

FINDINGS AND SCOPE

Sec.
309.1 Findings.
309.2 Scope.

BASIC VALUES

309.3 Vessels built during or after 1939.
309.4 Vessels built prior to 1939.

GENERAL PROVISIONS

309.5 Adjustments for condition, equipment and other considerations.
309.6 Definitions.
309.7 Modifications.
309.8 Vessel data forms.

VALUES FOR INDIVIDUAL VESSELS

309.101 Determination of values.

AUTHORITY: §§ 309.1 through 309.8 and 309.101 issued under sec. 204, 49 Stat. 1987, as amended, sec. 1209, 64 Stat. 775, as amended, 70 Stat. 984; 46 U.S.C. 1114, 1289.

FINDINGS AND SCOPE

§ 309.1 Findings.

The Maritime Administrator has found that the values provided in this part constitute just compensation for the vessels to which they apply, computed in accordance with subsection 902(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1242), pursuant to section 1209(a), Merchant Marine Act, 1936, as amended (46 U.S.C. 1289(a)), Public Law 958, 84th Congress, and the authority delegated to the Maritime Administrator by the Secretary of Commerce in section 3, of Department Order No. 117 (Revised) (26 F.R. 7713, August 17, 1961).

§ 309.2 Scope.

(a) *Vessels included.* This part establishes values for self-propelled ocean-going iron and steel vessels (other than vessels excluded pursuant to paragraph (b) of this section) for which war risk insurance is provided by the Maritime Administrator pursuant to Title XII, Merchant Marine Act, 1936, as amended (46 U.S.C. 1281–1294), Public Law 763, 81st Congress, Public Law 209, 84th Congress, Public Law 958, 84th Congress. The values established by this part represent the maximum amounts for which the Maritime Administrator will provide war risk hull insurance for damage to or actual or constructive total loss of the vessel and for which claims for damage to or actual or constructive total loss of such insured vessels may be adjusted, compromised, settled, adjudged, or paid, by the Maritime Administrator with respect to insurance attaching on or after January 1, 1962, under the Standard Forms of War Risk Hull insurance Interim Binder or policy prescribed by §§ 308.106 and 308.107 of this chapter (General Order 75, 2d Rev., 26 F.R. 4541, May 26, 1961). Revised values will be prescribed in subsequent revisions of this part, which are expected to be issued at least every six months. The latest published values will remain in effect until new ones are published.

(b) *Vessels excluded.* The values established pursuant to §§ 309.3 through 309.5 do not apply to pasenger vessels, lumber schooners, car ferries, seatrains, cable ships, bulk cement and ore carriers other than colliers built prior to 1939, vessels operated on the Great Lakes and inland waterways, fully refrigerated vessels, vessels of less than 1,500 gross tons, or any other vessels or class of vessels to which the Martime Administrator finds that the provisions of said sections would not be appropriate. Values for vessels excluded by this paragraph (b), shall be specifically determined by the Maritime Administrator and set forth in § 309.101.

(c) *Fuel, stores, and supplies.* Values for fuel, stores and supplies will be prescribed at a later date.

BASIC VALUES

§ 309.3 Vessels built during or after 1939.

(a) *Basic values.* The values of vessels built during or after 1939 shall be determined in accordance with this section, subject to the applicable adjustments provided in § 309.5.

(b) *War-built vessels.* (1) The values of the standard types of war-built vessels listed in this subparagraph (1) which have the lawful right to engage in the coastwise trade of the United States are as follows:

Standard-type vessel	*Value*
EC2-S-C1	$300,000
EC2-S-AW1	320,000
VC2-S-AP2	500,000
C1-M-AV1	320,000
C1-A and B (Steam)	400,000
C1-A and B (Diesel)	380,000
C2-S-B1	685,000
C3-S-A2	875,000
C4-S-B5	980,000
T1-M-BT	340,000
T2-SE-A1	470,000
T3-S-A1	480,000
T3-S-BZ1	1,030,000

(2) The values of the standard types of war-built vessels (whether under United States or foreign flag) listed in this subparagraph (2) which do not have the lawful right to engage in the coastwise trade of the United States are as follows:

Standard-type vessel	*Value*
EC2-S-C1	$270,000
EC2-S-AW1	305,000
C1-M-AV1	295,000
VC2-S-AP2	465,000
C1-A (Diesel)	360,000
T2-SE-A1	285,000
T1-M-BT	225,000

(3) The values of the standard subtypes of war-built vessels listed in this subparagraph (3) shall be determined as follows:

(i) If the subtype vessel has the lawful right to engage in the coastwise trade of the United States, by multiplying the basic value of the standard-type vessel listed in subparagraph (1) of this paragraph by the factor shown opposite the subtype in the table set forth in this subparagraph (3), or

(ii) If the subtype vessel does not have the lawful right to engage in the coastwise trade of the United States, by multiplying the basic value of the standard-type vessel listed in subparagraph (2) of this paragraph by the factor shown opposite the subtype in this table, set forth in the subparagraph (3).

TABLE

Subtype	*Factor*
VC2-S-AP3	112%—VC2-S-AP2
VC2-M-AP4	90%—VC2-S-AP2
C1-M-AV6	100%—C1-M-AV1
C1-M-AV8	100%—C1-M-AV1
C2-S-A1	85%—C2-S-B1
C2-S-AJ1	100%—C2-S-B1
C2-S-AJ2	110%—C2-S-B1
C2-S-AJ3	100%—C2-S-B1
C2-S-AJ5	105%—C2-S-B1
C2-Cargo	100%—C2-S-B1
C2-S-E1	100%—C2-S-B1
C2-F	100%—C2-S-B1
C2-S	103%—C2-S-B1
C2-SU	95%—C2-S-B1
C3-Cargo	100%—C3-S-A2
C3-S-A1	100%—C3-S-A2
C3-S-A3	80%—C3-S-A2
C3-S-A4	109%—C3-S-A2
C3-S-A5	109%—C3-S-A2
C3-E	74%—C3-S-A2
C3-M	100%—C3-S-A2
C3-S-BH1	100%—C3-S-A2
C3-S-BH2	105%—C3-S-A2
C4-S-A4	100%—C4-S-B5
T1-M-BT1	100%—T1-M-BT
T1-M-BT2	100%—T1-M-BT
T2-SE-A2	108%—T2-SE-A1
T2-SE-A3	108%—T2-SE-A1
T2	108%—T2-SE-A1
T3-M-AZ1	110%—T3-S-A1
T3-S-BF1	130%—T3-S-A1

(c) *Other vessels.* The value of a vessel built during or after 1939 which is not included in paragraph (b) of this section shall be the current domestic market value as determined by the Maritime Administrator.

§ 309.4 Vessels built prior to 1939.

The basic values of vessels built prior to 1939 shall be as follows, subject to applicable adjustments provided in § 309.5:

(a) For dry cargo vessels, $6.25 per deadweight ton;

(b) For tank vessels, $6.00 per deadweight ton;

(c) For collier vessels, $6.25 per deadweight ton.

GENERAL PROVISIONS

§ 309.5 Adjustments for condition, equipment and other considerations.

The basic values provided in § 309.3 shall be adjusted for individual vessels to the extent provided in paragraphs (a)

to (d) of this section. The basic values provided in § 309.4 shall be adjusted for individual vessels to the extent provided in paragraphs (a) to (f) of this section.

(a) *Adjustment for a vessel of substandard condition.* If the Maritime Administrator is of the opinion that a vessel is not in class or is in substandard condition for a vessel of her type or subtype and age, there shall be subtracted from the basic value of such vessel, as determined pursuant to §§ 309.3 and 309.4 the amount estimated by the Administrator as the cost of putting the vessel in class or the amount estimated by the Administrator as the difference in value of the substandard vessel and a vessel in standard condition.

(b) *Special equipment.* For any special equipment of material utility in the handling of cargo or utilization of the vessel, not otherwise included in determining the basic value pursuant to § 309.3 or § 309.4, if the depreciated reproduction cost less construction subsidy, if any, of all such special equipment is in excess of $50,000.00, an allowance in such amount as the Maritime Administrator shall determine to be the fair and reasonable value of such equipment less construction-differential subsidy thereon, shall be added to the basic value.

(c) *Government installations.* The values provided by this part shall not include any allowance for any special installations or equipment to the extent that their cost was borne by the United States.

(d) *Construction subsidized vessel.* In the case of a construction subsidized vessel, for the period of insurance prior to requisition for title or use the valuation determined in accordance with § 309.3 shall be reduced by such proportion as the amount of construction subsidy paid with respect to the vessel bears to the entire construction cost and capital improvements thereof (excluding the cost of national defense features), and for the period of insurance after requisition for use the valuation determined in accordance with § 309.3 shall not exceed the amount which would be payable under section 802 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1212), in the case of requisition for title or use.

(e) *Speed.* The basic values determined pursuant to § 309.4 for vessels built prior to 1939 shall be adjusted as provided in subparagraph (1) or (2) of this paragraph.

(1) *Allowance for speed of more than 11 knots.* For vessels having a speed of more than 11 knots, there shall be added to the basic values provided in § 309.4 $0.15 per deadweight ton for each knot thereof in excess of 11 knots (fractions of knots to be prorated to the nearest one-fourth).

(2) *Deduction for speed of less than 9 knots.* For vessels having a speed of less than 9 knots, there shall be deducted from the basic values provided in § 309.4 $0.15 per deadweight ton for each knot thereof less than 9 knots (fractions of knots to be prorated to the nearest one-fourth).

(f) *Refrigeration.* (1) The basic values determined pursuant to § 309.4 shall be adjusted for refrigerated space as provided in this paragraph, subject to the limitation provided in paragraph (c) of this section.

(2) The net cubic capacity of each separately insulated refrigerated compartment of the vessel, exclusive of any refrigerated space ordinarily required for vessel's stores, shall be computed, and the total cubic capacity of all such compartments shall then be ascertained.

(3) The number of net cubic feet of the sum of all refrigerated compartments of the vessel, exclusive of the refrigerated space ordinarily required for the vessel's stores, shall then be multiplied by $0.05 for vessels built prior to 1939.

§ 309.6 Definitions.

(a) *Date vessel is built.* The date a vessel is built is the date upon which the vessel is delivered by the shipbuilder.

(b) *Deadweight tonnage.* The deadweight tonnage of a vessel means her deadweight capacity established in accordance with normal Summer Freeboard as assigned pursuant to the International Load Line Convention, 1930, and shall be her capacity (in tons of 2,240 pounds) for cargo, fuel, fresh water, spare parts and stores, but exclusive of permanent ballast.

(c) *Speed of vessel.* The speed of a vessel means the speed determined in accordance with the formulae provided in Part 246 of this chapter (General Order 43, 3d Revision, 24 F.R. 3793, May 12, 1959).

(d) *Passenger vessel.* A passenger vessel is a ship which carries more than twelve passengers.

(e) *Construction subsidized vessel.* A construction subsidized vessel is a vessel built, reconstructed, or reconditioned with the aid of a construction-differential subsidy under Title V of the Merchant Marine Act, 1936, as amended, or a vessel sold by the United States which is subject by operation or law or contract to the provisions of section 802 of the Merchant Marine Act, 1936, as amended.

(f) *Vessel.* The stated valuation of a vessel in this order applies to a vessel in Class A–1 American Bureau of Shipping or equivalent, with all required certificates, including but not limited to marine inspection certificates of the Coast Guard, Treasury Department, with all outstanding requirements and recommendations necessary for retention of class accomplished; and so far as due diligence can make her so, tight, staunch, strong and well and sufficiently tackled, appareled, furnished and equipped, and in every respect seaworthy and in good running condition and repair, with clean swept holds and in all respects fit for service. A vessel in substandard condition is subject to § 309.5(a). The stated valuation of a vessel provided in this order does not include vessel stores and supplies, which consist of (1) Consumable Stores, (2) Subsistence Stores, (3) Slop Chest, (4) Bar Stock, and (5) Fuel, as defined in Maritime Administration Inventory Manual, Vessel Inventories, Part 1, and Maritime Administration Inventory Books, Forms MA–4736, A through K, which will be valued separately.

§ 309.7 Modifications.

The Maritime Administrator reserves the right to exempt specific vessels from the scope of this part, or to amend, modify, or terminate the provisions hereof.

§ 309.8 Vessel data forms.

(a) *To accompany application for insurance.* Each application for war risk hull insurance submitted in accordance with § 308.101 of this chapter (General Order 75, 2d Rev., 26 F.R. 4541, May 26, 1961) shall be accompanied by information relating to the vessel for use by the Maritime Administrator in determining the value pursuant to this part. The information shall be submitted in duplicate on the applicable form prescribed in this section, copies of which may be obtained from the American War Risk Agency, 99 John Street, New York, N.Y., or the Chief, Division of Insurance, Maritime Administration, Washington 25, D.C.

(b) *Vessels of 1,500 gross tons or over—(1) War-built vessels.* If the vessel is a standard or subtype war-built vessel listed in § 309.3(b) (1), (2), or (3), vessel data shall be submitted on Form MA–470.

(2) *Construction subsidized vessels.* If the vessel is a construction subsidized vessel as defined in § 309.6(e) or a vessel for which the purchase price was adjusted under section 9 of the Merchant Ship Sales Act of 1946, vessel data shall be submitted on Form MA–471.

(3) *Other vessels built during or after 1939.* If the vessel was built during or after 1939, and if it is not included in subparagraph (1) or (2) of this paragraph, vessel data shall be submitted on Form MA–472.

(4) *Vessels built prior to 1939.* If the vessel is a dry cargo, tank or collier vessel built prior to 1939, vessel data shall be submitted on Form MA–473.

(5) *Vessels excluded by § 309.2(b).* If the vessel is 1,500 gross tons or more and is excluded by § 309.2(b), vessel data shall be submitted on Form MA–474.

(c) *Vessels of less than 1,500 gross tons.* If the vessel is of less than 1,500 gross tons, vessel data shall be submitted on Form MA–63.

(d) *Modifications to vessels.* Revised vessel data shall be submitted on the appropriate form prescribed above whenever a vessel undergoes a physical change which increases or decreases its value by five percent or more.

Values for Individual Vessels

§ 309.101 Determination of values.

(a) *Vessels covered by §§ 309.3 through 309.5.* (1) Whereas, the Maritime Administrator has found that the values established pursuant to §§ 309.3 through 309.5 constitute just compensation for the vessels to which they apply, computed in accordance with section 902(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1242); and section 1209(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1289), Public Law 958, 84th Congress (70 Stat. 984); and pursuant thereto has determined the values of vessels covered by interim binders for war risk hull insurance, Form MA–184, prescribed by Part 308 of this chapter (General Order 75, 2d Rev., 26 F.R. 4541, May 26, 1961).

(2) Therefore, it is ordered that the interim binders listed below shall be deemed to have been amended as of January 1, 1962, by inserting in the space provided therefor or in substitution for any value now appearing in such space the stated valuation of the vessels set forth below for the binders and vessels as designated. Nevertheless, the Assured shall have the right within sixty days after date of publication of this order or within sixty days after the attachment of the insurance under said binder, whichever is later, to reject such valuation and proceed as authorized by section 1209(a)(2) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1289).

Binder No.	Name of vessel	Official No.	Stated valuation
870	Achilles	281702	$9,575,000
1287	Aegina	1315	270,000
94	Afoundria	244018	685,000
722	African Glade	245035	685,000
723	African Glen	247294	685,000
724	African Grove	244877	685,000
727	African Patriot	245795	685,000
728	African Pilgrim	245431	685,000
729	African Pilot	245725	685,000
1135	Agia Thalassini	442	270,000
369	Aimee Lykes	245548	685,000
605	Alamar	245810	520,000
1269	Alaska Bear	246004	560,000
939	Alaska Mail	247420	560,000
208	Alaskan	245965	470,000
1156	Albert E. Watts	240731	475,000
1061	Aldine	244561	285,000
1047	Alexander S. M	898	270,000
659	Alice Brown	249427	685,000
923	Almena	247291	470,000
352	Aloha State	243297	875,000
424	America Bear	251970	685,000
529	American Builder	247201	685,000
530	American Chief	246732	685,000
531	American Eagle	276327	8,075,000
533	American Flyer	247417	685,000
534	American Forester	248074	685,000
537	American Gunner	252677	685,000
539	American Hunter	252679	685,000
541	American Leader	249517	685,000
540	American Mail	247321	875,000
542	American Manufacturer	247643	685,000
543	American Marketer	245539	685,000
545	American Miller	243873	685,000
546	American Packer	243982	685,000
548	American Planter	254670	685,000
549	American Press	247590	685,000
550	American Producer	254616	685,000
553	American Retailer	253572	685,000
554	American Scientist	254653	685,000
671	American Starling	246427	270,000
163	American Sun	240147	430,000
557	American Supplier	253289	685,000
558	American Surveyor	252356	685,000
662	American Trader	247306	470,000
559	American Trapper	252678	685,000
561	American Veteran	247296	685,000
272	Ames Victory	247292	560,000
641	Amtank	247968	1,030,000
95	Andrew Jackson	247303	685,000
1099	Andros Fighter	539	270,000
1100	Andros Lady	1045	270,000
1101	Andros Laurel	533	270,000
19	Angelo Petri	243882	4,250,000
979	Anne-Marie	245176	470,000
877	Anne Quinn	243521	300,000
96	Antinous	245979	685,000
282	Arickaree	952	285,000
675	Arizona	247721	560,000
97	Arlipa	251507	685,000
139	Arlington	248386	320,000
216	Associated	237523	80,000
232	Atlantic Communicator	268196	6,200,000
233	Atlantic Endeavor	277623	7,250,000
234	Atlantic Engineer	261157	5,300,000
1004	Atlantic Enterprise	276911	7,150,000
1005	Atlantic Mariner	248203	470,000
1006	Atlantic Navigator	261423	5,350,000
1132	Atlantic Ranger	435	285,000
1133	Atlantic Refiner	436	285,000
1244	Atlantic Robin	937	270,000
238	Atlantic Seaman	260954	5,250,000
164	Atlantic Sun	244086	528,000
419	Atlantic Trader	248007	2,325,000
953	Atlantic Victory	248749	500,000
418	Attleboro Victory	247475	465,000
789	Audrey J. Luckenbach	248884	980,000
210	Avila	257181	2,525,000
259	Azalea City	243436	2,850,000
707	Badger State	245136	685,000
980	Barbara	248079	470,000
62	Barbara Frietchie	244708	$300,000
347	Barbara Jane	278103	8,000,000
371	Barbara Lykes	245964	685,000
283	Battle Rock	954	285,000
708	Bayou State	254012	685,000
949	Bay State	254130	685,000
72	Beatrice	252036	775,000
260	Beauregard	251508	2,850,000
709	Beaver State	245583	560,000
594	Bennington	242406	470,000
122	Bents Fort	248910	470,000
121	Berwindvale	247645	320,000
606	Bethcoaster	256886	140,000
419	Biddeford Victory	248433	465,000
261	Blenville	243438	2,850,000
710	Blue Grass State	253866	685,000
140	Boston	247161	320,000
1146	M/V Bradeverett	590	295,000
123	Bradford Island	247640	470,000
1066	Brighton	4445–59	5,950,000
821	Brooklyn Heights	247872	500,000
353	Buckeye State	244577	875,000
642	Bulkcrude	245480	624,000
643	Bulkfuel	244986	624,000
644	Bulklube	244616	624,000
595	Bunker Hill	241580	470,000
226	Byron D. Benson	246173	470,000
645	Callahee	245560	470,000
609	Calmar	246161	520,000
284	Camp Nantiaun	955	285,000
426	Canada Bear	247385	560,000
941	Canada Mail	252476	875,000
837	Captain Nicholas Sitinas	248133	470,000
374	Charlotte Lykes	247157	500,000
1213	Chatham	252493	685,000
333	Chemical Transporter	244942	1,550,000
243	Chena	242704	325,000
597	Cherry Valley	242531	470,000
964	Chevron	250641	340,000
610	Chilore	253219	1,575,000
427	China Bear	245837	685,000
872	Chris H	244656	270,000
1134	Chryssi S. M	491	270,000
125	Cities Service Baltimore	271866	6,925,000
126	Cities Service Miami	272077	6,950,000
127	Cities Service Norfolk	272839	7,100,000
100	City of Alma	247592	685,000
955	Clarke's Wharf	247758	470,000
920	Coalings Hills	246810	470,000
244	Coastal Monarch	248699	320,000
245	Coastal Nomad	248382	320,000
246	Coastal Rambler	248648	320,000
266	Coeur d'Alene Victory	247113	560,000
273	Coe Victory	247894	560,000
186	Colina	242775	470,000
676	Colorado	248786	560,000
632	Columbia	243852	470,000
141	Concord	247870	320,000
711	Constitution State	245985	560,000
712	Copper State	244137	875,000
713	Cotton State	248440	500,000
704	Cottonwood Creek	246864	285,000
668	Crown Trader	241602	470,000
583	Custis Woods	245009	470,000
137	Cynthia Olson	253441	195,000
212	David E. Day	248880	2,575,000
229	David McKelvy	246355	470,000
165	Delaware Sun	264853	5,700,000
319	Del Campo	241923	426,000
323	Del Monte	246628	411,000
102	De Soto	245398	685,000
377	Dolly Turman	249747	685,000
1143	MV Dolpheverett	1507	360,000
1142	MV Doneverett	1372	360,000
876	Dorothy Boylan	245895	300,000
240	Dynafuel	249771	340,000
700	Eagle Courier	277561	7,075,000
699	Eagle Transporter	277710	7,075,000
697	Eagle Traveler	278442	8,100,000
698	Eagle Voyager	278624	8,100,000
167	Eastern Sun	270025	6,500,000
187	Eclipse	267144	5,150,000
786	Edgar F. Luckenbach	248882	960,000
75	Edith	248564	320,000
240	E. H. Blum	240391	505,000
921	Elenir	247155	470,000
76	Elizabeth	245183	754,000
77	Emilia	245198	945,000
74	Emma	242902	300,000
705	Empire State	248212	685,000
830	Erna Elizabeth	280193	8,400,000
983	Esso Baltimore	282272	10,775,000
988	Esso Bermuda	259248	4,350,000
984	Esso Boston	283784	10,975,000
989	Esso Chester	264445	5,075,000
990	Esso Florence	266855	5,425,000
1007	Esso Gettysburg	273362	7,825,000
991	Esso Gloucester	265336	5,250,000
994	Esso Jamestown	275519	8,170,000
995	Esso Lexington	276270	8,325,000
996	Esso Lima	259142	4,325,000
992	Esso Miami	259357	4,300,000
997	Esso Newark	264231	5,025,000
998	Esso New York	259610	4,400,000
1014	Esso Scranton	245830	470,000
999	Esso Suez	257381	4,100,000
1009	Esso Washington	273896	7,950,000
1000	Esso Zurich	257115	3,950,000
78	Evelyn	247951	320,000
354	Evergreen State	257827	875,000
1158	E. W. Sinclair	241281	475,000
855	Exilona	252303	$700,000
858	Expeditor	251971	700,000
865	Express	252376	700,000
262	Fairland	242073	2,850,000
103	Fairport	249072	685,000
1246	Fanwood	252355	685,000
1288	Faralls	1390	270,000
295	Federal	962	285,000
1018	Ferore	1568	270,000
1150	Flagship Sinco	241327	465,000
611	Flomar	247261	520,000
218	Flying A—California	286216	2,375,000
221	Flying A—Delaware	267997	5,550,000
220	Flying A—New York	267198	5,475,000
219	Flying A—Washington	268783	2,425,000
812	Flying Clipper	252991	685,000
813	Flying Cloud	247000	685,000
814	Flying Eagle	251664	685,000
816	Flying Enterprise II	245374	685,000
825	Flying Gull	240462	706,000
826	Flying Hawk	240032	706,000
818	Flying Independent	245131	400,000
819	Flying Spray	246217	400,000
820	Flying Trader	248750	500,000
286	Fort Bridger	956	285,000
584	Fort Fetterman	244935	2,275,000
956	Fort Mims	248736	470,000
247	Fortuna	245880	300,000
498	Four Lakes	244971	2,350,000
79	Frances	245541	754,000
222	Frank Haskell	246307	470,000
380	Frank Lykes	245540	685,000
177	Fruitvale Hills	248716	470,000
359	F. S. Bell	244714	300,000
962	F. S. Bryant	250627	475,000
585	Gaines Mill	244464	2,250,000
248	Galena	248122	320,000
948	Garden State	248057	560,000
263	Gateway City	251506	2,850,000
382	Genevieve Lykes	252444	685,000
383	George Lykes	245132	400,000
138	George Olson	217860	195,000
1048	Georgia S. M	1446	270,000
384	Gibbes Lykes	245182	685,000
714	Golden State	246544	500,000
21	Gold Stream	276391	2,200,000
355	Gopher State	244979	875,000
884	Green Bay	244287	635,000
885	Green Cove	247268	685,000
1129	Green Dale	251748	685,000
950	Green Mountain State	247158	500,000
888	Green Point	248050	685,000
890	Green Wave	252351	685,000
1249	Guam Bear	252570	685,000
276	Gulf Banker	245169	685,000
700	Gulfbear	247309	2,100,000
791	Gulfbeaver	243657	2,100,000
792	Gulfcrest	279334	7,200,000
793	Gulfdeer	245727	2,225,000
277	Gulf Farmer	244598	685,000
794	Gulfgamar	246972	2,200,000
795	Gulfking	275193	7,400,000
796	Gulfknight	277183	7,800,000
797	Gulflion	246090	2,250,000
808	Gulflube	254406	505,000
278	Gulf Merchant	253445	685,000
798	Gulfoil	283424	7,725,000
799	Gulfpanther	246543	2,200,000
810	Gulfpass	248080	470,000
800	Gulfpride	279769	7,275,000
801	Gulfprince	276034	7,575,000
802	Gulfqueen	275883	7,475,000
803	Gulfseal	247557	2,350,000
811	Gulfservice	264224	2,350,000
279	Gulf Shipper	252443	685,000
803	Gulfsolar	280223	7,350,000
806	Gulfspray	282848	7,625,000
807	Gulfstag	251066	2,250,000
804	Gulftiger	247767	2,275,000
250	Gulf Trader	244750	685,000
646	Hampton Roads	248748	1,030,000
824	Hans Isbrandsten	277703	7,850,000
104	Hastings	246617	685,000
300	Hawaiian Builder	247386	1,107,000
301	Hawaiian Craftsman	247626	956,000
302	Hawaiian Educator	247322	928,000
303	Hawaiian Farmer	245860	1,063,000
304	Hawaiian Merchant	248845	1,107,000
305	Hawaiian Packer	243929	1,103,000
306	Hawaiian Pilot	245016	685,000
307	Hawaiian Planter	248741	947,000
308	Hawaiian Rancher	246294	1,089,000
309	Hawaiian Refiner	245594	1,048,000
310	Hawaiian Retailer	252477	875,000
311	Hawaiian Tourist	248171	560,000
430	Hawaii Bear	247194	560,000
965	H. D. Collier	248737	470,000
954	Hedge Haven	247650	470,000
385	Helen Lykes	245245	685,000
636	Hess Fuel	242867	1,525,000
961	Hillyer Brown	266233	2,450,000
80	Hilton	245110	300,000
706	Hoosier State	247762	980,000
787	Horace Luckenbach	243544	875,000
395	Howell Lykes	239905	875,000
105	Hurricane	246798	685,000
106	Iberville	248489	685,000
679	Idaho	262271	875,000
968	Idaho Standard	243461	470,000
249	Illamna	248848	325,000
980	Illinois	247454	860,000

Binder No.	Name of vessel	Official No.	Stated valuation
432	India Bear	252568	$685,000
943	India Mail	251767	875,000
81	Ines	249290	708,000
875	Issac Mann	242477	300,000
1019	James Monroe	522	270,000
878	Janet Quinn	242949	300,000
945	Java Mail	252478	875,000
82	Jean	244612	923,000
107	Jean La Fitte	244814	685,000
1285	J. E. Dyer	274440	7,375,000
274	Jefferson City Victory	247345	560,000
970	J. H. MacGaregill	248896	470,000
973	J. H. Tuttle	242955	520,000
108	John B. Waterman	249234	685,000
63	Josefina	247042	300,000
1015	Joseph V	247316	560,000
647	Joshua Tree	247055	470,000
586	Julesburg	243523	2,400,000
83	Kathryn	252479	777,000
612	Kenmar	246062	520,000
598	Keystoner	246730	2,525,000
356	Keystone State	247763	980,000
599	Keytanker	265644	2,150,000
600	Keytrader	267905	2,575,000
109	Kyska	248654	685,000
178	La Brea Hills	247455	470,000
288	Lake George	957	285,000
1058	Lake Palourde	1379	7,775,000
110	La Salle	251504	685,000
788	Lena Luckenbach	244049	875,000
1141	M/V Leneverett	588	295,000
391	Letitia Lykes	246897	685,000
142	Lexington	248276	320,000
603	Lisa B	247279	270,000
267	Longview Victory	247077	560,000
613	Losmar	245111	520,000
658	Luelle Bloomfield	249291	685,000
1060	Lyrle	244443	285,000
111	Madaket	246992	685,000
1136	Madison Bell	481	270,000
84	Mae	248165	320,000
716	Magnolia State	247144	560,000
112	Malden Creek	248998	685,000
143	Malden	247987	320,000
394	Mallory Lykes	244881	685,000
275	Mankato Victory	248739	560,000
395	Margaret Lykes	245853	685,000
660	Margarett Brown	249174	685,000
86	Marine Courier	248019	295,000
20	Marine Electric	245675	470,000
23	Marine Leader	247868	320,000
87	Marine Pioneer	245060	315,000
88	Marine Progress	245086	305,000
89	Marine Ranger	246574	300,000
90	Marine Shipper	247596	320,000
91	Marine Trader	247274	320,000
92	Marine Transport	247991	357,000
93	Marine Voyager	247680	500,000
168	Maryland Sun	246101	470,000
664	Maryland Trader	247178	2,275,000
615	Marymar	246331	520,000
397	Mason Lykes	252446	685,000
616	Massmar	246328	520,000
922	Maxton	248800	470,000
01	Mayflower	284049	10,900,000
398	Mayo Lykes	247405	500,000
289	McKittrick Hills	959	285,000
969	M. E. Lombardi	240228	290,000
1289	Melida	1391	270,000
952	Mermaid	246868	470,000
1286	Meteor	246589	395,000
681	Michigan	240590	875,000
587	Mill Springs	244468	2,325,000
1271	M. L. Gosney	266338	4,975,000
188	Mobil Aero	278471	7,600,000
189	Mobil Fuel	274588	6,475,000
190	Mobilgas	271449	5,825,000
191	Mobil Lube	275651	6,675,000
192	Mobiloil	279064	7,675,000
193	Mobil Power	274966	6,560,000
420	Moline Victory	247346	500,000
113	Monarch of the Seas	244794	715,000
601	Monmouth	242426	470,000
682	Montana	247478	560,000
290	Montebello Hills	960	285,000
1295	Monticello Victory	286819	11,350,000
32	Mormacdove	245337	685,000
34	Mormacfir	248650	560,000
35	Mormacfuel	243450	470,000
36	Mormacguide	252347	875,000
38	Mormachawk	248033	685,000
45	Mormacowl	245338	685,000
50	Mormacrio	248745	875,000
53	Mormacsun	252340	875,000
56	Mormactesl	245010	685,000
60	Mormacwren	245914	685,000
114	Morning Light	245623	715,000
832	Mount Evans	245057	300,000
838	Mount Shasta	246632	300,000
281	Mount Vernon Victory	284178	10,875,000
835	Mount Whitney	243226	300,000
250	Nadina	245864	316,000
588	Naeco	244063	1,625,000
648	Nashbulk	247307	1,030,000
927	Natalie	245322	685,000
251	Nenana	247015	300,000
661	Neva West	249283	685,000
421	Newberry Victory	248460	500,000
109	New Jersey Sun	265748	5,850,000
180	New Market	247276	470,000
1300	New Orleans	242557	495,000
144	Newton	247414	$320,000
683	New York	248742	875,000
1144	M/V Noreverett	589	295,000
268	Northwestern Victory	247492	560,000
936	Oakey L. Alexander	247479	450,000
929	Ocean Dinny	244215	685,000
931	Ocean Evelyn	249217	980,000
946	Ocean Mail	241750	651,000
869	Ocean Victory	248013	500,000
684	Ohio	246388	875,000
170	Ohio Sun	244089	470,000
265	Olympic Pioneer	245529	300,000
947	Oregon Mail	248841	875,000
971	Oregon Standard	246773	470,000
62	Orion Clipper	268288	6,000,000
03	Orion Comet	269365	5,750,000
04	Orion Planet	268078	5,975,000
05	Orion Star	266519	5,775,000
1093	Oswego Leader	1258	285,000
933	Overseas Eva	244878	685,000
934	Overseas Joyce	243608	685,000
935	Overseas Rebecca	245532	685,000
785	Overseas Rose	245923	875,000
11	Pacifiens	245519	300,000
1062	Palace	244492	285,000
717	Palmetto State	247823	500,000
1217	Panoceanic Faith	245184	685,000
149	Panlora	243023	270,000
1272	P. C. Spencer	264903	4,800,000
718	Pelican State	245354	560,000
339	Penn Challenger	280318	8,450,000
617	Penmmar	245945	520,000
344	Penn Shipper	244682	300,000
171	Pennsylvania Sun	246202	11,125,000
345	Penn Trader	246934	270,000
341	Penn Vanguard	242780	395,000
183	Penobscot	247706	320,000
589	Perote	243661	285,000
562	Pioneer Cove	246748	685,000
565	Pioneer Isle	256787	734,000
575	Pioneer Reef	244020	701,000
577	Pioneer Surf	251842	765,000
578	Pioneer Tide	249030	685,000
184	Plymouth	247867	320,000
938	Pocahontas Fuel	248055	640,000
294	Point Arena	245225	470,000
16	Ponca City	244335	470,000
1290	Poros	1330	270,000
618	Portmar	246063	520,000
701	Prairie Grove	246660	470,000
1130	Prairies	1036	270,000
504	President Fillmore	245754	560,000
507	President Harding	248565	560,000
228	Providence Getty	254689	340,000
624	P & T Adventurer	247220	560,000
625	P & T Builder	247121	560,000
626	P & T Explorer	252524	875,000
627	P & T Forester	242941	875,000
628	P & T Leader	245244	560,000
629	P & T Navigator	252304	875,000
630	P & T Seafarer	243969	875,000
631	P & T Voyager	248787	560,000
1273	P. W. Thirtle	270179	5,600,000
593	Pueblo	243441	470,000
868	Rachel V	248785	560,000
1301	Rainbow	247026	395,000
264	Raphael Semmes	242074	2,850,000
972	R. C. Stoner	243128	530,000
145	Reading	248271	320,000
1145	M/V Reheverett	591	295,000
822	Remsen Heights	247865	500,000
291	Republic	963	285,000
966	R. G. Follis	251140	475,000
1109	Ridgefield	1021	270,000
241	Robert C. Tuttle	239754	505,000
223	Robert E. Hopkins	247757	470,000
155	Robin Goodfellow	247254	875,000
156	Robin Gray	252626	875,000
157	Robin Hood	247255	875,000
158	Robin Kirk	254272	875,000
160	Robin Mowbray	255316	875,000
162	Robin Trent	254641	875,000
957	Rock Landing	248892	470,000
130	Royal Oak	247574	470,000
1160	Russel L	247511	300,000
1140	M/V Rutheverett	1373	360,000
172	Sabine Sun	241558	455,000
194	Sachem	243525	480,000
195	Sacona	244641	480,000
196	Saconnet	245543	480,000
1276	Samoset	243291	290,000
1160	Samuel L. Fuller	241242	508,000
225	Samuel Q. Brown	246982	470,000
422	San Angelo Victory	248842	500,000
181	San Jacinto	248894	1,400,000
1056	Sansinena	1314	7,550,000
891	Santa Adela	242243	685,000
64	Santa Emilia	246833	270,000
900	Santa Flavia	242762	685,000
903	Santa Juana	242111	685,000
906	Santa Malta	245459	685,000
211	Santa Maria	263781	2,300,000
909	Santa Mariana	246038	685,000
619	Santore	254624	1,575,000
348	Sarouia	277935	7,950,000
198	Satucket	245237	480,000
199	Saucon	244796	480,000
185	Seaconnet	247412	320,000
10	Seafair	245215	300,000
26	Sealady	244457	395,000
620	Seamar	246507	$320,000
67	Seatrain New Jersey	239688	675,000
68	Seatrain New York	231905	420,000
69	Seatrain Savannah	231916	420,000
70	Seatrain Texas	239549	675,000
200	Shabonee	244028	480,000
1157	Sheldon Clark	241494	465,000
1163	Short Hills	252492	685,000
336	Sierra	247831	863,000
823	Sir John Franklin	241734	400,000
1266	Sister Katingo	277936	7,975,000
201	Siwanoy	244362	480,000
202	Socony Vacuum	268801	5,550,000
337	Sonoma	252413	996,000
357	Sooner State	247139	685,000
582	Spirit of Liberty	243263	470,000
1016	Steel Admiral	252403	875,000
439	Steel Advocate	245731	875,000
440	Steel Age	244161	875,000
441	Steel Apprentice	253498	875,000
442	Steel Architect	247168	875,000
443	Steel Artisan	247833	875,000
444	Steel Chemist	252037	875,000
445	Steel Designer	247832	875,000
446	Steel Director	244978	875,000
447	Steel Executive	248843	875,000
448	Steel Fabricator	251781	875,000
449	Steel Flyer	244831	875,000
450	Steel King	252499	875,000
451	Steel Maker	247221	875,000
452	Steel Navigator	248816	875,000
453	Steel Recorder	251847	875,000
454	Steel Rover	252500	875,000
455	Steel Scientist	245730	875,000
456	Steel Seafarer	248738	875,000
457	Steel Surveyor	244968	875,000
458	Steel Traveler	247198	875,000
459	Steel Vendor	246464	875,000
460	Steel Voyager	252501	875,000
461	Steel Worker	247834	874,000
173	Sunoil	246698	470,000
252	Susitna	244889	320,000
85	Suzanne	253226	793,000
404	Sylvia Lykes	247841	685,000
203	Syosset	247458	480,000
253	Talkeetna	245733	300,000
204	Tamaha	243109	410,000
702	Tampico	246344	470,000
254	Tamana	247310	320,000
1114	Tascalusa	3254-FP	308,000
255	Tatulina	247495	320,000
1277	Tatarrax	241823	310,000
462	Texaco Alabama	246668	470,000
463	Texaco California	266910	3,300,000
464	Texaco Colorado	241758	426,000
465	Texaco Connecticut	266501	3,150,000
1073	Texaco Cristobal	2805-53	225,000
468	Texaco Delaware	243973	420,000
466	Texaco Florida	271820	3,625,000
467	Texaco Georgia	243281	430,000
470	Texaco Indiana	244244	430,000
473	Texaco Louisiana	245053	470,000
1078	Texaco Maine	4500-59	6,050,000
474	Texaco Maryland	243942	470,000
475	Texaco Minnesota	243202	470,000
476	Texaco Mississippi	245082	470,000
477	Texaco Montana	242015	426,000
479	Texaco Nevada	245175	2,550,000
480	Texaco New Jersey	245831	2,475,000
481	Texaco New York	265981	3,225,000
483	Texaco North Dakota	265006	3,175,000
484	Texaco Oklahoma	275882	7,625,000
1084	Texaco Southhampton	1165	295,000
487	Texaco Virginia	243223	470,000
1270	Texaco Wisconsin	277805	7,925,000
209	Texan	240352	1,925,000
174	Texas Sun	283897	11,700,000
695	Texas Trader	246753	470,000
497	The Cabins	240143	2,475,000
1137	Theopan	582	270,000
925	Thetis	270627	9,175,000
182	Tillamook	245104	470,000
834	Titan	281177	11,250,000
256	Tonsina	252547	308,000
115	Topa Topa	247696	685,000
880	Transamerican	245780	300,000
881	Transboriquen	246540	400,000
882	Transcaribbean	247986	500,000
231	Transeastern	279438	10,100,000
633	Transnorthern	248011	470,000
1216	Transporter	247090	300,000
883	Transunion	4336-58	5,750,000
1068	Trinidad	248206	560,000
686	Utah	252633	1,092,000
338	Ventura	244703	470,000
978	Vicksburg	246124	470,000
703	Village	554	270,000
1204	Villa Marion	245135	685,000
409	Virginia Lykes	244789	470,000
666	Virginia Trader	247467	500,000
928	Vivian	247792	500,000
719	Volunteer State	245189	685,000
116	Waeosta	243815	685,000
117	Warrior	246203	470,000
974	Washington Standard	245566	470,000
667	Washington Trader	240914	505,000
242	W. C. Yeager	268798	6,300,000
175	Western Sun	236952	80,000
960	W. H. Berg		

Binder No.	Name of vessel	Official No.	Stated valuation
1275	Wilderness	1585	$270,000
118	Wild Ranger	249518	715,000
146	Winchester	247708	320,000
1059	Winnebago	243747	285,000
4231	Wm. F. Humphrey	246557	470,000
458	Wolverine State	248740	980,000
687	Wyoming	248243	560,000
119	Yaka	246355	685,000
622	Yorktnar	249067	520,000
120	Young America	249034	685,000

(b) *Vessels of less than 1,500 gross tons—As of January 1, 1962.* (1) Whereas, the Maritime Administrator has determined for certain vessels of less than 1,500 gross tons the values which constitute just compensation for the vessels to which they apply, computed in accordance with section 902(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1242); and section 1209(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1289), Public Law 958, 84th Congress (70 Stat. 984); and pursuant thereto has determined the values of vessels covered by interim binders for war risk hull insurance, Form MA-184 prescribed by Part 308 of this chapter (General Order 75, 2d Rev. 26 F.R. 4541, May 26, 1961).

(2) Therefore, it is ordered that the interim binders listed below shall be deemed to have been amended as of January 1, 1962, by inserting in the space provided therefor or in substitution for any value now appearing in such space the stated valuation of the vessels set forth below for the binders and vessels as designated. Nevertheless, the Assured shall have the right within sixty days after date of publication of this order or within sixty days after the attachment of the insurance under said binder, whichever is later, to reject such valuation and proceed as authorized by section 1209(a)(2) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1289).

Binder No.	Name of vessel	Official No.	Stated valuation
1186	Barge 114		$13,500
1187	Barge 116		16,500
1188	Barge 118		13,500
1196	Barge 128		13,500
1197	Barge 129		13,500
1198	Barge 133		35,000
1199	Barge 134		14,500
1153	Britton	119	25,500
673	Curlew	249293	71,000
1138	Cyrus Field	147099	246,000
1165	Dammam 7		19,500
1166	Dammam 8	255059	20,500
1167	Dammam 9		61,000
1168	Dammam 10		61,000
1169	Dammam 11		61,000
1170	Dammam 12		78,000
1171	Dammam 13		67,000
1172	Dammam 14		78,000
674	Golden Eagle	241402	19,000
1150	Habib	112	21,500
1151	Horne	115	22,500
672	Kingfisher	252862	100,000
1176	Qatif 7		91,000
1177	Qatif 8		90,000
1148	Sandy	114	22,500
1152	Swigart	118	23,500

NOTE: The record-keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated: June 25, 1962.

No. 133——2

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-6628; Filed, July 10, 1962; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Commerce

Effective upon publication in the FEDERAL REGISTER, subparagraphs (38) and (39) are added to paragraph (a) of § 6.312 as set out below.

§ 6.312 Department of Commerce.

(a) *Office of the Secretary.* * * *

(38) Director, Office of Emergency Transportation.

(39) Deputy Director, Office of Emergency Transportation.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-6756; Filed, July 10, 1962; 8:54 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1962 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Soybeans]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1962-Crop Soybean Loan and Purchase Agreement Program

A price support program has been announced for the 1962-crop of soybeans. The 1962 C.C.C. Grain Price Support Bulletin 1 (27 F.R. 4411) issued by the Commodity Credit Corporation and containing the specific regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1962 is supplemented as follows:

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421.1601 Purpose.
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AUTHORITY: §§ 421.1601 to 421.1613 issued under sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 203, 301, 401, 63 Stat. 1054; 7 U.S.C. 1446(d), 1447, 1421.

§ 421.1601 **Purpose.**

This subpart states additional specific requirements which, together with the applicable provisions of general regulations contained in the 1962 C.C.C. Grain Price Support Bulletin 1 (27 F.R. 4411) (§§ 421.1101 to 421.1132) and any amendments thereto, apply to loans and purchase agreements under the 1962-Crop Soybean Price Support Program.

§ 421.1602 **Availability of price support.**

(a) *Area.* Price support will be available through farm-storage and warehouse-storage loans and purchase agreements on eligible soybeans grown in the United States. Farm-storage loans will not be available in areas where the State committee determines that soybeans cannot be safely stored on the farm.

(b) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm program records for the farm. An eligible cooperative marketing association of producers must make application at the county committee office for the county in which the principal office of the association is located unless the State committee designates some other county ASCS office. An application may be submitted only after the association has been determined to be an eligible association under § 421.1603.

(c) *When to apply.* Loans and purchase agreements will be available from harvest through January 31, 1963, and applicable documents must be signed by the producer and delivered to the office of the county committee not later than such final date.

§ 421.1603 **Cooperative marketing associations.**

A cooperative marketing association which satisfies the requirements of this section shall be deemed an eligible producer and shall be eligible for price support on eligible soybeans through warehouse-storage loans and purchase agreements: *Provided*, That warehouse-storage loans may be made to an association which tenders to CCC warehouse receipts issued by it on its own soybeans only in those States where the issuance and pledge of such warehouse receipts are valid under State law. Applications for determination of eligibility shall be submitted to the State committee of the State where the association's principal office is located no later than December 1, 1962.

(a) *Producer-owned and controlled.* The association must be a producer-owned cooperative marketing association of producers under the control of its producer-members. The association shall submit with its application a brief

statement of its method of operations showing the manner in which producer-members have control of the association.

(b) *Articles or by-law provisions.* The articles of incorporation or association, or by-laws of the association, must provide for: (1) An annual membership meeting at a location which will provide reasonable opportunity for all members to attend and participate, (2) a notice of all district, area, or annual meetings to be given to all members affected by such meeting, (3) membership in the association to be open to all farmer producers of soybeans except that producers may be denied membership on a reasonable basis, including among other reasons, that the membership of the farmer producer would be inimical to the effective operation of the association, (4) voting on election of officers and directors by secret ballot, (5) a single vote for each member, regardless of the number of shares of stock owned or controlled by him, or voting rights for each member based on his production of soybeans marketed by the association during the current year or a single preceding year, but whichever of the above described methods of voting is practiced, it shall be uniform for all members of the association, and (6) each member receiving a summary financial statement prepared by the independent accountant who made the annual audit of the association.

(c) *Financial condition.* The association must submit with its application evidence establishing to the satisfaction of the Executive Vice President, CCC, that its operation is on a financially sound basis. The association must have been in existence and conducting legitimate marketing operations for its producer-members for a period of not less than two years prior to the date of its application or submit evidence that it is so organized and staffed so as to provide effective marketing operations for its producer-members.

(d) *Conflict of interest.* The association must submit with its application a detailed report concerning all transactions for the year preceding the date of the application: (i) With any director, officer, or employee of the association and any of his close relatives, (ii) with any partnership in which any such person and his close relatives are entitled to receive more than 5 percent of the gross profits, (iii) with any corporation in which any such person and his close relatives own more than 5 percent of the stock, (iv) with any business entity from which any such person or any of his close relatives received fees for transacting business with or on behalf of the association, or (v) with any business entity in which an agent, director, officer or employee of the association was an agent, director, officer or employee of such business entity. A close relative shall be deemed to refer to a husband or a wife or a person related as child, parent, brother, or sister by blood, adoption, or marriage and shall include in-laws within such categories of relationship. The report shall include, but is not limited to, transactions involving purchases, sales, processing, handling, marketing, transportation, warehousing, insurance and related activities, but not transactions which are no different than those entered into by the association with its general membership. A statement must also be submitted indicating whether any transactions of the kind described in this paragraph are contemplated in the period between the date of the application and September 15, 1963, and if such transactions are contemplated, a detailed statement of the reasons therefor. The association shall not be eligible for price support unless it establishes to the satisfaction of the Executive Vice President, CCC, that any such transactions in the year preceding the date of application or in the period beginning with the date of application and ending on September 15, 1963, have not and will not operate to the detriment of members of the association.

(e) *Uniform marketing agreement.* All eligible soybeans delivered to the association by producer-members must be marketed through the association pursuant to a uniform marketing agreement between the association and each of its producer-members who deliver such eligible soybeans.

(f) *Non-member business.* Not less than 80 percent of the soybeans marketed by the association must be produced by its producer-members.

(g) *Vested authority.* The association must have authority to obtain a loan on the security of the soybeans and give a lien thereon as well as authority to sell such soybeans.

(h) *Records maintained.* The association must maintain a record of the quantity of soybeans eligible for price support acquired by or delivered to the association from each source, and such record must show the disposition of the soybeans from each source. Similar records must be maintained separately for soybeans not eligible for price support.

(i) *Physical Inventory.* The association must keep in inventory at all times a quantity of soybeans equivalent in quality and quantity to the quality and quantity of the soybeans shown on its outstanding warehouse receipts. Price support may be obtained by the association only on the quantity of eligible soybeans which remains undisposed of in its inventory at the time of application for price support.

(j) *Distribution of proceeds.* Proceeds from the disposition of all soybeans eligible for price support disposed of by marketing or by delivery to CCC shall be distributed only to the eligible producer-members who delivered such eligible soybeans to the association and only on the basis which results in the proceeds being distributed proportionately to such producer-members according to the quantity and quality of such eligible soybeans delivered by each eligible producer-member. This provision shall not be construed to prohibit the association from establishing separate pools and distributing the proceeds proportionately to the producer-members whose soybeans are included in each pool.

(k) *Inspection by CCC.* Soybeans held by the association must be available for inspection by CCC at all reasonable times as long as the association has soybeans under price support. The books and records of the association must be available to CCC for inspection at all reasonable times through May 1, 1968.

(l) *Member associations.* Notwithstanding the requirements of paragraph (a) of this section, a cooperative marketing association which includes in its membership other cooperative marketing associations composed of producer-members, shall be eligible for price support if its member associations meet the requirements for price support under this section. The requirements of paragraph (g) of this section shall be deemed to be satisfied if such member associations have the right to deliver soybeans of their producer-members to the association applying for price support and to authorize such association to sell the soybeans and to obtain a loan on the security of the soybeans and to give a lien thereon. The association applying for price support shall: (1) In its charter, by-laws, marketing contracts or by other legal means require that its member association meet the requirements for price support under this section, (2) submit the material and certifications required by paragraphs (c) and (d) of this section with respect to each member association, (3) certify to CCC that its member associations are in fact eligible for price support under the requirements of this section, and (4) except for the requirement that it consist of producers, otherwise qualify for price support under this section.

(m) *Eligibility determinations.* Determinations with respect to the eligibility of cooperative marketing associations of producers under this section for either warehouse-storage loans or purchase agreements or both, shall be made by the Executive Vice President, CCC.

(n) *Investigations.* The Commodity Credit Corporation shall have the right at any time after an application is received to examine all records and make such investigations deemed necessary to determine whether the cooperative is operating in accordance with its articles of incorporation, by-laws, agreements with producers or member associations and with the representations made in its application.

§ 421.1604 Eligibility requirements.

(a) *Beneficial interest.* To be eligible for price support the beneficial interest in the soybeans must be in the eligible producer tendering the soybeans for loan or for delivery under a purchase agreement and must always have been in him or in him and a former producer whom he succeeded before it was harvested. In the case of cooperative marketing associations, the beneficial interest in the soybeans must have been in the producer-members who delivered the soybeans to the association or to member associations meeting the requirements of § 421.1603 and must always have been in them or in them and former producers whom they succeeded before the soybeans were harvested. Soybeans acquired by a cooperative marketing association shall not be eligible for price support if the producer-members who delivered the soybeans to the association or to a member association do not retain the right to share proportionately in the proceeds from the marketing of the soybeans as provided in § 421.1603(j). Soybeans acquired other than from producer-members and member associations are not eligible for price support. Any producer or association in doubt as to whether his interest in the soybeans complies with the requirements of this paragraph (a) should make available to the county committee prior to filing an application, all pertinent information which will permit a determination to be made by CCC.

(b) *Succession of interest.* To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the soybeans were produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

§ 421.1605 Eligible soybeans.

The soybeans must meet all of the applicable requirements of this section, in addition to other applicable requirements of the program, in order to be eligible for a loan, for delivery under a loan, and for purchase under a purchase agreement.

(a) *Production.* The soybeans must have been produced in the United States in 1962 by an eligible producer on a farm on which the total acreage of conserving and idle land in 1962 is not less than an acreage equivalent to the 1959–60 average acreage of conserving and idle land, except that the required acreage of conserving and idle land may be adjusted by the county committee for abnormal factors adversely affecting production in 1959–60, and in counties designated by the ASC State committees, further adjustments in the required acreage may be made by the county committee for abnormal factors adversely affecting production in 1962. For the purpose of this special requirement, "conserving land" is farm land devoted to generally accepted conservation uses as determined by the county committee, and "idle land" is all other farm land not devoted to crop production or to conservation uses. In making determinations under this paragraph all land on the farm is to be considered rather than crop land only. Any producer in doubt as to whether he has met requirements for conserving and idle land on the farm shall make available to the county committee all pertinent information, prior to filing an application, which will permit a determination to be made by CCC as to his eligibility for price support on soybeans produced on the farm.

(b) *Certification.* Each producer shall sign one of the following certifications, as applicable, for the 1962-crop soybeans produced on each farm with respect to which he applies for price support: (1) The undersigned producer certifies that the total acreage of conserving and idle land in 1962 on the farm identified above is not less than the 1959–60 average acreage of conserving and idle land on such farm. (2) The undersigned producer certifies that the total acreage of conserving and idle land in 1962 on the farm identified above is not less than an acreage equivalent to the 1959–60 average acreage of conserving and idle land on such farm, as adjusted by the county committee for abnormal factors adversely affecting production in 1959–60, and in counties designated by the State committee, as adjusted by the county committee for abnormal factors adversely affecting production in 1962 on such farm.

(c) *Form CCC–127.* In the case of a cooperative marketing association applying for soybean price support under this paragraph, the association shall submit in behalf of each producer who produced the soybeans tendered by the association for price support a properly executed Form CCC–127 containing the certification required by paragraph (b) of this section and such additional information as required by such form. Where such producer or the association is in doubt as to whether such producer has met the requirements of paragraph (a) of this section, prior to signing the certification, the producer shall supply the county committee of the county in which his farm is located with necessary information for the county committee to determine if the producer has met such requirements. If the association obtains price support on soybeans produced by a producer who does not meet the requirements regarding conserving and idle land on the farm as provided in paragraph (a) of this section, the association shall be liable to CCC for any loss incurred by CCC on such soybeans. Such loss shall be deemed to be the amount received by the association from CCC on such soybeans plus charges and interest, less the market price of such soybeans on the loan maturity date, as determined by CCC.

(d) *Grade requirements.* Soybeans at the time they are placed under loan and soybeans under purchase agreement which are in approved warehouse storage prior to notification by the producer of his intention to sell to CCC, must meet the requirements set forth in this paragraph. The soybeans must be soybeans of any class, grading No. 4 or better. Soybeans grading "Garlicky" or "Weevily", or containing in excess of 14 percent moisture shall not be eligible, except that soybeans represented by warehouse receipts which indicate that the soybeans are ineligible solely because of containing in excess of 14 percent moisture will be eligible if the warehouseman certifies on the supplemental certification or on a statement attached to the warehouse receipt that soybeans of 14 percent moisture or less of an eligible grade and quality will be delivered. The certification shall be substantially as follows:

CERTIFICATION

On soybeans containing in excess of 14 percent moisture delivery will be made of soybeans which contain not in excess of 14 percent moisture, which are otherwise of the same grade and quality or better as the soybeans described on warehouse receipt No. ------, and which are the actual quantity obtained after drying the soybeans described in such receipt to not in excess of 14 percent moisture. No lien for processing will be claimed by the warehouseman from the Commodity Credit Corporation or any subsequent holder of the warehouse receipt.

(e) *Poisonous substances.* The soybeans must not contain mercurial compounds or other substances poisonous to man or animals.

(f) *Waiting period.* If offered as security for a farm-storage loan, the soybeans must have been in store for at least 30 days prior to inspecting, measuring, sampling and sealing, unless otherwise approved by the State committee.

(g) *Purchase agreements—predelivery inspection.* Except as otherwise provided in § 421.1611(a), soybeans under purchase agreement stored in other than approved warehouse storage shall not be eligible for sale to CCC if they do not meet the requirements of paragraphs (d) and (e) of this section on the basis of a predelivery inspection performed by a representative of the county committee, unless the producer complies with the conditions specified in § 421.1611(a) and the soybeans on the basis of the inspection made at the time of delivery meet the requirements of paragraphs (d) and (e) of this section.

(h) *Deliveries under farm-storage loans.* Only soybeans covered by the loan documents are eligible for delivery under farm-storage loans.

§ 421.1606 Determination of quality.

The class, grade, grading factors, percentage of foreign material and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Soybeans, whether or not such determinations are made on the basis of an official inspection.

§ 421.1607 Determination of quantity.

(a) *In warehouse.* The quantity of soybeans on which a warehouse-storage loan shall be made and the quantity delivered to or acquired by CCC in an approved warehouse under a farm-storage loan or purchase agreement shall be the net weight specified on the warehouse receipt or on the supplemental certificate if applicable.

(b) *On farm.* The quantity of soybeans placed under farm-storage loan may be determined either by weight or by measurement. The quantity delivered under a farm-storage loan or a purchase agreement shall be determined by weight. When the quantity is determined by weight, a bushel shall be 60 pounds of soybeans. In determining the quantity of sacked soybeans by weight, a deduction of $\frac{3}{4}$ of a pond for each sack shall be made.

(c) *Adjustment for test weight.* When the quantity is determined by measurement, a bushel shall be 1.25 cubic feet of soybeans testing 60 pounds per bushel. The quantity determined for soybeans of a different test weight shall be adjusted by the applicable percentage in the following table:

For soybeans testing:	Percent
60 pounds or over	100
59 pounds or over, but less than 60	98
58 pounds or over, but less than 59	97
57 pounds or over, but less than 58	95
56 pounds or over, but less than 57	93
55 pounds or over, but less than 56	92
54 pounds or over, but less than 55	90
53 pounds or over, but less than 54	88
52 pounds or over, but less than 53	87
51 pounds or over, but less than 52	85
50 pounds or over, but less than 51	83
49 pounds or over, but less than 50	82

(d) *Safety margin.* A safety factor as established by the State committee shall be deducted from the net quantity as determined by measurement when soybeans are offered for a farm-storage loan.

§ 421.1608 Warehouse receipts.

Warehouse receipts representing soybeans in approved warehouse storage, to be placed under a warehouse-storage loan, to be delivered in satisfaction of a a farm-storage loan or, to be acquired under a purchase agreement, must meet the requirements of this section.

(a) *Manner of issuance and endorsement.* Warehouse receipts presented for warehouse-storage loans must be issued in the name of the producer and for deliveries under farm-storage loans or purchase agreements, in the name of the producer or CCC, and must be properly endorsed in blank when issued in the name of the producer so as to vest title in the holder. Receipts must be issued by a warehouse for which a Uniform Grain Storage Agreement is in effect and which is approved by CCC for price support purposes or must be receipts issued on approved warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission. The term "Eastern common carriers" as used in this subpart includes the Port of New York Authority.

(b) *Entries for weight and grade.* Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt must show all of the following: (1) Gross weight and bushels, (2) class, (3) grade, (4) test weight, (5) moisture, (6) percentage of foreign material, and (7) any other grading factor(s) when such factor(s), and not test weight or moisture, determine the grade. In addition, for soybeans grading No. 3 or No. 4, the percentage of splits, total damage and heat damage must also be shown. The grading factors on the warehouse receipt must agree with the inbound inspection certificate for the truck, car or barge, if such certificate is issued. If the warehouseman has furnished a statement as provided in § 421.1605(d), the supplemental certificate must show the numerical grade, grading factors, and the quantity of the soybeans to be delivered. Where the grade, grading factors and the quantity of the soybeans shown on the supplemental certificate do not agree with the warehouse receipt, the grade, grading factors and quantity shown on the supplemental certificate shall take precedence. A separate warehouse receipt must be submitted for each grade and class of soybeans.

(c) *Liens.* The warehouse receipts may be subject to liens for warehouse charges only to the extent indicated in § 421.1609.

(d) *Where warehouseman is also owner.* If the receipt is issued for soybeans of which the warehouseman is the owner either solely, jointly or in common with others, the fact of such ownership shall be stated on the receipt. Such receipts shall also be registered or recorded with appropriate State or local officials when required by State law. In States where the pledge of warehouse receipts by a warehouseman on his own soybeans is not valid under State law and the warehouseman elects to deliver soybeans to CCC under a purchase agreement for which he is eligible under this program, the warehouse receipt shall be issued in the name of CCC.

(e) *Insurance.* Each warehouse receipt or accompanying supplemental certificate representing soybeans stored in an approved warehouse operating under the Uniform Grain Storage Agreement shall indicate that the soybeans are insured, in accordance with such agreement. Each warehouse receipt or accompanying supplemental certificate issued on warehouses operated by Eastern common carriers and representing soybeans to be placed under loan shall indicate that it is insured at the full market value against loss or damage by fire, lightning, inherent explosion, windstorm, cyclone, and tornado. The cost of such insurance shall not be for the account of CCC.

§ 421.1609 Warehouse charges.

(a) *Handling and storage liens.* Warehouse receipts and the soybeans represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the soybeans are deposited in the warehouse for storage. Warehouse receipts and the soybeans represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. In no event shall a warehouseman be entitled to satisfy the lien by sale of the soybeans when CCC is holder of the warehouse receipt.

(b) *Deduction of storage charges—U.G.S.A. warehouses.* The table shown below provides the deductions for storage charges to be made from the amount of the loan or purchase price in the case of soybeans stored in approved warehouses operated under the Uniform Grain Storage Agreement. Such deduction shall be based on entries shown on the warehouse receipts. If written evidence is submitted with the warehouse receipt that all warehouse charges except receiving and loading out charges have been prepaid through the applicable loan maturity date, no storage deductions shall be made. If such written evidence is not submitted, the date to be used for computing the storage deduction on soybeans stored in warehouses operating under the Uniform Grain Storage Agreement, shall be the date of deposit or the date storage charges start, whichever is later; if neither the date of deposit nor the date storage charges start is shown, the date of the warehouse receipt shall be used.

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES BY MATURITY DATE

May 31, 1963 [1]	*Deduction (cents per bushel)*
Prior to July 26, 1962	12
July 26–Aug. 21, 1962	11
Aug. 22–Sept. 17, 1962	10
Sept. 18–Oct. 14, 1962	9
Oct. 15–Nov. 10, 1962	8
Nov. 11–Dec. 7, 1962	7
Dec. 8, 1962–Jan. 3, 1963	6
Jan. 4–Jan. 30, 1963	5
Jan. 31–Feb. 26, 1963	4
Feb. 27–Mar. 25, 1963	3
Mar. 26–Apr. 21, 1963	2
Apr. 22–May 31, 1963	1

[1] Date all storage charges start, all dates inclusive.

(c) *Deduction of storage charges—Eastern common carriers.* In the case of soybeans stored in an approved warehouse operated by an Eastern common carrier there shall be deducted in computing the loan or purchase price the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through the applicable maturity date unless written evidence is submitted with the warehouse receipt that such charges have been prepaid. The county office shall request the ASCS commodity office to determine the amount of such charges. Where the producer presents evidence showing the elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.1610 Maturity of loans.

Loans mature on demand but not later than May 31, 1963.

§ 421.1611 Inspection of soybeans under purchase agreement.

(a) *Predelivery inspection.* (1) Where the producer has given written notice within the 30-day period prior to the loan maturity date of his intent to sell his soybeans stored in other than an approved warehouse under purchase agreement to CCC, the county office shall make an inspection, obtain a sample and submit it for grade analysis prior to delivery.

(2) If the soybeans, on the basis of the predelivery inspection are of a quality which meets the requirements for a farm-storage loan, the county office shall issue delivery instructions on or after the date of inspection. The producer must then complete delivery within the period specified in the delivery instructions unless the county office determines that more time is needed for delivery.

(3) The producer whose soybeans are stored in other than approved warehouse which are not of a quality eligible for a loan at the time of the predelivery inspection shall be notified in writing by the county office that his soybeans are not eligible for purchase by CCC. If, nevertheless, the producer informs the county office that he will condition the soybeans or otherwise take action to make them eligible and insists upon delivery of the soybeans, the county office shall issue delivery instructions. In such case, if the soybeans do not meet the eligibility requirements of § 421.1605 (d) and (e) as determined on the basis of a sample taken at the time of delivery, the soybeans will not be accepted for purchase by CCC.

(4) A predelivery inspection shall not be made in unapproved warehouses where the soybeans are stored commingled or are stored so that the identity of the producer's soybeans is maintained but a predelivery inspection is not possible. When a predelivery inspection is not made such soybeans at the time of delivery must meet the eligibility requirements of § 421.1605 (d) and (e).

(b) *Inspection of soybeans stored by producer after maturity date.* (1) The producer may be required to retain the soybeans stored in other than approved warehouse storage under purchase agreement for a period of 60 days after the loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of the soybeans covered by a purchase agreement occurring prior to delivery to CCC except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions for soybeans which were determined to be of an eligible grade and quality at the time of the predelivery inspection, and CCC cannot accept delivery within the 60-day period following the loan maturity date, the producer may notify the county office at any time after such 60-day period that the soybeans are going out of condition or are in danger of going out of condition. If the county office determines that the soybeans are going out of condition or are in danger of going out of condition and they cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county office shall obtain an inspection and grade and quality determination.

(2) When delivery is completed, settlement shall be made on the basis of such grade and quality determination or the grade and quality determination made at the time of delivery, whichever is higher, and on the quantity actually delivered.

§ 421.1612 Settlement.

(a) *General.* Settlement for soybeans acquired by CCC under loan or purchase agreement will be made with the producer as provided in this section. The support rate per bushel at which settlement will be made for eligible soybeans shall be determined under the applicable provisions of § 421.1613 and this section.

(1) *Warehouse-storage loans.* Settlement for eligible soybeans acquired by CCC under warehouse-storage loans and represented by warehouse receipts shall be made on the basis of weight, grade and other quality factors shown on such warehouse receipt or accompanying documents.

(2) *Farm-storage loans and purchase agreements.* (i) Delivery will be made in accordance with instructions issued by the county office. Settlement shall be based on the quality and quantity as indicated on warehouse receipts and accompanying documents issued by an approved warehouse or if applicable, the quality and quantity as shown on Form CCC–50.

(ii) Soybeans purchased under a purchase agreement shall be paid for by sight draft drawn on CCC. The producer shall indicate on commodity purchase Form 4 to whom payment shall be made.

(b) *Settlement rate to be established.* In the case of delivery of soybeans under a farm-stored loan and soybeans under purchase agreement which were determined to be eligible at the time of predelivery inspection but which upon delivery are of a grade or quality for which no support rate has been established, the settlement rate shall be the applicable basic support rate adjusted by the premiums and discounts shown in § 421.1613 to the extent they apply and in addition, by the amount of market discounts, if any, as determined by the appropriate ASCS commodity office for the quality by which the soybeans are lower than the quality for which such price support discounts are established: *Provided, however,* That if such soybeans are sold by CCC for the purpose of determining its market price, the settlement value shall not be less than such sales price. Notwithstanding the foregoing, the settlement rate shall not in any event be more than the rate which would have been established under § 421.1613 by using the price support premiums and discounts in such section to the extent that they apply.

(c) *Compensation for hauling.* If the producer is directed by the county office to deliver his price support soybeans to a point a greater distance than to his customary delivery point, the producer will be allowed compensation (as determined by the ASC State committee at not to exceed the common carrier truck rate or the rate available from local truckers) for hauling eligible soybeans the additional distance. The ASC State committee, may in determining the rates of payments for any excess haul, establish reasonable mileage minimums below which producers will not receive compensation for hauling the soybeans.

(d) *Track-loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on eligible soybeans delivered to CCC on track at a country point.

(e) *Storage payment where CCC is unable to take delivery of soybeans stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain soybeans stored in other than an approved warehouse under loan or purchase agreement for a period of 60 days after the maturity date without any cost to CCC. However, if CCC is unable to take delivery of such soybeans within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery to CCC: *Provided, however,* That a storage payment shall be paid a producer whose soybeans are stored in other than an approved warehouse under purchase agreement only if he had properly given notice of his intention to sell the soybeans to CCC and delivery cannot be accepted within the 60-day period after maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office whichever is earlier. The storage payment shall be computed at the storage rate for soybeans provided for in the Uniform Grain Storage Agreement in effect at the time of such storage.

(f) *Storage deduction for early delivery.* If farm-stored soybeans are delivered to CCC prior to maturity date, a deduction for storage shall be made, except that no deduction shall be made if such early delivery is made because the loan is called solely for the convenience of CCC, or if it is determined by CCC at the time of delivery that the soybeans will be sold rather than stored, or if CCC requires early delivery on an area basis.

(g) *Refund of prepaid handling charges.* In the case a warehouseman charges the producer for the receiving or the receiving and loading out charges on soybeans under loan or purchase agreement stored in an approved warehouse, the producer shall, upon delivery of the soybeans to CCC, be reimbursed or given credit by the county office for such prepaid charges not to exceed those specified in the Uniform Grain Storage Agreement, provided the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid. In the case an approved warehouse operated by an Eastern common carrier charges the producer for the elevation charges on soybeans under loan or purchase agreement, the producer shall, upon delivery of the soybeans to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges specified in the applicable approved tariff, provided the producer furnishes to the county office written evidence signed by the warehouseman that such charges have been paid and that CCC has not previously given the producer credit for such charges as provided in § 421.1609(c).

(h) *Ineligible soybeans inadvertently accepted by CCC.* (1) In the case of (i) ineligible soybeans delivered to or acquired by CCC under a loan; (ii) soybeans delivered in excess of the maximum quantity stated in the purchase agreement; (iii) ineligible soybeans delivered under a purchase agreement where a predelivery inspection was not made; (iv) ineligible soybeans delivered under a purchase agreement where the predelivery inspection indicated it to be of an ineligible quality, and (v) any other ineligible soybeans acquired by CCC under a purchase agreement, the settlement value shall be the market price as determined by CCC, but in no

event more than the applicable support rate.

(2) If CCC sells the soybeans for the purpose of determining its market price, the settlement value shall be such sales price. The provisions of this paragraph do not apply to ineligible soybeans covered by paragraphs (i) and (j) of this section.

(i) *Fraud.* The making of any fraudulent representation by the producer, in connection with settlement or deliveries under a loan shall render the producer personally liable, aside from any additional liability under criminal and civil frauds statutes, for the amount of the loan, for any additional amounts paid to the producer on the commodity, and for all costs which the Corporation would not have incurred had it not been for the producer's fraudulent representation, together with interest at the rate of 6 percent per annum on such amounts from the date of disbursement. For the purpose of establishing any deficiency remaining due in the event the producer has made any such fraudulent representation, the value of the soybeans acquired by CCC under the loan shall be the market value as determined by CCC on the date of delivery or removal in the case of farm-storage loans or the market value of the soybeans as of the close of the market on the final date for repayment in the case of warehouse-storage loans, or in the case of both farm-storage and warehouse-storage loans the sales price if the soybeans are sold by CCC in order to determine its market value. If the producer has made a fraudulent representation in a sale under a purchase agreement or in the purchase agreement documents, he shall be personally liable, aside from any additional liability under criminal or civil frauds statutes for any loss which CCC sustains upon the soybeans delivered under the purchase agreement. For the purpose of this program, such loss shall be deemed to be the price paid to the producer on the soybeans delivered under the purchase agreement plus all costs sustained by CCC in connection with the soybeans, together with interest at the rate of 6 percent per annum from the date of disbursement, less the market value, as determined by CCC of the soybeans as of the close of the market on the date of delivery, or the sales price if the soybeans are sold in order to determine their market value.

(j) *Poisonous substances.* If soybeans are delivered to CCC which contain mercurial compounds or other substances poisonous to man or animals, such soybeans shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such soybeans for the uses specified above, the settlement value shall be the market value, as determined by CCC, as of the date of delivery.

§ 421.1613 Support rates.

The support rate for the quality of soybeans placed under a loan or acquired under a loan or purchase agreement shall be the applicable basic county support rate established for the county in which the soybeans were produced, adjusted in accordance with the provisions of this section, and in the case of settlement of loans and purchase agreements as further provided in § 421.1612. Basic county support rates for the classes Green Soybeans and Yellow Soybeans grading No. 2 and containing from 13.8 to 14.0 percent moisture will be a part of this section to be issued at a later date.

(a) *Discounts.* The following discounts shall, in the case of loans be applied to the basic rate at the time the loan is completed and at the time of settlement and, in the case of deliveries under purchase agreements shall be applied to the basic rate at the time of settlement. All discounts shall be cumulative.

(1) *Where weed control laws apply.* Where the State committee determines that State, district or county weed control laws, as administered, affect the soybean crop, the support rate in the case of farm storage shall be 10 cents below the applicable county support rate for the county in which the soybeans were produced unless the producer obtains a certificate from the appropriate weed control official indicating that the soybeans comply with the weed control laws. In the case of warehouse storage, whenever the State committee of the State in which the soybeans are stored determines that State, district or county weed control laws, as administered, affect soybeans stored in approved warehouses, the rate shall be 10 cents below the applicable support rate for the county which the soybeans were produced unless the producer obtains a certificate from either the appropriate State, county or district weed control official or the storing warehouseman that the soybeans comply with the weed control laws, and in the case of a certificate from the warehouseman, that he will save CCC harmless from loss or penalty because of the weed control laws. The certificate of the warehouseman may be in substantially the following form:

CERTIFICATION

This is to certify that the grain evidenced by warehouse receipt No. ------ issued to ---------- is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that should such grain be taken over by CCC in settlement of a loan or be purchased under the purchase agreement program that the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the grain was stored under the above warehouse receipt.

(Signature)

(Address)

(Date)

(2) *Classification discount.*

Class	Cents per bushel
Black	−25
Brown	−25
Mixed	−25

(3) *Test weight per bushel.*

Pounds	Cents per bushel
53.0 through 53.9	− ½
52.0 through 52.9	−1
51.0 through 51.9	−1½
50.0 through 50.9	−2
49.0 through 49.9	−2½

(4) *Splits.*

Percent	Cents per bushel
20.1 through 25.0	− ½
25.1 through 30.0	−1
30.1 through 35.0	−1½
35.1 through 40.0	−2

(5) *Damaged kernels.*[1]

Heat percent	Total percent	Cents per bushel
0.6 through 0.7	3.1 through 4.0	− ½
0.8 through 1.0	4.1 through 5.0	−1
1.1 through 1.5	5.1 through 6.0	−1½
1.6 through 2.1	6.1 through 7.0	−2
2.2 through 3.0	7.1 through 8.0	−2½

[1] Use column which yields the higher applicable discount.

(6) *Foreign material.*

Percent	Cents per bushel
2.1 through 2.5	−1
2.6 through 3.0	−2
3.1 through 3.5	−3
3.6 through 4.0	−4
4.1 through 4.5	−5
4.6 through 5.0	−6

(b) *Premiums.* The following premiums are applicable to eligible soybeans. In the case of farm-storage loans and deliveries under purchase agreements, premiums shall be applied to the basic rates at the time of settlement. In the case of warehouse-storage loans, premiums shall be applied to the basic rates at the time the loans are completed. All premiums shall be cumulative.

(1) *Low moisture.*

Percent	Cents per bushel
12.2 or less	+4
12.3 through 12.7	+3
12.8 through 13.2	+2
13.3 through 13.7	+1
13.8 through 14.0	0

(2) *Low foreign material.*

	Cents per bushel
1.0 percent or less	+2

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 6, 1962.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-6763; Filed, July 10, 1962; 8:54 a.m.]

[1962 C.C.C. Cotton Bulletin 1]

PART 427—COTTON

Subpart—1962 Cotton Loan Program Regulations

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427.1328 Custodial offices.
427.1329 Schedule of premiums and discounts for upland cotton (basis 1-inch Middling), and loan rates for extra long staple cotton.

AUTHORITY: §§ 427.1301 to 427.1329 issued under sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1444, 1421.

§ 427.1301 General statement.

This subpart contains the regulations, instructions, and requirements with respect to the 1962 Cotton Loan Program of Commodity Credit Corporation (referred to in this subpart as "CCC") formulated by CCC and the Agricultural Stabilization and Conservation Service (referred to in this subpart as "ASCS"). Under this program, loans will be made available on 1962-crop upland and extra long staple cotton in accordance with this bulletin.

§ 427.1302 Administration.

Under the general direction and supervision of the Executive Vice President, CCC, the Cotton Division, and other appropriate divisions of ASCS, will carry out the provisions of this subpart. In the field the program will be administered through the New Orleans ASCS Commodity Office, 120 Marais Street, New Orleans 16, Louisiana (referred to in this subpart as the "New Orleans office"), and Agricultural Stabilization and Conservation (referred to in this subpart as "ASC") State and county committees (referred to in this subpart as "State committees" and "county committees," respectively). Program availability and maturity dates will be those specified in this subpart, except that whenever the final date of availability or the maturity date falls on a nonworkday for ASCS county offices (referred to in this subpart as "county offices") or the New Orleans office, the applicable final date shall be extended to include the next workday. Forms will be distributed by the New Orleans office and will be available in county offices and will also be available at approved lending agencies, approved warehouses, and others designated to participate in the loan program. State and county committees and employees thereof and the New Orleans office do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements thereto. No delegation herein to a State or county committee or the New Orleans office shall preclude the Executive Vice President, CCC, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee, or the New Orleans office.

§ 427.1303 Availability of loans.

(a) *General statement.* Loans will be available to eligible producers on eligible cotton and will be made available through warehouse and bill of lading loans.

(b) *Area.* Loans on cotton produced in the areas specified below and covered by bills of lading will be available in areas designated by the New Orleans office where there is a shortage of storage space and the necessary arrangements for handling the cotton can be made. Warehouse loans will be available on:

(1) Upland cotton produced in all cotton-producing areas of the continental United States.

(2) Extra long staple cotton produced in areas designated in this subparagraph.

(i) American-Egyptian cotton produced in Cochise, Gila, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz, and Yuma Counties, Arizona; Imperial and Riverside Counties, California; Dona Ana, Eddy, Luna, Otero, and Sierra Counties, New Mexico; and Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, and Ward Counties, Texas.

(ii) Sea Island and Sealand cotton produced in Berrien, Cook, and Lanier Counties, Georgia; and Alachua, Bradford, Columbia, Hamilton, Jefferson, Lake, Levy, Madison, Marion, Orange, Putnam, Seminole, Sumter, Suwannee, Union, and Volusia Counties, Florida; and Sea Island cotton produced from seed planted in 1962 in Puerto Rico.

(c) *Time.* Loans will be available from the date rates are announced through April 30, 1963. Notes covering warehouse-stored cotton must be signed by the producer and delivered to the lending agency or the county office on or before April 30, 1963. Loans on cotton covered by bills of lading will be available only during the periods specified by the New Orleans office.

(d) *Source.* Loans will be available from CCC through the county office of the county in which the cotton was produced. Loans will also be available through any approved lending agency. However, no lending agency shall be approved in a county if the State committee determines that loans made in such county on Form CCC Cotton A shall be made only at the county office. The State committee shall make this determination a reasonable time prior to the time loans are usually made in the county and shall publicize this determination so that cotton producers in the county will have reasonable notice as to where CCC loans on cotton may be obtained. Disbursements on loans will be made to producers by county offices by sight drafts drawn on CCC or by approved lending agencies under agreements with CCC at the locations for which they are approved. Disbursements of loans by approved lending agencies or county offices will be made not later than April 30, 1963, except where specifically approved by the New Orleans office in each instance. The producer shall not present the loan documents for disbursement unless the cotton is in existence and in good condition. If the cotton is not in existence and in good condition at the time of disbursement, the producer shall immediately return the check or draft issued in payment of the loan, or if the check or draft has been negotiated, shall promptly refund the proceeds.

§ 427.1304 Approved lending agency.

An approved lending agency shall be any bank, corporation, partnership, association, individual, or other legal entity which has entered into a Lending Agency Agreement-Cotton (Form CCC Cotton D, referred to in this subpart as "Form D") with CCC. Banks and other agencies desiring to enter into Lending Agency Agreements should make application to the New Orleans office which will enter into such agreements on behalf of CCC with responsible applicants having organizations and facilities adequate to properly carry out their responsibilities and obligations under the program.

§ 427.1305 Producer.

A producer shall be any individual, partnership, corporation, association, trust, estate, or other legal entity, or a State or political subdivision thereof, or an agency of such State or political subdivision, producing eligible upland or extra long staple cotton in the capacity of landowner, landlord, tenant, or sharecropper.

§ 427.1306 Eligible producer.

(a) A producer will be entitled to a loan on eligible upland or extra long staple cotton produced by or for him in 1962 on a farm (as defined for purposes of cotton marketing quotas) for which a 1962 acreage allotment for such kind of cotton has been determined under Title III of the Agricultural Adjustment Act of 1938, as amended and supplemented, if all of the following requirements are met:

(1) The 1962 planted acreage (as determined for purposes of cotton marketing quotas) of such kind of cotton on the farm does not exceed the 1962 cotton acreage allotment for the farm for such kind of cotton.

(2) For the purpose of determining eligibility for a loan, the upland or extra long staple cotton acreage on the farm will not be deemed to be in excess of the acreage allotment for such cotton unless such acreage allotment for such kind of cotton is knowingly exceeded. If the producer operating the farm is notified that such acreage allotment has been exceeded and the planted acreage is not adjusted to such acreage allotment within the period allowed under the notice, such acreage allotment shall be deemed to have been knowingly exceeded by the producers having an interest in the cotton.

(b) In the case of eligible cotton produced by a landlord and his share tenant or sharecropper, a loan may be obtained only as follows:

(1) If the cotton is divided among the producers entitled to share in such cotton, each landlord, tenant, or sharecropper may obtain a loan on his separate share.

(2) If the cotton is not divided, (i) all producers having a share in the cotton may obtain a joint loan on such cotton, or (ii) the landlord may obtain a loan on cotton in which both he and one or more share tenants or sharecroppers have an interest if he has the legal right to do so, and in such cases the share tenants or sharecroppers must be paid their pro rata share of the loan proceeds and their pro rata share of any additional proceeds received from the cotton. In no case shall a share tenant or sharecropper obtain a loan individually on cotton in which a landlord has an interest. Except as provided above, two or more producers may not obtain a joint loan on their cotton.

§ 427.1307 Eligible cotton.

Eligible cotton shall be upland cotton produced in the United States in 1962 or extra long staple cotton planted in 1962 and produced in areas designated under § 427.1303, which meets the following requirements:

(a) Such cotton must have been produced on a farm on which the acreage planted to such kind of cotton (as determined for purposes of cotton marketing quotas) does not exceed the 1962 cotton acreage allotment for the farm for such kind of cotton (determined on the basis of § 427.1306(a)(2)).

(b) Such cotton must be of a grade and staple length specified in § 427.1329 and must be represented by warehouse receipts meeting the requirement of § 427.1319.

(c) Such cotton must not be false-packed, water-packed, mixed-packed, reginned, or repacked; upland cotton must not have been reduced more than two grades because of preparation; extra long staple cotton must have been ginned on a roller gin, shall be of normal character, and must not have been designated as "wasty" or reduced in grade for any reason.

(d) Such cotton must be in existence and in good condition.

(e) Such cotton must not be compressed to high density.

(f) Such cotton must have been produced by the person tendering it for a loan, and such person must have the legal right to pledge it as security for a loan.

(g) If such cotton was produced on land owned by the Federal Government, it must not have been produced in violation of the provisions of the lease.

(h) If the person tendering such cotton is a landlord or landowner, the cotton must not have been acquired by such landlord or landowner directly or indirectly from a share tenant or sharecropper and must not have been received in payment of fixed or standing rent; and if it was produced by him in the capacity of landlord, share tenant, or sharecropper, it must be his separate share of the crop, unless he is a landlord and is tendering cotton in which both he and one or more share tenants or sharecroppers have an interest.

(i) The person or association tendering such cotton must not have previously sold and repurchased such cotton.

(j) Each bale of cotton must weigh not less than 350 nor more than 625 pounds, gross weight, and must be adequately packaged in new material manufactured for cotton bale covering, except used jute and sugar bagging will be acceptable if such bagging is clean and in sound condition. Bagging manufactured from sisal and other hard fibers will not be acceptable. The bagging must be sufficiently strong to adequately protect the cotton. Cotton compressed to standard density, whether compressed by a warehouseman or at a gin, must have not less than eight bands. Heads of bales must be completely covered. Bales packaged with new bagging and ties used in the Cotton Experimental Bale Packaging Program sponsored by the National Cotton Council, Memphis, Tennessee (referred to in this subpart as "Experimental Bale Packaging Program"), will be acceptable provided there is attached to each such bale a tag which identifies such bale with the program and which shows the actual tare weight and the number of pounds to be added to the gross weight of the bale for the purpose of adjusting the bale to the normal gross weight under such program.

(k) Each bale of cotton must bear the gin bale number.

§ 427.1308 Forms.

The following documents must be delivered by producers in connection with every loan except loans made pursuant to § 427.1327:

(a) *Warehouse-stored loans.* (1) Cotton Producer's Note (Form CCC Cotton A, referred to in this subpart as "Form A").

(2) Warehouse receipts complying with the provisions of § 427.1319.

(3) Cotton Classification Memorandum Form 1 or Form A3 for each bale showing the classification assigned by a board of cotton examiners of the United States Department of Agriculture (referred to in this subpart as the "board").

(4) Lien Waiver (Form CCC–889, referred to in this subpart as "Form 889"), if used in lieu of execution of Leinholder's Waiver on the Form A in accordance with the provisions of § 427.1314.

(b) *Cotton represented by order bills of lading.* (1) Form A executed within the area and during the period such loans are available.

(2) Order bill of lading in a form acceptable to CCC and representing the cotton tendered as security for the loan.

(3) If the receiving agency is not a warehouseman, Weight and Condition Certificates complying with the provisions of § 427.1321 and a Receiving Agency's Certificate.

(4) Cotton Classification Memorandum Form 1 or Form A3 for each bale showing the classification assigned by the board.

(5) Form 889 if used in lieu of execution of Lienholder's Waiver on the Form A in accordance with the provisions of § 427.1314.

(c) *Loan documents executed by an administrator, executor, or trustee.* Loan documents executed by an administrator, executor, or trustee will be acceptable only where valid in law. State documentary revenue stamps shall be affixed to loan documents where required by law.

(d) *Powers of attorney.* A producer who desires to appoint an attorney-in-fact to act in his place and stead in obtaining loans shall use Power of Attorney (Form CCC–818, referred to in this subpart as "Form 818") which must be filed with the New Orleans office and an executed copy filed with the lending agency or county office disbursing the loan proceeds.

§ 427.1309 Approved storage.

Cotton will be accepted as security for loans only if stored by warehouses approved by CCC. Warehousemen desiring approval of their facilities should communicate with the New Orleans office. The names of approved warehouses may be obtained from the New Orleans office or State or county offices.

§ 427.1310 Weight, loan rate, and amount.

(a) *Weight.* Loans will be made on the gross weight of upland cotton and on the net weight of extra long staple cotton. The gross weight of the bale shall be the gross weight shown on the warehouse receipt if the loan is made on cotton represented by warehouse receipts, or the gross weight shown on the Weight and Condition Certificate (see § 427.1321(c)) if the loan is made on cotton represented by order bills of lading. Notes covering cotton pledged on reweights will not be accepted if it is evident that such reweights reflect an increase in weight due to the absorption of additional moisture. In making loans on upland cotton covered with cotton bagging made of cotton material manufactured specifically for covering cotton bales, an allowance of 7 pounds per bale will be added to the gross weight of the bale: *Provided*, That the allowance to be added to the gross weight of the bale shall not exceed an amount which will reflect a tare weight of more than 21 pounds for the bale. In order to encourage improved wrapping methods and compensate for resulting reduced tare weight in making loans on upland cotton wrapped with material under the Experimental Bale Packaging Program, there will be added to the gross weight of the bale an allowance equal to the number of pounds shown on the program bale tag to be necessary "to adjust to normal gross weight" under such program. No allowances other than those provided for in this subsection will be made.

(b) *Loan rate.* (1) The base loan rate for Middling 1-inch upland cotton (except for the special condition upland cotton provided for hereinbelow) at each approved warehouse will be shown in the Schedule of Base Loan Rates for Upland Cotton (which will be issued about June 30, 1962). This schedule will be available at county offices.

(2) The premium or discount applicable to each other eligible grade and staple length of upland cotton is shown in § 427.1329.

(3) The loan rate for upland cotton for which the classification memorandum shows a reduction in grade because of the presence of extraneous matter or because of spindle twist shall be one cent a pound less than the loan rate for the quality (grade and staple length) to which the cotton is reduced.

(4) The loan rate for upland cotton which is designated on the classification memorandum as "wasty" shall be four cents a pound less than the loan rate for the quality (grade and staple length) shown on the classification memorandum for the cotton.

(5) Loan rates for extra long staple cotton are also shown in § 427.1329.

(c) *Amount.* The amount due the producer will be determined by multiplying the weight as determined in paragraph (a) of this section by the applicable loan rate as determined in paragraph (b) of this section. After a loan is made, CCC will not be obligated to make adjustments in the amount of the loan as a result of any subsequent redetermination of the weight or quality of the cotton.

§ 427.1311 Preparation of documents.

(a) A producer desiring to obtain a loan may obtain the necessary forms from county offices, approved lending agencies, approved warehouses, and approved clerks (persons approved by the county committees to assist producers in preparing and executing the loan forms). All applicable blanks on the loan forms must be filled in with ink, indelible pencil, or typewriter in the manner indicated therein, and documents containing additions, alterations, or erasures may be rejected by CCC. (Forms A having a date prior to April 10, 1962, shall not be used.) All copies must be clearly legible, and the copies shall reflect all information contained on the original, including all signatures. The spaces provided on Forms A for the producer to request payment of the proceeds must be completed in every instance. All disbursements made from the proceeds of a Form A, including clerk's fee when deducted, must be shown, and the total must agree with the amount of the Form A. No deduction may be made from the loan proceeds by the lending agency as a charge for interest, commission, exchange, or any other charge in connection with disbursement of the loan or handling of the loan documents, except the authorized clerk's fee in case an employee of the lending agency has executed the Clerk's Certificate on Form A. Care should be exercised by the lending agency and the county office to determine that the warehouse receipts and bills of lading are genuine. Before the loan clerk prepares loan documents for a producer, he must require the producer to present his marketing card so that he can determine whether the producer is eligible for a loan. The marketing cards issued by the county office will indicate the producer's eligibility. If the producer's 1962 upland marketing card is Form MQ–76—Upland Cotton (a green card) or his 1962 extra long staple cotton marketing card is Form MQ–76—ELS Cotton (a white card), the loan clerk will use this as evidence that the producer is eligible to obtain a loan on the kind of cotton for which such card was issued. Loan documents for cotton produced on a farm identified by a green or white marketing card may be prepared by the county office and the loan proceeds disbursed by an approved lending agency of the producer's choice. If the loan documents are presented to a lending agency and the producer's 1962 marketing card is Form MQ–76–R—Upland Cotton (a red card) which contains an "X" in the box following the words "Not eligible unless loan documents prepared in county office," or if the producer's marketing card is Form MQ–76–R—ELS Cotton (a red card) which contains an "X" in the box following the words "Not eligible unless loan documents prepared in county office," the loan clerk shall inform the producer that in order for him to obtain a loan on his cotton he must have the loan documents prepared in the county office in the county in which the cotton was produced. Disbursement on such loans will be made by the county office preparing the loan documents by means of sight drafts. If the box on Form MQ–76–R—Upland Cotton or Form MQ–76–R—ELS Cotton following the words "Not eligible for price support" contains an "X," the producer cannot obtain a loan on such kind of cotton produced on that farm under any condition and should be so informed by the clerk. Lending agencies which are also eligible producers must obtain loans on cotton produced by them through the county office in the county in which the cotton was produced or through another approved lending agency. An approved clerk cannot execute loan documents for cotton owned by him. An approved clerk who under a power of attorney executes the loan documents on behalf of the producer shall not execute the Clerk's Certificate on such loan documents.

(b) The Clerk's Certificate on each Form A tendered for a loan must be executed by the approved clerk who assisted the producer in the preparation and execution of the Form A. The Form A must be signed by the producer in the presence of an approved clerk, and the copy marked "Producer's Copy" is to be retained by the producer. The copy marked "Lending Agency" shall be retained by the lending agency or the county office, whichever makes the loan. If the lending agency makes the loan, it shall retain the copy at the location for which approved unless otherwise authorized by the New Orleans office. The copy marked "Warehouseman" shall be transmitted to the warehouseman by the lending agency or the county office at the time the original Form A is transmitted to the New Orleans office. Loan forms must not be signed in blank under any circumstances. All applicable entries must be completed prior to the time the form is signed by either the producer or the loan clerk. The Schedule of Pledged Cotton on the Form A shall be completed, and the data entered therein shall be verified by the loan clerk or an employee in the county office when the loan is disbursed in the county office. The cotton classification memorandums covering the cotton in the Schedule of Pledged Cotton shall be forwarded along with the other applicable loan documents to the New Orleans office. All persons claiming liens on the cotton must sign the Lienholder's Waiver on the Form A, except that in lieu of signing the Lienholder's Waiver on each Form A, the lienholder may waive his lien on all cotton produced on a farm by executing Form 889 as provided in § 427.1314. Cotton pledged as security for a loan may be of different grades and staple lengths but must be stored in the same warehouse. When the classification memorandum shows that the cotton has been reduced in grade because of the presence of extraneous matter or because of spindle twist, the reduction data shown on the classification memorandum must be entered in the column headed "Reduced from A/C" in the Schedule of Pledged Cotton. When the cotton has been designated as "wasty" on the cotton classification memorandum, the notation "wasty" must be entered in the column headed "Reduced from A/C" in the Schedule of Pledged Cotton. The loan clerk shall enter all applicable information from the warehouse receipts representing the cotton. However, if any warehouse receipt does not show that receiving charges have been paid, or if it contains any notation indicating that the bale is not eligible for a loan, the clerk shall not enter the bale on the Form A and shall inform the producer that the bale is not eligible. Not more than 500 bales shall be pledged as security for any one Form A. When disbursement on the Form A is made by a lending agency, the lending agency shall transmit the loan documents to the New Orleans office and must execute the covering Lending Agency's Letter of Transmittal (Form CCC Cotton C, referred to in this subpart as "Form C"). Date of disbursement shown on the Form A must be the actual date of disbursement to the producer by the lending agency or the county office.

§ 427.1312 Service charges.

No service charges will be collected by CCC in connection with warehouse loans (except for fees collected by county office employees as provided in § 427.1313).

§ 427.1313 Fees.

The clerk or county office employee assisting the producer in the preparation of the loan documents may collect a fee from the producer not to exceed the fees shown in the following schedule:

Number of bales on note:	*Maximum fee allowed*
1	25 cents.
2–6	25 cents plus 15 cents for each bale over 1.
7 and over	$1 plus 10 cents for each bale over 6.

§ 427.1314 Liens.

Eligible cotton tendered for loan must be free and clear of all liens except the warehouseman's lien for charges permitted under § 427.1320 on warehouse-stored cotton. The signatures of the holders of all existing liens on cotton tendered as security for a loan, such as landlords, laborers, or mortgagees (but not the warehouseman if the cotton is stored in a warehouse) must be obtained on the Lienholder's Waiver on each Form A, except that in lieu of signing the Lienholder's Waiver on each Form A, the lienholder may waive his lien on all cotton produced on a farm for the crop year designated by executing Form 889. The original of the Form 889 must be attached securely to the first Form A on which the Lienholder's Waiver is not executed for the particular lien so as to be recorded and filed in the New Orleans office. Thereafter, the Lienholder's Waiver on Forms A covering additional cotton produced on the farm and tendered by the producer who furnished the Form 889 shall show the words "see Form 889 on file." An executed copy must be filed by the producer with each lending agency or county office which disburses the proceeds of any Form A executed by the producer. Additional copies may be prepared and retained by the producer and lending agency or county office as desired. A fraudulent representation as to prior liens, or otherwise, will render the producer personally liable and subject him, and any other person who causes the fraudulent representation to be made, to criminal prosecution under the provisions of the Commodity Credit Corporation Charter Act. The Lienholder's Waiver or Lien Waiver must be signed personally by all lienholders, by their agents (in which case duly executed Forms 818 must be filed with the New Orleans office), or if a corporation, by the designated officer thereof customarily authorized to execute such instruments (in which case no authority need be attached). A joint disbursement of loan proceeds to the producer and the lienholder does not satisfy the requirement that lienholders must execute the Lienholder's Waiver.

§ 427.1315 Setoffs.

(a) If any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are payable, under the provisions of the note evidencing such loan out of any amount due the producer under the program provided for in this subpart, the producer must designate CCC as payee of such amount to the extent of such installments, but not to exceed that portion of the amount remaining after deduction of clerk's fees and amounts due prior lienholders.

(b) If the producer is indebted to CCC, or if the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt record, amounts due the producer under the program provided for in this subpart, after deduction of amounts payable on farm-storage facilties or mobile drying equipment and other amounts provided in paragraph (a) of this section shall be applied, as provided in the Secretary's Setoff Regulations 7 CFR Part 13 (23 F.R. 3757), to such indebtedness.

(c) In any case referred to in paragraphs (a) and (b) of this section, the producer's marketing card will indicate that he must go to the county office in the county in which the cotton was produced and have his loan documents prepared in the county office. Any amount which is to be set off must be entered in the space provided in the Producer's Note by the county office.

(d) Compliance with the provisions of this section shall not deprive the producer of any right he might otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action.

§ 427.1316 Classification of cotton.

(a) All cotton tendered for loan must be classed by a board and tendered on the basis of such classification. A Cotton Classification Memorandum Form 1 will be accepted only if the sample was a representative sample drawn in accordance with instructions to organized improvement groups for sampling cotton under the 1962 Smith-Doxey Program. If the producer's cotton has not been sampled for a Form 1 classification, the warehouseman (for warehouse-stored cotton) or receiving agency (for cotton covered by bills of lading) shall sample such cotton and forward the samples to the board serving the district in which the cotton is located. A Cotton Classification Memorandum Form A3 must be inserted in each such sample. A Tag List and Record Sheet (CCC Cotton Form L, referred to in this subpart as "Form L") must be prepared by the warehouseman or receiving agency, listing each sample included in a shipment to the board. A copy of such Form L shall be included with the samples, and the original and two copies must be mailed separately to the board. The board will enter the classification of each bale on the Form L and return a copy of such form to the warehouse or receiving agency. The Cotton Classification Memorandum Form A3 will be returned to the producer by the board. If a sample has been drawn and submitted for a Form 1 or Form A3 classification, another sample shall not be drawn and forwarded to a board except for a review classification. If through error or otherwise, in any case where review classification is not involved, two or more samples from the same bale are submitted for classification, the loan rate shall be based on the classification having the lower loan value. If a Form 1 or Form A3 review classification is obtained, the loan value of the cotton represented thereby will be based on such review classification.

(b) A charge of 25 cents per bale shall be collected from the producer by the warehouseman or receiving agency for all cotton for which samples are submitted to a board for a Form A3 classification or a Form 1 or Form A3 review classification. The boards will submit billings for classing charges to the warehousemen or receiving agencies at the end of each month. Checks or money orders covering these charges shall be made payable to "Commodity Credit Corporation" and shall be sent to the New Orleans office.

§ 427.1317 Interest rate.

Loans and charges shall bear interest at the rate of 3½ percent per annum from the date of disbursement to the date of repayment except that where there has been a willful misrepresentation in obtaining the loan, the principal amount of the loan and any costs incurred by CCC shall bear interest from the date of disbursement at the rate of 6 percent per annum.

§ 427.1318 Maturity.

(a) Loans mature on July 31, 1963, or upon such earlier date as CCC may make demand for payment.

(b) Upon the maturity and nonpayment of the note, CCC is authorized without notice to the producer to sell, transfer, and deliver the cotton, or documents evidencing title thereto, at such time, in such manner, and upon such terms and conditions as CCC may determine, at any cotton exchange, or elsewhere, or through any agency, at public or private sale, for immediate or future delivery, and without demand, advertisement, or notice of the time and place of sale or adjournment thereof or otherwise; and, upon such sale, CCC may become the purchaser of the whole or any part of such cotton. Any overplus remaining from the proceeds received therefrom, after deducting from such proceeds the amount of the loan, charges, and interest, shall be paid to the producer or his personal representative without right of assignment to or substitution of any other person.

(c) At CCC's election, upon maturity and nonpayment of the note, title to the cotton shall, without a sale thereof, immediately vest in CCC, and CCC shall have no obligation to pay for any market value which such cotton may have in excess of the amount of the loan, plus interest and charges.

(d) To avoid administrative costs of making small payments and handling small accounts, amounts due the producer of $3 or less will be paid only upon his request. Deficiencies of $3 or less, including interest, may be disregarded unless demand for payment is made by CCC.

§ 427.1319 Warehouse receipts and insurance.

Only negotiable machine card-type warehouse receipts, acceptable to CCC, issued by an approved warehouse and properly assigned by an endorsement in blank so as to vest title in the holder or issued to bearer will be acceptable. The warehouse receipts must contain the gin bale number, must show that the cotton is covered by fire insurance, and must be dated on or prior to the date the producer signs the notes. Each receipt must have been stamped by the warehouseman to show "Receiving charges paid" or "Rec. Chgs. Pd." Open yard endorsement, if any, on the warehouse receipt must have been rescinded

with the legend "Open yard disclaimer deleted" with appropriate warehouseman's signature. Each receipt must set out in its written or printed terms a description by tag number and weight of the bale represented thereby and all other facts and statements required to be stated in the written or printed terms of a warehouse receipt under the provisions of Section 2 of the Uniform Warehouse Receipts Act. If the cotton has been compressed by either a gin or a warehouse, each receipt covering a compressed bale must also be stamped or printed to reflect the compression status of the cotton; i.e., "Standard Density" or "Std. Den." for cotton compressed to standard density at a warehouse; or "Gin Standard Density" or "Gin Std. Den." for cotton compressed to standard density by a gin. If the cotton has been compressed and the charge for such compression has been paid by the depositor or others, the receipts must also be stamped either "Compression Paid" or "Comp. Pd." Block warehouse receipts will not be accepted except on cotton to be reconcentrated pursuant to §427.1322.

§ 427.1320 Warehouse charges.

Before approving any warehouse for the storage of loan cotton, CCC will enter into a 1962 Loan Cotton Storage Agreement (Form CCC 824–L (Loan)) with the warehouseman. By executing such agreement, the warehouseman and CCC agree that 1962-crop cotton on which loans are made by CCC on Form A and Form CCC Cotton G–1 (Certificate of Association) and which is listed in copies of the loan documents or other notices received by the warehouseman from CCC as cotton on which loans have been made by CCC will be stored and handled on the terms and conditions specified in such agreement and on terms and conditions and at rates determined as follows: The cotton shall be insured against loss or damage by fire under a policy or policies providing coverage equivalent to that afforded under the standard fire policy of the State in which the cotton is stored for the full market value (if the cotton is compressed, its market value shall be the market value of flat cotton plus compression charges, or if the cotton is uncompressed and the warehouseman desires to collect his delivery charge for flat cotton in lieu of compression if it is destroyed by fire, such charge must be covered by insurance) at the time and place of loss and shall be kept so insured so long as the warehouse receipts therefor are outstanding unless, under a storage agreement between the warehouseman and CCC, the warehouseman is permitted to cancel his insurance on the cotton. Such insurance shall cover damage to the cotton by water from the warehouseman's sprinkler system when such damage results from fire in the same warehouse in which the cotton is stored. From the dates of the warehouse receipts representing the cotton or from the date through which the producer has paid storage charges, whichever is later, through July 31, 1963, all charges on the cotton for storage and insurance shall be at the rate of 46 cents per bale per month or fraction thereof for flat or compressed cotton stored in a warehouse operating compress facilities or compressed cotton stored in a warehouse not operating compress facilities, and at the rate of 51 cents per bale per month or fraction thereof for flat cotton stored in a warehouse not operating compress facilities, or the warehouseman's established tariff on cotton other than CCC loan cotton, whichever is less: *Provided*, That on any cotton transferred prior to July 31, 1963, to another warehouseman without movement of the cotton, and for which new warehouse receipts must be issued, or on any cotton shipped by CCC prior to July 31, 1963, at the request of the warehouseman to permit the warehouseman to discontinue the storage of cotton, payment for the fractional part of the storage month prior to the date of such transfer or shipment shall be paid by CCC at the proportionate part of the monthly rate. If the warehouse operates compress facilities, the tariff rate to which reference is made herein shall be the rate applicable to compressed cotton regardless of the compression status of the cotton. Such charges, accrued through July 31 of any year in which these rates are in effect, shall be paid by CCC as soon as possible after such date on all of the cotton represented by warehouse receipts held by CCC at the time of payment: *Provided*, That on any cotton for which CCC makes payment of accrued charges through July 31 of any year, payment for the fractional part of a month prior to such date shall be at the proportionate part of the monthly rate. The warehouseman may make a charge for outhandling, including picking out by tag numbers and loading according to custom into cars or trucks, of not to exceed 25 cents per bale if such charges are included in the warehouseman's tariff: *Provided*, That no such outhandling charge may be made where collection for the service has been included in any other charge or otherwise collected. Charges for compression of cotton by the warehouseman, including compression charges on cotton compressed to standard density by the warehouseman at his gin, will be at the rates provided in the warehouseman's established tariff in effect at the time the service is ordered performed. Compression charges on cotton compressed to standard density for the warehouseman at a gin or another warehouse under written contract with the warehouseman will be at the rate which the warehouseman has paid the ginner or the other warehouseman. In no event shall compression charges on gin-compressed cotton or cotton compressed by another warehouseman exceed the rate paid to the ginner or the other warehouseman by his customers on all other cotton, and such compression charges will be paid by CCC or a subsequent holder of the warehouse receipts only to the warehouseman and only if he has contracted for and paid the gin or other warehouse for such compression. The warehouseman's voucher for such compression charges billed to CCC must be supported by a paid bill from the gin or other warehouseman identifying the bales compressed by bale number and bearing a signed certification as follows:

I hereby certify that I have collected from

(Name of warehouseman)

compression charges on the individual bales designated above at the rate of $------ per bale, and that such charges have not been and will not be collected from producers or others. I further certify that the compression charge per bale, as stated, does not exceed that which I charge all other customers for compression service on other cotton, and that the compression charges listed herein as collected have not been and will not be refunded, rebated, nor allowed as a credit against any other service performed. I also certify to my understanding that these statements are made for the purpose of inducing Commodity Credit Corporation to disburse funds to the warehouseman named.

The warehouseman agrees to furnish to CCC on request a signed copy of the contract with the gin or other warehouseman under which such compression service was performed. Charges for the compression of cotton will be paid by CCC only if the charges have not been paid by the producer and if the cotton is shipped from the warehouse by CCC. The warehouseman, if he operates compress facilities at the warehouse in which the cotton is stored, may compress loan cotton to standard density with eight bands and no patch at any time while in storage and the charge for such compression shall follow the cotton. All other charges on cotton, including flat delivery charges on cotton moved without payment of compression charges from a warehouse operating compress facilities, will be at the rates provided in the warehouseman's established tariff in effect at the time the service is ordered performed: *Provided*, That no charge may be made with respect to the cotton that is not applicable to cotton other than CCC loan cotton stored by the warehouseman: *And provided further*, That in no event shall a service charge or charges for receiving, tagging, weighing, sampling on arrival, or storage of samples, be collected from CCC or a subsequent holder of the warehouse receipts. No charge for standard density compression or for delivery or outhandling, except as provided in this section, will be paid with respect to cotton received by the warehouseman which has been compressed to standard density either by a gin (gin compress bale) or by another warehouseman. No charge of any kind whatsoever will be paid with respect to any of the cotton compressed to high density without the written authority of CCC. The warehouseman shall execute and submit to CCC with each voucher for amounts payable by CCC under this agreement the following certificate:

I further certify that, since the cotton covered by this voucher was received at the warehouse, there has been removed from such cotton only that amount of cotton necessary to secure representative samples, to properly trim the sample holes, or to otherwise maintain the cotton in the interest of good housekeeping and fire prevention incidental to the handling, storage, or compressing of said cotton except for reconditioning of damaged cotton; and that since issuance of warehouse receipts thereon, such cotton has not been reconditioned, picked, or cleaned by blowing or brushing except as noted on report attached hereto or to a previous voucher covering such cotton; and that neither the warehouseman nor any officer or employee

of the warehouseman has purchased or otherwise obtained any producer's interest in cotton stored in the warehouse by means of a Release of Warehouse Receipts (Form CCC Cotton AA) which has not been mailed or presented to Commodity Credit Corporation within 15 days after the date of issuance by the county office. If this voucher covers quarterly storage charges on non-insured cotton, I also certify for purposes of receiving payment for such storage charges that the bale balances as stated in our Reports of Daily Transactions from which this voucher was prepared are true and correct and represent cotton actually in storage on the dates specified in such reports.

The warehouseman shall store the cotton within a structure in such a manner that the cotton is adequately protected from weather damage. The rates quoted herein will remain in effect through July 31, 1963, and thereafter will remain in effect until terminated by CCC or the warehouseman giving the other at least 30 days' prior notice of its election to terminate (such notice may be given at any time after June 30, 1963), or until another storage agreement between the warehouseman and CCC covering the cotton becomes effective, whichever is earlier. If the cotton is redeemed from the loan or the cotton is sold by CCC, the storage rates provided in this section shall be applicable for storage services rendered up to and including the date of such redemption or sale, and the warehouseman shall not charge the holders of the warehouse receipts representing such cotton for such storage services an amount in excess of that computed in accordance with this section.

§ 427.1321 Loans on order bills of lading.

(a) Loans on cotton represented by order bills of lading will be available only in areas and during the periods specified by the New Orleans office where there is a shortage of storage space and where the necessary arrangements for handling the cotton may be made.

(b) Cotton represented by order bills of lading will be eligible for a loan only when it is shipped by an approved receiving agency as agent for the producer. Warehousemen, ginners, and other responsible parties in areas where such loans are available may be approved to act as receiving agencies by the New Orleans office. Receiving agencies will enter into Receiving Agency Agreements with CCC. When receiving agencies are approved, notifications will be given by letter or published lists.

(c) A producer in any such area who is unable to find storage space in his local area and who wishes to obtain such a loan should deliver his cotton to a receiving agency with the request that it ship the cotton as agent for the producer, in accordance with shipping instructions furnished by CCC, to a warehouse where storage space is available. The receiving agency will complete the Schedule of Pledged Cotton on a Form A. If the receiving agency is not a warehouseman, it will have the cotton weighed by a public or licensed weigher and will secure a Weight and Condition Certificate in the form prescribed by CCC and execute the Receiving Agency's Certificate. The receiving agency will ship the cotton, secure order bills of lading in a form acceptable to CCC, and deliver to the producer the bills of lading, together with the Form A and Weight and Condition Certificates (if any). If the receiving agency is a warehouseman, it will be permitted to collect fees in accordance with § 427.1320 and a fee of not to exceed 10 cents per bale to cover the costs of preparation of shipping documents. If the receiving agency is not a warehouseman, it will, for the purpose of payment of gin compression only, be considered as a warehouseman and will be permitted to collect from CCC charges for gin compression as provided in § 427.1320 and will be permitted to collect from producers a fee not in excess of the fee set forth in the Receiving Agency Agreement executed by the receiving agency, and shall post in a conspicuous place a notice showing the fee to be charged producers. Loans will be made at the full loan rate at the point where the receiving agency receives the cotton. CCC will pay warehouse storage charges on cotton tendered by the producer for a loan under this section if the receiving agency is a warehouseman.

§ 427.1322 Loans on cotton to be reconcentrated.

Loans on cotton to be reconcentrated will be available only on cotton stored at warehouses approved by the New Orleans office in areas where there is congestion and lack of storage space. The warehouseman will enter into Reconcentration Agreements (Form CCC Cotton 29) with CCC. Warehouse receipts covering cotton to be reconcentrated under a Reconcentration Agreement must be in a form acceptable to CCC and must provide for delivery of the cotton to the order of CCC. Block warehouse receipts covering cotton to be reconcentrated under a Reconcentration Agreement will be accepted. A producer who desires to obtain a loan in this manner should request the warehouseman to issue a warehouse receipt to him in the form specified above and must furnish written authorization to the warehouseman for the reconcentration of the cotton after which the warehouseman will ship the cotton. The Forms A and warehouse receipts covering cotton to be reconcentrated under a Reconcentration Agreement must show the reconcentration order number under which the cotton will be shipped. The producer will obtain a loan on these documents in the usual manner, and after receipt of the loan documents, CCC will surrender the warehouse receipts to the warehouseman.

§ 427.1323 Tender of Forms A by lending agencies.

Forms A evidencing loans disbursed by a lending agency, which has entered into a Form D agreement prior to disbursing the loans, shall be tendered to CCC at the New Orleans office on Form C, accompanied by warehouse receipts, order bills of lading, or other documents specified by the New Orleans office, classification memorandums, and any other documents required to be delivered by the producers in connection with the loans as set forth in § 427.1308, within 15 days after the dates of disbursement of the loans except where later tender is approved by the New Orleans office. Forms A may be tendered directly to CCC at the New Orleans office or through other approved lending agencies. Separate Forms C shall be used for upland and each type of extra long staple cotton, for Forms A secured by warehouse receipts (nonreconcentrated cotton), for Forms A secured by warehouse receipts (reconcentrated cotton), for Forms A secured by order bills of lading, and for Forms A executed under powers of attorney. Each Form C shall state whether the lending agency desires CCC to effect settlement by cash payment or by a certificate of interest. Upon receipt of the loan documents by the New Orleans office, they will be examined and, if found acceptable, will be settled for by cash payment or by issuance of a certificate of interest, as directed by the lending agency, except that certificates of interest will be issued only to commercial banks. If a certificate of interest is issued, the Forms A will be placed in a pool, and the certificate shall represent an interest in the pool. Lending agencies which have previously been approved by CCC as eligible to draw drafts on CCC may, subject to such instructions and requirements as CCC may hereafter from time to time prescribe, obtain immediate advance payment for Forms A they tender to CCC by drawing sight drafts with enclosed Forms C on CCC through a Federal Reserve bank or branch bank approved by CCC. Forms A covered by such drafts must be immediately submitted to the New Orleans office.

§ 427.1324 Loss or damage to pledged cotton.

In any case where there is loss or damage to cotton which occurs while such cotton is pledged to CCC, CCC shall have the right to determine and file claims against any liable parties for the resulting loss. Upon determination of the quantity of the lost or damaged cotton securing a loan, CCC will give credit for the loan value (including charges and interest) of such cotton. If the proceeds of the claim exceed the loan value of such cotton, the excess proceeds shall be remitted to the producer or, if the loan has been repaid, to the party repaying the loan.

§ 427.1325 Transfer of producer's interest.

If a producer desires to sell his equity in upland or extra long staple cotton pledged as security for a loan, he must use a Release of Warehouse Receipts (Form CCC Cotton AA, referred to in this subpart as "Form AA"). Such form may be obtained only from the county office in the county in which the cotton was produced. A producer who desires to appoint an attorney-in-fact to act in his place and stead in selling his equity in loan cotton to another shall use Power of Attorney (Form CCC–819, referred to in this subpart as "Fom 819") which must be filed with the New Orleans office and an executed copy filed with the applicable county office. To obtain the

Form AA, the producer may take his copy of the Form A to the applicable county office, or he may request the applicable county office by telephone or by written communication to transmit a validated Form AA to him or a person designated by him. In the event the "Producer's Copy" of the Form A has been lost or destroyed, he may obtain a duplicate from the New Orleans office.

(a) If the producer presents his copy of the Form A to the county office, the county office shall prepare the Form AA in accordance with the producer's designation of the bales of cotton to be covered by the Form AA. After the designated bales are entered in the Schedule of Cotton on the Form AA, the county office shall line through the corresponding warehouse receipt numbers that appear on the "Producer's Copy" of the Form A to show that the warehouse receipts representing such bales of cotton are being sold by the producer. No warehouse receipt number shall be entered on the Form AA by the county office unless it appears on the "Producer's Copy" of the Form A and is not shown on this form as having been previously sold or redeemed by the producer. The producer must designate the person to whom he is transferring his remaining interest in the cotton and sign and date the Producer's Equity Transfer Agreement in the spaces provided on the Form AA.

(b) If the producer requests the county office by telephone or by written communication to transmit a validated Form AA to him or a person designated by him, the county office shall enter the name of the producer requesting the Form AA in the space provided on the form. After the date of the issuance of the form has been entered by the county office and the signature and the title of the county office employee validating the Form AA has been entered on the form, the county office shall promptly transmit the validated Form AA to the producer or the person designated by him. The Form AA shall be prepared by the producer or someone acting for him in accordance with instructions on the reverse of the Form AA.

(c) If the equity purchaser fails to complete the Redemption Request on the Form AA and present or mail the form to CCC, in care of the New Orleans office, within 15 days after the date of issuance of the Form AA by the county office, the equity transfer will be void. It shall be the responsibility of the equity purchaser to see that all necessary entries have been made on the Form AA. Upon receipt of the Form AA, the New Orleans office will forward the warehouse receipts to the bank designated by the person who has signed the Redemption Request with directions to the bank to release the warehouse receipts to such person upon payment of the loan value of the cotton plus applicable charges and interest. Banks may accept valid Cotton Export Payment Certificates (Form CCC–840, referred to in this subpart as "Form 840") issued under the cotton export program in payment of all or part of the amount due on CCC loans on upland cotton. If payment is not effected within 5 business days after the date warehouse receipts are received by the bank or prior to the time at which the loan matures and CCC acquires the cotton, whichever is earlier, the equity transfer will be void, and the bank will return the warehouse receipts to the New Orleans office. Repayments will not be accepted after CCC acquires the cotton. All charges assessed by the bank to which the warehouse receipts are sent must be paid by the person redeeming the cotton.

§ 427.1326 Repayment by producer.

If a producer desires to redeem one or more bales of cotton pledged to CCC as security for a note, he must use a Form AA which may be obtained only from the county office in the county in which the cotton was produced. A producer who desires to appoint an attorney-in-fact to act in his place and stead to redeem his loan cotton shall use Form 819 which must be filed with the New Orleans office and an executed copy filed with the applicable county office. To obtain the Form AA, the producer may take his copy of the Form A to the applicable county office, or he may request the applicable county office by telephone or by written communication to transmit a validated Form AA to him or a person designated by him. In the event the "Producer's Copy" of the Form A has been lost or destroyed, he may obtain a duplicate from the New Orleans office.

(a) If the producer presents his copy of the Form A to the county office, the county office shall prepare the Form AA in accordance with the producer's designation of the bales of cotton to be redeemed. After the bales to be redeemed are entered in the Schedule of Cotton on the Form AA, the county office shall line through the corresponding warehouse receipt numbers that appear on the "Producer's Copy" of the Form A to show that the warehouse receipts representing such bales of cotton are being redeemed by the producer. No warehouse receipt number shall be entered on the Form AA by the county office, unless it appears on the "Producer's Copy" of the Form A and is not shown on this form as having been previously sold or redeemed by the producer. The producer must designate the bank to which the warehouse receipts are to be forwarded and must sign and date the Redemption Request in the spaces provided on Form AA.

(b) If the producer requests the county office by telephone or by written communication to transmit a validated Form AA to him or a person designated by him for use by him in the redemption of his cotton, the county office shall enter the name of the producer requesting the Form AA in the space provided on the form. After the date of the issuance of the form has been entered by the county office and the signature and title of the county office employee validating the Form AA have been entered on the form, the county office shall promptly transmit the validated Form AA to the producer or the person designated by him. The Form AA shall be prepared by the producer or someone acting for him in accordance with instructions on the reverse of the Form AA.

(c) The producer must complete the Redemption Request on the Form AA and present or mail the form to CCC, in care of the New Orleans office, within 15 days after the date of the issuance of the Form AA by the county office. It shall be the responsibility of the producer to see that all necessary entries have been made on the Form AA. Upon receipt of the Form AA, the New Orleans office will forward the warehouse receipts to a bank designated by the producer with directions to the bank to release the warehouse receipts to the producer upon payment of the loan value of the cotton plus applicable charges and interest. Banks may accept valid Forms 840 issued under the cotton export program in payment of all or part of the amount due on CCC loans on upland cotton. In all cases, the banks will be instructed to return the warehouse receipts to the New Orleans office if payment is not effected within 5 business days after the date the receipts are received by the bank or prior to the time at which the loan matures and CCC acquires the cotton, whichever is the earlier. Repayments will not be accepted after CCC acquires the cotton. All charges assessed by the bank to which the warehouse receipts are sent must be paid by the person redeeming the cotton.

§ 427.1327 Cotton cooperative marketing association loans.

A special form of loan agreement will be made available to cotton cooperative marketing associations which satisfy the requirements of this section. Under this agreement, members of such associations may act collectively in obtaining loans. The loan rates under this agreement will be the same as the loan rates to individual producers, and eligibility requirements with respect to the cotton and the producers tendering the cotton to the association and other loan provisions will be substantially the same as for loans to individual producers. Members desiring to obtain loans from their associations should contact their associations. Each association must meet the following requirements:

(a) Each association must be organized for the purpose of marketing cotton in accordance with the provisions of the Capper-Volstead Act.

(b) Each association shall be financially able to make loans to its producer-members and market their cotton in accordance with the provisions of the 1962 Cotton Cooperative Loan Agreement.

(c) Each association shall enter into marketing agreements with its members which give the association the authority to pledge the cotton to and otherwise handle it with CCC.

(d) Each association shall have a cotton marketing organization to sell its producer-members' cotton.

(e) Each association shall have a sales manager employed on an annual basis.

(f) The sales manager of each association must not have any connection whatever with any firm (other than the association) interested in buying and selling cotton.

§ 427.1328 Custodial offices.

All notes will remain in the custody of the New Orleans office until they are repaid or until the maturity date of the notes, whichever is earlier.

§ 427.1329 Schedule of premiums and discounts for upland cotton (basis 1-inch Middling) and loan rates for extra long staple cotton.

(a) Premiums and discounts for eligible qualities of 1962-crop American upland cotton (basis 1-inch Middling).

Grade	Staple length (inches)													
	1 3/16	7/8	29/32	15/16	31/32	1	1 1/32	1 1/16	1 3/32	1 1/8	1 5/32	1 3/16	1 7/32	1 1/4 and Longer
White	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*
GM and better	-215	-175	-125	-70	-5	65	140	200	245	310	380	470	570	635
SM	-225	-185	-135	-80	-15	55	130	185	230	295	365	450	550	615
Mid plus	-250	-210	-160	-105	-45	25	100	155	200	265	335	420	500	565
Mid	-270	-230	-180	-125	-65	Base	75	130	175	235	305	375	440	505
SLM plus	-330	-290	-245	-200	-145	-80	-15	-35	70	110	145	190	235	280
SLM	-370	-335	-290	-245	-200	-140	-80	-30		30	60	95	130	165
LM plus	-430	-390	-355	-315	-265	-215	-170	-145	-130	-115	-95	-75	-55	-35
LM	-480	-440	-405	-360	-315	-265	-225	-200	-190	-180	-175	-175	-175	-175
SGO plus	-555	-515	-480	-440	-400	-350	-320	-305	-305	-305	-305	-305	-305	-305
SGO	-605	-570	-530	-490	-450	-400	-370	-360	-360	-360	-360	-360	-360	-360
GO plus	-675	-640	-605	-570	-535	-495	-470	-465	-465	-465	-465	-465	-465	-465
GO	-725	-685	-650	-615	-585	-550	-520	-515	-515	-515	-515	-515	-515	-515
Light spotted														
GM	-295	-255	-215	-165	-110	-50	15	60	90	130	185	230	300	375
SM	-310	-270	-230	-180	-130	-70	-5	40	70	110	165	210	280	355
Mid	-365	-325	-290	-245	-200	-145	-95	-50	-20	10	50	95	145	200
SLM	-455	-415	-385	-345	-300	-260	-220	-195	-180	-165	-150	-135	-125	-115
LM	-570	-535	-500	-465	-425	-385	-355	-340	-340	-335	-335	-335	-335	-335
Spotted														
GM	-405	-370	-330	-285	-245	-205	-165	-135	-110	-75	-35	15	65	125
SM	-425	-385	-350	-305	-265	-225	-185	-155	-130	-95	-55	-20	20	65
Mid	-500	-465	-430	-390	-350	-315	-285	-265	-250	-230	-210	-190	-170	-155
SLM	-590	-550	-515	-475	-440	-415	-390	-380	-370	-360	-355	-355	-355	-355
LM	-665	-655	-625	-600	-560	-535	-510	-505	-505	-505	-505	-505	-505	-505
Tinged														
GM	-595	-555	-525	-490	-460	-430	-415	-410	-405	-400	-395	-390	-385	-370
SM	-610	-575	-545	-510	-480	-450	-435	-430	-425	-420	-420	-415	-410	-400
Mid	-665	-630	-595	-565	-535	-510	-500	-495	-495	-495	-495	-495	-495	-495
SLM	-770	-735	-705	-670	-640	-620	-610	-610	-605	-605	-605	-605	-605	-605
LM	-905	-870	-840	-805	-780	-755	-745	-745	-745	-745	-745	-745	-745	-745
Yellow stained														
GM	-760	-725	-700	-670	-650	-630	-625	-620	-620	-620	-620	-620	-620	-620
SM	-780	-745	-715	-690	-665	-650	-640	-640	-640	-640	-640	-640	-640	-640
Mid	-840	-805	-780	-750	-725	-710	-705	-705	-705	-705	-705	-705	-705	-705
Light gray														
GM	-325	-290	-245	-195	-140	-85	-25	15	45	75	100	130	180	250
SM	-365	-330	-290	-240	-190	-130	-85	-35	-10	10	40	65	100	155
Mid	-455	-420	-380	-330	-285	-235	-195	-165	-150	-125	-95	-65	-35	
SLM	-595	-555	-515	-470	-425	-380	-345	-320	-305	-260	-270	-250	-235	-200
Gray														
GM	-470	-435	-350	-340	-290	-235	-190	-160	-140	-120	-90	-50	-10	40
SM	-510	-475	-440	-390	-340	-285	-245	-215	-200	-180	-155	-130	-95	-60
Mid	-620	-585	-545	-500	-455	-405	-370	-350	-340	-330	-315	-300	-290	-275
SLM	-755	-720	-685	-640	-595	-550	-515	-500	-490	-480	-475	-475	-475	-475

Grade symbols: GM—Good Middling; SM—Strict Middling; Mid—Middling; SLM—Strict Low Middling; LM—Low Middling; SGO—Strict Good Ordinary; GO—Good Ordinary.

(b) Schedule of minimum loan rates (in cents per pound, net weight) for eligible qualities of 1962-crop extra long staple cotton.

(1) American-Egyptian cotton.

Grade	Staple length (inches)					
	1 3/8		1 7/16		1 1/2 and Longer	
	Arizona and California	New Mexico and Texas	Arizona and California	New Mexico and Texas	Arizona and California	New Mexico and Texas
1	54.10	54.50	55.30	55.70	55.60	56.00
2	53.70	54.10	54.90	55.30	55.20	55.60
3	53.20	53.60	54.10	54.50	54.40	54.80
4	52.15	52.55	52.95	53.35	53.15	53.55
5	49.40	49.80	50.30	50.70	50.50	50.90
6	45.30	45.70	46.00	46.40	46.15	46.55
7	42.35	42.75	42.95	43.35	43.10	43.50
8	38.90	39.30	39.45	39.85	39.65	40.05
9	35.55	35.95	36.20	36.60	36.40	36.80

(2) Sea Island cotton.

Grade	Staple length (inches)		
	1 3/8	1 7/16	1/2 and longer
1	51.50	52.55	52.80
1 1/2	51.10	52.20	52.45
2	50.60	51.45	51.70
2 1/2	49.60	50.35	50.55
3	47.00	47.85	48.00
3 1/2	43.10	43.75	43.95
4	40.30	40.90	41.00
4 1/2	37.05	37.55	37.75
5	33.90	34.50	34.65

(3) Sealand cotton.

Grade	Staple length (inches)		
	1 3/8	1 7/16	1 1/2 and longer
1	46.15	47.10	47.30
1 1/2	45.80	46.80	47.00
2	45.35	46.10	46.35
2 1/2	44.45	45.15	45.30
3	42.10	42.90	43.05
3 1/2	38.65	39.20	39.35
4	36.15	36.65	36.75
4 1/2	33.20	33.65	33.85
5	30.35	30.90	31.05

Effective date: This subpart shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 5, 1962.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-6742; Filed, July 10, 1962; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service, (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 2]

PART 711—MARKETING QUOTA REVIEW REGULATIONS

Miscellaneous Amendment

The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is to clarify the procedure for administering the oath to a witness before the review committee. Since this is a clarification of a procedural point, it is hereby determined that compliance with the notice, public procedure and effective date provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall become effective upon filing of this document with the Director, Office of the Federal Register.

Section 711.21(e) of the Marketing Quota Review Regulations (26 F.R. 10204, 27 F.R. 4831) is hereby amended to read as follows:

(e) *Submission of evidence.* The burden of proof shall be upon the applicant as to all issues of fact raised by him. Each witness shall testify under oath or affirmation administered by the member of the review committee who is presiding at the hearing. The review committee shall confine the evidence to pertinent matters and shall exclude irrelevant, immaterial, or unduly repetitious evidence. Interested persons shall be permitted to present oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. The hearing shall be concluded within such reasonable time as may be determined by the review committee.

(Secs. 363–368, 52 Stat. 63, 64, as amended, 375, 52 Stat. 66, as amended; 7 U.S.C. 1363–1368, 1375; 43 Stat. 803, 5 U.S.C. 521)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on July 5, 1962.

JOHN P. DUNCAN, JR.,
Acting Secretary.

[F.R. Doc. 62-6740; Filed, July 10, 1962; 8:45 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 132]

PART 1132—MILK IN TEXAS PANHANDLE MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Texas Panhandle marketing area (7 CFR Part 1132), it is hereby found and determined that:

(a) The following provision of the order, no longer tends to effectuate the declared policy of the Act during the months of July and August, 1962: "On not more than 15 days" in paragraph (b) (2) of § 1132.7.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension action was requested by cooperative associations whose members supply more than ninety percent of the milk for the market.

(4) This suspension action is generally supported by handlers in the marketing area.

This action will permit the economic movement of milk in excess of fluid milk requirements to surplus disposal facilities during the months of July and August, 1962, and at the same time preserve producer status for dairy farmers who normally supply the market. The cooperative association anticipates that after the month of August 1962, the demand situation will improve to the extent that the 15-day limitation will provide adequate diversion for producer milk.

Therefore, good cause exists for making this order effective July 1, 1962.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the months of July and August 1962.

Effective date: July 1, 1962.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Signed at Washington, D.C., on July 6, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-6760; Filed, July 10, 1962; 8:54 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Eligibility of Specific Bond Issues for Purchase by National Banks

Part 1, Chapter 1, Title 12, of the Code of Federal Regulations of the United States of America is hereby amended by adding immediately after § 1.4 an undesignated centerhead, by revising the headnote of § 1.5 and by adding new §§ 1.9 and 1.10 as follows:

ELIGIBILITY OF SPECIFIC BOND ISSUES FOR PURCHASE BY NATIONAL BANKS

§ 1.5 Miscellaneous rulings.

* * * * *

§ 1.9 Commonwealth of Kentucky, Department of Parks.

(a) *Opinion.* (1) Request has been made of the Comptroller of the Currency for a ruling whether the $9,900,000 State Property and Buildings Commission of the Commonwealth of Kentucky Department of Parks Revenue Bonds, Series 1962, are eligible for investment by national banks.

(2) It is proposed to issue $9,900,000 of revenue bonds to finance construction of lodges, cottages, dining facilities and necessary appurtenances thereto in certain of the Commonwealth's parks.

(3) The bonds will be due serially beginning with an amount of $160,000 on April 1, 1964, and increasing yearly until the final maturity date of April 1, 1992, when $622,000 will be due. The coupon has not been decided upon. Bonds maturing after April 1, 1972, will be subject to redemption at certain prices set forth in the Official Statement.

(4) The bonds are being issued by the State Property and Buildings Commission on behalf of the Department of Parks pursuant to the provisions of sections 58.010 to 58.140 inclusive of Kentucky Revised Statutes, as permitted and provided by section 56.450 KRS and a resolution adopted by the Commission and approved by the Department on March 22, 1962. The bonds will be secured pursuant to the terms of the resolution, whereunder the Citizens Fidelity Bank and Trust Company, Louisville, Kentucky, is named as Trustee for the holders of the bonds for the purpose of securing the payment of both principal and interest on the bonds and to secure

the faithful performance of the covenants and provisions contained in the resolution.

(5) The bonds are payable from and constitute a first lien upon the gross revenues to be derived from all revenue-producing facilities presently located in the State Parks System or presently operated by the Department and all revenue-producing facilities hereafter constricted, acquired or operated by the Department.

(6) The Department is empowered by section 148.030 KRS to unite into one project for financing purposes all or as many parks, and the improvements thereon, or to be constructed, enlarged or improved, as it deems practicable, so that the fee and charges and other revenue or receipts from every source whatsoever from the parks thus united shall be used for the payment of the principal and interest of all bonds which may be issued. The lien of the bonds for such united project shall be a lien on the gross income and revenue of all of the parks thus united.

(7) The bonds are additionally secured by the obligation of the Commission and the Department to levy an entrance fee subject to certain conditions.

(8) The anticipated revenues and State appropriations appear to be sufficient to provide adequate debt service. The outstanding feature underlying this issue is the ability of the Department to charge an entrance fee if certain conditions occur. Inasmuch as the Department does not presently charge an entrance fee and the present gross revenues of the Department amply cover estimated Debt Service, the covenant to charge such entrance fee adds additional and supplementary security to the bonds.

(b) *Ruling.* We conclude that the subject bonds are eligible for investment by national banks, within the limitations of Paragraph Seventh of section 5136 of the Revised Statutes (12 U.S.C. 24).

§ 1.10 City of Kansas City, Missouri.

(a) *Opinion.* (1) Request has been made of the Comptroller of the Currency for a ruling whether the $18,700,000 City of Kansas City, Missouri, 4¼ percent Airport Revenue Bonds, dated July 1, 1954, are eligible for investment by national banks.

(2) On February 21, 1955, this Office ruled that subject bonds would not be eligible for investment by national banks. Since that date, we have reaffirmed our position several times, the most recent being in December 1959. We have been requested again to re-examine our position relative to these bonds.

(3) The bonds are not general obligations of the city, but are special revenue obligations payable from revenues derived by the city from certain rentals to be paid by Trans World Airlines, Inc. to the city under the provisions of a lease and agreement between the city and the company.

(4) The bonds were issued on July 1, 1954, with interest capitalized until June 30, 1957. The facilities for TWA were completed by January 1, 1957, and the company has been paying the required rental since that date. Payments into the sinking fund from rentals received will be used for the payment of serial bonds and the ultimate retirement of the term bonds.

(5) Rentals received from TWA from January 1, 1957, to April 30, 1961, the date of the latest fiscal report of Kansas City, total $5,557,000, which when added to total occupancy permit fees received from TWA from July 1, 1954, to December 31, 1956, of $370,000, aggregate $5,927,000. Interest and fiscal fees on revenue bonds from July 1, 1954, to April 30, 1961, amounted to $5,173,000. The rentals paid for this period were sufficient to provide for the required debt service.

(6) A review of the earnings for the year ending April 30, 1961, reveals that net operating income was 2.19 times the debt service required for the same period. The debt service amounted to $794,750 for this period and the same amount will be required for the period ending in 1962. The first of the serial maturities takes place on July 1, 1962, in the amount of $400,000. Using the earnings figures for the year ending April 30, 1961, this total debt service for 1962 of $1,187,000 is covered 1.47 times.

(7) It should be noted that city ordinance authorizing the bonds required that at July 1, 1962, the Reserve Account have a minimum balance of $2,250,000. The balance at April 30, 1961, was $2,600,000, which is the maximum reserve amount required by the ordinance. This reserve account was built up by rentals collected in excess of debt service charges. Hereafter, all rentals over and above debt service charges will be paid to a sinking fund and applied to purchase or redemption of bonds. It was originally estimated that by the end of the fiscal period in 1962 there would be $180,000 in the sinking fund. However, the figures for the fiscal year ending 1961 showed a balance in the sinking fund of $166,000.

(8) The ordinance also required the establishment of a guarantee fund of $500,000, which has been attained. Another reserve called the operating fund has been established, as required by the ordinance. This fund is to be held for estimated operating expenses of the city's airports for a period of six months in advance. This fund now totals $351,000, while the total operating expenses for the year ending April 30, 1961, amounted to $576,000. In addition there is also a construction fund for extending, constructing, or making general improvements to the airport, which amounts to $939,000.

(9) These various funds have been built by the excess amounts of rental payments not required for debt services. This fact indicates that the revenue bonds are supported by properly managed operations and finances which are now in a position to cover debt services adequately. However, the strength of the issue lies in the ability of TWA to provide adequate rentals which will ultimately liquidate the issue.

(10) TWA is a subsidiary of Hughes Tool Company, Houston, Texas, which is engaged as a manufacturer of oil-well tools; the production and distribution of motion pictures; and in the manufacture of certain aircraft fuselage parts. As of December 31, 1960, it showed a net worth of $253,800,000, with an important part of the net worth being made up by its investment in TWA.

(11) TWA is a leading airline and is the only United States air carrier authorized to provide service on a scheduled basis on both a transcontinental and transatlantic route system. Principal operations base is located on leased property at Kansas City Municipal Airport, Kansas City, Missouri, and its principal overhaul base is located on leased property at the Mid-Continental International Airport, Kansas City, Missouri. The aggregate annual rental under such leases in effect at March 1, 1961, was approximately $6,250,000. TWA had lease agreements with three other airports besides Kansas City.

(12) TWA showed good earnings in 1959 and 1960; however, substantial losses have been reported for 1961. The company has incurred a heavy debt in its program of fleet modernization. We have no year-end figures at the present time; however, for nine months ending September 30, 1961, TWA reported total operating revenues were $290,000,000 and a net loss of $12,700,000 as compared to the same period in 1960, when total operating revenues were $290,000,000 and net earnings were $6,100,000. As of September 30, 1961, TWA has cash of $17,600,000 and U.S. securities of $15,900,000, current liabilities of $98,800,000 and a long-term debt of $286,500,000. The latter figure is up from $84,900,000 of a year ago, reflecting additional long-term borrowings in connection with fleet modernization. In this connection, TWA's net investment in property and equipment of September 30, 1961, was $315,600,000 as compared to $204,900,000 the previous year. Tangible net worth of TWA at December 31, 1960, was $124,700,000.

(13) The financial structure in back of the subject bonds has improved to a degree that indicates that the rental payments from now on should be sufficient to cover debt service and provide a margin of safety as well. The financial stability of TWA is believed to be sufficient to provide the necessary rental payments to service the bonds.

(b) *Ruling.* We conclude that the subject bonds are eligible for investment by national banks, within the limitations of Paragraph Seventh of section 5136 of the Revised Statutes (12 U.S.C. 24).

Dated: July 5, 1962.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 62-6751; Filed, July 10, 1962; 8:53 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-SO-11]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation and Designation of Federal Airways and Associated Control Areas

On April 13, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 3562) stating that the Federal Aviation Agency proposed to take the following actions:

1. Revoke VOR Federal airway No. 159 west alternate from West Palm Beach, Fla., to Orlando, Fla.

2. Revoke VOR Federal airway No. 293 in its entirety.

3. Designate VOR Federal airway No. 492 from St. Petersburg, Fla., to West Palm Beach, Fla., including a north and south alternate.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

§ 600.6159 [Amendment]

1. In the text of § 600.6159 (14 CFR 600.6159) "West Palm Beach VOR 219° radials; West Palm Beach, Fla., VOR; Vero Beach, Fla., VOR; Orlando, Fla., VOR including an E alternate from the Vero Beach VOR to the Orlando VOR via the INT of the Vero Beach VOR 342° and the Orlando VOR 123° radials and also a W alternate from the West Palm Beach VOR to the Orlando VOR via the INT of the West Palm Beach VOR 314° and the Orlando VOR 162° radials;" is deleted and "West Palm Beach, Fla., VORTAC 219° radials; West Palm Beach VORTAC; Vero Beach, Fla., VOR; Orlando, Fla., VOR including an E alternate from the Vero Beach VOR to the Orlando VOR via the INT of the Vero Beach VOR 342° and the Orlando VOR 123° radials;" is substituted therefor.

2. In Part 600 (14 CFR Part 600) the following section is revoked:

§ 600.6293 VOR Federal airway No. 293 (West Palm Beach, Fla., to St. Petersburg, Fla.). [Revoked]

3. In Part 600 (14 CFR Part 600) the following section is added:

§ 600.6492 VOR Federal airway No. 492 St. Petersburg, Fla., to West Palm Beach, Fla.).

From the St. Petersburg, Fla., VORTAC via the La Belle, Fla., VOR; Pahokee, Fla., VORTAC; to the West Palm Beach, Fla., VORTAC including a N alternate from the La Belle VOR to the West Palm Beach VORTAC via the INT of the La Belle VOR 043° and the West Palm Beach VORTAC 314° radials and also a S alternate from the La Belle VOR to the West Palm Beach VORTAC via the INT of the La Belle VOR 112° and the West Palm Beach VORTAC 266° radials, excluding the airspace between the main airway and the north alternate.

4. In Part 601 (14 CFR Part 601) the following section is deleted:

§ 601.6293 VOR Federal airway No. 293 control areas (West Palm Beach, Fla., to St. Petersburg, Fla.) [Deleted]

5. In Part 601 (14 CFR 601) the following section is added:

§ 601.6492 VOR Federal airway No. 492 control areas (St. Petersburg, Fla., to West Palm Beach, Fla.).

All of VOR Federal airway No. 492 including a N and S alternate.

These amendments will become effective 0001 e.s.t., September 20, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 5, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-6721; Filed, July 10, 1962; 8:48 a.m.]

[Airspace Docket No. 62-SW-24]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area, Federal Airways, Control Area Extension, Continental Control Area and Designation of Transition Area

The purpose of these amendments to §§ 608.51, 600.6094, 600.6019, 600.1540, 600.1543, 601.1171, 601.10053, and 601.7101 is to alter and subdivide the White Sands Proving Grounds, N. Mex., Restricted Area R-5107; alter VOR Federal airways No. 94, No. 19, No. 1540 and No. 1543; designate the El Paso, Texas, transition area; alter the El Paso control area extension and include portions of this restricted area in the continental control area.

This is one of a series of airspace actions taken as the result of a recent special airspace review by the Federal Aviation Agency conducted for the purpose of promoting safety of flight and more efficient utilization of the airspace in the R-5103, R-5106, R-5107, R-5108, and R-5109 restricted areas of the McGregor, Orogrande and White Sands Proving Grounds, N. Mex., Complex.

A portion of the current Restricted Area R-5107 south of latitude 36°05'00" N. is revoked to release airspace required in the El Paso terminal area for air traffic control purposes. In revoking this portion of R-5107, the "bottleneck" existing in the El Paso terminal area is eased considerably and a more efficient alignment of VOR Federal airways No. 19, No. 94, No. 1540 and No. 1543 is provided. Reduction of the widths of Victors 1540 and 1543 west of the Newman VOR and the reduction of the width of Victor 1540 east of the Newman VOR will permit simultaneous use of R-5107A and R-5103A and these intermediate altitude airways. The expansion of the width of VOR airway No. 19 south of Truth or Consequences along the Truth or Consequences VOR 159° radial will provide protection to aircraft while operating along the airway more than 45 nautical miles from the Truth or Consequences VOR.

The remaining portion of R-5107 is subdivided into three areas, namely R-5107A, R-5107B and R-5107C, to obtain greater utilization of this airspace. R-5107A is added to the continental control area for joint use with the El Paso ARTC Center as the controlling agency. R-5107C is added to the continental control area for joint use with the Albuquerque ARTC Center as the controlling agency.

A transition area extending upward from 1,200 feet above the surface is designated to encompass in one area a portion of R-5107A and also a portion of the McGregor, N. Mex., Restricted Area R-5103A for El Paso terminal air traffic control purposes. The designation of R-5103A is contained in Airspace Docket No. 62-SW-25 effective coincident with this action. In addition, action is taken herein to revoke the portion of the El Paso control area extension § 601.1171 which coincides with the El Paso transition area proposed herein.

Since certain amendments herein are less restrictive in nature than present requirements and others are minor in nature and impose no additional burden on the public, compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

§ 608.51 [Amendment]

1. In § 608.51 (14 CFR 608.51) the following changes are made:

a. R-5107 White Sands Proving Grounds, N. Mex., is revoked.

b. R-5107A White Sands Proving Grounds, N. Mex., is added to read:

R-5107A White Sands Proving Grounds, N. Mex.

Boundaries. Beginning at latitude 32°25'00" N., longitude 106°06'00" W.; to latitude 32°05'00" N., longitude 106°18'20" W.; to latitude 32°05'00" N., longitude 106°29'00" W.; to latitude 32°06'20" N., longitude 106°34'00" W.; to latitude 32°18'00" N., longitude 106°34'00" W.; to latitude 32°18'00" N., longitude 106°39'00" W.; to latitude 32°19'30" N., longitude 106°39'30" W.; to latitude 32°-

19'30" N., longitude 106°20'36" W.; to latitude 32°24'00" N., longitude 106°20'36" W.; to the point of beginning.

Designated altitude. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, El Paso ARTC Center.
Using agency. Commanding General, Fort Bliss, Texas.

c. R–5107B White Sands Proving Grounds, N. Mex., is added to read:

R–5107B White Sands Proving Grounds, N. Mex.

Boundaries. Beginning at latitude 33°44'-10" N., longitude 106°04'00" W.; to latitude 32°50'00" N., longitude 106°04'00" W.; to latitude 32°36'00" N., longitude 106°06'00" W.; to latitude 32°25'00" N., longitude 106°-06'00" W.; to latitude 32°24'00" N., longitude 106°20'36" W.; to latitude 32°19'30" N., longitude 106°20'36" W.; to latitude 32°-19'30" N., longitude 106°39'30" W.; to latitude 33°13'00" N., longitude 106°52'00" W.; to latitude 33°53'00" N., longitude 106°44'-45" W.; to the point of beginning.

Designated altitude. Surface to unlimited.
Time of designation. Continuous.
Using agency. Commander, Holloman AFB, New Mexico.

d. R–5107C White Sands Proving Grounds, N. Mex., is added to read:

R–5107C White Sands Proving Grounds, N. Mex.

Boundaries. Beginning at latitude 34°17'-00" N., longitude 106°04'00" W.; to latitude 33°44'10" N., longitude 106°04'00" W.; to latitude 33°53'00" N., longitude 106°44'45" W.; to latitude 34°15'45" N., longitude 106°-40'30" W.; to latitude 34°17'00" N., longitude 106°12'00" W.; to the point of beginning.

Designated altitude. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.
Using agency. Commander, Holloman AFB, New Mexico.

2. Section 601.1171 (14 CFR 601.1171) is amended to read:

§ 601.1171 Control area extension (El Paso, Texas).

Within 5 miles either side of the 008°, 165°, and 302° radials of the El Paso, Texas, VORTAC extending from the VORTAC to latitude 32°00'00" N., 20 miles SE and 37 miles NW, including the airspace bounded on the N by latitude 32°11'00" N., on the E by longitude 105°-17'00" W., on the S by VOR Federal airway No. 16 and on the W by a line 5 miles E of and parallel to the El Paso VORTAC 008° radial excluding the portion of this control area extension which coincides with R–5103A and the portion outside of the United States.

3. Part 601 (14 CFR 601) is amended by adding the following section:

§ 601.10053 El Paso, Texas, transition area.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 32°06'30" N., longitude 106°34'00" W.; to latitude 32°-06'30" N., longitude 106°17'15" W.; to latitude 32°06'15" N., longitude 106°15'-15" W.; to latitude 32°06'15" N., longitude 105°50'30" W.; to latitude 32°00'-00" N., longitude 105°57'00" W.; to latitude 32°00'00" N., longitude 106°34'-00" W.; to point of beginning. The portions of this transition area which coincide with R–5103A and R–5107A shall be used only after obtaining prior approval from appropriate authority.

§ 600.6019 [Amendment]

4. Section 600.6019 (14 CFR 600.6019, 26 F.R. 11822) is amended as follows:

a. In the caption "El Paso, Tex.," is deleted and "Newman, Texas," is substituted therefor.

b. In the text "From the El Paso, Tex., VOR via the INT of the El Paso VOR 271° and the Truth or Consequences VOR 162° radials; Truth or Consequences, N. Mex., VOR;" and "The portion of this Federal airway above 20,000 feet above mean sea level which overlaps the White Sands restricted area, Area 2 (R–521), (published in section 608.39 of this chapter), shall be used only after obtaining prior approval from Federal Aviation Agency Air Traffic Control." are deleted and "From the Newman, Texas, VOR to the INT of the Newman VOR 287° and the Truth or Consequences, N. Mex., VOR 159° radials, thence 14-mile-wide airway via the Truth or Consequences VOR 159° radial for a distance of 34 nautical miles, thence via the Truth or Consequences VOR;" is substituted therefor.

5. In the text of § 600.6094 (14 CFR 600.6094, 26 F.R. 8806) "INT of the Deming VOR 112° and the Newman VOR 272° radials; Newman, Tex., VOR;" and "The portions of this airway which lie within the geographic limits of and between the designated altitudes of, the White Sands Restricted Area (R–209) and the McGregor Restricted Area (R–211) are excluded during the times of designation of these restricted areas." are deleted and "Newman, Texas, VOR;" and "The airspace within R–5103A is excluded." are substituted therefor.

6. In the text of § 600.1540 (26 F.R. 1085, 27 F.R. 1455, 3194, 5981) "thence via the Deming, N. Mex., VOR; INT of the Deming VOR 112° and the Columbus, N. Mex., VOR 058° radials; thence 10-mile wide airway via the INT of the Deming VOR 112° and the Newman, Tex., VOR 272° radials; Newman VOR; to the INT of the Newman VOR 091° and the Salt Flat, Tex., VOR 312° radials;" is deleted and "thence to the Deming, N. Mex., VOR; thence 10-mile-wide airway via the INT of the Deming VOR 106° and the Truth or Consequences, N. Mex., VOR 159° radials to the Newman, Texas, VOR; thence 9-mile wide airway (4 miles to the N and 5 miles to the S of the centerline) to the INT of the Newman VOR 091° and the El Paso, Texas, VOR 066° radials; thence 10-mile wide airway to the INT of the Newman VOR 091° and the Salt Flat, Texas, VOR 312° radials;" is substituted therefor.

§ 600.1543 [Amendment]

7. Section 600.1543 (26 F.R. 1086, 12069) is amended as follows:

In the caption "(El Paso, Tex., to Minneapolis, Minn.)" is deleted and "(Newman, Texas, to Minneapolis, Minn.)" is substituted therefor.

In the text "From the El Paso, Tex., VOR, 8 mile wide airway to the INT of the El Paso VOR 271° and the Truth or Consequences, N. Mex., VOR 162° radials;" is deleted and "From the Newman, Texas, VOR, 10-mile wide airway to the INT of the Newman VOR 287° and the Truth or Consequences, N. Mex., VOR 159° radials;" is substituted therefor.

§ 601.7101 [Amendment]

8. Section 601.7101 (26 F.R. 1399) is amended by adding the following:

a. R–5107A White Sands Proving Grounds, N. Mex.

b. R–5107C White Sands Proving Grounds, N. Mex.

These amendments shall become effective 0001 e.s.t., August 23, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 3, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–6719; Filed, July 10, 1962; 8:47 a.m.]

[Airspace Docket No. 62–SW–25]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Areas, Continental Control Area and Federal Airway

The purpose of these amendments to §§ 600.6280, 608.51 and 601.7101 of the Regulations of the Administrator is to subdivide the McGregor, N. Mex., Restricted Area R–5103 into two areas; include these areas and the Orogrande, N. Mex., Restricted Area R–5106 in the continental control area and remove an exclusion from VOR Federal airway No. 280.

The action taken herein is part of a series of airspace changes to be effected as the result of a recent special airspace review by the Federal Aviation Agency conducted for the purpose of promoting safety of flight and more efficient airspace utilization in the McGregor, Orogrande, White Sands Proving Grounds and White Sands, N. Mex., Restricted Area Complex concerning R–5103, R–5106, R–5107, R–5108 and R–5109.

Restricted Area R–5103 is being subdivided into two joint use areas, namely R–5103A and R–5103B, to obtain greater utilization of this airspace. Restricted Area R–5103A extending from the surface to unlimited and Restricted Area R–5106 extending from 4,000 feet above the ground to unlimited will be included in the continental control area for joint use with the El Paso ARTC Center as the controlling agency. This would provide controlled airspace above 14,500 feet MSL for aircraft holding on the Pinon, N. Mex., VOR and permit radar vectoring of El Paso terminal traffic above 14,500 feet MSL. A transition area extending upward from 1,200 feet above the surface to the continental control area designated in Airspace Docket No. 62–SW–24 effective coincident with this rule will provide controlled airspace in a portion of R–5103A to obtain air traffic control flexibility in controlling aircraft arriving and departing the El Paso terminal area.

The present alignment of low altitude VOR Federal airway No. 280 does not overlap R–5103 (formerly R–211). Therefore, action is taken herein to remove the exclusion from the current designation of this airway.

Restricted Area R–5103B extending from 20,000 feet MSL to unlimited will be included in the continental control area for joint use with the El Paso ARTC Center as the controlling agency. In designating R–5103B from 20,000 feet MSL to unlimited the underlying airspace from the surface to 20,000 feet MSL is released for public use. This provides a VFR fly-way between Almagordo, N. Mex., and the Pinon, N. Mex., VOR station.

Since these amendments reduce a burden on the public, compliance with the Notice, public procedure and effective date requirements of Section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

§ 608.51 [Amendment]

1. In § 608.51 (14 CFR 608.51) the following changes are made:

a. R–5103 McGregor, N. Mex., is revoked.

b. R–5103A McGregor, N. Mex., is added to read:

R–5103A McGregor, N. Mex.

Boundaries. Beginning at latitude 32°45'00" N., longitude 105°59'00" W.; to latitude 32°45'00" N., longitude 105°-52'20" W.; to latitude 32°35'00" N., longitude 105°30'00" W.; to latitude 32°26'20" N., longitude 105°30'00" W.; to latitude 32°-00'15" N., longitude 105°56'40" W.; to latitude 32°00'30" N., longitude 106°10'25" W.; to latitude 32°05'20" N., longitude 106°-09'20" W.; to latitude 32°06'00" N., longitude 106°15'30" W.; along the Southern Pacific Railroad to latitude 32°28'00" N., longitude 106°02'00" W.; to latitude 32°27'40" N., longitude 106°00'00" W.; to latitude 32°-36'00" N., longitude 106°00'00" W.; to the point of beginning.

Designated altitude. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, El Paso ARTC Center.
Using agency. Commanding General, Fort Bliss, Texas.

c. R–5103B McGregor, N. Mex., is added to read:

R–5103B McGregor, N. Mex.

Boundaries. Beginning at latitude 32°-45'00" N., longitude 105°52'20" W.; to latitude 32°45'00" N., longitude 105°30'00" W.; to latitude 32°35'00" N., longitude 105°30'-00" W.; to the point of beginning.

Designated altitude. 20,000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, El Paso ARTC Center.
Using agency. Commanding General, Fort Bliss, Tex.

d. R–5106 Orogrande, N. Mex., is amended to read:

R–5106 Orogrande, N. Mex.

Boundaries. Beginning at latitude 32°-36'00" N., longitude 106°00'00" W.; to latitude 32°27'40" N., longitude 106°00'00" W.; to latitude 32°28'00" N., longitude 106°02'00" W.; along the Southern Pacific Railroad to latitude 32°06'15" N., longitude 106°15'15" W.; to latitude 32°06'30" N., longitude 106°-17'15" W.; to latitude 32°25'00" N., longitude 106°06'00" W.; to latitude 32°36'00" N., longitude 106°06'00" W.; to the point of beginning.

Designated altitudes. From 4,000 feet above the surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, El Paso ARTC Center.
Using agency. Commanding General, Fort Bliss, Texas.

2. Section 601.7101 (26 F.R. 1399) is amended by adding the following:

a. R–5103A McGregor, N. Mex.
b. R–5103B McGregor, N. Mex.
c. R–5106 Orogrande, N. Mex.

3. Section 601.10808 (14 CFR 601.-10808) is amended to read:

§ 601.10808 Pinon, N. Mex., transition area.

The airspace extending upward from 1,200 feet above the surface within 10 miles either side of the Pinon, N. Mex., VOR 035° and 219° radials extending from 20 miles NE to 20 miles SW of the VOR, excluding the portion of this transition area which coincides with R–5103A.

§ 600.6280 [Amendment]

4. In the text of § 600.6280 (14 CFR 600.6280, 26 F.R. 11484, 27 F.R. 1757, 5981) "The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the McGregor Restricted Area (R–211) is excluded during this restricted area's time of designation," is deleted.

These amendments shall become effective 0001 e.s.t. August 23, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 3, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–6718; Filed, July 10, 1962; 8:46 a.m.]

[Airspace Docket No. 62–SW–20]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extension

On April 27, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 4033) stating that the Federal Aviation Agency proposed to alter the Wink, Texas, control area extension.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 601.1367 (14 CFR 601.1367) is amended to read:

§ 601.1367 Control area extension (Wink, Texas).

That airspace bounded on the S by a line extending from latitude 31°27'00" N., longitude 103°02'00" W., to latitude 31°27'00" N., longitude 103°30'00" W., on the SW by a line extending from latitude 31°27'00" N., longitude 103°-30'00" W., to latitude 31°41'30" N., longitude 103°30'00" W., thence clockwise along the arc of a 20-mile radius circle centered on the Wink VOR to the S boundary of VOR Federal airway No. 16 S alternate E of Wink, and on the SE by the S boundary of VOR Federal airway No. 16 S alternate and the E boundary of VOR Federal airway No. 79; and including the airspace NE of Wink bounded on the N by a line 5 miles N of and parallel to the Midland, Texas, VOR 283° radial, on the E by a line extending from latitude 32°07'00" N., longitude 102°48'40" W., to latitude 32°13'10" N., longitude 102°54'30" W., on the SE by VOR Federal airway No. 16, on the SW by the Wink control area extension 20-mile radius area, and on the NW by VOR Federal airway No. 79.

This amendment shall become effective 0001, e.s.t., August 23, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 3, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62–6720; Filed, July 10, 1962; 8:48 a.m.]

[Airspace Docket No. 61–NY–113]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Designation of Jet Advisory Areas

On April 18, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 3694), stating that the Federal Aviation Agency was considering the designation of en route radar jet advisory areas on the segment of Jet Route No. 34 from Pittsburgh, Pa., to Herndon, Va., and on the segment of Jet Route No. 55 from its intersection with Jet Route No. 77 southwest of Flat Rock, Va., to its intersection with Jet Route No. 37 northeast of Flat Rock.

In Airspace Docket No. 62–WA–63 (27 F.R. 5603) action was taken to exclude jet advisory areas from positive control airspace. Therefore, action is taken herein to delete the jet advisory area associated with the segment of J–34 from Milwaukee, Wis., to Pittsburgh, Pa., from § 602.200 as this segment is entirely within positive control airspace.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for reasons stated in the Notice, § 602.200 en route jet advisory areas (14 CFR 602.200, 27 F.R. 3736) is amended as follows:

1. Jet Route No. 34 is amended to read:

Jet Route No. 34 jet advisory area. Radar—Pittsburgh, Pa., to Herndon, Va.

2. Jet Route No. 55 is amended to read:

Jet Route No. 55 jet advisory area. Radar—Jacksonville, Fla., to Charleston, S.C.; from INT of Jet Routes Nos. 55 and 77 SW of Flat Rock, Va., to INT of Jet Routes Nos. 37 and 55 NE of Flat Rock; from Idlewild, N.Y., to the United States/Canadian border.

These amendments shall become effective 0001 e.s.t., August 23, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 3, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-6722; Filed, July 10, 1962; 8:48 a.m.]

[Airspace Docket No. 62-WA-16]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

Designation of Jet Advisory Area

On May 2, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 4201), stating that the Federal Aviation Agency was considering the designation of a radar jet advisory area within 16 miles either side of Jet Route No. 39 from flight level 240 to flight level 390 inclusive, between Nashville, Tenn., and Dayton, Ohio.

In Airspace Docket No. 62-WA-63 (27 F.R. 5603) action was taken to exclude jet advisory areas from positive control airspace. Therefore, action is taken herein to designate radar jet advisory area only on the segment of J-39 from Nashville to Louisville, Ky., as the segment from Louisville to Dayton is within positive control airspace.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for reasons stated herein and in the notice, the following action is taken:

In the text of § 602.200 Enroute Jet Advisory Areas (14 CFR 602.200) the following is added:

Jet Route No. 39 jet advisory area.
Radar—Nashville, Tenn., to Louisville, Ky.

This amendment shall become effective 0001, e.s.t., August 23, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 3, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-6723; Filed, July 10, 1962; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-82]

PART 13—PROHIBITED TRADE PRACTICES

Canadian Fur Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155-40 *Exaggerated as regular and customary;* § 13.155-70 *Percentage savings.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865-40 *Fur Products Labeling Act;* § 13.1886 *Quality, grade or type;* § 13.1900 *Source or origin:* § 13.1900-40 *Fur Products Labeling Act:* § 13.1900-40(a) *Maker or seller;* § 13.1900-40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Canadian Fur Corporation et al., Newark, N.J., Docket C-82, Feb. 21, 1962]

In the Matter of Canadian Fur Corporation, a New York Corporation, and Canadian Fur Corporation, a New Jersey Corporation, and Jacob Dornfeld and Morris Dornfeld, Individually and as Officers of the Said Corporations, and Sidney Dornfeld, Individually and as General Manager of Fur Operations of the Said Corporations

Consent order requiring Newark, N.J., furriers to cease violating the Fur Products Labeling Act by failing to show in labeling, invoicing, and advertising, the true animal name of fur used in fur products; to show on labels the name of the registered manufacturer, etc.; to disclose on invoices when fur was artificially colored or composed of flanks, and the country of origin of imported furs; by invoicing "Japanese Mink" as "Mink", and failing to set forth the term "Persian Lamb" as required on invoices; by failing in other respects to comply with labeling and invoicing requirements; by advertising which represented prices of fur products as reduced from regular prices which were, in fact, fictitious, and represented prices falsely as "cut 50% and more"; and by failing to keep adequate records as a basis for price and value claims.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Canadian Fur Corporation, a New York corporation, and its officers, and Canadian Fur Corporation, a New Jersey corporation, and its officers, and Jacob Dornfeld and Morris Dornfeld, individually and as officers of said corporations, and Sidney Dornfeld, individually and as general manager of the fur operations of the said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution, in commerce, of any fur product, or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received, in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Setting forth on labels affixed to fur products:

1. Information required under section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in abbreviated form.

2. Information required under section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder mingled with non-required information.

3. Information required under section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in handwriting.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in abbreviated form.

C. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

D. Failing to disclose that fur products are composed in whole or in substantial part of flanks, when such is the fact.

3. Falsely or deceptively invoicing fur products or otherwise falsely or deceptively identifying such fur products with respect to the name or names of the animal or animals that produced the fur from which such fur products were manufactured.

4. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products and which:

A. Fails to disclose:

1. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the said Rules and Regulations.

B. Represents, directly or by implication, that the regular or usual price of any fur product is any amount which is in excess of the price at which respondents have usually and customarily sold such products in the recent regular course of business.

C. Represents through percentage savings claims that prices of fur products are reduced in direct proportion to the percentage of savings stated when such is not the fact.

5. Making claims and representations of the types covered by subsections (a), (b), (c) and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 21, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-6731; Filed, July 10, 1962; 8:50 a.m.]

[Docket 7888o.]

PART 13—PROHIBITED TRADE PRACTICES

Gimbel Brothers

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155-45 *Fictitious marking;* § 13.155-70 *Percentage savings.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-30 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865-40 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900-40 *Fur Products Labeling Act:* § 13.1900-40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Gimbel Brothers, New York, N.Y., Docket 7888, Feb. 23, 1962]

Order requiring a department store with retail stores in New York City, Milwaukee, Pittsburgh, and Philadelphia, to cease violating the Fur Products Labeling Act by advertising in a Philadelphia newspaper which failed to disclose the names of animals producing the fur in fur products, the country of origin of imported furs, and that certain furs were artificially colored; represented prices of fur products as reduced from usual prices when they had never sold at such prices and as "⅓ off" when such was not the fact; and failed to maintain adequate records as a basis for price and value claims.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent, Gimbel Brothers, a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution, in commerce, of fur products; or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice, which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products and which:

1. Fails to disclose:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide, as prescribed under the Rules and Regulations;

(b) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur;

(c) The name of the country of origin of any imported furs contained in a fur product.

2. Represents, directly or by implication, that the regular or usual price of any fur product is any amount which is in excess of the price at which respondent has usually and customarily sold such products in the recent regular course of business.

3. Misrepresents in any manner the savings available to purchasers of respondent's fur products.

It is further ordered, That the charge made in Paragraph Five of the complaint be, and it hereby is, dismissed.

It is further ordered, That respondent, Gimbel Brothers, shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: February 23, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-6732; Filed, July 10, 1962; 8:51 a.m.]

[Docket C-85]

PART 13—PROHIBITED TRADE PRACTICES

O. Jack Miller

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits:* § 13.20-20 *Competitors' products;* § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, O. Jack Miller, Milwaukee, Wis., Docket C-85, Feb. 28, 1962]

Consent order requiring a Milwaukee seller of contact lenses designated "Occulettes" to cease representing falsely in newspaper and other advertising that his said contact lenses do not rest upon the eye and are thus more comfortable than other lenses; that they can be worn all day, without discomfort, by anyone in need of visual correction; and that wearers of his lenses can discard eyeglasses.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent O. Jack Miller and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of contact lenses sold under the name "Occulettes" or under any other name or names, or any other contact lenses of substantially the same construction or properties, do forthwith cease and desist from directly or indirectly:

1. Disseminating, or causing to be disseminated, any advertisement, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents directly or by implication that:

A. Respondent's lenses do not rest upon the eye or that said lenses are more comfortable than other contact lenses.

B. Respondent's contact lenses can be worn by everyone all day or that anyone can wear them all day unless it is clearly revealed that this is possible only after the wearer has become fully adjusted thereto.

C. There is no discomfort in wearing respondent's contact lenses unless it is clearly revealed that practically all persons will experience some discomfort when first wearing respondent's lenses, and that in a significant number of cases discomfort will be prolonged.

D. All persons in need of visual correction can successfully wear respondent's contact lenses.

E. Respondent's lenses can replace eyeglasses to the extent that eyeglasses can be discarded by all persons.

2. Disseminating, or causing to be disseminated, any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said products in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representations prohibited in Paragraph 1 hereof.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

Issued: February 28, 1962.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6733; Filed, July 10, 1962; 8:51 a.m.]

[Docket C-84]

PART 13—PROHIBITED TRADE PRACTICES

Procter & Gamble Co.

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits:* § 13.20-20 *Competitors' products;* § 13.265 *Tests and investigations.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Procter & Gamble Company, Cincinnati, Ohio, Docket C-84, Feb. 26, 1962]

Consent order requiring the manufacturer of "Crest" toothpaste to cease representing falsely in advertising in newspapers and magazines and by television that in tests referred to, Crest was tested in comparison with competing brands of commercially available toothpaste when, in fact, it was compared with a product substantially the same as Crest but minus the ingredient stannous fluoride.

The order to cease and desist is as follows, including further order requiring report of compliance therewith:

It is ordered, That respondent The Procter & Gamble Company, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of any dentifrice or any other drug or cosmetic product, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement:

(a) Represents, directly or indirectly, that any drug or cosmetic product has been tested in comparison with competing products, when such is not the fact;

(b) Misrepresents the manner in which any such drug or cosmetic product has been tested.

2. Disseminating or causing the dissemination of any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said product in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in Paragraph 1 hereof.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: February 26, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6734; Filed, July 10, 1962; 8:53 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

Antibiotic Sensitivity Discs; Tests and Methods of Assay and Certification for Antibiotic-Debydrated Media-Triphenyltetrazolium Chloride Sensitivity Discs

Correction

In F.R. Doc. 62-5889 appearing at page 5740 of the issue for Saturday, June 16, 1962, the table in § 147.3(b)(3) is corrected by changing the number in the third line to read "14507" instead of "14506".

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Schuylkill River, Pa.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.227 is hereby amended with respect to paragraph (h) by revising subparagraph (1) to govern the operation of the Pennsylvania Railroad Company bridge across Schuylkill River near Christian Street, Philadelphia, Pennsylvania, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.227 Delaware and Schuylkill Rivers, N.J. and Pa., in vicinity of Philadelphia and Bristol; bridges.

* * * * *

(h) *Pennsylvania Railroad Company bridge across Schuylkill River near Christian Street.* (1) The owner of or agency controlling this drawbridge will not be required to keep drawtenders in constant attendance. Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, at least 2 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

[Regs., June 29, 1962, 285/111 (Schuylkill River, Pa.)—ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62-6717; Filed, July 10, 1962; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

PART 207—LEASE AND INTERCHANGE OF VEHICLES

[Ex Parte No. MC-43]

Lease and Interchange of Vehicles by Motor Carriers

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 28th day of June A.D. 1962.

It appearing that on November 23, 1956, the Commission made and filed in this proceeding a supplemental report, 68 M.C.C. 553, and order establishing regulations regarding the leasing and interchange of vehicles by motor carriers;

It further appearing that on September 6, 1960, a notice of proposed rule making (25 F.R. 182) was issued in the above-entitled proceeding contemplating revision of §§ 207.3(a) and 207.4 of said regulations:

And it further appearing that the Commission, on July 24, 1961, made and filed a fifth supplemental report, 86 M.C.C. 525, and order in the above-entitled proceeding;

And it further appearing that upon consideration of the record, of a joint petition of Wilson Freight Forwarding Company and Interstate Dispatch, Inc., and separate petitions of the Heavy-Specialized Carriers Conference and Pacific Intermountain Express Co., by order entered April 30, 1962, the proceeding was reopened for reconsideration on the present record insofar as it relates to matters covered by the fifth supplemental report of the Commission herein;

And it further appearing, That reconsideration of the matters and things involved in this proceeding has been given, and that the Commission, on the date hereof, has made and filed a report on reconsideration of its fifth supplemental report herein setting forth the basis of its conclusions and its findings therein, which report and the prior reports herein are hereby referred to and made a part hereof:

It is ordered, That the said order of July 24, 1961, be, and it is hereby, vacated and set aside;

And it is further ordered, That Part 207 (49 CFR Part 207) be, and it is hereby, amended by modifying § 207.3(a) thereof so as to read as follows:

§ 207.3 Exemptions.

The provisions of § 207.4, except paragraphs (c) and (d), relative to inspection and identification of equipment, shall not apply:

(a) *Equipment used in the direction of a point which lessor is authorized to serve.* To equipment owned or held under a lease of 30 days or more by an authorized carrier and regularly used by it in the service authorized, and leased by it to another authorized carrier for transportation in the direction of a point which lessor is authorized to serve: *Provided,* That the two carriers have first agreed in writing that control and responsibility for the operation of the equipment shall be that of the lessee from the time the equipment passes the inspection required to be made by lessee or its representative under § 207.4(c) until such time as the lessor or its representative shall give to the lessee or its representative a receipt specifically identifying the equipment and stating the date and the time of day possession thereof is retaken or until such time as the required inspection is completed by another authorized carrier taking possession of the equipment in an interchange of equipment where such use is contemplated, such writing to be signed by the parties or their duly authorized regular employees or agents, and a copy thereof carried in the equipment while the equipment is in the possession of the lessee.

And it is further ordered, That this order shall become effective August 13, 1962, and shall continue in effect until the further order of the Commission;

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(Sec. 204, 49 Stat. 546, as amended, 49 U.S.C. 304)

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-6746; Filed, July 10, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 1045]

[Docket No. AO–334–A5]

MILK IN NORTHEASTERN WISCONSIN MARKETING AREA

Decision on Proposed Amendment to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Appleton, Wisconsin, May 16, 1962, pursuant to notice thereof issued May 1, 1962 (27 F.R. 4339).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary, United States Department of Agriculture, on June 15, 1962 (27 F.R. 5874; F.R. Doc. 62–6064) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issue on the record of the hearing relates to pool plant performance standards for distributing plants and supply plants.

Findings and conclusions. The following findings and conclusions on the material issue is based on evidence presented at the hearing and the record thereof:

Pool plant performance standards for distributing plants and supply plants. The pool plant requirement of route disposition from a distributing plant should be changed from 50 to 40 percent of its Grade A milk receipts and the shipping requirement percentage of Grade A receipts from dairy farmers for a supply plant to pool should likewise be changed from 50 to 40 percent.

The principal producer associations and a major handler in the market proposed changing the pool plant performance standards in this manner. Increased production of individual producers now serving the market was pointed to as increasing receipts at pool plants so that difficulty has been experienced in maintaining such plants pooled under the present percentage requirements for distributing plants and supply plants. Consequently, dairy farmers who are established producers under the order are threatened with loss of a market for their milk.

Deliveries to pool plants during the past year have increased substantially over those of the preceding year. The 432 million pounds of milk pooled in the year ending April 30, 1962 is 15 percent above the 375 million pounds a year earlier, an average monthly increase of 4.7 million pounds. The average daily production per producer during this same period was 850 pounds compared to 793 pounds for the preceding 12 months.

The increased production for the market has not been absorbed by increased Class I sales. As a result, plants are having difficulty in meeting the percentage requirements for pool plant status and uneconomic transportation and handling charges have been incurred by handlers to maintain pooling eligibility for milk customarily delivered to such plants.

Lowering the percentage requirements for distributing pool plants is necessary to maintain orderly marketing of producer milk and maintain the association of present producers with this market. By requiring that 20 percent of total receipts be disposed of in the marketing area on routes, reduction of the total Class I route distribution requirement from 50 to 40 percent will not result in the association of additional distributing plants with this market. Only plants primarily engaged in route distribution of fluid milk products in this marketing area would be expected to qualify for pool status under this provision. There are limited manufacturing operations (primarily ice cream and cottage cheese) at pool plants which distribute in this marketing area.

The order should specify that the route distribution percentage requirements for a distributing plant to pool be based on total Grade A receipts at the plant. The order now provides that the 20 percent requirement of route distribution in the marketing area be based on receipts from dairy farmers. It would be impracticable to continue this basis because a number of plants receive their Grade A supplies other than directly from dairy farmers.

Reducing shipping qualifications for supply plants will assist in keeping associated with this market producer milk presently delivered to such plants without incurring uneconomic transportation and handling charges otherwise necessary to retain pool plant status. Shipments to distributing plants qualified as pool plants of 40 percent of Grade A receipts from dairy farmers will demonstrate substantial association of supply plants with this market.

Definitions of "distributing plant" and "supply plant" should be incorporated in the order in recognition of the difference in marketing practices and functions between distributing plants and supply plants and to facilitate references throughout the order to these two types of plants which may become pool plants by meeting the specified requirements. A "distributing plant" would be defined as a plant from which any Grade A fluid milk product that is processed or packaged in such plant is disposed of during the month in the marketing area on routes. "Supply plant" would be defined to mean a plant from which milk, skim milk or cream is shipped during the month to a distributing plant which is qualified as a pool plant.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein:

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, the exception received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with the exception, such exception is hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Northeastern Wisconsin Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Northeastern Wisconsin Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of April 1962 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Northeastern Wisconsin marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on July 6, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

Order[1] Amending the order Regulating the Handling of Milk in the Northeastern Wisconsin Marketing Area

§ 1045.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Northeastern Wisconsin marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest, and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is hereforе ordered, That on and after the effective date hereof, the handling of milk in the Northeastern Wisconsin marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and as hereby further amended as follows:

Sections 1045.9, 1045.10, 1045.11, 1045.12, 1045.13, 1045.14, 1045.15, 1045.16 and 1045.17 are redesignated §§ 1045.11, 1045.12, 1045.13, 1045.14, 1045.15, 1045.16, 1045.17, 1045.18 and 1045.19, respectively, and § 1045.8 is replaced by the following:

§ 1045.8 Distributing plant.

"Distributing plant" means a plant from which any Grade A fluid milk product that is processed or packaged in such plant is disposed of during the month in the marketing area on routes.

§ 1045.9 Supply plant.

"Supply plant" means plant from which Grade A milk, skim milk or cream is shipped during the month to a pool plant.

§ 1045.10 Pool plant.

"Pool plant" means a plant specified in paragraph (a) or (b) of this section, except as provided in §§ 1045.80 through 1045.82.

(a) A distributing plant from which not less than 40 percent of the total Grade A milk receipts is disposed of during the month on routes and not less than 20 percent of such receipts is disposed of in the marketing area on routes.

(b) A supply plant from which not less than 40 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products to pool plants qualified pursuant to paragraph (a) of this section: *Provided,* That a supply plant which qualified pursuant to this paragraph in each of the immediately preceding months of July through November shall be a pool plant for the months of December through June unless written application is filed with the market administrator on or before the first day of any such month to be designated a nonpool plant for such month and for each subsequent month through June in which it would not otherwise qualify as a pool plant.

[F.R. Doc. 62–6764; Filed, July 10, 1962; 8:54 a.m.]

[1] This order shall not become effective unless and until the requirements of § 990.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR Parts 1005, 1011, 1065, 1066, 1071–1076, 1090, 1094, 1096, 1098, 1101–1107, 1120, 1126–1130, 1132, 1134, 1135, 1137]

HANDLING OF MILK IN CERTAIN MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and Orders

In the matter of:

7 CFR Part,	Docket No.,	Marketing Area
1005	AO–177–A20	Tri-State.
1011	AO–251–A4	Appalachian.
1065	AO–86–A14	Nebraska-Western Iowa.
1066	AO–122–A9	Sioux City, Iowa.
1071	AO–227–A13	Neosho Valley.
1072	AO–235–A4	Sioux Falls-Mitchell, S. Dak.
1073	AO–173–A14	Wichita, Kans.
1074	AO–249–A4	Southwest Kansas.
1075	AO–248–A3	Black Hills, S. Dak.
1076	AO–260–A4	Eastern South Dakota.
1090	AO–266–A3	Chattanooga, Tenn.
1094	AO–103–A20	New Orleans, La.
1096	AO–257–A8	Northern Louisiana.
1098	AO–184–A18	Nashville, Tenn.
1101	AO–195–A10	Knoxville, Tenn.
1102	AO–237–A6	Fort Smith, Ark.
1103	AO–252–A7	Central Mississippi.
1104	AO–298–A2	Red River Valley.
1105	AO–297–A2	Mississippi Delta.
1106	AO–210–A14	Oklahoma Metropolitan.
1107	AO–304–A3	Mississippi Gulf Coast.
1120	AO–328–A1	Lubbock-Plainview, Tex.
1126	AO–231–A19	North Texas.
1127	AO–232–A11	San Antonio, Tex.
1128	AO–238–A13	Central West Texas.
1129	AO–256–A7	Austin-Waco, Tex.
1130	AO–259–A7	Corpus Christi, Tex.
1132	AO–262–A8	Texas Panhandle.
1134	AO–301–A2	Western Colorado.
1135	AO–300–A4	Colorado Spring-Pueblo.
1137	AO–326–A1	Eastern Colorado.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in each of the marketing areas heretofore specified. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed

amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders, were formulated, was conducted with sessions at Wichita, Kansas, on June 7, 1962; at Nashville, Tennessee, on June 12, 1962; and at New Orleans, Louisiana, on June 14, 1962, pursuant to notices thereof which were issued May 22, 1962, and June 4, 1962 (27 F.R. 5402; 27 F.R. 4919).

The material issues on the record of the hearing relate to:

1. Basic formula prices used to compute Class I prices;

2. Basic butterfat test in specified markets; and

3. Conforming changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The monthly average price received by farmers for manufacturing grade milk in Minnesota and Wisconsin as published by the Department on about the 5th day following the month (adjusted to a 3.5 percent butterfat) should be the basic formula price from which the Class I milk price is computed in each of the Federal orders named herein.

(a) *Present order provisions.* Class I prices in Federal order markets are established under the authority of the Agricultural Marketing Agreement Act. The standards for milk order prices described in the Act require that such prices reflect economic conditions which affect market supply and demand for milk in the marketing area. In accordance with these standards, Class I milk pricing formulas have been developed for use in the several Federal orders.

Class I milk price formulas, in markets here considered, employ a basic formula price representing a manufacturing milk value. To this is added a price differential, and in most of these markets a further adjustment is made to reflect the changing relationship of milk supplies to Class I milk disposition. The latter adjustment is commonly referred to as a supply-demand adjustment. Eight of the orders considered here do not have basic formula prices, since the Class I prices thereunder are established at fixed relationships to the Class I prices of other orders.

There is considerable diversity in the basic formulas used in the remaining 23 orders. In 20 of these orders the average paying price of Midwest condenseries is used as a basic formula factor, but since 13 of such orders that compute prices at either 3.8 percent or 4.0 percent butterfat use various methods of adjusting to such tests the condensery price announced at a 3.5 percent basis, five different prices result from the use of this one formula factor. Two orders use the paying prices of a different list of condenseries. All basic formulas include a price computed from market values of butter and nonfat dry milk. In all but one order this is an alternative price used when it is higher than a condensery pay price or other alternatives. The order for the Sioux Falls-Mitchell, South Dakota, market uses the butter-powder formula price as the sole basic formula factor. There are in all, eleven different butter-powder formulas in use in the several orders. Eight orders also include paying prices of local plants as alternative basic formula factors, three use computations based on butter and cheese prices, and one uses the average price of manufacturing milk at plants in the United States.

The lack of uniformity among the various basic formulas and the consequent diversity of results produced in Class I prices constitutes a serious problem with respect to coordination of prices among these markets and with other markets adjacent to the respective markets. The extent to which the Midwest condensery price, common to 28 of the orders here under consideration, has been the effective price in these markets and the adjacent markets, has mitigated this problem somewhat in the past. The variety of means used to adjust this price to the basic butterfat test used in the various orders has, however, resulted in uniformity of basic prices under this condition only among those orders using the same basic test and adjustment factor.

The Midwest condensery price was originally based on reports by 18 plants. From time to time individual plants have ceased operations. Recently, seven plants (5 in Wisconsin and 2 in Michigan) have been reporting prices. Four of these are operated by a single firm and two others by another firm. In addition to the effect that reductions in the number of plants has had in impairing this average price as a representative value of manufacturing milk, there is substantial evidence that the posted pay prices reported for the two Michigan plants in the series do not currently reflect the total cost of milk to such plants. As a consequence of these developments the reliability of the Midwest condensery price as an accurate measure of manufacturing milk values has been reduced.

The factors used in the formula computations based on prices of butter and nonfat dry milk vary considerably in the price quotations used, product yields per hundredweight of milk and manufacturing allowances. Such factors as yields and manufacturing allowances are rigid elements in these formulas that do not respond to changes in efficiency. Most butter-powder formulas give substantial weight to the price of roller process powder. The volume of roller process powder produced has declined substantially so that it no longer represents the end product for a substantial volume of manufacturing milk, and, accordingly, is not now being purchased for price support purposes.

The formulas based on prices of butter and cheese are affected by considerations similar to those in connection with butter-powder formulas, and have never been the effective basic formula prices in the orders here under consideration.

Local plant paying prices have tended to play a lesser role in establishing basic formula prices. Generally they have been lower than other alternative formula computations. An exception has been the "Illinois condensery" prices used in the Nebraska-Western Iowa and Sioux City, Iowa, orders in lieu of the Midwest condensery prices. Since different groups of plants are used in each of these orders, uniformity of pricing among orders cannot be attained by use of such prices.

Uniformity of basic formulas is desirable for the purposes of aligning prices among related markets and promoting understanding of order pricing methods among parties in the industry. Disadvantages inherent in the existing formulas based on product prices and the lessening representation provided by the Midwest condensery prices, make it imperative that a sounder basis for determining basic formulas be provided.

(b) *Minnesota-Wisconsin price.* The price for manufacturing grade milk in the two-state area of Wisconsin and Minnesota is issued by the State-Federal Crop Reporting Service on about the 5th day of each month for milk received at manufacturing plants in these states in the previous month. In each state plant operators regularly report the total pounds of manufacturing grade milk received from farmers, the butterfat content, and total money paid to farmers for the milk. Average state prices based on these reports are available near the end of the month following. For the two-state area a special reporting system has been arranged which provides a reliable estimated price by the 5th day after the end of the month. The two-state area is one in which there is a heavy concentration of manufacturing grade milk and where many plants are competing for such supply. In Minnesota about 80 percent of the milk sold off farms is manufacturing grade and in Wisconsin, about 65 percent. About 50 percent of the manufacturing grade milk sold off farms in the United States is produced in these two States.

This price better meets the requirements for a basic formula price than other formulas now used. It is representative of prices paid to farmers for about half of the manufacturing grade milk produced in the country. It is a price level determined by competitive conditions which are affected by demand in all of the major uses of manufactured dairy products. The system of reporting has been developed so that a reliable average price is available promptly and thus it provides just as current a basis for pricing milk as existing basic formulas. This price is now used as the basic formula price in the orders for 38 markets. Many of the markets here under consideration adjoin one or more of such markets.

It is concluded that the average price for manufacturing grade milk in Wisconsin and Minnesota, as reported by the Department on about the 5th day of the following month should be adopted as the basic formula price in these orders, excepting those where prices are determined on the basis of differentials from other markets. All producer groups from each market and practically all handler witnesses supported use of this price as the basic formula price to be used in these orders.

Inasmuch as the manufacturing milk price for the two-state area is reported by the Department as the price at actual butterfat test, a method for adjustment to the butterfat test (3.5 percent) to be used in these orders must be adopted. For this purpose a generally recognized value of butterfat, 0.12 times the average wholesale price for 92-score butter at Chicago, should be used. This method of adjustment is used in the 38 orders now using this price series as a basic formula price. It is concluded elsewhere in this decision that prices in each of the orders here considered should be stated on a 3.5 percent butterfat basis.

(c) *Transition to new formula (general).* The principal issue of the hearing related to proposed adjustments in Class I differentials to provide transition to the new basic formula price without changing the level of Class I prices. Producers in some markets requested Class I differentials be unchanged, in other markets they requested increases of from 1 to 10 cents. Handlers proposed decreases of from 2 to 7 cents in some markets, no adjustment in others, and increases of 2 to 3 cents in still others.

The variety of basic formulas among the various orders precludes consideration of a uniform basis of adjustment. Before the effective basic formula prices in many orders could be compared with the Minnesota-Wisconsin price, it was necessary to convert the present prices to a 3.5 percent basis by use of the Class I butterfat differentials of the respective orders. These existing formulas have not maintained precise relationship with the Minnesota-Wisconsin series during recent years (data for the period January 1958 through May 1962 were available in the record). In view of the variations in such relationships it is not possible to establish with precision the relationships that may be expected in the future.

For the 34-month period from January 1958 through October 1960 the Minnesota-Wisconsin price and the Midwest condensery price represented virtually the same level of price, differing by less than one-half cent on a simple average basis. In only six of these months did the prices vary by more than 3 cents and the difference never exceeded 7 cents. Beginning with November 1960 through February 1961 the Midwest condensery price exceeded the Minnesota-Wisconsin price by 6–14 cents; for March and April 1961 the condensery price was approximately the same as the Minnesota-Wisconsin price. The condensery price was 4 cents less in May 1961 and it has been from 9 to 15 cents less each month since than the Minnesota-Wisconsin price. Despite these wider but offsetting variations the two price series averaged within less than one-half cent of each other for the four-year 1958–1961 period.

In those markets for which the Midwest condensery price has been the usually effective basic formula price there is no basis for adjusting Class I differentials in making the transition from the present basic formula price to the Minnesota-Wisconsin price. The present relationship of the Midwest condensery price to paying prices in the area, and a somewhat similar relationship to market prices of manufactured dairy products are symptoms of its progressive failure to represent accurately manufacturing milk values. It would not be appropriate to reduce Class I differentials to reflect recent levels in the condensery price.

(d) *Transition to new formula (market by market).* For only two markets here involved, Black Hills and Eastern South Dakota, has the 3.5 percent Midwest condensery price without adjustment been the effective price at all times. For the Tri-State, Oklahoma Metropolitan, Western Colorado, Colorado Springs-Pueblo, and Eastern Colorado markets, basic formula factors are identical. Under this type of formula the condensery price has been the dominant price. While the Nebraska-Western Iowa and Sioux City orders include the "Illinois" condensery price rather than the Midwest price, prices of these two series were substantially the same prior to the development of the present weakness in the Midwest series. For all these orders, for which prices are announced on a 3.5 percent basis, it is concluded that the transition to the new basic formula should be made without change in the Class I price differential.

For the Neosho Valley, Wichita, Southwest Kansas, Northern Louisiana, Fort Smith, North Texas, and Texas Panhandle orders the formula factors generally resemble those in the Oklahoma and Colorado markets, except that prices are stated at 3.8 percent butterfat in the Wichita and Southwest Kansas orders and at 4.0 percent in the remaining markets. Conversion of the condensery price to such tests by direct ratio has been at a higher rate than the Class I butterfat differentials of the orders. As a consequence basic formula prices of these orders, when reconverted to a 3.5 percent basis, are slightly higher than those for the Oklahoma and Colorado orders. The deterioration in the condensery price series more than overcomes this difference so that transition to the new basic formula may be accompanied without current reduction in Class I prices if present Class I price differentials are maintained. Such transition will best serve to avoid distortion of price alignments among markets.

With respect to the Appalachian, Chattanooga, New Orleans, Nashville, Knoxville, and Central Mississippi orders, Midwest condensery prices have not been so predominatingly effective. These markets all use a 4.0 percent basic test. In the four-year period 1958–1961, butter-powder formula prices were the effective basic formula prices about 40 percent of the time in New Orleans and Central Mississippi and almost 60 percent of the time in the other markets. In all these markets butter-powder prices are presently the effective basic formula prices. Differences in the butter-powder formula, methods of converting prices to the basic tests of the orders and Class I butterfat differentials provide diverse results when each of these orders is compared with the Minnesota-Wisconsin price at 3.5 percent test.

The increases in Class I price differentials suggested by producer spokesmen based on a comparison of order basic formula prices with the Minnesota-Wisconsin manufacturing milk price in earlier years do not provide a valid basis for transition from current levels of the existing basic formula prices in these orders. The suggested comparison does not allow for recognized changes in the industry. A comparison on a more recent basis is more valid for this reason.

On the basis of this comparison for recent months, it is concluded that no adjustment of Class I differentials is required to prevent decrease of price in the Chattanooga and Knoxville markets, but that Class I differentials should be increased 3 cents in the New Orleans, Nashville and Central Mississippi markets and 1 cent in the Appalachian market.

The Sioux Falls-Mitchell order does not include a condensery price alternative in its basic formula but computes the Class I price by addition of a Class I differential to the Class II price determined by a butter-powder formula price. This price has been and now is less than the Midwest condensery price. Class I price relationships with the adjacent Eastern South Dakota market in which Sioux Falls-Mitchell handlers sell milk have varied substantially as the differences between condensery prices and butter-powder values have changed. Sioux Falls handlers opposed change in the basic formula on the basis of price alignments with the Minneapolis-St. Paul order for which the Minnesota-Wisconsin price is now the basic formula price. Adjustment of Class I differentials on the basis of local factors is beyond the scope of action possible from a joint hearing of the nature held. On the other hand the Sioux Falls-Mitchell basic formula price has not been equal to the Midwest condensery price nor is it now equal to that price. It is concluded that present relationships with the Eastern South Dakota market will be preserved by a decrease of 10 cents (from $1.40 to $1.30) in the Class I differential of the Sioux Falls-Mitchell order. This will also restore a fixed alignment with the Minneapolis-St. Paul order similar to that in effect before amendment of the basic formula price of that order. Further alignment of Class I prices between these markets to reflect current supply and marketing conditions can be done only on the basis of further hearings of a more localized nature.

No basic formula prices are contained in eight of the orders under consideration. Class I prices of the Red River Valley order are based on those of the Oklahoma Metropolitan order, those of the Mississippi Delta and Gulf Coast orders on the Central Mississippi price, while the North Texas price determines prices in San Antonio, Central West Texas, Austin-Waco, Corpus Christi and Lubbock-Plainview. No amendment to the Red River Valley order will be required to carry out the conclusions of this decision but amendment of the other orders named will be required by conclusions with respect to another issue of the hearing.

2. Prices under all orders should be stated on a 3.5 percent butterfat basis.

Prices under the Appalachian, Neosho Valley, Chattanooga, New Orleans, Northern Louisiana, Nashville, Knox-

ville, Fort Smith, Central Mississippi, Mississippi Delta, Mississippi Gulf Coast, Lubbock-Plainview, North Texas, San Antonio, Central West Texas, Austin-Waco, Corpus Christi, and Texas Panhandle orders are now stated on a 4.0 percent butterfat basis. Prices under the Wichita and Southwest Kansas orders are stated on a 3.8 percent butterfat basis.

In order that the uniformity of basic formula prices provided herein may be maintained, class and producer prices in these orders should be stated at the same butterfat content, 3.5 percent, as for other markets involved in this hearing and for the 38 other markets now using this common basic formula price.

Provision is made that change in the basic test will not affect the level of the Class II (and Class III in some orders) price(s). Prices presently computed at 4.0 or 3.8 percent are converted to 3.5 percent prices by use of the Class II butterfat differentials of the respective orders. Producer prices stated on a 3.5 percent basis will aid in making price comparisons among markets. The producer price at any given test will remain the same whether computed on a 3.5 percent basis or at another test. Cooperative associations distributing returns to their member producers are not prevented from using another basis if they so choose.

3. *Conforming changes.* Conforming changes are adopted in a substantial number of the orders to continue without change pricing provisions for milk in classes other than Class I. Such changes consist principally in setting forth under the pricing provisions for such classes of milk present basic formula factors now incorporated therein by reference.

All but one of the orders considered herein use a basic formula price determined from the preceding month's condensery price or product prices to determine the current month's Class I price. For uniformity of language, the basic formula price of each order has been defined as the manufacturing milk pay price for the current month, and use of the basic formula price of the preceding month has been specified in the Class I pricing provision. In order that the uniform basic formula price adopted herein may be applied uniformly to the same period in all orders affected, the order for the Tri-State area, which presently uses the current condensery price or product values, is amended to conform to the other orders. Since the Class I price for this order is now announced on the 5th day after the end of the month to which it applies, the present provisions will be applicable with respect to computation and announcement of prices for the month preceding the effective date of this amendment and the amended provisions will apply to the month following the effective date. Thus, announcement of the Class I price for the preceding month and that for the current month will on that occasion be made on the same day.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such respective prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreements and orders amending the orders. The following orders amending the orders regulating the handling of milk in the specified marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the respective orders, as hereby proposed to be amended:

Amendment to Part 1005 regulating the handling of milk in the Tri-State marketing area.

1. In § 1005.22(j), subparagraph (1) is revised to read as follows:

§ 1005.22 Duties.

* * * * * * *

(j) * * *

(1) On or before the 5th day of each month, the Class I price and the Class I butterfat differential for the month and the Class II and Class III prices and the Class II and Class III butterfat differentials for the preceding month, as computed pursuant to §§ 1005.50 through 10005.55; and

2. Section 1005.50 is revised to read as follows:

§ 1005.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department of Agriculture for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture for the month. The basis formula price shall be rounded to the nearest full cent.

3. The introductory text of § 1005.51 is revised to read as follows:

§ 1005.51 Class I milk prices.

Subject to the provisions of §§ 1005.54 through 1005.57, the minimum price per hundredweight on a 3.5 percent butterfat content basis to be paid by each handler for producer milk classified as Class I milk for the month, shall be the basic formula price for the preceding month determined pursuant to § 1005.50 adjusted as follows:

4. Paragraph (b) of § 1005.53 is revised to read as follows:

§ 1005.53 Class III milk prices.

* * * * * * *

(b) For each month except April, May, June and July, the price for Class III milk shall be the price (rounded to the nearest one-tenth cent) computed pursuant to subparagraph (1) or subparagraph (2) of this paragraph, whichever is higher:

(1) The average of the basic (or field) prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price computed by adding together the plus values determined pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the average price per pound of butter for the month as described in § 1005.50, subtract three cents, add 20 percent thereof, and then multiply by 3.5; and

(ii) From the average of the carlot prices per pound of nonfat dry milk for human consumption, spray and roller process, f.o.b. manufacturing plants in the Chicago area, as published by the Department of Agriculture for the period from the 26th day of the previous month through the 25th day of the current month, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965.

5. Section 1005.54 is amended by revising paragraph (a) and paragraph (b) to read as follows:

§ 1005.54 Butterfat differentials to handlers.

* * * * * * *

(a) *Class I milk.* Add 1.0 cent to the butterfat differential for Class II and Class III milk for the preceding month computed pursuant to paragraph (b) of this section;

(b) *Class II and Class III milk.* Subtract 3.0 cents from the average price per pound of butter for the month as described in § 1005.50 and multiply by 0.119.

Amendment to Part 1011 regulating the handling of milk in the Appalachian marketing area.

1. Section 1011.50 is revised to read as follows:

§ 1011.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1011.51 paragraphs (a) and (b) (1) and (2) are revised to read as follows:

§ 1011.51 Class price.

* * * * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $1.67 during the months of March through July; and $2.11 during all other months.

(b) * * *

(1) The average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department on or before the 6th day after the end of the month, less five times the butterfat differential for the month computed pursuant to § 1011.52(b):

Company and Location

Borden Co., Lewisburg, Tenn.
Borden Co., Chester, S.C.
Carnation Co., Galax, Va.
Carnation Co., Murfreesboro, Tenn.
Carnation Co., Statesville, N.C.
Franklin Milk, Co., Jonesboro, Tenn.
Kraft Foods Co., Independence, Va.
Kraft Foods Co., Greeneville, Tenn.
Pet Milk Co., Greeneville, Tenn.
Pet Milk Co., Abingdon, Va.

(2) Add the amounts obtained pursuant to subdivisions (i) and (ii) of this subparagraph, subtract 75 cents and subtract five times the butterfat differential for the month computed pursuant to § 1011.52(b).

(i) Multiply the Chicago butter price by 4.8;

(ii) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month, by the Department.

§§ 1011.52, 1011.71, 1011.72, 1011.91 [Amendment]

3. In §§ 1011.52, 1011.71, 1011.72 and 1011.91, "4.0" is changed to "3.5" wherever it appears.

Amendment to Part 1065 regulating the handling of milk in the Nebraska-Western Iowa marketing area.

1. Section 1065.50 is revised to read as follows:

§ 1065.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

Amendment to Part 1066 regulating the handling of milk in the Sioux City, Iowa, marketing area.

1. Section 1066.50 is revised to read as follows:

§ 1066.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1066.51 the introductory text of paragraph (a) is revised to read as follows:

§ 1066.51 Class prices.

* * * * * * *

(a) *Class I milk.* The price per hundredweight of Class I milk containing 3.5 percent butterfat shall be the basic formula price for the preceding delivery period, plus $1.40.

* * * * * * *

Amendment to Part 1071 regulating the handling of milk in the Neosho Valley marketing area.

1. Section 1071.50 is revised to read as follows:

§ 1071.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1071.51, paragraph (a) and the introductory text of paragraph (b) are revised to read as follows:

§ 1071.51 Class prices.

* * * * * * *

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding delivery period plus the following amounts per hundredweight: $1.00 during the delivery periods April through June, and $1.45 during the delivery periods of July through March: *Provided,* That for each of the delivery periods of September through December, such price shall not be less than that for the preceding delivery period, and that for each of the delivery periods of April through June such price shall be not more than that for the preceding delivery period: *And provided further,* That the price so determined shall be further adjusted by subtracting any amount by which such price exceeds the higher of, or adding any amount by which such price is less than the lower of the following:

(1) The price for Class I milk of 3.5 percent butterfat content established for the same month or delivery period pursuant to Part 1106 of this chapter regulating the handling of milk in the Oklahoma Metropolitan marketing area less 33 cents; or

(2) The price for Class I milk of 3.5 percent butterfat content established for the same month or delivery period under Part 1067 of this chapter regulating the handling of milk in the Osarks marketing area, plus 15 cents.

(b) *Class II milk.* The price per hundredweight for Class II milk shall be the higher of the price computed pursuant to subparagraphs (1) and (2) of this paragraph, less 5 times the butterfat differential for the respective month computed pursuant to § 1071.52(b).

§§ 1071.52, 1071.71, 1071.72, 1071.91 [Amendment]

3. In §§ 1071.52, 1071.71, 1071.72, and 1071.91, "4.0" is changed to "3.5" wherever it appears.

Amendent to Part 1072 regulating the handling of milk in the Sioux Falls-Mitchell, South Dakota, marketing area.

1. A new § 1072.50 is added to read as follows:

§ 1072.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by

a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. Section 1072.50 is redesignated as § 1072.51 and paragraph (a) therein is revised to read as follows:

§ 1072.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.30.

§ 1072.51 [Redesignation]

3. Section 1072.51 is redesignated as § 1072.52 and the reference "§ 1072.50" therein is revised to "§1072.51".

§ 1072.52 [Redesignation]

4. Section 1072.52 is redesignated as § 1072.53.

§ 1072.55 [Amendment]

5. In § 1072.55 the reference "1072.51" is revised to "1072.52".

Amendment to Part 1073 regulating the handling of milk in the Wichita, Kansas, marketing area.

1. Section 1073.50 is revised to read as follows:

§ 1073.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1073.51, the introductory texts of paragraph (a) and of paragraph (c) are revised to read as follows:

§ 1073.51 Class prices.

* * * * *

(a) *Class I milk.* The price per hundredweight shall be the basic formula price for the preceding month plus $1.57 during all months of the year, plus or minus a supply-demand adjustment computed as follows: *Provided*, That the Class I price so computed shall not be less than the Class I price for milk containing 3.5 percent butterfat for the same period pursuant to Federal Order No. 64 (Greater Kansas City) during each month of the period August through March and plus ten cents for each of the months of April through July, nor more than the Kansas City Class I price (3.5 percent butterfat content) plus fifty cents during each of the months of the period August through March and plus sixty cents for each of the months of April through July.

* * * * *

(c) *Class III milk.* The price per hundredweight shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph, less three times the butterfat differential for the respective month computed pursuant to § 1073.52(c).

§§ 1073.52, 1073.71, 1073.80, 1073.81 [Amendment]

3. In §§ 1073.52, 1073.71, 1073.80 and 1073.81, "3.8" is changed to "3.5" wherever it appears.

Amendment to Part 1074 regulating the handling of milk in the Southwest Kansas marketing area.

1. Section 1074.50 is revised to read as follows:

§ 1074.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1074.51 the introductory text of paragraph (a), that part of paragraph (a) following subdivision (iii) of subparagraph (3) and paragraph (b) are revised to read as follows:

§ 1074.51 Class prices.

* * * * *

(a) *Class I milk.* The price per hundredweight shall be the basic formula price for the preceding month plus $1.65 during all months of the year plus or minus a supply-demand adjustment, computed as follows:

* * * * *

The price so determined shall be further adjusted by subtracting any amount by which such price exceeds the higher of, or adding any amount by which such price is less than the lower of, the price for Class I milk of 3.5 percent butterfat content established for the same month or delivery period pursuant to Part 1073 of this chapter regulating the handling of milk in the Wichita, Kansas, marketing area or the price of Class I milk of 3.5 percent butterfat content established for the same month or delivery period pursuant to Part 1132 of this chapter regulating the handling of milk in the Texas Panhandle marketing area during the months of March, April, May and June and 25 cents less than such price computed for the Texas Panhandle marketing area in all other months.

(b) *Class II milk.* The price per hundredweight shall be the average price reported by the Department for the current month for milk for manufacturing purposes, f.o.b. plant, United States, adjusted to a 3.8 percent butterfat basis by direct ratio, less three times the butterfat differential for the respective month computed pursuant to § 1074.52 (b).

§§ 1074.52, 1074.71, 1074.81 [Amendment]

3. In §§ 1074.52, 1074.71, and 1074.81, "3.8" is changed to "3.5" wherever it appears.

Amendment to Part 1075 regulating the handling of milk in the Black Hills, South Dakota, marketing area.

1. Section 1075.50 is revised to read as follows:

§ 1075.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. Paragraph (b) of § 1075.51 is revised to read as follows:

§ 1075.51 Class prices.

* * * * *

(b) *The Class II milk price.* The Class II milk price shall be the sum of the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Subtract 6.5 cents from the Chicago butter price for the month and multiply the remainder by 4.2.

(2) From the simple average, as computed by the market administrator, of the arithmetical average of the carlot prices per pound of nonfat dry milk solids, spray and roller process for human consumption delivered at Chicago as reported for the month by the Department, subtract 6.5 cents and multiply the remainder by 7.913: *Provided*, That if the Department does not publish the above stated price for nonfat dry milk solids there shall be used in lieu thereof the price for nonfat dry milk solids, spray and roller process for human consumption, f.o.b. manufacturing plants in the Chicago area as published by the Department for the period from the 26th day of the preceding month through the 25th day of the current month.

Amendment to Part 1076 regulating the handling of milk in the Eastern South Dakota marketing area.

1. Section 1076.50 is revised to read as follows:

§ 1076.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

Amendment to Part 1090 regulating the handling of milk in the Chattanooga, Tennessee, marketing area.

1. Section 1090.50 is revised to read as follows:

§ 1090.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department of Agriculture for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1090.51, the introductory text and paragraph (b) are revised to read as follows:

§ 1090.51 Class prices.

Subject to the provisions of §§ 1090.52 and 1090.53, the minimum prices per hundredweight of milk containing 3.5 percent butterfat, to be paid by each handler for milk received at his pool plant from producers during the month, shall be as follows:

* * * * *

(b) *Class II milk price.* For the months of February through August, the Class II milk price shall be the price computed pursuant to subparagraph (1) of this paragraph, and for all other months, the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph, adjusted in each case to a 3.5 percent butterfat basis by subtracting five times the butterfat differential for the month computed pursuant to § 1090.52(b) and rounding to the nearest cent.

(1) The average of the basic or field prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from dairy farmers during the month at the following plants or places, for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 6th day after the end of the month:

Company and Location

Kraft Foods Co., Fayetteville, Tenn.
Pet Milk Co., Greeneville, Tenn.
Carnation Co., Murfreesboro, Tenn.
Borden Co., Lewisburg, Tenn.

(2) The price per hundredweight computed as follows: Multiply the Chicago butter price by 4.8 and add to such sum 3¾ cents for each full one-half cent that the arithmetical average of carlot prices per pound of nonfat dry milk solids, spray and roller process, for human consumption, f.o.b. Chicago area manufacturing plants, for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, is above 5 cents.

3. Paragraph (b) of § 1090.52 is revised to read as follows:

§ 1090.52 Butterfat differentials to handlers.

* * * * *

(b) *Class II milk price.* Multiply the Chicago butter price for the month by 0.115: *Provided*, That for the months of February through August, such butterfat differential shall not exceed the result obtained by dividing the price computed pursuant to subparagraph (1) of § 1090.51(b) by 40, and for all other months, by dividing the higher of the prices computed pursuant to subparagraphs (1) and (2) of § 1090.51(b) by 40.

§§ 1090.52, 1090.71, 1090.72, 1090.73 [Amendment]

4. In §§ 1090.52, 1090.71, 1090.72 and 1090.73, "4.0" is changed to "3.5" wherever it appears.

Amendment to Part 1094 regulating the handling of milk in the New Orleans, Louisiana, marketing area.

1. Section 1094.50 is revised to read as follows:

§ 1094.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department of Agriculture for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. The introductory text of § 1094.51, the introductory text of paragraph (a); and paragraph (b) are revised to read as follows:

§ 1094.51 Class prices.

Subject to the provisions of §§ 1094.52 and 1094.53, the minimum class prices per hundredweight of milk containing 3.5 percent butterfat shall be determined for each month as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $2.51 during the months of March through June and $2.71 in all other months, plus or minus a supply-demand adjustment calculated for each month pursuant to subparagraphs (1) through (6) of this paragraph: *Provided*, That the Class I price for any month of September, October, or November shall not be lower, by more than 5 cents, than such price for the immediately preceding month and for any month of April, May or June of each year shall not be higher, by more than 5 cents, than such price for the immediately preceding month:

* * * * *

(b) *Class II milk price.* The Class II milk price shall be the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 4.0 percent butterfat content received from farmers during the month at the plants or places listed below for which prices have been reported to the market administrator or to the Department of Agriculture, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph: *Provided*, That in no case shall such price exceed the basic formula price by more than 13.5 cents:

Present Operator and Location

Pet Milk Co., Kosciusko, Miss.
Borden Co., Starkville, Miss.
McClendon Cheese Co., Newton, Miss.
Borden Co., Macon, Miss.

(1) Subtract five times the butterfat differential computed pursuant to § 1094.52(b); and

(2) Add 28.5 cents during the months of February through August and 38.5 cents during all other months.

§§ 1094.52, 1094.71, 1094.72, 1094.73, 1094.74, 1094.75 [Amendment]

3. In §§ 1094.52, 1094.71, 1094.72, 1094.73, 1094.74 and 1094.75, "4.0" is changed to "3.5" wherever it appears.

Amendment to Part 1096 regulating the handling of milk in the Northern Louisiana marketing area.

1. Section 1096.50 is revised to read as follows:

§ 1096.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. Section 1096.51 is revised to read as follows:

§ 1096.51 Class prices.

Subject to the provisions of §§ 1096.52 and 1096.53, the minimum prices per hundredweight to be paid by each handler for milk received from producers during the month shall be as follows:

(a) *Class I milk price.* For the months of June 1962 through August 1963 the Class I milk price shall be the basic formula price for the preceding month plus $2.27.

(b) *Class II milk price.* The Class II milk price shall be computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph, subtracting five times the butterfat differential computed pursuant to § 1096.52 (b), rounding to the nearest one-tenth cent and, during the months of March through June, deducting 5 cents.

(1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 4.0;

(2) From the simple average as computed by the market administrator of the weighted average of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.16.

§§ 1096.52, 1096.71, 1096.72, 1096.73, 1096.74 [Amendment]

3. In §§ 1096.52, 1096.71, 1096.72, 1096.73, and 1096.74, "4.0" is changed to "3.5" wherever it appears.

Amendment to Part 1098 regulating the handling of milk in the Nashville, Tennessee, marketing area.

1. Section 1098.50 is revised to read as follows:

§ 1098.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1098.51 the introductory text of paragraph (a); and paragraph (b) are revised to read as follows:

§ 1098.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $1.53 during the months of August through January, plus $1.23 during all other months and plus or minus a supply-demand adjustment calculated for each month as follows:

* * * * *

(b) *Class II milk price.* The Class II milk price shall be the price determined pursuant to subparagraph (1) of this paragraph not to exceed the highest of the prices computed pursuant to subparagraphs (2), (3), and (4) of this paragraph, and adjusted to a 3.5 percent butterfat basis by subtracting five times the butterfat differential for the month computed pursuant to § 1098.52(b), and rounding to the nearest cent.

(1) To the average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following milk plants for which prices have been reported to the market administrator or to the Department on or before the 6th day after the end of the month:

Present Operator and Location

Carnation Co., Murfreesboro, Tenn.
Kraft Foods Co., Gallatin, Tenn.
Kraft Foods Co., Pulaski, Tenn.
Borden Co., Fayetteville, Tenn.
Borden Co., Lewisburg, Tenn.
Borden Co., Carthage, Tenn.
Summer County Cooperative Creamery, Gallatin, Tenn.
Swift and Co., Lawrenceburg, Tenn.
Wilson and Co., Murfreesboro, Tenn.

Add 25 cents during the months of February through August and add 35 cents during all other months.

(2) To the average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following milk plants for which prices have been reported to the market administrator or to the Department on or before the 5th day after the end of the month:

Present Operator and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

Add an amount computed by multiplying the butterfat differential computed pursuant to § 1098.52(a) by 5.

(3) The price per hundredweight obtained by adding together the plus values computed pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) Multiply by 4 the average price per pound of butter as described in § 1098.50 and add 20 percent thereof;

(ii) From the simple average, as computed by the market administrator, of the weighted averages of the carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area for the period from the 26th day of the immediately preceding month through the 25th day of the current month, as published by the Department, subtract 5 cents and multiply by 7.5.

(4) The price per hundredweight computed as follows:

(i) Multiply by 6 the average price per pound of butter as described in § 1098.50;

(ii) Add 2.4 times the average of the weekly prevailing price per pound of "Twins" during the month on the Wisconsin Cheese Exchange: *Provided*, That if the price of "Twins" is not quoted on such Exchange, the weekly prevailing price per pound of "Cheddars" shall be used; and

(iii) Divide by 7, add 30 percent thereof, and then multiply by 4.

§§ 1098.52, 1098.71, 1098.72, 1098.83 [Amendment]

3. In §§ 1098.52, 1098.71, 1098.72 and 1098.83, "4.0" is changed to "3.5" wherever it appears.

Amendment to Part 1101 regulating the handling of milk in the Knoxville, Tennessee, marketing area.

1. Section 1101.50 is revised to read as follows:

§ 1101.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department of Agriculture for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

2. Paragraph (b) of § 1101.51 is revised to read as follows:

§ 1101.51 Class prices.

* * * * *

(b) *Class II milk price.* The price for Class II milk shall be the price determined pursuant to subparagraph (1) of this paragraph not to exceed the highest of the prices computed pursuant to subparagraphs (2), (3) and (4) of this paragraph, and adjusted to a 3.5 percent butterfat basis by subtracting five times the butterfat differential for the month computed pursuant to § 1101.52(b) and rounding to the nearest cent.

(1) To the arithmetical average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture, on or before the 6th day after the end of the month:

Company and Location

Pet Milk Co., Bowling Green, Ky.
Pet Milk Co., Greeneville, Tenn.
Pet Milk Co., Abingdon, Va.
Carnation Co., Murfreesboro, Tenn.
Carnation Co., Statesville, N.C.
Carnation Co., Galax, Va.
Borden Co., Lewisburg, Tenn.
Borden Co., Chester, S.C.
Kraft Foods Co., Greeneville, Tenn.

Add 10 cents in the months of February through August and add 25 cents in all other months.

(2) To the arithmetical average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 6th day after the end of the month:

Company and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

Add an amount computed by multiplying the butterfat differential pursuant to § 1101.85(a) by 5.

(3) The price per hundredweight computed as follows:

(i) Multiply by 6 the average price per pound of butter as described in § 1101.50;

(ii) Add an amount equal to 2.4 times the arithmetical average of the weekly prevailing price per pound of "Twins" during the month on the Wisconsin Cheese Exchange: *Provided*, That if the price of "Twins" is not quoted on such Exchange the weekly prevailing price per pound of "Cheddars" shall be used; and

(iii) Divide by 7, add 30 percent thereof, and then multiply by 4.

(4) The price per hundredweight obtained by adding together the plus values computed pursuant to subdivisions (i) and (ii) of this subparagraph.

(i) Multiply by 4 the average price per pound of butter as described in § 1101.50 and add 20 percent thereof;

(ii) From the arithmetical average of carlot prices per pound of nonfat dry milk solids, spray and roller process, for human consumption, f.o.b. Chicago area manufacturing plants, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, subtract 5 cents and multiply by 7.5.

3. Paragraph (b) of § 1101.52 is revised to read as follows:

§ 1101.52 Butterfat differentials to handlers.

* * * * *

(b) *Class II milk.* Multiply the average price per pound of butter for the month as described in § 1101.50 by 0.115: *Provided*, That such butterfat differential shall not exceed the result obtained by dividing the price computed pursuant to subparagraph (1) of § 1101.51(b) by 40; nor exceed the result obtained by dividing the highest of the prices, computed pursuant to subparagraphs (2), (3) and (4) of § 1101.51(b), by 40.

§§ 1101.52, 1101.71, 1101.72, 1101.85 [Amendment]

4. In §§ 1101.52, 1101.71, 1101.72 and 1101.85, "4.0" is changed to "3.5" wherever it appears.

Amendment to Part 1102 regulating the handling of milk in the Fort Smith, Arkansas, marketing area.

1. Section 1102.50 is revised to read as follows:

§ 1102.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

2. Section 1102.51 is revised to read as follows:

§ 1102.51 Class prices.

Subject to the provisions of § 1102.52 the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.45 for the months of April, May and June, and plus $1.85 for all other months: *Provided*, That for each of the months of October, November, and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May and June, such price shall not be more than that for the preceding month.

(b) *Class II milk.* The price for Class II milk shall be the average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, less five times the butterfat differential for the respective month computed pursuant to § 1102.52(b):

Present Operator and Location

Pet Milk Co., Siloam Springs, Ark.
Sugar Creek Creamery, Russellville, Ark.
Ozark Creamery, Ozark, Ark.

§§ 1102.52, 1102.71, 1102.72, 1102.81 [Amendment]

3. In §§ 1102.52, 1102.71, 1102.72 and 1102.81, "4.0" is changed to "3.5" wherever it appears.

Amendment to Part 1103 regulating the handling of milk in the Central Mississippi marketing area.

1. Section 1103.50 is revised to read as follows:

§ 1103.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department of Agriculture for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. Section 1103.51 is revised to read as follows:

§ 1103.51 Class prices.

Subject to the provisions of §§ 1103.52 and 1103.53, the minimum prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $2.16.

(b) *Class II milk price.* The Class II milk price shall be the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 4.0 percent butterfat content received from farmers during the month at the plants or places listed below for which prices have been reported to the market administrator or to the Department of Agriculture subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph;

Present Operator and Location

McClendon Cheese Co., Newton, Miss.
Borden Co., Starkville, Miss.
Carnation Co., Tupelo, Miss.
Pet Milk Co., Kosciusko, Miss.

(1) Subtract five times the butterfat differential computed pursuant to § 1103.52(b); and

(2) Add 10 cents during each of the months of March through June and 20 cents during all other months.

§§ 1103.52, 1103.71, 1103.72, 1103.91 [Amendment]

3. In §§ 1103.52, 1103.71, 1103.72, and 1103.91, "4.0" is changed to "3.5" wherever it appears.

Amendment to Part 1105 regulating the handling of milk in the Mississippi Delta marketing area.

1. Section 1105.50 is revised to read as follows:

§ 1105.50 Class prices.

Subject to the provisions of §§ 1105.51 and 1105.52, the minimum prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the Class I milk price established pursuant to § 1103.51(a) of this chapter regulating the handling of milk in the Central Mississippi marketing area less 16 cents.

(b) *Class II milk price.* The Class II milk price shall be the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 4.0 percent butterfat content received from dairy farmers during the month at the plants or places listed below for which prices have been reported to the market administrator or to the Department of Agriculture, subject to the adjustment provided in subparagraph (1) and (2) of this paragraph;

Present Operator and Location

Kraft Cheese Co., Houston, Miss.
Borden Co., Starkville, Miss.
Carnation Co., Tupelo, Miss.
Pet Milk Co., Kosciusko, Miss.

(1) Subtract five times the butterfat differential computed pursuant to § 1105.51(b); and

(2) Add 10 cents during each month of February through August and 20 cents during all other months.

§§ 1105.51, 1105.71, 1105.72, 1105.73, 1105.74, 1105.75 [Amendment]

2. In §§ 1105.51, 1105.71, 1105.72, 1105.73, 1105.74, and 1105.75 "4.0" is changed to "3.5" wherever it appears.

Amendment to Part 1106 regulating the handling of milk in the Oklahoma Metropolitan marketing area.

1. Section 1106.50 is revised to read as follows:

§ 1106.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1106.51, the introductory text of paragraph (a) is revised to read as follows:

(a) *Class I milk.* The basic formula price for the preceding month plus $1.48 during the months of April, May and June and plus $1.88 during all other months: *Provided*, That for each of the months of September, October, November and December, such price shall not

be less than that for the preceding month, and that for each of the months of April, May and June such price shall not be more than that for the preceding month. To this price add or subtract a "supply-demand adjustment" of not more than 50 cents, computed as follows:

Amendment to Part 1107 regulating the handling of milk in the Mississippi Gulf Coast marketing area.

1. Section 1107.50 is revised to read as follows:

§ 1107.50 Class prices.

Subject to the provisions of §§ 1107.51 and 1107.52, the minimum prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the Class I milk price established pursuant to § 1103.51(a) of this chapter regulating the handling of milk in the Central Mississippi marketing area plus 10 cents.

(b) *Class II milk price.* The Class II milk price shall be the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 4.0 percent butterfat content received from dairy farmers during the month at the plants or places listed below for which prices have been reported to the market administrator or to the Department of Agriculture, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph:

Present Operator and Location

McClendon Cheese Co., Newton, Miss.
Borden Co., Starkville, Miss.
Carnation Co., Tupelo, Miss.
Pet Milk Co., Kosciusko, Miss.

(1) Subtract five times the butterfat differential computed pursuant to § 1107.51(b); and

(2) Add 10 cents during each of the months of March through July and 20 cents during all other months.

§§ 1107.51, 1107.71, 1107.72, 1107.80, 1107.81 [Amendment]

2. In §§ 1107.51, 1107.71, 1107.72, 1107.80 and 1107.81 "4.0" is changed to "3.5" wherever it appears.

Amendment to Part 1120 regulating the handling of milk in the Lubbock-Plainview, Texas, marketing area.

1. In § 1120.50 the introductory text of paragraph (b) is revised as follows:

§ 1120.50 Class prices.

* * * * *

(b) *Class II price.* The Class II milk price shall be computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph, subtracting five times the butterfat differential computed to § 1120.51(b), rounding to the nearest full cent and, during the months of March through June, deducting 13 cents.

§§ 1120.51, 1120.71, 1120.72, 1120.73, 1120.74 [Amendment]

2. In §§ 1120.51, 1120.71, 1120.72, 1120.73 and 1120.74, "4.0" is changed to "3.5" wherever it appears.

Amendment to Part 1126 regulating the handling of milk in the North Texas marketing area.

1. Section 1126.50 is revised to read as follows:

§ 1126.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential, rounded to the nearest one-tenth cent, computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1126.51 paragraph (b) is revised to read as follows:

§ 1126.51 Class prices.

* * * * *

(b) *Class II milk price.* The Class II milk price shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph for the months of July through March and for all other months the higher of the price computed pursuant to subparagraph (1), less 14 cents, and the price computed pursuant to subparagraph (2) of this paragraph, all adjusted to a 3.5 percent butterfat basis by subtracting five times the butterfat differential computed pursuant to § 1126.52(b):

(1) The price per hundredweight, rounded to the nearest one-tenth cent, computed by adding together the plus values computed pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 4.0;

(ii) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96.

(2) The price per hundredweight, rounded to the nearest one-tenth cent, computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department for the month.

§§ 1126.52, 1126.55, 1126.71, 1126.72, 1126.73, 1126.91 [Amendment]

3. In §§ 1126.52, 1126.55, 1126.71, 1126.72, 1126.73, and 1126.91, "4.0" is changed to "3.5" wherever it appears.

Amendment to Part 1127 regulating the handling of milk in the San Antonio, Texas, marketing area.

1. In § 1127.52, the introductory text of subparagraph (1) of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1127.52 Class II and Class II-A milk.

(a) *Class II milk.* * * *

(1) The sum of the amounts computed pursuant to subdivisions (i) and (ii) of this subparagraph, adjusted to a 3.5 percent butterfat basis by subtracting five times the butterfat differential computed pursuant to § 1127.53(b) and rounding to the nearest full cent:

* * * * *

(b) *Class II-A milk.* The minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II-A milk shall be computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department for the month involved, adjusted to a 3.5 percent butterfat basis by subtracting five times the butterfat differential computed pursuant to § 1127.53(b), and rounding to the nearest full cent.

§§ 1127.53, 1127.71, 1127.81 [Amendment]

2. In §§ 1127.53, 1127.71, and 1127.81, "4.0" is changed to "3.5" wherever it appears.

Amendment to Part 1128 regulating the handling of milk in the Central West Texas marketing area.

1. In § 1128.51 the introductory text of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1128.51 Class II and Class II-A milk.

(a) *Class II milk.* Subject to the provisions of § 1128.52, the minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II milk shall be computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph and subtracting five times the butterfat differential computed pursuant to § 1128.52(b):

* * * * *

(b) *Class II-A milk.* Subject to the provisions of § 1128.52, the minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II-A milk shall be computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department for the month involved and subtracting five times the butterfat differential computed pursuant to § 1128.52(b).

§§ 1128.52, 1128.71, 1128.72, 1128.73, 1128.92 [Amendment]

2. In §§ 1128.52, 1128.71, 1127.72, 1128.73 and 1128.92, "4.00" is changed to "3.5" wherever it appears.

Amendment to Part 1129 regulating the handling of milk in the Austin-Waco marketing area.

1. In § 1129.51 the introductory text of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1129.51 Class II milk.

* * * * *

(a) The sum of the plus values of subparagraphs (1) and (2) of this paragraph, less five times the butterfat differential computed pursuant to § 1129.52(b):

* * * * *

(b) The price per hundredweight computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department for the month, and subtracting five times the butterfat differential computed pursuant to § 1129.52(b).

§§ 1129.52, 1129.71, 1129.72, 1129.91 [Amendment]

2. In §§ 1129.52, 1129.71, 1129.72 and 1129.91, "4.0" is changed to "3.5" wherever it appears.

Amendment to Part 1130 regulating the handling of milk in the Corpus Christi, Texas, marketing area.

1. In § 1130.50 the introductory text of subparagraph (1) of paragraph (b) and paragraph (c) are revised to read as follows:

§ 1130.50 Class prices.

* * * * *

(b) *Class II milk price.* * * *

(1) The sum of the plus values of subdivisions (i) and (ii) of this subparagraph, less five times the butterfat differential computed pursuant to § 1130.52(b):

* * * * *

(c) *Class II-A milk price.* The minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II-A milk shall be computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department for the month and subtracting five times the butter fat differential computed pursuant to § 1130.52(b).

§§ 1130.52, 1130.71, 1130.72, 1130.81 [Amendment]

2. In §§ 1130.52, 1130.71, 1130.72 and 1130.81, "4.0" is changed to "3.5" wherever it appears.

Amendment to Part 1132 regulating the handling of milk in the Texas Panhandle marketing area.

1. Section 1132.50 is revised to read as follows:

§ 1132.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1132.51, paragraph (b) is revised to read as follows:

§ 1132.51 Class prices.

* * * * *

(b) *Class II milk price.* The Class II milk price shall be computed by adding together the plus value of subparagraphs (1) and (2) of this paragraph, subtracting five times the butterfat differential computed pursuant to § 1132.52(b), rounding to the nearest full cent and, during the months of March through June, deducting 13 cents.

(1) Subtract 3 cents from the Chicago butter price and multiply the remainder by 4.8;

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 8.16.

§§ 1132.52, 1132.55, 1132.71, 1132.72, 1132.73, 1132.81 [Amendment]

3. In §§ 1132.52, 1132.55, 1132.71, 1132.72, 1132.73 and 1132.81, "4.0" is changed to "3.5" wherever it appears.

Amendment to part 1134 regulating the handling of milk in the Western Colorado marketing area.

1. Section 1134.50 is revised to read as follows:

§ 1134.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

2. Section 1134.51(b) is revised to read as follows:

§ 1134.51 Class prices.

* * * * *

(b) *Class II milk.* The Class II price shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph for the current month rounded to the nearest one-tenth cent:

(1) The average of the basic or field prices paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the Department:

Present Operator and Location

Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price per hundredweight computed by adding together the plus values pursuant to subdivisions (i) and (ii) of this paragraph:

(i) From the butter price specified in § 1134.50 for the month subtract 3 cents, add 20 percent thereof, and multiply by 3.5.

(ii) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965.

Amendment to Part 1135 regulating the handling of milk in the Colorado Springs-Pueblo marketing area.

1. Section 1135.50 is revised to read as follows:

§ 1135.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

2. Paragraph (b) § 1135.51 is revised to read as follows:

§ 1135.51 Class prices.

* * * * *

(b) *Class II milk.* During the months of March through July, the price per hundredweight specified in subparagraph (1) of this paragraph, and during all other months such price plus 10 cents: *Provided,* That in no event shall such price exceed the higher of the prices computed pursuant to subparagraphs (1) and (2):

(1) The price per hundredweight computed by adding together the plus values pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the butter price specified in § 1135.50 for the month, subtract 3 cents, add 20 percent thereof, and multiply by 3.5.

(ii) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufactur-

ing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month by the Department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965.

(2) The average of the basic, or field prices paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the Department:

Present Operator and Location

Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

§ 1135.53 [Amendment]

3. In § 1135.53 (a) and (b) "§ 1135.50 (b)(1)" is revised to "§ 1135.50".

Amendment to Part 1137 regulating the handling of milk in the Eastern Colorado marketing area.

1. Revise § 1137.50 to read as follows:

§ 1137.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

2. Paragraph (b) of § 1137.51 is revised to read as follows:

§ 1137.51 Class prices.

• • • • •

(b) *Class II milk.* During the months of March through July, the price per hundredweight specified in subparagraph (1) of this paragraph, and during all other months such price plus 10 cents: *Provided*, That in no event shall such price exceed the higher of the prices computed pursuant to subparagraphs (1) and (2):

(1) The price per hundredweight computed by adding together the plus values pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the butter price specified in § 1137.50 for the month subtract 3 cents, add 20 percent thereof, and multiply by 3.5.

(ii) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

(2) The average of the basic or field prices paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the Department:

Present Operator and Location

Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

§ 1137.53 [Amendment]

3. In § 1137.53 (a) and (b) "§ 1137.50 (b)(1)" is revised to "§ 1137.50".

Signed at Washington, D.C., on July 6, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-6758; Filed, July 10, 1962; 8:54 a.m.]

[7 CFR Part 1065]

[Docket No. AO-86-A13]

MILK IN NEBRASKA-WESTERN IOWA MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Nebraska-Western Iowa marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 7th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendment, as hereinafter set forth, to the tentative marketing agreement and to the order was formulated, was conducted at Omaha, Nebraska, on June 5, 1962, pursuant to notice thereof which was issued on May 16, 1962 (27 F.R. 4812), as subsequently amended pursuant to notice which was issued May 23, 1962 (27 F.R. 4967).

The material issue on the record of the hearing relates to the classification of sterilized cream in hermetically sealed containers.

Findings and conclusions. The following findings and conclusions on the material issue are based on the evidence presented at the hearing and the record thereof.

The classification of sterilized cream in hermetically sealed containers. Sterilized cream in hermetically sealed containers which is received at pool plants and which is not reprocessed or converted to a fluid milk product during the month should be classified as Class II milk. This change may be accomplished by excluding the item from the list of products specified as "fluid milk products".

Under the present terms of the order, although concentrated milk products similarly packaged are excluded from the definition of fluid milk products, sterilized cream in hermetically sealed containers is not specifically excluded. Under the classification provisions of the order, items enumerated as fluid milk products which are disposed of on routes during the month by fully regulated handlers are classified as Class I.

Handlers operating pool plants at which sterilized cream in hermetically sealed containers is received for subsequent disposition on routes proposed that the product be excluded from the scope of the fluid milk product definition.

The product in question presently is not processed and packaged at any pool plant. Instead it is processed in California from manufacturing grade milk produced in that state. The processing consists of sterilizing cream with a small amount of a vegetable stabilizer added and packaging the product aseptically under vacuum with a hermetic seal. Some is packaged under the label of the milk distributor. Other batches are packaged under the label of the processor.

Those opposed to changing the classification of the product held that the product was competitive with whipping cream (it is labeled "sterilized cream for whipping"), which is required to be made from Grade A sources. Following the introduction of the product into the market, sales of fresh cream (27 percent or more butterfat) declined significantly. Opponents further contended that in an important portion of the marketing area the product was required to be made from Grade A sources of milk and to be labeled Grade A under the applicable health regulations.

The product in fact is not made from Grade A milk and does not carry a Grade A label. If the local health authorities were to require that it be made from locally approved Grade A sources of milk supply, it is evident that the product would no longer be sold in their jurisdictions. The volume of pool handlers' sales of the product to which producer milk is now allocated as Class I would not then be available for such purpose.

Under the classification plan of this order, products which are required to be produced from locally approved milk are in Class I. Milk used for products which need not be produced from approved milk are in Class II. Milk for this product thus should be in Class II.

Since the product is not produced from pooled milk the change in classification will not affect the production of this item but affects the classification of producer milk through the allocation procedure.

The revision of the fluid milk products definition by excluding from the scope of that term products named therein which are sterilized and packaged in hermetically sealed containers will accomplish the desired effect.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Nebraska-Western Iowa marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Section 1065.16 is revised to read as follows:

§ 1065.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, yogurt, milk drinks (plain or flavored), concentrated milk (frozen or fresh), cream, cultured or sour cream or any mixture in fluid form of milk or skim milk and cream (except frozen cream, aerated cream products, ice cream mix, frozen dessert mixes, eggnog, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

Signed at Washington, D.C., on July 6, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-6759; Filed, July 10, 1962; 8:54 a.m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 50-202]

SCIENTIFIC, INDUSTRIAL, AND LABORATORY INSTRUMENTS INDUSTRY

Extension of Date to Fill Proposed Findings of Fact and Conclusions

It is hereby ordered that interested persons who appeared at the hearing to determine the prevailing minimum wages in the above-captioned industry may have until July 20, 1962, in order to file proposed findings of fact and conclusions of law together with reasons for such proposals.

Signed at Washington, D.C., this 6th day of July 1962.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62-6753; Filed, July 10, 1962; 8:53 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that petitions (FAP 794, 805, and 837) have been filed by Paper Cup and Container Institute, 250 Park Avenue, New York 17, New York; Paper Can Association, 1532 Philadelphia National Bank Building, Philadelphia 7, Pennsylvania; and Sealright-Oswego Falls Corporation, Fulton, New York, proposing the issuance of a regulation to provide for the safe use of coated and uncoated paper and paperboard as articles or components of articles that contact food. The various substances involved are not being listed in this notice since they are set forth in other publications proposing regulations for paper and paperboard containers.

Dated: July 3, 1962.

[SEAL] J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-6737; Filed, July 10, 1962; 8:53 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 804) has been filed by the National Association of Sanitary Milk Bottle Closure Manufacturers, 1532 Philadelphia National Bank Building, Philadelphia 7, Pennsylvania, proposing the issuance of a regulation to provide for the safe use of coated and uncoated paper and paperboard and molded plastics as the food-contact surface of closures for milk and other liquid-food containers used in the producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding of food. The various substances involved are not being listed in this notice since they are set forth in other publications proposing regulations for paper and paperboard containers.

Dated: July 3, 1962.

[SEAL] J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-6738; Filed, July 10, 1962; 8:53 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 61-NY-122]

FEDERAL AIRWAYS

Proposed Alterations

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.1689, 600.1740, and 600.6282 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 282 is designated as that airspace over United States territory from the INT of the Massena, N.Y., VOR direct radial to the Albany, N.Y., VORTAC and the St. Eustache, Quebec, VOR 201° radial to the St. Eustache, VOR. Intermediate altitude VOR Federal airway No. 1689 extends from Massena, N.Y., as a 16-mile-wide airway to Albany, N.Y. Intermediate altitude VOR Federal airway

No. 1740 extends from Albany, N.Y., as a 16-mile-wide airway to Hartford, Conn.

The Federal Aviation Agency has under consideration the following airspace proposals:

1. Redesignate Victor 282 as that airspace over United States territory from the INT of the Massena VOR 163° and the St. Eustache 200° radials to the St. Eustache VOR.

2. Alter Victor 1689 to extend from the Albany, N.Y., VOR as a 16-mile-wide airway via the Brandon, N.Y., Intersection (intersection of the Massena, N.Y., VOR 163° and the St. Eustache, Quebec, VOR 200° True radials) to the intersection of the Massena VOR 096° and St. Eustache VOR 200° True radials; thence as a 10-mile-wide airway via the St. Eustache VOR 200° True radial to the U.S./Canadian border.

3. Extend Victor 1740 from the Albany VOR as a 16-mile wide airway direct to the Massena VOR.

These proposed actions would provide coincidental alignment of Victor 282 and Victor 1689 between the Brandon Intersection and the International border. This would provide an additional transition route for intermediate air traffic operating between Montreal, Quebec, and the New York Metropolitan Area. The extension of Victor 1740 would provide a replacement route for the segment of Victor 1689 between the Brandon Intersection and the Massena VOR. The airway width reduction proposed for Victor 1689 would provide route width continuity at the junction with Canadian Victor 282 airway at the U.S./Canadian border. Coordination has been effected with the Canadian Department of Transport concerning these proposed airspace actions.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 3, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-6726; Filed, July 10, 1962; 8:49 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 62-WE-44]

FEDERAL AIRWAY AND ASSOCIATED CONTROL AREAS

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6023 and 601.6023 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 23 is designated in part from Fort Jones, Calif., to Medford, Oreg. The Federal Avaition Agency has under consideration the designation of a west alternate to Victor 23 from the Fort Jones VOR via the intersection of the Fort Jones VOR 340° and the Medford VORTAC 235° True radials; to the Medford VORTAC. There would be no requirement for controlled airspace between the main airway and the proposed west alternate airway.

The proposed west alternate would provide an airway for southbound aircraft departing Medford to climb to assigned altitudes prior to returning to the main airway. At present, aircraft are required to climb to assigned altitude in the southwest quadrant of the Medford VORTAC and return over the VORTAC prior to heading on course on Victor 23.

The control areas associated with this proposed airway segment would extend from 700 feet above the surface to the base of the continental control area. Separate actions will be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 3, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-6727; Filed, July 10, 1962; 8:49 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62-CE-42]

CONTROL ZONE

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration designation of a control zone at the Mid-Continent Airport, Kansas City, Mo. The proposed control zone would be designated from 0700 to 2300 hours local time, daily, within a 5-mile radius of the Mid-Continent Airport (latitude 39°18'05" N., longitude 94°43'-36" W.). This control zone would provide protection for aircraft operating at the Mid-Continent Airport. Communications and weather reporting service would be provided to aircraft operating within the proposed control zone by the FAA control tower scheduled to be commissioned at the Mid-Continent Airport approximately December 1, 1962.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 3, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-6724; Filed, July 10, 1962; 8:48 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 62-WA-67]

JET ADVISORY AREA

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendements to §§ 602.9 and 602.300 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of a terminal radar jet advisory area from flight level 240 to flight level 390 inclusive and within 16 miles either side of the following route to be used by civil turbojet air carrier aircraft operating between United States terminals and San Juan, Puerto Rico, via control area extension 1181:

From the Norfolk, Va., VORTAC via the Norfolk VORTAC direct radial to the Weeksville, N.C., RBN; thence via the Weeksville RBN 133° True bearing to the boundary of the continental control area.

The designation of the proposed terminal radar jet advisory area would provide a defined area wherein jet advisory service would be provided to civil turbojet air carrier aircraft while operating between Norfolk and control area extension 1181.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 3, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-6725; Filed, July 10, 1962; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14364 (RM-261, RM-310); FCC 62-709]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS (ERIE AND SHARON, PA.)

Notice of Further Proposed Rule Making

1. Notice is hereby given of further proposed rule making in the above-mentioned matter looking toward amendment of § 3.606 *Table of Assignments*, Television Broadcast Stations.

2. *Status of channels involved.* Channels, 12, 35+, *41−, and 66+ are presently assigned to Erie. 12 and 35 are in use by WICU-TV and WSEE, respectively, and Anscombe has a construction permit for 66. There are no applications on file for Channel 41 in Erie nor for any of the other channels proposed to be shifted.

3. *Anscombe's proposal.* On November 3, 1961, the Commission released a notice of proposed rule making (FCC 61-1312) inviting comments on the proposal of Alfred E. Anscombe, holder of a construction permit for Channel 66 in Erie, Pennsylvania, requesting that Channel 24 be substituted for Channel 66 in Erie, as follows:

City	Channel No.	
	Delete	Add
Erie, Pa	66+	24+
Sharon, Pa	39+	83

The Commission could not secure Canadian concurrence to the shifts involved and proposed the following alternatives:

City	Channel No.	
	Delete	Add
Erie, Pa	66+	24+
Sharon, Pa	39+	
Flint, Mich	28	

This modified plan has been approved by Canada. Comments and reply comments have been filed in this proceeding.

4. *Great Lakes' proposal.* On February 15, 1962, Great Lakes Television Company, licensee of television station WSEE, Erie, Pennsylvania, filed with the Commission a petition for the institution of rule making, RM-310, which contained a proposal which would provide four UHF Channels for Erie, all of them in the lower portion of the UHF spectrum. The requested changes in § 3.606 are set forth below:

City	Channel No.	
	Delete	Add
Erie, Pa	35+, *41−, 66+	20, 26, 37, *43
Oil City, Pa	64	39
Sharon, Pa	39+	83
Butler, Pa	43−	79
Clymer, N.Y	37	70
Jamestown, N.Y	58+	64

5. In support of its request, petitioner urges that the proposal would permit all commercial stations and the educational station in Erie to operate in a low portion of the UHF spectrum. Petitioner is also an applicant for a construction permit for Channel 64 at Oil City, Pennsylvania; the proposal substitutes a low UHF channel in this area.

6. In view of the conflict, it is proposed to consolidate in this further proceeding proposals RM-261 and RM-310 except as indicated in footnote 1 below.

7. In a Memorandum Opinion and Order released on March 13, 1961 (RM-180, FCC 61-327), we denied the petition of the University of Illinois to allocate Channel 37 to Radio Astronomy. Subsequently, the University filed a petition for reconsideration which is being held in abeyance by the Commission until it is considered in conjunction with action on Docket No. 11997. In the light of this situation, we are modifying the Great Lakes proposal to determine whether it is feasible to assign Channel 52 in place of Channel 37 to Erie.

8. Unless an active interest is manifested, we find it desirable in the public interest to defer action on making available substitute UHF channels for Sharon, Butler, Clymer, and Jamestown until decisions are reached in Docket No. 14229 concerning the future methods of assigning stations on UHF channels.

9. *Commission's proposal.* In view of the above, it is proposed to amend the Table of Assignments, Television Broadcast Stations, in § 3.606 of the rules insofar as the communities named are concerned, by making the following changes:

City	Channel No.	
	Delete	Add
Erie, Pa	35+, *41−, 66+	20, 26+, 43−, *52+
Oil City, Pa	64	39
Sharon, Pa	39	
Butler, Pa	43	
Williamsport, Pa	26+	[2] 26
Clymer, N.Y	37	
Jamestown, N.Y	58	

[1] Great Lakes Television Company also proposes deletion of Channel 12. However, we do not believe it is necessary or desirable to combine this proposal with the proposal in Docket No. 14242.

[2] This is a change in offset only.

Since the communities involved are within 250 miles of the United States-Canadian border, the reassignment of these channels would require the concurrence of the Canadian Government.

10. If the Commission decides to amend Section 3.606 as proposed, we will take such further action as may be appropriate with respect to petitioner's outstanding authorization for Channel 35 and Anscombe's outstanding authorization for Channel 66 at Erie.

11. Authority for the adoption of the amendment proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

12. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested parties may file comments on or before August 13, 1962, and reply comments on or before August 28, 1962. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

13. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: July 3, 1962.

Released: July 6, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6766; Filed, July 10, 1962; 8:54 a.m.]

[47 CFR Part 3]

[Docket No. 14668 (RM-333); FCC 62-711]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS (LEBANON AND LANCASTER, PA.)

Notice of Proposed Rule Making

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 3d day of July 1962.

On May 11, 1962, Triangle Publications, Inc. (Radio and Television Division) filed a petition requesting the amendment of § 3.606 of the rules and that Channel 15 in Lebanon, Pennsylvania, be given a Lancaster-Lebanon designation. Public Notice of this petition was given on May 18, 1962. On June 13, the Commission adopted a Notice of Proposed Rule Making (released on June 15, 1962).

WGAL Television, Inc., of Lancaster, Pennsylvania, filed a Motion for Rescission of the Notice of Proposed Rule Making and an opposition to Triangle's petition on June 15, claiming that WGAL, as a matter of right, had 30 days to file oppositions to Triangle's petition and that the 26 days actually allowed were insufficient.

Settlement of the point in contention turns on the interpretation of § 1.204 of the rules. The applicable part of this section states that any interested person may file a statement in support of or in opposition to a petition for rule making prior to Commission action on the petition but not later than 30 days after Public Notice. A careful reading of the above section clearly indicates that statements in support of or in opposition to a petition may be filed. However, this right is limited by either one of two events. First, interested persons must file statements before the Commission acts. The rule in no way limits the Commission in regard to the time of its action. Second, statements, in any event, may not be filed later than 30 days after Public Notice. It is clear that the 30-day limitation is an additional or secondary cut-off date which affects the right of persons wishing to file statements but in no way limits the Commission. The Commission is not obligated to wait 30 days before taking action on a petition. In any case, petitioner cannot validly claim injury. The Notice to which it objects merely proposes action and invites comment.

As stated above, WGAL has filed an opposition to Triangle's petition. Because it was untimely filed, it could not be considered an initial opposition to the petition. The Commission, however, feels that it is in the public interest that all pertinent matters be considered in regard to its Notice of Proposed Rule Making. Therefore, WGAL's opposition will be considered as a comment on the Notice of Proposed Rule Making. Of course, additional comments may be filed within the time stipulated in this Order.

WGAL also filed a motion on June 19, 1962, stating, ". . . it is prayed that the presently established dates of June 16 (intended to be July 16), 1962 and August 3, 1962 for comments and replies, respectively, be suspended until Commission action on the pending motion of WGAL Television, Inc. for rescission of the notice of proposed rule making herein; if that motion is denied, it is further prayed that at least 30 days be provided for the preparation of comments with an additional 30 days for replies." In that the petitioner's Motion for Rescission of the Notice of Proposed Rule Making is herein denied, grant of the petitioner's request for vacation of time to file comments and reply comments until action is taken on petitioner's motion to rescind the Notice of Proposed Rule Making becomes unnecessary. Additionally, the petitioner requests that 30 days be given for time to file comments and 30 additional days for reply comments. The WGAL opposition having been filed, the Commission does not believe that time beyond July 23 will be necessary for the petitioner to complete its filing in connection with the Notice. This date allows 30 days from the time notice was given in the FEDERAL REGISTER. The Commission is extending the date for reply comments to August 23 so that the petitioner may have ample time appropriately to address itself to the filings of other persons.

Accordingly, it is ordered, That the Motion for Rescission of the Notice of Proposed Rule Making is denied, and that the Motion for Suspension of Dates for the Submission of Comments and Replies Thereto is denied in part and granted in part so as to extend the times for filing comments and replies, respectively, to July 23 and August 23, 1962.

Released: July 6, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6767; Filed, July 10, 1962; 8:55 a.m.]

[47 CFR Part 3]

[Docket No. 14702 (RM-307); FCC 62-712]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS (MIDLAND, TEX.)

Notice of Proposed Rule Making

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on January 29, 1962, by Midland Telecasting Company, permittee of KDCD-TV, Channel 18, Midland, Texas, requesting amendment of the Table of Assignments as follows:

City	Channel No.	
	Present	Proposed
Midland, Tex.	2+, 18	2+, 10+, *18

Petitioner further requests that it be ordered to show cause why its outstanding authorization for operation on Channel 18 should not be modified to specify operation on Channel 10. Oppositions to the petition were filed by Southwest States, Inc., licensee of KOSA-TV, Odessa, Texas, and Tri-Cities Broadcasting Company, licensee of KVKM-TV, Monahans, Texas. Petitioner has filed replies to these oppositions.

3. KDCD-TV began operation on Channel 18 on January 13, 1962. On February 16, 1962, it was given authority by the Commission to suspend operation until May 16, 1962, which time has been extended to August 16, 1962.

4. In support of its petition, Midland Telecasting alleges: KDCD-TV is one of the three commercial stations competing in the Midland-Odessa market; KMID-TV (an NBC affiliate) operates on Channel 2 at Midland and KOSA-TV (a CBS affiliate) operates on Channel 7 at Odessa, which is twenty miles from Midland; as the only UHF station in the area, petitioner cannot compete effectively with the two VHF stations which are operating at maximum power; a Channel 10 station could provide a principal city signal to Midland, Big Spring and part of Odessa[1] and the remainder of Odessa would be within its Grade A contour; the Grade A area of the proposed Channel 10 station would include a population of 198,000 persons; and petitioner has offered the use of its UHF facilities to the schools of Midland.

5. In its opposition, Southwest States, licensee of KOSA-TV, Odessa, argues as follows: both KOSA-TV and KMID-TV provide Midland with a city grade signal; KVKM-TV, Channel 9, Monahans, serves Monahans and Odessa and, if its application to change transmitter site is granted (BPCT-3000), will provide city grade service to Monahans, Midland and Odessa;[2] KVKM-TV presently provides ABC television network service, which will be extended if its application is granted; the petition proposes an inefficient use of the channel since it could be used between Big Spring and Sweetwater, Texas, which area has only two television services; and finally that its use as proposed would result in adjacent channel interference between the Channel 10 proposed site and Channel 9, Monahans, present site (70 miles) and proposed site (67 miles).[3]

[1] In order to meet co-channel separations with Roswell, New Mexico, and Del Rio, Texas, the transmitter site would have to be about 23 miles east of Midland. The engineering data submitted by petitioner indicates that such a site would be 191.5 miles from Villa Acuna, Mexico, but the recently concluded United States/Mexico VHF Television Agreement provides for Channel 7 in Villa Acuna with Channel 10 to be assigned to nearby Del Rio, Texas.

[2] An application was filed November 29, 1961, by the Southwest Broadcasting Company for Channel 24 at Odessa. On April 25, 1962, KEDY-TV, Big Spring, filed an application to move its transmitter site 22 miles in the direction of Midland, from which site it would put a principal city signal over Midland and a Grade A signal over most of Odessa.

[3] Reference is made to Television Allocations to Fort Bragg and Redding, Calif. (FCC 61-1373, adopted November 15, 1961).

6. In its opposition to the petition, Tri-Cities Broadcasting Company, licensee of KVKM-TV, Monahans, asserts it has been serving as the ABC outlet for the southwest Texas area, but that it has not been able to secure a full affiliation with ABC; that it has been operating at a substantial loss and, if another VHF channel is assigned to the area, it should be only upon a compelling showing of need.

7. In its reply to the opposition of Southwest States, petitioner points out that Midland is presently served by only two stations (KMID-TV, Midland, and KOSA-TV, Odessa) and that the proposal does not seek the addition of another facility to the area, but merely the substitution of a VHF for a UHF channel. Petitioner also asserts adjacent channel interference would exist only if the application to change transmitter site is granted.

8. Midland Telecasting also filed a reply to the opposition of Tri-Cities, again asserting that KVKM-TV does not put an adequate signal into Odessa nor any signal into Midland, referring to KVKM-TV's application for VHF translators to serve Odessa and Midland[4] and the subsequent petition to move its transmitter site and increase antenna height accepted for filing by the Commission on February 20, 1962. Petitioner asserts the proposed Channel 10 signal would not enter Monahans and that economic difficulties of a station should not affect considerations under section 307(b) of the Communications Act.

9. The Commission is of the view that rule making should be instituted in this matter, and interested parties are invited to submit their views and relevant data. If the Commission decides to amend § 3.606 as proposed, we will then determine what further steps should be taken with respect to petitioner's request for modification of its license. Accordingly, we defer action upon its request for issuance of an order to show cause.

10. Authority for the adoption of the amendment proposed herein is contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

11. Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested parties may file comments on or before August 13, 1962 and reply comments on or before August 28, 1962. All submissions by parties to this proceeding must be in written comments, reply comments, or other appropriate pleadings permitted under our rules.

12. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: July 3, 1962.

Released: July 6, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6768; Filed, July 10, 1962; 8:55 a.m.]

[4] BPTTV 809 and 816, respectively, for Channels 6 and 5 in Midland and Odessa.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA

Proposed Withdrawal and Reservation of Lands

Upon consideration of the application for withdrawal and reservation of lands, notice of which was published in the FEDERAL REGISTER on page 1926, February 28, 1962, (62 F.R. 1964), serial number AR–031299, filed by U.S. Army Corps of Engineers, and the record pertaining to such application, it is determined that the application should be rejected as to the lands described below. Accordingly, it is rejected as to such lands.

The lands involved will be at 10 a.m. on June 29, 1962 relieved of the segregative effect of the above-mentioned application. Legal description of the lands involved:

GILA AND SALT RIVER BASE MERIDIAN, ARIZONA

T. 2 N., R. 1 W.,
Sec. 1, SE¼SE¼.

The area described above contains 40.00 acres.

Dated: July 3, 1962.

FRED J. WEILER,
State Director.

[F.R. Doc. 62–6735; Filed, July 10, 1962; 8:53 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NORTH DAKOTA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87–128 (7 U.S.C. 1961) it has been determined that in Cass and Richland Counties, North Dakota, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 5th day of July 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62–6739; Filed, July 10, 1962; 8:45 a.m.]

MONTANA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87–128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the State of Montana natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MONTANA

Big Horn.	Petroleum.
Blaine.	Phillips.
Carbon.	Pondera.
Carter.	Powder River.
Cascade.	Prairie.
Chouteau.	Richland.
Custer.	Roosevelt.
Daniels.	Rosebud.
Dawson.	Sheridan.
Fallon.	Stillwater.
Fergus.	Sweet Grass.
Garfield.	Teton.
Glacier.	Toole.
Golden Valley.	Treasure.
Hill.	Valley.
Judith Basin.	Wheatland.
Liberty.	Wibaux.
McCone.	Yellowstone.
Musselshell.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 6th day of July 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62–6762; Filed, July 10, 1962; 8:55 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13672]

WEST COAST AIR SERVICES LTD.; TRANSBORDER CANADIAN

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled matter is assigned to be held on July 17, 1962, at 10:00 a.m., e.d.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., July 6, 1962.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 62–6757; Filed, July 10, 1962; 8:54 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

ALASKA STEAMSHIP CO.

Notice of Tentative Findings Justifying the Continuance of Bareboat Charters Covering 3 C1–M–AV1 Type Government-Owned Vessels

Notice is hereby given that the Maritime Administrator has tentatively found, in accordance with section 5(e)(1), Merchant Ship Sales Act of 1946, as amended, that conditions exist justifying the continuance of the bareboat charters covering the Government-owned C1–M–AV1 type vessels "Coastal Monarch", "Coastal Nomad", and "Coastal Rambler" presently under charter to Alaska Steamship Company, which were due for annual review on or about June 30, 1962.

Any interested person may request a hearing with respect to the Administrator's findings by filing written objections in triplicate, stating the reasons therefor, with the Secretary, Maritime Administration, Washington 25, D.C., by close of business on July 20, 1962.

The findings will become final if no objection thereto or no request for a hearing is received.

Dated: July 6, 1962.

By order of the Maritime Administrator.

JAMES S. DAWSON,
Secretary.

[F.R. Doc. 62–6754; Filed, July 10, 1962; 8:53 a.m.]

AMERICAN PRESIDENT LINES, LTD., AND OCEANIC STEAMSHIP CO.

Notice of Applications

Notice is hereby given that American President Lines, Ltd., and The Oceanic Steamship Company, the latter company on its own behalf and on behalf of its parent and managing agent, Matson Navigation Company, have filed applications for waiver under the provisions of section 804 of the Merchant Marine Act, 1936, as amended, for permission to participate in the issuance of tickets and/or exchange orders for passenger transportation on foreign flag carriers of other member companies under arrangements of the Trans-Pacific Passenger Conference Agreement No. 131, as amended, by Modification No. 234 thereto in Inter-Ocean, Round-the-World, Circuit Tours of the Pacific, One-Way and Round-Trip voyages.

Any person, firm or corporation having an interest in such applications who desires to offer views and comments thereon for consideration by the Deputy Maritime Administrator should submit same in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C., by close of business July 17, 1962. The Deputy Maritime Administrator will consider these views and comments and take such action with respect thereto as may be deemed appropriate.

Dated: July 5, 1962.

By order of the Deputy Maritime Administrator.

JAMES S. DAWSON,
Secretary.

[F.R. Doc. 62–6755; Filed, July 10, 1962; 8:54 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3–C]

TETRACYCLINE TABLETS AND CAPSULES FROM ITALY

Fair Value Determination

JULY 5, 1962.

A complaint was received that tetracycline tablets and capsules from Italy were being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that tetracycline tablets and capsules from Italy are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. Sales in the United States were made outright at arms length. The volume sold for consumption in Italy was adequate for price comparison. Therefore, purchase price and home market price were the bases for comparison.

In calculating purchase price, deduction was made for cash discount and inland freight where appropriate, and an amount was added equal to a manufacturing tax which was refunded by reason of exportation.

The imported product was not sold as, nor identified in any manner whatsoever as, a brand name product.

The product was sold in Italy under various brand names, and also without identification by brand name. The purchase price of the imported tetracycline was compared with the home market price for unbranded tetracycline.

The home market price used for the purpose of the fair value comparison was the packed price to wholesalers for home consumption. No adjustments of this price were found applicable under the circumstances present in this case.

In no case, during the period involved, was purchase price found to be lower than home market price.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 62–6750; Filed, July 10, 1962; 8:53 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

ORGANIZATION AND FUNCTIONS

Revised Statement of Delegations of Authority

Correction

In F.R. Doc. 62–6397, appearing at page 6286 of the issue for Tuesday, July 3, 1962, the signature at the end of the document should read "C. R. Seater" instead of "C. R. Seaton".

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–4050]

COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Issuance and Sale of Debentures at Competitive Bidding

JULY 2, 1962.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), 120 East 41st Street, New York 17, New York, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized below.

Columbia proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, $20,000,000 principal amount of its --percent Debentures, Series Due August 1987. The interest rate on the new debentures (which shall be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to the company (which shall be not less than 98½ percent nor more than 101½ percent of the principal amount) will be determined by the competitive bidding. The new debentures will be issued under a Second Supplemental Indenture to the 1961 Indenture between Columbia and Morgan Guaranty Trust Company of New York, Trustee.

In order to effect economies in the raising of capital, Columbia will, from the net proceeds realized from the sale of the new debentures, redeem on or about September 10, 1962, $17,560,000 principal amount of its 5½ percent Debentures, Series H Due 1982. In connection with this redemption, Columbia will pay a redemption premium of $957,020. The balance of such net proceeds will be added to the general funds of the corporation, as were the net proceeds of approximately $24,682,000 realized from the sale in June 1962 of 4½ percent Debentures, Series Due June 1987, and will be available for financing in part the system's 1962 construction program.

Fees and expenses incident to the proposed transaction are to be filed by amendment. The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than July 20, 1962, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as to be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 62–6736; Filed, July 10, 1962; 8:53 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI62–539—RI62–546]

DELHI-TAYLOR OIL CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JULY 3, 1962.

Delhi-Taylor Oil Corporation, Docket No. RI62–539; Tex-Star Oil & Gas Corporation (Operator), et al., Docket No. RI62–540; Phillips Petroleum Company (Operator), Docket No. RI62–541; M. M. Conn, Docket No. RI62–542; Turnbull & Zoch Drilling Company (Operator), et al., Docket No. RI62–543; George K. Taggart, Jr. (Operator), et al., Docket No. RI62–544; George Parker, Docket No. RI62–545; Helmerich & Payne, Inc. (Operator), et al., Docket No. RI62–546.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 psia. The proposed changes are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI62-539	Delhi-Taylor Oil Corp., Fidelity Union Tower, Dallas 1, Tex.	35	6	Mississippi River Fuel Corp. (Woodlawn Field, Harrison County, Tex.) (R.R. District No. 6).	757	6-4-62	7-5-62	12-5-62	13.1248	[3] 14.6392	
RI62-540	Tex-Star Oil & Gas Corp. (Operator), et al., 2520 Fidelity Union Tower, Dallas 1, Tex.	1	1	Tennessee Gas Transmission Co. (Placedo Field, Victoria County, Tex.) (R.R. District No. 2).	2,582	6-6-62	7-7-62	12-7-62	11.030284	[3] 15.33333	
RI62-541	Phillips Petroleum Co. (Operator), Bartlesville, Okla.	18	35	Northern Natural Gas Co. (Spraberry, Pembrook, Benedum, and Andrews Gasoline Plants, Midland, Upton, and Andrews Counties, Tex.) (R.R. District Nos. 7C and 8).	302,304	6-6-62	7-7-62	12-7-62	11.0661	[3] 12.0725	G-11849
RI62-542	M. M. Conn, 513 Coral, Corpus Christi, Tex.	1	3	Coastal Transmission Corp. (LaReforma Field, Starr County, Tex.) (R.R. District No. 4).	3,285	6-11-62	7-12-62	12-12-62	16.0	[2] 17.0	
RI62-543	Turnbull & Zoch Drilling Co. (Operator), et al., P.O. Box 2248, Corpus Christi, Tex.	1	1	Coastal Transmission Corp. (Monte Christo Field, Hidalgo County, Tex.) (R.R. District No. 4).	4,003	6-12-62	7-13-62	12-13-62	16.0	[2] 17.0	
RI62-544	George K. Taggart, Jr., (Operator), et al., P.O. Box 1240, Corpus Christi, Tex.	2	1	Coastal Transmission Corp. (Webb Field, San Patricio County, Tex.) (R.R. District No. 4).	1,200	6-13-62	[4] 7-14-62	12-14-62	14.5	[2] 15.5	
RI62-545	George Parker, 2300 Alamo National Bldg., San Antonio 5, Tex.	2	1	Coastal Transmission Corp. (Southwest Helen Gohlke Field, Victoria County, Tex.) (R.R. District No. 2).	3,000	6-15-62	8-1-62	1-1-63	17.0	[2] 18.0	
RI62-546	Helmerich & Payne, Inc. (Operator), et al., First National Bldg., Tulsa 3, Okla.	23	3	Colorado Interstate Gas Co. (Mocane Field, Beaver County, Okla.).	19,349	6-8-62	7-9-62	12-9-62	16.950	[5] 19.210	

[1] The stated effective date is the first day after expiration of the required statutory notice, or, if later, the date proposed by the Respondent.
[2] Periodic increase.
[3] Favored-nation increase.
[4] Subject to downward BTU adjustment for gas below 1,000 BTU's.
[5] Requests waiver of notice.
[6] Redetermined increase.
[7] Includes base rate of 17.0¢ per Mcf plus BTU adjustment for gas containing 1180 BTU per cubic foot.

The proposed increased rates exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR Ch. 1, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. 1), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 17, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6729; Filed, July 10, 1962; 8:49 a.m.]

[Docket No. G-18154]

SUBURBAN FUEL GAS, INC.

Notice of Motion To Amend

JULY 3, 1962.

Take notice that on May 11, 1962, as supplemented on June 4, 1962, The Suburban Fuel Gas, Inc. (Movant) filed a motion to amend the Commission's order issued July 6, 1959, in Docket No. G-18154, wherein the Commission directed The Ohio Fuel Gas Company (Ohio Fuel) to make a physical connection of its facilities with those of Movant and to sell natural gas to Movant for resale and distribution in the Villages of Deshler, Hamler, Holgate, Hoytville and McComb, Ohio. Said order also restricted Ohio Fuel's sale and delivery of natural gas to Movant to the latter's third year peak-day requirement of 6,000 Mcf daily.

Movant herein requests that the order of July 6, 1959, be amended so as to include therein service to the Village of Malinta and environs, Henry County, Ohio; to direct Ohio Fuel to sell and deliver natural gas to Movant for resale and distribution in said Village and environs; and to delete therefrom the restriction on the maximum amount of gas to be sold and delivered to Movant in order that Movant may develop and expand its marketing area in Wood, Henry and Hancock Counties, Ohio. Movant's proposals are more fully set forth in the subject motion, as supplemented, on file with the Commission and open to public inspection.

The motion shows that Malinta will finance, construct and own the required distribution and transmission facilities and that Movant will operate said facilities. The estimated cost of said facilities total $117,000.

Movant states that the estimated third year peak day and annual requirements for Malinta are 300 Mcf and 50,000 Mcf, respectively.

No additional facilities will be needed by Ohio Fuel since the existing connection with Movant will be used for the proposed service.

On June 14, 1962, Ohio Fuel filed an answer to the subject motion wherein it stated that it has no objection to a Commission order authorizing the subject proposals.

Protests, petitions to intervene or requests for hearing may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 27, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6730; Filed, July 10, 1962; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN EXPRESS CO. ET AL.

Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 8906 between American Express Co. (New York) and Charleston Overseas Forwarders, Inc. (Charleston, S.C.).

Agreement No. 8907 between American Express Co. and Norton & Ellis, Inc. (Norfolk, Va.).

Under these agreements Charleston Overseas Forwarders, Inc. and Norton & Ellis, Inc. act as shipping correspondents for American Express. In this capacity they perform forwarding services as directed for each shipment referred to them by American Express; each correspondent also refers shipments to American Express or to its subsidiaries.

For the rendering of these services the parties receive a commission, either in the form of a portion of the service fee or a percentage of the ocean freight brokerage—whichever is greater. Either party may terminate the agreement by giving 60 days' notice to the other.

Agreement No. 8932 between C. E. Turton & Son (New York) and H. B. Thomas & Co. (Los Angeles).

Agreement No. 8937 between C. E. Turton & Son and W. R. Zanes & Co. of La., Inc. (New Orleans).

Agreement No. 8938 between Loretz & Co. (Los Angeles) and R. G. Hobelmann & Co., Inc. (Baltimore).

These agreements have identical terms. They are cooperative working arrangements under which the parties perform freight forwarding services for each other, dividing service fees on the basis of the amount of work performed for each transaction. Compensation received from the ocean carriers in connection with shipments handled pursuant to the agreements, is divided as agreed between the parties.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to it, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: July 6, 1962.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 62-6728; Filed, July 10, 1962; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 457]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 6, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers of brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub-No. 207) (AMENDMENT), filed May 14, 1962, published FEDERAL REGISTER issue May 23, 1962, amended May 21, 1962, and republished as amended this issue. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids and rocket propellant fuel*, in bulk, in specially designed tank vehicles, between missile sites, between production plants, and the missile test facilities in the States of Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

NOTE: Applicant requests to amend its application referred to above so that it will conform to the area of service required by the Government.

HEARING: August 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 1124 (Sub-No. 183), filed May 24, 1962. Applicant: HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except dangerous explosives, those of unusual value, household goods as defined by the Commission, commodities in bulk, those injurious or contaminating to other lading, and commodities requiring special equipment), serving the site of the National Bagasse Products Corporation plant located near Vacherie, La., as an off-route points in connection with applicant's authorized regular route operations.

HEARING: September 19, 1962, at the Louisiana Public Service Commission, Baton Rouge, La., before Joint Board No. 164.

No. MC 6616 (Sub-No. 11), filed June 28, 1962. Applicant: TOEDEBUSCH TRANSFER, INC., 926 Cass Avenue, St. Louis, Mo. Applicant's attorney: B. W. LaTourette, Jr., Suite 1230, Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except high explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the Village of Champ, Mo., also known as Champ Industrial Village, as an off-route point in connection with applicant's regular route operations described in MC 6616 and Subs thereunder.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 20298 (Sub-No 2), filed May 8, 1962. Applicant: GEORGE TRAINOR, Eau Galle, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed* and *feed ingredients*, in bag or in bulk, from Savage, Minn., to Rock Elm and Spring Lake, in Pierce County, Eau Galle, Weston, and Dunn in Dunn County, and Waubeck, Waterville, and Durand, in Pepin County, Wis.

HEARING: September 27, 1962, at Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 142.

No. MC 20793 (Sub-No. 35), filed June 11, 1962. Applicant: WAGNER TRUCKING CO., INC., Jobstown, N.J. Applicant's representative: G. Donald Bullock, P.O. Box 146, Wyncote, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from points in Gloucester County, N.J., to points in Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: September 11, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Francis A. Welch.

No. MC 27063 (Sub-No. 5), filed May 1, 1962. Applicant: LIBERTY TRANSFER COMPANY, INC., 1601 Cuba Street, Baltimore, Md. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate as a *contract carrier*,

by motor vehicle, over irregular routes, transporting: *Canned goods*, from Port Newark and Bayonne, N.J., to Baltimore, Md., and Washington, D.C.

NOTE: Applicant states the above-specified commodities will be transported for the account of Wesson Division—Hunt Foods and Industries, Inc.

HEARING: September 12, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Francis A. Welch.

No. MC 29988 (Sub-No. 85), filed May 21, 1962. Applicant: DENVER CHICAGO TRUCKING COMPANY, INC., 45th Avenue at Jackson Street, Denver, Colo. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), as alternate routes for operating convenience only: (a) Between junction U.S. Highway 50 and U.S. Highway Alternate 50 approximately one (1) mile north of Sumner, Ill., and Lawrenceville, Ill., serving no intermediate points; from junction U.S. Highway 50 and U.S. Highway Alternate 50 approximately one (1) mile north of Sumner, over U.S. Highway 50 to Lawrenceville, and return over the same route; and (b) between junction U.S. Highway 50 and U.S. Highway 150 at or near Vincennes, Ind. and Prospect, Ind., serving no intermediate points; from junction U.S. Highway 50 and U.S. Highway 150 at or near Vincennes, over U.S. Highway 150 to Prospect, and return over the same route.

HEARING: September 14, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21.

No .MC 32474 (Sub-No. 29), filed May 10, 1962. Applicant: KEESHIN TRANSPORT SYSTEM, INC., 3131 Douglas Road, Toledo, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Elk Grove, Ill., as an off-route point in connection with presently authorized regular route operations at Chicago, Ill.

HEARING: September 14, 1962, at the Midland Hotel, Chicago Ill., before Joint Board No. 149.

No. MC 36473 (Sub-No. 71), filed May 31, 1962. Applicant: CENTRAL TRUCK LINES, INC., 1005 Jackson Street, Tampa, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving the National Aeronautic and Space Administration Centralized Testing Site and the easements thereto, located in Hancock, County, Miss., and St. Tammany Parish, La., near Santa Rosa and Gainesville, Miss., as an off-route point in connection with applicant's presently authorized regular-route operations between New Orleans, La., and Mobile, Ala.

HEARING: September 27, 1962, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 28.

No. MC 38551 (Sub-No. 14), filed April 2, 1962. Applicant: RAMUS TRUCKING LINE, INC., P.O. Box 5786, 3832 Ridge Road, Cleveland, Ohio. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *A. General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between junction of U.S. Highway 20 with Alternate U.S. Highway 20 and Columbus, Ohio, as follows: From junction U.S. Highway 20 and Alternate U.S. Highway 20 over Alternate U.S. Highway 20 to junction Ohio Highway 15, thence over Ohio Highway 15 to Defiance, Ohio, thence over U.S. Highway 24 to Napoleon, Ohio, thence over U.S. Highway 6 to junction with U.S. Highway 23, thence over U.S. Highway 23 to Columbus, Ohio, and return over the same route; (2) between Toledo, Ohio, and junction of Ohio Highways 65 and 6 at or near McClure, Ohio, as follows: From Toledo, over U.S. Highway 24 to junction with Ohio Highway 65, thence over Ohio Highway 65 to junction with U.S. Highway 6 at or near McClure, Ohio, and return over the same route; (3) between Toledo, Ohio, and junction of U.S. Highways 23 and 6, at or near New Rochester, Ohio, as follows: From Toledo, over U.S. Highway 23 to junction with U.S. Highway 6, at or near New Rochester, Ohio, and return over the same route; (4) between Toledo, Ohio, and Cleveland, Ohio, as follows: From Toledo over U.S. Highway 20 to Cleveland, Ohio, and return over the same route; (5) between Port Clinton, Ohio, and Oak Harbor, Ohio, as follows: From Port Clinton, over Ohio Highway 163, to Oak Harbor, Ohio, and return over the same route; (6) between Fostoria, Ohio and junction of U.S. Highways 21 and 224, as follows: From Fostoria, over Ohio Highways 18 to Tiffin, Ohio, thence over Ohio Highway 231 (also over Ohio Highway 100) to junction with U.S. Highway 224, thence over U.S. Highway 224 to junction with U.S. Highway 21, and return over the same route; (7) between Upper Sandusky, Ohio, and junction of U.S. Highways 42 and 224, as follows: From Upper Sandusky, over U.S. Highway 30–N to Mansfield, Ohio, thence over U.S. Highway 42 to junction with U.S. Highway 224, and return over the same route; (8) between Columbus, Ohio and Newark, Ohio, as follows: From Columbus, over Ohio Highway 16 to Newark, Ohio, and return over the same route; (9) between Newark, Ohio, and Mansfield, Ohio, as follows: From Newark, over Ohio Highway 13 to Mansfield, Ohio, and return over the same route; (10) between Mansfield, Ohio, and Youngstown, Ohio, as follows: From Mansfield over U.S. Highway 30 to Canton, Ohio, thence over U.S. Highway 62 to Youngstown, Ohio, and return over the same route; (11) between Canton, Ohio, and Uniontown, Ohio, as follows: From Canton over Ohio Highway 8 to Uniontown, Ohio, and return over the same route; (12) between Youngstown, Ohio, and Ashtabula, Ohio, as follows: From Youngstown over U.S. Highway 422 to Warren, Ohio, thence over Ohio Highway 45 to junction with Ohio Highway 167, thence over Ohio Highway 167 to Jefferson, Ohio, thence over Ohio Highway 46 to Ashtabula, and return over the same route; (13) between Conneaut, Ohio, and Painesville, Ohio, as follows: From Conneaut over U.S. Highway 20 to Painesville, Ohio, and return over the same route; and (14) between Warren, Ohio and Cleveland, Ohio, as follows: From Warren over Ohio Highway 5 to junction with Ohio Highway 91, thence over Ohio Highway 91 to Twinsburg; Ohio, thence over Ohio Highway 14 to Cleveland, Ohio, and return over the same route.

NOTE: Authority is sought to serve all intermediate points on the above described routes.

B. General commodities (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk and those requiring special equipment), over alternate routes for operating convenience only, (1) between Sandusky, Ohio and Norwalk, Ohio, as follows: From Sandusky over U.S. Highway 250 to Norwalk, Ohio, and return over the same route; (2) between Norwalk, Ohio, and Mansfield, Ohio, as follows: From Norwalk over Ohio Highway 13 to Mansfield, Ohio, and return over the same route; (3) between Uniontown, Ohio, and junction of Ohio Highways 8 and 91, as follows: From Uniontown over Ohio Highway 8 to junction with Ohio Highway 91, and return over the same route; (4) between Cleveland, Ohio, and junction of U.S. Highways 21 and 224, as follows: From Cleveland over U.S. Highway 21 to junction with U.S. Highway 224, and return over the same route; and (5) between junction of U.S. Highway 21 with Ohio Highway 18 and Columbus, Ohio, as follows: From junction of U.S. Highway 21 and Ohio Highway 18, over Ohio Highway 18 to junction with Interstate Highway 71, thence over Interstate Highway 71 to Columbus, Ohio, and return over the same route.

NOTE: No authority is sought to serve any intermediate points on the above-described alternate routes.

HEARING: September 4, 1962, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 57.

No. MC 42405 (Sub-No. 21), filed April 19, 1962. Applicant: MISTLETOE EXPRESS SERVICE, a corporation, 111 Harrison Street, Oklahoma City, Okla. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives), moving in Express Service, between Newkirk, Okla., and Winfield, Kans., from Newkirk over U.S. Highway 77 to Winfield, and return over the same route, serving all intermediate points, with the specific right to tack with its existing authority at Newkirk, Okla.

HEARING: September 10, 1962, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 39.

No. MC 52709 (Sub-No. 176), filed July 5, 1962. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids and rocket propellent fuels*, in bulk, in specially designed tank trailers, between missile sites, production plants and missile test facilities located in the States of Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

NOTE: Common control may be involved.

HEARING: August 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 55811 (Sub-No. 78), filed May 16, 1962. Applicant: CRAIG TRUCKING, INC., Albany, Ind. Applicant's attorney: Howell Ellis, Suite 1210–12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty metal containers*, and *parts thereof*, from Chicago, Ill. to Battle Creek, Mich.

HEARING: September 12, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 73.

No. MC 59117 (Sub-No. 16), filed March 19, 1962. Applicant: ELLIOTT TRUCK LINES, INC., Box 1, Vinita, Okla. Applicant's attorney: James F. Miller, 500 Board of Trade Building, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Twine, binder twine, baler twine, agricultural twine, cordage, rope, wire, wire rope, mesh wire, wire fencing, barbed wire, steel posts, and wire fixtures and clamps*, from Beaumont and Houston, Tex., to points in Oklahoma and Kansas, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: September 12, 1962, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 170.

No. MC 60118 (Sub-No. 1), filed April 30, 1962. Applicant: WILKERSON FREIGHT LINE, INC., 129 McInnis Avenue, Moss Point, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except Classes A and B explosives, bulk commodities, household goods as defined in Practices of Motor Common Carriers of Household Goods 17 M.C.C. 467), (1) from Pascagoula, Miss., to Hurley, Miss.; from Pascagoula over U.S. Highway 90 to its junction with Mississippi Highway 63, thence over Mississippi 63 to its junction with Mississippi Highway 613 to Hurley, serving all intermediate points and off-route point of Wade, Miss., and (2) between Hurley, Miss., and Mobile, Ala.; over unnumbered Mississippi Highway from Hurley to Mississippi-Alabama State line, thence over unnumbered Alabama Highway to Mobile, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular-route operations between Mobile, Ala., and Pascagoula, Miss.

HEARING: September 28, 1962, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 14.

No. MC 71478 (Sub-No. 27), filed April 2, 1962. Applicant: THE CHIEF FREIGHT LINES COMPANY, a corporation, 1229½ Union Avenue, Kansas City, Mo. Applicant's attorney: Tom B. Kretsinger, Suite 510 Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except Classes A and B explosives, livestock, household goods, as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the Ardmore Industrial Park, located nine (9) miles northeast of Ardmore, Okla., as an off-route point in connection with applicant's regular-route operations.

HEARING: September 14, 1962, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 88.

No. MC 75320 (Sub-No. 96), filed June 28, 1962. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., 2333 East Trafficway, Springfield, Mo. Applicant's attorney: B. W. LaTourette, Jr., Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), serving the Village of Champ, Mo., also known as Industrial Village as an off-route point in connection with applicant's authorized regular route operations.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 77135 (Sub-No. 20), filed June 21, 1962. Applicant: PACIFIC TRUCK SERVICE, INC., 600 Park Avenue, San Jose, Calif. Applicant's attorney: Edward M. Berol, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids and rocket propellant fuels*, in bulk, in specially designed tank vehicles, between points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

HEARING: August 1, 1962, at the Offices of the Interstate Commerce Commission Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 88161 (Sub-No. 64), filed April 25, 1962. Applicant: INLAND TRANSPORTATION COMPANY, INC., 6737 Corson Avenue South, Seattle 8, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities* (excluding fertilizers), in bulk, in tank, hopper type, pneumatic discharge type, or bottom dump vehicles or similar specialized equipment, (1) between points in Washington, Oregon, Idaho, and Montana, and (2) between points in Washington.

HEARING: September 17, 1962, at the Washington Utilities and Transportation Commission Insurance Building, Olympia, Wash., before Examiner Samuel Horwich.

No. MC 95540 (Sub-No. 415), filed April 4, 1962. Applicant: WATKIN'S MOTOR LINES, INC., Albany Road, Thomasville, Ga. Applicant's attorney: Duane W. Acklie, 605 South 12th Street, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points east of U.S. Highways 383 and 183, and points south of U.S. Highway 30 in Nebraska, except Omaha and Lincoln, Nebr., to points in Alabama, Arizona, Arkansas, California, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: Applicant states that it is affiliated with Arctic Express, through stock ownership.

HEARING: July 16, 1962, at the South Court Room, Old Post Office Building, 16th and Dodge Streets, Omaha, Nebr., before Examiner Bernard J. Hasson, Jr.

No. MC 95540 (Sub-No. 437), filed July 2, 1962. Applicant: WATKIN'S MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits,*

frozen berries, frozen vegetables, frozen fruit juices, and frozen fruit concentrates, in mixed truckloads, with *canned and processed citrus fruits and juices*, from points in Florida to points in Missouri, Kansas, Iowa, Nebraska, and Oklahoma.

HEARING: July 18, 1962, at the U.S. Court Rooms, Tampa, Fla., before Commissioner Laurence K. Walrath.

No. MC 102560 (Sub-No. 7), filed May 18, 1962. Applicant: FREILER INDUSTRIES, INC., P.O. Box 636, Amite, La. Applicant's attorney: Harold R. Ainsworth, 2307 American Bank Building, New Orleans 13, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Creosoted or chemically treated poles, piling and lumber*, from Slidell, La., to points in Galveston, Harris, Jefferson, and Orange Counties, Tex.

HEARING: September 19, 1962, at the Louisiana Public Service Commission, Baton Rouge, La., before Joint Board No. 32.

No. MC 102616 (Sub-No. 704), filed June 26, 1962. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 711 Fourteenth Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen tetroxide*, in bulk, in tank vehicles, moving on government bills of lading, from Hopewell, Va., to missile sites at or near Davis-Monthan Air Force Base, Ariz., and Little Rock Air Force Base, Ark.

HEARING: July 25, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 106049 (Sub-No. 34), filed April 20, 1962. Applicant: ATLANTA-NEW ORLEANS MOTOR FREIGHT CO., 260 University Avenue SW., Atlanta 15, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1424 C & S Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except uncrated household goods or office furnishings), serving the site of the National Aeronautics and Space Administration Centralized Testing Site and the easements thereto, located in Hancock County, Miss., and St. Tammany Parish, La., near Santa Rosa and Gainesville, Miss., as off-route points in connection with applicant's presently authorized operations between Gulfport, Miss. and New Orleans, La.

HEARING: September 25, 1962, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 28.

No. MC 107403 (Sub-No. 412), filed June 28, 1962. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids and rocket propellant fuels, in bulk*, in specially designed tank trailers, between missile sites, production plants and missile test facilities located in the States of Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

NOTE: Common control may be involved.

HEARING: August 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 107912 (Sub-No. 12), filed June 11, 1962. Applicant: REBEL MOTOR FREIGHT, INC., 954 South Barton Street, Memphis, Tenn. Applicant's attorney: T. H. Freeland, III, Box 269, Oxford, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), between Memphis, Tenn., and Grenada, Miss., from Memphis, over U.S. Highway 51, to Grenada, serving Batesville, Miss., as an intermediate point and return over the same route.

HEARING: September 27, 1962, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 229.

No. MC 108185 (Sub-No. 25), filed April 20, 1962. Applicant: DIXIE HIGHWAY EXPRESS, INC., P.O. Box 631, 1600—B Street, Meridian, Miss. Applicant's attorney: R. J. Reynolds, 1424 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, lumber, gasoline, coal, sand, gravel, household goods as defined in *Practices of Motor Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), to serve the National Aeronautics and Space Administration Centralized Testing Site, and the easements thereto, located in Hancock County, Miss., and St. Tammany Parish, La., near Santa Rosa and Gainesville, Miss., as off-route points in connection with applicant's presently authorized operations between Gulfport, Miss., and New Orleans, La., and between Hattiesburg, Miss., and New Orleans, La.

HEARING: September 25, 1962, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 28.

No. MC 109095 (Sub-No. 13), filed June 28, 1962. Applicant: ANDERSON MOTOR SERVICE, INC., 1516 North 14th Street, St. Louis, Mo. Applicant's attorney: B. W. LaTourette, Jr., Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Village of Champ, Mo. (also known as Champ Industrial Village), as an off-route point in connection with aplicant's authorized regular-route operations as described in MC–109095 and related subs.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 109584 (Sub-No. 109), filed April 19, 1962. Applicant: ARIZONA PACIFIC TANK LINES, a corporation, 717 North 21st Avenue, Phoenix, Ariz. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (1) *Syrups and liquid sugars*, in bulk, in tank vehicles, from points in California to points in Oregon and Washington (except that no authority is sought from Manteca, Spreckels, and Woodland, Calif., to points in Douglas, Josephine, Klamath, Jackson, and Lake Counties), and (2) *contaminated syrups and liquid sugars*, in bulk, in tank vehicles, from points in Oregon and Washington, to points in California (except that no authority is sought from points in Oregon which are located in Douglas, Josephine, Klamath, Jackson, and Lake Counties, to Manteca, Spreckels, and Woodland, Calif.).

NOTE: Common control may be involved.

HEARING: September 25, 1962, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 5, or, if the Joint Board waives its right to participate, before Examiner Samuel Horwich.

No. MC 110525 (Sub-No. 517), filed June 25, 1962. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids and rocket propellant fuels*, in bulk, in specially designed trailers, between missile sites, production plants, and missile test facilities, located in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

HEARING: August 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 110988 (Sub-No. 69), filed June 7, 1962. Applicant: KAMPO TRANSIT, INC., 200 Cecil Street, Neenah, Wis. Applicant's attorney: E. Stephen Heisley, Transportation Building, Wash. 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric Acid*, in bulk, from Hammond, Ind., to the plant site of the Des Plaines Chemical Company, located at or near Morris, Ill.

HEARING: September 13, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21.

No. MC 111231 (Sub-No. 50), filed June 28, 1962. Applicant: JONES TRUCK LINES, INC., Springdale, Ark. Applicant's attorney: B. W. LaTourette, Jr., Boatmen's Bank Building, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the Village of Champ, Mo. (also known as Champ Industrial Village), as an off-route point in connection with applicant's presently authorized regular routes as described in MC–111231 and related subs.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 111812 (Sub-No. 160) (AMENDMENT), filed April 5, 1962, published FEDERAL REGISTER issue June 27, 1962, amended June 29, 1962, and republished this issue. Applicant: MIDWEST COAST TRANSPORT, INC., Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, potatoes, and potato products frozen and unfrozen, cooked and uncooked, and blanched*, from Fargo, Park River, Grafton, and points in Grand Forks County, N. Dak., Crookston, Mankato, Barnesville, East Grand Forks, St. Paul, Minneapolis, and Hopkins, Minn., to points in the United States, (except points in Alaska, and Hawaii). Common control may be involved.

NOTE: The purpose of this republication is to add frozen foods to the commodities proposed to be transported.

HEARING: Remains as assigned July 31, 1962, in the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 111979 (Sub-No. 3), filed May 14, 1962. Applicant: BEN F. HAUCK, doing business as THE VALLEY STAGES, 241 Center Street NE., Salem, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, baggage, express, mail, and newspapers*, in the same vehicle with passengers, between Monmouth, and Corvallis, Oreg., from Monmouth over U.S. Highway 99W to Corvallis, and return over the same route serving the intermediate point of Camp Adair, located at Corvallis, Oreg.

NOTE: Common control may be involved.

HEARING: September 24, 1962, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 172, or, if the Joint Board waives its right to participate, before Examiner Samuel Horwich.

No. MC 112750 (Sub-No. 101), filed May 1, 1962. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Claude Jasper, 111 South Fairchild Street, Suite 301, Madison, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commercial papers, documents and written instruments* (except coin, currency, bullion, and negotiable securities), as are used in the conduct of the business of banks and banking institutions, between Chicago, Ill., on the one hand, and, on the other, points in Brown, Calumet, Dane, Fond du Lac, Kewaunee, Manitowoc, Milwaukee, Outagamie, Ozaukee, Racine, Rock, Sheboygan, Washington, Waukesha, and Winnebago Counties, Wis. (2) *Used punch cards, business papers, and records* used or useful in the preparation of such punch cards, and *other business papers and records* involving information obtained from the punch cards or pertaining to the use thereof, excluding plant removals and supplies, (a) between Beloit and Janesville, Wis., on the one hand, and, on the other, Rockford, Ill.; and (b) between Chicago, Ill., on the one hand, and, on the other, points in Wisconsin.

NOTE: Applicant states Arthur DeBevoise owns all outstanding stock of applicant and also Carolina-Virginia Couriers Inc. (MC 123486), Southern Couriers Inc. (MC 123304) and Ohio Couriers Inc. (MC 124088).

HEARING: September 10, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 17.

No. MC 113267 (Sub-No. 68), filed April 2, 1962. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill., Applicant's representative: Frederick H. Figge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, articles distributed by meat packinghouses, frozen and prepared foods*, when transported in vehicles equipped with mechanical temperature controlled units, between points in Louisiana.

NOTE: Common control may be involved.

HEARING: September 20, 1962, at the Louisiana Public Service Commission, Baton Rouge, La., before Joint Board No. 164.

No. MC 115523 (Sub-No. 98) (AMENDMENT), filed March 26, 1962, published in FEDERAL REGISTER issue of June 6, 1962, amended July 3 and republished this issue. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 Beck Street, Salt Lake City, Utah. Applicant's attorney: Marshall G. Berol, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beet pulp*, and *beet pulp pellets* (a) between points in Oregon and Idaho; and (b) from points in Oregon, Idaho, Utah, Washington, and South Dakota to points in Oregon, Utah, Idaho, Wyoming, Montana, Washington, North Dakota, South Dakota, Nebraska, California, Arizona, New Mexico, Texas, and Nevada.

NOTE: The purpose of this republication is to add the State of Oregon as a destination state in part (b).

HEARING: Remains as assigned July 23, 1962, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Henry A. Cockrum.

No. MC 116077 (Sub-No. 132), filed July 3, 1962. Applicant: ROBERTSON TANK LINES, INC., P.O. Box 9218, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, Esperson Building, Suite 1535, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids*, and *rocket propellant fuels*, in bulk, in specially designed tank vehicles, and *empty tank vehicles*, between missile sites, production plants, and missile test facilities, located at points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

HEARING: August 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 117119 (Sub-No. 61), filed July 2, 1962. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark., and A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Deerfield, Ill., to points in Alabama, Georgia, North Carolina, South Carolina, Tennessee (except Memphis), Florida, Paducah, and Fulton, Ky., and *empty containers or other such incidental facilities* (not specified), used in transporting the above-described commodities, on return.

HEARING: August 2, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Bernard J. Hasson, Jr.

No. MC 117686 (Sub-No. 13), filed April 4, 1962. Applicant: RAYMOND C. HIRSCHBACH, doing business as HIRSCHBACH MOTOR LINES, 3324 U.S. Highway 75 North, Sioux City, Iowa. Applicant's attorney: Duane W. Acklie, Box 2041, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points east of U.S. Highway 383 and 183 and points south of U.S. Highway 30 in Nebraska (except Omaha and Lincoln, Nebr.), to points in Alabama, Arizona, Arkansas, California, Iowa, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas.

HEARING: July 16, 1962, at the South Court Room, Old Post Office Building, 16th and Dodge Sts., Omaha, Nebr., before Examiner Bernard J. Hasson, Jr.

No. MC 117842 (Sub-No. 2), filed May 24, 1962. Applicant: INTERSTATE DISTRIBUTING COMPANY, a corporation, 2215 Pacific Highway East, Tacoma 22, Wash. Applicant's representative: Joseph O. Earp, 1912 Smith Tower, Seattle 4, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transport-

ing: (1) *Groceries and grocery store supplies*, and *exempt commodities*, when transported in the same vehicle at the same time with groceries or grocery store supplies, between Bellevue, Wash., and points in California, (2) *school furniture and fixtures*, from Tacoma, Wash., to points in California and Nevada, and (3) *panels and parts*, wood, plywood, or hardboard, rough or dressed, consisting of flat pieces, edges glued or not glued together, cut to dimensions and/or shaped, bored or not bored, edges plain or bevelled, grooved, molded, slotted or tongued, used for furniture, radio, television or phonograph cabinets, boats or in similar applications, from Sumner, Wash., to points in California.

NOTE: Applicant states "the same stockholders also own all of the stock of Interstate Distributor Co., a common carrier, holding Certificate MC 117201 and Sub 1."

HEARING: September 18, 1962, at the Washington Utilities and Transportation Commission Insurance Building, Olympia, Wash., before Examiner Samuel Horwich.

No. MC 118468 (Sub-No. 11), filed April 16, 1962. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, Iowa. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products* and *building materials* that are produced or distributed by manufacturers of gypsum products, from the plant site of the U.S. Gypsum Co., at or near Fort Dodge, Iowa, to points in Minnesota.

HEARING: September 24, 1962, at Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 146.

No. MC 119245 (Sub-No. 2), filed April 20, 1962. Applicant: E. J. PAULETTE, doing business as PAULETTE'S DELIVERY SERVICE, 1155 Joseph Street, Shreveport, La. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cosmetic products*, from New Orleans, La., to Shreveport, La., and points in Caddo, Bossier, Webster, Claiborne, Union, Morehouse, West Carroll, East Carroll, De Soto, Red River, Bienville, Lincoln, Jackson, Ouachita, Richland, Madison, Sabine, Natchitoches, Winn, Caldwell, Franklin, Tensas, Vernon, Rapides, Grant, La Salle, Catahoula, and Concordia Parishes, La., having a prior out-of-state movement.

NOTE: Applicant states the proposed service will be for the account of Avon Products, Inc.

HEARING: September 17, 1962, at the Louisiana Public Service Commission, Baton Rouge, La., before Joint Board No. 164.

No. MC 119604 (Sub-No. 2), filed February 14, 1962. Applicant: WILLIS E. SEARS, 240 North Austin Street, Jasper, Tex. Applicant's attorney: Joe G. Fender, Melrose Building, Houston, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* between points in Louisiana and points in Texas.

HEARING: September 18, 1962, at the Louisiana Public Service Commission, Baton Rouge, La., before Joint Board No. 32.

No. MC 123271 (Sub-No. 2), filed June 7, 1962. Applicant: TAVILLA TRUCKING CORP., One North Market Street, Boston 9, Mass. Applicant's attorney: James J. Weinstein, One Court Street, Boston 8, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas* from New York, N.Y., to Boston, Mass.; and *exempt commodities* on return trips.

NOTE: Applicant states the operations will be under contract with Boston Banana Co., Inc.

HEARING: July 25, 1962, at the Hotel Essex, Boston, Mass., before Examiner Francis A. Welch.

No. MC 123963 (Sub-No. 2), filed January 26, 1962. Applicant: ATLAS TRANSFER & STORAGE CORPORATION, 139 Europe Street, Baton Rouge, La. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats* and *packinghouse products* from Baton Rouge, La., to Port Allen, Plaquemine, White Castle, Donaldsonville, Bellerose, Thibodaux, Napoleonville, Klotsville, Schriever, Paincourtville, Plattenville, Morgan City, Donner, and Houma, La.

HEARING: September 17, 1962, at the Louisiana Public Service Commission, Baton Rouge, La., before Joint Board No. 164.

No. MC 124061 (Sub-No. 1), filed March 21, 1962. Applicant: RALPH WILLIAMS, doing business as NATCHEZ TRUCK SERVICE, Route 5, Box 123–C, Natchez, Miss. Applicant's attorney: Rubel L. Phillips, Deposit Guaranty Bank Building, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between the Natchez-Adams County Port, near Natchez, Miss., on the one hand, and, on the other, points in Mississippi on and south of U.S. Highway 80, and points in Louisiana on and north of U.S. Highway 190.

HEARING: September 24, 1962, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 28.

No. MC 124090, filed November 30, 1961. Applicant: TRANSPORTES AZTECA, a corporation, 1060 Broad Street, Newark 2, N.J. Applicant's attorney: Bernard F. Flynn, Jr., York-Flynn Building, East Blackwell Street, Dover, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Port Newark, N.J., and points within 5 miles thereof, and Port of Houston, Houston, Tex., on the one hand, and, on the other, Laredo, McAllen, and Brownsville, Tex.

NOTE: Applicant states that the latter points named will be used as ports of departure or entry in the transportation of traffic in foreign commerce consigned to the Republic of Mexico or to Central American countries, or that may be consigned to the Port of Houston for transhipment by water, or to Port Newark and 5 miles thereof for delivery therein or transhipment therefrom to other points in the U.S. or foreign countries.

HEARING: September 13, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Francis A. Welch. This assignment is for applicant's presentation. A continued hearing at a southwestern border point is contemplated at the discretion of the presiding examiner.

No. MC 124303 (Sub-No. 2), filed May 11, 1962. Applicant: OTTO RUTZER, doing business as OTT'S TRUCK LINE, Nahcotta, Wash. Applicant's attorney: Lawrence V. Smart, Jr., 2010 NW. Vaughn Street, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shakes and shingles*, from points in Pacific County, Wash., to points in Oregon, and *exempt commodities*, on return.

HEARING: September 24, 1962, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner Samuel Horwich.

No. MC 124376, filed April 17, 1962. Applicant: TEXAS AGGREGATE TRANSPORT CO., INC., P.O. Box 72, Irving, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hot mix, crushed stone, shell, salt, asphalt*, not in tank vehicles, *treated crushed stone, aggregate, rip rap, rocks, sand, gravel, caliche, dirt, bulk cement mixed with sand, gravel and crushed limestone, batch, iron ore* and *flexible base*, in bulk, from points of production and crushing or mixing plants in Oklahoma to job sites, mixing plants, stock piles and highway construction sites in Texas.

HEARING: September 13, 1962, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 16.

No. MC 124383, filed April 19, 1962. Applicant: GERALD DREYER, doing business as DREYER TRANSPORT, 4939 North 36th Street, Milwaukee 9, Wis. Applicant's attorney: Frank M. Coyne, 1 West Main Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Slag and slag aggregates*, in bulk, from Hammond and Gary, Ind., and Chicago, Ill., to points in Wisconsin, (2) *glass cullets*, in bulk from Vincennes, Ind., to points in Milwaukee, Waukesha, and Washington Counties, Wis., (3) *sand, clay, and clay aggregates*, in bulk, from points in La Salle County, Ill., to points in Wisconsin, (4) *sand, stone chips, and crushed stone*, in bulk, from points in Wisconsin south of U.S. Highway 10, to points in Illinois and Indiana, (5) *scrap metals*, from points in Wisconsin south of U.S. Highway 10, to points in Illinois and Indiana, and (6) *concrete blocks, concrete planks, concrete slabs and concrete beams*, from points in Waukesha and Milwaukee Counties, Wis., to points in Illinois and Indiana.

HEARING: September 17, 1962, at the Wisconsin Public Service Commission, Madison, Wisconsin, before Joint Board No. 17.

No. MC 124386, filed May 4, 1962. Applicant: LAWRENCE SPRINGSTEEN, Emerald, Wis. Applicant's attorney: Wm. W. Ward, New Richmond, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty cans*, from Mankato, Minn., to Emerald, Wis.

NOTE: Applicant states the above-named commodities will be for a food processing plant. Applicant holds common carrier authority in MC 16649, therefore, dual operations may be involved.

HEARING: September 27, 1962, at Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 142.

No. MC 124417, filed April 30, 1962. Applicant: ALPHONSE HINDERMAN AND VINCENT HINDERMAN, a partnership, doing business as HINDERMAN BROTHERS, Dickeyville, Wis. Applicant's attorney: John T. Porter, 708 First National Bank Building, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Dubuque and Estherville, Iowa, to points in Wisconsin, and *rejected and returned shipments* of the same commodities, on return.

HEARING: September 19, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 111.

No. MC 124417 (Sub-No. 1), filed April 30, 1962. Applicant: ALPHONSE HINDERMAN AND VINCENT HINDERMAN, doing business as HINDERMAN BROTHERS, Dickeyville, Wis. Applicant's attorney: John T. Porter, 708 First National Bank Building, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, from Cedar Rapids, Dubuque, Iowa, Iowa Falls, Mason City, Muscatine, and Waterloo, Iowa, to points in Wisconsin on and south of U.S. Highway 10 and on and west of U.S. Highway 51, and *rejected and returned shipments* of the same commodities, on return.

HEARING: September 18, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 111.

No. MC 124444, filed May 11, 1962. Applicant: PETROLEUM MARKETING COMPANY, INC., P.O. Box 433, Purvis, Miss. Applicant's attorney: Warren Woods, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from points in Louisiana, to the plant site of Pontiac Eastern Corp., located at or near Purvis, Miss., and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodity, on return.

NOTE: Applicant states that said transportation to be performed under continuing contracts with Pontiac Eastern Corporation.

HEARING: September 26, 1962, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 28.

No. MC 124445, filed May 14, 1962. Applicant: A. GONDECK & SON, INC., 261 Rice Avenue, Staten Island 14, N.Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York 15, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth fill, stone, sand, gravel*, and *asphalt*, in dump vehicles, between New York, N.Y., on the one hand, and, on the other, points in Bergen, Hudson, Essex, Passaic, Morris, Middlesex, Union, Mercer, Hunterdon, Somerset, and Monmouth Counties, N.J.

HEARING: September 18, 1962, at 346 Broadway, New York, N.Y., before Examiner Francis A. Welch.

No. MC 124448, filed May 14, 1962. Applicant: HODGES TRUCKING, INC., 2928 North Nevada Street, Spokane, Wash. Applicant's attorney: George R. LaBissoniere, 333 Central Building, Seattle 4, Wash., *and* Ralph D. Guthrie, 2928 North Nevada Street, Spokane, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery* from Springfield, Deerfield, Aurora, and Peoria, Ill., to points in Washington; and (2) *lumber* between points in Idaho, Montana and Washington and points in Illinois.

NOTE: Applicant has common carrier authority under MC 116319; therefore dual operations may be involved.

HEARING: September 14, 1962, at the Davenport Hotel, Spokane, Wash., before Examiner Samuel Horwich.

No. MC 124466, filed May 23, 1962. Applicant: ARTHUR CHARLES DRINKWATER, doing business as DOVER TRUCKING COMPANY, Walpole Street, Dover, Mass. Applicant's attorney: Walter W. Baldwin, 378 Stuart Street, Boston 17, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Books, record players and records*, from Waltham, Mass., to Springfield, Mass., Manchester, N.H., and Hartford and New Haven, Conn.

HEARING: September 25, 1962, at the Hotel Essex, Boston, Mass., before Joint Board 295, or, if the Joint Board waives its right to participate, before Examiner Francis A. Welch.

No. MC 124468, filed May 23, 1962. Applicant: E. L. MURPHY TRUCKING CO., a corporation, 1924 University Avenue, St. Paul 4, Minn. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, Classes A and B explosives and commodities in bulk), between points in the Minneapolis-St. Paul, Minn., Commercial Zone, on the one hand, and, on the other, points in Dunn, Pierce, St. Croix and Polk Counties, Wis.

NOTE: Applicant states the service to be performed will be rendered pursuant to a contract with Sears Roebuck & Co. It is further noted that applicant holds common carrier authority in MC 108119, therefore, dual operations may be involved.

HEARING: September 26, 1962, at Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 142.

No. MC 124478, filed May 25, 1962. Applicant: WILLIAM MURTEY, 9207 North 18th Street, Phoenix, Ariz. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New bumpers*, from Ontario, and San Diego, Calif., St. Louis, Mo., and Cleveland, Ohio, to Baltimore, Md., Collingswood, and Newark, N.J., Reading, and York, Pa., and points in New York, and *used and returned bumpers and materials and supplies, used in the manufacture of bumpers*, on return.

NOTE: Applicant states the proposed service will be under a continuing contract with United Bumper Service Corporation of Newark, N.J.

HEARING: September 11, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Francis A. Welch.

No. MC 124483, filed May 28, 1962. Applicant: COBER TRANSFER CORP., 1900 McCarter Highway, Newark, N.J. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dolls, games, and toys, plastic, nonplastic, flexible, nonflexible, and stuffed and component parts made of plastic, metal, wood, etc., and any and all other materials, used in the manufacture of dolls, games, and toys*, (1) from Newark, Bloomfield, and Elizabeth, N.J., to points east of the Mississippi River, and Chicago, Ill., Milwaukee, Wis., St. Louis, Mo., and Minneapolis, and St. Paul, Minn., (2) *such commodities as are used in the manufacture of dolls, games, and toys*, from New York, N.Y., points in Westchester, Nassau, and Suffolk Counties, N.Y., Leominster, Fitchburg, Worcester, and Clinton, Mass., to Newark, Elizabeth, and Bloomfield, N.J., and (3) *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified in (1) and (2) above, on return.

NOTE: Applicant states the proposed service is to be performed under exclusive contract with DeLuxe Reading Corporation.

HEARING: September 14, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Francis A. Welch.

No. MC 124498, filed May 31, 1962. Applicant: ALAN J. STEVE, doing business as AL'S GARAGE, 2730 Dodge Street, Dubuque, Iowa. Applicant's attorney: James M. Adams, 555 Fischer Building, Dubuque, Iowa. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Wrecked, disabled and repossessed vehicles*, between Dubuque, Iowa, and points in Illinois located on and north of U.S. Highway 30 and on and west of U.S. Highway 51, and points in Wisconsin located on and west of U.S. Highway 51 and on and south of U.S. Highway 16.

HEARING: September 18, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 111.

No. MC 124501, filed May 31, 1962. Applicant: ARMSTRONG TRUCK LINE, INC., P.O. Box 465, Austin, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, Saint Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed* and *feed ingredients*, between Austin, Minn., on the one hand, and, on the other, points in Iowa on and north of U.S. Highway 20, and Fremont and Omaha, Nebr.

HEARING: September 26, 1962, at Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 182.

No. MC 124556, filed June 21, 1962. Applicant: SERVICE TANK LINES, INC., P.O. Box 6248, Hillyard Station, Spokane, Wash. Applicant's attorney: Hugh A. Dressel, 702 Old National Bank Building, Spokane 1, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk liquid asphalt and bulk residual fuel oils*, from Spokane, Wash., including points within ten (10) miles of Spokane, and Pasco, Wash., including points within five (5) miles of Pasco, to points in Idaho north of the southern boundary of Idaho County, Idaho.

HEARING: September 12, 1962, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 169, or, if the Joint Board waives its right to participate, before Examiner Samuel Horwich.

MOTOR CARRIERS OF PASSENGERS

No. MC 123577 (Sub-No. 5), filed March 26, 1962. Applicant: WARWICK-GREENWOOD LAKE AND NEW YORK TRANSIT, INC., 730 Madison Avenue, Paterson, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, (1) between Warwick Village, N.Y., and Middletown, N.Y.; from junction McEwen Street and New York Highway 17A (also known as New York Highway 94) in Warwick Village, N.Y., over New York Highway 17A through Warwick Township, Village of Florida, and Goshen Township, N.Y., to junction New York Highway 17M (also known as U.S. Highway 6) in Goshen Village, thence over New York Highway 17M through Goshen Village and Township, Wawayanda and Wallkill Townships to Middletown, N.Y., and return over the same routes, serving all intermediate points. (2) between Warwick Village, N.Y., and Wickham Village, Warwick Township, N.Y.; from junction of Main Street and County Highway 13 (also known as Colonial Avenue and Kings Highway) in Warwick Village, over County Highway 13 through Warwick Village and Township, to Wickham Village, Warwick Township, N.Y., and return over the same route, serving all intermediate points. (3) between Goshen Township, N.Y., and Goshen Township, N.Y.; from junction County Highway 68 and New York Highway 17A in Goshen Township, through Goshen Township, over County Highway 68 to junction Pulaski Highway, thence over Pulaski Highway to junction New York Highway 17A in Goshen Township, and return over the same routes, serving all intermediate points. (4) between Village of Florida, N.Y., and Warwick Village, N.Y.; from junction New York Highway 17A and Bridge Street in Village of Florida, over Florida Streets to junction Pumpkin Swamp Road, thence over Pumpkin Swamp Road through Warwick and Goshen Townships to junction County Highway 6 (also known as Pulaski Highway), thence through Warwick Township over County Highway 6 to junction County Highway 1 (also known as Pine Island Turnpike) to junction Main Street (17A), Warwick Village, N.Y., and return over the same routes, serving all intermediate points.

NOTE: Applicant states it proposes to segment the routes described above to its existing route between Warwick and New York, N.Y., via New Jersey.

HEARING: September 10, 1962, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Francis A. Welch.

No. MC 124506, filed June 5, 1962. Applicant: MALCOLM A. MacDONALD, 7 Linwood Street, Brookville, Mass. Applicant's attorney: George Waldstein, 73 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *mail*, in the same vehicle with passengers, between Boston, Mass., and the Port of Entry on the International Boundary line between the United States and Canada at Houlton, Maine; from Boston over U.S. Highway 1 to Portsmouth, N.H., thence over Interstate Highway 95 to Augusta, Maine, thence over U.S. Highway 202 to Bangor, Maine, and thence over U.S. Highway 2 to Houlton, and return over the same route, serving no intermediate points.

HEARING: September 24, 1962, at the Hotel Essex, Boston, Mass., before Joint Board No. 69, or if the Joint Board waives its right to participate, before Examiner Francis A. Welch.

PREHEARING CONFERENCES

The applications immediately following are set for prehearing conference at the time and place designated in the notice of filing as here published in each proceeding. At the pre-hearing conference it is contemplated that the following matters will be discussed: (1) The issues generally with a view to their simplification; (2) The possibility and desirability of agreeing upon special procedure to expedite and control the handling of this application, including the submission of the supporting and opposing shipper testimony by verified statements; (3) The time and place or places of such hearing or hearings as may be agreed upon; (4) The number of witnesses to be presented and the time required for such presentations by both applicant and protestants; (5) The practicability of both applicant and the opposing carriers submitting in written form their *direct* testimony with respect to: (a) Their present operating authority, (b) Their corporate organizations if any, ownership and control, (c) Their fiscal data, (d) Their equipment, terminals, and other facilities; (6) The practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of any hearing; and (7) Any other matters by which the hearing can be expedited or simplified or the Commission's handling thereof aided.

No. MC 5429 (Sub-No. 12), filed June 20, 1962. Applicant: LYON VAN LINES, INC., 1950 South Vermont Avenue, Los Angeles 7, Calif. Applicant's attorney: Warren N. Grossman, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used furniture, new and used household furnishings, fixtures, equipment, and appliances, new and used office, store, church, school, library, institutional, and commercial fixtures, equipment, appliances, and furnishings, airplane seats, new and used building fixtures and equipment, including but not limited to arches, balusters, bells, carillons, carts, chimes, columns, cornices, crestings, crosses, fencing, fire escapes (slide type), flower boxes, gates, grills, jardineres, lamps, letters, liturgical arts, louvers, metalwork (ornamental and decorative), millwork, mouldings, panels, placques, posts and ropes, railings, scoreboards, screens, sculptured figures, sculptured modulants, shelf racks on wheels, shutters, signs, solar screens, spires, stages, steeples, sun control devices, treillages, turnstiles, urns, and weathervanes, new and used laboratory, hospital, scientific, dental, medical and school furniture, fixtures, appliances, instruments, and equipment, articles, including objects of art, displays and exhibits, which because of their unusual nature or value require the specialized handling and equipment usually employed in moving household goods, including but not limited to microfilm equipment, television recording cameras, audio equipment, office equipment containing intricate and delicate wiring and of high value, laboratory equipment for micro-wave portable sets, portable carrier sets used in the transmission of telegraph messages, tabulators and accessory tabulating machinery and equipment, stage scenery, props, stage furniture, fixtures and equipment, costumes, baggage, pipe organs, automobiles used for display purposes, articles, including objects of art, displays and exhibits, not* of unusual nature or value but which require specialized handling, facilities and specifically trained employees not ordinarily in use of general commodity transportation *including but not limited to photographic machinery and equipment used in micro-filming and reproducing photographic records, white line, black line, and blue print machines, pin balls machines, calculating machines and parts, cash registers, cafeteria and kitchen equipment, television sets and transmitting equipment, switchboards, communication equipment, radar equipment, sound systems, phonographs, electronic organs, juke boxes, coin operated vending machines, musical instruments, new floor coverings and voting machines*, between points in the United States, (excluding Hawaii and Alaska).

NOTE: Applicant states that it intends to move for a dismissal of this application as to those of the commodities itemized in Appendix "A" which it believes fall within its present authority to transport household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, also applicant states that it is wholly owned and controlled by Lyon Van & Storage Co., a California corporation.

PREHEARING CONFERENCE: July 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., with Examiner James C. Cheseldine presiding.

No. MC 72235 (Sub-No. 6), filed June 28, 1962. Applicant: JOHN F. IVORY STORAGE CO., INC., 8035 Woodward, Detroit 2, Mich., Applicant's attorney: Wilhemina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used furniture, new and used household furnishings, fixtures, equipment, and appliances, new and used office, store, church, school, library, institutional, and commercial fixtures, equipment, appliances, and furnishings, airplane seats, new and used building fixtures and equipment, including but not limited to arches, balusters, bells, carillons, carts, chimes, columns, cornices, crestings, crosses, fencing, fire escapes (slide type), flower boxes, gates, grills, jardineres, lamps, letters, liturgical arts, louvers, metalwork (ornamental and decorative), millwork, mouldings, panels, placques, posts and ropes, railings, scoreboards, screens, sculptured figures, sculptured modulants, shelf racks on wheels, shutters, signs, solar screens, spires, stages, steeples, sun control devices, treillages, turnstiles, urns, and weathervanes, new and used laboratory, hospital, scientific, dental, medical and school furniture, fixtures, appliances, instruments, and equipment, articles, including objects of art, displays and exhibits, which because of their unusual nature or value require the specialized handling and equipment usually employed in moving household goods, including but not limited to microfilm equipment, television recording cameras, audio equipment, office equipment, containing intricate and delicate wiring and of high value, laboratory equipment for micro-wave portable sets, portable carrier sets used in the transmission of telegraph messages, tabulators and accessory tabulating machinery and equipment, stage scenery, props, stage furniture, fixtures and equipment, costumes, baggage, pipe organs, automobiles used for display purposes, articles, including objects of art, displays and exhibits, not of an unusual nature or value but which require specialized handling, facilities and specifically trained employees not ordinarily in use of general commodity transportation including, but not limited to photographic machinery and equipment used in micro-filming and reproducing photographic records, white line, black line, blue print machines, pin ball machines, calculating machines and parts, cash registers, cafeteria and kitchen equipment, television sets and transmitting equipment, switchboards, communication equipment, radar equipment, sound systems, phonographs, electronic organs, juke boxes, coin operated vending machines, musical instruments, new floor coverings and voting machines, all uncrated* (except that small parts and pieces accompanying shipments may be packed in cloth bag and attached to individual article of which it is a component part or shipped separately in a bag, package or box), between points in the United States, including points in Alaska and Hawaii.

NOTE: Applicant states that nothing described in the proposed service is intended to duplicate any authority presently held as a Household Goods Carrier, but only includes those articles which do not properly come within the commodity description Household Goods as defined by the Commission in 17 M.C.C. 467.

PREHEARING CONFERENCE: July 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., with Examiner James C. Cheseldine presiding.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

No. MC 1328 (Sub-No. 8), filed June 25, 1962. Applicant: J. J. LONG, INC., Box 175, Frankton Pike, Alexandria, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Accessories used in the installation of mineral wool and mineral wool products* (including but not restricted to metal splines, chanels and clips), when moving at the same time and in the same vehicle with mineral wool and mineral wool products, from Gimco City, Ind., to Jefferson, Iowa, points in Ohio, Illinois, Kentucky, West Virginia, Tennessee, Michigan, points in that part of Pennsylvania on and west of U.S. Highway 219, points in Dunklin, Pemiscot, New Madrid, Mississippi, Stoddard, Scott, Cape Girardeau, Bollinger, Butler, Wayne, Ripley, Carter, Oregon, Shannon, Reynolds, Dent, Iron, Madison, Perry, St. Genevieve, St. Francois, Washington, Crawford, Lewis, Knox, Adair, Putnam, Phelps, Maries, Osage, Gasconade, Franklin, Jefferson, St. Louis, St. Charles, St. Louis City, Warren, Montgomery, Lincoln, Callaway, Cole, Boone, Pike, Audrain, Ralls, Monroe, Randolph, Marion, Shelby, Macon, Schuyler, Scotland and Clark Counties, Mo., points in Lee, Van Buren, Davis, Appanoose, Wayne, Des Moines, Henry, Louisa, Jefferson, Wapello, Monroe, Lucas, Warren, Marion, Mahaska, Keokuk, Washington, Muscatine, Scott, Clinton, Cedar, Johnson, Iowa, Poweshiek, Jasper, Polk, Marshall, Tama, Benton, Linn, Jones, Jackson, Dubuque, Delaware, Buchanan, Black Hawk, Bremer, Fayette, Clayton, Winneshiek, and Allamakee Counties, Iowa, and points in Kenosha, Racine, Walworth, Rock, Green, Lafayette, Grant, Iowa, Dane, Jefferson, Waukesha, Milwaukee, Ozaukee, Washington, Dodge, Columbia, Sauk, Richland, Crawford, Vernon, La Crosse, Monroe, Juneau, Adams, Marquette, Waushara, Green Lake, Fond du Lac, Winnebago, Calumet, Sheboygan, Manitowoc, Jackson, Wood, Portage, Waupaca, Outagamie, Brown, Kewaunee, Door, Clark, Marathon, and Shawano Counties, Wis., and *damaged shipments* of the commodities specified above, on return.

NOTE: Applicant states the operations described in the proposed service are limited to a transportation service to be performed under a continuing contract or contracts with National Gypsum Company of Buffalo, N.Y.

No. MC 9115 (Sub-No. 51), filed July 2, 1962. Applicant: OREGON NEVADA CALIFORNIA FAST FREIGHT, INC., 2800 West Bayshore Road, Palo Alto, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), (1) between Tokeland, and Raymond, Wash., and (2) between Megler, and Knappton, Wash., (a) from Tokeland, over Washington Highway 13A to the junction of U.S. Highway 101, near Raymond, and return over the same route serving all intermediate points, and (b) from Megler over Washington Highway 12B to Knappton and return over the same route, serving all intermediate points.

NOTE: Common control may be involved.

No. MC 30311 (Sub-No. 21), filed July 2, 1962. Applicant: A.C.E. FREIGHT, INC., 395 Baird Street, Akron, Ohio. Applicant's attorney: Ralph J. Dalessio, 165 West Center Street, Akron 2, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading) as follows: (1) From junction of Ohio Highway 8 and Ohio Highway 82 eastward to junction with Ohio Highway 306; thence northward on Ohio Highway 306 to its junction with Interstate Highway 90; thence northward on Ohio Highway 306 to its junction with U.S. Highway 20, and return; (2) from junction of present travel route, over Ohio Highway 14 and Ohio Highway 303, eastward over Ohio

Highway 303 to its junction with Ohio Highway 82; thence over Ohio Highway 82 to junction with Ohio Highway 5, and return; (3) over U.S. Highway 21 between Cleveland, Ohio and Massillon, Ohio crossing and connecting with presently authorized travel-only route over Ohio Highway 82 and presently authorized regular route designated as Ohio Highway 18 and U.S. Highway 224, and return. Applicant states that all of the above-specified routes are within the presently authorized 15-mile radius of Akron, Ohio, from and to the east only, as specified on Sheet No. 6 of Sub 18 of present authority which is restricted to traffic from and to eastern points as indicated on Sheet 7 of said Sub 18. It is further stated that no additional authority is herein sought, the application referring to travel routes only. Applicant further states that it is controlled through stock ownership by E. C. McCormick, Jr., who also owns stock in Dixie-Ohio Express, Inc.

No. MC 66562 (Sub-No. 1896), filed June 25, 1962. Applicant: RAILWAY EXPRESS AGENCY, INC., 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Bellefonte, Pa., and State College, Pa., from Bellefonte, over Pennsylvania Highway 53 to junction Pennsylvania Highway 45, thence over Pennsylvania Highway 45 to junction U.S. Highway 322, and thence over U.S. Highway 322 to State College, and return over the same route, serving the intermediate point of Centre Hall, Pa.

NOTE: Applicant states that service to be performed will be limited to that which is auxiliary to or supplemental of express service, and shipments to be transported will be limited to those moving on a through bill of lading or express receipt covering in addition to a motor carrier movement by applicant, and immediately prior or immediately subsequent movement by rail or air. The proposed service will be an extension of and be operated in connection with applicant's existing authority in MC 66562 Sub 1045.

No. MC 66562 (Sub-No. 1897), filed June 25, 1962. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Commodities generally*, moving in express service, between Baltimore, Md., and Newark, Del.; from Baltimore over U.S. Highway 40 to Glasgow, Del., thence over Delaware Highway 896 to Newark, and return over the same route, serving the intermediate points of Aberdeen and Elkton, Md., and the off-route point of Perryville, Md.

NOTE: Applicant states "service to be performed will be limited to that which is auxiliary to, or supplemental of express service, and shipments to be transported will be limited to those moving on a through bill of lading or express receipt."

No. MC 66562 (Sub-No. 1899), filed June 25, 1962. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over Regular routes, transporting: *Commodities generally*, moving in express service, between Aspers, and Gardners, Pa., from Aspers, over Pennsylvania Highway 34, to Gardners, and return over the same route, serving no intermediate or off-route points.

NOTE: Applicant states the proposed service will be an extension of and operated in connection with applicant's existing authorized regular routes operation between Gettysburg, and Aspers, Pa., as shown in MC 66562 Sub-No. 561. It is further noted the proposed service will be limited to that which is auxiliary to or supplemental of express service, and shipments to be transported will be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air.

No. MC 110525 (Sub-No. 521), filed June 29, 1962. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downington, Pa., Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Transformer oil*, in bulk, in tank vehicles, from Canonsburg, Pa., to points in Delaware, Maryland, New Jersey, New York, Ohio, and West Virginia.

No. MC 115162 (Sub-No. 77), filed June 22, 1962. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, 3020 West Fairview Avenue, Montgomery 2, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Mobile and Baldwin County, Ala., to points in Arkansas, Texas, and Kansas.

No. MC 115162 (Sub-No. 78), filed June 27, 1962. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, 3020 West Fairview, Montgomery 2, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed and poultry feed*, in bags, packages and in bulk, from Troy, Ala., to points in Dodge, Thomas, and Grady Counties, Ga.

No. MC 124389 (Sub-No. 1), filed June 29, 1962. Applicant: TORVAL R. MONCRIEFF, 1301 "I" Street, Anchorage, Alaska. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meatpacking houses*, as defined by the Commission, from ports of entry in Alaska on the International Boundary line between the United States and Canada, to Anchorage, Alaska, restricted to traffic originating in Canada.

NOTE: Applicant states that the above will be transported for the account of Louis A. Comeau.

MOTOR CARRIERS OF PASSENGERS

No. MC 115030 (Sub-No. 12), filed June 15, 1962. Applicant: W. R. CHESTER, doing business as TRENTON-ST. JOSEPH COACHES, 1801 South Ninth Street, St. Joseph, Mo. Applicant's attorney: C. Zimmerman, 503 Schweiter Building, Wichita 2, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle, between Atchison, Kans. and Kansas City, Mo.; from Atchison over U.S. Highway 73 to junction with parallel Road, and thence over parallel Road to Kansas City, Kans., thence over intercity viaduct to Kansas City, and return over the same route, serving all intermediate points.

No. MC 124565, filed June 25, 1962. Applicant: DAHLONEGA-ATLANTA COACH LINES, INC., P.O. Box 491, Alpharetta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicles with passengers, (1) from the junction of Georgia Highways 115 and 52 to Westminster, S.C., as follows: From the Junction of Georgia Highway 115 and 52 over Georgia Highway 115 to its junction with unnumbered highway at a point 3.6 miles east of Clarksville, Ga.; thence over unnumbered highway to its junction with Georgia Highway 17 at a point 6.4 miles west of Toccoa, Ga.; thence over Georgia Highway 17 to Toccoa; thence over U.S. Highway 123 to the junction with South Carolina Highway S-37-34; thence over South Carolina Highway S-37-34 to the junction with U.S. Highway 76; thence over U.S. Highway 76 to Westminster, S.C., and return over the same route, serving all intermediate points *except with closed doors to passengers wishing to ride between Toccoa, Ga., and the junction of U.S. Highway 123 and South Carolina Highway S-37-34*. (2) From Gainesville, Ga. to Cleveland, Ga., over Georgia Highway 11 (U.S. 129), and return over the same route, serving all intermediate points. (3) From the junction of Georgia Highway 11 (U.S. 129) and Georgia Highway 254, to the junction of Georgia Highways 254 and 115, over Georgia Highway 254, returning over the same route, and serving all intermediate points. (4) From the junction of Georgia Highways 53 and 306 to junction of Georgia Highways 306 and 9, over Georgia Highway 306, and return over the same route, serving all intermediate points. (5) From Athens, Ga. to Gainesville, Ga., over U.S. 129, returning over the same route and serving all intermediate points. (6) From Jasper, Ga., to Chattanooga, Tenn., as follows: From Jasper, Ga., to Calhoun, Ga., over Georgia Highway 53; thence over Georgia Highway 143 to its junction with Georgia Highway 151; thence over Georgia Highway 151 to its junction with Georgia 95; thence over Georgia Highway 95 to its junction with Georgia Highway 1 (U.S. Highway 27); thence over U.S. Highway 27 to Chattanooga, Tenn., and return over the same route, serving all intermediate points, *except with closed doors between Junction of Georgia Highway 95 and U.S. Highway 27 and Chattanooga, Tenn., to passengers wishing to ride between those points.*

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-7996 (THE SAVIN EXPRESS CO.—CONTROL—MERCHANTS SERVICE TRUCKING, INC.), published in the November 22, 1961 issue of the FEDERAL REGISTER on page 10952, referred to acquisition of control only through stock ownership and did not state that a request had been made for authority to merge the properties of the carriers involved. Order entered June 29, 1962, by the Commission, Finance Board No. 1, approved and authorized the acquisition by THE SAVIN EXPRESS COMPANY of control of MERCHANTS SERVICE TRUCKING, INC., through purchase of its outstanding capital stock, the merger of the operating rights and properties of MERCHANTS SERVICE TRUCKING, INC., into THE SAVIN EXPRESS COMPANY for ownership, management and operation, and the acquisition by M. A. SAVIN, HENRY SAVIN, and RUTH GREENBERG of control of the operating rights and property through the transaction. This order shall be effective 35 days from the date of this publication.

No. MC-F-8144 (MIDWEST MOTOR EXPRESS, INC.—PURCHASE—ROBERT JOHN DANIEL), published in the May 16, 1962 issue of the FEDERAL REGISTER on page 4649. Supplement filed June 29, 1962, to show joinder of J. A. ROSWICK, 305 West Broadway, Bismarck, N. Dak., and W. J. GREENSTEIN, 708 North Prior, St. Paul, Minn., as persons in control of MIDWEST MOTOR EXPRESS, INC.

No. MC-F-8174. Authority sought for control by PUGET SOUND TRUCK LINES, INC., Pier 62, Seattle, Wash., of PUGET SOUND TRUCKING CO., Pier 62, Seattle, Wash., upon the latter's institution of operations in interstate or foreign commerce, as a contract carrier by motor vehicle, for which application has been made, as described below, and for acquisition by PUGET SOUND FREIGHT LINES, Pier 62, Seattle 1, Wash., and, in turn by C. H. CARLANDER, H. E. LOVEJOY, Individually and as Co-Executor of the Estate of EDITH R. LOVEJOY, J. KNOX WOODRUFF, JEAN LOVEJOY, Individually and as Co-Executrix of the Estate of EDITH R. LOVEJOY, L. S. CARLANDER, all of Pier 62, Seattle 1, Wash., G. W. FOSS, 705 Dock Street, Tacoma, Wash., and PEOPLES NATIONAL BANK OF WASHINGTON in Seattle, Co-Executor of the Estate of EDITH R. LOVEJOY, of control of PUGET SOUND TRUCKING CO., through the acquisition by PUGET SOUND TRUCK LINES, INC. Applicants' attorney: Charles J. Keever, 2112 Washington Building, P.O. Box 340, Seattle 1, Wash. Concurrently with the filing of this application PUGET SOUND TRUCKING CO., filed an application on Form BMC-78 (Docket No. MC-124578) for a *contract carrier* permit to transport palletized metal cans, palletized can ends in cartons, fibreboard pallet pack sleeves, fibreboard caps, fibre divider sheets, and wooden pallets, over irregular routes between Portland, Oreg., on the one hand and Olympia, Tumwater, Lacey and Seattle, Wash., on the other hand. PUGET SOUND TRUCK LINES, INC., is authorized to operate as a *common carrier* in Washington and Oregon. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8175. Authority sought for purchase by ALBERT L. EVANS, doing business as EVANS DELIVERY COMPANY, R.D. 3 (P.O. Box 268), Pottsville, Pa., of the operating rights of WM. G. McCORMICK, INC., 601 Centre Street, Ashland, Pa. Applicants' attorney: John P. McCord, Masonic Building, Pottsville, Pa. Operating rights sought to be transferred: *Household goods*, as a *common carrier* over irregular routes between Ashland, Pa., and points within 25 miles of Ashland, on the one hand, and, on the other, points in Pennsylvania, Ohio, West Virginia, Virginia, New Jersey, New York, Maryland, Delaware, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-6744; Filed, July 10, 1962; 8:46 a.m.]

[No. 34075]

COAL; UTAH ORIGINS TO PORTLAND, OREGON FOR EXPORT

Demurrage Charges

JULY 5, 1962.

Notice is hereby given that the Union Pacific Railroad Company, by its attorneys, Randall B. Kester and Robert B. Batchelder, 727 Pittock Block, Portland 5, Oregon, has filed a petition for a declaratory order pursuant to section 5(d) of the Administrative Procedure Act, to determine the applicable tariff governing demurrage, reweighing and transportation charges on coal shipped from points in Utah to Portland, Oregon, and Seattle, Washington; and that suits have been filed in the U.S. District Court for the Western District of Washington, Northern Division and in the U.S. District Court for the District of Utah, Central Division, which suits have been stayed pending administrative determination by the Commission of the issues to be presented by said petition.

Petitioner filed its opening statement on June 23, 1962. If any party desires a copy of this representation, contact petitioner's attorneys at the above address. Any persons interested in any of the matters in said petition may, on or before August 8, 1962, file replies in opposition to the relief sought. An original and 6 copies of such replies must be filed with the Commission and must show service upon petitioner's attorneys. Anyone supporting petitioner may file a reply to the representations in opposition on or before 10 days after such representations have been filed.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-6752; Filed, July 10, 1962; 8:53 a.m.]

[Notice 218]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 6, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37825: *Empty returned aluminum beer cans from and to points in WTL territory.* Filed by Western Trunk Line Committee, Agent (No. A-2262), for interested rail carriers. Rates on cans, aluminum, beer, in bags, in mixed carloads with other empty containers, returned, the weight of aluminum beer cans not to exceed 1,000 pounds, between points in western trunk-line territory, on the one hand, and points in southern territory, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 53 to Western Trunk Line Committee tariff I.C.C. A-4339.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-6745; Filed, July 10, 1962; 8:46 a.m.]

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Announcing: Volume 75

UNITED STATES STATUTES AT LARGE

[87th Cong., 1st Sess.]

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Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1962 C.C.C. Grain Price Support Bulletin 1, Amdt. 1]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—General Provisions 1962-Crop Price Support Programs for Grains and Related Commodities

The regulations issued by the Commodity Credit Corporation published in 27 F.R. 4411 containing the general provisions for the 1962-crop price support programs for grains and related commodities are hereby amended as follows:

§ 421.1123 [Amendment]

1. Section 421.1123(e) is amended to change the compliance requirements applicable to producers of durum wheat when it is determined that producers were prevented from meeting these requirements by reason of adverse weather conditions, by the addition of the following at the end of such paragraph:

Notwithstanding the foregoing, in any county designated by the State committee, the producer on a farm which received a conditional increased allotment shall be deemed to satisfy the requirements of this paragraph if (1) the producer establishes to the satisfaction of the county committee that he was prevented from having an acreage of durum wheat (class II) on the farm in 1962 in excess of the 1960–61 average acreage of durum wheat (class II) because of adverse weather conditions, and (2) the total wheat acreage on the farm in 1962 does not exceed the original 1962 farm wheat acreage allotment.

2. Section 421.1124(b) is amended to provide that a producer of barley on a farm where summer fallow is the normal practice is not required to be eligible for a payment under the barley program in order to be eligible for price support. The amended section shall read as follows:

§ 421.1124 Compliance requirements for feed grains.

(b) Barley: A producer shall not be eligible for price support on barley unless the producer is eligible for a payment under the barley program, as provided in the 1962 Feed Grain Program Regulations, on the farm on which the barley tendered for price support is produced. The requirements of this paragraph shall not apply to (1) a producer of Malting barley as described in 7 CFR 775.111 of the 1962 Feed Grain Program Regulations and any amendments thereto, provided the corn and grain sorghums feed grain base established for the farm has not been knowingly exceeded as provided in 7 CFR 775.110 of said regulations, and (2) a producer of barley on a farm where summer fallow is a normal practice if the producers on the farm (i) do not knowingly devote an acreage on the farm to barley in excess of the barley feed grain base plus the acreage devoted to summer fallow in 1961 which is diverted from the production of wheat under the 1962 Wheat Stabilization Program Regulations, and (ii) do not knowingly devote an acreage on the farm to corn, grain sorghums, and barley in excess of 80 per centum of the total of the corn, grain sorghums and barley feed grain bases established for the farm.

3. Section 421.1125 is amended to provide that a producer shall not be considered ineligible for price support on wheat, corn, grain sorghums, and barley because he has not received a payment under the 1962 Wheat Stabilization Program or the 1962 Feed Grain Program, as applicable, due to the fact he elected, in lieu of payment, to devote the diverted acreage to the production of a crop that is permitted by the Secretary to be grown on such diverted acreage. The amended section shall read as follows:

§ 421.1125 Miscellaneous compliance provisions for wheat, corn, grain sorghums, and barley.

(a) A producer shall not be considered ineligible for price support on wheat, corn, grain sorghums, and barley because he has not received a payment under the 1962 Wheat Stabilization Program or the 1962 Feed Grain Program, as applicable, if he would be eligible for a payment under the applicable program except for the fact that (1) he has elected not to apply for a payment, or (2) he and the other producers on the farm have agreed that he shall not share in the payment earned on the farm, or (3) the commodity has been produced on land owned by the Federal Government and leased subject to restrictions prohibiting the receipt of Federal payments for diversion of acreage but not prohibiting the production of the commodity, or (4) he, in lieu of payment, elected to devote the diverted acreage to the production of a crop that is permitted by the Secretary under the 1962 Wheat Stabilization Program Regulations or the 1962 Feed Grain Program Regulations, as applicable, to be grown on such diverted acreage.

(Sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072, secs. 101, 105, 301, 401, 405, 63 Stat. 1051, as amended; Sec. 123, 75 Stat. 297; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1447, 1421, 1425)

Effective upon publication in the FEDERAL REGISTER.

Issued at Washington, D.C., on July 9, 1962.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-6809; Filed, July 11, 1962; 8:51 a.m.]

PART 446—PEANUTS

Subpart—1962 Crop Peanut Price Support Program

This bulletin contains regulations applicable to the 1962 Crop Peanut Price Support Program, under which the Secretary of Agriculture makes price support available through the Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service (hereinafter referred to as CCC and ASCS respectively).

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AUTHORITY: §§ 446.1401 to 446.1452 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054, sec. 201, 68 Stat. 899; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421.

LOANS AND PURCHASE AGREEMENTS

GENERAL

§ 446.1401 Administration.

(a) The program will be administered by the Oils and Peaunt Division, ASCS, under the general direction and supervision of the Executive Vice President, CCC. The program will be carried out by Agricultural Stabilization and Conservation State Committees, Agricultural Stabilization and Conservation County Committees (hereinafter called State and county committees), the Dallas ASCS Commodity Office (hereinafter called the commodity office), the Associations operating under Association Loan and Handling Agreements, CCC Peanut Form 27 (1962) with CCC (hereinafter called "Agreement with CCC"). Such Associations may receive, arrange storage for and handle eligible peanuts for and on behalf of eligible producers, using such peanuts as collateral for a loan made available by CCC.

(b) State and county committees, the commodity office, and Associations do not have authority to modify or waive any of the provisions of this bulletin or any amendments or supplements thereto.

(c) No delegation herein to a State or county committee shall preclude the Executive Vice President, CCC, or his designee, from determining any questions arising under the program or from reversing or modifying any determination made by a State or county committee, or the commodity office.

§ 446.1402 Availability.

(a) *Areas.* The program will be available in the following areas:

(1) The Southeastern area consisting of the States of Alabama, Georgia, Mississippi, Florida, and that part of South Carolina south and west of the Santee-Congaree-Broad Rivers.

(2) The Southwestern area consisting of the States of Arizona, Arkansas, California, Louisiana, New Mexico, Oklahoma, and Texas.

(3) The Virginia-Carolina area consisting of the States of Missouri, North Carolina, Tennessee, Virginia, and that part of South Carolina north and east of the Santee-Congaree-Broad Rivers.

(b) *Time.* Loans will be made through January 31, 1963 and will mature on May 31, 1963, or such earlier date as may be specified by CCC: *Provided, however,* That CCC may extend the maturity date beyond May 31, 1963. All farm storage loan documents must be dated and delivered to the county office on or before January 31, 1963. Warehouse receipts for peanuts delivered to an Association operating under an Agreement with CCC shall show that the peanuts were received in the warehouse not later than January 31, 1963, and shall have been issued within two business days (excluding Saturdays) after the peanuts were received in the warehouse. Purchase agreements will be available at the county office through January 31, 1963. An eligible producer who desires to sell peanuts to CCC is required to file a Purchase Agreement, Form CP-1, with the county office on or before such date.

§ 446.1403 Methods of price support.

CCC will support the price of eligible 1962 crop peanuts through farm storage loans to eligible producers, warehouse storage loans to associations operating under Agreements with CCC, and through purchase agreements with eligible producers.

§ 446.1404 Definitions.

As used herein and in instructions and documents in connection herewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) *Association.* A group of producers organized in accordance with the provisions of the Capper-Volstead Act, for the purpose of handling agricultural products for and on behalf of its producer members, which qualifies as a cooperative in the State(s) in which it functions, is approved by CCC, and meets the following requirements:

(1) The major portion of the peanuts handled by the Association is delivered to the Association by producer members;

(2) The members and non-members who deliver peanuts to the Association and who authorize the Association to handle and market their peanuts and to obtain price support on such peanuts have a right to share pro rata in the profits made from handling peanuts;

(3) The Association has the legal right to pledge or mortgage the peanuts tendered as security for a loan; and

(4) Unless otherwise approved by CCC, no officer or director of the Association shall be engaged in the business of buying, selling, storing, or dealing in peanuts, other than in his capacity as an officer or director of the Association or as a producer.

(b) *County office.* The office of the ASC county committee where records for the farm are kept.

(c) *Farm.* A farm as defined in the Farm Constitution and Allotment Record Regulations as amended, (23 F.R. 6731, 7693, 9505, 10476, 24 F.R. 2642 and 25 F.R. 1065, 1816, 2880, 4129, 5445; 26 F.R. 1262, 1396, 1753, 2686, 5034, 7259, 7324, and 12060) which in general defines a farm as all adjoining or nearby farmland which is operated as one farming unit.

(d) *Effective farm allotment.* The effective farm allotment for 1962 crop peanuts as defined in the marketing quota regulations.

(e) *Farmers stock peanuts.* Picked or threshed peanuts produced in the continental United States during the calendar year 1962, which have not been shelled, crushed, cleaned or otherwise changed (except for removal of foreign material, loose shelled kernels and excess moisture) from the state in which picked or threshed peanuts are customarily marketed by producers.

(f) *Farm peanut acreage.* The 1962 farm peanut acreage determined in accordance with the marketing quota regulations which, in general, define such acreage as the total acreage of peanuts on the farm which is picked or threshed.

(g) *Lot.* That quantity of peanuts for which one inspection memorandum is issued.

(h) *Marketing quota regulations.* The Allotment and Marketing Quota Regulations for peanuts of 1959 and Subsequent Crops issued by the Acting Secretary of Agriculture, as amended (23 F.R. 8515, 24 F.R. 2677, 6803, 9611, 25 F.R. 897, 8065, 10567, 26 F.R. 1344, 2523, and 4631, 8560, 10209, and 11816).

(i) *Net weight* (farmers stock peanuts). That weight of farmers stock peanuts obtained by multiplying the gross scale weight by a percentage equal to 100 percent minus the sum of the percentages of (1) foreign material and (2) moisture in excess of 7 percent in the Southwestern and Southeastern areas or 8 percent in the Virginia-Carolina area.

(j) *Producer.* A person who, as landowner, landlord, tenant, or sharecropper, is entitled to share in the peanuts produced on the farm.

(k) *Quota Peanuts.* Peanuts which are within the amount of the farm marketing quota determined pursuant to the marketing quota regulations.

(l) *Type.* The generally known types of peanuts (i.e. Runner, Spanish, Valencia, and Virginia) as defined in the "Determination with Respect to Supply of Valencia Type Peanuts for the 1962–63 Marketing Year" issued March 29, 1962 by the Secretary of Agriculture (27 F.R. 3157).

(m) *Sound mature kernels.* Kernels which are free from damage and minor defects as defined in the U.S. Standards for shelled (1) Spanish type peanuts effective August 31, 1959, in the case of Spanish and Valencia peanuts, (2) Runner type peanuts, effective July 31, 1956, or (3) Virginia type peanuts, effective August 31, 1959; and which will not pass through a screen having:

(i) $^{15}/_{64}$ x $^{3}/_{4}$ inch perforation in the case of Spanish and Valencia peanuts,

(ii) $^{15}/_{64}$ x 1 inch perforations in the case of Virginia peanuts,

(iii) $^{19}/_{64}$ x $^{3}/_{4}$ inch perforations in the case of Runner peanuts.

(n) *Extra large kernels.* Shelled Virginia type peanuts which will not pass through a screen having 21.5/64 x 1 inch openings and which are "whole" and free from "minor defects" and "damage" as such terms are defined in the U.S. Standards for Shelled Virginia Type Peanuts effective August 31, 1959.

(o) *Valencia type peanuts suitable for cleaning and roasting.* Valencia peanuts containing less than 25 percent discoloration and damage caused by cracked and broken shells.

(p) *Within quota card.* Form MQ–76 (Peanuts) 1962, 1962 Peanut Within Quota Marketing Card, issued pursuant to the marketing quota regulations.

§ 446.1405 Eligible peanuts.

(a) *Eligibility requirements.* (1) Peanuts eligible for price support are 1962 crop farmers stock peanuts, other than those produced in violation of a restrictive lease on federally owned land, which:

(i) Contain, except as provided in subparagraph (3) of this paragraph, and in §§ 446.1418, 446.1430 and 446.1439(c) not more than 10 percent foreign material and not more than 25 percent damaged kernels.

(ii) Contain, except as provided in subparagraph (3) of this paragraph, not more than 10 percent moisture, but any such peanuts which have been mechanically dried shall contain at least 6 percent moisture.

(iii) Are produced by an eligible producer on a farm on which the 1962 farm peanut acreage does not exceed the effective farm allotment determined in accordance with the marketing quota regulations; on which the farm peanut acreage exceeds the effective farm allotment if the producer establishes to the satisfaction of CCC, as provided in paragraph (c) of this section, that he did not knowingly exceed such farm allotment; or for which a within quota marketing card is issued upon the execution of a Form MQ–92—Peanuts (2–27–59), Agreement by Operator of Overplanted Peanut Farm: *Provided, however,* That the county committee may decline to execute such agreement in any case where it finds reasonable grounds to believe that it will be used as a device to evade the requirements of the price support program or the collection of marketing penalty; and

(iv) Are free and clear of all liens and encumbrances, including landlord's liens, or if liens or encumbrances exist on the peanuts, acceptable waivers are obtained.

(2) In the Southwest area, if peanuts are bagged, the bags shall be new or thoroughly cleaned used bags which are made of material, other than mesh or net, weighing not less than 7½ ounces nor more than 10 ounces per square yard and containing no sisal fibers, are free from holes, and are finished at the top with either the selvage edge of the material, binding or a hem. Such bags shall be of uniform size with approximately 2-bushel capacity.

(3) In the case of bulk stored peanuts in the Virginia-Carolina area, CCC may determine that, for purposes of a loan to an Association, the eligibility requirements with respect to foreign material, damaged kernels, and moisture have been met, if on the basis of a preliminary grade determined by a Federal-State inspector from a preliminary sample drawn under his supervision, the percentage of foreign material does not exceed 10 percent, the percentage of damaged kernels does not exceed 25 percent, and the percentage of moisture does not exceed 10 percent. However, the official grade determined by the Federal-State inspector subsequent to the preliminary grade determination shall be used in determining the price support value and the net weight.

(b) *Agreement by operator of overplanted peanut farm.* By execution of Form MQ–92—Peanuts (2–27–59), Agreement by Operator of Over-planted Peanut Farm, the operator agrees that the farm peanut acreage will not exceed the effective farm allotment and that if such undertaking is breached, he will pay liquidated damages to CCC in accordance with the terms of such agreement, and pay any marketing penalties due the Secretary of Agriculture. In a case where the farm peanut acreage exceeds the effective farm allotment by not more than the larger of one-tenth acre or two percent of such allotment, payment of the liquidated damages will not be required if the State Executive Director, or in his absence the acting executive director, determines that the breach of such agreement was unintentional and occurred despite a bona fide effort by the operator and other producers on the farm to comply with such agreement. In a case where the farm peanut acreage exceeds the effective farm allotment by more than the larger of one-tenth acre or two percent of such allotment, payment of the liquidated damages will not be required if the State Committee makes the determination specified above and also determines that the amount by which the farm peanut acreage exceeded the effective farm allotment was so small in relation to such allotment that it did not materially impair CCC's price support operations.

(c) *Determination that producer unknowingly exceeded the effective farm allotment.* A producer on a farm on which the farm peanut acreage exceeds the effective farm allotment shall be deemed not to have knowingly exceeded such allotment if (1) the excess acreage is determined, in accordance with the marketing quota regulations, to be zero, (2) payment of the liquidated damages provided for as the result of a breach of the terms of Form MQ–92—Peanuts is not required under the provisions of paragraph (b) of this section, (3) an erroneous notice of measured acreage was issued to the producer and the farm peanut acreage is deemed to be equal to the effective farm allotment under the provisions of the peanut marketing quota program, or (4) the producer exceeded the effective farm allotment under circumstances which are not provided for under subparagraphs (1), (2), and (3) of this paragraph and CCC determines that the producer unknowingly exceeded such allotment.

§ 446.1406 Eligible producer.

(a) A producer will be eligible for price support with respect to all eligible peanuts in which the beneficial interests is in him and has always been in him, or in him and a former producer whom he succeeded before the peanuts were harvested. To meet the requirements of succession to a former producer, the rights, responsibilities, and interest of the former producer with respect to the farming unit on which the peanuts are produced shall have been substantially assumed by the producer claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. Any producer who is in doubt as to whether his interest in the peanuts complies with the requirements of this section should make all pertinent information available to the county office. The county committee shall determine whether the requirements have been met. Executors, administrators, guardians, trustees, or receivers who represent eligible producers or their estates may qualify for price support if the loan or purchase agreement documents executed by them are legally valid.

(b) A minor shall be eligible for price support only if he meets one of the following requirements: (1) The right of majority has been conferred on him by court proceedings, (2) a guardian has been appointed to manage his property and the applicable price support documents are signed by the guardian; (3) any note signed by the minor is cosigned by a financially responsible person; or (4) a bond is furnished under which a surety guarantees to protect CCC from any loss incurred for which the minor would be liable had he been an adult.

(c) Two or more eligible producers may obtain a joint farm storage loan on eligible peanuts produced by them if stored, separately from any other peanuts, in the same farm storage facility. In the case of joint loans, each person signing the note shall be held jointly and severally responsible for the obligations imposed by the loan.

(d) Where the county office has experienced difficulty in settling a farm storage loan with a producer, the county committee may determine that he is not eligible for a 1962 crop farm storage loan. If such determination is made, the producer shall be able to obtain a 1962 crop loan through the Association by delivering eligible peanuts to a warehouse under contract to receive peanuts for such Association or he shall be permitted to sign a purchase agreement.

§ 446.1407 Determination of type and grade of farmers stock peanuts.

(a) A Federal or Federal-State inspector, authorized or licensed by the Secretary of Agriculture, U.S. Department of Agriculture, shall determine the type and grade of each lot of farmers stock peanuts:

(1) To be mortgaged as security for a farm storage loan, such type and grade to be determined on the basis of a sample taken by the county committee before the loan is made;

(2) When delivered in settlement of a farm storage loan;

(3) When delivered to CCC under a purchase agreement;

(4) When received in a warehouse under contract CCC Peanut Form 28 (1962) or CCC Peanut Form 28A (1962);

(5) Upon request by CCC or the Association, when delivered from a warehouse under contract CCC Peanut Form 28 (1962) or CCC Peanut Form 28A (1962).

(b) The grade shall be expressed in terms of the percentages of sound mature kernels, sound splits, damaged kernels, loose shelled kernels, other kernels, foreign material, and moisture in all types of peanuts and the percentages of fancy size and extra large kernels in Virginia type peanuts.

§ 446.1408 Services charges and fees.

(a) On the quantity of peanuts placed under a farm storage loan the producer shall pay an initial service charge in the amount of 30 cents per ton, except that the minimum charge shall be $3.00. An additional service charge at the rate of 30 cents per ton shall be paid on any additional quantity delivered to and accepted by CCC. On the quantity of peanuts covered by a purchase agreement the producer shall pay, at the time the agreement is filed, a service charge of 15 cents per ton or fraction thereof, except that the minimum charge shall be $1.50. No refund of service charges will be made except where the amount collected exceeds the correct amount. State committees may, at their option, require a deposit on the service charge for a farm storage loan, such deposit to be applied against such charges when the loan is granted.

(b) CCC will pay the fee for inspecting (1) peanuts placed under a farm storage loan (2) peanuts delivered to CCC pursuant to a purchase agreement and (3) loan collateral peanuts acquired by CCC. Funds needed to pay inspection fees for peanuts pledged to CCC by an Association will be advanced as part of the loan to the Association.

(c) The Association will pay the warehouse charges for peanuts redeemed. CCC will pay warehouse charges for loan collateral peanuts acquired by CCC. Warehouse charges payable prior to maturity on peanuts pledged to CCC by an Association will be advanced as part of the loan to the Association.

(d) The service charges and fees specified in this section will be computed on net weights.

§ 446.1409 Interest rate.

Loans shall bear interest at the rate of 3½ percent per annum from the date of disbursement, except that where there has been a fraudulent representation in obtaining the loan, such loan shall bear interest at the rate of 6 percent per annum from the date of disbursement.

§ 446.1410 Applicable forms and requirements.

(a) *Farm storage loans.* Applicable forms are the Producer's Note and Supplemental Loan Agreement, Commodity Chattel Mortgage, delivery instructions issued by the county office, Loan Settlement, and such other forms and documents as may be required by CCC.

(b) *Purchase agreements.* Applicable forms are the Purchase Agreement, Purchase Agreement Settlement, the delivery instructions issued by the county office, and such other forms and documents as may be required by CCC.

(c) *Other requirements.* Producer's Note and Supplemental Loan Agreements, and Commodity Chattel Mortgages must have State and documentary revenue stamps affixed thereto where required by law. Loan and purchase agreement documents executed by an administrator, executor, guardian or trustee will be acceptable only where legally valid.

§ 446.1411 Personal liability of the borrower.

(a) The making of any fraudulent representation in obtaining a loan or the conversion or unlawful disposition of any portion of the peanuts under loan by the producer or the Association may render such producer or Association subject to criminal prosecution under Federal law.

(b) The farm storage loan with respect to which the fradulent representation, conversion, or unlawful disposition was made, shall become payable upon demand, and the producer shall be personally liable for the amount of such loan and any resulting expense incurred by CCC or the holder of the note, plus interest. For the purpose of establishing any deficiency remaining due with respect to such farm storage loan the value of the peanuts delivered to or removed by the holder of the note shall be the market value on the date of delivery or removal as determined by such holder: *Provided, however,* That, if the conversion of loan collateral is determined by CCC not to have been willful, the value of the peanuts delivered to or removed by the holder of the note shall be the settlement value determined pursuant to § 446.1426(e).

(c) In the event the Association makes any fraudulent representation with respect to, or converts or unlawfully disposes of any peanuts received for storage in a warehouse, the loan on all such peanuts shall become payable upon demand, and the Association shall be liable for the amount of such loan and any resulting expenses incurred by CCC or the holder of the note, plus interest. In the event of fraudulent representation by a producer who delivers peanuts to an Association to be pledged to CCC as collateral for a loan, the producer and the Association shall be liable for the amount of the loan on all such peanuts and any resulting expenses incurred by CCC or the holder of the note, plus interest. For the purpose of establishing any deficiency remaining due with respect to a loan to an Association in the event the producer has made any fraudulent representation, the value of any peanuts acquired by CCC whether by delivery or otherwise, in satisfaction of the warehouse receipts for the peanuts for which such fraudulent representation was made shall be the market value, as determined by CCC, of such peanuts as of the date of such acquisition. For purposes of establishing any deficiency remaining due with respect to a loan to an Association in the event of fraudulent representation, conversion or unlawful disposition by the Association of any portion of the peanuts stored in a warehouse, the value of all peanuts acquired by CCC in satisfaction of warehouse receipts issued for peanuts received for storage in such warehouse, shall be the market value, as determined by CCC, as of the date of acquisition by CCC, whether by delivery or otherwise: *Provided, however,* That notwithstanding anything contained in this section, if the conversion is determined by CCC not to have been wilful, the value of the peanuts acquired by CCC shall be the amount of the loan made with respect to such peanuts.

(d) In the event the amount disbursed under a loan or purchase agreement exceeds the amount authorized in this bulletin, the producer or Association, as the case may be, shall be liable for repayment of the amount of such excess.

§ 446.1412 Payments and collections; amounts not exceeding $3.

To avoid administrative costs of making small payments and handling small accounts, amounts of $3 or less due a producer will be paid only upon request; and a deficiency of $3 or less, including interest, may be disregarded unless demand for payment is made by CCC.

§ 446.1413 Setoffs.

(a) If any installment or installments on any loan made available by CCC on farm storage facilities or mobile drying equipment are payable, under the provisions of the note evidencing such loan, out of any amount due the producer under the program provided for in this bulletin, the producer must designate CCC or the lending agency holding such note as payee of such amount to the extent of such installments, but not to exceed that portion of the amount remaining after deduction of service charges and amounts due prior lienholders.

(b) If the producer is indebted to CCC, or if the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt record, amounts due the producer under the program provided for in this bulletin, after deduction of amounts payable on farm storage facilities or mobile drying equipment and other amounts provided in paragraph (a) of this section, shall be applied, as provided in the Secretary's setoff regulations, 7 CFR Part 13 (23 F.R. 3757), to such indebtedness.

(c) Associations shall deduct from their advance payments to producers, and remit in accordance with procedure approved by ASCS, the amount of indebtedness as shown on the marketing cards presented at the time the peanuts are received, plus interest.

(d) Compliance with the provisions of this section shall not deprive the producer of any right he might otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action.

§ 446.1414 Foreclosure.

(a) *Farm storage loans.* (1) If a loan (including charges and interest) is not satisfied upon maturity by payment, or by delivery of the peanuts from farm storage, the holder of the note is authorized to remove the peanuts from storage and also to sell, assign, transfer, and deliver the peanuts or documents evidencing title thereto at such time, in such manner, and upon such terms as the holder of the note may determine, at public or private sale, and the holder of the note may become the purchaser of the whole or any part of the peanuts. Any such disposition may similarly be effected without removing the peanuts from storage.

(2) If, upon maturity and nonpayment of the producer's note, CCC is the holder of the note, then at CCC's selection, title to the unredeemed collateral securing the note shall, without a sale thereof, immediately vest in CCC. Whenever CCC acquires title to the unredeemed collateral, CCC shall have no obligation to pay for any market value which such collateral may have in excess of the loan indebtedness, i.e., the unpaid amount of the note plus charges and interest. Nothing herein shall preclude the making of the following payments to the producer or his personal representative only, without right of assignment to or substitution of any other party:

(i) Any amount by which the settlement value of the mortgaged peanuts may exceed the principal amount of the loan; or

(ii) The amount by which the proceeds of sale may exceed the loan indebtedness if the loan collateral is sold to third parties rather than CCC acquiring full title to such loan collateral.

(b) *Association loans.* Upon maturity and nonpayment of an Association loan as provided in § 446.1427, title to the unredeemed collateral peanuts shall, without sale thereof, immediately vest in CCC, and CCC shall have no obligation to pay for any market value which such collateral may have in excess of the loan indebtedness, including charges and interest.

§ 446.1415 Financial institutions.

As used in this bulletin a financial institution is a commercial bank which accepts demand deposits, or an association organized pursuant to State laws and supervised by State banking authorities or a production credit association.

§ 446.1416 Approved lending agency.

An approved landing agency shall be a commercial bank with which CCC has entered into a lending agency agreement, CCC Peanut Form 50 (1962), authorizing the lending agency to make a loan to an Association for the price support value of the farmers stock peanuts pledged to CCC. Approved lending agencies will have the election of obtaining immediate reimbursement from CCC for all or part of the funds advanced under the Association loan, or of investing in the CCC pool of price support loans by requesting issuance of a certificate of interest for all or part of the funds advanced under the Association loan.

§ 446.1417 Compensation for hauling.

If the producer is directed by the county office to deliver, to a location other than his customary delivery point, peanuts under a farm storage loan or a purchase agreement, the producer shall be allowed compensation (as determined by CCC, but not to exceed the common carrier truck rate or the rate available from local truckers) for the additional cost of hauling the peanuts any distance greater than the distance from the point where the peanuts are stored by the producer to the customary delivery point.

PRODUCER LOANS (FARM STORAGE LOANS)

§ 446.1418 Farm storage loans available at county office.

Loans will be available to eligible producers on eligible peanuts containing not more than 7 percent damaged kernels and stored in approved farm storage. Producers who want to obtain such loans shall apply at the county office where the farm program records are kept, and that office will arrange for inspection of the storage facilities and for inspection, sampling, and grading of the peanuts. After it is determined that the producer, the peanuts, and the storage facilities meet requirements, the county office will determine the amount of the loan. The county office will also prepare and approve the loan documents. Copies of all such documents will be kept in the county office.

§ 446.1419 Approved farm storage.

Approved farm storage shall consist of storage structures located on or off the farm (excluding public warehouses) which are determined by the county office to be so located and of such substantial and permanent construction as to afford safe storage for peanuts. Such structures shall be dry and well ventilated. Peanuts under a farm storage loan shall be stored separately from peanuts covered by a purchase agreement.

§ 446.1420 Quantity determinations.

(a) *Quantity on which a loan may be made.* Farm storage loans shall be made on the entire quantity of peanuts stored in a bin or crib, except where the county committee has determined that a loan on part of the peanuts stored therein is necessary to enable an otherwise eligible producer to obtain a price support loan. However, approval of a loan on part of the peanuts stored in a bin or crib shall not be granted in the event the State committee has determined on a Statewide basis that such partial loans shall not be made.

(b) *Weight of peanuts placed under loan.* The net weight of peanuts placed under a farm storage loan will be calculated from an estimated gross weight determined as provided in this paragraph.

(1) Peanuts stored in bulk: The estimated gross weight of bulk peanuts may be determined either by actual weight or by measurement. When the quantity is determined by measurement, the gross weight shall be computed on the number of pounds per cubic foot indicated below for the type of peanuts being placed under loan:

Type:	*Weight per cubic foot (pounds)*
Runner	16.9
Spanish	19.7
Valencia	17.5
Virginia	13.5

(2) Peanuts stored in bags: The estimated gross weight of bagged peanuts shall be determined by weighing a sufficient number to estimate the gross weight of all the peanuts; or the gross weight may be determined by weighing all of the bagged peanuts.

(3) The estimated gross weight, determined as provided in subparagraph (1) or (2) of this paragraph shall be reduced by not less than 5 percent thereof in an effort to avoid deficiencies at maturity in the event the loans are not repaid.

(c) *Peanuts delivered to CCC at maturity.* The net weight of peanuts delivered to CCC upon maturity of a loan shall be calculated from the gross weight determined by actual weight at the time of delivery.

§ 446.1421 Disbursement.

Disbursement of farm storage loans will be made to producers by financial institutions, pursuant to the Provisions for Participation of Financial Institutions in Pools of CCC Price Support loans on Certain Commodities, (23 F.R. 3913 as amended), or by sight drafts drawn on CCC by the county office. Disbursement shall not be made after February 15, 1963, unless authorized by the Executive Vice President, CCC. Payment in cash, credit to the producer's account, or the drawing of a check or draft shall constitute disbursement. The date of such drafts, check, credit, or cash payment shall be considered as the date of disbursement of the funds. The producer shall not present the loan documents for disbursement unless the peanuts are in existence and in good condition. If the peanuts are not in existence and not in good condition at the time of disbursement, the total amount disbursed under the loan shall be promptly refunded by the producer.

§ 446.1422 Insurance.

CCC will not require the borrower to insure the peanuts placed under a farm storage loan. However, if a borrower does insure such peanuts and an insurance indemnity is paid thereon, the insurance proceeds shall be paid to CCC to the extent of its interest after first satisfying the borrower's equity in the peanuts involved in the loss.

§ 446.1423 Safeguarding the peanuts.

The producer who obtains a farm storage loan is obligated to maintain the storage structure in good repair and to keep the peanuts in storage and in good condition until the loan is liquidated.

§ 446.1424 Loss or damage to the peanuts under farm storage loan.

(a) The producer is responsible for any loss in grade and for any loss in weight, except as provided in § 446.1426. Notwithstanding the foregoing, physical loss or damage occurring after disbursement of the loan funds will be assumed by CCC to the extent of the settlement

value at the time of destruction of the quantity of peanuts destroyed, or in an amount equivalent to the extent of the damage as determined by CCC, less any insurance proceeds to which CCC may be entitled and the salvage value of the peanuts, if the producer establishes to the satisfaction of CCC each of the following conditions:

(1) The physical loss or damage occurred without fault, negligence, or conversion on the part of the producer, or any other person having control of the storage structure;

(2) The physical loss or damage resulted solely from an external cause (other than insect infestation, rodents or vermin), such as theft, fire, lightning, inherent explosion, windstorm, cyclone, tornado, flood, or other external cause;

(3) The producer has given the county office immediate notice confirmed in writing of such loss or damage;

(4) The producer has made no fraudulent representation in the loan documents or in obtaining the loan.

(b) No physical loss or damage occurring prior to disbursement of the loan funds will be assumed by CCC.

§ 446.1425 Redemption of the peanuts under farm storage loan.

(a) A producer may, at any time prior to the date on which the peanuts are delivered to or removed by CCC, redeem the peanuts under farm storage loan by paying to CCC the principal amount of the note, plus charges and accrued interest. The producer shall pay any charges incurred in collecting the amount due.

(b) After the appropriate amount has been paid, the county office manager shall arrange for the release of the chattel mortgage. The producer may arrange for partial release of the peanuts prior to maturity after making payment for the quantity of peanuts to be released, plus charges and accrued interest; however, if the quantity of peanuts contained in the bin or crib and covered by the chattel mortgage is greater than the quantity with respect to which the amount of the loan was computed, all or part of such excess may be removed without payment of the loan, but only upon prior approval of the county office. Partial redemption of farm storage loans and release of the peanuts will not be approved by the county committee in the event the State committee has determined on a Statewide basis that partial redemption of loans and release of peanuts will not be permitted. A producer who wishes to contract for the sale of mortgaged peanuts and use the proceeds of the sale the repay all or any part of the loan shall obtain written prior approval of the county committee, on Commodity Loan Form 12, to remove the peanuts from storage. Any such approval shall be subject to the terms and conditions in the Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

§ 446.1426 Settlement of farm storage loans.

(a) If the producer does not redeem the peanuts as provided in § 446.1425, he shall deliver the loan collateral peanuts in accordance with instructions issued by the county office. If the producer fails to repay the loan or deliver the mortgaged peanuts as instructed, he will be responsible for all costs of removal incurred by the holder of the note.

(b) (1) If, either before or after maturity, the peanuts are in danger of going out of condition, the producer shall so notify the county office and confirm such notice in writing. (2) If the county committee determines that the peanuts are in danger of going out-of-condition and that they cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county office shall arrange for an inspection and grade determination to be made at the expense of CCC. When delivery is completed, settlement shall be made on the basis of such grade or the grade determined at the time of delivery, whichever is higher.

(c) In the event the farm is sold, the producer dies, or there is a change of tenancy, the peanuts may be delivered before the maturity date of the loan, upon prior approval by the county committee. Peanuts also may be delivered before the maturity date of the loan for other reasons upon authorization by the Executive Vice President, CCC.

(d) Delivery of peanuts in bulk will be accepted only from the structure(s) in which the peanuts under loan are stored. The maximum quantity eligible for delivery in cases where a loan has been made on part of the peanuts in the bin shall be the quantity on which the loan was made plus any normal overrun established by the State committee. In the case of peanuts stored in bags, only the identical bags of peanuts under loan shall be delivered.

(e) The settlement value of the peanuts delivered to and accepted by CCC shall be the amount, computed on the basis of the quantity and the support price for the type and grade (except as provided above for peanuts going out of condition) of such peanuts, plus an allowance for shrinkage during the storage period of four-tenths of a cent ($0.004) per net weight pound delivered and an allowance at the rate specified in § 446.1434(d)(1)(iii) for the actual loss during the storage period in the percentage of extra large kernels in Virginia type peanuts: *Provided, however,* That the settlement value for the peanuts delivered to CCC which do not meet the requirements with respect to moisture, damage or foreign material in § 446.1405 shall be computed at a rate equal to the support price for the type and grade placed under loan, less any difference, at the time of delivery, between the market price for the type and grade placed under loan and the market price of the peanuts delivered, as determined by CCC: *Provided, further,* That if the value of the peanuts delivered (including the shrinkage allowance and allowance for loss in extra large kernels in Virginia type peanuts) is less than the amount of the loan with respect to such peanuts, and CCC determines that the deficiency resulted from abnormal climatic conditions which prevailed throughout the area or locality in which the peanuts were produced and which caused the development of progressive damage in the peanuts during storage, that such damage would not normally be detected or appraised accurately by a reasonably prudent person in control of the storage structure, and that the producer has complied with the other provisions of the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage, (1) if the net weight of all peanuts delivered, plus the net weight of the peanuts redeemed prior to such delivery, equals or exceeds 97 percent of the net weight of the peanuts on which the loan was made, CCC may relieve the producer from liability for the deficiency, or (2) if the net weight of the peanuts delivered, plus the net weight of peanuts redeemed prior to such delivery, is less than 97 percent of the net weight of the peanuts on which the loan was made, CCC may relieve the producer from liability for that part of the deficiency which exceeds an amount equal to the loan value per pound of the peanuts under loan multiplied by the number of pounds by which the net weight of the peanuts delivered, plus the net weight of peanuts redeemed prior to such delivery, is less than 97 percent of the net weight of the peanuts on which the loan was made.

(f) If the settlement value of the peanuts delivered exceeds the amount due on the loan (excluding interest), such excess amount will be paid to the producer. Any payment due the producer will be made by sight draft drawn on CCC by the county office.

(g) If the settlement value of the peanuts delivered to and accepted by CCC is less than the amount due on the loan (excluding interest) the producer shall pay CCC for the deficiency, plus interest thereon, unless the deficiency resulted from loss or damage assumed by CCC pursuant to § 446.1424.

(h) Notwithstanding the provisions of paragraph (g) of this section, if CCC removes peanuts from farm storage pursuant to § 446.1414 and sells such peanuts for an amount less than the amount due on the loan (excluding interest) and the grade or quantity of the peanuts removed is lower than the grade or quantity on which the loan was made, the producer shall pay to CCC the difference between the amount due on the loan and the higher of the sales proceeds or the settlement value of the peanuts removed by CCC, plus interest. Such payment shall be in addition to that specified in paragraph (a) of this section. The settlement value of peanuts removed by CCC shall be determined in the manner specified in paragraph (e) of this section.

(i) Any amount due CCC from the producer may be se off against any payment which would otherwise be due the producer under any agricultural program administered by the Secretary of producer may be set off against any payare due or may become due the producer from CCC or any other agency of the United States.

ASSOCIATION LOANS (WAREHOUSE STORAGE LOANS)

§ 446.1427 Loans to Association.

(a) Loans on eligible peanuts handled on behalf of eligible producers, stored in approved warehouses, and represented by warehouse receipts in a form prescribed by CCC will be available to Associations which receive, arrange storage for and handle peanuts for and on behalf of eligible producers. Such loans will be made pursuant to the terms of the Association Loan and Handling Agreement, CCC Peanut Form 27 (1962), between the Associations and CCC. The Association may receive eligible peanuts from eligible producers who are not members of the Association and use such peanuts as loan collateral. Approved storage for peanuts under loan to an Association will be warehouses approved pursuant to instructions issued by CCC and operated under contract with the Association or with CCC. The names and locations of such warehouses may be obtained from the Association or the county office. The Association may obtain the loan from an aproved lending agency or from CCC. Unless otherwise authorized by CCC, each producer from whom the Association receives peanuts must present his within quota card at the time he delivers the peanuts from storage. For each lot of peanuts received, the Association shall make an advance payment to the producer in the amount of the price support value of such peanuts. The producer shall relinquish any right to redeem or obtain possession of eligible peanuts delivered to the Association. At any time prior to acquisition of peanuts by CCC, the Association may redeem peanuts for sale in accordance with policies approved by CCC.

(b) Unless otherwise authorized by CCC, the Association shall distribute to the producers from whom it receives peanuts, profits obtained from the sale of redeemed peanuts less administrative expenses approved by CCC.

PURCHASE AGREEMENT

§ 446.1428 Purchase agreement provisions.

Purchase agreements will be available to eligible producers on eligible peanuts stored on the farm or stored off the farm on an identity preserved basis. Any peanuts stored off the farm on other than an identity preserved basis shall not be eligible for sale to CCC. The producer who signs a purchase agreement will not be obligated to sell any quantity of the peanuts to CCC. However, he may sell to CCC any quantity of eligible peanuts not in excess of the quantity stated in the purchase agreement. The producer may not assign his interest in a purchase agreement.

§ 446.1429 Delivery of peanuts under a purchase agreement.

If the producer who signs a purchase agreement wishes to sell the peanuts to CCC, he will have a 30-day period ending on May 31, 1963 during which he must notify the county committee in writing of his intention to sell. The producer shall deliver the peanuts in accordance with delivery instructions issued by the county office, and shall complete delivery within a 15-day period immediately following the date of such instructions unless the county office determines that more time is needed for delivery. The producer may be required to retain the peanuts represented by a purchase agreement for a period of 60 days after May 31, 1963 without any cost to CCC.

§ 446.1430 Quality and quantity of peanuts delivered to CCC.

Peanuts delivered to CCC pursuant to a purchase agreement shall be of the type specified in the purchase agreement, and shall meet the grade requirements of § 446.1405, except that such peanuts shall not contain more than 7 percent damaged kernels. The grade shell be determined by a Federal or Federal State inspector on the basis of a sample taken at the time of delivery. The quantity of peanuts shall be determined by actual weight at the time of delivery. CCC will not assume any loss in quantity or quality of the peanuts covered by a purchase agreement occurring prior to delivery to CCC.

§ 446.1431 Purchase Agreement settlement.

Settlement for eligible peanuts delivered to CCC under a purchase agreement shall be made at the applicable support price for the type, grade and net weight quantity (calculated from actual gross weight), delivered and accepted by the county committee. When delivery is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct on the Purchase Agreement Settlement, Form CP–4, to whom payment of proceeds shall be made.

SUPPORT PRICES

§ 446.1434 Support prices.

(a) *Applicability.* The support prices specified in this section apply to 1962 crop farmers stock peanuts in bulk or in bags, net weight basis, eligible for loan or purchase agreement under the peanut price support program.

(b) *National average price.* The minimum national average support price is $221.00 per ton. This price will be adjusted upward if a combination of the parity price and the supply percentage as of the beginning of the marketing year, (August 1, 1962) indicates a higher price. The final national average support price and other final prices for the types and grade factors specified in this section will be issued as an amendment to this bulletin.

(c) *Average interim support prices by type.* The interim support price by type per average grade ton of 1962 crop peanuts is:

Type:	Dollars per ton
Virgina	$234.01
Runner	208.49
Southeast Spanish	226.17
Southwest Spanish	216.93
Valencia, suitable for cleaning and roasting	234.01

(d) *Calculation of interim support prices.* The support price per ton for peanuts of a particular type and grade shall be calculated on the basis of the following rates, premiums and discounts. No value shall be assigned to damaged kernels.

(1) *Kernel values per net ton excluding loose shelled kernels.*

(i) Price for each percent of sound mature and sound split kernels shall be:	
Virginia Type	$3.109
Runner Type	3.062
Southeastern Spanish Type	3.180
Southwestern Spanish Type	3.154
Valencia Type:	
Southwestern area suitable for cleaning and roasting	3.402
Southwestern area not suitable cleaning and roasting	3.154
Areas other than S.W.	3.180
(ii) Price for each percent of other kernels:	
Virginia Type	1.40
Runner Type	1.40
Southeast Spanish Type	1.40
Southwest Spanish Type	1.20
Valencia Type	1.40
(iii) Premium for each one percent extra large kernels in Virginia type	.60

(2) *Value of loose shelled kernels per pound.*

Virginia Type	$0.07
Runner Type	0.07
Southwest Spanish Type	0.07
Southwest Spanish Type	0.06
Valencia Type	0.07

(3) *Damaged kernel discount.* For all types of peanuts the discount per ton for damaged kernels shall be as follows:

Peanuts containing damaged kernels of (percent):	Discount
1	None
2	$3.40
3	7.00
4	11.00
5	17.00
6	23.00
7	32.00
8–9	60.00
10–11	80.00
12–14	100.00
15–18	120.00
19–25	140.00

(4) *Sound split kernel discount.* For all types of peanuts the discount shall be 40 cents for each one percent above 5.

(5) *Foreign material discount.* The discount for each full one percent foreign material in excess of 4 percent and not over 10 percent shall be $1.00 per ton. Peanuts with more than 10 percent foreign material shall not be eligible for price support.

(e) *Virginia type peanuts.* Virginia type peanuts to receive peanut price support as Virginia type must contain 30 percent or more "fancy" size, i.e. peanuts riding a $^{34}/_{64}$ x 3 inch slotted screen. Virginia type peanuts containing less than 30 percent fancy size will be supported as though they were Runner type.

(f) *Florispan peanuts.* Florispan peanuts will be supported at a price equivalent to 65 percent of the support price for Runner type peanuts of the same grade.

(g) *Variety X Peanuts.* The support price of an unnamed and undesirable variety of peanuts grown in Virginia

from seed stock commercially developed in Windsor, Isle of Wight County, Virginia, and known as Variety X will be discounted 50 percent of the rate for Virginia type peanuts of the same grade, with no premium for extra large kernels.

No. 2 Shelled Peanuts

§ 446.1437 Purchase of No. 2 shelled peanuts.

(a) Subject to the terms and conditions of §§ 446.1437 to 446.1452, CCC will purchase from eligible commercial peanut shellers, No. 2 peanuts, as defined in § 446.1439, which meet the eligibility requirements stated in § 446.1439. No. 2 shelled peanuts which meet such requirements are hereinafter referred to as "no. 2 peanuts". Each of the following Associations is designated to accept No. 2 peanuts on behalf of CCC in the area specified; and shellers located in any such area shall offer No. 2 peanuts to the appropriate Association:

Southeastern area—GFA Peanut Association, Camilla, Georgia
Southwestern area—Southwestern Peanut Growers' Association, Gorman, Texas
Virginia-Carolina area—Peanut Growers Cooperative Marketing Association, Franklin, Virginia

(b) No. 2 peanuts will be purchased from only those eligible shellers who, on or before November 30, 1962, have notified the appropriate Association of their intentions to sell No. 2 peanuts to CCC.

§ 446.1438 No. 2 shelled peanuts.

No. 2 shelled peanuts are shelled Runner, Spanish, or Virginia type peanuts (excluding straight shelled peanuts) having similar varietal characteristics by type, and consisting of splits, large whole kernels, small whole kernels, or fall-through, defined as follows:

(a) "Splits"—separated halves of peanut kernels which will not pass through a screen having:

(1) $17/64$ inch round openings in the case of Runner and Virginia peanuts, or

(2) $16/64$ inch round openings in the case of Spanish peanuts.

(b) "Large whole kernels"—whole kernels which will not pass through screens having:

(1) $17/64$ inch round openings and $15/64$ x $3/4$ inch openings in the case of Runner peanuts;

(2) $17/64$ inch round openings and $15/64$ x 1 inch openings in the case of Virginia peanuts; or

(3) $16/64$ inch round openings and $14/64$ x $3/4$ inch openings in the case of Spanish peanuts.

(c) "Small whole kernels"—Whole kernels which, in the case of:

(1) Runner peanuts, will not pass through screens having $17/64$ inch round openings, and $13/64$ x $3/4$ inch openings, but will pass through a screen having $15/64$ x $3/4$ inch openings;

(2) Virginia peanuts, will not pass through screens having $17/64$ inch round openings and $13/64$ x 1 inch openings, but will pass through a screen having $15/64$ x 1 inch openings; or

(3) Spanish peanuts, will not pass through screens having $16/64$ inch round openings and $12/64$ x $3/4$ inch openings, but will pass through a screen having $14/64$ x $3/4$ inch openings.

(d) Fall-through—in the case of:

(1) Runner peanuts: (i) Whole kernels and portions of kernels which will pass through a screen having $17/64$ inch round openings, and (ii) Whole kernels which will not pass through a screen having $17/64$ inch round openings; but will pass through a screen having $13/64$ x $3/4$ inch openings;

(2) Virginia peanuts: (i) Whole kernels and portions of kernels which will pass through a screen having $17/64$ inch round openings, and (ii) Whole kernels which will not pass through a screen having $17/64$ inch round openings, but will pass through a screen having $13/64$ x 1 inch openings; or

(3) Spanish peanuts: (i) Whole kernels and portions of kernels which will pass through a screen having $16/64$ inch round openings, and (ii) Whole kernels which will not pass through a screen having $16/64$ inch round openings, but will pass through a screen having $12/64$ x $3/4$ inch openings.

§ 446.1439 Eligibility requirements for No. 2 shelled peanuts.

No. 2 peanuts of any type delivered to CCC by shellers shall:

(a) (1) Contain not more than (i) 2 percent peanuts of other types, (ii) 6 percent damaged or unshelled peanuts, (iii) 2 percent minor defects, except that any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects, (iv) 2 percent foreign material, (v) 7 percent fall-through, and (vi) 10 percent moisture.

(2) Peanuts containing any fractional percentage in excess of the whole number specified for any grade factor are not eligible for sale to CCC. For example, peanuts containing 6.01 percent damaged or unshelled peanuts are ineligible. For the purpose of determining whether the total percentage of damaged or unshelled peanuts and minor defects is within the 8 percent maximum, the percentages recorded for both factors on the inspection certificate shall be added without rounding.

(3) The terms used in this paragraph (a), which are not otherwise defined in this bulletin, shall, for each type of peanuts, have the meanings assigned in the current U.S. Standards for shelled peanuts of such type, issued by the U.S. Department of Agriculture, Agricultural Marketing Service. The percentages specified in this paragraph (a) shall be determined on a weight basis.

(4) The requirements of this paragraph (a) shall apply to each lot of peanuts included in any one offer, and a composite sample, which is representative of the quantity of peanuts in a lot, shall be used to determine whether the peanuts in that lot meet such requirements: *Provided, however,* That such requirements may be applied to any bag of peanuts included in a lot, in which event a sample drawn from such bag shall be used to determine whether the peanuts therein meet the requirements of this paragraph (a): *Provided further,* That no straight shelled peanuts shall be eligible for sale to CCC. Nothing contained herein shall be construed as a waiver of any right of CCC under paragraph (c) of § 446.1446, or under any other provisions in this bulletin.

(b) Be 1962 crop peanuts which, prior to the date of the offer, an eligible sheller has milled in his own plant unless milling at another location is authorized by CCC.

(c) Not exceed 200 pounds per ton, net weight, of eligible 1962 crop farmers stock peanuts of the same type containing not in excess of 7 percent damaged kernels, which the sheller prior to offering (1) purchased from producers, on the basis of grades determined by Federal or Federal-State inspectors, at a price not less than the price support value thereof, calculated on the basis of the grade shown on the inspection certificate, or (2) purchased from an Association which redeemed such farmers stock peanuts from the price support loan.

(d) Be free and clear of all liens and encumbrances.

(e) Not have been obtained from a custom seed shelling operation.

§ 446.1440 Eligible sheller.

A sheller shall be eligible to sell No. 2 peanuts to CCC if, by fulfilling all the requirements of this section, he cooperates in making price support available to all peanut producers who desire to pledge their peanuts to CCC. The sheller shall—

(a) Inform each producer, upon request, of the price support value of his peanuts under a 1962 price support loan;

(b) Pay a price not less than the price support value for each lot of 1962 farmers stock peanuts purchased from a producer during the period beginning August 1, 1962, and ending January 31, 1963 if such peanuts are eligible for a price support loan;

(c) Make warehouse space available for the storage of loan collateral peanuts under a warehouse contract, in the area and to the extent requested and not later than the date specified by the Association, unless he establishes to the satisfaction of the Association and CCC that all storage space over which he has control is needed in his normal milling operation and that no other storage space is available to him at reasonable cost in the area which he serves; and

(d) Purchase from producers, during the period beginning August 1, 1962, and ending January 31, 1963 only those peanuts for which inspection certificates have been issued by inspectors of the Federal or Federal-State Inspection Service: *Provided, however,* That the sheller may, without affecting his eligibility to sell No. 2 peanuts to CCC, purchase a quantity not to exceed two hundred tons of farmers stock peanuts for which such inspection certificates have not been issued if the Federal or Federal-State Inspection Service determines that inspection service cannot practically be made available with respect to such peanuts: *Provided further,* That peanuts for which such inspection certificates have not been issued shall not be used in calculating the quantity of No. 2 peanuts that may be delivered to CCC.

§ 446.1441 Period for offering.

(a) Written offers of No. 2 peanuts may be filed with the Association from a date to be announced by CCC through June 28, 1963, unless a later date is approved in writing by CCC: *Provided, however,* That upon notification to the shellers CCC may (1) at any time suspend its offer to purchase for a specified period of time, or (2) prior to June 28, 1963, or such later date as is approved by CCC, terminate its obligation to accept any offers of No. 2 peanuts. Notification shall be given by posting a letter or filing a telegram with the telegraph company.

(b) The date the offer is received by the Association shall be deemed to be the date of the offer. If No. 2 peanuts are inspected before they are offered to CCC, the offer shall be received by the Association within 9 days after the date of the inspection certificate: *Provided,* That when the 9th day following the date of the inspection certificate is a Saturday, Sunday or holiday, receipt of the offer by the Association on the next following regular working day will be considered timely.

(c) The sheller, within seven days after the date of the Association's written request therefor, shall mail to the Association a statement showing the quantity of No. 2 peanuts in his inventory which are eligible for sale to CCC. If the sheller fails to mail such information within the seven-day period, CCC shall not be obligated thereafter to purchase any No. 2 peanuts from him.

§ 446.1442 Contract.

The offer, all the provisions of §§ 446.1437 through 446.1452, and the written acceptance by the Association shall constitute the contract between the sheller and CCC. Any such contract which exceeds $100,000 shall also include the nondiscrimination provisions of section 301 of Executive Order 10925.

§ 446.1443 Quantity.

(a) The commodity office shall establish the quantity of No. 2 peanuts to be included in any one lot; i.e. the quantity for which one inspection certificate is issued. An offer may include one or more lots. All No. 2 peanuts offered at one time for delivery at one location shall be included in one offer. The quantities established by the commodity office shall be effective upon written notice thereof to the sheller by the Association or the commodity office. The sheller shall be deemed to have received such notice as of the third day after the notice is deposited in the mail or filed with the telegraph office for transmittal to such sheller.

(b) Each offer shall be made in the form prescribed by CCC.

§ 446.1444 Inspecting, grading and sealing No. 2 peanuts.

(a) The type and grade of the No. 2 peanuts delivered to CCC pursuant to each contract shall be determined and recorded on inspection certificates by Federal or Federal-State inspectors authorized or licensed by the Secretary of Agriculture, U.S. Department of Agriculture. The sheller shall pay the cost of inspection and grading. No. 2 peanuts which are not inspected before they are offered to CCC shall be inspected at the time the peanuts are delivered to CCC. If No. 2 peanuts are inspected before they are offered to CCC, the sheller may, at his expense obtain a certificate by a Federal or Federal-State inspector showing the percentage of moisture in the No. 2 peanuts at the time of delivery, and such percentage of moisture shall be used in determining the net weight of the No. 2 peanuts delivered to CCC.

(b) The inspection data shall be used to determine (1) whether the peanuts meet the eligibility requirements with respect to grade and quantity specified in § 446.1439, (2) the net weight, and (3) the price which CCC will pay for No. 2 peanuts. Any determination of grade shall be subject to appeal in accordance with the Inspection Service procedure.

(c) Each bag of No. 2 peanuts purchased by CCC shall be identified with a seal furnished by CCC and affixed in accordance with instructions issued by the Federal or Federal-State Inspection Service.

(d) The peanuts purchased by CCC may be reinspected at the request of CCC, and at its expense, within 5 days after receipt at destination.

§ 446.1445 Net weight of No. 2 peanuts.

No. 2 peanuts shall be purchased on a net weight basis. The net weight of a lot of No. 2 peanuts shall be that weight obtained by multiplying the gross weight, including bags, by a percentage equal to 100 percent minus the sum of the percentages of (a) foreign material and (b) moisture in excess of 7 percent in the Southeast and Southwest areas or 8 percent in the Virginia-Carolina area. The gross weight shall be determined by actual weight, as prescribed by CCC.

§ 446.1446 Delivery, rejection, and liquidated damages.

(a) The sheller shall deliver, in accordance with instructions issued by the Association, a quantity of No. 2 peanuts which is not less than 95 percent nor more than 102 percent of the quantity specified in the sheller's offer and accepted by the Association. Such delivery instructions, except as provided in § 446.1447, shall be issued within 25 days after the date of the Association's written acceptance of the offer. Unless otherwise approved by CCC, all peanuts delivered on or after April 1, 1963 and at CCC's request peanuts delivered before April 1, 1963, shall be fumigated at the time of delivery, at the sheller's expense, and in accordance with instructions issued by CCC.

(b) The sheller shall deliver all peanuts in bags of uniform size, which are packed in accordance with instructions issued by CCC. Such bags shall be made of new burlap of not less than 10-ounce weight material. Plain unprinted bags stenciled in accordance with instructions issued by the Association or CCC may be required.

(c) CCC may, upon notice to the sheller, reject all or any part of the quantity offered in one offer if any bag of peanuts included in such offer does not meet the eligibility requirements in § 446.1439 at the time of the original inspection or re-inspection, or if the peanuts have not been fumigated as required in paragraph (a) of this section. However, CCC may at its discretion and in lieu of rejection, require that eligible peanuts be fumigated at the sheller's expense at destination or other location specified by CCC, if the sheller did not fumigate such peanuts as required in paragraph (a) of this section.

(d) If, as of the date peanuts are moved out of the sheller's plant, such peanuts are subject to condemnation or disqualification for use as human food by the Food and Drug Administration, U.S. Department of Health, Education, and Welfare, or if CCC determines that such peanuts would be subject to condemnation or disqualification if moved in interstate commerce, such peanuts shall not be delivered to CCC, and any amount paid to the sheller with respect to such peanuts shall be refunded to CCC. The sheller shall also pay any costs incurred by CCC with respect to such peanuts, as determined by CCC. Nothing contained in this subparagraph shall relieve the sheller of any obligation to deliver to CCC the quantity of eligible No. 2 peanuts specified in the sheller's offer.

(e) If the sheller fails to deliver a quantity of No. 2 peanuts equal to 95 percent or if he delivers in excess of 102 percent of the quantity offered by him and accepted by the Association, or if peanuts delivered to CCC are rejected, the sheller shall pay to CCC, as compensation for the costs incurred by CCC in connection with such peanuts, liquidated damages in an amount equal to 2 cents per pound for the quantity by which the quantity of No. 2 peanuts delivered is less than 95 percent or more than 102 percent of that offered by the sheller and accepted by the Association or for the quantity of peanuts delivered to CCC and rejected. The sheller shall also refund to CCC any amount paid to him with respect to No. 2 peanuts which are rejected. The farmers stock peanut equivalent of No. 2 peanuts rejected by CCC, at the ratio of one ton of farmers stock to 200 pounds of such No. 2 peanuts, shall not be used by the sheller for the purpose of supporting further offers of No. 2 peanuts to CCC.

(f) If peanuts included in any offer are determined by CCC to be ineligible after CCC has contracted to sell such peanuts, the sheller shall make delivery of not less than 95 percent of the quantity offered by him and accepted by the Association. The price which CCC will pay to the sheller for such ineligible peanuts shall be the amount received by CCC upon the sale of such ineligible peanuts, as determined by CCC. The sheller shall pay to CCC, as compensation for the costs incurred by CCC in connection with such ineligible peanuts, liquidated damages in an amount equal to 2 cents per pound (1) for the quantity by which the quantity of peanuts delivered is less than 95 percent of that offered by the sheller and accepted by the Association and (2) for the quantity of such peanuts delivered to CCC.

(g) Nothing contained in paragraphs (e) and (f) of this section shall require the payment of liquidated damages by the sheller under both of such paragraphs with regard to the same lot of peanuts. The sheller shall pay to CCC upon demand any amount determined by CCC to be due from the sheller under this section, or shall refund to CCC upon demand any amount paid to him which is in excess of any amount to which he may be entitled under this section as determined by CCC.

(h) Because of the difficulty in ascertaining the exact damages which CCC would sustain in the situations outlined in paragraphs (e) and (f) of this section, CCC and the sheller agree that the liquidated damages provided for in such paragraphs constitute a reasonable estimate of CCC's probable actual damages. Nothing contained in this section shall be construed as waiving any right of CCC or of the United States in the event of any fraudulent act on the part of the sheller.

§ 446.1447 Passage of title.

Title and risk of loss and damage to the peanuts shall pass to CCC upon delivery from the sheller's plant, f.o.b. railroad cars or trucks at CCC's option, except that in the event the Association does not issue delivery instructions within 25 days after the date of its written acceptance of the offer, title shall pass to CCC on the 30th day after the date of such written acceptance if the sheller, on or before such 30th day, places the peanuts in identity preserved storage in a facility approved by CCC and delivers to CCC a storage certificate, in form acceptable to CCC, which properly identifies the peanuts, and an inspection certificate issued by a Federal-State inspector if such peanuts were not inspected before they were offered. The gross weight of the peanuts for which the storage certificate is issued shall be determined, after the expiration of the 25-day period within which the Association was to have issued shipping instructions, by a weighmaster, and on scales, approved by CCC. Subject to the provisions of paragraph (d) of § 446.1446 the sheller shall not be responsible for deterioration or for uninsured loss or damage to the No. 2 peanuts prior to delivery but after passage of title to CCC unless such deterioration or such uninsured loss or damage is due to his fault, negligence, or failure to exercise such care in storing or handling such peanuts as a reasonably prudent owner thereof would exercise, or unless the peanuts are determined by CCC to be ineligible. If the peanuts are insured such insurance shall inure to the benefit of CCC. Any insurance proceeds received by CCC with regard to ineligible peanuts shall be applied against any amount due CCC from the sheller under § 446.1446, as determined by CCC. Any amount by which such proceeds exceed any amount due CCC shall be paid to the sheller, and any amount by which such proceeds are exceeded by the amount due CCC shall be paid by the sheller to CCC promptly upon demand. If the sheller fails to issue the storage certificate to CCC on or before the 30th day after the date of the Association's written acceptance of the sheller's offer, title shall not pass until the peanuts are delivered in accordance with instructions issued by the Association, and CCC shall not pay any storage or handling charges with respect to such peanuts. Title to ineligible peanuts, and risk of loss and damage if such peanuts have been delivered pursuant to instructions issued by the Association shall, in the event CCC rejects such peanuts, revert to the sheller as of the date of CCC's notice of rejection to the sheller, CCC shall not pay storage charges with respect to peanuts which are rejected.

§ 446.1448 Payment for No. 2 peanuts.

(a) (1) CCC will purchase eligible No. 2 peanuts at the price in effect on the date the offer is accepted by the Association. When two or more lots are included in one offer, the sum of the prices determined individually for all lots will be the purchase price of all peanuts delivered pursuant to such offer. For purposes of calculating the price of No. 2 peanuts, the percentage of each grade factor shall be rounded to the nearest tenth of a percent. Fractions of five-hundredths or more shall be rounded upward, and fractions of four-hundredths or less shall be dropped.

(2) No. 2 peanut prices shall be established by the Executive Vice President, CCC, who may revise such prices upward or downward at his discretion. Associations designated in § 446.1437 will furnish current No. 2 peanut prices to shellers who have informed the Associations of their interest in selling No. 2 peanuts to CCC. A sheller shall have the right, to withdraw his offer if the price is reduced before the offer is accepted by the Association.

(b) Warehouse charges for peanuts stored by the sheller and for which title has passed to CCC pursuant to § 446.1447 shall be the sum of:

(1) $0.50 per net weight ton for handling-in charges,

(2) $0.50 per net weight ton for handling-out charges (delivery f.o.b. railroad cars or trucks at CCC's option), and

(3) $1.00 per net weight ton or fraction thereof per storage month, each calendar month or fraction thereof, following the calender month in which title passed to CCC, and during which the peanuts remain in the sheller's facility, shall be a storage month: *Provided*, That if the peanuts are delivered in accordance with instructions issued by the Association during the calendar month in which title passed to CCC, the sheller shall be paid storage for one month.

(c) (1) Payment for the peanuts and for any warehouse charges shall be made, at the time specified below, upon presentation to the Association of a proper invoice and supporting documents prescribed by CCC.

(2) Payment for peanuts for which title passed to CCC upon delivery from the sheller's plant shall be made, after delivery, for the net weight determined from the gross weight obtained at the time the peanuts were loaded out.

(3) Payment for peanuts for which title passed to CCC while the peanuts remained in the sheller's storage facilities as provided in § 446.1447, shall be made after title has passed to CCC, but payment of the warehouse charges specified in paragraph (b) of this section shall be made after the peanuts are loaded out of the sheller's facilities. The net weight on which payment for both the peanuts and the warehouse charges is determined shall be the net weight of the peanuts for which the storage certificate was issued.

§ 446.1449 Records and reports.

(a) The records of the sheller shall at all times show (1) with respect to farmers stock peanuts purchased direct from producers the dates and places received, the names and addresses of the producers, the types and grades as determined by Federal or Federal-State inspectors, the pounds of each such grade purchased from and the price paid to each producer, (2) the types, grades, and quantities of farmers stock peanuts purchased from an Association, (3) the types, grades and quantities of farmers stock peanuts purchased from persons other than producers or Associations and (4) the types, grades and quantity of No. 2 peanuts produced. The sheller shall keep such accounts and other records and shall furnish such information and reports relating to the No. 2 peanuts and the farmers stock peanuts from which No. 2 peanuts were produced, as may be prescribed or requested by CCC. The Association designated in § 446.1437 for the area in which the sheller is located or CCC may examine and audit the accounts and records of the sheller and may require the sheller to make all of his records available at the main office at any time an audit is made. All books, accounts, and records shall be retained for a period of 3 years after the last No. 2 peanuts are delivered to CCC.

(b) The reporting and record keeping requirements contained in this bulletin have been approved by, and subsequent reporting requirements will be subject to approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

§ 446.1450 Assignment.

No contract, claim, or payment pursuant to any of the provisions of this bulletin relating to No. 2 peanuts shall be assigned in whole or in part by the sheller without the prior written approval of CCC, and any such assignment shall be in such form as may be approved or prescribed by CCC.

§ 446.1451 Officials not to benefit.

No member of or Delegate to the Congress of the United States shall be admitted to any share or part of any agreement or contract between the sheller and CCC pursuant to any of the provisions of this bulletin relating to No. 2 peanuts, or to any benefit to arise therefrom, but this provision shall not be construed to extend to benefits arising from such agreement or contract if accruing to a corporation or a producer in his capacity of producer.

§ 446.1452 Contingent fees.

The sheller shall not employ any person to solicit or secure any contract pursuant to any of the provisions of this bulletin relating to No. 2 peanuts upon any stipulation for a commission, percentage, brokerage, or contingent fee. Breach of this provision shall give CCC the right to annul the contract, or, in its discretion, to deduct from any amount due the sheller the amount of such commission, percentage, brokerage, or contingent fee.

Effective date: Date of signature.

Signed at Washington, D.C., on July 9, 1962.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-6812; Filed, July 11, 1962; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 727—MARYLAND TOBACCO

Subpart—Marketing Quota Regulations, 1962–63 Marketing Year

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AUTHORITY: §§ 727.1330 through 727.1361 issued under secs. 301, 313, 314, 372–375, 52 Stat. 38, as amended, 47, as amended, 48, as amended, 65, as amended, 66, as amended; sec. 401, 63 Stat. 1054, as amended, sec. 125, 70 Stat. 198, as amended; 7 U.S.C. 1301, 1313, 1314, 1372–1375, 1421, 1813.

GENERAL

§ 727.1330 Basis and purpose.

Sections 727.1330 through 727.1361 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Acts of 1949 and 1956, as amended, and govern the issuance of marketing cards for marketing and price support purposes, the identification of tobacco for purposes of marketing restrictions and price support, the collection and refund of penalties, and the records and reports incident thereto on the marketing of Maryland tobacco during the 1962–63 marketing year. These regulations do not provide for the collection of penalties on excess tobacco produced prior to the 1960 calendar year and marketed after September 30, 1960, it having been administratively found and determined, and it is hereby so found and determined, that (a) there will not be more than a negligible amount of such tobacco, (b) there is no practicable course which could be pursued to determine accurately the farms on which such tobacco may have been produced, (c) the costs of endeavoring to collect penalties on any such tobacco would be prohibitive, and (d) any attempt to collect any small amount of penalties which might become due would hamper the efficient and economical administration of the tobacco marketing quota program. Prior to preparing §§ 727.1330 through 727.1361, public notice (27 F.R. 4367) of their formulation was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). The data, views, and recommendations pertaining to §§ 727.1330 through 727.1361 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Acts of 1949 and 1956, as amended. Since farmers are now engaged in 1962 farming operations, it is hereby determined that compliance with the provisions of the Administrative Procedure Act with respect to the effective date is contrary to the public interest. Sections 727.1330 through 727.1361 shall, therefore, become effective upon filing with the Director, Office of the Federal Register.

§ 727.1331 Definitions.

As used in §§ 727.1330 through 727.1361 and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires. The following words and phrases shall have the meanings assigned to them in the regulations contained in Part 719 of this chapter: "Community Committee", "County Committee", "County Office Manager", "Deputy Administrator", "Farm", "Operator", "Secretary".

(a) "Act" means the Agricultural Adjustment Act of 1938, as amended.

(b) "Buyers Corrections Account" means the account required to be kept by the warehouseman of any tobacco purchased at auction by the buyer but not delivered to the buyer, or any tobacco returned by the buyer because of rejection by the buyer, lost ticket, or any other valid reason, and which is turned back to the warehouseman and supported by an adjustment invoice from the buyer. Buyers Corrections Account shall include from each adjustment invoice the pounds and amounts deducted resulting from short baskets and short weights, and pounds and amounts added resulting from long baskets and long weights which buyers debit or credit to the warehouseman and support with adjustment invoices.

(c) "Carry-over" tobacco means, with respect to a farm, tobacco produced prior to the beginning of the calendar year 1962 which has not been marketed or which has not otherwise been disposed of prior to the beginning, as established by the Act, of the 1962–63 marketing year.

(d) "Dealer" or "buyer" means a person who engaged to any extent in the business of acquiring tobacco from producers.

(e) "Director" means Director or Acting Director, Tobacco Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(f) "Field assistant" or "marketing recorder" means any duly authorized employee of the United States Department of Agriculture, or any employee of an Agricultural Stabilization and Conservation (ASCS) county office whose duties involve the preparation and handling of records and reports pertaining to tobacco marketing quotas. In a hogshead tobacco warehouse, a person officially authorized by an individual, association, or firm engaged in receiving tobacco from farmers to assist in the sale of such tobacco through such warehouse and to keep records and make reports for such individual, association, or firm with respect to sales of tobacco through the warehouse, shall perform the functions hereinafter prescribed for field assistants.

(g) "Floor sweepings" means scraps of tobacco or leaves, other than bundles, of tobacco which accumulate on the warehouse floor in the regular course of business which is sold in the untied form in which acquired and sales and resales of such tobacco.

(h) "Leaf account tobacco" means all tobacco purchased by or for the account of the warehouse regardless of whether it is in whole or parts of leaves or bundles and in addition tobacco, other than floor sweepings, which accumulates on the warehouse floor and is gathered up by the warehouseman for sale, and sales and resales of such tobacco including tobacco from Buyers Corrections Account. Scrap tobacco obtained through grading tobacco for farmers or furnishing farmers curing or stripping space, and floor sweepings purchased from another warehouseman or dealer shall be considered and reported as leaf account tobacco.

(i) "Market" means the disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. "Marketing" and "marketed" shall have corresponding meanings to the term "market".

(j) "Nonwarehouse sale" means any first marketing of farm tobacco other than (1) by sale at public auction through a warehouse, or (2) by sale through a hogshead tobacco warehouse to a buyer other than the warehouseman.

(k) "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State or any agency thereof.

(l) "Pound" means that amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers would equal one pound standard weight.

(m) "Producer" means a person who, as owner, landlord, tenant, or sharecropper is entitled to share in the tobacco available for marketing from the farm or in the proceeds thereof.

(n) "Resale" means the disposition by sale, barter, exchange, or gift inter vivos, of tobacco which had been marketed previously.

(o) "Sale day" means the period at the end of which the warehouseman bills to buyers the tobacco purchased by them during such period.

(p) "Scrap tobacco" means the residue which accumulates in the course of preparing tobacco for market, consisting chiefly of portions of tobacco leaves and leaves of poor quality.

(q) "State executive director" means the person employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the ASCS State office, or the person acting in such capacity.

(r) "State committee" means the persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State committee under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(s) "Suspended sale" means any first marketing of farm tobacco at a warehouse sale for which a memorandum of sale is not issued by the end of the sale day on which such marketing occurred.

(t) "Tobacco" means Maryland tobacco, type 32, as classified in the Service and Regulatory Announcement No. 118 (Part 30 of this title) of the former Bureau of Agricultural Economics of the United States Department of Agriculture.

(1) Any tobacco (i) that has similar appearance and growth characteristics while growing in a field on a farm, or (ii) any cured tobacco that has the same characteristics and corresponding qualities, colors, and lengths as Maryland tobacco, shall be considered Maryland tobacco without regard to any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

(2) For the purpose of discovering and identifying all tobacco subject to marketing quotas the term "tobacco" with respect to any farm located in an area in which Maryland tobacco is normally produced shall include all acreage of tobacco (without regard to the definition of "tobacco" herein), unless the county committee with the approval of the State committee (i) determines that, under subparagraph (1) of this paragraph, all or a part of such acreage should not be considered as Maryland tobacco, or (ii) determines, from satisfactory proof furnished by the operator of the farm, that a part or all of the production of such acreage has been certified by the Agricultural Marketing Service under the Tobacco Inspection Act (7 U.S.C. 511), and regulations issued pursuant thereto, as a kind of tobacco not subject to marketing quotas. Any amount of tobacco so determined as a kind of tobacco not subject to marketing quotas shall be converted to acres on the basis of the average yield per harvested acre of tobacco grown on the farm in 1962 for the purpose of determining the harvested acreage of such kind of tobacco produced on the farm.

(3) Notwithstanding the foregoing definition of "tobacco", or any other provision of §§ 727.1330 through 727.1361, tobacco in hogsheads which at the close of business on September 30, 1960, was on such date physically in the State Tobacco Warehouse, Baltimore, Maryland, and which was produced prior to 1960, shall not be considered to be "tobacco" within the meaning of this subpart if such warehouse has furnished a report to the State ASC committee showing the quantity of such tobacco and identifying symbols which identify each lot of such tobacco.

(u) "Tobacco available for marketing" means all tobacco produced on the farm in the calendar year 1962 plus any carry-over tobacco, less any tobacco disposed of in accordance with § 727.1345.

(v) "Tobacco subject to marketing quotas" means any Maryland tobacco marketed during the period October 1, 1962, to September 30, 1963, inclusive, and any Maryland tobacco produced in the calendar year 1962 and marketed prior to October 1, 1962.

(w) "Trucker" means a person who engages to any extent in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers.

(x) "Warehouseman" means a person who engages to any extent in the business of holding sales of tobacco at public auction at a warehouse. The term shall also include an individual, association, or firm who engages in receiving tobacco from farmers at the State Tobacco Warehouse, Baltimore, Maryland, and who assists in the sale of such tobacco through such warehouse.

(y) "Warehouse gross sales" means the sum of the weights of all marketings of tobacco at auction on a warehouse floor for producers, dealers, warehouseman, and Association ("loan tobacco").

(z) "Warehouse sale" means a marketing of tobacco by a sale at public auction through a warehouse in the regular course of business, and shall include all lots or baskets marketed by sale at public auction in sequence at a given time. The term shall also include each marketing of farm tobacco through a hogshead tobacco warehouse to a buyer other than the warehouseman and each marketing of resale tobacco through such warehouse.

§ 727.1332 Instructions and forms.

The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by the Deputy Administrator.

§ 727.1333 Extent of calculations and rule of fractions.

(a) *Harvested acreage.* The acreage of tobacco harvested on a farm in 1962 shall be expressed in hundredths and fractions of less than one-hundredth of an acre shall be dropped. For example, 1.550, 1.555 or 1.559 would be 1.55 acres.

(b) *Percent excess.* The percentage of excess tobacco available for marketing from a farm, hereinafter referred to as the "percent excess" shall be expressed in tenths percent and calculations thereof rounded to the nearest tenth percent. Computations shall be carried two decimal places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For example, 6.732 would be 6.7; 6.750 would be 6.8; and 6.782 would be 6.8.

(c) *Converted rate of penalty.* The amount of penalty per pound upon marketings of tobacco subject to penalty, hereinafter referred to as the "converted rate of penalty" shall be expressed in tenths of a cent and calculations thereof rounded to the nearest tenth of a cent, except that if the resulting converted rate of penalty is less than a tenth of a cent, it shall be expressed in hundredths of a cent and calculations thereof rounded to the nearest hundredth of a cent. Computations shall be carried two decimal places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For example, expressions in tenths calculated as 6.732 would be 6.7; 6.750 would be 6.7; 6.751 would be 6.8; and 6.782 would be 6.8; and expressions in hundredths calculated as 0.0536 would be 0.05; 0.0550 would be 0.05; 0.551 would be 0.06; and 0.0582 would be 0.06.

(d) *Amount of penalty.* The amount of penalty on any lot of tobacco marketed shall be expressed in dollars and cents and calculations thereof rounded to the nearest cent. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For example, 10.5536 would be 10.55; 10.5550 would be 10.55; 10.5551 would be 10.56; and 10.5582 would be 10.56.

Identification and Location of Farms and Determination of Acreage

§ 727.1334 Identification and location of farms.

(a) Each farm as operated for the 1962 crop of tobacco shall be identified by a farm serial number assigned by the county office manager and all records pertaining to marketing quotas for the 1962–63 marketing year shall be identified by such number.

(b) A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

§ 727.1335 Determination of tobacco acreage.

(a) *County committees.* For the purpose of ascertaining with respect to each farm whether there is excess tobacco of the 1962 crop available for marketing, the county committee shall determine the acreage of tobacco on each farm in the county for which a 1962 tobacco acreage allotment has been established and on any other farms in the county on which the county committee has reason to believe tobacco was planted. The county committee's determination shall be based upon acreage and performance determined as provided in the applicable provisions of Part 718 of this chapter.

(b) *Variance in measured acreage.* For the purpose of §§ 727.1330 through 727.1361 inclusive, and subject to the rule of fractions heretofore provided in § 727.1333(a), if the tobacco acreage determined for the farm does not exceed the farm tobacco allotment by more than the larger of one-hundredth (0.01) acre or two percent of such allotment not to exceed nine-hundredths (0.09) acre, the farm tobacco acreage shall be considered within the allotment. If the tobacco acreage determined for the farm exceeds the allotment by more than this amount, the tobacco acreage shall be considered in excess of the farm allotment and disposition shall not be limited to the acreage necessary to bring the acreage within the prescribed administrative variance. In such cases, the farm will not be considered in compliance unless disposition is made of all acreage in excess of the allotment.

(c) *Notice to farm operators.* (1) The county office manager or an employee of the county office on behalf of the county office manager, as to each farm, shall notify the farm operator the results of the measurement of tobacco acreage, except that the State committee may elect to not have mailed notices to farm operators where the acreage determined for the farm is within the allotment.

(2) If it is determined under § 727.1331 (t)(2) that tobacco (harvested or unharvested) acreage is of a kind of tobacco not subject to marketing quotas, the county office manager, or an employee of the county office on behalf of the county office manager, shall so notify the farm operator.

(d) *Harvested acreage of tobacco for purposes of issuing marketing card.* The acreage of tobacco determined or as redetermined for a farm by the county committee shall be the harvested acreage of tobacco for the farm for the purpose of issuing the correct marketing card for the farm as provided in § 727.1338 unless the farm operator furnishes to the county committee satisfactory proof that a portion of the acreage planted will not be harvested or that tobacco representative of the production of the acreage physically harvested will be disposed of other than by marketing, in which case, the harvested acreage shall be the acreage as adjusted by taking into account the portion of the acreage planted which will not be harvested and the portion of the production of the acreage physically harvested which will be disposed of under § 727.1345 other than by marketing.

(e) *Amount of excess acreage for purpose of issuing marketing card if acreage determination refused.* If the farm operator or any producer on the farm prevents the county committee or its representative, or the State committee, or its representative, from obtaining information necessary to determine the correct acreage of tobacco on a farm, in addition to any other liability which might be imposed upon the operator, and until the farm operator or any producer on the farm permits a determination of the correct acreage, all acreage of tobacco on the farm shall be deemed to be in excess of the farm acreage allotment for the purpose of issuing a marketing card for the farm.

Farm Marketing Quotas and Marketing Cards

§ 727.1336 Amount of farm marketing quota.

(a) *Actual production.* The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment, as established for the farm in accordance with Maryland Tobacco Marketing Quota Regulations, 1962–63 (26 F.R. 6424, 6641, 10504). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1962 times the farm acreage allotment.

(b) *Excess production.* The excess tobacco on any farm shall be that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1962 times the number of acres harvested in excess of the 1962 farm acreage allotment.

§ 727.1337 Transfer of farm marketing quota.

There shall be no transfer of farm marketing quotas except as provided in § 727.1328 and 719.12 of this chapter.

§ 727.1338 Marketing cards.

(a) *Issuance.* A marketing card shall be issued for each farm having tobacco available for marketing. The kind of card to be issued for each farm shall be determined pursuant to paragraphs (b) through (f) of this section. Marketing cards shall be issued in the name of the farm operator, except that cards issued for tobacco grown for experimental purposes only shall be issued in the name of the Experiment Station, cards issued under § 727.1341 shall be issued in the name of the successor in interest and, where a part of the farm which includes all the tobacco acreage on the farm is cash rented to one producer, cards shall be issued in the name of the one producer.

(b) *Excess marketing card (MQ–77—Tobacco).* The provisions of this paragraph govern the issuance of excess marketing cards for use in identifying marketings of tobacco, except with respect to the issuance of excess marketing cards for the identification of "carryover" tobacco, as provided in paragraph (c) of this section.

(1) *Excess marketing card showing full rate of penalty.* An excess marketing card (ineligible for price support loans) showing the full rate of penalty to be shown in § 727.1347(b) shall be issued for a farm in any case:

(i) Where tobacco is harvested in 1962 from a farm for which no 1962 acreage allotment was established; or

(ii) Where tobacco is harvested in 1962 from a farm and the farm operator or any producer on the farm prevents the county committee or its representative, or the State committee or its representative, from obtaining information necessary to determine the correct acreage of tobacco on the farm; or

(iii) Where tobacco is harvested in 1962 from a farm for which, under § 727.1352(f), the 1962 allotment is cancelled.

(2) *Excess marketing card showing converted rate of penalty or zero penalty.* An excess marketing card (ineligible for price support loans) showing the extent to which marketings of 1962 crop tobacco from a farm are subject to penalty, determined as provided in § 727.1344 (including zero penalty), shall be issued in any case:

(i) Where tobacco is harvested in 1962 from a farm in excess of the farm acreage allotment therefor; or

(ii) Where tobacco is produced on land owned by the Federal Government in violation of the provisions of a lease restricting the production of tobacco.

(3) *Excess marketing cards showing zero penalty only.* An excess marketing card (ineligible for price support loans)

showing zero penalty only shall be issued under the following conditions:

(i) If more than one kind of tobacco is produced on a farm in 1962, a zero penalty excess marketing card shall be issued for each kind of tobacco produced thereon for which the harvested acreage is not in excess of the farm acreage allotment therefor if at the time of issuing marketing cards for the farm the harvested acreage of any kind of tobacco is in excess of the farm acreage allotment for such kind of tobacco; or

(ii) For any kind of tobacco produced on a farm in 1962 the acreage of which is in excess of the farm acreage allotment therefor and the operator or any other producer on the farm fails to notify the ASCS county office (with deposit to cover the cost as determined by the county committee and approved by the State committee) of his intention to dispose of any excess tobacco acreage or to request remeasurement of the tobacco acreage within ten (10) days from the date of notice to the farm operator on Form CSS–590, Notice of Excess Acreage, and the tobacco produced on the excess acreage is disposed of other than by marketing, in accordance with § 727.1345, unless the county committee, or the county office manager on behalf of the county committee, determines that failure to file such request was due to circumstances beyond the control of the farm operator or producer; or

(iii) For any kind of tobacco physically harvested from a farm in 1962 from an acreage in excess of the acreage allotment for the farm and disposed of in accordance with § 727.1345(a) unless the county committee or the county office manager on behalf of the county committee determines that the farm operator acted in good faith, that the acreage of tobacco was not measured, or remeasured as the case may be, and the farm operator notified in sufficient time to afford him an opportunity to dispose of the excess acreage prior to harvest.

(iv) If, as to farms on which tobacco is being grown experimentally, the Director of a publicly-owned Agricultural Experiment Station fails to comply with all the requirements contained in paragraph (d)(2) of this section prior to the beginning of the harvesting of tobacco from the farm.

(c) *Excess marketing card (MQ–77—Tobacco) marked "carry-over".* An excess marketing card (ineligible for price support loans) marked "carry-over" showing the extent to which marketings of carry-over tobacco from a farm are subject to penalty, determined pursuant to § 727.1344(c), shall be issued for a farm with respect to which there is carry-over tobacco.

(d) *Within Quota Marketing Card (MQ–76—Tobacco).* In any case where an excess marketing card is not required to be issued for use in identifying marketings of 1962 crop tobacco from a farm under paragraph (b) or (e) of this section, a within quota marketing card (eligible for price support loan and marketing without penalty) shall be issued for such farm under the following conditions:

(1) If the harvested acreage of tobacco for the farm in 1962 is not in excess of the farm acreage allotment therefor.

(2) If, as to farms on which tobacco is being grown experimentally, the Director of a publicly owned Agricultural Experiment Station furnishes to the ASCS State office, prior to the beginning of the harvest of tobacco from the farm, a report showing the following information with respect to each kind of tobacco and farm on which tobacco is grown for experimental purposes only;

(i) Name and address of the publicly owned experiment station;

(ii) Name of the owner, and name of the operator if different from the owner of each farm on which tobacco is grown for experimental purposes only;

(iii) The amount of acreage of tobacco grown on each farm for experimental purposes only; and

(iv) A certification signed by the Director of the publicly owned agricultural experiment station to the effect that such acreage of tobacco was grown on each farm for experimental purposes only; the tobacco was grown under his direction; and the acreage on each plot was considered necessary for carrying out the experiment: *Provided, however,* That, if the Director of a publicly owned agricultural experiment station does not furnish the information and certification as required above in this subparagraph, prior to the beginning of the harvest of tobacco from a farm, an excess marketing card showing zero penalty shall be issued under paragraph (b)(3)(iv) of this section for the purpose of identifying tobacco produced for experimental purposes only under the direction of such Director. The report required in this subparagraph shall be posted and kept available for public inspection in each ASCS county office in which a farm included on the report is located.

(e) *Stamping within quota marketing cards (MQ–76) to show indebtedness.* (1) If any producer on a farm is indebted to the United States and such indebtedness is listed on the county debt record, any within quota marketing card (MQ–76) issued for the farm shall bear the notation "Indebted to U.S." on the front cover thereof and on the county office copy of each memorandum of sale. The amount and type of the indebtedness and the name of the debtor shall be entered on the inside back cover of the card. A notation showing indebtedness to the U.S. shall constitute notice to any warehouseman that, subject to prior liens, the net proceeds from any price support loan due the debtor shall be paid to the United States to the extent of the indebtedness shown. The acceptance and use of a marketing card bearing a notice and information of indebtedness to the United States shall not constitute a waiver by the producer of any right to contest the validity of such indebtedness by appropriate administrative appeal or legal action and shall not necessitate a producer accepting a price support advance from which such indebtedness would be deductible.

(2) Any marketing card may be stamped for the purpose of notifying warehousemen that the tobacco being marketed pursuant to such card is subject to a lien held by the United States.

(f) *Replacing or issuing additional marketing cards.* Subject to the approval of the county office manager, two or more marketing cards may be issued for any farm for use in identifying marketings of (1) 1962 crop tobacco, or (2) carryover tobacco. Upon the return to the ASCS issuing office of the marketing card after all of the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card, shall be issued for the farm. A new marketing card of the same kind shall be issued to replace a card which has been determined by the county office manager, who issued the card, to have been lost, destroyed or stolen.

§ 727.1339 Person authorized to issue marketing cards.

(a) The county office manager shall be responsible for the issuance of tobacco marketing cards for farms in the county, including farms on which tobacco is grown for experimental purposes by a publicly owned agricultural experiment station.

(b) Each marketing card shall bear the actual or facsimile signature of the county office manager who issues the card. The facsimile signature may be affixed by an employee of the ASCS county office.

§ 727.1340 Rights of producers in marketing cards.

Each producer having a share in the tobacco available for marketing from a farm shall be entitled to the use of the marketing card issued for the farm for marketing his proportionate share.

§ 727.1341 Successors in interest.

Any person who succeeds, other than as a dealer, in whole or in part to the share of a producer in the tobacco available for marketing from a farm shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

§ 727.1342 Invalid cards.

(a) A marketing card shall be invalid if:

(1) It is not issued or delivered in the form and manner prescribed;

(2) An entry is omitted or is incorrect;

(3) It is lost, destroyed, stolen, or becomes illegible; or

(4) Any erasure or alteration has been made, and not properly initialed.

(b) In the event any marketing card becomes invalid (other than by loss, destruction or theft, or by omission, alteration or incorrect entry which cannot be corrected by a field assistant), the farm operator, or the person having the card in his possession, shall return it to the ASCS office at which it was issued.

(c) If any entry is not made on a marketing card as required, either through omission or incorrect entry, and the proper entry is made and initialed by a field assistant, then such card shall become valid.

§ 727.1343 Report of misuse of marketing card.

Any information which causes a field assistant, a member of a State, county, or community committee, or an employee of an ASCS State or county office, to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the ASCS county or State office.

MARKETING OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

§ 727.1344 Extent to which marketings from a farm are subject to penalty.

(a) Marketings of the 1962 crop Maryland tobacco from a farm shall be subject to penalty by the percent excess determined as follows: Divide the acreage of tobacco harvested in 1962 in excess of the 1962 farm acreage allotment and not disposed of under § 727.1345 by the total acreage of tobacco harvested from the farm in 1962.

(b) All Maryland carry-over tobacco from crops produced prior to 1960 shall be treated as within quota tobacco and, as such, not subject to penalty. (See § 727.1330.)

(c) Marketings of Maryland carry-over tobacco from a farm produced in 1960 or 1961 shall be subject to penalty by the percent excess determined as follows:

(1) The percent excess for farms having within quota carry-over tobacco only from one or more year's crops will be zero.

(2) The percent excess for any farm having excess carry-over tobacco from one crop year only, whether 1960 crop or 1961 crop, none of which has been offset by underharvesting the 1962 allotment for the purpose of collecting penalties, will be the percentage determined in:

(i) 1960 as applicable to tobacco from the 1960 crop, or

(ii) 1961 as applicable to tobacco from the 1961 crop.

(3) Where the carry-over tobacco for a farm is from more than one year's crop, the percent excess for such farm having within quota carry-over tobacco, if any, and excess carry-over tobacco, none of which excess has been offset by underharvesting the 1962 allotment, will be determined as follows:

(i) The quantity of any excess carry-over tobacco from the 1960 crop will be multiplied by the percentage determined in 1961 as applicable to the 1960 excess carry-over tobacco for penalty collection purposes. The result so determined represents 100 percent excess poundage.

(ii) The quantity of any excess carry-over tobacco from the 1961 crop will be multiplied by the percentage determined in 1961 as applicable to the 1961 crop for penalty collection purposes. The result so determined represents 100 percent excess poundage.

(iii) Add the pounds of 100 percent excess poundage as may be determined under subdivisions (i) and (ii) of this subparagraph and divide the sum by the total of the pounds of within quota carry-over tobacco, if any, and the pounds of excess carry-over tobacco will result in the percent excess.

(4) Where the carry-over tobacco for a farm is from one or more year's crop, the percent excess for such farm having within quota carry-over tobacco, if any, and excess carry-over tobacco, part or all of which excess has been offset by underharvesting the 1962 allotment, will be determined as follows:

(i) Multiply the 1962 underharvested acreage (allotment minus harvested acreage) by the normal yield for 1962 to determine the pounds of 100 percent excess tobacco that could be absorbed by 1962 underharvesting.

(ii) The quantity of any excess carry-over tobacco from the 1960 crop will be multiplied by the percentage determined in 1961 as applicable to the 1960 excess carry-over tobacco for penalty collection purposes. The result so determined represents 100 percent excess poundage.

(iii) The quantity of any excess carry-over tobacco from the 1961 crop will be multiplied by the percentage determined in 1961 as applicable to the 1961 crop for penalty collection purposes. The result so determined represents 100 percent excess poundage.

(iv) Compute the sum of the pounds of 100 percent excess poundage by adding the results determined under subdivisions (ii) and (iii) of this subparagraph.

(v) If the sum of the pounds of 100 percent excess poundage computed under (iv) does not exceed the pounds computed under subdivision (i) of this subparagraph, all carry-over tobacco is penalty free, and the percent excess is zero.

(vi) If the pounds computed under subdivision (iv) of this subparagraph exceed the pounds computed under subdivision (i) of this subparagraph, the difference between such two poundage figures is the net amount of 100 percent excess poundage that was not absorbed by 1962 underharvesting. Such net amount of 100 percent excess poundage divided by the total of the pounds of within quota carry-over tobacco, if any, and the pounds of excess carry-over tobacco will result in the percent excess.

(d) For the purpose of determining the penalty due on each marketing by a producer of tobacco subject to penalty, the converted rate of penalty per pound shall be determined by multiplying the rate of penalty determined pursuant to § 727.1347 by the percent excess obtained under paragraph (a) or (c) of this section. The memorandum of sale issued to identify each such marketing shall show the amount of penalty due.

§ 727.1345 Disposition of excess tobacco.

(a) *Where tobacco acreage exceeds the allotment.* (1) The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing from the farm of any of the same kind of tobacco by furnishing to the county committee proof satisfactory to the committee or its representative that such excess tobacco will not be marketed. Such disposition of excess tobacco, subject to the provisions of subparagraph (2) of this paragraph, may take place before harvesting, during harvesting, or after completion of harvesting of the kind of tobacco involved from the farm.

(2) No credit toward liquidating excess acreage shall be given for any excess tobacco disposed of after harvest, but prior to marketing, unless the county committee or its representative determines such tobacco is representative of the entire crop from the farm of the kind of tobacco involved.

(b) *Where harvested acreage does not exceed allotment and there is excess carry-over tobacco.* If the 1962 harvested acreage is less than the 1962 allotment, an amount of any excess carry-over tobacco from the farm calculated as provided in § 727.1344(c) but not to exceed the normal production of the acreage by which the 1962 harvested acreage for the farm is less than the 1962 allotment may be marketed penalty free.

§ 727.1346 Identification of marketings; old crops.

Subject to paragraph (a) of this section, each marketing of tobacco from a farm shall be identified by an executed memorandum of sale from the 1962 marketing card (MQ–76–Tobacco or MQ–77–Tobacco) issued for the farm on which the tobacco was produced. In addition, as provided in paragraph (b) of this section, in the case of nonwarehouse sales, each marketing shall also be identified by an executed bill of nonwarehouse sale (reverse side of memorandum of sale). A separate memorandum from an excess marketing card marked "carry-over" issued for the farm shall be executed with respect to each marketing of tobacco produced prior to 1962, and the words "old crop" will be written or stamped on each memorandum of sale executed covering a warehouse sale, or by the buyer on each bill of nonwarehouse sale executed to cover a nonwarehouse sale, with respect to a marketing of tobacco produced prior to 1962.

(a) *Memorandum of sale and sale without marketing card.* If a memorandum of sale is not executed to identify a warehouse sale of producer's tobacco by the end of the sale day on which the tobacco was marketed, the marketing shall be a suspended sale, and, unless a memorandum of sale identifying the tobacco so marketed is executed on or before the last warehouse sale day of the marketing season, or within four weeks after the date of marketing, whichever comes first, the marketing shall be identified by MQ–82–Tobacco, Sale Without Marketing Card, as a marketing of excess tobacco. The memorandum of sale or MQ–82–Tobacco shall be executed only by a field assistant or other representative of the State executive director with the following exceptions:

(i) A warehouseman, or his representative, who has been authorized during the 1962–63 marketing year on MQ–78—Tobacco, may issue a memorandum of sale to identify a warehouse sale if a field assistant is not available at the ware-

house when the marketing card is presented. Each memorandum of sale issued by a warehouseman to cover a warehouse sale shall be presented promptly by him to the field assistant for vertification with the warchouse records.

(ii) A tobacco dealer who buys tobacco direct from farmers, who resells such tobacco through a hogshead tobacco warehouse, and who keeps records showing the information specified in § 727.1354, and who has been authorized on MQ–78—Tobacco to issue memoranda of sale, may issue a memorandum of sale covering a purchase of such tobacco only if the bill of nonwarehouse sale has been executed. Such dealer may also execute MQ–82—Tobacco, where applicable, under the circumstances specified in this section.

(2) The authorization on MQ–78—Tobacco to issue memoranda of sale may be withdrawn by the State executive director from any or all persons so authorized if such action is determined to be necessary in order to properly enforce the provisions of §§ 727.1330 through 727.1361.

(3) The field assistant shall write on the "county copy" of the memorandum of sale, any name shown as seller on a floor sheet unless the name(s) shown thereon include the surname of the person to whom the marketing card was issued.

(4) Each excess memorandum of sale issued by a field assistant shall be verified by a warehouseman or dealer (or his representative) to determine whether the amount of penalty shown to be due has been correctly computed and such warehouseman or dealer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur in executing the memorandum of sale.

(b) *Bill of nonwarehouse sale.* (1) Each nonwarehouse sale shall be identified by a bill of nonwarehouse sale completely executed by the buyer and the farm operator, and all such bills of nonwarehouse sale shall be delivered to a person who is authorized to issue a memorandum of sale.

(2) Each bill of nonwarehouse sale covering any marketing of tobacco, except as described under paragraph (a)(1)(ii) of this section, shall be presented to a person who is authorized to issue a memorandum of sale and for recording in MQ–79—Tobacco.

§ 727.1347 Rate of penalty.

Marketings of excess tobacco from a farm shall be subject to a penalty per pound equal to seventy-five (75) percent of the average market price for Maryland tobacco for the 1961–62 marketing year as determined by the Crop Reporting Board, Agricultural Marketing Service, United States Department of Agriculture. The rate of penalty per pound shall be calculated to the nearest whole cent. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1".

(a) *Average market price.* The average market price for Maryland tobacco as determined by the Crop Reporting Board, Agricultural Marketing Service, United States Department of Agriculture, for the 1961–62 marketing year will be issued by an amendment to these regulations.

(b) *Rate of penalty per pound.* The penalty per pound upon marketings of excess Maryland tobacco during the 1962–63 marketing year will be issued by an amendment to these regulations.

(c) *Proportional rate of penalty.* With respect to tobacco marketed from farms having tobacco available for marketing in excess of the farm marketing quota, the penalty shall be paid upon that percentage of each lot of tobacco marketed which the tobacco available for marketing in excess of the farm marketing quota is of the total amount of tobacco available for marketing from the farm, as determined under § 727.1344.

§ 727.1348 Persons to pay penalty.

The person to pay the penalty due on any marketing of tobacco subject to penalty shall be determined as follows:

(a) *Warehouse sale.* The penalty due on marketings by a producer through a warehouse shall be paid by the warehouseman who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Nonwarehouse sale.* The penalty due on tobacco purchased directly from a producer other than (1) by sale at public auction through a warehouse, or (2) by sale through a hogshead tobacco warehouse to a buyer other than the warehouseman, in the regular course of business, shall be paid by the purchaser of the tobacco who may deduct an amount equivalent to the penalty from the price paid to the producer.

(c) *Marketings through an agent.* The penalty due on marketings by a producer through an agent who is not a warehouseman shall be paid by the agent who may deduct an amount equivalent to the penalty from the price paid to the producer.

(d) *Marketings outside the United States.* The penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer.

§ 727.1349 Penalties considered to be due from warehousemen, dealers and other persons excluding the producer.

Any marketing of tobacco under any one of the following conditions shall be considered to be a marketing of excess tobacco:

(a) *Warehouse sale without memorandum of sale.* Any warehouse sale of tobacco by a producer which is not identified by a valid memorandum of sale on or before the last warehouse sale day of the marketing season or within four weeks following the date of marketing, whichever comes first, shall be identified by an MQ–82—Tobacco, and shall be presumed, subject to rebuttal, to be a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

(b) *Nonwarehouse sale.* Any nonwarehouse sale which:

(1) Is not identified by a valid bill of nonwarehouse sale (reverse side of memorandum of sale); and,

(2) Is not also identified by a valid memorandum of sale and recorded in MQ–79—Tobacco not later than the end of the calendar week in which the tobacco was purchased; or,

(3) Where the tobacco is not to be resold through a hogshead tobacco warehouse, and is purchased prior to the opening of the local auction market, is not identified by a valid bill of nonwarehouse sale and by a valid memorandum of sale and recorded in MQ–79—Tobacco not later than the end of the calendar week which includes the first sale day of the local auction markets, shall be presumed, subject to rebuttal, to be a marketing of excess tobacco. The penalty thereon shall be paid by the purchaser of such tobacco.

(c) *Leaf account tobacco.* The part or all of any marketing by a warehouseman, which such warehouseman represents to be a leaf account resale, but which when added to prior leaf account resales is in excess of prior leaf account purchases, recognizing and including appropriate adjustments for short baskets and short weights and long baskets and long weights from the Buyers Corrections Account, shall be considered to be a marketing of excess tobacco unless and until such warehouseman furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

(d) *Dealer's tobacco.* The part or all of any marketing of tobacco by a dealer which such dealer represents to be a resale but which when added to prior resales by such dealer is in excess of the total of his prior purchases shall be considered to be a marketing of excess tobacco unless and until such dealer furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the dealer.

(e) *Resales not reported.* Any resale of tobacco which under §§ 727.1330 through 727.1361 is required to be reported by a warehouseman or dealer but which is not so reported within the time and in the manner required by §§ 727.1330 through 727.1361 shall be considered to be a marketing of excess tobacco unless and until such warehouseman or dealer furnishes a report of such resale which is acceptable to the State executive director. The penalty thereon shall be paid by the warehouseman or dealer who fails to make the report as required.

(f) *Marketings falsely identified by a person other than the producer.* If any marketing of tobacco by a person other than the producer thereof is identified by a marketing card other than the marketing card issued for the farm on which such tobacco was produced, such marketing shall be presumed, subject to rebuttal, to be a marketing of excess tobacco and the penalty thereon shall be paid by such person.

§ 727.1349a Producers' penalties; false identification, failure to account, incorrectly determined acreages.

(a) *Penalties for false identification or failure to account.* If any producer falsely identifies or fails to account for the disposition of any tobacco produced on a farm, an amount of tobacco equal to the normal yield of the number of acres harvested in 1962 in excess of the farm acreage allotment shall be deemed to have been marketed as excess tobacco from such farm. The penalty thereon for false identification or failure to account shall be paid by the producer and shall be due on the date of the false identification or failure to account. The filing of a report by a producer under § 727.1352(d) which the State committee finds to be incomplete or incorrect, or the failure to file such a report as required by said regulations, shall constitute a failure to account for the disposition of tobacco produced on the farm.

(b) *Redetermined excess harvested acreage.* If, after part or all of the tobacco produced on a farm has been marketed, the State or county committee redetermines that the harvested acreage for the farm was more than that shown by the prior determination, and if the harvested acreage may not be deemed to be within the farm acreage allotment pursuant to paragraph (d) of this section, any penalty due on the basis of the harvested acreage as redetermined pursuant to § 727.1335 shall be paid by the producer.

(c) *Cancelled allotment.* If, after part or all of the tobacco produced on a farm has been marketed and the allotment therefor has been cancelled under § 727.1352(f), any penalty due thereon shall be paid by such producer.

(d) *Erroneous notice of measured acreage.* If it is determined that the tobacco acreage on a farm is larger than the tobacco farm acreage allotment approved under § 727.1326 of this part, such farm shall be deemed to have not exceeded its allotment if the county committee, with the approval of the State executive director, determines from the facts and circumstances that:

(1) The excess acreage was caused by reliance in good faith by the farm operator on an erroneous notice of measured acreage;

(2) Neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage prior to harvest of tobacco from all areas (patches, fields, or parts of fields) of tobacco from the farm;

(3) The incorrect notice was the result of an error made by the performance reporter or by another employee of the county or State office in reporting, computing, or recording the tobacco acreage for the farm;

(4) Neither the farm operator nor any producer on the farm was in any way responsible for the error; and

(5) The extent of the error in the notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

§ 727.1350 Payment of penalty.

(a) *Date due.* Penalties shall become due at the time the tobacco is marketed, except in the case of false identification or failure to account for disposition in which case penalty shall be due on the date of such false identification or failure to account for disposition. Penalty shall be paid by remitting the amount thereof to the ASCS State office not later than the end of the calendar week in which the tobacco became subject to penalty. A draft, money order, or check drawn payable to the Agricultural Stabilization and Conservation Service may be used to pay the penalty, but any such draft or check shall be received subject to payment at par.

(b) *Warehouse sale; net proceeds.* If the penalty due on any warehouse sale of tobacco by a producer as determined under §§ 727.1330 through 727.1361 is in excess of the net proceeds of sale (gross amount for all lots included in the sale, less usual warehouse charges), the amount of the net proceeds, accompanied by a copy of the warehouse bill covering such sale, may be remitted as the full penalty due. Usual warehouse charges shall not include (1) advances to producers, (2) charges for hauling, or (3) any other charges not usually incurred by producers in marketing tobacco through a warehouse.

(c) *Nonwarehouse sale; converted penalty rate.* Nonwarehouse sales, including sales of scrap tobacco, shall be subject to the converted rate of penalty for the farm on which the tobacco was produced without regard to the net proceeds of the sale.

§ 727.1351 Request for return of penalty.

Any producer of tobacco after the marketing of all tobacco available for marketing from the farm and any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under §§ 727.1330 through 727.1361 to be paid. Such request shall be filed on MQ–85–Tobacco with the ASCS county office within two (2) years after the payment of the penalty. Approval of return of penalty to producers shall be by the county committee, subject to approval of the State Executive Director.

Records and Reports

§ 727.1352 Producer's records and reports.

(a) *Report of tobacco acreage.* The farm operator or any producer on the farm shall execute and file a report with the ASCS county office or a representative of the county committee on Form CSS–578, Report of Acreage, showing all fields of tobacco on the farm in 1962. If any producer on a farm files or aids or acquiesces in the filing of any false report with respect to the acreage of tobacco grown on the farm, even though the farm operator or his representative refused to sign such report, the allotment next established for such farm and kind of tobacco shall be reduced pursuant to applicable tobacco marketing quota regulations for determining acreage allotments and normal yields, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the filing of, aiding, or acquiescing in the filing of, such false report was not intentional on the part of any producer on the farm and that no producer on the farm could reasonably have been expected to know that the report was false, provided the filing of the report will be construed as intentional unless the report is corrected and the payment of all additional penalty is made, or (2) no person connected with such farm for the year for which the allotment is being established caused, aided, or acquiesced in the filing of the false acreage report.

(b) *Report on marketing card.* The operator of each farm shall return to the ASCS county office each marketing card issued for the farm whenever marketings from the farm are completed and in no event later than October 1, 1963. At the time the marketing card is returned to the ASCS county office, there shall be shown on each such card the quantity of tobacco on hand, if any, including the crop year produced and its location. Failure to return the marketing card within fifteen (15) days after written request by certified mail from the county office manager shall constitute failure to account for disposition of tobacco marketed from the farm unless disposition of all tobacco marketed from the farm is accounted for as provided in paragraph (d) of this section.

(c) *False identification.* If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments next established for both such farms and kinds of tobacco shall be reduced pursuant to applicable tobacco marketing quota regulations for determining acreage allotments and normal yields, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) no person on such farm intentionally participated in such marketing or could have reasonably been expected to have prevented such marketing, provided the marketing shall be construed as intentional unless all tobacco from the farm is accounted for and payment of all additional penalty is made, or (2) no person connected with such farm for the year for which the allotment is being established caused, aided, or acquiesced in such marketing.

(d) *Report of production and disposition.* In addition to any other reports which may be required under §§ 727.1330 through 727.1361, the operator on each farm or any producer on the farm (even though the harvested acreage does not exceed the acreage allotment or even though no allotment was established for the farm) shall upon written request by certified mail from the State executive director within fifteen (15) days after deposit of such request in the United States mails addressed to such person at his last known address, furnish the

Secretary on Form MQ–108—Tobacco, a written report of the acreage, production, and disposition of all tobacco produced on the farm by sending the same to the ASCS State office showing, as to the farm at the time of filing such report, (1) the number of fields (patches or areas) from which tobacco was harvested, the acres of tobacco harvested from each such field, and the total acreage of tobacco harvested from the farm, (2) the total pounds of tobacco produced, (3) the amount of tobacco on hand and its location, (4) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price and the date of the marketing, and (5) complete details as to any tobacco disposed of other than by sale. Failure to file the MQ–108, as requested, the filing of a false MQ–108, of the filing of an MQ–108 which is found by the State committee to be incomplete or incorrect shall constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment next established for such farm and kind of tobacco shall be reduced pursuant to applicable tobacco marketing quota regulations for determining acreage allotments and normal yields, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (i) the failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition, provided such failure will be construed as intentional unless such proof of disposition is furnished and payment of all additional penalty is made, or (ii) no person connected with such farm for the year for which the allotment is being established caused, aided or acquiesced in the failure to furnish such proof.

(e) *Harvesting second tobacco crop from same acreage.* If in the calendar year 1962 more than one crop of tobacco was grown from (1) the same tobacco plants, or (2) different tobacco plants, and is harvested for marketing from the same acreage of a farm, the acreage allotment next established for such farm shall be reduced by an amount equivalent to the acreage from which more than one crop of tobacco was so grown and harvested.

(f) *Cancellation of new farm allotment.* Any new farm allotment approved under §§ 727.1311 through 727.1328 (26 F.R. 6424, 6641, 10504) which was determined by the county committee on the basis of incorrect information knowingly furnished the county committee by the applicant for the new farm allotment shall be cancelled by the county committee as of the date the allotment was established.

§ 727.1353 Warehouseman's records and reports.

(a) *Record of marketing.* (1) Each warehouseman shall keep such records as will enable him to furnish the ASCS State office with respect to each warehouse sale of tobacco made at his warehouse the following information:

(i) The name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a sale by a producer, and in the case of a resale, the name of the seller.

(ii) Date of sale.

(iii) Number of pounds sold.

(iv) Gross sale price.

(v) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s); and in addition, with respect to each individual basket or lot of tobacco constituting the warehouse sale, the following information:

(vi) Name of purchaser.

(vii) Number of pounds sold.

(viii) Gross sale price.

(2) Records of all purchases and resales of tobacco by the warehouseman shall be maintained to show a separate account for:

(i) Nonwarehouse sales by farmers of tobacco purchased by or on behalf of the warehouseman.

(ii) Purchases and resales of leaf account tobacco.

(iii) Resales of floor sweepings.

(3) Each warehouseman shall keep such records as will enable him to furnish the ASCS State office the total pounds and amounts of the debits (for short baskets and short weights of tobacco) and the credits (for long baskets and long weights of tobacco) to the Buyers Corrections Account as defined in § 727.1331(b). Where the warehouseman returns to the seller tobacco debited to the Buyers Corrections Account, the warehouseman shall prepare an adjustment invoice to the seller. This invoice shall be the basis for a credit entry for the warehouse in the Buyers Corrections Account and a corresponding purchase (debit entry), in the case of a dealer, on the Dealer's MQ–79 (Dealer's Record). If a warehouse maintains a daily summary of billouts, the balancing figure reflected thereon, if any, shall not be included in the Buyers Corrections Account.

(4) Any warehouseman or any other person who grades tobacco for farmers shall maintain records which will enable him to furnish the ASCS State office the name of the farm operator and the approximate amount of scrap tobacco obtained from the grading of tobacco from each farm.

(5) Any warehouseman or any other person who provides tobacco curing space or stripping space for farmers shall maintain records which will enable him to furnish the ASCS State office the name of the farm operator and the approximate amount of scrap tobacco obtained from each farm resulting from providing such space.

(6) In the case of resales for dealers, the name of the dealer making each resale shall be shown on the warehouse records so that the individual lots of tobacco sold by the dealer can be identified.

(b) *Identification of producer sales of tobacco*—(1) *Floor sheet.* The prefix letter and serial number of the marketing card shall be recorded by the warehouseman on his office copy of the auction warehouse floor sheet covering an auction sale of tobacco by a producer.

(ii) *Check register.* The serial number of the warehouse bill(s) shall be recorded by the warehouseman on the check register or check stub for the check written covering an auction sale of tobacco by a producer (or on the ledger account in the case of a sale through a hogshead warehouse).

(iii) *Marketing card cover.* The serial number of the warehouse bill(s) shall be recorded on the inside front cover of the marketing card by the field assistant or warehouseman for each memorandum of sale issued covering a sale of tobacco by a producer.

(c) *Memorandum of sale and bill of nonwarehouse sale.* A record in the form of a valid memorandum of sale or an MQ–82—Tobacco, Sale Without Marketing Card, shall be obtained by a warehouseman to cover each marketing of tobacco from a farm through the warehouse and each nonwarehouse sale of tobacco purchased by or for the warehouseman. For a nonwarehouse sale of tobacco purchased by or for a warehouseman, no memorandum of sale shall be issued unless the bill of nonwarehouse sale on the reverse side of the memorandum is executed. Any warehouseman or any other person who obtains possession of any scrap tobacco in the course of grading tobacco from any farm and any warehouseman who obtains possession of any scrap tobacco as a result of providing curing space or stripping space for farmers shall obtain a bill of nonwarehouse sale and a memorandum of sale to cover the amount of such scrap tobacco.

(d) *Suspended sale record.* Any warehouse bills covering farm tobacco for which memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills "suspended", write thereon the serial number of the suspended sale, and, if the warehouse is not a hogshead warehouse, record the bills on MQ–80—Tobacco, Daily Auction Warehouse Report: *Provided*, That, if a field assistant is not available, the warehouseman may stamp such bills "suspended" and deliver them to a field assistant when one is available.

(e) *Warehouse entries on dealer's record; old crops.* Each warehouseman, other than a hogshead tobacco warehouseman, shall record, or have the dealer record, on MQ–79—Tobacco, the total purchases and resales made by each dealer or other warehouseman during each sale day at the warehouse and regardless of who makes the entries, the warehouseman shall enter his initials in the space provided. If any tobacco resold by the dealer is tobacco bought by him from a crop produced prior to 1962, the entry on MQ–79—Tobacco shall clearly show such fact.

(f) *Record and report of purchases and resales.* Each warehouseman shall keep a record and make reports on MQ–79—Tobacco, Dealer's Record, showing:

(1) All purchases of tobacco directly from producers other than at public auction through a warehouse (nonwarehouse sales) (also including, in the case of a hogshead tobacco warehouseman, purchases at the hogshead tobacco warehouse by or for such warehouseman from producers).

(2) All purchases and resales, by or for the warehouse, of tobacco at public auction through warehouses other than his own.

(3) All purchases of tobacco from dealers other than warehousemen and resales of tobacco to dealers other than warehousemen.

(4) Resales of floor sweepings separately from leaf account tobacco, as these terms are defined under § 727.1331.

MQ–79—Tobacco shall be prepared and a copy forwarded to the ASCS State office not later than the end of the calendar week in which such tobacco was purchased or resold: *Provided*, that if tobacco is purchased prior to the opening of the local auction market, an MQ–79—Tobacco shall be prepared and a copy forwarded to the ASCS State office not later than the end of the calendar week which includes the first sale day of the local auction markets. A remittance for all penalties shown by the entries on MQ–79—Tobacco and on the memoranda of sale to be due shall be forwarded to the ASCS State office with the original copy of MQ–79—Tobacco.

(g) *Weekly and season report of hogshead tobacco warehouse business.* (1) Each hogshead tobacco warehouseman shall furnish the ASCS State office a weekly report of all leaf account tobacco purchased or sold and all floor sweepings sold, if any, through the warehouse.

(2) A hogshead tobacco warehouseman shall furnish the ASCS State committee, not later than October 10, 1962, a report showing the producer's name (or the name of the dealer in the case of tobacco received from a dealer), the hogshead number and pounds of tobacco in each hogshead received, but which is on hand and unsold as of the close of business on September 30, 1962; *Provided*, That such report shall not include any tobacco which was previously reported as being on hand in such hogshead warehouse as of the close of business, September 30, 1960, under § 727.1331(t)(3).

(3) A hogshead tobacco warehouseman shall submit weekly reports, except as to tobacco excluded from the definition of "tobacco" by § 727.1331(t)(3), (each such report to be submitted not later than the end of the calendar week during which the transactions occurred) to the ASCS State office including for each buyer who purchased tobacco (and any association to which any "loan" tobacco was consigned) through the warehouse during the week for which the report is submitted, a copy of the billout to the buyer (or association) together with the following:

(i) Name of farm operator (and name of seller if different from operator) for each sale of farm tobacco.

(ii) Farm serial number of the farm for each sale of farm tobacco.

(iii) Serial number of memorandum of sale or memorandum of sale without marketing card executed with respect to each sale of farm tobacco.

(iv) Date of sale (or date of consignment to loan association).

(v) Hogshead serial number.

(vi) Number of pounds of tobacco in the hogshead.

(vii) Designation as to the year the tobacco in the hogshead was produced.

(viii) A memorandum of sale or a memorandum of sale without marketing card for each sale of farm tobacco produced in 1962 and a memorandum of sale or a memorandum of sale without marketing card for each sale of farm tobacco produced prior to 1962.

(ix) A remittance of the penalty due as shown on all memoranda of sale and memoranda of sale without marketing card.

(x) Designation by the word "resale" and the name of the person reselling the tobacco entered on the billout for tobacco resold through the hogshead warehouse.

(h) *Daily report of warehouse business.* Each warehouseman, other than a hogshead tobacco warehouseman, shall prepare and promptly forward at the end of each sale day to the ASCS State office a report on Form MQ–80—Tobacco, Daily Auction Warehouse Report, showing for each sale day, unless otherwise stated below:

(1) For each dealer or buyer, as originally billed, the total pounds and gross amount of tobacco purchased at auction, and resales at auction on the warehouse floor.

(2) For any association, as originally billed, the total pounds and gross amount of loan tobacco acquired at auction, and resales at auction, if any, on the warehouse floor.

(3) The total pounds and gross amount of all leaf account purchases at auction on the warehouseman's own floor and the total pounds and gross amount of all leaf account resales at auction on the warehouseman's own floor including resales of tobacco from Buyers Corrections Account.

(4) The total pounds and gross amount of all resales at auction on the warehouseman's own floor of floor sweepings which accumulated on the warehouseman's own floor.

(5) The sum of the totals for subparagraphs (1), (2), (3) and (4) of this paragraph.

(6) The computed total of first sales at auction on the warehouse floor.

(7) (i) The warehouse gross sales for the day, pounds and amount, as billed to buyers (sum of purchases from subparagraphs (1), (2) and (3) of this paragraph, (ii) the amount on warehouse check register, if shown thereon; and (iii) the total of the resales, pounds and amount (sum of resales from subparagraphs (1), (2), (3) and (4) of this paragraph).

(8) On the report for the last sale day for the season, the pounds and estimated value of all tobacco on hand and whether such tobacco represents leaf account tobacco, or floor sweepings which accumulated on the warehouseman's own floor.

(9) For each sale day, if available, otherwise weekly, the sum of the debits and the sum of the credits, pounds and amounts, from the Buyers Corrections Account.

(10) For each warehouse sale of excess tobacco from a farm, the applicable memorandum of sale numbers and the relevant memoranda together with remittance of the penalty due as shown thereon.

(11) As to the information required to be entered on Form MQ–80—Tobacco, Daily Auction Warehouse Report, by the field assistant, the warehouseman shall keep and make available such records as will enable the field assistant to enter thereon: (i) For each sale identified by a memorandum of sale or MQ–82, Sale Without Marketing Card, the pounds sold and gross amount; (ii) for each sale suspended under §§ 727.1346(a) and 727.1353(d), the warehouse bill(s) number, pounds sold and gross amount; and (iii) for each sale cleared from suspension, the memorandum of sale number and the date of clearance.

§ 727.1354 Dealers' records and reports.

Each dealer, except as provided in § 727.1355, shall keep the records and make the reports as provided by this section.

(a) *Report of dealer's name, address and registration number.* Each dealer shall properly execute and the field assistant (or the dealer, if the tobacco is to be marketed through a hogshead tobacco warehouse) shall detach and forward to the ASCS State office "Receipt for Dealer's Record" contained in MQ–79—Tobacco, which is issued to the dealer.

(b) *Record of marketings.* Each dealer shall keep such records as will enable him to furnish the ASCS State office with respect to each lot of tobacco purchased by him the following information:

(1) The name of the warehouse through which the tobacco was purchased in the case of a warehouse sale; the name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a nonwarehouse sale, including the records and reports for farm scrap tobacco set forth in § 727.1353 (a) (4) (5) and (c); and the name of the seller in the case of purchases directly from warehousemen or other dealers.

(2) Date of purchase.

(3) Number of pounds purchased.

(4) Gross purchase price.

(5) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s); and, with respect to each lot of tobacco sold by him, the following information:

(6) Name of the warehouse through which the tobacco was sold in the case of a warehouse sale, and the name of the purchaser if other than a warehouse sale.

(7) Date of sale.

(8) Number of pounds sold.

(9) Gross sale price.

(10) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s).

(11) In the event of a resale of tobacco bought by him and carried over from a crop produced prior to 1962, the fact that such tobacco was bought by him from a crop produced prior to 1962.

(c) *Memorandum of sale and bill of nonwarehouse sale.* A bill of nonwarehouse sale and a memorandum of sale

from the 1962 marketing card issued for the farm on which the tobacco was produced shall be obtained by a dealer to cover each purchase of tobacco directly from a producer other than at auction through a warehouse, including farm scrap tobacco obtained as set forth in § 727.1353 (a) (4) (5) and (c). No memorandum of sale shall be issued identifying such purchase unless the bill of nonwarehouse sale on the reverse side of the memorandum of sale has been executed. Nonwarehouse purchases shall be recorded by the dealer or the field assistant on MQ–79—Tobacco, Dealer's Record, and the field assistant shall enter his initials in the space provided.

(d) *Record and report of purchases and resales.* Each dealer shall keep a record and make reports on MQ–79—Tobacco, Dealer's Record, showing all purchases and resales of tobacco made by or for the dealer and, in the event of a purchase or resale of tobacco bought from a crop produced prior to 1962, the fact that such tobacco was bought by him and carried over from a crop produced prior to 1962. MQ–79—Tobacco shall be prepared and a copy forwarded to the ASCS State office not later than the end of the calendar week in which tobacco was purchased or resold, including the original copy of any spoiled reports: *Provided*, That if tobacco is purchased prior to the opening of the local auction market, an MQ–79—Tobacco shall be prepared and a copy forwarded to the ASCS State office not later than the end of the calendar week which would include the first sale day of the local auction markets. A remittance for all penalties shown by the entries on MQ–79—Tobacco and on the memoranda of sale to be due shall be forwarded to the ASCS State office with the original copy of MQ–79—Tobacco.

(e) *Report to warehousemen for Buyers Correction Account of Tobacco Received.* Notwithstanding the provisions of § 727.1355, any dealer, buyer or any other person receiving tobacco from or through a warehouseman at an auction sale or otherwise, which is not invoiced to him or which is incorrectly invoiced to him by the warehouseman, shall furnish the werehouseman an invoice or an adjustment invoice correctly setting forth the pounds and dollars for which he has not been invoiced or for which he has been invoiced incorrectly.

§ 727.1355 Dealers exempt from regular records and reports.

Any dealer or buyer who does not purchase or otherwise acquire tobacco except at warehouse sales, or directly from dealers other than warehousemen, and who does not resell in the form in which tobacco ordinarily is sold by farmers more than 10 percent of such tobacco so purchased by him shall not be subject to the provisions of § 727.1354: *Provided, however*, That any such dealer or buyer who purchases tobacco at nonwarehouse sale, or from a warehouseman other than at warehouse sale shall be subject to the provisions of § 727.1354 with respect to such purchases.

§ 727.1356 Records and reports of truckers and persons redrying, prizing or stemming tobacco.

(a) Each trucker shall keep such records as will enable him to furnish the ASCS State office a report with respect to each lot of tobacco received by him showing:

(1) The name and address of the producer;

(2) The date of receipt of the tobacco;

(3) The number of pounds received; and,

(4) The name and address of the person to whom it was delivered.

(b) Each person engaged to any extent in the business of redrying, prizing or stemming tobacco for producers shall keep such records as will enable him to furnish the Director a report showing:

(1) The information required above for truckers, and in addition,

(2) The purpose for which the tobacco was received,

(3) The amount of advance made by him on the tobacco, and

(4) The disposition of the tobacco.

§ 727.1357 Separate records and reports from persons engaged in more than one business.

Any person who is required to keep any record or make any report as a warehouseman, processor, dealer, trucker, or as a person engaged in the business of redrying, prizing or stemming tobacco for producers and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 727.1358 Failure to keep records and make reports or making false reports or records.

(a) *Failure to keep records or make reports.* Under the provisions of section 373(a) of the Act, any warehouseman, processor, dealer, trucker, or person engaged in the business of redrying, prizing, or stemming tobacco for producers who fails to make any report or keep any record as required under §§ 727.1330 through 727.1361, or who makes any false report or record, is guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500 for each offense. In addition, any tobacco warehouseman or dealer who fails, upon being requested to do so, to remedy a violation(s) by submitting complete reports and keeping accurate records shall be subject to an additional fine, not to exceed $5,000.

(b) *False representations.* The penalties designated in paragraph (a) of this section are in addition to other penalties prescribed by criminal statutes including U.S. Code, Title 18, sec. 1001, which provides for a fine of not more than $10,000 or imprisonment for not more than 5 years, or both, for a person convicted of knowingly and willingly committing such acts as making a false acreage report, altering a marketing card, or falsely identifying tobacco.

§ 727.1359 Examination of records and reports.

For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report, but not so furnished, any warehouseman, processor, dealer, trucker or person engaged in the business of redrying, prizing or stemming tobacco for producers shall make available, at one place, for examination by representatives of the State executive director and by employees of the Investigation Division, Audit Division, and of the Tobacco Division of the Agricultural Stabilization and Conservation Service, United States Department of Agriculture, upon written request by the State executive director or Director, all such books, papers, records, basket tickets; floor sheets, buyer adjustment invoices, accounts, cancelled checks, check register, check stubs, correspondence, contracts, documents, and memoranda as the State executive director or Director has reason to believe are relevant and are within the control of such person.

§ 727.1360 Length of time records and reports are to be kept.

Records required to be kept and copies of the reports required to be made by any person under §§ 727.1330 through 727.1361 for the 1962–63 marketing year shall be kept by him until September 30, 1965. Records shall be kept for such longer period of time as may be requested in writing by the State executive director or the Director.

§ 727.1361 Information confidential.

All data reported to or acquired by the Secretary pursuant to the provisions of §§ 727.1330 through 727.1361 shall be kept confidential by all officers and employees of the United States Department of Agriculture and by all members of county and community committees and all ASCS county office employees and only such data so reported or acquired as the Deputy Administrator deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the Act.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: Date of filing with the Office of the Federal Register.

Signed at Washington, D.C. on July 9, 1962.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62–6808; Filed, July 11, 1962; 8:51 a.m.]

Chapter IX—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 47]

PART 1047—MILK IN FORT WAYNE, IND., MARKETING AREA

Order Amending Order

§ 1047.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Fort Wayne, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, four cents per hundredweight or such amount not to exceed four cents per hundredweight as the Secretary may prescribe, with respect to:

(a) All receipts within the month of milk from producers, including milk of such handler's own production;

(b) Any other source milk allocated to Class I pursuant to § 1047.46 (c) and (d) and the corresponding steps of § 1047.47; and

(c) The amount of milk for which a payment is computed pursuant to § 1047.62 (a) (2) or (b) (2).

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued May 18, 1962, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued June 7, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Fort Wayne, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended as follows:

1. Section 1047.6 is revised to read as follows:

§ 1047.6 Marketing area.

Fort Wayne, Indiana, marketing area, hereinafter called the "marketing area", means all the territory within the counties of Adams, Allen, Blackford, De Kalb, Huntington, Jay, La Grange, Noble, Steuben, Wabash, Wells and Whitley, all in the State of Indiana, together with all municipal corporations therein and all institutions owned or operated by the Federal, State or County Government located wholly or partially within the county.

2. Section 1047.51(b) is revised to read as follows:

§ 1047.51 Class prices.

* * * * * *

(b) *Class II milk price.* The price per hundredweight for Class II milk of 3.5 percent butterfat content shall be the basic formula price: *Provided*, That such Class II price shall not exceed the price computed from the sum of subparagraphs (1) and (2) of this paragraph rounded to the nearest cent plus ten cents:

(1) From the Chicago butter price subtract three cents and multiply by 4.2; and

(2) From the simple average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month to the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

3. Part 1047 is amended by adding a new § 1047.49 to read as follows:

§ 1047.49 Inventory reclassification.

From any skim milk or butterfat assigned to Class I milk pursuant to § 1047.46(f) and the corresponding step of § 1047.47 subtract in the following order the skim milk and butterfat, respectively, assigned during the preceding month to Class II milk (except shrinkage) pursuant to §§ 1047.46 and 1047.47 in:

(a) Producer milk and receipts of fluid milk products from other pool plants; and

(b) Other source milk classified and priced as Class I milk pursuant to another Federal order.

4. Section 1047.70 (d) and (f) are revised to read as follows:

§ 1047.70 Computation of value of producer milk.

* * * * * *

(d) Multiply the hundredweight of skim milk and butterfat subtracted pursuant to § 1047.49(a) by the difference between the Class II price for the preceding month and the Class I price for the current month;

* * * * * *

(f) Multiply the hundredweight of skim milk and butterfat remaining after the calculation pursuant to § 1047.49(b) by the rate pursuant to § 1047.63(b).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: August 1, 1962.

Signed at Washington, D.C., on July 6, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62–6819; Filed, July 11, 1962; 8:53 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 7—ADVISORY BOARDS

The following regulations are issued pursuant to Executive Order 11007, and section 161, 68 Stat. 948, 42 U.S.C. 2201, and supersede regulations in this part, dated December 10, 1959.

Because of the organizational and procedural nature of these regulations, the Atomic Energy Commission has found that general notice of proposed rule making and public procedure thereon are unnecessary, and that good cause exists why these rules should be made effective without the customary period of prior notice.

The following regulations are made effective upon publication thereof in the FEDERAL REGISTER:

Sec.
7.1 Purpose.
7.2 Definitions.
7.3 Functions and limitations.
7.4 Chairman.
7.5 Membership.
7.6 Meetings and agenda.
7.7 Minutes.
7.8 Waivers of compliance.
7.9 Duration.
7.10 Industry Advisory Committees.
7.11 Annual publication of list of Advisory boards; availability of advisory board records and files to the Attorney General.

AUTHORITY: §§ 7.1 to 7.11 issued under Executive Order No. 11007; sec. 161, 68 Stat. 948; 42 U.S.C. 2201.

§ 7.1 Purpose.

(a) The regulations prescribed in this part shall govern advisory boards established pursuant to sections 161(a), 26, 29 and 157(a) of the Atomic Eenergy Act of 1954, as amended (68 Stat. 948), to the extent not inconsistent with specific law.

(b) Except as made applicable by the Commission, the regulations shall not apply:

(1) To any advisory board for which Congress by statute has specified the purpose, composition and conduct unless and to the extent such statute authorizes the President to prescribe regulations for the formation or use of such board;

(2) To any advisory committee composed wholly of representatives of State or local agencies or charitable, religious, educational, civic, social welfare, or other similar nonprofit organizations;

(3) To any local, regional, or national committee whose sole function is the dissemination or information for public agencies, or to any local civic committee whose primary function is that of rendering a public service other than giving advice or making recommendations to the Government.

§ 7.2 Definitions.

As used in this part:

(a) The term "advisory board" means any board, committee, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof, that is established under authority of the Atomic Energy Act of 1954, as amended, in the interest of obtaining advice or recommendations, or for any other purpose, and that is not composed wholly of full-time salaried officers or employees of the Government. The term also includes any board, committee, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof, that is not established by the Commission, but only during any period when it is being utilized by the Commission in the same manner as a Government-formed advisory committee. The term does not include any board, committee, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof, that is established in the interest of obtaining information and recommendations and is composed wholly of full-time salaried officers or employees of the Government and of employees of AEC contractors who furnish such information and recommendations as services under, and in accordance with the terms of, the contract between AEC and their employers.

(b) The term "industry advisory committee" means an advisory board composed predominantly of members or representatives of a single industry or group of related industries, or of any subdivision of a single industry made on a geographic, service, or product basis. An industry advisory committee may also be composed of members or representatives of labor or agriculture, as well as industry, or a combination thereof.

(c) The term "Commission" means the Atomic Energy Commission.

§ 7.3 Functions and limitations.

(a) No advisory board shall be established by the Commission or utilized unless:

(1) Specifically authorized by law, or

(2) Specifically determined as a matter of formal record by the Commission to be in the public interest in connection with the performance of duties imposed by law.

(b) Unless specifically authorized by law to the contrary, no advisory board shall be utilized for functions not solely advisory, and determinations of action to be taken with respect to matters upon which an advisory board advises or recommends shall be made solely by full-time salaried officers or employees of the Government.

§ 7.4 Chairman.

All meetings of an advisory board shall be under the chairmanship, or conducted in the presence of, a full-time salaried officer or employee of the Government who shall have the authority and be required to adjourn any meeting whenever he considers adjournment to be in the public interest.

§ 7.5 Membership.

In the case of advisory boards other than the General Advisory Committee, the Advisory Committee on Reactor Safeguards, and the Patent Compensation Board, the General Manager or the Director of Regulation, as the case may be, will select the members: *Provided, however,* That the Manager of a field office will select members of the Personnel Security Board established for his office.

§ 7.6 Meetings and agenda.

No meeting of an advisory board shall be held except at the call of, or with the advance approval of, a full-time salaried officer or employee of the Commission, and with an agenda formulated or approved by such officer or employee.

§ 7.7 Minutes.

For advisory boards other than industry advisory committees, minutes of each meeting shall be kept which shall, as a minimum, contain a record of persons present, a description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the advisory board. The accuracy of all minutes shall be certified to by a full-time salaried officer or employee of the Government present during the proceedings recorded.

§ 7.8 Waivers of compliance.

In the case of advisory boards other than industry advisory committees, the Commission, the General Manager or Director of Regulation, as the case may be, may waive compliance with any requirement contained in §§ 7.4, 7.6 and 7.7 when the Commission, the General Manager or the Director of Regulation, as the case may be, formally determines that compliance therewith would interfere with the proper functioning of such advisory board or would be impracticable, that adequate provisions are otherwise made to insure that the advisory board operation is subject to Government control and purpose, and that waiver of the requirement is in the public interest.

§ 7.9 Duration.

An advisory board whose duration is not otherwise fixed by law shall terminate not later than two years from the date of its formation unless the Commission determines in writing not more than sixty days prior to the expiration of such two-year period that its continued existence is in the public interest. A like determination by the Commission shall be required not more than sixty days prior to the end of each subsequent two-year period to continue the existence of such advisory board thereafter. For the purpose of these regulations, the date of formation of an advisory board in existence on February 28, 1962, shall be deemed to be July 1, 1960, or the actual date of its formation, whichever is later.

§ 7.10 Industry advisory committees.

(a) Each industry advisory committee shall be reasonably representative of the group of industries, the single industry, or the geographical, service, or product segment thereof to which it relates, taking into account the size and function of business enterprises in the industry or industries, and their location, affiliation, and competitive status, among other factors. Selection of industry members shall, unless otherwise provided by statute, be limited to individuals actively engaged in operations in the particular industry, industries, or segments concerned, except where the Commission, the General Manager or Director of Regulation, as the case may be, deems such limitations would interfere with effective committee operation.

(b) A verbatim transcript shall be kept of all proceedings at each meeting of an industry advisory committee, including the names of all persons present, their affiliation, and the capacity in which they attend: *Provided,* That where the Commission, the General Manager or the Director of Regulation, as the case may be, formally determines that a verbatim transcript would interfere with the proper functioning of such a committee or would be impracticable, and that waiver of the requirement of a verbatim transcript is in the public interest, the Commission, the General Manager or the Director of Regulation, as the case may be, may authorize in lieu thereof the keeping of minutes which shall, as a minimum, contain a record of persons present, a description of matters discussed and conclusions reached, and copies of all reports received; issued, or approved by the committee. The accuracy of all minutes shall be certified to by a full-time salaried officer or employee of the Government present during the proceedings recorded.

(c) Industry advisory committees shall not be permitted to receive, compile, or discuss data or reports showing the current or projected commercial operations of identified business enterprises.

§ 7.11 Annual publication of list of advisory boards; availability of Advisory board records and files to the Attorney General.

(a) The Commission shall publish in its annual report, or otherwise publish annually, a list of such advisory boards, including the names and affiliations of their members, a description of the function of each advisory board and a statement of the dates of its meetings: *Provided,* That the Commission may waive this requirement where the Commission determines that such annual publication would be unduly costly or impracticable, but shall make such information available, upon request, to the Congress, the President, or the Attorney General.

(b) A copy of each such report shall be furnished to the Attorney General, and all records and files of advisory boards, including agenda, transcripts or notes of meetings, studies, analyses, reports or other data compilations or working papers, made available to or prepared by or for any such advisory board, shall be made available, upon request by the Attorney General, to his duly authorized representatives, subject to such security restrictions as may be properly imposed on the materials involved.

Dated at Germantown, Md., this 6th day of July 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 62-6769; Filed, July 11, 1962; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

U.S. Arms Control and Disarmament Agency

Effective upon publication in the FEDERAL REGISTER, paragraphs (g) and (h) are added to § 6.372 as set out below.

§ 6.372 U.S. Arms Control and Disarmament Agency.

* * * * *

(g) The General Counsel.

(h) One Private Secretary to the General Counsel.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-6813; Filed, July 11, 1962; 8:52 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 325—REGISTRATION AND CLAIMS FOR BENEFITS

Day of Registration

Pursuant to the general authority contained in section 12 of the act of June 25, 1938 (52 Stat. 1094, 1107; 45 U.S.C. 362), § 325.12(c)(8) of Part 325 (20 CFR 325.12(c)) of the regulations under such act is amended by Board Order 62-84, dated June 28, 1962, to read as follows:

(c) *Day of registration.* * * *

(8) If an employee, because of a circumstance or condition directly affecting him and not attributable to any lack of diligence on his part, does not register within the time hereinabove specified with respect to any day in the benefit years beginning July 1, 1957, July 1, 1958, July 1, 1959, or July 1, 1960, for which he would not have been entitled to unemployment benefits except for the amendments to the Railroad Unemployment Insurance Act made by Public Law 86-28, 73 Stat. 25, or except for the provisions of section 303(b) of Public Law 86-28, 73 Stat. 31, such employee may register with respect to such day within a reasonable time after the circumstance or condition which had prevented timely registration is removed, but not later than May 18, 1963.

(Sec. 12, 52 Stat. 1107, as amended; 45 U.S.C. 362)

Dated: July 6, 1962.

By authority of the Board.

[SEAL] LAWRENCE GARLAND,
Acting Secretary of the Board.

[F.R. Doc. 62-6785; Filed, July 11, 1962; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1193; Amdt. 461]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed 1049 Series Aircraft

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring inspection of the wing rear spar of Lockheed 1049 Series aircraft was published in 27 F.R. 4559.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive.

LOCKHEED. Applies to all Models 1049-54, 1049B, 1049C, 1049D, 1049E, 1049F, 1049G, and 1049H Series aircraft.

Compliance required as indicated.

As a result of corrosion found on the wing rear spar upper cap exposed surfaces which exceeded the negligible damage limits the following is required:

(a) Within the next 700 hours' time in service after the effective date of this AD, unless already accomplished, inspect the exposed surfaces of the rear spar upper caps from wing Station 80 to wing Station 458 using a wood or micarta pick as a probe and a good light source to illuminate the area.

(b) If no corrosion is found, coat the spar cap with zinc chromate primer. The aircraft may then be returned to service.

(c) If corrosion damage is found on the exposed surfaces of the rear spar upper cap, remove enough rivets from the aft upper surface skin to allow lifting the skin for the purpose of inspecting the aft outer surface of the rear spar upper cap in accordance with (a).

(d) Repair all corrosion damage in accordance with Lockheed Report 8882, figure 2-25 and paragraph 1-67N, or FAA approved equivalent. If no corrosion is found on the aft outer surface of the rear spar upper cap, coat it with zinc chromate.

(e) All rear spar upper caps which have been inspected and repaired in accordance with (a) through (d) shall be reinspected and repaired in accordance with (a) through (d) at periods thereafter not to exceed 5,000 hours' time in service or two calendar years, whichever occurs first. The first periodic reinspection of any rear spar upper cap which was inspected and repaired in the manner prescribed in (a) through (d) prior to the effective date of this AD, shall be accomplished within 5,000 hours' time in service or two calendar years, whichever occurs first, following the date of that inspection.

(f) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Lockheed Field Service Letters FS/249582L dated November 4, 1960, and FS/250141L

dated December 20, 1960, cover this same subject.)

This amendment shall become effective August 13, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 5, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-6771; Filed, July 11, 1962; 8:45 a.m.]

[Reg. Docket No. 1241; Amdt. 462]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas Model DC-8 Aircraft

Pursuant to the authority delegated to me by the Administrator, (25 F.R. 6489), an airworthiness directive was adopted on June 7, 1962, and made effective immediately because of the safety emergency involved as to all known United States operators of Douglas DC-8 aircraft. The directive required preflight inspection of the forward outboard wing flap actuating cylinder barrels. It was later determined that with certain modifications incorporated the inspection time could be extended to a daily inspection. Accordingly, this directive was amended by a new directive adopted on June 14, 1962, and made effective immediately as to the same known operators.

Since it was found that immediate corrective action was required in the interest of safety, notice and public procedure thereon were impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Douglas DC-8 aircraft by individual telegrams dated June 7, 1962, and as amended by telegrams dated June 14, 1962. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507), to make it effective as to all persons.

DOUGLAS. Applies to all Model DC-8 aircraft with outboard flap actuating cylinder Douglas P/N 3643686. These cylinders can be identified as having an outside diameter of 3.810—3.820 inches at the forward end of the barrel where the cylinders attach to the wing flap crank. Compliance required as indicated.

(a) On aircraft incorporating flap quadrant stops which limit flap extension to 40° full down, conduct a close visual inspection daily of the forward ¼ inch of length and around the entire periphery of both outboard wing flap actuating cylinder barrels for evidence of cracks or fluid leakage. Conduct inspection with hydraulic pressure on. Investigate hydraulic fluid leakage to determine cause. Barrels showing evidence of cracks shall be replaced prior to further flight.

(b) On aircraft not incorporating 40° full-down quadrant stops, prior to each flight inspect in accordance with (a) until aircraft are modified as follows:

(1) Install a stop on the control pedestal assembly as described on Serial E.O.001 to Douglas Drawing 5640901 which restricts flap extension to 46–48° down travel.

(2) Rig the flap in accordance with the instructions contained in Addendum No. 1 dated June 12, 1962, to Douglas Alert Bulletin A27–134.

(c) When modifications in accordance with (b) have been accomplished, the preflight inspection required by (b) may be conducted daily.

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegrams dated June 7, 1962, and June 14, 1962.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 5, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-6772; Filed, July 11, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-WE-47]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

On May 1, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 4155) stating that the Federal Aviation Agency proposed to alter the control zone at El Centro, Calif.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the Notice, § 601.2175 (14 CFR 601.2175) is amended to read:

§ 601.2175 El Centro, Calif., control zone.

Within a 5-mile radius of NAF El Centro (latitude 32°49'20" N., longitude 115°40'15" W.); within a 5-mile radius of Imperial County Airport, (latitude 32°50'10" N., longitude 115°34'30" W.), and within 2 miles either side of the El Centro VORTAC 327° radial extending from the Imperial County 5-mile radius zone to the VORTAC.

This amendment shall become effective 0001, e.s.t., August 23, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 6, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-6761; Filed, July 11, 1962; 8:45 a.m.]

[Airspace Docket No. 62-EA-48]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2089 of the Regulations of the Administrator is to alter the description of the Cleveland, Ohio, control zone.

The Cleveland control zone is designated, in part, with reference to the Cleveland radio range and the Elyria, Ohio, fan marker. The Cleveland-Hopkins Airport LF radio range instrument approach procedure was cancelled December 14, 1961. The Federal Aviation Agency is now planning to decommission the Elyria fan marker as this navigational aid, which supported the radio range instrument approach procedure, is no longer required for air traffic control purposes. Therefore, action is taken herein to revoke the control zone extension based on the Cleveland radio range and the Elyria fan marker.

Since the change effected by this amendment is less restrictive in nature than present requirements, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit the appropriate changes to be made on areonautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.2089 (14 CFR 601.2089) is amended to read:

§ 601.2089 Cleveland, Ohio, control zone.

Within a 5-mile radius of the Cleveland-Hopkins Airport (latitude 41°24'30" N., longitude 81°51'00" W.), within 2 miles either side of the Cleveland ILS localizer SW course extending from the 5-mile radius zone to 10 miles SW of the OM, and within 2 miles either side of the extended centerline of runway 23–R extending from the 5-mile radius zone to 18 miles NE of the approach end of the runway.

This amendment shall become effective 0001, e.s.t., August 23, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 6, 1962.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 62-6770; Filed, July 11, 1962; 8:45 a.m.]

[Reg. Docket No. 1250; Amdt. 277]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
PROCEDURE CANCELLED, EFFECTIVE JULY 27, 1962.							
City, Columbus; State, Ohio; Airport Name, Port Columbus; Elev., 816'; Fac. Class., SBRAZ; Ident., CMH; Procedure No. 1, Amdt. 11; Eff. Date, 22 July 61; Sup. Amdt. No. 10; Dated, 30 July 55							
PROCEDURE CANCELLED, EFFECTIVE JULY 26, 1962.							
City, Duluth; State, Minn. Airport Name, Duluth; Elev., 1430'; Fac. Class., SBRAZ; Ident., DLH; Procedure No. 1, Amdt. 4; Eff. Date, 14 Oct. 55; Sup. Amdt. No. 3; Dated, 1 Aug. 59							
PROCEDURE CANCELLED, EFFECTIVE JULY 21, 1962, OR UPON CONVERSION OF LFR TO RBN.							
City, Houghton; State, Mich.; Airport Name, Houghton County Memorial; Elev., 1091'; Fac. Class., BRL; Ident., CX; Procedure No. 1, Amdt. 5; Eff. Date, 24 June 61; Sup. Amdt. No. 4; Dated, 15 Dec. 56							
JAX VOR	JX LFR	Direct	1200	T-dn C-dn A	300-1 600-2 NA	300-1 600-2 NA	200-½ 600-2 NA

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 090° Outbnd, 270° Inbnd, 1500' within 10 mi.
Minimum altitude over facility on final approach crs, 600'.
Crs and distance, facility to airport, 139°—6.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mi, climb to 1500' on W crs within 20 mi.
NOTE: If unable to maintain visual reference after passing facility, climb to 1400' on SE crs within 20 mi and contact JAX approach control immediately. NA for Air Carriers. No weather or communications service at airport.
Other change: Deleted transition from Fort George Island Fan Marker.

City, Jacksonville; State, Fla.; Airport Name, Craig Municipal; Elev., 41'; Fac. Class., SABRAZ; Ident., JAX; Procedure No. 1, Amdt. 1; Eff. Date, 21 July 62; Sup. Amdt. No. Orig.; Dated, 7 Jan. 56

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
ORD VOR	LOM	Direct	2200	T-dn	300-1	300-1	200-½
OBK VOR	LOM	Direct	2200	C-dn	400-1	500-1	500-1½
Lakewood Int	LOM	Direct	2500	S-dn-27	400-1	400-1	400-1
Acorn Int	LOM	Direct	2500	A-dn	800-2	800-2	800-2
Temple Int*	LOM (Final)	Direct	2100				
Deerfield Int	LOM	Direct	2200				
Beacon Int	LOM	Direct	2500				
Elgin Int	OBK VOR	Direct	2200				

Radar vectoring authorized in accordance with approved radar patterns. Aircraft executing missed approach may, after being reidentified, be radar controlled.
Procedure turn N sidwot crs, 088° Outbnd, 268° Inbnd, 2200' within 10 mi.
Minimum altitude over facility on final approach crs, 2100'.
Crs and distance, facility to airport, 268°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 mi after passing LOM, make right turn climb to 2500' on 360° course then proceed direct to OH LOM, or when directed by ATC, climb to 2000' on ORD VOR R-250, then make right climbing turn to 2500' and proceed to Elgin Int via ORD VOR R-271 or make right turn climb to 2200' and proceed to Northbrook VOR via R-170.
CAUTION: Takeoffs on Runway 27, when weather is below 2000-3, will intercept ORD R-250 and climb to 2000' before proceeding westbound. Takeoffs on Runway 32L, when weather is below 2000-3, will intercept ORD VOR R-306 and climb to 2000' before proceeding westbound.
*Temple Int: Int ORD VOR R-076 and OBK VOR R-119 or ORD VOR R-076 and CGT VOR R-356.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 666'; Fac. Class., LOM; Ident., IA; Procedure No. 3, Amdt. 1; Eff. Date, 21 July 62; Sup. Amdt. No. Orig.; Dated, 27 Jan. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CMX VOR	CMX RBn	Direct	2500	T-dn C-d C-n A-dn	300-1 400-1 400-2 800-2	300-1 500-1 500-2 800-2	200-½ 500-1½ 500-2 800-2

Procedure turn W. side of crs, 018° Outbnd, 198° Inbnd, 2500′ within 10 mi.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 200°—3.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles, climb to 2900′ on 198° brng from CMX RBn facility within 20 miles.

City, Houghton; State, Mich.; Airport Name, Houghton-County; Elev., 1091′; Fac. Class., SABH; Ident., CMX; Procedure No. 1, Amdt. Orig.; Eff. Date, 21 July 62

IDA VOR Rigby Int St. Anthony Int DBS VOR	RBn RBn (Final) RBn RBn	Direct Direct Direct Direct	6500 5400 7500 7000	T-dn C-dn S-dn-20 A-dn	300-1 500-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2

Procedure turn N side of crs, 018° Outbnd, 198° Inbnd, 6500′ within 10 mi.
Minimum altitude over facility on final approach crs, 5400′.
Crs and distance, facility to airport, 198°—2.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.2 miles climb to 7000′ on 195° crs, of IDA RBn within 20 miles.

City, Idaho Falls; State, Idaho; Airport Name, Fanning Field; Elev., 4731′; Fac. Class., SABH; Ident., IDA; Procedure No. 1, Amdt. 1; Eff. Date, 21 July 62 or upon commissioning of IA "H" facility; Sup. Amdt. No. Orig.; Dated, 30 Sept. 61

Morey Int Marshall Int Albany Int*	LOM LOM LOM	Direct Direct Direct	2700 2500 2400	T-dn C-dn S-dn-36 A-dn	300-1 700-1 700-1 800-2	300-1 700-1 700-1 800-2	200-½ 700-1½ 700-1 800-2

Procedure turn E side of crs, 179° Outbnd, 359° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 359°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LOM, climb to 2500′ on 359° brng from LOM within 15 mi.
CAUTION: 1211′ tower 1.3 mi to left of crs after passing LOM on final and 1023′ MSL pole 0.8 mi to left of crs and 0.8 mi SW of Runway 36.
*Albany Int: Int, JVL VOR R-314 and brg, 179° from LOM.
**Aircraft must be equipped to receive LOM and LFR simultaneously to use lower minimums.

City, Madison; State, Wis.; Airport Name, Truax Field; Elev., 859′; Fac. Class., LOM; Ident., MS; Procedure No 1, Amdt. 6; Eff. Date, 21 July 62; Sup. Amdt. No. 5; Dated, 3 Dec. 60

PROCEDURE CANCELLED, EFFECTIVE JULY 21, 1962, OR UPON DECOMMISSIONING OF FACILITY.

City, Miami; State, Fla.; Airport Name, International; Elev., 9′; Fac. Class., LOM; Ident., MIA; Procedure No. 1, Amdt. 8; Eff. Date, 4 Apr. 59; Sup. Amdt. No. 7; Dated, 3 Jan. 59

MIA-VOR BSY-VOR MIA RBn	LOM LOM LOM	Direct Direct Direct	1300 1300 1300	T-dn C-dn S-dn-9 L and R A-dn	300-1 500-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 266° Outbnd, 086° Inbnd, 1200′ within 10 mi.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to Runway 9L, 086°—4.5 mi; Runway 9R, 097°—4.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, climb to 1400′ on crs of 086° within 20 miles.

City, Miami; State, Fla.; Airport Name, International; Elev., 9′; Fac. Class., LOM; Ident., IMF; Procedure No. 3, Amdt. 1; Eff. Date, 21 July 62; Sup. Amdt. No. Orig.; Dated, 19 May 62

Oklahoma City VOR Oklahoma City RBn Bethany Int Cashion Int Newcastle Int	LOM LOM LOM LOM LOM (Final)	Direct Direct Direct Direct Direct	2400 2400 2500 2500 2300	T-dn C-dn S-dn-35 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2

Radar transitions authorized in accordance with approved patterns.
Procedure turn E side of crs, 170° Outbnd, 350° Inbnd, 2500′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over LOM inbnd final, 2300′.
Crs and distance, facility to airport, 350°—3.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing LOM, climb to 3000′ on 350° crs within 20 mi or, when directed by ATC, turn left, climb to 2500′ direct to the OKC VOR, or direct to the OKC Rbn.
Other change: Deletes transition from Mustang FM.

City, Oklahoma City; State, Okla.; Airport Name, Will Rogers; Elev., 1284′; Fac. Class., LOM; Ident., OK; Procedure No. 1, Amdt. 9; Eff. Date, 21 July 62; Sup. Amdt. No. 8; Dated, 28 Jan. 61

Oklahoma City RBn Oklahoma City VOR Oklahoma City LOM Cashion Int Edmond Int	TWO RBn TWO RBn TWO RBn TWO RBn TWO RBn (Final)	Direct Direct Direct Direct Direct	2500 2500 2400 2500 2300	T-dn C-dn S-dn-17 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2

Radar transitions authorized in accordance with approved patterns.
Procedure turn W side crs, 350° Outbnd, 170° Inbnd, 2500′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 170°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles, climb to 2400′ on 170° crs from TWO RBn within 20 mi or, when directed by ATC, turn right, climb to 2500′ direct to OKC-VOR or direct to OC-LFR.
Other change: Deletes transition from Mustang FM.

City, Oklahoma City; State, Okla.; Airport Name, Will Rogers; Elev., 1284′; Fac. Class., MHW; Ident., TWO; Procedure No. 2, Amdt. 6; Eff. Date, 21 July 62; Sup. Amdt. No. 5; Dated, 27 Aug. 60

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Cross City RBn	CTY-VOR	Direct	1100	T-dn C-dn S-dn-31 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2

Procedure turn E side, 120° Outbnd, 300° Inbnd, 1300 within 10 mi.
Minimum altitude over facility on final approach crs, 600′.
Crs and distance, facility to airport, 300°—3.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing CTY VOR climb to 1200 on R-300° within 20 miles.

City, Cross City; State, Fla.; Airport Name, Cross City; Elev., 42′; Fac. Class., BVOR; Ident., CTY; Procedure No. 1, Amdt. 7; Eff. Date, 21 July 62; Sup. Amdt. No. 6; Dated, 2 July 55

Pipe Line Int*	DUG-VOR (Final)	Direct	5000	T-dn C-dn** A-dn	300-1 500-1 800-2	300-1 600-1 800-2	200-½ 600-1½ 800-2

Procedure turn N side crs, 289° Outbnd, 109° Inbnd, 7000′ within 10 mi. Procedure turn north of crs; high terrain S.
Minimum altitude over facility on final approach crs, 5000′.
Crs and distance, facility to airport, 118°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles, turn left and climb to 8000′ on R-289 within 20 miles.
*Pipe Line Int: Douglas, Arizona R-289 and Cochise, Ariz. R-175.
**Runway 12-30 closed to all aircraft over 12,500 lbs gross weight.

City, Douglas; State, Ariz.; Airport Name, Bisbee-Douglas International; Elev., 4158′; Fac. Class., BVOR; Ident., DUG; Procedure No. 1, Amdt. 8; Eff. Date, 21 July 62; Sup. Amdt. No. 7; Dated, 22 July 61

				T-dn C-dn A-dn	300-1 600-1½ 800-2	300-1 600-1½ 800-2	

Procedure turn N side of crs, 065° Outbnd, 245° Inbnd, 1600′ within 10 miles.
Crs and distance, facility to airport, 245°—6.2 mi.
Minimum altitude over facility on final approach course, 1000′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.2 miles after passing Deer Park VOR make a right climbing turn to 1600′ proceed direct to Deer Park VOR.
Hold NE 1 minute, right turns, inbound crs. 245°.
NOTE: This approach authorized only during the hours that the control tower is in operation. Radar transitions authorized in accordance with approved Radar patterns of Idlewild ASR.

City, Farmingdale; State, N.Y.; Airport Name, Republic Aviation; Elev., 82′; Fac. Class., BVOR; Ident., DPK; Procedure No. 1, Amdt. Orig.; Eff. Date, 21 July 62

Jacksonville LFR	JAX-VOR	Direct	1200	T-dn C-dn S-dn-27 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 063° Outbnd, 243° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 243°—3.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing VOR, climb to 1500′ on R-243 within 15 miles of JAX VOR or, when directed by ATC, climb to 1500′ on R-275 within 20 miles.*
CAUTION: 194′ tank between VOR and airport.
*Restricted Area 161A located 15 miles SW of JAX VOR.

City, Jacksonville; State, Fla.; Airport Name, Imeson; Elev., 52′; Fac. Class., BVORTAC; Ident., JAX; Procedure No. 1, Amdt. 9; Eff. Date, 21 July 62; Sup. Amdt. No. 8; Dated, 23 Dec. 61

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Hallsville VOR	CBI TVOR	Direct	2600	T–dn	300–1	300–1	200–½
Millersburg Int	CBI TVOR	Direct	2600	C–dn	500–1	500–1	500–1½
Wilton Int	CBI TVOR	Direct	2600	S–dn–35	500–1½	500–1½	500–1½
Woolridge Int#	CBI TVOR	Direct	2600	A–dn	500–1	500–1	500–1
					800–2	800–2	800–2
				If aircraft is equipped with dual VOR receivers and Stadium Int.* is received, the following minimums apply:			
				S–dn–35	400–1	400–1	400–1

Procedure turn W side of final approach crs, 169° Outbnd, 349° Inbnd, 2600′ within 10 miles of Stadium Int.
Procedure turn nonstandard due to ATC requirement.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, breakoff point to Runway 35, 350°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of CBI–VOR climb on R–350 of the CBI–VOR to 2600′ within 10 mi, and return to CBI–VOR.
#Woolridge Int.: 092° radial Blackwater VOR and 235° radial CBI Ter VOR.
*Stadium Int.: 169° radial CBI Ter VOR and 215° radial HLV–VOR.

City, Columbia; State, Mo.; Airport Name, Municipal; Elev., 778′; Fac. Class., BVOR; Ident., CBI; Procedure No. TerVOR–35, Amdt. Orig.; Eff. Date, 21 July 62

				T–dn	300–1	300–1	200–½
				C–d	600–1	600–1	600–1½
				C–n	600–2	600–2	600–2
				S–dn–25	600–1	600–1	600–1
				A–dn	800–2	800–2	800–2
				Following minimums apply for aircraft equipped to receive ADF and VOR simultaneously and the Linden Int* received:			
				C–d	500–1	500–1	500–1½
				C–n	500–2	500–2	500–2
				S–dn–25	500–1	500–1	500–1

Procedure turn N side of crs, 060° Outbnd, 240° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, breakoff point to airport, 247°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make right turn and climb to 2500′ on R–308 within 20 miles.
CAUTION: 1520′ tower 2.4 mi SW of airport.
*Linden Int: Int R–060 CMX VOR and 108° brng. from CX RBn.

City, Houghton; State, Mich.; Airport Name, Houghton-County Memorial; Elev., 1091′; Fac. Class., BVOR; Ident., CMX; Procedure No. TerVOR–25, Amdt. 3; Eff. Date, 21 July 62; Sup. Amdt. No. 2; Dated, 20 Jan. 62

IDA RBn	VOR	Direct	6500	T–dn	300–1	300–1	200–½
Rigby Int	VOR	Direct	6000	C–dn	500–1	500–1	500–1½
St. Anthony Int	VOR	Direct	7500	S–dn–2	400–1	400–1	400–1
DBS VOR	VOR	Direct	7000	A–dn	800–2	800–2	800–2

Procedure turn W side crs, 205° Outbnd, 025° Inbnd, 6000′ within 10 miles. Nonstandard due to high terrain E.
Minimum altitude over facility on final approach crs, 5100′.
Crs and distance, breakoff point to Runway 2, 020°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 6300′ on R–012 within 20 miles or, when directed by ATC, a climbing left turn, return to VOR and climb to 7000′ on R–196 within 20 miles.

City, Idaho Falls; State, Idaho; Airport Name, Fanning Field; Elev., 4731′; Fac. Class, BVOR; Ident., IDA; Prodecure No. Ter VOR–2, Amdt. 4; Eff. Date, 21 July 62; Sup. Amdt. No. 3; Dated, 30 Sept. 61

IDA RBn	VOR	Direct	6500	T–dn	300–1	300–1	200–½
Rigby Int	RBn (Final)	Direct	5400	C–dn	500–1	500–1	500–1½
St. Anthony Int	VOR	Direct	7500	S–dn–20	400–1	400–1	400–1
DBS VOR	VOR	Direct	7000	A–dn	800–2	800–2	800–2

Procedure turn N side of crs, 012° Outbnd, 192° Inbnd, 6500′ within 10 miles.
Minimum altitude over IDA RBn on final approach crs, 5400′; over VOR, 5100′.
Crs and distance, breakoff point to Runway 20, 200°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile climb to 7000′ on R–196 of VOR within 20 miles or, when directed by ATC, a climbing right turn, return to VOR and climb to 6500′ on R–012 within 20 miles.

City, Idaho Falls; State, Idaho; Airport Name, Fanning Field; Elev., 4731′; Fac. Class., BVOR; Ident., IDA; Procedure No. TerVOR–20, Amdt. 2; Eff. Date, 21 July 62; Sup. Amdt. No. 1; Dated, 30 Sept. 61

Beacon Int	VOR	Direct	2500	T–dn	300–1	300–1	200–½
Acorn Int	VOR	Direct	2500	C–dn	700–1	700–1	700–1½
				S–d–13	700–1	700–1	700–1
				A–dn	NA	NA	NA

Procedure turn N side of crs, 321° Outbnd, 141° Inbnd, 2100′ within 10 mi.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, breakoff point to runway, 124°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing OBK VOR make left climbing turn to 2500′, return to OBK VOR. Hold east on 091° rad; crs inbound 271°; right turns; 1 minute.
NOTES: Radar transitions to final approach course authorized. Aircraft may be released without procedure turn 5 miles from OBK VOR. Aircraft executing missed approach may, after being reidentified, be radar controlled. Obtain Glenview NAS or O'Hare weather prior to beginning IFR approach. Cancel IFR flight plan with O'Hare approach control when landing assured.

City, Wheeling; State, Ill.; Airport Name, Chicagoland ;Elev. ,668′; Fac. Class. ,VORTAC; Ident. ,OBK ;Procedure No. TerVOR–13, Amdt. Orig.; Eff. Date, 21 July 62

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Acorn Int	VOR	Direct	2500	T–dn	300–1	300–1	200–½
Beacon Int	VOR	Direct	2500	C–dn	600–1	600–1	600–1½
ORD VOR	VOR	Direct	2000	S–dn–22	600–1	600–1	600–1
				A–dn	NA	NA	NA

Procedure turn N side of crs, 045° Outbnd, 225° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach course, 1300′.
Crs and distance, breakoff point to Runway 22, 222°—0.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing OBK VOR make right climbing turn to 2500′, return to OBK VOR. Hold east on 091° Rad; crs inbound 271°, right turns; 1 minute.
NOTES: Radar transitions to final approach course authorized. Aircraft may be released without procedure turn at least 5 miles from OBK VOR. Aircraft executing missed approach may, after being reidentified, be radar controlled. Obtain Glenview NAS or O'Hare weather prior to beginning IFR approach. Cancel IFR flight plan with O'Hare approach control when landing assured.

City, Wheeling; State, Ill.; Airport Name, Chicagoland; Elev., 668′; Fac. Class., VORTAC; Ident., OBK; Procedure No. TerVOR–22, Amdt. Orig.; Eff. Date, 21 July 62

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
ORD VOR	LOM	Direct	2200	T–dn	300–1	300–1	200–½
OBK VOR	LOM	Direct	2200	C–dn	400–1	500–1	500–1½
Lakewood Int	LOM	Direct	2500	S–dn–27*	200–½	200–½	200–½
Elgin Int	OBK VOR	Direct	2100	A–dn	600–2	600–2	600–2
Beacon Int	LOM	Direct	2500				
Acorn Int	LOM	Direct	2500				
Whitefish Int	E crs ILS (Final)	R–052 API VOR	2200				
Temple Int$	E crs ILS (Final)	R–054 API VOR	2200				
Tide Int	Shark Int#	R–120 OBK VOR	2200				
Shark Int#	Point Int% (Final)	E crs ILS	2200				
Deerfield Int	LOM	Direct	2200				

Radar vectoring authorized in accordance with approved radar patterns. Aircraft executing missed approach may, after being reidentified, be radar controlled.
Procedure turn N side E crs, 088° Outbnd, 268° Inbnd, 2200′.
Minimum altitude at glide slope intercept inbnd, 2200′.
Altitude of glide slope and distance to approach end of runway at LOM, 2130′—4.5 mi; at MM, 860′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ on ORD–VOR R–250, then make right climbing turn to 2500′ and proceed to Elgin Int via ORD–VOR R–271 or, when directed by ATC, make right turn climb to 2500′ and proceed direct to Nor thbrook VOR.
NOTES: When authorized by ATC, DME from ORD VOR may be used to establish position inbound at 2500′ on E crs ILS via 10-mile arc from ORD VOR for straight-in approach with elimination of procedure turn.
CAUTION: Takeoffs on Runway 27, when weather is below 2000–3, will intercept ORD VOR R–250 and climb to 2000′ before proceeding westbound. Takeoffs on Runway 32L, when weather is below 2000–3, will intercept ORD VOR R–306 and climb to 2000′ before proceeding westbound.
*100–1 required with glide slope inoperative.
$Temple Int: Int ORD VOR R–076 and CGT VOR R–356.
#Shark Int: Int R–120 OBK E crs ORD ILS–27.
%Point Int: Int R–127 OBK–VOR, E crs ORD ILS–27, and CGT–VOR R–356.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 666′; Fac. Class., ILS; Ident., I-IAC; Procedure No. ILS–27, Amdt. 1; Eff. Date, 21 July 62; Sup. Amdt. No. Orig.; Dated, 25 Nov. 61

Morey Int	LOM	Direct	2700	T–dn	300–1	300–1	200–½
Brooklyn Int*	LOM (Final)	Direct	2000	C–dn	600–1	600–1	600–1½
Marshall Int	LOM	Direct	2500	S–dn–36	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2

Procedure turn E side of crs, 179° Outbnd, 359° Inbnd, 2400′ within 10 mi.
Minimum altitude at glide slope int inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM—1918′—3.9; at MM—1058′—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500′ on 359° brng from LOM within 15 miles or, when directed by ATC, right climbing turn to 2500′ and proceed direct to Madison LOM.
CAUTION: 1211′ tower 1.3 mi to left of crs after passing LOM on final and 1023′ MSL pole 0.8 mi to left of crs and 0.8 mi SW of Runway 36.
*Brooklyn Int: Int. JVL VOR R–327 and S crs ILS.

City, Madison; State, Wis.; Airport Name, Traux Field; Elev., 859′; Fac. Class., ILS; Ident., I–MSN; Procedure No. ILS–36, Amdt. 7; Eff. Date, 21 July 62; Sup. Amdt. No. 6; Dated, 1 Apr. 61

PROCEDURE, CANCELLED, EFFECTIVE JULY 21, 1962 OR UPON DECOMMISSIONING OF FACILITY.

City, Miami; State, Fla.; Airport Name, International; Elev., 9′; Fac. Class., ILS; Ident., I–MIA; Procedure No. ILS–9, Amdt. 8; Eff. Date, 4 Apr. 59; Sup. Amdt. No. 7; Dated, 3 Jan. 59

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
MIA-VOR	LOM	Direct	1300	T-dn	300–1	300–1	200–½
BSY-VOR	LOM	Direct	1300	C-dn	500–1	500–1	500–1½
MIA RBn	LOM	Direct	1300	S-dn-9L*	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 266° Outbnd, 086° Inbnd, 1300′ within 10 mi.
Minimum altitude at glide slope intercept ion inbnd, 1300′.
Altitude of glide slope and distance to approach end of runway at OM, 1228′—4.1 mi; at MM, 192′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1400′ on E crs ILS within 20 miles or climb to 1400′ on crs or 086° from LOM within 20 mi.
*400–¾ required when glide slope inoperative.

City, Miami; State, Fla.; Airport Name, International; Elev., 9′; Fac. Class., ILS; Ident., I-MFA; Procedure No. ILS-9L, Amdt. 1; Eff. Date, 21 July 62; Sup. Amdt. No. Orig.; Dated, 19 May 62

PROCEDURE CANCELLED, EFFECTIVE JULY 21, 1962, OR UPON DECOMMISSIONING OF FACILITY.

City, Miami; State, Fla.; Airport Name, International; Elev., 9′; Fac. Class., ILS; Ident., I-MIA; Procedure No. ILS-27, Amdt. 2; Eff. Date, 4 Apr. 59; Sup. Amdt. No. 1 Dated, 3 Jan. 59

Oklahoma City RBn	TWO RBn	Direct	2500	T-dn	300–1	300–1	200–½
Oklahoma City VOR	TWO RBn	Direct	2500	C-dn	400–1	500–1	500–1½
Oklahoma City LOM	TWO RBn	Direct	2400	S-dn-17	300–1	300–1	300–1
Cashion Int	TWO RBn	Direct	2500	A-dn	800–2	800–2	800–2
Bethany Int	TWO RBn (Final)	Direct	2300				
Edmond Int	TWO RBn (Final)	Direct	2300				

Radar transitions authorized in accordance with approved patterns.
Procedure turn W side crs, 350° Outbnd, 170° Inbnd, 2500′ within 10 mi. Beyond 10 mi NA.
No glide slope. Altitude over TWO RBn on final, 2300′.
Bearing and distance, TWO RBn to Runway 17, 170°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles, climb to 2400′ on S crs ILS within 20 :.. or on crs 170° from TWO within 20 mi, or when directed by ATC, make immediate right turn, climb to 2500′ and proceed direct to OKC-VOR.
Other change: Deletes transition from Mustang FM.

City, Oklahoma City; State, Okla.; Airport Name, Will Rogers Field; Elev., 1284′; Fac. Class., ILS; Ident., I-OKC; Procedure No. ILS-17, Amdt. 7; Eff. Date, 21 July 62; Sup. Amdt. No. 6; Dated, 12 Aug. 60

Oklahoma City VOR	LOM	Direct	2400	T-dn	300–1	300–1	200–½
Oklahoma City RBn	LOM	Direct	2400	C-dn	400–1	500–1	500–1½
Bethany Int	LOM	Direct	2500	S-dn-35	200–½	200–½	200–½
Cashion Int	LOM	Direct	2500	A-dn	600–2	600–2	600–2
Newcastle Int	LOM (Final)	Direct	2300				

Radar transitions authorized in accordance with approved patterns.
Procedure turn E side of crs, 170° Outbnd, 350° Inbnd, 2500′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope int inbnd, 2500′.
Altitude of glide slope and distance to approach end of runway at OM, 2329′—5.8 mi; at MM, 1494′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′ on N crs ILS within 20 mi, or when directed by ATC, turn left, climb to 2500′ direct to the OKC VOR or direct to the OKC RBn.

City, Oklahoma City; State, Okla.; Airport Name, Will Rogers Field; Elev., 1284′; Fac. Class., ILS; Ident., I-OKC; Procedure No. ILS-35, Amdt. 7; Eff. Date, 21 Jul 62; Sup. Amdt. No. 6; Dated, 28 Jan. 61

St. Joseph VOR	LOM	Direct	2300	T-dn*	300–1	300–1	200–½
				C-d	500–1	700–1	700–1½
				C-n	500–1½	700–1½	700–1½
				S-dn-35#	300–¾	300–¾	300–¾
				A-dn	600–2	700–2	700–2

Procedure turn W side S crs, 172° Outbnd, 352° Inbnd, 2300′ within 10 mi (NA beyond 10 mi). Nonstandard due ATC.
Minimum altitude at glide slope int inbnd, 2300′.
Altitude of glide slope and distance to approach end of runway at OM, 2261′—5.3; at MM, 1066′—0.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles, climb to 2400′ on North course ILS within 25 miles.
CAUTION: 400′ bluffs W, NW, and E of airport.
*Takeoff minimums no lower than 300–1 authorized on Runway 31.
#Straight-in ILS minimums of 400–1 required with Glide Slope inoperative.

City, St. Joseph; State, Mo.; Airport Name, Rosecrans Memorial; Elev., 822′; Fac. Class., ILS; Ident., I-STJ; Procedure No. ILS-35, Amdt. 14; Eff. Date, 21 July 62; Sup. Amdt. No. 13; Dated, 9 Sept. 61

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes: From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
														Surveillance approach			
000°	360°	20 mi	#1300											T-dn	300–1	300–1	200–½
														C-dn	400–1	500–1	500–1½
														S-dn-9L, 9R, and 12	400–1	400–1	400–1
														S-dn-27L*, 27R* and 30*	400–1	400–1	400–1
														A-dn	800–2	800–2	800–2

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb straight ahead to 1500′, then proceed direct to the MIA-VOR or MIA-"H."
#2300′ required within 3.0 mi of towers 999′ and 997′ 10.8 and 12.5 miles NNE of radar site.
*1400′ required until within 4.5 miles from end of runway and on runway extended centerline.

City, Miami; State, Fla.; Airport Name, International; Elev., 9′; Fac. Class. and; Ident., Miami Radar; Procedure No. 1, Amdt. 1; Eff. Date, 21 July 62; Sup. Amdt. No. Orig.; Dated, 16 May 59

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on June 14, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-6034; Filed, July 11, 1962; 8:45 a.m.]

[Reg. Docket No. 1268; Amdt. 278]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots

PROCEDURE CANCELLED, EFFECTIVE JULY 28, 1962, OR UPON DECOMMISSIONING OF FACILITY.

City, Missoula; State, Mont.; Airport Name, Missoula County; Elev., 3203′; Fac. Class., SBMRAZ; Ident., MSO; Procedure No.1, Amdt. 5; Eff. Date, 6 May 58; Sup. Amdt. No. 4; Dated, 16 Aug. 54

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Holston Mt VOR	Int BFO R-200 and 306° brg to LOM	Direct	6000	T-dn	300-1	300-1	#200-½
Int BFO R-200 and 306° brg to LOM	LOM (MHW)	Direct	4100	C-dn	800-1	800-1	800-1½
Telford Int	LOM (MHW)	Direct	4100	S-dn-22½	800-1	800-1	800-1
Yuma Int	LOM (MHW)	Direct	4100	A-dn	800-2	800-2	800-2
Hilton Int	LOM (MHW)	Direct	5000				
Greendale Int*	LOM (MHW) (Final)	Direct	4100				
Damascus Int	Int TRI R-007 and 270° brg to LOM	Direct	6000				
Int TRI R-007 and 270° brg to LOM	LOM (MHW)	Direct	4100				

Procedure turn E side of crs, 044° Outbnd, 224° Inbnd, 4100′ within 10 mi. Nonstandard due to terrain NW.
Minimum altitude over facility on final approach crs, 3600′.**
Crs and distance, facility to airport, 224°—5.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 miles after passing LOM climb, to 4000′ on crs 224° from LOM within 20 mi or, when directed by ATC, turn right climb, to 4000′ on TRI R-291 to Yuma Int.
CAUTION: Abrupt changes in terrain elevation immediately adjacent to procedure areas.
NOTES: Final approach from holding pattern at LOM not authorized. Procedure turn required.
#Runway 4 and 22 only.
*Greendale Int: Int BFO R-187 and 224° brng to LOM (MHW).
**No reduction of any landing ceiling or visibility minimum is authorized.
***Descent from 4100′ authorized in holding pattern at LOM (HW). Descent from 4160′ also authorized on final after passing TRI-VOR R-332.

City, Bristol; State, Tenn.; Airport Name, Tri-City Municipal; Elev., 1519′; Fac. Class., LOM (HW); Ident., TR; Procedure No. 1, Amdt. 1; Eff. Date, 28 July 62; Sup. Amdt. No. Orig.; Dated, 6 Jan. 62

PROCEDURE CANCELLED, EFFECTIVE JULY 16, 1962, OR UPON DECOMMISSIONING OF FACILITY.

City, Charleston; State, W. Va.; Airport Name, Kanawha County; Elev., 981′; Fac. Class., SBRAZ; Ident., CW; Procedure No. 2, Amdt. 1; Eff. Date, 27 Aug. 60; Sup. Amdt. No. Orig.; Dated, 9 July 60

Lakewood Int	OH LOM (Final)	Via OBK R-271 and 318° brng from LOM.	2200	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-141	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
Acorn Int	OH LOM	Direct	2500				
Beacon Int	OH LOM	Direct	2500				
Deerfield Int	OH LOM	Direct	2500				
OBK-VOR	OH LOM	Direct	2500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of NW crs, 318° Outbnd, 138° Inbnd, 2500′ within 10 mi.
Minimum altitude over LOM on final approach crs, 2200′.
Crs and distance, facility to airport, 138°—5.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing OH LOM, make left turn climb to 2500′ and proceed to IA LOM, then direct to OBK-VOR or, when directed by ATC, make left turn climb to 2500′, proceed to OBK-VOR via ORD-VOR R-030 and OBK-VOR R-135.
NOTES: Aircraft executing missed approach may be radar vectored after being reidentified. Runway 14R, LOM designated "ROMEO"; Runway 14L, LOM designated "LIMA".
CAUTION: Takeoffs on Runway 27, when weather is below 2000-3, will intercept ORD-VOR R-250 and climb to 2000′ before proceeding westbound. Takeoffs on Runway 32L, when weather is below 2000-3, will intercept ORD-VOR R-306 and climb to 2000′ before proceeding westbound.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 666′; Fac. Class., LOM; Ident., OH; Procedure No. 2, Amdt. 3; Eff. Date, 28 July 62; Sup. Amdt. No 2; Dated, 2 June 62

LCH VOR	LOM	Direct	1500	T-dn	300-1	300-1	200-½
LCH RBn	LOM	Direct	1500	C-dn	400-1	500-1	500-1½
				S-dn-15	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar terminal transition altitude 1500′ within 25 miles. Radar may be used to position aircraft on final approach with elimination of procedure turn.
Procedure turn W side of crs, 328° Outbnd, 148° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 148°—4.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.6 miles after passing LOM, make an immediate right turn, climbing to 1500′ and return to the LOM.

City, Lake Charles; State, La.; Airport Name, Municipal; Elev., 14′; Fac. Class., LOM; Ident., LS; Procedure No. 1, Amdt. 1; Eff. Date, 28 July 62; Sup. Amdt. No. Orig.; Dated, 3 Mar. 62

PROCEDURE CANCELLED, EFFECTIVE JULY 28, 1962.

City, Lake Charles; State, La.; Airport Name, Lake Charles AFB; Elev., 19′; Fac. Class., MH; Ident., LCH; Procedure No. 2, Amdt. 3; Eff. Date, 1 Feb. 58; Sup. Amdt. No. 2; Dated, 30 Nov. 57

Alberton FM	RBn (Final)	Direct	6500	T-dn	2500-2	2500-2	2500-2
				C-dn	3000-2	3000-2	3000-2
				A-dn	3500-3	3500-3	3500-3

Procedure turn N side of crs, 276° Outbnd, 096° Inbnd, 8000′ within 10 miles. Beyond 10 miles NA. Nonstandard due to terrain South.
Minimum altitude over facility on final approach crs, 6500′.
Crs and distance, facility to airport, 119°—1.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.6 miles after passing MSO RBn, turn right and climb to 9000′ on a course of 276° from MSO RBn within 10 mi.

City, Missoula; State, Mont.; Airport Name, Missoula-County; Elev., 3203′; Fac. Class., SABII; Ident., MSO; Procedure No. 1, Amdt. Orig.; Eff. Date, 28 July 62, or on commissioning of facility

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
STL-VOR	LOM	Direct	1900	T-dn	300-1	300-1	200-½
SL-LFR	LOM	Direct	1900	C-dn	500-1	500-1	500-1½
Cora Int	LOM (Final)	Direct	1800	S-dn-24	500-1	500-1	500-1
Lake "H"	LOM	Direct	2000	A-dn	800-2	800-2	800-2
Academy Int	LOM (Final)	Direct	1900				
Mitchell Int	LOM (Final)	Direct	1800				
Maryland Hgts VOR	LOM	Direct	2000				
Prairie Int	LOM	Direct	2000				

Radar transitions to final approach course authorized.
Procedure turn N side of crs, 058° Outbnd, 238° Inbnd, 1900′ within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 238°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LOM, climb to 2100′ on crs of 238° to Lake "H" or, as directed by ATC, make right (North) turn, climb to 2100′ direct to STL-VOR.
NOTE: Final approach from holding pattern at LOM not authorized. Procedure turn required.

City, St. Louis; State, Mo.; Airport Name, Lambert-St. Louis Municipal; Elev., 571′; Fac. Class., LOM; Ident., ST; Procedure No. 1, Amdt. 21; Eff. Date, 28 July 62; Sup Amdt. No. 20; Dated, 20 May 61

SL-LFR	Lake RBn	Direct	2000	T-dn	300-1	300-1	200-½
STL-VOR	Lake RBn	Direct	2000	C-dn	500-1	500-1	500-1½
ST LOM	Lake RBn	Direct	2000	S-dn-6	500-1	500-1	500-1
MTS-VOR	Lake RBn (Final)	Direct	1500	A-dn	800-2	800-2	800-2
				A-dn	800-2	800-2	800-2

Radar transitions to final approach course authorized.
Procedure turn S side of crs, 238° Outbnd, 058° Inbnd, 2000′ within 10 miles of Lake "H".
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 058°—3.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing Lake "H", climb to 2200′ on crs of 058° to LOM or, when directed by ATC, make left (North) turn, climb to 2100′ direct to STL-VOR.
NOTE: Final approach from holding pattern at LAQ RBn not authorized. Procedure turn required.

City, St. Louis; State, Mo.; Airport Name, Lambert-St. Louis Municipal; Elev., 571′; Fac. Class., HW; Ident., LAQ; Procedure No. 2, Amdt. 8; Eff. Date, 28 July 62; Sup Amdt. No. 7; Dated, 20 May 61

Oceanside RBn	LOM	Direct	2500	T-dn#	300-1	300-1	200-½
Miramar RBn	LOM	Direct	3000	C-dn	800-2	800-2	800-2
Sargo Int	LOM (Final)	Direct	1000	S-dn-9	600-1	600-1	600-1
Bostonia Int*	LOM	Direct	2500	A-dn	800-2	800-2	800-2

Radar transitions and vectoring using Miramar Radar authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 271° Outbnd, 091° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1000′. CAUTION: 281′ trees and terrain between LOM and LMM.
Crs and distance, facility to airport, 091°—2.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at LMM, make immediate left climbing turn to 1500′ on a 271° crs from LOM within 10 miles or, when directed by ATC, make immediate left climbing turn to 2500′ on a 328° crs to OCN RBn or turn right, climb to 2000′ on 135° crs from LMM within 10 miles.
CAUTION: Buildings and terrain 472′ MSL 0.5 mi east of airport.
#500-1 required on Runway 9.
*Bostonia Int: Int SAN R-076 and JLI R-203.

City, San Diego; State, Calif.; Airport Name, Lindbergh; Elev., 15′; Fac. Class., SLOM; Ident., SA; Procedure No. 1, Amdt. 5; Eff. Date, 28 July 62; Sup. Amdt. No. 4; Dated, 12 Aug. 61

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300-1	300-1	200-½
				C-dn	1000-3	1000-3	1000-3
				S-dn-27	1000-3	1000-3	1000-3
				A-dn#	NA	NA	NA
				The following minimums apply to aircraft equipped with dual VOR receivers and when Zang Int* identified:			
				C-dn	500-1	500-1	500-1½
				S-dn-27	500-1	500-1	500-1

Procedure turn N side of crs, 086° Outbnd, 266° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′; over Zang Int*, 1600′.
Crs and distance, facility to airport, 266°—13.3 mi; Zang Int* to airport, 266°—3.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 13.3 miles after passing the ELX-VOR or 3 miles after passing Zang Int*, climb to 2000′ on ELX-VOR R-266 within 20 miles, then proceed direct to ELX-VOR and contact SBN approach control for further instructions.
*Zang Int: Int ELX-VOR R-266 and SBN-VOR R-356.
#1000-3 alternate minimums authorized for air carriers with approved weather reporting service.

City, Benton Harbor; State, Mich.; Airport Name, Ross Field; Elev., 642′; Fac. Class., BVOR; Ident., ELX; Procedure No. 1, Amdt. 2; Eff. Date, 28 July 62; Sup. Amdt. No. 1; Dated, 2 June 62

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
PROCEDURE CANCELLED, EFFECTIVE JULY 28, 1962.							
City, Benton Harbor; State, Mich.; Airport Name, Ross Field; Elev., 642'; Fac. Class., BVOR; Ident., ELX; Procedure No. 2, Amdt. 2; Eff. Date, 16 July 60; Sup. Amdt. No. 1; Dated, 16 Nov. 57							
				T-dn	300–1		
				C-d	1000–1		
				C-n	1000–2		
				A-dn	1000–2		
Procedure turn E side of crs, 125° Outbnd, 305° Inbnd, 2300' within 10 mi. Minimum altitude over facility on final approach crs, 2200'. Crs and distance, facility to airport, 305°—3.0 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3 miles, climb to 2600' on R-305 within 20 mi. CAUTION: Sod Field. NOTE: Air carrier use not authorized.							
City, Emporia; State, Kans.; Airport Name, Emporia; Elev., 1204'; Fac. Class., BVORTAC; Ident., EMP; Procedure No. 1, Amdt. 3; Eff. Date, 28 July 62; Sup. Amdt. No. 2; Dated, 30 Apr. 60							
				T-d	300–1	300–1	NA
				C-d	500–1	500–1	NA
Procedure turn S side of crs, 065° Outbnd, 245° Inbnd, 2300' within 10 miles. Nonstandard due to high towers to north. All turns to the S side of crs. Minimum altitude over facility on final approach crs, 1700'. Crs and distance, facility to airport, 250°—1.0 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.0 mile after passing VOR, make left climbing turn to 2300' and proceed to JFN-VOR. Hold NE, 1-minute left turns, 245° Inbnd, 065° Outbnd. CAUTION: Unlighted transmission poles 40' high 80' from approach end of Runway 27. NOTES: 1. Weather service not available. 2. Nonstandard holding. All turns to the south side of course due to high towers to north.							
City, Jefferson; State, Ohio; Airport Name, Jefferson; Elev., 935'; Fac. Class., BVORTAC; Ident., JFN; Procedure No. 1, Amdt. Orig.; Eff. Date, 28 July 62							
				T-dn	300–1		
				C-d	1000–1		
				C-n	1000–1½		
				A-dn	1000–1½		
Procedure turn E side of crs, 158° Outbnd, 338° Inbnd, 2200' within 10 miles. Minimum altitude over facility on final approach crs, 2200'. Crs and distance, facility to airport, 338°—2.9 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles after passing LMN-VOR, climb to 2300' on R-338 and return to LMN-VOR. AIR CARRIER NOTE: Air carrier use not authorized. CAUTION: Sod Field.							
City, Lamoni; State, Iowa; Airport Name, Lamoni; Elev., 1163'; Fac. Class., BVOR; Ident., LMN; Procedure No. 1, Amdt. 3; Eff. Date, 28 July 62; Sup. Amdt. No. 2; Dated, 27 Feb. 60							
Alberton FM	VOR	Direct	6500	T-dn	2500–2	2500–2	2500–2
MSO RBn	VOR	Direct	8000	C-dn	3200–2	3200–2	3200–2
				A-dn	3500–3	3500–3	3500–3
				If aircraft equipped with VOR and ADF and Primrose Int* received, the following minimums apply:			
				C-dn	3000–2	3000–2	3000–2
Procedure turn N side of crs, 278° Outbnd, 098° Inbnd, 8000' within 10 miles. Beyond 10 miles NA. Minimum altitude over Primrose Int* on final approach crs, 6500'. Crs and distance, Primrose Int* to airport, 098°—3.0 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn right and climb to 9000' on R-278 MSO-VOR. *Primrose Int: Int MSO-VOR R-278 and 053° brng to MSO RBn.							
City, Missoula; State, Mont.; Airport Name, Missoula County; Elev., 3203'; Fac. Class., BVOR; Ident., MSO; Procedure No. 1, Amdt. 1; Eff. Date, 28 July 62; Sup. Amdt. No. Orig.; Dated, 19 Feb. 55							
Texarkana RBn	TXK-VOR	Direct	1700	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-13	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2
Procedure turn N side of crs, 301° Outbnd, 121° Inbnd, 1700' within 10 miles. Nonstandard due ATC. Minimum altitude over facility on final approach crs, 1400'. Crs and distance, facility to airport, 121°—5.1 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing TXK-VOR, climb to 1700' on R-121 within 20 miles. NOTE: Radio tower 565' msl 2¼ mi NE of airport and 740' msl 4 mi west of airport.							
City, Texarkana; State, Ark.; Airport Name, Texarkana Municipal; Elev., 389'; Fac. Class., BVORTAC; Ident., TXK; Procedure No. 1, Amdt. 5; Eff. Date, 28 July 62; Sup. Amdt. No. 4; Dated, 13 Sept. 58							

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
OBK-VOR	Arlington Int*	Via R-235 OBK and R-329 ORD.	2200	T-dn	300–1	300–1	200–½
				C-dn	700–1	700–1	700–1½
				S-dn-14L	700–1	700–1	700–1
Palatine Int#	Arlington Int* (Final)	Via R-329 ORD-VOR.	2200	A-dn	800–2	800–2	800–2
				#Following minimums apply for dual VOR equipped aircraft and Arlington Int received or radar fix in lieu of Arlington Int:			
Lakewood Int	Palatine Int	Via R-271 OBK and R-329 ORD.	2200	C-dn	400–1	500–1	500–1½
				S-dn-14L	400–1	400–1	400–1
Acorn Int	ORD-VOR	Direct	2500				
Deerfield Int	ORD-VOR	Direct	2500				
Beacon Int	ORD-VOR	Direct	2500				
OBK-VOR	ORD-VOR	Direct	2500				
Radar vectoring authorized in accordance with approved patterns. Procedure turn W side of crs, 329° Outbnd, 149° Inbnd, 2500' within 15 mi. of VOR. Minimum altitude over facility on final approach crs, 1400'; over## Arlington Int* or 6 mi radar fix, 2200'. Crs and distance, Arlington Int* to Runway 14L, 149°—6.0 mi. Crs and distance, breakoff point to appr end of Runway 14L, 138°—0.5 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make left turn, climb to 2500' and proceed to OBK-VOR via ORD-VOR R-030 and OBK-VOR R-135 or, when directed by ATC, make left turn climb to 2500' and proceed to 1A LOM, then direct to OBK-VOR. NOTE: Aircraft executing missed approach may be radar vectored after being reidentified. CAUTION: Takeoffs on Runway 27, when weather is below 2000–3, will intercept ORD-VOR R-250 and climb to 2000' before proceeding westbound. Takeoffs on Runway 32L, when weather is below 2000–3, will intercept ORD-VOR R-306 and climb to 2000' before proceeding westbound. *Arlington Int: Int ORD-VOR R-329 and OBK-VOR R-193. #Palatine Int: Int ORD-VOR R-329 and OBK-VOR R-235.							
City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 666'; Fac. Class., VORTAC; Ident., ORD; Procedure No. TerVOR-14L, Amdt. 3; Eff. Date, 28 July 62; Sup. Amdt. No. 2; Dated, 2 June 62							
Bostonia Int*	Sweetwater Int**	Direct	3600	T-dn#	300–1	300–1	200–½
Sweetwater Int**	Encanto Int*** (Final)	Direct	1500	C-dn	800–2	800–2	800–2
				A-dn	800–2	800–2	800–2
Radar transitions and vectoring using Miramar Radar authorized in accordance with approved radar patterns. Procedure turn NA. Final approach crs inbnd, 271°. Minimum altitude over Encanto Int. on final approach crs, 1500'. Crs and distance, facility to airport, 271°—4.9 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles of Encanto Int, turn right, climb to 2500' on LIF-VOR R-323 to Mt. Dad Int or, when directed by ATC, climb to 1500' on LIF-VOR R-272 to Sargo Int. CAUTION: 281' trees and terrain between LOM and LMM. Buildings and terrain 467' MSL 0.5 mi east of airport. *Bostonia Int: Int SAN R-076 and JLI R-203. **Sweetwater Int: Int LIF R-091 and JLI-VOR R-203 or 331° brng to NKX RBn. ***Encanto Int: Int LIF R-091 and 352° brng to NKX RBn. #500–1 required for take-off Runway 9.							
City, San Diego; State, Calif.; Airport Name, Lindbergh; Elev., 15'; Fac. Class., VOR; Ident., LIF; Procedure No. TerVOR (R-091), Amdt. 3; Eff. Date, 28 July 62; Sup. Amdt. No. 2; Dated, 5 May 62							
Sargo Int	Skipjack Int* (Final)	Direct	1400	T-dn#	300–1	300–1	200–½
San Diego VOR	Skipjack Int*	Direct	1700	C-dn	800–2	800–2	800–2
Bostonia Int**	LIF-VOR	Direct	2600	S-dn-9	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2
Radar transitions and vectoring using Miramar Radar authorized in accordance with approved radar patterns. Procedure turn S side of crs, 272° Outbnd, 092° Inbnd, 1500' within 10 miles of Skipjack Int.* Minimum altitude over Skipjack Int*, 1400'. Crs and distance, Skipjack Int* to airport, 092°—4.5 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at LIF-VOR, make immediate left climbing turn to 2500' on LIF-VOR R-323 to Mt. Dad Int or, when directed by ATC, make right climbing turn to 2000' on LIF-VOR R-135 within 10 miles. CAUTION: Buildings and terrain 472' MSL 0.5 mi east of airport. 281' trees and terrain 1.2 mi before runway threshold. *Skipjack Int: Int LIF-VOR R-272 and SAN-VOR R-228. **Bostonia Int. Int SAN R-076 and JLI R-203. #500–1 required for takeoff on Runway 9.							
City, San Diego; State, Calif.; Airport Name, Lindbergh; Elev., 15'; Fac. Class., L-VOR; Ident., LIF; Procedure No. TerVOR-9, Amdt. 9; Eff. Date, 28 July 62; Sup. Amdt. No. 8; Dated, 18 Nov. 61							

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
PROCEDURE CANCELLED, EFFECTIVE JULY 28, 1962.							
City, Boston; State, Mass.; Airport Name, Logan Airport; Elev., 19'; Fac. Class., ILS; Ident., IBOS; Procedure No. ILS-22L, Amdt. 6; Eff. Date, 2 July 60; Sup. Amdt. No. 5; Dated, 23 Feb. 57							

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Holston Mt VOR	Int BFO R-200 and 306° brg to LOM	Direct	6000	T-dn	300-1	300-1	**200-½
Int BFO R-200 and 306° brg to LOM	LOM (MHW)	Direct	4100	C-dn#	700-1	800-1	800-1½
Telford Int	LOM (MHW)	Direct	4100	S-dn-22#%	300-¾	300-¾	300-¾
Yuma Int	LOM (MHW)	Direct	5000	A-dn	800-2	800-2	800-2
Hilton Int	LOM (MHW) (Final)##	Direct	4100				
Greendale Int*	Int TRI R-007 and 270° brg to LOM	Direct	6000				
Damascus Int	LOM (MHW)	Direct	4100				
Int TRI R-007 and 270° brg to LOM							

Procedure turn E side of crs, 044° Outbnd, 224° Inbnd, 4100′ within 10 mi. Nonstandard due to terrain NW.
Minimum altitude at glide slope interception inbound, 3600′.##
Altitude of glide slope and distance to approach end of runway at OM, 3462′—5.9 mi; at MM, 1742′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 4000′ on crs 224° from LOM within 20 miles or, when directed by ATC, turn right, climb to 4000′ on TRI R-291 to Yuma Int.
CAUTION: Abrupt changes in terrain elevations adjacent to procedure areas NW.
NOTE: Final approach from holding pattern at LOM not authorized. Procedure turn required.
*Greendale Int: Int BFO R-187 and TRI ILS NE crs.
**Runway 4 and 22 only.
%600-1 required when glide slope not utilized.
#No reduction of any landing ceiling or visibility minimum is authorized.
##Descent from 4100′ must be made on glide slope or SW of TRI–VOR R-332 on final.

City, Bristol; State, Tenn.; Airport Name, Tri-City Municipal; Elev., 1519′; Fac. Class., ILS; Ident., I-TRI; Procedure No. ILS-22, Amdt. 1; Eff. Date, 28 July 62; Sup. Amdt No. Orig.; Dated, 13 Jan. 62

Lake Charles RBn	LOM	Direct	1500	T-dn	300-1	300-1	200-½
LCH VOR	LOM	Direct	1500	C-dn	400-1	500-1	500-1½
				S-dn-15	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar transition altitude 1500′ within 25 miles. Radar may be used to position aircraft on final approach with elimination of procedure turn.
Procedure turn W side of crs, 328° Outbnd, 148° Inbnd, 1500′ within 10 mi.
Minimum altitude at glide slope interception inbnd, 1500′.
Altitude of glide slope and distance to approach end of runway at LOM, 1170′—4.2 mi; at LMM, 199′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1500′ on the SE crs of ILS within 20 miles or, when directed by ATC, make immediate right turn, climbing to 1500′ and return to LOM.
NOTE: Procedure turn required, except in accordance with radar vectoring authorization.

City, Lake Charles; State, La.; Airport Name, Municipal; Elev., 14′; Fac. Class., ILS; Ident., I-LLS; Procedure No. ILS-15, Amdt. 1; Eff. Date, 28 July 62; Sup. Amdt. No. Orig.; Dated, 3 Mar. 62

OA LFR	Keg Int*	Direct	2700	T-dn#	300-1	300-1	%200-½
Neola VOR	Keg Int*	Direct	2500	C-dn	600-1	700-1	700-1½
OMA LOM	Keg Int*	Direct	2700	C-n	600-1½	700-1½	700-1½
OMA VOR	Keg Int (Final)*	Direct	2500	S-d-32R	500-1	500-1	500-1
Keg Int*	Stack Int (Final)**	Direct	1800	S-n-32R	500-1½	500-1½	500-1½
				A-dn	800-2	800-2	800-2

Radar transitions authorized all sectors 2600′ except 2700′ within 3 mi of 1739′ tower 4 mi W and 2700′ within 3 mi of 1746′ tower 3 mi SW of airport.
Procedure turn E side of crs, 135° Outbnd, 315° Inbnd, 2500′ within 10 mi of Keg Int.*
No glide slope, outer or middle marker. Descend to 1800′ after passing Keg Int*. Descend to landing minimums after passing Stack Int.** Crs and distance, Stack Int** to airport, 315°—3.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing Stack Int**, climb to 2900′ on crs of 315° to LOM or, when directed by ATC, make right turn, climb to 2800′ and proceed to Neola VOR.
NOTE: Radar fixes authorized at Keg* and Stack Intersections**. ILS procedure NA when radar inoperative unless aircraft equipped to receive ILS/VOR simultaneously.
CAUTION: Bluff 1339′ msl 1.3 mi East; TV towers 1739′ msl 4 mi WNW and 1746′ msl 3 mi SW of airport. Stack 1192′ msl 0.8 mi SSE of LOM.
*Keg Int: Int Neola VOR R-196 and SE localizer crs.
**Stack Int: Int Neola VOR R-204 and SE localizer crs.
#After takeoff, climb to 2000′ msl prior to proceeding in a westerly direction.
%AIR CARRIER NOTE: 300-1 required except on Runways 14L, 32R, 17L, and 35R.

City, Omaha; State, Nebr.; Airport Name, Eppley Airfield; Elev., 982′; Fac. Class., ILS; Ident., I-OMA; Procedure No. ILS-32R, Amdt. 3; Eff. Date, 28 July 62; Sup. Amdt. No. 2; Dated, 18 Mar. 61

JVL–VOR	Harlem Int#	Direct	2500	T-dn	300-1	300-1	200-½
RFD–VOR	Oxford Int*	Direct	2500	C-dn	600-1	600-1	600-1½
Afton Int**	Harlem Int#	Direct	2500	S-dn-18	600-1	600-1	600-1
Harlem Int#	Oxford Int* (Final)	Direct	2000	A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 002° Outbnd, 182° inbnd, 2500′ within 10 mi. of Oxford Int.*
Minimum altitude over Oxford Int on final approach crs, 2000′.
Crs and distance, facility to airport, 182°—4.9 mi.
No glide slope. No outer marker or middle marker.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing Oxford Int,* climb to 2000′ and proceed to RFD LOM or, when directed by ATC, make right climbing turn to 2500′, proceed direct to RFD–VOR.
CAUTION: 1011′ msl stack 2.4 mi north of airport.
NOTE: Procedure authorized only for aircraft equipped to receive ILS and VOR simultaneously.
*Oxford Int: Int R-065 RFD–VOR and N crs ILS.
**Afton Int: Int R-073 JVL–VOR and N crs ILS.
#Harlem Int: Int R-040 RFD–VOR and N crs ILS.

City, Rockford; State, Ill.; Airport Name, Greater Rockford; Elev., 735′; Fac. Class., ILS; Ident., I-RFD; Procedure No. ILS-18, Amdt. Orig.; Eff. Date, 28 July 62

St. Louis LFR	Lake RBn	Direct	2000	T-dn	300-1	300-1	200-½
St. Louis VOR	Lake RBn	Direct	2000	C-dn	500-1	500-1	500-1½
St. Louis LOM	Lake RBn	Direct	2000	S-dn-6	500-1	500-1	500-1
Int R-180 STL–VOR and SW crs ILS	Lake RBn (Final)	Direct	1500	A-dn	800-2	800-2	800-2
Maryland Heights VOR	SW crs ILS (Final)	R-072 MTS–VOR	1500				

Radar transitions to final approach course authorized.
Procedure turn S side SW crs, 238° Outbnd, 058° Inbnd, 2000′ within 10 mi of Lake "H".
No glide slope or markers. Altitude over Lake "H", 1500′. Distance from Lake "H" to Runway 6, 3.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing Lake "H", climb to 2200′ on NE crs ILS to LOM or, when directed by ATC, make left (North) turn, climb to 2100′ direct to STL–VOR.
NOTE. Final approach from holding pattern at LAQ RBn not authorized. Procedure turn required.

City, St. Louis; State, Mo.; Airport Name, Lambert-St. Louis Municipal; Elev., 571′; Fac. Class., ILS; Ident., I-STL; Procedure No. ILS-6, Amdt. 14; Eff. Date, 28 July 62; Sup. Amdt. No. 13; Dated, 20 May 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
St. Louis VOR	LOM	Direct	1900	T-dn**	300-1	300-1	200-½
St. Louis LFR	LOM	Direct	1900	C-dn	500-1	500-1	500-1½
Lake RBn	LOM	Direct	2000	S-dn-24#*	200-½	200-½	200-½
Cora Int	LOM (Final)	Direct	1800	A-dn	600-2	600-2	600-2
Academy Int	LOM	Direct	1900				
Mitchell Int	Via R-297 TOY–VOR.	Direct	1800				
	Gora Int	Direct	2000				
Maryland Hgts VOR	LOM	Direct	2000				
Prairie Int	LOM	Direct	1900				
Godfrey Int	LOM	Direct					

Radar transitions to final approach course authorized.
Procedure turn N side NE crs, 058° Outbnd, 238° Inbnd, 1900′ within 10 mi.
Minimum altitude at glide slope int inbnd, 1800′.
Altitude of glide slope and distance to approach end of runway at OM, 1782′—4.1; at MM, 748′—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2100′ on SW crs of ILS to Lake "H" or, when directed by ATC, make right (North) turn, climb to 2100′ direct to STL–VOR.
NOTE: Final approach from holding pattern at LOM not authorized. Procedure turn required.
*Runway visual range 2,600 feet also authorized for landing on Runway 24; provided, that all components of the ILS or PAR, high-intensity runway lights, approach lights, condenser-discharge flashers, middle and outer compass locators and all related airborne equipment are operating satisfactorily. Descent below the authorized landing minimum altitude of 771′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**Runway visual range 2600′ also authorized for takeoff on Runway 24 in lieu of 200-½ when 200-½ authorized, providing high intensity runway lights are operational.
#100-1 required with Glide Slope inoperative.

City, St. Louis; State, Mo.; Airport Name, Lambert-St. Louis Municipal; Elev., 571′; Fac. Class., ILS; Ident., I-STL; Procedure No. ILS-24, Amdt. 25; Eff. Date, 28 July 62; Sup. Amdt. No. 24; Dated, 20 May 61

Sargo Int	LOM (Final)	Direct	1000	T-dn*	300-1	300-1	200-½
Bostonia Int**	LOM	Direct	2500	C-dn	800-2	800-2	800-2
LaJolla FM/Mt. Dad Int	LOM	Direct	1500	S-dn-9	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Radar transitions and vectoring using Miramar Radar authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 271° Outbnd, 091° Inbnd, 1500′ within 10 mi.
Minimum altitude over LOM on final approach crs, 1000′.
Crs and distance, LOM to airport, 091°—2.7 mi.
No glide slope. Descent to landing minimums authorized after passing LOM.
CAUTION: 281′ trees and terrain between LOM and LMM.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at LMM, make immediate left climbing turn to 2500′ on LIF VOR R-323 or 330° crs from LMM to Mt. Dad Int or, when directed by ATC, make a right climbing turn to 2000′ on LIF–VOR R-135 within 10 miles.
CAUTION: Buildings and terrain 472′ MSL 0.5 mi east of airport.
*500-1 required for Runway 9.
**Bostonia Int: Int SAN R 076 and JLI R-203.

City, San Diego; State, Calif.; Airport Name, Lindbergh; Elev., 15′; Fac. Class., ILS; Ident., I-SAN; Procedure No. ILS-9, Amdt. 3; Eff. Date, 28 July 62; Sup. Amdt. No. 2; Dated, 18 Nov. 61

Bostonia Int*	Sweetwater Int**	Direct	3600	T-dn#	300-1	300-1	200-½
Sweetwater Int**	Encanto Int*** (Final)	Direct	1500	C-dn	800-2	800-2	800-2
				A-dn	800-2	800-2	800-2

Radar transitions and vectoring using Miramar Radar authorized in accordance with approved radar patterns.
Procedure turn NA. Final approach crs, Inbound 271°.
Minimum altitude over Encanto Int on final approach crs, 1500′.
Crs and distance, Encanto Int to airport, 271°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles of Encanto Intersection turn right, climb to 2500′ on SAN VOR R-323 to Mt. Dad Int, or when directed by ATC, climb to 1500′ on LIF–VOR R-272 to Sargo Int.
CAUTION: 281′ trees and terrain between LOM and LMM. Buildings and terrain 467′ MSL 0.5 mi east of airport.
*Bostonia Int: Int SAN R-076 and JLI R-203.
**Sweetwater Int: Int E crs SAN ILS and JLI–VOR R-203 or 331° brng to NKX RBn.
***Encanto Int: Int E crs SAN ILS and 352° brng to NKX RBn.
#500-1 required for take-off Runway 9.

City, San Diego; State, Calif.; Airport Name, Lindbergh; Elev., 15′; Fac. Class., ILS; Ident., I-SAN; Procedure No. ILS-27, Amdt. 3; Eff. Date, 28 July 62; Sup. Amdt. No. 2; Dated, 5 May 62

Bradley Int	Bradley LMM	Direct	2500	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-24	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side NE crs, 058° Outbnd, 238° Inbnd, 2200′ within 13 mi of the Bradley LMM.
Minimum altitude crossing R-163 BAF–VOR on final approach crs, 1400′.
No glide slope. No outer marker or middle marker.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′ on the SW crs of the BDL ILS. Hold SW of BDL LOM, left turns, 1-minute pattern, 058° Inbnd.
NOTES: 1. This procedure authorized only for aircraft equipped to receive ILS and VOR simultaneously. 2. All fixes may be supplemented by radar.
CAUTION: Unlighted hills 2.4 miles NW of airport, approximately 768′ msl.

City, Windsor Locks; State, Conn.; Airport Name, Bradley Field; Elev., 173′; Fac. Class., ILS; Ident., I-BDL; Procedure No. ILS-24, Amdt. Orig.; Eff. Date, 28 July 62

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 65 knots
															65 knots or less	More than 65 knots	
														Surveillance approach			
330°	060°	-------	-------	-------	-------	20 mi	2200	-------	-------	-------	-------	-------	-------	T-dn	300–1	300–1	200–½
060°	120°	-------	-------	15 mi	2200	20 mi	2600	-------	-------	-------	-------	-------	-------	C-dn–5, 23, 31	400–1	500–1	500–1½
120°	330°	-------	-------	15 mi	3300	20 mi	4000	-------	-------	-------	-------	-------	-------	C-dn–13	500–1	500–1	500–1½
120°	300°	10 mi	*2600	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	S–dn–5, 31, 23	400–1	400–1	400–1
300°	330°	10 mi	2200	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	S–dn–13	500–1	500–1	500–1
														A–dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished— Runways 5–31, make climbing right turn to 2000' or Runways 13–23, make climbing left turn to 2000', proceed direct to BUF–VOR. Hold East BUF–VOR 1 minute right turns, 287° Inbound.

*Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3–5 mile (inclusive) radius of tower 1349' msl 6 miles west of airport. All bearings are from the radar site with sector azimuths progressing clockwise.

City, Buffalo; State, N.Y.; Airport Name, Greater Buffalo International; Elev., 711'; Fac. Class. and Ident., Buffalo Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 28 July 62

														Surveillance approach			
000°	360°	20 mi	3000	20–30	4000	30–40	5000	-------	-------	-------	-------	-------	-------	T–dn#	300–1	300–1	200–½
														C–dn	500–1	500–1	500–1
														S–dn–28L*	500–1	500–1	500–1
														A–dn	800–2	800–2	800–2
														Precision approach			
														S–dn	200–½ 600–2	200–½ 600–2	200–½ 600–2
														A–dn			

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runways 5, 10, 14: Climb to 3000' within 10 mi and proceed to GP LOM, hold east right turn 1-minute pattern, 277° Inbnd.
Runways 23, 28, 32: Climb to 3000' within 10 mi and proceed to Clinton RBn. Hold West right turn 1-minute pattern, 097° Inbnd.
*Runway visual range 2600' also authorized for landing on Runway 28L providing all components of the PAR, high intensity runway lights, approach lights, condenser discharge flashers and middle and outer compass locators are operating satisfactorily. Descent below 1368' msl shall not be made unless visual contact with approach lights has been established or the aircraft is clear of clouds.
#Runway visual range 2600' also authorized for takeoff on Runway 28L when 200–½ is authorized, providing high intensity runway lights are operational.

City, Pittsburgh; State, Pa.; Airport Name, Greater Pittsburgh; Elev., 1168'; Fac. Class. and Ident., Pittsburgh Radar; Procedure No. 1, Amdt. 4; Eff. Date, 28 July 62; Sup. Amdt. No. 3; Dated, 14 Dec. 61

PROCEDURE CANCELLED, EFFECTIVE JULY 28, 62. COMBINED WITH NO. 1 PROCEDURE, AMDT. 4, EFFECTIVE JULY 28, 62.

City, Pittsburgh; State, Pa.; Airport Name, Greater Pittsburgh; Elev., 1168'; Fac. Class. and Ident., Pittsburgh Radar; Procedure No. 2, Amdt. 1; Eff. Date, 14 Dec. 61; Sup. Amdt. No. Orig., Dated, 17 Sept. 60

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
		Within:		Surveillance approach			
100–190		25 mi	@2200	T–dn*	300–1	300–1	200–½
190–100		25 mi	2000	C–dn	500–1	500–1	500–1½
				S–dn–6, 17, 30, 35	500–1	500–1	500–1
				S–dn–12	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2
				Precision Approach			
				T–dn*#	300–1	300–1	200–½
				S–dn–24#	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2

Radar terminal area transition altitudes: All bearings and distances are from the radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2100', proceed direct to STL–VOR or, when directed by ATC, (1) climb to 2000' direct to MTS–VOR.
@2600' within 3 mi of 1649' TV tower 10.7 mi south of airport.
#Runway Visual Range 2600' also authorized for landing on Runway 24; provided, that all components of the PAR, high-intensity runway lights, approach lights, condenser-discharge flashers, middle and outer compass locators and all related airborne equipment are operating satisfactorily. Descent below the authorized landing minimum altitude of 771' MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
*Runway Visual Range 2600' also authorized for takeoff on Runway 24 in lieu of 200–½ when 200–½ authorized, providing high-intensity runway lights are operational.

City, St. Louis; State, Mo.; Airport Name, Lambert-St. Louis Municipal; Elev., 571'; Fac. Class. and Ident., St. Louis Radar; Procedure No. 1, Amdt. 7; Eff. Date, 28 July 62; Sup. Amdt. No. 6; Dated, 6 May 61

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on June 22, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62–6253; Filed, July 11, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C–88]

PART 13—PROHIBITED TRADE PRACTICES

Hobart Steel Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.115 *Jobs and employment service;* § 13.155 *Prices;* § 13.155–40 *Exaggerated as regular and customary;* § 13.155–100 *Usual as reduced, special, etc.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Alan Hofberg, et al. doing business as Hobart Steel Company, etc., North Hollywood, Calif., Docket C–88, Mar. 2, 1962]

In the Matter of Alan Hofberg and Norman Best, Individually and as Copartners Doing Business as Hobart Steel Company and Western States Claim Adjusters

Consent order requiring a North Hollywood, Calif., partnership to cease using false offers of employment, deceptive pricing and guarantee claims, and other misrepresentations to sell their waterless cookware, in letters and other promotional material sent to prospective purchasers and in newspaper advertisements.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Alan Hofberg and Norman Best, as individuals or as copartners doing business as Hobart Steel Company, Western States Claim Adjusters, or under any other trade name or names, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of waterless cookware or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. (a) That employment is being offered, when in fact the purpose or effect of such representation is the solicitation of sales of such products.

(b) That such products are distress merchandise, or must be sold, or are from the stock of a business in the state of liquidation.

(c) That such products are unclaimed freight, or that they are being offered for the balance due for freight, storage, or other charges thereon.

(d) That any amount is respondents' usual and customary price of merchandise when it is in excess of the price at which the merchandise has been usually and customarily sold by respondents in the recent, regular course of business.

(e) That any price is a reduced price unless it constitutes a reduction from the price at which respondents have usually and customarily sold such merchandise in the recent regular course of their business.

(f) That such products are guaranteed, unless the nature, extent, terms, and conditions of such guarantee, the name of the guarantor, and the manner and form in which the guarantor will perform thereunder, are clearly set forth.

2. Placing in the hands of others the means and instrumentalities by and through which they may mislead the public as to any of the matters set forth in paragraph 1 above.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 2, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62–6778; Filed, July 11, 1962; 8:46 a.m.]

[Docket 8368]

PART 13—PROHIBITED TRADE PRACTICES

Bernard Krieger & Son, Inc., et al.

Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–70 *Textile Fiber Products Identification Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Bernard Krieger & Son, Inc., et al., New York, N.Y., Docket 8368, Mar. 3, 1962]

In the Matter of Bernard Krieger & Son, Inc., a Corporation, and A. Joseph Krieger, Individually and as an Officer of Said Corporation

Order requiring New York City jobbers to cease violating the Textile Fiber Products Identification Act by failing to label handkerchiefs with the required information.

The order to cease and desist is as follows:

It is ordered, That the respondents Bernard Krieger & Son, Inc., a corporation and its officers, and A. Joseph Krieger, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported, in commerce, or the importation into the United States of textile fiber products; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of textile fiber products which have been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of textile fiber products, whether in their original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber products" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from: Misbranding textile fiber products by failing to affix labels to such products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 2, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62–6779; Filed, July 11, 1962; 8:46 a.m.]

[Docket C–86]

PART 13—PROHIBITED TRADE PRACTICES

Washington Training Institute

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–125 *Individual or private business being:* § 13.15–125(s) *Institute;* § 13.115 *Jobs and employment service:* § 13.115–20 *Government;* § 13.205 *Scientific or other relevant facts;* § 13.225 *Services;* § 13.240 *Special or limited offers.* Subpart—Using misleading name—VENDOR: § 13.2410 *Individual or private business being educational, religious or research institution or organization.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Cecil T. Jenkinson, doing business as Washington Training Institute, Plymouth, Indiana, Docket C–86, Feb. 26, 1962]

In the Matter of Cecil T. Jenkinson, Doing Business as Washington Training Institute

Consent order requiring a Plymouth, Ind., seller of a correspondence course purporting to prepare purchasers for U.S. Civil Service examinations, to cease using—by direct mail solicitation and newspaper advertising followed by personal contact—false job-assurance claims and other misrepresentations, as in the order below indicated, to sell his courses; and to cease using the word "Institute" in his trade name or in the name of his school.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Cecil T. Jenkinson, individually and trading and doing business under the name of Washington Training Institute, or under any other name, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of a course of study and instructions, do forthwith cease and desist from:

1. Representing, directly or indirectly, that:

(a) Completion of respondent's course of study assures passing a Civil Service examination or assures the purchaser of said course of qualifying for or securing a Civil Service position.

(b) There are vacancies in any United States Civil Service positions when such vacancies do not exist.

(c) Vacancies exist in United States Civil Service positions in any specified locality when such vacancies do not exist.

(d) It is necessary to take a correspondence course, or any other course of study, before a person will be able to pass a Civil Service examination, when such is not the fact.

(e) Positions in the United States Civil Service, which are restricted to any group, or otherwise restricted, or require certain qualifications, are open unless such restrictions or qualifications are clearly disclosed.

(f) Passing an examination for a Civil Service position guarantees or assures an appointment to such a position.

(g) Prospective purchasers must pass a test or have special qualifications before they may enroll for respondent's course.

(h) Respondent's offer of sale of his course is limited as to time.

(i) Respondent furnishes complete information as to and notifies the purchaser of his course when and where a Civil Service examination will be held, or will assist in filing an application to take a Civil Service examination.

2. Using the word "Institute" or any abbreviation or simulation thereof as part of said respondent's trade name or as a part of the name of respondent's school; or otherwise representing, directly or indirectly, that respondent's school is an institute.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: February 28, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6780; Filed, July 11, 1962; 8:46 a.m.]

[Docket C-87]

PART 13—PROHIBITED TRADE PRACTICES

Duotone Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary;* § 13.155–45 *Fictitious marking.* Subpart—Misbranding or mislabeling: § 13.1280 *Price.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin:* § 13.1900–35 *Foreign product as domestic.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Duotone Company, Inc. (Keyport, N.J.), et al., Docket C-87, Feb. 28, 1962]

In the Matter of Duotone Company, Inc., a Corporation, and Stephen Nester and Virginia Nester, Individually and as Officers of Said Corporation

Consent order requiring a Keyport, N.J., manufacturer and distributor of phonograph needles and accessories to disclose clearly the country of origin of imported needles; to cease representing falsely that synthetic needle points were made of jewels or sapphires, that excessive list prices and printed amounts on retail packages were the usual retail prices for said needles, and that its diamond needle was guaranteed in every respect.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Duotone Company, Inc., a corporation, and its officers, and Stephen Nester and Virginia Nester, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of phonograph needles, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing any such product which is packaged or otherwise placed in a container unless the country or place of origin is clearly and conspicuously disclosed on such package or container.

2. Offering for sale, selling or distributing any such product in such a manner that the country or place of origin of the product is not clearly disclosed to prospective purchasers.

3. Disseminating, or causing to be disseminated, any display or point of sale material with respect to any such product which fails to clearly and conspicuously disclose the country or place of origin of the product.

4. Advertising or representing in any manner and in any medium including point of sale material that the points or tips of respondents' phonograph needles are jewel, jeweled, sapphire, or, using any other term descriptive of precious stone, unless such points or tips are in truth and in fact composed of precious stone.

5. Offering for sale, selling or distributing phonograph needles containing points or tips of synthetic nature, unless there is a clear and conspicuous disclosure of the synthetic nature thereof.

6. Representing, directly or by implication, by means of preticketing, use of the words "list price" or in any other manner, or by any other means, that any amount is the usual and regular retail price of merchandise when such amount is in excess of the price at which said merchandise is usually and regularly sold at retail in the trade area or areas where the representations are made.

7. Representing that any merchandise offered for sale is guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

8. Furnishing to others any means or instrumentalities by and through which they may misrepresent the origin, composition, guarantee or usual and customary retail prices of respondents' merchandise.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 28, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6781; Filed, July 11, 1962; 8:46 a.m.]

[Docket C-89]

PART 13—PROHIBITED TRADE PRACTICES

Goodstein Brothers & Co., Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–80 *Wool Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, Secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Goodstein Brothers & Company, Inc., et al., New York, N.Y., Docket C-89, Mar. 2, 1962]

In the Matter of Goodstein Brothers & Company, Inc., a Corporation, Albert Goodstein, Lawrence Goodstein, William Goodstein, Individually and as Officers of Said Corporation

Consent order requiring New York City manufacturers to cease violating the Wool Products Labeling Act by labeling as "90% Reprocessed Cashmere—10% Nylon", top coats which contained a substantial quantity of fibers other than those represented, and by failing to label top coats with the true generic names of the constituent fibers and the percentage thereof.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, Goodstein Brothers & Company, Inc., a corporation, and its officers, and Albert Goodstein, Lawrence Goodstein and William Goodstein, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, delivery for shipment or distribution, in commerce, of coats or other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to or place on each product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner, each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 2, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6782; Filed, July 11, 1962; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), hereby orders that §§ 121.90 and 121.91 of the food additive regulations (21 CFR 121.90, 121.91) be amended as set forth below:

1a. Section 121.90 is amended by deleting the items "Bromides, inorganic" and "Sodium nitrate" and by changing the items listed to read as follows:

§ 121.90 Further extension of effective date of statute for certain specified food additives as direct additives to food.

* * * * * * *

MISCELLANEOUS [1]

Product	Specified uses or restrictions	Effective date of statute extended to—
* * *	* * *	* * *
Morpholine (26 F.R. 7544)	Component of coating on fruits and vegetables; limit 3 p.p.m.	Jan. 1, 1963
* * *	* * *	* * *
Mannitol (26 F.R. 8390)	If an amount of the food that may reasonably be consumed as an average serving contains 2.5 gm. or more of mannitol, the label shall bear a statement of the number of grams of mannitol in an average serving of the food. The average serving shall be expressed in terms of a convenient unit or units of such food or a convenient unit of measure that can be readily understood and utilized by purchasers of such food. The label shall also bear a statement that the consumption of more than 7.5 gm. of mannitol at one time or more than 20 gm. of mannitol per day may have laxative effects.	[2] July 1, 1963
* * *	* * *	* * *
Sodium methyl naphthalene sulfonate (245–260 mol. wt.) (26 F.R. 8390).	In solutions for peeling fruits and vegetables, to be followed by water rinse.	[2] June 30, 1964
* * *	* * *	* * *
Sorbitol (26 F.R. 8390)	If an amount of the food that may reasonably be consumed as an average serving contains 5 gm. or more of sorbitol, the label shall bear a statement of the number of grams of sorbitol in an average serving of food. The average serving shall be expressed in terms of a convenient unit or units of such food or a convenient unit of measure that can be readily understood and utilized by purchasers of such food. The label shall also bear a statement that the consumption of more than 15 gm. of sorbitol at one time or more than 40 gm. of sorbitol per day may have laxative effects.	[2] July 1, 1963
* * *	* * *	* * *
Petroleum hydrocarbons: Initial boiling point 315° F. minimum; final boiling point 650° F. maximum; ultraviolet absorptivity at 290 mμ: 0.04 *l.* per gm./cm. maximum (26 F.R. 11210).	Defoamer in food processing; limit 1 p.p.m. residue on fruit.	Jan. 1, 1963
	Component of detergent for removing insecticide from fruit; limit 1 p.p.m. residue on fruit.	Jan. 1, 1963
	In froth-flotation process for cleaning vegetables; limit 5 p.p.m. residue in food.	Jan. 1, 1963

[1] The inclusion of substances specified as dietary supplements in this list does not constitute a finding by the Food and Drug Administration that the substance is useful as a supplement to the diet for humans.
[2] Progress report required by Jan. 1, 1963.

b. Section 121.90 is further amended by adding thereto the following items:

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—	Progress report required by—
* * *	* * *	* * *	* * *
Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate).	Foaming agent in beverage mix	Mar. 1, 1963	Jan. 1, 1963
Sodium nitrate and/or sodium nitrite	On smoked, cured shad; limit 200 p.p.m. expressed as nitrite.	Jan. 1, 1963	* * *

§ 121.91 [Amendment]

2. Section 121.91 *Further extension of effective date of statute for certain specified food additives as indirect additives to food* is amended as follows:

a. By changing the items listed to read as set forth below:

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—
* * *	* * *	* * *
Polyethylene blending resins (26 F.R. 5221)	Meeting the specifications of § 121.2510(c) with extractability in xylene of no more than 75% at 25° C., in ethyl acetate of no more than 8% at 50° C., and in *n*-hexane of no more than 53% at 50° C., may be used as components of food-packaging materials and containers, except for packing and holding during cooking.	[1] July 1, 1963
* * *	* * *	* * *

MISCELLANEOUS [1]

Product	Specified uses or restrictions	Effective date of statute extended to—
Dimethyl dialkyl (C_8 to C_{18}) ammonium chloride (26 F.R. 6271).	Flocculating agent in manufacture of silica pigments used in food packaging.	[1] July 1, 1963
• • •	• • •	• • •
Dicyclohexyl phthalate (26 F.R. 6271)	Plasticizer in resins used in packaging, handling, storing, or transporting food.	Jan. 1, 1963
• • •	• • •	• • •
Diphenyl phthalate (26 F.R. 6271)	Plasticizer in resins used in packaging, handling, storing, or transporting food.	Jan. 1, 1963
• • •	• • •	• • •
Chloropicrin (26 F.R. 7963)	Fumigant for food plant use	[1] July 1, 1963
• • •	• • •	• • •
Styrene and divinylbenzene copolymer: 1. Chloromethylated and aminated with *tert*-amine; 2. Chloromethylated and aminated with primary and/or secondary amine or mixed polyamine (26 F.R. 7963).	Anion-exchange resin used in food processing	[1] July 1, 1963
Styrene and divinylbenzenesulfonate copolymer (26 F.R. 7963).	Cation-exchange resin used in food processing	[1] July 1, 1963
• • •	• • •	• • •
Potassium abietate (26 F.R. 9715)	Spray adjuvant on fresh fruits and vegetables	Jan. 1, 1963
• • •	• • •	• • •
Polyethylene (26 F.R. 9410)	Meeting the specification prescribed in § 121.2510 (c)(1) and the extractability limitations of § 121.2510(d)(1) with specific gravity more than 0.85 and less than 0.95, as determined by A.S.T.M. Method D-1505; may be used as component of articles intended for holding food during cooking.	[1] July 1, 1963
• • •	• • •	• • •
Petroleum hydrocarbons, aliphatic: Initial boiling point 315° F. minimum; final boiling point 650° F. maximum; ultraviolet absorptivity at 290 mμ: 0.04 l. per gm./cm. maximum (26 F.R. 11210).	Adjuvant for insecticides in food-processing plants; limit 1 p.p.m. residue on food.	Jan. 1, 1963
	In manufacture of food packaging	Sept. 1, 1962
• • •	• • •	• • •
Ethyl acrylate and methyl methacrylate copolymers of itaconic or methacrylic acid (26 F.R. 11242).	Components of coating of paper and paperboard for food packaging.	Jan. 1, 1963
• • •	• • •	• • •
Acrylic or methacrylic acid and divinyl benzene copolymer aminolyzed with primary and/or secondary amine or mixed polyamine (26 F.R. 7963).	Anion-exchange resin used in food processing	[1] July 1, 1963
Acrylic acid or methacrylic acid and divinylbenzene copolymer (26 F.R. 7963).	Cation-exchange resin used in food processing	[1] July 1, 1963
• • •	• • •	• • •
Isooctylphenylpolyethoxy (9-10) ethanol (26 F.R. 2861).	Spray adjuvant on fresh fruits and vegetables; limit 1 p.p.m.	Jan. 1, 1963
• • •	• • •	• • •

[1] Progress report required by Jan. 1, 1963.

b. By adding thereto the following new items:

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—	Progress report required by—
• • •	• • •	• • •	• • •
Bromides, inorganic	Resulting from fumigation with methyl bromide or combination of methyl bromide and ethylene dibromide to control pest infestations; limit 50 p.p.m. in processed food.	Jan. 1, 1963	----------
4-Chloro-3,5-dimethylphenol	Preservative in sizings and coatings of paper and paperboard for food packaging.	Jan. 1, 1963	----------
Polyamide resin (thermoplastic), derived from vegetable oil acids reacted with ethylene-diamine	Component of printing ink for food packaging.	Jan. 1, 1963	----------
	Coating on metallic substrate used for food packaging.	Jan. 1, 1963	----------

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendments to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87–19 as a relief of restrictions on the food processing industry.

Effective date. This order shall become effective on the date of signature.

(Sec. 6(c), Public Law 85–929, as amended, sec. 2, Public Law 87–19; 72 Stat. 1788, as amended, 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: June 29, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-6683; Filed, July 11, 1962; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ZINC-SILICON DIOXIDE MATRIX COATINGS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Humble Oil and Refining Company, Houston 1, Texas, and other relevant material, has concluded that the following regulation should issue with respect to zinc-silicon dioxide matrix coatings as the food-contact surface of articles in contact with food. Therefore, pursuant to the provisions of the act (Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations are amended by adding to Subpart F the following new section:

§ 121.2548 Zinc-silicon dioxide matrix coatings.

Zinc-silicon dioxide matrix coatings may be safely used as the food-contact surface of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section:

(a) The coating is applied to a metal surface, cured, and washed with water remove soluble substances.

(b) The coatings are formulated from optional substances which include:

(1) Substances generally recognized as safe.

(2) Substances for which safe conditions of use have been prescribed in § 121.2514.

(3) Substances identified in paragraph (c) of this section, subject to the limitations prescribed.

(c) The optional substances permitted are as follows:

List of substances	Limitations
Ethylene glycol	As a solvent removed by water washing.
Iron oxide	
Lithium hydroxide	Removed by water washing.
Methyl orange	As an acid-base indicator.
Potassium dichromate	Removed by water washing.
Silica gel	
Sodium silicate	
Zinc, as particulate metal	

(d) The coatings in the finished form to contact food, when extracted with heptane at 120° F. for 30 minutes, using a ratio of 5 milliliters of the solvent per square inch of surface, shall yield total extractives not to exceed those prescribed in § 121.2514(c)(3); lithium extractives not to exceed 0.05 microgram per square inch of surface; and chromium extractives not to exceed 0.05 microgram per square inch of surface.

(e) The coatings are used as food-contact surfaces for bulk re-usable containers intended for storing, handling, and transporting fats and oils.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 5, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-6816; Filed, July 11, 1962; 8:52 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSIONS OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

On August 31, 1961, there was published in the FEDERAL REGISTER (26 F.R. 8173) a list of substances used as components of coatings of paper and paperboard for food packaging. In the order cited, the effective date of the food additives amendments to the Federal Food, Drug, and Cosmetic Act was extended to July 1, 1962, under the conditions prescribed in the introduction to § 121.91.

The Commissioner of Food and Drugs finds that conditions exist that make necessary the prescribing of an additional period of time for obtaining tolerances or denials of tolerances or for granting exemptions from tolerances in accordance with the statute. Therefore, pursuant to the provisions of the act (sec. 6(c), Public Law 85–929, as amended sec. 2, Public Law 87–19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.91 *Further extension of effective date of statute for certain specified food additives as indirect additives to food,* is amended as follows:

1. In the list headed "Substances Used As Components of Coatings of Paper and Paperboard for Food Packaging" the date in the column "Effective date of statute extended to—" is changed to read "Jan. 1, 1963".

2. Footnote 1 is deleted.

3. The following items are deleted:

Animal glue • • •.
N,N-Ethylenebis stearamide • • •
Polyamide resin obtained by condensation of dimerized vegetable fatty acids and ethylene diamine, molecular weight 6000–9000 • • •.
Toluene-sulfonamide formaldehyde resin • • •.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendments to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87–19 as a relief of restrictions on the food-processing industry.

Effective date. This order shall become effective as of the date of signature.

(Sec. 6(c), Public Law 85–929, as amended sec. 2, Public Law 87–19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: July 5, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-6817; Filed, July 11, 1962; 8:53 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 4—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

[Docket No. 14184; FCC 62-710]

Television Broadcast Translator Stations

1. This proceeding was initiated by a notice of proposed rule making (FCC 61–832), released June 30, 1961, in which we proposed to amend our rules to provide that a VHF translator will not be issued to the licensee of a television broadcast station, or to an applicant financially supported by such a licensee, or to any person associated with the licensee either directly or indirectly, unless the grant of the license would fill in an unserved area within the parent station's Grade B contour and would neither duplicate any part of the programming of another television broadcast station serving the proposed translator area with a Grade B signal or better, nor serve any community which has a television channel assignment on which a television station is operating or for which a construction permit is outstanding. However, under the proposal a station would not be precluded from receiving a license for a VHF translator to extend its service to an area or community already receiving its only television service via VHF translators. In addition, we proposed to provide that any license issued to a television broadcast licensee, or a licensee-supported applicant, might be terminated upon sixty days notice, without hearing, if local circumstances are so altered as to have prohibited grant of the application had such circumstances existed at the time of its filing.

HISTORY OF THE PROCEEDING

2. The Commission has long been concerned with the problem of inadequate television reception in small, remote communities. In an effort to bring additional service to these areas, we authorized UHF translators in 1956. Meanwhile we continued to study the problems involved in licensing VHF translators under standards and conditions consistent with the need for protection against interference to other television services.

3. On July 27, 1960, the Commission amended Subpart G of Part 4 of the rules to permit the operation of television broadcast translator stations on VHF television channels. We were persuaded that the licensed operation of these translators would be in the public interest as another technique by which television service might be brought to more of our nationwide population. However, in our Order we stated that UHF translator facilities were still the

most satisfactory method of bringing television service to sparsely settled regions.

4. The adoption of the rules providing for the operation of VHF translators was motivated by the fact that service can be improved within the normal service area of a television broadcast station or extended beyond that area by low-power translator operations. The Commission had contemplated that such stations would be utilized primarily by local groups or communities located in areas remote from regular television broadcast service. However, a problem not contemplated by the Commission when the rule was adopted has arisen from the provision in § 4.732(a) permitting broadcast station licensees to acquire licenses for VHF translator stations. It is apparent that applications are being filed by broadcast station licensees for purposes other than a need for the new service by the people in the area involved. Some of these applications are clearly motivated by the desire to extend the coverage of a regular television broadcast station beyond its normal service area.

5. The Commission believes that unless some restrictions are placed upon the eligibility of regular television licensees to apply for VHF television broadcast translator stations, the VHF translator will tend to become simply another weapon in the competition between television licensees rather than an instrument to be utilized by people living in areas receiving little, if any, television service.

COMMENTS IN SUPPORT OF PROPOSAL

6. Alvarado Television Company, McClatchy Newspapers, Midland Telecasting Company, Ponce Television Corporation, Southern Minnesota Broadcasting Company, Supreme Broadcasting Company, Frontier Broadcasting Company and the National Association of Broadcasters strongly support the proposal, asserting that the rules as presently framed leave the choice of where a translator service should be located to be determined by an individual not necessarily connected with the community rather than the need of a particular community.

COMMENTS IN OPPOSITION TO PROPOSAL

SERVICE WITHIN GRADE B CONTOUR

Grade A Contour

7. Several of the respondents urged that the rule should differentiate between filling in unserved areas in the Grade A and Grade B contours of a parent station and that even if we limit the rights of a television licensee to fill in its Grade B contour, we should allow filling in of the Grade A contour without any limitations. Capital Cities Broadcasting Corporation, Lynchburg Broadcasting Corporation, Mid New York Broadcasting Corporation and Triangle Publications, Inc., strongly object to the proposed amendment, if it would limit a licensee's right to fill in its Grade A contour. They assert that the Commission contemplates full service within the Grade A contour and that the improved service would be no more than contemplated by the Commission's allocation and licensing functions in having granted the parent station's authorization.

8. We are still convinced, however, that the problems which arise from the filling in of unserved areas within the Grade A and Grade B contours are similar. Therefore, the limitations we impose herein will similarly pertain to the parent station's Grade A and Grade B contours.

PRINCIPAL CITY CONTOUR

9. We have been persuaded by the arguments advanced that the licensee of a television broadcast station should have the right to fill in shadow areas in its predicted principal city contour. It is this contour which is significantly important in identification of a television station. No competitor of an existing station could have a valid objection to the filling in of an unserved area in that contour. Therefore, this amendment is not intended to limit the right of a television licensee to fill in shadow areas in its predicted principal city service area.[1]

Grade B Contour

10. Mosby's Inc., Reeves Broadcasting and Development Corporation, King Broadcasting Company and Westinghouse Broadcasting Company urge that stations be allowed to fill in an unserved area within their Grade B contours whether or not the community proposed to be served has an operating station or outstanding construction permit. Summarized, their arguments are that the allocation plan contemplated that all licensees assigned to a community would serve substantially the same area and that the public should not be deprived of the benefits of diversification of service.

11. American Broadcasting Company, Connecticut Television, Plains Television Corporation and Turner-Farrar Association oppose as too restrictive the provision that the proposed translator may fill in only the parent station's existing Grade B contour and urge rather that, if the station is not operating with maximum height and power, it should be allowed to fill in to the Grade B contour of the parent station, assuming maximum power and height.

12. ABC, Connecticut Television, Plains Television Corporation and Turner-Farrar Corporation also urge that UHF licensees be authorized to fill in holes in their Grade A and Grade B contours with VHF translators, and in areas where a UHF station is in competition with a VHF station, the UHF licensee should be allowed to use VHF translators beyond its own Grade B contour in order to compete more effectively with the VHF station in communities served by the VHF station.

PROHIBITION AGAINST DUPLICATION OF PROGRAMMING

13. Grave concern is expressed about this provision. The parties would impose a limitation on duplication of network programming only, or a major part of the programming of another station, or none at all.

14. Guy Gannet Broadcasting Service opposes the restriction arguing that competition is not confined to situations where two or more stations present completely different program schedules and King Broadcasting Company would achieve the purpose of the proposal by putting a condition on the translator license, requiring it to be silent during any period of program duplication.

15. After consideration of the comments, we have concluded that a VHF translator or a UHF translator will be granted to a VHF licensee to fill in an area receiving no signal or an inadequate signal within the parent station's existing Grade A or Grade B contours under the following limitations. The licensee applicant will not be permitted to fill in any part of its Grade A or Grade B contour with a VHF translator where reception will be provided to all or any part of a community located within the Grade A contour of any other television broadcast station for which a construction permit or license has been granted and the programs rebroadcast by the proposed VHF translator will duplicate all or any part of the programs broadcast by such other television broadcast station or stations.

16. We agree that the use of a VHF translator to fill in an unserved area within the parent station's Grade A and Grade B contours which is receiving no signal or an inadequate signal is, under the limitations set forth, a legitimate use of such auxiliary facility. The parent station would be serving the area proposed to be served by the translator if some accident of terrain or peculiar local situation had not prevented it. However, where any part of the community proposed to be served lies within the Grade A contour of another station and duplication of the programming of that station will result, there is no need for the service proposed since the community involved is receiving, or will receive, an adequate signal carrying the programming proposed. Because of the scarcity of VHF assignments, the Commission sees no reason for allowing the use of a VHF translator under these circumstances. These restrictions are intended to prevent the use of a translator as a competitive weapon against existing stations or as a deterrent to the building of new stations.

17. Several parties urged that the restrictions herein should not pertain to the UHF licensee. The limitations of the amendment will pertain to the UHF licensee as well as the VHF licensee. The Commission will not permit the use of a VHF translator to fill in holes in the Grade A or Grade B contours of a UHF station except under the circumstances specified in the preceding paragraph.[2]

[1] However, where the area is receiving satisfactory service from a UHF station or a UHF translator, the provisions of § 4.732(d) will of course apply.

[2] Subpart H provides for on-channel boosters for UHF licensees to fill in their maximum theoretical Grade A contour, which is assumed to be 68 miles from the station. In addition the Commission, as a matter of policy, has allowed both UHF and VHF licensees to use UHF translators to fill in shadow areas within their Grade A and Grade B contours.

18. Nor will the UHF licensee be authorized to extend its service area beyond its predicted Grade B contour by means of a VHF translator. The Commission cannot see how these uses of the VHF translator would aid the development of UHF. The UHF licensee should seek to improve its service to the maximum extent possible. It has available to it UHF translators to extend its service area. We have recognized the possible need for and encouraged the supplementation of service from UHF stations through ancillary repeater devices such as translators, but we believe it preferable to foster the use of UHF channels for translator use.

SERVICE BEYOND GRADE B CONTOUR

19. Almost all of the respondents support the proposed amendment to prohibit use of VHF translators to serve beyond a station's Grade B contour However, ABC and Plains Television Corporation suggest that duplication be allowed beyond the predicted Grade B contour upon a specific showing of public interest. NBC and The Washington Post Company urge that use of VHF translators be allowed if the area to be served is beyond the Grade B contour of any station since this could have no adverse impact on any regular television station, which position is supported by local officials of Rehobeth Beach and Lewes, Delaware.

20. The Commission will not allow a television licensee to extend its service area by VHF translators beyond its Grade B contour. By refusing to allow licensees to thus extend their service areas, we are not depriving the areas or communities involved of translator service. Local groups or the community itself can apply for a VHF or UHF translator. Experience has indicated that if there is really a need in a locality for translator television service, the citizens will join together to satisfy that need. The VHF spectrum is too crowded and problems of potential interference are too great for the Commission to authorize VHF translators unless there is a clear and compelling need therefor demonstrated by active interest of the people in the area.

21. It is apparent that applications by some regular television broadcast licensees for VHF translators are attempts to extend the parent station's service area into new markets at relatively little cost with no responsibility for meeting the needs of the new community for local programming and might result in delaying the development of new stations and keep existing stations from expanding their service to cover these areas through authorized facilities.

TERMINATION PROVISION

22. Transcontinent Television Corporation and the Washington Post Company oppose this provision, claiming it would discourage a regular television licensee from investing money to improve its signal and that it would be unfair to deprive the licensee of its VHF translator authorization without a hearing. We recognize that under the new provisions of the rule a licensee might be reluctant to invest in a VHF translator, but the purpose of the proposed rule is to discourage regular stations from extending their service at great distances to serve other communities, and, therefore, we are of the opinion that termination of the licensee's translator authorization, when circumstances so alter in the community that the translator would not have been authorized under § 4.732 (e) of the rule, is in the public interest. Absent the existence of a factual issue of decisional significance, an evidentiary hearing would serve no useful purpose.

NON-COMMERCIAL EDUCATIONAL TELEVISION STATIONS

23. The National Educational Television and Radio Center argues that the proposed new section should not apply to non-commercial educational television stations. The proposals herein are not directed to non-commercial educational television licensees and therefore proposed § 4.732 (e) and (f) will not apply to them.

NATIONAL RADIO QUIET ZONE

24. Havens and Martins, Inc., licensee of WTVR, Richmond, Virginia, requests that we exclude from the proposed new section of the rules the National Radio Quiet Zone, which is an area 100 x 125 miles in the western part of Virginia and the eastern part of West Virginia, which includes the United States Naval Radio Research Station at Sugar Grove, West Virginia, and the National Radio Astronomy Observatory, Green Bank, West Virginia. We are not persuaded that this area should be excepted from the amendment herein.

DECISION OF THE COMMISSION

25. The Commission will amend subparagraph G of Part 4 of its rule so that the rights of a television station licensee will be limited as specified below. Since there are instances in which the applications for the translators may not be filed by the station licensee, but the licensee may be the principal financial force behind the translator application, this limitation will apply also to an applicant financially supported by the licensee and to any person associated with the licensee either directly or indirectly.

26. The television licensee will not be authorized to operate a VHF translator if it is intended to provide reception beyond the predicted Grade B contour of the parent station.

27. The television licensee will not be permitted to operate a VHF translator within its Grade A or B contour where the translator is intended to provide reception to all or a part of any community located within the Grade A contour of any other television station for which a construction permit or license has been granted and the programs rebroadcast by the proposed translator will duplicate all or any part of the programs broadcast by such other television broadcast station or stations.

28. However, this prohibition will not preclude the authorization of a VHF translator to a licensee applicant if the translator is intended to improve reception of the parent station's signal to any community, any part of the corporate limits of which is within the principal city service contour of such station.

29. Where circumstances in the community or area served by the VHF translator issued to the broadcast station licensee change so that the grant of the application would have been prohibited had these circumstances existed at the time of the filing of the application, such authorization for a VHF translator may be terminated upon not less than sixty days' notice.

30. The limitations imposed herein on VHF licensees are not intended to apply to non-commercial educational stations.

31. The Commission does not intend by this amendment to the rules to impose any additional restrictions on the eligibility of regular television broadcast licensees insofar as UHF translators are concerned.

32. It is further to be noted that the restrictions adopted pertain only to television licensees or permittees, or applicants financially supported by television licensees or permittees, or persons associated with the licensee or permittee, and not to local groups or communities applying for VHF translators.

33. Authority for the adoption of the rule amendments herein is contained in sections 4(i) and 303 (b), (c), and (r) of the Communications Act of 1934, as amended.

34. *It is ordered*, That effective August 15, 1962, the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: July 3, 1962.

Released: July 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 4.732 is amended to read as follows:

§ 4.732 Eligibility and licensing requirements.

(a) Subject to the restrictions set forth in paragraph (e) of this section, a license for a television broadcast translator station may be issued to any qualified individual, organized group of individuals, broadcast station licensee, or local civil governmental body, upon an appropriate showing that plans for financing the installation and operation of the station are sufficiently sound to insure prompt construction of the station and dependable service for the duration of the licensed period.

(b) More than one television broadcast translator station may be licensed to the same applicant, whether or not such stations serve substantially the same area, upon an appropriate showing of need for such additional stations. TV translators operated by TV broadcast station licensees are not counted as TV stations for purposes of § 3.636 of this chapter, concerning multiple ownership.

(c) Only one channel will be assigned to each television broadcast translator station. Additional television broadcast translator stations may be authorized to provide additional reception. A separate

application is required for each television broadcast translator station and each application shall be complete in all respects.

(d) A VHF translator will not be authorized to serve an area which is receiving satisfactory service from one or more UHF television broadcast stations or UHF translators unless, upon consideration of all applicable public interest factors, it is determined that, exceptionally, such intermixture of VHF and UHF service is justified.

(e) The licensee or permittee of a television broadcasting station, an applicant financially supported by such licensee or permittee, or any person associated with the licensee or permittee, either directly or indirectly, will not be authorized to operate a VHF translator under any of the following circumstances:

(1) Where the proposed translator is intended to provide reception beyond the Grade B contour of the television broadcast station proposed to be rebroadcast.

(2) Where the proposed VHF translator is intended to provide reception to all or a part of any community located within the Grade A contour of any other television broadcast station for which a construction permit or license has been granted and the programs rebroadcast by the proposed VHF translator will duplicate all or any part of the programs broadcast by such other television broadcast station or stations: *Provided, however*, That this will not preclude the authorization of a VHF translator intended to improve reception of the parent station's signal to any community, any part of the corporate limits of which is within the principal city service contour of such station.

NOTE: The contours of a television broadcast station shall be determined in accordance with the procedures set forth in § 3.684 of this chapter.

(f) Any authorization for a VHF translator issued to an applicant described in paragraph (e) of this section will be issued subject to the condition that it may be terminated at any time, upon not less than sixty (60) days notice where the circumstances in the community or area served are so altered as to have prohibited grant of the application had such circumstances existed at the time of its filing.

(g) Paragraphs (e) and (f) of this section will not be applicable to noncommercial educational stations.

(h) The Commission will not act on applications for new television broadcast translator stations or for changes in the facilities of an existing station where such changes will result in an increase in signal range in any horizontal direction until 30 days have elapsed since the date on which "Public Notice" is given by the Commission of acceptance for filing of such application, in order to afford licensees of existing television broadcast stations an opportunity to comment with respect to the effect of the proposed translator on their operations.

[F.R. Doc. 62-6792; Filed, July 11, 1962; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 910]

[Docket No. AO-144-A10]

HANDLING OF LEMONS GROWN IN CALIFORNIA AND ARIZONA

Decision With Respect to Proposed Amendment of the Amended Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Los Angeles, California, on February 9, 1962, after notice thereof published in the FEDERAL REGISTER (27 F.R. 475) on proposals to amend the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), hereinafter referred to collectively as the "order," regulating the handling of lemons grown in California and Arizona, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

On the basis of the evidence adduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed on May 24, 1962, with the Hearing Clerk, United States Department of Agriculture. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 62-5185; 27 F.R. 4994).

The material issues, findings and conclusions, rulings, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 62-5185; 27 F.R. 4994) are hereby approved and adopted as the material issues, findings and conclusions, rulings, and the general findings of this decision as if set forth in full herein.

Rulings on exceptions. Exceptions to the recommended decision were filed, within the prescribed time, by Col. N. J. Riebe, P.O. Box 1811, Yuma, Arizona. Such exceptions were carefully and fully considered, in conjunction with the record evidence and the recommended decision (including the rulings), in arriving at the findings and conclusions set forth herein. To the extent that any such exception is not specifically ruled upon and is at variance with the findings, conclusions, and actions decided upon in this decision, such exception is denied for the reasons and on the basis of the findings and conclusions and rulings relating thereto or to the issues to which the exception refers.

Exception is taken to the findings and conclusions of the recommended decision that the evidence of record does not support the adoption of the proposal (contained in the notice of hearing) to provide in the order that, with respect to District 2, the term "lemons available for current shipment" include only the lemons which potentially are marketable as fresh fruit under applicable laws and which were delivered to the handlers in such district during the preceding 20-week period. The proponents of the proposal abandoned it; but, as stated by the presiding officer, such abandonment does not take the proposal out of the notice of hearing, and unless it is supported there would be no need to oppose it.

The evidence of record concerning this proposal consists of one brief statement which is quoted as follows:

> I feel this entire matter of a separate marketing arrangement for District 2 is discriminatory. I don't believe that lemons held over for 20 weeks are fresh lemons; neither do I think that such lemons are applicable under the Act to any greater extent that is juice.
>
> I further think that if any special provisions are to prevail for District 2, they should prevail for District 3 in that if California has a right to storage facilities, then we have just as much right in Arizona.
>
> I think, therefore, that the entire proposal should be reviewed, and that if a separate marketing arrangement for District 2 is to prevail as stated, or as contained in the present order, then we in Arizona should have a compensating grade regulation.

The only purpose of defining in § 910.12 of the order, the term "lemons available for current shipment" is to establish the basis for allocating among handlers, by districts, the weekly volume of lemon shipments fixed, pursuant to § 910.52, for a particular district. The term has no application to the grade of the lemons that may be handled and the order does not authorize any such grade regulation. Neither was there any proposal in the notice of hearing to provide for such grade regulation. In addition, the order does not provide any separate "marketing arrangement" for any district other than methods for fixing the quantity of lemons to be handled each week from each district, and for allotments thereof among handlers. Further, it does not in any way restrict the right of any handler in any portion of the production area to have or utilize storage facilities. Moreover, the evidence of record concerning this proposal does not in any way indicate what, if any, provisions may be appropriate as a "compensating grade regulation." The exception is, therefore, denied.

Exception was also taken to the findings and conclusions of the recommended decision pertaining to the proposal to provide additional grower representation on the administrative committee from District 3 on the grounds that the basic and inherent rights of the Arizona grower is ignored in that such representation may be through an alternate member rather than through a member only. The reasons and basis for providing that such additional grower representation should be by either a member or an alternate member are set forth in the recommended decision. It is shown that the provisions of § 910.28 of the order authorize any alternate member from District 3 to serve as the member at all committee meetings to consider recommendations for regulation during the period when lemons are being shipped for District 3. At other times, such alternate member as well as any other grower may attend committee meetings, which are open to all interested parties, if they desire to do so. The exception is, therefore, denied.

Amendment of the amended marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Lemons Grown in California and Arizona" and "Order Amending the Order, as Amended, Regulating the Handling of Lemons Grown in California and Arizona" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), it is hereby directed that a referendum be conducted among the producers who, during the period November 1, 1960, through October 31, 1961 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of Arizona and in that portion of the State of California that is south of a line drawn due east and west through the Post Office in Turlock, California, in the production of lemons for market to ascertain whether such producers favor the issuance of the said annexed order amending the order, as amended, regulating the handling of lemons grown in California and Arizona. Warren C. Noland and E. J. Blaine, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (15 F.R. 5176), except that subparagraph (3) of paragraph (a) thereof is hereby modi-

fied for the purpose of this referendum to read as follows:

(3) Any individual casting a ballot in such referendum on behalf of a producer, other than an individual casting the ballot of a cooperative association, shall execute the following certification and submit it with the ballot: "I hereby certify that I am an officer, employee, or agent of the producer, or an administrator or executor of an estate, for whom this ballot is cast, and that I have authority to take such action on behalf of such producer or estate:" In the case of a cooperative association, the individual casting the ballot of the cooperative association shall submit with the ballot a certified copy of the resolution of its Board of Directors authorizing such individual to cast such ballot.

The ballots used in the referendum shall contain a summary describing the terms and conditions of the proposed amendatory order.

Copies of the aforesaid annexed order, of the aforesaid referendum procedure, and of this order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or appointee.

It is hereby ordered, That all of this decision and referendum order, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the said order, as amended, and as further amended by the annexed order which will be published with this decision.

Dated: July 9, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

Order[1] *Amending the Order, as Amended, Regulating the Handling of Lemons Grown in California and Arizona*

§ 910.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Los Angeles, California, on February 9, 1962, upon proposed amendments to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended, and as hereby further amended, regulates the handling of lemons grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The said order, as amended, and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of lemons; and

(5) All handling of lemons grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of lemons grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

§ 910.15 [Amendment]

1. The provisions of § 910.15 *Production area* are revised to read as follows:

"Production area" means the State of Arizona and that part of the State of California south of a line drawn due east and west through the post office in Turlock, California.

§ 910.22 [Amendment]

2. The following sentence is added at the end of § 910.22(d): "At least one of the nominees for member or alternate member shall be a grower in District 3."

§ 910.23 [Amendment]

3. The following sentence is inserted immediately preceding the last sentence in § 910.23: "At least one of the growers so selected shall be a grower of lemons in District 3."

§ 910.29 [Amendment]

4. The amount "$10" is deleted from § 910.29 and the amount "$15" is substituted therefor.

5. A new § 910.33 is added as follows:

§ 910.33 Marketing research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of lemons; the expenses of such projects to be paid from funds collected pursuant to this part.

§ 910.51 [Amendment]

6. Paragraph (c) of § 910.51 is revised to read as follows:

(c) At any time during a week for which the Secretary, pursuant to § 910.52, has fixed the quantity of lemons which may be handled during such week, the committee may, if such action is deemed advisable, recommend to the Secretary that such quantity be increased for such week. Any such recommendation, together with the committee's reasons for such recommendation, shall be submitted promptly to the Secretary.

§ 910.57 [Amendment]

7. The words "ten percent" are deleted wherever they appear in § 910.57 and the words "twenty percent" are substituted therefor.

8. A new § 910.61a as follows:

§ 910.61a Early availability allotments.

Notwithstanding the provisions of § 910.56 the committee may, prior to the time marketable lemons generally are available in District 3, issue special allotments to handlers in such district who have marketable lemons available for handling. Such handlers may apply to the committee for such allotments on forms prescribed by the committee, and shall furnish to the committee such information as it may require. On the basis of all available information and after consideration of all of the factors enumerated in § 910.51(b), the committee shall determine the extent to which early availability allotment shall be granted. Such allotments approved by the committee shall be distributed to all handlers who qualify therefor in proportion to the quantity requested by each handler in his application: *Provided, however*, That early availability allotments issued to any handler shall not permit the handling of a larger share of the lemons available for current shipment of such handler than the share of the lemons available for current shipment in District 3 estimated at the beginning of the season, to be allotted to all handlers. Early availability allotments may be loaned only to handlers to whom early availability allotments have been granted. When marketable lemons generally are available to the handlers in District 3, the early availability allotments issued shall be offset or repaid by deducting from the lemons available for current shipment of each handler who has received such allotments a quantity equal to the early availability allotments issued to him. The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this part.

§ 910.64 [Amendment]

9. Paragraphs (a) and (b) of § 910.64 *Districts* are revised to read as follows:

(a) "District 1" shall include that part of the State of California which is south of a line drawn due east and west through the post office in Turlock, California, and north of a line drawn due east and west through the post office in Gorman, California, but shall exclude San Luis Obispo and Santa Barbara Counties and that part of San Bernardino County located east of the 115th Meridian.

(b) "District 2" shall include that part of the State of California which is south or west of District 1, but shall exclude the area east of a line drawn due north and south through the post office in White Water, California.

[F.R. Doc. 62–6807; Filed, July 11, 1962; 8:50 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 8]

COLOR ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 52 Stat. 1055, 21 U.S.C. 376(d)), notice is given that a petition (CAP 3) has been filed by Annatto Color Testing Committee, 14 Proudfit Street, Madison, Wisconsin, proposing the issuance of a regulation to provide for the safe use of annatto extracts as a color for foods and drugs.

Dated: July 5, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62–6818; Filed, July 11, 1962; 8:53 a.m.]

[21 CFR Parts 120, 121]

PESTICIDE RESIDUES; FOOD ADDITIVES; O,O-DIMETHYL S-4-OXO-1,2,3-BENZOTRIAZIN-3(4H)-YL-METHYL PHOSPHORODITHIOATE

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(d)(1), 409(b)(5), 68 Stat. 512; 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a petition has been filed Chemagro Corporation, P.O. Box 4913, Kansas City 20, Missouri, proposing the establishment of a pesticide tolerance of 2 parts per million for residues of the insecticide *O,O*-dimethyl *S*-4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl phosphorodithioate in or on brussels sprouts, grapefruit, lemons, oranges, and tangerines. The petition also proposes the establishment of a food additive tolerance of 5 parts per million for residues of this insecticide in citrus peel and dried citrus pulp resulting from carryover and concentration of residues in these feed items processed from such citrus fruits.

The analytical method proposed in the petition for determining residues of *O,O*-dimethyl *S*-4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl phosphorodithioate is a modification of that published in Agricultural and Food Chemistry, Volume 8, page 282 (1960).

Dated: July 5, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62–6815; Filed, July 11, 1962; 8:52 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 836) has been filed by Monsanto Chemical Company, 800 Lindberg Boulevard, St. Louis 66, Missouri, proposing the issuance of a regulation to provide for the safe use of diphenyl phthalate as a plasticizer in polyvinyl acetate and polyvinyl chloride coatings, films, and adhesives contacting food.

Dated: July 6, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62–6804; Filed, July 11, 1962; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 850) has been filed by The Cromwell Paper Company, 130 North Wabash Avenue, Chicago 1, Illinois, proposing the issuance of a regulation to provide for the safe use of dicyclohexylamine and morpholine salts of fatty acids derived from animal or vegetable oils as rust inhibitors on steel or tinplate used in contact with food.

Dated: July 6, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62–6805; Filed, July 11, 1962; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 3]

[Docket No. 14703, RM–178; FCC 62–713]

OPERATION OF STATIONS DURING EMERGENCIES

Notice of Proposed Rule Making

In the matter of amendment of § 2.405 of the Commission rules and regulations pertaining to operation of stations during emergencies and addition of New §§ 3.98, 3.298, 3.597, and 3.670 relating thereto.

1. The Commission has before it for consideration a "Petition for Rule Making or Advisory Ruling," filed April 26, 1960, by the Daytime Broadcasters Association, Inc. (DBA), which requests that the Commission either initiate a rule making proceeding to amend the present § 2.405 of the Commission rules pertaining to operation of stations during emergencies or issue a declaratory ruling concerning that section so that restricted-hours stations will be assured that a certain type of emergency operation discussed in the petition is permissible under the present rule.

2. *Petitioner's proposal.* In the event that a rule making proceeding is instituted, DBA submits a draft of a proposed new rule concerning operation during emergencies by standard broadcast stations and suggests that such a new rule should appear as § 3.98 in Part 3, Subpart A, of the rules governing standard broadcast stations. Some of the wording of the present § 2.405 is carried over by DBA into its proposed new rule, some is omitted, and some new language is added. The DBA proposal and the present § 2.405 are combined below. New wording proposed by DBA is italicized. Words enclosed in brackets appear in the present § 2.405 but not in the DBA proposal. Words neither italicized nor bracketed appear in both § 2.405 and the DBA proposal.

[§ 2.405] *§ 3.98 Operation During Emergency.* The licensee of [any station, except amateur, may,] *a daytime only, limited time or specified hours standard broadcast station, or the permittee of such a station operating under program test authority,* during a period of emergency [in which normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication service in communicating in a manner other than that specified in the instrument of authorization:] *or imminent emergency due to hurricane, flood or other severe weather conditions or from earthquake or similar disaster affecting the community in which the station is located, may operate at times other than those specified in the license or permit in order to, and to the extent necessary to meet public necessity or to prevent or alleviate serious public inconvenience or hardship which might result in the absence of such*

operation: Provided, (a) That as soon as possible after the beginning of such emergency [use,] *operation,* notice be sent to the Commission at Washington, D.C., and to the Engineer in Charge of the district in which the station is located, stating the nature of the emergency and the use to which the station is being put, and (b) That the emergency [use of the station shall] *operation will* be discontinued as soon as [substantially normal communication facilities are again available,] *the conditions requiring such operation are no longer present,* and (c) That the Commission at Washington, D.C., and the Engineer in Charge shall be notified immediately when such [special use of the station] *emergency operation* is terminated: [*Provided further,* (d) That in no event shall any station engage in emergency transmission on frequencies other than, or with power in excess of, that specified in the instrument of authorization or as otherwise expressly provided by the Commission, or by law:] *And provided further,* [(e)] (*d*) That the Commission may, at any time, order the discontinuance of any [such emergency communication] *emergency operation* undertaken under this section.

3. Foremost among the changes suggested by DBA we note the following: The proposal (1) applies to certain permittees as well as licensees, (2) adds the concept of imminent emergency to that of emergency, (3) eliminates the requirement that normal communications facilities be disrupted, (4) inserts the phrase "severe weather conditions," (5) eliminates the requirement concerning frequency and power which may be used for operations during emergencies, (6) indicates emergency communication service to be operation "to the extent necessary to meet public necessity or to prevent or alleviate serious public inconvenience or hardship," and (7) specifically permits emergency operation at times other than those specified in the instrument of authorization. It may also be observed that the DBA proposal is directed at restricted-hours standard broadcast stations. Although not specifically set forth in the petition, we assume that by suggesting a new § 3.98 DBA intends that standard broadcast stations be removed from the provisions of § 2.405.

4. *Petitioner's arguments in support of petition.* Petitioner states that for many years the Commission, by regular administrative construction of § 2.405, has led daytime, limited-time, and specified-hours standard broadcast stations to believe that they might operate at times other than their regularly authorized hours when severe weather conditions prevail, such as heavy snowstorms, in order to prevent or minimize serious public inconvenience or hardship in the affected communities.

5. To support the foregoing statement, petitioner asserts that "Although the rule does not specifically refer to a situation such as severe snowstorm conditions except to the extent that this may be implied by 'similar disaster', such stations as a matter of regular practice regularly specified license sign-on time have for many years signed on before the and have remained in operation beyond the regularly licensed sign-off time when such conditions are imminent or present. There have been innumerable instances in which notifications of such emergency operations during such conditions have been given to the Commission and the Commission has, by tacit acquiescence, administratively construed its rules as permitting such operations. This has been the case despite the fact that 'normal communications facilities' (which apparently is broad enough to cover common carrier and telephone and telegraph services, as well as other broadcast services in the area) may not have been 'disrupted'."

6. Petitioner also says that the administrative construction of the rule as described above has been made apparent not only by tacit sanction of operations in the type of situation referred to, but that "Commission engineers in charge of the districts in which stations are located, have frequently indicated that when such conditions arise (severe snowstorm) emergency operation is permissible."

7. Finally, it is set forth by DBA that the daytime broadcasters have, during the past six years, sought an amendment of the rules which would allow them to extend their hours of operation during the winter months, an extension which would, "to a large extent, permit them to meet more effectively such critical situations as the foregoing." Petitioner then states that, although such attempts have proved unsuccessful, "The Commission has made public statements indicating its sympathy with this problem and has indicated its desire to do something to solve it were it not for its belief that serious interference would result if such operations were regularly permitted by daytime stations on a nationwide basis. The Commission has indicated that where emergency situations arise in individual instances, the possible interference is not to be considered an obstructing factor."

8. After having stated that, for reasons unknown to petitioner, the Commission's view of operation outside authorized times by restricted-hours stations during severe weather conditions appears suddenly to have changed (as evidenced by reference in the petition to a specific instance occurring in February, 1960, in which the Commission informed a daytime-only station is action was outside the scope of § 2.405), the DBA proposes, as stated in paragraph 1 above, that a rule making proceeding be commenced or that a declaratory ruling concerning § 2.405 be issued.

9. *Commission policy and administrative construction of § 2.405.* In various public pronouncements the Commission has given administrative construction of the section. Thus,

(a) On November 21, 1933, the Federal Radio Commission went on record as saying that stations operating under the provisions of rule 23[1] "would use their regular licensed frequencies."

(b) On September 23, 1938, a press release in connection with the New England hurricane contained the following language: "Rule 23 of the Commission's rules and regulations provides for emergency communication beyond and above those authorized by the license during a period of emergency where normal communication facilities are disrupted. Under this rule broadcast stations may handle messages concerning safety of life and property, amateurs[2] may engage in the transmission of such messages and other stations may communicate to points not specified in the license, and in general stations may engage in whatever operations are required to best assure safety of life and prevention of loss of property."

(c) On July 13, 1949, an Order was adopted which amended § 2.405. The Order contained language to the effect that "• • • the rule was intended only to remove restrictions in respect to the scope of service and points of communication • • •"

10. Over the years the Commission has carried on correspondence with numerous station licensees and with other parties, such as members of the Congress, interpreting the rule under consideration herein. Typical of the administrative construction and Commission policy indicated in such letters are the following excerpts:

(a) Letter to a U.S. Senator (1957): "Insofar as stations in the broadcast service are concerned, it is intended primarily to permit standard broadcast stations to utilize their facilities in a manner other than that specifically authorized in the station's license. For example, a station operating under the terms of this rule could handle urgent messages to specific persons, organizations, business establishments, and the like, which would normally be reached by other means of communications. The words '• • •' in which normal communication facilities are disrupted • • •' were intended to embrace such situations. Strict interpretation of the rule would, during a period of emergency, permit no other deviation from the instrument of authorization.

"With the advent of a great number of 'daytime only' stations in the post-war period, the Commission has relaxed its strict interpretation of the rule to the extent of permitting daytime stations to operate beyond those hours specified in the station license when 'as a result of hurricane, flood, earthquake or similar disaster' an area is threatened and danger to life and property is imminent, and when service to the area from other broadcast stations which are *not* restricted in their operating hours is inadequate."[3]

(b) Letter to daytime-only station (1961): "The type of emergency con-templated by § 2.405 is an actual or threatened community disaster in which extended operation is directly related to the safety of life and property. Such operation is permitted on the assumption that unlimited time standard broadcast stations (if any) in the same community are inoperative or otherwise failing to provide nighttime emergency service."

11. *Discussion of petitioner's assertions.* The above-mentioned examples of Commission policy and administrative construction of the rule indicate the path that has been followed. A rule of this nature must of necessity be administered on a case-by-case basis. The point to be made here is that although generically the phrase "severe snowstorm conditions" may be applied to numerous situations, emergency operation may be justified in one severe snowstorm and not in another, the judgment as to permissibility of emergency operation not always being an easy one to make. The Commission's tacit sanctions, as petitioner calls them, have been made as each individual case arose and were based upon the general policies previously outlined.

12. As mentioned in paragraph 6 above, petitioner states that engineers in charge of districts have "frequently" indicated that there might be emergency operation in conditions of severe snowstorm. Without a survey of the conditions under which such "indications" have been made, it may safely be assumed that many of the "frequent" indications probably occurred with reference to truly severe conditons.

13. Petitioner asserts (as indicated above in paragraph 7) that the Commission has indicated that where emergency situations arise in individual instances, the possible interference to other stations caused by emergency operation is not to be considered an obstructing factor. They cite but one statement in support of this. However, we must not overlook our statement in Report and Order, Docket No. 12274, released September 19, 1958, FCC 58-891, Mimeo 62895, paragraph 49, in which we said in our discussion of the reasons for denying the request of the Daytime Broadcasters Association for extension of broadcasting time: "The losses would thus impair the present ability of stations to meet the needs and provide the advantages expected of radio to an extent much greater than that to which the extended hours would afford daytime stations an opportunity to render similar service. For example, as to service in emergencies, it is desirable for a local station to be able to render such service; but not at the expense of the ability of other stations to render similar service, when the population lost would be much greater than the population gained."

14. *Need for revision of § 2.405.* We are of the opinion that § 2.405 of the rules as it applies to broadcast services should be amended for the purpose of reflecting Commission policy and administrative construction cited above and for clarifying questionable points. Thus, we agree with the DBA suggestion that the rule should state that emergency operations under the provisions thereof shall include operations prompted by imminent emergencies as well as emergencies and that such operation should be permitted although normal communications facilities have not been disrupted. We also agree that the amendment should provide that such operations may be engaged in by permittees operating under program test authority as well as by licensees. We find ourselves in disagreement, however, with the suggestion that the limitations concerning frequency and power for the transmission of emergency communications be removed from the rule. And we would modify the suggested provisions concerning emergency operation outside hours specified in instruments of authorization.

15. Of extremely great importance in the DBA proposal is the language permitting emergency operation during "severe weather conditions" coupled with the language that such operation may be for the purpose of "meeting public necessity or to prevent or alleviate serious inconvenience or hardship which might result in the absence of such operation." The language of DBA presents "meeting public necessity" and "to prevent or alleviate serious inconvenience or hardship" in the disjunctive. We are of the opinion that the two phrases are not disjunctive but that the latter is subsumed by the former. "Meeting the public necessity" is a broad concept that must be given more specific meaning within the present context. We are prepared to give such meaning by indicating that emergency operation may occur for the purpose of promoting safety of life and property or alleviating hardship. But we do not believe that such operation should be permitted to prevent or alleviate inconvenience, even of a serious nature. We recognize that the line between inconvenience and hardship may be difficult to draw, but we do not doubt a difference in their meanings exists. The amendment which we propose herein is worded to convey this thinking.

16. It may be observed that certain specified-hours stations operating on local channels are, under the provisions of § 3.23(e) of the rules, free to operate at hours other than those specified in their instruments of authorization without relying on § 2.405. It should be noted, too, that under the present § 3.87 pre-sunrise operation is permitted under certain conditions without the invoking of § 2.405. A rule making proceeding was instituted with regard to § 3.87 in Notice of Proposed Rule Making released on December 8, 1961, Docket No. 14419, FCC 61-1446, Mimeo 11957. In an Order released April 30, 1962, the time for filing comments and reply comments therein was extended indefinitely pending the issuance of a Further Notice of Proposed Rule Making in that docket.

17. *Method of revision of § 2.405.* We have chosen to revise § 2.405 with regard to standard, FM, noncommercial educational FM and television broadcast stations by removing such stations from the provisions of § 2.405 (which presently is applicable to all stations except amateurs) and inserting, in the appropriate subparts of Part 3 of the rules, new sections governing their operation during emergencies. Although no problems have been encountered with regard to operation during emergencies by unlimited-time standard broadcast stations or by any of the last three types of broadcast stations mentioned in the preceding sentence, we have amended the emergency rule with respect to such stations in order to anticipate problems relating to emergency operation which might conceivably arise in the future. The thinking of the Commission on the aspects of the rule mentioned in the foregoing paragraphs as well as on other facets of the subject appears in the proposed amendments as set forth below.

18. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303(r) and 307(b) of the Communications Act of 1934, as amended.

19. Pursuant to applicable procedure set out in § 1.213 of the Commission rules, interested parties may file comments on or before August 13, 1962, and reply comments on or before August 27, 1962. In reaching its decision on the rule amendments which are proposed herein, the Commission will not be limited to consideration of comments on record, but will take into account all relevant information obtained in any manner from informed sources.

20. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: July 3, 1962.

Released: July 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. § 2.405 is amended to read as follows (this amendment removes standard, FM, noncommercial educational FM and television broadcast stations from the provisions of the section and adds a note indicating what parts of the rules contain provisions governing operation during emergency by such stations and by amateur stations):

§ 2.405 Operation during emergency.

The licensee of any station (except amateur, standard broadcast, FM broadcast, noncommercial educational FM broadcast, or television broadcast) may, during a period of emergency in which normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication service in communicating in a manner other than that specified in the instrument of authorization: *Provided:* (a) That as soon as possible after the beginning of such emergency use, notice be sent to the Commission at Washington, D.C., and to the Engineer in Charge of the district in which the station is located, stating the nature of the emergency and the use to which the station is being put, and (b) That the emergency use of the station shall be discontinued

[1] Section 2.405 may be traced back to 1933 when it appeared in somewhat different form as rule 23 of the rules of the Federal Radio Commission.

[2] Late in 1938, what has since become rule 12.156 was adopted governing operation by amateurs during emergencies. Shortly thereafter, in 1939, amateurs were removed from the provisions of rule 23.

[3] In 1941 there were 882 standard broadcast stations of which 60 were daytime-only stations. There are now close to 3800 standard broadcast stations of which about 1500 are daytime-only stations.

as soon as substantially normal communication facilities are again available, and (c) That the Commission at Washington, D.C., and the Engineer in Charge shall be notified immediately when such special use of the station is terminated; *Provided further,* (d) That in no event shall any station engage in emergency transmission on frequencies other than, or with power in excess of, that specified in the instrument of authorization or as otherwise expressly provided by the Commission, or by law: *And provided further,* (e) That the Commission may, at any time, order the discontinuance of any such emergency communication undertaken under this section.

NOTE: Part 3 of this Chapter contains provisions governing emergency operation of standard, FM, noncommercial educational FM, and television broadcast stations. Part 12 of this Chapter contains such provisions for amateur stations.

2. Part 3 is amended by adding new §§ 3.98, 3.298, 3.597 and 3.670 concerning operation during emergencies as follows:

§ 3.98 Operation during emergency.

(a) The licensee of a standard broadcast station or permittee of such a station operating under program test authority is authorized only to disseminate radio communications intended to be received by the public. However, during a period of emergency or imminent emergency in the area in which the station is located such a license or permittee may also (during the hours, at the frequency, and with the facilities specified in its instrument of authorization) utilize such station for transmitting communications directly related to the emergency which are intended to be received by specific individuals for the purpose of dispatching aid, assisting in rescue operations, or otherwise promoting the safety of life and property or alleviating hardship. In the course of such operation or any other operation permitted under the provisions of this section a station may communicate with stations of other classes and in other services. For the purposes of this section an emergency shall mean an event that would generally and seriously endanger life and property or cause substantial hardship such as hurricane or other severe weather conditions, flood, earthquake or wide-area forest fires. The term shall not include such events as frosts or localized fires.

(b) During periods of emergency or imminent emergency, the licensee of a standard broadcast station or the permittee of such a station operating under program test authority may, if authorized different powers or antenna patterns for daytime and nighttime service, utilize daytime facilities during nighttime for the purpose of disseminating communications directly related to the emergency which are intended to be received by the public or by specific individuals for the purposes specified in paragraph (a) of this section: *Provided, however,* That if such nighttime emergency operation is not continuous, but is interspersed with operations not related to the emergency, the latter operations shall be with normally authorized nighttime facilities: *Provided further,* That such nighttime emergency operation shall not contain music or either commercial continuity or commercial anouncements, but a low-level attention signal such as a tone may be used.

(c) During periods of emergency or imminent emergency, a licensee of a standard broadcast station (other than an unlimited-time station) or a permittee of such a station operating under program test authority may operate at times other than those specified in its instrument of authorization or sharing-time agreement for the purpose of disseminating communications directly related to the emergency which are intended to be received by the public or by specific individuals for the purposes specified in paragraph (a) of this section if there is no standard broadcast station authorized to operate unlimited time in the area, or if all standard broadcast stations authorized to operate unlimited time in the area are for any reason not engaged in transmitting emergency communications, or if such licensee or permittee is prepared to make a showing on request that the area affected by the emergency was not adequately covered by the unlimited-time stations at the time that the extra-hour operation occurred. (Sharing-time stations and specified-hours stations sharing time must reach agreement with respect to the division of time for operation under the terms of this paragraph.) Announcements warning of emergencies such as blizzards, hurricanes or tornadoes many hours in advance of the time when they might possibly be expected, and announcements concerning school closings or changes in school bus schedules, road conditions or other matters necessitated by severe weather conditions shall not be made at times other than those specified in instruments of authorization or sharing-time agreements if adequate advance warning can be given during normal hours of operation. Operation under the provisions of this paragraph shall not contain music or either commercial continuity or commercial announcements, but a low-level attention signal such as a tone may be used.

(d) A licensee or permittee operating under the provisions of this section shall (1) as soon as possible after the beginning of such emergency use, send notice to the Commission at Washington, D.C., and to the Engineer in Charge of the district in which the station is located, stating the nature of the emergency and the use to which the station is being put; (2) discontinue such emergency operation as soon as the conditions requiring such operation are no longer present or the public has had an opportunity to be adequately informed; and (3) immediately upon cessation of such emergency operation notify the Commission in Washington, D.C., and the Engineer in Charge of the district in which the station is located, and shall in such notice justify the operation by stating the nature of the emergency, the exact times of operation, the type of information transmitted and other pertinent details.

(e) The decision to operate under the provisions of this section lies solely with the licensee or permittee of the station, requests by governmental or other officials not being controlling. However, the Commission may at any time order the discontinuance of any such emergency operation.

(f) Operation under the provisions of this section shall in no event occur on frequencies other than those specified in the instruments of authorization or as otherwise expressly provided by the Commission or by law. When operating under the provisions of this section, power shall not exceed and antenna pattern shall not differ from that specified in the instrument of authorization or as otherwise provided by the Commission or by law, the only permissible deviations with regard to power and antenna pattern being those set forth in paragraph (b) of this section.

(g) No operation under this section shall be permitted if a CONELRAD radio alert is in effect.

§ 3.298 Operation during emergency.

(a) The licensee of an FM broadcast station or the permittee of such a station operating under program test authority is authorized only to disseminate radio communications intended to be received by the public. However, during a period of emergency or imminent emergency in the area in which the station is located such a licensee or permittee may also utilize its station for transmitting communications directly related to the emergency which are intended to be received by specific individuals for the purpose of dispatching aid, assisting in rescue operations or otherwise promoting the safety of life and property or alleviating hardship. In the course of such operation a station may communicate with stations of other classes and in other services. For the purpose of this section an emergency shall mean an event that would generally and seriously endanger life and property or cause substantial hardship such as hurricane or other severe weather conditions, flood, earthquake or wide-area forest fire. The term shall not include frosts or localized fires.

(b) The decision to operate under the provisions of this section lies solely with the licensee or permittee of the station, requests by governmental or other officials not being controlling. However, the Commission may at any time order the discontinuance of any such emergency operation.

(c) When engaged in operation under the provisions of this section a station shall use the frequency specified in and power not in excess of that specified in its instrument of authorization.

(d) A licensee or permittee operating under the provisions of this section shall (1) as soon as possible after the beginning of such emergency use, send notice to the Commission at Washington, D.C., and to the Engineer in Charge of the district in which the station is located, stating the nature of the emergency and the use to which the station is being put; (2) discontinue such emergency operation as soon as the conditions requiring such operation are no longer present or the public has had an opportunity to be adequately informed; and (3) immediately upon cessation of such emergency operation notify the Commission in Washington, D.C., and the Engineer in Charge of the district in which the station is located, and shall in such notice justify the operation by stating the nature of the emergency, the exact times of operation, the type of information transmitted and other pertinent details.

(e) No operation under this section shall be permitted if a CONELRAD radio alert is in effect.

§ 3.597 Operation during emergency.

(a) The licensee of a noncommercial educational FM broadcast station or the permittee of such a station operating under program test authority is authorized only to disseminate radio communications intended to be received by the public. However, during a period of emergency or imminent emergency in the area in which the station is located such a licensee or permittee may also utilize its station for transmitting communications directly related to the emergency which are intended to be received by specific individuals for the purpose of dispatching aid, assisting in rescue operations or otherwise promoting the safety of life and property or alleviating hardship. In the course of such operation a station may communicate with stations of other classes and in other services. For the purpose of this section an emergency shall mean an event that would generally and seriously endanger life and property or cause substantial hardship such as hurricane or other severe weather conditions, flood, earthquake or wide-area forest fire. The term shall not include frosts or localized fires.

(b) The decision to operate under the provisions of this section lies solely with the licensee or permittee of the station, requests by governmental or other officials not being controlling. However, the Commission may at any time order the discontinuance of any such emergency operation.

(c) When engaged in operation under the provisions of this section a station shall use the frequency specified in and power not in excess of that specified in its instrument of authorization.

(d) A licensee or permittee operating under the provisions of this section shall (1) as soon as possible after the beginning of such emergency use, send notice to the Commission at Washington, D.C., and to the Engineer in Charge of the district in which the station is located, stating the nature of the emergency and the use to which the station is being put; (2) discontinue such emergency operation as soon as the conditions requiring such operation are no longer present or the public has had an opportunity to be adequately informed; and (3) immediately upon cessation of such emergency operation notify the Commission in Washington, D.C., and the Engineer in Charge of the district in which the station is located, and shall in such notice justify the operation by stating the nature of the emergency, the exact times of operation, the type of information transmitted and other pertinent details.

(e) No operation under this section shall be permitted if a CONELRAD radio alert is in effect.

§ 3.670 Operation during emergency.

(a) The licensee of a television broadcast station or the permittee of such a station operating under program test authority is authorized only to disseminate radio communications intended to be received by the public. However, during a period of emergency or imminent emergency in the area in which the station is located such a licensee or permittee may also utilize its station for transmitting communications directly related to the emergency which are intended to be received by specific individuals for the purpose of dispatching aid, assisting in rescue operations or otherwise promoting the safety of life and property or alleviating hardship. In the course of such operation a station may communicate with stations of other classes and in other services. For the purpose of this section an emergency shall mean an event that would generally and seriously endanger life and property or cause substantial hardship such as hurricane or other severe weather conditions, flood, earthquake or wide-area forest fire. The term shall not include frosts or localized fires.

(b) The decision to operate under the provisions of this section lies solely with the licensee or permittee of the station, requests by governmental or other officials not being controlling. However, the Commission may at any time order the discontinuance of any such emergency operation.

(c) When engaged in operation under the provisions of this section a station shall use the frequency specified in and power not in excess of that specified in its instrument of authorization.

(d) A licensee or permittee operating under the provisions of this section shall (1) as soon as possible after the beginning of such emergency use, send notice to the Commission at Washington, D.C., and to the Engineer in Charge of the district in which the station is located, stating the nature of the emergency and the use to which the station is being put; (2) discontinue such emergency operation as soon as the conditions requiring such operation are no longer present or the public has had an opportunity to be adequately informed; and (3) immediately upon cessation of such emergency operation notify the Commission in Washington, D.C., and the Engineer in Charge of the district in which the station is located, and shall in such notice justify the operation by stating the nature of the emergency, the exact times of operation, the type of information transmitted and other pertinent details.

(e) No operation under this section shall be permitted if a CONELRAD radio alert is in effect.

[F.R. Doc. 62-6793; Filed, July 11, 1962; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 62-6790, Federal Deposit Insurance Corporation, *infra*.

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act each insured bank is required to make a Report of Condition as of the close of business, June 30, 1962, to the appropriate agency designated herein, within ten days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Condition on Office of the Comptroller Form 2130-A—Call No. 442,[1] and shall send the same to the Comptroller of the Currency, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition on Federal Reserve Form 105—Call 164,[1] and shall send the same to the Federal Reserve Bank of the District wherein the bank is located, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition on FDIC Form 64—Call No. 60,[1] and shall send the same to the Federal Deposit Insurance Corporation.

The original Report of Condition required to be furnished hereunder to the Comptroller of the Currency and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for preparation of Reports of Condition by National Banking Associations," dated January 1961.[1] The original Report of Condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated February 1961.[1] The original Report of Condition required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64, by insured State Banks not members of the Federal Reserve System," dated January 1961.[1]

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original Report of Condition on FDIC Form 64 (Savings),[1] prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings) by Mutual Savings Banks," dated January, 1961,[1] and shall send the same to the Federal Deposit Insurance Corporation. Each insured mutual savings bank which is a member of the Federal Reserve System shall make its original Report of Condition on Federal Reserve Form 105—Call 164,[1] prepared in accordance with "Instructions for the preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated February, 1961,[1] and shall send the same to the Federal Reserve Bank of the District in which it is located, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation.

[SEAL] ERLE COCKE, SR.,
Chairman, Federal,
Deposit Insurance Corporation.

JAMES J. SAXON,
Comptroller of the Currency.

C. C. BALDERSTON,
Vice Chairman, Board of Governors
of the Federal Reserve System.

[F.R. Doc. 62-6790; Filed, July 11, 1962; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 62-6790, Federal Deposit Insurance Corporation, *supra*.

CIVIL SERVICE COMMISSION

POSITIONS FOR WHICH THERE IS DETERMINED TO BE A MANPOWER SHORTAGE

Notice of Listing

Under the provisions of Public Law 86-587, the Civil Service Commission has determined that there is a manpower shortage for the following:

Series code and grade	Position	Location	Effective date
GS-1530-5	Statistician	Cincinnati, Ohio, metropolitan area.	May 14, 1962
GS-1530-7	Survey Statistician		
GS-1530-7	Statistician in the subject matter areas of Demography, Economics, Health, Social Science, Medicine, Operations and Administration, and General.		
GS-1074-17	Director, Television Service	United States Information Agency, Washington, D.C.	May 17, 1962
GS-802-9	Mechanical Engineering Technician (Nuclear Reactor Operator).	Charleston Naval Shipyard, Charleston, S.C.	June 8, 1962
	Professor (positions typically involve such areas as naval warfare, international relations, physical sciences).	Naval War College, Newport, Rhode Island.	June 11, 1962
GS-665-0, grades GS-11 above.	Speech Pathologist and/or Audiologist	Nationwide	June 26, 1962

Travel and transportation expenses may be paid for appointees to their duty station for the positions as listed above. Any such payments as a result of this determination must be made in accordance with travel regulations issued by the Bureau of the Budget.

Wherever Classification Act series and grades are shown above, if comparable positions exist which are not subject to the Classification Act, they are also covered.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to
the Commissioners.

[F.R. Doc. 62-6814; Filed, July 11, 1962; 8:52 a.m.]

FEDERAL RESERVE SYSTEM

MONTANA SHARES, INCORPORATED

Notice of Applications for Approval of Acquisitions of Shares of Banks

Notice is hereby given that applications have been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), by Montana Shares, Incorporated, which is a bank holding company located in Great Falls, Montana, for the prior approval of the Board of the acquisitions by Applicant of more than 50 percent of the voting shares of Citizens Bank of Montana, Havre, Montana, and up to 100 percent of the voting shares of Liberty County Bank, Chester, Montana. Both banks are presently subsidiaries of Montana Shares by reason of its ownership of 25 percent or more of the outstanding voting shares.

In determining whether to approve these acquisitions, the Board is required by the Bank Holding Company Act to take into consideration the following factors in each case: (1) The financial history and condition of the company and the banks concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisitions may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C., this 5th day of July 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-6777; Filed, July 11, 1962; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR Part 181 the following table lists the establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which were officially reported on June 1, 1962, as humanely slaughtering and handling on that date the species of livestock respectively designated for such establishments in the table. Establishments reported after June 1, as using humane methods on June 1 or a later date in June, will be listed in a supplemental list. Previously published lists represented establishments reported in May or June 1962 as humanely slaughtering and handling the designated species of livestock on May 1 or some later date in May 1962 (27 F.R. 5880 and 6291). The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

[Report No. 1]

JUNE 1962.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co.	2AD	(*)	(*)				
Do.	2AT			(*)		(*)	
Do.	2B	(*)	(*)			(*)	
Do.	2C	(*)		(*)			
Do.	2E	(*)		(*)		(*)	
Do.	2F	(*)	(*)	(*)			
Do.	2H	(*)	(*)			(*)	
Do.	2HT	(*)					
Do.	2LT	(*)	(*)				
Do.	2SD	(*)	(*)	(*)	(*)	(*)	
Do.	3A	(*)	(*)	(*)		(*)	
Swift and Co.	3AC	(*)				(*)	
Do.	3AE	(*)	(*)				
Do.	3AF	(*)	(*)				
Do.	3AN	(*)				(*)	
Do.	3AW	(*)				(*)	
Do.	3B	(*)	(*)	(*)		(*)	
Do.	3C	(*)	(*)	(*)			
Do.	3CC	(*)		(*)			
Do.	3D	(*)	(*)	(*)		(*)	
Do.	3E	(*)	(*)	(*)	(*)		
Do.	3F	(*)	(*)	(*)		(*)	
Do.	3FF	(*)	(*)	(*)		(*)	
Do.	3H	(*)	(*)	(*)		(*)	
Do.	3L	(*)				(*)	
Do.	3N	(*)	(*)	(*)		(*)	
Do.	3R	(*)	(*)			(*)	
Do.	3S		(*)				
Do.	3T	(*)	(*)				
Do.	3UU	(*)	(*)	(*)		(*)	
Do.	3W	(*)	(*)			(*)	
Do.	3Z	(*)	(*)				
Do.	8	(*)				(*)	
Lykes Bros., Inc.	8B	(*)	(*)				
Do.	10	(*)	(*)				
Pauly Packing Co., Inc.	12	(*)	(*)	(*)		(*)	
Hygrade Food Products Corp.	12A	(*)				(*)	
Do.	12C	(*)	(*)	(*)			
Do.	12D	(*)	(*)				
Do.	12G	(*)	(*)			(*)	
Do.	12P	(*)					
Do.	16					(*)	
Mickelberrys Food Products Co.	17	(*)				(*)	
John Morrell and Co.	17A	(*)				(*)	
Do.	17D	(*)		(*)		(*)	
Do.	18	(*)				(*)	
C. Finkbeiner, Inc.	19	(*)				(*)	
The Cudahy Packing Co.	19E	(*)	(*)	(*)		(*)	
The Cudahy Packing Co. of Nebraska	20A	(*)	(*)			(*)	
Wilson and Co., Inc.	20N	(*)	(*)	(*)		(*)	
Do.	20Q	(*)	(*)			(*)	
Do.	20Y	(*)	(*)	(*)		(*)	
Do.	25	(*)	(*)	(*)	(*)	(*)	
Brander Meat Co.	27C					(*)	
The Sperry and Barnes Co.	28	(*)					
Patrick Cudahy, Inc.	30	(*)					
Kreinberg and Krasny, Inc.	32	(*)	(*)			(*)	
Roegelein Provision Co.	34	(*)	(*)	(*)		(*)	
Valleydale Packers, Inc.	36	(*)					
Kenton Packing Co.	39	(*)	(*)	(*)			
Pocomoke Provision Co.	40	(*)				(*)	
Armour and Co.	43	(*)				(*)	
Sunnyland Packing Co.	44	(*)					
Stark Wetzel and Co., Inc.	44A					(*)	
Do.	46	(*)	(*)	(*)		(*)	
Idaho Meat Packers	47	(*)	(*)	(*)			
Consolidated Dressed Beef Co., Inc.	49	(*)					
Lackawanna Beef and Provision Co.	53	(*)					
Midwestern Beef, Inc.	56	(*)				(*)	
Sunnyland Packing Co. of Alabama	60	(*)					
Glover Packing Co. of Amarillo	61					(*)	
Weiland Packing Co., Inc.	65					(*)	
Selkirk Realty Co.	66					(*)	
Somerville Packing Co.	67F						(*)
The Quaker Oats Co.	71	(*)					
Auburn University	72	(*)	(*)	(*)		(*)	
Minchs Wholesale Meats, Inc.	73					(*)	
Brown Thompson & Son	74E						(*)
Eastern Packing Co.	75	(*)	(*)	(*)	(*)		
Armour and Co.	79	(*)				(*)	
The Braun Brothers Packing Co.	80	(*)	(*)			(*)	
City Packing Co.	83E						(*)
Hill Packing Co.	84		(*)				
Edgar Packing Co.	86	(*)					
Excel Packing Co., Inc.	88	(*)					
Utica Veal Co., Inc.	89	(*)	(*)	(*)		(*)	
The E. Kahns Sons Co.	90	(*)					
Hygrade Food Products Corp.	92	(*)				(*)	
Sugardale Provision Co.	93	(*)	(*)	(*)			
Shonyo Packing Co.	95	(*)	(*)			(*)	
The Val Decker Packing Co.	97					(*)	
John Engelhorn and Sons	98	(*)	(*)				
A. Kochs Sons	100	(*)	(*)	(*)			
Armour and Co.	103	(*)	(*)	(*)			
H. Graver & Co.	104	(*)	(*)			(*)	
Swift and Co.	107					(*)	
J. Lynn Cornwell, Inc.	111	(*)	(*)	(*)			
Wilson and Co., Inc.	112	(*)					
Hoffman Packing Co., Inc.	113	(*)					
Morris Packing Co.	116	(*)	(*)			(*)	
The Merchants Co.	117	(*)	(*)	(*)		(*)	
West Coast Meat Co., Inc.	119	(*)	(*)	(*)			
Wilson and Co., Inc.	121	(*)				(*)	
Marhoefer Packing Co., Inc.	122	(*)					
E. J. Archie and Sons, Inc.	125	(*)					
City Dressed Beef	126	(*)	(*)	(*)	(*)	(*)	
Peyton Packing Co., Inc.	127	(*)					
Superior Packing Co.	130	(*)					
John Roth and Son, Inc.							

[1] Filed as part of original document.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Tobin Packing Co., Inc.	133					(*)	
Armour and Co.	139	(*)	(*)	(*)	(*)		
Edward J. Kluener, Inc.	142	(*)	(*)				
R. B. Rice Sausage Co., Inc.	144					(*)	
Kansas City Dressed Beef Co.	156	(*)					
Armour and Co.	158	(*)					
Missouri Farmers Assn. Packing Division	159	(*)				(*)	
Do	159A	(*)					
Carr Packing Co., Inc.	160	(*)					
Joel E. Harrell and Son, Inc.	162	(*)				(*)	
New York State College of Agriculture	165	(*)	(*)	(*)	(*)	(*)	
Swift and Co.	166A	(*)	(*)	(*)			
Camp Packing Co., Inc.	174	(*)					
Armour and Co.	177	(*)	(*)				
Peerless Packing Co.	180					(*)	
Montrose Beef Co.	181	(*)					
The Rath Packing Co.	186	(*)	(*)	(*)		(*)	
Do	186C	(*)	(*)				
Do	186F					(*)	
Seattle Packing Co.	191	(*)	(*)	(*)		(*)	
Krey Packing Co.	192	(*)	(*)	(*)		(*)	
John Morrell and Co.	196						
Hynes Packing Co.	197	(*)	(*)			(*)	
George A. Hormel and Co.	199	(*)					
Do	199A	(*)				(*)	
Do	199D					(*)	
Do	199I					(*)	
Do	199N	(*)					
Mid Valley Beef Co., Inc.	201	(*)				(*)	
Cudahy Packing Co.	202	(*)				(*)	
Emge Packing Co., Inc.	205	(*)	(*)				
Heinz Riverside Abattoir, Inc.	210					(*)	
Penn Packing Co.	212						
Elburn Packing Co.	213	(*)					
Kneip Packing Co.	213C		(*)				
Fred Dold and Sons Packing Co.	214	(*)					
Lincoln Meat Co.	217	(*)					
Gwaltney, Inc.	221A					(*)	
Armour and Co.	222	(*)				(*)	
De Jong Packing Co.	223	(*)	(*)				
Hygrade Food Products Corp.	224	(*)				(*)	
Do	224B	(*)	(*)	(*)		(*)	
Custom Processing Co.	227	(*)					
Gold Merit Packing Co., Inc.	232	(*)					
Waiti Schilling and Co., Inc.	235	(*)		(*)			
Raskin Packing Co.	237	(*)					
Armour and Co.	238			(*)		(*)	
P. D. and J. Meats	240	(*)	(*)				
Greenwood Packing Plant	242	(*)	(*)	(*)		(*)	
I. Klayman & Co.	243					(*)	
Iowa Beef Packers, Inc.	245	(*)					
John Morrell and Co.	246	(*)				(*)	
Harvel Realty Corp.	247	(*)				(*)	
Frosty Morn Meats	250	(*)				(*)	
Sellers, Inc.	257					(*)	
Balentine Packing Co.	258	(*)	(*)			(*)	
The Jones Dairy Farm	263					(*)	
Pacific Meat Co., Inc.	267	(*)	(*)			(*)	
Houston Packing Co.	271	(*)	(*)				
Tor Packing Co., Inc.	273	(*)	(*)	(*)		(*)	
Elliott Packing Co.	274	(*)					
Wilson and Co., Inc.	275	(*)					
Bookey Packing Co.	281	(*)				(*)	
Agar Packing Co., Inc.	282					(*)	
Fiere and Hutzwelker Co.	283						
Soland Meat Co.	285	(*)	(*)	(*)			
Western Packing Co.	288	(*)				(*)	
Arbovast and Bastian Co.	289	(*)	(*)	(*)		(*)	
The H. H. Meyer Packing Co.	290						
San Jose Meat Co.	291	(*)	(*)			(*)	
Sioux City Dressed Pork, Inc.	292						
Gus Juenglng and Son, Inc.	298	(*)	(*)				
Waldock Packing Co.	299					(*)	
Great Falls Meat Co.	301	(*)				(*)	
Commercial Packing Co., Inc.	302	(*)					
Union Packing Co.	305	(*)					
Star Packing Co.	306	(*)					
Burvall Packing Co.	307	(*)					
Melton Provision Co.	311	(*)	(*)	(*)	(*)		
Ideal Packing Co., Inc.	312	(*)					
Rudys Farm Co.	315					(*)	
Webb Packing Co.	316	(*)					
Greater New York Packing Co., Inc.	317A					(*)	
Estes Packing Co.	319	(*)	(*)				
Stadler Packing Co., Inc.	320	(*)				(*)	
Turlock Meat Co.	325	(*)	(*)				
Frisco Packing Co.	327	(*)					
C. and M. Meat Packing Corp.	329	(*)	(*)				
Royal Packing Co.	331	(*)					
Sokolik Packing Co.	331A	(*)					
Shapiro Packing Co., Inc.	332	(*)	(*)				
Great Western Packing Co., Inc.	334	(*)					
Nobles Independent Meat Co.	335	(*)	(*)				
Chino Valley Meat Packing Co., Inc.	336	(*)	(*)				
Sam Kane Packing Co.	337	(*)	(*)				
Midland Empire Packing Co., Inc.	339	(*)					
Des Moines Packing Co.	340	(*)					
Peters Packing Co., Inc.	341	(*)	(*)			(*)	
State Packing Co., Inc.	344	(*)					
Anza Packing Co.	345	(*)	(*)	(*)			
Union Packing Co.	351	(*)					
Samuels E. Tex Packing Co.	353	(*)					
Fresno Meat Packing Co.	354	(*)					
McCandless Pack. Co., Inc.	355	(*)					
Heil Packing Co.	357					(*)	
Marks Meat Co.	362	(*)	(*)				
Meyers Packing Co.	363	(*)					
Montebello Meat Packing Co.	364	(*)		(*)			
James Allan and Sons	365	(*)		(*)	(*)	(*)	
Westport Packing Corp.	369	(*)					
Bowling Provision Co., Inc.	372					(*)	
Fischer Packing Co.	374	(*)	(*)			(*)	
Cross Bros. Meat Packers, Inc.	376	(*)	(*)	(*)			
Emge Packing Co., Inc.	380	(*)	(*)			(*)	
Smithfield Packing Co., Inc.	382					(*)	
American Stores Co.	384	(*)					
Dugdale Packing Co.	390	(*)					
Oldhams Farm Sausage Co., Inc.	392					(*)	
Roth Packing Co.	394	(*)					
Robert L. Runtz, Inc.	395	(*)	(*)			(*)	
Dubuque Packing Co.	396	(*)	(*)	(*)			
Logan Packing Co.	397	(*)					
Watsonville Dressed Beef, Inc.	398	(*)	(*)				
Superior Packing Co.	399	(*)					
Los Banos Abattoir	400	(*)	(*)			(*)	
Neuhoff Bros.	406	(*)	(*)	(*)		(*)	
Alpine Packing Co.	412	(*)	(*)	(*)		(*)	
The Lundy Packing Co.	413					(*)	
Frosty Morn Meats	414	(*)	(*)	(*)			
Philadelphia Boneless Beef Co.	418	(*)					
Murray Packing Co., Inc.	421	(*)					
E. W. Kneip Inc., of Iowa	422	(*)				(*)	
The Collins Packing Co.	423						
Hebron Packing Co., Inc.	425	(*)					
Lone Star Packing Co.	433	(*)	(*)				
Monarch Meat Packing Co.	435	(*)					
Queen Packing Corp.	436	(*)					
Schneider Packing Co.	439	(*)					
Omaha Dressed Beef Co., Inc.	441	(*)					
Prime Packing Co., Inc.	443	(*)					
Del Curto Meat Co.	445	(*)	(*)	(*)		(*)	
Peerless Packing Co., Inc.	448	(*)					
Dewitt Packing Corp.	456		(*)			(*)	
Swift and Co.	459						
Morris Rifkin and Sons, Inc.	460	(*)					
Pioneer Boneless Beef, Inc.	461	(*)					
Lancaster Packing Co.	462	(*)					
Bewvar Packing Co.	467	(*)	(*)			(*)	
Corn Husker Packing Co.	468	(*)					
Eckert Packing Co.	471	(*)				(*)	
Armour and Co.	477	(*)	(*)				
Eldridge Packing Co.	478	(*)					
Middletown Beef Co., Inc.	483	(*)					
St. Cloud Meat Packing Co.	485	(*)					
East Tennessee Packing Co.	487	(*)	(*)			(*)	
Memphis Butchers Association, Inc.	488	(*)	(*)			(*)	
Nebraska Beef Co.	489	(*)					
Goldring Packing Co., Inc.	490	(*)		(*)			
Mid State Packers, Inc.	494	(*)	(*)				
Heim Brothers Packing Co.	499	(*)				(*)	
Greenlee Pack Co.	501	(*)					
Swift and Co.	505	(*)					
B. Rothschild and Co.	506	(*)					
Frosty Morn Meats	507	(*)	(*)				

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Gruensfelder Packing Co.	508	(*)	(*)	(*)			
Armour and Co.	509	(*)	(*)			(*)	
The Hull and Dillon Packing Co.	510	(*)	(*)			(*)	
Shen Valley Meat Packers, Inc.	511	(*)					
Snider Bros., Inc.	512	(*)	(*)			(*)	
Charles Miller and Co.	517	(*)					
Illinois Packing Co.	521	(*)					
Pearl Packing Co., Inc.	524	(*)	(*)	(*)	(*)	(*)	
Armour and Co.	528	(*)	(*)				
Smallwood Packing Co., Inc.	529	(*)					
Omaha Packing Co.	532	(*)					
Rosenthal Packing Co., Inc.	535	(*)	(*)	(*)	(*)	(*)	
Oscar Mayer and Co., Inc.	537A	(*)	(*)	(*)	(*)	(*)	
Do	537C	(*)					
Midwest Packing Co.	538	(*)					
Greendell Packing Corp.	542	(*)	(*)			(*)	
United Dressed Meats, Inc.	546	(*)	(*)				
Pride Packing Co., Inc.	549	(*)	(*)				
Pinte Packing Co.	550	(*)					
Salter Packing Co.	551	(*)				(*)	
Black Hills Packing Co.	555	(*)	(*)	(*)	(*)		
Springfield Rendering Co.	555D	(*)				(*)	
Mid South Packers, Inc.	557	(*)	(*)			(*)	
The Cudahy Packing Co.	559	(*)					
D. and W. Packing Co.	560	(*)					
Emery Land Co.	561	(*)				(*)	
John Morrell and Co.	564						
Texas Meat Packers, Inc.	565	(*)	(*)	(*)			
Elmer Binder & Son, Inc.	569		(*)				
Perretta Packing Co., Inc.	571	(*)					
Frosty Morn Meats, Inc.	576	(*)	(*)			(*)	
Armour and Co.	579	(*)	(*)			(*)	
Kingsford Packing Co., Inc.	581	(*)					
Stahl Meyer, Inc.	583	(*)					
Empire Packing Co., Inc.	586						
City of Austin Municipal Abattoir	590		(*)				
Swift and Co.	591	(*)		(*)		(*)	
Harman Packing Co.	596	(*)	(*)				
San Antonio Packing Co.	602	(*)		(*)	(*)		
Central Packing Co.	606	(*)	(*)				
Swift and Co.	608	(*)					
Eastern Oregon Meat Co., Inc.	611	(*)	(*)	(*)		(*)	
National Tea Co.	613	(*)				(*)	
Donner Packing Co.	614	(*)					
Kummer Packing Co.	617	(*)	(*)	(*)		(*)	
Acme Meat Co., Inc.	618	(*)					
Hill Packing Co.	623E						(*)
Star Provision Co.	626	(*)				(*)	
Big Foot Packing Co., Inc.	627	(*)	(*)				
E. A. Miller and Sons Packing Co., Inc.	628	(*)					
H. H. Keim Co.	630	(*)	(*)	(*)		(*)	
General Meat Co.	632	(*)					
Ebner Bros. Packers	633	(*)	(*)			(*)	
Zipron Bro., Inc.	635	(*)					
Auburn Packing Co., Inc.	636	(*)					
R. and C. Packing Co.	645	(*)					
Bird Provision Co.	647					(*)	
Spencer Packing Co.	648	(*)					
Wm. Schluderberg—T. J. Kurdle Co.	649	(*)	(*)	(*)	(*)	(*)	
John Morrell and Co.	650					(*)	
Nagle Packing Co.	653	(*)					
Milwaukee Dressed Beef Co.	654	(*)	(*)	(*)			
Baums Bologna, Inc.	657	(*)					
St. Louis Dressed Beef Co.	659	(*)					
Quality Meat Packing Co.	660	(*)	(*)				
Globe Packing Co.	663	(*)				(*)	
Crown Packing Co.	666	(*)					
San Joaquin Packing Co.	671	(*)					
E. S. Read and Sons, Inc.	672	(*)	(*)				
Union Packing Co.	673	(*)					
Jacob Bauers Sons, Inc.	675	(*)					
Colville Meats, Inc.	679	(*)	(*)	(*)		(*)	
Armour and Co.	680	(*)	(*)	(*)		(*)	
Nations Brothers Packing Co.	684	(*)				(*)	
The William Fockes Sons Co.	685	(*)	(*)	(*)	(*)	(*)	
The Sueher Packing Co.	689	(*)	(*)	(*)		(*)	
Pierce Packing Co.	691	(*)					
Bryan Meat Co.	693	(*)	(*)				
Kramer Beef Co.	695	(*)					
Farmbest, Inc.	717	(*)				(*)	
The Joseph N. Rice Co.	719	(*)					
Swift and Co.	726	(*)	(*)	(*)	(*)	(*)	
Vogt Packing Co.	730	(*)					(*)
The Quaker Oats Co.	734E	(*)	(*)	(*)			
The Jacob Schlachter's Son & Co.	739	(*)	(*)				
Mid State Meat Co.	741	(*)					
Howard Pancero and Co.	747	(*)					
Ruchti Bros.	749	(*)					
Luck Brothers Cooperative Packing Co.	753	(*)					
Monroe Packing Co., Inc.	755	(*)				(*)	
Seitz Packing Co., Inc.	756A	(*)					
Philadelphia Dressed Beef Co.	758	(*)				(*)	
The American Meat Packing Corp.	760	(*)					
Schaake Packing Co., Inc.	761	(*)	(*)				
Karler Packing Co.	767	(*)					
Earl C. Gibbs, Inc.	770	(*)		(*)			
Modern Meat Packing Co.	774	(*)					
Atlas Packing Co.	775	(*)				(*)	
The Cudahy Packing Co.	779	(*)	(*)			(*)	
Bryan Brothers Packing Co.	780	(*)					
Diamond Meat Co., Inc.	783	(*)	(*)				
Granite State Packing Co.	785	(*)					
Aurora Packing Co., Inc.	788	(*)					
Wimp Packing Co.	791	(*)					
Baums Meat Packing	792	(*)					
Max Bauer Meat Packer	800	(*)	(*)				
The G. Erhardt Sons, Inc.	810	(*)					
William N. H. Peters	813	(*)					
Rochester Independent Packer, Inc.	817	(*)				(*)	
J. H. Ruth Packing Co.	818						
Henry Meyers Sons, Inc.	822	(*)	(*)			(*)	
Home Packing Co.	823						
Hibbs Packing Co.	825	(*)					
Penford Packing Co.	827	(*)	(*)				
Bristol Packing Co.	828	(*)					
Berghems Meat Co.	830	(*)					
Norman Peters Packing Co.	834	(*)	(*)	(*)		(*)	
White Packing Co., Inc.	835	(*)	(*)				
John Morrell and Co.	836	(*)					
Nat Buring Packing Co. of Ark., Inc.	837B	(*)	(*)	(*)		(*)	
Frederick County Products, Inc.	838	(*)	(*)				
Herman Kempers Sons	839	(*)	(*)			(*)	
Reelfoot Packing Co.	840	(*)					
G. Bartusch Packing Co.	843	(*)					
Arena Dressed Beef Co.	853	(*)					
Sioux City Dressed Beef, Inc.	857	(*)	(*)	(*)			
Siouxland Dressed Beef Co., Division of	857F	(*)	(*)	(*)		(*)	
Jordan Meat & Livestock Co.	858	(*)					
Sam McDaniel and Sons, Inc.	859	(*)	(*)			(*)	
Wells and Davies, Inc.	860	(*)					
Sierra Meat Co.	862	(*)					
Gunsberg Beef Co.	867	(*)					
Genesee Packing Co.	868	(*)		(*)			
Samuels & Co., Inc.	878	(*)					
Pahler Packing Corp.	880	(*)					
Vermont Dressed Beef Co., Inc.	883	(*)	(*)	(*)			
Alco Packing Co.	885	(*)					
Walden Packing Co., Inc.	886	(*)				(*)	
William Davies Co., Inc.	888A	(*)					
O'Neill Packing Co.	889	(*)	(*)				
City Packing Co.	891	(*)					
Sambol Packing Co.	892	(*)				(*)	
Tobin Packing Co., Inc.	893						
Vernon Calhoun Packing Co.	897	(*)	(*)				
Meats, Inc.	898					(*)	
Hoosier Veterinary Laboratories, Inc.	912			(*)			
Chapetti Packing Co.	916	(*)					
National Meat Packers, Inc.	917	(*)	(*)			(*)	
Valleydale Packers, Inc., of Bristol	922	(*)	(*)				
South Philadelphia Willowbrook, Inc.	923	(*)					
Wisconsin Packing Co.	924	(*)		(*)	(*)	(*)	
Peoples Packing Co.	925	(*)	(*)			(*)	
Kerber Packing Co.	929	(*)					
Tarpoff Packing Co.	931	(*)	(*)				
McKenney Meat Co.	932	(*)					
E. B. Manning and Son	934	(*)					
Volz Packing Co.	938	(*)					
Cappellino Abattoir, Inc.	939	(*)	(*)			(*)	
Wilson and Co., Inc.	940	(*)					
Geniner Packing Co., Inc.	941	(*)	(*)				
Whitehall Packing Co.	946	(*)					
M. Brizer & Co.	948	(*)	(*)	(*)			
Joe Doctorman and Son Packing Co., Inc.	949	(*)				(*)	
Armour and Co.	956	(*)					

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Greater Omaha Packing Co., Inc.	960	(*)					
Virginia Packing Co., Inc.	963	(*)	(*)	(*)			
Earl Flick Wholesale Meats, Inc.	965	(*)	(*)			(*)	
T. L. Lay Packing Co.	967	(*)					
Hawaii Meat Co., Ltd.	970	(*)	(*)				
Perlin Packing Co., Inc.	974	(*)	(*)	(*)		(*)	
Reitz Meat Products Co.	983	(*)					
Hospers Packing Co.	985	(*)					
Eagle Packing Co.	987	(*)					
Everett C. Horlein and Son, Inc.	988	(*)	(*)				
The Klarer Co.	995	(*)				(*)	
Do.	995A						
Valley Meat Co.	1009	(*)	(*)	(*)			
Armour and Co.	1085	(*)	(*)				
Landy Packing Co.	983	(*)					
The Harris Packing Co.	1171					(*)	
A. F. Moyer and Sons, Inc.	1175	(*)	(*)	(*)			
McCabe Packing Plant	1311	(*)	(*)	(*)			
P. & H. Packing Co., Inc.	1312	(*)	(*)				
H. and H. Packing Co.	1313	(*)	(*)			(*)	
Nebraska Iowa Dressed Beef Co.	1315	(*)	(*)				
Stevens Meat Co., Inc.	1318	(*)					
	1485		(*)				

458 Establishments Reported.

Done at Washington, D.C., this 5th day of July 1962.

C. H. PALS,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 62-6765; Filed, July 11, 1962; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

STATEMENT OF ORGANIZATION AND DELEGATIONS OF AUTHORITY

Amendment

Part 8 of the Statement of Organization and Delegations of Authority of the Department (22 F.R. 1050) is amended as follows:

1. Section 8.10 is amended to read as follows:

SEC. 8.10 *Organization.* The Social Security Administration which is under the supervision and direction of the Commissioner of Social Security shall consist of:

Office of the Commissioner:
- Division of Program Research.
- Division of the Actuary.

Bureau of Old-Age and Survivors Insurance:
- Office of Information.
- Central Planning Staff.
- Division of Program Analysis.
- Division of Claims Policy.
- Division of Management.
- Division of Field Operations.
- Division of Accounting Operations.
- Division of Claims Control.
- Division of Disability Operations.

Bureau of Family Services:
- Civil Defense Emergency Welfare Services.
- Division of Administration.
- Division of Technical Training.
- Division of Program Operations.
- Division of Program Statistics and Analysis.
- Division of Welfare Services.
- Division of State Administrative and Fiscal Standards.
- Division of Medical Care Standards.

Children's Bureau:
- Division of Health Services.
- Division of Social Services.
- Division of Juvenile Delinquency Service.
- Division of Research.
- Division of Reports.
- Division of International Cooperation.
- Division of Administrative Services.

Bureau of Hearings and Appeals:
- Appeals Council.
- Medical Advisory Staff.
- Division of Administration.
- Program Division.
- Field Division.

Bureau of Federal Credit Unions:
- Division of Examination.
- Division of Program Services.
- Division of Administration.

Dated: June 8, 1962.

[SEAL] ABRAHAM RIBICOFF,
Secretary.

[F.R. Doc. 62-6806; Filed, July 11, 1962; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14693, 14694; FCC 62-685]

JOHN A. EGLE AND KLFT RADIO, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of John A. Egle, Golden Meadow, Louisiana, Docket No. 14693, File No. BP-15478, requests: 1600 kc, 1 kw, day; KLFT Radio, Inc., Golden Meadow, Louisiana, Docket No. 14694, File No. BP-15536, requests: 1600 kc, 1 kw, day; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 27th day of June 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. Each of the applicants requests the facilities formerly occupied by Station KLFT, Golden Meadow, Louisiana, the license of which was revoked by Commission decision released March 16, 1962 (FCC-62-278). On June 13, 1962, the Commission denied a request by Leo J. Theriot for further temporary operating authority to continue operation of KLFT until one of the present applicants was authorized to begin broadcasting in Golden Meadow and, on June 15, 1962, KLFT ceased operation. Each of the present applicants has also requested special temporary authority to operate a station in Golden Meadow, pursuant to section 309(f) of the Communications Act and, alternatively, a conditional grant of their respective applications, pursuant to § 1.362(h) of the Commission's rules.

2. Neither of the requests will be granted. The Commission notes that Golden Meadow, Louisiana receives 2 mv/m service from Stations WWL and WTIX in New Orleans and that portions of KLFT's former service area are also served by stations in Morgan City, Thibodeaux, and Houma, Louisiana. Under these circumstances, the Commission cannot make the requisite finding under section 309(f) of the Communications Act that "there are extraordinary circumstances requiring emergency operations in the public interest and that delay in the institution of such emergency operations would seriously prejudice the public interest." Accordingly, it is unnecessary to consider the question of which of the two competing applicants should be granted temporary authority. For similar reasons, the requests for conditional grants will be denied. However, since Golden Meadow is at present without a local standard broadcast transmission service, the proceedings ordered herein will be expedited.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, on a comparative basis, which of the instant proposals would best serve the public interest, convenience and necessity in light of the record made with respect to the significant differences between the applicants as to:

a. The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

b. The proposals of each of the applicants with respect to the management and operation of the proposed station.

c. The programming service proposed in each of the said applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue which of the instant applications should be granted.

It is further ordered, That the requests of each of the applicants for special temporary authority to operate a station in Golden Meadow, Louisiana, pursuant to section 309(f) of the Communications Act of 1934, as amended, and, alternatively, for a conditional grant of their respective applications, pursuant to § 1.362(h) of the Commission's rules, are hereby denied.

It is further ordered, That, in the event of a grant of either subject application, the construction permit shall contain the following condition: Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That:

1. The appearances of the applicants herein shall be filed not later than July 16, 1962.

2. The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 3, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6799; Filed, July 11, 1962; 8:49 a.m.]

[Docket No. 14692; FCC 62M-947]

PINELLAS RADIO CO.

Order Scheduling Hearing and Prehearing Conference

In re application of William D. Mangold, Francis G. Bonsey, and Edward P. Landt, d/b as Pinellas Radio Company, Pinellas Park, Florida, Docket No. 14692, File No. BP-14387, for construction permit.

It is ordered, This 5th day of July 1962, that Chester F. Naumowicz, Jr., will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 11, 1962, in Washington, D.C.: *And, it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Monday, September 10, 1962.

Released: July 6, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6800; Filed, July 11, 1962; 8:49 a.m.]

[Docket Nos. 14695, 14696; FCC 62M-949]

ROBERT O. EDWARDS AND CLARKSTON BROADCASTERS

Order Scheduling Hearing and Prehearing Conference

In re applications Robert O. Edwards, Lewiston Orchards, Idaho, Docket No. 14695, File No. BP-14458; Donald M. Heinen and Howard Roup, Limited Partnership, d/b as Clarkston Broadcasters, Clarkston, Washington, Docket No. 14696, File No. BP-14460; for construction permits.

It is ordered, This 5th day of July 1962, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 10, 1962, in Washington, D.C.; *And, it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, September 7, 1962.

Released: July 6, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6801; Filed, July 11, 1962; 8:49 a.m.]

[Docket Nos. 14695, 14696; FCC 62-688]

ROBERT O. EDWARDS AND CLARKSTON BROADCASTERS

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Robert O. Edwards, Lewiston Orchards, Idaho, Requests: 1480 kc, 1 kw, Day, Class III, Docket No. 14695, File No. BP-14458; Donald M. Henien and Howard Roup, Limited Partnership, d/b as Clarkston Broadcasters, Clarkston, Washington, Requests: 1480 kc, 1 kw, Day, Class III, Docket No. 14696, File No. BP-14460; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 27th day of June 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically and otherwise qualified to construct and operate the proposed stations; that Clarkston Broadcasters is financially qualified, but, for the reasons hereinafter indicated, it cannot be determined that Robert O. Edwards is financially qualified; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The instant proposals are mutually exclusive.

2. Upon the basis of the information submitted, it is apparent that the financial plans of Robert O. Edwards depend to a major degree upon the securing of funds through loans. The information submitted in this regard is incomplete in the following respects:

a. The loan agreement fails to show the security to be posted for the loan;

b. The commitment is not signed under oath by the lender, E. D. Cherry;

c. The commitment cannot be determined to be in compliance with the requirements of section III, paragraph 4(d) of the application form.

It further appearing that in view of the outstanding proposed rule making proceeding, Docket No. 14419, with respect to presunrise operation of Class II and III stations with daytime facilities, a grant of either of the applications in this proceeding should be appropriately conditioned.

It further appearing that the antenna system proposed by Robert O. Edwards has not been explicitly approved by the Federal Aviation Agency, but has been examined by the Commission in light of the criteria contained in FAA Regulations, Section 626.12 and accordingly, if the aforementioned proposal is favorably considered, the construction permit will be conditioned upon compliance with any applicable procedurees of the FAA.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below..

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the instant proposals and the availability of other primary service to such areas and populations.

2. To determine whether Robert O. Edwards is financially qualified to construct and operate his proposed station.

3. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

4. To determine, in the event it is concluded that a choice between the instant applications should not be based solely on considerations relating to section 307

(b), which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

a. The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station.

b. The proposals of each of the instant applicants with respect to the management and operation of the proposed station.

c. The programming service proposed in each of the instant applications.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That, in the event of a grant of either of the instant proposals, the construction permit shall contain the following condition: Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, in the event the proposal of Robert O. Edwards is favorably considered, the construction permit shall contain the following condition: This authorization is subject to compliance by permittee with any applicable procedures of the FAA.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 3, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6802; Filed, July 11, 1962; 8:49 a.m.]

[Docket No. 14510 etc.; FCC 62-703]

ROCKLAND BROADCASTING CO. ET AL.

Order Amending Issues

In re applications of Sidney Fox, George Dacre, Harry Edelstein, d/b as Rockland Broadcasting Company, Blauvelt, New York, Docket No. 14510, File No. BP-13477; Delaware Valley Broadcasting Co. (WAAT), Trenton, New Jersey, Docket No. 14511, File No. BP-14054; Rockland Radio Corporation, Spring Valley, New York, Docket No. 14512, File No. BP-14461; Rockland Broadcasters, Inc., Spring Valley, New York, Docket No. 14513, File No. BP-14462; Asbury Park Press, Inc. (WJLK), Asbury Park, New Jersey, Docket No. 14514, File No. BP-14469; City of Camden (WCAM), Camden, New Jersey, Docket No. 14616, File No. BP-14638; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 3d day of July 1962;

The Commission having under further consideration the application of Delaware Valley Broadcasting Co. in the above-entitled proceeding;

It appearing that further examination of the application indicates that the applicant proposes to use top-loaded antennas to attain a high radiation efficiency; that the applicant has indicated that additional information would be supplied if requested; that such information would be desirable; and that an appropriate issue should be added to the present issues to determine whether Delaware's directional antenna would operate as proposed;

It further appearing, that, in the event of a grant of the application of Delaware Valley Broadcasting Co., the construction permit should contain a conditional clause requiring antenna current distribution measurements.

It is ordered, That the issues in the designation order, released February 12, 1962 (FCC 62-151) and as later amended, is further amended by addition of the following issue: To determine whether the directional antenna of Delaware Valley Broadcasting Co. would operate as proposed, with particular reference to whether the proposed radiation, both on the horizontal and in the vertical planes, could be achieved; and, if not, (a) whether the signal strength over the city of Trenton, New Jersey, would meet the requirements of § 3.188 of the rules and, if it fails to meet such requirements, whether a waiver of that rule is warranted, and (b) whether objectionable intereference would result to other existing and proposed stations.

It is further ordered, That, in the event of the grant of the application of Delaware Valley Broadcasting Co., the construction permit shall contain the following condition: Current distribution measurements shall be submitted to establish that the antenna towers have been top-loaded to produce the electrical characteristic of essentially 218 degree towers as proposed.

Released: July 6, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6803; Filed, July 11, 1962; 8:49 a.m.]

[Docket Nos. 14700-14701; FCC 62-705]

CABRILLO BROADCASTING CO. AND HELIX BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Riley Jackson and Allen Richardson Hubbard d/b as Cabrillo Broadcasting Co., San Diego, California, Docket No. 14700, File No. BP-13423, requests: 1520 kc, 500 w, 1 kw-LS, DA-2, U; Cliff Gill, Ira Laufer, Daniel Russell, David S. Drubeck, Dennis Fagerhult, Jack Bell, Martha Aspegren, Louis B. Minter, Robert S. Feder and Alan C. Lisser, d/b as Helix Broadcasting Co., La Mesa, California, Docket No. 14701, File No. BP-14406, requests: 1520 kc, 500 w, 1 kw-LS, DA-2, U; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 3d day of July 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the instant applicants is legally, technically and otherwise qualified to construct and operate the proposed stations, that the Helix Broadcasting Co. is financially qualified but that, as hereinafter indicated, it cannot be determined that the Cabrillo Broadcasting Co. is financially qualified; and

It further appearing that the following matters are to be considered in connection with the issues specified below:

1. These co-channel proposals are mutually exclusive. Each proposal meets the criteria of § 1.351 of the Commission's rules as amended January 31, 1962.

2. Upon the basis of information submitted with the application, it cannot be determined that Cabrillo Broadcasting Co. is financially qualified to construct and operate its proposed station. It is noted that the financing plan is dependent on the partners securing the funds needed through the sale of real estate or other investments. However, the information as submitted is incomplete in that it fails to include a showing from the appraiser of the real estate indicating the appraised value of the property shown in the partners' balance sheets and its ready marketability and fails, additionally, with regard to stocks, etc., to include information showing the kind, amount of each, the stock exchange on which the securities are listed, and the basis for an assumption of ready marketability.

3. Apparent technical deficiencies with respect to proposal of Cabrillo Broadcasting Co.:

a. The proposal fails to provide protection to the nighttime secondary service area of Station KOMA, Oklahoma City, Oklahoma, in contravention of §3.182(v) of the Commission's rules.

b. The nighttime RSS limitation of 5.9 mv/m established by the applicant is apparently erroneous. The correct nighttime limitation appears to be approximately 14.5 mv/m. Although no data has been submitted to indicate the percentage of population loss within the normally protected nighttime contour of 2.5 mv/m, it apears that nighttime population loss will substantially exceed the ten percent limitation of § 3.28(d)(3) of the rules.

c. The applicant has not established that its proposal will provide satisfactory coverage of San Diego, daytime or nighttime, pursuant to § 3.188(b)(2) of the Commission's rules.

d. The directional antenna proposal submitted by the applicant is deficient in that the daytime radiation pattern and the nighttime vertical plane patterns are not accurately plotted; no tabulation of horizontal plane radiation values for the nighttime pattern was submitted; and, in areas of essential zero radiation for both the daytime and nighttime radiation patterns, the value, if any, of maximum expected operating values of radiation have not been clearly indicated.

e. The Commission has been unable to determine that the antenna system proposed by the applicant would comply with applicable FAA Regulations.

4. Apparent technical deficiencies with respect to proposal of Helix Broadcasting Co.:

a. The proposed nighttime operation will be limited approximately to the 14.5 mv/m contour. Population and area losses within the 2.5 mv/m contour will, according to the applicant's figures, approximate 62 percent and 75 percent respectively. Should it be determined that considerations relating to section 307(b) of the Communications Act provide a basis for decision between the Cabrillo and Helix proposals, it will be necessary to determine whether the interference received by the Helix proposal would reduce service to an unsatisfactory degree within the meaning of § 3.24(b) of the Commission's rules. Should it be determined that considerations relating to section 307(b) of the Act do not provide a basis for decision, it will be necessary to determine whether circumstances warrant a waiver of § 3.28(d)(3) with regard to the Helix proposal. Thus, if the Helix proposal is found to be, essentially, an application for San Diego, for purposes of section 307(b) of the Act, it will be subjected to the same standard regarding interference received as will the Cabrillo proposal.

b. On the basis of data submitted, it cannot be determined whether adequate coverage would obtain pursuant to § 3.188(b)(2) of the rules.

c. It has not been determined that the antenna system proposed by the applicant complies with applicable FAA regulations.

It further appearing, that, by letter of May 19, 1961, counsel for the Cabrillo Broadcasting Co. contended (1) that an amendment filed February 9, 1961, by the Helix Broadcasting Co. requires the assignment of a new file number to the Helix application pursuant to § 1.354(h)(1) of the Commission's rules (now § 1.354(j)(1)) for failure to file an engineering study showing that the amendment specifying a transmitter site 500 feet removed from the site originally specified would not involve new or increased interference problems; (2) that Helix should be required to submit a field intensity survey pursuant to § 3.189(b)(7) of the rules because its proposed antenna does not meet the standards specified by § 3.189(b)(5) of the rules; and (3) that, in view of the interests of certain of the Helix Broadcasting Co. partners in Station KEZY, Anaheim, California, a determination should be made in hearing as to whether a grant of the application of the Cabrillo Broadcasting Co. would result in a greater diversification of ownership of mass communications media; and

It further appearing that the aforementioned Helix amendment involved no new or increased interference which would otherwise require a new file number under § 1.354(j)(1) of the Commission's rules, nor was the change in site sufficient in this particular case to require complete new engineering data; that, therefore, under the provisions of this section of our rules, it would not be appropriate to assign the application a new file number; and that, the Cabrillo Broadcasting Co. was so informed by telegram dated February 27, 1961; and

It further appearing that the Helix Broadcasting Co. proposal was further amended May 22, 1962 to change site and to specify a sufficient ground system pursuant to § 3.189(b)(5) of the rules. Moreover, this amendment appears to involve no new or increased interference problems, and no overlap is indicated with Station KEZY.

It further appearing that Station KEZY, Anaheim, California, is located some 100 miles north of the proposed Helix Broadcasting Co. site; that there will be no overlap of the primary service areas of KEZY and the Helix proposal; that, therefore, a specific issue concerning possible violation of § 3.35(a) of the Commission's rules would not be appropriate; that, however, the interests of certain of the Helix Broadcasting Co. partners in KEZY will become relevant in the event it is determined, pursuant to the issues specified below, that a choice between the instant proposals should be made on the basis of a comparative issue; and

It further appearing that counsel for Station KSDO, San Diego, California, advised the Commission by letter of October 6, 1961, that the antenna system proposed by the Cabrillo Broadcasting Co. would be located approximately 1,000 feet from the KSDO array; that, as a result, the proposed Cabrillo installation may adversely affect the operation of KSDO unless suitable filter circuits are installed; that, accordingly, KSDO requests that any authorization granted to the Cabrillo Broadcasting Co. be appropriately conditioned; and

It further appearing that the Commission is of the opinion that the condition requested by KSDO would be appropriate; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the instant applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the instant applicants and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of Cabrillo Broadcasting Co. would cause objectionable interference to Station KOMA, Oklahoma City, Oklahoma, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether Cabrillo Broadcasting Co. is financially qualified to construct and operate its proposed station.

4. To determine whether either of the instant proposals would provide coverage of the city sought to be served, as required by § 3.188(b)(2) of the Commission rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

5. To determine whether the directional antenna radiation patterns proposed by Cabrillo Broadcasting Co. are consistent with the proposed antenna parameters.

6. To determine whether the radiation patterns proposed by Cabrillo Broadcasting Co. can be expected to be obtained in actual operation, owing to the essentially zero values of radiation proposed in null areas.

7. To determine whether there is a reasonable possibility that the tower heights and locations proposed by Cabrillo Broadcasting Co. and Helix Broadcasting Co. would constitute a menace to air navigation.

8. To determine whether the proposed operation of the Cabrillo Broadcasting Co. would receive interference from other existing stations affecting more than ten percent of the population within its normally protected primary service area, in contravention of § 3.28(d)(3) of the Commission's rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

9. To determine (a) whether the proposed operation of the Helix Broadcasting Co. would receive interference from other existing stations affecting more than ten percent of the population within

its normally protected primary service area, in contravention of § 3.28(d) (3) of the Commission's rules if applicable, and, if so, whether circumstances exist which would warrant a waiver of said section; or (b) in the event it is determined the proposed operation of the Helix Broadcasting Co. comes within one of the exceptions stated in § 3.28(d) (3) of the rules, whether a grant of said proposal would be consistent with § 3.24(b) of the Commission's rules.

10. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

11. To determine, in the event it is concluded that a choice between the instant applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

a. The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station.

b. The proposals of each of the instant applicants with respect to the management and operation of the proposed station.

c. The programming service proposed in each of the instant applications.

12. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That the Storz Broadcasting Co., licensee of Station KOMA, and the FAA, are made parties to the proceeding.

It is further ordered, That, in the event of a grant of either application herein, the construction permit shall include the following condition: Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, in the event of a grant of either of these proposals, the construction permit shall include the following condition: This authorization is subject to compliance by permittee with any applicable procedures of the FAA.

It is further ordered, That, in the event of favorable action on the application of the Cabrillo Broadcasting Co., the construction permit shall include the following conditions:

Permittee shall take appropriate steps to insure that second harmonic radiation is reduced to a value that no adverse affects will result to the operation of the San Diego Naval Air Station communication facility.

Permittee shall assume the responsibility for the installation and maintenance of such filter circuits or other equipment in its antenna system and in the antenna system of Station KSDO which may be necessary to prevent serious reradiation or cross-modulation products incident to the operation of the stations. Moreover, sufficient field intensity measurement data, made before and after installation of the proposed antenna towers, shall be submitted before issuance of license to show clearly that the KSDO directional antenna radiation patterns remain in adjustment essentially as authorized.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That the aforementioned requests contained in the letter received from counsel for Cabrillo Broadcasting Co., dated May 19, 1961, are hereby denied.

It is further ordered, That the aforementioned request submitted by letter of October 6, 1961 by counsel for Gordon Broadcasting of San Diego, Inc. (KSDO), is hereby granted.

Released: July 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6794; Filed, July 11, 1962; 8:49 a.m.]

[Docket No. 14691; FCC 62M-946]

GEOFFREY A. LAPPING

Order Scheduling Hearing and Prehearing Conference

In re application of Geoffrey A. Lapping, Blythe, California, Docket No. 14691, File No. BP-13609; for construction permit.

It is ordered, This 5th day of July 1962, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 11, 1962, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, September 7, 1962.

Released: July 6, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6795; Filed, July 11, 1962; 8:49 a.m.]

[Docket No. 14596; FCC 62M-954]

KDOK BROADCASTING CO.

Order Continuing Hearing

In re application of KDOK Broadcasting Company (KDOK), Tyler, Texas, Docket No. 14596, File No. BP-13815; for construction permit.

On July 5, 1962, counsel for KDOK filed a petition to continue hearing from July 9 to July 23, 1962, to obtain time to respond to a request on July 5 by the Broadcast Bureau for additional engineering information. The Bureau, the only other party, has no objection to the continuance. However, since the Hearing Examiner is scheduled to preside at a hearing in Saratoga Springs, N.Y., beginning July 16, which may run beyond July 23, it is preferable to continue the hearing to July 27.

Accordingly, it is ordered, This 6th day of July 1962, that the petition is granted to the extent that the hearing is rescheduled from July 9 to Friday, July 27, 1962, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: July 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6796; Filed, July 11, 1962; 8:49 a.m.]

[Docket Nos. 14664, 14665; FCC 62M-955]

ALEXANDER BROADCASTING CO., INC., AND FARMERS BROADCASTING SERVICE, INC.

Order Advancing Hearing

In re applications of Alexander Broadcasting Company, Incorporated, Taylorsville, North Carolina, Docket No. 14664, File No. BP-13920; Farmers Broadcasting Service, Incorporated, Lenoir, North Carolina, Docket No. 14665, File No. BP-14990; for construction permits.

The Hearing Examiner having under consideration the informal request of Alexander Broadcasting Company, Incorporated to cancel the prehearing conference presently scheduled for July 24, 1962, and to advance the date of hearing; and the statement of counsel for Alexander that all of the other parties have consented to a grant of the request.

It is ordered, This 6th day of July 1962, That the request of Alexander Broadcasting Company, is granted; that the prehearing conference presently scheduled for July 24, 1962, is cancelled; and that the hearing presently scheduled to commence on September 7, 1962, is advanced to July 31, 1962, commencing at 10:00 a.m. in the offices of the Commission in Washington, D.C.

It is further ordered, That, in the event any party wishes to present any portion of its case in the form of written exhibits, such exhibits shall be under oath and copies thereof shall be served on all other parties, and on the Hearing Examiner, on or before July 24, 1962.

Released: July 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6797; Filed, July 11, 1962; 8:49 a.m.]

[Docket Nos. 14693, 14694; FCC 62M-948]

JOHN A. EGLE AND KLFT RADIO INC.

Order Scheduling Hearing and Prehearing Conference

In re application of John A. Egle, Golden Meadow, Louisiana, Docket No. 14693, File No. BP-15478; KLFT Radio, Inc., Golden Meadow, Louisiana, Docket No. 14694, File No. BP-15536; for construction permits.

It is ordered, This 5th day of July 1962, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 12, 1962, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Thursday, September 13, 1962.

Released: July 6, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6798; Filed, July 11, 1962; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 567, Amdt. 8]

REDELEGATION OF AUTHORITY WITH RESPECT TO CREDIT MATTERS

JULY 3, 1962.

Bureau Order 567 (20 F.R. 314), as amended (21 F.R. 545; 22 F.R. 10674; 23 F.R. 5397; 24 F.R. 272, 3162; 25 F.R. 10853; 26 F.R. 5473), is further amended as indicated below:

1. The heading and general delegation of authority for Part 3 are amended to read as follows:

PART 3—AUTHORITY OF SUPERINTENDENT OR OFFICER IN CHARGE OF SEMINOLE AGENCY AND ASSISTANT SUPERINTENDENT, MICCOSUKEE SUBAGENCY

Subject to the provisions of Part 1, the Superintendent or officer in charge of the Seminole Agency may, under the direction and supervision of the Commissioner of Indian Affairs, exercise the authority of the Commissioner of Indian Affairs as indicated in this Part. The Assistant Superintendent, Miccosukee Subagency may, under the direction and supervision of the Commissioner of Indian Affairs, exercise the authority of the Commissioner of Indian Affairs in relation to the Miccosukee Tribe of Indians of Florida as set forth in sections 3.120 and 3.127 of this Part.

2. Sections 3.120 and 3.127 are amended to read as follows:

SEC. 3.120. *Loan agreements.* The approval of applications for loans made pursuant to 25 CFR Part 91, subject to the availability of funds, except on loans to Federal employees, where the total indebtedness of the applicant to the Corporation or the Tribe does not exceed:

(a) $500 for a one-year course of studies or $2,000 for a four-year course of studies, in the case of educational loans.

(b) $200 in case of short-term loans by the Seminole Tribe of Florida, Inc., and $250 in case of short-term loans by the Miccosukee Tribe of Indians of Florida.

(c) $2,500 in the case of loans other than educational or short-term loans, exclusive of any indebtedness for short-term loans.

SEC. 3.127 *Modifications of loan agreements.* The approval of modifications of loan agreements pursuant to 25 CFR Part 91, except modifications of loans to Federal employees, where the total indebtedness of the borrower to the Corporation or the Tribe does not exceed:

(a) $500 for a one-year course of studies or $2,000 for a four-year course of studies, in the case of educational loans.

(b) $2,500 in the case of loans other than educational loans, exclusive of any indebtedness for short-term loans.

JOHN O. CROW,
Acting Commissioner.

[F.R. Doc. 62-6783; Filed, July 11, 1962; 8:46 a.m.]

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 6, 1962.

The Federal Aviation Agency has filed an application, Serial Number Los Angeles 0167250, for the withdrawal of the land described below, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws.

The applicant desires the land for the establishment and operation of a remotely controlled air-to-ground radio communications facility. The full 160 acres are necessary to insure against mining or electronic activities within 1,000 feet of the proposed facility.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1414 8th Street, Box 723, Riverside, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The land involved in the application is:

MOUNT DIABLO MERIDIAN

T. 27 S., R. 41 E.,
Sec. 6: SE¼.

The above described area contains 160 acres of Federal lands. The land is located in Inyo County, California.

ROLLA E. CHANDLER,
Manager,
Land Office, Riverside.

[F.R. Doc. 62-6784; Filed, July 11, 1962; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

JULY 6, 1962.

In the matter of trading on the San Francisco Mining Exchange In the Common Stock, par value 15 cents a share of Black Bear Industries, Inc. (Formerly Black Bear Consolidated Mining Co.) File No. 1-3842.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commissions' Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on

the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 8, 1962, to July 17, 1962, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 62-6786; Filed, July 11, 1962; 8:47 a.m.]

[File No. 54-234]

C. E. BURLINGAME CORP.

Notice of Filing of Plan

JULY 3, 1962.

Notice is hereby given that C. E. Burlingame Corporation ("Burlingame Corp."), a registered holding company, has filed with this Commission an application for approval of an amended plan, pursuant to section 11(e) of the Public Utility Holding Company Act of 1935 ("Act"), for the stated purpose of simplifying the holding-company system of which Burlingame Corp. is the top company, effecting certain operating economies, and providing the estate of Clarence E. Burlingame (deceased) with funds with which to pay Federal and State estate taxes and the costs of administration of the estate, estimated at in excess of $1,000,000.

All interested persons are referred to the amended plan on file at the office of the Commission for a statement of the transactions proposed, which, together with certain related facts, are summarized as follows:

Burlingame Corp., a Delaware corporation, is solely a holding company, the outstanding capital stock of which is held by the executor under and subject to the terms of the will of Clarence E. Burlingame. The subsidiary companies of Burlingame Corp., their States of organization, the nature of their businesses, and the percentage of stock ownership by system companies are set forth below.

Name	State of organization	Nature of business	Percent owned
The American Gas Co.	West Virginia	Gas utility	99.875
Vinita Fuel Co.	Oklahoma	do	99.000
The Wellington Gas Co.	Kansas	do	99.990
Ruth Fuel Co.	Oklahoma	do	98.000
Carl Junction Gas Co.	Missouri	do	99.330
The Baxter Springs Gas Co.	Kansas	do	95.000
Bartlesville Hotel Co.	Oklahoma	(1)	83.450
Baltic Operating Co.	do	Gas utility, gas transmission, real estate	99.980
United Gas Service Co.	do	Gas utility	100.00
C. E. Burlingame Center, Inc.	do	Real estate	100.00

[1] Formerly owned properties hereinafter described.

Bartlesville Hotel Company ("Bartlesville") formerly owned a hotel and an apartment building which have been sold, and its assets now consist of cash, investment securities, and notes receivable. It has outstanding 2,000 shares of common stock, of which 1,469 shares are held by Burlingame Corp., 200 shares are held by The American Gas Company ("American"), and 331 shares are held by Harry W. Burlingame, a nephew, as executor under the will of Clarence E. Burlingame. The executor also holds the indicated minority interests in the other subsidiary companies.

At December 31, 1961, the consolidated assets of Burlingame Corp. and its subsidiary companies, less reserves for depreciation, aggregated $3,808,968. For the year 1961, the consolidated revenues amounted to $2,196,383, and the consolidated net income was $168,858. Neither Burlingame Corp. nor any of its subsidiary companies has outstanding any debt securities or any other securities except common stock.

The plan provides for: (1) The payment by six of the subsidiary gas utility companies of cash dividends in various sums aggregating $250,000, of which $247,347 will be paid to Burlingame Corp.; (2) the contribution by the executor to Burlingame Corp. of the 331 shares of Bartlesville; (3) after payment of its debts and obligations, the transfer by Bartlesville of all of its remaining assets as a liquidating dividend, to Burlingame Corp. and American, in proportion to their respective ownership of Bartlesville stock, in exchange for all of Bartlesville's outstanding common stock, and the dissolution of Bartlesville; and (4) after the payment of its debts and obligations, the transfer by Burlingame Corp. of all of its remaining assets, as a liquidating dividend, to the executor, in exchange for all of Burlingame Corp.'s outstanding common stock, and the dissolution of Burlingame Corp. All of the subsidiary companies have consented to the proposed transactions by appropriate resolutions of their respective boards of directors; and the stockholders of Burlingame Corp. and Bartlesville have consented in writing to the dissolution of these companies.

Under the will of Clarence E. Burlingame, admitted to probate in August 1961, in Washington County, Oklahoma, the remainder of his estate, after payment of taxes, costs of administration, and certain cash bequests, is devised to the nephew, Harry W. Burlingame, as trustee, in trust for the benefit of himself, and the widow, the daughter, and two granddaughters of Clarence E. Burlingame (deceased). The trust is to terminate December 31, 1972, or on the date of the death of the survivor of the widow and daughter, whichever is the later date. Upon termination of the trust, the remainder of the trust is to be distributed among members of the family and their descendants as designated in the will. The will directs the trustee to dispose of, within ten years, any controlling interest in any gas public utility companies owned by Clarence E. Burlingame at the time of his death.

The executor, for the purposes of administration of the estate and the payment of bequests, and the trustee, for the purposes of the management and operation of the trust estate, are authorized to manage, operate and contract in respect of the property of the estate, including participating in any reorganization, in the same manner and to the same extent as the decedent could have done, limited only by good faith judgment and discretion, and, as to the trustee, by the provisions of the Oklahoma Trust Act now in force.

The application requests approval of the plan, and a finding that the executor shall not be required to register under the Act.

Notice is further given that any interested person may, not later than July 23, 1962, request in writing that a hearing be held in respect of such matters, stating the nature of his interests, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request shall be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) filed contemporaneously with the request. At any time after said date the Commission may grant the application, as amended or as it may be further amended; or the Commission may grant exemption from its rules, as provided in Rules 20(a) and 100 thereof, or take such other action as it deems appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 62-6787; Filed, July 11, 1962; 8:47 a.m.]

[File No. 24D-2463]

COLORADO GENERAL LIFE INSURANCE CO.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JULY 6, 1962.

I. Colorado General Life Insurance Company (issuer), a Colorado corporation, 4710 West Colfax, Denver, Colorado, filed with the Commission on July 11, 1960, a notification on Form 1-A and an offering circular, relating to an offering of 300,000 shares of its 30 cents par value common stock at $1.00 per share for an aggregate of $300,000, and filed various amendments thereto, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The issuer has failed to comply with the terms and conditions of Regulation A in that:

1. Issuer filed a 2-A report which was materially false and misleading.

2. Issuer has failed to file further reports of sales on Form 2-A as required by Rule 260.

3. Issuer has failed to cooperate in connection with this filing in that it has failed to respond to the several requests from the staff with respect to the filing of revised reports of sales on Form 2-A.

III. *It is ordered,* Pursuant to Rule 261 of the General rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 62-6788; Filed, July 11, 1962; 8:47 a.m.]

[File No. 24A-1528]

NATIONAL INDUSTRIES, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JULY 6, 1962.

I. National Industries, Incorporated, a Delaware corporation, with principal offices at 1622 Chestnut Street, Philadelphia, Pa., filed with the Commission on August 28, 1961, a notification on Form 1-A and an offering circular, and subsequently filed amendments thereto, relating to an offering of 50,000 shares of 10¢ par value common stock at $6 per share for an aggregate amount of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the issuer filed a report of sales on Form 2-A which was not a true, complete and accurate report as required by Rule 260 of Regulation A.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made in the light of the circumstances under which they are made not misleading, concerning, among other things:

1. The failure to disclose that part of the offering proceeds was to be used for advances to officers, directors and other persons.

2. The failure to disclose that part of the offering proceeds was to be used for the payment of salaries to officers and directors.

3. The failure to disclose that the company intended to acquire a subsidiary.

C. The offering has been made and, if continued, would be made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with Secretary of the Commission a written request for hearing within thirty days herefrom; that within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing, that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 62-6789; Filed, July 11, 1962; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-11294 etc.]

ARKANSAS LOUISIANA GAS CO.

Order Consolidating Proceedings, Fixing Date of Hearing, and Designating Procedure

JULY 5, 1962.

Arkansas Louisiana Gas Co., Docket Nos. G-11294, G-13459, G-16508, G-19657, and RP61-11.

The proceedings in the above-captioned dockets involve increased rates and charges filed by Arkansas Louisiana Gas Company (Ark La) for jurisdictional sales of natural gas to Texas Eastern Transmission Corporation under Ark La's Rate Schedule XFS-6 in Texas Railroad District No. 6 in the North Lansing Field, Harrison County, Texas. In each of these captioned proceedings, the Commission has heretofore issued orders providing for public hearing on the issue of the lawfulness of the rates and charges as proposed to be increased by the filings in each of the above-entitled dockets and suspending each of those proposed increased rate filings.[1] No hearing has been held in the above-entitled proceedings.

The Commission finds:

(1) Good cause exists for consolidating all of the above-entitled proceedings for the purposes of hearing and decision.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that a public hearing be held concerning the matters and issues involved in the proceedings consolidated herein.

(3) In order to expedite the hearing herein, Ark La should serve its prepared testimony and exhibits for its case-in-chief on or before July 27, 1962.

The Commission orders:

(A) Docket Nos. G-11294, G-13459, G-16508, G-19657, and RP61-11 are hereby consolidated for the purposes of a public hearing and decision on the matters and issues involved therein.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing shall be held in a Hearing Room of the Federal Power Commission, 441 "G" Street NW., Washington, D.C., commencing at 10:00 a.m., e.d.t., on September 4, 1962, concerning the matters involved and the issues presented in the proceedings consolidated herein.

(C) Ark La shall serve its prepared testimony and exhibits for its case-in-chief upon all parties on or before July 27, 1962.

(D) Petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 20, 1962.

By the Commission.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 62-6773; Filed, July 11, 1962; 8:46 a.m.]

[1] By order issued May 2, 1960, the Commission terminated the proceedings in Docket Nos. G-11294, G-13459, G-16508, and G-19657 insofar as they related to Ark La's FPC Gas Rate Schedule No. XFS-2 without effecting those proceedings in relation to Ark La's FPC Gas Rate Schedule No. XFS-6.

[Docket No. RP60-14]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Postponement of Hearing and Extension of Time to File Data

JULY 5, 1962.

Upon consideration of the request filed July 3, 1962, by Counsel for Kansas-Nebraska Natural Gas Company, Inc., for an extension of time within which to file prepared testimony and exhibits in the above-designated matter;

An extension is hereby granted to and including July 27, 1962 within which Kansas-Nebraska shall serve its prepared testimony and exhibits for its case-in-chief as required by paragraph (C) of the Commission's order issued June 29, 1962; and the hearing now scheduled for July 16, 1962, by paragraph (B) of said order is hereby postponed to September 5, 1962, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 "G" Street NW., Washington, D.C. Paragraphs (B) and (C) are accordingly amended.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6774; Filed, July 11, 1962; 8:46 a.m.]

[Docket No. CP62-146]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application and Date of Hearing

JULY 5, 1962.

Take notice that on December 13, 1961, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 296, Houston, Texas, filed in Docket No. CP62-146 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon in place 5.26 miles of 4½-inch lateral pipeline known as the Shield Lateral, extending from the Petronilla Field to the Shield Field in Nueces County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The subject facilities originally served as a means of gathering the natural gas purchased by Applicant from the Shield gas unit in the Shield Field. The application states that deliveries of gas to Applicant from the Shield gas unit declined due to decreasing reserves until November 1959, when all deliveries ceased. Since that date the line has been inactive and the gas purchase contract has been terminated. Applicant has agreed to sell the line in place to an intrastate operator for $25,000.

The subject facilities were authorized by the Commision in its opinion and order of April 28, 1950, in Docket No. G-1277 (9 FPC 32).

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 9, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 30, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6775; Filed, July 11, 1962; 8:46 a.m.]

[Docket No. CP62-300]

UNITED NATURAL GAS CO.

Notice of Application and Date of Hearing

JULY 5, 1962.

Take notice that on June 15, 1962, United Natural Gas Company (Applicant), 308 Seneca Street, Oil City, Pennsylvania, filed in Docket No. CP62-300 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of existing interstate natural gas transmission facilities to serve the distribution system which Applicant proposes to construct and operate in Hartford, Vernon, and Kinsman Townships, Trumbull County, Ohio, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to use a tap and portions of a pipeline which have not been used previously in order to serve its distribution system. Part of Applicant's presently operating transmission system will also be utilized.

The estimated peak day and annual gas requirements in Mcf for the first three years of operation are as follows:

	1st year	2d year	3d year
Peak day	747	903	1,015
Annual	83,761	100,668	112,529

Applicant states that there is no additional capital cost associated with the operation of the existing facilities to serve the proposed distribution system. The Public Utilities Commission of Ohio has authorized Applicant to render the proposed distribution service.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 9, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c)(1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 30, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6776; Filed, July 11, 1962; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 218]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 6, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2900 (Deviation Nos. 2 and 3), (CORRECTION) RYDER SYSTEM, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, Fla., filed June 14, 1962. Previous publication on page 6058 of the June 27, 1962, issue of the FEDERAL REGISTER showed the name of the subject notice in error. The correct name of the carrier is RYDER TRUCK LINES, INC.

No. MC 11740 (Deviation No. 1), BLUE & GRAY TRANSPORTATION CO., INCORPORATED, P.O. Box 4182, Richmond 24, Va., filed June 29, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route between Richmond and Petersburg, Va., over Interstate Highway 95, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Richmond over U.S. Highway 1 to Petersburg, and return over the same route.

No. MC 75320 (Deviation No. 13), CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo., filed June 25, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Decatur, Ill., over U.S. Highway 51 to junction U.S. Highway 40, north of Vandalia, Ill., thence over U.S. Highway 40 to junction Illinois Highway 140, thence over Illinois Highway 140 to junction Illinois Highway 127, near Greenville, Ill., thence over Illinois Highway 127 to Murphysboro, Ill., thence over Illinois Highway 13 to junction U.S. Highway 51, at Carbondale, Ill., thence over U.S. Highway 51 to junction Illinois Highway 146, at Anna, Ill., thence over Illinois Highway 146 to junction Illinois Highway 3, at Ware, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Springfield, Mo., over U.S. Highway 66 to junction Illinois Highway 48, thence over Illinois Highway 48 to junction U.S. Highway 45, thence over U.S. Highway 45 to Kankakee, Ill., thence over Illinois Highway 49 to Chicago, Ill.; and from Memphis, Tenn., over U.S. Highway 61 to Cape Girardeau, Mo., thence across the Mississippi River to junction Illinois Highway 146, thence over Illinois Highway 146 to junction Illinois Highway 3, thence over Illinois Highway 3 to Red Bud, Ill., thence over Illinois Highway 159 to Belleville, Ill., thence over Illinois Highway 13 to East St. Louis, Ill., and thence across the Mississippi River to St. Louis, Mo., and return over the same route.

No. MC 105367 (Deviation No. 1), THE HALL TRUCK LINE, INC., P.O. Box 188, Olathe, Kans., filed June 28, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Olathe, Kans., over Kansas Highway 150 to the Kansas-Missouri State line, thence over Missouri Highway 150 to the Kansas City, Kans. Commercial Zone, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Kansas City, Mo., over U.S. Highway 50 to junction Kansas Highway 58, thence over Kansas Highway 58, via Overland Park, Kans., to junction U.S. Highway 169, thence over U.S. Highway 169 to Olathe; and from Kansas City over city streets to Kansas City, Kans., thence over U.S. Highway 169 to Olathe, and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 55312 (Deviation No. 1), CONTINENTAL TENNESSEE LINES, INC., P.O. Box 4407, Alexandria, La., filed July 2, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From Midtown Junction, Tenn., over U.S. Highway 70 to junction Interstate Highway 40, thence over Interstate Highway 40 to Knoxville, Tenn., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over pertinent service routes as follows: From Nashville over U.S. Highway 70N to Crossville, Tenn., thence over U.S. Highway 70, via Rockwood, Tenn., to junction U.S. Highway 27, at Harriman Junction, Tenn., thence over U.S. Highway 27 to Harriman, Tenn., thence over Tennessee Highway 61 to Oliver Springs, Tenn.; and from Oliver Springs, Tenn., over Tennessee Highway 62 to Oak Ridge, Tenn., thence via the Solway Gate and over the New Solway Road to Knoxville, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-6743; Filed, July 10, 1962; 8:45 a.m.]

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11036

ADMINISTRATION OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED

By virtue of the authority vested in me by Section 301 of Title 3 of the United States Code, and as President of the United States, it is ordered that Executive Order No. 10900 of January 5, 1961, as amended, be, and it is hereby, further amended as follows:

(I) By substituting for Section 4(a) the following:

"SEC. 4. *Foreign currencies.* (a)(1) Foreign currencies which accrue under Title I of the Act may be used for the purposes set forth in Section 104 of the Act in amounts consonant with applicable provisions of law and of sales agreements and loan agreements. Except as may be inconsistent with such law or agreements, priority shall be accorded to the sale of such currencies to appropriations or to their sale otherwise for dollars. To such extent as he may deem necessary, the Director of the Bureau of the Budget shall fix the amounts of such currencies to be used for the purposes set forth in Section 104. The Director shall notify the Secretary of the Treasury with respect to any amounts so fixed.

"(2) The function conferred upon the President by the penultimate proviso of Section 104 of the Act of waiving the applicability of Section 1415 of the Supplemental Appropriation Act, 1953 (31 U.S.C. 724), is hereby delegated to the Secretary of State in respect of Section 104(e) of the Act and to the Director of the Bureau of the Budget in all other respects."

(II) By inserting the following new paragraph after Section 4(d)(4):

"(5) Those under Section 104(s) of the Act by the Department of the Treasury in consultation with the Department of State. The function conferred upon the President by Section 104(s) of the Act of prescribing terms and conditions is hereby delegated to the Secretary of the Treasury and shall be performed by him in consultation with the Secretary of State."

(III) By substituting for Section 4(d)(7) the following:

"(7) Those under Section 104(g) of the Act by the Department of State. The function conferred upon the President by Section 104(g) of the Act of determining the manner in which the loans provided for in that section shall be made is hereby delegated to the Secretary of State."

JOHN F. KENNEDY

THE WHITE HOUSE,
July 11, 1962.

[F.R. Doc. 62-6941; Filed, July 12, 1962; 8:50 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 37—GROUP LIFE INSURANCE

Cessation and Conversion of Insurance Coverage

Paragraph (g) of § 37.5 is amended as set out below.

§ 37.5 Cessation and conversion of insurance coverage.

* * * * *

(g) During the 31-day extension of life insurance coverage under paragraphs (b), (c), (e), and (f) of this section, an individual may, upon application and without medical examination, convert all or any part of his group life insurance to an individual policy of life insurance at rates applicable to his attained age and class of risk unless, within 3 calendar days after the date his insurance ceased, he returns to a position wherein he is not excluded from coverage.

(Sec. 11, 68 Stat. 742; 5 U.S.C. 2100)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-6824; Filed, July 12, 1962; 8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 2]

PART 121—SMALL BUSINESS SIZE STANDARDS

Notice Relating to the Definition of Small Business Government Subcontractors

(a) Any concern, in connection with subcontracts of $2,500 or less which relate to Government procurements, will be considered a small business concern if, including its affiliates, its number of employees does not exceed 500 persons.

(b) Any concern, in connection with subcontracts exceeding $2,500 which relate to Government procurements, will be considered a small business concern if it qualifies as such under § 121.3-8 of this part: *Provided, however,* That:

1. The additional number of employees allowable to firms located in Areas of Substantial Unemployment, as set forth in § 121.3-7 of this part, shall not be applicable to subcontractors.

2. The definition of small business nonmanufacturers, as contained in § 121.3-8(b) of this part, shall not become effective until January 2, 1963.

3. The definition of small businesses in the aircraft equipment industry, as set forth in § 121.3-8(a)(5) of this part, shall not become effective until January 2, 1963.

4. Until January 2, 1963, any concern included in paragraphs 2 and 3 above will be considered a small business concern if, including its affiliates, its number of employees does not exceed 500 persons.

The Small Business Size Standards Regulation (13 CFR Part 121) will be amended to incorporate the foregoing.

Dated: July 3, 1962.

Effective date: The provisions of this notice shall become effective July 15, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-6850; Filed, July 12, 1962; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 1157]

PART 50—AIRMAN AGENCY CERTIFICATES

PART 51—GROUND INSTRUCTOR RATING

PART 52—REPAIR STATION CERTIFICATES

PART 53—MECHANIC SCHOOL CERTIFICATES

PART 54—PARACHUTE LOFT CERTIFICATES AND RATINGS

PART 141—PILOT SCHOOLS [NEW]

PART 143—GROUND INSTRUCTORS [NEW]

PART 145—REPAIR STATIONS [NEW]

PART 147—MECHANIC SCHOOLS [NEW]

PART 149—PARACHUTE LOFTS [NEW]

Schools and Other Certificated Agencies

This amendment adds Subchapter H "Schools and Other Certificated Agencies" to Chapter I of Title 14 of the Code of Federal Regulations. The amendment is a part of the program of the Federal Aviation Agency to recodify its regulatory material into a new series of regulations called the "Federal Aviation Regulations" to replace the present "Civil Air Regulations" and "Regulations of the Administrator".

During the life of the recodification project, Chapter I of Title 14 may contain more than one part bearing the same number. To differentiate between the two, the recodified parts, such as the ones in this subchapter, will be labeled "[New]". The label will of course be dropped at the completion of the project as all of the regulations will be new.

Subchapter H [New] was published as a notice of proposed rule making in the FEDERAL REGISTER on April 19, 1962 (27 F.R. 3756), and circulated as Draft Release 62-16.

Some of the comments received recommend specific substantive changes to the regulations. Although some of the recommendations might, upon further study, appear to be meritorious, they cannot be adopted as a part of the recodification program. The purpose of the program is simply to streamline and clarify present regulatory language and to delete obsolete or redundant provisions. To attempt substantive change (other than minor, relaxatory ones that are completely noncontroversial) would delay the project and would be contrary to the ground rules specified for it in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698) and Draft Release 61-25. However, all comments of this nature will be preserved and considered in any later substantive revision of the affected parts. As a result, with one exception, no change has been made in the substance of the rules contained in the notice of proposed rule making. The exception is a clarification and relaxation of the rule relating to work performed off station by repair stations. A new subparagraph (d) has been added to § 145.51 to make it clear that a certificated repair station may under quality controlled circumstances perform maintenance or alteration at a place other than the repair station. One other major change, although not substantive, is the deletion of policy material formerly contained in CAM §§ 53.40-1 and 53.41-1 relating to the details of mechanic school curricula, and their replacement by language based on CAR §§ 53.40 and 53.41. The deleted material was not mandatory and will be considered for inclusion in the Agency Advisory Circular System.

Other comments received suggested changes in style or format or in technical wording. These comments were carefully considered and, where consistent with the style, format, and terminology of the recodification project, were adopted.

The definitions, abbreviations, and rules of construction contained in Part 1 [New] published in the FEDERAL REGISTER on May 15, 1962 (27 F.R. 4587) apply to the new Subchapter H.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due con-

sideration has been given to all relevant matter presented. The Agency appreciates the cooperative spirit in which the public's comments were submitted.

In consideration of the foregoing, Chapter I of Title 14 is amended by deleting Parts 50, 51, 52, 53, and 54 and by adding Subchapter H [New] reading as hereinafter set forth, effective August 13, 1962.

This amendment is made under the authority of sections 313(a), 314, 601, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, and 1427).

Issued in Washington, D.C., on July 6, 1962.

N. E. HALABY,
Administrator.

SUBCHAPTER H—SCHOOLS AND OTHER CERTIFICATED AGENCIES [NEW]

Part
141 Pilot Schools [New].
143 Ground Instructors [New].
145 Repair Stations [New].
147 Mechanic Schools [New].
149 Parachute Lofts [New].

PART 141—PILOT SCHOOLS [NEW]

Subpart A—General

Sec.
141.1 Applicability.
141.3 Application; issue; and renewal.
141.5 Duration of certificates.
141.7 Display of certificates.
141.9 School ratings.
141.11 Quality of instruction.
141.13 Student tests.
141.15 Curriculum changes.
141.17 Graduation certificates.
141.19 Authority to test graduates for pilot certificates.
141.21 Records.
141.23 Change of location.
141.25 Inspections.
141.27 Maintenance of personnel, facilities, and equipment.
141.29 Advertising limitations.

Subpart B—Ground Schools

141.41 Classroom requirements.
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141.47 Curriculum requirements: Basic ground school.
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Subpart C—Flying Schools

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141.53 Office and room facilities requirements.
141.55 Flight equipment requirements.
141.57 Maintenance facility requirements.
141.59 Chief flight instructor requirements.
141.61 Curriculum requirements: Primary flying school.
141.63 Curriculum requirements: Commercial flying school.
141.65 Curriculum requirements: Instrument flying school.
141.67 Curriculum requirements: Flight instructor school.

AUTHORITY: §§ 141.1 to 141.67 issued under secs. 313(a), 314, 601, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, and 1427).

Subpart A—General

§ 141.1 Applicability.

This part prescribes the requirements for issuing airman agency certificates and associated ratings to pilot schools and the general operating rules for the holders of those certificates and ratings.

§ 141.3 Application; issue; and renewal.

(a) An application for an original certificate and rating, for an additional rating, or for the renewal of such a certificate, under this part, is made on a form and in a manner prescribed by the Administrator. The applicant must file two copies of the proposed curriculum of the school with his application or certify that he will follow the curriculum in Appendix A, B, C, or D or in § 141.47 or § 141.49 of this chapter, as appropriate.

(b) An applicant who meets the requirements of this part for one or more school ratings is entitled to an appropriate certificate and ratings.

§ 141.5 Duration of certificates.

(a) Unless sooner surrendered, suspended, or revoked, a pilot school certificate and rating expires at the end of the twenty-fourth month after the month in which it is issued, or on the date of any change in the ownership of the school for which it was issued or renewed, whichever is earlier.

(b) The holder of a pilot school certificate may surrender it at any time by sending it to the Administrator with a letter stating that he is surrendering it.

(c) The holder of a pilot school certificate that expires or is surrendered, suspended, or revoked, shall, upon the written request of the Administrator, return it to the Administrator.

(d) A change in the name of a pilot school, without a change in ownership, does not make the certificate expire. However, the owner of the school shall, within 15 days after any change in its name, notify the Administrator of that change. He is then entitled to a new certificate with the new name and the current number and rating.

§ 141.7 Display of certificates.

Each holder of a pilot school certificate and ratings shall, upon the reasonable request of any person, show them to that person.

§ 141.9 School ratings.

The following ratings are issued under this part:

(a) Basic ground school.
(b) Advanced ground school.
(c) Primary flying school for—
(1) Airplanes;
(2) Rotorcraft; or
(3) Gliders.
(d) Commercial flying school for—
(1) Airplanes;
(2) Rotorcraft; or
(3) Gliders.
(e) Instrument flying school.
(f) Flight instructor school.

§ 141.11 Quality of instruction.

(a) Each certificated pilot school shall provide instruction of such quality that, of its graduates who apply within 60 days after the date they are graduated, at least 80 percent qualify for pilot ratings appropriate to the curriculum from which they were graduated.

(b) A pilot school may not graduate a student unless he has completed all of the curriculum requirements of his course. A student may be credited, but not for more than 50 percent of the curriculum requirements, with previous pilot experience and knowledge, based upon an appropriate flight check or test by the school. Course credits may be transferred from one certificated school to another. The receiving school shall determine the amount to be transferred, based on a flight check or written test, or both, of the student. However, the student may not be credited with more than that with which he was credited at the school from which he transferred.

(c) The Administrator may, at any reasonable time, determine a school's compliance with its curriculum and the quality of its instruction by questioning, testing, or flight checking any student at that school on items that are a part of the course in which the student is enrolled and that have, according to the school schedule and records, been covered in his course. To facilitate scheduling of checks under this subsection, the school shall, at least 15 days before each graduation, notify the Administrator in writing of the name of each student that it expects to graduate.

(d) A flight check for determining quality of instruction or a school's compliance with its curriculum is based on the curriculum standards in this part. Applicants for pilot certificates or ratings are flight tested in accordance with Part 61 of this chapter.

§ 141.13 Student tests.

Each certificated pilot school shall give an appropriate written or practical test in each subject to each student who completes that subject in an approved curriculum. The school shall keep each written test, or, in the case of a practical test, a report of it, for at least one year after the end of the student's enrollment. The test shall cover such material and be of such a degree of difficulty that a student who passes it may reasonably assume that he can pass, on his first attempt, the required FAA test on that subject, for the rating he seeks.

§ 141.15 Curriculum changes.

A certificated pilot school may not change its approved curriculum unless that change is approved after it has been submitted in writing to the Administrator, setting forth the parts that are to be changed and the proposed changes. Unless the school is notified of disapproval, within 45 days after filing the proposed change, it is considered to be approved.

§ 141.17 Graduation certificates.

Each graduate of a certificated pilot school is entitled to a graduation certificate in a form prescribed by the school and acceptable to the Administrator.

§ 141.19 Authority to test graduates for pilot certificates.

(a) The Administrator may authorize a certificated pilot school to give its graduates the written or flight test, or both, for a pilot certificate and rating under Part 61 of this chapter, if it applies in writing, naming the tests it

wishes to give, and complies with paragraphs (b) to (d) of this section.

(b) To be eligible to give a private pilot flight test in an airplane to graduates of a primary flying school course, a school must—

(1) Have an approved flight training curriculum, that includes two hours of dual instruction at night, four hours of dual cross-country instruction, and six hours of solo cross-country flight;

(2) Give at least 35 hours of ground instruction on primary flight maneuvers and procedures, and a written test at the end of each phase in the flight curriculum;

(3) Show that the dual instruction in the control of an airplane solely by reference to instruments is given by certificated flight instructors who are instrument flight instructors or hold instrument ratings; and

(4) Show that at least five students enrolled in its primary flying course have passed a proficiency flight check given by an FAA inspector, at least three of which had completed the entire course, and at least two of which (may be the same students) have been checked during their training course.

(c) To be eligible to test its graduates for any certificate other than a private pilot certificate, the school must submit, with its application, complete information on the proposed training and testing.

(d) The chief flight instructor and each designated check pilot of a school that applies under this section must pass a standardization test given by an FAA inspector before the school begins training for the purposes of this section.

(e) Each school that is authorized to give tests under this section shall send the student's application for a pilot certificate or rating and certified and complete records of his training and performance on the flight tests and ground school tests to the supervisory FAA office for review and issue of the certificate or rating sought.

§ 141.21 Records.

Each certificated pilot school shall keep a current, accurate, and individual record of each student's participation and accomplishments in the course for which he is enrolled, including a chronological log of his instruction, attendance, subjects covered, tests, and test grades. When the student completes the course or is graduated, an authorized representative of the school shall certify the record.

§ 141.23 Change of location.

(a) The holder of a pilot school certificate may not change the school's location, unless the change is approved in advance.

(b) If an inspection of the proposed location shows that the facilities are satisfactory, and the school meets the original certification requirements, it is entitled to a new certificate for the new location.

(c) If the inspection shows that the facilities at the new location are not satisfactory, the school is so notified and must immediately act to eliminate the deficiencies.

§ 141.25 Inspections.

Each applicant for a certificate under this part must, and each holder of such a certificate shall, upon reasonable request, allow the Administrator to inspect its personnel, facilities, equipment, and records.

§ 141.27 Maintenance of personnel, facilities, and equipment.

Each certificated pilot school shall maintain personnel, facilities, and equipment at least equal in quality and quantity to the standards currently required for the issue of the certificate and ratings that it holds.

§ 141.29 Advertising limitations.

A certificated pilot school may not make any statement relating to it that is false or designed to mislead any person contemplating enrollment in the school. Any advertising that indicates the school is approved must clearly differentiate between courses that have been approved and those that have not.

Subpart B—Ground Schools

§ 141.41 Classroom requirements.

An applicant for a ground school rating under this part must meet the following classroom requirements:

(a) At least 80 square feet of floor area, plus at least 15 square feet for each additional student over five.

(b) Heat and ventilation in accordance with public health laws.

(c) Enough light to allow a person with normal eyesight to study or read without eyestrain.

§ 141.43 Equipment requirements.

An applicant for a ground school rating under this part must have the following classroom equipment:

(a) Basic or advanced ground school:

(1) For each student, a desk-chair, chair and desk, or chair and table space (but not table-arm chairs) for work such as laying out courses on aeronautical charts.

(2) A blackboard with at least 12 square feet of usable surface.

(b) Basic ground school:

(1) Texts and related materials on the regulations in this chapter, meteorology, aerial navigation, radio (as used for airport traffic control, flight assistance services, general service and the operation of aircraft and aircraft engines), and pertinent operational data at the private pilot level.

(2) Illustrative, explanatory, and demonstration aids and materials representative of those that a private pilot needs in actual piloting operations, such as radio facility charts, aeronautical charts, computers, and the Airman's Guide.

(c) Advanced ground school:

(1) Text and related source materials covering the subjects named in paragraph (b) of this section and the navigation of aircraft by radio aids.

(2) Models, mockups, cutaways, and classroom-size or lecture-size blueprints and diagrams covering the operation and function of instruments and equipment required under Part ____ of this chapter [Present Part 43] and those required under Parts ____, ____, and ____ of this chapter [Present Parts 3, 5, and 6] as they relate to the course being taught.

§ 141.45 Instructor requirements.

(a) An applicant for a ground school rating under this part must have at least one principal instructor who is regularly available for instructing or supervising each scheduled class subject and who holds a ground instructor certificate with a rating for each subject in the school curriculum. Each instructor other than the principal instructor must have a ground instructor certificate with an appropriate rating for each subject that he teaches.

§ 141.47 Curriculum requirements: Basic ground school.

An applicant for a basic ground school rating under this part must adopt the following as a minimum curriculum or submit one of equal or higher standard for approval. In either case it must provide at least 50 hours of classroom instruction in the following subjects, and require a passing grade on a test on each subject of each student taking the subject:

(a) Instruction in section ____ of this chapter [Present § 3.20(a) (1), (2), and (3)] and Parts 61, ____, ____, and ____ of this chapter [Present Parts 1, 43, and 60].

(b) Instruction in the following meteorological subjects:

(1) Weather recognition.
(2) Icing.
(3) Fog.
(4) Frontal characteristics, with particular emphasis on thunder storms.
(5) General cloud formations and their relationship to weather characteristics.
(6) Weather maps and symbols.
(7) Teletype sequences and symbols.
(8) Elementary weather forecasting.
(9) Pressure areas and their characteristics, including motion of air masses (wind systems).
(10) Significance of isobaric patterns.
(11) Winds aloft.
(12) Humidity-temperature-dewpoint relationships and significance to the pilot.
(13) Precipitation.
(14) Practical application of meteorological knowledge to safe flying practices.
(15) Services and assistance available from the United States Weather Bureau.

(c) Instruction in the following on aerial navigation and radio:

(1) Navigation methods, including pilotage; dead reckoning; and basic radio aids to navigation, including elementary radio orientation.
(2) Navigation instruments commonly used.
(3) Basic use of computers.
(4) Proper use of flight plans.
(5) Proper use of published aids such as the Flight Information Manual, the Airman's Guide, and Notams.
(6) Explanation of radio aids to flight.
(7) Proper use of radio, including voice procedure and phraseology.
(8) Flight assistance services.

(d) Instruction in the following general service and safety practices:

(1) Care of aircraft, including preflight inspection procedures, general safety precautions, and explanation of preventive maintenance, repair, and required inspections.

(2) Care of engines, including preflight inspection procedures, fuel requirements, proper starting, warmup and shutdown procedures; explanation of preventive maintenance, repair, required inspection, and use of operating manuals; and the functions, limitations, and characteristic errors of instruments required under Part ------ of this chapter [Present Part 43].

(3) Flight safety practices, including operation under conditions of high altitude, extreme temperatures, gross weight, icing (wing ice, propeller ice, and carburetor ice); adverse surface conditions (rough, soft, and slippery); turbulent air (mountainous and canyon effects, and surface obstruction and thermal effects); day and night marginal visibility; radio communications failure; low fuel supply; aerodynamic effect of frost or snow on airfoils; maximum range versus maximum endurance operation; proper tiedown or securing of aircraft; emergency assistance and lost procedures; use of landing lights and flares; obstructions to flight, such as antennae, poles, and birds; and procedures when operating unfamiliar aircraft.

§ 141.49 Curriculum requirements: Advanced ground school.

An applicant for an advanced ground school rating under this part must adopt the following as a minimum curriculum or submit one of equal or higher standard for approval. In either case, it must provide at least 150 hours of classroom instruction in the following subjects, and require a passing grade on a test on each subject of each student taking that subject:

(a) Instruction in the regulations listed in § 141.47, in enough detail and thoroughness to give the student the information he may need as a commercial pilot with an unrestricted certificate, plus instruction on Part ---- of this chapter [Present Part 42] and particular stress on airport and air route traffic control procedures and operations under them.

(b) Instruction in the meteorological subjects listed in § 141.47 of more detail and thoroughness of instruction than that given in a basic ground school, including the cause and effect aspects of weather in relation to safe and successful flight operations.

(c) Instruction in pilotage and dead reckoning techniques and radio aids to navigation, including a practical demonstration to provide familiarization with L/MF and VOR/VHF techniques and preparing and using IFR flight plans.

(d) Instruction in the servicing and safety practices listed in § 141.47(d), and—

(1) Other servicing and safety practices, theory of flight, lift-gravity-thrust-drag forces, characteristics of air as a fluid mass, and performance characteristics of aircraft including ground effect, design, gust load safety factors, and operating limitations; and

(2) Care and maintenance of equipment, including pressure, quantity, and rate instruments; radio and electronics equipment; flotation devices; fire extinguishers; safety belts; windshields, windows, and canopies; emergency exits; and parachutes.

Subpart C—Flying Schools

§ 141.51 Airport requirements.

(a) An applicant for a flying school rating under this part must provide an airport with at least one runway or takeoff area that allows its training aircraft to make a normal takeoff at full gross weight—

(1) Under calm wind (not more than five miles per hour) conditions and temperatures equal to the mean high temperature for the hottest month of the year in the operating area;

(2) Clearing all obstacles in the takeoff flight path by at least 50 feet;

(3) With the powerplant operation and landing gear and flap operation, if applicable, recommended by the manufacturer; and

(4) With smooth transition from liftoff to the best rate of climb speed without exceptional piloting skills or techniques.

(b) The standards listed in paragraph (a) of this section apply to outlying fields used for training purposes, except those used for training in the principles and procedures for coping with critical situations.

§ 141.53 Office and room facilities requirements.

An applicant for a flying school rating under this part must have a permanent office, rest room, and ready room facilities at the airport or base of operations. Facilities provided under this section must conform to local building, sanitation, and health codes. Ready rooms provided under this section must have chairs, clothesracks or lockers, and bulletin boards.

§ 141.55 Flight equipment requirements.

(a) An applicant for a flying school rating under this part must have the aircraft described in this section.

(b) Each airplane used for flight instruction of students enrolled in a flying course must be certificated under Part -- or -- of this chapter [Present Parts 3, 4a, or 4b], maintained as provided in Part -- of this chapter [Present Part 43], registered in the name of the school or operated under a lease, and have the equipment and performance characteristics appropriate to its curriculum.

(c) Each applicant must have at least one airplane for each 15 students (or fraction thereof) enrolled in the flight course and enough airworthy airplanes available at the training location for the flight training periods.

(d) Each applicant for a commercial course must have at least two types of airplanes that significantly differ in performance, flight characteristics, and operating requirements. At least one of them must have a demonstrated cruising speed of at least 120 miles per hour using METO power. Airplanes used in the radio navigation or instrument part of the curriculum must have the minimum instruments and radio equipment required by §-- of this chapter [§ 43.30(c)] and a gyroscopically operated pitch indicator.

(e) Each training aircraft must have available to the trainee, in the aircraft, an appropriate pilot's training checklist containing essential operational data on prestarting procedure; warmup procedure; pretakeoff procedure; cruising flight procedure; prelanding procedure; shutting down procedure; and emergency procedure for critical flight situations involving aircraft or engine troubles; flight configurations and operational speeds for severe turbulence; and single-engine operation, if appropriate.

(f) If a school that applies for a commercial or instrument rating, or both, does not have a simulated flight training device available to it that is acceptable to the Administrator, it must give all of its required instrument flight training in aircraft.

§ 141.57 Maintenance facility requirements.

(a) An applicant for a flying school rating under this part must provide facilities necessary to maintain, in a continuously airworthy condition, the minimum flight equipment required by this subpart. It may provide those facilities by ownership, rental, lease, or other approved arrangement.

(b) In addition, such a school must have enough certificated mechanics readily available to maintain its aircraft used for flight instruction, unless other approved arrangements are made.

§ 141.59 Chief flight instructor requirements.

(a) Each flight course must be under the direct supervision of a chief flight instructor designated by the school. A chief instructor may serve as a chief instructor for each course for which he is qualified. Each chief instructor must have a good record as a pilot and flight instructor and—

(1) For a primary flying school, must—

(i) Be at least 21 years of age;

(ii) Have at least two years of experience as an active certificated flight instructor immediately before the date he is designated as chief instructor;

(iii) Have at least 500 hours as a certificated flight instructor, including at least 50 hours in the year before the date he is designated as chief instructor; and

(iv) Have at least 1,000 hours as pilot in command;

(2) For a commercial flying school, or flight instructor flying school, must—

(i) Be at least 21 years of age;

(ii) Have at least three years of experience as an active certificated flight instructor immediately before the date he is designated as chief instructor;

(iii) Have at least 1,000 hours as a certificated flight instructor including at least 100 hours in the year before the date he is designated as chief instructor;

(iv) In the case of a commercial flying school, have an instrument rating; and

(v) Have at least 2,000 hours as pilot in command; and

(3) For an instrument flying school, must—

(i) Be at least 21 years of age;

(ii) Have at least two years of experience, immediately before the date he is designated as chief instructor, as a certificated instrument flight instructor;

(iii) Have at least 100 hours of instrument flight time under actual or simulated instrument flight conditions;

(iv) Have at least 250 hours as an instrument flight instructor; and

(v) Have at least 1,000 hours as pilot in command.

(b) Each school shall assign the following duties to its chief instructors, to be accepted in writing or by endorsing the assignment:

(1) Certifying training reports, graduation certificates, and official recommendations of the school.

(2) Maintaining adequate instructional standards.

(3) Effective scheduling of aircraft, instructors, and students.

(4) Maintaining student progress and accomplishment records.

(5) Conducting competence and standardization checks of instructors.

(6) Conducting student proficiency stage checks.

(7) Maintaining liaison with FAA in applying the techniques, procedures, and standards of the school.

(c) The school shall notify the Administrator, in writing, of any change in the designation of a chief instructor.

§ 141.61 Curriculum requirements: Primary flying school.

(a) An applicant for a primary flying school rating under this part must provide—

(1) For airplanes, at least 35 hours of flight time (or 30 hours of flight time and additional specialized approved instruction) including the training prescribed in Appendix A to this part and a demonstration of student proficiency and knowledge.

(2) For rotorcraft, at least 35 hours of flight time; and

(3) For gliders, at least eight hours of flight time.

(b) Student progress checks may be applied toward completing course hour requirements.

§ 141.63 Curriculum requirements: Commercial flying school.

(a) An applicant for a commercial flying school rating under this part must provide—

(1) For airplanes, at least 160 hours of flight time, including at least 100 hours of solo flight of which at least 20 are solo cross-country, the training described in Appendix B to this Part, and a demonstration of student proficiency;

(2) For rotorcraft, at least 160 hours of flight time; and

(3) For gliders, at least 20 hours of flight time.

(b) Student progress checks may be applied toward completing course-hour requirements.

§ 141.65 Curriculum requirements: Instrument flying school.

(a) An applicant for an instrument flying school rating under this part must provide at least 30 hours of instrument flying instruction, of which at least 20 hours are in actual flight; and a total of at least 30 hours of ground instruction on the regulations in this chapter, navigation, meteorology, and radio orientation and procedures as applicable to instrument flying. For airplanes, the required hours of instruction must include the training described in Appendix C to this Part and a demonstration of student proficiency and knowledge.

(b) Student progress checks may be applied toward completing course-hour requirements.

§ 141.67 Curriculum requirements: Flight instructor school.

(a) An applicant for a flight instructor school rating under this part must provide at least 25 hours of flying devoted exclusively to the science of flight instruction and at least 40 hours of theoretical instruction in the fundamentals of giving flight instruction and the analysis and performance of flight technique. For airplanes, the required hours of instruction must include the training described in Appendix D to this Part and a demonstration of student proficiency and knowledge.

(b) Student progress checks may be applied toward completing course-hour requirements.

PART 141—DISTRIBUTION TABLE

Former section	Revised section
50.1	141.3
50.2	141.9
50.10(a)	141.41
50.10(b)	141.43
50.10 (less (a) and (b))	141.45
50.10–1	141.41
50.10–2	141.43
50.10–3	141.45
50.11(a)	141.47
50.11 (less (a))	141.49
50.11–1	141.47
50.11–2	141.49
50.12(a)	141.51
50.12(b)	141.53
50.12(c)	141.55
50.12 (d) and (e)	141.57
50.12 (less (a)–(c))	141.59
50.12–1	141.51
50.12–2	141.53
50.12–3	141.55
50.12–4	141.57
50.12–5	141.59
50.13 (less (b)–(d))	141.61
50.13(b)	141.63
50.13(c)	141.65
50.13(d)	141.67
50.13–1 (less (b)–(d))	141.61
50.13–1(b)	141.63
50.13–1(c)	141.65
50.13–1(d)	141.67
50.13–2	141.61
	141.63
	141.65
	141.67
50.13–3	141.61
	141.63
	141.65
	141.67
50.13–4	141.11
50.20	141.3
50.20–1	(1)
50.21	141.7
50.22	141.5
50.22–1	141.5
50.23	141.3
50.23–1	(1)
50.24	141.5
50.24–1	141.5
50.24–2	141.5
50.25	141.5
50.25–1	141.5
50.25–2	141.5
50.26	141.11
50.26–1	141.11
50.26–2	141.11
50.27	141.13
50.27–1	141.13
50.28	141.21
50.28–1 (footnote)	141.11
50.28–1 (less footnote)	141.21
50.29	141.17
50.29–1	141.17
50.30	141.25
50.30–1	(1)
50.31	141.15
50.31–1	141.15
50.32	141.27
50.32–1	(1)
50.33	141.29
50.34	141.23
50.34–1	141.23
50.35	141.19

(1) Not a rule.

APPENDIX A—FLIGHT TRAINING—PRIMARY FLIGHT SCHOOLS

The training that must be included in the required hours of flight time under § 141.61 is as follows:

(a) *Phase 1—basic flying*—(1) *Airplane equipment familiarization.* (i) Use of cockpit controls

(ii) Fuel system operation, octane required.

(iii) Fire extinguisher, first aid kit, etc.

(2) *Preflight preparatory procedures.* (i) Use of checklist.

(ii) Safety principles for engine.

(iii) Hand signals for ground operations.

(iv) Equipment checks.

(v) Local taxiing and traffic rules.

(3) *Taxiing and parking.* (i) Principles of and safety practices in taxiing and parking, including engine operation and speed control under typical wind and surface conditions.

(ii) Taxiing and parking operations, including airplane response to engine and flight controls under typical wind and surface conditions.

(iii) (If seaplane training.) Principles, procedures, and operations on water bodies (calm and choppy), involving taxiing, sailing, beaching, docking, and mooring.

(4) *Takeoffs and landings.* (i) Principles and procedures for obtaining ground path control; takeoff and climbouts at the best angle of climb speed, approaches at recommended speed, and flared landings, transition to touchdown without gear side loads.

(ii) Operations on hard surfaced runways.

(iii) Operations on sod surfaced areas.

(iv) Operations at controlled airports.

(v) Operations at uncontrolled airports.

(vi) Operations in heavy local traffic.

(vii) Operations in crosswinds.

(viii) Operations in gusty winds.

(ix) Landings using power-on approaches, and slips.

(x) (If seaplane training.) Principles, procedures, and operations involving takeoffs and landings.

(5) *Straight and level flight.* (i) Principles for attitude maintenance in gusty air, momentary deviations, etc.

(ii) Maintenance of airplane attitude by visual reference (wing tips to horizon, etc.).

(iii) Maintenance of flight path over ground.

(6) *Turns.* (i) Flight control functions.

(ii) Principles in overbanking tendencies.

(iii) Principles for obtaining and maintaining a desired bank (ref. to wing tips), and a desired altitude (angle of attack, power, etc.).

(iv) Transitions to and maintenance of desired banks and altitudes.

(7) *Climbs and glides.* (i) Principles of attaining and maintaining a normal angle in climbs and descents.

(ii) 10°–30° banked turns.

(iii) 30°–60° banked turns.

(iv) Spirals with bank at least 45°, through 720°–1080°.

(8) *Stalls.* (i) Principles for detection of incipient stalls and effecting recovery to straight and level flight with minimum loss of altitude.

(ii) Stalls and recoveries from takeoff and departure configurations.

(iii) Stalls and recoveries from approach and landing configurations.

(iv) Stalls and recoveries from accelerated maneuvering.

(v) Fully developed stalls and recoveries, including correct power usage to level flight.

(9) *Flight at minimum controllable airspeed (slow flight).* (i) Principles for establishing and maintaining slow flight.

(ii) Stabilized slow flight in turns at constant altitude.

(iii) Stabilized slow flight in turning climbs and descents.

(iv) Effects of power usage during slow flight.

(10) *Integrated instrument instruction.* Dual instruction in attitude control of airplanes solely by reference to instruments, integrated with the primary dual instruction prescribed in subdivisions (5), (6), (7), (8), and (9) of this subparagraph.

(b) *Phase II—Navigational and critical situations*—(1) *Pattern and track flying.* (i) Principles for establishing and maintaining a track over the ground.

(ii) Constant radius turns about a point.

(iii) "8's" around pylons.

(iv) "S" turns across a road.

(v) Making good a desired track for a prolonged period (traffic patterns, rectangular areas, etc.).

(2) *Emergencies and critical situations.* (i) Principles and safe flying practices involved, when encountering items below:

(a) Being lost.

(b) Low on fuel.

(c) Turbulent air.

(d) Adverse flight visibility conditions.

(e) Radio station shutdowns.

(f) Motor trouble.

(g) Loss of performance due to high altitudes, high temperatures, downdrafts in mountainous terrain.

(h) Instrument/communication/navigational/equipment trouble.

(i) Icing conditions (carburetor, wings, propeller).

(3) *Small, soft, and high/altitude temperature field operations.* (i) Principles and safe flying practices for effecting takeoffs and landings, climbout and approach flight plans.

(ii) Takeoffs and landings at small fields (including operation over obstacles).

(iii) Takeoffs and landings on soft surfaces.

(iv) Takeoffs and landings under conditions of high density/operational altitudes.

(4) *Cross-country flying (5 hours solo minimum).* (i) Principles and safe flying practices for preflight preparations, operations within airplane's operational limitations, use of FAA facilities, and compliance with Parts 43, 60, and 62 of this chapter.

(ii) Loading of airplane.

(iii) Weather information.

(iv) Facilities to be used.

(v) Operations to strange airports of varying size, altitudes, traffic conditions, etc.

(5) *Radio.* (i) Airport traffic control procedures.

(ii) Preparing, filing, and closing flight plans.

(iii) Use of radio aids to navigation.

(c) *Minimum total course times.* (1) Flight time, 35 hours.

(2) Ground instruction time, 8 hours, 45 minutes.

(d) *Progress checks.* (1) Solo.

(2) Basic flying phase.

(3) Navigational and critical situations phase.

(4) Final (for FAA certificate).

APPENDIX B—FLIGHT TRAINING—COMMERCIAL FLYING SCHOOLS

The training that must be included in the required hours of flight time under § 143.63 is as follows:

(a) *Phase I—basic flying*—(1) *Aircraft equipment familiarization and procedures for control and use.* (i) Principles and procedures for control and use of flight force(s) effects on wing tail surface, flight controls and for control and use of power effects through mixture, carburetor heat, etc.

(ii) Use of cockpit controls.

(iii) Fuel system operation, octane required.

(iv) Fire extinguisher, first aid kit, etc.

(2) *Preflight preparatory procedures.* (i) Principles involved in each preparatory procedure.

(ii) Use of checklist.

(iii) Safety principles for engine.

(iv) Hand signals for ground operations.

(v) Equipment checks.

(vi) Local taxing and traffic rules.

(3) *Taxiing and parking.* (i) Principles and safety practices in taxiing and parking, including engine operation and speed control under typical wind and surface conditions.

(ii) Taxiing and parking operations, including airplane response to engine and flight controls under typical wind and surface conditions.

(iii) (If seaplane training.) Principles, procedures, and operations on water bodies (calm and choppy), involving taxiing, sailing, beaching, docking, and mooring.

(iv) (If seaplane training.) Principles, procedures, and operations on water subject to tidal or current action involving sailing and beaching, docking, and mooring.

(4) *Takeoffs and landings.* (i) Principles and procedures for obtaining ground path control; takeoff and climbouts at the best angle of climb speed, and flared landings, transition to touchdown without gear side loads.

(ii) Operations on hard surfaced runways.

(iii) Operations on sod surfaced areas.

(iv) Operations at controlled airports.

(v) Operations at uncontrolled airports.

(vi) Operations in heavy local traffic.

(vii) Operations in crosswinds.

(viii) Operations in gusty winds.

(ix) Landings using power-on approaches and slips.

(x) (If seaplane training.) Principles and procedures and operations involving takeoffs and landings.

(xi) (If seaplane training.) Operations from water affected by tide and current.

(5) *Straight and level flight.* (i) Principles for attitude maintenance in gusty air, momentary deviations, etc.

(ii) Maintenance of airplane attitude by visual reference (wing tips to horizon, etc.).

(iii) Maintenance of flight path over ground.

(6) *Turns.* (i) Principles of and familiarization with aerodynamic forces involved and available for turning purposes under full load and varying power conditions.

(ii) Flight control functions.

(iii) Principles in overbanking tendencies.

(iv) Principles for establishing and maintaining a desired bank (ref. to wing tips), and a desired altitude (angle of attack, power, etc.).

(v) Transitions to and maintenance of desired banks and altitudes.

(7) *Climbs and glides.* (i) Principles of establishing and maintaining a normal angle in climbs and descents.

(ii) 10°–30° banked turns.

(iii) 30°–60° banked turns.

(iv) Spirals with bank at least 45° through 720°–1080°.

(v) Use of power and speed control to maintain preassigned rates of descent and ascent.

(8) *Stalls.* (i) Principles for detection of incipient stalls and effecting recovery to straight and level flight with minimum loss of altitude.

(ii) Stalls and recoveries from takeoff and departure configurations.

(iii) Stalls and recoveries from approach and landing configurations.

(iv) Stalls and recoveries from accelerated maneuvering.

(v) Fully developed stalls and recoveries, including correct power usage, to level flight.

(9) *Flight at minimum controllable airspeed (slow flight).* (i) Principles for establishing and maintaining slow flight.

(ii) Stabilized slow flight in turns at constant altitude.

(iii) Stabilized slow flight in turning climbs and descents.

(iv) Effects of power usage during slow flight.

(b) *Phase II—Navigational and critical situations*—(1) *Pattern and track flying.* (i) Principles for establishing and maintaining a track over the ground.

(ii) Constant radius turns about a point.

(iii) "Ss" around pylons.

(iv) "S" turns across a road.

(v) Making good a desired track for a prolonged period (traffic patterns, rectangular areas, etc.).

(2) *Emergencies and critical situations.* (i) Principles and safe flying practices involved when encountering items below:

(a) Being lost.

(b) Low on fuel.

(c) Turbulent air.

(d) Adverse flight visibility conditions.

(e) Radio station shutdowns.

(f) Motor trouble.

(g) Loss of performance due to high altitudes, high temperatures, downdrafts in mountainous terrain.

(h) Instrument/communication/navigational equipment trouble.

(i) Icing conditions (carburetor, wings, propeller).

(ii) Principles and procedures for determining and executing a course of action for forced landings that, if carried through, would most likely result in a safe landing with minimum, if any, damage to the airplane or injury to occupants.

(3) *Small, soft and high altitude/temperature field operations.* (i) Principles and safe flying practices for effecting takeoffs and landings, climbout and approach flight plans.

(ii) Takeoffs and landings at small fields (including operation over obstacles).

(iii) Takeoffs and landings on soft surfaces.

(iv) Takeoffs and landings under conditions of high density/operational altitudes.

(4) *Cross-country flying and radio navigation (20 hours).* (i) Principles and safe flying practices for preflight preparations, operations within airplane's operational limitations, use of FAA facilities and compliance with Parts ---- and ---- of this chapter [§ 43.60] and Part 320, "Notification and Reporting of Aircraft Accidents and Overdue Aircraft," issued by the Civil Aeronautics Board, and which is on sale at the Government Printing Office for 5 cents.

(ii) Loading of airplanes.

(iii) Weather information.

(iv) Facilities to be used.

(v) Operations to strange airports of varying size, altitudes, traffic conditions, 350 miles distant, etc.

(vi) Operations to airports in which flight plans are filed, followed, and closed, one or more radio aids to navigation are used; and dead reckoning navigation employed. Procedures for operation in Air Defense Identification Zones.

(5) *Basic instrument flying (minimum 10 hours, 5 hours instrument instruction).* The specified 10 hours of instrument training shall be given by a rated instrument flight instructor; the remaining 5 hours may be given by the holder of a flight instructor certificate with an airplane rating.

(i) Principles and procedures for maintaining and controlling airplane flight attitudes and speeds (solely by reference to instruments), and maintaining flight within the airplane's operational limitations.

(ii) Operations using a gyroscopically operated bank and direction indicator, a gyroscopically operated rate of turn indicator, a gyroscopically operated pitch indicator, a sensitive altimeter, and a sweep second clock.

(iii) Principles and procedures for coping with turbulent air conditions, including recommended airspeed, airplane configuration and power settings.

(iv) Operations (solely by reference to instruments) in turbulent air.

(6) *Night flying (minimum 5 hours) (10 takeoffs and landings).* (i) Principles and procedures for conduct of night flights from takeoff to destination and landing, including procedures for coping with critical and including emergency situations.

(ii) Operations at night (during the period from one hour after sunset to one hour before sunrise) must include at least 10 takeoffs and landings to complete stops with student as pilot in command and sole manipulator of the controls.

(7) *Transition to and operation of representative current type transportational airplanes (5 hours solo minimum).* (i) Principles and procedures to be followed in making a transition from a familiar type airplane to one with significantly different flight performance and operating characteristics. Includes determination of the correct fuel consumption and use of fuel system tanks, selector(s) and indicator(s), use of flaps for takeoff and landing under various configurations and conditions of loading, loading to be within c.g. limits, operational recommended speeds and limitations for the engine and airplane, procedures for use of communication, navigation, and flight instrumentation equipment, and procedures to be used under the emergency situations and for normal gear extension (if applicable).

(ii) Operation of different type transportational airplanes at gross weight, which will include preflight procedures, takeoffs and departures, inflight maneuvers at minimum controllable airspeed, the design maximum structural cruising speed, best angle and rate of climb airspeed(s) and configuration(s); approaches and landing using recommended approach speed and configuration, and post-flight procedures.

(c) *Minimum total course times.* (1) Flying time, 160 hours.

(1) Solo flight, 100 hours.

(ii) Cross-country solo, 20 hours.

(2) Ground instruction, 40 hours.

(d) *Progress checks.* (1) Solo.

(2) Basic flying phase.

(3) Navigation and critical situations phase:

(i) VFR operations.

(ii) Basic instrument flying.

(iii) Night flying.

(4) Final (for FAA certificate).

APPENDIX C—FLIGHT TRAINING-INSTRUMENT FLYING SCHOOL

The training that must be included in the required hours of instruction under § 141.65 is as follows:

(a) *Phase I—Basic instrument flying*—(1) *Straight and level flight.* (i) Principles, procedures, and operating limitations for all flight instruments for control of attitude, altitude, direction, and speed.

(ii) Smooth air operation at cruising speed.

(iii) Turbulent air operation at recommended rough airspeed.

(2) *Turns.* (i) Principles, procedures, and operating limitations for control of rate of turn to predetermined headings (including timed turns).

(ii) Smooth air operation at cruising speed.

(iii) Turbulent air operation at recommended rough airspeed.

(3) *Climbs, descents, and spirals.* (i) Principles, procedures, and operating limitations for control of rate of climb and descent to predetermined altitudes.

(ii) Smooth air operation at recommended best rate of climb and glide speeds and airplane configurations.

(iii) Same as (ii) of this subdivision, but in rough air.

(4) *Stalls.* (i) Principles and procedures for detection of and recovery from partial and full stalls.

(ii) Stall detection and recoveries.

(iii) Full stall recoveries.

(5) *Recovery from unusual attitudes.* (i) Principles and procedures for coping with unusual attitudes and for critical engine inoperative situations on multiengine airplanes (including effecting recoveries within operating and structural limitations).

(ii) Recoveries to level flight attitudes and speeds.

(iii) Operation with critical engine inoperative (multiengine airplanes only).

(b) *Phase II—IFR communications, navigation and approaches*—(1) *Estimation at arrival times.* (i) Principles and procedures for preparing a complete flight plan and the correct computation of estimated arrival times over check points, at destination, and at an alternate airport.

(ii) Flight planning. (Weather data, navigational procedures, airplane performance data, flight charts, approach procedures etc.).

(iii) Flight from point to point.

(2) *Tuning radio equipment.* (i) Principles and procedures for selection of frequencies, use of volume control, use of voice and range filters, use of dual equipment—when installed.

(ii) Use of equipment in flight.

(3) *Orientation.* (i) Principles and procedures for orienting on a range leg, or radial, and identification of position.

(ii) Range orientation and identification from an unknown position.

(4) *Following a range leg or radial.* (i) Principles and procedures for aligning with and maintaining flight path and altitude along range leg or radial.

(ii) Range leg or radial alignment and following.

(5) *Locating range stations.* (i) Principles and procedures for locating and identifying arrival over station.

(ii) Location and identification of station.

(6) *Instrument approach procedures.* (i) Principles and procedures for execution of the correct approach procedure for the station and airport involved. (Includes familiarization with radio facility charts, radio range charts, and terminal charts.)

(ii) Execution of approaches to standard minimums for airport involved. (Also to 500 feet and one mile at some other airport if local airport has higher minimums.)

(7) *Missed approach procedures.* (i) Principles and procedures for execution of the correct missed approach procedures.

(ii) Execution of missed approach procedures for airport involved.

(8) *Air traffic control procedures.* (i) Familiarization with and procedures for compliance with ATC clearances and/or instructions, including holding and emergency procedures.

(ii) Receipt and execution of ATC clearances and/or instructions.

(c) *Minimum total course times.* (1) Ground instruction, 80 hours.

(2) Flying time (20 hours in flight), 30 hours.

(d) *Progress checks.* (1) Phase I—Basic instrument flying.

(2) Phase II—IFR communications, navigation, and approaches.

APPENDIX D—FLIGHT TRAINING—FLIGHT INSTRUCTOR SCHOOL

The training that must be included in the required hours of instruction under § 141.67 is as follows:

(a) *Flight portion, 25 hours of flying*—(1) *Phase I—performance skills.* (i) All items and maneuvers listed in Part 61 of this chapter for private, commercial, and flight instructor flight tests; all items and maneuvers listed in Appendices A and B to this part; lazy 8's and chandelles.

(2) *Phase II—instructional skills.* (i) Development of methods, skills, and techniques of imparting knowledge, skills, etc., to students in all of the items and maneuvers of Phase I.

(b) *Ground instruction portion, 40 hours*—(1) *Fundamentals of flight instruction.* (i) Basic learning characteristics.

(ii) Determination of objectives, or aims.

(iii) Instructional management (preparation and execution).

(iv) Teaching methods and techniques.

(v) Evaluation techniques.

(2) *Analysis of flight maneuvers and flight techniques.* (i) Theory of flight.

(ii) Control functions and effects.

(iii) Common student errors—causes and remedies.

(iv) Common flight instructor deficiencies—causes and remedies.

(v) Principles of safety.

PART 143—GROUND INSTRUCTORS [NEW]

Sec.

143.1 Applicability.
143.3 Application and issue.
143.5 Temporary certificate.
143.7 Duration of certificate.
143.9 Eligibility requirements: General.
143.11 Knowledge requirements.
143.13 Cooperation during inspections and tests.
143.15 Tests: General procedures.
143.17 Re-testing after failure.
143.19 Recent experience.
143.21 Display of certificate.
143.23 Change of address.

AUTHORITY: §§ 143.1 to 143.23 issued under secs. 313(a), 314, 601, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, and 1427).

§ 143.1 Applicability.

This part prescribes the requirements for issuing ground instructor certificates and associated ratings and the general operating rules for the holders of those certificates and ratings.

§ 143.3 Application and issue.

(a) An application for a certificate and rating, or for an additional rating, under this part, is made on a form and in a manner prescribed by the Administrator. However, a person whose ground instructor certificate has been revoked may not apply for a new certificate for a period of one year after the effective date of the revocation unless the order of revocation provides otherwise.

(b) An applicant who meets the requirements of this part is entitled to an appropriate certificate with ratings naming the ground school subjects that he is authorized to teach.

§ 143.5 Temporary certificate.

A certificate or rating effective for a period of not more than 90 days may be issued to a qualified applicant, pending the issue of the certificate or rating for which he applied.

§ 143.7 Duration of certificate.

(a) A certificate or rating issued under this part is effective until it is surrendered, suspended, or revoked.

(b) The holder of a certificate that is suspended, revoked, or expired shall, upon the Administrator's request, return it to the Administrator.

§ 143.9 Eligibility requirements: General.

To be eligible for a certificate under this part, a person must be at least 18 years of age, be of good moral character, and comply with § 143.11.

§ 143.11 **Knowledge requirements.**

Each applicant for a ground instructor certificate must show his practical and theoretical knowledge of the subject for which he seeks a rating by passing a written test on that subject.

§ 143.13 **Cooperation during inspections and tests.**

Each applicant for a ground instructor certificate, and each person who holds such a certificate, shall, upon request, cooperate fully during any inspection or test made of him by the Administrator.

§ 143.15 **Tests: General procedures.**

(a) Tests prescribed by or under this part are given at times and places, and by persons, designated by the Administrator.

(b) The minimum passing grade for each test is 70 percent.

§ 143.17 **Re-testing after failure.**

An applicant for a ground instructor rating who fails a test under this part may apply for re-testing—

(a) After 30 days after the date he failed that test; or

(b) Upon presenting a statement from a certificated ground instructor, rated for the subject of the test failed, certifying that he has given the applicant at least five hours additional instruction in that subject and now considers that he can pass the test.

§ 143.19 **Recent experience.**

The holder of a ground instructor certificate may not perform the duties of a ground instructor unless, within the 12 months before he intends to perform them—

(a) He has served for at least three months as a ground instructor; or

(b) The Administrator has determined that he meets the standards prescribed in this part for the certificate and rating.

§ 143.21 **Display of certificate.**

Each holder of a ground instructor certificate shall keep the certificate readily available to him while instructing and shall present it for inspection upon the request of his student, school officer, or the Administrator.

§ 143.23 **Change of address.**

Within 30 days after any change in his permanent mailing address, the holder of a ground instructor certificate shall notify the Federal Aviation Agency, Airman Certification Branch, Oklahoma City, Oklahoma, in writing, of his new address.

PART 143—DISTRIBUTION TABLE

Former section	Revised section	Former section	Revised section
51.1(d)	143.11	51.9	143.7
51.1 (less (d))	143.9	51.10	143.17
51.2	143.3	51.11	143.3
51.3	143.21	51.11a	143.23
51.4(a)	143.5	51.12	143.3
51.4 (less (a))	143.7	51.13	143.3
51.5	143.19	51.14	143.15
51.7	143.3	51.15	143.15
51.8	143.3	51.16	143.13
		51.17	143.15

PART 145—REPAIR STATIONS [NEW]

Subpart A—General

Sec.
145.1 Applicability.
145.3 Certificate required.
145.11 Application and issue.
145.13 Certification of foreign repair stations: Special requirements.
145.15 Change or renewal of certificates.
145.17 Duration of certificates.
145.19 Display of certificate.
145.21 Change of location or facilities.
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Subpart B—Domestic Repair Stations

145.31 Ratings.
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145.35 Housing and facility requirements.
145.37 Special housing and facility requirements.
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145.41 Recommendation of certification for repairmen.
145.43 Records of supervisory and inspection personnel.
145.45 Inspection systems.
145.47 Equipment and materials: Ratings other than limited ratings.
145.49 Equipment and materials: Limited rating.
145.51 Privileges of certificates.
145.53 Limitations of certificates.
145.55 Maintenance of personnel, facilities, equipment, and materials.
145.57 Performance standards.
145.59 Inspection of work performed.
145.61 Performance records and reports.
145.63 Reports of defects or unairworthy conditions.

Subpart C—Foreign Repair Stations

145.71 General requirements.
145.73 Scope of work authorized.
145.75 Personnel.
145.77 General operating rules.
145.79 Records and reports.

AUTHORITY: §§ 145.1 to 145.79 issued under secs. 313, 314, 601, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, and 1427).

Subpart A—General

§ 145.1 **Applicability.**

(a) This part prescribes the requirements for issuing repair station certificates and associated ratings to facilities for the maintenance and alteration of airframes, powerplants, propellers, or appliances, and prescribes the general operating rules for the holders of those certificates and ratings.

(b) A certificated repair station located in the United States is called a "domestic repair station". A repair station located outside of the United States is called a "foreign repair station".

§ 145.3 **Certificate required.**

No person may operate as a certificated repair station without, or in violation of, a repair station certificate. In addition, an applicant for a certificate may not advertise as a certificated repair station until the certificate has been issued to him.

§ 145.11 **Application and issue.**

(a) An application for a repair station certificate and rating, or for an additional rating, is made on a form and in a manner prescribed by the Administrator, and submitted with duplicate copies of—

(1) Employment summaries (providing the information required by § 145.43) for the chief inspector and other personnel having technical responsibility for final airworthiness determinations before releasing an article to service, and in a case where the privilege of final airworthiness determination is retained by the management officials of the station, an employment summary for each of those officials;

(2) Its inspection procedures manual;

(3) A list of the maintenance functions to be performed for it, under contract, by another agency under § 145.49 or Appendix A; and

(4) In the case of an applicant for a propeller rating (class 2) or any accessory rating (class 1, 2, or 3), a list, by type or make, as applicable, of the propeller or accessory for which he seeks approval.

(b) An applicant who meets the requirements of this part is entitled to a repair station certificate with appropriate ratings prescribing such operations specifications and limitations as are necessary in the interests of safety.

§ 145.13 **Certification of foreign repair stations: special requirements.**

Before applying under § 145.11, an applicant for a foreign repair station certificate must notify the FAA office having jurisdiction over the area in which the applicant is located of his intention to so apply and send that office a statement of his reasons for wanting a repair station at his place of business. In addition to the information required by § 145.11, the applicant must furnish two copies of a suitably bound brochure, including a physical description of his facilities (with photographs), a description of his inspection system, an organizational chart, the names and titles of managing and supervisory personnel, and a list of services obtained under contract, if any, with the names of the contractors and the types of services they perform.

§ 145.15 **Change or renewal of certificates.**

(a) Each of the following requires the certificate holder to apply for a change in a repair station certificate, on a form and in the manner prescribed by the Administrator:

(1) A change in the location or housing and facilities of the station.

(2) A change in the officials responsible for overall management of the station or of the persons responsible for releasing items from it.

(3) A change in authorized signatures.

(4) A request to revise or amend a rating.

(b) If the holder of a repair station certificate sells or transfers its assets, the new owner must apply for an amended certificate, in the manner prescribed in § 145.11 and, if applicable, § 145.13.

(c) A person requesting renewal of a foreign repair station certificate shall, within 30 days before his current certificate expires, send the request to the FAA office having jurisdiction over the station. If he does not make the request within that period, he must follow the procedure prescribed in § 145.13 for applying for a new certificate, but without copies of the brochure.

§ 145.17 **Duration of certificates.**

(a) A domestic repair station certificate or rating is effective until it is surrendered, suspended, or revoked.

(b) A foreign repair station certificate or rating expires at the end of one year after the date on which it was issued, or renewed, unless it is sooner surrendered, suspended, or revoked. However, if the station continues to comply with § 145.71 and applies, its certificate may be renewed for another year.

(c) The holder of a certificate that expires or is surrendered, suspended, or revoked, shall return it to the Administrator.

§ 145.19 **Display of certificate.**

Each holder of a repair station certificate shall display the certificate and ratings at a place in the repair station that is normally accessible to the public and is not obscured. The certificate must be available for inspection by the Administrator.

§ 145.21 **Change of location or facilities.**

(a) The holder of a repair station certificate may not make any change in its location or in its housing and facilities that are required by § 145.35, unless the change is approved in writing in advance.

(b) The Administrator may prescribe the conditions under which a repair station may operate while it is changing its location or housing facilities.

§ 145.23 **Inspection.**

Each certificated repair station shall allow the Administrator to inspect it, at any time, to determine its compliance with this part. After the original inspection, formal inspections are normally made once a year and cover the adequacy of the station's inspection system, personnel, stock facilities, equipment, records, and its general ability to comply with this part. After such an inspection is made, the repair station is notified, in writing, of any defects found during the inspection. Other informal inspections may be made from time to time.

§ 145.25 **Advertising.**

(a) Whenever the advertising of a certificated repair station indicates that it is certificated, it must clearly state its certificate number.

(b) Paragraph (a) of this section applies to advertising in—

(1) Business letterheads;

(2) Billheads and statements;

(3) Customer estimates and inspection forms;

(4) Hangar or shop signs;

(5) Magazines, periodicals, or trade journals; or

(6) Any form of promotional media.

Subpart B—Domestic Repair Stations

§ 145.31 **Ratings.**

The following ratings are issued under this subpart:

(a) Airframe ratings:

(1) Class 1: Composite construction of small aircraft.

(2) Class 2: Composite construction of large aircraft.

(3) Class 3: All-metal construction of small aircraft.

(4) Class 4: All-metal construction of large aircraft.

(b) Powerplant ratings:

(1) Class 1: Reciprocating engines of 400 horsepower or less.

(2) Class 2: Reciprocating engines of more than 400 horsepower.

(3) Class 3: Turbine engines.

(c) Propeller ratings:

(1) Class 1: All fixed pitch and ground adjustable propellers of wood, metal, or composite construction.

(2) Class 2: All other propellers, by make.

(d) Radio ratings:

(1) Class 1: Communication equipment: Any radio transmitting equipment or receiving equipment, or both, used in aircraft to send or receive communications in flight, regardless of carrier frequency or type of modulation used; including auxiliary and related aircraft interphone systems, amplifier systems, electrical or electronic inter-crew signaling devices, and similar equipment; but not including equipment used for navigation of the aircraft or as an aid to navigation, equipment for measuring altitude or terrain clearance, other measuring equipment operated on radio or radar principles, or mechanical, electrical, gyroscopic, or electronic instruments that are a part of communications radio equipment.

(2) Class 2: Navigational equipment: Any radio system used in aircraft for en route or approach navigation, except equipment operated on radar or pulsed radio frequency principles, but not including equipment for measuring altitude or terrain clearance or other distance equipment operated on radar or pulsed radio frequency principles.

(3) Class 3: Radar equipment: Any aircraft electronic system operated on radar or pulsed radio frequency principles.

(e) Instrument ratings:

(1) Class 1: Mechanical: Any diaphragm, bourdon tube, aneroid, optical, or mechanically driven centrifugal instrument that is used on aircraft or to operate aircraft, including tachometers, airspeed indicators, pressure gauges, drift sights, magnetic compasses, altimeters, or similar mechanical instruments.

(2) Class 2: Electrical: Any self-synchronous and electrical indicating instruments and systems, including remote indicating instruments, cylinder head temperature gauges, or similar electrical instruments.

(3) Class 3: Gyroscopic: Any instrument or system using gyroscopic principles and motivated by air pressure or electrical energy, including automatic pilot control units, turn and bank indicators, directional gyros, and their parts, and flux gate and gyrosyn compasses.

(4) Class 4: Electronic: Any instruments whose operation depends on electron tubes, transistors, or similar devices, including capacitance type quantity gauges, system amplifiers, and engine analyzers.

(f) Accessory ratings:

(1) Class 1: Mechanical accessories that depend on friction, hydraulics, mechanical linkage, or pneumatic pressure for operation, including aircraft wheel brakes, mechanically driven pumps, carburetors, aircraft wheel assemblies, shock absorber struts and hydraulic servo units.

(2) Class 2: Electrical accessories that depend on electrical energy for their operation, and generators, including starters, voltage regulators, electric motors, electrically driven fuel pumps, magnetos, or similar electrical accessories.

(3) Class 3: electronic accessories that depend on the use of an electron tube, transistor, or similar device, including supercharger, temperature, air conditioning controls, or similar electronic controls.

§ 145.33 **Limited ratings.**

(a) Whenever the Administrator finds it appropriate, he may issue a limited rating to a domestic repair station that maintains or alters only a particular type of airframe, powerplant, propeller, radio, instrument, or accessory, or parts thereof, or performs only specialized maintenance requiring equipment and skills not ordinarily found in regular repair stations. Such a rating may be limited to a specific model aircraft, engine, or constituent part, or to any number of parts made by a particular manufacturer.

(b) Limited ratings are issued for—

(1) Airframes of a particular make and model;

(2) Engines of a particular make and model;

(3) Propellers of a particular make and model;

(4) Instruments of a particular make and model;

(5) Radio equipment of a particular make and model;

(6) Accessories of a particular make and model;

(7) Landing gear components;

(8) Floats, by make;

(9) Nondestructive inspection, testing, and processing;

(10) Emergency equipment;

(11) Rotor blades, by make and model;

(12) Aircraft fabric work; and

(13) Any other purpose for which the Administrator finds the applicant's request is appropriate.

(c) For a limited rating for specialized services, the operations specifications of the station shall contain the specification used in performing that specialized service. The specification may either be a civil or military one that is currently used by industry and approved by the Administrator or one developed by the applicant and approved by the Administrator.

§ 145.35 **Housing and facility requirements.**

(a) An applicant for a domestic repair station certificate and rating, or for an additional rating, must comply with paragraphs (b) to (h) of this section and provide suitable—

(1) Housing for its necessary equipment and material;

(2) Space for the work for which it seeks a rating;

(3) Facilities for properly storing, segregating, and protecting materials, parts, and supplies; and

(4) Facilities for properly protecting parts and subassemblies during disassembly, cleaning, inspection, repair, alteration, and assembly;

so that work being done is protected from weather elements, dust, and heat; workers are protected so that the work will not be impaired by their physical efficiency; and maintenance operations have efficient and proper facilities.

(b) The applicant must provide suitable shop space where machine tools and equipment are kept and where the largest amount of bench work is done. The shop space need not be partitioned but machines and equipment must be segregated whenever—

(1) Machine or woodwork is done so near an assembly area that chips or material might inadvertently fall into assembled or partially assembled work;

(2) Unpartitioned parts cleaning units are near other operations;

(3) Fabric work is done in an area where there are oils and greases;

(4) Painting or spraying is done in an area so arranged that paint or paint dust can fall on assembled or partially assembled work;

(5) Paint spraying, cleaning, or machining operations are done so near testing operations that the precision of test equipment might be affected; and

(6) In any other case the Administrator determines it is necessary.

(c) The applicant must provide suitable assembly space in an enclosed structure where the largest amount of assembly work is done. The assembly space must be large enough for the largest item to be worked on under the rating he seeks and must meet the requirements of paragraph (a) of this section.

(d) The applicant must provide suitable storage facilities used exclusively for storing standard parts, spare parts, and raw materials, and separated from shop and working space. He must organize the storage facilities so that only acceptable parts and supplies will be issued for any job, and must follow standard good practices for properly protecting stored materials.

(e) The applicant must store and protect parts being assembled or disassembled, or awaiting assembly or disassembly, to eliminate the possibility of damage to them.

(f) The applicant must provide suitable ventilation for his shop, assembly, and storage areas so that the physical efficiency of his workers is not impaired.

(g) The applicant must provide adequate lighting for all work being done so that the quality of the work is not impaired.

(h) The applicant must control the temperature of the shop and assembly area so that the quality of the work is not impaired. Whenever special maintenance operations are being performed, such as fabric work or painting, the temperature and humidity control must be adequate to insure the airworthiness of the article being maintained.

§ 145.37 Special housing and facility requirements.

(a) In addition to the housing and facility requirements in § 145.35, an applicant for a domestic repair station certificate and rating, or for an additional rating, for airframes, powerplants, propellers, instruments, accessories, or radios must meet the requirements of paragraphs (b) to (f) of this section.

(b) An applicant for an airframe rating must provide suitable permanent housing for at least one of the heaviest aircraft within the weight class of the rating he seeks. If the location of the station is such that climatic conditions allow work to be done outside, permanent work docks may be used if they meet the requirements of § 145.35(a).

(c) An applicant for either a powerplant or accessory rating must provide suitable trays, racks, or stands for segregating complete engine or accessory assemblies from each other during assembly and disassembly. He must provide covers to protect parts awaiting assembly or during assembly to prevent dust or other foreign objects from entering into or falling on those parts.

(d) An applicant for a propeller rating must provide suitable stands, racks, or other fixtures for the proper storage of propellers after being worked on.

(e) An applicant for a radio rating must provide suitable storage facilities to assure the protection of parts and units that might deteriorate from dampness or moisture.

(f) An applicant for an instrument rating must provide a reasonably dust free shop if the shop allocated to final assembly is not air conditioned. Shop and assembly areas must be kept clean at all times to reduce the possibility of dust or other foreign objects getting into instrument assemblies.

§ 145.39 Personnel requirements.

(a) An applicant for a domestic repair station certificate and rating, or for an additional rating, must provide adequate personnel who can perform, supervise, and inspect the work for which the station is to be rated. The officials of the station must carefully consider the qualifications and abilities of their employees and shall determine the abilities of its uncertificated employees performing maintenance operations on the basis of practical tests or employment records. The repair station is primarily responsible for the satisfactory work of its employees.

(b) The number of repair station employees may vary according to the type and volume of its work. However, the applicant must have enough properly qualified employees to keep up with the volume of work in process, and may not reduce the number of its employees below that necessary to efficiently produce airworthy work.

(c) Each repair station shall determine the abilities of its supervisors and shall provide enough of them for all phases of its activities. However, the Administrator may determine the ability of any supervisor by inspecting his employment and experience records or by a personal test. Each supervisor must have direct supervision over working groups but need not have over-all supervision at management level. Whenever apprentices or students are used in working groups on assemblies or other operations that might be critical to the aircraft, the repair station shall provide at least one supervisor for each 10 apprentices or students, unless the apprentices or students are integrated into groups of experienced workers.

(d) Each person who is directly in charge of the maintenance functions of a repair station must be appropriately certificated as a mechanic or repairman under Part 65 of this chapter and must have had at least 18 months of practical experience in the procedures, practices, inspection methods, materials, tools, machine tools, and equipment generally used in the work for which the station is rated. Experience as an apprentice or student mechanic may not be counted in computing the 18 months of experience. In addition, at least one of the persons so in charge of maintenance functions for a station with an airframe rating must have had experience in the methods and procedures prescribed by the Administrator for returning aircraft to service after 100-hour, periodic, and progressive inspections.

(e) Each limited repair station shall have employees with detailed knowledge of the particular maintenance function or technique for which it is rated, based on attending a factory school or long experience with the product or technique involved.

§ 145.41 Recommendation of certification for repairmen.

An applicant for a domestic repair station certificate and rating, or for an additional rating, that requires a repairman must, at the time of application, recommend and certify to the Administrator at least one person as a repairman, by stating that he is able to perform and supervise the work to which he is assigned. Each person so certified must be at or above the level of shop foreman or department head. A qualified person so recommended by the station is entitled to be certificated as a repairman.

§ 145.43 Records of supervisory and inspection personnel.

(a) Each applicant for a domestic repair station certificate and rating, or for an additional rating, must have, and each certificated domestic repair station shall maintain, a roster of—

(1) Its supervisory personnel, including the names of the officials of the station that are responsible for its management and the names of its technical supervisors, such as foreman and crew chiefs; and

(2) Its inspection personnel, including the names of the chief inspector and those inspectors who make final airworthiness determinations before releasing an article to service.

(b) The station shall also provide a summary of the employment of each person whose name is on the roster. The summary must contain enough information as to each person on the roster to show compliance with the experience requirements of this subpart, including—

(1) His present title (e.g., chief inspector, metal shop foreman, etc.);

(2) His total years of experience in the type of work he is doing;

(3) His past employment record, with names of places and term of employment by month, date, and year;

(4) The scope of his present employment (e.g., airframe overhaul, airframe final assembly, engine inspection, department, etc.); and

(5) The type and number of the mechanic or repairman certificate that he holds, and the ratings on that certificate.

(c) The station shall change the roster, as necessary, to reflect—

(1) Terminating the employment of any person whose name is on the roster;

(2) Assigning any person to duties that require his name to be carried on the roster; or

(3) Any appreciable change in the duties and scope of assignment of any person whose name is on the roster.

(d) The station shall send the roster and employment summaries required by this section, and any changes therein, to the Administrator for evaluation and thereafter shall keep them, subject to inspection by the Administrator upon his request.

(e) A domestic repair station may not use the services of a person directly in charge of maintenance or alteration unless it keeps current records on him as required by this section.

§ 145.45 Inspection systems.

(a) An applicant for a repair station certificate and rating, or for an additional rating, must have an inspection system that will produce satisfactory quality control and conform to paragraphs (b) to (f) of this section.

(b) The applicant's inspection personnel must be thoroughly familiar with all inspection methods, techniques, and equipment used in their specialty to determine the quality or airworthiness of an article being maintained or altered. In addition, they must—

(1) Maintain proficiency in using various inspection aids intended for that purpose;

(2) Have available and understand current specifications involving inspection tolerances, limitations, and procedures established by the manufacturer of the product being inspected and with other forms of inspection information such as FAA airworthiness directives and bulletins; and

(3) In cases where magnetic, fluorescent, or other forms of mechanical inspection devices are to be used, be skilled in operating that equipment and be able to properly interpret defects indicated by it.

(c) The applicant must provide a satisfactory method of inspecting incoming material to insure that, before it is placed in stock for use in an aircraft or part thereof, it is in a good state of preservation and is free from apparent defects or malfunctions.

(d) The applicant must provide a system of preliminary inspection of all articles he maintains to determine the state of preservation or defects. He shall enter the results of each inspection on an appropriate form supplied by it and keep the form with the article until it is released to service.

(e) The applicant must provide a system so that before working on any airframe, powerplant, or part thereof that has been involved in an accident, it will be inspected thoroughly for hidden damage, including the areas next to the obviously damaged parts. He shall enter the results of this inspection on the inspection form required by paragraph (d) of this section.

(f) At the time he applies for a repair station certificate, the applicant must prepare an inspection procedures manual to be maintained in current condition at all times thereafter. The manual must explain the internal inspection system of the repair station in a manner easily understood by any employee of the station. It must state in detail the inspection requirements in paragraphs (a) to (e) of this section, and the repair station's inspection system including the continuity of inspection responsibility, samples of inspection forms, and the method of executing them. The manual must refer whenever necessary to the manufacturer's inspection standards for the maintenance of the particular article. The repair station must give a copy of the manual to each of its supervisory and inspection personnel and make it available to its other personnel. The repair station is responsible for seeing that all supervisory and inspection personnel thoroughly understand the manual.

§ 145.47 Equipment and materials: Ratings other than limited ratings.

(a) An applicant for a domestic repair station certificate and rating, or for an additional rating, must have the equipment and materials necessary to efficiently perform the functions appropriate to the ratings he seeks. An applicant for an airframe, propeller, powerplant, radio, instrument, or accessory rating must be equipped to perform the functions listed in Appendix A to this part that are appropriate for the rating he seeks.

(b) The equipment and materials required by this part must be of such type that the work for which they are being used can be done competently and efficiently. The station shall test all inspection and test equipment at regular intervals to insure correct calibration. The equipment and materials required for the various ratings must be located on the premises, and under the full control of the station, unless they are used for a function that the repair station is authorized to obtain by contract. If it obtains them by contract, the repair station shall determine the airworthiness of the article involved, unless the contractor is an appropriately rated repair station.

(c) The applicant shall choose suitable tools and equipment for the functions named in Appendix A to this part, as appropriate to each of his ratings, using those the manufacturer of the article involved recommends for maintaining or altering that article, or their equivalent.

§ 145.49 Equipment and materials: Limited rating.

(a) An applicant for a limited rating (other than specialized services) under § 145.33, must have the equipment and materials to perform any job function appropriate to the rating and class specified in § 145.47 for the rating he seeks. However, he need not be equipped for a function that does not apply to the particular make or model article for which he seeks a rating, if he shows that it is not necessary under the recommendations of the manufacturer of the article.

(b) An applicant for a rating for specialized services or techniques under § 145.33 must—

(1) For magnetic and penetrant inspection, have the equipment and materials for wet and dry magnetic inspection techniques, residual and continuous methods, and portable equipment for the inspection of welds both on and off the aircraft;

(2) For emergency equipment maintenance, have the equipment and materials to perform inspections, repairs, and tests of all kinds of inflated equipment, the repacking, re-marking, re-sealing, and restocking of life rafts, and the weighing, refilling, and testing of carbon dioxide fire extinguishers and oxygen containers;

(3) For rotor blade maintenance, have the equipment, materials, and technical data recommended by the manufacturer; and

(4) For aircraft fabric work, have the equipment and materials to apply protective coatings to structures, machine stitch fabric panels, perform covering, sewing, and rib stitching operations, apply dope and paint using temperature and humidity control equipment, install patches, grommets, tapes, hooks, and similar equipment, and refinish entire aircraft and aircraft parts.

§ 145.51 Privileges of certificates.

A certificated domestic repair station may—

(a) Maintain or alter any airframe, powerplant, propeller, instrument, radio, or accessory, or part thereof, for which it is rated;

(b) Approve for return to service any article for which it is rated after it has been maintained or altered;

(c) In the case of a station with an airframe rating, perform 100-hour, periodic, or progressive inspections, and return the aircraft to service; and

(d) Maintain or alter any article for which it is rated at a place other than the repair station, if—

(1) The function would be performed in the same manner as when performed at the repair station and in accordance with §§ 145.57 to 145.61;

(2) All necessary personnel, equipment, material, and technical data is available at the place where the work is to be done; and

(3) The inspection procedures manual of the station sets forth approved procedures governing work to be performed at a place other than the repair station.

However, a station may not approve any article for return to service under sub-

paragraph (b) or (d) of this paragraph after major repair or major alteration unless the repair or alteration was made in accordance with a manual or specification or other technical data approved by the Administrator.

§ 145.53 Limitations of certificates.

A certificated domestic repair station may not maintain or alter any airframe, powerplant, propeller, instrument, radio, or accessory for which it is not rated, and may not maintain or alter any article for which it is rated if it requires special technical data, equipment, or facilities that are not available to it.

§ 145.55 Maintenance of personnel, facilities, equipment, and materials.

Each certificated domestic repair station shall provide personnel, facilities equipment, and materials at least equal in quality and quantity to the standards currently required for the issue of the certificate and rating that it holds.

§ 145.57 Performance standards.

(a) Each certificated domestic repair station shall perform its maintenance and alteration operations in accordance with the standards in Part ____ of this chapter [Present Part 18]. It shall maintain, in current condition, all manufacturers' service manuals, instructions, and service bulletins that relate to the articles that it maintains or alters.

(b) In addition, each certificated domestic repair station with a radio rating shall comply with those sections of Part ____ of this chapter [Present Part 18] that apply to electric systems, and shall use materials that conform to approved specifications for equipment appropriate to its rating. It shall use test apparatus, shop equipment, performance standards, test methods, alterations, and calibrations that conform to the manufacturers' specifications or instructions, approved specification, FAA accepted specifications of the Radio Technical Commission for Aeronautics, and, if not otherwise specified, to accepted good practices of the aircraft radio industry. The tolerances established by Part 9 of Title 47, Chapter I (47 CFR Part 9) apply to the making of radio transmitter frequency checks.

§ 145.59 Inspection of work performed.

(a) Each certificated domestic repair station shall, before approving an airframe, powerplant, propeller, instrument, radio, or accessory for return to service after maintaining or altering it, have that article inspected by a qualified inspector. After performing a maintenance or alteration operation, the station shall certify on the maintenance or alteration record of the article that it is airworthy.

(b) For the purposes of paragraph (a) of this section, the qualified inspector must be a person employed by the station, who has shown by experience as a journeyman that he understands the inspection methods, techniques, and equipment used in determining the airworthiness of the article concerned. He must also be proficient in using various types of mechanical and visual inspection aids appropriate for the article being inspected.

§ 145.61 Performance records and reports.

Each certificated domestic repair station shall maintain adequate records of all work that it does, naming the certificated mechanic or repairman who performed or supervised the work, and the inspector of that work. The station shall keep each record for at least two years after the work it applies to is done.

§ 145.63 Reports of defects or unairworthy conditions.

(a) Each certificated domestic repair station shall report to the Administrator within 72 hours after it discovers any serious defect in, or other recurring unairworthy condition of, an aircraft, powerplant, or propeller, or any component of any of them. The report shall be made on a form and in a manner prescribed by the Administrator, describing the defect or malfunction completely without withholding any pertinent information.

(b) In any case where the filing of a report under paragraph (a) of this section might prejudice the repair station, it shall refer the matter to the Administrator for a determination as to whether it must be reported. If the defect or malfunction could result in an imminent hazard to flight, the repair station shall use the most expeditious method it can to inform the Administrator.

Subpart C—Foreign Repair Stations

§ 145.71 General requirements.

A repair station certificate with appropriate ratings may be issued for a foreign repair station, if the Administrator finds that the station is necessary for maintaining or altering United States registered aircraft outside of the United States. A foreign repair station must meet the requirements for a domestic repair station certificate, except those in §§ 145.39 to 145.43.

§ 145.73 Scope of work authorized.

(a) A certificated foreign repair station may, with respect to United States registered aircraft, work only on aircraft that are used in operations conducted wholly or partly outside of the United States. The Administrator may prescribe operating specifications and limitations that he determines are necessary to comply with the airworthiness requirements of this chapter.

(b) A certificated foreign repair station may perform only the specific services and functions within the ratings and classes that are stated in its operating limitations.

§ 145.75 Personnel.

(a) Each applicant for a foreign repair station certificate and rating, or for an additional rating, must provide enough personnel who are able to perform, supervise, and inspect the work for which he seeks a rating, with regard being given to its volume of work.

(b) The supervisors and inspectors of each certificated foreign repair station must understand the regulations in this chapter, FAA airworthiness directives, and the maintenance and service instructions of the manufacturers of the articles to be worked on. However, they do not need airman certificates issued under this chapter and, along with the persons performing the work of the station, are not considered to be airmen within the meaning of section 101(7) of the Federal Aviation Act of 1958 (49 U.S.C. 1301) with respect to work performed in connection with their employment by the foreign repair station.

(c) In cases where the persons engaged in supervision or final inspection are not certificated under this chapter or by the country in which the station is located, their qualifications are determined by the Administrator, based on their ability to meet the requirements of paragraph (a) of this section as shown by oral or practical test or any other method the Administrator elects.

(d) No person may be responsible for the supervision or final inspection of work on an aircraft of United States registry at a foreign repair station unless he can read, write, and understand English.

§ 145.77 General operating rules.

Each certificated foreign repair station shall comply with the operating rules prescribed in Subpart B of this part, except for §§ 145.61 and 145.63, and has the privileges of a domestic repair station as provided in § 145.51.

§ 145.79 Records and reports.

(a) Each certificated foreign repair station shall maintain such records, and make such reports, with respect to United States registered aircraft, as the Administrator finds necessary, including those prescribed in paragraphs (b) and (c) of this section.

(b) Each certificated foreign repair station shall keep a record of the maintenance and alteration it performs on United States registered aircraft, in enough detail to show the make, model, identification number, and serial number of the aircraft involved, and a description of the work. In a case of major repairs or major alterations, or both, it shall report on a form and in a manner prescribed by the Administrator, giving the original copy to the aircraft owner and sending a copy to the Administrator through the FAA office having jurisdiction over the station. However, if a major repair or alteration is made on a United States scheduled flag air carrier aircraft, the report may be made in the log or other record provided by the carrier for that purpose. Upon request, the station shall make all of its maintenance and alteration records available to the Administrator.

(c) Each certificated foreign repair station shall, within 72 hours after it discovers any serious defect in, or other recurring unairworthy condition of, any aircraft, powerplant, propeller, or any component of any of them, that it works on under this part, report that defect or unairworthy condition to the Administrator.

PART 145—DISTRIBUTION TABLE

Former section	Revised section	Former section	Revised section
52.0	145.1	52.24	145.43
52.1	(1)	52.24-1	145.43
52.5	145.11	52.25	145.45
52.5-1 (less (c)-(f))	145.11	52.25-1	145.45
52.5-1(c)	145.15	52.26	145.31
52.5-1 (d) and (e)	145.13	52.26-1	145.31
52.5-1(f) (1st sentence)	145.17	52.27	145.33
52.5-1(f) (last sentence)	145.3	52.27-1	145.33
52.5-1(f) (less 1st and last sentences)	145.15	52.30	145.47
52.6 (less last sentence)	145.11	52.30-1	145.47
52.6 (last sentence)	145.3	52.31	145.47
52.6-1	145.3	52.31-1	(2)
52.7	145.17	52.32	145.47
52.7-1	145.17	52.32-1	(2)
52.8	(2)	52.33	145.47
52.9	145.19	52.33-1	(2)
52.9-1	145.19	52.34	145.47
52.10	145.21	52.34-1	(2)
52.10-1	145.21	52.35	145.47
52.11	145.25	52.35-1	(2)
52.11-1	145.25	52.36	145.47
52.11-2	145.25	52.36-1	(3)
52.11-3	145.25	52.37	145.49
52.12	145.23	52.37-1	145.49
52.12-1	145.23	52.40	145.51
52.12-2	145.23	52.41	145.51
52.13	145.15	52.41-1	145.51
52.13-1	145.15	52.42	145.53
52.20	145.11	52.43	145.55
52.20-1	145.11	52.44	145.57
52.21	145.35	52.44-1	145.57
52.21-1	145.35	52.45	145.59
52.21-2	145.35	52.45-1	145.59
52.21-3	145.37	52.46	145.61
52.22	145.39	52.47	145.63
52.22-1	145.39	52.47-1	145.63
52.23	145.41	52.50	145.71
52.23-1	145.41	52.50-1	145.71
		52.51	145.73
		52.51-1	145.73
		52.52	145.75
		52.52-1	145.75
		52.60	145.77
		52.61	145.79
		52.61-1	145.79

[1] Transferred to Part 1.
[2] Executed.
[3] Appendix A.

APPENDIX A

NOTE: An asterisk (*) indicates that the applicant need not have equipment and materials on his premises for this function provided he contracts that particular type work to an outside agency having such equipment and materials.

(a) An applicant for any class of airframe rating must provide equipment and materials necessary for efficiently performing the following job functions within the class of rating he applied for:

(1) *Classes 1 and 2—composite construction of aircraft*—(i) Steel structural components. Repair or replace steel tubes and fittings, using proper welding techniques when appropriate,

Anticorrosion treatment of the interior and exterior of steel parts,

Metal plating or anodizing,*

Simple machine operations such as making bushings, bolts, etc.,

Complex machine operations involving the use of planers, shapers, milling machines, etc.,*

Fabricate steel fittings,

Abrasive air blasting and chemical cleaning operations,*

Heat treatment,*

Magnetic inspection,*

Repair or rebuild metal tanks.*

(ii) Wood structure. Splice wood spars,

Repair ribs and spars (wood),

Fabricate wood spars,*

Repair or replace metal ribs,

Interior alignment of wings,

Repair or replace plywood skin,

Treatment against wood decay.

(iii) *Alloy skin and structural components.* Repair and replace metal skin, using power tools and equipment.

Repair, replace, and fabricate alloy members and components such as tubes, channels, cowling, fittings, attach angles, etc.,

Alignment of components, using jigs or fixtures as in the case of joining fuselage sections or other similar operations,

Make up wooden forming blocks or dies,

Fluorescent inspection of alloy components.*

(iv) *Fabric covering.* Repairs to fabric surfaces,

Recovering and refinishing of components and entire aircraft.*

(v) *Control systems.* Renewing control cables, using swaging and splicing techniques,

Rigging complete control system,

Renewing or repairing all control system hinge point components such as pins, bushings, etc.,

Install control system units and components.

(vi) *Landing gear systems.* Renew or repair all landing gear hinge point components and attachments such as bolts, bushings, fittings, etc.,

Overhaul and repair elastic shock absorber units,

Overhaul and repair hydraulic-pneumatic shock absorber units,*

Overhaul and repair brake system components,*

Conduct retraction cycle tests,

Overhaul and repair electrical circuits,

Overhaul and repair hydraulic system components,*

Repair or fabricate hydraulic lines.

(vii) *Electric wiring systems.* Diagnose malfunctions,

Repair or replace wiring,

Installation of electrical equipment,

Bench check electrical components (this check is not to be confused with the more complex functional test after overhaul).

(viii) *Assembly operations.* Assembly of airframe component parts such as landing gear, wings, controls, etc.,

Rigging and alignment of airframe components, including the complete aircraft and control system,

Installation of powerplants,

Installation of instruments and accessories,

Assembly and fitting of cowling, fairings, etc.,

Repair and assembly of plastic components such as windshields, windows, etc.,

Jack or hoist complete aircraft,

Conduct aircraft weight and balance operations (this function will be conducted in draft free area).*,

Balance control surfaces.

(b) An applicant for any class of powerplant rating must provide equipment and materials necessary for efficiently performing the following job functions within the class of rating he applied for:

(1) *Class 1; Engines up to and including 400 horsepower.* (i) Maintain, repair, and alter powerplants, including replacement of parts:

Chemical and mechanical cleaning,

Disassembly operations,

Replacement of valve guides and seats,

Replacement of bushings, bearings, pins, inserts, etc.,

Plating operations (copper, silver, cadmium, etc.),*

Heating operations (involving the use of recommended techniques requiring controlled heating facilities),

Chilling or shrinking operations,

Removal and replacement of studs,

Inscribing or affixing identification information,

Painting of powerplants and components,

Anticorrosion treatment for parts,

Replacement and repair of powerplant alloy sheet metal and steel components such as baffles, fittings, etc.,*

(ii) Inspect all parts, using appropriate inspection aids:

Magnetic, fluorescent and other acceptable inspection aids,*

Precise determination of clearances and tolerances of all parts,

Inspection for alignment of connecting rods, crankshafts, impeller shafts, etc.,*

Inspection of valve springs.

(iii) Accomplish routine machine work:

Precision grinding, honing and lapping operations (includes crankshaft, cylinder barrels, etc.),*

Precision drilling, tapping, boring, milling and cutting operations,

Reaming of inserts, bushings, bearings and other similar components,

Refacing of valves.

(iv) Perform assembly operations:

Valve and ignition timing operations,

Fabricate and test ignition harnesses,

Fabricate and test rigid and flexible fluid lines,

Prepare engines for long- or short-term storage,

Functional check powerplant accessories (this check is not to be confused with the more complex performance test of overhaul).*,

Hoist engines by mechanical means,

Install engines in aircraft,*

Align and adjust engine controls.*

(v) Test overhauled powerplants in compliance with manufacturer's recommendations:

The test equipment will be the same as recommended by the manufacturers of the particular engines undergoing test or equivalent equipment that will accomplish the same purpose. The testing function may be performed by the repair station itself, or may be contracted to an outside agency. In either case the repair station will be responsible for the final acceptance of the tested engine.

(2) *Class 2; engines above 400 horsepower.* (Same as class 1.)

(3) *Class 3; turbine engines.* Functional and equipment requirements for turbine engines will be governed entirely by the recommendations of the manufacturer, including techniques, inspection methods, and test.

(c) An applicant for all classes of propeller ratings must provide equipment and materials necessary for efficiently performing the following job functions within the class of rating he applied for:

(1) *Class 1; fixed-pitch propellers.* (i) Maintain, repair, and alter propellers, including installation and the replacement of parts:

Replace blade tipping,

Refinish wood propellers,

Make wood inlays,

Refinish plastic blades,

Straighten bent blades within repairable tolerances,

Modify blade diameter and profile,

Polish and buff,

Painting operations,

Remove from and reinstall on powerplants.

(ii) Inspect components, using appropriate inspection aids:

Inspect propellers for conformity with manufacturer's drawings and specifications,

Inspect hubs and blades for failures and defects, using magnetic or fluorescent inspection devices,*

Inspect hubs and blades for failures and defects, using all visual aids, including the etching parts,

Inspect hubs for wear of splines or keyways or any other defect.

(iii) Repair or replace components: (Not applicable to this class.)

(iv) Balance propellers:

Test for proper track on aircraft,

Test for horizontal and vertical unbalance (this test will be accomplished with the use of pecision equipment).

(v) Test propeller pitch changing mechanism: (Not applicable to this class.)

(2) *Class 2; all other types by make.* (i) Maintain, repair, and alter propellers, including installation and the replacement of parts:

All functions listed under Class 1 of paragraph (c)(1)(i) of this Appendix when applicable to the make and model for which rated.

Properly lubricate moving parts.

Assemble complete propeller and subassemblies, using special tools when required.

(ii) Inspect components, using appropriate inspection aids:

All functions listed under Class 1 of paragraph (c)(2)(ii) of this Appendix when applicable to the make and model for which rated.

(iii) Repair or replace component parts:

Replace blades, hubs, or any of their components,

Replace or repair anti-icing devices,

Remove nicks or scratches from blades,

Repair or replace electrical propeller components.

(iv) Balance propellers: All functions listed under Class 1 of paragraph (c)(1)(iv) of this Appendix, when applicable to the make and model for which rated.

(v) Test propeller pitch changing mechanism:

Test hydraulically, propellers, and components,

Test electrically operated propellers and components,

Test of constant speed devices.*

(d) An applicant for all classes of radio ratings must provide equipment and materials necessary for efficiently performing the following job functions within the class of rating he applied for:

(1) *Class 1; communications equipment.* (i) Diagnose radio malfunctions:

Check aircraft wiring, antennas, connectors, relays and other associated radio components to detect installation faults,

Check engine ignition systems and aircraft accessories to determine sources of electrical interference,

Check aircraft power supplies for adequacy and proper functioning.

(ii) Maintain, repair, and alter, radios, including installation and the replacement of parts:

Overhaul, test and check dynamotors, inverters, and other radio rotary electrical apparatus,*

Paint and refinish equipment containers,*

Accomplish appropriate methods of marking calibrations, or other information on radio control panels and other components, as required,*

Make and reproduce drawings, wiring diagrams and other similar material required to record alterations and/or modifications to radios (photographs may be used in lieu of drawings when it will serve as an equivalent or better means of recording),*

Fabricate tuning shaft assemblies, brackets, cable assemblies, and other similar components used in radios or aircraft radio installations,*

Align tuned circuits (RF and IF),

Test and repair head sets, speakers, and microphones,

Install and repair aircraft antennas,

Install complete radio systems in aircraft and prepare weight and balance reports* (that phase of radio installation requiring alterations to the aircraft structure must be performed, supervised and inspected by qualified personnel),

Measure modulation values, noise and distortion in radios,

Measure audio and radio frequencies,

Measure radio transmitter power output,

Measure radio component values (inductance, capacitance, resistance, etc.),

Measure aircraft radio antenna, lead-in and transmission line direct current resistance by appropriate methods,

Determine proper aircraft radio antenna, lead-in and transmission line characteristics and locations for type or radio equipment to which connected,

Determine operational condition of radio equipment installed in aircraft by using appropriate portable test apparatus,

Determine proper location for radio antennas on aircraft.

(iii) Inspect and test radios:

Perform physical inspection of radio systems and components by visual and mechanical methods,

Perform electrical inspection or radio systems and components by means of appropriate electrical and/or electronic test instruments,

Test radio instruments.*

Test all types of electronic tubes used in equipment appropriate to this rating,

Test electrical components of radios, such as resistors, condensers, transformers, chokes and other related items.

(iv) Make frequency checks: Measure radio frequencies to appropriate tolerances and calibrate equipment to such tolerances when applicable.

(v) Perform such calibrations as are necessary for the proper operation of radios: This applies to all functions listed under subparagraphs (i) through (iv) of this paragraph.

(2) *Class 2; navigational equipment.* (i) Diagnose radio malfunctions: Provide equipment and material which are satisfactory to perform all functions listed under Class 1 of paragraph (d)(1)(i) of this Appendix.

(ii) Maintain, repair, and alter radios, including installation and the replacement of parts:

Measure loop antenna sensitivity by appropriate methods,

Determine and compensate quadrantal error in aircraft direction finder radio equipment,

Measure radio frequency transmission line attenuation.

(iii) Inspect and test radios: Provide equipment and material which are satisfactory to perform all functions listed under Class 1 of paragraph (d)(1)(iii) of this Appendix.

(iv) Make frequency checks: Provide equipment and material which are satisfactory to perform all functions listed under Class 1 of paragraph (d)(1)(iv) of this Appendix.

(v) Perform such calibrations as are necessary for the proper operation of radios:

Calibrate instrument landing system equipment to approved performance standards,

Calibrate VHF navigational systems to approved performance standards,

Calibrate VHF marker beacon receiver systems to approved performance standards,

Calibrate any navigational equipment, approach aids or similar equipment, appropriate to this rating, to approved performance standards,

Determine wave forms and phase in radios when applicable.

(3) *Class 3; radar equipment.* (i) Diagnose radio (radar) malfunctions: Provide equipment and material which are satisfactory to perform all functions listed under Class 1 of paragraph (d)(1)(i) of this Appendix.

(ii) Maintain, repair, and alter radios (radar), including installation and the replacement of parts:

Provide equipment and material which are satisfactory to perform all functions listed under Class 1 of paragraphs (d)(1)(ii) and (2)(ii) of this section,

Metal plate transmission lines, wave guides, and similar equipment, in accordance with appropriate specifications,

Pressurize appropriate radar equipment with dry air, nitrogen or other specified gases.

(iii) Inspect and test radios: Provide equipment and material which are satisfactory to perform all functions listed under Class 1 of paragraph (d)(1)(iii) of this Appendix.

(iv) Make frequency checks: Provide equipment and material which are satisfactory to perform all functions listed under Class 1 of paragraph (d)(1)(iv) of this Appendix.

(v) Perform such calibrations as are necessary for the proper operation of radios: Provide equipment and material which are satisfactory to perform all functions listed under Class 1 of paragraph (d)(1)(v) of this Appendix.

(e) An applicant for any class of instrument rating must provide equipment and materials necessary for efficiently performing the following job functions within the class of rating he applied for:

(1) *Class 1; mechanical instruments.* (i) Diagnose instrument malfunctions: Equipment must be satisfactory to diagnose malfunction of the following instruments:

Rate of climb indicators,
Altimeters,
Airspeed indicators,
Vacuum indicators,
Oil pressure gauges,
Fuel pressure gauges,
Hydraulic pressure gauges,
De-icing pressure gauges,
Pitot-static tube,
Direct indicating compasses,
Direct indicating tachometers,
Accelerometer,
Direct reading fuel quantity gauges,
Optical (sextants, drift sights, etc.).*

(ii) Maintain, repair, and alter instruments, including installation and the replacement of parts: Equipment and materials must be satisfactory to perform these functions on instruments listed under Class 1 of subparagraph (i) of this paragraph. The function of installation includes fabrication of instrument panels and other installation structural components. The repair station should be equipped to perform this function. However, it may be contracted to a competent outside agency equipped to perform the function.

(iii) Inspect, test, and calibrate instruments. Equipment and materials must be satisfactory to perform these functions on and off the aircraft, when appropriate, on all instruments under Class 1 of subparagraph (i) of this paragraph.

(2) *Class 2; electrical instruments.* (i) Diagnose instrument malfunctions: Equipment must be satisfactory to diagnose malfunctioning of the following instruments:

Tachometers,
Synchroscope,
Electric temperature indicators,
Electric resistance type indicators,
Moving magnet type indicators,
Resistance type fuel indicators,
Warning units (oil-fuel),
Selsyn systems and indicators,
Synchro style systems and indicators,
Remote indicating compasses,
Fuel quantity indicators,
Oil quantity indicators,
Radio indicators,
Ammeters,
Voltmeters.

(ii) Maintain, repair, and alter instruments, including installation and replacement of parts: Equipment and materials must be satisfactory to perform these functions on instruments listed under Class 2 of paragraph (e)(2)(i) of this Appendix. The function of installation includes fabrication of instrument panels and other installation structural components. The repair station should be equipped to perform this function. However, it may be contracted to a competent outside agency equipped to perform the function.

(iii) Inspect, test, and calibrate instruments: Equipment and materials must be satisfactory to perform these functions on and off the aircraft, when appropriate, on all instruments under Class 2 of paragraph (e)(2)(i) of this Appendix.

(3) *Class 3; gyroscopic instruments.* (i) Diagnose instrument malfunctions: Equipment must be satisfactory to diagnose malfunctioning of the following instruments:

Turn and bank indicators,
Directional gyros,
Horizontal gyros,
Autopilot control units and components.

(ii) Maintain, repair, and alter instruments, including installation and replacement of parts: Equipment and materials must be satisfactory to perform these functions on instruments listed under Class 3 of subparagraph (i) of this paragraph. The function of installation includes fabrication of instrument panels and other installation structural components. The repair station should be equipped to perform this function. However, it may be contracted to a competent outside agency equipped to perform the function.

(iii) Inspect, test, and calibrate instruments: Equipment and materials must be satisfactory to perform these functions on and off the aircraft, when appropriate, on all instruments under Class 3 of subparagraph (i) of this paragraph.

(4) *Class 4; electronic instruments.* (i) Diagnose instrument malfunctions: Equipment must be satisfactory to diagnose malfunctioning of the following instruments:

Remote reading direction indicators,
Distance measuring equipment,
Other electronic instruments.

(ii) Maintain, repair, and alter instruments, including installation and replacement of parts: Equipment and materials must be satisfactory to perform these functions on instruments listed under Class 4 of subparagraph (i) of this paragraph. The function of installation includes fabrication of instrument panels and other installation structural components. However, it may be contracted to a competent outside agency equipped to perform the function.

(iii) Inspect, test, and calibrate instruments: Equipment and materials must be satisfactory to perform these functions on and off the aircraft, when appropriate, on all instruments listed under Class 4 of subparagraph (i) of this paragraph.

(f) An applicant for all classes of accessory ratings must provide equipment and materials necessary for efficiently performing the following job functions within the class of rating he applied for:

Class 1, 2, and 3; mechanical, electrical, or electronic accessories. (i) Diagnose accessory malfunctions;

(2) Maintain, repair, and alter accessories, including installation and the replacement of parts;

(3) Inspect, test, and, where necessary, calibrate accessories.

PART 147—MECHANIC SCHOOLS [NEW]

Subpart A—General

Sec.
147.1 Applicability.
147.3 Certificate required.
147.5 Application and issue.
147.7 Duration of certificates.

Subpart B—Certification Requirements

147.11 Ratings.
147.13 Facilities, equipment, and material requirements.
147.15 Space requirements.
147.17 Instructional equipment requirements.
147.19 Material, tool, and shop equipment requirements.
147.21 General curriculum requirements.
147.23 Instructor requirements.

Subpart C—Operating Rules

147.31 Instruction, attendance, and tests.
147.33 Records.
147.35 Transcripts and graduation certificates.
147.37 Maintenance of facilities, equipment, and material.
147.39 Display of certificates.
147.41 Change of location.
147.43 Inspection.
147.45 Advertising.

AUTHORITY: §§ 147.1 to 147.45 issued under secs. 313(a), 314, 601, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, and 1427).

Subpart A—General

§ 147.1 Applicability.

This part prescribes the requirements for issuing mechanic school certificates and associated ratings and the general operating rules for the holders of those certificates and ratings.

§ 147.3 Certificate required.

No person may operate as a certificated mechanic school without, or in violation of, a mechanic school certificate issued under this part.

§ 147.5 Application and issue.

(a) An application for a certificate and rating, or for an additional rating, under this part is made on a form and in a manner prescribed by the Administrator, and submitted with—

(1) A description of the proposed curriculum;

(2) A list of the facilities and materials to be used (with photographs of the facilities, if possible);

(3) A list of its instructors, including the kind of certificate and ratings held, the certificate number, and the subjects to be taught by each; and

(4) A statement of the maximum number of students it expects to teach at any one time.

(b) An applicant who meets the requirements of this part is entitled to a mechanic school certificate and associated ratings prescribing such operations specifications and limitations as are necessary in the interests of safety.

§ 147.7 Duration of certificates.

(a) A mechanic school certificate or rating is effective until it is surrendered, suspended, or revoked.

(b) The holder of a certificate that is surrendered, suspended, or revoked, shall return it to the Administrator.

Subpart B—Certification Requirements

§ 147.11 Ratings.

The following ratings are issued under this part:

(a) Airframe.

(b) Powerplant.

(c) Airframe and powerplant.

§ 147.13 Facilities, equipment, and material requirements.

An applicant for a mechanic school certificate and rating, or for an additional rating, must have at least the facilities, equipment, and materials specified in §§ 147.15 to 147.19 that are appropriate to the rating he seeks.

§ 147.15 Space requirements.

An applicant for a mechanic school certificate and rating, or for an additional rating, must have such of the following properly heated, lighted, and ventilated facilities as are appropriate to the rating he seeks and as the Administrator determines are appropriate for the maximum number of students expected to be taught at any time:

(a) A classroom (or a drafting room used for classroom purposes when not being used as a drafting room).

(b) A drafting room with drafting tables, T squares, and other necessary drawing equipment.

(c) A stockroom arranged to assure proper separation from the working space for the segregation and protection of parts, tools, materials, and other similar articles.

(d) Suitable separate space in a permanent or temporary structure, with proper temperature control, for doping and paint spraying.

(e) Suitable separate space equipped with wash tank and degreasing equipment with air pressure, or other adequate cleaning equipment.

(f) Suitable separate space with either permanent, portable, or mobile test stands and test clubs for running-in engines.

(g) Suitable separate space, with adequate equipment, including benches, tables, and instruments, to disassemble, repair, assemble, test, service, and inspect—

(1) Ignition, electrical equipment, and appliances;

(2) Carburetors and fuel systems; and

(3) Hydraulic and vacuum systems for aircraft, aircraft engines, and their appliances.

(h) Suitable space, with adequate equipment, including tables, benches, horses, stands, and jacks, for disassembling, inspecting, assembling, and rigging aircraft.

(i) Suitable space, with adequate equipment, for disassembling, inspecting, overhauling, assembling, troubleshooting, and timing engines.

§ 147.17 Instructional equipment requirements.

(a) An applicant for a mechanic school certificate and rating, or for an additional rating, must have such of the following instructional equipment as is appropriate to the rating he seeks:

(1) Various kinds of fuselages, wings (or wing sections, in the case of large aircraft), control surfaces, landing gears, radios, instruments, propellers (including wood and metal fixed pitch and adjustable and controllable metal), and aircraft reciprocating engines (including at least one opposed type, one radial type of at least 350 horsepower, and one supercharged type).

(2) At least one aircraft of a type currently certificated by FAA for private or commercial operation, with powerplant, propeller, instruments, two-way radio,

landing lights, and other equipment and accessories on which a mechanic might be required to work and with which he should be familiar.

(b) The equipment required by paragraph (a) of this section need not be in an airworthy condition. However, if it was damaged, it must have been repaired enough for complete assembly.

(c) Airframes, powerplants, propellers, appliances, and components thereof, on which instruction is to be given, and from which practical working experience is to be gained, must be so diversified as to show the different methods of construction, assembly, inspection, and operation when installed in an aircraft for use. There must be enough units so that not more than eight students will work on any one unit at a time.

(d) If the aircraft used for instructional purposes does not have retractable landing gear and wing flaps, the school must provide training aids, or operational mock-ups of them.

§ 147.19 Material, tool, and shop equipment requirements.

An applicant for a mechanic school certificate and rating, or for an additional rating, must have an adequate supply of material and tools, and such of the shop equipment, special tools, and other miscellaneous tools and equipment as are appropriate to the approved curriculum of the school and are used in constructing and maintaining aircraft, to assure that each student will be properly instructed. The tools and shop equipment must be in satisfactory working condition and of the proper kind for the purpose for which they are to be used.

§ 147.21 General curriculum requirements.

(a) An applicant for a mechanic school certificate and rating, or for an additional rating, must have an approved curriculum that is designed to qualify his students to perform the duties of a mechanic for a particular rating or ratings.

(b) The curriculum must offer at least the following number of hours of instruction for the rating shown:

(1) Airframe—960 hours.

(2) Powerplant—960 hours.

(3) Combined airframe and powerplant—1,650 hours.

(c) An airframe curriculum must cover the following subjects:

(1) Parts 145, ____, ____, ____, ____, ____, ____, ____, ____, ____, and ____ of this chapter [Presents Parts 1, 3, 4a, 4b, 5, 6, 8, 9, 18, 24, and 43 of this chapter, as appropriate to the curriculum;

(2) Tools, instruments, equipment, their use and care;

(3) Shop practice and procedures, use of forms;

(4) Woodworking;

(5) Welding steel structures and fittings;

(6) Aluminum alloy structures and fittings;

(7) Sheet metal, steel, stainless steel, terneplate, aluminum and aluminum alloy;

(8) Welding, riveting, and heat-treating of steel, stainless steel, aluminum, aluminum alloy, structure, stock, and fittings;

(9) Controls and control surfaces;

(10) Splicing cables, bonding, brazing, and soldering;

(11) Hydraulic systems;

(12) Vacuum systems;

(13) Electrical systems;

(14) Fuel systems;

(15) Covering, fabric and stressed skin;

(16) Landing gear assembly;

(17) Assembly and rigging;

(18) Appliances; Instruments, radio, floats, flares, heaters, etc.;

(19) Inspection of certificated aircraft, use of forms, etc.;

(20) Aircraft theory and practice;

(21) Mechanical drawing; and

(22) Aircraft weight and balance.

(d) A powerplant curriculum must cover the following subjects:

(1) Parts 145, ____, ____, ____, ____, ____, ____, ____, ____, ____, and ____ of this chapter [Present Parts 1, 3, 4a, 4b, 5, 6, 8, 9, 18, 24 and 43 of this chapter, as appropriate to the curriculum;

(2) Instruments and equipment, their use and care;

(3) Shop practice and procedures, use of forms;

(4) Fundamental powerplant requirements;

(5) Mechanical drawing;

(6) Powerplant design and construction;

(7) Carburetor and fuel injection systems;

(8) Ignition systems;

(9) Supercharging systems;

(10) Starting, generating, and regulating systems;

(11) Fuels and fuel systems;

(12) Lubrication systems;

(13) Operation and trouble shooting;

(14) Disassembly, overhaul, repair, and assembly;

(15) Inspection, use of inspection tools, theory of magnaflux and fluorescent penetrant;

(16) Block testing;

(17) Propeller installation and maintenance;

(18) Powerplant installation;

(19) Powerplant maintenance;

(20) Turbojet, turboprop, and compound engines;

(21) Theory and principles of powerplant operation;

(22) Aircraft powerplant development; and

(23) Aircraft weight and balance.

(e) The curriculum must be so designed that at least 60 percent of the total curriculum time is spent in shop and laboratory instruction.

§ 147.23 Instructor requirements.

An applicant for a mechanic school certificate and rating, or for an additional rating, must provide such number of instructors holding appropriate mechanic certificates and ratings, as the Administrator determines necessary to provide adequate instruction and supervision of the students. However, he may provide specialized instructors, who are not certificated mechanics, to teach mathematics, physics, drawing, and similar subjects.

Subpart C—Operating Rules

§ 147.31 Instruction, attendance, and tests.

(a) A certificated mechanic school may not require any student to attend classes of instruction more than eight hours in any day or more than six days or 40 hours in any seven-day period.

(b) Each school shall give an appropriate test to each student who completes a subject at that school.

(c) A school may credit a student with instruction he has satisfactorily completed at another mechanic school, accredited college, State-owned vocational or trade school, or military technical specialty school. It may determine the amount of credit to be allowed by giving the applicant an entrance test equal to the one given to students who complete a course or phase at the school, or by an authenticated transcript of his grades from his former school, showing the curriculum in which he was enrolled, the hours of attendance, and his grades in each subject. However, in the case of an applicant with military technical specialty training, it may determine the amount of credit only on the basis of the entrance test.

(d) A school may not change its approved curriculum unless the change is approved in advance.

(e) A school may not have more students enrolled than the number stated in its application for a certificate, unless it amends its application and has it approved.

§ 147.33 Records.

(a) Each certificated mechanic school shall keep a current record of each student enrolled, showing—

(1) His attendance, courses, tests, and grades;

(2) The instruction credited to him under § 147.31(c), if any; and

(3) The authenticated transcript of his grades from that school.

It shall retain the record for at least two years after the end of the student's enrollment, and shall make each record available for inspection by the Administrator during that period.

(b) Each school shall keep a current progress chart or individual progress record for each of its students, showing the practical projects or laboratory work completed, or to be completed, by the student in each phase of his course.

§ 147.35 Transcripts and graduation certificates.

(a) Each certificated mechanic school shall give a transcript of his grades to each student who is graduated from that school or who leaves it before being graduated. An official of the school shall authenticate the transcript. The transcript must state the curriculum and courses in which the student was enrolled, whether the student satisfactorily completed that curriculum and courses, and the final grades he received.

(b) Each school shall give a graduation certificate to each student that it graduates. An official of the school shall authenticate the certificate. The certificate must show the date of graduation and his average grade, reflecting his standard of performance during the entire course rather than the grades made on his final test.

§ 147.37 Maintenance of facilities, equipment, and material.

(a) Each certificated mechanic school shall provide facilities, equipment, and material equal to the standards currently required for the issue of the certificate and rating that it holds.

(b) A school may not make a substantial change in facilities, equipment, or material that have been approved for a particular curriculum, unless that change is approved in advance.

§ 147.39 Display of certificate.

Each holder of a mechanic school certificate and ratings shall display them at a place in the school that is normally accessible to the public and is not obscured. The certificate must be available for inspection by the Administrator.

§ 147.41 Change of location.

The holder of a mechanic school certificate may not make any change in the school's location unless the change is approved in advance. If the holder desires to change the location he shall notify the Administrator, in writing, at least 30 days before the date the change is contemplated. If he changes its location without approval, the certificate is revoked.

§ 147.43 Inspection.

The Administrator may, at any time, inspect a mechanic school to determine its compliance with this part. Such an inspection is normally made once each six months to determine if the school continues to meet the requirements under which it was originally certificated. After such an inspection is made, the school is notified, in writing, of any deficiencies found during the inspection. Other informal inspections may be made from time to time.

§ 147.45 Advertising.

(a) A certificated mechanic school may not make any statement relating to itself that is false or is designed to mislead any person considering enrollment therein.

(b) Whenever a mechanic school indicates in advertising that it is a certificated school, it shall clearly distinguish between its approved courses and those that are not approved.

PART 147—DISTRIBUTION TABLE

Former section	Revised section	Former section	Revised section
53.0	147.1	53.10	147.41
53.1	(1)	53.10–1	147.41
53.5	147.5	53.11	147.43
53.5–1	147.5	53.11–1	147.43
53.6 (last sentence)	147.3	53.11–2	147.43
53.6 (less last sentence)	147.5	53.12	147.5
53.7	147.7	53.13	147.45
53.7–1	147.7	53.14	147.11
53.8	(2)	53.20	147.5
58.8–1	(2)	53.20–1	147.5
53.9	147.39	53.21	147.5
53.9–1	147.39	53.21–1	147.31
		53.22	147.13
		53.23	147.37

[1] Transferred to Part 1.
[2] Executed.

PART 147—DISTRIBUTION TABLE—Continued

Former section	Revised section	Former section	Revised section
53.24	147.15	53.42	147.23
53.24–1	147.15	53.42–1	147.23
53.25	147.17	53.50	147.31
53.25–1	147.17	53.51	147.31
53.25–2	147.17	53.52	147.31
53.26	147.19	53.52–1	147.31
53.26–1	147.19	53.53	147.31
53.27 (less last 12 words of last sentence)	147.21	53.53–1	147.31
53.27 (last 12 words of last sentence)	147.31	53.53–2 (less last sentence)	147.31
53.27–1	147.21	53.53–2 (last sentence)	147.33
53.28	147.21	53.54	147.35
53.40	147.21	53.55	147.35
53.40–1	147.21	53.55–1	147.35
53.41	147.21	53.56	147.33
53.41–1	147.21	53.56–1	147.33
		53.57	147.37

PART 149—PARACHUTE LOFTS [NEW]

Sec.
149.1 Applicability.
149.3 Application and issue.
149.5 Duration of certificate.
149.7 Cooperation during inspection or test.
149.9 Persons authorized to maintain or alter parachutes.
149.11 Ratings.
149.13 Eligibility requirements: General.
149.15 Reports and records.
149.17 Maintenance of personnel, facilities, equipment, and material.
149.19 Maintenance and alteration standards.
149.21 Material standards.
149.23 Drop testing.
149.25 Display of certificate.
149.27 Change of location.

AUTHORITY: §§ 149.1 to 149.27 issued under secs. 313(a), 314, 601, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, and 1427).

§ 149.1 Applicability.

This part prescribes the requirements for issuing parachute loft certificates and associated ratings and the general operating rules for the holders of those certificates and ratings.

§ 149.3 Application and issue.

(a) An application for a certificate and rating, or for an additional rating, under this part is made on a form and in a manner prescribed by the Administrator.

(b) An applicant who meets the requirements of this part is entitled to a parachute loft certificate and appropriate ratings.

(c) The holder of a parachute loft certificate that has been revoked may not apply for a certificate and rating under this part for one year after it is revoked, unless the order of revocation provides otherwise.

§ 149.5 Duration of certificate.

(a) A parachute loft certificate is effective until it is surrendered, suspended, or revoked. However, the Administrator may cancel such a certificate at any time within 60 days after the date it is issued.

(b) The holder of a parachute loft certificate that is surrendered, suspended, or revoked, shall upon the Administrator's request, return it to the Administrator.

§ 149.7 Cooperation during inspection or test.

Upon the Administrator's request, each applicant for a parachute loft certificate must, and each holder of such a certificate shall, cooperate fully during any inspection or test of him, or his personnel, facilities, equipment, and records, by the Administrator.

§ 149.9 Persons authorized to maintain or alter parachutes.

(a) Only the following persons may maintain or alter a parachute:

(1) Any person as authorized by Part 65 of this chapter.

(2) A certificated parachute loft with an appropriate rating.

(3) The manufacturer.

(4) Any other manufacturer that the Administrator considers to be competent.

(b) Each person who maintains or alters a parachute (except the main parachute of a dual parachute pack used for intentional jumping) must perform that maintenance or make that alteration in accordance with approved manuals and specifications.

§ 149.11 Ratings.

(a) The following ratings are issued under this part:

(1) Packing and general maintenance (not including major repair, inspection, or overhaul).

(2) Canopy overhaul.

(3) Harness overhaul.

(4) Metal parts and container overhaul.

(5) Drop testing.

(b) A parachute loft rating record is attached to each certificate issued under this part. It contains the names of the ratings issued to the holder of the certificate.

§ 149.13 Eligibility requirements: general.

To be eligible for a parachute loft certificate and associated ratings, or for an additional rating, an applicant must—

(a) Have personnel who are certificated and appropriately rated under Part 65 of this chapter and who are qualified to perform or supervise the kind of work for which the applicant seeks a rating; and

(b) Have the facilities, equipment, and material necessary to do efficiently the kind of work for which he seeks a rating, including suitable housing that is adequately heated, lighted, and ventilated, an adequate inspection system, adequate drawing equipment, and adequate facilities for segregating and storing parts and materials.

§ 149.15 Reports and records.

(a) Each holder of a parachute loft certificate shall make an adequate record of all work done by him, including the names of the persons doing the work. He shall keep each record made for at least two years after the work is done.

(b) Each holder of a parachute loft certificate shall report, on a form prescribed by the Administrator, any recurring or serious defect, or other unair-

worthy conditions, that he finds in a parachute or a part thereof.

§ 149.17 Maintenance of personnel, facilities, equipment, and material.

Each holder of a parachute loft certificate shall maintain personnel, facilities, equipment, and material at least equal to that currently required by § 149.13 for the issue of the certificate and ratings he holds.

§ 149.19 Maintenance and alteration standards.

Each holder of a parachute loft certificate shall perform maintenance and alteration operations in a workmanlike manner so as to maintain the article worked on in, or restore it to, an airworthy condition.

§ 149.21 Material standards.

Each holder of a parachute loft certificate shall use materials of proper strength and quality for the maintenance or alteration operation being performed.

§ 149.23 Drop testing.

(a) Only the following may drop test a parachute:

(1) The manufacturer.

(2) Any other manufacturer that the Administrator considers to be competent.

(3) A certificated parachute loft with a drop testing rating.

(b) Each holder of a parachute loft certificate shall drop test each parachute on which he has performed a major repair or alteration on a canopy, harness, container, accessory, or any combination of them, whenever the certificated master parachute rigger who inspected it considers that the repair or alteration may have affected the structural, functional, or other airworthiness characteristic of the article.

(c) Whenever it is necessary to determine the functional characteristics of an entire parachute assembly, the loft shall drop test it with a 150 pound dummy man (not including the weight of the parachute) at an indicated airspeed of 70 miles an hour and an altitude of at least 500 feet above the ground.

(d) Whenever it is necessary to determine the material strength values in an entire parachute assembly, or the material airworthiness of the entire assembly before maintenance, the loft shall drop test it with a 190 pound dummy man (not including the weight of the parachute) at an indicated airspeed of 120 miles an hour and an altitude of at least 500 feet above the ground.

§ 149.25 Display of certificate.

Each holder of a parachute loft certificate and ratings shall display them in a prominent place in the parachute loft.

§ 149.27 Change of location.

The holder of a parachute loft certificate may not make any change in the loft's location unless the change is approved, in writing, in advance. If the holder desires to change the location he shall mail the request to the Assistant Administrator of the region in which the loft is located.

PART 149—DISTRIBUTION TABLE

Former section	Revised section	Former section	Revised section
54.1	149.11	54.15	149.15
54.2	149.13	54.16	149.11
54.3	149.3	54.17	149.15
54.4	149.5	54.18	149.17
54.5	149.3	54.19	149.19
54.6	149.27	54.20	149.21
54.10	149.25	54.21	149.15
54.11	149.3	54.22	149.9
54.12	149.5	54.23	149.23
54.13	149.7	54.30	(1)
54.14	149.3		

(1) Transferred to Part 1

[F.R. Doc. 62-6791; Filed, July 12, 1962; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1286; Amdt. 463]

PART 507—AIRWORTHINESS DIRECTIVES

Piaggio Model P.166 Aircraft

Cracks have been found in the angle bar at the fuselage frame attachment of the elevator control sector bracket on Piaggio Model P.166 aircraft. Complete failure at this point can cause loss of control of the aircraft. As this condition is likely to occur in other such aircraft, an airworthiness directive is being issued to require inspection of the angle bar.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

PIAGGIO. Applies to Model P.166 aircraft, Serial Numbers 341 to 403 inclusive.

Compliance required as indicated.

In order to preclude failure of the frame 20 angle bar at the attachment of the elevator control sector bracket, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD and thereafter within each 20 hours' time in service, inspect the frame 20 angle bar for cracks in the area of the elevator control sector bracket attachment.

(b) If cracks are found, repair in accordance with the procedures specified under Second Assumption in Piaggio Service Bulletin 166-16, or FAA approved equivalent prior to further flight. When this has been accomplished the inspections required in (a) may be discontinued.

(c) The inspections required in (a) may be discontinued after incorporating the reinforcement specified under First Assumption in Piaggio Service Bulletin 106-16 or FAA approved equivalent.

This amendment shall become effective July 20, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 6, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 6820; Filed, July 12, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-WA-73]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

The Federal Aviation Agency is converting the Neah Bay, Wash., radio range to a radio beacon effective July 26, 1962. This action will be reflected on aeronautical charts.

The purpose of these amendments to the Regulations of the Administrator is to change the name "Neah Bay, Wash., radio range" to "Neah Bay, Wash., radio beacon" wherever it appears in §§ 600.6004, 600.6287, and 600.1506.

Since these changes are editorial in nature and will not assign or reassign the use of navigable airspace, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

1. In the text of § 600.6004 (14 CFR 600.6004, 27 F.R. 1595, 4809) "Neah Bay, Wash., RR" is deleted and "Neah Bay, Wash., RBN" is substituted therefor.

2. In the text of § 600.6287 (27 F.R. 98) "Neah Bay, Wash., radio range," is deleted and "Neah Bay, Wash., RBN," is substituted therefor.

3. In the text of § 600.1506 (26 F.R. 1081, 27 F.R. 4511) "Neah Bay, Wash., RR 10-mile-wide airway to the INT of the 112° bearing from the Neah Bay RR" is deleted and "Neah Bay, Wash., RBN 10-mile-wide airway to the INT of the 112° bearing from the Neah Bay RBN" is substituted therefor.

These amendments shall become effective 0001 e.s.t., July 26, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 9, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-6822; Filed, July 12, 1962; 8:45 a.m.]

[Airspace Docket No. 62-EA-52]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2302 of the regulations of the Administrator is to alter the description of the Willow Grove, Pa., control zone.

The Willow Grove control zone is presently designated, in part, with reference to the Navy Willow Grove radio range. The Department of the Navy has stated that there is no longer a requirement for retention of the Navy Willow Grove radio range. The Federal Aviation Agency concurs with this determination and action is taken herein to revoke the control zone extensions based on this facility.

Since the change effected by this amendment is less restrictive in nature than present requirements, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) § 601.2302 (14 CFR 601.2302) is amended to read:

§ 601.2302 Willow Grove, Pa., control zone.

Within a 5-mile radius of latitude 40°11'40" N., longitude 75°06'25" W., and within 2 miles either side of the Yardley, Pa., VOR 246° radial extending from the 5-mile radius zone to the VOR.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 9, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-6821; Filed, July 12, 1962; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2719]

[Sacramento 057206]

CALIFORNIA

Withdrawing Public Lands for Protection of Recreation Values

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights and to existing withdrawals for power purposes, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing laws, lease or sale under the act of June 4, 1954 (68 Stat. 173; 43 U.S.C. 869) to the State of California or to a political subdivision thereof, and sales of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601), as amended, and reserved under jurisdiction of the Bureau of Land Management, Department of the Interior, for the preservation of public recreational values, and for the development, conservation, utilization and maintenance of their wildlife and fishery resources:

MOUNT DIABLO MERIDIAN

Goat Island

T. 29 N., R. 3 W.,
Sec. 3, lot 7;
Sec. 10, lot 9.

Aggregating 41.16 acres, and comprising an island in the Sacramento River.

2. For the purpose of furthering the objectives of this order, the Bureau of Land Management may cooperate with the Bureau of Sport Fisheries and Wildlife and the State of California (through its appropriate agencies or instrumentalities) in the management of the lands and their resources.

FRANK P. BRIGGS,
Assistant Secretary of the Interior.

JULY 6, 1962.

[F.R. Doc. 62-6827; Filed, July 12, 1962; 8:45 a.m.]

[Public Land Order 2720]

[Arizona 031065]

ARIZONA

Revoking Public Water Reserves

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (35 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive Order of February 20, 1913, creating Public Water Reserve No. 9, Arizona No. 1, as modified by the Executive Order of July 19, 1919, the Executive Order of March 3, 1913, creating Public Water Reserve No. 9, Arizona No. 2, as modified by Executive Order No. 3675 of May 19, 1922, the Executive Order of August 25, 1916, creating Public Water Reserve No. 37, Arizona No. 6, and any other order or orders withdrawing lands for public water reserves or orders amendatory thereof, are hereby revoked so far as they affect the following-described lands:

GILA AND SALT RIVER MERIDIAN

T. 8 N., R. 1 E.,
Sec. 14, W½NW¼, SE¼NW¼, N½SW¼, SE¼SW¼, and W½SE¼;
Sec. 15, NE¼NE¼.
T. 9 N., R. 1 E.,
Sec. 21, SE¼ and SE¼SW¼;
Sec. 28, N½NE¼ and NE¼NW¼.
T. 7 N., R. 2 E.,
Sec. 15, SE¼NE¼.
T. 8 N., R. 2 W.,
Sec. 28, SW¼NE¼ and NW¼SE¼.
T. 6 N., R. 3 E.,
Sec. 13, SE¼SW¼;
Sec. 16, SE¼NE¼;
Sec. 24, NW¼NW¼.
T. 9 N., R. 3 E.,
Sec. 9, E½NW¼.
T. 39 N., R. 3 E. (unsurveyed). All land lying within ¼ mile of South Cove Spring and ¼ mile of North Cove Spring which will be when surveyed, approximately sec. 2.
Sec. 3, SE¼;
Sec. 10, NE¼;
Sec. 11, W½SW¼ and NW¼SE¼.
T. 40 N., R. 3 E.,
Sec. 34, SE¼NE¼ and SE¼. All land within ¼ mile of North and South Cove Spring (unsurveyed).
T. 41 N., R. 3 E.,
Sec. 13, NW¼SW¼.
T. 40 N., R. 8 E.,
Sec. 18, lot 3.
T. 18 N., R. 12 E.,
Sec. 26, W½NW¼ and SE¼NW¼.
T. 1 N., R. 16 E.,
Sec. 30, NW¼NW¼.
T. 9 N., R. 30 E.,
Sec. 6, lots 3, 4, 5, and 6.
T. 8 N., R. 31 E.,
Sec. 11, lots 1, 2, 3, and 4.
T. 15 N., R. 31 E.,
Sec. 18, lot 2.
T. 8 N., R. 1 W.,
Sec. 20, lots 2 and 4.
T. 41 N., R. 1 W.,
T. 42 N., R. 6 W. (unsurveyed). All land within ¼ mile 8-mile Spring which when surveyed will be in approximately sec. 32.
T. 12 N., R. 3 W.,
Sec. 31, S½NE¼ and N½SE¼.
T. 12 N., R. 4 W.,
Sec. 33, S½SE¼.
T. 20 N., R. 4 W.,
Sec. 8, E½, E½W½, and SW¼SW¼.
T. 37 N., R. 4 W.,
Sec. 8, NW¼ (unsurveyed);
Sec. 16, NW¼.
T. 40 N., R. 4 W.,
Sec. 17, S½SE¼.
T. 10 N., R. 5 W.,
Sec. 24, E½SE¼ and SW¼SE¼.
T. 39 N., R. 5 W.,
Sec. 17, SW¼SE¼.
T. 38 N., R. 6 W.,
Sec. 4, lots 1, 2, and 3.
T. 42 N., R. 6 W. (unsurveyed). All land within ¼ mile Lost Spring or when surveyed approximately sec. 32.
T. 35 N., R. 7 W.,
Sec. 33, NW¼.
T. 38 N., R. 7 W. (unsurveyed). All land within ¼ mile Clay Holes which will be located, when surveyed, in approximately NW¼, SW¼NE¼, NE¼SW¼, and NW¼SE¼ sec 5.
T. 41 N., R. 7 W.,
Sec. 3, SE¼ and S½SE¼;
Sec. 7, SE¼SW¼;
Sec. 10, N½N½ and S½NW¼;
Sec. 14, S½NW¼, N½SW¼, and SE¼SW¼;
Sec. 16, SE¼SW¼;
Sec. 23, N½NE¼;
Sec. 24, NW¼NW¼.
T. 13 N., R. 8 W.,
Sec. 20, SE¼SE¼;
Sec. 21, NW¼SW¼;
Sec. 29, NW¼SW¼;
Sec. 30, N½SE¼.
T. 15 N., R. 8 W.,
Sec. 22, NE¼NW¼, SW¼NW¼, and W½SW¼;
Sec. 33, SW¼NW¼.
T. 25 N., R. 8 W. (unsurveyed). All land within ¼ mile of Indian Spring or will be when surveyed approximately sec. 17.
T. 34 N., R. 8 W.,
Sec. 16, SE¼;
Sec. 19, E½NW¼.
T. 13 N., R. 9 W.,
Sec. 10, E½SW¼ and NW¼SE¼;
Sec. 20, W½NW¼ and N½SW¼.
T. 34 N., R. 9 W.,
Sec. 17, NW¼NE¼ and NE¼NW¼.
T. 13 N., R. 10 W.,
Sec. 11, SE¼NW¼ and NW¼NE¼.
T. 36 N., R. 10 W.,
Sec. 5, N½SW¼;
Sec. 6, NE¼SE¼;
Sec. 13, S½NW¼ and N½SW¼;
Sec. 22, SE¼SW¼ and SW¼SE¼;
Sec. 34, SE¼NE¼.
T. 15 N., R. 11 W. (unsurveyed). All land within ¼ mile of Keyser's Spring which will be located, when surveyed, in approximately sec. 31 SW¼NW¼.
T. 29 N., R. 11 W.,
Sec. 23, SW¼NE¼, SE¼NW¼, NE¼SW¼, and NW¼SE¼.

T. 31 N., R. 11 W.,
Sec. 9, S½;
Sec. 16, N½;
Sec. 22, S½NW¼ and N½SW¼.
T. 32 N., R. 11 W.,
Sec. 10, S½NW¼ and W½SW¼;
Sec. 23, W½SW¼.
T. 35 N., R. 11 W.,
Sec. 33, NE¼.
T. 36 N., R. 11 W.,
Sec. 2, NE¼ (lots 1, 2, and S½NE¼);
Sec. 16, NW¼.
T. 37 N., R. 11 W.,
Sec. 1, lot 4, SW¼NW¼;
Sec. 2, lot 1, SE¼NE¼;
Sec. 13, NE¼;
Sec. 15, SW¼NW¼ and NW¼SW¼.
T. 40 N., R. 11 W. (unsurveyed). All land within ¼ mile Clay Spring or when surveyed will be located in approximately sec. 34. All land within ¼ mile Blake Pond or when surveyed will be located in approximately sec. 12.
T. 30 N., R. 12 W. (unsurveyed). All land within ¼ mile Cottonwood Spring or when surveyed will be approximately sec. 26.
T. 31 N., R. 12 W.,
Sec. 8, S½SE¼;
Sec. 17, N½NE¼.
T. 32 N., R. 12 W.,
Sec. 21, SE¼SW¼;
Sec. 28, SE¼.
T. 33 N., R. 12 W.,
Sec. 25, SW¼SW¼;
Sec. 26, E½SW¼ and SE¼SE¼;
Sec. 35, N½NE¼ and NE¼NW¼.
T. 34 N., R. 12 W.,
Sec. 10, W½;
Sec. 18, lot 4.
T. 35 N., R. 12 W.,
Sec. 6, NW¼NW¼ (unsurveyed).
T. 36 N., R. 12 W.,
Sec. 9, E½ and E½W½;
Sec. 31, lot 4.
T. 37 N., R. 12 W.,
Sec. 14, SE¼SW¼ and SW¼SE¼;
Sec. 23, NW¼NE¼ and NE¼NW¼.
T. 39 N., R. 12 W.,
Sec. 21, S½NW¼ and N½SW¼;
Sec. 24, NW¼NE¼ and SW¼;
Sec. 25, NW¼;
Sec. 26, E½NE¼;
Sec. 30, E½NW¼;
Sec. 33, E½SW¼ and W½SE¼.
T. 40 N., R. 12 W. (unsurveyedT. All land within ¼ mile Quail Spring, or when surveyed will be approximately secs. 27, 28, 33, and 34.
T. 30 N., R. 13 W. (unsurveyed). All land within ¼ mile Neilson Spring, or when surveyed will be approximately sec. 14.
T. 31 N., R. 13 W.,
Sec. 7, NE¼NE¼.
T. 32 N., R. 13 W.,
Sec. 22, NE¼.
T. 34 N., R. 13 W.,
Sec. 13, SE¼SE¼.
T. 35 N., R. 13 W.,
Sec. 3, lot 3, SE¼NW¼.
T. 36 N., R. 13 W.,
Sec. 22, E½NE¼;
Sec. 23, W½NW¼;
Sec. 26, SW¼SW¼;
Sec. 35, N½NW¼;
Sec. 36, SE¼SE¼.
T. 37 N., R. 13 W. (unsurveyed). All land within ¼ mile Cane Creek, or when surveyed will be approximately sec. 7.
T. 39 N., R. 13 W.,
Sec. 17, SW¼SW¼;
Sec. 18, SE¼SE¼;
Sec. 19, NE¼NE¼;
Sec. 20, NW¼NW¼.
T. 40 N., R. 13 W. (unsurveyed). All land within ¼ mile Nokiac Spring, or when surveyed will be approximately sec. 13.
T. 32 N., R. 14 W.,
Sec. 13, W½NW¼.
T. 38 N., R. 14 W.,
Sec. 15, SE¼NE¼.
T. 20 N., R. 15 W.,
Sec. 30, N½SE¼.
T. 36 N., R. 16 W.,
Sec. 5, SE¼NE¼;
Sec. 7, SE¼NE¼.
T. 28 N., R 17 W.,
Sec. 23, SE¼SE¼;
Sec. 24, SW¼NW¼ and NW¼SW¼;
Sec. 26, NE¼NE¼.
T. 26 N., R. 18 W.,
Sec. 24, N½S½.
T. 22 N., R. 19 W.,
Sec. 30, NE¼NE¼SW¼.
T. 24 N., R. 19 W.,
Sec. 2, NW¼SW¼.
T. 26 N., R. 19 W. (unsurveyed). All land within ¼ mile Mount Spring or will be when surveyed approximately sec. 21.
T. 21 N., R. 20 W.,
Sec. 2, NW¼SE¼.
T. 3 S., R. 7 W. (unsurveyed). All land within ¼ mile Wolsey's Tank located in what will be, when surveyed, approximately sec. 1.
T. 17 S., R. 7 W. (unsurveyed). All land within ¼ mile of an unnamed spring and located in what will be, when surveyed, approximately SW¼NE¼ sec. 17.
T. 2 S., R. 12 E.,
Sec. 14, SE¼NW¼, SW¼NE¼, NE¼SW¼, and NW¼SE¼;
Sec. 30, SE¼SE¼;
Sec. 31, NE¼NE¼.
T. 20 S., R. 12 E.,
Sec. 33, SE¼SW¼.
T. 21 S., R. 12 E.,
Sec. 4, NE¼NW¼ (lot 3).
T. 4 S., R. 13 E.,
Sec. 28, SE¼SE¼.
T. 5 S., R. 14 E.,
Sec. 18, SW¼SW¼ (lot 4).
T. 3 S., R. 15 E.,
Sec. 11, SW¼SW¼ and E½SE¼;
Sec. 12, W½SW¼.
T. 4 S., R. 15 E.,
Sec. 16, SE¼SW¼;
Sec. 19, lot 1.
T. 22 S., R. 15 E.,
Sec. 15, lots 2, 3, and SE¼NW¼.
T. 3 S., R. 16 E. (unsurveyed). All lands within ¼ mile Yellow Jacket Spring which will be located, when surveyed, in approximately NW¼NW¼ sec. 7.
T. 8 S., R. 16 E.,
Sec. 21, NW¼;
Sec. 29, SE¼SW¼.
T. 18 S., R. 16 E.,
Sec. 26, SW¼NW¼ and SW¼;
Sec. 35, NW¼.
T. 3 S., R. 17 E.,
Sec. 18, SW¼SW¼ (lot 5).
T. 8 S., R. 18 E.,
Sec. 22, SW¼NE¼ and SW¼NW¼.
T. 13 S., R. 19 E.,
Sec. 30 lots 3 and 4.
T. 19 S., R. 19 E.,
Sec. 29, NE¼SE¼.
T. 5 S., R. 20 E.,
Sec. 19, lot 1.
T. 13 S., R. 20 E.,
Sec. 3, SE¼SW¼;
Sec. 10, NW¼NW¼;
Sec. 11, SE¼NE¼;
Sec. 34, S½NE¼, NE¼SW¼, and NW¼SE¼.
T. 12 S., R. 21 E.,
Sec. 19, NW¼NW¼ (lot 1).
T. 12 S., R. 22 E.,
Sec. 5, NW¼NE¼ (lot 1);
Sec. 17, NW¼SE¼.
T. 15 S., R. 22 E.,
Sec. 20, N½SE¼, SE¼SE¼, and NE¼SW¼;
Sec. 30, S½N½;
Sec. 31, NW¼.
T. 5 S., R. 26 E.,
Sec. 27, NW¼NW¼;
Sec. 28, NE¼NE¼.
T. 5 S., R. 27 E.,
Sec. 12, NW¼SE¼;
Sec. 13, NE¼NE¼.
T. 7 S., R. 30 E.,
Sec. 3, SW¼NE¼.
T. 6 S., R. 32 E.,
Sec. 19, SW¼SE¼.

The areas described, including the public, nonpublic, and national forest lands, total in the aggregate approximately 18,212 acres. Some of the public lands are withdrawn for other purposes. The national forest lands are in the Tonto and Coronado National Forests.

2. At 10:00 a.m. on August 14, 1962, the national forest lands shall be open to such forms of disposition as may by law be made of national forest lands.

3. The public lands released from withdrawal by this order are hereby restored to the operation of the public land laws, subject to valid existing rights and equitable claims, the requirements of applicable law, rules and regulations and the provisions of any existing withdrawals provided, that, until 10:00 a.m. on January 7, 1963, the State of Arizona shall have a preferred right of application to select the lands in accordance with subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). The lands have been open to applications and offers under the mineral leasing laws and to location for metalliferous minerals. They will be open to location for nonmetalliferous minerals under the United States mining laws at 10:00 a.m. on January 7, 1963.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona.

FRANK P. BRIGGS,
Assistant Secretary of the Interior.

JULY 9, 1962.

[F.R. Doc. 62-6828; Filed, July 12, 1962; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIER BY MOTOR VEHICLE

[Ex Parte Nos. MC-5, 159]

PART 174—SURETY BONDS AND POLICIES OF INSURANCE

SUBCHAPTER D—FREIGHT FORWARDERS

PART 405—SURETY BONDS AND POLICIES OF INSURANCE

Insurance and Surety Companies; State Authority and Designation of Agent

At a session of Motor Carrier Board No. 1, held at its office in Washington, D.C., on the 2d day of July A.D. 1962.

In the matter of security for the protection of the public as provided in Part II of the Interstate Commerce Act, and of rules and regulations governing filing of surety bonds, certificates of insurance, qualifications as a self-insurer, or other securities and agreements by motor carriers and brokers subject to Part II of the Interstate Commerce Act, Ex Parte No. MC-5; in the matter of security for the protection of the public as provided

in Part IV of the Interstate Commerce Act, and of rules and regulations governing filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by freight forwarders subject to Part IV of the Act, Ex Parte No. 159.

It appearing that notice was given by notice of proposed rule making, dated May 18, 1962, published in 27 F.R. 5003, May 29, 1962, pursuant to section 4(a) of the Administration Procedure Act (60 Stat. 237, 5 U.S.C. 1003) of the proposed revision of § 174.8(a) of Part 174 (49 CFR 174.8(a)) of the Code of Federal Regulations governing the filing of insurance or other security for the protection of the public, under the authority contained in section 215 of the Interstate Commerce Act (49 Stat. 557, as amended; 49 U.S.C. 315), and the proposed revision of § 405.6(a) of Part 405 (49 CFR 405.6(a)) of the Code of Federal Regulations governing the filing of insurance or other security for the protection of the public, under the authority contained in section 403 (c) and (d) of the Interstate Commerce Act (56 Stat. 285; 49 U.S.C. 1003).

It further appearing that no written statements of facts, opinions or arguments concerning the herein proposed revision were filed with the Commission by interested parties within thirty days from the publication date,

It is ordered, That § 174.8(a) of Part 174 of the Code of Federal Regulations be, and it is hereby, revised to read as follows:

§ 174.8 Insurance and surety companies; authorized.

(a) *State authority and designation of agent.* No certificate of insurance or surety bond will be accepted by the Commission under these sections unless written or issued by an insurance or surety company legally authorized to issue policies of the type indicated by such certificate or surety bond, as the case may be, in each State in which the motor carrier is authorized to operate under Part II of the Interstate Commerce Act and such company fully complies with paragraph (b) of this section: *Provided, however*, That in lieu of the licensing requirement with respect to any State except that in which the motor carrier has its principal place of business or domicile, the company will file with the Commission an agreement stating that with respect to any State requested it will furnish the Commission a designation in writing of the name and address of a person upon whom process issued by or under the authority of any court having jurisdiction of the subject matter may be served in any proceeding at law or equity brought in such State against such company. Such agreement shall be effective so long as the company is authorized to file security with the Commission, and thereafter with respect to any claims arising during the effectiveness of any previously filed certificates or surety bonds.

(Sec. 215, 49 Stat. 557, as amended; 49 U.S.C. 315)

It is further ordered, That § 405.6(a) of Part 405 of the Code of Federal Regulations be, and it is hereby, revised to read as follows:

§ 405.6 Insurance and surety companies.

(a) *State authority and designation of agent.* No certificate of insurance or surety bond will be accepted by the Commission under these rules and regulations unless written or issued by an insurance or surety company legally authorized to issue policies of the type indicated by such certificate, or surety bonds, as the case may be, in each state in which the freight forwarder is authorized to perform service under Part IV of the Interstate Commerce Act, and such company fully complies with paragraph (b) of this section: *Provided, however*, That in lieu of the licensing requirement with respect to any state except that in which the freight forwarder has its principal place of business or domicile, the insurance or surety company will file with the Commission an agreement stating that with respect to any State requested it will furnish the Commission a designation in writing of the name and address of a person upon whom process issued by or under the authority of any court having jurisdiction of the subject matter may be served in any proceeding at law or equity brought in such State against such company. Such agreement shall be effective so long as the company is authorized to file security with the Commission, and thereafter with respect to any claims arising during the effectiveness of any previously filed certificates or surety bonds.

(Sec. 403 (c), (d), 56 Stat. 285; 49 U.S.C. 1003)

It is further ordered, That the rules herein prescribed, are hereby prescribed to become effective on July 15, 1962.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Motor Carrier Board No. 1.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-6851; Filed, July 12, 1962; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Commodity Exchange Authority

[17 CFR Part 150]

[Hearing Docket CE-P12]

LIMITS ON POSITION AND DAILY TRADING IN WHEAT, CORN, OATS, BARLEY, FLAXSEED, COTTON, RYE, SOYBEANS, EGGS, COTTONSEED OIL, SOYBEAN OIL, AND LARD FOR FUTURE DELIVERY

Notice of Proposed Amendments

The Commodity Exchange Commission has previously issued orders pursuant to section 4a of the Commodity Exchange Act (7 U.S.C. 6a) establishing limits on position and daily trading in wheat, corn, oats, barley, flaxseed, cotton, rye, soybeans, eggs, cottonseed oil, soybean oil, and lard for future delivery (17 CFR Part 150). Each of such orders provides that "the word 'person' includes individuals, associations, partnerships, corporations, and trusts." The order establishing limits on position and daily trading in wheat, corn, oats, barley, and flaxseed for future delivery (17 CFR 150.1) provides that the position limits apply to the position which "any one person" holds or controls, but the word "one" does not appear with respect to that part of such order applicable to daily trading limits. Also, the word "one" does not appear in front of "person" in any of the other similar orders issued by the Commission.

The administrative officials of the Commodity Exchange Authority believe that it is desirable to have the orders establishing limits on position and daily trading in commodities clearly show that the orders are applicable to trading done by, or positions held by, two or more persons acting collectively, pursuant to an understanding or agreement, the same as if the trading or the positions were those of a single individual.

Notice is hereby given that it is proposed that the orders of the Commodity Exchange Commission establishing limits on position and daily trading in wheat, corn, oats, barley, flaxseed, cotton, rye, soybeans, eggs, cottonseed oil, soybean oil, and lard for future delivery (17 CFR 150.1–150.8) be amended by changing the definition of "person" in each order to read as follows: "The word 'person' shall be construed to import the plural or singular, and shall include individuals, associations, partnerships, corporations, and trusts." This is identical to the definition of "person" in the Commodity Exchange Act (7 U.S.C. 2). It is also proposed to delete the word "one" in front of "person" wherever it appears in the order establishing limits on position and daily trading in wheat, corn, oats, barley, and flaxseed for future delivery (17 CFR 150.1).

If the proposed amendments are adopted, it will be clear that it is unlawful to engage in any type of collective action, pursuant to an expressed or implied agreement or understanding, to hold positions or trade in a manner which has, or which could have, the same general market effect as if one individual were holding a position in excess of any position limit or trading in excess of any daily trading limit. Each participant in such collective action will be regarded as violating section 4a of the Act (7 U.S.C. 6a) and the relevant order of the Commission irrespective of whether he directs such collective action. For the purpose of determining compliance with the position and daily trading limits, any other method by two or more persons of attempting to evade or evading the position or daily trading limits will also be regarded as unlawful. The Commodity Exchange Act expressly provides that it is unlawful "directly or indirectly" to exceed the limits established by the Commission (7 U.S.C. 6a).

The orders establishing limits on position and daily trading in cottonseed oil, soybean oil, and lard for future delivery are not presently in effect inasmuch as such orders provide that they shall "be in full force and effect on and after such date as shall hereafter be announced by the Commodity Exchange Commission" (17 CFR 150.6(f), 150.7(f), and 150.8(f)), and the effective dates have not been announced by the Commission. While no consideration is currently being given to making such orders effective, it is proposed to amend such orders at this time so that when, and if, they become effective, it will be clear that the orders are applicable to trading done by, or positions held by, two or more persons in the circumstances referred to above.

If any interested person desires an oral hearing with reference to the proposed amendments, and notifies the Administrator of the Commodity Exchange Authority to that effect as directed below, on or before August 15, 1962, a hearing will be held in Washington, D.C., at a time and place to be announced, and all interested persons will be given an opportunity to express their views at such hearing. Requests for an oral hearing should be addressed to the Administrator, Commodity Exchange Authority, United States Department of Agriculture, Washington 25, D.C. No oral hearing will be held in the absence of such a request received on or before August 15, 1962.

Written statements with reference to the subject matter of the proposed amendments may be submitted by any interested person irrespective of whether an oral hearing is held, and may be in addition to or in lieu of testimony at an oral hearing. Such statements should be prepared in quintuplicate and mailed to the Administrator of the Commodity Exchange Authority prior to August 15, 1962.

Issued this 10th day of July 1962.

ALEX C. CALDWELL,
Administrator,
Commodity Exchange Authority.

[F.R. Doc. 62-6861; Filed, July 12, 1962; 8:48 a.m.]

DEPARTMENT OF LABOR

Office of Welfare and Pension Plan Reports

[29 CFR Part 1304]

WELFARE AND PENSION PLANS WITH LESS THAN 100 PARTICIPANTS

Section 7 of the Welfare and Pension Plans Disclosure Act (72 Stat. 1000; 29 U.S.C. 306), as amended by section 9 of the Welfare and Pension Plans Disclosure Act Amendments of 1962 (76 Stat. 36), provides in part for the publishing by administrators of welfare or pension benefit plans of an annual financial report. The Act provides an exemption from such reporting if a plan covers less than 100 participants. It further states, however, that the Secretary, after investigation, may require the administrator of such a plan, otherwise covered by the Act, to publish an annual report when necessary and appropriate to carry out the purposes of the Act. In order to implement these provisions and pursuant to authority in section 5 of the Welfare and Pension Plans Disclosure Act (72 Stat. 999; 76 Stat. 36; 29 U.S.C. 304) and Secretary's Order 15–62 (27 F.R. 4977), it is proposed to amend 29 CFR Chapter XI by adding a new Part 1304 to read as set forth herein.

Interested persons are hereby accorded 20 days after this document is published in the FEDERAL REGISTER to submit data, views or arguments, concerning the rules hereby proposed, in writing to the Assistant Secretary of Labor for Labor-Management Relations, 14th Street and Constitution Avenue NW., Washington 25, D.C.

The proposed regulations read as follows:

PART 1304—EXEMPTIONS FOR PLANS HAVING LESS THAN 100 PARTICIPANTS

Sec.
1304.1 Purpose and scope.
1304.2 Definitions.
1304.3 Identification of plans covering less than 100 participants.
1304.4 Scope of exemption.
1304.5 Withdrawal of exemption.

AUTHORITY: §§ 1304.1 to 1304.5 issued under secs. 5 and 7, 72 Stat. 999, 1000; 29 U.S.C. 304, 306, as amended by sections 7, 9, 76 Stat. 36; Secretary of Labor's Order 15–62, 27 F.R. 4977.

§ 1304.1 Purpose and scope.

The purpose of this part 1304 is to implement section 7 of the Welfare and Pension Plans Disclosure Act (72 Stat. 1000, 76 Stat. 36; 29 U.S.C. 306), as amended by the Welfare and Pension Plans Disclosure Act Amendments of 1962. That section provides an exception from the requirement of publishing an annual financial report concerning employee welfare or pension benefit plans that cover less than 100 participants. That section further provides that, after investigation, the Secretary of Labor may require the administrator of any plan otherwise covered by the Act to publish an annual report when necessary and appropriate to carry out the purposes of the Act.

§ 1304.2 Definitions.

(a) The term "Assistant Secretary" shall mean the Assistant Secretary of Labor for Labor-Management Relations.

(b) The term "participant" means any employee or former employee of an employer or any member of an employee organization who is or may become eligible to receive a benefit of any type from an employee welfare or pension benefit plan, or whose beneficiaries may be eligible to receive any such benefit.

§ 1304.3 Identification of plans covering less than 100 participants.

The administrator of any covered employee welfare or pension benefit plan covering less than 100 participants is not required to publish the annual financial report specified in section 7 of the Act for any such plan: *Provided, however,* That the administrator of such a plan shall submit two copies of U. S. Department of Labor Form D–3 completed and executed in accordance with instructions contained thereon. Such forms shall be submitted within 150 days after the end of each calendar, policy, or other fiscal year during which the plan covers less than 100 participants, as provided in § 1304.4. The form calls for information necessary for identification of the plan and for a statement of the greatest number of participants covered by the plan at any one time during the reporting year. Copies of the form may be obtained by request directed to the Office of Welfare and Pension Plans, U.S. Department of Labor, Washington 25, D.C.

§ 1304.4 Scope of exemption.

The exemption contained in § 1304.3 shall not apply to any plan which covers 100 or more participants at any time during the calendar, policy, or other fiscal year upon which the records of the plan are maintained.

§ 1304.5 Withdrawal of exemption.

The Assistant Secretary, after investigation, may require the administrator of any plan otherwise subject to the provisions of the Act, but exempt from the requirement of publishing an annual financial report by reason of covering fewer than 100 participants, to publish an annual financial report containing the information required by section 7 of the Act in the form and detail prescribed in § 2.11, Part 2 of this title, when he finds that publication of such a report is necessary and appropriate to carry out the purposes of the Act.

Signed at Washington, D.C., this 9th day of July 1962.

JAMES J. REYNOLDS,
Assistant Secretary of Labor for Labor-Management Relations.

[F.R. Doc. 62-6847; Filed, July 12, 1962; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 20]

[Reg. Docket No. 1289; Draft Release No. 62-33]

HELICOPTER AND GYROPLANE CLASS RATINGS

Proposed Standards and Issuance Requirements

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that there is under consideration a proposal to amend Part 20 of the Civil Air Regulations and the manual material related thereto as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted, preferably in duplicate, to the Docket Section of the Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before September 13, 1962, will be considered by the Administrator before taking action on the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time.

Until recently, the provisions of Part 20 of the Civil Air Regulations grouped all aircraft using rotating airfoils as a source of lift in the rotorcraft category with no further breakdown. Under Civil Air Regulations Amendment 20–16, which becomes effective July 12, 1962, the Agency adopted certain amendments to Part 20 which establish gyroplane and helicopter class ratings in the rotorcraft category rating.

The current aeronautical skill standards for rotorcraft category ratings were adopted primarily for the operation of helicopters, because at the time of adoption almost all rotorcraft activity was in helicopters. These standards are satisfactory for helicopters, but because of the unique performance and characteristics of gyroplanes, different aeronautical skill standards which apply specifically to gyroplanes are considered necessary. Therefore, it is proposed to amend Part 20 and the manual material related thereto by revising the current skill standards to make them applicable to helicopters only, and by adding skill standards for gyroplanes. The proposed skill standards for gyroplanes were developed after careful study of the Umbaugh Model 18 gyroplane which has been recently certificated, and which may be typical of other gyroplanes certificated in the future.

In addition to revising the skill standards, it is proposed to amend the aeronautical knowledge requirements for the issuance of a private pilot certificate with a rotorcraft category rating to require knowledge of the use of radio aids to VFR navigation. This is considered desirable in view of the cross-country flying capabilities of helicopters and gyroplanes.

In consideration of the foregoing, it is proposed to amend Part 20 of the Civil Air Regulations (14 CFR Part 20) as follows:

1. By amending § 20.63(b) to read:

§ 20.63 Aeronautical knowledge.

* * * * *

(b) The practical aspects of cross-country flying, including flight planning, map reading, pilotage, the use of radio aids to VFR navigation, and radio communication procedures;

§ 20.65 [Amendment]

2. By amending § 20.65 by changing the word "type" to "class".

§ 20.65–1 [Amendment]

3. By amending § 20.65–1 by changing the word "rotorcraft" appearing in the title to "helicopter" and by deleting the last sentence in paragraph (a)(3).

4. By adding a new § 20.65–2 to read:

§ 20.65–2 Private pilot flight test—gyroplane (FAA policies which apply to § 20.65).

(a) *Flight test items.* (1) The flight test is given in three phases, and must be conducted in compliance with the Gyroplane Flight Manual. The failure of any required item in any phase constitutes the failure of that phase and of the whole flight test. The whole phase failed must be successfully completed at the time of reapplication.

(2) The flight test may be discontinued at any time by the examiner or the applicant when the failure of a required item makes the successful completion of the whole test impossible. In such cases, credit is allowed for only a whole phase successfully completed.

(3) The applicant is required to demonstrate the competent performance of the following procedures and maneuvers:

Phase I—Oral Operational Examination.
(i) Gyroplane registration, airworthiness, and equipment documents.
(ii) Gyroplane logbooks and airworthiness inspection records.
(iii) Gyroplane performance, range, and operation (from Gyroplane Flight Manual).
(iv) Gyroplane loading, including fuel, oil, and baggage capacities.
(v) Gyroplane line check.
(vi) Use of radio for voice communication (may be simulated when necessary).
Phase II—Basic Piloting Technique.
(i) Preflight operations.
(ii) Taxiing, or sailing and docking.
(iii) Normal and crosswind takeoffs and landings.
(iv) Climbs, level flight, and descents at normal speeds and at minimum level flight speeds.

(v) Entry and recovery from high rates of descent with and without power (recovery to be completed not lower than 300 feet above surface).

(vi) 720° steep turns about a point (45° bank at steepest point).

(vii) Roll-on landing and full flare landing.

(viii) Short field takeoff and power approach and landing.

(ix) Soft field takeoff and landing (jump takeoff, provided the gyroplane has this capability).

(x) Emergency operation of gyroplane equipment.

Phase III—Cross-country.

(i) Cross-country flight planning.

(ii) Cross-country flying.

(iii) Use of radio aids to VFR navigation.

(iv) Cross-country flying emergencies (lost, weather, overheating engine, power failure, etc.).

(b) *Evaluation of performance.* The applicant's performance is evaluated by the examiner on the basis of the judgment, knowledge, smoothness, and accuracy displayed. A competent performance of any flight maneuver is one during which the pilot is obviously the master of the aircraft, and the successful outcome of the maneuver is never in doubt.

§ 20.75 [Amendment]

5. By amending § 20.75 by changing the word "type" to "class".

§ 20.75–1 [Amendment]

6. By amending § 20.75–1 by changing the word "rotorcraft" appearing in the title to "helicopter" and by deleting the last sentence in paragraph (a)(3).

7. By adding a new § 20.75–2 to read:

§ 20.75–2 Commercial pilot flight test—gyroplane (FAA policies which apply to § 20.75).

(a) *Flight test items.* (1) The flight test is given in four phases, and must be conducted in compliance with the Gyroplane Flight Manual. The failure of any required item in any phase constitutes the failure of that phase and of the whole flight test. The whole phase failed must be successfully completed at the time of reapplication.

(2) The flight test may be discontinued at any time by the examiner or the applicant when the failure of a required item makes the successful completion of the whole test impossible. In such cases, credit is allowed for only a whole phase successfully completed.

(3) The applicant is required to demonstrate the competent performance of the following procedures and maneuvers:

Phase I—Oral Operational Examination.

(i) Gyroplane registration, airworthiness, and equipment documents.

(ii) Gyroplane logbooks and airworthiness inspection records.

(iii) Gyroplane performance, range, and operation (from Gyroplane Flight Manual).

(iv) Gyroplane loading, including fuel, oil, and baggage capacities.

(v) Gyroplane line check.

(vi) Use of radio for voice communication (may be simulated when necessary).

Phase II—Basic Piloting Techniques.

(i) Preflight operations.

(ii) Taxiing, or sailing and docking.

(iii) At least 3 takeoffs with 3 accuracy landings beyond and within 100 feet of a mark, including:

(a) Crosswind takeoff and landing.

(b) Short field takeoff and power approach and landing.

(c) Soft field takeoff and landing (jump takeoff, provided the gyroplane has this capability).

(iv) Roll-on landings and full flare landing.

(v) Airport traffic pattern.

(vi) Forced landings (single-engine only) and simulated emergencies.

(vii) Emergency operation of gyroplane equipment.

Phase III—Precision Maneuvers.

(i) Gliding spirals about a point on the ground.

(ii) One right and one left 720° steep power turn (45° bank at steepest point).

(iii) Entry and recovery from high rates of descent with and without power (recovery to be completed not lower than 300 feet above surface).

(iv) Maneuvering at minimum level flight airspeed.

Phase IV—Cross-Country Flight.

(i) Cross-country flight planning.

(ii) Cross-country flying.

(iii) Cross-country flying emergencies (lost, weather, overheating engine, power failure, etc.).

(iv) Use of radio aids to VFR navigation.

(v) Two-way radio communications.

(b) *Evaluation of performance.* The applicant's performance is evaluated by the examiner on the basis of the judgment, coordination, accuracy, and smoothness displayed. A competent performance of any flight maneuver is one during which the pilot is obviously the master of the aircraft, and the successful outcome of the maneuver is never in doubt.

8. By amending the title of § 20.130–1(d)(3) by changing the word "rotorcraft" to "helicopter" and by deleting the related footnote.

9. By amending § 20.130–1(d) by redesignating present subparagraphs (4) and (5) as subparagraphs (5) and (6), respectively, and by adding a new subparagraph (4) to read as follows:

§ 20.130–1 Flight instructor certificates (FAA policies which apply to § 20.130).

* * * * * * *

(d) *Instructor practical test items.*

* * *

(4) *Flight test—gyroplane.* The complete flight test is conducted in compliance with the Gyroplane Flight Manual.

(i) Preflight check and oral equipment examination.

(ii) Preflight operations.

(iii) Taxiing, or sailing and docking.

(iv) Normal takeoff and landing.

(v) Crosswind takeoff and landing.

(vi) High altitude takeoff, roll-on landing, and full flare landing.

(vii) Short field takeoff and power approach and landing.

(viii) Soft field takeoff and landing (jump takeoff, provided the gyroplane has this capability).

(ix) Forced landings (single-engine only) and simulated emergencies.

(x) 720° power turns (45° bank).

(xi) Turns about a point (45° bank at steepest point).

(xii) Entry and recovery from high rates of descent with and without power (recovery to be completed not lower than 300 feet above surface).

(xiii) Maneuvering at minimum level flight airspeed.

(xiv) Airport traffic pattern.

(xv) Use of radio for voice communication-traffic control procedures.

(xvi) Emergency operation of gyroplane equipment.

The format of any final rules adopted pursuant to this proposal will be subject to such changes as may be necessary for recodification under the Agency's recodification program recently announced in Draft Release No. 61–25 (26 F.R. 10698).

These amendments are proposed under authority of sections 313(a), 601, 602 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354, 1421, 1422).

Issued in Washington, D.C., on July 9, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62–6862; Filed, July 12, 1962; 8:48 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 1288]

AIRWORTHINESS DIRECTIVES

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring replacement of the flame tubes on Rolls Royce Tyne Engines.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before August 14, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

ROLLS ROYCE. Applies to all Tyne 512 and 515 engines with Pre-Modification 750 flame tubes installed.

Compliance required as indicated.

Investigation of an inflight failure of flame tubes on a Rolls Royce Tyne engine reveals the need for the following corrective action.

(a) Pre-Modification 750 flame tubes shall be removed and replaced with new Pre-Modification 750 or Modification 750 flame tubes as follows:

(1) On engines not incorporating a clutch mounted tail bearing (Rolls Royce Modification 549):

(i) Pre-Modification 750 flame tubes which have accumulated 325 or more hours time in service as of the effective date of this AD shall be replaced within the next 25 hours time in service after the effective date of this AD.

(ii) Pre-Modification 750 flame tubes which have accumulated less than 325 hours time in service as of the effective date of this AD shall be replaced prior to the accumulation of 350 hours time in service.

(2) On engines incorporating a clutch mounted tail bearing (Rolls Royce Modification 549):

(i) Pre-Modification 750 flame tubes which have accumulated 450 or more hours time in service as of the effective date of the AD shall be replaced within the next 50 hours time in service after the effective date of this AD.

(ii) Pre-Modification 750 flame tubes which have accumulated less than 450 hours time in service as of the effective date of the AD shall be replaced prior to the accumulation of 500 hours time in service.

(b) If new Pre-Modification 750 flame tubes are installed in accordance with paragraph (a), such flame tubes must be replaced with Modification 750 flame tubes prior to the accumulation of 350 hours time in service.

(Rolls Royce Service Bulletin No. Ty72–375 concerns the same subject.)

Issued in Washington, D.C., on July 9, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62–6826; Filed, July 12, 1962; 8:45 a.m.]

Notices

CIVIL AERONAUTICS BOARD

[Docket No. 12285 etc.]

NEW YORK-FLORIDA RENEWAL CASE

Notice of Reconvening of Hearing

Notice is hereby given that public hearing in the above-entitled proceeding will reconvene on July 24, 1962, at 10 a.m. (local time) in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., July 9, 1962.

[SEAL] WALTER W. BRYAN,
Hearing Examiner.

[F.R. Doc. 62-6854; Filed, July 12, 1962; 8:47 a.m.]

[Docket No. 13041]

SERVICE TO CHATTANOOGA CASE

Notice of Hearing

In the matter of the application of Braniff Airways, Inc., for amendment of its certificate for Route 9 so as to delete therefrom the intermediate point, Chattanooga, Tennessee.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on August 2, 1962, at 10:00 a.m., e.d.s.t. in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Hearing Examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to Board Order E-17874, dated December 26, 1961, the prehearing conference report served June 25, 1962, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., July 9, 1962.

[SEAL] LESLIE G. DONAHUE,
Hearing Examiner.

[F.R. Doc. 62-6855; Filed, July 12, 1962; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14581, 14582; FCC 62M-957]

WIDU BROADCASTING, INC., AND AL-OR BROADCASTING CO.

Order Continuing Hearing

In re applications of WIDU Broadcasting, Inc., Asheboro, North Carolina, Docket No. 14581, File No. BP-14348; W. A. Corbett, J. R. Marlowe, Roy Cox, Jr., tr/as AL-OR Broadcasting Company, Mebane, North Carolina, Docket No. 14582, File No. BP-15051; for construction permits.

The Hearing Examiner having under consideration a rescheduling of this proceeding;

It appearing that, after an informal conference among the parties and the Hearing Examiner, a new schedule has been established as follows:

Exchange of Exhibits, September 10, 1962.
Notification of witnesses desired, September 17, 1962.
Commencement of hearing, October 1, 1962.

It is ordered, This 9th day of July 1962, that the further hearing is continued from July 17 to October 1, 1962, and that the other dates specified above will be adhered to.

Released: July 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6864; Filed, July 12, 1962; 8:48 a.m.]

[Docket Nos. 14559-14561; FCC 62M-956]

WPOW, INC., ET AL.

Order Continuing Hearing

In re applications of WPOW, Inc., New York, New York, Docket No. 14559, File No. BR-263, for renewal of license of Station WPOW; Rensselaer Polytechnic Institute, Troy, New York, Docket No. 14560, Filed No. BR-267, for renewal of license of Station WHAZ; Debs Memorial Radio Fund, Incorporated, New York, New York, Docket No. 14561, File No. BR-270, for renewal of license of Station WEVD (Main & Aux.).

It is ordered, This 9th day of July 1962, on the Hearing Examiner's own motion, that the further prehearing conference scheduled for this date is continued to July 18, 1962, at 10:00 a.m.

Released: July 9, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6863; Filed, July 12, 1962; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI62-467 etc.]

H. L. HUNT ET AL.

Order Permitting Withdrawal of Suspended Increased Rates, Severing Proceedings and Terminating Proceedings as Moot

JULY 6, 1962.

H. L. Hunt, et al. Docket Nos. RI62-467, et al.; Shell Oil Company (Operator), et al. Docket No. RI62-472; Shell Oil Company, Docket No. RI62-473; The British-American Oil Producing Company, Docket No. RI62-474; Sunray DX Oil Company, Docket No. RI62-480.

Shell Oil Company for itself and as (Operator), et al. (Shell), The British-American Oil Producing Company (British-American) and Sunray DX Oil Company (Sunray), on June 25, 1962, June 26, 1962, and June 28, 1962, respectively, submitted notices of withdrawal of suspended rate supplements which proposed periodic increased rates for gas sold to Transcontinental Gas Pipe Line Corporation (Transcontinental) from various fields in South Louisiana.

The subject rate filings and the related suspension proceedings are:

Rate schedule supplement No.	Purchaser	Suspended rate per Mcf	Suspension docket No.
		Cents	
198-4 [1]	Transcontinental	25.55	RI62-472
200-2 [1]	do	25.55	RI62-473
208-1 [2]	do	25.55	RI62-473
126-4 [3]	Gas Gathering Corp.[4]	23.05	RI62-473
42-2 [5]	Transcontinental	25.55	RI62-474
215-1 [4]	do	25.55	RI62-480
216-1 [4]	do	25.55	RI62-480

[1] Shell Oil Co. (Operator), et al.
[2] Shell Oil Co.
[3] The British-American Oil Producing Co.
[4] Sunray DX Oil Co.
[5] Resells to Transcontinental.

The proposed increased rates of Shell, British-American and Sunray were suspended by order issued June 14, 1962 in H. L. Hunt, et al., Docket Nos. RI62-467, et al., until December 1, 1962, and until such further time as they are made effective pursuant to the provisions of the Natural Gas Act. That order also consolidated the proceedings of the subject producers with several others and set such proceedings for immediate hearing to be held July 16, 1962.

The Commission finds: Good cause exists for permitting Shell Oil Company, Shell Oil Company (Operator), et al., The British-American Oil Producing Company, and Sunray DX Oil Company to withdraw the above-designated suspended supplements, for severing the proceedings in Docket Nos. RI62-472, RI62-473, RI62-474, and RI62-480 from the consolidated proceedings in H. L. Hunt, et al., Docket Nos. RI62-467, et al., and for terminating the proceedings in Docket Nos. RI62-472, RI62-473, RI62-474, and RI62-480.

The Commission orders:

(A) Shell Oil Company, Shell Oil Company (Operator), et al., The British-American Oil Producing Company and Sunray DX Oil Company are hereby permitted to withdraw the above-designated suspended supplements.

(B) The proceedings in Docket Nos. RI62-472, RI62-473, RI62-474, and RI62-480 are hereby severed from the consolidated proceedings in H. L. Hunt, et al., Docket Nos. RI62-467, et al.

(C) The proceedings in Docket Nos. RI62-472, RI62-473, RI62-474, and RI62-480 are hereby terminated as moot.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6856; Filed, July 12, 1962; 8:47 a.m.]

[Docket No. CP62-171]

ILLINOIS POWER CO.

Notice Changing Date of Hearing

JULY 6, 1962.

Take notice that the hearing on the application herein now set to be held on July 26, 1962, is hereby reset for hearing on July 30, 1962, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6857; Filed, July 12, 1962; 8:47 a.m.]

[Docket No. RI63-1]

SKELLY OIL CO. (OPERATOR), ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates and Allowing Increased Rates To Become Effective

JULY 6, 1962.

On June 7, 1962, Skelly Oil Company (Operator), et al., (Skelly)[1] tendered for filing a proposed change in its presently effective rate schedule covering gas produced from the Hugoton Field, Sherman and Hansford Counties, Texas (R.R. Dist. No. 10) and sold subject to the jurisdiction of this Commission to Phillips Petroleum Company (Phillips). The proposed change, which constitutes increased rates and charges, is contained in the following designated filing:

Description: Notice of Change, dated June 6, 1962.

Rate schedule designation: Supplement No. 14 to Skelly Oil Company (Operator), et al., FPC Gas Rate Schedule No. 28.[2]

Effective date: July 7, 1962 (stated effective date is the first day after expiration of the required thirty days' notice).

Rates in effect: 6.86618 cents per Mcf for "sweet" gas and 6.36136 cents per Mcf for "sour" gas, 14.65 psia.

Proposed increased rates: 10.59239 cents per Mcf for "sweet" gas and 9.84230 cents per Mcf for "sour" gas, at 1465 psia.

Annual increase: $98,397 for "sweet" gas and $2,569 for "sour" gas.

Since the proposed revenue-sharing increases of Skelly are based on the resale rate of the purchaser, Phillips, which is in effect subject to refund in Docket No. RI60-349, it is believed that such increases should be suspended for one day from the proposed effective date of July 7, 1962.

The proposed increased rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes, and that Supplement No. 14 to Skelly's FPC Gas Rate Schedule No. 28 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act [18 CFR, Ch. I] a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 14 to Skelly's FPC Gas Rate Schedule No. 28.

(B) Pending such hearing and decision thereon, Supplement No. 14 to Skelly's Rate Schedule No. 28 is hereby suspended and the use thereof deferred until July 8, 1962, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act: *Provided, however*, That said supplement shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of issuance of this order Skelly shall execute and file under the captioned and above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the Regulations thereunder, accompanied by a certificate showing service of copies thereof upon the purchaser under the rate schedule involved. Unless Skelly is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37) on or before August 17, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6858; Filed, July 12, 1962; 8:48 a.m.]

[1] Address: P.O. Box 1650, Tulsa 2, Oklahoma.

[2] Skelly sells under this rate schedule both "sweet" and "sour" gas, with each having a separate rate.

[Docket No. G-12322]

UNITED GAS PIPE LINE CO.

Notice of Motion to Amend

JULY 6, 1962.

Take notice that on March 30, 1962, United Gas Pipe Line Company (United), 1525 Fairfield Avenue, Shreveport, Louisiana, filed a motion to amend the Commission's order issued June 14, 1957, as amended, in Docket No. G-12322, so as to permit increased deliveries of natural gas to Pontiac Eastern Corporation (Pontiac), all as more fully set forth in the motion on file with the Commission and open to public inspection.

The subject order issued to United a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the delivery of up to 5,000 Mcf of natural gas per day to Pontiac for use as fuel in the latter's Purvis Refinery in Lamar County, Mississippi. By order of July 17, 1958, the subject order was amended to authorize the delivery of natural gas by United to Pontiac in quantities set forth in an amendatory gas purchase agreement, dated May 23, 1958. This latter agreement provided that United deliver up to 7,500 Mcf per day to Pontiac and temporary additional volumes of gas as required by Pontiac after periodic shutdowns of its refinery, provided that in no event shall total deliveries exceed 11,000 Mcf of gas in any one day.

United in the subject motion requests authorization to deliver up to 10,000 Mcf per day in lieu of 7,500 Mcf per day, without altering the temporary additional volume required after shut-down of up to 11,000 Mcf in any one day.

Protests, requests for hearing, or petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 2, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6859; Filed, July 12, 1962; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

STONE FORWARDING CO., INC., ET AL.

Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 8773 between Stone Forwarding Company, Inc. (Galveston, Houston, and Corpus Christi) and W. L. Richeson & Sons, Inc. (New Orleans) is a cooperative working arrangement under which the parties will perform freight forwarding services for each other, dividing forwarding fees on the basis of the services to be performed.

Agreement No. 8927 between Stone Forwarding Company, Inc., and Universal Transcontinental Corp. (New York), and Agreement No. 8951 between W. R. Zanes & Co. of La., Inc. (New Orleans) and John A. Hickey & Co., Inc. (New York) have identical terms. They provide for the performance of forwarding services by the parties for each other, and the division of forwarding fees and ocean freight brokerage.

Agreement No. 8908 between American Express Company (New York) and Seaway Forwarding Co. (Cleveland) sets forth the terms under which the latter will act as shipping correspondent for American Express.

Agreement No. 8944 between Markand Thakar (New York) and W. L. Richeson & Sons, Inc. (New Orleans) is a reciprocal arrangement under which the parties perform freight forwarding services for each other. The party performing the service will retain the entire forwarding fee; ocean freight brokerage is to be divided equally.

Agreement No. 8946 between Sumter Marine Corp. (Charleston, S.C.) and Major Forwarding Company, Inc. (New York) sets forth the terms under which Sumter Marine will complete the documentation of shipping papers in connection with shipments referred to it by Major Forwarding.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to them, and their position as to approval, disapproval or modification thereof, together with request for hearing, should such hearing be desired.

Dated: July 10, 1962.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 62-6865; Filed, July 12, 1962; 8:48 a.m.]

FEDERAL TRADE COMMISSION

CORPORATIONS ENGAGED IN PRODUCTION, DISTRIBUTION, PURCHASE AND SALE OF FLUID MILK ALONE OR IN COMBINATION WITH OTHER PRODUCTS OR SERVICES

Resolution Directing an Investigation Into the Acts and Practices Employed

Whereas, the Commission has received complaints and information to the effect that some corporations may be engaged in unfair and discriminatory acts and practices in connection with the production, distribution, purchase and sale of fluid milk alone or in combination with other products or services in Indianapolis, Indiana; Denver, Colorado; St. Louis, Missouri; Topeka, Kansas; Peoria, Illinois, and other trade areas throughout the United States; and

Whereas, instances have come to the attention of the Commission where some corporations have engaged in the practice of selling fluid milk alone or in combination with other products or services in selected market areas at below cost prices; and further have engaged in the practice of selling fluid milk alone or in combination with other products or services in certain selected geographical areas at extremely low prices while maintaining much higher prices in other areas; and

Whereas, the Commission has received complaints and information to the effect that such acts and practices result in severe economic injury to many small businesses; and

Whereas, such acts and practices may constitute violations of section 2 of the Clayton Act, as amended by the Robinson-Patman Act (15 U.S.C. sec. 13), or section 5 of the Federal Trade Commission Act (15 U.S.C. sec. 45), statutes administered by the Commission, or may require additional legislation; and

Whereas, the Commission may find it necessary in the public interest to take action against such possible violations of law, or to take such other action as may be required in the public interest, including reports to the Congress recommending additional legislation where warranted; and

Whereas, the Commission has the authority under section 3 of the Federal Trade Commission Act (15 U.S.C. sec. 43) to prosecute any inquiry necessary to its duty in any part of the United States and, specifically, under section 6 of said Act (15 U.S.C. sec. 46) to investigate corporations engaged in commerce:

Now, therefore, be it resolved that the Commission, in the exercise of the powers vested in it by law, and pursuant to its published procedures and rules of practice (27 F.R. 4610, 4611 (May 16, 1962, effective June 1, 1962)) and with the aid of any and all compulsory processes available to it, do forthwith proceed to investigate, for the reasons and purposes stated herein, the organization business, conduct, practices, management, and relation to other corporations, partnerships, and individuals, of corporations engaged in the production, distribution, purchase and sale of fluid milk alone or in combination with other products or services; and

Be it further resolved that all documents and such other information required to be produced at any hearings pursuant to this investigation, where it can be demonstrated by the producing party to the satisfaction of the presiding examiner that such documents and information disclose trade secrets, or confidential information of the type that should be protected from public disclosure, shall be placed in an in camera status; and

Be it further resolved that, in the public interest and in compliance with the Commission's rules of practice (27 F.R. 4610, 4611 (May 16, 1962, effective June 1, 1962)), all investigational hearings be conducted in public unless otherwise specified in the formal processes authorized by the Commission.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

JULY 3, 1962.

[F.R. Doc. 62-6823; Filed, July 12, 1962; 8:45 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary's Order No. 21-62]

ADMINISTRATIVE ASSISTANT SECRETARY ET AL.

Delegation of Authority To Enter Into and Execute Contracts

1. *Purpose.* This order delegates authority to enter into and execute contracts for property and services and contracts related to the training or orientation of foreign nationals.

2. *Directives affected.* This order supersedes General Order 92 (revised), dated May 6, 1960.

3. *Scope.* The provisions of this order apply to all offices, bureaus and other organizational components in the Department and to all personnel concerned with the procurement of property and services or with contracts related to the training or orientation of foreign nationals.

4. *Background.* General Order 92 (revised), dated May 6, 1960, was based in part on General Services Administration Delegation of Authority No. 363 (24 F.R. 1921), dated March 10, 1959, in connection with authority granted to heads of executive agencies to use Title III of the Federal Property and Administrative Services Act of 1949 (63 Stat. 393, 41 U.S.C. 251–260) as amended. Delegation of Authority No. 363 was superseded by General Services Administration Delegation of Authority No. 410 (27 F.R. 3017), dated March 26, 1962. The principal change included in Delegation of Authority No. 410 is to permit executive agencies to make advance payments under negotiated contracts in accordance with the provisions of section 305 (41 U.S.C. 255) of the above cited Act. Restrictions in section 307 (41 U.S.C. 257) prohibiting or limiting delegation of authority contained in subsections 302(c) (11), (12) and (13) of the Act (41 U.S.C. 252(c) (11), (12) and (13)) are still applicable.

5. *Delegation of authority.* a. The authority under Title III of the Federal Property and Administrative Services Act, delegated to the Secretary of Labor in General Services Administration Delegation of Authority No. 410 (27 F.R. 3017), dated March 26, 1962, except the authority contained in paragraphs (12) and (13) of section 302(c) of such Act (41 U.S.C. 252(c) (12) and (13)) and the authority contained in paragraph (11) of section 302(c) (41 U.S.C. 252(c) (11)) when the proposed contracts will require the expenditure of more than $25,000 is delegated to the Administrative Assistant Secretary and officers acting in that capacity. Such authority shall be exercised in accordance with applicable limitations and requirements of the Federal Property and Administrative Services Act of 1949, as amended, and policies, procedures, limitations, controls and reporting requirements prescribed by the General Services Administration.

b. The authority to enter into contracts related to the training or orientation of foreign nationals pursuant to existing agreements entered into by the Department of Labor with operating Federal agencies under provisions of the Mutual Security Act of 1956, as amended (68 Stat. 832, 22 U.S.C. 1750), and the United States Information and Educational Exchange Act of 1948 (62 Stat. 6, 22 U.S.C. 1431), or with other international organizations is delegated to the Administrative Assistant Secretary and officers acting in that capacity. This authority shall include the execution of such contracts for all bureaus of the Department under any such authorized program, subject to funds made available by the said agreements with such agencies or other organizations.

c. The Administrative Assistant Secretary may redelegate to other officers or employees of the Department of Labor any of the authority herein delegated, except the authority contained in section 302(c)(11) (41 U.S.C. 252(c)(11)) of the Federal Property and Administrative Services Act of 1949, as amended.

6. *Action requirements.* a. The Administrative Assistant Secretary shall promulgate such procedures as may be deemed necessary to carry out the purposes of this order.

b. The Solicitor: As a general policy, all contracts of the Department are subject to review by the Solicitor. However, in order to avoid unnecessary review, all contracts entered into under the authority of this order, prepared on standard forms or forms previously approved by the Solicitor, are not required to be submitted to the Solicitor for review. If changes or additions are made in the standard forms, or forms previously approved by the Solicitor, which may affect the legal obligations arising under the contracts, they shall be submitted to the Solicitor for review.

7. *Effective date.* This order is effective immediately and will remain in effect for four years unless cancelled or superseded earlier.

Signed at Washington, D.C., this 29th day of June 1962.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62-6845; Filed, July 12, 1962; 8:47 a.m.]

[Secretary's Order No. 22-62]

CHIEF OF DIVISION OF ADMINISTRATIVE MANAGEMENT ET AL.

Redelegation of Authority To Enter Into and Execute Contracts

1. *Purpose.* This order redelegates authority to enter into and execute contracts for property and services and contracts related to the training or orientation of foreign nationals.

2. *Directives affected.* This order implements Secretary's Order No. 21–62, dated June 29, 1962.

3. *Scope.* The provisions of this order have application to the procurement functions exercised by the Division of Administrative Management, Office of Administrative Assistant Secretary; Office of International Personnel and Management, Bureau of International Labor Affairs; and Office of the Deputy Commissioner for Management, Bureau of Labor Statistics; and the functions of the Office of International Personnel and Management, Bureau of International Labor Affairs pertaining to contracts for training or orientation of foreign nationals.

4. *Background.* Secretary's Order No. 21–62, dated June 29, 1962 delegates to the Administrative Assistant Secretary and officers acting in that capacity certain authority to enter into and execute contracts for property and services and contracts relative to the training or orientation of foreign nationals. Provision is also made in that order for redelegation of authority to other officers or employees of the Department of Labor, except the authority contained in section 302(c)(11) (41 U.S.C. 252(c)(11)) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 393, 41 U.S.C. 251–260) as amended.

The prinicpal change included in Secretary's Order No. 21–62 and in this order is to permit advance payments under negotiated contracts in accordance with the provisions of General Services Administration Delegation of Authority No. 410 (27 F.R. 3017), dated March 26, 1962.

5. *Redelegation of authority.* a. The Chief, Division of Administrative Management, Office of the Administrative Assistant Secretary, or officials acting in that capacity are authorized, in accordance with Title III of the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 393, 41 U.S.C. 251–260), General Services Administration Delegation of Authority No. 410 (27 F.R. 3017), dated March 26, 1962. Secretary's Order No. 21–62 dated June 29, 1962, and other pertinent provisions of law and regulations of the Administrator of General Services Administration, to procure supplies, equipment and services under existing contracts and to enter into and execute contracts therefor, obligating funds available for such purposes appropriated or allotted to the Department of Labor or to any bureau, division, office or service of the Department. This authority shall include the authority to procure books, newspapers, periodicals and commercial and labor reporting services ordered by the Librarian.

b. The Chief, Division of Administrative Management, Office of the Administrative Assistant Secretary; the Director, Office of International Personnel and Management, Bureau of International Labor Affairs; and the Deputy Assistant Commissioner for Management, Bureau of Labor Statistics, or officials acting in the capacity of each of these positions are individually authorized, in accordance with Title III of the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 393, 41 U.S.C. 251–260), General Services Administration Delegation of Authority No. 410 (27 F.R. 3017), dated March 26, 1962, Secretary's Order No. 21–62, dated June 29, 1962, and other pertinent provisions of law and regulations of the Administrator of General Services Administration, to enter into and execute contracts for property or services without advertising and to make advance payments under executed contracts. The authority delegated to the Director, Office of Personnel and Management, Bureau of International Labor Affairs to execute contracts under this subsection is limited however, to contracts for property or services required in the performance of programs for the training or orientation of foreign nationals.

c. The Director, Office of International Personnel and Management, Bureau of International Labor Affairs, or officials acting in that capacity are also authorized to enter into contracts related to the training or orientation of foreign nationals pursuant to existing agreements entered into by the Department of Labor with operating Federal agencies under provisions of the Mutual Security Act of 1956, as amended (68 Stat. 832, 22 U.S.C. 1750), and the United States Information and Educational Exchange Act of 1948 (62 Stat. 6, 22 U.S.C. 1431), or with other international organizations. This authority shall include the execution of such contracts for all bureaus of the Department under any such authorized program, subject to funds made available by the said agreements with such agencies or other organizations.

6. *Action requirements.* As a general policy all contracts of the Department are subject to review by the Solicitor. However, in order to avoid unnecessary review, all contracts entered into under the authority of this order prepared on standard forms or forms previously approved by the Solicitor, are not required to be submitted to the Solicitor for review. If changes or additions are made in the standard forms, or forms previously approved by the Solicitor, which may affect the legal obligations arising under the contracts, they shall be submitted to the Solicitor for review.

7. *Effective date.* This order is effective immediately and will remain in effect for four years unless cancelled or superseded earlier.

Signed at Washington, D.C., this 29th day of June 1962.

LEO R. WERTS,
Administrative Assistant Secretary.

[F.R. Doc. 62-6846; Filed, July 12, 1962; 8:47 a.m.]

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 561 (27 F.R. 4001) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under Section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (section 522.1 to 522.9) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (20 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Barbizon of Utah, Inc., 150 West 12th North, Provo, Utah; effective 7-11-62 to 7-10-63 (ladies' lingerie).

Bay Slacks, Inc., Hoyle Avenue, Bay Minette, Ala.; effective 7-1-62 to 6-30-63 (men's and boys' slacks).

Bowling Green Garment Co., Bowling Green, Mo.; effective 7-14-62 to 7-13-63 (ladies' dresses).

Elder Manufacturing Co., Webb City, Mo.; effective 6-30-62 to 6-29-63 (boys' and juveniles' shirts).

Fleetwood Shirt Corp., 26 East Locust Street, Fleetwood, Pa.; effective 7-11-62 to 7-10-63 (men's dress and sport shirts; women's man tailored shirts).

The Fordyce Apparel Co., Fordyce, Ark.; effective 7-10-62 to 7-9-63 (men's and boys' single pants).

Industrial Garment Manufacturing Co. of Tennessee, Inc., Erwin, Tenn.; effective 6-25-62 to 6-24-63 (work pants and shirts).

Lakeland Manufacturing Co., 14th and Alabama, Sheboygan, Wis.; effective 6-29-62 to 6-28-63 (men's and boys' outdoor cotton and wool jackets).

Mantachie Manufacturing Co., Itawamba County, Mantachie, Miss.; effective 6-28-62 to 6-27-63 (men's dress and sport shirts).

Mauston Manufacturing Co., Mauston, Wis.; effective 6-29-62 to 6-28-63. Ten percent of the total number of factory production workers used in the production of women's and children's dresses for normal labor turnover purposes (women's and children's dresses).

Oberman Manufacturing Co., Arkadelphia, Ark.; effective 6-29-62 to 6-28-63 (men's and boys' single pants).

Page Sportswear, Inc., 124 South Seymour, St. James, Mo.; effective 7-10-62 to 7-9-63 (men's, women's, and boys' outerwear jackets).

Sweet-Orr and Co., Inc., 68 First Street, SW., Pulaski, Va.; effective 6-24-62 to 6-23-63 (men's and boys' pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Arcadia Valley Manufacturing Co., Arcadia, Mo.; effective 6-30-62 to 6-29-63; 10 learners (ladies' and girls' blouses).

Fashion Robe Co., 100 Pennsylvania Avenue, Bangor, Pa.; effective 6-25-62 to 6-24-63; five learners (ladies' blouses).

Gerard Sportswear, Inc., 41 East Chestnut Street, Hazleton, Pa.; effective 6-29-62 to 6-28-63; 10 learners (knitted shirts).

Gunnin Manufacturing Co., Main Street, Dawson, Ga.; effective 6-29-62 to 6-28-63; 10 learners (men's and ladies' sport shirts).

McTague Manufacturing Co., Inc., 16 West Presquelsle Street, Phillipsburg, Pa.; effective 6-25-62 to 6-24-63; 10 learners (boys' and girls' outerwear jackets).

Mount Manufacturing Co., Sixth and Orange Streets, Mount Carmel, Pa.; effective 6-25-62 to 6-24-63; 10 learners (women's blouses).

Storktowne Products, Inc., Alexander Lane at Pulaski Pike, Columbia, Tenn.; effective 6-26-62 to 6-25-63; 10 learners (snow suits and jackets; children's robes and pajamas).

Sylvia Garments Inc., 32 West King Street, Littlestown, Pa.; effective 6-26-62 to 6-25-63; 10 learners (ladies's cotton dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Big Yank Corp., Central Street, Water Valley, Miss.; effective 6-25-62 to 12-24-62; 125 learners (continental pants and dungarees).

H. & L. Block, Inc., Decherd, Tenn.; effective 7-2-62 to 1-1-63; 20 learners (men's single pants).

Charland Sportswear, Inc., 626 McKean Avenue, Charlerol, Pa.; effective 7-1-62 to 12-31-62; 75 learners (ladies' blouses).

Hunter Brothers Co., Inc., Statesville, N.C.; effective 7-2-62 to 1-1-63; 15 learners for plant expansion purposes in the production of men's sport shirts and ladies' blouses (men's sport shirts and ladies' blouses).

Polk County Garment Manufacturing Co., Inc., Mena, Ark.; effective 6-26-62 to 12-25-62; 55 learners (men's sport shirts).

Prairie Manufacturing Co., East Prairie, Mo.; effective 7-2-62 to 1-1-63; 15 learners (men's pants).

Storktowne Products, Inc., Alexander Lane at Pulaski Pike, Columbia, Tenn.; effective 6-26-62 to 12-25-62; 40 learners (snow jackets; children's robes and pajamas).

Vidalia Garment Co., Inc., Vidalia, Ga.; effective 7-2-62 to 1-1-63; 80 learners (men's sport and dress shirts).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Indianapolis Glove Co., Inc., Richmond, Ind.; effective 7-30-62 to 7-29-63; 10 learners for normal labor turnover purposes (combination leather and cotton work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Kayser-Roth Hosiery Co., Pittsboro Seamless Knitting Division, Pittsboro, N.C.; effective 6-28-62 to 12-27-62; 15 learners for plant expansion purposes (seamless).

Kayser-Roth Hosiery Co., Pittsboro Seamless Knitting Division, Pittsboro, N.C.; effective 7-6-62 to 7-5-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' seamless hosiery).

Lindley Hosiery Finishers, Inc., 1648 West Webb Avenue, Burlington, N.C.; effective 6-26-62 to 6-25-63; four learners for normal labor turnover purposes (finishing ladies' hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Bluemont Knitting Mills, Inc., Galax, Va.; effective 6-30-62 to 6-29-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knit shirts and pajamas).

Circle Manufacturing Co., Thomasville, N.C.; effective 6-25-62 to 6-24-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' panties, men's shorts).

Hazlehurst Manufacturing Co., Vidalia Division, Vidalia, Ga.; effective 6-25-62 to 6-24-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' bras, garter belts, and girdles).

Hunter Bros. Co., Inc., Statesville, N.C.; effective 7-2-62 to 1-1-63; 10 learners for plant expansion purposes in the production of woven under shorts (men's shorts).

June Day Manufacturing Co., Inc., Washington Street, Williamston, N.C.; effective 6-28-62 to 12-27-62; 40 learners for plant expansion purposes (children's and ladies' bathing suits).

June Day Manufacturing Co., Inc., Washington Street, Williamston, N.C.; effective 6-28-62 to 6-27-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (children's and ladies' bathing suits).

Seamprufe Inc., Airport Road, Holdenville, Okla.; effective 7-17-62 to 7-16-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (slips and lingerie).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Barry Corp., Berrio Obrero Station, Santurce, P. R.; effective 6-2-62 to 6-1-63; 13 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 68 cents an hour for the first 240 hours and 79 cents an hour for the remaining 240 hours (fabric and leather gloves).

Billfold Corp. of America, Gurabo, P.R.; effective 6-10-62 to 8-31-62; 11 learners for normal labor turnover purposes, in the occupations of: (1) Stitching machine operator for a learning period of 320 hours at the rates of 53 cents an hour for the first 160 hours and 61 cents an hour for the remaining 160 hours; (2) die and clicker machine operator (cutter); creasing machine operator; skiving machine operator; framing machine operator; assembly, each for a learning period of 160 hours at the rate of 53 cents an hour (billfolds and purses) (replacement certificate).

The Carib Co., Inc., Aibonito, P.R.; effective 6-2-62 to 3-25-63; 14 learners for normal labor turnover purposes, in the occupation of machine sewer; layer off for a learning period of 480 hour at the rates of 68 cents an hour for the first 240 hours and 79 cents an hour for the remaining 240 hours (women's gloves) (replacement certificate).

Edro Corp., Anasco, P.R.; effective 6-2-62 to 3-11-63; 12 learners for normal labor turnover purposes, in the occupation of sewing machine operator; layer off for a learning period of 480 hours at the rates of 68 cents an hour for the first 240 hours and 79 cents an hour for the remaining 240 hours (gloves) (replacement certificate).

El Finale, Inc., Caguas, P.R.; effective 5-21-62 to 5-20-63; 10 learners for normal labor turnover purposes, in the occupations of: (1) Machine stitcher for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours for the period May 21, 1962, to June 1, 1962, and at the rates of 68 cents an hour for the first 240 hours and 79 cents an hour for the remaining 240 hours, effective June 2, 1962; (2) die and clicker machine operator for a learning period of 160 hours at the rate of 62 cents an hour for the period May 21, 1962, to June 1, 1962, and at the rate of 68 cents an hour, effective June 2, 1962 (ladies' gloves).

El Finale, Inc., Caguas, P.R.; effective 5-21-62 to 11-20-62; 40 learners for plant expansion purposes, in the occupations of: (1) Machine stitcher for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours for the period May 21, 1962, to June 1, 1962, and at the rates of 68 cents an hour for the first 240 hours and 79 cents an hour for the remaining 240 hours, effective June 2, 1962; (2) die and clicker machine operator for a learning period of 160 hours at the rate of 62 cents an hour for the period May 21, 1962, to June 1, 1962, and at the rate of 68 cents an hour, effective June 2, 1962 (ladies' gloves).

Guantes de Ponce, 88 Hostos Avenue, Ponce, P.R.; effective 6-2-62 to 6-1-63; 10 learners for normal labor turnover purposes, in the occupations of: (1) Machine stitcher; layer off for a learning period of 480 hours at the rates of 68 cents an hour for the first 240 hours and 79 cents an hour for the remaining 240 hours; (2) die and clicker machine operator for a learning period of 160 hours at the rate of 68 cents an hour (gloves).

Guantes de Ponce, Inc., 88 Hostos Avenue, Ponce, P.R.; effective 6-2-62 to 12-1-62; 30 learners for plant expansion purposes, in the occupations of: (1) Machine stitcher; layer off for a learning period of 480 hours at the rates of 68 cents an hour for the first 240 hours and 79 cents an hour for the remaining 240 hours; (2) die and clicker machine operator for a learning period of 160 hours at the rate of 68 cents an hour (gloves).

Industrial Research Corp., Barrio Sabalos, Mayaguez, P.R.; effective 6-11-62 to 12-10-62; 15 learners for plant expansion purposes, in the single occupation of basic hand and/or machine production operation in the assembly of plastic water filter and conditioner: Assembly of plastic parts; filling cartridges, for a learning period of 160 hours at the rate of 64 cents an hour (plastic water filter and conditioner).

Marlena Marie Shoe Corp., Humacao, P.R.; effective 6-11-62 to 6-10-63; 10 learners for normal labor turnover purposes, in any productive factory occupation, except: Edge setter or trimmer; Goodyear or McKay stitcher; top stitcher; laster (except slip laster); cement-process sole attacher; treer; upper leather cutter (except liner or trim); vamper; hand-fitter of wood heels; insole or outsole bagger; outsole catcher; channel lipwetter; floorboy or floorgirl; insole presser; rack changer; shover or pusher; sock liner getter; or any nonproductive factory occupations, each for a learning period of 480 hours at the rates of 60 cents an hour for the first 240 hours and 65 cents an hour for the remaining 240 hours (casual shoes).

Marlena Marie Shoe Corp., Humacao, P.R.; effective 6-11-62 to 12-10-62; 40 learners for plant expansion purposes, in any productive factory occupation, except: Edge setter or trimmer; Goodyear or McKay stitcher; top stitcher; laster (except slip laster); cement-process sole attacher; treer; upper leather cutter (except liner or trim); vamper; hand-fitter of wood heels; insole or outsole bagger; outsole catcher; channel lipwetter; floorboy or floorgirl; insole presser; rack changer; shover or pusher; sock liner getter; or any nonproductive factory occupations, each for a learning period of 480 hours at the rates of 60 cents an hour for the first 240 hours and 65 cents an hour for the remaining 240 hours (casual shoes).

Milton Co., Inc., Aibonito, P.R.; effective 6-2-62 to 11-15-62; 16 learners for normal labor turnover purposes, in the occupation of machine stitcher; layer off for a learning period of 480 hours at the rates of 68 cents an hour for the first 240 hours and 79 cents an hour for the remaining 240 hours (ladies' gloves) (replacement certificate).

Overseas Sports Co., Inc., Mayaguez, P.R.; effective 6-10-62 to 12-19-62; 30 learners for normal labor turnover purposes, in the occupation of handsewing of baseballs and softballs for a learning period of 320 hours at the rates of 57 cents an hour for the first 160 hours and 66 cents an hour for the remaining 160 hours (baseballs and softballs) (replacement certificate).

Plata Glove, Inc., Cayey, P.R.; effective 6-2-62 to 8-8-62; 17 learners for normal labor turnover purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 66 cents an hour for the first 240 hours and 77 cents an hour for the remaining 240 hours; (2) die and clicker machine operator for a learning period of 160 hours at the rate of 66 cents an hour (leather gloves) (replacement certificate).

Plata Glove, Inc., Cayey, P.R.; effective 6-2-62 to 8-8-62; 20 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 66 cents an hour for the first 240 hours and 77 cents an hour for the remaining 240 hours; (2) die and clicker machine operator for a learning period of 160 hours at the rate of 66 cents an hour (leather gloves) (replacement certificate).

Playmaster Co., Inc., Cayey, P.R.; effective 6-10-62 to 1-7-63; three learners for normal labor turnover purposes, in the occupation of baseball hand sewer for a learning period of 320 hours at the rates of 57 cents and hour for the first 160 hours and 66 cents an hour for the remaining 160 hours (baseballs) (replacement certificate).

Ricardo Corp., Hormigueros, P.R.; effective 5-28-62 to 11-27-62; 55 learners for plant expansion purposes, in the occupations of: (1) Machine stitcher; layer off for a learning period of 480 hours at the rates of 66 cents an hour for the first 240 hours and 79 cents an hour for the remaining 240 hours; (2) die and clicker machine operator for a learning period of 160 hours at the rate of 68 cents an hour (machine-sewn gloves).

Rico Glove Corp., Cayey, P.R.; effective 6-2-62 to 6-30-62; 23 learners for normal labor turnover purposes, in the occupation of machine stitcher for a learning period of 480 hours at the rates of 68 cents an hour for the first 240 hours and 79 cents an hour for the remaining 240 hours (fabric gloves) (replacement certificate).

United Corp., Cabo Rojo, P.R.; effective 6-2-62 to 3-27-63; 10 learners for normal labor turnover purposes, in the occupations of: (1) Machine stitcher; layer off for a learning period of 480 hours at the rates of 66 cents an hour for the first 240 hours and 77 cents an hour for the remaining 240 hours; (2) die and clicker machine operator for a learning period of 160 hours at the rate of 66 cents an hour (leather gloves) (replacement certificate).

United Corp., Cabo Rojo, P.R.; effective 6-2-62 to 9-27-62; 54 learners for plant expansion purposes, in the occupations of: (1) Machine stitcher; layer off for a learning period of 480 hours at the rates of 66 cents an hour for the first 240 hours and 77 cents an hour for the remaining 240 hours; (2) die and clicker machine operator for a learning period of 160 hours at the rate of 66 cents an hour (leather gloves) (replacement certificate).

Williams Corp. of P.R., Luquillo, P.R.; effective 6-2-62 to 6-1-63; 10 learners for normal labor turnover purposes, in the occupation of machine stitcher for a learning period of 480 hours at the rates of 68 cents an hour for the first 240 hours and 79 cents an hour for the remaining 240 hours (children's mittens).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 6th day of July 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-6848; Filed, July 12, 1962; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-2567]

TRANSMOUNT MINING VENTURE, INC.

Notice and Order for Hearing

JULY 9, 1962.

I. Transmount Mining Venture, Inc. (issuer), 219 Independence Building, Colorado Springs, Colorado, October 25, 1960, filed with the Commission on February 19, 1962, a Notification on Form 1-A and an offering circular relating to a public offering of 68,187 shares of its 10¢ par value common stock at an offering price of $1 per share for an aggregate of $68,187 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of Section 3(b) thereof, and Regulation A promulgated thereunder.

II. The Commission, on May 17, 1962, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest in the matter an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspen-

sion or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10 a.m., m.s.t., on July 25, 1962, at the Denver Regional Office of the Commission, 802 Midland Savings Building, 444 17th Street, Denver, Colorado, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the terms and conditions of Regulation A have been complied with, in that:

1. The issuer failed to disclose the names and addresses of predecessors of the issuer.

2. The issuer has directed written communications to shareholders of Trans-Mountain Uranium Company, Inc., in connection with the offering of securities under Regulation A without first filing such matter pursuant to Rule 258.

3. Issuer failed to disclose affiliates of the issuer.

4. Issuer failed to disclose the states, provinces and other jurisdictions in which it proposes to offer its securities.

5. Issuer failed to disclose in its response to Item 10 of the Notification that the issuer intends to offer its securities in a subsequent offering to the general public.

6. Issuer failed to disclose in its response to Item 9 of the Notification the offer and sales of unregistered securities of its predecessor and affiliate, Trans-Mountain Uranium Company, Inc., by the officers, directors and principal security holders of the issuer.

B. Whether the offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to file certain financial statements required and the use of misleading financial statements.

2. The failure to disclose accurately and adequately the relationship of Trans-Mountain Uranium Company, Inc., with the issuer.

3. The failure to disclose accurately and adequately the remuneration of the three highest paid officers of the issuer and the aggregate annual remuneration of all directors and officers as a group.

4. The failure to disclose accurately and adequately the dilution of an investment in the issuer and factors affecting dilution.

5. The failure to disclose accurately and adequately the proposed uses to be made of proceeds of the offering and the order of priority.

6. The failure to disclose accurately and adequately the number of shares of the issuer's common stock distributed to the original investors.

7. The failure to disclose accurately and adequately the relative security holdings as between officers, directors and promoters as a group and the public with the respective amounts of cash paid therefor.

8. The failure to disclose accurately and adequately in the offering circular the speculative aspects of the offerings and the risks attendant to an investment in the issuer's enterprise.

9. The failure to disclose accurately and adequately the necessity for special milling treatment in order to obtain a marketable tungsten concentrate.

10. The failure to disclose accurately and adequately insufficiency of the company's milling equipment.

11. The failure to disclose accurately and adequately the terms of a mining lease under which the issuer claims the right to conduct its mining operations.

C. Whether the offering, if made, would be made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is further ordered,* That Sidney Ullman, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Transmount Mining Venture, Inc., that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before July 23, 1962, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-6849; Filed, July 12, 1962; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

WALTER BRENTON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 20, 1962.

Dated: June 20, 1962.

WALTER BRENTON.

[F.R. Doc. 62-6829; Filed, July 12, 1962; 8:45 a.m.]

R. W. FACKLER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 18, 1962.

Dated: June 18, 1962.

R. W. FACKLER.

[F.R. Doc. 62-6830; Filed, July 12, 1962; 8:46 a.m.]

LESTER R. GAMBLE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) The Washington Water Power Co., The Montana Power Co., Composite Fund, Dividend Shares, Composite Bond and Stock Fund, Bank Deposits.
(3) None.
(4) None.

This statement is made as of July 1, 1962.

Dated: June 20, 1962.

LESTER R. GAMBLE.

[F.R. Doc. 62-6831; Filed, July 12, 1962; 8:46 a.m.]

FRANK W. GRIFFITH

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) Delete General Telephone & Electronics Co. Add Hawaiian Telephone Co.
(3) No change.
(4) No change.

This statement is made as of June 20, 1962.

Dated: June 20, 1962.

FRANK W. GRIFFITH.

[F.R. Doc. 62-6832; Filed, July 12, 1962; 8:46 a.m.]

A. P. JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 30, 1962.

Dated: June 26, 1962.

A. PAT JONES.

[F.R. Doc. 62-6833; Filed, July 12, 1962; 8:46 a.m.]

VIVAN B. JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) Arizona Public Service Company, Dividend Shares, One Williams Street, Arden Farms, U.S. Savings Bonds Series E, Bank Deposits, Safeway Stores, Allis Chalmers, Savage Industries, Phoenix Gems.
(3) No change.
(4) No change.

This statement is made as of June 19, 1962.

Dated: June 19, 1962.

MAX R. LLEWELLYN.

[F.R. Doc. 62-6835; Filed, July 12, 1962; 8:46 a.m.]

JOHN P. MADGETT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No changes.
(2) No changes.
(3) No changes.
(4) No changes.

This statement is made as of June 1, 1962.

Dated: June 22, 1962.

JOHN P. MADGETT.

[F.R. Doc. 62-6836; Filed, July 12, 1962; 8:46 a.m.]

CLARENCE W. MAYOTT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 18, 1962.

Dated: June 18, 1962.

CLARENCE W. MAYOTT.

[F.R. Doc. 62-6837; Filed, July 12, 1962; 8:46 a.m.]

L. A. MOLLMAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 1, 1962.

Dated: June 1, 1962.

L. A. MOLLMAN.

[F.R. Doc. 62-6838; Filed, July 12, 1962; 8:46 a.m.]

S. J. SICKEL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 18, 1962.

Dated: June 18, 1962.

S. J. SICKEL.

[F.R. Doc. 62-6839; Filed, July 12, 1962; 8:46 a.m.]

WILLARD B. SIMONDS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 18, 1962.

Dated: June 18, 1962.

WILLARD B. SIMONDS.

[F.R. Doc. 62-6840; Filed, July 12, 1962; 8:46 a.m.]

J. F. SINNOTT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) No longer own Pasadena Municipal Bond.
(3) None.
(4) None.

This statement is made as of June 20, 1962.

Dated: June 20, 1962.

JOSEPH F. SINNOTT.

[F.R. Doc. 62-6841; Filed, July 12, 1962; 8:46 a.m.]

STANLEY C. TOWNSEND

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) Unchanged.
(2) Additions: U.S. Treasury Bills. Deletions: None.
(3) Unchanged.
(4) Unchanged.

This statement is made as of June 18, 1962.

Dated: June 18, 1962.

STANLEY C. TOWNSEND.

[F.R. Doc. 62-6842; Filed, July 12, 1962; 8:47 a.m.]

ALEXANDER H. WADE, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 14, 1962.

Dated: June 14, 1962.

ALEXANDER H. WADE, Jr.

[F.R. Doc. 62-6843; Filed, July 12, 1962; 8:47 a.m.]

W. D. WILDER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 20, 1962.

Dated: June 20, 1962.

W. D. WILDER.

[F.R. Doc. 62-6844; Filed, July 12, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 661]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 10, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64817. By order of July 5, 1962, the Transfer Board approved the transfer to Barney Burke Transfer Company, Inc., Millen, Ga., of the operating rights in Certificate No. MC 115874, issued May 2, 1961, to Barney L. Burke, doing business as Barney Burke Transfer Company, Millen, Ga., authorizing the transportation of lumber, over irregular routes, between points in a described portion of Georgia, on the one hand, and, on the other, points in Florida and South Carolina. John W. Greer, 711 Volunteer Building, Atlanta 3, Ga., applicants' representative.

No. MC-FC 64932. By order of July 3, 1962, the Transfer Board approved the transfer to E & G Express & Trucking Co., Inc., North Arlington, N.J., of Certificate No. MC 35077, issued December 5, 1950, to Edward R. De Nike, doing business as E & G Express & Trucking Co., Newark, N.J., authorizing the transportation of: General commodities, except household goods, commodities in bulk, and other specified commodities, between points in Passaic, Bergen, Morris, Essex, Hudson, Union, Somerset and Middlesex Counties, N.J., on the one hand, and, on the other, New York, N.Y. James J. Farrell, 201 Montague Place, South Orange, N.J., representative for applicants.

No. MC-FC 65004. By order of July 3, 1962, the Transfer Board approved the transfer to John Thomas Larkin and Joseph L. Larkin, a partnership, doing business as Larkin Truck Company, Cincinnati, Ohio, of that portion of the operating rights in Certificate No. MC 75316, issued December 18, 1958, to Central Kentucky Film Service, a corporation, Florence, Ky., authorizing the transportation over regular routes, of film, advertising, and supplies, for motion picture theaters, between Cincinnati, Ohio, and Mount Sterling, Ky., and films, and advertising material and supplies used in motion picture theaters, between Cincinnati, Ohio, and Paris, Ky. James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio, applicants' attorney.

No. MC-FC 65051. By order of July 5, 1962, the Transfer Board approved the transfer to Dahlonega-Atlanta Coach Lines, Inc., P.O. Box 491, Alpharetta, Ga., of the operating rights in Certificate No. MC 58234 Sub-3, issued June 24, 1958, to Mrs. Frances C. Jones, doing business as Dahlonega-Atlanta Bus Line, Dahlonega, Ga., authorizing the transportation, over regular routes, of passengers and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, between Buckhead, Ga., and Sandy Springs, Ga., between Atlanta, Ga., and Dahlonega, Ga., between Jasper, Ga., and Gainesville, Ga., and between Dahlonega, Ga., and Gainesville, Ga.

No. MC-FC 65055. By order of July 2, 1962, the Transfer Board approved the transfer to Frank P. Battaglia and Thomas Torchia, a partnership, doing business as Produce Transport Dispatch, Portland, Oreg., of the claimed operating rights of Frank P. Battaglia, Louis Roberti, Alice Roberti, Administratrix, and Thomas Torchia, a partnership, doing business as Produce Transport Dispatch, Portland, Oreg., under the "grandfather clause" of section 7 of the Transportation Act, 1958 (72 Stat. 574), for which permanent authority is sought in MC 117724 to transport fruits, berries, vegetables, and bananas, between points in Oregon, Washington, and California; and for the substitution of transferee in that proceeding. Fred B. Duffy, attorney at law, 705 Yeon Building, Portland 4, Oreg.

No. MC-FC 65098. By order of June 29, 1962, the Transfer Board approved the transfer to James E. Stringer, Menomonie, Wis., of Certificate No. MC 29144, issued November 3, 1952, to Albert E. Tletz, Menomonie, Wis., authorizing the transportation of: Livestock, from points in the Towns of Elk Mound, Tainter, Red Cedar, and Menomonie, Dunn County, Wis., to South St. Paul, Newport, St. Paul, Minneapolis, Stillwater, and Hopkins, Minn., and general commodities, excluding household goods, commodities in bulk, and other specified commodities, from South St. Paul, Newport, St. Paul, Minneapolis, Stillwater, and Hopkins, Minn., to points in the above-specified Wisconsin Towns. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., representative for applicants.

No. MC-FC 65062. By order of July 5, 1962, the Transfer Board approved the transfer to Copey Trailers, Inc., Sharon, Pa., of Certificates Nos. MC 85613 Sub-1 and MC 85613 Sub-2, issued January 12, 1951, and April 3, 1952, to George Copenhaver, doing business as Copey's Transfer, Sharon, Pa., authorizing the transportation over irregular routes of such commodities as are dealt in by retail merchandising establishments, in a retail delivery service, over irregular routes, from Sharon, Pa., and points in Pennsylvania within 5 miles of Sharon, to points in Ohio within 50 miles of Sharon; damaged, defective, traded-in or repossessed shipments of the above commodities, on return; and household goods, between Farrell, Pa., and points within 10 miles thereof, on the one hand, and, on the other, points in Ohio, West Virginia, Maryland, New Jersey, New York, and Pennsylvania. John P. McMahon, 44 East Broad Street, Columbus 15, Ohio, attorney for applicants.

No. MC-FC 65118. By order of June 29, 1962, the Transfer Board approved the transfer to Grace T. Jones, Suffield, Ohio, of Permit No. MC 35893, issued August 25, 1959, to John J. Jones, Suffield, Ohio, authorizing the transportation of: Such commodities as are manufactured, processed, or dealt in by rubber manufacturers and steel product manufacturers and equipment, materials, and supplies used in the conduct of such businesses, from Akron, Ohio, to points in Rhode Island, Massachusetts, Connecticut, specified points in New York and New Jersey; tire fabric, from Fall River and New Bedford, Mass., to Akron, Ohio, scrap tires and tubes, from specified points in Massachusetts, Hartford, Conn., Newark, N.J., and Albany and New York, N.Y., and points on Long Island, N.Y., to Akron, Ohio, chemicals, from Naugatuck, Conn., to Akron, Ohio. John R. Meeks, 607 Copley Road, P.O. Box 1389, Akron 9, Ohio, representative for applicants.

No. MC-FC 65161. By order of June 29, 1962, the Transfer Board approved the transfer to Cy's Wrecker Service, Inc., St. Louis, Mo., of Certificate No. MC 96093, issued December 14, 1953, to Cy's Service, Inc., St. Louis, Mo., authorizing the transportation of abandoned, disabled, wrecked or repossessed motor vehicles, by the towaway method, over irregular routes, between points in Missouri in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Illinois, Kansas, Ohio, Indiana, Tennessee, Arkansas, Kentucky, and Iowa, within 350 miles of St. Louis, Mo. Jack Muehlenkamp, 4032 West Florissant, St. Louis 7, Mo., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-6852; Filed, July 12, 1962; 8:47 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 10, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37826: *Gypsumboard paper to New Orleans and Westwego, La.* Filed by Southwestern Freight Bureau, Agent (No. B-8236), for interested rail carriers. Rates on gypsumboard paper, in rolls, in carloads, from Pryor, Okla., Dallas and Houston, Tex., to New Orleans and Westwego, La.

Grounds for relief: Market competition.

Tariff: Supplement 30 to Southwestern Freight Bureau tariff I.C.C. 4394.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-6853; Filed, July 12, 1962; 8:47 a.m.]

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VOLUME 27 NUMBER 136

Washington, Saturday, July 14, 1962

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UNITED STATES STATUTES AT LARGE

[87th Cong., 1st Sess.]

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Rules and Regulations

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Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Post Office Department

Effective upon publication in the FEDERAL REGISTER, subparagraph (10) is added to paragraph (b) of § 6.309 and subparagraph (3) of paragraph (h) is amended as set out below.

§ 6.309 Post Office Department.

• • • • • • •

(b) *Bureau of Facilities.* • • •

(10) One Assistant to the Special Assistant to the Assistant Postmaster General.

• • • • • • •

(h) *Office of the Deputy Postmaster General.* • • •

(3) One Confidential Administrative Assistant to the Deputy Postmaster General.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-6893; Filed, July 13, 1962; 8:53 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Commerce

Effective upon publication in the FEDERAL REGISTER, subparagraph (a) of § 6.312 as set out below.

§ 6.312 Department of Commerce.

(a) *Office of the Secretary* • • •

(40) One National Export Expansion Coordinator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-6904; Filed, July 13, 1962; 8:56 a.m.]

PART 34—APPOINTMENT, COMPENSATION, AND REMOVAL OF HEARING EXAMINERS

Utilization of Examiners of Other Agencies

Section 34.13 is amended as set out below.

§ 34.13 Utilization of examiners of other agencies.

At the request of agencies that are occasionally or temporary insufficiently staffed, the Commission will provide for the temporarily utilization by those agencies of the services of hearing examiners of other agencies. The Commission shall, with the consent of the agencies in which the hearing examiners are employed, select the examiners to be utilized, and shall specify the date on which the examiners are to be made available to the agency in need of their services.

(Sec. 11, 60 Stat. 244, as amended; 5 U.S.C. 1010)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-6892; Filed, July 13, 1962; 8:53 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1962 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1962-Crop Grain Sorghums Loan and Purchase Agreement Program

Correction

In F.R. Doc. 62-6748 appearing at page 6463 of the issue for Tuesday, July 10, 1962, the following changes are made:

1. In § 421.1403(a), the last word in the seventh line should read "former" instead of "farmer".

2. In § 421.1411(h)(3) the language "pur-" should be deleted.

3. In § 421.1412(c)(2), the word "through" in the eighth line should read "though".

[1962 C.C.C. Cotton Bulletin 1, Amdt. 1]

PART 427—COTTON

Subpart—1962 Cotton Loan Program Regulations

SCHEDULE OF BASE LOAN RATES FOR UPLAND COTTON

The 1962 Cotton Loan Program Regulations (27 F.R. 6530) are hereby amended by adding § 427.1330 to read as follows:

§ 427.1330 Base loan rates by warehouse locations.

The base loan rates, in cents per pound, gross weight applicable to Middling white 1-inch upland cotton are as follows:

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City and county	Basis Middling white inch loan rate
Pickensville, Pickens	32.83
Pinckard, Dale	33.03
Pine Hill, Wilcox	32.83
Pisgah, Jackson	33.03
Pollard, Escambia	32.83
Prattville, Autauga	33.03
Ralph, Tuscaloosa	32.93
Red Bay, Franklin	32.83
Red Level, Covington	32.93
Reform, Pickens	32.83
Repton, Conecuh	32.83
Roanoke, Randolph	33.23
Rogersville, Lauderdale	32.83
Russellville, Franklin	32.83
Samantha, Tuscaloosa	32.93
Samson, Geneva	33.03
Scottsboro, Jackson	33.03
Section, Jackson	33.03
Selma, Dallas	32.93
Sheffield, Colbert	32.83
Slocomb, Geneva	33.03
Stevenson, Jackson	33.03
Stewart, Hale	32.93
Sulligent, Lamar	32.83
Sweet Water, Marengo	32.83
Sylacauga, Talladega	33.23
Sylvania, De Kalb	33.13
Talladega, Talladega	33.23
Tallassee, Elmore	33.13
Thomasville, Clarke	32.83
Thorsby, Chilton	33.03
Troy, Pike	33.03
Tuscaloosa, Tuscaloosa	32.93
Tuscumbia, Colbert	32.83
Tuskegee, Macon	33.13
Union Springs, Bullock	33.13
Uniontown, Perry	32.93
Vernon, Lamar	32.83
Vina, Franklin	32.83
Wadley, Randolph	33.23
Warrior, Jefferson	33.03
Webb, Houston	33.03
Wetumpka, Elmore	33.13
Wilsonville, Shelby	33.13
Winfield, Marion	32.83
Woodville, Jackson	33.03
York, Sumter	32.83

ARIZONA

City and county	Basis Middling white inch loan rate
Amado, Santa Cruz	31.70
Buckeye, Maricopa	31.70
Casa Grande, Pinal	31.70
Chandler, Maricopa	31.70
Coolidge, Pinal	31.70
Eloy, Pinal	31.70
Gilbert, Maricopa	31.70
Litchfield Park, Maricopa	31.70
McMicken, Maricopa	31.70
Marana, Pima	31.70
Phoenix, Maricopa	31.70
Picacho, Pinal	32.02
Safford, Graham	31.70
Sahuarita, Pima	32.02
Willcox, Cochise	31.70
Yuma, Yuma	

ARKANSAS

City and county	Basis Middling white inch loan rate
Arkadelphia, Clark	32.63
Ashdown, Little River	32.55
Batesville, Independence	32.63
Blytheville, Mississippi	32.68
Boughton, Nevada	32.55
Bradley, Lafayette	32.55
Brinkley, Monroe	32.68
Camden, Ouachita	32.55
Clarendon, Monroe	32.68
Conway, Faulkner	32.63
Cotton Plant, Woodruff	32.68
Dardanelle, Yell	32.63
Dell, Mississippi	32.68
Dumas, Desha	32.66
Earle, Crittenden	32.68
England, Lonoke	32.66
Eudora, Chicot	32.65
Evadale, Mississippi	32.68

ARKANSAS—Continued

City and county	Basis Middling white inch loan rate
Fordyce, Dallas	32.63
Forrest City, St. Francis	32.68
Fort Smith, Sebastian	32.55
Gurdon, Clark	32.63
Harrisburg, Poinsett	32.68
Helena, Phillips	32.68
Hope, Hempstead	32.55
Hughes, St. Francis	32.68
Hulbert, Crittenden	32.71
Jacksonville, Pulaski	32.66
Jonesboro, Craighead	32.68
Junction City, Union	32.55
Leachville, Mississippi	32.68
Lepanto, Poinsett	32.68
Little Rock, Pulaski	32.66
Lonoke, Lonoke	32.66
McCrory, Woodruff	32.68
McGehee, Desha	32.66
Magnolia, Columbia	32.55
Malvern, Hot Springs	32.63
Marianna, Lee	32.68
Marked Tree, Poinsett	32.68
Marvell, Phillips	32.68
Morrilton, Conway	32.63
Nashville, Howard	32.55
Newport, Jackson	32.66
North Little Rock, Pulaski	32.66
Osceola, Mississippi	32.68
Paragould, Greene	32.68
Pine Bluff, Jefferson	32.66
Portland, Ashley	32.63
Prescott, Nevada	32.55
Russellville, Pope	32.63
Searcy, White	32.66
Sparkman, Dallas	32.55
Trumann, Poinsett	32.68
Waldo, Columbia	32.55
Walnut Ridge, Lawrence	32.66
Warren, Bradley	32.63
West Helena, Phillips	32.68
West Memphis, Crittenden	32.71
Wilson, Mississippi	32.68
Wynne, Cross	32.68

CALIFORNIA

City and county	Basis Middling white inch loan rate
Arvin, Kern	31.70
Bakersfield, Kern	31.70
Brawley, Imperial	31.70
Buttonwillow, Kern	31.70
Calico, Kern	31.70
Caruthers, Fresno	31.70
Chowchilla, Madera	31.70
Coalinga, Fresno	31.70
Corcoran, Kings	31.70
El Centro, Imperial	31.70
Firebaugh, Fresno	31.70
Five Points, Fresno	31.70
Fresno, Fresno	31.70
Hanford, Kings	31.70
Helm, Fresno	31.70
Huron, Fresno	31.70
Kerman, Fresno	31.70
Kingsburg, Fresno	31.70
Locke, Sacramento	31.70
Los Angeles, Los Angeles	31.70
McFarland, Kern	31.70
Madera, Madera	31.70
Milpitas, Santa Clara	31.70
Oakland, Alameda	31.70
Pinedale, Fresno	31.70
Pond, Kern	31.70
Reedley, Fresno	31.70
Richmond, Contra Costa	31.70
San Diego, San Diego	31.70
San Francisco, San Francisco	31.70
San Joaquin, Fresno	31.70
San Jose, Santa Clara	31.70
San Pedro, Los Angeles	31.70
Selma, Fresno	31.70
Stockton, San Joaquin	31.70
Stratford, Kings	31.70
Tipton, Tulare	31.70
Tranquility, Fresno	31.70
Tulare, Tulare	31.70
Visalia, Tulare	31.70

FLORIDA

City and county	Basis Middling white inch loan rate
Graceville, Jackson	33.03
Jay, Santa Rosa	32.74
Malone, Jackson	33.03
Pensacola, Escambia	32.74

GEORGIA

City and county	Basis Middling white inch loan rate
Abbeville, Wilcox	33.23
Adairsville, Bartow	33.33
Adel, Cook	33.13
Adrian, Emanuel	33.33
Alamo, Wheeler	33.23
Albany, Dougherty	33.23
Allentown, Wilkinson	33.33
Alma, Bacon	33.23
Alvaton, Meriwether	33.33
Ambrose, Coffee	33.23
Americus, Sumter	33.23
Arabi, Crisp	33.23
Arlington, Calhoun	33.13
Ashburn, Turner	33.23
Athens, Clarke	33.43
Atlanta, Fulton	33.33
Augusta, Richmond	33.43
Bainbridge, Decatur	33.13
Barnesville, Lamar	33.32
Bartow, Jefferson	33.33
Baxley, Appling	33.23
Bellville, Evans	33.23
Bishop, Oconee	33.43
Blackshear, Pierce	33.13
Blakely, Early	33.13
Braselton, Jackson	33.43
Bronwood, Terrell	33.23
Brookfield, Tift	33.23
Brooklet, Bulloch	33.33
Brunswick, Glynn	33.13
Buchanan, Haralson	33.33
Buena Vista, Marion	33.33
Buford, Gwinnett	33.33
Butler, Taylor	33.33
Byromville, Dooly	33.23
Cadwell, Laurens	33.33
Cairo, Grady	33.13
Calhoun, Gordon	33.33
Camilla, Mitchell	33.13
Canon, Franklin	33.43
Carnegie, Randolph	33.13
Carrollton, Carroll	33.33
Cartersville, Bartow	33.33
Cedartown, Polk	33.33
Chamblee, De Kalb	33.33
Chauncey, Dodge	33.33
Chester, Dodge	33.33
Claxton, Evans	33.23
Cochran, Bleckley	33.33
Coleman, Randolph	33.13
Colquitt, Miller	33.13
Columbus, Muscogee	33.33
Comer, Madison	33.43
Commerce, Jackson	33.43
Concord, Pike	33.33
Conyers, Rockdale	33.33
Cordele, Crisp	33.23
Coverdale, Turner	33.23
Covington, Newton	33.33
Culloden, Monroe	33.33
Cuthbert, Randolph	33.13
Dallas, Paulding	33.33
Dalton, Whitfield	33.33
Davisboro, Washington	33.33
Dawson, Terrell	33.23
Dexter, Laurens	33.33
Doerun, Colquitt	33.13
Donalsonville, Seminole	33.13
Douglas, Coffee	33.23
Douglasville, Douglas	33.33
Dublin, Laurens	33.33
Dudley, Laurens	33.33
Eastman, Dodge	33.33
East Point, Fulton	33.33
Eatonton, Putnam	33.33
Edison, Calhoun	33.13
Elberton, Elbert	33.43
Ellaville, Schley	33.33
Fairburn, Fulton	33.33
Farrar, Jasper	33.33
Fayetteville, Fayette	33.33

GEORGIA—Continued

City and county	Basis Middling white inch loan rate
Findlay, Dooly	33.23
Fitzgerald, Ben Hill	33.23
Forsyth, Monroe	33.33
Fort Gains, Clay	33.13
Fort Valley, Peach	33.33
Franklinton, Bibb	33.33
Gainesville, Hall	33.43
Garfield, Emanuel	33.33
Gay, Meriwether	33.33
Glennville, Tattnall	33.23
Grantville, Coweta	33.33
Graymont, Emanuel	33.33
Greensboro, Greene	33.43
Greenville, Meriwether	33.33
Gresston, Dodge	33.33
Griffin, Spalding	33.33
Haralson, Coweta	33.33
Harrison, Washington	33.33
Hartsfield, Colquitt	33.13
Hartwell, Hart	33.43
Hawkinsville, Pulaski	33.33
Hazlehurst, Jefferson Davis	33.23
Hogansville, Troup	33.33
Hollonville, Pike	33.33
Ideal, Macon	33.33
Jackson, Butts	33.33
Jefferson, Jackson	33.43
Jeffersonville, Twiggs	33.33
Jesup, Wayne	33.23
Jonesboro, Clayton	33.33
Kelly, Jasper	33.33
Kingston, Bartow	33.33
Kite, Johnson	33.33
Lafayette, Walker	33.33
La Grange, Troup	33.33
Lavonia, Franklin	33.43
Lawrenceville, Gwinnett	33.33
Leary, Calhoun	33.13
Leesburg, Lee	33.23
Lenox, Cook	33.13
Leslie, Sumter	33.23
Lilly, Dooly	33.23
Lincolnton, Lincoln	33.43
Locust Grove, Henry	33.33
Loganville, Walton	33.33
Louisville, Jefferson	33.33
Lumpkin, Stewart	33.23
Luthersville, Meriwether	33.33
Lyerly, Chattooga	33.33
Lyons, Toombs	33.23
McDonough, Henry	33.33
McRae, Telfair	33.23
Macon, Bibb	33.33
Madison, Morgan	33.33
Manchester, Meriwether	33.33
Mansfield, Newton	33.33
Marietta, Cobb	33.33
Marshallville, Macon	33.33
Meansville, Pike	33.33
Meigs, Thomas	33.13
Metter, Candler	33.33
Midville, Burke	33.33
Milan, Telfair	33.23
Milledgeville, Baldwin	33.33
Millen, Jenkins	33.33
Monroe, Walton	33.33
Montezuma, Macon	33.33
Monticello, Jasper	33.33
Montrose, Laurens	33.33
Moreland, Coweta	33.33
Morven, Brooks	33.13
Moultrie, Colquitt	33.13
Newborn, Newton	33.33
Newnan, Coweta	33.33
Norman Park, Colquitt	33.13
Ochlochnee, Thomas	33.13
Ocilla, Irwin	33.23
Oglethorpe, Macon	33.33
Omega, Tift	33.23
Orchard Hill, Spalding	33.33
Palmetto, Fulton	33.33
Parrott, Terrell	33.23
Pelham, Mitchell	33.13
Perry, Houston	33.33
Pinehurst, Dooly	33.23
Pinelog, Bartow	33.33
Pine Mountain, Harris	33.33

GEORGIA—Continued

City and county	Basis Middling white inch loan rate
Pineview, Wilcox	33.23
Pitts, Wilcox	33.23
Plains, Sumter	33.23
Portal, Bulloch	33.33
Pulaski, Candler	33.33
Quitman, Brooks	33.13
Rebecca, Turner	33.23
Red Oak, Fulton	33.33
Rentz, Laurens	33.33
Reynolds, Taylor	33.33
Rhine, Dodge	33.33
Richland, Stewart	33.23
Roberta, Crawford	33.33
Rochelle, Wilcox	33.23
Rockmart, Polk	33.33
Rocky Ford, Screven	33.33
Rome, Floyd	33.33
Royston, Franklin	33.43
Rutledge, Morgan	33.33
Sandersville, Washington	33.33
Sasser, Terrell	33.23
Savannah, Chatham	33.33
Scotland, Telfair	33.23
Senoia, Coweta	33.33
Shady Dale, Jasper	33.33
Sharpsburg, Coweta	33.33
Shellman, Randolph	33.13
Shingler, Worth	33.23
Social Circle, Walton	33.33
Soperton, Treutlen	33.33
Sparta, Hancock	33.33
Statesboro, Bulloch	33.33
Summit, Emanuel	33.33
Swainsboro, Emanuel	33.33
Sycamore, Turner	33.23
Sylvania, Screven	33.33
Sylvester, Worth	33.23
Tallapoosa, Haralson	33.33
Taylorsville, Bartow	33.33
Temple, Carroll	33.33
Tennille, Washington	33.33
Thomaston, Upson	33.33
Thomson, McDuffie	33.43
Tifton, Tift	33.23
Tignall, Wilkes	33.43
Toccoa, Stephens	33.43
Turin, Coweta	33.33
Twin City, Emanuel	33.33
Tyrone, Fayette	33.33
Unadilla, Dooly	33.23
Uvalda, Montgomery	33.23
Valdosta, Lowndes	33.13
Vidalia, Toombs	33.23
Vienna, Dooly	33.23
Villa Rica, Carroll	33.33
Wadley, Jefferson	33.33
Warrenton, Warren	33.43
Warwick, Worth	33.23
Washington, Wilkes	33.43
Watkinsville, Oconee	33.43
Waynesboro, Burke	33.33
West Point, Troup	33.33
Williamson, Pike	33.33
Winder, Barrow	33.43
Woodbury, Meriwether	33.33
Woodland, Talbot	33.33
Wrens, Jefferson	33.33
Wrightsville, Johnson	33.33
Yatesville, Upson	33.33
Zebulon, Pike	33.33

ILLINOIS

City and county	Basis Middling white inch loan rate
Cairo, Alexander	32.69

LOUISIANA

City and county	Basis Middling white inch loan rate
Alexandria, Rapides	32.55
Arcadia, Bienville	32.55
Bernice, Union	32.55
Bryceland, Bienville	32.55
Bunkie, Avoyelles	32.55
Chatham, Jackson	32.55
Choudrant, Lincoln	32.63
Coushatta, Red River	32.55
Delhi, Richland	32.64
Dubach, Lincoln	32.55
Eunice, St. Landry	32.55

LOUISIANA—Continued

City and county	Basis Middling white inch loan rate
Farmerville, Union	32.63
Ferriday, Concordia	32.65
Franklinton, Washington	32.69
Gibsland, Bienville	32.55
Gretna, Jefferson	32.69
Haynesville, Claiborne	32.55
Homer, Claiborne	32.55
Jonesboro, Jackson	32.55
Lake Charles, Calcasieu	32.55
Lake Providence, East Carroll	32.65
Leesville, Vernon	32.55
Logansport, De Soto	32.55
Mansfield, De Soto	32.55
Marion, Union	32.63
Minden, Webster	32.55
Monroe, Ouachita	32.63
Natchitoches, Natchitoches	32.55
Newellton, Tensas	32.65
New Orleans, Orleans	32.69
Oak Grove, West Carroll	32.64
Opelousas, St. Landry	32.55
Plain Dealing, Bossier	32.55
Port Allen, West Baton Rouge	32.56
Rayville, Richland	32.63
Ringgold, Bienville	32.55
Ruston, Lincoln	32.63
Shreveport, Caddo	32.55
Springhill, Webster	32.55
Tallulah, Madison	32.65
Westwego, Jefferson	32.69
Winnsboro, Franklin	32.63

MISSISSIPPI

Aberdeen, Monroe	32.74
Amory, Monroe	32.74
Batesville, Panola	32.74
Belmont, Tishomingo	32.74
Belzoni, Humphreys	32.69
Booneville, Prentiss	32.74
Brookhaven, Lincoln	32.71
Canton, Madison	32.74
Carthage, Leake	32.74
Clarksdale, Coahoma	32.69
Cleveland, Bolivar	32.69
Coffeeville, Yalobusha	32.74
Columbia, Marion	32.71
Columbus, Lowndes	32.74
Como, Panola	32.74
Corinth, Alcorn	32.74
Crystal Springs, Copiah	32.71
Drew, Sunflower	32.69
Durant, Holmes	32.74
Flora, Madison	32.69
Forest, Scott	32.71
Gloster, Amite	32.69
Goodman, Holmes	32.74
Greenville, Washington	32.69
Greenwood, Leflore	32.69
Grenada, Grenada	32.74
Gulfport, Harrison	32.69
Hattiesburg, Forrest	32.71
Hollandale, Washington	32.69
Holly Springs, Marshall	32.74
Houston, Chickasaw	32.74
Indianola, Sunflower	32.69
Inverness, Sunflower	32.69
Itta Bena, Leflore	32.69
Jackson, Hinds	32.71
Kosciusko, Attala	32.74
Laurel, Jones	32.71
Leland, Washington	32.69
Lexington, Holmes	32.69
Liberty, Amite	32.69
Louisville, Winston	32.74
McComb, Pike	32.71
Macon, Noxubee	32.74
Magee, Simpson	32.71
Magnolia, Pike	32.71
Marks, Quitman	32.69
Meridian, Lauderdale	32.74
Mount Olive, Covington	32.71
Natchez, Adams	32.69
New Albany, Union	32.74
Newton, Newton	32.71
Okolona, Chickasaw	32.74
Oxford, Lafayette	32.74

MISSISSIPPI—Continued

City and county	Basis Middling white inch loan rate
Philadelphia, Neshoba	32.74
Pontotoc, Pontotoc	32.74
Port Gibson, Claiborne	32.69
Prentiss, Jefferson Davis	32.71
Quitman, Clarke	32.71
Ripley, Tippah	32.74
Rolling Fork, Sharkey	32.69
Rosedale, Bolivar	32.69
Ruleville, Sunflower	32.69
Shaw, Bolivar	32.69
Shelby, Bolivar	32.74
Shuqualak, Noxubee	32.69
Sledge, Quitman	32.71
Summit, Pike	32.69
Tunica, Tunica	32.74
Tupelo, Lee	32.69
Tutwiler, Tallahatchie	32.71
Tylertown, Walthall	32.74
Union, Newton	32.69
Vicksburg, Warren	32.74
Water Valley, Yalobusha	32.71
Wesson, Copiah	32.74
West Point, Clay	32.69
Yazoo City, Yazoo	

MISSOURI

Arbyrd, Dunklin	32.68
Caruthersville, Pemiscot	32.68
Charleston, Mississippi	32.66
Gideon, New Madrid	32.66
Hayti, Pemiscot	32.68
Kennett, Dunklin	32.66
Lilbourn, New Madrid	32.66
Malden, Dunklin	32.66
Neosho, Newton	32.55
Portageville, New Madrid	32.68
Sikeston, Scott	32.66

NEVADA

Arden, Clark	31.70

NEW MEXICO

Animas, Hidalgo	32.12
Artesia, Eddy	32.27
Carlsbad, Eddy	32.27
Deming, Luna	32.20
Hobbs, Lea	32.35
Las Cruces, Dona Ana	32.26
Lordsburg, Hidalgo	32.12
Lovington, Lea	32.35
Mesquite, Dona Ana	32.26
Roswell, Chaves	32.27
Socorro, Socorro	32.26

NORTH CAROLINA

Avondale, Rutherford	33.51
Battleboro, Nash	33.43
Benson, Johnston	33.43
Bessemer City, Gaston	33.51
Bethel, Pitt	33.43
Bladenboro, Bladen	33.43
Bostic, Rutherford	33.51
Butner, Granville	33.43
Candor, Montgomery	33.51
Carthage, Moore	33.51
Charlotte, Mecklenburg	33.51
Cherryville, Gaston	33.51
Clayton, Johnston	33.43
Clinton, Sampson	33.43
Columbus, Polk	33.51
Concord, Cabarrus	33.51
Conway, Northampton	33.43
Dallas, Gaston	33.51
Dunn, Harnett	33.43
Durham, Durham	33.51
Edenton, Chowan	33.43
Elizabeth City, Pasquotank	33.43
Enfield, Halifax	33.43
Farmville, Pitt	33.43
Fayetteville, Cumberland	33.43
Forest City, Rutherford	33.51
Franklinton, Franklin	33.43
Gastonia, Gaston	33.51
Godwin, Cumberland	33.43
Goldsboro, Wayne	33.43
Greensboro, Guilford	33.51
Gumberry, Northampton	33.43

NORTH CAROLINA—Continued

City and county	Basis Middling white inch loan rate
Harris, Rutherford	33.51
Henderson, Vance	33.43
Hickory, Catawba	33.51
High Point, Guilford	33.51
Hope Mills, Cumberland	33.43
Jackson, Northampton	33.43
Kings Mountain, Cleveland	33.51
Kinston, Lenoir	33.43
La Grange, Lenoir	33.43
Laurel Hill, Scotland	33.43
Laurinburg, Scotland	33.43
Lewiston, Bertie	33.43
Lilesville, Anson	33.51
Lincolnton, Lincoln	33.51
Littleton Halifax	33.43
Louisburg, Franklin	33.43
Lumberton, Robeson	33.43
Marshville, Union	33.51
Matthews, Mecklenburg	33.51
Maxton, Robeson	33.43
Monroe, Union	33.51
Mooresville, Iredell	33.51
Morven, Anson	33.51
Mount Gilead, Montgomery	33.43
Mount Olive, Wayne	33.43
Murfreesboro, Hertford	33.43
Nashville, Nash	33.51
Newton, Catawba	33.43
Norlina, Warren	33.43
Parkton, Robeson	33.43
Pates, Robeson	33.43
Pembroke, Robeson	33.43
Pikeville, Wayne	33.43
Pinetops, Edgecombe	33.43
Raeford, Hoke	33.43
Raleigh, Wake	33.51
Ranlo, Gaston	33.43
Red Springs, Robeson	33.51
Reidsville, Rockingham	33.43
Rich Square, Northampton	33.43
Roanoke Rapids, Halifax	33.51
Rockingham, Richmond	33.43
Rocky Mount, Edgecombe	33.43
Rowland, Robeson	33.51
Rutherfordton, Rutherford	33.43
Saint Pauls, Robeson	33.51
Salisbury, Rowan	33.51
Sanford, Lee	33.43
Scotland Neck, Halifax	33.43
Seaboard, Northampton	33.43
Selma, Johnston	33.43
Severn, Northampton	33.51
Shelby, Cleveland	33.43
Smithfield, Johnston	33.51
Southern Pines, Moore	33.43
Spring Hope, Nash	33.43
Stantonsburg, Wilson	33.51
Statesville, Iredell	33.43
Tarboro, Edgecombe	33.51
Wadesboro, Anson	33.43
Wagram, Scotland	33.43
Wake Forest, Wake	33.43
Warrenton, Warren	33.43
Washington, Beaufort	33.43
Weldon, Halifax	33.43
Williamston, Martin	33.43
Wilmington, New Hanover	33.43
Wilson, Wilson	33.51
Wingate, Union	33.43
Woodland, Northampton	

OKLAHOMA

Ada, Pontotoc	32.55
Altus, Jackson	32.47
Anadarko, Caddo	32.47
Ardmore, Carter	32.55
Carnegie, Caddo	32.47
Carter, Beckham	32.47
Chandler, Lincoln	32.47
Chickasha, Grady	32.47
Clinton, Custer	32.47
Cushing, Payne	32.55
Durant, Bryan	32.55
Eakly, Caddo	32.47
Elk City, Beckham	32.47
Enid, Garfield	32.47
Erick, Bleckham	32.47

OKLAHOMA—Continued

City and county	Basis Middling white inch loan rate
Foss, Washita	32.47
Frederick, Tillman	32.47
Guthrie, Logan	32.47
Hobart, Kiowa	32.47
Hugo, Choctaw	32.55
Idabel, McCurtain	32.55
Konawa, Seminole	32.55
Lawton, Comanche	32.47
Lone Wolf, Kiowa	32.47
McAlester, Pittsburg	32.55
Mangum, Greer	32.47
Marlow, Stephens	32.47
Mountain View, Kiowa	32.47
Muskogee, Muskogee	32.55
Oklahoma City, Oklahoma	32.47
Pauls Valley, Garvin	32.47
Purcell, McClain	32.47
Ryan, Jefferson	32.47
Sentinel, Washita	32.47
Shawnee, Pottawatomie	32.55
Snyder, Kiowa	32.47
Stroud, Lincoln	32.55
Tipton, Tillman	32.47
Waurika, Jefferson	32.47
Weleetka, Okfuskee	32.55
Wynne Wood, Garvin	32.47

SOUTH CAROLINA

Abbeville, Abbeville	33.51
Aiken, Aiken	33.51
Allendale, Allendale	33.43
Anderson, Anderson	33.51
Andrews, Georgetown	33.43
Angelus, Chesterfield	33.51
Ashwood, Lee	33.43
Atkins, Lee	33.43
Bamberg, Bamberg	33.43
Barnwell, Barnwell	33.43
Batesburg, Lexington	33.51
Belton, Anderson	33.51
Bennettsville, Marlboro	33.43
Bethune, Kershaw	33.51
Bishopville, Lee	33.43
Blacksburg, Cherokee	33.51
Blackstock, Fairfield	33.51
Blackville, Barnwell	33.43
Blair, Fairfield	33.51
Blaney, Kershaw	33.51
Blenheim, Marlboro	33.43
Bowman, Orangeburg	33.43
Boykin, Kershaw	33.51
Branchville, Orangeburg	33.43
Brunson, Hampton	33.43
Calhoun Falls, Abbeville	33.51
Camden, Kershaw	33.51
Cameron, Calhoun	33.43
Campobello, Spartanburg	33.51
Carlisle, Union	33.51
Cartersville, Florence	33.43
Catawba, York	33.51
Cateechee, Pickens	33.51
Centenary, Marion	33.43
Central, Pickens	33.51
Chappells, Newberry	33.51
Charleston, Charleston	33.43
Cheraw, Chesterfield	33.51
Chesnee, Spartanburg	33.51
Chester, Chester	33.51
Chesterfield, Chesterfield	33.51
Clinton, Laurens	33.51
Clio, Marlboro	33.43
Clover, York	33.51
Columbia, Richland	33.51
Conestee, Greenville	33.51
Cope, Orangeburg	33.43
Cordova, Orangeburg	33.43
Cowpens, Spartanburg	33.51
Crockettville, Hampton	33.43
Cross Anchor, Spartanburg	33.51
Cross Hill, Laurens	33.51
Dalzell, Sumter	33.43
Darlington, Darlington	33.43
Davis Station, Clarendon	33.43
Denmark, Bamberg	33.43
Dillon, Dillon	33.43
Drake, Marlboro	33.43

SOUTH CAROLINA—Continued

City and county	Basis Middling white inch loan rate
Due West, Abbeville	33.51
Dunbar, Marlboro	33.43
Dunbarton, Barnwell	33.43
Duncan, Spartanburg	33.51
Easley, Pickens	33.51
Edgefield, Edgefield	33.51
Ehrhardt, Bamberg	33.43
Elko, Barnwell	33.43
Elienton, Aiken	33.51
Elliott, Lee	33.43
Elloree, Orangeburg	33.43
Enoree, Spartanburg	33.51
Estill, Hampton	33.43
Eureka, Aiken	33.51
Eutawville, Orangeburg	33.43
Fairfax, Allendale	33.43
Fairforest, Spartanburg	33.51
Fairmont, Spartanburg	33.51
Filbert, York	33.51
Fingerville, Spartanburg	33.51
Florence, Florence	33.43
Fountain Inn, Greenville	33.51
Gaffney, Cherokee	33.51
Garnett, Hampton	33.43
Gray Court, Laurens	33.51
Greeleyville, Williamsburg	33.43
Greenville, Greenville	33.51
Greenwood, Greenwood	33.51
Greer, Greenville	33.51
Hamer, Dillon	33.43
Hampton, Hampton	33.43
Hartsville, Chesterfield	33.51
Hartsville, Darlington	33.43
Heath Springs, Lancaster	33.51
Hemingway, Williamsburg	33.43
Hickory Grove, York	33.51
Holly Hill, Orangeburg	33.43
Honea Path, Anderson	33.51
Inman, Spartanburg	33.51
Iva, Anderson	33.51
Jefferson, Chesterfield	33.51
Jenkinsville, Fairfield	33.51
Johnsonville, Florence	33.43
Johnston, Edgefield	33.51
Jonesville, Union	33.51
Kershaw, Kershaw	33.51
Kings Creek, Cherokee	33.51
Kingstree, Williamsburg	33.43
Kline, Barnwell	33.43
Kollock, Marlboro	33.43
Lake City, Florence	33.43
Lake View, Dillon	33.43
Lamar, Darlington	33.43
Lancaster, Lancaster	33.51
Landrum, Spartanburg	33.51
Lanford, Laurens	33.51
Latta, Dillon	33.43
Laurens, Laurens	33.51
Leesville, Lexington	33.51
Lester, Marlboro	33.43
Liberty, Pickens	33.51
Little Rock, Dillon	33.43
Lowrys, Chester	33.51
Lugoff, Kershaw	33.51
Luray, Hampton	33.43
Lynchburg, Lee	33.43
McBee, Chesterfield	33.51
McColl, Marlboro	33.43
McCormick, McCormick	33.51
Manning, Clarendon	33.43
Marion, Marion	33.43
Mauldin, Greenville	33.51
Mayesville, Sumter	33.43
Mount Carmel, McCormick	33.51
Mount Croghan, Chesterfield	33.51
Mountville, Laurens	33.51
Mullins, Marion	33.43
Neeses, Orangeburg	33.43
Newberry, Newberry	33.51
Newry, Oconee	33.51
New Zion, Clarendon	33.43
Ninety Six, Greenwood	33.51
Norris, Pickens	33.51
North, Orangeburg	33.43
Norway, Orangeburg	33.43
Olanta, Florence	33.43
Olar, Bamberg	33.43

SOUTH CAROLINA—Continued

City and county	Basis Middling white inch loan rate
Orangeburg, Orangeburg	33.43
Oswego, Sumter	33.43
Owings, Laurens	33.51
Pageland, Chesterfield	33.51
Pamplico, Florence	33.43
Parksville, McCormick	33.51
Patrick, Chesterfield	33.51
Pelzer, Anderson	33.51
Pendleton, Anderson	33.51
Pickens, Pickens	33.51
Piedmont, Greenville	33.51
Pinewood, Sumter	33.43
Plum Branch, McCormick	33.51
Pomaria, Newberry	33.51
Princeton, Laurens	33.51
Prosperity, Newberry	33.51
Remini, Clarendon	33.43
Richburg, Chester	33.51
Ridge Spring, Saluda	33.51
Ridgeway, Fairfield	33.51
Rock Hill, York	33.51
Roebuck, Spartanburg	33.51
Rowesville, Orangeburg	33.43
Saint Matthews, Calhoun	33.43
Salley, Aiken	33.51
Saluda, Saluda	33.51
Sandy Springs, Anderson	33.51
Sardinia, Clarendon	33.43
Scotia, Hampton	33.43
Seigling, Allendale	33.43
Sellers, Marion	33.43
Seneca, Oconee	33.51
Sharon, York	33.51
Silver, Clarendon	33.43
Simpsonville, Greenville	33.51
Six Mile, Pickens	33.51
Smoaks, Colleton	33.43
Smyrna, York	33.51
Spartanburg, Spartanburg	33.51
Springfield, Orangeburg	33.43
Starr, Anderson	33.51
Summerton, Clarendon	33.43
Sumter, Sumter	33.43
Swansea, Lexington	33.51
Syracuse, Darlington	33.43
Tatum, Marlboro	33.43
Timmonsville, Florence	33.43
Trenton, Edgefield	33.51
Turbeville, Clarendon	33.43
Union, Union	33.51
Vance, Orangeburg	33.43
Van Wyck, Lancaster	33.51
Wagener, Aiken	33.51
Walhalla, Oconee	33.51
Wallace, Hampton	33.43
Walterboro, Colleton	33.43
Waterloo, Laurens	33.51
Wattsville, Laurens	33.51
Wedgefield, Sumter	33.43
Westminster, Oconee	33.51
West Union, Oconee	33.51
Whitmire, Newberry	33.51
Whitney, Spartanburg	33.51
Williamston, Anderson	33.51
Williston, Barnwell	33.43
Windsor, Aiken	33.51
Winnsboro, Fairfield	33.51
Wisacky, Lee	33.43
Wolfton, Orangeburg	33.43
Woodruff Spartanburg	33.51

TENNESSEE

Brownsville, Haywood	32.73
Chattanooga, Hamilton	33.23
Covington, Tipton	32.73
Decherd, Franklin	33.03
Dyersburg, Dyer	32.73
Elora, Lincoln	32.93
Fayetteville, Lincoln	32.93
Five Points, Lawrence	32.83
Halls, Lauderdale	32.73
Henderson, Chester	32.74
Humboldt, Gibson	32.73
Jackson, Madison	32.74
Knoxville, Knox	33.23
Lawrenceburg, Lawrence	32.83

TENNESSEE—Continued

City and county	Basis Middling white inch loan rate
Loretto, Lawrence	32.83
Memphis, Shelby	32.74
Milan, Gibson	32.73
Murfreesboro, Rutherford	32.93
Ripley, Lauderdale	32.73
Shelbyville, Bedford	32.93
South Pittsburg, Marion	33.13
Tiptonville, Lake	32.73
Winchester, Franklin	33.03

TEXAS

City and county	Basis Middling white inch loan rate
Abernathy, Hale	32.39
Abilene, Taylor	32.45
Ackerly, Dawson	32.37
Afton, Dickens	32.45
Aiken, Floyd	32.39
Alba, Wood	32.55
Alvarado, Johnson	32.47
Amarillo, Potter	32.39
Amherst, Lamb	32.37
Anson, Jones	32.45
Anton, Hockley	32.37
Aspermont, Stonewall	32.45
Athens, Henderson	32.55
Atlanta, Cass	32.55
Austin, Travis	32.47
Austonio, Houston	32.47
Avery, Red River	32.55
Baileyboro, Bailey	32.37
Bakersfield, Pecos	32.35
Ballinger, Runnels	32.45
Balmorhea, Reeves	32.35
Barry, Navarro	32.47
Bartlett, Bell	32.47
Bay City, Matagorda	32.47
Beaumont, Jefferson	32.55
Beckville, Panola	32.55
Belton, Bell	32.47
Bertram, Burnett	32.47
Big Spring, Howard	32.37
Bledsoe, Cochran	32.37
Bloomburg, Cass	32.55
Bogata, Red River	32.55
Bonham, Fannin	32.55
Bovina, Parmer	32.37
Brady, McCulloch	32.45
Breckenridge, Stephens	32.47
Brenham, Washington	32.47
Broadview, Lubbock	32.37
Brookshire, Waller	32.47
Brownfield, Terry	32.37
Brownsville, Cameron	32.39
Brownwood, Brown	32.47
Bryan, Brazos	32.47
Bula, Bailey	32.37
Burton, Washington	32.47
Bynum, Hill	32.47
Caldwell, Burleson	32.47
Calvert, Robertson	32.47
Cameron, Milan	32.47
Canutillo, El Paso	32.26
Carthage, Panola	32.55
Celina, Collin	32.47
Center, Shelby	32.55
Chaison, Jefferson	32.55
Chappell Hill, Washington	32.47
Childress, Childress	32.45
Chillicothe, Hardeman	32.47
Clarksville, Red River	32.55
Cleburne, Johnson	32.47
Coble, Hockley	32.37
Coleman, Coleman	32.45
Colorado City, Mitchell	32.45
Commerce, Hunt	32.55
Cooper, Delta	32.55
Corpus Christi, Nueces	32.43
Corsicana, Navarro	32.47
Crockett, Houston	32.47
Crosbyton, Crosby	32.37
Cuero, De Witt	32.47
Cumby, Hopkins	32.55
Daingerfield, Morris	32.55
Dallas, Dallas	32.47
Dean, Clay	32.47
Dean, Hockley	32.37
Dean, Leon	32.47
Decatur, Wise	32.47

TEXAS—Continued

City and county	Basis Middling white inch loan rate
Dell City, Hudspeth	32.27
Denison, Grayson	32.55
Denton, Denton	32.47
Denver City, Yoakum	32.37
Deport, Lamar	32.55
Dimmitt, Castro	32.39
Dublin, Erath	32.47
Eden, Concho	32.45
Edgewood, Van Zandt	32.55
Edna, Jackson	32.47
El Campo, Wharton	32.47
Elgin, Bastrop	32.47
Elkhart, Anderson	32.47
El Paso, El Paso	32.26
Elysian Fields, Harrison	32.55
Emhouse, Navarro	32.47
Engleman Gardens, Hidalgo	32.39
Enloe, Delta	32.55
Ennis, Ellis	32.47
Enochs, Bailey	32.37
Fabens, El Paso	32.26
Fairfield, Freestone	32.47
Farwell, Parmer	32.37
Fauna, Harris	32.55
Floydada, Floyd	32.45
Forney, Kaufman	32.55
Fort Hancock, Hudspeth	32.26
Fort Stockton, Pecos	32.35
Fort Worth, Tarrant	32.47
Frisco, Collin	32.47
Gainesville, Cooke	32.55
Galveston, Galveston	32.55
Ganado, Jackson	32.47
Garland, Dallas	32.55
Gary, Panola	32.55
Gatesville, Coryell	32.47
Gilmer, Upshur	32.55
Gonzales, Gonzales	32.47
Grand Saline, Van Zandt	32.55
Grandview, Johnson	32.47
Granger, Williamson	32.47
Grapeland, Houston	32.47
Grassland, Lynn	32.37
Greenville, Hunt	32.55
Hale Center, Hale	32.39
Hamilton, Hamilton	32.47
Hamlin, Jones	32.45
Harlingen, Cameron	32.39
Hart, Castro	32.39
Haskell, Haskell	32.45
Hearne, Robertson	32.47
Hebron, Denton	32.47
Hedley, Donley	32.45
Henderson, Rusk	32.55
Hillsboro, Hill	32.47
Hoban, Reeves	32.35
Honey Grove, Fannin	32.55
Houston, Harris	32.55
Hubbard, Hill	32.47
Hughes Springs, Cass	32.55
Huntsville, Walker	32.47
Hutto, Williamson	32.47
Irene, Hill	32.47
Jacksonville, Cherokee	32.55
Jarrell, Williamson	32.47
Jayton, Kent	32.45
Jefferson, Marion	32.55
Jewett, Leon	32.47
Kaufman, Kaufman	32.55
Kenedy, Karnes	32.43
Kerens, Navarro	32.47
Killeen, Bell	32.47
Knox City, Knox	32.45
Krum, Denton	32.47
Ladonia, Fannin	32.55
La Grange, Fayette	32.47
Lamesa, Dawson	32.37
Levelland, Hockley	32.37
Lindale, Smith	32.55
Littlefield, Lamb	32.37
Lobo, Culberson	32.27
Lockhart, Caldwell	32.47
Lockney, Floyd	32.39
Longview, Gregg	32.55
Loraine, Mitchell	32.45
Lorenzo, Crosby	32.37
Lovelady, Houston	32.47

TEXAS—Continued

City and county	Basis Middling white inch loan rate
Lubbock, Lubbock	32.39
Lueders, Jones	32.45
McAdoo, Dickens	32.45
McCamey, Upton	32.35
McGregor, McLennan	32.47
McKinney, Collin	32.55
McLean, Gray	32.45
Madisonville, Madison	32.47
Marfa, Presidio	32.27
Marlin, Falls	32.47
Marshall, Harrison	32.55
Mart, McLennan	32.47
Maypearl, Ellis	32.47
Meadow, Terry	32.37
Memphis, Hall	32.45
Mercedes, Hidalgo	32.39
Mereta, Tom Green	32.45
Merkel, Taylor	32.45
Mexia, Limestone	32.47
Midland, Midland	32.37
Midlothian, Ellis	32.47
Mineola, Wood	32.55
Monahans, Ward	32.35
Morton, Cochran	32.37
Mount Pleasant, Titus	32.55
Muleshoe, Bailey	32.37
Munday, Knox	32.45
Nacogdoches, Nacogdoches	32.55
Naples, Morris	32.55
Navasota, Grimes	32.47
Needville, Fort Bend	32.55
New Boston, Bowie	32.55
New Braunfels, Comal	32.47
Nocona, Montague	32.47
Norton, Runnels	32.45
O'Brien, Haskell	32.45
O'Donnell, Lynn	32.37
Old Glory, Stonewall	32.45
Olton, Lamb	32.39
Omaha, Morris	32.55
Paducah, Cottle	32.45
Palestine, Anderson	32.47
Paris, Lamar	32.55
Patricia, Dawson	32.37
Peacock, Stonewall	32.45
Pecos, Reeves	32.35
Petersburg, Hale	32.39
Pettit, Hockley	32.37
Pilot Point, Denton	32.47
Pittsburg, Camp	32.55
Plains, Yoakum	32.37
Plainview, Hale	32.39
Plano, Collin	32.55
Port Arthur, Jefferson	32.55
Post, Garza	32.37
Presidio, Presidio	32.27
Princeton, Collin	32.55
Pyote, Ward	32.35
Quanah, Hardeman	32.47
Quitaque, Briscoe	32.39
Quitman, Wood	32.55
Ralls, Crosby	32.37
Raymondville, Willacy	32.39
Rice, Navarro	32.47
Roans Prairie, Grimes	32.47
Roaring Springs, Motley	32.45
Robstown, Neuces	32.43
Roby, Fisher	32.45
Rochelle, McCulloch	32.45
Rochester, Haskell	32.45
Rockwall, Rockwall	32.55
Roscoe, Nolan	32.45
Rosebud, Falls	32.47
Rosenberg, Fort Bend	32.55
Rotan, Fisher	32.45
Rowlett, Dallas	32.55
Royse City, Rockwall	32.55
Rule, Haskell	32.45
Salado, Bell	32.47
San Angelo, Tom Green	32.45
San Antonio, Bexar	32.43
San Augustine, San Augustine	32.55
San Marcos, Hays	32.47
Saragosa, Reeves	32.35
Schulenburg, Fayette	32.47
Seagraves, Gaines	32.37

TEXAS—Continued

City and county	Basis Middling white inch loan rate
Seguin, Guadalupe	32.47
Seymour, Baylor	32.47
Shallowater, Lubbock	32.37
Shamrock, Wheeler	32.45
Sherman, Grayson	32.55
Shiner, Lavaca	32.47
Shiro, Grimes	32.47
Silverton, Briscoe	32.39
Slaton, Lubbock	32.39
Snyder, Scurry	32.45
Southton, Bexar	32.43
Spade, Lamb	32.37
Spade, Mitchell	32.45
Spur, Dickens	32.45
Stamford, Jones	32.45
Stanton, Martin	32.37
Streetman, Freestone	32.47
Sudan, Lamb	32.37
Sugar Land, Fort Bend	32.55
Sulphur Springs, Hopkins	32.55
Sweetwater, Nolan	32.45
Swenson, Stonewall	32.45
Taft, San Patricio	32.43
Tahoka, Lynn	32.37
Tarzan, Martin	32.37
Tatum, Rusk	32.55
Taylor, Williamson	32.47
Teague, Freestone	32.47
Temple, Bell	32.47
Tenaha, Shelby	32.55
Terrell, Kaufman	32.55
Texarkana, Bowie	32.55
Texas City, Galveston	32.55
Timpson, Shelby	32.55
Tornillo, El Paso	32.26
Troup, Smith	32.55
Tulia, Swisher	32.39
Turkey, Hall	32.39
Twitty, Wheeler	32.45
Tyler, Smith	32.55
Valley Mills, Bosque	32.47
Van Horn, Culberson	32.27
Venus, Johnson	32.47
Vernon, Wilbarger	32.47
Victoria, Victoria	32.47
Waco, McLennan	32.47
Wall, Tom Green	32.45
Waxahachie, Ellis	32.47
Wellington, Collingsworth	32.45
Weslaco, Hidalgo	32.39
West, McLennan	32.47
Whiteface, Cochran	32.37
Whitewright, Grayson	32.55
Wichita Falls, Wichita	32.47
Wills Point, Van Zandt	32.55
Wilson, Lynn	32.37
Winnsboro, Wood	32.55
Winters, Runnels	32.45
Wolfe City, Hunt	32.55
Wolfforth, Lubbock	32.37
Yoakum, Lavaca	32.47
Yorktown, De Witt	32.47
Ysleta, El Paso	32.26

VIRGINIA

Broadnax, Brunswick	33.43
Kenbridge, Lunenburg	33.43
Norfolk, Norfolk	33.43

(Sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c, 7 U.S.C. 1441, 1444, 1421)

Effective date: This amendment shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 9, 1962.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-6810; Filed, July 13, 1962; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Revision of United States Standards for Dry Peas, Split Peas, and Lentils

On March 13, 1962, there was published in the FEDERAL REGISTER (27 F.R. 2369) a notice of a proposal to revise the United States Standards for Dry Peas (7 CFR 68.401 et seq.), for Split Peas (7 CFR 68.501 et seq.), and for Lentils (7 CFR 68.601 et seq.) pursuant to the authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.). An informal public hearing on the proposal was held at Moscow, Idaho, on March 28, 1962. Interested persons were also afforded an opportunity to submit written data, views, and arguments on the proposal.

Statement of considerations. Consideration has been given to the information obtained at the informal public hearing and to the views, data, and arguments received in writing from interested persons.

Some minor changes not proposed in the notice of rule making were made in light of data and argument submitted. It is believed that further notice and other public procedure at this time would not make any additional information available to this Department with respect to such changes. Accordingly, it is found upon good cause that further notice and other public procedure with respect thereto are unnecessary.

A. With respect to the main proposed changes regarding the standards for dry peas, the following action was taken:

(1) The proposal to reduce the maximum limits of contrasting peas from 0.5, 1.0, and 2.0 percent to 0.3, 0.8, and 1.5 percent in the several numerical grades, respectively, has been adopted. This change was endorsed by the producers and handlers of dry peas.

(2) The proposal to reduce the maximum limits of weevil-damaged peas from 0.5 and 1.0 percent to 0.3 and 0.8 percent in grades U.S. No. 1 and U.S. No. 2, respectively, was adopted. No change was proposed in the maximum limit of 1.5 percent of weevil-damaged peas in grade U.S. No. 3. All interested parties endorsed this proposed change.

(3) In the proposed rule making it was proposed to reduce the maximum limits of shriveled peas from 2.0, 4.0, and 8.0 percent to 1.0, 2.0, and 3.0 percent in the several numerical grades, respectively. Data taken from sample inspection certificates issued at Moscow, Idaho, for the months of August and September for the years 1958, 1959, 1960, and 1961 showed that 94 percent of the samples contained 3.0 percent or less of shriveled peas. Evidence presented at the hearing indicated that on soaking, shriveled peas were not materially different from peas that were not shriveled. The trade contended that in some years the percentage of shriveled peas might be increased because of unfavorable growing conditions. This proposal was therefore not adopted.

(4) The proposal to include maximum limits of heat-damaged peas was not adopted. Data on the amount of heat-damaged peas present in dry peas was not available and therefore it could not be predicted how the proposed limits for heat-damaged peas would affect the grading of the crop.

(5) The proposal to include a total maximum limit for bleached peas, contrasting peas, shriveled peas, damaged peas, heat-damaged peas, weevil-damaged peas, and foreign material was not adopted. It was concluded that the limits proposed were too restrictive and that the factors "bleached peas" and "shriveled peas" should not have been included in the total.

(6) In the proposed rule making it was proposed to reduce the maximum limits of split peas from 1.0, 1.5, and 2.0 percent to 0.5, 1.0, and 1.5 percent for the several numerical grades, respectively. The views and comments on this proposal varied. Since practically all of the split peas are taken out when dockage is removed from thresher-run dry peas, the only split peas which would be found in the dockage-free dry peas would be those that are split in the normal handling of the dry peas through the processing plants. A review of the certificates issued during the last three fiscal years showed that this had been the degrading factor in only a few cases. This change was therefore adopted.

(7) In the proposed rule making it was proposed to reduce the maximum limits of peas with cracked seedcoats from 6.0 and 10.0 percent to 5.0 and 7.0 percent in grades U.S. No. 2 and U.S. No. 3, respectively. There was no opposition to this change.

(8) The proposal to reduce the moisture limits in the definition of sample grade from 16 to 15.0 percent was adopted. This change was approved by the industry.

B. With respect to the main proposed changes regarding the standards for split peas, the following action was taken:

(1) The proposal to reduce the maximum limits of contrasting green and yellow split peas from 0.5, 1.0 and 2.0 percent to 0.3, 0.8, and 1.5 percent in the several numerical grades, respectively, has been adopted. This change was endorsed by the industry.

(2) The proposal to reduce the maximum limits of weevil-damaged split peas from 0.5 and 1.0 percent to 0.3 and 0.8 percent in grades U.S. No. 1 and U.S. No. 2, respectively, was not adopted. The industry objected to this change and contended that peas which show no evidence of weevil damage as whole peas may be found to have some pinhole weevil damage when the peas are processed by splitting. This fact justifies a somewhat larger percentage of weevil-damaged peas in split peas than is permitted in a comparable grade of whole dry peas.

(3) The proposal to reduce the moisture limits in the definition of Sample grade from 16 to 15.0 percent was adopted. This change was approved by the industry.

C. With respect to the main proposed changes regarding the standards for lentils, the following action was taken:

(1) The proposal to reduce the maximum limits of weevil-damaged lentils from 0.5 and 1.0 percent to 0.3 and 0.8 percent in the several numerical grades has been adopted. The industry favored this change.

(2) The proposal to reduce the moisture limits in the definition of Sample grade from 15 percent to 14.0 percent has been adopted. This change was approved by the industry.

The United States Standards for Dry Peas (7 CFR 68.401–68.403) are hereby revised to read as follows:

Subpart F—United States Standards for Dry Peas [1]

Sec.
68.401 Terms defined.
68.402 Principles governing application of standards.
68.403 Grades, grade requirements, and grade designations, and factor determinations and designations.

AUTHORITY: §§ 68.401 to 68.403 issued under secs. 203, 205, 60 Stat. 1087, 1090, as amended; 7 U.S.C. 1622, 1624.

§ 68.401 Terms defined.

For the purposes of the United States Standards for Dry Peas (Pisum sativum):

(a) *Dry peas.* Dry peas shall be the threshed seeds of the pea plant (Pisum sativum) which after the removal of the dockage contain not more than 10.0 percent of foreign material.

(1) *Garden peas.* Garden peas shall be dry peas of all varieties of peas other than field peas.

(2) *Winter field peas.* Winter field peas shall be dry peas of all varieties of winter peas (Pisum sativum var. arvense).

(b) *Dockage-free dry peas.* Dockage-free dry peas shall be dry peas from which the dockage has been removed.

(c) *Thresher-run dry peas.* Thresher-run dry peas shall be dry peas from which the dockage has not been removed.

(d) *Classes.*[2] (1) Dry peas shall be divided into the following classes:

Alaska Dry Peas;
First and Best Dry Peas;
White Canada Dry Peas;
Colorado White Dry Peas;
Perfection Dry Peas;
Surprise Dry Peas;
Austrian Winter Dry Peas;
Romack Dry Peas;
Mixed Dry Peas.

Except with respect to the class Mixed Dry Peas, each class may contain not more than 1.5 percent of contrasting peas or not more than 15.0 percent of peas that blend, other than the predominating class of dry peas.

(2) Mixed Dry Peas shall be dry peas which contain more than 1.5 percent of contrasting peas or more than 15.0 percent of peas that blend, other than the predominating class of dry peas.

(3) Dry peas that are not specifically classified under subparagraphs (1) and (2) of this paragraph shall be classified according to the commonly accepted name of such dry peas.

(e) *Grades.* Grades shall be the numerical grades, Sample grade, and special grades provided for in § 68.403.

(f) *Defective peas.* Defective peas shall be weevil-damaged peas, damaged peas, contrasting peas, bleached peas, split peas, shriveled peas, and peas with cracked seedcoats.

(g) *Weevil-damaged peas.* Weevil-damaged peas shall be whole and broken dry peas which are distinctly damaged by pea weevils or other insects.

(h) *Damaged peas.* Damaged peas shall be whole and broken dry peas which are damaged by frost, weather, disease, or other causes, but shall not include weevil-damaged peas.

(i) *Split peas.* Split peas shall be dry peas which have been split into halves or smaller pieces and peas the halves of which are loosely held together.

(j) *Contrasting peas.* Contrasting peas shall be dry peas which are of a contrasting color, or which differ materially in size or shape from the predominating class of dry peas.

(k) *Peas that blend.* Peas that blend shall be dry peas which are similar in color, size, and shape to the predominating class of dry peas.

(l) *Bleached peas.* Bleached peas shall be dry peas which are distinctly bleached in contrast to the natural green color of green peas or which are distinctly green in contrast to the natural yellow color of yellow peas, but shall not be applicable to winter field peas and wrinkled garden peas.

(m) *Shriveled peas.* Shriveled peas shall be dry peas which are distinctly shriveled in contrast to the natural shape and appearance of the predominating peas.

(n) *Peas with cracked seedcoats.* Peas with cracked seedcoats shall be dry peas with visibly cracked seedcoats or with all or a part of the seedcoat removed and broken peas which are more than one-half but less than a whole pea.

(o) *Wrinkled peas.* Wrinkled peas shall be dry peas of the wrinkled varieties of garden peas.

(p) *Good color.* Good color shall mean that the dry peas in mass are practically free from discoloration and have the natural color and appearance characteristics of the predominating peas.

(q) *Poor color.* Poor color shall mean that the dry peas in mass are distinctly off color due to age or any other cause.

(r) *Dockage.* Dockage shall be small underdeveloped peas and pieces of peas and all matter other than dry peas which can be removed readily by the use of appropriate sieves and cleaning devices.

(s) *Foreign material in dockage-free dry peas.* Foreign material in dockage-free dry peas shall be matter other than peas, including detached seedcoats.

(t) *Foreign material in thresher-run dry peas.* Foreign material in thresher-run dry peas shall be all matter other than peas, including detached seedcoats, which cannot be removed readily from the peas in the proper determination of dockage.

(u) *16/64 round hold sieve.* A 16/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.250 (16/64) inch in diameter which are 3/8 inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

(v) *15/64 round hole sieve.* A 15/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.2344 (15/64) inch in diameter which are (5/16) inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

(w) *11/64 by 3/4 slotted hole sieve.* An 11/64 by 3/4 slotted hole sieve shall be a metal sieve 0.0319 inch thick with slotted perforations 0.1719 (11/64) inch wide by 0.75 (3/4) inch long which are 5/16 inch from center to center and with 5/32 inch end bridges. The perforations shall be staggered in relation to the adjacent rows.

(x) *10/64 by 3/4 slotted hole sieve.* A 10/64 by 3/4 slotted hole sieve shall be a metal sieve 0.0319 inch thick with slotted perforations 0.1562 (10/64) inch wide by 0.75 (3/4) inch long which are 9/32 inch from center to center and with 5/32 inch end bridges. The perforations shall be staggered in relation to adjacent rows.

§ 68.402 Principles governing application of standards.

The following principles shall apply in the determination of the class and grade of dockage-free dry peas and the class and factor designation of thresher-run dry peas:

(a) *Basis of determinations*—(1) *Dockage-free dry peas.* All determinations shall be made upon the basis of the dockage-free dry peas as a whole, except that color shall be determined after the removal of the defective peas and foreign material.

(2) *Thresher-run dry peas.* The determination of dockage shall be made upon the basis of the thresher-run dry peas as a whole. All other determinations shall be made upon the basis of the peas after the removal of dockage, except that color shall be determined after the removal of dockage, defective peas and foreign material.

(b) *Percentages.* All percentages shall be determined upon the basis of weight. Percentages shall be expressed in terms of whole and tenths percents.

(c) *Moisture.* Moisture shall be ascertained by the air-oven method for peas prescribed by the United States Department of Agriculture as described in Service and Regulatory Announcement No. 147 (1959 Revision) of the Agricultural Marketing Service or ascertained by any method which gives equivalent results.

[1] Compliance with the provisions of these standards does not excuse failure to comply with any of the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal laws.

[2] The use of a variety name in the designation of a class of Dry Peas does not imply any guarantee of varietal purity.

§ 68.403 Grades, grade requirements and grade designations, and factor determinations and designations.

The following grades, grade requirements and grade designations for dockage-free dry peas and factor determinations and designations for thresher-run dry peas are applicable under these standards:

(a) *Grades and grade requirements for dockage-free dry peas.* (See also paragraph (c) of this section.)

Grade	Maximum limits of—								
	Weevil-damaged peas	Damaged peas	Contrasting peas [4]	Bleached peas	Split peas	Shriveled peas	Peas with cracked seedcoats	Peas that blend [4]	Foreign material
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U.S. No. 1 [1] [3]	0.3	1.0	0.3	1.5	0.5	2.0	3.0	5.0	0.1
U.S. No. 2 [1]	.8	1.5	.8	3.0	1.0	4.0	5.0	10.0	.2
U.S. No. 3 [1] [3]	1.5	2.0	1.5	5.0	1.5	8.0	7.0	15.0	.5
U.S. Sample grade	U.S. Sample grade shall be dry peas which do not meet the requirements of any of the grades from U.S. No. 1 to U.S. No. 3, inclusive; or which contain more than 15.0 percent of moisture; or which have any commercially objectionable odor; or which are heating; or which contain live weevils or other insects; or which are otherwise of distinctly low quality.								

[1] Size requirements: Dry peas of any of the numerical grades shall be of such size that not more than 3.0 percent of the peas will pass readily through a slotted hole sieve with perforations of the dimensions generally used in the determination of dockage on thresher-run dry peas of the respective classes.
[3] Dry peas in grade U.S. No. 1 shall be of good color.
[3] Dry peas which are of poor color shall not be graded higher than U.S. No. 3.
[4] These limits do not apply to the class Mixed Dry Peas.

(b) *Grade designation for all classes of dockage-free dry peas.* The grade designation for all classes of dockage-free dry peas shall include, in the order named, the letters "U.S."; the number of the grade or the words "Sample grade", as the case may be; the name of each applicable special grade; and the name of the class. In the case of the class Mixed Dry Peas the grade designation shall also include the name and approximate percentage of each class of dry peas contained in the mixture, shown in the order of predominance following the words "Mixed Dry Peas".

(c) *Special grades, special grade requirements, and special grade designations for dockage-free dry peas*—(1) *Large dry peas*—(i) *Requirements.* Large dry peas shall be peas of the classes Alaska Dry Peas, First and Best Dry Peas, and White Canada Dry Peas, of which not more than 3 percent of the peas will pass readily through the following sieves for the respective classes:

	Round hole sieve
Alaska Dry Peas	16/64
First and Best Dry Peas	16/64
White Canada Dry Peas	15/64

(ii) *Grade designation.* Large dry peas shall be graded and designated according to the grade requirements of the standards otherwise applicable to such dry peas, and there shall be added to and made a part of the grade designation preceding the name of the class the word "Large".

(2) *Small dry peas*—(i) *Requirements.* Small dry peas shall be peas of the classes Alaska Dry Peas, First and Best Dry Peas, and White Canada Dry Peas, of which not more than 3 percent of the peas will remain on the sieve prescribed for determining the minimum size for large dry peas and not more than 3 percent will pass readily through the following sieves for the respective classes.

	Slotted hole sieve
Alaska Dry Peas	11/64 x 3/4
First and Best Dry Peas	11/64 x 3/4
White Canada Dry Peas	10/64 x 3/4

(ii) *Grade designation.* Small dry peas shall be graded and designated according to the grade requirements of the standards otherwise applicable to such dry peas, and there shall be added to and made a part of the grade designation preceding the name of the class the word "Small."

(d) *Factor determinations and designations for thresher-run dry peas*—(1) *Factor determinations.* Thresher-run dry peas shall be inspected without reference to grade. The factors to be determined shall be the class, dockage, defective peas, foreign material, peas that blend, color description, and moisture when in excess of 15.0 percent. Defective peas which are defective for more than one reason shall be included within only one specific type of defective peas and shall be determined in the following order: Weevil-damaged peas, damaged peas, contrasting peas, bleached peas, split peas, shriveled peas, and peas with cracked seedcoats.

(2) *Factor designation.* The factor designation for all classes of thresher-run dry peas shall include the name of the class; the percentage of dockage and the type of sieve used in making the determination; the percentage each of weevil-damaged peas, damaged peas, contrasting peas, bleached peas, split peas, shriveled peas, peas with cracked seedcoats, and foreign material, and the total thereof; the percentage of peas that blend; the color description, when not of good color; and the percentage of moisture when in excess of 15.0 percent. In thresher-run dry peas of the classes Alaska Dry Peas, First and Best Dry Peas, and other smooth seed varieties the percentage of cracked seedcoats shall be included in the total defective peas only if the amount is in excess of 3.0 percent.

The United States Standards for Split Peas (7 CFR 68.501–68.503) are hereby revised to read as follows:

Subpart G—United States Standards for Split Peas [1]

Sec.
68.501 Terms defined.
68.502 Principles governing application of standards.
68.503 Grades, grade requirements, and designations.

AUTHORITY: §§ 68.501 to 68.503 issued under secs. 203, 205, 60 Stat. 1087, 1090, as amended; 7 U.S.C. 1622, 1624.

§ 68.501 Terms defined.

For the purposes of the United States Standards for Split Peas:

(a) *Split peas.* Split peas shall be the dry threshed seeds of the pea plant (Pisum sativum) which have been split into halves or smaller pieces and which contain not more than 10.0 percent of foreign material.

(1) *Garden peas.* Garden peas shall be dry peas of all varieties of peas other than field peas.

(2) *Winter field peas.* Winter field peas shall be dry peas of all varieties of winter peas (Pisum sativum var. arvense).

(b) *Classes.* Split peas shall be divided into the following three classes:

(1) *Green Split Peas.* Green Split Peas shall be split peas from the varieties of dry peas which have cotyledons that are green in color.

(2) *Yellow Split Peas.* Yellow Split Peas shall be split peas from the varieties of dry peas which have cotyledons that are yellow in color.

(3) *Winter Split Peas.* Winter Split Peas shall be split peas from winter field peas of the Austrian Winter or Romack variety, or of other varieties of winter field peas with seed characteristics, appearance, and color, similar to Austrian Winter or Romack.

(c) *Grades.* Grades shall be the numerical grades, Sample grade, and special grades provided for in § 68.503.

(d) *Weevil-damaged split peas.* Weevil-damaged split peas shall be split peas and whole peas which are distinctly damaged by pea weevils or other insects.

(e) *Damaged split peas.* Damaged split peas shall be split peas and whole peas which are damaged by frost, weather, disease, or other causes, but shall not include weevil-damaged split peas.

(f) *White caps.* White caps shall be split peas from which the seedcoats have not been removed.

(g) *Whole peas.* Whole peas shall be dry peas which are not split.

(h) *Bleached split peas.* Bleached split peas shall be split peas which are distinctly bleached in contrast to the natural green color of green peas or which are distinctly green in contrast to the natural yellow color of yellow peas.

(i) *Contrasting split peas.* Contrasting split peas shall be split peas which

[1] Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal laws.

are of a contrasting color to the predominating class of split peas except that bleached split peas shall not be considered as contrasting split peas.

(j) *Foreign material.* Foreign material shall be all matter which will pass readily through a 2½/64 round hole sieve and all matter other than split peas and whole peas which remains on the sieve after sieving. Foreign material shall include detached seedcoats and pieces of detached seedcoats.

(k) *Good color.* Good color shall mean that the split peas in mass are practically free from discoloration and have the natural color and appearance characteristic of the predominating split peas.

(l) *Poor color.* Poor color shall mean that the split peas in mass are distinctly off color due to age or any other cause.

(m) *12/64 round hole sieve.* A 12/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.1875 (12/64) inch in diameter which are ¼ inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

(n) *10/64 round hole sieve.* A 10/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.1562 (10/64) inch in diameter which are 7/32 inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

(o) *8/64 round hole sieve.* An 8/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.1250 (8/64) inch in diameter which are 3/16 inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

(p) *6/64 round hole sieve.* A 6/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.0938 (6/64) inch in diameter which are 5/32 inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

(q) *2½/64 round hole sieve.* A 2½/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.0391 (2½/64) inch in diameter which are 0.075 inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

§ 68.502 Principles governing application of standards.

The following principles shall apply in the determination of the class and grade of split peas.

(a) *Basis of determinations.* All determinations shall be made on the basis of the split peas as a whole.

(b) *Percentages.* All percentages shall be determined upon the basis of weight. Percentages shall be expressed in terms of whole and tenths percents.

(c) *Moisture.* Moisture shall be ascertained by the air-oven method for peas prescribed by the United States Department of Agriculture as described in Service and Regulatory Announcements No. 147 (1959 Revision), of the Agricultural Marketing Service, or ascertained by any method which gives equivalent results.

§ 68.503 Grades, grade requirements, and grade designations.

The following grades, grade requirements, and grade designations for Split Peas are applicable under these standards.

(a) *Grades and grade requirements for the classes Green Split Peas and Yellow Split Peas.* (See also paragraph (d) of this section.)

Grade	Maximum quantity passing through			Maximum limits of—						
	10/64 round hole sieve	8/64 round hole sieve	6/64 round hole sieve	Weevil-damaged split peas	Damaged split peas	Contrasting split peas	Bleached split peas	White caps	Whole peas	Foreign material
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U.S. No. 1[1]	3.0	0.5	0.1	0.5	1.0	0.3	1.5	1.0	0.5	0.1
U.S. No. 2	15.0	3.0	.2	1.0	1.5	.8	3.0	2.0	1.0	.2
U.S. No. 3[2]	25.0	5.0	.3	1.5	2.0	1.5	5.0	3.0	2.0	.5
U.S. Sample grade	U.S. Sample grade shall be split peas which do not meet the requirements of any of the numerical grades; or which contain more than 15.0 percent moisture; or which have any commercially objectionable odor; or which are heating; or which contain live or dead weevils or other insects, insect webbing, or insect refuse; or which are otherwise of distinctly low quality.									

[1] Split peas in grade U.S. No. 1 shall be of good color.
[2] Split peas which are of poor color shall not be graded higher than U.S. No. 3.

(b) *Grades and grade requirements for the class Winter Split Peas.* (See also paragraph (d) of this section.)

Grade	Maximum quantity passing through			Maximum limits of—					
	10/64 round hole sieve	8/64 round hole sieve	6/64 round hole sieve	Weevil-damaged split peas	Damaged split peas	Contrasting split peas	White caps	Whole peas	Foreign material
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U.S. No. 1[1]	3.0	0.5	0.1	0.5	1.0	0.5	1.5	0.5	0.1
U.S. No. 2	15.0	3.0	.2	1.0	1.5	1.0	3.0	1.0	.2
U.S. No. 3[2]	25.0	5.0	.3	1.5	2.0	2.0	5.0	2.0	.5
U.S. Sample grade	U.S. Sample grade shall be winter split peas which do not meet the requirements of any of the numerical grades; or which contain more than 15.0 percent moisture; or which have any commercially objectionable odor; or which are heating; or which contain live or dead weevils or other insects, insect webbing, or insect refuse; or which are otherwise of distinctly low quality.								

[1] Winter split peas in grade U.S. No. 1 shall be of good color.
[2] Winter split peas which are of poor color shall not be graded higher than U.S. No. 3.

(c) *Grade designations for all classes of split peas.* The grade designation for all classes of split peas shall include, in the order named, the letters "U.S."; the number of the grade or the words "Sample grade", as the case may be; the name of the class; and the name of each applicable special grade.

(d) *Special grades, special grade requirements, and special grade designations for split peas*—(1) *Split pea chips*—(i) *Requirements.* Split pea chips shall be split peas of any class all of which will pass readily through a 12/64 round hole sieve. The size requirements for the respective numerical grades shall be as follows:

U.S. No. 1—Not more than 3.0 percent shall pass readily through a 6/64 round hole sieve;

U.S. No. 2—Not more than 6.0 percent shall pass readily though a 6/64 round hole sieve;

U.S. No. 3—Not more than 10.0 percent shall pass readily through a 6/64 round hole sieve.

(ii) *Grade designation.* Split pea chips shall be graded and designated according to the grade requirements of the standards otherwise applicable to such split peas, except for size, and there shall be added to and made a part of the grade designation the word "Chips."

The United States Standards for Lentils (7 CFR 68.601–68.603) are hereby revised to reads as follows:

Subpart H—United States Standards for Lentils[1]

Sec.
68.601 Terms defined.
68.602 Principles governing application of Standards.
68.603 Grades, grade requirements, and grade designations, and factor determinations and designations.

AUTHORITY: §§ 68.601 to 68.603 issued under secs. 203, 205, 60 Stat. 1087, 1090, as amended; 7 U.S.C. 1622, 1624.

§ 68.601 Terms defined.

The following definitions shall apply for the purposes of the United States Sandards for Lentils:

(a) *Lentils.* Lentils shall be dry, threshed seeds of the lentil plant (Lens culinaris) which after removal of the dockage contain not more than 10.0 percent of foreign material.

(1) *Dockage-free lentils.* Dockage-free lentils shall be lentils from which the dockage has been removed.

(2) *Thresher-run lentils.* Thresher-run lentils shall be lentils from which the dockage has not been removed.

(b) *Classes.* Lentils shall be divided into the following classes, each of which except Mixed Lentils, may contain not more than 2.0 percent of lentils other than those of the predominating class:

(1) *Lentils.* Lentils shall be all lentils of the Chilean type.

(2) *Persian Lentils.* Persian lentils shall be all lentils of the Persian type.

(3) *Mixed Lentils.* Mixed lentils shall be any mixture of lentils which contains more than 2.0 percent of lentils other than those of the predominating class.

(c) *Grades.* Grades shall be the numerical grades, Sample grade, and special grades provided for in § 68.603.

(d) *Defective lentils (total).* Defective lentils shall be weevil-damaged lentils, damaged lentils, and split lentils.

(e) *Weevil-damaged lentils.* Weevil-damaged lentils shall be lentils and pieces of lentils which are damaged by weevils or other insects.

(f) *Damaged lentils.* Damaged lentils shall be lentils and pieces of lentils which are damaged by frost, weather disease, or other causes, but shall not include weevil-damaged lentils.

(g) *Split lentils.* Split lentils shall be pieces of lentils which are less than three-fourths of a whole lentil, and lentils the halves of which are loosely held together, but shall not include weevil-damaged lentils and damaged lentils.

(h) *Skinned lentils.* Skinned lentils (decorticated lentils) shall be lentils from which three-fourths or more of the seedcoat has been removed from each lentil.

(i) *Dockage.* Dockage shall apply only to thresher-run lentils and shall be small underdeveloped lentils and pieces of lentils and all matter other than lentils which can be removed readily by the use of appropriate sieves and cleaning devices.

(j) *Foreign material in dockage-free lentils.* Foreign material in dockage-free lentils shall be all matter other than lentils including detached seedcoats.

(k) *Foreign material in thresher-run lentils.* Foreign material in thresher-run lentils shall be all matter other than lentils, including detached seedcoats, which cannot be removed readily from the lentils in the proper determination of dockage.

(l) *Stones.* Stones shall be foreign material which consists of rocks, stones, pebbles, shale, other concreted earthy or mineral matter, and other substances of similar hardness that do not disintegrate readily in water.

(m) *15/64 round hole sieve.* A 15/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.2344 (15/64) inch in diameter which are 5/16 inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

(n) *12/64 round hole sieve.* A 12/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.1875 (12/64) inch in diameter which are ¼ inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

(o) *9/64 round hole sieve.* A 9/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.1406 (9/64) inch in diameter which are 3/16 inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

(p) *Good color.* Good color shall mean that the lentils in mass are practically free from discoloration and have the natural color and appearance characteristic of the predominating lentils.

§ 68.602 Principles governing application of standards.

The following principles shall apply in the determination of the class and grade for dockage-free lentils and of the class and factor designation for thresher-run lentils.

(a) *Basis of determinations*—(1) *Dockage-free lentils.* All determinations shall be made upon the basis of the lentils as a whole.

(2) *Thresher-run lentils.* The determination of dockage shall be made upon the basis of the thresher-run lentils as a whole. All other determinations shall be made upon the basis of the lentils after the removal of dockage, except that color shall be determined after the removal of dockage, defective lentils, and foreign material.

(b) *Percentages.* All percentages shall be determined upon the basis of weight. Percentages shall be expressed in terms of whole and tenths percents.

(c) *Moisture.* Moisture shall be ascertained by the air-oven method for lentils prescribed by the United States Department of Agriculture as described in Service and Regulatory Announcements No. 147 (1959 Revision) of the Agricultural Marketing Service, or ascertained by any method which gives equivalent results.

§ 68.603 Grades, grade requirements and grade designations, and factor determinations and designations.

The following grades, grade requirements and grade designations for dockage-free lentils and factor determinations and designations for thresher-run lentils are applicable under these standards:

(a) *Grades and grade requirements for dockage-free lentils.* (See also paragraph (c) of this section.)

Grade	Maximum limits of—			
	Defective lentils		Foreign material	
	Total	Weevil-damaged lentils	Total	Stones
	Percent	*Percent*	*Percent*	*Percent*
U.S. No. 1[1]	2.0	0.3	0.2	0.1
U.S. No. 2	3.5	.8	.5	.2
U.S. Sample grade	U.S. Sample grade shall be lentils which do not meet the requirements of either of the numerical grades; or which contain more than 14.0 percent of moisture; or which have any commercially objectionable odor; or which are heating; or which contain live weevils or other insects; or which are materially weathered; or which are otherwise of distinctly low quality.			

[1] The lentils in U.S. Grade No. 1 shall be of good color.

(b) *Grade designations for all classes of dockage-free lentils.* The grade designation for all classes of dockage-free lentils shall include, in the order named, the letters "U.S."; the number of the grade or the words "Sample grade", as the case may be; the name of any applicable special grade; and the name of the class. In the case of the class Mixed Lentils, the grade designation shall also include the name and approximate percentage of each class of lentils contained in the mixture shown in the order of predominance following the words "Mixed Lentils."

(c) *Special grades, special grade requirements, and special grade designations for dockage-free lentils*—(1) *Large lentils*—(i) *Requirements.* Large lentils shall be lentils, except Persian Lentils and Mixed Lentils, of which not more than 3 percent will pass readily through a 15/64 round hole sieve.

(ii) *Grade designation.* Large lentils shall be graded and designated according to the grade requirements of the standards otherwise applicable to such lentils, and there shall be added to and made a part of the grade designation preceding the name of the class the word "Large."

(2) *Small lentils*—(i) *Requirements.* Small lentils shall be lentils, except Persian Lentils and Mixed Lentils, 95 percent or more of which will pass readily through a 15/64 round hole sieve, not less than 80 percent of which will pass readily through a 12/64 round hole sieve, and not more than 3 percent of which will pass readily through a 9/64 round hole sieve.

(ii) *Grade designation.* Small lentils shall be graded and designated according to the grade requirements of the standards otherwise applicable to such lentils, and there shall be added to and made a part of the grade designation preceding the name of the class the word "Small."

(d) *Factor determinations and designations for thresher-run lentils*—(1) *Factor determinations.* Thresher-run lentils shall be inspected without reference to grade, and the following factors shall be determined: The class, dockage, weevil-damaged lentils, damaged lentils, split lentils, foreign material, and color description.

(2) *Factor designation.* The factor designation for all classes of thresher-run lentils shall include the name of the class; the percentage of dockage and the type of sieve used in making the determination; the percentage each of weevil-damaged lentils, damaged lentils, split lentils, and foreign material, and the total thereof; and the color description, when not of good color.

[1] Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal laws.

Effective date. The foregoing revisions of the United States Standards for Dry Peas, Split Peas, and Lentils shall become effective August 1, 1962.

The movement of the new crop of peas and lentils will start around August 1, 1962. In order to provide for uniform grading of the new crop, these standards must be effective on such date. Accordingly, good cause is found for making these standards effective less than thirty days after publication in the FEDERAL REGISTER.

Issued in Washington, D.C., this 10th day of July 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-6860; Filed, July 13, 1962; 8:45 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 4]

PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED AND VIRGINIA SUN-CURED TOBACCO

Marketing Quota Regulations, 1962–63 Marketing Year; Lease and Transfer of Tobacco Acreage Allotment

Basis and purpose. This amendment to the above-designated regulations (26 F.R. 6419, 6581, 7694, 9505 and 10152) is issued pursuant to the provisions of Public Law 87-530 approved July 10, 1962, (1) to add a paragraph (s) to § 725.1328 (26 F.R. 10152) to provide that the lease and transfer of a tobacco allotment for the 1962 crop year shall be effective if (a) the Secretary finds a lease in compliance with the provisions of § 725.1328 of the above-designated regulations was agreed upon no later than May 31, 1962 in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia; and no later than June 15, 1962, in all other States, and (b) the terms of the lease are reduced to writing and filed no later than July 30, 1962, in the county office for the county in which the farms involved are located; and (2) to add a paragraph (t) to § 725.1328 of the above-designated regulations to provide that the dissolution of a lease shall be effective if (a) the county committee, with the approval of a representative of the State committee, finds the dissolution of the lease was agreed upon no later than May 31, 1962, in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia; and no later than June 15, 1962, in all other States, and (b) the terms of the dissolution are reduced to writing and filed no later than July 30, 1962, in the county office for the county in which the farms involved are located.

Since tobacco producers are engaged in the production of the 1962 crop of tobacco and need to know as soon as possible the provisions of the amendment, it is hereby found that compliance with the public notice, procedure, and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1003) is impractical and contrary to the public interest and this amendment shall become effective upon filing with the Director, Office of the Federal Register.

1. A new paragraph (s) is added to § 725.1328 to read as follows:

§ 725.1328 Lease and transfer of tobacco acreage allotment.

* * * * *

(s) Notwithstanding the foregoing provisions of this section, the lease and transfer of an allotment for the 1962 crop year shall be effective if (1) the Secretary finds a lease in compliance with the provisions of this section was agreed upon no later than May 31, 1962, in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia; and no later than June 15, 1962, in all other States, and (2) the terms of the lease are reduced to writing and filed no later than July 30, 1962, in the county office for the county in which the farms involved are located.

2. A new paragraph (t) is added to § 725.1328 to read as follows:

(t) Notwithstanding the foregoing provisions of this section, the dissolution of a lease for the 1962 crop year made pursuant to this section shall be effective if (1) the county committee, with the approval of a representative of the State committee, finds the dissolution of the lease was agreed upon no later than May 31, 1962, in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia; and no later than June 15, 1962, in all other States, and (2) the terms of the dissolution are reduced to writing and filed no later than July 30, 1962, in the county office for the county in which the farms involved are located.

(Secs. 316, 375, 75 Stat. 469, 52 Stat. 66, as amended; 7 U.S.C. 1316, 1375; Pub. Laws 87-200, 87-530)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on July 13, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-6960; Filed, July 13, 1962; 9:52 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 21]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.321 Valencia Orange Regulation 21.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 12, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., July 15, 1962, and ending at 12:01 a.m., P.s.t., July 22, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 400,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 13, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-6986; Filed, July 13, 1962; 11:38 a.m.]

[Lemon Reg. 30]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.330 Lemon Regulation 30.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 10, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., July 15, 1962, and ending at 12:01 a.m., P.s.t., July 22, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 11, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-6933; Filed, July 13, 1962; 8:57 a.m.]

[Avocado Order 1, Amdt. 1]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of avocados.

It is therefore ordered, That the provisions of paragraph (b) of § 915.301 (27 F.R. 5135) are hereby amended as follows:

I. In Table 1, the weight and diameter appearing in Column 3, and the date appearing in Column 4, applicable to the Hardee variety are revised so that after such revision the portion of such table applicable to Hardee variety shall read as follows:

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)	Minimum weight or diameter (7)	Date (8)
Hardee	7-9-62	13 oz. 3 2/16 in.	8-6-62				

II. Subdivision (v) of subparagraph (7) is deleted.

III. Subdivision (iv) of subparagraph (8) is deleted.

IV. The following new subparagraph (10) is added:

(10) The provisions of subparagraphs (2) through (9) of this paragraph shall not apply to any variety, except the Linda variety, of avocados which, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color for that fruit when mature.

The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., July 16, 1962.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 11, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-6934; Filed, July 13, 1962; 8:57 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 133]

PART 1133—MILK IN INLAND EMPIRE MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Inland Empire marketing area (7 CFR Part 1133), it is hereby found and determined that:

(a) The following provisions of the order, no longer tend to effectuate the declared policy of the Act from the effective date through August 31, 1962.

(1) In § 1133.12(c)(1) the phrase "during the months of December through June".

(2) In § 1133.15(c)(1) the phrase "during any of the months of December through June".

(b) Notice of proposed rule making, public procedure thereon, and 30 days

notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension will permit handlers to divert producer milk to nonpool plants for the remainder of July and August. The order presently provides for diversion during the months of December through June. However, unusually favorable weather conditions in the production area have resulted in an excess supply of producer milk. Pool plants have only limited facilities for handling milk in excess of fluid needs. This action will provide that such excess milk may continue to be pooled.

(4) This suspension action is based on the request of producer associations representing more than 75 percent of the producers supplying the market, which is supported by the major handlers of the market.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the period from the effective date hereof through August 31, 1962.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 11, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-6914; Filed, July 13, 1962; 8:57 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards, and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama. Baldwin, Barbour, Blount, Calhoun, Chambers, Cherokee, Clay, Cleburne, Coffee, Coosa, Covington, Cullman, Dale, De Kalb, Escambia, Etowah, Geneva, Henry, Houston, Jackson, Lauderdale, Lee, Limestone, Macon, Madison, Marshall, Morgan, Randolph, Russell, St. Clair, Talladega, and Tallapoosa Counties;

Arizona. The entire State;

Arkansas. The entire State;

California. Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen, Los Angeles, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Ventura, Yolo, and Yuba Counties;

Colorado. Alamosa, Archuleta, Baca, Chaffee, Conejos, Costilla, Custer, Delta, Denver, Dolores, Eagle, Garfield, Gunnison, Hinsdale, Huerfano, Kit Carson, La Plata, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Morgan, Ouray, Phillips, Pitkin, Pueblo, Rio Grande, Saguache, San Juan, San Miguel, Sedgwick, Washington, and Yuma Counties; and Southern Ute Indian Reservation and Ute Mountain Ute Reservation;

Connecticut. The entire State;

Delaware. The entire State;

Florida. Baker, Bay, Bradford, Calhoun, Columbia, Dixie, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

Georgia. The entire State;

Idaho. The entire State;

Illinois. Alexander, Bond, Boone, Bureau, Carroll, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Gallatin, Greene, Grundy, Hamilton, Iroquois, Jackson, Jasper, Jefferson, Jersey, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, McHenry, McLean, Macon, Macoupin, Madison, Mason, Massac, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Perry, Piatt, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Saline, Sangamon, Shelby, Stark, Stephenson, Tazewell, Union, Vermilion, Wabash, Washington, Wayne, White, Whiteside, Will, Williamson, Winnebago, and Woodford Counties;

Indiana. The entire State;

Iowa. Audubon, Boone, Carroll, Clinton, Delaware, Dickinson, Emmet, Fayette, Greene, Hamilton, Lyon, Mitchell, Monona, O'Brien, Osceola, Palo Alto, Pocahontas, Polk, Sac, Scott, Wapello, Warren, Winnebago, Woodbury, and Wright Counties;

Kansas. Allen, Barber, Barton, Cheyenne, Clark, Clay, Comanche, Decatur, Dickinson, Finney, Ford, Franklin, Geary, Gove, Graham, Gray, Greeley, Hamilton, Harper, Harvey, Haskell, Jefferson, Johnson, Kearney, Kingman, Kiowa, Lane, Leavenworth, Linn, Logan, Marshall, Meade, Miami, Mitchell, Morris, Morton, Nemaha, Norton, Osage, Osborne, Pawnee, Phillips, Rawlins, Reno, Rice, Riley, Rooks, Rush, Russell, Scott, Sheridan, Sherman, Smith, Stanton, Thomas, Trego, Wallace, Wichita, and Wyandotte Counties;

Kentucky. Allen, Anderson, Ballard, Barren, Boone, Boyd, Bracken, Breathitt, Breckinridge, Butler, Calloway, Campbell, Carlisle, Carroll, Carter, Clay, Clinton, Crittenden, Cumberland, Edmondson, Elliott, Estill, Floyd, Franklin, Fulton, Gallatin, Grant, Graves, Green, Greenup, Hardin, Harlan, Harrison, Hart, Henderson, Henry, Hickman, Hopkins, Jackson, Jefferson, Johnson, Kenton, Knott, Knox, Larue, Laurel, Lawrence, Leslie, Letcher, Lewis, Lincoln, Livingston, Logan, McCracken, McCreary, McLean, Magoffin, Marion, Marshall, Martin, Mason, Meade, Menifee, Mercer, Metcalfe, Monroe, Morgan, Muhlenberg, Nelson, Ohio, Oldham, Owen, Pendleton, Perry, Pulaski, Robertson, Rockcastle, Rowan, Shelby, Simpson, Spencer, Todd, Trigg, Trimble, Union, Warren, Washington, Wayne, Webster, Whitley, and Wolfe Counties;

Louisiana. Ascension, Assumption, Claiborne, St. Helena, St. James, St. John the Baptist, and Webster Parishes;

Maine. The entire State;

Maryland. The entire State;

Massachusetts. The entire State;

Michigan. The entire State;

Minnesota. The entire State;

Mississippi. Alcorn, Amite, Attala, Choctaw, Desoto, Forrest, Franklin, George, Greene, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Leake, Lee, Lowndes, Marion, Neshoba, Newton, Pearl River, Perry, Pike, Pontotoc, Prentiss, Simpson, Smith, Stone, Tallahatchie, Tippah, Tishomingo, Union, Walthall, Webster, Winston, and Yalobusha Counties;

Missouri. Adair, Barry, Bates, Benton, Bollinger, Buchanan, Butler, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cass, Cedar, Christian, Clark, Cole, Crawford, Dade, Daviess, De Kalb, Dent, Dunklin, Franklin, Gasconade, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Iron, Jackson, Jasper, Jefferson, Knox, Lafayette, Lawrence, Linn, Livingston, McDonald, Macon, Madison, Maries, Marion, Mercer, Miller, Mississippi, Monroe, Montgomery, Morgan, New Madrid, Oregon, Osage, Ozark, Pemiscot, Perry, Pettis, Phelps, Platte, Polk, Pulaski, Ralls, Randolph, Reynolds, Ripley, St. Charles, St. Clair, St. Francois, Ste. Genevieve, St. Louis, Saline, Scotland, Scott, Shannon, Shelby, Stoddard, Stone, Sullivan, Taney, Texas, Vernon, Warren, Washington, Wayne, Webster, and Worth Counties;

Montana. Beaverhead, Big Horn, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, McCone, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powell, Prairie, Ravalli, Richland, Roosevelt, Rosebud, Sanders, Sheridan, Silver Bow, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, and Yellowstone Counties;

Nebraska. Adams, Banner, Burt, Butler, Cass, Cedar, Chase, Cheyenne, Clay, Colfax, Cuming, Dakota, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Furnas, Gage, Gosper, Hall, Hamilton, Harlan, Hitchcock, Howard, Jefferson, Johnson, Kimball, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer, Thurston, Washington, Wayne, Webster, and York Counties;

Nevada. The entire State;

New Hampshire. The entire State;

New Jersey. The entire State;

New Mexico. The entire State;

New York. The entire State;

North Carolina. The entire State;

North Dakota. Adams, Barnes, Benson, Billings, Bottineau, Bowman, Burke, Cass, Cavalier, Divide, Dunn, Eddy, Emmons, Foster, Grand Forks, Grant, Griggs, Hettinger, Kidder, McHenry, McKenzie, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Ransom, Renville, Richland, Rolette, Sargent, Sheridan, Sioux, Slope, Stark, Steele, Towner, Traill, Walsh, Ward, Wells, and Williams Counties;

Ohio. Allen, Athens, Auglaize, Belmont, Butler, Carroll, Champaign, Clark, Clinton, Columbiana, Coshocton, Crawford, Cuyahoga, Darke, Defiance, Delaware, Fayette, Franklin, Fulton, Greene, Guernsey, Hancock, Hardin, Harrison, Henry, Hocking, Jackson, Knox, Lake, Licking, Logan, Lorain, Lucas, Mahoning, Marion, Medina, Meigs, Mercer, Miami, Monroe, Montgomery, Morrow, Muskingum, Noble, Ottawa, Paulding, Perry, Pickaway, Pike, Portage, Preble, Putnam, Ross, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Tuscarawas, Union, Van Wert, Vinton, Warren, Washington, Williams, Wood, and Wyandot Counties;

Oklahoma. Adair, Choctaw, Cimarron, Delaware, Grant, Mayes, Nowata, and Ottawa Counties;

Oregon. The entire State;

Pennsylvania. The entire State;

Rhode Island. The entire State;

South Carolina. The entire State;

South Dakota. Brookings, Buffalo, Butte, Campbell, Clark, Clay, Codington, Custer, Day, Deuel, Edmunds, Faulk, Grant, Hamlin, Hand, Harding, Lawrence, Lincoln, McPherson, Marshall, Miner, Minnehaha, Moody, Perkins, Roberts, Turner, Union, and Walworth Counties;

Tennessee. The entire State;

Texas. Andrews, Bailey, Bandera, Baylor, Blanco, Borden, Brewster, Briscoe, Brown, Burnet, Cameron, Childress, Cochran, Coke, Coleman, Comal, Concho, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Ector, Edwards, El Paso, Fisher, Gaines, Gillespie, Glascock, Hardeman, Hartley, Haskell, Hays, Hidalgo, Howard, Hudspeth, Irion, Jeff Davis, Kendall, Kerr, Kimble, King, Kinney, Lampasas, Lipscomb, Llano, Loving, McCulloch, Martin, Mason, Menard, Midland, Mills, Mitchell, Motley, Nolan, Ochiltree, Oldham, Parmer, Pecos, Presidio, Reagan, Real, Reeves, Runnels, San Saba, Schleicher, Scurry, Shackelford, Stephens, Sterling, Stonewall, Sutton, Taylor, Terrell, Throckmorton, Tom Green, Upton, Val Verde, Ward, Winkler, and Young Counties;

Utah. The entire State;

Vermont. The entire State;

Virginia. The entire State;

Washington. The entire State;

West Virginia. The entire State;

Wisconsin. The entire State;

Wyoming. Albany, Big Horn, Campbell, Crook, Fremont, Goshen, Hot Springs, Laramie, Lincoln, Niobrara, Park, Sweetwater, Teton, Uinta, Washakie, and Weston Counties;

Puerto Rico. The entire area; and

Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 19 F.R. 74, as amended; 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(i): Blount, Coosa, Macon, and St. Clair Counties in Alabama; Cass and Sangamon Counties in Illinois; Dickinson, Finney, Lane, and Rush Counties in Kansas; Lewis County in Kentucky; St. James Parish in Louisiana; Barry, Bates, Benton, Carroll, Cass, Cole, De Kalb, Henry, Knox, Mississippi, Morgan, St. Clair, St. Louis, and Shannon Counties in Missouri; Madison County in Nebraska; Grant and Ottawa Counties in Oklahoma; Anderson, Greenville, and Oconee Counties in South Carolina; Clark and Grant Counties in South Dakota; Bailey, Briscoe, Cochran, Crosby, and Gaines Counties in Texas; Albemarle, Amherst, Charlotte, Floyd, Grayson, Henry, Montgomery, Prince Edward, Rockbridge, Russell, Shenandoah, Smyth, and Tazewell Counties in Virginia; and Goshen County in Wyoming.

The amendment deletes the following areas from the list of areas designated as modified certified brucellosis areas because it has been determined that such areas no longer come within the definition of § 78.1(i): Benton and Oktibbeha Counties in Mississippi; Dallas and Lincoln Counties in Missouri; and Morgan County in Ohio.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 10th day of July 1962.

E. E. SAULMON,
Acting Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 62-6913; Filed, July 13, 1962; 8:57 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 112—DOMINIC NUCLEAR TEST SERIES, 1962

Miscellaneous Amendments

On July 12, 1962, Joint Task Force—8 issued public notice of the disestablishment of the Dominic nuclear test series danger area surrounding Christmas Island and a reduction in the size of the danger area surrounding Johnston Island. The prohibitions of § 112.4 with respect to the Christmas Island danger areas, as defined in § 112.3(a) (1) and (2), and a portion of the Johnston Island danger area as defined in § 112.3(a) (3) are no longer necessary, and the following amendments to Part 112 are issued to effect their termination.

Inasmuch as this action is intended to relieve from, rather than to impose restrictions under regulations currently in effect, the Atomic Energy Commission has found that general notice of proposed rule-making and public procedures thereon are unnecessary and that good cause exists why this amendment should be made effective without the customary period of notice.

Pursuant to the Administrative Procedure Act, Public Law 404, 79th Congress, 2d Session, the following amendments are published as a document subject to codification, to be effective midnight July 12, 1962 Honolulu standard time.

§ 112.3 [Amendment]

1. Section 112.3 is amended as follows:

a. Paragraph (a) (1) and (2) are revoked.

b. Paragraph (a)(3) is amended as follows:

(3) That area established, effective April 30, 1962, until a date to be announced, encompassing Johnston Island and which is a circle of 470 nautical miles radius at the surface gradually extending to a circle of 700 nautical miles radius at an altitude of 30,000 feet and above, centered at the following geographic coordinates:

16°45′ N., and 169°31′ W.

c. Paragraph (b) is amended as follows:

(b) "Dominic test series" means that series of nuclear tests conducted by the Atomic Energy Commission and the Department of Defense in the areas surrounding Johnston Island, within the danger area as defined in paragraph (a) of this section, which tests began in 1962 and will end at an announced time during the calendar year 1962.

2. Section 112.4 is amended as follows:

§ 112.4 Prohibition.

No United States citizen or other person who is within the scope of this part shall enter, attempt to enter, conspire to enter or remain in the defined danger area (§ 112.3(a)) during the effective period of these regulations except with the express approval of appropriate officials of the Atomic Energy Commission or the Department of Defense.

(Sec. 161 p., 72 Stat. 337; 42 U.S.C. 2201(p). Interpret or apply §§ 2, 3, 91, 68 Stat. 921, as amended, 922, 936; 42 U.S.C. 2012, 2013, 2021)

Dated at Germantown, Md., this 12th day of July 1962.

For the Atomic Energy Commission.

A. R. LUEDECKE,
General Manager.

[F.R. Doc. 62-6967; Filed, July 13, 1962; 11:25 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. No. PR-65]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Interim Certification of Supplemental Air Carriers; Special Procedural Regulation

By Public Law 87-528, enacted July 10, 1962, Congress has provided for the certification of supplemental air carriers under section 401(d)(3) of the Federal Aviation Act. In addition, it has enacted provisions designed to ensure that supplemental air transportation provided by qualified members of the present class of supplemental air carriers as well as certain former all-cargo air carriers, will be available to the public during the pendency of certification proceedings under section 401(d)(3). Thus, the new legislation authorizes the Board to issue a new interim certificate or new interim authority to those applicants for certification which meet specified statutory tests concerning their past authorization and operations and which the Board determines to be fit, willing and able to perform supplemental air transportation and to comply with all applicable legal requirements of the Board and of the Administrator of the Federal Aviation Agency. Public Law 87-528, section 7.

Section 8 (b) and (c) of Public Law 87-528 terminates all presently outstanding authority for supplemental air transportation and all presently outstanding authority of large irregular air carriers effective 30 days after its enactment. At the same time, however, section 8(a) confers operating rights, expiring 90 days after enactment, on those carriers which within said 30 days have applied for certification under new section 401(d)(3) of the Act. Supplemental air carriers which have not received interim authority from the Board within the 90 days are, thereafter, entirely without any operating authority under the Act. This Special Procedural Regulation has been designed to facilitate the effective and expeditious handling of proceedings under section 7 in order to conclude such proceedings within the period of 90 days from enactment of the new legislation, or as soon thereafter as possible.

Since this regulation is not a substantive rule, but one of agency procedure, notice and public procedure thereon are not required and the regulation may become effective upon less than 30 days' notice.

In consideration of the foregoing, the following Special Procedural Regulation is hereby adopted, effective upon the date of its publication in the FEDERAL REGISTER:

SECTION 1. *Applicability.* This Special Procedural Regulation applies only to proceedings under section 7 (a), (b) or (c) of Public Law 87-528. Applications for certification under new section 401 (d)(3) of the Federal Aviation Act are governed by Part 201 of the Economic Regulations.

SEC. 2. *Applications.* Applications for a new interim certificate or new interim authority under section 7 of Public Law 87-528 shall show that the applicant has timely filed a separate application for certification under section 401(d)(3) of the Federal Aviation Act. Applicants under subsection (c) shall identify the Board order which has become final within 30 days prior to the filing of their application. Applicants shall show the information required under subsections (a), (b) or (c) of said section 7, as the case may be, setting forth fully what they deem their prima facie case for new interim authority or a new interim certificate.

SEC. 3. *Answers and replies.* Any interested person who wishes to oppose interim authorization shall file and serve on the applicant an answer within ten days after the date of filing of the application. Individual replies or a consolidated reply to the answers shall be filed and served upon each person who has filed an answer within ten days after expiration of the time for filing answers.

SEC. 4. *Form of pleadings.* Applications, answers and replies shall comply with the requirements of §§ 302.3 and 302.4 of the Procedural Regulations, and all factual matter therein or in supporting papers shall be verified by the affidavit of a person or persons having direct knowledge thereof in accordance with the provisions of § 302.202. Applications, answers and replies may also contain supporting argument, but separate briefs may not be filed.

SEC. 5. *Further proceedings.* The Board may grant or deny the application upon the basis of the verified pleadings provided for in sections 2 to 4 hereof. As to any applicant the Board may also consider all reports required to be filed with the Board by such applicant as well as any factual evidence of record in proceedings currently pending before the Board involving the request of such applicant for a certificate to engage in supplemental air transportation. However, the Board may by order provide for further procedural steps where it finds it necessary or desirable. Petitions for reconsideration, rehearing or reargument of Board orders granting or denying interim authority may be filed pursuant to § 302.37 of Part 302 of the Procedural Regulations.

SEC. 6. *Interim relief.* Requests for extension of operating authority beyond the 90 days provided in section 8(a) of Public Law 87-528 will not be entertained by the Board. Petitions for exemption authority under section 416(b) of the Act will not be deemed applications for renewal or a new license extending existing operating authority beyond said 90 days under section 9(b) of the Administrative Procedure Act.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 1001, 72 Stat. 788; 49 U.S.C. 1481, sec. 7 of the Act of July 10, 1962, Pub. Law 87-528)

Effective date: July 14, 1962.

Adopted: July 11, 1962.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62-6898; Filed, July 13, 1962; 8:54 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-PC-8]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to § 608.31 of the regulations of the Administrator is to alter the Kauna Point, Hawaii, Restricted Area R-3108.

The Department of the Navy has stated an urgent and immediate requirement for the expansion in the time of designation for R-3108. The Navy has advised that additional aircraft carriers are now being deployed through the Hawaiian area and, as part of the deployment, will undergo a three-week training period in this area, conducting activities in R-3108 similar to those now being conducted. The Navy further states that the present time of designation for R-3108, sunrise to sunset, Monday through Friday, does not provide sufficient time to accomplish the accelerated training requirements, and only by expanding the time of designation to continuous can these requirements be met. The Navy has agreed to the joint use of R-3108 with the Maui Combined Station/Tower designated as controlling agency. This will provide for more efficient and economical use of the airspace.

For the reasons stated above, the Administrator finds that a condition exists which requires expeditious action in the interest of national defense and safety and that notice and public procedure hereon are impracticable and contrary to the public interest, and that good cause exists for making this amendment effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In § 608.31 *Hawaii,* R-3108 Kauna Point, Hawaii (14 CFR 608.31) is amended to read:

R-3108 Kauna Point, Hawaii:

Boundaries. Beginning at latitude 19°15'00" N., longitude 155°56'00" W.; to latitude 18°58'43" N., longitude 155°47'30" W.; to latitude 18°56'22" N., longitude 155°47'30" W.; thence clockwise 3 nautical miles from the shoreline to latitude 19°14'35" N., longitude 155°57'30" W.; to the point of beginning.

Designated altitudes. Surface to flight level 500.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Maui Combined Station/Tower.

Using agency. Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 11, 1962.

D. D. THOMAS, *Director, Air Traffic Service.*

[F.R. Doc. 62-6868; Filed, July 13, 1962; 8:45 a.m.]

[Airspace Docket No. 62-PC-9]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to § 608.31 of the Regulations of the Administrator is to alter the Kahuku Point, Hawaii, Restricted Area R-3106.

The Department of the Navy has stated an urgent and immediate requirement for the expansion in the time of designation for R-3106. The Navy has advised that additional aircraft carriers are now being deployed through the Hawaiian area and, as part of the deployment, will undergo a three-week training period in this area, conducting activities in R-3106 similar to those now being conducted. The Navy further states that the present time of designation for R-3106, 0800 to 1600 Hawaiian Standard Time, Monday through Friday, does not provide sufficient time to accomplish the accelerated training requirements, and only by expanding the time of designation to continuous can these requirements be met.

For the reasons stated above, the Administrator finds that a condition exists which requires expeditious action in the interest of national defense and safety and that notice and public procedure hereon are impracticable and contrary to the public interest, and that good cause exists for making this amendment effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In § 608.31, R-3106 Kahuku Point, Oahu, Hawaii (14 CFR 608.31, 27 F.R. 5426) "*Time of designation.* 0800 to 1600 Hawaiian standard time, Monday through Friday." is deleted and "*Time of designation.* Continuous." is substituted therefor.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 11, 1962.

D. D. THOMAS, *Director, Air Traffic Service.*

[F.R. Doc. 62-6869; Filed, July 13, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7517 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Minute Maid Corp. and Minute Maid Groves Corp.

Subpart—Discriminating in price under section 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Minute Maid Corportion (The Coca-Cola Company, New York, N.Y.) et al., Docket 7517, Mar. 7, 1962]

In the Matter of Minute Maid Corporation, a corporation, and Minute Maid Groves Corporation, a Corporation

Consent order requiring the Coca-Cola Company, legal successor through merger to Minute Maid Corp., and its wholly owned subsidiary, processors and packers of citrus fruit, among other things, to cease violating section 2(c) of the Clayton Act by paying a brokerage or commission to brokers and other buyers on purchases for their own accounts for resale usually at the rate of 10 cents per 1⅗ bushel box and 5 cents per half box of fresh fruit and 3 percent of the net selling price of frozen citrus concentrates and frozen foods.

The order to cease and desist is as follows:

It is ordered, That respondents The Coca-Cola Company (successor through merger to Minute Maid Corporation, and operating through Minute Maid Company, a division of The Coca-Cola Company), and Minute Maid Groves Corporation, a corporation, and respondents' officers, agents, representatives and employees, directly or through any corporate or other device in connection with the sale of citrus fruit or fruit products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Paying, granting or allowing, directly or indirectly, to any buyer, or to anyone acting for or in behalf of, or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of citrus fruit or fruit products to such buyer for his own account.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents The Coca-Cola Company, a corporation, successor to respondent Minute Maid Corporation, and Minute Maid Groves Corporation, a corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 7, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6873; Filed, July 13, 1962; 8:46 a.m.]

[Docket C-90]

PART 13—PROHIBITED TRADE PRACTICES

Romex International, Ltd., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-40 *Federal Trade Commission Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185-90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-80 *Wool Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Romex International, Ltd., et al., New York, N.Y., Docket C-90, Mar. 2, 1962]

In the Matter of Romex International, Ltd., a Corporation, Bini Bino D'Italia, Ltd., a Corporation, Morton L. Gordon, Individually and as an officer of Said Corporations

Consent order requiring associated distributors in New York City to cease labeling and invoicing as "90% reprocessed cashmere, 10% nylon", fabrics which contained a substantial quantity of other fibers than those represented, and failing to disclose on fabric labels the true generic name of the constituent fibers and the percentage thereof.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, Romex International, Ltd., a corporation, and its officers, and Bini Bino D'Italia, Ltd., a corporation, and its officers, and Morton L. Gordon, individually and as an officer of both corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation, delivery for shipment, or distribution, in commerce, of fabrics or other wool products, as "commerce" and "wool product", are defined in the Wool Products Label-

ing Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to or place on each product, a stamp, tag, label or other means of identification showing in a clear and conspicuous manner, each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Romex International, Ltd., a corporation, and its officers, and Bini Bino D'Italia, Ltd., a corporation, and its officers, and Morton L. Gordon, individually and as an officer of both corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in conenction with the offering for sale, sale or distribution of fabrics or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of constituent fibers contained in such products on invoices or shipping memoranda applicable thereto or in any other manner.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 2, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6874; Filed, July 13, 1962; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), hereby orders that §§ 121.90 and 121.91 of the food additive regulations (21 CFR 121.90, 121.91) be amended as set forth below:

1. Section 121.90 is amended by changing the items listed to read as follows:

§ 121.90 Further extensions of effective date of statute for certain specified food additives as direct additives to food.

* * * * * * *

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—
* * *	* * *	* * *
Methyl glucoside of fatty acids of edible coconut oil (26 F.R. 7544).	Crystallization agent in beet sugar manufacture; limit 5 p.p.m.	Jan. 1, 1963
* * *	* * *	* * *
Poloxyethylene glycol (800) ester of edible cottonseed oil fatty acids (26 F.R. 7544).	Solubilizing agent in pickles; limit 500 p.p.m.	Jan. 1, 1963
* * *	* * *	* * *
Starch modified with propylene oxide (hydroxypropyl starch) (26 F.R. 8390).	Used in food as a thickener; limit 12% propylene oxide in finished starch.	Jan. 1, 1963
* * *	* * *	* * *
Triethanolamine (26 F.R. 9337)	Component of coating on fruits and vegetables; limit 2 p.p.m.	Jan. 1, 1963

2. Section 121.91 is amended by changing the items listed to read as follows:

§ 121.91 Further extensions of effective date of statute for certain specified food additives as indirect additives to food.

* * * * * * *

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—
* * *	* * *	* * *
Ethylene oxide (26 F.R. 7963)	Fumigant in walnut meats, edible gums, dehydrated or freeze-dried mushrooms, in ground spices, and onion and garlic powder; limit 50 p.p.m.	[1] July 1, 1963
* * *	* * *	* * *
Poly (bis-chloromethyl) oxetane (26 F.R. 8393)	As a plastic or coating on food-processing equipment.	Jan. 1, 1963
* * *	* * *	* * *

[1] Progress report required by Jan. 1, 1963.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendments to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87-19 as a relief of restrictions on the food-processing industry.

Effective date. This order shall become effective on the date of signature.

(Sec. 6(c), Public Law 85-929, as amended, sec. 2, Public Law 87-19; 72 Stat. 1788, as amended, 75 Stat. 42; 21 U.S.C., note under sec 342)

Dated: July 10, 1962.

JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 62-6903; Filed, July 13, 1962; 8:56 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), hereby orders that § 121.90 of the food additive regulations (21 CFR 121.90) be amended as set forth below:

1. Section 121.90 is amended by changing the items listed to read as follows:

§ 121.90 Further extension of effective date of statute for certain specified food additives as direct additives to food.

* * * * * * *

MISCELLANEOUS [1]

Product	Specified uses or restrictions	Effective date of statute extended to—
* * *	* * *	* * *
DL-Methionine (26 F.R. 7544)	Dietary supplement; limit 200 mg. per day	Jan. 1, 1963
Torula yeast, dried (26 F.R. 7544)	Flavoring in food; not more than 0.040 mg. of folic acid per gram of yeast. In food for special dietary use; limit 0.4 mg. of folic acid per day.	Jan. 1, 1963
Yeast, dried (26 F.R. 7544)	Flavoring in food; not more than 0.040 mg. of folic acid per gram of yeast. In food for special dietary use; limit 0.4 mg. of folic acid per day.	Jan. 1, 1963
* * *	* * *	* * *
Boron (from sodium borate or boric acid) (26 F.R. 8390).	0.1 mg. per day as dietary supplement	Jan. 1, 1963
Cobalt (from cobalt gluconate, sulfate, chloride, or carbonate) (26 F.R. 8390).	1.0 mg. cobalt per day as dietary supplement	Jan. 1, 1963
Copper (from copper chloride, cupric oxide, or copper gluconate) (26 F.R. 8390).	2 mg. copper per day as dietary supplement	Jan. 1, 1963
Fluorine (from calcium, potassium, or sodium fluoride) (26 F.R. 8390).	0.5 mg. fluorine per day as dietary supplement	Jan. 1, 1963
Molybdenum (from sodium molybdate, molybdenum trioxide, molybdenum sesquioxide, ammonium molybdate) (26 F.R. 8390).	2.0 mg. molybdenum per day as dietary supplement.	Jan. 1, 1963
Nickel (from nickel sulfate) (26 F.R. 8390)	1.0 mg. nickel per day as dietary supplement	Jan. 1, 1963

[1] The inclusion of substances specified as dietary supplements in this list does not constitute a finding by the Food and Drug Administration that the substance is useful as a supplement to the diet for humans.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time under certain conditions, for the effective date of the food additives amendments to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87-19 as a relief of restrictions on the food processing industry.

Effective date. This order shall become effective on the date of signature.

(Sec. 6(c), Public Law 85-929, as amended, sec. 2, Public Law 87-19; 72 Stat. 1788, as amended, 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: July 10, 1962.

JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 62-6902; Filed, July 13, 1962; 8:55 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare, § 121.91 of the food additive regulations (21 CFR 121.91) is amended by adding thereto the following new items:

§ 121.91 Further extensions of effective date of statute for certain specified food additives as indirect additives to food.

* * * * * * *

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—	Progress report required by—
* * *	* * *	* * *	* * *
Anhydroformaldehyde aniline resin	Component of a phenolic molding compound for use in processing, holding, packaging, or transporting food.	Jan. 1, 1963	
Anthracite, ground	Component of a phenolic molding compound for use in processing, holding, packaging or transporting food.	do	
Asbestos fiber		do	
Glyoxal	Component of resinous or polymeric coating used for the food-contact surface of food packaging.	do	
Hydroxyethylcellulose	Component of coatings in the manufacture of paper and paperboard for food packaging.	do	
Styrenated phenol	Component of a phenolic molding compound for use in processing, holding, packaging, or transporting food.	do	

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendments to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87–19 as a relief of restrictions on the food-processing industry.

Effective date. This order is effective on the date of signature.

(Sec. 6(c), Public Law 85–929, as amended, sec. 2, Public Law 87–19; 72 Stat. 1788, as amended, 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: July 10, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62–6899; Filed, July 13, 1962; 8:54 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85–929, as amended sec. 2, Public Law 87–19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), hereby orders that § 121.91 of the food additive regulations (21 CFR 121.91) be amended by adding thereto the following new items:

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—	Progress report required by—
• • •	• • •	• • •	• • •
Candelilla wax	Component of paper and paperboard for food packaging.	Jan. 1,1963	
Cyclohexane	do	do	
Diisopropanol monoamide of tallow fatty acids.	do	do	
Diphenylamine	Component of paper and paperboard for food packaging, as preservative only.	do	
2,4-Di-*tert*-butyl hydroquinone	do	do	
Ethylenediamine tetraacetic acid, sodium, potassium, and calcium salts.	Component of paper and paperboard for food packaging.	do	
Fish oil, hydrogenated	do	do	
Fish oil, hydrogenated, potassium soap	do	do	
Isopropyl alcohol	do	do	
Isopropylated *m*-cresol	Component of paper and paperboard for food packaging, as preservative only.	do	
Isopropylated *p*-cresol	do	do	
Kerosene	Component of paper and paperboard for food packaging.	do	
Kerosene, deodorized	do	do	
Lecithin, hydroxylated	do	do	
Mustardseed oil, sulfated	do	do	
Naphtha	do	do	
β-Naphthol	do	do	
Polyoxyethylene (600) glycol ester of tall oil fatty acids.	do	do	
Polyoxyethylene (400) glycol monolaurate	do	do	
Polyoxyethylene glycol (400) monostearate.	do	do	
Polyoxyethylene (600) glycol monostearate.	do	do	
Polyoxyethylene (3000) glycol monostearate.	do	do	
Potassium pentachlorophenate	do	do	
Potassium trichlorophenate	do	do	
Propylene glycol monoester of hydrogenated tallow fatty acids.	do	do	
Propylene glycol monoester of soybean oil fatty acids.	do	do	
Sodium pentachlorophenate	do	do	
Sodium trichlorophenate	do	do	
Soybean fatty acids, sodium soap	do	do	
Tallow	do	do	
Tallow, hydrogenated	do	do	
Tallow alcohol, hydrogenated	do	do	
Tallow fatty acid	do	do	
Tallow fatty acids, hydrogenated	do	do	
Triethylene glycol polyester of benzoic acid and phthalic acid.	Component of adhesives used in food packaging.	do	

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendments to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87–19 as a relief of restrictions on the food processing industry.

Effective date. This order shall become effective on the date of signature.

(Sec. 6(c), Public Law 85–929, as amended, sec. 2, Public Law 87–19; 72 Stat. 1788, as amended, 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: July 10, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62–6900; Filed, July 13, 1962; 8:55 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85–929, as amended sec. 2, Public Law 87–19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), hereby orders that § 121.91 of the food additive regulations (21 CFR 121.91) be amended as set forth below:

1. Section 121.91 is amended by changing the items listed to read as follows:

§ 121.91 Further extensions of effective date of statute for certain specified food additives as indirect additives to food.

• • • • • •

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—
• • •	• • •	• • •
Di-*tert*-butyl-*p*-cresol (26 F.R. 7963)	Component of sealing gaskets in caps of food containers.	Jan. 1,1963
• • •	• • •	• • •
Diacetyl sodium sulfosuccinate (26 F.R. 7963)	Component of can-sealing compound for food packaging.	Jan. 1,1963
p,p'-Diaminodiphenylmethane (26 F.R. 7963)	Component of sealing gaskets in caps of food containers.	Jan. 1,1963
• • •	• • •	• • •
Diphenylsulfone-3,3'-disulfohydrazide (26 F.R. 7963).	Component of sealing gaskets in caps for food containers.	Jan. 1,1963
• • •	• • •	• • •
Ethyl formate (26 F.R. 7963)	Fumigant in raisins, dried fruits, and nuts; limit 200 p.p.m., calculated as formic acid.	Jan. 1,1963
• • •	• • •	• • •
2,2'-Methylenebis-(4-methyl-6-*tert*-butylphenol) (26 F.R. 7963).	Antioxidant used as component of food-packaging and food-handling material; limit not to exceed 0.75% of resin formulation.	Jan. 1,1963
• • •	• • •	• • •
Sodium pentachlorophenate (26 F.R. 7963)	Component of sealing gaskets in caps of food containers.	Jan. 1,1963
Sodium salt of naphthalene-sulfonic acid condensed with formaldehyde (26 F.R. 7963).	In the manufacture of paper and paperboard for food packaging.	Jan. 1,1963
• • •	• • •	• • •
Sorbitan monolaurate (26 F.R. 7963)	Component of sealing compound used in food containers.	Jan. 1,1963
• • •	• • •	• • •
Triethanolamine (26 F.R. 7963)	Component of sealing compound used in food containers.	Jan. 1,1963
• • •	• • •	• • •
Lecithin, hydroxylated (26 F.R. 8508)	Paper coating adjuvant used in manufacture of food packaging.	Jan. 1,1963
• • •	• • •	• • •
β-Naphthol (26 F.R. 8508)	Paper coating adjuvant used in manufacture of food packaging.	Jan. 1,1963
• • •	• • •	• • •
Soybean fatty acids, sodium soap (26 F.R. 8508)	Paper coating adjuvant used in manufacture of food packaging.	Jan. 1,1963
• • •	• • •	• • •
Lauryl alcohol sulfate (26 F.R. 9715)	Component of sealing compound used in food containers.	Jan. 1,1963
• • •	• • •	• • •
Dicyandiamide (26 F.R. 11242)	Component of wet-strength agent used in manufacture of paper and paperboard for food packaging.	Jan. 1,1963
Diethylenetriamine (26 F.R. 11242)	Component of wet-strength agent used in manufacture of paper and paperboard for food packaging.	Jan. 1,1963
• • •	• • •	• • •
4,4'-Methylenedianiline (26 F.R. 11242)	Component of resinous or polymeric coating used on the food-contact surface of food packaging.	Jan. 1,1963
m-Phenylenediamine (26 F.R. 11242)	Component of resinous or polymeric coating used on the food-contact surface of food packaging.	Jan. 1,1963
• • •	• • •	• • •
Tetraethylenepentamine (26 F.R. 11242)	Component of wet-strength agent used in manufacture of paper and paperboard for food packaging.	Jan. 1,1963
• • •	• • •	• • •
Triethylenetetramine (26 F.R. 11242)	Component of wet-strength agent used in manufacture of paper and paperboard for food packaging.	Jan. 1,1963
Triphenyl phosphite (26 F.R. 11242)	Component of resinous or polymeric coating used for food-contact surface of food packaging.	Jan. 1,1963
• • •	• • •	• • •

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendments to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87–19 as a relief of restrictions on the food processing industry.

Effective date. This order shall become effective on the date of signature.

(Sec. 6(c), Public Law 85–929, as amended, sec. 2, Public Law 87–19; 72 Stat. 1788, as amended, 75 Stat. 42; 21 U.S.C., note under sec. 4342)

Dated: July 10, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62–6901; Filed, July 13, 1962; 8:55 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER C—MILITARY EDUCATION

PART 543—PROMOTION OF RIFLE PRACTICE

Rifle and Pistol Competitions

Section 543.5 is revised to read as follows:

§ 543.5 Rifle and pistol competitions in schools and colleges.

(a) *General.* (1) Educational institutions maintaining units of the Reserve Officers' Training Corps (ROTC) and other schools and colleges conducting military training under the supervision of the Department of the Army will conduct instruction with the rifle and the pistol in accordance with the prescribed programs of training.

(2) The term "major commander" as used in this section is limited to Commanding Generals, Zone of Interior armies, and, when applicable, Commanding General, U.S. Armies, Alaska, Caribbean, and Hawaii.

(b) *Rifle clubs and local matches.* (1) ROTC units and the cadet corps of other schools and colleges should form rifle clubs and affiliate with the National Rifle Association of America (NRA) and enter its competitions.

(2) Competitive rifle and pistol matches will be arranged to inspire a wholesome spirit of rivalry between individuals, organizations, units, and institutions. Local matches should be frequent and so organized as to give them the same standing and recognition accorded athletic competitions.

(3) The allowances of ammunition for schools and colleges are prescribed in table of allowances. Ammunition for matches other than those approved by the Department of the Army will be provided by the institution.

(4) ROTC and NDCC institutions are authorized to modify rifles, cal. .22 by the installation of Schuetzen type butt plates and palm rests for use when permitted by this section or by other match regulations, providing that such modification is accomplished at no cost to the Government.

(c) *Annual indoor rifle matches*—(1) *General.* (i) A series of indoor smallbore rifle matches will be conducted each year, so far as practicable, among those institutions conducting military training under the supervision of the Departments of the Army, Navy, and Air Force (ROTC and National Defense Cadet Corps (NDCC) units) which have the proper facilities and where conditions are otherwise favorable. For this purpose the institutions will be grouped as follows:

(*a*) Units in universities, colleges, and junior colleges.

(*b*) Units in essentially military schools (high school-level students only).

(*c*) Units in high schools not in the category of (*b*) of this subdivision.

(ii) For the purpose of the competition, units (Army, Navy, and Air Force) in the Military District of Washington will compete with like units of the Second

U.S. Army; units (Army, Navy, and Air Force) located in Hawaii and Alaska will compete with like units of the Sixth U.S. Army; and the units of Panama and of the University of Puerto Rico will compete with like units of the Third U.S. Army.

(2) *Intramural and intermural matches.* From October 1 to December 31, annually, the institutions will conduct intramural matches to determine the relative standing of individual students, organizations, units, other groups, etc., as the officer in charge may deem advisable. The regulations for the matches, the awarding of prizes, etc., will be arranged by the officer in charge. Approximately the first two-thirds of the period should be devoted to individual instruction and competitions and the last one-third to team matches. From December 1 to March 1, annually, institutions will be encouraged to fire separate matches with other institutions under such conditions as may be agreed upon.

(3) *Other matches.* During the period in which the national intercollegiate matches are being held, institutions will be encouraged to fire separate matches with institutions in other sections of the country.

(d) *Annual outdoor matches.* Outdoor rifle and pistol firing will be conducted at favorable seasons of the year, so far as may be practicable. Major commanders will arrange matches for those institutions having suitable range facilities. Institutions will be encouraged to place such competitions on a par with other athletic competitions and to develop individuals for membership in Army area teams selected to compete in the National Matches.

(e) *Approved competitions.* The Department of the Army has approved and encourages participation in the following annual events by eligible students enrolled in the ROTC and NDCC units:

(1) Army Area ROTC Intercollegiate and Interscholastic Indoor Smallbore Rifle Matches.

(2) National ROTC Intercollegiate and Interscholastic Matches.

(3) Warrior of the Pacific Team Competition.

(4) Society of American Military Engineers Rifle Competition.

[AR 145-395, June 22, 1962] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62-6866; Filed, July 13, 1962; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 27—CAPE COD NATIONAL SEASHORE; ZONING STANDARDS

By notice of a proposed rule making published on March 9, 1962 (27 F.R. 2289-2290), the public was notified of the proposal to amend Title 36, Code of Federal Regulations, by the addition of a new part specifying general criteria or standards that will facilitate adoption of zoning bylaws by the towns in which the Cape Cod National Seashore is located, and will assure that such bylaws meet the approval of the Secretary of the Interior. Such notice was given pursuant to section 5 of the Act of August 7, 1961 (75 Stat. 284, 290), providing for establishment of a Cape Cod National Seashore, which Act exempts from condemnation improved residential property upon which construction was begun before September 1, 1959, if duly adopted valid zoning bylaws approved by the Secretary of the Interior are in force and applicable to such properties.

The proposed regulations were submitted to the Congress and to the towns in which the Cape Cod National Seashore is situated in order to give members of Congress and the towns an opportunity to submit written data, views, or suggestions on such regulations. The waiting period prescribed in the Act of August 7, 1961, has elapsed. Written suggestions and comments on the proposed regulations were received from several of the affected towns; but none was received from the Congress. Informal suggestions were also offered in meetings held at the Cape which were attended by representatives of the towns having land within the Seashore. All other persons were invited to present written statements to the Director, National Park Service, Department of the Interior, Washington 25, D.C., within 30 days after the notice was published in the FEDERAL REGISTER.

Discussions of the proposed regulations were held with the Departments of Commerce and of the Attorney General of the Commonwealth of Massachusetts. Those offices have important review and advisory functions with respect to the zoning bylaw amendments the affected towns will adopt to implement the final regulations. Moreover, the regulations, prior to issuance in final form, were presented before, and discussed with, the Cape Cod Advisory Commission. The suggestions which evolved from the discussions with representatives of these Departments and the Commission have been carefully considered, with a view to promulgation of a regulation that will further the purposes of the Act of August 7, 1961, and be consistent with the laws of Massachusetts.

As a result of the aforesaid meetings and discussions and consideration of other relevent material presented subsequent to the notice, the following changes in the proposed regulations are made:

1. The provisions relating to establishment of a Seashore Historical Zone have been eliminated, the effect being that a single new zone would be established—the Seashore District. This change was necessitated because of a relatively recent Massachusetts Act which governs the establishment of historic districts. It was the consensus that any action initiated by the towns toward the establishment of such districts should adhere to the procedural and other requirements set out in the Massachusetts Historic Districts Act.

2. The final draft of the regulations clarifies the rights of zoning authorities and owners of "improved property" (as defined in the Act of August 7, 1961), within the Seashore District to consult the Secretary of the Interior for determinations as to the effect of any proposed alteration, variance, or exception, upon suspension of the Secretary's power to condemn the property affected by such alteration, variance, or exception.

These and other minor revisions are reflected in regulations as set forth below in final form. Since the affected towns cannot initiate action to adopt zoning bylaw amendments as required by the Act of August 7, 1961, until approval of these regulations is certain, such regulations shall become effective upon the date of their publication in the FEDERAL REGISTER.

Part 27, reading as follows, is added to 36 CFR.

Sec.
27.1 General objectives.
27.2 Commercial and industrial activities.
27.3 Seashore District.
27.4 Variances and exceptions.

AUTHORITY: §§ 27.1 to 27.4 issued under sec. 5, 75 Stat. 284; 16 U.S.C., Supp. III, 459b-4.

§ 27.1 General objectives.

(a) Consistent with the objectives set out in section 5 of the Act of August 7, 1961 (75 Stat. 284), development and management of the Cape Cod National Seashore will be conducted in a manner which will assure the widest possible public use, understanding and enjoyment of its natural, cultural and scientific features. The regulations in this part are designed and promulgated to establish minimum standards which local zoning bylaws must meet in furtherance of those purposes.

(b) The standards hereby established for approval of zoning bylaws or amendments of zoning bylaws are intended: (1) To contribute to the effect of prohibiting the commercial and industrial use, other than existing commercial or industrial use not inconsistent with the purposes of the Act of August 7, 1961 (75 Stat. 284, 291), of all property within the boundaries of the Cape Cod National Seashore and situated in the towns of Provincetown, Truro, Wellfleet, Eastham, Orleans and Chatham; and (2) to promote preservation and development, in accordance with the purposes of the said Act, of the area comprising the seashore, by means of acreage, frontage and setback requirements and other provisions which may be required to be included in zoning bylaws consistent with the laws of Massachusetts. Zoning bylaws or amendments of zoning bylaws applicable to the area within Cape Cod National Seashore, in order that they may be approved, shall conform to the standards herein set forth relating to preservation and development of the seashore in accordance with the purposes of the said Act. The Secretary shall be given notice of any amendments to approved zoning bylaws that affect the Seashore District. Nothing in these standards or in the zoning bylaws adopted pursuant thereto for the area within Cape Cod National Seashore shall preclude the Secretary of the Interior from fulfilling the responsibilities vested in him by the Act of August 7, 1961, or by the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented.

(c) Wherever the term "improved property" is used in this part it shall mean a detached, one-family dwelling, the land on which it is situated, and accessory structures, and as further defined in section 4(d) of the Act of August 7, 1961 (75 Stat. 284).

§ 27.2 Commercial and industrial activities.

No commercial or industrial districts may be established within the Cape Cod National Seashore.

§ 27.3 Seashore District.

(a) Description: The Seashore District shall include all those portions of the towns of Provincetown, Truro, Wellfleet, Eastham, Orleans and Chatham, lying within the exterior boundaries of the Cape Cod National Seashore.

(b) Zoning bylaws for the Seashore District shall be consistent with the objectives and purposes of the Act of August 7, 1961, so that—to the extent possible under Massachusetts law—the scenic, scientific and cultural values of the area will be protected, undeveloped areas will be preserved in a natural condition, and the distinctive Cape Cod character of existing residential structures will be maintained.

(c) (1) No moving, alteration, or enlargement of existing one-family residential dwellings or structures accessory thereto situated within this District shall be permitted if such would afford less than a 50-foot setback from all streets measured at a right angle with the street line, and a 25-foot distance from the abutters' property lines (or less than such lesser setback or distance requirements already in existence for such dwellings or accessory structures).

(2) If through natural phenomena or causes a lot or lots are so diminished in size that an owner would be unable to comply with the setback or sideline requirements herein prescribed, such owner or the zoning authorities may, as provided in § 27.4(b), request the Secretary of the Interior to determine whether a proposed move, reconstruction, alteration of enlargement of an existing residential dwelling or accessory structure would subject the property to acquisition by condemnation.

(d) Zoning bylaws adopted pursuant to this regulation shall contain provisions designed to preserve the seashore character of the area by appropriate restrictions or prohibitions upon the burning of cover, cutting of timber, filling of land, removal of soil, loam, sand or gravel and dumping, storage, or piling of refuse and other unsightly objects or other uses which would detract from the natural or traditional seashore scene.

(e) Zoning bylaws for the Seashore District may permit residential uses of "improved property" and other uses of such dwellings and their accessory structures: *Provided*, such other uses are traditional to these seashore communities, are customarily incidental to the principal residential use and do not alter the essential character of the dwelling and premises as a private residence. Subject to those conditions such uses may include, but are not limited to: (1) Partial use of dwellings by residents for a professional office (as for the practice of theology, law or medicine), as an artists' studio, for appropriate small scale home occupations as the making and selling of traditional Cape Cod products produced on the premises, and for the rental of rooms and serving of meals by residents of the premises to overnight guests; (2) the existence of structures, such as a garage, barn or boathouse accessory to the dwelling; (3) display of a sign, which may be indirectly but not directly illuminated and not to exceed two square feet in area, referring to the occupancy, sale, or rental of the premises; (4) traditional agricultural uses of cleared land, but not including such objectionable uses as a piggery or the raising of livestock, poultry or fur-bearing animals for commercial purposes; and (5) the opening of shellfish, the storage and use of fishing equipment, and other traditional fishing activities. No commercial or industrial ventures (other than of the types described above), may be established within the Seashore District.

§ 27.4 Variances and exceptions.

(a) Zoning bylaws may provide for variances and exceptions.

(b) Bylaws adopted pursuant to these standards shall contain provisions which constitute notice to applicants for variances and exceptions that, under section 5(d) of the Act of August 7, 1961, the Secretary of the Interior is authorized to withdraw the suspension of his authority to acquire, by condemnation, "improved property" that is made the subject of a variance or exception which, in his opinion, fails to conform or is in any manner opposed to or inconsistent with preservation and development of the seashore as contemplated in the said Act. The Secretary may be consulted at any time by zoning authorities or by the owner of "improved property" regarding the effect of a proposed variance or exception upon the status of the affected property with regard to the suspension of the Secretary's authority to condemn. The Secretary, within 60 days of the receipt of a request for such determination, or as soon thereafter as is reasonably possible, shall advise the owner or zoning authorities whether or not the intended use will subject the property to acquisition by condemnation.

(c) The Secretary shall be promptly notified of the granting of any variance or exception.

STEWART L. UDALL,
Secretary of the Interior.

JULY 9, 1962.

[F.R. Doc. 62-6890; Filed, July 13, 1962; 8:53 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER G—EXCHANGES

[Circular 2083]

PART 149—EXCHANGES FOR THE CONSOLIDATION OR EXTENSIONS OF INDIAN RESERVATIONS OR INDIAN HOLDINGS

Statutory Authority; Criteria for Approval of Exchanges

On page 3168 of the FEDERAL REGISTER of April 3, 1962, there was published a notice and text of a proposed amendment of Part 149 of Title 43, Code of Federal Regulations. The purpose of this amendment is to prescribe regulations to carry out the exchange provision of Public Law 87-231.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

JULY 9, 1962.

1. Section 149.23 is amended to read as follows:

§ 149.23 Statutory authority.

(a) Section 2 of the act of August 13, 1949 (63 Stat. 605; 25 U.S.C. 622), authorizes the Secretary of the Interior to exchange for any lands or interests therein, including improvements and water rights, situated within the area described in section I of the notice dated March 25, 1950 (15 F.R. 1852), any lands or interests therein, including improvements and water rights, situated within the boundaries of the area described in said section I, or within the public domain area described in section II of said notice, or within any public domain in New Mexico.

(b) Section 10(a) of Public Law 87-231, act of September 14, 1961 (75 Stat. 500; 25 U.S.C. 624), provides that the Secretary of the Interior may acquire, within the Pueblo land consolidation areas, any lands or interests therein, including improvements and water rights, and in exchange therefor, may convey not to exceed an equal value of unappropriated public lands within the State of New Mexico, or, with the consent of the Pueblo authorities, any Pueblo tribal lands or interest therein, including improvements and water rights.

(1) The Pueblo land consolidation areas include any lands, acquisition of which would tend to consolidate Pueblo

tribal lands held by a Pueblo at the time of such acquisition.

2. Paragraph (a) of § 149.24 is amended to read as follows:

§ 149.24 Criteria for approval of exchanges.

• • • • •

(a) The selected lands or interests do not exceed the value of the offered lands or interests.

[F.R. Doc. 62-6889; Filed, July 13, 1962; 8:52 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 61—HOURS OF SERVICE OF RAILROAD EMPLOYEES

Method and Form of Monthly Reports

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held at its office in Washington, D.C., on the 20th day of June A.D. 1962.

The matter of curtailment or simplification of the method and form of monthly reports of hours of service of employees subject to the act of March 4, 1907 (45 U.S.C. 61–64) as amended being under consideration and it appearing that the changes in existing regulations to be effectuated by this order are only minor changes with respect to the forms to be used and the data to be furnished and that public rulemaking procedures are unnecessary:

It is ordered, That, commencing with the report for the month of August, 1962, the regulations adopted by order of June 28, 1911, as amended by orders of April 8, 1912, May 12, 1955, and June 24, 1960, and appearing as § 61.0 and § 61.1 are revised to read as follows:

§ 61.1 Method and form of monthly reports.

(a) *Form and instructions prescribed.* The accompanying form[1] entitled "Interstate Commerce Commission Hours of Service Report-Railroads" and designated as "Employees on duty in excess of that permitted by the Hours of Service Law" and the method embodied in the instructions therein set forth, be, and the same are hereby, adopted and prescribed, and all common carriers subject to said act are hereby notified to use and follow the said prescribed form and method in making monthly report of hours of service of employees on duty for a longer period than that named in said Act and/or, returned to duty without having the statutory period off duty.

(b) *Instructions to be followed in filling out the blanks.*

1. A report, in accordance with the method and form prescribed, must be sent to the Interstate Commerce Commission for each month, showing all employees who were on duty in excess of the period allowed by the Hours of Service Act of March 4, 1907, or who were on duty without the period off duty prescribed by that Act, such report to be filed with the Commission within 30 days after the end of the month for which the report is made.

2. The monthly report should be made up as follows:

a. One sheet for each case where any member or members of a train or engine crew or any other employee subject to the Act remained on duty more than 16 consecutive, or aggregate hours, and/or returned to duty after 16 hours continuous, or aggregate service, without having had 10 or 8 consecutive hours off duty, respectively.

b. Each case where an employee who transmits, receives, or delivers orders affecting train movements at continuously operated day-and-night office was on duty longer than nine hours in any 24-hour period, and each case where an employee who, at offices regularly operated not exceeding 13 hours in a 24-hour period, was on duty for a longer period than 13 hours in any 24-hour period. More than one case of this type may be reported on one sheet.

c. Instructions for filling out form. In the space provided for "Cause", detailed information relative to events or occurrences leading to cause of excess service must be noted. The reasons why employees were allowed to perform excess service or were returned to duty with less than the required time off duty must be shown. A check mark should be entered in the space provided to indicate either a 9 or 13 hour office when applicable. If the excess service reported was caused by the absence of an operator or a dispatcher the reason for such absence should be shown. Abbreviations may be used to show all occupations.

It is further ordered, That a copy of this order be served on each common carrier by railroad subject to the Interstate Commerce Act and on each national organization of railroad employees and notice thereof be given to the general public by depositing a copy of said order in the office of the Secretary of the Commission at Washington and by filing it with the Director, Office of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended, sec. 4, 34 Stat. 1417; 49 U.S.C. 12, 45 U.S.C. 64. Interpret or apply sec. 20, 24 Stat. 386, as amended, secs. 1–3, 34 Stat. 1415, 1416, as amended; 49 U.S.C. 20, 45 U.S.C. 61–63)

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-6888; Filed, July 13, 1962; 8:52 a.m.]

[1] Form filed as part of original document.

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC-40 (Sub-No. 1)]

PART 195—HOURS OF SERVICE OF DRIVERS

Qualifications and Maximum Hours of Service of Employees of Motor Carriers and Safety of Operation and Equipment

In the matter of petitions for postponement of effective date of the order of March 29, 1962.

Upon consideration of the record in the above-entitled proceeding, and of:

(1) Petition of Petroleum Equipment Suppliers Association, intervener, for postponement of effective date, filed May 7, 1962;

(2) Petition of American Bottlers of Carbonated Beverages, intervener, for postponement of effective date, filed May 10, 1962;

(3) Petition of International Association of Ice Cream Manufacturers, intervener, for postponement of effective date, filed May 10, 1962;

(4) Petition of Private Truck Council of America, Inc., intervener, for postponement of effective date, filed May 10, 1962;

(5) Reply by Bureau of Inquiry and Compliance, Interstate Commerce Commission, filed May 21, 1962;

and good cause appearing therefor:

It is ordered, That the effective date of the order of March 29, 1962, by the Commission, 27 F.R. 3553, be, and it is hereby, postponed, from July 16, to September 5, 1962.

Dated at Washington, D.C., this 3d day of July A.D. 1962.

By the Commission, Chairman Murphy.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-6887; Filed, July 13, 1962; 8:52 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 981]

HANDLING OF ALMONDS GROWN IN CALIFORNIA

Notice of Proposed Rule Making

Notice is hereby given that there is under consideration a proposal to amend the administrative rules and regulations (Subpart—Administrative Rules and Regulations) pertaining to operations under the amended marketing agreement and order (7 CFR Part 981), regulating the handling of almonds grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended(secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Consideration will be given to written data, views, and arguments pertaining to the proposal which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than fifteen days after publication of this notice in the FEDERAL REGISTER.

The proposal is:

a. Amend the introductory paragraph of § 981.450(a) to read as follows:

(a) *Exemption from program obligations.* Any handler who, pursuant to § 981.50, intends to dispose of almonds, other than those withheld to meet a surplus obligation, for export to eligible surplus destinations, for crushing into oil, or for producing animal feed or products in other outlets which the Board finds are noncompetitive with existing normal markets for almonds, may have the kernel weight of such almonds excluded from such handler's receipts and exempted from program obligations to the extent provided in this part if the almonds are so disposed of no later than 30 days after the close of the current crop year, and he complies with the following measures to assure accountability to the Board:

(b) Amend § 981.450(a)(2) by eliminating the period at the end of the paragraph and adding the following: "except that in the case of exports, an agreement that such almonds will not be sold within or reimported into the United States, will be obtained from the purchaser and submitted to the Board."

(c) Amend § 981.450(a)(3) to read as follows:

(3) Ships directly to the location where disposition is to take place, or in the case of export ships directly to the purchaser, and upon domestic shipment or export, the handler shall submit to the Board a copy of the sales invoice, bill of lading, or such other instruments acceptable to the Board as shall verify the shipment or export.

(d) Amend § 981.450(a)(4) to read as follows:

(4) Upon completion of disposition, other than by export, the handler shall submit to the Board ACB Form 8 wherein the user of almonds certifies to the Board and the Secretary that the almonds have been crushed, fed, or so comingled with other feed products or otherwise processed that they have lost their identity as almonds.

Dated: July 11, 1962.

PAUL A. NICHOLSON, *Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 62-6891; Filed, July 13, 1962; 8:53 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 1005]

[Docket No. AO-177-A-21]

MILK IN TRI-STATE MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Daniel Boone Hotel, corner of Capitol and Washington Streets, Charleston, West Virginia, beginning at 10:00 a.m., local time, on July 31, 1962, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Tri-State marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Dairymen's Co-Operative Sales Association, and Huntington Interstate Milk Producers Association:

Proposal No. 1. A. Revise § 1005.4(a) to read:

(a) Charleston - Pikeville - Paintsville district of the marketing area means the territory within the counties of Boone, Braxton, Greenbriar, Jackson, Kanawha, Lincoln, Logan, Monroe, Nicholas, Putnam, Raleigh, Summers and Wyoming, all in the State of West Virginia; and the counties of Floyd, Johnson, Magoffin, Martin, and Pike, all in the State of Kentucky.

B. Include the presently unregulated parts of Wood County, West Virginia, and Washington County, Ohio, in the Athens district, and include the presently unregulated parts of Lewis County, Kentucky, in the Gallipolis-Scioto district.

Proposed by Dairymen's Co-Operative Sales Association:

Proposal No. 2. In addition to the area proposed for inclusion in the Charleston-Pikeville-Paintsville district pursuant to proposal No. 1A, include the counties of Fayette and Roane, West Virginia.

Proposed by Southeastern Ohio Cooperative Dairy Sales Association, Inc.:

Proposal No. 3. Provide for additional territory in the marketing area as set forth pursuant to proposal No. 1 except the unregulated part of Lewis County, Kentucky.

Proposed by The Borden Company:

Proposal No. 4. Add a "Fluid milk product" definition to read as follows:

"Fluid milk product" means the fluid form of milk, skim milk, buttermilk, dietary milk, concentrated milk, milk drinks (plain or flavored), eggnog, cream, either sweet or sour, including sterilized cream or any mixture in fluid form of milk, skim milk or cream (except storage cream, aerated cream products, ice cream mix, sour cream with added ingredients, such as dip products, evaporated or condensed milk and sterilized products packaged in hermetically sealed containers).

Proposal No. 5. In § 1005.41 revise paragraphs (a) and (b) and add a new paragraph (c)(7) to read as follows:

§ 1005.41 Classes of utilization.

• • • • •

(a) Class I milk shall be all skim milk and butterfat disposed of in the form of a fluid milk product, except as provided in paragraphs (b) and (c) of this section; except that fluid milk products which have been fortified by the addition of nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unmodified fluid milk product of the same nature and butterfat content.

(b) Class II milk shall be all skim milk and batterfat used to produce ice cream, ice cream mix, frozen desserts and cottage cheese; except that when Class I milk is 90 percent or more of total producer milk, powder used in the manufacture of cottage cheese shall be charged on a pound basis only.

(c) • • •

(7) Contained in that portion of fortified fluid milk products not classified as Class I pursuant to paragraph (a) of this section and in that portion not classified as Class II pursuant to paragraph (b) of this section.

Proposed by Broughton's Farm Dairy, Inc.:

Proposal No. 6. Provide that any aerated cream product testing in excess of 6 percent butterfat and disposed of in containers or dispensers under pressure be classified as Class II.

Proposal No. 7. Revise the introductory text of § 1005.41(a) to read as follows:

§ 1005.41 Classes of utilization.

• • • • • •

(a) Class I milk shall be all skim milk (including reconstituted skim milk and if fluid milk products are fortified by the addition of nonfat milk solids, such nonfat milk solids to the extent that the nonfat milk solids increase the actual quantity of the finished product) and butterfat:

Proposal No. 8. Delete the language of § 1005.45 which reads: "plus all of the water originally associated with such solids".

Proposed by The Borden Company:

Proposal No. 9. In § 1005.46(a) redesignate subparagraphs (2) through (6), respectively, as (3) through (7) and add a new subparagraph (2) to read as follows:

§ 1005.46 Allocation of skim milk and butterfat classified.

• • • • • •

(a) • • •

(2) Subtract from Class I the pounds of skim milk in fluid milk products subject to the pricing and pooling provisions of another order issued pursuant to the Act and which were priced as Class I under the other order.

Proposed by the Dairymen's Co-Operative Sales Association, Southeastern Ohio Cooperative Dairy Sales Association, Inc., and Huntington Interstate Milk Producers Association:

Proposal No. 10. In the Class I price schedule of § 1005.51(a) include March among the months with the higher seasonal level of Class I price and include August among the months with the lower seasonal price.

Proposal No. 11. Review § 1005.51(b) relating to the supply-demand adjustment of the Class I price.

Proposal No. 12. In § 1005.53 provide that the Class III price shall be the average price per hundredweight for manufacturing grade milk f.o.b. plants in Minnesota and Wisconsin as reported by the United States Department of Agriculture for the applicable month adjusted to a 3.5 percent butterfat basis by a butterfat differential computed by multiplying the Chicago 92-score butter price by 0.12.

Proposal No. 13. Revise § 1005.57 to include location differential points at Charleston, Beckley, Summersville, and Lewisburg, all in West Virginia.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 14. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Fred W. Issler, P.O. Box 33, 64 State Street, Gallipolis, Ohio, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on July 11, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-6905; Filed, July 13, 1962; 8:56 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14653 (RM-314)]

TELEVISION BROADCAST STATIONS IN VERMONT

Proposed Table of Assignments; Order Extending Time for Filing Reply Comments

1. In the petition, filed July 9, 1962, the University of Vermont requests a 14-day extension of time in which to file reply comments in the above-captioned proceeding. Reply comments are now due on or before July 12, 1962.

2. The University of Vermont asserts that the present closing date for filing reply comments does not give sufficient time to explore adequately certain matters raised by comments filed on behalf of other parties. It also states that Upper Valley Television Broadcasters, Inc., and Connecticut Educational Television Corporation have no objections to this requested extension of time.

3. In view of the above assertions and the fact that the petitioner was the initiator of the proceeding, we believe the additional time requested will give all parties an adequate opportunity to prepare helpful reply comments.

4. *Therefore, it is ordered,* This 9th day of July 1962, That the Petition for Extension of Time for Filing Reply Comments of the University of Vermont is granted, and that the time for filing reply comments in this proceeding is extended from July 12 to July 26, 1962.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications act of 1934, as amended, and section 0.241 (d)(8) of the Commission rules.

Released: July 10, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6912; Filed, July 13, 1962; 8:57 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 142]

[Ex Parte No. 73]

EXTENSION OF CREDIT TO SHIPPERS

Payment of Rates and Charges; Extension of Date for Filing Replies

JULY 9, 1962.

The date for filing replies to the petition of the National Association of Freight Forwarders, Inc., for modification of the existing railroad credit regulations as provided in § 142.8 of the Code of Federal Regulations (27 F.R. 5669), has been extended to July 23, 1962, at the request of the Freight Forwarders Institute.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-6886; Filed, July 13, 1962; 8:52 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

The United States Forest Service of the Department of Agriculture has filed an application, Serial Number Colorado 071590 for the withdrawal of the lands described below from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for use as a ranger station and administrative site located in the White River National Forest.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, Gas and Electric Building, 910 15th Street, Denver 2, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN

WHITE RIVER NATIONAL FOREST

Gore Creek Ranger Station and Administrative Site

T. 5 S., R. 80 W.,
Sec. 5, SW¼SW¼.

The above described area in White River National Forest aggregates approximately 40.00 acres.

HAROLD T. TYSK,
Chief, Division of Lands and Minerals.

[F.R. Doc. 62-6876; Filed, July 13, 1962; 8:48 a.m.]

Office of the Secretary

DIRECTOR, BUREAU OF OUTDOOR RECREATION

Delegation of Authority

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual.

PART 248—BUREAU OF OUTDOOR RECREATION

CHAPTER 1—DIRECTOR, BUREAU OF OUTDOOR RECREATION

248.1.1 *Delegation.* The Director, Bureau of Outdoor Recreation, is authorized, except as provided in 200 DM 2.1, to exercise the program authority of the Secretary of the Interior with respect to the supervision, management and operations of the Bureau of Outdoor Recreation and the planning, coordination, and promotion of outdoor recreation:

A. through making a comprehensive study of the recreation area needs and resources of the United States and developing a coordinated plan to meet such needs, and through aiding and cooperating with the States and political subdivisions thereof in meeting such needs (Act of June 23, 1936—16 U.S.C. 17 k–n);

B. by conducting generalized investigations of the public recreational potentialities of lands and waters contained in the Colorado River Storage project and participating projects and making determinations as to the final disposition of recreation lands in the project (sec. 8 of the Act of April 11, 1956 (43 U.S.C. 620g));

C. by disposal of Federal surplus real property to States and political subdivisions thereof for park, recreation, and historic monument purposes (Sec. 203 of Federal Property and Administrative Services Act as amended (40 U.S.C. 484)).

D. by cooperating with the Housing and Home Finance Administrator in making Federal grants for the acquisition of open-space land (Title VII, sec. 702(e) of the Housing Act of 1961 (75 Stat. 149)).

248.1.2 *Limitations.* A. The following authority is not delegated in the general authority listed in 248 DM 1.1:

(1) any action not within the general policies, procedures and regulations established by the Secretary.

(2) any action to be taken with the approval or concurrence of the President, or the head of any department or independent agency of the Government.

(3) The planning of areas administered by the National Park Service, or proposals endorsed by the Secretary for areas to be administered by such service.

(4) Detailed site surveys and development of recreation areas under the jurisdiction of this Department.

STEWART L. UDALL,
Secretary of the Interior.

JULY 9, 1962.

[F.R. Doc. 62-6875; Filed, July 13, 1962; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 55662]

CERTAIN COTTON TEXTILES PRODUCED OR MANUFACTURED IN CROWN COLONY OF HONG KONG

Entry or Withdrawal From Warehouse

JULY 12, 1962.

To Collectors of Customs and others concerned: There is published below a letter of July 3, 1962, from the Interagency Textile Administrative Committee, recommending and requesting the taking of specified action relating to certain cotton textile products produced or manufactured in the Crown Colony of Hong Kong and which were refused entry into the United States for consumption pursuant to a request from the Interagency Textile Administrative Committee, published in Treasury Decision 55590, dated March 26, 1962 (27 F.R. 2809.)

Accordingly, it is hereby ordered that restricted cotton textile products produced and manufactured in the Crown Colony of Hong Kong and included in the category described in detail in the letter published below, not in excess of the amount mentioned therein, which were entered into bonded warehouse, transferred to a foreign trade zone, or placed in general order on or before June 13, 1962, shall be allowed to be entered for consumption or withdrawn from warehouse for consumption. Entries for consumption or warehouse withdrawals for consumption will not be accepted before noon, e.s.t., or its equivalent in other time zones, on July 18, 1962, and merchandise will thereafter be released when specific authorization from the Bureau of Customs is granted.

[SEAL] JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

THE ASSISTANT SECRETARY OF COMMERCE
WASHINGTON 25, D.C.

THE INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

The Honorable C. DOUGLAS DILLON,
The Secretary of the Treasury,
Washington, D.C.

JULY 3, 1962.

DEAR MR. SECRETARY: On March 20, 1962, I sent to you recommendations and requests by the Interagency Textile Administrative Committee that entry into the United States for consumption be refused certain cotton textiles and cotton textile products exported from Hong Kong on or after March 3, 1962. Among the products excluded was Category 48: Raincoats, ¾ length or over:

Schedule A Numbers	*U.S.I.D.A. Numbers*
3 113 212	09 193 100
3 113 214	09 193 110
3 113 218	09 193 120
3 113 848	09 197 100
3 113 851	09 197 120
3 113 854	09 197 160

In accordance with the letter of March 16, 1962, to you from the President of the United States delegating authority under certain parts of section 204 of the Agricultural Act of 1956, and in accordance with the authority granted to the Interagency Textile Administrative Committee in that letter, and in accordance with Article IA of the Arrangements Regarding International Trade in Cotton Textiles, done at Geneva July 21, 1961, the Interagency Textile Administrative Committee recommends and requests that you take the following action:

Cotton textile products in Category 48, identified above, which were excluded from entry into the United States in accordance with the above requests and recommendations, and which were on or before June 13, 1962, stored in bonded warehouses, in general order, or in foreign trade zones, are to be allowed entry into the United States for consumption upon request in total amounts not in excess of 781 dozen.

This recommendation was arrived at on the 13th day of June 1962 by a unanimous vote of the Interagency Textile Administrative Committee.

Sincerely yours,

HICKMAN PRICE, Jr.,
Chairman.

[F.R. Doc. 62-6966; Filed, July 13, 1962; 10:06 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13764]

MIDWEST AVIATION LTD.

Notice of Hearing

In the matter of the application of Midwest Aviation Ltd. for a foreign air carrier permit, issued pursuant to Section 402 of the Federal Aviation Act of 1958, as amended, to perform operations of a casual, occasional or infrequent nature, in common carriage, into the United States.

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on July 26, 1962, at 10 a.m., e.d.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., July 11, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-6894; Filed, July 13, 1962; 8:53 a.m.]

[Docket No. 7100]

NORTHERN CONSOLIDATED-CHEVRON CONTROL CASE

Notice of Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding has been indefinitely postponed.

Dated at Washington, D.C., July 11, 1962.

[SEAL] MERRITT RUHLEN,
Hearing Examiner.

[F.R. Doc. 62-6895; Filed, July 13, 1962; 8:54 a.m.]

[Docket 13672]

WEST COAST AIR SERVICES LTD. (TRANSBORDER CANADIAN)

Notice of Change in Date of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding, now assigned to be held on July 17, 1962, will be held on July 16, 1962, at 10 a.m., d.s.t., in Room 1029, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., July 11, 1962.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 62-6896; Filed, July 13, 1962; 8:54 a.m.]

[Docket No. 11879; Order E-18572]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreements Relating to Specific Commodity Rates

JULY 10, 1962.

There have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, agreements between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 3-1 of the International Air Transport Association (IATA). Agreement C.A.B. 16500 was adopted at the sixth meeting of the San Francisco Commodity Rates Board held in Cannes. Agreement C.A.B. 16500, R-1, was adopted pursuant to unprotested notice to the carriers and promulgated in IATA Memorandum SFO Board/7/JT31-Rates 227.

The agreements extend the validity of certain specific commodity rates presently in effect pursuant to unprotested cable notices and name an additional rate, as follows:

Item 2199—Rate 123 cents per kilogram, minimum weight 100 kilograms, from Sydney to Honolulu.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the above-described agreements are adverse to the public interest or in violation of the Act provided that approval thereof is conditioned as hereinafter ordered: *Accordingly, it is ordered,* That:

Agreement C.A.B. 16500 and Agreement C.A.B. 16500, R-1, are approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petition within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-6897; Filed, July 13, 1962; 8:54 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 62-SW-1]

PROPOSED CONSTRUCTION OF HOUSES; PROPOSED CONSTRUCTION OF POLE LINE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposals to interested persons for aeronautical comment and has conducted a study to determine their effect upon the safe and efficient utilization of airspace:

Downey Brothers, Inc., Beaumont, Texas, proposes to construct a group of houses in Port Arthur, Texas, at approximately latitude 29°57'30" N., longitude 94°01'40" W. The maximum overall height of the structures would be 28 feet above mean sea level (14 feet above ground).

Gulf States Utilities, Port Arthur, Texas, proposes to construct an electrical distribution pole line at the site of and to serve the above proposed houses. The overall height of the poles would vary from approximately 36 feet to 48 feet above mean sea level (21 feet to 34 feet above ground).

Six of the 96 houses proposed in the construction development and six of the power line poles proposed to serve the development would exceed the criteria of § 626.12 of the Regulations of the Administrator.

Objections were made in response to the circularization and at the Fort Worth Informal Airspace Meeting by the Air Transport Association of America on the basis that these structures would extend into the clear zone and instrument approach area for Runway 11 of the Jefferson County Airport, Beaumont, Texas. The ATA also stated that such construction could lead to considerable noise complaints, perhaps causing aircraft to be penalized by possible restrictions to the use of this runway, and that this is an area not recommended for houses in the noise abatement planning guide. Subsequently, the ATA withdrew its objection to the proposed structures from the hazard to air navigation viewpoint but restated its position relative to the noise abatement problem and nuisance factors which could be created by the construction of residences in this area. However, objections based upon noise abatement factors are not relevant to the determination of whether the structures would be a hazard to air navigation.

The proposed structure nearest to Runway 11 would be a house located approximately 780 feet westerly from the northwest end of the runway. It would be within the final approach area for Runway 11 and would penetrate the instrument approach area surface for this runway by approximately nine feet. Five other proposed houses and three proposed powerline poles located at greater distances from the runway would also penetrate the instrument approach area surface but to a lesser extent. Three other powerline poles located outside of the final approach area would penetrate the transitional surface for Runway 11 by approximately eight feet.

The FAA Airport Facilities Record for this airport, dated June 29, 1961, indicates the existing controlling obstruction for this runway establishes an approach slope of 1:43 to a point 200 feet northwest of the approach end of Runway 11. The proposed structure which would have the greatest effect would result in an increase in the approach slope to 1:35. This would be between the minimum approach slope of 1:50 and the maximum of 1:34 established as standard for an ILS runway at any airport. This would have no substantial adverse effect upon this ILS instrument approach procedure. No other approach or departure procedures at this airport would be adversely affected by the proposed structure.

The Agency study disclosed that the proposed structures would have no substantial adverse effect upon aeronautical operations, procedures or minimum altitudes at the Jefferson County Airport. No other aeronautical operations, procedures or minimum flight altitudes would be affected.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33); it is concluded that the proposed structures, at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that these structures would not be hazards to air navigation.

This determination is effective as of the date of issuance and will become final 30 days thereafter unless an appeal is filed under § 626.34 (14 CFR 626.34). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (14 CFR 626.35).

Issued in Washington, D.C., on July 5, 1962.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 62-6867; Filed, July 13, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14700, 14701; FCC 62M-973]

CABRILLO BROADCASTING CO. AND HELIX BROADCASTING CO.

Order Scheduling Hearing and Prehearing Conference

In re applications of Riley Jackson and Allen Richardson Hubbard d/b as Cabrillo Broadcasting Co., San Diego, California, Docket No. 14700, File No. BP-13423; Cliff Gill, Ira Laufer, Daniel Russell, David S. Drubeck, Dennis Fagerhult, Jack Bell, Martha Aspegren, Louis B. Minter, Robert S. Feder and Alan C. Lisser, d/b as Helix Broadcasting Co., La Mesa, California, Docket No. 14701, Filed No. BP-14406; for construction permits.

It is ordered, This 9th day of July 1962, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 8, 1962, in Washington, D.C.: *And, it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Wednesday, September 12, 1962.

Released: July 10, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6907; Filed, July 13, 1962; 8:57 a.m.]

[Docket Nos. 14608, 14609; FCC 62M-976]

GOODWILL STATIONS, INC., AND LAKE HURON BROADCASTING CORP.

Order Continuing Hearing

In re applications of the Goodwill Stations, Inc., Flint, Michigan, Docket No. 14608, File No. BRCT-505; for renewal of license of Television Station WJRT (including TV auxiliary Stations KD-9611, KE-4899, KQK-47 Main and Alternate Main, KQK-52 and KQK-53), Lake Huron Broadcasting Corporation, Flint, Michigan, Docket No. 14609, File No. BPCT-2954; for construction permit for new television broadcast station (Channel 12).

The Hearing Examiner having under consideration a change of date for commencement of hearing;

It appearing that the hearing is scheduled to commence on July 11, 1962; and

It further appearing that the parties have reached an agreement whereby Lake Huron Broadcasting Corporation will seek to dismiss its application and appropriate pleadings reflecting this agreement will be filed shortly;

It is ordered, This 10th day of July 1962, that the date for commencement of hearing is continued from July 11 to September 10, 1962.

Released: July 10, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6908; Filed, July 13, 1962; 8:57 a.m.]

[Docket Nos. 14334, 14335; FCC 62M-970]

MESA MICROWAVE, INC.

Order Scheduling Hearing

In re applications of Mesa Microwave, Inc., for renewal of the license for Station KLH35, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Silverton, Texas, Docket No. 14334; File No. 2843-C1-R-61; for renewal of the license for Station KLH36, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Memphis, Texas, Docket No. 14335, File No. 2844-C1-R-61.

The Hearing Examiner having under consideration:

(a) His Order Following Further Prehearing Conference, released December 15, 1961 (FCC 61M-1974), wherein, among other things, certain procedural dates were fixed;

(b) His Order, released January 29, 1962 (FCC 62M-126), wherein the hearing theretofore scheduled to commence on March 1, 1962, was postponed without date pending action on certain applications for amendment;

(c) His Order, released March 12, 1962 (FCC 62M-359), wherein subject to certain conditions a Petition for Leave to Amend was granted; and

(d) An Order of the Commission, released July 6, 1962 (FCC 62-702), wherein the Petition for Reconsideration and Grant Without Hearing, filed on May 14, 1962, by Mesa Microwave, Inc., was denied;

It appearing that in view of the denial of the petition for reconsideration and grant it is appropriate to reschedule a date for the commencement of the hearing herein on the issues specified in the Commission's order of designation, released October 30, 1961 (FCC 61-1246);

It further appearing that the Examiner has been advised informally that counsel for the applicant and the Common Carrier, the only parties to the proceeding, have conferred on this question and suggest that the hearing be rescheduled to begin on September 18, 1962;

It further appearing that the procedural dates fixed in the Examiner's Order Following Further Prehearing Conference released December 15, 1961, should be modified so as to specify appropriate and reasonable times prior to the commencement of the hearing herein;

It is ordered, This 9th day of July 1962, that all matters, which in the Examiner's order of December 15, 1961, were required to be accomplished by February 1, 1962, shall be accomplished by August 20, 1962, and that all matters therein required to be accomplished by February 14, 1962, shall be accomplished by September 4, 1962; and

It is further ordered, That the hearing herein is rescheduled to commence at 10:00 a.m., on September 18, 1962, at the Offices of the Commission in Washington, D.C.

Released: July 10, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6909; Filed, July 13, 1962; 8:57 a.m.]

[Docket Nos. 14698, 14699]

NEW YORK TECHNICAL INSTITUTE OF CINCINNATI, INC., AND AIRCALL-CHICAGO, INC.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of New York Technical Institute of Cincinnati, Inc., Chicago, Illinois, Docket No. 14698, File No. 1760–C2–P–62; Aircall-Chicago, Inc., Chicago, Illinois, Docket No. 14699, File No. 2282–C2–P–62; for construction permits to add facilities and modify authorizations for one-way signaling stations in the Domestic Public Land Mobile Radio Service.

The Commission by its Chief of the Common Carrier Bureau acting under delegation of authority, pursuant to section 0.262 of the Commission's rules, has before it (1) an application filed by New York Technical Institute of Cincinnati, Inc. (hereafter called New York Tech), licensee of station KSC645, a one-way signaling station in the Domestic Public Land Mobile Radio Service at Chicago, Illinois, for a construction permit to install a second channel operating on a frequency of 43.22 Mc; and (2) an application filed by Aircall-Chicago, Inc. (hereinafter called Aircall), licensee of station KSC644, a one-way signaling station in the Domestic Public Land Mobile Radio Service at Chicago, Illinois, for a construction permit to install an additional transmitter to operate on a frequency of 43.22 Mc and to change frequency of its existing FM transmitter to operate on said frequency and use same as standby equipment.

Preliminary statement. 1. On November 15, 1961, New York Tech applied for a construction permit for the use of an additional frequency, 43.22 Mc, for the one-way signaling service mentioned in paragraph above. On December 29, 1961, Aircall filed an application for a construction permit to modify and supplement its current operation on 43.58 Mc using both AM and FM transmission. Aircall proposes a new transmitter for FM operation on a frequency of 43.22 Mc and also seeks permission to change frequency of its existing FM transmitter for standby operation on the new frequency. In effect, Aircall proposes to separate its customers so that the selective paging and voice messages will be transmitted on the frequency applied for herein and voice code messages will be transmitted on the previously licensed frequency using AM transmission exclusively. Both applicants serve the Chicago area.

2. It appears that both of the aforesaid applications request authorizations in the same service area on the same frequency and that a grant of both applications would result in mutually harmful interference. Furthermore, each applicant has made allegations regarding the public necessity of the proposed expansion of service which require full and complete examination.

Disposition. 3. Accordingly, in the light of our conclusions in paragraph No. 2 above, and in order to carry out the intent of Congress with respect to section 309(e) of the Communications Act of 1934, as amended;

It is ordered, That pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, the above entitled applications are designated for hearing in a consolidated proceeding upon the following issues:

(a) To determine, on a comparative basis, the facts with respect to the proposed facilities, including the rates, charges, practices, classifications, regulations, personnel, and services of each applicant.

(b) To determine the area and population which may be expected to receive service from each of the proposed facilities and the need for such additional service in the area.

(c) To determine whether any harmful interference would result from simultaneous operations on 43.22 Mc by the applicants, and, if so, whether such interference would be intolerable or undesirable.

(d) To determine, in the light of evidence adduced on all the foregoing issues, whether the public interest, convenience or necessity will be served by a grant of any of the subject applications.

4. *It is further ordered*, That the burdent of proof on each of the issues specified in paragraph No. 3 herein is placed on the applicants, so far as same relates to their respective applications; and

5. *It is further ordered*, That the hearing herein, upon the issues specified in paragraph No. 3 above, shall be held at the Commission's offices in Washington at a time and place to be hereafter announced; and

6. *It is further ordered*, That the Chief, Common Carrier Bureau, is made a party to the proceeding herein; and

7. *It is further ordered*, That the parties desiring to participate herein shall file their appearance not later than August 1, 1962.

Adopted: July 2, 1962.

Released: July 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6910; Filed, July 13, 1962; 8:57 a.m.]

[Docket Nos. 14632–14634; FCC 62M–966]

TUSCARAWAS BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of the Tuscarawas Broadcasting Company, Uhrichsville, Ohio, Docket No. 14632, File No. BP–13896; the Niles Broadcasting Company, Niles, Ohio, Docket No. 14633, File No. BP–13993; Punxsutawney Broadcasting Company (WPME), Punxsutawney, Pennsylvania, Docket No. 14634, File No. BP–14022; for construction permits.

The Hearing Examiner having under consideration a petition filed July 5, 1962, on behalf of the Niles Broadcasting Company requesting that the date for the preliminary exchange of engineering exhibits be continued from July 9, 1962, to July 23, 1962, that the date for the final exchange of engineering exhibits be continued from July 23, 1962 to September 4, 1962, and the date for the start of the evidentiary hearing be continued from July 31, 1962, to September 10, 1962;

It appearing that the reasons for the requested continuance are that additional time is required to finalize findings preparatory to an exchange of engineering exhibits and also that the applicants have entered into preliminary negotiations looking toward amendment of one or more of the applications in order to resolve the conflicts attendant therein for which further engineering studies are necessary in this regard; and

It further appearing that counsel for the other parties have no objections to the granting of the petition and have agreed to a waiver of the provisions of § 1.43 of the Commission's rules in order to permit immediate consideration thereof, and good cause for the requested extensions having been shown:

It is ordered, This the 9th day of July 1962, that the petition for continuance is granted and the date for the preliminary exchange of engineering exhibits is continued from July 9, 1962, to July 23, 1962, that the date for the final exchange of engineering exhibits is continued from July 23, 1962, to September 4, 1962, and the date for the start of the evidentiary hearing is continued from July 31, 1962, to September 10, 1962.

Released: July 10, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6911; Filed, July 13, 1962; 8:57 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62–294]

EL PASO NATURAL GAS CO.

Notice of Application and Date of Hearing

JULY 9, 1962.

Take notice that on June 11, 1962, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas, filed in Docket No. CP62–294 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of gas turbine unit "uprating kits" and the continued operation of other gas turbine unit "uprating kits," all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to install and operate gas turbine unit "uprating kits" on 26 gas turbine units located on the southern portion of Applicant's Southern System. Additionally, Applicant seeks authorization for the continued operation of gas turbine unit "uprating kits" heretofore installed on two units for experimental purposes on said System. The application states that high-temperature operation produces gradual deterioration of certain gas turbine component parts and that in order to maintain the rated horsepower of the turbine units, these components must be replaced, or otherwise reconditioned, at intervals of approximately 50,000 hours at a cost of approximately $43,000 per unit. As an alternative to such maintenance, "uprating kits" are available which will permit operation of the units at increased temperatures; and if operated at increased temperatures, unit horsepower will be increased by 500 horsepower. If the modified units are operated at temperatures now utilized, the useful life of the component parts will be extended by approximately 50,000 hours or up to an estimated 100,000 hours of operation.

Applicant proposes to install "uprating kits" as required to obtain approximately 100,000 hours of operation between major maintenance programs at a cost of approximately $64,000 per unit, in lieu of the alternative of ordinary repair and replacement at a cost of $43,000 per unit every 50,000 hours which would amount to a total cost of $86,000 for every 100,000 hours of operation.

Applicant states that it does not now intend to use the increased horsepower which may be made available in its normal operations. However, the increased horsepower would be used for peaking purposes or otherwise to assure continuity of service in the event of emergencies.

Applicant intends to install two "uprating kits" immediately upon receipt of authorization necessary to do so and will install the other units when operating conditions permit during 1963 and 1964.

The estimated total cost of the proposed facilities is $1,972,000, which will be financed from current working funds supplemented, as necessary, by short-term bank loans.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 14, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 3, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6870; Filed, July 13, 1962; 8:46 a.m.]

[Docket No. E–7041]

DUKE POWER CO.

Notice of Application

JULY 9, 1962.

Take notice that on July 3, 1962, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Duke Power Company (Applicant), a corporation organized under the laws of the State of New Jersey and authorized to do business in the States of North Carolina and South Carolina with its principal business office at Charlotte, North Carolina, seeking an order authorizing the issuance of $50,000,000 principal amount of First and Refunding Mortgage Bonds, ____% Series B due 1992. Applicant proposes to issue the aforesaid Bonds under its presently existing Indenture dated December 1, 1927 executed by Applicant to Guaranty Trust Company of New York (now Morgan Guaranty Trust Company of New York), a Trustee, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture to be dated August 1, 1962. The Bonds, to be dated August 1, 1962, will be sold at competitive bidding and will bear interest at the rate per annum to be fixed by competitive bidding. Applicant states that the net proceeds from the sale of the new Bonds will be used toward the redemption and retirement of its presently outstanding $50,000,000 principal amount of 5⅛% Series Bonds, due 1990, which Applicant believes will result in a lower rate of interest and a substantial saving to Applicant in annual cost of money.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 30th day of July file with the Federal Power Commission, 441 G Street NW., Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's Rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6871; Filed, July 13, 1962; 8:46 a.m.]

[Docket No. E–7040]

IOWA PUBLIC SERVICE CO.

Notice of Application

JULY 9, 1962.

Take notice that on July 3, 1962, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Iowa Public Service Company (Applicant), a corporation organized under the laws of the State of Iowa and authorized to do business in the States of Iowa, South Dakota, and Nebraska, with its principal business office at Sioux City, Iowa, seeking an order authorizing the issuance in September, 1962 of 320,468 shares of Common Stock. The additional Stock, par value $5 per share, which is presently authorized but unissued, will be entitled to one vote per share with rights of cumulative voting for the election of directors. The additional Stock is to be offered pro rata to existing holders of common stock pursuant to their preemptive rights, viz., one new share for each ten shares of Common Stock held of record on the record date together with the right, where the number of said rights is not evenly divisible by ten or is less than ten, to subscribe for one full additional share of additional Stock with the number of rights which exceeds a multiple of ten or is less than ten. Warrant holders will have the right of oversubscription, subject to allotment. Any shares of the additional Common Stock not subscribed for by warrant holders pursuant to the aforesaid subscription offer will be sold by Applicant to underwriters at the same price as that at which the shares are to be sold to Applicant's stockholders, which price will be determined and fixed by the Applicant's Board of Directors, in relation to the then market price of the Applicant's issued and outstanding Common Stock. The underwriters' compensation for commitments to purchase any unsubscribed shares is to be fixed by competitive bidding.

The net proceeds from the sale of the additional Stock, estimated at approximately $7,000,000 according to present market value, will be used, first, to pay off the real estate and chattel mortgage assumed by Applicant upon the acquisition of the assets of the Frances-Orpheum Building Company (final payment of $154,473 due October 1, 1962); second, to pay off any temporary bank loans which may be incurred prior to the sale of additional Common Stock to secure funds for construction purposes (which are not expected to exceed $700,000); and, the balance to provide a portion of the funds required for the construction or acquisition of permanent improvements, extensions and additions to Applicant's property. Applicant's present plans, according to the application, call for the expenditure of approximately $13,795,000 during 1962 and an estimated exenditure of $17,900,000 in 1963 for the construction or acquisition of property additions. The 1962 expenditures include an estimated $7,047,000 on the first unit of 138,700 kw rated capacity of the George Neal electric generating station now under construction along the Missouri River near Sioux City and scheduled for operation in May, 1964 (the total estimated cost of which is approximately $23,637,000); $908,000 for electric transmission line and substation additions; $2,058,000 for electric distribution line and substation additions;

$1,856,000 for additions to gas properties; and $1,566,000 for miscellaneous additions.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 31st day of July file with the Federal Power Commission, 441 G Street NW., Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6872; Filed, July 13, 1962; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1517]

CHRISTIANA SECURITIES CO.

Notice of Filing of Application for Order Exempting Joint Enterprise by Registered Company and Affiliated Persons

JULY 10, 1962.

Notice is hereby given that Christiana Securities Company ("Christiana"), Du Pont Building, Wilmington, Del., a registered, closed-end investment company has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") and Rule 17d-1 of the general rules and regulations thereunder for an order granting an exemption from section 17(d) of the Act and Rule 17d-1 thereunder to permit Christiana and certain other persons to enter into certain transactions involved in contemplated public offerings of common stock of General Motors Corporation ("General Motors stock"). All interested persons are referred to the application on file with the Commission for a complete statement of the facts which are summarized below.

The United States District Court for the Northern District of Illinois recently handed down a judgment in United States v. E. I. du Pont de Nemours and Company et al., which provides that E. I. du Pont de Nemours and Company ("Du Pont Company") must dispose of all of its holdings of 63,000,000 shares of the General Motors stock by February 28, 1965. Under the judgment, which became effective on May 1, 1962, divestiture must commence no later than July 30, 1962. The initial step in the divestiture is the distribution of about 23,000,000 shares on the basis of one-half share of General Motors stock for each outstanding share of Du Pont Company common stock, payable July 9, 1962.

Christiana on the record date of the distribution owned 13,417,120 shares of Du Pont Company common stock and accordingly, received 6,708,560 shares of General Motors stock under the initial distribution. Christiana also owns 535,500 shares of General Motors common stock which it has held for some years. By the terms of the judgment Christiana must divest itself, within three years of the effective date of the judgment, of General Motors stock it receives as a stockholder of Du Pont plus the 535,500 shares of General Motors stock it owned at the time of judgment. The judgment in part provides: (1) That it may sell as many shares of General Motors stock as may be necessary to pay taxes on the receipt of stock from Du Pont Company and the expenses and taxes incurred upon sale, and (2) that it shall distribute the remainder to its stockholders (including nonpro rata distributions in redemption of its own stock). Under the terms of the judgment, officers and directors of Christiana, certain Du Pont family members and spouses, certain related trusts and Longwood Foundation, Inc. must, over the next ten years, dispose of any shares of General Motors stock received from Christiana or from the Du Pont Company or presently owned.

The application states that although legislation has been enacted (Public Law 87-403) to reduce the tax impact on the pro rata distributions of the General Motors stock by Du Pont Company and Christiana, heavy taxes will still be payable by Christiana and certain of its shareholders. To pay such taxes Christiana proposes to make an underwritten secondary distribution of part of the General Motors stock it is to receive. Since it is not feasible to have a number of underwritten secondary distributions in any limited period of time, Christiana has extended the opportunity to join the underwritten secondary offering to certain of the other major shareholders of Christiana and Du Pont Company who might find it necessary to sell General Motors shares to pay taxes. Christiana, Delaware Trust Company as trustee of three trusts of which members of the Du Pont family are beneficiaries, Longwood Foundation, Inc., and William du Pont, Jr., plan to sell 1,589,680 shares of General Motors stock in the underwritten secondary offering, of which 550,000 shares are to be sold by Christiana. In connection with such sale a registration statement under the Securities Act of 1933 is expected to be filed on July 10, 1962. William du Pont, Jr., is the president and chairman of the board of Delaware Trust Company, and is a director of the Du Pont Company; Longwood Foundation, Inc. is a non-profit foundation, six of the seven members of the board of which are also members of the board of directors of Christiana.

It is also anticipated that a separate registration statement under the Securities Act of 1933 ("second registration statement") will be filed on or shortly after July 10, 1962, with respect to 101,354 shares of General Motors stock to be offered by or for the account of certain members of the Du Pont family and certain other persons and institutions, among whom will be affiliated persons of Christiana. Such shares will be sold through transactions on the New York Stock Exchange or other exchanges on which General Motors common stock is listed, or otherwise, at market prices prevailing at the time of sale or at negotiated prices and without payment of any underwriting discounts or commissions, excepting usual and customary commissions paid to brokers or dealers. The persons proposing to sell General Motors stock under this additional registration statement were invited to participate in such offering by Henry B. du Pont, president of Christiana and vice-president of Du Pont Company, Lammot du Pont Copeland, a vice-president of Christiana and Du Pont Company, and William du Pont, Jr., president of Delaware Trust Company and a director of Du Pont Company. These three individuals constituted themselves a Selling Stockholders Committee ("Committee") and addressed a letter to persons who it was believed might be interested in selling General Motors stock then owned or to be received on distribution from Du Pont Company. The members of this Committee have been given power to act on behalf of the various selling stockholders participating in the second registration statement, including the power to incur expenses and employ counsel.

This Committee has also been given powers of attorney by the selling stockholders participating in the underwritten secondary distribution, including Christiana, in the interest of facilitating the execution of underwriting and other agreements and in otherwise carrying out transactions involved in the underwriting. In this connection, the Committee has power and authority, among other things, to determine the price per share to be received from the underwriters and the initial public offering price of the shares.

According to the application, under the proposed transactions none of the participants, including Christiana, will participate on a baisis different from or less advantageous than that of any other participant. Christiana and all other selling stockholders will bear expenses, including the costs of indemnifying General Motors Corporation and, in the case of the underwritten offering, the underwriters against certain liabilities under the Securities Act of 1933 and otherwise, on the basis of their ratable share of the number of General Motors shares registered, and Christiana will not incur any debt or obligations on behalf of an affiliated person.

It is expected that all or substantially all of the balance of the General Motors stock owned by Du Pont Company will be distributed to its common stockholders in two or three additional installments before February 28, 1965. Christiana in turn must dispose of all the shares of General Motors stock which it owns or will receive from Du Pont Company before April 30, 1965. The large volume of shares to be distributed, the substantial taxes that will be encountered by many shareholders upon distribution, and the provisions of the judgment forcing disposition, are expected to result in the need for further underwritten secondary offerings and offerings similar in character to that covered by the second registration statement. The transactions described herein are designed to set a pattern that is expected to be used in the future. The requested order of

exemption would also apply to transactions incident to such contemplated subsequent offerings, as well as to the presently proposed underwritten secondary offering and the offering covered by the second registration statement.

Section 17(d) of the Act and Rule 17d-1 thereunder, taken together provide, among other things, that it shall be unlawful, with certain exceptions not applicable here, for an affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to participate in, or effect any transaction in connection with any joint enterprise or arrangement in which any such registered company, or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such registered company or controlled company in such arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. A joint enterprise or arrangement as used in Rule 17d-1 is defined as any written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company or a controlled company thereof and any affiliated person of or a principal underwriter for such registered company, or any affiliated person of such person or principal underwriter, have a joint or a joint and several participation, or share in the profits of such enterprise or undertaking.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 24, 1962, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-6877; Filed, July 13, 1962; 8:50 a.m.]

[File No. 24SF-2986]

IMPERIAL MINING, INC.

Notice and Order for Hearing

JULY 10, 1962.

I. Imperial Mining, Inc. (issuer), 130 Fourth Street, Las Vegas, Nevada, filed with the Commission on November 15, 1961, a notification and offering circular relating to an offering of 3,000,000 shares of $0.10 par value common stock, all for the aggregate price of not to exceed $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission on May 31, 1962, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, which temporarily suspended the issuer's exemption under Regulation A and afforded to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., P.d.s.t., on August 6, 1962, at the Los Angeles Branch Office of the Commission, 309 Guaranty Building, 6331 Hollywood Boulevard, Los Angeles 28, California, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the issuer in the offer and sale of its securities is using an offering circular filed May 11, 1962, dated March 10, 1962, which was not filed as an exhibit to the notification pursuant to Rule 256(a) of Regulation A and Form 1-A thereunder, does not contain the information specified in Schedule I of Form 1-A and omits to state material facts necessary to make the statements made therein not misleading, with respect to:

1. The offering price of the shares offered,
2. The interests of officers, directors, promoters and affiliates in the issuer,
3. The names of the promoters,
4. The annual remuneration of officers and directors,
5. The nature and quality of the mineralized deposits and risks of title to mining claims,
6. A description of the securities offered.
7. The right of shareholders to determine, under certain circumstances, the use to which the proceeds will be put, including the right to return of unexpended funds by liquidation of issuer,
8. The nature of the property interests of the issuer in its mining properties,
9. The procuring of new properties and selling of present interests,
10. The expenses of the offering,
11. The intention of issuer as to employment of an engineering and mining superintendent and the use of proceeds in paying his salary.

B. Whether the offer is being and would be made in violation of Section 17 of the Securities Act of 1933, as amended.

III. It *is further ordered*, That Sidney Ullman, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21, and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Imperial Mining, Inc., that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before August 3, 1962, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

It is further ordered, That Imperial Mining, Inc., pursuant to Rule 7 of the rules of practice of the Commission (17 CFR 201.7), shall file an answer to the allegations set forth in section II hereinabove. Such answer shall be filed in the manner, form and within the time prescribed by 17 CFR 201.7 and shall specifically admit or deny or state that Imperial Mining, Inc. does not have, and is unable to obtain, sufficient information to admit or deny each of the allegations set forth in section II hereinabove.

Notice is hereby given that if Imperial Mining, Inc. fails to file an answer pursuant to 17 CFR 201.7 within fifteen days after service upon it of this notice and order for hearing, the proceedings may be determined against Imperial Mining, Inc. by the Commission upon consideration of this notice and order for hearing and said allegations in section II above may be deemed to be true.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-6878; Filed, July 13, 1962; 8:50 a.m.]

[File No. 24SF-2959]

MEASUREMENTS SPECTRUM, INC.

Notice and Order for Hearing

JULY 10, 1962.

I. Measurements Spectrum, Inc. (issuer), 815 South Fremont Avenue, Alhambra, California, filed with the Commission on October 9, 1961, a notification on Form 1–A and an offering circular relating to an offering of 60,000 shares of its $5 par value common stock at $5 per share for an aggregate amount of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder. The notification and offering circular were cleared on December 1, 1961, and the offering circular was dated December 18, 1961. Adams & Company (underwriter), 5455 Wilshire Boulevard, Los Angeles, California, was named as underwriter on an all-or-none best-efforts basis.

II. The Commission on May 25, 1962, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, which temporarily suspended the issuer's exemption under Regulation A and afforded to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received from the issuer. The underwriter also has requested a hearing, stating that it desires an opportunity to show that it had no culpable responsibility as to the failure of the offering circular dated December 18, 1961, to state material facts truthfully, and to present such other testimony and evidence as seems appropriate.

The Commission deems it necessary and appropriate that a hearing be held for the purposes of determining (1) whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter and (2) whether the underwriter had any culpable responsibility as to the failure to disclose material facts with respect to the matters set forth in Paragraph A hereunder.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., P.d.s.t., on July 30, 1962, at the Los Angeles Branch Office of the Commission, 309 Guaranty Building, 6331 Hollywood Boulevard, Los Angeles 28, California, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the offering circular omitted to state material facts, and contained a materially misleading presentation of facts and untrue statements of material facts as follows:

1. The offering circular failed to disclose operating losses in the amount of $33,000 which were incurred subsequent to the August 31, 1961 date of the financials but prior to the date of the offering circular.

2. The offering circular failed to disclose that the issuer issued promissory notes in the amount of $46,000, subsequent to the date of financials but prior to the date of the offering circular.

3. The offering circular failed to disclose expenses charged to the company by the underwriter of $26,000, which is $17,000 in excess of the $9,000 estimated in the offering circular as expenses of the underwriter.

4. The offering circular contains an untrue statement of material fact in that it stated promotion stock was to be escrowed when in fact (a) the underwriter reallocated promotion stock to members of the selling group, to salesmen employed by the underwriter and to directors of the issuer, and (b) the president of the issuer reallocated promotion stock to the underwriter and to the lenders and finders as bonuses for loans to the company.

B. Whether the offering has been made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is further ordered*, That Sidney Ullman, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21, and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Measurements Spectrum, Inc., that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before July 27, 1962, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

It is further ordered, That Measurements Spectrum, Inc., pursuant to Rule 7 of the rules of practice of the Commission (17 CFR 201.7), shall file an answer to the allegations set forth in section II hereinabove. Such answer shall be filed in the manner, form and within the time prescribed by 17 CFR 201.7 and shall specifically admit or deny or state that Measurements Spectrum, Inc. does not have, and is unable to obtain, sufficient information to admit or deny each of the allegations set forth in section II hereinabove.

Notice is hereby given that if Measurements Spectrum, Inc. fails to file an answer pursuant to 17 CFR 201.7 within fifteen days after service upon it of this notice and order for hearing, the proceedings may be determined against Measurements Spectrum, Inc. by the Commission upon consideration of this notice and order for hearing and said allegations in section II above may be deemed to be true.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-6879; Filed, July 13, 1962; 8:50 a.m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 415]

SECRETARY OF DEFENSE

Authority To Represent Interests of the Federal Government in the Matter of California Interstate Telephone Company Before the Federal Communications Commission

1. Pursuant to the provisions of sections 201(a)(4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interest of the executive agencies of the Federal Government in the matter of California Interstate Telephone Company, Tariff F.C.C. No. 10 (SCAN), before the Federal Communications Commission, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials and employees of General Services Administration.

4. This delegation of authority shall be effective April 30, 1962.

Dated: July 9, 1962.

BERNARD L. BOUTIN, *Administrator.*

[F.R. Doc. 62-6884; Filed, July 13, 1962; 8:51 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-XIV-6, (Revision 1)]

CHIEF, LOAN PROCESSING SECTION

Delegation Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division by Delegation of Authority No. 30–XIV–1 (Revision 1), as amended (25 F.R. 6607; 26 F.R. 8611), there is hereby redelegated to the Chief, Loan Processing Section, the authority:

A. *Financial assistance.* 1. To approve the following:

a. Direct loans not exceeding $50,000.
b. Participation loans not exceeding $150,000.
c. Limited loan participation not exceeding $25,000.
d. Small loans not exceeding $25,000.
e. Disaster loans not exceeding $50,000.

2. To decline Limited Loan Participation loans.

3. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

4. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------
Chief, Loan Processing Section.

5. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

6. To extend the disbursement period on all loan authorizations or undistributed portions of loans.

7. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorizations.

B. *Administration.* 1. To approve annual and sick leave for employees under his supervision. This does not include approval of advanced annual and sick leave.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Processing Section.

IV. All previous authority delegated by the Chief, Financial Assistance Division, to the Chief, Loan Processing Section, is rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: October 12, 1961.

GEORGE A. RANDS, *Chief, Financial Assistance Division, Los Angeles Regional Office.*

[F.R. Doc. 62-6880; Filed, July 13, 1962; 8:50 a.m.]

[Delegation of Authority 30-XIV-7 (Revision 1)]

CHIEF, LOAN ADMINISTRATION SECTION

Delegation Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division by Delegation of Authority No. 30–XIV–1 (Revision 1), as amended (25 F.R. 6607; 26 F.R. 8611), there is hereby redelegated to the Chief, Loan Administration Section, the authority:

A. *Financial assistance.* 1. To approve amendments and modifications of loan authorizations for loans that have been fully disbursed.

2. To take all necessary action in connection with the servicing, administration and collection of partially or fully disbursed loans.

B. *Administrative.* 1. To approve annual and sick leave for employees under his supervision. This does not include approval of advanced annual and sick leave.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Administration Section.

IV. All previous authority delegated by the Chief, Financial Assistance Division to the Chief, Loan Administration Section is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: October 12, 1961.

GEORGE A. RANDS, *Chief, Financial Assistance Division, Los Angeles Regional Office.*

[F.R. Doc. 62-6881; Filed, July 13, 1962; 8:51 a.m.]

[Delegation of Authority 30-XIV-10]

CHIEF, LOAN LIQUIDATION SECTION

Delegations Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division by Delegation of Authority No. 30–XIV–1 (Revision 1), as amended, (25 F.R. 6607; 26 F.R. 8611), there is hereby redelegated to the Chief, Loan Liquidation Section, the authority:

A. *Financial assistance.* To take the following action in the administration, collection and liquidation of all business and disaster loans classified as "problem loans" or "in liquidation":

1. Release or consent to the release of real or personal property upon substitution of other collateral of equal or greater value.

2. To take peaceable custody of collateral, as mortgage in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by SBA; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the administration in an amount not in excess of a total of $1,000, for any one loan, for these expenditures as may be required to accomplish these purposes.

3. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of SBA but shall be limited to their temporary services for the specific purpose involved.

4. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

5. To post indemnity or other bonds in proceedings in cases where such undertakings are required by State law.

B. *Administrative.* 1. To approve annual and sick leave for employees under his supervision. This does not include approval of advanced annual and sick leave.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Liquidation Section.

IV. All previous authority delegated by the Chief, Financial Assistance Division, to the Chief, Loan Liquidation Section, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: October 12, 1961.

GEORGE A. RANDS, *Chief, Financial Assistance Division, Los Angeles Regional Office.*

[F.R. Doc. 62-6882; Filed, July 13, 1962; 8:51 a.m.]

[Delegation of Authority 30-XI-14]

CHIEF, LOAN PROCESSING SECTION

Delegation Relating to Loan Processing Functions

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division, by Delegation No. 30–XI–1 (Revision 1), 26 F.R. 10462, dated September 18, 1961, there is hereby redelegated to the Chief, Loan Processing Section, the authority:

A. *Financial assistance.* 1. To approve but not decline the following types of loans:

a. Direct business loans in the amount not exceeding $15,000.

b. Participation loans not in excess of $100,000 with minimum bank participation of 25 percent, at least 50 percent of said participation to be new money.

2. To approve or decline Limited Loan Participation loans in which the Agency's exposure does not exceed $15,000.

3. To approve or decline disaster loans not in excess of $50,000.

4. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

5. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority said execution to read as follows:

JOHN E. HORNE, *Administrator.*
By ----------
(Name)
Chief, Loan Processing Section.

6. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

B. *Administration.* To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Processing Section.

IV. All previous authority delegated by the Chief, Financial Assistance Division, to the Chief, Loan Processing Section, is rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: September 18, 1961.

OTIS J. KING, *Chief,*
Financial Assistance Division,
Denver Regional Office.

[F.R. Doc. 62-6883; Filed, July 13, 1962; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JULY 11, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37827: *Sulphuric acid (returned) from official territory points.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2623), for interested rail carriers. Rates on returned shipments of sulphuric acid, in tank-car loads, from points in official territory, to points in Illinois, Iowa, Michigan (Upper Peninsula), and Wisconsin.

Grounds for relief: Carrier competition.

Tariff: Supplement 188 to Traffic Executive Association-Eastern Railroads tariff I.C.C. A-1059.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-6885; Filed, July 13, 1962; 8:51 a.m.]

[Notice 662]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 11, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65054. By order of July 9, 1962, the Transfer Board approved the transfer to D. D. Jacobs, Inc., Route 4, Walla Walla, Wash., of Certificate No. MC 76432 issued June 2, 1941, to Scott E. Miller, Route 3, Walla Walla, Wash., authorizing the transportation of: Ice, from Walla Walla, Wash., to Umapine, Oreg., wood, from points in Umatilla County, Oreg., to Walla Walla, Wash., creamery machinery and house-moving equipment, between points in Umatilla County, Oreg., on the one hand, and, on the other, points in Walla Walla County, Wash., and dairy and creamery products, hay, grain, feed, and livestock, between Walla Walla, Wash., on the one hand, and, on the other, points in Umatilla County, Oreg.

No. MC-FC 65102. By order of July 9, 1962, the Transfer Board approved the transfer to Belvoir Express and Van, Inc., New York, N.Y., of a portion of Certificate No. MC 82421, issued June 15, 1944, to Alfred J. Koster, Lucien Koster, and John Reynolds, a partnership, doing business as Koster's Transfer & Storage Co., New York, N.Y., authorizing the transportation of: Household goods, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, New Jersey, and New York. Edward M. Alfano, 2 West 45th Street, New York 36, N.Y., attorney for applicants.

No. MC-FC 65113. By order of July 9, 1962, the Transfer Board approved the transfer to William C. Falke, doing business as W. C. Falke Movers, Pawtucket, R.I., of Certificate No. MC 112691, issued July 25, 1951, to Charles E. Edmond, doing business as B. & E. Trucking, Riverside, R.I., authorizing the transportation of: New furniture, uncrated, in retail delivery service, from Providence, R.I., and points within 5 miles of Providence to points in Massachusetts within 50 miles of Providence, and those in New London and Windham Counties, Conn., and used or repaired furniture, uncrated, in retail delivery service, between Providence, R.I., and points within 5 miles of Providence, on the one hand, and, on the other, points in Massachusetts within 50 miles of Providence and those in New London and Windham Counties, Conn. Russell B. Curnett, 49 Weybesset Street, Providence 3, R.I., representative for applicants.

No. MC-FC 65131. By order of July 9, 1962, the Transfer Board approved the transfer to Louis Hausman and Arthur Bruch, Jr., a partnership, doing business as Hausman and Bruch, Arcadia, Iowa, of Certificates Nos. MC 62389 and MC 62389 Sub-2, issued March 10, 1952, and March 10, 1952, respectively, to Louis Hausman and Elmer Schmitz, a partnership, doing business as Hausman and Schmitz, Arcadia, Iowa, authorizing the transportation of: Livestock, feed, agricultural implements, and lumber, over irregular routes, between Arcadia, Iowa, and points within 15 miles of Arcadia, on the one hand, and, on the other, Omaha, Nebr., and livestock, over regular routes, between Lidderdale, Iowa, and Omaha, Nebr., and general commodities, excluding household goods, commodities in bulk, and other specified commodities from Omaha to Lidderdale, Iowa. Jacob Wittry, P.O. Box 54, Breda, Iowa, Representative for applicant.

No. MC-FC 65150. By order of July 9, 1962, the Transfer Board approved the transfer to Archie Rowe Moving & Storage, Inc., Brooklyn, N.Y., of Certificate No. MC 70691, issued August 9, 1961, to Charles A. Rowe doing business as Archie Rowe, Brooklyn, N.Y., authorizing the transportation of: Household goods, as defined by the Commission, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. Morris Honig, 150 Broadway, New York 38, N.Y., attorney for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-6937; Filed, July 13, 1962; 8:58 a.m.]

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Washington, Tuesday, July 17, 1962

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JUL 20 1962
MAIN READING ROOM

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1962–63 Edition

UNITED STATES GOVERNMENT ORGANIZATION MANUAL

[Revised as of June 1, 1962]

Official handbook of the Federal Government, describing the organization and functions of the agencies in the legislative, judicial, and executive branches

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3481

MEDAL OF HONOR CENTENNIAL, U.S. ARMY

By the President of the United States of America
A Proclamation

WHEREAS the first act of Congress authorizing "medals of honor" for Army personnel was approved by President Lincoln on July 12, 1862 (joint resolution of July 12, 1862, 12 Stat. 623); and

WHEREAS the first "medals of honor" awarded Army personnel were presented by Secretary of War Stanton on March 25, 1863; and

WHEREAS the awarding of the Medal of Honor, often called the "Congressional Medal of Honor," is generally recognized as the highest honor this Nation bestows upon a member of its armed forces for gallantry and intrepidity in combat above and beyond the call of duty, and such medals may be awarded to personnel of the Army, Navy, Marine Corps, Air Force, and Coast Guard; and

WHEREAS it is appropriate that the centennial of the approval of the joint resolution of July 12, 1862, and the presentation of the first medals of honor to Army personnel on March 25, 1863, be celebrated to commemorate the significance and the proud history of the Medal of Honor:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby proclaim the period from July 12, 1962, to March 25, 1963, as the Medal of Honor Centennial, U.S. Army.

I urge the people of the United States to commemorate the significance of the Medal of Honor during this centennial period; and I urge the Governors of the various States, other State and municipal officials, and the various civic and patriotic organizations to plan and conduct, in conjunction with local Army commanders, appropriate ceremonies for commemoration of the Medal of Honor during the centennial period.

I direct the Secretary of the Army, acting under the direction of the Secretary of Defense, to insure that appropriate commemorative ceremonies of national interest are conducted in the Military District of Washington on July 12, 1962, and March 25, 1963. The Secretary of the Army will insure that commemorative ceremonies of local interest are conducted at other times during the centennial period at or in the vicinity of various Army commands.

I also direct the Secretary of the Army, acting under the direction of the Secretary of Defense, to lend the greatest possible assistance to the various State Governors, other State and municipal officials, and civic and patriotic organizations to insure the success of their ceremonial undertakings in commemoration of the significance of the Medal of Honor.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twelfth day of July in the year of our Lord nineteen hundred and sixty-two, and of the [SEAL] Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-7009; Filed, July 16, 1962; 10:15 a.m.]

Rules and Regulations

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 275–62]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Miscellaneous Amendments

Under and by virtue of the authority vested in me by section 161 of the Revised Statutes (5 U.S.C. 22) and section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), I hereby amend Part O of Chapter I of Title 28 of the Code of Federal Regulations (Order No. 271–62) as follows:

§ 0.15 [Amendment]

1. Paragraph (f) of § 0.15 of Subpart C (Office of the Deputy Attorney General) is amended to read as follows:

(f) Approve Incentive Awards.

2. Paragraph (i) of § 0.15 of Subpart C is revoked.

§ 0.60 [Amendment]

3. Paragraphs (b), (c), (d), and (g) of § 0.60 of Subpart L (Internal Security Division) are amended to read as follows:

(b) Administration and enforcement of the Foreign Agents Registration Act of 1938, as amended; the act of August 1, 1956, 70 Stat. 899 (50 U.S.C. 851–857), including the determination in writing that the registration of any person coming within the purview of the act would not be in the interest of national security; and the Voorhis Act.

(c) Administration and enforcement of the Internal Security Act of 1950, as amended, including the presentation of cases before the Subversive Activities Control Board regarding petitions against Communist organizations and membership in Communist-action organizations under the provisions of the Subversive Activities Control Act of 1950, as amended.

(d) All civil cases relating to Internal Security matters.

• • • • •

(g) Interpretation of Executive Order No. 10450 of April 27, 1953, as amended, and advising other departments and agencies in connection with the administration of the Federal employees security program, including the designation of organizations as required by the order; the interpretation of Executive Order No. 10501 of November 5, 1953, as amended, and of regulations issued thereunder in accordance with section 11 of that order; and the interpretation of Executive Order No. 10865 of February 20, 1960.

§ 0.61 [Amendment]

4. Paragraph (a) of § 0.61 of Subpart L is revoked.

5. Section 0.78 of Subpart O (Administrative Division) is amended to read as follows:

§ 0.78 Authority—Federal tort claims.

The Administrative Assistant Attorney General shall have authority to consider, ascertain, adjust, determine, and settle any claims involving the Department under section 2672 of Title 28 of the United States Code, relating to the administrative settlement of Federal tort claims, and shall be responsible for the reports to Congress required by section 2673 of that title.

§ 0.135 [Amendment]

6. Section 0.135 of Subpart V (Authorization With Respect to Personnel and Certain Administrative Matters) is amended by deleting the words "in all Classification Act grades up to and including GS–14."

The amendments made by this order shall become effective upon the date of the publication of this order in the FEDERAL REGISTER.

(R.S. 161; 5 U.S.C. 22; sec. 2, Reorg. Plan No. 2 of 1950, 3 CFR, 1949–1953 Comp., 64 Stat. 1261)

Dated: July 10, 1962.

ROBERT F. KENNEDY,
Attorney General.

[F.R. Doc. 62-6927; Filed, July 16, 1962; 8:46 a.m.]

[Order No. 276–62]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart B—Office of the Attorney General

Amendment to Order Delegating Authority of the Attorney General To Approve Executive Orders and Proclamations as to Form and Legality

Under and by virtue of the authority vested in me by section 161 of the Revised Statutes (5 U.S.C. 22), section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), and section 2(c) of Executive Order No. 11030 of June 19, 1962, I hereby amend Subpart B (Office of the Attorney General) of Part O of Chapter I of Title 28 of the Code of Federal Regulations (Order No. 271–62) by adding at the end thereof the following new section:

§ 0.11 Approval of Executive Orders, Proclamations, and Similar Documents.

The Deputy Attorney General, the Solicitor General, and the Assistant Attorney General in charge of the Office of Legal Counsel are individually authorized to perform the functions vested in the Attorney General by section 2 of Executive Order No. 11030, relating to the approval of proposed Executive orders and proclamtions as to form and legality. Each of those officers is also authorized to approve as to form and legality other proposed Presidential documents which are submitted for the consideration of the Attorney General in advance of their being presented for the consideration of the President.

The amendment made by this order shall become effective upon the publication of this order in the FEDERAL REGISTER.

(R.S. 161; 5 U.S.C. 22; sec. 2, Reorg. Plan No. 2 of 1950, 3 CFR, 1949–1953 Comp., 64 Stat. 1261, and sec. 2(c) of E.O. No. 11030)

Dated: July 11, 1962.

ROBERT F. KENNEDY,
Attorney General.

[F.R. Doc. 62-6928; Filed, July 16, 1962; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Docket No. 3666, Order 55]

PARTS 71–78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Miscellaneous Amendments

At a session of the Interstate Commerce Commission, Safety and Service Board No. 2—Explosives and Other Dangerous Articles Board, held in Washington, D.C., on the 6th day of July 1962.

The matter of certain regulations governing the transportation of explosives and other dangerous articles, formulated and published by the Commission, being under consideration, and

It appearing, that Notice No. 55, dated May 18, 1962, setting forth certain proposed amendments to the said regulations, and the reasons therefor, and stating that consideration was to be given thereto, was published in the FEDERAL REGISTER on June 1 and 7, 1962 (27 F.R. 5143, 5407), pursuant to the provisions of section 4 of the Administrative Procedure Act; that pursuant to said Notice interested parties were given an opportunity to be heard with respect to said proposed amendments; that written views or arguments were submitted to the Commission with respect to the proposed amendments;

And it further appearing, that said views and arguments with respect to the proposed amendments are such as to warrant revision at this time of certain of the proposed amendments, and that in all other respects the proposed amendments set forth in the above referred to Notice No. 55 are deemed justified and necessary;

It is ordered, That the aforesaid regulations governing the transportation of

explosives and other dangerous articles be, and they are hereby, amended in the manner and to the extent set forth in said Notice No. 55, dated May 18, 1962, as revised by the specific modifications and deletion set forth as follows:

In § 73.54 amend paragraph (a).

In § 73.134 amend paragraph (a) (2) Note 1.

In § 73.148 amend paragraph (a) (4) Note 1.

In § 73.260 amend paragraph (g).

In § 73.301 paragraph (f) change the last word in the last sentence to read "containers" instead of "container."

In § 73.314 paragraph (a) amend Note 12.

In § 73.333 amend paragraph (a) (2) Note 1.

In § 73.336 amend paragraph (a) (3) Note 1.

In § 73.338 amend paragraph (a) (3) Note 1.

In § 73.348 delete the proposed addition of paragraph (a) (3).

In § 77.840 amend paragraph (c).

In § 77.841 amend paragraph (c) Note 1.

It is further ordered, That this order shall become effective October 3, 1962, and shall remain in effect until further order of the Commission;

It is further ordered, That compliance with the herein prescribed and amended regulations is hereby authorized on and after the date of service of this order;

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

(62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834)

By the Commission, Safety and Service Board No. 2—Explosives and Other Dangerous Articles Board.

[SEAL] HAROLD D. McCOY, *Secretary.*

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5 *Commodity list* (15 F.R. 8263, 8269, 8270, Dec. 2, 1950) as follows:

§ 72.5 List of explosives and other dangerous articles.

(a) • • •

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Add)				
Methyl chloride-methylene chloride mixture.	F.G.	73.302, 73.306, 73.314	Red Gas	300 pounds.
Nitrogen tetroxide, liquid	Pois. A	No exemption, 73.336	Poison Gas	Not accepted.
(Change)				
Alkaline corrosive battery fluid	Cor. L	73.244, 73.249	White	10 gallons.
Nitrogen peroxide, liquid	Pois. A	No exemption, 73.336	Poison Gas	Not accepted.

PART 73—SHIPPERS

Subpart A—Preparation of Articles for Transportation by Carriers by Rail Freight, Rail Express, Highway, or Water

In § 73.23 amend paragraph (a) (15 F.R. 8277, Dec. 2, 1950) to read as follows:

§ 73.23 Closures for containers.

(a) Outside containers must be closed for shipment as prescribed in the specifications for the container unless otherwise authorized for the particular article being shipped and in addition, closures of inside containers must be secured in a manner that will prevent leakage of contents under conditions of normal transportation. Gasketed closures must be fitted with gaskets of efficient material which will not be deteriorated by the contents of the container.

In § 73.28 amend paragraph (h) (25 F.R. 3098, Apr. 12, 1960) to read as follows:

§ 73.28 Reused containers.

• • • • • •

(h) Single-trip containers made under specifications prescribed in Part 78 of this chapter, from which contents have once been removed following use for shipment of any article, must not be again used as shipping containers for explosives, flammable liquids, flammable solids, oxidizing materials, corrosive liquids, or poisons, class B, C, or D, as defined in this part: *Provided*, That during the present emergency and until further order of the Commission, single-trip containers may be reused if retested in accordance with methods approved by the Bureau of Explosives before each reuse and approved for service for specific commodities or classes of commodities. Applications for permission for reuse should be made to the Bureau of Explosives, 63 Vesey Street, New York 7, New York.

In § 73.32 amend paragraph (e) (2) (24 F.R. 5639, July 14, 1959) to read as follows:

§ 73.32 Qualification, maintenance, and use of portable tanks.

• • • • • •

(e) • • •

(2) Every portable tank container which is constructed in accordance with ICC Specification 51 (§ 78.245 of this chapter), or qualified for transporting compressed gases as prescribed in these regulations shall be tested at least once in every five years in accordance with paragraph (e) (3), (4), and (5) of this section. A written record indicating the dates and results of all required pressure tests shall be retained by the owner or his authorized agent until the next retest has been accomplished and recorded.

Subpart B—Explosives; Definitions and Preparation

In § 73.54 amend paragraph (a) (15 F.R. 8286, Dec. 2, 1950) to read as follows:

§ 73.54 Ammunition for cannon.

(a) Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shell must be well packed and properly secured in strong wooden or metal containers, or in linear high-density polyethylene containers designed in accordance with Department of the Army Ordnance Corps Dwg. XM115554 and Sketch No. 4, dated May 4, 1961.

In § 73.57 amend paragraph (a) (15 F.R. 8286, 8287, Dec. 2, 1950) to read as follows:

§ 73.57 Rocket ammunition.

(a) Rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, or illuminating projectiles must be well packed and properly secured in strong wooden or metal containers or in pre-formed fiber glass resin impregnated containers approved by the Bureau of Explosives.

In § 73.61 amend paragraph (h) (15 F.R. 8288, Dec. 2, 1950) to read as follows:

§ 73.61 High explosives.

• • • • • •

(h) Except for cartridges containing gelatin dynamite, all cartridges of high explosives exceeding 4 inches in length and containing more than 10 percent of a liquid explosive ingredient must be placed horizontally in boxes. Bags must be packed with their filling holes up.

In § 73.65 amend the introductory text of paragraph (a) (24 F.R. 8056, Oct. 6, 1959) to read as follows:

§ 73.65 High explosives with no liquid explosive ingredient nor any chlorate.

(a) High explosives containing no liquid explosive ingredient nor any chlorate if their sensitiveness to percussion is not greater than that measured by the blow delivered by an 8-pound weight dropping from a distance of 7 inches on a compressed pellet of the explosive three-hundredths of an inch thick and two-tenths of an inch in diameter, confined rigidly between hard steel surfaces as in the standard Impact Testing Apparatus of the Bureau of Explosives, must be packed in cartridges, or in bags or metal containers in outside boxes, except that the requirement of packaging in cartridges, bags or metal containers does not apply to plastic-bonded explosives, but they must be packed and cushioned so as to prevent movement of individual pieces within the outside shipping container. They must be packed in cartridges when their sensitiveness is greater than the limit prescribed in this section. Such explosives when dry may be packed in strong sift-proof bags securely closed so as to prevent leakage therefrom or metal containers of capacity not exceeding 60 pounds. These explosives must be packed in outside containers complying with the following specifications:

In § 73.70 add paragraph (b) (1) (21 F.R. 7598, Oct. 4, 1956) to read as follows:

§ 73.70 Diazodinitrophenol or lead mononitroresorcinate.

• • • • • •

(b) • • •

(1) Spec. 21C (§ 78.224 of this chapter). Fiber drums not over 30 gallons capacity of at least nine-ply construction having, in addition, a 30-gauge sheet of steel between the fifth and sixth plies. The inside ply of kraft paper shall be laminated on each side with polyethylene to form a waterproof lining. The bottom head shall be of fiber, metal covered on the outside, and shall be attached to the body to form a water-tight joint. Lead mononitroresorcinate only must be packed wet with not less than 40 percent by weight of water and shall be contained in at least two tightly sealed polyethylene bags of at least 0.004 inch thickness and this unit shall then be placed in a tightly closed polyethylene bag of at least 0.004 inch thickness and this assembly shall be placed within a 0.006 inch thickness polyethylene or other suitable plastic bag completely filled with water and tightly closed. The 0.006 inch plastic bag shall be of such size as to completely fill the outside shipping container. The dry weight of lead mononitroresorcinate only in one outside container must not exceed 100 pounds.

In § 73.75 add paragraph (b) (1) (15 F.R. 8292, Dec. 2, 1950) to read as follows:

§ 73.75 Nitro mannite.

• • • • • •

(b) • • •

(1) Spec. 21C (§ 78.224 of this chapter). Fiber drums not over 30 gallons capacity of at least nine-ply construction having, in addition, a 30-gauge sheet of steel between the fifth and sixth plies. The inside ply of kraft paper shall be laminated on each side with polyethylene to form a waterproof lining. The bottom head shall be of fiber, metal covered on the outside, and shall be attached to the body to form a watertight joint. Nitro mannite must be packed wet with not less than 40 percent by weight of water and shall be contained in at least two tightly sealed polyethylene bags of at least 0.004 inch thickness and this unit shall then be placed in a tightly closed polyethylene bag of at least 0.004 inch thickness and this assembly shall be placed within a 0.006 inch thickness polyethylene or other suitable plastic bag, completely filled with water and tightly closed. The 0.006 inch plastic bag shall be of such size as to completely fill the outside shipping container. The dry weight of nitro mannite in one outside container must not exceed 100 pounds.

Subpart C—Flammable Liquids; Definition and Preparation

In § 73.119 amend paragraph (b) (4) (26 F.R. 4994, June 6, 1961) to read as follows:

§ 73.119 Flammable liquids not specifically provided for.

• • • • • •

(b) • • •

(4) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers which must be glass, earthenware, polyethylene (bags are not authorized), or metal, not over 1 gallon each. Packages containing inside glass or earthenware containers must not contain more than 4 such inside containers if their capacity is greater than 5 pints each. Polyethylene containers are authorized only for materials that will not react with or cause decomposition of the plastic.

(No change in Note 1.)

In § 73.128 amend paragraph (a) (2) (26 F.R. 12702, Dec. 29, 1961) to read as follows:

§ 73.128 Paints and related materials.

(a) • • •

(2) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter). Metal drums (single-trip) not over 5 gallons capacity with welded side seams for drums over 2 gallons capacity, irrespective of flash point or viscosity. Spec. 37A (§ 78.131 of this chapter) metal drums constructed with 26-gauge body sheets, 24-gauge removable heads, and 26-gauge bottom heads are authorized for not over 80 pounds gross weight. Because of the present emergency and until further order of the Commission, spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter) metal drums of 8½ gallons capacity, with welded side seams and made of 24-gauge metal, are authorized provided flash point of material shipped is above 20° F.

In § 73.134 amend paragraph (a) (2) Note 1 (26 F.R. 4995, June 6, 1961) to read as follows:

§ 73.134 Aluminum triethyl, aluminum trimethyl, pyroforic fuel, pyroforic solutions, zinc ethyl, triisobutyl aluminum, ethyl aluminum sesquichloride, diethyl aluminum chloride, ethyl aluminum dichloride, methyl aluminum sesquichloride, methyl aluminum sesquibromide, methyl magnesium bromide in ethyl ether in concentrations not over 40 percent, and mixtures or solutions thereof.

(a) • • •

(2) • • •

NOTE 1: Tanks complying with ICC–106A or ICC–110A (§ 78.275 or § 78.293 of this chapter) specifications may be transported in or on motor vehicles and in the manner authorized in § 77.840(c) of this chapter, provided adequate facilities are present for handling tanks where transfer in transit is necessary. Tanks must be securely chocked or clamped thereon to prevent shifting.

In § 73.148 amend paragraph (a) (4) Note 1 (26 F.R. 12703, Dec. 29, 1961) to read as follows:

§ 73.148 Monoethylamine.

(a) • • •

(4) • • •

NOTE 1: Tanks complying with ICC–106A or ICC–110A (§ 78.275 or § 78.293 of this chapter) specifications may be transported in or on motor vehicles and in the manner authorized in § 77.840(c) of this chapter, provided adequate facilities are present for handling tanks where transfer in transit is necessary. Tanks must be securely chocked or clamped thereon to prevent shifting.

Subpart D—Flammable Solids and Oxidizing Materials; Definition and Preparation

In § 73.184 amend paragraph (b) (25 F.R. 10392, Oct. 29, 1960) to read as follows:

§ 73.184 Nitrocellulose of collodion cotton, wet, or nitrocellulose, colloided, granular, or flake, wet, or nitrostarch, wet, or nitroguanidine, wet.

• • • • • •

(b) Gross weight of any container must not exceed 490 pounds.

In § 73.206 add paragraph (c) (4) (15 F.R. 8310, Dec. 2, 1950) to read as follows:

§ 73.206 Sodium or potassium, metallic, sodium amide, sodium potassium alloys, lithium metal, lithium silicon, lithium hydride, and lithium aluminum hydride.

• • • • • •

(c) • • •

(4) Stainless steel tubes having welded end caps containing not over 50 grams of metallic sodium each. Each tube must be inserted in an aluminum carrier tube. Containers must be approved by the Bureau of Explosives.

Subpart E—Acids and Other Corrosive Liquids; Definition and Preparation

In § 73.260 amend paragraph (c) (2) and add paragraph (g) (26 F.R. 9401, Oct. 6, 1961) (15 F.R. 8316, Dec. 2, 1950) to read as follows:

§ 73.260 Electric storage batteries, wet.

• • • • • •

(c) • • •

(2) Top of slip cover or fiberboard box design must comply with the following:

(i) Top of slip cover or fiberboard box must have interior reinforcement (insert or saddle) of fiberboard, wood, or other material of equal strength and rigidity so formed that any superimposed weight will bear only and directly downward on the top edges of the battery case or intercell connectors (straps) or plastic battery terminal covers designed to transmit any superimposed weight directly to the top inner wall of the battery case.

(ii) Or be protected by a scored one piece cover-liner of 200-pound test (Mullen or Cady) double-faced corrugated fiberboard extending from the base of the battery on one side, across the top of the battery and to the base of the battery on the opposite side.

(iii) Or a five-sided slip cover having top of only one thickness of fiberboard, with lengthwise inner flaps roll folded to form a reinforcement of such height as

to provide clearance required by subparagraph (1) of this paragraph which shall rest on the side edges of the battery. Outer end flaps to overlap approximately one inch and shall be butt folded and tucked into a center slot cut in the inner flaps. The requirements of subdivisions (i) and (iv) of this subparagraph do not apply.

(iv) When top of slip cover or fiberboard box consists of only one thickness of material, reinforcement must have a plane surface of same interior dimensions and thickness. Reinforcement must be of such height as to provide minimum clearance required above and must be constructed to remain securely in place or be fastened to slip cover or fiberboard box.

• • • • • •

(g) Electric storage batteries, containing electrolyte or corrosive battery fluid in a coil from which it is injected into the battery cells by a gas generator and initiator assembled with the battery, and which are nonspillable and leakproof, are exempt from Parts 71–78 and 197 of this chapter when approved by the Bureau of Explosives.

In § 73.275 amend paragraph (a)(1) (20 F.R. 951, Feb. 15, 1955) to read as follows:

§ 73.275 Difluorophosphoric acid, anhydrous, monofluorophosphoric acid, anhydrous, hexafluorophosphoric acid, and mixtures thereof.

(a) • • •

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185 or § 78.190 of this chapter) wooden boxes, spec. 12B (§ 78.205 of this chapter) fiberboard boxes, or spec. 21C (§ 78.224 of this chapter) fiber drums with inside containers which must be polyethylene, or other nonfragile plastic bottles resistant to the lading, not over 2 gallons capacity each, closed by means of threaded acid-resistant caps; caps must have at least one complete continuous thread and be additionally sealed to the bottle to prevent turning of cap after bottle is closed for shipment.

Subpart F—Compressed Gases; Definition and Preparation

In § 73.301 amend the introductory text of paragraph (f) (15 F.R. 8324, Dec. 2, 1950) to read as follows:

§ 73.301 General requirements.

• • • • • •

(f) *Manifolding containers in transportation.* No means of interconnecting such as manifolding of individual containers may be employed for the transportation of compressed gases, except as hereinafter authorized. Containers so manifolded shall be supported and held together as a unit by structurally adequate means. Safety relief devices on manifolded horizontal containers charged with flammable compressed gas shall be arranged to discharge upward and unobstructed to the open air in such a manner as to prevent any impingement of escaping gas upon the containers.

In § 73.314 amend paragraph (a) Table and Note 12 thereto (22 F.R. 2227, April 4, 1957) (23 F.R. 2327, April 10, 1958) to read as follows:

§ 73.314 Compressed gases in tank cars.

(a) • • •

Kind of gas	Maximum Permitted filling density, Note 1	Required type of tank car, Note 2
	Percent	
(Add) Methyl chloride-methylene chloride mixture	Note 16	ICC–100A500, 105A500X, Note 12. ICC–105A300–W, Note 9.

• • • • • • • • •

NOTE 12: Tanks complying with ICC–106A or ICC–110A (§§ 78.275, 78.276, 78.278, 78.293 or § 78.295 of this chapter) specifications used for the transportation of compressed gases as authorized in § 73.314(a) may be transported in or on motor vehicles and in the manner authorized in § 77.840(c) of this chapter, provided adequate facilities are present for handling tanks where transfer in transit is necessary. Tanks must be securely chocked or clamped thereon to prevent shifting. See § 74.560(b)(1) of this chapter.

Subpart G—Poisonous Articles; Definition and Preparation

In § 73.333 amend paragraph (a)(2) Note 1 (18 F.R. 5273, Sept. 1, 1953) to read as follows:

§ 73.333 Phosgene or diphosgene.

(a) • • •

(2) • • •

NOTE 1: Tanks complying with ICC–106A (§ 78.275 of this chapter) specification may be transported in or on motor vehicles and in the manner authorized in § 77.840(c) of this chapter, provided adequate facilities are present for handling tanks where transfer in transit is necessary. Tanks must be securely chocked or clamped thereon to prevent shifting.

In § 73.336 amend the heading and introductory text of paragraph (a); amend paragraph (a)(3) Note 1; add paragraph (a)(4) (15 F.R. 8334, Dec. 2, 1950) (18 F.R. 3137, June 2, 1953) to read as follows:

§ 73.336 Nitrogen dioxide, liquid, nitrogen peroxide, liquid, and nitrogen tetroxide, liquid.

(a) Nitrogen dioxide, liquid, nitrogen peroxide, liquid, and nitrogen tetroxide, liquid must be packed in specification containers as follows:

• • • • • •

(3) • • •

NOTE 1: Tanks complying with ICC–106A (§ 78.275 of this chapter) specification may be transported in or on motor vehicles and in the manner authorized in § 77.840(c) of this chapter, provided adequate facilities are present for handling tanks where transfer in transit is necessary. Tanks must be securely chocked or clamped thereon to prevent shifting.

(4) Spec. 105A500–W or 105A600–W (§ 78.288 or § 78.289 of this chapter). Tank cars. Authorized for nitrogen tetroxide only. Tanks must be lagged with not less than a four-inch thickness of cork. All valves and fittings shall be protected by a securely attached cover made of metal not subject to deterioration by the lading, and all valve openings, except the safety valve, shall be fitted with screw plugs or caps to prevent leakage in the event of valve failure. Safety valve must be equipped with an approved stainless steel or platinum frangible disc. Tank must be stenciled on both sides in letters not less than 2 inches high "NITROGEN TETROXIDE ONLY." Written procedure covering details of tank car appurtenances, dome fittings and safety devices, and marking, loading, handling, inspection, and testing practices shall be filed with and approved by the Bureau of Explosives before any tank car is offered for transportation of nitrogen tetroxide.

In § 73.338 amend paragraph (a)(3) Note 1 and paragraph (a)(4) (26 F.R. 9403, Oct. 6, 1961) to read as follows:

§ 73.338 Nitrogen tetroxide-nitric oxide mixtures containing up to 33.2 percent weight nitric oxide.

(a) • • •

(3) • • •

NOTE 1: Tanks complying with ICC–106A (§ 78.275 of this chapter) specification may be transported in or on motor vehicles and in the manner authorized in § 77.840(c) of this chapter, provided adequate facilities are present for handling tanks where transfer in transit is necessary. Tanks must be securely chocked or clamped thereon to prevent shifting.

(4) Spec. 105A500–W or 105A600–W (§ 78.288 or § 78.289 of this chapter). Tank cars. Tanks must be lagged with not less than a four-inch thickness of cork. All valves and fittings shall be protected by a securely attached cover made of metal not subject to deterioration by the lading, and all valve openings, except the safety valve, shall be fitted with screw plugs or caps to prevent leakage in the event of valve failure. Safety valve must be equipped with an approved stainless steel or platinum frangible disc. Tank must be stenciled on both sides in letters not less than 2 inches high "NITROGEN TETROXIDE-NITRIC OXIDE MIXTURES ONLY." Written procedure covering details of tank car appurtenances, dome fittings and safety devices, and marking, loading, handling, inspection, and testing practices shall be filed with and approved by the Bureau of Explosives before any tank car is offered for transportation of nitrogen tetroxide-nitric oxide mixtures.

In § 73.346 add paragraph (a)(26) (15 F.R. 8335, Dec. 2, 1950) to read as follows:

§ 73.346 Poisonous liquids not specifically provided for.

(a) • • •

(26) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside polyethylene bottles having a minimum wall thickness of 0.015 inch and provided with screw-cap closures, not over one gallon capacity each. Each bottle shall be enclosed in a box constructed of at least 200-pound test (Mullen or Cady) corrugated fiberboard and not more than four such boxes shall be packed in one outside specification shipping container.

In § 73.353 amend paragraph (d) (18 F.R. 6780, Oct. 27, 1953) to read as follows:

§ 73.353 Methyl bromide, liquid (bromomethane), mixtures of methyl bromide and ethylene dibromide, liquid, mixtures of methyl bromide and chlorpicrin, liquid, or methyl bromide and nonflammable, nonliquefied compressed gas mixtures, liquid.

• • • • • •

(d) Spec. 17C (§ 78.115 of this chapter). Metal drums (single-trip) not over 5¼ gallons marked capacity each and having no opening exceeding 2.3 inches in diameter. Authorized only for mixtures containing not over 40 percent by weight of methyl bromide.

In § 73.359 amend paragraph (a)(11) (26 F.R. 9403, Oct. 6, 1961) to read as follows:

§ 73.359 Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphate compound mixtures, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, liquid.

(a) • • •

(11) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside polyethylene or other suitable plastic containers not over 1-gallon capacity each. Except for polyethylene bottles with screw-cap closures, polyethylene containers shall have leakproof closures, shall be formed of polyethylene having minimum wall thickness of 0.007 inch (plastic bags or containers formed of film sheet not permitted), and each container shall be enclosed in a fiberboard box. Not more than two 1-gallon containers shall be packed in one outside fiberboard box. Plastic used in construction of containers must be of a type compatible with the lading. Authorized gross weight of any completed package shall not exceed 30 pounds. Authorized in carload or truckload shipments only.

PART 74—CARRIERS BY RAIL FREIGHT

Subpart C—Placards on Cars

In § 74.542 add paragraph (c) (15 F.R. 8351, Dec. 2, 1950), to read as follows:

§ 74.542 "Poison gas" placards.

• • • • • •

(c) *"Poison gas" placards.* "Poison gas" placards, for tank cars, as prescribed in § 74.557 must be applied to tank cars containing class A poisons except hydrocyanic acid.

Add § 74.557 (15 F.R. 8352, Dec. 2, 1950) to read as follows:

§ 74.557 Poison gas placard.

(a) The "Poison gas" placard, for tank cars, must be of rectangular shape, measuring 13 inches by 17 inches, and must bear the wording as shown in the following cut; the printing must be in red with the exception of name of contents which must be in black, as follows:

POISON GAS PLACARD

(Reduced size)

17 inches

DO NOT REMAIN ON OR NEAR THIS CAR UNNECESSARILY

Lading must not be transferred en route under any conditions before shipper and Bureau of Explosives are notified.

POISON GAS

NAME OF CONTENTS

This car must not be next to a car placarded "Explosives."

Beware of liquid and of gas leaking from tank or fittings.

WHEN LADING IS REMOVED THIS PLACARD MUST BE REVERSED

13 inches

(1) The reverse side of such placards may bear the wording as prescribed for the "Poison Gas—Empty" placard. (See § 74.563(f).)

Subpart D—Unloading From Cars

In § 74.562 add paragraph (e) (15 F.R. 8353, Dec. 2, 1950) to read as follows:

"POISON GAS—EMPTY" PLACARD

(Reduced size)

17 inches

KEEP LIGHTS AND FIRES AWAY

THIS CAR CONTAINS POISON GAS OR RESIDUE

DANGEROUS

DO NOT INHALE GAS

DO NOT ALLOW LIQUID OR SOLID RESIDUE TO TOUCH SKIN

EMPTY

KEEP MANWAY BONNET COVER SECURELY CLOSED. DO NOT ENTER TANK UNTIL IT HAS BEEN CLEANED IN ACCORDANCE WITH THE SHIPPERS INSTRUCTIONS

DO NOT RELOAD IN TRANSIT

13 inches

[redacted]

(1) The reverse side of such placards may bear the wording as prescribed for the "Poison Gas" placard. (See § 74.557.)

§ 74.562 Removal of placards and car certificate after unloading.

• • • • •

(e) After poison gas is unloaded from tank car, the party unloading the car must remove all shipping cards and "Poison Gas" placards from car. "Dangerous—Empty Poison Gas" placards detailed in § 74.563(f) must be applied to empty tank car.

In § 74.563 amend paragraph (a) and add paragraph (f) (24 F.R. 5641, 5642, July 14, 1959) (15 F.R. 8253, Dec. 2, 1950) to read as follows:

§ 74.563 "Dangerous—Empty" placards.

(a) "Dangerous—Empty" placards must measure 10¾ inches on each side (see paragraphs (d) and (f) of this section for "Flammable Poison Gas—Empty" and "Poison Gas—Empty" placards respectively). The printing must be as shown in the cuts in this section, in black on strong white paper, or on tag board designated commercially as 100 percent sulphate, weighing 125 pounds per ream, of sheets 24 inches by 36 inches, and having a resistance of not less than 60 pounds per square inch, Mullen test.

• • • • • •

(f) "Poison Gas—Empty" placard, for tank cars, must be of rectangular shape, measuring 13 inches by 17 inches and must bear the wording as shown in the following cut:

Subpart E—Handling by Carriers by Rail Freight

In § 74.584 amend paragraph (a) Table; amend paragraph (g)(1) (24 F.R. 5642, July 14, 1959) (25 F.R. 3104, Apr. 12, 1960) to read as follows:

§ 74.584 Waybills, switching orders, or other billing.

(a) • • •

	Label notation to follow entry of the article on the billing	Placard notation to follow entry of the article on the billing	Placard endorsement must be 3/8" high and appear on the billing near the space provided for the car number
(*Add*)			
For poisonous liquids, class A, in tank cars	None	"Poison Gas Placard"	"Poison Gas."
For empty tank cars that last contained poisonous liquids, class A	None	"Dangerous—Poison Gas—Empty Placard."	"Dangerous—Poison Gas—Empty."

. . . . . .

(g) • • •

(1) For tank cars that last contained poisonous liquids, class A, the billing must show the words "Dangerous—Poison Gas—Empty" except the billing for tank cars that last contained hydrocyanic acid must show the words "Dangerous—Flammable Poison Gas—Empty."

In § 74.589 amend the introductory text of paragraph (b); amend paragraph (k) (26 F.R. 1017, Feb. 2, 1961) (24 F.R. 5642, 5643, July 14, 1959) to read as follows:

§ 74.589 Handling cars.

. . . . . .

(b) *Placards on cars.* A car requiring car certificates and "Explosives," "Dangerous," "Dangerous—Radioactive Material," "Poison Gas," "Flammable Poison Gas," "Dangerous—Empty Flammable Poison Gas," "Dangerous—Empty Poison Gas" or "Caution—Residual Phosphorus" placards under the provisions of this part shall not be transported unless such freight car is at all times placarded and certificated as required. Placards and car certificates lost in transit shall be replaced at the next inspection point, and those not required shall be removed at the next terminal where the train is classified.

. . . . . .

(k) *Position in freight train or mixed train of cars placarded "POISON GAS," "FLAMMABLE POISON GAS," or containing poison liquids, class A.* In a freight train or mixed train either standing or during transportation thereof, a car placarded "POISON GAS," "FLAMMABLE POISON GAS" or containing poison liquids, class A, shall not be next to other freight cars placarded "EXPLOSIVES" or cars placarded "DANGEROUS."

(1) In a freight train or mixed train either standing or during transportation thereof, a loaded tank car placarded "POISON GAS," or "FLAMMABLE POISON GAS," must not be handled next to:

(i) Occupied passenger car, other than cars occupied by gas handlers and authorized personnel accompanying shipment.

(ii) Occupied combination car, other than cars occupied by gas handlers and authorized personnel accompanying shipment.

(iii) Any car placarded "EXPLOSIVES."

(iv) Engine or occupied caboose.

(v) Any car placarded "DANGEROUS."

(vi) Wooden under-frame car (except on narrow gauge railroads).

(vii) Loaded flat car, other than specially equipped cars in trailer-on-flat-car service or flat cars loaded with automobiles, trucks, or trailer bodies which are secured by means of a device or devices designed and permanently installed on the flat car for that purpose and of a type generally accepted for handling in interchange between railroads.

NOTE: Flat cars equipped with permanently attached ends of rigid construction shall be considered as open-top cars. See subdivision (viii) of this paragraph.

(viii) Open-top car when any of the lading protrudes beyond the car ends or when any of the lading extending above the car ends is liable to shift so as to protrude beyond the car ends.

(ix) Car equipped with automatic refrigeration or any other apparatus utilizing an open-flame light or an internal combustion engine in its operation.

(x) Car containing lighted heaters, stoves, or lanterns, except when occupied by gas handlers or authorized personnel accompanying shipment.

(xi) Car loaded with live animals or fowl, occupied by an attendant.

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Subpart B—Loading and Unloading

In § 77.840 amend paragraph (c) (26 F.R. 12705, Dec. 29, 1961) to read as follows:

§ 77.840 Compressed gases.

. . . . . .

(c) Tanks complying with ICC–106A or ICC–110A (§§ 78.275, 78.276, 78.278, 78.293 or § 78.295 of this chapter) specifications used for the transportation of compressed gases and flammable liquids as authorized in §§ 73.314(a) Note 12, 73.134(a)(2), and 73.148(a)(4) of this chapter may be transported in a combination of vehicles as follows: (1) in or on a truck and in or on one semitrailer or one full trailer attached thereto, with no other trailer included in the combination, (2) in or on a semitrailer attached to a truck-tractor and in or on a full trailer attached thereto, with not more than one semitrailer and one full trailer in the combination, provided adequate facilities are present for handling tanks where transfer in transit is necessary. Tanks must be securely chocked or clamped thereon to prevent shifting. As used herein a full trailer includes a semitrailer equipped with a front axle dolly. Each full trailer used in any of the above combinations, in or on any vehicle of which combination any such tank is transported, must have a wheel base of at least 184 inches. See § 74.560 of this chapter for rail freight-motor vehicle shipments.

In § 77.841 amend paragraph (c) Note 1 (18 F.R. 5274, Sept. 1, 1953) to read as follows:

§ 77.841 Poisons.

. . . . . .

(c) • • •

NOTE 1: Tanks complying with ICC–106A (§ 78.275 of this chapter) specification containing nitrogen dioxide, liquid, nitrogen peroxide, liquid, nitrogen tetroxide, liquid, phosgene, or nitrogen tetroxide-nitric oxide mixtures containing up to 33.2 percent weight nitric oxide may be transported in or on motor vehicles and in the manner authorized in § 77.840(c), provided adequate facilities are present for handling tanks where transfer in transit is necessary. Tanks must be securely chocked or clamped thereon to prevent shifting.

. . . . . .

PART 78—SHIPPING CONTAINER SPECIFICATIONS

Subpart C—Specifications for Cylinders

In § 78.50–5 amend paragraph (a) (15 F.R. 8403, Dec. 2, 1950) to read as follows:

§ 78.50 Specification 4B; welded and brazed steel cylinders.

§ 78.50–5 Steel.

(a) Open-hearth, electric or basic oxygen process steel of uniform quality. Content percent for the following not over: Carbon, 0.25; phosphorus, 0.045; sulphur, 0.050.

In § 78.51–17 amend the heading and paragraph (a) to read: "Tests of welds. (Does not apply to brazed seams.)"; redesignate paragraphs (b), (c), and (d) as paragraphs (a), (b), and (c) respectively (15 F.R. 8406, Dec. 2, 1950) (25 F.R. 10400, Oct. 29, 1960).

In § 78.53–5 amend paragraph (a); in paragraph (a) table add the column headed "316 (percent)" under heading "Stainless steels"; in § 78.53–9 amend paragraph (a) (15 F.R. 8412, Dec. 2, 1950) to read as follows:

§ 78.53 Specification 4D; inside containers, welded steel for aircraft use.

§ 78.53–5 Steel.

(a) Open-hearth or electric steel of uniform and weldable quality. Content percent for the following not over: Carbon, 0.25; phosphorus, 0.045; sulphur, 0.050, except that the following steels commercially known as 4130X, Type 304, 316, 321, and 347 stainless steels may be used with proper welding procedure and complying with the following analyses:

(No change in 4130X)

	Stainless steels—316 (percent)
Carbon (maximum)	0.08
Manganese (maximum)	2.00
Phosphorus (maximum)	.045
Sulfur (maximum)	.030
Silicon (maximum)	1.00
Nickel	10.0/14.0
Chromium	16.0/18.0
Molybdenum	2.0/3.0
Titanium	
Columbium	

(No change in footnotes.)

§ 78.53–9 Wall thickness.

(a) The wall stress at minimum test pressure shall not exceed 24,000 pounds per square inch, except where steels commercially known as 4130X, Type 304, 316, 321, and 347 stainless steels are used, stress at test pressures shall not exceed 37,000 pounds per square inch. Minimum wall 0.040 inch for any diameter container.

In § 78.58–5 amend the introductory text of paragraph (a) (21 F.R. 7608, Oct. 4, 1956) to read as follows:

§ 78.58 Specification 4DA; inside containers, welded steel for aircraft use.

§ 78.58–5 Steel.

(a) Open-hearth or electric steel of uniform quality. The following chemical analyses are authorized (see Note 1):

(No change in Table and Note 1.)

In § 78.59–4 amend paragraph (a) and Note 1 (15 F.R. 8420, Dec. 2, 1950) to read as follows:

§ 78.59 Specification 8; steel cylinders with approved porous filling for acetylene.

§ 78.59–4 Steel.

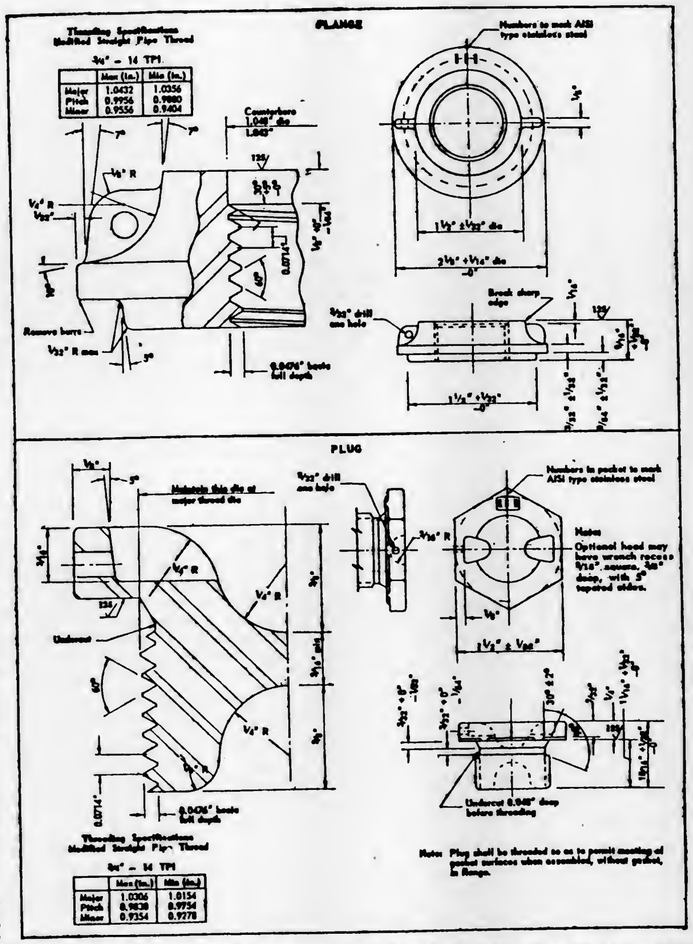
(a) Open-hearth, electric or basic oxygen process steel of uniform quality. Content percent for the following not over: carbon, 0.25; phosphorus, 0.045; sulphur, 0.050.

NOTE 1: Because of the present emergency and until further order of the Commission, the use of open-hearth or electric steel commercially known as 4130X is authorized for the fabrication of cylinders with dip-brazed bottoms and with spuds for fittings in ends of cylinders attached by brazing.

Subpart D—Specifications for Metal Barrels, Drums, Kegs, Cases, Trunks and Boxes

§§ 78.81–9, 78.83–9, 78.88–8, 78.90–8 [Amendments].

In § 78.81–9 (Spec. 5A steel barrels or drums) add paragraph (d)(1) drawing; in § 78.83–9 (Spec. 5C steel barrels or drums) add paragraph (d)(1)(i) drawing; in § 78.88–8 (Spec. 5K nickel barrels or drums) add paragraph (d)(1)(i) drawing; in § 78.90–8 (Spec. 5M monel drums) add paragraph (d)(1)(i) drawing (27 F.R. 3430, 3431, April 11, 1962) as follows:



In § 78.115–6 amend paragraph (a) table and add Footnote 3 thereto (22 F.R. 3929, June 5, 1957) to read as follows:

§ 78.115 Specification 17C; steel drums.

§ 78.115–6 Parts and dimensions.

(a) • • •

Marked capacity not over (gallons)	Type of contdner	Minimum thickness, uncoated sheets (gauge)		Rolling hoops		
		Body sheet	Head sheet	Type	Minimum Size (gauge or inch)	Minimum Weight (pounds per foot)
(*Change*)						
5 [3].....	Straight side.....	[3] 24	[3] 24	None.....	.....	.....

. . . . . .

[3] A drum of 5¼ gallons marked capacity is authorized for shipment of the commodity specified in § 73.353(d) of this chapter.

In § 78.131–5 amend paragraph (a); in § 78.131–6 amend paragraph (a) table and paragraph (b) table; in § 78.131–8 amend paragraph (a) (20 F.R. 4419, June 23, 1955) (26 F.R. 1018, Feb. 2, 1961) (22 F.R. 2234, April 4, 1957) to read as follows:

§ 78.131 Specification 37A; steel drums.

§ 78.131–5 Seams.

(a) Side seams must be welded; or locked and soldered when 28-gauge tin plate is used for containers of 2-gallon capacity or less.

§ 78.131–6 Capacities, weights, type, and gauges.

(a) • • •

Marked capacity not over (gallons)	Authorized gross weight not over (pounds) [1]	Type of container	Minimum thickness, uncoated sheets [1] (gauge)		Minimum ring gauge bolted type [2]
			Body sheet [3,4]	Head sheet [4,5]	
(*Add*)					
2	40	Straight side	28	28	Lug.

(No change in footnotes.)

• • • • • •

(b) • • •

Gauge No.	Nominal thickness [1] (inch)	Minimum thickness [1] (inch)
(*Add*)		
28	0.0149	0.0129

(No change in footnote.)

§ 78.131–8 Defective containers.

(a) Defective containers to be repaired by method used in constructing container. Soldering not authorized, except for tin plated steel as authorized by § 78.131–5.

Subpart H—Specifications for Portable Tanks

In § 78.245–1 amend paragraph (a) (26 F.R. 4999, June 6, 1961) to read as follows:

§ 78.245 Specification 51; steel portable tanks.

§ 78.245–1 Requirements for design and construction.

(a) Tanks shall be of seamless or welded steel construction or combination of both and shall have in excess of 1,000 pounds water capacity. Fusion-welded tanks shall be stress-relieved and radiographed to provide the highest joint efficiency provided by the Code. Tanks shall be designed and constructed in accordance with and fulfill the requirements of (1) the 1950 edition, (2) 1952 edition, (3) 1956 edition, or (4) 1959 edition of Section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code; no revisions except to include ASME Case Interpretation Nos. 1056–4 and 1204–8 and all addendas through the 1961 Addenda issued July 15, 1961 (any or all of which hereinafter referred to as "the Code").

In § 78.250–2 add paragraph (f) (20 F.R. 955, Feb. 15, 1955) to read as follows:

§ 78.250 Specification 55; metal-encased, lead or uranium metal-shielded, radioactive materials container.

§ 78.250–2 Requirements for design and construction.

• • • • • •

(f) Containers constructed with tubing for drainage purpose must have the opening exterior to the shipping container plugged or capped. Drain lines must be plugged or capped with a material which will have a melt-point at or below that of lead, for example, lead, hard rubber or plastic.

Subpart I—Specifications for Tank Cars

In § 78.303–3 cancel paragraph (a) (1) (25 F.R. 10410, Oct. 29, 1960) as follows:

§ 78.303 Specification ICC–111A100–W–1; fusion-welded steel tanks, or ICC–111A100–F–1, forge-welded steel tanks fabricated by conversion from existing ICC–105A300, 400, or 500 series tanks to be mounted on or forming part of a car.

§ 78.303–3 Thickness of plates.

(a) • • •

(1) [Canceled]

In § 78.304–3 cancel paragraph (a) (1) (25 F.R. 10411, Oct. 29, 1960) as follows:

§ 78.304 Specification ICC–111A100–W–2; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.304–3 Thickness of plates.

(a) • • •

(1) [Canceled]

In § 78.305–3 cancel paragraph (a) (1); in § 78.305–19 amend paragraph (a) (25 F.R. 10411, Oct. 29, 1960) (22 F.R. 4805, July 9, 1957) to read as follows:

§ 78.305 Specification ICC–111A100–W–3; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.305–3 Thickness of plates.

(a) • • •

(1) [Canceled]

§ 78.305–19 Vacuum breaker.

(a) To prevent pressure reduction of more than 1½ pounds per square inch below atmospheric pressure, when unloading a tank with a closed manway cover, or from drop in temperature with a subsequent shrinkage of lading, each tank may be equipped with a valve of approved design.

In § 78.306–3 cancel paragraph (a) (1) (25 F.R. 10411, Oct. 29, 1960) as follows:

§ 78.306 Specification ICC–111A100–W–4; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.306–3 Thickness of plates.

(a) • • •

(1) [Canceled]

In § 78.309–3 cancel paragraph (a) (1) (23 F.R. 7663, Oct. 3, 1958) as follows:

§ 78.309 Specification ICC–111A100–W–5; acid resistant lined fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.309–3 Thickness of plates.

(a) • • •

(1) [Canceled]

In § 78.310–3 cancel paragraph (a) (1); in § 78.310–19 amend paragraph (a) (25 F.R. 10412, Oct. 29, 1960) (24 F.R. 3605, May 5, 1959) to read as follows:

§ 78.310 Specification ICC–111A60AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.310–3 Thickness of plates.

(a) • • •

(1) [Canceled]

§ 78.310–19 Vacuum breaker.

(a) To prevent pressure reduction of more than 1½ pounds per square inch below atmospheric pressure, when unloading a tank with a closed manway cover, or from drop in temperature with subsequent shrinkage of lading, each tank may be equipped with a valve of approved design.

In § 78.311–3 cancel paragraph (a) (1); in § 78.311–19 amend paragraph (a) (25 F.R. 10412, Oct. 29, 1960) (24 F.R. 3607, May 5, 1959) to read as follows:

§ 78.311 Specification ICC–111A100–W–6; fusion-welded alloy steel tanks to be mounted on or forming part of a car.

§ 78.311–3 Thickness of plates.

(a) • • •

(1) [Canceled]

§ 78.311–19 Vacuum breaker.

(a) To prevent pressure reduction of more than 1½ pounds per square inch below atmospheric pressure, when unloading a tank with a closed manway cover, or from drop in temperature with subsequent shrinkage of lading, each tank may be equipped with a valve of approved design.

Subpart J—Specifications for Containers for Motor Vehicle Transportation

In § 78.331–8 amend paragraph (a) (26 F.R. 2520, Mar. 24, 1961) to read as follows:

§ 78.331 Specification MC 311; cargo tanks constructed of ferrous metals or aluminum, primarily for the transportation of corrosive liquids.

§ 78.331–8 Outlets.

(a) *Outlet construction.* No cargo tank, except those used for shipments of sludge acid or alkaline corrosive liquids, shall have bottom discharge outlets; outlets leaving the cargo tank at or near the top but having the end of the outlet below the top liquid level shall not be considered as bottom outlets but such outlets must be equipped with a shut-off valve at the point of outlet from the cargo tank and a shut-off valve or a blank flange or screw-on cap at the discharge end of the outlet, and must not be moved with any of the contents in the line beyond the point where it leaves the cargo tank. The valve at the tank shall be protected against damage in the event of overturn. Cargo tanks used for the transportation of sludge acid and/or alkaline corrosive liquids may be equipped with bottom outlets when the products to be transported are too viscous to be unloaded through a dome connection or top outlet.

In § 78.336–1 amend paragraph (a) (26 F.R. 5002, June 6, 1961) to read as follows:

§ 78.336 Specification MC 330; cargo tanks constructed of steel, primarily for transportation of compressed gases.

§ 78.336–1 General requirements.

(a) *Code construction.* Tanks shall be of seamless or welded steel construction or combination of both and shall be designed and constructed in accordance with and fulfill the requirements of (1) the 1950 edition, (2) 1952 edition, (3) 1956 edition, or (4) 1959 edition of Section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code; no revisions except to include ASME Case Interpretation Nos. 1056–4 and 1204–8 and all addendas through the 1961 Addenda issued July 15, 1961 (any or all of which hereinafter referred to as "the Code").

(No change in Exception.)

[F.R. Doc. 62–6938; Filed, July 16, 1962; 8:48 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Commerce

Effective upon publication in the FEDERAL REGISTER, paragraph (h) (13) of § 6.112 is amended as set out below.

§ 6.112 Department of Commerce.

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(h) *Maritime Administration.* • • •

(13) U.S. Merchant Marine Academy, positions of: Professors, instructors, and teachers; including Heads of the Departments of Physical Training and Athletics, Ships Medicine, Ship Management, History and Languages, Mathematics and Science, Nautical Science and Engineering; Academy Training Representatives; the Regimental Officer; the Drill and Activities Officers; the Band and Activities Officer; and the First, Second, and Third Battalion Officers.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62–6944; Filed, July 16, 1962; 8:49 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1962 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Rice]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1962-Crop Rice Loan and Purchase Agreement Program

A price support program has been announced for the 1962 crop of rice. The 1962 C.C.C. Grain Price Support Bulletin 1 (27 F.R. 4411) issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1962 is supplemented as follows:

Sec.
421.1501 Purpose.
421.1502 Availability of price support.
421.1503 Cooperative marketing associations.
421.1504 Eligibility requirements.
421.1505 Eligible rice.
421.1506 Determination of quality.
421.1507 Determination of quantity.
421.1508 Warehouse receipts.
421.1509 Warehouse charges.
421.1510 Maturity of loans.
421.1511 Settlement.
421.1512 Support rates.

AUTHORITY: §§ 421.1501 to 421.1512 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, as amended, 1054; sec. 302, 72 Stat. 988; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 421.1501 Purpose.

Sections 421.1501 to 421.1512 state additional specific requirements which, together with the general regulations contained in the 1962 C.C.C. Grain Price Support Bulletin 1 (§§ 421.1101 to 421.1132) (27 F.R. 4411) and any amendments thereto, apply to loans and purchase agreements under the 1962-Crop Rice Price Support Program.

§ 421.1502 Availability of price support.

(a) *Area.* Price support will be available through farm-storage and warehouse-storage loans and purchase agreements on eligible rice produced in the States of Arizona, Arkansas, California, Florida, Illinois, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee and Texas. Farm-storage loans will not be available in areas in the above named States where the State committee determines that rice cannot be safely stored on the farm.

(b) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm program records for the farm. An eligible cooperative marketing association of producers must make application at the county committee office for the county in which the principal office of the association is located unless the State committee designates some other county ASCS office. An application may be submitted only after the association has been determined to be an eligible association under § 421.1503.

(c) *When to apply.* Loans and purchase agreements will be available from harvest through January 31, 1963, and the applicable documents must be signed by the producer and delivered to the office of the county committee not later than such date.

§ 421.1503 Cooperative marketing associations.

A cooperative marketing association which satisfies the requirements of this section shall be deemed an eligible producer and shall be eligible for price support on eligible rice through warehouse-storage loans and purchase agreements: *Provided,* That warehouse-storage loans may be made to an association which tenders to CCC warehouse receipts issued by it on its own rice only in those States where the issuance and pledge of such warehouse receipts are valid under State law. Applications for determination of eligibility shall be submitted to the State committee of the State where the association's principal office is located no later than December 1, 1962.

(a) *Producer-owned and controlled.* The association must be a producer-owned cooperative marketing association of producers under the control of its producer-members. The association shall submit with its application a brief statement of its method of operations showing the manner in which producer-members have control of the association.

(b) *Articles or by-law provisions.* The articles of incorporation or association, or by-laws of the association, must provide for: (1) an annual membership meeting at a location which will provide reasonable opportunity for all members to attend and participate, (2) a notice of all district, area, or annual meetings to be given to all members affected by such meetings, (3) membership in the association to be open to all farmer-produc-

ers of rice except that producers may be denied membership on a reasonable basis, including among other reasons, that the membership of the farmer producer would be inimical to the effective operation of the association, (4) voting on election of officers and directors by secret ballot, (5) a single vote for each member, regardless of the number of shares of stock owned or controlled by him, or voting rights for each member based on his production of rice marketed by the association during the current year or a single preceding year, but whichever of the above described methods of voting is practiced, it shall be uniform for all members of the association, and (6) each member receiving a summary financial statement prepared by the independent accountant who made the annual audit of the association.

(c) *Financial condition.* The association must submit with its application evidence establishing to the satisfaction of the Executive Vice President, CCC, that its operation is on a financially sound basis. The association must have been in existence and conducting legitimate marketing operations for its producer-members for a period of not less than two years prior to the date of its application or submit evidence that it is so organized and staffed so as to provide effective marketing operations for its producer-members.

(d) *Conflict of interest.* The association must submit with its application a detailed report concerning all transactions for the year preceding the date of the application: (1) with any director, officer, or employee of the association and any of his close relatives, (2) with any partnership in which any such person and his close relatives are entitled to receive more than 5 percent of the gross profits, (3) with any corporation in which any such person and his close relatives own more than 5 percent of the stock, (4) with any business entity from which any such person or any of his close relatives received fees for transacting business with or on behalf of the association, or (5) with any business entity in which an agent, director, officer or employee of the association was an agent, director, officer or employee of such business entity. A close relative shall be deemed to refer to a husband or a wife or a person related as child, parent, brother, or sister by blood, adoption, or marriage and shall include in-laws within such categories of relationship. The report shall include, but is not limited to, transactions involving purchases, sales, processing, handling, marketing, transportation, warehousing, insurance and related activities, but not transactions which are no different than those entered into by the association with its general membership. A statement must also be submitted indicating whether any transactions of the kind described in this paragraph (d) are contemplated in the period between the date of the application and August 1, 1963, and if such transactions are contemplated, a detailed statement of the reasons therefor. The association shall not be eligible for price support unless it establishes to the satisfaction of the Executive Vice President, CCC, that any such transactions in the year preceding the date of application or in the period beginning with the date of application and ending on August 1, 1963, have not and will not operate to the detriment of members of the association.

(e) *Uniform marketing agreement.* All eligible rice delivered to the association by producer-members must be marketed through the association pursuant to a uniform marketing agreement between the association and each of its producer-members who deliver such eligible rice.

(f) *Non-member business.* Not less than 80 percent of the rice marketed by the association must be produced by its producer-members.

(g) *Vested authority.* The association must have authority to obtain a loan on the security of the rice and give a lien thereon as well as authority to sell such rice.

(h) *Records maintained.* The association must maintain a record by varieties, grades, and milling yields of the quantities of rice eligible for price support acquired by or delivered to the association from each source, and such record must show the disposition of the rice. Similar records must be maintained separately for rice not eligible for price support.

(i) *Segregated storage.* Before applying for rice price support or December 1, 1962, whichever is earlier, the association must set aside in physically segregated storage separate from all other rice a quantity of each variety of rice of the 1962-crop equivalent in quantity and quality to the eligible rice of the 1962-crop which was delivered by eligible producer-members and which remains undisposed of in its inventory at the time of such segregation. Such segregated rice shall be considered as eligible rice. Eligible rice which is received by the association on or after the date of such segregation shall also be set aside in physically segregated storage and may be included with quantities of eligible rice previously segregated. Price support may be obtained only on the quantity of eligible rice, segregated in accordance with this paragraph (i).

(j) *Distribution of proceeds.* Proceeds from the disposition of all rice eligible for price support disposed of by marketing or by delivery to CCC shall be distributed only to the eligible producer-members who delivered such eligible rice to the association and only on the basis which results in the proceeds being distributed proportionately to such producer-members according to the quantity and quality of such eligible rice delivered by each eligible producer-member. This provision shall not be construed to prohibit the association from establishing separate pools and distributing the proceeds proportionately to the producer-members whose rice is included in each pool.

(k) *Inspection by CCC.* Rice held by the association must be available for inspection by CCC at all reasonable times as long as the association has rice under price support. The books and records of the association must be available to CCC for inspection at all reasonable times through May 1, 1968.

(l) *Member associations.* Notwithstanding the requirements of paragraph (a) of this section, a cooperative marketing association which includes in its membership other cooperative marketing associations composed of producer-members, shall be eligible for price support if its member associations meet the requirements for price support under this section. The requirements in paragraph (g) of this section shall be deemed to be satisfied if such member associations have the right to deliver rice of their producer-members to the association applying for price support and to authorize such association to sell the rice and to obtain a loan on the security of the rice and to give a lien thereon. The association applying for price support shall: (1) in its charter, by-laws, marketing contracts or by other legal means require that its member association meet such requirements for price support, (2) submit the material and certifications required by paragraphs (c) and (d) of this section with respect to each member association, (3) certify to CCC that its member associations are in fact eligible for price upport under the requirements of this section, and (4) except for the requirement that it consist of producers, otherwise qualify for price support under this section.

(m) *Eligibility determinations.* Determinations with respect to the eligibility of cooperative marketing associations of producers under this section for either warehouse-storage loans or purchase agreements, or both, shall be made by the Executive Vice President, CCC.

(n) *Investigations.* The Commodity Credit Corporation shall have the right at any time after an application is received to examine all records and make such investigations deemed necessary to determine whether the cooperative is operating in accordance with its articles of incorporation, by-laws, agreements with producers or member associations and with representations made in its application.

§ 421.1504 Eligibility requirements.

(a) *Beneficial interest.* To be eligible for price support, the beneficial interest in the rice must be in the producer tendering the rice for loan or for delivery under a purchase agreement and must always have been in him or in him and a former producer whom he succeeded before it was harvested. In the case of cooperative marketing associations, the beneficial interest in the rice must have been in the producer-members who delivered the rice to the association or to member associations meeting the requirements of § 421.1503 and must always have been in them or in them and former producers whom they succeeded before the rice was harvested. Rice acquired by a cooperative marketing association shall not be eligible for price support if the producer-members who delivered the rice to the association or to a member association do not retain the right to share proportionately in the proceeds from the marketing of the rice as provided in § 421.1503(j). Rice acquired other than from producer-members and member associations is not eligible for price support. Any producer or association in doubt as to whether his interest in the rice complies with the requirements of this paragraph (a) should make available to the county committee prior to filing an application, all pertinent information which will permit a determination to be made by CCC.

(b) *Succession of interest.* To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the rice was produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

§ 421.1505 Eligible rice.

The rice must meet all of the applicable requirements of this section, in addition to other applicable requirements of the program, in order to be eligible for a loan, for delivery under a loan, and for purchase under a purchase agreement.

(a) *Production.* The rice must have been produced in one of the States listed in § 421.1502 in 1962 by an eligible producer.

(b) *Bagged or bulk.* Rice may be either in bags or in bulk when a loan is obtained or when rice is purchased under a purchase agreement.

(c) *Classes.* The rice must be of one of the classes within the Official Standards of the United States for Rough Rice other than "mixed rough rice."

(d) *Grade requirements.* Rice, at the time it is placed under loan or purchased under a purchase agreement must (1) grade U.S. No. 5 or better (rice of special grades shall not be eligible rice); (2) contain not more than 14 percent moisture.

(e) *Poisonous substances.* The rice must not contain mercurial compounds or other substances poisonous to man or animals.

(f) *Waiting period.* If offered as security for a farm-storage loan, the rice must have been in store for at least 30 days prior to inspection, measurement, sampling, and sealing, unless otherwise approved by the State committee.

(g) *Acquisition under loans.* Only rice covered by the loan documents is eligible for delivery under a farm-storage loan.

§ 421.1506 Determination of quality.

(a) *Quality.* The class, grade, grading factors, milling yield and all other quality factors shall be determined in accordance with the methods set forth in the Official Standards of the United States for Rough Rice, whether or not such determinations are made on the basis of an official inspection.

(b) *Loans.* Loans, in the case of commingled rice, will be made on the quality shown on the warehouse receipt or supplemental certificate. In all other cases, loans will be made on the basis of quality shown on the official Federal or Federal-State sampling inspection certificate, based on a representative sample drawn by the county committee for each lot of rice at the time application is made for the loan to the producer. Sample inspection fees incurred by the county committee in connection with the making of loans will be for the account of CCC.

§ 421.1507 Determination of quantity.

(a) *In warehouse.* The quantity of rice on which a warehouse-storage loan shall be made and the quantity of rice delivered to or acquired by CCC in an approved warehouse under a farm-storage loan or purchase agreement shall be the weight specified on the warehouse receipt or on the supplemental certificate, if applicable.

(b) *On farm.* The quantity of rice placed under farm-storage loan may be determined either by weight or by measurement expressed in units of 100 pounds rounded to the nearest whole unit.

(c) *Bagged or bulk.* In determining the quantity of bagged rice by weight, the gross weight, including bags, shall be used. When necessary to convert bagged rice to a bulk basis or bulk rice to a bagged basis, an adjustment of 0.6 pound for 100 pounds of gross weight shall be made as allowance for the weight of the bag.

(d) *Adjustment for test weight.* When the quantity of rice is determined by measurement, 100 pounds shall be 2.78 cubic feet of rice testing 45 pounds per bushel. The quantity determined for rice of a different test weight shall be adjusted by the applicable percentage in the following table:

For rice testing:	Percent
45 pounds or over	100
44 pounds or over, but less than 45 pounds	98
43 pounds or over, but less than 44 pounds	96
42 pounds or over, but less than 43 pounds	93
41 pounds or over, but less than 42 pounds	91
40 pounds or over, but less than 41 pounds	89

The percentages shall be proportionately lower for rice testing below 40 pounds.

(e) *Safety margin.* A 5 percent safety factor shall be deducted from the total quantity of rice offered for loan as determined in accordance with this section, except that, in the case of commingled rice, loans will be made on the entire quantity shown on the warehouse receipt or supplemental certificate.

§ 421.1508 Warehouse receipts.

Warehouse receipts representing rice in approved warehouse storage, placed under a warehouse-storage loan, delivered in satisfaction of a farm-storage loan, or purchased under a purchase agreement must meet the requirements of this section. To meet these price support requirements rice may be stored commingled, modified-commingled or identity preserved.

(a) *Manner of issuance and endorsement.* Warehouse receipts presented for warehouse-storage loans must be issued in the name of the eligible producer and for deliveries under farm-storage loans or purchase agreements, in the name of such producer or CCC, and must be properly endorsed in blank when issued in the name of the eligible producer so as to vest title in the holder. Receipts must be issued by a warehouse for which a Uniform Rice Storage Agreement is in effect and which is approved by CCC for price support purposes. The receipts must be negotiable, must cover eligible rice actually in store in the warehouse and must clearly indicate whether the rice is stored in bulk or in bags, and whether the rice is to be delivered in bulk or in bags. Under the Uniform Rice Storage Agreement, the warehouseman guarantees the quantity and quality of the rice unless the warehouse receipts or accompanying supplemental certificates state that the rice is stored "identity preserved" or "modified commingled." In the case of rice stored identity preserved, the warehouseman is not a guarantor but is required to load out the identical rice for which the warehouse receipt was issued. In the case of rice stored modified commingled, the warehouseman guarantees quantity but not quality and the rice is stored in one lot, the identity of which the warehouseman is required to maintain. The warehouse receipts or accompanying supplemental certificates representing rice stored modified commingled shall contain the following statement:

> Modified commingled means the storage or handling of rice in bulk or in bags by commingling in one lot rice of a single class and of a similar grade and quality, in such manner that rice actually deposited in that lot prior to a sample being drawn for quality determination, and no other, may be delivered to the holder of each warehouse receipt issued with respect to such rice.

(b) *Entries for weight and grade.* Each warehouse receipt, inspection certificate or warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show: (1) Gross and net weight, (2) variety, (3) grade, (4) grade factors, (5) milling yield, (6) moisture, (7) method of storage, and (8) manner in which rice will be delivered (bulk or bag) and manner by which rice was received. When required, the supplemental certificate (completed for all items) shall be executed by the warehouseman for commingled rice, by the warehouseman and producer for modified-commingled rice and by the producer for identity-preserved rice. A separate warehouse receipt must be submitted for each class or variety, grade, and milling yield of rice.

(c) *Warehouseman endorsement.* Warehouse receipts covering eligible rice in an approved warehouse which is to be placed under warehouse-storage loan or acquired by CCC under purchase agreement must carry an endorsement by the warehouseman in substantially the following form:

> Warehouse charges through (insert the applicable maturity date for loans for the State where stored), including, but not lim-

ited to, receiving and loading out charges accrued or to accrue, and all other charges incident to the acquisition of the rice by CCC, on the rice represented by this warehouse receipt have been paid or otherwise provided for and a lien for such charges will not be claimed by the warehouseman from CCC or any subsequent holder of the warehouse receipt. If the rice represented by this warehouse receipt is to be loaded out in bags, the warehouseman agrees that any and all right, title, and interest which he has in such bags shall pass at the time the rice is loaded out, if the rice is not in bags at the time of acquisition by CCC.

(d) *Where warehouseman is also owner.* If the receipt is issued for rice of which the warehouseman is the owner either solely, jointly or in common with others, the fact of such ownership shall be stated on the receipt. Such receipts shall also be registered or recorded with appropriate State or local officials when required by State law. In States where the pledge of warehouse receipts by a warehouseman on his own rice is not valid under State law and the warehouseman elects to deliver rice to CCC under a purchase agreement for which he is eligible under the program, the warehouse receipt shall be issued in the name of CCC.

(e) *Insurance.* Each warehouse receipt or accompanying supplemental certificate representing rice stored in an approved warehouse operating under the Uniform Rice Storage Agreement shall state that rice is insured by the warehouseman at the full market value against loss or damage by fire, lightning, inherent explosion, windstorm, cyclone and tornado, except that, insurance on identity-preserved rice must be obtained by either the producer or the warehouseman. If the insurance on identity-preserved rice is obtained by the producer, it must be assigned to the warehouseman, with the consent of the insurance company, before a loan will be made and the warehouseman must also certify that the insurance has been assigned to him with the consent of the insurance company. The cost of such insurance shall not be for the account of CCC. Insurance is not required in order for rice represented by warehouse receipts to be purchased under the purchase agreement program.

(f) *Shrinkage factor.* The warehouse receipt shall not contain any statement indicating that the quantity is subject to a shrinkage factor.

§ 421.1509 Warehouse charges.

(a) *Farm-stored loans and purchase agreements.* CCC will assume receiving and warehouse-storage charges on rice delivered to an approved warehouse after loan maturity date and acquired by CCC in satisfaction of a (1) farm storage loan or (2) purchase agreement, except that, warehouse storage charges will be assumed by CCC only from and after the date of completion of deposit of such rice in the warehouse.

(b) *Warehouse-stored loans and purchase agreements.* CCC will assume warehouse-storage charges accruing on and after the day following the loan maturity date on rice which is in approved warehouse storage under loan or purchase agreement on the maturity date for loans and is acquired by CCC.

(c) *Fees.* Fees for inspection and weighing and any special charges assessed by the warehouseman shall not be for the account of CCC.

§ 421.1510 Maturity of loans.

Unless demand is made earlier, loans on rice will mature on April 15, 1962.

§ 421.1511 Settlement.

Settlement for eligible rice acquired by CCC under loan or purchase agreement will be made with the producer as provided in this section. The support rate per hundredweight at which settlement will be made for eligible rice shall be determined under the applicable provisions of § 421.1512 and this section. Where rice placed under a farm-storage loan in an area where a location differential is in effect is delivered to CCC in satisfaction of the loan in an area where no differential is applicable, settlement will be made on the basis of the support rate for the area where the rice is delivered. Deliveries of rice sold under purchase agreements shall be in accordance with instructions issued by the county office. Rice purchased under a purchase agreement shall be paid for by sight draft drawn on CCC and the producer shall indicate on commodity purchase Form 4 to whom payment shall be made.

(a) *Commingled warehouse storage.* Settlement for eligible rice stored commingled in an approved warehouse and acquired by CCC under loan or purchase agreement shall be made on the basis of the class, variety, grade, quality and quantity as shown on the warehouse receipt or supplemental certificate if applicable. Settlement shall also be made on such a basis (1) where the warehouseman issues a commingled warehouse receipt with the consent of the producer for delivery of rice from farm-storage or from identity-preserved or modified-commingled warehouse storage and (2) where CCC determines that a warehouseman failed to maintain the identity of rice covered by an identity-preserved warehouse-storage loan or modified-commingled warehouse-storage loan. In the case of purchase agreements, the producer shall, not later than the day following the final date for delivery, or during such other period of time thereafter as may be specified by the county office, submit to the county office warehouse receipts under which the warehouseman guarantees the class, variety, grade, quality and quantity of rice sold to CCC.

(b) *Modified commingled.* Settlement for eligible rice stored modified commingled in an approved warehouse and acquired by CCC under loan or purchase agreement shall be made on the basis of the class, variety, grade and quality shown on Federal or Federal-State lot inspection certificates and on the basis of the quantity shown on the warehouse receipt or supplemental certificate if applicable. The producer shall within 10 days after the applicable maturity date with respect to rice under loan and at the time of sale under a purchase agreement furnish to the county office such Federal or Federal-State lot inspection certificates dated not earlier than 30 days prior to the applicable maturity date covering the rice. The cost of such certificates shall not be for the account of CCC. CCC will accept modified-commingled warehouse receipts under the purchase agreement program only when the entire quantity of rice in the modified-commingled lot against which the warehouse receipts were issued is delivered to CCC in a single unit. Otherwise, rice so stored must be removed from such storage and, if the producer desires to deliver less than the quantity originally specified on the warehouse receipt, such rice must be removed from the modified-commingled lot and a new warehouse receipt issued by an approved warehouse for the quantity to be sold.

(c) *Other storage.* Settlement for eligible rice acquired under loan or purchase agreement not covered by paragraph (a) or (b) of this section shall be made on the basis of the class, variety, grade and quality shown on Federal or Federal-State lot inspection certificates and on the basis of the quantity shown on official weight certificates. All such certificates shall be dated not earlier than 30 days prior to the applicable maturity date. The cost of such certificates shall not be for the account of CCC. In the case of rice stored in other than approved warehouse storage acquired by CCC under loan or purchase agreements or rice stored identity preserved in approved warehouse storage acquired by CCC under purchase agreement, the producer shall furnish such certificates to the county committee at the time of delivery or sale. In the case of rice stored identity preserved in approved warehouse storage acquired by CCC under loan, the producer shall furnish such certificates to the county committee within 10 days after the loan maturity date.

(d) *Bagged or bulk rice*—(1) *Farm storage.* Settlement with respect to farm-stored rice acquired by CCC from loan or purchase agreement shall be on the basis of weight. The weight of bulk rice will be the net weight, the weight of bagged rice will be the combined net weight of the rice and the weight of the bags and title to the bags will pass to CCC with the rice. CCC shall not otherwise pay any amounts representing the value of the bags.

(2) *Warehouse stored.* Rice acquired by CCC in approved warehouse storage shall be on a bagged or bulk basis in accordance with the manner in which the rice is to be loaded out by the warehouseman as indicated on the warehouse receipt. The quantity for settlement purposes shall be the net weight when the rice is acquired in bulk and the combined net weight of the rice and the weight of the bags where the warehouse receipt indicated the rice is stored in bags. In the case of bagged rice, title to the bags shall pass to CCC at the time of load out. CCC will not otherwise pay any amount representing the value of the bags. In the event any person should successfully dispute the passing of title to the bags, the producer shall indemnify CCC for any loss sustained by reason thereof.

(e) *Inspection of purchase agreement rice.* Where the producer is required to retain the rice after maturity as outlined in paragraph (f) of this section, CCC will not assume any loss in quantity or quality of rice covered by a purchase agreement, occurring prior to delivery to CCC, except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions and CCC cannot accept delivery within the 60-day period following the applicable loan maturity date, the producer may notify the county committee at any time after such 60-day period that the rice is going out of condition or is in danger of going out of condition. Such notice must be confirmed in writing. If the county committee determines that the rice is going out of condition or is in danger of going out of condition and the rice cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county committee shall obtain an inspection and grade and quality determination. If such inspection shows the rice to be of an eligible grade, settlement when delivery is completed shall be made on the basis of such grade and quality determination or on the basis of the quantity actually delivered.

(f) *Storage payment where CCC is unable to take delivery of rice stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain rice stored in other than an approved warehouse under loan or purchase agreement for a period of 60 days after the maturity date without any cost to CCC. However, if CCC is unable to take delivery of such rice within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the rice to CCC: *Provided, however,* That a storage payment shall be paid a producer whose rice is stored in other than an approved warehouse under purchase agreement only if he had properly given notice of his intention to sell the rice to CCC and delivery cannot be accepted within the 60-day period after maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the rate for identity-preserved warehouse-stored rice as shown in the schedule of rates for the Uniform Rice Storage Agreement in effect at the time of such storage.

(g) *Settlement rate to be established.* In the case of eligible rice which had been placed under a farm-stored loan, identity-preserved warehouse loan or modified commingled warehouse loan which upon delivery is of a grade or quality as shown by an official Federal or Federal-State inspection certificate or by a commingled warehouse receipt or supplemental certificate if applicable for which no support rate has been established, the settlement value shall be the applicable basic support rate adjusted by the premiums and discounts shown in § 421.1512 to the extent they apply and in addition by the amount of market discounts, if any, as determined by the appropriate ASCS commodity office for the quality by which the commodity is lower than the quality for which such price support discounts are established: *Provided, however,* That if such rice is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price. Notwithstanding the foregoing, in no event will the settlement rate be more than the rate for the variety which would have been established under § 421.1512 by using the premiums and discounts in such section to the extent that they apply.

(h) *Refund of prepaid handling charges.* CCC will refund to the producer an amount computed at the rate of 8 cents per hundred pounds as compensation for any receiving and loading out charges paid by the producer on rice stored in an approved warehouse on or before loan maturity date and acquired by CCC in such approved storage.

(i) *Ineligible rice inadventently accepted by CCC.* In the case of: (1) Ineligible rice delivered to or acquired by CCC in connection with a loan or purchase agreement or (2) eligible rice delivered in excess of the maximum quantity stated in the purchase agreement, the settlement value shall be the market price as determined by CCC, but in no event more than the applicable support rate. If CCC sells the rice for the purpose of determining its market price, the settlement value shall be such sales price. The provisions of this paragraph do not apply to ineligible rice covered by paragraphs (j) and (k) of this section.

(j) *Fraud.* The making of any fraudulent representation by the producer in connection with settlement or deliveries under a loan shall render the producer personally liable, aside from any additional liability under criminal and civil frauds statutes, for the amount of the loan, for any additional amounts paid to the producer on the rice, and for all costs which CCC would not have incurred had it not been for the producers' fraudulent representation, together with interest at the rate of 6 percent per annum on such amounts from the date of disbursement. For the purpose of establishing any deficiency remaining due in the event the producer has made any such fraudulent representation, the value of the commodity acquired by CCC under the loan shall be the market value, as determined by CCC on the date of delivery or removal in the case of farm-storage loans or the market value of the rice as of the close of the market on the final date for repayment in the case of warehouse-storage loans, or in the case of both farm-storage and warehouse-storage loans the sales price if the rice is sold by CCC in order to determine its market value. If the producer has made a fraudulent representation in a sale under a purchase agreement or in the purchase agreement documents, he shall be personally liable, aside from any additional liability under criminal or civil frauds statutes for any loss which CCC sustains upon the rice delivered under the purchase agreement. For the purpose of this program such loss shall be deemed to be the price paid to the producer on the rice delivered under the purchase agreement plus all costs sustained by CCC in connection with the rice, together with interest at the rate of 6 percent per annum from the time of disbursement, less the market value, as determined by CCC, of the rice as of the close of the market on the date of delivery, or the sales price if the rice is sold in order to determine its market value.

(k) *Poisonous substances.* If the rice delivered to CCC contains mercurial compounds or other substances poisonous to man or animals, such rice shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such rice for the uses specified above, the settlement value shall be the market value, as determined by CCC, as of the date of delivery.

§ 421.1512 Support rates.

Basic support rates for rice will be a part of this section to be issued at a later date. The support rate for the quality of rice placed under loan or acquired under a loan or purchase agreement shall be the applicable basic support rate adjusted in accordance with the provisions of this section, and in the case of settlement of loans and purchase agreements as further provided in § 421.1511.

(a) *Basic rates.* The basic support rate per 100 pounds of rice shall be computed as follows: Multiply the yield (in pounds per hundredweight) of head rice by the applicable value factor for head rice (as shown in the table below according to class or variety). Similarly, multiply the difference between the total yield and head rice yield (in pounds per hundredweight) by the applicable value factor for broken rice. Add the results of these two computations to obtain the basic loan or purchase rate per 100 pounds of rice and express such rate in dollars and cents, rounded to the nearest whole cent.

VALUE FACTORS FOR HEAD AND BROKEN RICE [1]

Group	Rough rice class or variety	Head rice	Broken rice
I	Patna (except the variety Century Patna), and Rexoro (except the variety Rexark)		
II	Blue Bonnet, Belle Patna, Nira, and Rexark		
III	Century Patna, Toro, Fortuna, R.N., and Edith		
IV	Blue Rose (including the varieties Improved Blue Rose, Greater Blue Rose, Kamrose, and Arkrose), Calrose, Gulfrose, Lacrosse, Magnolia, Nato, Zenith, (including the varieties Gold Zenith, and Golden Rose), Prelude, and Lady Wright		
V	Pearl, Early Prolific, Calady and other varieties		

[1] The value factors will be published as an amendment to this section shortly after August 1, 1962.

(b) *Premiums and discounts.* The basic support rates determined under paragraph (a) above shall be adjusted by the following applicable premium or discount for each individual lot of rice.

	Cents per 100 pounds
(1) Premium:	
Grade U.S. No. 1	+20
Grade U.S. No. 2	+10
(2) Discounts:	
Grade U.S. No. 3	−5
Grade U.S. No. 4	−20
Grade U.S. No. 5	−40

(c) *Location differentials.* For rice produced in the following areas, discounts for location (to adjust for transportation costs of moving the rice to an area where competitive milling facilities are available) shall be applied to the basic support rate determined under paragraph (a) of this section and shall be in addition to any adjustment in accordance with paragraph (b) of this section: *Provided, however,* That if such rice is transported and stored in a rice producing area where no location differential is applicable, no deduction shall be made.

DIFFERENTIAL TABLE

Area:	*Discount per 100 pounds*
State of Florida	$0.97
States of South Carolina and North Carolina	.93
Counties of Lafayette, Little River, and Miller in Arkansas; Bowie in Texas; McCurtain in Oklahoma; and Bossier Parish in Louisiana	.425
Imperial County, California and adjacent counties in Arizona and California	.96
Counties of Holt, Lewis, Lincoln, Marion, Pike, and St. Charles in Missouri and Adams in Illinois	.575

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 12, 1962.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-6959; Filed, July 16, 1962; 8:53 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 29, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.329 (Lemon Regulation 29, 27 F.R. 6425) are hereby amended to read as follows:

(ii) District 2: 395,250 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 12, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-6935; Filed, July 16, 1962; 8:47 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS

Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. Paragraph (i) of § 103.1 *Delegations of authority* is amended to read as follows:

(i) *Immigration officer.* Any immigrant inspector, immigration patrol inspector, airplane pilot, detention guard, investigator, general attorney (nationality), trial attorney (immigration) or supervisory officer of such employees is hereby designated as an immigration officer authorized to exercise the powers and duties of such officer as specified by the Act, or this chapter.

2. The list of fees in paragraph (c) *Additional fees* of § 103.7 *Records and fees* is amended in the following respects:

(a) Item 15 which reads, "For filing petition to accord nonquota status to eligible orphan under section 4 of the Act of September 11, 1957, as amended---- $10.00," is revoked.

(b) Item 21 is amended to read as follows:

For filing application for adjustment of status under section 13 of the Act of September 11, 1957-------- $25.00

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance because the rules prescribed by the order relate to agency management and procedure.

Dated: July 11, 1962.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 62-6942; Filed, July 16, 1962; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Eligibility of Specific Bond Issues for Purchase by National Banks

Part 1, Chapter 1, Title 12, of the Code of Federal Regulations of the United States of America is hereby amended by adding new §§ 1.11 and 1.12 as follows:

§ 1.11 Georgia State authorities.

(a) *Request.* The Comptroller of the Currency has been requested to rule on whether the bonds of various public authorities created by the State of Georgia are general obligations of the State within the meaning of Paragraph Seventh of R.S. 5136 (12 U.S.C. 24).

(b) *Opinion.* The State of Georgia has created, by special acts of its General Assembly, nine public authorities for the purpose of constructing and financing public buildings, bridges, highways, and other public improvements. An Authority has the power to hold property in its own name, to construct projects on land owned by the State, to borrow money for any of its corporate purposes, and to issue its negotiable revenue bonds payable solely from earnings. It does not have the power to levy taxes nor to pledge property other than its earnings. The State Constitution authorizes the State, its institutions and political subdivisions to contract for the long-term use of the facilities of an Authority and requires that appropriations be made sufficient to satisfy the payments required by such lease rental contracts (Art. VII, sec. VI, par. I(a)). The General Assembly, in section 46 of the General Appropriations Act of 1961, has made the required appropriation for the current and future years and has provided that payments on lease rental contracts shall constitute a first charge on all such appropriations. The Supreme Court of the State of Georgia has held that payments under such leases constitute obligations of the State for the payment of which the good faith of the State is pledged.

The Constitution of the State of Georgia, however, prohibits the State from contracting debts except for purposes not here involved. A specimen bond recites that it is a special obligation of the Authority, does not constitute an indebtedness of the State and does not obligate the State to levy or pledge taxes or make any appropriation. Thus, although these bonds are to be paid from revenues which are obligations of the State of Georgia, the bonds are not obligations of the State nor of any of its political subdivisions, but special obligations of a State agency.

(c) *Ruling.* We conclude that the subject bonds are not general obligations of any state or of any political subdivision thereof, but are, however, eligible for investment by national banks within the limitations of Paragraph Seventh of R.S. 5136 (12 U.S.C. 24).

§ 1.12 New Jersey Highway Authority.

(a) *Request.* The Comptroller of the Currency has been requested to rule on whether the $40,000,000 New Jersey Highway Authority (Garden State Parkway), Junior Revenue Bonds, Series One, are eligible for investment by national banks.

(b) *Opinion.* The New Jersey Highway Authority proposes to issue $40,000,000 of revenue bonds to finance (1) a contribution to an Interstate Highway (Freeway), (2) construction of an interchange of the Garden State Parkway with the Freeway, and (3) construction of ramps and toll collection facilities in Essex County, New Jersey. Heretofore, the Authority has not been permitted to collect tolls in Essex County, the busiest section of the Garden State Parkway. Under recent legislation the Authority will be able to do so upon payment of $13,000,000 toward the cost of the Freeway.

The bonds are to be dated January 1, 1962, and will mature January 1, 1997. They are to be paid from the tolls and other revenues of the Garden State Parkway. These revenues, however, are first applied to (1) New Jersey Highway Authority State-Guaranteed Parkway Bonds, Series A and Series B, $280,750,000 due serially to 1988, and (2) New Jersey Highway Authority General Revenue Bonds, $44,320,000 due serially to 1988, and then to the subject bonds. The subject bonds are not an obligation of the State of New Jersey or any political subdivision thereof, and no taxing power is pledged to their payment. Net revenues available for debt service for the years 1958 to 1961 have exceeded the estimates projected in 1954 for these years. If the pattern continues, earnings will be sufficient to service the debt requirements.

(c) *Ruling.* We conclude that the subject bonds are eligible for investment by national banks within the limitations of Paragraph Seventh of R.S. 5136 (12 U.S.C. 24).

Dated: July 12, 1962.

JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 62-6953; Filed, July 16, 1962; 8:52 a.m.]

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. T, Supp.]

PART 220—CREDIT BY BROKERS, DEALERS AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

Maximum Loan Value; Margin Required for Short Sales

1. Effective July 10, 1962, § 220.8 (the Supplement to Regulation T) is hereby amended to read as follows:

§ 220.8 Supplement.

(a) *Maximum loan value for general accounts.* The maximum loan value of a registered security (other than an exempted security) in a general account, subject to § 220.3, shall be 50 percent of its current market value.

(b) *Margin required for short sales in general accounts.* The amount to be included in the adjusted debit balance of a general account, pursuant to § 220.3 (d)(3), as margin required for short sales of securities (other than exempted securities) shall be 50 percent of the current market value of each such security.

(c) *Retention requirement for general accounts.* In the case of a general account which would have an excess of the adjusted debit balance of the account over the maximum loan value of the securities in the account following a withdrawal of cash or securities from the account, the "retention requirement" of a registered security (other than an exempted security), pursuant to § 220.3 (b)(2), shall be 50 percent of its current market value.

2. (a) This amendment is issued pursuant to the Securities Exchange Act of 1934, particularly section 7 thereof. Its purpose is to change loan values and margin requirements in order to carry out the purposes of the Act.

(b) The notice and public procedure described in sections 4(a) and 4(b) of the Administrative Procedure Act, and the thirty day prior publication described in section 4(c) of such Act, are impracticable, unnecessary, and contrary to the public interest in connection with this amendment for the reasons and good cause found as stated in § 262.1(e) of the Board's Rules of Procedure (Part 262 of this chapter).

(Secs. 3, 7, 8, 17, 23, 48 Stat. 882, 886, 888, 897, 901, as amended; 15 U.S.C. 78c, 78g, 78h, 78q, 78w)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-6923; Filed, July 16, 1962; 8:45 a.m.]

[Reg. U, Supp.]

PART 221—LOANS BY BANKS FOR PURPOSE OF PURCHASING OR CARRYING REGISTERED STOCKS

Maximum Loan Value of Stocks

1. Effective July 10, 1962, § 221.4 (the Supplement to Regulation U) is hereby amended to read as follows:

§ 221.4 Supplement.

(a) *Maximum loan value of stocks.* For the purpose of § 221.1, the maximum loan value of any stock, whether or not registered on a national securities exchange, shall be 50 percent of its current market value, as determined by any reasonable method.

(b) *Retention requirement.* For the purpose of § 221.1, in the case of a loan which would exceed the maximum loan value of the collateral following a withdrawal of collateral, the "retention requirement" of a stock, whether or not registered on a national securities exchange, shall be 50 percent of its current market value, as determined by any reasonable method.

2. (a) This amendment is issued pursuant to the Securities Exchange Act of 1934, particularly section 7 thereof. Its purpose is to change loan values in order to carry out the purposes of the Act.

(b) The notice and public procedure described in sections 4(a) and 4(b) of the Administrative Procedure Act, and the thirty-day prior publication described in section 4(c) of such Act, are impracticable, unnecessary, and contrary to the public interest in connection with this amendment for the reasons and good cause found as stated in § 262.1(e) of the Board's rules of procedure (Part 262 of this chapter).

(Secs. 3, 7, 17, 23, 48 Stat. 882, 886, 897, 901, as amended; 15 U.S.C. 78c, 78g, 78q, 78w)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-6924; Filed, July 16, 1962; 8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 6]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Miscellaneous Amendments

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Pub. Law 85-699, 72 Stat. 694, as amended, there is amended, as set forth below, paragraph (a) § 107.102 and paragraph (c) (1) § 107.704 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations as revised in 26 F.R. 8232-8242 and amended (27 F.R. 167, 851, 1720, 3844, and 4905).

Information and effective date. There was published in the FEDERAL REGISTER on June 8, 1962 (27 F.R. 5439), a notice of intention to amend paragraph (a) § 107.102 and paragraph (c) (1) § 107.704 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations. Interested persons were given an opportunity to present their comments or suggestions pertaining thereto to the Investment Division, Small Business Administration, Washington 25, D.C., within a period of twenty-one days of the date of publication. After consideration of all such relevant matter as was presented by interested persons, paragraph (a) § 107.102 and paragraph (c) (1) § 107.704 are hereby adopted as set forth below. Because of the necessity of promptly applying the amendment to the program authorized under the Small Business Investment Act of 1958, as amended, the subject amendments shall become effective upon publication thereof in the FEDERAL REGISTER.

The Regulations Governing Small Business Investment Companies (26 F.R. 8232-8242), as amended, is hereby further amended by:

1. Adding the following at the end of paragraph (a) of § 107.102: "Part III shall be filed only in those instances where the Proposed Operator is requesting SBA funds pursuant to § 107.301(c)."

As amended, § 107.102(a) reads as follows:

§ 107.102 Proposal.

(a) A Proposal shall be submitted on SBA Form No. 414 to SBID through a Regional Office of SBA. The Proposal consists of three parts: Part I deals with the plans of operation; Part II deals with the experience of the Proposed Operators; and Part III is a financial statement of each proposed officer, director and ten or more percent stockholder. Part III shall be filed only in those instances where the Proposed Operator is requesting SBA funds pursuant to § 107.301(c).

2. Deleting the last sentence of § 107.704(c) (1) and substituting the following: "Any post-licensing amendment involving a change in the officers, directors, or owners of ten or more percent of the stock of a Licensee that has borrowed funds outstanding from SBA, pursuant to § 107.301(c), or to which SBA is committed to disburse funds pursuant to a Subordinated Debenture executed by such Licensee under such section, shall include as a part thereof an executed Part III (Financial Statement) of SBA Form 414 for each such officer, director, or stockholder." As amended, § 107.704(c) (1) reads as follows:

§ 107.704 Activities of Licensee.

* * * * *

(c) (1) Licensee shall not voluntarily at any time reduce or increase its paid-in capital and paid-in surplus without the prior written consent of SBA. A Licensee shall not change its investment policy, plans to raise additional capital, borrowing or other plans previously submitted to SBA in its Proposal or in any other document at any other time, without the prior written consent of SBA. Any change in the officers, directors, or owners of ten or more percent of its stock, as set forth in its Proposal or otherwise previously submitted to SBA, shall be reported immediately to SBA. All changes shall be filed in the form of a post-licensing amendment and shall be subject to the approval of SBA as a condition for the continuance of the License of such Licensee. Any conditions imposed by SBA in connection with the latter shall be complied with by the Licensee. Any post-licensing amendment involving a change in the officers, directors, or owners of ten or more percent of the stock of a Licensee that has borrowed funds outstanding from SBA, pursuant to § 107.301(c) or to which SBA is committed to disburse funds pursuant to a Subordinated Debenture executed by such Licensee under such section of the Regulations, shall include as a part thereof an unexecuted Part III (Financial Statement) of SBA Form 414 for each such officer, director, or stockholder: *Provided, however,* That such executed Part III shall not be required to be submitted (i) where the Licensee's paid-in capital and paid-in surplus equals at least $300,000, exclusive of funds disbursed or committed by SBA pursuant to a Subordinated Debenture executed by such Licensee, or (ii) where the new officer, director, or stockholder is a person or entity which has previously been accepted by SBA as an officer, director, or stockholder of such Licensee.

Dated: July 12, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-6931; Filed, July 16, 1962; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1290; Amdt. 464]

PART 507—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft JT3D-1-MC7 Turbofan Engines

There have been failures of the fourth stage compressor rotor disc in Pratt & Whitney Aircraft JT3D-1-MC7 turbofan engines. As this condition is likely to occur in other such engines, an airworthiness directive is being issued to require inspection of the discs and replacement of any which are cracked.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

PRATT & WHITNEY. Applies to all Pratt & Whitney Aircraft JT3D-1-MC7 turbofan engines.

Compliance required as indicated.

To preclude failure of the fourth stage compressor rotor disc, P/N 426504, accomplish the following:

(a) For engines previously inspected by the procedure described in paragraph (c), reinspect in accordance with paragraph (c) every 365 hours' time in service from the last inspection.

(b) For engines not previously inspected by the procedure described by paragraph (c), inspect in accordance with paragraph (c) as follows:

(1) Inspect engines with 300 or more hours' time in service since last engine overhaul within the next 365 hours' time in service and each 365 hours' time in service thereafter.

(2) Inspect engines with less than 300 hours' time in service since last overhaul prior to the accumulation of 675 hours' time in service and each 365 hours' time in service thereafter.

(c) Remove the front accessory drive support assembly (NI gearcase) and the front accessory drive main spur gear (NI gearcase coupling). Using a strong light, visually inspect the fourth stage compressor rotor disc in the area between the disc bore and the spacer shoulder on the disc. If cracking is found, remove the engine for disc replacement prior to further flight.

(d) When fourth stage compressor disc, P/N 471904 is installed in place of P/N 426504 disc, the repetitive inspections required by this AD are no longer required.

(e) The requirement for main oil screen inspections per AD 61-24-1 does not apply when the No. 1 bearing compartment is exposed for this disc inspection.

(f) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Pratt & Whitney Aircraft telegraphic message of June 6, 1962, to American Airlines, covers the same subject)

This amendment shall become effective July 17, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 11, 1962.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 62-6916; Filed, July 16, 1962; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-WE-25]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration and Designation of Control Zones

On April 27, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 4034) stating that the Federal Aviation Agency proposed to alter the Fresno, Calif., control zone and designate a control zone at Chandler Municipal Airport, Fresno, Calif.

No adverse comments were received regarding the proposed amendments.

Although not stated in the notice, the Federal Aviation Agency is converting the Fresno radio range to a radio beacon with transcribed weather broadcast facilities. The prescribed instrument approach procedures based on the radio range are being cancelled, and an ADF approach for Chandler Municipal Airport will be prescribed concurrently with the facility conversion. Therefore, action is taken herein to substitute the Fresno radio beacon for the Fresno radio range in the description of the Fresno (Chandler Municipal Airport) control zone.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the Notice, the following actions are taken:

1. In Part 601 (14 CFR 601) the following section is added:

§ 601.2512 Fresno, Calif. (Chandler Municipal Airport), control zone.

From 0700-2300 hours local time, daily, within a 5-mile radius of Chandler Municipal Airport (latitude 36°43'55" N., longitude 119°49'05" W.) and within 2 miles either side of the 152° bearing from the Fresno RBN extending from the 5-mile radius zone to 8 miles SE of the RBN, excluding the portion which coincides with the Fresno (Fresno Air Terminal) control zone.

2. § 601.2176 (14 CFR 601.2176) is amended to read:

§ 601.2176 Fresno, Calif. (Fresno Air Terminal) control zone.

Within a 5-mile radius of Fresno Air Terminal (latitude 36°46'25" N., longitude 119°42'35" W.) and within 2 miles either side of the Fresno VORTAC 149° radial extending from the 5-mile radius zone to the VORTAC.

These amendments shall become effective 0001, e.s.t., September 20, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 11, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-6917; Filed, July 16, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 7842 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Bridgeport Brass Co.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, National Distillers & Chemical Corp. (successor to Bridgeport Brass Co.), New York, N.Y., Docket 7842, Mar. 7, 1962]

Consent order requiring the legal successor through merger of a manufacturer of brass, copper, and aluminum products, including tubular plumbing brass goods and copper water tubing, with annual sales in excess of $135,000,000, to cease discriminating among competing purchasers of its plumbing products in violation of section 2(d) of the Clayton Act by paying sums amounting to $4,950 to the American Radiator and Standard Sanitary Corporation for promoting its products on television programs in the four trading areas of Dallas, Tex.; St. Louis, Mo.; New Orleans, La.; and Pittsburgh, Pa., without making comparable payments available to competitors of American Standard.

The order to cease and desist is as follows:

It is ordered, That respondent, National Distillers & Chemical Corporation, a corporation (the legal successor to Bridgeport Brass Company), and its officers, employees, agents and representatives, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of plumbing goods, water tubing used for plumbing, and related plumbing products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Paying or contracting for the payment of anything of value to, or for the benefit of, any customers of respondent as compensation or in consideration for any services or facilities furnished by or through such customers in connection with the handling, offering for sale, sale or distribution of said products, unless such payment or consideration is affirmatively made available on proportionally equal terms to all other customers competing in the distribution of such products.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondent, National Distillers & Chemical Corporation, a corporation, successor to respondent Bridgeport Brass Company, shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

By the Commission.

Issued: March 7, 1962.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-6925; Filed, July 16, 1962; 8:46 a.m.]

[Docket No. C-92]

PART 13—PROHIBITED TRADE PRACTICES

Lec Electric Co., Inc., and Lec Albert Wells

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-40 *Federal Trade Commission Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1880 *Old, used, or reclaimed as unused or new.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Lec Electric Company, Inc., et al., Dallas, Tex., Docket C-92, Mar. 7, 1962]

Consent order requiring Dallas, Tex., distributors of automobile parts to jobbers and retailers for resale to cease selling automobile parts which they had rebuilt or reconditioned without any marking or other disclosure to show their used nature, and with only small inconspicuous notice, if any, on cartons, far removed from the name of the parts; advertising such products without such disclosure, as they did in "The Independent Garageman", a trade paper

of wide circulation; and failing to make disclosure of used nature in the bodies of invoices listing rebuilt parts.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Lec Electric Company, Inc., a corporation, and its officers, and Lec Albert Wells, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of automobile parts in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or delivering to others for sale to the public, any used automobile part or any automobile part containing a used component part or parts, unless a clear and conspicuous disclosure of such prior use is made on the product in a location most readily noticeable to the purchaser and with sufficient permanency to remain thereon after installation for a reasonable period of time under ordinary conditions of use, and in such manner that said disclosure cannot be easily removed or obliterated; and unless there is clearly and conspicuously printed or marked on the box, carton, wrapper or other container in which said product is sold or offered for sale, a notice that said automobile part is a used part or contains a used component part or parts.

2. Representing that any used automobile part, or any automobile part containing a used component part or parts, is new by failing clearly and conspicuously to disclose such prior use in invoices, and in all advertising and sales promotional material disseminated therefor.

3. Furnishing means or instrumentalities to others by and through which they may mislead the public as to any of the matters and things prohibited in Paragraphs 1 and 2 hereof.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

Issued: March 7, 1962.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6926; Filed, July 16, 1962; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 786—MISCELLANEOUS EXEMPTIONS

Newspaper Publishing

Pursuant to authority contained in the Fair Labor Standards Act of 1938 (29 U.S.C. 201), Reorganization Plan No. 6 of 1950 (3 CFR, 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), and for the purpose of clarifying the interpretative rule expressed in 29 CFR, Part 786 regarding the exemption from the minimum wage and overtime provisions of the Act for certain newspaper publishing activities (29 U.S.C. 213(a)(8)) as it relates to changes in the basic coverage of the Act effected by the Fair Labor Standards Amendments of 1961 (Pub. Law 87–30), 29 CFR 786.250 is revised to read as set forth below.

As this revision is an interpretative rule, notice of proposed rule making, opportunity for public participation, and delay in effective date are not required by section 4 of the Administrative Procedure Act (5 U.S.C. 1003). It shall become effective upon publication in the FEDERAL REGISTER.

The revised section shall read as follows:

§ 786.250 Enforcement policy.

The exemption provided by paragraph 13(a)(8) of the Fair Labor Standards Act of 1938 applies to "any employee employed in connection with the publication of any weekly, semiweekly, or daily newspaper with a circulation of less than four thousand the major part of which circulation is within the county where printed and published or counties contiguous thereto." For the purpose of enforcement it is the Divisions' position that such an employee is within the exemption even though he is also engaged in job printing activities, if less than 50 percent of the employee's worktime during the workweek is spent in job printing work, some of which is subject to the Act. If none of the job printing activities are within the general coverage of the Act, the exemption applies even if the job printing activities equal or exceed 50 percent of the employee's worktime. However, this exemption is not applicable if the employee spends 50 percent or more of his worktime in a workweek on job printing, any portion of which is within the general coverage of the Act on an individual or enterprise basis.

(52 Stat. 1060 et seq.; 63 Stat. 911 et seq.; 29 U.S.C. 201 et seq.)

Signed at Washington, D.C., this 9th day of July 1962.

CLARENCE T. LUNDQUIST, *Administrator.*

[F.R. Doc. 62-6929; Filed, July 16, 1962; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER E—CLAIMS

PART 750—NAVY GENERAL CLAIMS

PART 753—NAVY FOREIGN CLAIMS

Miscellaneous Amendments

Scope and purpose. The amendments deal with the processing of certain types of claims against and in favor of the United States and are intended to update the regulations in accordance with a recent Department of Defense notice (27 F.R. 5914). Corresponding changes to the Manual of the Judge Advocate General will be distributed to holders of that manual in due course.

1. Section 750.48 is revised to read as follows:

§ 750.48 Single service assignment of responsibility for processing of claims.

(a) *List of countries.* The Secretary of Defense (Department of Defense Notice, 27 F.R. 5914) has assigned responsibility for the processing of all claims in favor of the United States, or against the United States and cognizable under:

(1) The Foreign Claims Act (10 U.S.C. 2734);

(2) The Military Claims Act (10 U.S.C. 2733), and

(3) The Act of August 31, 1954 (68 Stat. 1006, 31 U.S.C. 224i–2 to 224i–5).

which arise in the following countries to the military departments indicated below in this section:

I. Department of the Army: Belgium, Ethiopia, France, The Federal Republic of Germany, Iran, Korea, Republic of Vietnam, and as the Receiving State Office in the United States under the Act of August 31, 1954, supra, and the North Atlantic Treaty Organization Status of Forces Agreement (4 UST 1792, TIAS 2846).

II. Department of the Navy: Iceland, Italy and Portugal.

III. Department of the Air Force: Canada, Denmark, Greece, Japan, Libya, Luxembourg, Netherlands, Norway, Pakistan, Saudi Arabia, Spain, Turkey, and the United Kingdom.

(b) *U.S.-forces-afloat cases under $200.* Notwithstanding the provisions of paragraph (a) of this section, the Department of the Navy has been authorized by the Secretary of Defense to settle nonscope of duty claims under $200 arising in foreign ports visited by U.S. forces afloat and may, subject to the concurrence of the authorities of the receiving state concerned, process such claims without regard to article VIII, paragraph 6 of the NATO Status of Forces Agreement.

2. Section 753.29(b) is revised to read as follows:

§ 753.29 Claims arising in specified foreign countries.

* * * * *

(b) *Single service assignment of responsibility for processing of claims.* The Secretary of Defense (Department of Defense Notice, 27 F.R. 5914) has assigned responsibility for the processing of all claims in favor of the United States, or against the United States and cognizable under:

(1) The Foreign Claims Act (10 U.S.C. 2734);

(2) The Military Claims Act (10 U.S.C. 2733), and

(3) The Act of August 31, 1954 (68 Stat. 1006, 31 U.S.C. 224i–2 to 224i–5).

which arise in the following countries to the military departments indicated in this paragraph below:

I. Department of the Army: Belgium, Ethiopia, France, The Federal Republic of Germany, Iran, Korea, Republic of Vietnam, and as the Receiving State Office in the United States under the Act of August 31, 1954, supra, and the NATO Status of Forces Agreement.

II. Department of the Navy: Iceland, Italy, and Portugal.

III. Department of the Air Force: Canada, Denmark, Greece, Japan, Libya, Luxembourg, Netherlands, Norway, Pakistan, Saudi Arabia, Spain, Turkey and the United Kingdom.

Notwithstanding the foregoing provisions of this paragraph, the Department of the Navy has been authorized by the Secretary of Defense to settle nonscope of duty claims under $200 arising in foreign ports visited by U.S. forces afloat and may, subject to the concurrence of the authorities of the receiving state concerned, process such claims without regard to article VIII, paragraph 6 of the NATO Status of Forces Agreement.

(R.S. 161, secs. 1–4, 68 Stat. 1006–1007, secs. 2733, 2734, 5031, 70A Stat. 153, 154, 278, as amended; 5 U.S.C. 22, 10 U.S.C. 2733, 2734, 5031, 31 U.S.C. 224i–2—224i–5)

By direction of the Secretary of the Navy.

[SEAL] W. C. MOTT, *Rear Admiral, U.S. Navy, Judge Advocate General, of the Navy.*

JULY 5, 1962.

[F.R. Doc. 62-6930; Filed, July 16, 1962; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Relabeling and Reconditioning Inadmissible Imports; Fee Changes

1. The regulations for the enforcement of the import and export provisions of the Federal Food, Drug, and Cosmetic Act (21 CFR 1.322) are amended by changing § 1.322 (c) and (d) to read:

§ 1.322 Costs chargeable in connection with relabeling and reconditioning inadmissible imports.

* * * * *

(c) Services of the supervising officer, to be calculated at a flat rate of $6.20 per hour (which shall include administrative expense), except that such services performed by a customs officer and subject to the provisions of the Act of February 13, 1911, as amended (sec. 5, 36 Stat. 901 as amended; 19 U.S.C. 267), shall be calculated as provided in that act.

(d) Services of analyst, to be calculated at a flat rate of $7.68 per hour (which shall include the use of the chemical laboratories and equipment of the Food and Drug Administration).

(Secs. 701(b), 801, 52 Stat. 1055, 1058, as amended, 63 Stat. 882; 21 U.S.C. 371(b), 381)

2. The regulations for the enforcement of the import and export provisions of the Federal Hazardous Substances Labeling Act (21 CFR 191.272) are amended by changing § 191.272 (c) and (d) to read:

§ 191.272 Costs chargeable in connection with relabeling and reconditioning inadmissible imports.

* * * * *

(c) Services of the supervising officer, to be calculated at a flat rate of $6.20 per hour (which shall include administrative expense), except that such services performed by a customs officer and subject to the provisions of the Act of February 13, 1911, as amended (sec. 5, 36 Stat. 901 as amended; 19 U.S.C. 267), shall be calculated as provided in that act.

(d) Services of analyst, to be calculated at a flat rate of $7.68 per hour (which shall include the use of the chemical laboratories and equipment of the Food and Drug Administration).

(Secs. 10(b), 14, 74 Stat. 378, 379; 15 U.S.C. 1269, 1273)

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, since the amendments involve the establishment of rates to be charged for designated services based on actual cost to the government.

(Secs. 10(b), 14, 701(b), 801, 52 Stat. 1055, 1058, as amended, 68 Stat. 882, 74 Stat. 378, 379; 15 U.S.C. 1269, 1273, 21 U.S.C. 371(b), 381)

Dated: May 29, 1962.

[SEAL] ABRAHAM RIBICOFF, *Secretary of Health, Education, and Welfare.*

Dated: July 10, 1962.

DOUGLAS DILLON, *Secretary of the Treasury.*

[F.R. Doc. 62-6952; Filed, July 16, 1962; 8:51 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER S—NUMBERING OF UNDOCUMENTED VESSELS, STATISTICS ON NUMBERING, AND "BOATING ACCIDENT REPORTS" AND ACCIDENT STATISTICS

[CGFR 62-20]

PART 171—STANDARDS FOR NUMBERING

New Jersey System of Numbering Approved

Acting under the authority delegated by Treasury Department Order 167-32 dated September 23, 1958 (23 F.R. 7605), the Commandant, United States Coast Guard, on July 3, 1962, approved the New Jersey system for numbering of motorboats.

As provided in this approval, the New Jersey system shall be operative on and after July 16, 1962. On that date the authority to number motorboats principally used in the State of New Jersey will pass to that State and simultaneously the Coast Guard will discontinue to number such motorboats. These motorboats presently numbered by the Coast Guard shall continue to display such numbers after July 16, 1962. To avoid duplicating numbers awarded by the Coast Guard prior to July 16, 1962, none of the numbers issued under the New Jersey system are to be assigned the suffixes "A", "B", "C", "D", "E", "F", "G", or "H".

On and after July 16, 1962, the reports of "boating accidents" which involve motorboats numbered in New Jersey and presently required to be reported to the Coast Guard will be reported to the Department of Conservation and Economic Development, Trenton, New Jersey, pursuant to The New Jersey Boat Numbering Act of 1962, approved June 11, 1962 (Chap. 73, P.L. 1962) and implementing regulations adopted by the New Jersey Department of Conservation and Economic Development.

Because the amendments to § 171.10–1 (a) and (b), as set forth in this document, are informative rules about official acts performed by the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule-making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), and 167–17 dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with informative rules below, the following amendments are prescribed:

In § 171.10–1 *To whom made*, paragraph (a) is amended by deleting the name "New Jersey" in the list of States in which the Coast Guard numbers motorboats; and paragraph (b) is amended by inserting in the list of States having approved number systems the name "New Jersey" to follow after the State of "Nevada."

(Sec. 3, 60 Stat. 238, and Sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: July 13, 1962.

[SEAL] E. J. ROLAND, *Admiral, U.S. Coast Guard Commandant.*

[F.R. Doc. 62-6897; Filed, July 16, 1962; 8:53]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 993]

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

Notice of Proposed Grade Regulation for Dried Prunes When Estimated Season Average Price to Producers Does Not Exceed Parity

Consideration is being given to a proposed rule to establish more restrictive grade regulation for application to handlers' receipts of natural condition prunes and their shipments or other final dispositions of natural condition or processed prunes whenever the estimated season average price to producers does not exceed the parity level specified in section 2(1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposed rule would be established pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California (hereinafter collectively referred to as the "order"), effective under the said act. The proposal was recommended by the Prune Administrative Committee established under the order.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, not later than July 25, 1962.

The proposed rule (hereinafter set forth) would, with respect both to handlers' receipts of natural condition prunes and handlers' shipments or other final dispositions of natural condition or processed prunes, prescribe for crop years when the estimated season average price to producers does not exceed parity the same respective minimum standards prescribed in the order, except for a smaller combined tolerance allowance for defects. The smaller allowance for defects is proposed for the purpose of improving consumer and manufacturer acceptance of prunes and hence, to effectuate the declared policy of the act.

The combined tolerance allowance for defects is the same for both natural condition prunes and processed prunes. In the proposed rule a combined tolerance of 15 percent, by weight, is provided for the defects of off-color, inferior meat condition, and nine other defects, rather than the 20 percent, by weight, specified for the same defects in the minimum standards for natural condition prunes and in the minimum standards for processed prunes set forth in § 993.97 of the order. The combined tolerance allowance for the nine defects other than off-color and inferior meat condition would be 10 percent, the same as that specified in § 993.97 for such defects. Hence, the effect of the proposed rule would be to allow a smaller tolerance for the defects of off-color and inferior meat condition.

The minimum standards prescribed and set forth in the order will apply whenever the estimated season average price exceeds parity.

The proposed rule is as follows:

§ 993.601 Grade regulation.

(a) *Incoming and outgoing regulation.* Whenever the estimated season average price to producers for prunes does not exceed the parity level specified in section 2(1) of the act, the minimum standards which handlers' receipts of natural condition prunes are required to meet pursuant to § 993.49(a) shall be the standards specified in § 993.49(a) and § 993.97I, and the minimum standards which handlers' shipments or other final dispositions of prunes are required to meet pursuant to § 993.50(a) shall be the applicable standards set forth in § 993.97 *Exhibit A; minimum standards*, except that the following combined tolerance allowance for certain defects shall apply in lieu of the tolerance allowance prescribed in paragraph I C(5) of § 993.97 and also in lieu of that prescribed in paragraph II C(6) of § 993.97:

The combined tolerance allowance for off-color, inferior meat condition, end cracks, fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed fifteen percent (15%), except that the first eight percent (8%) of end cracks shall be given one-half value and any additional percentage of end cracks shall be given full value.

(b) *Above parity situations.* Whenever the estimated season average price to producers for prunes exceeds the parity level specified in section 2(1) of the act, the minimum standards set forth in § 993.97 shall apply in their entirety.

Dated: July 11, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-6936; Filed, July 16, 1962; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 870) has been filed by Rubber Corporation of America, New South Road, Hicksville, Long Island, N.Y.; proposing the issuance of a regulation to provide for the safe use of a polyurethane resin (toluene diisocyanates) reacted with one or more of the polyester resins described under § 121.2514(b)(3)(vii) as a component in adhesives used in food packaging.

Dated: July 11, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-6950; Filed, July 16, 1962; 8:50 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 841) has been filed by Central Soya Company, Inc., 300 Fort Wayne Bank Building, Fort Wayne 2, Indiana, proposing the issuance of a regulation to provide for the safe use of polysorbate 80 or polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) with lecithin as emulsifiers in milk-replacer diets for animal feed.

Dated: July 12, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-6951; Filed, July 16, 1962; 8:51 a.m.]

FEDERAL AVIATION AGENCY

Air Traffic Service

[14 CFR Part 602]

[Airspace Docket No. 61-WA-218]

JET ADVISORY AREAS

Withdrawal of Proposal To Alter a Jet Advisory Area

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 61-WA-218 on January 25, 1962 (27 F.R. 753), the Federal Aviation Agency (FAA) proposed to alter the jet advisory area associated with Jet Route No. 41 by placing a floor of flight level 260 on that segment of J-41 from Memphis, Tenn., to Springfield, Mo., in order to withdraw FAA personnel from the Walnut Ridge, Ark., AC & W site.

Subsequent to publication of this notice, the FAA has determined that satisfactory radar coverage is available at flight level 240 and above on the segment of J-41 between Memphis and Springfield without using data from the Walnut Ridge AC & W site.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 409.-13), the notice of proposed rule making contained in Airspace Docket No. 61-WA-218 is hereby withdrawn.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 11, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-6915; Filed, July 16, 1962; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 111]

SMALL BUSINESS INVESTMENT COMPANIES

Proposed System of Account Classifications

On June 2, 1962, there was published in the FEDERAL REGISTER (27 F.R. 5219–5239) notice of proposed rule making Part 111, Proposed System of Account Classifications for Small Business Investment Companies.

Notice was given that consideration would be given to comments and suggestions received within a period of thirty (30) days following the publication of the proposed rule in the FEDERAL REGISTER.

Notice is hereby given that the time within which to submit comments or suggestions on the Proposed System of Account Classifications is extended for an additional period of thirty (30) days.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-6943; Filed, July 16, 1962; 8:49 a.m.]

Notices

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 389]

IOWA

Declaration of Disaster Area

Whereas, it has been reported that during the month of July, 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Dickinson County in the State of Iowa;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about July 4, 1962.

OFFICES

Small Business Administration Regional Office,
Bankers Building, Room 430,
105 West Adams Street,
Chicago 3, Ill.

Small Business Administration Branch Office,
850 Insurance Exchange Building,
Fifth and Grand Avenue,
Des Moines, Iowa.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1963.

Dated: July 9, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-7032; Filed, July 16, 1962; 11:15 a.m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

[Coal Classification Order New Mexico No. 87]

NEW MEXICO

Areas Classified as Coal Land

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described land, insofar as title thereto remains in the United States, is hereby classified as coal land:

NEW MEXICO MERIDIAN, NEW MEXICO

T. 29 N., R. 13 W.,
All sections.

The area described aggregates 22,210.77 acres, more or less.

Dated: July 6, 1962.

ARTHUR A. BAKER,
Acting Director.

[F.R. Doc. 62-6946; Filed, July 16, 1962; 8:50 a.m.]

[Coal Classification Order New Mexico No. 91]

NEW MEXICO

Areas Classified as Coal Land

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described land, insofar as title thereto remains in the United States, is hereby classified as coal land:

NEW MEXICO PRINCIPLE MERIDIAN, NEW MEXICO

T. 27, 28 N., R. 8 W.
T. 27, 28, 29 N., R. 9 W.
T. 27, 29, 30 N., R. 10 W.
T. 27 N., R. 11 W.
T. 27, 28 N., R. 12 W.
T. 28 N., R. 13 W.
All lands with the townships listed.

The area described aggregates 251,548.28 acres, more or less.

Dated: July 6, 1962.

ARTHUR A. BAKER,
Acting Director.

[F.R. Doc. 62-6947; Filed, July 16, 1962; 8:50 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1962 Rev. Supp. No. 4]

UNITED BENEFIT FIRE INSURANCE COMPANY

Surety Companies Acceptable on Federal Bonds

JULY 12, 1962.

A Certificate of Authority, effective July 1, 1962, has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6–13, as an acceptable surety on Federal bonds.

An underwriting limitation of $160,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1963. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

State in Which Incorporated, Name of Company and Location of Principal Executive Office
NEBRASKA
United Benefit Fire Insurance Co., Omaha, Nebr.

An incorporated insurer has executed a penal bond in favor of the United States in the sum of $400,000, secured by a deposit in that amount with the Federal Reserve Bank of Chicago, conditioned upon the performance by the United Benefit Fire Insurance Company of all its obligations as surety on any recognizances, stipulations, bonds and other undertakings permitted or required by the laws of the United States to be given with one or more sureties entered into at any time on or before April 30, 1963. Accordingly, instructions to bond-approving officers, contained in Department Circular No. 570, 1961 Rev., Supp. No. 24, published in the FEDERAL REGISTER of June 8, 1962 (27 F.R. 5455), shall be disregarded.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 62-6954; Filed, July 16, 1962; 8:52 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

SUGARCANE WAGES AND PRICES IN LOUISIANA

Notice of Hearing and Designation of Presiding Officers

Pursuant to the authority contained in sections 301(c)(1) and 301(c)(2) of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held in Houma, Louisiana, in the District Court Room, 2d Floor, Parish Courthouse, on July 27, 1962, beginning at 10:00 a.m.

The purpose of such hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1) pursuant to the provisions of section 301(c)(1) of said Act, fair and reasonable wage rates for persons employed in the harvesting of the 1962 crop of sugarcane, and in the production and cultivation of sugarcane during the calendar year 1963, and (2) pursuant to the provisions of section 301(c)(2) of said Act, fair and reasonable prices for the 1962 crop of sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payments under the Act.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to wages and prices. While testimony on all pertinent points is desired, it is especially requested that witnesses be prepared to offer information and recommendations on the following matter regarding fair wages for fieldworkers and fair prices for sugarcane:

I. *Wages.* Elimination of the differentials in wage rates between harvesting work and production and cultivation work for tractor drivers and for unskilled workers.

II. *Prices.* The 1961 crop determination fixed the period October 6, 1961, through February 22, 1962, for determining the season's average price of raw sugar. The same period was established for determining the season's average price of blackstrap molasses. What periods will provide an equitable basis for pricing raw sugar and molasses of the 1962 crop?

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

A. A. Greenwood and Ward S. Stevenson are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Signed at Washington, D.C., on July 9, 1962.

W. E. UNDERHILL,
Acting Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-6958; Filed, July 16, 1962; 8:52 a.m.]

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

July 1962 Monthly Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

These prices at which Commodity Credit Corporation commodity holdings are available for sale during July 1962 were announced today by the U.S. Department of Agriculture. The following commodities are available: Butter, cheddar cheese, nonfat dry milk, cotton (upland and extra long staple), peanuts, wheat, corn, oats, barley, rye, grain sorghums, soybeans, dry edible beans, and gum turpentine.

Principal changes in the list for July are a shift to a 1962-crop price support basis in setting minimum domestic sales prices for wheat, grain sorghums, oats, barley, and rye; and the addition of a new program using payments in the form of negotiable export certificates to assist exports of nonfat dry milk (announced June 27, press release USDA 2346–62). Dry edible pinto beans have been made eligible for export under the barter program (announced June 18, press release USDA 2223–62).

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Price Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C.

All commodities except oats currently offered for sale by CCC, plus tobacco from CCC loan stocks, are eligible for special export sale under the CCC Export Credit Sales Program. The following commodities are currently eligible for barter: Nonfat dry milk, butter, cotton, tobacco, wheat, corn, rye, barley, grain sorghums, and pea and pinto beans. This list is subject to change from time to time.

Interest rates per annum under the CCC Export Credit Sales Program for July 1962 are 3½ percent for periods up to 12 months, and 4 percent for periods from over 12 months up to a maximum of 36 months. (As announced May 4—press release USDA 1664–62—the interest rate periods have been revised to provide only two rather than the former three periods.)

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC storage within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington 25, D.C., with respect to all commodities or—for specified commodities—with the designated ASCS Commodity Office.

Notice to buyers. Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

If CCC does not have adequate information as to the financial responsibility of a prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate CCC reserves the right (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the ASCS Office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS Office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions, and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions, will constitute a domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Notice to exporters. The Department of Commerce, Bureau of International

Programs (the Bureau of Foreign Commerce until Aug. 9, 1961), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities (except absorbent cotton and sterilized gauze and bandages with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled area of the Far East including Communist China, North Korea, and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Programs.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, 15 CFR 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirements for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule, 15 CFR 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Programs or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

Commodity	Sales price or method of sale
Dairy products	Sales are in carlots only in store at storage location of products. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to the Portland ASCS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati ASCS Commodity Office.
Butter	Domestic, unrestricted use: Announced prices, under LD-29 as amended: 65.75 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 65.0 cents per pound—Washington, Oregon, and California. All other States 64.75 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati ASCS Commodity Office. Announced prices under LD-35: When sales are made under LD-33, as amended, above, any butter offered but not sold under the invitation to bid will be offered for sale through the following Wednesday at prices announcedin Washington each Thursday.
Nonfat dry milk	Domestic, unrestricted use: Announced prices, under LD-29, as amended: Spray process, U.S. extra grade, 17.40 cents per pound. Roller process, U.S. extra grade, 15.40 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati and Portland ASCS Commodity Offices. Announced prices under LD-35: When sales are made under LD-33, as amended, above, any nonfat dry milk offered but not sold under the invitation to bid will be offered for sale through the following Monday at prices announced in Washington each Tuesday. Under both LD-33, as amended, and LD-35, CCC will offer nonfat dry milk in redemption of payment-in-kind certificates earned under SM-7.
Cheddar cheese (standard moisture basis).	Domestic, unrestricted use: Announced prices under LD-29, as amended: 39.75 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 38.75 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati ASCS Commodity Office. Announced prices under LD-35: When sales are made under LD-33, as amended, above, any cheese offered but not sold under the invitation to bid will be offered for sale through the following Wednesday at prices announced in Washington each Thursday.
Cotton, upland	Domestic, unrestricted use: Competitive bid under the terms and conditions of Announcement NO-C-16 (Sale of Upland Cotton for Unrestricted Use). Under this Announcement, upland cotton acquired under price support programs will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price plus reasonable carrying charges or (b) the market price of such cotton, as determined by CCC. Export, CCC Credit Sales: Competitive bid under the terms and conditions of Announcements CN-EX-14 (acquisition of Cotton for Export under Credit Sales Program) and NO-C-17 (Sale of Upland Cotton (for Credit Sales)). Cotton to be sold at the highest price offered but in no event at less than the higher of (a) 105 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the market price for such cotton, as determined by CCC, less in either case an amount equal to the payment-in-kind cotton export payment rate in effect on the date of the acceptance of an offer.
Cotton, extra long, staple	Domestic or export, unrestricted use: Competitive bid under the terms and conditions of Announcement NO-C-6 (revised July 22, 1960), as amended, and NO-C-10, as amended. Under these announcements extra long staple cotton will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price plus reasonable carrying charges, or (b) the domestic market price as determined by CCC.
Catalogs	Catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans ASCS Commodity Office.
Wheat, bulk	Domestic, unrestricted use: Market price basis in store,[1] but not less than 105 percent of the applicable 1962 support price[2] for the class, grade and quality of the wheat plus the amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added.

Commodity	Unit	Received by—		Examples of minimum prices (exrail or barge)		
		Truck	Rail or barge	Terminal	Class and grade	Price
Wheat	Bushel	*Cents* 6	*Cents* 0	Chicago Minneapolis Kansas City Portland	No. 1 RW No. 1 DNS No. 1 HW No. 1 SW	$2.40 2.47 2.40 2.29

Available: At bin sites through ASCS County Offices. At other locations through the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.

Export:
(1) Under Announcement GR-345 (revised June 30, 1960), as amended, for redemption of certificates under export payment-in-kind program, (2) under Announcement GR-212 (revision 2, Jan. 9, 1961), for specified offerings as announced and (3) as wheat under Announcement GR-261 (revision 2, Jan. 9, 1961), or as flour under Announcement GR-262 (revision 2, Jan. 9, 1961), for application under arrangements for barter which permits exportation of wheat as flour and approved credit sales only at prices determined daily.

Available: Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. (At Portland ASCS Commodity Office Hard Red Winter wheat is not available for barter or Title I, P.L. 480, transactions.

See footnotes at end of table.

Commodity	Sales price or method of sale
Barley, bulk (continued)	Export announcement sales: Under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program, and under Announcement GR-212 (revision 2, Jan. 9, 1961), for application to arrangements for barter, approved credit and emergency sales. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for the sales under these announcements. Available: Evanston, Dallas, and Kansas City ASCS Commodity Offices. Stocks at seaboard in Portland ASCS Commodity Office area and at Duluth also available. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is the adjusted support price referred to in subparagraph 2 above.
Corn, bulk	Domestic and export: Storable: A. Redemption of Feed Grain Program Certificates:[1] Such CCC dispositions of storable corn as may be designated by CCC, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. Redemptions will be made at applicable market prices at the time of delivery, as determined by CCC. CCC reserves the right to determine the class, grade, quality, and quantity of corn that will be made available for redemption. CCC also reserves the right to restrict the availability of corn at any location whenever such action is deemed necessary. For information on the availability of such grain from bin sites, contact ASCS State or county offices. For information on the availability of such grain from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, or Portland ASCS Commodity Offices. B. General sales:[1] Market price basis in store,[2] but not less than 105 percent of the applicable 1962 support price,[3] for the class, grade, and quality of the corn plus the amount shown below applicable to the storage point involved. For corn in store at other than the point of production the freight from point of production to the present point of storage will also be added.

Unit	In store at—		Examples of minimum prices (exrail or barge)		
	Point of production	Other point	Terminal	Class and grade	Price
Bushel	*Cents* 13	*Cents* 16	Chicago[4]	No. 2 YC (13% moisture 2% foreign material).	$1.6234

For information on the availability of such corn from bin sites, contact ASCS State or county offices. For information on the availability of such corn from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.
Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the grain ASCS commodity offices listed under "Dry edible beans, Available:" below.
Export announcement sales:
Under Announcement GR-368 (revised Aug. 31, 1959), as amended) for feed grain export payment-in-kind program, and under Announcement GR-212 (revision 2, Jan. 9, 1961), for application to arrangements for barter, approved credit and emergency sales. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for sale under these announcements. Available: Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices area and at Duluth also available. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is the adjusted support price referred to in subparagraph 2 above.

Commodity	Sales price or method of sale
Rye, bulk	Domestic, unrestricted use: Storable: Market price basis in store,[1] but not less than 105 percent of the applicable 1962 support price[2] for the class, grade, and quality of the grain plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added to the above.

Unit	Received by—		Examples of minimum prices (exrail or barge)		
	Truck	Rail or barge	Terminal	Class and grade	Price
Bushel	*Cents* 0	*Cents*	Minneapolis	No. 2 or better (or No. 3 on TW only).	$1.20

Available: At bin sites through ASCS County Offices. At other locations through the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.
Nonstorable (as available): At not less than market price as determined by CCC through the ASCS grain offices listed under "Dry edible beans, Available:" below.
Export:
Under export payment-in-kind program, and under Announcement GR-212 (revision 2, Jan. 9, 1961), for application to arrangement for barter, approved credit and emergency sales.
Available: Evanston, Dallas, Kansas City, and Portland ASCS Commodity Offices, also Minneapolis ASCS Commodity Office as available in terminal location in Minneapolis area.

Commodity	Sales price or method of sale
Barley, bulk	Domestic, unrestricted use: Storable: A. Redemption of Feed Grain Program Certificates:[4] Such CCC dispositions of storable barley as may be designated by CCC, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. Redemptions will be made at applicable market prices at the time of delivery, as determined by CCC. CCC reserves the right to determine the class, grade, quality, and quantity of barley that will be made available for redemption. CCC also reserves the right to restrict the availability of barley at any location whenever such action is deemed necessary. For information on the availability of such grain from bin sites, contact ASCS State or county offices. For information on the availability of such barley from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. B. General sales:[4] Market price in store,[5] but not less than 105 percent of the applicable 1962 support price,[2] for the class, grade, and quality of the barley plus the amount shown below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added to the above.

Unit	Received by—		Examples of minimum prices (exrail or barge)		
	Truck	Rail or barge	Terminal	Class and grade	Price
Bushel	*Cents* 5	*Cents* 0	Minneapolis	No. 2 or better	$1.21

Available: For information of the availability of such grain from bin sites, contact ASCS State or county offices. For information on the availability of such grain from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.
Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the grain ASCS commodity offices listed under "Dry edible beans, Available" below.

See footnotes at end of table.

Commodity	Sales price or method of sale
Grain sorgeums, bulk (con.)	For information on the availability of such grain sorghums from bin sites, contact ASCS State or county offices. For information on the availability of such grain sorghums from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the grain ASCS commodity offices listed under "Dry edible beans, Available" below. Export announcement sales: Under Announcement GR-368 (revised Aug. 31, 1959, as amended) for feed grains export payment-in-kind program, and under Announcement GR-212 (revision 2, Jan. 9, 1961), for application to arrangements for barter, approved credit and emergency sales. CCC stocks of grain sorghums held in California export terminals are the only grain sorghums stored in California available for sale under these export announcements. Except that such sorghums shall not be eligible for delivery on Chicago contracts. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for sale under these announcements. Available: Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is the adjusted support price referred to in subparagraph B above. Domestic or export sales: Market price basis in-store but not less than the 1961 basic loan rate for No. 2 basis in-store point of storage, plus 16½ cents per bushel, plus the value of billing, if any, as determined by the ASCS Commodity Office. Market discounts for quality factors will be applied to the basic price to determine the actual sales price. Available: Evanston, Minneapolis, Kansas City, Dallas ASCS Commodity Offices.
Soybeans, bulk (as available)	Domestic: Domestic market price but not less than the following minimum price per hundredweight. For U.S. No. 1 f.o.b. indicated points of production, amount of paid-in-freight to be added as applicable. For other grades, adjust by market differentials. In other areas, adjust by the 1961 price support differential.

Class	Price per hundredweight	Area of production
Red Kidney	$8.22	(Michigan.
Great Northern	7.52	(New York.
Small Red	7.70	Nebraska.
Pinto	6.68	Washington.
Pea	7.66	Eastern Colorado.
		Michigan.

Export: Under Announcement GR-409 the following price per hundredweight for U.S. No. 1 f.o.b. indicated points of production, amount of paid-in-freight to be added as applicable.[13] In other areas, adjust by the 1961 price support differential.

Class	Price per hundredweight	Area of production
Red Kidney	$8.52	(Michigan.
Great Northern	6.99	(New York.
Small Red	7.15	Nebraska.
Pinto	6.37	Washington.
Pea	7.03	Eastern Colorado.
		Michigan.

Available: Great Northern beans available at Kansas City and Portland ASCS Commodity Offices. Pinto beans available at Kansas City, Dallas, Portland, and Minneapolis ASCS Commodity Offices. Pea beans and Red Kidney available at Evanston ASCS Commodity Office. Small Red beans available at Portland ASCS Commodity Office.

Commodity	Sales price or method of sale
Dry edible beans, bagged (as available).	Domestic: Market price but not less than the following minimum price per hundredweight. For U.S. No. 1 f.o.b. indicated points of production, amount of paid-in-freight to be added as applicable.[14] For other grades, adjust by market differentials. In other areas, adjust by the 1961 price support differential.

Class	Price per hundredweight	Area of production
Red Kidney	$8.52	(Michigan.
Great Northern	6.99	(New York.
Small Red	7.15	Nebraska.
Pinto	6.37	Washington.
Pea	7.03	Eastern Colorado.
		Michigan.

Export: Under Announcement GR-409 the following price per hundredweight for U.S. No. 1 f.o.b. indicated points of production, amount of paid-in-freight to be added as applicable.[14] In other areas, adjust by the 1961 price support differential.

Class	Price per hundredweight	Area of production
Red Kidney	$8.52	(Michigan.
Great Northern	6.99	(New York.
Small Red	7.15	Nebraska.
Pinto	6.37	Washington.
Pea	7.03	Eastern Colorado.
		Michigan.

Available: Great Northern beans available at Kansas City and Portland ASCS Commodity Offices. Pinto beans available at Kansas City, Dallas, Portland, and Minneapolis ASCS Commodity Offices. Pea beans and Red Kidney available at Evanston ASCS Commodity Office. Small Red beans available at Portland ASCS Commodity Office.

Commodity	Sales price or method of sale
Oats, bulk	For information on the availability of Feed Grain Program Certificates:[1] Such CCC dispositions of storable oats as may be designated by CCC, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. Redemptions will be made at applicable market price at point of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of oats that will be made available for redemption. CCC also reserves the right to restrict the availability of oats at any location whenever such action is deemed necessary. For information on the availability of such oats from bin sites, contact ASCS, State or county offices. For information on the availability of such oats from other locations, contact the Evanston, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. B. General sales:[2] Market price basis in store,[3] but not less than 105 percent of the applicable 1962 support price[4] for the class, grade, and quality of the oats plus the amount shown below applicable to the storage point involved. For oats in store at other than the point of production the freight from point of production to the present point of storage will also be added.

Unit	In store at— Point of production	In store at— Other point	Examples of minimum prices (exrail or barge) Terminal	Class and grade	Price
	Cents	*Cents*			
Bushel	0	3	Chicago[5]	No. 2 or better Extra Heavy.	$0.81½

For information on the availability of such oats from bin sites, contact ASCS State or county offices. For information on the availability of such oats from other locations, contact the Evanston, Dallas, Kansas City, Minneapolis, or Portland ASCS Commodity Offices.

Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the ASCS Commodity Offices under "Dry edible beans, Available" below.

Commodity	Sales price or method of sale
Grain sorghums, bulk	Domestic and export: Storable: A. Redemption of Feed Grain Program Certificates:[1] Such CCC dispositions of storable sorghums as may be designated by CCC, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. Redemptions will be made at applicable market price at point of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of grain sorghums that will be made available for redemption. CCC also reserves the right to restrict the availability of such grain sorghums at any location whenever such action is deemed necessary. For information on the availability of such grain sorghums from bin sites, contact the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS State or county offices. For information on the availability of such grain sorghums from other location, contact the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. B. General sales:[2] Market prices in store,[3] but not less than 105 percent of the applicable 1962 support price[4] for the class, grade, and quality of the grain sorghums plus the amount shown below applicable to the type of carrier involved. Delivery is outside the area of production, applicable freight will be added to the above.

Unit	Received by— Truck	Received by— Rail or barge	Examples of minimum prices (exrail or barge) Terminal	Class and grade	Price
	Cents	*Cents*			
Hundredweight	11	0	Kansas City	No. 2 or better	[12]$2.40

See footnotes at end of table.

Commodity	Sales price or method of sale
Peanuts, shelled and unshelled, farmers' stock (as available).	Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1 (revised Jan. 4, 1962), as amended.
Gum turpentine	Domestic, unrestricted use: Competitive offers for unrestricted use, bulk in storage tanks, subject to Announcement TB–21–61 and supplements thereto. Available through Naval Stores Branch, Tobacco Division, ASCS, U.S. Department of Agriculture.
Rice, rough (as available)	Domestic, unrestricted use: Market price but not less than 105 percent of the applicable 1961 support price plus 44 cents per hundredweight, basis in store. Export: As milled or brown under Announcement GR–369 (revision 1, Feb. 1, 1961) as amended, Rice Export Program Payment-in-Kind, and under GR–379 (revision 1, May 1, 1961) for approved credit sales. Price, quantities, and varieties of rough rice available from Dallas ASCS Commodity Office.

[1] On bin site sales such delivery basis shall be f.o.b. buyers conveyance at the bin site.

[2] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown above and any applicable freight for grain stored outside the area of production. Such support price shall include the loan bulletin premium for applicable sedimentation value, if the wheat is sold on a sedimentation basis. If it is not sold on a sedimentation basis such support price shall be increased by market premiums for applicable protein content.

[3] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown in table above and any applicable freight for grain stored outside the area of production.

[4] Such dispositions shall be for domestic unrestricted use or for export, except that certain sales of barley from bin sites under A above shall be for use only for feeding the buyer's livestock and poultry.

[5] To compute, multiply applicable support prices by 1.05, round product up to nearest whole cent and add amount shown above and any applicable freight.

[6] Preliminary minimum price subject to change in the event that the Minneapolis terminal loan rate is changed for 1962.

[7] Such dispositions shall be for domestic unrestricted use or for export.

[8] Woodford County, Ill., origin.

[9] Such dispositions shall be for domestic unrestricted use or for export, except that certain sales of oats from bin sites under A above shall be for use only for feeding the buyer's livestock and poultry.

[10] Such dispositions shall be for domestic unrestricted use or for export, except that certain sales of bin site grain sorghums, under A above in the Kansas City ASCS Commodity Office area, shall be for use only for feeding the buyer's livestock and poultry.

[11] Preliminary minimum price subject to change in the event that the Kansas City terminal loan rate for 1962 is changed from the 1961 loan rate.

[12] Except that Small Red beans will be available on a competitive bid basis but not less than the listed price.

AUTHORITY: Issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427.

Signed at Washington, D.C., on July 11, 1962.

RAPHAEL V. FITZGERALD,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62–6906; Filed, July 16, 1962; 8:45 a.m.]

Office of the Secretary

NORTH CAROLINA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87–128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the State of North Carolina natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NORTH CAROLINA

Beaufort.	Lenoir.
Bertie.	Martin.
Carteret.	Onslow.
Craven.	Pamlico.
Duplin.	Pitt.
Hyde.	Tyrrell.
Jones.	Washington.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 11th day of July 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62–6932; Filed, July 16, 1962; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13367]

CALEDONIAN AIRWAYS (PRESTWICK) LTD.

Notice of Hearing

In the matter of the application of Caledonian Airways (Prestwick) Ltd., under section 402 of the Federal Aviation Act of 1958, as amended, for a foreign air carrier permit authorizing it to engage in nonscheduled planeload charters of persons and their accompanying baggage between any point or points in the United Kingdom of Great Britain and Northern Ireland on the one hand and any point or points in the United States on the other.

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held before the undersigned examiner on August 13, 1962, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C.

Dated at Washington, D.C., July 9, 1962.

[SEAL] RICHARD A. WALSH,
Hearing Examiner.

[F.R. Doc. 62–6988; Filed, July 16, 1962; 8:53 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–83]

UNIVERSITY OF FLORIDA

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 5, set forth below, to Facility License No. R–56. The license authorizes the University of Florida to operate its Argonaut-type graphite moderated and reflected light water cooled nuclear reactor, located in Gainesville, Florida. The amendment authorizes the licensee to perform an experiment with a temporary fluidized-bed control rod assembly in the reactor as described in the licensee's application for license amendment dated May 18, 1962, and supplemental letter dated June 25, 1962.

The Commission has found that:

(1) Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(3) Prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license, as amended, will not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operation.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's Regulation (10 CFR 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) a related hazards analysis prepared by the Test and Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) the licensee's application for license amendment dated May 18, 1962 and supplemental letter dated June 25, 1962, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room, or upon request, addressed to the Atomic Energy Commission, Washington, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 9th day of July, 1962.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-56, Amdt. No. 5]

License No. R-56, as amended, issued to University of Florida, is hereby amended in the following respects:

In addition to the activities previously authorized by the Commission in License No. R-56, as amended, University of Florida is authorized to perform an experiment with a temporary fluidized-bed control rod assembly as described in its application for license amendment dated May 18, 1962, and supplemental letter dated June 25, 1962, in the University's UFTR nuclear reactor located at Gainesville, in Alachua County, Florida.

This amendment is effective as of the date of issuance.

Date of issuance: July 9, 1962.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-6945; Filed, July 16, 1962; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14617-14621; FCC 62M-978]

MARTIN R. KARIG ET AL.

Memorandum of Ruling Continuing Hearing

In the matter of revocation of construction permit of Martin R. Karig, for Standard Broadcast Station WIZR, Johnstown, New York, Docket No. 14617; in re application of Spa Broadcasters, Inc., (WSPN), Saratoga Springs, New York, Docket No. 14618, File No. BR-2958; for renewal of license for Standard Broadcast Station WSPN, Saratoga Springs, New York; in re applications of Radio Station WRSA, Inc., Troy, New York, Docket No. 14619, File No. BP-13827; Spa Broadcasters, Inc. (WSPN), Saratoga Springs, New York, Docket No. 14620, File No. BP-13828; Genkar, Incorporated, Gouverneur, New York, Docket No. 14621, File No. BP-13899; for construction permits.

On July 9, 1962, there was filed on behalf of Spa Broadcasters, Inc. (WSPN), a "Petition to Postpone Hearing Now Designated for July 16, 1962, in which Spa Broadcasters, Inc., Is a Participant." Petitioner requested that the hearing of July 16 be postponed to a date not earlier than October 1, 1962. A further prehearing conference to discuss the petition was held today. The Broadcast Bureau objected to a continuance as long as requested in the petition and suggested instead that a September date would be appropriate. The Hearing Examiner agreed and ordered the hearing of July 16 rescheduled to a date in September, to be set by subsequent order, which would be mutually agreeable to all counsel.

Accordingly, to the extent mentioned above, the petition filed July 9, 1962, was granted and the hearing in Saratoga Springs, New York, has been postponed from July 16, 1962, to a date in September to be set by later order; and it was further ordered that the return date of all subpoenas now bearing date of July 16 be deemed amended to the hearing date to be set.

Dated: July 10, 1962.

Released: July 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6955; Filed, July 16, 1962; 8:52 a.m.]

[Docket Nos. 14411, 14412; FCC 62M-981]

LA FIESTA BROADCASTING CO. AND MID-CITIES BROADCASTING CORP.

Order Continuing Hearing

In re applications of J. R. Earnest and John A Flache, d/b as La Fiesta Broadcasting Company Lubbock, Texas, Docket No. 14411, File No. BP-14116; Mid-Cities Broadcasting Corporation, Lubbock, Texas, Docket No. 14412, File No. BP-15073; for construction permits.

The Hearing Examiner having under consideration "Request for Change of Date of Hearing," filed on June 21, 1962, by Mid-Cities Broadcasting Corporation; and comments filed by La Fiesta Broadcasting Company on July 2, 1962;

It appearing, that one or more witnesses for Mid-Cities may not be able to arrange their schedules to be present in Washington on October 1, 1962; and that La Fiesta has no objection to delaying their appearance to October 9, 1962, but requests that no hearing be held on October 8, 1962, and that the October 1 hearing date be retained in order that La Fiesta may complete its direct case prior to the presentation of the witnesses for Mid-Cities:

It further appearing, that it would conform more efficiently with the Hearing Examiner's calendar to have the hearing completed at continuous sessions without a break;

It is ordered, This 10th day of July 1962, that the above request of Mid-Cities is granted to the extent that the further hearing presently scheduled for October 1, 1962 is continued to October 9, 1962.

Released: July 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6956; Filed, July 16, 1962; 8:52 a.m.]

[Docket Nos. 12488, 12489; FCC 62M-979]

YOUNG PEOPLE'S CHURCH OF THE AIR, INC., AND WJMJ BROADCASTING CORP.

Order Advancing Hearing

In re applications of The Young People's Church of the Air, Inc., Philadelphia, Pennsylvania, Docket No. 12488, File No. BPH-2394; WJMJ Broadcasting Corporation, Philadelphia, Pennsylvania, Docket No. 12489, File No. BPH-2423; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding and informal agreements reached by the parties with reference to advancing the date for further hearing herein;

It is ordered, This 10th day of July 1962, that the hearing session presently scheduled for November 14, 1962, is advanced to October 1, 1962, at 10:00 a.m.

Released: July 11, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-6957; Filed, July 16, 1962; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-17803 etc.]

H. N. BURNETT ET AL.

Notice of Applications and Date of Hearing

JULY 10, 1962.

H. N. Burnett (Successor to Navajo Natural Gas Corp., Assignee of Burnett & Cornelius), Docket Nos. G-17803, G-20027, CI60-429 and G-6738; H. N. Burnett (Successor to Navajo Natural Gas Corp.), Docket Nos. CI60-358, G-6735, G-6736, G-6743 and G-6747; H. N. Burnett (Operator), et al. (Successor to Burnett & Cornelius (Operator), et al.), Docket Nos. CI61-1397, G-6742, G-6746 and G-6748.

Take notice that applications have been filed pursuant to section 7(c) of the Natural Gas Act in certain of the above-captioned dockets for certificates of public convenience and necessity authorizing the continuation and/or commencement of services previously covered by authorizations granted to and/or applied for by predecessors in interest. These applications, as amended, and the related services are more fully described as follows:

G-17803. On February 9, 1959, as amended on October 30, 1959, Navajo Natural Gas Corporation (Navajo) filed in Docket No. G-17803, a certificate application requesting authorization to continue certain services previously authorized to Burnett & Cornelius in Docket Nos. G-6738 and G-6747. Navajo acquired the right to render these services by various instruments of assignment. Subsequently, on June 24, 1960, H. N. Burnett (Burnett) filed an amendment to said application requesting (1) that any certificate granted in Docket No. G-17803 be issued to Burnett and (2) the deletion of the original request pertaining to service rendered under Burnett & Cornelius' Docket No. G-6747. These requests were prompted by the acquisition by Burnett of all property, rights and obligations previously held by Navajo and by the consolidation of certain sales to Panhandle Eastern Pipe Line Company (Panhandle) under a superseding gas sales contract, as hereinafter discussed.

G-20027. Navajo also filed on October 30, 1959, an application in Docket No. G-20027 for certificate authorization to sell gas to Cities Service Gas Company (Cities Service) from the Blair Lease located in Carson County, Texas, said sale to be made under an amendatory agreement dated September 30, 1959 (executed by and between Navajo and Cities Service) adding the Blair Lease to a basic gas sales contract dated November 26, 1948, as amended, which contract is the subject of certificate authorization sought in the above-discussed application in Docket No. G-17803 insofar as it pertains to Burnett & Cornelius' Docket No. G-6738.

CI60-429. Thereafter, on April 4, 1960, Burnett filed in Docket No. CI60-429 an application for certificate authorization to render the services covered by Navajo's applications in Docket Nos. G-17803 (limited to service covered by Burnett & Cornelius' Docket No. G-6738) and G-20027. The application in Docket No. CI60-429 duplicates, in part, the aforementioned amendment of June 24, 1960, in Docket No. G-17803 and incorporates the new service proposed in Docket No. G-20027.

CI60-358. Burnett also filed on March 21, 1960, an application in Docket No. CI60-358 requesting certificate authorization to sell gas under a gas sales contract dated December 28, 1959 (designated as Burnett's FPC Gas Rate Schedule No. 10), which contract supersedes Burnett's FPC Gas Rate Schedule Nos. 5, 6, 7, and 9 (formerly Navajo's FPC Gas Rate Schedule Nos. 1, 2, 3, and 5). Navajo received and/or requested certificate authorization in Docket Nos. G-6735, G-6736, G-6743 and G-17803 (as to Burnett & Cornelius' Docket No. G-6747) covering sales under these latter rate schedules.

CI61-1397. Finally, on March 27, 1961, Burnett filed an application in Docket No. CI61-1397 requesting certificate authorization to sell gas under a gas sales contract dated February 15, 1961 (designated as Burnett's FPC Gas Rate Schedule No. 11), which contract supersedes Burnett's FPC Gas Rate Schedule Nos. 1, 2, and 3 (formerly Burnett & Cornelius' FPC Gas Rate Schedule Nos. 3, 4, and 5). Burnett & Cornelius received certificate authorization in Docket Nos. G-6746, G-6748, and G-6742 covering sales under these latter rate schedules.

The public convenience and necessity require that these matters be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 14, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 3, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6918; Filed, July 16, 1962; 8:45 a.m.]

[Docket No. R-218]

INDEPENDENT PRODUCER PRICING AREAS

Notice of Extension of Time for Submission of Data, Views, and Comments Relative to Proposed Revision of Boundaries

JULY 10, 1962.

Upon consideration of the requests filed by various interested persons for an extension of time within which to file comments, etc., in the above-designated matters;

An extension is hereby granted to and including July 25, 1962, within which all interested persons may submit to the Federal Power Commission, data, views, and comments in writing concerning the proposed revision of Independent Producer Area Boundaries.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6919; Filed, July 16, 1962; 8:45 a.m.]

[Docket No. G-18973 etc.]

MPS PRODUCTION CO. ET AL.

Notice of Applications, Consolidation, and Date of Hearing

JULY 10, 1962.

MPS Production Co., et al. (Agent for L. Pulaski, et al.), Docket No. G-18973; Pan American Petroleum Corporation, Docket No. CI62-778; Johnson & Appling, Docket No. CI62-1371; New Mexico Western Oil and Gas Company, Docket No. CI62-1390; American Trading and Production Corporation, Docket No. CI62-1397.

Take notice that each of the above Applicants has filed an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service subject to the jurisdiction of the Commission, as hereinafter described and all as more fully described in the respective applications which are on file with the Commission and open to public inspection.

The pertinent facts in each application are as follows:

Docket No.	Location	Purchaser	Docket No. in which sale was authorized	Reason for abandonment
G-18973	East Meyersville Field, Goliad County, Tex.	Texas Eastern Transmission Corp.	G-15283	Depletion.
CI62-778	Trend Field, Morgan County, Colo.	Kansas-Nebraska Natural Gas Co., Inc.[1]	G-18680	Low pressure.
CI62-1371	Southwest Hutchins Field, Wharton County, Tex.	Tennessee Gas Transmission Co.	G-6130	Salt water encroachment.
CI62-1390	Ballard (Pictured Cliffs) Field, San Juan and Rio Arriba Counties, N. Mex.	El Paso Natural Gas Co.	G-14255	Applicant's interests in properties conveyed to gas purchaser.
CI62-1397	Azalea Field, Midland County, Tex.	Phillips Petroleum Co.	G-17950	Production stopped and well plugged by order of the Railroad Commission of Texas.

[1] Successor in interest to N. C. Ginther.

Each of the above Applicants has filed a notice of cancellation of its related FPC gas rate schedule.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 14, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 3, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate

decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6920; Filed, July 16, 1962; 8:45 a.m.]

[Docket No. E-6957]

JIM WOODRUFF PROJECT, SOUTHEASTERN POWER ADMINISTRATION, UNITED STATES DEPARTMENT OF THE INTERIOR

Notice of Request for Approval of Rate Schedules

JULY 10, 1962.

Notice is hereby given that the Secretary of the Interior (Interior), acting on behalf of the Southeastern Power Administration (SEPA) and pursuant to the Flood Control Act of 1944 (58 Stat. 887), on June 19, 1962, requested that the confirmation and approval heretofore granted by Federal Power Commission order issued December 15, 1960, in the above-entitled proceeding (24 F.P.C. 1077), for the period ending August 19, 1962, with respect to SEPA's Wholesale Power Rate Schedules JW-1 and JW-2 for the sale of electric power from the Jim Woodruff Project (Project) be extended for a five-year period ending August 19, 1967.

The Project is located on the Apalachicola River, approximately on the Georgia-Florida State line and about 1.6 miles northwest of Chattahoochee, Florida. The entire output of the Project is now being sold by SEPA to six preference customers and to Florida Power Corporation (Florida Power), which delivers the energy sold to five of the preference customers over its facilities for the account of SEPA. Rate Schedule JW-1 provides for a monthly demand charge of $1.70 per kw and an energy charge of 4.5 mills per kwh. Florida Power purchases all Project energy in excess of the requirements of preference customers, of energy supplied to the Allatoona, Buford, and Clark Hill Projects to insure their dependable capacity, and of energy returned to the Allatoona, Buford, and Clark Hill Projects in exchange for energy received to insure the dependable capacity of the Jim Woodruff Project. Rate Schedule JW-2, which applies to sales of secondary energy, contains charges of 4.5 mills per kwh for on-peak energy and 3.0 mills per kwh for off-peak energy, subject to adjustment for changes in the cost of fuel at Florida Power's generating stations. Under contractual arrangements between Florida Power and SEPA (though not a part of Rate Schedules JW-1 and JW-2), the latter is billed for energy transmitted to preference customers by Florida Power at a rate of 1 mill per kwh for energy delivered within 100 miles of the Project and 1.75 mills per kwh for energy delivered within a radius of 100-150 miles. In addition, SEPA pays for support service furnished by Florida Power at a rate of $2.29 per kw, plus 5.0 mills per kwh after adjustment for fuel and construction index changes. Interior reports that Rate Schedules JW-1 and JW-2 will produce revenues sufficient to repay all costs associated with the production and transmission of the power produced at the Project within a 50-year period from the date of its full commercial operation.

Wholesale Power Rate Schedules JW-1 and JW-2 are on file with the Commission for public inspection. Any person desiring to make comments or suggestions for Commission consideration with respect to said Rate Schedules should submit the same in writing on or before July 27, 1962 to the Federal Power Commission, Washington 25, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6921; Filed, July 16, 1962; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

CONTINENTAL BANK AND TRUST CO.

Order Continuing Date for Show Cause Hearing

In the matter of The Continental Bank and Trust Company, Salt Lake City 10, Utah.

On June 28, 1961, the Board of Governors of the Federal Reserve System issued an order (26 F.R. 6044) for a hearing (herein referred to as "Show Cause Hearing") to be held in connection with this matter for the purposes therein stated. The date for commencement of such hearing was continued by Orders of the Board dated August 21, 1961 (26 F.R. 7991), and May 28, 1962 (27 F.R. 5357), for reasons therein stated, and is presently scheduled to commence on July 23, 1962.

On May 31, 1962, Respondent filed with the Board a "Motion to Produce" and a "Demand for Particulars". On June 11, 1962, Board Counsel filed a "Memorandum in Reply to Respondent's Motion to Produce" and a "Statement of Board Counsel in Response to Demand for Particulars". On June 29, 1962, Respondent, with the Board's permission, filed a "Memorandum in Support of Respondent's Motion to Produce and in Response to Reply Memorandum of Counsel of the Board" and "Respondent's Statement in Support of Respondent's Demand for Particulars". In the meantime, on June 25, 1962, Respondent filed a "Motion to Dismiss and Demand for Final Order", with a request that the Board rule on such motion prior to ruling on Respondent's previously filed "Motion to Produce" and "Demand for Particulars". On July 5, 1962, Board Counsel filed a "Motion in Opposition to Respondent's Motion to Dismiss and Demand for Final Order". On July 6, 1962, the Board granted Respondent permission to submit comments with respect to the last-mentioned memorandum of Board Counsel not later than close of business July 16, 1962.

In view of the importance and complexity of the issues presented by the above-mentioned motions and other documents now pending before the Board and in order to afford the Board adequate time and opportunity to consider such issues: *It is hereby ordered:*

(1) That the Show Cause Hearing in this matter presently scheduled to commence on July 23, 1962, shall be continued to commence at 10 a.m. on September 10, 1962, in the offices of the Salt Lake City, Utah, Branch of the Federal Reserve Bank of San Francisco; and

(2) That the said hearing be held in accordance with the substantive and procedural requirements designated and specified in the Board's original Order for Hearing dated June 28, 1961, except that, as provided by the Board's Order of June 8, 1962 (27 F.R. 5679), such hearing shall be open to the public provided that, in accordance with the Board's Order of June 28, 1961, the names or identities of persons indebted to Respondent shall not in any way be disclosed or introduced in evidence.

Dated at Washington, D.C., this 11th day of July 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-6922; Filed, July 16, 1962; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

T. J. HANSON ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Martime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

No. 8919 between T. J. Hanson (Beaumont) and Foreign Shipping Service Co., Inc. (New York).

No. 8928 between Charleston Overseas Forwarders, Inc. (Charleston, S. C.) and Universal Transcontinental Corp. (New York).

No. 8933 between C. E. Turton & Son (New York) and Wilmoth Fast Forwarding, Inc. (Los Angeles).

No. 8934 between C. E. Turton & Son and Loretz & Company (Los Angeles, San Francisco, and Houston).

No. 8936 between W. R. Zanes & Co. of La., Inc. (New Orleans) and Glen Shipping Co. (New York).

No. 8941 between W. R. Zanes & Co. of La., Inc. and The A. W. Fenton Co., Inc. (Cleveland).

No. 8942 between W. R. Zanes & Co. of La., Inc. and Sea-Lanes Shipping Co., Inc. (New York).

No. 8943 between W. R. Zanes & Co. of La., Inc. and J. D. Smith Inter-Ocean Inc. (New York).

No. 8948 between W. R. Zanes & Co. of La., Inc. and W. C. Sullivan & Co. (Chicago).

All nine agreements have identical terms. Each provides for a cooperative working arrangement between the parties under which they will perform freight forwarding services for each other. Forwarding fees and compensation received from the ocean carrier will be divided between the parties as agreed after negotiation on each transaction. Termination of the agreement will be effected by written notice given by one party to the other.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to them, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

Dated: July 12, 1962.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 62-6948; Filed, July 16, 1962; 8:50 a.m.]

[Docket No. 1060 (Sub 1)]

FEDERAL AND ATLANTIC LAKES LINE

Notice of Filing of Amendment to Exclusive Patronage (Dual Rate) Contract

Notice is hereby given that Federal and Atlantic Lakes Line has filed with the Commission, pursuant to section 14b, Shipping Act, 1916, proposed amendment to its Exclusive Patronage (Dual Rate) Contract (which contract has been already modified for the purpose of conforming such contract to the provisions of section 14b and has been published in the FEDERAL REGISTER as Docket 1060).

Interested parties may inspect a copy of the amendment at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such amendment and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: July 12, 1962.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 62-6949; Filed, July 16, 1962; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 12, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37828: *Dense soda ash to Forest Park and Hapeville, Ga.* Filed by O. W. South, Jr., Agent (No. A4209), for interested rail carriers. Rates on dense soda ash, in bulk, in covered hopper cars, from Baton Rouge and North Baton Rouge, La., to Forest Park and Hapeville, Ga.

Grounds for relief: Private barge-truck competition.

Tariff: Supplement 76 to Southern Freight Association tariff I.C.C. S-89.

FSA No. 37829: *Vinyl chloride to Beverly, N.J.* Filed by Southwestern Freight Bureau, Agent (No. B-8238), for interested rail carriers. Rates on vinyl chloride, with or without inhibitor, in tank-car loads, from Plaquemine, La., Freeport, Houston, and Texas City, Tex., to Beverly, N.J.

Grounds for relief: Market competition.

Tariffs: Supplements 46 and 54 to Southwestern Freight Bureau tariffs I.C.C. 4450 and 4435, respectively.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-6939; Filed, July 16, 1962; 8:48 a.m.]

[Notice 663]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 12, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65005. By order of July 10, 1962, the Transfer Board approved the transfer to Alexander B. Pollock, doing business as Jiffy Vans, Indianapolis, Ind., of Certificate No. MC 70015 issued by the Commission July 19, 1960, to Apple Moving and Storage, Inc., Indianapolis, Ind., authorizing the transportation of household goods, as defined by the Commission, over irregular routes, between Indianapolis, Ind., on the one hand, and, on the other, points in Ohio, Kentucky and Illinois. Fred A. Wiecking, 1019-29 130 East Washington Street, Indianapolis, Ind., attorney for applicants.

No. MC-FC 65017. By order of July 10, 1962, the Transfer Board approved the transfer to Carmen Fera, Inc., Jamestown, N.Y., of Certificates Nos. MC 54246 and MC 54246 Sub-1, issued May 22, 1941, and October 8, 1941, respectively, to Carmen Fera, Jamestown, N.Y., authorizing the transportation of coal, over regular routes, from Dayton and Clarion, Pa., to Jamestown, N.Y., with service authorized to intermediate and off-route points within 15 miles of Jamestown, restricted to delivery only; and from the off-route point of Shippenville, Pa., restricted to pickup only; scrap metal, used or reconditioned tools, office equipment and machinery, and used or reconditioned machinery, materials, supplies, and equipment, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas, and petroleum, over irregular routes, between Jamestown, N.Y., on the one hand, and, on the other, Cleveland, Niles, Warren, and Youngstown, Ohio, and points in Pennsylvania; and cinder block, prepared macadam, and brick, over irregular routes, from Falconer and Jamestown, N.Y., to points in Ohio and Pennsylvania within 125 miles of Jamestown, N.Y. J. Howard Peterson, 508 Hotel Jamestown Building, Jamestown, N.Y., attorney for applicants.

No. MC-FC 65036. By order of July 10, 1962, the Transfer Board approved the transfer to John A. Tippett, doing business as Tippetts Towing Service, East St. Louis, Ill., of Certificate No. MC 117078, issued August 1, 1958, to Harry Tippett, doing business as Tippett Towing Service, East St. Louis, Ill., authorizing the transportation of: Wrecked, disabled, or repossessed motor vehicles, in truckaway service, by means of wrecker equipment only, between points in Illinois, on the one hand, and, on the other, points in Missouri. Haig Apoian, 263 Arcade Building, East St. Louis, Ill., attorney for applicants.

No. MC-FC 65047. By order of July 10, 1962, the Transfer Board approved the transfer to Warren Sales Co., 208 South Hill Street, Timmonsville, S.C., of Certificate No. MC 116180, issued July 24, 1958, to Paul R. McLaughlin, doing business as McLaughlin Trucking Co., Marion Highway, P.O. Box 1043, Florence, S.C., authorizing the transportation of: Lumber, except plywood and veneer, from points in Darlington, and Florence Counties, S.C., to points in Delaware, Georgia, Kentucky, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia.

No. MC-FC 65104. By order of July 10, 1962, the Transfer Board approved the transfer to Chipper Cartage Company, Inc., 1327 North Bond Street, Peoria, Ill., of the operating rights in Certificate No. MC 99780 Sub-1, issued July 12, 1960, to Louis Seward Zang, doing business as Chipper Cartage Company, Peoria, Ill., authorizing the transportation, over irregular routes, of meats, meat products, and packinghouse products, as described by the Commission, except commodities in bulk, in tank vehicles, from Peoria, Ill., to points in Illinois, those in a described portion of

Indiana, and in a described portion of Iowa.

No. MC-FC 65123. By order of July 10, 1962, the Transfer Board approved the transfer to William E. Wammes, doing business as H. & W. Motor Freight, Bowling Green, Ohio, of the operating rights in Certificate No. MC 81908, issued June 7, 1941, to Harold A. Johnston, doing business as The Right Way, Bowling Green, Ohio, authorizing the transportation, over irregular routes, of household goods, canned goods, and fresh fruits and vegetables, between Bowling Green, Ohio, and points within 10 miles thereof, on the bne hand, and, on the other, Pittsburgh, Pa., and points in a described portion of Indiana, and a described portion of Michigan. Robert G. Riegle, 143 East Wooster Street, Bowling Green, Ohio, applicants' attorney.

No. MC-FC 65126. By order of July 10, 1962, the Transfer Board approved the transfer to Herbert E. Marshall, doing business as Marshall's Moving and Storage, California, Pa., of Certificate No. MC80097, issued December 13, 1957, to Mabel E. Marshall and Herbert E. Marshall, a partnership, doing business as Marshall's Moving and Storage, California, Pa., authorizing the transportation of: Household goods, between points in Washington, Fayette, and Westmoreland Counties, Pa., on the one hand, and, on the other, points in Ohio, West Virginia, and Michigan. Patrone and Edwards, Underwood Building, California, Pa., attorneys for applicants.

No. MC-FC 65155. By order of July 10, 1962, the Transfer Board approved the transfer to Katherine E. Chilson, doing business as Harvard Transfer Company, Harvard, Ill., of Certificate in No. MC 96466, issued November 4, 1949, to Robert Chilson, doing business as Harvard Transfer Company, Harvard, Ill., authorizing the transportation of: General commodities, excluding household goods, and other specified commodities, between Harvard, Ill., on the one hand, and, on the other, points in that part of Walworth County, Wis., on and south of Wisconsin Highway 11, excepting Elkhorn and Delavan, Wis., and household goods between Harvard, Ill., on the one hand, and, on the other, points in Rock and Walworth Counties, Wis. Charles T. Smith, 33½ North Ayer Street, Harvard, Ill., attorney for transferee.

No. MC-FC 65175. By order of July 10, 1962, the Transfer Board approved the transfer to Dietrich Bros. Inc., Philadelphia, Pa., of Permit No. MC 84732, issued April 10, 1958, to Anton Kuhn, doing business as Dietrich Brothers, Philadelphia, Pa., authorizing the transportation of: Steel furniture, steel equipment, and steel fixtures (with exceptions) for offices, hotels, stores, hospitals, schools, museums, and institutions, from Philadelphia, Pa., to points in New York, New Jersey, Massachusetts, New Hampshire, Rhode Island, Connecticut, Delaware, and the District of Columbia, within 350 miles of Philadelphia, and those in Maryland on and east of U.S. Highway 11, and those in Virginia on and east of U.S. Highway 1; and damaged or rejected shipments, of the above-specified commodities, from the destination points specified above to Philadelphia, Pa. G. Donald Bullock, Box 103, Wyncote, Pa., representative for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-6940; Filed, July 16, 1962; 8:48 a.m.]

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Title 3—THE PRESIDENT

Proclamation 3482

CAPTIVE NATIONS WEEK, 1962

By the President of the United States of America

A Proclamation

WHEREAS by a joint resolution approved July 17, 1959 (73 Stat. 212), the Congress authorized and requested the President of the United States of America to issue a proclamation designating the third week in July 1959 as "Captive Nations Week," and to issue a similar proclamation each year until such time as freedom and independence shall have been achieved for all the captive nations of the world; and

WHEREAS there exist many historical and cultural ties between the people of these captive nations and the American people; and

WHEREAS the principles of self-government and human freedom are universal ideals and the common heritage of mankind:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby designate the week beginning July 15, 1962, as Captive Nations Week.

I invite the people of the United States of America to observe this week with appropriate ceremonies and activities, and I urge them to give renewed devotion to the just aspirations of all people for national independence and human liberty.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this thirteenth day of July in the year of our Lord nineteen hundred and sixty-two, and of the Independence of the United States of America the one hundred and eighty-seventh.

[SEAL]

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc 62-7076; Filed, July 17, 1962; 10:34 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Agency for International Development

Effective upon publication in the FEDERAL REGISTER, paragraph (b)(1) is added to § 6.375 as set out below.

§ 6.375 Agency for International Development.

• • • • •

(b) *Office of the Assistant Administrator for Congressional Liaison.* (1) One Staff Assistant to the Assistant Administrator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-7008; Filed, July 17, 1962; 8:53 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Farm Storage Facility Loan Bulletin 1, Rev. 3, Amdt. 1]

PART 474—FARM STORAGE FACILITIES

Subpart—Farm Storage Facility Loan Program

ELIGIBLE STRUCTURES

The purpose of this amendment is to define eligible new facilities on which loans may be made to include new additions to existing facilities of a movable or immovable type.

The provisions of the amendment will be effective on the date of publication.

Section 474.725 (b)(1) and (c) of the bulletin (26 F.R. 7183) is amended to read as follows:

§ 474.725 Eligible structures.

• • • • •

(b) *Eligiblity.* A storage facility shall qualify as an eligible structure if all the following requirements are met:

(1) The facility shall meet the requirements for eligible farm storage under applicable price support programs and must be either (i) a new farm storage facility of movable or immovable type (including any new addition to an existing movable or immovable facility) or (ii) a used farm storage facility which CCC has acquired by foreclosure or other means under this program. Unless approved by the Executive Vice President, CCC, or the Deputy Administrator, State and County Operations, ASCS, a loan shall not be approved or disbursed if the facility has been purchased or erected prior to the date of application for loan, or for the purchase of a secondhand facility, except as specifically provided in this subpart. A downpayment will not be deemed to be a purchase nor will the installation of the foundation be deemed to be an erection requiring such approval.

(c) *Loan not available.* Except as provided in § 474.725(b)(1) hereof, a loan shall not be approved or disbursed to repair, remodel, or for the maintenance of existing facilities. A loan shall not be available to provide storage facilities for commodities which the borrower intends to purchase or store for others.

Effective date: Date of publication.

Signed at Washington, D.C., on July 12, 1962.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc 62-7007; Filed, July 17, 1962; 8:52 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 615, Reissued]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Mediterranean Fruit Fly

Administrative Instructions Designating Certain Localities as Regulated Areas

Pursuant to § 301.78-2 of the regulations supplemental to the Mediterranean Fruit Fly Quarantine (7 CFR 301.78-2), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), administrative instructions to appear as 7 CFR 301.78-2a are hereby issued to read as follows:

§ 301.78-2a Administrative instructions designating regulated areas under the Mediterranean fruit fly quarantine and regulations.

Infestations of the Mediterranean fruit fly have been determined to exist in the parts of civil divisions listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such parts of civil divisions because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, such parts of civil divisions are hereby designated as Mediterranean fruit fly regulated areas within the meaning of the provisions in this subpart:

FLORIDA

Broward County. That portion of the county bounded by a line beginning at a point where Northwest 72d Avenue intersects Northwest 25th Street (near West Hollywood) and extending east on Northwest 25th Street (also known as Sheridan St.) to a point where said street intersects the Seaboard Airline Railroad right of way, thence south on the Seaboard Airline Railroad right of way to a point where said railroad right of way intersects Hollywood Boulevard, thence east on said boulevard to the Atlantic Ocean, thence south along the coast line to the Broward-Dade County line, thence west along said county line to a point where a line extended south from Southwest 72d Avenue would intersect said county line and thence north from this point along said extension, Southwest 72d Avenue and Northwest 72d Avenue to the point of beginning.

Dade County. That portion of the county lying east of the west line of R. 39 E. (State Highway No. 27 and extension thereof to Dade-Broward County line) and north of the north line of T. 57 S. (Waldin Drive or extension thereof).

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161. 19 F.R. 74, as amended; 7 CFR 301.78-2)

These administrative instructions shall become effective July 18, 1962.

The last revision of these administrative instructions, effective April 16, 1957 (22 F.R. 2575), was revoked effective May 21, 1957 (22 F.R. 3512), no Mediterranean fruit flies having been found in the regulated areas for a period of three months. Recently a few incipient infestations of this pest were discovered in the Miami area by means of traps that have been maintained continuously in the 1956 infested area over the intervening years.

These instructions list the parts of civil divisions regulated under the Mediterranean fruit fly quarantine and regulations, and supplement such regulations. They must be made effective promptly in order to carry out the purposes of the regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 13th day of July 1962.

[SEAL] E. D. BURGESS,
Director, Plant Pest Control Division.

[F.R. Doc. 62-7006; Filed, July 17, 1962; 8:52 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER D—SPECIAL PROGRAMS

[Amdt. 5]

PART 775—FEED GRAINS

Subpart—1961 Feed Grain Program Regulations

Title of Contracts Involving Sale of Pooled Certificate Rights

The regulations governing the 1961 Feed Grain Program, 26 F.R. 5356, as amended, are further amended to change in § 775.30 the term used to identify contracts involving the sale of rights represented by pooled certificates.

Section 775.30 as amended will read as follows:

§ 775.30 Marketing of certificates.

All certificates presented to the county office for marketing by CCC shall be pooled by CCC and will lose their identity as individual certificates. The amount of the certificate pool will be equal to the amount of cash advances to producers. CCC shall market the rights represented by pooled certificates at such times and in such manner as it determines will best effectuate the purposes of the program. Such rights shall be marketed for immediate use by the purchaser to obtain delivery of grain from CCC. The term "Certificate Pool Sale—Feed Grain Program" used in contracts of CCC shall be deemed to refer to a transaction involving the sale of rights represented by pooled certificates and the immediate use of such rights to acquire grain from CCC. Commodity Credit Corporation reserves the right to determine the time and place of delivery and the kind, class, grade, quality, and quantity of grain delivered in redemption of such rights. Grain delivered by CCC shall be valued at the market price at point of delivery, as determined by CCC.

(Sec. 16(c), 49 Stat. 1151, as amended by 75 Stat. 6; secs. 4 and 5, 62 Stat. 1070–1072, as amended; sec. 3, 75 Stat. 7; 16 U.S.C. 590 p; 15 U.S.C. 714 b and c)

Signed at Washington, D.C., on July 12, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62–7003; Filed, July 17, 1962; 8:52 a.m.]

[1962 Feed Grain Program, Supp. 2, Amdt. 1]

PART 775—FEED GRAINS

Subpart—1962 Feed Grain Program Regulations

Title of Contracts Involving Sale of Pooled Certificate Rights

The regulations governing the 1962 Feed Grain Program, 26 F.R. 10787, are amended to change in § 775.166 the term used to identify contracts involving the sale of rights represented by pooled certificates.

Section 775.166 as amended will read as follows:

§ 775.166 Marketing of certificates.

All certificates for which payees have requested CCC's assistance in marketing shall be pooled by CCC and shall lose their identity as individual certificates. The amount of the certificate pool shall be the total of the value of certificates of which CCC has made constructive delivery to the payees and the value of the certificates presented to the county office by the payees for marketing by CCC. Such amount shall be equal to the amount of cash advances to the payees. CCC shall market the rights represented by pooled certificates at such times and in such manner as it determines will best effectuate the purposes of the program. Such rights shall be marketed for immediate use by the purchaser to obtain delivery of grain from CCC. CCC reserves the right to determine the time and place of delivery and the kind, class, grade, quality, and quantity of grain delivered in redemption of such rights. Such grain delivered by CCC shall be valued at the market price at point of delivery as determined by CCC. The term "Certificate Pool Sale—Feed Grain Program" used in contracts of CCC shall be deemed to refer to a transaction involving the sale of rights represented by pooled certificates and the immediate use of such rights to acquire grain from CCC.

(Sec. 133, 75 Stat. 303, sec. 16(d), 49 Stat. 1151, as amended; secs. 4 and 5, 62 Stat. 1070–1072, as amended; 16 U.S.C. 590 p; 15 U.S.C. 714 b and c)

Signed at Washington, D.C., on July 12, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62–7004; Filed, July 17, 1962; 8:52 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 20, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 908.320 (Valencia Orange Regulation 20, 27 F.R. 6424) are hereby amended to read as follows:

(ii) District 2: 450,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 13, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–6987; Filed, July 17, 1962; 8:50 a.m.]

[Plum Order 13]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grade and Size

§ 917.315 Plum Order 13 (Kelsey).

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on July 13, 1962.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 19, 1962, and ending at 12:01 a.m., P.s.t., November 1, 1962, no shipper shall ship any package or container of Kelsey plums, unless:

(i) Such plums grade at least U.S. No. 1, as required by the provisions of § 917.301 (Plum Order 1; 27 F.R. 4729), except that a total tolerance of ten (10) percent for defects not considered serious damage is permitted in addition to the tolerances permitted by such grade;

(ii) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 4 standard pack;

(iii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "U.S. No. 1," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of fruits covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 17, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–7095; Filed, July 17, 1962; 11:35 a.m.]

[Plum Order 14]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Size

§ 917.316 Plum Order 14 (President, Emily, Late Duarte).

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on July 13, 1962.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 19, 1962, and ending at 12:01 a.m., P.s.t., November 1, 1962, no shipper shall ship any package or container of President, Emily, or Late Duarte plums, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 17, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–7096; Filed, July 17, 1962; 11:35 a.m.]

[948.339; Area 3]

PART 948—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of recommendations and information submitted by the Area No. 3 Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments hereinafter set forth, will tend to maintain orderly marketing conditions and increase returns to producers of such potatoes.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of 1962 crop potatoes grown in Area No. 3 will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to all such shipments during the effective period, (3) producers and handlers have operated under said marketing order since 1949 so special preparation on the part of handlers is not required, and (4) information regarding the committee's recommendation has been disseminated to producers and handlers in the production area.

§ 948.339 Limitation of shipments.

During the period July 23, 1962, through June 30, 1963, no person shall handle any lot of potatoes grown in Area No. 3 unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c) and (d) of this section.

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter; or U.S. No. 1, or better grade, 1⅞ inches minimum to 2¼ inches maximum diameter, if packaged in 25 pound net weight or smaller size containers.

(2) *Long varieties.* U.S. No. 2, or better, grade, 2 inches minimum diameter or 4 ounces minimum weight.

(b) *Minimum maturity (skinning) requirements*—(1) *All varieties.* Not more than "slightly skinned."

(2) Not to exceed a total of 100 hundredweight of such potatoes may be shipped for any producer without regard to the aforesaid maturity requirements if the handler thereof reports to the area committee for Area No. 3, prior to such handling, the name and address of the producer of such potatoes, and each shipment hereunder is handled as an identifiable entity.

(3) For the purpose of determining who shall be entitled to the exception set forth in subparagraph (2) of this paragraph, "producer" means any individual, partnership, corporation, association, landlord-tenant relationship, community property ownership, or any other business unit engaged in the production of potatoes for market, and it is intended that such exception shall apply separately to each farm of a producer and only to the potatoes grown on such farm.

(c) *Special purpose shipments.* (1) The quality and maturity requirements set forth in paragraphs (a) and (b) of this section and the inspection and assessment requirements of this part shall not be applicable to shipments of potatoes for the following purposes:

(i) Livestock feed; and

(ii) Charity.

(2) The maturity requirements set forth in paragraph (b) of this section shall not be applicable to shipments of potatoes for the following purposes:

(i) Chipping; and

(ii) Prepeeling.

(3) The quality and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for seed (§ 948.6) but such shipments shall be subject to assessments.

(d) *Safeguards.* (1) Each handler making shipments of potatoes for chipping or prepeeling pursuant to paragraph (c) of this section shall,

(i) Prior to shipment, apply for and obtain a Certificate of Privilege from the committee,

(ii) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver on the use of such potatoes, and

(iii) Bill each shipment directly to the applicable processor or receiver.

(2) Potatoes shipped for livestock feed pursuant to paragraph (c) of this section shall be mutilated so as to render them unfit for commercial tablestock markets.

(e) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," and "slightly skinned," shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (United States Standards for Grades of Peeled Potatoes §§ 52.2421 to 52.2433 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated July 13, 1962, to become effective July 23, 1962.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 62–7001; Filed, July 17, 1962; 8:51 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 16—MARKING, BRANDING AND IDENTIFYING PRODUCT

PART 17—LABELING

PART 18—REINSPECTION AND PREPARATION OF PRODUCTS

Addition of Soy Protein Concentrate and Calcium Reduced Dried Skim Milk in Meat Food Products

On May 10, 1962, there was published in the FEDERAL REGISTER (27 F.R. 4483) a notice of proposed amendments of the Federal Meat Inspection Regulations in 9 CFR Parts 16, 17, and 18 to add soy protein concentrate and calcium reduced dried skim milk to the lists of permitted ingredients of sausage and certain other meat food products.

After due consideration of all relevant material in connection with such notice and under the authority of the Meat Inspection Act, as amended and extended (21 U.S.C. 71–96) and section 306 of the Tariff Act of 1930, as amended (19 U.S.C. 1306) §§ 16.13(c), 17.8(c) (16), (27), (32), and (48), and 18.7(g) of the Meat Inspection Regulations (9 CFR 16.13(c), 17.8(c) (16), (27), (32), and (48), and 18.7(g)) are amended to read, respectively, as follows:

§ 16.13 Marking of meat food products in casings.

* * * * *

(c) When cereal, vegetable starch, starchy vegetable flour, soya flour, soy protein concentrate, dried milk, nonfat dry milk, or calcium reduced dried skim milk is added to sausage within the limits prescribed under Part 18 of this subchapter, the product shall be marked with the name of each of such added ingredients, as for example, "cereal added", "potato flour added", "cereal and potato flour added", "soya flour added", "soy protein concentrate added", "nonfat dry milk added", "calcium reduced dried skim milk added", or "cereal and nonfat dry milk added", as the case may be. On sausage of the smaller varieties, the marking prescribed in this paragraph may be limited to links bearing the inspection legend.

§ 17.8 False or deceptive labeling and practices.

* * * * *

(c) * * *

(16) When cereal, vegetable starch, starchy vegetable flour, soya flour, soy protein concentrate, dried milk, nonfat dry milk, or calcium reduced dried skim milk is added to sausage within the limits prescribed under Part 18 of this subchapter, there shall appear on the label in a prominent manner, contiguous to the name of the product, the name of each such added ingredient, as, for example, "cereal added", "with cereal", "potato flour added", "cereal and potato flour added", "soya flour added", "soy protein concentrate added", "nonfat dry milk added", "calcium reduced dried skim milk added", or "cereal and nonfat dry milk added", as the case may be.

* * * * *

(27) Product labeled "Chili Con Carne" shall contain not less than 40 percent of meat computed on the weight of the fresh meat. Head meat, cheek meat, and heart meat exclusive of the heart cap may be used to the extent of 25 percent of the meat ingredient under specific declaration on the label. The mixture may contain not more than 8 percent, individually or collectively, of cereal, vegetable starch, starchy vegetable flour, soya flour, soy protein concentrate, dried milk, nonfat dry milk, or calcium reduced dried skim milk.

* * * * *

(32) Spaghetti with meat balls and sauce, spaghetti with meat and sauce, and similar product, shall contain not less than 12 percent of meat computed on the weight of the fresh meat. The presence of the sauce or gravy constituent shall be declared prominently on the label as part of the name of the product. Meat balls may be prepared with not more than 12 percent, singly or collectively, of farinaceous material, soya flour, soy protein concentrate, nonfat dry milk, calcium reduced dried skim milk, and similar substances.

* * * * *

(48) Products labeled "Pork With Barbecue Sauce" and "Beef With Barbecue Sauce" shall contain not less than 50 percent meat computed on the weight of the cooked and trimmed meat. The weight of the cooked meat used in this calculation shall not exceed 70 percent of the uncooked weight of the meat. If uncooked meat is used in formulating the products, they shall contain at least 72 percent meat computed on the weight of the fresh uncooked meat. When cereal, vegetable flour, nonfat dry milk, calcium reduced dried skim milk, or similar substances are used in preparing the products, such fact shall be prominently stated contiguous to the name of the product.

§ 18.7 Use in preparation of meat food products of chemicals, antioxidants, coloring matter, flavoring, water, ice, cereal, vegetable starch, nonfat dry milk, etc.

* * * * *

(g) Under appropriate declaration as required in Parts 16 and 17 of this subchapter, sausage may contain not more than 3½ percent, individually or collectively, of cereal, vegetable starch, starchy vegetable flour, soya flour, soy protein concentrate, dried milk, nonfat dry milk, or calcium reduced dried skim milk.

These amendments shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C. this 12th day of July 1962.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62–7002; Filed, July 17, 1962; 8:51 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 2]

PART 101—ADMINISTRATION

Miscellaneous Amendments

Part 101 is hereby amended by adding thereto §§ 101.1 to 101.3 as follows:

§ 101.1 Purpose, function, general organization.

(a) *Purpose.* To aid, counsel, assist, and protect, insofar as possible, the interest of small business concerns in order to preserve free competitive enterprise; to insure that a fair proportion of the total purchases and contracts or subcontracts for property and services for the Government be placed with small business enterprises; to insure that a fair proportion of the total sales of Government property be made to such enterprises; and to maintain and strengthen the overall economy of the Nation. To aid and assist victims of floods, other catastrophes, and small business concerns displaced by federally aided construction. To stimulate and supplement the flow of private equity capital and long-term loans to small business by small business investment companies and state and local development companies.

(b) *Functions.* To make a detailed definition of what constitues a small business concern using, among other criteria, number of employees and dollar volume of business; make loans to small business concerns to finance plant construction, conversion, or expansion, or to finance the acquisition of equipment, facilities, machinery, supplies, or materials, and to supply such concerns with working capital; make loans to aid victims of floods or other catastrophes and displaced business disaster loans; certify with respect to the competency, as to capacity and credit, of any small business concern or group of such concerns to perform a specific Government contract; enter into joint determinations with Government procurement and disposal agencies with respect to awarding of procurement contracts or sale of property to assure that it is in the interest of (1) maintaining or mobilizing the Nation's full productive capacity, (2) national defense programs and (3) insuring a fair proportion of the total contracts for property and service and total sales of property be made to small businesses; consult with procurement officials in order to attain full use of productive capacity of small business concerns; recommend approval of small business defense production pools and research and development pools; take prime contracts and sublet their performance to small businesses; provide technical and managerial aids to small business; make an inventory of productive facilities of small concerns; to obtain information as to methods and practices which Government prime contractors utilize in letting subcontracts and cooperatively develop with the Department of Defense and the General Services Administration a small business subcontracting program to enable small business concerns to be considered fairly as subcontractors to Government prime contractors; consult with Government agencies to insure fair and reasonable treatment for small business concerns; counsel and advise small firms on foreign trade matters; assist small firms in obtaining Government contracts for research and development and obtaining the benefits of research and development performed with Government funds; make grants to State governments, State-chartered corporations, colleges, universities and schools of business, engineering, commerce, or agriculture for studies, research and counseling concerning the managing, financing and operation of small businesses; license and regulate small business investment companies; and make loans to small business investment companies and state and local development companies, and under authority delegated by the Secretary of Commerce, perform relevant functions provided for in the Area Redevelopment Act.

(c) *Organization.* (1) Management of the Small Business Administration is vested in an Administrator appointed by the President with the advice and consent of the Senate. The Administrator is authorized to appoint three Deputy Administrators under the Small Business Act and one Deputy Administrator under the Small Business Investment Act. The Administrator is authorized, subject to the Civil Service and Classification Laws, to select employees, appoint and fix the compensation of such officers, employees, attorneys, and agents as shall be necessary to carry out the provisions of the Small Business Act of 1958 and the Small Business Investment Act of 1958.

(2) The Small Business Act of 1958 created the Loan Policy Board of the Small Business Administration which consists of the following members:

(i) The Administrator as chairman, the Secretary of the Treasury, and the Secretary of Commerce (or the presidentially appointed designee of each of said Secretaries). The Loan Policy Board is charged with the establishment of general policies (particularly with reference to the public interest) which govern the granting and denial of applications for financial assistance by the Administration.

(ii) A Hearing Examiner or Hearing Examiners appointed or selected in accordance with section 11 of the Adminis-

trative Procedure Act, shall conduct hearings pursuant to section 309 of the Small Business Investment Act of 1958, as amended. Hearing Examiner functions shall be appropriately, separated from investigative and prosecuting functions of the staff as required by law.

(iii) The Program Administration and Compliance Division administers prosecuting and investigative functions under sections 309 and 310 of the Small Business Investment Act.

(3) The Headquarters office of the Small Business Administration is located at 811 Vermont Avenue NW., Washington 25, D.C. Further information concerning the organization and functions of SBA can be obtained by calling the Agency Information and Reception Center, Dudley 2-3301.

§ 101.2 Organization of the Washington Office—Administrator.

All offices heading §§ 101.2 to 101.2-8 are located in Washington, D.C., and their heads report directly to the Administrator. The Administrator determines policy and directs programs to aid, assist and protect small business, serves as chairman of the Loan Policy Board and of the White House Committee on Small Business, and reports to the President and Congress on Agency program accomplishments and small business problems.

(a) *Office of Hearing Examiners.* Conducts hearings pursuant to Part 109 of this chapter, SBA rules and regulations, and applicable law.

§ 101.2-1 Office of Economic Adviser.

(a) The Office of Economic Advisor provides the focus for research in the economic dynamics of small business. Analyzes the economic effects of SBA activities and advises the Administrator. Makes continuing studies and analyses of small firms and the competitive factors affecting them. Conducts industry and environmental studies of economic changes. At the request of other Offices, or the operating departments of SBA conducts research on specific problems.

(b) Gathers and evaluates size information and suggests changes in size standards. Directs research required to advise the Administrator concerning the effect of economic conditions on funds required by the Agency to meet financing demands of small business.

(c) Conducts economic and statistical research showing the impact of SBA policies and programs on small business, for inclusion in official reports. Conducts negotiations for studies on competitive factors affecting small business authorized by section 8(c) of the Small Business Act, as amended. Performs other duties, including membership on the Size Appeals Board, as assigned to the Office by the Administrator.

§ 101.2-2 Office of the General Counsel.

Serves as legal adviser to the Administrator and program and administrative officials of the Agency. Analyzes and interprets legislation, regulations, and orders relating to the operations of SBA. Negotiates with other Government agencies as to the legal aspects of SBA programs and operations. Gives legal counsel and drafts legal instruments, operating procedures and technical assistance, management and research programs and administrative operations of the Agency. Participates with the Department of Justice in litigation arising from delinquent loans, criminal matters, and other SBA activities. Reviews legislative proposals affecting small business and develops recommendations for the Bureau of the Budget and Congressional Committees, prepares legislative proposals relating to SBA and develops reports for Congressional hearings or the Office of the President. Serves as Chairman of the Size Appeals Board.

(a) *Liquidation and Litigation Division.* Advises operating officials with respect to legal action to be taken in connection with the servicing and collection of loans and investments. Refers to the Department of Justice for collection and other action to protect the interests of SBA, delinquent loans and all other civil litigation. Refers to the Department of Justice any evidence indicating a violation of the Small Business Act, the Small Business Investment Act, or the Criminal Code of the United States. Prepares cases for submission to the Department of Justice for litigation or prosecution and assists U.S. Attorneys in the trial of cases whenever necessary. Participates with other divisions of the Office of General Counsel with respect to any litigation in connection with their functions and activities.

(b) *Loan Division.* Provides legal counsel to Agency officials in the development and implementation of policies and procedures relating to the financial assistance programs including advice with respect to loan applications, disbursement and servicing of current loans under the Small Business Act, as amended. Renders opinions regarding loan eligibility. Advises field counsel of legal responsibilities in loan programs. Analyzes comments on proposed new loan programs and new legislative lending proposals. Drafts or reviews SBA loan forms and instructions. Reviews and evaluates security information for loan and investment programs.

(c) *Legal Investment Division.* (1) Advises operating officials in the development of policies, regulations, instructions and forms relating to the Small Business Investment Program under the Small Business Investment Act of 1958. Provides legal advice with respect to the granting of licenses to small business investment companies, the regulation of such companies and loans to state and local development companies. Prepares documents for publication in the FEDERAL REGISTER and is responsible for interpreting the Administrative Procedure Act as it applies to the Small Business Investment Act of 1958. Maintains liaison with appropriate Government agencies on legal matters relating to the investment program.

(2) The Legal Investment Division is made up of three branches: (i) Licensing and Operations Branch; (ii) Development Companies Branch and (iii) Regulations Branch.

(d) *Procurement, Legislative, and Administrative Division.* Is responsible for the legal aspects of policies and procedures relating to the procurement, technical, and management assistance programs of the Agency; provides legal counsel in connection with the administration of the Agency, including fiscal, personnel, contractual and other problems of an administrative nature; serves as liaison with the Federal Register and prepares documents for publication therein. Interprets the Administrative Procedure Act as it applies to the Agency other than for purposes of the Small Business Investment Act of 1958; has responsibility for matters pertaining to Agency legislation and other legislation which may affect small business; provides legal counsel to the Agency's Size Appeals Board and legal advice in connection with the administration of the Agency's small business size standards.

(1) *Legislative Branch.* Reviews legislation and reviews or prepares legislative proposals affecting the interest of small business or the operations of SBA. Prepares reports for Congressional hearings and Committees and the Bureau of the Budget respecting legislative matters.

(2) *Procurement and Administrative Branch.* Provides legal counsel to officials in the development of policies, interagency agreements and operating procedures relating to the procurement and technical assistance programs, small business research and management counseling programs, size standards and size appeals programs and administrative activities of the Agency, and drafts legal instruments relating to these programs and administrative activities. Analyzes regulations and policies of civilian and military procurement agencies for the development of proposals for changes therein to assist small business. Provides legal advice in the formation of defense production pools and research and development pools. Prepares documents for publication in the FEDERAL REGISTER and is responsible for interpreting the Administrative Procedure Act except with respect to its applicability under the Small Business Investment Act of 1958.

§ 101.2-3 Deputy Administrator for Financial Assistance.

Develops and administers the financial assistance program of the Agency under the Small Business Act. Recommends to the Administrator changes in policy requiring approval of the Loan Policy Board. Reviews financial assistance operations and initiates corrective policies when required. Under authority delegated by the Secretary of Commerce to SBA, directs the processing of Area Redevelopment Administration applications for financial assistance. Serves as a member of the Size Appeals Board.

(a) *Office of Loan Processing.* Directs and administers policies and programs pertaining to the processing of loan applications, both business and disaster loans, under section 7 of the Small Business Act, new or special financial assistance programs, and Certificate of Competency credit analysis; provides technical directions and coordination to field offices in the administration of the loan processing program; and directs the processing of Area Redevelopment Administration applications for financial assistance. Approves or declines loan applications referred to the Washington office by the field office.

(1) *Area Loan Groups (4).* Examines loan applications referred to the Washington office by the field offices, and approves, declines, or recommends approval or declination of such applications.

(b) *Office of Loan Administration.* Directs and administers policies and programs pertaining to the Administration and servicing of loans made pursuant to section 7 of the Small Business Act, including problem and delinquent loans, loans in liquidation and the sale or disposal of acquired assets. Provides technical direction and coordination to field offices in the operation of the loan administration program.

(1) *Loan Servicing Division.* Administers and coordinates programs for the administration and servicing of loans and other obligations, other than loans in liquidation, made pursuant to section 7 of the Small Business Act. Approves, declines, or recommends approval or declination of loan servicing actions referred to the Washington office by the field offices.

(2) *Liquidation Division.* Administers and coordinates the liquidation program as it pertains to loans in liquidation and acquired property. Participates with the Office of General Counsel in the preparation of delinquent loans for referral to the Department of Justice.

(c) *Office of Financial Services.* Prepares and coordinates financial assistance instructions. Coordinates the disaster loan program. Determines eligibility of loan applicants on the basis of established criteria and previous rulings. Conducts research and recommends new or special financial assistance programs. Participates with the Office of Budget and the Office of Personnel on budget and personnel matters relating to the financial assistance program. Conducts special studies and prepares reports relating to the financial assistance program.

(1) *Reports and Special Studies Division.* Initiates studies and reviews reports of studies conducted by other organizational units concerning financial assistance operations. Prepares special reports relating to the financial assistance budget. Participates with the Office of Personnel on personnel matters relating to the financial assistance program. Handles all congressional mail relating to the financial assistance program.

(2) *Procedures and Program Division.* Prepares financial assistance procedures. Coordinates disaster program operations. Recommends eligibility standards for loan applicants under section 7 of the Small Business Act and determines eligibility of applicants on the basis of established criteria and previous rulings.

§ 101.2-4 Deputy Administrator for Procurement and Technical Assistance.

Develops and administers the procurement, property sales and disposal, research and development, management and research, certificate of competency, subcontracting, foreign trade, loan appraisal, production, new products, and technical assistance programs. Reviews program operations and initiates corrective policies when required. Under authority delegated from the Secretary of Commerce to SBA, carries out the production and technical assistance phases of the Area Redevelopment Administration program. Serves as a member of the Size Appeals Board.

(a) *Office of Procurement and Technical Assistance.* Directs and administers policies and programs pertaining to the procurement, property sales and disposal, research and development, products, certificate of competency, subcontracting, foreign trade, production, new products and technical assistance and loan appraisal programs. Provides technical direction and coordination to field offices in the administration of these programs. Maintains liaison with Department of Defense and civilian Government agencies on procurement and technical assistance programs. Directs procurement and technical assistance phases of the SBA civil and defense mobilization program.

(1) *Plans and Program Coordination Staff.* Assists the Director in developing and carrying out procurement and technical assistance plans and programs. Coordinates and implements plans and procedures and prepares instructions relating to the procurement and technical assistance programs. Prepares and coordinates budget estimates with the Office of Budget. Coordinates training programs and cooperates with the Office of Personnel in establishing and carrying out PTA training activities pertaining to the procurement and technical assistance programs.

(2) *Technical Services Division.* (i) Develops and establishes standards and procedures for the certificates of competency, production, products, research and development, facilities inventory, and technical assistance programs. Analyzes applications for certificates of competency from a production standpoint, and recommends the approval or denial of such applications. Provides advice to field offices in the administration of the technical assistance programs.

(ii) The Technical Services Division is made up of three branches: (*a*) Production Assistance Branch, (*b*) Industrial Services Branch, and (*c*) Research and Development Branch.

(3) *Procurement and Contract Services Division.* (i) Develops and establishes standards and procedures for the set-aside, property sales and disposal, prime and subcontracting programs. Consults with government procurement officials in the adoption of agreements for the administration of the procurement, property sales, and contract services programs. Provides advice to field offices in the administration of the programs.

(ii) The Procurement and Contract Services Division is made up of three branches: (*a*) Procurement Operations Branch, (*b*) Counseling and Subcontracting Branch, and (*c*) Property Sales Branch.

(4) *Liaison Activities Division.* Represents SBA with the Department of Defense and Departments of Army, Navy, and Air Force and civilian Government agencies on procurement, property sales and disposal and other technical and research and assistance programs.

(5) *Loan Appraisal Division.* Develops and establishes standards and procedures for the loan appraisal program, and provides advice to field offices in the administration of the program.

(6) *Foreign Trade Division.* (i) Participates with the Department of Commerce, Export & Import Bank and other Government agencies in the development and stimulation of foreign trade opportunities for small business.

(ii) The Foreign Trade Division is made up of two branches: (*a*) Export Trade Promotion Branch and (*b*) Export Trade Operations Branch.

(b) *Office of Management and Research Assistance.* Directs and administers the management and research assistance programs, including research studies, management courses, workshop study groups and conferences, management and technical publications, and management marketing counseling. Provides technical direction and coordination to field offices in the administration of these programs.

(1) *Research Studies Division.* Develops plans, criteria, and procedures for research studies for the benefit of small business concerns. Evaluates proposals for research studies, and reviews and evaluates reports and completed management research studies. Directs the dissemination of research reports and information to interested parties.

(2) *Management Development Division.* Develops plans and procedures for assistance to small business concerns in management development through administrative management courses, seminars, institutes, workshops and academic courses offered by public and private educational institutions and trade associations. Participates with educational institutions and SBA field offices in the development and administration of courses and other management development activities.

(3) *Management Methods Division.* Develops plans and procedures with respect to providing counsel and assistance to small business concerns on management methods. Prepares periodical bulletins and booklets, leaflets and aids on management and technical subjects, working with Government agencies, private organizations and individuals.

(4) *Counseling and Conference Division.* Develops plans and procedures for individual and group counseling on management and marketing problems of small business. Directs the preparation of Management Counseling Notes and Small Business Bulletins. Develops and coordinates library procedures for Washington and field offices. Develops plans for conferences, other than procurement and technical assistance, involving small business concerns held by SBA or in which SBA participates.

§ 101.2–5 Deputy Administrator for the Investment Division.

Develops and administers the small business investment program. Issues licenses and permits to small business investment companies and approves requests for the purchase of debentures of small business investment companies. Approves or declines applications for loans from small business investment companies and state and local development companies. Directs the development of procedures for the regulation of small business investment companies, and administers the investigation and prosecuting activities involved under sections 309 and 310 of the Small Business Investment Act of 1958, as amended. Under authority delegated from the Secretary of Commerce to SBA, directs the investment phases of the Area Redevelopment Administration program. Serves as a member of the Size Appeals Board.

(a) *Office of Investment.* Directs, coordinates and administers policies and programs of investment and lending, licensing, examination and servicing under the Small Business Investment Act of 1958, as amended. Reviews and makes recommendations regarding the issuance of licenses and loans to small business investment companies. Directs the development of regulations and procedures in connection with the examination of small business investment companies. Reviews and recommends action on matters disclosed by the examination.

(1) *Program Administration and Compliance Division.* (i) Develops, recommends and implements according requirements and regulations and procedures concerning reporting requirements for investment companies operating under the Act. Plans the over-all administration and compliance program. Administers and directs a continuing program of examination of investment companies for determination of the soundness and reliability of their reports and the companies' compliance with the Act and regulations promulgated thereunder. Based on disclosures, takes or recommends action to assure compliance with the regulations. Directs special studies for policy guidance on accounting, reports, financial analysis, compliance, revision or substitution of rules and regulations and related matters concerning small business investment companies. Interprets rules and regulations relating to the operation of small business investment companies. Administers the investigative and prosecuting activities involved under sections 309 and 310 of the Small Business Investment Act of 1958, as amended.

(ii) The Program Administration and Compliance Division of the Office of Investment is made up of two branches: Program Administration Branch and the Compliance Branch, which carry out the policies and programs of the Division.

(2) *Investment Activities Division.* (i) Develops and recommends regulations and procedures for the licensing of small business investment companies. Takes or recommends final action on proposals and requests for licensing of small business investment companies to operate under the Small Business Investment Act of 1958, as amended. Approves or disapproves post-licensing amendments, applications for rulings, interpretations, exceptions, etc. Develops and recommends regulations, procedures, and criteria relating to the purchase of subordinated debentures from, and the granting of loans to, small business investment companies. Counsels and interprets regulations for parties interested in forming small business investment companies. Directs and administers policies and programs pertaining to the administration and servicing of debentures purchased from and loans made to such companies by SBA. Takes or recommends final action on requests to purchase subordinated debentures purchased issued by small business investment companies. Takes or recommends final action on proposals to establish redemption funds, revise maturities, or to issue additional equity obligations. Takes appropriate actions on loans made to investment companies to protect the Governments financial interests. Directs special studies for policy guidance on loan servicing and administration matters concerning small business investment companies. Coordinates the activities of the Division with other offices and divisions of SBA. Conducts special studies covering significant policy and procedural questions as they arise.

(ii) The Investment Activities Division of the Office of Investment is made up of two branches: the Licensing Branch and the Post-Licensing Branch, which carry out the policies and programs of the Division.

(3) *Development Company Activities Division.* Directs the development of regulations, procedures, and criteria relating to the execution of the development company activities and lending programs, including the coordination of a program to assure that all State and local development companies located in distressed labor areas are advised of services available to them under Title V of the Act. Directs the handling of applications for loans from State and local development companies. Develops policies and programs pertaining to the administration and servicing of loans made to such companies. Directs a program for the financial analysis of State program and local development companies and for use of the data derived therefrom by SBA directly and in counseling company managements. Under authority delegated from the Secretary of commerce, provides direction and interprets procedures relating to the processing and administration of ARA loans.

(4) *Procedures and Services Division.* Develops and maintains in Investment Division manual and recommends other issuances designed to keep the Washington and field offices fully advised of policy and procedural decisions approved by the Administrator and Deputy Administrator. Develops and coordinates the preparation of budgetary estimates and justifications and maintains liaison with the Office of Budget and Office of Finance and Accounts in connection with fiscal and budgetary matters. Administers the personnel management program and maintains liaison with the Office of Personnel regarding such matters. Develops and maintains a reporting system designed to keep the Administrator and all Washington and field officials fully informed of all activities involving the investment program. Develops and maintains control and other records relating to applications for licenses and loans to small business investment companies and loans to State and local development companies. Assumes responsibility for the timeliness of answering all inquiries and coordinates the furnishing of requested information. Develops mailing lists and coordinates the public relations program, maintaining liaison with the Office of Information Services and other interested offices. Handles all travel and other administrative matters for the Division. Completes such special projects as assigned.

§ 101.2–6 Assistant Administrator (Management).

Directs and coordinates the personnel, program analysis, organization and management, and small business size standards programs. Directs administrative operations of Washington and field offices. Coordinates SBA activities under the civil and defense mobilization program. Coordinates a program essential to making a detailed definition of small business. Establishes procedures and criteria for making size determinations, and makes recommendations as to the issuance or denial of Small Business Certificates. Directs the performance of functions pertaining to the Administrative Secretary stated in the Adjudicative Proceedings under section 309 of the Small Business Investment Act of 1958, as amended, and the maintenance of files and records relating to such proceedings.

(a) *Administrative Secretary.* In the name of the Administrator, issues subpoenas authorized by sections 309 and 310 of the Small Business Investment Act of 1958, as amended, and fixes the time and place of hearings to be held in response to Orders to show Cause under section 309(c) of the Small Business Investment Act of 1958, as amended, and performs functions and maintains records and files as described in the Rules of Practice for Administrative Proceedings under section 309 of the Small Business Investment Act of 1958, as amended.

(b) *Office of Organization and Management.* Develops and administers the management and administrative services programs of SBA, including program and organization planning, management and engineering studies, systems analysis, management improvement, paperwork management, property and space management, procurement and office services. Coordinates and administers SBA's functions under the civil and defense mobilization program.

(1) *Mobilization Program and Planning Staff.* Coordinates and administers a program for the execution of SBA's emergency responsibilities under the Civil and Defense Mobilization Program.

(2) *Administrative Services Division.* (i) Plans and administers the procurement—equipment, supplies and printing, property and space management, communications and office services programs of the Agency. Conducts contract negotiations for items and services required by Washington and field offices.

(ii) The Administrative Services Division is made up of four branches: (*a*) Graphics and Design Branch, (*b*) Office Services Branch, (c) Procurement and Supply Branch, and (*d*) Records and Files Branch.

(3) *Management Analysis Division.* Conducts management engineering and systems analyses of Agency programs and operations. Provides advice and assistance to Washington and field offices on organization and management problems.

(4) *Issuances and Control Division.* Administers the Agency's issuances, reports and forms control, records and paperwork management, delegations, and incentive awards programs.

(c) *Office of Program Analysis.* Plans and conducts systematic analyses and evaluations of the technical programs in the field offices to determine their effectiveness, conformance to Agency policy, and established goals, and makes recommendations to program officials for changes in existing programs or the adoption of new programs to provide effective service to small business. Conducts special studies of technical program areas as requested by Washington officials.

(d) *Office of Personnel.* Develops and administers the Agency's personnel management, security and investigations programs. Represents the Agency in contacts with the Civil Service Commission.

(1) *Classification Division.* Administers the position classification program of the Agency. Conducts classification surveys, prepares and recommends position standards and specifications and allocates positions.

(2) *Employment Division.* Administers the recruitment, placement, performance rating, training and employee relations programs of the Agency.

(3) *Security and Investigations Division.* Administers the security and general investigations programs of the Agency. Conducts investigations relating to employee matters, loan applicants, borrowers, small business investment companies, loan participants, fee counsel and advisors. Develops and maintains liaison with the Federal Bureau of Investigation, Civil Service Commission and other investigative agencies. Is responsible for the physical security programs of the Agency.

(e) *Office of Small Business Size Standards.* (i) Directs, coordinates and administers all SBA small business size standards programs. Coordinates a program essential to making a detailed definition of small business and conducts industry hearings pertaining to size matters. Develops and recommends small business size standards to the Administrator for promulgation.

(ii) Determines the size status of business concerns which may or may not receive direct or indirect assistance from SBA. Issues, modifies and revokes Small Business Certificates. Interprets size regulations, definitions and criteria, and advises and issues determinations to Washington and field officials on size programs.

(iii) Appears before the SBA Size Appeals Board to present views on size determinations made by the Office of Small Business Size Standards.

§ 101.2–7 Assistant Administrator (Controller).

Directs and coordinates the financial management program of the Agency, including budget formulation and administration, audit, statistics and reports, and accounting and fiscal examination. Represents SBA in negotiations with the Bureau of the Budget, Congressional Committees, GAO, Treasury, and other Government agencies in discharging these functions.

(a) *Office of Audits.* Plans and directs a comprehensive audit program for the Agency. Conducts audits of Washington and field offices and reports on the adequacy of financial and accounting policies, procedures and operations of these offices. Conducts external audits of books, accounts and records of borrowers, contractors and others doing business with the Agency.

(b) *Office of Finance and Accounts.* Plans and directs the finance and accounting programs of the Agency, including the accountability of all funds, property and other assets, the collection, deposit and disbursement of funds, and the preparation of financial information, data and reports.

(1) *Systems and Planning Staff.* Provides staff assistance in the development of fiscal examination and accounting policies, procedures and systems. Develops and installs accounting systems and procedures. Develops electronic data analyses, and instructs or supervises the training of personnel in the operation of computers, peripheral equipment and related office machines. Conducts special studies.

(2) *Accounting Division.* (i) Directs the operation of accounting and internal financial control systems designed to provide accountability for all funds, property and other assets of the Agency. Prepares periodic financial statements and reports relating to the financial management of the Agency.

(ii) The Accounting Division is made up of two branches: (*a*) Financial Reports and Administrative Accounting Branch and (*b*) Loan Accounting Branch.

(3) *Electronic Data Processing Division.* Directs the operation of an electronic digital computer and peripheral equipment used in the maintenance of detailed accounting records with respect to the lending, investment and other programs and administrative operations of the Agency.

(4) *Fiscal Examination Division.* (i) Directs accounting and fiscal systems relating to the collection, deposit and disbursing of funds; bonding of employees; and the receipt, custody and safe keeping and release of primary notes, debentures, collateral items and other original loan documents. Directs fiscal examining functions relating to loan and investment funds and the payment of administrative expense claims, and directs accounting systems for employee accounts for leave, earnings, retirement, FICA, Federal, state and local income taxes, bonds, life insurance and health benefits.

(ii) The Fiscal Examination Division is made up to two branches: (*a*) Program and Administrative Examination Branch and (*b*) Employee Accounts Branch.

(c) *Office of Budget.* Plans, coordinates, and directs the budgetary and reporting programs for the Agency, which involve budget formulation, justification, and execution.

(1) *Estimates and Allotments Division.* Directs the budget program for the Agency, which involves budget formulation, justification and execution.

(2) *Reports and Statistics Division.* Directs the reports and statistics programs of the Agency, including the establishment of procedures, systems and report forms for use in reporting program operations. Prepares periodic consolidated statistical and operating reports designed to provide the Administrator and key officials with data on program operations and accomplishments and for use in reporting externally thereon.

§ 101.2–8 Assistant Administrator (Information Services).

Develops and administers all SBA public information policies and programs. Provides the President, Congress and the public with accurate, adequate and timely information on all phases of the Agency's activities, plans and policies.

(a) *Office of Information Services.* Directs the preparation and issuance of current releases, pamphlets, and other informational material to the public and small business. Maintains contact with newspapers, business press, trade associations, chambers of commerce and similar groups for the release of information regarding the policies and programs of the Agency. Develops special statements and reports for the Administrator. Coordinates public information activities of the field offices.

(1) *News and Features Division.* Maintains contact with all public information media including the daily, business, and trade press, and radio and television. Provides these media with special news or feature stories, new releases, radio and television scripts, interviews and reports on SBA programs and operations. Answers inquiries on SBA activities from these media. Coordinates all information that is disseminated to public information media by the Agency. Develops and writes official public statements for the Administrator. Provides information on the purpose and responsibilities of SBA to foreign government, business, and trade delegations that visit the Agency. Prepares and issues the Agency "house organ," to all employees.

(2) *Editorial Services Division.* Develops, writes, and issues publications which are necessary to explain all of the various SBA services. Edits for conformity with SBA policy, clarity, and effectiveness of presentation, all publications prepared by other sources but

which are issued as official SBA publications. Writes periodic reports to the President and the Congress on SBA operations. Writes speeches for the Administrator, top Washington and field office officials, and Small Business Advisory Council members. Writes articles about SBA as requested by Senators and Congressmen for their use and assists in preparing Agency statements to Congressional Committees. Provides photographic coverage of SBA activities, and plans visual and publications displays for conferences and meetings which the Agency sponsors or participates in.

§ 101.3 Field Offices.

(a) Region I: 470 Atlantic Avenue, Boston, Massachusetts. Serving Massachusetts, Maine, New Hampshire, Vermont, and Rhode Island.

(1) 116 State Street, Augusta, Maine.

(2) 72 North Main Street, Concord, New Hampshire.

(3) 79 Main Street, Montpelier, Vermont.

(4) 57 Eddy Street, Providence, Rhode Island.

(b) Region II: 42 Broadway, New York 4, New York. Serving New York, Connecticut, and New Jersey counties of Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren.

(1) 44 Gillett Street, Hartford, Connecticut.

(2) 500 South Salina Street, Syracuse, New York.

(c) Region III: 1015 Chestnut Street, Philadelphia 7, Pennsylvania. Serving Pennsylvania, Delaware, New Jersey counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, and Salem; and West Virginia counties of Brooke, Hancock, Marshall, Monongalia, Ohio, Preston, and Wetzel.

(1) 107 Sixth Street, Pittsburgh 22, Pennsylvania.

(d) Region IV: P.O. Box 8565, 1904 Byrd Avenue, Richmond 26, Virginia. Serving Virginia, District of Columbia, Maryland, North Carolina, South Carolina, and West Virginia except the counties of Brooke, Hancock, Marshall, Monongalia, Ohio, Preston, and Wetzel.

(1) Fayette and St. Paul Streets, Baltimore 2, Maryland.

(2) 500 Quarrier Street, Charleston, West Virginia.

(3) 102 West Trade Street, Charlotte, North Carolina.

(4) 227 West Pike Street, Clarksburg, West Virginia.

(5) 1801 Assembly Street, Columbia, South Carolina.

(6) 608 13th Street, NW., Washington 25, D.C.

(e) Region V: 90 Fairlie Street NW., Atlanta 3, Georgia. Serving Georgia, Alabama, Florida, Mississippi, Tennessee, Commonwealth of Puerto Rico, and the Virgin Islands.

(1) 2030 First Avenue North, Birmingham 3, Alabama.

(2) Capital and West Streets, Jackson 1, Mississippi.

(3) 47 West Forsyth, Jacksonville 2, Florida.

(4) 301 West Cumberland Avenue, Knoxville 2, Tennessee.

(5) 168 Southeast First Street, Miami 32, Florida.

(6) Sixth Avenue and Church Street, Nashville 3, Tennessee.

(7) 1200 Ponce de Leon Avenue, Santurce, Puerto Rico.

(f) Region VI: 1370 Ontario Street, Cleveland 13, Ohio. Serving Ohio and Kentucky.

(1) Fourth and Broadway, Louisville 2, Kentucky.

(g) Region VII: 105 West Adams Street, Chicago 3, Illinois. Serving Illinois counties of Boone, Bureau, Carroll, Cass, Champaign, Christian, Clark, Coles, Cook, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Ford, Fulton, Grundy, Hancock, Henderson, Henry, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lee, Livingston, Logan, McDonough, McHenry, McLean, Macon, Marshall, Mason, Menard, Mercer, Morgan, Moultrie, Ogle, Peoria, Platt, Putnam, Rock Island, Sangamon, Schuyler, Shelby, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, Will, Winnebago, and Woodford; Iowa; Indiana; and Southern Wisconsin counties of Adams, Brown, Calumet, Clark, Columbia, Crawford, Dane, Dodge, Door, Fond du Lac, Grant, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, Kenosha, Kewaunee, La Crosse, Lafayette, Langlade, Manitowoc, Marathon, Marinette, Marquette, Milwaukee, Monroe, Oconto, Outagamie, Ozaukee, Portage, Racine, Richland, Rock, Sauk, Shawano, Sheboygan, Vernon, Walworth, Washington, Waukesha, Waushara, Winnebago, and Wood.

(1) Fifth and Grand Avenue, Des Moines, Iowa.

(2) 130 East Washington Street, Indianapolis 4, Indiana.

(3) 114 North Carroll Street, Madison, Wisconsin.

(h) Region VIII: 603 Second Avenue South, Minneapolis 2, Minnesota. Serving Minnesota, North Dakota, South Dakota, and Wisconsin counties of Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Douglas, Dunn, Eau Claire, Florence, Forest, Iron, Lincoln, Oneida, Pepin, Pierce, Polk, Price, Rusk, St. Croix, Sawyer, Taylor, Trempealeau, Vilas, and Washburn.

(1) 207 North Fifth Street, Fargo, North Dakota.

(2) 109½ North Main Avenue, Sioux Falls, South Dakota.

(i) Region IX: 1006 Grand Avenue, Kansas City 6, Missouri. Serving Missouri, Kansas, Nebraska, and Illinois counties of Adams, Alexander, Bond, Brown, Calhoun, Clay, Clinton, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Perry, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Scott, Union, Wabash, Washington, Wayne, White and Williamson.

(1) 215 North 17th Street, Omaha 2, Nebraska.

(2) 1520 Market Street, St. Louis 3, Missouri.

(3) 120 South Market Street, Wichita 2, Kansas.

(j) Region X: 1000 Main Street, Dallas 2, Texas. Serving Texas, Arkansas, Oklahoma and Louisiana.

(1) 1424 Hadley Street, Houston 2, Texas.

(2) 700 West Capitol Avenue, Little Rock, Arkansas.

(3) 1616 19th Street, Lubbock, Texas.

(4) 101 East Austin Street, Marshall, Texas.

(5) 610 South Street, New Orleans 12, Louisiana.

(6) Third and Robinson, Oklahoma, City 2, Oklahoma.

(7) 434 South Main Avenue, San Antonio 5, Texas.

(8) 420 South Main Street, Tulsa, Oklahoma.

(k) Region XI: 909 17th Street, Denver 2, Colorado. Serving Colorado, New Mexico, Utah, and Wyoming.

(1) Fifth and Cold Streets, S.W., Albuquerque, New Mexico.

(2) 136 South Main Street, Salt Lake City, Utah.

(l) Region XII: 525 Market Street, San Francisco 5, California. Serving Nevada, except Clark County; California, except the counties of Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura; and Hawaii.

(1) 199 South King Street, Honolulu, Hawaii.

(m) Region XIII: 506 Second Avenue, Seattle 4, Washington. Serving Washington, Idaho, Montana, Oregon, and Alaska.

(1) P.O. Box 1253, 620 C Street, Anchorage, Alaska.

(2) 910 Main Street, P.O. Box 933, Boise, Idaho.

(3) Corner Main and Sixth Avenue, Helena, Montana.

(4) 208 Southwest Fifth Avenue, Portland 4, Oregon.

(n) Region XIV: 312 West Fifth Street, Los Angeles 13, California. Serving California counties of Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura; Clark County, Nevada; and Arizona.

(1) 2727 North Central Avenue, Phoenix, Arizona.

(o) Region XV: 232 West Grand River Avenue, Detroit 26, Michigan. Serving Michigan.

(Small Business Act of 1958, 72 Stat. 689, as amended; Small Business Investment Act of 1958, 72 Stat. 689, as amended; sec. 3 of Administrative Procedure Act, 60 Stat. 238)

Dated: July 5, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-6984; Filed, July 17, 1962; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-SO-39]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone and Control Area Extension

The purpose of these amendments to §§ 601.1019 and 601.2161 of the regulations of the Administrator is to alter the descriptions of the Nashville, Tenn., control zone and control area extension.

The Nashville control zone and control area extension are designated, in part, with reference to the Nashville radio range. The Federal Aviation Agency is converting this facility to a radio beacon. Therefore, action is taken herein to substitute the Nashville radio beacon for the Nashville radio range in the description of the Nashville control zone and control area extension.

Since these amendments are editorial in nature, and impose no additional burden on any person, notice and public procedure hereon are unnecessary and they may be made effective August 6, 1962.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. Section 601.2161 (14 CFR 601.2161) is amended to read:

§ 601.2161 Nashville, Tenn., control zone.

Within a 5-mile radius of the Nashville Municipal Airport (Berry Field) (latitude 36°07'36" N., longitude 86°40'-58" W.), within 2 miles either side of the 069° bearing from the Nashville RBN extending from the 5-mile radius zone to 12 miles NE of the RBN, within 2 miles either side of the Nashville VORTAC 304° radial extending from the 5-mile radius zone to the VORTAC, and within 2 miles either side of the 018° bearing from the Nashville ILS OM compass locator extending from the 5-mile radius zone to the OM.

2. Section 601.1019 (14 CFR 601.1019) is amended to read:

§ 601.1019 Control area extension (Nashville, Tenn.).

Within a 50-mile radius of the Nashville RBN, and within 5 miles either side of the Nashville ILS localizer S course extending from the 50-mile radius area to VOR Federal airway No. 7 E alternate, excluding the portion W of a direct line extending from the Graham, Tenn., VOR to the Bowling Green, Ky., VORTAC.

These amendments shall become effective 0001, e.s.t., August 6, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., July 12, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-6963; Filed, July 17, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WE-20]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Control Zone

On April 11, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 3469) stating that the Federal Aviation Agency proposed to designate a control zone at the Sonoma County Airport, Santa Rosa, Calif.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following action is taken:

In the text of § 601.1983 (14 CFR 601.1983) the following is added:

Santa Rosa, Calif.: Sonoma County Airport (latitude 38°30'30" N., longitude 122°-48'45" W.), from 0600 to 2200 hours local time, daily, excluding the portion which coincides with R-2522.

This amendment shall become effective 0001 e.s.t., August 23, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 12, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-6964; Filed, July 17, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-91]

PART 13—PROHIBITED TRADE PRACTICES

New York Fashion and Edmond Dantes

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act;* § 13.1886 *Quality, grade or type;* § 13.1900 *Source or origin:* § 13.1900–40 *Fur Products Labeling Act:* § 13.1900–40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, New York Fashion et al., Waterloo, Iowa, Docket C-91, Mar. 7, 1962]

In the Matter of New York Fashion, a Corporation, and Edmond Dantes, Individually and as an Officer of Said Corporation

Consent order requiring Waterloo, Iowa, furriers to cease violating the Fur Products Labeling Act by failing to show on invoices and in newspaper advertising the true names of animals producing certain furs, and when fur products contained artificially colored or cheap or waste fur; failing to show the country of origin of imported furs on invoices; advertising prices of fur products falsely as reduced from regular prices when the latter were fictitious, and as "sale priced a fraction above wholesale cost"; failing to keep adequate records as a basis for price and value claims; and failing in other respects to comply with invoicing and advertising requirements.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents New York Fashion, a corporation and its officers, and Edmond Dantes, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Failing to set forth the item number or mark assigned to a fur product.

2. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

A. Fails to disclose:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide, and as prescribed under the rules and regulations.

(2) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact.

B. Sets forth information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

C. Fails to disclose that fur products are composed in whole or in substantial part of flanks, when such is the fact.

D. Fails to set forth the information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in type of equal size and conspicuousness and in close proximity with each other.

E. Represents, directly or by implication, that the regular or usual price of any fur product is any amount which is in excess of the price at which respondents have usually and customarily sold such products in the recent regular course of business.

F. Represents directly or by implication that prices of fur products are "sale priced a fraction above wholesale cost" or words of similar import, when such is not the fact.

3. Making claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 7, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-6971; Filed, July 17, 1962; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 15—CEREAL FLOURS AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

PART 121—FOOD ADDITIVES

Flour, Whole Wheat Flour, and Related Flours; Order Permitting Use of Azodicarbonamide as Aging and Bleaching Ingredient

1. In the matter of amending the definitions and standards of identity for flour, enriched flour, bromated flour, enriched bromated flour, self-raising flour, enriched self-rising flour, phosphated flour, whole wheat flour, bromated whole wheat flour, and whole durum wheat flour (21 CFR 15.1, 15.10, 15.20, 15.30, 15.50, 15.60, 15.70, 15.80, 15.90, and 15.100) to permit use of azodicarbonamide as an optional ingredient:

A notice of proposed rule making was published in the FEDERAL REGISTER of October 21, 1960 (25 F.R. 10064), setting forth proposals of Wallace and Tiernan, Inc., 25 Main Street, Belleville, New Jersey, to amend the identity standards for these foods to permit the use of azodicarbonamide as an optional aging ingredient. The notice invited all interested persons to submit views and comments on the proposals. No comments were received.

Upon consideration of information available to the Commissioner, it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the amendments as proposed. The amendment of these standards will be effected by amending § 15.1(a) and § 15.80(a) as hereinafter set forth. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the following amendments are ordered:

a. Section 15.1(a) is amended by adding thereto a new subparagraph (7), reading as follows:

§ 15.1 Flour, white flour, wheat flour, plain flour; identity; label statement of optional ingredients.

(a) • • •

(7) Azodicarbonamide (complying with the requirements of § 121.1085 of this chapter, including the quantitative limit of not more than 45 parts per million).

b. The last sentence of § 15.80(a) is changed to read as set forth below. As amended, paragraph (a) reads as follows:

§ 15.80 Whole wheat flour, graham flour, entire wheat flour; identity; label statement of optional ingredients.

(a) Whole wheat flour, graham flour, entire wheat flour, is the food prepared by so grinding cleaned wheat other than durum wheat and red durum wheat that, when tested by the method prescribed in paragraph (c)(2) of this section, not less than 90 percent passes through a No. 8 sieve and not less than 50 percent passes through a No. 20 sieve. The proportions of the natural constituents of such wheat, other than moisture, remain unaltered. To compensate for any natural deficiency of enzymes, malted wheat, malted wheat flour, malted barley flour, or any combination of two or more of these, may be used; but the quantity of malted wheat flour so used is not more than 0.5 percent, and the quantity of malted barley flour so used is not more than 0.25 percent. The moisture content of whole wheat flour is not more than 15 percent. Unless such addition conceals damage or inferiority of the whole wheat flour or makes it appear better or of greater value than it is, the optional bleaching ingredient azodicarbonamide (complying with the requirements of § 121.1085 of this chapter, including the quantitative limit of not more than 45 parts per million), or chlorine dioxide, or chlorine, or a mixture of nitrosyl chloride and chlorine may be added in a quantity not more than sufficient for bleaching and artificial aging effects.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended; 21 U.S.C. 341, 371)

2. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Wallace and Tiernan, Inc., and other relevant material, has concluded that the following food additive regulation should issue with respect to the addition of azodicarbonamide to cereal flour: Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Part 121 (21 CFR Part 121) is amended by adding to Subpart D the following new section:

§ 121.1085 Azodicarbonamide.

The food additive azodicarbonamide may be safely used in food in accordance with the following prescribed conditions:

(a) It is used or intended for use as an aging and bleaching ingredient in cereal flour.

(b) It is used in an amount not to exceed 2.04 grams per hundred pounds of flour (0.0045 percent; 45 parts per million).

(c) To assure safe use of the additive:

(1) The label and labeling of the additive and any intermediate premix prepared therefrom shall bear, in addition to the other information required by the act, the following:

(i) The name of the additive.

(ii) A statement of the concentration or the strength of the additive in any intermediate premixes.

(2) The label or labeling of the food additive shall also bear adequate directions for use.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Any person who will be adversely affected by the foregoing order may within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall became effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 409, 701, 52 Stat. 1046, 1055, as amended; 72 Stat. 1786; 21 U.S.C. 341, 348, 371)

Dated: July 12, 1962.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 62-6985; Filed, July 17, 1962; 8:49 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of O,O-Dimethyl S-4-Oxo-1,2,3-Benzotriazin-3(4H)-Ylmethyl Phosphorodithioate

A petition was filed with the Food and Drug Administration by Chemagro Corporation, P.O. Box 4913, Kansas, City 20, Missouri, requesting the establishment of tolerances for residues of the insecticide *O,O*-dimethyl *S*-4-oxo-1,2,3,-benzotriazin-3(4H)-ylmethyl phosphorodithioate in or on alfalfa hay and clover hay at 5 parts per million; blackberries, boysenberries, loganberries, and raspberries at 2 parts per million; and green alfalfa and green clover, at 1 part per million. The request for tolerances on alfalfa and clover was later withdrawn from the petition.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.154) are amended by inserting the term "insecticide" in the introduction to § 120.154 and by adding tolerances for this pesticide chemical in or on blackberries, boysenberries, loganberries, and raspberries. As amended, the affected portions of § 120.154 read as follows:

§ 120.154 Tolerances for residues of *O,O*-dimethyl *S*-4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl phosphorodithioate.

Tolerances for residues of the insecticide *O,O*-dimethyl *S*-4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl phosphorodithioate in or on apples, apricots, artichokes, blackberries, blueberries, boysenberries, broccoli, cabbage, cauliflower, cherries, crabapples, cranberries, loganberries, nectarines, onions, peaches, pears, plums (fresh prunes), quinces, raspberries, snap beans, spinach, strawberries, tomatoes.

• • • • • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: July 13, 1962.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 62-7034; Filed, July 17, 1962; 8:53 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 681—HOMEWORKERS IN CERTAIN INDUSTRIES IN PUERTO RICO

Hand-Lacing of Wallets

In the May 30, 1962 issue of the FEDERAL REGISTER (27 F.R. 5098) there was published a proposal to amend 29 CFR 681.9(c) to increase the minimum piece rates for homeworkers in Puerto Rico in the hand-lacing of leather wallets, leather wallet covers, and plastic wallets commensurate with increases in the minimum hourly wage rates in that industry (27 F.R. 4279).

Interested persons were given 15 days in which to file written statements of data, views or arguments in regard to this proposal and none were received. Accordingly, the proposed amendment is hereby adopted in the form set forth below.

As this amendment merely articulates changed piece rates already in effect pursuant to 29 CFR 681.9(a), good cause is hereby found to make this amendment effective without delay and it shall be effective immediately.

The amendment reads as follows:

§ 681.9 Minimum piece rates prescribed by the Administrator.

• • • • • •

(c) *Piece rates for the hand-lacing of leather wallets, leather wallet covers, and plastic wallets.* A minimum piece rate of 0.84 cent per dozen stitches shall be paid to homeworkers in Puerto Rico engaged in the hand-lacing, single stitch, with plastic lacing material, of leather wallets and leather wallet covers; a minimum piece rate of 2.07 cents per dozen stitches shall be paid to homeworkers in Puerto Rico engaged in the hand-lacing, double stitch, with plastic lacing material, of leather wallets and leather wallet covers; and a minimum piece rate of 2.58 cents per dozen stitches shall be paid to homeworkers in Puerto Rico engaged in hand-lacing, double stitch, with plastic lacing material, of plastic wallets.

(Sec. 6, 52 Stat. 1062; 29 U.S.C. 206)

Signed at Washington, D.C., this 12th day of July 1962.

CLARENCE T. LUNDQUIST, *Administrator.*

[F.R. Doc. 62-6975; Filed, July 17, 1962; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER B—CLAIMS AND ACCOUNTS

PART 536—CLAIMS AGAINST THE UNITED STATES

Claims Under Federal Tort Claims Act

Subparagraph (3) of § 536.29(o) is revised to read as follows:

§ 536.29 Claims arising from negligence of military personnel or civilian employees under the Federal Tort Claims Act.

• • • • • •

(o) *Settlement of claims.* • • •

(3) *Authority to disapprove claims.* The authority to disapprove claims under this section, subject to appeal to The Judge Advocate General of the Army as the designee of the Secretary of the Army, is delegated only to the Chief, Claims Division, Office of The Judge Advocate General, and to all officers assigned to that division, subject to such limitations as the Chief, Claims Division, may prescribe.

[C 1, AR 25-30, June 27, 1962] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

J. C. LAMBERT, *Major General, U.S. Army, The Adjutant General.*

[F.R. Doc. 62-6974; Filed, July 17, 1962; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Proposed Change of Annual Accounting Period

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] BERTRAND M. HARDING,
Acting Commissoner of Internal Revenue.

In order to facilitate the processing of requests for change of annual accounting period under section 442 of the Internal Revenue Code of 1954, paragraph (b)(1) of § 1.442–1 of the Income Tax Regulations is amended to read as follows:

§ 1.442–1 Change of annual accounting period.

* * * * *

(b) *Prior approval of the Commissioner*—(1) *In general.* In order to secure prior approval of a change of a taxpayer's annual accounting period, the taxpayer must file an application on Form 1128 with the Commissioner of Internal Revenue, Washington 25, D.C., on or before the last day of the calendar month following the close of the short period for which a return is required to effect the change of accounting period. Approval will not be granted unless the taxpayer and the Commissioner agree to the terms, conditions, and adjustments under which the change will be effected. In general, a change of annual accounting period will be approved where the taxpayer establishes a substantial business purpose for making the change. In determining whether a taxpayer has established a substantial business purpose for making the change, consideration will be given to all the facts and circumstances relating to the change, including the tax consequences resulting therefrom. Among the nontax factors that will be considered in determining whether a substantial business purpose has been established is the effect of the change on the taxpayer's annual cycle of business activity. The agreement between the taxpayer and the Commissioner under which the change will be effected shall, in appropriate cases, provide terms, conditions, and adjustments necessary to prevent a substantial distortion of income which otherwise would result from the change. The following are examples of effects of the change which would substantially distort income: (i) Deferral of a substantial portion of the taxpayer's income, or shifting of a substantial portion of deductions, from one year to another so as to significantly reduce the taxpayer's tax liability; (ii) causing a similar deferral or shifting in the case of any other person, such as a partner, a beneficiary, or a shareholder in an electing small business corporation as defined in section 1371(b); or (iii) creating a short period in which there is either (*a*) a substantial net operating loss, or (*b*) in the case of an electing small business corporation, a substantial portion of amounts treated as long-term capital gain. Even though a substantial business purpose is not established, the Commissioner in appropriate cases may permit a husband or wife to change his or her taxable year in order to secure the benefits of section 2 (relating to tax in the case of a joint return). See paragraph (e) of this section for special rule for newly married couples.

[F.R. Doc. 62–6989; Filed, July 17, 1962; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 1134]

[Docket No. AO–301–A3]

MILK IN WESTERN COLORADO MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at City Hall, 5th and Rood Streets, Grand Junction, Colorado, beginning at 10:00 a.m., local time, on August 7, 1962, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Western Colorado marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Western Colorado Milk Producers Association:

Proposal No. 1.

DEFINITIONS

§ 1134.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1134.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 1134.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1134.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1134.5 Cooperative association.

"Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the Association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members; and

(c) Has its entire activities under the control of its members.

§ 1134.6 Western Colorado marketing area.

"Western Colorado marketing area" hereinafter called "marketing area" means all the territory within the outer boundaries of the counties of Delta, Mesa, and Montrose, all in the State of Colorado.

§ 1134.7 Pool plant.

A "pool plant" shall be any plant meeting the conditions of paragraph (a) or (b) of this section except the plant of a handler exempted in § 1134.60 or § 1134.61:

(a) Any plant, hereinafter referred to as a "distributing pool plant":

(1) In which fluid milk products are pasteurized or packaged;

(2) From which an amount equal to 50 percent or more of receipts of Grade A milk from dairy farmers, from a cooperative association pursuant to § 1134.9(d), and from other pool plants is disposed of as Class I milk; and

(3) From which 20 percent or more of the total Class I sales are on routes in the marketing area; and

(b) Any plant, hereinafter referred to as a "supply pool plant" from which during the month not less than 70 percent of its dairy farm supply of Grade A milk is moved to a distributing pool plant(s). Any supply plant which has qualified as a pool plant in each of the months of September through February shall be a pool plant for each of the following months of March through August unless written request for nonpool status for any such month is furnished in advance to the market administrator: *Provided, however,* That a "pool supply plant" during a month of automatic qualification may not pool a volume of milk in excess of the average monthly volume of the plant during the qualification period, unless the plant fulfills the shipping requirements of this paragraph for that month. A plant withdrawn from supply pool plant status may not be reinstated for any subsequent month of March through August unless it fulfills the shipping requirements of this paragraph for such month.

§ 1134.8 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant, or a plant operated by a producer-handler.

§ 1134.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person who operates a nonpool plant from which fluid milk products are disposed of on routes in the marketing area;

(c) A cooperative association with respect to the milk of its member producers which is diverted from a pool plant to a nonpool plant for the account of such cooperative association; or

(d) A cooperative association with respect to milk of its member producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association, if the cooperative association notifies the market administrator and the handler to whom the milk is delivered in writing prior to the first day of the month in which the milk is delivered, that it elects to be the handler for such milk.

§ 1134.10 Producer.

"Producer" means any person, other than a producer-handler (or a dairy farmer with respect to milk delivered to a pool plant which qualifies as producer milk under another Federal order) who produces milk eligible for distribution as Grade A milk in compliance with the fluid milk product requirements of a duly constituted health authority, whose milk is:

(a) Received at a pool plant; or

(b) Diverted from a pool plant to a nonpool plant for the account of the handler operating the pool plant or of a cooperative association, subject to the following limitations and conditions:

(1) The pounds of milk of such person diverted during the month may not exceed the pounds of milk of such person received at a pool plant. Such person will not be considered a producer for the pounds of milk diverted which are in excess of the pounds of milk received at a pool plant;

(2) A cooperative association may divert for its account the milk of any member producer, whose milk is received at a pool plant for at least 5 days during the month, without limit during such month if the total volume of milk so diverted does not exceed 30 percent of its member producer milk received by all pool handlers during the month: *Provided,* That if this percentage limitation is exceeded, all diversions by such association during the month shall be subject to the matching poundage limitation prescribed above;

(3) A handler in his capacity as the operator of a pool plant may divert for his account the milk of any nonmember producer, whose milk is received at his pool plant for at least 5 days during the month, without limit during such month if the total volume of milk diverted does not exceed 30 percent of the nonmember producer milk received at such pool plant during the month: *Provided,* That if this percentage limitation is exceeded, all diversions by such handler during the month shall be subject to the matching poundage limitation prescribed above.

(4) For purposes of the requirements of § 1134.7, milk diverted for the account of the operator of a pool plant shall be included in the receipts of the pool plant from which diverted; and

(5) For the purposes of location adjustments pursuant to § 1134.81, milk diverted to a nonpool plant shall be considered to have been received at the location of the pool plant from which diverted.

§ 1134.11 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a milk processing plant which distributes fluid milk products on routes in the marketing area and who receives no fluid milk products during the month from dairy farmers or any other source except by transfer from a pool plant. Such person must provide proof satisfactory to the market administrator that the care and management of all the dairy animals and other resources necessary to produce the entire volume of fluid milk products (excluding transfers from pool plants) and the operation of the processing and distribution business is the personal enterprise of and at the personal risk of such person.

§ 1134.12 Producer milk.

"Producer milk" means all skim milk and butterfat in milk produced by a producer:

(a) With respect to the operator of a pool plant:

(1) Received directly from such producers at such pool plant; and

(2) Diverted from such pool plant to a nonpool plant for the account of the operator of the pool plant, subject to the limitations and conditions provided in § 1134.10;

(b) With respect to receipts of a cooperative association at a plant other than one it operates:

(1) For which the cooperative association is the handler pursuant to § 1134.9 (c), subject to the limitations and conditions provided in § 1134.10; and

(2) For which the cooperative association is the handler pursuant to § 1134.9(d).

§ 1134.13 Other source milk.

"Other source milk" means all the skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products from any source except (1) producer milk; (2) receipts from other pool plants; and (3) receipts from a cooperative association pursuant to § 1134.9(d); and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1134.14 Fluid milk products.

"Fluid milk products" mean milk, skim milk, buttermilk, flavored milk, flavored milk drinks, reconstituted milk or skim milk, fortified milk or skim milk (including "diet" foods), cream (sweet or sour), half and half, or any mixture in fluid form of milk or skim milk and cream (except ice cream mix, frozen dessert mix, aerated cream, eggnog, cultured sour mixture to which cheese or any food substance other than a milk product has been added in an amount not less than three percent by weight of the finished product), which are neither sterilized or in hermetically sealed containers.

§ 1134.15 Route.

"Route" means any delivery to retail or wholesale outlets (including delivery by a vendor or a sale from a plant or plant store) of any fluid milk product other than a delivery to a pool plant or nonpool plant.

MARKET ADMINISTRATOR

§ 1134.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at, the discretion of the Secretary.

§ 1134.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1134.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of the part;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received by § 1134.88 the cost of his bond and those of his employees, his own compensation, and all other expenses (except those incurred under § 1134.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler, by audit of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends and by such other means as are necessary;

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in this office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 1134.30 to 1134.32, or (2) payments pursuant to §§ 1134.80 to 1134.88;

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address, the prices determined for each month as follows:

(1) On or before the 6th day of each month, the Class I price and butterfat differential for the month, computed pursuant to §§ 1134.51(a) and 1134.53(a) respectively;

(2) On or before the 6th day of each month, the Class II price and butterfat differential for the preceding month, computed pursuant to §§ 1134.51(b) and 1134.53(b) respectively;

(3) On or before the 12th day of each month, the uniform price for producer milk computed pursuant to § 1134.71, the location differential computed pursuant to § 1134.81, and the butterfat differential computed pursuant to § 1134.82, all for the preceding month;

(j) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of producer milk delivered by members of such association to each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler; and

(k) Prepare and make available for the benefit of producers, consumers, and handlers, such general statistics and such information concerning the operations hereof as are appropriate to the purpose and functioning of this part and which do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 1134.30 Reports of receipts and utilization.

On or before the 7th day after the end of each delivery period each handler, except a producer-handler or a handler making payments pursuant to § 1134.62(b), shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The receipts at each plant of milk from each producer, the average butterfat test, and the pounds of butterfat contained therein;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) fluid milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk;

(d) The pounds of skim milk and butterfat contained in all fluid milk products on hand at the beginning and at the end of the delivery period;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 1134.31 Payroll reports.

On or before the 23d day of each delivery period, each handler, except a producer-handler or a handler making payments pursuant to § 1134.62(b), shall submit to the market administrator his producer payroll for receipts during the preceding delivery period which shall show:

(a) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer and cooperative association;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 1134.32 Other reports.

Each producer-handler and each handler making payments pursuant to §§ 1134.61 and 1134.62(b), shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 1134.33 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions, and the disbursement of money so deducted.

§ 1134.34 Retention of records.

All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1134.40 Skim milk and butterfat to be classified.

All skim milk and butterfat at pool plants which is required to be reported pursuant to § 1134.30 shall be classified by the market administrator, pursuant to the provisions of §§ 1134.41 to 1134.46.

§ 1134.41 Classes of utilization.

Subject to the conditions set forth in §§ 1134.42 through 1134.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product except:

(i) Any products fortified with added nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of milk, skim milk, or cream of the same butterfat content; and

(ii) As classified pursuant to paragraph (b) (2), (3), and (5) of this section; or

(2) Not specifically accounted for as Class II utilization.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Disposed of as livestock feed;

(3) In skim milk dumped after prior notification to and opportunity for verification by the market administrator;

(4) The weight of skim milk in fluid milk products which is excepted from Class I milk pursuant to paragraph (a)(1)(i) of this section;

(5) Disposed of in fluid milk products in bulk form to any commercial food processing establishment for use in food products prepared for consumption off the premises;

(6) In inventory of fluid milk products on hand at the end of the month;

(7) In shrinkage of skim milk and butterfat, respectively, not to exceed the following:

(i) Two percent of receipts of producer milk described in § 1134.12(a)(1); plus

(ii) 1.5 percent of receipts from a cooperative association in its capacity as a handler pursuant to § 1134.9(d), except that if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations and butterfat tests determined from farm tank samples, the applicable percentage shall be two percent; plus

(iii) 1.5 percent of receipts in bulk tanks lots from other pool plants; less

(iv) 1.5 percent of disposition in bulk tank lots to other milk plants; and plus

(v) 0.5 percent of receipts of producer milk by a cooperative association which is the handler pursuant to § 1134.9(d), unless the exception provided in subdivision (ii) of this subparagraph applies; and

(8) In shrinkage allocated to receipts of other source milk.

§ 1134.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each of his pool plants as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively at each pool plant; and

(b) If a handler has receipts of other source milk, shrinkage shall be prorated between:

(1) Skim milk and butterfat in pool milk in amounts respectively equal to 50 times the maximum amount that may be computed pursuant to § 1134.41(b)(7); and

(2) Skim milk and butterfat in other source milk.

§ 1134.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1134.44 Transfers.

Skim milk or butterfat disposed of from a pool plant shall be classified:

(a) As Class I milk if transferred in the form of a fluid milk product to the pool plant of another handler unless utilization in Class II is mutually indicated in writing to the market administrator by the operators of both plants on or before the 7th day after the end of the delivery period within which such transfer occurred: *Provided*, That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 1134.46, and any additional amount of such skim milk or butterfat shall be assigned to Class I: *And provided further*, That if either or both plants have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk;

(b) As Class I milk if transferred in the form of a fluid milk product to a producer-handler;

(c) As Class I milk, if transferred or diverted as a fluid milk product in bulk to a nonpool plant located more than 350 miles, by the shortest highway distance as determined by the market administrator, from the Mesa County Courthouse.

(d) As Class I milk if transferred to a nonpool plant in the form of a fluid milk product in consumer packages;

(e) As Class I milk, if transferred or diverted as a fluid milk product in bulk to a nonpool plant located not more than 350 miles, by the shortest highway distance as determined by the market administrator, from the Mesa County Courthouse, unless the following conditions are met:

(1) The transferring handler claims Class II utilization in his report submitted pursuant to § 1134.30;

(2) The operator of the nonpool plant maintains books and records showing receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification;

(3) Class I utilization in the nonpool plant does not exceed the receipts of skim milk and butterfat in Grade A milk from dairy farmers. If Class I utilization exceeds such receipts, the skim milk and butterfat so transferred or diverted shall be Class I to the extent of a pro rata share of total receipts at the nonpool plant from all pool plants and from plants fully subject to other orders that are claimed as Class II utilization or as a class other than Class I under another order; and

(4) If any skim milk or butterfat is transferred to a second nonpool plant under this paragraph, the same conditions of audit, classification and allocation shall apply.

(f) Skim milk and butterfat transferred to the pool plant of another handler by a cooperative association which is the handler for such milk pursuant to § 1134.9(d) shall be classified pro rata to the respective amounts thereof remaining in each class for such month at the pool plant(s) of the receiving handler after the computation pursuant to § 1134.46(a)(7) and the corresponding step of § 1134.46(b).

§ 1134.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the report submitted by each handler pursuant to § 1134.30 and compute the total pounds of skim milk and butterfat, respectively, in Class I and Class II milk at all of the pool plants of such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of by use in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1134.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1134.45, the market administrator shall determine the classification of milk received from producers at each pool plant as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk allocated in shrinkage of skim milk classified as Class II pursuant to § 1134.41(b)(7);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in other source milk received in the form of sour cream which is classified and priced as Class I or its equivalent value under another order issued pursuant to the Act;

(3) Subtract from the pounds of remaining skim milk in each class, in series beginning with Class II, the pounds of skim milk in other source milk received in the form of a product other than a fluid milk product;

(4) Subtract from the pounds of skim milk remaining in each class, in series

beginning with Class II, the pounds of skim milk in other source milk received in the form of a fluid milk product not classified and priced as Class I milk or its equivalent value under another order issued pursuant to the Act;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk received in the form of a fluid milk product not subtracted pursuant to subparagraphs (2) and (4) of this paragraph;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(7) Add to the pounds of skim milk remaining in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from other pool plants according to its classification as determined pursuant to § 1134.44(a);

(9) Subtract pro rata from the remaining pounds of skim milk in each class the pounds of skim milk classified pursuant to § 1134.44(f); and

(10) If the remaining pounds of skim milk in both classes exceeds the pounds of skim contained in milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Add the pounds of skim milk and the pounds of butterfat allocated to producer milk in each class, pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in each class.

Minimum Prices

§ 1134.50 Basic formula price.

The basic formula price for each month to be used in determining the class prices set forth in § 1134.51 shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the applicable month, adjusted to a 3.5 percent butterfat basis by a butterfat differential computed by multiplying the Chicago 92-score butter price by 0.12.

§ 1134.51 Class prices.

Subject to the provisions of §§ 1134.52 and 1134.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding month plus $2.05; and

(b) *Class II milk.* The basic formula price for for the current month.

§ 1134.52 Location differentials to handlers.

For milk which is received from producers at a plant located more than 200 miles by the shortest highway distance as determined by the market administrator, from the Mesa County Courthouse in Grand Junction, and which is classified as Class I milk the price computed pursuant to § 1134.51(a) shall be reduced by 31.5 cents if such plant is located more than 200 miles but not more than 210 miles from such Courthouse and by an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 210 miles: *Provided*, That for the purpose of calculating such differential transfers between pool plants shall be assigned to Class I milk in a volume not in excess of that by which Class I disposition at the transferor plants to be made first to plants at which no differential credit is applicable and then in the sequence beginning with the plant at which the lowest location differential credit would apply.

§ 1134.53 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1134.51 shall be increased or decreased, respectively for each one-tenth of one percent of butterfat, by the appropriate rate, rounded in each case to the nearest one-tenth cent, determined as follows:

(a) *Class I milk.* Multiply the butter price specified in § 1134.50 by 0.135; and

(b) *Class II milk.* Multiply the butter price specified in § 1134.50 by 0.120.

§ 1134.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

Application of Provisions

§ 1134.60 Producer-handler.

Sections 1134.40 to 1134.46, 1134.50 to 1134.54, 1134.70 to 1134.72, and 1134.80 to 1134.88 shall not apply to a producer-handler.

§ 1134.61 Exempt plants.

The provisions of this part shall not apply to a plant specified in paragraph (a) or (b) of this section except that the operator of such plant shall make such reports of receipts and utilization of milk as the market administrator may require and allow verification of such reports by the market administrator.

(a) Any distributing plant from which less than an average of 200 pounds of Class I milk per day is disposed of on routes in the marketing area during the month.

(b) Any distributing plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless (1) such plant is qualified as a pool plant pursuant to § 1134.7(a) and more Class I milk is disposed of from such plant on routes in the Western Colorado marketing area than in the marketing area regulated pursuant to such other order, or (2) such plant was qualified as a supply plant under the other order.

§ 1134.62 Handler operating a nonpool plant.

In lieu of the payments required pursuant to §§ 1134.80 to 1134.88, each handler, other than a producer-handler or one exempt pursuant to § 1134.61, who operates during the month a nonpool plant, shall pay to the market administrator on or before the 25th day after the end of the month the amounts calculated pursuant to paragraph (a) of this section unless the handler elects, at the time of reporting pursuant to § 1134.30, to pay the amounts computed pursuant to paragraph (b) of this section:

(a) The following amounts:

(1) To the producer-settlement fund, any plus amount remaining after deducting from the value that would have been computed pursuant to § 1134.70 if such handler had operated a pool plant, the gross payments made by such handler for milk received during the month from Grade A dairy farmers at such plant or at a plant which serves as a supply plant; and

(2) As his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 1134.88 had such plant been a pool plant, except that if such plant is also a nonpool plant under another order issued pursuant to the Act, and his Class I sales in such other marketing area exceed those made in the Western Colorado marketing area, the payments due under this subparagraph shall be reduced by the amount of any administrative expense payments under the other order; and

(b) The following amounts:

(1) To the producer-settlement fund, an amount equal to the value of all skim milk and butterfat disposed of as Class I milk on routes in the marketing area at the Class I price applicable at the location of such handler's plant, less the value of such skim milk and butterfat at the Class I price applicable at the location

(2) As his share of the expense of administration, the rate specified in § 1134.88 with respect to Class I milk so disposed of in the marketing area.

Determination of Uniform Price

§ 1134.70 Computation of the value of producer milk for each handler.

For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 1134.46 by the applicable class price and total the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage deducted from any class pursuant to § 1134.46(a)(10) and the corresponding step of § 1134.46(b) by the applicable class price;

(c) Add an amount computed by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1134.46(a)(6) and the corresponding step of § 1134.46(b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1134.46(a)(6) and the corresponding step of § 1134.46(b) for the current month, whichever is less;

(d) Add the amount computed in subparagraphs (1) and (2) of this paragraph;

(1) Multiply the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1134.46(a)(3) and the corresponding step of § 1134.46(b) by the difference between the Class II price and the Class I price for the current month, adjusted by the applicable butterfat differentials; and

(2) For any skim milk or butterfat subtracted from Class I milk pursuant to § 1134.46(a)(4) and the corresponding step of § 1134.46(b) and pursuant to § 1134.46(a)(6) and the corresponding step of § 1134.46(b) which is in excess of the skim milk and butterfat applied pursuant to paragraph (c) of this section, add an amount equal to the differences between the values of such skim milk and butterfat at the Class I price and at the Class II price: *Provided*, That such calculations shall not apply if the total receipts of producer milk at pool plants during the month are less than 110 percent of the total Class I utilization of such plants for the month.

§ 1134.71 Computation of the uniform price.

The market administrator shall compute the uniform price per hundredweight of producer milk as follows:

(a) Combine into one total the values computed pursuant to § 1134.70 for the producer milk of all handlers who submitted reports prescribed in § 1134.30, and who are not in default of payments pursuant to § 1134.80 for the preceding month;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential pursuant to § 1134.82 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deduction to be made from producer payments for location differentials pursuant to § 1134.81;

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(f) Subtract not less than 4 cents nor more than 5 cents.

The resulting figure shall be the uniform price per hundredweight of producer milk of 3.5 percent butterfat content delivered to plants within the 200-mile zone.

§ 1134.72 Notification of handlers.

On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) The uniform price computed pursuant to § 1134.71 and the producer location and butterfat differentials computed pursuant to §§ 1134.81 and 1134.82; and

(c) The amounts to be paid by such handler pursuant to §§ 1134.84, 1134.86, 1134.87, and 1134.88 and the amount due such handler pursuant to § 1134.85.

Payments

§ 1134.80 Payment to producers.

Except as provided in paragraph (c) of this section, each handler shall make payment to each producer from whom milk is received as specified in paragraphs (a) and (b) of this section:

(a) On or before the last day of the month, to each producer who had not discontinued shipping milk to such handler before the 18th day of the month, an advance payment with respect to milk received during the first 15 days of the month at the Class II price for the preceding month;

(b) On or before the 16th day after the end of each month, for milk received during such month, an amount computed at not less than the uniform price per hundredweight pursuant to § 1134.71, subject to the butterfat differential computed pursuant to § 1134.82 and location adjustment computed pursuant to § 1134.81, plus or minus adjustments for errors made in previous payments to such producers and less (1) payments made pursuant to paragraph (a) of this section, (2) marketing service deductions pursuant to § 1134.87, and (3) proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 1134.85 he may reduce his total payment to all producers uniformly by not more than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator.

(c)(1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association each handler shall pay to the cooperative association on or before the second day prior to the date of payment to producers in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

(e) Each handler who receives milk for which a cooperative association is the handler pursuant to § 1134.9(d) shall, on or before the 2d day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) An advance payment for milk received during the first 15 days of the month at not less than the Class II price for the preceding month; and

(2) In final settlement, the value of such milk as classified pursuant to § 1134.44(f) at the applicable class prices, less payment made pursuant to subparagraph (1) of this paragraph.

§ 1134.81 Location differential to producers.

For milk which is received at a plant located more than 200 miles but not more than 210 miles by shortest highway distance, as determined by the market administrator, from the Mesa County Courthouse, Grand Junction, there should be deducted 31.5 cents per hundredweight and an additional 1.5 cents shall be deducted for each 10 miles or fraction thereof that such distance exceeds 210 miles.

§ 1134.82 Butterfat differential to producers.

The applicable uniform price to be paid to producers pursuant to § 1134.80 shall be increased or decreased for each one-tenth of one percent which the butter-

fat content of his milk is above or below 3.5 percent, respectively, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to § 1134.53 (a) and (b), weighted by the pounds of butterfat in producer milk in each class and the result rounded to the nearest tenth of a cent.

§ 1134.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1134.62 and 1134.84 and out of which he shall make all payments pursuant to § 1134.85: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 1134.84 Payments to the producer-settlement fund.

On or before the 14th day after the end of each month, each handler who operates a pool plant shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 1134.70, is greater than the amount owed by him for such milk at the appropriate uniform prices determined pursuant to § 1134.80.

§ 1134.85 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 1134.70 is less than the amount owed by him for such milk at the appropriate uniform price determined pursuant to § 1134.80. If at such time the balance of the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1134.86 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts of other verification discloses errors resulting in moneys due a producer or the market administrator from such handler or due such handler from the market administrator; the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred.

§ 1134.87 Marketing services.

(a) Except as set forth in this paragraph (b) of this section, each handler in making payments to producers for milk (other than milk of his own production) pursuant to § 1134.80, shall deduct 6 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 16th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such services from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in this paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to producers as may be authorized by the membership agreement or marketing contract between the cooperative association and its members, and on or before the 16th day after the end of each month, the handler shall pay the aggregate amount of such deductions to the cooperative association, furnishing a statement showing the amount of the deductions and the quantity of milk on which the deduction was computed from each producer.

§ 1134.88 Expense of administration.

As his pro rata share of the expense of the administration hereof, each handler shall pay the market admlinstrator, on or before the 16th day after the end of each month, 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to (a) all milk received from producers during such month, including such handler's own farm production, (b) other source milk received at a pool plant and classified as Class I and (c) the quantities of milk at the plants of handlers operating nonpool plants as specified in § 1134.62 (a) (2) or § 1134.62(b) (2).

§ 1134.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money:

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator received the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following conditions:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the names of such producer(s) or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator notifies a handler, the said 2-year period, with respect to such obligation, shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1134.90 Effective time.

The provisions of this part or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1134.91 Suspension or termination.

The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the Act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto. This part shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

§ 1134.92 Continuing obligations.

If upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1134.93 Liquidation.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If

upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1134.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 1134.101 Separability of provisions.

If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Proposed by Clymer's Rose Glen Dairy, Inc., of Grand Junction, Colorado:

Proposal No. 2. Revise § 1134.6 to enlarge the marketing area by adding Garfield County, Colorado.

Proposal No. 3. Revise § 1134.51 to read as follows:

§ 1134.51 Class prices.

Subject to the provisions of §§ 1134.52 and 1134.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding month plus $1.80.

(b) *Class II milk.* The basic formula price for the current month.

Proposed by Crescent Creamery of Grand Junction, Colorado:

Proposal No. 4. In § 1134.51 revise paragraph (a) to read as follows:

(a) *Class I price.* The basic formula price for the preceding month plus $1.80.

Proposal No. 5. In § 1134.83 reduce the maximum marketing service deduction from 6 cents to 5 cents per hundredweight.

Proposal No. 6. In § 1134.84 reduce the maximum expense of administration from 5 cents to 4 cents per hundredweight.

Proposed by Clymer's Rose Glen Dairy, Inc., of Grand Junction, Colorado:

Proposal No. 7. Revise § 1134.84 to read as follows:

§ 1134.84 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 16th day after the end of the month, four cents per hundredweight, or such amount not exceeding four cents per hundredweight as the Secretary may prescribe, with respect to (a) all milk received from producers during such month, including such handlers' own production; (b) other source milk received at a pool plant and classified as Class I; and (c) the quantities of milk at the plant of handlers operating nonpool plants as specified in § 1134.62 (a) (2) or (b) (2).

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 8. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, H. Alan Luke, 2765 South Colorado Boulevard, Denver 22, Colorado, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on July 13, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-7005; Filed, July 17, 1962; 8:52 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 62-WE-9]

FEDERAL AIRWAY AND ASSOCIATED CONTROL AREAS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to § 600.6448 and § 601.6448 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 448 and its associated control areas are designated from Ephrata, Wash., to Mullan Pass, Mont. The Federal Aviation Agency has under consideration the extension of this airway from Ephrata to Yakima, Wash. The extension of this airway would provide a direct route for aircraft operating between Ephrata and Yakima. This direct route would shorten by 14 nautical miles the present indirect routing via Ellensburg, Wash. Further, route separation would be afforded for Spokane and Seattle traffic to and from Yakima since the proposed direct route would eliminate the present common route via Ellensburg to these two terminals. A portion of the proposed airway would transit Restricted Area R-6714 located northeast of Yakima and would be utilized only after prior approval from the appropriate authority.

The control areas associated with this proposed airway would extend from 700 feet above the surface to the base of the continental control areas. Separate action would be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 12, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-6962; Filed, July 17, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[Public Announcement No. 28, Amdt. 1]

COLUMBIA BASIN PROJECT, WASHINGTON

Public Announcement of the Sale of Full-Time Farm Units

Public announcement of the sale of farm units in the South Columbia Basin Irrigation District, Columbia Basin Project, Washington, dated June 13, 1958, and published in the FEDERAL REGISTER at 23 F.R. 4814, is amended by adding to the last sentence of section 16(d)(2), the following: * * * except that for Farm Unit 35, Irrigation Block 3, and only that unit, the latest permissible date for initiating residence will be extended for two years in addition to the one-year period specified above.

M. B. BENNETT, JR.,
Acting Commissioner.

JULY 11, 1962.

[F.R. Doc. 62-6972; Filed, July 17, 1962; 8:46 a.m.]

Office of the Secretary

[Order 2869]

DIRECTOR, BUREAU OF COMMERCIAL FISHERIES

Delegation of Authority To Negotiate a Contract for Processing and Sale of United States Government Owned Alaska Fur Sealskins

SECTION 1. *Delegation.* The Director, Bureau of Commercial Fisheries, is authorized to exercise the authority delegated by the Administrator of General Services Administration to the Secretary of the Interior (27 F.R. 3017) to negotiate without advertising, under section 302(c)(10) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 252 et seq.), a contract for the processing or selling or both of United States Government owned Alaska fur sealskins.

SEC. 2. *Exercise of authority.* The authority delegated by section 1 of this order shall be exercised in accordance with the applicable limitations in the Federal Property and Administrative Services Act of 1949, as amended, and in accordance with applicable policies, procedures and controls prescribed by the General Services Administration and the Department of the Interior. The authority delegated by this order does not include authority to make advance payments under section 305 of the Act.

SEC. 3. *Redelegation.* The authority delegated by section 1 of this order may not be redelegated.

STEWART L. UDALL,
Secretary of the Interior.

JULY 11, 1962.

[F.R. Doc. 62-6973; Filed, July 17, 1962; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-129]

WEST VIRGINIA UNIVERSITY

Notice of Issuance of Amendment to Utilization Facility License

Please take notice that the Atomic Energy Commission has issued Amendment No. 5, set forth below, to Facility License No. R-58. The license authorizes West Virginia University (the licensee) to operate its nuclear reactor Model AGN-211, Serial No. 103 located on its campus in Morgantown, West Virginia. The amendment authorizes the licensee to add the position of Assistant Reactor Director to the organization responsible for operation of the reactor as requested by the licensee's application for license amendment dated March 20, 1962.

The Commission has found that:

(1) Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(3) Prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license, as amended, will not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operation.

Within fifteen days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment see (1) the hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) the licensee's application for license amendment dated March 20, 1962, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 11th day of July 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-58; Amdt. 5]

Facility License No. R-58, as amended, which authorizes West Virginia University ("the licensee") to operate its nuclear reactor Model AGN-211, Serial No. 103 ("the reactor"), located on its campus in Morgantown, West Virginia, is hereby further amended to authorize the addition of the position of Assistant Reactor Director to the licensee's organization responsible for operation of the reactor as described in the licensee's application for license amendment dated March 20, 1962.

The reactor shall be operated in accordance with the terms and conditions contained in License No. R-58, as amended, and the licensee's application for license amendment dated March 20, 1962.

This amendment is effective as of the date of issuance.

Date of issuance: July 11, 1962.

For The Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-6961; Filed, July 17, 1962; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13329 etc.]

AIR BUS TARIFFS INVESTIGATION

Notice of Postponement of Hearing

Reference is hereby made to a Notice of Hearing dated June 29, 1962, which assigned the above-entitled proceeding for public hearings beginning July 24, 1962.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that public hearings in this proceeding are hereby postponed until further notice.

Dated at Washington, D.C., July 13, 1962.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 62-6998; Filed, July 17, 1962; 8:51 a.m.]

[Docket No. 13775; Order No. E-18585]

HAWAIIAN AIR SERVICE INVESTIGATION

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of July 1962.

The Board by the institution of this investigation of the interisland air service in Hawaii seeks a thorough evaluation of the competitive routes of Hawaiian Airlines, Inc. (Hawaiian) and Aloha Airlines, Inc. (Aloha). Prior to 1929, all commercial transportation between the islands, which now comprise the State of Hawaii, was provided by boat. In 1929, Hawaiian inaugurated scheduled airline service. Over the years, the commercial traffic between the islands shifted to air service and because of the decline in water transportation, interisland commercial boat service was discontinued in 1948. Following this, in 1949, Trans-Pacific Airlines, Ltd. (now Aloha) was authorized to provide scheduled air transportation in competition with Hawaiian.

Aloha originally operated under temporary certification but, pursuant to a Congressional mandate, the Board issued to this carrier a certificate of indefinite duration which went into effect on February 2, 1957 (Order E-10817, December 4, 1956). Hawaiian, a carrier with the usual grandfather rights, holds a currently effective certificate, which was issued on March 7, 1961 (Order E-16481), and Aloha holds a similar currently effective certificate which was issued on February 11, 1959 (Order E-13508).[1]

Prior to the issuance of an indefinite certificate to Aloha, the Board conducted a proceeding involving a re-examination of the need for competitive air service in the Hawaiian Islands (*Trans-Pacific Airlines, Ltd. Renewal Case*, 21 CAB 253, May 3, 1955). Therein, a determination was made that the public convenience and necessity required renewal of Aloha's certificate for a temporary period terminating December 21, 1959 (subsequent to the Board's decision to temporarily renew, an indefinite certificate was issued to Aloha as referred to above).

Before Aloha was certificated, Hawaiian provided air service without subsidy support. However, since Aloha has been operating, both carriers have required subsidy, for most of the period of competition, with the total subsidy bill ranging from a low of $48,000 in fiscal 1951 to a high of $871,000 in fiscal 1953. In these years, the carriers operated only DC-3 equipment, but subsequently Hawaiian added Convairs to its fleet, and, in 1959 and 1960, Aloha acquired and placed in service six F-27 aircraft. For a short period of time, prior to an extensive sugar strike in Hawaii that took place in the spring of 1958, both carriers were able to operate on a subsidy-free basis. However, the economic impact of the strike was such as to drastically reduce the interisland traffic and both carriers again sought subsidy. The subsidy requirements subsequent to the decision in the renewal case remained at moderate levels for a period of several years,[2] but, for the calendar year 1961, it is estimated that the carriers accrued approximately $570,000 in temporary subsidy requirements—$291,000 for Aloha and $279,000 for Hawaiian. The prospect for future annual periods is even more disturbing than the substantial amount that appears to be required for calendar year 1961. The carriers' claims for subsidy with tax allowance may well approach, or even exceed, a $2 million annual sum with each carrier claiming approximately half of this total amount. Such a sharp rise in subsidy cost is difficult if not impossible to accept in a market which has no competitive forms of transportation and which has achieved a healthy volume of air traffic.

The carriers' and Board personnel have attempted to solve or alleviate the subsidy problems in a series of informal conferences, but it does not appear that any of the possibilities discussed at the informal conferences would lead to marked reductions in subsidy requirements without the formal action that we contemplate herein. As discussed in the renewal case, air transportation among the islands of Hawaii involves a unique situation. There is no surface competition, and, by local service standards, the traffic is high density. For example, the following data for the year ended December 31, 1960, compare the two Hawaiian carriers with the domestic United States local service carriers:

	Aloha	Hawaiian	Average local service industry	Highest local service carrier (Mohawk)
Passengers/Route Mile/Day	418.04	506.60	93.29	204.23
Passengers/Station/Day	139.73	136.34	30.39	67.94

A haul-density index constructed from the average haul for the Hawaiian carriers—149 miles—for the foregoing density factors discloses that Hawaiian's and Aloha's routes are superior to local service routes by a ratio of almost 7 to 1. Routes with these characteristics operated with the reasonably efficient modern equipment possessed by Hawaiian and Aloha should produce profitable operations. Since profitability appears to be questionable, under the existing route structures, it appears both logical and apparent that the side-by-side competition of the two carriers creates unusually high costs.

The following table, which compares certain indirect expenses of the Hawaiian carriers with those of two domestic local service carriers, is included here to illustrate some of the principal categories in which these high costs occur:[3]

	Aloha	Hawaiian	Allegheny	Mohawk
Passenger service	$155,575	$235,784	$963,029	$769,551
Aircraft and traffic servicing	807,480	1,514,044	4,549,425	3,963,703
Promotion and sales	937,182	1,244,376	1,688,041	1,918,744
General and Administrative [1]	567,758	971,717	912,047	924,195

[1] $294,026 of the amount of General and Administrative expense shown for HAL is for gross receipts tax; for Aloha the comparable figure is $201,418.

The figures above indicate that the promotion and sales and general and administrative expenses of Aloha and Hawaiian are disproportionately high when compared to the experience of Allegheny and Mohawk. The volume of operations and traffic carried by each of these two local service carriers is by any measurement; e.g. miles flown, stations, passengers, substantially greater than that of the Hawaiian carriers.

We are by no means prepared to reverse our rationale in the renewal proceeding, which indorsed two-carrier competition as justified in the public convenience and necessity. However, we must take cognizance of the fact that the decision contemplated no more than a fraction of the subsidy requirements now facing us. Moreover, the forecast subsidy was for service at fares substantially lower than current levels.[4] Under such circumstances, it is appropriate for us now to re-examine the route structure to determine whether it is possible to preserve competitive services in those markets which can support and warrant it, and to eliminate competition at points of lesser need and traffic density.

	Aloha	*HAL*	*Total*
1956 (closed rate)	$50,729	$237,752	$288,481
1957 (closed rate)	12,283	59,990	72,273
1958 (temporary rate)	109,150	32,731	141,881
1959 (temporary rate)	91,557	60,059	151,616
1960 (temporary rate)	30,296	240,166	270,462
Total	294,015	630,698	924,713

FIRST CLASS FARES
[Effective in March of each year]

	1956	1957	1958	1959	1960	1961	1962
Honolulu-Hilo	15.00	15.00	16.50	17.60	17.60	21.00	19.00
Honolulu-Kauai	9.50	9.50	10.50	11.20	11.20	13.80	12.55
Honolulu-Maui	9.50	9.50	10.50	11.20	11.20	13.80	12.55

[1] With minor exceptions, the carriers have identical authority at present. Hawaiian's certificate is slightly broader than Aloha's in its terms in that Hawaiian's designates the entire island of Maui and also the City of Kamuela.

[3] It is recognized that there can be many many cost distinctions—as well as public convenience and necessity distinctions—in making any comparison between the Hawaiian carriers and domestic local service carriers.

Our aim in this proceeding is directed toward a realignment of the existing routes of Hawaiian and Aloha to the extent that route realignments can produce economies for the carriers without subverting the service warranted by the public convenience and necessity. In evaluating all possible realignments, the Board will, of course, weigh the impact on the public—to the extent that it is affected by a diminution or elimination of point-to-point competition.

With the established history that each carrier enjoys in Hawaii, we do not here contemplate total cancellation of either carrier's certificate nor will we consider applications of any other parties who may seek to provide new or additional certificated air service in Hawaii. Rather, this proceeding concerns only such changes as may be warranted, in the presently parallel routes of the existing carriers, to produce reductions in the costs of competition without undue adverse impact upon the benefits inherent in parallel operations. To this end, and pursuant to sections 401(g) and 1002(b) of the Federal Aviation Act of 1958, as amended, a hearing will be conducted to see whether the public convenience and necessity require that the certificates of Hawaiian and/or Aloha should be altered, amended, modified or suspended for the purpose of reducing or eliminating uneconomic competition at those points in Hawaii which are now designated in the certificates of Hawaiian and/or Aloha to receive service. At the hearing, and in conformance with meeting the issues raised herein, the carriers will be expected to supply estimates of the financial results which might be achieved through a reduction or elimination of uneconomic competition.

This proceeding will be set before an examiner of the Board at a time and place to be determined.

Accordingly, it is ordered:

1. That an investigation be instituted to determine whether the public convenience and necessity require that the certificates of Hawaiian Airlines, Inc., and/or Aloha Airlines, Inc., should be altered, amended, modified or suspended to reduce or eliminate uneconomic competition at those points in Hawaii which are now designated in the certificates of Hawaiian and Aloha to receive scheduled air service;

2. That Hawaiian Airlines, Inc., and Aloha Airlines, Inc., be and they hereby are made parties to this proceeding; and

3. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-6999; Filed, July 17, 1962; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12445 etc.; FCC 62M-987]

FLORIDA GULFCOAST BROADCASTERS, INC.

Order Scheduling Prehearing Conference

In re applications of Florida Gulfcoast Broadcasters, Incorporated, Largo, Florida, Docket No. 12445, File No. BPCT-2371; City of St. Petersburg, Florida (WSUN-TV), Largo, Florida, Docket No. 12446, File No. BPCT-2373; Suncoast Cities Broadcasting Corporation, Largo, Florida, Docket No. 12447, File No. BPCT-2389; Tampa Telecasters, Inc., Largo, Florida, Docket No. 12448, File No. BPCT-2432; WTSP-TV, Inc., Largo, Florida, Docket No. 12449, File No. BPCT-2437; Bay Area Telecasting Corporation, Largo, Florida, Docket No. 12450, File No. BPCT-2445; for construction permits for television broadcast stations.

On the Examiner's own motion: *It is ordered*, This 12th day of July 1962, that a prehearing conference in the above-entitled matter will be held in the offices of the Commission, Washington, D.C., on July 19, 1962, at 9:00 a.m.

Released: July 13, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7000; Filed, July 17, 1962; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI63-2]

BLAIR-VREELAND

Order Providing for Hearing on and Suspension of Proposed Change in Rate

JULY 11, 1962.

On June 21, 1962, Blair-Vreeland[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated May 31, 1962.

Purchaser and producing area: Coastal Transmission Corporation (Hinde Field, Starr County, Texas) (Railroad Commission Dist. No. 4).

Rate schedule designation: Supplement No. 1 to Blair-Vreeland's FPC Gas Rate Schedule No. 2.

Effective date: July 22, 1962.[2]
Proposed rate: 17.0 cents per Mcf.[3]
Effective rate: 16.0 cents per Mcf.[3]
Annual increase: $3,660.
Pressure base: 14.65 psia.

The proposed periodic rate increase exceeds the applicable area price level as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The proposed increased rate may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 1 to Blair-Vreeland's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Blair-Vreeland's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 22, 1962, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before August 27, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6968; Filed, July 17, 1962; 8:45 a.m.]

[1] Address is: P.O. Box 2413, Corpus Christi, Texas.

[2] The stated effective date is the first day after expiration of the required statutory notice.

[3] Subject to downward Btu adjustment below 1,000 Btu's per cubic foot.

[Docket No. G-1471]

TEXAS GAS TRANSMISSION CORP.

Notice of Application To Amend Certificate of Public Convenience and Necessity

JULY 11, 1962.

Take notice that on April 9, 1962, Texas Gas Transmission Corporation (Applicant) filed an application to amend the Commission's order issued January 19, 1951, in Docket No. G-1471 to increase by 4,500 Mcf Applicant's daily deliveries of natural gas to Spencer Chemical Company (Spencer) for industrial use by the latter near Henderson, Kentucky. Applicant is presently authorized to deliver a maximum of 17,000 Mcf of gas per day to Spencer for use in the production of anhydrous ammonia, of which 7,000 Mcf is delivered under high priority interruptible service for use as raw material and 10,000 Mcf is delivered under other interruptible service for use as fuel.

Applicant states that Spencer has undertaken to expand its output of ammonia, which expansion has caused an increase in Spencer's maximum daily requirement of high priority interruptible gas from the 7,000 Mcf presently authorized to 11,500 Mcf.

Applicant and Spencer have entered into an amendatory agreement dated January 22, 1962, for the proposed additional volumes of natural gas.

Protests, petitions to intervene or requests for hearing may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 31, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-6969; Filed, July 17, 1962; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

UNITED CALIFORNIA BANK

Order Denying Application for Approval of Merger of Banks

In the matter of the application of United California Bank for approval of merger with The First National Bank of Vista.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by United California Bank, Los Angeles, California, a member bank of the Federal Reserve System, for the Board's prior approval of the merger of The First National Bank of Vista, Vista, California, with and into United California Bank, under the charter and title of the latter. Notice of the proposed merger, in form approved by the Board, was published pursuant to said Act.

Upon consideration of all relevant materials in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed merger and the information received at and in connection with the public proceeding which was ordered in this matter (27 F.R. 4601) pursuant to the Board's rules of procedure (12 C.F.R. 262.2(f)(3)).

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that the said application be and hereby is denied.

Dated at Washington, D.C., this 20th day of June 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-6970; Filed, July 17, 1962; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3341]

CENTRAL STANDARD CONSOLIDATED MINES

Order Granting Application To Strike From Listing and Registration

JULY 12, 1962.

In the matter of Central Standard Consolidated Mines, Common Stock, File No. 1-3341.

Salt Lake Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

Registrant has informed the Exchange that it is unable to comply with requirements of the Exchange in the following particulars:

1. To hold an annual meeting with notice to stockholders and the Exchange.

2. To mail to stockholders and the Exchange an Annual Report within 140 days of the close of its fiscal year.

3. That the market value of the outstanding stock will be at least $100,000.

The Commission having considered the facts stated in the application, and having due regard for the public interest and protection of investors;

It is ordered, That said application be, and the same is, hereby granted, effective at the close of the trading session on July 27, 1962.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-6976; Filed, July 17, 1962; 8:47 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of San Francisco. Dissenting statement of Chairman Martin and Governor Shepardson also filed as part of the original document and available upon request.

[File No. 1-1765]

EAST CROWN POINT CONSOLIDATED MINING CO.

Order Granting Application To Strike From Listing and Registration

JULY 12, 1962.

In the matter of East Crown Point Consolidated Mining Co., Common Stock, File No. 1-1765.

Salt Lake Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

Listing requirements of the Exchange are not met in the following particulars, and correction is not indicated:

1. The company has less than 200 stockholders.

2. Market value of outstanding stock is less than $200,000.

3. Stock held by non-control persons is less than $50,000.

The company was notified April 20, 1962 of contemplated delisting action and has failed to show cause why such action should not be effected.

The Commission having considered the facts stated in the application, and having due regard for the public interest and protection of investors;

It is ordered, That said application be, and the same is, hereby granted, effective at the close of the trading session on July 27, 1962.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-6977; Filed, July 17, 1962; 8:47 a.m.]

[File No. 1-3445]

E. L. BRUCE CO., INC.

Order Summarily Suspending Trading

JULY 12, 1962.

The common stock, par value $1, of E. L. Bruce Co. (Incorporated), being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under Section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale

of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 13, 1962, to July 22, 1962, both dates inclusive.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-6979; Filed, July 17, 1962; 8:47 a.m.]

[File No. 1-1762]

EUREKA MINES CO.

Order Granting Application To Strike From Listing and Registration

JULY 12, 1962.

In the matter of Eureka Mines Company, Common Stock, File No. 1-1762.

Salt Lake Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reason alleged in the application for striking this security from listing and registration include the following:

Listing requirements of the Exchange are not met in the following particulars, and correction is not indicated:

1. Market value of the outstanding stock is less than $100,000.

2. Market value of the stock held by other than "control persons" is less than $50,000.

The company upon invitation to do so, has failed to show cause why delisting should not be initiated.

The Commission having considered the facts stated in the application, and having due regard for the public interest and protection of investors;

It is ordered, That said application be, and the same is, hereby granted, effective at the close of the trading session on July 27, 1962.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-6978; Filed, July 17, 1962; 8:47 a.m.]

[File No. 70-4052]

NEW ENGLAND POWER CO. AND NEW ENGLAND ELECTRIC SYSTEM

Notice of Proposed Issuance and Sale of Common Stock by Subsidiary Company and Acquisition Thereof by Holding Company

JULY 11, 1962.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and New England Power Company ("NEPCO"), one of its subsidiary companies (411 Stuart Street, Boston 16, Massachusetts), have filed a joint application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 9(a), and 10 of the Act as applicable to the proposed transactions. All interested persons are referred to the joint application, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

NEPCO proposes to issue and sell to NEES, its sole common stockholder, 342,857 additional shares of common stock, $20 par value, and NEES proposes to acquire said shares for a cash consideration of $35 per share. The par value of such shares aggregates $6,857,140, and the cash consideration to be paid by NEES totals $11,999,995. The excess of $5,142,855 over the par value will be credited by NEPCO to premiums on capital stocks. Upon such issue and sale, NEPCO will have outstanding 3,107,039 shares of common stock of an aggregate par value of $62,140,780. The proceeds from the sale of the additional shares of common stock will be applied by NEPCO to the payment of short-term note indebtedness previously incurred for capital expenditures.

The joint application states that expenses incident to the proposed transactions are estimated at $19,629 for NEPCO and $1,000 for NEES, consisting of service charges, at cost, of New England Power Service Company amounting to $1,000 for NEES and $4,000 for NEPCO, original issue stamp taxes of $12,000, a State filing fee of $3,429, and a counsel fee of $200. It is also stated that the Massachusetts Department of Public Utilities, the State commission of the State in which NEPCO is organized and doing business, and the New Hampshire Public Utilities Commission and the Vermont Public Service Board, commissions of the other States in which NEPCO is doing business, have jurisdiction over the proposed issue and sale of common stock by NEPCO. The orders of these commissions relating to the proposed issuance and sale of common stock are to be filed by amendment. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than July 31, 1962, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application, as it is to be amended, may be granted as provided in Rule 23 of the General rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-6981; Filed, July 17, 1962; 8:47 a.m.]

[File No. 1-536]

PLYMOUTH OIL CO.

Order Granting Application To Strike From Listing and Registration

JULY 12, 1962.

In the matter of Plymouth Oil Company, Common Stock, File No. 1-536.

Pittsburgh Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: Stockholders on March 28, 1962, adopted a Plan of Complete Liquidation of the Company.

The Commission having considered the facts stated in the application, and having due regard for the public interest and protection of investors;

It is ordered, That said application be, and the same is, hereby granted, effective at the close of the trading session on July 27, 1962.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-6982; Filed, July 17, 1962; 8:47 a.m.]

[File No. 1-4583]

PRECISION MICROWAVE CORP.

Order Summarily Suspending Trading

JULY 12, 1962.

The Common Stock, Par Value $1.00, of Precision Microwave Corp., being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 13, 1962, to July 22, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-6980; Filed, July 17, 1962; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 219]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 13, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 38541 (Deviation No. 3), WHITE MOTOR EXPRESS, INCORPORATED, 321 Benedict Street, Nashville 6, Tenn., filed July 5, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Nashville, Tenn., over U.S. Highway 31E to junction Tennessee Highway 25, at or near Gallatin, Tenn., thence over Tennessee Highway 25 to junction Tennessee Highway 10, thence over Tennessee Highway 10 to Lafayette, Tenn., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Nashville over U.S. Highway 31E to junction Tennessee Highway 52, thence over Tennessee Highway 52 to Lafayette, and return over the same route.

No. MC 77486 (Deviation No. 3), ADMIRAL TRANSIT, INC., 2625 Territorial Road, St. Paul 14, Minn., filed July 5, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highways 12 and 14, south of Madison, Wis., over U.S. Highway 12 to junction U.S. Highway 51, thence over U.S. Highway 51 to junction U.S. Highway 14, north of Janesville, Wis., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route between the same points over U.S. Highway 14.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-6991; Filed, July 17, 1962; 8:50 a.m.]

[Notice 458]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 13, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers of brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

SPECIAL RULES OF PROCEDURES FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will at the time of offer, be subject to the same rules as if the evidence was produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 25798 (Sub No. 74), filed July 12, 1962. Applicant: CLAY HYDER TRUCKING LINES, INC., Dade City, Fla. Applicant's attorney: Thomas F. Kilroy, Suite 912 Federal Bar Building, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, potatoes, and potato products*, frozen and unfrozen, cooked and uncooked, and blanched, from Fargo, Park River, Grafton, and points in Grand Forks County, N. Dak., Crookston, Mankato, Barnesville, East Grand Forks, St. Paul, Minneapolis, and Hopkins, Minn., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee (except Memphis), Texas, Virginia, West Virginia, and Washington, D.C.

HEARING: July 31, 1962, at the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 78643 (Sub-No. 48), filed June 27, 1962. Applicant: HART MOTOR EXPRESS, INC., 2417 North Cleveland, St. Paul 13, Minn. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes, potato products and frozen foods*, from points in North Dakota and Minnesota to points in North Dakota, Minnesota, Wisconsin, Illinois, points in Indiana and the Chicago, Ill., Commercial Zone, and points in Iowa on and East of U.S. Highway 218.

HEARING: July 31, 1962, at the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 117119 (Sub-No. 52) (AMENDMENT), filed May 3, 1962, published in the FEDERAL REGISTER, issue of June 13, 1962, republished this issue as amended July 11, 1962. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: John H. Joyce, 26 North College, Fayetteville, Ark.; A. Alvis Layne, Pennsylvania Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes* and *potato products*, frozen and unfrozen, cooked, uncooked and blanched, (1) from Fargo, Park River, Grafton, and points in Grand Forks County, N. Dak., and points in Minnesota, to points in Florida, Georgia, North Carolina, South Carolina, Alabama, Tennessee, Mississippi, Louisiana, Arkansas, Oklahoma, Missouri,

Kansas, Indiana, Ohio, Kentucky, and Texas; (2) from points in Grand Forks County, Park River, and Grafton, N. Dak., and points in Minnesota to Mankato, Minn., and Sioux City, Iowa; and (3) from Sioux City, Iowa, and Carthage, Mo., to points in Florida, Georgia, North Carolina, South Carolina, Alabama, Tennessee, Mississippi, Louisiana, Arkansas, Oklahoma, Missouri, Kansas, Indiana, Ohio, Kentucky, and Texas; and *empty containers* on return.

NOTE: The purpose of this republication is to substitute "points in Minnesota" for the three named points in that state in both (1) and (2) and to add as destination states, Indiana, Ohio and Kentucky in (1) and (3). These amendments will expand both the origin and destination territories.

HEARING: Remains as assigned July 31, 1962, in the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 117954 (Sub-No. 9), filed July 2, 1962. Applicant: H. L. HERRIN, JR., 101 Airline Highway, P.O. Box 456, Metairie, La. Applicant's attorney: Harold R. Ainsworth, 2307 American Bank Building, New Orleans 12, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes and potato products*, frozen and unfrozen, cooked, uncooked and blanched, from Grand Forks, Fargo, and Grafton, N. Dak., and East Grand Forks, Crookston, Barnesville, and Mankaton, Minn., to points in Alabama, Arkansas, Florida, Illinois, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, and Texas.

HEARING: July 31, 1962, at the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 118159 (Sub-No. 10), filed July 2, 1962. Applicant: EVERETT LOWRANCE, 4916 Jefferson Highway, P.O. Box 10216, New Orleans 21, La. Applicant's attorney: Harold R. Ainsworth, 2307 American Bank Building, New Orleans 12, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes and potato products*, frozen and unfrozen, cooked, uncooked and blanched, from Grand Forks, Fargo, and Grafton, N. Dak., and East Grand Forks, Crookston, Barnesville, and Mankaton, Minn., to points in Alabama, Arkansas, Florida, Illinois, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, and Texas.

HEARING: July 31, 1962, at the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 124211 (Sub-No. 12), filed July 11, 1962. Applicant: HILT TRUCK LINE, INC., 3751 Sumner Street, Lincoln, Nebr. Applicant's attorney: J. Max Harding, Box 2041, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes and potato products*, frozen and unfrozen, cooked, uncooked, and blanched, from Grand Forks, Fargo, and Grafton, N. Dak., and Crookston and Barnesville, Minn., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

HEARING: July 31, 1962, at the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62-6992; Filed, July 17, 1962; 8:50 a.m.]

[Notice 459]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 13, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers of brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 504 (Sub-No. 48), filed March 12, 1962. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's attorney: Guy H. Postell, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, from points in Wisconsin to points in Tennessee.

NOTE: Applicant states that it presently holds this authority via Birmingham, Ala., and here seeks to eliminate that gateway. It further states that "any authority granted here and that now held between the same points shall be construed as comprising a single operating right" and that "the authority herein granted and that now held between the same points shall not be severable by sale or otherwise."

HEARING: September 14, 1962, at The Conrad Hilton, Chicago, Ill., before Examiner Theodore M. Tahan.

No. MC 730 (Sub-No. 206), filed April 16, 1962. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except livestock, household goods as defined by the Commission, and commodities which, because of size or weight, require special equipment), serving Rocketdyne Reno Test Facility, located approximately twenty (20) miles northeast of Reno, Nev., and all Rocketdyne bases and supply points located in Washoe County, Nev., as off-route points in connection with applicant's authorized regular route operations to and from Reno and Sparks, Nev.

NOTE: Common control may be involved.

HEARING: September 12, 1962, at the Nevada Public Service Commission, Room 204, State Office Building, East Musser Street, Carson City, Nev., before Joint Board No. 128, or, if the Joint Board waives its right to participate before Examiner F. Roy Linn.

No. MC 4405 (Sub-No. 390) (AMENDMENT), filed February 26, 1962, published in the FEDERAL REGISTER, issue of June 20, 1962, republished this issue as amended July 10, 1962. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, 1624 I Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cargo containers and parts thereof*, when moving with such containers, from Cincinnati, Ohio, Fremont, Calif., points in Gregg County, Tex., and Springfield, Mo., and points within ten (10) miles thereof, to points in the United States, excluding Hawaii.

NOTE: The purpose of this republication is to specify "points in Gregg County, Tex.," instead of Longview, Tex., and to add "and points within 10 miles thereof," after Springfield, Mo., which will expand the origin territory.

HEARING: Remains as assigned July 27, 1962, at Room 712, Federal Building, Cincinnati, Ohio, before Examiner Alfred B. Hurley.

No. MC 15909 (Sub-No. 5) (CORRECTION), filed May 14, 1962, published FEDERAL REGISTER issue July 4, 1962, and republished this issue to show correct hearing date. Applicant: E. L. BONER, doing business as OWENS TRANSFER, P.O. Box 146, Du Quoin, Ill. Applicant's representative: R. W. Burgess, 1507 Poplin Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except Classes A and B explosives, household goods as defined in 17 M.C.C. 467, commodities in bulk and commodities requiring special equipment), between St. Louis, Mo., and points in the Commercial Zone thereof, and Champ, Mo.-Industrial Village: (1) from the St. Louis Terminal at Carr Street, via Carr Street to 12th Street, 12th Street to Cass Avenue, Cass Avenue, to Interstate Highway 70, thence via Interstate Highway 70 to Champ, Mo.-Industrial Village and return over the same route, serving no intermediate points, and (2) from the western boundary of the St. Louis Commercial Zone to the junction of Bypass 66 and Interstate Highway 70, thence via Interstate Highway 70 to Champ, Mo-Industrial Village and return over the same route, serving no intermediate points.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135.

No. MC 23939 (Sub-No. 131), filed March 9, 1962. Applicant: ASBURY TRANSPORTATION CO., a corporation, 2222 East 38th Street, Los Angeles 58, Calif. Applicant's attorney: E. B. Evans, 718 Symes Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids*, in bulk, in specially designed tank trailers, and *empty vehicles*, between Santa Susanna, Calif., and points within seventy-five (75) miles thereof, Nimbus, Calif., and points within twenty-five (25) miles thereof, and Edwards Air Force Base, Calif., on the one hand, and, on the other, Mercury, Nev., and points within one hundred (100) miles thereof.

HEARING: September 10, 1962, at the Nevada Public Service Commission, Room 204, State Office Building, East Musser Street, Carson City, Nev., before Joint Board No. 78, or, if the Joint Board waives its right to participate before Examiner F. Roy Linn.

No. MC 25798 (Sub-No. 75), filed July 12, 1962. Applicant: CLAY HYDER TRUCKING LINES, INC., Dade City, Fla. Applicant's attorney: Thomas F. Kilroy, Suite 912 Federal Bar Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Deerfield, Ill., to all points in Alabama, Florida, Georgia, and Tennessee (except Memphis).

HEARING: August 2, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Bernard J. Hasson, Jr.

No. MC 33641 (Sub-No. 50), filed July 5, 1962. Applicant: INTERSTATE MOTOR LINES, INC., 235 West Third South, Salt Lake City 1, Utah. Applicant's attorney: Edward M. Berol, 21st Fl.-100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Silver coin and silver bullion*, between San Francisco, Calif., and Denver, Colo.; (1) from San Francisco over U.S. Highway 40 to Denver; (2) from San Francisco over U.S. Highway 50 to Salt Lake City, Utah, thence over U.S. Highway 40 to Denver; (3) from San Francisco over either U.S. Highway 40 or 50 to Salt Lake City, thence over U.S. Highway 91 to Ogden, Utah, thence over U.S. Highway 30-S to junction U.S. Highway 30, thence over U.S. Highway 30 to Laramie, Wyo., thence over U.S. Highway 287 to Denver, and return over the same routes, serving no intermediate points.

HEARING: July 30, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allen W. Hagerty.

No. MC 41915 (Sub-No. 26) (REPUBLICATION), filed June 19, 1961, published FEDERAL REGISTER, issue of September 13, 1961, and republished this issue. Applicant: MILLER'S MOTOR FREIGHT, INC., Zinn's Quarry Road, York, Pa. Applicant's attorney: Norman T. Petow, 43 North Duke Street, York, Pa. By application filed June 19, 1962, applicant sought authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials in mixed truck loads in combination with roofing materials and supplies*, (1) from York, Pa., to Martinsburg, W. Va., and points in North Carolina, Virginia, New Jersey, New York, Maryland, Delaware, Ohio, and the District of Columbia, and (2) from points in New Jersey, to York, Pa., and Westminster and Curtis Bay, Md., and *rejected materials and empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities in connection with routes (1) and (2) above, on return. A Report of The Commission, division 1, decided June 29, 1962, and served July 9, 1962, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, (1) of *insulating materials when moving in the same vehicle and at the same time with roofing materials and supplies*, from York, Pa., to Martinsburg, W. Va., and points in North Carolina, Virginia, New Jersey, New York, Maryland, Delaware, Ohio, and the District of Columbia, and (2) of *insulating materials, when moving in the same vehicle and at the same time with plaster, plasterboard, gypsum lath, and gypsum sheathing*, from Akron, N.Y., to points in Pennsylvania on and east of U.S. Highway 219, except those in McKean, Potter, Elk, and Cameron Counties, Pa., and to points in Delaware; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and our rules and regulations thereunder; that a certificate authorizing such operations should be granted, subject to prior publication of a corrected notice in the FEDERAL REGISTER and any interested person will be permitted to file an appropriate petition within 30 days from the date of this republication.

No. MC 42261 (Sub-No. 68), filed July 6, 1962. Applicant: LANGER TRANSPORT CORP., Route 1, Foot of Danforth Avenue, Jersey City, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Jet fuel and aviation gasoline*, in bulk, in tank vehicles, between Burlington and Jacksonville, N.J., on the one hand, and, on the other, points in Delaware and those in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 15 to its junction with U.S. Highway 522, and thence along U.S. Highway 522 to the Pennsylvania-Maryland State line.

HEARING: July 24, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John B. Mealy.

No. MC 52458 (Sub-No. 167), filed July 12, 1962. Applicant: T. I. McCORMACK TRUCKING CO., INC., U.S. Route No. 9, Woodbridge, N.J. Applicant's attorney: Chester A. Zyblut, 1700 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids* and *rocket propellant fuels*, in bulk, in specially designed tank trailers, between missile sites, production plants and missile test facilities, located in the States of Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

NOTE: Common control may be involved.

HEARING: August 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 52709 (Sub-No. 177), filed July 5, 1962. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Silver coin and silver bullion*, from San Francisco, Calif., to Denver, Colo.: From San Francisco over U.S. Highway 40 to Denver (also from San Francisco over U.S. Highway 40 to junction U.S. Highway 40 and U.S. Highway 189 at Silver Creek Junction, Utah, thence over U.S. Highway 189 to junction with U.S. Highway 30S near Echo, Utah, thence over U.S. Highway 30S to junction with U.S. Highway 30 near Little America, Wyo., thence over U.S. Highway 30 to junction with U.S. Highway 287 at Laramie, Wyo., thence over U.S. Highway 287 to Denver) and return over the same route, serving no intermediate or off-route points.

NOTE: Common control may be involved.

HEARING: July 30, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allen W. Hagerty.

No. MC 52709 (Sub-No. 178), filed July 12, 1962. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's attorney: Thomas F. Kilroy, Suite 912 Federal Bar Building, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Deerfield, Ill., to points in Arizona, Nevada, California, Idaho, Washington, Oregon, New Mexico, Utah, Montana, Wyoming, and Colorado.

HEARING: July 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 55236 (Sub-No. 61), filed June 20, 1962. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hexane, heptane, benzene, toluene and xylene (xylol)*, in bulk, in tank vehicles, from the plant site of American Mineral Spirits Co., Division, The Pure Oil Co., located at or near Lemont, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

HEARING: September 18, 1962, at The Conrad Hilton, Chicago, Ill., before Examiner Theodore M. Tahan.

No. MC 55896 (Sub-No. 14) (AMENDMENT), filed May 15, 1962, published

FEDERAL REGISTER issue of June 13, 1962, clarified June 19, 1962, and republished, FEDERAL REGISTER issue of July 5, 1962, and republished, as clarified, this issue. Applicant: R. W. EXPRESS, INC., 4840 Wyoming Avenue, Dearborn, Mich. Applicant's attorney: William B. Elmer, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except Classes A and B explosives, household goods as defined in 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment) between Goshen and Marion, Ind., over Indiana Highway 15, serving Wabash and Warsaw, Ind., as intermediate points.

NOTE: The purpose of this republication is to add Warsaw, Ind., as an intermediate point.

HEARING: Remains as assigned July 27, 1962, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 72.

No. MC 64932 (Sub-No. 310), filed March 1, 1962. Applicant: ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohols*, in bulk, in tank vehicles, from Clinton, Iowa, to points in Pennsylvania, New York, Massachusetts, Kentucky, Indiana, Connecticut, Missouri, Illinois, West Virginia, Michigan, Wisconsin, Minnesota, Kansas, Nebraska, and New Jersey.

HEARING: September 21, 1962, at The Conard Hilton, Chicago, Ill., before Examiner Theodore M. Tahan.

No. MC 64932 (Sub-No. 311), filed March 1, 1962. Applicant: ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the plant site of Stepan Chemical Company at or near Millsdale, Ill., to points in Connecticut, Maryland, Massachusetts, and Rhode Island.

HEARING: September 10, 1962, at The Conard Hilton, Chicago, Ill., before Examiner Theodore M. Tahan.

No. MC 66562 (Sub-No. 1886), filed April 23, 1962. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, 1220 Citizens and Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* moving in express service, (1) between Lake City, Fla., and Jasper, Fla., as follows: From Lake City over U.S. Highway 41 to Jasper, and return over the same route, serving the intermediate point of White Springs, Fla.; and (2) between Starke, Fla., and Keystone Heights, Fla., as follows: From Starke over Florida Highway 100 to Keystone Heights, and return over the same route, serving no intermediate points. Restrictions: In addition to the restriction "moving in express service", applicant states the proposed operation will be subject to the following restrictions: (1) The service to be performed by applicant shall be limited to service which is auxiliary to or supplemental of air or rail express service; (2) shipments transported by applicant shall be limited to those moving on through bills of lading or express receipts covering, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air; and (3) such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict applicant's operations to service which is auxiliary to or supplemental of railway express service.

HEARING: September 10, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate, before Examiner Warren C. White.

No. MC 71096 (Sub-No. 42), filed July 9, 1962. Applicant: NORWALK TRUCK LINES, INC., 180 Milan Avenue, Norwalk, Ohio. Applicant's representative: Marion M. Emery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, automobiles, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Utica, Mich., as an off-route point in connection with applicant's regular-route operations from and to Detroit, Mich.

NOTE: Applicant requests deletion of any duplicating authority if this application is approved. Common control may be involved.

HEARING: August 2, 1962, at the Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 85934 (Sub-No. 22) (REPUBLICATION), filed February 28, 1962, published FEDERAL REGISTER, issue of April 11, 1962, and republished this issue. Applicant: MICHIGAN TRANSPORTATION COMPANY, a corporation, 3601 Wyoming Avenue, Dearborn, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. By application filed February 28, 1962, applicant seeks authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in hopper and dump type vehicles, from the site of The Dow Chemical Company plant located at Midland, Mich., to points in Illinois, points in Indiana south of U.S. Highway 40, and points in Ohio south of U.S. Highway 40 and east of Ohio Highway 13, except points in Licking and Muskingum Counties, Ohio, located south and east respectively, of those two highways. The application was heard May 31, 1962, at Detroit, Mich., Hearing Examiner Warren C. White presiding. A Report and Order served June 7, 1962, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes of *salt*, in bulk, in hopper and dump type vehicles, from Midland, Mich., to points in Illinois; points in Indiana south of U.S. Highway 40; and points in Ohio except points in the northwest quarter of Ohio situated north of U.S. Highway 40 and west of Ohio Highway 13, and excepting also points in Ashtabula, Cuyahoga, Lake, Summit, Franklin, Wayne, Licking, and Muskingum Counties, and recommends that an appropriate certificate authorizing such operation should be issued after the elapse of 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 95540 (Sub-No. 438), filed July 2, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Deerfield, Ill., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

HEARING: August 2, 1962, at the Midland Hotel, Chicago, Ill., before Examiner Bernard J. Hasson, Jr.

No. MC 96407 (Sub-No. 2), filed March 28, 1962. Applicant: HOWARD O. LEE, doing business as LEE LUMBER HAULING, 9258 Muller Street, Downey, Calif. Applicant's attorney: Karl K. Roos, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber (including plywood), when transported on vehicles equipped with lumber rollers*, in truckload shipments weighing 20,000 pounds or more, from points in Los Angeles, San Bernardino, Riverside, and Orange Counties, Calif., to points in Clark and Nye Counties, Nev.

NOTE: Applicant states no duplicating authority is requested. The purpose of this application is to eliminate the restriction against plywood, to include San Bernardino, Riverside, and Orange Counties, Calif., as points of origin and Nye County, Nev., as point of destination.

HEARING: September 11, 1962, at the Nevada Public Service Commission, Room 204, State Office Building, East Musser Street, Carson City, Nev., before Joint Board No. 78, or, if the Joint Board waives its right to participate before Examiner F. Roy Linn.

No. MC 97357 (Sub-No. 10), filed July 5, 1962. Applicant: ALLYN TANK LINE, INC., 14011 South Central Avenue, Los Angeles 59, Calif. Applicant's attorney: Arthur H. Glanz, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryrogenic liquids and rocket propellant fuels*, in bulk, in specially designed tank vehicles, and *empty tank vehicles*, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, between missile sites, production plants, and missile test facilities located at points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington, and Wyoming.

HEARING: August 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 103378 (Sub-No. 234), filed May 8, 1962. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Hillsborough County, Fla., to points in Georgia on and south of U.S. Highway 80.

HEARING: September 11, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner Warren C. White.

No. MC 103378 (Sub-No. 236), filed June 11, 1962. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the site of the Terminal of Tenneco Oil Company, located at or near Southport, Fla., to points in North Carolina.

HEARING: September 12, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Warren C. White.

No. MC 103880 (Sub-No. 249), filed February 12, 1962. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: Carl L. Steiner, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer compounds*, dry, in bulk and in bags, from Marseilles, Ill., to points in Indiana, Iowa, Michigan, Minnesota, Missouri, North Dakota, Ohio, South Dakota, and Wisconsin.

HEARING: September 17, 1962, at The Conrad Hilton, Chicago, Ill., before Examiner Theodore M. Tahan.

No. MC 103880 (Sub-No. 250), filed February 26, 1962. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Linseed oil, paint* and *paint materials, plastics, resins, surface coating compounds* and *solvents* or *increasing, reducing, removing, thickening* or *thinning compounds*, in bulk, in tank vehicles, from the site of the De Soto Chemical Coatings, Inc., plant located at Chicago Heights, Ill., to points in Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Carolina, Ohio, Pennsylvania, and Wisconsin.

HEARING: September 19, 1962, at The Conrad Hilton, Chicago, Ill., before Examiner Theodore M. Tahan.

No. MC 103880 (Sub-No. 251), filed March 2, 1962. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* and *liquid plastics*, in bulk, in tank vehicles, from Lemont, Ill., to points in Indiana, Michigan, Ohio, Wisconsin, and Tennessee.

HEARING: September 20, 1962, at The Conrad Hilton, Chicago, Ill., before Examiner Theodore M. Tahan.

No. MC 105813 (Sub-No. 64), filed April 18, 1962. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami 42, Fla. Applicant's attorney: Norman J. Bolinger, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and citrus products* (except frozen and canned), from points in Alabama, Florida, and Georgia, to points in Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

NOTE: Common control may be involved.

HEARING: September 20, 1962, at the U.S. Court Rooms, Tampa, Fla., before Examiner Warren C. White.

No. MC 106089 (Sub-No. 9), filed May 28, 1962. Applicant: JOHN G. LANE LINE, INC., 1017 North McDuff Avenue, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery products and merchandise distributed by baking companies and, in connection therewith, bakery advertising matter, crates, racks, and containers*, (a) from points in Fulton, Cobb, Clayton, De Kalb, and Gwinnett Counties, Ga., to Jacksonville, Fla.; (b) from Jacksonville, Fla., to points in Fulton, Cobb, Clayton, De Kalb, and Gwinnett Counties, Ga., and to Greenville, S.C., and points within fifteen (15) miles thereof; (c) from points in Fulton, Cobb, Clayton, De Kalb, and Gwinnett Counties, Ga., to Greenville, S.C., and points within fifteen (15) miles thereof; and (d) from Greenville, S.C., and points within fifteen (15) miles thereof, to points in Fulton, Cobb, Clayton, De Kalb, and Gwinnett Counties, Ga., and to Jacksonville, Fla.; and (2) *Stale and rejected bakery products, empty bakery products containers, crates, and racks*, from the above-specified destination points to their respective origin points.

HEARING: September 11, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 354, or, if the Joint Board waives its right to participate, before Examiner Warren C. White.

No. MC 107107 (Sub-No. 213), filed April 23, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's representative: H. R. Marlane (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foods, food ingredients* and *food materials*, and (2) *related advertising, promotional and display materials, racks*, and *premiums* when in mixed shipments with (1) above, from Atlanta, Ga., to points in Florida.

HEARING: September 26, 1962, at the Florida Railroad Commission, Tallahassee, Fla., before Joint Board No. 99, or, if the Joint Board waives its right to participate, before Examiner Warren C. White.

No. MC 107496 (Sub-No. 235), filed February 23, 1962. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Applicant's attorney: Henry L. Fabritz, Jr., Box 855, 408 Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Benzol, toluol, xylol, hexane* and *heptane*, in bulk, in tank vehicles, from the plant site of American Mineral Spirits Co. at Lemont, Ill., to points in Michigan, Indiana, Ohio, Kentucky, Missouri, Iowa, Wisconsin, and Minnesota.

NOTE: Since this applicant holds contract authority under MC-119136, dual operations may be involved. Applicant states that it is wholly owned by John Ruan and controls and owns all of the outstanding stock of Illinois-Ruan Transport Corporation.

HEARING: September 18, 1962, at The Conrad Hilton, Chicago, Ill., before Examiner Theodore M. Tahan.

No. MC 107496 (Sub-No. 242), filed April 23, 1962. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, P.O. Box 855, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer compounds*, in bulk and in bags, from the plant site of National Phosphate Corporation, Marseilles, Ill., to points in Indiana, Iowa, Michigan, Minnesota, Missouri, North Dakota, Ohio, South Dakota, and Wisconsin.

NOTE: Applicant states that it is under common control with Illinois-Ruan Transport Corporation. Note also that since applicant holds contract authority under MC-119136, dual operations may be involved.

HEARING: September 17, 1962, at The Conrad Hilton, Chicago, Ill., before Examiner Theodore M. Tahan.

No. MC 107515 (Sub-No. 387), filed March 15, 1962. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Clyde W. Carver, 214 Grant Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, from points in Florida, to points in Georgia, North Carolina, and South Carolina.

NOTE: Common control may be involved.

HEARING: September 17, 1962, at the U.S. Court Rooms, Tampa, Fla., before Examiner Warren C. White.

No. MC 107544 (Sub-No. 51), filed July 3, 1962. Applicant: LEMMON TRANSPORT COMPANY, a corporation, P.O. Box 580, Marion, Va. Applicant's

attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids and rocket propellant fuels*, in bulk, in specially designed trailers, between missile sites, production plants, and missile test facilities located at points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

NOTE: Applicant states that the service proposed will be performed in shipper or government owned equipment, or in equipment which applicant proposes to purchase. Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 113959 and subs; therefore dual operations may be involved.

HEARING: August 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 108121 (Sub-No. 9) (AMENDMENT), filed January 31, 1961, published issue of March 27, 1962, amended May 9, 1962, and republished as amended this issue. Applicant: TRANSPORT STORAGE & DISTRIBUTING CO., a corporation, 74 Jackson Street, Seattle, Wash. Applicant's attorney: Joseph O. Earp, 1912 Smith Tower, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New motor vehicles*, freight and passenger (except trailers), in secondary movement by driveaway and truckaway service, (1) from Kennewick, Wash., to points in Yakima, Kittitas, Benton, Franklin, Grant, Adams, Whitman, Garfield, Columbia, Walla Walla, Asotin, and Klickitat Counties, Wash., Morrow, Umatilla, Gilliam, and Wheeler Counties, Oreg., and Nez Perce, Latah, Lewis, Clearwater, and Idaho Counties, Idaho; and (2) from Spokane, Wash., to points in Okanogan, Chelan, Kittitas, Yakima, Klickitat, Douglas, Grant, Benton, Stevens, Ferry, Lincoln, Adams, Franklin, Walla Walla, Columbia, Asotin, Garfield, Whitman, Spokane, and Pend Oreille Counties, Wash., and points in Boundary, Bonner, Kootenai, Shoshone, Benewah, Latah, Lewis, Clearwater, Idaho, and Nez Perce Counties, Idaho.

NOTE: Applicant states the proposed operations are restricted to traffic having a prior movement by rail from plant sites of the General Motor Corporation. The purpose of this republication is to add nine (9) counties in the State of Washington, and four (4) counties in the State of Idaho, destination territory.

HEARING: September 20, 1962, at the Washington Utilities and Transportation Commission, Insurance Building, Olympia, Wash., before Joint Board No. 81, or, if the Joint Board waives its right to participate, before Examiner Samuel Horwich.

No. MC 108991 (Sub-No. 18), filed April 25, 1962. Applicant: SOUTHERN TRUCK LINES, INC., Huntsville Highway, Fayetteville, Tenn. Applicant's attorney: Martin Sack, Atlantic National Bank Building., Jacksonville 2, Fla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* (other than in hermetically sealed containers), from the plant site of the Borden Company Plant at Franklinton, La., to points in Mississippi, Alabama, Georgia, South Carolina, North Carolina, Texas, Tennessee, Arkansas, Virginia, Oklahoma, Florida, Missouri, and Kentucky, and *empty containers and other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: Applicant has common carrier authority under MC 118236; therefore, dual operations may be involved.

HEARING: September 13, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Warren C. White.

No. MC 109637 (Sub-No. 206), filed July 3, 1962. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids and rocket propellant fuels*, in bulk, in specially designed tank vehicles, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, between points in the states of Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

HEARING: August 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 109689 (Sub-No. 130) (AMENDMENT), filed May 11, 1962, published FEDERAL REGISTER issue May 23, 1962, amended July 5, 1962, and republished as amended this issue. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, Utah. Applicant's attorney: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cryogenic liquids, and rocket propellant fuels* (except rocket propellant fuels derived from petroleum products), in specially designed tank trailers, and (2) *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified, between missile sites, production plants and missile test facilities located at points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

NOTE: The purpose of this republication is to show change in commodity description, as previously published, and to add the States of Alabama, Florida, Georgia, Illinois, Indiana, Michigan, Missouri, Montana, New York, Nevada, North Dakota, Ohio, Oregon, Pennsylvania, Tennessee, Utah, and Vermont.

HEARING: August 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 110193 (Sub-No. 47), filed July 9, 1962. Applicant: SAFEWAY TRUCK LINES, INC., 4625 West 55th Street, Chicago 32, Ill. Applicant's attorney: Howell Ellis, Suite 616–618 Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meatpacking houses*, as listed in Parts A and C of Appendix I, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (a) from Denison, Iowa, to points in Delaware, Maryland, Pennsylvania, and the District of Columbia, and (b) from Fort Dodge, Iowa, to points in Delaware (except Wilmington) and Maryland (except Baltimore).

HEARING: July 27, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Bernard J. Hasson, Jr.

No. MC 110420 (Sub-No. 307), filed March 23, 1962. Applicant: QUALITY CARRIERS, INC., Burlington, Wis. Applicant's attorney: Earl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohols*, in bulk, in tank vehicles, from Clinton, Iowa, to points in Pennsylvania, New York, Massachusetts, Kentucky, Indiana, Connecticut, Missouri, Illinois, West Virginia, Michigan, Wisconsin, Minnesota, Kansas, Nebraska, and New Jersey.

HEARING: September 21, 1962, at The Conrad Hilton, Chicago, Ill., before Examiner Theodore M. Tahan.

No. MC 110698 (Sub-No. 219), filed July 5, 1962. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Winston-Salem Road, Greensboro, N.C. Applicant's attorney: Dale Woodall, P.O. Box 2408, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids and rocket propellant fuels*, in bulk, in specially designed tank trailers, between missile sites, production plants, and missile test facilities, in the states of Alabama, Arkansas, Arizona, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

HEARING: August 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 111812 (Sub-No. 154), filed March 5, 1962. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen Foods*, from Frankfort, Mich., to points in Nebraska and Wyoming.

NOTE: Common control may be involved.

HEARING: September 11, 1962, at The Conrad Hilton, Chicago, Ill., before Examiner Theodore M. Tahan.

No. MC 112520 (Sub-No. 74), filed May 23, 1962. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions and anhydrous ammonia*, in bulk, in tank vehicles, from Pace, Fla., to points in Alabama and Georgia.

NOTE: Applicant states "W. Guy McKenzie, President and General Manager of the applicant, a member of its Board of Directors and holder of 96 percent of its outstanding stock, is also the President and General Manager of M.R. & R. Trucking Company of Crestview, Fla., a regular route, interstate common carrier, of commodities generally, operating under authorities held by M.R. & R. Trucking Company, in Docket No. MC 105881 and subs. He owns 40 percent of the outstanding stock of M.R. & R. Trucking Company and is a director thereof. The joint control of the two carriers by W. Guy McKenzie has been approved in Docket No. MC-F-5239."

HEARING: September 25, 1962, at the Florida Railroad Commission, Tallahassee, Fla., before Joint Board No. 99, or, if the Joint Board waives its right to participate, before Examiner Warren C. White.

No. MC 112520 (Sub-No. 75), filed June 13, 1962. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions* and *anhydrous ammonia*, in bulk, in tank vehicles, from Pace, Fla., to points in Louisiana.

NOTE: Applicant states it is affiliated with M.R. & R. Trucking Company.

HEARING: September 12, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Warren C. White.

No. MC 114123 (Sub-No. 28), filed May 28, 1962. Applicant: HERMAN R. EWELL, INC., East Earl (Lancaster County), Pa. Applicant's attorney: Andrew Wilson Green, Princeton Club of Philadelphia, 1223 Locust Street, Philadelphia 7, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh apple juice and fresh apple cider*, in bulk, in tank vehicles, from Highland, N.Y., to Fleetwood, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, and *fresh milk and fresh cream as exempt agricultural commodities*, on return.

NOTE: Common control may be involved.

HEARING: September 6, 1962, at the Offices of the Interstate Commerce Commision, Washington, D.C., before Examiner Wm. N. Culbertson.

No. MC 115841 (Sub-No. 110) (AMENDMENT), filed May 4, 1962, published issue of May 23, 1962, amended July 6, 1962, and republished as amended this issue. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway, West P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chambersburg, Pa., and points within fifteen (15) miles thereof, to Nashville, Tenn.

NOTE: The purpose of this republication is to add "points within fifteen (15) miles thereof".

HEARING: Reassigned to September 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Bernard J. Hasson, Jr.

No. MC 116110 (Sub-No. 6), filed May 9, 1962. Applicant: P. C. WHITE TRUCK LINE, INC., 315 South Bell Street, Dothan, Ala. Applicant's attorney: Maurice F. Bishop, 325–29 Frank Nelson Building, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), to serve Tyndall Air Force Base, Fla., as an off-route point in connection with applicant's presently regular route operations between Panama City, Fla., and Dothan, Ala.

HEARING: September 24, 1962, at the Florida Railroad Commission, Tallahassee, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate, before Examiner Warren C. White.

No. MC 116273 (Sub-No. 8), April 4, 1962. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum aromatic compounds*, in bulk, in tank vehicles, from the plant site of the American Mineral Spirits Company, located at Lemont, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

HEARING: September 18, 1962, at The Conrad Hilton, Chicago, Ill., before Examiner Theodore M. Tahan.

No. MC 116544 (Sub-No. 19) (AMENDMENT), filed March 9, 1962, published in FEDERAL REGISTER issue of April 11, 1962, republished this issue as amended July 5, 1962. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 Fairview Avenue, Carthage, Mo. Applicant's attorneys: Robert R. Hendon, 3200 Cummings Lane, Chevy Chase 14, Md., and Harry Ross, Warner Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* and *potato products*, frozen and unfrozen, (1) from Fargo, Park River, Grafton, and points in Grand Forks County, N. Dak., Crookston, Mankato, Barnesville, East Grand Forks, St. Paul, Minneapolis, and Hopkins, Minn., to points in Florida, Georgia, South Carolina, North Carolina, Alabama, Tennessee, Mississippi, Louisiana, Arkansas, Oklahoma, Missouri, Kansas, and Texas; (2) from points in Grand Forks County, Park River, Grafton, and Fargo, N. Dak., and Crookston and East Grand Forks, Minn., to Mankato, St. Paul, Minneapolis, and Hopkins, Minn., and Sioux City, Iowa; and (3) from Sioux City, Iowa, and Carthage, Mo., to points in Florida, Georgia, South Carolina, North Carolina, Alabama, Tennessee, Mississippi, Louisiana, Arkansas, Oklahoma, Missouri, Kansas, and Texas.

NOTE: The purpose of this republication is to substitute "foodstuffs" for "potatoes" and to add St. Paul, Minneapolis, and Hopkins, Minn., as points of origin in (1) as above, and Fargo, N. Dak., as an origin point and St. Paul, Minneapolis, and Hopkins, Minn., as destination points in (2).

HEARING: July 31, 1962, in U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 118217 (Sub-No. 2), filed May 31, 1962. Applicant: A. W. STURGEON AND HARRY MEEKER, doing business as STURGEON & MEEKER (partnership), 612 East 18th Street, Box 3184, Wichita, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* between points in Sedgwick, Kingman, Sumner, Cowley, Butler, Chase, Chatauqua, Greenwood, Harper, Harvey, McPherson, Marion, Reno, and Rice Counties, Kans., on the one hand, and on the other, points in Georgia and Florida.

NOTE: Dual operations may be involved.

HEARING: September 14, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Warren C. White.

No. MC 119349 (Sub-No. 1), filed May 18, 1962. Applicant: C. R. STEVENSON, P.O. Box 1116, Winter Garden, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from St. Marys, W. Va., and Farmers Valley, Pa., to points in Florida.

NOTE: Applicant states duplicating authority to be eliminated.

HEARING: September 13, 1962, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Warren C. White.

No. MC 119934 (Sub-No. 38), filed February 5, 1962. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Fertilizer compounds*, dry, in bulk and in bags, from Marseilles, Ill., to points in Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, Wisconsin, North Dakota, and South Dakota, and *damaged and rejected shipments*, in return.

HEARING: September 17, 1962, at The Conrad Hilton, Chicago, Ill., before Examiner Theodore M. Tahan.

No. MC 121139 (CORRECTION), published FEDERAL REGISTER issue of June 20, 1962, and republished as corrected this issue. Applicant: ALL OHIO TRUCKING CO., 311 South Wabash Avenue, Wheeling, W. Va. Applicant's attorney: Taylor C. Burneson, 3430 Le Veque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. Assigned for hearing to determine whether the motor vehicle operations of All Ohio Trucking Co. are and will be managed and operated in a common interest, management, and control with those of Tower Lines, Inc., a multiple-State carrier holding certificates under No. MC-65941, and whether All Ohio Trucking Co. is eligible to engage in operations in interstate or foreign commerce within the State of Ohio under the second proviso of section 206(a)(1) of the Interstate Commerce Act. The purpose of this republication is to show the State of Ohio instead of the State of West Virginia.

HEARING: Remains assigned July 31, 1962, at Room 5405–7 U.S. Court House and Federal Office Building, 500 Quarrier Street, Charleston, W. Va., before Examiner Alfred B. Hurley.

No. MC 123271 (Sub-No. 2) (CORRECTION), filed June 7, 1962, published FEDERAL REGISTER issue of July 11, 1962, and republished as corrected this issue. Applicant: TAVILLA TRUCKING CORP., One North Market Street, Boston 9, Mass. Applicant's attorney: James J. Weinstein, One Court Street, Boston 8, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas* from New York, N.Y., to Boston, Mass.; and *exempt commodities* on return trips.

NOTE: Applicant states the operations will be under contract with Boston Banana Co., Inc. The purpose of this republication is to show the correct hearing date.

HEARING: September 25, 1962, at the Hotel Essex, Boston, Mass., before Examiner Francis A. Welch.

No. MC 124078 (Sub-No. 6), filed March 7, 1962. Applicant: SCHWERMAN TRUCKING CO., a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and lime products*, from Davenport, Iowa, to points in Iowa, Missouri, Minnesota, Illinois, and Wisconsin.

NOTE: Applicant states it has contract carrier authority involving the transportation of petroleum products under MC 113832. It also has common carrier cement and concrete conduit applications pending under MC 124078; therefore, dual operations may be involved; it is further noted that common control may be involved.

HEARING: September 12, 1962, at The Conrad Hilton, Chicago, Ill., before Examiner Theodore M. Tahan.

No. MC 124078 (Sub-No. 33), filed June 13, 1962. Applicant: SCHWERMAN TRUCKING CO., a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski, address same as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral filler and stone dust* from Davenport, Iowa, to points in Iowa, Missouri, Minnesota, Illinois, and Wisconsin.

NOTE: In view of applicant's contract authority under MC-113832, dual operations may be involved.

HEARING: September 12, 1962, at The Conrad Hilton, Chicago, Ill., before Examiner Theodore M. Tahan.

No. MC 124339, filed April 9, 1962. Applicant: GUST A. GUSTAFSON, SR., doing business as GUST GUSTAFSON TRUCKING, 532 North 18th Street, Escanaba, Mich. Applicant's attorney: James P. Chapekis, 808 Ludington Street, Escanaba, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared mink foods* and *fertilizer*, and *exempt commodities, such as vegetables, fruits, grains, seeds*, and *hay*, at the same time in the same vehicle, between Chicago, Ill., Davenport, Iowa, and points in the Lower Peninsula of Michigan, and points in Delta County, Mich.

HEARING: September 13, 1962, at The Conrad Hilton, Chicago, Ill., before Examiner Theodore M. Tahan.

No. MC 124350, filed April 10, 1962. Applicant: MAC'S TOWING COMPANY, INC., 3420 South Indiana Avenue, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles*, between points in Illinois, Indiana, Michigan, Wisconsin, Kentucky, and Tennessee.

HEARING: September 13, 1962, at The Conrad Hilton, Chicago, Ill., before Examiner Theodore M. Tahan.

No. MC 124480, filed May 28, 1962. Applicant: J & H COMPANY, a corporation, 4200 Ventura Road, Ventura, Calif. Applicant's attorney: Phil Jacobson, 510 West Sixth Street, Suite 723, Los Angeles 14, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bulk cement and cement*, in sacks, in bottom hoppers, and flat bed equipment, from Monolith, Kern County, Calif., to points in Clark, Nye, and Lincoln Counties, Nev., and (2) *Fluorspar*, from the site of the Monolith mine located near Beatty, Nev., to points in Kern County, Calif.

NOTE: Common control may be involved.

HEARING: September 14, 1962, at the Nevada Public Service Commission, Room 204, State Office Building, East Musser Street, Carson City, Nev., before Joint Board No. 78, or, if the Joint Board waives its right to participate before Examiner F. Roy Linn.

No. MC 124499, filed May 31, 1962. Applicant: CARL R. WADDELL, 4160 67th Street, Sacramento, Calif. Applicant's attorney: James S. Eddy, 920 Forum Building, Sacramento 14, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Drugs, drug products* and *sundries*, namely *toiletries, photographic equipment and supplies, stationery, costume jewelery, sanitary supplies, child-care equipment, health and specialized foods, variety store items and other such items as commonly sold in retail drug stores*, between Sacramento, Calif., and Zephyr Cove, Nev., over U.S. Highway 50, serving the intermediate point of State line, Calif.-Nev.

HEARING: September 14, 1962, at the Nevada Public Service Commission, Room 204, State Office Building, East Musser Street, Carson City, Nev., before Joint Board No. 78, or, if the Joint Board waives its right to participate before Examiner F. Roy Linn.

MOTOR CARRIERS OF PASSENGERS

No. MC 109148 (Sub-No. 15), filed May 22, 1962. Applicant: LAS VEGAS-TONOPAH-RENO-STAGE LINE, INC., 917 Stewart Street, Las Vegas, Nev. Applicant's attorney: Richard R. Hanna, Old Bank Building, Carson City, Nev. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, and their baggage, and express and newspapers*, in the same vehicle, with passengers, (1) between Incline, Nev., and Truckee, Calif., from Incline over California Highway 28, to Tahoe City, Calif., thence over California Highway 89 to the junction of California Highway 89 and U.S. Highway 40, thence over U.S. Highway 40, to Truckee, including service to Squaw Valley, Calif., over unnumbered highway connecting with California Highway 89, between Tahoe City, and Truckee, Calif., and return over the same route, serving all intermediate points, including Crystal Bay, Nev., and Brockway, Kings Beach, Tahoe Vista, Carnelian Bay, Lake Forest, Tahoe City, and Squaw Valley, Calif., (2) between Kings Beach, and Truckee, Calif., from Kings Beach, over unnumbered highway commonly known as the Brockway Cutoff, to Truckee, Calif., and return over the same route, serving all intermediate points.

NOTE: Applicant states the proposed service in (1) above is sought to extend the proposed authority granted by MC 109148 (Sub-No. 12); also, that MC 109148 (Sub-No. 14) authorizes service between Incline, Nev., and Tahoe City, Calif., but only for the period between June 1 to September 30 of each year and the service as proposed herein, contemplates an all year operation.

HEARING: September 13, 1962, at the Nevada Public Service Commission, Room 204, State Office Building, East Musser Street, Carson City, Nev., before Joint Board No. 78, or, if the Joint Board waives its right to participate before Examiner F. Roy Linn.

PREHEARING CONFERENCES

The applications immediately following are set for prehearing conference at the time and place designated in the notice of filing as here published in each proceeding. At the pre-hearing conference it is contemplated that the following matters will be discussed: (1) The issues generally with a view to their simplification; (2) The possibility and desirability of agreeing upon special procedure to expedite and control the handling of this application, including the submission of the supporting and opposing shipper testimony by verified statements; (3) The time and place or places of such hearing or hearings as may be agreed upon; (4) The number of witnesses to be presented and the time required for such presentations by both applicant and protestants; (5) The practicability of both applicant and the opposing carriers submitting in written form their *direct* testimony with respect to: (a) Their present operating authority; (b) Their corporate organizations if any, ownership and control; (c) Their fiscal data; (d) Their equipment, terminals, and other facilities; (6) The practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of any hearing; and (7) Any other matters by which the hearing can be expedited or simplified or the Commission's handling thereof aided.

No. MC 15735 (Sub-No. 16), filed July 5, 1962. Applicant: ALLIED VAN LINES, INC., P.O. Box 4403, Chicago 80, Ill. Applicant's attorney: Gerald M. Robison, 1725 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used furniture, new and used household furnishings, fixtures, equipment, and appliances, new and used office, store, church, school, library, institutional, and commercial fixtures, equipment, appliances and furnishings, airplane seats, new and used building fixtures and equipment, including but not limited to arches, balusters, bells, carillons, carts, chimes, columns, cornices, crestings, crosses, fencing, fire escapes (slide type), flower boxes, gates, grills, jardinieres, lamps, letters, lithurgical arts, louvers, metalwork (ornamental and decorative), millwork, mouldings, panels, plaques, posts and ropes, railings, scoreboards, screens, sculptured figures, sculptured modulants, shelf racks on wheels, shutters, signs, solar screens, spires, stages, steeples, sun control devices, traillages, turnstiles, urns, and weathervanes, new and used laboratory, hospital, scientific, dental, medical and school furniture, fixtures, appliances, instruments, and equipment, articles, including objects of art, displays and exhibits*, which because of their unusual nature or value require the specialized handling and equipment usually employed in moving household goods, and *articles, including objects of art, displays and exhibits*, not of an unusual nature or value but which require specialized handling, facilities and specifically trained employees not ordinarily in use in general commodity transportation, *including but not limited to microfilm equipment, television recording cameras, audio equipment, office equipment containing intricate and delicate wiring and of high value, laboratory equipment for micro-wave portable sets, portable carrier sets used in the transmission of telegraph messages, tabulators and accessory tabulating machinery and equipment, stage scenery, props, stage furniture, technical furniture, fixtures and equipment, costumes, baggage, pipe organs, automobiles used for display purposes, photographic machinery and equipment used in micro-filming and reproducing photographic records, white line, black line and blue print machines, pin ball machines, calculating machines and parts, cash registers, cafeteria and kitchen equipment, television sets and transmitting equipment, switchboards, communication equipment, radar equipment, sound systems, phonographs, electronic organs, juke boxes, coin operated vending machines, musical instruments, new floor coverings and voting machines, optical and radio telescopes and other astronomical instruments, observatory equipment and devices, satellites, data processing equipment, amplifiers, radio controlled drones, telemetry equipment, iron lungs, electronic plotters, missiles and missile parts, rockets and rocket parts, flight simulators, antennas, electronic sorters, micro-wave transmitting, receiving and testing equipment, accelerators, boats, new and used, commercial and scientific cameras, photocopy equipment, oscilloscopes, attenuation measuring equipment, electronic counters, static inverters, digital data processing equipment, spectrum analyzers, radar equipment, simulators and test equipment, circuit board printers, electronic lathes, enemometers, sonar equipment, television transmitting equipment, airplane wings and fuselage section, and parts and auxiliary equipment to be used in connection with the foregoing.* All uncrated, except that small parts and pieces accompanying shipments may be packed in cloth bag and attached to individual article of which it is a component part or shipped separately in a bag, package or box, between points in the United States including Hawaii and Alaska.

NOTE: Nothing here described is intended to duplicate any authority presently held by applicant as a household goods carrier, but only includes those articles which do not properly come within the commodity description Household Goods as defined by the Commission in 17 M.C.C. 467.

PREHEARING CONFERENCE: July 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., with Examiner James C. Cheselding presiding.

No. MC 22254 (Sub-No. 38), filed July 6, 1962. Applicant: TRANS-AMERICAN VAN SERVICE, INC., 7540 South Western Poe, Chicago, Ill. Applicant's attorney: John C. Bradley, Suite 618 Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used furniture, new and used household furnishings, fixtures, equipment, and appliances, new and used office, store, church, school, library, institutional, and commercial fixtures, equipment, appliances and furnishings, airplane seats, new and used building fixtures and equipment, including but not limited to arches, balusters, bells, carillons, carts, chimes, columns, cornices, crestings, crosses, fencing, fire escapes (slide type), flower boxes, gates, grills, jardinieres, lamps, letters, liturgical arts, louvers, metalwork, (ornamental and decorative), millwork, mouldings, panels, plaques, posts and ropes, railings, scoreboards, screens, sculptured figures, sculptured modulants, shelf racks on wheels, shutters, signs, solar screens, spires, stages, steeples, sun control devices, traillages, turnstiles, urns, and weathervanes, new and used laboratory, hospital, scientific, dental, medical and school furniture, fixtures, appliances, instruments, and equipment*, and the following: (1) *Articles, including objects of art, displays and exhibits*, which because of their unusual nature or value require the specialized handling and equipment usually employed in moving household goods, and (2) *articles, including objects of art, displays, and exhibits*, not of an unusual nature or value, but which require specialized handling, facilities, and specifically trained employees not ordinarily used in general commodity transportation, *including but not limited to microfilm equipment, television recording cameras, audio equipment, office equipment, containing intricate and delicate wiring and of high value, laboratory equipment for microwave portable sets, portable carrier sets used in the transmission of telegraph messages, tabulators and accessory tabulating machinery and equipment, stage scenery, props, stage furniture, fixtures and equipment, costumes, baggage, pipe organs, automobiles used for display purposes, photographic machinery and equipment used in microfilming and reproducing photographic records, white line, black line and blue print machines, pin ball machines, calculating machines and parts, cash registers, cafeteria and kitchen equipment, television sets and transmitting equipment, switchboards, communication equipment, radar equipment, sound systems, phonographs, electronic organs, juke boxes, coin operated vending machines, musical instruments, new floor coverings and voting machines, optical and radio telescopes and other astronomical instruments, observatory equipment and devices, satellites, data processing equipment, amplifiers, radio controlled drones, telemetry equipment, iron lungs, electronic plotters, missiles and missile parts, rockets and rocket parts, flight simulators, antennas, electronic sorters, microwave transmitting, receiving and testing equipment, accelerators, boats new and used, commercial and scientific cameras, photocopy equipment, oscilloscopes, attenuation measuring equipment, electronic counters, static inverters, digital data processing equipment, spectrum analyzers, radar equipment, simulators and test equipment, circuit board printers, electronic lathes, eneometers, sonar equipment, television transmitting equipment, airplane wings and fuselage sections, and parts and auxiliary equipment* to be used in connection with the foregoing, all uncrated (except that small parts and pieces acompanying shipments may be packed in cloth bag and attached to

individual article of which it is a component part or shipped separately in bag, package or box), between points in the United States, including Hawaii and Alaska.

NOTE: Applicant states that nothing here described is intended to duplicate any authority presently held by applicant as a household goods carrier, but only includes those articles which do not come within the commodity description "Household Goods" as defined by the Commission in 17 M.C.C. 467.

HEARING: July 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James C. Cheseldine.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 41432 (Sub-No. 87), filed July 9, 1962. Applicant: EAST TEXAS MOTOR FREIGHT, INC., 623 North Washington Street, Dallas, Tex. Applicant's attorney: Hugh T. Matthews, 2130 Fidelity Union Tower, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Ammunition* (explosive, incendiary, or gas, smoke or tear producing), *manufactured ingredients and component parts of ammunition*, and *general commodities* (except those of unusual value, explosives other than ammunition and manufactured ingredients and component parts of ammunition as specified above), livestock, rock, gravel, sand, household goods (as defined by the Commission, commodities in bulk, and those requiring special equipment). (1) Between Linden, Tex., and Gladewater, Tex.: From Linden over Texas Highway 155 to its intersection with U.S. Highway 271, thence over U.S. Highway 271 to Gladewater, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's regular route operation. (2) Between Longview, Tex., and the intersection of Texas Highway 26 and Texas Highway 155: From Longview over Texas Highway 26 to the intersection of Texas Highway 26 and Texas Highway 155, and return over the same route, serving no intermediate points with service at the named intersection point for purpose of joinder, only, with the route described in (1) above, as an alternate route for operating convenience only, in connection with applicant's regular route operations. (3) Between Longview, Tex., and Tatum, Tex.: From Longview over Texas Highway 149 to Tatum, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's regular route operations.

No. MC 43654 (Sub-No. 53), filed July 5, 1962. Applicant: DIXIE OHIO EXPRESS, INC., 237 Fountain Street, Akron, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except perishables, livestock, petroleum and its products, in tank trucks, coal, sand, gravel, grain, household goods as defined by the Commission, Classes A and B explosives, and those requiring special equipment), between Lexington, Ky., and Winchester, Ky.: from Lexington, over U.S. Highway 60 to Winchester and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular route operations.

No. MC 66562 (Sub-No. 1898), filed June 25, 1962. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorneys: Slovacek & Galliani, Suite 2800, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service. (1) Between the junction of U.S. Highway 63 and Iowa Highway 3, and the junction of Iowa Highways 150 and 154, as follows: From the junction of U.S. Highway 63 and Iowa Highway 3 over Iowa Highway 3 to Oelwein, Iowa; thence over Iowa Highway 150 to junction of Iowa Highways 150 and 154, returning over the same route, serving the intermediate point of Oelwein and the off-route point of Readlyn. (2) Between Fayette, Iowa, and the junction of U.S. Highway 63 and Iowa Highway 93, as follows: From Fayette over Iowa Highway 93 to junction of U.S. Highway 63 and Iowa Highway 93, and return over the same route, serving the intermediate points of Sumner and Tripoli. (3) Between the junction of U.S. Highways 63 and 18, and Fredericksburg, Iowa, as follows: From the junction of U.S. Highways 63 and 18 over U.S. Highway 18 to Fredericksburg, returning over the same route, and serving no intermediate points.

NOTE: Applicant states that it is wholly owned by 64 rail carriers.

RESTRICTION: Applicant states the service to be performed will be limited to that which is auxiliary to or supplemental of air or rail service and the shipments shall be limited to those moving on through bills of lading or express receipts.

No. MC 66562 (Sub-No. 1902), filed July 5, 1962. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Manchester, N.H., and Henniker, N.H.; from Manchester over New Hampshire Highway 101 to Peterborough, N.H., thence over U.S. Highway 202 to Henniker, and return over the same route, serving the intermediate points of Milford, Wilton, Peterborough, Bennington and Hillsborough, N.H., and the off-route point of Greenfield, N.H. RESTRICTION: The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, railway express service. Shipments transported by said carrier shall be limited to those moving on a through bill of lading, or express receipt, covering, in addition to a motor carrier movement by said carrier, an immediately prior or immediately subsequent movement by rail, and such further specific conditions as the Commission, in the future may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of, railway express service.

No. MC 114126 (Sub-No. 4), filed July 9, 1962. Applicant: ASSOCIATED ENTERPRISES LTD., Box 139, Salmo, British Columbia. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Seatttle, Wash., to the Ports of Entry on the International Boundary line between the United States and Canada at or near Blaine, Oroville, and Metaline Falls, Wash., and Porthill and Eastport, Idaho, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return.

No. MC 116208 (Sub-No. 3), filed July 5, 1962. Applicant: C. W. SMITH, doing business as LOADER TRANSPORT, 302 West 13th Street, Peru, Ind. Applicant's attorney: Donald W. Smith, Suite 511 Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Poultry and hog farm equipment, garden sprayers*, knocked down and set up, and *accessories thereto*, when transported in the same vehicle with the above-described equipment, from Tipton, Ind., to points in the United States (except Hawaii). RESTRICTION: Service to be performed under a continuing contract with Oakes Manufacturing Company, Operation of FMC Corporation.

APPLICATION FOR BROKERAGE LICENSE

MOTOR CARRIERS OF PASSENGERS

No. MC 12810, filed June 21, 1962. Applicant: ALONZO D. CAMP, doing business as CAMP INTERSTATE TRAVEL SERVICE, 602 Wallace Building, Little Rock, Ark. For a license (BMC 5) to engage in operations as a broker at Little Rock, Ark., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, in the same vehicle, both as individuals and in groups, beginning and ending at Little Rock, Ark., and extending to points in the United States (except Alaska and Hawaii).

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 8176. Authority sought for purchase by T. E. MERCER TRUCKING CO., 920 North Main Street, Fort Worth 1, Tex., of a portion of the operating rights of BILL FRADY & CO., P.O. Box 4024, 529 West Mable Street, Odessa, Tex., and for acquisition by TOMMY G. MERCER, MRS. T. E. MERCER, MRS. G. E. MERCER, and MRS. W. O. COMPTON, all of 920 North Main Street, Fort Worth, Tex., of control of such rights through the purchase. Applicants' attorney: Reagan Sayers, Rawlings, Sayers, Scurlock & Eidson, 301 Century Life Building, Fort Worth 2, Tex. Operating rights sought to be transferred: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and byproducts, and *machinery, materials, equipment and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking-up thereof, as a *common carrier* over irregular routes, between points in Texas, on the one hand, and, on the other, points in Kansas and Oklahoma; *machinery, equipment, materials and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and byproducts, and *machinery, materials, equipment and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking-up thereof, except the stringing and picking-up thereof in connection with main or trunk pipe lines, between Texas, Oklahoma, Kansas, and Colorado. Vendee is authorized to operate as a *common carrier* in Arkansas, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, Texas, Tennessee, Georgia, Alabama, Florida, Colorado, Wyoming, Utah, Montana, and Idaho. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8177. Authority sought for purchase by COLUMBIA TRUCKING COMPANY, INC., 1101 Indianapolis Boulevard, Roby, Ind., of the operating rights of RAYMOND WESLEY, doing business as WESLEY OIL TRANSPORT, 7306 West 83d Street, Oak Lawn, Ill. (HARRY A. ASH, Trustee in Bankruptcy), 100 West Monroe Street, Chicago 3, Ill., and for acquisition by JOHN W. PHILBIN and GERTRUDE M. PHILBIN, both of 1101 Indianapolis Boulevard, Roby, Ind., of control of such rights through the purchase. Applicants' attorney: Harold E. Marks, 208 South La Salle Street, Chicago 4, Ill. Operating rights sought to be transferred: *Asphalt* and *tar*, in bulk, in tank vehicle, as a *common carrier* over irregular routes from Gary, Whiting, East Chicago, and Hammond, Ind., to points in Cook, Du Page, McHenry, Will, Winnebago, Kane, De Kalb, Kankakee, Kendall, and Grundy Counties, Ill. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8178. Authority sought for merger into JOHNSON MOTOR LINES, INC., 2426 North Graham Street, P.O. Box 10497, Charlotte 1, N.C., of the operating rights and property of EMMOTT-VALLEY TRANSPORTATION CO., INC., 2426 North Graham Street, P.O. Box 10497, Charlotte 1, N.C., and for acquisition by H. BEALE ROLLINS, 629 Title Building, Baltimore 2, Md., of control of such rights and property through the transaction. Applicants' attorney: Bryce Rea, Jr., 919 Munsey Building, Washington, D.C. Operating rights sought to be merged: *General commodities*, accepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Worcester, Mass., and Providence, R.I., between Uxbridge, Mass., and Boston, Mass., between New York, N.Y., and Boston, Mass., and between New London, Conn., and Danielson, Conn., serving certain intermediate and offroute points; three alternate routes for operating convenience only; *general commodities*, accepting, among others, household goods and commodities in bulk, over irregular routes, between New York, N.Y., on the one hand, and, on the other, certain points in New Jersey; *textile machinery, materials, supplies and equipment*, incidental to, are used in, the manufacture, sale, or distribution of textiles, between Uxbridge, Acton, Lawrence, and Lowell, Mass., between Uxbridge, Mass., and Westerly, R.I., between Putnam, Conn., on the one hand, and, on the other, points in Providence County, R.I., between Uxbridge, Mass., and points in Massachusetts within 15 miles of Uxbridge, on the one hand, and, on the other, points in Massachusetts and Rhode Island, and between Lowell, Mass., on the one hand, and, on the other, points in Providence County, R.I.; *textile machinery*, between Whitinsville, Mass., on the one hand, and, on the other, Albany and Amsterdam, N.Y.; *paper bags, twine, rope, and clothes pins*, between Boston, Mass., on the one hand, and, on the other, Pawtucket and Providence, R.I. JOHNSON MOTOR LINES, INC. is authorized to operate as a *common carrier* in Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, New York, Maryland, Delaware, Virginia, North Carolina, South Carolina, Georgia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8180. Authority sought for control by EDWARD L. MURPHY, JR., 965 Eustis Street, St. Paul 14, Minn., of E. L. MURPHY TRUCKING CO., 1924 University Avenue, St. Paul, Minn. Applicants' attorneys: Perry R. Moore and Clay R. Moore, Mackall, Crounse, Moore, Helmey & Holmes, 1000 First National Bank Building, Minneapolis 2, Minn. Operating rights sought to be controlled: *Safes and vault doors* weighing not less than 4,000 pounds each, as a *common carrier* over irregular routes between points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin; and *commodities which, because of unusual size or weight, require special handling and the use of special equipment*, between points in Minnesota, on the one hand, and, on the other, points in Iowa, North Dakota, South Dakota, Wisconsin, and the Upper Peninsula of Michigan. EDWARD L. MURPHY, JR., holds no authority from this Commission. However, he is affiliated with MURPHY MOTOR FREIGHT LINES, INC., 965 Eustis Street, St. Paul 4, Minn., which is authorized to operate as a *common carrier* in Minnesota, South Dakota, Iowa, Wisconsin, and Illinois. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8181. Authority sought for control by EYRES TRANSFER & WAREHOUSE CO., 1762 Sixth Avenue South, Seattle 4, Wash., of ALLISON-MITCHELL TRANSFER CO., 1400 Alaskan Way, Seattle 1, Wash., and for acquisition by EARL L. DEMPSEY and EVELYN J. DEMPSEY, both of 1762 Sixth Avenue South, Seattle, Wash., of control of ALLISON-MITCHELL TRANSFER CO., through the acquisition by EYRES TRANSFER & WAREHOUSE CO. Applicants' attorney: George H. Hart, 640 Central Building, Seattle 4, Wash. Operating rights sought to be controlled: *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities requiring special equipment (other than those requiring specialized handling or rigging because of weight or bulk), and those injurious or contaminating to other lading, as a *common carrier* over irregular routes between points in Seattle, Wash.; *lead covered telephone cable*, on reels, requiring special equipment for transportation, and *pole line construction materials* used in connection with such cable when moving in connection therewith, from Seattle, Wash., to points of construction or installation in Washington in and west of Whatcom, Skagit, Snohomish, King, Pierce, Thurston, Lewis, and Skamania Counties, Washington, and Cle Elum and Ellensburg, Washington. EYRES TRANSFER & WAREHOUSE CO. is authorized to operate as a *common carrier* in the State of Washington. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8182. Authority sought for purchase by WHITFIELD TRANSPORTATION, INC., P.O. Box 9897, El Paso, Tex., of a portion of the operating rights of SOUTHERN PLAZA EXPRESS, INC., P.O. Box 10572, Dallas, Tex., and for acquisition by W. E. WHITFIELD, H. C. WHITFIELD and M. E. WHITFIELD, all of P.O. Box 9897, El Paso, Tex., of control of such rights through the purchase. Applicants' attorneys: David G. Macdonald, Suite 602, Solar Building, 1000 16th Street NW., Washington 6, D.C., and Castle W. Jordan, Ryder System, Inc., 2701 South Bayshore Drive, Miami, Fla. Operating rights sought to be transferred: *General commodities*, including Class A and B explosives, but not including commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier*, over regular routes, between San Antonio, Tex., and El Paso, Tex., serving all intermediate points, and the offroute points of Royalty, Crane, and Iraan, Tex., and between Leon Springs, Tex., and Camp Stanley, Tex., serving no intermediate points. Vendee is au-

thorized to operate as a *common carrier* in Texas, New Mexico, Utah, Colorado, Arizona, California, Wyoming, Idaho, and Nevada. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8183. Authority sought for purchase by TRANS-AMERICAN VAN SERVICE, INC., 7540 South Western Avenue, Chicago, Ill., of a portion of the operating rights of CLARK TRANSPORT COMPANY, Chicago Heights, Ill., and for acquisition by JOHN J. RAPP, 7540 South Western Avenue, Chicago, Ill., of control of such rights through the purchase. Applicants' attorney: John C. Bradley, 618 Perpetual Building, Washington 4, D.C. Operating rights sought to be transferred: *New passenger or property carrying golf buggies and commercial adaptations thereof* weighing not to exceed 1,500 pounds each, as a *common carrier* over irregular routes, from Oklahoma City, Okla., to points in the United States; *used passenger or property carrying golf buggies and commercial adaptations thereof* weighing not to exceed 1,500 pounds each, between points in the United States. Vendee is authorized to operate as a *common carrier* in all states and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8184. Authority sought for merger into WARD TRANSPORT, INC., P.O. Box 133, Pueblo, Colo., of the operating rights and property of MELTON TRANSPORT COMPANY, P.O. Box 477, Adams City, Colo., and for acquisition by HAROLD B. WARD, also of Pueblo, Colo., of control of such rights and property through the transaction. Applicants' attorney: Marion F. Jones, Jones, Meiklejohn, Kilroy & Kehl, 526 Denham Building, Denver 2, Colo. Operating rights sought to be merged: *Petroleum products*, in bulk, in tank vehicles, as a *common carrier* over regular routes from Cheyenne, Wyo., to Martin, S. Dak., and Three-Way Station, Colo., from specified Wyoming points to specified points in Colorado, from Denver, Colo., to specified points in Wyoming, South Dakota, Nebraska, Idaho, and Utah, from Casper, Wyo., to the W. R. Book bulk storage plant located approximately 13 miles south of Ramah, Colo., and to certain specified points in Colorado and Nebraska, from Sinclair, Wyo., to Nephi, Thistle, Wellsville, Wendover, Helper, Price, Salina, and Monroe, Utah, from Cheyenne, Wyo., to Tremonton, Wellsville, Wendover, Park City, Heber, Duchesne, Roosevelt, Vernal, Helper, Price, Monroe, Salina, and Cedar City, Utah, between specified points in Wyoming and specified points in Colorado, between specified points in Wyoming, between specified points in Colorado, between specified points in Utah, between specified points in Wyoming and specified points in Nebraska, and between specified points in Nebraska, serving certain intermediate and offroute points; *liquid petroleum products*, in tank vehicles, over regular and irregular routes, from Superior, Nebr., to certain points in Colorado, from Casper, Lance Creek and Lusk, Wyo., to certain points in Colorado, serving certain intermediate and offroute points; *petroleum products*, in bulk in tank trucks, from Arkansas City, Eldorado, and Shallow Water, Kans., to certain points in Colorado, and from specified points in Texas to specified points in Colorado serving certain intermediate points; *petroleum*, in bulk, in tank vehicles, *petroleum products*, in bulk, in tank vehicles, *crude petroleum*, in bulk, in tank vehicles, *liquid petroleum products*, in tank vehicles, petroleum products other than crude oil in its natural state, and *petroleum products*, in bulk, in tank vehicles, as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, over irregular routes from, to and between points and areas, varying with the commodity transported, in Wyoming, Colorado, Nebraska, Kansas, Texas, Utah, and South Dakota; *petroleum and petroleum products*, in bulk, in tank vehicles, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, between points in Colorado, on the one hand, and, on the other, points in Nebraska; *anhydrous ammonia*, in bulk, in tank vehicles, from the plant site of Consumers Cooperative Association near Hastings, Nebr., to points in Colorado and Wyoming. WARD TRANSPORT, INC., is authorized to operate as a *common carrier* in Colorado, New Mexico, Kansas, Oklahoma, Texas, Wyoming, Nebraska, and Utah. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62–6993; Filed, July 17, 1962; 8:50 a.m.]

[Notice 664]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 13, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 65052. By order of July 11, 1962, Division 3, acting as an Appellate Division, approved the transfer to Fox & Ginn Moving & Storage Co., a corporation, Bangor, Maine, of Certificates Nos. MC 35438 and MC 35438 Sub-4, issued August 25, 1955, and February 15, 1961, to Edwin B. Prout, doing business as W. F. Prout & Sons, Dorchester, Mass., authorizing the transportation of household goods, over irregular routes, between Boston, Mass., on the one hand and, on the other, points in Connecticut, Maine, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia; between points in that part of Massachusetts (except Boston, Mass.) on and east of a line beginning at the Massachusetts-New Hampshire State line and extending along U.S. Highway 3 to Chelmsford, Mass., and thence along Massachusetts Highway 126 to the Massachusetts-Rhode Island State line on the one hand, and, on the other, points in Connecticut, Maine, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; such commodities as are dealt in by retail furniture and department stores when transported on the delivery instructions of such stores, from Boston, Mass., to points in Vermont, New Hampshire, Maine, Rhode Island, and Connecticut; uncrated new furniture when transported on the delivery instructions of a retail furniture or department store, from Portland, Maine, to points in Massachusetts, Connecticut, Rhode Island, Vermont, and New Hampshire, rejected, returned or refused shipments of the above-described commodities, from the above-specified destination points to Boston, Mass., and Portland, Maine; refrigerators, refrigerating units, ranges, washing machines, water coolers, watercooling equipment, electrical appliances, air-conditioning units, and display and show materials pertaining to such commodities, between Boston, Mass., and points within 25 miles of Boston, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, Rhode Island, and Vermont, commodities specified above, or materials pertaining thereto when solely for display and show purposes, between Boston, Mass., and points within 25 miles of Boston, on the one hand, and, on the other, points in New Hampshire; new furniture, crated and uncrated, other than new furniture included in household goods description as defined by the Commission, from Boston, Mass., to points in Massachusetts and New Hampshire; new furniture, between Nashua, N.H., and Boston, Mass., and points within 5 miles of Boston, on the one hand, and on the other, Baltimore, Md., Washington, D.C., Richmond, Va., points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, and Vermont, those in Pennsylvania within 25 miles of Philadelphia, Pa., including Philadelphia, and those in New York within 20 miles of New York, N.Y., including New York; and general commodities, excluding household goods and commodities in bulk, between Boston, Mass., on the one hand, and, on the other, points in Massachusetts within 25 miles of Boston. Mary E. Kelley, 10 Tremont Street, Boston 8, Mass., attorney for transferee. Samuel Rosen, 100 State Street, Boston 9, Mass., attorney for trustees in bankruptcy.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62–6994; Filed, July 17, 1962; 8:50 a.m.]

DONALD LEROY MANION

Statement of Appointment

Pursuant to subsection 302(a), Part III, Executive Order No. 10647 (20 F.R. 8769), "Providing for the Appointment of Certain Persons Under the Defense Production Act of 1950, as amended," the following information is furnished for publication in the FEDERAL REGISTER:

1. Name of appointee: Donald Leroy Manion.
2. Name of employing agency: Interstate Commerce Commission.
3. Date of appointment: July 2, 1962.
4. Title of appointee's position: Consultant.
5. Name of appointee's private employer: The American Short Line Railroad Association.

Dated at Washington, D.C., this 12th day of July 1962.

RUPERT L. MURPHY,
Chairman,
Interstate Commerce Commission.

[F.R. Doc. 62–6983; Filed, July 17, 1962; 8:48 a.m.]

DONALD LEROY MANION

Statement of Financial Interests

Pursuant to subsection 302(b), Part III, Executive Order No. 10647, dated November, 28 1955 (20 F.R. 8769), "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, AS AMENDED", I hereby furnish the following information for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER:

(1) The names of each corporation of which I am, or within sixty days preceding my said appointment have been, an officer or director, are as follows:

None.

(2) The names of each corporation in which I own, or within sixty days preceding my said appointment have owned, stocks, bonds, or other financial interests, are as follows:

None.

(3) The names of each partnership of which I am, or within sixty days preceding my said appointment have been, a partner, are as follows:

None.

(4) The names of other businesses in which I own, or within sixty days preceding my said appointment have owned, any similar interest are as follows:

None.

Dated at Washington, D.C., June 29, 1962.

D. L. MANION.

[F.R. Doc. 62–6995; Filed, July 17, 1962; 8:50 a.m.]

EUGENE S. ROOT

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (20 F.R. 10086; 21 F.R. 3475; 21 F.R. 9198; 22 F.R. 3777; 22 F.R. 9450; 23 F.R. 3798; 23 F.R. 9501; 24 F.R. 4187; 24 F.R. 9502; 25 F.R. 102; 26 F.R. 1693; 26 F.R. 6405 and 27 F.R. 684) for the period from January 1 through June 30, 1962.

Elected Director, Railway Express Agency, Inc.

Elected Director, The New Jersey and New York Railroad Company.

Elected Director, The Buffalo Creek Railroad Company.

Dated: July 9, 1962.

EUGENE S. ROOT.

[F.R. Doc. 62–6996; Filed, July 17, 1962; 8:50 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 13, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37830: *Sugar beet or cane to points in Arkansas and Oklahoma.* Filed by Western Trunk Line Committee, Agent (No. A–2259), for interested rail carriers. Rates on sugar, beet or cane, in bulk in covered hopper cars, as more fully described in the application, in carloads, from points in Colorado, Idaho, Nebraska, Oregon, South Dakota, Utah, and Wyoming, also Scalley, Sugar Spur, and Toppenish, Wash., to Ft. Smith and Springdale, Ark., Muskogee, Oklahoma City and Tulsa, Okla.

Grounds for relief: Market competition.

Tariffs: Supplement 92 to Western Trunk Line Committee tariff I.C.C. A–4099 and supplement 22 to Trans-Continental Freight Bureau tariff I.C.C. 1667.

FSA No. 37831: *Substituted service—MP & T&P for T.I.M.E. Freight, Inc.* Filed by J. D. Hughett, Agent (No. 39), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between El Paso, Tex., on the one hand, and Memphis, Tenn., and Little Rock, Ark., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 6 to J. D. Hughett's tariff MF–I.C.C. 351.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62–6990; Filed, July 17, 1962; 8:50 a.m.]

CUMULATIVE CODIFICATION GUIDE—JULY

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of the Interior

Effective upon publication in the FEDERAL REGISTER, subparagraph (9), (10), (12), and (13) of paragraph (a) of § 6.310 are amended as set out below.

§ 6.310 **Department of the Interior.**

(a) *Office of the Secretary.* • • •

(9) Director, Resources Program Staff.

(10) Assistant Director, Resources Program Staff.

• • • • •

(12) Planning Reports Review Coordinator, Resources Program Staff.

(13) One Confidential Assistant (Administrative Assistant) to the Director, Resources Program Staff.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-7043; Filed, July 18, 1962; 8:52 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 2]

PART 723—CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

Subpart—Cigar-Binder (Types 51 and 52) Tobacco and Cigar-Filler and Binder (Types 42, 43, 44, 53, 54, and 55) Tobacco, Marketing Quota Regulations, 1962–63 Marketing Year

1. *Basis and purpose.* This amendment to the above-designated regulations (26 F.R. 6414, 6641, 7122 and 10471) is issued pursuant to the provisions of Public Law 87–530 approved July 10, 1962, (1) to add a paragraph(s) to § 723.1329 (26 F.R. 10471) to provide that the lease and transfer of a tobacco allotment for the 1962 crop year shall be effective if (a) the Secretary finds a lease in compliance with the provisions of § 723.1329 of the above-designated regulations was agreed upon no later than June 15, 1962, and (b) the terms of the lease are reduced to writing and filed no later than July 30, 1962 in the county office for the county in which the farms involved are located; and (2) to add a paragraph (t) to § 723.1329 of the above-designated regulations to provide that the dissolution of a lease shall be effective if (a) the county committee, with the approval of a representative of the State committee, finds the dissolution of the lease was agreed upon no later than June 15, 1962, and (b) the terms of the dissolution are reduced to writing and filed no later than July 30, 1962, in the county office for the county in which the farms involved are located.

Since tobacco producers are engaged in the production of the 1962 crop of tobacco and need to know as soon as possible the provisions of the amendment, it is hereby found that compliance with the public notice, procedure, and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1003) is impractical and contrary to the public interest and this amendment shall become effective upon filing with the Director, Office of the Federal Register.

2. *The amendment.* New paragraphs (s) and (t) are added to § 723.1329 to read as follows:

§ 723.1329 **Lease and transfer of tobacco acreage allotment.**

• • • • •

(s) Notwithstanding the foregoing provisions of this section, the lease and transfer of an allotment for the 1962 crop year shall be effective if (1) the Secretary finds a lease in compliance with the provisions of this section was agreed upon no later than June 15, 1962, and (2) the terms of the lease are reduced to writing and filed no later than July 30, 1962, in the county office for the county in which the farms involved are located.

(t) Notwithstanding the foregoing provisions of this section, the dissolution of a lease for the 1962 crop year made pursuant to this section shall be effective if (1) the county committee, with the approval of a representative of the State committee, finds the dissolution of the lease was agreed upon no later than June 15, 1962, and (2) the terms of the dissolution are reduced to writing and filed no later than July 30, 1962, in the county office for the county in which the farms involved are located.

(Secs. 316, 375, 75 Stat. 469, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1316, 1375; Public Law 87-200, Public Law 87-530)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on July 17, 1962.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-7105; Filed, July 18, 1962; 8:58 a.m.]

[Amdt. 2]

PART 727—MARYLAND TOBACCO

Subpart—Maryland Tobacco Marketing Quota Regulations, 1962–63 Marketing Year

1. *Basis and purpose.* This amendment to the above-designated regulations (26 F.R. 6424, 6641 and 10504) is issued pursuant to the provisions of Public Law 87–530 approved July 10, 1962, (1) to add a paragraph (t) to § 727.1328 (26 F.R. 10504) to provide that the lease and transfer of a tobacco allotment for the 1962 crop year shall be effective if (a) the Secretary finds a lease in conipliance with the provisions of § 727.1328 of the above-designated regulations was agreed upon no later than June 15, 1962, and (b) the terms of the lease are reduced to writing and filed no later than July 30, 1962, in the county office for the county in which the farms involved are located; and (2) to add a paragraph (u) to § 727.1328 of the above-designated regulations to provide that the dissolution of a lease shall be effective if (a) the county committee, with the approval of a representative of the State committee, finds the dissolution of the lease was agreed upon no later than June 15, 1962, and (b) the terms of the dissolution are reduced to writing and filed no later than July 30, 1962, in the county office for the county in which the farms involved are located.

Since tobacco producers are engaged in the production of the 1962 crop of tobacco and need to know as soon as possible the provisions of the amendment, it is hereby found that compliance with the public notice, procedure, and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1003) is impractical and contrary to the public interest and this amendment shall become effective upon filing with the Director, Office of the Federal Register.

2. *The amendment.* New paragraphs (t) and (u) are added to § 727.1328 to read as follows:

§ 727.1328 **Lease and transfer of tobacco acreage allotment.**

• • • • •

(t) Notwithstanding the foregoing provisions of this section, the lease and transfer of an allotment for the 1962 crop year shall be effective if (1) the Secretary finds a lease in compliance with the provisions of this section was agreed upon no later than June 15, 1962,

and (2) the terms of the lease are reduced to writing and filed no later than July 30, 1962, in the county office for the county in which the farms involved are located.

(u) Notwithstanding the foregoing provisions of this section, the dissolution of a lease for the 1962 crop year made pursuant to this section shall be effective if (1) the county committee, with the approval of a representative of the State committee, finds the dissolution of the lease was agreed upon no later than June 15, 1962, and (2) the terms of the dissolution are reduced to writing and filed no later than July 30, 1962, in the county office for the county in which the farms involved are located.

(Secs. 316, 375, 75 Stat. 469, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1316, 1375; Public Law 87-200, Public Law 87-530)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on July 17, 1962.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-7106; Filed, July 18, 1962; 8:58 a.m.]

SUBCHAPTER C—REGULATIONS UNDER SOIL BANK ACT

[Amdt. 55]

PART 750—SOIL BANK

Subpart—Conservation Reserve Program for 1956 Through 1959

The regulations governing the Conservation Reserve Program for 1956 through 1959, 21 F.R. 6289, as amended, are hereby further amended as follows:

Section 750.156(d)(2) is amended by adding to the end thereof the following: "Notwithstanding any other provisions of this section, cost-share payments other than for practice A-7 are not required to be refunded if a termination or modification under this section occurs (1) after the fifth year of the contract period or (2) in the fifth year of the contract period after the date which, if the contract is or had been a five-year contract, destruction of the vegetative cover would have been permitted as provided in § 750.157(b)."

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Effective date: Date of signature.

Signed at Washington, D.C., on July 16, 1962.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-7054; Filed, July 18, 1962; 8:55 a.m.]

[Amdt. 20]

PART 750—SOIL BANK

Subpart—Conservation Reserve Program for 1960

The regulations governing the Conservation Reserve Program for 1960, 24 F.R. 7987, as amended, are hereby further amended as follows:

Section 750.511(b) is amended by adding to the end thereof the following: "Notwithstanding any other provision of this section, cost-share payments other than for practice A-7 are not required to be refunded if a termination or modification under this section occurs (1) after the fifth year of the contract period or (2) in the fifth year of the contract period after the date which, if the contract is or had been a five-year contract, destruction of the vegetative cover would have been permitted as provided in § 750.513(b)."

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Effective date: Date of signature.

Signed at Washington, D.C., on July 16, 1962.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-7055; Filed, July 18, 1962; 8:55 a.m.]

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AUTHORITY: §§ 987.0 to 987.84 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 987.0 Findings and determinations.

(a) *Previous findings and determinations.* The findings and determinations hereinafter set forth are supplementary, and in addition, to the findings and determinations which were made in connection with the issuance of the order and the previously issued amendment thereto; and all of the said previous findings and determinations are hereby ratified and affirmed except insofar as such previous findings and determinations may be in conflict with the findings and determinations set forth herein. (For prior findings and determinations see 20 F.R. 5056; 23 F.R. 6904.)

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agriculture Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and the applicable rules of practice and procedure, as amended (7 CFR Part 900), a public hearing was held in Indio, California, on April 2, 1962, on a proposed amendment of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. On the basis of the evidence adduced at the hearing, and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of domestic dates produced or packed in a designated area of California in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act and the issuance of several orders applicable to subdivisions of the area of production would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of domestic dates in the area of production covered by the order, as amended and as hereby further amended, which would require different terms applicable to different parts of such area; and

(5) All handling of domestic dates produced or packed in the area of production is in the current of interstate or foreign commerce, or directly burdens, obstructs or affects such commerce.

(c) *Additional findings.* It is hereby further found that good cause exists for making the provisions of this amendatory order effective as herein provided rather than postponing the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)). The sentence to be added to § 987.45(d), pertaining to the crediting of a handler's restricted obligation with excess restricted disposition of the preceding crop year, is to become effective upon publication of the amendatory order in the FEDERAL REGISTER. No useful purpose would be served by postponing the effective date of this provision since it does not impose a burden on handlers but rather confers benefits. Handlers should be permitted to receive credit, within limits to be established by the Date Administrative Committee with the approval of the Secretary, for marketable dates diverted to product outlets in excess of restricted obligations during the 1961-62 crop year, which ends July 31, 1962, so that such allowable credit may be applied against handlers' restricted obligations of the 1962-63 crop year. Thus, those handlers who have completed their operations in the first six months of the 1961-62 crop year and who have diverted a substantial quantity of excess marketable dates to product outlets will be able to take advantage of the credit made available by this change. Also, making this provision effective upon publication would enable handlers still operating to plan their operations in the light of this provision during the balance of the 1961-62 crop year.

All of the other provisions of this amendatory order should be effective August 1, 1962. The amendatory order will, among other things, include the Halawy variety within the scope of the order. It is necessary that this provision be made effective on August 1, so that all domestic dates, including Halawy dates, be subject to the same regulations. Furthermore, it will be necessary for the Committee, with the approval of the Secretary, to establish rules and regulations to implement certain of the provisions contained in the amendatory order. It is necessary that such rules and regulations be established as soon as possible and before any substantial quantities of domestic dates from the 1962 crop are handled.

Making the provisions of the amendatory order effective as provided herein will provide an early opportunity for taking the required actions, and will permit the benefits of the amendatory order to be available for the entire 1962-63 crop year.

The provisions of the amendatory order are well known to handlers of domestic dates. The public hearing in connection therewith was held April 2, 1962, in Indio, California, the recommended decision was published in the FEDERAL REGISTER on May 29, 1962 (27 F.R. 4997), and the final decision on June 23, 1962 (27 F.R. 5958). The text of the amendatory order has been made available to all known interested persons. Accordingly, handlers need no further advance notice to prepare for compliance with the provisions of this amendatory order.

(d) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Domestic Dates Produced or Packed in a Designated Area of California" upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping domestic dates covered by the said order, as amended and as hereby further amended) who, during the period August 1, 1961, through May 31, 1962, handled not less than 50 percent of the volume of such dates covered by the said order, as amended and as hereby further amended; and

(2) The issuance of this amendatory order, further amending the aforesaid order, as amended, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the representative period August 1, 1961, through May 31, 1962, have been engaged in the production of Deglet Noor, Zahidi, Halawy, or Khadrawy varieties of domestic dates produced or packed in Riverside, Orange and Los Angeles Counties, and that portion of San Bernardino County lying west of 116 degrees W. longitude, located within the State of California, such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

It is, therefore, ordered, That, on and after the effective time hereof, all handling of domestic dates produced or packed in the designated area of production shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

DEFINITIONS

§ 987.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 987.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

§ 987.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 987.4 Area of production.

"Area of production" means the Counties of Riverside, Orange and Los Angeles, and that portion of San Bernardino County lying west of 116 degrees W. longitude, located within the State of California.

§ 987.5 Dates.

"Dates" means the Deglet Noor, Zahidi, Halawy, and Khadrawy varieties of domestic dates produced or packed in the area of production.

§ 987.6 Crop year.

"Crop year" means the 12 months from August 1 to the following July 31, both inclusive.

§ 987.7 Producer.

"Producer" is synonymous with grower and means any person engaged in a proprietary capacity in the production of dates for sale.

§ 987.8 Handler.

"Handler" means any person handling dates which have not been inspected and certified for handling in the hands of a previous holder: *Provided,* That for the purposes of §§ 987.22 and 987.24 such person shall qualify as a handler only if he has acquired the dates directly from producers.

§ 987.9 Handle.

"Handle" means to sell, consign, transport or ship (except as a common or contract carrier of dates owned by another person) or in any other way to put dates into the current of commerce including the shipment or delivery of sub-

standard dates or cull dates into non-human consumption outlets, except that sales or deliveries by producers of other than cull dates to a handler within the area of production or the movement of dates by a handler to storage for his account within the area of production shall not be considered as handling.

§ 987.10 Handler carry-over.

"Handler carry-over" means, as of any date, all marketable dates then held by a handler or for his account (whether or not sold), plus the estimated quantity of marketable dates in ungraded or unprocessed lots then held by said handler.

§ 987.11 Trade demand.

"Trade demand" means the aggregate quantity of whole dates and pitted dates which the trade will acquire from all handlers during the crop year for distribution in the continental United States, Canada, and such other countries as the committee finds will acquire dates at prices reasonable comparable with prices received in the continental United States.

§ 987.12 Marketable dates.

"Marketable dates" means, for any crop year, whole or pitted dates which are certified as equal to or higher than the applicable minimum grade then in effect pursuant to § 987.39 and any additional, applicable requirements, pursuant to § 987.40, which may then be in effect for restricted dates.

§ 987.13 Free dates.

"Free dates" means those dates which are free to be handled pursuant to any free percentage established by the Secretary in accordance with § 987.44.

§ 987.14 Restricted dates.

"Restricted dates" means those dates which must be withheld by handlers pursuant to any restricted percentage established by the Secretary in accordance with § 987.44.

§ 987.15 Substandard dates.

"Substandard dates" means those dates which fail to meet the requirements for marketable dates but are not cull dates.

§ 987.16 Cull dates.

"Cull dates" means dates which fail to meet the requirements (with respect to freedom from defects) prescribed in section 798 of the Agriculutural Code of California for dates for use in products or by-products other than alcohol, brandy, and products not intended for human consumption and any dates residual from field or packinghouse grading operations.

§ 987.17 Graded dates.

"Graded dates" means those dates which are eligible for certification as marketable dates.

§ 987.18 Committee.

"Committee" means the Date Administrative Committee established pursuant to § 987.21.

§ 987.19 Cooperative marketing association.

"Cooperative marketing association" means a cooperative marketing association of date growers organized under the laws of the State of California.

§ 987.20 Part and subpart.

"Part" means the order regulating the handling of domestic dates produced or packed in Los Angeles, Riverside and Orange Counties, and that portion of San Bernardino County lying west of 116 degrees W. longitude located within the State of California, and all rules, regulations and supplementary orders issued thereunder. The aforesaid order shall be a "subpart" of such part.

DATE ADMINISTRATIVE COMMITTEE

§ 987.21 Establishment of Date Administrative Committee.

A Date Administrative Committee, composed of seven members with an alternate member for each such member, is hereby established to administer the terms and conditions of this part: *Provided*, That the number of members and alternates may be changed consistent with findings made pursuant to §987.22(b).

§ 987.22 Membership representation.

(a) Members and alternate members shall, until such time as a realignment of the Committee membership is effected pursuant to paragraph (b) of this section, be selected by the Secretary from each of the following groups and on the following basis:

(1) One member from handlers, each of whom produced during the then current crop year to February 28 at least 51 percent of all of the dates handled by him during such period, and producers, each of whom delivered to such handlers during the then current crop year to February 28 at least 50 percent of his deliveries to all handlers during such period;

(2) Three members from cooperative marketing associations of whom one shall be an employee and serve as a handler member of the Committee, and two shall be from among the producer members of such associations;

(3) Three members from all other handlers and producers of whom two shall be handler members selected from among such other handlers, and one shall be a producer member selected from among such other producers.

The foregoing representation is based on each member representing approximately 14.28 percent of date tonnage handled.

(b) Whenever the Secretary finds that any change in tonnage handled in any group is equivalent to more than one-half of the basic 14.28 percent for a member, he shall so notify the Committee and thereafter nominations and selections of members and alternates in that group shall be in such numbers and follow such alignment as the Secretary may determine: *Provided*, That each group shall be entitled to at least one member and alternate. Any such realignment shall be based on the tonnage of dates acquired from producers and certified for handling or further processing during the then current crop year to February 28. Any increase or decrease in the number of members representing a particular group shall not be dependent upon a change in membership representation of any other group nor shall any increase or decrease in the total number of members on the Committee change the basic percentage herein established for tonnage representation for members. Except for the group specified in paragraph (a)(1) of this section, any change in the nomination and selection of members for any group shall be made so as to keep producer members and handler members in balance insofar as possible.

§ 987.23 Term of office.

The term of office for members and alternate members shall be one year ending on May 14 but each such member and alternate member shall continue to serve until his successor has been selected and has qualified.

§ 987.24 Nominations.

(a) Each group specified in § 987.22(a) may nominate, at a nomination meeting or meetings held on or before April 15 of each year, members and alternates to represent the group. With respect to the group specified in § 987.22(a)(3), separate meetings of handlers and of producers shall be held to nominate the handler representatives and producer representatives, respectively.

(b) At any meeting of the group specified in § 987.22(a)(1), each producer and each producer-handler shall be entitled to one vote for each position to be filled. At the respective meetings of the cooperative marketing associations in the group specified in § 987.22(a)(2), and of the handlers in the group specified in § 987.22(a)(3), each such association and each such handler shall be entitled to vote for each position to be filled as a representative for the particular group; and each such vote shall be weighted by the tonnage of dates acquired from producers and certified, for handling or for further processing, through February 28 of the then current crop year. At any meeting of the producers in the group specified in § 987.22(a)(3), each such producer shall be entitled to one vote for each position to be filled. The individual receiving the highest number of votes for a position shall be the nominee. Immediately after the completion of the meetings covered by this section, the Committee shall report to the Secretary the nominees for each position together with a certificate of all necessary tonnage data and other information deemed by the Committee to be pertinent or which is requested by the Secretary. The Secretary shall select, in his discretion, members and alternates from such nominees or from other qualified persons; but any such selection shall be from the groups, and on the basis, prescribed in § 987.22. However, the Secretary shall allow a reasonable time for nominations to be received before

proceeding with any selection without regard to nominations.

§ 987.25 Qualification.

Each person selected as a member or alternate member of the Committee shall, prior to serving on the Committee, qualify by filing with the Secretary a written acceptance after receiving notice of his selection. Any member or alternate who, at the time of his selection, was a member of or employed by a member of the group which nominated him shall, upon ceasing to be such member or employee, become disqualified to serve further and his position on the Committee shall be deemed vacant.

§ 987.26 Vacancies.

In the event of any vacancy occasioned by the removal, resignation, disqualification, or death of any member or alternate member, or any need to select a successor through failure of any person selected as a member or alternate member to qualify, a successor shall be nominated within 30 calendar days and selected in the manner, and subject to the conditions, provided in this subpart.

§ 987.27 Alternates.

An alternate for a member of the Committee shall act in the place and stead of such member during his absence or in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified.

§ 987.28 Expenses.

The members of the Committee shall serve without compensation but shall be allowed their necessary expenses.

§ 987.29 Powers.

The Committee shall have the following powers:

(a) To administer the terms and provisions of this subpart.

(b) To make rules and regulations to effectuate the terms and provisions of this subpart.

(c) To receive, investigate, and report to the Secretary complaints of violations of this subpart, and

(d) To recommend to the Secretary amendments to this subpart.

§ 987.30 Duties.

The Committee shall have, among other things, the following duties:

(a) To act as intermediary between the Secretary and any producer or handler.

(b) To keep minutes, books, and records which will clearly reflect all of its transactions and such minutes, books, and other records shall be subject to examination by the Secretary at any time.

(c) To investigate the growing, handling, and marketing conditions with respect to dates, to assemble data in connection therewith.

(d) To furnish to the Secretary such available information as may be deemed pertinent to the administration of this subpart or as he may request and to give to the Secretary the same notice of meetings of the Committee as is given to the members of the Committee.

(e) To appoint such employees as it may deem necessary and to determine the salaries, define the duties and where desirable fix the bonds of such employees.

(f) To cause the books of the Committee to be audited by a certified public accountant at least once each crop year and at such other times as the Committee may deem necessary or the Secretary may request. The report of each such audit shall show among other things the receipt and expenditure of funds pursuant hereto. Two copies of such audit shall be submitted to the Secretary, and

(g) To investigate compliance and to use means available to the Committee to prevent violations of this part.

§ 987.31 Procedure.

The members of the Committee shall select a chairman from their membership and shall select such other officers and adopt such rules for conduct of its business as it may deem advisable. All decisions of the Committee shall be by an affirmative vote of at least two-thirds (in case of fractional numbers, rounded to the nearest whole number) of the members of the Committee. The presence of two-thirds, determined in the same way, of the members of the Committee shall be required to constitute a quorum. The Committee may vote by mail, telephone when confirmed in writing, or telegram, upon due notice and full and identical explanation to all members, but one dissenting vote shall prevent the adoption of any proposition presented to voting by this method. At all assembled meetings of the Committee all votes shall be cast in person.

RESEARCH AND DEVELOPMENT

§ 987.33 Research and development.

The Committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of dates. The expense of such projects shall be paid from funds collected pursuant to § 987.72.

MARKETING POLICY

§ 987.34 Development.

As early as practicable, but no later than August 1, the Committee shall prepare and submit to the Secretary a report setting forth its marketing policy, including the data on which it is based, for the regulation of dates in the ensuing crop year. In developing the marketing policy the Committee shall give consideration to the following factors by varieties:

(a) Its estimate of the total date production separated as to marketable dates and dates of other grades and, when applicable, sizes, which will be produced in such crop year;

(b) Its estimate of handler carry-over as of July 31 and of any non-marketable dates held by handlers or users;

(c) Its estimate of the trade demand, taking into consideration imports, economic conditions and the anticipated market price, within the limitations of the act;

(d) Its recommendation with respect to the free and restricted percentages to be fixed; and

(e) Its recommendations as to grade and size regulations.

§ 987.35 Modifications.

In the event the Committee subsequently determines that the marketing policy should be modified due to changing supply or demand conditions, it shall formulate and submit to the Secretary its modified marketing policy along with the data which it considered in connection with such modification.

§ 987.36 Notice.

The Committee shall give notice through newspapers having general circulation in the area of production or by other means of communication to producers and handlers of the contents of each marketing policy report submitted to the Secretary and of each report modifying such marketing policy. Copies of all such reports shall be maintained in the office of the Committee where they shall be available for examination by producers and handlers.

GRADE REGULATION

§ 987.39 The establishment of minimum standards.

In order to effectuate the declared policy of the act all whole dates and pitted dates handled under this subpart shall meet the requirements of U.S. Grade C, or, if for further processing, U.S. Grade C (Dry), of the effective United States Standards for Grades of Dates: *Provided*, That the Secretary may, upon recommendation of the Committee, prescribe other minimum standards of quality. To aid the Secretary in prescribing such other minimum standards, the Committee shall furnish to the Secretary the data upon which it acted in recommending such standards. The provisions hereof relating to minimum standards of quality and to inspection requirements, within the meaning of section 2(3) of the act, and any other provisions relating to the administration and enforcement thereof shall continue in effect irrespective of whether the season average price to producers for dates is or is not in excess of the parity level specified in section 2(1) of the act. Notice of the minimum standard regulation shall be sent by the Committee to all handlers of record. On and after the effective date of such regulations no handler shall handle dates except in accordance with such minimum standard.

§ 987.40 Additional grade or size regulations.

Whenever the Committee deems it advisable to establish grade or size requirements for any variety of dates, in addition to the minimum standard provided pursuant to § 987.39, to govern dates of such variety to be handled or to be withheld to meet restricted obligation, or both, it shall recommend to the Secretary requirements as to grade based on the effective United States Standards for

Grades of Dates or any modification thereof, and such size requirements as it may deem appropriate. If the Secretary finds, upon the basis of such recommendation or other information available to him, that such additional grade or size regulation, or both such regulations, will tend to effectuate the declared policy of the act, he shall establish such regulations. Notice thereof, showing the effective date, shall be sent by the Committee to all handlers of record. On and after the effective date no handler shall handle dates of such variety or withhold such dates to meet withholding obligation except in accordance with such regulations.

§ 987.41 Inspection.

(a) *Packed dates.* Prior to handling any dates packed for handling each handler shall, at his own expense, cause: (1) An inspection to be made of such dates in order to ascertain if such dates meet the applicable grade and size regulations prescribed or provided for in this part; and (2) a certification for handling to be made of all such dates as meet such grade and size regulations.

(b) *Dates for further processing.* Prior to handling any dates for further processing each handler shall, at his own expense, cause: (1) An inspection to be made to ascertain if such dates meet the applicable grade and size requirements effective pursuant to § 987.39 or § 987.40, except for character associated with moisture; and (2) a certification for further processing to be made of all such dates as meet such grade and size requirements: *Provided*, That such inspection and certification requirements shall not apply to inter-handler transfers within the area of production of field-run dates or graded dates.

(c) *Identification and service.* All dates handled shall be identified by seals, stamps, or other means prescribed by the Committee and affixed to the containers by the handlers under the supervision of the Committee or the designated inspectors. Inspection shall be performed by inspectors of the United States Department of Agriculture's Processed Products Standardization and Inspection Branch or such other inspection service as may be recommended by the committee and approved by the Secretary. Handlers shall cause a copy of each inspection certificate to be furnished to the Committee.

VOLUME REGULATION

§ 987.44 Free and restricted percentages.

(a) Whenever the Committee finds that the available supply of marketable dates for any crop year exceeds or is likely to exceed the total trade demand therefor, and that limiting the volume to be sold in whole or pitted form of any or all varieties through establishing free and restricted percentages applicable to such supply would tend to effectuate the declared policy of the act, it shall recommend such percentages to the Secretary. If the Secretary finds, upon the basis of the Committee's recommendation and supporting data or other information available to him, that the establishment of such percentages would tend to effectuate the declared policy of the act, he shall establish such percentages. The sum of the free and restricted percentages for any crop year shall equal 100 percent.

(b) The dates handled by any handler in accordance with the provisions hereof shall be determined to be that handler's quota fixed by the Secretary within the meaning of section 8a(5) of the act.

§ 987.45 Withholding restricted dates.

(a) Whenever free and restricted percentages for any variety of dates have been established for a crop year by the Secretary in accordance with § 987.44, each handler shall, at the time of having dates of such variety certified for handling or for further processing, withhold from handling a quantity of marketable dates of such variety having a weight equal to the restricted percentage for such variety referable to the dates so certified. The weight required to be withheld shall be determined by dividing the restricted percentage by the free percentage and applying the resultant withholding factor, rounded to the nearest one-tenth of one percent, to the weight of dates so certified. The withholding factor, computed as aforesaid, shall be established by the Secretary. When pitted dates are certified, the weight to be withheld shall be determined by dividing the weight of the pitted dates certified for handling or further processing by a divisor established by the Committee with the approval of the Secretary and applying the withholding factor.

(b) Compliance by any handler with the withholding of restricted dates may be deferred to any date not later than January 31 of any crop year, upon request to the Committee and when accompanied by a written undertaking that on or prior to such date, he will have fully satisfied his withholding obligation. Such undertaking shall be secured by a bond or bonds to be filed with, and acceptable to, the Committee and with a surety or sureties acceptable to the Committee, running in favor of the Committee and the Secretary in an amount conditioned upon full compliance with such undertaking. The amount shall be determined by multiplying the poundage of the deferred restricted obligation by a bonding rate per pound which would provide funds estimated to be sufficient for the Committee to purchase on the open market a volume of dates equivalent to the deferred obligation. Such bonding rate shall be established annually, and modified as necessary, by the Committee. Any sums collected through default by a handler on his bond shall be used by the Committee to purchase dates to meet the violated restricted obligation, reimburse the Committee for expenses relative to the default, and any excess money remaining shall be refunded to the defaulting handler. The dates so purchased by the Committee shall be turned over to the defaulting handler for disposition as restricted dates. In the event the Committee is unable to purchase a poundage of dates equal to the defaulted volume, the sums collected shall, after reimbursement of Committee expenses in connection with the default, be distributed among all handlers other than the defaulting handler in proportion to the volume of certified dates handled during the crop year in which the default occurred.

(c) At any time during the crop year dates may be inspected and certified for handling or for further processing as provided in § 987.41. Dates so certified shall, at the time of certification, be identified by appropriate seals, stamps, or tags to be furnished by the Committee and to be affixed to the containers by the handler under the direction and supervision of the Committee or its designated inspectors. The assessment requirements in § 987.72 as well as the withholding obligation prescribed in paragraph (a) of this section shall be met at the time of certification. However, a handler who has had more dates certified for handling or further processing than he subsequently shipped or otherwise handled may, upon request to the Committee and with its approval, have any of such excess quantity of the certified dates suspended from certification of record or, if damaged or the outlet changed, removed from certification, and his withholding and assessment obligations adjusted accordingly. A handler, who has had dates certified for handling or further processing and has not had them so suspended from certification of record or removed from certification, may carry such certified dates over into the new crop year and need not pay the assessment nor meet the requirements of any withholding percentages established for such year.

(d) Dates withheld to meet the restricted obligation shall be stored at the expense of the handler, in storage of his own choosing and disposed of in accordance with § 987.55. All such dates shall be inspected and identified by appropriate seals, stamps, or tags to be furnished by the Committee and to be affixed to the containers by the handler under the direction and supervision of the Committee or its designated inspectors. All withholding and movement of restricted dates shall be subject to the supervision and accounting control of the Committee and reports shall be filed as required by this part. Any handler who during a crop year disposes in restricted outlets of a quantity of marketable dates in excess of his restricted obligation of such crop year may have such excess quantity of marketable dates credited to his restricted obligation of the subsequent crop year: *Provided*, That the amount of any such credit shall not exceed that established by the Committee, with the approval of the Secretary, as the percentage of such restricted obligation.

(e) On request to the Committee and with its approval, a handler may, in accordance with the provisions of this paragraph and any applicable rules and regulations which the Committee may prescribe with the approval of the Secretary, defer until any date not later than July 31 of the crop year the meeting of any portion of his obligation to withhold restricted dates by setting aside such amount of graded dates as will assure a quantity of marketable dates equal at least to the quantity needed to be withheld from handling to meet his withholding obligation. With respect to any such dates the handler may set aside in connection with such a deferment, the Committee may require, if it deems it necessary, the handler to have made, at his own expense, such inspection as may be necessary for a determination as to whether such dates conform to the applicable requirements for dates that may be set aside under this paragraph. As a condition to the Committee approving the deferment, the handler shall agree in writing that: (1) He will adequately mark and identify the set-aside graded dates as such and hold them separate and apart from other dates; (2) the graded dates will not be removed from the stacks in which so set aside without the prior written permission of the Committee; (3) inspection of the dates by the Committee will be permitted at any reasonable time; and (4) if the quantity, quality, or size of the set-aside dates is found by the Committee at any time to be deficient, the handler will promptly set aside such additional or substitute quantity of graded dates as is necessary to correct the deficiency.

(f) Upon the Committee prescribing, with the approval of the Secretary, minimum standards for inspection of field-run dates and appropriate administrative rules and regulations, a handler may, in accordance therewith and the provisions of this paragraph, satisfy all or any part of his obligation to withhold restricted dates by setting aside field-run dates or by disposing of field-run dates in outlets prescribed in, or pursuant to, § 987.56. The field-run dates shall be of such quality or size as shall be prescribed in such rules and regulations. The setting aside, direct disposal, and disposal of any field-run dates set aside shall occur prior to July 31 of the crop year in which the withholding obligation occurs. Prior to the disposal or setting aside of the field-run dates, the handler shall have had them inspected to determine the weight of dates eligible to satisfy withholding obligation. Upon such disposal or setting aside of the field-run dates, the handler shall be credited with satisfaction of his restricted obligation to the extent of the eligible weight of dates. In permitting the handler to so satisfy his withholding obligation the Committee shall require the handler to agree in writing that: (1) Any field-run dates set aside will be held separate and apart from other dates and appropriately marked; (2) such dates will not be removed from the stacks in which so set aside for substitution of other dates, disposition, or for any other reason without prior written permission of the Committee; and (3) inspection of said dates by the Committee will be permitted at any reasonable time. In order to satisfy a withholding obligation by direct disposal of field-run dates into cull outlets, the disposal shall be under the supervision of the Committee and through persons on a Committee approved list of feeders and manufacturers. The handler may, upon giving prior notice to the Committee of any of the following proposed actions with respect to field-run dates withheld and obtaining its approval, (i) dispose of any such set-aside, field-run dates in the same manner as provided for direct disposal (ii) grade such dates and have the graded dates certified as marketable dates and withhold or dispose of such marketable dates as restricted dates, or (iii) substitute for the set-aside, field-run dates an equivalent quantity of marketable dates which he shall withhold or dispose of as restricted dates.

§ 987.46 Revisions of percentages.

The Secretary may, on recommendation of the Committee submitted prior to January 31 of the crop year, or on the basis of other information available to him, increase the free percentage to conform with such new relation as may be found to exist between trade demand and available supply. Upon any revision in the free and restricted percentages the control obligation of each handler with respect to dates handled or certified for handling or for further processing by him for the entire crop year shall be recomputed in accordance with such revised control percentages. The handler shall be permitted to select, insofar as practicable, under the supervision and direction of the Committee, the particular dates to be removed from any dates withheld.

§ 987.47 Surplus.

All cull dates and all substandard dates, including such dates blended with varieties within the generic term "dates" not regulated by this part, except any substandard dates released to human consumption outlets pursuant to § 987.56, are surplus dates of any crop year. No handler shall ship or deliver such surplus dates to other than the Committee or its designee(s) for disposition in eligible outlets for such dates, except that any producer or handler may dispose of any such surplus dates of his own production within his own livestock feeding operations. Surplus dates delivered to the Committee shall be disposed of by it, in those outlets specified in § 987.56, at the best prices attainable and the proceeds returned pro rata, after deduction of Committee costs, to equity holders. The Committee may assist handlers with the cleaning, storage, or delivery of surplus dates and may, with the approval of the Secretary, establish rules and regulations necessary and incidental to administration of this regulation.

CONTAINER REGULATION

§ 987.48 Container regulation.

Whenever the Committee deems it advisable to establish a container regulation for any variety of dates, it shall recommend to the Secretary the size, capacity, weight, or pack of the container, or containers, which may be used in the handling or packaging of dates, or both. If the Secretary finds upon the basis of such recommendation or other information available to him that such container regulation would tend to effectuate the declared policy of the act he shall establish such regulation and notice thereof showing the effective date shall be sent by the Committee to all handlers of record. After the effective date of such regulation, no handler shall handle dates of such variety except in accordance with such regulation and all other applicable requirements in effect pursuant to this part.

QUALIFICATIONS TO REGULATION

§ 987.50 Application after end of crop year.

Unless otherwise specified the regulations and the bonding rates established for any crop year shall continue in effect with respect to all dates for which control obligations have not been previously met, until regulations and bonding rates are established for the new crop year. Thereupon the withholding obligations for all dates handled or certified for handling or for further processing during such crop year shall be adjusted to the newly established percentages and a similar adjustment shall be made in any bond or bonds already given for that crop year.

§ 987.51 Interhandler transfers.

Transfers of dates may be made from one handler to another, and each handler who so transfers any such dates shall immediately upon the completion of the particular transfer notify the Committee of the transfer, specifying the date of the transfer, the quantity and variety of dates involved, and the name of the receiving handler. If such transfer is wholly within the area of production, the assessment and withholding obligations shall be placed on the handler agreeing to assume them: *Provided*, That in the absence of the Committee receiving notice of a specific agreement on such obligations, the buying handler shall be held accountable. If such transfer is from within the area of production to any point outside thereof, the assessment and withholding obligations shall be met by the handler within the area of production.

§ 987.52 Exemption.

The Committee may exempt from regulation, upon written request of any producer or handler, the dates he sells to consumers through roadside stands, local date shops, mail order or specialty outlets, if it determines that the particular request is not likely to materially interfere with the objectives of this part. All dates handled pursuant to exemptions under this section shall be reported to the Committee in such manner and in such form as the Committee may prescribe. The Committee shall issue, with the approval of the Secretary, appropriate rules and regulations establishing the bases on which exemptions may be granted.

DISPOSITION OF OTHER THAN FREE DATES

§ 987.54 Disposition of other than free dates.

Dates other than free dates shall not be used or otherwise disposed of except as provided in §§ 987.55 and 987.56.

§ 987.55 Outlets for restricted and other marketable dates.

Restricted dates may be disposed of only through exportation to such countries as the Committee may approve or by diversion in such form as rings, chunks, pieces, butter, macerated, or paste, or any other products which the Committee concludes to be appropriate and which will result in the dates moving into consumption in a form other than that of whole dates or pitted dates. The Committee, with the approval of the Secretary, may establish such grade, container, and identification requirements for such dates for export, as are deemed essential to the promotion of orderly marketing. Dates other than restricted dates may also be so disposed of if they are inspected and certified as meeting the requirements for marketable dates. However, the provisions of this section shall not preclude any such dates from being disposed of in the outlets for substandard dates and cull dates prescribed in § 987.56.

§ 987.56 Outlets for substandard and cull dates.

Subject to the provisions of § 987.47, substandard dates and cull dates may be disposed of without inspection, but only in feed, non-table syrup, alcohol, or brandy outlets, or in such other outlets for non-human food products as the Committee concludes are non-competitive with the outlets for free and restricted dates: *Provided*, That whenever the Committee concludes and the Secretary finds that the use of substandard dates of any variety in certain products for human consumption would tend to effectuate the declared policy of the act, the Secretary shall specify such products, and dates of such variety that are inspected and certified as substandard dates may be disposed of for use, or used, in such products.

§ 987.57 Approved manufacturers or feeders for diversion of restricted, other marketable, substandard, and cull dates.

(a) Diversion, pursuant to § 987.55 or § 987.56, of restricted dates, other marketable dates, substandard dates, or cull dates shall be accomplished only by such persons (which may include handlers) as are approved manufacturers or feeders. Any person may become an approved manufacturer or feeder if he (1) submits an application to the Committee in which he agrees, as a condition to approval of his application, to furnish to the Committee such information as it may require and to comply with the requirements and restrictions relative to the use and disposition of such dates, as set forth in this part, and (2) receives from the Committee written approval of his application. The application and approval shall be in accordance with such rules, regulations and safeguards as may be prescribed pursuant to § 987.59.

§ 987.58 Terminal date.

Dates covered by §§ 987.55 and 987.56 shall, by September 30 of the subsequent crop year (a) in accordance with the applicable requirements of such sections, be disposed of, or be converted from their whole or pitted form; or (b) be set aside and marked for disposition pursuant to the applicable requirements of such sections. The Committee may prescribe, with the approval of the Secretary, such rules, regulations and safeguards, pursuant to § 987.59, as may be necessary to prevent dates covered by §§ 987.55 and 987.56 from interfering with the objectives of this part.

§ 987.59 Safeguards.

The Committee may prescribe, with the approval of the Secretary, such rules, regulations and safeguards as are necessary to prevent dates covered by §§ 987.55 and 987.56 from interfering with the objectives of this part.

REPORTS AND RECORDS

§ 987.61 Reports of handler carry-over.

Each handler shall file each year with the Committee written reports of his carry-over of dates as of January 1, June 1, and August 1, and at such other times as the Committee may prescribe. Such reports shall be filed within 15 days of the respective dates.

§ 987.62 Reports of dates shipped.

Each handler who ships dates during a crop year shall submit to the Committee, in such form and at such intervals as the Committee may prescribe, reports showing the net weight of dates shipped by him and such other information pertinent thereto as the Committee may specify.

§ 987.63 Reports on restricted dates withheld.

Each handler from time to time, on demand of the Committee, shall file with it a report of the restricted dates withheld by him in satisfaction of his withholding obligation. Such reports shall show such information as the Committee may require and may be in such form as the Committee may prescribe.

§ 987.64 Reports on disposition of restricted, other marketable, substandard and cull dates.

Each handler disposing of any quantity of restricted dates or other marketable dates, substandard dates, or cull dates for which disposition is prescribed in §§ 987.55 and 987.56 shall promptly thereafter report such disposition to the Committee in such form as the Committee may prescribe.

§ 987.65 Other reports.

Upon request of the Committee each handler shall furnish to it in such manner and at such times as it prescribes, such other information as will enable the Committee to perform its duties and exercise its powers hereunder.

§ 987.66 Certification of reports.

All reports submitted to the Committee as required in this part shall be certified to the United States Department of Agriculture and to the Committee as to the completeness and correctness of the information therein.

§ 987.67 Confidential information.

All data or other information constituting a trade secret or disclosing a trade position or business condition shall be received by, and kept in the custody of, one or more designated employees of the Committee and information which would reveal the circumstances of a single handler shall be disclosed to no person other than the Secretary.

§ 987.68 Verification of reports.

For the purpose of checking and verifying reports made by handlers to it, the Committee, through its designated employees, shall have access to handler premises wherein dates are held and, at any time during reasonable business hours, shall be permitted to examine any dates held and any and all records with respect to dates held or disposed of by such handlers. Handlers shall furnish labor necessary to facilitate such examinations at no expense to the Committee. All handlers shall maintain complete records on the handling, withholding and disposition of dates. The Committee, with the approval of the Secretary, may establish the type of records to be maintained. Such records shall be retained by handlers for not less than two years subsequent to the termination of each crop year.

EXPENSES AND ASSESSMENTS

§ 987.71 Expenses.

The Committee is authorized to incur such expenses, including maintenance of an operating reserve fund, as the Secretary may find are reasonable and are likely to be incurred by it during each crop year for the maintenance and functioning of the Committee and for such other purposes as he determines to be appropriate. The recommendation of the Committee as to total expenses and allocation thereof for each crop year, together with all data supporting such recommendation, shall be submitted to the Secretary within a reasonable time after the marketing policy for each crop year is recommended.

§ 987.72 Assessments.

(a) *Requirement for payment.* Each handler shall pay to the Committee, upon demand, with respect to free dates he handles or has certified for handling or for further processing his pro rata share of all expenses which the Secretary finds are reasonable and are likely to be incurred by the Committee during each crop year. Each handler's pro rata share shall be the rate of assessment per hundredweight fixed by the Secretary. At any time during or after a crop year the Secretary may increase such assessment rate to secure sufficient funds to cover unanticipated expenses or a deficit in assessable poundage. Any such increase shall apply to all assessable poundage of the crop year. The Committee may accept payments of assessments in advance and may borrow money in any amount not to exceed 10 percent of the estimated expenses set forth in its budget for the then crop year. The assessment weight of pitted dates shall be determined by dividing the shipping weight by a divisor established by the Committee with the approval of the Secretary.

(b) *Surplus expenses.* The Committee is authorized to use temporarily funds derived from assessments collected pursuant to paragraph (a) of this section to defray expenses incurred in disposing of surplus dates. All such expenses shall be deducted from the proceeds obtained by the Committee from such disposal.

(c) *Operating reserve.* The Committee, with the approval of the Secretary, may establish and maintain during one or more crop years an operating monetary reserve in an amount not to exceed 50 percent of the average of expenses incurred during the most recent five preceding crop years, except that an established reserve need not be reduced to conform to any recomputed average. Funds in reserve shall be available for use by the Committee for expenses authorized pursuant to § 987.71.

(d) *Refunds.* Funds held by the Committee at the conclusion of the crop year in excess of the crop year's expenses, including reserve requirements, may be used to defray expenses for no more than the ensuing four months, and thereafter within a reasonable time the Committee shall credit, or upon demand, refund the aforesaid excess to handlers who contributed to such excess: *Provided*, That the excess due any handler may be applied, in whole or in part, by the Committee to any outstanding obligation due the Committee from such handler. A handler's share of the excess funds shall be the amount of assessments he paid in excess of his actual pro rata share of the expenses, including reserve requirements, of the Committee for the preceding crop year. Upon termination of this subpart any money in possession of the Committee shall be distributed in such manner as the Secretary may direct: *Provided*, That, to the extent practicable, such funds shall be returned pro rata to the persons from whom such funds were collected.

MISCELLANEOUS PROVISIONS

§ 987.76 Compliance.

No handler shall handle any dates (including dates for further processing) except in conformity with, and as authorized by or pursuant to, the applicable provisions of this part, including but not being limited to the regulations relating to grade, size, and volume; and no handler shall use or otherwise dispose of restricted dates or any other dates which have not been certified for handling or for further processing except in conformity with, and as authorized by or pursuant to, the applicable provisions of this part.

§ 987.77 Personal liability.

No member or alternate member of the Committee, or any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or any other person for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate member, agent, or employee, except for acts of dishonesty, willful misconduct or gross negligence.

§ 987.78 Separability.

If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability of this part to any other person, circumstance, or thing shall not be affected thereby.

§ 987.79 Derogation.

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 987.80 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon its termination except with respect to acts done under and during its existence.

§ 987.81 Agents.

The Secretary may, by a designation in writing, name any person, including any officer or employee of the United States Government, or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 987.82 Effective time, suspension, or termination.

(a) *Effective time.* The provisions of this part, as well as any amendments hereto, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated or suspended in one of the ways hereinafter specified in this section.

(b) *Suspension or termination*—(1) *Failure to effectuate policy of act.* The Secretary shall terminate or suspend the operation of any or all of the provisions of this part, whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(2) *When favored by growers.* The Secretary shall terminate the provisions of this part at the end of any crop year whenever he finds that such termination is favored by a majority of the growers of dates who, during that crop year, have been engaged in the production for market of dates in the area of production: *Provided*, That such majority have, during such period, produced for market more than 50 percent of the volume of such dates produced for market within said area; but such termination shall be effective only if announced on or before June 1 of the then current crop year.

(3) *If enabling legislation is terminated.* The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination*—(1) *Designation of trustees.* Upon the termination of the provisions hereof, the members of the Committee then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the Committee, of all funds and property then in the possession or under the control of the Committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) *Duties of trustees.* Said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Committee and the joint trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such persons full title and right to all funds, property, and claims vested in the Committee or the joint trustees pursuant hereto.

(3) *Obligations of persons other than Committee members and trustees.* Any person to whom funds, property, or claims have been transferred or delivered by the Committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the said Committee and upon the said joint trustees.

§ 987.83 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not—

(a) Affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued hereunder, or

(b) Release or extinguish any violation of this part or of any regulation issued hereunder, or

(c) Affect or impair any rights or remedies of the Secretary or of any other person, with respect to any such violation.

§ 987.84 Amendments.

Amendments hereto may be proposed, from time to time by any person or by the Committee.

Dated July 13, 1962, to become effective on August 1, 1962, except that the sentence which is to be added to § 987.45 (d) shall become effective upon publication in the FEDERAL REGISTER.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-7053; Filed, July 18, 1962; 8:54 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1962 C.C.C. Cotton Bulletin 1]

PART 427—COTTON

Subpart—1962 Cotton Loan Program Regulations

Correction

In F.R. Doc. 62-6742 appearing at page 6530 of the issue for Wednesday, July 11, 1962, in § 427.1329(b)(2), the fourth

column of the table should be titled "1½ and longer" instead of "½ and longer".

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 110—UNCLASSIFIED ACTIVITIES IN FOREIGN ATOMIC ENERGY PROGRAMS

Miscellaneous Amendments

These amendments to Title 10, CFR Part 110 (1) substitute a list of countries and destinations excluded from the scope of the regulation now in effect for the reference to countries or areas listed as subgroup A countries or destinations in § 371.3 of the Comprehensive Export Schedule of the United States Department of Commerce (15 CFR 371.3); and (2) incorporate a general authorization made by the Commission under section 57a(3)(B) of the Atomic Energy Act of 1954 (68 Stat. 919), for the purpose of (a) authorizing persons within or under the jurisdiction of the United States to engage in unclassified meetings of or conferences sponsored by educational institutions, laboratories, scientific or technical organizations attended by nationals or representatives of any country; (b) authorizing participation in unclassified international conferences attended by nationals or representatives from any country; and (c) authorizing participation in unclassified exchange programs approved by the Department of State. The present regulation is also amended by designating the Division of International Affairs rather than the Division of Licensing and Regulation as the addressee in §§ 110.4, 110.8 and 110.10.

Attention is called to the reporting requirements contained in § 110.10 of the regulation. When activities authorized by the present amendment, including participation in meetings or conferences, include activities for which reports are required under § 110.10, reports shall be submitted as required by that section.

Inasmuch as these amendments involve the foreign affairs functions of the United States, the Commission has found that general notice of proposed rulemaking and public procedure thereon are impracticable, unnecessary, and contrary to the public interest; and that good cause exists why these amendments should be made effective upon publication in the FEDERAL REGISTER without the customary 30-day period of notice.

Accordingly, pursuant to the Administrative Procedure Act, the following rules are published as documents subject to codification and are effective upon publication in the FEDERAL REGISTER:

1. Paragraph (a) of § 110.7 is deleted and the following new paragraph (a) is added:

(a) Pursuant to section 57a(3)(B) of the Act, the Atomic Energy Commission has determined that any activity which:

(1) May constitute directly or indirectly engaging in the production of any special nuclear material in any foreign country other than the following countries or areas:

Albania.
Bulgaria.
China, including Manchuria (and excluding Taiwan (Formosa)) (includes Inner Mongolia; the provinces of Tsinghai and Sikang; Sinkiang; Tibet; the former Kwantung Leased Territory, the present Port Arthur Naval Base Area and Liaoning province).
Communist-controlled area of Viet Nam.
Cuba.
Czechoslovakia.
East Germany (Soviet zone of Germany and the Soviet Sector of Berlin).
Estonia.
Hungary.
Latvia.
Lithuania.
North Korea.
Outer Mongolia.
Poland.
Rumania.
Union of Soviet Socialist Republics.

or

(2) May constitute directly or indirectly engaging in the production of any special nuclear material in any foreign country and is limited to participation in (i) meetings of or conferences sponsored by educational institutions, laboratories, scientific or technical organizations; (ii) international conferences held under the auspices of a nation or group of nations; or (iii) exchange programs approved by the Department of State; and

(3) Does not involve the communication of Restricted Data or other classified defense information; and

(4) Is not in violation of other provisions of law;

will not be inimical to the interest of the United States and is authorized by the Atomic Energy Commission.

2. Sections 110.4, 110.8 and 110.10 are amended by deleting "Division of Licensing and Regulation" and substituting in lieu thereof "Division of International Affairs."

(Secs. 57, 161, 68 Stat. 932, 948; 42 U.S.C. 2077, 2201)

Dated at Germantown, Md., this 13th day of July 1962.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 62-7042; Filed, July 18, 1962; 8:52 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 7]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Disposition of Debt Securities or Other Securities Held by SBA

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, and section 5 of the Small Business Act of 1953, Public Law 85-536, 72 Stat. 385, as amended, which was incorporated into the Small Business Investment Act of 1958 by section 201 of that Act, there is added, as set forth below, a new § 107.404 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations as revised in 26 F.R. 8232-8242 and amended (27 F.R. 167, 851, 1720, 3844, and 4905).

Information and effective date. Section 201 of the Small Business Investment Act, as amended, provides, inter alia, that the Administrator and the Administration shall have the functions, powers, and duties set forth in the Small Business Act. Section 5 of the Small Business Act provides, inter alia, that in the performance of, and with respect to, the functions, powers, and duties vested in him by this Act the Administrator may, under regulations prescribed by him, assign or sell at public or private sale, or otherwise dispose of for cash or credit, in his discretion and upon such terms and conditions and for such consideration as the Administrator shall determine to be reasonable, any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with the payment of loans granted under this Act, and to collect or compromise all obligations assigned to or held by him and all legal or equitable rights accruing to him in connection with the payment of such loans until such time as such obligations may be referred to the Attorney General for suit or collection. The new § 107.404, as set forth below, establishes and provides that the Administration may sell, assign, transfer, or otherwise dispose of any debenture, note, or evidence of debt or security held by it in carrying out the provisions and purposes of the Small Business Investment Act, as amended. Since this Rule relates to matters which are exempt from the rule-making requirements of the Administrative Procedure Act (5 U.S.C. 1003), it shall become effective upon publication in the FEDERAL REGISTER.

The Regulations Governing Small Business Investment Companies (26 F.R. 8232-8242), as amended, is hereby further amended by:

1. Adding a new § 107.404 following § 107.403 which reads as follows:

§ 107.404 Disposition of debt securities or other securities held by SBA.

SBA may, in its discretion and upon such terms and conditions and for such consideration as shall be deemed to be reasonable, sell, assign, transfer, or otherwise dispose of any debenture, note, or other evidence of debt or security held in connection with any loan made under sections 302(a) and 303(b) of the Act and may accept reassignment, retransfer, and delivery thereof from any such purchaser, assignee, or transferee as may be agreed upon between SBA and such purchaser, assignee, or transferee.

Dated: July 13, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-7040; Filed, July 18, 1962; 8:51 a.m.]

[Amdt. 8]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Idle Operating Funds

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, there is amended, as set forth below, § 107.710 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations as revised in 26 F.R. 8232-8242 and amended (27 F.R. 167, 851, 1720, 3844, and 4905).

Information and effective date. There was published in the FEDERAL REGISTER on May 25, 1962 (27 F.R. 4939), a notice of intention to amend paragraph (b) § 107.710 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations. Interested persons were given an opportunity to present their comments or suggestions pertaining thereto to the Investment Division, Small Business Administration, Washington 25, D.C., within a period of twenty-one days of the date of publication. Interested persons have submitted persuasive and sound legal and logical comments and suggestions backed by practical business judgments that Licensees should be permitted, under this Regulation, to place idle operating funds in time deposits evidenced by Time Certificates of Deposits as well as in demand deposits. After consideration of all such relevant matter as was presented by interested persons § 107.710, with changes resulting from such consideration, is hereby adopted as set forth below. Because of the necessity of promptly applying the amendment to the program authorized under the Small Business Investment Act of 1958, as amended, the subject amendment shall become effective upon publication thereof in the FEDERAL REGISTER.

The Regulations Governing Small Business Investment Companies (26 F.R. 8232-8242), as amended, is hereby further amended by:

1. Deleting § 107.710 and substituting in lieu thereof a new § 107.710. As amended, § 107.710 reads as follows:

§ 107.710 Idle operating funds.

Funds of a Licensee not employed in accordance with the provisions of sections 304 and 305 of the Act and the Regulations thereunder, and not invested in accordance with the last sentence of section 308(b) of the Act, as soon as practicable after receipt thereof, shall be placed on demand deposit with a commercial bank (or banks) which is a member of the Federal Deposit Insurance Corporation, or placed on time deposit with such a bank, evidenced by a Time Certificate of Deposit, the maturity of which shall not be longer than six months from the date of such deposit: *Provided, however,* That a Licensee may establish and maintain an imprest petty cash fund in an amount not to exceed $500 at any one time.

Dated: July 16, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-7041; Filed, July 18, 1962; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-EA-34]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Designation and Alteration

The purpose of these amendments to Part 600 and § 600.1672 of the regulations of the Administrator is to revoke the segment of intermediate altitude VOR Federal airway No. 1672 from the Poughkeepsie, N.Y., VOR via the intersection of the Poughkeepsie VOR 043° and the Manchester, N.H., VOR 255° True radials to the Kennebunk, Maine, VOR; designate intermediate altitude VOR Federal airway No. 1777 from the intersection of the Poughkeepsie VOR 043° and the Manchester VOR 257° True radials via Manchester VOR to the Kennebunk VOR and delete reference to the Wilton, Conn., VOR in the description of Victor 1672.

These actions would eliminate the problems of route ambiguity created by the existence of multiple junction points between Victor 1672 and intermediate altitude VOR Federal airway No. 1695 at the Kennebunk VOR, the intersection of the Poughkeepsie VOR 043° and the Manchester VOR 255° True radials, and the Poughkeepsie VOR. In the absence of specific flight plan information, it becomes necessary to solicit additional information to determine the exact point of transition between these airways. This creates an additional workload in the processing of flight plans at both manual and electronic computer equipped facilities. In addition, reference to the Wilton, Conn., VOR would be deleted from the Huguenot to Poughkeepsie segment of Victor 1672. The Wilton VOR is scheduled for decommissioning on August 23, 1962.

Accordingly, the segment of Victor 1672 between the Poughkeepsie VOR and the intersection of the Poughkeepsie VOR 043° and the Manchester VOR 255° True radials would be revoked as it is a common airway segment with Victor 1695, and the segment of Victor 1672 between the Huguenot VOR and the Poughkeepsie VOR would be redesignated via the intersection of the Huguenot VOR 077° and the Poughkeepsie VOR 236° True radials. Additionally, Victor 1777 is being designated via the Manchester 257° True instead of the Manchester VOR 255° True radial as was Victor 1672 to form a common intersection with that of intermediate altitude VOR Federal airway No. 1727 and 1695 between the Albany, N.Y., VOR and the Boston, Mass., VOR.

Since these amendments are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

1. Section 600.1672 (26 F.R. 1090) is amended to read:

§ 600.1672 VOR Federal airway No. 1672 (Selinsgrove, Pa., to Poughkeepsie, N.Y.).

From the Selinsgrove, Pa., VOR via the Thornhurst, Pa., VOR; thence 10-mile wide airway via the Huguenot, N.Y., VOR; INT of the Huguenot VOR 077° and the Poughkeepsie, N.Y., VOR 236° radials; to the Poughkeepsie VOR.

2. Part 600 (14 CFR Part 600) is amended by adding the following:

§ 600.1777 VOR Federal airway No. 1777 (Greenfield, Mass., to Kennebunk, Maine).

From the INT of the Poughkeepsie, N.Y., VOR 043° and the Manchester, N.H., VOR 257° radials to the Manchester VOR; thence 10-mile wide airway to the Kennebunk, Maine, VOR.

These amendments shall become effective 0001, e.s.t, September 20, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 12, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-7016; Filed, July 18, 1962; 8:46 a.m.]

[Airspace Docket No. 62-SW-15]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Federal Airway, Associated Control Areas and Reporting Point

On April 13, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 3563) stating that the Federal Aviation Agency proposed to revoke low altitude Amber Federal airway No. 5, its associated control areas and reporting point from Grand Isle, La., to New Orleans, La.

No adverse comments were received regarding the amendments proposed in the Notice.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In Part 600 (14 CFR Part 600) § 600.105 *Amber Federal airway No. 5 (Grand Isle, La., to New Orleans, La.)*. is revoked.

2. In Part 601 (14 CFR Part 601) § 601.105 *Amber Federal airway No. 5 control areas (Grand Isle, La., to New Orleans, La.)*. is revoked.

3. In Part 601 (14 CFR Part 601) § 601.4105 *Amber Federal airway No. 5 (Grand Isle, La., to New Orleans, La.)*. is revoked.

These amendments shall become effective 0001, e.s.t., September 20, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 12, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-7017; Filed, July 18, 1962; 8:47 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-WE-47]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

Correction

In the F.R. document appearing at page 6606 of the issue for Thursday, July 12, 1962, the document number following the signature should read "62-7039" instead of "62-6761."

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7785 o.]

PART 13—PROHIBITED TRADE PRACTICES

Manco Watch Strap Co., Inc., et al.

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.510 *Foreign source.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § *13.1900 Source or origin:* § *13.1900-35 Foreign product as domestic.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Manco Watch Strap Co., Inc., et al., Jersey City, N.J., Docket 7785, Mar. 13, 1962]

In the Matter of Manco Watch Strap Co., Inc., Topps Products Corp., Corporations, and Samuel Mandel, Marvin Mandel, Morris Mandel and Eugene Mandel, Individually and as Officers of Said Corporations

Order requiring Jersey City, N.J., distributors of metal expansion watch bands imported from Japan and Hong Kong to jobbers, chain stores, and other retailers under the trade name "Topps", to cease selling the watch bands so packaged that the words "Hong Kong" or "Japan", stamped on a link on the inner side, were concealed and could not be seen without damaging the containers, and requiring them to clearly disclose the place of origin in a conspicuous place on the packages.

The order to cease and desist is as follows:

It is ordered, That respondents, Manco Watch Strap Co., Inc., Topps Products Corp., corporations, and their officers, and respondents Samuel Mandel, Marvin Mandel, Morris Mandel, and Eugene Mandel, individually and as officers of said corporations, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of imported merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing said products in packages or containers in such a manner that the name of the country or place of origin on the product is concealed without clearly disclosing the country or place of origin of the product in a conspicuous place on the package or container.

2. Offering for sale, selling or distributing said products mounted or affixed to cards in such manner as to conceal the name of the country or place of origin without disclosing on such cards the name of the country or place of origin:

And it is further ordered, That the allegations of the complaint, insofar as they charge as a deceptive practice that the respondents' unpackaged watch bands fail to have adequately identified thereon the country or place of origin, are herein and hereby dismissed for lack of evidence.

By the Commission's Final Order, report of compliance was required as follows:

It is further ordered That respondents, Manco Watch Strap Co., Inc., Topps Products Corp., Samuel Mandel, Marvin Mandel, Morris Mandel, and Eugene Mandel shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

By the Commission.

Issued: March 13, 1962.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-7044; Filed, July 18, 1962 8:52 a.m.]

[Docket C-93]

PART 13—PROHIBITED TRADE PRACTICES

Venus Fur Corp., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* § 13.1053-35 *Fur Products Labeling Act.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1255 *Manufacture or preparation:* § 13.1255-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1865 *Manufacture or preparation:* § 13.1865-40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Venus Fur Corporation et al., New York, N.Y., Docket C-93, Mar. 13, 1962]

In the Matter of Venus Fur Corporation, a Corporation, and Leon Lutzker, Nathan Kimmel, Morris Rosenshine, and George Perlman, Individually and as Officers of Said Corporation

Consent order requiring New York City furriers to cease violating the Fur Products Labeling Act by labeling and invoicing bleached fur products falsely to show that the fur contained therein was natural, failing to show on labels and invoices when fur was artificially colored, and furnishing false guaranties that fur products were not misbranded, falsely invoiced, or falsely advertised.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Venus Fur Corporation, a corporation, and its officers, and Leon Lutzker, Nathan Kimmel, Morris Rosenshine, and George Perlman, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale, in commerce, or the transportation or distribution in commerce of any fur product; or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution, of any fur product which has been made in whole or in part of fur which has been shipped and received in commerce as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

1. Misbranding fur products by:

A. Representing directly or by implication, on labels that the fur contained in fur products is natural, when such is not the fact.

B. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Falsely or deceptively invoicing fur products by:

A. Representing directly or by implication on invoices that the fur contained in fur products is natural, when such is not the fact.

B. Failing to furnish invoices to purchasers of fur products showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

3. Furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported or distributed in commerce.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 13, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-7045; Filed, July 18, 1962; 8:52 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55664]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Sugar From Australia

The following information is published pursuant to T.D. 54582 dated April 29, 1958 (23 F.R. 3034).

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the first 6 months of 1962 of approved fruit products and other approved products containing sugar are the amounts set forth in the following table:

MERCHANDISE—APPROVED FRUIT PRODUCTS AND OTHER APPROVED PRODUCTS

1962:	*Net amount of bounty per 2,240 lbs. of sugar content*
January	A£45. 10. 0
February	46. 1. 0
March	40. 15. 0
April	42. 0. 0
May	42. 13. 0
June	38. 11. 0

The net amounts of bounties or grants on the above-described commodities which are manufactured or produced in Australia are hereby ascertained, determined, and declared to be the amounts set forth in the above table. Collectors of customs shall assess and collect additional duties on the above-described commodities, whether imported directly or indirectly from that country, equal to the appropriate net amount of the bounty shown in the above table.

The table in § 16.24(f) of the Customs Regulations is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury decision in the column headed "Treasury Decision" and the words "New rates" in the column headed "Action".

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: July 13, 1962.

JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 62-7050; Filed, July 18, 1962; 8:54 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 204—DANGER ZONE REGULATIONS

PART 206—FISHING AND HUNTING REGULATIONS

PART 207—NAVIGATION REGULATIONS

Lake Macatawa, Mich., et al.

1. Pursuant to the provisions of section 1 of an Act of Congress approved April 22, 1940 (54 Stat. 150; 33 U.S.C. 180) § 202.80a is hereby prescribed designating a special anchorage area in Lake Macatawa, Michigan, wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 202.80a Lake Macatawa, Mich.

An area located on the south side of Lake Macatawa near the entrance to Lake Michigan, shoreward (south) of a line commencing offshore of Macatawa Park at a point 960 feet S 156° E from the light on the south pier at the entrance to the Lake, and extending 1,550 feet N 82° E toward the northwest corner of the Macatawa Bay Yacht Club pier.

[Regs., 28 June 1962, 285/111-ENGCW-ON] (Sec. 1, 54 Stat. 150; 33 U.S.C. 180)

PACIFIC OCEAN, CALIF.

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3), § 204.200a is hereby prescribed establishing and governing the use and navigation of a naval danger zone in the Pacific Ocean, located off West Cove, San Clemente Island California, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 204.200a Pacific Ocean, San Clemente Island, Calif.; naval danger zone off West Cove.

(a) *The danger zone.* The waters of the Pacific Ocean in an area about one-half mile off the west coast of San Clemente Island basically outlined as follows:

Latitude	*Longitude*
33°00'40"—	118°35'45"
32°57'40"—	118°34'25"
32°57'10"—	118°35'40"
33°00'10"—	118°37'00"
33°00'40"—	118°35'45"

(b) *The regulations.* (1) Intermittent firing may take place in the danger zone on any day from 8:00 a.m. until 1:00 p.m.

(2) Except as otherwise provided in this section, the danger zone will be open to fishing and general navigation.

(3) The operations officer, Naval Ordnance Test Station, Pasadena Annex, Pasadena, California, will announce firing schedules. Each week, public notices will be issued giving advance firing schedules. Such notices will appear in the local newspapers and in local "Notice to Mariners" and "Notice to Airmen." For the benefit of the fishermen and small-craft operators, announcements will be made on the marine radio.

(4) When a scheduled firing is about to be undertaken, fishing boats and other small craft will be contacted by surface patrol boats or aircraft equipped with a loudspeaker system. When so notified, all vessels shall leave the area immediately by the shortest route. Upon completion of firing or if the scheduled firing is cancelled for any reason, fishermen and small-boat operators will be notified as far in advance as possible by Marine Radio Broadcast.

(5) The regulations in this section shall be enforced by security personnel attached to the Naval Ordnance Test Station, Pasadena Annex, and by such agencies as may be designated by the Commandant, Eleventh Naval District, San Diego.

[Regs., June 28, 1962, 285/111-ENGCW-ON] (40 Stat. 266; 892; 33 U.S.C. 1, 3)

CHESAPEAKE BAY, MD. AND VA.

3. Pursuant to the provisions of section 10 of the River and Harbor Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403) § 206.50 governing the construction and maintenance of fishing structures in Chesapeake Bay, Maryland and Virginia, and its navigable tributaries is amended to make minor revisions and corrections in the description of certain areas, effective on publication in the FEDERAL REGISTER since the revisions are already in effect as follows:

§ 206.50 Chesapeake Bay, Md. and Va., and its navigable tributaries; fishing structures.

* * * * * * *

(e) *Baltimore District.* * * *

(6) *East side of Chesapeake Bay south from Howell Point to Maryland-Virginia boundary line.*

	Latitude	Longitude
	° ′ ″	° ′ ″
C 1	38 33 55.2	76 20 28.8

No limit line.
Point on line of 30-foot depth approximately 3,400 yards west of C 1.
Following line of 30-foot depth to its intersection with southerly Red Sector line of Hooper Strait Light.
Following southerly Red Sector line of Hooper Strait Light to its intersection with line of 18-foot depth.
Following line of 18-foot depth to its intersection with the southerly Red Sector line of Hooper Strait Light approximately 4,330 yards west by south of Hooper Strait Light.
No limit line.
Point on line of 18-foot depth 800 yards southwest of N 2.
Following line of 18-foot depth to point immediately south of Holland Island Bar Light.
No limit line.
On a line between Holland Island Bar Light and N 12, beginning at the southerly Red Sector Line approximately 3,100 yards south from Holland Island Bar Light, and ending at Maryland-Virginia boundary line.

(8) *Pocomoke Sound.*

	Latitude	Longitude
	° ′ ″	° ′ ″
"30B"		
Unmarked Point	37 52 21.6	75 49 07.2

(9) *Potomac River.*

	Latitude	Longitude
	° ′ ″	° ′ ″
N "14"		
Unmarked Point		76 43 40.0

(f) *Norfolk District.*

(2) *Hampton Roads and James River—(i) From Craney Island Light to Jamestown Island (South Side of River).*

	Latitude	Longitude
	° ′ ″	° ′ ″
S "192N"		
Unmarked Point 12A	37 05 24.5	76 38 40.3
C "25"		

(v) *James River, Point of Shoals Fishing Area.*

	Latitude	Longitude
	° ′ ″	° ′ ″
S "193N"		
Unmarked Point 33A	37 05 23.0	76 38 33.0
Unmarked Point 34		

(6) *York River, above King Creek.*

	Latitude	Longitude
	° ′ ″	° ′ ″
Unmarked Point 77	37 31 40.8	

(10) *West side of Chesapeake Bay North from Wolf Trap Light to Maryland-Virginia State Border.*

	Latitude	Longitude
	° ′ ″	° ′ ″
Unmarked Point 86	38 39 19.7	76 18 00.6
Unmarked Point 92	37 40 18.0	76 18 25.0

[Regs. June 29, 1962, 285/111-ENGCW-ON]
(Sec. 10, 30 Stat. 1151; 33 U.S.C. 403)

PUGET SOUND AREA, WASH.

4. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 226; 33 U.S.C. 1), § 207.750 is hereby amended revising paragraphs (a) and (b)(1) to reduce the size of the naval restricted areas at the eastern end of the Strait of Juan de Fuca and in Oak and Crescent Harbors, Washington, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.750 Puget Sound Area, Wash.

(a) *Strait of Juan de Fuca, eastern end; naval restricted area—(1) The area.* Off the westerly shore of Whidbey Island, bounded by a line commencing at N. latitude 48°18′30″, W. longitude 122°42′56″; thence approximately 312° true one mile to N. latitude 48°19′11″, W. longitude 122°44′05″; thence approximately 25° true to N. latitude 48°23′01″, W. longitude 122°41′21″; thence approximately 88° true one mile to N. latitude 48°23′01″, W. longitude 122°39′48″; thence along the shore line to the point of beginning.

(2) *The regulations.* No vessel other than naval vessels shall enter the area or navigate therein without permission of the Commandant, Thirteenth Naval District, or his authorized representative.

(b) *Oak Harbor and Crescent Harbor, Whidbey Island; naval restricted area—(1) The area.* Beginning at Point Polnell at N. latitude 48°16′21″, W. longitude 122°33′27″; thence approximately 179°, 1.3 miles through the Point Polnell buoy to N. latitude 48°15′, W. longitude 122°33′24″; thence approximately 239°, 1.3 miles to N. latitude 48°14′24″, W. longitude 122°35′; thence approximately 272°, 1.7 miles to N. latitude 48°14′30″, W. longitude 122°37′30″; thence approximately 339°, 2.45 miles to N. latitude 48°16′48″, W. longitude 122°38′50″; thence approximately 44°, 0.75 mile to the shore in Oak Harbor; thence along the high water line of Oak Harbor, Forbes Point, and Crescent Harbor to the point of beginning.

[Regs., June 28, 1962, 285/111-ENGCW-ON]
(Sec. 7, 40 Stat. 226; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, United States Army,
The Adjutant General.

[F.R. Doc. 62-7010; Filed, July 18, 1962; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 5—General Services Administration

PART 5-1—GENERAL

Subpart 5-1.3—General Policies

MISCELLANEOUS AMENDMENTS

Section 5-1.352 is added, to read as follows:

§ 5-1.352 Contract numbering.

§ 5-1.352-1 Contracts required to be numbered.

For identification and control, all contracts involving the payment of $20,000 or more in a single payment and all multiple-payment contracts, regardless of amount, shall be numbered. Contracts involving the payment of less than $20,000 in a single payment may or may not be numbered depending upon the needs of the procuring activity. In case of doubt whether the amount to be paid under a contract is more or less than $20,000 or whether more than one payment may be necessary, the contract shall be numbered.

§ 5-1.352-2 System of numbering.

(a) Contract numbers shall be placed in the space provided therefor on the contract form, or, if no such space is provided, in the upper right corner of the contract separate from all other information and identified as such.

(b) Each series of contract numbers shall be assigned by the procuring activity in numerical sequence beginning with number 1 and going through 99,999 without regard to the fiscal year. Contracts beyond 99,999 shall be assigned a new series of numbers beginning with number 1. A separate series of numbers shall be used for each type of contract or procurement program where the use of a single series of numbers by the procuring activity is impractical. Records shall be maintained by the procuring activity to insure the continuity and control of numbers assigned.

(c) Each contract number shall be prefixed by use of the symbol "GS", followed by a dash and the appropriate location and procuring activity designation set forth in paragraphs (d) and (e), of this section.

(d) The following designations shall be used to identify the Central Office or GSA region in which the procuring activity is located:

00 Central Office
01 Region 1
02 Region 2
03 Region 3
04 Region 4
05 Region 5
06 Region 6
07 Region 7
08 Region 8
09 Region 9
10 Region 10

(e) Service and staff office designations shall be used to identify the procuring activity in accordance with the following:

E Office of Finance and Administration
P Defense Materials Service
S Federal Supply Service
B Public Buildings Service
T Transportation and Communications Service
U Utilization and Disposal Service
R National Archives and Records Service

(f) An example of the general system of numbering is set forth below:

GS-02S-1

(1) The capital letters "GS" denote the General Services Administration.

(2) The designation "02" represents the location of the procuring activity (Region 2).

(3) The capital letter "S" represents the procuring service (FSS).

(4) The figure "1" represents the first contract made by the procuring activity.

(g) Each negotiated contract shall contain the symbol "NEG" inserted immediately above the contract number. Additional identification not inconsistent with that prescribed in this § 5-1.352-2 may be used if necessary for the internal control and routing of contracts and related documents. Such additional identification, if needed, should be held to the minimum consistent with adequate control of such contracts. When such additional identification is adopted by a procuring activity, notification of such action shall be furnished to the Office of Financial Management, OFA, or Office of Regional Financial Management, as appropriate.

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: July 12, 1962.

LAWSON B. KNOTT, Jr.,
Acting Administrator.

[F.R. Doc. 62-7046; Filed, July 18, 1962; 8:53 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 62-744]

PART 3—RADIO BROADCAST SERVICES

Rebroadcast

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 13th day of July 1962;

The Commission having under consideration the desirability of making certain changes in the above-captioned rules; and

It appearing that the said rules require a standard, FM, noncommercial educational FM, and television station to file with the Commission a notification and certification of authorization for the rebroadcast of another station's programs; and

It further appearing that the purpose for this requirement, evidence of prior authorization, is not appropriate for rebroadcast of State Defense Network (FM) programs, which are for the general protection of life and property; and

It further appearing that it is consonant with the public interest and orderly rule making processes to amend the said rules so that they do not apply to the rebroadcast of State Defense Network (FM) programs; and

It further appearing that the amendments adopted herein involve a general statement of policy and reflect a change of procedure and thus prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary and the amendments may become effective upon publication in the FEDERAL REGISTER; and

It further appearing that authority for the amendments adopted herein is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended;

It is ordered, That, effective July 23, 1962, §§ 3.121(b), 3.291(b), 3.591(b), and 3.655(c) are amended by adding the following sentences: "The foregoing requirements concerning notification of call letters and certification of authority shall not apply to a station when rebroadcasting Defense Network (FM) programs. (Blanket authorizations for the rebroadcast of such programs have been filed with the Commission by all Defense Network (FM) stations.)"

1. As amended, paragraph (b) of § 3.121 preceding the note reads:

§ 3.121 Rebroadcast.

* * * * *

(b) The licensee of a standard broadcast station may, without further authority of the Commission, rebroadcast the program of a United States standard or FM broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program. The foregoing requirements concerning notification of call letters and certification of authority shall not apply to a station when rebroadcasting Defense Network (FM) programs. (Blanket authorizations for the rebroadcast of such programs have been filed with the Commission by all Defense Network (FM) stations.)

2. As amended, paragraph (b) of § 3.291 preceding the note reads:

§ 3.291 Rebroadcast.

* * * * *

(b) The licensee of an FM broadcast station may, without further authority of the Commission, rebroadcast the program of a United States standard, FM or non-commercial educational FM broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program. The foregoing requirements concerning notification of call letters and certification of authority shall not apply to a station when rebroadcasting Defense Network (FM) programs. (Blanket authorizations for the rebroadcast of such programs have been filed with the Commission by all Defense Network (FM) stations.)

3. As amended, paragraph (b) of § 3.591 preceding the note reads:

§ 3.591 Rebroadcast.

* * * * *

(b) The licensee of a non-commercial educational FM broadcast station may, without further authority of the Commission, rebroadcast the program of a United States standard, FM, non-commercial educational, or international broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certified that express authority has been received from the licensee of the station originating the program. The foregoing requirements concerning notification of call letters and certification of authority shall not apply to a station when rebroadcasting Defense Network (FM) programs. (Blanket authorizations for the rebroadcast of such programs have been filed with the Commission by all Defense Network (FM) stations.)

4. As amended, paragraph (c) of § 3.655 preceding the note reads:

§ 3.655 Rebroadcast.

* * * * *

(c) No licensee of a television broadcast station shall rebroadcast the program of any United States radio station not designated in paragraph (b) of this section without written authority having first been obtained from the Commission upon application (informal) accompanied by written consent or certification of consent of the licensee of the station originating the program. The foregoing requirements concerning notification of call letters and certification of authority shall not apply to a station when rebroadcasting Defense Network (FM) programs. (Blanket authorizations for the rebroadcast of such programs have been filed with the Commission by all Defense Network (FM) stations.)

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: July 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7062; Filed, July 18, 1962; 8:56 a.m.]

[Docket No. 14447 (RM-221); FCC 62-746]

PART 3—RADIO BROADCAST SERVICES

Standard Broadcast Stations; Location of Transmitters

1. On December 15, 1961, the Commission released a notice of proposed rule making (FCC 61-1478) in the above-

captioned matter in response to a Petition for Rule Making filed by the Association of Federal Communications Consulting Engineers.

2. At present the last sentence of § 3.188(d) of the rules reads thus: "The Commission will not authorize, (1) new stations, (2) increased facilities to existing stations, or (3) auxiliary transmitters for use with other than the authorized antenna system of the main transmitter, located in such areas or utilizing roof-top antennas when the operating power would be in excess of 500 watts."

The amendment proposed in the notice consisted of adding three provisos to the aforementioned sentence in the following manner: *"Provided, however,* That after one year of operation of facilities located in such an area or utilizing roof-top antennas at a power less than 1,000 watts, the Commission may authorize their operation with a power not in excess of 1,000 watts if there is no history of serious problems of cross-modulation at a lesser power: *Provided, further,* That the licensee shall be responsible for the satisfactory adjustment of all reasonable complaints of cross-modulation interference at the increased power: *Provided, further,* That holders of construction permits or licenses for stations with power in excess of 500 watts will not be authorized to change location of facilities while retaining operating power of over 500 watts if the change will result in locating the facilities in such an area or in utilizing a roof-top antenna; this shall apply regardless of whether the existing facilities are located within or without such an area and regardless of whether they are presently using or not using roof-top antennas."

3. Comments were filed by the Association of Federal Communications Consulting Engineers, Radio Station KRMD, Independence Broadcasting Company, Inc., Indiana Broadcasting Corporation, and WNEB, Inc. No reply comments were filed. The filing parties unanimously endorse adoption of the proposed power increase to 1 kilowatt, but nearly unanimously oppose the requirement of a 1-year test period at a lower power. They point to the accumulated experience of many station operators and engineers who aver that stations using roof-top antennas or antennas located in the older parts of a city and operating with 1 kilowatt would not significantly increase cross-modulation problems. Further, the two-step procedure proposed constitutes an unwarranted expense since the distinction drawn between operating at 500 watts and 1000 watts is unrealistic.

4. The Commission has carefully considered these comments and has additionally called upon the experience of its field staff in the matter of interference problems associated with roof-top antennas or antennas located in older parts of a city. On the basis of this information the Commission is persuaded that the rule change adopted need not include a requirement that, prior to operating with 1 kilowatt, a station must have operated at the site in question for a year with lesser power and no serious cross-modulation problems. Further, that provision of the proposed rule which relates to the relocation of facilities must be modified to reflect adoption of 1 kilowatt as the maximum permitted power. We are also of the opinion that the second proviso, which pertains to adjustment of complaints, may be omitted since we believe that section 3.88 is broad enough to cover the matter.

5. We are persuaded that the public interest will be served by adopting herein a rule which incorporates the ideas expressed in the preceding paragraph, and which in one respect goes beyond it. The language of the proposal in our notice prohibited both increases and changes in location of facilities of existing stations, with certain qualifications. The rule which we adopt is couched in terms of prohibition of a "major change of facilities," a phrase broad enough to include not only increases in power and changes in location of facilities, but also certain other changes as defined in § 1.354 of the rules which we believe, on the basis of our study of this matter, should be prohibited for the purpose of controlling problems of cross modulation.

6. Authority for adoption of the rule amendments herein is contained in sections 4(i) and 303(r) of the Comunications Act of 1934, as amended.

7. *Accordingly, it is ordered,* That, effective August 20, 1962, the Commission Rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: July 13, 1962.

Released: July 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Acting Secretary.

Section 3.188(d) is amended to read:

§ 3.188 Location of transmitters.

* * * * *

(d) Particular attention must be given to avoiding cross-modulation. In this connection, attention is invited to the fact that it has been found very unsatisfactory to locate broadcast stations so that high signal intensities occur in areas with overhead electric power or telephone distribution systems and sections where the wiring and plumbing are old or improperly installed. These areas are usually found in the older sections of a city. These conditions give rise to cross-modulation interference due to the nonlinear conductivity characteristics of contacts between wiring, plumbing, or other conductors. This type of interference is independent of the selectivity characteristics of the receiver and normally can be eliminated only by correction of the condition causing the interference. Cross-modulation tends to increase with frequency and in some areas it has been found impossible to eliminate all sources of cross-modulation, resulting in an unsatisfactory condition for both licensee and listeners. The Commission will not authorize (1) new stations, (2) a major change of facilities of existing stations, (3) a change in transmitter location of an existing station, or (4) auxiliary transmitters, for use with other than the authorized antenna system of the main transmitter, if such new stations, physical facilities of existing stations after a major change, transmitters or auxiliary transmitters would be located in such areas or would utilize a roof-top antenna and the operating power would be in excess of 1000 watts.

[1] Commissioner Cross dissenting.

[F.R. Doc. 62-7063; Filed, July 18, 1962; 8:56 a.m.]

[FCC 62-719]

PART 3—RADIO BROADCAST SERVICES

PART 4—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

PART 5—EXPERIMENTAL RADIO SERVICES (OTHER THAN BROADCAST)

PART 9—AVIATION SERVICES

PART 10—PUBLIC SAFETY RADIO SERVICES

PART 11—INDUSTRIAL RADIO SERVICES

PART 12—AMATEUR RADIO SERVICE

PART 16—LAND TRANSPORTATION RADIO SERVICES

PART 19—CITIZENS RADIO SERVICE

PART 20—DISASTER COMMUNICATIONS SERVICE

Deletion of CONELRAD Plans, Rules and Manuals for Certain Radio Services

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 13th day of July 1962;

The Commission having under consideration the above-captioned matter:

It appearing that Executive Order 10312, promulgated in 1951, made the Commission responsible for the development of plans and regulations to minimize the navigational information that might be obtained during periods of imminent air attack from radio stations licensed by this Commission; and

It further appearing that the Commission has issued CONELRAD Plans and Manuals; released a number of notices of proposed rule making, and has promulgated CONELRAD rules in most of the radio services; and

It further appearing that on February 13, 1961, the Commission, on the recommendation of the National Industry Advisory Committee (NIAC) requested the Department of Defense (DOD) for a re-evaluation and re-statement of the requirements for CONELRAD; and

It further appearing that the Department of Defense, by letter dated April 23, 1962, informed the Commission that, with certain exceptions, it is no longer essential to minimize the radiation of non-Government radio transmitters so as to prevent their use as navigational aids to an enemy; and

It further appearing that deletion of CONELRAD Plans, Rules and Manuals (in several of the Radio Services) will relieve the affected Commission licensees of the responsibility for maintaining special radio equipment for receiving CONELRAD Radio Alerts; that there is no reason why the deletions should not be adopted, and that the public interest would be served thereby; and, hence, good cause exists for making the deletions; and hence that compliance with the notice, procedural and effective date provisions of section 4 of the Administrative Procedure Act is neither necessary nor appropriate.

It is ordered, That pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, Parts 5, 10, 11, 12, 16, 19, and 20 are amended as set forth, below, effective July 13, 1962.

It is further ordered, That the CONELRAD Plans and Manuals set forth below are deleted, effective July 13, 1962.

It is further ordered, That the CONELRAD Plans, Rules and Manuals affecting the following radio services are to remain in effect until further notice; the Radio Broadcast Services (§§ 3.901 through 3.980), the Experimental, Auxiliary, and Special Broadcast Services (§§ 4.51 through 4.57), and the Aviation Services (§§ 9.1201 through 9.1205).

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: July 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

A. The following sections of the Federal Communications Commission rules are deleted:

Sections 5.301 through 5.307.
Section 10.166.
Sections 11.701 through 11.707.
Sections 12.190 through 12.196.
Sections 16.601 through 16.607.
Sections 19.101 through 19.107.
Sections 20.40 through 20.46.

B. The following CONELRAD manuals are deleted:

1. FCC Request adopted September 22, 1954, to licensees of all classes of radio stations, except Standard, FM and TV broadcast stations, stations in the Aviation Radio Services and Stations in the Amateur Service to comply with interim voluntary CONELRAD plan FCC 54-1199 and FCC 54-1200, 19 F.R. 6314 (September 30, 1954).

2. FCC Voluntary CONELRAD plan for all classes of radio stations in Territory of Hawaii (FCC 56-510, 21 F.R. 3914, June 1956).

3. FCC CONELRAD Alerting Manual for All Classes of Radio Stations Except Standard, FM and TV Broadcast Stations dated May 1, 1957 (FCC Mimeo No. 44555).

4. FCC CONELRAD Manual or Guide for Experimental Radio Services, adopted June 6, 1957. (FCC Mimeo No. 45785).

5. FCC CONELRAD Manual or Guide for Public Safety Radio Services, adopted by FCC, September 26, 1956. (FCC 56-939)

6. FCC CONELRAD Manual or Guide for Industrial Radio Services, adopted by FCC November 28, 1956. (FCC 56-1202)

7. FCC CONELRAD Manual or Guide for Land Transportation Radio Services adopted by FCC November 28, 1956. (FCC 56-1201)

8. FCC CONELRAD Manual or Guide for Citizens Radio Service, adopted by FCC November 5, 1958. (FCC 58-1054)

9. FCC CONELRAD Manual for Disaster Communications Service, adopted by FCC November 5, 1958. (FCC 58-1055)

C. The following CONELRAD Plans are deleted:

1. CONELRAD Plan entitled "CONELRAD for the Experimental Radio Services" (FCC 57-40) approved by FCC January 10, 1957.

2. CONELRAD Plan for Radio Stations in the International Fixed Public Radio Communication Services (FCC 60-1227), approved by FCC October 12, 1960.

3. CONELRAD Plan entitled "CONELRAD for the Industrial Radio Service" (FCC 55-1212), approved by FCC December 7, 1955.

4. CONELRAD Plan entitled "CONELRAD for Public Safety Radio Services" (FCC 54-303), approved by FCC March 10, 1954.

5. CONELRAD Plan entitled, "CONELRAD for Amateur Radio Service" (FCC 54-680) approved by FCC June 2, 1954.

6. CONELRAD Plan entitled, "CONELRAD for the Land Transportation Radio Services" (FCC 55-874), approved by FCC August 31, 1955.

7. CONELRAD Plan entitled, "CONELRAD for the Citizens Radio Services" (FCC 55-109), approved by FCC January 27, 1955.

8. CONELRAD Plan entitled, "CONELRAD for the Disaster Communications Service" (FCC 55-1148), approved by FCC November 23, 1955.

[F.R. Doc. 62-7057; Filed, July 18, 1962; 8:55 a.m.]

[Docket No. 14423; FCC 62-724]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Frequencies Below 3000 kc/s for Safety Purposes

In the matter of amendment of Parts 7 and 8 of the Commission's rules concerning use of the frequency 2003 kc/s for safety and operational communications between ship stations and limited coast stations at causeways, bridges, waterways and similar locations, and between ship stations and U.S. Coast Guard coast stations for port security communications, Docket No. 14423.

1. A notice of proposed rule making in the above-captioned matter was released on December 14, 1961, and was published in the FEDERAL REGISTER on December 19, 1961 (26 F.R. 12144). The dates for filing comments and reply comments have passed.

2. Comments were filed by the U.S. Coast Guard (USCG), RCA Communications, Inc. (RCAC), William N. Krebs, Lake Carriers Association (LCA), and Commodore E. M. Webster (Ret.). Reply comments were filed by USCG.

3. RCAC stated that the proposed rules do not contain safeguards which will insure that the scope of communications of limited coast stations established under the proposed rule and ship stations would be confined to safety and navigational communications. In this proceeding, as in Docket No. 14160, where RCAC expressed the same concern, the Commission is of the opinion that, were the rules to be adopted as proposed, the establishment of an additional class of coast station would serve no useful purpose, since the rules and the station license of the limited coast station would specifically state the types of communications permitted.

4. In opposition to the proposed use of 2003 kc/s at bridges, etc., LCA stated that if a new communication function is of a short range nature, then, even though it may be important to safety and navigation, it becomes the responsibility of the Commission to allocate it to the VHF system. LCA further asserted that its Navigation Committee, which is composed of experienced navigating officers of Great Lakes vessels, is of the opinion that 2003 kc/s should not be authorized for use at bridges, waterways, causeways and similar locations because of the long-distance interference now experienced on 2003 kc/s and the heavy traffic load on that frequency. LCA also made reference to already established rules for visual and audio signals between ships and bridges which, it stated, must, as a matter of law, be observed. With respect to the latter, however, it is not clear that the Navigating Committee considers these signals entirely adequate.

5. Commodore Webster's sole concern was the protection of 2003 kc/s which is used by the United States and Canada on the Great Lakes primarily for intership communication.

6. Mr. Krebs opposed the proposed use of 2003 kc/s by limited coast stations and referred to the fact that 2003 kc/s is the frequency "* * * designated in common agreement by the Contracting Governments for use primarily for intership radiotelephone communication on the Great Lakes" pursuant to the Regulations annexed to the Great Lakes Agreement (GLA). He further stated that the use of this frequency, together with 2182 kc/s, represents the basic means to provide and assure the contemplated safety benefits of that Agreement and that the GLA does not require the installation of any radio station on land. Although these statements are true, it is to be noted that the commonly-designated frequency (2003 kc/s), by the terms of GLA, is not solely an intership frequency, but primarily an intership frequency. That this distinction has been recognized in the past is evidenced by mutual agreement between Canada and the United States that 2003 kc/s could be used at coast stations in the St. Lawrence Seaway and St. Mary's River for communications relating to the passage of vessels. Moreover, the Commission's rules, since the entry into force of the GLA in 1954, have permitted other than intership safety communication on 2003 kc/s upon the condition that interference is not caused to safety communication.

7. Mr. Krebs suggested that 2009, 2031. 2031.5, 2638, 2738 kc/s or a 2 Mc/s duplex public correspondence pair in use outside the Great Lakes area be used in lieu of 2003 kc/s. Of the suggested frequencies, 2638 kc/s is the only one presently available for assignment on the

Great Lakes. It appears that the use of it for the purpose proposed would not be particularly beneficial in that it is understood that 2638 kc/s on the Great Lakes has not been generally installed by all vessels, but rather by some pleasure boats. The allocation of a substitute frequency, whether or not now available on the Great Lakes, would serve no useful purpose if ship transmitters do not have the capability of adding another channel to those presently in use. It is likely that the radios on the vessels affected by the proposal already have the maximum number of channels installed. Hence, the proposal sought to utilize a fairly universally-installed channel, rather than to suggest a frequency which was not presently used or feasible to install. Perhaps the reason the Coast Guard has not enjoyed much success in implementing usage of the Coast Guard frequency 2670 kc/s is that the radio equipment on Great Lakes vessels simply cannot accommodate another frequency.

8. Except for the general concurrence of the USCG, no affirmative response was made to the Commission's proposal to make 2003 kc/s available at bridges, causeways, etc. On the contrary, LCA objected to this aspect of the proposal and there was an absence of comments from traffic agencies or the like or from vessel owners or operators. Therefore, contrary to the Commission's expectations when the proposal was issued, it appears that there is no general requirement for the use of 2003 kc/s at bridges, etc., on the Great Lakes, and, accordingly, that portion of the Commission's proposal is hereby withdrawn.

9. As mentioned in the proposal, the Commission had received a request for rule waiver. This request was filed by Michigan State Highway Department and asked that § 7.365 be waived to allow use of 2003 kc/s at a limited coast station to be established at a bridge near Hancock, Michigan. Michigan has shown that use of VHF is ineffectual in that, out of sixty attempts on VHF, only one contact was made on 156.8 Mc/s. Michigan needs the radio communications when vessels must be advised of a necessary delay in lifting the bridge for their passage (the bridge carries railroad traffic as well as highway traffic). It is obvious that should an emergency situation arise wherein radio communication might help prevent property damage, or possible loss of life, VHF cannot be assumed to be adequate. The Commission believes that safety considerations preponderate in the situation at the Houghton-Hancock bridge and the objections of LCA must give way to them. Hence, the waiver will be granted. In addition, the Commission, on its own motion, will waive the companion rule in Part 8 which will allow vessels to communicate, on a non-interference basis to intership safety communications on 2003 kc/s on the Great Lakes, with the radio station at the bridge. The authorization issued to Michigan, pursuant to the waiver, will contain restrictions designed to protect the intership safety use of 2003 kc/s. These conditions are: (1) Power limitation of 50 watts; (2) limitation on use of 2003 kc/s to those instances where contact cannot be established on VHF; and (3) non-interference basis to intership safety communications on 2003 kc/s on the Great Lakes.

10. The only specific objection to the proposal to permit the use of 2003 kc/s for communications with U.S. Coast Guard coast stations was raised by Mr. Krebs and directed to the absence of a procedure to prevent interference or delay to intership safety communication. The rules, as proposed, included the condition that the use of 2003 kc/s for communications with the Coast Guard is authorized provided harmful interference will not be caused to intership communications. The inclusion in the rules of a precise procedure to be followed to prevent such interference is impractical. This objective must be obtained through the operating discipline of the U.S. Coast Guard. The amendment with respect to the use of 2003 kc/s for communication with the Coast Guard will serve the public interest, convenience and necessity and is herein finalized as proposed.

11. Pursuant to the authority contained in section 303 (b), (c), (f), and (r) of the Communications Act of 1934, as amended: *It is ordered*, That, effective August 20, 1962, Part 8 of the Commission's rules is amended as set forth below; and

It is further ordered, That the request for waiver of § 7.365 of the rules, filed by Michigan State Highway Department, is granted; and

It is further ordered, That § 8.362 of the rules is waived to permit ship stations to transmit safety of navigation communications on 2003 kc/s to the limited coast station near Hancock, Michigan, licensed to Michigan State Highway Department on condition that interference will not be caused to intership safety communications.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: July 13, 1962.

Released: July 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Part 8 is amended as follows:

In § 8.358, a new paragraph (d) is added as follows:

§ 8.358 Frequencies below 3000 kc/s for safety purposes.

* * * * *

(d) The frequency 2003 kc/s is authorized for use by ship stations on the Great Lakes for communication with United States Coast Guard coast stations concerning port security when the vessel is not equipped to transmit on 2670 kc/s or a suitable frequency in the band 156 to 174 Mc/s. Such use is authorized on condition that harmful interference will not be caused to any ship-to-ship communications authorized in paragraph (a) of this section.

[F.R. Doc. 62-7061; Filed, July 18, 1962; 8:56 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—AID TO FISHERIES

PART 250—FISHERIES LOAN FUND PROCEDURES

Revision of Procedures

On page 4517 of the FEDERAL REGISTER of May 11, 1962, there was published a notice and text of a proposed revision of Part 250. The purpose of the revision is to provide for procedural changes necessitated by transfer of certain acts formerly performed by the Small Business Administration to the Department of the Interior, to clarify the meaning of several sections, and to provide published standards that insurance underwriters furnishing insurance on property serving as collateral for a fisheries loan must meet. Due to the numerous changes being proposed, the procedures will be more readily understood if the entire part is revised.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed revision. Two suggestions were received and have been considered in connection with the proposed revision. The proposed revision is hereby adopted with minor editorial changes and is set forth below. This revision shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

Part 250 is revised to read as follows:

Sec.
250.1 Definition of terms.
250.2 Purposes of loan fund.
250.3 Interpretation of loan authorization.
250.4 Qualified loan applicants.
250.5 Basic limitations.
250.6 Applications.
250.7 Processing of loan applications.
250.8 Approval of loans.
250.9 Interest.
250.10 Maturity.
250.11 Security.
250.12 Books, records, and reports.
250.13 Insurance required.
250.14 Penalties on default.

AUTHORITY: §§ 250.1 to 250.14 issued under sec. 4, 70 Stat. 1121; 16 U.S.C. 742c.

§ 250.1 Definition of terms.

For the purposes of this part, the following terms shall be construed, respectively, to mean and to include:

(a) *Secretary.* The Secretary of the Interior or his authorized representative.

(b) *Person.* Individual, association, partnership or corporation, any one or all as the context requires.

(c) *State.* Any State; the Territories and possessions of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

§ 250.2 Purposes of loan fund.

The broad objective of the fisheries loan fund created by the Fish and Wildlife Act of 1956 is to provide financial assistance which will aid the commercial fishing industry to bring about a general upgrading of the condition of both fishing vessels and fishing gear thereby contributing to more efficient and profitable fishing operations.

(a) Under section 4 of the act, the Secretary is authorized, among other things:

(1) To make loans for financing and refinancing of operations, maintenance, replacement, repair and equipment of fishing gear and vessels, and for research into the basic problems of fisheries.

(2) Subject to the specific limitations in the section, to consent to the modification, with respect to the rate of interest, time of payment of any installment of principal, or security, of any loan contract to which he is a party.

(b) All financial assistance granted by the Secretary must be for one or more of the purposes set forth in paragraph (a) of this section.

§ 250.3 Interpretation of loan authorization.

The terms used in the act to describe the purposes for which loans may be granted are construed to be limited to the meanings ascribed in this section.

(a) *Operation of fishing gear and vessels.* The words "operation of fishing gear and vessels" mean and include all phases of activity directly associated with the catching of fish and shellfish for commercial purposes, except the construction of new vessels.

(b) *Maintenance of fishing gear and vessels.* The words "maintenance of fishing gear and vessels" mean the normal and routine upkeep of all parts of fishing gear and fishing vessels, including machinery and equipment.

(c) *Replacement of fishing gear and vessels.* The words "replacement of fishing gear and vessels" contemplate the purchase of fishing gear or equipment, parts, machinery, or other items incident to outfitting for fishing to replace lost, damaged, worn, obsolete, inefficient or discarded items of a similar nature, or the purchase or construction of a fishing vessel to operate the same type of fishing gear as a comparable vessel which has been lost, destroyed or abandoned or has become obsolete or inefficient. Any vessel lost, destroyed or abandoned more than two years prior to the date of receipt of the application shall not be considered eligible for replacement. In order to be eligible for replacement an obsolete or inefficient vessel must be permanently removed from commercial fishing, and if sold, must be sold subject to an agreement that it will not reenter the commercial fishery.

(d) *Repair of fishing gear and vessels.* The words "repair of fishing gear and vessels" mean the restoration of any worn or damaged part of fishing gear or fishing vessels to an efficient operating condition.

(e) *Equipment of fishing gear and vessels.* The words "equipment of fishing gear and vessels" mean the parts, machinery, or other items incident to outfitting for fishing which are purchased for use in fishing operations.

(f) *Research into the basic problems of fisheries.* The words "research into the basic problems of fisheries" mean investigation or experimentation designed to lead to fundamental improvements in the capture or landing of fish conducted as an integral part of vessel or gear operations.

§ 250.4 Qualified loan applicants.

(a) Any person residing or conducting business in any State shall be deemed to be a qualified applicant for financial assistance if such person:

(1) Owns a commercial fishing vessel of United States registry (if registration is required) used, or to be used, directly in the conduct of fishing operations, irrespective of the type, size, power, or other characteristics of such vessel;

(2) Owns any type of commercial fishing gear used directly in the catching of fish or shellfish;

(3) Owns any property, equipment, or facilities useful in conducting research into the basic problems of fisheries or possesses scientific, technological or other skills useful in conducting such research;

(4) Is a fishery marketing cooperative engaged in marketing all catches of fish or shellfish by its members pursuant to contractual or other enforceable arrangements which empower the cooperative to exercise full control over the conditions of sale of all such catches and disburse the proceeds from all such sales.

(b) Applications for financial assistance cannot be considered if the loan is to be used for:

(1) Any phase of a shore operation.

(2) Refinancing existing loans that are not secured by the fishing vessel or gear, or debts which are not maritime liens within the meaning of subsection P of the Ship Mortgage Act of 1920, as amended (46 U.S.C. 971).

(3) Refinancing existing mortgages or secured loans on fishing vessels and gear, or debts secured by maritime liens, except in those instances where the Secretary deems such refinancing to be desirable in carrying out the purpose of the Act.

(4) (i) Effecting any change in ownership of a fishing vessel (except for replacement of a vessel or purchase of the interest of a deceased partner), (ii) replenishing working capital used for such purpose or (iii) liquidating a mortgage given for such purpose less than 2 years prior to the date of receipt of the application.

(5) Replacement of fishing gear or vessels where the applicant or applicants owned less than a 20-percent interest in said fishing gear or vessel to be replaced or owned less than 20-percent interest in a corporation owning said fishing gear or vessel: *Provided*, That applications for a replacement loan by an eligible applicant cannot be considered unless and until the remaining owners or shareholders shall agree in writing that they will not apply for a replacement loan on the same fishing gear or vessel.

(6) Repair of fishing gear or vessels where such fishing gear or vessels are not offered as collateral for the loan by the applicant.

(7) Financing a new business venture in which the controlling interest is owned by a person or persons who are not currently engaged in commercial fishing.

§ 250.5 Basic limitations.

Applications for financial assistance may be considered only where there is evidence that the credit applied for is not otherwise available on reasonable terms (a) from applicant's bank of account, (b) from the disposal at a fair price of assets not required by the applicant in the conduct of his business or not reasonably necessary to its potential growth, (c) through use of the personal credit and/or resources of the owner, partners, management, affiliates or principal stockholders of the applicant, or (d) from other known sources of credit. The financial assistance applied for shall be deemed to be otherwise available on reasonable terms unless it is satisfactorily demonstrated that proof of refusal of the desired credit has been obtained from the applicant's bank of account: *Provided*, That if the amount of the loan applied for is in excess of the legal lending limit of the applicant's bank or in excess of the amount that the bank normally lends to any one borrower, then proof of refusal should be obtained from a correspondent bank or from any other lending institution whose lending capacity is adequate to cover the loan applied for. Proof of refusal of the credit applied for must contain the date, amount, and terms requested. Bank refusals to advance credit will not be considered the full test of unavailability of credit and, where there is knowledge or reason to believe that credit is otherwise available on reasonable terms from sources other than such banks, the credit applied for cannot be granted notwithstanding the receipt of written refusals from such banks.

§ 250.6 Application.

Any person desiring financial assistance from the fisheries loan fund shall make application to the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington 25, D.C., on a loan application form furnished by that Bureau except that, in the discretion of the Secretary, an application made other than by use of the prescribed form may be considered if the application contains information deemed to be sufficient. Such application shall indicate the purposes for which the loan is to be used, the period of the loan, and the security to be offered.

§ 250.7 Processing of loan applications.

If it is determined, on the basis of a preliminary review, that the application is complete and appears to be in conformity with established rules and procedures, a field examination shall be made. Following completion of the field investigation the application will be forwarded with an appropriate report to the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington 25, D.C.

§ 250.8 Approval of loans.

The Secretary will evidence his approval of the loan by issuing a loan au-

thorization covering the terms and conditions for making the loan. Documents executed in connection with a loan shall be in a form approved by the Secretary. Any modification of the terms of a loan following its execution must be agreed to in writing by the borrower and the Secretary.

§ 250.9 Interest.

The rate of interest on all loans which may be granted is fixed at 5 percent per annum.

§ 250.10 Maturity.

The period of maturity of any loan which may be granted shall be determined and fixed according to the circumstances but in no event shall the date of maturity so fixed exceed a period of 10 years.

§ 250.11 Security.

Loans shall be approved only upon the furnishing of such security or other reasonable assurance of repayment as the Secretary may require. The proposed collateral for a loan must be of such a nature that, when considered with the integrity and ability of the management, and the applicant's past and prospective earnings, repayment of the loan will be reasonably assured.

§ 250.12 Books, records, and reports.

The Secretary shall have the right to inspect such books and records of the applicant as the Secretary may deem necessary. Disbursements on a loan made under this part shall be made only upon the agreement of the loan applicant to maintain proper books of account and to submit such periodic reports as may be required by the Secretary during the period of the loan. During such period, the books and records of the loan applicant shall be made available at all reasonable times for inspection by the Secretary.

§ 250.13 Insurance required.

(a) If insurance of any type is required on property under the terms of a loan authorization or mortgage it must be in a form approved by the Secretary and obtained from an underwriter satisfactory to the Secretary and meeting at least one of the following requirements:

(1) An underwriter licensed by an insurance regulatory agency of a State to write the particular form of insurance being written.

(2) A foreign insurance company or club operating in the United States that has deposited funds in an amount and manner satisfactory to the Secretary in a bank chartered under the laws of a State or the United States of America, or in a trust fund satisfactory to the Secretary, which funds are solely for the payment of insurance claims of United States vessels.

(3) A reciprocal or interinsurance exchange licensed by an insurance regulatory agency of a State to write the particular form of insurance being written.

(4) An insurance pool composed entirely of owners and operators of fishing vessels.

(b) Any underwriter (including a company, club, or pool) writing such insurance shall furnish such reasonable financial or operating data as the Secretary may require to determine the standing and responsibility of said underwriter.

§ 250.14 Penalties on default.

Unless otherwise provided in the loan documents, failure on the part of a borrower to conform to the terms of the loan documents will be deemed grounds upon which the Secretary may cause any one or all of the following steps to be taken:

(a) Discontinue any further disbursements of funds contemplated by the loan documents.

(b) Take possession of any or all collateral given as security and the property purchased with borrowed funds.

(c) Prosecute legal action against the borrower.

(d) Declare the entire amount of the loan immediately due and payable.

(e) Prevent further disbursement of any funds remaining under his control.

STEWART L. UDALL,
Secretary of the Interior.

JULY 12, 1962.

[F.R. Doc. 62-7023; Filed, July 18, 1962, 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 929]

[Docket No. AO-341]

HANDLING OF CRANBERRIES GROWN IN MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND, NEW YORK

Decision With Respect to a Proposed Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Wareham, Massachusetts, on March 26-28, 1962; and continued at Mt. Holly, New Jersey, on March 30, 1962; at Wisconsin Rapids, Wisconsin, on April 2, 1962; and at Grayland, Washington, on April 5, 1962, after notice thereof published in the FEDERAL REGISTER (27 F.R. 2118), on a proposed marketing agreement and order for regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

On the basis of the evidence introduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed on June 15, 1962, with the Hearing Clerk, United States Department of Agriculture. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 62-6017; 27 F.R. 5798).

Rulings on exceptions. Exceptions to the recommended decision were filed by (a) Vinton N. Thompson, Agent, The Birches Cranberry Company, Vincentown, N.J., (b) George T. Finnegan, Ropes and Gray, Attorneys, on behalf of Ocean Spray Cranberries, Inc., and (c) Blair L. Perry, Hale and Dorr, Attorneys, on behalf of Decas Cranberry Company, Inc., Decas Brothers Sales Company, Inc., and Peter A. LeSage, doing business as PALS Cranberries. All of the exceptions were carefully and fully considered in conjunction with the record evidence and the recommended decision (including the rulings), in arriving at the findings and conclusions set forth in this decision. Rulings on certain of the exceptions are hereinafter set forth in connection with the findings and conclusions in this decision. To the extent that any exception is not specifically ruled on and is at variance with the findings, conclusions, and actions decided upon in this decision, such exception is denied for the reasons and on the basis of the findings and conclusions and rulings relating thereto.

Findings and conclusions. The material issues, findings and conclusions, rulings and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 62-6017; 27 F.R. 5798) are hereby approved and adopted as the material issues, findings and conclusions, rulings, and the general findings of this decision as if set forth in full herein, except as they may be modified by the additional findings and conclusions hereinafter set forth:

(a) Exception was taken to the definition, in § 929.11 of the recommended marketing agreement and order, of the term "to can, freeze, or dehydrate" on the basis that language used—"to convert cranberries into canned, frozen, or dehydrated cranberries or other cranberry products by any commercial process"—might be interpreted as excluding products such as bottled cranberry juice, or cranberry-orange marmalade of which only one ingredient is cranberries. "Canning" is a process of preserving foodstuffs, by the application of heat, in hermetically sealed containers, and the type of container used (can, bottle, or jar) is not the determining factor. This is the commonly accepted meaning of the term "canning" and it is so used throughout the food processing industry. The definition set forth in § 929.11 should be construed in this manner. Further, as shown by the record, any product containing some form of cranberries as one of its ingredients would be included within the scope of such definition. Therefore, it does not appear necessary to revise the provisions of said § 929.11; and the request to modify the language of such section is denied.

(b) Exception was taken to the findings and conclusions of the recommended decision pertaining to the proposal, made during the course of the hearing, to require handlers having an inventory of cranberries or cranberry products at the start of any fiscal period to withhold from handling a quantity of fresh cranberries equivalent to that in inventory in addition to the quantity to be withheld on the basis of the restricted percentage fixed for the particular crop. It is asserted that the findings and conclusions in this connection failed to take into account the possibility of fixing an inventory date at any time before the effective date of the order. However, the proposal, as presented at the hearing, would have applied to inventories at the start of each fiscal period, not to the initial fiscal period only. It is difficult, therefore, to understand how an inventory date prior to the effective date of the order could be used to implement the proposal, particularly as there is no suggestion in the record of using any date other than the start of each fiscal year. Further, the witness who offered this proposal, and the only one who testified thereon, admitted it would be possible for handlers having an inventory to manufacture such inventory into canned products and move it at reduced prices into marketing channels prior to the inventory date so as to avoid the proposed added withholding requirements and thereby create a disorderly market. The exception is denied.

(c) Exception was taken to the provision in § 929.56(b) of the recommended marketing agreement and order that any funds received by the committee from cranberries disposed of under such section which are in excess of the costs incurred in making such disposition are to be distributed to all handlers in the manner specified therein. This exception is granted and, accordingly, the last sentence in § 929.56(b) of the recommended marketing agreement and order is deleted. It is evident from the evidence in the record of the hearing that for some time, at least, the funds that the committee may have in this connection which are in excess of the costs incurred will be very small and the costs of distributing such funds to all handlers probably would be greater than warranted. In any event, if it later develops that the committee has accumulated such funds in an amount which would require a determination as to their disposition, the committee has the authority to establish, with the approval of the Secretary, the rules under which such funds would be disposed of.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York," and "Order Regulating the Handling of Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The aforesaid marketing agreement and order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders, have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), it is hereby directed that referenda be conducted:

(1) Among the producers who, during the period July 1, 1960, through June 30, 1962 (which period is hereby determined to be a representative period for the purpose of such referenda), were engaged in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York in the production of cranberries for market; and

(2) Among processors who, during the aforesaid representative period, canned or froze within the production area cranberries for market;

to ascertain whether such producers and and processors favor the issuance of the said annexed order regulating the handling of cranberries.

George B. Dever, Jr., and Clyde C. Miller, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., are hereby designated agents of the Secretary of Agriculture to conduct said referenda severally or jointly.

The procedure applicable to the referendum of producers shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and Its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F.R. 5176), except that subparagraph (3) of paragraph (a) thereof is hereby modified for the purposes of this referendum to read as follows:

(3) Any individual casting a ballot in such referendum on behalf of a producer shall submit, with the ballot, evidence of his authority to cast such ballot, which evidence in the case of a corporation or a cooperative association shall be in the form of a certified copy of a resolution of the Board of Directors: *Provided*, That corporations, other than cooperative associations, casting a ballot in such referendum, need not furnish the aforesaid resolution if the person signing said ballot on behalf of the corporation executes the following certification: I hereby certify that I am an officer or employee of the corporate producer for whom this ballot is cast, and that I have authority to take such action on its behalf.

The procedure applicable to the referendum of processors shall be the same as that for producers, with the following exceptions: Substitute the following for subparagraphs (1), (2), and (3) of paragraph (a):

(1) "Processor" means any individual, partnership, corporation, association, or other business unit who or which is engaged, within the production area, in canning or freezing fresh cranberries for market.

(2) Each processor shall be entitled to one vote in such referendum, and each ballot cast by or on behalf of a processor shall reflect the total volume of fresh cranberries canned or frozen within the production area by such processor during the representative period determined by the Secretary.

(3) Any individual casting a ballot in such referendum on behalf of a processor shall submit, with the ballot, evidence of his authority to cast such ballot, which evidence in the case of a corporation or cooperative association shall be in the form of a certified copy of a resolution of the Board of Directors.

In paragraphs (c) and (d), wherever the words "producer" or "producers" appear, substitute therefor the words "processor" or "processors," respectively. In subparagraph (1) of paragraph (c), substitute the words "canning or freezing for market" for the words "production for market." In subparagraph (5) of paragraph (c), eliminate the words "and the aforesaid cooperative associations"; and in subparagraph (6), eliminate the words "each such cooperative association and."

The ballots used in each such referendum shall contain a summary describing the terms and conditions of the proposed order.

Copies of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or appointee.

It is hereby ordered, That all of this decision, except the annexed agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the annexed order which will be published with this decision.

Dated: July 16, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

Order[1] Regulating the Handling of Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York

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AUTHORITY: §§ 929.0 to 929.75, issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 929.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure, as amended, effective thereunder (7 CFR Part 900), a public hearing was held at Wareham, Massachusetts, on March 26–28, 1962, and continued at Mt. Holly, New Jersey, on March 30, 1962; at Wisconsin Rapids, Wisconsin, on April 2, 1962; and at Grayland, Washington, on April 5, 1962, upon a proposed marketing agreement and a proposed marketing order regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) This order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This order regulates the handling of cranberries grown in the production area in same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) This order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of cranberries grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of cranberries grown in the production area, as defined in the order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, the handling of cranberries grown in the said production area shall be in conformity to, and in compliance with, the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 929.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 929.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 929.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 929.4 Production area.

"Production area" means the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York.

§ 929.5 Cranberries.

"Cranberries" means all varieties of the fruit Vaccinium Macrocarpon, known as cranberries, grown in the production area.

§ 929.6 Fiscal period.

"Fiscal period" is synonymous with fiscal year and means the 12-month period beginning on August 1 of one year and ending on the last day of July of the following year.

§ 929.7 Committee.

"Committee" means the Cranberry Marketing Committee established pursuant to § 929.20.

§ 929.8 Grower.

"Grower" is synonymous with producer and means any person who produces cranberries for market and who has a proprietary interest therein.

§ 929.9 Handler.

"Handler" means any person who handles cranberries.

§ 929.10 Handle.

"Handle" means (a) to can, freeze, or dehydrate cranberries within the production area, or (b) to sell, consign, deliver, or transport (except as a common or contract carrier of cranberries owned by another person) fresh cranberries, or in any other way to place fresh cranberries, in the current of commerce between the production area and any point outside thereof in the United States or Canada or within the production area: *Provided*, That the term "handle" shall not include (1) the sale of unharvested cranberries, (2) the delivery of cranberries by the grower thereof to a handler having packing or processing facilities located within the production area, nor (3) the transportation of cranberries from the bog where grown to a packing or processing facility, located within the production area.

§ 929.11 To can, freeze, or dehydrate.

"To can, freeze, or dehydrate" means to convert cranberries into canned, frozen, or dehydrated cranberries or other cranberry products by any commercial process.

§ 929.12 Acquire.

"Acquire" means to obtain cranberries by any means whatsoever for the purpose of handling such cranberries.

ADMINISTRATIVE BODY

§ 929.20 Establishment and membership.

There is hereby established a Cranberry Marketing Committee consisting of seven members, each of whom shall have an alternate. All members and their alternates shall be growers or employees, agents, or duly authorized representatives of growers. Each of the following subdivisions of the production area shall be represented by at least one member and one alternate member, each of whom shall be a grower, or an employee, agent, or duly authorized representative of a grower, in the designated district of the production area:

(a) District 1: The States of Massachusetts, Rhode Island and Connecticut;

(b) District 2: The State of New Jersey and Long Island in the State of New York;

(c) District 3: The States of Wisconsin, Michigan, and Minnesota; and

(d) District 4: The States of Oregon and Washington.

§ 929.21 Term of office.

The term of office of each member and alternate member of the committee shall be for two years beginning August 1 and ending on the last day of July. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

§ 929.22 Nomination.

(a) *Initial members.* Nominations for each of the initial members and alternate members may be submitted, not later than 10 days after the effective date of this part, to the Secretary by individual growers or groups of growers.

(b) *Successor members.* (1) Any cooperative marketing organization that handled more than two-thirds of the total volume of cranberries produced during the fiscal period during which nominations for membership on the committee are made, or the growers affiliated therewith, shall nominate eight qualified persons for four members and eight qualified persons for four alternate members of the committee. At least two such nominees for a member and two such nominees for an alternate member shall represent growers in the State of Oregon and the State of Washington. The names and addresses of such nominees shall be submitted to the Secretary not later than July 15 of each even-numbered year.

(2) The committee shall hold or cause to be held, not later than July 1 of each even-numbered year, meetings of the growers in Districts 1, 2, and 3, other than those affiliated with the cooperative marketing organization designated in subparagraph (1) of this paragraph, to elect nominees for member and for alternate member positions on the committee. The growers in each such district who are present at the meeting shall nominate two qualified persons for a member and two qualified persons for an alternate member of the committee. The names and addresses of such nominees shall be submitted to the Secretary not later than July 15 of each even-numbered year. The committee shall prescribe such procedure for the conduct of the nomination meetings as shall be fair to all persons concerned.

(3) Growers shall only participate in the nomination of members and alternate members to represent the district in which they produce cranberries.

(4) When voting for nominees, each grower shall be entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives for each position to be filled.

§ 929.23 Selection.

(a) *Initial members.* From the nominations made pursuant to § 929.22(a), or from other qualified persons, the Secretary shall select the initial members of the committee and an alternate for each such member on the basis of the representation provided for in § 929.20 and in paragraph (b) of this section.

(b) *Successor members.* From the nominations made pursuant to § 929.22 (b)(1), the Secretary shall select four members of the committee and an alternate for each such member. From the nominations made pursuant to § 929.22 (b)(2), the Secretary shall select three

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

members of the committee and an alternate for each such member.

§ 929.24 Failure to nominate.

If nominations are not made within the time and in the manner prescribed in § 929.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of representation provided for in §§ 929.20 and 929.23.

§ 929.25 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 929.26 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 929.22 and 929.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in §§ 929.20 and 929.23.

§ 929.27 Alternate members.

An alternate member of the committee, during the absence of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the committee may designate any other alternate member to serve in such member's place and stead at that meeting: *Provided*, That not more than four members and alternate members selected from those nominated pursuant to § 929.22(b)(1) shall serve as members at the same meeting.

§ 929.30 Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 929.31 Duties.

The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary and to determine the compensation and to define the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal period a budget for such fiscal period, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such period;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a competent public accountant at least once each fiscal year and at such times as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to cranberries;

(i) To submit to the Secretary the same notice of meetings of the committee as is given to its members;

(j) To submit to the Secretary such available information as he may request; and

(k) To investigate compliance with the provisions of this part.

§ 929.32 Procedure.

(a) Five members of the committee, or alternates acting for members, shall constitute a quorum and any action of the committee shall require at least five concurring votes.

(b) The committee may vote by telephone, telegraph, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held, all votes shall be cast in person.

(c) All assembled meetings of the committee shall be open to growers and handlers. The committee shall publish notice of such meetings in such newspapers as it deems appropriate and shall mail notice of such meetings to each grower and handler who has filed his name and address with the committee for such purpose.

§ 929.33 Expenses and compensation.

The members of the committee, and alternates when acting as members, shall serve without compensation but shall be reimbursed for necessary expenses, as approved by the committee, incurred by them in the performance of their duties under this part. The committee at its discretion may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses, as aforesaid.

EXPENSES AND ASSESSMENTS

§ 929.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions hereof. The funds to cover such expenses shall be paid to the committee by handlers in the manner prescribed in § 929.41.

§ 929.41 Assessments.

(a) As his pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee during a fiscal period, each handler shall pay to the committee, upon demand, assessments on all cranberries he handles as the first handler thereof, during such period, except as provided in § 929.55. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each handler during a fiscal period in an amount designed to secure sufficient funds to cover the expenses which may be incurred during such period and to accumulate and maintain a reserve fund equal to approximately one fiscal period's expenses. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all cranberries handled during the applicable fiscal period. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal period before sufficient operating income is available from assessments, the committee may accept the payment of assessments in advance, and may also borrow money for such purposes.

§ 929.42 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, the committee, with the approval of the Secretary, may carryover such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve do not exceed approximately one fiscal period's expenses. Such reserve funds may be used (1) to cover any expenses authorized by this part and (2) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, it shall be refunded proportionately to the handlers from whom the excess was collected. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate; *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

RESEARCH

§ 929.45 Marketing research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of cranberries. The expense of such projects shall be paid from funds collected pursuant to § 929.41.

REGULATIONS

§ 929.50 Marketing policy.

Each season prior to making any recommendations pursuant to § 929.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing marketing season. Such marketing policy report shall contain information relating to:

(a) The estimated total production of cranberries;

(b) The expected general quality of such cranberry production;

(c) The expected carryover, as of September 1, of frozen cranberries and other cranberry products;

(d) The expected demand conditions for cranberries in different market outlets;

(e) Supplies of competing commodities;

(f) Trend and level of consumer income;

(g) Other factors having a bearing on the marketing of cranberries; and

(h) The regulation expected to be recommended during the marketing season.

§ 929.51 Recommendations for regulation.

(a) Whenever the committee deems it advisable to regulate the handling of cranberries in the manner provided in § 929.52, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply of and demand for cranberries during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

§ 929.52 Issuance of regulations.

(a) The Secretary shall regulate, in the manner specified in this section, the handling of cranberries whenever he finds, from the recommendations and information submitted by the committee, or from other available information, that such regulation will tend to effectuate the declared policy of the act. Such regulation shall limit the total quantity of cranberries which may be handled during any fiscal period by fixing the free and restricted percentages, which percentages shall be applied to cranberries acquired during such fiscal period in accordance with § 929.54.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give notice thereof to handlers.

§ 929.53 Modification, suspension, or termination of regulations.

(a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 929.52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation: *Provided*, That no such modification shall increase the restricted percentage previously established for the then current fiscal year. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation.

§ 929.54 Withholding.

(a) Whenever the Secretary has fixed the free and restricted percentages for any fiscal period, as provided for in § 929.52(a), each handler shall withhold from handling a portion of the cranberries he acquires during such period: *Provided*, That such withholding requirement shall not apply to the acquisition of any lot of cranberries for which such withholding requirement previously has been met by another handler in accordance with § 929.55. The withheld portion shall be equal to the sum of the products obtained by multiplying the quantity of screened cranberries in each lot of cranberries acquired during the fiscal period by the restricted percentage fixed by the Secretary. The committee, with the approval of the Secretary, shall prescribe uniform rules to be followed in determining the quantity of screened cranberries in each lot of unscreened cranberries.

(b) The date during each fiscal period when handlers shall have met the withholding requirements specified in paragraph (a) of this section shall be fixed by the Secretary.

(c) Withheld cranberries shall meet such standards of grade, size, quality, or condition as the committee, with the approval of the Secretary, may prescribe. All such cranberries shall be inspected by the Federal or Federal-State Inspection Service. A certificate of such inspection shall be issued which shall show, among other things, the name and address of the handler, the number and type of containers in the lot, the location where the lot is stored, identification marks, including lot stamp, if used, and a certification of the quantity of cranberries in such lot that meet the prescribed standards. Promptly after inspection and certification, each such handler shall submit, or cause to be submitted, to the committee at the place designated by the committee a copy of the certificate of inspection issued with respect to such cranberries.

§ 929.55 Interhandler transfers.

Transfers of cranberries from one handler to another may be made upon prior notice to the committee. If such transfer is between handlers who have packing or processing facilities located within the production area, the assessment and withholding obligations provided under this part shall be assumed by the handler who agrees to meet such obligation. If such transfer is to a handler whose packing or processing facilities are outside the production area, such assessment and withholding obligations shall be met by the handler within the production area.

§ 929.56 Special provisions relating to withheld (restricted) cranberries.

(a) Any handler may make a written request to the committee for the release of all or part of the cranberries he has withheld from handling pursuant to § 929.54. Such request shall state the quantity of cranberries covered by the request, the amount per barrel he will deposit with the committee for it to purchase cranberries to replace those for which release is requested; and such other information as the committee may prescribe. It shall be accompanied by a certification that such deposit will be paid upon demand of the committee, and that such cranberries will be disposed of only in the market outlet specified in the request. If the committee determines that the amount to be deposited is not lower than the then current market price for unrestricted cranberries for use in such market outlet, it shall release to such handler the quantity of cranberries specified in his request. Such determination shall be made not later than 72 hours after the request is received by the committee.

(b) Any funds collected by the committee pursuant to paragraph (a) of this section shall be used by the committee to purchase from handlers a quantity of cranberries as nearly equal to, but not in excess of, the total quantity of cranberries which have been released as it is possible to purchase. Such purchases shall be made from the unrestricted cranberries of handlers and all handlers shall be given an opportunity to participate in such purchase. If a larger quantity is offered than can be purchased, the purchases shall be made at the lowest prices possible. If two or more handlers offer at the same price, purchases from such handlers shall be in proportion to the quantity of their respective offerings insofar as such division is practicable. The cranberries so purchased shall be disposed of by the com-

mittee as restricted cranberries in accordance with § 929.57.

(c) Any unexpended funds, collected by the committee pursuant to paragraph (a) of this section, remaining at the end of the fiscal year shall be used by the committee to reimburse it for any expense incurred in the purchase of cranberries pursuant to paragraph (b) of this section.

§ 929.57 Outlets for restricted cranberries.

(a) Except as provided in this section and in § 929.56, cranberries withheld from handling may be disposed of only through diversion to such outlets as the committee, with the approval of the Secretary, finds are noncompetitive to outlets for unrestricted (free percentage) cranberries.

(b) The storage and disposition of all cranberries withheld from handling shall be subject to the supervision and accounting control of the committee.

§ 929.58 Exemption.

(a) Upon the basis of the recommendation and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements pursuant to this part the handling of cranberries in such minimum quantities as the committee, with the approval of the Secretary, may prescribe.

(b) The committee, with the approval of the Secretary, shall prescribe such rules, regulations, and safeguards as it may deem necessary to ensure that cranberries handled under the provisions of this section are handled only as authorized.

REPORTS AND RECORDS

§ 929.60 Reports.

(a) *Inventory.* Each handler shall, upon request of the committee, file promptly with the committee a certified report, showing such information as the committee shall specify with respect to any cranberries and cranberry products which were held by him on such date as the committee may designate.

(b) *Receipts.* Each handler shall, upon request of the committee, file promptly with the committee a certified report as to each quantity of cranberries acquired during such period as may be specified, and the place of production.

(c) *Handling reports.* Each handler shall, upon request of the committee, file promptly with the committee a certified report as to the quantity of cranberries handled by him during any designated period or periods.

(d) *Withholding.* Each handler shall, upon request of the committee, file promptly with the committee a certified report showing, for such period as the committee may specify, the total quantity of cranberries withheld from handling, in accordance with § 929.54, the portion of such withheld cranberries on hand, and the quantity and manner of disposition of any such withheld cranberries disposed of.

(e) *Other reports.* Upon the request of the committee, with the approval of the Secretary, each handler shall furnish to the committee such other information with respect to the cranberries acquired and disposed of by such handler as may be necessary to enable the committee to exercise its powers and perform its duties under this part.

§ 929.61 Records.

Each handler shall maintain such records of all cranberries acquired, withheld from handling, handled, and otherwise disposed of as will substantiate the required reports and as may be prescribed by the committee. All such records shall be maintained for not less than three years after the termination of the crop year in which the transactions occurred or for such lesser period as the committee may direct.

§ 929.62 Verification of reports and records.

For the purpose of assuring compliance and checking and verifying records and the reports filed by handlers, the committee, through its duly authorized agents, shall have access to any premises where applicable records are maintained, where cranberries are received, stored, handled, and otherwise disposed of and, at any time during reasonable business hours, shall be permitted to inspect such handler premises and any and all records of such handlers with respect to matters within the purview of this part.

§ 929.63 Confidential information.

All reports and records furnished or submitted by handlers to the committee and its authorized agents which include data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handler from whom received, shall be received by and at all times kept in the custody and under the control of one or more employees of the committee, who shall disclose such information to no person other than the Secretary.

MISCELLANEOUS PROVISIONS

§ 929.65 Compliance.

Except as provided in this part, no person shall handle cranberries, the handling of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall acquire or handle cranberries except in conformity with the provisions of this part and the regulations issued hereunder.

§ 929.66 Right of the Secretary.

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 929.67 Effective time.

The provisions of this part, and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature and shall continue in force until terminated in one of the ways specified in § 929.68.

§ 929.68 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any or all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part whenever he finds by referendum or otherwise that such termination is favored by a majority of the growers: *Provided*, That such majority has, during the current fiscal year, produced more than 50 percent of the volume of the cranberries which were produced within the production area. Such termination shall become effective on the last day of July subsequent to the announcement thereof by the Secretary.

(d) The Secretary shall conduct a referendum during the month of May 1964, to ascertain whether continuance of this part is favored by the growers. The Secretary shall conduct such a referendum during the month of May of every even-numbered year thereafter.

(e) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 929.69 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 929.70 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued hereunder, or (b) release or extinguish any violation of this part or any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 929.71 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 929.72 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 929.73 Derogation.

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 929.74 Personal liability.

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, wilful misconduct, or gross negligence.

§ 929.75 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

[F.R. Doc. 62-7052; Filed, July 18, 1962; 8:54 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 862) has been filed by The General Tire and Rubber Company, 1708 Englewood Avenue, Akron, Ohio, proposing the issuance of a regulation to provide for the safe use of a styrene-butadiene latex, with potassium persulfate as the principal ingredient. The latex will be used as a coating on paper and paper board in contact with food.

Dated: July 13, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-7035; Filed, July 18, 1962; 8:50 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 869) has been filed by Union Carbide Chemicals Company, Division of Union Carbide Corporation, P.O. Box 65, Tarrytown, New York, proposing the issuance of a regulation to provide for the safe use of ethyl formate in or on raisins and dried Zante currants as a bulk and in-package fumigant.

Dated: July 13, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-7036; Filed, July 18, 1962; 8:50 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Withdrawal of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), the following notice is issued:

In accordance with § 121.52, *Withdrawal of petitions without prejudice* of the procedural food additives regulations (21 CFR 121.52) the Textile Bag Manufacturers Association, 418 Davis Street, Evanston, Illinois, has withdrawn its petition (FAP 400) proposing the issuance of a regulation to provide for the safe use of printing inks on burlap and cotton bags for the packaging of dry food. Notice of filing for this petition appeared in the FEDERAL REGISTER on September 2, 1961 (26 F.R. 8319).

The withdrawal of this petition is without prejudice to a future filing.

Dated: July 13, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-7037; Filed, July 18, 1962; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 20]

[Reg. Docket No. 1291; Draft Release No. 62-34]

INSTRUMENT PROFICIENCY REQUIREMENTS FOR TYPE RATING FLIGHT TESTS

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that there is under consideration a proposal to amend Part 20 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted, preferably in duplicate, to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before September 17, 1962, will be considered by the Administrator before taking action on the proposed rules. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time.

At present, an instrument-rated private or commercial pilot may pilot any type of aircraft under instrument flight rules, whether or not he has demonstrated instrument proficiency in the type of aircraft to be flown, if he complies with the rating requirements of § 43.63 of the Civil Air Regulations. Experience indicates that some companies who operate large aircraft are reluctant to voluntarily authorize the use of such aircraft for the purpose of giving their pilots instrument training because of the expense involved.

The majority of users of large aircraft (more than 12,500 pounds maximum certificated takeoff weight) in general aviation employ professional pilots who were hired shortly after World War II. These pilots continued flying aircraft in their new employment with which they had had past instrument experience and formal training. Recently, however, aircraft of greater complexity have become available to general aviation users from surplus airline and military equipment; and aircraft manufacturers are designing similar equipment specifically for general aviation operations. The increasing trend to exchange older equipment for the more modern and complex equipment now results in many of these same pilots being checked out in aircraft with which they have had no previous experience.

The problem is directly related to the matter of flight training standards for transition from one type aircraft to another. However, Part 43, under which these users of large aircraft operate, is not a convenient medium for applying training standards to such diverse operations and equipment as are conducted under the part. It is thus more practical

to establish attainment standards, and leave the training necessary to meet these standards up to the operator.

The overall safety record of the users of large aircraft in general aviation is good, but the trend toward inadequate transition training programs for new types of aircraft would lower the safety margin of this group. This lowering of safety margins may be expected to increase unless realistic standards appropriate to safe operations of large aircraft are adopted through type rating tests that are consistent with the use to be made of the aircraft.

The purpose of the proposed amendment is to require a demonstration of instrument proficiency for each type of large aircraft for which a type rating is obtained, or alternatively to limit the type rating in large aircraft to VFR operations if instrument proficiency in that type is not demonstrated. The amendment would apply to large helicopters as well as to large airplanes.

The instrument proficiency demonstration required would include standard instrument approaches, complying with traffic control instructions and standard holding procedures; recovery from emergency situations such as missed approaches, radio or instrument failure, and failure of an engine if the test is conducted in multiengine aircraft.

Those who presently hold an instrument rating and one or more type ratings would retain the same privileges for those ratings as before adoption of this proposal. It is felt that the great majority of these pilots have had sufficient instrument training and experience in those aircraft for which they hold type ratings. However, if the amendment is not adopted, it is believed that safety deficiencies could develop in the future that would be beyond the normal surveillance capabilities of the Agency to discover. This lack would not permit corrective action required to maintain at least the present level of safety.

A person who holds an instrument rating and who applies for a new or additional type rating would have to demonstrate instrument proficiency in the type aircraft for which the rating is sought; otherwise, the new or additional rating would be limited to VFR operations.

A person who obtains an instrument rating after the effective date of the amendment would have a "VFR ONLY" limitation placed on each type rating other than the type rating for aircraft in which a demonstration of instrument competence has been made.

The subject of this notice was discussed at the Air-Share meetings held in April and May 1961, and met with generally favorable response. Strong feeling was expressed that provision should be made for a type rating limited to VFR rather than requiring an instrument rating as a qualification for a type rating. This reasoning has been followed because of the large number of industrial special purpose aircraft in use, which are not operated under IFR or IFR conditions, many of which do not have instruments required for an instrument flight test.

To accomplish these objectives, § 20.121 (b) would be changed to apply only to class ratings, and a new § 20.121(c) would be added to apply to type ratings and to specify instrument proficiency requirements. In addition, § 20.111(b) would be amended so that instrument proficiency requirements would apply to type ratings secured by applicants on the basis of military competence.

Section 20.121(b)(1) would be clarified by specifying that the experience required to secure an additional class rating must be obtained in the class of aircraft for which the rating is sought. This is clearly the intent of the present regulation and has been complied with by applicants in the past without question.

In consideration of the foregoing, it is proposed to amend Part 20 of the Civil Air Regulations (14 CFR Part 20) as follows:

§ 20.111 [Amendment]

1. By amending § 20.111(b) by adding a new sentence at the end thereof to read as follows: "Unless an applicant for a type rating holds an instrument rating, or concurrently obtains an instrument rating, under the provisions of paragraph (c) of this section, and presents reliable evidence of a military instrument flight check in that type aircraft, the type rating shall be limited to VFR only."

2. By amending § 20.121 by revising paragraph (b) and adding a new paragraph (c) to read as follows:

§ 20.121 Additional aircraft ratings.

* * * * *

(b) *Class rating.* An applicant for an additional class rating must:

(1) Have made at least five takeoffs and landings in an aircraft of the class for which the rating is sought, either in solo flight or as sole manipulator of the controls when accompanied by a pilot rated to carry passengers in the aircraft; and

(2) Pass an appropriate flight test.

(c) *Type rating.* (1) An applicant for an additional type rating must:

(i) Hold or concurrently obtain an instrument rating;

(ii) Meet the requirements of paragraph (b) of this section in the type of aircraft for which the rating is sought; and

(iii) Demonstrate proficiency during the flight test for such rating solely by reference to instruments under the requirements of § 20.128(a), (b)(4), and (b)(5) of this part.

(2) An applicant who does not meet the requirements of paragraph (c)(1)(i) and (iii) of this section may obtain a type rating limited to VFR ONLY. Upon meeting these requirements the VFR ONLY limitation may be removed for the particular type of aircraft in which instrument proficiency is demonstrated.

The format of any final rules adopted pursuant to this proposal will be subject to such changes as may be necessary for recodification under the Agency's recodification program recently announced in Draft Release No. 61-25 (26 F.R. 10698).

These amendments are proposed under authority of sections 313(a), 601, 602, of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354, 1421, 1422).

Issued in Washington, D.C., on July 11, 1962.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 62-7015; Filed, July 18, 1962; 8:46 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 62-WE-14]

FEDERAL AIRWAY

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6442 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 442 is designated from the Hector, Calif., VORTAC via the intersection of the Hector VORTAC 091° and the Parker, Calif., VORTAC 320° True radials to the Parker VORTAC. The Federal Aviation Agency has under consideration the realignment of Victor 442 from the Hector VORTAC via the intersection of the Needles, Calif., VORTAC 272° and the Goffs, Calif., VOR 163° True radials; the intersection of the Goffs VOR 163° and the Parker VORTAC 333° True radials to the Parker VORTAC. This realignment would provide the lowest possible minimum en route altitude between Hector and Parker which is required for the operation of unpressurized aircraft in this area.

The control areas associated with Victor 442 are so designated that they would automatically conform to the altered airway. The vertical extent of these control areas would remain as designated pending review of the adjacent airspace. Separate actions will be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 12, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-7012; Filed, July 18, 1962; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 62-PC-5]

FEDERAL AIRWAY SEGMENT, ASSOCIATED CONTROL AREAS AND REPORTING POINTS, AND CONTROL AREA EXTENSION

Proposed Revocations and Alterations

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.287, 601.287, 601.4287, and 601.1245 of the regulations of the Administrator, the substance of which is stated below.

Low altitude Red Federal airway No. 87 (Hawaiian Islands) is designated in part from the Port Allen, Hawaii, radio beacon to the Honolulu, Hawaii, radio range. The Federal Aviation Agency is considering revoking this segment of Red 87. It is the policy of this Agency to revoke L/MF airways wherever adequate VOR airways are available, and it appears that the route from Port Allen to Honolulu is adequately served by VOR Federal airways Nos. 2, 14, and 15. Therefore, it appears that the retention of this segment of Red 87 is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke the segment of Red 87 and its associated control areas from Port Allen to Honolulu. It is also proposed to revoke the Port Allen and Fern reporting points associated with this segment of Red 87. The segment of Red 87 west of Port Allen will be revoked effective July 26, 1962, Airspace Docket No. 61-HO-4 (27 F.R. 4907).

The Port Allen control area extension § 601.1245 is described in part by Red 87. It is proposed to substitute Victor 15 for Red 87 in the description of this control area extension.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Pacific Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 4009, Honolulu 12, Hawaii. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 12, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-7013; Filed, July 18, 1962; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61-LA-37]

CONTROL ZONE

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), and in consonance with ICAO International Standards and Recommended Practices, notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 601 of the regulations of the Administrator. This proposal relates to navigable airspace both within and outside the United States.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 and Annex 11 to the convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state the U.S. agreed by Article 3.D that its state aircraft will be operated in International airspace with due regard for the safety of civil aircraft.

Since this action involves in part the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The FAA has under consideration the designation of a control zone within a 3-mile radius of NAAS Ream Field, Calif. (latitude 32°34'00" N., longitude 117°06'-50" W.); including the airspace west of Ream Field within the arc of a 6-mile radius circle of the Ream Field TACAN extending counterclockwise from a line 2 miles north of and parallel to the Ream Field TACAN 288° True radial to the United States/Mexican Flight Information Region boundary. The portions of this control zone which would coincide with the San Diego, Calif., control zone (§ 601.2186) and the area under the jurisdiction of Mexico would be excluded.

The proposed control zone would provide protection for aircraft executing prescribed instrument approach and departure procedures at NAAS Ream Field. Weather and communications services would be provided by the NAAS Ream control tower.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available

for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under sections 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565.

Issued in Washington, D.C., on July 12, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-7011; Filed, July 18, 1962; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62-SO-29]

TRANSITION AREA

Proposed Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of a transition area at Savannah, Ga. The proposed transition area would be designated to extend upward from 1,200 feet above the surface within the airspace west and southwest of Savannah bounded on the north by the south boundary of VOR Federal airway No. 154, on the east by the arc of a 40-mile radius circle centered at the Hunter AFB (latitude 32°00'35'' N., longitude 81°08'45'' W.), on the south by a line extending through latitude 32°03'40'' N., longitude 81°50'10'' W. and latitude 32°03'20'' N., longitude 81°54'40'' W., and on the west by the east boundary of VOR Federal airway No. 157; that airspace bounded on the north by a line extending through latitude 31°35'45'' N., longitude 82°07'10'' W. and latitude 31°35'00'' N., longitude 81°36'30'' W., and east along latitude 31°35'00'' N. to the west boundary of VOR Federal airway No. 3, on the east by VOR Federal airway No. 3, on the south by latitude 31°30'00'' N., and on the west by VOR Federal airway No. 267; and the airspace extending upward from 4,000 feet above the surface bounded on the north by a line extending through latitude 32°03'20'' N., longitude 81°54'40'' W. and latitude 32°03'40'' N., longitude 81°50'10'' W., on the east by the arc of a 40-mile radius circle centered at the Hunter AFB, on the south by a line extending through latitude 31°35'45'' N., longitude 82°07'10'' W., and latitude 31°35'00'' N., longitude 81°36'30'' W., and on the west by the east boundaries of VOR Federal airways Nos. 267 and 157, excluding the portion which would coincide with Restricted Area R-3005. The portion of this transition area which would coincide with Restricted Area R-3006 would be used only after obtaining prior approval from appropriate authority.

The portions of the proposed Savannah transition area extending upward from 1,200 feet above the surface would provide protection for heavily laden military jet aircraft executing prescribed instrument departure procedures from Hunter AFB which require extended hold-down procedures and for aircraft executing prescribed instrument approach and departure procedures at the NAS Glynco, Brunswick, Ga. The portion of the proposed transition area with a floor of 4,000 feet above the surface would provide protection for aircraft conducting the higher altitude portions of the arrival and departure procedures at Hunter AFB and NAS Glynco, and for radar vectors in this area.

The proposal contained herein is being issued in advance of the implementation of Amendments 60-21 and 60-29 to the Civil Air Regulations, Part 60, Air Traffic Rules, in the entire Savannah terminal area to permit fulfillment of the urgent airspace requirements at the earliest practicable date. Upon completion of the area review of the airspace requirements attendant to full implementation of Amendments 60-21 and 60-29 in the Savannah area, separate airspace action will be taken proposing the conversion of the control area extensions in this area to transition areas with appropriate controlled airspace floor assignments.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 52 Fairlie Street NW., Atlanta 3, Ga. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 12, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-7014; Filed, July 18, 1962; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14711; FCC 62-747]

STANDARD, FM AND TELEVISION BROADCAST STATIONS

Multiple Ownership; Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-entitled matter, as discussed below.

2. Sections 3.35(a), 3.240(a) and 3.636(a) of the Commission's rules provide limitations on the common ownership or control of multiple AM, FM, and television broadcast stations which serve substantially the same area. These provisions of the rules, commonly referred to as the "duopoly" or "overlap" rules, are intended to preserve and augment the opportunities for effective competition in the broadcast industry and to implement the Commission's policy in favor of maximizing diversification of program and service viewpoints. The latter policy assumes a very special importance in a democratic society. It is well established that "the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public * * *" Associated Press v. United States, 326 U.S. 1, 20; Scripps-Howard Radio, Inc. v. F.C.C., 89 U.S. App. D.C. 13, 19, 189 F. 2d 677, cert. den., 342 U.S. 830. The provisions of the multiple ownership rules are designed to prevent such overlap of service areas of commonly owned facilities as might result in relatively few persons or groups having an inordinate effect, in a political, editorial, or similar programming sense, on public opinion at the regional level.

3. The rules prohibiting substantial overlap of commonly owned stations were adopted in 1943 for AM, 1941 for television, and 1940 for FM. The rules do not read the same. Thus, the AM rule bars overlap where "a substantial portion of (the applicant's existing station's) primary service would receive primary service from the station in question, except upon a showing that the public interest * * * will be served through such multiple ownership situation." The TV and FM rules are in terms of the licensee not owning or operating "another FM (or TV) station which serves substantially the same area." We believe that in view of the passage of roughly twenty years, the time has come to consider revision of these rules. First, we think such revision is called for because of the changes in the character of the broadcast services and other factors pertinent to our overlap rules, which have occurred in this period. Second, we think the general prohibitions now contained in the rules should be replaced by explicit standards. Specific limitations on the number of stations which may be owned are contained in the second part of the multiple ownership rules, which deals with the analogous problem of undue concentration of control over broadcast facilities. It has been our experience that this type of regulation has worked well. It has provided the public and the industry with a firm base upon which they can "cogently plan * * * present or future operations" (U.S. v. Storer Bctg. Co., 351 1 U.S. 192) and has facilitated the Commission's application of the rule. We think that there would be comparable benefits if the other portion of the rules dealing with overlap were cast in similar terms of specific limitation. Such a rule change would be a desirable "particularization of (our) conception of the 'public interest'" (NBC v. U.S., 319 U.S. 190, 218).

4. In selecting the specific proposed standards, we have sought to implement, upon the basis of present conditions, our long-established policy in favor of maximizing diversification of program and service veiwpoints (see par. 2, supra). We have particularly taken into account the much greater impact of the broadcast services as media of mass communication, which we believe has grown substantially during the last twenty years (and see par. 12, infra, for a discussion of the especially great impact of television). We have also taken into account two other factors. First, there has been a steady contraction in the availability of competing, printed daily sources of news and editorial opinion. Although daily newspaper circulation has increased approximately 50 percent since 1945, the number of cities with competing dailies has shown a continuing decline. According to recent figures, approximately 1450 American cities have daily newspapers but in only 61 of these cities are there papers under competing ownership.[1] Second, as the number of competing printed outlets has contracted, broadcasters in increasing numbers have begun to assume editorial functions traditionally restricted to printed media. It appears clear that each of these trends is to be a continuing one for the forseeable future.

5. We recognize that the number of authorized standard broadcast stations has increased over fourfold during the period since 1943, from approximately 900 to 3,879. The FM and TV services, in their infancy in the early forties, have undergone extensive growth. There are now over 1,400 authorized FM stations, and over 700 authorized television stations. But we do not believe that this expansion is grounds for relaxation of the rules—and this is particularly so in the case of TV (See paragraph 12 infra.). From experience in both the licensing and transfer or assignment fields, we have found that with some significant exceptions there is no dearth of applicants for available broadcast facilities; on the contrary, we are faced with too many applying for too few available frequencies. In such circumstances, there is no need to tolerate overlap or concentration situations inconsistent with the important public interest consideration we have here set forth. Further, in those rare circumstances where much needed service to the public is not being provided and there are no applicants other than the licensee of existing stations in the area, we would have ample flexibility, through the granting of waivers, to authorize such service, in spite of the explicit provisions of the multiple ownership rules, where the authorization would be in the public interest.

6. In short, we believe that the facts set forth above place an increased obligation upon the Commission to implement its policy in favor of diversification in the most effective manner possible. Specifically, the Commission is of the opinion that a start must be made toward eliminating many serious overlap situations which now exist, and that future overlap must be more strictly limited—under explicit standards—than has been the case under the present more general rules. Accordingly, we propose to reduce the number of instances in which overlap will be permitted, as outlined further herein and set forth below.

7. The Commission believes that the most effective and the most reasonable type of standard in this area is one taking for its starting point, in each service, the prohibition of overlap between certain defined contours of commonly owned stations. Thus, we propose to grant no licenses for AM stations if such grant would result in overlap of the predicted one mv/m groundwave contours of the stations as operating or as proposed. For FM, overlap of the one mv/m contours would also be prohibited and, for television, overlap of the Grade A contours would be barred. For FM and for television, the relevant contours would be predicted on the basis of maximum permissible facilities[2] so that the overlap rules will not, in the future, frustrate the development of the stations in these services to their maximum potential. The Commission recognizes that the differing nature of the three services renders strict comparison of signal strengths impractical. However, we note that, in terms of probabilities, the Grade A service contour for television represents a signal which will result in satisfactory service to at least 70 percent of the locations on the outer rim of the contour, at least 90 percent of the time. Although not precisely equivalent, the one mv/m contour for FM represents the same general level of probability. Standard broadcast signal strengths are not defined in terms of probabilities, but a one mv/m AM signal is somewhat less than the signal intensity needed to provide service to urban populations but somewhat greater than the signal at the outer limit of effective non-urban service. Accordingly, we believe that the 1 mv/m AM contour should be selected as the appropriate contour for our new overlap rules. Thus, we do not believe that overlap in any one of the services will be substantially more restricted than in the others.[3] We do not propose any changes in this notice with respect to the degree of interest a party must have in a broadcast station to come under the multiple ownership rules. Nor do we propose to amend the multiple ownership rules, at this time, with respect to "concentration of control" of broadcast facilities and the numerical limitation as to the number of stations permitted in a service.

Overlap of standard broadcast stations (§ 3.35(a)). 8. The increased overlap of service from commonly owned stations which has accompanied the growth of AM broadcasting has been a source of concern to the Commission. Experience in applying § 3.35(a) has shown that where there are only marginal distinctions between past precedents, gradually greater amounts of overlap have developed. We propose, therefore, to amend § 3.35(a) to prohibit the grant of any AM license which will result in an overlap of the predicted one mv/m groundwave contours between commonly owned stations.[4] Moreover, as now proposed, a licensee of a Class I station may not acquire an additional Class I station where the predicted 0.5 mv/m 50% nighttime skywave contours of the two stations overlap. We propose to apply the rule to applications for new facilities, major changes in facilities, and transfers of control or assignment of licenses. Licensees with multiple holdings in contravention of the rule will be permitted to maintain present facilities but, if a licensee proposes to sell two AM stations with overlap prohibited by the rule, the stations must be sold to separate buyers.

9. The rule would not be applied to requests by Class IV stations to increase power to a maximum of one kilowatt. Approximately 500 authorizations to increase the power of Class IV stations

[1] Raymond B. Nixon and Jean Ward, "Trends in Newspaper Ownership and Inter-Media Competition," Journalism Quarterly, Winter, 1961, pp. 3, 7.

[2] Required separations would be reflected in mileage separation tables. The facilities upon which the FM table would be based are dependent on the outcome of the FM rule making proceeding in Docket 14185. For VHF television channels, the following powers and antenna heights above average terrain were assumed:

Zone I: Ch. 2-6, 100 kw—1,000 ft.; Ch. 7-13, 316 kw—1,000 ft. Zones II and III: 100 kw—2,000 ft.; 316 kw—2,000 ft.

For the UHF television channels, a combination of 1000 kw and 1000 ft. was considered reasonable for all zones. While this is not the maximum authorized in our rules, it appears that this is a realistic appraisal of UHF operation for the near future.

[3] Adoption of the standards proposed herein—1 mv/m for AM and FM and Grade A for TV—will nevertheless permit some overlap of usable signals within the three services. As a consequence, the Commission will consider, on a case-to-case basis, the overlap beyond these specific contours under the second part of the multiple ownership rules, which treat with the problem of concentration of control of broadcast facilities. In some cases, an application may involve overlap which is not specifically proscribed by the rules, but still presents the problem of a concentration of control of broadcast facilities in a manner prohibited by the concentration sections of the rules.

[4] The rule, as set out below refers to "predicted" standard broadcast groundwave contours established through use of Figure M-3 of the Commission's rules. Comments are also invited on the question of whether measurements to establish these contours should be accepted for purposes of overlap.

have been granted to date, and, since the effectiveness of the general plan allowing Class IV power increases is dependent upon all such stations (except those restricted by international considerations) increasing power, it is essential that we place no impediment in the path of those stations that have not yet increased power and which are, in many cases, suffering substantial interference from those Class IV stations which have been granted increases.

Overlap of television broadcast stations (§ 3.636(a)(1)). 10. Future development of the television industry along lines which will provide a maximum diversity of program sources and services requires a new television overlap rule. The present rule, as with its AM and FM counterparts, is phrased in terms of a general standard and prohibits common ownership of television stations which serve "substantially the same area." The rule we propose here would prohibit the grant of new licenses which would result in overlap of the predicted Grade A contours of commonly owned stations, assuming maximum permissible facilities for VHF stations and 1000 kw and 1000 ft for UHF stations. A mileage separation table reflecting this proposal is set forth below.

11. As with our AM overlap proposal, no divestiture of existing facilities which violate the rule would be required but transfers and assignments would be prohibited which would result in maximum facility Grade A overlap or perpetuate the common ownership of stations with such Grade A overlap.

12. There are persuasive arguments for applying a stricter standard on overlap in television than in the aural services. The immense impact of television and its growing influence as an informer and molder of public opinion is well known. The large role which overlapping television stations may play as purveyors of news and opinion is further intensified, however, by the relatively few television services which are available in most parts of the country. Consequently, the desirability of encouraging the greatest possible diversity of television station ownership in a given area may be indicated. Thus, we believe that there may be advantages in prohibiting overlap of the Grade B contours instead of the Grade A contours as between commonly owned stations. With full recognition that this standard would be more restrictive than our proposals for the other services, the Commission requests comment regarding this alternative.

Overlap of frequency modulation stations (§ 3.240(a)(1)). 13. In Docket 14185 the Commission proposed to prohibit 2 mv/m overlap between commonly owned FM stations as part of the general revision of the FM rules. In view of the considerations set forth above, we now propose to prohibit overlap of the 1 mv/m contours. Computation of the 1 mv/m contour would be based upon assumed maximum facility stations and the FM curves which result from the proceeding in Docket 14185. The attached Appendix contains provision for a mileage separation table to effect these proposals. As in AM and TV, no divestiture of existing facilities would be required and FM transfers and assignments would be subject to the same conditions as in AM and TV.

14. The amendments below also add a new paragraph (b) to § 3.240 and, as in TV, specifically exempt non-commercial educational FM stations from the limitations of the rule.

15. Authority for adoption of the proposed amendments is contained in sections 4 (i) and (j), 303 and 307(b) of the Communications Act of 1934, as amended.

16. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested parties may file comments on or before August 20, 1962 and reply comments on or before September 4, 1962. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

17. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: July 13, 1962.

Released: July 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. It is proposed to amend § 3.35 by amending paragraph (a), and by adding Note 3, as follows:

§ 3.35 Multiple ownership.

• • • • • •

(a) Such party directly or indirectly owns, operates, or controls one or more standard broadcast stations and the grant of such license will result in (1) any overlap of the 1 mv/m groundwave contours of the existing and proposed stations, predicted in accordance with Figure M-3 of § 3.190; or, (2) in the case of Class I stations, any overlap of the predicted 0.5 mv/m 50 percent skywave contours of the existing and proposed Class I stations.

• • • • • •

NOTE 3: Paragraph (a) of this section will not be applied so as to require divestiture, by any licensee, of existing facilities. Paragraph (a) of this section will apply to applicants for new stations, major changes in existing stations, assignments of licenses, and transfers of control. Commonly owned stations with overlapping contours prohibited by paragraph (a) of this section may not be transferred or assigned to a single person, group, or entity. Paragraph (a) of this section will not be applied to Class IV stations requesting power increases.

2. It is proposed to amend § 3.240 by designating the introductory text as paragraph (a), by amending and redesignating present paragraph (a) as subparagraph (a)(1), by redesignating existing paragraph (b) as subparagraph (a)(2), by adding a new paragraph (b), and by adding a new Note 3, as follows:

§ 3.240 Multiple ownership.

• • • • • •

(a) • • •

(1) Such party directly or indirectly owns, operates, or controls one or more FM broadcast stations and the grant of such license will result in mileage separations between the transmitter locations of the existing and proposed stations less than the separations set out in the following table:

• • • • • •

[Table will contain appropriate mileage separations to reflect prohibited overlap of predicted 1 mv/m contours of commonly owned FM stations, each operating with maximum facilities.]

• • • • • •

(b) Paragraph (a) of this section is not applicable to non-commercial educational FM stations.

• • • • • •

NOTE 3: Paragraph (a) of this section will not be applied so as to require divestiture, by any licensee, of existing facilities. Paragraph (a) of this section will apply to applicants for new stations, major changes in existing stations, assignments of licenses, and transfers of control. Commonly owned stations with overlapping contours prohibited by paragraph (a) of this section may not be transferred or assigned to a single person, group, or entity.

3. It is proposed to amend § 3.636 by amending paragraph (a)(1), and by adding Note 3, as follows:

§ 3.636 Multiple ownership.

(a) • • •

(1) Such party directly or indirectly owns, operates, or controls one or more television broadcast stations and the grant of such license will result in mileage separations between the transmitter locations of the existing and proposed television stations less than the separations set out in the following table:

Existing station	Proposed station					
	Zone I channels			Zone II or III channels		
	2-6	7-13	14-83	2-6	7-13	14-83
	Miles					
Zone I:						
Channels 2-6	72	82	71	86	97	71
Channels 7-13	82	92	81	96	107	81
Channels 14-83	71	81	70	85	96	70
Zone II or III:						
Channels 2-6	86	97	85	100	111	85
Channels 7-13	97	107	96	111	122	96
Channels 14-83	71	81	70	85	96	70

• • • • • •

NOTE 3: Paragraph (a)(1) of this section will not be applied so as to require divestiture, by any licensee, of existing facilities. Paragraph (a)(1) of this section will apply to applicants for new stations, major changes in existing stations, assignments of licenses, and transfers of control. Commonly owned stations with overlapping contours prohibited by paragraph (a)(1) of this section may not be transferred or assigned to a single person, group, or entity.

[F.R. Doc. 62-7066; Filed, July 18, 1962; 8:57 a.m.]

[47 CFR Parts 3-5, 9-12, 16, 19, 20]

[Docket No. 14138; FCC 62-720]

CONELRAD IN ALASKA, HAWAII, GUAM, PUERTO RICO, AND VIRGIN ISLANDS

Order Withdrawing Notice of Proposed Rule Making

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 13th day of July 1962;

The Commission having under consideration the captioned matter;

It appearing that a notice of proposed rule making was adopted by the Commission on May 24, 1961, in which it was proposed that rules be adopted extending the requirement for control of electromagnetic radiation to radio stations licensed by the Commission in the States of Alaska and Hawaii and the Territories of Guam, Puerto Rico, and the Virgin Islands.

It further appearing that the Department of Defense by letter dated April 23, 1962, informed the Commission that, with certain exceptions, it is no longer essential to minimize the radiation of non-Government radio transmitters so as to prevent their use as navigational aids to an enemy; and

It further appearing that the reason for adopting the proposed rules no longer exists;

It is ordered, That the notice of proposed rule making adopted May 24, 1961, is hereby withdrawn and the Docket is closed.

Released: July 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7060; Filed, July 18, 1962; 8:55 a.m.]

[47 CFR Part 6]

[Docket No. 14704; FCC 62-718]

INTERNATIONAL FIXED PUBLIC RADIO COMMUNICATION SERVICES

Notice of Proposed Rule Making

In the matter of amendment of Part 6 (International Fixed Public Radio Communication Services) of the Commission's rules to provide for the transmission without coordinated reception of weather maps, charts and photographs for reception by meteorological organizations to one or more persons at one or more overseas and foreign fixed points not specifically named in the license, Docket No. 14704.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. It is proposed to amend § 6.53(a) *Addressed press service*, of Part 6 of the Commission's rules and regulations to read as follows:

§ 6.53 Addressed press and meteorological services.

(a) The licensee of a station in the fixed public or fixed public press service may be authorized to transmit, without coordinated reception, addressed press messages (including press facsimile and photographs) and weather maps, charts and photographs for reception at overseas or foreign points by meteorological organizations by facsimile and radio phototelegraphy, to one or more persons at one or more fixed points not specifically named in its license:

3. No changes are now being proposed in the other provisions of § 6.53 of Part 6 of the Commission's rules and regulations.

4. The amendment is being proposed in order to allow authorization to fixed public and fixed public press station licensees to provide radio facsimile and telephoto transmission of cloud maps based on photographs received from weather satellites such as TIROS IV. Under the Commission's rules, since this service may not fall into the category "Addressed Press Messages", there may be no provision allowing the transmission, without coordinated reception, of such material. The United States Weather Bureau which has initiated this service on an experimental basis is pleased with the results and wishes to continue with the program. It has received many reports from meteorological organizations throughout the world praising the introduction of the service and pointing out its usefulness in improving weather analysis and forecasts, in giving earlier warning of undetected storms, and in advising airline pilots of weather conditions over transoceanic flight routes. Clarifying language has been added to state positively that the term "addressed press messages" includes facsimile and photographs.

5. The proposed amendment is issued under authority of sections 4(i) and 303 (r) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before August 20, 1962, written data, views or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within 15 days from the last day for filing said original data, views and comments. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

7. In accordance with the provisions of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: July 13, 1962.

Released: July 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7065; Filed, July 18, 1962; 8:56 a.m.]

[47 CFR Part 6]

[Docket No. 14138; FCC 62-721]

CONELRAD

Order Withdrawing Notice of Proposed Rule Making

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 13th day of July 1962:

The Commission having under consideration the captioned matter;

It appearing that a notice of proposed rule making was adopted by the Commission on June 1, 1961, in which it was proposed that rules be adopted for the control of electromagnetic radiation from radio stations in the International Fixed Public Radio Communications Services in order to minimize the radiation of radio transmitters in those services so as to prevent their use as navigational aids to an enemy;

It further appearing that the Department of Defense, by letter dated April 23, 1962, informed the Commission that, with certain exceptions, it is no longer essential to minimize the radiation of non-Government radio transmitters so as to prevent their use as navigational aid to an enemy; and

It further appearing that the reason for adopting the proposed rules no longer exists;

It is ordered, That the notice of proposed rule making adopted June 1, 1961, is hereby withdrawn and the Docket is closed.

Released: July 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7059; Filed, July 18, 1962; 8:55 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

Redelegation of Authority

JULY 13, 1962.

In accordance with section 1.1(a) of BLM Order No. 684 (26 F.R. 8216, August 31, 1961), as amended, I hereby authorize the District Managers, State of Idaho, to perform the functions which are delegated to me in section 1.5(a) of the above cited order. The authority delegated may not be redelegated.

Notwithstanding this delegation, the Chief, Division of Lands and Minerals Management, is hereby authorized to perform the functions listed above.

The above delegation shall become effective July 1, 1962.

JOE T. FALLINI,
State Director.

Approved: July 11, 1962.

KARL S. LANDSTROM,
Director,
Bureau of Land Management.

[F.R. Doc. 62-7024; Filed, July 18, 1962; 8:48 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands; Amendment

JULY 13, 1962.

Notice of the proposed withdrawal and reservation of lands for the National Aeronautics and Space Administration in the Fairbanks Land District, Alaska, was published in the FEDERAL REGISTER on June 20, 1962, Volume 27, Number 119 on page 5840.

The description of that portion of the requested land in Sections 21 and 28, T. 2 N., R 1 E., F.M., is amended to read as follows:

Section 21: NW¼, SW¼NE¼, S½SE¼, NW¼SE¼, SW¼;
Section 28: N½NW¼, SW¼NW¼, N½NE¼.

DONALD T. GRIFFITH,
Acting Chief, Division of
Lands and Minerals Management.

[F.R. Doc. 62-7025; Filed, July 18, 1962; 8:48 a.m.]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Reclamation of the United States Department of the Interior has filed an application, Serial Number Colorado 078086, for withdrawal of the lands described below from public entry, under the first form of withdrawal as provided by section 3 of the Act of June 17, 1902 (32 Stat. 388).

The applicant desires the land for use in the construction, operation, and maintenance of the proposed McPhee Reservoir, a feature of the Dolores Project.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the State Director, Bureau of Land Management, Department of the Interior, Colorado State Office, 910 15th Street, Denver 2, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 38 N., R. 15 W.,
Sec. 2: Lots 3, 4, NW¼SW¼NW¼;
Sec. 3: Lots 1, 3, S½NE¼, SE¼NW¼, NE¼SW¼, NW¼NE¼SE¼, NW¼, SE¼;
Sec. 20: W½E½W½;
Sec. 21: NW¼SE¼, E½SW¼;
Sec. 28: SW¼NW¼;
Sec. 29: N½SE¼, E½SW¼.
T. 39 N., R. 15 W.,
Sec. 27: SE¼SW¼;
Sec. 34: E½W½;
Sec. 35: S½SW¼, W½SW¼SE¼.

The gross acreage within the exterior boundaries of the withdrawal aggregates 1,078.18 acres, which is all vacant land within the San Juan National Forest.

HAROLD T. TYSK,
Chief, Division of
Lands and Minerals.

[F.R. Doc. 62-7026; Filed, July 18, 1962; 8:48 a.m.]

National Park Service

[Order No. 3, Amdt. No. 8]

ASSISTANT REGIONAL DIRECTOR (ADMINISTRATION) AND REGIONAL FINANCIAL MANAGEMENT OFFICER

Delegation of Authority Regarding Execution and Approval of Contracts for Construction, Supplies, Equipment or Services

Sections 4 and 5 of Order No. 3, issued February 17, 1956 (21 F.R. 1494), are amended to read as follows:

SEC. 4. *Assistant Regional Director (Administration).* The Assistant Regional Director (Administration) may execute and approve contracts not in excess of $200,000 for construction, supplies, equipment and services. This authority may be exercised by the Assistant Regional Director (Administration) in behalf of any office or area for which the Region Four Office serves as the field finance office.

SEC. 5. *Regional Financial Management Officer.* The Regional Financial Management Officer may execute and approve contracts not in excess of $100,000 for construction, supplies, equipment and services. This authority may be exercised by the Regional Financial Management Officer in behalf of any office or area for which the Region Four Office serves as the field finance office.

(National Park Service Order No. 14; 39 Stat. 535; 16 U.S.C., sec. 2)

Dated: June 22, 1962.

LAWRENCE C. MERRIAM,
Regional Director.

[F.R. Doc. 62-7028; Filed, July 18, 1962; 8:49 a.m.]

Office of the Secretary

GENERATION AND SALE OF POWER

On May 20, 1941, there was promulgated, in accordance with the Act of July 19, 1940 (54 Stat. 774; 43 U.S.C. 618), General Regulations for Generation and Sale of Power in Accordance with the Boulder Canyon Project Adjustment Act. The purpose of Additional Regulation No. 1 is to provide for an adjustment, under certain conditions, of charges for electrical energy sold to the allottees. In accordance with Article 27 of the above cited regulations, on April 4, 1962, the power allottees affected were furnished copies of Additional Regulation No. 1 in order that they might present their views with respect to it. Having considered all comments received, Additional Regulation No. 1 is hereby adopted without change and is set forth below.

GENERAL REGULATIONS FOR GENERATION AND SALE OF POWER IN ACCORDANCE WITH THE BOULDER CANYON PROJECT ADJUSTMENT ACT

ADDITIONAL REGULATION NO. 1

Commencing with June 1, 1987, charges for electrical energy in addition to such other components as may then be authorized or required under the then existing laws and regulations, and to the extent not inconsistent therewith, shall include a component to return to the United States funds adequate to reimburse the Upper Colorado River Basin Fund for moneys expended from such fund on account of allowances for Hoover diminution during the filling period of the storage project reservoirs authorized by the Act of April 11, 1956, (70 Stat. 105), in accordance with paragraph 5 of the General Principles to Govern, and Operating Criteria for, Glen Canyon Reservoir (Lake Powell) and Lake Mead during the Lake Powell Filling Period, aproved April 2, 1962. Such component shall be sufficient, but not more than sufficient, to provide said reimbursement in equal annual installments over a period of years equal to the number of years over which costs on account of allowance were incurred by the said Upper Colorado River Basin Fund.

STEWART L. UDALL,
Secretary of the Interior.

JULY 12, 1962.

[F.R. Doc. 62-7029; Filed, July 18, 1962; 8:49 a.m.]

GLEN CANYON RESERVOIR (LAKE POWELL) AND LAKE MEAD

General Governing and Operating Criteria During Lake Powell Filling Period

On April 2, 1962, the following document was approved:

1. The following principles and criteria are based on the exercise, consistent with the Law of the River, of reasonable discretion by the Secretary of the Interior in the operation of the Federal projects involved. The case generally styled "Arizona v. California, et al, No. 9 Original" is in litigation before the Supreme Court of the United States. Anything which is provided for herein is subject to change consistent with whatever rulings are made by the Supreme Court which might affect the principles and criteria herein set out. They may also be subject to change due to future Acts of the Congress.

2. The principles and criteria set forth hereinafter are applicable during the Lake Powell filling period, which is defined as that time interval between the date Lake Powell is first capable of storing water (estimated to occur in the spring of 1963) and the date Lake Powell storage first attains elevation 3,700 (content 28.0 NAF total surface storage) and Lake Mead storage is simultaneously at or above elevation 1,146 (content 17.0 NAF available surface storage), or May 31, 1987, whichever occurs first. If, in the judgment of the Secretary, the contents of Lake Powell and Lake Mead warrant such action, and after consultation with appropriate interests of the Upper Colorado River Basin and the Lower Colorado River Basin, the Secretary may declare that in not less than one year from and after the date of such declaration these principles and criteria are no longer applicable.

3. Sufficient water will be passed through or released from either or both Lake Mead and Lake Powell, as circumstances require under the provisions of Principles 7 and 8 hereof, to satisfy downstream uses of water (other than for power) below Hoover Dam which uses include the following:

a. Net river losses.
b. Net reservoir losses.
c. Regulatory wastes.
d. The Mexican Treaty obligation limited to a scheduled 1.5 million acre-feet per year.
e. The diversion requirements of mainstream projects in the United States.

4. All uses of water from the main stem of the Colorado River between Glen Canyon Dam and Lake Mead will be met by releases from or water passed through Lake Powell and/or by tributary inflow occurring below Glen Canyon Dam. Diversions of water directly out of Lake Mead will be met in a similar manner or, if application of the criteria of Principles 7 and 8 hereof should so require, by water stored in Lake Mead.

5. The United States will make a fair allowance for any deficiency, computed by the method herein set forth, in firm energy generation at Hoover Powerplant. For each operating year deficiency in firm energy shall be computed as the difference between firm energy which, assuming an over-all efficiency of 83 percent, would have been generated and delivered at transmission voltage at Hoover Powerplant in that year if water has not been impounded in the reservoirs of the Colorado River Storage Project storage units (Glen Canyon, Flaming Gorge, Navajo, and Curecanti), but excluding the effects of evaporation from the surface of such reservoirs, and the energy actually generated and delivered at transmission voltage at Hoover Powerplant during that year adjusted to reflect an over-all efficiency of 83 percent. At the discretion of the Secretary, allowance will be accomplished by the United States delivering energy, either at Hoover Powerplant or at points acceptable to both the Secretary and the affected Hoover power contractors, or monetarily in an amount equal to the incremental cost of generating substitute energy. To the extent the Upper Colorado River Basin Fund is utilized the moneys expended therefrom in accomplishing the allowance, either through the delivery of purchased energy or by direct monetary payments, shall be reimbursed to said Fund from the Separate Fund identified in section 5 of the Act of December 21, 1928 (45 Stat. 1057), to the extent such reimbursement is consistent with the expenditures Congress may authorize from said Separate Fund pursuant to said Act. The attached Additional Regulation No. 1 for Generation and Sale of Power in accordance with the Boulder Canyon Project Adjustment Act, upon issuance, will be made a part of these principles and criteria.

6. In accomplishing the foregoing, Lake Powell will be operated in general accordance with the provisions of Principles 7 and 8.

7. Storage capacity in Lake Powell to elevation 3,490 (6.5 million acre-feet surface storage) shall be obtained at the earliest practicable time in accordance with the following procedure:

Until elevation 3,490 is first reached, any water stored in Lake Powell shall be available to maintain rated head on Hoover Powerplant. When stored water in Lake Powell has reached elevation 3,490, it will not be subject to release or diminution below elevation 3,490. The obtaining of this storage level in Lake Powell will be in such manner as not to cause Lake Mead to be drawn down below elevation 1,123 (14.5 million acre-feet available surface storage), which corresponds to rated head on the Hoover Powerplant. In the process of gaining storage to elevation 3,490, the release from Glen Canyon Dam shall not be less than 1.0 million acre-feet per year and 1,000 cubic feet per second, as long as inflow and storage will permit.

8. The operation of Lake Powell above elevation 3,490 and Lake Mead will be coordinated and integrated so as to produce the greatest practical amount of power and energy. In view of the provision for allowance set forth in Principle 5 hereof, the quantity of water released through each powerplant will be determined by the Secretary in a manner appropriate to meet the filling criteria.

9. In general, it is not anticipated that secondary energy will be generated at Hoover during the filling period. However, any secondary energy, as defined in the Hoover contracts, which may be generated and delivered at transmission voltage at Hoover Powerplant will be disposed of under the terms of such contracts.

10. In the annual application of the flood control regulations to the operation of Lake Mead, recognition shall be given to available capacity in upstream reservoirs.

STEWART L. UDALL,
Secretary of the Interior.

JULY 12, 1962.

[F.R. Doc. 62-7030; Filed, July 18, 1962; 8:49 a.m.]

[Solicitor's Reg. 7]

ASSISTANT SOLICITOR, BRANCH OF LAND APPEALS

Delegation of Authority

JULY 13, 1962.

The Assistant Solicitor, Branch of Land Appeals, may exercise all the authority vested in the Solicitor of the Department of the Interior by 210 DM 2.2A(4)(a) with respect to the disposition of appeals to the Secretary from decisions of the Director of the Bureau of Land Management (or his delegates) and from decisions of the Director of the Geological Survey (or his delegates) in proceedings which relate to lands or interests in lands.

(210 DM 2.2A(4)(a), 24 F.R. 1348; 210 DM 2.3, 24 F.R. 1349; 200 DM 3.2, 25 F.R. 325)

FRANK J. BARRY,
Solicitor.

[F.R. Doc. 62-7031; Filed, July 18, 1962; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

GREAT PLAINS CONSERVATION PROGRAM

Designation of Counties Within Great Plains Area of Ten Great Plains States Where Program is Specifically Applicable

For the purpose of making contracts based upon the approved plan of farming operations pursuant to the Act of August 7, 1956 (70 Stat. 1115-1117), the following counties in the following States

are designated as susceptible to serious wind erosion by reason of their soil types, terrain, and climatic and other factors.

SOUTH DAKOTA

Edmunds.

TEXAS

Brown.

Done at Washington, D.C., this 16th day of July 1962.

JOHN A. BAKER,
Director, Rural Development and Conservation.

[F.R. Doc. 62-7056; Filed, July 18, 1962; 8:55 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 13780; Order No. E-18593]

SOUTHERN AIR TRANSPORT, INC.

Proposed Reduction of Charter Rates; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of July 1962.

Southern Air Transport, Inc. has filed a tariff to become effective July 19, 1962, proposing a cargo charter rate for C-46 aircraft of $0.75 per aircraft mile. This rate is for service between points within the continental United States, on the one hand, and points in Puerto Rico and the Virgin Islands, on the other hand. The ferry rate of $0.75 per mile is also included in the tariff.

The newly-proposed rate of $0.75 per mile for C-46 aircraft appears to be below the general pattern established for such aircraft for overseas cargo charters, and raises significant questions as to its lawfulness. The carrier has submitted no justification for its proposal.

Upon consideration of this tariff and all relevant matters, the Board finds that the tariff proposal, insofar as it involves overseas air transportation [1] may be unjust, or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and should be investigated. In view of the departure of this proposal from the existing general level of rates, and in accordance with the action of the Board in similar cases,[2] the Board has concluded to suspend the operation of such C-46 tariff proposal and the use thereof pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 404, and 1002 thereof:

It is ordered, That:

1. An investigation is hereby instituted to determine whether the rates and provisions on Original Page 13-B to Agent John J. Klak Air Cargo Rates Tariff No. C-1, C.A.B. No. 6, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful rates and provisions.

2. Pending investigation, hearing, and decision by the Board, the rates and provisions on Original Page 13-B to Agent John J. Klak Air Cargo Rates, Tariff No. C-1, C.A.B. No. 6, so far as applicable to overseas air transportation, are suspended and their use deferred to and including October 16, 1962, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. Copies of this order shall be filed with the aforesaid tariff and shall be served upon Southern Air Transport, Inc. which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-7051; Filed, July 18, 1962; 8:54 a.m.]

[1] Section 101(21) Federal Aviation Act of 1958.

[2] Overseas National Airways, Order E-16462, March 2, 1961, and Order E-18160, March 28, 1962; The Flying Tiger Line, Inc., Order E-17789, December 1, 1961, and Order E-18037, February 19, 1962; Quaker City Airways, Inc., Order E-18118, March 19, 1962; Trans International Airlines, Order E-18160, March 1, 1962; Alaska Airlines, Inc., Order E-18133, March 21, 1962; Pacific Northern Airlines, Inc., Order E-18299, May 3, 1962.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14698, 14699; FCC 62M-994]

NEW YORK TECHNICAL INSTITUTE OF CINCINNATI, INC., AND AIRCALL-CHICAGO, INC.

Order Scheduling Hearing and Prehearing Conference

In re applications of New York Technical Institute of Cincinnati, Inc., Chicago, Illinois, Docket No. 14698, File No. 1760-C2-P-62; Aircall-Chicago, Inc., Chicago, Illinois, Docket No. 14699, File No. 2282-C2-P-62; for construction permits to add facilities and modify authorizations for one-way signaling stations in the Domestic Public Land Mobile Radio Service.

It is ordered, This 12th day of July 1962, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 17, 1962, in Washington, D.C.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Wednesday, September 12, 1962.

Released: July 13, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7058; Filed, July 18, 1962; 8:55 a.m.]

[Docket No. 14710; FCC 62-745]

NETWORK AFFILIATION CONTRACTS

Public Inspection

1. Notice is hereby given of proposed rule making in the above-captioned matter.

2. In 1957, the Antitrust Subcommittee of the House Committee on the Judiciary recommended that the Commission consider the advisability of making public the network affiliation contracts filed with it. The Committee's recommendation was based upon its conclusion that its "study of the agreements reveals the existence of widespread, arbitrary, and substantial differences in the terms accorded by each network to its individual affiliates, particularly in respect of station compensation for network broadcasting services. Further, these differences primarily favor larger, multiple-station licensees vis-a-vis small, independent operators."

3. That same year the Staff Report of the Senate Committee on Interstate and Foreign Commerce concluded that affiliation contracts should be made a matter of public record. Subsequently, the Network Study Staff recommended in its Report that the Commission make public the affiliation contracts filed with it, including the compensation provisions of these contracts.

4. The Commission is of the view that rule making should be instituted on such a proposal in order that all interested parties may submit their views and relevant data.

5. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i) and (j), and 303 of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested parties may file comments on or before August 20, 1962 and reply comments on or before September 4, 1962. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

7. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished the Commission.

Adopted: July 13, 1962.

Released: July 16, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Section 0.406(c) is amended to read as follows:

SEC. 0.406 *Inspection of records.* • • •

(c) All applications and amendments thereto filed under Title II and Title III of the act, including all documents and exhibits filed with and made a part thereof, and all communications pro-

testing or endorsing any such applications, authorizations, and certifications issued upon such applications; all pleadings, depositions, exhibits, transcripts of testimony, reports of examiners or presiding officers, exceptions, briefs, proposed reports, or findings of fact and conclusions; all minutes and orders of the Commission; and network affiliation contracts, agreements, or understandings filed pursuant to § 1.342 (47 CFR 1.342). The information filed under § 1.341 (47 CFR 1.341) and transcription contracts filed pursuant to § 1.342 (47 CFR 1.342) shall not be open to public inspection. The Commission may, however, either on its own motion, or on motion of an applicant, permittee or licensee, for good cause shown, designate any of the material in this paragraph as "not for public inspection."

[F.R. Doc. 62-7064; Filed, July 18, 1962; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-11905 etc.]

ATLANTIC REFINING CO. ET AL.

Notice of Applications and Date of Hearing

JULY 12, 1962.

In the matter of The Atlantic Refining Company, Docket No. G-11905; Western Development Company of Delaware, Docket No. G-18067; Compass Exploration, Inc. (Operator), et al., Docket No. G-18119; Bright & Schiff, Docket No. G-18292; Compass Exploration, Inc. (Operator), et al., Docket No. G-19220; H. L. Brown, et al., Docket No. G-19673; Tex-Star Oil and Gas Corp., Docket No. G-19675; Tri-Service Drilling Company, Docket No. CI60-254; Husky Oil Company, Docket No. CI60-423; Caska Corporation, Operator, Docket No. CI61-15; Pioneer Oil and Gas Company, Inc. (Operator), et al., Docket No. CI61-83; Tekoil Corporation, Docket No. CI61-489; J. S. Abercrombie Mineral Co., Inc., Docket No. CI61-597; H. J. Porter (Operator), et al., Docket No. CI61-831; J. M. Deavenport, Docket No. CI61-912; E. M. Cook, et al., Docket No. CI61-1034; Ralph Lowe (Operator), et al., Docket No. CI61-1367; Ralph Lowe (Operator), et al., Docket No. CI61-1383; Ralph Lowe (Operator), et al., Docket No. CI61-1384; Continental Oil Company (Operator), et al., Docket No. CI61-1535; Continental Oil Company, Docket No. CI61-1642; Continental Oil Company (Operator), et al., Docket No. CI61-1643; Continental Oil Company, Docket No. CI61-1644; Continental Oil Company, et al., Docket No. CI61-1645; Continental Oil Company (Operator), et al., Docket No. CI61-1646; Davis Oil Company, A Corporation, Docket No. CI62-60; Texaco Inc., Docket No. CI62-63; Compass Exploration, Inc. (Operator), et al., Docket No. CI62-197; The Atlantic Refining Company, et al., Docket No. CI62-214; Ray Smith, Docket No. CI62-215; Harry D. Bush d.b.a Reynolds Oil & Gas Company, Docket No. CI62-240; Humble Oil & Refining Company, Docket No. CI62-242; Texaco Inc., Docket No. CI62-256; James Davis, Jr. d.b.a. Solar Oil Co., Docket No. CI62-289; Javelin Oil Company, Inc. (Operator), et al., Docket No. CI62-308; Robert B. Stallworth, Jr. d.b.a. Dominion Oil & Gas Company, Docket No. CI62-309; Viersen and Cochran, Docket No. CI62-311; John G. McMillian, Jr., et al., Docket No. CI62-312; MPS Production Co. (Operator), et al., Docket No. CI62-314; Big Run Oil and Gas Company, Docket No. CI62-316; J. G. Catlett Co. (Operator), et al., Docket No. CI62-321; Bartessa Oil Corporation, Docket No. CI62-325; E. H. Adair d.b.a. E. H. Adair Oil Company, Docket No. CI62-358; United Producing Company, Inc., Docket No. CI62-540; Walter L. Barker, Docket No. CI62-559; Allerton Miller, Docket No. CI62-597; Wheless Drilling Company, Docket No. CI62-599; Allerton Miller, Docket No. CI62-604; Don W. Hardman, et al. d.b.a. Boot Heel Oil and Gas Company, Docket No. CI62-610; Glenn L. Haught d.b.a. Martha Smith Gas Company, Docket No. CI62-612; Williamson Petroleum Company, Docket No. CI62-815; Earl T. Fairman, Jr., et al., Docket No. CI62-843; Harper Oil Company, Docket No. CI62-888; Southern Triangle Oil Company, Inc., et al., Docket No. CI62-899; Dorothea Webber, et al., Docket No. CI62-900; George B. Mertz, et al., Docket No. CI62-901; N. G. Clark, et al. d.b.a. Grundy Associates, Docket No. CI62-902; N. G. Clark, et al. d.b.a. Grundy Associates, Docket No. CI62-906; A. G. Hill, Docket No. CI62-907; T. L. Mullen Company, Docket No. CI62-911; Kenneth Powell d.b.a. Davisson Lease Gas Company, Docket No. CI62-912; E. A. Ballengee, Agent for Davis Farm Oil & Gas Company, Docket No. CI62-913; M. J. Moran, Docket No. CI62-940; Hydrocarbon Chemicals, Inc., Docket No. CI62-941; Helmerich & Payne Inc. (Operator), et al., Docket No. CI62-949; Barron Kidd, Docket No. CI62-952; Fred Stalnaker, Docket No. CI62-960; The Ohio Oil Company, Docket No. CI62-966; A. R. Dillard (Operator), et al., Docket No. CI62-969; Lone Star Producing Company, Docket No. CI62-972; D. R. Lauck Oil Company, Inc., Docket No. CI62-974; Don W. Hardman, et al. d.b.a. Bonda Groah Oil & Gas Company, Docket No. CI62-977; F. C. Stone, et al. d.b.a. F. C. Stone Oil & Gas Company, Docket No. CI62-978; N. G. Clark, et al., Docket No. CI62-979; H. F. Sears, Docket No. CI62-981; J. N. Ryan d.b.a. Butterworth and Lemann, Docket No. CI62-983; Mayflo Oil Company (Operator), et al., Docket No. CI62-986; W. W. Carter (Operator), et al., Docket No. CI62-1000; Gerald J. McDermott, et al. by Cricket Oil Company, Agent, Docket No. CI62-1012; John L. Cannon d.b.a. Oil Development Company, Docket No. CI62-1013; Phillips Petroleum Company, Docket No. CI62-1014; Texaco Inc., Docket No. CI62-1018; James I. Shearer, et al., Docket No. CI62-1025; Apache Corporation, Docket No. CI62-1036; Sun Oil Company, Docket No. CI62-1038; The Shamrock Oil and Gas Corporation, Docket No. CI62-1041; Petroleum, Inc., Docket No. CI62-1047; Duncan Sartain and Douglas A. Williams d.b.a. Ole Colony Development Company, Docket No. CI62-1052; Ginther, Warren & Company (Operator), et al., Docket No. CI62-1064; Toto Gas Company, Operator, Docket No. CI62-1067; W. H. Hudson (Operator), et al., Docket No. CI62-1074; Midwest Oil Corporation, Docket No. CI62-1082; Thomas E. Berry, Docket No. CI62-1085; Va Roy Hildreth, Operator, Docket No. CI62-1086; Katex Oil Company, Docket No. CI62-1092; Humble Oil & Refining Company, Docket No. CI62-1094; Kay Kimbell, Docket No. CI62-1105; E. B. Clark, Jr., et al., Docket No. CI62-1108; Ambassador Oil Corp. (Operator), et al., Docket No. CI62-1110; T. W. Ward (Operator), et al., Docket No. CI62-1122; A. F. Childers, Jr. (Operator), et al., Docket No. CI62-1152; Blaho Oil & Gas Company, Docket No. CI62-1164; H. C. Wilson d.b.a. Brock & Courtney Lease, Docket No. CI62-1165; C & P Oil & Gas Company, Docket No. CI62-1166; C. L. Kingsbury, Agent for Weekley-Pritt Lease, Docket No. CI62-1167; Larco Drilling Company (Operator), et al., Docket No. CI62-1170.

Take notice that each of the above Applicants has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce as hereinafter described, all as more fully described in the respective applications (and any supplements or amendments thereto) which are on file with the Commission and open to public inspection.

The Applicants herein produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No., Field and Location, Purchaser, and Initial Price per Mcf

G-11905; Bethany-Longstreet Field, DeSoto Parish, La.; Arkansas Louisiana Gas Co.; 11.512 cents at 15.025 psia.

G-18067; Aztec-Pictured Cliffs and Blanco-Mesaverde Fields, San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

G-18119; Acreage in LaPlata County, Colo.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.

G-18292; Perryton-Morrow Field, Ochiltree County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.

G-19220; Acreage in LaPlata County, Colo.; Southern Union Gathering Co. (for resale to El Paso Natural Gas Co.); 13.0 cents at 15.025 psia.

G-19673; West Mission Field, Hidalgo County, Tex.; Tennessee Gas Transmisison Co.; 12.12268 cents at 14.65 psia.

G-19675; Orville F. Bakhaus, et al., Leases, Hidalgo County, Tex.; Coastal States Gas Producing Co.; 10.91888 cents at 14.65 psia.

CI60-254; Willrode Field (Amacker-Tippet Area), Upton County, Tex.; El Paso Natural Gas Company and Hunt Oil Co.; 7.0 cents at 14.65 psia.

CI60-423; Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 6.5 cents at 14.65 psia, 10.5406 cents at 14.65 psia.

CI61-15; Quitman Field, Wood County, Tex.; Arkansas Louisiana Gas Co.; 11.9568 cents at 14.65 psia.

CI61-83; Maxie-Pistol Ridge Field, Forrest County, Miss.; United Gas Pipe Line Co.; 20.0 cents at 15.325 psia.

CI61-489; Guymon-Hugoton Field, Texas County, Okla.; Panhandle Eastern Pipe Line Co.; 8.0397 cents at 14.65 psia.

CI61–597; Triple A Field, San Patricio County, Tex.; United Gas Pipe Line Co.; 7.596 cents at 14.65 psia.
CI61–831; Johns Field Area, Duval County, Tex.; Coastal States Gas Producing Company and Southern Coast Corp.; 12.122 cents at 14.65 psia.
CI61–912; Aztec (Fruitland) Field, San Juan County, N. Mex.; El Paso Natural Gas Co.; 10.0 cents at 15.025 psia.
CI61–1034; Hugoton Field, Kearny County, Kans.; Colorado Interstate Gas Co.; 12.5 cents at 14.65 psia.
CI61–1367; Jalmat & Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 9.5 cents at 14.65 psia.
CI61–1383; Jalmat Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 5.5 cents at 14.65 psia.
CI61–1384; Jalmat, Dollarhide & Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 5.5 cents at 14.65 psia.
CI61–1535; Eureka Field, Grant and Alfalfa Counties, Okla.; Cities Service Gas Co.; 17.0 cents at 14.65 psia.
CI61–1642; Laverne and Northwest Buffalo, Harper and Beaver Counties, Okla.; Michigan-Wisconsin Pipe Line Co.; 17.0 cents at 14.65 psia.
CI61–1643; Laverne Field, Harper County, Okla.; Colorado Interstate Gas Co.; 17.0 cents at 14.65 psia.
CI61–1644; Laverne Field, Harper County, Okla.; Michigan-Wisconsin Pipe Line Co.; 17.0 cents at 14.65 psia.
CI61–1645; Southeast Eureka Field, Grant County, Okla.; Cities Service Gas Co.; 17.0 cents at 14.65 psia.
CI61–1646; Chimney Creek Area, Woodward County, Okla.; Cities Service Gas Co.; 17.0 cents at 14.65 psia.
CI62–60; Union District, Clay County, W. Va.; United Fuel Gas Co.; 23.0 cents at 15.325 psia.
CI62–63; Gutierrez Field, Jim Hogg County, Tex.; South Texas Natural Gas Gathering Co.; 15.0 cents at 14.65 psia.
CI62–197; Acreage in LaPlata County, Colo.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.
CI62–214; Burns Field, Grady County, Okla.; Arkansas Louisiana Gas Co.; 12.0 cents at 14.65 psia.
CI62–215; Escrito Gallup Field Area, San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.
CI62–240; Acreage in DeKalb District, Gilmer County W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–242; Beaver NW Pool, Stephens County, Okla.; Arkansas Louisiana Gas Co.; 12.0 cents at 14.65 psia.
CI62–256; Traffas Field, Barber County, Kans.; Cities Service Gas Co.; 13.0 cents at 14.65 psia.
CI62–289; Hugoton Field, Finney County, Kans.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.
CI62–308; Waskom Field, Panola County, Tex; Arkansas Louisiana Gas Co.; 10.25 cents at 14.65 psia.
CI62–309; Acreage in Salt Lick District, Braxton County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI62–311; Acreage in Grant County, Okla.; Cities Service Gas Co.; 13.0 cents at 14.65 psia.
CI62–312; Azalea Field, Midland County, Tex.; Phillips Petroleum Co. (for resale to Permian Basin Pipeline Co., now Northern Natural Gas Co.); 12.5 cents at 14.65 psia.
CI62–314; Elms Field, Live Oak County, Tex.; Natural Gas Pipeline Co. of America; 17.0 cents at 14.65 psia.
CI62–316; Acreage in Otter District, Braxton County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI62–321; Guymon-Hugoton Field, Finney County, Kans.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.
CI62–325; Spraberry Driver Unit, Reagan County, Tex.; El Paso Natural Gas Co.; 10.096 cents at 14.65 psia.
CI62–358; Sitka Field, Clark County, Kans.; Northern Natural Gas Co.; 16.0 cents at 14.65 psia.
CI62–540; Acreage in Cutter Unit, Seward and Stevens Counties, Kans.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.
CI62–559; Greenwood-Waskom Field, Caddo Parish, La.; Arkansas Louisiana Gas Co.; 11.2 cents at 15.025 psia.
CI62–597; Acreage in Meade District, Upshur County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI62–599; Vixen Field, Caldwell Parish, La.; Arkansas Louisiana Gas Co.; 18.5 cents at 15.025 psia.
CI62–604; Acreage in Meade and Buckhannon Districts, Upshur County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI62–610; Acreage in Union District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–612; Acreage in Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–815; North Justis Field, Lea County, N. Mex.; El Paso Natural Gas Co.; 9.0 cents at 15.025 psia.
CI62–843; Acreage in Sumner County, Kans.; Wunderlich Development Co.; 5.0 cents at 14.65 psia.
CI62–888; Laverne Field, Harper County, Okla.; Colorado Interstate Gas Co.; 15.0 cents at 14.65 psia.
CI62–899; Freeman's Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–900 (as Supp. 4–11–62); Greenbrier District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–901; Court House District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–902; Freeman's Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–906; Freeman's Creek District, Lewis County, W. Va.; Cumberland and Allegheny Gas Co.; 25.0 cents at 15.325 psia.
CI62–907 (as Supp. 4–26–62); Collins Settlement District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–911; Meade District, Upshur County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–912; West Union District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–913; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–940; Salt Lick District, Braxton County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI62–941; Center District, Gilmer County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI62–949; Doyle Field, Stephens County, Okla.; Lone Star Gas Co.; 15.0 cents at 14.65 psia.
CI62–952; Elk District, Barbour County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–960; Troy District, Gilmer County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI62–966; Worsham Field, Reeves County, Tex.; Transwestern Pipeline Co.; 16.0 cents at 14.65 psia.
CI62–969; Perryton Gas Field, Ochiltree County, Tex.; Northern Natural Gas Co.; 17.0 cents at 14.65 psia.
CI62–972; Mocane Field, Beaver County, Okla.; Northern Natural Gas Co.; 17.0 cents at 14.65 psia.
CI62–974; Wil Field, Edwards County, Kans.; Northern Natural Gas Co.; 13.5 cents at 14.65 psia.
CI62–977; New Milton District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–978; Clay District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–979; Freeman's Creek District, Lewis County, W. Va.; Cumberland and Allegheny Gas Co.; 25.0 cents at 15.325 psia.
CI62–981; West Panhandle Gas Field, Hutchinson County, Tex.; Phillips Petroleum Co.; 11.5534 cents at 14.65 psia.
CI62–983; Collins Settlement District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–986; Hansford Upper Morrow Gas Field, Hansford County, Tex.; Northern Natural Gas Co.; 17.0 cents at 14.65 psia.
CI62–1000; Cabeza Creek Area, Goliad County, Tex.; United Gas Pipe Line Co.; 12.0 cents at 14.65 psia.
CI62–1012; West Perryton Field, Ochiltree County, Tex.; Transwestern Pipeline Co.; 16.0 cents at 14.65 psia.
CI62–1013; Southwest District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI62–1014; Cameron County, Pa.; New York State Natural Gas Corp.; 27.5 cents at 15.325 psia.
CI62–1018; Mocane Field, Beaver County, Okla.; Panhandle Eastern Pipe Line Co.; 17.0 cents at 14.65 psia.
CI61–1025; Central District, Doddrdge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI62–1036; Acreage in Finney County, Kans.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.
CI62–1038; Como Field, Beaver County, Okla.; Northern Natural Gas Co.; 17.0 cents at 14.65 psia.
CI62–1041; Acreage in Ochiltree and Roberts Counties, Tex.; Natural Gas Pipeline Co. of America; 17.0 cents at 14.65 psia.
CI62–1047; Sitka Field, Clark County, Kans.; Northern Natural Gas Co.; 16.0 cents at 14.65 psia.
CI62–1052; West Union District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI62–1064; Agua Dulce Field, Nueces County, Tex.; United Gas Pipe Line Co.; 15.0 cents at 14.65 psia.
CI62–1067; Lucien Field, Noble County, Okla.; Cities Service Gas Co.; 11.0 cents at 14.65 psia.
CI62–1074; Wilcox Field, Zapata County, Tex.; Tennessee Gas Transmission Co.; 16.5 cents at 14.65 psia.
CI62–1082; Comanche County, Okla.; Cities Service Gas Co.; 15.0 cents at 14.65 psia.
CI62–1085; Acreage in Texas County, Okla.; Northern Natural Gas Co.; 12.0 cents at 14.65 psia.
CI62–1086; Lee District, Calhoun County, W. Va.; Cabot Corp.; 12.0 cents at 15.325 psia.
CI62–1092; West Panhandle Field, Moore County, Tex.; Colorado Interstate Gas Co.; 12.0 cents at 14.65 psia.
CI62–1094; Hansford County, Tex.; Panhandle Eastern Pipeline Co.; 17.0 cents at 14.65 psia.
CI62–1105; Hansford County, Tex.; Northern Natural Gas Co.; 17.0 cents at 14.65 psia.
CI62–1108; Arneckeville Field, DeWitt County, Tex.; Texas Eastern Transmission Corp.; 11.6 cents at 14.65 psia.
CI62–1110; S. E. Alexander Lease, Hansford County, Tex.; Natural Gas Pipeline Co. of America; 17.0 cents at 14.65 psia.
CI62–1122; Topeka-Greenwood Field, Texas County, Okla.; Panhandle Eastern Pipeline Co.; 16.0 cents at 14.65 psia.
CI62–1152; Jones Creek Field, Wharton County, Tex.; Florida Gas Transmission Co.—(formerly Coastal Transmission Corp.); 17.5 cents at 14.65 psia.
CI62–1164; Grant District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–1165; Cass District, Monongalia County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–1166; Troy District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–1167; Washington District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI62–1170; Magee Field, Smith and Simpson Counties, Miss.; United Gas Pipe Line Co.; 18.0 cents at 15.025 psia.

The public convenience and necessity require that these matters be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 16, 1962, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may after a non-contested hearing dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 6, 1962. Failure of any party to appear at and participate in the hearing shall be contrued as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made: *Provided, further,* If a protest, petition to intervene, or notice of intervention be timely filed in any of the above dockets, the above hearing date as to that docket will be vacated and a new date for hearing will be fixed as provided in § 1.20 (m)(2) of the rules of practice and procedure.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–7018; Filed, July 18, 1962; 8:47 a.m.]

[Project No. 2306]

CITIZENS UTILITIES CO.

Order Fixing Hearing

JULY 12, 1962.

Application was filed January 30, 1962, by Citizens Utilities Company, of Stamford, Connecticut for a license under Section 4(e) of the Federal Power Act for Project No. 2306, consisting of constructed hydroelectric project works located on the Clyde River and a tributary thereof in Orleans County, Vermont, as described in the public notice of the application which was issued February 26, 1962 (27 F.R. 2130). The State of Vermont was permitted to intervene on May 11, 1962.

The Commission finds: It is appropriate and in the public interest to hold a public hearing respecting the issues presented. The hearing shall not include the matter of the Commission's jurisdiction, which was determined February 16, 1959, in Citizens Utilities Company, 21 FPC 233 and affirmed in Citizens Utilities Co. v. F.P.C., 279 F. 2d 1 (CA 2), cert. denied, 364 U.S. 893, said affirmance being later held by the Court (295 F. 2d 959) to constitute res judicata.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 4 (e), 10(i) and 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held commencing on October 16, 1962, at 10:00 a.m. in the Senate Chamber, State Capitol Building, Montpelier, Vermont, concerning the issues presented.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–7019; Filed, July 18, 1962; 8:47 a.m.]

[Docket No. CP62–233]

EL PASO NATURAL GAS CO.

Notice of Application and Date of Hearing

JULY 12, 1962.

Take notice that on April 2, 1962, as supplemented on June 8, 1962, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas, filed in Docket No. CP62–233 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the sale and delivery of natural gas to Nevada Northern Gas Company (Nevada Northern) for direct sale and transportation to industrial customers and for resale and transportation to distribution companies for resale and distribution, all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 98 miles of 16-inch lateral pipeline, and metering, regulating and related facilities, extending southwesterly from its Northwest Division Compressor Station No. 11, near Mountain Home, Idaho, to the Nevada-Idaho border near the South Fork Owyhee River. The application shows the total estimated cost of these facilities to be $4,804,000, which cost will be financed by Applicant out of current working funds, supplemented by short-term bank loans as necessary.

Nevada Northern proposes to construct and operate approximately 250 miles of 16-inch, 24 miles of 10-inch and 12 miles of 8-inch main transmission line extending in a southwesterly direction from a point of connection with Applicant's proposed line on the Nevada-Idaho border to the vicinity of Reno, Nevada, and thence southerly to a point of termination near Minden and Gardnerville, Nevada. Nevada Northern will also construct and operate lateral lines to serve certain direct industrial customers and distributors removed from the proposed main line system.

Nevada Northern proposes to transport and sell gas at the city gates of some twelve Nevada communities for distribution by local utilities and to make direct sales to institutional and industrial customers and to Sierra Pacific Power Company for boiler fuel use.

The application shows the total estimated cost of Nevada Northern's proposed facilities to be $12,100,000.

The application shows Nevada Northern's third year annual and maximum day requirements to be 8,408,981 Mcf and 50,232 Mcf, respectively.

The proposed sale by Applicant to Nevada Northern will be made at a rate of 38 cents per Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 15, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G. Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 6, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–7020; Filed, July 18, 1962; 8:47 a.m.]

[Docket No. CP62–243 etc.]

NATURAL GAS PIPELINE COMPANY OF AMERICA ET AL.

Notice of Applications and Motions To Amend Certificates and Date of Hearing

JULY 12, 1962.

In the matter of Natural Gas Pipeline Company of America, CP62–243 and

CP61-339; Mississippi River Transmission Corporation, CP62-242, CP61-341, CP62-76 and CP61-339; Mississippi River Fuel Corporation, CP61-341.

Take notice that on April 18, 1962, Natural Gas Pipeline Company of America (Natural) filed an application in Docket No. CP62-243, as supplemented on May 2, 1962, for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, to construct, acquire and operate facilities so as to (1) increase the design day sales capacity of its pipeline system by 35,000 Mcf and (2) sell natural gas, on a firm basis, to Mississippi River Transmission Corporation (Mississippi Transmission) for resale by the latter to Mississippi River Fuel Corporation (Mississippi Fuel).

Natural proposes to sell and deliver 36,750 Mcf per day of natural gas to Mississippi Transmission through use of existing facilities interconnecting the respective systems at Clinton County, Illinois. These facilities and interconnection were authorized by the Commission, by its order of September 26, 1961, in Docket No. CP61-339, for emergency exchange of gas.

In order to make the proposed sale and delivery to Mississippi Transmission, Natural requests (1) authorization to acquire and operate Mississippi Transmission's interest in the jointly owned metering facilities operated by the latter at the aforementioned point of interconnection and (2) an amendment of the certificate issued in Docket No. CP61-339 so as to permit Natural to operate its separately owned facilities at said point of interconnection to effectuate the sale here proposed, in lieu of the emergency exchange of gas as previously authorized. Natural proposes that upon commencement of the sale and delivery of gas to Mississippi Transmission the authorization for the emergency exchange of gas in Docket No. CP61-339 be terminated.

The other facilities proposed to be constructed and operated by Natural consist of approximately 62 miles of 30-inch pipeline looping and the installation of an additional 2,800 BHP of compressor horsepower at its existing compressor station No. 310. The estimated cost of the facilities proposed to be constructed and acquired is $6,627,275.

By its application of April 17, 1962, as amended on May 1, 1962, in Docket No. CP62-242, Mississippi Transmission seeks authorization to transport and sell to Mississippi Fuel 35,630 [1] Mcf per day on a firm basis. An equivalent volume of gas is to be purchased by Mississippi Transmission from Natural as proposed by the latter in its application in Docket No. CP62-243. In this regard, Mississippi Transmission requests that any amendment of the certificate issued in Docket No. CP61-339, as proposed by Natural, include an authorization to Mississippi Transmission to use and operate its separately owned portion of the facilities, authorized in that certification, for the purpose of receiving the gas now proposed to be purchased from Natural on a firm basis.

Mississippi Transmission avers that it has unused capacity on its pipeline system substantially in excess of that required to make the proposed deliveries to Mississippi Fuel and at the same time meet its current commitments and consequently does not propose to construct any additional facilities. However, Mississippi Transmission proposes to make the deliveries to Mississippi Fuel through the use of certain existing facilities installed and interconnecting at a point in Madison County, Illinois, under a certificate issued in Docket No. CP61-341 for the exchange of gas between these two applicants. Mississippi Transmission therefore moves that the certificate issued on September 26, 1961 in Docket No. CP61-341 be amended so as to authorize the use and operation of said interconnection facilities for the rendition of the service here proposed.

Additionally, Mississippi Transmission expects that as a purchaser of firm gas from Natural, quantities of interruptible gas will be made available to Mississippi Transmission, from time to time, from Natural. Mississippi Transmission proposes to make available to all its customers, including Mississippi Fuel, in proportion to their respective contract quantities, interruptible gas which becomes available to it from Natural and its other supplier, Trunkline Gas Company. Accordingly, Mississippi Transmission moves that the certificate issued to it January 29, 1962 in Docket No. CP62-76, respecting interruptible sales, be amended so as to enable it to render interruptible services in the manner set forth in its forms of proposed and amended rate schedules contained in its application in Docket No. CP62-242 and designated as Exhibit P.

Mississippi Fuel's motion of May 15, 1962, in Docket No. CP61-341, as supplemented on May 31, 1962, and June 11, 1962, seeks amendment of that certificate so as to authorize Mississippi Fuel to use the interconnecting facilities authorized therein for the purpose of taking into its system the additional volumes of gas proposed to be purchased from Mississippi Transmission in the latter's application in CP62-242. No additional facilities are required by Mississippi Fuel to enable it to receive and transport the volumes proposed to be purchased from Mississippi Transmission so as to make increased deliveries to its existing customers in the volumes set forth in its motion herein.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 17, 1962, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications and motions.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 31, 1962. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-7021; Filed, July 18, 1962; 8:47 a.m.]

[1] The 36,750 Mcf per day proposed to be purchased from Natural is equivalent to 35,630 Mcf on the basis of measurement used by Mississippi Transmission.

[Docket No. RI63-3]

PAN AMERICAN PETROLEUM CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rates

JULY 12, 1962.

On June 12, 1962, Pan American Petroleum Corporation (Operator), et al (Pan American)[1] tendered for filing a proposed change in the presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The sale is made at a pressure base of 14.65 psia. The proposed change is designated as follows:

Description. Notice of change, dated June 12, 1962.
Purchaser. Cities Service Gas Company.
Producing area. Hugoton Field, Finney, Grant, Hamilton, Haskell, Kearny, Morton, Seward, Stanton and Stevens Counties, Kansas.
Rate schedule designation. Supplement No. 89 to Pan American's FPC Gas Rate Schedule No. 84.
Proposed rate. 14.5 cents.[2][3]
Effective rate. 10.7195 cents.[2][4]
Annual increase. $3,028,335.
Effective date. July 13, 1962 (stated effective date is the first day after expiration of the required statutory notice).

Pan American's proposed change purports to be in accordance with the price redetermination provisions in its contract which provide that after June 22, 1961, the price for gas shall be the fair and reasonable price for each successive five year period but not less than 12¢ per Mcf (10.7195¢ per Mcf at 14.65 psia). On May 2, 1962, the District Court of Shawnee County, Kansas, determined that a fair and reasonable price under Pan American's contract is 14.5¢ per Mcf at 14.65 psia for the five year period commencing on June 23, 1961, with correction for supercompressibility. The instant filing is based on such court decision.

[1] Address is: P.O. Box 591, Tulsa 2, Oklahoma, Attention: Mr. Norton Standeven; and Dow, Lohnes and Albertson, Munsey Building, Washington 4, D.C., Attention: Mr. Carroll L. Gilliam.

[2] Subject to downward BTU adjustment.

[3] Corrected for supercompressibility.

[4] Uncorrected for supercompressibility.

Cities Service Gas Company (Cities Service) on June 29, 1962, filed a protest and motion to reject Pan American's proposed increased rate. In support thereof, Cities Service states, inter alia, that (1) there is no contractual basis for Pan American's rate filing because Pan American has exercised its contractual right to a single rate change during the period June 23, 1961 to June 22, 1966, by filing the 12¢ rate increase (10.7195¢ per Mcf at 14.65 psia) contained in Supplement No. 88 to its FPC Gas Rate Schedule No. 84, and because the basis for the rate filing is a court decision that is not final and is subject to appeal by Cities Service; and (2) Pan American has failed to comply with the Commission's Regulations under the Natural Gas Act in that Pan American has failed to file the subject supplement on behalf of all nonsignatory parties to said gas purchase contract and has failed to submit a full statement in support of its proposed change in rate.

In the alternative, in the event the Commission accepts for filing Pan American's proposed change, Cities Service requests that the effectiveness thereof be suspended for five months. Cities Service also requests that the acceptance be conditioned upon and made subject to (1) the judgment of the District Court of Shawnee County, Kansas, becoming final; (2) Pan American's rate filing shall be of no force and effect in the event said judgment is reversed; (3) the acceptance for filing shall, in all other respects, be without prejudice to Cities Service's appeal from the court decision mentioned above and the ultimate disposition thereof; and (4) such acceptance be made expressly subject to the ultimate disposition by the Commission or the courts of the question of whether Pan American is, under the Commission's Regulations, required to file on behalf of all nonsignatory coowners as such question shall be ultimately determined by the Commission or the courts as a result of the proceedings now pending in Docket No. RI61-532.

On June 29, 1962, Midwest Industrial and Commercial Gas Users Association, and Sheffield Division, Armco Steel Corporation [5] (hereinafter jointly referred to as Industrial) filed a protest with respect to Pan American's proposed rate change requesting that such proposed change be rejected or the effectiveness thereof be suspended for five months. In support of its request for rejection Industrial states that Pan American's filing fails to set forth a full statement of the reasons and justification in support of the proposed change. In support of its alternative request, Industrial states, *inter alia*, that (1) the proposed rate is in excess of the applicable area ceiling for increased rates as announced in the Commission's Statement of General Policy No. 61-1; (2) the court's decision upon which Pan American's filing is based has not become final and it is anticipated that Cities Service will appeal said decision; and (3) the proposed rate of 14.5¢ per Mcf is not a "fair and reasonable" price within the terms and meaning of the purchase contract involved.

By this order we are suspending the effectiveness of the proposed increased rate contained in Supplement No. 89 to Pan American's FPC Gas Rate Schedule No. 84. Such action, however, is without prejudice to the positions of Cities Service and Industrial with respect to the legality of such filing. Our action is also without prejudice to Cities Service's position in the event that various contingencies may occur as set forth above in connection with Cities Service's alternative request. Accordingly, we shall also provide that the hearing herein shall concern itself with the legality of Pan American's filing. Under the circumstances, we do not consider it appropriate at this time to render a decision as to the effect that the contingencies mentioned above may have on the legality of Pan American's filing, as requested by Cities Service.

The proposed increased rate exceeds the applicable area price level as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The proposed changed rate may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the legality of Pan American's filing and the lawfulness of the proposed change, and that Supplement No. 89 to Pan American's FPC Gas Rate Schedule No. 84 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the legality of Pan American's filing and the lawfulness of the proposed increased rate and charge contained in Supplement No. 89 to Pan American's FPC Gas Rate Schedule No. 84.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until December 13, 1962, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 27, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-7022; Filed, July 18, 1962; 8:47 a.m.]

[5] Midwest members, including Sheffield, are business concerns purchasing gas for their own industrial and commercial use from a distribution customer of Cities Service.

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JULY 16, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37832: *T.O.F.C. service—Paper and paper articles to Clinton, Iowa.* Filed by Southwestern Freight Bureau, Agent (No. B-8237), for interested rail carriers. Rates on paper and paper articles, loaded in or on trailers, and transported on railroad flat cars, from points in Arkansas, Louisiana and Texas, to Clinton, Iowa.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 4 to Southwestern Freight Bureau tariff I.C.C. 4480.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-7033; Filed, July 18, 1962; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

JULY 13, 1962.

The common stock, $1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect

any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19 (a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 15, 1962, to July 24, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-7047; Filed, July 18, 1962; 8:53 a.m.]

[File No. 1-4579]

AUTOMATED PROCEDURES CORP.

Order Summarily Suspending Trading

JULY 13, 1962.

The Class A stock, par value 5 cents per share, of Automated Procedures Corp., being listed and registered on The National Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19 (a)(4) of the Securities Exchange Act of 1934 that trading in said security on The National Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 14, 1962, to July 23, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-7048; Filed, July 18, 1962; 8:53 a.m.]

[File No. 1-4597]

INDUSTRIAL ENTERPRISES, INC.

Order Summarily Suspending Trading

JULY 13, 1962.

The Common assessable stock, $1.00 par value, of Industrial Enterprises, Inc., being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19 (a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 14, 1962, to July 23, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-7049; Filed, July 18, 1962; 8:53 a.m.]

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[Updated to January 1, 1962]

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VOLUME 27 NUMBER 140

Washington, Friday, July 20, 1962

THE UNIVERSITY OF MICHIGAN
JUL 24 1962
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UNITED STATES STATUTES AT LARGE

[87th Cong., 1st Sess.]

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Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1962 C.C.C. Cotton Bulletin 1, Amdt. 1]

PART 427—COTTON

Subpart—1962 Cotton Loan Program Regulations

SCHEDULE OF BASE LOAN RATES FOR UPLAND COTTON

Correction

In F.R. Doc. 62-6810, appearing at page 6693 of the issue for Saturday, July 14, 1962, the following changes are made in the schedule in § 427.1330:

1. Under "Georgia", "Barnesville City, Lamar County", the "basis middling white inch loan rate" should read "33.33" instead of "33.32";

2. Under "Oklahoma", "Erick City", the County should read "Beckham" instead of "Bleckham";

3. Under "South Carolina", an additional entry should be added at the end of the schedule to read as follows:

City and county	*Basis Middling white inch loan rate*
• • • • •	
York, York	33.51

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 4]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements and Quotas for 1962

Basis and purpose. In Sugar Regulation 811 for 1962 (26 F.R. 11963; 27 F.R. 3733, 4585, 5255), the Secretary made the determination that 9,700,000 short tons, raw value of sugar were needed to meet the requirements of consumers in the continental United States for the calendar year 1962 and established sugar quotas for the six-month period ending June 30, 1962, for the supplying areas except Cuba in terms of short tons of sugar, raw value. The Sugar Act of 1948, as amended, and as further amended and extended by the Act enacted July 13, 1962, is hereinafter referred to as "Act".

The purpose of this amendment is to establish sugar quotas pursuant to the Act in terms of short tons of sugar, raw value, for domestic sugar-producing areas and the Republic of the Philippines for the calendar year 1962, and to establish prorations and allocations for certain foreign countries other than the Republic of the Philippines, and a quantity of sugar for importation from foreign countries as a group, for the six-month period ending December 31, 1962.

In addition, this amendment establishes: (1) The import fee applicable to sugar imported from foreign countries as provided by section 213 of the Act, (2) the amounts of certain quotas that may be filled by direct-consumption sugar as provided for by section 207 of the Act, and (3) the liquid sugar quotas as provided by section 208 of the Act, for the calendar year 1962.

It is essential that quotas for 1962 established by this amendment be effective immediately so that persons who sell, purchase and import sugar will have adequate foreknowledge to permit the necessary arrangements for purchase and shipment of sugar and provide for an orderly flow of sugar in the early days of July and throughout the remainder of the year. Accordingly, it is hereby found and determined that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest and the amendments set forth in this regulation shall become effective when filed for public inspection in the Office of the Federal Register.

By virtue of the authority vested in the Secretary of Agriculture by the Act, the above identified Sugar Regulation 811 is hereby revised to read as follows:

Sec.
811.1 Sugar requirements, 1962.
811.2 Quotas for domestic areas.
811.3 [Reserved.]
811.4 Quotas for foreign countries.
811.5 Import fee.
811.6 Applicability of quotas.
811.7 Restriction on importations and marketings within quotas.

AUTHORITY: §§ 811.1 to 811.7 issued under sec. 403, 61 Stat. 932, 7 U.S.C. 1153. Interprets or applies secs. 201, 202, 207, 208, 209, 210; 61 Stat. 923, as amended, 924, as amended, 927, as amended, and 928, as amended, sec. 213 as added by the Act enacted July 13, 1962; 7 U.S.C. 1111, 1112, 1117, 1118, and 1119.

§ 811.1 Sugar requirements, 1962.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1962 is hereby determined to be 9,700,000 short tons, raw value.

§ 811.2 Quotas for domestic areas.

(a) For the calendar year 1962 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established in column (2), as follows:

[Short tons, raw value]

Area	Quotas (1)	Direct-consumption limits (2)
Domestic beet sugar	2,650,000	(1)
Mainland cane sugar	895,000	(1)
Hawaii	1,110,000	33,174
Puerto Rico	1,140,000	145,500
Virgin Islands	15,000	0

[1] No limit.

(b) Of the quantity established in paragraph (a) of this section for Puerto Rico which may be filled by direct-consumption sugar, 126,033 short tons, raw value, may be filled only by sugar principally of crystalline structure.

§ 811.3 [Reserved]

§ 811.4 Quotas for foreign countries.

(a) Until amended, the quotas or prorations for foreign countries limiting the quantities of sugar which may be imported into the continental United States during the calendar year 1962 and the six-month period ending December 31, 1962, for consumption therein and the amounts of such quotas and prorations that may be filled by direct-consumption sugar are hereby established as set forth in the following paragraphs (b), (c), (d), (e), and (f) of this section. All importations of sugar within the prorations or quantities established in paragraphs (c), (d), and (e) of this section are conditioned upon the payment of a fee as provided in § 811.5.

(b) For the calendar year 1962, the quota for the Republic of the Philippines is 1,050,000 short tons, raw value, and the amount of such quota that may be filled by direct-consumption sugar is 59,920 short tons, raw value.

(c) For the six-month period ending December 31, 1962, the prorations for individual foreign countries of the quota for foreign countries other than the Republic of the Philippines are as follows:

Country:	*Short tons, raw value*
Peru	71,635
Dominican Republic	71,635
Mexico	71,635
Brazil	68,005
British West Indies	34,056
Australia	15,053
Republic of China	13,238
French West Indies	11,316
Colombia	11,316
Nicaragua	9,395
Costa Rica	9,395
Ecuador	9,395
India	7,580
Haiti	7,580
Guatemala	7,580
South Africa	7,580
Panama	5,658
El Salvador	3,843
Paraguay	3,736

Country:	Short tons, raw value
British Honduras	3,737
Fiji Islands	3,736
Belgium	91
Unprorated	9,312

On the basis of information available, it is found that in the calendar year 1961 the aggregate exports of sugar in each case from the United Kingdom, Canada, Hong Kong and the Netherlands to countries other than the United States did not equal or exceed the aggregate imports into each of such countries. Consequently, under the provisions of section 202(e) of the Act, sugar may not be exported from such countries to the United States during 1962 to fill the quota prorations for the six-month period ending December 31, 1962, for the United Kingdom, Canada, Hong Kong and the Netherlands in the respective amounts of 258, 316, 2 and 3,736 short tons, raw value.

(d) For the six-month period ending December 31, 1962, the amount of each proration established in paragraph (c) of this section that may be filled by direct-consumption sugar is as follows:

Country:	Short tons, raw value
Nicaragua	9,395
Haiti	1,175
Republic of China	3,795
Panama	3,817
Costa Rica	1,944
Belgium	91
Guatemala	3
Ecuador	3

(e) For the six-month period ending December 31, 1962, the amount of sugar available for authorization for purchase and importation from foreign countries as a group, pursuant to section 202(c)(4) of the Act, in addition to the quantities established as the quota for the Republic of the Philippines for the calendar year 1962 in paragraph (b) and the quota prorations for individual foreign countries for the six-month period ending December 31, 1962, in paragraph (c) of this section, is 616,743 short tons, raw value. At this time, of this total quantity, 300,000 short tons, raw value, is authorized for purchase and importation provided authorization for release of sugar within this quantity is issued in accordance with the provisions of Part 817 on or before August 15, 1962, and such sugar is scheduled to arrive in the continental United States on or before September 30, 1962. It is hereby found that the total quantity of 300,000 short tons, raw value, may not be reasonably available as raw sugar to supply our requirements during such period. Accordingly, sugar testing in excess of 99 degrees polarization and raw sugar may be authorized for release within the quantity of 300,000 short tons, raw value, all of such quantity to be further refined or improved in quality in the United States in accordance with the requirements of Part 810 of this Chapter. Sugar may be authorized for purchase and importation within the quantity of 300,000 short tons, raw value, established in this paragraph only from countries with which the United States is in diplomatic relations and from countries that had in the calendar year 1961 aggregate exports of sugar to countries other than the United States equal to or in excess of aggregate imports. The balance of the 616,743 short tons, raw value, available for authorization for purchase and importation amounting to 316,743 short tons, raw value, is not being authorized at this time.

(f) For the calendar year 1962 the quota for liquid sugar for foreign countries as a group is 2,000,000 gallons of sirup of cane juice of the type of Barbados molasses, limited to liquid sugar-containing soluble nonsugar solids (excluding any foreign substance that may have been added or developed in the product) of more than 5 percent of the total soluble solids, which is not to be used as a component of any direct-consumption sugar but is to be used as molasses without substantial modification of its characteristics after importation.

(g) Quotas or prorations thereof for any foreign country, in subsequent years shall be reduced in accordance with the provisions of paragraph (e) of section 202 of the Act if sugar is imported into the continental United States within the quotas or prorations established in this section in violation of such paragraph (e) of section 202 of the Act.

§ 811.5 Import fee.

(a) As a condition for the importation of any quantity of sugar within the quantity established for foreign countries as a group in paragraph (e) of § 811.4, a fee of 2.4 cents per pound, raw value, shall be paid as provided in paragraphs (d) and (e) of this section.

(b) As a condition for the importation of any quantity of raw sugar within the quota prorations established for individual foreign countries in paragraph (c) of § 811.4, a fee of 0.24 cent per pound, raw value, shall be paid as provided in paragraphs (d) and (e) of this section.

(c) As a condition for the importation of any quantity of direct-consumption sugar within the limitations provided for in paragraph (d) of § 811.4, a fee of 0.34 cent per pound, raw value, shall be paid as provided in paragraphs (d) and (e) of this section.

(d) The fee per pound as established in paragraphs (a), (b), and (c) of this section shall be subject to change by amendment of these regulations effective when filed for public inspection in the Office of the Federal Register. Payment as provided in paragraphs (e) and (f) of this section with respect to an application shall be based upon the fee per pound effective at the time such application first becomes eligible for authorization as provided in § 817.6(b) of this chapter.

(e) The applicable fee established in paragraph (a), (b), or (c) of this section shall be paid by the person applying to the Secretary for authorization for release of sugar for consumption in the continental United States. With each application submitted as provided in § 817.4 of this chapter covering sugar to be imported within the quota prorations and quantity established respectively in paragraphs (c) and (e) of § 811.4, the applicant shall make an initial payment in an amount determined by multiplying the quantity of sugar stated in pounds as shown on the application by 1.05 and multiplying the result by the applicable fee per pound as established in paragraph (a) or (b) of this section. With each application submitted as provided in § 817.4 of this chapter covering direct-consumption sugar to be imported within the direct-consumption limitation established in paragraph (d) of § 811.4, the applicant shall make an initial payment in an amount determined by multiplying the quantity of sugar stated in pounds as shown in the application by 1.07 and multiplying the result by the applicable fee per pound as established in paragraph (c) of this section. Upon receipt of such an application and initial payment, the Secretary may issue an authorization for release by a Collector as provided in § 817.6 of this chapter of the quantity of sugar covered by the application. The payment required under this paragraph shall be made in the form of a certified check payable to the Agricultural Stabilization and Conservation Service and mailed to the Sugar Division of such Service. Any application submitted for the purpose of changing the date of departure to a subsequent date of not more than fifteen days after the date stated on the application, the port of departure or the port of arrival in the continental United States, the identity of the vessel or carrier, or the identity of the receiver as shown on the original application shall be considered as an amendment to the original application and no initial payment is required to accompany the amendatory application.

(f) In making final settlement with respect to the initial payment provided for under paragraph (e) of this section, a determination will be made of the quantity of sugar in terms of raw value as provided in § 817.7(c)(2) of this chapter with respect to the quantity imported pursuant to each application for the purpose of ascertaining whether any further payment by the applicant or any refund to the applicant is required. Upon such determination further payment shall be made by the applicant in the amount by which the product of the quantity of sugar, raw value, imported multiplied by the applicable fee per pound provided for in paragraph (a), (b), or (c) and in paragraph (d) of this section, exceeds the amount of the initial payment made pursuant to paragraph (e) of this section. Refund to the applicant shall be made in the amount by which the product of the raw value equivalent of the actual quantity imported multiplied by the applicable fee per pound provided for in paragraph (a), (b), or (c) and in paragraph (d) of this section is less than the amount of the initial payment made pursuant to paragraph (e) of this section: *Provided, however*, That, if all or any part of the quantity of sugar which has been authorized for release is not imported into the United States other than for reasons of force majeure, disasters at sea, acts of God, or strikes so extensive and of such duration as to preclude importation, no refund will be made of the amount of the initial payment applicable to the quantity not imported as represented by the difference between the authorized quantity reduced by 10 per centum (to cover normal shipping losses and normal loading variations) and the quantity imported (commercial weight): *Provided, further*, That, upon submission of evidence satisfactory to the Secretary that due to force majeure, acts of God, or strike, precluding exportation of sugar, departure of the shipment or cargo of sugar has been delayed more than 15 days beyond the date of departure stated on the application for authorization for release of sugar, the authorization will be canceled and the initial payment made pursuant to paragraph (e) of this section with respect to the application will be refunded to the applicant.

§ 811.6 Applicability of quotas.

All sugar and liquid sugar marketed or imported into the continental United States is subject to the provisions of Part 816 or Part 817 of this chapter which prescribe the time, manner and conditions under which quotas, prorations, or quantities made available to countries as a group are filled by the marketing and importation of sugar or liquid sugar. The quantitative limitations established by §§ 811.2 to 811.4, inclusive, do not apply to sugar or liquid sugar marketed or imported pursuant to sections 211 and 212 of the Act in accordance with the provision of Part 816 or Part 817 of this chapter.

§ 811.7 Restrictions on importations and marketings within quotas.

Subject to the provisions of Part 816 and Part 817 of this chapter all persons are prohibited from bringing or importing into or marketing in the continental United States any sugar or liquid sugar in excess of or after after the applicable quota or quantity set forth in §§ 811.2 to 811.4, inclusive, has been filled, or any sugar or liquid sugar as direct-consumption sugar after the direct-consumption portion of the applicable quota has been filled.

STATEMENT OF BASES AND CONSIDERATIONS

The quotas and prorations thereof, the amounts of such quotas or prorations that may be filled by direct-consumption sugar and the limitations on the entry of liquid sugar are established herein pursuant to sections 202, 207, and 208 of the Sugar Act, as amended.

Since the United States is not in diplomatic relations with Cuba, the provisions of section 202(c)(4) of the Act preclude the establishment of the proration for that country of 616,743 tons, raw value. To provide sugar for early arrival, 300,000 tons of that quantity is herein authorized for purchase and importation from any country that is a net exporter of sugar and with which this country is in diplomatic relations. Provision is made that sugar for importation within this quantity must be authorized for release on or before August 15 for arrival on or before September 30. The balance amounting to 316,743 tons is reserved to permit the giving of special consideration to countries of the Western Hemisphere and to those countries purchasing United States agricultural commodities.

Based on expected price relationships, it is hereby found that a fee of 2.4 cents per pound, raw value, will approximate the difference between the market price for raw sugar (adjusted for freight to New York and most-favored-nation tariff) eligible for importation into the United States from foreign countries within the quantity provided pursuant to section 202(c)(4) of the Act and the price for raw sugar at a level that will fulfill the domestic price objective set forth in section 201. Accordingly, as a condition for the importation of sugar within the quantities and quota prorations established in this regulation, fees are provided of 2.4 cents per pound for the quantity authorized for importation from foreign countries as a group pursuant to section 202(c)(4) of the Act; 0.24 cent per pound for raw sugar authorized from individual foreign countries within quota prorations established pursuant to section 202(c)(3) of the Act; and 0.34 cent per pound for direct-consumption sugar authorized for importation within the limitations established pursuant to section 207(e)(2) of the Act.

The procedures for the payment of such fees are established in this regulation. Customarily, the raw value equivalent of sugar importations substantially exceed the actual weight. For this reason, the procedures for computing the initial payment provide that the actual weight of sugar for which authorization for release for further refining is requested shall be multiplied by a factor of 1.05 and then by the fee per pound. Direct-consumption sugar customarily is fully refined and each pound is equivalent to 1.07 pounds, raw value. Accordingly, a factor of 1.07 is used in computing the initial payment for direct-consumption sugar.

Final settlement is to be based upon the pounds of sugar, raw value, imported multiplied by the fee in the case of both raw and direct-consumption sugar if the sugar authorized is actually imported. The importer may apply for authorization to import sugar at any time within the period starting five days before expected sailing or shipment and ending when Customs clearance upon arrival in the United States is requested. This is done to accommodate a variety of sales and shipment agreements and provides the importer the option of fixing the fee at the time of his choice within the above-mentioned period. Once fixed, the applicant may not cancel his request for authorization to take advantage of a lower fee subsequently determined by the Secretary or for other cause except when importation is prevented by force majeure or other enumerated reasons. Subject to stated tolerances to cover normal loading variations and shipping losses, the initial payment is not refundable on sugar not imported.

Issued at Washington, D.C., this 16th day of July 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-7098; Filed, July 18, 1962; 12:30 p.m.]

[Sugar Reg. 817, Amdt.]

PART 817—REQUIREMENTS RELATING TO BRINGING OR IMPORTING SUGAR OR LIQUID SUGAR INTO CONTINENTAL UNITED STATES

Miscellaneous Amendments

Basis and purpose. The purpose of this amendment is to change the regulations of the Department which set forth the procedures governing the importation of sugar and liquid sugar into the continental United States, in order to effectively implement the Sugar Act of 1948, as amended by the Act of July 13, 1962 (hereinafter referred to as the "Act"), and is issued pursuant thereto.

Section 213 of the Act provides for the payment of a fee as a condition for importing sugar within the quotas established for individual foreign countries, other than the Republic of the Philippines, and for sugar imported within the quantity established for foreign countries as a group pursuant to section 202(c)(4) of the Act. Accordingly, this amendment provides that sugar may not be authorized for release for importation until the applicable fee has been paid and provides for the acceptance of a revised application for limited purposes.

In addition, the amendment provides that information not previously required, must be shown on applications for release of sugar to be imported from foreign countries in order that the applicable quota, proration or allocation can be ascertained.

In view of the amendment of the Act approved July 13, 1962, providing for the payment of fees on sugar imported from foreign countries, and to assure continuing supplies of sugar, it is necessary that this amendment be made effective at the earliest possible date. Therefore, it is hereby found and determined that compliance with the notice, procedure and effective date requirements of the Administrative Procedures Act is unnecessary, impracticable and contrary to the public interest and this amendment shall become effective when filed for public inspection in the Office of the Federal Register.

Pursuant to the provisions of section 403 of the Sugar Act of 1948, as amended (61 Stat. 922, as amended) paragraph (a) of § 817.1, paragraph (e) of § 817.4, paragraph (a) of § 817.6 and paragraph (a) of § 817.7 are hereby amended to read as follows:

§ 817.1 [Amendment]

1. Paragraph (a) of § 817.1 is amended by inserting a new sentence at the beginning thereof as follows: "The provisions of this regulation are subject to the provisions of the regulations contained in Part 811 of this chapter."

2. Paragraph (e) of § 817.4 is amended to read:

§ 817.4 Application by importer.

* * * * *

(e)(1) Any application made pursuant to this section for release of sugar to be imported from a foreign country within a quota, proration of a quota,

allocation or a quantity available for importation from foreign countries as a group, shall contain over the signature of the applicant the following certification, except that the second sentence thereof may be omitted on applications for importation from the Republic of the Philippines pursuant to § 811.4(b) of this chapter (Sugar Regulation 811):

The applicant certifies that the sugar covered by this applicatfon was produced from sugarcane or sugar beets grown in the sugar-producing country, as identified in this application, and that this sugar is to be imported within the quota or proration of a quota, allocation or quantity established in paragraph ------ of § 811.4 of Sugar Regulation 811. The applicant further states that the initial payment in the amount of $------ determined on the basis of the fee provided in paragraph ------ of § 811.5 of Sugar Regulation 811, is submitted with this application and affirms that this initial payment is made with full knowledge of the provision made in Sugar Regulation 811 for withholding refund of such payment with respect to sugar authorized for release pursuant to this application and not imported.

(2) Any application made pursuant to this section for a purpose stated in § 817.8 shall contain, over the signature of the applicant, his agreement and certification as follows:

This application is made subject to the conditions of bond on Form SU-17 No. ------ (insert bond number, if already approved) on which ----------
(Insert name of bond principal)
principal, and ----------
(Insert name of surety)
of ---------- is surety, under which
(Address of surety)
all of the sugar authorized on this application to be brought or imported into the continental United States is to be ----------
(Insert one of the purposes stated in paragraph (b) of § 817.8)

The applicant certifies that the sugar covered by this application was not produced from sugarcane grown in Cuba.

3. Paragraph (a) of § 817.6 is amended to read as follows:

§ 817.6 Specific authorization for release.

(a) *Time of issue and duration of validity.* Specific authorizations by the Secretary for release by a Collector will be issued no more than 5 days prior to the stated date of departure of the vessel or other carrier on which the sugar or liquid sugar is to be shipped. The authorization shall be valid for the period specified thereon, subject to extension by the Secretary for good cause. In case the port of arrival or the name of the receiver is not known when the application becomes eligible pursuant to paragraph (b) of this section, the authorization will not be transmitted to the Collector until all the information required by paragraph (a) of § 817.4 is received in the Sugar Division. No authorization shall be issued for the release of sugar imported from any foreign country except sugar imported from the Republic of the Philippines pursuant to § 811.4(b) of this chapter, unless the application covering such sugar is accompanied by the payment of the applicable fee as required by Part 811 of this chapter. In the event of unforeseen circumstances which require the submission of any application for the purpose of changing the dates or ports of departure or arrival, the identity of the vessel or carrier, or the identity of the receiver as shown on the original application covering sugar which has been authorized for release and on which the payment of a fee in accordance with Part 811 of this chapter has been made, such application shall be considered as an amendment to the original application as provided in § 811.5(e) of this chapter.

4. Paragraph (a) of § 817.7 is amended to read as follows:

§ 817.7 Applicable quota, quota proration, allocation, quantity and allotment.

(a) Sugar or liquid sugar imported other than as provided in § 817.8 shall be subject to any quota, proration of a quota or allocation for the area or country in which the sugar or liquid sugar was produced, as shown on the application provided for in § 817.4, except that application may be made to import sugar within the quantity available for foreign countries as a group, and except that if the Secretary determines that the sugar was produced in a country other than that shown on the application, such sugar shall be subject to any quota, proration or allocation for the country in which the sugar was produced. Sugar or liquid sugar imported during the period July 1, 1962, to the effective date of this amendment shall be subject to any quota for the calendar year 1962 or proration or allocation for the six-month period ending December 31, 1962, for the area or country in which the sugar or liquid sugar was produced, except that any quantity imported during such period from a foreign country without such a quota, proration or allocation, or in excess of such a quota, proration or allocation shall be subject to the quantity authorized for foreign countries as a group as established in § 811.4(e) of this chapter.

(Sec. 403, 61 Stat. 932, 7 U.S.C. 1153. Interprets or applies secs. 101, 202, 211, 212; 61 Stat. 922, as amended, 924, as amended, 928, as amended, and 929, as amended, and sec. 213 as added by the Act enacted July 13, 1962; 7 U.S.C. 1101, 1112, 1121, 1122)

Issued at Washington, D.C., this 16th day of July 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62-7079; Filed, July 18, 1962; 12:30 p.m.]

SUBCHAPTER J—RATIFICATION AND CONTINUANCE OF SUGAR REGULATIONS

PART 881—REGULATIONS, ORDERS, AND NOTICES RATIFIED AND CONTINUED IN EFFECT PURSUANT TO THE ACT OF CONGRESS ENTITLED, SUGAR ACT AMENDMENTS OF 1962

Ratification and Continuance of Regulations, Orders and Notices

Pursuant to the provisions of the Sugar Act of 1948, as amended, and as further amended by the Act of Congress of July 13, 1962, Chapter VIII of Title 7 of the Code of Federal Regulations is amended by adding a new subchapter J and Part 881, as above entitled; and by adding in Part 881 a new § 881.1 to read as follows:

§ 881.1 Ratification and continuance of regulations, orders and notices.

All regulations, orders and notices promulgated or issued by the Secretary or other officials of the Department of Agriculture pursuant to authority conferred by the Sugar Act of 1948, as amended, which were in effect on June 30, 1962, and which by their terms did not expire on that date, are hereby ratified, affirmed and continued in effect pursuant to the authority conferred by the Act of July 13, 1962, entitled "Sugar Act Amendments of 1962"; and, pursuant to the provisions of section 19(a) of the Act of July 13, 1962, which provide "Except as otherwise provided, the amendments made by this Act shall become effective January 1, 1962", the aforedescribed regulations, orders and notices shall be in effect on July 1, 1962, and thereafter in the same manner and to the same extent as if the Act of July 13, 1962, entitled "Sugar Act Amendments of 1962" had been enacted on January 1, 1962.

Bases and considerations. The Act of July 13, 1962, entitled "Sugar Act Amendments of 1962" amends in a number of important respects the provisions of the Sugar Act of 1948, as amended, and provides that with certain exceptions the amendments shall become effective January 1, 1962. Many of the regulations issued under the Sugar Act of 1948, as amended prior to the Act of July 13, 1962, prescribe procedures and regulatory measures which it is necessary to apply for effective administration of the provisions of the Sugar Act of 1948, as amended by the Act of July 13, 1962. The new section 881.1 set forth herein affirms and continues in effect such regulations, orders and notices for purposes of carrying out the provisions of the Sugar Act of 1948, as amended by the Act of July 13, 1962.

Effective date. In order to give effect to the provisions of the Act of July 13, 1962, which prescribe, among other requirements, sugar quotas and proration of quotas for the calendar year 1962 and the six-month period ending December 31, 1962, it is necessary that the provisions of § 881.1 become effective at the earliest possible date. Accordingly, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the provisions of § 881.1 set forth herein shall become effective when filed for public inspection in the Office of the Federal Register.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Act of Congress of July 13, 1962)

Issued at Washington, D.C., this 16th day of July 1962.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 62-7100; Filed, July 18, 1962; 12:30 p.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 15]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Size

§ 917.317 Plum Order 15 (Giant).

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about July 25, 1962; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on July 13, 1962.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 23, 1962, and ending at 12:01 a.m., P.s.t., November 1, 1962, no shipper shall ship any package or container of Giant plums, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 5 x 5 standard pack; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "U.S. No. 1" and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended: 7 U.S.C. 601–674)

Dated: July 17, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-7097; Filed, July 19, 1962; 8:51 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 45]

PART 1045—MILK IN NORTHEASTERN WISCONSIN MARKETING AREA

Order Amending Order

§ 1045.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Northeastern Wisconsin marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than August 1, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Assistant Secretary was issued June 15, 1962, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued July 6, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1962, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (sec. 4(e), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to

sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. *It is hereforе ordered*, That on and after the effective date hereof, the handling of milk in the Northeastern Wisconsin marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

Sections 1045.9, 1045.10, 1045.11, 1045.12, 1045.13, 1045.14, 1045.15, 1045.16, and 1045.17 are redesignated §§ 1045.11, 1045.12, 1045.13, 1045.14, 1045.15, 1045.16, 1045.17, 1045.18, and 1045.19, respectively, and § 1045.8 is replaced by the following:

§ 1045.8 Distributing plant.

"Distributing plant" means a plant from which any Grade A fluid milk product that is processed or packaged in such plant is disposed of during the month in the marketing area on routes.

§ 1045.9 Supply plant.

"Supply plant" means a plant from which Grade A milk, skim milk or cream is shipped during the month to a pool plant.

§ 1045.10 Pool plant.

"Pool plant" means a plant specified in paragraph (a) or (b) of this section, except as provided in §§ 1045.80 through 1045.82.

(a) A distributing plant from which not less than 40 percent of the total Grade A milk receipts is disposed of during the month on routes and not less than 20 percent of such receipts is disposed of in the marketing area on routes.

(b) A supply plant from which not less than 40 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products to pool plants qualified pursuant to paragraph (a) of this section: *Provided*, That a supply plant which qualified pursuant to this paragraph in each of the immediately preceding months of July through November shall be a pool plant for the months of December through June unless written application is filed with the market administrator on or before the first day of any such month to be designated a nonpool plant for such month and for each subsequent month through June in which it would not otherwise qualify as a pool plant.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: August 1, 1962.

Signed at Washington, D.C., on July 17, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-7118; Filed, July 19, 1962; 8:55 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55666]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

Ports of Entry

By virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and puruant to authorization given to me by Treasury Department Order No. 190, Rev. 1 (26 F.R. 11877), the limits of the customs port of entry of Port Canaveral, Florida, in Customs Collection District No. 18 (Florida), which now comprise the territory described in T.D. 55333, are extended to include the South one-half of the South one-half of Sections 1, 2, and 3, all of Sections 10, 11, and 12, and the North one-half of the North one-half of Sections 13, 14, and 15, in Township 24 South, Range 36 East; and the South one-half of the South one-half of Sections 1, 2, 3, 4, 5, and 6, all of Sections 7, 8, 9, 10, 11, and 12, and the North one-half of the North one-half of Sections 13, 14, 15, 16, 17, and 18, in Township 24 South, Range 37 East, in Brevard County, Florida.

This extension is effective on the date of publication of this Treasury Decision in the FEDERAL REGISTER.

Section 1.1(c), Customs Regulations, is amended by deleting the parenthesis and period at the end of the parenthetical material appearing after "Port Canaveral" in the column headed "Ports of entry" in District No. 18 (Florida), and adding "; including territory described in T.D. 55666)."

Mackinac Island, Michigan, and Rogers City, Michigan, are designated as customs stations in Customs Collection District No. 38 (Michigan). It is considered desirable to list these stations in the list of customs stations appearing in § 1.2(d), Customs Regulations. To reflect this, § 1.2(d), Customs Regulations is amended by inserting in alphabetical order the following entries in the list of customs stations for District No. 38:

District No.	*Customs stations*	*Port of entry having supervision*
38---	Mackinac Island	Sault Ste. Marie.
	Rogers City	Saginaw-Bay City.

(R.S. 161, as amended, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1, 2, 66, 1624)

[SEAL] JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 62-7108; Filed, July 19, 1962; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-SW-34]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extension

The purpose of this amendment to § 601.1206 of the regulations of the Administrator is to alter the Midland, Texas, control area extension.

The Midland control area extension is designated, in part, with reference to the Midland radio range and ILS localizer southwest course. The Federal Aviation Agency is decommissioning the Midland radio range on or about July 13, 1962. The Midland ILS localizer will be in a shut down status from July 1 to July 30, 1962, for the purpose of realignment with runway 10 of the Midland Air Terminal. Therefore, action is taken herein to substitute latitude 31°54'07" N., longitude 102°15'53" W. for the Midland radio range and substitute VOR Federal airway No. 66 for a line 5 miles southeast of and parallel to the Midland ILS localizer southwest course in the description of the Midland control area extension. This action will result in a slight reduction of controlled airspace southwest of the airport which is no longer required for air traffic control purposes.

Since the changes effected by this amendment impose no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken: In the text of § 601.1206 (14 CFR 601.1206) "Within a 25-mile radius of the Midland, Tex., RR" is deleted and "Within a 25-mile radius of latitude 31°54'07" N., longitude 102°15'53" W." is substituted therefor; and "and on the SE by a line 5 miles SE of and parallel to the Midland ILS localizer SW course" is deleted and "and on the SE by VOR Federal airway No. 66" is substituted therefor.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 16, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-7071; Filed, July 19, 1962; 8:46 a.m.]

[Reg. Docket No. 1275; Amdt. 279]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELLED, EFFECTIVE AUGUST 4, 1962, OR UPON DECOMMISSIONING OF LFR.							
City, Atlanta; State, Ga.; Airport Name, Atlanta; Elev., 1024'; Fac. Class., SBRAZ; Ident., ATL; Procedure No. 1, Amdt. 13; Eff. Date, 20 Feb. 60; Sup. Amdt. No. 12; Dated, 9 Feb. 57							
PROCEDURE CANCELLED, EFFECTIVE AUGUST 4, 1962, OR UPON DECOMMISSIONING OF FACILITY.							
City, Birmingham; State, Ala.; Airport Name, Municipal; Elev., 643'; Fac. Class., SBRAZ; Ident., BHM; Procedure No. 1, Amdt. 10; Eff. Date, 30 Oct. 59; Sup. Amdt. No. 9; Dated, 8 Aug. 59							
PROCEDURE CANCELLED, EFFECTIVE AUGUST 4, 1962, OR UPON DECOMMISSIONING OF FACILITY.							
City, Greenville; State, S.C.; Airport Name, Greenville; Elev., 1047'; Fac. Class., SBMRLZ; Ident., GRL; Procedure No. 1, Amdt. 10; Eff. Date, 9 Sept. 61; Sup. Amdt. No. 9; Dated, 27 May 61							
MOT VOR	MT LFR	Direct	3000	T-dn	300–1	300–1	200–½
Logan Int	MT LFR (Final)	Direct	2400	C-dn	600–1	600–1	600–1½
				S-dn-30	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2
				The following minimums apply for aircraft equipped to receive LFR and VOR simultaneously and the College Int# received:			
				C-dn*	500–1	500–1	500–1½
Procedure turn E side of SE crs, 122° Outbnd, 302° Inbnd, 2900' within 10 miles. Minimum altitude over facility on final approach crs, 2400'. Crs and distance, facility to airport, 305°—2.9 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles after passing MT–LFR or within 1.5 miles after passing College Int,# make left climbing turn to 4200' on the SW crs of MT–LFR within 20 miles. NOTES: 1. ADF approach not authorized. 2. Final approach from holding pattern at LFR not authorized. Procedure turn required. CAUTION: 2042' MSL antenna 1.6 mi west of MT LFR. 1900' MSL water tower 1.0 mi west of airport. #College Int: Int NW crs MT–LFR and R–222 MOT–VOR. *Descent below 2300' not authorized until after passing College Int.#							
City, Minot; State, N. Dak.; Airport Name, International; Elev., 1723'; Fac. Class., BMRLZ; Ident., MT; Procedure No. 1, Amdt. 9; Eff. Date, 4 Aug. 62; Sup. Amdt. No. 8; Dated, 23 June 62							
North Platte VOR	LF–LFR	Direct	4200	T-dn	*300–1	*300–1	*200–½
				C-dn	400–1	500–1	500–1½
				A-dn	800–2	800–2	800–2
AIR CARRIER NOTE: *On Runways 26 and 30, 300–1 required. Procedure turn E side S crs, 167° Outbnd, 347° Inbnd, 4200' within 10 miles. Minimum altitude over facility on final approach crs, 3700'. Crs and distance, facility to airport, 352°—1.9 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.9 miles, climb to 4600' on N crs within 20 miles. CAUTION: 2983' MSL tower 1.7 miles NW of airport; 3270' MSL tower 3.9 miles NW of airport; 3630' MSL tower 4.5 miles NW of airport. Other change: Deletes straight-in minimums.							
City, North Platte; State, Nebr.; Airport Name, Lee Bird Municipal; Elev., 2779'; Fac. Class., SABRAZ; Ident., LF; Procedure No. 1, Amdt. 9; Eff. Date, 4 Aug. 62; Sup. Amdt. No. 8; Dated, 13 Sept. 58							
PROCEDURE CANCELLED, EFFECTIVE AUGUST 4, 1962, OR UPON CONVERSION TO LOM.							
City, Raleigh; State, N.C.; Airport Name, Raleigh-Durham; Elev., 435'; Fac. Class., SBRAZ; Ident., RDU; Procedure No. 1, Amdt. 10; Eff. Date, 6 June 59; Sup. Amdt. No. 9; Dated, 1 Nov. 58							
PROCEDURE CANCELLED, EFFECTIVE AUGUST 4, 1962, OR UPON CONVERSION OF LFR TO RBN.							
City, Stuttgart; State, Ark.; Airport Name, Municipal; Elev., 224'; Fac. Class., MRLWZ; Ident., SGT; Procedure No. 1, Amdt. 3; Eff. Date, 4 Nov. 61; Sup. Amdt. No. 2; Dated, 8 Jan. 55							

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Asheville VOR	LOM (MHW)	Direct	5500	T–dn*	800–1	800–1	800–1
Int AVL–VOR R–214 and brng 342° to LOM (MHW).				C–dn**	1500–2	1500–2	1500–2
Broad River Int#	Broad River Int# (Final)	Direct	4300	C–n	NA	NA	NA
Owen Int##	LOM (MHW) (Final)	Direct	3700	S–dn–34	1000–1	1000–1	1000–1
Spartanburg VOR	LOM (MHW)	Direct	5000	A–d	1500–2	1500–2	1500–2
	Broad River Int#	Direct	5000	A–n	NA	NA	NA

Procedure turn E side of crs, 162° Outbnd, 342° Inbnd, 5000′ within 10 mi.
Minimum altitude over facility on final approach crs, 3700′.
Crs and distance, LOM (MHW) to airport, 342°—4.7 mi; LMM to airport, 342°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mile of LMM or 4.1 miles of LOM (MHW), climb on crs of 342° from LOM (MHW) to Owen Int and continue climb if necessary in holding pattern south of Owen Int (right turns, 1-minute) to 5000′ or higher as directed by ATC before returning to LOM (MHW) or continuing climb on course or, when directed by ATC, climb on crs of 342° from LOM (MHW) to 8000′ within 20 mi before proceeding on course.
*IFR Departure Procedures: Takeoffs to the north will comply with missed approach procedure when climbing to altitude. Takeoffs to the south will climb on crs of 162° over the LOM (MHW) and continue on crs of 162° to Broad River Int# at 5000′ or higher as directed by ATC before proceeding on course. This procedure is authorized only for aircraft having both an operating ADF receiver and an operating VOR receiver. AV MHW is single transmitter. Aural signal must be monitored at all times. LMM must be operating and utilized during approach or ceiling minimum is 2000′.
Other change: Deletes transition from Spartanburg VOR to LOM.
**CAUTION: Terrain rises rapidly 2 miles west of airport. All maneuvering for circling approach must be accomplished east of airport.
#Broad River Int: Int AVL–VOR R–231 and brng 342° to LOM (MHW).
##Owen Int: Int AVL–VOR R–301 and AVL ILS NW crs.

City, Asheville; State, N.C.; Airport Name, Asheville Municipal; Elev., 2161′; Fac. Class., LOM (MHW); Ident., AV; Procedure No. 1, Amdt. 1; Eff. Date, 4 Aug. 62; Sup. Amdt. No. Orig.; Dated, 15 July 61

BHM RBn	LOM	Direct	2800	T–dn	300–1	300–1	*200–½
BHM VOR	LOM	Direct	2800	C–dn	800–1	900–1	900–1½
Chelsea Int	LOM	Direct	2800	S–dn	600–1	600–1	600–1
Leeds Int	LOM	Direct	2800	A–dn	1000–2	1000–2	1000–2
Bessemer Int	LOM (Final)	Direct	2000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side SW crs, 232° Outbnd, 052° Inbnd, 2000′ within 10 miles. (Nonstandard due obstruction.)
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 052°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, climb to 3000′ on crs of 052° within 15 miles or, when directed by ATC, turn left, climb to 3000′ and proceed to BHM VOR.
AIR CARRIER NOTE: Sliding scale NA.
*Runways 5 and 23 only.

City, Birmingham; State, Ala.; Airport Name, Municipal; Elev., 643′; Fac. Class., LOM; Ident., BH; Procedure No. 1, Amdt. 14; Eff. Date, 4 Aug. 62; Sup. Amdt. No. 13 Dated, 30 Oct. 59

BHM–VOR	ROE RBn	Direct	2500	T–dn	300–1	300–1	*200–½
BHM RBn	ROE RBn	Direct	2500	C–dn	800–1	900–1	900–1½
Leeds Int	ROE RBn	Direct	2500	S–dn–23	800–1	800–1	800–1
Chelsea Int	ROE RBn	Direct	2500	A–dn	1000–2	1000–2	1000–2
Helena Int	ROE RBn	Direct	2800	If aircraft is equipped with dual ADF and course guidance is provided by receiving ROE RBn and LMM or LOM simultaneously, following minimums apply:			
Bessemer Int	ROE RBn	Direct	2500				
Trussville Int	ROE RBn (Final)	Direct	1900	S–dn 23	600–1	600–1	600–1

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 052° Outbnd, 232° Inbnd, 2500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 232°—4.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing ROE RBn, climb to 2800′ on crs 232° within 20 miles.
AIR CARRIER NOTE: No reduction in minima authorized.
CAUTION: Rotating beacon 1375′ msl 1.6 miles south of final approach course.
*Runways 5 and 23 only. Other runways, 300–1.

City, Birmingham; State, Ala.; Airport Name, Municipal; Elev., 643′; Fac. Class., MHW; Ident., ROE; Procedure No. 2, Amdt. 1; Eff. Date, 4 Aug. 62; Sup. Amdt. No. Orig.; Dated, 19 May 62

BZN VOR	RBn	Direct	7000	T–dn	1000–1	1000–1	1000–1
				C–dn	1000–1	1000–1	1000–1½
				A–dn	1500–2	1500–2	1500–2

Procedure turn N side of crs, 259° Outbnd, 079° Inbnd, 7000′ within 10 miles. (Nonstandard due to terrain.)
Minimum altitude over facility on final approach crs, 5500′.
Crs and distance, facility to airport, 318°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left, climb to 9000′ on 259° brng from RBn within 20 miles of BZN RBn.

City, Bozeman; State, Mont.; Airport Name, Gallatin Field; Elev., 4461′; Fac. Class., SABH; Ident., BZN; Procedure No. 1, Amdt. Orig.; Eff. Date, 4 Aug. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Tigerville Int**	LOM	Direct	3200	T–dn	300–1	300–1	200–½
Princeton Int	LOM	Direct	2200	C–dn	500–1	500–1	500–1½
				S–dn	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side S crs, 182° Outbnd, 002° Inbnd, 2200′ within 10 mi.
Minimum altitude over LOM inbnd final, 1900′.
Crs and distance to approach end of runway at OM, 002°—3.6 mi; at MM, 002°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing LOM, climb to 4000′ on 002° brng from LOM to Tigerville Int. Hold south of Tigerville Int, 1-minute right turns.
CAUTION: Heavily obstructed missed approach area.
Other change: Deletes transition from Greenville LFR.
**Tigerville Int: Int AVL–VOR R–190 and SPA–VOR R–270.

City, Greenville; State, S.C.; Airport Name, Greenville Municipal; Elev., 1047′; Fac. Class., LOM; Ident., GR; Procedure No. 1, Amdt. 5; Eff. Date, 4 Aug. 62; Sup. Amdt. No. 4; Dated, 21 Oct. 61

Salem Int	GON RBn	Direct	1600	T–dn	300–1	300–1	*300–1
Saybrook Int	GON RBn	Direct	1500	C–dn	500–1	500–1	500–1½
Watch Hill Int	GON RBn	Direct	1500	A–dn**	NA	NA	NA

Radar vectoring authorized from Quonset Point RATCC within 12 miles radius of Trumbull Airport, 2000′.
Procedure turn N side of crs, 258° Outbnd, 078° Inbnd, 1500′ within 10 mi of Groton RBn.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 049°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make right climbing turn to 1500′. Return to GON RBn, hold southwest, 1-minute right turns, 078° Inbnd.
NOTE: Facility must be monitored aurally during this approach.
AIR CARRIER NOTE: No night operations on Runway 10/28 except to the east.
*200–½ authorized for takeoff Runway 23 only.
**Alternate weather minimums of 800–2 authorized only for those having approved prior arrangements for weather service at the airport.

City, Groton; State, Conn.; Airport Name, Trumbull; Elev., 10′; Fac. Class., MHW; Ident., GON; Procedure No. 2, Amdt. Orig.; Eff. Date, 4 Aug. 62

				T–dn	300–1	300–1	200–½
				C–dn	600–1	700–1	700–1½
				A–dn	800–2	800–2	800–2

Procedure turn W side of crs, 019° Outbnd, 199° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 199°—2.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 miles after passing RBn, climb to 2600′ on crs 199° within 10 miles, return to HTW RBn crs 019°, hold north 1-minute, right turns, 199° Inbnd, 019° Outbnd.

City, Huntington; State, W. Va.; Airport Name, Tri-State; Elev., 827′; Fac. Class., BH; Ident., HTW; Procedure No. 2, Amdt. 4; Eff. Date, 4 Aug. 62; Sup. Amdt. No. 3; Dated, 14 Apr. 62

Providence LFR	LOM	Direct	1600	T–dn	300–1	300–1	200–½
Providence VOR	LOM	Direct	1600	C–dn	500–1	500–1	500–1½
Wyoming FM	LOM (Final)	Direct	1100	S–dn–5R	500–1	500–1	500–1
Moosup Int	LOM	Direct	1600	A–dn	800–2	800–2	800–2
Lafayette Int	LOM (Final)	Direct	1100				

Procedure turn W side of crs, 226° Outbnd, 046° Inbnd, 1600′ within 10 mi. NA beyond 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 046°—5.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing LOM, climb to 1000′ on crs of 046°, then make a climbing right turn and return to Providence LFR at 1700′ or, when directed by ATC, climb to 2700′ on SW crs of Squantum LFR.
NOTE: Procedure turn is conducted west to provide separation from traffic at Quonset Point NAS.

City, Providence; State, R.I.; Airport Name, Green; Elev., 56′; Fac. Class., LOM; Ident., PV; Procedure No. 1, Amdt. 4; Eff. Date, 4 Aug. 62; Sup. Amdt. No. 3; Dated, 11 July 59

Raleigh RBn	LOM	Direct	2000	T–dn	300–1	300–1	200–½
Raleigh VOR	LOM	Direct	2000	C–dn	400–1	500–1	500–1½
Chapel Hill Int	LOM	Direct	2000	S–dn–5	400–1	400–1	400–1
Holly Springs Int	LOM	Direct	2000	A–dn	800–2	800–2	800–2
Moncure Int	LOM (Final)	Direct	2000				
Durham Int	LOM	Direct	2000				
Int LIB–VOR R–102 and RDU–VOR R–244.	LOM (Final)	Direct	2000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 229° Outbnd, 049° Inbnd, 2000′ within 10 mi. Nonstandard due ATC.
Minimum altitude over LOM on final approach crs, 2000′.
Crs and distance, facility to airport, 049°—5.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 mi after passing LOM, climb to 2000′ on R–041 of VOR within 15 miles or, when directed by ATC, turn left, climb to 2000′ on R–309 of VOR within 15 miles or, climb to 2000′ on 049° crs from LOM within 15 mi.

City, Raleigh; State, N.C.; Airport Name, Raleigh-Durham; Elev., 435′; Fac. Class., LOM; Ident., RD; Procedure No. 1, Amdt. 7; Eff. Date, 4 Aug. 62; Sup. Amdt. No. 6; Dated, 21 Apr. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
SX-LFR	LOM	Direct	2600	T-dn*	300–1	300–1	200–½
SUX-VOR	LOM	Direct	2600	C-dn	500–1	600–1	600–1½
Sloan FM	LOM	Direct	2600	S-dn-31	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn E side SE crs, 127° Outbnd, 307° Inbnd, 2600′ within 10 mi.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 307°—5.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing LOM, climb to 3000′ on crs 307° from LOM within 20 miles or, when directed by ATC, turn left and climb to 3000′ on W crs SX-LFR within 20 mi.
NOTE: When authorized by ATC, SUX DME may be used to position aircraft on final approach course at 2600′ between R-070 clockwise to 170 via 11-mile DME arc with the elimination of procedure turn.
*AIR CARRIER NOTE: 300–1 required for all takeoffs on Runway 4.

City, Sioux City; State, Iowa; Airport Name, Sioux City Municipal; Elev., 1097′; Fac. Class., LOM; Ident., SUX; Procedure No. 1, Amdt. 5; Eff. Date, 4 Aug. 62; Sup. Amdt. No. 4 (ADF portion Comb. ADF-ILS); Dated, 22 Dec. 56

PROCEDURE CANCELLED, EFFECTIVE AUGUST 4, 1962, OR UPON DECOMMISSIONING OF FACILITY.

City, Spartanburg; State, S.C.; Airport Name, Municipal; Elev., 816′; Fac. Class., LOM; Ident., SP; Procedure No. 1, Amdt. 2; Eff. Date, 9 Sept. 61; Sup. Amdt. No. 1; Dated, 20 Aug. 60

				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-17	400–1	400–1	400–1
				A-dn	NA	NA	NA

Procedure turn E side of crs, 354° Outbnd, 174° Inbnd, 1700′ within 10 mi.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 174°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 mi after passing RBn, turn left, climb to 1700′ returning to SGT RBn.
NOTE: No communications or weather service available.

City, Stuttgart; State, Ark.; Airport Name, Municipal; Elev., 224′; Fac. Class., MHW; Ident., SGT; Procedure No. 1, Amdt. Orig.; Eff. Date, 4 Aug. 62

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Blythe RBn	BLH VOR	Direct	3100	T-d	500–1	500–1	500–1
				T-n	800–2	800–2	800–2
				C-dn	1100–2	1100–2	1100–2
				A-dn	1100–2	1100–2	1100–2

Procedure turn S side of crs, 212° Outbnd, 032° Inbnd, 3100′ within 10 mi.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 032°—1.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.9 miles after passing VOR, make right climbing turn to 5000′ on R-156 within 20 mi of VOR.
CAUTION: 1160′ MSL terrain 2 mi WNW of airport and rising rapidly to 3100′.
NOTE: Provisions for reductions in visibility minimums NA.

City, Blythe; State, Calif.; Airport Name, Riverside County; Elev., 397′; Fac. Class., BVORTAC; Ident., BLH; Procedure No. 1, Amdt. 1; Eff. Date, 4 Aug. 62; Sup. Amdt. No. Orig.; Dated, 29 Aug. 59

Airways	MRB-VOR	Direct	MEA	T-dn	300–1	300–1	200–½
				C-d	500–1	500–1	500–1½
				C-n	500–1¾	500–1¾	500–2
				S-dn	NA	NA	NA
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 109° Outbnd, 289° Inbnd, 3300′ within 10 miles.
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 289°—5.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 miles after passing MRB-VOR, make left climbing turn to 3300′ and return to VOR. Hold east 1-minute, right turns.
NOTE: Station passage must be determined by To-From indicator.
CAUTION: "On course" climb out to west not authorized due to high terrain.

City, Martinsburg; State, W. Va.; Airport Name, Martinsburg Municipal; Elev., 556′; Fac. Class., BVORTAC; Ident., MRB; Procedure No.1, Amdt. Orig.; Eff. Date, 4 Aug. 62

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Providence LFR	PVD-VOR	Direct	1600	T-dn	300–1	300–1	200–½
Lafayette Int	PVD-VOR	Direct	1600	C-dn*	500–1	500–1	500–1½
				S-dn-8L and R*	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 226° Outbnd, 046° Inbnd, 1600′ within 10 mi of PVD-ILS-LOM.
*Procedure turn W to avoid traffic at Quonset Point NAS.
Minimum altitude over facility on final approach crs 1600′* until over PVD-ILS-LOM.
*If Providence ILS-LOM is not received, maintain 1000′ over PVD-VOR (minimums of 900–1½ will apply).
VOR on airport.
Crs and distance, LOM to airport, 046°—5.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1000′ on R-046, then make a climbing right turn to Providence VOR at 1600′.

City, Providence; State, R.I.; Airport Name, Green Airport; Elev., 56′; Fac. Class., BVOR; Ident., PVD; Procedure No. 1, Amdt. 1; Eff. Date, 4 Aug. 62; Sup. Amdt. No. Orig.; Dated, 12 July 58

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
FMN VOR	DRO VOR	Direct	9500	T-dn	1000–1	1000–1	NA
				C-dn	1000–1	1000–1	NA
				A-dn#	1500–3	1500–3	NA

Procedure turn S side of crs, 104° Outbnd, 284° Inbnd, 9500′ within 10 mi of DRO-VOR.
Facility on airport. Procedure turn conducted south for more favorable terrain.
Minimum altitude over facility on final approach crs, 7700′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn right, climb to 9500′ on R-104 within 10 miles.
NOTE: Communications below 7600′ with Albuquerque Center unreliable during approach. Facility owned by City of Durango, Colo.
Other change: Deletes transition from Florida Int.
#N.A. between 0500Z to 1200Z

City, Durango; State, Colo.; Airport Name, La Plata Field; Elev., 6684′; Fac. Class., VOR (Non-Federal facility); Ident., DRO; Procedure No. TerVOR (R-104), Amdt. 5; Eff. Date, 4 Aug. 62; Sup. Amdt. No. 4; Dated, 27 May 61

5. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
20-mile DME Fix R-250	14-mile DME Fix R-250	Direct	7000	T-dn*	300–1	300–1	200–½
14-mile DME Fix R-250	8-mile DME Fix R-250	Direct	5300	C-dn	400–1	500–1	500–1½
8-mile DME Fix R-250	0-mile DME Fix R-250	Direct	4700	S-dn-9	400–1	400–1	400–1
0-mile DME Fix R-070	3.2-mile DME Fix R-070	Direct	4000	A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 250° Outbnd, 070° Inbnd, 5300′ within 10 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 3.2-mile DME Fix R-070, climb to 5300′ on R-055 within 20 miles.
NOTE: When authorized by ATC, DME may be used within 20 miles at 7000′ to position aircraft for straight-in approach with the elimination of procedure turn.
*Takeoff below 300–1 prohibited on all runways except 9–27.

City, Billings; State, Mont.; Airport Name, Logan Field; Elev., 3606′; Fac. Class., BVORTAC; Ident., BIL; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. Date, 4 Aug. 62; Sup. Amdt. No. Orig.; Dated, 7 July 62

6. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BHM RBn	LOM	Direct	2800	T–dn##	300–1	300–1	**200–½
BHM VOR	LOM	Direct	2800	C–dn	800–1	900–1	900–1½
Chelsea Int	LOM	Direct	2800	S–dn–5*	200–½	200–½	200–½
Bessemer Int	LOM (Final)	Direct	2000	A–dn	900–2	900–2	900–2
Leeds Int	LOM	Direct	2800				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of SW crs, 232° Outbnd, 052° Inbnd, 2000′ within 10 mi. (Nonstandard to avoid obstructions.)
Minimum altitude at glide slope int inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM, 2000′—4.5 mi; at MM, 815′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000′ on crs of 052° from LOM to Trussville Int. Hold northeast, 1-minute right turns or, when directed by ATC, turn left, climb to 3000′ and proceed to BHM VOR.
AIR CARRIER NOTE: Sliding scale NA.
*400–¾ required when glide slope inoperative.
**Runway 5/23 only.
#Runway visual range 2600′ also authorized for landing on Runway 5; provided, that all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 843′ msl shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
##Runway visual range 2600′ also authorized for takeoff on Runway 5 in lieu of 200–½ when 200–½ authorized; providing high intensity runway lights are operational.

City, Birmingham; State, Ala.; Airport Name, Municipal; Elev., 643′; Fac. Class., ILS; Ident., I–BHM; Procedure No. ILS–5, Amdt. 17; Eff. Date, 4 Aug. 62; Sup. Amdt. No. 16; Dated, 19 Aug. 61

Black Forest Int**	LOM	Direct	8200	T–dn#	300–1	300–1	200–½
Midway Int%	LOM	Direct	7300	C–dn	600–1	600–1	600–1½
Hanover Int	LOM	Direct	7300	S–dn–35	200–½	200–½	200–½
COS–VOR	LOM	Direct	8200	A–dn	600–2	600–2	600–2
Fountain FM	LOM (Final)	Direct	7300				

Procedure turn E side S crs, 166° Outbnd, 346° Inbnd, 7300′ within 10 mi%.
Minimum altitude at glide slope int inbnd, 7300′.
Altitude of glide slope and distance to approach end of runway at OM, 7240′—3.8; at MM 6325′—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make a right climbing turn to 8000′ on crs 074° from LMM within 15 miles or, when directed by ATC, make right climbing turn and climb to 8000′ on COS–VOR R–152 within 20 mi of VOR.
NOTES: Radar vectoring authorized in accordance with approved radar patterns. Narrow Localizer crs—4°.
CAUTION: 7190′ tower 8 miles north of airport; 7023′ tower 14 miles north of airport; sharply rising terrain west of airport.
Change: Deletes note regarding provisions for inoperative ILS components.
#400–1 required for takeoff on Runways 30 and 35, except when monitored by departure radar.
%Restricted area 3 miles west.
**Black Forest Int: Int N crs ILS and COS–VOR R–270.

City, Colorado Springs; State, Colo.; Airport Name, Peterson Field; Elev., 6172′; Fac. Class., ILS; Ident., I–COS; Procedure No. ILS–35, Amdt. 13; Eff. Date, 4 Aug. 62; Sup. Amdt. No. 12; Dated, 25 Nov. 61

Tigerville Int**	LOM	Direct	3200	T–dn	300–1	300–1	200–½
Princeton Int	LOM	Direct	2200	C–dn	500–1	500–1	500–1½
				S–dn–36*	300–¾	300–¾	300–¾
				A–dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side S crs, 182° Outbnd, 002° Inbnd, 2200′ within 10 miles.
Minimum altitude at glide slope int inbnd, 2200′.
Altitude of glide slope and distance to appr end of runway at OM 2188′—3.6, at MM 1213′—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 4000′ on 002° mag brng from LOM to Tigerville Int. Hold south of Tigerville Int,** 1-minute, right turns.
CAUTION: Maximum angle glide slope heavily obstructed missed approach area.
Other change: Deletes transition from Greenville LFR.
*No approach lights, 400–¾ required when glide slope not utilized.
**Tigerville Int: Int AVL–VOR R–190 and SPA–VOR R–270.

City, Greenville; State, S.C.; Airport Name, Greenville Municipal; Elev., 1047′; Fac. Class., ILS; Ident., I–GRL; Procedure No. ILS–36, Amdt. 9; Eff. Date, 4 Aug. 62; Sup. Amdt. No. 8; Dated, 25 Nov. 61

SX–LFR	LOM	Direct	2600	T–dn*	300–1	300–1	200–½
SUX–VOR	LOM	Direct	2600	C–dn	500–1	600–1	600–1¼
Sloan FM	LOM	Direct	2600	S–dn–31	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2

Procedure turn E side SE crs, 127° Outbnd, 307° Inbnd, 2600′ within 10 mi.
Minimum altitude at glide slope interception inbnd, 2600′.
Altitude of glide slope and distance to approach end of runway at OM, 2575′—5.3 mi; at MM, 1291′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000′ on NW crs ILS within 20 mi or, when directed by ATC, turn left and climb to 3000′ on W crs SX–LFR within 20 mi.
NOTE: When authorized by ATC, SUX DME may be used to position aircraft on localizer course at 2600′ between R–070 clockwise to 170 via 11-mile DME arc with the elimination of procedure turn.
CAUTION: Terrain 1318′ MSL 1.4 mi ENE of airport.
*AIR CARRIER NOTE: 300–1 required for all takeoffs on Runway 4.

City, Sioux City; State, Iowa; Airport Name, Sioux City Municipal; Elev., 1097′; Fac. Class., ILS; Ident., I–SUX; Procedure No. ILS–31, Amdt. 5; Eff. Date, 4 Aug. 62; Sup. Amdt. No. 4 (ILS portion Comb. ILS–ADF); Dated, 22 Dec. 56

PROCEDURE CANCELLED, EFFECTIVE AUGUST 4, 1962, OR UPON DECOMMISSIONING FACILITY.

City, Spartanburg; State, S.C.; Airport Name, Municipal; Elev; 816′; Fac. Class., ILS; Ident., I–SPA; Procedure No. ILS–4, Amdt. 1; Eff. Date, 9 Sept. 61; Sup. Amdt. No. Orig.; Dated, 10 Sept. 60

7. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				Surveillance approach			
				T–dn	300–1	300–1	*200–½
				C–dn	800–1	900–1	900–1½
				S–dn–5/23**	600–1	600–1	600–1
				S–dn–18	700–1	700–1	700–1
				S–dn–36	800–1	800–1	800–1
				A–dn	1000–2	1000–2	1000–2

Radar vectoring authorized in accordance with approved patterns.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runway 5: Climb to 3000′ on crs of 052° from LOM within 15 miles.
Runway 23: Climb to 3000′, turn right and proceed to BHM VOR or, when directed by ATC, climb to 3000′ and proceed to BHM LOM.
Runways 36 and 18: Climb to 3000′, turn left and proceed to BHM VOR.
AIR CARRIER NOTE: Sliding scale NA.
*Runway 5–23 only.
**Maintain at least 1900′ until 4 miles from runway on final approach to Runway 23.

City, Birmingham; State, Ala.; Airport Name, Municipal; Elev., 643′; Fac. Class. and; Ident., Birmingham Radar; Procedure No. 1, Amdt. 4; Eff. Date, 4 Aug. 62; Sup. Amdt. No. 3; Dated, 30 Oct. 59

				Surveillance approach			
				T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				S–dn–18	500–1	500–1	500–1
				S–dn–36	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runway 18: Climb to 2500′ on Crs of 182° from GR LOM within 15 miles of airport.
Runway 36: Climb to 3200′ on Crs of 002° from GR LOM within 10 miles of airport.
NOTES: All bearings and distances are from radar site on Greenville Airport, with sector azimuths progressing clockwise.

City, Greenville; State, S.C.; Airport Name, Greenville; Elev., 1047′; Fac. Class. and; Ident., Greenville Radar; Procedure No. 1, Amdt. 1; Eff. Date, 4 Aug. 62; Sup. Amdt. No. Orig.; Dated, 7 Oct. 61

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 65 knots
															65 knots or less	More than 65 knots	
015	040	5	1500	10	1800	15	2000	20	5000	25	7500	----	----				
040	060	5	1500	10	1500	15	2000	20	3000	25	3500	----	----				
060	085	5	1500	10	1500	15	1500	20	3000	25	3500	----	----				
085	135	5	1500	10	1500	15	1500	20	3000	25	3000	----	----	Precision approach			
135	150	5	1500	10	1500	15	2500	20	3000	25	4000	----	----	S–dn–25R	300–¾	300–¾	300–¾
150	180	5	1500	10	2000	15	2500	20	3000	25	4000	----	----	S–dn–25L#	300–¾	300–¾	300–¾
180	270	5	1500	10	1500	15	1500	20	3000	25	4000	----	----	A–dn	600–2	600–2	600–2
270	345	5	1500	10	2500	15	3500	20	5000	25	5000	----	----				
345	015	5	1700	10	2000	15	3000	20	5000	25	7500	----	----	Surveillance approach			
														T–dn#	300–1	300–1	200–½
														C–dn	500–1	600–1	600–1½
														S–dn*	500–1	500–1	500–1
														A–dn	800–2	800–2	800–2

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.
*Runways 25L–R, 7L–R, 6, 24. Aircraft inbound on Final Approach to Runway 24 will descend not lower than 1300′ MSL until pilot is notified by Radar Approach Controller that he has passed a point 4 miles before the runway.
#Runway Visual Range 2600′ also authorized for takeoff and landing on Runway 25–L; provided, that all components of the PAR, high intensity runway lights, approach lights, condensor discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 426′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ on outbound crs of 248° from LAX RBn within 20 miles (Runways 25R–L, 24); climb direct to Downey RBn at 2000′; not authorized beyond Downey (Runways 7R–L, 6).

City, Los Angeles; State, Calif; Airport Name, International; Elev., 126′; Fac. Class and; Ident., Los Angeles International Radar; Procedure No. 1, Amdt. 14; Eff. Date, 4 Aug. 62; Sup. Amdt. No. 13; Dated 27 Feb. 60

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on June 29, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62–6551; Filed, July 19, 1962; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Tolerances for Moldy and Insect-Infested Cocoa Beans

The Cocoa Merchants Association has supplied information in support of a request that the proposed tolerances for moldy and insect-infested cocoa beans published in the FEDERAL REGISTER of June 22, 1961 (26 F.R. 5575), be amended, in view of the effect of variations in weather and other natural factors in different producing countries. On the basis of information contained in the request and on the basis of a further study of data obtained during the Food and Drug Administration's cocoa beans import survey, tolerances for moldy and insect-infested cocoa beans are established as set forth below, and § 3.20 is revised to read as follows:

§ 3.20 Tolerances for moldy and insect-infested cocoa beans.

On and after February 22, 1963, shipments of cocoa beans offered for entry into the United States must meet a tolerance of 6 percent total moldy and insect-infested, including insect-damaged, beans, but not more than 4 percent of either moldy or insect-infested, including insect-damaged, beans. This statement of policy supersedes the notice issued August 27, 1931, addressed to shippers, importers, and dealers in cocoa beans and manufacturers of chocolate and cocoa products and the statement of policy issued June 22, 1961, in this section.

(Sec. 402(a)(3), 68 Stat. 511; 21 U.S.C. 342(a)(3))

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371)

Dated: July 16, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-7087; Filed, July 19, 1962; 8:48 a.m.]

SUBCHAPTER B—FOOD AND FOOD ADDITIVES

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), hereby orders that § 121.90 of the food additive regulations (21 CFR 121.90) be amended by adding thereto the following new items:

§ 121.90 Further extension of effective date of statute for certain specified food additives as direct additives to food.

* * * * *

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—	Progress report required by—
* * *	* * *	* * *	* * *
Aluminum stearate	Component of defoamer used in manufacture of beet sugar.	Jan. 1, 1963	
BHA (butylated hydroxyanisole)	Component of defoamer used in manufacture of beet sugar; limit 0.1% of defoamer.	do	
BHT (butylated hydroxytoluene)	do	do	
Eugenol	do	do	
Isopropyl alcohol	Component of defoamer used in manufacture of beet sugar.	do	
Lecithin, hydroxylated	do	do	
Propylene glycol and glyceryl mono- and diesters from the alcoholosis of soybean oil and/or hydrogenated tallow.	do	do	
Polyoxyethylene glycol (mol. wt. 400-2000).	do	do	
Tallow alcohol, hydrogenated	do	do	
Tallow sulfated	do	do	
* * *	* * *	* * *	* * *

SYNTHETIC FLAVORING SUBSTANCES AND ADJUNCTS

[Used in accordance with good manufacturing practice]

Product	Specified uses or restrictions	Effective date of statute extended to—	Progress report required by—
* * *	* * *	* * *	* * *
Ethyl nitrite spirit (spirit of nitrous ether, sweet spirit of nitre).		Jan. 1, 1963	

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendments to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87-19 as a relief of restrictions on the food processing industry.

Effective date. This order shall become effective on the date of signature.

(Sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: July 16, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-7089; Filed, July 19, 1962; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSIONS OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

On September 6, 1961, there was published in the FEDERAL REGISTER (26 F.R. 8393) a list of substances used as adjuvants or laminants in the manufacture of textile fibers or fabrics for packaging dry food. In the order cited, the effective date of the food additives amendments to the Federal Food, Drug, and Cosmetic Act was extended to July 1, 1962, under the conditions prescribed in the introduction to § 121.91.

The Commissioner of Food and Drugs finds that conditions exist that make necessary the prescribing of an additional period of time for obtaining tolerances or denials of tolerances or for granting exemptions from tolerances in accordance with the statute. Therefore, pursuant to the provisions of the act (sec. 6(c), Public Law-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342) and under the authority delegated to the Commisioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.91 *Further extension of effective date of statute for certain specified food additives as indirect additives to food,* is amended as follows:

1. The date July 1, 1962, in the tabulation headed "Adjuvant or Laminant Used in Manufacture of Textile Fibers or Fabrics for Packaging Dry Food" is changed to January 1, 1963, for the following items:

N-Acetyl, *N'*-β-hydroxyethyl, *N*-oleyl, ethylenediamine.
Aluminum stearate.
Butyl-acetyl ricinoleate.
Butyl, propyl, and isobutyl oleate, sufated.
Castor oil, sulfated, potassium soap.
Dimethylpolysiloxane.
Ethylenediamine tetraacetic acid, sodium salt.

Fatty triglycerides and marine oils, including the fatty acids and fatty alcohols derived from castor, coconut, cottonseed, fish, mustard seed, palm, peanut, rapeseed, rice bran, soybean, sperm, and tall oil.
Fatty triglycerides, fatty acids, or fatty alcohols and marine oils described in preceding item reacted with * * *.
Glyceryl mono-[12-hydroxy-stearate].
Isobutanol.
Isopropylcresols, mono and di, *meta* and *para*.
Kerosene.
Kerosene, deodorized.
Petroleum sulfonate (mahogany soap mixture of sulfonated aliphatic petroleum hydrocarbons).
Pine oil.
Polyoxyethylene (5-15 mols ethylene oxide) ether of nonyl-(1 mol) or octyphenol (1 mol).
Rice bran oil sulfated, methyl ester.
Sodium dioctylsulfosuccinate.
Sodium hydrosulfite.
Sodium 2-mercaptobenzothiazole.
Zinc hydrosulfite.

2. Footnote 1 is deleted.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendments to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87-19 as a relief of restrictions on the food-processing industry.

Effective date. This order shall become effective as of the date of signature.

(Sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: July 16, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-7090; Filed, July 19, 1962; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), hereby orders that § 120.91 of the food additive regulations (21 CFR 121.91) be amended by changing the items listed to read as follows:

§ 121.91 Further extensions of effective date of statute for certain specified food additives as indirect additives to food.

* * * * *

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—
* * *	* * *	* * *
Polyisobutylene (26 F.R. 7963)	Component of food-packaging material	Jan. 1, 1963
* * *	* * *	* * *
Sodium salt of naphthalene sulfonic acid condensed with formaldehyde (26 F.R. 7963).	In the manufacture of paper and paperboard for food packaging.	Jan. 1, 1963
* * *	* * *	* * *
Isobutylene-isoprene copolymer (26 F.R. 8393)	In manufacture of food packaging	Jan. 1, 1963
* * *	* * *	* * *
Montan wax, blown (26 F.R. 8393)	Component of resinous and polymeric substances for food-contact surfaces of food packages.	Jan. 1, 1963
* * *	* * *	* * *
Ozokerite, purified (ozocerite) (26 F.R. 8393)	Component of resinous and polymeric substances for food-contact surfaces of food packages.	Jan. 1, 1963
* * *	* * *	* * *
Sodium lignosulfonate (26 F.R. 8393)	Component of sizing agent used in manufacture of food packaging.	Jan. 1, 1963
* * *	* * *	* * *
Starch, modified with propylene oxide (hydroxypropyl starch) (26 F.R. 8393).	Sizing agent for paper and paperboard for food packaging.	Jan. 1, 1963
* * *	* * *	* * *
Starch, packaging, derived from propylene oxide-modified starch (26 F.R. 11242).	Surface sizing and coating for paper and paperboard for food packaging.	Jan. 1, 1963

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87-19 as a relief of restrictions on the food processing industry.

Effective date. This order shall become effective on the date of signature.

(Sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: July 16, 1962.

GEO. P. LARRICK,
Commisioner of Food and Drugs.

[F.R. Doc. 62-7091; Filed, July 19, 1962; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLYETHYLENE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Eastman Chemical Products, Inc., Kingsport, Tennessee, and other relevant material, has concluded that § 121.2510 of the food additive regulations should be amended as hereinafter provided. The amended regulation permits noncrystalline polypropylene as an optional substance to be used as a plasticizer in the manufacture of polyethylene intended for use in contact with food. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR 121.2510) are amended as follows:

Section 121.2510(a) is amended by adding thereto a new subparagraph (3), as follows:

§ 121.2510 Polyethylene.

* * * * *

(a) * * *

(3) Noncrystalline polypropylene (density 0.80–0.88 as determined by A.S.T.M. Method D–1505) as a plasticizer.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 16, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-7092; Filed, July 19, 1962; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Corrosion Inhibitors for Steel or Tinplate

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by The Cromwell Paper Company, 130 North Wabash Avenue, Chicago 1, Illinois, and other relevant material, has concluded that the following regulation should issue with respect to corrosion inhibitors used for steel or tinplate intended for use in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2551 Corrosion inhibitors used for steel or tinplate.

Corrosion inhibitors may be safely used for steel or tinplate intended for use in, or to be fabricated as, food containers or food-processing or handling equipment, subject to the provisions of this section.

(a) The corrosion inhibitors are prepared from substances identified in this section and used subject to the limitations prescribed.

(b) The following corrosion inhibitors or adjuvants are used in amounts not to exceed those reasonably required to accomplish the intended physical or technical effect:

(1) Corrosion inhibitors (active ingredients) used in packaging materials for the packaging of steel or tinplate or articles fabricated therefrom:

List of substances	*Limitations*
Dicyclohexylamine and its salts of fatty acids derived from animal or vegetable oil.	----------
Morpholine and its salts of fatty acids derived from animal or vegetable oils.	----------

(2) Adjuvants employed in the application and use of corrosion inhibitors:

List of substances	*Limitations*
Polyethylene glycol	----------
Propylene glycol	----------

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 16, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-7088; Filed, July 19, 1962; 8:49 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

MISCELLANEOUS AMENDMENTS

1. In § 3.400, paragraphs (e), (h), (j), and (o) are amended to read as follows:

§ 3.400 General.

* * * * *

(e) *Apportionment (§§ 3.450 through 3.461, 3.551, 3.557).* On original claims, in accordance with the facts found. On other than original claims from:

(1) The first day of the month (in Philippine cases, the first day of the second month) following the month in which:

(i) Claim is received for apportionment of a veteran's award, except that where payments to him have been interrupted, apportionment will be effective the day following date of last payment if a claim for apportionment is received within 1 year after that date;

(ii) Notice is received that a child included in a widow's award is not in the widow's custody, except that where payments to her have been interrupted, apportionment will be effective the day following date of last payment if such notice is received within 1 year after that date.

(2) The effective date of reduction of pension under § 3.551(c).

* * * * *

(h) *Difference of opinion (§ 3.105).* (1) As to decisions not final prior to date of receipt in Central Office, the date from which benefits would have been payable if the former decision had been favorable.

(2) As to decisions final prior to date of receipt in Central Office, date of Central Office approval authorizing a favorable decision.

(3) Where the initial determination for the purpose of death benefits is favorable, the commencing date will be determined without regard to the fact that the action may reverse, on a difference of opinion, an unfavorable decision for disability purposes by an adjudicative agency other than the Board of Veterans Appeals, which was in effect at the date of the veteran's death.

* * * * *

(j) *Election of Veterans Administration benefits (§ 3.700 series).* (1) Unless otherwise provided, the date of receipt of election, subject to prior payments.

(2) July 1, 1960, as to pension payable under Public Law 86-211, where pension is payable for June 30, 1960, under the law in effect on that date, including an award approved after that date, if the election is filed within (generally) 120 days from date of notice of the award. The award will be subject to prior payments over the same period of time.

* * * * *

(o) *Increases (§§ 3.156, 3.157).* Except as provided in § 3.401(b)(2), increase (amending, reopening, or supplementing a previous award authorizing any payments not previously authorized to the individual involved) will be fixed in accordance with the facts found but not earlier than the date of receipt of the evidence establishing entitlement. A retroactive increase or additional benefit will not be awarded after basic entitlement has been terminated, such as by severance of service connection or forfeiture.

2. In § 3.401, paragraph (b) is amended to read as follows:

§ 3.401 Veterans.

* * * * *

(b) *Dependents, additional benefits for (§ 3.4(b)(2)).* The earlier of the following dates:

(1) Commencing date of veteran's award if dependent shown on claim and evidence is received within 1 year after date of request.

(2) For compensation, effective date of the qualifying evaluation, if basic proof of dependents is received within 60 days after date of notification of such evaluation, and any necessary substantiating evidence is received within 1 year after date of request. (38 U.S.C. 3011.)

(Other increases, including disability pension, see § 3.400(o).)

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective July 20, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62-7119; Filed, July 19, 1962; 8:55 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER B—CLAIMS AND ACCOUNTS

PART 536—CLAIMS AGAINST THE UNITED STATES

Investigating and Processing of Claims

Paragraph (b) of § 536.11 is revised and new paragraph (c) is added, as follows:

§ 536.11 Appeals.

* * * * *

(b) Where, as to a claim under §§ 536.12-536.23, or §§ 536.140-536.152, an approving authority assigned to the Claims Division, Office of The Judge Advocate General, notifies the claimant that his claim has been found not meritorious, or makes an offer of settlement for less than the amount claimed, the claimant will be informed that:

(1) He may appeal to the Secretary of the Army;

(2) No form for the appeal is prescribed;

(3) The grounds for the appeal should be set forth;

(4) The appeal must be submitted within 30 days of the receipt of the notice of the right to appeal; and

(5) The appeal should be addressed to the Chief of the Claims Division, OTJAG.

(c) With respect to claims under § 536.29, such authority will notify the claimant that he may appeal to The Judge Advocate General of the Army as the designee of the Secretary of the Army and include in the notification the information contained in paragraph (b) (2) through (5) of this section.

[C 3, AR 25-20, June 27, 1962] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62-7069; Filed, July 19, 1962; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 141, 141a, 141b, 141c, 141d, 141e, 146a, 146b, 146c, 146d, 146e]

ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Sterility Testing; Proposed Changes in Procedures and Certification Requirements

The Commissioner of Food and Drugs, in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and pursuant to the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625) proposes to amend all regulations in the above-cited parts insofar as they relate to sterility requirements for antibiotic and antibiotic-containing drugs. These proposed changes are designed to insure that such drugs intended to be sterile comply with that requirement. The amendments affect not only the testing procedures but require the submission of an increased number of samples of each batch tested, with a slight increase in fees. The amendments proposed will be effected as follows:

1. By adding to Chapter I of Title 21 the following new part:

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC DRUGS SUBJECT TO CERTIFICATION

Sec.

141.1 [Reserved]
141.2 Sterility test methods and procedures.

§ 141.1 [Reserved]

§ 141.2 Sterility test methods and procedures.

(a) The test should be performed by personnel having had expert training and experience in aseptic techniques. The area used for the test should be kept thoroughly clean and free of dust. It should be swabbed daily with a suitable disinfectant. It should be as free from contamination as is possible to achieve. Personnel should wear sterilized outer clothing, nose masks, caps, and shoe scuffs while performing the test. Testing should not be conducted under direct exposure to ultraviolet light or in areas under aerosol treatment. Suitable environmental control tests designed to assess the testing conditions and the expertise of the operators should be performed at regular intervals.

(b) *Culture media.* Use ingredients that conform to the standards prescribed by the U.S.P. or N.F. In lieu of preparing the media from the individual ingredients, they may be made from dehydrated mixtures which, when reconstituted with distilled water, have the same composition as such media and have growth-promoting, buffering, and oxygen-tension controlling properties equal to or better than such media. Incubate 20 tubes of any liquid medium used along with any of the tests described in paragraph (d) (1), (2), (3), or (4) of this section to help evaluate the sterility of the tubes of media used for that day.

(1) *Medium A.* Prepare fluid thioglycollate medium for the test as follows:

	Grams
Pancreatic digest of casein	15.0
L-Cystine	0.5
Dextrose	5.5
Yeast extract (water soluble)	5.0
Sodium chloride	2.5
Sodium thioglycollate	0.5
Resazurin	0.001
Agar, granulated (moisture content not in excess of 15 percent)	0.75
Distilled water, sufficient to make	1,000.0 milliliters.

Final pH=7.10±0.10 after sterilization.

Dispense approximately 100-milliliter quantities in 38 millimeters x 200 millimeters (outside dimensions) test tubes and then sterilize in an autoclave at 121° C. for 20 minutes. The autoclave temperature should be reached within 10 minutes. Cool at once to 25° C., and store the medium between 20° C. and 30° C., protected from light.

(2) *Medium B.* Same as medium A, except add 5.0 milliliters of polysorbate 80 per liter before sterilization.

(3) *Medium C.* Same as medium B, except add sufficient 2*N* sodium hydroxide so that the pH will be 7.9±0.1 after sterilization.

(4) *Medium D.*

	Grams
Peptone	6.0
Pancreatic digest of casein	4.0
Yeast extract	3.0
Beef extract	1.5
Glucose	1.0
Agar	15.0
Distilled water sufficient to make	1,000.0 milliliters.

pH 6.55±0.05 after sterilization.

Suspend the powder in a liter of distilled water. Allow to stand for 5 minutes, then mix thoroughly. Boil for 1 or 2 minutes or until solution is complete. Dispense in suitable flasks and sterilize at 121° C. for 15 minutes. After sterilization, while agar is still hot, aseptically pour approximately 25-milliliter quantities into sterile petri dish bottoms measuring 20 millimeters x 100 millimeters. Cover plates with sterile porcelain tops, glazed on the outside. Allow plates to stand at room temperature for 48 hours prior to use as a control on the sterility of the plates.

(5) *Medium E.*

	Grams
Dextrose	40.0
Peptone	10.0
Agar	15.0
Distilled water sufficient to make	1,000.0 milliliters.

pH 5.65±0.05 after sterilization.

Prepare, sterilize, and dispense as described for medium D.

(c) *Diluting fluids*—(1) *Diluting fluid A.* Dissolve 5 grams of peptone in sufficient distilled water to make 1,000 milliliters. Final pH=7.1±0.1. Dispense in flasks and sterilize as described in medium A.

(2) *Diluting fluid B.* Same as in subparagraph (1) of this paragraph, except add 5.0 milliliters of polysorbate 80 per liter.

(3) *Diluting fluid C.* Dissolve 0.5 gram of sodium thioglycollate in sufficient distilled water to make 1,000 milliliters and adjust with NaOH so that after sterilization the final pH will be 7.1±0.1. Dispense in flasks and sterilize as described for medium A.

(d) *Conduct of test*—(1) *Membrane filter method A.* From each of 20 immediate containers aseptically transfer a sample containing approximately 500 milligrams, or 50 milligrams if it is chlortetracycline or tetracycline, of activity (use the entire contents if it contains less) and pool in a sterile, cotton-plugged 500-milliliter erlenmeyer flask containing approximately 200 milliliters of diluting fluid A. Swirl the flask to dissolve the drug. As soon as the sample has completely dissolved, aseptically filter the solution under vaccum through a sterile membrane bacteriological filter. The filter has a porosity of 0.22 micron ±0.02 micron, a diameter of approximately 47 millimeters, and a flow rate of 20 milliliters-24 milliliters per minute of distilled water at 25° C., passing each square centimeter of filter area with a differential pressure of 70 centimeters of mercury. Filter three separate 100-milliliter quantities of sterile distilled water through the membrane to remove any residual antibiotic. Aseptically transfer the membrane to a sterile absorbent pad in a sterile Petri dish. By means of a sterile circular blade, paper punch, or any other suitable sterile device, cut a circular portion (approximately 17.5-millimeter diameter) from the center of the filtering area. Transfer the cut center area to a sterile 38-millimeter x 200 millimeter (outside dimensions) test tube containing approximately 100 milliliters of medium A. Using sterile forceps, transfer the remaining outer portion of the membrane into a second similar tube. Incubate both tubes for 3 days at 21° C. ± 1° C. and 7 additional days at 31° C. ± 1° C. As a control, use 200 milliliters of the antibiotic-free diluting fluid and proceed as described in this subparagraph. Observe the tubes daily for visual growth. If growth is indicated in the sample tubes (no growth should occur in the control tubes), confirm by microscopic examination.

(2) *Membrane filter method B.* Proceed as directed in subparagraph (1) of this paragraph, except in lieu of pooling the contents of 20 containers, perform two separate tests, using a pool of 10 containers for each.

(3) *Direct method A.* From each of 21 immediate containers, transfer approximately 300 milligrams of activity to individual sterile tubes (38 millimeter×200 millimeter size) containing approximately 100 milliliters of medium A, to which sufficient penicillinase has been added to inactivate the penicillin. Use the entire contents if the container has less than 300 milligrams. To one of the 21 tubes, add 1.0 milliliter of a 1:1,000 dilution of an 18–24 hours broth culture of *Staphylococcus aureus*, A.T.-C.C. 6538–P. Incubate this tube and the remaining 20 tubes 3 days at 21° C. ±1° C. and 7 additional days at 31° C. ±1° C. The inoculated tube must show growth at the end of 24 hours.

(4) *Direct method B.* From each of 20 immediate containers, transfer approximately 500 milligrams of activity to individual sterile tubes (38 millimeter×200 millimeter size) containing approximately 100 milliliters of medium A. If the batch contains any penicillin, add sufficient penicillinase to the medium to inactivate the penicillin. Use entire contents if the container has less than 500 milligrams of activity. Incubate all tubes 3 days at 21° C. ±1° C. and 7 additional days at 31° C. ±1° C.

(e) *Evaluation of results*—(1) *Membrane filter methods.* The batch meets the requirements of the test if no tube shows growth. If growth is observed in any tube, repeat, except perform the test in duplicate, using the contents from 40 immediate containers. The batch meets the requirements if no tube on the repeat test shows growth.

(2) *Direct methods.* The batch meets the requirements of the test if no tube (except the control tube used in the test for penicillin only) shows growth after incubation. If growth occurs in no more than two tubes, repeat the test, using 40 containers, or 41 containers if the sample contains penicillin only. The batch is satisfactory if, on the second test, no tube shows growth except the control tube used in the test for penicillin only.

2. By changing § 141a.2 to read:

§ 141a.2 Sodium penicillin, calcium penicillin, potassium penicillin; sterility.

Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(3).

3. By changing § 141a.7(b) to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(3).

4. By changing §141a.17(c) to read:

(c) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(3).

5. By changing § 141a.23(b) to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(3).

6. By changing § 141a.24(b) to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(3).

7. By changing § 141a.26(b) to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(3).

8. By changing § 141a.27(b) to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(3).

9. By changing § 141a.29(b) to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(3).

10. By changing § 141a.30(b) to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(3).

11. By changing § 141a.34(e) to read:

(e) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(3).

12. By changing § 141a.39(b) to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(2), except if the product contains procaine penicillin add sufficient penicillinase to the peptone water and swirl the flask to completely solubilize the procaine penicillin before filtration. However, if the preparation contains *l*-ephenamine penicillin, or if homogenizers or suspending agents prevent solubilization, proceed as directed in § 141.2(d)(4) of this chapter. If the preparation contains diethylaminoethyl ester penicillin G hydriodide, proceed as described in § 141.2(d)(4) of this chapter, except use medium C in lieu of medium A.

13. By changing § 141a.42(b) to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(2).

14. By changing § 141a.43(b) to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(3).

15. By changing § 141a.44(b) to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(3).

16. By changing § 141a.45(b) to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(3).

17. By changing § 141a.46(b) to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(3).

18. By changing § 141a.47(b) to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(3), except use medium B in lieu of medium A, and during the period of incubation shake the tubes at least once daily.

19. By changing § 141a.51(b) to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(3), except use medium C in lieu of medium A.

20. By changing § 141a.52(b) to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(3), except use medium C in lieu of medium A.

21. By changing § 141a.52(b) to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(3), except use medium B in lieu of medium A, and during the period of incubation shake the tubes at least once daily.

22. By changing § 141a.55(e) to read:

(e) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(3), except use medium B in lieu of meidum A, and during the period of incubation shake the tubes at least once daily.

23. By changing § 141a.59(c) to read:

(c) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(4).

24. By changing § 141a.60(b) to read:

(b) *Sterility*—(1) *Penicillin and dihydrostreptomycin-streptomycin sulfates solution.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(2).

(2) *Procaine penicillin in dihydrostreptomycin-streptomycin sulfates solution.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(4).

25. By changing § 141a.61(b) to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(3), except use medium B in lieu of medium A, and during the period of incubation shake the tubes at least once daily.

26. By changing § 141a.67(b) to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(4), except use medium B in lieu of medium A, and during the period of incubation shake the tubes at least once daily.

27. By changing § 141a.68(b) to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(4), except use medium B in lieu of medium A, and during the period of incubation shake the tubes at least once daily.

28. By changing § 141a.72(b) to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(3), except use medium B in lieu of medium A, and during the period of incubation shake the tubes at least once daily.

29. By changing § 141a.78(b) to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(3), except use medium B in lieu of medium A, and during the period of incubation shake the tubes at least once daily.

30. By changing § 141a.79(b) to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter using the method described in § 141.2(d)(3), except use medium B in lieu of medium A, and during the period of incubation shake the tubes at least once daily.

31. By changing § 141a.80(b) to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(4), except use medium B in lieu of medium A, and during the period of incubation shake the tubes at least once daily.

32. By changing § 141a.83(b) to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(3), except use medium B in lieu of medium A, and during the period of incubation shake the tubes at least once daily.

33. By changing § 141a.99(b) to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(3), except use medium B in lieu of medium A, and during the period of incubation shake the tubes at least once daily.

34. By changing § 141a.103(b) to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(3).

35. By changing § 141b.102 to read:

§ 141b.102 Streptomycin sulfate, streptomycin hydrochloride, streptomycin phosphate, streptomycin trihydrochloride calcium chloride; sterility.

Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(2).

36. By changing § 141b.108(c) to read:

(c) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(2).

37. By changing § 141b.114(b) to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(4).

38. By changing § 141b.121(d) to read:

(d) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(2).

39. By changing § 141c.201(b) to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(2).

40. By changing § 141c.206(c) to read:

(c) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(1).

41. By changing § 141c.211(b) to read:

(b) *Sterility.* Use approximately 50 milligrams of activity from each immediate container and proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(2). However, if it is packaged with inert gases, thoroughly cleanse the valve (do not flame) of each container to be tested with a suitable disinfectant. Into each of two sterile, empty ernlenmeyer flasks stoppered with a cotton plug, spray approximately the equivalent of 50 milligrams (activity) from 10 separate cans by removing the plug temporarily and using aseptic technique while spraying; allow propellant to evaporate, add 250 milliliters of diluting fluid A as described in § 141.2(c)(1), and proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(2).

42. By changing § 141c.213(b) to read:

(b) *Sterility.* Using the entire gauze packings when possible, or the largest portion that can be inserted into the culture tube, proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(4).

43. By changing § 141c.214(b) to read:

(b) *Sterility.* Using approximately one-fourth of each individual dressing to be tested, proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(4).

44. By changing § 141c.221(b) to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(2).

45. By changing § 141c.227(b) to read:

(b) *Sterility.* Use approximately 50 milligrams of activity from each immediate container and proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(4).

46. By changing § 141c.235(b) to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(2).

47. By changing § 141c.242(b) to read:

(b) *Sterility.* Thoroughly cleanse the valve (do not flame) of each container to be tested with a suitable disinfectant. Into each of two sterile, empty erlenmeyer flasks stoppered with a cotton plug, spray approximately the equivalent of 50 milligrams (activity) from 10 separate cans by removing the plug temporarily and using aseptic technique while spraying; allow propellant to evaporate and add 250 milliliters—500 milliliters of diluting fluid B as described in § 141.2(c)(2) of this chapter, and swirl the flasks to dissolve the contents; then proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(2).

48. By changing § 141c.244(b) to read:

(b) *Sterility.* Use 50 milligrams of activity from each immediate container and proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(4).

49. By changing § 141c.247(b) to read:

(b) *Sterility.* Using individual sutures, proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(4).

50. By changing § 141c.249(b) to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(2).

51. By changing § 141c.250(b) to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(2).

52. By changing § 141d.301(b) to read:

(b) *Sterility.* Use approximately 50 milligrams of activity from each immediate container and proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(2).

53. By changing § 141d.304(c) to read:

(c) *Sterility.* Use entire contents and proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(1), except if it contains cortisone, proceed as directed in § 141.2(d)(4).

54. By changing § 141d.307(b) to read:

(b) *Sterility*—(1) *Chloramphenicol solution.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(2), except add the equivalent of 250 milligrams (activity) from each container directly to the dry filter, thus eliminating the preliminary solubilization step.

(2) *Chloramphenicol for aqueous injection.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(4).

55. By changing § 141d.314(b) to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(2).

56. By changing § 141d.315(b) to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(2).

57. By changing § 141e.401(b) to read:

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(2).

58. By changing § 141e.408(d) to read:

(d) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in § 141.2(d)(1).

59. By changing § 141e.430(c) to read:

(c) *Microorganism count*—(1) *Dry powder*—(i) *Conduct of test for bacteria.* Using approximately 200 milligrams of powder from each of 5 separate immediate containers, proceed as directed in § 141.2(d)(2) of this chapter, except after the three washings transfer the entire filter membrane from one of the filters to the surface of the nutrient agar as described in § 141.2(b)(4) of this chapter. Incubate the plate for 5 days at 31° C. ±1° C. Count the number of colonies appearing on the filter pad and calculate therefrom the number of viable microorganisms per gram of powder.

(ii) *Conduct of test for molds and yeasts.* Proceed as directed in subdivision (i) of this subparagraph, using the filter membrane from the second filter, except use the agar medium E as described in § 141.2(b)(5) of this chapter, and incubate at 21° C. ±1° C. for 5 days. Count the number of colonies appearing on each filter pad and calculate therefrom the number of viable microorganisms per gram of powder.

(2) *Powder packaged with inert gases*—(i) *Conduct of test for bacteria.* Thoroughly cleanse the valve of each container to be tested with a suitable disinfectant. Into each of two sterile, empty erlenmeyer flasks, stoppered with a cotton plug, spray approximately 200 milligrams from each of 5 separate immediate containers, by removing the plug temporarily and using aseptic technique while spraying. Allow propellant to evaporate, add 250 milliliters of diluting fluid C as described in § 141.2(c)(3) of this chapter and swirl the flask to dissolve the contents. Then proceed as directed in § 141.2(d)(2) of this chapter, except after the three washings transfer the entire filter membrane from one of the filters to the surface of the nutrient agar as described in § 141.2(b)(4) of this chapter. Incubate the plate for 5 days at 31° C. ±1° C. Count the number of colonies appearing on the filter pad and calculate therefrom the number of viable microorganisms per gram of powder.

(ii) *Conduct of test for molds and yeasts.* Proceed as directed in subdivision (i) of this subparagraph, except use agar medium E as described in § 141.2(b)(5) of this chapter, and incubate at 21° C±1° C. for 5 days. Count the number of colonies appearing on each filter pad and calculate therefrom the number of viable microorganisms per gram of powder.

(3) *Evaluation of results.* The microorganism count of the sample is satisfactory if the average number of viable miscroorganisms is not more than 10 per gram.

60. By amending § 146a.15 in the following respects:

a. By changing paragraph (d) (2) and (3) to read:

§ 146a.15 Methicillin sodium.

* * * * *

(d) *Request for certification; samples.* * * *

(2) If such batch is packaged for dispensing, such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) For sterility testing:

(*a*) For the initial test: 20 immediate containers collected at regular intervals throughout each filling operation. The term "filling operation" refers to any period that is no longer than 1 working day or shift. If more than one filling device is used during the filling operation, the sample shall include immediate containers filled by each device and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than one filling operation is required to fill the batch, each container in the sample shall be identified with the number of the operation.

(*b*) For repeat testing: 40 immediate containers from each filling operation.

(3) If such batch is packaged for repacking or for use as an ingredient in the manufacture of another drug, such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility: Nine packages, each containing approximately 300 milligrams, plus one package containing approximately 2 grams.

(ii) For sterility testing: For the initial test, 20 packages, and for repeat testing, 40 packages, each containing approximately 300 milligrams.

Each such portion shall be taken from a different part of such batch and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

b. By changing paragraph (e)(1) to read:

(1) $5.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2)(i) and (3)(i) of this section; $0.60 for each container submitted in accordance with paragraph (d) (2)(ii) and (3)(ii) of this section.

61. By amending § 146a.19 in the following respects:

a. By changing paragraph (d) (3)(i) and (4)(ii) to read:

§ 146a.19 Benzathine penicillin V for aqueous injection, veterinary.

* * * * *

(d) *Request for certification; samples.* * * *

(3) * * *

(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing:

(*1*) For the initial test: 20 immediate containers collected at regular intervals throughout each filling operation. The term "filling operation" refers to any period that is no longer than 1 working day or shift. If more than one filling device is used during the filling operation, the sample shall include immediate containers filled by each device, and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than one filling operation is required to fill the batch each container in the sample shall be identified with the number of the operation.

(*2*) For repeat testing: 40 immediate containers from each filling operation.

(4) * * *

(ii) For sterility testing: For the initial test, 20 packages, and for repeat testing, 40 packages.

Each such package shall contain not less than approximately 300 milligrams taken from different parts of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d)(3)(i) (*a*), (ii), (iii), (iv), and (4)(i) of this section; $0.60 for each container submitted in accordance with paragraph (d)(3)(i)(*b*) and (4)(ii) of this section.

62. By amending § 146a.24 in the following respects.

a. By changing paragraph (d) (2) and (3) to read:

(2) If such batch is packaged for dispensing, such person shall submit with his request a sample consisting of the following:

(i) For all tests except sterility: One immediate container for each 5,000 containers in the batch, but in no case less than the following number of containers:

(*a*) If it is not crystalline penicillin, six.

(*b*) If it is crystalline penicillin, but it is not crystalline penicillin G or crystalline penicillin O, eight.

(*c*) If it is crystalline penicillin G or crystalline penicillin O, ten.

(*d*) If it is packaged in containers of less than 100,000 units each for dental use, 20, if it is not crystalline penicillin; and 40 if it is crystalline penicillin.

Such sample shall be collected by taking single immediate containers, before or after labeling, at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) For sterility testing:

(*a*) For the initial test: 20 immediate containers collected at regular intervals throughout each filling operation. The term "filling operation" refers to any period that is no longer than 1 working day or shift. If more than one filling device is used during the filling operation, the sample shall include immediate containers filled by each device, and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than one filling operation is required to fill the batch, each container in the sample shall be identified with the number of the operation.

(*b*) For repeat testing: 40 immediate containers from each filling operation.

(3) If such batch is packaged for repacking or for use in the manufacture of another drug, such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility: Six packages; or in the case of crystalline penicillin, 10 packages, containing approximately equal portions of not less than 60 milligrams each.

(ii) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages, each containing approximately 300 milligrams.

Each such portion shall be taken from a different part of such batch and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d)(2)(i)(*a*), (*b*), and (*c*), (3)(i), and (4) of this section; $1.00 for each immediate container in the sample submitted in accordance with paragraph (d)(2)(i)(*d*) of this section; $0.60 for each container submitted in accordance with paragraphs (d)(2)(ii) and (3)(ii) of this section.

63. By amending § 146a.25 in the following respects:

a. By changing paragraph (d)(3)(i) and (ii) to read:

(i) The batch:

(*a*) For all tests except sterility: One package for each 5,000 packages in the batch, but in no case less than five packages.

Such samples shall be collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing:

(*1*) For the initial test: 20 immediate containers collected at regular intervals throughout each filling operation. The term "filling operation" refers to any period that is no longer than 1 working day or shift. If more than one filling device is used during the filling operation, the sample shall include immediate containers filled by each device, and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than one filling operation is required to fill the batch, each container in the sample shall be identified with the number of the operation.

(*2*) For repeat testing: 40 immediate containers from each filling operation.

(ii) The penicillin used in making the batch:

(*a*) For all tests except sterility: 6 packages if it is calcium penicillin, or 10 packages if it is crystalline penicillin, each containing approximately equal portions of not less than 60 milligrams.

(*b*) For sterility testing: For the initial test, 20 packages, and for repeat testing, 40 packages, each containing approximately 300 milligrams.

Each such portion shall be taken from a different part of such batch and each shall be packaged in accordance with the requirements of § 146a.24(b).

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d)(3)(i)(*a*), (ii)(*a*), and (iii) of this section; $0.60 for each container submitted in accordance with paragraph (d)(3)(i)(*b*) and (ii)(*b*) of this section.

64. By amending § 146a.35 in the following respects:

a. By changing paragraph (d)(3)(i) and (ii) to read:

(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in the batch, but in no case less than five immediate containers, unless each such container is packaged to contain more than 1 gram, in which case the sample shall consist of 1 gram for each 5,000 immediate containers in the batch, but in no case less than 5 grams.

Such samples shall be collected by taking single immediate containers or 1-gram portions at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing:

(*1*) For the initial test: 20 immediate containers, collected at regular intervals throughout each filling operation. The term "filling operation" refers to any period that is no longer than 1 working day or shift. If more than one filling device is used during the filling operation, the sample shall include immediate containers filled by each device, and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than one filling operation is required to fill the batch, each container in the sample shall be identified with the number of the operation.

(*2*) For repeat testing: 40 immediate containers from each filling operation.

(ii) The penicillin used in making the batch:

(*a*) For all tests except sterility: Five packages; or in the case of crystalline penicillin, 10 packages, each containing approximately equal portions of not less than 60 milligrams.

(*b*) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages, each containing approximately 300 milligrams.

Each such portion shall be taken from a different part of such batch and each shall be packaged in accordance with the requirements of § 146a.24(b).

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d)(3)(i)(*a*), (ii), (*a*), and (iii) of this section; $0.60 for each container submitted in accordance with paragraph (d)(3)(i)(*b*) and (ii)(*b*) of this section.

65. By amending § 146a.41 in the following respects:

a. By changing paragraph (d)(3)(i) and (ii) to read:

(i) The batch:

(*a*) For all tests except sterility: One package for each 500 packages in the batch, but in no case less than five packages or more than 15 packages.

Such samples shall be collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing:

(*1*) For the initial test: 20 immediate containers collected at regular intervals throughout each filling operation. The term "filling operation" refers to any period that is no longer than 1 working day or shift. If more than one filling device is used during the filling operation, the sample shall include immediate containers filled by each device, and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than one filling operation is required to fill the batch, each container in the sample shall be identified with the number of the operation.

(*2*) For repeat testing: 40 immediate containers from each filling operation.

(ii) The penicillin used in making the batch:

(*a*) For all tests except sterility: 10 packages, each containing approximately equal portions of not less than 60 milligrams.

(*b*) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages, each containing approximately 300 milligrams.

Each such portion shall be taken from a different part of such batch and each shall be packaged in accordance with the requirements of § 146a.24(b).

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d)(3)(i)(*a*), (ii)(*a*), and (iii) of this section; $0.60 for each container submitted in accordance with paragraph (d)(3)(i)(*b*) and (ii)(*b*) of this section.

66. By amending § 146a.42 in the following respects:

a. By changing paragraph (d)(2)(i) and (ii) to read:

(i) For all tests except sterility: Six packages, containing approximately equal portions of not less than 60 milligrams each.

(ii) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages, each containing approximately 300 milligrams.

Each such portion shall be taken from a different part of such batch and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d)(2)(i) and (3) of this section; $0.60 for each container submitted in accordance with paragraph (d)(2)(ii) of this section.

67. By amending § 146a.43 in the following respects:

a. By changing paragraph (d)(3)(i) and (ii) to read:

(i) The batch:

(*a*) For all tests except sterility: One package for each 500 packages in the batch, but in no case less than three packages or more than 12 packages.

Such samples shall be collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing:

(*1*) For the initial test: 20 immediate containers collected at regular intervals throughout each filling operation. The term "filling operation" refers to any period that is no longer than 1 working day or shift. If more than one filling device is used during the filling operation, the sample shall include immediate containers filled by each device, and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than one filling operation is required to fill the batch, each container in the sample shall be identified with the number of the operation.

(*2*) For repeat testing: 40 immediate containers from each filling operation.

(ii) The aluminum penicillin used in making the batch:

(*a*) For all tests except sterility: Six packages, each containing aproximately equal portions of not less than 300 milligrams.

(*b*) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages, each containing approximately 300 milligrams.

Each such portion shall be taken from a different part of such batch, and each shall be packaged in accordance with the requirements of § 146a.42(b).

b. By changing paragraph (e)(1) to read:

(1) $8.00 for each package in the sample submitted in accordance with paragraph (d)(3)(i)(*a*) of this section; $4.00 for each package in the samples submitted in accordance with paragraphs (d)(3)(ii)(*a*) and (iii) of this section; $0.60 for each container submitted in accordance with paragraph (d)(3)(i)(*b*) and (ii)(*b*) of this section.

68. By amending § 146a.44 in the following respects:

a. By changing paragraph (d)(2)(ii) to read:

(ii) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages.

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d)(2)(i) and (3) of this section; $0.60 for each container submitted in accordance with paragraph (d)(2)(ii) of this section.

69. By amending § 146a.45 in the following respects:

a. By deleting subdivisions (i) and (ii) from paragraph (c)(2) and by incorporating subdivision (iii) into subparagraph (2).

b. By changing paragraph (d)(3)(i) and (ii) to read:

(i) The batch:

(*a*) For all tests except sterility: One package for each 5,000 packages in the batch, but in no case less than five packages.

Such samples shall be collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing:

(*1*) For the initial test: 20 immediate containers collected at regular intervals throughout each filling operation. The term "filling operation" refers to any period that is no longer than 1 working day or shift. If more than one filling device is used during the filling operation, the sample shall include immediate containers filled by each device, and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than one filling operation is required to fill the batch, each container in the sample shall be identified with the number of the operation.

(*2*) For repeat testing: 40 immediate containers from each filling operation.

(ii) The procaine penicillin used in making the batch:

(*a*) For all tests except sterility: 10 packages, each containing approximately equal portions of 300 milligrams.

(*b*) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages, each containing approximately 300 milligrams.

Each such portion shall be taken from a different part of such batch, and each shall be packaged in accordance with the requirements of § 146a.44(b).

c. By changing paragraph (e)(1) to read:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d)(3)(i)(*a*), (ii)(*a*), and (iii) of this section; $0.60 for each container submitted in accordance with paragraph (d)(3)(i)(*b*) and (ii)(*b*) of this section.

70. By amending § 146a.47 in the following respects:

a. By changing paragraph (d)(3)(i) and (4)(ii) to read:

(d) • • •

(3) • • •

(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing:

(*1*) For the initial test: 20 immediate containers, collected at regular intervals throughout each filling operation. The term "filling operation" refers to any period that is no longer than 1 working day or shift. If more than one filling device is used during the filling operation, the sample shall include immediate containers filled by each device, and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than one filling operation is required to fill the batch, each container in the sample shall be identified with the number of the operation.

(*2*) For repeat testing: 40 immediate containers for each filling operation.

• • • • • •

(4) • • •

(ii) For sterility testing: For the initial tests, 20 packages; and for repeat testing, 40 packages.

b. By changing paragraph (e)(2) to read:

(2) $0.60 for each container submitted in accordance with paragraph (d)(3)(i)(*b*) and (4)(ii) of this section.

71. By amending § 146a.48 in the following respects:

a. By changing paragraph (d)(2)(ii) to read:

(ii) For sterility testing: For the initial tests, 20 packages; and for repeat testing, 40 packages.

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d)(2)(i) and (3) of this section; $0.60 for each container submitted in accordance with paragraph (d)(2)(ii) of this section.

72. By amending § 146a.52 in the following respects:

a. By changing the last sentence of pararagraph (a)(3) to read: "In addition to the 20 immediate containers required by § 146a.45(d)(3)(i)(*b*)(*1*), he shall also submit in connection with his request a sample consisting of not less than six packages of the batch of procaine penicillin and crystalline penicillin in oil; a sample of the crystalline penicillin used in making the batch, consisting of 10 packages, each containing approximately equal portions of not less than 60 milligrams; and 20 packages for sterility testing, each containing approximately equal portions of not less than 300 milligrams."

b. By changing paragraph (b)(3) to read:

(3) $0.60 for each 300-milligram container submitted in accordance with paragraph (a)(3) of this section.

73. By amending § 146a.58 in the following respects:

a. By changing paragraph (d) (3) (i) and (4) (ii) to read:

(d) • • •
(3) • • •
(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than 12 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing:

(*1*) For the initial test: 20 immediate containers, collected at regular intervals throughout each filling operation. The term "filling operation" refers to any period that is no longer than 1 working day or shift. If more than one filling device is used during the filling operation, the sample shall include immediate containers filled by each device, and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than one filling operation is required to fill the batch, each container in the sample shall be identified with the number of the operation.

(*2*) For repeat testing: 40 immediate containers from each filling operation.

• • • • • •

(4) • • •

(ii) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages, each containing approximately equal portions of at least 0.5 gram.

b. By changing paragraph (e) (1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (ii), (iii), (iv), (v), (vi), and (vii) of this section; $5.00 for each immediate container submitted in accordance with paragraph (d) (3) (i) (*a*) and (4) (i) of this section; $0.60 for each container submitted in accordance with paragraph (d) (3) (i) (*b*) and (4) (ii) of this section.

74. By amending § 146a.63 in the following respects:

a. By changing paragraph (d) (3) (i) and (4) (ii) to read:

(d) • • •
(3) • • •
(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing:

(*1*) For the initial test: 20 immediate containers, collected at regular intervals throughout each filling operation. The term "filling operation" refers to any period that is no longer than 1 working day or shift. If more than one filling device is used during the filling operation, the sample shall include immediate containers filled by each device, and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than one filling operation is required to fill the batch, each container in the sample shall be identified with the number of the operation.

(*2*) For repeat testing: 40 immediate containers from each filling operation.

• • • • • •

(4) • • •

(ii) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages, each containing approximately equal portions of at least 0.5 gram each.

b. By changing paragraph (e) (1) to read:

(1) $4.00 for each immediate container submitted in accordance with paragraph (d) (3) (ii), (iii), and (iv) of this section; $5.00 for each immediate container submitted in accordance with paragraph (d) (3) (i) (*a*) and (4) (i) of this section; $0.60 for each container submitted in accordance with paragraph (d) (3) (i) (*b*) and (4) (ii) of this section.

75. By amending § 146a.64 in the following respects:

a. By changing paragraph (d) (2) (ii) to read:

(ii) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages.

b. By changing paragraph (e) (1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (ii), (iii), (iv), (v), (vi), and (vii) of this section; $5.00 for each immediate container submitted in accordance with paragraph (d) (3) (i) (*a*) and (4) (i) of this section; $0.60 for each container submitted in accordance with paragraph (d) (3) (i) (*b*) and (4) (ii) of this section.

76. By amending § 146a.65 in the following respects:

a. By changing paragraph (d) (3) (i) and (ii) to read:

(i) The batch:

(*a*) For all tests except sterility: One package for each 5,000 packages in the batch, but in no case less than five packages.

Such samples shall be collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing:

(*1*) For the initial test: 20 immediate containers collected at regular intervals throughout each filling operation. The term "filling operation" refers to any period that is no longer than 1 working day or shift. If more than one filling device is used during the filling operation, the sample shall include immediate containers filled by each device, and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than one filling operation is required to fill the batch, each container in the sample shall be identified with the number of the operation.

(*2*) For repeat testing: 40 immediate containers from each filling operation.

• • • • • •

(4) • • •

(ii) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages, each containing approximately 300 milligrams.

Each such portion shall be taken from a different part of such batch and each shall be packaged in accordance with the requirements of § 146a.64(b).

b. By changing paragraph (e) (1) to read:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii) (*a*), and (iii) of this section; $0.60 for each container submitted in accordance with paragraph (d) (3) (i) (*b*) and (ii) (*b*) of this section.

77. By amending § 146a.66 in the following respects:

a. By changing paragraph (d) (3) (i) and (4) (ii) to read:

(d) • • •
(3) • • •
(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing:

(*1*) For the initial test: 20 immediate containers, collected at regular intervals throughout each filling operation. The term "filling operation" refers to any period that is no longer than 1 working day or shift. If more than one filling device is used during the filling operation, the sample shall include immediate containers filled by each device, and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than one filling operation is required to fill the batch, each container in the sample shall be identified with the number of the operation.

(*2*) For repeat testing: 40 immediate containers from each filling operation.

• • • • • •

(4) • • •

(ii) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages, each containing approximately 300 milligrams.

b. By changing paragraph (e) (1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), (iii), (iv), and (4) (i) of this section; $0.60 for each container submitted in accordance with paragraph (d) (3) (i) (*b*) and (4) (ii) of this section.

78. By amending § 146a.67 in the following respects:

a. By changing paragraph (d) (3) (i) and (4) (ii) to read:

(d) • • •
(3) • • •
(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than 12 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing:

(*1*) For the initial test: 20 immediate containers, collected at regular intervals throughout each filling operation. The term "filling operation" refers to any period that is no longer than 1 working day or shift. If more than one filling device is used during the filling operation, the sample shall include immediate containers filled by each device, and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than one filling operation is required to fill the batch, each container in the sample shall be identified with the number of the operation.

(*2*) For repeat testing: 40 immediate containers from each filling operation.

• • • • • •

(4) • • •

(ii) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages, each containing approximately equal portions of at least 1 milliliter.

b. By changing paragraph (e) (1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (ii), (iii), and (iv) of this section; $5.00 for each container submitted in accordance with paragraph (d) (3) (i) (*a*) and (4) (i) of this section; $0.60 for each container submitted in accordance with paragraph (d) (3) (i) (*b*) and (4) (ii) of this section.

79. By amending § 146a.68 in the following respects:

a. By changing paragraph (d) (2) (ii) to read:

(ii) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages.

b. By changing paragraph (e) (1) to read:

(1) $4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (2) (i) and (3) of this section; $0.60 for each container submitted in accordance with paragraph (d) (2) (ii) of this section.

80. By amending § 146a.74 in the following respects:

a. By changing paragraph (d) (2) (ii) to read:

(ii) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages.

b. By changing paragraph (e) (1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i) and (3) of this section; $0.60 for each container submitted in accordance with paragraph (d) (2) (ii) of this section.

81. By amending § 146a.75 in the following respects:

a. By changing paragraph (d) (3) (i) and (4) (ii) to read:

(d) • • •
(3) • • •
(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing:

(*1*) For the initial test: 20 immediate containers, collected at regular intervals throughout each filling operation. The term "filling operation" refers to any period that is no longer than 1 working day or shift. If more than one filling device is used during the filling operation, the sample shall include immediate containers filled by each device, and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than one filling operation is required to fill the batch, each container in the sample shall be identified with the number of the operation.

(*2*) For repeat testing: 40 immediate containers from each filling operation.

• • • • • •

(4) • • •

(ii) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages.

b. By changing paragraph (e) (1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), (iii), (iv), and (4) (i) of this section; $0.60 for each container submitted in accordance with paragraph (d) (3) (i) (*b*) and (4) (ii) of this section.

82. By amending § 146a.77 in the following respects:

a. By changing paragraph (d) (3) (i) and (4) (ii) to read:

(d) • • •
(3) • • •
(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximtely equal.

(*b*) For sterility testing:

(*1*) For the initial test: 20 immediate containers, collected at regular intervals throughout each filling operation. The term "filling operation" refers to any period that is no longer than 1 working day or shift. If more than one filling device is used during the filling operation, the sample shall include immediate containers filled by each device, and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than one filling operation is required to fill the batch, each container in the sample shall be identified with the number of the operation.

(*2*) For repeat testing: 40 immediate containers from each filling operation.

• • • • • •

(4) • • •

(ii) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages.

b. By changing paragraph (e) (1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), (iii), (iv), and (4) (i) of this section; $0.60 for each container submitted in accordance with paragraph (d) (3) (i) (*b*) and (4) (ii) of this section.

83. By amending § 146a.79 in the following respects:

a. By changing paragraph (d) (2) (ii) to read:

(ii) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages.

b. By changing paragraph (e) (1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i) and (3) of this section; $0.60 for each container submitted in accordance with paragraph (d) (2) (ii) of this section.

84. By amending § 146a.80 in the following respects:

a. By changing paragraph (d) (3) (i) and (4) (ii) to read:

(d) • • •
(3) • • •
(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing:

(*1*) For the initial test, 20 immediate containers collected at regular intervals throughout each filling operation. The term "filling operation" refers to any period that is no longer than 1 working day or shift. If more than one filling device is used during the filling operation, the sample shall include immediate containers filled by each device, and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than one filling operation is required to fill the batch, each container in the sample shall be identified with the number of the operation.

(*2*) For repeat testing: 40 immediate containers from each filling operation.

• • • • •

(4) • • •

(ii) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages.

b. By changing paragraph (e) (1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), (iii), and (iv) and (4) (i) of this section; $0.60 for each container submitted in accordance with paragraph (d) (3) (i) (*b*) and (4) (ii) of this section.

85. By amending § 146a.82 in the following respects:

a. By changing paragraph (d) (3) to read:

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility: One package for each 5,000 packages in the batch, but in no case less than seven packages.

Such samples shall be collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing:

(*1*) For the initial test: 20 immediate containers, collected at regular intervals throughout each filling operation. The term "filling operation" refers to any period that is no longer than 1 working day or shift. If more than one filling device is used during the filling operation, the sample shall include immediate containers filled by each device, and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than one filling operation is required to fill the batch, each container in the sample shall be identified with the number of the operation.

(*2*) For repeat testing: 40 immediate containers from each filling operation.

(ii) The penicillin used in making the batch:

(*a*) For all tests except sterility: Five packages, or in the case of crystalline penicillin, 10 packages, each containing approximately equal portions of not less than 60 milligrams if it is not procaine penicillin, and not less than 300 milligrams if it is procaine penicillin.

(*b*) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages, each containing approximately equal portions of 300 milligrams.

Such samples shall be packaged in accordance with the requirements of § 146a.24(b) or § 146a.44(b).

(iii) The streptomycin or dihydrostreptomycin used in making the batch:

(*a*) For all tests except sterility: Five packages containing approximately equal portions of not less than 0.5 grams.

(*b*) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages, each containing approximately equal portions of 0.5 gram.

Such samples shall be packaged in accordance with the requirements of § 146b.101(b) of this chapter.

(iv) The bacitracin used in making the batch:

(*a*) For all tests except sterility: Six packages, each containing approximately equal portions of not less than 0.5 gram.

(*b*) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages, each containing approximately equal portions of 0.5 gram.

Such samples shall be packaged in accordance with the requirements of § 146e.401(b) of this chapter.

(v) In case of an initial request for certification: Each other ingredient used in making the batch; one package of each, containing approximately 5 grams.

b. By changing paragraph (e) (1) to read:

(1) $4.00 for each immediate container submitted in accordance with paragraph (d) (3) (ii) (*a*), (iii) (*a*), (iv) (*a*), and (v) of this section; $6.00 for each immediate container submitted in accordance with paragraph (d) (3) (i) (*a*) of this section; $4.00 for each immediate container submitted in accordance with paragraph (d) (3) (ii) (*a*) of this section; $0.60 for each container submitted in accordance with paragraph (d) (3) (i) (*b*), (ii) (*b*), (iii) (*b*), and (iv) (*b*) of this section.

86. By amending § 146a.84 in the following respects:

a. By changing paragraph (d) (3) (i) and (4) (ii) to read:

(d) • • •

(3) • • •

(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than 13 (14, if it contains benzathine penicillin G) immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing:

(*1*) For the initial test: 20 immediate containers, collected at regular intervals throughout each filling operation. The term "filling operation" refers to any period that is no longer than 1 working day or shift. If more than one filling device is used during the filling operation, the sample shall include immediate containers filled by each device, and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than one filling operation is required to fill the batch, each container in the sample shall be identified with the number of the operation.

(*2*) For repeat testing: 40 immediate containers from each filling operation.

• • • • •

(4) • • •

(ii) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages, each containing approximately equal portions of at least 0.5 gram.

b. By changing paragraph (e) (1) to read:

(1) $4.00 for each container submitted in accordance with paragraph (d) (3) (ii), (iii), (iv), (v), (vi), and (vii) of this section; $6.00 for each immediate container submitted in accordance with paragraph (d) (3) (i) (*a*) and (4) (i) of this section; $0.60 for each container submitted in accordance with paragraph (d) (3) (i) (*b*) and (4) (ii) of this section.

87. By amending § 146a.94 in the following respects:

a. By changing paragraph (d) (2) (i) and (ii) to read:

(i) For all tests except sterility: 10 packages.

(ii) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages.

b. By changing paragraph (e) (1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i) and (3) of this section; $0.60 for each container submitted in accordance with paragraph (d) (2) (ii) of this section.

88. By amending § 146a.101 in the following respects:

a. By changing paragraph (a) (4) (ii) to read:

(ii) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages.

b. By changing paragraph (b) (3) to read:

(3) $0.60 for each container submitted in accordance with paragraph (a) (4) (ii) of this section.

89. By amending § 146a.102 in the following respects:

a. By changing the second sentence in paragraph (a) (3) to read: "He shall also submit in connection with his request a sample consisting of not less than seven immediate containers of the batch, and (unless it was previously submitted) a sample consisting of five packages (for all tests except sterility) and 20 packages for initial sterility testing (40 packages for repeat sterility testing), each containing approximately 0.5 gram of the streptomycin or dihydrostreptomycin used in making the batch, packaged in accordance with the requirements of § 146b.101(b) of this chapter."

b. By changing paragraph (b) (3) to read:

(3) $0.60 for each container submitted for sterility testing.

90. By amending § 146a.105 in the following respects:

a. By changing paragraph (d) (2) (i) and (ii) to read:

(i) For all tests excepts sterility: 10 packages.

(ii) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages.

b. By changing paragraph (e) (1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i) and (3) of this section; $0.60 for each container submitted in accordance with paragraph (d) (2) (ii) of this section.

91. By amending § 146b.101 in the following respects:

a. By changing paragraph (d) (2) (i) and (3) (ii) to read:

(d) • • •

(2) • • •

(i) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than five immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) For sterility testing:

(*a*) For the inital test: 20 immediate containers collected at regular intervals throughout each filling operation. The term "filling operation" refers to any period that is no longer than 1 working day or shift. If more than one filling device is used during the filling operation, the sample shall include immediate containers filled by each device, and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than one filling operation is required to fill the batch, each container in the sample shall be identified with the number of the operation.

(*b*) For repeat testing: 40 immediate containers from each filling operation.

• • • • •

(3) • • •

(ii) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages.

b. By changing paragraph (e) (1) to read:

(1) $10.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i), (3) (i), and (4) of this section; $0.60 for each container submitted in accordance with paragraph (d) (2) (ii) and (3) (ii) of this section.

92. By amending § 146b.105 in the following respects:

a. By changing paragraph (d) (2) (i) and (ii) to read:

(i) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than 50 immediate containers.

Such samples shall be collected by taking single immediate containers, before or after labeling, at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) For sterility testing:

(*a*) For the initial test: 20 immediate containers collected at regular intervals throughout each filling operation. The term "filling operation" refers to any period that is no longer than 1 working day or shift. If more than one filling device is used during the filling operation, the sample shall include immediate containers filled by each device, and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than one filling operation is required to fill the batch, each container in the sample shall be identified with the number of the operation.

(*b*) For repeat testing: 40 immediate containers from each filling operation.

b. By changing paragraph (e) (1) to read:

(1) $1.00 for each immediate container submitted in accordance with paragraph (d) (2) (i) of this section; $4.00 for each package in the sample submitted in accordance with paragraph (d) (3) of this section; $0.60 for each container submitted in accordance with paragraph (d) (2) (ii) of this section.

93. By amending § 146b.106 in the following respects:

a. By changing paragraph (d) (3) (i) and (ii) to read:

(i) The batch, if packaged for dispensing:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than five immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing:

(*1*) For the initial test: 20 immediate containers collected at regular intervals throughout each filling operation. The term "filling operation" refers to any period that is no longer than 1 working day or shift. If more than one filling device is used during the filling operation, the sample shall include immediate containers filled by each device, and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than one filling operation is required to fill the the batch, each container in the sample shall be identified with the number of the operation.

(*2*) For repeat testing: 40 immediate containers from each filling operation.

(ii) The batch, if packaged for use in the manufacture of another drug:

(*a*) For all tests except sterility, five packages.

(*b*) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages.

Each such package shall contain approximately 2 milliliters taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

b. By changing paragraph (e) (1) to read:

(1) $10.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii) (*a*), and (5) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (iii) and (iv) of this section; $0.60 for each container submitted in accordance with paragraph (d) (3) (i) (*b*) and (ii) (*b*) of this section.

94a. By changing § 146b.109(d) (3) (i) (*b*) to read:

(*b*) For sterility testing: For the initial test, 20 pads; and for repeat testing, 40 pads.

b. By changing § 146b.109(e) (1) to read:

(1) $1.00 for each pad in the sample submitted in accordance with paragraph (d) (3) (i) (*a*) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii), (iii), (iv), and (v) of this section; $0.60 for each pad submitted in accordance with paragraph (d) (3) (i) (*b*) of this section.

95. By amending § 146b.113 in the following respects:

a. By changing paragraph (d) (3) (i) and (4) (ii) to read:

(d) • • •

(3) • • •

(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in the batch but in no case less than six immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing:

(*1*) For the initial test: 20 immediate containers, collected at regular intervals throughout each filling operation. The term "filling operation" refers to any period that is no longer than 1 working day or shift. If more than one filling device is used during the filling operation, the sample shall include immediate containers filled for each device, and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than

one filling operation is required to fill the batch, each container in the sample shall be identified with the number of the operation.

(2) For repeat testing: 40 immediate containers from each filling operation.

• • • • •

(4) • • •

(ii) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages.

b. By changing paragraph (e)(1) to read:

(1) $10.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3)(i)(*a*) and (4)(i) of this section; $4.00 for each sample submitted in accordance with paragraph (d)(3) (ii) and (iii) of this section; $0.60 for each container submitted in accordance with paragraph (d) (3)(i)(*b*) and (4)(ii) of this section.

96. By amending § 146b.116 in the following respects:

a. By changing paragraph (d) (2) (i) and (ii) and (3)(ii) to read:

(d) • • •

(2) • • •

(i) For all tests except sterility: One immediate container for each 5,000 immediate containers in the batch, but in no case less than six immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) For sterility testing:

(*a*) For the initial test: 20 immediate containers collected at regular intervals throughout each filling operation. The term "filling operation" refers to any period that is no longer than 1 working day or shift. If more than one filling device is used during the filling operation, the sample shall include immediate containers filled by each device, and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than one filling operation is required to fill the batch, each container in the sample shall be identified with the number of the operation.

(*b*) For repeat testing: 40 immediate containers from each filling operation.

(3) • • •

(ii) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages, each containing the equivalent of approximately 0.5 gram of streptomycin activity.

b. By changing paragraph (e)(1) to read:

(1) $10.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2)(i), (3)(i), and (4) of this section; $0.60 for each container submitted in accordance with paragraph (d) (2)(ii) and (3)(ii) of this section.

97. By amending § 146c.201 in the following respects:

a. By changing paragraph (d) (2) (i) and (ii) and (3)(ii) to read:

(d) • • •

(2) • • •

(i) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than eight immediate containers.

Such sample shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) For sterility testing:

(*a*) For the initial test: 20 immediate containers collected at regular intervals throughout each filling operation. The term "filling operation" refers to any period that is no longer than 1 working day or shift. If more than one filling device is used during the filling operation, the sample shall include immediate containers filled by each device, and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than one filling operation is required to fill the batch, each container in the sample shall be identified with the number of the operation.

(*b*) For repeat testing: 40 immediate containers from each filling operation.

(3) • • •

(ii) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages, each containing approximately 40 milligrams.

b. By changing paragraph (e)(1) to read:

(1) $10.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2)(i), (3)(i), and (4) of this section; $4.00 for each immediate container in the sample submitted in accordance with paragraph (d)(5) of this section; $0.60 for each container submitted in accordance with paragraph (d) (2)(ii) and (3)(ii) of this section.

98. By amending § 146c.206 in the following respects:

a. By changing paragraph (d)(3)(i) to read:

(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in the batch, but in no case less than five immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing:

(*1*) For the initial test: 20 immediate containers collected at regular intervals throughout each filling operation. The term "filling operation" refers to any period that is no longer than 1 working day or shift. If more than one filling device is used during the filling operation, the sample shall include immediate containers filled by each device, and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than one filling operation is required to fill the batch, each container in the sample shall be identified with the number of the operation.

(*2*) For repeat testing: 40 immediate containers from each filling operation.

(ii) • • •

(*b*) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages.

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d)(3) (i)(*a*), (ii)(*a*), and (iii) of this section; $0.60 for each container submitted in accordance with paragraph (d)(3)(i)(*b*) and (ii)(*b*) of this section.

100. By amending § 146c.213 in the following respects:

a. By changing paragraph (d)(3)(i) to read:

(i) The batch:

(*a*) For all tests except sterility: One package for each 5,000 packages in the batch, but in no case less than five packages.

(*b*) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages.

Such samples shall be collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d)(3) (i)(*a*), (ii), and (iii) of this section; $0.60 for each package submitted in accordance with paragraph (d)(3)(i)(*b*) of this section.

101. By amending § 146c.214 in the following respects:

a. By changing paragraph (d)(3)(i)(*b*) to read:

(*b*) For sterility testing: For the initial test, 20 dressings; and for repeat testing, 40 dressings.

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d)(3) (i)(*a*), (ii), and (iii) of this section; $0.60 for each immediate container submitted in acordance with paragraph (d)(3)(i)(*b*) of this section.

102. By amending § 146c.221 in the following respects:

a. By changing paragraph (d) (3)(i) and (4)(ii) to read:

(d) • • •

(3) • • •

(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in the batch, but in no case less than 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing:

(*1*) For the initial test: 20 immediate containers collected at regular intervals throughout each filling operation. The term "filling operation" refers to any period that is no longer than 1 working day or shift. If more than one filling device is used during the filling operation, the sample shall include immediate containers filled by each device, and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than one filling operation is required to fill the batch, each container in the sample shall be identified with the number of the operation.

(*2*) For repeat testing: 40 immediate containers from each filling operation.

• • • • •

(4) • • •

(ii) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages, each containing approximately 40 milligrams of tetracycline hydrochloride or tetracycline phosphate complex.

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3)(i)(*a*), (ii), (iii), (iv), and (4)(i) of this section; $0.60 for each container submitted in accordance with paragraph (d) (3)(i)(*b*) and (4)(ii) of this section.

103. By amending § 146c.227 in the following respects:

a. By changing paragraph (d)(3)(i)(*b*) to read:

(*b*) For sterility testing: For the initial test, 20 containers; and for repeat testing, 40 containers.

• • • • •

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d)(3) (i)(*a*), (ii), and (iii) of this section; $0.60 for each container submitted in accordance with paragraph (d)(3)(i)(*b*) of this section.

104. By amending § 146c.235 in the following respects:

a. By changing paragraph (d)(3)(i) to read:

(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in the batch, but in no case less than 12 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals through the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing:

(*1*) For the initial test: 20 immediate containers collected at regular intervals throughout each filling operation. The term "filling operation" refers to any period that is no longer than 1 working day or shift. If more than one filling device is used during the filling operation, the sample shall include immediate containers filled by each device, and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than one filling operation is required to fill the batch, each container in the sample shall be identified with the number of the operation.

(*2*) For repeat testing: 40 immediate containers from each filling operation.

• • • • •

(4) • • •

(ii) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages, each containing approximately 40 milligrams of tetracycline hydrochloride or tetracycline phosphate complex.

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3)(i)(*a*), (ii), (iii), (iv), and (4)(i) of this section; $0.60 for each container submitted in accordance with paragraph (d) (3)(i)(*b*) and (4)(ii) of this section.

105. By amending § 146c.242 in the following respects:

a. By changing the second sentence in paragraph (b)(2) to read: "He shall also submit in connection with his request a sample consisting of 20 immediate containers of the batch for the initial sterility test, or 40 immediate containers for repeat sterility testing."

b. By changing paragraph (b)(3)(i) to read:

(i) $0.60 for each immediate container submitted for sterility testing.

106. By amending § 146c.244 in the following respects:

a. By changing paragraph (d)(3)(i)(*b*) to read:

(*b*) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages.

b. By changing paragraph (e)(1) to read:

(1) $5.00 for each immediate container in the sample submitted in accordance with paragraph (d)(3)(i)(*a*) of this section; $0.60 for each container submitted in accordance with paragraph (d)(3)(i)(*b*) of this section; $4.00 for each immediate container in the samples submitted in accordance with paragraph (d)(3) (ii), (iii), and (iv) of this section.

107. By amending § 146c.247 in the following respects:

a. By changing paragraph (d)(3)(i)(*b*) to read:

(*b*) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages.

b. By changing paragraph (e)(1) to read:

(1) $1.50 for each package in the sample submitted in accordance with paragraph (d)(3)(i)(*a*) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d)(3) (ii) and (iii) of this section; $0.60 for each package submitted in accordance with paragraph (d)(3)(i)(*b*) of this section.

108. By amending § 146c.249 in the following respects:

a. By changing paragraph (d) (3)(i) and (4)(ii) to read:

(d) • • •

(3) • • •

(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in the batch, but in no case less than 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing:

(*1*) For the initial test: 20 immediate containers collected at regular intervals throughout each filling operation. The term "filling operation" refers to any period that is no longer than 1 working day or shift. If more than one filling device is used during the filling operation, the sample shall include immediate containers filled by each device, and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than one filling operation is required to fill the batch, each container in the sample shall be identified with the number of the operation.

(*2*) For repeat testing: 40 immediate containers from each filling operation.

• • • • •

(4) • • •

(ii) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages, each containing approximately 40 milligrams of tetracycline hydrochloride or tetracycline phosphate complex.

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3)(i)(*a*), (ii), (iii), (iv), and (4)(i) of this section; $0.60 for each container submitted in accordance with paragraph (d) (3)(i)(*b*) and (4)(ii) of this section.

(2) For repeat testing: 40 immediate containers for each filling operation.

* * * * *

(4) * * *

(ii) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages each containing approximately 40 milligrams of rolitetracycline.

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d)(3)(i)(*a*), (ii), (iii), (iv), and (4)(i) of this section; $0.60 for each container submitted in accordance with paragraph (d)(3)(i)(*b*) and (4)(ii) of this section.

109. By amending § 146c.250 in the following respects:

a. By changing paragraph (d)(3)(i) and (4)(ii) to read:

(d) * * *

(3) * * *

(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in the batch, but in no case less than 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing:

(*1*) For the initial test: 20 immediate containers collected at regular intervals throughout each filling operation. The term "filling operation" refers to any period that is no longer than 1 working day or shift. If more than one filling device is used during the filling operation, the sample shall include immediate containers filled by each device, and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than one filling operation is required to fill the batch, each container in the sample shall be identified with the number of the operation.

(2) For repeat testing: 40 immediate containers from each filling operation.

* * * * *

(4) * * *

(ii) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages, each containing approximately 40 milligrams of rolitetracycline.

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d)(3)(i)(*a*), (iii), (iii), (iv) and (4)(i) of this section; $0.60 for each container submitted in accordance with paragraph (d)(3)(i)(*b*) and (4)(ii) of this section.

110. By amending § 146d.301 in the following respects:

a. By changing paragraph (d)(2)(i) and (ii) and 3(ii) to read:

(d) * * *

(2) * * *

(i) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than eight immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) For sterility testing:

(*a*) For the initial test: 20 immediate containers collected at regular intervals throughout each filing operation. The term "filling operation" refers to any period that is no longer than 1 working day or shift. If more than one filling device is used during the filling operation, the sample shall include immediate containers filled by each device, and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than one filling operation is required to fill the batch, each container in the sample shall be identified with the number of the operation.

(*b*) For repeat testing: 40 immediate containers from each filling operation.

(3) * * *

(ii) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages, each containing approximately 40 milligrams.

Each such package shall be packaged in accordance wtih the requirements of paragraph (b) of this section.

b. By changing paragraph (e)(1) to read:

(1) $10.00 for each immediate container in the samples submitted in accordance with paragraph (d)(2)(i), (3)(i), and (4) of this section; $0.60 for each container submitted in accordance with paragraph (d)(2)(ii) and (3)(ii) of this section.

111. By amending § 146d.304 in the following respects:

a. By changing paragraph (d)(3)(i) to read:

(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in the batch, but in no case less than five immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing:

(*1*) For the initial test: 20 immediate containers collected at regular intervals throughout each filling operation. The term "filling operation" refers to any period that is no longer than 1 working day or shift. If more than one filling device is used during the filling operation, the sample shall include immediate containers filled by each device, and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than one filling operation is required to fill the batch, each container in the sample shall be identified with the number of the operation.

(2) For repeat testing: 40 immediate containers from each filling operation.

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each immediate container or package in the samples submitted in accordance with paragraph (d)(3)(i)(*a*), (ii), and (iii) of this section; $0.60 for each container submitted in accordance with paragraph (d)(3)(i)(*b*) of this section.

112. By amending § 146d.307 in the following respects:

a. By changing paragraph (d)(3)(i) to read:

(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than eight immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing:

(*1*) For the initial test: 20 immediate containers collected at regular intervals throughout each filling operation. The term "filling operation" refers to any period that is no longer than 1 working day or shift. If more than one filling device is used during the filling operation, the sample shall include immediate containers filled by each device, and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than one filling operation is required to fill the batch, each container in the sample shall be identified with the number of the operation.

(2) For repeat testing: 40 immediate containers from each filling operation.

b. By changing paragraph (e)(1) to read:

(1) $10.00 for each immediate container or package in the samples submitted in accordance with paragraph (d)(3)(i)(*a*) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d)(3)(ii) and (iii) of this section; $0.60 for each container submitted in accordance with paragraph (d)(3)(i)(*b*) of this section.

113. By amending § 146e.401 in the following respects:

a. By changing paragraph (d)(2)(i) and (ii) and (3)(ii) to read:

(d) * * *

(2) * * *

(i) For all tests except sterility: One immediate container for each 5,000 immediate containers in such batch, but in no case less than six immediate containers. If a sample of such batch has not been previously submitted in accordance with subparagraph (3) or (4) of this paragraph, such person shall submit one additional package containing 1.0 gram of the batch.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) For sterility testing:

(*a*) For the initial test: 20 immediate containers collected at regular intervals throughout each filling operation. The term "filling operation" refers to any period that is no longer than 1 working day or shift. If more than one filling device is used during the filling operation, the sample shall include immediate containers filled by each such device, and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than one filling operation is required to fill the batch, each container in the sample shall be identified with the number of the operation.

(*b*) For repeat testing: 40 immediate containers from each filling operation.

(3) * * *

(ii) For sterility testing: For the initial test, 20 packages; and for repeat testing, 40 packages.

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d)(2)(i), (3)(i), and (4) of this section; $0.60 for each container submitted in accordance with paragraph (d)(2)(ii) and (3)(ii) of this section.

114. By amending § 146e.408 in the following respects:

a. By changing paragraph (d)(3)(i) to read:

(i) The batch:

(*a*) For all tests except sterility: One immediate container for each 5,000 immediate containers in the batch, but in no case less than five immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(*b*) For sterility testing:

(*1*) For the initial test: 20 immediate containers collected at regular intervals throughout each filling operation. The term "filling operation" refers to any period that is no longer than 1 working day or shift. If more than one filling device is used during the filling operation, the sample shall include immediate containers filled by each device, and each such container shall be identified with a mark corresponding to that assigned to the filling device. If more than one filling operation is required to fill the batch, each container in the sample shall be identified with the number of the operation.

(2) For repeat testing: 40 immediate containers from each filling operation.

b. By changing paragraph (e)(1) to read:

(1) $4.00 for each immediate container or package in the samples submitted in accordance with paragraph (d)(3)(i)(*a*), (ii), and (iii) of this section; $0.60 for each container submitted in accordance with paragraph (d)(3)(i)(*b*) of this section.

115. By amending § 146e.430(d)(3)(ii) to read:

(ii) For microorganism testing: 10 immediate containers.

All interested persons are invited to present their views in writing regarding this proposal to the Hearing Clerk, Department of Health, Education, and Welfare, Washington 25, D.C., within 90 days from the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be filed in quintuplicate.

Dated: July 16, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-7112; Filed, July 19, 1962; 8:53 a.m.]

[21 CFR Parts 141c, 146c]

TETRACYCLINE PHOSPHATE COMPLEX; TETRACYCLINE HYDROCHLORIDE

Proposed Changes in Tests and Methods of Assay

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes to amend the regulations for certain tetracycline products to provide more efficient and accurate tests and methods of assay for these drugs. It is proposed to effect these amendments as follows:

1. By revising § 141c.232(b) to read as follows:

§ 141c.232 Tetracycline phosphate complex.

* * * * *

(b) *Identity.* Proceed as directed in subparagraphs (1), (2), and (3) of this paragraph.

(1) *Presence of phosphate.* Suspend 100 milligrams of the sample in 10 milliliters of distilled water and filter a small portion by gravity. Transfer 1 milliliter to a 100-milliliter glass-stoppered cylinder, add 10 milliliters of distilled water, 2 milliliters of ammonium molybdate test solution, 1 milliliter of stannous chloride test solution, and 10 milliliters of isobutyl alcohol-benzene mixture (1:1 ratio), all in the order named. Shake vigorously for 1 minute, allow the layers to separate, and examine the top organic layer. In the presence of phosphate, the top layer turns blue.

(2) *Absence of chloride.* This test is used for detecting mixtures of tetracycline hydrochloride and phosphate salts. To 1 milliliter of the filtrate prepared as directed in subparagraph (1) of this paragraph, add 1 drop of silver nitrate test solution and 1 drop of nitric acid. Not more than a slight opalescence remains of the original precipitate in the absence of chloride.

(3) *Determination of percent tetracycline base.* This test is used to determine the quantity of tetracycline present as base in mixtures with phosphate salts.

(i) *Reagents.* (*a*) 1,4-Dioxane.

(*b*) Purified dioxane: Pass the dioxane through a column of Amberlite IRA 400 (OH^-) resin.

(*c*) Perchloric acid, 0.01*N*: Dilute 0.84 milliliter of 70 percent perchloric acid to 1,000 milliliters with purified dioxane; standardize at least once every 2 days, as follows: Weigh accurately about 70 milligrams of potassium biphthalate, previously dried at 105° C. for 2 hours, and dissolve in 50 milliliters of glacial acetic acid in a 250-milliliter flask. Add 2 drops of methylrosaniline chloride test solution and titrate with the perchloric acid solution from a burette until the violet color changes to bluish-green. Deduct the volume of the perchloric acid consumed by 50 milliliters of the glacial acetic acid, and calculate the normality. Each 2.042 milligrams of potassium biphthalate is equivalent to 1 milliliter of 0.01*N* perchloric acid.

(*d*) Methylrosaniline chloride test solution: Dissolve 100 milligrams of methylrosaniline chloride in 10 milliliters of glacial acetic acid.

(ii) *Procedure.* Place an accurately weighed 1-gram sample in a 50-milliliter Erlenmeyer flask, add 10.0 milliliters of purified dioxane and shake the mixture manually for about 2 minutes. Allow to settle, decant all the supernatant liquid into a 50-milliliter polyethylene centrifuge tube, cover with Parafilm, and centrifuge until clear (about 3 minutes). Pipette 5.0 milliliters of the clear, supernatant solution into a 50-milliliter beaker, stir magnetically, and titrate with 0.01*N* perchloric acid, using methylrosaniline test solution as the indicator. The endpoint is the last color change to bluish-green when a drop of titrant is added.

Calculation:

$$\text{Percent tetracycline base} = \frac{\text{Milliliters of acid used} \times \text{normality} \times 0.4445 \times 200}{\text{Weight of sample}}$$

The sample is satisfactory if the results from the tests described indicate that there is a presence of phosphate, an absence of chloride, and not more than 1 percent of tetracycline base present.

2. By amending § 146c.204(d)(2)(ii) and (3)(ii) to read:

§ 146c.204 Chlortetracycline hydrochloride capsules; tetracycline hydrochloride capsules; tetracycline capsules; tetracycline phosphate complex capsules.

* * * * *

(d) * * *

(2) * * *

(ii) The chlortetracycline, tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex used in making the batch: Potency, toxicity, moisture, pH, crystallinity, absorptivity (if it is tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex), and identity if it is tetracycline phosphate complex.

(3) * * *

(ii) The chlortetracycline, tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex used in making the batch: 10 packages, each containing approximately equal portions of not less than 60 milligrams, and if it is tetracycline phosphate complex, one additional package containing approximately 1 gram. Each such package shall be packaged in accordance with the requirements of § 146c.201(b).

3. By amending § 146c.221(d) (2)(ii) and (3)(ii) to read:

§ 146c.221 Tetracycline hydrochloride for intramuscular use; tetracycline phosphate complex for intramuscular use.

* * * * *

(d) * * *

(2) * * *

(ii) The tetracycline hydrochloride or tetracycline phosphate complex used in making the batch: Potency, toxicity, histamine, absorptivity, crystallinity, and identity if it is tetracycline phosphate complex.

(3) * * *

(ii) The tetracycline hydrochloride or tetracycline phosphate complex used in making the batch: 10 packages, each containing approximately equal portions of not less than 250 milligrams, and if it is tetracycline phosphate complex, one additional package containing approximately 1 gram. Each such package shall be packaged in accordance with the requirements of § 146c.201(b).

4. By amending § 146c.222(d) (2)(ii) and (3)(ii) to read:

§ 146c.222 Tetracycline hydrochloride oral suspension (tetracycline hydrochloride homogenized mixture); tetracycline phosphate complex oral suspension (tetracycline phosphate complex oral drops); tetracycline hydrochloride oral solution; tetracycline calcium oral suspension; tetracycline oral suspension.

* * * * *

(d) * * *

(2) * * *

(ii) The tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex used in making the batch: Potency, toxicity, moisture, pH, crystallinity, and absorptivity, and if it is tetracycline phosphate complex, identity.

(3) * * *

(ii) The tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex used in making the batch: 10 packages, each containing approximately equal portions of not less than 60 milligrams, and if it is tetracycline phosphate complex, one additional package containing approximately 1 gram. Each such package shall be packaged in accordance with the requirements of § 146c.201(b).

5. By amending § 146c.232 (a)(6) and (b) to read:

§ 146c.232 Tetracycline phosphate complex.

(a) * * *

(6) It does not contain any tetracycline as the hydrochloride and not more than 1 percent as tetracycline base.

(b) *Packaging; labeling; request for certification, samples; fees.* Tetracycline phosphate complex conforms to all requirements and procedures prescribed for tetracycline by § 146c.220 (b), (c), (d), and (e), except that it shall be labeled with an expiration date that is 18 months after the month during which the batch was certified, and except that the sample submitted for certification shall contain one additional package containing approximately 1 gram.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, submit written views and comments on the proposed amendments. Such comments should be submitted in quintuplicate and addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C.

Dated: July 16, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-7086; Filed, July 19, 1962; 8:48 a.m.]

FEDERAL AVIATION AGENCY

Air Traffic Service

[14 CFR Part 600]

[Airspace Docket No. 62-SW-4]

FEDERAL AIRWAYS

Withdrawal of Proposal for Alteration of Federal Airway

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 62-SW-4 on April 25, 1962 (27 F.R. 3930), it was stated that the Federal Aviation Agency proposed to redesignate the segment of intermediate altitude VOR Federal airway No. 1537 from the Waco, Texas, VOR as a 16-mile wide airway to the intersection of the Waco VOR 022° and the Mineral Wells, Texas, VOR 131° True radials; thence as a 13-mile wide airway (5 miles to the west and 8 miles to the east of the centerline) to the intersection of the Waco VOR 022° and the Mineral Wells VOR 117° True radials; thence as a 16-mile wide airway to the Dallas, Texas, VOR.

Subsequently to the publication of the Notice the TACAN instrument approach procedure based on the Dallas, NAS TACAN has been revised and there is no longer a requirement to reduce the width of Victor 1537 as proposed.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the proposal contained in Airspace Docket No. 62-SW-4 is withdrawn.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Washington, D.C., on July 16, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-7070; Filed, July 19, 1962; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Proposed Consideration for Stock of Licensee

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Pub. Law 85-699, 72 Stat. 694, as amended, it is proposed to amend, as set forth below, § 107.302 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations, as revised in 26 F.R. 8232-8242 and amended. Prior to the final adoption of such amendment, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Small Business Investment Division, Small Business Administration, Washington 25, D.C., within a period of twenty-one days of the date of this notice in the FEDERAL REGISTER.

Information. The amendment to § 107.302, now under consideration, sets forth the consideration for which a Licensee may issue its securities.

It is proposed to amend the Regulations Governing Small Business Investment Companies as follows:

1. By deleting paragraph (a) of § 107.302 in its entirety and substituting a new paragraph (a) which reads as follows:

§ 107.302 Consideration for stock of Licensee.

(a) A Licensee may issue any of its securities for (1) cash, (2) direct obligations of, or obligations guaranteed as to principal and interest by, the United States, (3) securities of small business concerns and other securities and assets in connection with a merger or consolidation with another Licensee, approved by SBA, (4) securities of which it is the issuer, in connection with a reclassification approved by SBA, (5) securities of another Licensee in connection with a merger or consolidation with such company, approved by SBA, (6) services previously rendered to the Licensee, (7) physical assets to be currently employed in the operation of the Licensee, and (8) as a dividend: *Provided, however,* That any shares of stock issued as part of the initial minimum capital required by § 107.202(c) may be issued only in consideration of the simultaneous payment of cash or upon the simultaneous transfer to the Licensee of securities permitted by § 107.202(c). A Licensee may issue its stock for Equity Securities of a small business concern pursuant to the provisions of section 304(c) of the Act.

Dated: July 16, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-7084; Filed, July 19, 1962; 8:48 a.m.]

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Common Tenancy; Withdrawal of Proposal

There was published in the FEDERAL REGISTER on March 2, 1962 (27 F.R. 2054), a notice to amend § 107.713 (Common tenancy) of the Regulations Governing Small Business Investment Companies.

Notice is hereby given that after further consideration of all comments presented the proposed amendment to § 107.713 is withdrawn from consideration.

Dated: July 16, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-7085; Filed, July 19, 1962; 8:48 a.m.]

Notices

FEDERAL MARITIME COMMISSION

ACADEMY FORWARDING CORP. ET AL.

Notice of Freight Forwarder Applications Filed for Approval

Notice is hereby given that the following New York applicants have been issued application numbers by the Federal Maritime Commission for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916, as amended (Public Law 87–254). (Corporations unless otherwise indicated.)

Protests to the granting of any application should be filed in writing with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., within 60 days from the date of publication of this notice in the FEDERAL REGISTER.

No.	Name and address	Officers
735	Academy Forwarding Corp., 92 Liberty St. (6).	Luis Muniz, pres.-director; Mirtza Muniz, sec.-treas. and director; Manuel Muniz, director.
253	Acme Fast Freight of Puerto Rico, Inc., 2 Lafayette St. (7).	George F. Diskon, pres. director; Thomas D. Griffin, vice pres.-director; Robert E. Stieglitz, sec.-treas., director.
352	Acosta Shipping Corp., 38 Pearl St. (4).	Ramon Acosta, pres., Luis Belaval, sec.; Carlos Acosta, vice pres.
704	Add Airfreight Corp., 165-15 Rockaway Blvd., Jamaica (34).	Harvey E. Pittluck, pres.-director; Philip H. Pittluck, chairman of board; executive vice pres.; Orlando Torres, vice pres.-director; Americo J. Focacel, sec.-treas.
819	Aeolian Shipping Co., Inc., 25 Broadway (4).	Demetrius G. Christophides, pres.; Peter Evangelines, sec.; Florence H. Davis, treas.; Geo. D. Christophides, vice pres.
542	Aetna Forwarding Co., Inc., 32 Broadway (4).	Louis Carreras, pres.; Frank Cabrera, vice pres.; Menesia Carreras, sec.
507	Agar, Cross (Merchants) Inc., 21 West St. (6).	George Burgess, pres.- director; Frank W. Sandford, vice pres., Elizabeth L. McDonnell, director; Hyrum S. Hesse, acting sec.-treas., Val C. Fisher, director; Edmond C. Robbins, director.
494	Ager Shipping Co., George (George Ager, dba), 32 Broadway (4).	George Ager, owner.
28	Airfreight Service Co., Bldg. 80, Room 222, New York Int'l Airport, Jamaica (30).	Frederick W. Shinn, pres.; Arthur A. Nottlemann, Jr., vice pres., treas.
267	Alba Forwarding Co., Inc., 82 Beaver St. (5).	Albert A. Goynias, pres.; Isaac R. Hasson, sec.-treas.; Eli Dodkowitz, vice pres.; Salvatore Jordan, 2d vice pres.; Morris Litt, 3d vice pres.
355	Albert Co., Inc., N. M., 44 Whitehall St. (4).	Nicholas M. Albert, pres.-director; Lillian R. Albert, vice pres.-director, and treas.; Mary Carmody, sec.-director.
716	Alcoa Steamship Co., Inc., 17 Battery Place (4).	F. A. Billhardt, pres.-director; S. T. Giustina, vice pres.; Frank K. Bell, vice pres., treas., and director.
740	Alliance Shipping Co., Inc., 44 Whitehall Street (4).	C. A. Catti, pres.; A. T. Bergonzi, sec.
200	Allied Terminal Corp., 147-05 New York Blvd., Jamaica.	Robert Seltel, pres.-director; Helen Seltel, sec.-treas., director; Samuel Parnes, director; Howard N. Barmad, vice pres.
300	Alltransport Inc., 17 Battery Place (4).	Alex. H. Floch, pres.-director; Hans E. Nachbur, exec. vice pres., sec., and director; Rudolf A. Kovacs, treas.; Kurt A. Konodl-Floch, vice pres.; Peter H. Nachbur, vice pres.; Chas. A. Jannace, vice pres.; Wm. Jelinek, vice pres.; Nicholas De Pasquale, vice pres.; Max Berger, vice pres.; Harry Baer, vice pres.; Alfred Wollish, asst. vice pres.; Ralph H. Kuehleke, asst. vice pres.; Kurt A. Ackermann, asst. vice pres.; Herman W. Feder, director.
300	Also issued to the following, located at same address as Alltransport: Matthiessen & Co., Inc.	Alex. H. Floch, vice pres., treas., and director; Hans E. Nachbur, pres., sec., and director; Herman W. Feder, director.
	Overseas Freight & Terminal Corp.	Alex. H. Floch, pres. and director; Hans E. Nachbur, sec-treas. and director; Rudolf A. Kovacs, asst. sec. and vice pres.; Peter H. Nachbur, asst. vice pres.; Herman W. Feder, director.
	Kuehne & Nagel, Inc.	Alex. H. Floch, vice pres.-director Hans E. Nachbur, sec.-treas., and director; Alfred F. O. Kuehne, pres.; Ludwig Roessinger, vice pres.
	Hans E. Nachbur and Alexander Henry Flock.	Individuals.
43	Allworld Forwarding Co., Inc., 1170 Broadway (1).	Murray Berger, pres.-treas.; Gloria Berger, vice pres.-sec.
436	Almae Shipping Co., Inc., 42 Broadway (4).	Charles F. McCormack, pres.-treas.; Albert Schwartz, vice pres.-sec.; Grace C. McCormack, director; Rebecca Schwartz, director.
83	Alro Forwarding Co., Ltd., 250 South St. (2).	Alex Roman, pres.; Hansi Roman, sec.
566	American - Brazilian Suppliers, Inc., 25 Broadway (4).	Henry Borden, pres.-director; J. G. Glassco, vice pres.-director; M. W. Sharp, vice pres.-director; J. H. A'Court, vice pres.-finance director; F. C. Fisher, director; R. T. Donald, sec. - director; M. G. Glassco, director; A. R. G. Ament, treas.; R. B. Sutherland, compt.; Gordon Dunnet, asst. sec.; Geoffrey Rogers, manager.
289	American Express Co., 65 Broadway (6) (unincorporated joint stock association).	Howard L. Clark, pres.-director; Robert R. Mathews, sr. vice pres. and director; Norman F. Page, sr. vice pres., sec., and director; Olaf Ravndal, sr. vice pres.-director; Robert C. Townsend, sr. vice pres. and director; Richard F. Blanchard, vice pres.; Douglas F. Buslnell vice pres.; Thomas J. Connolly, vice pres.; Charles A. Cucchiello, vice pres.; Geo. F. Doherty, vice pres.; James A. Henderson, vice pres.; John W. Houser, vice pres.; John D. Stewart, vice pres.-inspector; Robert L. Stillson, III, vice pres.; Richard A. Taylor, vice pres. and personnel director; Geo. W. Waters vice pres.; Clark B. Winter, vice pres. - treas.; Wallace A. Campbell, compt.; Michael J. Fennimore, asst. sec.; Geo. E. Giese, asst. sec.; Richard J. Waag, asst. sec.; Daniel M. Farrell, asst. treas.; Frederick A. Small, asst. treas.; Charles A. Von Elm, asst. treas.; Joseph T. Walsh, asst. treas.; Philip P. Fetdis, asst. compt.; Robert E. Fitzsimmons, asst. compt.; Thomas M. Sixsmith, asst. compt.; James A. Smith, asst. compt.; Robert L. Clarkson, director; Lucius D. Clay, director; Joseph H. King, director; James T. Lee, director; Walter P. Marshall, director; Ralph Owen, director; Frederick W. Page, director; Philip D. Reed, director; Ralph T. Reed, director; Lynde Selden, director; Grant G. Simmons, director; Howard A. Smith, director; Whitney Stone, director; Robert W. Woodruff, director.
765	American Shipping Co., Inc., 8 Bridge St. (4).	Irwin M. Goodglass, pres.; Sally Goodglass, treas.; Myron B. Slavin, sec.
708	American Transatlantic Package Forwarders, Inc., 38 Park Row (38).	Henry W. Hart, pres.; Ilse C. Hart, sec.-treas.; Kathe Winzler, vice pres.
769	Amerford International Corp., 27–29 Spruce St. (38).	Hector Garcia, director-pres.; Milton Gratt, Director, vice pres. and sec.; Walter H. Marx, director, vice pres. and treas.
864	Amersped, Inc., 44 Whitehall St. (4).	Frank Stern, pres.; Marta Stern, sec.-treas.; Harry P. Stern, vice pres.
550	Ardinger & Co., H. D.—Partnership, 95 Broad St. (4).	Harry D. Ardinger, partner; Esther J. Ardinger, partner.
285	Argo Shipping Co., Inc., 11 Broadway (4).	Abraham Goldstein, pres.-treas.; Pauline Goldstein, sec.
759	Arguimbau & Co., Inc., D.V. 10 Bridge St. (4).	Oscar Danziger, pres. and treas.; Irving G. Friedman, vice pres.; sec.
442	Argus Shipping Co., Inc., 11 Broadway (4).	Milton A. Weinstein, pres.; Henry A Weinstein, director; Elayne Weinstein, director.

No.	Name and address	Officers
260	Atlantic Forwarding Co., Inc., 44 Whitehall St. (4).	Marcus Felsen, pres., treas., and director; Edward Augus, vice pres., and director; Rose Augus, sec. and director; George B. Onjevolk asst. sec.; Harry Friedman, asst. treas.
357	Atlantis Shipping Co., Ltd., No. 3 Counties Slip (4).	Zita Danoff, pres.; Stuart Danoff, treas.-sec.
576	B.D. & D. Corp., 95 Broad St. (4).	Walter L. Banes, pres.; Frank P. DeMarco, vice pres.
291	Baker, Irons & Dockstader, Inc., 10 Bridge St. (4).	Fredric B. Irons, vice pres.-sec.; George H. Taylor, pres.-treas.
613	Baldwin & Co., Inc., Austin, 44 Whitehall St. (4).	Arthur C. Grannis, Jr., pres. and director; Wm. C. Feyen, vice pres.-director; Ivan J. Davis, sec.-treas. and director.
383	Balfour, Williamson, Inc., 72 Wall St. (5).	A. S. R. Williamson, chairman; C. E. Thompson, pres.-treas.; A. K. Reddin, vice pres.-sec.; J. M. Longmore, director.
479	Barlan Shipping Co., Inc., 29 Broadway (6).	John A. Barrie, pres. and treas.; Lillian A. Barrie, vice pres.; Salvatore Cutroneo, sec.
865	Barnett Int'l. Forwarders, Inc., 543 West 43d St. (36).	Norman Barnett, pres., treas., and director; Alan Barnett, vice pres., sec., and director. Hannah Barnett, director; George Frater, asst. vice pres.; Irwin Wortzman, asst. sec.; Orton H. Hicks, director; John W. Hubbell, director.
4	Barr Shipping Co., Inc., 44 Beaver St. (4).	Harry K. Barr, pres.; Robert R. Barr, exec. vice pres.; Andrew M. Carrono, vice pres.; Edward F. Jesso, treas.; Elizabeth M. Brookhouse, sec.
254	Behring Shipping Co., Inc., 8-10 Bridge St. (4).	Gilbert M. Colombo, Sr., pres.; Roy G. Nester, vice pres.; Frank C. Schissel, sec.; Gilbert M. Colombo, Jr., treas.
93	Bemo Shipping Co.—partnership, 11 Broadway (4).	Bernard L. Epstein, partner; Morris Geib, partner.
586	Benkart & Co., Inc., F. J.	Frank J. Benkart, pres.; George P. Ooser, sec.-treas.
232	Bernard & Co., Inc., J. E., 27–29 Pearl St. (4).	Frank A. Hult, pres.-director; Vincent V. Czajkowski, vice pres. and director; Edward J. McCormack, sec.-treas. and director; John S. McAdam, compt.; Anne V. Bernard, director; Jules E. Bernard, Jr., director; Helen B. West, director.
232	Bernard & Co., Inc., J. E., 11 South LaSalle St., Chicago 3, Ill.	Konrad G. Baur, pres. and director; Curt E. Hamann, exec. vice pres., treas. and director; Arthur C. Rempert, sec.; Jules E. Bernard, Jr., director; Mrs. Brunetta Bernard, director; Frank A. Hult, director.
844	Bernardine Shipping Co., Inc., 44 Whitehall St. (4).	Bernard Siegel, pres. and treas.; Muriel Siegel, vice pres. and sec.
226	Berner & Co., Inc., A. V., 55 Broadway (6).	Walter C. Berner, pres.; Robert A. Craft, exec. vice pres.; Henry W. Carsten, vice pres.
547	Bernstein Co., Inc., H. Z., 115 Broad St. (4).	H. Zachary Bernstein, pres., treas., and director; Anna V. Figueira, sec.; Shirley Bernstein, director: Murray W. Berns, director.
155	Block Overseas Shipping Co. (Richard I. Block, dba), 125 Broad St. (4).	Individual.
516	Bolton & Mitchell, Inc., 70 Wall Street (5).	A. W. Gastral, pres.-treas.; Anna E. Gastral, vice pres.; T. A. Spencer, sec.
887	Bowen, Inc., Albert E., 17 Battery Place (4).	Mabel A. Bowen, director; Albert E. Bowen, Jr., pres., treas. and director; William Paradise, vice pres.-director; Michael J. McCarthy, vice pres., imports; Joseph P. McLaughlin, asst. sec.; Wm. J. Tillinghast, Jr., sec.
887	Dumont Shipping Co., Inc., 11 Broadway.	Chas. J. Mueller, Jr., pres. and director; Albert E. Bowen, Jr., vice pres., treas., and director; Wm. S. Tillinghast, sec. and director.
609	Bridgetts & Co., Inc., 8 Bridge St. (4).	Joseph A. Bridgetts, pres.; Thomas J. Bridgetts, vice pres.; Marie A. Bridgetts, treas.; Marjorie F. Bridgetts, sec.
261	Broad St. Forwarders, Inc., 44 Beaver St. (4).	Eric Sommer, pres.; Irving Zonana, sec.-treas.; Estelle Zonana, vice pres.
846	Bryant & Hefferman, Inc., 80 Broad St. (4).	Frank J. Croce, pres.; Amelia R. Croce, sec.; Amelia D. Smith, treas.
376	Bull & Co., A. H., 115 Broad St.	Manuel E. Kulukundis, chairman and director; Frank Bloomenstiel, vice-chairman and diretor; F. M. McCarthy, pres. and director; H. H. Miebach, vice pres., treas., and director; M. Michael Kulukundis, director; M. T. Sullivan, vice pres. and director; R. C. Steele vice pres.; J. C. Crueger, director; E. L. Eble, director; R. E. Schenk, sec.-asst. treas.; P. M. Lowe, asst. sec.; George Lucas, vice pres.
376	Bull-Insular Line of Puerto Rico, Inc., P.O. Box 4435, San Juan, P.R.	F. M. McCarthy, pres.-director; J. R. Bolivar, vice pres.-director; R. Rodriguez Sanchez, treas. and director; E. R. Pons, sec.-director; H. H. Miebach, director.
153	Burdett, Inc., Daniel H., 27 Pearl St. (4).	Edward J. Lucas, pres.-director; Pasquale E. Cofano, vice pres.-director; Philip Barbieri, vice pres.; Edward J. Lucas, Jr., treas.-director; Edward Mosquera, sec.
831	Burghart Shipping Co., A. (Anton Burghart, dba), 26 Broadway (4).	Individual.
583	Buckley & Co.—Partnership, 170 Broadway (38).	Joseph W. Buckley, partner; Theresa Marion Buckley, partner.
39	Brynes & Co. of N.Y., Inc., W. J. 95 Broad St. (4).	Wm. J. Brynes, pres., Joseph A. Gunther, vice pres.; Frank G. Barreca vice pres.; E. J. Sheridan, vice pres.; F. J. DeLucca, treas.; J. A. Swenson, sec.
50	Casado Shipping Co., R. P.—Partnership, 358 Broadway (13).	Ramon P. Casado, partner; Sarah M. Casado, partner.
10	Cavanaugh Shipping Co. (Patrick A. Cavanaugh, dba), 10 Bridge St. (4).	Individual.
619	Chumet Shipping Co.—Partnership, 1164 Willmohr St., Brooklyn (12).	Philip Chudnoff, partner; Philip Metrick, partner.
252	Colonial Shipping Co., Inc., 15 Moore St. (4).	Richard E. Rebolledo, pres.; Julius C. Ferra, vice pres.
252	Louiza & Co. of N.Y., Inc., W., 7 Water St. (4).	Julius C. Ferra, pres.; Richard E. Rebolledo, vice pres. Hildegarde J. Ferra, sec.
58	Continential Forwarders Co.—Partnership, 228 East 58th St. (22).	Robert J. Bush, prtner; Juliette Grant Bush, partner.
92	Copeland Shipping Inc., 11 Broadway (4).	Frank D. LaRonca, pres. treas., and director. Royal S. Copeland, director-vice pres.; Gerow F. Miles, director vice-pres. Wm. E. Daly, director-sec.
394	Copex America, Inc., 345 Hudson St. (14).	M. Forgash, pres.; C. A. Waltz, vice pres.; J. L. Rossi, vice pres.; H. K. Binder, treas.; R. J. Leibenderfer, sec.; J. I. Wattenberg, asst. sec.
394	International Expediters, Inc., 345 Hudson St. (14).	M. Forgash, pres.; W. H. Thomian, vice pres.; H. K. Binder, treas.; R. J. Leibenderfer, sec.; J. L. Rossi, asst. sec.; J. I. Wattenberg, asst. treas.
394	Universal Transcontinental Corp., 325 Spring St. (13).	M. Forgash, pres.; A. J. Pascale, vice pres.; F. N. Melius, Jr., vice pres.; H. K. Binder, treas.; W. J. Harrison, asst. treas.; R. J. Leibender. fer, sec.; T. G. Lisa, asst-sec.; J. L. Rossi, asst. sec.
537	D'Amato Freight Forwarding Co.—Partnership, 24 State St. (4).	Marie D'Amato, partner; Rose D'Amato, partner; Anthony D'Amato, Jr., partner.
251	Dale Fwdg. & Shipping Co.—Partnership, 270 Park Ave., South (10).	John J. Mesis, partner; Norman D. Ripps, partner.
827	Davies, Turner & Co., 8–10 Bridge St. (4).	Carolyn Altwater, chairman; Frederick P. Mako, pres.; John H. Plattner, vice pres.; Stella Kraus, sec.; Margaret L. Mako, treas.; James J. O'Keefe, asst. vice pres.; Robt. F. Heyer, asst. vice pres.; Wm. Serra, asst. vice pres.; Frances H. Sherman, sec.-treas.; Harry O. Eckert, asst. vice pres.
827	Sellers Transportation Co., Inc., 8–10 Bridge St. (4).	Frederick P. Mako, pres.; Robert F. Heyer, vice pres.; Wm. Serra, vice pres.; Stella Kraus, sec. and treas.; John H. Plattner, asst. vice pres.; Carolyn Altwater, asst. vice pres.
833	DeMay & Co., Inc., A. J., 28 Water St. (4).	A. J. DeMay, Jr., pres.; Carole M. Rozniak, vice pres.-sec.; Jane Macchione, treas.
574	Dedhamship Agencies, Inc., 11 Broadway (4).	Albert P. Harris, pres.; Veronica T. Burke, treas.; Joseph Eisdorfer, sec.
734	Dieterle & Victory, Int'l Transport Co., Inc., 24 Stone St. (4).	William Dieterle, pres.; Paul E. Victory, sec.-treas.
204	Dingelstedt & Co. (John McCarty, dba), 55 Broadway (6).	Individual.
882	Dorf International, Ltd., 39 Broadway (6).	Herman S. Dorf, governing director; Vincent Valvo, pres.; Nicholas Sergi, vice pres. and director; Charles B. Dorf, vice pres. and director; Albert Dorf, vice pres.; N. Klipsis, sec.-treas.
623	Doyle, Co., Inc., G. S., 10 Bridge St. (4).	Gerard S. Doyle, pres.-treas.; Mary C. Doyle, vice pres.-sec.; Joseph A. Pico, asst. sec.
538	Drew Shipping Corp., 8–10 Bridge St. (4).	Henry G. Drew, pres. and treas.; Marion C. Drew, vice pres.; Robert G. Drew, sec.; Hugh F. Small, asst. sec.
736	Dunlap, Alpers & Mott, Inc., 8–10 Bridge St. (4).	Thomas J. Sharekey, pres.; Nicholas Merlo, vice pres. and treas.; Daniel J. Boyle, sec.
465	Dunnington & Arnold, Inc., 125 Broad St. (4).	Guy A. Dunnington, pres., sec., and chairman of Board; Alfred H. Arnold, vice pres., treas., and director; Julian H. Mark, member board of directors.
654	E. & R. Forwarders, Inc., 41 Elizabeth St. (13).	Fred Udelsman, pres.; Eva Romer, treas.; Rose Romerovski, sec.
618	Eagle Shipping Co., Inc., 26 Broadway (6).	Sidney M. Geller, pres. and director; J. L. Ackerman, vice pres. and director; May Geller, sec-treas. and director.

No.	Name and address	Officers
461	Ebasco Services Inc., 2 Rector St. (6).	Wm. Henry Colquhoun, vice pres. and director; James Howard Curtis, director; Frederick Carlton Gardner, pres. and director; Lester Ginsburg, director; Herbert Leonard Klein, compt. and asst. sec.; Wm. North Lewis, director; Glaney Perkins Redden, gen. const. auditor and asst. treas.; Kemp Wilson Reece, exec. vice pres. and director; Carl Henry Reiser, director; Harold Hall Scaff, vice pres. and director; Tony Garrett Seal, vice pres. and director; George Gholson Walker, chairman of board and director; Elwood Kempton Wilkins, vice pres. and director; Carl Henry Anderson, sec.-treas.
702	Eljay Export Service Co.—Partnership, 125 Broad St. (4).	Leo Gelwan, partner; Joseph Hurwitz, partner.
382	Erskine Freight Forwarding Co., Inc., 24 State St. (4).	Alan R. L. Erskine, pres.; Bart D. O'Brien, vice pres.; Alan L. Erskine, sec.
154	Excel Shipping Corp., 44 Whitehall St. (4).	Gino Alaimo, president.; Oreste J. Mazza, sec.; Jack F. Panciallo, treas.; Walter H. Bernhart, vice pres.
761	Export Chemical Shipping Co., Inc., 80 Wall St. (5).	Pedro Alicea, pres., Henrietta Alicea, vice pres. Sigurd H. Swenson, treas. sec.
888	Export-Import Services, Inc., 5 State St. (4).	James F. Farrell, Sr., pres.-treas.; James F. Farrell, Jr., vice pres.; Edward J. Farrell, sec.; Anne M. Donoghue, asst. sec.
573	Export Packing & Crating Co., Inc., First Ave. and 51st St., Brooklyn (32)	Murray Lehman, pres.; Philip Lehman, vice pres.; George Weiner, sec.-treas.
727	Exporters Forwarding Co., Inc., 42 Broadway (4).	John J. Kleniewski, pres.-director; Frank T. McMonicle, vice pres.-director; Mary M. Kleniewski, sec.-treas. and director.
912	Express Fwdg. & Storg. Co., Inc., 17 State St. (4).	Thomas G. Newman, director; Jerome Slater, director; Lawrence Harnett, director, pres., and sec.; Melvin Sonners, vice pres.; Harry Freud, treas.
8	F.N.S. Corp., 125 Broad St. (4).	Fred N. Sucher, pres.; Martin N. Schneer, sec.-treas.; Fay Sucher, director.
270	Fablus & Co., Inc., 44 Whitehall St. (4).	Everett G. Hellstern, pres., treas., and director; Frank J. Stila, vice pres. and director; Frank Marcellino sec.-director; Peter J. Kociman, director; Arie Vernes, director; George Lupfer, asst. sec.
837	Farris & Co., Inc., M., 8 Bridge St. St. (4).	Joseph Chiarini, sec.; Raymond Martin Lund, vice pres.
919	Faunce, New York, Inc., John H., 26 Broadway (4).	John H. Faunce, pres.; D. Britton Faunce, vice pres.; John H. Faunce, Jr., director; Vincent Wortman, sec.; Stanley Kaplan, treas.
919	Faunce, Philadelphia, Inc., John H. 401 Walnut St., Philadelphia (6).	John H. Faunce, pres.; D. Britton Faunce, exec. vice pres.; John H. Faunce, Jr., director; Vincent Wortman, sec.; Stanley Kaplan, sec.; Wm. R. Klaus, director.
919	Seaway Forwarding Co., 1370 Ontario St., Cleveland 13, Ohio.	Walter W. Zachman, pres.; Lawrence R. Twitchell, vice pres.; Margaret A. Dutkin, director; D. Britton Faunce, vice pres.; Stanley Kaplan, vice pres.
388	Ferm Co., Inc., L.A., 24 State Street (4).	Leroy A. Ferm, pres.; Antonia M. Ferm, sec.; Robert J. Cordo, vice pres.; Joseph A. Balsamini, treas.
725	Fernant Export Shipping Co., Inc., 401 Broadway (13).	F. Vazquez de Nieva, pres.; Gladys V. Vargas, treas.; Elsie V. Gil, sec.
257	Fitzgerald Forwarding Corp., 320 Fifth Avenue (1).	Aurelia Seville, sec.; Virginia Seville, pres.
95	Flete Internacional Corp., 99 Beekman St. (38).	Edward J. Raphael, pres.; Lawrence W. Beinhacker, vice pres.
175	Foreign Freight Forwarders, Inc., 15 Park Row (38).	Edward Codron, pres.-director; Henry J. Krebbs, director, sec.-treas.; Christine Krebbs, director.
175	Ahko Forwarding Co., 360 Plandome Road, Manhasset, N.Y.	Edward Codron, owner.
94	Foreign Shipping Service Co., Inc., 8-10 Bridge St. (4).	Joseph Sheiala, pres.-treas.; Gladys Sheiala, vice pres.; Marilyn Lee, sec.
63	Fort Forwarding, Inc., 42 Broadway (4).	Dan A. Di Carlo, pres.-director; Benjamin Sparano, vice pres.-director; Carl J. Sparano, sec.-treas. and director; Anna Di Carlo, director.
571	Forwarding Services, Inc., 17 State St. (4).	Salvatore De Fresco, pres. and director; Mrs. Alexander Cutrone, vice pres. and director; Grace De Fresco, sec.-treas.; Alfred Girardino, director.
904	Fox & Co., Inc., James E., 10 Pearl St. (4).	James E. Fox, pres.; Stanley F. Coron, sec.-treas.; Harold G. Dow, director.
904	Dyson Shipping Co., Inc., 10 Pearl St. (4).	Harold G. Dow, pres.-director; Stanley F. Coron, vice pres., treas., and director; James E. Fox, vice pres.; Melvin Lehinger, asst. sec.
770	Francesco Parisi Forwarding Corp., The, 24 State St. (4).	Enrico L. Pavia, pres.-director; Branko Solario, exec. vice pres.-director; George M. Pavia, director; Thos. G. Newman, vice pres.; Riego R. Miller, asst. vice pres.; Franz E. Spleimann, sec. and asst. treas.; Jerome Slater, asst. sec., Lawrence Barnett, treas.
770	Francesco Parisi Int'l Transports (U.S.A.) Inc., 24 State St. (4).	Comm. Piero Parisi, pres. and director; Enrico L. Pavia, director and treas.; George Funaro, director and sec.; Alberto Piussi, 1st vice pres.; Branko Solario, 2d vice pres. and exec. vice pres.; S. P. Fredericks, asst. vice pres.; Franz E. Spleimann, asst. sec.
700	Franoren Shipping Corp., Fleet Express Corp., 125 Broad St. (4).	Wm. Franco-Velez pres.; Franklin Orenstein, vice pres.
223	Freedman & Slater, Inc., 8 Bridge St. (4).	William I. Freedman, pres. and director; Diana L. Freedman, director; Irving D. Slater, sec.-treas. and director.
611	Fulton Freight Forwarding Corp., 32 Broadway (4).	Pasquale F. Capaldo, pres.-manager; Anne M. Capaldo, sec.-treas.; Louis A. Capaldo, vice pres.
450	Furman Co., Inc., Ira, 11 Broadway (4).	Ira Furman, pres.; Bernard Levine, vice pres.; Leon Frankel, treas.; Rose Levine, sec.
510	Gable Corporation, The, 50 Broad St. (4).	Wm. F. Murphy, pres.-director; Wm. F. Murphy, Jr., vice pres., sec., and director; Harold J. Murphy, treas.-director.
46	Garcia & Fabregas, Inc., 82 Beaver St. (5).	Joseph M. Fabregas, pres.; Marian Febregas, sec.
840	Garrett Forwarding Co., Inc., 37 Wall St. (5).	Harvey J. Gunderson, Chairman and director; Garrett Fuller, pres.-director; DeForest S. Lewis, vice pres.; Geneva B. Brooks, sec.-director.
338	Gaskell Co., Inc., Fred P., 1 Broadway (4).	Frederic H. Gaskell, pres.; James S. Bacigalupi, vice pres.-treas.; G. C. Poynton, sec.
328	Gaskell Co., Inc., Fred P., 301 Plume St., Norfolk, Va.	F. H. Gaskell, pres.-director, Robert E. Garris, vice pres. and director; Geo. C. Garris, sec.-treas. and director.
648	Gateway Shipping Co., Inc., 42 Broadway.	Murray Friedman, pres.-vice pres.; Florence Friedman, treas.-sec.
729	Gavin & Co., Inc., J. J., 21 West St. (6).	Douglas M. Haig, pres.-treas.; Florence E. Haig, vice pres.; Bartolo Fonte, sec.
148	Gaynar & Co., Inc., F. A., 42 Broadway (4).	Harry Ross, pres.-treas.; Paul A. Gaynar, chairman of board and sec.; Eugene Leo Dworkin, vice pres.
733	Gehrig, Hoban & Co., Inc., 44 Whitehall St. (4).	John C. Gehrig, pres.-director; James A. Hoban, vice pres., treas., and director; Allan A. Baillie, sec.-director.
491	Gem Forwarding Corp., 395 Broadway (13).	Harry Beckerman, pres.-director; Rose Beckerman, vice pres.-director Franklyn Shops, treas.-director; Dora Shops, sec.-director.
508	Gerlard & Hey Co., Inc., 44 Whitehall St. (4).	Robert C. Walter, pres.-director; A. Benker, sec.-treas. and director; Joseph C. Walter, vice pres.-director; H. J. Nicvelt, vice pres.; A. H. Juede, asst. sec.
508	Intersped, Inc., 44 Whitehall St. (4).	Robert C. Walter, pres.; Geraldine Traina, vice pres.; Adam Benker, sec.-treas.
205	Gerlach & Co., Inc., F. C., 55 Broadway (6).	Pauline O. Gerlach, director; F. C. Gerlach, director; F. C. Baum, director; Martin D. Vanderhoff, pres., treas., and director; John Oette, vice pres., sec., director.
294	Glaessel Shipping Corp., 44 Whitehall St. (4).	Ernst Glaessel, director-pres.; Edna Glaessel, director and sec.-treas.; Theodore Halkedis, vice pres.; August Weber, vice pres.; Bernard D. Atwood, asst. sec.
705	Global Forwarding Co., Inc., 15 Moore St. (4).	Ricardo Mateo, pres.; Grace Mateo, sec.-vice pres.; Jose Canepa, treas.
290	Globe Shipping Co., Inc., 11 Broadway (4).	A. Burin, pres.; F. Rothenstein, vice pres.; E. Stegemann, Jr., treas.; P. B. Rose, sec.; E. Arnold, asst. sec.; F. Furth, director; P. J. Schrag, director.
822	Godwin's Sons, Inc., R. J., 8 Bridge St. (4).	Henry Schaumloffel, Jr., director; Marie B Schaumloffel, director; Garrett X. Sullivan, pres., sec., and director; Henry J. Schaumloffel, vice pres., treas., and director.
433	Godwin's Sons, Samuel—Partnership, 29 Broadway (6).	John M. McCarthy, partner; John Norris, partner.
444	Gogarty, Inc., H. A., 15 Moore St. (4).	F. H. Kruger, pres.; Albert A. Gordon, vice pres.; John J. Galgano, vice pres.; Albert E. Bone, asst. treas.-sec.
569	Gonzalez Co., Inc., E. A., 37 Wall St.	Edward A. Gonzalez, pres.-director; Anthony F. Vasquez, vice pres.-director; James McDonnell, sec.; Donald Cass, treas.; Thomas G. Madden, asst. sec.; Helen Insinga, asst. treas.; Frank Marcellino, director.
458	Gorman-Anderson Corp., 44 Whitehall St. (4).	George Oestel, pres.; Joseph Oestel, vice pres.; Elizabeth H. Oestel, treas.-sec.
272	Grant & Co., Inc., C. S., 24 State St. (4).	Bart. D. O'Brien, pres.-treas.; Alfred J. Ulsheimer, vice-pres.; Bart. F. X. O'Brien, sec.
377	Gurge & Co.—Partnership, 44 Whitehall St. (4).	Vincent Gurge, partner; Kenneth Gurge, partner.
118	Halperin Shipping Co., Inc., 59 Pearl St. (4).	Louis Halperin, pres.; Arthur Halperin, treas.; Eugene T. Gillen, sec.
371	Hampton & Co., Inc., J. W., Jr., 17 Battery Place (4).	Robert C. Shoule, pres.; James J. Walsh, sec.-treas.; Bernard F. Brady, 1st vice pres.; Gerard S. Eastby, 2d vice pres.; Anthony G. Meyer, Director; Jerome G. Clifford, director.
847	Hanlon Co., Inc., C. J., 135 Front St. (5).	Alexander E. Dugas, pres.; Michael J. Boscia, sec.-treas.; Jane O. Dugas, director; Phyliss Clemente, director.
536	Hanrahan, Inc., P. John, 67 Broad St. (4).	Edward P. Hanrahan, pres.; Walter L. Wisner, treas.; James E. Hanrahan, sec.
279	Happel, Inc., Charles, 8-10 Bridge St. (4).	Charles Happel, pres.-treas.; Helen Happel, sec.; Albert Fahner, vice-pres.

No.	Name and address	Officers
194	Harbourt International, 8-10 Bridge St. (4).	Herbert A. Bornemann, pres.; Howard A. Harbourt, vice-pres.; Oscar R. Guevara, sec.-treas.; Daniel Reiss, director.
495	Harder Company, G. W. (Gerard Wm. Harder, dba), 8-10 Bridge St. (4).	Individual.
546	Harlo Expeditors, Inc., 44 Whitehall St. (4).	Harlan Nelson Haag, pres.; Joseph Santarelli, vice pres.; Joseph Colombo, sec.
766	Hasman & Baxt, Inc., 39 Broadway (6).	John B. Baxt, pres.; Edward Baxt, sec.-treas.
202	Hasman Shipping Corp., 24 Stone St. (4).	Milton Hasman, pres.
378	Hauser, Inc., D., 8-10 Bridge St. (4).	David Hauser, pres.; Mary Hauser, treas.; Dr. A. Daniel Hauser, sec.; Stewart B. Hauser, vice pres.
532	Haydee Forwarding Co., Inc., 149 Broadway.	Haydee C. Surillo, pres.
513	Hayes & Cupitt, Inc., 44 Whitehall St. (4).	John J. Hayes, vice pres.; John J. Cupitt, pres.; Rose M. Hayes, sec.; Pauline M. Cupitt, treas.
9	Heemsoth-Kerner Corp., 8 Bridge St. (4).	Martin A. Kerner, pres.-director; Martin E. Kerner, vice president-director; Fred W. Gloss, sec. and director; Philomena Kerner, director.
64	Heldt's, Inc., 44 Whitehall St. (4).	Francis X. Heldt, pres.; Theresa J. Heldt, director; Francis X. Heldt, Jr., vice pres.; Wm. R. Wallace, vice pres.; Alfred Armbruster, treas.; Joseph A. Thumser, sec.; E. E. Schwitzke, director.
726	Heimann, Inc., W., 21 State St. (4).	Wm. Heimann, pres.-director; Charlotte Heimann, sec.-treas. and director; George Eltzenberger, vice pres. and director.
96	Henjes, Inc., Frederic Jr., 44 Whitehall St. (4).	August W. Messing, pres.-director; Henry Strunck, vice pres.-director; George D. Strobel, vice pres.-director; Marvin A. Hoenecke, vice pres.; Frank A. Sarola, vice pres.; John G. Stuermer, treas.-director; Albert L. Weber, sec.; Wm. J. Tillinghast, Jr., asst. sec.
461	Hennigson Co., Inc., E., 8-10 Bridge St. (4).	Johanna Riesel, pres.
23	Hensel, Bruckmann & Lorbacher, Inc., 6 State St. (4).	Walter Schaaf, pres.-director; Grace Schaaf, director; Herman C. Stone, vice pres.-director; Herman J. Anhalt, sec.-treas. and director; Maurice Dolphin, director.
23	Bane & Co., Wm. L.—Partnership, 6 State St. (4).	Walter Schaaf, partner; Herman C. Stone, partner.
359	Hickey & Co., Inc., John A., 50 Broadway (4).	Esther H. Hickey, pres.; Lillian O. Johnson, treas.; John P. Ferrick, vice pres.-gen. manager.
435	Hirshbach & Smith, Inc., 44 Whitehall St.	Samuel Stern, pres.; Mortimer Bernstein, vice pres.; James B. Herzog, sec.-treas.
714	Hudson Shipping Co., Inc., 8-10 Bridge St. (4).	Martin Evans, director; Walter J. Mercer, pres.-director; Otto P. Poll, vice pres.-director; David K. Allen, sec.-director; Salvetori J. Cerillo, treas.-director.
531	Hunter & Son, Inc., John H. 44 Whitehall St. (4).	A. L. G. Hunter, pres.-treas.; Elizabeth H. Hunter, vice pres.-sec.
284	Inge & Company, Inc., 42 Broadway (4).	Frank L. Walton, chairman of board; Alfred Schechter, pres.; Leonard A. Schechter, vice pres.-sec., and treas.; George F. Ziegler, vice pres.
913	Innocente Mangili Adriatica, Inc., S. A., 15 William St. (5).	Robert D. Nagle, pres., sec., and director; Walter M. Politzer, exec. vice pres.; Frederick W. Hundt, treas.; Frank H. Janke, Jr., director.
354	Inter Maritime Forwarding Co., Inc., 56 Beaver St. (4).	Charles H. Dalldorf, pres.; Herbert B. Mann, vice pres.
456	International Export Service—Partnership, 17 State St. (4).	Estela Santana, partner; Rose Kurtz, partner.
214	Int'l Sea & Air Shipping Corp., 24 Stone St. (4).	Fred H. Silverman, pres., treas., and director; Louis J. Marchini, vice pres., sec., and director; John Ferrari, asst. treas.; Ilse Silverman, director; Gustav Jacoby, director.
703	Interstate Auto Shippers, Inc., 249 West 34th St. (1).	Alfred Rappeport, pres.-treas.; Gloria Rappeport, sec.-vice pres.; Emanuel Rothstein, director.
715	Intra-Mar Shipping Corp., 42 Stone St. (4).	Ernest R. Hinder, pres.; Henry Spies, vice pres.; Ernest Suter, 2d vice pres.; Wm. Ros, 3d vice pres.; Anton Bernard, sec.-treas.; Fred Karlen, asst. treas.; Fred D. Hofheimer, asst. vice pres.; Wm. G. Rumm, asst. vice pres.
545	Jahrett Shipping, Inc., 7 Water St. (4).	H. R. Jahn, Jr., pres.; A. N. Ferretti, treas.; R. M. Purcell, sec.
266	Jasper, Inc., E. A., 44 Whitehall St. (4).	E. A. Jasper, sec.-treas.; Hattie Jasper, pres.; Louis Carr, director.
850	Judson Sheldon Int'l Corp., 64 Vesey St. (7).	F. P. Lucus, director-pres.; A. G. Zimmerly, director-vice pres.; Geo. Dwyer, director-asst. vice pres.; N. C. Myers, sec.-treas., director; J. T. Weiler, director and compt.
839	Jung Forwarding Co., Inc., 8-10 Bridge St. (4).	Anton J. Jung, pres.-treas.; Bernard J. Ganley, vice pres.; Clair J. McWilliams, sec.
230	Karr, Ellis & Co., Inc., 44 Whitehall St. (4).	Alder Ellis, Jr., pres.; A. J. Fiducia, exec. vice pres.; J. M. Abruzzo, vice pres. and asst. treas.; John St. Angelo, vice pres. and asst. sec.; Mary Zicha, sec.-treas.
49	Kaufman & Vinson Co.—Partnership, 10 Bridge St. (4).	Samuel J. Kaufman, partner; Benjamin Vinson, partner.
190	Keating & Co., Inc., W. R., 90 Broad St. (4).	Wm. R. Keating, pres.; Percy S. Royals, vice pres.; Wm. F. Wagner, vice pres.; Louis F. Guido, vice pres.; Frank A. De Soye, sec.
812	King Shipping Co.—Partnership, 44 Whitehall St. (4).	Charles S. Roth, partner; Julius Solomon, partner. Stanley Navarre, partner.
390	Knopf Shipping Co., Inc., 233 West 42d St. (36).	Jacob H. Knopf, pres.; Adolph W. Lipert, sec.-treas.; Edith Wechsler, director.
265	Kormin Shipping Co., Inc. 4 Hanover Square (5).	Sol Mintz, pres.; Joseph Korbul, sec.-treas.
892	Kraemer & Co., F. L.—Partnership, 44 Whitehall St. (4).	John F. Kraemer, partner; Alfred P. John, partner; Louise M. Kraemer, limited partner.
758	Kuhne, Inc., Walter E., 11 Broadway (4).	Walter E. Kuhne, pres.; August Lorentz, vice pres.; Teresa A. Kuhne, sec.-treas.
48	Lafayette Shipping Co.—Partnership, 44 Whitehall St. (4).	Norman G. Elisberg, partner; John P. Toscani, partner.
209	Lang & Co., Inc., Bernard, 44 Whitehall St. (4).	Bernard Lang, pres.; Jerome Berger, vice pres.; Dorothy Chill, sec.-treas.
551	Lang & Marshall Co., Inc., 44 Whitehall St. (4).	Louis Marshall, pres. and director; Jeanne A. Marshall, sec. and director; Milton J. Geiger, director; Edward Remer, asst. sec.
193	Lansen-Naeve Corp., 11 Broadway (4).	H. N. Naeve, pres.-treas.; John P. Lansen, vice pres.; Frieda Naeve, sec.
168	Latina-Macor Shipping Co., Ltd., 111 Wall St. (5).	Eduardo M. Gonzalez, pres.; Peter A. Martinez, treas.; Enrique Lopez, sec.
511	Laufer Shipping Co., Inc., 35 South William St. (4).	Arthur Laufer, pres.; G. Howard Mayer, treas.; Robert N. Carpe, vice pres.; Norman Laufer, sec.
511	R. N. Forwarding Co., Inc., 35 Sonth William St. (4).	G. Howard Mayer, pres.; Norman Laufer, vice pres.; Arthur Laufer, treas.; Robert N. Carpe, sec.
437	Leading Forwarders, Inc., 11 Stone St. (4).	Martin L. Shayne, pres. and director; E. Louis Greenberg, sec. and director; Leonard M. Shayne, treas. and director.
437	Leading Export Service Corp., 11 Stone Street (4).	Leonard M. Shayne, pres. and director; J. Kenneth Shayne, Sec.-treas. and director; Martin L. Shayne, director.
437	Venezolana de Transportes, Inc., Transportadora Colombiana, Inc., 11 Stone St. (4).	J. Kenneth Shayne, pres.; Sidney Tolmage, sec.-treas. and director; Leonard M. Shayne, director and vice pres.
437	Leading Forwarders of Rochester, Inc., 39 State St., Rochester 14, N.Y.	Martin D. Wilner, pres.; Leonard M. Shayne, vice pres.; Gloria J. Wilner, sec.-treas.
544	Lee-Herrmann Co., The—Partnership, 24 State St. (4).	Thomas James Lee, partner; Victor Jacob Herrmann, partner.
455	Lehat Schwartz Shipping Corp., Whitehall St. (4).	Irving Lehat, pres.; Isaac Schwartz, vice pres.; Elaine Schwartz, sec.; Sheila Lehat, treas.
890	Lep Transport, Inc., 15 William St. (5).	R. K. Leeper, director; R. J. D. Leeper, director; F. W. H. Adams, director; W. M. Politzer, director and pres.; F. W. Hundt, sec.-treas.; J. D. Richardson, asst. sec.
366	Lochner, Inc., O. W., 11 Broadway (4).	Theresa Piro, president; Gabriel Molinari, vice pres.; Rita Molinari, sec.-treas.
282	Luigi Serra, Inc., 7 Water St. (4).	R. G. Berlingieri, pres.-treas.; Cesare Camale, vice pres.; Robert P. Giois, 2d vice pres.; Theresa M. Scala, sec. and asst. treas.
287	Lunham & Reeve, Inc., 10 Bridge St. (4).	Yske Spyksma, asst. treas.; Nicholas Juliana, asst. sec.; Irving Brown, asst. sec.; Charle Pullis, asst. sec.
829	Leyden Shipping Corp., 38 Pearl St. (4).	Bernard Leyden, pres.; Peter Hegmann, vice pres.; Helen Leyden, sec.; Bernard Leyden, treas.
427	Madison Shipping Co., Inc., 401 Broadway.	Frank Layton, pres.-treas.; F. George Zinkernagel, vice pres. and sec.
16	Major Forwarding Co., Inc., 33 Rector St. (6).	William Fischer, pres.; Lawrence J. Baloy, vice pres.; Bernard Pedreira, vice pres.; Lawrence H. Wikander, vice pres.
	Also issued to L. Grodwohl & Son, published May 12, 1962.	Louise M. Kohl, asst. vice pres.; Claire Harrison, treas. and exec. sec.
622	Malabe Shipping Co., Inc., 47 Bergen St., Brooklyn (1).	Orlando Ojeda Malabe, pres.-treas.; Lydia Ojeda Malabe, sec.
651	Mar Shipping Corp., 72-76 Walker St. (13).	Rudi Kaminski, pres.-treas.; Raul Carreiras, vice pres.-sec.
206	Marine Forwarding Co., Inc., 26 Broadway (4).	Theodore E. Bachman, pres., treas., and director; Beatrice B. Bachman, vice pres. and director; Roger Dersarkissian, sec. and director.
374	Marion Shipping Co., Inc., 10 Bridge St. (4).	Barney Sirota, pres.; Jack Spindler, sec.-treas.
152	Maron Shipping Agency, Inc., 11 Broadway (4).	James C. Maron, pres.; John Neiser, vice pres.; Joseph Venezia, sec., Edgar J. Mullen, treas.
14	Marotta, Inc., F. V., 20 West 43 d St. (36).	Frank V. Marotta, pres.; Violetta P. Marotta, vice pres. and sec.
534	Mas International Corp., 350 Broadway (13).	Loraine Peters, presi; Harold J. Peters, vice pres.; John G. Mas, sec.-treas.
885	Master Shipping Agency, Inc., 50 Broad St. (4).	Walter Linden, pres.; Frances Linden, director; Irving Kolotkin, vice pres.
713	Matthew Shipping Co., Inc., 92 Liberty St. (6).	Anna Hochberg, pres.; Sally Kushman, sec. treas.; Anna Hoc hberg, director Joseph Hochberg, director; Sally Kushman, director.
660	Meadows Wye & Co., Inc., 10 Bridge St. (4).	Ernest F. M. Wye, pres.-treas.; Hugh M. Kelly, vice pres.; Walter W. Murray, sec.
845	Mercal International, Inc., 211 East 37th St. (16).	Philip J. Mercaldi, pres. and treas.; Teresa Mercaldi, sec.

No.	Name and address	Officers
845	Transcontinental Export Forwarding Co., Inc., 26 Broadway (4).	Louis D. Rovira, pres., sec., and director; Henry T. Carreras, vice pres., treas., and director; Philip J. Mercaldi, vice pres. and director.
884	Mercantile Freight Forwarders, Inc., 6 State St. (4).	Walter Simon, pres.-director; Erna Simon, vice pres.-director; Pauline Kaplan, director.
589	Mercury Trucking & Forwarding Co., Inc., 281 Church St. (13).	Harry Rediker, pres.; Brenda Rediker, sec.
614	Midland Pacific Shipping Co.—Partnership, 26 Broadway (4).	Emmanuel J. Hetwarda, pres.; Pedro Causo, vice pres.
269	Mohegan Int'l Corp., 17 State St.	Howard G. Seymour, pres.; Robert J. Hart, vice pres.; George J. Harig, vice pres.; Christian L. Gelis, vice pres.; Bertram L. Meyers, vice pres.; Benedict Salzman, vice pres.; Mac Schultheis, vice pres.; Albert T. Seymour, sec. and director.
269	Mohegan Int'l Corp. of Louisiana, Maritime Bldg., New Orleans, La.	Howard G. Seymour, pres.; Mac Schultheis, sec.
717	Monarch Forwarding Co. (Joseph Menendez, dba), 90 West Broadway (7).	Individual.
906	Muller Shipping Corp., Wm. H., 25 Broadway (4).	Robert E. Leoni, pres. and director; Everett T. Vroman, exec. vice pres.; Ernest W. Schulthess, vice pres.; John D. Ricards, vice pres.; James W. Allen, treas.; Philip R. Grabfield, sec.; Elliot B. Heath, asst. sec.; Wesley G. Ellmyer, asst. sec.; E. Van Veelen, director; C. C. Vermeer, director; Wm. F. Wolff, Jr., director.
906	Rogers, Inc., William A., 327 South LaSalle St., Chicago 4, Ill.	Wm. A. Rogers, pres.; Frank E. Doure, treas.; Robert E. Hartke, sec.; E. W. Schulthess, vice pres.
564	Murray & Company, A. Judson—Partnership, 80 Wall St. (5).	Russell S. Murray, partner; Vincent F. Baldassano, partner.
367	Nato Forwarding Co., Inc., 56 Beaver St. (4)	Charles H. Dalldorf, pres.; Herbert B. Mann, vice pres.
891	Natural, Nydegger Transport Corp., 10 Bridge St. (4).	Arnold E. Nydegger, pres.-director; Peter R. Kurth, vice pres.; Felix Ursprung, treas.-director; Julius Loewenstein, sec.-director.
894	A. E. Nydegger Co., Inc., 10 Bridge St. (4).	Arnold E. Nydegger, pres., treas., and director; Felix Urspring, vice pres.-director; Eugene M. McCarthy, sec.-director.
530	Nelson Co., Inc., Fred O., 79 Wall St.	Carl Ellenberg, pres.; George Eilenberg, vice pres.; Robert N. Altman, sec.; Alexander Davide, treas.
492	Neth Co., Inc., W. P., The, 44 Whitehall St. (4).	R. W. Rudloff, pres.-director; E. L. Rudloff, treas.-director; W. Bannon, sec.
514	New Era Shipping Co., Inc., 96 Liberty St. (6).	Joseph Simon, pres.-treas.; Alexander P. Brick, vice pres.-sec. (exec.); Cele Simon, director; Grete Brick, director.
911	Newbalt Associates, Inc., 44 Whitehall St. (4).	Wilfried T. Luthi, pres.-director; Hans Koldewey, exec. vice pres.-director; Peter F. Krambach, vice pres. in charge of exports; Jose E. Negron, vice pres.; Hans H. Strauss, treas.-director and asst. sec.; Brian A. Houston, vice pres.-director; Rudolph G. Hobelmann, vice pres.; Herman W. Feder, sec.; Bernhard J. Woldenga, Federal director.
911	Hobelmann & Co., Inc., R. G., 221 East Redwood St., Baltimore 2, Md.	R. G. Hobelmann, pres.; W. T. Luthi, exec. vice pres.; Margery Hobelmann, treas.; Gordon Plock, sec.
911	Schenkers Int'l. Forwarders, Inc., 44 Whitehall St. (4).	Wilfried T. Luthi, pres.-director; Hans Koldewey, exec. vice pres.-director; Peter F. Krambach, vice pres. in charge of export-chairman of board; Hans H. Strauss, treas.; Brian A. Houston, director; Rudolph G. Hobelmann, director; Herman W. Feder, sec.; Bernhard J. Woldenga, Federal director.
911	Schenkers Int'l, Inc., 327 South LaSalle St., Chicago 4, Ill.	Hans Koldewey, pres.-director; Wilfried T. Luthi, exec. vice pres. and director; Rudolph G. Hobelmann, vice pres.-director; Jose E. Negron, vice pres.; Hans H. Strauss, sec.-treas. and director; W. Gordon Plock, vice pres.; Karl H. Quast, vice pres.
929	Nordisk Transport, Inc., 27-29 Water St. (4).	Hakon Olsson, pres.-director; Lloyd Hanks, vice pres.-treas.; Louis Brickmeier, vice pres.; Joseph V. Lane, Jr., sec. and director; Eleanor H. Olsson, director.
512	Nordstrom Freighting Corp., 21 West St. (6).	Arthur Nordstrom, pres. and chairman of board; Eilif L. Olesen, sec.-treas. and director; Paul L. Clurston, director.
724	Noriega & Co., Charles C.—Partnership 82 Wall St. (5).	Charles C. Noriega, partner; Marie A. Noriega, partner.
421	Norton & Ellis of New York, Inc., 80 Broad St. (4).	William J. Worm, pres.-treas.; Louis C. Stein, sec. and traffic manager; Eugene J. Devlin, director and asst. traffic manager.
477	Oceano Shipping Co., Inc., 44 Whitehall St. (4).	Dorothea Andersen, pres.-director; Dominic A. Riviello, vice pres. and director; Vivian Des Rault, sec.-director; Rocco Appello, treas.
281	Ollendorff, Inc., H. G., 231-235 East 58th St. (22).	Hans G. Ollendorff, pres.; William F. Hahn, Jr., treas.-sec.; Muriel Hahn, director; Ilse B. Ollendorff, director.
535	Olympic Shipping Co., Inc., 24 Stone St. (4).	Marvin Lester Monk, pres.-sec. and director; Janice Monk, vice pres.-treas., and director. Arthur S. Winebrugh, director.
652	Orbe Enterprises, Inc., 120 Wall St. (5).	Alberto Vergara, pres.-director; Gloria Alice Roth (Mrs. Alberto Vergara), sec.-treas. and director; Frank William Roth, director.
138	Orbit Shipping Corp., 24 Stone St. (4).	Norman Wiener, pres.-treas.; Walter J. Cowan, vice pres.-sec.
764	Overseas Forwarders, Inc., 401 Broadway (13).	Marvin Skydell, pres.-treas.; Carol Skydell, vice pres.-sec.; Murray Koenig, director.
250	Overton & Co.—Partnership, 21-24 State St. (4).	Chalmers W. T. Overton, partner; Arthur J. Martin, partner; Gennaro J. Seibelli, partner.
559	P & R Forwarding Co.—Partnership, 1306 78th St., Brooklyn (28).	Albert P. Ryan, partner; Gladys Percent, partner.
44	Pace Shipping Co., Inc., 11 Broadway (4).	Leonard Alcanters, pres.-sec.; George Pace, vice pres.-treas.; Howard B. Corwin, director.
653	Pan American Forwarders, Inc., 15 Moore St. (4).	Wm. V. Young, pres.-treas.; B. M. Briggs, vice pres.-sec.; Eugene D. Palmieri, asst. treas.; Edward T. Grimes, director; Robert A. Stark, director.
653	Young & Co., Inc., William G., 15 Moore St. (4).	William V. Young, pres.-treas., Bernadine M. Briggs, vice pres.-sec.; Eugene D. Palmieri, asst. treas.; Edward T. Grimes, director; Robert A. Stark, director.
707	Pan-Maritime Cargo Service, Inc., 232 Water St. (38).	M. Brautman, pres.-director; M. Strauss, vice-pres.-sec.; D. I. Babcock, asst. treas.; J. D. McPherson, director, chairman of board; Paul Taub, vice pres.; H. J. Parde, vice pres., treas., and director.
891	Peerless Forwarders, Ltd., 44 Whitehall St. (4).	J. Weisberg, pres.-director; W. Certilman, vice pres.; sec., and director; M. Llyes, vice pres and director; M. Litt, director-treas.; B. Salzman, asst. treas.; E. Certilman, director.
286	Penn Shipping & Forwarding Co.—Partnership, 225 West 34th St. (1).	Julius Berkovits, partner; Arthur Pelzer, partner; David Kayan, partner.
907	Penson & Company—Partnership, 11 Broadway (4).	Jack A. Penson, partner; Harvey J. Penson, partner; Louis Penson, partner.
907	Trans-Air System, Inc., 153-40 Rockaway Blvd., Jamaica (34).	Jack A. Penson, chairman of board of directors; Leonard Flomenhaft, director; Tod Arisohn, pres.; Demosthenes R. Mendez, vice pres.; Samson Z. Sorkin, sec.
907	Trans-Marine System Inc., 11 Broadway (4).	Demosthenes Mendez, pres.; Charles Manley, sec.; James B. Penson, vice pres.; Jack A. Penson, director.
112	Person & Weldhorn—Partnership, 59 Pearl St. (4).	Meyer Person, partner; Henry M. Weldhorn, partner.
609	Peruvian Foreign Trade Co. (Francisco Javier Verastegui, dba), 37-44 72d St., Jackson Heights (72).	Individual.
490	Petry Co., P. H., 6 State St. (4).	John M. Hollmann, pres; Harry J. Petry, sec-treas.
384	Philadelphia Trans-Atlantic Line, 34 Whitehall St. (4).	W. F. G. Harris, pres.-director; G. W. Stretch, vice pres.-director; H. C. Hulbert, sec.; P. A. Shaw, treas.-director; J. N. Russell, asst. sec. and director; C. S. Donohue, asst. treas.; D. L. Samson, director.
615	Philippine Forwarding Co., Inc., 150 Nassau St. (38).	Manuel Mercader, pres.; Everett J. Montenegro, vice pres.; Rita Sitchon, sec.-treas.
529	Phoenix Shipping Co., Inc., 44 Whitehall St. (4).	Edna S. Schmidt, pres.; Hans Rueckheim, vice pres.; Arnoldo Feyerabend, vice pres.; Herman Herdtle, sec.-treas.; Norman Schmidt, vice pres.
280	Pitt & Scott Corp., 51 Broadway (6).	W. R. Gorsuch, pres., treas., and director; V. A. Semmara, vice pres. sec. and director; Muritie E. Gorsuch, director.
655	Plaza Int'l Shippers Co. (Waldman A. Plaza, dba), 1271 Sixth Ave. (20).	Individual.
876	Pomerance Co., Inc., S. H., 11 Broadway (4).	Henry Schechter, pres; Irving Spitz, vice pres.
706	Porto Rican Express Co., 450 12th Avenue (18).	Pedro J. Bras, chairman of board; Armando Bras, treas.; Carlos Vazquez, director; Pedro J. Bras, Jr., pres.; Lee Hyde, director; Jose Camacho, vice pres.; Frank L. Ippolito, director; Judith Bras Vizcarando, sec.; Elisa Bras, asst. sec.
176	Powell Co., Inc., C. H., 1 Broadway (4).	Lillian E. Powell, pres., treas., and director; John S. Powell, vice pres.-director; Joseph P. Liss, sec.-director; Paul A. Powell, asst. sec. and director; Alfred E. Powell, director.
176	Powell Company, C. H., 141 Milk St. Boston, Mass.	Lillian E. Powell, pres., treas., and director; John S. Powell, clerk and director, Alfred E. Powell, director; Barbara A. Powell, director; Paul A. Powell, director; Peter H. Powell, director.
842	Premier Shipping Co., Inc., 115 Broad St. (4).	Vera E. Sattler, pres.; William A. Wieber, sec.; Mae E. McGettrick, treas.
817	Presto Shipping Agency, Inc., 88 Front St. (5).	Alfred Blank, pres. director; Ralph D. Blank, sec.-director; David Alter, director.
459	Progressive Forwarding, Inc., 24 Stone St. (4).	Warren Frankel, pres.-sec.; Peter L. Rosen, vice pres.-treas. (both also directors); Alice Frankel, director; Margot Rosen, director.

No.	Name and address	Officers
647	Pyramid Export Service Co., Inc., 7 Water St. (4).	Raymond A. Chinelis, pres.; Carlos L. Medina, vice pres.; Idalia Chinelis, sec.-treas.
568	Railway Express Agency, Inc., 219 East 42d St. (17).	W. B. Johnson, pres.; C. J. Jump, sr. vice pres.; J. G. Feeney, vice pres. exec. dept.; J. A. Warren, asst. to pres.; C. A. Brannan, sec.; A. R. Talntor, Jr., asst. sec.; Mrs. V. M. Stratenwerth, asst. sec.; R. A. Saner, vice pres.-cont.; A. V. Casey, vice pres.-treas.; C. A. Williams, asst. treas.; E. Seerup, vice pres.—Air Services; A. F. Arpala, vice pres.—Int'l Services; E. B. Hartley, vice pres.—Traffic; J. N. Meisten, vice pres.—Personnel; R. J. Fletcher, vice pres. and gen. counsel; R. C. Hendon, vice pres.—Operations; J. A. Papa, asst. vice pres.—Operations; N. R. Johnson, vice pres.—Eastern Region; G. C. Lace, vice pres.—Western Region; T. T. Moore, vice pres.—Southern Region; C. H. Campbell, vice pres.—Mountain-Pacific Region; E. J. Donald, regional manager; F. W. Krahn, regional manager; W. L. Eriksen, import-export agent; J. I. Barnes, director; F. E. Barnett, director; F. Carpi, director; A. F. Clarke, director; F. J. Conrad, director; C. M. Davison, Jr., director; W. M. Hoffman, director; W. B. Johnson, director; W. A. Johnston, director; R. S. Macfarlane, director; E. S. Miller, director; P. F. Osborn, director; C. E. Peterson, director; W. J. Quinn, director; R. G. Rydin, director; P. M. Shoemaker, director; J. R. Thorne, director.
624	Rapid World Forwarders, Inc., 86 Leonard St. (13).	Albert Otero, pres.-treas.; Nicholas B. Santangelo, vice pres.-sec.
570	Rediker Shipping Co., Inc., Harry, 281 Church St. (13).	Harry Rediker, pres.; Brenda Rediker, sec.
368	Regal Shipping Corp., Metro Shipping Corp., 24 Stone Street (4).	Walter Siegler, pres.-treas.; Gerda Siegler, sec.; Joseph P. Gelfand, asst. vice pres.; Reinaldo Valdes, vice pres.
369	Reney Forwarding Co., Inc., 104 Fifth Avenue (11).	Joseph Algava, pres.-director; Jerome Brlefner, sec.-director; Clara Waldeck, director.
292	Republic Intercocean Corp., 64 Worth St. (13).	W. R. Mote, pres.-director; M. Randazzo, vice pres.; T. R. Bartels, sec.-treas. and director; I. I. Goldberg, asst. sec. and director; J. J. Oberdorf, director.
76	Rex & Reynolds Co.—Partnership, 27 Park Place (7).	Eugene Arthur Roll, partner; Eugene Anthony Roll, partner.
249	Reyerson & Co., Inc., G. E., 5712 Eighth Ave., Brooklyn (20).	Gunvald E. Reyerson, pres.; Agnes Reyerson, sec.-treas.; Evelyn M. Reyerson, vice pres.
361	Reynolds & Puzon, Inc., 377 Broadway (13).	Quirino N. Puzon, pres., treas., and director; Dorothy R. Puzon, vice pres. - director; Paciano Yncleng, director.
363	River Plate & Brazil Shipping Co.—Partnership, 608 Fifth Ave. (20).	Alberto C. Grippo, partner; John M. Saiz, partner.
420	River Plate Shipping Corp., 135 East 42d St. (17).	Jose A. Terrile, pres.; Albert P. Severgnini, vice pres.; John J. Leighton, sec.
147	Riverside Forwarding Corp., 850 10th Ave. (19).	Harry Lerner, pres.-director; Michael Pegano, vice pres.-director; Mary Grace Sybil, treas.-sec. and director.
225	Robinson & Co., Inc., H. W., 55 Broadway.	James S. Engers, pres.-director; William E. Engers, vice pres.-director; Robert F. Healey, treas.-director; Eugene C. Holzapfel, director; Joseph Di Sano, sec.-director.
431	Rodgers Co., Inc., J. M., 44 Whitehall St. (4).	John Martin Rodgers, pres.-treas.; Edward John Grimes, vice pres.-sec.
375	Rohner, Gehrig & Co., Inc., 78 Front St. (5).	Fred. Gurzeler, pres.; Walter Hoegger, vice pres.; Louis Francis, sec.; Edmund Winkler, treas.; Pasquale Asolone, asst. sec.; J. A. Rohner, chairman of board.
731	Routed Thru-Pac, Inc., 350 Broadway (13).	Milton E. Polakoff, pres.-director; Donald E. Hillard, exec. vice pres. and director; Samuel N. Rubin, vice pres., treas., and director; Carl K. Reinach, sec.
42	S. & C. Forwarding Corp., 125 Broad St. (4).	Irving Bethell, pres.-treas.; Sylvia Bethell, vice pres.-sec.
210	Sada Trading Company—Partnership, 261 Broadway (7).	John Sada, partner; Edward A. Sada, partner.
555	Santos & Co., Inc., E. L., 7 Water St. (4).	Leonardo Santos, pres.; Dominick Medina, vice pres.; Sebastian Rodriguez, sec.
258	Saunders & Co., Inc., R. J., 44 Whitehall St. (4).	A. C. Priemer, pres.; Herbert J. Knox, vice pres.; J. W. Henkell, treas.; Robert C. Henkell, sec.
271	Schaefer & Krebs, Inc., 25 Broadway (4).	James E. Krebs, pres; Donald P. Krebs, vice pres.; Susan M. Krebs, sec.-treas.
877	Schmelder, Inc., B. Walter, 24 Stone St. (4).	B. Walter Schmeider, pres.; Phyllis Schmeider, sec.-treas.
71	Schroff & Associates, Inc., Karl, 44 Whitehall St. (4).	Karl W. Schroff, pres.-director; John E. Smith, vice pres.-director; Charles P. Brandt, vice pres.-director; Carmine D. Tolli, sec.-treas. and director.
160	Seaboard Forwarding Co., Inc., 27 Pearl St. (4).	Edward J. Lucas, pres.-director; Mary F. Lucas, vice pres.; Edward J. Lucas, Jr., treas. and director; John N. Criscitelli, sec. and director.
585	Seaborne Services, Inc., 67 Broad St. (4).	J. Cattier, Chairman-director; E. Heyrman, pres.-director; E. de Spirlet, vice pres.; E. Longeope, sec.; J. Graf, treas.; G. de Bary, asst. treas.; C. deBrouwer, director.
353	Sealr Co. (Enrique Diaz, dba), 11 Broadway (4).	Individual.
422	Sealr Forwarding Co., Inc., 15 William St. (5).	E. V. Costa, pres.-treas.; Berta Costa, vice pres.-sec.
283	Sea-Lanes Shipping Co., Inc., 26 Broadway (4).	Wm. A. Barta, pres.-director; Joseph A. Fanok, vice pres.; Joseph C. Santarelli, vice pres.; Herman Schwartz, treas.-director; Herman V. Traub, director.
139	Seven Brothers Int'l. Inc., The, 1405 Jerome Ave., Bronx (52).	Martin Santini, Sr., director; Godfrey F. Santini, director-exec. vice pres.; Martin L. Santini, director-vice pres.; Stephen Santini, director; Leo A. Santini, director-pres.; Zachary M. Santini, director-treas.; Dorothea Santini, director; Frank Toscani, director; Fred Ruther, director-sec.; Quentin Santini, director; Rinaldo Santini, director; Louis R. Santini, director; Albina Santini, director; George Mutterperl, asst. sec.
563	Seven Seas Mercantile Transport, Inc., 15 Moore St. (4).	Francis J. Calabro, pres.-sec.-treas., and director; Salvatore C. Aragona, vice pres. and director; Peter de Gaetano, director.
515	Silvey Shipping Co., Inc., 8 Bridge St. (1).	Alvin Silvey, sec.-treas.-director; Max Silvey, pres.-director; Mrs. Max Silvey, director; Mrs. Charlotte S. Marcus, director.
295	Skyline Shipping Corp., 366 Broadway (13).	Arthur Sherman, pres.-director; Sigmund A. Rolat, sec.-treas. and director; Rosa Sherman, director.
836	Smith Co., Inc., Theodore B., 24 State St. (4).	Elaine A. Smith, president; Henry J. Santoli, treas.; John W. Enfield, sec.; Elaine E. Barr, vice pres.
481	Smith & Co., Inc., W. O., 35 Water St. (4).	Herbert A. Byrne, pres.-treas.; Roger A. Massey, exec. vice pres.; Harold V. Byrne, vice pres.; Teresa Blanco, sec.
916	Smith Inter-Ocean, Inc., J. D., 50 Broadway (4).	Alfred R. Guttman, pres.; Bert R. Guttman, vice pres.-sec.; Wm. E. Angello, treas.; Bernard R. Guttman, asst. treas.; Lionel De Pass, asst. vice pres.
229	Snedeker Corporation, Milton, 44 Whitehall St. (4).	Sadie Snedeker, director; Lloyd Snedeker, pres.-treas., and director; Joseph R. Kuntz, vice pres.; Fred W. Lingen, sec.-director.
381	Sobel Shipping Co.—partnership, 11 Broadway (4).	Hyman Sobel, partner; Kurt Sommer, partner; Edward Tobias, partner.
832	Sopac Transport Corp., 95 Liberty St.	L. Broderick Fichtmann, pres.-director; Alvin P. Chester, vice pres.-director; Wm. R. Blackburn, sec.-treas. and director; Paul Taub, vice pres.; J. P. Martha, vice pres.; Jack C. Sklaire, director.
878	Sorrentino Shipping, Inc., 80 Broad St. (4).	Guy G. Sorrentino, Pres.-treas. and director; Irene M. Sorrentino, sec.-director; June L. Kenny, director.
657	Spartan Overseas Shipping Corp., 15 Moore St. (4).	Harold S. Abrams, pres.-sec.; Max Abrams, treas.; Rae Abrams, director.
11	St. John & Co., H. W., 18 Pearl St. (4).	Harry J. Smith, Jr., pres.; Goeffrey M. Footner, exec. vice pres.; H. D. St. John, vice pres.; H. D. St. John, Jr., vice pres.; Roberto Gutierrez, vice pres.; Richard Hofferman, treas.; Mildred A. Dvorak sec.
11	Associated Shipping Agencies, Ltd. 1511 K St. NW., Washington 5, D.C.	Harry J. Smith, Jr., pres.-treas.; Chas. P. DeRoche, vice pres.-sec.; Harry J. Smith, Jr., Director; Harold St. John, director; Chas. P. DeRoche, director.
11	Footner & Co., Inc., 5 South St. Baltimore 2, Md.	Roberto I. Gutierrez, pres. and director; Geoffrey M. Footner, vice pres. and director; Adelaide Hess, sec.-treas.; J. Paul Bright, Jr., director.
871	Sunrise Travel Bureau Inc., 195 Broome St. (2).	Solomon Moss, treas.-sec.; Isidore Rosenberg, pres.
315	Surface Freight Corp., 90 Broad St. (4).	Chester M. Mayer, chairman of board; Alvin B. Beck, director; Morton L. Deitch, director; Allen Russell, director; John E. Muhfeld, vice pres.—Sales; Stanley D. Ver Nooy, vice pres.—Traffic; Arthur D. Hussey, vice pres.—Administrative; Robert S. Johnstone, sec.-assist. treas.
315	Air Express Int'l Agency, Inc., 90 Broad St. (4).	Same officers as Surface Freight.
553	Surillo & Co., L. F.—Partnership, 149 Broadway (6).	Louis F. Surillo, pres.; Haydee Colon, vice pres.
711	Sutherland Int'l Despatch, Inc., 370 Lexington Ave. (17).	Andrew Kelly, pres.; Philip Nardiello, vice pres.; Mary Cooney, sec.
143	Taub, Hummel & Schnall, Inc., 26 Broadway (4).	Holand Reed Hummel, pres.; Joseph Schnall, sec.-treas.; George Leonard Kunen, vice pres.; Roland Reed Hummel, Jr., vice pres.; Morton Leon Shapiro, vice pres.

No.	Name and address	Officers
131	Terramar Shipping Co., Inc., 15 Moore St. (4).	Rolf Wartenberg, pres.-treas. and director; Hannah R. Wartenberg, vice pres., sec. and director; Gerald Meyer, director.
411	Thomson Jacobs & Moran, Inc., 42 Broadway (4).	Rodman L. Jacobs, pres.; Edith Jacobs, vice pres.; Harry H. Trachman, sec.-treas.
588	Tice & Lynch, Inc., 21 Pearl St. (4).	John A. Weber, pres.-director; Edgar A. Weber, vice pres., sec., and director; Muriel Weber, director.
661	Tidewater Forwarding Co., Inc., 350 Broadway (13).	Arthur Shapiro, pres.-treas.; Darwin W. Hach, vice pres.; Daniel R. Deandre, sec.
879	Timm & Son, Inc., C. H., 55 Broadway (6).	Charles H. Timm, Sr., pres.; Charles H. Timm, Jr., vice pres.; Hubert Hall, sec.-treas.
917	Tomas Shipping Co., Inc., 11 Broadway (4).	Rudolph R. Zeni, Jr., pres.; Winslow Manly, vice pres.; Otto Preucke, sec.-treas.
841	Tomkins & Son, Inc., J. E., 10 Ferry St. (38).	J. E. Tomkins, Sr., pres. and director; Felix Balletto, vice pres.; John E. Tomkins, Jr., sec.-director; Robert A. Rath, treas.-director.
452	Tone Forwarding Corp., 370 Greenwich St. (13).	Louis Tone, pres.-treas.; Dorothy Tone, vice pres.-sec.
825	Torello & Company, Ralph, Partnership, 8 Bridge St. (4).	Rafael Torello, partner; Ana S. Torello, partner.
264	Traffic Co-Ordinators, Inc., 43 Clarkson St. (14).	John H. Jacobs, Sr., pres.; John H. Jacobs, Jr., treas.; Wm. D. Jacobs, sec.
701	Transconst, Inc., 26 Broadway (4).	Leslie Geiger, pres., treas., and director; Elisabeth Geiger, vice pres., sec., and director; Mathias Kovacs, director.
159	Trans International Forwarders, Inc., 82 Beaver St. (5).	Angelo A. Del Giudice, pres.-treas.; Judith D. Del Giudice, vice pres.-sec.
697	Transport Masters Int'l, Inc., 44 Whitehall St. (4).	Fritz G. Biedermann, pres.-treas.; Margaret Biedermann, sec.; Warren R. Melching, vice pres.
556	Triangle Forwarding Corp., 125 Broad St. (4).	Theodore R. Greene, pres.; Frederick P. Markowitz, sec. and treas.; Milton Swartz, vice pres.
723	Unger, Inc., Harold S., 24 Stone St. (4).	Harold S. Unger, pres.; Jacob Unger, vice pres.; Sarah Unger, sec.-treas.
741	United Cargo Corp., 563 West 35th St.	Isaac Charehat, pres.-director; Gordon Pohl, treas.-director; Arthur Moses, vice pres.-director; Samuel A. Kreis, vice pres., director; Robert R. Kreis, sec.-director; Philip Pohl-director.
509	United Forwarders Service, Inc., 51 Beaver Street (4).	Hans O. Tischer, pres.; Joseph Adasko, vice pres.-treas.; A. Benson, sec.; Mrs. Hans O. Tischer, vice pres.; Mrs. Joseph Adasko, vice pres.
387	United Shipping Corp., 24 State Street (4).	Herbert A. Kadel, pres.-treas.; Catherine Kadel, sec.; Adelaide C. Liebich vice pres. and gen. manager.
12	United States Forwarding Corp., 24 State St. (4).	James F. Towers, chairman-director; Donald G. Beaton, pres.-director; Tela Suss, sec.-treas. and director.
732	Universal Transport Corp., 125 Broad St. (4).	Bert Wagenberg, pres.-director; Manfred Joel, treas.-director; Joseph Barsony, sec.; Devora Wagenberg, director; Mathilde Joel, director.
385	Uno Shipping Co., Inc., 50 New Street (4).	Joseph Wechsler, pres.-director; Allan Ellsofon, sec.-treas. and director; Lillian Wechsler, director.
541	Unsworth & Co., Inc., 26 Broadway (4)	Colin E. Unsworth, Jr., pres.; Anton Burgbart, vice pres.; Sidney Unsworth, sec.; M. D. Unsworth, treas.
483	Vairon and Company, Inc., 17 Battery Place (4).	Rene G. Baisier, pres.-sec.; Andre Vairon, vice pres.-treas.; Margaret T. Baisier, 2d vice pres.
814	Van Oppen & Co., 8-10 Bridge St. (4).	Paul Mellmann, pres.; Samual A. Briggs, Jr., vice pres. and treas.; Samuel A. Briggs, Sr., vice pres.; Michael A. Sosa, sec.; Marion Bloom, asst.sec.
370	Vandergrift Forwarding Co., Inc., 29 Broadway (6).	Ernest A. Pick, pres.; Isador Scher vice pres.-sec.; Joseph M. Garcia, vice pres.; Edward H. Stern, Director.
135	Victory Shipping Co., Inc., 8-10 Bridge St. (4).	William Proksch, pres.; Hertha Proksch, Treas.; William Proksch, Jr., sec.
372	Vila, Inc., Henry, 60 East 42d St. (17).	Henry Vila, pres.-vice pres.; Eleanor Vila, sec.-treas.
834	Wall Shipping Co., Inc., 55 Broadway (6).	Robert H. Wall, pres.; Walter J. Wall, vice pres.; Beryl Wall, sec.-treas.
53	Ward & Company, Inc., J. L., 92 Liberty St. (6).	Frederick S. Caciel, pres. and treas.; Ida Caciel, sec.
889	Wedemann & Godknecht, Inc., 3 State St. (4).	Erwin Wedemann, pres. and director; Eugene Bolter, vice pres., treas., and director; Henry H. Buba, director.
889	Wedemann & Godknecht, Inc., 101 East Redwood St., Baltimore, Md.	Erwin Wedemann, pres.-director; Eugene Bolter, vice pres., treas., and director; Henry H. Buba, director.
228	Weisel and Co., M.—Partnership, 1140 Broadway.	Mortimer Weisel, partner; Howard J. Wechsler, partner.
830	White, Inc., Gordon W., 17 Battery Place (4).	Joseph A. Martucci, pres., vice pres., and director; Fred W. Muller, sec.-treas. and director; Leslie W. Slow, director.
612	Williams Forwarding Co., Inc., 1667 Broadway (17).	Della Lorenzo, pres.; Mildred F. Berger, sec.-treas.; Samuel Berger, vice pres.
224	Wilson's American Co., Inc., 82 Wall St. (5).	Torsten Forsberg, pres.-treas.; Beatrice Forsberg, vice pres. and sec.; Sonja Garbutt, asst. sec.
513	Wolf & Gerber, Inc., 26 William St. (5).	Fred L. Wolf, pres., treas., and director; Max Gerber, vice pres., sec., and director; Ernest G. Wohlwill, vice pres.; Herbert K. Alexander, director.
815	Wood, Niebuhr & Co.—Partnership, 80 Broad St. (4).	Frank M. Braisted, partner; Donald Kroos Braisted, partner; Joseph Francis Jacovina, partner.
81	Wood Shipping Co., Inc., J. H., 30 Whitehall St. (4).	Mrs. Joseph B. Wood, vice pres.-director; Joseph H. Wood, pres.-director; Albert E. Arditti, treas.-director; Thomas H. Barber, sec.-director.
480	World Wide Services, Inc., 95 Broad St. (4).	Joel R. Rhoades, pres.; David D. Muller, treas.; Charles F. Muller, sec.; Henry J. Muller, vice pres.; Jack Colligan, vice pres.; Matthew K. Fitzgerald, vice pres.
820	X-Presso Parcel Service, Inc., 796 Southern Blvd., Bronx (55).	Consuelo Maliviz, pres.; Ignacio Cantero, sec.
439	York Forwarding Corp., 59 Pearl St. (4).	Nora T. McDonnell, pres.-sec.; William Otero, sec.
493	York Shipping Corp., 225 West 34th St. (1).	Harriet P. Nozick, pres.; Murray H. Nozick, sec.-treas.
656	Young, Inc., Daniel F., 44 Whitehall St. (4).	Joseph G. Kearns, pres.; Edward A. Cosgrove, vice pres.; James M. Nealon, vice pres.; Joseph A. Frank, sec.-treas.; Franlyn P. Fisher, asst. treas.
393	Young & Glenn, Inc., 26 Broadway (4).	Andrew J. Whiteley, pres.; H. Holecek, vice pres.; Joseph R. Cannata, treas.
393	Nyos, Inc., 26 Broadway (4).	Andrew J. Whiteley pres.; H. Holecek, vice pres.; Joseph R. Cannata, treas.
838	Zenith Overseas, Inc., 3 Spruce Street.	Albert J. Okas, pres.; Jules J. Elson, treas.-director; Ruth J. Elson, sec.-director; Solomon Janow, director.

Dated: July 12, 1962.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 62-7038; Filed, July 19, 1962; 8:45 a.m.]

UNITED STATES LINES CO. ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8902, between United States Lines Company and the carriers comprising the Wilh. Wilhelmsen Line joint service, covers a through billing arrangement for the transportation of wool, sheepskins, rabbitskins and kangarooskins from ports in Western Australia to U.S. Atlantic and Gulf ports, with transhipment at Adelaide and/or Melbourne, Australia.

Agreement 8735, between the United States Lines Company and Compania Transatlantica Espanola, S.A., and Compania Espanola de Navegacion Maritima, S.A., operating between U.S. Atlantic coast ports and Spanish Atlantic ports from the northern border of Portugal to the southern border of France provides for discussion and agreement as to the rates, terms and conditions of the carriage of cargo between the aforementioned areas.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Commission.

Dated: July 17, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-7107; Filed, July 19, 1962; 8:52 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Claim No. 44053]

GIOANTONIO FRAMARIN ET AL.

Amended Notice of Intention To Return Vested Property

The Notice of Intention To Return Vested Property to Gioantonio Framarin, which was published in the FEDERAL REGISTER on December 22, 1961 (26 F.R. 12270), is hereby amended by deleting therefrom under the headings "Claimant" and "Property and Location" the following:

Gioantonio Framarin, a/k/a Giovanni Pasca, Gambellara, Vicenza, Italy. $454.98 in the Treasury of the United States.

and substituting in place thereof the following:

Francesco Framarin, Gambellara, Vicenza, Italy. $64.99 in the Treasury of the United States.

Rosa Framarin, Gambellara, Vicenza, Italy. $64.99 in the Treasury of the United States.

Domenico Framarin, Gambellara, Vicenza, Italy. $64.99 in the Treasury of the United States.

Maria Framarin, Gambellara, Vicenza, Italy. $64.99 in the Treasury of the United States.

Girolamo Framarin, Gambellara, Vicenza, Italy. $64.99 in the Treasury of the United States.

Elisa Framarin, Gambellara, Vicenza, Italy. $64.99 in the Treasury of the United States.

Serafina Zonin, Gambellara, Vicenza, Italy. $32.50 in the Treasury of the United tSates.

Maria Pia Zonin, Gambellara, Vincenza, Italy. $32.50 in the Treasury of the United States.

All other provisions of said Notice of Intention To Return Vested Property and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto, and under the authority thereof, are hereby ratified and confirmed.

Executed at Washington, D.C., on July 16, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62-7067; Filed, July 19, 1962; 8:45 a.m.]

[Claim Nos. 66390, 66469]

TONI NEUMANN POWERS ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Toni Neumann Powers, 97-40 62d Drive, Rego Park 74, New York; $367.49 in the Treasury of the United States. Claim No. 66469. Vesting Order No. 4784

Piet Lubbert Dijk, Administrator of the Estate of Thomas Bernhard, deceased, 416 Keizersgracht, Amsterdam, The Netherlands; $1,286.23 in the Treasury of the United States, for the benefit of Henrietta Neumann Schneeburg ($367.49); Frieda Schrieber ($367.49); Leo Arje Neumann ($183.75); Else Helene Koch Neumann ($183.75) and Bertha Brigitte Neumann ($183.75).

Johanna Neumann Rodell, 2727 Estado Street, Pasadena 8, California; $367.49 in the Treasury of the United States.

Martha Neumann Grünthal Rodell, 11 Ramona Street, San Francisco 3, California; $367.49 in the Treasury of the United States.

Felix Neumann, 35-50 78th Street, Jackson Heights, Long Island, New York; $367.49 in the Treasury of the United States.

Moritz Neumann, c/o Mrs. Irene Hellman, 175 Claremont, New York 27, New York; $367.49 in the Treasury of the United States.

Gunther Neumann, 11th and Pine, Rolla, Missouri; $183.75 in the Treasury of the United States. Claim No. 66390. Vesting Order No. 4784.

Executed at Washington, D.C., on July 13, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62-7066; Filed, July 19, 1962; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 11, 1962.

The Federal Aviation Agency has filed an application, Serial Number A. 056795 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws but excepting the disposal of materials under the Materials Act. The applicant desires the land for use as a site for construction of housing and shop facilities to support a VORTAC site.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Cordova Building, 555 Cordova Street, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BIG LAKE AREA

T. 17 N., R. 4 W., S.M.,
Sec. 14: Lot 31.

Containing 5.00 acres.

ROBERT J. COFFMAN,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 62-7079; Filed, July 19, 1962; 8:48 a.m.]

[California No. C1-1]

CALIFORNIA

Small Tract Classification Order

JUNE 22, 1962.

1. Pursuant to authority delegated to me by the California State Director, Bureau of Land Management, under Document 62-3331, Volume 27 FEDERAL REGISTER, page 3297, April 6, 1962, I hereby classify the following described public land, totaling approximately 40 acres in Kern County, California as suitable for title transfer under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

MOUNT DIABLE MERIDIAN

T. 32 S., R. 35 E.,
Section 22: SE¼SE¼.

Containing 40 acres, subdivided into 16 tracts, of which five tracts are covered by applications from persons entitled to preference under 43 CFR 257.5 (a).

2. Classification of the above described lands, by this order segregates them from all forms of appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The tracts lie on the southeastern slopes of the Sierra Nevada Mountains approximately 6 miles northwest of Mojave, California. Access to the lands is by improved and unimproved dirt roads running northerly from U.S. Highway 466.

The majority of the land is relatively level to undulating and slopes to the south and southeast, 3 to 5 percent in grade. Dry washes drain southeasterly across the land. The soil is coarse, rocky sand and sandy loam. The vegetation consists of cresote bush, desert sages, yucca, annual grasses and scattered Joshua Trees.

Culinary water is not available from any presently developed sources. Business, educational, recreational, and other public facilities are available at the town of Mojave.

4. The individual tracts are rectangular in shape, 330 feet by 330 feet, containing 2½ acres. The appraised value of each tract is $500. The tracts will be subject to all existing rights-of-way and to rights-of-way for road purposes and public utilities as described below. All minerals in the lands will be reserved to the United States.

Item No.	Description	Acreage	Location of right-of-way	Appraised value per tract
1	NE¼NE¼SE¼SE¼	2½	55 feet along east boundary 33 feet along north boundary	$300
2	NW¼NE¼SE¼SE¼	2½	33 feet along north boundary	500
3 [1]	SW¼NE¼SE¼SE¼	2½	33 feet along south boundary	500
4	SE¼NE¼SE¼SE¼	2½	55 feet along east boundary 33 feet along south boundary	500
5	NE¼NW¼SE¼SE¼	2½	33 feet along north boundary	500
6	NW¼NW¼SE¼SE¼	2½	33 feet along north boundary	500
7 [1]	SW¼NW¼SE¼SE¼	2½	33 feet along south boundary	500
8 [1]	SE¼NW¼SE¼SE¼	2½	33 feet along south boundary	500
9	NE¼SW¼SE¼SE¼	2½	33 feet along north boundary	500
10	NW¼SW¼SE¼SE¼	2½	33 feet along north boundary	500
11 [1]	SW¼SW¼SE¼SE¼	2½	55 feet along south boundary	500
12	SE¼SW¼SE¼SE¼	2½	55 feet along south boundary	500
13	NE¼SE¼SE¼SE¼	2½	55 feet along east boundary 33 feet along north boundary	500
14	NW¼SE¼SE¼SE¼	2½	33 feet along north boundary	500
15	SW¼SE¼SE¼SE¼	2½	55 feet along south boundary	500
16 [1]	SE¼SE¼SE¼SE¼	2½	55 feet along south boundary 55 feet along east boundary	500

[1] Denotes tracts to be offered to statutory preference applicants.

5. The statutory preference applicants will be offered the designated tracts by direct sale at the appraised value. Tracts not covered by statutory preference applications, and those not taken by the statutory preference applicants, will be offered at public auction by the Manager, Riverside Land Office.

6. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract at the auction unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

7. Inquiries concerning these lands shall be addressed to the Manager, Land Office, 1414 8th Street, P.O. Box 723, Riverside, California.

DERREL S. FULWIDER,
Acting District Manager,
District Office, Bakersfield, Calif.

[F.R. Doc. 62-7077; Filed, July 19, 1962; 8:47 a.m.]

OREGON

Redelegation of Authority

JULY 13, 1962.

Pursuant to authority contained in section 1.1(a) of Bureau Order No. 684 (26 F.R. No. 2816, August 28, 1961), I hereby authorize the following employees to perform the functions listed below which are delegated to me:

The District Managers in the State of Oregon may perform the functions listed in section 1.5(a), Classification of lands.

Notwithstanding this delegation, the Chief, Division of Lands and Minerals Management and the Chief, Branch of Lands Management, are hereby authorized to perform the functions listed above.

The above delegation shall become effective August 1, 1962.

RUSSELL E. GETTY,
State Director.

[F.R. Doc. 62-6609; Filed, July 19, 1962; 8:45 a.m.]

[W-0183810]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

JULY 11, 1962.

The Bureau of Land Management has filed an application, serial number Wyoming 0183810, for the withdrawal of the lands described below, subject to valid and existing rights, from all forms of appropriation except applications under the Recreation and Public Purposes Act of June 14, 1926, as amended. The proposed withdrawal, if approved, will preclude locations under the mining laws for nonmetalliferous materials. The lands will continue to be open to exploration, discovery, occupation and purchase under the mining laws so far as the same apply to metalliferous materials. Disposal of materials under the Materials Act of July 31, 1947, as amended, and of leasable materials and nonmineral resources under appropriate leasing laws will be permitted.

The purpose of the proposed withdrawal is classification and in aid of legislation under authority of the Act of June 25, 1910 (43 U.S.C. 141-143), as amended. The applicant desires to preserve these lands for the use and enjoyment of the public for recreational pursuits pertaining to petrified materials.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the State Director, Bureau of Land Management, Department of the Interior, P.O. Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will held at a convenient time and place which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 51 N., R. 80 W.
Sec. 31: SE¼NW¼, S½NE¼NW¼, S½NW¼NE¼, N½SW¼NE¼.

Containing 100 acres.

ED PIERSON,
State Director.

[F.R. Doc. 62-7080; Filed, July 19, 1962; 8:48 a.m.]

[No. 62-17]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

JULY 3, 1962.

The Assistant Secretary, United States Department of Agriculture, has filed an application, Serial No. Oregon 012268, for the withdrawal of the lands described below, subject to valid existing rights, from location and entry under the general mining laws only.

The applicant desires the land for the purpose of conserving, developing, and making accessible for the inspiration, enjoyment, and use of all American people of present and future generations the recreational and scenic resources of the area.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 N.E. Holladay, Portland 12, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

SIUSLAW NATIONAL FOREST

The Oregon Dunes Recreation Area

T. 17 S., R 12 W.,
Sec. 15: Lots 3 and 4;
Sec. 21: Lots 1, 2, 3, and 4;
Sec. 22: SW¼NE¼, W½, W½SE¼;
Sec. 26: W½W½;
Sec. 27: S½NE¼, SW¼NW¼, W½SW¼, NE¼SE¼, E½NW¼SE¼, E½E½W½NW¼SE¼, S½SE¼;
Sec. 28: Lots 3 and 4;
Sec. 33: Lots 1, 2, E½SE¼;
Sec. 34: E½NE¼NE¼, W½NW¼NE¼, SW¼NE¼, W½SW¼NE¼NW¼, W½NW¼, W½W½SE¼NW¼, SW¼, S½NW¼NW¼SE¼, SW¼NW¼SE¼, S½SE¼;
Sec. 35: N½NW¼.
T. 19 S., R. 12 W.,
Sec. 3: W½SW¼;
Sec. 4: All;
Sec. 5: Lots 1, 2, and 3;
Sec. 8: Lots 1, 2, 3, and 4;
Sec. 9: All;
Sec. 10: Lots 2, 3, 4, 8, 10, NW¼NW¼;
Sec. 15: Lot 1, NW¼NW¼, S½NW¼, N½SW¼;
Sec. 16: E½NE¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 17: Lots 1, 2, 3, and 4;
Sec. 20: Lots 1, 2, 3, and 4;
Sec. 21: All;
Sec. 22: NW¼, N½SW¼, SW¼SW¼;
Sec. 28: All;
Sec. 29: Lots 1, 2, 3, 4, E½E½;
Sec. 32: Lots 1, 5, 6, 7, 8, 9;
Sec. 33: Lots 1, 2, 3, 9, 10, 11, 12, 13, 15, N½NW¼SW¼NE¼, N½NW¼, S½S½.
T. 20 S., R. 12 W.,
Sec. 4: Lots 1, 3, 4, 5, N½NW¼, SW¼NW¼;
Sec. 5: Lots 2, 4, 5, 6, SE¼NE¼, N½SE¼, SW¼SE¼;
Sec. 8: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, W½E½;
Sec. 17: Lots 1, 2, 3, 4, NW¼NE¼, E½W½, S½SE¼;
Sec. 19: Lots 1, 2, 3, and 4;
Sec. 20: Lots 1, 2, 5, NW¼NE¼, N½NW¼, SW¼NW¼;
Sec. 29: Lots 1, 2, 4, SW¼, SW¼NW¼, W½SE¼NW¼, SE¼SE¼NW¼, W½W½NE¼SE¼NW¼;
Sec. 30: Lots 4, 5, and 6;
Sec. 31: Lots 1, 2, 3, 4, E½SE¼;
Sec. 32: W½NE¼, NW¼.
T. 21 S., R. 12 W.,
Sec. 5: Lots 3, 4, S½NW¼, SW¼;
Sec. 6: Lots 2, 3, 4, 5, 6, 7, 8, and 9;
Sec. 7: Lots 1, 2, 3, 4, 5, 6, and 7;
Sec. 8: W½;
Sec. 17: Lots 5, 6, 7, 8, 9, and 10;
Sec. 18: Lots 1, 2, 3, 4, 5, 6, 7, NE¼NE¼, SW¼NE¼, W½W½NW¼NE¼, E½W½, S½SE¼;
Sec. 19: Lots 4, 5, 6, W½NE¼, E½NW¼, SW¼;
Sec. 30: Lots 1, 2, 3, 4, W½;
Sec. 31: Lots 1, 2, 3, 4, SW¼NE¼, W½, NW¼SE¼.
T. 21 S., R. 13 W.,
Sec. 24: Lot 1;
Sec. 25: Lots 1, 2, 3, and 4.
T. 23 S., R. 13 W.,
Sec. 1: Lots 3, 4, S½NW¼, SW¼;
Sec. 2: Lots 1, 2, 3, 4, 5, 6, S½NE¼, SE¼SW¼, SE¼;
Sec. 10: Lot 1;
Sec. 11: Lots 1, 2, E½, E½W½, W½SW¼;
Sec. 12: All.
Sec. 13: NW¼NE¼, SE¼NE¼, NE¼NE¼ excepting 6.94 acres patented, Exchange Survey No. 256 (01389), described as follows: Beginning at a point 300 feet due south and 100 feet due west of the section corner common to sections 7 and 18, T. 23 S., R. 12 W., and sections 12 and 13, T. 23 S., R. 13 W., W.M., thence due west 250 feet to a point on the west boundary of the Roosevelt Highway right-of-way, thence along the west boundary of said highway on a curve to the right with a radius of 2,322.0 feet for a distance of 945.47 feet to the junction of the right-of-way of the Lakeside County Highway, thence due east 510.5 feet, thence due north 865.4 feet to the point of beginning; N½NW¼, SW¼NW¼;
Sec. 14: N½NE¼, SE¼NE¼, N½NW¼, SW¼NW¼, N½SE¼, SW¼SE¼, SE¼SE¼SE¼;
Sec. 15: Lots 1, 2, 3, and 4;
Sec. 22: Lots 1, 2, 4, SE¼NE¼, E½SE¼;
Sec. 23: E½NE¼NE¼, SE¼NW¼NE¼NE¼, NE¼SW¼NE¼NE¼, S½SW¼NE¼NE¼, W½NE¼, SE¼NE¼, E½NW¼, SW¼NW¼, SW¼, E½E½NW¼SE¼, SW¼SE¼NW¼SE¼;
Sec. 26: NW¼, NW¼SW¼, E½E½SW¼SW¼;
Sec. 27: Lots 1, 2, 3, 4, E½;
Sec. 33: Lots 1, 2;
Sec. 34: Lots 1, 2, NE¼, E½NW¼, SW¼, W½SE¼.
T. 24 S., R. 13 W.,
Sec. 3: Lots 2, 3, 4, SW¼NW¼, W½SW¼;
Sec. 4: Lots 1, 2, 3, 4, E½SE¼;
Sec. 9: Lots 1, 2, 3, N½NE¼, SW¼NE¼, W½SE¼;
Sec. 10: N½NW¼, SW¼NW¼, SW¼;
Sec. 15: SW¼NE¼, W½NW¼, W½SE¼;
Sec. 17: Lot 1;
Sec. 20: Lots 1, 2, 3, 4, SE¼SE¼;
Sec. 21: W½;
Sec. 27: Lots 5, 6, 7, 8, W½W½;
Sec. 28: NW¼SW¼, SE¼SE¼;
Sec. 29: Lots 1, 2, 3, NE¼, W½SE¼;
Sec. 31: Lots 1 and 2;
Sec. 32: Lots 1, 2, E½, E½NW¼, W½SW¼;
Sec. 33: All;
Sec. 34: W½NW¼.

The areas described aggregate approximately 21,124.82 acres.

GARTH H. RUDD,
Acting State Director.

[F.R. Doc. 62-7027; Filed, July 18, 1962; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MINNESOTA AND NEW JERSEY

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the States of Minnesota and New Jersey natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MINNESOTA

Big Stone.	Traverse.
Koochiching.	

NEW JERSEY

Hunterdon.	Sussex.
Morris.	Warren.
Somerset.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 16th day of July 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-7101; Filed, July 19, 1962; 8:51 a.m.]

NORTH CAROLINA AND SOUTH CAROLINA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the States of North Carolina and South Carolina natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NORTH CAROLINA

Edgecombe.	Pender.
Greene.	Sampson.
New Hanover.	Wayne.

SOUTH CAROLINA

Beaufort.	Charleston.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 16th day of July 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-7102; Filed, July 19, 1962; 8:51 a.m.]

OKLAHOMA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the State of Oklahoma natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

OKLAHOMA

Beckham.	
Greer.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 16th day of July 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-7103; Filed, July 19, 1962; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13292]

ALLEGHENY, BATH, COVINGTON, CLIFTON FORGE VIRGINIA AIRPORT COMMITTEE

Notice of Prehearing Conference

In the matter of the petition of Alleghany, Bath, Covington, Clifton Forge Virginia Airport Committee under section 401 of the Federal Aviation Act of 1958, as amended, for scheduled air transportation of persons, property and mail between Hot Springs, Virginia, on the one hand and Roanoke, Virginia, Staunton, Virginia, Charlottesville, Vir-

ginia, and Washington, D.C., on the other and/or for such other relief as may appear required.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on July 31, 1962, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner James S. Keith.

Dated at Washington, D.C., July 17, 1962.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 62-7109; Filed, July 19, 1962; 8:52 a.m.]

[Docket No. 13785; Order E-18601]

WESTERN AIR LINES, INC.

Carrier Liability; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of July 1962.

By tariff revisions filed June 18, 1962, to become effective July 20, 1962, Western Air Lines, Inc., proposes to add a provision to its tariff rules which states that it shall not be liable for loss or damage if Western "* * * is unable to provide previously confirmed space, with or without notice to the passengers holding tickets on such flight."[1] Western also proposes to amend Rule 7 of the same tariff to change the time the ticket is to be presented for refund from 24 hours to 2 hours prior to scheduled departure time of the flight covered by such ticket.

The Board has decided on its own initiative to investigate the lawfulness of Rule 6. We find that by its terms, the proposed liability rule would absolve the carrier from liability even though damage may be caused by the carrier's own negligent or willful act. A tariff rule containing such blanket immunity appears to be in derogation of the responsibilities of a carrier at common law,[2] and, consequently, contrary to the public interest.[3]

Accordingly, pursuant to the provisions of the Federal Aviation Act of 1958, particularly sections 102, 204(a), 403, 404, and 1002 thereof: *It is ordered*, That:

1. An investigation is instituted to determine whether the provisions of Rule 6 on 2d Revised Page 3 of Western Air Lines, Inc., C.A.B. No. 20 are, or will be, unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and, if found to be so, to determine and prescribe the lawful provisions.

2. Pending such investigation, hearing, and decision by the Board, Rule 6 on 2nd Revised Page 3 of Western Air Lines, Inc. C.A.B. No. 20 is suspended and its use deferred to and including October 17, 1962, unless otherwise ordered by the Board and no changes be made therein during the period of suspension except by order or special permission of the Board.

3. This investigation will be set for hearing before an Examiner of the Board at a time and place hereafter to be designated.

4. A copy of this order shall be filed with the aforesaid tariff and shall be served upon Western Air Lines, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-7111; Filed, July 19, 1962; 8:52 a.m.]

[Docket No. 13203 etc.; Order E-18602]

AMERICAN AIRLINES, INC., ET AL.

Reduced Freight Rates; Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of July 1962.

By tariffs marked to become effective July 20, 1962, rate reductions are proposed in various markets on florist and nursery stock; electronic machines; and fruits and vegetables. These proposals have been filed by one or more of the following: American Airlines, Inc. (American), The Flying Tiger Line Inc. (Tiger), Trans World Airlines, Inc. (TWA) and United Air Lines, Inc. (United). No complaint has been filed against these tariffs.

American and United propose to reduce their rates on florist stock to the current levels for nursery stock from Los Angeles to Chicago, Cleveland and New York. The reductions would be effected by replacing higher rated commodity group 379 which covers only nursery stock with lower rated group 380 which includes both nursery[1] and florist stock.

American, TWA and United propose reductions on eastbound rates on electronic machines (group 276) from Los Angeles to Chicago, Cleveland and New York, and from San Francisco to Boston, Chicago and Cleveland. These reductions would range up to 42 percent.

Tiger proposes to reduce its rate on fruits and vegetables (groups 295 and 470) at the 10,000 pound weight break from San Francisco to Philadelphia. This proposal would reduce the current rate by 31 percent.

A number of the proposed eastbound rates on florist stock and electronic machines are either equal to or below the rates of Tiger under investigation in Docket 13203, et al. Upon consideration of the matters of record the Board finds that these rates may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and should be investigated. Since the identical rates of Tiger are now in effect we will not suspend the foregoing proposals, but will order their investigation and consolidate it with the pending investigation in Docket 13203, et al.

The Board has concluded that the rate proposed by Tiger on fruits and vegetables (groups 295 and 470) from San Francisco to Philadelphia may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and should be investigated. This proposal constitutes a sharp reduction from the current rate and results in the low yield of 6.7 cents per ton-mile. Notwithstanding the extent of this reduction, we have concluded that it should not be suspended because it appears to permit a level of rates for the same commodities from San Francisco to Philadelphia which is comparable to those which Tiger has in effect from San Francisco to other major eastern markets.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof: *It is ordered*, That:

1. An investigation is instituted to determine whether the rates and provisions for the commodities and markets described in Appendix A hereto,[2] including subsequent revisions and reissues thereof, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and if found to be unlawful, to determine and prescribe lawful rates and provisions.

2. This investigation is consolidated with the proceeding entitled The Flying Tiger Line Rate Cases, Docket 13203, et al.

3. Copies of this order shall be served upon American Airlines, Inc., The Flying Tiger Line Inc., Trans World Airlines, Inc., and United Air Lines, Inc., and upon all other parties in Docket 13203, et al.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-7110; Filed, July 19, 1962; 8:53 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14708, 14709; FCC 62-742]

ALFRED RAY FUCHS AND C. M. ROUSE

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Alfred Ray Fuchs, Grants, New Mexico, requests: 560 kc, 500 w, Day, Class III, Docket No. 14708, File No. BP-14516; C. M. Rouse, Milan, New Mexico, requests: 560 kc, 500 w, Day, Class III, Docket No. 14709, File No. BP-15049; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 13th day of July 1962,

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The proposals are mutually exclusive.

2. The geographical coordinates specified in the Fuchs proposal do not accurately describe the location of proposed antenna site indicated by this applicant's exhibit. As a result, a question obtains as to whether the proposed site is satisfactory and whether the proposed tower construction would create an aeronautical hazard.

3. The Fuchs application does not provide data to determine the areas within the .5 and 2 mv/m contours and the population data submitted appears to be in error.

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and population which would receive primary service from the proposals of Alfred Ray Fuchs and C. M. Rouse and the availability of other primary service to such areas and populations.

2. To determine whether the geographical coordinates specified in the instant application of Alfred Ray Fuchs accurately describe the location of the proposed antenna site.

3. To determine whether the antenna site proposed by Alfred Ray Fuchs is satisfactory in accordance with the provisions of § 3.188(b) of the Commission rules, and, if not, whether circumstances exist which would warrant a waiver of the said section.

4. To determine whether there is a reasonable possibility that the tower height and location proposed by Alfred Ray Fuchs would constitute a menace to air navigation.

5. To determine in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

6. To determine, in the event it is concluded that a choice between the instant applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicants ability to own and operate the proposed station.

(b) The proposals of each of the instant applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the instant applications.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That the Federal Aviation Agency is made a party to the proceeding.

It is further ordered, That, in the event or a grant of either application, the construction permit shall contain the following condition: Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants here shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing (either individually or, if feasible, jointly), within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 17, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7113; Filed, July 19, 1962; 8:54 a.m.]

[Docket No. 14705; FCC 62-740]

GULF SOUTH BROADCASTERS, INC.

Order Designating Application for Hearing on Stated Issues

In re application of Gulf South Broadcasters, Inc., Houma, Louisiana, requests: 1010 kc, 500 w, DA-D, Class II, Docket No. 14705, File No. BP-14380; for construction permit.

At a session of the Federal Communications Commission held at its office in Washington, D.C., on the 13th day of July 1962;

The Commission having under consideration the above-captioned and described application;

It appearing that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

A. The proposal of Gulf South Broadcasters, Inc. (BP-14380) causes interference to and receives interference from existing standard broadcast stations:

1. Gulf South Broadcasters' proposal would cause interference to Station WJMR, New Orleans, Louisiana (990 kc, 250 w, Day, Class II), and Station KDLA, DeRidder, Louisiana (1010 kc, 1 kw, D, Class III).

2. The proposal would receive interference from Stations KLDA, supra, WMOX, Meridian, Mississippi ((CP) 1010 kc, 1 kw, 10 kw-LS, DA-2, U, Class II) and WINQ, Tampa, Florida (1010 kc, 50 kw, DA-D, Class II).

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from Gulf South Broadcasters, Inc., and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of Gulf South Broadcasters,

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[1] Rules 6(A) and 6(B), appearing on 2d Revised Page 3 of Western's C.A.B. No. 20, Local Thrift Air Fare of $12.95 between Los Angeles and San Francisco.

[2] U.S. v. Atlantic Mutual Insurance Co., 343 U.S. 236, 239 (1952).

[3] Order E-18064, March 1, 1962, page 3 of mimeographed order.

[1] Nursery stock as described in group 380 covers a wide range of items and includes many types of nursery stock not listed in the itemized description of the presently effective nursery stock group 379. For these new items the rates now in effect are the general commodity rates which are higher than those of either old nursery stock group 379 or proposed nursery stock group 380.

[2] Filed as part of the original Document.

Inc., would cause objectionable interference to Stations WJMR and KDLA or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether interference received from Stations KDLA, WMOX and WINQ would affect more than 10 percent of the population within the normally protected primary service area of the instant proposal in contravention of § 3.28(d) (3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

4. To determine whether overlap of the 2 and 25 mv/m contours would occur between the instant proposal of Gulf South Broadcasters, Inc., and Station WJMR in contravention of § 3.37 of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said Section.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That Supreme Broadcasting Company, Inc., and Sabine Broadcasting Company, licensees of Stations WJMR, New Orleans, Louisiana and KDLA, DeRidder, Louisiana respectively, are made parties to the proceeding.

It is further ordered, That, in the event of a grant of the instant application, the construction permit shall contain the following conditions:

This authorization is subject to compliance by permittee with any applicable procedures of the FAA.

Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: July 17, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7114; Filed, July 19, 1962; 8:54 a.m.]

[Docket Nos. 14597, 14599; FCC 62-728]

KWEN BROADCASTING CO. AND VIDOR BROADCASTING CO., INC.

Memorandum Opinion and Order Amending Issues

In re applications of Felix Joynt and James Joynt d/b as KWEN Broadcasting Company, Port Arthur, Texas, Docket No. 14597, File No. BP-13627; Vidor Broadcasting Company, Inc., Vidor, Texas, Docket No. 14599, File No. BP-14619; for construction permits.

1. The Commission has before it for consideration a motion to enlarge issues, filed May 7, 1962, by KWEN Broadcasting Company, and pleadings properly filed in response thereto.

2. KWEN seeks by this petition to enlarge the issues beyond those designated for hearing by the Commission in its Order released April 16, 1962 (FCC 62-393, Mimeo No. 17197). It requests the addition of issues as to Vidor Broadcasting Company, Inc. (Vidor), to determine (1) its character qualifications and that of its officers, directors and stockholders; (2) its good faith in specifying its transmitter site; (3) the availability and adequacy of its transmitter site; (4) its good faith in designating Vidor, Texas as the principal community it would serve; (5) its efforts to determine an alternative frequency; and (6) its efforts to ascertain and meet the programming needs of Vidor, Texas.

3. The first of the requested issues reads as follows:

(1) To determine the character qualifications of Vidor Broadcasting Company, Inc., and its officers, directors and stockholders.

In support thereof, petitioner alleges that there are conflicts between the court records of the 1951 tax evasion convictions of Joseph D. Irion, president and 70 percent stockholder of Vidor, and Exhibit II in response to question 10(d) of Section II of Vidor's application, relating to felony convictions. While the exhibit in question indicates two convictions on two counts each of Federal income tax evasion, against two corporations of which Irion was an officer and against him personally, no mention is made in the exhibit, petitioner points out, that the offenses were, according to the information to which Irion pleaded guilty, committed "wilfully and knowingly", but that, instead, such exhibit contains the following statement:

> At the time of the alleged offenses, the income tax returns in question were prepared in New Orleans, Louisiana, through the office of the then owner of the majority of the capital stock of the two corporations. After such preparation, the returns were transmitted to J. D. Irion for signature.

Petitioner contends that this implies a mere technical violation on Irion's part, notwithstanding the fact that he was fined $5,000, given two two-year suspended sentences, and was the only individual affiliated with the two corporations who was individually charged.

4. The Broadcast Bureau, which would add an issue, alleges that the crimes to which Irion pleaded guilty necessarily involved the submission of false information to a government agency, a "course of conduct which may well indicate a propensity for falsehood", and thus cast serious doubt on applicant's qualifications. However, the Bureau would limit such issue so as not to inquire into the qualifications of the other officers, directors and stockholders of Vidor, other than Irion, since it is not alleged that they were involved in the tax evasion suits nor are there any other allegations made with respect to them in the petition in support of the requested issue. Vidor, however, maintains that the information supplied by the exhibit is all that is required and that it had no obligation to state the elements essential to the crimes since they are implicit in any statement of conviction therefor.

5. We are of the opinion that the disclosure requirements of the application have been technically met by Vidor with regard to the subject exhibit. Neither on the basis of this document nor on the basis of the pleadings before us can any determination be made of the extent of Irion's personal involvement in the tax cases. Since this is a matter of significance in evaluating the character qualifications of the applicant, an issue will be added to permit a record determination of the pertinent facts. However, for the reasons advanced by the Bureau, the scope of the issue will not include an inquiry into the qualifications of any of the officers, directors and stockholders other than Irion.

6. In support of requested Issue 2 as to the availability and adequacy of Vidor's transmitter site and requested Issue 3 as to whether the location of such site was specified in good faith, petitioner alleges that the land in question is owned by Claude B. Keeland, Jr., vice-president of Vidor, and two other partners; that the property rather than being unoccupied as indicated in Vidor's application, has in fact been subdivided into lots, all of which are presently being offered for sale (five houses have already been built thereon); and that a roadway dedicated to public use has been constructed through the very location designated for the transmitter.

7. Vidor denies none of such allegations of fact, but submits affidavits indicating that Keeland did not know at the time of the application that a specific location on the property had been designated for the transmitter. The affidavits go on to state that the owners of the property, of whom none are engineers, subsequently reserved a different location for the transmitter thereon which proved too small, but that, by cancelling an "invalid" option given for one of the lots and withdrawing two other lots from public offering, a plot of sufficient size is now available for rental to Vidor at $100 per month. Another affidavit by the County Commissioner avers that the County has granted Vidor the right to install its cables and radials under the roadway across the property. Vidor also points out that it could have no motive for intentionally creating such confusion.

8. By Order, released June 12, 1962 (FCC 62M-825, Mimeo No. 21517), the Hearing Examiner allowed an amendment by Vidor to its application effecting such relocation of its transmitter site. This amendment renders moot the requested issue as to the availability and adequacy of the prior site. However, the aforementioned facts as alleged by petitioner and as explained by Vidor do not in our opinion warrant the addition of an issue as to Vidor's good faith in designating the prior site. While the petitioner's allegations indicate carelessness upon the part of Vidor, they do not provide any basis for an inference that Vidor was not acting in good faith in this connection.

9. Petitioner's request for an issue as to whether Vidor, Texas was designated by Vidor in good faith, in view of the fact that its principals are Beaumont, Texas people and that the proposed signal will meet the service requirements for Beaumont, will be denied as based solely upon surmise, conjecture and speculation. The denial of this requested issue would not, of course, preclude a determination, under the section 307(b) issue in this proceeding, of whether Vidor, Texas is a separate community from Beaumont, Texas. See Kent-Ravenna Broadcasting Co., 22 RR 605 (1961).

10. Petitioner also alleges that Vidor "pirated" its frequency by filing for a more favorably situated community on the last day before petitioner's "cut-off" date, and it therefore requests an issue to determine what efforts Vidor had made to determine the availability of an alternate frequency. The requested issue is unsupported by an factual allegations and will, therefore, be denied. See § 1.141(c) of the rules.

11. Finally, petitioner requests an issue to determine what efforts Vidor has made to ascertain and meet the programming needs of Vidor, Texas, alleging only that nothing in the application (not even its program titles) indicates what the applicant has done in this regard, and, in addition, that its president is not a resident of the designated community. Such negative allegations likewise do not meet the requirements of § 1.141(c) of the rules and therefore this request will also be denied.

Accordingly, it is ordered, This 13th day of July 1962, that the motion to enlarge issues, filed May 7, 1962, by KWEN Broadcasting Company, is, to the extent indicated above, granted, and in all other respects denied; and

It is further ordered, That present Issues 9 and 10 of Commission Order, 27 FR 3865, published April 21, 1962, are renumbered as Issues 10 and 11; and

It is futher ordered, That the following issue is added:

9. To determine whether Vidor Broadcasting Company, Inc., in the light of the facts and circumstances surrounding the convictions for tax evasion in 1951 of Joseph D. Irion, has the requisite character qualifications to receive a grant herein.

Released: July 17, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7115; Filed, July 19, 1962; 8:54 a.m.]

[Docket Nos. 14706, 14707; FCC 62-741]

QUEEN CITY RADIO STATION AND CANNON BROADCASTING CO.

Order Designating Application for Hearing on Stated Issues

In re applications of Warren E. Angel and Jack T. Farrar d/b as Queen City Radio Station, Tullahoma, Tennessee, requests: 1540kc, 500w, Day, Docket No. 14706, File No. BP-14434; Cannon Broadcasting Company, Woodbury, Tennessee, requests: 1540kc, 500w, Day, Docket No. 14707, File No. BP-15264; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 13th day of July 1962;

The Commission having under consideration the above-captioned and described applications:

It appearing that, except as indicated by the issues specified below, each of the applicants is legally, technically and otherwise qualified to construct and operate the proposed station, that Queen City Radio Station is financially qualified but that, for reasons hereinafter indicated, it cannot be determined that the Cannon Broadcasting Company is financially qualified; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The proposals are mutually exclusive.

2. Edwin B. Jordan, vice president and one of the principal stockholders of Cannon Broadcasting Company, is the sole owner of Station WJIG, Tullahoma, Tennessee. Because of the proximity of the said communities, it appears that there will be a substantial overlap of the primary service contours in apparent contravention of § 3.35(a) of the Commission's rules. It is, therefore, appropriate to consider the size, extent, and location of the areas served and to be served; the extent of overlap; the number of persons residing within the overlap area; the classes of stations involved; the extent of other competitive service to the area in question; the extent to which the stations would rely on the same revenue and program sources; the nature of the programming that the stations will present with reference to the particular needs of the communities they are designed to serve; the advertising practices of the stations; the sources of program material and talent for each; and such other factors as will tend to demonstrate whether the overlap involved will be in contravention of § 3.35 (a) of the Commission's rules.

3. On the basis of information submitted by Cannon Broadcasting Company, it does not appear that the applicant has adequate cash and/or liquid assets available to finance construction costs and initial operation under prevailing Commission criteria. It appears that about $18,343 is needed to cover the down payment on equipment, lease of land, building, miscellaneous expenses, and working capital for operating a reasonable time. Financing data shows that only $15,000 is available, all through the sale and subscription to stock (150 shares at $100 per share).

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the respective proposals of Queen City Radio Station and Cannon Broadcasting Company and the availability of other primary service to such areas and populations.

2. To determine whether a grant of the instant proposal of Cannon Broadcasting Company would be in contravention of the provisions of § 3.35(a) of the Commission rules with respect to multiple ownership of standard broadcast stations.

3. To determine whether Cannon Broadcasting Company is financially qualified to construct and operate its proposed station.

4. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is ordered, That, in the event of a grant of the application of Queen City Radio Station, the construction permit shall contain a condition that the permittee shall comply with applicable FAA procedures.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may

be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 17, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7116; Filed, July 19, 1962; 8:54 a.m.]

[Canadian List 172]

CANADIAN BROADCAST STATION

List of Changes, Proposed Changes, and Corrections in Assignments

JULY 9, 1962.

Notification under the provisions of Part III section 2 of the North American Regional Broadcasting Agreement. List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph No. 47214-3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		560 kilocycles				
CFRA	Ottawa, Ontario	5	DA-1	U	III	Delete assignment vide 580 kc.
		570 kilocycles				
CFWH (PO 1240 kc. 0.25 kw ND).	Whitehorse, Yukon	1	ND	U	III	EIO 1-7-63.
		580 kilocycles				
CFRA	Ottawa, Ontario	50 D/10 N	DA-2	U	III	Now in operation on new frequency.
		590 kilocycles				
New	Fort St. John, British Columbia.	1	DA-N	U	III	Delete assignment.
		610 kilocycles				
CKYL (notified on list No. 166 for PO 630 kc. 1 kw DA-N).	Peace River, Alberta	10 D/1 610	DA-N DA-N	U	III	EIO 1-7-63.
		610 kilocycles				
CFWH	Whitehorse, Yukon	1	ND	U	III	Delete assignment vide 570 kc.
		710 kilocycles				
CJSP	Leamington, Ontario	1	DA-D	D	II	EIO 1-7-63 change in pattern only.
		710 kilocycles				
CKVM	Ville Marie, Province of Quebec.	10 D/1 N	DA-N	U	II	Now in operation with increased daytime power.
		850 kilocycles				
New	Windsor, Ontario	1	DA-D	D	II	Delete assignment.
		850 kilocycles				
CJJC	Langley Prairie, British Columbia.	1	DA-2	U	II	Assignment of call letters.
		900 kilocycles				
New	Fredericton, New Brunswick.	1	DA-N	U	II	EIO 1-7-63.
		950 kilocycles				
New	Transcona, Manitoba	1	DA-1	U	III	Do.
		950 kilocycles				
CKNB (PO 1 kw 960 kc. DA-1).	Campbellton New Brunswick.	10 D/1 N	DA-2	U	III	Do.
		970 kilocycles				
CKNL	Fort St. John, British Columbia.	1 D/0.5 N	ND	U	III	Assignment of call letters.
		1050 kilocycles				
New	Stephenville, Newfoundland.	1	ND	U	II	EIO 1-7-63
		1070 kilocycles				
CFAX (PO 1 kw 810 kc. ND D).	Victoria, British Columbia.	10	DA-1	U	II	Do.
		1150 kilocycles				
New	Ottawa Ontario	10 D/ 5 N	DA-1	U	III	Do.
		1470 kilocycles				
CFOX (PO 1 kw 1470 kc. DA-2).	Pointe Claire, Province of Quebec.	10 D/5 N	DA-2	U	III	Do.
		1570 kilocycles				
CKLM	Montreal, Province of Quebec.	10	DA-1	U	II	Assignment of call letters.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7117; Filed, July 19, 1962; 8:55 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI62-467 etc.]

H. L. HUNT ET AL.

Order Permitting Withdrawal of Suspended Increased Rate, Severing Proceeding and Terminating Proceeding as Moot

JULY 13, 1962.

In the matter of H. L. Hunt, et al., Docket Nos. RI62-467, et al.; Gas Gathering Corporation, Docket No. RI62-479.

Gas Gathering Corporation (Gas Gathering) on July 11, 1962, submitted a notice of withdrawal of Supplement No. 6 to Gas Gathering's FPC Gas Rate Schedule No. 2, which proposed a periodic increased rate of 25.55¢ per Mcf for gas sold to Transcontinental Gas Pipe Line Corporation from Bayou Des Glaise and Happytown Fields, Iberville and St. Martin Parishes, Louisiana. The proposed increased rate of Gas Gathering was suspended by order issued June 14, 1962 in Docket No. RI62-479 until December 1, 1962, and until such further time as it is made effective pursuant to the provisions of the Natural Gas Act. That order also consolidated the proceeding in Docket No. RI62-479 with the proceedings in H. L. Hunt, et al., Docket Nos. RI62-467, et al., and set such proceedings for immediate hearing to be held July 16, 1962.

The Commission finds: Good cause exists for permitting Gas Gathering Corporation to withdraw the above-designated suspended supplement, for severing the proceeding in Docket No. RI62-479 from the consolidated proceedings in H. L. Hunt, et al., Docket Nos. RI62-467, et al., and for terminating the proceeding in Docket No. RI62-479.

The Commission orders:

(A) Gas Gathering Corporation is hereby permitted to withdraw the above-designated suspended supplement.

(B) The proceeding in Docket No. RI62-479 is hereby severed from the consolidated proceedings in H. L. Hunt, et al. Docket Nos. RI62-467, et al.

(C) The proceeding in Docket No. RI62—479 is hereby terminated as moot.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-7072; Filed, July 19, 1962; 8:46 a.m.]

[Docket No. RI62-467 etc.]

H. L. HUNT ET AL.

Order Permitting Withdrawal of Suspended Increased Rate, Severing Proceeding and Terminating Proceeding as Moot

JULY 13, 1962.

In the matter of H. L. Hunt, et al., Docket Nos. RI62-467, et al.; Union Oil Company of California, Docket No. RI62-478.

Union Oil Company of California (Union) on June 29, 1962 submitted a notice of withdrawal of Supplement No. 2 to Union's FPC Gas Rate Schedule No. 49 which proposed a periodic increased rate of 25.25¢ per Mcf for gas sold to United Gas Pipe Line Company from Houma Field, Terrebonne Parish, Louisiana. The proposed increased rate of Union was suspended by order issued June 14, 1962 in Docket No. RI62-478 until December 1, 1962, and until such further time as it is made effective pursuant to the provisions of the Natural Gas Act. That order also consolidated the proceeding in Docket No. RI62-478 with the proceedings in H. L. Hunt, et al., Docket Nos. RI62-467, et al., and set such proceedings for immediate hearing to be held July 16, 1962.

The Commission finds: Good cause exists for permitting Union Oil Company of California to withdraw the above-designated suspended supplement, for severing the proceeding in Docket No. RI62-478 from the consolidated proceedings in H. L. Hunt, et al., Docket Nos. RI62-467, et al., and for terminating the proceeding in Docket No. RI62-478.

The Commission orders:

(A) Union Oil Company of California is hereby permitted to withdraw the above-designated suspended supplement.

(B) The proceeding in Docket No. RI62-478 is hereby severed from the consolidated proceedings in H. L. Hunt, et al., Docket Nos. RI62-467, et al.

(C) The proceeding in Docket No. RI62-478 is hereby terminated as moot.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-7073; Filed, July 19, 1962; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

DAUPHIN DEPOSIT TRUST CO.

Order Denying Application for Approval of Merger of Banks

In the matter of the application of Dauphin Deposit Trust Company for approval of merger with The First National Bank of Mount Holly Springs.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by Dauphin Deposit Trust Company, Harrisburg, Pennsylvania, a member bank of the Federal Reserve System, for the Board's prior approval of the merger of The First National Bank of Mount Holly Springs, Mount Holly Springs, Pennsylvania, with and into Dauphin Deposit Trust Company, under the charter and title of the latter. Notice of the proposed merger, in form approved by the Board, was published pursuant to said Act.

Upon consideration of all relevant materials in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed merger:

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that the said application be and hereby is denied.

Dated at Washington, D.C., this 13th day of July 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-7074; Filed, July 19, 1962; 8:46 a.m.]

THE STATE BANK OF SALEM

Order Approving Acquisition of Bank's Assets

In the matter of the application of The State Bank of Salem for approval of acquisition of assets of State Bank of Hardinsburg.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by The State Bank of Salem, Salem, Indiana, a member bank of the Federal Reserve System, for the Board's prior consent to its acquisition of the assets and assumption of the liabilities of the State Bank of Hardinsburg, Hardinsburg, Indiana, and, as an incident thereto, The State Bank of Salem has applied, under section 9 of the Federal Reserve Act (12 U.S.C. 321), for the Board's prior approval of the establishment of a branch by that bank at the location of the State Bank of Hardinsburg. Notice of the proposed acquisition of assets and assumption of liabilities, in form approved by the Board of Governors, has been published.

Upon consideration of all relevant material in the light of the factors set forth in said Bank Merger Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed transaction:

It is hereby ordered, For the reasons set forth in the Board's Statement[2] of this date, that said applications be and hereby are approved, provided that said acquisition of assets and assumption of liabilities and establishment of said branch shall not be consummated (a) within seven calendar days following the date of this Order, or (b) later than three months after said date.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Philadelphia. Dissenting statement of Governor Mills also filed as part of the original document and available upon request.

[2] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of St. Louis.

Dated at Washington, D.C., this 13th day of July 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-7075; Filed, July 19, 1962; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1507]

INVESTORS GROUP CANADIAN FUND, LTD.

Notice of Filing of Application for Order Permitting Exercise Outside U.S. of Rights Issued to Applicant

JULY 13, 1962.

Notice is hereby given that Investors Group Canadian Fund Ltd. (320 Bay St., Toronto, Ontario, Canada) ("Applicant"), a registered open-end investment company organized under the Companies Act of the Dominion of Canada, has filed an application for an order under section 7(d) of the Investment Company Act of 1940 ("1940 Act") permitting Applicant through its custodian or its custodian's agent to exercise outside the United States rights issued to it as a shareholder in other companies for the purchase of securities, subject to conditions hereinafter set forth, and authorizing the Applicant to take the necessary action in connection with such transactions as hereinafter described. All interested persons are referred to the application on file with the Commission for a complete statement of the facts which are summarized below.

On March 30, 1955, the Commission issued an order pursuant to the provisions of section 7(d) of the 1940 Act and Rule 7d-1 promulgated thereunder, permitting Applicant to register as an investment company under the 1940 Act, and to make a public offering of its securities in the United States by use of the mails and means or instrumentalities of interstate commerce (Investment Company Act Release No. 2124). Said application stated, among other things, that so long as Applicant is registered under the 1940 Act, Applicant's Letters Patent and By-Laws, taken together, will contain, in substance, the provisions set forth in subparagraph (8) of paragraph (b) of Rule 7d-1 under the 1940 Act, and that neither will be amended in any manner inconsistent therewith unless authorized by the Commission. Said paragraph and Applicant's By-Laws and Custodian Agreement require that the custodian of the Applicant shall maintain in its sole custody in the United States all of Applicant's securities and cash, other than limited amounts necessary for immediate cash requirements, and that the custodian shall consummate all purchases and sales of securities by the Applicant, other than purchases and sales on an

established securities exchange, through the delivery of securities and receipt of cash, or vice versa, within the United States.

The application granted by the Commission also stated that contracts of the Applicant, other than those executed on an established securities exchange which do not involve affiliated persons, will provide that (1) such contracts irrespective of the place of their execution or performance will be performed in accordance with the requirements of the 1940 Act, the Securities Act of 1933, and the Securities Exchange Act of 1934, as amended, if the subject matter of such contracts is within the purview of such Acts; and (2) in effecting the purchase or sale of assets the parties thereto will utilize the United States mails or means of interstate commerce. Applicant believes that the type of transactions contemplated by this application are not within the purview of the Securities Act or the Securities Exchange Act and that if they are within the purview of the 1940 Act they are not of a type that would be inconsistent with the objectives of that Act.

Applicant, from time to time, as a shareholder of various Canadian companies and other companies located outside the United States has been issued rights entitling it to purchase additional shares of such companies. Applicant has not been able to exercise such rights since it is required by the restrictions referred to above to exercise such rights in the United States. According to the application this is not feasible, and when the Applicant has desired to maintain its relative investment position in portfolio companies which are issuing rights, it has been necessary to arrange with brokers for the sale of the rights and the purchase of an amount of stock roughly equivalent to the amount covered by the rights on stock exchanges where the securities are traded. Applicant states that this procedure imposes an unnecessary burden upon its shareholders since, among other things, it requires the payment of commissions both on the sale of the rights and the purchase of the stock which could be entirely avoided were it possible to exercise the rights in the usual manner.

Accordingly, it is requested that an order be issued by the Commission under section 7(d) of the 1940 Act (1) permitting Applicant through its custodian or its custodian's agent to exercise outside the United States rights issued to it as a shareholder in other companies for the purchase of securities provided that (a) the rights so exercised shall be offered or issued to Applicant as a security holder in another company on the same basis as all other holders of the class or classes of securities of such other company to whom such rights are offered or issued, and (b) the rights so exercised shall not exceed 10 percent of the total amount of such rights so offered or issued, and (c) the securities purchased pursuant to such exercise, or securities of the same class, are listed on an established securities exchange, application has been made to such exchange for the listing thereon of such securities, or it has been publicly announced that application will be made to such exchange for listing thereon of such securities and Applicant has no reason to believe that such listing will not be effected; and (2) authorizing Applicant to take the necessary action in connection therewith to amend its By-Laws and its Custodian Agreement and to omit from any contracts relating to the exercise of such rights the provisions set forth in the original application under which the Applicant registered as an investment company under the 1940 Act, as described above.

Section 7(d) of the Act, among other things, authorizes the Commission, upon application, to issue a conditional or unconditional order permitting a foreign investment company to register under the Act and to make a public offering of its securities by use of the mails and means or instrumentalities of interstate commerce, if the Commission finds that, by reason of special circumstances or arrangements, it is both legally and practically feasible effectively to enforce the provisions of the Act against such company and that the issuance of such order is otherwise consistent with the public interest and the protection of investors. Since the proposals herein would represent a modification of the agreements and undertakings upon the basis of which the Commission granted the application for Applicant's registration, such modification would require approval pursuant to the provisions of section 7(d) of the Act.

Notice is further given that any interested person may, not later than August 1, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-7082; Filed, July 19, 1962; 8:48 a.m.]

[File No. 812-1501]

MADISON FUND, INC., AND INTERNATIONAL MINING CORP.

Notice of Filing of Application for an Order Exempting Transactions Between Affiliates

JULY 13, 1962.

Notice is hereby given that Madison Fund, Inc. ("Madison"), 1400 Delaware Trust Bldg., Wilmington, Delaware, a Delaware corporation, and a closed-end, diversified investment company, registered under the Investment Company Act of 1940 ("Act"), and International Mining Corporation ("International"), 535 Fifth Ave., New York 17, N.Y., also a Delaware corporation and an affiliate of Madison, have filed a joint application pursuant to section 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act the proposed acquisition by International of 50,100 shares of the capital stock of International now owned by Madison for a consideration of $30.25 per share, the closing price of International's stock on the New York Stock Exchange on April 3, 1962, or a total of $1,515,525.00. No commissions or finders fees are to be payable in connection with the sale. All interested persons are referred to the application on file with the Commission, summarized below, for a complete statement thereof.

International is primarily engaged, through wholly-owned subsidiaries, in the so-called extractive resources industries including the operation of gas and oil properties and in the business of ore and general cargo handling. In an opinion and Order issued on May 1, 1959 (Investment Company Act Release No. 2872), the Securities and Exchange Commission found that International was primarily engaged in a business or businesses other than that of an investment company.

International has one class of stock, of a par value of $5.00 per share, common stock of which 992,042½ shares are authorized, and 570,000 shares were outstanding on April 13, 1962. Madison purchased 50,000 shares of the stock of International (then known as National Department Stores Corporation) in 1955 at a price of $23.00 per share from a corporation not affiliated with Madison. In 1961 Madison acquired an additional 100 shares as part of a transaction in which it acquired approximately $950,000 of assets from a corporation not affiliated with Madison. The portion of the purchase price attributed to these 100 shares was the then market value of $30.375. Madison's holdings of 50,100 shares constitute 8.78 percent of the outstanding voting securities of International. International and Madison are, therefore, affiliated persons within the meaning of section 2(a)(3) of the Act.

South American Gold & Platinum Company ("South American"), a Delaware corporation engaged in the extractive resources industries, owns 300,100 shares of the common stock of International (52.58 percent). In addition, South American has six designees on International's Board of eight directors. As a result, South American controls International.

Madison presently owns 98,000 shares (less than 5 percent) of the common stock of South American, the latter's only outstanding class of stock. Both Edward A. Merkle, President of Madison, and Lewis B. Harder, President of South American, are directors of Madison, South American and International, and are two of South American's designees on International's Board of Directors. Harder is also Chairman of the Board of International.

International's stock is traded on the New York Stock Exchange and during 1961 the price ranged from a low of 24⅛ to a high of 36¼. During the first six months of 1962 the price ranged from a low of 24 to a high of 32¾.

During 1961 and the first three months of 1962 South American, directly or through subsidiaries, purchased 74,839 shares of International at prices ranging from $24.50 to $31.86. The average price per share was $27.66. Included in the 74,839 shares purchased are 10,000 shares purchased off the exchange at a price of $29 per share and 10,000 shares purchased off the exchange at a price of $32 per share.

International has pursued a policy of buying its own shares from time to time when it deemed the price appropriate and funds were available. During 1961 and through April 13, 1962 International purchased 29,600 shares at an average price per share of $31.90. Included in the total purchase of 29,600 shares are 2,000 shares purchased off the exchange on December 12, 1961 at a price of $32.75 per share.

On the basis of the number of shares outstanding at the end of the year, International's net income for the year ended January 31, 1961 was $2.21 per share. For the year ended January 31, 1962 International had a net loss of 3 cents per share, before a special credit of $12.01 per share, representing the profit realized on the sale of a large block of Placer Development, Ltd., common stock, a company engaged in mining ore which until this sale was controlled by International. The proceeds received from the sale of such stock were used, in substantial part, to retire outstanding debt. The decline in earnings from operations in the year ended January 31, 1962, reflects adverse conditions with respect to International's wholly-owned ore and cargo handling subsidiary, Canton Company of Baltimore.

As of January 31, 1962, International's consolidated balance sheet reflected current assets of $8,969,244 (including marketable securities of $5,192,525 at cost), other assets of $801,816, interests in oil and gas properties of $6,733,390 and net fixed assets consisting of land, buildings, cranes and railway properties of $12,416,173. Stockholders' aggregate equity as of that date was $20,467,449. The book value per share amounted to $35.55 and if adjustments were made to reflect marketable securities at their market value of $9,140,000 rather than cost, the book value would amount to approximately $42.40 per share.

Madison has determined to sell its holdings of International's stock primarily to enable Madison to purchase other securities which it considers to be more suitable in light of its classification as a diversified investment company.

Section 17(a) of the Act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person from selling to or purchasing from such registered investment company or any company controlled by such registered investment company, any security or other property, subject to certain exceptions not applicable here, unless the Commission upon application pursuant to section 17(b) grants an exemption from the provisions of section 17(a), after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with general purposes of the Act.

Notice is further given that any interested person may, not later than August 2, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing hereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-7083; Filed, July 19, 1962; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 561 (27 F.R. 4001) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under Section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.9) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (20 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Blue Bell, Inc., Madison, Va.; effective 7–14–62 to 7–13–63 (children's and boys' play clothing—boxer longs, overalls).

Burro Manufacturing Co., 105 East Markham, Little Rock, Ark.; effective 7–18–62 to 7–17–63 (men's work clothes).

Dillon Manufacturing Co., Dillon, S.C.; effective 7–9–62 to 7–8–63 (ladies' dresses).

Grifton Clothing Co., Highway 118 East, Grifton, N.C.; effective 7–14–62 to 7–13–63 (boys', men's, and girls' parkas).

Holston-Harwood Manufacturing Corp., Marion, Va.; effective 7–2–62 to 7–1–63 (men's and boys' pajamas).

Industrial Garment Manufacturing Co., Route 2, Palestine, Tex.; effective 7–10–62 to 7–9–63 (men's cotton work pants).

J. B. C. Co. of Madera, Madera, Pa.; effective 7–5–62 to 7–4–63 (men's and boys' trousers).

F. Jacobson & Sons, Inc., Charlottesville, Va.; effective 7–5–62 to 7–4–63 (pajamas).

Jamestown Shirt Corp., Jamestown, Tenn.; effective 7–3–62 to 7–2–63 (men's and boys' sport shirts).

Lanier Manufacturing Co., 112 Russell Street, Easley, S.C.; effective 7–19–62 to 7–18–63 (men's sport shirts).

Leisure Lads, Inc., Hedrick & Brenner Streets, Salisbury, N.C.; effective 7–5–62 to 7–4–63 (children's sport suits, outerwear).

Loungeray, Inc., Canal Street, Hollidaysburg, Pa.; effective 7–9–62 to 7–8–63 (ladies' robes and loungewear).

Pioneer Manufacturing Co., Inc., 83 Waller Street, Wilkes-Barre, Pa.; effective 7–15–62 to 7–14–63 (children's dresses).

Princess Peggy, Inc., 1001 South Adams Street, Peoria, Ill.; effective 7–7–62 to 7–6–63 (women's cotton dresses).

Rowan Industries, Inc., Rockwell, N.C.; effective 7–9–62 to 7–8–63 (ladies' pajamas).

Sullcraft Manufacturing Co., Dushore, Pa.; effective 7–8–62 to 7–7–63 (boys' pajamas).

Williamson-Dickie Manufacturing Co., Eagle Pass, Tex.; effective 7–5–62 to 7–4–63 (denim dungarees and jackets).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Excelsior Frocks, Inc., 396 Academy Street, Archbald, Pa.; effective 7–9–62 to 7–8–63; 10 learners (ladies' dresses).

Isaacson-Carrico Manufacturing, 210 East First, El Campo, Tex.; effective 7-11-62 to 7-10-63; 10 learners (girdles and underwear).

Kreditor Manufacturing Co., Inc., Hubbard, Tex.; effective 7-3-62 to 7-2-63; 10 learners (ladies' dresses).

Rene-Lee Manufacturing Co., 143 East Center Street, Nesquehoning, Pa.; effective 7-6-62 to 7-5-63; five learners (women's and children's shirtwaist dresses).

Tunxis Sportswear Manufacturing Co., Inc., Laurel Togs Inc., 82 Union Street, New London, Conn.; effective 7-9-62 to 7-8-63; six learners (girls' carcoats).

West Union Garment Co., Inc., West Union, W. Va.; effective 7-11-62 to 7-10-63; 10 learners (brassieres, sun halters).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Alexandria Industrial Garment Manufacturing Co., Inc., Alexandria, Tenn.; effective 7-9-62 to 1-8-63; 10 learners (men's work shirts).

Bishopville Manufacturing Co., Gregg Street, Bishopville, S.C.; effective 7-2-62 to 1-1-63; 20 learners (women's wash dresses).

Eileen Hope, Inc., Liverpool, Pa.; effective 7-9-62 to 1-8-63; 10 learners (women's dresses).

Guntown Slacks, Inc., Guntown, Miss.; effective 7-9-62 to 1-8-63; 170 learners (men's dress and play pants and shorts).

The Kaydette Corp., Berwick, Pa.; effective 7-9-62 to 1-8-63; 25 learners (ladies' slips).

Kreditor Manufacturing Co., Inc., Hubbard, Tex.; effective 7-3-62 to 1-2-63; 10 learners (ladies' dresses).

Paducah Shirt Co., Inc., 1117 North Eighth Street, Paducah, Ky.; effective 7-2-62 to 1-1-63; 30 learners (boys' shirts).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

The Glove Corp., Heber Springs, Ark.; effective 7-7-62 to 7-6-63; 10 learners for normal labor turnover purposes (leather and cotton work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Holt Hosiery Mills, Inc., Finishing Division, 733 Koury Drive, Burlington, N.C.; effective 7-9-62 to 7-8-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (finishers of ladies' full-fashioned and seamless hosiery).

Holt Hosiery Mills, Inc., Finishing Division, 733 Koury Drive, Burlington, N.C.; effective 7-9-62 to 1-8-63; 30 learners for plant expansion purposes (finishers of ladies' full-fashioned and seamless hosiery).

Magnet Mills, Inc., Cullom Street, Clinton, Tenn.; effective 7-9-62 to 1-8-63; 30 learners for plant expansion purposes (ladies' seamless and full-fashioned hosiery).

Unique Knitting Co., Acworth, Ga.; effective 7-1-62 to 6-30-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 13th day of July 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-7081; Filed, July 19, 1962; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 665]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 17, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64563. By order of July 12, 1962, the Transfer Board approved the transfer to Edwards Trucking, Inc., Main Street, Hemingway, S.C., of the operating rights in Certificate No. MC 11842, issued September 17, 1953, to Chafee Jones, Jr., doing business as Jones Truck Line, P.O. Box 181, Darlington, S.C., authorizing the transportation, over irregular routes, of veneer and plywood, groceries, arsenic of lead and calcium arsenate, fertilizer, and baled cotton, from and to specified points, varying with the commodity transported, in South Carolina, Georgia, North Carolina, Virgina, New Jersey, and Maryland.

No. MC-FC 65059. By order of July 13, 1962, the Transfer Board approved the transfer to Ward Badder, doing business as Blue Springs Truck Line, P.O. Box 216, Blue Springs, Mo., of Certificate in No. MC 9003, issued March 8, 1961, to Raymond Haller, doing business as Blue Springs Truck Line, Route No. 1, Box 154, Blue Springs, Mo., authorizing the transportation of: Salt, from Kanopolis, Kans., to Blue Springs, Mo., serving no intermediate points; ground feed, tankage, grain, seed, farm machinery and fertilizer, from Kansas City, Kans., to Blue Springs, Mo., serving all intermediate and offroute points within 10 miles of Blue Springs, Mo., hardware and commodities incidental to the conduct of retail hardware stores, between Blue Springs, Mo., and McCracken, Kans., serving no intermediate points; general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Blue Springs, Mo., and Kansas City, Kans., serving the intermediate and off-route point of Lake Tapawingo, Mo., and for the transportation of livestock, only, points within 10 miles of Blue Springs, Mo., from Blue Springs over highway 40 to Kansas City and return over the same route; livestock, over irregular routes, from points in Wisconsin to Blue Springs, Mo., and points within 10 miles of Blue Springs; and household goods, as defined by the Commission between Lake Tapawingo, Mo., on the one hand, and, on the other, points in Johnson and Wyandotte Counties, Kans.

No. MC-FC 65120. By order of July 13, 1962, the Transfer Board approved the transfer to Marino Micheli and Raymond Micheli, a partnership, doing business as Santi Bros. & Co., 2427 Barker Avenue, New York, N.Y., of Certificate No. MC 2429, issued March 19, 1958, to Marino Micheli, Raymond Micheli and Nello Micheli, a partnership, doing business as Santi Bros. & Co., 2427 Barker Avenue, New York, N.Y., authorizing the transportation of: Household goods, as defined by the Commission, between New York, N.Y., on the one hand, and, on the other, Baltimore, Md., Washington, D.C., and Providence, R.I., and points in New York, New Jersey, Connecticut, and that part of Pennsylvania east of the Susquehanna River.

No. MC-FC 65135. By order of July 13, 1962, the Transfer Board approved the transfer to Mark Foltz, Jerome Foltz, and Edward Foltz, a partnership, doing business as Foltz Transfer, R.R. No. 3, Humphrey, Nebr., of Certificate No. MC 44852, issued January 28, 1941, to Edward H. Foltz, R.R. No. 3, Humphrey, Nebr., authorizing the transportation of: Livestock, grain, and household goods, over irregular routes, between Humphrey, Nebr., and points within 35 miles thereof, on the one hand, and, on the other, points in Iowa; and seeds, truck bodies, agricultural implements, and petroleum products, in containers, over irregular routes, between points in the above-specified Nebraska territory, on the one hand, and, on the other, Council Bluffs, Iowa.

No. MC-FC 65162. By order of July 13, 1962, the Transfer Board approved the transfer to S. Rodmond Smith, Jr., Odessa, Del., of Certificate Nos. MC 102115 and MC 102115 Sub-4, issued December 10, 1956, and March 27, 1951, respectively, to G. Clarence Reihm, Middletown, Del., authorizing the transportation of: Fertilizer, from Baltimore, Md., and Middletown, Del., to points in New Castle County, Del., and Cecil and Kent Counties, Md., and feeds, seeds, and farm implements, exclusive of machinery, from Baltimore, Md., to Middletown, Del., and from Middletown to points in Cecil and Kent Counties, Md., and radio cabinets, from Middletown, Del., to Sunbury, Pa., and Bridgeport, Conn., kitchen cabinets, from Middletown to Philadelphia, Pa., Baltimore, Md., and Washington, D.C., lumber from Philadelphia, to Middletown and points within 20 miles thereof, and from Baltimore to points within 20 miles of Middletown, excluding Middletown; sugar, from Philadelphia to Middletown and points within 20 miles thereof; lime, from Cedar Hollow, Pa., to Middletown, and points within 20 miles thereof; empty cans, in carton, from Baltimore, to Middletown and points within 20 miles thereof, and canned goods, from Massey, Md., to Middletown, Del. Thomas G. Hughes, 350 Delaware Building, Ninth and Market Streets, Wilmington 1, Del., attorney for applicant.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-7094; Filed, July 19, 1962; 8:51 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

FEDERAL HOUSING COMMISSIONER AND PUBLIC HOUSING COMMISSIONER

Redelegation of Authority To Use Title III of Federal Property and Administrative Services Act of 1949

The Federal Housing Commissioner and the Public Housing Commissioner each is hereby authorized:

1. To utilize the provisions of Title III of the Federal Property and Administrative Services Act of 1949 (63 Stat. 393), as amended, 41 U.S.C. 251, when procuring property and services, except the nondelegable authority to make the determinations or decisions specified in paragraphs (12) and (13) of section 302(c) and the authority under paragraph (11) of section 302(c) with respect to contracts which will require the expenditure of more than $25,000. This authority shall be exercised in accordance with applicable limitations and requirements of the Act, particularly sections 304 and 307, and policies, procedures, limitations, controls, and reporting requirements prescribed by the General Services Administration.

2. To redelegate to any officer or employee under his jurisdiction any of the authority herein delegated except that under paragraph (11) of section 302(c).

This redelegation supersedes the redelegation effective March 10, 1959 (24 F.R. 5434, July 3, 1959).

(Delegation of Authority No. 410 from Administrator of General Services to Heads of Executive Agencies effective March 26, 1962, 27 F.R. 3017, March 30, 1962.)

Effective as of March 26, 1962.

[SEAL] ROBERT C. WEAVER,
Housing and Home Finance Administrator.

[F.R. Doc. 62-7104; Filed, July 19, 1962; 8:52 a.m.]

CUMULATIVE CODIFICATION GUIDE—JULY

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THE UNIVERSITY OF MICHIGAN
JUL 24 1962
MAIN READING ROOM

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Title 3—THE PRESIDENT

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FIRE PREVENTION WEEK, 1962

By the President of the United States of America
A Proclamation

WHEREAS experience has revealed the great value of effective community fire prevention programs in conserving our national treasures of life and property; and

WHEREAS increased fire losses during the past year demand an immediate awareness on the part of the public of the need for, and value of, exercising greater care and responsibility in avoiding destructive fires and for participating in community fire prevention programs and related activities:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby designate the week beginning October 7, 1962, as Fire Prevention Week.

I bid all citizens to join in actively promoting the fire prevention and control efforts of their respective community fire departments, and I especially invoke the wholehearted support of State and local governments, the Chamber of Commerce of the United States, the American National Red Cross, and other labor, business, farm, and professional organizations, as well as schools, civic groups, and public information agencies, in observing Fire Prevention Week and in enlisting the public as active participants in fire prevention efforts. I also direct the appropriate Federal agencies to assist in this effort to reduce the shameful waste caused by preventable fires.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eighteenth day of July in the year of our Lord nineteen hundred and sixty-two, [SEAL] and of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-7198; Filed, July 19, 1962; 1:39 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Agriculture

Effective upon publication in the FEDERAL REGISTER, subparagraph (5) of paragraph (a) of § 6.111 is amended by amending the second sentence and adding subdivision (viii) as set out below.

§ 6.111 **Department of Agriculture.**

(a) *General.* * * *

(5) Temporary, intermittent, or seasonal employment in the field service of the Department of Agriculture in the kinds of positions indicated below. This authority is applicable to positions where the salary is equivalent to GS-5 or below; except that for forest worker positions under subdivision (v) of this subparagraph it may be used regardless of salary for wage-board positions and for the positions under subdivision (viii) it may be used for the levels therein indicated. Employment under this authority shall not exceed 130 working days a year for positions under subdivisions (ii), (iii), and (iv) of this subparagraph; and total employment under this subparagraph shall not exceed 180 working days a year. * * *

(viii) Agricultural Research helpers, helper-leaders, and workers paid at rates not in excess of WB-5 and Leader-5 in the Agricultural Research Service.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-7169; Filed, July 20, 1962; 8:54 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Agriculture

Effective upon publication in the FEDERAL REGISTER, subparagraph (2) of paragraph (h) of § 6.311 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-7170; Filed, July 20, 1962; 8:54 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Office of Emergency Planning

Effective upon publication in the FEDERAL REGISTER, subparagraph (4) of paragraph (a) of § 6.321 is amended as set out below.

§ 6.321 **Office of Emergency Planning.**

(a) *Office of the Director.* * * *

(4) Two Special Assistants to the Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-7171; Filed, July 20, 1962; 8:54 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 446—PEANUTS

Subpart—1962 Crop Peanut Price Support Program

Correction

In F.R. Doc. 62-6812, appearing at page 6583 of the issue for Thursday, July 12, 1962, the following corrections are made:

1. Section 446.1425(i) should read as follows:

(1) Section 446.1426(i) should read as producer may be set off against any payment which would otherwise be due the producer under any agricultural program administered by the Secretary of Agriculture or any other payments which are due or may become due the producer from CCC or any other agency of the United States.

2. In the tabular matter of § 446.1434 (d)(2), third line, "Southwest Spanish Type—0.07" should read "Southeast Spanish Type—0.07".

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 3]

PART 7—AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEES

Subpart—Selection and Functions of Agricultural Stabilization and Conservation County and Community Committees

By virtue of the authority vested in the Secretary of Agriculture by the Soil Conservation and Domestic Allotment Act of 1936, as amended, the regulations in this subpart published in the FEDERAL REGISTER of March 23, 1961 (26 F.R. 2451), June 22, 1961 (26 F.R. 5555), and April 25, 1962 (27 F.R. 3911) are amended to reduce the period from 90 to 30 days for filing notice of appeal from removal from office or employment or disqualification for future office or employment. The regulations in this subpart are, therefore, amended as follows:

1. In § 7.30 the last sentence is amended to read, "Notice of such appeals must be filed within 30 days of the date the notice of removal, disqualification, or decision is mailed to any such person."

(Sec. 4, 49 Stat. 164, as amended; 16 U.S.C. 590d. Interpret or apply sec. 8, 49 Stat. 1149, as amended; 16 U.S.C. 590h)

Effective on publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 18, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-7164; Filed, July 20, 1962; 8:54 a.m.]

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

Phoenix, Arizona, Designated as Bona Fide Spot Cotton Market

On June 27, 1962, a notice of rule making was published in the FEDERAL REGISTER (27 F.R. 6047) regarding the proposed amendment of § 27.93 of the Regulations for Cotton Classification under Cotton Futures Legislation to designate Phoenix, Arizona as a bona fide spot cotton market.

After consideration of all relevant matters presented, § 27.93 of said regulations is hereby amended to read as follows, pursuant to authority contained in sections 4862 and 4863 of the Internal Revenue Code of 1954 (68A Stat. 581, 582; 26 U.S.C. 4862, 4863):

§ 27.93 **Bona fide spot markets.**

The following markets have been determined, after investigation, and are hereby designated to be bona fide spot markets within the meaning of the act:

Atlanta, Ga.	Houston, Tex.
Augusta, Ga.	Little Rock, Ark.
Charleston, S.C.	Lubbock, Tex.
Dallas, Tex.	Memphis, Tenn.
Fresno, Calif.	Montgomery, Ala.
Galveston, Tex.	New Orleans, La.
Greenville, S.C.	Phoenix, Ariz.
Greenwood, Miss.	

(Secs. 4862, 4863, 68A Stat. 581, 582; 26 U.S.C. 4862, 4863)

Effective date. The foregoing amendment shall become effective August 1, 1962. The notice of rule making published in the FEDERAL REGISTER (27 F.R. 6047) proposed that the amendment would be made effective August 1, 1962. No objections to this proposed effective date were received. The Phoenix, Arizona Cotton Exchange has already made

arrangements to furnish cotton price quotations to the Department. These quotations will be published and disseminated by the Department resulting in benefits to cotton producers, buyers, and others handling cotton from this large cotton producing area. It is important that publication of these quotations being on August 1, 1962, as this is the beginning of the 1962 cotton marketing year. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Dated: July 17, 1962.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 62-7151; Filed, July 20, 1962; 8:52 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 22]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.322 Valencia Orange Regulation 22.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 19, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., July 22, 1962, and ending at 12:01 a.m., P.s.t., July 29, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 450,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 20, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-7264; Filed, July 20, 1962; 11:32 a.m.]

[Lemon Reg. 31]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.331 Lemon Regulation 31.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 17, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., July 22, 1962, and ending at 12:01 a.m., P.s.t., July 29, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 19, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-7195; Filed, July 20, 1962; 8:55 a.m.]

[Lime Order 3, Amdt. 1]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size

(a) *Finding.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Flordia Lime Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 23, 1962. Shipments of Florida limes are currently regulated pursuant to Lime Regulation 3 (27 F.R. 6491) and, unless sooner terminated, will continue to be so regulated until April 30, 1963; determinations as to the need for, and extent of, continued regulation of Florida lime shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of lime shipments subsequent to July 23, 1962, and in the manner herein provided, were promptly submitted to the Department after an open meeting of the Florida Lime Administrative Committee on July 17, 1962, held to consider recommendations for regulation; the provisions of this amendment are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among handlers of Florida limes; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective as hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) It is, therefore, ordered that the provisions of paragraph (b)(2)(ii) of § 911.304 (Lime Order 3; 27 F.R. 6491) are hereby amended to read as follows:

(ii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which do not grade at least U.S. No. 1, Mixed Color; or

(c) The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., July 23, 1962.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 18, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-7165; Filed, July 20, 1962; 8:54 a.m.]

[Lime Reg. No. 1, Amdt. 2]

PART 944—FRUITS; IMPORT REGULATIONS

Limes

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) of § 944.200 (Lime Regulation 1; 27 F.R. 3797, 5734) are hereby amended to read as follows:

(a) On and after 12:01 a.m., e.s.t., July 26, 1962, the importation into the United States of any limes is prohibited unless such limes are inspected and meet the following requirements:

(1) Such limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms) meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(2) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) grade at least U.S. No. 1, Mixed Color; and

(3) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) are of a size not smaller than 1⅞ inches in diameter: *Provided*, That not to exceed 10 percent, by count, of the limes in any container may fail to meet this requirement.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 1001–1011) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions being made applicable to domestic shipments of limes under Amendment 1 to Lime Regulation 3 (§ 911.304), which becomes effective July 23, 1962; (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; (d) notice hereof in excess of 3 days, the minimum that is prescribed by said section 8e, is given with respect to such regulation; and (e) such notice is hereby determined, under the circumstances, to be reasonable.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated July 18, 1962, to become effective at 12:01 a.m., e.s.t., July 26, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-7166; Filed, July 20, 1962; 8:54 a.m.]

[958.307]

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 130 and Order No. 958 (7 CFR Part 958), regulating the handling of onions grown in the production area defined therein, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of recommendations and information submitted by the Idaho-Eastern Oregon Onion Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments hereinafter set forth, will tend to maintain orderly marketing conditions and increase returns to producers.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of 1962 crop onions grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to all such shipments during the effective period, (3) producers and handlers have operated under this marketing order program since 1957, so special preparation on the part of handlers is not required, and (4) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

§ 958.307 Limitation of shipments.

During the period from July 23, 1962, through June 30, 1963, no person shall handle any lot of onions unless such onions meet the requirements of paragraph (a) of this section, or unless such onions are handled in accordance with paragraphs (b) or (c) of this section.

(a) *Minimum grade and size requirements*—(1) *Grade.* All varieties—U.S. No. 2 grade.

(2) *Size.* Yellow varieties—2 inches minimum diameter.

(b) *Special purpose shipments.* The minimum grade and size requirements set forth in paragraph (a) of this section and the inspection and assessment requirements of this part shall not be applicable to shipments of onions for any of the following purposes:

(1) Planting;

(2) Livestock feed; and

(3) Charity.

(c) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, one ton of onions any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds one ton of onions.

(d) *Definitions.* The term "U.S. No. 2" shall have the same meaning as when

used in the United States Standards for Onions (§§ 51.2830 to 51.2850 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 130 and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated July 17, 1962 to become effective July 23, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–7150; Filed, July 20, 1962; 8:52 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Eligibility of Specific Bond Issues for Purchase by National Banks

Part 1, Chapter I, Title 12, of the Code of Federal Regulations of the United States of America is hereby amended by adding new § 1.13 as follows:

§ 1.13 The Music Center Lease Company, Los Angeles, California.

(a) *Request.* (1) The Comptroller of the Currency has been asked to rule on the eligibility of $13,730,000 Leasehold Mortgage Bonds of The Music Center Lease Company, Los Angeles, California, for investment by national banks under the provisions of Paragraph Seventh, 12 U.S.C. 24.

(b) *Opinion.* (1) The Music Center Lease Company is a nonprofit corporation acting for Los Angeles County and is not a municipal authority. Its property, assets, profits and net revenues are irrevocably dedicated to Los Angeles County except that all of its net revenues will be used first to discharge its bonds, debentures or other evidences of indebtedness.

(2) The County of Los Angeles owns certain property in the Civic Center Area of downtown Los Angeles which it has leased to The Music Center Lease Company for a period of 30 years. The Lease Company will construct, in accordance with plans and specifications furnished by the County, a pavilion and related facilities which it will lease to the County for a period of 30 years. The pavilion and facilities are for the use of the public as an auditorium, opera house, music hall and center. The cost of construction is estimated to be about $18,850,000. The Lease Company proposes to issue $13,730,000 in Leasehold Mortgage Bonds to finance the construction of the pavilion and facilities. It is expected that contributions estimated at $6,000,000 will provide the remainder of the financing. The bonds will have serial maturities beginning with $300,000 due in 1965 and gradually increasing to $825,000 in 1991, the final maturity. These bonds have not been publicly offered but will be sold on a private placement basis. There has been no registration with the Securities and Exchange Commission. Internal Revenue Service has ruled that the interest on these bonds is exempt from Federal taxes.

(3) The basic security supporting the bonds is the lease to the County for the use of the pavilion. The pavilion is expected to be completed by November 1, 1964. Upon completion, the County will begin to make payments in the amount of $845,000 per year. These payments should be sufficient to cover the principal and interest on the bonds until their maturity. The bonds are further secured by all buildings, improvements, machinery, etc., constructed on or placed on the land which is involved.

(4) These securities are not exempt from the limitations and restrictions of 12 U.S.C. 24. They are not special revenue obligations of a state, municipal government, or duly constituted authority thereof, and thus do not fall within the exception for such securities contained in § 1.2(c). They must, therefore, meet the requirements contained in either paragraph (a) or (b) of § 1.2 in order to be eligible to be purchased for investment by national banks.

(5) Paragraph (a) of § 1.2 provides that in order to constitute an "investment security" within the meaning of Paragraph Seventh, 12 U.S.C. 24, the security must be a marketable obligation, saleable under ordinary circumstances with reasonable promptness at a fair value and, (i) a public distribution of such securities must have been provided for or made in a manner to protect or insure the marketability of the issue; or (ii) other existing securities of the obligor must have such a public distribution as to protect or insure the marketability of the issue under consideration.

(6) Paragraph (b) of § 1.2 provides that in the case of securities which do not meet the requirements of paragraph (a) of § 1.2 but which are issued by established commercial or industrial businesses or enterprises that can demonstrate the ability to service such securities, the debt evidenced thereby must mature not later than ten years after date of issuance, be sound and secure, and 75 percent of the principal must be extinguished by maturity date by substantial periodic payments.

(7) The securities under consideration will be sold on a private placement basis; there will be no public distribution. There are no other obligations of the issuer. The issuer cannot be considered to be an established commerical enterprise. Although it probably can demonstrate ability to service the debt which will be amortized to maturity, the final maturity in 1991, exceeds the maximum of ten years permissible under § 1.2(b).

(c) *Ruling.* We conclude that the subject bonds fail to meet the requirements of this part and accordingly are not "investment securities" within the meaning of 12 U.S.C. 24 and are not eligible for investment by national banks. There is, however, no legal prohibition against their being accepted by national banks as collateral for loans.

Dated: July 17, 1962.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 62–7159; Filed, July 20, 1962; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Regulatory Docket No. 1293; Supp. 14]

PART 20—PILOT AND INSTRUCTOR CERTIFICATES

Class Ratings on Multijet Airplanes With Engines in Fuselage

Section 20.120–2 of the manual material related to Part 20 of the Civil Air Regulations expresses a policy of the Administrator to the effect that an airplane with multiple jet engines in the fuselage or wing roots will be considered as an "airplane single-engine land (or sea)" for the purpose of issuing aircraft ratings under § 20.120. This restriction applied to the issuance of aircraft ratings to applicants seeking certificates or ratings on the basis of military competence obtained in such airplanes. It was adopted because there were no civil airplanes having a multiengine center-thrust configuration similar to the military for which a comparable multiengine rating could be issued. Moreover, experience obtained in such airplanes was not considered adequate for an unrestricted multiengine rating because the failure of one engine of such airplanes does not require the use of multiengine flight control techniques to maintain control of the airplane.

Civil airplanes having multiple engines in center-thrust configuration have been certificated recently. Therefore, the policy expressed by § 20.120–2 is obsolete and is hereby deleted to permit the issuance of a multiengine rating with appropriate restrictions to applicants whose multiengine qualifications are limited to airplanes having a multiengine center-thrust configuration.

Since this regulatory action relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days' notice.

In consideration of the foregoing, Part 20 of the Civil Air Regulations (14 CFR Part 20) is hereby amended by deleting § 20.120–2, effective July 21, 1962.

(Secs. 313(a), 601, 602; 72 Stat. 752, 775, 776; 49 U.S.C. 1354, 1421, 1422)

Issued in Washington, D.C., on July 16, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62–7126; Filed, July 20, 1962; 8:46 a.m.]

[Regulatory Docket No. 874; Amdt. 46–7]

PART 46—SCHEDULED AIR CARRIER HELICOPTER CERTIFICATION AND OPERATION RULES

Flight Crewmember Qualifications

The Federal Aviation Agency published as a notice of proposed rule making (26 F.R. 8464) and circulated as Civil Air Regulations Draft Release No. 61–18 dated August 31, 1961, a proposal to amend Part 46 of the Civil Air Regulations with respect to the recency of experience required for helicopter pilots and the maintenance of pilot route and heliport qualifications.

Written comments were received from interested groups both endorsing and opposing the proposal. The Air Transport Association was strongly in favor of the proposal and recommended immediate implementation. The Air Line Pilots Association, however, opposed any relaxing of the requirements and firmly recommended more stringent requirements for pilot route qualification when serving in night operations.

Draft Release 61–18 proposed to extend the present 30-day recency of experience provision to 90 days. When Part 46 was originally adopted, the 30-day recency of experience provision was considered essential to safety since helicopter air transportation was a new industry without any appreciable background of experience to draw upon. However, since that time, acceptable operating practices have been developed, training programs have been established, and additional helicopter experience has been gained.

Helicopter operations are primarily short-haul operations requiring a great many takeoffs and landings. These numerous takeoffs and landings provide the pilot with a wide variation of operational experience. They also serve to develop to a very high degree the particular skills and techniques which are necessary to accomplish these manuevers. It is reasonable to assume, therefore, that these highly developed skills and techniques will not deteriorate to an unsatisfactory degree if not utilized during a time interval as short as 90 days. In addition, this extension of time for pilot recency of experience will bring Part 46 in line wtih Parts 40, 41, and 42 in that these parts require a minimum of 3 takeoffs and landings in each 90-day period to maintain pilot recency of experience requirements.

The draft release also proposed to relax the existing provisions contained in § 46.301 by requiring that only pilots in command accomplish simulated one-engine-inoperative landings periodically. After due consideration of this proposal and in light of the comments received, it has been determined that an adequate level of safety can only be maintained if all pilots scheduled to serve in helicopter air transportation periodically accomplish simulated one-engine-inoperative landings. Helicopter operations are normally conducted at relatively low altitudes. As a result of this type of operation, the time interval for executing an engine-inoperative landing is very limited. This very limited time interval dictates that both of the pilots in two-pilot crews be proficient in executing this emergency manuever since the two-pilot-crew concept has developed the acceptable practice of alternating pilot duties other than the function of command. Furthermore, it is imperative that the pilot serving as second in command on helicopters requiring two pilots be qualified to assume command of the helicopter in the event of sudden incapacitation of the pilot in command. As defined in Part 7 of the Civil Air Regulations, Rotorcraft Airworthiness; Transport Categories, "An autorotative landing is any landing of a rotorcraft in which the entire maneuver is accomplished without the application of power to the rotor." In the case of single-engine helicopters, the loss of operation of the engine results in an autorotative landing, but in the case of multiengine helicopters, the loss of operation of one engine does not result in an autorotative landing. However, in both single-engine and multiengine helicopters, the autorotative or one-engine-inoperative landing is an emergency maneuver which requires periodic practice to retain pilot proficiency. In view of the above, it is determined essential to safety to require any pilot scheduled by an air carrier to serve as a pilot in helicopter air transportation to accomplish at least 2 simulated one-engine-inoperative or autorotative landings every 90 days.

Relative to the proposal contained in the draft release to relax the existing requirement for a simulated one-engine-inoperative landing at night, it has been determined that safety would be impaired if such a proposal were adopted. As stated above, helicopter operations are normally conducted at low altitudes. At night, at these low altitudes, it becomes more difficult to distinguish terrain features and judge distance accurately against a background of both stationary and moving surface lights. Furthermore, although some of the heliports are illuminated with lighting specifically designed for heliports, other lights in the vicinity may distort the lighting contrast and produce indefinite silhouettes of the surrounding buildings in close proximity to the helicopter on its final approach and landing. Therefore, unless a pilot has had recent helicopter night landing experience, this distortion of light contrast and lack of clearly defined terrain features may impair his judgment of distance and may affect his depth perception, thus making a one-engine-inoperative or autorotative landing at night most difficult. Accordingly, pilots engaged in helicopter operations at night should be experienced in performing this emergency maneuver at night. In view of the above and in conjunction with comments received, it is determined to be in the interest of safety to continue the present requirement that at least one of the 2 one-engine-inoperative or autorotative landings required each 90 days be performed during the hours of darkness if the pilot is scheduled to fly in night helicopter air transportation.

It was determined that the phrase "within the preceding 90 days" contained in § 46.303(c) was unnecessary because of the requirement in § 46.304 that a pilot who has been absent from a route or a heliport on the route for a period in excess of 3 months must comply with all the provisions of § 46.303(c) before acting as pilot in command on that route. Therefore, the phrase is being deleted.

The 30-day requirement presently contained in § 46.304(b) is being changed to 3 months to conform with the original route and heliport qualifications inasmuch as the maintenance of these qualifications should not be more stringent than the original qualifications. The present rule requires that all pilots serving in night operations maintain or reestablish route and heliport qualifications during daylight hours. While it was proposed to relax this requirement so as to be applicable only in the case of passenger-carrying operations, such a requirement is also considered essential to safety for all night operations. Obstructions, and changes occurring to such obstructions, along the route and on the approaches to heliports on the route are equally important to all helicopter pilots serving as pilot in command in all night operations. These obstructions and any changes occurring thereto can best be observed during daylight hours. Accordingly, a periodic daylight flight will insure that each pilot in command serving in night operations is continually familiar with the location and size of such obstructions. In view of the above and in consideration of the comments received, each pilot utilized as pilot in command in night operations will be required to make at least one trip during daylight hours every 3 months as pilot or other member of a flight crew between terminals into which he is scheduled to fly.

Interested persons have been afforded an opportunity to participate in the making of this regulation (26 F.R. 8464), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 46 of the Civil Air Regulations (14 CFR Part 46, as amended) is hereby amended as follows, effective August 21, 1962:

1. By amending § 46.301 to read as follows:

§ 46.301 Pilot recent experience.

No air carrier shall schedule a pilot to serve as a pilot in scheduled air transportation unless within the preceding 90 days he has made at least 3 takeoffs and at least 3 landings in a helicopter of the particular type on which he is to serve; 2 of these landings shall be made from approaches with a simulated one-engine-inoperative condition in multiengine helicopters, or, in autorotation in single-engine helicopters; and, if the pilot is scheduled to serve in night air transportation, at least 1 of the 2 simulated one-engine-inoperative or autorotative landings shall have been made during hours of darkness.

2. By amending § 46.303(c) to read as follows:

§ 46.303 **Pilot route and heliport qualification requirements.**

* * * * *

(c) Each such pilot shall make an entry as a member of the flight crew at each heliport into which he is to fly. The entry shall include a landing and takeoff under day HVR weather conditions to permit the qualifying pilot to observe the heliport, surrounding terrain, and any obstructions to landings and takeoffs. The qualifying pilot shall occupy a seat in the pilot compartment and shall be accompanied by a pilot qualified at the heliport.

3. By amending § 46.304 to read as follows:

§ 46.304 **Maintenance and reestablishment of pilot route and heliport qualifications for particular trips.**

(a) To maintain pilot route and heliport qualifications, each pilot being utilized as pilot in command shall have made, within the preceding 3-month period, at least one trip, as pilot or other member of a flight crew, between the terminals into which he is scheduled to fly. In order to maintain qualification for night operations, this trip must have been made during the hours of daylight.

(b) In order to reestablish pilot route and heliport qualifications after absence from a route or a heliport thereon for a period in excess of 3 months, a pilot shall comply with the provisions of § 46.303.

(Secs. 313(a), 601, 604, 605; 72 Stat. 752, 775, 778; 49 U.S.C. 1354, 1421, 1424, 1425)

Issued in Washington, D.C., on July 16, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62-7125; Filed, July 20, 1962; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8444]

PART 13—PROHIBITED TRADE PRACTICES

Hans Bros., Inc., et al.

Subpart—Furnishing False guaranties: § 13.1053 *Furnishing false guaranties:* § 13.1053–35 *Fur Products Labeling Act.* Subpart—Invoicing Products Falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Neglecting, Unfairly or Deceptively, to Make Material Disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900–40 *Fur Products Labeling Act:* § 13.1900–40(b) *Place.* Subpart—Using Misleading Name—Goods: § 13.2280 *Composition:* § 13.2280–30 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Hans Bros., Inc., et al., New York, N.Y., Docket 8444, Mar. 14, 1962]

In the Matter of Hans Bros., Inc., a Corporation, and Max Hans and Harry Hans, Individually and as Officers of Said Corporation and Jack Hans, Individually and as Office Manager of the Said Corporation

Order requiring New York City furriers to cease violating the Fur Products Labeling Act by failing to disclose on labels and invoices the names of animals producing the fur in certain fur products; failing to disclose on invoices the country of origin of imported furs; setting forth on invoices the name of an animal other than that which produced a fur, such as "lynx-dyed fox"; and furnishing false guaranties that certain of their fur products were not misbranded, falsely invoiced, or falsely advertised.

The order to cease and desist is as follows:

It is ordered, That Hans Bros., Inc., a corporation, and Max Hans and Harry Hans, individually and as officers of said corporation, and Jack Hans, individually and as office manager of the said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, manufacture for introduction, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce of fur products or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish to purchasers of fur products invoices showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Setting forth on invoices pertaining to fur products the name or names of any animal or animals other than the name of the animal producing the fur contained in the fur product as specified in the Fur Products Name Guide and as prescribed under the rules and regulations.

3. Furnishing false guarantees that fur or fur products are not misbranded, falsely advertised or falsely invoiced under the provisions of the Fur Products Labeling Act, when there is reason to believe that such fur or fur products so falsely guaranteed may be introduced into or sold, transported or distributed in commerce.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 14, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-7127; Filed, July 20, 1962; 8:46 a.m.]

[Docket 8335]

PART 13—PROHIBITED TRADE PRACTICES

Paris Neckwear Company, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* § 13.1053–80 *Textile Fiber Products Identification Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–70 *Textile Fiber Products Identification Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Paris Neckwear Company, Inc., et al., New York, N.Y., Docket 8335, Mar. 14, 1962]

In the Matter of Paris Neckwear Company, Inc., a Corporation, Paris Handkerchief Company, Inc., a Corporation, and Harry Markson, Herbert Siegel, and Ted Markson, Individually and as Officers of Said Corporations

Order requiring associated manufacturers in New York City to cease violating the Textile Fiber Products Identification Act by such practices as failing to label as to fiber content some 17,000 dozen handkerchiefs which they shipped from their place of business in Walnut Port, Pa., to a New York City concern under a barter or exchange arrangement, and representing falsely that the handkerchiefs were labeled as required by the Act by making such statements on invoices covering the shipments as "Continuing guarantee under the Textile Fiber Products Identification Act filed with the Federal Trade Commission".

The order to cease and desist is as follows:

It is ordered, That the respondents, Paris Neckwear Company, Inc., a corporation, and Paris Handkerchief Company, Inc., a corporation, and their respective officers, and Harry Markson, Herbert Siegel, and Ted Markson, individually and as officers of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, manufacture for introduction, sale, advertising and offering for sale, in commerce, and in the transportation or causing to be transported in commerce; and in the importation into the United States of textile fiber products; and in connection with selling, offering for sale, advertising, delivering, transporting, or causing to be transported, textile fiber products which have been advertised or offered for sale in commerce; and in connection with selling, offering for sale, advertising, delivering, transporting, and causing to be transported, after shipment in commerce, textile fiber products, either in their original state or which have been made of other textile fiber products shipped in commerce; as the term "commerce", is defined in the Textile Fiber Products Identification Act, of handkerchiefs or other "textile fiber products" as such products are defined in and subject to the Textile Fiber Products Identification Act, do forthwith cease and desist from: Misbranding textile fiber products by failing to affix labels to such products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That respondent Paris Handkerchief Company, Inc., a corporation, and its officers, and its representatives, agents and employees as set forth in the preceding paragraph, do forthwith cease and desist from: Furnishing false guaranties that textile fiber products are not misbranded under the provisions of the Textile Fiber Products Identification Act.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 14, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-7128; Filed, July 20, 1962; 8:46 a.m.]

[Docket No. C-94]

PART 13—PROHIBITED TRADE PRACTICES

Midwest Frozen Foods, Inc., et al.

Subpart—Misrepresenting oneself and goods—Goods: § 13.1760 *Terms and conditions;* § 13.1775 *Value.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1905 *Terms and conditions.* Subpart—Securing orders by deception: § 13.2170 *Securing orders by deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Midwest Frozen Foods, Inc., et al. Gary, Ind., Docket C-94, Mar. 13, 1962]

In the Matter of Midwest Frozen Foods, Inc., a Corporation, Midwest Wholesale Freezer Foods, Inc., a Corporation, and Harriet B. Pearlstein, Individually and as Officer of Said Corporations

Consent order requiring Gary, Ind., sellers of freezers and food by means of a "freezer-food plan" to cease representing falsely, by their salesmen and otherwise, savings realized by purchasers of their plan, and failing to disclose that installment contracts would be sold to others and to complete contracts at the time of a sale and later filling in different terms and conditions from those agreed to.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Midwest Frozen Foods, Inc., a corporation, Midwest Wholesale Freezer Foods, Inc., a corporation, and their officers, and Harriet B. Pearlstein, individually and as an officer of said corporations, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of freezers, food or freezer-food plans, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing in any manner that salesmen or saleswomen are experts in the field of dietary control or are qualified in planning or determining the food requirements of customers or purchasers;

2. Representing that food ordered by a purchaser will be sufficient to last such purchaser any stated or specified period of time;

3. Representing that they are wholesalers of food or sell food at wholesale prices;

4. Representing that by purchasing their freezer-food plan purchasers can purchase their food requirements and a freezer for the same or less money than they have been paying for food alone;

5. Representing that purchasers of their freezer-food plan can save enough money on the purchase of food to pay for a freezer;

6. Misrepresenting in any manner the savings realized by respondents' customers;

7. Representing, by failure to disclose or otherwise, that purchasers' installment contracts are financed or carried by respondents or that they will not be sold or discounted to others, when respondents themselves do not finance or carry such contracts, or when respondents sell or discount such contracts to others;

8. Obtaining purchasers' signatures on sales contracts which contracts do not at that time contain all of the terms or conditions of sale.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 13, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-7172; Filed, July 20, 1962; 8:55 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Further Extensions of Effective Date of Statute

The Commissioner of Food and Drugs, pursuant to the authority provided in Public Law 87-19 (75 Stat. 42) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), hereby orders that § 120.37 of the pesticide regulations be amended by changing the items listed to read as follows:

§ 120.37 **Further extensions of effective date of Public Law 86-139 as it affects section 408 of the Federal Food, Drug, and Cosmetic Act.**

* * * * *

Product	Specified uses or restrictions	Effective date of statute extended to—
* * *	* * *	* * *
Sodium chlorate with added sodium metaborate	On rice and sorghum (milo) as a desiccant	July 1, 1963
* * *	* * *	* * *
Sodium salt of beta-naphthoxyacetic acid	On pineapples to delay maturation	July 1, 1963
2,4,5-Trichlorophenoxyacetic acid or its butyl ester	On grapefruit to increase size and control fruit drop	Do.
* * *	* * *	* * *

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time under certain conditions, for the effective date of the Mematocide, Plant Regulator, Defoliant, and Desiccant Amendment as it affects section 408 of the Federal Food, Drug, and Cosmetic Act were contemplated as a relief of restrictions on the agricultural industry.

Effective date. This order shall be effective on the date of signature.

(Public Law 87-19, 75 Stat. 42; 7 U.S.C. 135)

Dated: July 17, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-7128; Filed, July 20, 1962; 8:51 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 87–19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), hereby orders that § 121.91 of the food additive regulations (21 CFR 121.91) be amended as set forth below:

1. Section 121.91 is amended by changing the items listed to read as set forth below and by deleting the item "Pigment yellow 35 • • •" (26 F.R. 8508) because this is now combined with "Cadmium zinc sulfide • • •".

§ 121.91 Further extension of effective date of statute for certain specified food additives as indirect additives to food.

• • • • •

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—
• • •	• • •	• • •
Barium sulfate (pigment white 21, 22, 23); Color Index No. 77120 (26 F.R. 7963).	Colorant in food containers and equipment	[1] July 1, 1963
• • •	• • •	• • •
Ultramarine blue (26 F.R. 7963)	Colorant in food containers and liners	[1] July 1, 1963
• • •	• • •	• • •
Ultramarine blue (complex sodium aluminosulfosilicate) (26 F.R. 8508).	Component of flexible food-packaging films and printing inks.	[1] July 1, 1963
Cadmium mercury sulfide (26 F.R. 8508)	Colorant in food containers and equipment; no migration of cadmium or mercury.	[1] July 1, 1963
Cadmium zinc sulfide (pigment yellow 35); Color Index No. 77117 (26 F.R. 8508).	Colorant in food containers and equipment; no migration of cadmium. Colorant in polyethylene for food packaging; no migration of cadmium.	[1] July 1, 1963 [1] July 1, 1963
• • •	• • •	• • •
Pigment blue 15 (Zulu blue 4849); Color Index No. 74160 (26 F.R. 8508).	Colorant in polyethylene for food packaging	[1] July 1, 1963
Pigment green 7 (Monastral GT 710D); Color Index No. 74260 (26 F.R. 8508).	do	[1] July 1, 1963
Pigment orange 13 (pyrazolone YB-3); Color Index No. 21110 (26 F.R. 8508).	Colorant in polyethylene for food packaging	[1] July 1, 1963
Pigment red 108 (cadmium red 598G (1419)); Color Index No. 77196 (26 F.R. 8508).	Colorant in polyethylene for food packaging; no migration of cadmium.	[1] July 1, 1963
Pigment yellow 12 (benzidine yellow); Color Index No. 21090 (26 F.R. 8508).	Colorant in food containers and equipment	[1] July 1, 1963
• • •	• • •	• • •
Pigment red 48 (red 2B, rubine red); Color Index No. 15865 (26 F.R. 9715).	Colorant in food containers and equipment	[1] July 1, 1963
Pigment yellow 17 (benzidine yellow); Color Index No. 21090 (26 F.R. 9715).	do	[1] July 1, 1963
• • •	• • •	• • •
Quinacridone red (Monastral red RT 790–D) (26 F.R. 11242).	Colorant in polyethylene for food packaging	[1] July 1, 1963

[1] Progress report required by Jan. 1, 1963.

2. Section 1291 is further amended by adding thereto the following new items:

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—	Progress report required by—
• • •	• • •	• • •	• • •
Chromium oxide green (pigment green 17); Color Index No. 77288.	Colorant in food containers and equipment.	July 1, 1963	Jan. 1, 1963
Pigment green 7 (Zulu green 614G); Color Index No. 74260.	Colorant in polyethylene for food packaging.	do	Do.
Pigment red 108 (cadmium light 1405); Color Index No. 77196.	Colorant in polyethylene for food packaging; no migration of cadmium.	do	Do.
Pigment yellow 14 (benzidine yellow OT); Color Index No. 21095.	Colorant in polyethylene for food packaging.	do	Do.
Pigment yellow 52 (benzidine yellow 12220); Color Index No. 21105.	Colorant in polyethylene for food packaging.	do	Do.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendments to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87–19 as a relief of restrictions on the food processing industry.

Effective date. This order shall become effective on the date of signature.

(Sec. 6(c), Public Law 85–929, as amended sec. 2, Public Law 87–19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: July 17, 1962.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62–7161; Filed, July 20, 1962; 8:53 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SLIMICIDES

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Onyx Chemical Corporation, 190 Warren Street, Jersey City 2, New Jersey, and other relevant material, has concluded that § 121.2505 of the food additive regulations should be amended as hereinafter provided, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625).

Paragraph (c) is amended by changing the item "*N*-Alkyl (C_{12}–C_{16}) dimethylbenzyl ammonium chloride" in the tabulation to read "*n*-Alkyl (C_{12}–C_{18}) dimethyl benzyl ammonium chloride."

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 17, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62–7149; Filed, July 20, 1962; 8:51 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 271—USE OF "SMOKEY BEAR" SYMBOL

Part 271, Chapter II of Title 36 of the Code of Federal Regulations is revised to read as follows:

Sec.
271.1 Definitions.
271.2 Use of official campaign materials.
271.3 Public service use.
271.4 Commercial license.
271.5 Unauthorized use.
271.6 Review of licenses.
271.7 Power to revoke.
271.8 Consultation with Association of State Foresters and the Advertising Council

AUTHORITY: §§271.1 to 271.8 issued under 66 Stat. 92, 18 U.S.C. 711.

§ 271.1 Definitions.

(a) The term "Smokey Bear" as used in the regulations in this part means the character "Smokey Bear" originated by the Forest Service of the United States Department of Agriculture in cooperation with the Association of State Foresters and The Advertising Council, or any facsimile thereof, or the name "Smokey Bear," or any name or designation sufficiently similar as to suggest the character "Smokey Bear".

(b) The term "Chief" means the Chief of the Forest Service, United States Department of Agriculture, or person designated to act for him.

(c) The term "Association of State Foresters" means the national organization of State Foresters.

(d) The term "The Advertising Council" is the Advertising Council, Inc., organized under the laws of the State of New York.

§ 271.2 Use of official campaign materials.

Official Cooperative Forest Fire Prevention materials may be used without express approval where such use is solely for the purpose of increasing public information regarding forest fire prevention.

§ 271.3 Public service use.

The Chief may authorize the use of "Smokey Bear" for non-commercial educational purposes, without charge, when such use is essentially as a public service, and will, in his judgment, contribute to public information and education concerning the prevention of forest fires.

§ 271.4 Commercial license.

(a) The Chief may authorize the commercial manufacture, importation, reproduction, or use of "Smokey Bear" upon the following findings:

(1) That the use to which the article or published material involving Smokey Bear is to be put shall contribute to public information concerning the prevention of forest fires.

(2) That the proposed use is consistent with the status of Smokey Bear as the symbol of forest fire prevention and does not in any way detract from such status.

(3) That a use or royalty charge which is reasonably related to the commercial enterprise has been established.

(b) Such other conditions shall be included as the Chief deems necessary in particular cases.

§ 271.5 Unauthorized use.

The manufacture, importation, reproduction or use of "Smokey Bear," except as provided under §§ 271.2, 271.3, or 271.4, is unauthorized.

§ 271.6 Review of licenses.

The Chief will cooperate with the Association of State Foresters and the Advertising Council, and for this purpose may review with these organizations from time to time the nature and status of licenses granted under these regulations in this part.

§ 271.7 Power to revoke.

It is the intention of the regulations in this part that the Chief, in exercising the authorities delegated hereunder, will at all times consider the primary purpose of fostering public information in the prevention of forest fires. All authorities and licenses granted under the regulations in this part shall be subject to abrogation by the Chief at any time he finds that the use involved is injurious to the purpose of forest fire prevention, is offensive to decency or good taste, or for similar reasons in addition to any other limitations and terms contained in the licenses.

§ 271.8 Consultation with Association of State Foresters and the Advertising Council.

These regulations in this part have been issued after consultation with the Association of State Foresters and the Advertising Council.

It is the purpose of this change in the regulations to prevent the importation of unauthorized Smokey Bear items manufactured or reproduced outside the United States. It is, therefore, to the benefit of authorized Smokey Bear licensees and to the public that these regulations be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these regulations effective less than thirty days after publication.

The foregoing regulations shall supersede the regulation issued by the Secretary effective July 22, 1952, and become effective on the 21st day of July 1962.

Done at Washington, D.C., this 17th day of July 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62–7152; Filed, July 20, 1962; 8:52 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 1—Federal Procurement Regulations

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 1 of Title 41 is amended as set forth below:

PART 1–1—GENERAL

Subpart 1–1.6—Debarred and Ineligible Bidders

1. Section 1–1.603(c) is amended by adding subparagraphs (10) and (11) to read as follows:

§ 1–1.603 Bases for debarment and ineligible list entry.

• • • • • •

(c) • • •

(10) Federal Civil Defense Act of 1950 (50 App. U.S.C. 2281(i)).

(11) Area Redevelopment Act of 1961 (42 U.S.C. 2518).

Subpart 1–1.8—Labor Surplus Area Concerns

2. Paragraph (e) of the Notice of Labor Surplus Area Set Aside, set forth in § 1.1804–2(c), Long-form notice, is amended by revising the second sentence thereof. As so amended, paragraph (e) of the Notice reads as follows:

§ 1–1.804–2 Notice to bidders or offerors.

• • • • • •

(c) *Long-form notice.* • • •

NOTICE OF LABOR SURPLUS AREA SET ASIDE

• • • • • •

(e) *Identification of Areas of Performance.* Each bidder desiring to be considered for award as a labor surplus area concern on the set-aside portion of this procurement shall identify in his bid the geographical areas in which he proposes to perform, or cause to be performed, a substantial proportion of the production of the contract. If the Department of Labor classification of any such area changes after the bidder has submitted his bid, the bidder may change the areas in which he proposes to perform: *Provided*, That he so notifies the Contracting Officer before award of the set-aside portion. Priority for negotiation will be based upon the labor surplus classification of the designated production areas as of the time of the proposed award.

3. Section 1–1.807(b) is amended to provide for the submission of negative reports. As so amended, the text reads as follows:

§ 1–1.807 Report on preference procurement in labor surplus areas.

• • • • • •

(b) *Frequency and due date.* Reports shall be prepared quarterly and submitted, in triplicate, to the General Services Administration, Office of Finance and Administration, General Services Building, Washington 25, D.C., within 45 work days after the close of each calendar quarter. Agencies having no reportable procurement during any report period shall submit negative reports.

Subpart 1–1.10—Publicizing Procurement Actions

4. Subpart 1–1.10 is revised to read as follows:

§ 1–1.1001 General policy.

Proposed procurements which offer competitive opportunities for prospective prime contractors or subcontractors shall be publicized as prescribed in this Subpart 1–1.10, to increase competition, thus assisting small business and labor surplus area concerns and broadening industry participation in Government procurement programs.

§ 1–1.1002 Availability of invitations for bids and requests for proposals.

A reasonable number of copies of each invitation for bids and request for pro-

posals publicized in the Department of Commerce Synopsis (see § 1–1.1003–1), including specifications and other pertinent information, shall be maintained by the issuing office. To the extent such unclassified invitations for bids and requests for proposals are available, they shall be provided to manufacturers, construction contractors, and regular dealers and to others having a legitimate interest therein, such as publishers, trade associations, procurement information services and others who disseminate information concerning invitations for bids and requests for proposals; otherwise the procuring activity may limit the availability of invitations for bids and requests for proposals to perusal at the issuing office.

§ 1–1.1003 Synopses of proposed procurements.

§ 1–1.1003–1 Department of Commerce Synopsis.

(a) The "Commerce Business Daily, Synopsis of U.S. Government Proposed Procurement, Sales and Contract Awards," informally known as "Department of Commerce Synopsis" or "Synopsis," is published daily, except Saturdays, Sundays, and holidays, by the U.S. Department of Commerce, Chicago, Illinois. Section 8, Public Law 87–305, approved September 26, 1961, empowers the Secretary of Commerce to obtain notice of certain proposed procurement actions from any Federal department, establishment, or agency engaged in procurement of supplies and services in the United States; and to publicize such notices in the Department of Commerce Synopsis immediately after the necessity for the procurement is established.

(b) The primary purpose of the Department of Commerce Synopsis is to provide industry with information concerning current Government contracting and subcontracting opportunities, including information as to the identity and location of Government contracting offices and prime contractors having current or potential need for certain types of products or services.

(c) The Department of Commerce Synopsis is available on an annual subscription basis, and subscriptions can be entered at any Department of Commerce office. Complimentary subscriptions are available to participating Government activities upon request.

(d) Procurement agencies shall develop procedures for assuring that proposed procurements are publicized in the Synopsis as required by this section 1–1.1003.

§ 1–1.1003–2 General requirements.

(a) In accordance with section 8 of Public Law 87–305, all proposed defense procurement actions of $10,000 and above, and all proposed civilian agency procurement actions of $5,000 and above, will be publicized promptly in the Department of Commerce Synopsis, except that the following need not be so publicized:

(1) Procurements of a classified nature where the information necessary to be included or referenced in the solicitation (invitation for bids or request for proposals) is in itself of a classified nature and the public disclosure of this information would violate security requirements. All other classified procurements shall be published in the Synopsis if sufficient information of an unclassified nature can be provided in the solicitation to enable a prospective contractor to submit a bid or proposal;

(2) Procurements of perishable subsistence;

(3) Procurements which are for utility services and the procuring agency in accordance with applicable law has predetermined the utility concern to whom the award will be made;

(4) Procurements which are of such unusual and compelling emergency that the Government would be seriously injured if bids or offers were permitted to be made more than 15 calendar days after issuance of the invitation for bids or request for proposals or the date of transmittal of the synopsis, whichever is earlier;

(5) Procurements which are made by an order placed under an existing contract;

(6) Procurements which are made from another Government department or agency, or a mandatory source of supply;

(7) Procurements which are for personal or professional services;

(8) Procurements which are for services from educational institutions;

(9) Procurements in which only foreign sources are to be solicited; or

(10) Procurements for which it is determined in writing by the procuring agency, with the concurrence of the Administrator of the Small Business Administration, that advance publicity is not appropriate or reasonable.

The term "defense procurement actions," as used in this § 1–1.1003–2, shall apply only to procurements made by the Department of Defense.

(b) The dollar amount specified in § 1–1.1003–2(a) is not a prohibition against publicizing procurements below that amount where it is determined that such publication would be advantageous to industry or to the Government.

§ 1–1.1003–3 Research and development.

In order that potential sources may learn of research and development programs, advance notices of the Government's interest in a specific research and development field shall be published in the Synopsis in accordance with § 1–1.1003–7(b)(9) so as to give such sources adequate opportunity to submit information for evaluation of their research and development capabilities, except where security considerations prohibit such publication. Each specific procurement of research and development projects shall be publicized in the Synopsis unless one of the exceptions in § 1–1.1003–2 is applicable or unless an advance notice of the Government's requirements in the particular field, published in the Synopsis in accordance with § 1–1.1003–7(b)(9), has been sufficiently specific to permit potential sources to request solicitations for the procurement.

§ 1–1.1003–4 Synopses of subcontract opportunities.

Prime contractors and subcontractors should be encouraged to use the Synopsis to publicize opportunities in the field of subcontracting stemming from Government business. Prime contractors and their subcontractors will be advised to mail subcontract information directly to the U.S. Department of Commerce, Administrative Service Office, Room 1300, 433 West Van Buren Street, Chicago 7, Illinois, in format ready for printing.

§ 1–1.1003–5 Pre-invitation notices.

Where pre-invitation notices are used (see § 1–2.205–4), the preinvitation information shall be included in the Synopsis. The information need not be republished in the Synopsis when the invitation for bids concerned is subsequently issued.

§ 1–1.1003–6 Time of publicizing.

To allow concerns which are not on current bidders lists ample time to prepare bids or proposals, procuring activities should, when feasible, publicize proposed procurements before issuance of invitations for bids and requests for proposals. Prompt reporting is particularly important when a short time for submitting bids or proposals is involved.

§ 1–1.1003–7 Preparation and transmittal.

(a) Procuring activities shall transmit synopses of proposed procurements as follows:

(1) When teletypewriter service is available, synopses shall be forwarded as frequently as practical each day via teletypewriter covering invitations for bids and requests for proposals or quotations issued on that day, or at the earliest practical time prior to the issuance of such invitations and requests as is deemed appropriate, to the following address: Synopsis, U.S. Department of Commerce, Administrative Service Office, Chicago, Illinois.

(2) When teletypewriter service is not available, synopses normally shall be sent by airmail or ordinary mail, whichever is considered more expeditious, addressed as follows: U.S. Department of Commerce, Administrative Service Office, 433 West Van Buren Street, Chicago 7, Illinois. This address should be used also when commercial telegraph facilities are used.

(b) Each Synopsis message shall be prepared as described below:

(1) *Spacing.* Lines of the text shall be double spaced, not exceeding 69 typewritten spaces in length.

(2) *Numbering.* The first line of the message text should include a "transmittal number" for ready identification and reference purposes. Messages normally will be numbered consecutively by the reporting activity, using a new series of transmittal numbers starting with number one at the beginning of each calendar year.

(3) *Contracting office address.* Beginning with the second line of the text, state the name and location of the contracting office. Abbreviations should not be used except for the name of the State. The address may include an attention phrase directed to an official by name or title.

(4) *Description of supplies or services being procured.* Item descriptions will begin in narrative paragraph form, double spaced, with each line commencing at the left-hand margin. The description should be concise, but sufficiently detailed to permit understanding by interested parties. Commonly used names of procurement items, basic materials from which fabricated, general sizes or dimensions, citations of specification or drawing numbers, Federal stock numbers, quantities, units of measure, invitation for bid or request for proposal numbers, opening dates, place of delivery, and other pertinent data shall be included. Only standard, commonly understood abbrevations may be used. For purposes of clarity, two hyphens should be used instead of commas to separate quantities, purchase reference numbers, opening dates, etc. Copies of the Commerce Business Daily should be used as a guide in preparing copy in proper format.

(5) *Several items on one invitation for bids or request for proposals.* Where several items having the same procurement reference number and the same time for receipt of bids or proposals are reported, the description should be preceded by a blanket statement such as "The following described items are to be procured under Invitation for Bids (or Request for Proposals) No. ------, Opening Date ----------."

(6) *Qualified products.* If the procurement item is covered by one or more specifications requiring qualification testing and approval, and such requirement has not been waived, the notation "QPL" shall be inserted immediately following the specification number.

(7) *Term contracts or indefinite quantities.* If the quantity is indefinite, the description should so state and, where applicable, include information as to the duration of the contract period.

(8) *Procurements involving set-asides.* If the proposed procurement involves a small business set-aside or labor surplus area set-aside, the Synopsis message should—

(i) Where there is a 100 percent small business set-aside, state that "The proposed procurement(s) listed herein is (are) totally set aside for small business." Separate messages should be sent covering those proposed procurements which involve 100 percent small business set-asides to facilitate publication in the Notice to Small Firms section of the Synopsis.

(ii) Where there is a partial small business or labor surplus area set-aside, state that "An additional quantity of

---

(Insert number of units and description)

is being reserved for ----------

(Insert "small business" or "labor surplus area" as appropriate)

concerns under a partial set-aside determination."

(9) *Research and development item.* Notices which invite the submission of information as to research and development capabilities in specific fields of interest shall be headed "RESEARCH AND DEVELOPMENT SOURCES SOUGHT." This shall be followed by a statement similar to the following: "Firms having research and development capabilities in the field of ---------- and

(Be specific)

whose facilities and personnel include ----------

(Describe in substantial detail minimum facilities and personnel required)

are invited to submit complete information to the procuring office listed above. Information furnished should include the total number of employees and professional qualifications of scientists, engineers, and technical personnel; a description of general and special facilities; an outline of previous projects; a statement regarding industrial security clearance, if previously granted; and other available descriptive literature. This is not a request for a proposal."

§ 1–1.1004 Synopses of contract awards.

Awards of all unclassified contracts to be performed in whole or in part within the United States, exceeding $25,000 in amount, shall be published in the Synopsis. This dollar amount is not a prohibition against publicizing smaller awards where it is determined that such publication would be advantageous to industry or to the Government.

§ 1–1.1004–1 Preparation and transmittal.

(a) Procuring activities shall prepare information concerning contract awards in the same format, and forward single copies thereof to the same mailing address, as prescribed in § 1–1.1003–7(a) for synopses of proposed procurements. The information shall be sent by airmail or ordinary mail, whichever is considered more expeditious, before the close of business at the end of each week to U.S. Department of Commerce, Administrative Service Office, Room 1300, 433 West Van Buren Street, Chicago 7, Illinois.

(b) The synopses of contract awards shall be typed double space and contain the following information:

(1) Name and address of the procuring office.

(2) A clear and concise description of the property or services being procured, such description to be followed by the contract number and, in parenthesis, by the applicable number of the invitation for bids or request for proposals.

(3) Quantity and dollar amount of each item.

(4) Name and full address of the contractor.

(5) When requested by the prime contractor, a statement of the industries, crafts, processes, or component items in or for which subcontracts are available and subcontractors are desired, together with the general area, if any, indicated by the prime contractor, such as Southeast States, West Coast, New England.

(Sec. 8, 75 Stat. 668; 15 U.S.C. 637(e))

PART 1–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 1–2.2—Solicitation of Bids

In § 1–2.201(a), subparagraph (24) is amended to read as follows:

§ 1–2.201 Preparation of invitations for bids.

* * * * * *

(a) * * *

(24) A statement that the Nondiscrimination in Employment clause is not applicable to contracts (i) not involving the employment of persons, (ii) not exceeding $10,000, (iii) where work is to be performed entirely outside the United States and no recruitment of workers within the United States is involved, (iv) for standard commercial supplies or raw materials not exceeding $100,000, or (v) specifically exempted by the Executive Vice Chairman of the President's Committee on Equal Employment Opportunity.

PART 1–3—PROCUREMENT BY NEGOTIATION

Subpart 1–3.2—Circumstances Permitting Negotiation

1. Section 1–3.215(a) is amended to read as follows:

§ 1–3.215 Otherwise authorized by law.

* * * * * *

(a) Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

Subpart 1–3.4—Types of Contracts

2. Section 1–3.404–3(c) is amended to read as follows:

§ 1–3.404–3 Cost-plus-a-fixed-fee contract.

* * * * * *

(c) *Limitations.* The fixed fees shall not exceed those prescribed by agency procedures within the limitations set forth in the first sentence of section 304(b) of the Act, which sentence reads in part as follows:

* * * in the case of a cost-plus-a-fixed-fee contract the fee shall not exceed 10 per centum of the estimated cost of the contract, exclusive of the fee as determined by the agency head at the time of entering into such contract (except that a fee not in excess of 15 per centum of such estimated cost is authorized in any such contract for experimental, developmental, or research work and that a fee inclusive of the contractor's costs and not in excess of 6 per centum of the estimated cost, exclusive of fees, as determined by the agency head at the time of entering into the contract, of the project to which such fee is applicable is authorized in contracts for architectural or engineering services relating to any public works or utility project).

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective October 1, 1962, but may be observed earlier.

Dated: July 18, 1962.

BERNARD L. BOUTIN,
Administrator of General Services.

[F.R. Doc. 62-7103; Filed, July 20, 1962; 8:55 a.m.]

Chapter 9—Atomic Energy Commission

PART 9–15—CONTRACT COST PRINCIPLES AND PROCEDURES

Subpart 9–15.50—Cost Principles and Procedures

COMPENSATION FOR PERSONAL SERVICES

In Subpart 9–15.50, § 9–15.5010–14 is revised as follows:

§ 9–15.5010–14 Compensation for personal services.

(a) *General.* (1) Compensation for personal services includes all remuneration paid currently or accrued, in whatever form and whether paid immediately or deferred, for services rendered by employees of the contractor during the period of contract performance. It includes, but is not limited to, salaries, wages, directors' and executive committee members' fees, bonuses (including stock bonuses), incentive awards, employee stock options, employee insurance, fringe benefits, and contributions to pension, annuity, and management employee incentive compensation plans. It does not include an employer's contributions to incentive compensation plans for the purpose of establishing a reserve for the payment of incentive compensation for services to be performed in the future. Except as otherwise specifically provided in this § 9–15.5010–14, such costs are to be treated as allowable to the extent that the total compensation of individual employees is reasonable for the services rendered and they are not in excess of those costs which are allowable by the Internal Revenue Code and regulations thereunder. Suitable provisions should be inserted in contracts to incorporate the principles of this subpart.

Compensation is reasonable to the extent that the total amount paid or accrued is commensurate with compensation paid under the contractor's established policy or conforms generally to compensation paid by other firms of the same size, in the same industry, or in the same geographic area, for similar services. Applying the criteria set forth in § 9–15.5010–14(l), the Contracting Officer should make a precontract determination, or in appropriate circumstances prior to renewal or extension of an expiring cost-type contract or subcontract a determination, that the prior practice of the company produces reasonable amounts of total compensation, and the contract should provide that total compensation in excess of these levels would be unallowable unless subsequently approved as reasonable by the Contracting Officer; the contract should also provide that any subsequent change in the over-all compensation plan or in the administration of the plan must have prior approval in order that the test of reasonableness not be left to retrospective audit.

(3) Compensation in lieu of salary for services rendered by partners and sole proprietors will be allowed to the extent that it is reasonable and does not constitute a distribution of profits.

(4) In addition to the general requirements set forth in (1) through (3) above, certain forms of compensation are subject to further requirements as specified in (b) through (k) and (m) below.

(b) *Prior review and approval of compensation paid individual employees.* Except as provided in § 9–15.5010–14(m), it is the general policy of AEC that determinations as to the compensation to be paid individual employees will normally be left to the judgment of contractors subject to the limitations of AEC approved salary schedules, contractor classifications systems, incentive compensation plans, and other plans providing compensation in the form of fringe benefits and allowances. In certain circumstances, other than that described in § 9–15.5010–14(m) the contract may require that compensation actions involving key personnel be submitted for prior review and approval. The necessity for such prior review and approval and the compensation level at which such contractual requirements may be imposed is left to the judgment of the Contracting Officer. Among the circumstances taken into account by the Contracting Officer in determining the need, if any, for such prior review and approval are the following:

(1) Where a general review reveals amounts or types of compensation which appear unreasonable or otherwise out of line.

(2) Because of lack of experience with a contractor or other reasons, it is believed necessary or prudent to evaluate the compensation of key personnel in the light of their performance on the contract work.

(3) Where necessary to assure the maintenance of an orderly relationship between compensation paid the contractor's key personnel and the compensation paid key personnel with comparable responsibility employed by other AEC contractors.

(4) The contractor's classification practices may not be sufficiently definitive to provide assurance as to the validity or reasonableness of salaries or other forms of compensation proposed.

(5) Other contract situations calling for special consideration and possible limitations as to allowability for contract cost purposes such as may be present under the following circumstances:

(i) Compensation to owners of closely held corporations, partners, sole proprietors, or members of the immediate families thereof, or to persons who are contractually committed to acquire a substantial financial interest in the contractor's enterprise. Determination should be made that such compensation is reasonable for the actual personal services rendered rather than a distribution of profits.

(ii) Any change in a contractor's compensation policy resulting in a substantial increase in the contractor's level of compensation, particularly when it was concurrent with an increase in the ratio of Government contracts to other business, or any change in the treatment of allowability of specific types of compensation due to changes in Government policy.

(iii) The contractor's business is such that his compensation levels are not subject to the restraints normally occurring in the conduct of competitive business. (See §§ 9–15.5010–14(l)(1)(ii) and 9–15.5010–14(l)(2)(ii) below.)

(c) *Salaries and wages.* Salaries and wages for current services include gross compensation paid to employees in the form of cash, products, or services, and are to be treated as allowable. However, premiums for overtime, extra-pay shifts, and multishift work are to be treated as allowable to the extent approved by the Contracting Officer.

(d) *Bonuses and incentive compensation.* Bonuses and incentive compensation paid to employees other than those whose pay is directly reimbursed will not be made allowable in on-site construction, architect-engineer, and operating contracts where home office general and administrative expense is unallowable.

(e) *Cash bonuses and incentive compensation.* Incentive compensation for management employees, cash bonuses, suggestion awards, safety awards, and incentive compensation based on production, cost reduction or efficient performance, are to be treated as allowable to the extent that the contractor's overall compensation plan is determined to be reasonable and such costs are paid or accrued pursuant to an agreement entered into in good faith between the contractor and the employees before the services were rendered, or pursuant to an established plan followed by the contractor so consistently as to imply, in effect, an agreement to make such payment (but see § 9–15.5006). In determining reasonableness, it will be necessary to take into account not only bonuses and incentive compensation payments charged directly to the contract but also payments charged indirectly to the contract through overhead. Bonuses, awards, and incentive compensation when any of them are deferred are to be treated as allowable to the extent provided in (h) below.

(f) *Bonuses and incentive compensation paid in stock.* Costs of bonuses and incentive compensation paid in the stock of the contractor or of an affiliate are to be treated as allowable to the extent set forth in (e) above (including the incorporation of the principles of paragraph (h) below for deferred bonuses and incentive compensation), subject to the following additional requirements:

(1) Valuation placed on the stock transferred shall be the fair market value at the time of transfer, determined upon the most objective basis available; and

(2) Accruals for the cost of stock prior to the issuance of such stock to the employees shall be subject to adjustment according to the possibilities that the employees will not receive such stock and their interest in the accruals will be forfeited.

Such costs otherwise allowable are to be made subject to adjustment according to the principles set forth in (h)(3) below. (But see § 9–15.5006.)

(g) *Stock options.* The cost of options to employees to purchase stock of the contractor or of an affiliate is to be made unallowable.

(h) *Deferred compensation.* (1) As used herein, deferred compensation includes all remuneration, in whatever form, for which the employee is not paid until after the lapse of a stated period of years or the occurrence of other events as provided in the plans, except that it does not include normal end of accounting period accruals. It includes (i) contributions to pension, annuity, stock bonuses, and profit sharing plans, (ii) contributions to disability, withdrawal, insurance, survivorship, and similar benefit plans, and (iii) other deferred compensation, whether paid in cash or in stock.

(2) Deferred compensation is to be treated as allowable to the extent that (i) except for past service pension and retirements costs, it is for services rendered during the contract period; (ii) it represents, together with all other compensation, a reasonable over-all compensation plan; (iii) it is paid pursuant to an agreement entered into in good faith between the contractor and employees before the services are rendered, or pursuant to an established plan followed by the contractor so consistently as to imply, in effect, an agreement to make such payments; and (iv) for a plan which is subject to approval by the Internal Revenue Service, it falls within the criteria and standards of the Internal Revenue Code and the regulations of the Internal Revenue Service. (But see § 9–15.5006.)

(3) For determining the allowable cost of deferred compensation, contractual provision shall be made for appropriate adjustments for credits or gains, including those arising out of both normal and abnormal employee turnover, or any other contingencies that can result in a forfeiture by employees of such deferred compensation. Adjustments shall be made only for forfeitures which directly or indirectly inure to the benefit of the contractor; forfeitures which inure to the benefit of other employees covered by a deferred compensation plan with no reduction in the contractor's costs will not normally give rise to adjustment in contract costs. Adjustments for normal employee turnover shall be based on the contractor's experience and on foreseeable prospects, and shall be reflected in the amount of cost currently allowable. Such adjustments will be unnecessary to the extent that the contractor can demonstrate that his contributions take into account normal forfeitures. Adjustments for possible future abnormal forfeitures shall be effected according to the following rules:

(i) Abnormal forfeitures that are foreseeable and which can be currently evaluated with reasonable accuracy, by actuarial or other sound computation, shall be reflected by an adjustment of current costs otherwise allowable; and

(ii) Abnormal forfeitures, not within (i) above, may be made the subject of agreement between the Government and the contractor either as to an equitable adjustment or a method of determining such adjustment.

(4) In determining whether deferred compensation is for services rendered during the contract period or is for future services, consideration shall be given to conditions imposed upon eventual payment, such as, requirements of continued employment, consultation after retirement, and covenants not to compete.

(i) *Fringe benefits.* Fringe benefits are allowances and service provided by the contractor to his employees as compensation in addition to regular wages and salaries. Costs of fringe benefits, such as pay for vacations, holidays, sick leave, military leave, employee insurance, pension and retirement plans, and supplemental unemployment benefit plans are to be treated as allowable to the extent required by law, employer-employee agreement, established policy of the contractor or as otherwise provided in the contract and provided such fringe benefits meet the following conditions:

(1) The benefits contribute to the performance of contract work and are appropriate for reimbursement from public funds;

(2) Such benefit plans as exist in the contractor's private operations that are inconsistent with AEC published requirements are appropriately modified or disallowed;

(3) Employee benefit plans especially established to meet the particular needs of the contract are in conformity with published AEC policy and standards;

(4) Appropriate controls under the contract are established to assure that employees on contract work are treated no more or no less favorably than employees in the contractor's private operation except to the extent that (2) and (3) immediately above apply;

(5) To the fullest extent possible, definite limitations or terminal points are established for each of the various benefit plans, so that AEC's full liability with respect thereto are established under the contract; and

(6) AEC has access to all information necessary to complete understanding of the means of computing or determining the extent of the benefits afforded under the various benefit plans.

(j) *Severance pay.* See § 9–15.5010–8.

(k) *Training and education expenses.* See § 9–7.5006–9(d)(8)(v), § 9–7.5006–10(d)(8)(v), and § 9–7.5006–12(d)(8)(v).

(l) *Criteria for determining reasonableness of compensation.* In general, AEC cost-type contract work is conducted either at AEC-owned facilities or at the site of the contractor's normal operations. Accordingly, the Contracting Officer's responsibilities for review and control of compensation plans and schedules will vary with the particular factual circumstances under which the contract work is performed.

(1) *Work performed at AEC-owned facilities.* The AEC has a special responsibility to assure that the personnel practices of AEC-owned contractor-operated facilities reflect the best experience of American industry consistent with the judicious expenditure of public funds. In authorizing contractor personnel expenditures the general objectives are: to establish a clear understanding and record as to the bases upon which such expenditures will be allowed; minimize paper work and avoid unnecessary duplication of effort; and provide AEC with information necessary for review and audit functions. To accomplish these objectives, the Contracting Officer is responsible for negotiating a personnel appendix to the contract which will either extend to the contract operation the applicable policies and practices uniformly applied by the contractor in his private operations (subject to appropriate AEC prescribed limitations and controls) or establish especially for the AEC operation compensation plans and schedules to govern personnel expenditures under the contract.

(i) *Extending private plant schedules to the AEC facility.* Many AEC production and research and development facilities are operated by organizations which have substantial private operations. In these cases the influence upon compensation schedules in the private operations will normally insure close alignment with the market. Under these circumstances it will ordinarily be desirable to extend the private plant schedules to the AEC work subject to the following conditions:

(*a*) Initial review confirms that the contractor employs consistent and effective procedures for maintaining alignment with the market;

(*b*) Salary classifications are orderly and definitive permitting post review and evaluation of alignment between AEC and private operations; and

(*c*) The contract stipulates that compensation schedules will be established, adjusted and administered in the same manner on the AEC work as on private work and that no differentials will be established except with the prior approval of the Contracting Officer.

(ii) *Establishing schedules specifically for the AEC work.* It will be necessary to establish salary schedules and other compensation plans specifically for the AEC work when one or more of the following circumstances prevail: the contractor has no substantial private operations, but is organized to perform the AEC work; the private plant's schedules are not sufficiently definitive, or otherwise fail to meet acceptable standards; or the AEC work is so different in character and environment from the private work as to present differing requirements and problems. In such cases it is important that the Contracting Officer reach a clear understanding on an outside base of reference for the establishment and adjustment of compensation schedules to permit the maintenance of competitive levels on a planned and systematic basis. The usual and preferred method of establishing such a base of reference is through the use of compensation surveys which the contractor conducts or participates in. Compensation schedules may be related to the findings of such surveys in accordance with the following principles and requirements:

(*a*) The scope of the surveys should be sufficiently comprehensive both as to area and number of participants to permit a representative finding;

(b) Compensation schedules should be so related to the survey findings as to result in a competitive position with respect to generally comparable industry; and

(c) Adjustments based on survey findings will be made with the prior approval of the Contracting Officer or in accordance with definitive procedures, approved by the Contracting Officer, covering the survey data to be used and the means of relating compensation levels to survey findings.

(2) *AEC work performed at site of contractor's normal operations.* Cost-type contracts may provide for the work to be performed at the site where the contractor conducts his usual commercial or academic activities. In these circumstances it is normally desirable that employees engaged on the AEC work be compensated on the same bases as those engaged in the contractor's other work. However, the Contracting Officer's responsibilities for review and contractual control of compensation schedules will differ according to whether or not the amount of private work performed at the facility is substantial in relation to the amount of the AEC or other cost-type Government work.

(i) When the amount of the private work is substantial in relation to the AEC or other Government cost-type work. The private work will be considered substantial when the nature and the amount of the work and the extent of the private investment at the site is such as to make clear that the contractor has a substantial long term interest in the economical conduct of the operation. In these circumstances the Contracting Officer will not ordinarily require that wage and salary structure, benefit plans and other items of employee compensation be set forth in the contract or appendix thereto, nor that changes therein made applicable to the facility as a whole be subject to prior AEC review and approval. Contracts of this nature should contain a provision requiring that wages, salaries, benefits and allowances be the same on the AEC as on the other work performed by the contractor at the site and prohibiting the establishment of any special conditions on the AEC work except as required by applicable law or as approved in writing in advance by the Contracting Officer including the right to obtain from the contractor such information on employee compensation practices as the Contracting Officer may require.

(ii) When the amount of the private work is not substantial in relation to the AEC work. The private work will not be considered substantial when the facility is wholly or largely supported by public funds under cost-type contract work with AEC or other Government agencies. Under these circumstances, the considerations as to AEC review and approval set forth in § 9–15.5010–14(1)(1)(ii) above will apply. Careful initial review should be made and steps taken to insure that unwarranted increases in compensation will not be made at public expense. This will require that changes in compensation schedules be subject to prior Contracting Officer approval or in accordance with preapproved criteria set forth in a personnel appendix, and may also require coordination with other Government agencies having contracts for work to be performed at the facility.

(m) *Compensation of $25,000 Per Annum or More.* The contract shall provide for the prior approval by the Contracting Officer of the cost of compensating an individual contractor employee at an annual rate of total compensation of $25,000 or more, if such employee's base salary is directly reimbursed under the contract. For purposes of determining necessity for such prior approval under this § 9–15.5010–14(m), such total compensation includes only the employee's base salary and bonus and incentive compensation, and does not include the other elements of compensation covered in § 9–15.5010–14(a). In making his determination as to the allowability of such total compensation, however, the Contracting Officer shall apply the principles of § 9–15.5010–14(a), § 9–15.5010–14(e), and § 9–15.5010–14(f), and other subsections of this § 9–15.5010–14, taking into account the criteria set forth in § 9–15.5010–14(l).

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 205, 63 Stat. 390; 40 U.S.C. 486)

Effective date. These regulations shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 16th day of July 1962.

For the Atomic Energy Commission.

A. R. LUEDECKE,
General Manager.

[F.R. Doc. 62-7078; Filed, July 20, 1962; 8:55 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER S—RIGHTS-OF-WAY

[Circular No. 2084]

PART 244—RIGHTS-OF-WAY OTHER THAN FOR RAILROAD PURPOSES AND FOR LOGGING ROADS ON THE OREGON AND CALIFORNIA AND COOS BAY REVESTED LANDS

Subpart G—Rights-of-Way and Material Sites of Highways Under Title 23, United States Code

On page 3714 of the FEDERAL REGISTER of April 29, 1961, there was published a notice and text of a proposed Subpart G revision of Part 244 of Title 43, Code of Federal Regulations. The purpose of this revision is to conform the regulations with the provisions of Title 23, supra, to provide uniform rules and procedures for grants under sections 107 and 317 of Title 23, including where appropriate, the grant of control of access to the highway from and to federally owned lands and to revise certain procedural details.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed revision. Comments received were carefully studied and the proposed regulations are hereby adopted with the following changes and are set forth below.

1. As the functions of the Secretary of Commerce with respect to highway rights-of-way have been delegated to the Bureau of Public Roads;

(a) In paragraph (b) of § 244.55 the words "Department of Commerce" have been deleted and the words "authorized officer of the Bureau of Public Roads," have been inserted, and the words "by the Secretary of Commerce or his delegate" have been deleted;

(b) In paragraph (c) of § 244.55, the words "the Department of Commerce" have been deleted and the words "authorized officer of the Bureau of Public Roads" have been added.

2. In order to clarify the intent of the regulations, the words "terms of the grant or" have been inserted after the word "where" in subparagraph (1) of paragraph (a) of § 244.56.

3. In order to remind applicants of the need for coordination between highway and resource management programs, footnote 28 to paragraph (a) of § 244.55 has been added. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

JOHN A. CARVER, JR.,
Acting Secretary of the Interior.

JULY 17, 1962.

Subpart G—Rights-of-Way and Material Sites for Highways Under Title 23, United States Code [25]

Sec.
244.54 Statutory authority.
244.55 Application; grants.
244.56 Additional rights-of-way within highway rights-of-way.

AUTHORITY: §§ 244.54 to 244.56 issued under 5 U.S.C. 22; 43 U.S.C. 2, 1201, 1371.

§ 244.54 Statutory authority.

(a) Title 23, United States Code, section 107, paragraph (d), provides that whenever rights-of-way, including control of access, on the National System of Interstate and Defense Highways are required over lands or interests in lands owned by the United States, the Secretary of Commerce may make such arrangements with the agency having jurisdiction over such lands as may be necessary to give the State or other person constructing the projects on such lands adequate rights-of-way and control of access thereto from adjoining lands. It directs any such agency to cooperate with the Secretary of Commerce in this connection.

(b) Title 23, United States Code, section 317, provides that:

(1) If the Secretary of Commerce determines that any part of the lands or interests in lands owned by the United States is reasonably necessary for the right-of-way of any highway constructed on the Federal-aid primary system, the Federal-aid secondary system and the National System of Interstate and Defense Highways, or under Title 23, United States Code, Chapter 2, or as a source of materials for the construction or maintenance of any such highway adjacent to such lands or interests in lands, the Secretary of Commerce shall file with the Secretary of the Department supervising the administration of such lands or interests in lands a map showing the portion of such lands or interests in lands which it is desired to appropriate.

(2) If within a period of four months after such filing the Secretary of such Department shall not have certified to the Secretary of Commerce that the proposed appropriation of such land or material is contrary to the public interest or inconsistent with the purposes for which such lands or materials have been reserved, or shall have agreed to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve, then such lands and materials may be appropriated and transferred to the State highway department, or its nominee, for such purposes and subject to the conditions so specified.[26]

(3) If at any time the need for any such lands or materials for such purposes shall no longer exist, notice of the fact shall be given by the State highway department to the Secretary of Commerce and such lands or materials shall immediately revert to the control of the Secretary of the Department from which they had been appropriated.[27]

(a) Except where an application involves lands wholly within an Indian reservation, applications for rights-of-way and material sites under Title 23, United States Code, for lands under the jurisdiction of the Department of the Interior, with the maps required by paragraph (a) of § 244.6, shall be filed by the appropriate State highway department in the manner prescribed by § 244.3 of this part. Applications for lands wholly within an Indian reservation shall be filed in the Office of the superintendent of the Bureau of Indian Affairs agency which has jurisdiction over the lands, or for lands for which there is no agency, in the office of the Area Director who has jurisdiction over the lands. Applications for lands outside of the jurisdiction of the Department of the Interior shall be filed pursuant to the rules or regulations of the Department or agency having jurisdiction over the lands.[28]

(b) The appropriate State highway department will forward a copy of each application and map filed with the Department of the Interior to the authorized officer of the Bureau of Public Roads for a determination whether the lands and interests in lands are necessary for the purposes of Title 23, United States Code.

(c) After receipt of such determination that the lands or interests in lands under application are reasonably necessary for the purposes of Title 23, United States Code, the authorized officer of the Bureau of Land Management will notify the applicant and the authorized officer of the Bureau of Public Roads either (1) that the approval of the application would be contrary to the public interest or inconsistent with the purposes for which the lands or materials have been reserved or (2) that he proposes to grant the right-of-way under the regulations of this part, subject to said regulations and to such conditions which he indicates in his notice.

(d) Grants of rights-of-way under Title 23, United States Code, by the authorized officer of the Bureau of Land Management will be made to the appropriate State highway department or to its nominee and based upon considerations of adequate protection and utilization of Federal lands and interests in lands will be subject to (1) all the pertinent regulations of this part except those which the authorized officer, upon formal request of the applicant may modify or dispense with, in whole or in part, upon a finding that it is in the public interest and in conformity with the purposes of Title 23, United States Code, and (2) any conditions which he deems necessary. Grants of highway rights-of-way under this subpart may include an appropriation and release to the State or its nominee of all rights of the United States, as owner of underlying and abutting lands, to cross over or gain access to the highway from its lands crossed by or abutting the right-of-way, subject to such terms and conditions and for such duration as the authorized officer of the Bureau of Land Management deems appropriate.

§ 244.56 Additional rights-of-way within highway rights-of-way.

(a) No application under the regulations of this part is required for a right-of-way within the limits of a highway right-of-way granted pursuant to Title 23, United States Code, for facilities usual to a highway, except (1) where terms of the grant or a provision of law specifically requires the filing of an application for a right-of-way, (2) where the right-of-way is for electric transmission facilities which are designed for operation at a nominal voltage of 33 KV or above or for conversion to such operation, or (3) where the right-of-way is for oil or gas pipelines which are part of a pipeline crossing other public lands, or if not part of such a pipeline, which are more than two miles long. When an application is not required under the provisions of this paragraph, qualified persons may appropriate rights-of-way for such usual highway facilities with the consent of the holder of the highway right-of-way, which holder will be responsible for compliance with § 244.9 in connection with the construction and maintenance of such facilities.

(b) Except as modified by paragraph (a) of this section, rights-of-way within the limits of a highway right-of-way granted pursuant to Title 23, United States Code, and applications for such rights-of-way, are subject to all the regulations of this part pertaining to such rights-of-way.

[F.R. Doc. 62-7129; Filed, July 20, 1962; 8:47 a.m.]

[25] In addition to the material under this heading, the general regulations under Subpart A of this part should be consulted.

[26] By decision of the Secretary, Nevada Department of Highways, A.24151, September 1945, it was held that the law imports discretion and indicates no intent to vest in the State a right at the end of the four months' period without further action by the Department having jurisdiction. It was held further that the interest transferred under the statute is merely a right-of-way or right to take materials and that the Government may reserve the right to dispose of leasable minerals.

[27] Notice by the State highway departments, that the need for the land or material no longer exists may be given directly to the Bureau which granted the rights.

[28] When the lands involved are under the jurisdiction of the Department of the Interior an applicant will be expected, at the earliest possible date prior to the filing of an application, to consult with the local officials of the Bureau or Office having jurisdiction over the lands to ascertain whether or not the use of appropriation of the lands for right-of-way purposes is consistent with the management program and to agree to such measures as may be necessary to maintain program values. Failure to do so may lead to an unresolvable conflict of interest and necessitate disallowance of the application.

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2721]

[New Mexico 094367]

NEW MEXICO

Withdrawing Lands for Reclamation Purposes, in Connection With the Navajo Unit, Colorado River Storage Project

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the Bureau of Reclamation, United States Department of the Interior, for reclamation purposes in connection with the Navajo Unit, Colorado River Storage Project:

NEW MEXICO PRINCIPAL MERIDIAN

T. 31 N., R. 5 W.,
Sec. 5, SW¼SE¼;
Sec. 8, NW¼NE¼NW¼ and SW¼SW¼.
T. 32 N., R. 5 W.,
Sec. 7, W½ of lot 1.
T. 30 N., R. 6 W.,
Sec. 8, S½NW¼;
Sec. 9, SE¼SE¼;
Sec. 10, lots 1, 2, 3, 4, 5, and W½SW¼.
T. 31 N., R. 6 W.,
Sec. 2, NE¼SW¼SE¼;
Sec. 4, lot 6, N½NW¼SE¼;
Sec. 20, NW¼NW¼, NE¼SE¼, and SW¼SE¼;
Sec. 22, SE¼NW¼;
Sec. 29, NW¼NE¼ and SW¼NW¼;
Sec. 30, SE¼NE¼.
T. 32 N., R. 6 W.,
Sec. 10, lots 1 and 2;
Sec. 16, E½SW¼NW¼ and E½NW¼SW¼;
Sec. 24, NW¼NW¼NW¼.

T. 30 N., R. 7 W.,
Sec. 3, lot 6, S½NE¼, and SE¼NW¼;
Sec. 4, lot 8 and SW¼NW¼;
Sec. 5, S½NE¼ and SE¼NW¼;
Sec. 10, S½SE¼;
Sec. 13, SW¼SW¼;
Sec. 14, S½;
Sec. 15, SE¼.
T. 31 N., R. 7 W.,
Sec. 18, lot 7;
Sec. 23, S½SE¼SW¼;
Sec. 25, NW¼SE¼;
Sec. 26, E½NE¼NE¼, W½W½NE¼, NE¼NW¼, E½E½W½W½, and W½NW¼SE¼;
Sec. 27, S½SW¼NW¼, SW¼SE¼NW¼, and W½E½SW¼;
Sec. 28, S½NE¼SE¼;
Sec. 33, S½NW¼SW¼, S½SW¼, and SW¼SE¼;
Sec. 34, S½N½NE¼;
Sec. 35, SW¼NW¼.
T. 30 N., R. 8 W.,
Sec. 1, lots 1, 2, 3, 4, S½N½, N½S½, S½SW¼, and SW¼SE¼;
Sec. 2, lots 1, 2, S½NE¼.

The area described above aggregates 3,083.01 acres, of which 214.30 acres are nonpublic.

2. Grazing administration of lands above contour elevation 6100 feet, shall remain with the Bureau of Land Management. The Bureau of Reclamation may designate operational areas above such contour elevation which it desires closed to grazing, and shall take all needed steps to close such areas to use by livestock grazing on adjacent lands.

3. This order shall attach to nonpublic lands described herein if and when title thereto is acquired by the United States.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JULY 16, 1962.

[F.R. Doc. 62-7130; Filed, July 20, 1962; 8:47 a.m.]

[Public Land Order 2722]

[Oregon 011509]

OREGON

Withdrawing Public Lands for Use of the Bonneville Power Administration

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved under the jurisdiction of the Secretary of the Interior for use of the Bonneville Power Administration, Department of the Interior, in connection with the construction, operation and maintenance of the Hampton Substation:

WILLAMETTE MERIDIAN

T. 21 S., R. 19 E.,
Sec. 13, E½SW¼NW¼NW¼ and W½SE¼NW¼NW¼.

Containing 10 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JULY 16, 1962.

[F.R. Doc. 62-7131; Filed, July 20, 1962; 8:47 a.m.]

[Public Land Order 2723]

[Washington 04381]

WASHINGTON

Power Site Restoration No. 580; Power Site Cancellation No. 167; Revoking Certain Power Withdrawals; Opening Lands Under Section 24 of Federal Power Act

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission docketed as DA-165-Washington, it is ordered as follows:

1. The Executive orders of October 29, 1910, October 8, 1914, and June 30, 1916, establishing Power Site Reserves Nos. 158, 457, and 534, respectively, and the departmental orders of January 23, 1926, and December 10, 1926, creating Power Site Classifications Nos. 126 and 159, respectively, are hereby revoked so far as they affect the following described lands:

WILLAMETTE MERIDIAN

T. 39 N., R. 5 E.,
Sec. 2, lot 11.
T. 30 N., R. 7 E.,
Sec. 10, SE¼SE¼;
Sec. 11, SW¼SW¼.
T. 32 N., R. 9 E.,
Sec. 24, lots 5, 8, 13, and 14.
T. 33 N., R. 11 E.,
Sec. 30, lots 3, 6, 7, 8, 9, 10, and NW¼SE¼.
T. 26 N., R. 12 W.,
Sec. 4, lot 12;
Sec. 5, lot 10;
Sec. 8, lots 1 and 2.
T. 26 N., R. 13 W.,
Sec. 23, lots 1 and 4.

The areas described aggregate 716.32 acres. Some of the lands are patented. A portion has been previously restored subject to section 24 of the Federal Power Act. As to these, the effect of this order, therefore, is to relieve the lands of the limitation prescribed by section 24.

2. In DA-165-Washington, the Federal Power Commission determined that the value of the following described lands will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act, as amended, and subject to the prior rights of the licensee for Project No. 2071 and its successors to use said land for project purposes as contemplated in the license issued for the project:

WILLAMETTE MERIDIAN

T. 6 N., R. 4 E.,
Sec. 21, NE¼.

Containing approximately 160 acres.

3. The lands are located in western Washington. Some are situate on the south bank of the Nooksack River, 18 miles northeast of the City of Bellingham; some on the east bank of the Suak River near Darrington, and others adjacent to the Hoh River on the Olympic Peninsula, about 26 miles south of the town of Forks.

4. Until 10:00 a.m. on January 16, 1963, the State of Washington shall have (1) a preferred right of application to select the public lands in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and (2) a preferred right to apply for the reservation to it or to any of its political subdivisions under any statute or regulation applicable thereto of any of the lands required for a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, in accordance with the provisions of section 24 of the Federal Power Act.

5. This order shall not otherwise be effective to change the status of the lands until 10:00 a.m. on January 16, 1963. At that time the said lands shall be open to the operation of the public land laws generally, subject to valid existing rights and equitable claims, the requirements of applicable law, rules and regulations and the provisions of any existing withdrawals.

6. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to the provisions of the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621). The lands in Project 2071 shall be open to mining location, subject to the stipulations prescribed by the Commission in its determination, beginning at 10:00 a.m., on January 16, 1963.

7. Any disposals of the lands described in paragraph 2 of this order shall be subject to the provisions of section 24 of the Federal Power Act, supra, and to the prior rights specified by the Federal Power Commission in its determination.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JULY 17, 1962.

[F.R. Doc. 62-7132; Filed, July 20, 1962; 8:47 a.m.]

[Public Land Order 2724]

[Los Angeles 0159515]

CALIFORNIA

Withdrawing Lands for Military Training Purposes

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved under jurisdiction of the Department of the Army for military training purposes:

SAN BERNARDINO MERIDIAN

T. 5 S., R. 6 E.,
Sec. 6.

Containing 650.50 acres.

2. The lands shall not be used for any purposes which might at any time render them unsuitable or dangerous for use under the public land laws by reason of unexploded ordnance or noxious substances.

3. The lands may be made available to the California National Guard for the uses specified herein, but such permission to use shall not carry with it any interest in the lands or their resources.

4. The Department of the Interior shall retain jurisdiction of the mineral and vegetative resources of the lands and may issue mineral leases and grazing permits or leases and make disposals of mineral and vegetative materials to the extent that such use is not inconsistent with the purposes of this withdrawal.

5. Authority to change the use specified by this order or to grant rights to others to use the lands, including grants of leases, licenses, easements and rights-of-way but excluding permits revocable at will, is reserved to the Secretary of the Interior or his delegate.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JULY 17, 1962.

[F.R. Doc. 62-7133; Filed, July 20, 1962; 8:47 a.m.]

[Public Land Order 2725]

[Montana 023270]

MONTANA

Withdrawing Lands for Use of Bureau of Reclamation in Connection With Missouri River Basin Project

By virtue of the authority vested in the Secretary of the Interior by section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Montana are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the Bureau of Reclamation, Department of the Interior, for reclamation purposes in connection with the Missouri River Basin Project:

PRINCIPAL MERIDIAN
JEFFERSON UNIT

T. 4 N., R. 1 E.,
Sec. 5, lots 3, 4, and W½SE¼.
T. 5 N., R. 2 E.,
Sec. 24, SE¼;
Sec. 25, N½SW¼, SE¼SW¼, and SE¼;
Sec. 35, E½SE¼ and SW¼SE¼.

The areas described aggregate 763.43 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JULY 17, 1962.

[F.R. Doc. 62-7134; Filed, July 20, 1962; 8:47 a.m.]

[Public Land Order 2726]

ARIZONA AND WYOMING

Withdrawals for Forest Service Administrative Sites, Recreation Areas, and Roadside Zones

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following described national forest lands are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States in aid of programs of the Forest Service, Department of Agriculture, for utilization of the surface as administrative sites and recreation areas, and for protection of existing forest roads and highways and adjacent roadside zones, as indicated:

[Arizona 031024]

GILA AND SALT RIVER BASE AND MERIDIAN
KAIBAB NATIONAL FOREST

Williams Administrative Site

T. 22 N., R. 2 E.,
Sec. 33, SW¼SW¼ and S½S½NW¼SW¼.

The areas described aggregate approximately 50 acres.

[Wyoming 044345]

SIXTH PRINCIPAL MERIDIAN
TETON NATIONAL FOREST

Beaver Administrative Site

T. 38 N., R. 116 W.,
Sec. 16 (unsurveyed) unpatented portions of SW¼SW¼;
Sec. 21 (unsurveyed), NW¼ and unpatented portions of N½SW¼.

Fall Creek Administrative Site

T. 39 N., R. 116 W.,
Sec. 19 (unsurveyed), SE¼NE¼, unpatented portions of SW¼NE¼, unpatented portions NW¼SE¼ and NE¼SE¼;
Sec. 20 (unsurveyed), NW¼SW¼.

Granite Creek Road, #44A, Roadside Zone

A strip of land 200 feet wide on each side of the center line of the Granite Creek forest development road #44A, through the following approximate legal subdivisions:

T. 39 N., R. 113 W. (unsurveyed),
Sec. 6, W½SW¼;
Sec. 7, NW¼NW¼, S½N½, and SE¼;
Sec. 8, SW¼;
Sec. 17, unpatented portions of W½;
Sec. 18, E½;
Sec. 19, NE¼ and S½;
Sec. 20, unpatented portions of NW¼;
Sec. 30, N½ and SW¼.
T. 39 N., R. 114 W. (unsurveyed),
Sec. 25, SE¼;
Sec. 33, E½;
Sec. 34, NW¼ and S½;
Sec. 35, NE¼ and S½;
Sec. 36, N½.
T. 38 N., R. 114 W.,
Sec. 4 (unsurveyed) unpatented portions of NE¼.

Wilson-Fall Creek Road #88, Roadside Zone

A strip of land 200 feet wide on each side of the center line of the Wilson-Fall Creek forest development road, #46, through the following approximate legal subdivisions:

T. 39 N., R. 116 W. (unsurveyed),
Sec. 18, NW¼SW¼;
Sec. 19, NE¼ and W½SE¼;
Sec. 30, NW¼NE¼, SE¼NW¼, and E½SW¼;
Sec. 31, NE¼NW¼, SW¼NE¼, and SE¼.
T. 39 N., R. 117 W. (unsurveyed),
Sec. 2, E½E½;
Sec. 12, W½;
Sec. 13, NE¼NW¼ and S½NE¼.

The areas described aggregate approximately 1,199 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JULY 17, 1962.

[F.R. Doc. 62-7135; Filed, July 20, 1962; 8:48 a.m.]

[Public Land Order 2727]

[Los Angeles 0164745]

[1766925]

CALIFORNIA

Partly Revoking Public Land Order No. 646 of May 10, 1950

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 646 of May 10, 1950, so far as it withdrew the following-described lands for use of the Department of the Air Force is hereby revoked:

SAN BERNARDINO MERIDIAN

T. 11 N., R. 9 W.,
Sec. 34, S½NW¼.
T. 11 N., R. 10 W.,
Sec. 28, that portion of the S½S½ lying north of the south line of U.S. Highway 466;
Sec. 34, that portion of the E½ lying north of the south line of U.S. Highway 466.

Containing approximately 268 acres.

2. The lands consist of three discontinuous parcels lying north of Highway 466 near the Edwards Air Force Base and 10 to 16 miles west on the Town of Boron, California. Access is available by highway and desert motor trails. The topography is flat to gently rolling. The sandy alluvium soil supports vegetation consisting of creosote and salt bush, and annual grasses.

3. The lands are hereby restored to the operation of the public land laws, subject to any valid existing rights and equitable claims, the requirements of applicable laws, rules and regulations, and the provisions of existing withdrawals provided, that, until 10:00 a.m. on January 16, 1963, the State of California shall have a preference right of application to select the lands in accordance with subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

4. The lands will be open to the operation of the mining and mineral leasing laws beginning at 10:00 a.m. on January 16, 1963.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Riverside, California.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JULY 17, 1962.

[F.R. Doc. 62-7136; Filed, July 20, 1962; 8:48 a.m.]

[Public Land Order 2728]

MONTANA

Partly Revoking Forest Service Administrative Site Withdrawals

By virtue of the authority vested in the President and pursuant to Executive Or-

der No. 10355 of May 26, 1952, it is ordered as follows:

1. The departmental orders of January 9, 1907, January 27, 1908, and October 13, 1908, so far as they withdrew the following described national forest lands for use of the Forest Service as administrative sites, are hereby revoked:

[Montana 052184]

MONTANA PRINCIPAL MERIDIAN

GALLATIN NATIONAL FOREST

Strickland Ranger Station

T. 3 S., R. 8 E.,
Sec. 12, SE¼SW¼ and SW¼SE¼.

Containing 80 acres.

Willow Creek Ranger Station

T. 1 S., R. 8 E.,
Sec. 10, N½NW¼ and E½SE¼NW¼.

Containing 100 acres.

2. At 10:00 a.m. on August 22, 1962, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JULY 17, 1962.

[F.R. Doc. 62-7137; Filed, July 20, 1962; 8:48 a.m.]

[Public Land Order 2729]

[Sacramento 068102]

[Sacramento 068455]

CALIFORNIA

Withdrawing Lands for Reclamation Purposes; Central Valley Project

By virtue of the authority contained in Section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. Subject to valid existing rights, the following described public and national forest lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for the use of the Bureau of Reclamation, Department of the Interior, in connection with the development, operation, and maintenance of the Central Valley Project, as indicated:

[Sacramento 068102]

MOUNT DIABLO MERIDIAN

NASHVILLE UNIT, COSUMNES RIVER DIVISION

T. 7 N., R. 10 E.,
Sec. 2, Unpatented Mineral Lot 62.
T. 8 N., R. 10 E.,
Sec. 2, lot 7, unpatented portions of Mineral Lot 39;
Sec. 12, lots 6 and 7, unpatented Mineral Survey 6122, S½NE¼ excepting Mineral Survey 4582, NW¼NW¼SW¼, SE¼SW¼SE¼, and SW¼SE¼SE¼;
Sec. 15, NW¼SE¼;
Sec. 22, SE¼NW¼;
Sec. 23, that portion of lot 5 segregated as mineral land, lots 7 and 8;
Sec. 35, lot 2.
T. 9 N., R. 10 E.,
Sec. 1, SE¼NE¼, except those portions in Mineral Survey 5815 and 5869;
Sec. 12, lot 1, lot 2 excepting patented Mineral Survey 5422; lots 7 and 9; lots 15 and 16 excepting Mineral Survey 6300; lots 22, 24; SE¼SW¼ excepting Mineral Survey 5423; unpatented portions of Mineral Survey 6303 and Stingaree Quartz Mine; and unpatented Yellow Jacket Quartz Mine and New El Dorado Quartz Mine;
Sec. 13, lot 6 excepting Mineral Survey 5774, lots 7 and 10 excepting Mineral Survey 5817, lots 11, 12, unpatented Mineral Survey 3650A and 3650B;
Sec. 14, lot 5, unpatented Mineral Survey 4098;
Sec. 23, E½ lot 1, unpatented portion of Mineral Survey 4098, E½SE¼NE¼;
Sec. 24, unpatented Mineral Survey 3650A, SW¼NW¼, and SE¼SW¼;
Sec. 25, N½NW¼;
Sec. 26, E½NE¼;
Sec. 35, unpatented Mineral Lot 43.
T. 9 N., R. 11 E.,
Sec. 7, East 20 acres of lots 3 and 4;
Sec. 10, SW¼NE¼SE¼;
Sec. 15, NW¼SW¼;
Sec. 18, East 20 acres lots 1, 2, 3, and N½ of east 20 acres of lot 4;
Sec. 19, lot 4, E½NE¼NW¼, SE¼NE¼SW¼, SE¼SW¼, S½NW¼SE¼, and SW¼SE¼;
Sec. 20, N½NE¼, N½SW¼NE¼, SW¼SW¼NE¼, SE¼SE¼NE¼, SE¼NW¼NE¼NE¼SE¼, and S½NE¼SE¼;
Sec. 21, NW¼NW¼.
T. 8 N., R. 13 E.,
Sec. 11, S½NE¼ and N½NW¼SE¼;
Sec. 12, NW¼SW¼ and S½SE¼;
Sec. 13, NE¼NE¼.
T. 8 N., R. 14 E.,
Sec. 4, N½SW¼, SE¼SW¼, NW¼SE¼, and S½SE¼;
Sec. 9, NW¼NE¼ and E½NW¼;
Sec. 10, NW¼NE¼, S½NE¼, NW¼, and and NW¼SE¼;
Sec. 11, N½.

Containing approximately 2,745 acres, of which 1,260 acres are in the El Dorado National Forest.

2. The withdrawal from entry under the mining laws made by this order shall apply to the minerals in the following lands which have been patented under the Stockraising Homestead Act of December 29, 1916 (39 Stat. 862), with a reservation of all minerals to the United States:

MOUNT DIABLO MERIDIAN

T. 8 N., R. 10 E.,
Sec. 2, lot 14 except for patented Mineral Survey 5318, and patented Mineral Survey 6518.
T. 9 N., R. 10 E.,
Sec. 25, lots 1, 2, 3, and 4.

Containing 116.42 acres.

[Sacramento 068455]

MOUNT DIABLO MERIDIAN

AUBURN UNIT, AMERICAN RIVER DIVISION

T. 12 N., R. 8 E.,
Sec. 12, lot 2.
T. 12 N., R. 9 E.,
Sec. 4, lot 1.
T. 13 N., R. 9 E.,
Sec. 2, lot 18;
Sec. 25, lot 1, W½NW¼, NW¼SW¼ (excluding lands under M.S. 5488, M.S. 5209, M.S. 5289, M.S. 6129).
T. 13 N., R. 10 E.,
Sec. 2, SE¼SE¼;
Sec. 22, lot 3;
Sec. 28, NE¼NW¼;
Sec. 30, lots 8, 11, and 12.
T. 14 N., R. 9 E.,
Sec. 25, SE¼SE¼.

Containing 475.01 acres of which 70.64 are national forest lands.

3. The lands will remain under the jurisdiction of the Bureau of Land Management, Department of the Interior, or Forest Service, Department of Agriculture, according to their respective responsibilities, until they are actually needed for project uses.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JULY 17, 1962.

[F.R. Doc. 62-7138; Filed, July 20, 1962; 8:49 a.m.]

[Public Land Order 2730]

[Utah 053035]

UTAH

Withdrawing Lands for Ouray National Wildlife Refuge

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the public lands and the minerals reserved to the United States in patented lands, in the following described areas, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for use of the Bureau of Sport Fisheries and Wildlife, United States Fish and Wildlife Service, as a part of the Ouray National Wildlife Refuge:

SALT LAKE MERIDIAN

T. 7 S., R. 20 E.
Sec. 24, lots 3, 4, 5, 7, 8, NE¼NE¼, and W½SW¼;
Sec. 25, lots 2, 3, 4, 5, W½NW¼, SW¼, SE¼ (Fractional);
Sec. 36, NE¼ and NW¼SE¼.
T. 7 S., R. 21 E.,
Sec. 19, lots 5, 7, 8, 11, 12, 13, 13, NE¼NE¼, and SE¼SW¼;
Sec. 28, lots 4, 5, 6, and NW¼NW¼;
Sec. 29, lots 2, 3, 15, 16, 17, and 18;
Sec. 30, lots 1, 9, 10, 11, 12, 13, 14, SE¼SW¼, and SE¼;
Sec. 31, lots 2, 3, 20, 21, 22, 23, 24, NW¼NE¼, and E½NW¼;
Sec. 32, lot 17.
T. 8 S., R. 20 E.,
Sec. 1, lots 3, 4, 9, 14, 15, 16, 17, and SW¼NW¼;
Sec. 2, lots 1, 2, S½NE¼ (NE¼), and lots 1, 2, 3, and W½SE¼ (SE¼);
Sec. 10, W½SW¼, NE¼SW¼, W½SE¼, and NE¼SE¼;
Sec. 11, lots 2, 3, NW¼, and NW¼SW¼;
Sec. 21, lots 1, 2, N½NE¼, and SW¼NE¼;
Sec. 23, lot 2.
T. 8 S., R. 21 E.,
Sec. 5, lots 8, 9, and S½;
Sec. 6, lots 8, 20, 21, 22, 23, 24, and S½SE¼.

The areas described, including public and nonpublic lands, aggregate 3,931.80 acres.

The withdrawal made by this order shall attach to the following described lands, which are also described in paragraph 1, hereof, or any of them upon acquisition of title thereto or interest therein by the United States:

SALT LAKE MERIDIAN

T. 7 S., R. 20 E.,
Sec. 36, NE¼ and NW¼SE¼.
T. 7 S., R. 21 E.,
Sec. 32, lot 17.
T. 8 S., R. 20 E.,
Sec. 2, lots 1, 2, S½NE¼ (NE¼), and lots 1, 2, 3, W½SE¼ (SE¼).

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JULY 17, 1962.

[F.R. Doc. 62-7139; Filed, July 20, 1962; 8:49 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 5]

PART 511—REPORTS BY COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE TRADES

Filing of Semi-annual Financial Reports for 1962

Pursuant to the authority of section 43 of the Shipping Act, 1916 (75 Stat. 766), and section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, the Federal Maritime Commission hereby amends its General Order No. 5, 46 CFR Part 511 (27 F.R. 695).

The purpose of this amendment is to dispense with the filing of semi-annual financial reports for the year 1962 presently required by General Order No. 5. This amendment to General Order No. 5 grants an exemption from a rule requiring semi-annual reports for the year 1962 and the Commission is of the opinion that public procedure is unnecessary in this matter, since the proposed amendment is in the interest, and for the benefit, of the common carriers subject to that order.

Therefore, pursuant to the authority of section 4(a) of the Administrative Procedure Act, no notice of proposed rulemaking will be published.

Furthermore, pursuant to the authority of section 4(c) of the Administrative Procedure Act and section 7 of the Federal Register Act, 44 U.S.C. 307, the following amendment is to become effective upon publication in the FEDERAL REGISTER.

Sections 511.2, 511.3, and 511.4 are hereby amended to read as follows:

§ 511.2 Filing by operators of self-propelled vessels.

All persons engaged in the operation of self-propelled vessels in the common carriage of persons or property in the domestic offshore trades (except persons engaged in intrastate operations in Alaska and Hawaii), and required by the Intercoastal Shipping Act, 1933, as amended, to file tariffs with the Federal Maritime Commission, shall execute and file with the Secretary, Federal Maritime Commission, the joint report presently referred to as the Maritime Administration Form MA-172 and the Interstate Commerce Commission Form M for the years 1961 and 1962 and then semi-annually for each year thereafter.

§ 511.3 Filing by operators of vessels other than self-propelled.

All persons engaged in the operation of vessels, other than self-propelled, in the common carriage of persons or property in the domestic offshore trades (except persons engaged in intrastate operations in Alaska and Hawaii), and required by the Intercoastal Shipping Act, 1933, as amended, to file tariffs with the Federal Maritime Commission, shall execute and file with the Secretary, Federal Maritime Commission, the report presently referred to as the Interstate Commerce Commission Form K-A for the years 1961 and 1962 and then semi-annually for each year thereafter.

§ 511.4 Time for filing.

For any fiscal year ending after June 30, 1961, and prior to the publication of this part, the persons concerned shall file the first annual statement covering that year within 120 days of the publication of this part. For any fiscal year ending after January 24, 1962, but prior to July 1, 1962, the person concerned shall file the first annual statement covering that year within 120 days after the end of that fiscal year. After the filing of the second annual statement, each person concerned is required to file a semiannual statement within 90 days of the close of the first six months of each fiscal year and an annual statement within 120 days of the close of each fiscal year.

Dated: July 10, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-7143; Filed, July 20, 1962; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 1138]

MILK IN RIO GRANDE VALLEY MARKETING AREA

Notice of Proposed Suspension of Certain Provision of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provision of the order regulating the handling of milk in the Rio Gande Valley marketing area is being considered.

The provision proposed to be suspended is § 1138.7(b)(1), relating to the number of days during a month milk of a producer may be diverted.

The Dairy Farmers Association has requested that the provision which limits the number of days of milk production of a producer which may be claimed as diverted be suspended for July 1962. The cooperative association claims handlers have refused to accept milk from member producers to the extent that it is impossible to market all of the association milk to pool plants and to nonpool plants under the diversion limitation.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should deliver the same to the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., not later than three (3) days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

Signed at Washington, D.C., on July 18, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-7183; Filed, July 20, 1962; 8:55 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 783) has been filed by Lyons-Magnus, Inc., 2545 Sixteenth Street, San Francisco 3, California, proposing the issuance of an amendment to § 121.1035 of the food additive regulations to provide for the safe use of 32 parts per million of BHA (butylated hydroxyanisole) in mixed diced glaceed fruits.

Dated: July 17, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-7147; Filed, July 20, 1962; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13656]

[14 CFR Part 241]

REPORTING ON ACCOUNTING MACHINE PUNCHED CARDS OR MAGNETIC TAPES FOR CERTIFICATED ROUTE AIR CARRIERS

Supplemental Notice of Proposed Rule Making

JULY 18, 1962.

By circulation of a notice of proposed rule making, EDR-41, dated May 31, 1962 (27 F.R. 5268), the Board gave notice that it had under consideration several proposed amendments to Part 241 of the Economic Regulations which would provide for the submission of punched cards or magnetic tapes as a supplement to the Form 41 reports.

In its notice, the Board requested interested persons to submit comments. Certain comments urge that the problems of implementing the notice be worked out between the carriers and the Board on a cooperative basis and suggest that the procedures not be formalized until after the detailed techniques have been fully developed and proved.

The Board has decided not to formalize the notice of rule making at this time in order to afford the carriers an opportunity to develop in cooperation with the Board's staff detailed techniques for use as a basis of a regulation to be issued later. With the voluntary cooperation of the carriers during this interim period, it will not be necessary for the Board to take formal action relative to the above notice until completion of the experimental period. However, the Board stands ready to finalize its original notice in this proceeding if such action should become necessary. We will therefore temporarily defer further procedural steps in this proceeding.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-7168; Filed, July 20, 1962; 8:54 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Regulatory Docket No. 1294]

AIRWORTHINESS DIRECTIVES

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring modification of the aileron override spring assembly of General Dynamics/Convair Models 22, 22M, and 30 Series aircraft to prevent jamming in the compressed position.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before August 21, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

GENERAL DYNAMICS/CONVAIR. Applies to all Models 22, 22M and 30 Series aircraft.

Compliance required within the next 350 hours' time in service from the effective date of this AD, unless already accomplished.

To prevent the aileron override spring from jamming in the compressed position if full opposition loads are applied to the lateral control system, the aileron override spring assembly shall be modified to incorporate a stop in accordance with General Dynamics/Convair Service Bulletins A27-56, A27-25, or A27-26 for the Models 22, 22M, or 30, respectively, or in accordance with an FAA engineering approved equivalent.

(General Dynamics/Convair Alert Service Bulletin A27-56 for the Model 22, A27-25 for the Model 22M, and A27-26 for the Model 30 cover this same subject.)

Issued in Washington, D.C., on July 16, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-7121; Filed, July 20, 1962; 8:45 a.m.]

[14 CFR Part 507]

[Regulatory Docket No. 1295]

AIRWORTHINESS DIRECTIVES

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator, (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the landing gear on Sud Aviation Caravelle SE-210 Model VI-R aircraft.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before August 21, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of Sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

SUD AVIATION. Applies to all Model SE-210 Caravelle VIR aircraft.

Compliance required as indicated.

To preclude possible collapse of the landing gear due to failure of the main landing gear hinge shaft, accomplish the following:

(a) Unless already accomplished:

(1) Aircraft which have accumulated 1,175 or less landings as of the effective date of this AD shall be inspected in accordance with paragraph (b) prior to accumulation of 1,200 landings.

(2) Aircraft which have accumulated more than 1,175 landings as of the effective date of this AD shall be inspected in accordance with (b) within the next 25 landings after the effective date of this AD.

(b)(1) Remove landing gear from aircraft and inspect for cracks or evidence of impact in critical areas noted in figures 1-5 of Sud Service Alert Bulletin 5-08 dated March 20, 1962. Perform magnetic particle inspection or FAA approved equivalent on the parts listed below.

(i) Main landing gear hinge shaft, P/N 210.41.10.309 or 210.41.10.620.

(ii) Hinge shaft forward attachment nut, P/N 210.41.11.312 or 210.41.10.312.

(iii) Adjustable brace strut end fittings, P/N 210.41.11.302 or 210.41.10.613.

(iv) Fixed brace strut end fittings, P/N 210.41.11.303 or 210.41.10.612.

(v) RH aft support fitting, P/N 210.41.11.311 or 210.41.10.025.

(vi) LH aft support fitting, P/N 210.41.11.310 or 210.41.10.010.

(2) Round the edges of spherical-face washer P/N 41.10.313 in accordance with Sud Service Alert Bulletin 5-08 dated March 20, 1962.

(c) The inspection required in paragraph (b) shall be repeated for P/N's 210.41.11.302 or 210.41.10.613, 210.41.11.303 or 210.41.10.612, 210.41.11.311 or 210.41.10.025, and 210.41.11.310 or 210.41.10.010 prior to accumulation of 2,400 landings after the initial inspection, and each 2,400 landings thereafter.

(d) Parts showing evidence of cracks or evidence of impact in critical areas noted in figures 1-5 of Sud Service Alert Bulletin 5-08 dated March 20, 1962, shall be replaced prior to further flight. Replacement parts shall be inspected in accordance with (b) prior to the accumulation of 1,200 landings. Replacement parts listed in (c) shall be re-inspected in accordance with (b) prior to the accumulation of 2,400 landings after the initial inspection and each 2,400 landings thereafter.

(e) P/N's 210.41.10.309 or 210.41.10.620, and 210.41.11.312 or 210.41.10.312 shall be withdrawn from service prior to the accumulation of 2,300 landings. Replacement parts shall be inspected in accordance with (b) prior to the accumulations of 1,200 landings.

NOTE: It will be necessary for operators to maintain a record of landings in order to ascertain compliance with the AD. If past records are unavailable, the number of landings prior to the effective date of this AD may be estimated.

(f) This AD shall not apply when Sud Modifications 1048, 1049, and 1050 or FAA approved equivalent modifications are incorporated.

(g) Upon request of the operator, an FAA maintenance inspector subject to prior approval of the Chief, Engineering and Manufacturing Branch, International Division, Washington, D.C., may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Sud Service Alert Bulletin 5-08 dated March 20, 1962, covers the same subject.)

Issued in Washington, D.C., on July 16, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-7122; Filed, July 20, 1962; 8:45 a.m.]

[14 CFR Part 507]

[Regulatory Docket No. 1296]

AIRWORTHINESS DIRECTIVES

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring modification or replacement of certain Mareco Model 15-1 safety belt assemblies. Service experience has shown that the buckle locking cam becomes disengaged when tension on the belt assembly is relieved and will not relock upon application of tension to the belt assembly. Investigation revealed that these difficulties were only in belts manufactured in the third and fourth quarters of 1959 and the first and second quarters of 1960.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before August 21, 1962, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section for examination by interested persons at any time. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

MARECO SAFETY BELTS. Applies to all aircraft equipped with Mareco Model 15-1 safety belts which are identified on the manufacturer's identification label on the safety belt as being manufactured in the third and fourth quarters of 1959 and the first and second quarters of 1960.

Compliance required within the next 100 hours' time in service after the effective date of this AD.

Service difficulties with the Mareco Model 15-1 safety belt assemblies have occurred wherein the buckle locking cam became disengaged when tension on the belt assembly was relieved and would not reengage upon application of tension to the belt assembly due to the cam spring slipping from its retention slot. Therefore, the following is required:

Replace Mareco Model 15-1 safety belts manufactured in the third and fourth quarters of 1959 and the first and second quarters of 1960, or modify with an FAA approved modification to prevent the slipping of the cam spring from its retaining end slot and to correct the misalinement between the cam and buckle frame. When an FAA approved modification is made, the buckle frame shall be permanently marked "MOD." followed by the date of modification.

Issued in Washington, D.C., on July 16, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62-7123; Filed, July 20, 1962; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 62-CE-43]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Proposed Alteration of Federal Airways and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6082, 601.6082, 600.6055, and 601.6055 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 82 presently extends from Minneapolis, Minn., via

Farmington, Minn., Rochester, Minn., to Nodine, Minn. The Federal Aviation Agency has under consideration the extension of V–82 and its associated control areas from Minneapolis via a VORTAC to be installed at Brainerd, Minn., thence via a VORTAC to be installed at Bemidji, Minn., to Grand Forks, N. Dak. The VORTAC for Brainerd will be located at latitude 46°20'55" N., longitude 94°01'35" W. The Bemidji VORTAC will be located at latitude 47°34'30" N., longitude 95°01'13" W. Both facilities will be commissioned approximately by January 1, 1963. VOR Federal airway No. 55 extends in part from Stevens Point, Wis. to Eau Claire, Wis. It is proposed to extend V–55 and its associated control areas from Eau Claire via Grantsburg, Wis., to the new Brainerd facility.

The extension of V–82 from Minneapolis via these two new facilities to Grand Forks would provide an airway with the associated air traffic control service for the air carrier serving Brainerd and Bemidji from Minneapolis to Grand Forks. The extension of V–55 from Eau Claire to Brainerd in conjunction with V–82 would provide a bypass route around the Minneapolis terminal area. Additionally, the proposed segment of V–55 from Eau Claire to Grantsburg will provide a bypass route around Minneapolis for traffic from Duluth, Minn.

The control areas associated with these airway segments would extend upward from 700 feet above the surface. Separate actions would be initiated to implement on an area basis Amendment 60–21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A–103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 17, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62–7124; Filed, July 20, 1962; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 136]

[Ex Parte No. 171]

INSTALLATION, INSPECTION, MAINTENANCE AND REPAIR OF SYSTEMS, DEVICES, AND APPLIANCES

Notice of Proposed Rule Making

Rules, standards, and instructions for installation, inspection, maintenance, and repair of automatic block signal systems, interlocking, traffic control systems, automatic train stop, train control, and cab signal systems, and other similar appliances, methods, and systems.

It appearing that on May 25, 1962, a notice of proposed rule making was entered in this proceeding giving notice of the institution by the Interstate Commerce Commission, on its own motion, under authority of section 25 of the Interstate Commerce Act, as amended, (49 CFR Part 26), of an investigation for the purpose of revising, amending, and modifying certain Rules, Standards, and Instructions, in this proceeding, as particularly set forth in the said notice of May 25, 1962.

It further appearing that the said notice of May 25, 1962, called for the submission of views, arguments, or suggestions on or before August 1, 1962.

It further appearing that by petition filed July 3, 1962, the Railway Labor Executives Association seeks an extension of time to September 22, 1962, within which to file its views, arguments, or suggestions.

And it further appearing that good cause has been shown for an extension of time within which to file views, arguments, or suggestions, and that an extention of time until September 22, 1962, is both reasonable and adequate and may appropriately be granted.

It is ordered, That the time within which any interested party or person may file written views, arguments, or suggestions in this proceeding be, and it is hereby, extended to and including September 22, 1962.

Dated at Washington, D.C., this 12th day of July A.D., 1962.

By the Commission, Commissioner Tuggle.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62–7155; Filed, July 20, 1962; 8:52 a.m.]

RAILROAD RETIREMENT BOARD

[20 CFR Ch. II]

COORDINATION ALLOWANCES, DISMISSAL ALLOWANCES, AND SIMILAR PAYMENTS

Notice of Continuance of Hearing

The Railroad Retirement Board, pursuant to sections 5 and 12 of the Railroad Unemployment Insurance Act, Part 319 of its regulations under that Act (20 CFR, Part 319), section 10 of the Railroad Retirement Act, and §§ 250.7–250.15 of its regulations under that Act (20 CFR 250.7–250.15), has ordered (Board Order 61–185, November 22, 1961) that a hearing be held for the purpose of determining whether coordination allowances under the Washington Agreement, dismissal allowances under the Oklahoma Conditions and Burlington Conditions, and similar payments, are "pay for time lost", "remuneration", and "compensation" under the Railroad Unemployment Insurance Act (45 U.S.C. 351–367) and the Railroad Retirement Act (45 U.S.C. 215–228z–1); whether the Chicago and North Western Railway Company, the Texas and New Orleans Railroad Company, the Lehigh Valley Railroad Company, the Baltimore and Ohio Railroad Company, and other railroads, should report such allowances as "compensation", and should pay contributions under section 8 of the Railroad Unemployment Insurance Act and make reimbursements to the Board under section 2(f) of that Act with respect to such allowances; and whether individuals are entitled to benefits under the Acts upon the basis of such allowances.

A hearing in this matter was held before Mr. David M. Goldman, the Examiner appointed by the Board, on June 27, 1962, following due notice to interested parties (see 27 F.R. 5748), and after certain proceedings the hearing was recessed.

Notice is hereby given that the hearing will be continued on Wednesday, August 15, 1962, at 9:30 a.m., c.d.s.t., in the Board Room on the 8th floor, at 844 North Rush Street, Chicago, Illinois, before the Examiner.

All parties properly interested may participate in the hearing and will be afforded an opportunity to present evidence and to make arguments before the Examiner.

The hearing is being held upon the following questions:

(a) Are coordination allowances under the Washington Agreement, dismissal allowances under the Burlington Conditions and Oklahoma Conditions, and similar payments, "pay for time lost", "remuneration", and "compensation" as those terms are defined in the Railroad Retirement Act and the Railroad Unemployment Insurance Act?

(b) Should the railroads heretofore mentioned, and others, report such payments as compensation, and pay contributions and make section 2(f) reimbursements to the Board with respect to them?

(c) Are individuals entitled to benefits under the Acts upon the basis of such payments?

(d) Any other question or questions the settlement of which may appear to the Examiner to be essential to the conclusive determination of the controversies which have arisen between the Board and certain employers regarding the treatment of the payments under the Acts.

Any interested parties, other than those already participating, desiring to enter an appearance and present evidence or argument, or both, should inform the Examiner to that effect, by letter or otherwise, at least two days prior to the hearing.

DAVID M. GOLDMAN,
Examiner.

JULY 16, 1962.

[F.R. Doc. 62–7162; Filed, July 20, 1962; 8:53 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

[Release 33–4511]

REGISTRATION OF SECURITIES BY FOREIGN ISSUERS

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration two proposed new rules under the Securities Act of 1933 relating to the registration of securities by foreign issuers other than foreign governments.

I. Section 6(a) of the Securities Act requires that where a registrant is a foreign or territorial person, the registration statement shall be signed by its duly authorized representative in the United States. This signature is in addition to the signatures required where the registrant is a domestic issuer. Under section 11 of the Act, an authorized representative may be liable to persons purchasing the securities offered pursuant to the registration statement. In order for this provision to operate effectively for the protection of investors, it is essential that the authorized representative be a person having a reasonable degree of responsibility. In the past, efforts have been made to meet the requirement that the registration statement be signed by an authorized representative in the United States by organizing a dummy corporation solely for that purpose. Other devices may similarly be used to evade the intent and purpose of the requirement.

The proposed new § 230.402a (Rule 402A) would require that where the registrant is a foreign person other than a foreign government, the authorized representative in the United States shall meet certain qualifications designed to insure that there may be in this country a person against whom investors may have recourse in appropriate cases. The text of the proposed rule follows:

§ 230.402a Authorized representatives of foreign issuers.

(a) If the registrant is a foreign person other than a foreign government, its duly authorized representative in the United States who signs the registration statement pursuant to section 6(a) of the Act shall meet the following qualifications and shall state immediately preceding his signature to the registration statement that he meets such requirements:

(1) Such representative shall be a broker or dealer registered with the Commission pursuant to section 15(b) of the Securities Exchange Act of 1934 and, if the securities to be registered are to be offered through underwriters, such representatives shall be named in the registration statement as the underwriter, or one of the underwriters, of such securities.

(2) If such representative is a natural person, he shall be an adult person who is a citizen and resident of the United States, has been such a citizen and resident for at least the last five years and has his principal business operations or employment in the United States.

(3) If such representative is a corporation or an unincorporated trust, association or joint stock company, it shall be incorporated or organized under the laws of a State or Territory of the United States or the District of Columbia, shall have its principal business operations in the United States and shall have been engaged in business in the United States for at least the last five years.

(4) If such representative is a partnership, it shall be formed under the laws of a State or Territory of the United States or the District of Columbia, shall have its principal business operations in the United States, shall have been engaged in business in the United States for at least the last five years and at least a majority of its general partners shall be citizens and residents of the United States.

(5) No person shall be qualified to serve as an authorized representative if such person or any director, officer, general partner or parent of such person (i) has been convicted of any felony or other offense punishable by death or imprisonment for a term exceeding one year, (ii) is subject to any order, judgment or decree of any court of competent jurisdiction temporarily or permanently enjoining or restraining him from engaging in or continuing any conduct or practice involving any aspect of the securities business, (iii) is subject to any order of the Commission which restricts him from engaging in any conduct or practice involving any aspect of the securities business, (iv) is suspended or has been expelled from membership in a national security dealers association or a national securities exchange for conduct inconsistent with just and equitable principles of trade, or (v) has been declared a bankrupt, or made an assignment for the benefit of creditors, within the last five years.

(b) Any person named in a registration statement which has become effective as the duly authorized representative of a foreign issuer, other than a foreign government or political subdivision thereof, shall be deemed to continue to act in such capacity until an amendment to the registration statement naming another qualified duly authorized representative has become effective: *Provided,* That, the naming of another authorized representative shall not operate to relieve the person previously named from any liability incurred prior to the effective date of the amendment naming his successor.

(c) If at any time there is no duly authorized representative upon whom any notice required by section 8 of the Act may be served, such notice shall be sent to or served on the issuer at its last address of record filed with the Commission.

II. The proposed new § 230.440 (Rule 440) would require that where the registrant, any of its directors or officers, any selling security holder or any underwriter is a nonresident (other than a foreign government or a political subdivision thereof) it shall furnish to the Commission a consent and power of attorney authorizing the Commission to accept service of process in connection with civil actions arising out of the offering or sale of the registered securities. The purpose of this rule is to make it easier for purchasers of the registered securities to obtain service of process upon foreign issuers and their insiders in connection with civil actions instituted in the courts in this country. The text of the proposed rule follows:

§ 230.440 Consent by certain foreign persons to service of process.

(a) If the registrant, any of its directors or officers, any person for whose account any of the securities to be registered are to be offered, or any underwriter of such securities, is not a resident of the United States, each such nonresident person (other than a foreign government or a political subdivision thereof) shall at the time the registration statement is filed, furnish to the Commission in a form prescribed by or acceptable to it, a written irrevocable consent and power of attorney which—

(1) Designates the Securities and Exchange Commission as an agent upon whom may be served any process, pleading or other papers in any civil suit or action brought against such issuer in any court in any place subject to the jurisdiction of the United States where the cause of action (i) accrues on or after the effective date of this rule, and (ii) arises out of any offering made or purported to be made pursuant to such registration statement or any purchase or sale of any security in connection therewith; and

(2) Stipulates and agrees with respect to any such civil suit or action that (i) the laws of the United States shall control; (ii) any appropriate court of the United States or any political subdivision thereof shall have jurisdiction over such civil suit or action; (iii) any such civil suit or action may be commenced by the service of process upon the Commission and the forwarding of a copy thereof as provided in paragraph (b) of this rule; and (iv) that the service as aforesaid of any such

process, pleadings or other papers upon the Commission shall be taken and held in all courts to be as valid and binding as if due personal service thereof had been made.

(b) Service of any process, pleadings or other papers on the Commission under this rule shall be made by delivering the requisite number of copies thereof to the Secretary of the Commission or to such other person as the Commission may authorize to act in its behalf. Whenever any process, pleadings or other papers as aforesaid are served upon the Commission, it shall promptly forward a copy thereof by registered mail to the issuer and to its duly authorized representative at their addresses set forth in the registration statement. The Commission shall be furnished a sufficient number of copies for such purpose, and one copy for its files.

NOTE: Forms 3–A, 4–A, 5–A, and 6–A (listed and described, 17 CFR 239.92, 239.93, 239.94, and 239.95) prescribed for use in connection with § 230.262 (Rule 262 of Regulation A) may be used with appropriate changes for the consents and powers of attorney required by § 230.440 until such time as the Commission shall prescribe other forms therefor.

All interested persons are invited to submit their views and comments on the proposed rules, in writing, to the Securities and Exchange Commission, Washington 25, D.C., on or before August 17, 1962. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

JULY 16, 1962.

[F.R. Doc. 62–7141; Filed, July 20, 1962; 8:49 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Supplemental List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR Part 181.1 the following table lists additional establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which have been officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This list supplements the list previously published under the Act (27 F.R. 6637) for June and represents those establishments and species which were reported too late to be included in the earlier list or which have come into compliance with respect to species indicated since the completion of the reports on which the earlier list was based. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co.	2AG	(*)					
Do.	2AU	(*)		(*)			
Swift and Co.	3NN	(*)		(*)		(*)	
Do.	23	(*)		(*)			
Glover Packing Co.	60A	(*)	(*)	(*)	(*)	(*)	
Auburn University	71	(*)					
The Cudahy Packing Co.	81	(*)	(*)			(*)	
Liberty Packing Co.	101	(*)	(*)				
Cornland Dressed Beef, Inc.	157	(*)					
United Fryer and Stillman, Inc.	198	(*)					
S. Adams Packing Co.	211	(*)	(*)				
York Packing Co., Inc.	220	(*)				(*)	
American Stores Co.	270	(*)		(*)			
Union Packing Co.	305A	(*)					
Litvak Packing Co.	465	(*)					
Capitol Packing Co.	513	(*)	(*)	(*)			
Illinois Packing Co.	521	(*)					
Pepper Packing Co.	536	(*)				(*)	
Swift and Co.	548	(*)	(*)			(*)	
Wilson and Co., Inc.	555			(*)			
McCook Packing Co.	660	(*)					
Scottsbluff Packing Co.	667	(*)		(*)			
Marco Packing Co.	692	(*)					
Central Nebraska Packing Co.	713E						(*)
Decker and Son	727					(*)	
Pioneer Provision Co.	742	(*)				(*)	
Sheridan Meat Co., Inc.	768	(*)				(*)	
Dale Packing Co., Inc.	777	(*)					
Norman Peters Packing Co.	834	(*)					
Sigman Meat Co., Inc.	901	(*)	(*)				
Reliable Packing Co., Inc.	959						
Monfort Packing Co.	969	(*)		(*)		(*)	
National Food Stores, Inc.	981	(*)	(*)				
The Klarer Co.	995		(*)				
Do.	995C	(*)				(*)	

35 establishments reported.

Done at Washington, D.C., this 17th day of July 1962.

R. K. SOMERS,
Acting Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 62–7167; Filed, July 20, 1962; 8:54 a.m.]

Agricultural Stabilization and Conservation Service

WHEAT

Rescission of Date for Referendum on Marketing Quotas 1963–64 and Request for Comment on New Date

By notice issued June 26, 1962, published in the FEDERAL REGISTER on July 4, 1962 (27 F.R. 6341), the Secretary, pursuant to and in accordance with section 336 of the Agricultural Adjustment Act of 1938, as amended, designated July 24, 1962, as the date on which the referendum to determine whether farmers who will be subject to the national marketing quota for wheat proclaimed for the marketing year beginning July 1, 1963 (27 F.R. 6314) will be held. Such date was the latest which could be designated under the statute.

Public Law 87–540 approved July 19, 1962, provides that notwithstanding the provisions of section 336 of said Act, the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1963, may be conducted not later than August 31, 1962. Section 362 of the Agricultural Adjustment Act of 1938, as amended, requires that notice of the farm acreage allotment for any commodity established for each farm shown by the records of the county committee to be entitled to such allotment shall insofar as practicable be mailed to the farm operator in sufficient time to be received prior to the date of the referendum. Legislation is pending in the Congress which if enacted would affect the sizes of farm wheat acreage allotments for the 1963 crop (to which the national marketing quota for the 1963–64 marketing year is applicable) and eligibility to vote in the referendum. In view of these considerations, the previously announced designation of July 24, 1962, as the date for holding the referendum is hereby rescinded. Consideration of the date for holding the referendum is now being given and such date will be announced a reasonable time in advance thereof. Prior to determination of such date, consideration will be given to any data, views, or recommendations pertaining thereto which are submitted in writing to the Director, Grain Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., which are postmarked not later than seven days from the date of publication of this notice in the FEDERAL REGISTER.

In view of the limited time between the enactment of Public Law 87–540 and the date previously announced for the referendum, it is hereby found that compliance with the notice provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) with respect to the rescission of such date is impracticable and contrary to the public interest and such rescission shall become effective as provided herein.

Effective date: Upon filing with the Director, Office of the Federal Register.

Issued at Washington, D.C., this 20th day of July 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62–7253; Filed, July 20, 1962; 11:21 a.m.]

Office of the Secretary

COMMODITY CREDIT CORPORATION

Organization and Functions; Delegations of Authority

I. *General.* The Commodity Credit Corporation Charter Act on June 29, 1948 (15 U.S.C. 714) established the Commodity Credit Corporation (hereinafter referred to as CCC), effective July 1, 1948, under a permanent Federal Charter, as an agency and instrumentality of the United States within the

United States Department of Agriculture, subject to the general supervision and direction of the Secretary of Agriculture. Originally, CCC had been incorporated under the laws of the State of Delaware, pursuant to section 2(a) of the National Industrial Recovery Act of June 16, 1933, and Executive Order 6340 of October 16, 1933. The principal office of CCC is at the United States Department of Agriculture, Washington 25, D.C.

A. *Stock and borrowing power.* CCC has a capital stock of $100,000,000 which is subscribed by the United States, and has authority to borrow, with the approval of the Secretary of the Treasury, not to exceed an amount fixed by law.

II. *Organization*—A. *Board of Directors.* The Board of Directors consists of seven members. The Secretary of Agriculture is an ex officio director and serves as Chairman of the Board of Directors. The President of the United States, by and with the consent and advice of the Senate, appoints the remaining members of the Board of Directors.

B. *Advisory Board.* An advisory board of five members is appointed by the President of the United States to survey the general policies of CCC and the operation of its programs and to advise the Secretary of Agriculture with respect thereto. Not more than three members may belong to the same political party. The advisory board meets at least every 90 days.

C. *Officers.* The Under Secretary of Agriculture is President of CCC and the following Agricultural Stabilization and Conservation Service (hereinafter referred to as ASCS) and Foreign Agricultural Service (hereinafter referred to as FAS) officials are ex officio officers of the CCC: The Administrator, ASCS, Executive Vice President, CCC; the Administrator, FAS, Vice President, CCC; the Associate Administrator, ASCS, Vice President, CCC; the Deputy Administrator, Price and Production, ASCS, Vice President, CCC; the Deputy Administrator, Commodity Operations, ASCS, Vice President, CCC; the Deputy Administrator, State and County Operations, ASCS, Vice President, CCC; the Deputy Administrator, Management, ASCS, Vice President, CCC; the Executive Assistant to the Administrator, ASCS, Secretary, CCC; Director of Fiscal Division, ASCS, Controller, CCC; Deputy Director in Charge of Finance, Fiscal Division, ASCS, Treasurer, CCC; and Deputy Director in Charge of Accounting, Fiscal Division, ASCS, Chief Accountant, CCC. The Directors of Divisions and Commodity Officers of ASCS are ex officio Contracting Officers of the CCC.

D. *Management.* The management of CCC is vested in its Board of Directors, subject to the general supervision and direction of the Secretary. The President of CCC is Vice Chairman of the Board and performs such other duties as the Secretary or the Board may prescribe. The Executive Vice President is the chief executive officer of CCC. His authority, together with that of the other Vice Presidents, is set forth in section IV hereof. Activities of CCC, approved by its Board of Directors and the Secretary of Agriculture, are generally carried out through the facilities and personnel of ASCS and FAS of the Department. From time to time services of other agencies of the United States Department of Agriculture may be utilized in certain operations or programs. The Directors of the Divisions and Commodity Offices of ASCS serve as executives of CCC in general charge of the activities carried out through their respective Divisions or Offices.

E. *The Contract Disputes Board.* The members of the Contract Disputes Board for CCC are appointed by the Board of Directors of CCC with the approval of the Secretary of Agriculture. The Contract Disputes Board has jurisdiction to act for and on behalf of CCC and its officers (a) to consider and determine appeals by claimants on contract claims against CCC involving doubtful or disputed questions of fact or law where settlement or adjustment cannot otherwise be effected under established policies and procedures, (b) upon request of the Executive Vice President or other officer of CCC, to exercise the authority of the Executive Vice President or other officer in connection with (1) any contract claim by or against CCC, including settlement and adjustment of any such claims, and (2) the suspension or debarment of any contractor, and (c) to act for the head of the agency or for any other officer of CCC to whom appeals may be taken from findings of fact by a contracting officer under any contract disputes provision which provides a method for final and conclusive determination of disputed questions of fact. The decisions of the Contract Disputes Board on all matters falling within its jurisdiction are final for administrative purposes within the United States Department of Agriculture. The names of such members and information with respect to their authority may be obtained from the Secretary, CCC.

III. *Functions*—A. *General.* Under its corporate charter (15 U.S.C. 714–714p) and in accordance with specific statutes, where applicable, and its annual budget programs submitted to and approved by Congress, CCC engages in buying, selling, lending, and other activities with respect to agricultural commodities, their products, food, feeds, and fibers, for the purpose of stabilizing, supporting, and protecting farm income and prices; assisting in the maintenance of balanced and adequate supplies of such commodities; and facilitating their orderly distribution. The Corporation also makes available materials and facilities required in connection with the production and marketing of such commodities.

B. *Types of programs.* The following types of programs are conducted by CCC:

1. *Price Support Program.* Price Support operations are carried out under the CCC's charter powers and in conformity with specific statutes where applicable, such as the Agricultural Act of 1949 as amended (7 U.S.C. 1421 et seq.), the National Wool Act of 1954, as amended (7 U.S.C. 1781 et seq.) and section 125 of the Agricultural Act of 1956 (7 U.S.C. 1813). Price support of various agricultural commodities is made available through loans, purchase agreements, purchases, and other operations, and, in the case of wool and mohair, through incentive payments based on marketings. Commodities acquired by the Corporation in its price support operations are disposed of through sales, barters and exchanges, and donation, in conformity with specific statutes, where applicable, such as sections 202, 407, and 416 of the Agricultural Act of 1949, as amended, the Agricultural Trade Development and Assistance Act of 1954 (P.L. 480), as amended, and other applicable legislation.

2. *Supply and Foreign Purchase Program.* This program is carried out under the authority contained in the CCC's charter, particularly sections 5 (b) and (c) thereof. CCC procures foods, agricultural commodities, their products, and related materials to supply the requirements of Government agencies, foreign governments, and relief and rehabilitation agencies, and to meet domestic requirements. Foods, agricultural commodities, and their products are procured or aid is given in their procurement to facilitate distribution or to meet anticipated requirements during periods of short supply.

3. *Storage Facilities Program.* This program is carried out under the authority contained in the CCC's charter, particularly sections 4(h), 4(m), and 5 (a) and (b). CCC may (a) purchase and maintain (in storage deficient areas) granaries and equipment for care and storage of grain owned or controlled by CCC; (b) make loans for the construction or expansion of farm storage facilities; (c) provide storage-use guarantees to encourage the construction of commercial storage facilities; and (d) undertake other operations necessary to provide storage adequate to carry out CCC's programs.

4. *Commodity Export Program.* This program is carried out under the authority contained in the CCC's charter, particularly sections 5(d) and 5(f), and in accordance with specific statutes where applicable, such as sections 407 and 416 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427, 1431), the International Wheat Agreement Act of 1949, as amended (7 U.S.C. 1641, et seq.), the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.), Title I of the Agricultural Act of 1954 (7 U.S.C. 1741 et seq.), and Title II of the Agricultural Act of 1956 (7 U.S.C. 1851 et seq.). CCC promotes the export of agricultural commodities and products through sales, barter, payments, and other operations.

5. *Special Milk Program.* This program is carried out under the authority of sections 5(g) of CCC's charter and P.L. 85–478, as amended (7 U.S.C. 1446 note), which authorizes the use of specified amounts of CCC funds to increase the consumption of fluid milk by children in nonprofit schools of high-school grade and under and in nonprofit nursery schools, child-care centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the care and training of children.

6. *Special Activities.* These activities are carried out under the authority of section 5(g) of CCC's charter and specific statutory authorizations or directives with respect thereto. Examples of such activities are the International Wheat Agreement program, sales of surplus agricultural commodities for foreign currencies under Title I of P.L. 480, long-term supply contracts under Title IV of P.L. 480, and the transfer of CCC grain to the Department of Interior for migratory waterfowl feed.

IV. *Delegations of authority*—A. *General.* All authorities and responsibilities relating to CCC shall be exercised (i) pursuant to authorizations contained in dockets or resolutions approved by the Board of Directors and the Secretary of Agriculture, (ii) in accordance with the by-laws of CCC,[1] and (iii) within the confines of administrative and functional areas of jurisdiction. (See organizational statements for the Department of Agriculture (19 F.R. 74 as amended by 26 F.R. 8403) and for Agricultural Stabilization and Conservation Service (27 F.R. 4523).)

B. *Authority of Vice Presidents, CCC.* Pursuant to the by-laws of CCC, the Vice Presidents of the CCC hold office ex officio by virtue of their positions in the ASCS and FAS. The Vice Presidents and their authority are as follows:

1. Executive Vice President:

The Executive Vice President, who is the Administrator, ASCS, except as provided in paragraph 2 below, has general supervision and direction of the preparation of policies and programs for submission to the Board, of the administration of the policies and programs approved by the Board of Directors, and of the day-to-day conduct of the business of CCC and of its officers and employees.

2. The Vice President who is Administrator, FAS, has responsibility for preparation for submission by the Executive Vice President to the Board of policies and programs for (i) export sales and subsidies, except those pertaining to the International Wheat Agreement, and (ii) barter involving export of agricultural commodities in exchange for strategic and other approved materials. He also has responsibility for the administration under policies and programs approved by the Board of those operations which are carried out through facilities and personnel of the FAS. He also performs such special duties and exercises such powers as may be prescribed from time to time by the Secretary of Agriculture, the Board, or the President of the Corporation.

3. *Other Vice Presidents:*

(a) The other Vice Presidents assist the President and the Executive Vice President in the performance of their duties and exercise of their powers to such extent as the President or the Executive Vice President shall prescribe, and shall perform such special duties and exercise such powers as may be prescribed from time to time by the Secretary of Agriculture, the Board, or the President of the Corporation.

(b) The Vice Presidents are authorized in the discharge of their responsibilities, subject to the general supervision and direction of the Executive Vice President, to establish and interpret policies, institute activities and operations, execute documents, issue instructions and orders, and perform any other necessary actions which are in accordance with the by-laws and programs and policies adopted by the Board of Directors.

C. *Authority of Directors of Divisions and Commodity Offices of ASCS.* The Directors of Divisions and Commodity Offices of ASCS are in general charge of the activities of CCC carried out through their respective Divisions and Offices.

D. *Acting capacity.* The person occupying, in an acting capacity, the office of any person designated ex officio by the bylaws of the CCC as an officer of CCC, acts as such officer during his occupancy of such office.

E. *Authority to execute contracts.* Contracts of CCC relating to any of its activities may be executed in its name by the Secretary of Agriculture or the President of CCC. The Vice Presidents, the Controller, the Treasurer, the Directors of the Divisions and Commodity Offices of ASCS may execute contracts relating to the activities of CCC for which they are respectively responsible. The Executive Vice President, and subject to the written approval of the appointment by the Executive Vice President, the Vice Presidents, the Controller, the Directors of the Divisions and Commodity Offices of ASCS may appoint, by written instrument or instruments, such Contracting Officers as they deem necessary, who may, to the extent authorized by such instrument or instruments, execute contracts in the name of CCC. The names of such officers and information with respect to their authority may be obtained from the appropriate Director or the Secretary of CCC, U.S. Department of Agriculture, Washington 25, D.C.

F. *Authority to settle claims.* The Executive Vice President, CCC, and the Vice President, CCC, who is Deputy Administrator, Price and Production, ASCS, may settle and adjust claims in controversy by or against CCC and their designees may carry out such responsibilities with respect to the settlement and adjustment of claims as may be delegated to them. The Directors of Divisions and Commodity Offices of ASCS may settle and adjust any claim arising out of activities under their jurisdiction not in excess of the face amount of $20,000 or in excess of such amount with the approval of the Executive Vice President or Vice President, CCC, who is Deputy Administrator, Price and Production, ASCS. The State Executive Directors of ASCS State Offices may settle and adjust any claim arising out of CCC activities under their jurisdiction not in excess of the face amount of $5,000 or in excess of such amount with the approval of the Executive Vice President or Vice President, CCC, who is Deputy Administrator, Price and Production, ASCS. Authorized claims officers may carry out such responsibilities with respect to settlement and adjustment of claims as may be delegated to such claims officers. The names of such officers and information with respect to their authority may be obtained from the Secretary, CCC.

V. *Availability of Records and Information*—A. *Records.*

1. Records pertaining to CCC activities classified under the Security Regulations of the U.S. Department of Agriculture shall be handled in accordance with such regulations. Records not so classified shall be handled as set forth in 2 and 3 below.

2. Dockets proposed for submission to the Board of Directors and dockets approved by the Board of Directors, together with supporting documents and approved resolutions, are classified "Administratively Confidential" for a specified period depending upon the nature thereof. While so classified, such records will be made available to persons outside the U.S. Department of Agriculture only upon specific authorization by the Board of Directors or written approval by the President, CCC, or Secretary of Agriculture. After the "Administratively Confidential" classification has been removed, such records are available for examination to anyone having an interest therein. Such access is in a designated office or offices within the U.S. Department of Agriculture where such records are maintained as a matter of public record. Copies of such records are not available for distribution.

3. Under the Administrative Regulations of the Department (1 AR 536b(3)) minutes of meetings of the Board of Directors, CCC (except resolutions extracted therefrom), are administratively confidential and are not subject to examination except in the performance of official duties. Resolutions, other than those approving dockets, and the records of Divisions and Offices of the Department pertaining to CCC activities, including those maintained in field offices, will be made available to persons properly and directly concerned upon request to the agency handling the activity.

B. *Information.* Any person desiring information or to make submittals or requests with respect to CCC activity should address the Director of the Division or Office through which such activity is carried out, or the Secretary of CCC, U.S. Department of Agriculture, Washington 25, D.C.

VI. *Prior authorizations and delegations.* The statement of Organization, Functions and Delegations of Authority of CCC issued January 18, 1961 (26 F.R. 375), is hereby superseded. All subdelegations of authority relating to any function covered by such superseded statement or by this statement shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked. Nothing herein

[1] The bylaws adopted June 30, 1961, are set forth at 26 F.R. 8321. Subsequent amendments thereto will be published in the FEDERAL REGISTER. This statement of authority shall not be construed as waiving any restrictions, limitations, or requirements stated in the specific delegation of authority or imposed in governing policies, rules, regulations or procedures.

shall affect the validity of any action heretofore taken under previous delegations or subdelegations of authority or assignment of functions.

Done at Washington, D.C., this 18th day of July 1962.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 62-7163; Filed, July 20, 1962; 8:53 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

MOORE-McCORMACK LINES, INC.

Notice of Application for Approval of Certain Cruises

Notice is hereby given that Moore-McCormack Lines, Inc., acting pursuant to Public Law 87-45, has applied to the Maritime Administration for approval of the following listed cruises:

Ship	Sailing date	Itinerary
Brasil	Apr. 4, 1963	New York, San Juan, St. Thomas, Cartagena, Cristobal, Nassau, New York.
Brasil	Apr. 19, 1963	New York, San Juan, St. Thomas, Martinique, Barbados, Trinidad, Nassau, New York.
Argentina	Apr. 23, 1963	New York, Bermuda, San Juan, St. Thomas, Martinique, Trinidad, Barbados, New York.
Brasil	May 3, 1963	New York, Barbados, St. Thomas, San Juan, New York.
Argentina	May 7, 1963	New York, San Juan, St. Thomas, Nassau, New York.
Brasil	May 14, 1963	New York, San Juan, St. Thomas, New York.
Argentina	May 17, 1963	New York, San Juan, St. Thomas, Martinique, Nassau, New York.
Brasil	May 23, 1963	New York, Bermuda, San Juan, St. Thomas, Martinique, Barbados, Nassau, New York.
Argentina	May 29, 1963	New York, Nassau, New York.
Brasil	Sept. 21, 1963	New York, San Juan, St. Thomas, Nassau, New York.
Argentina	Oct. 10, 1963	New York, Barbados, Trinidad, Martinique, St. Thomas, San Juan, New York.
Argentina	Nov. 27, 1963	New York, San Juan, Barbados, Trinidad, Cartagena, Nassau, New York.
Brasil	Dec. 12, 1963	New York, Port Everglades, San Juan, St. Thomas, Martinique, Trinidad, Barbados, Port Everglades.
Argentina	Dec. 13, 1963	New York, Nassau, New York.
Argentina	Dec. 20, 1963	New York, San Juan, St. Thomas, Cartagena, Cristobal, Nassau, New York.
Brasil	Dec. 24, 1963	Port Everglades, San Juan, St. Thomas, Cartagena, Cristobal, Port Everglades.

Any person, firm or corporation having any interest, within the meaning of Public Law 87-45, in the foregoing who desires to offer data, views or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington 25, D.C., by close of business on August 3, 1962. In the event an opportunity to present oral argument is also desired, specific reason for such request should be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: July 17, 1962.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-7146; Filed, July 20, 1962; 8:50 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of full-time students (29 CFR Part 519), and Administrative Order No. 561 (27 F.R. 4001) the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below.

The following certificates were issued pursuant to 29 CFR 519.6 (c) and (g) providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

Region I

W. T. Grant Co. (#400), 77 Congress Street, Rumford, Maine; effective 6-10-62 to 6-9-63 (department store; 33 employees).

W. T. Grant Co., 66 Water Street, Skowhegan, Maine; effective 6-10-62 to 6-9-63 (department store; 28 employees).

S. S. Kresge Co., 226 Chase Avenue, Waterbury, Conn.; effective 6-10-62 to 6-9-63 (variety store; 28 employees).

McCrory-McLellan-Green, 92 Washington Street, South Norwalk, Conn.; effective 6-10-62 to 6-9-63 (variety store; 25 employees).

McCrory-McLellan-Green Stores, 1138 Main Street, Bridgeport, Conn.; effective 6-10-62 to 6-9-63 (variety store; 67 employees).

McCrory-McLellan-Green Stores, 211 Water Street, Augusta, Maine; effective 6-10-62 to 6-9-63 (variety store; 31 employees).

McCrory-McLellan-Green Stores, Store No. 1009, 68 Wall Street, Norwalk, Conn.; effective 6-10-62 to 6-9-63 (variety Store; 44 employees).

McLellans, 94-98 Main Street, Waterville, Maine; effective 6-10-62 to 6-9-63 (variety store; 32 employees).

McLellan Stores Co., 855 Main Street, Westbrook, Maine; effective 6-10-62 to 6-9-63 (variety store; 22 employees).

J. J. Newberry Co., 182 Massachusetts Avenue, Boston, Mass.; effective 6-10-62 to 6-9-63 (variety store; 16 employees).

J. J. Newberry Co., 328 Broadway, Chelsea, Mass.; effective 6-10-62 to 6-9-63 (variety store; 22 employees).

J. J. Newberry Co., 107 South Main Street, Fall River, Mass.; effective 6-10-62 to 6-9-63 (variety store; 34 employees).

J. J. Newberry Co., 21-23 Main Street, Leominster, Mass.; effective 6-10-62 to 6-9-63 (variety store; 17 employees).

J. J. Newberry Co., 15-17 Main Street, Franklin, Mass.; effective 6-10-62 to 6-9-63 (variety store; 39 employees).

J. J. Newberry Co., 77 Main Street, North Adams, Mass.; effective 6-10-62 to 6-9-63 (variety store; 47 employees).

J. J. Newberry Co., North Attleboro, Mass.; effective 6-10-62 to 6-9-63 (variety store; 16 employees).

J. J. Newberry Co., 79 North Street, Pittsfield, Mass.; effective 6-10-62 to 6-9-63 (variety store; 85 employees).

J. J. Newberry Co., 395 Main Street, Wakefield, Mass.; effective 6-10-62 to 6-9-63 (variety store; 18 employees).

J. J. Newberry Co., 42-44 Parker Street, Gardner, Mass.; effective 6-10-62 to 6-9-63 (variety store; 13 employees).

J. J. Newberry Co., 13-17 Pleasant Street, Newburyport, Mass.; effective 6-10-62 to 6-9-63 (variety store; 24 employees).

J. J. Newberry Co., 237 High Street, Holyoke, Mass.; effective 6-10-62 to 6-9-63 (variety store; 59 employees).

J. J. Newberry Co., 10 Front Street, Worcester, Mass.; effective 6-10-62 to 6-9-63 (variety store; 43 employees).

J. J. Newberry Co., 23 Pleasant Street, Claremont, N.H.; effective 6-10-62 to 6-9-63 (variety store; 13 employees).

J. J. Newberry Co., 112 Main Street, Nashua, N.H.; effective 6-10-62 to 6-9-63 (variety store; 19 employees).

J. J. Newberry Co. (#40), 1006 Elm Street, Manchester, N.H.; effective 6-10-62 to 6-9-63 (variety store; 59 employees).

J. J. Newberry Co., 66 Main Street, Keene, N.H.; effective 6-10-62 to 6-9-63 (variety store; 14 employees).

J. J. Newberry Co. (#42), 42-52 North Main Street, Concord, N.H.; effective 6-10-62 to 6-9-63 (variety store; 23 employees).

J. J. Newberry Co., 37-41 Washington Street, West Warwick, R.I.; effective 6-10-62 to 6-9-63 (variety store; 57 employees).

J. J. Newberry Co., 144 Thomas Street, Newport, R.I.; effective 6-10-62 to 6-9-63 (variety store; 24 employees).

J. J. Newberry Co., 201-209 Westminster Street, Providence, R.I.; effective 6-10-62 to 6-9-63 (variety store; 196 employees).

J. J. Newberry Co., Main Street, Windsor, Vt.; effective 6-10-62 to 6-9-63 (variety store; five employees).

J. J. Newberry Co., 137-145 North Main Street, Barre, Vt.; effective 6-10-62 to 6-9-63 (variety store; 28 employees).

J. J. Newberry Co., 20 Rockingham Street, Bellows Falls, Vt.; effective 6-10-62 to 6-9-63 (variety store; 14 employees).

J. J. Newberry Co., 46 Main Street, Newport, Vt.; effective 6-10-62 to 6-9-63 (variety store; 30 employees).

J. J. Newberry Co., South Main Street, White River Junction, Vt.; effective 6-10-62 to 6-9-63 (variety store; 20 employees).

Newberry, Caribou Corp. (#51), 119 Sweden Street, Caribou, Maine; effective 6-10-62 to 6-9-63 (variety store; 30 employees).

Newberry Madawaska Corp., Main Street and 11th Avenue,, Madawaska, Maine; effective 6-10-62 to 6-9-63 (variety store; 24 employees).

Newberry Millinocket Corp. (#249), 216 Penobscot Avenue, Millinocket, Maine; effective 6-10-62 to 6-9-63 (variety store; 20 employees).

Newberry Pine State Inc., 142 Main Street, Ellsworth, Maine; effective 6-10-62 to 6-9-63 (variety store; 23 employees).

Newberry Pine State Inc., 43-44 Main Street, Lincoln, Maine; effective 6-10-62 to 6-9-63 (variety store; 20 employees).

Wilson's Inc., 256 Main Street, Greenfield, Mass.; effective 6-10-62 to 6-9-63 (department store; 122 employees).

Region II

M. H. Fishman Co., Inc., 400 George Street, New Brunswick, N.J.; effective 6-10-62 to 6-9-63 (variety store; 37 employees).

H. L. Green Co. (#1032), 632 Cookman Avenue, Asbury Park, N.J.; effective 6-10-62 to 6-9-63 (variety store; 36 employees).

S. H. Kress & Co., 580 Central Avenue, East Orange, N.J.; effective 6-10-62 to 6-9-63 (variety store; 76 employees).

S. H. Kress & Co., 343 Springfield Avenue, Summit, N.J.; effective 6-10-62 to 6-9-63 (variety store; 22 employees).

S. H. Kress & Co., 3701 Bergenline Avenue, Union City, N.J.; effective 6-10-62 to 6-9-63 (variety store; 32 employees).

S. H. Kress & Co., 5713 Bergenline Avenue, West New York, N.J.; effective 6-10-62 to 6-9-63 (variety store; 49 employees).

S. H. Kress & Co., 308 Washington Street, Hoboken, N.J.; effective 6-10-62 to 6-9-63 (variety store; 31 employees).

S. S. Kresge Co. (#80), Garden State Plaza, Paramus, N.J.; effective 6-10-62 to 6-9-63 (variety store; 81 employees).

McCrory-McLellan-Green Stores (#308), 1049 Bloomfield Avenue, Clifton, N.J.; effective 6-10-62 to 6-9-63 (variety store; 58 employees).

McCrory-McLellan-Green Stores, 357-61 High Street, Burlington, N.J.; effective 6-10-62 to 6-9-63 (variety store; 51 employees).

McCrory-McLellan-Stores Corp. (#168), 455-459 Kaighn Avenue, Camden 3, N.J.; effective 6-10-62 to 6-9-63 (variety store; 29 employees).

Nelsner Brothers, Inc. (#106), 1027 Springfield Avenue, Irvington, N.J.; effective 6-10-62 to 6-9-63 (variety store; 51 employees).

Nelsner Brothers, Inc. (#127), 100 Broadway, East Paterson, N.J.; effective 6-10-62 to 6-9-63 (variety store; 47 employees).

Region IV

Colonial Stores, 404 North Oates Street, Dothan, Ala; effective 6-12-62 to 6-11-63 (food store; 18 employees).

Colonial Stores, 317 Oglethorpe Avenue, Albany, Ga.; effective 6-12-62 to 6-11-63 (food store; 34 employees).

Colonial Stores, 320 North Slappy Drive, Albany, Ga.; effective 6-12-62 to 6-11-63 (food store; 31 employees).

Colonial Stores, 209 North Lee Street, Americus, Ga.; effective 6-12-62 to 6-11-63 (food store; 19 employees).

Colonial Stores, 22-24 Gordon Street, Ashburn, Ga.; effective 6-12-62 to 6-11-63 (food store; 12 employees).

Colonial Stores, 2014 Norwich Street, Brunswick, Ga.; effective 6-12-62 to 6-11-63 (food store; 36 employees).

Colonial Stores, 17 First Avenue NE., Cairo, Ga.; effective 6-12-62 to 6-11-63 (food store; 20 employees).

Colonial Stores, 31 North Scott Street, Camilla, Ga.; effective 6-12-62 to 6-11-63 (food store; 14 employees).

Colonial Stores, 1344 First Avenue, Columbus, Ga.; effective 6-12-62 to 6-11-63 (food store; 25 employees).

Colonial Stores, 1034-36 Talbotton Road, Columbus, Ga.; effective 6-12-62 to 6-11-63 (food store; 24 employees).

Colonial Stores, #1 Traffic Circle, Columbus, Ga.; effective 6-12-62 to 6-11-63 (food store; 20 employees).

Colonial Stores, 2334 Wynnton Road, Columbus, Ga.; effective 6-12-62 to 6-11-63 (food store; 32 employees).

Colonial Stores, 112—12th Avenue W., Cordele, Ga.; effective 6-12-62 to 6-11-63 (food store; 19 employees).

Colonial Stores, 102 Dawson Street, Public Square, Cuthbert, Ga.; effective 6-12-62 to 6-11-63 (food store; 12 employees).

Colonial Stores, 112-14 West Lee Street, Dawson, Ga.; effective 6-12-62 to 6-11-63 (food store; 21 employees).

Colonial Stores, 101 West Gaines Street, Dublin, Ga.; effective 6-12-62 to 6-11-63 (food store; 22 employees).

Colonial Stores, 109-13 West Central Avenue, Fitzgerald, Ga.; effective 6-12-62 to 6-11-63 (food store; 17 employees).

Colonial Stores, 202 North Macon Street, Fort Valley, Ga.; effective 6-12-62 to 6-11-63 (food store; 21 employees).

Colonial Stores, 952 Arlington Road, Jacksonville, Fla.; effective 6-12-62 to 6-11-63 (food store; 32 employees).

Colonial Stores, 1712 North Third Street, Jacksonville Beach, Fla.; effective 6-12-62 to 6-11-63 (food store; 21 employees).

Colonial Stores, 5900-6002 Main Street, Jacksonville, Fla.; effective 6-12-62 to 6-11-63 (food store; 26 employees).

Colonial Stores, 5515 Normandy Boulevard, Jacksonville, Fla.; effective 6-12-62 to 6-11-63 (food store; 34 employees).

Colonial Stores, 2313 Phoenix Avenue, Jacksonville, Fla.; effective 6-12-62 to 6-11-63 (food store; 12 employees).

Colonial Stores, 485 Arlington Place, Macon, Ga.; effective 6-12-62 to 6-11-63 (food store; 34 employees).

Colonial Stores, 1040 Gray Highway, Macon, Ga.; effective 6-12-62 to 6-11-63 (food store; 32 employees).

Colonial Stores, 2323 Ingleside Avenue, Macon, Ga.; effective 6-12-62 to 6-11-63 (food store; 28 employees).

Colonial Stores, 2658 Houston Avenue, Macon, Ga.; effective 6-12-62 to 6-11-63 (food store; 19 employees).

Colonial Stores, 221 South Dolly Street, Montezuma, Ga.; effective 6-12-62 to 6-11-63 (food store; 16 employees).

Colonial Stores, 217 South Main Street, Moultrie, Ga.; effective 6-12-62 to 6-11-63 (food store; 22 employees).

Colonial Stores, 1040 Macon Street, Perry, Ga.; effective 6-12-62 to 6-11-63 (food store; 25 employees).

Colonial Stores, 203 South Court Street, Quitman, Ga.; effective 6-12-62 to 6-11-63 (food stores; 26 employees).

Colonial Stores, 102 Kelly Street, Sylvester, Ga.; effective 6-12-62 to 6-11-63 (food store; 18 employees).

Colonial Stores, 117 Apalachee Parkway, Tallahassee, Fla.; effective 6-12-62 to 6-11-63 (food store; 28 employees).

Colonial Stores, 117 West College Avenue, Tallahassee, Fla.; effective 6-12-62 to 6-11-63 (food store; 15 employees).

Colonial Stores, 146 Love Street, Tifton, Ga.; effective 6-12-62 to 6-11-63 (food store; 28 employees).

Colonial Stores, 306 Smith Avenue, Thomasville, Ga.; effective 6-12-62 to 6-11-63 (food store; 34 employees).

Colonial Stores, 206 East Central Avenue, Valdosta, Ga.; effective 6-12-62 to 6-11-63 (food store; 22 employees).

Colonial Stores, 510 Tebeau Street, Waycross, Ga.; effective 6-12-62 to 6-11-63 (food store; 25 employees).

H. L. Green Co., Inc., 71 Dexter Avenue, Montgomery, Ala.; effective 6-10-62 to 6-9-63 (variety store; 223 employees).

H. L. Green Co. (#1031), 97 Whitehall Street SW., Atlanta, Ga.; effective 6-10-62 to 6-9-63 (variety store; 105 employees).

H. L. Green Co. (#1107), 1101 Broadway, Columbus, Ga.; effective 6-11-62 to 6-10-63 (variety store; 64 employees).

H. L. Green Co. (#1019), 216 East Capital, Jackson, Miss.; effective 6-11-62 to 6-10-63 (variety store; 61 employees).

S. H. Kress & Co., 1106 Noble Street, Anniston, Ala.; effective 6-10-62 to 6-9-63 (variety store; 53 employees).

S. H. Kress & Co., 1912 Second Avenue, Bessemer, Ala.; effective 6-10-62 to 6-9-63 (variety store; 52 employees).

S. H. Kress & Co., 101 West Main Street, Dothan, Ala.; effective 6-10-62 to 6-9-63 (variety store; 39 employees).

S. H. Kress & Co., 107 South Washington Street, Huntsville, Ala.; effective 6-10-62 to 6-9-63 (variety store; 23 employees).

S. H. Kress & Co., 115 Dauphin Street, Mobile 3, Ala.; effective 6-10-62 to 6-9-63 (variety store; 113 employees).

S. H. Kress & Co., 39 Dexter Avenue, Montgomery 4, Ala.; effective 6-10-62 to 6-9-63 (variety store; 130 employees).

S. H. Kress & Co., 3008-27th Street N., North Birmingham 7, Ala.; effective 6-10-62 to 6-9-63 (variety store; 26 employees).

S. H. Kress & Co., 30 North Wilson Avenue, Prichard, Ala.; effective 6-10-62 to 6-9-63 (variety store; 51 employees).

S. H. Kress & Co., 121 Broad Street, Selma, Ala.; effective 6-10-62 to 6-9-63 (variety store; 46 employees).

S. H. Kress & Co., 2223 Broad Street, Tuscaloosa, Ala.; effective 6-10-62 to 6-9-63 (variety store; 80 employees).

S. H. Kress & Co., Bayshore Gardens Shopping Center, 6108—14th Street W., Bradenton, Fla.; effective 6-10-62 to 6-9-63 (variety store; 47 employees).

S. H. Kress & Co., Carol City Center, 18030 Northwest 27th Avenue, Carol City, Fla.; effective 6-11-62 to 6-10-63 (variety store; 125 employees).

S. H. Kress & Co., 120 Main Street, Jacksonville 2, Fla.; effective 6-11-62 to 6-10-63 (variety store; 53 employees).

S. H. Kress & Co., Phillips Highway Plaza, 3501 Phillips Highway, Jacksonville 7, Fla.; effective 6-11-62 to 6-10-63 (variety store; 53 employees).

S. H. Kress & Co., 500 Duval Street, Key West, Fla.; effective 6-10-62 to 6-9-63 (variety store; 54 employees).

S. H. Kress & Co., 109 North Kentucky Avenue, Lakeland, Fla.; effective 6-10-62 to 6-9-63 (variety store; 53 employees).

S. H. Kress & Co., 54 East Flagler Street, Miami 32, Fla.; effective 6-11-62 to 6-10-63 (variety store; 125 employees).

S. H. Kress & Co., 122 South Orange Avenue, Orlando, Fla.; effective 6-11-62 to 6-10-63 (variety store; 41 employees).

S. H. Kress & Co., 11 South Palafox Street, Pensacola, Fla.; effective 6-10-62 to 6-9-63 (variety store; 37 employees).

S. H. Kress & Co., 1442 Main Street, Sarasota, Fla.; effective 6-10-62 to 6-9-63 (variety store; 16 employees).

S. H. Kress & Co., 475 Central Avenue, St. Petersburg, Fla.; effective 6-10-62 to 6-9-63 (variety store; 63 employees).

S. H. Kress & Co., 811 Franklin Street, Tampa 2, Fla.; effective 6-10-62 to 6-9-63 (variety store; 53 employees).

S. H. Kress & Co., 400 Clematis Street, West Palm Beach, Fla.; effective 6-10-62 to 6-9-63 (variety store; 61 employees).

S. H. Kress & Co., 1624 East Broadway, Ybor City 5, Fla.; effective 6-10-62 to 6-9-63 (variety store; 26 employees).

S. H. Kress & Co., 121 North Washington Street, Albany, Ga.; effective 6-10-62 to 6-9-63 (variety store; 47 employees).

S. H. Kress & Co., 118 Jackson Street, Americus, Ga.; effective 6-10-62 to 6-9-63 (variety store; 41 employees).

S. H. Kress & Co., 153 East Clayton Street, Athens, Ga.; effective 6-10-62 to 6-9-63 (variety store; 36 employees).

S. H. Kress & Co., 50 Broad Street SW., Atlanta 3, Ga.; effective 6-10-62 to 6-9-63 (variety store; 98 employees).

S. H. Kress & Co., 832 Broad Street, Augusta, Ga.; effective 6–11–62 to 6–10–63 (variety store; 113 employees).

S. H. Kress & Co., 1505 Newcastle Street, Brunswick, Ga.; effective 6–10–62 to 6–9–63 (variety store; 42 employees).

S. H. Kress & Co., 1117 Broad Street, Columbus, Ga.; effective 6–10–62 to 6–9–63 (variety store; 43 employees).

S. H. Kress & Co., 137 Main Street, LaGrange, Ga.; effective 6–10–62 to 6–9–63 (variety store; 33 employees).

S. H. Kress & Co., 620 Cherry Street, Macon, Ga.; effective 6–10–62 to 6–9–63 (variety store; 32 employees).

S. H. Kress & Co., 120 Broughton Street W., Savannah, Ga.; effective 6–10–62 to 6–9–63 (variety store; 82 employees).

S. H. Kress & Co., 105 North Patterson Street, Valdosta, Ga.; effective 6–10–62 to 6–9–63 (variety store; 39 employees).

S. H. Kress & Co., 308 Mary Street, Waycross, Ga.; effective 6–10–62 to 6–9–63 (variety store; 58 employees).

S. H. Kress & Co., 312 West Howard Avenue, Biloxi, Miss.; effective 6–10–62 to 6–9–63 (variety store; 29 employees).

S. H. Kress & Co., 500 Main Street, Hattiesburg, Miss.; effective 6–10–62 to 6–9–63 (variety store; 31 employees).

S. H. Kress & Co., 402 Central Avenue, Laurel, Miss.; effective 6–10–62 to 6–9–63 (variety store; 49 employees).

S. H. Kress & Co., 2214 Fifth Street, Meridian, Miss.; effective 6–11–62 to 6–10–63 (variety store; 82 employees).

S. H. Kress & Co., 1508 Main Street, Columbia 1, S.C.; effective 6–10–62 to 6–9–63 (variety store; 61 employees).

S. H. Kress & Co., 117 West Evans Street, Florence, S.C.; effective 6–10–62 to 6–9–63 (variety store; 64 employees).

S. H. Kress & Co., 27 South Main Street, Greenville, S.C.; effective 6–10–62 to 6–9–63 (variety store; 66 employees).

S. H. Kress & Co., 311 Main Street, Greenwood, S.C.; effective 6–10–62 to 6–9–63 (variety store; 44 employees).

S. H. Kress & Co., 301 Russell Street NE., Orangeburg, S.C.; effective 6–10–62 to 6–9–63 (variety store; 44 employees).

S. H. Kress & Co., 115 East Main Street, Spartanburg, S.C.; effective 6–10–62 to 6–9–63 (variety store; 73 employees).

S. H. Kress & Co., 49 South Main Street, Sumter, S.C.; effective 6–10–62 to 6–9–63 (variety store; 50 employees).

McCrory (#157), 326–328 North Marion Street, Lake City, Fla.; effective 6–11–62 to 6–10–63 (variety store; 23 employees).

McCrory (#1313), 214 East Park Avenue, Lake Wales, Fla.; effective 6–11–62 to 6–10–63 (variety store; 20 employees).

McCrory's Store (#208), 308 New Haven Avenue, Melbourne, Fla.; effective 6–11–62 to 6–10–63 (variety store; 15 employees).

McCrory's Store Corp. (#61), 101–7 South Orange Avenue, Orlando, Fla.; effective 6–11–62 to 6–10–63 (variety store; 31 employees).

McCrory's (#310), 3270 Central Avenue, St. Petersburg, Fla.; effective 6–11–62 to 6–10–63 (variety store; 39 employees).

McCrory's 105–9 East First, Sanford, Fla.; effective 6–11–62 to 6–10–63 (variety store; 35 employees).

McCrory (#111), 216–220 Monroe Street, Tallahassee, Fla.; effective 6–11–62 to 6–10–63 (variety store; 55 employees).

McCrory's Store (#329), Big Apple Plaza, Titusville, Fla.; effective 6–10–62 to 6–9–63 (variety store; 39 employees).

McCrory Stores Corp., 73–75 Whitehall Street SW., Atlanta, Ga.; effective 6–10–62 to 6–9–63 (variety store; 48 employees).

McCrory's Store (#303), 406–408 Mary Street, Waycross, Ga.; effective 6–11–62 to 6–10–63 (variety store; 44 employees).

McCrory-McLellan-Green (#444), 1904–06 Second Avenue, Bessemer, Ala.; effective 6–11–62 to 6–10–63 (variety store; 34 employees).

McCrory-McLellan-Green (#73), 128 South Beach Street, Daytona Beach, Fla.; effective 6–11–62 to 6–10–63 (variety store; 27 employees).

McCrory-McLellan-Green Stores (#209), 129–131 North Patterson Street, Valdosta, Ga.; effective 6–10–62 to 6–9–63 (variety store; 23 employees).

McCrory-McLellan-Green Stores Corp., 219–23 South Andrews Avenue, Ft. Lauderdale, Fla.; effective 6–10–62 to 6–9–63 (variety store; 44 employees).

McCrory-McLellan-Green (#130), 2258 First Street, Ft. Myers, Fla.; effective 6–10–62 to 6–9–63 (variety store; 44 employees).

McCrory-McLellan-Green Stores Corp. (#318), 177–181 Hialeah Drive, Hialeah, Fla.; effective 6–11–62 to 6–10–63 (variety store; 31 employees).

McCrory-McLellan-Green Stores (#95), 225–241 West Bay Street, Jacksonville 2, Fla.; effective 6–11–62 to 6–10–63 (variety store; 42 employees).

McCrory-McLellan-Green Stores (#259), 301 West Main Street, Leesburg, Fla.; effective 6–10–62 to 6–9–63 (variety store; 29 employees).

McCrory-McLellan-Green Stores, 23–29 East Flagler Street, Miami 32, Fla.; effective 6–10–62 to 6–9–63 (variety store; 190 employees).

McCrory-McLellan-Green (#57), 2–6 East Broadway, Ocala, Fla.; effective 6–11–62 to 6–10–63 (variety store; 55 employees).

McCrory-McLellan-Green, 455–59 Harrison Avenue, Panama City, Fla.; effective 6–11–62 to 6–10–63 (variety store; 25 employees).

McCrory-McLellan-Green (#324), Div. of McCrory Corp., 1024 58th Street North, St. Petersburg, Fla.; effective 6–11–62 to 6–10–63 (variety store; 33 employees).

McCrory-McLellan-Green Store (#71), 330 Clematis Street, West Palm Beach, Fla.; effective 6–10–62 to 6–9–63 (variety store; 34 employees).

McCrory-McLellan-Green (#159), 110–116 North Broad Street, Bainbridge, Ga.; effective 6–10–62 to 6–9–63 (variety store; 16 employees).

McCrory-McLellan-Green Stores Co., 101–103 North Hill Street, Griffin, Ga.; effective 6–10–62 to 6–9–63 (variety store; 28 employees).

McCrory-McLellan-Green Corp., 1–3 West Broughton Street, Savannah, Ga.; effective 6–10–62 to 6–9–63 (variety store; 43 employees).

McCrory-McLellan-Green, 126 North Broad Street, Thomasville, Ga.; effective 6–10–62 to 6–9–63 (variety store; 23 employees).

McCrory-McLellan-Green (#575), 501 Main Street, Columbus, Miss.; effective 6–11–62 to 6–10–63 (variety store; 22 employees).

McCrory-McLellan Stores Corp. (#328), 101–103 South Main Street, Yazoo City, Miss.; effective 6–10–62 to 6–9–63 (variety store; 16 employees).

McCrory-McLellan-Green, 1546 Main Street, Columbia, S.C.; effective 6–11–62 to 6–10–63 (variety store; 42 employees).

McCrory-McLellan-Green Stores (#132), 1556–1564 Main Street, Columbia, S.C.; effective 6–11–62 to 6–10–63 (variety store; 31 employees).

McCrory-McLellan-Green Stores (#1203), 1620 Main Street, Columbia, S.C.; effective 6–12–62 to 6–11–63 (variety store; 33 employees).

McCrory-McLellan-Green, Inc. (#1108), 13–15 North Main Street, Greenville, S.C.; effective 6–11–62 to 6–10–63 (variety store; 56 employees).

McCrory-McLellan Stores, 145 East Main Street, Spartanburg, S.C.; effective 6–12–62 to 6–11–63 (variety store 32 employees).

McCrory-McLellan-Green Co. (#1136), 127 East Main Street, Spartanburg, S.C.; effective 6–11–62 to 6–10–63 (variety store; 38 employees).

McCrory-McLellan-Green (#415), 2 South Main Street, Sumter, S.C.; effective 6–10–62 to 6–9–63 (variety store; 40 employees).

McLellan Stores Corp., 360 Delmar Avenue, Pascagoula, Miss.; effective 6–10–62 to 6–9–63 (variety store; 26 employees).

Neisner Bros., Inc. (#126), 22 South Royal Street, Mobile, Ala.; effective 6–12–62 to 6–11–63 (variety store; 21 employees).

Neisner Bros., Inc. (#99), 1130 North Main Street, Gainesville, Fla.; effective 6–11–62 to 6–10–63 (variety store; 28 employees).

Neisner Bros., Inc. (#34), 515 West 49th Street, Hialeah, Fla.; effective 6–11–62 to 6–10–63 (variety store; 18 employees).

Neisner Bros., Inc. (#21), 3721 Northwest Seventh Street, Miami, Fla.; effective 6–10–62 to 6–9–63 (variety store; 41 employees).

Neisner Bros., Inc. (#136), 481 Northeast 81st Street, Miami, Fla.; effective 6–10–62 to 6–9–63 (variety store; 35 employees).

Neisner Bros., Inc. (#14), 806 South Pine Street, Ocala, Fla.; effective 6–10–62 to 6–9–63 (variety store; 19 employees).

Neisner Bros., Inc. (#40), 3359 North Federal Highway, Pompano Beach, Fla.; effective 6–11–62 to 6–10–63 (variety store; 35 employees).

Neisner Bros. (#147), 3902 Britton Plaza, Tampa 11, Fla.; effective 6–11–62 to 6–10–63 (variety store; 25 employees).

J. J. Newberry Co. (#459), Dothan, Ala.; effective 6–10–62 to 6–9–63 (variety store; 25 employees).

J. J. Newberry Co., Franklin and Cass Streets, Tampa, Fla.; effective 6–10–62 to 6–9–63 (variety store; 59 employees).

J. J. Newberry Co., 502–06 Cherry Street, Macon, Ga.; effective 6–10–62 to 6–9–63 (variety store; 67 employees).

Rose's 5–10–25¢ Store (#49), Main Street, Union, S.C.; effective 6–10–62 to 6–9–63 (variety store; 26 employees).

Silvers 5–10¢ Store, 114 North Washington Street, Albany, Ga.; effective 6–10–62 to 6–9–63 (variety store; 26 employees).

Region V

The Barr Co., 116 South Main Street, Celina, Ohio; effective 6–11–62 to 6–10–63 (variety store; 25 employees).

Jupiter, 5892 West Fort, Detroit 9, Mich.; effective 6–10–62 to 6–9–63 (variety store; 11 employees).

Jupiter Discount (#4500), 1110 Main, Cincinnati 10, Ohio; effective 6–11–62 to 6–10–63 (variety store; eight employees).

The W. J. Kennedy Co., Orange Street, and Bellbrook, Xenia, Ohio; effective 6–11–62 to 6–10–63 (variety store; 52 employees).

S. S. Kresge Co. (#626), 267 West Western, Muskegon, Mich.; effective 6–10–62 to 6–9–63 (variety store; 75 employees).

S. S. Kresge Co. (#340), 15370 Grand River, Detroit 27, Mich.; effective 6–10–62 to 6–9–63 (variety store; 118 employees).

S. S. Kresge Co. (#485), 142 East Maumee, Adrian, Mich.; effective 6–10–62 to 6–9–63 (variety store; 51 employees).

S. S. Kresge Co. (#16), 23131 Michigan, Dearborn, Mich.; effective 6–10–62 to 6–9–63 (variety store; 91 employees).

S. S. Kresge Co. (#12), 415 South Saginaw, Flint 2, Mich.; effective 6–10–62 to 6–9–63 (variety store; 132 employees).

S. S. Kresge Co. (#205), 30 McKinley Heights Plaza, Niles, Ohio; effective 6–10–62 to 6–9–63 (variety stores; 25 employees).

S. S. Kresge Co. (#272), North Flint Plaza, 102 West Pierson Road, Flint 5, Mich.; effective 6–10–62 to 6–9–63 (variety store; 47 employees).

S. S. Kresge Co. (#166), 14329 Mack, Detroit 15, Mich.; effective 6–10–62 to 6–9–63 (variety store; 26 employees).

S. S. Kresge Co. (#10), 90 East Market, Akron 5, Ohio; effective 6–10–62 to 6–9–63 (variety store; 23 employees).

S. S. Kresge Co. (#241), 2831 East Seven Mile, Detroit 34, Mich.; effective 6–10–62 to 6–9–63 (variety store; 26 employees).

S. S. Kresge Co. (#530), 408 South Washington, Royal Oak, Mich.; effective 6–10–62 to 6–9–63 (variety store; 92 employees).

S. S. Kresge Co. (#512), 201 South Main Street, Mt. Vernon, Ohio; effective 6–10–62 to 6–9–63 (variety store; 31 employees).

S. S. Kresge Co. (#13), 66 North Saginaw, Pontiac, Mich.; effective 6–10–62 to 6–9–63 (variety store; 144 employees).

S. S. Kresge Co. (#74), 204 South Main Street, Ann Arbor, Mich.; effective 6–10–62 to 6–9–63 (variety store; 82 employees).

S. S. Kresge Co. (#27), 1839 East Eight Mile, Hazel Park, Mich.; effective 6–10–62 to 6–9–63 (variety store; 58 employees).

S. S. Kresge Co. (#48), Stow-Kent Shopping Center, 4301 Kent Road, Stow, Ohio; effective 6–10–62 to 6–9–63 (variety store; 21 employees).

S. S. Kresge Co. (#521), 6300 West Seven Mile Road, Detroit 21, Mich.; effective 6–10–62 to 6–9–63 (variety store; 33 employees).

S. S. Kresge Co. (#570), 3162 Biddle Avenue, Wyandotte, Mich.; effective 6–10–62 to 6–9–63 (variety store; 31 employees).

S. S. Kresge Co. (#405), Cherry Hill Plaza, 27225 Cherry Hill Road, Inkster, Mich.; effective 6–10–62 to 6–9–63 (variety store; 43 employees).

S. S. Kresge Co. (#183), 202 Columbus, Sandusky, Ohio; effective 6–10–62 to 6–9–63 (variety store; 17 employees).

S. S. Kresge Co. (#440), 104 West Main, Midland, Mich.; effective 6–10–62 to 69–9–63 (variety store; 27 employees).

S. S. Kresge Co. (#620), 20100 West Seven Mile, Detroit 19, Mich.; effective 6–10–62 to 6–9–63 (variety store; 40 employees).

S. S. Kresge Co. (#565), 15420 West Seven Mile, Detroit, Mich.; effective 6–10–62 to 6–9–63 (variety store; 23 employees).

S. S. Kresge Co. (#61), 32–38 West Fifth, Cincinnati 2, Ohio; effective 6–10–63 to 6–9–63 (variety store; 71 employees).

S. S. Kresge Co. (#644), 3940 Linden, Dayton, Ohio; effective 6–10–62 to 6–9–63 (variety store; 29 employees).

S. S. Kresge Co. (#395), 5505 Michigan, Detroit, Mich.; effective 6–10–62 to 6–9–63 (variety store; 39 employees).

S. S. Kresge Co. (#459), 5140 Pearl, Cleveland 29, Ohio; effective 6–10–62 to 6–9–63 (variety store; 42 employees).

S. S. Kresge Co. (#316), 15 East Main, Springfield 3, Ohio; effective 6–10–62 to 6–9–63 (variety store; 50 employees).

S. S. Kresge Co. (#315), 506 Ashmun, Sault Ste. Marie, Mich.; effective 6–10–62 to 6–9–63 (variety store; 37 employees).

S. S. Kresge Co. (#6), 808 Washington, Bay City, Mich.; effective 6–10–62 to 6–9–63 (variety store; 77 employees).

S. S. Kresge Co. (#59), 135 Monroe, Grand Rapids 2, Mich.; effective 6–10–62 to 6–9–63 (variety store; 78 employees).

S. S. Kresge Co. (#433), Green Acres Plaza, 4602 State, Saginaw, Mich.; effective 6–11–62 to 6–10–63 (variety store; 46 employees).

S. S. Kresge Co. (#245), 3688 Fort, Lincoln Park 25, Mich.; effective 6–11–62 to 6–10–63 (variety store; 54 employees).

S. S. Kresge Co. (#538), 2857 State, Cuyahoga Falls, Ohio; effective 6–11–62 to 6–10–63 (variety store; 27 employees).

S. S. Kresge Co. (#564), 100 North Main, Fostoria, Ohio; effective 6–11–62 to 6–10–63 (variety store; 32 employees).

S. S. Kresge Co. (#40), 23 North Third, Detroit, Mich.; effective 6–11–62 to 6–10–63 (variety store; 30 employees).

S. S. Kresge Co. (#410), 121 Main, Painesville, Ohio; effective 6–11–62 to 6–10–63 (variety store; 58 employees).

S. S. Kresge Co. (#227), 223 West Maple, Birmingham, Mich.; effective 6–11–62 to 6–10–63 (variety store; 57 employees).

S. S. Kresge Co. (#582), 7350 Grand River, Detroit, Mich.; effective 6–11–62 to 6–10–63 (variety store; 36 employees).

S. S. Kresge Co. (#328), 83 South High, Columbus 15, Ohio; effective 6–12–62 to 6–11–63 (variety store; 61 employees).

S. S. Kresge Co. (#566), 35004 Michigan, Wayne, Mich.; effective 6–13–62 to 6–12–63 (variety store; 55 employees).

S. S. Kresge Co. (#535), 17 North Gratiot, Mount Clemens, Mich.; effective 6–14–62 to 6–13–63 (variety store; 150 employees).

S. S. Kresge Co. (#198), 121 East Aurora, Ironwood, Mich.; effective 6–15–62 to 6–14–63 (variety store; 28 employees).

S. S. Kresge Co. (#595), Liberty Plaza, 3551 Belmont, Youngstown 4, Ohio; effective 6–15–62 to 6–14–63 (variety store; 26 employees).

McCrory's, 506 Market, East Liverpool, Ohio; effective 6–11–62 to 6–10–63 (variety store; 42 employees).

McCrory-McLellan (#684), 30 North Sandusky, Delaware, Ohio; effective 6–10–62 to 6–9–63 (variety store; 14 employees).

McCrory-McLellan-Green, 29 South Main, Dayton 2, Ohio; effective 6–10–62 to 6–9–63 (variety store; 96 employees).

McCrory-McLellan-Green (#24), 13–19 South Limestone, Springfield, Ohio; effective 6–10–62 to 6–9–63 (variety store; 31 employees).

McCrory-McLellan-Green, 149 West Michigan, Jackson, Mich.; effective 6–10–62 to 6–9–63 (variety store; 20 employees).

McCrory-McLellan-Green, 125 North Second, Alpena, Mich.; effective 6–11–62 to 6–10–63 (variety store; 26 employees).

McCrory-McLellan-Green (#1065), 45 South Main, Dayton, Ohio; effective 6–11–62 to 6–10–63 (variety store; 37 employees).

McCrory-McLellan-Green (#679), 228 West Chicago, Sturgis, Mich.; effective 6–11–62 to 6–10–63 (variety store; 26 employees).

McCrory-McLellan-Green (#1207), 520 Euclid, Cleveland, Ohio; effective 6–11–62 to 6–10–63 (variety store; 67 employees).

McCrory-McLellan-Green (#447), 286 West Nepessing, Lapeer, Mich.; effective 6–11–62 to 6–10–63 (variety store; 33 employees).

McCrory-McLellan-Green (#1047), 159 Monroe NW., Grand Rapids, Mich.; effective 6–11–62 to 6–10–63 (variety store; 28 employees).

McCrory-McLellan-Green (#185), 9–11 West Federal, Youngstown, Ohio; effective 6–12–62 to 6–11–63 (variety store; 53 employees).

McCrory-McLellan-Green (#127), 400–4 Market, Steubenville, Ohio; effective 6–13–62 to 6–12–63 (variety store; 47 employees).

McCrory-McLellan-Green (#1124), 135 East Third, Uhrichsville, Ohio; effective 6–13–62 to 6–12–63 (variety store; 20 employees).

McCrory-McLellan-Green (#189), 227 North Market, Canton 2, Ohio; effective 6–13–62 to 6–12–63 (variety store, 88 employees).

McLellan Store, 232 Eashington, Grand Haven, Mich; effective 6–10–62 to 6–9–63 (variety store; 24 employees).

McLellan Store, (#541), 418 East Mitchell, Petoskey, Mich.; effective 6–11–62 to 6–10–63 (variety store; 20 employees).

G. C. Murphy Co. (#110), 101–6 West Main, Circleville, Ohio; effective 6–14–62 to 6–13–63 (variety store; 31 employees).

G. C. Murphy Co. (#466), 4 East Main, Logan, Ohio; effective 6–14–62 to 6–13–63 (variety store; 34 employees).

G. C. Murphy Co. (#41), 316 N. Main, Piqua, Ohio; effective 6–14–62 to 6–13–63 (variety store; 31 employees).

G. C. Murphy Co. (#406), 58–60 North Howell, Hillsdale, Mich.; effective 6–14–62 to 6–13–63 (variety store; 26 employees).

G. C. Murphy Co. (#444), 31–33–35 West Chicago, Coldwater, Mich.; effective 6–14–62 to 6–13–63 (variety store; 23 employees).

Neiser Bros, Inc. (#73), 3106 Biddle, Wyandotte, Mich.; effective 6–10–62 to 6–9–63 (variety store; 51 employees).

Neisner Bros., Inc. (#58), 1116 Ludington, Escanaba, Mich.; effective 6–10–62 to 6–9–63 (variety store; 25 employees).

Neisner Bros., Inc. (#107), 421 South Washington, Royal Oak, Mich.; effective 6–10–62 to 6–9–63 (variety store; 38 employees).

Neisner Bros., Inc. (#62), 14115 Woodward, Highland Park, Mich.; effective 6–11–62 to 6–10–63 (variety store; 43 employees).

Neisner Bros., Inc. (#29), 10301 Euclid, Cleveland 6, Ohio; effective 6–11–62 to 6–10–63 (variety store; 22 employees).

Neisner Bros., Inc. (#82), 7701 Harper, Detroit 13, Mich.; effective 6–11–62 to 6–10–63 (variety store; 25 employees).

Neisner Bros., Inc. (#53), 1920 West 25, Cleveland 13, Ohio; effective 6–11–62 to 6–10–63 (variety store; 20 employees).

Neisner Bros., Inc. (#19), 59 North Main, Mansfield, Ohio; effective 6–11–62 to 6–10–63 (variety store; 37 employees).

Neisner Bros., Inc. (#42), 13128 East Jefferson, Detroit 15, Mich.; effective 6–11–62 to 6–10–63 (variety store; 13 employees).

Neisner Bros., Inc. (#55), 9625 Gratiot, Detroit 13, Mich.; effective 6–11–62 to 6–10–63 (variety store; 11 employees).

Neisner Bros., Inc. (#39), 4619 Montgomery, Norwood 12, Ohio; effective 6–12–62 to 6–11–63 (variety store; 45 employees).

Neisner Bros., Inc., 7769 West Vernor, Detroit 9, Mich.; effective 6–12–62 to 6–11–63 (variety store; 21 employees).

Neisner Bros., Inc. (#100), 517 Race, Cincinnati 2, Ohio; effective 6–13–62 to 6–12–63 (variety store; 85 employees).

Newberry Cincinnati Corp. (#144), 600 Race, Cincinnati 2, Ohio; effective 6–11–62 to 6–10–63 (variety store; 181 employees).

Newberry Coshocton Corp., 441 Main, Coshocton, Ohio; effective 6–11–62 to 6–10–63 (variety store; 51 employees).

J. J. Newberry Co., 205 East Main, Midland, Mich.; effective 6–13–62 to 6–12–63 (variety store; 17 employees).

J. J. Newberry Co. (#412), 513 Main, Zanesville, Ohio; effective 6–14–62 to 6–13–63 (variety store; 10 employees).

J. J. Newberry, 30 W. Main, Ashland, Ohio; effective 6–14–62 to 6–13–63 (variety store; 24 employees).

Newberry Wooster Corp. (#415), 146–148 East Liberty, Wooster, Ohio; effective 6–12–62 to 6–11–63 (variety store; 36 employees).

F. W. Woolworth Co. (#327), 257 Western, Muskegon, Mich.; effective 6–13–62 to 6–12–63 (variety store; 34 employees).

F. W. Woolworth Co. (#497), 401 Fifth, Bay City, Mich.; effective 6–13–62 to 6–12–63 (variety store; 32 employees).

F. W. Woolworth Co. (#562), 112 North Second, Alpena, Mich.; effective 6–13–62 to 6–12–63 (variety store; 22 employees).

F. W. Woolworth Co. (#1089), 133 West Market, Benton Harbor, Mich.; effective 6–13–62 to 6–12–63 (variety store; 41 employees).

F. W. Woolworth Co. (#111), 304 East Genesse, Saginaw, Mich.; effective 6–13–62 to 6–12–63 (variety store; 46 employees).

F. W. Woolworth Co. (#45), 169 Monroe Avenue, Grand Rapids, Mich.; effective 6–13–62 to 6–12–63 (variety store; 61 employees).

F. W. Woolworth Co. (#1107), 329 North Main, Cheboygan, Mich.; effective 6–13–62 to 6–13–63 (variety store; 19 employees).

F. W. Woolworth Co. (#190), 562, South Saginaw, Flint, Mich.; effective 6–13–62 to 6–12–63 (variety store; 42 employees).

F. W. Woolworth Co. (#391), 39–43 Monroe NW., Grand Rapids, Mich.; effective 6–13–62 to 6–12–63 (variety store; 25 employees).

F. W. Woolworth Co. (#2171), 1785 Hi-M. 139 (SO), Benton Harbor, Mich.; effective 6–14–62 to 6–13–63 (variety store; 73 employees).

F. W. Woolworth Co. (#2447), 260 West Genesse, Saginaw, Mich.; effective 6–14–62 to 6–13–63 (variety store; 26 employees).

F. W. Woolworth Co. (#2584), 1220—28th Street, Grand Rapids, Mich.; effective 6–14–62 to 6–13–63 (variety store; 45 employees).

Region VI

Gassman's Ltd., 3010–18 East 92d Street, Chicago 17, Ill.; effective 6–10–62 to 6–9–63 (apparel store; 120 employees).

S. S. Kresge Co. (#427), 103 West Third Street, Alton, Ill.; effective 6–10–62 to 6–9–63 (variety store; 29 employees).

S. S. Kresge Co. (#303), Arlington Market Shopping Center, 12 North Dryden Avenue, Arlington Heights, Ill.; effective 6–10–62 to 6–9–63 (variety store; 38 employees).

S. S. Kresge Co. (#254), 27 South Broadway, Aurora, Ill.; effective 6–10–62 to 6–9–63 (variety store; 89 employees).

S. S. Kresge Co. (#34), 213 North Main Street, Bloomington, Ill.; effective 6–10–62 to 6–9–63 (variety store; 60 employees).

S. S. Kresge Co. (#94), 8751 South Harlem Avenue, Bridgeview, Ill.; effective 6–10–62 to 6–9–63 (variety store; 41 employees).

S. S. Kresge Co., 215 North Neil Street, Champaign, Ill.; effective 6–10–62 to 6–9–63 (variety store; 37 employees).

S. S. Kresge Co., 2774 Milwaukee Avenue, Chicago, Ill.; effective 6–10–62 to 6–9–63 (variety store; 10 employees).

S. S. Kresge Co. (#8), 10 South State Street, Chicago 3, Ill.; effective 6–10–62 to 6–9–63 (variety store; 141 employees).

S. S. Kresge Co. (#416), 8027 South Cicero Avenue, Chicago 52, Ill.; effective 6–10–62 to 6–9–63 (variety store; 47 employees).

S. S. Kresge Co. (#236), 5626 West Belmont Avenue, Chicago 34, Ill.; effective 6–10–62 to 6–9–63 (variety store; 54 employees).

S. S. Kresge Co. (#301), 1630 Halsted Street, Chicago Heights, Ill.; effective 6–10–62 to 6–9–63 (variety store; 75 employees).

S. S. Kresge Co. (#261), 26 North Vermilion Street, Danville, Ill.; effective 6–10–62 to 6–9–63 (variety store; 60 employees).

S. S. Kresge Co. (#50), 722 Waukegan Road, Deerfield, Ill.; effective 6–10–62 to 6–9–63 (variety store; 32 employees.)

S. S. Kresge Co. (#220), 1630 Sherman Avenue, Evanston, Ill.; effective 6–10–62 to 6–9–63 (variety store; 44 employees).

S. S. Kresge Co (#413), 1 West Stephenson, Freeport, Ill.; effective 6–10–62 to 6–9–63 (variety store; 31 employees).

S. S. Kresge Co. (#179), 211 East Main Street, Galesburg, Ill.; effective 6–10–62 to 6–9–63 (variety store; 18 employees).

S. S. Kresge Co. (#207), 19 North Main Street, Harrisburg, Ill.; effective 6–10–62 to 6–9–63 (variety store; 31 employees).

S. S. Kresge Co. (#90), 59 East Side Square, Jacksonville, Ill.; effective 6–10–62 to 6–9–63 (variety store; 30 employees).

S. S. Kresge Co., Larkin Road and Theodore Street, Joliet, Ill.; effective 6–10–62 to 6–9–63 (variety store; 41 employees).

S. S. Kresge Co. (#523), 645 First Street, LaSalle, Ill.; effective 6–10–62 to 6–9–63 (variety store; 381 employees).

S. S. Kresge Co., 101 South Kickapoo Street, Lincoln, Ill.; effective 6–10–62 to 6–9–63 (variety store; 42 employees).

S. S. Kresge Co., 1501—Fifth Avenue, Moline, Ill.; effective 6–10–62 to 6–9–63 (variety store; 21 employees).

S. S. Kresge Co. (#630), 211 Plaza, Park Forest Ill.; effective 6–10–62 to 6–9–63 (variety store; 49 employees).

S. S. Kresge Co. (#482), 353 Court Street, Pekin, Ill.; effective 6–10–62 to 6–9–63 (variety store; 15 employees).

S. S. Kresge Co. (#242), 4125 North Sheridan Road, Peoria, Ill.; effective 6–10–62 to 6–9–63 (variety store; 52 employees).

S. S. Kresge Co. (#98), 530 Maine Street, Quincy, Ill.; effective 6–10–62 to 6–9–63 (variety store; 53 employees).

S. S. Kresge Co. (#136), 1505 West Main Street, St. Charles, Ill.; effective 6–10–62 to 6–9–63 (variety store; 29 employees).

S. S. Kresge Co. (#656), 111 Old Orchard, Skokie, Ill.; effective 6–10–62 to 6–9–63 (variety store; 53 employees).

S. H. Kress and Co., 116 North Main Street, Rockford, Ill.; effective 6–10–62 to 6–9–63 (variety store; 28 employees).

Wm. A. Lewis Clothing Co., 2301 West 95th Street, Chicago 43, Ill.; effective 6–10–62 to 6–9–63 (apparel store; 75 employees).

Wm. A. Lewis Clothing Co., Hillside Shopping Center, Hillside, Ill.; effective 6–10–62 to 6–9–63 (apparel store; 56 employees).

Wm. A. Lewis Clothing Co., Harlem-Irving Plaza, Norridge, Ill.; effective 6–10–62 to 6–9–63 (apparel store; 50 employees).

McLellans Stores (#449), 155 South Schuyler Avenue, Kankakee, Ill.; effective 6–10–62 to 6–9–63 (variety store; 18 employees).

Neisner Bros., Inc. (#30), 5254 North Clark Street, Chicago 40, Ill.; effective 6–10–62 to 6–9–63 (variety store; 20 employees).

Neisner Bros., Inc. (#31), 1343 Milwaukee Avenue, Chicago 22, Ill.; effective 6–10–62 to 6–9–63 (variety store; 36 employees).

Neisner Bros., Inc. (#49), 3268 West Madison Street, Chicago 24, Ill.; effective 6–10–62 to 6–9–63 (variety store; 32 employees).

Neisner Bros., Inc. (#52), 3431 South Halsted Street, Chicago 8, Ill.; effective 6–10–62 6–9–63 (variety store; 45 employees).

Neisner Bros., Inc. (#76), 3548 West Irving Park Road, Chicago 18, Ill.; effective 6–10–62 to 6–9–63 (variety store; 20 employees).

Neisner Bros., Inc. (#88), 7174 West Grand Avenue, Chicago 35, Ill.; effective 6–10–62 to 6–9–63 (variety store; 22 employees).

Neisner Bros., Inc. (#97), 4058 West Madison Street, Chicago 24, Ill.; effective 6–10–62 to 6–9–63 (variety store; 85 employees).

Neisner Bros., (#116), 2452 West Devon Avenue, Chicago 45, Ill.; effective 6–10–62 to 6–9–63 (variety store; 23 employees).

Neisner Bros., Inc. (#50), 151 North Chicago Street, Joliet, Ill.; effective 6–10–62 to 6–9–63 (variety store; 51 employees.)

Neisner Bros., Inc. (#150), 1018 Winston Plaza, Melrose Park, Ill.; effective 6–10–62 to 6–9–63 (variety store; 39 employees).

Neisner Bros., Inc. (#37), 6 North Genesee Street, Waukegan, Ill.; effective 6–10–62 to 6–9–63 (variety store; 43 employees).

J. J. Newberry Co. (#508), 1337—19th Street, Granite City, Ill.; effective 6–10–62 to 6–9–63 (variety store, 24 employees).

J. J. Newberry Co., 415 North State Street, Litchfield, Ill.; effective 6–10–62 to 6–9–63 (variety store, 35 employees).

J. J. Newberry Co., 128 North Side Square, Macomb, Ill.; effective 6–10–62 to 6–9–63 (variety store, 37 employees).

J. J. Newberry Co., 123 Southwest Adams Street, Peoria, Ill.; effective 6–10–62 to 6–9–63 (variety store; 26 employees).

J. J. Newberry Co., 1712–14 Second Avenue, Rock Island, Ill.; effective 6–10–62 to 6–9–63 (variety store; 45 employees).

Thompson Food Basket, Inc., 646 West Jackson Street, Morton, Ill.; effective 6–10–62 to 6–9–63 (food store; 18 employees).

Thompson Food Basket, Inc., 1724 North Knoxville Avenue, Peoria, Ill.; effective 6–10–62 to 6–9–63 (food store; nine employees).

Thompson Food Basket, Inc., 330 Northwest Western Avenue, Peoria, Ill.; effective 6–10–62 to 6–9–63 (food store, 13 employees).

Eavey's Supermarket, 1808 Meridian Street, Anderson, Ind.; effective 6–10–62 to 6–9–63 (food store; 93 employees).

Eavey's, 5300 Decatur Road, Fort Wayne, Ind.; effective 6–10–62 to 6–9–63 (food store, 181 employees).

Jupiter, 1011 Meridian Street, Anderson, Ind.; effective 6–10–62 to 6–9–63 (variety store, 10 employees).

Jupiter Discount Store, 926—16th Street, Bedford, Ind.; effective 6–10–62 to 6–9–63 (variety store; five employees).

Kutters Supermarket, National Road, Centerville, Ind.; effective 6–10–62 to 6–9–63 (food store, 19 employees).

Kutters Supermarket, 1522 East Main Street, Richmond, Ind.; effective 6–10–62 to 6–9–63 (food store, 46 employees).

Kutters Supermarket, 501 National Road, W., Richmond, Ind.; effective 6–10–62 to 6–9–63 (food store, 39 employees).

The Frank Dry Goods Co., 1017 South Calhoun Street, Fort Wayne, Ind.; effective 6–10–62 to 6–9–63 (department store; 126 employees).

Kenley's Super Markets, Inc., 1107 South 10th Street, Noblesville, Ind.; effective 6–10–62 to 6–9–63 (food store, 24 employees).

The Geo. H. Knollenbert Co., 809–815 Main Street, Richmond, Ind.; effective 6–10–62 to 6–9–63 (department store; 99 employees).

S. S. Kresge Co. (#483), 904 16th Street, Bedford, Ind.; effective 6–10–62 to 6–9–63 (variety store; 43 employees).

S. S. Kresge Co., 401 South Main Street, Elkhart, Ind.; effective 6–10–62 to 6–9–63 (variety store, 66 employees).

S. S. Kresge Co., 850 South Green River Road, Evansville, Ind.; effective 6–10–62 to 6–9–63 (variety store; 35 employees).

S. S. Kresge Co. (#462), 3542 Village Court, Gary, Ind.; effective 6–10–62 to 6–9–63 (variety store, 64 employees).

S. S. Kresge Co. (#283), 5129–31 Hohman Avenue, Hammond, Ind.; effective 6–10–62 to 6–9–63 (variety store; 10 employees).

S. S. Kresge Co. (#7), 17 West Washington Street, Indianapolis 4, Ind.; effective 6–10–62 to 6–9–63 (variety store; 159 employees).

S. S. Kresge Co. (#583), 6000 East 46th Street, Indianapolis 26, Ind.; effective 6–10–62 to 6–9–63 (variety store; 45 employees).

S. S. Kresge Co. (#589), 116 North Main Street, Kokomo, Ind.; effective 6–10–62 to 6–9–63 (variety store; 71 employees).

S. S. Kresge Co. (#204), 102–112 North Third Street, Lafayette, Ind.; effective 6–10–62 to 6–9–63 (variety store; 43 employees).

S. S. Kresge Co., 1401 Broad Street, New Castle, Ind.; effective 6–10–62 to 6–9–63 (variety store; 34 employees).

S. S. Kresge Co., 20 North Broadway, Peru, Ind.; effective 6–10–62 to 6–9–63 (variety store; 19 employees).

S. S. Kresge Co., (#84), 801 Main Street, Richmond, Ind.; effective 6–10–62 to 6–9–63 (variety store; 34 employees).

McCrory Stores Corp. (#44), 1003–5 Meridian Street, Anderson, Ind.; effective 6–10–62 to 6–9–63 (variety store; 31 employees).

McCrory Stores Corp. (#195), 17–21 East Washington Street, Indianapolis, Ind.; effective 6–10–62 to 6–9–63 (variety store; 88 employees).

McCrory-McLellan-Green, 709 Main Street, Richmond, Ind.; effective 6–10–62 to 6–9–63 (variety store; 18 employees).

McLellan's Store (#484), 106 West Walnut Street, Kokomo, Ind.; effective 6–10–62 to 6–9–63 (variety store; 20 employees).

J. J. Newberry Co., Connersville, Ind.; effective 6–10–62 to 6–9–63 (variety store; 13 employees).

J. J. Newberry Co. (#269), 718 Chicago Avenue, East Chicago, Ind.; effective 6–10–62 to 6–9–63 (variety store; 21 employees).

J. J. Newberry Co., Woodmar Shopping Center, 6528 Indianapolis Boulevard, Hammond, Ind.; effective 6–10–62 to 6–9–63 (variety store; 71 employees).

J. J. Newberry Co. (#166), 3714 Main Street, Indiana Harbor, Ind.; effective 6–10–62 to 6–9–63 (variety store; 38 employees).

Newberry, Jasper Corp. (#175), 620 Main Street, Jasper, Ind.; effective 6–10–62 to 6–9–63 (variety store; 19 employees).

J. J. Newberry Co., 308–10 South Washington Street., Marion, Ind.; effective 6–10–62 to 6–9–63 (variety store; 20 employees).

Newberry Wabash, Inc., 1–15 North Jefferson Street, Martinsville, Ind.; effective 6–10–62 to 6–9–63 (variety store; 28 employees).

J. J. Newberry Co. (#268), 1410 119th Street, Whiting, Ind.; effective 6–10–62 to 6–9–63 (variety store; 20 employees).

Wesselman's Finer Foods, 1931 Lincoln Avenue, Evansville 14, Ind.; effective 6–10–62 to 6–9–63 (food store; 31 employees).

Wesselman's In Lawndale, Inc., 918 New Green River Road, Evansville, Ind.; effective 6–10–62 to 6–9–63 (food store; 51 employees).

Wolf & Dessauer Co., 201 East Wayne Street, Fort Wayne, Ind.; effective 6–10–62 to 6–9–63 (department store; 769 employees).

Wolf & Dessauer Co., Huntington, Ind.; effective 6–10–62 to 6–9–63 (department store; 31 employees).

W. T. Grant Co., 41 East Seventh Street, St. Paul 1, Minn.; effective 6–10–62 to 6–9–63 (variety store; 107 employees).

H. L. Green Store, 309 South Front Street, Mankato, Minn.; effective 6–10–62 to 6–9–63 (variety store; 20 employees).

S. S. Kresge Co. (#520), 634 Nicollet Avenue, Minneapolis 2, Minn.; effective 6–10–62 to 6–9–63 (variety store; 176 employees).

S. S. Kresge Co., 2912 Pentagon Drive, Minneapolis 18, Minn.; effective 6–10–62 to 6–9–63 (variety store; 25 employees).

S. S. Kresge Co. (#393), 12 West 66th Street, Richfield, Minn.; effective 6–10–62 to 6–9–63 (variety store; 49 employees).

McCrory-McLellan-Green Store, 365 Wabash Street, St. Paul 2, Minn.; effective 6–10–62 to 6–9–63 (variety store; 67 employees).

McCrory-McLellan-Green Store, 67 East Seventh Street, St. Paul 1, Minn.; effective 6–10–62 to 6–9–63 (variety store; 46 employees).

Neisner Bros., Inc. (#129), 122 17th Avenue NW., Rochester, Minn.; effective 6–10–62 to 6–9–63 (variety store; 32 employees).

Neisner Bros., Inc., (#20), 48 East Seventh Street, St. Paul, Minn.; effective 6–10–62 to 6–9–63 (variety store; 52 employees).

W. T. Grant Co. (#343), 167 West Wisconsin Avenue, Milwaukee, Wis.; effective 6–10–62 to 6–9–63 (variety store; 130 employees).

S. S. Kresge Co. (#202), 110 West College Avenue, Appleton, Wis.; effective 6–10–62 to 6–9–63 (variety store; 60 employees).

S. S. Kresge Co. (#607), 124 South Barstow Street, Eau Claire, Wis.; effective 6–10–62 to 6–9–63 (variety store; 42 employees).

S. S. Kresge Co. (#611), 68 South Main Street, Fond du Lac, Wis.; effective 6–10–62 to 6–9–63 (variety store; 54 employees).

S. S. Kresge Co. (#162), 27 East Main Street, Madison, Wis.; effective 6–10–62 to 6–9–63 (variety store; 62 employees).

S. S. Kresge Co. (#268), 659 Gilbert Road, Madison, Wis.; effective 6–10–62 to 6–9–63 (variety store; 46 employees).

S. S. Kresge Co. (#446), 5826 North Port Washington Road, Milwaukee 17, Wis.; effective 6–10–62 to 6–9–63 (variety store; 35 employees).

S. S. Kresge Co. (#637), 2500 North 108th Street, Milwaukee 13, Wis.; effective 6–10–62 to 6–9–63 (variety store; 50 employees).

S. S. Kresge Co., 1363 Tower Avenue, Superior, Wis.; effective 6–10–62 to 6–9–63 (variety store; 20 employees).

S. S. Kresge Co. (#119), 207 Main Street, Watertown, Wis.; effective 6–10–62 to 6–9–63 (variety store; 35 employees).

S. S. Kresge Co. (#493), 401 Third Street, Wausau, Wis.; effective 6–10–62 to 6–9–63 (variety store; 88 employees).

McCrory-McLellan-Green Stores (#578), 1630 Main Street, Marinette, Wis.; effective 6–10–62 to 6–9–63 (variety store; 20 employees).

McCrory-McLellan Stores, 301 South Central Avenue, Marshfield, Wis.; effective 6–10–62 to 6–9–63 (variety store; 18 employees).

McCrory-McLellan-Green Stores, 111 North Main Street, Oconomowoc, Wis.; effective 6–10–62 to 6–9–63 (variety store; 25 employees).

McCrory-McLellan-Green Stores, 248 Broadway, Waukesha, Wis.; effective 6–10–62 to 6–9–63 (variety store; 16 employees).

Neisner Bros., Inc. (#25), 424 Main Street, Racine, Wis.; effective 6–10–62 to 6–9–63 (variety store; 20 employees).

J. J. Newberry Co. (#407), 317 Main Street, Oshkosh, Wis.; effective 6–10–62 to 6–9–63 (variety store; 26 employees).

J. J. Newberry Co., 115 Tower Avenue, Superior, Wis.; effective 6–10–62 to 6–9–63 (variety store; 34 employees).

Region VII

Cosentino Bros. Market, 4300 Blue Ridge, Kansas City 33, Mo.; effective 6–10–62 to 6–9–63 (food store; 22 employees).

Cypress Variety, Inc. d/b/a T.G. & Y. Stores Co. (#127), 3017 Strong Avenue, Kansas City, Kans.; effective 6–11–62 to 6–10–63 (variety store; 16 employees).

E & F Corporation, Ramey Super Market No. 1, 1812 South Glenstone, Springfield, Mo.; effective 6–11–62 to 6–10–63 (food store; 42 employees).

Green, H. L., 512 Main Street, Keokuk, Iowa; effective 6–13–62 to 6–12–63 (variety store; 13 employees).

H & J Corp., d/b/a Ramey Super Market No. 3, 1844 South Campbell, Springfield, Mo.; effective 6–11–62 to 6–10–63 (food store; 33 employees).

Hested Brentwood Corp. (#775), 2005 South Federal Boulevard, Denver 19, Colo.; effective 6–10–62 to 6–9–63 (variety dept. store; 20 employees).

Hested Department Store (#777), 1333 O Street, Lincoln, Nebr.; effective 6–10–62 to 6–9–63 (variety dept. store; 42 employees).

Hested Store Company (#706), Beatrice, Nebr.; effective 6–10–62 to 6–9–63 (variety dept. store; 26 employees).

Hested Store, 116 South Chestnut, Kimball, Nebr.; effective 6–11–62 to 6–10–63 (variety dept. store; 13 employees).

Hested Stores Company (#708), 723 Central Avenue, Nebraska City, Nebr.; effective 6–11–62 to 6–10–63 (variety dept. store; 13 employees).

Hested Stores Company (#769), 4922 South 24th Street, Omaha, Nebr.; effective 6–10–62 to 6–9–63 (variety dept. store; 20 employees).

Hested Stores Company of Colorado, Midtown Shopping Center, Fourth and Blake, Pueblo, Colo.; effective 6–11–62 to 6–10–63 (variety dept. store; 17 employees).

Holly Variety, Inc., d/b/a T.G. & Y. Stores Co. (#155), 2727 State Avenue, Kansas City, Kans.; effective 6–11–62 to 6–10–63 (variety store; 21 employees).

Independence Variety, Inc., d/b/a T.G. & Y. Stores Co. (#145), 11714 East 23rd, Independence, Mo.; effective 6–11–62 to 6–10–63 (variety store; 20 employees).

Jefferson Variety, Inc., d/b/a T.G. & Y. Stores Co. (#163), 1410 West Dunklin, Jefferson City, Mo.; effective 6–11–62 to 6–10–63 (variety store; 14 employees).

S. S. Kresge, Co. (#99), 619 Kansas Avenue, Topeka, Kans.; effective 6–11–62 to 6–10–63 (variety store; 26 employees).

S. H. Kress, and Co., 23 North Tejon Street, Colorado Springs, Colo.; effective 6–10–62 to 6–9–63 (variety store; 60 employees).

S. H. Kress, and Co., 15 South Main Street, Fort Scott, Kans.; effective 6–13–62 to 6–12–63 (variety store; 19 employees).

Laurel Heights Variety, Inc., d/b/a T.G. & Y. Stores Co. (#146), 9041 East 50 Highway, Raytown, Mo.; effective 6–11–62 to 6–10–63 (variety store; 21 employees).

McCrory-McLellan-Green Store (#1064), 507 Walnut Street, Des Moines, Iowa; effective 6–11–62 to 6–10–63 (variety store; 69 employees).

McCrory-McLellan Stores, 421 North Sixth Street, St. Louis, Mo.; effective 6–12–62 to 6–11–63 (variety store; 116 employees).

McLellans Store Company, 624 Minnesota, Kansas City, Kans.; effective 6–10–62 to 6–9–63 (variety store; 22 employees).

McLellan Store, 12 South Federal, Mason City, Iowa; effective 6–11–62 to 6–10–63 (variety store; 15 employees).

Mission Variety, Inc., d/b/a T.G. & Y Stores Co. (#148), 5329 Johnson Drive, Mission, Kans.; effective 6–11–62 to 6–10–63 (variety store; 29 employees).

Mulberry Variety, Inc., d/b/a T.G. & Y Stores Co. (#149), 7211 West 80th, Overland Park, Kans.; effective 6–10–62 to 6–9–63 (variety store; 16 employees).

Neisner Brothers, Inc. (#61), 703 Main Street, Dubuque, Iowa; effective 6–10–62 to 6–9–63 (variety store; 41 employees).

Neisner Brothers, Inc. (#139), 7450 Forsyth Boulevard; St. Louis 5, Mo.; effective 6–10–62 to 6–9–63 (variety store; 21 employees).

Neisner Bros., Inc. (#59), 2700 Cherokee, St. Louis 18, Mo.; effective 6–11–62 to 6–10–63 (variety store; 26 employees).

J. J. Newberry Co. 634 West Third Street, Hastings, Nebr.; effective 6–10–62 to 6–9–63 (variety store; 20 employees).

J. J. Newberry Co., 4200 Blue Ridge Boulevard, Kansas City 33, Mo.; effective 6–10–62 to 6–9–63 (variety store; 117 employees).

J. J. Newberry Co., (#321), 7352 Manchester Avenue, Maplewood 17, Mo.; effective 6–10–62 to 6–9–63 (variety store; 24 employees).

J. J. Newberry Co., 401 North Main, Pueblo, Colo.; effective 6–11–62 to 6–10–63 (variety store; 37 employees).

J. J. Newberry Co. (#201), 2708 North 14th Street, St. Louis 6, Mo.; effective 6–10–62 to 6–9–63 (variety store; 16 employees).

J. J. Newberry Co., 182 Public Square, Springfield, Mo.; effective 6–12–62 to 6–11–63 (variety store; 101 employees).

Newberry Vermillion Corp. (#528), 7 Court Street, Vermillion, S. Dak.; effective 6–10–62 to 6–9–63 (variety store; 11 employees).

J. J. Newberry Co. (#279), 101–105 West Third, Yankton, S. Dak.; effective 6–10–62 to 6–9–63 (variety store; 17 employees).

Nutmeg Variety, Inc., d/b/a T.G. & Y Stores Co. (#148), 5950 Leavenworth Road, Kansas City, Kans.; effective 6–11–62 to 6–10–63 (variety store; 18 employees).

Oliver & Lincoln Variety, Inc., d/b/a T. G & Y Stores Co. (#117), 934 Parklane, Wichita, Kans.; effective 6–11–62 to 6–10–63 (variety store; 26 employees).

Olson Mercantile Company, 3209 Main Street, Parsons, Kans.; effective 6–12–62 to 6–11–63 (food store; 17 employees).

Parker, M. L., Co., 104 West Second Street, Davenport, Iowa; effective 6–14–62 to 6–13–63 (department store; 241 employees).

Riverside Red X Co., Box (9008), Kansas City 50, Mo.; effective 6–10–62 to 6–9–63 (food store; 112 employees).

O. P. Skaggs (#19), 747 South C Street, Broken Bow, Nebr.; effective 6–11–62 to 6–10–63 (food store; 18 employees).

O. P. Skagg-Skag-Way, 620 West State Street, Grand Island, Nebr.; effective 6–11–62 to 6–10–63 (food store; 118 employees).

O. P. Skaggs (#17), 631 South Locust Street, Grand Island, Nebr.; effective 6–11–62 to 6–10–63 (food store; 26 employees).

O. P. Skaggs (#13), 115 South Elm Street, Hastings, Nebr.; effective 6–11–62 to 6–10–63 (food store; 21 employees).

O. P. Skaggs (#11), 806 West 16th, Hastings, Nebr.; effective 6–11–62 to 6–10–63 (food store; 22 employees).

O. P. Skaggs (#9), 25th and L Streets, Kearney, Nebr.; effective 6–11–62 to 6–10–63 (food store; 21 employees).

O. P. Skaggs (#21), 48th and Van Dorn Streets, Lincoln 6, Nebr.; effective 6–11–62 to 6–10–63 (food store; 55 employees).

O. P. Skaggs (#5), 1705 Washington Street, Lincoln 2, Nebr.; effective 6–11–62 to 6–10–63 (food store; 12 employees).

O. P. Skaggs (#3), 2511 North Cotner Street, Lincoln 5, Nebr.; effective 6–11–62 to 6–10–63 (food store; 10 employees).

O. P. Skaggs (#25), 1937 South 42d Street, Omaha, Nebr.; effective 6–11–62 to 6–10–63 (food store; 24 employees).

O. P. Skaggs (#23), 7820 Dodge Street, Omaha, Nebr.; effective 6–11–62 to 6–10–63 (food store; 33 employees).

O. P. Skaggs (#27), Hillcrest Shopping Center, Ralston, Nebr.; effective 6–11–62 to 6–10–63 (food store; eight employees).

T. & E. Corp., d/b/a Ramey Super Market No. 2, 1445 West Kearney, Springfield, Mo.; effective 6–11–62 to 6–10–63 (food store; 22 employees).

F. W. Woolworth Co. (#945), Grand Junction, Colo.; effective 6–14–62 to 6–13–63 (variety store; 44 employees).

F. W. Woolworth Co. (#610), 835 Ninth Street, Greeley, Colo.; effective 6–14–62 to 6–13–63 (variety store; 58 employees).

F. W. Woolworth Co. (#338), 720–38 West Second Street, Hastings, Nebr.; effective 6–14–62 to 6–13–63 (variety store; 30 employees).

Region VIII

H. L. Green Co., 1436 Dryades Street, New Orleans, La.; effective 6–10–62 to 6–9–63 (variety store; 21 employees).

Chinaberry Variety, Inc., d/b/a T.G. & Y Stores Co. (#181), 1520 Eubanks NE., Albuquerque, N. Mex.; effective 6–10–62 to 6–9–63 (variety store; 18 employees).

S. H. Kress and Co., 325 Chickasha Avenue, Chickasha, Okla.; effective 6–10–62 to 6–9–63 (variety store; 29 employees).

S. H. Kress & Co., 324 C Avenue, Lawton, Okla.; effective 6–10–62 to 6–9–63 (variety store; 27 employees).

S. H. Kress & Co., 16 Lamar Street, Paris, Tex.; effective 6–10–62 to 6–9–63 (variety store; 44 employees).

S. H. Kress & Co., 2506 Lee Street, Greenville, Tex.; effective 6–10–62 to 6–9–63 (variety store; 30 employees).

S. H. Kress & Co., 6704 Harrisburg Boulevard, Houston 11, Tex.; effective 6–10–62 to 6–9–63 (variety store; 23 employees).

McCrory-McLellan-Green Corp., 402 Texas Street, Shreveport, La.; effective 6–10–62 to 6–9–63 (variety store; 97 employees).

McCrory's, 1005 Canal Street, New Orleans, La.; effective 6–10–62 to 6–9–63 (variety store; 95 employees).

McLellan Store (#565), 4710 Central, Albuquerque, N. Mex.; effective 6–10–62 to 6–9–63 (variety store; 95 employees).

McLellan Store (#565), 4710 Central, Albuquerque, N. Mex.; effective 6–10–62 to 6–9–63 (variety store; 21 employees).

McLellan's (#542), 320 Central SW., Albuquerque, N. Mex.; effective 6–10–62 to 6–9–63 (variety store; 29 employees).

Newberry East Texas, Inc., 108 Gateway, Beaumont, Tex.; effective 6–10–62 to 6–9–63 (variety store; 82 employees).

J. J. Newberry Co., 328 West Main, Denison, Tex., effective 6–10–62 to 6–9–63 (variety store; 11 employees).

J. J. Newberry Co. (#202), 201–15 North Stanton Street, El Paso, Tex.; effective 6–10–62 to 6–9–63 (variety store; 106 employees).

J. J. Newberry Co., 523 Sixth Street, Las Vegas, N. Mex.; effective 6–10–62 to 6–9–63 (variety store; 20 employees).

J. J. Newberry Co., 298, Hot Springs, Ark.; effective 6–10–62 to 6–9–63 (variety store; 35 employees).

Neisner Bros., Inc. (#75), 45 Parkdale Plaza, Corpus Christi, Tex.; effective 6–10–62 to 6–9–63 (variety store; 26 employees).

Neisner Bros., Inc., 1100 South Santa Fe Street, El Paso, Tex.; effective 6–10–62 to 6–9–63 (variety store; 45 employees).

Neisner Brothers, Inc. (#144), 1238 Uvalde Road, Houston 15, Tex.; effective 6–10–62 to 6–9–63 (variety store; 18 employees).

Paps Food Store, 3142 St. Claude Avenue, New Orleans, La.; effective 6–10–62 to 6–9–63 (food store; 48 employees).

Sterling Stores Co., Inc., Batesville, Ark.; effective 6–10–62 to 6–9–63 (variety store; 14 employees).

Sterling Stores Co., Inc., Benton, Ark.; effective 6–10–62 to 6–9–63 (variety store; 18 employees).

Sterling Stores Co., Inc., Blytheville, Ark.; effective 6–10–62 to 6–9–63 (variety store; 15 employees).

Sterling Stores Co., Inc., Harrison, Ark.; effective 6–10–62 to 6–9–63 (variety store; 17 employees).

Sterling Stores Co., Inc., Osceola, Ark., effective 6–10–62 to 6–9–63 (variety store; 19 employees).

Sterling Dept. Stores, Inc., Capitol Avenue and Center Streets, Little Rock, Ark.; effective 6–10–62 to 6–9–63 (department store; 88 employees).

Sterling's of Conway, Inc., Russellville, Ark.; effective 6–10–62 to 6–9–63 (variety store; 15 employees).

Sterling Stores Co., Inc., Searcy, Ark.; effective 6–10–62 to 6–9–63 (variety store; 15 employees).

Elm Variety, Inc., d/b/a T.G. & Y. Stores Co. (#31), 3820 East Frank Phillips, Bartlesville, Okla.; effective 6–10–62 to 6–9–63 (variety store; 21 employees).

Basswood Variety, Inc., d/b/a T.G. & Y Stores Co. (#207), 9604 Florida Street, Baton Rouge, La.; effective 6–10–62 to 6–9–63 (variety store; 16 employees).

Lantana Variety, Inc., d/b/a T.G. & Y. Stores Co. (#225), 3445 Florida, Baton Rouge, La.; effective 6–10–62 to 6–9–63 (variety store; 12 employees).

Hydrangea Variety, Inc., d/b/a T.G. & Y. Stores Co. (#251), 122 Dallas West Shopping Center, Dallas, Tex.; effective 6–10–62 to 6–9–63 (variety store; 23 employees).

Olive Variety, Inc., d/b/a T.G. & Y. Stores Co. (#209), 215 Florida Boulevard, Denham Springs, La.; effective 6–10–62 to 6–9–63 (variety store; 15 employees).

Ash Variety, Inc., d/b/a T.G. & Y. Stores Co. (#38), 118 South Bickford, El Reno, Okla.; 6–10–62 to 6–9–63 (variety store; 17 employees).

T.G. & Y. Stores Co., Inc. of Texas, d/b/a T.G. & Y. Stores Co. (#116), 314 College, Lubbock, Tex.; effective 6–10–62 to 6–9–63 (variety store; 13 employees).

Veterans & Causeway Variety, Inc., d/b/a T.G. & Y. Stores Co. (#220), 3301 Veterans Highway, Metairie, La.; effective 6–10–62 to 6–9–63 (variety store; 20 employees).

Chinquapin Variety, Inc., d/b/a/ T.G. & Y. Stores Co. (#214), 3615 Jefferson Highway, New Orleans, La.; effective 6–10–62 to 6–9–63 (variety store; 19 employees).

Papaya Variety, Inc., d/b/a T.G. & Y. Stores Co. (#214), 3615 Jefferson Highway, New Orleans, La.; effective 6–10–62 to 6–9–63 (variety store; 14 employees).

Lakeside Variety, Inc., d/b/a T.G. & Y. Stores Co. (#56), 5020 North May, Oklahoma City, Okla.; effective 6–10–62 to 6–9–63 (variety store; 14 employees).

Ligustrum Variety, Inc., d/b/a T.G. & Y. Stores Co. (#35), 403 North 14th, Ponca City, Okla.; effective 6–10–62 to 6–9–63 (variety store; 21 employees).

Almond Variety, Inc., d/b/a T.G. & Y. Stores Co. (#53), 9 East Main Street, Shawnee, Okla.; effective 6–10–62 to 6–9–63 (variety store; 22 employees).

Apple Variety, Inc. d/b/a T.G. & Y. Stores Co. (#202), 2615 Sunset Plaza, Shreveport, La.; effective 6–10–62 to 6–9–63 (variety store; 18 employees).

Gosselin Stores, Inc., d/b/a T.G. & Y Stores Co. (#113), 1906 Ninth Street, Wichita Falls, Tex.; effective 6–10–62 to 6–9–63 (variety store; 14 employees).

Mimosa Variety, Inc. d/b/a T.G. & Y. Stores Co. (#18), Woodward, Okla.; effective 6–10–62 to 6–9–63 (variety store; 12 employees).

F. W. Woolworth Co. (#496), 200 North Main Street, Midland, Tex.; effective 6–10–62 to 6–9–63 (variety store; 21 employees).

F. W. Woolworth Co., 110 West Broadway, Altus, Okla.; effective 6–10–62 to 6–9–63 (variety store; 25 employees).

F. W. Woolworth Co., 200 Cuyler, Pampa, Tex.; effective 6–10–62 to 6–9–63 (variety store; 20 employees).

Spruce Variety, Inc., d/b/a T.G. & Y. Stores Co. (#6), Clinton, Okla.; effective 6–10–62 to 6–9–63 (variety store; 13 employees).

Region IX

Bracker's Department Store, 201 Morley Avenue, Nogales, Arizona; effective 6–15–62 to 6–14–63 (variety store; 48 employees).

J. J. Newberry Co., 633 G Avenue, Douglas, Arizona; effective 6–11–62 to 6–10–63 (variety store; 34 employees).

J. J. Newberry Co., 116 South Main Street, Twin Falls, Idaho; effective 6–11–62 to 6–10–63 (variety store; 21 employees).

J. J. Newberry Co., 110 West Main Street, Mesa, Arizona; effective 6–13–62 to 6–12–63 (variety store; 64 employees).

J. J. Newberry Co., 3743 East Thomas Road, Phoenix, Arizona; effective 6–13–62 to 6–12–63 (variety store; 96 employees).

S. H. Kress & Co., 901 G Avenue, Douglas, Arizona; effective 6–12–62 to 6–11–63 (variety store; 30 employees).

S. H. Kress & Co., 451 Park Avenue, Idaho Falls, Idaho; effective 6–12–62 to 6–11–63 (variety store; 21 employees).

S. H. Kress & Co., 119 Morley Avenue, Nogales, Arizona; effective 6–12–62 to 6–11–63 (variety store; 83 employees).

S. H. Kress & Co., 2425 Washington Boulevard, Ogden, Utah; effective 6–12–62 to 6–11–63 (variety store; 48 employees).

S. H. Kress & Co., 22 West Washington Street, Phoenix, Ariz.; effective 6–13–62 to 6–12–63 (variety store; 51 employees).

S. H. Kress & Co., 105 West Center Street, Provo, Utah; effective 6–12–62 to 6–11–63 (variety store; two employees).

S. H. Kress & Co., 430 Capitol Street NE., Salem, Oreg.; effective 6–12–62 to 6–11–63 (variety store; 32 employees).

S. H. Kress & Co., 257 South Main Street, Salt Lake City 1, Utah; effective 6–12–62 to 6–11–63 (variety store; 82 employees).

S. H. Kress & Co., 97 East Congress Street, Tucson, Ariz.; effective 6–12–62 to 6–11–63 (variety store; 52 employees).

McLellan's, 3302 East Speedway, Tucson, Ariz.; effective 6–13–62 to 6–12–63 (variety store; 26 employees).

McCrory Corp., 121 North San Francisco, Flagstaff, Ariz.; effective 1–1–63 to 4–30–63 (variety store; 23 employees).

McCrory-McLellan-Green Stores, 3376 South Sixth Avenue, Tucson, Ariz.; effective 6–13–62 to 6–12–63 (variety store; 45 employees).

T. G. & Y. Stores, Inc., of Arizona, 1139 East Main, Mesa, Ariz.; effective 6–13–62 to 6–12–63 (variety store; 18 employees).

Scottsdale Variety, Inc., 1602 South Scottsdale, Scottsdale, Ariz.; effective 6–13–62 to 6–12–63 (variety store; 17 employees).

Region X

Cooper & Ratcliff, Box 2037, Martinsville, Va.; effective 6–10–62 to 6–9–63 (food store; 42 employees).

Eagle Stores, Inc., 1–11 West Main Street, Martinsville, Va.; effective 6–10–62 to 6–9–63 (variety store; 40 employees).

Highway Foods, Inc. T/A Farm Fresh Super Market, 3600 Military Highway, Norfolk, Va.; effective 6–10–62 to 6–9–63 (food store; 113 employees).

S. S. Kresge Co. (#425), 300 Federal Street, Bluefield, W. Va.; effective 6–10–62 to 6–9–63 (variety store; 61 employees).

McCrory Stores Corp., 675 North Glebe Road, Arlington, Va.; effective 6–10–62 to 6–9–63 (variety store; 47 employees).

McCrory Store, 318 West Main Street, Clarksburg, W. Va.; effective 6–12–62 to 6–11–63 (variety store; 33 employees).

McCrory-McLellan-Green Store, 200 Franklin Street, Clarksville, Tenn.; effective 6–10–62 to 6–9–63 (variety store; 15 employees).

McCrory-McLellan-Green Store (#40), 50–52 West Main Street, Grafton, W. Va.; effective 6–10–62 to 6–9–63 (variety store; 19 employees).

McCrory-McLellan-Green Store (#1131), 833 Third Avenue, Huntington, W. Va.; effective 6–10–62 to 6–9–63 (variety store; 55 employees).

McCrory-McLellan-Green, 407–11 South Gay Street, Knoxville, Tenn.; effective 6–10–62 to 6–9–63 (variety store; 45 employees).

McCrory-McLellan-Green Co., 236 West Main Street, Lexington, Ky.; effective 6–11–62 to 6–10–63 (variety store; 37 employees).

McCrory-McLellan-Green Store Co., 130–134 North Queen Street, Martinsburg, W. Va.; effective 6–10–62 to 6–9–63 (variety store; 28 employees).

McCrory-McLellan-Green, Division of McCroy Corp., 3444 Poplar, Memphis, Tenn.; effective 6–10–62 to 6–9–63 (variety store; 24 employees).

McCrory Stores Corp. (#292), 515 Main Street, South, Oak Ridge, Tenn.; effective 6–10–62 to 6–9–63 (variety store; 55 employees).

McCrory-McLellan Stores, 17–19 West Campbell Avenue, Roanoke, Va.; effective 6–12–62 to 6–11–63 (variety store; 34 employees).

McCrory-McLellan-Green Stores (#320), 4010 Highway 51 South, Whitehaven, Tenn.; effective 6–10–62 to 6–9–63 (variety store; 28 employees).

McCrory Stores, 119 North Loudoun Street, Winchester, Va.; effective 6–13–62 to 6–12–63 (variety store; 64 employees).

G. C. Murphy Co. (#17), 1537 Winchester Avenue, Ashland, Ky.; effective 6–13–62 to 6–12–63 (variety store; 83 employees).

G. C. Murphy Co. (#209), Main Street, East Rainelle, W. Va.; effective 6–13–62 to 6–12–63 (variety store; 31 employees).

G. C. Murphy Co. (#172), 318–20 Adams Street, Fairmont, W. Va.; effective 6–13–62 to 6–12–63; (variety store; 108 employees).

G. C. Murphy Co. (#137), 209 Temple Street, Hinton, W. Va.; effective 6–13–62 to 6–12–63 (variety store; 35 employees).

G. C. Murphy Co. (#194), 205–9 Stratton Street, Logan, W. Va.; effective 6–13–62 to 6–12–63 (variety store; 77 employees).

G. C. Murphy Co. (#239), Dixie Manor Shopping Center, P.O. Box: Pleasant Ridge Park, Louisville, Ky.; effective 6–13–62 to 6–12–63 (variety store; 64 employees).

G. C. Murphy Co. (#111), 2–4 West Second Street, Maysville, Ky.; effective 6–13–62 to 6–12–63 (variety store; 51 employees).

G. C. Murphy Co. (#42), 326–330 Third Avenue, Montgomery, W. Va.; effective 6–13–62 to 6–12–63 (variety store; 52 employees).

G. C. Murphy Co. (#182), Howard Street, Mullens, W. Va.; effective 6–13–62 to 6–12–63 (variety store; 88 employees).

G. C. Murphy Co. (#204), 507 Court Street, Paintsville, Ky.; effective 6–13–62 to 6–12–63 (variety store; 34 employees).

G. C. Murphy Co. (#185), 4–6–8 Main Street, Philippi, W. Va.; effective 6–13–62 to 6–12–63 (variety store; 23 employees).

G. C. Murphy Co. (#62), 424–26 Main Street, Point Pleasant, W. Va.; effective 6–13–62 to 6–12–63 (variety store; 35 employees).

G. C. Murphy Co. (#19), 704–706 Wells Street, Sistersville, W. Va.; effective 6–13–62 to 6–12–63 (variety store; 15 employees).

G. C. Murphy Co. (#180), 6 Main Street, Richwood, Va.; effective 6–13–62 to 6–12–63 (variety store; 27 employees).

G. C. Murphy Co. (#133), 81–87 McDowell Street, Welch, W. Va.; effective 6–13–62 to 6–12–63 (variety store; 69 employees).

G. C. Murphy Co. (#14), 704–14 Charles Street, Wellsburg, W. Va.; effective 6–13–62 to 6–12–63 (variety store; 24 employees).

J. J. Newberry Co., Charleston, W. Va.; effective 6–10–62 to 6–9–63 (variety store; 28 employees).

J. J. Newberry & Co., 102–122 Davis Street, Culpeper, Va.; effective 6–12–62 to 6–11–63 (variety store; 28 employees).

J. J. Newberry Co., 200 North Main Street, Henderson, Ky.; effective 6–10–62 to 6–9–63 (variety store; 24 employees).

J. J. Newberry Co., 136 West Main Street, Richmond, Ky.; effective 6–10–62 to 6–9–63 (variety store; 33 employees).

J. J. Newberry Co., Main Street, South Boston, Va.; effective 6–10–62 to 6–9–63 (variety store; 21 employees).

J. J. Newberry Co., 404 West Main Street, Waynesboro, Va.; effective 6–10–62 to 6–9–63 (variety store; 79 employees).

Rose's Stores, Inc., 208–212 Main Street, Franklin, Va.; effective 6–10–62 to 6–9–63 (variety store; 16 employees).

Roses 5–10–25¢ Store, 421–423 West Main Street, Waynesboro, Va.; effective 6–10–62 to 6–9–63 (variety store; 20 employees).

Silver's 5 & 10 (#1133), 219 Capitol Street, Charleston, W. Va.; effective 6–10–62 to 6–9–63 (variety store; 23 employees).

F. W. Woolworth Co., 4024–28th Street, South Arlington, Va.; effective 6–13–62 to 6–12–63 (variety store; 17 employees).

F. W. Woolworth Co., 205 Capitol Street, Charleston, W. Va.; effective 6–13–62 to 6–12–63 (variety store; 58 employes).

F. W. Woolworth Co., 344–48 West Main Street, Clarksburg, W. Va.; effective 6–13–62 to 6–12–63 (variety store; 27 employees).

NORTH CAROLINA

Clark's Mammouth Food Center, Route 70 A, Greensboro, N.C.; effective 6–10–62 to 5–31–63 (food store; 37 employees).

Colonial Stores, Inc. (#2257), 755 Merrimon Avenue, Asheville, N.C.; effective 6–10–62 to 5–31–63 (food store; 16 employees).

Colonial Stores, Inc. (#2258), 1070 Haywood Road, Asheville, N.C.; effective 6–10–62 to 5–31–63 (food store; 18 employees).

Colonial Stores, Inc. (#2259), 275 Tunnel Road, Asheville, N.C.; effective 6–10–62 to 5–31–63 (food store; 23 employees).

Colonial Stores, Inc. (#4327), 335 Front Street, Beaufort, N.C.; effective 6–10–62 to 5–31–63 (food store; 14 employees).

Colonial Stores, Inc. (#4465), 104 Pamlico Street, Belhaven, N.C.; effective 6–10–62 to 5–31–63 (food store; 12 employees).

Colonial Stores, Inc. (#4228), 286–88 East Front Street, Burlington, N.C.; effective 6–10–62 to 5–31–63 (food store; 13 employees).

Colonial Stores, Inc. (#4300), Lennox Shopping Center, Chapel Hill, N.C.; effective 6–10–62 to 5–31–63 (food store; 14 employees).

Colonial Stores, Inc. (#4302), Franklin and Graham Streets, Chapel Hill, N.C.; effective 6–10–62 to 5–31–63 (food store; 11 employees).

Colonial Stores, Inc. (#2051), 3014 Eastway Drive, Charlotte, N.C.; effective 6–10–62 to 5–31–63 (food store; 27 employees).

Colonial Stores, Inc. (#2052), 2050 North Graham Street, Charlotte, N.C.; effective 6–10–62 to 5–31–63 (food store; 22 employees).

Colonial Stores, Inc. (#2100), Charlottetown Mall, Charlotte, N.C.; effective 6–10–62 to 5–31–63 (food store; 32 employees).

Colonial Stores, Inc. (#2207), 2901 Freedom Drive, Charlotte, N.C.; effective 6–10–62 to 5–31–63 (food store; 32 employees).

Colonial Stores, Inc. (#2212), 209 North College Street, Charlotte, N.C.; effective 6–10–62 to 5–31–63 (food store; 16 employees).

Colonial Stores, Inc. (#2219), 1614 South Boulevard, Charlotte, N.C.; effective 6–10–62 to 5–31–63 (food store; 11 employees).

Colonial Stores, Inc. (#2248), 2100 North Independence Boulevard, Charlotte, N.C.; effective 6–10–62 to 5–31–63 (food store; 14 employees).

Colonial Stores, Inc. (#2247), 4101 Park Road, Charlotte, N.C.; effective 6–10–62 to 5–31–63 (food store; 23 employees).

Colonial Stores, Inc. (#2315), 601 Providence Road, Charlotte, N.C.; effective 6–10–62 to 5–31–63 (food store; 11 employees).

Colonial Stores, Inc. (#2329), 34 East Corbin Street, Concord, N.C.; effective 6–10–62 to 5–31–63 (food stores; 12 employees).

Colonial Stores, Inc. (#4102), Northgate Shopping Center, Durham, N.C.; effective 6–10–62 to 5–31–63 (food store; 70 employees).

Colonial Stores, Inc. (#4245), 908 East Main Street, Durham, N.C.; effective 6–10–62 to 5–31–63 (food store; 18 employees).

Colonial Stores, Inc. (#4232), 230 Gillespie Street, Fayetteville, N.C.; effective 6–10–62 to 5–31–63 (food store; 16 employees).

Colonial Stores, Inc. (#4244), 2738 Bragg Boulevard, Fayetteville, N.C.; effective 6–10–62 to 5–31–63 (food store; 45 employees).

Colonial Stores, Inc. (#4307), 1110 Hay Street, Hamont Hill, Fayetteville, N.C.; effective 6–10–62 to 5–31–63 (food store; 12 employees).

Colonial Stores, Inc. (#4414), Ramsey & Hillsboro, Fayetteville, N.C.; effective 6–10–62 to 5–31–63 (food store; nine employees).

Colonial Stores, Inc. (#2224), 143 South Marietta Street, Gastonia, N.C.; effective 6–10–62 to 5–31–63 (food stores; 15 employees).

Colonial Stores, Inc. (#4264), 1721 East Ash Street, Goldsboro, N.C.; effective 6–10–62 to 5–31–63 (food store; 28 employees).

Colonial Stores, Inc. (#4304), 1008 Dickinson Avenue, Greenville, N.C.; effective 6–10–62 to 5–31–63 (food store; seven employees).

Colonial Stores, Inc. (#4311), 115 Cotanche Street, Greenville, N.C.; effective 6–10–62 to 5–31–63 (food store; nine employees).

Colonial Stores, Inc. (#2205), 109 Hamlet Avenue, Hamlet, N.C.; effective 6–10–62 to 5–31–63 (food store; 25 employees).

Colonial Stores, Inc. (#4303), Slocum Village Shopping Center, Havelock, N.C.; effective 6–10–62 to 5–31–63 (food store; 11 employees).

Colonial Stores, Inc. (#4338), 112 Granite Street, Henderson, N.C.; effective 6–10–62 to 5–31–63 (food store; 17 employees).

Colonial Stores, Inc. (#2221), 115 Fourth Street NW., Hickory, N.C.; effective 6–10–62 to 5–31–63 (food store; 17 employees).

Colonial Stores, Inc. (#4054), 133–139 Montlieu Avenue, High Point, N.C.; effective 6–10–62 to 5–31–63 (food store; 28 employees).

Colonial Stores, Inc. (#4240), 239 New River Drive, Jacksonville, N.C.; effective 6–10–62 to 5–31–63 (food store; 18 employees).

Colonial Stores, Inc. (#2239), 216 West Avenue, Kannapolis, N.C.; effective 6–10–62 to 5–31–63 (food store; 13 employees).

Colonial Stores, Inc. (#4239), 810 West Vernon Avenue, Kinston, N.C.; effective 6–10–62 to 5–31–63 (food stores; 14 employees).

Colonial Stores (#4242), Stadium Shopping Center, Kinston, N.C.; effective 6–10–62 to 5–31–63 (food stores 18 employees).

Colonial Stores, Inc. (#4212), 109 Court Square, Lumberton, N.C.; effective 6–10–62 to 5–31–63 (food store; nine employees).

Colonial Stores, Inc. (#4333), 1010 Arendell Street, Morehead City, N.C.; effective 6–10–62 to 5–31–63 (food store; 24 employees).

Colonial Stores, Inc. (#4262), 1201 Broad Street, New Bern, N.C.; effective 6–10–62 to 5–31–63 (food store; 22 employees).

Colonial Stores, Inc. (#4207), Lanier Street, Oxford, N.C.; effective 6–10–62 to 5–31–63 (food store; 18 employees).

Colonial Stores, Inc. (#4223), 2808 South Wilmington Street, Raleigh, N.C.; effective 6–10–62 to 5–31–63 (food stores; 26 employees).

Colonial Stores, Inc. (#2324), 1900 East Rockingham Road, Rockingham, N.C.; effective 6–10–62 to 5–31–63 (food store; 16 employees).

Colonial Stores, Inc. (#4238), 112 North Church Street, Rocky Mount, N.C.; effective 6–10–62 to 5–31–63 (food store; eight employees).

Colonial Stores, Inc. (#4421), 115 North Third Street, Smithfield, N.C.; effective 6–10–62 to 5–31–63 (food store; 10 employees).

Colonial Stores, Inc. (#4263), 105 East Connecticut Avenue, Southern Pines, N.C.; effective 6–10–62 to 5–31–63 (food store; 15 employees).

Colonial Stores, Inc. (#4255), P.O. Box 195, Tarawa Terrace, N.C.; effective 6–10–62 to 5–31–63 (food store; 10 employees).

Colonial Store (#4415), 600 Main Street, Tarboro, N.C.; effective 6–10–62 to 5–31–63 (food store; 17 employees).

Colonial Stores, Inc. (#4342), Main Street, Warrenton, N.C.; effective 6–10–62 to 5–31–63 (food store; 13 employees).

Colonial Stores, Inc. (#4468), 316 North Washington Avenue, Weldon, N.C.; effective 6–10–62 to 5–31–63 (food store; 11 employees).

Colonial Stores, Inc. (#4341), 317 Main Street, Williamston, N.C.; effective 6–10–62 to 5–31–63 (food store; 16 employees).

Colonial Stores, Inc. (#4236), 1606 Market Street, Wilmington, N.C.; effective 6–10–62 to 5–31–63 (food store; 18 employees).

Colonial Stores, Inc. (#4464), Granville Street, Wipdsor, N.C.; effective 6–10–62 to 5–31–63 (food store; 10 employees).

Colonial Stores, Inc. (#4238), 514–16 Waughtown, Winston-Salem, N.C.; effective 6–10–62 to 5–31–63 (food store; 26 employees).

Colonial Stores, Inc. (#4306), 1329 North Liberty Street, Winston-Salem, N.C.; effective 6–10–62 to 5–31–63 (food store; 14 employees).

Eagle Stores Co., Inc. (#13), Asheboro, N.C.; effective 6–10–62 to 5–31–63 (variety store; 35 employees).

Eagle Stores Co., Inc., Lincolnton, N.C.; effective 6–10–62 to 5–31–63 (variety store; 10 employees).

Eagle Stores Co., 337 Hay Street, Fayetteville, N.C.; effective 6–10–62 to 5–31–63 (variety store; 20 employees).

W. T. Grant Co., 214 North Tryon Street, Charlotte, N.C.; effective 6–10–62 to 5–31–63 (variety store; 86 employees).

H. L. Green Co., 212–214 North Queen Street, Kinston, N.C.; effective 6–10–62 to 5–31–63 (variety store; 31 employees).

S. H. Kress & Co., 19 Patton Avenue, Asheville, N.C.; effective 6–10–62 to 5–31–63 (variety store; 87 employees).

S. H. Kress & Co., 101 South Tryon Street, Charlotte 2, N.C.; effective 6–10–62 to 5–31–63 (variety store; 130 employees).

S. H. Kress & Co., 101 West Main Street, Durham, N.C.; effective 6–10–62 to 5–31–63 (variety store; 71 employees).

S. H. Kress & Co., 113 Maxwell Street, Fayetteville, N.C.; effective 6–10–62 to 5–31–63 (variety store; 72 employees).

S. H. Kress & Co., 111 West Main Street, Gastonia, N.C.; effective 6–10–62 to 5–31–63 (variety store; 60 employees).

S. H. Kress & Co., 112 North Center Street, Goldsboro, N.C.; effective 6–10–62 to 5–31–63 (variety store; 17 employees).

S. H. Kress & Co., 208 South Elm Street, Greensboro, N.C.; effective 6–10–62 to 5–31–63 (variety store; 81 employees).

S. H. Kress & Co., 141 South Main Street, High Point, N.C.; effective 6–10–62 to 5–31–63 (variety store; 61 employees).

S. H. Kress & Co., 307 Middle Street, New Bern, N.C.; effective 6–10–62 to 5–31–63 (variety store; 68 employees).

S. H. Kress & Co., 162 South Main Street, Rocky Mount, N.C.; effective 6–10–62 to 5–31–63 (variety store; 59 employees).

S. H. Kress & Co., 300 South Main Street, Salisbury, N.C.; effective 6–10–62 to 5–31–63 (variety store; 31 employees).

S. H. Kress & Co., 11 North Front Street, Wilmington, N.C.; effective 6–10–62 to 5–31–63 (variety store; 63 employees).

S. H. Kress & Co., 3 West Fourth Street, Winston-Salem, N.C.; effective 6–10–62 to 5–31–63 (variety store; 108 employees).

McCrory-McLellan-Green (#277), 208 Hay Street, Fayetteville, N.C.; effective 6–10–62 to 5–31–63 (variety store; 20 employees).

McCrory-McLellan-Green (#479), 130–32 North Center Street, Goldsboro, N.C.; effective 6–10–62 to 5–31–63 (variety store; 24 employees).

McCrory-McLellan Store, 114 South Main Street, Lexington, N.C.; effective 6–10–62 to 5–31–63 (variety store; 23 employees).

McCrory-McLellan-Green, 112 South Main Street, Salisbury, N.C.; effective 6–10–62 to 5–31–63 (variety store; 28 employees).

McLellan's Store, 140 West Main Street, Washington, N.C.; effective 6–10–62 to 5–31–63 (variety store; 21 employees).

J. J. Newberry Co., 41–43 Patton Avenue, Asheville, N.C.; effective 6–10–62 to 5–31–63 (variety store; 34 employees).

Rose's 5–10–25¢ Store (#45), 401–403 Elm Street, Lumberton, N.C.; effective 6–10–62 to 5–31–63 (variety store; 21 employees).

Rose's Store, Inc., 1041 Roanoke Avenue, Roanoke Rapids, N.C.; effective 6–10–62 to 5–31–63 (variety store; 16 employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates below $1.00 an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Central & Southern Variety, Inc., d/b/a T.G. & Y. Stores Co. (#193), 6036 South Central Avenue, Phoenix, Ariz.; effective 6–20–62 to 5–31–63; clerical, selling, stocking; 10 percent each month (variety store; 56 employees).

Eagle Stores, Inc., 217 East Main Street, Forest City, N.C.; effective 6–22–62 to 6–21–63; stock boys, sales; 10 percent each month (variety store; 14 employees).

Eavey's 620 South Nichol Avenue, Muncie, Ind.; effective 6–22–62 to 6–21–63; sacking, stocking, cart boys; between 4.4 percent and 9.5 percent (food store; 51 employees).

McCrory's (#355), San Jose-Lakewood Shopping Plaza, 1634 Longwood Road, Jacksonville 17, Fla.; effective 6–21–62 to 6–20–63; selling, stock-keeping, office clerical, cashier (register operation); between 0 and 6.1 percent (variety store; 39 employees).

McCrory-McLellan-Green Corp., Palm Plaza Shopping Center, Leesburg, Fla.; effective 6–20–62 to 6–19–63; selling, stock keeping, office clerk; between 6.9 percent and 10 percent (variety store; 27 employees).

McCrory-McLellan-Green Store, Palm Aire Shopping Center, Route U.S. #1, Deerfield Beach, Fla.; effective 6–21–62 to 6–20–63; salesclerk, office clerk; 10 percent each month (variety store; new store).

M. H. King Co., 1305 Filer Avenue East, Twin Falls, Idaho; effective 6–23–62 to 6–22–63; counter service clerk; 10 percent each month (variety store; 17 employees).

Newberry East Brunswick Corp., 112 72 West Prospect Street, East Brunswick, N.J.; effective 6–23–62 to 6–22–63; office clerk, salesclerk, stock clerk, janitor, window trimmer, marker; between 8.0 percent and 10 percent (variety store; 129 employees).

Newberry Verona Corp., 340 Pompton Avenue, Verona, N.J.; effective 6–26–62 to 6–25–63; salesclerk, stock clerk, janitor, window trimmer, marker; between 8.8 percent and 10 percent (variety store; 195 employees).

Paps Food Center, Inc., 1937 Mirabeau Avenue, New Orleans, La.; effective 6–21–62 to 6–20–63; bag boys; 10 percent each month (food store; 102 employees).

Thompson Food Basket, Inc., 1201 W. Gardield Avenue, Bartonville, Ill.; effective 6–21–62 to 6–20–63; checkers, stock boys, carry out boys; 10 each month (food store; 17 employees).

Thompson Food Basket, Inc., 2321 East Washington Road, Sunnyland Addition, Washington, Ill.; effective 6–21–62 to 6–20–63; checkers, carry out boys, stock boys; 10 percent each month (food store; 16 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 13th day of July 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62–7142; Filed, July 20, 1962; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

JAPAN-ATLANTIC AND GULF FREIGHT CONFERENCE

Notice of Filing of Exclusive Patronage (Dual Rate) Contract by Japan-Atlantic and Gulf Freight Conference

Notice is hereby given that the Japan-Atlantic and Gulf Freight Conference has filed with the Commission, pursuant to section 14b, Shipping Act, 1916, a proposed Exclusive Patronage (Dual Rate) Contract and an application for permission to use a dual rate system in the trade from Japan, Korea and Okinawa to U.S. Gulf ports and Atlantic Coast ports of North America.

Interested parties may inspect a copy of the contract and application at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and application and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: July 17, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–7144; Filed, July 20, 1962; 8:50 a.m.]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

Notice of Filing of Exclusive Patronage (Dual Rate) Contract by Trans-Pacific Freight Conference of Japan

Notice is hereby given that the Trans-Pacific Freight Conference of Japan has filed with the Commission, pursuant to section 14b, Shipping Act, 1916, a proposed Exclusive Patronage (Dual Rate) Contract and an application for permission to use a dual rate system in the trade from Japan, Korea and Okinawa to Hawaii and Alaska and Pacific Coast Ports of the U.S. and Canada.

Interested parties may inspect a copy of the contract and application at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and at the offices of the District Directors of the Federal Maritime Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER, an original and 15 copies of written statements with reference to such contract and application and their position as to approval, disapproval, modification, or cancellation, together with a request for hearing, should a hearing be desired.

Dated: July 17, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62–7145; Filed, July 20, 1962; 8:50 a.m.]

FEDERAL AVIATION AGENCY

AIRPORT DISTRICT OFFICE AT GARDEN CITY, NEW YORK

Notice of Transfer

Notice is hereby given that on June 30, 1962, the Airport District Office at Garden City, New York, was transferred to the New York Port Authority Administration Building, New York International Airport, Jamaica, New York.

(Sec. 313(a), 72 Stat. 752, 49 U.S.C. 1354)

Issued in Washington, D.C., on July 16, 1962.

N. E. HALABY,
Administrator.

[F.R. Doc. 62–7120; Filed, July 20, 1962; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–18419 etc.]

AMERICAN LOUISIANA PIPE LINE CO. AND MICHIGAN WISCONSIN PIPE LINE CO.

Order Fixing Date for Oral Argument

JULY 16, 1962.

American Louisiana Pipe Line Company, Docket No. G–18419; Michigan Wisconsin Pipe Line Company, Docket No. G–12292, G–17512 and RP60–9.

By order issued October 21, 1961, herein, the Commission stated (1) that the stipulation appearing at pages 17 to 37 of the hearing transcript of these proceedings as modified by that order of October 21, 1961, "is a reasonable settlement of these rate proceedings" and (2) because of the positions of the Public Service Commission of Wisconsin and the State of Wisconsin "with respect to the rate of return for the so-called 'locked-in' proceedings (Docket Nos. G–12292 and G–17512) and the positions of Michigan Gas with respect to rate of return generally, we believe that this issue should be considered by us after receiving briefs and hearing oral argument of all parties to this proceeding who wish to be heard thereon. At the same time, all parties who wish to do so may present their contentions in brief and by oral argument on the point raised by Michigan Public Service Commission regarding the tax treatment of tax reserve account related to accelerated depreciation." The order also set December 15, 1961, as the due date of such briefs and provided that "oral argument will be heard by the Commission, on a date to be hereafter fixed."

The Commission finds: It is appropriate and in the public interest that the parties be given opportunity to present oral argument before the Commission as contemplated by the aforementioned order of October 21, 1961.

The Commission orders:

(A) Oral argument shall be held before the Commission at 10:00 a.m., e.s.t., on August 3, 1962 in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., respecting the rate-of-return issue as hereinabove set out.

(B) Each party to this proceeding desiring to participate in the oral argument shall advise the Secretary of the Commission on or before July 23, 1962 to that effect and shall state the amount of time it desires to have allocated for its argument. Parties having similar interests are urged to select one spokesman to argue their contentions and thus prevent repetitious arguments.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–7156; Filed, July 20, 1962; 8:52 a.m.]

[Docket No. CP62–274]

CITIES SERVICE GAS CO.

Notice of Application and Date of Hearing

JULY 17, 1962.

Take notice that on May 24, 1962, Cities Service Gas Company (Applicant), P.O. Box 1995, Oklahoma City, Oklahoma, filed in Docket No. CP62–274 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the sale and delivery of natural gas to The Gas Service Company (Gas Company) for resale and distribution in and about the City of Crane, Missouri, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to tap its existing Saginaw-Springfield 16-inch pipeline and construct a meter setting and appurtenant regulator equipment in Christian County, Missouri.

The application shows the following estimated peak day and annual requirements for Crane:

Year:	*Mcf at 14.73 psia* Peak day	Annual
First	289	17,757
Second	449	40,758
Third	574	54,199

The proposed sale by Applicant to Gas Company will be made under the former's FPC Gas Rate Schedules F–2, C–2, and I–2.

The application shows the estimated cost of the proposed facilities to be $3,450, which cost will be financed from treasury cash.

Gas Company will construct and operate a gas distribution system in Crane. Gas Company has been granted a franchise by Crane and a certificate of convenience and necessity by The Public Service Commission of Missouri.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 27, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance

with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 15, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-7157; Filed, July 20, 1962; 8:52 a.m.]

FEDERAL RESERVE SYSTEM

MARINE CORP.

Order for Public Hearing

In the matter of the application of The Marine Corporation, Milwaukee, Wisconsin, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956.

On June 20, 1962, there was published in the FEDERAL REGISTER (27 F.R. 5828) a notice of receipt by the Board of Governors of an application filed pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by The Marine Corporation, Milwaukee, Wisconsin, for the Board's prior approval of the acquisition by applicant of 80 percent or more of the voting shares of the Beloit State Bank, Beloit, Wisconsin.

Pursuant to section 3(b) of the said Act (12 U.S.C. 1842(b)), the Board is required to notify the appropriate Federal or State supervisory authority of the filing of the application; to allow 30 days for the submission of views and recommendations by such authority; and if, within such 30-day period, the said authority disapproves the application in writing, to schedule a hearing on the application.

Notice of receipt of the subject application was duly given to the Commissioner of Banks for the State of Wisconsin, and 30 days allowed for the submission of his views and recommendations.

The Board has received, within the statutory 30-day period, a letter from the Commissioner of Banks for the State of Wisconsin, recommending that the application be denied. Accordingly,

It is hereby ordered, That, pursuant to section 3(b) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(b)) and § 222.4(f) of the Board's Regulation Y (12 CFR 222.4(f)), a public hearing with respect to this application be held commencing August 14, 1962, at 10 a.m., at the Federal Reserve Bank, Chicago, Illinois, before a duly designated hearing examiner, such hearing to be conducted in accordance with the Board's Rules of Practice for Formal Hearings (12 CFR Part 263).

It is further ordered, That the following matters will be the subject of consideration at said hearing, without prejudice to the designation of additional related matters and questions upon further examination: (1) The financial history and condition of the company and the banks concerned; (2) the prospects of said company and banks; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

It is further ordered, That any person desiring to give testimony in these proceedings should file with the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C., on or before August 6, 1962, a written request containing a statement of the nature of the petitioner's interest in the proceedings, a summary of the matters concerning which petitioner wishes to give testimony, and the names and identity of witnesses who will be offered. Such requests will be presented to the designated hearing examiner for his determination, and persons submitting them will be notified of his decision.

Dated at Washington, D.C., this 18th day of July 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-7216; Filed, July 20, 1962; 9:15 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

JULY 17, 1962.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.), being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 18, 1962, to July 27, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-7140; Filed, July 20, 1962; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 666]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 18, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64868. By order of July 16, 1962, the Transfer Board approved the transfer to Oscar F. Helfrich, Jr., and Eleanor Helfrich, a partnership, doing business as St. Louis Transfer Co., Union Station, 20th and Market Sts., St. Louis, Mo., of Certificate No. MC 84791, issued April 12, 1961, to Tony Hlavaty and Oscar Helfrich, Jr., a partnership, doing business as St. Louis Transfer Co., St. Louis, Mo., authorizing the transportation of baggage, over irregular routes, between the Union Station in St. Louis, Mo., on the one hand, and, on the other, St. Louis, Mo., and points in Missouri within 10 miles of St. Louis.

No. MC-FC 65045. By order of July 16, 1962, the Transfer Board approved the transfer to Harry J. Henson, 249 Erie Street, Waverly, N.Y., of Certificate No. MC 83406, issued August 13, 1941, to Cecil Messersmith, Johnson City, N.Y., authorizing the transportation of: Household goods, over irregular routes, between Johnson City, N.Y., on the one hand, and, on the other, points in Pennsylvania within 100 miles of Johnson City.

No. MC-FC 65041. By order of July 16, 1962, the Transfer Board approved the transfer to Safety Tank Lines, Inc., Danville, Va., of the operating rights in Certificate No. MC 103383, issued August 16, 1956, to Martin Transfer Corporation, Danville, Va., authorizing the transportation, over irregular routes, of petroleum products, in bulk, in tank trucks, from Friendship terminal of the pipe line located near Greensboro, N.C., to Burkeville, Va., and points in Mecklenburg, Charlotte, Halifax, Pittsylvania, Campbell, Franklin, and Henry Counties, Va. Jno. C. Geddin, 10 South 10th Street, Richmond 19, Va., applicants' attorney.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-7153; Filed, July 20, 1962; 8:52 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 18, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37836: *Sand from points in southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8239), for interested rail carriers. Rates on sand, in carloads, as described in the application, from Guion, Ark., Klondike, Ludwig, Pacific, Mo., Mill Creek and Roff, Okla., to Boston, Mass., New Brighton, N.Y., and Norfolk, Va.

Grounds for relief: Market competition.

Tariff: Supplement 176 to Southwestern Freight Bureau tariff I.C.C. 4319.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-7154; Filed, July 20, 1962; 8:52 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 17, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37833: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 442), for interested rail carriers. Rates on various commodities, in carloads, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Intrastate rates and maintenance of rates from and to points in other states not subject to the same competition.

Tariff: Supplement 31 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

FSA No. 37835: *T.O.F.C. service—Class and commodity rates to and from WTL territory.* Filed by Western Trunk Line Committee, Agent (No. A-2260), for interested rail carriers. Rates on various commodities moving on class rates, loaded in or on trailers and transported on railroad flat cars, also trailers, freight and/or tank, empty, new or used, including freight trailers, noibn, loaded on railroad flat cars, between points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee, on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief: Motor-truck competition, and grouping.

Tariff: Supplement 21 to Western Trunk Line Committee tariff I.C.C. A-4379.

AGGREGATE-OF-INTERMEDIATES

FSA No. 37834: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 443), for interested rail carriers. Rates on various commodities, in carloads, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 31 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-7093; Filed, July 19, 1962; 8:50 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 390]

TENNESSEE

Declaration of Disaster Area

Whereas, it has been reported that during the month of July 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Hamblen County in the State of Tennessee;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from rain and flood and accompanying conditions occurring on or about July 9, 1962.

OFFICES

Small Business Administration Regional Office,
90 Fairlie Street NW.,
Atlanta 3, Ga.

Small Business Administration Branch Office,
Sudekum Building, Suite 410,
Sixth Avenue and Church Street,
Nashville 3, Tenn.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1963.

Dated: July 11, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-7254; Filed, July 20, 1962; 11:21 a.m.]

FEDERAL REGISTER

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3484

NATIONAL PUBLIC WORKS WEEK

By the President of the United States of America

A Proclamation

WHEREAS public works facilities and services are of vital importance to the health and well-being of the people of this Nation; and

WHEREAS such facilities and services could not be provided without the dedicated efforts of public works engineers and administrators, representing Federal, State, and local units of Government, who are responsible for and must design, build, operate, and maintain the highway, water supply, sewage and refuse disposal systems, public buildings, and other structures and facilities essential to serve our citizens; and

WHEREAS it is in the public interest for the citizens and civic leaders of this country to gain knowledge of and to maintain a progressive interest in the public works needs and programs of their respective communities; and

WHEREAS the Congress by Senate Joint Resolution 68, approved July 18, 1962, requested the President to issue a proclamation designating the seven-day period commencing October 14, 1962, as National Public Works Week:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby designate the week beginning October 14, 1962, as National Public Works Week; and I urge all our people to join with representatives of governmental agencies in activities and ceremonies designed to pay tribute to our public works engineers and administrators and to recognize the substantial contributions they have made to our national health and welfare.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eighteenth day of July in the year of our Lord nineteen hundred and sixty-two, [SEAL] and of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-7269; Filed, July 20, 1962; 2:38 p.m.]

Executive Order 11037

AMENDMENT OF SECTION 12 OF EXECUTIVE ORDER NO. 6260 OF AUGUST 28, 1933, AS AMENDED

By virtue of the authority vested in me by Section 5(b) of the Act of October 6, 1917, as amended, 12 U.S.C. 95a, and in view of the continued existence of the national emergency proclaimed by Proclamation No. 2914 of December 16, 1950, I, John F. Kennedy, President of the United States of America, do hereby further amend Executive Order No. 6260, as amended, as follows:

1. Section 12 is amended to read as follows:

"12. Except under license issued therefor pursuant to the provisions of this order, no person subject to the jurisdiction of the United States shall, after the effective date of this section, acquire, hold in his possession, earmark, or retain any interest, legal or equitable, in any gold coin, gold certificates, or gold bullion, situated outside of the United States or any securities issued by any person holding, as a substantial part of his assets, gold as a store of value or as, or in lieu of, money and not for a specific and customary industrial, professional or artistic use. The Secretary of the Treasury, subject to such other regulations as he may prescribe, is authorized to issue licenses permitting the acquisition and holding by persons subject to the jurisdiction of the United States of gold bullion situated outside of the United States which the Secretary or such agency as he may designate is satisfied is required for legitimate and customary use in the industry, profession, or art in which such person is regularly engaged."

2. Notwithstanding the provisions of Section 1 of this Order, the Secretary of the Treasury is authorized to issue licenses permitting, until January 1, 1963, the holding and disposition or importation of gold coins having a recognized special value to collectors of rare and unusual coin situated outside of the United States which were acquired by persons subject to the jurisdiction of the United States prior to the effective date of this amendment and are owned by such persons on such date.

This amendment shall become effective upon filing for publication with the Office of the Federal Register.

JOHN F. KENNEDY

THE WHITE HOUSE,
July 20, 1962.

[F.R. Doc. 62-7266; Filed, July 20, 1962; 1:32 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Commerce

Effective upon publication in the FEDERAL REGISTER, subparagraph (14) of paragraph (h) of § 6.112 is amended as set out below.

§ 6.112 **Department of Commerce.**

• • • • • •

(h) *Maritime Administration.* • • •

(14) U.S. Merchant Marine Academy, positions of: The Superintendent; the Executive Officer and Assistant Superintendent; Dean; Registrar and Educational Services Officer; Educational Specialist (Administration) (Assistant Dean); Alumni Records Officer and Placement Director; Librarian; and the Special Assistant to the Superintendent.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-7199; Filed, July 23, 1962; 8:49 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Defense

Effective upon publication in the FEDERAL REGISTER, subparagraph (33) of paragraph (a) of § 6.304 is amended and subparagraph (44) is added to paragraph (a) as set out below.

§ 6.304 **Department of Defense.**

(a) *Office of the Secretary.* • • •

(33) Director of Organizational and Management Planning, Immediate Office of the Secretary.

• • • • • •

(44) One Staff Assistant to the Director of Economic Utilization Policy, Office of the Assistant Secretary of Defense (Installations and Logistics).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-7200; Filed, July 23, 1962; 8:49 a.m.]

PART 34—APPOINTMENT, COMPENSATION, AND REMOVAL OF HEARING EXAMINERS

Utilization of Examiners of Other Agencies

Correction

In F.R. Doc. 62-6892, appearing at page 6693 of the issue for Saturday, July 14, 1962, the following changes are made in the text of § 34.13:

1. In the second line, the word "temporary" should read "temporarily";
2. In the fourth line, the word "temporarily" should read "temporary".

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 446—PEANUTS

Subpart—1962 Crop Peanut Price Support Program

Correction

In the correction appearing at page 6921 of the issue for Saturday, July 21, 1962, item 1 should have read:

(1) Section 446.1426(i) should read as follows:

(i) Any amount due CCC from the producer may be set off against any payment which would otherwise be due the producer under any agricultural program administered by the Secretary of Agriculture or any other payments which are due or may become due the producer from CCC or any other agency of the United States.

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 30, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.330 (Lemon Regulation 30, 27 F.R. 6705) are hereby amended to read as follows:

(ii) District 2: 395,250 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 19, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-7196; Filed, July 23, 1962; 8:45 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 45]

PART 1045—MILK IN NORTHEASTERN WISCONSIN MARKETING AREA

Order Amending Order

Correction

In F.R. Doc. 62-7118, appearing at page 6867 of the issue for Friday, July 20, 1962, the reference in the last sentence of § 1045.0(b)(2) should read "sec. 4(c)" instead of "sec. 4(e)."

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Federal National Mortgage Association

Part 1, Chapter I, Title 12, of the Code of Federal Regulations of the United

States of America is hereby amended by adding new § 1.14 as follows:

§ 1.14 **Federal National Mortgage Association.**

(a) *Request.* The Comptroller of the Currency has been requested to rule whether FNMA Short-Term Discount Notes are eligible for investment by national banks without limit.

(b) *Opinion.* In August of 1960 this office ruled that the FNMA Short-Term Discount Notes did not constitute investment securities within the meaning of paragraph Seventh of R.S. 5136 (12 U.S.C. 24). This determination was based in part on the lack of a secondary market for these notes. Because of this lack, it was our belief that these obligations could not qualify as investment securities. At that time the sale of these notes had been proceeding for only four months. Our conclusion, therefore, was reached without benefit of knowing what the market reaction to these notes would be, and was aimed at protecting national banks against an investment which might prove unliquid. Experience under the program, however, indicates that there is, in fact, a ready market for the sale and resale of these notes. In addition, they compare favorably with the general obligations of municipalities, which may be purchased without limit.

(c) *Ruling.* We conclude that the subject notes are eligible for investment by national banks without limit.

Dated: July 18, 1962.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 62-7206; Filed, July 23, 1962; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1285; Amdt. 465]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing 707 and 720 Aircraft

Pursuant to the authority delegated to me by the Administrator (25F.R. 6489), an airworthiness directive was adopted on July 6, 1962, and made effective immediately because of the safety emergency involved as to all known United States operators of Boeing 707 and 720 Series aircraft. The directive requires deactivating all electrical razor outlets to eliminate arcing and subsequent fire hazard.

Since it was found that immediate corrective action was required in the interest of safety, notice and public procedure thereon were impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Boeing 707 and 720 Series aircraft by individual telegrams dated July 6, 1962. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507), to make it effective as to all persons:

BOEING. Applies to all Model 707 and 720 Series aircraft.

Compliance required within the next ten hours' time in service unless already accomplished.

To eliminate arcing and subsequent fire hazard resulting from presence of moisture and lint accumulation between the electrical razor outlet terminals, deactivate all electrical razor outlets by pulling all applicable AC and DC circuit breakers. Secure circuit breakers in open position. Outlets may be reactivated upon accomplishment of Boeing Service Bulletin No. 1736 or an FAA approved equivalent.

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated July 6, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 18, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-7174; Filed, July 23, 1962; 8:45 a.m.]

[Reg. Docket No. 1103; Amdt. 59]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

VHF Radio Communications Transmitting and Receiving Equipment (For Air Carrier Aircraft)—TSO–C37b and TSO–C38b

Proposed revisions to § 514.62 establishing minimum performance standards for VHF radio communications transmitting equipment operating within the radio-frequency range of 118–136 megacycles, and § 514.63 VHF radio communications receiving equipment operating within the radio-frequency range of 118–136 megacycles, for use on civil aircraft of the United States engaged in air carrier operations, were published in 27 F.R. 2479, and circulated as regulations of the Administrator Draft Release No. 62–10 dated March 8, 1962.

Interested persons have been afforded an opportunity to participate in the making of the amendments. Comments received endorsed the standards proposed except for some changes recommended by one of the equipment manufacturers. These changes have been considered and the following were not adopted for the reasons given. The addition of vibration categories G, H, and I contained in RTCA Paper 120–61/DO–108 are those which the military proposed for use in their aircraft. Since these categories reflect military aircraft vibration requirements, there is no need to include them in the TSO. The explosion test category marking is included in the marking requirements of both TSO–C37b and C38b. Accordingly, it is not considered essential to include it as a special category as the equipment will be marked to indicate whether or not it has passed the explosion test requirement which is considered sufficient. Identification on the nameplate to indicate the vibration category of the equipment when mounted on isolation type mounts and/or when mounted on rigid mounts is unnecessary. Normally, the manufacturer will qualify his equipment under one or the other of these conditions but not both. Also, it is desirable to keep the number of categories required on the nameplate to a minimum.

The FAA concurs with the manufacturer's proposal that the wording of paragraph (a)(2)(ii)(*d*) in § 514.62 and § 514.63 be changed insofar as the title of the test specified therein is concerned. However, the FAA does not concur with the manufacturer's proposal to limit the optional categories to category A, since the original wording (Categories A or B) is necessary to cope with the different environmental conditions likely to be encountered in aircraft in which their equipment may be used. In line with the comments received a minor revision has been made to paragraphs (a)(2)(ii) in both sections for the purpose of clarification and the provisions of paragraphs (b)(2) in both sections has been changed to make it clear that identification is required as to the environmental categories over which the equipment component is designed to operate. The FAA concurs with the recommendation that § 514.62 require that the equipment be marked to indicate distance range over which it is intended to operate and therefore, a new paragraph (b)(3) has been added to that section. Additional new subparagraphs have been added under paragraph (b) of both technical standard orders to provide a means for marking equipment substantiated under two categories as suggested by the comments.

These amendments will become effective after July 1, 1962, therefore, the provisions in subparagraphs (1) and (2) of paragraph (c) as proposed and the provisions of paragraphs (d) and (e) as proposed have been deleted since such provisions are contained in the new Subpart A of Part 514 which becomes effective on that date. Since these changes impose no additional burden on any person, further notice and public procedure thereon are unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), Part 514 of the regulations of the Administrator (14 CFR Part 514) is hereby amended as follows:

Sections 514.62 and 514.63 are revised as follows:

§ 514.62 **VHF radio communications transmitting equipment operating within the radio-frequency range of 118–136 megacycles—TSO–C37b.**

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne VHF radio communications transmitting equipment operating within the radio-frequency range of 118–136 megacycles which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne VHF radio communications transmitting equipment manufactured for use on air carrier aircraft on or after the effective date of this section shall meet the standards as set forth in Radio Technical Commission for Aeronautics Papers 134–61/DO–110[1] dated July 13, 1961, and 120–61/DO–108[1] dated July 13, 1961, with the exceptions to these standards listed in subparagraph (2) of this paragraph.

(2) *Exceptions.* (i) Only VHF transmitters which are designed for selection of frequency channels on discrete frequencies spaced 50 kc. apart or closer are eligible under this section.

(ii) Radio Technical Commission for Aeronautics Paper 120–61/DO–108 outlines various test procedures which define the environmental extremes over which the equipment shall be designed to operate. Some test procedures have categories established and some do not. Where categories are established, only equipment which qualifies under the following categories, as specified in RTCA Paper 120–61/DO–108, is eligible under this section:

(*a*) Temperature-Altitude Test—Categories A, B, C, or D;

(*b*) Humidity Test—Categories A or B;

(*c*) Vibration Test—Categories A, B, C, D, E, or F;

(*d*) Audio-Frequency Magnetic Field Susceptibility Test—Categories A or B;

(*e*) Radio-Frequency Susceptibility Test—Category A; and

(*f*) Emission of Spurious Radio-Frequency Energy Test—Category A.

(b) *Marking.* (1) In addition to the markings specified in § 514.3 the equipment shall be marked to indicate the environmental extremes over which it has been designed to operate. There are seven environmental test procedures outlined in RTCA Paper 120–61/DO–108 which have categories established. These shall be identified on the nameplate by the words "environmental categories" or, as abbreviated, "Env. Cat." followed by seven letters which identify the categories designated in RTCA Paper 120–61/DO–108. Reading from left to right, the category designations shall appear on the nameplate in the following order, so that they may be readily identified:

(i) Temperature-Altitude Test Category;

(ii) Humidity Test Category;

(iii) Vibration Test Category;

(iv) Audio-Frequency Magnetic Field Susceptibility Test Category;

(v) Radio-Frequency Susceptibility Test Category;

(vi) Emission of Spurious Radio-Frequency Energy Test Category; and

(vii) Explosion Test.

Equipment which meets the explosion test requirement shall be identified by the letter "E". Equipment which does not meet the explosion test requirements shall be identified by the letter "X".

(2) Each major component of equipment (antenna, power supply, etc.) shall be identified with at least the manufacturer's name, TSO number, and the environmental categories over which the equipment component is designed to operate.

(3) The equipment shall be marked to indicate the distance range over which it is designed to operate. Three classes of equipment have been established in RTCA Paper 134–61/DO–110 based upon maximum radio line-of-sight distances as follows:

Class I: 200 nautical miles—Not less than 16 watts output.

Class II: 100 nautical miles—Not less than 4 watts output.

Class III: 50 nautical miles—Not less than 1 watt output.

NOTE: A typical nameplate identification would be as follows: Env. Cat. DABAAAX Class I.

(4) In some cases such as under the Temperature-Altitude Test Category, a manufacturer may wish to substantiate his equipment under two categories. In this case, the nameplate shall be marked with both categories in the space designated for that category by placing one letter above the other in the following manner: Env. Cat. $\frac{A}{D}$ABAAAX Class I.

(c) *Data requirements.* Six copies each of the following, except where noted, shall be furnished to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located:

(1) Manufacturer's operating instructions and equipment limitations.

(2) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(3) One copy of the manufacturer's test report.

Effective date: October 22, 1962.

§ 514.63 **VHF radio communications receiving equipment operating within the radio-frequency range of 118–136 megacycles—TSO–C38b.**

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for VHF radio communications receiving equipment operating within the radio-frequency range of 118–136 megacycles which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne VHF radio comunications receiving equipment manufactured for use on air carrier aircraft on or after the effective date of this section shall meet the standards as set forth in Radio Technical Commission for Aeronautics Papers 130–61/DO–108[2] dated July 13, 1961, and 120–61/DO–108[2] dated July 13, 1961, with the exceptions to these standards listed in subparagraph (2) of this paragraph.

(2) *Exceptions.* (i) Radio Technical Commission for Aeronautics Paper 130–61/DO–109, Paragraph 2.8, Selectivity, outlines selectivity requirements for receivers designed for selection of frequency channels in discrete increments of 50 kc. or 100 kc. Only VHF receivers which are designed for selection of frequency channels on discrete frequencies spaced 50 kc. apart or closer are eligible under this section.

(ii) Radio Technical Commission for Aeronautics Paper 120–61/DO–108 outlines various test procedures which define the environmental extremes over which the equipment shall be designed to operate. Some test procedures have categories established and some do not. Where categories are established, only equipment which qualifies under the following categories, as specified in RTCA Paper 120–61/DO–108, is eligible under this order:

(*a*) Temperature-Altitude Test—Categories A, B, C, or D;

(*b*) Humidity Test—Categories A or B;

(*c*) Vibration Test—Categories A, B, C, D, E, or F;

(*d*) Audio-Frequency Magnetic Field Susceptibility Test—Categories A or B;

(*e*) Radio-Frequency Susceptibility Test—Category A;

(*f*) Emission of Spurious Radio-Frequency Energy Test—Category A.

(b) *Marking.* (1) In addition to the markings specified in § 514.3, the equipment shall be marked to indicate the environmental extremes over which it has been designed to operate. There are seven environmental test procedures outlined in RTCA Paper 120–61/DO–108 which have categories established. These shall be identified on the nameplate by the words "environmental categories" or, as abbreviated, "Env. Cat." followed by seven letters which identify the categories designated in RTCA Paper 120–61/DO–108. Reading from left to right the category designations shall appear on the nameplate in the following order, so that they may be readily identified:

(i) Temperature-Altitude Test Category;

(ii) Humidity Test Category;

(iii) Vibration Test Category;

(iv) Audio-Frequency Magnetic Field Susceptibility Test Category;

(v) Radio-Frequency Susceptibility Test Category;

(vi) Emission of Spurious Radio-Frequency Energy Test Category, and

(vii) Explosion Test.

Equipment which meets the explosion test requirement shall be identified by the letter "E". Equipment which does

[1] Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T–5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 134–61/DO–110, 40 cents per copy; Paper 120–61/DO–108, 75 cents per copy.

[2] Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T–5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 130–61/DO–109, 45 cents per copy; Paper 120–61/DO–108, 75 cents per copy.

not meet the explosion test requirement shall be identified by the letter "X".

(2) Each major component of equipment (antenna, power supply, etc.) shall be identified with at least the manufacturer's name, TSO number, and the environmental categories over which the equipment component is designed to operate.

NOTE: A typical nameplate identification would be as follows: Env. Cat. DABAAAX.

(3) In some cases such as under the Temperature-Altitude Test Category, a manufacturer may wish to substantiate his equipment under two categories. In this case, the nameplate shall be marked with both categories in the space designated for that category by placing one letter above the other in the following manner: Env. Cat. $\frac{A}{D}$ABAAAX.

(c) *Data requirements.* Six copies each of the following, except where noted, shall be furnished to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located:

(1) Manufacturer's operating instructions and equipment limitations.

(2) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(3) One copy of the manufacturer's test report.

Effective date: October 22, 1962.

(Secs. 313(a), 601, 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on July 18, 1962.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 62-7176; Filed, July 23, 1962; 8:46 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-WA-24]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Federal Airway and Associated Control Areas; Designation of Jet Route and Associated Jet Advisory Area

On May 2, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 4201) stating that the Federal Aviation Agency proposed to designate the United States portion of a north alternate to VOR Federal airway No. 300 from St. Johns, Quebec, Canada, to Millinocket, Maine. It was also proposed to designate the United States portion of Jet Route No. 560 and associated radar jet advisory area from Plattsburgh, N.Y., to Sherbrooke, Quebec, Canada.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the Notice, the following actions are taken:

1. In the text of § 600.6300 (14 CFR 600.6300) "From the Sherbrooke, Quebec, VOR via the Millinocket, Maine, VOR;" is deleted and "From the Sherbrooke, Quebec, VOR via the Millinocket, Maine, VOR, including a N alternate from the St. Johns, Quebec, VOR to the Millinocket VOR via the INT of the St. Johns VOR 071° and the Millinocket VOR 279° radials;" is substituted therefor.

2. In § 602.100 (14 CFR 602.100) the following is added:

Jet Route No. 560 (Plattsburgh, N.Y., to the United States/Canadian Border joins Canadian high level airway No. 560) From Plattsburgh, N.Y., to the United States/Canadian Border via the Plattsburgh to Sherbrooke, Quebec, Canada, direct radial.

3. In § 602.200 (14 CFR 602.200) the following is added:

Jet Route No. 560 jet advisory area. Radar-Plattsburgh, N.Y., to the United States/Canadian Border.

These amendments shall become effective 0001 e.s.t., September 20, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 17, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-7177; Filed, July 23, 1962; 8:46 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6604]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Deduction for Medical, Dental, etc., Expenses

On November 4, 1961, notice of proposed rule making regarding amendment of the Income Tax Regulations under section 213 of the Internal Revenue Code of 1954, relating to the deduction for medical, dental, etc., expenses, to conform to section 3 of the Act of May 14, 1960 (Public Law 86-470, 74 Stat. 133), and to clarify the tax treatment under section 213 of certain capital expenditures, was published in the FEDERAL REGISTER (26 F.R. 10449). After consideration of all such relevant matter as was presented by interested persons, the amendment of the regulations as proposed is hereby adopted, subject to a change in paragraph (e)(1)(iii) of § 1.213-1, as set forth in the notice of proposed rule making. In addition, paragraph (a)(3)(i) of § 1.213-1 is amended to clarify the deductibility of expenses paid for the medical care of a dependent.

(Sec. 7805, Internal Revenue Code, 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: July 17, 1962.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 213 of the Internal Revenue Code of 1954, relating to deductions for medical, dental, etc. expenses, to section 3 of the Act of May 14, 1960 (Public Law 86-470, 74 Stat. 133), and in order to clarify the tax treatment under section 213 of certain capital expenditures which are related to medical care and the deductibility of expenses paid for the medical care of a dependent, such regulations are amended as follows:

PARAGRAPH 1. Section 1.213 is amended by revising subsection (a) of section 213 and by revising the historical note at the end thereof. These revised provisions read as follows:

§ 1.213 Statutory provisions; medical, dental, etc., expenses.

SEC. 213. *Medical, dental, etc., expenses*—(a) *Allowance of deduction.* There shall be allowed as a deduction the following amounts of the expenses paid during the taxable year, not compensated for by insurance or otherwise, for medical care of the taxpayer, his spouse, or a dependent (as defined in section 152):

(1) If neither the taxpayer nor his spouse has attained the age of 65 before the close of the taxable year—

(A) The amount of such expenses for the care of any dependent who—

(i) Is the mother or father of the taxpayer or of his spouse, and

(ii) Has attained the age of 65 before the close of the taxable year, and

(B) The amount by which such expenses for the care of the taxpayer, his spouse, and such dependents (other than any dependent described in subparagraph (A)) exceed 3 percent of the adjusted gross income.

(2) If either the taxpayer or his spouse has attained the age of 65 before the close of the taxable year—

(A) The amount of such expenses for the care of the taxpayer and his spouse,

(B) The amount of such expenses for the care of any dependent described in paragraph (1)(A), and

(C) The amount by which such expenses for the care of such dependents (other than any dependent described in paragraph (1)(A)) exceed 3 percent of the adjusted gross income.

* * * * * *

[Sec. 213 as amended by secs. 16 and 17, Technical Amendments Act 1958 (72 Stat. 1613); sec. 3, Act of May 14, 1960 (Public Law 86-470, 74 Stat. 133)]

PAR. 2. Section 1.213-1 is amended by revising subdivision (i) of subparagraph (3) and subparagraph (4) of paragraph (a), revising subparagraph (2) of paragraph (b), and revising subdivision (iii) of subparagraph (1) of paragraph (e). As amended, these provisions read as follows:

§ 1.213-1 Medical, dental, etc., expenses.

(a) *Allowance of deduction.* * * *

(3)(i) For medical expenses paid (including expenses paid for medicine and drugs) to be deductible, they must be for medical care of the taxpayer, his spouse, or a dependent of the taxpayer and not be compensated for by insurance or otherwise. Expenses paid for the medical care of a dependent, as defined in section 152 and the regulations thereunder, are deductible under this section even though the dependent has gross income of $600 or more for the taxable year. Where such expenses are paid by two or more persons and the conditions of section 152(c) and the regulations thereunder are met, the medical expenses are deductible only by the person designated in the multiple support agreement filed by such persons and such deduction is limited to the amount of medical expenses paid by such person.

* * * * *

(4)(i) Where either the taxpayer or his spouse has attained the age of 65 before the close of the taxable year, the 3-percent limitation on the deduction for medical expenses does not apply with respect to expenses for medical care of the taxpayer or his spouse. Moreover, for taxable years beginning after December 31, 1959, the 3-percent limitation on the deduction for medical expenses does not apply to amounts paid for the medical care of a dependent (as defined in section 152) who is the mother or father of the taxpayer or of his spouse and who has attained the age of 65 before the close of the taxpayer's taxable year. Whether or not the 3-percent limitation applies, all amounts paid by the taxpayer for medicine and drugs are subject to the 1-percent limitation provided by section 213(b) and paragraph (b) of this section, and the total medical expenses deductible under section 213 are subject to the limitations described in section 213(c) and paragraph (c) of this section and, where applicable, to the limitations described in section 213(g) and § 1.213-2.

(ii) The age of a taxpayer shall be determined as of the last day of his taxable year. In the event of the taxpayer's death, his taxable year shall end as of the date of his death. The age of a taxpayer's spouse shall be determined as of the last day of the taxpayer's taxable year, except that, if the spouse dies within such taxable year, her age shall be determined as of the date of her death. Likewise, the age of the taxpayer's dependent who is the mother or father of the taxpayer or of his spouse shall be determined as of the last day of the taxpayer's taxable year but not later than the date of death of such dependent.

(iii) The application of subdivision (i) of this subparagraph may be illustrated by the following examples:

* * * * *

Example (3). D and his wife, E, made a joint income tax return for the calendar year 1960, and reported adjusted gross income of $30,000. On December 13, 1960, D attained the age of 65. During the year 1960, D's father, F, who was 87 years of age, received over half of his support from, and was a dependent (as defined in section 152) of, D. However, D could not claim an exemption under section 151 for F because F had gross income from rents in 1960 of $800. D paid the following medical expenses in 1960, none of which were compensated for by insurance or otherwise: Hospital and doctor bills for D and E, $3,500; hospital and doctor bills for F, $2,850; medicine and drugs for D and E, $225, and for F, $225. Since none of the medical expenses are subject to the 3-percent limitation, the amount of medical expenses to be taken into account (before computing the maximum deduction) is $6,500, computed as follows:

Hospital and doctor bills—for D and E		$3,500
Hospital and doctor bills—for F		2,850
Medicine and drugs—for D and E	$225	
Medicine and drugs—for F	225	
Total medicine and drugs	450	
Less: 1 percent of adjusted gross income ($30,000)	300	
Allowable expenses for medicine and drugs		150
Total medical expenses taken into account		$6,500

Since an exemption cannot be claimed for F on the 1960 return of D and E, their deduction for medical expenses (assuming that section 213(g) does not apply) is limited to $5,000 for that year ($2,500 multiplied by the two exemptions allowed for D and E under section 151(b)). See paragraph (c) of this section.

Example (4). Assume the same facts in Example (3), except that D furnished the entire support of his father's twin sister, G, who had no gross income during 1960 and for whom D was entitled to a dependency exemption. In addition, D paid $2,200 to doctors and hospitals during 1960 for the medical care of G. No part of the $2,200 was for medicine and drugs, and no amount was compensated for by insurance or otherwise. For purposes of the maximum limitation under section 213(c), the maximum deduction for medical expenses on the 1960 return of D and E is limited to $7,500 ($2,500 multiplied by 3, the number of exemptions allowed under section 151, exclusive of the exemptions for old age or blindness). The medical expenses to be taken into account by D and E for 1960 and the maximum deductions allowable for such expenses are $7,800 and $7,500, respectively, computed as follows:

Medical expenses per example (3)		$6,500
Add: Expenses paid for G	$2,200	
Less: 3 percent of adjusted gross income ($30,000)	900	
		1,300
Total medical expenses taken into account		7,800
Maximum deduction for 1960 ($2,500 multiplied by 3 exemptions)		7,500
Medical expenses not deductible		300

(b) *Limitation with respect to medicine and drugs.* * * *

(2) The 1-percent limitation is applicable to all amounts paid by a taxpayer during the taxable year for medicine and drugs. Moreover, this limitation applies regardless of the fact that the amounts paid are for medicine and drugs for the taxpayer, his spouse, or dependent parent (the mother or father of the taxpayer or of his spouse) who has attained the age of 65 before the close of the taxable year. In a case where either a taxpayer or his spouse has attained the age of 65 and the taxpayer pays an amount in excess of 1 percent of adjusted gross income for medicine and drugs for himself, his spouse, and his dependents, it is necessary to apportion the 1 percent of adjusted gross income (the portion which is not taken into account as expenses paid for medical care) between the taxpayer and his spouse on the one hand and his dependents on the other. The part of the 1 percent allocable to the taxpayer and his spouse is an amount which bears the same ratio to 1 percent of his adjusted gross income which the amount paid for medicine and drugs for the taxpayer and his spouse bears to the total amount paid for medicine and drugs for the taxpayer, his spouse, and his dependents. The balance of the 1 percent shall be allocated to his dependents. The amount paid for medicine and drugs in excess of the allocated part of the 1 percent shall be taken into account as payments for medical care for the taxpayer and his spouse on the one hand and his dependents on the other, respectively. A similar apportionment must be made in the case of a dependent parent (65 years of age or over) of the taxpayer or his spouse. The application of this subparagraph may be illustrated by the following example:

* * * * * *

(e) *Definitions*—(1) *General.* * * *

(iii) Capital expenditures are generally not deductible for Federal income tax purposes. See section 263 and the regulations thereunder. However, an expenditure which otherwise qualifies as a medical expense under section 213 shall not be disqualified merely because it is a capital expenditure. For purposes of section 213 and this paragraph, a capital expenditure made by the taxpayer may qualify as a medical expense, if it has as its primary purpose the medical care (as defined in subdivisions (i) and (ii) of this subparagraph) of the taxpayer, his spouse, or his dependent. Thus, a capital expenditure which is related only to the sick person and is not related to permanent improvement or betterment of property, if it otherwise qualifies as an expenditure for medical care, shall be deductible; for example, an expenditure for eye glasses, a seeing eye dog, artificial teeth and limbs, a wheel chair, crutches, an inclinator or an air conditioner which is detachable from the property and purchased only for the use of a sick person, etc. Moreover, a capital expenditure for permanent improvement or betterment of property which would not ordinarily be for the purpose of medical care (within the meaning of this paragraph) may, nevertheless, qualify as a medical expense to the extent that the expenditure exceeds the increase in the value of the related property, if the particular expenditure is related directly to medical care. Such a situation could arise, for example, where a taxpayer is advised by a physician to install an elevator in his residence so that the taxpayer's wife who is afflicted with heart disease will not be required to climb stairs. If the cost of installing the ele-

vator is $1,000 and the increase in the value of the residence is determined to be only $700, the difference of $300, which is the amount in excess of the value enhancement, is deductible as a medical expense. If, however, by reason of this expenditure, it is determined that the value of the residence has not been increased, the entire cost of installing the elevator would qualify as a medical expense.

[F.R. Doc. 62-7184; Filed, July 23, 1962; 8:47 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 54—GOLD REGULATIONS

Prohibition on Holding Rare Gold Coins Abroad by U.S. Nationals and the Importation of Such Coins

The texts of §§ 54.14 and 54.20, as amended, and § 54.82 as added, are set forth below. These amendments prohibit the acquisition and possession by persons subject to the jurisdiction of the United States of any rare gold coins situated outside the United States, abrogating an exemption for such rare gold coins which has heretofore existed with respect to general prohibitions on the holding of gold and gold coins abroad by United States nationals. The amendments also prohibit the importation of any rare gold coins except pursuant to Treasury license, or for sale to the mints subject to the applicable Regulations governing purchases of gold by the mints.

Persons who acquired rare gold coins prior to the effective date of these amendments and who own them on such date are afforded until January 1, 1963, either to dispose of them by sale to any person who is not prohibited by the Regulations from acquiring them or to import them for holding in the United States as authorized by § 54.20 of the regulations.

The issuance of these amendments without notice, public procedure, or postponement of the effective date is deemed necessary in order to carry out the requirements and purposes of Executive Order 11037 of July 20, 1962. Accordingly, these amendments are made without notice or public procedure thereon because such procedures are deemed to be impracticable and contrary to the public interest. They are effective upon filing with the Office of the Federal Register.

(Sec. 54.1 to sec. 54.82 issued under sec. 5(b), 40 Stat. 415, as amended, secs. 3, 8, 9, 11, 48 Stat. 340, 341, 342; 12 U.S.C. 95a, 31 U.S.C. 442, 733, 734, 822b, E.O. 6260, August 28, 1933, as amended by E.O. 10898, November 29, 1960, E.O. 10905, January 14, 1961, and E.O. 11037, July 20, 1962; E.O. 6359, October 25, 1933; E.O. 9193, as amended, 7 F.R. 5205; 3 CFR 1943 Cum. Supp.; E.O. 10289, 16 F.R. 9499, 3 CFR 1951 Supp.)

Section 54.14 is amended to read:

§ 54.14 Gold situated outside of the United States.

(a) Gold in any form situated outside of the United States may be acquired, held, transported, melted or treated, or earmarked by or on behalf of persons subject to the jurisdiction of the United States only to the extent permitted by licenses relating to the legitimate and customary use of gold in industry, profession, or art issued under § 54.25: *Provided, however,* The provisions of §§ 54.16, 54.17, and 54.19, relating to fabricated gold, metals containing gold and gold in its natural state, respectively, shall be applicable to the acquisition, holding and transportation of gold in such forms outside of the United States by or on behalf of persons subject to the jurisdiction of the United States.

(b) The acquisition, holding, transportation, importing and exporting, by persons subject to the jurisdiction of the United States, of securities issued by any person holding, as a substantial part of his assets, gold as a store of value or as, or in lieu of, money and not for a specific and customary industrial, professional or artistic use, is prohibited.

Section 54.20 is amended to read:

§ 54.20 Rare coin.

(a) Gold coin of recognized special value to collectors of rare and unusual coin may be acquired, held, and transported within the United States without the necessity of holding a license therefor. Such coin may be imported, however, only as authorized by this section or §§ 54.28 to 54.30, 54.34, 54.40, or licenses issued thereunder, and exported only in accordance with the provisions of § 54.25.

(b) Gold coin made prior to April 5, 1933, is considered to be of recognized special value to collectors of rare and unusual coin.

(c) Gold coin made subsequent to April 5, 1933, is presumed not to be of recognized special value to collectors of rare and unusual coin.

(d) The Director, Office of Domestic Gold and Silver Operations, may in exceptional cases issue or cause to be issued licenses or other authorizations permitting the importing of gold coin of recognized special value to collectors of rare and unusual coin.

Section 54.82 is added.

§ 54.82 Temporary authorization applicable to rare gold coin situated outside of the United States.

Notwithstanding the provisions of §§ 54.14, 54.20 or of any other section of the regulations in this part, commencing with the filing of this section with the Office of the Federal Register and until January 1, 1963, rare gold coins as defined in § 54.20 situated outside of the United States which were acquired by any person subject to the jurisdiction of the United States prior to the filing of this section with the Office of the Federal Register and are owned by such person on that date may be held, transported, earmarked, and disposed of to persons not prohibited from acquiring such gold coins under the regulations in this part or imported by or on behalf of such owner without the necessity of obtaining a Treasury Department gold license: *Provided,* That, except as permitted by § 54.40, no gold coins imported into the United States shall be permitted to enter pursuant to the authorization contained in this section until the person importing such coins shall have satisfied the collector of customs at the port of entry that such coins are of recognized special value to collectors of rare and unusual coin and that they were acquired by such person prior to the filing of this section with the Office of the Federal Register and owned by him on such date.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 62-7312; Filed, July 23, 1962; 10:49 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

APPORTIONMENTS

1. In § 3.450(a)(1), subdivision (i) is amended to read as follows:

§ 3.450 General.

(a)(1) • • •

(i) On behalf of his wife, children, or dependent parents if the veteran is incompetent and is being furnished hospital treatment, institutional, or domiciliary care by the United States, or any political subdivision thereof.

2. In § 3.452, paragraphs (c) and (d) are amended to read as follows:

§ 3.452 Veterans benefits apportionable.

• • • • •

(c)(1) Where an incompetent veteran without a fiduciary is receiving institutional care by the United States or a political subdivision, his benefit may be apportioned for a wife or child, or, except as provided in subparagraph (3) of this paragraph, for a dependent parent, unless such benefit is paid to his wife ("as wife") for the use of the veteran and his dependents.

(2) Where benefits for an incompetent veteran are discontinued under the provisions of § 3.557(b), because of hospitalization by the United States Government or any political subdivision, there may be paid to his dependent parent or parents on the basis of need as determined by the Chief Attorney all or any part of the benefit which would otherwise be payable. (38 U.S.C. 3203(b)(2).)

(3) Where pension for any veteran is reduced under the provisions of § 3.551(c), because of hospitalization by the Veterans Administration, the amount payable to or for the veteran may be apportioned for his wife and children. (38 U.S.C. 3203(d).)

(d) Where additional compensation is payable on behalf of a parent and the veteran or his guardian neglects or refuses to contribute such an amount to the support of the parent the additional compensation will be paid to the parent upon receipt of a claim.

3. The following cross reference is added to the cross references following § 3.452: "Incompetents; estate over $1,500 and hospitalized. See § 3.557."

4. In § 3.454, paragraphs (a) and (b) are amended and paragraph (c) is added so that § 3.454 reads as follows:

§ 3.454 Veterans disability pension.

Apportionment of pension for a veteran based on service in World War I or later war period will be as follows:

(a) Where a veteran with wife or child is incompetent and without legal fiduciary and is maintained in an institution by the United States or any political subdivision thereof, $10 monthly will be paid as an institutional award to the Director of a Veterans Administration hospital or chief officer of a non-Veterans Administration institution for the use of the veteran, and the balance will be paid to the dependent or dependents. If he has no wife or child but has a dependent parent, apportionment will be in accordance with § 3.451.

(b) Where the pension of any veteran is reduced to $30 under the provisions of § 3.551(c) an apportionment may be made to his wife and/or children. The amount of the apportionment generally will be the difference between $30 and the rate payable during the first 2 months of treatment or care. In the exceptional case where claims folder evidence clearly establishes materially reduced need on the part of wife or children (example—veteran is already contributing a reasonable amount for an estranged wife) no apportionment or apportionment in a reduced amount will be made in accordance with the facts found. (38 U.S.C. 3203(d).)

(c) Where pension for an incompetent veteran is subject both to reduction under § 3.551(c), and to discontinuance under § 3.557(b) because of hospitalization by the United States Government or any political subdivision, the rate authorized for a parent or parents will not exceed $30 monthly. (38 U.S.C. 3203(b)(d).)

5. In § 3.458, paragraph (f) is amended to read as follows:

§ 3.458 Veterans benefits not apportionable.

• • • • •

(f)(1) For the wife, child, father or mother of a disabled veteran, where forfeiture was declared prior to September 2, 1959, if the dependent is determined by the Veterans Administration to have been guilty of mutiny, treason, sabotage, or rendering assistance to any enemy of the United States or its allies.

(2) For any dependent of a disabled veteran or widow, where forfeiture of benefits by a person primarily entitled was declared after September 1, 1959, by reason of fraud, treasonable acts, or subversive activities. (38 U.S.C. 3503(e); 3504(c); 3505(a).)

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective July 24, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62-7203; Filed, July 23, 1962; 8:49 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS TO CHAPTER

The regulations of the Post Office Department are amended as follows:

PART 4—INFORMATION ON POSTAL MATTERS

I. In Part 4—Information on Postal Matters, make the following changes:

§ 4.2 [Amendment]

A. In § 4.2 *General postal publications,* as amended by 27 F.R. 1010, make the following changes:

1. Delete the following publications and their accompanying data:

Domestic Postage Rates and Fees.
First Class Post Offices With Named Stations.
Combination Mailings.
How to Prepare Second and Third Class Mailings.
The Post Office as a Public Service.

2. Amend the publication entitled "Cost Ascertainment Report 1960" to read as follows:

Cost Ascertainment Report 1961------ $0.75

A report of the revenues derived from and the costs of each of the several classes of mail and special services, with the physical volumes of each class and service for the fiscal year 1961.

3. Amend the publications entitled "Postage Stamps of the United States 1847–1961 to read as follows:

Postage Stamps of the United States 1847–1961---------- $1.25

Lists all issues of stamps from the first adhesive stamp, issued in 1847 through the Nursing Commemorative Stamp, issued December 28, 1961. Contains an illustration of each stamp and gives detailed information on each stamp and miscellaneous historical information on stamps.

NOTE: The corresponding Postal Manual Part is 114.

B. In § 4.3, paragraph (a) is amended to show that inspectors' reports on discrimination cases involving postal employees or those involving employees of postal contractors are available for inspection by complainants. As so amended, paragraph (a) reads as follows:

§ 4.3 Privileged matter.

• • • • •

(a) Reports of postal inspection, except in discrimination cases arising under Executive Order 10925.

NOTE: The corresponding Postal Manual section is 114.3.

PART 5—COMPLAINTS

II. Section 5.1 is amended for the purpose of clarification to read as follows:

§ 5.1 Postal service.

Complaints concerning postal service may be made to local postmasters, Regional Directors, or the Postmaster General, Washington 25, D.C. If the complaint concerns apparent mishandling of mail, the envelope or wrapper should be submitted.

NOTE: The corresponding Postal Manual section is 115.1.

PART 12—ENVELOPES

§ 12.4 [Amendment]

III. In § 12.4 *Window envelopes* redesignate paragraphs (e) and (f) as paragraph (f) and (e) respectively and amend new designated paragraph (f) to read as follows:

(f) When used for registered mail, they must conform with the conditions in § 51.7(d) of this chapter.

NOTE: The corresponding Postal Manual section is 122.4 e and f.

PART 15—MATTER MAILABLE UNDER SPECIAL RULES

§ 15.4 [Amendment]

IV. In § 15.4 *Plant quarantines* make the following changes in paragraph (e) *Terminal inspection for plants and plant products:*

A. Subparagraph (3) is amended by deleting the last sentence. As so amended, subparagraph (3) reads as follows:

(3) *Packages addressed in care of State plant inspector.* Packages may be addressed in care of a State plant inspector at a place other than where the addressee lives. The addressee must arrange for the inspector to pay postage to forward the package to the addressee after inspection.

B. In subparagraph (6)(iv) delete "Ager" from the alphabetical listing of terminal inspection places therein.

NOTE: The corresponding Postal Manual sections are 125.453 and 125.456d.

PART 16—SECOND CLASS BULK MAILINGS

V. In § 16.3 subparagraphs (1) and (3) of paragraph (f) are amended for the purpose of clarification to read as follows:

§ 16.3 Mailing.

• • • • •

(f) *Exceptional dispatch.* (1) *Applications.* Postmasters will approve or disapprove applications filed under § 22.3(c)(4) of this chapter for exceptional dispatch on the basis of whether such dispatch will improve service. They will notify other post offices concerned and the appropriate Regional Director of approved arrangements and include a list showing how the sacks or outside bun-

dles are to be labeled and the approximate number of copies.

• • • • • •

(3) *Delivery by baggageman.* Baggagemen when authorized by an appropriate Regional Director may receive packages of second class publications directly from publishers and news agents on trains to which no postal transportation clerk is assigned. The baggageman will deliver the packages of outside matter at the place shown on the address. When in his custody, the packages will be considered as mail.

NOTE: The corresponding Postal Manual sections are 126.361 and 126.363.

PART 17—CONDITIONS APPLICABLE TO PARCELS ADDRESSED TO CERTAIN MILITARY POST OFFICES OVERSEAS

§ 17.1 [Amendment]

VI. In § 17.1 *Conditions applicable to parcels addressed to certain military post offices overseas*, as amended by 27 F.R. 1417, make the following changes:

A. Amend the column headed "Custom declaration on Form 2966 or 2976–A required" to read "Custom declaration on Form 2966 or 2976 required."

B. Insert in proper numerical order the following military APO numbers with their accompanying data:

48				[1] X		
86				[1] X		
659		X		[1] X	[1] X	[1] X
665				[1] X		[1] X
684		X	X	[1] X		
685		X	X	[1] X		
694 [11]				[1] X		[1] X

NOTE: The corresponding Postal Manual part is 127.

PART 18—POSTAL DELIVERY ZONE SYSTEM

VII. Delete Part 18—Postal Delivery Zone System. Adequate public information on the use of the zone numbers is now provided in § 13.6 of Title 39, Code of Federal Regulations.

PART 21—FIRST CLASS

§ 21.2 [Amendment]

VIII. In § 21.2 *Classification* make the following changes in paragraph (a) for the purpose of clarification and to insert proper cross references therein:

A. In subparagraph (1), amend subdivision (iv) to read as follows:

(iv) All matter wholly or partly in writing, except authorized additions to second-, third-, and fourth-class mail. See subparagraph (8) of this paragraph.

B. Amend subparagraph (5) to read as follows:

(5) Drop letters are letters mailed for local delivery at post offices where city or village delivery by carrier is not established and that are not collected or delivered by rural or star route carriers.

C. In subparagraph (8) amend subdivisions (iii) and (viii) to read as follows:

(iii) Manuscript or typewritten copy. See § 25.2(a)(4)(vi) and § 25.2(a)(5)(i)(*f*) of this chapter for certain manuscripts.

• • • • • •

(viii) Bills or statements of account produced by any photographic or mechanical process, unless presented in a minimum quantity of 20 identical unsealed copies. See § 24.2(a)(2) of this chapter.

NOTE: The corresponding Postal Manual sections are 131.211d, 131.215, 131.218c, and 131.218h.

PART 22—SECOND CLASS

IX. In Part 22—Second Class, make the following changes:

A. In § 22.1 amend paragraphs (d) and (g) for the purpose of clarification to read as follows:

§ 22.1 Rates.

• • • • • •

(d) *Second class rates to other countries.* See § 112.4(a)(1)(iii) of this chapter.

• • • • • •

(g) *Minimum rate.* The minimum rate is computed on individually addressed copies or pieces. Bundles of unaddressed copies to which the minimum rate will not apply should be declared on separate Form 3542 "Statement showing number of copies of second class or controlled circulation publications mailed."

NOTE: The corresponding Postal Manual sections are 132.14 and 132.17.

§ 22.2 [Amendment]

B. In § 22.2 *Qualification for second class privileges* delete the "Note" immediately following paragraph (b)(7).

NOTE: The corresponding Postal Manual section is 132.227.

§ 22.4 [Amendment]

C. In § 22.4 *What may be mailed at the second class rate* make the following changes for the purpose of clarification.

1. In paragraph (g)(1) amend subdivision (iv) to read as follows:

(iv) Samples for delivery in the county of publication may not be accepted free of postage under the free-in-county mailing privilege. They are subject to the rates in § 22.1(a) of this chapter.

2. In paragraph (i)(2), amend subdivision (x) to read as follows:

(x) The words "Return Requested" when undeliverable copies are to be returned to the sender. See § 48.2(b)(4) of this chapter.

NOTE: The corresponding Postal Manual sections are 132.461d and 132.482j.

PART 23—CONTROLLED CIRCULATION PUBLICATIONS

X. Amend § 23.4 for the purpose of clarification to read as follows:

§ 23.4 Filing of marked copy.

A copy of each issue marked by the publisher to show nonadvertising to the extent of at least 25 percent of the total reading and advertising portions of the publication must be filed with the postmaster at the time of mailing. The percentage of nonadvertising must be written on the first page of the copy. Advertising includes paid advertising and the publisher's own advertising. The advertising may be in display, classified, or editorial style.

NOTE: The corresponding Postal Manual section is 133.4.

PART 24—THIRD CLASS

XI. In § 24.4, *Preparation—payment of postage*, amend paragraph (b)(7) for the purpose of clarification to read as follows:

(7) *Distribution points.* A list of the proper distribution points for papers, mixed circulars, and direct circulars from each postal region is prepared by the director, transportation division of the region. Mailers may obtain copies of this list and any special instructions relating to specific locations from their local postmaster.

NOTE: The corresponding Postal Manual section is 134.427.

PART 25—FOURTH CLASS

§ 25.2 [Amendment]

XII. In § 25.2 *Classification*, insert in proper alphabetical order the following major cities and their unit area in the mailing guide immediately following paragraph (b)(2)(vi):

Allentown, Pa	867
Binghampton, N.Y	914
Canton, Ohio	1467
Columbus, S.C	1480
Duluth, Minn	2555
Evanston, Ill	2114
Hanover, Pa	1019
Lynchburg, Va	1278
Santa Barbara, Calif	5330
White Plains, N.Y	716
Winston Salem, N.C	1376

NOTE: The corresponding Postal Manual section is 135.22f.

PART 27—OFFICIAL MAIL

XIII. Section 27.7 is amended to correct the listing of former Presidents and widows of former Presidents. As so amended, § 27.7 reads as follows:

§ 27.7 Former Presidents and widows of former Presidents.

All mail of former United States Presidents Herbert Hoover, Harry S. Truman, and Dwight D. Eisenhower; and all mail of Anna Eleanor Roosevelt, widow of former President Franklin Delano Roosevelt, shall be accepted without prepayment of postage if it bears the written signature of sender, or a facsimile signature, in the upper right corner of the address side.

NOTE: The corresponding Postal Manual section is 137.7.

PART 28—FOR THE BLIND

§ 28.3 [Amendment]

XIV. In § 28.3 *Classification* subdivision (iii) of paragraph (b)(2) is amended for the purpose of clarification to read as follows:

(iii) On the first page of a publication authorized to be accepted as free matter must be printed the following: name of publication; place where published; date of issue; frequency of issue; and the words "Accepted as free matter for the use of the blind at _____."

NOTE: The corresponding Postal Manual section is 138.322c.

PART 31—STAMPS, ENVELOPES, AND POSTAL CARDS

XV. In Part 31—Stamps, Envelopes, and Postal Cards, make the following changes:

§ 31.1 [Amendment]

A. In § 31.1 *Stamps (adhesive)* the table in paragraph (a) with respect to "Ordinary postage" is amended by revising the "Denomination and prices" opposite "Single or Sheet" to read as follows:

½, 1, 1¼,[1] 2, 2½,[1] 3, 4, 4½, 5 through 12 cents; 15, 20, 25, 30, 40, and 50 cents; $1 and $5.

NOTE: The corresponding Postal Manual section is 141.11.

§ 31.3 [Amendment]

B. In § 31.3 *Printed stamped envelopes (special request)*, amend subdivision (i) of paragraph (c)(2) for the purpose of clarification to read as follows:

(i) A request to return after a specified number of days (not less than 3 and not more than 30). If return request is included on envelopes for third class mail the words, "Return Requested", must be used. See § 48.2(d) of this chapter for return fee.

NOTE: The corresponding Postal Manual section is 141.332a.

PART 32—PRECANCELLED STAMPS

§ 32.4 [Amendment]

XVI. In § 32.4 *Precancel permits*, amend subparagraph (2) of paragraph (c) for the purpose of clarification to read as follows:

(2) The permit holder will be notified by the postmaster at the post office that issued the permit that it is to be canceled, with the reasons for cancellation. The permit holder will be allowed 10 days within which to file a written statement why the permit should not be revoked. When no answer is filed, the postmaster will cancel the permit. If an answer is filed, decision will be made by the Assistant Postmaster General, Bureau of Operations, whether the permit shall be continued in effect. Notice of decision will be given the permit holder through the postmaster.

NOTE: The corresponding Postal Manual section is 142.432.

PART 33—METERED STAMPS

XVII. In Part 33—Meter Stamps, make the following changes:

§ 33.1 [Amendment]

A. In 33.1 *Postage meters*, amend the list of manufacturers who are authorized to lease postage meters in paragraph (d) to read as follows:

(1) Commercial Controls Corps., Division of Friden, Inc., 31 Prince Street, Rochester 7, N.Y.

(2) International Postal Supply Co., Division of Friden, Inc., Lewistown, Pa.

(3) National Cash Register Co., Dayton 9, Ohio.

(4) Pitney-Bowes, Inc., Pacific and Walnut Streets, Stanford, Conn.

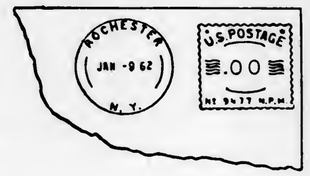
(5) Tele-Nom Corp., Postalia Division, 32-31 57th Street, Woodside, Flushing 77, N.Y.

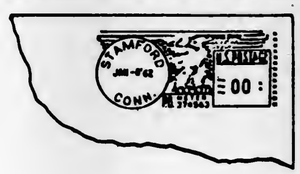
NOTE: The corresponding Postal Manual section is 143.14.

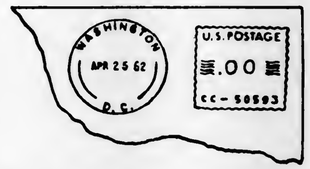
§ 33.4 [Amendment]

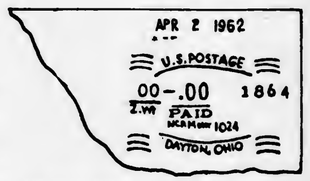
B. In § 33.4 *Meter stamps* make the following changes:

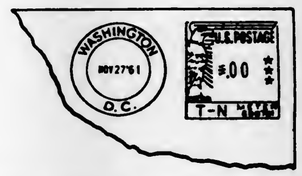
1. Strike out the illustrations in paragraph (a) and insert in lieu thereof the following:











2. Amend paragraph (f) for the purpose of clarification to read as follows:

(f) *Date of mailing.* Meter stamps must show the date of mailing (month, day, and year) on all first class mail, special delivery, special handling, or airmail; on all mail sent registered, insured, or COD, and when printed on separate tapes used on first class mail. The month and year must be shown on tapes used on second-, third-, and fourth-class mail, but the day may be omitted. When tapes are not used no date may be shown in meter stamps on second-, third-, or fourth-class mail.

NOTE: The corresponding Postal Manual sections are 143.41 and 143.46.

C. Section 33.7 is amended to provide that entries will be made in the Meter Record Book only on the days a meter is operated. As so amended, § 33.7 reads as follows:

§ 33.7 Meter Record Book.

Each day of operation of the meter, the licensee must enter in the Meter Record Book, Form 3602–A, the figures appearing in the ascending and descending registers. If at any time the sum of the two figures does not equal the total entered at the last setting, the meter should be taken promptly to the post office, station, or branch where it was set, for examination.

NOTE: The corresponding Postal Manual section is 143.7.

PART 34—PERMIT IMPRINTS

§ 34.1 [Amendment]

XVIII. In § 34.1 *Permit*, amend paragraph (b) for the purpose of clarification to read as follows:

(b) *Revocation.* The permit may be revoked if used in operating any unlawful scheme or enterprise, for nonuse during any consecutive 12 months, or for any noncompliance with the regulations governing use of permit imprints. The method of revoking permit is described in § 33.2(b) of this chapter.

NOTE: The corresponding Postal Manual section is 144.12.

PART 35—PHILATELY

XIX. Amend § 35.7 to read as follows:

§ 35.7 Stamp publication.

The Department issues a publication (POD–9 rev.) entitled "Postage Stamps of the United States" containing reproductions and information of interest to collectors on all U.S. stamps issued from 1847 through the Nursing Commemorative stamp, issued December 26, 1961.

NOTE: The corresponding Postal Manual section is 145.7.

PART 43—MAIL DEPOSIT AND COLLECTION

XX. In Part 43—Mail Deposit and Collection, make the following changes:

A. In § 43.5, paragraph (b) is amended to reflect the proper title of Form 1509. As so amended paragraph (b) reads as follows:

§ 43.5 Recall of mail.

• • • • •

(b) *Application.* Submit Form 1509, Sender's Application for Recall of Mail, which is obtainable at any post office, to the postmaster at the office of mailing.

NOTE: The corresponding Postal Manual section is 153.52.

§ 43.6 [Amendment]

B. In § 43.6 *Mail chutes and receiving boxes,* subparagraph (2) of paragraph (h) is amended to correct the mailing addresses of the manufacturers of approved receiving chutes and mailing chutes. As so amended, subparagraph (2) reads as follows:

(2) Manufacturers of approved receiving boxes and mailing chutes are: Capitol Mail Chute Corp., 55 Cozine Avenue, Brooklyn 7, N.Y.; Cutler Mail Chute Co., 76 Anderson Avenue Rochester 7, N.Y.; Federal Mail Chute Corp., Ltd., 436 Kearny Street, San Francisco 8, Calif.; Pioneer Mail Chute Corp., 401 Washington Avenue, Carlstadt, New Jersey.

NOTE: The corresponding Postal Manual section is 153.682.

PART 44—CONDITIONS OF DELIVERY

§ 44.8 [Amendment]

XXI. In § 44.8 *Delivery of packages,* paragraph (c) is amended to include an appropriate reference to certified mail. As so amended, paragraph (c) reads as follows:

(c) *Multiple-floor buildings.* Parcel post, registered, certified, insured, and special-delivery articles will be delivered to the addressee or his authorized agent in person without regard to the floor on which his office or apartment is located. Cooperation of patrons is requested, however, in making arrangements for mail to be delivered on the first floor.

NOTE: The corresponding Postal Manual section is 154.83.

PART 45—CITY DELIVERY

XXII. In Part 45—City delivery, make the following changes:

A. Section 45.5 is amended to provide that certified mail will be delivered to out of bound patrons and that walks must be passable from carrier's line of travel to patron's residence if such out of bound deliveries are to be made. As so amended § 45.5 reads as follows:

§ 45.5 Out-of-bounds patrons.

Patrons located outside city-delivery limits may be given delivery service if they erect boxes on the carrier's regular line of travel. Special delivery, parcel post, insured, certified, COD, and registered mail will be delivered to the residences of out-of-bounds patrons, if the residences are not more than three blocks from the carrier's line of travel, and provided passable walks have been constructed or the street is not impassable; otherwise, a notice will be left in the box requesting that the patron call for the mail. If an ordinary parcel is involved and it can be placed in the box, delivery will be made in that manner.

NOTE: The corresponding Postal Manual section is 155.5.

§ 45.6 [Amendment]

B. In § 45.6 *Apartment house receptacles,* as amended by 27 F.R. 6498–6499, make the following changes:

1. In paragraph (b)(4) subdivision (ii) is amended by adding "A metal plate is not required between the Arrow lock and a door of a horizontal-type installation with wood master doors." As so amended, subdivision (ii) reads as follows:

(ii) The master lock must be attached to the group of receptacles by the owner or builder of the apartment house, or by his direction, under the supervision of the postmaster's representative who will see that they are securely attached. The plate to which the master lock will be fastened should be riveted to the face of the box. A metal plate is not required between the Arrow lock and a door of a horizontal-type installation with wood master doors.

2. In paragraph (e), subparagraph (2) is amended to show the proper title of Form 3521. As so amended, subparagraph (2) reads as follows:

(2) Carriers will report on Form 3521, "Carrier's Report on House Numbers and Mail Receptacles", all apartment houses that are being remodeled and all mail boxes that are not locked or are out of repair. Delivering employees and postmasters will see that all inside letter-box arrow locks are recovered when buildings are torn down or remodeled.

3. In paragraph (f) make the following changes in the list of approved manufacturers and distributors of apartment house mail receptacles:

a. In subparagraph (1) *Vertical type,* amend the address of "Jensen Industries" to read "Jensen Industries, 1946 East 46th Street, Los Angeles 58, Calif."

b. Amend subparagraph (2) to read as follows:

(2) *Horizontal type.*

The American Hardware Corp., Corbin Wood Products Division, New Britain, Conn. (front and rear loading).

Cutler Mail Chute Co., 76 Anderson Ave., Rochester 7, N.Y. (rear loading only).

Florence Manufacturing Co., Inc., 8908–18 South State Street, Chicago 19, Ill. (rear loading only).

NOTE: The corresponding Postal Manual sections are 155.624b, 155.652 and 155.66 a and b.

PART 47—FORWARDING MAIL

XXIII. In Part 47—Forwarding mail, make the following changes:

§ 47.1 [Amendment]

A. In § 47.1 *Order to change address,* subparagraph (1) of paragraph (b) is amended to delete the exception for forwarding COD official shipments to overseas military post offices. As so amended, subparagraph (1) reads as follows:

(1) COD mail will not be forwarded to the Canal Zone nor to overseas military post offices. See § 53.2(e) of this chapter.

NOTE: The corresponding Postal Manual section is 157.12.

B. Section 47.4 is amended for the purpose of clarification to read as follows:

§ 47.4 Address changes of persons in U.S. service.

Mail of all classes addressed to persons in the United States service (civil and military) serving at any place where the United States mail service operates, whose change of address is caused by official orders, will be forwarded until it reaches the addressee and no additional postage will be charged. Second-, third-, and fourth-class mail and air parcel post so forwarded is endorsed by the forwarding office "Change of Address Due to Official Orders." This provision for free forwarding from one post office to another applies to mail for the members of the household whose change of address is caused by official orders to persons in the United States service. (Exceptions: Second-class mail will not be forwarded from the United States to overseas APO addresses. Copies of publications addressed to Army or Air Force personnel transferred to overseas assignments will be endorsed by military personnel "Forwarding prohibited, addressee assigned overseas effective_____", and returned to the post office for disposition. See § 48.2(b) of this chapter.) See § 47.2 regarding time limit of orders filed with the post office.

NOTE: The corresponding Postal Manual section is 157.4.

PART 48—UNDELIVERABLE MAIL

XXIV. In Part 48—Undeliverable mail, make the following changes:

§ 48.2 [Amendment]

A. § 48.2 *Treatment by classes,* make the following changes:

1. In paragraph (g), subparagraph (1) is amended for the purpose of clarification to read as follows:

(g) *Registered, certified, insured and COD—(1) Registered, certified, and insured.* When registered, certified, and insured mail is undeliverable and cannot be forwarded, a notice is sent to the mailer on Form 3858 "Notice of Undelivered or Abandoned Mail", showing the reason. By completing the form and returning it immediately in an envelope bearing first class postage, the mailer may tell the postmaster what to do with the mail. Mail will be returned to the mailer if there is no response. The postage charge, if any, for returning the mail, but not registration, insured or certified fees, will be collected from the mailer.

EXCEPTION: When registered, certified, and insured mail is addressed to a person who has moved and left no forwarding address, Form 3858 will not be sent, and the mail will be returned immediately to the mailer. Registered, certified, and insured nixie mail shall be returned immediately to sender.

2. Paragraph (i) is amended to permit disposal by donation of usable food items removed from dead mail. As so amended, paragraph (i) reads as follows:

(i) *Food, drugs, and cosmetics.* (1) Food, usable food items treated as dead mail may be donated to charitable institutions, or public institutions supported in whole or in part by Federal, State, county, or municipal funds. These institutions include but are not limited to hospitals, asylums and reformatories. The following conditions apply:

(i) "Homemade" items must not be donated but must be destroyed. If any doubt exists as to whether an item is "homemade," the item shall be destroyed.

(ii) If the local municipal welfare department will assume responsibility for distribution of usable food items to eligible institutions, this method is preferred. Otherwise, postmasters shall equitably apportion the items among eligible applicant institutions.

(iii) The recipient must sign a release stating that the Postal Service is relieved of all responsibility connected with the food items or their subsequent use. Releases must be retained in post office files.

(iv) No selection shall be made by the receiving institutions as to the type or quantity of food items to be accepted.

(v) Food items must be called for as soon as possible. Postmasters may deliver these items, but only if unusual circumstances prevail.

(vi) Food items that cannot be disposed of by donation shall be destroyed.

(2) *Drugs.* Packages undeliverable to either the addressee or the sender that contain drugs will be destroyed. They will not be sold, donated, or retained as dead parcel post.

(3) *Cosmetics.* Packages undeliverable to either the addressee or the sender, that contain cosmetics such as soaps, perfumes, powders, home permanent waves, hand lotions, hand creams, aftershave lotions and deodorant sticks or pastes which bear no statements claiming medicinal properties will be treated as dead parcel post. Lipsticks will be destroyed. If there is any question whether the use of a cosmetic might, as the result of deterioration or for other reason, jeopardize life or health, the article will be destroyed.

NOTE: The corresponding Postal Manual sections are 158.271 and 158.29.

B. Amend the heading of § 48.3 to read "§ 48.3 *Return address.*"

NOTE: The corresponding Postal section is 158.3.

PART 49—STAR ROUTE COLLECTION AND DELIVERY SERVICE

XXV. Section 49.2 is amended to reflect the proper titles of postal officials. As so amended, § 49.2 reads as follows:

§ 49.2 Establishment.

(a) *New service.* Contracts for regular service are awarded after public advertisements, as provided by law. Temporary service may be established on short notice without advertising. Address requests or petitions for new routes to the Director, Transportation Division having supervision over the transportation of mail in the area involved.

(b) *Changes and extensions.* Changes in line of travel, and extensions of service may be ordered by the Director, Transportation Division at any time. Address requests for changes and extensions to this official.

(c) *Changes in schedules.* Changes in schedules may be ordered by the Director, Transportation Division at any time. Address requests for changes to this official.

NOTE: The corresponding Postal Manual section is 159.2.

PART 51—REGISTRY

XXVI. In § 51.3 paragraph (a) is amended to clearly specify what may be registered. As so amended, paragraph (a) reads as follows:

§ 51.3 Registration.

(a) *What may be registered.* All mailable matter prepaid with postage at the first class or airmail rate may be registered. Stamps or meter stamps must be attached to the mail representing all postage and fee charges. Business reply mail may not be registered unless postage and all fees are fully prepaid.

NOTE: The corresponding Postal Manual section is 161.31.

PART 52—INSURANCE

XXVII. In § 52.3 paragraph (a) is amended for the purpose of clarification to read as follows:

§ 52.3 Mailing.

(a) *Payment of fees and postage.* Insurance fees must be paid in addition to the postage. The mailer guarantees to pay return and forwarding postage unless he writes instructions on the wrapper or envelope not to forward or return the mail.

NOTE: The corresponding Postal Manual section is 162.31.

PART 53—COD

XXVIII. In Part 53—COD, make the following changes:

A. In § 53.2 *Description* paragraph (c) is amended by adding a new subparagraph (5) to read as follows:

(5) The goods shipped must have been ordered.

NOTE: The corresponding Postal Manual section is 163.235.

B. Section 53.6 is amended to show the correct maximum indemnity for a registered COD article:

§ 53.6 Registered COD mail.

Sealed domestic mail of any class bearing postage at the first class rate may be sent as registered COD mail. Such mail is handled the same as other registered mail. The maximum amount of charges collectible on a parcel is $200, but additional indemnity may be obtained over $200 up to the regular registry limit of $10,000 by payment of a higher fee. Registered COD mail is subject to a handling charge applicable to other registered mail, except that the basis of the handling charge is the amount by which the declared actual value of the article exceeds the limit of liability covered by the fee paid. If envelopes are used as covers, they must not be smaller than 4 x 7¾ inches.

NOTE: The corresponding Postal Manual section is 163.6.

PART 54—PAYMENT FOR LOSSES

XXIX. In Part 54—Payment for Losses, make the following changes for the purpose of clarification:

A. In § 54.1 amend paragraph (a) to read as follows:

§ 54.1 Payment conditions.

(a) If, through established error by the Postal Service a fee less than that required to cover the amount of insurance coverage requested at the time of mailing was charged, the sender may be permitted to pay the deficiency in fee and postal insurance may be paid within the limit fixed for the higher fee.

NOTE: The corresponding Postal Manual section is 164.11.

B. In § 54.2, amend paragraph (d) to read as follows:

§ 54.2 Payable claims.

• • • • •

(d) Death of baby poultry due to physical damage to the package or delay for which the Postal Service is responsible. In the absence of definite evidence showing responsibility for death of baby poultry, the Postal Service will be presumed to be at fault if 10 percent or more of the chicks are dead on delivery, if delivered with the 60-hour limit, and insurance will be paid for all dead chicks; otherwise the Postal Service will not be presumed to be at fault.

NOTE: The corresponding Postal Manual section is 164.2d.

C. In § 54.3 amend subparagraphs (4) and (9) of paragraph (b) to read as follows:

§ 54.3 Nonpayable claims.

• • • • •

(b) Payment will not be made:

• • • • •

(4) The sender failed to state at the time of mailing the full value of a registered article for the purpose of depriving the Postal Service of revenue.

• • • • •

(9) The matter froze, melted, spoiled, or deteriorated due to atmospheric temperature.

NOTE: The corresponding Postal Manual sections are 164.32d and 164.321.

PART 58—CERTIFIED MAIL

xxx. Section 58.2 is amended to show that business reply mail must be fully prepaid with postage and fees to be accepted as certified mail. As so amended, § 58.2 reads as follows:

§ 58.2 Class of mail to which applicable.

Any mailable matter of no intrinsic value on which postage at the first class rate has been paid will be accepted as certified mail. This does not exclude articles of a nonnegotiable character and other matter which would involve a cost of duplication if lost or destroyed. The mail may be sent by air on payment of the required postage. Special delivery services are available on payment of the prescribed fees. Penalty and franked mail may be accepted as certified mail if the fee is prepaid. Official matter of the Postal Service may be sent as certified mail without payment of the fees. Business reply mail must be fully prepaid with postage and fees.

NOTE: The corresponding Postal Manual section is 168.2.

PART 61—MONEY ORDERS

§ 61.2 [Amendment]

xxxi. In § 61.2 *Issuance of international money orders*, as amended by 27 F.R. 224, 27 F.R. 2605, and 27 F.R. 4836, make the following changes:

A. In paragraph (h) opposite "U.S. Exchange Office, New York, N.Y." delete "Union South Africa" and insert "South Africa, Republic of", and "Thailand" in the alphabetical listing of countries where international money order service is available on direct exchange basis.

B. In paragraph (i) under "Basis: through intermediary of" strike out "Union of South Africa" wherever it appears thereunder and insert in lieu thereof "Republic of South Africa".

NOTE: The corresponding Postal Manual sections are 171.28 and 171.29.

(R.S. 161, as amended, 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-7158; Filed, July 23, 1962; 8:45 a.m.]

PART 168—DIRECTORY OF INTERNATIONAL MAIL

International Mail Regulations

The regulations of the Post Office Department in Part 168—Director of International Mail, are amended by making the following changes in § 168.5 *Individual country regulations* are amended as follows:

I. In the country "Dahomey (Republic of)", under Parcel Post, amend the last paragraph of the item *Observations* to read as follows:

Observations. • • •

The postal authorities of Dahomey collect domestic postage from the addressees.

II. In country "Ivory Coast (Republic of)", as amended by 27 F.R. 5659, under Parcel Post, amend the item *Observations* to read as follows:

Observations. The postal authorities of Ivory Coast collect domestic postage from the addressees.

III. In country "Mali (Republic of)", as amended by 27 F.R. 5659, under Parcel Post, amend the item *Observations* to read as follows:

Observations. The postal authorities of Mali collect domestic postage from the addressees.

IV. In country "Mauritania (Islamic Republic)", under Parcel Post, amend the last paragraph of the item *Observations* to read as follows:

Observations. • • •

The postal authorities of Mauritania collect domestic postage from the addressees.

V. In country "Senegal (Republic of), under Parcel Post amend the last paragraph of the item *Observations* to read as follows:

Observations. • • •

The postal authorities of Senegal collect domestic postage from the addressees.

VI. In country "Upper Volta (Republic of)", under Parcel Post, amend the item *Observations* to read as follows:

Observations. The postal authorities of Upper Volta collect domestic postage from the addressees.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-7204; Filed, July 23, 1962; 8:49 a.m.]

Title 45—PUBLIC WELFARE

Chapter III—Bureau of Federal Credit Unions, Social Security Administration, Department of Health, Education, and Welfare

PART 301—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

Supervisory Committee Audits; Loans for Higher Education

On page 5151 of the FEDERAL REGISTER of June 1, 1962, there was published a notice of proposed rule making amending § 301.12 to provide better utilization of the supervisory committee's resources including more effective control of its comprehensive annual audit, and amending § 301.21(d) by addition of subparagraph (3) to give more flexibility in repayment terms of loans for higher education.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections to the proposed amendments. None were received.

The proposed regulations are hereby adopted without change.

Dated: July 2, 1962.

[SEAL] J. DEANE GANNON,
Director,
Bureau of Federal Credit Unions.

Approved: July 10, 1962.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: July 18, 1962.

IVAN A. NESTINGEN,
Acting Secretary of Health, Education and Welfare.

Part 301, Chapter III of Title 45 of the Code of Federal Regulations, is revised by amending § 301.12, as follows:

§ 301.12 Supervisory committee audits.

The minimum audits to be performed by the supervisory committee of every Federal credit union each calendar year shall be one comprehensive annual audit and three quarterly audits. Reports of such audits shall be promptly made to the board of directors of the Federal credit union on Form FCU-701 for the comprehensive annual audit and on Form FCU-702 for the quarterly audit. A copy of each comprehensive annual audit report shall be filed by the supervisory committee with the Regional Representative no later than 15 days after completion of the annual audit.

(Sec. 21, 73 Stat. 635, 12 U.S.C. 1766)

§ 301.21 [Amendment]

Chapter III of Title 45 of the Code of Federal Regulations is amended by adding subparagraph (3) to § 301.21(d), as follows:

(3) Notwithstanding the provisions of subparagraph (1) of this paragraph, and to the extent that the board of directors by resolution approves, loans with maturities up to five years for the purpose of higher education of the member-borrower may be made upon such terms of payment or amortization as the credit committee finds consonant with the needs of the member-borrower and the best interests of the credit union.

(Sec. 8(5), 73 Stat. 630, 12 U.S.C. 1757)

[F.R. Doc. 62-7194; Filed, July 23, 1962; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 177]

INTERSTATE TRAFFIC IN FIREARMS AND AMMUNITION

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7 of the Federal Firearms Act (52 Stat. 1252; 15 U.S.C. 907).

[SEAL] MORTIMER M. CAPLIN,
Commisisoner of Internal Revenue.

In order to conform to the provisions of the Federal Firearms Act (52 Stat. 1250; 15 U.S.C. 901-909), as amended by Public Law 87-342 (75 Stat. 757) and to make certain other editorial and clarifying changes, the regulations in 26 CFR Part 177, "Interstate Traffic in Firearms and Ammunition", are amended as follows:

§ 177.10 [Amendment]

1. Section 177.10 is amended by deleting the term "crime of violence." and the definition of the term and by striking the definition of "fugitive from justice" and inserting in lieu of the latter definition the following: "Means any person who has fled from any State, Territory, the District of Columbia, or possession of the United States to avoid prosecution for a crime punishable by imprisonment for a term exceeding one year or to avoid giving testimony in any criminal proceeding.", and by striking the last sentence in the definition of "United States."

§ 177.20 [Amendment]

2. Section 177.20 is amended by inserting the following sentence at the end thereof: "In any case where a person who possesses a license issued under the Act becomes a fugitive from justice or is indicted for, or convicted of, a crime punishable by imprisonment for a term exceeding one year by or in any court, such person is prohibited from transporting, shipping or receiving firearms or ammunition in interstate or foreign commerce or causing firearms or ammunition to be transported or shipped in interstate or foreign commerce."

3. Section 177.25 is amended to read as follows:

§ 177.25 Statutory Restrictions.

A license shall not be issued to any person who is a fugitive from justice or is under indictment for, or has been convicted of, a crime punishable by imprisonment for a term exceeding one year by or in any court.

4. Section 177.31 is amended to read as follows:

§ 177.31 General.

A proper license shall entitle the person to whom issued to transport, ship and receive firearms or ammunition in interstate or foreign commerce, within the limitations of the Act, for a period of one year from the date of issuance. A license issued under the Act shall be subject to revocation at any time the licensee is convicted of a violation of any of the provisions of the Act (see § 177.43), and to administrative cancellation (see § 177.30). It shall be unlawful for any manufacturer or dealer holding a license issued under the Act who becomes a fugitive from justice or is indicted for, or convicted of, a crime punishable by imprisonment for a term exceeding one year by or in any court, to transport, ship, or receive firearms or ammunition in interstate or foreign commerce or to cause firearms or ammunition to be transported or shipped in interstate or foreign commerce or to cause any firearm or ammunition to be transported or shipped in interstate or foreign commerce.

§ 177.38—177.42 [Deletions]

5. Sections 177.38, 177.39, 177.40, 177.41, and 177.42 are deleted in their entirety, and the undesignated centerhead proceeding § 177.38 is amended to read, "Revocation of License".

6. Section 177.43 is amended to read as follows:

§ 177.43 Revocation of license.

Section 3(c) of the Act (15 U.S.C. 903(c)) provides that whenever any licensee is convicted of a violation of any of the provisions of the Act it shall be the duty of the clerk of the court to notify the Secretary of the Treasury within 48 hours after such conviction. Accordingly, the Director, pursuant to the authority delegated to him to administer and enforce the Act shall, upon receipt of the notice of a conviction of a licensee of a violation of any of the provisions of the Act, immediately notify the licensee, by registered mail addressed to his last known address, that his license is being revoked. The letter will state the basis of the revocation and give the licensee an opportunity to show cause within 20 days after such notification is mailed why his license should not be revoked. If the licensee fails to show cause, the license will be revoked by the Director in accordance wtih the provisions of section 3(c) of the Act.

§ 177.44 [Deletion]

7. Section 177.44 is deleted in its entirety.

8. Section 177.56 is amended to read as follows:

§ 177.56 Variations from requirements.

The Director may approve methods of operation other than as specified in this part, where he finds that an emergency exists and the proposed variations from the specified requirements are necessary, and the proposed variations—

(a) Will not hinder the effective administration of this part, and

(b) Will not be contrary to any provision of law.

Variations from requirements granted under this section are conditioned on compliance with the procedures, conditions, and limitations set forth in the approval of the application. Failure to comply in good faith with such procedures, conditions, and limitations shall automatically terminate the authority for such variations and the licensee thereupon shall fully comply with the prescribed requirements of regulations from which the variations were authorized. Authority for any variation may be withdrawn whenever in the judgment of the Director the effective administration of this part is hindered by the continuation of such variation. Where a licensee desires to employ such variation, he shall submit a written application to do so, in triplicate, to the Assistant Regional Commissioner for transmittal to the Director. The application shall describe the proposed variation and set forth the reasons therefor. A variation shall not be employed until the application has been approved. The licensee shall retain, as part of his records, any authorization of the Director under this section.

§ 177.80 [Amendment]

9. Section 177.80 is amended by inserting the following sentence at the end thereof: "Further, it shall be unlawful for any licensed dealer or licensed manufacturer who is a fugitive from justice or who has been indicted for, or convicted of, a crime punishable by imprisonment for a term exceeding one year by or in any court, to transport, ship, or receive any firearm or ammunition in interstate or foreign commerce or to cause any firearm or ammunition to be transported or shipped in interstate or foreign commerce."

§ 177.83 [Amendment]

10. Section 177.83 is amended by striking all the words after the term "such person" and inserting in lieu thereof, the following: "is a fugitive from justice or is under indictment for, or has been convicted of, a crime punishable by imprisonment for a term exceeding one year by or in any court."

11. Section 177.84 is amended to read as follows:

§ 177.84 Interstate transportation by felons, etc.

It shall be unlawful for any person who is a fugitive from justice or who is under indictment for, or has been convicted of, a crime punishable by imprisonment for a term exceeding one year by or in any court, to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearm or ammunition.

(Sec. 2, 52 Stat. 1250, as amended; 15 U.S.C. 902)

12. Section 177.85 is amended to read as follows:

§ 177.85 Receipt by felons, etc.

It shall be unlawful for any person who is a fugitive from justice or who is under indictment for, or has been convicted of, a crime punishable by imprisonment for a term exceeding one year by or in any court, to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

(Sec. 2, 52 Stat. 1250, as amended; 15 U.S.C. 902)

§ 177.88 [Amendment]

13. Section 177.88 is amended by placing a period after the word "altered," and by striking the words in the section that appear after the word "altered,".

[F.R. Doc. 62-7207; Filed, July 23, 1962; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 908]

[Docket No. AO-250-A3]

HANDLING OF VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amendment of Marketing Agreement and Order, as Amended

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to the proposed amendment of the marketing agreement and Order No. 908, as amended (7 CFR Part 908), hereinafter referred to collectively as the "order," regulating the handling of Valencia oranges grown in Arizona and designated part of California, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the "act." Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., not later than the close of business of the twentieth day after publication thereof in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed amendment of the order is formulated, was initiated by the Agricultural Marketing Service as a result of proposals submitted by Pure Gold, Inc., Sunkist Growers, Inc., and Western Fruit Growers Sales Co. In accordance with the applicable provisions of the aforesaid rules of practice and procedure, a notice and a supplemental notice that such public hearing would be held on February 8, 1962, in Room 810, Federal Building, 312 North Spring Street, Los Angeles, California, were published in the FEDERAL REGISTER (27 F.R. 474, 864) on January 17 and January 30, 1962, respectively.

Material issues. The material issues presented on the record of the hearing were concerned with amending the order to:

(1) Authorize marketing research and development projects;

(2) Revise the provisions relating to early maturity allotments;

(3) Redefine the production area covered by the order and the boundaries of the prorate districts into which the production area is divided;

(4) Permit growers who are handlers, or employees of handlers or central marketing agencies, to serve as grower members of the Valencia Orange Administrative Committee;

(5) Clarify the provisions of § 908.67 so that it will be apparent that the exemptions apply only when oranges are handled, for the specified purposes, by the initial handler of the oranges, and limit the exemption for express shipments to not to exceed 5 cartons;

(6) Increase to $15 the compensation paid to committee members; and

(7) Require that the mandatory biennial referenda, to determine whether continuance of the order is favored by producers, be held upon recommendation of the committee.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

(1) The provisions of the order should be amended to extend the scope of activities thereunder by authorizing the committee to undertake marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of Valencia oranges.

Through the medium of research, the committee should be able to develop information on improved methods of handling and marketing Valencia oranges which would be of value to the industry in establishing more orderly marketing and expanding market outlets for oranges. It was indicated, at the hearing, that marketing research designed to expand and promote the marketing of Valencia oranges in new and existing outlets needs to be undertaken. Also, new and better methods of controlling market diseases, particularly decay, need to be developed. The scope and character of the projects that may be undertaken should not be limited, however, beyond that specified in the act. The committee should be in a position to undertake any marketing research and development project, authorized by the act, as the circumstances indicate would tend to broaden the market for Valencia oranges.

The work in connection with any such marketing research and development project should, of course, be performed in the most economical and efficient manner possible. Thus, the committee should avail itself of the facilities of either public or private agencies in carrying out authorized research activities if it would be more economical or expeditious to do so. It is not intended that the research activities of the committee duplicate work already performed or underway by other agencies. However, it may be that additional research, or more intensive study than that underway, may be needed; in which case the committee should cooperate with the other agencies concerned in carrying out the particular project. The costs of such projects should be defrayed from assessment income as provided in the act.

As the Secretary is charged with the responsibility for administration of the order, plans for research and development projects should be submitted for his approval prior to conduct of the work.

(2) The current provisions of the order relating to the issuance of early maturity allotment to handlers, when volume regulations are in effect, provide a method for repayment of such allotment after the oranges in the prorate district concerned reach general maturity. This required repayment has tended to lessen the usefulness of the early maturity allotment provisions.

Early maturity allotment is issued to the handlers in a prorate district who have oranges which are mature prior to the time of general maturity of the oranges in such district and who make application for such allotment. The provision for early maturity allotment was included in the order to facilitate the issuance and use of allotment at the time when all handlers do not have oranges of sufficient maturity for immediate handling. In addition, however, the entire industry benefits from the early shipment of oranges since this reduces the quantity of oranges that must be marketed after the oranges attain general maturity.

It was testified at the hearing that handlers often have not applied for early maturity allotment since the required repayment after general maturity of the oranges would reduce the allotment such handlers would receive after such general maturity and the period over which such handlers' oranges are marketed is about the same as if no application for early maturity allotment had been made. Deletion from the order of the provision requiring the early maturity allotment to be repaid should result in more handlers shipping oranges under early maturity allotment to the benefit, as indicated heretofore, of the entire industry.

Similarly, any permitted overshipment by handlers of the early maturity allotment issued to them should not be required to be deducted from subsequent allotment. The provisions of the order, so as to permit handlers a degree of flexibility of operation under regulations of this nature, allow each handler to overship the allotment issued to him by 10 percent or one carload, whichever is the greater. Such overshipments are required to be deducted from subsequent allotment. However, if early maturity allotment is not required to be repaid, no useful purpose will be served by requiring any such overshipment of early maturity allotment to be deducted from the subsequent allotment of handlers making such overshipments.

There are times when the administration of the allotment program is made more difficult by handlers applying for more early maturity allotment than they intend to utilize during the week for which such allotment is requested. This occurs under two circumstances. First, handlers anticipate the applications for early maturity allotment will exceed the quantity that is advisable to be shipped under the existing demand conditions. Hence, some handlers will apply for more early maturity allotment than needed in the belief that their requests will be reduced to a quantity approximating that which they desire. If this is the case, it works to the disadvantage of other handlers who made application for early maturity allotment in the amount that they actually desired to ship but receive somewhat less than applied for. On the other hand, should all early maturity allotment applications be approved in full, the handlers filing inflated applications may carry over the portion of the allotment which actually was not desired into the next succeeding week.

Second, handlers anticipate that, since oranges are reaching general maturity, the issuance of early maturity allotment will be discontinued for the season and they apply for as much early maturity allotment as they believe may possibly be approved. Any portion of such allotment that is not used during the week for which it is issued may be carried over to the following week. In some instances it then is difficult to fix the first allotment of the season under general maturity conditions at a quantity large enough to make a reasonable allotment to all handlers and yet not be too large, when combined with the carryover of early maturity allotment, to assure that shipments will be reasonably in line with market demand.

In view of the foregoing, the order provisions should not continue to permit handlers to carry over into the following week early maturity allotment which is not used during the period for which it is issued. Also, so that handler application for early maturity allotment will reflect the quantity of oranges which each applicant desires to handle during the week concerned, the order should provide that the oranges available for current shipment of each handler, who has received early maturity allotment but has failed to use all such allotment, shall be adjusted by deducting therefrom a quantity of oranges equivalent to the early maturity allotment which such handler did not use.

The current provisions of the order authorize the loaning of early maturity allotment between handlers receiving such allotment. The loaned allotment is repaid at such time as is provided in the loan agreement of the two handlers concerned. As the loaning of early maturity allotments provides a means by which a handler may carry over into subsequent weeks the early maturity allotment issued to him, the authorization to make such loans should, for the reason stated heretofore, be discontinued. However, it is possible that unforeseen circumstances, such as a labor strike, or equipment failure, may prevent a handler from using all of the early maturity allotment issued to him. In order that the oranges available for current shipment of a handler not be reduced solely as a result of such circumstances, provision should be made to permit early maturity allotment to be transferred to another handler to whom such allotments have been issued. Such transfers should be restricted to handlers who have received allotment to ship oranges during a particular week as each handler desiring to ship early maturity oranges should make application to the committee for allotment to do so. In addition, any such transfer should be subject to approval of the committee and should be contingent upon the transferee using the allotment during the week for which it is issued or having his oranges available for current shipment adjusted by deducting therefrom a quantity of oranges equivalent to the transferred early maturity allotment which the transferee did not use. Such deduction is necessary to prevent paper transfers of early maturity allotment for the sole purpose of avoiding a reduction of the oranges available for current shipment of the handler to whom such allotment was issued.

It is concluded, therefore, that the provisions of the order relating to early maturity allotments should be amended as hereinafter set forth.

(3) Recently there have been plantings of oranges and other citrus fruit trees north of the 37th Parallel, which forms the northern boundary of the presently defined production area, and seed beds have been started in the area which are capable of producing a quarter of a million citrus fruit trees for future plantings. The production area should be extended to include these additional plantings of Valencia oranges. This could be accomplished by including within the production area all of the State of California south of a line drawn east and west through the post office in the town of Turlock, California. Although there are currently no plantings immediately south of such line, it is necessary that the boundaries of the production area be located with precision, and this would be accomplished by establishing the northern boundary as aforesaid.

The production area covered by the order is divided into prorate districts for the purpose of regulation as the oranges produced in different parts of the production area have different marketing seasons. Since the establishment of the present boundaries of the prorate districts there have been additional plantings of oranges in areas adjacent to such boundary lines and in other areas of the districts, the production of which will have a marketing season more nearly characteristic of that in the adjacent district than the district in which it is presently located. For example, plantings have been made in coastal counties of San Luis Obispo and Santa Barbara, the production of which, due to the coastal influence, will be characteristic of oranges produced in District 2, rather than District 1 in which the plantings are presently located. On the other hand, oranges produced from new plantings in District 2 adjacent to the present southern boundary of District 1 will have a marketing season characteristic of oranges produced in District 1, and will likely be prepared for market in District 1, as they can be transported to packinghouses in such district with less difficulty.

For efficient and effective regulation under the order, it is essential that the production area cover as nearly as possible all of the production of Valencia oranges, and that such oranges with a similar marketing season be regulated in the same prorate district. It is therefore concluded that the production area, as hereinafter defined, is the smallest regional production area practicable, consistently with carrying out the declared policy of the act, and that the boundaries of the prorate districts should be set as hereinafter set forth.

(4) The current membership of the Valencia Orange Administrative Committee includes four members who are handlers or employees of handlers and six members who are growers not engaged in the handling of oranges nor employed by handlers or central marketing organizations. The requirement that the grower members not be handlers or employees of handlers or central marketing organizations has unduly restricted the selection of the grower members. There has been an increasing tendency for growers to also have an interest in a packinghouse or otherwise engage in handler activities. Thus, many of the most qualified growers, from the standpoint of ability and experience, have not been available for service on the committee as grower members.

A large percentage of the Valencia orange crop is marketed by cooperative marketing organizations, and eight of the ten grower and handler members of the committee are nominated by, and

represent, cooperative marketing organizations. Since these grower and handler members all are primarily concerned with advancing the interests of growers, there appear to be no cogent reasons for limiting grower membership on the committee to persons who are growers only. The order should be amended, therefore, as hereinafter set forth.

(5) The order currently provides for the exemption from regulation of oranges handled for specified purposes. Such exemption applies to the initial handler of the oranges only as, otherwise, avenues for circumventing the order would exist which undoubtedly could not be controlled. Thus, even though the second or subsequent handler of a particular lot of oranges is going to handle such oranges in an exempt outlet, the initial handler is required to meet all order provisions. Some handlers have questioned this application of the exemption provision; and § 908.67 of the order should be amended to make clear the manner in which the provisions of this section apply.

The handling of oranges by express is one of the types of shipments that is exempted under § 908.67 from the order provisions. At the time the exemption was included in the order, express shipments of oranges were by railway express and, due to the relatively high costs of handling oranges in this manner, such shipments were usually confined to gift packages of oranges moving directly to consumers. Thus, the volume of express shipments of oranges was small and did not significantly affect the marketing conditions in regular commercial outlets. It was testified that, recently, certain trucking concerns have established express rates which are more competitive with regular freight rates than those of the railway express company. Conceivably, since express truck shipments of oranges could reach the principal markets at least as soon as the regular commercial shipments, and at modest additional cost, express truck shipments could increase in volume until orderly marketing could not be maintained under the program regulations.

The proposal in the notice of hearing was to limit express shipments to not to exceed five cartons to any one consignee on any one day. The evidence of record shows, however, that the purpose of the proposal is to provide necessary prohibitions on express truck shipments and there appears to be no good reason to apply limitations on railway express shipments at this time.

The order should be amended, therefore, as hereinafter set forth.

(6) The marketing order should provide that members of the administrative committee be compensated at a rate not to exceed $15 for each day, or portion thereof, spent in attending meetings of the committee. The current provisions of the order fix such compensation at not to exceed $10 per day or portion thereof. All of the evidence in this regard, adduced at the hearing, supported an increase in the rate of compensation. It was evident, however, that those testifying were in agreement that the suggested rate of compensation would not be adequate payment for services to the industry provided by the committee members. Therefore, there is little basis for fixing such compensation at any particular amount. It is obvious, however, that costs have increased since the time the current rate of compensation was fixed, and an increase in such compensation to $15, as set forth in the notice of hearing, would tend to offset such increased costs.

(7) The order currently provides for a biennial referendum to ascertain whether growers favor continuation of the order. Referenda have been conducted, as required, since the order was issued in 1954. Over 90 percent of the growers, in each instance, have voted in favor of continuing the order. Therefore, the expenditures necessary to the conduct of such referenda every two years do not appear to be warranted, particularly since the Secretary is required under the act to terminate the order whenever he finds such action is supported by the requisite number of growers. The order should be amended, therefore, to make such referenda mandatory only when requested by the committee. The requirements of the act concerning grower sentiment would, of course, continue to apply.

Some opposition to discontinuing the biennial referendum was expressed at the hearing, primarily on the basis that (1) costs of the proposed added provision for marketing research is not known so the order should not be made "a permanent law" and (2) if the committee did not request a referendum, even though one was desired by certain segments of the industry, it would be expensive to organize sufficient support to cause the referendum to be held. Revision of the provision concerning the biennial referendum would not, of course, make the order "permanent" as the act requires the Secretary to terminate the order whenever the specified number of growers favor termination. Experience indicates the committee's recommendations generally have reflected the views of the majority of the industry and it is speculative to assume that such would not be the case if a referendum was desired by a substantial portion of the growers. In any event, those desiring a referendum could make a direct request to the Secretary that one be held.

Rulings on proposed findings and conclusions. March 16, 1962, was fixed as the latest date for interested parties to file proposed findings and conclusions, and written arguments or briefs, with respect to the facts presented in evidence at the hearing. Such a brief was filed within the prescribed time by C. D. Martin, Manager, Martin Ranch, Fresno, California, contending that the exemption from regulation of express shipments of oranges should not be discontinued. As stated hereinbefore, the exemption for express shipments should not be discontinued. However, the order should specify that this exemption applies only to railway express shipments of oranges, which conforms with the reasons and basis upon which the exemption was originally made a part of the order. Each point included in the brief was considered carefully, along with the evidence contained in the record of the hearing, in making the findings and reaching the conclusions herein set forth. To the extent that any proposal in such brief is at variance with the findings and conclusions contained herein, such proposal is denied on the basis of the facts found and stated in connection with this decision.

General findings. (1) The marketing agreement, as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement, as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, regulate the handling of Valencia oranges grown in the designated production area in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The marketing agreement, as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, are limited in their application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The marketing agreement, as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of Valencia oranges; and

(5) All handling of Valencia oranges grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended amendment of the marketing agreement and order. The following amendment of the marketing agreement and order, as amended, is recommended as the detailed means by which the aforesaid conclusions may be carried out:

1. The provisions of § 908.4 *Production area* are revised to read as follows:

§ 908.4 Production Area.

"Production area" means the State of Arizona and that part of the State of California south of a line drawn due east and west through the post office in Turlock, California.

§ 908.20 [Amendment]

2. Section 908.20 is revised by deleting from the second sentence the words "who shall not be handlers, or employees of handlers, or employees of central marketing organizations" and deleting from the fifth sentence the words "and who shall not be handlers, or employees of handlers, or employees of central marketing organizations."

§ 908.31 [Amendment]

3. The amount "$10" in § 908.31 is replaced by "$15."

4. A new § 908.33 is added as follows:

§ 908.33 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of Valencia oranges, the expense of such projects to be paid from funds collected pursuant to this part.

§ 908.55 [Amendment]

5. The second sentence in § 908.55 is revised to read as follows: "The quantity of oranges so handled in excess of each such person's allotment (but not exceeding an amount equivalent to the excess shipments permitted under this section) shall be deducted from each such person's allotment for the next week: *Provided*, That no such deduction shall apply when such quantity is handled pursuant to early maturity allotment issued under § 908.60."

§ 908.56 [Amendment]

6. The following is added to the end of the sentence in § 908.56: "except that the undershipment of early maturity allotment shall not entitle a handler to so handle an additional quantity of oranges."

§ 908.57 [Amendment]

7. The words "early maturity" are deleted from the first sentence of § 908.57.

§ 908.60 [Amendment]

8. The proviso and all subsequent language in § 908.60 are deleted and the following substituted therefor: "Early maturity allotments issued to any handler may be used only during the week for which issued, and the undershipment of any such allotment shall not entitle such handler to handle an additional quantity of oranges due to such undershipment. Upon the reaching of general maturity, the quantity of oranges available for current shipment of any handler who failed to use all of the early maturity allotments issued to him shall be adjusted by deducting therefrom a quantity of oranges equivalent to the total quantity of his oranges for which early maturity allotments were issued but were not used. A person to whom early maturity allotments have been issued may, after approval by the committee, transfer such allotments to other persons to whom such allotments also have been issued: *Provided*, That, upon such transfer of allotment, the transferee shall be obligated to use the transferred allotment during the week for which it was issued and if he fails to do so shall have his oranges available for current shipment adjusted in the same manner as if the transferred allotment had been issued to him by the committee. The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this part. Early maturity allotments issued, and any transfer thereof, under this section shall be on a prorate district basis."

§ 908.66 [Amendment]

9. Paragraphs (a), (b), and (c) of § 908.66 are revised to read as follows:

(a) District 1 shall include that part of the State of California which is south of a line drawn due east and west through the Post Office in Turlock, California, and north of a line drawn due east and west through the Post Office in Gorman, California, but excluding San Luis Obispo and Santa Barbara Counties and that part of San Bernardino County located east of the 115th Meridian.

(b) District 2 shall include that part of the State of California which is south and west of District 1, and west of a line drawn due north and south through the Post Office in White Water, California.

(c) District 3 shall include the State of Arizona and that part of the production area not included in Districts 1 and 2.

§ 908.67 [Amendment]

10. The first sentence in § 908.67 is revised to read as follows: "Except as otherwise provided in this section, nothing contained in this subpart shall be construed to authorize any limitation of the right of the initial handler of oranges to: (a) Handle oranges to charitable institutions for consumption by such institutions or to relief agencies for distribution by such agencies; (b) handle oranges to commercial processors for processing into products, including juice; (c) export oranges or handle oranges to exporters for export purposes; (d) handle oranges by parcel post or by railway express; or (e) handle oranges in such minimum quantities or in such types of shipments as the committee may, with the approval of the Secretary, prescribe."

§ 908.83 [Amendment]

11. Subparagraph (3) of § 908.83(c) is revised to read as follows:

(3) Upon recommendation of the committee, received not later than August 15 of an even numbered year, the Secretary shall conduct a referendum prior to October 15 of such year to ascertain whether continuance of this part is favored by producers.

Dated: July 19, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-7215; Filed, July 23, 1962; 8:51 a.m.]

[7 CFR Part 980]

IMPORTS OF ONIONS

Notice of Proposed Rule-Making

Notice is hereby given that the Secretary of Agriculture is giving consideration to grade, size, quality, and inspection regulations that are to be made applicable to the importation of onions into the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674; P.L. 87–128).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 5 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 980.101 Onion Import Regulation.

(a) *Import restrictions.* During the period from August 27, 1962, to June 30, 1963, both dates inclusive, no person shall import dry onions of any variety, unless the onions are inspected and meet the requirements of the U.S. No. 2 grade, or better, and for yellow varieties, 2 inches minimum diameter.

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. For onions with transit time from country of origin to entry into the United States of ten or more days, onions otherwise meeting import quality and size requirements may be entered if they meet an average tolerance for decay of not more than 5 percent.

(c) *Minimum quantity.* Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to the provisions of paragraph (a) of this section.

(d) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) *Designation of Governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality and maturity of onions that are imported into the United States under the provisions of section 8e of the act.

(f) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the onions meet the United States import requirements for onions under section 8e (7 U.S.C. 608e), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of

onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, 222 McClendon Bldg., Harlingen, Tex. (Phone: Garfield 3-5644).	1 day.
All Arizona points.	R. N. Bertelson, 136 Grand Ave., P.O. Box 1646, Nogales, Ariz. (Phone: Atwater 7-2302).	Do.
All California points.	Carley D. Williams, 784 South Central Ave., Room 294, Los Angeles 21, Calif. (Phone: Madison 2-8756).	3 days.
New York City.	Edward J. Beller, 346 Broadway, Room 306, New York 13, N.Y. (Phone: Rector 2-8000, Ext. 807).	1 day.
New Orleans.	Pascal J. Lantaren, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans 12, La. (Phone: 529-2411, Ext. 5741).	Do.
All other points.	E. E. Conklin, Fruit and Vegetable Division, A.M.S., Washington 25, D.C. (Phone: Dudley 8-5870).	3 days.

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) In the event the required inspection is performed prior to the arrival of the onions at the port of entry, the inspection certificate that is issued must show that the inspection was performed at the time of loading such onions for direct transportation to the United States; and if transportation is by water, the certificate must show that the inspection was performed at the time of loading onto the vessel.

(6) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets U.S. Import requirements under section 8e of the Agricultural Marketing Agreement Act.

(g) *Reconditioning prior to importation.* No provisions in this part may preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) *Definitions.* For the purpose of this part, "Onions" means all varieties of Allium cepa marketed dry, except dehydrated onions, onion sets, green onions, and pickling onions. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. The term "U.S. No. 2" shall have the same meaning as when used in the United States Standards for Onions (§§ 51.2830 to 51.2850, inclusive, of this title). Application of tolerances, as set forth in § 51.2838 of the United States Standards for Onions, shall apply. In percentage grade lots, tolerance for decay shall not exceed 2 percent, except as provided in paragraph (b). Double the lot tolerance shall be permitted in individual packages. Onions meeting the requirements of Canada No. 2 grade shall be deemed to comply with the requirements of the U.S. No. 2 grade. "Importation" means release from custody of the United States Bureau of Customs.

Dated: July 18, 1962.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 62-7197; Filed, July 23, 1962; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 62-WE-52]

FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS

Revocation of Federal Airway, Associated Control Areas and Reporting Points; Alteration of Control Zone and Transition Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600 and 601 of the Regulations of the Administrator, the substance of which is stated below.

Red Federal airway No. 53 extends from Portland, Oreg., to Spokane, Wash. The Federal Aviation Agency is considering the revocation of this airway. It is the policy of this Agency to revoke L/MF airways wherever adequate VOR airways are available, and it appears that the route from Portland to Spokane is adequately served by a combination of VOR Federal airways Nos. 112, 182, 281, and 281 east alternate. Therefore, it appears that the retention of this airway is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke Red 53, its associated control areas and reporting points. Adoption of this proposal would not result in the discontinuance of the low frequency navigational aids presently supporting Red 53. Any proposal to discontinue one or more of these aids would be circularized separately and interested persons would be afforded an opportunity to comment.

The Pendleton, Oreg., control zone is presently designated within a 3-mile radius of Pendleton Municipal Airport. The Pendleton transition area is presently designated as that airspace extending upward from 1,200 feet above the surface within 18 miles northeast and 7 miles southwest of the Pendleton VORTAC 137° True radial extending from 9 miles to 39 miles southeast of the VORTAC; and within 10 miles southeast and 7 miles northwest of the Pendleton VORTAC 254° and 074° True radials extending from 9 miles northeast to 20 miles southwest of the VORTAC.

The Federal Aviation Agency has under consideration the alteration of the Pendleton control zone and transition area as follows:

1. Redesignate the Pendleton control zone within a 5-mile radius of the Pendleton Airport (latitude 45°41'55" N., longitude 118°50'10" W.), and within 2 miles either side of the northeast course of the Pendleton radio range extending from the 5-mile radius zone to 8 miles northeast of the radio range. Expansion of the basic 3-mile zone and the addition of an extension to the east is required for the protection of high performance aircraft executing prescribed instrument approach and departure procedures at the Pendleton Airport.

2. Redesignate the Pendleton transition area as that airspace extending upward from 700 feet above the surface within a 12-mile radius at latitude 45°41'30" N., longitude 118°47'24" W., that airspace extending upward from 1,200 feet above the surface within 11 miles northeast and 7 miles southwest of the Pendleton VORTAC 137° True radial extending from the 12-mile radius area to 39 miles southeast of the VORTAC; within 10 miles southeast and 7 miles northwest of the Pendleton VORTAC 254° True radial extending from the 12-mile radius area to 20 miles southwest of the VORTAC; that airspace extending clockwise from a line 5 miles northwest of and parallel to the Pendleton VORTAC 060° True radial to a line 5 miles north of and parallel to the Pendleton VORTAC 090° True radial extending from the 12-mile radius area to the arc of a 30-mile radius circle centered on the Pendleton VORTAC, and within 5 miles either side of the Pendleton VORTAC 090° True radial extending from the 12-mile radius area to 34 miles east of the VORTAC. The adjustment in the dimensions of the presently designated transition area southeast of Pendleton is being proposed to eliminate the portion in excess of that required for the holding of aircraft. The addition of the 700-foot floor transition area would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Pendleton Airport. The portions of the transition area northeast and east would provide protection for high performance aircraft executing jet penetration and TACAN approach procedures at Pendleton.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 9, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 49 U.S.C. 1348).

Issued in Washington, D.C. on July 17, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-7175; Filed, July 23, 1962; 8:45 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 62-SO-20]

SPECIAL USE AIRSPACE

Alteration of Restricted Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.44 of the Regulations of the Administrator, the substance of which is stated below.

Camp Shelby, Miss., Restricted Area R-4401 is presently designated from the surface to 13,000 feet MSL for summer training of National Guard and other reserve component units in the use of infantry, tank and artillery weapons. The time of designation is 0700 to 2300 c.s.t., Monday through Friday, June 1 through August 31. The Adjutant General, State of Mississippi, Jackson, Miss., is the using agency.

The Department of the Air Force has proposed use of R-4401 from the surface to 3,500 feet MSL for the Tactical Air Command as an air-to-ground gunnery range for pilot training during certain periods when it is not in use for the purpose as now designated. This air-to-ground gunnery range would be activated once each three months for periods of approximately three consecutive weeks, and NOTAMs specifying these periods would be issued at least 24 hours prior to activation.

If this action is taken, the Camp Shelby, Miss., Restricted Area R-4401 would be described as follows:

Boundaries. Beginning at latitude 31°12'-54" N., longitude 89°11'03" W.; to latitude 31°11'48" N., longitude 89°00'00" W.; to latitude 31°04'36" N., longitude 89°00'00" W.; to latitude 31°04'36" N., longitude 89°11'03" W.; to the point of beginning.

Designated altitudes and time designation. Surface to 13,000 feet MSL, 0700 to 2300 c.s.t., Monday through Friday, June 1 through August 31; surface to 3,500 feet MSL as published in NOTAMs at least twenty-four hours in advance of use, to be activated once each three months for periods of approximately three consecutive weeks.

Using agency. Adjutant General, State of Mississippi, Jackson, Miss.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 52 Fairlie Street, Atlanta 3, Georgia. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Divsion Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 18, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-7173; Filed, July 23, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 8]

[Docket No. 13523 RM-97; FCC 62-723]

SHIP RADIOTELEPHONE STATIONS

Operating Procedures and Station Records; Termination of Proceedings

In the matter of amendment of Part 8 of the Commission's rules with regard to operating procedures and station records of ship radiotelephone stations in the 1600-3500 kc/s band.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 13th day of July 1962;

The Commission having under consideration the above-captioned matter; and

It appearing, that the Report and Order of December 14, 1960, in the captioned docket, specified that the petition for rule amendments of National Party Boat Owners Alliance, Inc. (NPBOA), 129 Ocean Avenue, Bayshore, Long Island, New York, be held pending with respect to the request concerning log-keeping requirements; and

It further appearing, that final action on the pending portion of the NPBOA petition was taken in the Report and Order in Docket No. 14375, adopted July 13, 1962; and

It further appearing, that, in view of the disposition of the remaining matter in the subject docket, the docket should be closed:

It is ordered, That the proceedings in this docket are hereby terminated and the docket is closed.

Released: July 17, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7212; Filed, July 23, 1962; 8:50 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Activities of a Licensee; Notice of Proposed Rule Making

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Pub. Law 85-699, 72 Stat. 694, as amended, it is proposed to amend, as set forth below, § 107.704 of Part 107 of Subchapter B, Chapter I, of Title 13 of the Code of Federal Regulations, as revised in 26 F.R. 8232-8242 and amended. Prior to the final adoption of such amendment, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Small Business Investment Division, Small Business Administration, Washington 25, D.C., within a period of twenty-one days of the date of this notice in the FEDERAL REGISTER.

Information. The amendment under consideration adds a new paragraph (f) to § 107.704 providing that a Licensee may exchange or purchase from another Licensee portfolio securities of small business concerns.

It is proposed to amend the Regulations Governing Small Business Investment Companies as follows:

By adding a new paragraph (f) to § 107.704 which reads as follows:

§ 107.704 Activities of a Licensee.

• • • • •

(f) A Licensee may exchange with or purchase for cash from another Licensee, without recourse against the seller, portfolio securities acquired directly from small business concerns, except that a Licensee shall not have invested at any one time more than one-third of its total assets in such securities of small business concerns through such exchanges or purchases.

Dated: July 19, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-7217; Filed, July 23, 1962; 8:51 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 62-18]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval and Termination of Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and the cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (CGHQ-10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted and terminations of approvals were made during the period from April 16 to May 14, 1962. These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-15, dated January 3, 1955 (20 F.R. 840), 167-20, dated June 18, 1956 (21 F.R. 4894), CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), or 167-38, dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

7. In Part II of this document are listed the approvals which have been terminated. Notwithstanding this termination of approvals of the items of equipment as listed in Part II such equipment may be used so long as such equipment is in good and serviceable condition.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS LADDERS, EMBARKATION-DEBARKATION (FLEXIBLE)

Approval No. 160.017/4/6, Model 241-A, Type II, embarkation-debarkation ladder, chain suspension, steel ears, dwg. No. 241-A dated February 21, 1950, revised July 21, 1959, approval limited to ladders 60 feet or less in length, manufactured by Great Bend Manufacturing Corp., 234 Godwin Avenue, Paterson 1, New Jersey, effective May 2, 1962. (It supersedes Approval No. 160.017/4/6 dated October 19, 1960, to show change in maximum allowable length.)

SIGNALS, DISTRESS, FLOATING ORANGE SMOKE

Approval No. 160.022/8/0, Model K-5A floating orange smoke distress signal, assembly dwg. No. GXC-413, Rev. 4 dated October 5, 1961; and parts referenced thereon; formerly Kilgore, Inc., Westerville, Ohio; manufactured by Harvell-Kilgore Sales Corp., Bolivar, Tennessee, effective April 23, 1962. (It supersedes Approval No. 160.022/8/0 dated January 22, 1958, to show change of name and address of manufacturer.)

SIGNALS, DISTRESS, PISTOL-PROJECTED PARACHUTE RED FLARE

Approval No. 160.024/2/1, aluminum shell No. 52 pistol-projected parachute red flare distress signal, assembly dwg. No. MS-11 dated April 8, 1957, and parts referenced thereon; formerly Kilgore, Inc., Westerville, Ohio; manufactured by Harvell-Kilgore Sales Corp., Bolivar, Tennessee, effective April 23, 1962. (It supersedes Approval No. 160.024/2/1 dated August 3, 1957, to show change in name and address of manufacturer.)

LIFE FLOATS

Approval No. 160.027/5/1, 7.0' x 3.17' (9'' x 9'' body section) rectangular solid balsa wood life float, 10-person capacity, specification and dwg. No. 2-27-52 dated February 27, 1952, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, New York, effective May 1, 1962. (It is an extension of Approval No. 160.027/5/1 dated May 1, 1957, published in FEDERAL REGISTER May 29, 1957.)

Approval No. 160.027/6/1, 7.5' x 4.0' (11'' x 11'' body section) rectangular solid balsa wood life float, 15-person capacity, specification and dwg. No. 2-27-52 dated February 27, 1952, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, New York, effective May 1, 1962. (It is an extension of Approval No. 160.027/6/1 dated May 1, 1957, published in FEDERAL REGISTER May 29, 1957.)

Approval No. 160.027/7/1, 9.0' x 5.08' (12'' x 12'' body section) rectangular solid balsa wood life float, 25-person capacity, specification and dwg. No. 2-27-52 dated February 27, 1952, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, New York, effective May 1, 1962. (It is an extension of Approval No. 160.027/7/1 dated May 1, 1957, published in FEDERAL REGISTER May 29, 1957.)

Approval No. 160.027/8/1, 10.67' x 6.17' (13'' x 13'' body section) rectangular solid balsa wood life float, 40-person capacity, specification and dwg. No. 2-27-52 dated February 27, 1952, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, New York, effective May 1, 1962. (It is an extension of Approval No. 160.027/8/1 dated May 1, 1957, published in FEDERAL REGISTER May 29, 1957.)

Approval No. 160.027/9/1, 12.0' x 7.58' (15'' x 15'' body section) rectangular solid balsa wood life float, 60-person capacity, specification and dwg. No. 2-27-52 dated February 27, 1952, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, New York, effective May 1, 1962. (It is an extension of Approval No. 160.027/9/1 dated May 1, 1957, published in FEDERAL REGISTER May 29, 1957.)

SIGNAL PISTOLS FOR PARACHUTE RED FLARE DISTRESS SIGNALS

Approval No. 160.028/10/0, Kilgore Model B signal pistol, assembly dwg. No. SP-150 revised May 31, 1956; formerly Kilgore, Inc., Westerville, Ohio; manufactured by Harvell-Kilgore Sales Corp., Bolivar, Tennessee, effective April 25, 1962. (It reinstates and supersedes Approval No. 160.028/10/0 dated April 10, 1957, to show change of name and address of manufacturer.)

DAVITS

Approval No. 160.032/131/0, mechanical davit, straight boom sheath screw,

Type 22–25 MKII, approved for maximum working load of 7,500 pounds per set (3,750 pounds per arm), using not less than 2-part falls, identified by general arrangement dwg. No. DB–151, Alt. B dated February 29, 1952, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, New Jersey, effective May 1, 1962. (It is an extension of Approval No. 160.032/131/0 dated May 1, 1957, published in FEDERAL REGISTER May 29, 1957.)

Approval No. 160.032/132/0, mechanical davit, straight boom sheath screw, Type 22–31 MKII, approved for maximum working load of 9,000 pounds per set (4,500 pounds per arm), using not less than 2-part falls, identified by general arrangement dwg. No. DS–111, Alteration B dated February 4, 1952, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, New Jersey, effective May 1, 1962. (It is an extension of Approval No. 160.082/132/0 dated May 1, 1957, published in FEDERAL REGISTER May 29, 1957.)

SIGNALS, DISTRESS, HAND-HELD ROCKET-PROPELLED PARACHUTE RED FLARE

Approval No. 160.036/2/0, Model K–500 hand-held rocket-propelled parachute red flare distress signal, general arrangement dwg. No. GK–500, Rev. 2 dated January 14, 1958, Parts List dwg. No. B/M 173 dated March 26, 1953; formerly Kilgore, Inc., Westerville, Ohio; manufactured by Harvell-Kilgore Sales Corp., Bolivar, Tennessee, effective April 23, 1962. (It supersedes Approval No. 160.036/2/0 dated October 6, 1958, to show change of name and address of manufacturer.)

SIGNALS, DISTRESS, HAND ORANGE SMOKE

Approval No. 160.037/2/2, International's hand orange smoke distress signal, dwg. Nos. CXC–117, Rev. 4 dated June 17, 1957, and CXC–118, Rev. 5 dated October 5, 1961; formerly Kilgore, Inc., Westerville, Ohio; manufactured by Harvell-Kilgore Sales Corp., Bolivar, Tennessee, effective April 25, 1962. (It supersedes Approval No. 160.037/2/2 dated September 27, 1958, to show change of name and address of manufacturer.)

LINE-THROWING APPLIANCE, IMPULSE-PROJECTED ROCKET TYPE (AND EQUIPMENT)

Approval No. 160.040/1/3, Model GR 52 CK impulse-projected rocket-type line-throwing appliance, assembly dwg. No. KM1911, Rev. 6 dated October 22, 1953, pistol and adapter assembly dwg. No. KM1912, Rev. 8 dated December 13, 1956; formerly Kilgore, Inc., Westerville, Ohio; manufactured by Harvell-Kilgore Sales Corp., Bolivar, Tennessee, effective April 23, 1962. (It supersedes Approval No. 160.040/1/3 dated January 22, 1958, to show change of name and address of manufacturer.)

KITS, FIRST-AID

Approval No. 160.041/2/0, first-aid kit, Model X–173, dwg. No. 450–X, revision 2 dated March 10, 1952, and dwg. No. X–181, revision 2 dated March 10, 1952, manufactured by Davis Emergency Equipment Co., Inc., 45 Halleck Street, Newark, New Jersey, effective May 1, 1962. (It is an extension of Approval No. 160.04/2/0 dated May 1, 1957, published in FEDERAL REGISTER May 29, 1957.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/532/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by American Cover Co., Inc., 8815–25 So. Avalon Boulevard, Los Angeles 3, California, effective May 2, 1962.

Approval No. 160.047/533/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by American Cover Co., Inc., 8815–25 So. Avalon Boulevard, Los Angeles 3, California, effective May 2, 1962.

Approval No. 160.047/534/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by American Cover Co., Inc., 8815–25 So. Avalon Boulevard, Los Angeles 3, California, effective May 2, 1962.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/148/1, special group approval for 15" x 2" x various lengths rectangular kapok buoyant cushions, U.S.C.G. Specifications Subpart 160.048, weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Texstar Plastics, 110 Manufacturing Street, Dallas 7, Texas, effective April 25, 1962. (It supersedes Approval No. 160.048/148/1 due to change of name of manufacturer.)

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/45/0, special approval for 15" x 15" x 2⅞" rectangular unicellular plastic foam buoyant cushion, U.S.C.G. Specification Subpart 160.049, manufactured by Canvas Specialty Manufacturing Co., 7344 East Bandini Boulevard, Los Angeles 22, California, effective April 16, 1962.

FIRE PROTECTIVE SYSTEMS

Approval No. 161.002/1/0, supervised automatic fire detecting and manual fire alarm system consisting of a control unit, dwgs. 55–120, alt. 3 and 55–121, alt. 3; manual fire alarm boxes, types I and II, dwg. 55–111–1, alt. 3; and engine room gong, dwg. 20–163, alt. 8; manufactured by Henschel Corporation, Amesbury, Massachusetts, effective April 23, 1962. (This system requires both 115 volts, 60 cycles AC and 115 volts, DC input supply. The AC supply must come from the ship's Temporary Emergency AC bus (as opposed to a Temporary Emergency AC/DC bus). The 115-volt, DC source should be suitable for the power failure alarm.)

Approval No. 161.002/6/0, audible and visual, supervised Type RB smoke detector systems, eight (8) through forty-eight (48) lines; dwg. No. SK–122753 wiring diagram marine smoke detector, and dwg. No. SK–134335 schematic marine smoke detector, identified by the following part numbers:

No. lines	Main cabinet	Repeater surface mounted	Repeater flush mounted
8	S80704	S80753	S92190
12	S80706	S80755	S92191
16	S80708	S80757	S92192
20	S80710	S80759	S92193
24	S80712	S80761	S92194
28	S80714	S80763	S92195
32	S80716	S80765	S92196
36	S80718	S80767	S92197
40	S80720	S80769	S92198
44	S80722	S80771	S92199
48	S80724	S80773	S92200

Manufactured by Walter Kidde & Company, Inc., Belleville 9, New Jersey, effective April 23, 1962. (It supersedes Approval No. 161.002/6/0 dated March 27, 1962.)

Approval No. 161.002/7/0, supervised automatic fire alarm and manual alarm system consisting of a control unit, dwgs. B–257, alt. 4 and B–257–58, alt. 4; manual fire alarm boxes, dwgs. B–262, alt. 4 and B–262–2, alt. 4, manual fire alarm test box, dwg. B–262–1, alt. 3; battery charging panel, 115v AC input, dwg. B–261–3, alt. 0, or battery charging panel, 120v DC input, dwg. B–261–2, alt. 0; fire alarm bells, dwgs. D–103–2, alt. 0, D–103, alt. 1, and D–102, alt. 0; manufactured by Sig-Trans, Inc., Amesbury, Massachusetts, effective May 8, 1962. (This system is intended for use with two 24-volt storage batteries, one of which is on charge while the other is supplying the system.)

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/177/0, series 100–E cast steel body safety valve, 600 p.s.i. maximum pressure, 650° F. maximum temperature, dwg. No. D–100–E dated July 10, 1950, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Marine & Industrial Products Co., 337 West Walnut Street, North Wales, Pennsylvania, effective May 1, 1962. (It is an extension of Approval No. 162.001/177/0 dated May 1, 1957, published in FEDERAL REGISTER May 29, 1957; also change of address of manufacturer.)

Approval No. 162.001/178/0, series 110–E cast steel body safety valve, 600 p.s.i. maximum pressure, 650° F. maximum temperature, dwg. No. D–110–E dated July 10, 1950, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Marine & Industrial Products Co., 337 West Walnut Street, North Wales, Pennsylvania, effective May 1, 1962. (It is an extension of Approval No. 162.001/178/0 dated May 1, 1957, published in FEDERAL REGISTER May 29, 1957; also change of address of manufacturer.)

Approval No. 162.001/179/0, series 100–HT cast steel body safety valve, 600 p.s.i. maximum pressure, 750° F. maximum temperature, dwg. No. D–100–HT dated July 10, 1950, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Marine & Industrial Products Co., 337 West Walnut Street, North Wales, Pennsylvania, effective May 1, 1962. (It is an extension of Approval No. 162.001/179/0 dated May 1, 1957, published in FEDERAL REGISTER May 29, 1957; also change of address of manufacturer.)

Approval No. 162.001/180/0, series 110–HT cast steel body safety valve, 600 p.s.i. maximum pressure, 750° F. maximum temperature, dwg. No. D–110–HT dated July 10, 1950, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Marine & Industrial Products Co., 337 West Walnut Street, North Wales, Pennsylvania, effective May 1, 1962. (It is an extension of Approval No. 162.001/180/0 dated May 1, 1957, published in FEDERAL REGISTER May 29, 1957; also change of address of manufacturer.)

SAFETY VALVES (STEAM HEATING BOILERS)

Approval No. 162.012/3/0, series 90 semi-steel body safety valve for steam heating boilers and unfired steam generators, dwg. No. D–90 dated July 27, 1951, approved for 1½", 2", 2½", 3", and 4" inlet sizes for a maximum pressure of 30 pounds per square inch, manufactured by Marine & Industrial Products Co., 337 West Walnut Street, North Wales, Pennsylvania, effective May 1, 1962. (It is an extension of Approval No. 162.012/3/0 dated May 1, 1957, published in FEDERAL REGISTER May 29, 1957; also change of address of manufacturer.)

Approval No. 162.012/4/0, series 90–E semi-steel body safety valve for steam heating boilers and unfired steam generators, dwg. No. D–90–E dated July 10, 1950, approved for 1½", 2", 2½", 3", and 4" inlet sizes for a maximum pressure of 30 pounds per square inch, manufactured by Marine & Industrial Products Co., 337 West Walnut Street, North Wales, Pennsylvania, effective May 1, 1962. (It is an extension of Approval No. 162.012/4/0 dated May 1, 1957, published in FEDERAL REGISTER May 29, 1957; also change of address of manufacturer.)

Approval No. 162.012/5/0, series 92 semi-steel body safety valve for steam heating boilers and unfired steam generators, dwg. No. E–92 dated July 27, 1951, approved for 1½", 2", 2½", 3", and 4" inlet sizes for a maximum pressure of 30 pounds per square inch, manufactured by Marine & Industrial Products Co., 337 West Walnut Street, North Wales, Pennsylvania, effective May 1, 1962. (It is an extension of Approval No. 162.012/5/0 dated May 1, 1957, published in FEDERAL REGISTER May 29, 1957; also change of address of manufacturer.)

Approval No. 162.012/6/0, series 92–E semi-steel body safety valve for steam heating boilers and unfired steam generators, dwg. No. D–92–E dated July 10, 1950, approved for 1½", 2", 2½", 3", and 4" inlet sizes for a maximum pressure of 30 pounds per square inch, manufactured by Marine & Industrial Products Co., 337 West Walnut Street, North Wales, Pennsylvania, effective May 1, 1962. (It is an extension of Approval No. 162.012/6/0 dated May 1, 1957, published in FEDERAL REGISTER May 29, 1957; also change of address of manufacturer.)

FLAME ARRESTERS, BACKFIRE (FOR CARBURETORS)

Approval No. 162.015/64/0, Model 300–1, backfire flame arrester for carburetor, flame arrester assembly series 300, utilizing an adapter with a 5⅛" carburetor throat opening, manufactured by Barbron Corporation, 14580 Lesure Avenue, Detroit 27, Michigan, effective April 17, 1962.

Approval No. 162.015/65/0, Model 300–2, backfire flame arrester for carburetor, flame arrester assembly series 300, utilizing an adapter with a 4⅜6" carburetor throat opening, manufactured by Barbron Corporation, 14580 Lesure Avenue, Detroit 27, Michigan, effective April 17, 1962.

Approval No. 162.015/66/0, Model 300–3, backfire flame arrester for carburetor, flame arrester assembly series 300, utilizing an adapter with a 2⅝" carburetor throat opening, manufactured by Barbron Corporation, 14580 Lesure Avenue, Detroit 27, Michigan, effective April 17, 1962.

Approval No. 162.015/67/0, Model 300–4, backfire flame arrester for carburetor, flame arrester assembly series 300, utilizing an adapter with a 5" carburetor throat opening, manufactured by Barbron Corporation, 14580 Lesure Avenue, Detroit 27, Michigan, effective April 17, 1962.

Approval No. 162.015/68/0, Model 300–5, backfire flame arrester for carburetor, flame arrester assembly series 300, utilizing an adapter with a 1" carburetor throat opening, manufactured by Barbron Corporation, 14580 Lesure Avenue, Detroit 27, Michigan, effective April 17, 1962.

Approval No. 162.015/69/0, Model 300–7, backfire flame arrester for carburetor, flame arrester assembly series 300, utilizing an adapter with a 2.307" carburetor throat opening, manufactured by Barbron Corporation, 14580 Lesure Avenue, Detroit 27, Michigan, effective April 17, 1962.

VALVES, PRESSURE-VACUUM RELIEF AND SPILL

Approval No. 162.017/93/0, Model No. 53–15F pressure-vacuum relief valve, enclosed pattern, flanged inlet, weight-loaded discs, bronze construction, dwg. No. E–11003 dated April 17, 1962, approved for 6-inch pipe size, manufactured by Tate Engineering, Inc., 516 South Eutaw Street, Baltimore 1, Maryland, effective April 27, 1962.

BULKHEAD PANELS

Approval No. 164.008/12/1, "Marinite–36," asbestos incombustible binder board type bulkhead panel identical to that described in National Bureau of Standards Test Report No. TG3619–23; FRI274 dated March 21, 1939; approved as meeting Class B–15 requirements in a ¾-inch thickness; formerly "J–M Marinite"; manufactured by Johns-Manville Sales Corp., 22 East Fortieth Street, New York 16, New York, effective May 1, 1962. (It is an extension of Approval No. 164.008/12/1 dated May 1, 1957, published in FEDERAL REGISTER May 29, 1957.)

Approval No. 164.008/13/1, "Marinite–30," asbestos incombustible binder board type bulkhead panel identical to that described in Protexol Testing Laboratory Test Report No. 146 dated November 15, 1946; approved as meeting Class B–15 requirements in a ¾-inch thickness; formerly "J–M Light Weight Marinite"; manufactured by Johns-Manville Sales Corp., 22 East Fortieth Street, New York 16, New York, effective May 1, 1962. (It is an extension of Approval No. 164.008/13/1 dated May 1, 1957, published in FEDERAL REGISTER May 29, 1957.)

Approval No. 164.008/14/1, "Marinite–65," asbestos incombustible binder board type bulkhead panel identical to that described in Johns-Manville letter of March 6, 1947; approved as meeting Class B–15 requirements in a ¾-inch thickness; formerly "J-M Marine Sheathing"; manufactured by Johns-Manville Sales Corp., 22 East Fortieth Street, New York 16, New York, effective May 1, 1962. (It is an extension of Approval No. 164.008/14/1 dated May 1, 1957, published in FEDERAL REGISTER May 29, 1957.)

Approval No. 164.008/15/1, Marine Veneer," asbestos cement board type bulkhead panel identical to that described in Johns-Manville letter of March 6, 1947; approved as meeting Class B–15 requirements in a ¾-inch thickness; formerly "J-M Marine Veneer"; manufactured by Johns-Manville Sales Corp., 22 East Fortieth Street, New York 16, New York, effective May 1, 1962. (It is an extension of Approval No. 164.008/15/1 dated May 1, 1957, published in FEDERAL REGISTER May 29, 1957.)

Approval No. 164.008/29/1, "Marinite–23," inorganic composition board type bulkhead panel with aluminum or equivalent veneer on both sides, identical to that described in Protexol Testing Laboratory Report No. 193 dated February 24, 1950; approved as meeting Class B–15 requirements in a ⅞-inch thickness inclusive of veneers; formerly "J-M Special Light Weight Marinite"; manufactured by Johns-Manville Sales Corp., 22 East Fortieth Street, New York 16, New York, effective May 1, 1962. (It is an extension of Approval No. 164.008/29/1 dated May 1, 1957, published in FEDERAL REGISTER May 29, 1957.)

PART II—TERMINATION OF APPROVALS OF EQUIPMENT INSTALLATIONS, OR MATERIALS

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

Termination of Approval No. 160.048/59/0, special approval for 15" x 15" x 2" rectangular kapok buoyant cushions, 20-oz. kapok. U.S.C.G. Specification Subpart 160.048, manufactured by The Howard Zink Corporation, Passaic, New Jersey, effective May 7, 1962. (Item no longer manufactured.)

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Termination of Approval No. 160.050/5/0, 30-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050, manufactured by The Goodyear Tire & Rubber Co., Akron, Ohio, effective

May 14, 1962. (Item no longer manufactured.)

Termination of Approval No. 160.050/6/0, 24-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050, manufactured by The Goodyear Tire & Rubber Co., Akron, Ohio, effective May 14, 1962. (Item no longer manufactured.)

Dated: July 18, 1962.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 62-7205; Filed, July 23, 1962; 8:50 a.m.]

Foreign Assets Control

IMPORTATION OF TEXTILE FABRICS, HAND PAINTED IN CHINESE TYPE DESIGN, DIRECTLY FROM HONG KONG

Available Certifications by the Government of Hong Kong

Notice is hereby given that certificates of origin issued by the Department of Commerce and Industry of the Government of Hong Kong under procedures agreed upon between that Government and the Foreign Assets Control are available with respect to the importation into the United States directly, or on a through bill of lading, from Hong Kong of the following additional commodity:

Textile fabrics, hand painted in Chinese type designs.

[SEAL] HAROLD R. POLLAK,
Acting Director, Foreign Assets Control.

[F.R. Doc. 62-7267; Filed, July 23, 1962; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 84]

ARIZONA

Small Tract Classification

1. Pursuant to authority delegated to me by Bureau Order No. 684, dated August 28, 1961 (26 F.R. 8216, I hereby classify the following described public lands, totaling 15 acres in Yuma County, Arizona, as suitable for disposal under the provisions of the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a) as amended:

GILA AND SALT RIVER MERIDIAN

T. 3 N., R. 22 W.,
Sec. 15: NW¼NE¼NE¼, N½SW¼NE¼NE¼.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order, subject to the provisions of paragraph 4, shall not become subject to disposal under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended until it is so provided by an order to be issued by an authorized officer, opening the lands to bid under public auction procedure.

4. There is one preference right application as provided for by 43 CFR 257.5.

Dated: July 16, 1962.

RAYMOND C. CLEGHORN,
Acting State Director.

[F.R. Doc. 62-7187; Filed, July 23, 1962; 8:48 a.m.]

Office of the Secretary

WALTER FRED NELSON

Appointee's Statement of Financial Interests

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on May 16, 1962, as Deputy Director, DEPA Area 9, Office of Assistant Secretary for Water and Power, an officer or director: Wisconsin River Power Co., Wisconsin Rapids, Wis. Director.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Kimberly Clark Corp., Neenah, Wis.
Wisconsin Electric Power Co., Milwaukee, Wis.
Wisconsin Public Service Corp., Milwaukee, Wis.
Proctor & Gamble, Cleveland, Ohio.
Consolidation Coal Co., Pittsburgh, Pa.
Crouse Heins Co., Syracuse, N.Y.
Northwest Engineering Co., Chicago, Ill.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

WALTER FRED NELSON.

JULY 17, 1962.

[F.R. Doc. 62-7210; Filed, July 23, 1962; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

ADMINISTRATOR OF AREA REDEVELOPMENT ADMINISTRATION

Delegation of Authority to Use Title III of Federal Property and Administrative Services Act of 1949

1. Pursuant to the authority vested in the Secretary of Commerce by law and by delegation from the Administrator of General Services, the Administrator of the Area Redevelopment Administration is hereby authorized to utilize and exercise all of the delegable authority of the Secretary of Commerce under Title III of the Federal Property and Administrative Services Act of 1949 (63 Stat. 393.97), as amended, 41 U.S.C. 251.60 (hereinafter referred to as the Act), when procuring property and services, except for the authority under section 305 of the Act to make advance payments and except that the authority herein delegated to negotiate contracts without advertising, in section 302(c) of the Act, is limited to subsections 302(c) (3), (4), (5), and (10).

2. This authority shall be exercised only with respect to procurement of property and services which are required in connection with authorized activities conducted by the Area Redevelopment Administration.

3. This authority shall be exercised in accordance with applicable limitations and requirements of the Act, particularly sections 304 and 307 thereof, and in accordance with policies, procedures and controls prescribed by the General Services Administration.

4. Subject to the provisions of 3 above, the authority herein delegated may be redelegated to any officer or employee of the Area Redevelopment Administration.

5. This delegation is effective as of this date.

Dated: July 17, 1962.

LUTHER H. HODGES,
Secretary of Commerce.

[F.R. Doc. 62-7201; Filed, July 23, 1962; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14527, 14528; FCC 62M-1025]

PEOPLE'S BROADCASTING CO. (WPBC) AND GABRIEL BROADCASTING CO.

Order Continuing Hearing

In re applications of People's Broadcasting Company (WPBC), Minneapolis, Minnesota, Docket No. 14527, File No. BP-13692; Nicholas Tedesco and Victor J. Tedesco d/b as Gabriel Broadcasting Company, Chisholm, Minnesota, Docket No. 14528, File No. BP-14416; for construction permits.

The Hearing Examiner having under consideration a "Petition to Examiner to Continue Hearing" filed by People's Broadcasting Company on July 13, 1962, and also the Broadcast Bureau's comments with regard to the same filed July 17, 1962, and

It appearing that the petitioner desires an indefinite postponement for the hearing now scheduled for July 23, 1962, and

It further appearing that the petition has merit insofar as it requests a postponement but that a definite date should be established for a hearing,

It is ordered, This 18th day of July 1962, that the aforesaid petition to continue hearing is granted to the extent that the hearing now scheduled for July 23, 1962, is hereby rescheduled for 10:00 a.m., September 28, 1962, in the Commission's offices in Washington, D.C.

Released: July 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7213; Filed, July 23, 1962; 8:50 a.m.]

[Docket No. 14510 etc.; FCC 62M-1011]

ROCKLAND BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of Sidney Fox, George Dacre, Harry Edelstein, d/b as Rockland Broadcasting Company, Blauvelt, New York, Docket No. 14510, File No. BP-13477; Delaware Valley Broadcasting Co. (WAAT), Trenton, New Jersey, Docket No. 14511, File No. BP-14054; Rockland Radio Corporation, Spring Valley, New York, Docket No. 14512, File No. BP-14461; Rockland Broadcasters, Inc., Spring Valley, New York, Docket No. 14513, File No. BP-14462; Asbury Park Press, Inc. (WJIK), Asbury Park, New Jersey, Docket No. 14514, File No. BP-14469; City of Camden (WCAM), Camden, New Jersey, Docket No. 14616, File No. BP-14638; for construction permits.

It is ordered, This 17th day of July 1962, that a further hearing on the Blauvelt and Spring Valley applications is scheduled for Thursday, July 26, 1962, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: July 18, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7214; Filed, July 23, 1962; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI63-4—RI63-6]

L. A. DOUGLAS ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates;[1] and Allowing Rate Changes To Become Effective Subject to Refund

JULY 17, 1962.

L. A. Douglas (Operator), et al., Docket No. RI63-4; Quintana Petroleum Corporation (Operator), et al., Docket No. RI63-5; Humble Oil & Refining Company, Docket No. RI63-6.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All rates referred to herein are at a pressure base of 14.65 psia. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI63-4	L. A. Douglas (Operator), et al., 746 Milam Bldg., San Antonio, Tex.	1	4	Texas Eastern Transmission Corp. (Violet Field, Nueces County, Tex.) (R.R. District No. 4).	$2,920	6-18-62	[1] 7-19-62	12-19-62	[2] 14.2	[2] 15.2	----------
RI63-5	Quintana Petroleum Corp. (Operator), et al., 1710 Texas Eastern Bldg., Houston 2, Tex.	1	3	Tennessee Gas Transmission Co. (Columbus Field, Colorado County, Tex.) (R.R. District No. 3).	28,857	6-19-62	[4] 8-1-62	1-1-63	[3] 13.49751	[4] [6] 16.16947	----------
RI63-6	Humble Oil & Refining Co., P.O. Box 2180, Houston 1, Tex.	157	1	Orange Grove Gas Gathering Co. (Northwest Orange Grove Field, Jim Wells County, Tex.) (R.R. District No. 4).	2,468	6-18-62	[1] 7-19-62	[7] 7-20-62	[8] [9] 11.0	[9] [10] 12.0	----------

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] 14.4 cents per Mcf rate previously suspended in Docket No. G-13675, was never placed in effect subject to refund.
[3] Five-step periodic rate increase.
[4] The stated effective date is the effective date proposed by respondent.
[5] Includes 0.21931 cent per Mcf dehydration charge deducted by buyer.
[6] Redetermined rate increase.
[7] Suspension period is limited to one day.
[8] Rate related to Orange Grove Gas Gathering Company's 14.5 cents per Mcf rate subject to refund in Docket No. G-19936.
[9] Includes 0.25 cent per Mcf dehydration charge paid by seller.
[10] Revenue-sharing rate increase.

Since the proposed revenue-sharing rate increase of Humble Oil & Refining Company is based upon the buyer's resale rate which is in effect subject to refund in Docket No. G-19936, it should be suspended for one day from July 19, 1962, the first day after expiration of the required statutory notice.

The proposed five-step periodic rate increases of L. A. Douglas (Operator), et al., and the redetermined rate increase of Quintana Petroleum Corporation (Operator), et al., exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the three proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the three proposed changed rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however*, That Supplement No. 1 to Humble Oil & Refining Company's FPC Gas Rate Schedule No. 157, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of issuance of this order Respondent shall execute and file under Docket No. RI63-6 with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washing-

[1] This order does not provide for the consolidation for hearing or disposition of the three matters covered herein, nor should it be so construed.

ton 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 30, 1962.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-7178; Filed, July 23, 1962; 8:46 a.m.]

[Docket No. CP61-344]

PROPHETSTOWN NATURAL GAS CO.

Notice of Motion To Amend Order Directing Physical Connection of Facilities and Sale of Natural Gas

JULY 17, 1962.

Take notice that on May 24, 1962, Prophetstown Natural Gas Company (Applicant) filed a motion to amend the Commission's order issued December 20, 1961, in Docket No. CP61-344 by increasing the volume of natural gas which Natural Gas Pipeline Company of America (Natural) has been directed to sell and deliver to Applicant, from 1,300 Mcf per day to 1,740 Mcf per day. Authorization for the additional 440 Mcf per day is requested in order to serve natural gas to the Villages of Lyndon and Hooppole, Illinois, with their estimated third-year peak day requirements in addition to the service previously authorized for the City of Prophetstown, Illinois, all as more fully set forth in the motion to amend which is on file with the Commission and open to public inspection.

No additional facilities will be required on the part of Natural, which company has advised that it has no objection to providing the subject additional service. Applicant will construct the necessary distribution systems in Lyndon and Hooppole at an estimated cost of $101,500.

Protests, petitions to intervene or requests for hearing may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 8, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-7179; Filed, July 23, 1962; 8:46 a.m.]

[Docket No. E-7042]

SIERRA PACIFIC POWER CO.

Notice of Application

JULY 16, 1962.

Take notice that on July 12, 1962, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Sierra Pacific Power Company (Applicant), a corporation organized under the laws of the State of Maine and authorized to do business in the States of California and Nevada with its principal business office in Reno, Nevada, seeking an order authorizing the issuance of unsecured promissory notes of up to $12,000,000 aggregate face value.

The unsecured promissory notes will be payable to such bank or banks from which the Applicant may borrow funds, up to but not exceeding $12,000,000 face amount at any one time outstanding, for periods not exceeding twelve months from the date of original issue or renewal thereof, as the case may be. Such notes will be issued either originally or upon renewal from time to time, and will have maturity dates not later than December 31, 1963. Said notes will bear interest at a rate per annum not in excess of one quarter of one percent over the prime rate in effect in New York at the time of the borrowing or the renewal or extension of the loans as the case may be.

The Applicant proposes to apply and use the net proceeds to be obtained from the unsecured promissory notes, pending permanent financing (authorization for the sale of which subsequently will be applied for), to reimburse Applicant for construction expenditures and, together with cash from operations, to carry out Applicant's construction programs contemplated and now in progress for 1962 and 1963. These programs jointly will require approximately $23,058,900 and provide for the expenditure of approximately $18,453,900 for electric facilities, $3,596,000 for water facilities and $1,009,000 for gas facilities. Principal items in Applicant's electric program are: $3,484,000 for extensions, meters, services and transformers to serve new customers; $8,974,000 for generating equipment; and, $2,050,000 for major transmission lines and substations.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 6th day of August file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-7180; Filed, July 23, 1962; 8:47 a.m.]

[Docket Nos. CP62-263, CP62-264]

WASHINGTON GAS LIGHT CO. AND ATLANTIC SEABOARD CORP.

Notice of Applications and Date of Hearing

JULY 17, 1962.

Take notice that on May 15, 1962, Washington Gas Light Company (Washington), 1100 H Street NW., Washington 5, D.C., filed in Docket No. CP62-263 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of unspecified lateral pipelines to serve areas not heretofore served with natural gas in the National Capital region,[1] all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Take further notice that on May 15, 1962, Atlantic Seaboard Corporation (Atlantic), P.O. Box 1273, Charleston 25, West Virginia, filed in Docket No. CP62-264 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of unspecified taps and meter stations to supply new natural gas requirements of the lateral pipelines which Washington proposes in Docket No. CP62-263, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Both Applicants request budget-type authorization to construct their respective facilities for a 12-month period. The total cost of Washington's facilities will not exceed a maximum of $600,000, with no single project to exceed a cost of $225,000; the total cost of Atlantic's facilities will not exceed a maximum of $100,000, with no single project to exceed a cost of $25,000.

The facilities for which Washington seeks authorization consists of lateral pipelines to deliver gas to local areas for distribution by Washington subject to the following conditions:

1. The service will be in areas not heretofore served with natural gas;

2. The lateral for any area will not exceed five miles in length, and the pipe used will not be larger than 8⅝" O.D.; and

3. The peak day deliveries in the first and third years of operations for all the new areas will not exceed 4,000 Mcf and 7,500 Mcf, respectively.

Washington proposes to finance its facilities from funds on hand, and Atlantic proposes to finance its facilities from funds generated through operations.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 16, 1962, at 9:30 a.m. e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 6, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-7182; Filed, July 23, 1962; 8:47 a.m.]

[Docket No. G-2975 etc.[1]]

SUNRAY DX OIL CO.

Order Amending Applications for and Certificates of Public Convenience and Necessity, Accepting Related Rate Filings, Redesignating Proceedings, Substituting Respondents, and Requiring Filing of Undertaking To Assure Refund of Excess Charges

JULY 17, 1962.

On June 4, 1962, Sunray DX Oil Company (Sunray DX), formerly Sunray Mid-Continent Oil Company (Sunray Mid-Continent), filed a petition "to amend style of proceedings." Said petition is construed as a petition to amend the applications for and certificates of public convenience and necessity, as supplemented or amended, filed or issued, under each of the proceedings listed in Appendix I to this order by substituting Sunray DX Oil Company for Sunray Mid-Continent Oil Company as applicant or as certificate holder in each of the aforesaid proceedings.

Said petition is also construed as a motion requesting substitution of Sunray DX as Respondent in lieu of Sunray Mid-Continent in each of the rate proceedings listed in Appendix II to this order. Sunray DX, however, has not filed an undertaking to assume the refunding and reporting obligations previously agreed to by Sunray Mid-Continent.

The petition shows that on April 27, 1962, the name of Sunray Mid-Continent Oil Company was changed to Sunray DX Oil Company by resolution of the Board of Directors of the corporation, approved by the stockholders.

The purpose of this petition is to permit Sunray DX to succeed to and be possessed of all the rights, privileges, obligations, duties and responsibilities heretofore held by Sunray Mid-Continent as though Sunray DX had appeared in each of said proceedings whenever and wherever the name Sunray Mid-Continent appears therein.

Sunray DX, by letters dated May 11, 1962, filed requests that the rate schedules presently on file with the Commission under the name of Sunray Mid-Continent Oil Company be appropriately redesignated to reflect the aforesaid change in name to Sunray DX Oil Company. These letters are being construed to be notices of succession by Sunray DX to the respective rate schedules involved and will be accepted as hereinafter ordered.

The Commission finds:

(1) It is in the public interest and appropriate in carrying out the provisions of the Natural Gas Act to amend, as hereinafter ordered and conditioned, the applications for and certificates of public convenience and necessity, and the outstanding temporary authorizations listed in Appendix I to this order.

(2) Sunray DX should be substituted for Sunray Mid-Continent as Respondent in the proceedings listed in Appendix II to this order, said proceedings should be redesignated accordingly, and Sunray DX should file an agreement and undertaking in the form set out in Appendix III to this order.

(3) The letters from Sunray DX dated May 11, 1962, hereinbefore referred to, should be accepted for filing as Notices of Succession to the related rate schedules of Sunray Mid-Continent as hereinafter ordered, and said rate schedules should be redesignated to reflect the change in name aforesaid.

The Commission orders:

(A) The applications for and certificates of public convenience and necessity and the outstanding temporary authorizations listed in Appendix I to this order, which Appendix is hereby made a part hereof, be and the same are hereby amended by substituting Sunray DX Oil Company for Sunray Mid-Continent Oil Company as applicant or as certificate or temporary authorization holder, whichever is appropriate, in each of the docketed proceedings listed in said Appendix I.

(B) Sunray DX Oil Company is hereby substituted for Sunray Mid-Continent Oil Company as Respondent in each of the proceedings listed in Appendix II to this order, which Appendix is hereby made a part hereof, and said proceedings are accordingly redesignated.

(C) The letters from Sunray DX dated May 11, 1962, hereinbefore referred to, are hereby accepted for filing as Notices of Succession to the related rate schedules formerly filed by Sunray Mid-Continent Oil Company, and said rate schedules are hereby redesignated to reflect the change in name aforesaid.

(D) Sunray DX Oil Company shall file an agreement and undertaking in the form set out in Appendix III to this order, which Appendix is hereby made a part hereof, within thirty days from the date of issuance of this order. Unless notified to the contrary by the Secretary of the Commission within thirty days from the date of filing, such undertaking shall be deemed to be satisfactory and to have been accepted for filing. Upon acceptance for filing, such undertaking shall remain in full force and effect until discharged by the Commission.

(E) In all respects other than as set out in paragraph (A) above, the outstanding certificates of public convenience and necessity and temporary authorizations listed in Appendix I hereto shall remain in full force and effect.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

APPENDIX I

The following application filed by Sunray Mid-Continent Oil Company is pending without action by the Commission:

Docket No. G-18133.

Temporary authorization has been granted to Sunray Mid-Continent Oil Company in the following dockets, but certificates have not been issued:

Docket Numbers

G-16109	G-13349	CI60-85
G-16233	G-13365	CI60-250
G-16444	G-13634	CI60-353
G-17461	G-13641	CI60-377
G-17545	G-14143	CI60-428
G-17899	G-14347	CI60-477
G-18142	G-15148	CI60-800
G-18630	G-15800	CI61-1103
G-19051	G-16104	CI61-1201
G-19803		

Certificates of public convenience and necessity have been issued to Sunray Mid-Continent Oil Company and are outstanding in the following dockets:

Docket Nos. G-2978 to G-2980, incl., G-2991, G-3806, G-3808, G-3810 to G-3813, incl., G-3815, G-3817, G-3818, G-3884 to G-3887, incl., G-4268, G-4416, G-4912, G-4914, G-4915, G-4917 to G-4919, incl., G-4945, G-4947 to G-4954, incl., G-5123 to G-5135, incl., G-5172 to G-5180, incl., G-5932, G-6046, G-6048, G-6050, G-6051, G-6053, G-6056, G-6057, G-6059, G-6193, G-6194, G-6606, G-8663, G-8791, G-8825, G-9257, G-9265, G-9530, G-9782, G-10019, G-10325, G-10326, G-10621, G-10706, G-10757, G-10765, G-10775, G-10825, G-10943, G-11026, G-11550, G-11661, G-11662, G-11760, G-11762, G-12113, G-12114, G-12400, G-12489, G-12566, G-12784, G-12900 to G-12902, incl., G-12959, G-13011, G-13094 and G-13125 (order issued December 15, 1958, Docket Nos. G-2975, et al.).

Docket No. G-4281 (order issued December 4, 1956, Docket Nos. G-4280, et al.).

Docket No. G-4511 (order issued May 31, 1955, Docket Nos. G-2742, et al.).

Docket Nos. G-4946 and G-6045 (order issued October 24, 1956, Docket Nos. G-2603, et al.).

Docket No. G-5181 (order issued September 2, 1955).

Docket No. G-5182 (order issued September 2, 1955).

Docket Nos. G-5931, G-6052 and G-6873 (order issued June 27, 1955, Docket Nos. G-2668, et al.).

Docket No. G-8286 (order issued August 8, 1958).

Docket No. G-8711 (order issued July 5, 1955).

Docket Nos. G-8826 and G-8907 (order issued July 25, 1955, Docket Nos. G-8826, et al.).

Docket No. G-9043 (order issued January 4, 1956, Docket Nos. G-8854, et al.).

Docket Nos. G-10370 and G-10532 (order issued March 13, 1957, Docket Nos. G-10330, et al.).

Docket No. G-10776 (order issued April 22, 1957, Docket Nos. G-10551, et al.).

Docket No. G-11122 (order issued June 3, 1957, Docket Nos. G-9080, et al.).

Docket No. G-11877 (order issued November 6, 1958, Docket Nos. G-11799, et al.).

Docket No. G-12211 (order issued May 9, 1958).

Docket No. G-14753 (order issued August 10, 1959).

[1] "National Capital region" is defined in 66 Stat. 781, 40 U.S.C. 71(b).

[1] Docket No. G-2975 was vacated by order issued May 7, 1962, in Docket No. CI62-373.

Docket No. G-14861 (order issued June 8, 1960, Docket Nos. G-3143, et al.).

Docket No. G-18774 (order issued June 6, 1961, Docket Nos. G-7452, et al.).

Docket No. G-19511 (order issued February 9, 1960).

Docket No. CI60-163 (order issued August 10, 1960, Docket Nos. G-13673, et al.).

Docket No. CI60-543 (order issued October 31, 1960, Docket Nos. G-13831, et al.).

Docket Nos. G-14288, G-15199, G-15468, G-15520, G-16010, G-16134, G-16716, G-17032, G-17489, G-17558, G-18294, G-18614, G-19060, G-19409, G-20092, CI60-42, CI60-84, CI60-205, CI60-239, CI61-133, CI61-1088, CI61-1229, CI61-1385, CI61-1395, CI61-1819, CI62-286, CI62-462 (order issued May 29, 1962, Docket Nos. G-14288, et al.).

Docket No. G-15115 (order issued December 21, 1959).

Docket No. CI61-1147 (order issued March 7, 1962, Docket Nos. CP61-102, et al.).

NOTE: Exhibit "A" to the Petition to Amend Style of Proceedings fails to include the following dockets in which the Commission's records show applications pending and temporary authorizations issued:

Docket Nos. G-15148, G-16444 and G-17545.

Also, said Exhibit "A" fails to include the following dockets in which the Commission's records show certificates of public convenience and necessity have been issued and are outstanding:

Docket Nos. G-3806, G-6606, G-10765, G-12113, G-15115 and G-16010.

Said Exhibit "A" includes the following dockets which the Commission's records show have been disposed of as indicated:

Docket No. G-2975, vacated by order issued May 7, 1962, Docket No. CI62-373.

Docket Nos. G-2992 to G-2996, incl., and G-6047, dismissed by order issued December 15, 1958, Docket Nos. G-2975, et al.

Docket No. G-3816, vacated by letter order issued March 1, 1961.

Docket No. G-6058, rejected by Opinion No. 314 and order issued July 23, 1958.

Appendix II

Docket Numbers [1]

G-6822 [2]	G-17881	RI60-415
G-11992 [2]	G-17883	RI61-55
G-13160 [4]	G-18097	RI61-93 [3]
G-13422	G-18173	RI61-104
G-13470	G-18891 [3]	RI61-117
G-13586	G-19090 [4]	RI61-119
G-13741 [3]	G-19776	RI61-260
G-14931	G-19904 [3]	RI61-323 [3]
G-15177	G-19905 [3]	RI61-356
G-15419	G-19906 [2]	RI61-360
G-15420 [4]	G-19988 [2 3]	RI61-385
G-15593	G-20062	RI61-462 [2 5]
G-16317	G-20187	RI61-463 [2]
G-16484 [2]	G-20348 [3]	RI61-498
G-16649	G-20537 [4]	RI62-30
G-16884 [4]	G-20000	RI62-32 [3]
G-17078 [5]	RI60-14 [4]	RI62-51
G-17284 [3]	RI60-29 [4]	RI62-55
G-17316	RI60-101 [4]	RI62-175
G-17524	RI60-125	RI62-178
G-17726 [2 5]	RI60-131	RI62-196
G-17727 [2]	RI60-303	RI62-325
G-17880	RI60-304 [2 3]	RI62-455 [3]

[1] Docket Nos. G-15594 and G-15722 were included in the Motion to Restyle Proceedings, however, these proceedings were terminated by order issued March 5, 1962, in Docket Nos. G-15546, et al.

[2] Consolidated with the proceedings in Docket Nos. AR61-2, et al.

[3] This Docket Number was not, but should have been, included in the Motion to Restyle Proceedings.

[4] Consolidated with the proceedings in Docket Nos. AR61-1, et al.

[5] Proper name designation of the proceeding includes "(Operator), et al."

Appendix III

AGREEMENT AND UNDERTAKING BEFORE THE FEDERAL POWER COMMISSION

SUNRAY DX OIL COMPANY (SUCCESSOR TO SUNRAY MID-CONTINENT OIL COMPANY)

Agreement and Undertaking of Sunray DX Oil Company (Successor to Sunray Mid-Continent Oil Company) To Comply With Refunding and Reporting Provisions of Section 154.102 of the Commission's Regulations Under the Natural Gas Act

Sunray DX Oil Company (successor to Sunray Mid-Continent Oil Company) hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's Regulations under the Natural Gas Act insofar as they are applicable to the proceedings set forth in the list attached hereto, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto, this ____ day of ----------, 1962.

By this agreement and undertaking, Sunray DX Oil Company assumes all the refunding and reporting obligations previously agreed to by Sunray Mid-Continent Oil Company in the proceedings set forth in the list attached hereto.

SUNRAY DX OIL COMPANY,
By ----------

Attest:

Docket Numbers

G-16484	G-17881	RI60-303
G-16649	G-17883	RI60-304
G-16884	G-18097	RI60-415
G-17078	G-18173	RI61-55
G-17284	G-18891	RI61-93
G-17316	G-19090	RI61-104
G-17524	G-19776	RI61-117
G-17726	G-19904	RI61-119
G-17727	G-19905	RI61-323
G-17880	G-19906	RI61-356
G-6822	G-19988	RI61-360
G-13160	G-20000	RI61-385
G-13422	G-20062	RI61-462
G-13470	G-20187	RI61-463
G-13586	G-20348	RI61-498
G-13741	G-20537	RI62-30
G-14931	RI60-14	RI62-32
G-15177	RI60-29	RI62-51
G-15419	RI60-101	RI62-55
G-15420	RI60-125	RI62-178
G-16317	RI60-131	RI62-196

[F.R. Doc. 62-7181; Filed, July 23, 1962; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

BRENTON COMPANIES, INC.

Notice of Applications for Approval of Acquisitions of Shares of Banks

Notice is hereby given that applications have been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), by Brenton Companies, Inc., which is a bank holding company located in Des Moines, Iowa, for the prior approval of the Board of the acquisitions by Applicant of 80 percent or more of the outstanding shares of Poweshiek County National Bank of Grinnell, Grinnell, Iowa; The First National Bank of Perry, Perry, Iowa; Brenton State Bank, Dallas Center, Iowa; and Jefferson State Bank, Jefferson, Iowa.

In determining whether to approve these acquisitions, the Board is required by the Bank Holding Company Act to take into consideration the following factors in each case: (1) The financial history and condition of the company and the banks concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisitions may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C., this 18th day of July 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 62-7185; Filed, July 23, 1962; 8:47 a.m.]

UNITED VIRGINIA BANKSHARES, INC.

Notice of Receipt of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that the Board of Governors of the Federal Reserve System has received an application by United Virginia Bankshares Incorporated, Richmond, Virginia, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), for the Board's prior approval of action to become a bank holding company through acquisition by that corporation of 50 percent or more of the voting shares of each of the following banks: Citizens Marine Jefferson Bank, Newport News, Virginia; First and Citizens National Bank of Alexandria, Alexandria, Virginia; First National Trust and Savings Bank of Lynchburg, Lynchburg, Virginia; Merchants and Farmers Bank of Franklin, Franklin, Virginia; State-Planters Bank of Commerce and Trusts, Richmond, Virginia; and The Vienna Trust Company, Vienna, Virginia.

In determining whether to approve this application, the Board is required by said Act to take into consideration the following factors: (1) The financial history and condition of the company and the banks concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond

limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than 30 days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C., this 18th day of July 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 62-7186; Filed, July 23, 1962; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4051]

NATIONAL FUEL GAS CO.

Notice of Proposed Issuance and Sale by Registered Holding Company and a Subsidiary of Unsecured Notes to Banks

JULY 13, 1962.

In the matter of National Fuel Gas Company, 30 Rockefeller Plaza, New York 20, New York; Iroquois Gas Corporation, 10 Lafayette Square, Buffalo 3, New York; Pennsylvania Gas Company, 213 Second Avenue, Warren, Pennsylvania.

Notice is hereby given that National Fuel Gas Company ("National"), a registered holding company, and two of its gas utility subsidiaries, Iroquois Gas Corporation ("Iroquois"), and Pennsylvania Gas Company ("Pennsylvania"), have filed with this Commission a joint application-declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a), 10, 12(b), and 12(f) of the Act and Rules 43 and 45 promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

National proposes to issue and sell, from time to time during the period July 1, 1962 through December 31, 1962, not in excess of $4,000,000 face amount of unsecured notes to The Chase Manhattan Bank ("Chase Bank") pursuant to a Credit Agreement dated May 18, 1962. The notes are to be dated as of the date of issue, are to mature 24 months after the date of the first note and are to bear interest at the prime commercial rate of Chase Bank in force on the date of issue of each note (presently 4½ percent). The notes may be prepaid in whole or in part without penalty, unless any such prepayment results directly or indirectly from the proceeds of, or in anticipation of, any bank borrowing other than from Chase Bank, in which event National will pay a premium of ⅜ of 1 percent on the principal sum so prepaid. National plans to pay the notes on or before maturity through the issuance and sale of long-term debentures or common stock, or both.

Iroquois proposes to issue and sell, and National proposes to acquire, not in excess of $4,000,000 face amount of unsecured promissory notes, from time to time during the period July 1, 1962, through December 31, 1962. The notes are to be dated as of the date of issue, are to mature 24 months after the date of the first note and are to bear interest at the same rate as that applicable to National's companion notes with Chase Bank. The notes may be prepaid in whole or in part without penalty.

Pennsylvania proposes to issue and sell not in excess of $2,400,000 face amount of unsecured notes to Warren National Bank of Warren, Pennsylvania, during 1962. The notes are to be dated as of the date of issue, are to mature not later than nine months from the date of issuance and are to bear interest at the prime rate in effect at Chase Bank on the date of issue of each note (presently 4½ percent) and are to be prepayable at any time, in whole or in part, without penalty or premium. The proposed notes would aggregate approximately 12 percent of the principal amount and par value of Pennsylvania's other securities outstanding, and any amount in excess of 5 percent may be exempted only pursuant to an order under section 6(b) of the Act. The filing requests the Commission's approval for the issuance of the excess notes, amounting to $1,355,440.

The net proceeds derived by Iroquois and Pennsylvania from the above sales of their notes, together with funds available from current operations, are to be used to make additions to their utility plants during 1962, estimated at $6,950,000 and $2,251,000, respectively, and, in the case of Pennsylvania, to purchase additional gas for underground storage, estimated at $234,000.

The fees and expenses of National, Iroquois and Pennsylvania are estimated to aggregate $3,650, including fees of counsel aggregating $1,250.

Iroquois has petitioned the Public Service Commission of the State of New York for authority to issue and sell its notes. A copy of the order entered therein is to be supplied by amendment. It is represented that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than July 30, 1962, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants-declarants, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-7188; Filed, July 23, 1962; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 2-1A (Revision 3), Amdt 1]

ASSISTANT CHIEF, ADMINISTRATIVE SERVICES DIVISION

Delegation Relating to Administrative Services

Delegation of Authority No. 2-1A (Revision 3), 26 F.R. 775, is hereby amended by deleting section IA2 and substituting the following in lieu thereof:

2. To enter into contracts for supplies and services pursuant to Delegation of Authority No. 410, dated March 26, 1962 (27 F.R. 3017), from the Administrator of the General Services Administration to the Small Business Administration.

Effective date: March 30, 1962.

NORMAN J. BILLINGSLEY, *Deputy Director, Office of Organization and Management and Acting Chief, Administrative Services Division.*

[F.R. Doc. 62-7189; Filed, July 23, 1962; 8:48 a.m.]

[Delegation of Authority 1 (Revision 1), Amdt. 2]

ASSISTANT ADMINISTRATOR (MANAGEMENT)

Delegation Relating to Management and Size Standards

Delegation of Authority No. 1 (Revision 1), as amended (26 F.R. 8611; 27 F.R. 1303), is hereby amended by deleting section IA11 and substituting the following in lieu thereof:

11. To enter into contracts for supplies and services pursuant to Delegation of Authority No. 410, dated March 26, 1962 (27 F.R. 3017), from the Administrator of the General Services Administration to the Small Business Administration.

Effective date: March 30, 1962.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 62-7190; Filed, July 23, 1962; 8:48 a.m.]

[Delegation of Authority 2 (Revision 6), Amdt. 1]

DIRECTOR, OFFICE OF ORGANIZATION AND MANAGEMENT

Delegation Relating to Organization and Management

Delegation of Authority No. 2, (Revision 6), 26 F.R. 10536, is hereby amended by deleting section IA6 and substituting the following in lieu thereof:

6. To enter into contracts for supplies and services pursuant to Delegation of Authority No. 410, dated March 26, 1962 (27 F.R. 3017), from the Administrator of the General Services Administration to the Small Business Administration.

Effective date: March 30, 1962.

D. J. CARR,
Assistant Administrator (Management).

[F.R. Doc. 62-7191; Filed, July 23, 1962; 8:49 a.m.]

[Delegation of Authority 2-2, Amdt. 1]

DEPUTY DIRECTOR, OFFICE OF ORGANIZATION AND MANAGEMENT

Delegation Relating to Organization and Management

Delegation of Authority No. 2-2 (25 F.R. 9658) is hereby amended by deleting section IA5 and substituting the following in lieu thereof:

5. To enter into contracts for supplies and services pursuant to Delegation of Authority No. 410, dated March 26, 1962 (27 F.R. 3017), from the Administrator of the General Services Administration to the Small Business Administration.

Effective date: March 30, 1962.

NORMAN J. BILLINGSLEY,
Acting Director, Office of Organization and Management.

[F.R. Doc. 62-7192; Filed, July 23, 1962; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 667]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 19, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65105. By order of July 17, 1962, the Transfer Board approved the transfer to Jerry M. Barner & Sons, Roselle, New Jersey, of Certificate No. MC 77721, issued October 19, 1949, to Henry F. Kahl, Charles Kahl, and A. Mary Kahl, a partnership, doing business as H. F. Kahl Co., New York, N.Y., authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between New York, N.Y., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, and Union Counties, N.J. Edward F. Bowes, 1060 Broad Street, Newark 2, N.J., applicants' attorney.

No. MC-FC 65127. By order of July 17, 1962, the Transfer Board approved the transfer to William F. Lubich and Roman F. Lubich, a partnership, doing business as Lubich Bros., River Falls, Wis., of Certificate No. MC 62002, issued January 24, 1951, to James H. Lubich and William F. Lubich, a partnership, doing business as Lubich Bros., River Falls, Wis., authorizing the transportation, over irregular routes, of bran, meat scraps, feed, and hay, from points in Minnesota to River Falls, Wis., agricultural commodities and livestock, from points in the town of Troy and Kinnickinnic, St. Croix County, Wis., and Clifton and River Falls, Pierce County, Wis., to points in Minnesota, and farm supplies, from points in Minnesota to points in the above-specified Wisconsin territory. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., applicants' representative.

No. MC-FC 65152. By order of July 17, 1962, the Transfer Board approved the transfer to Trailways of Canada Limited, Richmond Hill, Ontario, Canada, of Certificate No. MC 101408, issued May 26, 1949, to Western Ontario Motorways, Limited, Kitchener, Ontario, Canada, authorizing the transportation of passengers and their baggage, in the same vehicle with passengers, in round-trip charter operations, over irregular routes, from ports of entry on that portion of the boundary of the United States and Canada extending from the Wisconsin-Michigan State line to the Michigan-Ohio State line, and from the Pennsylvania-New York State line to the New York-Vermont State line, to points in Michigan, New York, Pennsylvania, and Ohio, and return. S. Harrison Kahn, attorney at law, 1110 Investment Building, Washington 5, D.C.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-7202; Filed, July 23, 1962; 8:49 a.m.]

CUMULATIVE CODIFICATION GUIDE—JULY

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Title 3—THE PRESIDENT

Executive Order 11038

CONTINUING IN EFFECT EXECUTIVE ORDER NO. 10945 [1] OF MAY 24, 1961, RELATING TO THE ADMINISTRATION OF THE EXPORT CONTROL ACT OF 1949, AS AMENDED

By virtue of the authority vested in me by the Export Control Act of 1949, as amended, and as President of the United States it is ordered that:

Effective July 1, 1962, Executive Order No. 10945 of May 24, 1961, and all delegations, redelegations, rules, regulations, orders, licenses, and other forms of administrative action under said order which were in effect on June 30, 1962, are continued in full force and effect.

JOHN F. KENNEDY

THE WHITE HOUSE,
July 23, 1962.

[F.R. Doc. 62-7333; Filed, July 23, 1962; 2:46 p.m.]

[1] 26 F.R. 4487; 3 CFR, 1961 Supp., p. 111.

Rules and Regulations

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER A—TEST FEE SCHEDULES

PART 202—METROLOGY

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. This revision is effective from July 1, 1962.

1. Part 202 is revised to read as follows:

PHOTOMETRY AND COLORIMETRY

Sec.
202.181 Lamp standards of candlepower and luminous flux.
202.182 Photometric instruments and accessories.
202.183 Miscellaneous photometric measurements and tests.
202.184 Rating of incandescent electric lamps.
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AUTHORITY: §§ 202.181 to 202.705 issued under sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a.

PHOTOMETRY AND COLORIMETRY

§202.181 Lamp standards of candlepower and luminous flux.

(a) The Bureau is prepared to standardize incandescent filament lamps which have been properly seasoned, or to season and standardize lamps when necessary, or to furnish lamps (of the more common types and sizes) that have been seasoned and standardized, the respective fees being as given in test fee schedule in this section.

(b) A normal incandescent lamp when operated at constant voltage usually increases slightly in candlepower for a short time, the length of which depends upon the temperature of the filament. A relatively stable period is then reached, after which there is a progressive drop in the candlepower. Therefore, in order that a lamp may be useful as a photometric standard, it should be seasoned by a preliminary burning sufficient to bring it to the stable state. This seasoning is usually done by operating the lamp at a voltage somewhat higher than the normal operating voltage of the lamp.

(c) Lamps with coiled filaments are not usually satisfactory as standards unless they have been specially constructed for this purpose. In particular, lamps of this type are not suitable for standards of horizontal candlepower unless they are of the monoplane-filament projection type. This type of gas-filled lamp with clear bulb (items 202.181 a, b, and c) has been found to be satisfactory as a standard of horizontal candlepower when standardized with a diaphragm in front of the lamp. This diaphragm is slightly larger than the filament and allows only the light coming directly from the filament to reach the photometer. In addition, great care must be taken to orient such standards properly because their candlepower varies appreciably with change of angle around both a vertical axis and a horizontal axis. Recently made available are gas-filled standards of horizontal candlepower in tubular, inside-frosted bulbs with medium-bipost bases (items 202.181 d, e, f, and g) which are calibrated and used without a diaphragm and for which accurate orientation has been found to be much less critical. These inside-frosted lamps are recommended for use where reproducibility of candlepower to 1 percent or better is required.

(d) When lamps are submitted for standardization it is necessary that they be accompanied by a statement as to whether they have been seasoned. If they have been seasoned, the voltage at which they were burned and the number of hours should be given if known. It should be stated also whether they are to be standardized at a given voltage or current at the fees listed below or at a given luminous flux (lumens), candlepower, or color temperature at an increased fee. In the reports which are issued with standard lamps the voltage and the corresponding current and flux or candlepower are given. The Bureau cannot guarantee the permanence of these values, since all lamps change gradually with use.

Item	Description	Fee
	Incandescent lamps issued from stock as standards of luminous intensity or of luminous flux:	
202.181a	Clear bulb, approximately 120-volt lamps, horizontal candles in a specified direction, screw base, 100-watt size, calibrated at 105 volts, 1 lamp each	$35.00
202.181b	Same, 250-watt size, 1 lamp each	40.00
202.181c	Same, 500-watt size, 1 lamp each	42.00
202.181d	Inside-frosted, T–20 bulb, approximately 120-volt lamps, horizontal candles in a specified direction, medium-bipost base, 100-watt size, calibrated at 110 volts, 1 lamp each	47.00
202.181e	Same, 300-watt size, 1 lamp each	49.00
202.181f	Same, 500-watt size, 1 lamp each	51.00
202.181g	Same, 1,000-watt size, 1 lamp each	55.00
202.181h	Clear or inside-frosted bulb, approximately 120-volt lamps, screw base, luminous flux, 100-watt size, calibrated at 115 volts, 1 lamp each	33.00
202.181i	Same, 200-watt size, 1 lamp each	35.00
202.181j	Same, 500-watt size, 1 lamp each	47.00
202.181k	Additional fee for calibrating lamps on items 202.181 a to j inclusive at voltages other than those listed, each lamp	11.00
	Standardization seasoned incandescent lamps submitted for standardization, approximately 120-volt lamps, medium-screw, mogul-screw, or medium-bipost base:	
202.181l	Clear or inside-frosted bulb, horizontal candles in a specified direction, 100- to 1,000-watt sizes, 1 lamp each	46.00
202.181m	Clear or inside-frosted bulb, luminous flux, 10- to 1,000-watt sizes, 1 lamp each	46.00
202.181n	Same as items 202.181 l or m, each additional lamp of same size submitted at the same time for calibration at approximately the same voltage	31.00
202.181o	Seasoning of incandescent lamps for standardization, and preliminary measurement, 10 to 200 watts, each lamp	7.00
202.181p	Same, other sizes and types up to 5,000 watts and all series-burning lamps	9.00

Item	Description	Fee
	Standardization of seasoned fluorescent and mercury lamps submitted for calibration:	
202.181q	Determination of luminous flux (lumens) of "white," "cool white," or "daylight" fluorescent lamps, 1 lamp	$47.00
202.181r	Same, each additional lamp	23.00
202.181s	Determination of luminous flux (lumens) of mercury vapor lamps, 1 lamp	63.00
202.181t	Same, each additional lamp	35.00
202.181z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.182 Photometric instruments and accessories.

Item	Description	Fee
202.182a	Calibration of portable photometers and illuminometers, values from 1 to 1,000 foot-candles or equivalent luminance, one point on scale	$35.00
202.182b	Same, each additional point on same range	8.00
202.182c	Calibration of luminance (photometric brightness) standard at one luminance, nonchromatic and between 1 and 1,000 foot-lamberts	34.00
202.182d	Same, each additional setting	14.00
202.182e	Calibration of reference standard for Macbeth Illuminometer	34.00
202.182f	Standard of luminous directional transmittance (approximately 0.5 foot-lambert per foot-candle) supplied from stock, each	34.00
202.182g	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.183 Miscellaneous photometric measurements and tests.

Item	Description	Fee
202.183a	Determination of luminous transmittance of neutral or colored filter, 1 sample	$33.00
202.183b	Same, each additional sample of approximately the same transmittance submitted at the same time or at each additional color temperature of illuminant	10.00
202.183z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.184 Rating of incandescent electric lamps.

Item	Description	Fee
	Rating tests on lamps. These are routine photometric rating tests of the type made initially on lamps to be life-tested, the same standards and equipment being used. The purpose of these tests is to afford a quick check of the photometric values assigned to lamps by various lamp life-test laboratories. Lamp standards of candlepower or luminous flux are issued or calibrated under 202.181.	
202.184a	Rating of incandescent lamps up to 1,000 watts, 1 lamp	$22.00
202.184b	Same, each additional lamp of same size and type	5.00
202.184z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.185 Spectrophotometric standards.

Note on item a. **Transmittances of these disks at wavelengths from 365 to 390 nm and from 750 to 1,000 nm will also be determined on request in accordance with item c of NBS** test fee schedule 202.185. Values will be obtained for a temperature of 25° C. The effect of change of temperature has not been determined for these glasses outside the range from 390 to 750 nm. It is known, however, that for all four types of glass the temperature effects are very small from 750 to 1,000 nm, probably negligible for the usual room temperature variations. On the other hand, temperature effects are always large for these kinds of glass when the transmittance curve is decreasing rapidly towards shorter wavelengths, so that increasingly large temperature effects may be expected for these filters in the ultraviolet.

Note on items j and k. In the General Electric recording spectrophotometer the design is such that the radiant energy is incident in a slightly diverging beam whose axis is at 6° to the perpendicular to the surface. The specular component of the reflected energy is thus diverted away from the entrance aperture towards a port on the side. This port may be filled with MgO or with a black material, so that the specular component may be respectively "included" in, or (for plane surfaces) "excluded" from the measurements. This is covered in test fee items j and k.

Only one vitrolite working standard is needed for the measurement of spectral directional reflectance on the General Electric recording spectrophotometer. This calibrated Vitrolite standard and the samples to be tested are in turn placed at the sample aperture of the integrating spheres, and any highly reflecting substance such as MgO or $MgCO_3$ may be used at the comparison aperture provided the material to be tested does not reflect more than the comparison material. The directional reflectances of the test samples relative to freshly prepared MgO are then obtained by multiplying (at the respective corrected wavelength) the values for these samples read from the curve sheet, by the ratios of (a) the standard Vitrolite values reported to (b) the values for the Vitrolite read from the curve sheet.

Item	Description	Fee
	Standards of spectral transmittance for checking the photometric scale of spectrophotometers; these consist of polished disks of glass, 2 to 3 mm thick and 30 mm in diameter, designated as cobalt blue, copper green, carbon yellow, and selenium orange (copper green filter also available in 25 mm square size); report includes (1) values of transmittance at 25° C., at certain wavelengths from 390 to 750 nm, (2) estimated uncertainty of each value, (3) effect of temperature change on transmittance at each wavelength:	
202.185a	Each disk	$100.00
	Transmittance, 365 to 1,000 nm for standardization purposes. Samples submitted must be in good optical condition. Measurements at room temperature. (If the sample is a disk 29.7±0.2 mm in diameter, the measurements can be made at a specified temperature):	
202.185b	One sample at one wavelength	39.00
202.185c	Each additional wavelength on the same sample.	9.00
	Didymium glass standards for checking the wavelength calibration of General Electric recording spectrophotometers; these consist of Corning 5120 glass, 2 by 2 inches, 3.0 mm thick, polished; report includes table of minimum transmittance:	
202.185d	400 to 750 nm, 10 nm slits, each standard	50.00
202.185e	730 to 1,080 nm, 20 nm slits, each standard	50.00
202.185f	For two calibrations on the same glass (items 202.185d and 202.185e), each standard	76.00
	Holmium oxide glass standards for checking the ultraviolet and visible wavelength calibration of recording spectrophotometers with slit width less than 2 nm; these consist of Corning 3130 glass, 2 by 2 inches, 2.5 mm thick, polished; report includes table of wavelengths of minimum transmittance:	
202.185g	240 to 370 nm, each standard	$85.00
202.185h	360 to 650 nm, each standard	85.00
202.185i	For two calibrations on the same glass (items 202.185g and 202.185h), each standard	110.00
	Working standards of spectral directional reflectance for use on General Electric recording spectrophotometers with 6° from perpendicular irradiation and diffuse reception; standards consist of white structural Vitrolite glass, 4 by 4 inches, 3/4 inch thick; report includes table of spectral directional reflectances relative to freshly prepared magnesium oxide at every 10 nm:	
202.185j	400 to 750 nm, specular component both included and excluded (on same glass), 10 nm slits, each standard	110.00
202.185k	730 to 1,080 nm, specular component both included and excluded (on same glass), 20 nm slits, each standard	110.00
	Working standards of spectral directional reflectance for use on the Beckman Model DU quartz spectrophotometer with nearly perpendicular irradiation and approximately 45° circular reception; standards consist of white structural Vitrolite glass, 1½ by 2 inches, 3/4 inch thick; report includes table of spectral reflectances relative to freshly prepared magnesium at every 10 nm:	
202.185l	380 to 770 nm, each standard	64.00
202.185m	750 to 1,000 nm, each standard	64.00
202.185n	350 to 1,000 nm, each standard	115.00
202.185z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.186 Spectrophotometric measurements.

The tests described in this section are primarily made for informational purposes, and samples so tested should not be accepted as "standards" certified by the National Bureau of Standards. All measurements are made at room temperature. For various types of spectrophotometric standards, see § 202.185.

Item	Description	Fee
	Spectral transmittance, 210 to 1,000 nm:	
202.186a	One sample at one wavelength	$43.00
202.186b	Each additional wavelength on the same sample	4.00
202.186c	Each additional sample, each wavelength	4.00
	Spectral directional reflectance relative to MgO, normal irradiation and 45° circular reception, as obtained with the Beckman Model DU spectrophotometer, 254 to 1,000 nm:	
202.186d	One sample at one wavelength	43.00
202.186e	Each additional wavelength on the same sample	4.00
202.186f	Each additional sample, each wavelength	4.00

Item	Description	Fee
	Spectral transmittance or transmittancy curves obtained on General Electric recording spectrophotometer, including 100% and zero calibration curves and didymium glass curve for checking the wavelength calibration; report includes ozalids of tracings:	
202.186g	Testing a single sample, 400 to 750 nm or 730 to 1,080 nm, with slits approximately 10 nm or 20 nm (respectively) of spectrum, either spectral range	$58.00
202.186h	Each additional curve or each additional sample	9.00
202.186i	Same as 202.186g, but with both spectral ranges, 400 to 1,080 nm	80.00
202.186j	Each additional pair of curves or each additional sample	14.00
	Spectral directional reflectance curves obtained on General Electric recording spectrophotometer, including (1) Vitrolite calibration curve for correcting values relative to fresh MgO as 100,% (2) zero curve, (3) didymium glass curve for checking the wavelength calibration; report includes ozalids of tracings:	
202.186k	One sample, 400 to 750 nm, or 730 to 1,080 nm, with slits approximately 10 nm or 20 nm (respectively) of spectrum, with specular component of reflected energy included, or excluded, either spectral range, and either condition of specular reflection	58.00
202.186l	Each additional curve or each additional sample, each curve	9.00
202.186m	Same as 202.186k, but both spectral ranges, 400 to 1,080 nm	80.00
202.186n	Each additional pair of curves or each pair of curves on each additional sample	14.00
202.186o	For reduction of data obtained as in 202.186g to 202.186n, giving table of values of transmittance, transmittancy, or directional reflectance relative to MgO for every 10 nm, for each curve	24.00
202.186z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature.	

§ 202.187 Colorimetry.

Item	Description	Fee
202.187a	Computing chromaticity coordinates and luminous directional reflectance or transmittance from spectrophotometric data for certain specified light sources, per source per sample	$13.00
202.187b	Computing luminous directional reflectance or transmittance from spectrophotometric data for certain specified light sources, per source per sample	9.00
202.187c	Determination of the Munsell renotation or book notation of a specimen from its daylight reflectance and chromaticity coordinates, each specimen	7.00
202.187d	Conformity to chromaticity of standard, sample and standard illuminated normally by artificial daylight or by incandescent-lamp light, chromaticity difference expressed in terms of chromaticity coordinates on fundamental colorimetric coordinate system, 1 sample relative to a standard	31.00
202.187e	Each additional sample relative to the same standard	7.00
202.187f	Each additional sample relative to an additional standard	12.00
202.187g	Color temperature of 120-volt, screw-base incandescent lamp, voltage for specified color temperature, current for neighboring voltage to check permanence, 1 color temperature, each lamp	34.00
202.187h	Color temperature standard supplied from stock, 100-watt, medium-screw base or 500-watt mogul-screw base projection type lamp, calibrated for 2,854° K., 1 lamp each	34.00
202.187i	Same, calibrated for any one other specified color temperature, 1 lamp each	37.00
202.187j	Each additional color temperature on the same lamp	13.00
202.187k	Equation giving any color temperature from 2,000° K. to 2,854° K., each lamp, fee includes cost of 500-watt projection lamp	$85.00
202.187z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.188 Reflectometry.

Standards issued: Standards have been prepared for use in the measurement of daylight 45°0° directional reflectance (45° illumination, perpendicular viewing) of paints, paper, textiles, ceramic products and other opaque materials. The standards are intended for use only with reflectometers designed to measure daylight 45°0° directional reflectance such as the multipurpose reflectometer developed at this Bureau. (Refer to Journal of Research NBS 25, 581 (1940) RP 1345.) Standards are available also for the tristimulus colorimetry of reflecting specimens of nearly the same spectral character. A detailed discussion of the method of photoelectric tristimulus colorimetry, its capabilities and limitations, is contained in NBS Circular 429 (1942). The standards are calibrated in terms of the CIE tristimulus values, X, Y, and Z. Information sheets describing these standards more fully are available on request.

Item	Description	Fee
	Standards issued	
	Nonselective standards—4¼ inch square with ¼ inch, 90 degree fold at each edge; in colors ranging from white through gray to black; calibrated for CIE tristimulus values, X, Y, Z:	
202.188a	One nonselective standard for tristimulus colorimetry	$44.00
202.188b	Each additional nonselective standard for tristimulus colorimetry ordered at the same time	17.00
202.188c	Set of 11 nonselective standards for tristimulus colorimetry	175.00
	KB chromatic reflectance standards—calibrated for CIE tristimulus values X, Y, Z; 3-x 5-inch, plaques in colors commonly called white, bath green, kitchen green, orchid, ivory, maize, bath blue, delphinium blue, royal blue and red:	
202.188d	One KB chromatic standard	44.00
202.188e	Each additional KB chromatic standard	17.00
202.188f	Set of 10 KB chromatic standards in above listed colors	138.00
	S chromatic reflectance standards—calibrated for CIE tristimulus values X, Y, Z; 4¼ inches square with ¼ inch, 90 degree fold at each edge; in colors commonly called safety red, aviation orange, safety orange, school bus chrome, safety yellow, safety green, and safety blue:	
202.188g	One S chromatic standard	44.00
202.188h	Each additional S chromatic standard	17.00
202.188i	Set of 7 S chromatic standards in above listed colors	132.00

Item	Description	Fee
	Samples or standards submitted for calibration	
	Directional reflectance relative to magnesium oxide or other standard, angles and apertures restricted to available instruments, for incandescent-lamp or artificial-daylight illumination, or for a spectral region determined by a source-filter-receptor combination:	
202.188j	One sample or standard under one set of experimental conditions	$24.00
202.188k	Each additional sample or standard under same conditions, or each additional set of conditions	8.00
202.188z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.189 Opacimetry.

Opacity of diffusing glass by contrast-ratio method defined as ratio of luminous directional reflectance with black backing, illumination nearly perpendicular to surface of glass, reception of all reflected flux regardless of angle. Reflectance of white backing taken so as to accord with Bausch & Lomb type photoelectric opacimeter correctly adjusted to read contrast-ratio for thin samples with a white backing reflecting 0.915 relative to MgO (Technical Association of the Pulp and Paper Industry test method T425m-36). Diffusing glass rectangles, 5 by 12 cm. supplied by the Bureau.

Item	Description	Fee
202.189a	Each diffusing-glass opacity standard, opacity between 0.80 and 0.96 as desired	$35.00
202.189b	Set of four diffusing-glass opacity standards, opacities approximately equal to 0.72, 0.79, 0.86, and 0.93	105.00
202.189z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.190 Glossimetry.

Standards are available for checking the accuracy of glossmeters designed to measure specular gloss at 20°, 45°, 60°, 75°, and 85°, with corresponding apertures as prescribed by established methods of test such as those of ASTM (C346, D523, D1223), TAPPI (T480), PEI (T-18). Standards are generally 4¼ inches square, except 85° standards which are 3 x 9 inches. They are made of polished, ground, sand-blasted, or acid-etched glass, or of glazed ceramic tile as required to obtain desired gloss values and to approximate reflected light-flux distributions of various types of commercial material frequently measured for gloss. Standards can be furnished generally within 5 units of any specified gloss value. An information sheet describing these standards more fully is available on request.

Item	Description	Fee
	Standards issued	
	Standards of specular gloss calibrated for particular geometry to any one of the published methods referenced above:	
202.190a	One gloss standard for a specified geometry	$40.00
202.190b	Each additional gloss standard ordered for the same geometry at the same time	12.00
202.190c	Set of 10 standards of 60° specular gloss calibrated according to ASTM Method D523; gloss values range from approximately 1 to 90 in approximately 10-unit steps	138.00
	Samples or standards submitted for calibration	
202.190d	One gloss sample or standard for each specified geometry	24.00
202.190e	Each additional gloss sample or standard submitted at the same time for the same geometry	8.00
202.190f	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test	

§ 202.191 Lovibond glasses.

Lovibond red glasses, determination of numeral on the additive (N'') scale established (by Priest and Gibson's adjustment set BS 9940) at this Bureau in 1927, the value given being the effective value when the given red glass is used in combination with a 35-yellow glass, each glass to be engraved with the National Bureau of Standards test number and the numeral found for the glass.

Item	Description	Fee
202.191a	For testing a single red glass	$32.00
202.191b	For each additional red glass	10.00
202.191z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.192 Signal glass limit glasses and IPL calibrating filters.

(a) Railroad, highway (traffic), and aviation signal glasses for use as chromaticity limits or transmittance standards in accord with specifications approved by the cognizant technical association or government agency will be issued when available. The report of calibration includes chromaticity coordinates, luminous transmittance, or both as determined relative to national standards filters for the specified color temperature of source.

(b) Instrument Panel Lighting (IPL) calibrating filters are available in two-inch polished squares. They have the following designations (approximate chromaticity coordinates for color temperature 2854° K. are shown below in parenthesis): NBS 3056 (x=0.723, y=0.277), NBS 3114 (x=0.712, y=0.288), NBS 3215 (x=0.698, y=0.302), and NBS 3648 (x=0.667, y=0.333). The NBS 3215 filter defines the pale limit for airplane red instrument panel lighting and is usually used in pairs; the other types of filters listed are for calibrating photometers used for measuring panel luminance.

Item	Description	Fee
202.192a	Signal limit glasses, each	$100.00
202.192b	IPL calibrating filters, calibrated for chromaticity coordinates and transmittance for 2,854° K., each	56.00
202.192c	Calibration for transmittance at an additional color temperature	10.00
202.192z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.193 Haze standards.

Standards are available for checking the accuracy of hazemeters designed to measure haze according to ASTM Method D1003. Standards consist of hazy cellulose acetate sheeting laminated between glass; they are 2-inch squares about ¼ inch thick. Several nominal haze values between 1 and 30 are usually available.

Item	Description	Fee
	Standards issued	
202.193a	One haze standard	$40.00
202.193b	Each additional haze standard ordered at the same time	12.00
202.193c	Set of four haze standards	62.00
	Samples or standards submitted for calibration	
202.193d	One haze sample or standard	24.00
202.193e	Each additional haze sample or standard submitted at the same time	8.00
202.193z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.194 Radiometry.

Item	Description	Fee
202.194a	Eye protective glasses—calibration for transmittance of ultraviolet, visible, and total radiation	$35.00
202.194b	Calibration of radiant energy meter for energy of 2537 A	35.00
202.194c	Measurement of radiant flux of 2537 A, from germicidal or sterilamp	35.00
202.194d	Standard of spectral radiance—lamp seasoned and calibrated for spectral radiance, from 0.25 to 0.75 microns	280.00
202.194e	Standard of spectral radiance—lamp seasoned and calibrated for spectral radiance, from 0.5 to 2.6 microns	280.00
202.194f	Standard of total radiance—carbon filament lamp seasoned and calibrated for total irradiation at distance of 2 meters	79.00
202.194z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

REFRACTOMETRY

§ 202.201 Optical instruments.

Item	Description	Fee
202.201z	Tests of telescopes, microscopes, binoculars, etc., to determine conformance to specifications of resolving power, aperture, alignment of axes, etc. Fees determined by the actual cost of the work.	

§ 202.202 Photographic objectives.

The following information is pertinent to the tests a to o in this schedule.

a. This test is applied to photographic objectives that are mounted in a lens barrel or shutter. A visual or a photographic method is used depending upon the probable use of the lens. The back focal distance determines the lens position with respect to the focal plane for an airplane camera or other fixed focus camera focused for an infinitely distant objective. The equivalent focal length determines the scale factor for the interpretation of aerial photographs.

b. This test is given to the photographic objectives that are to be used in precision copying cameras. The information is used in calibrating the camera scales that enable the user to obtain the proper settings of lens, object plane, and image plane for any desired magnification without visual focusing.

c, d. The test includes the information obtained in 202.202b, together with information on the distortion. It is applied to photographic objectives that are to be used in precision copying cameras where the user wishes to be certain that the relative proportions of the image are not significantly different from those of the object. Since the distortion changes with magnification, it is advisable to specify a ratio for test that corresponds to the magnification most commonly used.

e. This is a general purpose test to determine the suitability of a lens so far as its definition characteristics are concerned. It is performed photographically. In general, if a lens yields satisfactory results when subjected to this test, it is probable that no additional test for lateral chromatic aberration is necessary, and the lens will doubtless perform satisfactorily for either black-and-white or color photography.

f. This is the qualifying test for photographic objectives intended for use in airplane mapping projects. It is a photographic test and the determinations are made for the plane of best average definition.

g, h. The f-number may be obtained by dividing the equivalent focal length of the lens by the diameter of the effective aperture. These tests are primarily of value in determining the accuracy of the geometric f-number markings at maximum aperture, and at additional specified apertures.

i, j. This test is applied to photographic objectives mounted in cameras. As the test is a photographic one requiring a time exposure, it is necessary that the stop be open when the lens is submitted for test. This is a useful test for nonprecision type airplane cameras where the collimation index markers are located in a detachable magazine.

k. This test is applied to the platen of a precision aerial mapping camera, which is the surface against which the film is pressed during exposure. It is a test to determine conformance to specifications requiring that the platen shall not depart from a true plane by more than ±0.0005 inches.

l. This test is applied to photographic objectives mounted in cameras. It gives the same information as test 202.202f except for back focal distance. It is preferable that these lens characteristics be determined for the lens as mounted in a barrel shutter, but occasionally it is desirable to determine these quantities for the lens mounted in a camera. The shutter of the lens should be open when the camera is submitted for test.

m. This test is applied to a lens-camera combination that is to be used in photogrammetric mapping. It gives the departure of the principal point from the center of collimation which is the intersection point of lines joining opposite pairs of collimation index markers. Since it is necessary to determine the shift of the principal point resulting from prism effect in the lens, the equivalent focal length of the lens as mounted in the camera is incidentally determined in this test which checks whether the lens has been properly mounted to yield best average definition throughout the image field.

This test cannot be performed on a camera having a detachable magazine which bears the collimation index markers. This is the preliminary test on a precision type camera to determine compliance with specifications. If no provision has been made for ready adjustment of the collimation index markers and the 90° condition is not satisfied, the camera is returned to the firm or agency submitting the camera with recommendations regarding the necessary adjustments. If the 90° condition is satisfied, but no provision has been made for ready adjustment of the principal point with respect to the center of collimation, the camera is returned with recommendations regarding the necessary adjustments.

n. If no provision has been made for ready adjustment of the lens in a transverse direction to properly position the principal point with respect to the center of collimation, or if this can be done by ready movement of the collimation index markers, this task is done in the course of the test. Following adjustment, the camera is checked and if satisfactory, pins are set to insure preservation of the space relations between collimation index markers and principal point.

When a camera is submitted for test, it is mandatory that the drill holes for the pins be already present in one of the members that move with respect to one another. In addition, a proper sized drill and reamer and a sufficient number of pins to perform the doweling must accompany the camera. It is desired that roll pins be submitted for this task.

Item	Description	Fee
202.202a	Determination of focal length and back focal distance	$26.00
202.202b	Determination of equivalent focal length, back focal distance, separation of nodal points, and thickness	38.00
202.202c	Determination of equivalent focal length, back focal distance, separation of nodal points, and distortion at 5° intervals from the center to edge of field for one specified ratio of object to image size	105.00
202.202d	Fee for each additional ratio	55.00
202.202e	Determination of resolving power at 5° intervals from center to edge of field for parallel light at one aperture	30.00
202.202f	Determination of back focal distance, equivalent focal length, distortion and resolving power at 5° intervals from the center to edge of the field. NOTE: This is the test usually required for lenses that are to be mounted in precision airplane cameras.	69.00
202.202g	Determination of equivalent focal length and true geometric f-number for one marked stop	35.00
202.202h	Fee for each additional stop	10.00
202.202i	Determination of focal length for lens mounted in camera	43.00
202.202j	Fee for each extra magazine	25.00
202.202k	Determination of compliance of camera platen with flatness requirements to within ±0.0005 inches	15.00
202.202l	Determination of equivalent focal length, distortion and resolving power at 7.5° intervals from center to edge of field for lens mounted in camera	82.00
202.202m	Location of the principal point, and check of 90° condition for lens mounted in camera	95.00
202.202n	Setting the principal point and 90° condition, checking and doweling for lens mounted in camera	72.00
202.202z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.203 Optical components, spectacle lenses, goggle lenses, etc.

Item	Description	Fee
	Optical components	
202.203a	Determination of equivalent focal length of single component lens	$26.00
202.203b	Determination of a single radius of curvature (single surface or matched pair). Fee determined by the nature of the work required, minimum charge $56.00.	
202.203c	Determination of spherical and cylindrical power, axis of sphere, and axis of cylinder for a single spectacle lens	16.00
202.203d	Fee for each additional lens	10.00
202.203e	Determination of spherical and cylindrical powers, axis of sphere, and axis of cylinder for a single spectacle lens with bifocal segment	23.00
202.203f	Fee for each additional lens	15.00
	Sunglass lenses	
202.203g	Determination of refractive power, surface quality, and definition to determine compliance of a single sunglass lens with commercial standards	16.00
202.203h	Fee for each additional lens	10.00
	Goggle lenses	
202.203i	Determination of lens dimensions, refractive power, prismatic power and definition; and making drop test on a single hardened goggle lens to determine compliance with with Federal Specification GGG-G-501b	16.00
202.203j	Fee for each additional lens	10.00
202.203z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.204 Refractometric instruments.

Every instrument submitted for test should be in good working order. The test slab or standard supplied by the maker, and the tables, if any, must accompany each refractometer. Upon request special attention will be given to such portions of the scale as may be of particular importance in the contemplated use of the instrument. Refractometers with compensators will be tested with "white" light unless otherwise specified. Refractometers without compensators will be tested only with sodium light unless otherwise specified.

Item	Description	Fee
202.204z	For special tests and calibrations of refractometric measurements, fees will be charged dependent upon the nature of the test.	

§ 202.205 Refractive indices.

When submitting media for index measurement, the temperature, wavelength of light (or spectral line), and approximate degree of desired precision should be specified. Liquid samples should usually be as large as 10 ml. Solids for item d, must be in the form of test slabs, approximately 1 x ½ x 3/16 inches, such as are commonly used for the adjustment of Abbe refractometers. Two surfaces must be pitch polished (plane within approximately one wavelength) and intersect at 90° to form an unbeveled edge.

Item	Description	Fee
	Index of refraction (±1×10⁻⁴) for D spectrum line for 1 liquid by precision Abbe refractometer:	
202.205a	Determination of index for single temperature	$29.00
202.205b	Determination of index for each additional sample submitted at the same time for same temperature, or for each determination and additional spectral lines for same temperature	11.00
202.205c	One index determination at each additional temperature	16.00
	Index of refraction (±1×10⁻⁶) for D spectrum line for 1 solid by precision Abbe refractometer:	
202.205d	Determination of, for 1 sample	16.00
202.205e	Determination of index for each additional spectrum line, C, F, or G	6.50
	Determination of index of refraction (±1×10⁻⁴) of solid submitted in in form of 60° prism for one visible spectrum line:	
202.206f	Determination of index	26.00
202.205g	For each additional line in the visible spectrum	12.00
202.205z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.206 Polarimetric instruments.

Item	Description	Fee
202.206z	Calibration of polarimeters, saccharimeters, and quartz control plates. Fees determined by the nature and difficulty of the test.	

PHOTOGRAPHIC RESEARCH

§ 202.301 Photography.

The following information is pertinent to the tests a to i in this schedule.

a. Determination of the characteristic American Standard Diffuse Transmission Density vs. log exposure curves and a contrast vs. development-time curve for one sample of film, for three development times. Values of fog density, American Standard Speed, Sx (Arithmetic), American Standard Speed, Sv (Logarithmic), gamma, maximum density, and exposure scale are reported. Samples submitted must be complete, unopened, factory packages of roll film, motion picture film, or sheet film not smaller than 8 x 10 inches. Measurements are made in accordance with American Standard method for determining Speed of Photographic Negative Materials Monochrome, Continuous-Tone) PH2.5–1960 or latest revision thereof.

b. Determination of the characteristc reflection density vs. log exposure curve for one sample of paper normally developed. Values of fog density, scale index, density scale, maximum elevated density, shadow exposure index, and bar-gamma are reported. The measurements and evaluation are made in accordance with the American Standards Association standard, "Sensitometry and Grading of Photographic Papers, PH2.2–1953" or latest revision thereof.

c. American Standard Diffuse Transmission Density is measured on step wedges of 21 steps or less, with a densitometer calibrated to ±0.01 density or ±3 percent of the density, whichever is the greater.

d, e. The test for determining the residual sodium thiosulfate content of processed photographic film is made according to: "A method of testing for the presence of sodium thiosulfate in motion picture film", J. I. Crabtree and J. F. Ross, Journal of the Society of Motion Picture Engineers 14, 419 (1930).

Hypo content of lens than 0.005 mg per square inch is reported as "nil". When hypo is present in amounts of 0.005 mg per square inch or over, it is reported to one significant figure.

Each sample submitted should be properly identified, contain no image (slight fog permissible) and must be submitted immediately after processing.

Each sample submitted should be 6 to 8 inches in length and should be attached securely to request letter by stapling.

Samples are not returned since they are destroyed during the test.

f, g. The test for determining the residual sodium thiosulfate content of processed photographic paper is made according to the method described in "The quantitative determination of hypo in photographic prints with silver nitrate", J. I. Crabtree, G. T. Eaton, and L. E. Muehler, Journal of the Franklin Institute 235, 351–360 (1943).

Each sample submitted should be properly identified, contain no image (slight fog permissible) and be of such dimensions that 2 strips, 1 x 4 inches can be cut for test.

h, i. The dimensional change of film and paper caused by processing is reported in terms of percentage change in crosswise and lengthwise directions. The usual processing method for the material is used. Materials are conditioned at 50 to 65 percent relative humidity, plus or minus 3 percent, and at 70° F., 2° (preconditioning is at 15 percent relative humidity below conditioning relative humidity).

The dimensional change is measured on a pin gage between holes punched 4 or 6 inches apart. Material submitted must be strong enough to withstand a slight tension without deforming.

Each sample submitted should be properly identified, and be of such dimensions that 5 strips, 2 x 8 inches can be cut in each direction.

Item	Description	Fee
202.301a	Determination of characteristic curves and rate of development curve of film, 1 sample	$125.00
202.301b	Determination of the characteristic reflection density vs. log exposure curve of paper, 1 sample	115.00
202.301c	Calibration of photographic step wedge, 1 sample	19.00
202.301d	Residual sodium thiosulfate content of processed film, 1 sample	12.00
202.301e	Each additional sample for the determination of residual sodium thiosulfate in film submitted at the same time	3.00
202.301f	Residual sodium thoisulfate content of processed photographic paper, 1 sample	20.00
202.301g	Each additional sample for the determination of residual sodium thiosulfate content of processed photographic paper submitted at the same time	5.00
202.301h	Shrinkage caused by processing on film and paper, 1 sample	27.00
202.301i	Each additional sample for shrinkage caused by processing on film and paper submitted at the same time	15.00
202.301z	For special tests not covered by the above schedule, such as precise determination of contact printing density and measurements of resolving power of photographic materials, fees will be charged dependent upon the nature of the test.	

LENGTH

§ 202.401 Reference line standards of length.

Item	Description	Fee
202.401z	Calibrations of reference line standards to a higher precision than that provided in schedule 202.402 are regarded as special tests. Fees will be charged dependent upon the nature of the test; they may be approximately estimated as twice the corresponding fees of schedule 202.402.	

§ 202.402 Working line standards of length.

Item	Description	Fee
202.402a	Yard or meter working line standard—determination of the total length at room temperature to an accuracy of 0.001 mm if the character of the graduation justifies	$125.00
202.402b	Yard or meter working line standard—determination of the total length at an additional lower temperature to obtain the coefficient of expansion	110.00
202.402c	Yard or meter working line standard—determination of equal submultiples of a length, each	20.00
202.402d	Yard or meter working line standard—determination of any other single interval	65.00
202.402z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.403 Commercial line standards of length.

Item	Description	Fee
202.403z	Calibrations of commercial line standards of length to an accuracy of 0.01 mm or 0.0004 inch, if the character of the graduation justifies, are regarded as special tests. Fees will be charged dependent upon the nature of the test; they may be approximately estimated as one-half of the corresponding fees of schedule 202.402.	

§ 202.404 Steel tapes.

(a) Tapes conforming to the specifications given below will be certified by the National Bureau of Standards (NBS) and a precision seal showing year of test will be placed on each tape. For tapes not conforming to the specifications a report will be issued but the tape will not be sealed. The NBS serial number on a tape simply signifies that it has been tested by this Bureau and either a certificate or a report issued. The length of steel tapes will be given to the nearest 0.001 foot or 0.1 mm. Certificates and reports will give length values at 68° Fahrenheit (20° Centigrade).

(b) A steel tape is standard when it conforms to the following specifications: It shall be made of a single piece of metal ribbon, and none of the graduations shall be on pieces of solder or on sleeves attached to the tape or on wire loops, spring balances, tension handles, or other attachments liable to be detached or changed in shape. The error in the total length of the tape, when supported horizontally throughout its length at the standard temperature of 68° F. (20° C.) and at standard tension, shall not be more than 0.1 inch per 100 feet (2 mm per 25 m). The standard tension is 10 pounds (4.5 kg) for tapes 25 to 100 feet or from 10 to 30 m in length and 20 pounds (9 kg) for tapes longer than 100 feet or 30 m. For testing of invar tapes and wires, see schedule 202.405.

Item	Description	Fee
202.404a	Steel tape—determination of correction to the total length of the tape when supported throughout at standard tension and at standard temperature, for a tape not exceeding 200 feet or 50 meters in length. This is the regular standard test which will be made and charged for in each case to determine whether or not the tape is entitled to certification. To this amount must be added the fees for any additional tests made, and for item (n), if applicable, in accordance with the following schedule.	$16.00
202.404b	Steel tape—determination of the correction to the total length when supported throughout at any tension other than standard tension, for a tape not exceeding 200 feet or 50 meters in length. Tension desired must be specified.	3.00
202.404c	Steel tape—determination of the correction to the total length when supported at the ends only. The Bureau is not prepared to make this test on tapes having a greater length than 200 feet or 50 meters. Standard tension will be used in this test unless another tension is specified.	3.00
202.404d	Steel tape—determination of the correction to the total length when supported at the ends and one or more intermediate points, for a tape not exceeding 200 feet or 50 meters in length. Standard tension will be used unless another tension is specified.	3.00
202.404e	Steel tape—determination of the correction to the total length of a subinterval under the same conditions as to tension and points of support as for the total length. The points at which these measurements are made must be points at which the tape is supported. The Bureau is not prepared to test tapes supported at points more than 200 feet or 50 meters apart.	2.00
202.404f	Steel tape—determination of the correction to the length of a subinterval under different specified conditions as to tension and points of support from those used for the total length	4.00
202.404g	See item (e) above. Steel tape—determination of the tension to the nearest integral half-pound or quarter kilogram at which the correction to the length of an interval is most nearly zero, under a specified condition of support, for a tape not exceeding 200 feet or 50 meters in length	4.00
202.404h	Steel tape—determination of the correction to a subinterval at the tension at which the correction to the total length is most nearly zero and under the conditions of support used in the test under item (g)	2.00
202.404i	Steel tape—determination of correction to the total length of interval on the reverse side of the tape, when supported at standard tension and at standard temperature, for a tape not exceeding 200 feet or 50 meters in length	4.00
202.404j	Steel tape—determination of the coefficient of expansion of a tape, fee will be determined in each individual case.	
202.404k	Steel tape—determination of Young's modulus of elasticity, for a tape not exceeding 200 feet or 50 meters in length. Not recommended for tapes having enameled, plastic, or heavy varnish coatings.	15.00
202.404l	Steel tape—determination of the weight per foot or per meter of a tape	6.00
202.404m	Spring balance—testing in horizontal position	10.00
202.404n	Steel tape—additional charge for each tape sent without a reel	4.00
202.404o	Steel tape—determination of AE	10.00
202.404p	Steel tape—computed values (this does not include charge for necessary measurements)	5.00
202.404z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.405 Invar base-line tapes.

For testing of steel tapes, see schedule 202.404. The test of an invar base-line tape of any length less than 50 meters on our geodetic-tape comparator will, in general, be made for the same fee as a 50-meter invar base-line tape. Attention is called to the fact that only invar base-line tapes of certain lengths can be tested on this comparator. Invar tapes not tested on the geodetic-tape comparator will be tested on our bench standard under items 202.405 (l) and (m).

Item	Description	Fee
202.405a	Invar 50-meter base-line tape—determination on the geodetic comparator of total length with a probable error not greater than ±0.050 mm	$130.00
202.405b	Invar 50-meter base-line tape—determination on the geodetic comparator of total length at an additional tension and/or method of support, with a probable error not greater than ±0.050 mm	40.00
202.405c	Invar 50-meter base-line tape—determination of total length supported throughout, by computation from the observed length when supported at the ends and one or more intermediate points	20.00
202.405d	Invar 50-meter base-line tape—high precision calibration of a group of uniformly spaced subintervals when supported on a horizontal flat surface, using the same tension specified for test item 202.405c. Charge for each interval	20.00
202.405e	Invar 50-meter base-line tape—determination on the geodetic comparator of the coefficient of expansion with an accuracy of at least 0.00001 per degree centigrade using the electrical resistance method, and certification of its total length at 1 temperature, tension, and method of support with a probable error not greater than ±0.050 mm	225.00
202.405f	Invar base-line tape—determination of Young's modulus of elasticity	15.00
202.405g	Invar base-line tape—determination of the weight per meter (or per foot)	6.00
202.405h	Spring balance—testing in horizontal position	10.00
202.405i	Invar base-line tape—additional charge for each tape sent without a reel	4.00
202.405j	Invar base-line tape—determination of AE	10.00
202.405k	Invar base-line tape—computed values other than as provided in item 202.405e	5.00
202.405l	Invar base-line tape not more than 50 meters in nominal length—determination on bench standard at room temperature of length of 1 interval when supported at 1 method of support and under 1 tension, or determination of the tension to the nearest integral half-pound or quarter kilogram at which the correction to the length of the interval is most nearly zero at a specified method of support	33.00
202.405m	Invar base-line tape not more than 50 meters in nominal length—each additional determination on bench standard at room temperature of length of interval, or tension to the nearest integral half-pound or quarter kilogram at which the correction to the length of an interval is most nearly zero	13.00
202.405z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.406 Surveyors' measuring instruments (other tapes).

Item	Description	Fee
202.406a	Leveling rod—testing principal intervals	$48.00
202.406z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.407 Sieves.

NOTE: The precision seal of the National Bureau of Standards on any sieve indicates that the sieve has been tested at the National Bureau of Standards and found to conform to the specification. Except by special arrangements, the testing of sieves at the National Bureau of Standards is limited to No. 2½ to No. 400 inclusive.

Item	Description	Fee
202.407a	Sieve—test o a sieve No. 2½ to No. 400 inclusive to determine conformity to specification, but not including the sieving test	$16.00
202.407z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.408 Haemacytometers.

Each haemacytometer chamber and each cover glass which passes the specification is marked with a National Bureau of Standards precision seal. In general, work will be discontinued when a substantial number of items in a lot fail to comply with the specifications, and the fee will be computed on the basis of the number of items tested plus a special handling charge. Items 202.408 a to e inclusive will be charged, applicable if a minimum of 12 chambers are submitted at one time; otherwise item 202.408z will be applicable. Only one letter reporting results of tests will be supplied for any one test at the prices of items 202.408 a to e inclusive.

Item	Description	Fee
202.408a	Single Neubauer haemacytometer chamber—testing single cell chamber (having Neubauer ruling) and 2 cover glasses for conformity with specification	$7.00
202.408b	Single Fuchs-Rosenthal haemacytometer chamber—testing single cell chamber (having Fuchs-Rosenthal ruling) and 2 cover glasses for conformity with specification	10.00
202.408c	Double Neubauer haemacytometer chamber—testing double cell chamber (having 2 Neubauer rulings) and 2 cover glasses for conformity with specification	8.00
202.408d	Double Fuchs-Rosenthal haemacytometer chamber—testing double cell chamber (having 2 Fuchs-Rosenthal rulings) and 2 cover glasses for conformity with specification	20.00
202.408e	Quadruple haemacytometer chamber—testing quadruple cell chamber (having 2 Neubauer rulings and 2 Fuchs-Rosenthal rulings) and 2 cover glasses for conformity with specification	21.00
202.408z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.409 Areas and area-measuring instruments.

Item	Description	Fee
202.409z	Special tests only are conducted in this category and fees will be charged dependent upon the nature of the test.	

§ 202.410 Precision circles.

Item	Description	Fee
202.410z	Special tests only are conducted in this field and fees will be charged dependent upon the nature of the test.	

§ 202.411 Linear thermal expansion of solids.

Item	Description	Fee
202.411z	Special tests only are conducted in this category and fees for accepted tests will be charged dependent upon their nature. Only those tests that cannot be carried out elsewhere may be accepted.	

§ 202.412 Gage blocks.

(a) Test fee schedules in 202.412 include a statement of the accuracy to which measurements are ordinarily made; however, if the character of the defining surfaces of a gage block is not such as to warrant the certification to this accuracy, the report will show the accuracy actually obtained. All gage blocks submitted for test should be in substantially new block condition and each block should be marked with an identification number.

(b) In the shipment of gage blocks extreme precaution should be taken both against corrosion and damage by contact with other gage blocks during transit. All defining steel surfaces should be greased and the blocks padded with waxed paper or volatile rust inhibitor treated paper. A greased steel surface coming in contact with newspaper, wrapping paper (unwaxed) or excelsior is very likely to corrode. Sets of gage blocks should have packing inside the case, and the case should be bound shut as the clasps frequently open or break during shipment.

(c) Shipments and purchase orders should be sent to the National Bureau of Standards, Washington 25, D.C., marked to the attention of the Length Section.

Item	Description	Fee
202.412a	Gage blocks—determination of length to ±0.000004" and excessive errors in flatness and parallelism, for sizes from 0.100" to and including 1.000" in lots of 10 or more, each. Actual cost of calibration will be charged for smaller lots.	$7.00
202.412b	Gage blocks—determination of length to ±0.000005", ±0.000006", and ±0.000007", respectively, for blocks from 1" to 2", 2" to 3", and 3" to 4", in length and excessive errors in flatness and parallelism, in lots of 3 or more, each. Actual cost of calibration will be charged for smaller lots.	21.00
202.412ab	Measurements as described under items (a) and (b) for usual 81 block set, per set. Extra blocks will be charged for under item (a) or (e).	525.00
202.412c	Gage blocks—determination of length to ±0.000002" and excessive errors in flatness parallelism, for sizes from 0.100" to and including 1.000", in lots of 10 or more, each. Actual cost of calibration will be charged for smaller lots.	11.00

Item	Description	Fee
202.412d	Gage blocks—determination of length to ±0.000002", ±0.000003", and ±0.000004", respectively, for blocks from 1" to 2", 2" to 3", and 3" to 4", in length and excessive errors in flatness and parallelism, in lots of 3 or more, each	$32.00
	Actual cost of calibration will be charged for smaller lots.	
202.412cd	Measurements as described under items (c) and (d) for usual 81 block set, per set	880.00
	Extra blocks will be charged for under item (c) or (e).	
202.412e	Gage blocks—determination of length to ±0.000003" and excessive errors in flatness and parallelism, for sizes from 0.010" to and including 0.090", in lots of 10 or more, each	8.00
	Blocks in this size range are usually warped and do not warrant calibration to a higher accuracy. In special cases blocks 0.040" and thicker will be calibrated under item (c) if the errors in flatness of the blocks are not excessive.	
202.412f	Gage blocks—determination of length to ±0.000001" per inch of length and excessive errors in flatness and parallelism, for blocks of the following length: 5, 6, 7, 8, 10, 12, 16, and 20", in lots of 3 or more, each	50.00
	Actual cost of calibration will be charged for smaller lots.	
202.412z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

ENGINEERING METROLOGY

§ 202.500 General.

(a) Test fee schedules 202.501 to 202.508 include a statement of the relative accuracy to which measurements are ordinarily made. However, if the character of the defining surface of a gage or other article is not such as to warrant the certification of this accuracy, the report will show the accuracy actually obtained. If a greater accuracy is requested and the defining surfaces are such as to permit measurements to the accuracy requested, the necessary measurements will be made and a special fee will be charged.

(b) In addition to the items covered by schedules 202.501 to 202.508 other items such as gage block accessories, taper plug and ring gages, and gill net gages are occasionally calibrated. Other sizes of the listed in the fee schedules are also calibrated on special requests. These tests and calibrations are made so infrequently that it is not practical to list a definite fee, and such work will be done only on the basis of the cost of fulfilling the individual purchase order.

(c) In the shipment of gages, extreme precautions should be taken both against corrosion and damage by contact with other gages during transit. All defining steel surfaces should be greased and protected with waxed paper or a suitable strippable plastic coating. A greased steel surface coming in contact with newspaper, wrapping paper (unwaxed) or excelsior is very likely to corrode. Small gages suitably wrapped may be fastened in place in a strong rigid container so that no movement is possible. Plug and ring gages should ordinarily not be shipped mated. In the case of large-sized threaded plugs and rings, however, mating is permissible as a means of protecting the plug threads. In such cases a grease must be used that will prevent electrolytic corrosion between the mating gages.

§ 202.501 End standards of length.

Item	Description	Fee
	End standards with spherical or pointed ends, or flat ends with area of contact less than ⅛ square inch:	
202.501a	End standards—determination of length to ±0.00002" for lengths up to and including 8", each	$24.00
202.501b	End standards—determination of length to ±0.000002" per inch of length for lengths over 8" up to and including 20", each	32.00
202.501c	End standards—determination of length to ±0.000003" per inch of length for lengths over 20" up to and including 40", each	40.00
202.501d	End standards—determination of length to ±0.000003" per inch of length for lengths over 40" up to and including 72", each	48.00
202.501z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.502 Plain cylindrical plug and ring gages.

Item	Description	Fee
202.502a	Plain cylindrical plug gages—determination of diameter, taper, and roundness to ±0.00001" for sizes up to and including 6", each	$35.00
202.502b	Plain cylindrical plug gages—determination of diameter, taper, and roundness to ±0.000005" for sizes up to and including 2", each	50.00
202.502c	Plain cylindrical ring gages—determination of diameter, taper, and roundness to ±0.00001" for sizes 3" up to and including 2", each	50.00
202.502d	Plain cylindrical ring gages—determination of diameter, taper, and roundness to ±0.000005" for sizes .03" up to and including 2", each	75.00
202.502e	Plain cylindrical ring gages—determination of diameter, taper, and roundness to ±0.00003" for sizes ¼" up to and including 2", each	100.00
202.502z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.503 Thread plug and ring gages.

Item	Description	Fee
202.503a	Straight thread plug gages and setting thread plug gages—determination of angle to 2' to 8' depending on pitch; lead error and pitch diameter to 0.0001", major diameter to 0.0002", thread form as to clearance, for sizes up to and including 4", each	$30.00
202.503b	Straight thread ring gages—determination of angle to 5' to 20' depending on pitch, lead error to 0.0001", minor diameter to 0.0002" thread form as to clearance, and fit on setting plug, for sizes 3/16" to 12", each	30.00
202.503c	Taper thread plug gages having 60° threads (except A.P.I. Cable and Rotary gages)—determination of half angles to 3' to 10' depending on pitch, lead error, pitch diameter and taper to 0.0001", major diameter to 0.0003", and thread form as to clearance, for sizes up to and including 10", each	75.00
202.503d	Taper thread plug gages having 60° threads—determination of half angles to 3' to 10' depending on pitch, lead error and taper to 0.0001", pitch diameter to 0.0002" major diameter to 0.0004", and thread form as to clearance, for sizes from 10" to 24", inclusive, each	95.00
202.503e	Taper thread ring gages having 60° threads (except A.P.I. Cable and Rotary gages)—determination of angle to 5' to 15' depending on pitch, lead error to 0.0001", taper to 0.0002", minor diameter to 0.0005" (or truncation of thread crest), thread form as to clearance, and standoff from mating plug to 0.001", for sizes up to 24", each	$60.00
202.503f	A.P.I. Cable and Rotary taper thread plug gages—determination of half angles of thread to 3', lead error, pitch diameter and taper to 0.0001", major diameter to 0.0003", thread form as to clearance, and standoff from grand master ring to 0.0005", for sizes up to 8⅝", each	110.00
202.503g	A.P.I. Cable and Rotary taper thread ring gages—determination of half angles of thread to 5', lead error to 0.0001", taper to 0.0001", minor diameter to 0.0005", thread form as to clearance, and standoff from mating and grand master plug to 0.0005", for sizes up to 8⅝", each	75.00
202.503h	A.P.I. Cable and Rotary tool joint gages—determination of mating standoff and standoff from grand master gages, per set	30.00
202.503i	A.P.I. sucker rod plug gages designated as P1, P5, B2, and B6—determination of dimensions specified in API Std. No. 11 B, each	30.00
202.503j	A.P.I. sucker rod plug gages designated as P3 and B4—determination of dimensions specified in API Std. No. 11 B, each	60.00
202.503k	A.P.I. sucker rod ring gages designated as P2, P6, B1, and B5—determination of dimensions specified in API Std. No. 11 B, each	30.00
202.503L	A.P.I. sucker rod ring gages designated as P4 and B3—determination of dimensions specified in API Std. No. 11 B, each	50.00
202.503m	A.P.I. sucker rod gages—determination of dimensions specified in API Std. No. 11 B for the inspection of used gages, per set of any size	140.00
202.503n	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.504 Instruments and components.

Item	Description	Fee
202.504a	Micrometer calipers—determination of errors at 10 points selected to test uniformity of graduations as well as lead errors. Also determination of planeness and parallelism errors of contact surfaces, each	$50.00
202.504b	Dial micrometers—determination of errors in each 1/10th revolution of the pointer for 1 revolution and each half revolution up to 5 revolutions, each	35.00
	NOTE: In the case of dial micrometers, the accuracy obtainable depends on the value of the smallest division on the dial and on the mechanical condition of the instrument as evidenced by the degree to which it will repeat its indications.	
202.504c	Thread wires—determination of diameter, straightness, and roundness of each of three wires in a set in accordance with specification for wires in Handbook H28, Screw Thread Standards for Federal Services, and certification of mean diameter and C correction. For the following best sizes of wires for standard 60° screw threads: 2, 2½, 2¾, 3, 3¼, 4, 4½, 5, 5½, 6, 7, 7½, 8, 9, 10, 11, 11½, 12, 13, 14, 16, 18, 20, 22, 24, 26, 27, 28, 30, 32, 36, 40, 44, 48, 50, 56, 64, 72, and 80 threads per inch; the following best sizes for acme standard threads: 1, 1½, 1¾, 2, 2½, 3, 4, 5, 6, 8, 10, 12, 14, and 16 threads per inch; the following 1.44 series internal gear wires: 2, 3, 4, 6, 7, 8, 9, 11, 12, 14, 16, 18, 22, 24, 28, 32, 36, 48, 64, 72, and 80 pitch; the following 1.728 series external gear wires: 2, 2½, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 16, 18, 20, 22, 24, 28, 32, 36, 40, 48, 64, 72, and 80 pitch, per of three for thread wires and per set of two for gear wires	6.00

Item	Description	Fee
202.504d	Penetration needles—test for compliance with ASTM specification D5-52 without reporting actual dimensions, each	$3.00
	NOTE: To obtain test at this fee, the needles or individual containers must be numbered.	
202.504e	Penetration needles—determination of diameter of body and point, length of needle and angle of point, with actual dimensions reported, each	6.00
202.504f	Polariscope tubes—determination of the average length of polariscope observation tube and marking with NBS serial number if length is within ±0.03 mm of nominal length for 100 and 200 mm tubes and ±0.04 mm for 400 mm tubes, each	24.00
202.504z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.505 Interferometry.

Item	Description	Fee
	Optical true planes—tested by interference methods using standard optical true planes, accuracy 0.000001 inch:	
202.505a	Optical true plane, not exceeding 4 inches in diameter	$50.00
202.505b	Optical true plane larger than 4 inches but not exceeding 6 inches in diameter	70.00
202.505c	Optical true plane larger than 6 inches but not exceeding 8 inches in diameter	95.00
202.505d	Optical true plane larger than 8 inches but not exceeding 10 inches in diameter	125.00
	Optical true planes such as Fabry & Perot plates for which a larger number of observations to an accuracy of 0.02 fringe is required:	
202.505e	Optical true plane not exceeding 2½ inches in diameter	75.00
202.505z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.506 Angle blocks.

Item	Description	Fee
202.506a	Calibration of set of AA grade angle blocks consisting of one each of the following sizes: 1, 3, 5, 20, and 30 seconds; 1, 3, 5, 20, and 30 minutes; 1, 3, 5, 15, 30, and 45 degrees—determination of flatness of faces, parallelism of elements of surfaces and angle between faces. Accuracy of angle between faces 0.5 second. Per set	$250.00
202.506z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.507 Polygons.

Item	Description	Fee
	Calibration of polygons—determination of flatness of faces, variation of the angles between faces and the base of the polygon (where possible the polygon will be adjusted for minimum variation) and the angle between faces. Accuracy of values for angles between faces 0.5 second or less:	
202.507a	Polygons having 4 or 5 sides, each	$175.00
202.507b	Polygons having 8, 9, or 10 sides, each	185.00
202.507c	Polygons having 12 sides, each	200.00
202.507d	Polygons having 24 sides, each	280.00
202.507e	Polygons having 36 sides, each	385.00
202.507f	Polygons having 72 sides, each	900.00
202.507z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.508 Master balls.

Item	Description	Fee
202.508a	Master balls—determination of diameter to 0.000005" by comparison with NBS master and measurement of roundness of two equators with a Talyrond. For sizes from ½6" to 1" in increments of ½2", each	$15.00
202.508b	Master balls—determination of diameter by Interferometry to 0.000003" and measurement of roundness of four equators with a Talyrond. For sizes up to 1" in diameter, each	40.00
	This test can be made only on balls which are round to 0.000005" or less.	
202.508z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

MASS AND SCALE

§ 202.600 General.

(a) *Testing and calibration.* (1) Testing and calibration consists of determining the mass of weights or objects with reference to the NBS standards of mass and issuing a statement pertaining to the accuracy of the measured values. This statement is issued in the form of a "Certificate" or a "Test Report."

(2) A "Certificate" will certify the accuracy of the values determined for laboratory or reference standards, and will be issued only for one-piece weights of suitable design, material and surface finish (comparable to, but not necessarily limited to Class M). The expectation of constancy provides a basis for acceptance of weights for highest order calibration. A "Certificate" will also be issued to certify values of weights that have legal status.

(3) A "Test Report" is issued giving the values of all other weights that are accepted for calibration.

(4) Weights not accepted for calibration will be handled in accordance with schedule 202.601.

(b) *Correspondence, purchase order, packing and shipping.* (1) Correspondence concerning calibration, and purchase order should be mailed to the National Bureau of Standards, Attention Mass and Scale Section, Washington 25, D.C. The purchase order must include the following information:

(i) Legal owner of weights.

(ii) Manufacturer of weights and his assigned serial number.

(iii) Previous Bureau of Standards Test Number.

(iv) Nominal value of largest and smallest weight, and the total number of weights by count.

(v) Density of weight materials. (Schedules 202.602 and 202.603 only.)

(vi) Calibration desired by test fee schedule item number.

(vii) Authorization for replacement of missing weights, or individual weights not suitable for calibration. (Schedules 202.602 and 202.603 only.)

(2) Packing:

(i) The weights must be carefully packed in boxes that can be used in returning them. The weights, if shipped in their regular cases, should be tightly packed in their pockets by the use of extra material of some sort.

(ii) In wrapping the better grades of weights, when they are not shipped in cases containing pockets, some soft but firm material should be used next to the weight and bound tightly against it to avoid the possibility of abrasion. If tissue paper is used, many thicknesses of it should be firmly wrapped on, and this should then be covered with thicker, tougher material such as cotton packing or knit goods. The whole should then be wrapped securely in wrapping paper in order to exclude the dust and grit from rough packing boxes within which the cases or bundles are generally packed.

(iii) In many cases the sheet-metal weights that are packed under the glass covers of the regular cases reach the Bureau bent or otherwise damaged. For this reason greater care should be given the packing of these weights. Sufficient extra packing should be used to hold the glass cover firmly in place.

(iv) Many of the laboratory weight cases now in service are not designed to retain the weights in the pockets during shipment. Also, shipments of weights are sometimes subjected to exceptionally rough handling. It is strongly recommended that weights larger than about 200 g be shipped separate from the laboratory storage cases, and that they be packed for shipment as described in this section.

(v) Weights over 50 pounds must be clean, suitably protected and shipped in wooden boxes having screw-fastened covers; total weight of any box not to exceed 250 pounds.

(vi) Weight identification and legal owner must be clearly designated on the packing slip. Enclose packing slip in envelope and attach to outside of box (wrap with weights if package is small). Envelope should be clearly marked.

(3) Ship weights prepaid as follows:

(i) Reference standards up to 50 lbs, ship to National Bureau of Standards, Attention Mass and Scale Section, Washington 25, D.C.

(ii) All Class C weights up to and including 50 lbs may be shipped either to National Bureau of Standards, Attention Mass and Scale Section, Washington 25, D.C., or National Bureau of Standards, Boulder, Colorado.

(iii) 51 to 1000 lbs: Shipments from the West Coast and the Rocky Mountain Area to the National Bureau of Standards, Boulder, Colorado; From the Midwest to the National Bureau of Standards Master Scale Depot, 5800 West 69th Street, Chicago, Illinois; From the East to the National Bureau of Standards, Connecticut Avenue and Van Ness Street NW., Washington, D.C.

(iv) 1001 to 10,000 lbs: It is desirable that weights larger than 1000 lbs be submitted to the NBS Master Scale Depot, 5800 West 69th Street, Chicago, Illinois, however, by previous correspondence arrangements can be made for accepting such weights at NBS in Washington.

(v) Weights over 10,000 lbs: Ships to NBS Master Scale Depot.

(4) After completion of calibration, weights will be carefully packed and returned (express collect if not otherwise specified) to legal owner. Original certificates will be mailed together with

letter of transmittal under separate cover to legal owner.

(c) *Miscellaneous.* (1) It is suggested that requests for firm quotations for calibrations not be forwarded to NBS. Receipt of weights, purchase order, and acceptance for calibration will be acknowledged. All tests will be done in accordance with this test fee schedule. No firm price quotation can be made in advance of actual acceptance for calibration.

(2) If information requested in paragraph (b) (1) (ii) is missing, an estimate of the material density will be used and so noted on the "Certificate" or "Report."

(3) Missing weights or individual defective weights may be replaced at cost if available from NBS stock, and the charges for replacement have been authorized under paragraph (b) (1) (vii) of this section. If replacement has not been authorized, or weights are not immediately available, calibration will be made on weights accepted.

§ 202.601 Cleaning and inspection.

Upon receipt, all weights are cleaned and inspected. Weights or weight sets not suitable for calibration will be returned to legal owner with a covering letter. The fee for cleaning, inspection and handling, will apply in accordance with 202.601 a through d, whether weights are accepted for calibration or rejected.

Item	Description	Fee
	Inspecting, cleaning, handling, etc. (but not including test for accuracy):	
202.601a	For a single weight not greater than 50 pounds or 25 kg. (Does not apply to cast-iron 50-pound or 25 kg weights.) See schedule 202.604.	$12.00
202.601b	For each set or group of weights submitted as a unit, when the largest weight is not greater than 2 pounds or 1 kg	17.00
202.601c	For each set or group of weights submitted as a unit, when the largest weight is not greater than 20 pounds or 10 kg but is greater than 2 pounds or 1 kg	25.00
202.601d	For each set or group of weights submitted as a unit, when the largest weight is not greater than 50 pounds or 25 kg but is greater than 20 pounds or 10 kg. NOTE: To the appropriate item above there will be added, in the case of a full regular test, an amount computed from one or more of the following items—the item or items used depending on the size of the weights. For weights given the complete inspection, cleaning, etc., but not tested for accuracy, on account of defects discovered or for some other cause, the fee is only the appropriate one of the items above.	35.00

§ 202.602 Laboratory reference standards.

Mass determination, with buoyancy correction based on the nominal density for an ideal weight material, and suitable for use at the operating level in measurements at accuracies within 3 parts in 10^6 for weights 10 g and above; 0.03 mg for weights 10 g to 1 g inclusive; and 0.003 mg for weights below 1 g, will be in accordance with 202.602 a through g. Mass determination to be accuracy required at the operating level of laboratory reference standards over 25 kg will be done on a time and cost basis. Correspondence or consultation as to the suitability of the weight design and material and accuracies required must provide a basis for such calibration.

Item	Description	Fee
202.602a	For sets 100 g to 1 mg, or sets within this range, calibration	$140.00
202.602b	For sets 100 g to 50 mg, or sets within this range, calibration	120.00
202.602c	For sets 100 g to 1 g, or sets within this range, calibration	60.00
202.602d	For sets 1 g to 1 mg, or sets within this range, calibration	80.00
202.602e	For individual weights, 100 g or less, calibration	10.00
202.602f	For each individual weight greater than 100 g but not greater than 2 kg, calibration	15.00
202.602g	For each individual weight greater than 2 kg but not greater than 25 kg, calibration	20.00
202.602z	Other operations will be charged for on the basis of actual cost of time and materials.	

§ 202.603 Scientific reference standards.

Mass determinations suitable for higher accuracies (than provided in § 202.602) at the operating level can be provided for sophisticated scientific use. Correspondence, or consultation as to the nature of the problem must provide a basis for such calibration. These calibrations are made on a time and cost basis.

§ 202.604 Other mass determinations.

If the need for calibration of weights, other than reference standards is critical and the service is not available elsewhere, calibration will be done in accordance with 202.604 a through z. Arrangements for these calibrations must be completed before weights are shipped to the National Bureau of Standards.

Item	Description	Fee
	Testing for accuracy, sealing and certifying or reporting that the weight is within specified tolerance:	
202.604a	For each weight not greater than 2 pounds or 1 kg	$8.00
202.604b	For each weight not greater than 20 pounds or 10 kg but greater than 2 pounds or 1 kg	10.00
202.604c	For each weight that is greater than 20 pounds or 10 kg but not greater than 50 pounds or 25 kg	12.00
202.604d	Readjusting a weight provided with an adjustment cavity within tolerances, including the final test for accuracy (optional with NBS)	18.00
	Test weights, 50-lb., Class C, cast iron:	
202.604e	A handling fee of $2.25 per weight in addition to the applicable test fee will be charged for each weight of a group submitted; the minimum handling charge shall be	12.00
202.604f	For tolerance test when no adjustments are required, per weight	8.00
202.604g	For test, adjustment and retest, per weight	16.00
	Test weights, 5l to 1,000 pounds:	
202.604h	Test and, when adjustable, standardize within Class C adjustment tolerances. NOTE: The National Bureau of Standards laboratories at Boulder, Colo., are equipped to perform Class C calibrations and to evaluate special items to 1,000 pounds.	25.00
202.604i	Test weights, 1,001 to 2,500 pounds: Testing and adjusting. (Weights of this grouping when adjustable will be standardized to nominal values with precision 0.01 lb.) NOTE: It is desirable that weights larger than 1,000 lb be submitted to the National Bureau of Standards Master Scale Depot, 5800 West 66th Street, Chicago, Ill., however, arrangements can be made for accepting such weights at the laboratory in Washington. In all instances all arrangements for tests must be completed prior to shipment, and all correspondence shall be addressed to the Mass and Scale Section, National Bureau of Standards, Washington, D.C.	$35.00
	Test weights, 2,501 to 10,000 pounds:	
202.604j	Evaluation only (precision 1/25,000)	35.00
202.604k	Evaluation only (precision 1/100,000)	42.00
202.604l	Adjustment and sealing, where an adjustment cavity with suitable closure is provided	25.00
202.604m	Cars, railway track scale testing: Standardization on Master Track Scale at National Bureau of Standards Master Scale Depot, 5800 West 66th Street, Chicago, Ill.	40.00
202.604z	Test weights, 10,000 to 150,000 pounds: Fees for tests of weights in this grouping will be charged dependent upon the nature of the test.	

VOLUMETRY AND DENSIMETRY

§ 202.701 Volumetric apparatus.

Item	Description	Fee
202.701a	Flasks of capacities up to and including 250 ml—testing and stamping each flask	$3.50
202.701b	Flasks of capacities exceeding 250 ml—testing and stamping each flask	4.50
202.701c	Flasks—when marked and calibrated both "to contain" and "to deliver", each flask	6.50
202.701d	Flasks of any capacity, when bearing more than one capacity mark—calibration of the primary capacity	4.00
202.701e	Flasks of any capacity bearing more than one capacity mark—calibration of each additional capacity, in addition to the primary capacity	1.75
202.701f	Spirits measuring flasks—testing and certifying three capacities	13.00
202.701g	Spirits measuring flasks—testing capacities in excess of the 3 covered by item (f) above	3.50
202.701h	Flasks, specific gravity—testing at four capacities and stamping, each flask	8.50
202.701i	Cylindrical graduates, capacities up to and including 250 ml—testing and stamping, each capacity tested	2.00
202.701j	Cylindrical graduates, capacities exceeding 250 ml—testing and stamping, each capacity tested	3.00
202.701k	Transfer pipettes—testing and stamping, each	3.00
202.701l	Pipettes calibrated to contain—testing and stamping, each capacity tested. NOTE: When single capacity flasks and transfer pipettes are submitted in lots of 50 or more of the same size, and certificates or reports are not requested, a reduction of 10 percent of the above fee rates will be made.	3.50
202.701m	Certificates of capacity for test items (a) to (l) inclusive, when requested, each	3.00
202.701n	Burettes—testing and certifying 5 intervals	15.00
202.701o	Burettes—testing capacity of each interval in excess of the 5 covered in item (n) above	1.50
202.701p	Automatic burettes—testing and reporting value of not more than 6 intervals	17.00
202.701q	Microvolumometers—testing and reporting values at 6 intervals	20.00
202.701r	Measuring pipettes—testing 5 intervals and stamping. NOTE: When certificates or reports are requested for measuring pipettes, the fee will be the same as for a burette, Item (202.701n).	$9.00
202.701s	Dilution pipettes, including Trenner automatic and Sahli pipettes—testing and stamping, each pipette	1.00
202.701t	Dilution pipettes, automatic (other than Trenner)—testing and stamping, each pipette	5.00
202.701u	Reports of capacities of dilution pipettes and Sahli pipettes	1.00
202.701v	Apparatus intended for use at a temperature other than 20° C. or 25° C., between 15° C. and 30° C.—testing, additional charge for each piece	1.75
202.701w	Apparatus if indicated capacity is in units other than milliliters—testing, additional charge for each piece	1.75
202.701x	Apparatus disqualified for test—preliminary examination, charge for each piece	1.25
202.701z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.702 Metal capacity standards.

Item	Description	Fee
202.702a	Half-bushel and 5-gallon slicker-plate measures (slicker plate type)—testing, marking, and certifying capacity, each	$25.00
202.702b	Slicker-plate measures of capacity less than ½ bushel and 5 gallons—testing, marking, and certifying capacity, each	19.00
202.702c	Cubic-foot bottles for use in testing gas meter provers—testing, sealing, and certifying capacity, each	41.00
202.702d	½-cubic-foot bottles for use in testing gas meters—testing, sealing, and certifying capacity, each	25.00
202.702e	5-gallon field standards (graduated neck type)—testing, sealing, and certifying, each	25.00
202.702f	Field standards of capacity less than 5 gallons (graduated neck type)—testing, sealing, and certifying, each	19.00
202.702g	Field standards in excess of 5 gallons but less than 50 gallons capacity, calibrated to deliver—testing, sealing, and certifying, charge for first 10 gallons	25.00
202.702h	For each 5-gallon increment in excess of the first 10 gallons covered in item (g) above, but not exceeding seven 5-gallon increments	4.50
202.702i	Field standards of 50 gallons or more capacity, calibrated to deliver—testing, sealing, and certifying, for the first 50 gallons	43.00
202.702j	For each 50-gallon increment in excess of the first 50 gallons covered by item (i) above. NOTE: When any of the above types of standards are calibrated on the basis of "to contain" and "to deliver," each determination will constitute a separate calibration, and a fee for each will be charged.	7.50
202.702k	Calibration of field standards at more than one scale point, each additional point	15.00
202.702L	Adjusting the zero index or gage scales on any of the above standards to give correct capacity	13.00
202.702m	Apparatus disqualified for test—preliminary examination, charge for each piece	7.00
202.702z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.703 Hydrometers and thermohydrometers.

Item	Description	Fee
202.703a	Hydrometers—general inspection, testing at 3 points, and marking, in lots of 10 or more of identical scale range and design	$9.00
202.703b	Hydrometers—general inspection, testing at 3 points, and marking, less than 10 of same scale range	12.00
202.703c	Thermohydrometers—hydrometer element alone, same as items (a) and (b) above. NOTE: For calibration of the thermometer element, see schedule 203.101 "Laboratory Thermometers" for the fee.	
202.703d	Hydrometers—testing at more than 3 points, each point	3.50
202.703e	Hydrometers—certificate or report of corrections for all points tested	4.00
202.703f	Hydrometers—disqualified for calibration, preliminary examination	3.00
202.703z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.704 Density of solids and liquids.

Item	Description	Fee
202.704a	Density of solids—determinations by hydrostatic weighing in water at room temperature of samples which meet the following conditions: (1) mass less than 175 g and (2) maximum dimension less than 6 in., each	$24.00
202.704b	Density of liquids—determination at a specified temperature between 0° and 70° C., each	40.00
202.704c	Density of liquids—determination at 1 or more specified temperatures between 0° and 70° C., additional to item 202.704b, each	14.00
202.704d	Coefficient of thermal expansion of of liquids—computed for the temperature range covered by determinations under 202.704 b and c.	7.00
202.704z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

§ 202.705 Portable cubic foot standards and gas meter provers.

Item	Description	Fee
202.705a	Portable cubic foot standards (Stillman type)—testing, adjusting, sealing, and certifying	$135.00
202.705b	Gas meter provers not exceeding 5 cubic feet capacity—testing and reporting	84.00
202.705c	Gas meter provers over 5 cubic feet capacity—calibrating and reporting each 5 cubic feet capacity additional to item 202.705b, above. NOTE: On (b) and (c) gas meter provers must be tested in the place of use; hence all travel expense and haulage of equipment will be in addition to the test fee and arranged for separately. This applies also to the tests of large meters and other special meters where the test work must be done away from the laboratory.	26.00

R. D. HUNTOON,
Deputy Director.

[F.R. Doc. 62-7160; Filed, July 24, 1962; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Peace Corps

Effective upon publication in the FEDERAL REGISTER, paragraph (t) is added to § 6.368 as set out below.

§ 6.368 Peace Corps.

* * * * * *

(t) The Chief, Division of Selection, Office of Peace Corps Volunteers.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-7293; Filed, July 24, 1962; 8:57 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 21, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the

time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 908.321 (Valencia Orange Regulation 21, 27 F.R. 6704) are hereby amended to read as follows:

(ii) District 2: 450,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 20, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-7265; Filed, July 24, 1962; 8:52 a.m.]

[Pear Reg. 1]

PART 927—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Regulation by Grades and Sizes

§ 927.301 Pear Regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 927, as amended (7 CFR Part 927), regulating the handling of the Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Control Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 25, 1962. A reasonable determination as to the composition of the available supplies of such pears, and therefore the extent of grade and size regulation warranted, must await the development of the crop; recommendation as to the need for, and the extent of, regulation of shipments of such pears were made by said committee on July 18, 1962, after consideration of all information then available relative to the supply and demand conditions for such pears, at which time such recommendations and supporting information were submitted to the Department and notice thereof given to handlers and growers; shipments of the current crop of such pears are expected to begin on or about the effective time hereof, and this section should be applicable to all shipments of such pears in order to effectuate the declared policy of the act; and compliance with this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 25, 1962, and ending at 12:01 a.m., P.s.t., July 1, 1963, no handler shall ship:

(i) Any Beurre D'Anjou pears unless such pears grade at least U.S. No. 2 and are of a size not smaller than the 195 size: *Provided,* That Beurre D'Anjou pears may be shipped when bearing unhealed broken skin punctures measuring not to exceed three-sixteenths (3/16) of one inch in diameter or depth, as the case may be, if they otherwise grade at least U.S. No. 1, and are of a size not smaller than the 150 size: *And provided further,* That Beurre D'Anjou pears which fail to meet the requirement with respect to shape specified in the U.S. No. 2 grade only because of frost injury or healed hail marks may be shipped if such pears are not very seriously misshapen and are of a size not smaller than the 150 size;

(ii) Any Beurre Bosc pears unless such pears grade at least U.S. No. 2 and are of a size not smaller than the 180 size;

(iii) Any Doyenne du Comice pears unless such pears grade at least U.S. No. 2 and are of a size not smaller than the 180 size;

(iv) Any Winter Nelis pears unless such pears grade at least U.S. No. 2 and are of a size not smaller than the 225 size;

(v) Any Beurre Easter pears unless such pears grade at least U.S. No. 2 and are of a size not smaller than the 165 size.

(2) Each handler may ship on any one conveyance up to, but not to exceed, 200 standard western pear boxes of pears, or an equivalent quantity of pears in other containers computed by weight to the nearest 5 pounds, without regard to the inspection requirements of § 927.60(b), under the following conditions:

(i) Each handler desiring to make shipment of pears pursuant to this subparagraph shall first apply to the committee on forms furnished by the committee for permission to make such shipments. The application form shall provide a certification by the shipper that all shipments made thereunder during the marketing season shall meet the marketing order requirements, that he agrees such shipments shall be subject to spot check inspection, and that he agrees to report such shipments at time of shipment to the committee on forms furnished by the committee, showing the car or truck number and destination;

(ii) On the basis of such individual reports, the committee shall request spot check inspection of such shipments.

(3) When used herein, "U.S. No. 1," "U.S. No. 2," "frost injury," and "healed hail marks" shall have the same meaning as when used in the United States Standards for Winter Pears such as Anjou, Bosc, Winter Nelis, Comice, and other similar varieties (§§ 51.1300 to 51.1323 of this title); "150 size," "165 size," "180 size," "195 size," and "225 size" shall mean that the pears are of a size which, as indicated by the size number, will pack, in accordance with the sizing and packing specifications of a standard pack, as specified in said United States Standards, 150, 165, 180, 195, or 225 pears, respectively, in a standard western pear box (inside dimensions 18 inches long by 11½ inches wide by 8½ inches deep), "very seriously misshapen" shall have the same meaning as set forth in the Washington State Department of Agriculture Standards for D'Anjou, Bosc, Winter Nelis, and other varieties of winter pears, and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 20, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-7322; Filed, July 24, 1962; 8:57 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. No. PR-67]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Initiation of Route Proceedings by Board Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of July 1962.

On December 1, 1961, the Board issued a notice of proposed rule making, PDR-15, Docket 13232, 26 F.R. 11685, proposing the amendment of Part 302 by the adoption of new provisions which would establish an additional method for initiating route proceedings under sections 401 and 402 of the Act.

In response to comments received concerning various aspects of the proposed rule, certain changes have been made in the attached final rule. Thus, the proposed rule did not specify the permissible contents of an answer, or a motion under § 302.12, in response to a Board order instituting proceedings. The final rule expressly provides that such answers or motions should be limited to objections and proposals which any person having a substantial interest may have with respect to the geographic scope of the proceeding or the scope of the issues, as respectively defined in such an order.

The proposed rule provided for waiver of any specific objection not set forth in a timely-filed answer. In addition, the proposed rule provided that a person who failed to file any pleading responsive to the Board's order initiating a proceeding waived his right to object to the definition of the scope of the proceeding and to obtain a contemporaneous hearing of other matters. It appears that the language of these provisions should be modified in order to reflect the new limitation on the contents of such responsive pleadings which has been imposed in the attached final rule.

Therefore, these waiver provisions have been amended so that failure to raise a specific objection or proposal in such responsive pleadings will result in a waiver of only those matters which could have been properly raised therein. Failure to file any such responsive pleading will only result in a waiver of applicant's right to have his application either consolidated or contemporaneously considered with other applications which fall within the geographic scope of the proceeding or of the issues therein, as defined in the original Board order instituting proceedings. However, when the Board issues a further order expanding the scope of a proceeding beyond that originally outlined in its order initiating such a proceeding, by either amending the defined scope thereof or granting consolidation motions filed therein, any person having a substantial interest in the additional issues thus posed may file a petition for reconsideration of such order under § 302.37, or an appropriate motion for consolidation or contemporaneous consideration therewith under § 302.12, even if he has not filed any pleading addressed to the first order. The proposed rule has been amended to expressly recognize and confirm the right to file such petitions or motions. Nor would the mere fact that a prehearing conference in the proceeding has been held prior to issuance of such order necessarily bar the filing of such petitions and motions without a showing of good cause, since §§ 302.37(a) and 302.12(b) specifically empower the Board to specify later filing dates in appropriate cases.

In addition, the proposed rule has been amended to make it clear that any person having a substantial interest may respond to a Board order instituting proceedings by filing a written answer, or a motion under § 302.12, or both types of such pleadings within the period of time specified and that such pleadings may encompass alternative route proposals as well as objections to those specified by the Board's order.

Interested persons have been afforded an opportunity to participate in the formulation of this rule and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 302 of the rules of practice in economic proceedings (14 CFR Part 302), effective August 8, 1962, by adding a new subheading and section to Subpart I to read as follows:

INITIATION OF ROUTE PROCEEDINGS

§ 302.915 Initiation of route proceedings by Board order.

(a) *Purpose and policy.* The purpose of this section is to establish a procedure for the initiation of proceedings involving particular routes or geographic areas, in addition to existing procedures under Subpart A, so that the Board may select the one best suited to the efficient and expeditious disposition of route proceedings.

(b) *Order instituting proceedings.* The Board may initiate a route proceeding by issuing an order of investigation or an order to show cause which, respectively, defines the scope of the issues in the proceeding, or consolidates pending applications and proceedings for simultaneous hearing, or institutes investigations under sections 401(g) or 402(f) of the Act directed to the amendment of outstanding certificates of public convenience and necessity and foreign air carrier permits, and specifies other matters included in the proceeding.

(c) *Pleadings in response to Board order instituting proceedings.* Any person having a substantial interest may respond to the Board's order instituting a proceeding by filing with the Board a written answer, or a motion pursuant to § 302.12, or both, within the period of time specified in said order. Such answer or motion shall set forth all objections and proposals which such persons may have with respect to the geographic scope of the proceeding or the scope of the issues, as respectively defined in such order. Such answer or motion shall be in lieu of petitions for reconsideration of said order under § 302.37. Any such objection or proposal which is not set forth in such answer or motion shall be deemed to have been waived. Any person who fails to file a timely answer or motion in response to the Board's order shall also be deemed to have waived his right to have his own application consolidated or contemporaneously considered with those falling within the geographic scope of the proceeding or the scope of the issues therein, as respectively defined in said order. *Provided however,* That where any further order of the Board adds to the geographic scope of a proceeding or the scope of the issues therein beyond that defined in the Board's order instituting such proceeding, failure to file an answer or motion addressed to the Board's first order shall not preclude the filing of a petition under § 302.37, or of a motion under § 302.12, addressed to such additional scope or issues.

(d) *Answers to motions.* Answers in support of or in opposition to motions as mentioned in paragraph (c) of this section may be filed within seven (7) days after service of such motions or within such other period as may be specified in the Board's order.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 1001, 72 Stat. 788; 49 U.S.C. 1481)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-7274; Filed, July 24, 1962; 8:57 a.m.]

[Reg. No. PR-66]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Applications for Route Authority; Dismissal of Certain Stale Applications

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of July 1962.

On December 5, 1961, the Board issued a notice of proposed rule making, PDR-16, Docket 13250, 26 F.R. 11841, proposing to amend Part 302 by providing for the dismissal, without prejudice, of any application under section 401 of the Act which has not been noticed for hearing or heard within a period of three years from the date of its filing.

In response to comments received upon various aspects of the proposed rule, certain changes have been made in the attached final rule. The proposed rule provided for the dismissal of any application "for a certificate of public convenience and necessity under section 401." One of the comments received has suggested that this language might be construed to apply only to applications for new certificates so that it should be broadened to expressly include applications relating to the modification, suspension, revocation, abandonment and transfer of existing certificates. This suggestion appears to be meritorious and has been adopted in the attached final rule which applies to all applications "filed under section 401."

Another comment assumed that the proposed rule contemplated automatic expiration of applications and requested that the Board issue individual orders of dismissal of each such application. The intent of the proposed rule was to provide for dismissal by order as indicated by the reference to the "dismissal" rather than the "expiration" of applications. We have clarified this point by adding an express provision for dismissal by Board order.

Normally, applications seeking renewal of expired temporary certificates of public convenience and necessity will be designated for prehearing conference or hearing or will be heard before the expiration of the three-year period which subjects any section 401 application to a mandatory dismissal. However, in exceptional circumstances such an application may remain in an inactive status on the Board's docket for a period of three years or more. In view of this contingency, the attached final rule expressly excludes from the requirement

for mandatory dismissal of stale applications any application for renewal of an expired temporary certificate which is within the scope of the protection afforded by section 9(b) of the Administrative Procedure Act.

Several commenting carriers have suggested that the proposed rule should be revised by excluding from the scope of the mandatory dismissal provision any application which is the subject of a pending but undecided motion for consolidation or contemporaneous consideration. The Board has rejected this suggestion because the relief requested is unnecessary. An application which is subject to dismissal under the provisions of the attached final rule will only rarely be the subject of a bona fide pending but undecided motion for consolidation or contemporaneous consideration. Nor would the occasional dismissal of such an application deprive the applicant of his opportunity to participate in any other proceeding in which he had filed a motion for consolidation or contemporaneous consideration. For, while it is true that § 302.12(b) of the Procedural Regulations requires that such motions must relate to an application pending on the cut-off date prescribed therein, the Board would of course consider these circumstances in determining whether good cause existed for late filing of such a motion. If so, the motion could be refiled after the dismissed application is refiled, and would then receive consideration on the merits.

Interested persons have been afforded an opportunity to participate in the formulation of this rule and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 302 of its procedural regulations, 14 CFR Part 302, effective August 8, 1962:

§ 302.1 [Amendment]

1. By amending the beginning of the second sentence of § 302.1(b) to read "Each of Subparts B through I of this part * * *" (remainder unchanged); and

2. By inserting in Subpart I of said Part 302 a new subheading and new § 302.911, to read as follows:

APPLICATIONS FOR ROUTE AUTHORITY

§ 302.911 Dismissal of certain stale applications filed under section 401.

(a) *Types of applications subject to dismissal.* An application filed under section 401, other than an application for renewal of an expired temporary certificate of public convenience and necessity which is within the purview of section 9(b) of the Administrative Procedure Act,[1] shall be subject to dismissal, pursuant to the provisions of this section.

(b) *Mandatory dismissal of stale applications.* An application subject to dismissal, pursuant to the provisions of paragraph (a) of this section, shall be dismissed by order of the Board three years after the date of filing of such application unless prior to the expiration of said period the application has been designated for prehearing conference or hearing, or hearing thereon has commenced. The three-year period will be calculated from the date of the original filing of such application, and not from the dates of any subsequently filed amendments thereto.

(c) *Right to refile.* Dismissal of applications pursuant to this section will be without prejudice to the right of the applicant at any time to file a new application seeking all or any part of the route authority requested by the application which has been dismissed. Such new application will be assigned a new docket number.

(d) *Definitions.* For the purpose of this section, an application shall be deemed to have been designated for prehearing conference or hearing when:

(i) such application has been designated in a written notice of prehearing conference issued under § 302.23(a); or

(ii) such application has been designated for hearing in an order of consolidation issued under § 302.12; or

(iii) such application has been designated for hearing in an order of the Board instituting proceedings under § 302.915(b), or an order disposing of pleadings filed in response to an order issued under § 302.915(b).

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 1001, 72 Stat. 788; 49 U.S.C. 1481)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62-7275; Filed, July 24, 1962; 8:57 a.m.]

[1] As implemented by Part 377 of the Board's Special Regulations.

SUBCHAPTER F—POLICY STATEMENTS

[Reg. Policy Statement No. 14]

PART 399—STATEMENTS OF GENERAL POLICY

Standards for Determining Priorities of Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of July 1962.

The Board, by publication in the FEDERAL REGISTER, 26 F.R. 11841, and circulation of PSDR-2, issued a Proposed Policy Statement prescribing general standards for determining hearing priorities for all route and other docketed matters. No comments were received opposing the proposed Policy Statement.

Accordingly, the Board hereby amends Part 399—Statements of General Policy (14 CFR Part 399) by adding a new § 399.38, effective August 8, 1962, to read as follows:

§ 399.38 Standards for determining priorities of hearing.

(a) *General.* This policy statement describes the general standards which will be used by the Board in determining the order in which it will designate for hearing those matters on its docket which are to be decided after notice and hearing. Among such matters are applications for certificates of public convenience and necessity or for foreign air carrier permits; applications under section 408 of the Act for approval of consolidations or acquisitions of control; complaint cases; and various rate-making proceedings.

(b) *Standards.* Matters will be assigned for hearing in accordance with the degree of relative priority which each matter is entitled to on the basis of the comparative public interest involved therein. Among other things, the Board will take into account (1) statutory requirements for preference or statutory limitations on the time within which the Board shall act; (2) the impact of delay on the public or particular persons; (3) the need for promptly securing compliance with the provisions of the Act; (4) the time for which the matter has already been pending and which would be required to dispose thereof; (5) whether the application requests renewal of an existing temporary authorization; and (6) in matters relating to operating authority (a) the reduction that a proposal may have on subsidy or increase in economy of operations; (b) whether an application proposes new service; (c) the volume of traffic that might be affected by the grant or denial of the proposal; (d) the period that has elapsed since the Board considered the service need of the places or areas involved; and (e) the relative availability of necessary staff members of the carriers, communities, and the Board in the light of other proceedings already in progress to handle the processing of the case. Interested persons may urge upon the Board such considerations as they believe should lead it to accord a particular application a priority different from that which the Board has given it.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 1001, 72 Stat. 788; 49 U.S.C. 1481)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 62-7273; Filed, July 24, 1962; 8:57 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Regulatory Docket No. 1303; Amdt. 466]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed 1049 Series Aircraft

AD 56-26-1, 22 F.R. 2421, requires the installation of blowers and bus bars with increased cooling areas to prevent overheating of the relays within the generator feeder protection main relay box of Lockheed 1049 Series aircraft. The parts necessary for compliance with the AD are no longer readily available. However, it has been determined that there are other methods of preventing overheating of the relays which are as satisfactory as those required by AD 56-26-1. Therefore, the AD is amended to permit the use of FAA approved equivalent means of compliance.

Since this amendment provides an alternative means of compliance and will relieve a burden on some operators, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended as follows:

AD 56-26-1, 22 F.R. 2421, Lockheed 1049 Series aircraft, Serial Numbers 4501 through 4565, 4572 through 4647, and 4163 through 4166, is amended by changing the last sentence of the second paragraph to read as follows:

"To minimize the probability of complete electrical outage in this vital area, greater heat transfer capability shall be provided either by installing a blower and replacing the existing interconnecting bus bars with new bus bars having increased cooling areas, or by an equivalent means approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region."

This amendment shall become effective July 25, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 19, 1962.

G. S. MOORE, *Acting Director, Flight Standards Service.*

[F.R. Doc. 62-7226; Filed, July 24, 1962; 8:46 a.m.]

SUBCHAPTER D—AIRPORT REGULATIONS

POLICY STATEMENT

CROSS REFERENCE: For policy statement on prohibition of exclusive rights on airports receiving Federal funds, see F.R. Doc. 62-7337, in the Notices section, *infra*.

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-SW-32]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Transition Area

The purpose of this amendment to § 601.10009 of the regulations of the Administrator is to alter the Carlsbad, N. Mex., transition area.

The Carlsbad transition area is designated, in part, as that airspace extending upward from 10,500 feet within a 40-mile radius of the Carlsbad VOR bounded on the north by a line 5 miles north of and parallel to the 292° radial of the Carlsbad VOR, bounded on the east by the 10-mile radius of the Carlsbad VOR, and on the south by a line 5 miles south of a parallel to the 262° radial of the Carlsbad VOR. This portion of the Carlsbad transition area was designated to protect aircraft executing entry procedures into a special purpose military aircraft route near Carlsbad.

The Department of the Air Force advises that the operational requirement for continuation of this special purpose route no longer exists. Therefore, action is taken herein to revoke the portion of the Carlsbad transition area described above.

Since the change effected by this amendment is less restrictive in nature than present requirements, and imposes no additional burden on any person, notice and public procedure thereon are unnecessary, and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following action is taken:

In the text of § 601.10009 (14 CFR 601.10009) "on the NW by VOR Federal airway No. 94; the airspace W of Carlsbad extending upward from 10,500 feet MSL within a 40-mile radius of the Carlsbad VOR bounded on the N by a line 5 miles N of and parallel to the 292° radial of the Carlsbad VOR bounded on the E by the 10-mile radius of the Carlsbad VOR, and on the S by a line 5 miles S of and parallel to the 262° radial of the Carlsbad VOR." is deleted and "on the NW by VOR Federal airway No. 94." is substituted therefor.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 19, 1962.

CLIFFORD P. BURTON, *Chief, Airspace Utilization Division.*

[F.R. Doc. 62-7228; Filed, July 24, 1962; 8:45 a.m.]

[Airspace Docket No. 61-LA-119]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Designation of Jet Advisory Areas

On April 18, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 3694) stating that the Federal Aviation Agency (FAA) proposed to designate an en route radar jet advisory area on the segment of Jet Route No. 65 from its intersection with Jet Route No. 78 to the Palmdale, Calif., VOR; and a terminal radar jet advisory area from the Palmdale VOR to the intersection of the Palmdale VOR 291° True radial with Jet Route No. 1.

The Department of the Air Force (USAF), although not objecting to the proposal, recommended several courses of action which it felt should be taken in order for this proposal to be compatible with the operations conducted from George Air Force Base. Subsequent to the receipt of the above comments the USAF Regional Airspace Representative was contacted and stated that the Air Force did not intend that action be withheld on Airspace Docket No. 61-LA-119 pending resolution of the Air Force recommendations.

The Air Transport Association of America endorsed the proposal but suggested that some type of route designation be assigned from the intersection of J-65 and J-78 to the intersection of the Palmdale VOR 291° True radial with J-1 for ease in flight planning and issuance of Air Traffic Control clearances. The FAA concurs in this suggestion and action is taken herein to extend Jet Route No. 6 from the Palmdale VOR to the intersection of the Palmdale VOR 291° True radial with J-1. Additionally, instead of designating the terminal radar jet advisory area as proposed in the notice, the en route radar jet advisory area associated with J-6 is extended from the Hector, Calif., VORTAC via the Palmdale VOR to the intersection of the Palmdale VOR 291° True radial with J-1. A portion of the Los Angeles, Calif., terminal radar jet advisory area presently extends along the segment of J-6 between the Palmdale VOR and the Hector VORTAC. Therefore, the terminal jet advisory area is amended to prevent a dual designation of the airspace.

No other comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of those rules adopted herein which were proposed in the notice, and due consideration has been given to all relevant matter presented. Those rules adopted herein which were not included in the original proposal are minor in nature and impose no additional burden on any person and, therefore, notice and public procedure thereon are unnecessary.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 602.100 Jet routes (14 CFR 602.100) Jet Route No. 6 is amended as follows:

(a) In the caption "Palmdale, Calif." is deleted and "Fellows, Calif." is substituted therefor.

(b) In the text "From Palmdale, Calif., via Hector, Calif.;" is deleted and "From the INT of the Avenal, Calif., 142° and the Palmdale, Calif., 291° radials via Palmdale; Hector, Calif.;" is substituted therefor.

2. In § 602.200 En route jet advisory areas (14 CFR 602.200, 27 F.R. 3540) Jet Route Nos. 6 and 65 are amended to read:

Jet Route No. 6 jet advisory area. Radar—From the INT of Avenal, Calif., 142° and Palmdale, Calif., 291° radials, to Idlewild, N.Y.

Jet Route No. 65 jet advisory area. Radar—Phoenix, Ariz., to Palmdale, Calif.

3. In § 602.300 Terminal jet advisory areas (14 CFR 602.300) Los Angeles, Calif., jet advisory area—Radar (e) is amended to read:

e. Los Angeles, Calif., to Palmdale, Calif.

These amendments shall become effective 0001 e.s.t., September 20, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 19, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-7227; Filed, July 24, 1962; 8:45 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 530—EMPLOYMENT OF HOMEWORKERS IN CERTAIN INDUSTRIES

Termination of Homeworker Certificates

In the FEDERAL REGISTER of June 8, 1962, there was published a notice of proposed rule making for the purpose of deleting the provision in 29 CFR 530.6(a) delimiting the period of any certificate authorizing industrial homework to not more than 12 months. Interested persons were given 15 days in which to submit data, views or arguments regarding the proposal. After consideration of all such submissions as were received I have decided to adopt the proposal, effective August 24, 1962, without change.

As amended, 29 CFR 530.6(a) shall read as follows:

§ 530.6 Termination of certificates.

(a) A certificate shall be valid under the terms set forth in the certificate for a period to be designated by the Administrator or his authorized representative. Application for renewal of any certificate shall be filed in the same manner as an original application under this part.

(52 Stat. 1066; 29 U.S.C. 211)

Signed at Washington, D.C., this 18th day of July 1962.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 62-7249; Filed, July 24, 1962; 8:50 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Glacier National Park, Montana; Boats

On pages 4918 and 4919 of the FEDERAL REGISTER of May 25, 1962, there was published a notice and text of a proposed amendment to § 7.3 of Title 36, Code of Federal Regulations. The purpose of the amendment is to establish reasonable regulations which will provide adequate control over boats and insure a maximum of safety in their use.

Interested persons were given thirty days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. Consideration having been given to all relevant matters presented, it has been determined that the amendment should be and is hereby adopted without change and is set forth below. Since the boating season in the Park is already under way, it is in the public interest that these boating regulations be in effect immediately. Accordingly, these regulations shall become effective upon publication in the FEDERAL REGISTER.

(60 Stat. 238; U.S.C. 1003; 39 Stat. 535; 16 U.S.C. 3)

FRED W. BINNEWIES,
Acting Superintendent, Glacier National Park.

Paragraph (g) of § 7.3 is amended and revised in its entirety to read as follows:

§ 7.3 Glacier National Park.

* * * * * *

(g) *Boats.* (1) No privately owned waterborne craft, including but not limited to boats, canoes, rafts or other floating objects, shall be placed or operated upon the waters of Glacier National Park without a permit from the superintendent, who shall have authority to revoke the permit and require the immediate removal of such waterborne craft upon the failure of the permittee to comply with the terms and conditions of the permit. This permit must be carried within the craft at all times and shall be exhibited upon request to any person authorized to enforce the regulations in this chapter.

(2) Numbering of boats: No waterborne craft propelled by machinery of more than ten (10) horsepower shall be operated upon the waters of the park, unless such craft has been documented by the Bureau of Customs or, if undocumented, has been numbered by the United States Coast Guard or by a state having a numbering system approved by the United States Coast Guard.

(3) Rules of the road: The following rules of the road shall apply:

(i) No person shall operate a waterborne craft of any type or description upon any body of water in the park in a reckless or negligent manner, so as to endanger or be likely to endanger the life, limb or property of any person.

(ii) In narrow channels, boats or other craft shall be operated to the right of the middle of the channel.

(iii) When boats or craft are approaching each other head on, or nearly so, each shall be operated to pass the other on the port (left) side at a distance and at a speed so that the wake of each will not endanger the other.

(iv) When a boat or craft desires to pass another traveling in the same direction, the overtaking boat or craft shall keep clear of the overtaken boat or craft and shall pass at a speed and at a distance so as not to endanger the overtaken boat or craft. The overtaken boat or craft shall maintain its course and speed until the overtaking boat or craft has safely passed.

(v) When two boats are approaching each other at right angles or obliquely so as to involve risk of collision, other than when one vessel is overtaking another, the boat which has the other on her own port (left) shall hold her course and speed; and the boat which has the other on her own starboard (right) side shall keep out of the way of the other by directing her course to starboard so as to cross the stern of the other boat, or stop and reverse, if necessary.

(vi) A crossing situation shall exist when two boats or craft are approaching so that each has the other forward of its beam.

(vii) An overtaking situation shall exist whenever a boat or craft approaches another from abaft the beam of the other boat or craft.

(viii) Any boat or craft propelled by machinery shall keep clear of any boat or craft under sail or being propelled by oars or paddles.

(ix) Slow speed shall be maintained in docking and fishing areas so as not to endanger persons or other craft.

(4) Safety requirements and equipment: (i) All boats or craft shall carry a life preserver, buoyant cushion, or ring buoy approved by the United States Coast Guard and in good and serviceable condition for each person on board. Such devices shall be properly secured and stowed so as to be readily accessible in an emergency, except that, any person, twelve (12) years or younger and any nonswimmer, aboard a boat or craft while such boat or craft is in motion, shall have an approved buoyant device securely fastened to his or her person.

(ii) Every motorboat or other motor-propelled craft, operated between sunset and sunrise shall carry and exhibit the following lights, and during such time, no other lights which may be mistaken for those prescribed, shall be exhibited:

(a) Class A (less than 16 feet in length). A bright white light aft to show all around the horizon and visible for two (2) miles and a combined lantern in the fore part of the boat and lower than the white light, showing green to starboard (right) and red to port (left), so fixed as to throw the light from right ahead to two (2) points abaft the beam on their respective sides.

(b) Class 1 (16 feet to less than 26 feet in length). Same as required for Class A boats.

(c) Class 2 (26 feet to less than 40 feet in length). A bright white light aft showing all around the horizon and visible two (2) miles. A bright white light in the fore part of the boat as near the stem as possible and lower than the white light aft and so fixed as to throw the light ten (10) points on each side of the boat, from right ahead to two (2) points abaft the beam on either side, and visible two (2) miles. On the starboard (right) side, a green light and on the port (left) side a red light each visible one (1) mile and so fixed as to throw the light from right ahead to two (2) points abaft the beam on their respective sides.

(iii) Every motorboat of Class 1 or 2 shall be equipped with an efficient whistle or other sound producing mechanical device.

(iv) Every motorboat of Class 2 shall be provided with an efficient bell.

(v) Every motorboat shall have the carburetor or carburetors of every engine, except outboard motors, using gasoline as fuel, equipped with an efficient flame arrestor of a type approved by the United States Coast Guard.

(vi) Every motorboat, except open boats, using as fuel a liquid of a volatile nature, shall be provided with a natural or a mechanical ventilating system capable of effectively ventilating the bilges of the engine and fuel tank compartments, so as to remove any explosive or inflammable gasses.

(vii) Every motorboat shall be provided with at least the minimum number of hand portable fire extinguishers of the size and type approved by the United States Coast Guard, and which shall be at all times, kept in condition for immediate and effective use and shall be so placed as to be readily accessible. Inboard motorboats and those outboard motorboats having fuel containers in compartments wherein vapors could be pocketed shall carry the following fire extingushers:

(a) Class A. At least one (1) approved B–1 type extinguisher.

(b) Class 1. Same as Class A.

(c) Class 2. At least two (2) approved B–1 type extinguishers, or a fixed fire extinguishing system in machinery spaces.

(5) Accidents: (i) In case of collision, accident, or other casualty involving a motorboat or other craft, the operator shall, if, and so far as he can without serious danger to his own boat or craft, or persons aboard, render such assistance as may be practicable and necessary to other persons affected by the collision, accident, or casualty, in order to save them from danger caused by the collision, accident or casualty. He shall also give his name, address, and identification of his boat or craft to any person injured and to the owner of any property damaged.

(ii) A report of any collision, accident, fire or other casualty that results in property damage in excess of $50 or any personal injury or death to any person or persons must be made at the nearest Ranger Station within 24 hours.

(6) Prohibited operation: (i) No person shall operate, or knowingly permit any person to operate, any motorboat or craft in a reckless or negligent manner so as to endanger or be likely to endanger, the life, limb or property of any person.

(ii) No person shall operate or knowingly permit any person to operate, any motorboat or craft while under the influence of intoxicants, narcotic drugs, barbituates or marijuana.

(iii) Boats propelled by a propeller (airboats) above the water line of the boat or craft are prohibited on all waters within the park.

(iv) Machinery propelled waterborne craft of every description are prohibited on all waters of the park except lakes which may be reached by roads administratively approved as public roads.

(v) The towing of water skis, surfboards, and similar devices by motorboats or other craft is prohibited on all park waters unless specifically authorized by the superintendent by the posting of signs setting forth the body of water and delineated portion thereof where such activity is permitted.

(vi) No boat more than 32 feet in length shall be placed or operated on park waters, except that this prohibition shall not extend to concessioner-operated sightseeing launches.

(vii) No waterborne craft shall be operated within any area delineated by a line of red buoys.

(viii) No waterborne craft shall be operated in excess of five miles per hour within any area delineated by a line of yellow buoys.

(ix) No motor-propelled craft shall be operated within 500 feet of any designated bathing area. Bathing areas are designated by white buoys and white float lines.

(x) The foregoing restrictions shall not apply to craft engaged in the official business of the Federal Government.

(xi) Swimming from unanchored boats is prohibited.

(xii) No person, other than the authorized concessioner or his representatives, shall moor or beach a waterborne vessel on the shore of a designated harbor area except in an emergency.

NOTE: In addition to the above regulations there are also U.S. Coast Guard regulations found in Titles 33 and 46 of the Code of Federal Regulations which may be applicable on Lakes Cameron and Waterton for the reason that portions of these two bodies of water are considered to be navigable waters of the United States.

[F.R. Doc. 62-7292; Filed, July 24, 1962; 8:56 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 27—OFFICIAL MAIL

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. In Part 27—Official Mail, make the following changes to show that official mail of authorized departments and agencies must be marked "Postage and Fees Paid" followed by the name of the department or agency.

§ 27.2 [Amendment]

A. In § 27.2 *Executive and judicial officers* make the following changes:

1. In paragraph (c)(1), amend subdivisions (i), (iii), and (iv) to read as follows:

(c) Methods of preparing official mail—(1) *Postage and fees paid.* (i) All official mail of authorized departments or agencies, subject to the weight and size limits, if any, for matter of its class, shall be given the postal service indicated on its cover when the mail is marked in the upper right corner of the address side "Postage and Fees Paid (Name of department or agency)". This marking may not be handwritten or typewritten.

* * * * *

(iii) This mail must show over the words "Official Business" in the upper left corner of the address side the name and address of the department, bureau, office, or officer.

(iv) Printed reply envelopes or labels marked "Postage and Fees Paid (name of department or agency)" and preaddressed to a Federal Government office or officer may be furnished to persons or concerns for convenience in submitting information for official purposes, or for delivery of official matter, subject to the following conditions:

(a) Reply envelopes or labels furnished to contractors must in every case bear printed return address of one of the agencies listed in subdivision (ii) of this subparagraph over the words "Official Business". No return name and address of a private person or firm may be shown.

(b) When a special service is required, the reply envelope or label must be preprinted with the type of special service desired. Users of reply labels may not add their own markings for these services.

NOTE: The corresponding Postal Manual section is 137.231 a, c, and d.

2. Amend paragraph (d)(4) to read as follows:

(d) *Use.* * * *

(4) Official matter of those departments and agencies listed in paragraph (c)(1)(ii) of this section that is marked "Postage and Fees Paid (name of department or agency)" shall be given any special service, including airmail, when it is so marked by the sender without requiring prepayment of postage or fees. See § 111.2(d)(2)(ii) of this chapter regarding international mail.

NOTE: The corresponding Postal Manual section is 137.244.

B. Amend § 27.4 to read as follows:

§ 27.4 State employment security mailings.

All mail of State employment security offices cooperating with the Department of Labor, that bears in the upper left corner of the address side the words "Official Business" printed immediately below the name and address of the State employment agency, and in the upper right corner the words "Postage and Fees Paid, Employment Security Mail", will be accepted without prepayment of postage or fees. Postage and fees chargeable are collected periodically under a special arrangement with the Post Office Department. Such matter will be given the service indicated on the cover.

NOTE: The corresponding Postal Manual section is 137.4.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4152)

§ 168.5 [Amendment]

II. In § 168.5 *Individual country regulations* make the following changes:

A. In country "Dominican Republic," under Parcel Post, strike out the first paragraph of the item *Observations* and

insert in lieu thereof the following to show new invoice requirements:

Observations. Parcels exceeding $100 in value must be accompanied by consular invoices or by commercial invoices in the form prescribed by the Dominican consular authorities, to whom six copies of either invoice must be sent for legalization.

B. In country "Guinea (Republic of)" make the following changes to reflect new mailing prohibitions:

1. Under Postal Union Mail strike out the item *Prohibitions* and insert in lieu thereof the following:

Prohibitions and import restrictions—Paper money and other instruments of payment, letters of credit, securities, or deeds, unless accompanied by a permit issued by the Guinea authorities.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

2. Under Parcel Post, amend the item *Observations* to read as follows:

Observations. The Guinea postal authorities collect domestic postage from the addressees.

3. Under Parcel Post, strike out the item *Prohibitions and import restrictions* and insert in lieu thereof the following:

Prohibitions. Arms, etc.: Daggers, sword-canes, brass knuckles, blackjacks, and other secret weapons.

For other reasons: Foreign products, natural or manufactured, having markings, labels, or wrappings of any kind which may give the impression that they are of French origin. Articles bearing the "Red Cross" or "Geneva Cross" as a trade mark. Foreign products from a place having the same name as a place in France must bear, in addition to the name of that place, the name of the country of origin and the word "Importé" (imported) very conspicuously.

Preserved fish, vegetables, and plums must bear on each container an indication of the country of origin in raised or sunken letters at least 4 millimeters (5/32 inch) high, in the middle of the lid and on the bottom, in a space not bearing any inscription. Cases and wrappers containing these products must bear adhearing letters indicating the country of origin.

Weights and measures not of the metric system.

Import restrictions. The attention of senders should be called to the following requirements, which are to be met by addressee:

The following articles are subject to special regulations upon importation: Artificial mineral waters. Firearms and airguns. Phonograph records.

C. In country "Japan", under Parcel Post, amend the third paragraph of the item *Prohibitions* to read as follows:

Prohibitions. • • •

Arms, etc.: Pistols and revolvers. Other firearms unless addressed to persons authorized to receive them. Toy firearms which can be easily converted into deadly weapons.

D. In country "Niger (Republic of)" make the following changes:

1. Under both Postal Union Mail and Parcel Post, delete the item *Prohibitions and import restrictions.*

2. Under Parcel Post, amend the last paragraph of the item *Observations* to read as follows:

Observations. • • •

The postal authorities of Niger collect domestic postage from the addressees.

E. In country "Norway", under Parcel Post amend the last paragraph of the item *Prohibitions* to read as follows:

Prohibitions. • • •

For other reasons: Articles enclosed in "Jiffy bags". Advertisements of prohibited remedies or merchandise included in the pharmacy monopoly.

F. In country "Salvador (El)" make the following changes to reflect new commercial invoice requirements:

1. Under Postal Union Mail, amend the item *Observations* to read as follows:

Observations. See "Observations" under "Parcel Post" as to requirements for commercial invoice and for certificate of origin, which also apply to packages of postal union mail.

2. Under Parcel Post amend the item *Observations* to read as follows:

Observations. Commercial invoices are required for all commercial parcels regardless of value, and for gift parcels valued at $50 or more. No invoices are required for gift parcels valued at less than $50.

For all parcels valued at $50 or more, the sender should submit to a Salvadoran Consulate seven copies of the commercial invoice in the form prescribed by the Salvadoran regulations. The Consulate returns two legalized copies to the sender, who should mail them to the addressee direct, not enclosed in the parcel.

For commercial parcels valued at less than $50, three copies of the invoice which need not be legalized should be mailed direct to the addressee.

Certificates of origin are required only if exemption from or modification of customs duty is claimed under a trade agreement.

Salvadoran consuls are located in principal cities of the United States.

Parcels may be addressed to banks or other organizations for ultimate delivery to second addressees. The latter, however, may not take delivery without written authority from the first addressee, unless the sender arranges for change of address as provided in Part 137 of this chapter.

G. In country "Thailand", under Postal Union Mail, strike out "*Money orders.* No service." and insert in lieu thereof the following:

Money orders. Yes. See § 61.2 of this chapter.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-7276; Filed, July 24, 1962; 8:57 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2731]

[Washington 04236]

WASHINGTON

Power Site Restoration No. 571; Power Site Cancellation No. 158; Partially Revoking Power Withdrawals; Opening Lands Under Section 24 of the Federal Power Act

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), and pursuant to the determination of the Federal Power Commission docketed as DA-162-Washington, it is ordered as follows:

1. The Departmental order of November 27, 1909, and the Executive orders of July 2, 1910; and July 10, 1913, establishing Power Site Reserve No. 72, and the Departmental order of June 22, 1925, creating Power Site Classification No. 109, Washington No. 18, are hereby revoked so far as they affect the following-described lands:

WILLAMETTE MERIDIAN

T. 40 N., R. 43 E.,
Sec. 10, lot 7;
Sec. 14, SW¼SW¼;
Sec. 26, lot 10 and SW¼NW¼.

The areas described aggregate approximately 122 acres, of which lot 7, section 10, is patented.

2. In DA-162-Washington, the Federal Power Commission determined as follows:

(a) The value of the following-described lands will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act, as amended, subject to the condition that in the event the said lands are required for power purposes, any improvements or structures placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate such interference at no cost to the United States, its permittees or licensees; and subject to the condition that in the event the lands are required for flowage during high water periods in connection with power development, the United States, its permittees or licensees shall not be held liable for any damages caused by flooding of any improvements or structures placed thereon:

WILLAMETTE MERIDIAN

T. 40 N., R. 43 E.,
Sec. 14, lot 6;
Sec. 23, lots 2, 3, 6, and 7;
Sec. 26, lots 2, 3, 9 (part of old lot 6), and 11 (part of old lot 7);
Sec. 35, NW¼SW¼.

(b) The value of the following-described lands will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of Section 24 of the Federal Power Act, as amended, subject to the prior rights of the licensee for Project No. 2042 and its successors to use said lands for purposes or power development as contemplated in the license issued therefor; and subject to the condition that the United States, its permittees or licensees, in the operation of said licensed Project No. 2042, shall not be held liable for any damages caused by flooding of any improvements or structures placed thereon:

WILLAMETTE MERIDIAN

T. 38 N., R. 43 E.,
Sec. 29, lot 2;
Sec. 32, lot 4.
T. 35 N., R. 44 E.,
Sec. 7, lot 4;
Sec. 19, lots 1, 2, 6, and 7;
Sec. 20, lot 3;
Sec. 39, lots 1, 4, and 5.

The areas described, which aggregate approximately 550 acres, are in part national forest lands in the Colville and Kaniksu National Forests.

3. The lands are adjacent to the Pend Oreille River, a few miles south of the Canadian border, 100 miles north of Spokane. Topography is rough and mountainous with shallow, rocky soils.

4. Until 10:00 a.m. on January 18, 1963, the State of Washington shall have (1) a preferred right of application to select the lands in accordance with subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and (2) a preferred right to apply for the reservation to it or to any of its political subdivisions, under any statute or regulation applicable thereto, of any of the lands required for a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, in accordance with the provisions of section 24 of the Federal Power Act, supra.

5. This order shall not otherwise be effective to change the status of the lands until 10:00 a.m. on January 18, 1963. At that time the lands shall be open to the operation of the public land laws generally, subject to valid existing rights and equitable claims, the requirements of applicable law, rules and regulations and the provision of any existing withdrawals, the national forest lands being open at that time to such forms of disposition as may by law be made of national forest lands.

6. The lands have been open to applications and offers under the mineral leasing laws, and, as to those described in Paragraph 1, hereof, to location under the United States mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621). The lands described in Paragraph 2(a), in proposed Projects 2144 or 2250, and those described in Paragraph 2(b), in Project No. 2042, shall be open to mining location subject to the stipulations prescribed by the Federal Power Commission in its determination, beginning at 10:00 a.m. on January 18, 1963.

7. Any disposals of the lands described in Paragraph 2 of this order shall be subject to the provisions of section 24 of the Federal Power Act, supra, and to the prior rights and conditions specified by the Federal Power Commission in its determination.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JULY 19, 1962.

[F.R. Doc. 62-7237; Filed, July 24, 1962; 8:47 a.m.]

[Los Angeles 0170428; Colorado 071589]

[Public Land Order 2732]

CALIFORNIA AND COLORADO

Withdrawals for Forest Service Camp and Picnic Grounds, Recreation Areas, and Watershed Management

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following described national forest lands in the national forests hereafter named, are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States in aid of programs of the Forest Service, Department of Agriculture, for utilization of the surface as camp and picnic grounds, recreation areas, and for watershed management:

CALIFORNIA

[Los Angeles 0170428]

SAN BERNARDINO MERIDIAN

SAN BERNARDINO NATIONAL FOREST

Cedar Springs Reservoir Area (Feather River Project)

T. 2 N., R. 4 W.,
Sec. 3, lot 4;
Sec. 4, lots 1 to 7, incl., and N½ of lots 8, 11, and 12;
Sec. 5, lots 1, 8, 9, N½NW¼SE¼, and S½SW¼SE¼;
Sec. 6, lots 1, 2, 3, 6 to 12, incl., and S½ of lot 5;
Sec. 8, NE¼, NE¼NW¼, S½NW¼, and N½NE¼SE¼;
Sec. 9, W½SW¼NE¼, S½NW¼NW¼, S½NW¼, and N½NW¼SE¼.
T. 2 N., R. 5 W.,
Sec. 1, lots 9 to 12, incl., S½ of lot 8, and SW¼;
Sec. 2, lot 9, E½ of lot 10, NE¼SE¼, and E½NW¼SE¼;
Sec. 12, N½N½NE¼ and N½NE¼NW¼.
T. 3 N., R. 4 W.,
Sec. 31, S½S½NE¼, SE¼, and E½E½SW¼;
Sec. 32, SE¼NE¼, S½S½NW¼, NE¼SE¼, S½SE¼, and SW¼;
Sec. 33, SW¼NW¼, S½NE¼SE¼, NW¼SE¼, S½SE¼, and SW¼;
Sec. 34, W½SW¼SW¼.

The areas described aggregate 2,761.72 acres.

COLORADO

[Colorado 071589]

NEW MEXICO PRINCIPAL MERIDIAN

RIO GRANDE NATIONAL FOREST

Buffalo Pass Campground

T. 45 N., R. 4 E.,
Sec. 3, lots 2, 3, SW¼NE¼, W½SE¼NE¼, E½SE¼NW¼, and N½NW¼SE¼.

Beaver Creek Campground

T. 39 N., R. 3 E.,
Sec. 20, lots 1 and 6;
Sec. 21, W½NW¼.

Lower Beaver Creek Picnic Ground

T. 39 N., R. 3 E.,
Sec. 17 and 20, East 20 chains of Tract 52.

Storm King Campground

T. 43 N., R. 5 E.,
Sec. 21, SE¼SW¼NW¼, S½SE¼NW¼, N½NE¼SW¼, and NE¼NW¼SW¼.

Tucker Ponds Camp and Picnic Ground

T. 38 N., R. 2 E.,
Sec. 34, SE¼NW¼, NE¼SW¼, and E½NW¼SW¼.

Milk Cow Pass Campground

T. 42 N., R. 4 E.,
Sec. 29, NW¼SE¼.

Poso Camp and Picnic Ground

T. 42 N., R. 5 E.,
Sec. 4, SW¼SW¼SE¼ and S½SE¼SW¼;
Sec. 9, N½NE¼NW¼ and NW¼NW¼NE¼.

Wannamaker Campground

T. 43 N., R. 3 E.,
Sec. 31, lots 1 and 2, W½NE¼NW¼.

Road Canyon Reservoir Fishermen Parking

T. 40 N., R. 3 W.,
Sec. 3, lot 4;
Sec. 4, lot 1.
T. 41 N., R. 3 W.,
Sec. 27, S½SE¼SE¼;
Sec. 34, NW¼NE¼NE¼, E½NW¼NE¼, SW¼NE¼, SE¼SE¼NW¼, NE¼SW¼, SW¼SW¼, NW¼SE¼SW¼, and NW¼NW¼SE¼.

Rock Creek Archery and Picnic Ground

T. 37 N., R. 6 E.,
Sec. 10, S½SE¼NW¼, NE¼SW¼, and W½NW¼SE¼.

Wheeler Geological Area

T. 42 N., R. 2 E.,
Sec. 17, S½SW¼ and S½SE¼;
Sec. 20, N½SW¼, N½, and N½SE¼.

The described areas aggregate 1,779.82 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JULY 19, 1962.

[F.R. Doc. 62-7238; Filed, July 24, 1962; 8:47 a.m.]

[Public Land Order 2733]

[Oregon 011183]

OREGON

Reclamation Withdrawal and Revocation

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. Subject to valid existing rights, the following-described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, for use of the Bureau of Reclamation in connection with the Wapinitia Project:

WILLAMETTE MERIDIAN

T. 4 S., R. 8½ E.,
Sec. 36, lots 2, 3, 4, SW¼NE¼, W½SE¼.

Containing approximately 192.65 acres.

2. The Departmental order of March 21, 1916, so far as it withdrew the following-described lands for reclamation purposes in connection with the Clear Lake Reservoir Site, White River Project, is hereby revoked:

WILLAMETTE MERIDIAN

T. 4 S., R. 8 E.,
Sec. 36, E½.

Containing 257.03 acres.

3. The objective of this order is to adjust the withdrawal of March 21, 1916, to the plat of survey of 1923. The following-described lands are released from withdrawal by this order:

WILLAMETTE MERIDIAN

T. 4 S., R. 8½ E.,
Sec. 36, lot 1 and NW¼NE¼.

Containing 64.38 acres of national forest land for which the State of Oregon has received indemnity.

4. The lands described in Paragraph 3 hereof are a part of the Mt. Hood National Forest. At 10:00 a.m. on August 24, 1962, they shall be open to such forms of disposition as may by law be made of national forest land.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JULY 19, 1962.

[F.R. Doc. 62-7239; Filed, July 24, 1962; 8:48 a.m.]

[Public Land Order 2734]

[Oregon 010971]

OREGON

Partly Revoking Reclamation Withdrawal (Hells Canyon Project)

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The order of the Bureau of Reclamation dated April 12, 1951, concurred in by the Bureau of Land Management on February 12, 1952, which withdrew lands in Idaho and Oregon for reclamation purposes in connection with the Hells Canyon Project, is hereby revoked so far as it affects the following described lands in Oregon:

WILLAMETTE MERIDIAN

T. 9 S., R. 45 E.,
Sec. 34, S½NE¼ and NW¼NE¼;
Sec. 35, S½NW¼.
T. 11 S., R. 45 E.,
Sec. 36, lots 3, 4, and W½SE¼.
T. 12 S., R. 45 E.,
Sec. 1, lots 1, 2, 3, 4, and 6, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 11, NE¼, SW¼, and W½SE¼;
Sec. 12, NE¼NW¼ and SW¼NW¼;
Sec. 14, NE¼SE¼SW¼NW¼NE¼, S½SE¼SW¼NW¼NE¼, E½SE¼NW¼NE¼, SW¼SE¼NW¼NE¼, SE¼NW¼SE¼NW¼NE¼, S½SW¼NW¼SE¼NW¼NE¼, W½NE¼NW¼, and NW¼NW¼;
Sec. 15, NE¼;
Sec. 28, S½SW¼ and SW¼SE¼;
Sec. 29, S½SE¼ and NW¼SE¼;
Sec. 32, W½NE¼ and W½SE¼.
T. 13 S., R. 45 E.,
Sec. 5, NW¼SE¼ and NE¼SE¼;
Sec. 9, lots 1, 2, 3, 4, 5, 6, and W½NW¼;
Sec. 16, lots 2, 3, 4, 5, 6, 7, and SW¼SW¼;
Sec. 20, SE¼;
Sec. 21, lots 1, 2, 3, 4, W½NW¼, and NW¼SW¼;
Sec. 28, lot 1;
Sec. 29, NW¼SE¼;
Sec. 31, N½NE¼ and SE¼;
Sec. 32, lots 1, 2, 3, 4, and 5.
T. 14 S., R. 45 E.,
Sec. 5, lot 1;
Sec. 6, lots 1, 2, and S½NE¼;
Sec. 7, SE¼;
Sec. 8, lots 1, 2, W½, and SE¼SE¼;
Sec. 9, lots 2 and SW¼SW¼;
Sec. 15, lots 1, 2, and SW¼SW¼;
Sec. 16, lots 1, 2, SW¼NE¼, NW¼, and SE¼;
Sec. 17, N½NW¼ and SE¼NW¼;
Sec. 22, lots 1, 2, 3, 4, 5, W½NW¼, SE¼NW¼, and SW¼;
Sec. 27, lots 1, 2, and NW¼NW¼.
T. 15 S., R. 45 E.,
Sec. 9, SW¼ and SE¼SE¼;
Sec. 10, lots 1 and 2;
Sec. 15, lots 1, 2, and S½NW¼;
Sec. 16, E½NE¼ and W½NW¼;
Sec. 24, lots 2, 3, 4, 5, 7, 8, 9, and S½NW¼.
T. 9 S., R. 46 E.,
Sec. 14, E½SW¼;
Sec. 20, N½ and NW¼SW¼;
Sec. 21, SE¼NE¼, W½NE¼, E½NW¼, NW¼NW¼, NE¼SW¼, and SE¼;
Sec. 22, SW¼NW¼ and W½SW¼;
Sec. 23, E½NW¼, SW¼NW¼, N½SW¼, N½SE¼, and SE¼SE¼;
Sec. 24, SE¼;
Sec. 25, N½ and NW¼SW¼;
Sec. 26, S½SE¼;
Sec. 30, SE¼SE¼;
Sec. 35, lots 1 and 5.
T. 10 S., R. 46 E.,
Sec. 2, lots 1, 2, and 3;
Sec. 3, lots 1, 2, 5, 6, 7, SW¼NE¼, and W½SE¼;
Sec. 10, lots 1, 2, 3, 4, W½NE¼, W½, and W½SE¼;
Sec. 15, lots 1, 2, 3, 4, 5, and W½NW¼;
Sec. 21, lot 1, NE¼, N½SE¼, and SW¼SE¼;
Sec. 22, lots 1, 2, 3, and 4;
Sec. 28, lots 1, 2, 3, 4, 5, 6, 7, N½NW¼, and SW¼NW¼;
Sec. 29, E½;
Sec. 32, E½E½NE¼, W½NE¼, W½, NW¼SE¼, NE¼NE¼SE¼, and W½SW¼SE¼;
Sec. 33, lots 1 and 2.
T. 11 S., R. 46 E.,
Sec. 4, lots 1 and 2;
Sec. 5, lots 3, 4, E½E½NE¼, W½W½NE¼, S½NW¼, and NE¼SW¼;
Sec. 7, N½SE¼;
Sec. 8, lot 3;
Sec. 17, lots 3 and 4;
Sec. 18, E½SE¼;
Sec. 19, lots 3, 4, SE¼SW¼, and SW¼SE¼;
Sec. 20, lot 1;
Sec. 30, lots 1, 2, 7, and NE¼NW¼;
Sec. 31, lot 1.
T. 15 S., R. 46 E.,
Sec. 18, lots 1, 2, and 3;
Sec. 19, lot 1, E½NE¼, and SW¼NE¼.
T. 7 S., R. 47 E.,
Sec. 24, S½;
Sec. 25, NW¼NE¼, E½NW¼, NE¼SW¼, and S½SE¼;
Sec. 36, NE¼NW¼ and S½NW¼.
T. 8 S., R. 47 E.,
Sec. 3, lots 1, 2, and S½NE¼;
Sec. 10, SE¼NW¼;
Sec. 24, lots 1, 2, 7, 8, 9, 10, 15, and 16;
Sec. 25, lots 1, 2, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16;
Sec. 35, SE¼.
T. 9 S., R. 47 E.,
Sec. 1, lot 1;
Sec. 2, lots 1, 2, 3, 4, W½NE¼, NW¼, N½SW¼, and SW¼SW¼;
Sec. 3, S½SE¼ and NE¼SE¼;
Sec. 10, E½;
Sec. 11, lots 1, 2, 3, 4, and SW¼SW¼;
Sec. 15, lot 2, W½NE¼, and NW¼;
Sec. 19, S½;
Sec. 20, NE¼, W½, and NW¼SE¼;
Sec. 21, lots 1, 2, 3, and NW¼NW¼;
Sec. 30, lots 4 and 5.
T. 2 S., R. 48 E.,
Sec. 11, E½NE¼;
Sec. 12, NW¼, N½SW¼, and SE¼SW¼;
Sec. 13, E½NE¼, W½SW¼, SE¼SW¼, and E½SE¼;
Sec. 14, SE¼NE¼ and SE¼;
Sec. 24, S½NE¼, W½, and SE¼;
Secs. 25 and 36.
T. 3 S., R. 48 E.,
Sec. 1, lots 1, 2, 3, 4, S½NE¼, S½NW¼, SW¼, N½SE¼, and SE¼SE¼.
T. 5 S., R. 48 E., unsurveyed
Secs. 24, 25, and 36;
Sec. 13, S½;
Sec. 23, E½;
Sec. 26, E½;
Sec. 35, E½.
T. 6 S., R. 48 E.,
Sec. 1, lots 1, 2, 3, 4, 6, 7, SW¼NW¼, and NW¼SW¼;
Sec. 2, lots 1, 2, 5, 6, 7, 8, 9, 10, and S½NE¼;
Sec. 10, NE¼;
Sec. 11, lots 1, 5, 6, NE¼NE¼, SW¼NE¼, NW¼NW¼, S½NW¼, and W½SW¼;
Sec. 12, lot 1;
Sec. 14, lot 1;
Sec. 15, lots 1, 2, SW¼NE¼, and W½SW¼;
Sec. 20, E½;
Sec. 21, lots 1, 5, 7, 8, 9, 10, 11, 12, NW¼NE¼, and N½NW¼;
Sec. 22, lot 1;
Sec. 28, lot 4, W½NW¼, W½SW¼, and SE¼SW¼;
Sec. 29, E½;
Sec. 32, NE¼ and NE¼SW¼;
Sec. 33, lots 3, 4, S½NW¼, and W½SW¼.
T. 7 S., R. 48 E.,
Sec. 4, lot 1;
Sec. 5, lot 3, and SW¼NE¼, SE¼NW¼, SW¼, and N½SE¼;
Sec. 8, W½NE¼, W½, and W½SE¼;
Sec. 16, NE¼ and E½SE¼;
Sec. 17, NW¼NE¼, NW¼, NW¼SW¼, and E½SE¼;
Sec. 18, E½;
Sec. 19, N½NE¼, SW¼NE¼, NW¼, N½SW¼, SW¼SW¼, and SE¼SE¼;
Sec. 20, E½NE¼, SW¼NE¼, E½SW¼, and SE¼;
Sec. 21, lots 1, 2, SW¼, and E½SE¼;
Sec. 22, lots 1, 2, 3, and SW¼SW¼;
Sec. 27, lots 1, 2, 3, 4, and NW¼NW¼;
Sec. 28, N½ and E½SE¼;
Sec. 29, E½NW¼;
Sec. 30, E½NE¼, SW¼NE¼, S½SW¼, and NE¼SW¼;
Sec. 33, lots 3 and 4;
Sec. 34, lot 1.
T. 8 S., R. 48 E.,
Sec. 4, lots 1 to 6, incl., SW¼NW¼, and W½SW¼;
Sec. 5, SE¼;
Sec. 8;
Sec. 9, lots 1 to 4, incl., and NW¼NW¼;
Sec. 17, lot 1, N½NW¼, and SW¼NW¼;
Sec. 18, N½NE¼, NE¼NW¼, and SE¼SE¼;
Sec. 19, lots 1, 4, 5, 6, and NW¼NE¼;
Sec. 20, lot 1;
Sec. 30, lots 1, 2, and 3.

T. 3 S., R. 49 E., unsurveyed
Secs. 5 to 8, incl., 17 to 23, incl.;
Sec. 26, N½ and SW¼;
Secs. 27 to 34, incl.
T. 4 S., R. 49 E., unsurveyed
Sec. 3, W½;
Secs. 4 to 9, incl.;
Sec. 10, W½;
Secs. 16, 17, 18, 20, 21, 28, and 29;
Sec. 30, E½;
Sec. 31, E½;
Sec. 32;
Sec. 33, W½.
T. 5 S., R. 49 E., unsurveyed
Secs. 4, 5, 8, 9, 17, 18, and 19;
Sec. 7, E½;
Sec. 20, W½;
Sec. 30, N½ and SW¼.

The areas described include public lands, and national forest lands in the Wallowa-Whitman National Forest. They total in the aggregate approximately 54,636 acres. Much of the land is withdrawn for power purposes, and some is patented.

2. The lands released from withdrawal by this order are hereby restored to the operation of the public land laws beginning at 10:00 a.m. on August 24, 1962, subject to valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals. At that time the national forest lands shall be open to such forms of disposition as may by law be made of national forest lands.

3. The lands have been open to applications and offers under the mineral leasing laws. They shall be open to location under the United States mining laws at 10 a.m. on August 24, 1962, such opening as to those withdrawn for power purposes, however, being subject to the provisions of the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

4. The State of Oregon has waived its preference rights under the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JULY 19, 1962.

[F.R. Doc. 62-7240; Filed, July 24, 1962; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 62-750]

PART 1—PRACTICE AND PROCEDURE

Time and Place of Hearing

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of July 1962;

The Commission having under consideration § 1.112 of its rules of practice and procedure, concerning the time and place of hearing; and

It appearing that the Commission's policies with respect to changes in the place of proceedings set for hearing in the field should be clarified; and

It further appearing that it is a common practice for the presiding officer to move a hearing from the field to the District of Columbia, to wind up final details, after the proceedings which may usefully be conducted at the field location have been completed; and that the presiding officer's authority to move the hearing in such circumstances, and in like circumstances where a move to a second field location is desirable, should be clearly stated; and

It further appearing that the amendment adopted herein pertains to matters of procedure and hence that compliance with the notice, procedural, and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary; and

It further appearing that authority for adoption of the amendment herein is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended;

It is ordered, Effective August 1, 1962, that § 1.112 of the rules of practice and procedure is amended to read as follows:

§ 1.112 Time and place of hearing.

(a) The Commission will specify the day on which and the place at which any hearing is to commence.

(b) The presiding officer will specify the days on which subsequent hearing sessions are to held.

(c) If the Commission specifies that a hearing is to commence in the District of Columbia, it shall be moved therefrom only by order of the Commission.

(d) If the Commission specifies that a hearing is to commence at a field location, all appropriate proceedings will be completed at such location before the hearing is moved therefrom. When such proceedings are completed, the presiding officer may move the hearing from the field location specified to another appropriate field location or to the District of Columbia.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: July 20, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7286; Filed, July 24, 1962; 8:54 a.m.]

[Docket No. 14267; FCC 62-798]

PART 3—RADIO BROADCAST SERVICES

Deintermixture of Springfield, Illinois

1. The Commission instituted this proceeding on September 7, 1961,[1] to consider and resolve anew the question of whether, under the circumstances now prevailing, it would be in the public interest to confine television assignments at Springfield, Illinois, to UHF frequencies by deleting VHF Channel 2 and reassigning the channel to St. Louis, Missouri, and Terre Haute, Indiana. In 1957 we ordered such a course of action in the Springfield deintermixture proceeding in Docket No. 11747 upon review and evaluation of the then existing television situation.[2] That proceeding has had a long and litigious history before the Commission and the Courts. This new proceeding to decide the Springfield deintermixture question comports with the instructions of the United States Court of Appeals for the District of Columbia Circuit in its order of remand, dated July 27, 1961.[3]

Proposal for consideration. 2. The particular proposal which we are now considering and upon which comments were invited is the same as the proposal we considered and adopted in the 1957 Springfield proceeding, as follows:

City	Assignments	
	Add	Delete
Springfield, Ill.	26-, 36-	2-
St. Louis, Mo.	2-	36-
Jacksonville, Ill.	49-	29-
Davenport, Iowa-Rock Island-Moline, Ill.	68-	36+
Terre Haute, Ind.	2+	

Counterproposals submitted with comments. 3. *Assign Channel 2 to area of Rolla and Salem, Missouri.* This proposal, advanced by 220 Television, Inc. (KPLR-TV, St. Louis), conflicts with the Commission's proposal to use Channel 2 at St. Louis. Minimum mileage separation requirements preclude assignment and use of Channel 2 both at St. Louis and in the Rolla-Salem area. Channel 2 could be assigned to the Rolla-Salem area, however, in conformity with spacing requirements irrespective of whether Channel 2 is used at Springfield or at Terre Haute.

4. *Assign Channel 7 to Rolla-Salem area.* Signal Hill Telecasting Corporation (KTVI, St. Louis), suggests in reply comments that Channel 7 and not Channel 2, because of its conflict with the use

[1] Notice of proposed rule making (FCC 61-1089), released September 11, 1961.

[2] Report and Order (FCC 57-180), released March 1, 1957, Docket No. 11747 (15 RR 1525).

[3] The Commission's Report and Order in the Springfield deintermixture proceeding in Docket No. 11747 was appealed in Sangamon Valley Television Corp. v. U.S., 108 U.S. App. D.C. 113, 255 F. 2d 191 (17 RR 2023) and affirmed by the Court. Subsequently, the Supreme Court remanded the case to the Court of Appeals for consideration of certain ex parte activities which had occurred during the rule making proceedings before the Commission. Sangamon Valley Television Corp. v. U.S., 358 U.S. 49 (17 RR 2150). The Court of Appeals remanded the case to the Commission for a determination of the nature and source of all ex parte pleas. (Sangamon Valley Television Corp. v. U.S., 106 U.S. App. D.C. 30, 269 F. 2d 221 (18 RR 2109). Upon further submission of the case to the Court of Appeals, following proceedings by the Commission to ascertain such pleas, the Court ordered the Commission on July 27, 1961 "to conduct an entirely new proceeding" based on the facts as they now exist. It further stated that existing service on Channel 2 in St. Louis could be continued by the Commission during the proceeding. Sangamon Valley Television Corp. v. U.S., 294 F. 2d 742 (21 RR 2113).

of Channel 2 at St. Louis, should be considered for assignment and use in the Rolla-Salem area if it is determined that a VHF assignment is needed there. It is urged that a transmitter site approximately 18 miles southeast of Salem for a Channel 7 operation would meet all minimum spacing requirements except to the Channel 7 station at Jackson, Tennessee (WDXI–TV). The proposed site is 187 miles from Station WDXI–TV. Parties have not had an opportunity to comment on this proposal. Since on its face the proposal does not meet our technical spacing requirements nor the criteria which we have established in Docket No. 13340 for the consideration of assignments at less than the required separations, it is denied without further discussion.

Parties Filing Comments. 5. *Supporting shift of Channel 2 from Springfield to St. Louis and Terre Haute.* Plains Television Corporation, licensee of UHF Stations WICS, Springfield, and two semi-satellite UHF stations at Champaign, Ill. (WCHU) and at Danville, Ill. (WICD).

W T V P–Metropolitan Broadcasting Corporation, licensee of UHF Station WTVP, Decatur, Ill., under common ownership with UHF Station WTVH at Peoria, Ill., and operator of a UHF translator at Champaign. (Plains and Metropolitan filed their comments and reply comments jointly.)

Committee for Competitive Television.

American Broadcasting Company.

Signal Hill Telecasting Corporation, now operating Station KTVI on Channel 2 at St. Louis under interim authorization.[4]

Wabash Valley Broadcasting Corporation, licensee of Station WTHI–TV at Terre Haute, which is seeking to shift from operation on Channel 10 to Channel 2 at Terre Haute.[5]

Illiana Telecasting Corporation, which also is seeking to use Channel 2 at Terre Haute.[5]

Fort Harrison Telecasting Corporation, which states that it is a prospective applicant for Channel 2 at Terre Haute.[6]

6. *Opposing shift of Channel 2 from Springfield to St. Louis and Terre Haute.* William G. Clark, Attorney General, State of Illinois, for the State of Illinois.

Sangamon Valley Television Corporation, applicant for Channel 2 at Springfield in a 1956 comparative proceeding (Docket No. 10701).[7]

7. *Taking no position on Springfield deintermixture proposal but opposing assignment of Channel 2 to St. Louis.* 220 Television, Inc., licensee of Station KPLR–TV, St. Louis.

8. *Supporting assignment of Channel 2 to Rolla-Salem area.* In addition to the comments of the proponent of this proposal, 220 Television, numerous letters endorsing the proposal were received. Most were from local residents, organizations, and public officials of communities in the general Rolla-Salem area. Sangamon Valley also supports the proposal inasmuch as it permits the use of Channel 2 at Springfield.

9. *Opposing assignment of Channel 2 to Rolla-Salem area.* Signal Hill Telecasting Corporation (which suggests Channel 7 for the Rolla-Salem area if a VHF channel is needed in the area).

Background. 10. To bring this proceeding into clear perspective, brief mention is desirable of the television developments and the prior proceeding which gave rise to it.

11. When the Commission established the present nationwide television system in 1952, it assigned the 12 VHF and 70 UHF channels available for television broadcasting on an intermixed basis throughout the country. Although all existing stations at that time were on VHF channels and only receivers equipped for VHF reception were in use, it was thought necessary and desirable to provide intermixed assignments to achieve the fullest potential use of both the VHF and UHF channels. Since television was then at an early state of development and the limited number of VHF channels was inadequate for a nationwide competitive television service, it was expected that the UHF band would be fully utilized and eventually UHF stations would be able to compete on a favorable basis with VHF stations.

12. Pursuant to this intermixture policy, the Commission assigned VHF Channel 2 and UHF Channels 20 and *26 to Springfield, with Channel 26 reserved for educational use. St. Louis was assigned 3 VHF commercial channels (4, 5 and 11), VHF Channel 9 for educational use, and three UHF channels (30, 36 and 42). Terre Haute was assigned VHF Channel 10 and UHF Channels *57 and 63, with Channel 57 reserved for educational use.

13. It became apparent in a few years, however, that UHF was not developing as anticipated, and that in both large and small markets UHF stations were having difficulty in operating successfully or continuing in operation with the advent of local VHF service. Recognizing the need for corrective action to the serious problems which had arisen due to the scarcity of VHF channels and the limited development of UHF, in 1956 the Commission decided in a general television allocation proceeding (Docket No. 11532) to give study to a long-range program for improving the television allocation structure. It also decided at that time to consider the deintermixture of VHF and UHF assignments in individual communities where it appeared that such action might realistically be expected to improve the opportunities for the growth of effective outlets. Rule making proceedings were thereupon instituted to consider the necessity and feasibility of deintermixing a number of communities, either by the addition or elimination of commercial VHF channels. The Springfield deintermixture proceeding in Docket No. 11747 was one of them.

14. The Commission decided in that proceeding that it was desirable and feasible to make Springfield a UHF only area in light of the then existing circumstances. It therefore ordered the deletion of Channel 2 from Springfield (upon which no station was operating), the assignment of two additional UHF channels to Springfield (Channels 26 and 36), and the assignment of Channel 2 to St. Louis and Terre Haute.

15. It found in its decision that the Springfield area was predominantly UHF, the terrain was ideally suited for UHF propagation, the vast majority of sets in the area were equipped to receive UHF signals, and a number of UHF stations were providing satisfactory service. The Commission also found that, although no predictable or significant area and population would be permanently deprived of potential service by the deletion of Channel 2, retention of the VHF assignment at Springfield would seriously jeopardize the ability of UHF to compete effectively in the area or to survive. It was also observed that a Springfield Channel 2 station would serve portions of the service areas of UHF stations at Peoria, Ill., which the Commission had also decided to make all UHF.[8] The Commission, accordingly, concluded that deletion of Channel 2 from Springfield would enhance opportunities for effective competition among a greater number of stations in that area. The Commission also concluded that the assignment of a VHF channel to St. Louis and Terre Haute would result in a more effective and efficient utilization of the scarce VHF spectrum space in view of the need and demand for additional service in those primarily VHF markets which their existing UHF allocations could not, as a practical matter, provide.

16. We now proceed to the consideration of whether Channel 2 should or should not be used at Springfield at the present time.

Considerations re use of Channel 2 at Springfield. 17. Our primary objective is the same as it was in 1957—to provide Springfield, the capital of the State of Illinois, with a 1960 population of 83,271 and a population of 146,539 in its home county (Sangamon), with television assignments which offer the most realistic opportunities for the development of adequate television services to fill the needs and interests of the residents of the Springfield area. The question we must decide is whether all UHF assignments or VHF Channel 2 in combination with UHF assignments would best do so under present conditions, for it does not appear that other VHF channels may be assigned to Springfield under existing rules.

18. An important consideration is whether UHF can provide a satisfactory service in the Springfield area. The fact that a number of UHF stations have been operating in this area since 1953 supports a conclusion that it can. This record also confirms our finding in the 1957 Springfield proceeding that topographical conditions in the Springfield area are well-suited for propagation and reception of UHF television signals. Those opposing UHF-only assignments at Springfield (the State of Illinois and Sangamon Valley) claim generally that UHF is an inferior service to VHF but make no showing that UHF is not providing a satisfactory service in the Springfield area. We judge from the data in the record concerning the high percentage of UHF-equipped television homes in the area and the homes viewing local UHF stations that UHF can provide, and is providing, a satisfactory broadcast service in the area. We do not look upon UHF as an inferior or second-grade service. UHF has demonstrated in several areas that it is fully capable of providing a satisfactory service to the public, including local and national advertisers.

19. *UHF outlets in area.* The existing pattern of television service in the Springfield area is, as it was in 1957, predominantly UHF. Two UHF stations have been providing service to the immediate Springfield area since 1953—Station WICS on Channel 20 at Springfield and Station WTVP on Channel 17 at Decatur, Ill., aproximately 37 miles east of Springfield. Three other UHF stations (WEEK–TV, Channel 43; WTVH, Channel 19; and WMBD, Channel 31) at Peoria, about 58 miles to the north of Springfield, serve portions of the Springfield area. Station WMBD has been on the air since April of 1959; the other Peoria stations since 1953.

20. *VHF Signals in Springfield Area.* Station WCIA, operating since 1953 on Channel 3 at Champaign, which is approximately 78 miles northeast of Springfield and 40 miles northeast of Decatur, is the nearest VHF commercial station to Springfield. Its estimated Grade B contour encompasses Decatur and extends to Springfield. Some fringe VHF service is also received in Sangamon County from the three commercial stations at St. Louis, Mo., which is approximately 86 miles from Springfield.

21. *UHF Development since 1957.* It is argued by the parties supporting intermixed assignments at Springfield that since we ordered the deletion of Channel 2 from Springfield in 1957 the benefits of deintermixture have been wholly illusory. We cannot agree. The record indicates that since 1957, even though the possibility of the activation of Channel 2 at Springfield has remained in question and despite VHF service in the Springfield area from Station WCIA at Champaign, UHF development has not remained static in the Springfield area. While no additional UHF outlets have yet been established in Springfield itself, competing applications have been tendered for Channel 26 at Springfield. Finalization of that assignment in this proceeding will make it possible to go forward with their consideration.

22. Station WICS at Springfield, which operated with an antenna height above average terrain of 430 feet and power of 17.4 kw in 1957, improved its facilities in 1958 and now operates with an antenna height of 940 feet above average terrain and power of 468 kw. In 1959, Plains Television also established Station WCHU, operating on Channel 33 at Champaign, as a semi-satellite of Station WICS. In 1960, Plains purchased Station WICD (formerly Station WDAN–TV), which operates on Channel 24 at Danville, Illinois approximately 30 miles east of Champaign, also as a semi-satellite of Station WICS. WTVP states that although it has not yet found it financially feasible to improve the facilities of its Decatur station (antenna height of 540 feet above average terrain and power of 174 kw), in 1961 it extended its service by establishing a UHF translator at Champaign.

23. Although WTVP does not have coverage in Danville, with that exception, Plains and WTVP state that their UHF Stations WICS–WCHU–WICD, and WTVP, together with Station WCIA at Champaign, now each provide a listenable signal throughout the Springfield-Decatur-Champaign-Danville area. WICS–WCHU–WICD are affiliated with NBC; WTVP is affiliated with ABC; and WCIA is affiliated with CBS. Each station is recognized as the network's outlet in the Springfield-Decatur-Champaign-Danville market.

24. The record also indicates that UHF set conversion has increased in areas served by the UHF stations at Springfield and Decatur. During the four-year period 1956–1960, coverage studies submitted by Plains and WTVP (based on Nielsen Coverage Survey No. 2 for 1956 and No. 3 for 1958, and the American Research Bureau 1960 Coverage Study) indicate that there has been an increase of 41,100 UHF homes in the sixteen county combined service area of WICS and WTVP and that the total TV homes in these sixteen counties have increased by 35 percent while the UHF homes have increased by 43 percent. The ARB 1960 Study indicates that 100 percent of the television homes in Sangamon County are now equipped for UHF reception (the estimate was 99 percent in 1957); 98 percent in Macon County (the home county of WTVP); 62 percent in Champaign County (the home county of WCHU); and 81 percent in Vermilion County (home county of WICD).

25. The ARB survey data submitted by the Springfield and Decatur UHF licensees also demonstrates that public acceptance of UHF in central Illinois has increased substantially, as shown by the table below.

	Average homes reached			
	WTVP	WICS	Combined	WCIA
Nov. 1959	17,200	18,100	35,300	78,300
Apr. 1960	22,900	20,000	42,900	88,200
Nov. 1960	21,700	21,800	43,500	87,000
Mar. 1961	28,200	27,700	55,900	85,900
Percent change	+64%	+53%	+58%	+11%

SOURCE: ARB, Sunday-Saturday 6:00–10:00 p.m. (average quarter-hour homes reached).

26. *Competitive Considerations.* The UHF licensees at Springfield and Decatur urge that the steady, although not spectacular UHF growth which has taken place in Central Illinois since 1957 would not continue if Channel 2 were activated at Springfield. Upon the basis of the experience of UHF elsewhere in intermixed markets, they claim, as does ABC, that competition from a second VHF station in the Springfield area would mean the extinction of at least one, and very possibly both, UHF stations in the Springfield area.

27. The Springfield area UHF stations are already in direct competition with one VHF station—Station WCIA at Champaign—which receives a substantial majority of the revenues coming into the market.

28. The Springfield area UHF operators maintain, however, that despite the competitive advantage which Station WCIA enjoys, the present situation permits reasonably effective competition due to the fact that their UHF stations have network affiliations; they get sufficient "spillovers" from national advertising which Station WCIA cannot carry; and they are able to get local advertising revenues because of their lower rates and the fact that WCIA has relatively few choice availabilities left for local advertisers. They argue, if Channel 2 is activated at Springfield, that the UHF stations would no longer be able to receive any significant amount of national spot advertising and at least one of the UHF stations in the area would lose its network affiliation to the new VHF sta-

[4] Channel 2 was made available for application at St. Louis and Terre Haute by the Commission's Report and Order of March 1, 1957 in Docket No. 11747, which also modified Signal Hill's then existing authorization to operate on Channel 36 at St. Louis to permit temporary operation on Channel 2 at St. Louis pending ultimate licensing for regular operation on the channel. Subsequently, on April 2, 1958, after hearing, the Commission approved a merger agreement between Signal Hill and a competing applicant for the channel, and granted Signal Hill a construction permit for regular operation on Channel 2 at St. Louis. It has been operating on program test authority on Channel 2 since July 29, 1959, prior to that pursuant to temporary authority issued March 14, 1957. In the Notice of Proposed Rule Making released herein, we stated with respect to the Channel 2 operation at St. Louis that "as permitted under the remand decision of the Court of Appeals, this operation will be allowed to continue pending resolution of the instant proceeding."

[5] Conflicting applications were filed by Wabash and Illiana for Channel 2 at Terre Haute, and a comparative hearing was held on their applications (Docket Nos. 12258 and 12260). The initial decision of the examiner in the case, which would grant the Wabash application and deny that of Illiana, was released on December 9, 1959. Oral argument was held in the matter before the Commission en banc on September 12, 1960. There has been no final Commission action in the matter.

[6] The motion of Fort Harrison Telecasting, filed January 26, 1962, to strike a portion of Wabash Valley's reply comments because of lack of relevance to the rule making proposals herein is denied. Matters discussed in comments which are irrelevant to the proposal under consideration in a rule making proceeding are, of course, of no value to the Commission in weighing the merits of the proposal. Relevance of comments to a proposal under consideration in a rule making proceeding is not, however, a prerequisite to their acceptance.

[7] Sangamon appealed from the denial of its application, and the appeal case is in suspended status. Sangamon Valley Television Corp. v. Federal Communications Commission, Case No. 13,991 (C.A.D.C.).

[8] This action, taken in Docket No. 11749, 22 F.C.C. 342, on March 1, 1957, substituting a UHF channel for Channel 8 at Peoria and reassigning Channel 8 to the Davenport-Rock Island-Moline area, was appealed and affirmed by the Court (WIRL Television Co. v. U.S. 253 F. 863 (C.A.D.C.)). The case was subsequently remanded to the Commission so that it could be reconsidered, if necessary, in the light of the decision reached in this proceeding. See WIRL Television Co. v. U.S., 274 F. 2d 83 (C.A.D.C.).

tion. It is also contended that it is not a remote possibility, in light of comparable situations, that the third network would eventually prefer to share an affiliation on one of the VHF stations, rather than to continue a primary affiliation with a UHF station. With the loss of a network affiliation, network revenues and programming, and revenues from national spot advertising, it is urged that it is certain that one of the existing UHF stations in the Springfield area would be forced off the air, and if the other UHF station retained a network affiliation, the loss of revenues from national spot advertising would require it to cut back or even eliminate the production of local and public service programming.

29. Sangamon and the State of Illinois made no showing that a local VHF station at Springfield would not have a serious competitive impact upon existing UHF operations in the area and upon the potential for UHF growth. It must be remembered that there is already one VHF station operating in the Springfield-Decatur-Champaign-Danville market, and that what we have before us is the proposed introduction of a second VHF competitive service in this area. That second VHF station would undoubtedly enjoy a substantial competitive advantage at this time over its UHF competitors (see, e.g. Pars. 24–25). We conclude, upon the basis of this record and of the uniform pattern of experience of UHF stations in intermixed markets of a similar nature, that the likely consequence of using Channel 2 at Springfield at this time would be substantially to preclude the possibilities for a fuller development of diversified television services in this area in the near future and cause a serious deterioration in existing UHF services. The signal of a Channel 2 station at Springfield would also penetrate far into the service areas of the Peoria UHF stations and could be expected to have some adverse impact upon them.

30. *Potential "white area" consideration.* In appraising the merits of intermixing or deintermixing television assignments at Springfield, there are other relevant public interest considerations to be considered in reaching an ultimate determination as to which pattern of assignments best serves the public interest.

31. Since Channel 2 has never been activated at Springfield, its use elsewhere would not deprive anyone of an existing service. We are, therefore, concerned here with the question of whether any areas or populations would be deprived entirely of "potential" television service if Channel 2 is not used in Springfield. The record indicates that if Channel 2 is not used in Springfield an area to the southeast of Springfield and Decatur would not be within the estimated Grade B contour of any existing UHF or VHF station. This so-called "white area" is estimated by Sangamon to consist of 423 square miles in which there are 11,675 people. The Springfield area UHF operators estimate that the "white area" not receiving an interference-free Grade B or better signal from any existing station would contain 15,160 people in an area of 486 square miles. They maintain that all of this area would receive UHF service if either the Springfield or Decatur UHF station increases power and/or height and that this will eventually be done if Channel 2 is not used at Springfield.

32. It should be understood, however, that the area and people outside the theoretical Grade B contour of an existing television station—the so-called "white area"—are not necessarily without satisfactory television service at this time. The signals of stations do not terminate at their Grade B contours. The theoretical Grade B contour only signifies that beyond this contour—which is intended for use as a convenient administrative tool for comparing station coverage on a statistical probability basis and not to estimate the actual service area of an individual station—it is likely that something less than 50 percent of the locations will receive an adequate signal while more than 50 percent of the locations within the Grade B contour have a probability of receiving an adequate signal. It is not unusual for a favorably situated community outside the Grade B contour of a station to receive better service than one less favorably situated inside the estimated Grade B contour.

33. The showings of the parties indicate that the potential "white area" lies primarily in Fayette and partly in Effingham and Montgomery Counties in Illinois. The listener survey estimates submitted indicate that there is considerable television service in this area, and much more than was estimated in 1957. The data submitted in the record in the 1957 Springfield deintermixture proceeding indicated that there was a 65 percent set saturation in both Fayette and Effingham Counties in which the potential "white area" was then estimated to be. Estimates in the record derived from recent surveys[*] indicate that 80 percent of the homes in Fayette County, 83 percent in Effingham County, and 90 percent in Montgomery County are now equipped with television receivers. They also show that in Fayette County, from 95 to 100 percent of the TV homes can receive three of the St. Louis stations; 50 percent can receive a fourth; 48 percent can receive WCIA; 13 to 14 percent can receive Stations WICS and WTVP. In Effingham County, from 40 to 47 percent of the TV homes can receive three St. Louis stations and 10 percent can receive a fourth. Eighty-five percent of the television homes in Effingham County can also receive Station WCIA at Champaign; 42 percent can receive Station WTVW at Evansville, Indiana; and 78 percent of the homes can receive Station WTHI–TV at Terre Haute. In Montgomery County, from 95 to 100 percent of the television homes can also receive three St. Louis stations, and 50 percent of the homes can receive a fourth. In addition, 48 percent of the television homes can receive Station WCIA at Champaign; 17 percent can receive Station WICS and 13 percent can receive Station WTVP.

34. We believe it fair and reasonable to conclude from this survey data, and also from the fact that stations may be expected to improve their facilities and extend their coverage areas and new stations may be expected to go on the air in the future, that relatively few in the estimated potential "white area", either now or in the future, would be permanently deprived of service if Channel 2 is not used at Springfield.

35. *VHF signal penetration.* With further regard to VHF signal penetration, the Plains and WTVP engineering showing indicates that if Channel 2 continues to be used at St. Louis and is used also at Terre Haute instead of at Springfield there will be an area of 4,310 square miles containing 286,623 people in which only UHF service will be available.

36. Only the Grade B signal of Station WCIA at Champaign extends to Springfield or into the home counties of the Springfield and Decatur UHF stations. The predicted Grade B VHF signals of the four St. Louis stations (Channels 2, 4, 5, and 11), and the Quincy, Ill. (Channel 10), and Hannibal, Mo. (Channel 7) stations penetrate the Grade B contour of Station WICS to a limited extent, but they do not reach the Grade B contour of Station WTVP. Sangamon's claim in its reply comments that Signal Hill's comments showed that 136,319 people within a Springfield Grade B contour would receive service from Channel 2 in St. Louis alone is correct. That estimated area and population receiving service from the Channel 2 St. Louis station was not, however, purported by Signal Hill to be within the Grade B contour of the Springfield area UHF stations but within the Grade B contour of a hypothetical Springfield Channel 2 station.

37. There is no evidence in the record or any data available, however, which indicates that any VHF station other than Station WCIA at Champaign has a competitive signal in the Springfield area. The ARB 1960 Television Coverage Study for Illinois indicates that, while fringe service from the Channels 2, 4 and 5 St. Louis stations is received in Sangamon County by 20, 25 and 31 percent of the television homes, respectively, they have few viewers. The net weekly circulation of these stations in Sangamon County, is estimated to range from 8 to 11 percent only. In Macon County (Decatur), the only VHF service which the survey shows can be received is Station WCIA.

38. *Coverage consideration.* Sangamon and the State of Illinois feel that Channel 2 should be used at Springfield because it can achieve a greater area coverage than a UHF station. This is an advantage at this stage of the art. It is not, however, necessarily controlling. UHF can partially overcome it and provide adequate coverage by increases in power and height. It can extend its coverage also, and is doing so in the Springfield area and in other areas, by the use of boosters, translators and satellite stations. In addition, the more plentiful supply of UHF channels makes it possible for multiple UHF stations to serve a greater area and population than a single VHF station and, in addition, provide more communities within the area with local outlets and a choice of programming. In any event, we do not believe this is an overriding public interest consideration in light of the deterioration in quality and quantity of existing UHF service in the Springfield area which may be reasonably expected to result from the establishment of a VHF station at Springfield. A much greater area and population in the immediate Springfield area would stand to lose rather than gain service, in our judgment, if Channel 2 were used at Springfield.

[*] ARB Estimates of TV Households by States and Counties, as of January 1, 1961, and ARB Coverage Study Analysis, 1960.

39. *All-channel receiver legislation.* The State of Illinois urges that it would be more logical for us to press for all-channel receiver legislation to solve the overall UHF-VHF problem than to consider deintermixture. Such legislation has now been enacted (Public Law 87–529). The Commission strongly pressed for its enactment, stating its belief that over a period of years the all-channel law will gradually eliminate the problem of getting UHF-equipped receivers into the hands of the public and that this will create an impetus for increased use and expansion of UHF in intermixed areas, as well as incentive for improvement in the technological and service potential of UHF. In response to Congressional inquiry, we also expressed our judgment that, during the period of time needed to indicate whether the all-channel receiver authority would in fact achieve the Commission's overall allocation goal of a satisfactory system of intermixed assignments, it would be inappropriate to proceed with the eight selective deintermixture proceedings initiated on July 27, 1961. See H. Rept. No. 1559, 87th Cong., 2d Sess., pp. 18–26; S. Rept. No. 1526, 87th Cong., 2d Sess., pp. 13–19. Such proceedings, involving the proposed removal of an existing VHF service, entail a certain amount of dislocation, and do not in any event provide a general or long-range solution of the allocations problem. We stated our hope and belief that over a period of years, all-channel legislation would accomplish that long-range goal and, with the possible exception of four particular areas, make unnecessary any dislocation.

40. Springfield was listed as one of the four possible exceptions where public interest factors might call for deintermixture. We have concluded, after consideration of the comments, that the public interest would be served by continuing Springfield as an all-UHF area. First, we point out that unlike the usual situation, any dislocation results here from failing to deintermix. Springfield is now, in fact, an all-UHF area insofar as local service is concerned; to use Channel 2 there would result in intermixing the local television service. It would also introduce, into the broader market area, a second VHF service, which would undoubtedly become a dominant station, as is the first VHF (WCIA). It would have a blighting effect on existing UHF stations and on UHF development in the near future. In time, the all-channel receiver legislation may alleviate this situation by, for example, increasing to 100 percent the number of homes in Champaign and Vermilion Counties equipped for UHF reception (now estimated to be 62 percent and 81 percent, respectively—see par. 24). But surely it makes little sense to take dislocating action to worsen the competitive situation in the hope that it will be improved years from now. And we point out that the action would be dislocating not only in the Springfield area (and the Peoria area—see par. 29) but also in St. Louis. For as we shall show within, Channel 2 is now providing a needed service to the public in the St. Louis area; and it will shortly provide Terre Haute with a needed second local VHF service (see infra). In these circumstances, there would have to be strong countering public interest considerations to lead to a conclusion to use Channel 2 at Springfield at this time. But as we have demonstrated in the foregoing paragraphs, there are no such considerations. The record evidences that there is no significant "white area" problem, that the public has accepted UHF in the Central Illinois area, and that UHF has worked well in that area. It has made some significant strides since our deintermixture order of 1957 despite the handicap of having to compete with one VHF station serving the general area. In short, if Springfield remains all-UHF, the public has a reasonable prospect of a return on its substantial investment in UHF in the way of more varied and effective services, for, in light of UHF experiences in this market, it may be expected to continue to improve and expand if not subjected to additional VHF competition from a local station. For all these reasons, we conclude that in the particular circumstances of this case, it would disserve the public interest to take serious dislocating action which would worsen the competitive situations in several areas, in the hope that the all-channel authority would eventually alleviate or end the adverse effects of that action on the public interest.

41. Our discussion has focused on the Springfield area where we have found that there are no justifiable reasons for using Channel 2 at this time; that the expansion potential of television broadcasting in the Springfield area is dependent upon the fuller use of UHF channels and that it serves the interests of the public in the Springfield area to preserve and strengthen UHF in this area by retaining only UHF channels there for use. We turn now to the public interest considerations outside the Springfield area.

42. As a by-product of not using Channel 2 at Springfield, the channel may continue to be used at St. Louis to provide that area with a fourth commercial VHF local service. It may also be used to provide Terre Haute with a second local VHF service, thus creating practical opportunities for the public in both of these VHF areas to have a greater choice of competitive television service. The channel could also be used in the Rolla-Salem area, if not used at St. Louis, to provide that area with a first VHF service. We believe, however, that public interest considerations require the continued use of Channel 2 at St. Louis.

Considerations re use of Channel 2 at Terre Haute. 43. Terre Haute, with a population of 72,500, is located in Vigo County, Indiana, which has a population of 108,458, and is ranked as the 183rd standard metropolitan statistical area. (1960 Census) It has one VHF assignment (Channel 10), upon which Station WTHI–TV has been operating since 1954; two unused UHF commercial assignments (Channels 63 and 73); and an unused UHF channel reserved for educational use (Channel 57). The availability of Grade B VHF signals in Terre Haute and its immediate vicinity from stations in other cities (the Channel 3 station at Champaign; the Channels 6 and 13 stations at Indianapolis, Indiana, and the Channel 4 station at Bloomington, Indiana) makes it probable that the UHF channel availabilities at Terre Haute will continue to remain unused indefinitely and that Terre Haute will remain a one-station market unless it is assigned another VHF channel. This city needs and can effectively utilize an additional VHF channel to provide a competitive local service.

44. It appears from the record that the use of Channel 2 at Terre Haute would not only provide a critically needed competitive local service but would also provide a first Grade B signal to a potential white area with a larger population than would the use of Channel 2 at Springfield. Engineering data submitted by the Springfield UHF operators indicate that an estimated area of 486 miles containing 38,933 people, now beyond the Grade B contour of any existing station, would be within the Grade B interference-free contour of a Channel 2 station at Terre Haute. This, according to their estimations, would bring a first interference-free Grade B signal to approximately 2½ times the population of the potential "white area" which a Springfield Channel 2 station would serve.

45. In addition to the "white area" gain which would be achieved by using Channel 2 at Terre Haute, engineering data submitted by the Springfield UHF operators and Signal Hill demonstrate that the use of Channel 2 at St. Louis and Terre Haute would serve a greater area and population than if it were used at Springfield. Taking interference into account, Plains and WTVP estimate that the gain in using the channel at St. Louis and Terre Haute over Springfield is an area of 4,235 square miles containing a population of 801,755. Signal Hill, not taking interference into account, estimates that the net gain in using Channel 2 at St. Louis and Terre Haute instead of at Springfield is 16,956 square miles and 2,465,348 people.

Considerations re use of Channel 2 at St. Louis. 46. St. Louis, with a population of 750,026 and a standard metropolitan statistical area population of 2,060,103, is the 10th largest city in the country and the 9th ranking standard metropolitan statistical area. (1960 Census) Four VHF commercial stations are operating in St. Louis—Station KMOX–TV on Channel 4; Station KSD–TV on Chan-

nel 5; Station KPLR–TV on Channel 11; and Station KTVI, operating with temporary authority on Channel 2. A fourth VHF station (KETC on Channel 9) provides the area with an educational service. There are also two unused UHF assignments at St. Louis—Channels 30 and 42. Since April of 1957 when Station KTVI discontinued operating on Channel 36 and, pursuant to temporary authority, began operating on Channel 2 at St. Louis, there has been no UHF station operating in the St. Louis area. With multiple VHF services available, and no UHF activity in the area for several years, activiation of any of the UHF channel availabilities is remote. The only reasonable prospect for St. Louis to have more than three commercial outlets now and in the foreseeable future lies in the continued use of Channel 2 at St. Louis.

47. 220 Television, which operates Station KPLR–TV on Channel 11 at St. Louis, states that there is no real need for the use of Channel 2 at St. Louis since markets of comparable or larger size have only three commercial VHF services. It further states that Station KPLR–TV, as the last VHF station coming into the market in 1959, has no network affiliation, and despite excellent facilities has been unable to achieve a profitable operation. Its aggregate operating deficit was stated to be more than one million dollars by September 30, 1961. It claims that its disadvantage in competing with the three local network stations is such that it does not believe it will ever be able to achieve a profitable operation. It is its opinion that over the long run there will be only three commercial outlets at St. Louis.

48. We find no basis in the record for a judgment that even four commercial outlets are sufficient to satisfy the diversified television programming needs of the people in a market the size of St. Louis. Nor are we impressed with 220 Television's argument that some comparable or larger markets have only three VHF commercial outlets. The lack of VHF channel availabilities and the lack of any potential for use of UHF in established VHF areas are the factors which are limiting the growth of multiple facilities in the larger markets at this time. The fact that some of the major markets have three or less VHF television outlets in no way indicates that their outlets are adequate to meet the present and future television requirements of those markets or that these markets cannot support additional services.

49. The record contains considerable economic data concerning the St. Louis market, none of which would indicate that 220 Television's operating losses stem from any inability of a market of this size to support a fourth local commercial outlet. Data submitted showing the continuing upward growth pattern over the past decade in such important factors as population, retail sales, television revenue and television homes in the St. Louis metropolitan area also indicate that increased rather than less potential economic support may be expected for television stations in the area in the future.

50. While 220 Television mentions only its operating losses herein, we observe that the share of the revenue which a station is able to garner from the total revenues in a market is more indicative than its operating losses of its chances of success in a market. The financial data which 220 Television submitted for its first full year of operation indicate that its share was not small considering the time its independent station had been in operation and in competition for audience and business with established network-affiliated stations. In sum, all the evidence available to us warrants the conclusion that there is no merit whatsoever to 220 Television's claim that this market cannot support at least four commercial stations.

51. We also believe the record evidences a need in a market of this size for at least four commercial local outlets. The data submitted on the programming offered by the four St. Louis commercial stations, and also the educational station, demonstrate, in our opinion, that the public is benefiting from having these five local television services. The competitive service provided by Station KTVI for the last five years in the area would also, it is apparent, create a great void if deleted. Thousands of people in both Illinois and Missouri depend upon it for a choice of television service. Engineering data furnished by Signal Hill indicate that within its predicted Grade B contour is an area of 15,897 miles and a population of 2,486,097. Of this total, an area of 7,382 square miles containing 716,687 people is in Illinois, and an area of 8,515 square miles containing 1,769,410 people is in Missouri. The ARB Television Coverage Study indicates that there are 1,120,700 television homes in Station KTVI's coverage area; that 761,900 homes (68 percent) of these television homes are able to receive the station, and that the net weekly number of television homes viewing the station at least once a week is 721,500 (64 percent).

Consideration re use of Channel 2 in Rolla-Salem area. 52. Rolla is a community which had a 1960 population of 11,132 and which is about 52 miles southeast of Jefferson City, Missouri, and 95 miles southwest of St. Louis. It lies in Phelps County which had a 1960 population of 25,396. Salem is a smaller community of 3,870 people, which is situated about 26 miles southeast of Rolla. It is in Dent County, which had a 1960 population of 10,445.

53. Neither community has a local station. Channel 46 is assigned to Rolla, but it has never been used. Rolla lies within the Grade B contour of one existing station—Station KRCG (Channel 13) at Jefferson City, Missouri. Salem is not within the Grade B contour of any existing station but would be within the Grade B contour of Station KRCG if it operated with the maximum antenna height permitted. The 1960 ARB Television Coverage Study indicates that about half of the homes in Dent County (Salem) are equipped for television, and that over 50 percent of the television homes can receive three of the St. Louis stations (2, 4, 5), 96 percent can receive Station KRCG at Jefferson City and 85 percent can receive Station KOMU at Columbia, Missouri. The survey also shows that in Phelps County (Rolla), 84 percent of the homes are estimated to be television homes and that about the same percentage of homes as in Dent County can receive the St. Louis, Jefferson City and Columbia stations. The survey data indicate that most of these television homes view these stations at least once a week. It would therefore appear that there is a considerable amount of television service available in this area.

54. The reply of 220 Television shows that Channel 2 in this area would provide a Grade B interference-free signal to an area of 10,030 to 12,440 square miles and a population of 194,190 to 242,730, depending upon the different assumptions used for determining adjacent channel interference. It estimates that an area of from 3,700 to 6,710 square miles containing 39,440 to 84,370 people would receive a first Grade B signal. Signal Hill, which assumed service extended to the noise-limited Grade B contour, estimates that the Channel 2 facility assumed by 220 Television (100 kw power at 1,000 feet at a site a few miles to the west of Salem) would provide a Grade B signal to a total area of about 15,665 square miles containing 311,706 people. It estimates that an area of 2,659 square miles, containing a population of 25,441 people, could be expected to receive a first Grade B signal.

55. We considered a proposal to assign Channel 2 to the Salem area in the 1957 Springfield deintermixture proceeding. One of our reasons for rejecting it was that we did not feel that the channel could be put to effective use in or near this relatively small community. We are still of that view and feel that, if and when this area can support a local television service, such service could and should be provided in UHF.

56. There appears to be no reason why Channel 46, assigned to Rolla, cannot be effectively used to provide local service in the Rolla-Salem area. The letters received from residents of the area indicate that reception of VHF signals from other cities is not too satisfactory, and it would appear that they would pose no real competitive handicap to a local UHF operation. Terrain conditions in this area also appear favorable for UHF operation. A UHF satellite station (KPOB) has been operating at Poplar Bluff, Missouri, on Channel 15 since September, 1961. It is a community comparable in size to Rolla, about 85 miles southeast of Salem. Two UHF translators are also operating at West Plains, Missouri, which is about 90 miles south of Rolla, and an application is pending for a third UHF translator there. Engineering data submitted by Signal Hill indicate that a Channel 46 station at Rolla, operating with antenna height of 1,000 feet and power of 500 kw, and similar UHF stations operating at West Plains, where Channel 20 is assigned, and at Poplar Bluff, would provide a greater area and population with a Grade B signal and a greater area and population with a first

Grade B signal than would the proposed Channel 2 operation of 220 Television.

57. We appreciate the need of the residents of the Rolla-Salem area for a local outlet. While the use of Channel 2 in the area would provide a first local service and serve a sizeable area and population, an offsetting consideration is that UHF could be satisfactorily used to do so also and would provide opportunities for a greater number of local outlets and choice of services throughout the area. Another is that the assignment of Channel 2 to this area would virtually insure the establishment of a one station monopoly in a wide area which must look to UHF for local outlets and services. We believe that it would be a waste of the scarce VHF spectrum space to use Channel 2 where it does not present realistic possibilities for the growth of a greater number of competitive outlets and forecloses UHF expansion. An additional and important consideration is that Channel 2 could not be used in the Salem-Rolla area without depriving a large area and population in Illinois and Missouri of a needed competitive service which they have been receiving for the past five years from the Channel 2 station at St. Louis. There are no realistic possibilities today for UHF to provide a substitute service for the existing Channel 2 service in the St. Louis area. On the other hand, there are no significant obstacles to the use of UHF in the Rolla-Salem area for local service. Taking all these considerations into account, we cannot accept 220's view that the assignment of Channel 2 to the Salem-Rolla area would best serve the public interest or is required in order to achieve a more full, fair, and efficient use of the television spectrum space. We are of the view that the continued use of Channel 2 at St. Louis instead of in the Rolla-Salem area best serves the public interest and this objective.

Decision. 58. In light of the above considerations and conclusions, and having given careful consideration to all the matters raised in the comments of the parties, we have decided, on balance, that the use of Channel 2 at St. Louis and Terre Haute instead of at Springfield and in the Rolla-Salem area best serves the public interest and carries out the mandate of Section 307(b) of the Communications Act in providing a fair, efficient and equitable distribution of television service to the several states and communities. Our decision is based on a judgment that this course of action affords opportunities for a greater number of stations in the areas involved to survive and prosper and to provide effective competitive television service to the public.

Section 307(b) Considerations. 59. We have considered the arguments and cases cited by Sangamon, the State of Illinois, and 220 Television in support of their position that this course of action violates section 307(b) of the Act. We do not find them persuasive. The objective of our action is also misconstrued. Our primary objective is not, as it is maintained, to protect, equalize, or improve the economic or competitive position of individual licensees, but to distribute television channel assignments in the manner which is most likely to augment opportunities for full and effective use of the television broadcast frequencies and to provide the greatest amount of television service to the public in the communities involved. This objective, implemented by our action in assigning Channel 2 to St. Louis and Terre Haute, is wholly consistent with that of section 307(b). The responsibility of the Commission under the mandate of section 307(b) would clearly not be met by a theoretically feasible VHF assignment at Springfield, and/or in the Rolla-Salem area which, in light of our conclusions, would have the result, at least for the foreseeable future, of destroying or inhibiting existing service in either or both the Springfield and St. Louis areas and of limiting opportunities for the growth of a greater number of television outlets and services in Springfield and/or the Rolla-Salem areas, as well as in either or both the St. Louis and Terre Haute areas.

Action on requests. 60. 220 Television requests oral argument, urging the importance of the matter involved and the fact that oral argument was held on the ex parte aspect of the 1957 Springfield proceeding in Docket No. 11747. It is contrary to the Commission's general practice to hear oral argument in rule making proceedings except when special circumstances warrant it. None have been alleged by 220 Television to warrant oral argument in this proceeding. Adequate opportunity has been afforded all interested parties to present their views, arguments and data with respect to the matters raised herein by written comments and replies. We feel that they are sufficiently exhaustive and that oral argument would not serve any useful purpose in reaching our decision herein. 220 Television's request for oral argument is, therefore, denied.

61. We are also requested by Fort Harrison Telecasting to entertain proposals which contemplate interim operation on Channel 2 at Terre Haute by authorized persons under special temporary authorizations pending the consideration of any competing applications filed for regular operation on the channel. This request is denied, since, for the reasons below, we are not making Channel 2 at Terre Haute available for new applications.

62. This rule making proceeding was instituted and held in compliance with the July 27, 1961, remand order of the Court of Appeals.[10] We have reached the same determination herein on the basis of a new record as we did in Docket No. 11747 in 1957 that the public interest requires the deletion of Channel 2 from Springfield and its assignment to both St. Louis and Terre Haute. We have found in this proceeding that essentially the same public interest considerations require the same course of action in the light of existing circumstances as we found required the action in 1957.

63. In these circumstances, we do not believe that the Court's order requires, or any justifiable or equitable reasons exist for opening up Channel 2 at Terre Haute to new applications. We believe it only fair and just, and in the public interest, to bring the long-standing comparative proceeding for Channel 2 at Terre Haute to a close by disposing of the two applications under consideration therein on their merits as soon as possible after the effective date of the Terre Haute Channel 2 assignment. A long-awaited and needed second local outlet may thereby be established at Terre Haute without any further undue delay. All interested parties had an opportunity to apply for Channel 2 at Terre Haute in 1957. Three applicants applied. Their applications were designated for consolidated hearing on December 5, 1957. On April 29, 1958, one application was dismissed without prejudice. A comparative hearing on the other two applications was concluded in December of 1959, and the matter is now before the Commission for final action. In light thereof, new applications will not be accepted for Channel 2 at Terre Haute at this time.

64. With respect to Channel 2 at St. Louis all interested parties also had an opportunity in 1957 to apply for the channel. Two applicants applied, one of which was Signal Hill Telecasting Corporation who, by the Commission's order in Docket No. 11747, was given temporary authorization to operate on Channel 2 at St. Louis pending final action on applications for regular operation on the channel. Their applications were designated for hearing on November 19, 1957. On April 2, 1958, the Commission approved a merger agreement between the applicants, granted the amended application of Signal Hill for a construction permit, and dismissed the competing application. Signal Hill operated on Channel 2 pursuant to temporary authority, issued March 14, 1957, until July 29, 1959. Since then, it has been operating on program test authority, which, pursuant to our action in the Notice of Proposed Rule Making issued herein, terminates with this proceeding. Its license application, filed July 28, 1959, has never been acted upon.

65. In these circumstances, and considering that Signal Hill has been operating on Channel 2 at St. Louis for the past five years, and that in the normal course of events its license application would have been acted upon, its license term would have expired in February of 1962 and an application for renewal of license would have been filed before this time, we believe it is fair and reasonable to require Signal Hill to account for its operation on the channel at an early date after the St. Louis Channel 2 assignment becomes effective. We have therefore considered Signal Hill's application for license for Station KTVI on Channel 2 at St. Louis and have taken concurrent action this day in a separate document granting it, effective August 27, 1962, extending its operating authority on Channel 2 to August 27, 1962, specifying a short license term, and ordering its application for renewal of license to be filed at an early date.

Authority and order. 66. Authority for the adoption of the amendments herein is contained in sections 1, 4(i),

[10] Sangamon Valley Television Corp. v. U.S., 294 F. 2d 742 (21 RR 2113).

301, 303, and 307(b) of the Communications Act of 1934, as amended.

67. In view of the foregoing: *It is ordered*, That, effective August 27, 1962, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended insofar as the communities named are concerned to read as follows:

City	Channel
Springfield, Ill.	20+, 26−, 36−, *66+
St. Louis, Mo.	2, 4−, 5−, *9, 11−, 30, 42+
Jacksonville, Ill.	49−
Davenport, Ia.-Rock Island-Moline, Ill.	4+, 6+, 8, *30+, 42−, 68
Terre Haute, Ind.	2+, 10, *57+, 63−, 73+

68. *It is further ordered*, That the motion to strike, filed by Fort Harrison Telecasting Corporation on January 26, 1962 is denied, and that this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U.S.C. 301, 303, 307)

Adopted: July 18, 1962.

Released: July 20, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7287; Filed, July 24, 1962; 8:55 a.m.]

PART 4—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

MOBILE REMOTE PICKUP TRANSMITTERS

Report and Order

In the matter of amendment of Part 4, Subpart D of the Commission rules and regulations to permit mobile remote pickup transmitters to serve as automatic relay stations for pocket radio transmitters used at the scene of remote broadcasts, Docket No. 14590.

1. On March 30, 1962, the Commission released a notice of proposed rule making to amend part 4 of its rules and regulations governing remote pickup broadcast stations to permit an operator-reporter to use a hand-carried or pack-carried low power transmitter at the scene of a remote broadcast and use a nearby remote pickup broadcast mobile station as an automatic relay station for the signals of the hand-carried or pack-carried transmitter. The purpose of the proposed amendment was to provide greater flexibility in covering a remote event by allowing the operator-reporter to move into areas where the regular remote pickup mobile unit could not go because of obstructions or hazardous conditions. Since in many cases the regular remote pickup mobile unit would be unattended while acting as a relay station for the signals of the hand-carried or pack-carried transmitter, it is necessary to amend § 4.465 relating to operator requirements to permit such unattended operation. While any regularly licensed hand-carried or pack-carried remote pickup transmitter could be used for this purpose it is also necessary to amend § 4.437 which contains special provisions for licensing low powered remote pickup stations that do not conform to the requirements for regular remote pickup stations, to specify a nearby remote pickup mobile unit as one of the permissible receiving points. We also proposed to limit the power input of hand-carried or pack-carried transmitters used for this purpose, to 1 watt, thereby insuring that the operator-reporter would not stray too far from the unattended remote pickup unit.

2. There were no comments opposing the proposed amendment. Comments supporting the proposal were filed by Westinghouse Broadcasting Company, Inc., Southland Industries, Inc., WHDH, Inc., and Columbia Broadcasting System, Inc. CBS suggested certain changes in the original proposal which are discussed below.

3. CBS suggested that the rules should allow the unattended remote pickup mobile station to relay transmissions from a remote pickup base station at the program control point, to the operator-reporter at the scene of the remote event, thus providing reliable two-way communication between the operator-reporter and the parent broadcasting station. We find merit in this suggestion and the rules adopted herein are so modified.

4. CBS suggested that unattended remote pickup mobile stations be permitted to relay the transmissions of other remote pickup broadcast mobile stations as well as those of low power broadcast auxiliary stations licensed under § 4.437. CBS interpreted the proposal as limiting operation to those frequencies listed in § 4.437(e). The only limitation intended in the proposal was with respect to the power employed in the hand-carried or pack-carried transmitter. Since transmitters employing a power input to the plate of the final radio frequency amplifier of 1 watt or less and which are capable of complying with the frequency tolerance and emission bandwidth that apply to regular remote pickup stations are not restricted to the frequencies listed in § 4.437(e), the change suggested by CBS is unnecessary. The language of the rules adopted herein is modified to clarify this point. The use of unattended automatic relay stations with regular remote pickup base and mobile stations is outside the scope of this proceeding and is under active consideration by the Commission as a separate matter.

5. CBS suggests that some form of unique control signal should be employed to prevent activation of the unattended relay station by other signals on the channel employed by the pack-carried or hand-carried transmitter. They believe that broadcasters in a given area would cooperate fully in complying with such a provision in keeping with the spirit of § 4.403(a) of the rules. While we agree that the use of some form of unique control might prove highly desirable in some areas, we do not believe that we should make such use mandatory. Nothing in the rules prohibits the use of such a control system and the cooperation that broadcasters have exhibited in the past makes us certain that should the need for the use of a unique control signal arise, it will be employed.

6. Authority for the issuance of the amendments adopted herein is contained in sections 4(i), 303 (a), (b), (c), (e), (f), (g), and (r) of the Communications Act of 1934, as amended.

7. In view of the foregoing: *It is ordered*, That effective August 27, 1962, Part 4 of the Commission's rules and regulations is amended as follows:

I. Section 4.437(c) is amended to read as follows:

§ 4.437 Special rules relating to low power broadcast auxiliary stations.

• • • • •

(c) The license of a low power broadcast auxiliary station authorizes the transmission of cues and orders to production personnel and participants in broadcast programs and in the preparation therefor, the transmission of program material by means of a wireless microphone worn by a performer or other participant in a program during rehearsal and during the actual broadcast, or the transmission of comments, interviews, and reports from the scene of a remote broadcast. Such transmissions shall be intended for reception at a receiving point within the same studio, building, stadium, or similar limited indoor or outdoor area or at the location of a nearby remote pickup broadcast mobile station where they will be relayed to a broadcasting station for simultaneous or delayed broadcast.

II. Section 4.465 is amended to read as follows:

§ 4.465 Operator requirements.

(a) Except as provided in paragraph (b) of this section, an operator holding a valid radiotelephone first-class or second-class operator license or a valid radiotelegraph first-class or second-class operator license or a valid restricted radiotelephone operator permit shall be on duty at the place where the transmitting apparatus is located or at a remote control point established pursuant to the provisions of § 4.434, and in actual charge of the operation at all times when the transmitter is operating.

(b) In cases where a remote pickup broadcast mobile station is taken to the scene of an event to be broadcast and the operator-reporter wishes to leave the location of the transmitter in order to move about freely at the scene with a hand-carried or pack-carried transmitter in order to conduct interviews, obtain a better vantage point to view the scene or otherwise more effectively cover the event, the mobile station may be operated as a temporarily unattended automatic relay station subject to the following conditions:

(1) The input power to the plate of the final radio frequency amplifier of the hand-carried or pack-carried transmitter shall not exceed 1 watt.

(2) The unattended transmitter shall be so equipped that it will be activated by the carrier of the hand-carried or pack-carried transmitter and will transmit only when relaying the transmissions of the hand-carried or pack-carried transmitter or when relaying the transmissions of an associated base station operating on the same frequency as the hand-carried or pack-carried transmitter and directed to the operator-reporter at the scene of the event.

(3) Unless the operator-reporter is equipped to monitor continuously the frequency on which the unattended transmitter operates, while moving about at the scene of the event, he shall observe the frequency before leaving the location of the mobile transmitter to ascertain whether it is in use so as to avoid interference to other users.

(c) The operator on duty and in charge of the operation of a remote pickup broadcast station may, at the discretion of the station licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator license held and the rules and regulations governing such other stations. However, such extra duties shall in no way interfere with the duties connected with the operation of the remote pickup station.

(d) Further provisions and restrictions concerning the operator's authority are contained in Part 13 of this chapter.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: July 18, 1962.

Released: July 20, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7288; Filed, July 24, 1962; 8:56 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Parts 723, 725, 727]

TOBACCO

Farm Acreage Allotments and Normal Yields for Various Types of Tobacco for the 1963–64 and Subsequent Marketing Years

Notice is hereby given that, pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1312, 1313, 1316, 1375), regulations are being prepared governing the establishing of farm acreage allotments and normal yields for the 1963 and subsequent crops of burley, flue-cured, fire-cured (type 21), fire-cured (types 22, 23, and 24), dark air-cured, Virginia sun-cured, cigar-binder (types 51 and 52), cigar-filler and binder (types 42, 43, 44, 53, 54, and 55), and Maryland tobacco. Included in such regulations are basic provisions relating to the determination of preliminary allotments and tobacco acreage history.

The Agricultural Adjustment Act of 1938, as amended, includes only type 41 tobacco in the definition of cigar-filler tobacco. Producers of cigar-filler (type 41) tobacco disapproved marketing quotas for such kind of tobacco for the three marketing years beginning October 1, 1959 (24 F.R. 2271), and previously thereto had disapproved marketing quotas for three successive years subsequent to 1952 (18 F.R. 8474, 19 F.R. 9365, 21 F.R. 667). Therefore, pursuant to the provisions of section 312 of the Agricultural Adjustment Act of 1938, as amended, no acreage allotments and marketing quotas were determined for such kind of tobacco for the 1960 and 1961 crops of such kind of tobacco. Pursuant to section 312(a)(4) of the Act, the Secretary was required to proclaim not later than February 1, 1962, a quota for such kind of tobacco for each of the three marketing years beginning October 1, 1962, and hold a referendum of farmers who were engaged in the production of such kind of tobacco in 1961 to determine whether such farmers favored or opposed quotas. In a referendum held on February 20, 1962, farmers disapproved quotas on cigar-filler (type 41) tobacco for the three marketing years beginning October 1, 1962 (27 F.R. 2679). Therefore, unless growers petition the Secretary as provided in section 312(a)(4) of the Act, no quotas will be proclaimed and no regulations will be issued with respect to the 1963 and 1964 crops of such kinds of tobacco.

Burley tobacco growers approved quotas for the 1962, 1963, and 1964 crops in a referendum held on February 20, 1962 (27 F.R. 2679); flue-cured tobacco growers approved quotas for the 1962, 1963, and 1964 crops in a referendum held on December 12, 1961 (27 F.R. 649); fire-cured and dark air-cured tobacco growers approved quotas for the 1961, 1962 and 1963 crops in referenda held on February 24, 1961 (26 F.R. 2277); and Virginia sun-cured tobacco growers approved quotas for the 1962, 1963 and 1964 crops in a referendum held on February 20, 1962 (27 F.R. 2679).

Maryland tobacco growers approved quotas for the 1960, 1961, and 1962 crops in a referendum held on February 2, 1960 (25 F.R. 1479). Cigar-binder (types 51 and 52) tobacco growers and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco growers approved quotas in referenda held on February 11, 1960 for the 1960, 1961, and 1962 crops (25 F.R. 2125). It will be necessary, therefore, in accordance with section 312 of the Act that the Secretary proclaim quotas for each of these three kinds of tobacco for the three marketing years beginning October 1, 1963, not later than February 1, 1963, and to hold a referendum for each of such kinds of tobacco to determine whether farmers approve such quotas.

The regulations to be issued will be applicable to the determination of farm acreage allotments for the 1963–64 and subsequent marketing years, and the allotments for the 1963 crop determined thereunder will remain in effect whether or not quotas are approved by growers for the 1963 crop in referenda to be held in late 1962 or early 1963, but a marketing quota will not be applicable to the 1963 crop for any kind of tobacco for which quotas are disapproved by growers voting in the referendum for such kind of tobacco. Consideration will be given to suggestions for the date on which the referendum for each kind of tobacco should be held.

As presently contemplated, the regulations will be substantially the same as those for the 1962–63 marketing year (burley, flue-cured, fire-cured, dark air-cured, Virginia sun-cured tobacco (26 F.R. 6419, 6581, 7694, 9505, 10152); cigar-binder (types 51 and 52); cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco (26 F.R. 6414, 6641, 7122, 10471); Maryland tobacco (26 F.R. 6424, 6641, 10504)), except:

1. A single set of regulations to cover farm acreage allotments for the 1963–64 and subsequent marketing years will be issued for burley, flue-cured, fire-cured, dark air-cured, Virginia sun-cured, cigar-binder (types 51 and 52), cigar-filler and binder (types 42, 43, 44, 53, 54, and 55), and Maryland tobacco.

2. Eligibility requirements for new farm tobacco acreage allotments will be uniform and the same as the requirements applicable for 1962 to burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco, except that the final date for filing application for a new farm cigar-binder (types 51 and 52) or cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco acreage allotment would continue to be later than that with respect to other kinds of tobacco. Thus (as to each kind of tobacco), the farm would be required to be operated by the owner thereof, to be eligible for a new farm tobacco acreage allotment. Also, this would provide that a new farm allotment (for any kind of tobacco) could not exceed 50 percent of the average of the acreage allotments established for two or more but not more than five old tobacco farms which are similar with respect to land, labor and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

3. The acreage available (for each kind of tobacco) for use in making adjustments in old farm allotments that are relatively smaller than the allotments for similar farms, for corrections of errors in old farm allotments, and for establishing allotments for overlooked old farms, would not exceed one-tenth of one percent of the total acreage allotted to all farms in the State for the previous year, for each respective kind of tobacco.

4. One-fourth of one percent of the national marketing quota (for each kind of tobacco) would be made available for use in establishing allotments for eligible new farms.

Prior to the final adoption and issuance of these regulations, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C. All submissions must be postmarked not later than ten days after the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Signed at Washington, D.C., on July 20, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-7291; Filed, July 24, 1962; 8:56 a.m.]

[7 CFR Part 1062]

MILK IN ST. LOUIS, MISSOURI, MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the St. Louis, Missouri, marketing area is being considered.

The provisions proposed to be suspended are:

1. In § 1062.7(b)(1)—"July or for a period not in excess of 16 days' production during each of the months of August through" relating to the diversion of producer milk by cooperative associations for the month of August 1962.

2. Section 1062.43(c)(1), relating to classification of skim milk and butterfat transferred to a nonpool plant pending a hearing on this provision.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., not later than July 25, 1962. All documents filed should be in quadruplicate.

Signed at Washington, D.C., on July 20, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-7290; Filed, July 24, 1962; 8:56 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 159 [New], 570, 571]

[Reg. Docket No. 1307, Draft Release No. 62-35]

AIRPORTS

Notice of Proposed Rule Making

Notice is hereby given that there is under consideration a proposal to recodify Parts 570 and 571 of the regulations of the Administrator. Chapter I of Title 14 of the Code of Federal Regulations would be amended by adding a Part 159 [New].

Interested persons are invited to participate in the proposed recodification by submitting such written data, views or arguments as they may desire. Communications must be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before August 25, 1962, will be considered before taking action on the proposed recodification. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available both during and after the comment period, in the Docket Section for examination by interested persons.

Present Part 570, Washington National Airport, is completely revised in order to bring its coverage up to date and to eliminate obsolete and redundant rules contained therein. In addition, to provide uniformity of rules for all airports under the Bureau of National Capital Airports of this Agency, the Part as proposed would also apply to Dulles International Airport.

This proposal is a part of the program of the Federal Aviation Agency to recodify its regulatory material. The policy followed in the recodification project is not to make substantive changes. In this case, however, separate publication of the necessary revisions and then immediate recodification of the revised part would be confusing and time consuming, and would result in multiplicity of regulatory actions. This proposal therefore includes the substantive changes contemplated for the revision. The major substantive changes in the rules are to (1) make the laws of Virginia relating to motor vehicles applicable to the operation of motor vehicles on the airport, except as otherwise specifically provided in the part; and (2) to make the criminal laws of Virginia relating to disorderly conduct, gambling, and obscene literature applicable on the airport. In addition, a number of air traffic rules presently contained in the part are omitted because adequate provisions exist in other applicable regulations. This would have the result of eliminating any possible differences in air traffic rules and enforcement procedures that should be uniform in their application.

The definitions, abbreviations, and rules of construction contained in Part 1 (New), published in the FEDERAL REGISTER on May 15, 1962 (27 F.R. 4587), would apply to new Part 159.

In consideration of the foregoing, it is proposed to amend Chapter III of Title 14 by deleting Parts 570 and 571 and to amend Chapter I of that title by adding new Part 159 (New) reading as hereinafter set forth.

This amendment is proposed under the authority of section 1602 of Title 2, District of Columbia Code and section 2 of the Act of June 29, 1940, as amended, 54 Stat. 658.

Issued in Washington, D.C., on July 20, 1962.

N. E. HALABY,
Administrator.

PART 159—NATIONAL CAPITOL AIRPORTS [NEW]

Subpart A—General

Sec.
159.1 Applicability.
159.3 Vehicles carrying passengers for hire.
159.5 Lost articles.

Subpart B—Motor Vehicle Rules

159.11 General.
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Subpart A—General

§ 159.1 Applicability.

(a) This part prescribes the rules governing the use and occupancy of the following airports (in this part referred to as "the Airport"):

(1) Washington National Airport as described in section 1602 of Title 2, District of Columbia Code; and

(2) Dulles International Airport, consisting of the land, and the buildings and facilities on that land, located in Fairfax and Loudoun counties, Virginia, the land having been acquired in Civil No. 1638M, and Civil No. 1902M, United States District Court for the Eastern District of Virginia, Alexandria Division.

(b) The Director of the Bureau of National Capital Airports and each Manager of an Airport described in paragraph (a) of this section may issue such orders and instructions as are necessary for administering this part.

§ 159.3 Vehicles carrying passengers for hire.

(a) Except as otherwise specifically authorized by the Administrator, no person may operate a vehicle that is carrying passengers for hire from the Airport unless he has a permit from the Airport Manager.

(b) Except for discharging passengers and as otherwise directed by the Airport Manager, no person may park, on the Airport, a vehicle used for the purpose of carrying passengers for hire unless he has a permit from the Airport Manager.

(c) Except with the specific approval of the Airport Manager under conditions prescribed by him, no person may, on the Airport, solicit or invite any person to ride in a vehicle used for the purpose of carrying passengers for hire, either by driving slowly past a loading entrance to an Airport building or by any other act or the speaking of words that are intended to induce that person to engage the vehicle.

(d) Each person who requests a permit to operate, on the Airport, a vehicle used for the purpose of carrying passengers for hire must apply in writing to the Manager. The application must contain—

(1) The applicant's name and address;

(2) The make, model, and license number of the vehicle to be used;

(3) A description, and the serial or other identifying number, of each permit or license that the applicant has for operating that vehicle; and

(4) A list, and the serial or other identifying number of each public liability insurance policy carried by the applicant, the names of the insurance companies that issued them, and their expiration dates.

(e) Upon receiving an application under paragraph (d) of this section, the Airport Manager may issue a permit, authorizing the holder to operate, on the Airport, a vehicle used for the purpose of carrying passengers for hire. The Manager may, in his discretion, revoke such a permit at any time.

§ 159.5 Lost articles.

Each person who finds a lost article on the Airport shall deposit it at the office of the Airport police branch. If the article is not claimed by its owner within 90 days after it is deposited, it may be returned to the finder. The Airport Manager shall dispose of any article that is not claimed within that period or returned to the finder.

Subpart B—Motor Vehicle Rules

§ 159.11 General.

(a) Pursuant to section 13 of Title 18, United States Code, unless otherwise provided in this part, the laws of the Commonwealth of Virginia relating to the operation of motor vehicles on the public highways thereof, apply to the operation of motor vehicles on the Airport.

(b) Except under special directions by an authorized employee of the Airport, each person operating a motor vehicle on the Airport shall follow the general rules prescribed by the Airport Manager, this part, and applicable laws.

§ 159.13 Special operating rules.

(a) No person may operate a motor vehicle on the landing area, ramp, or trucking concourse in the terminal building, unless—

(1) The vehicle has been inspected and approved by the Airport Manager or his agent; and

(2) That person holds a current operator's permit issued by the Airport Manager.

(b) The Airport Manager may issue a motor vehicle operator permit to any competent operator that he considers necessary for the safe and efficient operation of the Airport. The Manager may, in his discretion, revoke such a permit at any time.

(c) No person may operate a two-wheeled motor vehicle on the landing area, or ramp on the Airport.

§ 159.15 Operator's license.

(a) No person may operate any motor vehicle on an Airport road unless he holds a current operator's license issued by a political jurisdiction or any agency of the United States.

(b) No person may operate any FAA motor vehicle on the Airport, other than an aircraft, unless he holds a current FAA operator's certificate.

§ 159.17 Speed.

(a) Unless otherwise authorized by the Airport Manager, no person may operate a motor vehicle at a speed—

(1) Of more than six miles an hour in the baggage concourse in the terminal building;

(2) Of more than 15 miles an hour on any apron or ramp;

(3) Of more than 25 miles an hour on any taxiway, runway, restricted service road, or other aircraft movement area other than the apron or ramp; or

(4) Higher than the speed limit prescribed and posted by the Airport Manager on any area of the Airport not covered by subparagraph (1) through (3) of this paragraph.

(b) No person may operate a motor vehicle on the Airport in a careless or reckless manner.

(c) Each person operating a motor vehicle on the Airport shall operate it so as to have it under safe control at all times, weather and traffic conditions considered.

§ 159.19 Passenger's occupancy.

No person may, while on the Airport, ride on the running board of a moving motor vehicle, stand up in the body of such a moving motor vehicle, ride on the outside of the body of such a moving vehicle, or ride on such a vehicle with his arms or legs protruding from the body of the vehicle.

§ 159.21 Emergency vehicles; right-of-way.

Upon the approach of a police, ambulance, fire department, or other emergency vehicle giving an audible signal that it is on an emergency call, each person operating another vehicle on any road on the Airport shall immediately drive his vehicle parallel with, and as near as possible to, the right hand edge of the road, clear of all intersections, and stay there until the emergency vehicle has stopped or passed, unless otherwise directed by an Airport police officer.

§ 159.23 Parking.

(a) No person may park or stand a motor vehicle on the Airport except in an area specifically designated for parking or standing.

(b) No person may park a motor vehicle on any area on the Airport for a period longer than prescribed for that area by the Airport Manager.

(c) No person may park a motor vehicle on the Airport, except in an attended parking area, for a period longer than 72 hours, without the specific approval of the Manager.

(d) No person may park a motor vehicle in a metered parking space on the Airport without depositing the required amount of money (for the time stated on the meter) in the parking meter controlling that space. If, during the time a motor vehicle is parked in a space controlled by a meter, the meter shows that there is a violation, the owner or operator of the vehicle is violating this subsection unless he shows that the meter was not working properly.

(e) No person may park a motor vehicle on the Airport in an area requiring payment for parking unless he pays the required amount.

(f) No person may park a motor vehicle in a restricted or reserved area on the Airport unless he displays, in the manner prescribed by the Manager, a parking permit issued by the Manager for that area.

(g) No person may double park a motor vehicle on any road on the Airport. For the purposes of this subsection, parking a vehicle at such a distance from the curb that another vehicle could park between it and the curb, is considered to be double parking.

(h) No person may abandon a motor vehicle on the Airport.

(i) No person may park a motor vehicle on the Airport, in a space marked for the parking of vehicles, in a manner to occupy a part of another marked space.

(j) No person may leave a motor vehicle standing unattended or parked on the Airport with a key in the ignition switch, the motor running, a key in the door lock, or an open door.

(k) No person may park or stand a motor vehicle at any place on the Airport in violation of any sign posted by the Manager.

(l) No person may park or stand a motor vehicle within 10 feet of a fire hydrant on the Airport.

§ 159.25 Accident reports.

Each person involved in a motor vehicle accident on the Airport, other than one involving an aircraft, shall report it fully to the nearest Airport police office as soon as possible after the accident. The report must include the name and address of the person reporting.

§ 159.27 Repair of motor vehicles.

(a) Except for persons authorized by the Airport Manager and except for minor repairs necessary to move the vehicle from the Airport, no person may clean or repair a motor vehicle on a road or in a parking area of the Airport.

(b) No person may, on the Airport, move or interfere or tamper with any motor vehicle, put its motor into motion, or take or use any part, instrument, or tool of it, unless he has the permission of the owner or presents satisfactory evidence to the Manager of his right to do so.

§ 159.29 Busses.

No person operating a motor bus for hire may load or unload passengers at the Airport at a place other than that designated by the Airport Manager.

§ 159.31 Moving of motor vehicles.

The Airport Manager or his agent may tow away or otherwise move any motor vehicle on the Airport that is parked in violation of the regulations of the Airport, if the Manager or his agent determines that it is a nuisance or hazard. The Manager may charge a reasonable amount for the moving service and the vehicle moved is subject to a lien for that charge.

§ 159.33 License tags.

No person may operate, stand, or park a motor vehicle on any road or parking area on the Airport unless it has current license tags issued by an appropriate authority. Any motor vehicle that is found standing or parked on the Airport in violation of this section may be impounded by an Airport police officer and removed to the Airport police station or another area of the Airport designated for that purpose by the Airport Manager.

Subpart C—Aircraft Rules

§ 159.41 Confinement of aircraft operations.

No person may operate an aircraft on the Airport except on a hard surface area unless otherwise authorized by the air traffic control tower. No person may use a taxi strip on the Airport for a takeoff or landing.

§ 159.43 Parking of aircraft.

No person may park an aircraft in any area on the Airport other than that prescribed by the Airport Manager or his authorized representative. No employee of the FAA may make the United States responsible for the care or protection of any aircraft (other than of the United States) that is parked on the Airport.

§ 159.45 Payment for services.

Unless satisfactory credit arrangements have been made with the Airport Manager, a person who has used Airport facilities, or who owes for storage supplies, repairs, or other services by the Airport, must pay for them before takeoff.

§ 159.47 Disabled aircraft.

The owner of an aircraft or part thereof that is disabled shall have it promptly repaired or moved from the Airport unless he is required to delay it pending investigation of an accident. If he does not remove it within a reasonable time, the Airport Manager may remove it at the owner's expense and without liability for additional damage resulting from the removal.

§ 159.49 Accident reports.

(a) Each operator of an aircraft that is involved in an accident on the Airport shall report it fully to the Airport Manager within eight hours after the accident. The report must include the name and address of the person reporting.

(b) In a case where a written report of the accident is otherwise required, a copy of that report may be given to the Manager instead of the one required by paragraph (a) of this section.

§ 159.51 Refusal of clearance.

The Airport Manager may delay or restrict any flight or other aircraft operation at the Airport.

§ 159.53 Private pilot license.

To be eligible to operate aircraft on the Airport, a pilot must hold at least a private pilot certificate.

§ 159.55 Registration of aircraft.

The pilot of each aircraft whose owner or lessee does not have a contract with the United States for the aircraft to use the Airport, shall register at the operations office on the Airport immediately upon landing and shall report to the operations office before taking off.

§ 159.57 Demonstrations.

No person may give a flight or ground demonstration on the Airport, and no person may bring an aircraft to the Airport for an aerial demonstration elsewhere, without the specific approval of the Airport Manager.

§ 159.59 Aircraft equipment and operation rules.

(a) Except when authorized by the Airport Manager, no person may operate an aircraft on the Airport unless it has a tail or nose wheel and wheel brakes.

(b) If the pilot of an aircraft that does not have adequate brakes is authorized by the Airport Manager to taxi his aircraft, he may not taxi it near a building or a parked aircraft unless there is an attendant at the wing of his aircraft to help him.

(c) Notwithstanding paragraphs (a) and (b) of this section, an aircraft that has wings and tail higher than five feet from the ground and does not have adequate brakes, may not be taxied on the Airport under any conditions, and must be towed if it is necessary to move it.

§ 159.61 Taxiing rules.

(a) No person may move an aircraft on the Airport in a careless or reckless manner.

(b) No person may start or run an engine in an aircraft on the Airport unless there is a competent person in the aircraft at the engine controls, and unless blocks have been placed in front of the wheels or the aircraft has adequate parking brakes.

(c) No person may run an engine of an aircraft parked on the Airport in a manner that damages any other property or aircraft, or that blows paper, dirt, or other material across taxiways or runway, so as to endanger the safety of operation on the Airport.

(d) Each person operating an aircraft on a part of the Airport that is not under the direction of air traffic control shall comply with the orders, signals, and directions of the authorized representative of the Airport Manager.

(e) No person may start or taxi any aircraft on the Airport in a place where the exhaust blast is likely to cause injury to persons or property. If the aircraft cannot be taxied without violating this subsection, the operator must have it towed to the desired destination.

(f) Each person operating an aircraft shall lower its flaps when taxiing in or out of an aircraft gate position.

(g) No person may move a rotorcraft at a place on the Airport (other than a heliport) while its rotors are turning unless there is a clear area of at least 50 feet from the outer tip of each rotor. No person may move a rotorcraft at a heliport while its rotors are turning unless there is a clear area of at least 20 feet from the outer tip of each rotor.

§ 159.63 Use of gate positions.

(a) No person may use an aircraft gate position on the Airport unless he has been authorized to use it.

(b) No person may enplane or deplane passengers on the Airport in an area that has not been established for that purpose by the Airport Manager.

(c) No person operating a private, itinerant, non-scheduled, or military aircraft may park, stand, unload passengers, obstruct or attempt to use any aircraft gate position assigned to a scheduled air carrier, without the advance approval of the Airport Manager.

(d) Except when specifically authorized by the Airport Manager, no person may double park an aircraft at a passenger gate.

(e) No person may enplane or deplane passengers from a double parked aircraft through any gate other than the gate at which the aircraft is parked.

(f) Each person operating a jet aircraft on the Airport shall use only the gates designated by the Airport Manager for jet aircraft.

Subpart D—Rules of Conduct

§ 159.71 Applicable laws.

Pursuant to section ____ of Title 18, United States Code, and except as otherwise provided in this part, the criminal laws of Virginia relating to the following apply on the Airport:

(a) Disorderly conduct.

(b) Gambling.

(c) Obscene literature.

§ 159.73 Sanitation.

(a) No person may release, deposit, blow, or spread any bodily discharge on the floor, wall, partition, furniture, or any other part of a public comfort station, terminal, building, hangar, or other building on the Airport, other than directly into a fixture provided for that purpose.

(b) No person may place any foreign object in any plumbing fixture of a public comfort station, terminal building, hangar, or other building on the Airport.

(c) No person may dispose of sewerage, garbage, refuse, paper, or other material on the Airport except in a receptacle provided for that purpose.

(d) No person may eat food or drink a beverage on the mezzanine balcony of the Airport.

§ 159.75 Preservation of property.

No person may, without the specific permission of the Airport Manager:

(a) Destroy, injure, deface, or disturb any building, sign, equipment, marker, or other structure, tree, flower, lawn, or other public property on the Airport;

(b) Walk on a lawn or seeded area of the Airport;

(c) Alter, add to, or erect any building on the Airport;

(d) Make an excavation on the Airport; or

(e) Willfully abandon any personal property on the Airport.

§ 159.77 Airport and equipment.

No person may interfere or tamper with, or injure, any part of the Airport or its equipment.

§ 159.79 Dangerous objects.

(a) No person except a peace officer, an authorized post office, Airport, or air carrier employee, or a member of an armed force on official duty, may carry any weapon, explosive, or inflammable material on or about his person, openly or concealed, on the Airport without the written permission of the Airport Manager.

(b) No person may furnish, give, sell, or trade a weapon on the Airport.

(c) For the purposes of this section a weapon includes a gun, dirk, bowie knife, slingshot, or metal knuckles.

§ 159.81 Coin-operated machines.

No person may, on the Airport:

(a) Use or attempt to use a coin-operated machine that requires the deposit of a coin for its use, without first depositing the coins required by the instructions on the machine;

(b) Place or attempt to place, in a coin-operated machine, a slug, foreign coin, or object other than the coin required by the instructions on the machine; or

(c) Pass through, over, or under a turnstile that requires the deposit of a coin for its use, without first depositing the required coin in the turnstile.

§ 159.83 False report.

No person may make a false report of conduct on, or the operation or use of, the Airport to the Airport Manager or any Airport police officer.

§ 159.85 Interfering or tampering with aircraft.

No person may interfere or tamper with an aircraft on the Airport or put its engine in motion, or use any aircraft, aircraft parts, instruments, or tools on the Airport, without the permission of the owner.

§ 159.87 Repairing of aircraft.

No person may repair an aircraft, aircraft engine, propeller, or apparatus in an area of the Airport other than that specifically designated for that purpose by the Airport Manager. However, this does not prevent a minor adjustment being made while the aircraft is on a loading ramp preparing to takeoff, if the adjustment is necessary to prevent a delayed takeoff.

§ 159.89 Restricted areas.

(a) Except as otherwise provided in this part, no person may, without the written permission of the Airport Manager, enter any restricted area on the Airport that is posted as closed to the public.

(b) No person may enter the aerodrome, the control tower, any hanger, the apron, or any other part of the Airport specified by the Airport Manager, or the ground floor of the terminal building, the mirador room, or the third floor offices of the terminal building of the Washington National Airport, except:

(1) A person assigned to duty at that place;

(2) An authorized representative of the Administrator or the Civil Aeronautics Board;

(3) A passenger who, under appropriate supervision, is entering the apron to embark or debark; or

(4) Any other person authorized by the Manager.

§ 159.91 Business or commercial activity.

(a) No person may engage in any business or commercial activity on the Airport without the approval of, and under terms prescribed by, the Administrator or the Airport Manager.

(b) No person may, on the Airport, solicit fares, alms, or funds, for any purpose without the permission of the Airport Manager.

(c) No person may make a sale, expose an article for sale, or charge an admission fee, on the Airport without the permission of the Airport Manager, except under a contract between that person and the United States.

§ 159.93 Advertising.

No person may post, distribute, or display, a sign, advertisement, circular, or other written or printed matter on the Airport without the permission of the Airport Manager, except under a contract between that person and the United States.

§ 159.95 Commercial photography.

(a) Except as provided in paragraph (b) of this section, no person may take a still, motion, or sound picture on the Airport for commercial purposes without the permission of the Administrator.

(b) The Airport Manager may allow any of the following to take pictures on the Airport for commercial purposes:

(1) Professional photographers and motion picture cameraman photographing events on the Airport as representatives of news concerns or bona fide news publications.

(2) Professional photographers and motion picture cameramen photographing events at the Airport, for nonprofit exhibit, to stimulate interest in air commerce or travel, or for nonprofit educational purposes.

(3) Professional photographers photographing scenes on the Airport for general artistic purposes.

§ 159.97 Use of roads and walks.

(a) No person may travel on the Airport except on a road, walk, or other place provided for the kind of travel he is doing.

(b) No person may occupy or place an object on a road or walk on the Airport in a manner that hinders or obstructs its proper use.

(c) No person may walk in a picket line as a picket or take part in a labor or other public demonstration on any part of the Airport except a place specifically assigned by the Airport Manager for picket lines or other public demonstrations.

(d) No person may operate any vehicle for the disposal of garbage, ashes or other waste material on the Airport without the approval of the Airport Manager.

§ 159.99 Animals.

(a) No person may enter the Airport with a domestic or wild animal without the written permission of the Airport Manager, except a:

(1) Person entering any part of the Airport (other than the terminal building, gate loading area, or other restricted area) with a domestic animal that is kept restrained by a leash or is confined so as to be completely under control;

(2) Person entering the terminal building or gate loading area with a dog that is to be transported by air and is kept restrained by a leash or is confined so as to be completely under control; or

(3) Blind person entering the terminal building or gate loading area with a seeing-eye dog.

(b) No person may hunt, pursue, trap, catch, injure, or kill any bird or animal on the Airport, except when specifically authorized by the Airport Manager.

§ 159.101 Loitering.

No person may loiter or loaf on any part of the Airport. If a loitering or loafing person is told by an Airport police officer to move on or leave the Airport, he shall do so.

§ 159.103 Drugs.

(a) Except for a physician or pharmacist licensed to practice by a State, possession, or the District of Columbia, no person, while on the Airport, may prescribe, dispense, sell, give away, offer to sell, or administer any dangerous drugs, or have such a drug in his possession, with intent to sell, give away, or administer it.

(b) For the purpose of this section "dangerous drug" means any drug defined as a dangerous drug in section 54.440 of the Virginia Code, 1950.

§ 159.105 Games.

No person may, on the Airport, practice or play football, baseball, golf, tennis, bandy, hockey, shinny, or any other game in which a ball, stone, or other substance is thrown, struck, or otherwise propelled, except during a period and in an area designated by the Airport Manager for playing that game.

§ 159.107 Use of Airport and airspace.

(a) No person who has been denied the use of the Airport by the Airport Manager may enter on or use the Airport except while traveling through as a passenger in an interstate bus or taxi or while embarking or debarking as a passenger on an aircraft operating on the Airport.

(b) No person, except an employee of the United States performing his official duties or a person who has the specific permission of the Airport Manager, may prepare to operate, operate, or release a kite, parachute, or balloon, model aircraft, or rocket on the Airport.

§ 159.109 Impersonation.

No person, except a member of the Bureau of National Capitol Airports Police Force, may:

(a) Represent himself as a member of that Force;

(b) Assume or exercise the functions, powers, duties, or privileges of a member of that Force; or

(c) Wear or have in his possession a badge, uniform, or other insignia that is, or purports to be, that worn by a member of the Force.

§ 159.111 Forgery and counterfeiting.

No person may make, possess, use, offer for sale, sell, barter, exchange, pass, or deliver any forged, counterfeit, or falsely altered ticket, permit, certificate, placard, sign, or other authorization or direction purporting to be issued by or on behalf of the Administrator or the Airport Manager in controlling, operating, maintaining, or protecting the Airport.

Subpart E—Fire Hazards and Fueling Operations

§ 159.121 Cleaning fluids.

(a) Except as provided in paragraph (b) of this section, no person may use a flammable volatile liquid having a flash point of less than 110 degrees Fahrenheit for cleaning purposes in a hangar or other building on the Airport.

(b) No person may use a flammable volatile liquid having a flash point of less than 110 degrees Fahrenheit to clean an aircraft, aircraft engine, propeller, or appliance, on the Airport, unless it is done in the open air or in a room specifically set aside for that purpose. If a room is used, it must be fireproofed, be equipped with automatic sprinklers, and have adequate and readily accessible fire extinguishing apparatus.

§ 159.123 Open-flame operations.

No person may conduct an open-flame operation on the Airport without the specific permission of the Airport Manager.

§ 159.125 Smoking.

No person may smoke on any Airport apron or ramps, in any hangar or shop, in any aircraft on the Airport, or in any other place on the Airport where smoking is specifically prohibited by the Airport Manager.

§ 159.127 Storage.

(a) No person may store or stock material or equipment on the Airport in a manner that constitutes a fire hazard.

(b) No person may keep or store any flammable liquid, gas, signal flare, or other similar material in a hangar or other building on the Airport. However, such a material may be kept in an aircraft in proper receptacles, in rooms or areas specifically approved for that storage by the Airport Manager, or in safety cans approved by appropriate insurance underwriters.

(c) No person may keep or store lubricating or waste oils in or about a hangar, except in a room specifically designated for oil storage. However, not more than a 12-hour supply of lubricating oil may be kept in or about a hangar in containers or receptacles approved by appropriate insurance underwriters.

(d) Each lessee of a hangar on the Airport shall provide suitable metal receptacles, with self-closing covers, for storing waste, rags, and other rubbish, and shall remove all rubbish from its premises each day.

§ 159.129 Apron surface areas and floor surfaces.

(a) Each person to whom space on the Airport is leased, assigned, or made available for use shall keep the space free and clear of oil, grease, or other foreign materials that could cause a fire hazard or a slippery or otherwise unsafe condition.

(b) No person may use any material (such as oil absorbents or similar material) that creates an eye hazard when picked up, swirled, or blown about by the blast from an aircraft engine in any passenger loading area or other public area.

§ 159.131 Doping.

(a) No person may conduct a doping process on the Airport except in a properly designed, fireproof, and ventilated room or building in which all lights, wiring, heating, ventilation equipment, switches, outlets, and fixtures are explosion-proof, spark-proof, and vapor-proof, and in which all windows and doors are easily opened.

(b) No person may enter or work in a dope room while doping processes are being conducted unless he is wearing sparkproof shoes.

§ 159.133 Fueling operations.

(a) No person may fuel or defuel an aircraft on the Airport while:

(1) Its engine is running or is being warmed by applying external heat;

(2) It is in a hangar or enclosed space;

(3) It is within 50 feet of any hangar or other building on the Airport; or

(4) Passengers are in the aircraft, unless a passenger loading ramp is in place at the cabin door, the door is open, and a cabin attendant is at or near the door.

(b) No person other than those covered by subparagraph (3) of paragraph (a) and those persons necessarily engaged in the fueling or defueling may be within 100 feet of an aircraft that is being fuel or defueled.

(c) No person may smoke within 100 feet of an aircraft than is being fueled or defueled on the Airport.

(d) No person may operate a radio transmitter or receiver, or switch electrical appliances on or off, in an aircraft on the Airport, while it is being fueled or defueled.

(e) During the fueling of an aircraft, on the Airport, the dispensing apparatus and the aircraft must both be grounded in accordance with orders and instructions of the Airport Manager.

(f) Each person engaged in fueling or defueling, on the Airport, shall exercise care to prevent the overflow of fuel, and must have readily accessible and adequate fire extinguishers.

(g) During the fueling or defueling of an aircraft, on the Airport, no person may use any material that is likely to cause a spark or be a source of ignition, or start the engine if there is any gasoline on the ground underneath it.

(h) Each hose, funnel, or appurtenance used in fueling or defueling an aircraft on the Airport must be maintained in a safe, sound, and non-leaking condition and must be properly grounded to prevent ignition of volatile liquids.

§ 159.135 Radio operation.

No person may operate any radio equipment in an aircraft while the aircraft is in a hangar on the Airport if any maintenance work, other than radio maintenance, is being done on that aircraft.

§ 159.137 Operating motor vehicles in hangar.

No person may, in any hangar on the Airport, operate a motor scooter, truck, or other motor vehicle, except a tractor with its exhaust protected by screens or baffles to prevent sparks from escaping or the propagation of flame.

§ 159.139 Grounding of aircraft in hangars.

No person may park an aircraft in any hangar or other structure on the Airport unless the aircraft is grounded in accordance with the orders and instructions of the Airport Manager.

§ 159.141 Runway foaming services.

The Airport Manager may provide runway foaming services, in his discretion, at the request of the operator of any aircraft. The operator of the aircraft shall pay all expenses arising from the provision of services under this section.

Subpart F—Obligations of Tenants

§ 159.151 Use of premises.

No lessee of Airport property may knowingly allow that property to be used or occupied for any purpose prohibited by this Part.

§ 159.153 Trash containers.

(a) No tenant, lessee, concessionaire, or agent of any of them, doing business on the Airport, may keep uncovered trash containers on a sidewalk or road, or in a public area, of the Airport.

(b) No person may operate an uncovered vehicle to haul trash on the Airport.

(c) No person may operate a vehicle for hauling trash, dirt, or any other material on the Airport unless it is built to prevent its contents from dropping, sifting, leaking, or otherwise escaping.

(d) No person may spill dirt or any other material from a vehicle operated on the Airport.

§ 159.155 Bulletin boards.

Each lessee of a hangar on the Airport shall maintain a bulletin board in a conspicuous place in his hangar. He shall post on that board current workmen's compensation notices, a list of competent physicians, a list of his liability insurance carriers, a copy of this part, and a copy of each pertinent order or instruction issued under this part.

§ 159.157 Storage of equipment.

No tenant or lessee of a hangar or shop facility on the Airport may store or stack equipment or material in a manner to be a hazard to persons or property.

§ 159.159 Fire apparatus.

Each tenant or lessee of a hangar or shop facility on the Airport shall supply and maintain adequate and readily accessible fire extinguishers, approved by fire underwriters for the hazard involved, that the Airport Manager considers necessary.

§ 159.161 Discrimination or segregation.

All services performed in operating a facility at the Airport must be without discrimination or segregation as to race, creed, color, or national origin.

Subpart G—Enforcement

§ 159.171 Penalties.

(a) Each person who willfully and knowingly violates a rule prescribed in this Part, or an order or instruction issued under this Part, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $500, or imprisoned for not more than six months, or both.

(b) In addition to the penalties prescribed in paragraph (a) of this section, the Airport Manager may remove or eject any person from the Airport, if that person willfully and knowingly violates a rule prescribed in this Part, or an order or instruction issued by the Manager under this Part or any applicable State or Federal law. The Manager may deny the use of the Airport and its facilities to such a person if the Manager determines that the denial is necessary under the circumstances.

[F.R. Doc. 62-7271; Filed, July 24, 1962; 8:52 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14229; FCC 62-797]

UHF Television Channels

Fostering Expanded Use First Report and Order

1. Docket No. 14229 encompasses many proposals designed to foster expanded use of UHF television channels. While detailed study of the comments and reply comments in Docket 14229 continues, we find it desirable to dispose at this time of two proposals made in Docket 14229—the so-called UHF pool plan and the proposal for dual VHF–UHF operation. Additional portions of Docket 14229 will be disposed of at a later date.

2. As we reiterated in our notice in Docket 14229 there is a pressing need for additional television outlets in most populated areas of the country. It is well known by now that the cause for these shortcomings in the present system derives from the inability of UHF stations to thrive competitively side by side with VHF stations under existing conditions. Announcement late in 1960 by the Department of Defense and the Office of Civil Defense Mobilization, that substantial reassignment of non-Government services now occupying portions of the spectrum which have been considered for a contiguous band of VHF channels would not only involve excessive costs but would unduly disrupt Defense resources, make it clear that fulfillment of the objectives of the nation's television system could be achieved only through much fuller utilization of the UHF channels now allocated for television broadcasting. As a result Docket 14229 was initiated for the purpose of exploring various proposals designed to improve the status of UHF. Although comments were invited on a variety of measures, calculated to reach our objectives, it was emphatically stated that apart from any other considerations which might be invoked to bring about fuller use of UHF, it would be necessary to take effective steps regarding the root problem of receiver incompatibility.

3. On July 10, 1962, the President signed into law P.L. 87-529 which, when implemented by rules of the Commission, will require that all television receivers shipped in interstate commerce or imported into the United States for sale or resale be capable of adequately receiving all television channels. We hope and believe that this legislation, urged by the Commission, will provide the impetus for a successful UHF–VHF allocation system and that time should be allowed to assess the impact of the new law.

4. The enactment of the all-channel television receiver legislation has caused us to reexamine our proposal to provide a "pool" of UHF frequencies for existing VHF licensees and to permit dual VHF–UHF operation by commercial television licensees. The proposal for dual VHF–UHF operation was intended to stimulate the inauguration of UHF service in predominantly VHF markets and the "pool" of UHF channels was designed to provide VHF stations with a UHF channel for such dual operation and to provide a substitute channel if further deintermixture became necessary or if the ultimate solution to the television allocation problem required a move of all television to the UHF channels. The majority of the comments received opposed these concepts as wasteful of spectrum and expensive for broadcasters, without any real likelihood of stimulation for UHF or of providing additional service for the public. Since it is expected that the all-channel receiver legislation will open up opportunities for the fuller use of UHF channels, the above proposals no longer have any immediate utility and being rather extreme measures, are being dropped from the proceeding. We intend to give further consideration to the other proposals set forth in Docket No. 14229, but are abandoning these two suggested measures at this time.

5. Authority for the action taken herein is contained in sections 4 (i) and (j) and 303 of the Communications Act of 1934, as amended.

6. *It is ordered*, That the proposals contained in paragraphs 13 through 17 of the notice of proposed rule making in Docket 14229 (FCC 61-993) for the pooling of UHF channels and for dual UHF–VHF operation are hereby withdrawn.

Adopted: July 18, 1962.

Released: July 20, 1962.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7284; Filed, July 24, 1962; 8:54 a.m.]

[47 CFR Part 18]

[Docket No. 14713; FCC 62-754]

INDUSTRIAL HEATERS

Notice of Proposed Rule Making

Notice is hereby given that the Commission is proposing to amend certain of its regulations pertaining to industrial heaters in Part 18 of its rules. The proposed rules are appended.

On March 8, 1961, the Commission revised its rules pertaining to industrial heaters to require the use of FCC Form 724 for certifying heaters and to spell out in detail the procedures to be followed when such heaters are found to be causing harmful interference. Operation under these rules during the past year has shown the need for certain revisions and that it is feasible to relax some of the present restrictions.

At present only one copy of the ISM certificate on FCC Form 724 must be filed. Experience indicates that our field engineers should be informed of industrial heaters that are installed in their respective areas. The Commission is therefore proposing that two copies of the ISM certificate be filed: The original with the Secretary, Federal Communications Commission in Washington, D.C., as heretofore, and the duplicate with the local Engineer-in-Charge.

We are also proposing to restate several of the details of the radiation report (§ 18.109) in order to clarify the requirements and to make them more specific.

A major change is proposed in the manner in which cases of harmful interference will be handled. At present, an industrial heater which has been ordered to cease operation because of harmful interference (§ 18.120, § 18.121) may not resume operation on a regular basis until the harmful interference has been eliminated, an interference report has been filed with the Engineer-in-Charge, and an ISM certificate filed if not previously filed or if recertification is required. Under this procedure, a premium is placed on completing the ISM certificate and the interference report in as short a time as possible in order to return the machine to regular operation with a minimum of delay. This imposes a heavy burden on the plant operator and on the engineer who has cleared the harmful interference since it may take two or three days to complete the necessary paperwork.

We are proposing to ease this burden by permitting temporary resumption of full-scale operation as soon as the harmful interference has been eliminated. The Engineer-in-Charge will be authorized to grant such permission for a period of ten days. This will permit the engineer to do a more deliberate and better job of preparing the ISM certificate and the interference report, thus reducing the burden both on the engineer and the plant operator. Since the harmful interference will already have been eliminated this relaxation will not endanger any authorized communications.

This proposal to amend the Commission's rules is issued under the Authority of section 4(i), 301, and 303(r) of the Communications Act of 1934, as amended.

Any interested person who is of the opinion that the proposed amendment should not be adopted in the form set forth herein, may file with the Commission on or before August 24, 1962, written data, views, or arguments setting forth his comments. Comments in support of these proposals may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. In reaching its decision on the rule changes which are proposed herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

In accordance with the provisions of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Federal Communications Commission.

Adopted: July 18, 1962.

Released: July 20, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

It is proposed to amend Part 18 in the following respects:

1. In § 18.109, the text of paragraph (f) is deleted and the word "[Reserved]", is inserted in lieu thereof; paragraphs (h), (i), and (j) are amended; and a note is added at the end of the section, as follows:

§ 18.109 Report of radiation measurements.

* * * * * * *

(f) [Reserved]

* * * * * * *

(h) A graph, taken at any convenient point, of field strength versus frequency as required by § 18.107(f). The graph shall also show the ambient noise level. Label the graph to show where the measurements were made.

(i) A graph of the polar radiation pattern as required by § 18.107(b). Label the graph to show the frequency that was used.

(j) A graph of field strength versus distance along the radial of maximum radiation shown in the polar graph required by paragraph (i) of this section. Label the graph to show the frequency that was used.

* * * * * *

NOTE: In the graphs required by paragraphs (i) and (j), use the fundamental frequency when this frequency falls outside an ISM frequency band, and use the lowest harmonic to fall outside an ISM frequency band when the fundamental is an ISM frequency.

2. Section 18.111(b) is amended to insert the phrase "until January 1, 1970", at the end of the paragraph and to make other changes. As amended, § 18.111(b) reads as follows:

§ 18.111 Form of certificate.

* * * * * *

(b) Where the industrial heating equipment is identical to a prototype which had been tested for radiation prior to April 30, 1961, the certificate heretofore issued by the manufacturer for such equipment may be substituted for Part III of FCC Form 724 until January 1, 1970.

3. Section 18.116 is amended to read as follows:

§ 18.116 Certificate to be filled with Commission.

(a) Two copies of FCC Form 724 required by § 18.101 and § 18.111 shall be filed. The original shall be filed with the Secretary, FCC, Washington 25, D.C. The second copy shall be filed with the Engineer-in-Charge of the field office having cognizance over the area in which the heater is located.

(b) Each copy shall be completed with attachments as required.

(c) A facsimile copy of the properly completed and signed Part III of FCC Form 724 may be submitted in lieu of the original thereof.

4. Section 18.119 is amended to read as follows:

§ 18.119 Elimination and investigation of harmful interference.

(a) The operator of industrial heating equipment that causes harmful interference shall promptly take appropriate measures to eliminate the harmful interference.

(b) When notified by the Commission that his installation is causing harmful interference, the operator shall arrange for an engineer skilled in interference measurements and control techniques to make an investigation to ensure that the harmful interference has been eliminated. The Commission may require the engineer making the investigation to furnish proof of his qualifications.

(c) The results of the investigation required by paragraph (b) of this section shall be reported to the Commission's Engineer-in-Charge of the district office in accordance with the provisions of § 18.122.

(d) If the equipment has not been certificated or if renewal of the certificate is required, a certificate covering the equipment shall be filed in accordance with the provisions of § 18.116.

5. Section 18.120 is amended to read as follows:

§ 18.120 Interference to a radionavigation or safety service.

(a) If the operator of industrial heating equipment is notified by the Commission that operation of such equipment is endangering the functioning of a radionavigation or a safety service, he shall immediately cease operating the equipment.

(b) Operation may be resumed on a temporary basis, with the permission of the Engineer-in-Charge of the district office, but only for the purpose of eliminating the harmful interference, making the interference investigation, and obtaining or renewing certification if required. Requests for permission to operate on a temporary basis may be made and granted by telephone, but in that event the request and the grant shall be confirmed promptly in writing.

(c) If the results of the interference investigation demonstrate that the harmful interference has been eliminated, and if the field work involved in certification, when required, demonstrates that the equipment meets the requirements for certification, the operator may, with the permission of the Engineer-in-Charge of the district office, resume full operation for a period of ten days pending preparation and submission of the final interference report required by § 18.122 and the certificate required by § 18.101 and § 18.111. Requests for permission to operate under such circumstances may be made and granted by telephone, but in that event the request and the grant shall be confirmed promptly in writing.

(d) Operation may be resumed on a regular basis after the harmful interference has been eliminated and the interference report and certificate, if required, have been filed.

6. Section 18.121 is amended to read as follows:

§ 18.121 Interference to other radio services.

(a) If the operator of industrial heating equipment is notified by the Commission that operation of such equipment is obstructing or repeatedly interrupting an authorized radio service other than a radionavigation or safety service, he shall take prompt measures to eliminate the harmful interference but need not cease operation unless ordered to do so by the Commission.

(b) If the operator is ordered to cease operation, he may resume operation on a temporary basis, with the permission of the Engineer-in-Charge of the district office, but only for the purpose of eliminating the harmful interference,

[1] Dissenting statement of Commissioner Lee filed as part of original document.

making the interference investigation, and obtaining or renewing certification. Request for permission to operate on a temporary basis may be made and granted by telephone, but in that event the request and the grant shall be confirmed promptly in writing.

(c) If the results of the interference investigation demonstrate that the harmful interference has been eliminated, and if the field work involved in certification, if required, demonstrates that the equipment meets the requirements for certification, the operator may, with the permission of the Engineer-in-Charge of the district office, resume full operation for a period of ten days pending preparation and submission of the final interference report required by § 18.122 and the certificate required by § 18.101 and § 18.111. Requests for permission to operate under such circumstances may be made and granted by telephone, but in that event the request and the grant shall be confirmed promptly in writing.

(d) Operation may be resumed on a regular basis after the harmful interference has been eliminated and the interference report and certificate, if required, have been filed.

7. Section 18.122(c) is amended to read as follows:

§ 18.122 Report of interference investigation.

* * * * *

(c) The final report on the interference investigation shall list each radio facility which was receiving harmful interference, and shall describe the measures taken to eliminate harmful interference, and shall describe the measures taken to eliminate harmful interference, and shall describe the tests made to ensure that harmful interference has been eliminated, together with the test results and the date and time of each test. In the case of interference to broadcast receivers, the final report shall list the location of each receiver which was receiving harmful interference and the name of each receiver owner, and shall specify the date and time each receiver was checked to ensure that harmful interference has been eliminated.

[F.R. Doc. 62-7285; Filed, July 24, 1962; 8:54 a.m.]

INTERSTATE COMMERCE COMMISSION

[No. MC-C-1]

[49 CFR Part 170]

REDEFINITION OF THE ST. LOUIS, MO.-EAST ST. LOUIS, ILL., COMMERCIAL ZONE

Notice of Proposed Rule Making

JULY 20, 1962.

Petitioners: Phillips Pipe Line Company, Cahokia Trust and East Side Industrial Association.

Petitioners representatives: Frank C. Mansfield (Counsel for East Side Industrial Association), 403 First National Bank Building, East St. Louis, Ill. Glen T. Patterson and D. E. Hodges, Counsel for Phillips Pipe Line Company and Cahokia Trust, Adams Building, Bartlesville, Okla.

By petition filed April 12, 1962, petitioners requested the Commission to reopen this proceeding for the purpose of re-defining the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, which was last defined by the Commission on May 21, 1958, reported at 76 M.C.C. 418 (49 CFR 170.3). As presently defined, the commercial zone of St. Louis, Mo.-East St. Louis, Ill., includes (1) all points within the corporate limits of St. Louis, Mo., (2) all points in a described area in Mo., and (3) all points within the corporate limits of East St. Louis, Belleville, Granite City, Madison, Venice, Brooklyn, National City, Fairmont City, Washington Park, and Monsanto, Ill. The instant petitioner requests the Commission to enlarge and redefine the St. Louis, Mo.-East St. Louis, Ill. commercial zone to include Cahokia, Ill.

This proceeding is assigned for oral hearing on September 20, 1962, before Examiner Alvin H. Schutrumpf, at the Pick-Mark Twain Hotel, St. Louis, Mo.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, division 1.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 62-7262; Filed, July 24, 1962; 8:52 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

DEPUTY ASSISTANT ADMINISTRATOR AND CHIEF, CONTRACT STAFF, AFE

Redelegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 17 from the Administrator, dated June 14, 1962, I hereby redelegate, for countries or areas within the responsibility of this Regional Bureau, authority to the Deputy Assistant Administrator and the Chief, Contract Staff, AFE, to sign or approve the following:

(1) Contracts and amendments to contracts financed in whole or in part by A.I.D., other than contracts financed under loan agreements or contracts exclusively for the supply of commodities, and grants other than to a foreign government, or agencies of a foreign government, or an international organization;

(2) Letters of Commitment and Notices of Approval for Financing of Cooperating Country Contracts for contracts described in paragraph (1) above;

(3) Project Implementation Orders—Technical Services (PIO/T).

The authorities herein redelegated to designated officers may be exercised by persons who are performing the functions of such officers in an "Acting" capacity. The authorities are to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D.

The authorities redelegated herein may not be further redelegated.

The Redelegation of Authority from the Director, Office of Contract Relations to Murray Gray, dated January 8, 1962, is hereby revoked.

This Redelegation of Authority shall be effective immediately.

EDMOND C. HUTCHINSON,
Assistant Administrator for Africa and Europe.

JUNE 18, 1962.

[F.R. Doc. 62-7242; Filed, July 24, 1962; 8:48 a.m.]

CHIEF, RESEARCH SUPPORT STAFF

Redelegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 17 from the Administrator, dated June 14, 1962, for programs authorized under sec. 241 of the Foreign Assistance Act of 1961, I hereby redelegate authority to the Chief, Research Support Staff to sign or approve the following:

(a) Contracts and amendments to contracts financed in whole or in part by A.I.D., other than contracts exclusively for the supply of commodities, and grants other than to a foreign government, or agencies of a foreign government, or an international organization; and

(b) Project Implementation Orders—Technical Services (PIO/T).

The authorities herein redelegated may be exercised by a person who is performing the functions of the Chief, Research Support Staff in an "Acting" capacity. The authorities are to be exercised in accordance with regulations, procedures, and policies now or hereafter established or modified and promulgated within A.I.D.

The authorities redelegated herein may not be further redelegated.

This Redelegation of Authority is effective immediately.

EDWARD C. FEI,
Acting Director, Research, Evaluation and Planning Assistance Staff.

JUNE 21, 1962.

[F.R. Doc. 62-7243; Filed, July 24, 1962; 8:49 a.m.]

CHIEF, CONTRACT STAFF

Redelegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 17 from the Administrator, dated June 14, 1962, I hereby redelegate, for countries or areas within the responsibility of this Regional Bureau, authority to the Chief, Contract Staff, to sign or approve the following:

(1) Contracts and amendments to contracts financed in whole or in part by A.I.D., other than contracts exclusively for the supply of commodities, and grants other than to a foreign government, or agencies of a foreign government, or an international organization;

(2) Letters of Commitment and Notices of Approval for Financing of Cooperating Country Contracts for contracts described in paragraph (1) above;

(3) Project Implementation Orders—Technical Services (PIO/T).

The authorities herein redelegated may be exercised by a person who is performing the functions of the Chief, Contract Staff, in an "Acting" capacity. The authorities are to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D.

The authorities redelegated herein may not be further redelegated.

The Redelegation of Authority from the Director, Office of Contract Relations to Adolph J. Bennett dated January 8, 1962, is hereby revoked.

This Redelegation of Authority is effective immediately.

SEYMOUR J. JANOW,
Assistant Administrator for Far East.

JUNE 28, 1962.

[F.R. Doc. 62-7244; Filed, July 24, 1962; 8:49 a.m.]

CHIEF, CONTACT STAFF, ET AL.

Redelegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 17 from the Administrator, dated June 14, 1962, I hereby redelegate, for countries or areas within the responsibility of this Regional Bureau, authority:

(a) To each of Chief, Contract Staff; Chief, Commercial Contracts Branch; and Chief, Institutional Contracts Branch to sign or approve the following:

(1) Contracts and amendments to contracts financed in whole or in part by A.I.D., other than contracts financed under loan agreements or contracts exclusively for the supply of commodities, and grants other than to a foreign government, or agencies of a foreign government, of an international organization;

(2) Letters of Commitment and Notices of Approval for Financing of Cooperating Country Contracts for contracts described in paragraph (1) above;

(b) To the Director, Office of Technical Support, authority to sign and approve Project Implementation Orders—Technical Services (PIO/T).

The authorities herein redelegated to designated officers may be exercised by persons who are performing the functions of such Officers in an "Acting" capacity. The authorities are to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D.

The authorities redelegated herein may not be further redelegated.

The Redelegation of Authority from the Director, Office of Contract Relations to Francis T. O'Donnell dated January 8, 1962, is hereby revoked.

This redelegation of authority is effective immediately.

WILLIAM S. GAUD,
Assistant Administrator for Near East and South Asia.

JUNE 29, 1962.

[F.R. Doc. 62-7245; Filed, July 24, 1962; 8:49 a.m.]

DEPUTY ASSISTANT ADMINISTRATOR ET AL.

Redelegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 17

from the Administrator, dated June 14, 1962, I hereby redelegate, for countries or areas within the responsibility of this Regional Bureau, authority to the Deputy Assistant Administrator, to the Deputy Assistant Administrator for Management and Operations, and to the Chief, Contract Services Staff, to sign or approve the following:

(1) Contracts and amendments to contracts financed in whole or in part by A.I.D. (other than contracts exclusively for the supply of commodities) and grants other than to a foreign government, or to an agency of a foreign government, or to an international organization;

(2) Letters of Commitment and Notices of Approval for Financing of Cooperating Country Contracts for contracts described in paragraph (1) above;

(3) Project Implementation Orders—Technical Services (PIO/T).

The authorities herein redelegated may be exercised by persons who are performing, respectively, the functions of the Deputy Assistant Administrator, the Deputy Assistant Administrator for Management and Operations, and the Chief, Contract Services Staff, in an "Acting" capacity. The authorities are to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D.

The authorities redelegated herein may not be further redelegated.

The Redelegation of Authority from the Director, Office of Contract Relations, to Raymond J. Connolly dated January 8, 1962, is hereby revoked.

This Redelegation of Authority is effective immediately.

TEODORO MOSCOSO,
Assistant Administrator for Latin America.

JUNE 22, 1962.

[F.R. Doc. 62-7246; Filed, July 24, 1962; 8:49 a.m.]

CHIEF AND ASSISTANT CHIEF, CONTRACT SERVICES DIVISION

Redelegation of Authority

Pursuant to authority vested in me by Delegation of Authority No. 17, dated June 14, 1962, issued by the Administrator, Agency for International Development, I hereby redelegate to: Chief, Contract Services Division, and Assistant Chief, Contract Services Division, in the Office of Program Support, authority to sign or approve:

a. Contracts and amendments to contracts financed in whole or in part by AID, other than contracts exclusively for the supply of commodities, and grants other than to a foreign government, or agencies of a foreign government or an international organization;

b. Letters of Commitment and Notices of Approval for Financing of Cooperating Country Contracts for contracts described in paragraph (a) above;

c. Project Implementation Orders—Technical Services (PIO/T);

d. Amendment or modifications (pursuant to Executive Order 10784) of A.I.D.-financed contracts entered into with nonprofit institutions under which no fee is charged or paid, where the amendment or modification is requested by the contractor and does not involve a consideration for the United States, provided that all such amendments or modifications are requested prior to final payment under the contract, and provided further that the approval of all such amendments or modifications involving $25,000 or more have my specific approval.

These authorities may not be further redelegated but existing sub-delegations of authority for signing and issuing Field Purchase Orders and interpreter service contracts issued by the above designee as Director, Office of Contract Relations, are hereby continued in effect until further modified by me.

The authorities herein delegated to designated officers may be exercised by persons who are performing the functions of such officers in an "Acting" capacity. These authorities are to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D.

This delegation of authority shall be effective immediately.

ROY W. CRAWLEY,
Acting Assistant Administrator for Administration.

JUNE 15, 1962.

[F.R. Doc. 62-7247; Filed, July 24, 1962; 8:49 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[491.22]

TAPE AND SIMILAR RECORDING AND REPRODUCING MACHINES AND PARTS THEREOF

Tariff Classification

JULY 19, 1962.

In the FEDERAL REGISTER of January 9, 1960, Vol. 25, No. 6, page 205, notice was given that the Bureau had under consideration the propriety of advising collectors of customs that the existing practices of classifying wire, disc, and other sound recording and reproducing mechanisms, and parts of the foregoing, require modification in view of the principles of C.D. 2070 (42 Cust. Ct. 87).

After the fullest consideration of the question in the light of the views advanced as a result of the notice in the FEDERAL REGISTER, the Bureau has concluded that the existing practices of classifying certain electrically-operated disc, wire, and tape recording and playback machines and certain metal parts, such as recording wires, whether or not bearing recordings, under paragraph 353, Tariff Act of 1930, and of classifying other parts, not of metal, according to the component material of chief value, are not required to be modified, and that C.D. 2070 shall be construed to be controlling only with respect to recorded sound tapes, the merchandise actually passed upon in that case.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

[F.R. Doc. 62-7268; Filed, July 24, 1962; 8:45 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

REORGANIZATION ORDER

Transfer of the Alaska Communication System

The Secretary of Defense approved the following on May 24, 1962:

SECTION 1. *Transfer of function.* The responsibility for the operation and maintenance of the Alaska Communication System and the authority vested in the Secretary of the Army by the Act of May 26, 1900 (31 Stat. 206; 48 U.S.C. 310) is transferred from the Secretary of the Army to the Secretary of the Air Force.

SEC. 2. *Performance of the transferred function.* The Secretary of the Air Force may from time to time make such provisions as he shall deem appropriate authorizing the performance of any other officer, or by any office, agency, or employee of the Department of the Air Force of any function transferred to the Secretary by the provisions of this order.

SEC. 3. *Effective date.* The provisions of this order shall take effect on the date determined under section 202(c) of the National Security Act of 1947, as amended (72 Stat. 514; 5 U.S.C. 171a(c)), or on July 1, 1962, whichever is later.

MAURICE W. ROCHE,
Administrative Secretary.

JULY 19, 1962.

[F.R. Doc. 62-7221; Filed, July 24, 1962; 8:45 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ADOLFO AND JOAQUIN GIESEMANN

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Adolfo Giesemann, 5a Avda. Sta. Clara, Chalet "Lourdes", Guatemala City, Guatemala; $3,493.01 in the Treasury of the United States.

Joaquin Giesemann, Av. Juarez 42, Edificio C. Desp. 501, Mexico 1, D. F.; $3,493.01 in the Treasury of the United States. Claim No. 36937. Vesting Order No. 104.

Executed at Washington, D.C., on July 18, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F.R. Doc. 62-7219; Filed, July 24, 1962; 8:45 a.m.]

SIMON AND EMIL KACZ

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Simon Kacz, Plesmanlaan 66, Badhoevedorp, The Netherlands; $283.57 in the Treasury of the United States.

Emil Kacz, 77 West 104th Street, New York 25, N.Y.; $283.57 in the Treasury of the United States. Claim No. 62594. Vesting Order No. 17893.

Executed at Washington, D.C., on July 18, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F.R. Doc. 62-7218; Filed, July 24, 1962; 8:45 a.m.]

MRS. MISAKO TAKAMOTO

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Misako Takamoto, Jigozen Mura, Saiki Gun, Hiroshima Ken, Japan; $2,872.10 in the Treasury of the United States. Claim No. 62202. Vesting Orders Nos. 16022 and 16023.

Executed at Washington, D.C., on July 18, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F.R. Doc. 62-7220; Filed, July 24, 1962; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification order Nos. 216 and 224]

CALIFORNIA

Small Tract Classification: Amendment

Effective June 27, 1962, Paragraph 9, of Federal Register Document 50-4924 appearing on page 3655 of the issue for June 9, 1950 is hereby amended to include the following sentence after the first sentence: "The NE¼SE¼SE¼SE¼ and NE¼NE¼SE¼SE¼ will be subject to rights-of-way not exceeding 55 feet in width along their east boundaries."

Effective June 27, 1962, Paragraph 10, of Federal Register Document 50-5327 appearing on page 3987 of the issue for June 21, 1950 is hereby amended to include the following sentence after the first sentence: "The E½SE¼NE¼SE¼ will be subject to a right-of-way not exceeding 55 feet in width along its east boundary."

DERREL S. FULWIDER,
Acting District Manager, District Office, 223 Chester Ave., Bakersfield, California.

[F.R. Doc. 62-7235; Filed, July 24, 1962; 8:47 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands and Partial Elimination Thereof

JULY 11, 1962.

The Forest Service, United States Department of Agriculture has filed an application, Serial Number Sacramento 050712 for the withdrawal of the lands described below, from prospecting, location, entry and purchase under the mining laws, subject to existing valid claims. The applicant desires the land for withdrawal of the land to protect recreation areas and campgrounds in the Inyo National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 420, U.S. Courthouse and Federal Building, 650 Capitol Avenue, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

CALIFORNIA

MOUNT DIABLO MERIDIAN, IN THE INYO NATIONAL FOREST CAMPGROUND AREAS

Saddlebag Reservoir

T. 1 N., R. 24 E.,
Sec. 12: SE¼SE¼NE¼, S½NE¼SE¼NE¼.
T. 1 N., R. 25 E.,
Sec. 7: NE¼ Lot 29, S½ Lot 29.

Tioga Junction

Sec. 19: Lots 26, 27, 32, 33.

Tioga Lake

Sec. 19: Lot 41;
Sec. 30: W½ Lot 25, E½ Lot 26, Lot 33.

Ellery Lake

Sec. 20: Lot 3, E½NW¼.

Upper Lee Vining Creek

Sec. 14: S½NW¼SW¼, SW¼SW¼.

The areas described aggregate 503.66 acres.

The applicant agency has cancelled its application insofar as it involved the lands described below for the reason that these lands are included in pending United States Department of Agriculture Proposed Withdrawal Sacramento 050114, of lands from prospecting, location, entry, and purchase under the mining laws, subject to existing valid claims. Therefore pursuant to the regulation contained in Title 43, Code of Federal Regulations Part 295, and such lands will be at 10:00 a.m., on August 11, 1962, relieved of the segregative effect of the above-mentioned application:

T. 1 N., R. 24 E., M.D.M.,
Sec. 12: SE¼SW¼, S½SE¼, NW¼SE¼.

The area eliminated aggregates 160.00 acres.

WALTER E. BECK,
Manager, Land Office, Sacramento, 4201 U.S. Courthouse and Federal Building, 650 Capitol Avenue, Sacramento 14, Calif.

[F.R. Doc. 62-7236; Filed, July 24, 1962; 8:47 a.m.]

Geological Survey

[Coal Classification Order New Mexico No. 88]

NEW MEXICO

Areas Classified as Coal Land

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described land, insofar as title thereto remains in the United States, is hereby classified as coal land:

NEW MEXICO MERIDIAN, NEW MEXICO

T. 31 N., R. 11 W.
T. 31 N., R. 12 W.
T. 30 N., R. 13 W.
All sections.

The area described aggregates 68,864.96 acres, more or less.

ARTHUR A. BAKER,
Acting Director.

JULY 9, 1962.

[F.R. Doc. 62-7232; Filed, July 24, 1962; 8:47 a.m.]

[Coal Classification Order New Mexico No. 89]

NEW MEXICO

Areas Classified as Coal Land

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described land, insofar as title thereto remains in the United States, is hereby classified as coal land:

NEW MEXICO MERIDIAN, NEW MEXICO

T. 29 N., R. 11 W.: All.
T. 30 N., R. 11 W.: All.
T. 29 N., R. 12 W.: All.
T. 30 N., R. 12 W.: All.

The area described aggregates 92,215 acres, more or less.

ARTHUR A. BAKER,
Acting Director.

July 9, 1962.

[F.R. Doc. 62-7233; Filed, July 24, 1962; 8:47 a.m.]

[Coal Classification Order New Mexico No. 90]

NEW MEXICO

Areas Classified as Coal Land

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described land, insofar as title thereto remains in the United States, is hereby classified as coal land:

NEW MEXICO MERIDIAN, NEW MEXICO

T. 28 N., R. 10 W.: All.
T. 28 N., R. 11 W.: All.

The area described aggregates 33,871.67 acres, more or less.

ARTHUR A. BAKER,
Acting Director.

JULY 9, 1962.

[F.R. Doc. 62-7234; Filed, July 24, 1962; 8:47 a.m.]

Office of the Secretary

JICARILLA APACHE RESERVATION, NEW MEXICO

Resolution Legalizing the Introduction, Sale or Possession of Intoxicants

Pursuant to the act of August 15, 1953 (Public Law 277, 83d Congress, 1st Session), I certify that Jicarilla Apache Tribal Council Resolution No. 62-222 was adopted on May 4, 1962, determining that the introduction, sale or possession of intoxicating beverages shall be lawful in accordance with the laws of the State of New Mexico on the Jicarilla Apache Reservation, New Mexico. Relevant portions of the Resolution read as follows:

Whereas, Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488, and 3618 of Title 18, United States Code, commonly referred to as the Federal Indian Liquor laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER:

Therefore be it resolved, that the introduction, sale or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Jicarilla Apache Tribe, provided, that such introduction, sale or possession is in conformity with the laws of New Mexico, and

Be it further resolved, that any tribal laws, resolutions or ordinances heretofore enacted which prohibit the sale, introduction or possession of introxicating beverages are hereby repealed, and

Be it further resolved, that these resolutions shall remain in full force and effect until a certified copy or copies of a duly adopted resolution or resolutions effecting a rescission or amendment, as the case may be, shall have been furnished the Secretary of the Interior or his authorized representative.

JOHN A. CARVER, Jr.,
Acting Secretary of the Interior.

JULY 19, 1962.

[F.R. Doc. 62-7241; Filed, July 24, 1962; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Programs

[Case No. 307]

KOLLE & CO. AND W. G. KOLLE

Order Denying Export Privileges

In the matter of Kolle & Company, W. G. Kolle, P. C. Hoofstraat 43, Amsterdam, The Netherlands, respondents.

The Director, Investigations Staff, Bureau of International Programs (formerly the Bureau of Foreign Commerce), United States Department of Commerce (hereafter referred to as the BIP) by charging letter dated March 28, 1962, charged the respondents named above with violations of the Export Control Act of 1949 as amended, and the Export Regulations issued thereunder.

It was alleged that the respondents (hereafter collectively referred to as Kolle) obtained from a U.S. supplier through an order placed with its Netherlands affiliate company, 1100 kilos of potassium permanganate U.S.P. valued at $768.60, CIF. Rotterdam, and shipped under General License GRO with a commercial invoice and an ocean bill of lading containing the destination control notice reading as follows: "United States law prohibits disposition of these commodities to the Soviet bloc, Communist China, North Korea, Macao, Hong Kong or Communist-controlled areas of Vietnam and Laos and Cuba unless otherwise authorized by the United States."

It was further alleged that despite receipt of these documents with the shipment, Kolle, without requesting or receiving permission from the United States Government, disposed of and transshipped the 1100 kilos of potassium permanganate to its intended customer Firma Medimpex, Budapest, Hungary, a Soviet bloc destination.

By such actions it was asserted that Kolle had committed violations of the U.S. Export Control law and the U.S. Export Regulations. The charging letter was delivered to the respondents who have filed an answer thereto admitting the violations as charged but pleading that they were under pressure from their customers to ship at once rather than apply for permission from the BIP which they believed would have been granted. At the time they placed the order through the Amsterdam affiliate of the U.S. supplier they had not known that special permission was required until they received the order acknowledgment from the U.S. supplier. "However we sold firmly to Hungary and taking into our consideration that it concerned a small parcel of no strategic character, . . ." The shipment had been delayed several months and they "request you kindly to take into your consideration the fact that the wrong dealings were made by us out of a 'force-majeure' position, caused by our mistake not to ask at once for the permit from your government, . . ." There was no request for an oral hearing.

Accordingly the matter was assigned to the Compliance Commissioner who received evidence and argument on behalf of the BIP from a member of the Office of General Counsel, Department of Commerce, and received and considered the answer with evidential enclosures from the Respondents.

The Compliance Commissioner has made his findings and recommended to me that an order be issued denying respondents all export privileges for a period of three months and that they be put on probation for an additional period of nine months.

Now, after considering and reviewing the entire record, consisting of the charging letter, the answer, the evidence submitted in support thereof, and the report of the Compliance Commissioner, I make the following findings of fact:

(1) In April 1961, Kolle placed an order with the Amsterdam affiliate of a U.S. supplier for 1100 kilos of potassium permanganate U.S.P. valued at $768.60, CIF Rotterdam, to be exported to Kolle. This order was accepted April 27, 1961, by the U.S. supplier and an exportation to Kolle was made by it under General License GRO.

(2) The order acknowledgement from the U.S. supplier as well as the commercial invoice and the ocean bill of lading covering the shipment from the United States contained a clause, reading as follows:

United States law prohibits disposition of these commodities to the Soviet bloc, Communist China, North Korea, Macao, Hong Kong or Communist-controlled areas of Viet-Nam and Laos and Cuba unless otherwise authorized by the United States.

(3) Despite this series of notices Kolle, without requesting or receiving permission from the United States Government, in June 1961 sold, transshipped, and disposed of the said 1100 kilos of potassium permanganate to its intended customer, Firma Medipex, Budapest, Hungary, a Soviet bloc destination.

After consideration of the entire record and from the above findings of fact, I have reached the following conclusions:

By such actions the respondents have knowingly (a) bought, received, sold, disposed of, forwarded and transported an exportation from the United States, with knowledge that violations of the United States export law had occurred, were about to and were intended to occur, in violation of § 381.4 of the Export Regulations; (b) without authorization of the BIP, disposed of, transshipped and reexported a commodity to a person and destination contrary to (1) notifications of prohibition against such action, (2) to the destination control notices appearing on the ocean bill of lading and commercial invoice, and (3) to the Export Control Law and regulations in violation of §§ 379.10(d)(2) and 381.6 of the Export Regulations.

Accordingly it is ordered:

I. All outstanding validated export licenses in which Kolle and Company and W. G. Kolle appear or participate as purchaser, intermediate or ultimate consignee, or otherwise are hereby revoked and shall be returned to the Bureau of International Programs for cancellation.

II. For a period of one year from the date of this order, the respondents Kolle & Company and W. G. Kolle hereby are denied all privileges of participating directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed, except as qualified in Part IV hereof. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by any such respondent or related party, directly or indirectly, in any manner or capacity (a) as a party or as a representative of a party to any validated export license application, (b) in the preparation or filing of any export license application or document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, or disposing in any foreign country of any commodities in whole or in part exported from the United States, and (d) in the financing, transporting, or other servicing of such exports from the United States.

III. Such denials of export privileges, to the extent that any respondent or related party may be affected hereby, shall extend not only to each of them, but also to any person, firm, corporation, or business organization with which any of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

IV. Three months from the date hereof without further order of the Bureau of International Programs, Kolle & Company, and W. G. Kolle shall have their export privileges restored to them conditionally, the condition for such restoration being that during one year following the date hereof the said respondents shall comply in all respects with this order and with all requirements of the Export Control Act of 1949, as amended, and all regulations, licenses and orders issued thereunder.

V. The privileges so conditionally permitted to Kolle & Company and W. G. Kolle, hereof, may be revoked summarily and without notice upon a finding by the Director of the Office of Export Control, or such other official as may at that time be exercising the duties now exercised by him, that any of such parties has knowingly failed to comply with the conditions set forth therein, in which event Part II hereof shall be and become effective as to the party or parties found to have violated, without thereby precluding the Bureau of International Programs from taking such other and further action based on such violation or violations as it shall deem warranted. In the event that such supplemental order is issued, the said respondents shall have the right to appeal therefrom, as provided in the Export Regulations.

VI. During any time when a respondent or any related party is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, or other business organization whether in the United States or elsewhere, on behalf of or in any association with any such respondent or related party, without prior disclosure to and specific authorization from the Bureau of International Programs, shall directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any export license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, or (b) order, receive, buy, sell, deliver, use, dispose of, finance, transport, forward, or otherwise service or participate in any exportation from the United States. Nor shall any person, firm, corporation, or other business organization do any of the foregoing acts with respect to any exportation in which such respondent or related party may have any interest or obtain any benefit of any kind or nature, direct or indirect.

Dated: July 19, 1962.

FORREST D. HOCKERSMITH,
Director, Office of Export Control.

[F.R. Doc. 62-7252; Filed, July 24, 1962; 8:50 a.m.]

Office of the Secretary

DEPUTY ASSISTANT SECRETARY FOR ADMINISTRATION

Delegation of Authority, (Revocation)

1. Pursuant to the authority vested in the Assistant Secretary of Commerce for Administration by Department Order No. 134 (Revised), the delegation of authority (27 F.R. 3570) dated April 13, 1962, to the Deputy Assistant Secretary for Administration to perform the functions and exercise the authority vested in the Assistant Secretary of Commerce for Administration and Public Affairs is hereby revoked.

2. The revocation of this delegation of authority shall be effective as of the date hereof.

Dated: July 18, 1962.

HERBERT W. KLOTZ,
Assistant Secretary of Commerce for Administration.

[F.R. Doc. 62-7251; Filed, July 24, 1962; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

DIRECTOR, TOBACCO DIVISION

Delegation of Authority

Pursuant to the authority delegated to the Deputy Administrator for Price and Production (on August 17, 1961, 26 F.R. 7812), there is hereby delegated to the Director, Tobacco Division, Agricultural Stabilization and Conservation Service, with power to redelegate, authority with respect to marketing agreements and orders for tobacco, to perform the duties and to exercise the functions and powers vested in the Deputy Administrator for Price and Production, Agricultural Stabilization and Conservation Service, by such delegation.

Signed at Washington, D.C., July 19, 1962.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-7289; Filed, July 24, 1962; 8:56 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of full-time students (29 CFR Part 519), and Administrative Order No. 561 (27 F.R. 4001) the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, type of establishment and total number of employees of the

establishment are as indicated below. Pursuant to § 519.6(b) of the regulations, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to 29 CFR 519.6 (c) and (g) providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

Region I

Centers, Railroad Street, St. Johnsbury, Vt.; effective 6–10–62 to 6–9–63 (variety store; 26 employees).

M. H. Fishman Co., Inc., 52–58 Pleasant Street, Claremont, N.H.; effective 6–10–62 to 6–9–63 (variety store; 27 employees).

M. H. Fishman Co., 41 Main Street, Newport, Vt.; effective 6–10–62 to 6–9–63 (variety store; 14 employees).

M. H. Fishman Co., Inc., 151–159 Main Street, Waterville, Maine; effective 6–10–62 to 6–9–63 (variety store; 21 employees).

W. T. Grant Co., 324–350 Essex Street, Lawrence, Mass., effective 6–10–62 to 6–9–63 (department store; 133 employees).

W. T. Grant Co., 48–54 Main Street, Newport, Vt.; effective 6–19–62 to 6–18–63 (department store; 24 employees).

Grover Cronin Inc., 223 Moody Street, Waltham 54, Mass.; effective 6–10–62 to 6–9–63 (department store; 535 employees).

S. S. Kresge Co. (229), 439 Main Street, Fitchburg, Mass.; effective 6–10–62 to 6–9–63 (variety store; 35 employees).

McCrory-McLellan-Green, 26 Merrimack Street, Lowell, Mass.; effective 6–10–62 to 6–9–63 (variety store; 34 employees).

McLellans, 397 East State Street, Westport, Conn.; effective 6–10–62 to 6–9–63 (variety store; 20 employees).

G. C. Murphy Co. (#63), 218–22 Main Street, Ansonia, Conn.; effective 6–10–62 to 6–9–63 (variety store; 24 employees).

G. C. Murphy Co. (#97), 134–36 Church Street, Naugatuck, Conn.; effective 6–10–62 to 6–9–63 (variety store; 21 employees).

G. C. Murphy Co. (#93), 67–71 Main Street, Torrington, Conn.; effective 6–10–62 to 6–9–63 (variety store; 25 employees).

J. J. Newberry Co., 845 Main Street, Hartford, Conn.; effective 6–10–62 to 6–9–63 (variety store; 77 employees).

J. J. Newberry Co., 113–119 Main Street, Calais, Maine; effective 6–10–62 to 6–9–63 (variety store; 11 employees).

J. J. Newberry Co., Main Street, Houlton, Maine; effective 6–10–62 to 6–9–63 (variety store; 16 employees).

J. J. Newberry Co., 435 Main Street, Presque Isle, Maine; effective 6–10–62 to 6–9–63 (variety store; 19 employees).

J. J. Newberry Co., 65 Congress Street, Rumford, Maine; effective 6–10–62 to 6–9–63 (variety store; 16 employees).

Newberry Franklin Corp., 384–388 Central Street, Franklin, N. H.; effective 6–10–62 to 6–9–63 (variety store; 41 employees).

Newberry Laconia Corp., 601 Main Street, Laconia, N. H.; effective 6–10–62 to 6–9–63 (variety store; 28 employees).

Westfield Newberry Corp., 56–66 Elm Street, Westfield, Mass.; effective 6–10–62 to 6–9–63 (variety store; 46 employees).

Region IV

Bethea Grocery Co., Inc., d/b/a Help Your Self Stores, Laurel, Miss.; effective 6–20–62 to 6–19–63 (food store; 82 employees).

Colonial Stores, Inc., 1125 Tuscaloosa Avenue, Birmingham, Ala.; effective 6–11–62 to 6–10–63 (food store; 15 employees).

Colonial Stores, Inc., 405—20th Street, Ensley, Birmingham, Ala.; effective 6–11–62 to 6–10–63 (food store; 15 employees).

Colonial Stores, Inc., 7747—First Avenue N., East Lake, Birmingham, Ala.; effective 6–11–62 to 6–10–63 (food store; 19 employees).

Colonial Stores, Inc., 1019 Oxmoor Road (Homewood), Birmingham, Ala.; effective 6–11–62 to 6–10–63 (food store; 16 employees).

Colonial Stores, Inc., 2717 Culver Road, Mountain Brook, Birmingham, Ala.; effective 6–11–62 to 6–10–63 (food store; 16 employees).

Colonial Stores, Inc., 5—55th Street N., Woodlawn, Birmingham, Ala.; effective 6–11–62 to 6–10–63 (food store; 17 employees).

Colonial Stores, Inc., 910 East Broad Street, East Gadsden, Ala.; effective 6–11–62 to 6–10–63 (food store; 22 employees).

Colonial Stores, Inc., 753 Forrest Avenue, Gadsden, Ala.; effective 6–11–62 to 6–10–63 (food store; 19 employees).

Colonial Stores, Inc., Midfield Park Shopping Center, 34 Midfield Park, Midfield 8, Ala.; effective 6–11–62 to 6–10–63 (food store; 27 employees).

Colonial Stores, Inc., 57 Main Street, Roanoke, Ala.; effective 6–11–62 to 6–10–63 (food store; 14 employees).

Colonial Stores, Inc., 382 Broad Street, Athens, Ga.; effective 6–11–62 to 6–10–63 (food store; nine employees).

Colonial Stores, Inc., 285 West Washington Street, Athens, Ga.; effective 6–11–62 to 6–10–63 (food store; 17 employees).

Colonial Stores, Inc., 2045 Bankhead Avenue NW., Atlanta 18, Ga.; effective 6–11–62 to 6–10–63 (food stores; 37 employees).

Colonial Stores, Inc., 2153 Briarcliff Road NE., Atlanta 6, Ga.; effective 6–11–62 to 6–10–63 food store; 21 employees).

Colonial Stores, Inc., 2080 Campbellton Road SW., Atlanta 11, Ga.; effective 6–11–62 to 6–10–63 (food store; 34 employees).

Colonial Stores, Inc., 3693 Campbellton Road SW., (Ben Hill), Atlanta, Ga.; effective 6–11–62 to 6–10–63 (food store; 25 employees).

Colonial Stores, Inc., 239 Edgewood Avenue NE., Atlanta 13, Ga.; effective 6–11–62 to 6–10–63 (food store; 16 employees).

Colonial Stores, Inc., 1117 Euclid Avenue NE., Atlanta 7, Ga.; effective 6–11–62 to 6–10–63 (food store; 20 employees).

Colonial Stores, Inc., 560 Fayetteville Road SE., Atlanta 16, Ga.; effective 6–11–62 to 6–10–63 (food store; 30 employees).

Colonial Stores, Inc., 491 Flat Shoals Avenue SE., Atlanta 16, Ga.; effective 6–11–62 to 6–10–63 (food store; 17 employees).

Colonial Stores, Inc., 884–92 Gordon Street SW., Atlanta, Ga.; effective 6–11–62 to 6–10–63 (food store; 42 employees).

Colonial Stores, Inc., 1984 Howell Mill Road NW., Atlanta 18, Ga.; effective 6–11–62 to 6–10–63 (food store; 27 employees).

Colonial Stores, Inc., 3056 Keith Circle NW., Atlanta 5, Ga.; effective 6–11–62 to 6–10–63 (food store; 27 employees).

Colonial Stores, Inc., 800–802 Marietta Street NW., Atlanta, Ga.; effective 6–11–62 to 6–10–63 (food store; 18 employees).

Colonial Stores, Inc., 2869 Lakewood Avenue SW., Atlanta 15; Ga.; effective 6–11–62 to 6–10–63 (food store; 56 employees).

Colonial Stores, Inc., Lenox Square Shopping Center, 3393 Peachtree Road NE., Atlanta 5, Ga.; effective 6–11–62 to 6–10–63 (food store; 51 employees).

Colonial Stores, Inc., Northeast Plaza Shopping Center, 3291 Buford Highway NE., Atlanta 16, Ga.; effective 6–11–62 to 6–10–63 (food store; 22 employees).

Colonial Stores, Inc., 1078 Peachtree Street NE., Atlanta 5, Ga.; effective 6–11–62 to 6–10–63 (food store; 31 employees).

Colonial Stores, Inc., 1845–51 Piedmont Road NE., Atlanta 3, Ga.; effective 6–11–62 to 6–10–63 (food store; 23 employees).

Colonial Stores, Inc., 1463–7 South Pryor Road SW., Atlanta 3, Ga.; effective 6–11–62 to 6–10–63 (food store; 15 employees).

Colonial Stores, Inc., 3426 Clairmont Road (Skyland), Atlanta 19, Ga.; effective 6–11–62 to 6–10–63 (food store; 25 employees).

Colonial Stores, Inc., 270–276 Washington Street SW., Atlanta 3, Ga.; effective 6–11–62 to 6–10–63 (food store; 27 employees).

Colonial Stores, Inc. (#2200), 901 Green Street, Augusta, Ga.; effective 6–11–62 to 6–10–63 (food store; 18 employees).

Colonial Stores, Inc. (#2203), 2803 Wrightsboro Road, Augusta, Ga.; effective 6–11–62 to 6–10–63 (food store; 34 employees).

Colonial Stores, Inc. (#2209), Southgate Plaza Shopping Center, Augusta, Ga.; effective 6–11–62 to 6–10–63 (food store; 37 employees).

Colonial Stores, Inc. (#2269), North Broad and Millage Road, Augusta, Ga.; effective 6–11–62 to 6–10–63 (food store; 32 employees).

Colonial Stores, Inc. (#2302), 2606 Peach Orchard Road, Augusta, Ga.; effective 6–11–62 to 6–10–63 (food store; 10 employees).

Colonial Stores, Inc., 17 Love Street, Austell, Ga.; effective 6–11–62 to 6–10–63 (food store; 19 employees).

Colonial Stores, Inc., 100 North Court Street, Calhoun, Ga.; effective 6–11–62 to 6–10–63 (food store; 15 employees).

Colonial Stores, Inc., 26 Adamson Square, Carrollton, Ga.; effective 6–11–62 to 6–10–63 (food store; 18 employees).

Colonial Stores, Inc., 19 North Gilmer Street, Cartersville, Ga.; effective 6–11–62 to 6–10–63 (food store; 27 employees).

Colonial Stores, Inc., 215 West Avenue, Cedartown, Ga.; effective 6–11–62 to 6–10–63 (food store; 26 employees).

Colonial Stores, Inc., 116 West Harvard Avenue, College Park, Ga.; effective 6–11–62 to 6–10–63 (food store; 20 employees).

Colonial Stores, Inc., 119 Commerce Street, Conyers, Ga.; effective 6–11–62 to 6–10–63 (food store; 13 employees).

Colonial Stores, Inc., 36 Hodges Street, Cornelia, Ga.; effective 6–11–62 to 6–10–63 (food store; 14 employees).

Colonial Stores, Inc., 241 Washington Street, Covington, Ga.; effective 6–11–62 to 6–10–63 (food store; 26 employees).

Colonial Stores, Inc., 3537 Memorial Drive (Belvedere Shopping Center), Decatur, Ga.; effective 6–11–62 to 6–10–63 (food store; 32 employees).

Colonial Stores, Inc., 73 East Broad Street, Douglasville, Ga.; effective 6–11–62 to 6–10–63 (food store; 10 employees).

Colonial Stores, Inc., Candler and McAfee Road, Shopping Center, 1970 Candler Road, Decatur, Ga.; effective 6–11–62 to 6–10–63 (food store; 47 employees).

Colonial Stores, Inc., 125 Clairmont Avenue, Decatur, Ga.; effective 6–11–62 to 6–10–63 (food store; 38 employees).

Colonial Stores, Inc, 2112 North Decatur Plaza, Decatur, Ga.; effective 6–11–62 to 6–10–63 (food store; 28 employees).

Colonial Stores, Inc., 640 East Lake Drive, Decatur, Ga.; effective 6–11–62 to 6–10–63 (food store; 13 employees).

Colonial Stores, Inc., 2709 Main Street, East Point, Ga.; effective 6–11–62 to 6–10–63 (food store; 27 employees).

Colonial Stores, Inc., 111–13 Jefferson Street, Eatonton, Ga.; effective 6–11–62 to 6–10–63 (food store; 15 employees).

Colonial Stores, Inc., 208–210 East Main Street, Forsyth, Ga.; effective 6–11–62 to 6–10–63 (food store; 24 employees).

Colonial Stores, Inc., 100 West Brenau Avenue, Gainesville, Ga.; effective 6–11–62 to 6–10–63 (food store; 36 employees).

Colonial Stores, Inc., 113 East Taylor Street, Griffin, Ga.; effective 6–11–62 to 6–10–63 (food store; 29 employees).

Colonial Stores, Inc., 645 Central Avenue, Hapeville, Ga.; effective 6–11–62 to 6–10–63 (food store; 17 employees).

Colonial Stores, Inc., 40 East Main Street, Hogansville, Ga.; effective 6–11–62 to 6–10–63 (food store; 12 employees).

Colonial Stores, Inc., 200 Bull Street, La Grange, Ga.; effective 6–11–62 to 6–10–63 (food store; 37 employees).

Colonial Stores, Inc., 190 South Clayton Street, Lawrenceville, Ga.; effective 6–11–62 to 6–10–63 (food store; 32 employees).

Colonial Stores, Inc., 419 Jefferson and Second Streets, Madison, Ga.; effective 6–11–62 to 6–10–63 (food store; 17 employees).

Colonial Stores, Inc., 121 Main Street, Manchester, Ga.; effective 6–11–62 to 6–10–63 (food store; 17 employees).

Colonial Stores, Inc., 201 Cherokee Street, Marietta, Ga.; effective 6–11–62 to 6–10–63 (food store; 17 employees).

Colonial Stores, Inc., 201 Fairground Street, Marietta, Ga.; effective 6–11–62 to 6–10–63 (food store; 19 employees).

Colonial Stores, Inc., 107 West Greene Street, Milledgeville, Ga.; effective 6–11–62 to 6–10–63 (food store; 13 employees).

Colonial Stores, Inc., 72 Greenville Street, Newnan, Ga.; effective 6–11–62 to 6–10–63 (food store; 28 employees).

Colonial Stores, Inc., 10 Central Plaza, Second Avenue and Glen Milner Highway, Rome, Ga.; effective 6–11–62 to 6–10–63 (food store; 27 employees).

Colonial Stores, Inc., 1929 Shorter Avenue, Rome, Ga.; effective 6–11–62 to 6–10–63 (food store; 20 employees).

Colonial Stores, Inc. (#2056), 46 De Renne Avenue, Savannah, Ga.; effective 6–11–62 to 6–10–63 (food store; 19 employees).

Colonial Stores, Inc. (#2206), 5 West Henry Street, Savannah, Ga.; effective 6–11–62 to 6–10–63 (food store; 13 employees).

Colonial Stores, Inc. (#2225), 2125 East Victory Drive, Savannah, Ga.; effective 6–11–62 to 6–10–63 (food store; 27 employees).

Colonial Stores, Inc. (#2228), 8491 Waters Road, Savannah, Ga.; effective 6–11–62 to 6–10–63 (food store; 15 employees).

Colonial Stores, Inc. (#2232), Traffic Circle (Garden City), Savannah, Ga.; effective 6–11–62 to 6–10–63 (food store; 22 employees).

Colonial Stores, Inc., 4873 Memorial Drive, Route No. 3, Stone Mountain, Ga.; effective 6–11–62 to 6–10–63 (food store; 29 employees).

Colonial Stores, Inc., 207 East Gordon Street, Thomaston, Ga.; effective 6–11–62 to 6–10–63 (food store; 13 employees).

Colonial Stores, Inc., P.O. Box 609, Toccoa, Ga.; effective 6–11–62 to 6–10–63 (food store; 33 employees).

Colonial Stores, Inc., 3555 Main Street, Tucker, Ga.; effective 6–11–62 to 6–10–63 (food store; 27 employees).

Colonial Stores, Inc., 555 Third Avenue, West Point, Ga.; effective 6–11–62 to 6–10–63 (food store; 22 employees).

Colonial Stores, Inc., 208 North Broad Street, Winder, Ga.; effective 6–11–62 to 6–10–63 (food store; 28 employees).

Colonial Stores, Inc. (#2241), 16 Mitchell Shopping Center, Aiken, S.C.; effective 6–11–62 to 6–10–63 (food store; 20 employees).

Colonial Stores, Inc. (#2317), 210 Richland Avenue West, Aiken, S.C.; effective 6–11–62 to 6–10–63 (food store; 18 employees).

Colonial Stores, Inc. (#2050), 2309 Main Street, Anderson, S.C.; effective 6–11–62 to 6–10–63 (food store; 18 employees).

Colonial Stores, Inc. (#2331), 1607 Allen Street, Barnwell, S.C.; effective 6–11–62 to 6–10–63 (food store; 19 employees).

Colonial Stores, Inc. (#2223), 1907 Boundary Street, Beaufort, S.C.; effective 6–11–62 to 6–10–63 (food store; 20 employees).

Colonial Stores, Inc. (#2235), 206 Broad Street, Bennettsville, S.C.; effective 6–11–62 to 6–10–63 (food store; 32 employees).

Colonial Stores, Inc. (#2316), 1102 North Broad Street, Camden, S.C.; effective 6–11–62 to 6–10–63 (food store; 11 employees).

Colonial Stores, Inc. (#2208), 300 Knox Abbott Drive, Cayce, S.C.; effective 6–11–62 to 6–10–63 (food store; 25 employees).

Colonial Stores, Inc. (#2057), 921 Savannah Highway, Charleston, S.C.; effective 6–11–62 to 6–10–63 (food store; 20 employees).

Colonial Stores, Inc. (#2101), Pinehaven Shopping Center, Charleston, S.C.; effective 6–11–62 to 6–10–63 (food store; 22 employees).

Colonial Stores, Inc. (#2210), 7 Beaufain Street, Charleston, S.C.; effective 6–11–62 to 6–10–63 (food store; 21 employees).

Colonial Stores, Inc. (#2261), 5509 Rivers Avenue, Charleston, S.C.; effective 6–11–62 to 6–10–63 (food store; 13 employees).

Colonial Stores, Inc. (#2319), 104 York Street, Chester, S.C.; effective 6–11–62 to 6–10–63 (food store; 13 employees).

Colonial Stores, Inc. (#2102), Midland Shopping Center, Columbia, S.C.; effective 6–11–62 to 6–10–63 (food store; 32 employees).

Colonial Stores, Inc. (#2103), Richland Mall, Columbia, S.C.; effective 6–11–62 to 6–10–63 (food store; 30 employees).

Colonial Stores, Inc. (#2220), 1023 Harden Street, Columbia, S.C.; effective 6–11–62 to 6–10–63 (food store; 22 employees).

Colonial Stores, Inc. (#2256), 3604 Main Street, Columbia, S.C.; effective 6–11–62 to 6–10–63 (food store; 21 employees).

Colonial Stores, Inc. (#2267), 4825 Forest Drive, Columbia, S.C.; effective 6–11–62 to 6–10–63 (food store; 28 employees).

Colonial Stores, Inc. (#2335), 2838 Rosswood Drive, Columbia, S.C.; effective 6–11–62 to 6–10–63 (food store; 26 employees).

Colonial Stores, Inc. (#2434), 205 Main Street, Edgefield, S.C.; effective 6–11–62 to 6–10–63 (food store; 11 employees).

Colonial Stores, Inc. (#2058), 1721 West Palmetto Street, Florence, S.C.; effective 6–11–62 to 6–10–63 (food store; 21 employees).

Colonial Stores, Inc. (#2217), 208 North Fraser Street, Georgetown, S.C.; effective 6–11–62 to 6–10–63 (food store; 21 employees).

Colonial Stores, Inc. (#2104), Terrace Shopping Center, Greenville, S.C.; effective 6–11–62 to 6–10–63 (food store; 33 employees).

Colonial Stores, Inc. (#2202), 1142 Pendleton Street, Greenville, S.C.; effective 6–11–62 to 6–10–63 (food store; 18 employees).

Colonial Stores, Inc. (#2218), Stone Plaza Shopping Center, Greenville, S.C.; effeective 6–11–62 to 6–10–63 (food store; 23 employees).

Colonial Stores, Inc. (#2230), 58 Liberty Lane, Greenville, S.C.; effective 6–11–62 to 6–10–63 (food store; 14 employees).

Colonial Stores, Inc. (#2204), 438 Main Street, Greenwood, S.C.; effective 6–11–62 to 6–10–63 (food store; 23 employees).

Colonial Stores, Inc. (#2222), West Main and Saxon Streets, Laurens, S.C.; effective 6–11–62 to 6–10–63 (food store; 20 employees).

Colonial Stores, Inc. (#2229), 687 Highway 17, Mount Pleasant, S.C.; effective 6–11–62 to 6–10–63 (food store; 29 employees).

Colonial Stores, Inc. (#2344), 1715 Main Street, Newberry, S.C.; effective 6–11–62 to 6–10–63 (food store; 16 employees).

Colonial Stores, Inc. (#2309), 115 West Fairlee Street, Marion, S.C.; effective 6–1–62 to 6–10–63 (food store; 12 employees).

Colonial Stores, Inc. (#2201), 434 Georgia Avenue, North, Augusta, S.C.; effective 6–11–62 to 6–10–63 (food store; 37 employees).

Colonial Stores, Inc. (#2313), 425 Russell Street, Orangeburg, S.C.; effective 6–11–62 to 6–10–63 (food store; 12 employees).

Colonial Stores, Inc. (#2233), 237 East Main Street, Rock Hill, S.C.; effective 6–11–62 to 6–10–63 (food store; 17 employees).

Colonial Stores, Inc. (#2053), 159 South Pine Street, Spartanburg, S.C.; effective 6–11–62 to 6–10–63 (food store; 25 employees).

Colonial Stores, Inc. (#2253), 370 North Church Street, Spartanburg, S.C.; effective 6–11–62 to 6–10–63 (food store; 28 employees).

Colonial Stores, Inc. (#2214), 206 North Main Street, Summerville, S.C.; effective 6–11–62 to 6–10–63 (food store; 29 employees).

Colonial Stores, Inc. (#2325), 325 Broad Street, Sumter, S.C.; effective 6–11–62 to 6–10–63 (food store; 10 employees).

Colonial Stores, Inc. (#2332), 506 Washington Street, Walterboro, S.C.; effective 6–11–62 to 6–10–63 (food store; 17 employees).

W. T. Grant Co., 171 Dauphin Street, Mobile, Ala.; effective 6–13–62 to 6–12–63 (department store; 56 employees).

W. T. Grant Co. (#70), 82 Whitehall Street, Atlanta 3, Ga.; effective 6–19–62 to 6–18–63 (department store; 111 employees).

W. T. Grant Co. (#44), 418 Third Street, Macon, Ga.; effective 6–11–62 to 6–10–63 (department store; 41 employees).

S. S. Kresge Co. (#740), 6120 East Colonial Drive, Orlando, Fla.; effective 6–13–62 to 6–12–63 (variety store; 25 employees).

S. H. Kress & Co., 281 King Street, Charleston 7, S.C.; effective 6–13–62 to 6–12–63 (variety store; 42 employees).

McCrory Stores Corp. (#171), 425–433 Central Avenue, St. Petersburg, Fla.; effective 6–18–62 to 6–17–63 (variety store; 23 employees).

McCrory-McLellan-Green Stores (#442), 422 Broad Street, Gadsden, Ala.; effective 6–13–62 to 6–12–63 (variety store; 29 employees).

McCrory-McLellan-Green Stores, 65 Miracle Mile, Coral Gables, Fla.; effective 6–15–62 to 6–14–63 (variety store; 32 employees).

McCrory-McLellan-Green Stores, 113–15 North Second Street, Fort Pierce, Fla.; effective 6–14–62 to 6–13–63 (variety store; 14 employees).

McCrory-McLellan-Green Corp., 111–117 North Collins Street, Plant City, Fla.; effective 6–15–62 to 6–14–63 (variety store; 71 employees).

McCrory-McLellan Stores (#339), West Orange Shopping Center, Dillard and Cypress Streets, Winter Garden, Fla.; effective 6–18–62 to 6–17–63 (variety store; 24 employees).

McCrory-McLellan-Green Stores (#244), 301–11 Central Avenue, Winter Haven, Fla.; effective 6–19–62 to 6–18–63 (variety store; 44 employees).

McCrory-McLellan-Green Stores, 47 Whitehall Street SW., Atlanta 3, Ga.; effective 6–15–62 to 6–14–63 (variety store; 56 employees).

McCrory-McLellan-Green, 2521–2523—13th Street, Gulfport, Miss.; effective 6–18–62 to 6–17–63 (variety store; 45 employees).

G. C. Murphy Co. (#261), 2913 Memorial Parkway SW., Huntsville, Ala.; effective 6–18–62 to 6–17–63 (variety store; 97 employees).

G. C. Murphy Co. (#263), 12 Leland Shopping Center, Tuscaloosa, Ala.; effective 6–18–62 to 6–17–63 (variety store; 58 employees).

G. C. Murphy Co. (#255), 2505 North Atlantic Avenue, Daytona Beach, Fla.; effective 6–18–62 to 6–17–63 (variety store; 44 employees).

G. C. Murphy Co. (#276), 499 West 49th Street, Hialeah, Fla.; effective 6–18–62 to 6–17–63 (variety store; 53 employees).

G. C. Murphy Co. (#279), Halifax Shopping Center, 231 Riverside Drive, Holly Hill, Fla.; effective 6–18–62 to 6–17–63 (variety store; 35 employees).

G. C. Murphy Co. (#262), Gateway Shopping Center, Norwood Ave., Jacksonville 8, Fla.; effective 6–18–62 to 6–17–63 (variety store; 47 employees).

G. C. Murphy Co. (#264), 3709 NW. Seventh Street, Miami 44, Fla.; effective 6–18–62 to 6–17–63 (variety store; 77 employees).

G. C. Murphy Co. (#253), 3240—3248 Pace Boulevard, Pensacola, Fla.; effective 6–18–62 to 6–17–63 (variety store; 88 employees).

G. C. Murphy Co. (#272), Tyrone Gardens Shopping Center, 950—68th Street, N., St. Petersburg 10, Fla.; effective 6–18–62 to 6–17–63 (variety store; 45 employees).

G. C. Murphy Co. (#274) Palm Coast Shopping Center, 7801 South Dixie Highway, West Palm Beach, Fla.; effective 6–18–62 to 6–17–63 (variety store; 58 employees).

G. C. Murphy Co. (#259), Broadview Shopping Center, 2581 Piedmont Avenue, NE., Atlanta 5, Ga.; effective 6–18–62 to 6–17–63 (variety store; 44 employees).

G. C. Murphy Co. (#243), 15–17 East Central Avenue, Moultrie, Ga.; effective 6–18–62 to 6–17–63 (variety store; 29 employees).

G. C. Murphy Co. (#250), 413–15–17 Broad Street, Rome, Ga.; effective 6–15–62 to 6–14–63 (variety store; 37 employees).

Neisner Brothers, Inc. (#167), 20271 South Federal Highway, Cutler Ridge, Fla.; effective 6–11–62 to 6–10–63 (variety store; 33 employees).

Neisner Brothers, Inc. (#175), 2506 North Roosevelt Boulevard, Key West, Fla.; effective 6–14–62 to 6–13–63 (variety store; 74 employees).

Rose's 5–10–25¢ Stores, Camden, S.C.; effective 6–13–62 to 6–12–63 (variety store; 30 employees).

Rose's 5–10–25¢ Stores (#148), 2638 Two Notch Road, Midland Center, Columbia, S.C.; effective 6–13–62 to 6–12–63 (variety store; 31 employees).

F. W. Woolworth Co., 1512 Washington Street, Vicksburg, Miss.; effective 6–20–62 to 6–19–63 (variety store; 4 employees).

Region V

Angeli's Super Valu, Alfred Angeli, Inc., Iron River, Mich.; effective 6–20–62 to 6–19–63 (food store; 23 employees).

S. S. Kresge Co. (#541), Marietta, Ohio; effective 6–20–62 to 6–19–63 (variety store; 37 employees).

G. C. Murphy Co. (#120), St. Joseph, Mich.; effective 6–19–62 to 6–18–63 (variety store; 37 employees).

G. C. Murphy Co. (#230), Marion, Ohio; effective 6–19–62 to 6–18–63 (variety store; 59 employees).

G. C. Murphy Co. (#434), Toledo, Ohio; effective 6–19–62 to 6–18–63 (variety store; 47 employees).

G. C. Murphy Co. (#192), Wilmington, Ohio; effective 6–19–62 to 6–18–63 (variety store; 28 employees).

G. C. Murphy Co. (#20), Washington Court House, Ohio; effective 6–19–62 to 6–18–63 (variety store; 49 employees).

G. C. Murphy Co. (#222), Youngstown, Ohio; effective 6–19–62 to 6–18–63 (variety store; 36 employees).

G. C. Murphy Co. (#469), London, Ohio; effective 6–19–62 to 6–18–63 (variety store; 21 employees).

G. C. Murphy Co. (#419), Urbana, Ohio; effective 6–19–62 to 6–18–63 (variety store; 24 employees).

G. C. Murphy Co. (#37), Greenville, Ohio; effective 6–19–62 to 6–18–63 (variety store; 54 employees).

G. C. Murphy Co. (#38), Middletown, Ohio; effective 6–19–62 to 6–18–63 (variety store; 67 employees).

G. C. Murphy Co. (#2), Gallipolis, Ohio; effective 6–19–62 to 6–18–63 (variety store; 37 employees).

G. C. Murphy Co. (#52), Salem, Ohio; effective 6–19–62 to 6–18–63 (variety store; 30 employees).

G. C. Murphy Co. (#452), Fostoria, Ohio; effective 6–19–62 to 6–18–63 (variety store; 17 employees).

G. C. Murphy Co. (#4324), Owosso, Mich.; effective 6–19–62 to 6–18–63 (variety store; 32 employees).

G. C. Murphy Co. (#65), Bellaire, Ohio; effective 6–19–62 to 6–18–63 (variety store; 47 employees).

G. C. Murphy Co. (#437), Marshall, Mich.; effective 6–19–62 to 6–18–63 (variety store; 21 employees).

G. C. Murphy Co. (#446), Lebanon, Ohio; effective 6–19–62 to 6–18–63 (variety store; 40 employees).

G. C. Murphy Co. (#441), Franklin, Ohio; effective 6–19–62 to 6–18–63 (variety store; 29 employees).

G. C. Murphy Co. (#436), Charlotte, Mich.; effective 6–19–62 to 6–18–63 (variety store; 29 employees).

G. C. Murphy Co. (#456), Hillsboro, Ohio; effective 6–19–62 to 6–18–63 (variety store; 23 employees).

G. C. Murphy Co. (#265), Columbus, Ohio; effective 6–19–62 to 6–18–63 (variety store; 79 employees).

G. C. Murphy Co. (#415), Bryan, Ohio; effective 6–19–62 to 6–18–63 (variety store; 30 employees).

G. C. Murphy Co. (#41), Defiance, Ohio; effective 6–19–62 to 6–18–63 (variety store; 68 employees).

G. C. Murphy Co. (#453), St. Marys, Ohio; effective 6–19–62 to 6–18–63 (variety store; 38 employees).

G. C. Murphy Co. (#269), Kettering, Ohio; effective 6–19–62 to 6–18–63 (variety store; 61 employees).

G. C. Murphy Co. (#140), Barnesville, Ohio; effective 6–19–62 to 6–18–63 (variety store; 27 employees).

G. C. Murphy Co. (#122), Toronto, Ohio; effective 6–19–62 to 6–18–63 (variety store; 19 employees).

G. C. Murphy Co. (#35), Troy, Ohio; effective 6–19–62 to 6–18–63 (variety store; 39 employees).

G. C. Murphy Co. (#36), Bellefontaine, Ohio; effective 6–19–62 to 6–18–63 (variety store; 49 employees).

G. C. Murphy Co. (#181), Alliance, Ohio; effective 6–19–62 to 6–18–63 (variety store; 30 employees).

G. C. Murphy Co. (#431), Bucyrus, Ohio; effective 6–19–62 to 6–18–63 (variety store; 14 employees).

G. C. Murphy Co. (#460), Gallion, Ohio; effective 6–19–62 to 6–18–63 (variety store; 18 employees).

G. C. Murphy Co. (#459), Jackson, Ohio; effective 6–19–62 to 6–18–63 (variety store; 35 employees).

G. C. Murphy Co. (#468), Gallipolis, Ohio; effective 6–19–62 to 6–18–63 (variety store; 17 employees).

G. C. Murphy Co. (#40), Sidney, Ohio; effective 6–19–62 to 6–18–63 (variety store; 49 employees).

G. C. Murphy Co. (#187), Youngstown, Ohio; effective 6–19–62 to 6–18–63 (variety store; 49 employees).

G. C. Murphy Co. (#435), Albion, Mich.; effective 6–19–62 to 6–18–63 (variety store; 17 employees).

G. C. Murphy Co. (#257), North Ridgeville, Ohio; effective 6–19–62 to 6–18–63 (variety store; 48 employees).

G. C. Murphy Co. (#451), South Haven, Mich.; effective 6–19–62 to 6–18–63 (variety store; 21 employees).

G. C. Murphy Co. (#234), Cincinnati, Ohio; effective 6–19–62 to 6–18–63 (variety store; 154 employees).

G. C. Murphy Co. (#462), Napoleon, Ohio; effective 6–19–62 to 6–18–63 (variety store; 17 employees).

Neisner Brothers (#63), Detroit, Mich.; effective 6–20–62 to 6–19–63 (variety store; 17 employees).

J. J. Newberry Co., Cambridge, Ohio; effective 6–20–62 to 6–19–63 (variety store; 28 employees).

J. J. Newberry Co., Tiffin, Ohio; effective 6–20–62 to 6–19–63 (variety store; 39 employees).

F. W. Woolworth Co. (#167), Kalamazoo, Mich.; effective 6–21–62 to 6–20–63 (variety store; 105 employees).

F. W. Woolworth Co. (#219), Battle Creek, Mich.; effective 6–21–62 to 6–20–63 (variety store; 28 employees).

Region VI

G. C. Murphy Co. (#433), 300–302–304 Main Street South, Anna, Ill.; effective 6–10–62 to 6–9–63 (variety store; 18 employees).

G. C. Murphy Co. (#458), 909–911 Broadway, Mt. Vernon, Ill.; effective 6–10–62 to 6–9–63 (variety store; 20 employees).

Neisner Brothers, Inc. (#57), 411 East 47th Street, Chicago, Ill.; effective 6–10–62 to 6–9–63 (variety store; 50 employees).

F. W. Woolworth Co., 19 South Broadway, Aurora, Ill.; effective 6–10–62 to 6–9–63 (variety store; 48 employees).

F. W. Woolworth Co. (#92), 7145 Cermak Plaza, Berwyn, Ill.; effective 6–10–62 to 6–9–63 (variety store; 44 employees).

F. W. Woolworth Co., 301 North Main Street, Bloomington, Ill.; effective 6–10–62 to 6–9–63 (variety store; 32 employees).

F. W. Woolworth Co. (#802), 13044 South Western Avenue, Blue Island, Ill.; effective 6–10–62 to 6–9–63 (variety store; 33 employees).

F. W. Woolworth Co. (#2406), 231 Gold Coast Lane, Calumet City, Ill.; effective 6–10–62 to 6–9–63 (variety store; 38 employees).

F. W. Woolworth Co., 1534 East 55th Street, Chicago 15, Ill.; effective 6–10–62 to 6–9–63 (variety store; 29 employees).

F. W. Woolworth Co., 1206–8 North Clark Street, Chicago 10, Ill.; effective 6–10–62 to 6–9–63 (variety store; 16 employees).

F. W. Woolworth Co., 4019 Milwaukee Avenue, Chicago 41, Ill.; effective 6–10–62 to 6–9–63 (variety store; 124 employees).

F. W. Woolworth Co., 3953 W. N. Avenue, Chicago 47, Ill.; effective 6–10–62 to 6–9–63 (variety store; 26 employees).

F. W. Woolworth Co., 6308 South Ashland, Chicago, Ill.; effective 6–10–62 to 6–9–63 (variety store; 39 employees).

F. W. Woolworth Co., 1554 West Madison Street, Chicago, Ill.; effective 6–10–62 to 6–9–63 (variety store; 18 employees).

F. W. Woolworth Co. (#112), 9052 South Commercial Avenue, Chicago 17, Ill.; effective 6–10–62 to 6–9–63 (variety store; 65 employees).

F. W. Woolworth Co. (#160), 3152 West 111th Street, Chicago 43, Ill.; effective 6–10–62 to 6–9–63 (variety store; 39 employees).

F. W. Woolworth Co., 1333 North Milwaukee Avenue, Chicago 22, Ill.; effective 6–10–62 to 6–9–63 (variety store; 45 employees).

F. W. Woolworth Co., 3746 West Chicago Avenue, Chicago 51, Ill.; effective 6–10–62 to 6–9–63 (variety store; 24 employees).

F. W. Woolworth Co., 2418 Lincoln Avenue, Chicago, Ill.; effective 6–10–62 to 6–9–63 (variety store; 34 employees).

F. W. Woolworth Co. (#1910), 3845 North Broadway, Chicago 13, Ill.; effective 6–10–62 to 6–9–63 (variety store; 29 employees).

F. W. Woolworth Co. (#2066), 3445–7 South Parkway, Chicago 16, Ill.; effective 6–10–62 to 6–9–63 (variety store; 30 employees).

F. W. Woolworth Co., 41 Williams Street, Crystal Lake, Ill.; effective 6–10–62 to 6–9–63 (variety store; 26 employees).

F. W. Woolworth Co. (#369), 8 North Vermilion Street, Danville, Ill.; effective 6–10–62 to 6–9–63 (variety store; 54 employees).

F. W. Woolworth Co. (#93), 239 North Water Street, Decatur, Ill.; effective 6–10–62 to 6–9–63 (variety store; 56 employees).

F. W. Woolworth Co. (#726), 116–118 West First Street, Dixon, Ill.; effective 6–10–62 to 6–9–63 (variety store; 40 employees).

F. W. Woolworth Co. (#195), 31 South Grove Avenue, Elgin, Ill.; effective 6–10–62 to 6–9–63 (variety store; 50 employees).

F. W. Woolworth Co. (#1781), 128 North York, Elmhurst, Ill.; effective 6–10–62 to 6–9–63 (variety store; 32 employees).

F. W. Woolworth Co. (#427), 1–3 East Stephenson Street, Freeport, Ill.; effective 6–10–62 to 6–9–63 (variety store, 19 employees).

F. W. Woolworth Co. (#1871), 485–91 Main Street, Glen Ellyn, Ill.; effective 6–10–62 to 6–9–63 (variety store; 28 employees).

F. W. Woolworth Co., 565 Roosevelt Road, Glen Ellyn, Ill.; effective 6–10–62 to 6–9–63 (variety store; 43 employees).

F. W. Woolworth Co., Unit B–9 Hillside Shopping Center, Hillside, Ill.; effective 6–10–62 to 6–9–63 (variety store; 96 employees).

F. W. Woolworth Co. (#318), 39 South Side Square, Jacksonville, Ill.; effective 6–10–62 to 6–9–63 (variety store; 37 employees).

F. W. Woolworth Co. (#385), 601 First Street, LaSalle, Ill.; effective 6–10–62 to 6–9–63 (variety store; 36 employees).

F. W. Woolyorth Co. (#2103), 6433 North Second Street, Loves Park, Ill.; effective 6–10–62 to 6–9–63 (variety store; 24 employees).

F. W. Woolworth Co. (#346), 3262 Lincoln Avenue, Chicago, Ill.; effective 6–10–62 to 6–9–63 (variety store; 99 employees).

F. W. Woolworth Co. (#551), 8600 Cottage Grove Avenue, Chicago 19, Ill.; effective 6–10–62 to 6–9–63 (variety store; 41 employees).

F. W. Woolworth Co. (#725), 3401 West 26th Street, Chicago 23, Ill.; effective 6–10–62 to 6–9–63 (variety store; 37 employees).

F. W. Woolworth Co. (#727), 2602 West North Avenue, Chicago 47, Ill.; effective 6–10–62 to 6–9–63 (variety store; 24 employees).

F. W. Woolworth Co. (#742), 4613 North Broadway Street, Chicago 40, Ill.; effective 6–10–62 to 6–9–63 (variety store; 34 employees).

F. W. Woolworth Co. (#1208), 7850 South Halsted Street, Chicago 20, Ill.; effective 6–10–62 to 6–9–63 (variety store; 43 employees).

F. W. Woolworth Co., 2700 West Division Street, Chicago 22, Ill.; effective 6–10–62 to 6–9–63 (variety store; 40 employees).

F. W. Woolworth Co. (#1216), 1601 West Chicago Avenue, Chicago, Ill.; effective 6–10–62 to 6–9–63 (variety store; 30 employees).

F. W. Woolworth Co. (#1259), 4055 West Madison Street, Chicago, Ill.; effective 6–10–62 to 6–9–63 (variety store; 61 employees).

F. W. Woolworth Co. (#1261), 3955 West 26th Street, Chicago, Ill.; effective 6–10–62 to 6–9–63 (variety store; 33 employees).

F. W. Woolworth Co. (#1404), 4813 Milwaukee Avenue, Chicago, Ill.; effective 6–10–62 to 6–9–63 (variety store; 32 employees).

F. W. Woolworth Co. (#1431), 3449 South Halsted Street, Chicago 8, Ill.; effective 6–10–62 to 6–9–63 (variety store; 23 employees).

F. W. Woolworth Co. (#1447), 3401 West Diversey Avenue, Chicago, Ill.; effective 6–10–62 to 6–9–63 (variety store; 55 employees).

F. W. Woolworth Co. (#1523), 3222 West 63d Street, Chicago 29, Ill.; effective 6–10–62 to 6–9–63 (variety store; 47 employees).

F. W. Woolworth Co. (#1525), 2006 East 71st Street, Chicago 49, Ill.; effective 6–10–62 to 6–9–63 (variety store; 43 employees).

F. W. Woolworth Co., 4233 Archer Avenue, Chicago 32, Ill.; effective 6–10–62 to 6–9–63 (variety store; 27 employees).

F. W. Woolworth Co. (#1656), 2407 West 63d Street, Chicago, Ill.; effective 6–10–62 to 6–9–63 (variety store; 32 employees).

F. W. Woolworth Co. (#308), 1515 15th Avenue, Moline, Ill.; effective 6–10–62 to 6–9–63 (variety store; 54 employees).

F. W. Woolworth Co. (#1413), 1136–42 Lake Street, Oak Park, Ill.; effective 6–10–62 to 6–9–63 (variety store; 56 employees).

F. W. Woolworth Co. (#78), 113 South Adams Street, Peoria 2, Ill.; effective 6–10–62 to 6–9–63 (variety store; 49 employees).

F. W. Woolworth Co. (#116), 506 Main Street, Quincy, Ill.; effective 6–10–62 to 6–9–63 (variety store; 39 employees).

F. W. Woolworth Co. (#163), 115 North Main Street, Rockford, Ill.; effective 6–10–62 to 6–9–63 (variety store; 51 employees).

F. W. Woolworth Co. (#259), 1716 Second Avenue, Rock Island, Ill.; effective 6–10–62 to 6–9–63 (variety store; 40 employees).

F. W. Woolworth Co. (#2167), 3130 Kirchoff Road, Rolling Meadows, Ill.; effective 6–10–62 to 6–9–63 (variety store; 25 employees).

F. W. Woolworth Co. (#63), 113 South Fifth Street, Springfield, Ill.; effective 6–10–62 to 6–9–63 (variety store; 42 employees).

F. W. Woolworth Co. (#333), 104 North Genessee Street, Waukegan, Ill.; effective 6–10–62 to 6–9–63 (variety store; 25 employees).

F. W. Woolworth Co. (#1663), 124 Cass Street, Woodstock, Ill.; effective 6–10–62 to 6–9–63 (variety store; 15 employees).

G. C. Murphy Co. (#81), 417 Washington Street, Columbus, Ind.; effective 6–10–62 to 6–9–63 (variety store; 42 employees).

G. C. Murphy Co. (#417), 125–127 South Main Street, Goshen, Ind.; effective 6–10–62 to 6–9–63 (variety store; 19 employees).

G. C. Murphy Co. (#119), 12–14 East Washington Street, Greencastle, Ind.; effective 6–10–62 to 6–9–63 (variety store; 18 employees).

G. C. Murphy Co. (#104), 33–47 North Illinois Street, Indianapolis 4, Ind.; effective 6–10–62 to 6–9–63 (variety store; 141 employees).

G. C. Murphy Co. (#215), P.O. Box 20042, 705–09 Broad Ripple Avenue, Indianapolis 20, Ind.; effective 6–10–62 to 6–9–63 (variety store; 33 employees).

G. C. Murphy Co. (#430), 209–211 East Main Street, Madison, Ind.; effective 6–10–62 to 6–9–63 (variety store; 32 employees).

G. C. Murphy Co. (#411), 54–56 North Ninth Street, Noblesville, Ind.; effective 6–10–62 to 6–9–63 (variety store; 21 employees).

G. C. Murphy Co. (#422), 1–3 South Broadway, Peru, Ind.; effective 6–10–62 to 6–9–63 (variety store; 36 employees).

G. C. Murphy Co. (#443), 21–28 Public Square, Salem, Ind.; effective 6–10–62 to 6–9–63 (variety store; 28 employees).

G. C. Murphy Co. (#114), 808 16th East, Main Street, Washington, Ind.; effective 6–10–62 to 6–9–63 (variety store; 24 employees).

F. W. Woolworth Co. (#549) 2–4 North Main Street, Frankfort, Ind.; effective 6–10–62 to 6–9–63 (variety store; 36 employees).

F. W. Woolworth Co. (#2196) 4425 Tri City Plaza, Gary, Ind.; effective 6–10–62 to 6–9–63 (variety store; 29 employees).

F. W. Woolworth Co. (#676), 5201 Hohman Avenue, Hammond, Ind.; effective 6–10–62 to 6–9–63 (variety store; 55 employees).

F. W. Woolworth Co. (#574), 102 Monument Circle, Indianapolis 4, Ind.; effective 6–10–62 to 6–9–63 (variety store; 58 employees).

F. W. Woolworth Co. (#2260), 3962 Meadown Drive, Indianapolis 5, Ind.; effective 6–10–62 to 6–9–63 (variety store; 25 employees).

F. W. Woolworth Co. (#2336), 1300 East 86th Street, Indianapolis, Ind.; effective 6–10–62 to 6–9–63 (variety store; 24 employees).

F. W. Woolworth Co. (#1932), 1025 Youngstown Shopping Court, Jeffersonville, Ind.; effective 6–10–62 to 6–9–63 (variety store; 31 employees).

F. W. Woolworth Co. (#2298), 2909 South Washington, Kokomo, Ind.; effective 6–10–62 to 6–9–63 (variety store; 46 employees).

F. W. Woolworth Co. (#468), 618–620 Lincoln Way, LaPorte, Ind.; effective 6–10–62 to 6–9–63 (variety store; 29 employees).

F. W. Woolworth Co. (#2024), 109 Lincoln Way West Mishawaka, Ind.; effective 6–10–62 to 6–9–63 (variety store; 20 employees).

F. W. Woolworth Co. (#2317), Southway Plaza No. 19, Muncie, Ind.; effective 6–10–62 to 6–9–63 (variety store; 25 employees).

F. W. Woolworth Co. (#2453), 1141 East Ireland Road, South Bend 14, Ind.; effective 6–10–62 to 6–9–63 (variety store; 20 employees).

F. W. Woolworth Co., 43 Meadows Center, Terre Haute, Ind.; effective 6–10–62 to 6–9–63 (variety store; 61 employees).

F. W. Woolworth Co. (#2400), 9–11 Southland Shopping Center, Terre Haute, Ind.; effective 6–10–62 to 6–9–63 (variety store; 27 employees).

Region VII

The Beaver Co., Inc., Hinky Dinky Store (#58), 4415 Douglas, Des Moines, Iowa; effective 6–20–62 to 6–19–63 (food store; 39 employees).

Belt Super Market, Inc., 1303 South Belt Highway, St. Joseph, Mo.; effective 6–13–62 to 6–12–63 (food store; 48 employees).

Ebony Variety, Inc., d/b/a T.G. & Y. Stores Co. (#119), 3149 South Seneca, Wichita, Kans.; effective 6–10–62 to 6–9–63 (variety store; 21 employees).

The Elkhorn Co., Inc., Hinky Dinky Store (#56), 23d and Bell Street, Fremont, Nebr.; effective 6–20–62 to 6–19–63 (food store; 40 employees).

Hested Store (#772), 58th and Garrison, Arvade, Colo.; effective 6–10–62 to 6–9–63 (variety store; 17 employees).

Hested Stores Co. (#707), 113 West Avenue, Holdrege, Nebr.; effective 6–10–62 to 6–9–63 (variety store; 16 employees).

Hested Stores Co. (#765), 8405 West Colfax, Lakewood, Colo.; effective 6–10–62 to 6–9–63 (variety store; 16 employees).

Hillcrest Food Center, Inc., Ninth and Iowa, Lawrence, Kans.; effective 6–19–62 to 6–18–63 (food store; 45 employees).

Hinky Dinky Store (#32), 1212 J Street, Auburn, Nebr.; effective 6–20–62 to 6–19–63 (food store; 11 employees).

Hinky Dinky Store (#37), 1365 26th Avenue, Columbus, Nebr.; effective 6–20–62 to 6–19–63 (food store; 10 employees).

Hinky Dinky Store (#44), 211–15 West Broadway, Council Bluffs, Iowa; effective 6–20–62 to 6–19–63 (food store; 23 employees).

Hinky Dinky Store (#45), 502 Fifth Street, David City, Nebr.; effective 6–20–62 to 6–19–63 (food store; 12 employees).

Hinky Dinky Store (#43), 15th and Harlan Street, Falls City, Nebr.; effective 6–20–62 to 6–19–63 (food store; 14 employees).

Hinky Dinky Store (#27), 50 West Sixth Street, Fremont, Nebr.; effective 6–20–62 to 6–19–63 (food store; 13 employees).

Hinky Dinky Store (#51), 2535 O Street, Lincoln, Nebr.; effective 6–20–62 to 6–19–63 (food store; 35 employees).

Hinky Dinky Store (#47), 216 East B Street, McCook, Nebr.; effective 6–20–62 to 6–19–63 (food store; 15 employees).

Hinky Dinky Store (#38), 322 Erie Street, Missouri Valley, Iowa; effective 6–20–62 to 6–19–63 (food store; seven employees).

Hinky Dinky Store (#49), 514 North Vine Street, North Platte, Nebr.; effective 6–20–62 to 6–19–63 (food store; 17 employees).

Hinky Dinky Store (#24), 624 Avenue A, Plattsmouth, Nebr.; effective 6–20–62 to 6–19–63 (food store; 14 employees).

Hinky Dinky Store (#42), 420 Seward Street, Seward, Nebr.; effective 6–20–62 to 6–19–63 (food store; 12 employees).

Hinky Dinky Store (#41), Fifth and Linden Street, Wahoo, Nebr.; effective 6–20–62 to 6–19–63 (food store; 11 employees).

The I & G Co., Inc., Hinky Dinky Store (#55), 2710 Ingersoll Avenue, Des Moines, Iowa; effective 6–20–62 to 6–19–63 (food store; 35 employees).

S. S. Kresge Co. (#542), Merle Hay Plaza, Merle Hay Road at Douglass Avenue, Des Moines, Iowa; effective 6–10–62 to 6–9–63 (variety store; 54 employees).

S. S. Kresge Co. (#689), 12124 South 71 Highway, Grandview, Mo.; effective 6–11–62 to 6–10–63 (variety store; 45 employees).

S. S. Kresge Co. (#210), 4 East Main Street, Marshalltown, Iowa; effective 6–10–62 to 6–9–63 (variety store; 51 employees).

S. S. Kresge Co. (#206), 201–08 South Phillips, Sioux Falls, S. Dak.; effective 6–10–62 to 6–9–63 (variety store; 22 employees).

Neisner Brothers, Inc. (#48), 1001 16th Street, Denver, Colo.; effective 6–10–62 to 6–9–63 (variety store; 37 employees).

J. J. Newberry Co., 289–91 Dakota Avenue SW., Huron, S. Dak.; effective 6–10–62 to 6–9–63 (variety store; 40 employees).

J. J. Newberry Co. (#710), 113 West C Street, McCook, Nebr.; effective 6–11–62 to 6–10–63 (variety store; 14 employees).

J. J. Newberry Co. (#783), 1933 South 42d, Omaha, Nebr.; effective 6–10–62 to 6–9–63 (variety store; 24 employees).

The Orchard Co., Inc., Hinky Dinky Store (#33), 1406 Central Avenue, Nebraska City, Nebr.; effective 6–20–62 to 6–19–63 (food store; 15 employees).

The Pottawattomie Co., Inc., Hinky Dinky Store (#57), 2801 West Broadway, Council Bluffs, Iowa; effective 6–20–62 to 6–19–63 (food store; 45 employees).

Rusty's Food Center, Inc., 2300 Louisiana Street, Lawrence, Kans.; effective 6–19–62 to 6–18–63 (food store; 53 employees).

Sixtieth & Adams Co., Inc., Hinky Dinky Store (#59), 60th and Adams, Lincoln, Nebr.; effective 6–20–62 to 6–19–63 (food store; 36 employees).

O. P. Skagg (#7), 501 West Avenue, Holdrege, Nebr.; effective 6–11–62 to 6–10–63 (food store; 18 employees).

F. W. Woolworth Co. (#1374), 215 South Summit Street, Arkansas City, Kans.; effective 6–18–62 to 6–17–63 (variety store; 24 employees).

F. W. Woolworth Co., 607–609 Locust Street, Chillicothe, Mo.; effective 6–18–62 to 6–17–63 (variety store; 19 employees).

F. W. Woolworth Co., 812 Broadway, Columbia, Mo.; effective 6–19–62 to 6–18–63 (variety store; 20 employees).

F. W. Woolworth Co. (#2315), 130 West Main Street, Cortez, Colo.; effective 6–18–62 to 6–17–63 (variety store; 15 employees).

F. W. Woolworth Co., 8 Crestwood Plaza, Crestwood 26, Mo.; effective 6–19–62 to 6–18–63 (variety store); 75 employees.

F. W. Woolworth Co. (#645), 107 North College Avenue, Fort Collins, Colo.; effective 6–19–62 to 6–18–63 (variety store; 28 employees).

F. W. Woolworth Co. (#1912), 406 North Main, Garden City, Kans.; effective 6–18–62 to 6–17–63 (variety store; 25 employees).

F. W. Woolworth Co. (#516), 309–11 West Third, Grand Island, Nebr.; effective 6–15–62 to 6–14–63 (variety store; 25 employees).

F. W. Woolworth Co., 1109 Main, Kansas City, Mo.; effective 6–18–62 to 6–17–63 (variety store; 99 employees).

F. W. Woolworth Co. (#39), 1109 "O" Street Lincoln, Nebr.; effective 6–15–62 to 6–14–63 (variety store; 37 employees).

F. W. Woolworth Co. (#657), 1908 Swift, North Kansas City, Mo.; effective 6–18–62 to 6–17–63 (variety store; 28 employees).

F.W. Woolworth Co. (#1262), 415 North Lewex, North Platte, Nebr.; effective 6–15–62 to 6–14–63 (variety store; 35 employees).

F. W. Woolworth Co., 6140 Natural Bridge, Pine Lawn, Mo.; effective 6–18–62 to 6–17–63 (variety store; 31 employees).

F. W. Woolworth Co. (#192), 317–21 North Main, Pueblo, Colo.; effective 6–19–62 to 6–18–63 (variety store; 84 employees).

F. W. Woolworth Co. (#3), Sixth and Locust Street, St. Louis 1, Mo.; effective 6–18–62 to 6–17–63 (variety store; 199 employees).

F. W. Woolworth Co. (#1560), 720 Olive Street, St. Louis, Mo.; effective 6–18–62 to 6–17–63 (variety store; 74 employees).

F. W. Woolworth Co., 2557 Woodson Road, St. Louis, Mo. 14, Mo.; effective 6–18–62 to 6–17–63 (variety store; 33 employees).

F. W. Woolworth Co. (#989), 2619 North 14th Street, St. Louis 6, Mo.; effective 6–18–62 to 6–17–63 (variety store; 27 employees).

F. W. Woolworth Co. (#1027), 2753 Cherokee Street, St. Louis 18, Mo.; effective 6–18–62 to 6–17–63 (variety store; 46 employees).

F. W. Woolworth Co. (#1451), 215 Main Street, Sterling, Colo.; effective 6–20–62 to 6–19–63 (variety store; 30 employees).

F. W. Woolworth Co. (#87), 625–29 Kansas Avenue, Topeka, Kans.; effective 6–15–62 to 6–14–63 (variety store; 71 employees).

F. W. Woolworth Co. (#561), 103 South Washington, Wellington, Kans.; effective 6–19–62 to 6–18–63 (variety store; 13 employees).

Region VIII

Bargain World (Terry Farris) (#5414), 401–5 West Houston, San Antonio, Tex.; effective 6–10–62 to 6–9–63 (variety store; 21 employees).

Brannons United Super (#1), 4309 Southeast 29th, Oklahoma City, Okla.; effective 6–10–62 to 6–9–63 (food store; 47 employees).

McCrory-McLellan-Green Store (#276), 901–05 Houston Street, Fort Worth, Tex.; effective 6–21–62 to 6–20–63 (variety store; 29 employees).

McLellan Store, 1119 Hidalgo, Laredo, Tex.; effective 6–10–62 to 6–9–63 (variety store; 85 employees).

Sam Glass Minimax, Inc., Palm Village Shopping Center, Brownsville, Tex.; effective 6–10–62 to 6–9–63 (food store; 46 employees).

Sam Glass Minimax, Inc., 502 South Texas, Mercedes, Tex.; effective 6–10–62 to 6–9–63 (food store; 15 employees).

Neisner Bros. (#121), 601 Pearl Street, Beaumont, Tex.; effective 6–10–62 to 6–9–63 (variety store; 17 employees).

Piggly Wiggly (#2), 710 North Fourth Street, Lamesa, Tex.; effective 6–10–62 to 6–9–63 (food store; 30 employees).

Piggly Wiggly (#1), 704 North First Street, Lamesa, Tex.; effective 6–10–62 to 6–9–63 (food store; 23 employees).

T. G. & Y. Stores Co., 9219 North Pennsylvania, Oklahoma City, Okla.; effective 6–21–62 to 6–20–63 (variety store; 19 employees).

Dogwood Variety, Inc. d/b/a T. G. & Y. Stores Co. (#59), 3428 SW. 29th Street, Oklahoma City, Okla.; effective 6–10–62 to 6–9–63 (variety store; 26 employees).

31st and Harvard Variety, Inc., d/b/a T. G. & Y. Stores Co. (#67), 3121 South Harvard, Tulsa, Okla.; effective 6–10–62 to 6–9–63 (variety store; 28 employees).

Terry Farris (#5417), 131 Main Street Eagle Pass, Tex.; effective 6–10–62 to 6–9–63 (variety store; 12 employees).

Terry Farris (#5404), 117 East Rice, Falfurrias, Tex.; effective 6–10–62 to 6–9–63 (variety store; eight employees).

Terry Farris (#5412), 106 West Jackson, Harlingen, Tex.; effective 6–10–62 to 6–9–63 (variety store; 24 employees).

Terry Farris (#5406), 208 East Kleberg, Kingsville, Tex.; effective 6–10–62 to 6–9–63 (variety store; 15 employees).

Terry Farris (#5409), 123 South Main, McAllen, Tex.; effective 6–10–62 to 6–9–63 (variety store; 49 employees).

Terry Farris (#5403), 190 South Sam Houston, San Benito, Tex.; effective 6–10–62 to 6–9–63 (variety store; 15 employees).

Terry Farris (#5405), 201 Texas Avenue, Weslaco, Tex.; effective 6–10–62 to 6–9–63 (variety store; 12 employees).

F. W. Woolworth Co., 104 West Main, Ada, Okla.; effective 6–10–62 to 6–9–63 (variety store; 15 employees).

F. W. Woolworth Co., Bossier City, Louisiana, 17 Big Chain Center; effective 6–10–62 to 6–9–63 (variety store; 12 employees).

F. W. Woolworth Co., 321–3 Main Street, Clovis, N.M.; effective 6–10–62 to 6–9–63 (variety store; 33 employees).

F. W. Woolworth Co., 5222 Montana, El Paso, Tex.; effective 6–10–62 to 6–9–63 (variety store; 19 employees).

F. W. Woolworth Co. (#1795), 8584 Dyer Street, El Paso, Tex.; effective 6–21–62 to 6–20–63 (variety store; 25 employees).

F. W. Woolworth Co. 110–114 West Randolph, Enid, Okla.; effective 6–10–62 to 6–9–63 (variety store; 43 employees).

F. W. Woolworth, 510 Main Street, Houma, La.; effective 6–10–62 to 6–9–63 (variety store; 38 employees).

F. W. Woolworth Co., 1122 Meyerland Plaza, Houston 35, Tex.; effective 6–10–62 to 6–9–63 (variety store; 51 employees).

F. W. Woolworth Co., 7914 Long Point Road, Houston 24, Tex.; effective 6–10–62 to 6–9–63 (variety store; 20 employees).

F. W. Woolworth Co., 3902 North Shepherd Drive, Houston 18, Tex.; effective 6–10–62 to 6–9–63 (variety store; 20 employees).

F. W. Woolworth Co., 400 Main, Little Rock, Ark.; effective 6–10–62 to 6–9–63 (variety store; 57 employees).

F. W. Woolworth Co., 1013 Broadway, Lubbock, Tex.; effective 6–10–62 to 6–9–63 (variety store; 19 employees).

F. W. Woolworth Co. (#1098), 105 N. Kentucky Street, McKinney, Tex.; effective 6–10–62 to 6–9–63 (variety store; 22 employees).

F. W. Woolworth Co., 424 Big Town, Mesquite, Tex.; effective 6–10–62 to 6–9–63 (variety store; 98 employees).

F. W. Woolworth Co., 311–313 West Broadway, Muskogee, Okla.; effective 6–10–62 to 6–9–63 (variety store; 26 employees).

F. W. Woolworth Co. (#1506), 601 Broadway, Plainview, Tex.; effective 6–10–62 to 6–9–63 (variety store; 15 employees).

F. W. Woolworth Co., 509 Procter Street, Port Arthur, Tex.; effective 6–10–62 to 6–9–63 (variety store; 23 employees).

F. W. Woolworth Co. (#2441), 135 West Beauregard Avenue, San Angelo, Tex.; effective 6–21–63 to 6–20–63 (variety store; 30 employees).

F. W. Woolworth Co. (#1382), 4834–36 Line Avenue, Uptown Shopping Center, Shreveport, La.; effective 6–21–62 to 6–20–63 (variety store; 17 employees).

F. W. Woolworth Co., 516 Texas Street, Shreveport, La.; effective 6–10–62 to 6–9–63 (variety store; 57 employees).

F. W. Woolworth Co., 5145 South Peoria, Tulsa, Okla.; effective 6–10–62 to 6–9–63 (variety store; 27 employees).

F. W. Woolworth Co., 531 East 36th Street North, Tulsa, Okla.; effective 6–10–62 to 6–9–63 (variety store; 27 employees).

F. W. Woolworth Co., 3738 East Admiral, Tulsa, Okla.; effective 6–10–62 to 6–9–63 (variety store; 22 employees).

F. W. Woolworth Co., 2504 North Laurent, Victoria, Tex.; effective 6–10–62 to 6–9–63 (variety store; 22 employees).

F. W. Woolworth Co., 605 Austin Avenue, Waco, Tex.; effective 6–10–62 to 6–9–63 (variety store; 27 employees).

F. W. Woolworth Co., 110 North Main Street, Victoria, Tex.; effective 6–10–62 to 6–9–63 (variety store; 25 employees).

F. W. Woolworth Co. (#2233), 521 Westview Village, Waco, Tex.; effective 6–10–62 to 6–9–63 (variety store; 18 employees).

F. W. Woolworth Co., 110–112 East Choctaw Avenue, McAlester, Okla.; effective 6–10–62 to 6–9–63 (variety store; 18 employees).

F. W. Woolworth Co., 816 Garrison Avenue, Fort Smith, Ark.; effective 6–23–62 to 6–22–63 (variety store; 22 employees).

F. W. Woolworth Co., 317 Main Street, Big Spring, Tex.; effective 6–23–62 to 6–22–63 (variety store; 20 employees).

Region IX

J. J. Newberry Co., 480 Park Avenue, Idaho Falls, Idaho; effective 6–18–62 to 6–17–63 (variety store; 65 employees).

F. W. Woolworth Co., 128–32 Third Avenue, Havre, Montana; effective 6–18–62 to 6–17–63. (variety store; 20 employees).

F. W. Woolworth Co., 91–95 North Main, Logan, Utah; effective 6–21–62 to 6–20–63 (variety store; 25 employees).

Region X

Georges Markets, 1216 East Main Street, Morristown, Tenn.; effective 6–18–62 to 6–17–63 (food store; 23 employees).

S. S. Kresge (#363), 100 East Main Street, Owensboro, Ky.; effective 6–18–62 to 6–15–63 (variety store; 55 employees).

Levy's Specialty Stores, Inc., 3417 Plaza Avenue, Memphis, Tenn.; effective 6–18–62 to 6–17–63 (apparel store; 146 employees).

Levy's Specialty Stores, Inc., P.O. Box 262, Memphis, Tenn.; effective 6–18–62 to 6–17–63 (apparel store; 61 employees).

McCrory Store (#13), 218–220 Capitol Street, Charleston, W. Va.; effective 6–14–62 to 6–13–63 (variety store; 26 employees).

McCrory Store (#32), 218–20 Adams Street, Fairmont, W. Va.; effective 6–18–62 to 6–17–63 (variety store; 26 employees).

G. C. Murphy Co. (#198), 616–18 King Street, Alexandria, Va.; effective 6–15–62 to 6–14–63 (variety store; 101 employees).

G. C. Murphy Co. (#241), 3654 King Street, Alexandria, Va.; effective 6–15–62 to 6–14–63 (variety store; 44 employees).

G. C. Murphy Co. (#214), 3000 Wilson Boulevard, Arlington, Va.; effective 6–15–62 to 6–14–63 (variety store; 59 employees).

G. C. Murphy Co. (#132), 218–22 West Main Street, Beckley, W. Va.; effective 6–15–62 to 6–14–63 (variety store; 118 employees).

G. C. Murphy Co. (#50), 10–14 Main Street, Buckhannon, W. Va.; effective 6–15–62 to 6–14–63 (variety store; 40 employees).

G. C. Murphy Co. (#207), 502–510 "D" Street, South Charleston, W. Va.; effective 6–15–62 to 6–14–63 (variety store; 33 employees).

G. C. Murphy Co. (#171), 312–14 West Main Street, Clarksburg, W. Va.; effective 6–15–62 to 6–14–63 (variety store; 79 employees).

G. C. Murphy Co. (#15), 105–11 Third Street, Elkins, W. Va.; effective 6–15–62 to 6–14–63 (variety store; 46 employees).

G. C. Murphy Co. (#22), 97–103 North Main Street, Keyser, W. Va.; effective 6–15–62 to 6–14–63 (variety store; 49 employees).

G. C. Murphy Co. (#197), 222–230 High Street, Morgantown, W. Va.; effective 6–15–62 to 6–14–63 (variety store; 77 employees).

G. C. Murphy Co. (#18), Jefferson and Third Streets, Moundsville, W. Va.; effective 6–15–62 to 6–14–63 (variety store; 44 employees).

G. C. Murphy Co. (#24), 109–121 New Market Shopping Center, Newport News, Va.; effective 6–15–62 to 6–14–63 (variety store; 69 employees).

G. C. Murphy Co. (#168), Main Street, North Fork, W. Va.; effective 6–15–62 to 6–14–63 (variety store; 25 employees).

G. C. Murphy Co. (#213), Main and Oak Streets, Oak Hill, W. Va.; effective 6–15–62 to 6–14–63 (variety store; 34 employees).

G. C. Murphy Co. (#212), 712–714 Market Street, Parkersburg, W. Va.; effective 6–15–62 to 6–14–63 (variety store; 103 employees.

G. C. Murphy Co. (#49), 61–63 Ashfield Street, Piedmont, W. Va.; effective 6–15–62 to 6–14–63 (variety store; 19 employees).

G. C. Murphy Co. (#176) 323½–25½ Main Street, Pikeville, Ky.; effective 6–15–62 to 6–14–63 (variety store; 73 employees).

G. C. Murphy Co. (#154), 995–997 Mercer Street, Princeton, W. Va.; effective 6–15–62 to 6–14–63 (variety store; 63 employees).

G. C. Murphy Co. (#245), 1717–21 Willow Lawn Drive, Richmond, Va.; effective 6–15–62 to 6–14–63 (variety store; 74 employees).

G. C. Murphy Co. (#142), 4750 North Southside Plaza, Richmond, Va.; effective 6–15–62 to 6–14–63 (variety store; 66 employees).

G. C. Murphy Co. (#208), 401–09 East Broad Street, Richmond, Va.; effective 6–15–62 to 6–14–63 (variety store; 129 employees).

G. C. Murphy Co. (#189), Bridge and Pike Streets, Shinnston, W. Va.; effective 6–15–62 to 6–14–63 (variety store; 25 employees).

G. C. Murphy Co. (#195), Main and Church Streets, Spencer, W. Va.; effective 6–15–62 to 6–14–63 (variety store; 24 employees).

G. C. Murphy Co. (#33), 1115–17 Market Street, Wheeling, W. Va.; effective 6–15–62 to 6–14–63 (variety store; 116 employees).

G. C. Murphy Co. (#254), 3539 Main Street, Weirton, W. Va.; effective 6–15–62 to 6–14–63 (variety store; 37 employees).

G. C. Murphy Co. (#162), 3200–10 Main Street (Cove Station), Weirton, W. Va.; effective 6–15–62 to 6–14–63 (variety store; 46 employees).

G. C. Murphy Co. (#21), 160–64 Main Street, Weston, W. Va.; effective 6–15–62 to 6–14–63 (variety store; 41 employees).

G. C. Murphy Co. (#131), 54 Second Avenue, Williamson, W. Va.; effective 6–15–62 to 6–14–63 (variety store; 56 employees).

Seessel's, 1761 Union Avenue, Memphis, Tenn.; effective 6–16–62 to 6–15–63 (food store; 69 employees).

F. W. Woolworth Co., 122 Franklin Street, Clarksville, Tenn.; effective 6–16–62 to 6–15–63 (variety store; 30 employees).

F. W. Woolworth Co., 103 South Mill Avenue, Dyersburg, Tenn.; effective 6–16–62 to 6–15–63 (variety store; 27 employees).

F. W. Woolworth Co., 805–7 Main Street, Hopkinsville, Ky.; effective 6–15–62 to 6–14–63 (variety store; 13 employees).

F. W. Woolworth Co., 113–119 East Main Street, Jackson, Tenn.; effective 6–15–62 to 6–14–63 (variety store; 37 employees).

F. W. Woolworth Co., 3186 North Thomas, Memphis, Tenn.; effective 6–15–62 to 6–14–63 (variety store; 25 employees).

F. W. Woolworth Co., 59 North Main Street, Memphis Tenn.; effective 6–15–62 to 6–14–63 (variety store; 38 employees).

F. W. Woolworth Co., 3454 Plaza, Memphis, Tenn.; effective 6–15–62 to 6–14–63 (variety store; 31 employees).

F. W. Woolworth Co., Southgate Shopping Center, South Third Street, Memphis, Tenn.; effective 6–15–62 to 6–14–63 (variety store; 26 employees).

NORTH CAROLINA

Belk's Department Store (#5), Jefferson Square, Greensboro, N.C.; effective 6–10–62 to 5–31–63 (department store; 219 employees).

Belk's Suburban Store (#354), Friendly Road, Greensboro, N.C.; effective 6–10–62 to 5–31–63 (department store; 65 employees).

G. C. Murphy Co. (#249), 26–28 Second Street, Northwest, Hickory, N.C.; effective 6–10–62 to 5–31–63 (variety store; 49 employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates below $1.00 an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Colonial Stores, Inc., Eastwood Shopping Center, 7701 Eastwood Mall, Birmingham, Ala.; effective 6–28–62 to 6–27–63; bagger-carryout, checker, clerk; between 0.0 percent and 10 percent (food store; 20 employees).

Colonial Stores, Inc., 5470 Peachtree Industrial Boulevard, Chamblee, Ga.; effective 6–28–62 to 6–27–63; bagger-carryout, checker, clerk; between 0.7 percent and 4.7 percent (food store; 29 employees).

Neisner Bros., Inc. (#179), 4 Lake City Plaza, U.S. 41 South, Lake City, Fla.; effective 6–27–62 to 6–26–63; selling; between 7.6 percent and 10 percent (variety store; 17 employees).

Neisner Bros., Inc. (#169), 237 Newton Shopping Center Building, Newton, Iowa; effective 6–27–62 to 6–26–63; sales clerk; between 1.1 percent and 10 percent (variety store; 14 employees).

Neisner Bros., Inc. 1938 Grand Avenue, North, Spencer, Iowa; effective 6–27–62 to 6–26–63; sales clerk, stock clerk; between 4.3 percent and 10 percent (variety store; 25 employees).

F. W. Woolworth Co. (#704), 101 East Third Street, Sterling, Ill.; effective 6–28–62 to 6–27–63; sales clerk; 10 percent each month (variety store; 43 employees).

F. W. Woolworth Co., 2–4 East Eighth Street, Holland, Mich.; effective 6–27–62 to 6–26–63; sales clerk; between 8.6 percent and 10 percent (variety store; 37 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 18th day of July 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62–7248; Filed, July 24, 1962; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13710; Order No. E–18614]

CONTINENTAL AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of July 1962.

In the matter of Off-Peak Fares proposed by Continental Air Lines, Inc.

By tariff revision effective July 22, 1962,[1] Continental Air Lines, Inc. proposes to add "off-peak" fares to its routes between Los Angeles, El Paso, and

[1] The fares were originally marked to become effective July 1, 1962; the tariff was rejected, however, for technical reasons, and the new page bears July 22 effective date.

Dallas. These fares would apply the regular jet coach fare in the low density compartment, and lower "night coach" fares in the high density compartment of Continental's B–707 equipment departing the cities named above between 10 p.m. and 3:59 a.m., except that Continental's flight 86 will depart El Paso between 10 p.m. and 4:30 a.m.

American Airlines, Inc. filed a complaint with the Board requesting investigation and suspension of Continental's proposal. In summary, American asserts that its own flights departing Los Angeles and El Paso for Dallas between 10 p.m. and 4 a.m. have long experienced satisfactory load factors at regular fares. In addition, American contends that Continental's certificate authority does not permit it to operate single-plane service in the Los Angeles-Dallas market.[2] Continental answered the complaint,[3] asserting that the markets involved are in fact off-peak, that it would be uneconomic to operate this service at regular fares, that the proposed fares would result in increased utilization of aircraft, that its certificate authority does permit the proposed operation, and that the Los Angeles-Dallas market is similar to the Los Angeles-Houston market in which the Board permitted Continental to establish off-peak fares.[4]

On the basis of the information presently before us, it is considered that the proposed fares may be unjust or unreasonable, or unjustly discriminatory, or unduly prejudicial, or unduly preferential and should be investigated. American's traffic data are not conclusive in establishing the character of the markets involved since Continental's flights terminate in Texas and American's flights continue across the country, but they do raise a serious question as to the off-peak characteristics of these markets. We do not consider that Continental has made sufficient showing that these markets are in fact off-peak, and since the proposed "night coach" fares, at a level approximating 85 percent of the corresponding "day coach" fares, and the application of day coach fares in the first-class compartment would be established in these markets where no other carrier presently provides off-peak fares, the proposed fares will be suspended from effectiveness pending determination of their lawfulness. Finally, we note that Continental's primary purpose in proposing these fares does not appear to be the "additional utilization of equipment and facilities" as envisioned by the Off-Peak Policy,[5] although it makes such an allegation. Rather, Continental states that its certificate restriction in the Los Angeles-Dallas market causes it to suffer a competitive disadvantage therein which can be overcome with off-peak fares. It is the purpose of the certificate restriction to reserve the major portion of the market to American and Delta,[6] and the proposed "off-peak" fares should not be used in an attempt to gain a larger share of the competitive market than the certificate contemplates.

Therefore, pursuant to the Federal Aviation Act of 1958, particularly sections 204(a), 404, and 1002 thereof, and sections 4, 7, and 8 of the Administrative Procedure Act: *It is ordered*, That:

1. An investigation be instituted to determine whether the fares and provisions between Dallas, on the one hand, and El Paso and Los Angeles, on the other, and the provisions of the "Application" reading "Dallas", "El Paso" and "except CO flight 86 will depart from El Paso between the hours of 10:00 p.m. and 4:30 a.m.", appearing on 35th, 36th and 37th Revised Pages 103 of Agent C. C. Squire's C.A.B. No. 44 are or will be unjust and unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares and provisions.

2. Pending investigation, hearing and decision by the Board, the fares and provisions described in Ordering Paragraph 1 are suspended and their use deferred to and including October 19, 1962, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. The compaint of American Airlines, Inc. in Docket 13754 be consolidated into Docket 13710.

4. That a copy of this Order be filed with the tariff and be served upon Continental Air Lines, Inc. and American Airlines, Inc. which are hereby made parties to this investigation.

5. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62–7272; Filed, July 24, 1962; 8:57 a.m.]

[2] American's complaint in Docket 13754, dated July 3, 1962, filed because the tariff page was rejected and refiled, essentially reiterated these contentions.

[3] Continental also filed an answer to American's complaint in Docket 13754 on July 9, 1962.

[4] E–16917, June 9, 1961.

[5] 14 CFR 399.19(a).

[6] Southern Transcontinental Service Case, Docket 7984 et al., E–16500, March 13, 1961, p. 22, n. 26; Initial Decision, p. 222.

FEDERAL AVIATION AGENCY

PROHIBITION OF EXCLUSIVE RIGHTS ON AIRPORTS RECEIVING FEDERAL FUNDS

Policy Statement

Purpose. It is the purpose of this paper to clarify the laws and policies that apply to arrangements for the conduct of fixed-base operations and other forms of aeronautical activities on public airports on which Federal funds have been expended.

Background. Complaints have been lodged with the Agency in the recent past about arrangements under which fixed-base operations were being handled at two airports. Each case involved different facts and circumstances. It became clear as they were investigated that a need existed to clarify the requirements of pertinent laws in such situations and to provide a current statement of Agency policy. The circumstances in each case illustrate typical situations in which Agency policy must be considered and applied and are set forth for their value as background information.

Case A involved a large Eastern airport which had received grants of Federal funds under the Federal Airport Act subject to the usual assurances that it would not grant or permit exclusive rights prohibited by section 308 of the Federal Aviation Act.

For approximately 33 years prior to 1961, fixed-base operations had been conducted on the airport by three firms, directly and through their predecessors in interest, in an area slightly in excess of four acres. The airport in 1961 decided to increase the scope of fixed-base operations and award them to a single operator. For this purpose, it provided an area of approximately 24 acres and negotiated a lease with an operator of its choice, which happened not to be one of the three then present. The lease gave the designated operator the exclusive right to the 24-acre tract, but stated that the airport reserved the right to make similar arrangements with other operators. It was alleged, and not denied by the airport, that no other acreage was then available for lease to other operators. The airport further asserted that it did not know when additional acreage would become available.

As a result of the new arrangements with the single operator, the three tenant operators were given notice that their arrangements were being terminated and to return possession of their leased ground to the airport. They petitioned the Agency to hold the action of the airport to be in contravention of section 308(a) of the Federal Aviation Act and the obligations the airport had assumed under its grant agreement.

After hearings in the Eastern Region, the matter was appealed to the General Counsel and ultimately by both parties to the Administrator, who took it under advisement personally. After several conferences with all interested parties, the Administrator accepted the offer by the airport to enter into arrangements with at least more than one fixed-base operator, which arrangements were subsequently negotiated successfully.

Case B involved a surplus property airport in the South which has three fixed-base operators. One of the three had the exclusive right to retail aviation petroleum products. The leases with the other two operators expressly recognized this exclusive right, allowed them to use any brand of aviation petroleum products they might choose, but denied them the right and privilege of retailing the brands they used.

Their leases also provided that "if section 303 of the Civil Aeronautics Act of 1938 or other pertinent legislation or regulation is construed by the Federal Aviation Agency to prohibit such exclusive franchise as being discriminatory or contrary to policy, then the Lessee shall have a nonexclusive right and privilege of selling aviation petroleum products on the same payment basis to Lessor as the" operator whose lease gave him the exclusive right. The arrangement for the exclusive right to sell petroleum products was protested to the Agency by one of the other two Lessees, who is being advised of the Agency's views as set forth in this paper.

Recognizing that policies and interpretations underlying the Agency's actions in these cases have implications for the entire grant-in-aid program, and for the wide variety of arrangements that exists at many airports, this statement is published to provide guidance for all personnel of the Agency.

Summary of laws. The policies of the Federal Aviation Agency, as of any other government agency, must give full effect to the requirements of applicable laws. For this purpose and for the more effective understanding and application of Agency policies, the pertinent provisions of these laws are summarized briefly, and their text, which all personnel should read, is attached.

1. The Federal Aviation Act bans exclusive rights for the use of landing areas upon which Federal funds have been expended (section 308(a)); landing areas are defined to include airports (section 101).

This ban appeared originally in the Civil Aeronautics Act of 1938 and was interpreted in an opinion of the Attorney General on July 14, 1941, in terms of its application to "aeronautical activities." The Attorney General stated that its purpose is to prohibit monopolies and to promote and encourage competition in civil aeronautics and that a grant of exclusive right for a particular aeronautical activity is proscribed. The opinion identified safety as a limiting factor in applying the prohibition.

2. The Federal Aviation Act also requires the Administrator to consider the promotion, encouragement and development of civil aeronautics in performing his duties (section 103).

3. The Surplus Property Act makes grants of airport property subject to a condition or restriction that the grantee will not vest any of several exclusive rights, which are specifically defined, in any person or persons to the exclusion of others in the same class. The net effect of the Act is to prohibit these exclusive rights, since the Act also provides for reversion of the airport to the United States if the condition or restriction is not complied with. The sale of gasoline and oil is expressly excluded from the definition and thus can be vested on an exclusive basis on such airports (section 13(g)(2)).

4. The Federal Airport Act requires the Administrator to receive assurances that airports will be available for public use on fair and reasonable terms and without unjust discrimination before approving aid projects (section 11(1)).

Definitions. The Attorney General's opinion did not fully define "aeronautical activity," nor did the request for his opinion ask for any such definition. A definition, therefore, is necessary at this time in order to indicate the areas in which pertinent laws and policies will apply.

For this purpose, "aeronautical activity" is defined as any activity which involves, makes possible, or is required for the operation of aircraft, or which contributes to or is required for the safety of such operations.

The following activities, commonly conducted on airports, are aeronautical activities within this definition: charter operations, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other included activities, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can appropriately be regarded as an "aeronautical activity."

For the further understanding of the extent and manner in which the Agency believes applicable laws are required to be applied, "exclusive right" is considered as a grant to a single party to the express, implied, or constructive exclusion of others, or a grant to a stated or selected number of parties to the express exclusion of others.

Each grant must be evaluated in light of the facts and circumstances surrounding its creation and the manner in which it will be effectuated, since applicable laws proscribe not merely the specific creation of an exclusive right but also the creation of an exclusive right in fact.

Policies. It is the policy of the Agency to regard the grant of an exclusive right for the conduct of any aeronautical activity on an airport on which Federal funds have been expended as contrary to the requirements of applicable laws. The Agency, accordingly, will disapprove such grants, when its review or other action is required.

However, in the case of any airport acquired under the Surplus Property Act the definition of "exclusive right" contained in that statute will apply even if such airports subsequently receive Federal funds.[1]

As indicated, the facts and circumstances surrounding the grant and exercise of rights to conduct aeronautical activities at airports on which Federal funds have been expended are of major importance and the Federal Aviation Agency will observe these further policies in administering the laws applicable to public airports:

1. The opportunity to engage in aeronautical activities should be made available to at least more than one party.

(a) Care should be exercised to avoid a doctrinaire insistence on this policy when it would be obviously or probably impractical or unreasonable to enforce it. Thus, consideration will be given to circumstances such as lack of available ground on which the activity can be located, hazard to safety, or insufficient volume of business to justify more than one operator. The application of these considerations is desirable in light of the Administrator's responsibilities under section 103 of the Federal Aviation Act to consider the promotion, encouragement and development of civil aeronautics in performing his duties.

2. Such opportunities should be available on fair and reasonable terms and without unjust discrimination.

(a) All interested parties should be given a fair and reasonable opportunity to qualify for consideration or otherwise compete for available facilities.

(b) Compliance with this policy will normally be assumed where opportunity to qualify is afforded by a general invitation to bid on each facility available, and award is made on the basis of bid. We believe open bidding places all parties on an equal footing, and even though it is not required by law its use should be regarded as a direct and effective approach to compliance.

(c) Where negotiation rather than bid is employed, and any interested party appeals to the Agency, compliance will be determined by the facts and circumstances.

(d) The Agency should normally accept the judgment of the airport operator or management on the responsibility and qualifications of interested applicants.

3. Applicants for grants of Federal Airport Funds will be required to agree that they will comply with applicable laws and with the policies of the Agency with respect to conduct of aeronautical activities on their airports.

(a) Applicants who have granted exclusive rights should be advised that such rights are contrary to applicable law and policy. They must agree to effect necessary changes in such exclusive arrangements within a reasonable time before a grant-in-aid will be approved. For the

[1] This specific statutory provision results in the application of different policies in the single aspect of aeronautical activities involving the sale of gasoline and oil. The legislative history of the section does not indicate why the different treatment was provided, nor is there in it any indication of the problems or factors in airport administration that may have prompted such language. In fact, there is a complete absence of any legislative history on the specific exclusion of the sale of gasoline and oil. The bill from which this statute resulted, as introduced originally by the Executive Branch, included the sale of gasoline and oil in the list of exclusive rights prohibited. The change excluding gasoline and oil sales was made in committee and became evident only when the bill was reported out. Neither the committee report nor floor debate or any other source sheds any light on the reason and the intent behind the change, other than indicated by its language. The status of many surplus property airports has changed considerably since the Surplus Property Act was amended in 1947. Many of these airports serve major traffic centers and many have received Federal funds under the Federal Airport Act in the form of grants-in-aid for airport development and improvement. The Agency is considering the desirability of recommending legislative action to bring the situation to the attention of the Congress in order that it might determine whether it has changed sufficiently to justify amendment of the Surplus Property Act.

purpose of effecting such changes, a reasonable time will be considered as a period of one year from the date of approval of an application for a grant-in-aid.

4. Recipients of prior grants of Federal funds should be urged to conform to applicable laws and these policies as soon as is reasonably practical. We recognize that the Agency or its predecessor was a party to prior grant agreements. While this circumstance has given rise to questions about the posture and authority of the Agency in expressing belief that prior grants can or should be changed, the validity of any grant rests solely on its compatibility with law. It is doubtful that grants can be viewed as having continuing validity if they do not conform to the law, regardless of the circumstances under which they are entered into originally.

(a) For the purpose of effecting compliance with this policy, "as soon as is reasonably practical" will be considered as a maximum period of two years from the date of this statement of policy.

5. As in the past, hazards to safety in normal activities will be the basis for exemption or exception to the foregoing.

6. The presence of only one activity on an airport will not create any assumption of lack of compliance where there is no evidence of interest by other parties. The Agency will not in such instances initiate any inquiry or action to determine whether the airport is in default under its grant agreement unless complaint or appeal is made to the Agency that the single activity exists under an arrangement with the airport that does not conform to applicable laws or policies.

Administrative guidance. We recognize that the facts involved in arrangements at different airports will vary from case to case. This statement has been prepared in an effort to provide the broadest, general guidance that can be devised at this time in light of the situations that have been brought to the attention of the Agency. Undoubtedly other situations will arise that might appear not to be covered by the guidelines set forth here. In such event, the matter should be brought to the attention of Agency Headquarters. This paper will be modified from time to time as necessary to further clarify areas that are not already covered, as a result of any new interpretation that will be provided in such situations in the future.

N. E. HALABY,
Administrator.

JULY 17, 1962.

APPLICABLE LAWS RE AERONAUTICAL ACTIVITIES AT AIRPORTS RECEIVING FEDERAL FUNDS

1. Federal Aviation Act of 1958 (72 Stat. 731):

"SEC. 308(a). • • • There shall be no exclusive right for the use of any landing area or air navigation facility upon which Federal funds have been expended.[2]"

Opinion of the Attorney General. The language of section 308(a) of the Federal Aviation Act, quoted above, is identical to language that appeared originally in the Civil Aeronautics Act of 1938 (section 303). Consequently, in interpreting and applying the requirements of this provision of law, it is necessary to consider the definitive interpretation of the identical provision of the Civil Aeronautics Act contained in an opinion rendered by the Attorney General of the United States on July 14, 1941. Pertinent abstracts are:

"The restrictions imposed by the provisions of section 303 of the Civil Aeronautics Act of 1938 upon the expenditure of Federal funds upon landing areas and air navigation facilities make it clear that the term 'exclusive right' as used in the section was intended to describe a power, privilege, or other right excluding or debarring another or others from enjoying or exercising a like power, privilege, or right. This meaning is confirmed by the legislative history which shows that the purpose of the provision is to prohibit monopolies and combinations in restraint of trade or commerce and to promote and encourage competition in civil aeronautics in accordance with the policy of the Act (sec. 2). Cong. Rec. v. 6729, 6730. See, also, section 302(a) of the statute which, in respect of the powers and duties of the Administrator, provides that no exclusive rights shall be granted for the use of any civil airway, landing area, or other air navigation facility.

"It seems very doubtful that the term 'exclusive right for the use of any landing area' was intended to apply only to the use of an airport for all aeronautical purposes or to the total of the aeronautical uses to which it is or may be devoted. Under such a construction the grant to one person of the exclusive right to use an airport for air carrier service would be permissible so long as another person or other persons used or were authorized to use it for other aeronautical activities. But this construction would give a monopoly at the airport to the air carrier operator and thus would frustrate the purpose of the limitation upon the use of Federal funds. I find nothing in the language of the statute or its history requiring such a construction. The provision is clearly applicable to any right for the use of a landing area or an airport in civil aeronautics which is exclusive in character.

"Accordingly, it is my opinion that the grant of an exclusive right to use an airport for a particular aeronautical activity, such as an air carrier, falls within the provision of section 303 of the Civil Aeronautics Act of 1938 proscribing any exclusive right for the use of any landing area.

"Other provisions of the statute are designed to insure the safety of the public and of persons engaged in air commerce. The above conclusion does not mean that in administering the provisions of section 303 it is necessary to permit such competition as would endanger the safety of the public and of persons engaged in air commerce. Any possible conflict between section 303 and the safety provisions of the statute is not presented by your present request for my opinion."

2. Federal Aviation Act of 1958 (72 Stat. 731):

"SEC. 103. In the exercise and performance of his powers and duties under this Act the Administrator shall consider the following, among other things, as being in the public interest:

"(b) The promotion, encouragement, and development of civil aeronautics;"

3. Surplus Property Act of 1944, as amended (61 Stat. 678):

"SEC. 13(g)(2). • • • all property disposed of under authority of this subsection shall be disposed of on and subject to the following terms, conditions, reservations and restrictions:

• • • • • •

"(c) No exclusive right for the use of the airport at which the property disposed of is located shall be vested (either directly or indirectly) in any person or persons to the exclusion of others in the same class. For the purpose of this condition, an exclusive right is defined to mean—

"(1) any exclusive right to use the airport for conducting any particular aeronautical activity requiring operation of aircraft;

"(2) any exclusive right to engage in the sale or supplying of aircraft, aircraft accessories, equipment, or supplies (excluding the sale of gasoline and oil), or aircraft services necessary for the operation of aircraft (including the maintenance and repair of aircraft, aircraft engines, propellers, and appliances)."

4. Federal Airport Act of 1946 (60 Stat. 170):

"SEC. 11. As a condition precedent to his approval of a project under this Act, the Administrator shall receive assurances in writing, satisfactory to him, that

"(1) The airport to which the project relates will be available for public use on fair and reasonable terms and without unjust discrimination."

[F.R. Doc. 62-7337; Filed, July 24, 1962; 8:57 a.m.]

[2] Section 101 of the Federal Aviation Act contains the following definitions:

"(8) 'Air navigation facility' means any facility used in, available for use in, or designed for use in, aid of air navigation, including landing areas, lights, any apparatus or equipment for disseminating weather information, for signaling, for radio-directional finding, or for radio or other electrical communication, and any other structure or mechanism having a similar purpose for guiding or controlling flight in the air or the landing and take-off of aircraft.

"(22) 'Landing area' means any locality, either of land or water, including airports and intermediate landing fields, which is used, or intended to be used, for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo."

FEDERAL COMMUNICATIONS COMMISSION

[List No. 36; FCC 62-802]

NEW, WINSLOW, ARIZONA

Standard Broadcast Application Ready and Available for Processing

JULY 20, 1962.

In accordance with the Commission action of July 18, 1962 granting a waiver of § 1.354(c) of the Commission's rules permitting the below described application to be placed at the top of the processing line, notice is hereby given that on August 27, 1962, the following application:

BP-15220 New, Winslow, Ariz.
Willard Shoecraft.
Req: 1230 kc, 250 w, U.

will be considered as ready and available for processing. Pursuant to §§ 1.106(b)(1) and 1.316(c) of the Commission's rules, an application, in order to be considered with this application or with any application on file by the close of business on August 24, 1962 which involves a conflict necessitating a hearing with this application, must be consistent with the interim criteria contained in the "Note" to § 1.354 of the Commission's rules and must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business of August 24, 1962, or (b) the earlier effective cut-off date which this application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d) of the Communications Act of 1934, as amended, is directed to § 1.359(i) of the Commission's rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: July 18, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7282; Filed, July 24, 1962; 8:53 a.m.]

[FCC 62-751]

STATEMENT OF ORGANIZATION, DELEGATIONS OF AUTHORITY, AND OTHER INFORMATION

Authority Delegated

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of July 1962;

The Commission having under consideration an Order (FCC 62-750) adopted this day amending § 1.112 of its rules of Practice and Procedure, under which the place of hearing may in some cases be changed only by order of the Commission; and

It appearing that the Commission's authority in this respect should be delegated to the Chief Hearing Examiner; and

It further appearing that the amendment adopted herein pertains to matters of Commission organization and procedure, and hence that compliance with the notice, procedural, and effective date provision of section 4 of the Administrative Procedure Act is unnecessary; and

It further appearing that authority for adoption of the amendment herein is contained in sections 4(i), 5(d), and 303 (r) of the Communications Act of 1934, as amended;

It is ordered, Effective August 1, 1962, That section 0.224(d) of the Statement of Organization, Delegations of Authority, and Other Information is amended to read as follows:

SEC. 0.224 *Authority delegated.*

• • • • •

(d) Petitions requesting a change in the place of hearing where the hearing is scheduled to begin in the District of Columbia or where the hearing is scheduled to begin at a field location and all appropriate proceedings at that location have not been completed. (See 47 CFR 1.112.)

Released: July 20, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7283; Filed, July 24, 1962; 8:54 a.m.]

[Docket No. 14583; FCC 62-767]

FIFTH MARKET BROADCASTING CO., INC. (WGSM)

Memorandum Opinion and Order Amending Issues

In re application of Fifth Market Broadcasting Co., Inc., (WGSM), Huntington, New York, Docket No. 14583, File No. BP-14332; for construction permit.

1. The Commisison has before it for consideration (a) a petition for reconsideration and grant filed April 24, 1962, by Fifth Market Broadcasting Co., Inc. (WGSM); (b) an opposition of the Broadcast Bureau filed May 1, 1962; and (c) a reply to opposition filed May 15, 1962, by WGSM.

2. By Order released March 26, 1962, (FCC 62-311), the Commission designated for hearing the aplication of Fifth nated for hearing the application of Fifth Market Broadcasting Co., Inc., on issues to determine the areas and populations which may be expected to gain or lose the primary service from WGSM and the availability of other services; contravention of § 3.35(a) of the rules as to multiple ownership of stations; and compliance with § 3.24(g) of the Rules as to population within the 1000 mv/m contour.

3. WGSM now petitions for reconsideration and grant of its application on the grounds that the factual situation has changed materially and that it is accordingly entitled to have the petition considered on its merits. On the basis of the 1960 U.S. Census, WGSM shows that it would provide the WGSM service for the first time to 465,109 persons, and that its violation of § 3.24(g) is not as great as when the 1950 Census figures are used. WGSM argues that, with reference to § 3.35(a), its proposal comports with Knorr Broadcasting Corporation, 25 FCC 1291, 14 RR 925 (1958), in which, it alleges, the Commission held that § 3.35(a) does not preclude a grant of an application for increased power of one station where (a) neither station provides primary service to the city in which the other is located; (b) each city is a separate and distinct community; and (c) each station is separately staffed and programmed.

4. Petitioner's proposal does not comply with § 3.24(g) of the rules, and petitioner does not show any basis for waiver of the requirements of this rule, such as, for example, the unavailability of other transmitter sites which would assure compliance with the rule.[1] Its petition for reconsideration and grant will therefore be denied. In view of our denial of the petition, it is not necessary to consider at this time petitioner's further arguments concerning the § 3.35(a) issue; moreover, the Commission is not disposed to reconsider the designation of an issue absent a showing that factual circumstances have materially changed since the issue was originally designated. No such showing has, however, been made.

5. The 1960 Census data on which petitioner relies raise a question as to whether its proposal continues to comply with § 3.28(d) of the Commission's rules. While the petitioner shows that, using 1960 Census figures, a greater number of persons would be served within its interference-free contour, it did not submit data as to the number of persons within its normally protected 0.5 mv/m contour. Under the circumstances, an issue will be added, on the Commission's own motion, to determine whether petitioner's proposal complies with § 3.28(d)(3) of the rules.

Accordingly, it is ordered, This 18th day of July 1962, that the petition for reconsideration and grant of Fifth Market Broadcasting Co., Inc., filed April 24, 1962, is denied; and

It is further ordered, That, on the Commission's own motion, the designation order, released March 26, 1962 (FCC 62-311) is amended by the addition of the following issue: To determine whether interference received from the WVCH, Chester, Pennsylvania, would affect more than 10 percent of the population within the normally protected primary service area of the instant proposal of WGSM, in contravention of § 3.28(d)(3) of the Commission's rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

Released: July 20, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7277; Filed, July 24, 1962; 8:53 a.m.]

[Docket No. 14651]

KFNF BROADCASTING CORP. (KFNF)

Notice of Place of Hearing

In re application of KFNF Broadcasting Corporation (KFNF), Shenandoah,

[1] Petitioner cites a grant of construction permit without hearing to Station WROK, Rockford, Illinois, and Suburban Broadcasting Co., Inc. (WVIP), 31 FCC 21 (1961) in support of its request. These cited actions are distinguishable from WGSM's in that in WROK it was found that a move to another site to comply with the Rules during daytime operation would result in violation of § 3.188(b) as to its nighttime operation. WGSM is a daytime station. As to Suburban, the population involved with the 1000 mv/m contour was 312 persons, which is slightly over the 300 persons mentioned in the exception to the provisions of § 3.24(g). WGSM's proposal involves 810 persons.

Iowa, Docket No. 14651, File No. BP-14026; for construction permit.

The hearing on the above-entitled matter presently scheduled for Thursday, August 2, 1962, will be held at 10:00 a.m., in Conference Room, No. 255-257 in the Federal Building, Sixth and Broadway, Council Bluff, Iowa.

Dated: July 20, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7278; Filed, July 24, 1962; 8:53 a.m.]

[Docket Nos. 14125-14127; FCC 62M-1026]

MASSILLON BROADCASTING CO., INC., ET AL.

Order Scheduling Prehearing Conference

In re applications of Massillon Broadcasting Company, Inc., Norwood, Ohio, Docket No. 14125, File No. BP-13633; Covington Broadcasting Company, Covington, Kentucky, Docket No. 14126, File No. BP-14552; Irving Schwartz, tr/as Kenton County Broadcasters, Covington, Kentucky, Docket No. 14127, File No. BP-14613; for construction permits.

It is ordered, This 19th day of July 1962, on the Hearing Examiner's own motion, that a prehearing conference in the above-entitled proceeding (remanded to the Hearing Examiner by Commission Memorandum Opinion and Order released June 29, 1962), is hereby scheduled to convene at 9 a.m., Tuesday, July 31, 1962, at the Commission's offices, Washington, D.C.;

It is ordered further, That the parties are to come prepared to discuss and agree upon a hearing date in conformity with the necessities of the Hearing Examiner's calendar which is presently filled during September and most of October, and to discuss modes of procedure, including possible stipulations of fact, which may operate to speed up the further hearing herein.

Released: July 20, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7279; Filed, July 24, 1962; 8:53 a.m.]

[Docket Nos. 12666-12668; FCC 62-766]

PUBLIX TELEVISION CORP. ET AL.

Memorandum Opinion and Order Remanding

In re applications of Publix Television Corporation, Perrine, Florida, Docket No. 12666, File No. BPCT-2393; South Florida Amusement Co., Inc., Perrine, Florida, Docket No. 12667, File No. BPCT-2410; Coral Television Corporation, South Miami, Florida, Docket No. 12668, File No. BPCT-2493; for construction permits for television broadcast stations (Channel 6).

1. The Commission has under consideration: (a) the Initial Decision of Hearing Examiner McClenning, released September 12, 1960 (FCC 60D-113; Mimeo No. 93495); (b) Memorandum Opinion and Order of the Commission, January 3, 1962 (FCC 62-12; Mimeo No. 13631); and (c) Memorandum Opinion and Order of the Chief Hearing Examiner, June 5, 1962 (FCC 62M-796; Mimeo No. 20981).

2. By the Initial Decision referred to, supra, Hearing Examiner McClenning proposed to grant the application of South Florida and deny that of Coral. Under circumstances fully delineated in the Memorandum Opinion and Order (par. 1(b), supra), before Commission Decision the Initial Decision was vacated, the record reopened, and the proceeding remanded to the Hearing Examiner to take testimony on issues inquiring into the character qualifications of Sherwin Grossman, controlling principal of South Florida. The issues were based on serious allegations concerning Grossman's participation in this hearing and it is possible that, had grave enough adverse findings and conclusions been reached, Grossman and South Florida would have been found unfit to hold a Commission license.

3. At this juncture, South Florida and Coral entered into an agreement, subject to Commission approval, under the provisions of 47 U.S.C. 311 which provided for the withdrawal of South Florida in return for compensation of expenses in the sum of $65,000, leaving Coral unopposed. The Chief Hearing Examiner, under authority delegated to him under section 0.224(b)(10) of the rules, examined the agreement, concluded that the amount of compensation was not excessive, dismissed the application of South Florida, granted that of Coral, and terminated the proceeding. Because of the peculiar circumstances involved we have brought the matter up for review on our own motion (47 CFR 1.16), having stayed the effect of the Chief Hearing Examiner's Memorandum Opinion and Order (Par. 1, (c), supra) by Commission Order of June 13, 1962 (FCC 62-623; Mimeo No. 20589).

4. The Act (47 U.S.C. 311) requires that the Commission approve the agreement only if it be determined that it "is consistent with the public interest, convenience, or necessity" and erects as a condition precedent, "only if the amount * * * of such payment * * * is not in excess of the * * * amount * * * legitimately and prudently expended * * *" But the determination that the amount is proper is not the equivalent of a finding that the agreement is in the public interest, it is only a sine qua non to such determination. Similarly, in section 0.224(b)(10) we have delegated power to the Chief Hearing Examiner to dispose of the proceeding completely, "if further hearing is not required on issues other than those arising out of the agreement"; in 47 CFR 1.363(b) we have provided, "the Chief Hearing Examiner shall determine, after taking such further evidence as may be necessary, whether the agreement is consistent with the public interest, convenience or necessity"; and in 47 CFR 1.363(b)(1), "if further hearing is not required on issues other than those arising out of the agreement, the Chief Hearing Examiner (shall) * * * terminate the proceeding * * *"

5. As noted in pars. 6-7 of the Chief Hearing Examiner's Memorandum Opinion and Order (par. 1(c), supra), the agreement seeks to ensure that Sherwin Grossman's qualifications shall be scrutinized by the Commission prior to any future participation by him in the Coral applicant by providing that Grossman shall not acquire any interest in Coral without prior Commission approval. We do not believe, however, that this suffices to render the agreement "consistent with the public interest, convenience, or necessity." There exist substantial and unresolved questions whether Grossman has sought to deceive and mislead the Commission in this proceeding. It is, of course, entirely possible that these questions would be resolved, after a full hearing, in Grossman's favor. However, to permit an applicant to drop out of competition, with substantially complete compensation, without resolving outstanding issues of this nature, can only serve to encourage others to employ dubious tactics, in the hope that even if such tactics are discovered it will be possible to withdraw and receive full compensation. This is a case of first impression under the new statute and rules, but we believe it to be obviously and readily distinguishable from a compensated withdrawal by an applicant against whom no such charges have been made, or an uncompensated dismissal by an applicant who wishes to proceed no further.

6. Thus we feel that, absent some further development not subject to the objections discussed above, the hearing should proceed in accordance with our prior order.

Accordingly, it is ordered, This 18th day of July 1962, That the Memorandum Opinion and Order of the Chief Hearing Examiner (par. 1(c), supra) is vacated and set aside; and the proceeding is remanded to the Presiding Hearing Examiner for further proceedings under our Memorandum Opinion and Order (par. 1(b), supra).

Released: July 20, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7280; Filed, July 24, 1962; 8:53 a.m.]

[Docket No. 14577; FCC 62-771]

TRIANGLE PUBLICATIONS, INC. (WNHC-TV)

Order Amending Issues

In re application of Triangle Publications, Inc. (WNHC-TV), (Radio and Television Division), New Haven, Connecticut, Docket No. 14577, File No. BPCT-2897; for construction permit.

At a session of the Federal Communications Commission at its offices in Washington, D.C., on the 18th day of July 1962;

The Commission having under consideration a petition to clarify or in the alternative to enlarge issues, filed April 13, 1962, by Triangle Publications, Inc. (WNHC-TV) (Radio and Television Division), and pleadings properly filed in response thereto;

It appearing that the two issues adopted below were in a prior proceeding involving the same applicant and substantially similar subject matter, see Triangle Publications, Inc. (WNHC-TV), 17 RR 624 (1960);

It further appearing that petitioner requests the addition of these two issues to the instant proceeding;

It further appearing that the petition is defective in that it does not comply with the requirements of § 1.141(c) of the Commission's rules;

It further appearing that addition of the issues would be desirable;

It is ordered, That the petition to clarify or in the alternative to enlarge issues, filed April 13, 1962, by Triangle Publications, Inc. (WNHC-TV) (Radio and Television Division), is denied;

It is further ordered, That present issues 1 through 6 are renumbered 3 through 8, and to such issues are added, on the Commission's own motion, the following:

1. To determine all of the facts and circumstances which led to WNHC-TV's proposal to change transmitter site and to select the specific site herein proposed.

2. To determine all of the facts concerning WNHC-TV's plans or intentions with respect to proposed station operations with particular reference to programming (live, network and film) and community, communities or areas which the station will seek to serve and be identified with.

Released: July 20, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7281; Filed, July 24, 1962; 8:53 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-269]

UNION ELECTRIC CO.

Notice of Application

JULY 18, 1962.

Take notice that on May 21, 1962, Union Electric Company (Applicant), 315 North Twelfth Boulevard, St. Louis 66, Missouri, filed in Docket No. CP62-269 an application for an order pursuant to section 7(a) of the Natural Gas Act directing Mississippi River Fuel Corporation (Mississippi) to increase Applicant's stated demand from the present 10,000 Mcf of natural gas per day to 13,757 Mcf per day, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that Mississippi presently supplies it with an allocation of 10,000 Mcf of natural gas per day,[1] and that such stated demand is inadequate for the present and estimated future requirements of Applicant's customers in Alton, Illinois, and environs. Applicant states further that the additional gas is necessary to enable it to serve unsatisfied requests by present customers and to provide modest extensions in its present service area.

The application shows estimated maximum day requirements of 18,369 Mcf for the 1964-1965 heating season, which requirements will be supplied by the increase requested hereunder, supplemented by gas from a proposed propane-air plant.

The proposed increased contract demand was reserved for Applicant by Commission order and Opinion No. 355, issued April 18, 1962, in Docket Nos. G-17567, et al. Said opinion and order provided that such increased contract demand shall become effective upon approval of a 7(a) application filed by Applicant within six months of the effective date of said opinion and order.

The application shows the estimated cost of additional facilities to be $647,370, including $300,000 for the prospective propane-air plant, such cost to be financed from treasury funds.

On June 6, 1962, Mississippi filed an answer to the subject application stating that it has no objection to the requested Commission order.

Protests, petitions to intervene or requests for hearing may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 16, 1962.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-7230; Filed, July 24, 1962; 8:46 a.m.]

[1] Said volumes constitute Applicant's stated demand as set forth in Mississippi's FPC Gas Tariff, Original Volume No. 1.

[Docket No. G-13265 etc.]

W. E. WALKER ET AL.

Notice of Applications and Date of Hearing and Notice of Severances From Area Rate Proceeding

JULY 18, 1962.

In the matter of W. E. Walker and J. R. Meeker, Docket No. G-13265; Hassie Hunt Trust, Docket No. G-14303; Kerr-McGee Oil Industries, Inc., Docket No. G-15779; Cheyenne Oil Corporation of Delaware (Operator), et al., Docket No. G-16569; The Atlantic Refining Company, Docket No. G-18070; Delta Drilling Company (Operator), et al., Docket No. G-18135; Sohio Petroleum Company, Docket No. G-19457; Eason Oil Company, Operator, Docket No. G-19703; The California Company, a Division of California Oil Company, Docket No. G-20147; Hurt Oil and Gas Corp., et al., Docket No. CI60-33; Shell Oil Company, Docket No. CI60-69; Samedan Oil Corporation (Operator), et al., Docket No. CI60-212; Francis A. Callery, Docket No. CI60-316; Sunray DX Oil Company,[1] Docket No. CI60-353; The California Company, a Division of California Oil Company, Docket No. CI60-391; Callery Properties, Inc., Docket No. CI60-400; Cabot Corporation (formerly Cabot Carbon Company), Docket No. CI60-414; Robert W. O'Meara, Operator, Docket No. CI60-469; Sunray DX Oil Company,[1] Docket No. CI60-477; Graridge Corporation (Operator), et al. (Texas), Docket No. CI60-484; Pan American Petroleum Corporation, Operator, Docket No. CI60-485; Sohio Petroleum Company, Docket No. CI60-501; Cabot Corporation (formerly Cabot Carbon Co.), Docket No. CI60-503; Sohio Petroleum Company, Docket No. CI60-522; San Jacinto Oil and Gas Company, Docket No. CI60-532; T. J. McIntyre d.b.a. McIntyre Oil Company, Docket No. CI61-22; Richardson & Bass, Louisiana Account, Docket No. CI61-52; Richardson & Bass, Louisiana Account, Docket No. CI61-53; Sinclair Oil & Gas Company, Docket No. CI61-76; J. P. Owen, et al., Docket No. CI61-289; American Natural Gas Production Company, Docket No. CI61-342; J. P. Owen (Operator), et al., Docket No. CI61-364; W. W. F. Oil Corporation, Docket No. CI61-552; Robert Mosbacher, Docket No. CI61-567; British-American Oil Producing Company, Docket No. CI61-600; T. J. McIntyre d.b.a. McIntyre Oil Company, (Operator), et al., Docket No. CI61-885; The California Company, a Division of California Oil Company, Docket No. CI61-1285; H. L. Hawkins and H. L. Hawkins, Jr., Docket No. CI61-1301; Michel T. Halbouty, Operator, Docket No. CI61-1326; Wm. T. Burton Industries, Inc., Docket No. CI61-1530; George C. McGhee (Operator), et al., Docket No. CI61-1737; The California Company, a Division of California Oil Company, Docket No. CI62-145; The California Company, a Division of California Oil Company, Operator, Docket No. CI62-231; Texaco Inc., Docket No. CI62-544; Southdown, Inc., Docket No. CI62-550; J. H. Cordell, et al., Docket No. CI62-614; Robert A. Mosbacher, Operator, Docket No. CI62-693; Falcon Seaboard Drilling Company, Operator, Docket No. CI62-1225.

Take notice that each of the above Applicants has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce as hereinafter described, all as more fully described in the respective applications (and any supplements or amendments thereto) which are on file with the Commission and open to public inspection.

Each of the above-captioned dockets is presently consolidated with the Southern Louisiana Area Rate Proceeding, Docket No. AR61-2. However, in all cases the initial price involved is below the applicable announced initial service ceiling price for southern Louisiana. Therefore, notice is hereby given that each of said above-captioned dockets is hereby severed from said Docket No. AR61-2 for disposition as hereinafter indicated.

[1] Formerly Sunray Mid-Continent Oil Co.

The Applicants herein produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No., Field and Location, Purchaser, Initial Price per Mcf

G–13265; North Elton Field, Allen Parish, La.; Texas Gas Transmission Corp.; 18.75 cents at 15.025 psia.
G–14303; Maxie Field, Acadia Parish, La.; Texas Gas Transmission Corp.; 18.75 cents at 15.025 psia.
G–15779; Bully Camp Field, Lafourche Parish, La.; Tennessee Gas Transmission Co.; 18.50 cents at 15.025 psia.
G–16569; Grand Coulee Area, Acadia Parish, La.; Tennessee Gas Transmission Co.; 18.75 cents at 15.025 psia.
G–18070; Live Oak Field, Vermilion Parish, La.; Transcontinental Gas Pipe Line Corp.; 17.50 cents at 15.025 psia.
G–18135 (as Supp. 3–10–60); W. Mermentau Field, Jefferson Davis Parish, La.; United Gas Pipe Line Co.; 18.50 cents at 15.025 psia.
G–19457 (as Supp. 9–1–60); Calcasieu Pass Field, Cameron Parish, La.; United Fuel Gas Co.; 19.5 cents at 15.025 psia.
G–19703; Iota Field, Acadia Parish, La.; Texas Gas Transmission Corp.; 14.25 cents at 15.025 psia.
G–20147 (as Supp. 2–13–61); Saturday Island Field, Plaquemines and Jefferson Davis Parishes, La.; Southern Natural Gas Co.; 19.175 cents at 15.025 psia.
CI60–33; Valentine Field, Lafourche Parish, La.; United Fuel Gas Co.; 19.50 cents at 15.025 psia.
CI60–69; Napoleonville Field, Assumption Parish, La.; Florida Gas Transmission Co.;[1] 19.75 cents at 15.025 psia.
CI60–212; Chalkley Field, Cameron Parish, La.; United Fuel Gas Co.; 19.5 cents at 15.025 psia.
CI60–316 (as Supp. 4–7–60); Cole's Gully Field, Acadia Parish, La.; United Fuel Gas Co.; 18.30 cents at 15.025 psia.
CI60–353; S. Bearhead Creek Field, Beauregard Parish, La.; Trunkline Gas Co.; 18.3 cents at 15.025 psia.
CI60–391 (as Supp. 2–13–61); Mallard Bay Field, Cameron Parish, La.; Texas Gas Transmission Corp.; 18.75 cents at 15.025 psia.
CI60–400 (as Supp. 4–1–60); South Pecan Lake Field, Cameron Parish, La..; United Fuel Gas Co.; 19.50 cents at 15.025 psia.
CI60–414 (as Supp. 4–15–60 and 6–19–60); St. Martinville Field, St. Martin Parish, La.; United Gas Pipe Line Co., 20.00 cents at 15.025 psia.
CI60–469; Caillou Island Field, Terrebonne Parish, La.; Tennessee Gas Transmission Co.; 18.50 cents at 15.025 psia.
CI60–477; Cowpen Creek Field, Beauregard Parish, La.; Socony Mobil Oil Co.; 17.9 cents at 15.025 psia.
CI60–484 (as Supp. 10–13–61); Mallard Bay Field, Cameron Parish, La.; Texas Gas Transmission Corp.; 18.75 cents at 15.025 psia.
CI60–485; Thornwell Field, Jefferson Davis Parish, La.; United Fuel Gas Co.; 19.50 cents at 15.025 psia.
CI60–501; S. Pecan Lake Field, Cameron Parish, La.; United Fuel Gas Co.; 19.50 cents at 15.025 psia.
CI60–503 (as Supp. 9–19–60); Ellis Field, Acadia Parish, La.; United Fuel Gas Co.; 19.50 cents at 15.025 psia.
CI60–522; Go Around Bayou Field, Cameron Parish, La.; United Fuel Gas Co.; 19.50 cents at 15.025 psia.
CI60–532; Go Around Bayou Field, Cameron Parish, La.; United Fuel Gas Co.; 19.50 cents at 15.025 psia.

[1] Formerly Coastal Gas Transmission Corp.

CI61–22; Iota Field, Acadia Parish, La.; Texas Gas Transmission Corp.; 16.25 cents at 15.025 psia.
CI61–52 (as Supp. 5–14–62); Second Bayou Field, Cameron Parish, La.; United Fuel Gas Co.; 19.9 cents at 15.025 psia.
CI61–53 (as Supp. 5–14–62); East Mud Lake Field, Cameron Parish, La.; United Fuel Gas Co.; 19.9 cents at 15.025 psia.
CI61–76 (as Supp. 10–11–60); Lake Arthur Field, Jefferson Davis Parish, La.; Texas Gas Transmission Corp.; 18.75 cents at 15.025 psia.
CI61–289; St. Martinville Field, St. Martin Parish, La.; United Gas Pipe Line Co.; 20.00 cents at 15.025 psia.
CI61–342; SW Mermentau Field, Acadia Parish, La.; United Fuel Gas Co.; 19.50 cents at 15.025 psia.
CI61–364; W. Duson, Lafayette and Acadia Parishes, La.; United Fuel Gas Co.; 19.5 cents at 15.025 psia.
CI61–552; N. Tepetate Field, Acadia Parish, La.; American Louisiana Pipeline Co.; 19.75 cents at 15.025 psia.
CI61–567; Valentine Field, Lafourche Parish, La.; United Fuel Gas Co.; 19.9 cents at 15.025 psia.
CI61–600; Valentine Field, Lafourche Parish, La.; United Fuel Gas Co.; 19.90 cents at 15.025 psia.
CI61–885; Maxie Field, Acadia Parish, La.; Texas Gas Transmission Corp.; 16.25 cents at 15.025 psia.
CI61–1285; S. Thornwell Field, Jefferson Davis Parish, La.; United Fuel Gas Co.; 19.90 cents at 15.025 psia.
CI61–1301; Lafourche Crossing Field, Lafourche Parish, La.; United Gas Pipe Line Co.; 10.5 cents at 15.025 psia.
CI61–1326; Chataignier Field, St. Landry Parish, La.; Texas Eastern Transmission Corp.; 15.8007 cents at 15.025 psia.
CI61–1530; North Flank-Starks Field, Calcasieu Parish, La.; Texas Eastern Transmission Corp.; 15.8007 cents at 15.025 psia.
CI61–1737; S. Bayou Mallett Field, Acadia Parish, La.; Texas Gas Transmission Corp.; 14.25 cents at 15.025 psia.
CI62–145; Eugene Island Block 33 Field, St. Mary Parish, La.; United Gas Pipe Line Co.; 8.997 cents at 15.025 psia.
CI62–231; Grand Lake Field, Cameron Parish, La.; Texas Gas Transmission Corp.; 18.75 cents at 15.025 psia.
CI62–544; Big Lake Field, Cameron Parish, La.; American Louisiana Pipe Line Co.; 19.75 cents at 15.025 psia.
CI62–550; Hollywood Field, Terrebonne Parish, La.; United Gas Pipe Line Co.; 19.25 cents at 15.025 psia.
CI62–614; Calcasieu Pass Field, Cameron Parish, La.; American Louisiana Pipe Line Co.; 19.75 cents at 15.025 psia.
CI62–693; Calcasieu Pass Field, Cameron Parish, La.; American Louisiana Pipe Line Co.; 19.75 cents at 15.025 psia.
CI62–1225; Crawley Field, Acadia Parish, La.; Tennessee Gas Transmission Co.; 18.00 cents at 15.025 psia.

The public convenience and necessity require that these matters be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 21, 1962, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may after a non-contested hearing dispose of the proceedings pursuant to the provisions of Section 1.30(c)(1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 10, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made: *Provided, further*, If a protest, petition to intervene, or notice of intervention be timely filed in any of the above dockets, the above hearing date as to that docket will be vacated and a new date for hearing will be fixed as provided in § 1.20(m)(2) of the rules of practice and procedure.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62–7231; Filed, July 24, 1962; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812–1514]

MASSACHUSETTS INVESTORS GROWTH STOCK FUND

Notice of Filing of Application for Sale by Open-End Company of Shares at Other Than Public Offering Price in Exchange for Assets of Private Investment Company

JULY 18, 1962.

Notice is hereby given that Massachusetts Investors Growth Stock Fund, Inc. ("Fund") (200 Berkeley Street, Boston, Massachusetts), a registered open-end diversified investment company of the management type has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all the assets, consisting of investment securities and cash, of the Spruce Company ("Spruce").

Shares of the Fund, a Massachusetts corporation are offered to the public on a continuous basis at net asset value plus varying sales charges dependent on the amount purchased. As of April 30, 1962 the net assets of the Fund amounted to $566,974,338.

Spruce, a Texas corporation, is a personal holding company which has engaged in the business of investing and reinvesting in securities since October 1961. Spruce is the successor organization to a partnership founded in 1887. The partnership was incorporated in 1912 and the corporation conducted a department store business until February 1961, when substantially all its assets were sold for cash. At this time Spruce adopted its present corporate name. Spruce is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between the Fund and Spruce, substantially all of the cash and securities of Spruce will be transferred to the Fund in exchange for shares of stock of the Fund. Spruce's total assets amounted to approximately $3,270,900.47 as of April 30, 1962. The shares acquired by Spruce are to be distributed immediately to its shareholders. The application states that the portfolio securities of Spruce all of which will be retained by the Fund meet its investment objectives, and that the Fund is acquiring these securities for investment with no present intention of distribution or redemption.

The number of shares of the Fund to be delivered to Spruce will be determined by dividing the net asset value per share of the Fund in effect at the close of business on the New York Stock Exchange on the last day on which said exchange was open prior to the closing day, subject to an adjustment for unrealized gain on securities owned by Spruce. Since the cost of such securities exceed the market value thereof, it is not anticipated that any such adjustment will, in fact, be made.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the Agreement, however, the shares of the Fund are to be issued to Spruce at a price other than the public offering price stated in the prospectus, which lists a sales charge of 2½ percent for sales of $250,000 and over.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 8, 1962, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62–7250; Filed, July 24, 1962; 8:50 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30–XI–16]

BRANCH COUNCIL

Delegation Relating to Legal Functions

I. Pursuant to the authority delegated to the Branch Manager by Delegation of Authority No. 30–XI–10 (Revision 1), as amended (26 F.R. 10462; 27 F.R. 1948), there is hereby redelegated to the Branch Counsel, Salt Lake City Branch Office, the following authority:

A. *Legal.* To disburse approved loans.

II. The authority delegated herein may not be redelegated.

III. The authority delegated herein may be exercised by any SBA employee designated as Acting Branch Counsel.

Effective date: January 17, 1962.

ROSS S. TYSON,
Branch Manager,
Salt Lake City Branch Office.

[F.R. Doc. 62–7255; Filed, July 24, 1962; 8:50 a.m.]

[Delegation of Authority No. 30–II–21]

MANAGER, DISASTER FIELD OFFICE, MIDDLETOWN, N.J.

Delegations Relating to Disaster Loan Making

Delegation of Authority No. 30–II–21 (27 F.R. 4230) to the Manager, Disaster Field Office, Middletown, New Jersey, is hereby rescinded in its entirety.

The office was closed, effective May 18, 1962.

Effective date: May 18, 1962.

CHARLES H. KRIGER,
Regional Director,
New York Regional Office.

[F.R. Doc. 62–7256; Filed, July 24, 1962; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 220]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 20, 1962.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 30073 (Deviation No. 5), JOHNSON FREIGHT LINES COMPANY, INC., 420 Sixth Avenue, South, Nashville, Tenn., filed July 13, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chattanooga, Tenn., over U.S. Highway 27 to Rome, Ga., thence over U.S. Highway 411 to junction U.S. Highway 41, thence over U.S. Highway 41 to Atlanta, Ga., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chattanooga over U.S. Highway 41 to Atlanta, and return over the same route.

No. MC 52709 (Deviation No. 9), RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo., filed July 12, 1962. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Columbia, Mo. over Interstate Highway 70 to junction U.S. Highway 40, west of Boonville, Mo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route between the same points over U.S. Highway 40.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62–7258; Filed, July 24, 1962; 8:51 a.m.]

[Notice 460]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 20, 1962.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers of brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 263 (Sub-No. 141), filed July 18, 1962. Applicant: GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, P.O. Box 1554, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Silver coin and silver bullion* between San Francisco, Calif., and Denver, Colo., from San Francisco over U.S. Highway 40 to Salt Lake City, Utah; thence over U.S. Highway 91 to its junction with U.S. Highway 6 near Springville, Utah; thence over U.S. Highway 6 to its junction with U.S. Highway 40 near Idaho Springs, Colo.; thence over U.S. Highway 40 to Denver, returning over the same route, serving no intermediate or off-route points in either direction except as otherwise authorized.

HEARING: July 30, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allen W. Hagerty.

No. MC 531 (Sub-No. 122), filed May 28, 1962. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, P.O. Box 14287, Houston 21, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Transformer oil*, in bulk, in tank vehicles, from Port Arthur, Tex., to points in Arkansas; and *rejected and contaminated shipments of above commodities* on return.

NOTE: Common control may be involved.

HEARING: September 19, 1962, at the Texas State Hotel, Houston, Tex., before Joint Board No. 153, or, if the Joint Board waives its right to participate before Examiner Parks M. Low.

No. MC 531 (Sub-No. 125), filed July 17, 1962. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids, and rocket propellant fuels*, in bulk, in specially designed tank vehicles, and *empty tank vehicles*, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, between missile sites, production plants, and missile test facilities, located at points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

HEARING: August 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 629 (Sub-No. 15), filed June 22, 1962. Applicant: HELM'S EXPRESS, INC., P.O. Box 268, Pittsburgh 30, Pa. Applicant's attorney: John A. Vuono, 1515 Park Building, Pittsburgh 22, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the site of the Singer Sewing Machine Co. in Warwick, N.Y., as an off-route point in connection with applicant's authorized regular route operation between New York, N.Y., and Glen Falls, N.Y.

NOTE: Applicant is affiliated through common control with Royal Transportation Co., Clinton Transportation Corp., and Zeno Freightways, Inc.

HEARING: September 13, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner W. Elliott Neffen.

No. MC 730 (Sub-No. 209), filed June 1, 1962. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. Applicant's attorney: W. S. Pilling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Hutchinson, Kans., on the one hand, and on the other, San Bernardino and Riverside, Calif., as an alternate route for operating convenience only in connection with applicant's authorized regular routes, with no service authorized at intermediate points but serving Pratt, Kans., and the termini of said routes for the purpose of joinder only, from Hutchinson, Kans., over Kansas Highway 61 to junction U.S. Highway 54, thence over U.S. Highway 54 to junction U.S. Highway 66 (also junction Interstate Highway 40), thence west over U.S. Highway 66 and Interstate Highway 40 to junction U.S. Highway 89, thence south over U.S. Highway 89 to junction Arizona Highway 71, thence over Arizona Highway 71 to junction U.S. Highways 60 and 70, thence over U.S. Highway 70 to San Bernardino, Calif. (also from junction Arizona Highway 71 and U.S. Highway 60 west over U.S. Highway 60 to Riverside, Calif.), and return over the same route.

NOTE: Restricted to traffic moving to, from or through the Chicago, Ill., Commercial Zone, on the one hand, and, on the other, Los Angeles, Calif.

HEARING: September 26, 1962, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 3468 (Sub-No. 147), filed May 23, 1962. Applicant: F. J. BOUTELL DRIVEAWAY CO., INC., 705 South Dort Highway, Flint, Mich. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles*, in secondary movements, in truckaway and driveaway service, (1) from Framingham, Mass., to points in Connecticut, Maine, New Hampshire, Rhode Island, and Vermont, (2) from points in Bergen and Hudson Counties, N.J., to points in Connecticut, and (3) from points in Maryland and Pennsylvania, to points in Virginia.

NOTE: Applicant states that the service involved is restricted to traffic which has had an immediately prior movement by rail.

HEARING: September 7, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lyle C. Farmer.

No. MC 4405 (Sub-No. 393), filed May 29, 1962. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Trailers, semitrailers* and *trailer chassis* and *semitrailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements in truckaway and driveaway service, from Madison, Wis., to points in the United States, including Alaska (but excluding Hawaii), (B) *tractors*, in secondary driveaway service, only when drawing trailers moving in initial driveaway service, from Madison, Wis., to points in Alaska, Arizona, Nevada, Oregon, and Vermont.

NOTE: Common control may be involved.

HEARING: September 13, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Dallas B. Russell.

No. MC 4761 (Sub-No. 17), filed April 6, 1962. Applicant: LOCK CITY TRANSPORTATION COMPANY, a corporation, 327 Sixth Avenue, Menominee, Mich. Applicant's attorney: Edward A. Solie, 1 South Pinckney Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Methyl chloride*, in bulk, in multi-unit tank vehicles, from Marinette, Wis., to points in Minnesota, Iowa, Kansas, Oklahoma, Missouri, Illinois, Indiana, Michigan, Kentucky, Tennessee, Alabama, Ohio, West Virginia, Pennsylvania, and New York, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities, on return trips.

NOTE: Applicant states that it is now authorized to transport dioxide from Marinette to points in the same destination States for the supporting shipper, Ansul Chemical Co.

HEARING: September 14, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Dallas B. Russel.

No. MC 5326 (Sub-No. 8), filed June 22, 1962. Applicant: WILSON B. DILL, CARL M. DILL, SR., AND ARTHUR B. DILL, doing business as DILL BROS. COMPANY, a partnership, Galena, Md. Applicant's attorney: H. James Conaway, Jr., Bank of Delaware Building, Wilmington 1, Del. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, and in bags, from Philadelphia, Pa., to points in Kent County, Md.

HEARING: September 19, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 6616 (Sub-No. 10), filed April 25, 1962. Applicant: TOEDEBUSCH TRANSFER, INC., 926 Cass Avenue, St. Louis, Mo. Applicant's attorneys: Kretsinger & Kretsinger, 510 Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving ballistic missile and launching sites, and supply points therefor, in Cedar, Vernon, Bates, Cass, Johnson, La Fayette, Saline, Cooper, Moniteau, Morgan, Benton, Henry, St. Clair, and Pettis Counties, Mo., as off-route points in connection with applicant's regular route operations authorized under MC-6616 and subs thereunder.

HEARING: September 26, 1962, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 179, or, if the Joint Board waives its right to participate before Examiner Alvin H. Schutrumpf.

No. MC 9148 (Sub-No. 5), filed June 7, 1962. Applicant: DEAN THORNTON, doing business as KEYSTONE TRUCKING COMPANY, Main Street, Rushford, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, P.O. Box 25, Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Utica, N.Y., to Altoona, Beaverdale, and Johnstown, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: September 19, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Allen W. Hagerty.

No. MC 10472 (Sub-No. 21), filed April 2, 1962. Applicant: BYERS TRANSPORTATION COMPANY, INC., 4200 Gardner, Kansas City, Mo. Applicant's attorney: Tom B. Kretsinger, Suite 510 Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving ballistic missile and launching sites, and supply points therefor, in Cedar, Vernon, Bates, Cass, Johnson, LaFayette, Saline, Cooper, Moniteau, Morgan, Benton, Henry, St. Clair, and Pettis Counties, Mo., as offroute points in connection with carrier's regular-route operations.

HEARING: September 26, 1962, at the Missouri Hotel, Jefferson City, Missouri, before Joint Board No. 179, or, if the Joint Board waives its right to participate before Examiner Alvin H. Schutrumpf.

No. MC 10875 (Sub-No. 14), filed July 3, 1962. Applicant: BRANCH MOTOR EXPRESS CO., a corporation, 300 Maspeth Avenue, Brooklyn 11, N.Y. Applicant's representative: Harry C. Maxwell, Penn Square Building, Juniper and Filbert Streets, Philadelphia 7, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of the Singer Sewing Machine Company plant at Warwick, N.Y., as an additional offroute point in connection with applicant's regular-route authority between New York, N.Y., and Frederick, Md.

HEARING: September 13, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner W. Elliott Neffen.

No. MC 13471 (Sub-No. 4), filed June 25, 1962. Applicant: WILEY'S AUTO EXPRESS, INC., Glenolden, Pa. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products and such commodities as are sold in, or used in connection with the operation of, gasoline service stations*, from Philadelphia, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, points in New Jersey on and north of New Jersey Highway 33 (except Phillipsburg), points in Maryland on and west of U.S. Highway 15 (except Hagerstown) and points in New York (except that part bounded by a line beginning at Lake Ontario shore north of Rochester, and extending along U.S. Highway 15 to the New York-Pennsylvania State line, thence along the New York-Pennsylvania State line to junction U.S. Highway 11, thence north along U.S. Highway 11 to Binghamton, thence along New York Highway 12 to Alder Creek, thence along a line through Florence, N.Y., to Oswego, and thence along the lake shore to point of beginning, including points on the indicated portions of the highways specified) and (2) *empty containers for the above-specified commodities*, from the points in the above-specified destination territory to Philadelphia, Pa.

NOTE: Applicant states all of the transportation service described above would be performed under a continuing contract or contracts with the Gulf Oil Company.

HEARING: September 20, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Walter R. Lee.

No. MC 16831 (Sub-No. 11), filed June 6, 1962. Applicant: LA VERNE W. SIMPSON, doing business as MID SEVEN TRANSPORTATION, 2323 Delaware Street, Des Moines, Iowa. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between Des Moines, Iowa, on the one hand, and, on the other, points in Iowa, Minnesota, South Dakota, Nebraska, Illinois, Wisconsin, and Kansas.

HEARING: September 18, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner James O'D. Moran.

No. MC 20894 (Sub-No. 6), filed June 25, 1962. Applicant: P. CALLAHAN, INC., 2126 East Tioga Street, Philadelphia 34, Pa. Applicant's representative: Harry C. Maxwell, 200 Penn Square Building, Juniper and Filbert, Philadelphia 7, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities, in bulk, and those requiring special equipment), between the plant site of the Singer Sewing Machine Co. at Warwick, N.Y., and Philadelphia, Pa.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 119140 and Subs; therefore, dual operations may be involved.

HEARING: September 13, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner W. Elliott Neffen.

No. MC 21571 (Sub-No. 25), filed July 12, 1962. Applicant: SCHERER FREIGHT LINES, INC., 424 West Madison Street, Ottawa, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except livestock, dangerous explosives, commodities of unusual bulky nature, unusually heavy machinery, and household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467), serving Champ, Mo., Industrial Village as an offroute point in connection with applicant's regular-route operations to and from St. Louis, Mo.

NOTE: Applicant holds contract authority in MC 115738; therefore, dual operations may be involved.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 179.

No. MC 30844 (Sub-No. 72), filed May 10, 1962. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products*, and *articles distributed by meat packinghouses* as described in sections A, B, and C of Appendix I to the report in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 207 and 766, from Perry, Iowa, to points in Colorado, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kansas, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, and Rhode Island.

HEARING: September 12, 1962, at the Federal Office Building, 15th and Dodge Streets, Omaha, Nebr., before Examiner James O'D. Moran.

No. MC 30844 (Sub-No. 75), filed June 11, 1962. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Minnesota to points in Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, and Texas.

HEARING: September 13, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Joseph A. Reilly.

No. MC 30844 (Sub-No. 76), filed June 28, 1962. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Dennison, and Fort Dodge, Iowa, to points in Colorado, Connecticut, Delaware, Maryland, Massachusetts, New York, New Jersey, Oklahoma, Pennsylvania, Rhode Island, Virginia, West Virgina, and the District of Columbia.

HEARING: September 19, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner James O'D. Moran.

No. MC 30887 (Sub-No. 121), filed June 26, 1962. Applicant: SHIPLEY TRANSFER, INC., 534 Main Street, Reisterstown, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solution*, in bulk, in tank vehicles, from Port Deposit, Md., to points in Delaware and Maryland, those in New Jersey on and south of New Jersey Highway 33, and those in Pennsylvania on and east of U.S. Highway 219.

HEARING: September 20, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles J. Murphy.

No. MC 30887 (Sub No. 122), filed June 29, 1962. Applicant: SHIPLEY TRANSFER, INC., 534 Main Street, Reisterstown, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from the plant site of the Atlantic Cement Co., Inc., at or near Baltimore, Md., to points in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, West Virginia, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: September 25, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

No. MC 31600 (Sub-No. 532), filed July 18, 1962. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. Applicant's attorney: Harry C. Ames, Jr., Esq., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids*, in bulk, in specially designed tank vehicles, between points in Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Massachusetts, Michigan, Missouri, Montana, Nebraska, New Mexico, Nevada, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

HEARING: August 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 32838 (Sub-No. 12), filed April 23, 1962. Applicant: WEAVER W. SCHERFF, doing business as SCHERFF'S TRUCK LINE, 305 East Main Street, California, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk and those requiring special equipment), between points in the St. Louis-Kansas City, Mo., Commerical Zone, on the one hand, and, on the other, Sedalia, Mo., and Whiteman Air Force Base and the missile launch and control sites, and supply points of the Whiteman Air Force Base Missile Complex located in Johnson, Pettis, Henry, Morgan, and Cooper Counties, Mo.

HEARING: September 28, 1962, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 195, or, if the Joint Board waives its right to participate before Examiner Alvin H. Schutrumpf.

No. MC 42329 (Sub-No. 155), filed June 8, 1962. Applicant: HAYES FREIGHT LINES, INC., P.O. Box 213, 617 Waughton Street, Winston-Salem, N.C. Applicant's attorney: David G. Macdonald, 1000 16th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives* (but excluding commodities of unusual value, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between Louisville, Ky., and Toledo, Ohio, for operating convenience only, serving no intermediate points, in connection with its presently authorized regular routes as follows: From Louisville, over U.S. Highway 42 (also over Interstate Highway 71) to Cincinnati, Ohio, thence over U.S. Highway 25 (also over Interstate Highway 75) to Toledo, and return over the same routes.

HEARING: September 10, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank J. Mahoney.

No. MC 44290 (Sub-No. 16), filed June 13, 1962. Applicant: HUSMANN & ROPER FREIGHT LINES, INC., 1717 North Broadway, St. Louis, Mo. Applicant's attorney: B. W. LaTourette, Jr., Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including Classes A and B explosives, steel pipe, bars, beams, structural and fabricated material, tools, supplies* and *equipment to be used in the construction, operation and maintenance of the 165 missile sites to be constructed in the Whiteman Air Force Base Complex*, between Sedalia, Mo., and other railheads to the 165 missile sites in the Whiteman Air Force Base Complex located in Barton, Vernon, Bates, Cass, Jackson, Dade, Cedar, St. Clair, Henry, Johnson, Lafayette, Polk, Hickory, Benton, Pettis, Saline, Dallas, Camden, Morgan, Cooper, Miller, Moniteau, and Morgan Counties, Mo.

HEARING: September 27, 1962, at the Missouri Hotel, Jefferson City, Missouri, before Joint Board No. 179, or, if the Joint Board waives its right to participate, before Examiner Alvin H. Schutrumpf.

No. MC 45657 (Sub-No. 30), filed July 13, 1962. Applicant: PIC-WALSH FREIGHT CO., a corporation, 731 Campbell Avenue, St. Louis 15, Mo. Applicant's attorney: B. W. LaTourette, Jr., Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Village of Champ, Mo., also known as Champ Industrial Village, as an off-route point in connection with applicant's regular-route operations.

HEARING: September 13, 1962, at the Pick-Mark Twain Hotel, St. Loius, Mo., before Joint Board No. 179.

No. MC 50069 (Sub-No. 254), filed April 9, 1962. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities* (except sand, gravel and cement) in bulk, in tank and hopper-type vehicles, between points in Lake, McHenry, Kane, Cook, Du Page, Kendall, Will, Grundy and Kankakee Counties, Ill., and Manistee and St. Louis, Mich., and points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

HEARING: September 24, 1962, at The Palmer House, Chicago, Ill., before Examiner James O'D. Moran.

No. MC 52460 (Sub-No. 66), filed July 17, 1962. Applicant: HUGH BREEDING, INC., P.O. Box 9515, 1420 West 35th Street, Tulsa, Okla. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids and rocket propellant fuels*, in bulk, in specially designed tank trailers, between missile sites, production plants, and missile test facilities in the States of Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

HEARING: August 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 52709 (Sub-No. 170), filed May 7, 1962. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Washing compound*, liquid, in bulk, in tank vehicles, from Trenton, Mich., and Kearny, N.J., to points in California.

NOTE: Applicant states it controls United Freight, Inc., and Interstate Express, Inc.; therefore common control may be involved.

HEARING: September 17, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Examiner Alvin H. Schutrumpf.

No. MC 52858 (Sub-No. 94), filed May 11, 1962. Applicant: CONVOY COMPANY, 3900 N.W. Yeon Avenue, Portland 10, Oreg. Applicant's attorney: Marvin Handler, 625 Market Street, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and busses*, as described in the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in secondary movements, in driveaway and truckaway service, from points in North Dakota, to points in North Dakota, South Dakota, and Montana.

NOTE: Applicant states the proposed service will be restricted to traffic having an immediately prior movement by rail.

HEARING: September 25, 1962, at the U.S. Court Rooms, Fargo, N. Dak., before Examiner Dallas B. Russell.

No. MC 56082 (Sub-No. 43), filed May 7, 1962. Applicant: DAVIS & RANDALL, INC., Chautauqua Road, Fredonia, N.Y. Applicant's attorney: A. J. Tener, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising materials*, from Syracuse, N.Y., to points in Pennsylvania, New Jersey, Maryland, Delaware, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

HEARING: September 14, 1962, at the Hotel Buffalo, Washington, and Swan Streets, Buffalo, N.Y., before Examiner Allen W. Hagerty.

No. MC 56082 (Sub-No. 44), filed June 6, 1962. Applicant: DAVIS & RANDALL, INC., Chautauqua Road, Fredonia, N.Y. Applicant's attorney: Albert J. Tener, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* and *advertising materials*, from Buffalo, N.Y., to Washington, D.C., and Baltimore, Westminster, Hagerstown, and Salisbury, Md., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: September 20, 1962, at the Hotel Buffalo, Washington, and Swan Streets, Buffalo, N.Y., before Examiner Allen W. Hagerty.

No. MC 58212 (Sub-No. 22), filed November 13, 1961. Applicant: MAAS TRANSPORT, INCORPORATED, U.S. No. 2 and 85 North, Williston, N. Dak. Applicant's attorney: John R. Davidson, Suite 200, American State Bank Building, Williston, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas, natural gas* and *other petroleum products*, from Lignite and McGregor, N. Dak., and points within 10 miles of each, to points in Montana, South Dakota, Minnesota, and points in North Dakota located on the International Boundary Line between the United States and Canada; and *contaminated or refused shipments of abovenamed products*, on return.

HEARING: October 2, 1962, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Examiner Dallas B. Russell.

No. MC 59800 (Sub-No. 17). Applicant: THE WEICKER TRANSFER & STORAGE COMPANY, 1700—15th Street, Denver, Colo. Applicant's attorney: Raymond B. Danks, 401 First National Bank Building, Denver 2, Colo. Assigned for hearing to determine whether the motor vehicle operations of The Weicker Transfer & Storage Co. are and will be managed and operated in a common interest, management, and control with those of Vere Westwood, Inc., a multiple-state carrier holding certificates under No. MC-114219, and whether The Weicker Transfer & Storage Co. is eligible to engage in operations in interstate or foreign commerce within the State of Colorado under the second priviso of section 206(a)(1) of the Interstate Commerce Act.

HEARING: July 30, 1962, at the New Customs House, Denver, Colo., before Examiner Harry A. Cockrum.

No. MC 59894 (Sub-No. 24), filed February 23, 1962. Applicant: TEXAS-ARIZONA MOTOR FREIGHT, INC., 1700 East Second Street, P.O. Box 1034, El Paso, Tex. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, commodities injurious or contaminating to other lading, and Classes A and B explosives), between San Angelo, Tex., and Stephenville, Tex.: From San Angelo over U.S. Highway 67 to Stephenville, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's regular route between Midland, Tex., and Roanoke, Tex., serving Stephenville as a point of joinder only.

NOTE: Applicant states it is controlled through ownership of 75 percent of its outstanding capital stock by Rogers Cartage Co. of Indiana, Inc.

HEARING: September 12, 1962, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate before Examiner Parks M. Low.

No. MC 60508 (Sub-No. 10), filed June 28, 1962. Applicant: CLYDE H. SIZEMORE, doing business as SIZEMORE TRUCKING COMPANY, P.O. Box 743, Clinton, N.C. Applicant's attorney: Edward G. Villalon, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (not including plywood and veneer), between points in Virginia, on the one hand, and, on the other, points in Maryland, Pennsylvania, the District of Columbia, New Jersey, New York, Connecticut, Massachusetts, Vermont, Tennessee, North Carolina, South Carolina, Ohio, Illinois, Indiana, and Michigan.

NOTE: Applicant states it intends to tack the above-described authority with the authority presently held from the Commission.

HEARING: October 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel C. Shoup.

No. MC 61264 (Sub-No. 12), filed June 13, 1962. Applicant: PILOT FREIGHT CARRIERS, INC., P.O. Box 615, Winston-Salem, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, house-

hold goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between points in South Carolina, on the one hand, and, on the other, points in Virginia, points in North Carolina within 150 miles of Broadway, N.C., and points in that part of Georgia on and north of U.S. Highway 80; (2) from Richmond, Va., to points in North Carolina, South Carolina and points in that part of Georgia on and north of U.S. Highway 80.

HEARING: October 5, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Walter R. Lee.

No. MC 63417 (Sub-No. 21), filed June 11, 1962. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 5176, Roanoke, Va. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated and uncrated, as described in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, between Roanoke, Va., on the one hand, and, on the other, points in Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine.

HEARING: October 10, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo A. Riegel.

No. MC 64932 (Sub-No. 315), filed June 22, 1962. Applicant: ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Methanol*, in bulk, in tank vehicles, from Huron, Ohio, and points within five (5) miles thereof, to points in Illinois, Indiana, Michigan, Minnesota, New York, and Wisconsin.

HEARING INFORMATION: By Order dated July 10, 1962, the subject application was assigned for hearing July 16, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Edith H. Cockrill, along with the application of Refiners Transport & Terminal Corp., No. MC 50069 (Sub-No. 257), and similar applications. The purpose of this late publication of the same issues in the instant application is to advise that any person or persons who might have been prejudiced by lack of sufficient notice prior to hearing, may, within 30 days from the date of this publication, file a petition for further hearing in the instant proceeding, No. MC 64932 (Sub-No. 135).

No. MC 69116 (Sub-No. 68), filed May 25, 1962. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site of Atwood Vacuum Machine Co., located at or near Havana, Ill., as an offroute point in connection with applicant's authorized regular route operations.

HEARING: September 12, 1962, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 149.

No. MC 70451 (Sub-No. 240), filed July 12, 1962. Applicant: WATSON-WILSON TRANSPORTATION SYSTEM, INC., 1910 Harney Street, Omaha, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Silver coin and silver bullion*, between San Francisco, Calif., and Denver, Colo.; from San Francisco over U.S. Highway 40 to Denver (also from San Francisco over U.S. Highway 40 to junction U.S. Highway 40 and U.S. Highway 189 at Silver Creek Junction, Utah, thence over U.S. Highway 189 to junction with U.S. Highway 30S near Echo, Utah, thence over U.S. Highway 30S to junction with U.S. Highway 30 near Little America, Wyo., thence over U.S. Highway 30 to junction with U.S. Highway 287 at Laramie, Wyo., thence over U.S. Highway 287 to Denver) and return over the same route, serving no intermediate or offroute points in either direction.

HEARING: July 30, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allen W. Hagerty.

No. MC 74846 (Sub-No. 50), filed July 10, 1962. Applicant: LEWIS G. JOHNSON, Port Gibson, N.Y. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, as described in (A) of Appendix I to the report of the Commission in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, between Rochester, N.Y., on the one hand, and on the other, points in Florida.

HEARING: September 25, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lyle C. Farmer.

No. MC 75185 (Sub-No. 235), filed June 25, 1962. Applicant: SERVICE TRUCKING CO., INC., P.O. Box 276, Federalsburg, Md. Applicant's attorney: Francis W. McInerny, 1000 16th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products* (not canned nor frozen), *reconstituted citrus juices and frozen citrus concentrates*, in vehicles equipped with temperature control devices, from the plant site of Universal Food Products, Inc., at Queenstown, Md., to points in Virginia, West Virginia, North Carolina, South Carolina, Tennessee, Georgia, Alabama, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: September 20, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before the Examiner Lacy W. Hinely.

No. MC 75320 (Sub-No. 97), filed July 2, 1962. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. Applicant's attorney: B. W. LaTourette, Jr., Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including Classes A and B explosives, steel pipe, bars, beams, structural and fabricated material, tools, supplies and equipment*, to be used in the construction, operation and maintenance of the 165 missile sites to be constructed in the Whiteman Air Force Base Complex, between Sedalia, Mo., or other established railheads within the Air Force Base Complex, and the missile sites located in Barton, Vernon, Bates, Cass, Jackson, Dade, Cedar, St. Clair, Henry, Johnson, Lafayette, Polk, Hickory, Benton, Pettis, Saline, Dallas, Camden, Morgan, Cooper, Miller, Moniteau and Morgan Counties, Mo.

HEARING: September 27, 1962, at the Missouri Hotel, Jefferson City, Missouri, before Joint Board No. 179, or, if the Joint Board waives its right to participate before Examiner Alvin H. Schutrumpf.

No. MC 76032 (Sub-No. 171), filed July 16, 1962. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo. Applicant's attorney: O. Russell Jones, 207 Bokum Building, 142 West Palace Avenue, Sante Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquid and rocket propellant fuels*, in bulk, in specially designed tank trailers, and *empty tank vehicles* between missile sites, production plants and test facilities located at points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

HEARING: August 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 85445 (Sub-No. 6), filed May 15, 1962. Applicant: DONALD LEE WALKER, 922 North Closner, Edinburg, Tex. Applicant's attorney: Rogers Kelley, Woodroof Building, P.O. Box 390, Edinburg, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products, and by-products, and *machinery, equipment, materials and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe (except the stringing and picking up of pipe in connection with main or trunk pipe lines), between points in Texas on the one hand, and, on the other, the port of entry between the United States and Mexico, at or near Progreso, Tex.

HEARING: September 25, 1962, at The Granado Hotel, San Antonio, Tex., before Joint Board No. 294, or, if the Joint Board waives its right to participate, before Examiner Parks M. Low.

No. MC 86913 (Sub-No. 12), filed June 11, 1962. Applicant: HUNTER MOTOR LINES, INC., P.O. Box 632, Warrenton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (not including plywood and veneer), between points in Virginia, on the one hand, and, on the other, points in Maryland, Pennsylvania, District of Columbia, New Jersey, New York, Connecticut, Massachusetts, Vermont, Tennessee, North Carolina, South Carolina, Ohio, Illinois, Indiana, and Michigan.

HEARING: October 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel C. Shoup.

No. MC 89723 (Sub-No. 25), filed March 21, 1962. Applicant: MISSOURI PACIFIC FREIGHT TRANSPORT COMPANY, a corporation, 1218 Olive Street, St. Louis 3, Mo. Applicant's attorney: Robert S. Davis, 1218 Olive Street, St. Louis 3, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including Classes A and B explosives, commodities of unusual value, commodities in bulk and those requiring special equipment, steel pipe, bars, beams and fabricated materials, tool supplies and equipment*, to be used in the construction, operation and maintenance of missile sites, between Sedalia, Mo., or other established railheads located within the Whiteman Air Force Base Complex on the one hand, and on the other, the 165 missile base launching sites located in Vernon, Bates, Cass, Cedar, St. Clair, Henry, Johnson, Lafayette, Benton, Pettis, Saline, Morgan, Cooper, and Moniteau Counties, Mo.

NOTE: Applicant states that it is a wholly owned subsidiary of the Missouri Pacific Railroad Co., St. Louis, Mo.

HEARING: September 27, 1962, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 179, or, if the Joint Board waives its right to participate before Examiner Alvin H. Schutrumpf.

No. MC 90373 (Sub-No. 18), filed March 5, 1962. Applicant: C & R TRUCKING COMPANY, a New Jersey corporation, Inman Avenue, Avenel, N.J. Applicant's attorney: LeRoy Danziger, 334 King Road, North Brunswick, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt*, in bulk, in tank vehicles, from Philadelphia, Pa., to points in Delaware, Maryland, Pennsylvania, and in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Hunterdon, Mercer, and Salem Counties, N.J.; and (2) *returned and rejected commodities* and *empty containers or other such incidental facilities* (not specified) *used in transporting the commodity* above, on return trips.

NOTE: Applicant states that the proposed service will be restricted to transportation performed under a continuing contract or contracts with Cities Service Oil Co. Applicant further advises that it, through its president, owns and controls the contract authority held by W. Hunter Atkinson (MC-109352 and subs thereunder).

HEARING: September 20, 1962, at Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner David Waters.

No. MC 93419 (Sub-No. 5), filed May 11, 1962. Applicant: BALD EAGLE TRANSFER COMPANY, a corporation, 309 Bellefonte Street, Lock Haven, Pa. Applicant's representative: John W. Frame, 603 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products* (except commodities in bulk), from Lock Haven and Castanea, Pa., to points in New York, New Jersey, Delaware, Maryland, Washington, D.C., Virginia, West Virginia, North Carolina, South Carolina, Massachusetts, Connecticut, Rhode Island, Ohio, Indiana, Illinois, Michigan, and Wisconsin, and (2) *materials used or useful in the manufacture of paper and paper products* (except commodities in bulk) from the above-described destination states, including Washington, D.C., to Lock Haven and Castanea, Pa.

HEARING: September 12, 1962, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner David Waters.

No. MC 95540 (Sub-No. 397), filed January 26, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses; canned and prepared foods and foodstuffs, frozen and unfrozen, and chilled juices*, from points in Alabama, Georgia, North Carolina, and South Carolina, to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Texas, Washington, Wisconsin, and Wyoming.

NOTE: Applicant states it "is affiliated with Arctic Express, Inc., through Stock Ownership in Bill Watkins, and Watkins Motor Lines, Inc."

HEARING: October 1, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Examiner Edith H. Cockrill.

No. MC 95540 (Sub-No. 431), filed May 28, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as defined by the Commission, from Clovis, N. Mex., and points within five (5) miles thereof, to points in Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Idaho, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, Virginia, Washington, West Virginia, the District of Columbia, and Memphis, Tenn.

NOTE: Applicant states that it is affiliated with Arctic Express, Inc. through stock ownership.

HEARING: September 12, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alfred B. Hurley.

No. MC 95540 (Sub-No. 435), filed June 21, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts, and pineapples* from Charleston, S.C., and Tampa, Miami, West Palm Beach, Port of Palm Beach, and Port Everglades, Fla., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Applicant states that it is affiliated through stock ownership with Arctic Express, Inc.; therefore common control may be involved.

HEARING: October 15, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles B. Heinemann.

No. MC 95540 (Sub-No. 439), filed July 5, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from points in Cuyahoga County, Ohio, to points in Alabama, Georgia (except Atlanta), Kentucky, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, and (2) *advertising, promotional and display materials, when shipped with the said frozen foods*, from points in Cuyahoga County, Ohio, to points in Alabama, Florida, Georgia (except Atlanta), Kentucky, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE: Common control may be involved.

HEARING: September 24, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James Anton.

No. MC 95540 (Sub-No. 440), filed July 9, 1962. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as defined by the Commission, from Dodge City, Kans., to points in the United States including the District of Columbia, but (excluding Alaska and Hawaii).

NOTE: Common control may be involved.

HEARING: September 25, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 100470 (Sub-No. 17), filed May 16, 1962. Applicant: CLARENCE H. ZERN, doing business as C. H. ZERN TRANSPORTATION, Gilbertsville, Pa. Applicant's attorney: William J. Wilcox, Sixth Floor Commonwealth Building, Allentown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete culvert and sewer pipe, precast concrete architectural items and precast prestressed reinforced concrete building and bridge members and materials and equipment, used in the loading, unloading and erection thereof*, from the plant sites of Schuylkill Products, Inc., Cressona, Pa., Eastern Prestressed Concrete Corp., Hatfield Township, Pa., and American Marietta Corp., Pottstown, Pa., to points in New Jersey, New York, Delaware, Maryland, Virginia, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified, and *refused and rejected* shipments, of the commodities specified above, on return.

HEARING: September 25, 1962, at the Federal Building, Allentown, Pa., before Examiner David Waters.

No. MC 105463 (Sub-No. 1), filed June 25, 1962. Applicant: C. E. HORNBACK, 400 West Ninth Street, Tama, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines 16, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Combination glazed and screen aluminum windows and doors*, not crated or boxed, from Tama, Iowa, to Topeka, Kans., Kansas City, Mo., and Sioux Falls, S. Dak., and (2) *cast zinc window corners*, from Richmond, Mo., to Tama, Iowa.

HEARING: September 19, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner James O'D. Moran.

No. MC 105556 (Sub-No. 41), filed November 9, 1961. Applicant: HOUCK TRANSPORT COMPANY, a corporation, Box 559, Glendive, Mont. Applicant's attorney: Franklin S. Longan, Suite 319, Securities Building, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Lignite and McGregor, N. Dak., and points within 25 miles of each, to points in Montana, South Dakota, and Minnesota, and to ports of entry on the United States-Canadian International Boundary Line in North Dakota; and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

HEARING: October 1, 1962, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Examiner Dallas B. Russell.

No. MC 105556 (Sub-No. 42), filed November 9, 1961. Applicant: HOUCK TRANSPORT COMPANY, a corporation, Box 559, Glendive, Mont. Applicant's attorney: Franklin S. Longan, Suite 319, Securities Building, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Tioga, N. Dak., and points within 25 miles thereof, to points in Montana, South Dakota, and Minnesota, and to ports of entry on the United States-Canadian International Boundary Line in North Dakota; and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

HEARING: October 1, 1962, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Examiner Dallas B. Russell.

No. MC 105556 (Sub-No. 44), filed March 8, 1962. Applicant: HOUCK TRANSPORT COMPANY, a corporation, P.O. Box 559, Glendive, Mont. Applicant's attorney: Franklin S. Longan, 319 Securities Building, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from ports of entry on the international boundary line between United States and Canada, at or near Portal, Noonan, Ambrose, and Fortuna, N. Dak., and Plentywood, Mont., to points in North Dakota and Montana; and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities above, on return.

HEARING: October 1, 1962, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 84, or, if the Joint Board waives its right to participate, before Examiner Dallas B. Russell.

No. MC 105636 (Sub-No. 22), filed June 8, 1962. Applicant: ARMELLINI EXPRESS LINES, INC., Oak and Brewster Road, Vineland, N.J. Applicant's attorney: Francis W. McInerny, 1000 16th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Containers for agricultural products*, from points in New Jersey, Pennsylvania, New York, Virginia, and North Carolina, to points in Florida, and Fort Valley, Ga., (2) *horticultural shading materials*, from points in New Jersey, to points in Florida, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified in (1) and (2) above, on return.

HEARING: September 11, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 105813 (Sub-No. 69) filed May 29, 1962. Applicant: BELFORD TRUCKING CO., INC., 1299 NW 23d Street, Miami 42, Fla. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products and articles distributed by meat packinghouses*, as described in Appendix I to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Clovis, N. Mex., and 5 miles thereof, to points in Louisiana, Mississippi, Alabama, Georgia, Florida, North Carolina, South Carolina, Tennessee, Kentucky, Virginia, West Virginia, District of Columbia, and Baltimore, Md.

HEARING: September 11, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles B. Heinemann.

No. MC 106714 (Sub-No. 12), filed February 23, 1962. Applicant: JOHN E. HIGGINS AND JOHN B. HIGGINS, a partnership, doing business as HIGGINS TRANSPORTATION, Richland Center, Wis. Applicant's attorney: Claude J. Jasper, Provident Building, 111 South Fairchild Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rigid frame beams*, and *accessorial hardware*, accompanying said beams in the same vehicle, on pole trailers, from Richland Center, Wis., to points in Minnesota, North Dakota, South Dakota, Iowa, Illinois, Indiana, and Michigan.

HEARING: September 12, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Dallas B. Russell.

No. MC 107107 (Sub-No. 219), filed June 4, 1962. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from points in Cuyahoga County, Ohio, to points in Alabama, Georgia (except Atlanta), Kentucky, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. (2) *Advertising, promotional and display materials*, when shipped with the said frozen foods, from points in Cuyahoga County, Ohio, to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

HEARING: September 18, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 107496 (Sub-No. 247), filed May 28, 1962. Applicant: RUAN TRANSPORT CORPORATION 408 SE. 30th, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, P.O. Box 855, Des Moines 4, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas and natural gasoline*, in bulk, in tank vehicles, from points in Polk and Red Lake Counties, Minn., to points in North Dakota, South Dakota, Iowa, Wisconsin, and the Upper Peninsula of Michigan, and points in North Dakota and Minnesota on the International Boundary line between the United States and Canada.

NOTE: Applicant states it is wholly owned by the John Ruan. Applicant controls and owns all of the outstanding capital stock of Illinois-Ruan Transport Corporation. Applicant holds contract authority in MC 119136 and subs thereunder; therefore, dual operations may be involved.

HEARING: September 24, 1962, at the U.S. Court Rooms, Fargo, N. Dak., before Examiner Dallas B. Russell.

No. MC 107496 (Sub-No. 256), filed June 25, 1962. Applicant: RUAN TRANSPORT CORPORATION, 408 SE. 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles from the site of the Mid-America Pipeline terminal located at or near Farmington, Ill., to points in Indiana, Wisconsin, Iowa, and Missouri.

NOTE: Common control may be involved.

HEARING: September 21, 1962, at Room 401, Old Frederal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner James O'D. Moran.

No. MC 107515 (Sub-No. 401), filed May 27, 1962. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, Grant Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products, articles distributed by packinghouses*, and *such commodities as are used by meat packers in the conduct of their business, when destined to and for use by meat packers*, as described by the Commission in subdivisions A, B, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in vehicles equipped with mechanical refrigeration, from Clovis, N. Mex., and points within five (5) miles thereof, to points in Alabama, Georgia, Florida, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE: Applicant states that J. L. Lawhon, its president and owner of one half of its common stock, holds permits as a contract carrier under MC-104589 and subs thereunder.

HEARING: September 11, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles B. Heinemann.

No. MC 107818 (Sub-No. 26), filed June 14, 1962. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 Northwest 12th Avenue, Pompano Beach, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Matches* from Springfield, Mass. to points in Virginia, North Carolina, South Carolina, Georgia, and Florida; and (b) *wooden articles* from Dixfield and Oakland, Maine, to points in Virginia, North Carolina, South Carolina, Georgia, and Florida.

HEARING: September 19, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 107818 (Sub-No. 27), filed June 14, 1962. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 NW. 12th Avenue, Pompano Beach, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Egg cartons and molded paper products*, from Palmer, Mass., to points in Virginia, North Carolina, South Carolina, Georgia, and Florida.

HEARING: September 18, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 108053 (Sub-No. 39), filed May 29, 1962. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., P.O. Box 310, Fremont, Nebr. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, dairy products, and articles distributed by meat packinghouses*, as described in Appendix I to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Clovis, N. Mex., and points within five (5) miles thereof, to points in Arizona, California, Colorado, Utah, Nevada, Oregon, Washington, Idaho, Montana, Wyoming, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, and points in Illinois, in St. Louis-East St. Louis Commercial Zone, as defined by the Commission, points in Arkansas, and Oklahoma.

NOTE: Common control may be involved.

HEARING: September 12, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alfred B. Hurley.

No. MC 108375 (Sub-No. 17), filed July 2, 1962. Applicant: Le ROY L. WADE & SON, INC., 1615 Izard Street, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, the transportation of which, because of their size or weight, requires the use of special equipment, and related machinery and machinery parts and related contractor's materials and supplies, when their transportation is incidental to the transportation by carrier of commodities, the transportation of which by their size or weight, requires special equipment*, between points in Nebraska, Iowa, Missouri, Kansas, and South Dakota.

NOTE: Applicant states the purpose of this application is to include "related machinery and machinery parts" to the existing service in the same states, and subject to the same restriction.

RESTRICTION: Applicant states the "Carrier shall not transport (1) any shipments which originate at St. Louis or Kansas City, Mo., and which are destined to any points in Missouri, Kansas, or Iowa, and (2) any shipments which originate at any point in Iowa, Missouri, or Kansas and which are destined to St. Louis or Kansas City, Mo."

HEARING: September 19, 1962, at the Federal Office Building, 15th and Dodge Streets, Omaha, Nebr., before Examiner James O'D. Moran.

No. MC 108859 (Sub-No. 37), filed March 23, 1962. Applicant: CLAIRMONT TRANSFER CO., a corporation, 1803 7th Avenue North, Escanaba, Mich. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. By Form BMC 78 application, applicant seeks to amend the commodity descriptions in its presently-authorized Certificates No. MC 108859 and Subs thereunder so as to read: "General commodities, except liquids in bulk, livestock, explosives, and articles of unusual value or size". Certificates here involved authorize the transportation of general commodities, with certain exceptions, over specified regular routes, between various points in the States of Michigan, Illinois, and Wisconsin.

NOTE: Counsel for applicant advises that he will mail to anyone on request a copy or copies of the February 5, 1959, certificate in MC 108859, or a copy or copies of certificates in Docket MC 108859 Subs 6 (issued May 26, 1959); 10 (issued July 31, 1951); 11 (issued July 29, 1952); 12 (issued May 2, 1952); 16 (issued December 20, 1954); 19 (issued November 9, 1954); 20 (issued December 11, 1956).

HEARING: September 11, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Dallas B. Russell.

No. MC 108973 (Sub-No. 8), filed June 28, 1962. Applicant: INTERSTATE EXPRESS, INC., 2334 University Avenue, St. Paul 14, Minn. Applicant's attorneys: Doar & Knowles, W. P. Knowles, New Richmond, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solution*, from Pine Bend, Minn., to points in North Dakota, South Dakota, Iowa, and Wisconsin.

HEARING: September 19, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Dallas B. Russell.

No. MC 109478 (Sub-No. 51), filed June 18, 1962. Applicant: WORSTER MOTOR LINES, INC., East Main Road, R.D. No. 1, North East, Pa. Applicant's attorney: William W. Knox, 23 West 10th Street, Erie, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, liquid corn syrup and blends of liquid sugar and liquid corn*

syrup, in bulk, in tank vehicles, from North East, Pa., to points in New York on, south and west of a line beginning at Lake Ontario and extending along New York Highway 13 to junction U.S. Highway 11, near Pulaski, N.Y., thence along U.S. Highway 11 to the New York-Pennsylvania State line.

HEARING: September 14, 1962, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Allen W. Hagerty.

No. MC 108859 (Sub-No. 37), filed 18, 1962. Applicant: ROBERTSON TRUCK-A-WAYS, INC., 7101 East Slauson, Los Angeles 22, Calif. Applicant's attorney: Phil Jacobson, Suite 723, 510 West Sixth Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles*, in secondary movement, in driveaway and truckaway service, from San Leandro, Calif., and points within twenty (20) miles thereof, to points in California, Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, and *returned and rejected shipments* of the above-specified commodity, on return.

NOTE: Applicant states it is a California Corporation, and all of the stock is owned by Dallas & Mavis Forwarding Co., Inc.

HEARING: September 27, 1962, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 110328 (Sub-No. 7), filed June 11, 1962. Applicant: ROY A. LEIPHART TRUCKING, INC., 1298 Tortonita Street, York, Pa. Applicant's representative: John W. Frame, 603 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Groceries, flavoring syrups, all kinds, and such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses* (except commodities in bulk, in tank vehicles), from Baltimore, Md., and Dallastown, Pa., to Lebanon, Lykens, Harrisburg, Lancaster, Reading, Shamokin, Sunbury, York, Hanover, Red Lion, and Hershey, Pa.

NOTE: Duplicating authority to be canceled.

HEARING: September 18, 1962, Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner David Waters.

No. MC 110525 (Sub-No. 509), filed May 29, 1962. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, except in bulk, from the site of the Nazareth Cement Company plant at Nazareth, Pa., to points in New York, except that portion of New York in and south of Chemung, Tioga, Broome, Chenango, Delaware, Greene, and Columbia Counties.

HEARING: September 7, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard H. Roberts.

No. MC 110525 (Sub-No. 520), filed June 27, 1962. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, between New Windsor and Newburgh, N.Y., on the one hand, and, on the other, points in Pennsylvania, New Jersey, and New York.

HEARING: September 21, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo A. Riegel.

No. MC 110686 (Sub-No. 17), filed June 14, 1962. Applicant: McCORMICK DRAY LINE, INC., Avis, Pa. Applicant's attorney: Harold S. Shertz, 2107 Fidelity-Philadelphia Trust Building, Philadelphia 9, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products, firebrick, fire clay, furnace or kiln lining cements, high temperature bonding mortars on pallets*, from Warren, Ohio, to points in Delaware, Maryland, New Jersey, New York, Connecticut, Rhode Island, Massachusetts and that part of Pennsylvania on and east of U.S. Highway 220, (excluding the city of Philadelphia and points within 35 miles airline distance therefrom).

HEARING: September 13, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 111045 (Sub-No. 28), filed July 18, 1962. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, Fla. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids and rocket propellant fuels*, in bulk, in specially designed trailers, between missile sites, production plants and missile test facilities, located at points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Montana, and Wyoming.

HEARING: August 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 111375 (Sub-No. 8), filed May 18, 1962. Applicant: OTTO PIRKLE, doing business as PIRKLE REFRIGERATED FREIGHT LINES, 3567 East Barnard Avenue, Cudahy, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pastries* and *confections* (including *Viennese torte, linzer torte, butter creme torte, petit fours, nougatine tarts, Swiss butter rum cake, Dresden butter stollen, cinnamon nut strudel, fruit cake, pecan log rolls, date-nut torte, parisian rum sticks*) from Monroe, Wis., to Phoenix and Tucson, Ariz., Denver, Colo., Tulsa and Oklahoma City, Okla., Albuquerque, N. Mex., El Paso, Texas, Las Vegas and Reno, Nev., Salt Lake City, Utah, and points in California, Idaho, Montana, Oregon, and Washington; and (2) *food seasoning compounds* from Wausau, Wis., to Phoenix and Tucson, Ariz., Denver, Colo., Tulsa and Oklahoma City, Okla., Albuquerque, N. Mex., El Paso, Texas, Las Vegas and Reno, Nev., Salt Lake City, Utah, and points in California, Idaho, Montana, Oregon, and Washington.

HEARING: September 10, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Dallas B. Russell.

No. MC 111401 (Sub-No. 131), filed June 18, 1962. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, Okla. Applicant's representative: Vic Comstock, P.O. Box 632, Enid, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids, gases, and rocket propellant fuels*, in bulk, in specially designed tank trailers, between points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Louisiana, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

HEARING: August 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Jerry F. Laughlin.

No. MC 111651 (Sub-No. 9), filed April 2, 1962. Applicant: MIDDLE-WEST FREIGHTWAYS, INC., 527 South Theresa Street, S. Louis, Mo. Applicant's attorney: Tom B. Kretsinger, Suite 510 Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving ballistic missile and launching sites, and supply points therefor, located in Cedar, Vernon, Bates, Cass, Johnson, Lafayette, Saline, Cooper, Moniteau, Morgan, Benton, Henry, St. Clair, and Pettis Counties, Mo., as off-route points in connection with applicant's regular-route operations.

HEARING: September 26, 1962, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 179, or, if the Joint Board waives its right to participate before Examiner Alvin H. Schutrumpf.

No. MC 112020 (Sub-No. 160), filed June 4, 1962. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pesticides and liquid fertilizer ingredients*, in bulk, in tank vehicles, from Maryland Heights, Mo., Little Rock, Ark., Omaha, Nebr., Shreveport, La., and points in Texas, to points in Arkansas, Oklahoma, Louisiana, Mississippi, New Mexico, Missouri, Kansas, Colorado, and Texas.

NOTE: Applicant states it is owned and controlled by the same stockholders who own and control Commercial Oil Transport, of Oklahoma, Inc., MC 118465.

HEARING: September 10, 1962, at the Baker Hotel, Dallas, Tex., before Examiner Parks M. Low.

No. MC 112020 (Sub-No. 161), filed June 4, 1962. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish oil and fish by-products*, in bulk, from points in Texas and Louisiana, to points in Arkansas, Missouri, Kansas, Illinois, Oklahoma, Texas, and Louisiana.

NOTE: Applicant states it is owned and controlled by the same stockholders who own and control Commercial Oil Transport, of Oklahoma, Inc., MC 118465.

HEARING: September 20, 1962, at the Texas State Hotel, Houston, Tex., before Examiner Parks M. Low.

No. MC 112020 (Sub-No. 164), filed July 16, 1962. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids and rocket propellant fuels*, in bulk, between missile sites, production plants and missile test facilities, located in the states of Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

NOTE: Applicant states it is owned and controlled by the same stockholders who own and control Commercial Oil Transport of Oklahoma, Inc., an Oklahoma Corporation.

HEARING: August 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 112497 (Sub-No. 191), filed July 18, 1962. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids and rocket propellant fuels*, in bulk, in specially designed tank vehicles, including, but not restricted to government or shipper-owned tank vehicles, between points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, Nebraska, New Mexico, Nevada, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

HEARING: August 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 112617 (Sub-No. 122), filed July 6, 1962. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from the terminal of Warren Petroleum Company, at or near Crossville, Ill., to points in Indiana, Kentucky, Ohio, and Tennessee, and (2) from the terminal of Mid America pipeline near Farmington, Ill., to points in Indiana, Kentucky, Ohio, and Tennessee.

HEARING: September 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James Anton.

No. MC 113325 (Sub-No. 16), filed March 28, 1962. Applicant: SLAY TRANSPORTATION CO., INC., 718 South Seventh Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime* and *limestone products*, in bulk, from points in Saint Genevieve County, Mo., to points in Alabama, Colorado, Florida, Georgia, Illinois, Indiana, Louisiana, Michigan, Mississippi, Nebraska, New Jersey, North Carolina, North Dakota, Pennsylvania, South Carolina, South Dakota, Texas, Virginia, and West Virginia.

HEARING: September 17, 1962, at the Pick-Mark Twain Hotel, St. Louis, Missouri, before Examiner Alvin H. Schutrumpf.

No. MC 113388 (Sub-No. 41), filed March 19, 1962. Applicant: LESTER C. NEWTON TRUCKING CO., a corporation, Bridgeville, Del. Applicant's attorney: H. Charles Ephraim, 1001 15th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *cheese*, from Bridgeville, Del., to points in Maryland, Connecticut, Pennsylvania, Delaware, New Jersey, New York, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, North Carolina, South Carolina, Georgia, the District of Columbia, Lynchburg, Va., and points in Virginia on and east of U.S. Highway 1, and Miami, Jacksonville, Plant City, Tampa, and Wauchula, Fla.

HEARING: September 10, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Henry A. Cockrum.

No. MC 113388 (Sub-No. 42), filed March 20, 1962. Applicant: LESTER C. NEWTON TRUCKING CO., a corporation, Bridgeville, Del. Applicant's attorney: H. Charles Ephraim, 1001 15th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water* from Bridgeville, Del., to points in Maryland, Connecticut, Pennsylvania, Delaware, New Jersey, New York, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, North Carolina, Virginia, Florida, and District of Columbia, Atlanta and Savannah, Ga., Columbia and Monetta, S.C., and points in South Carolina on and east of U.S. Highway 1.

HEARING: September 10, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Henry A. Cockrum.

No. MC 113388 (Sub-No. 43), filed June 11, 1962. Applicant: LESTER C. NEWTON TRUCKING CO., a corporation, Bridgeville, Del. Applicant's attorney: H. Charles Ephraim, 1001 15th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Milton, Pa., to points in New Jersey, Delaware, Maryland, Virginia, and the District of Columbia.

HEARING: September 12, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John L. York.

No. MC 113495 (Sub-No. 8), filed July 3, 1962. Applicant: GREGORY HEAVY HAULERS, INC., 2 Main Street, Nashville, Tenn. Applicant's attorney: Wilmer B. Hill, Ames, Hill & Ames, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction machinery and equipment* as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *parts of the above-described commodities*, from points in Illinois (except Peoria, Joliet, Decatur, Aurora, Morton, Mossville, Springfield, Deerfield, Harvey, Beardstown, and Dekalb, and points within ten (10) miles of each), to points in Tennessee, North Carolina, and Virginia.

HEARING: October 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard White.

No. MC 113651 (Sub-No. 40), filed April 11, 1962. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Applicant's attorney: William J. Boyd, 30 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foods*, from Mount Summit and Shirley, Ind., to points in Alabama, Florida, Georgia, South Carolina, North Carolina, Tennessee, Virginia, West Virginia, Kentucky, and Mississippi, and *refused, rejected and damaged products*, on return.

HEARING: September 19, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Examiner Alvin H. Schutrumpf.

No. MC 113651 (Sub-No. 41), filed June 11, 1962. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Applicant's attorney: William J. Boyd, 30 North La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products* and *commodities used in packinghouses*, as described in Appendix I to the report in 61 M.C.C.

209, from Dennison, Iowa to points in Indiana, Ohio, West Virginia, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia.

HEARING: September 20, 1962, at Room 401, Old Federal Office Bldg., Fifth and Court Avenues, Des Moines, Iowa, before Examiner James O'D. Moran.

No. MC 113666 (Sub-No. 10), filed June 19, 1962. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. Applicant's attorney: James W. Hagar, Commerce Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refractory products, including firebrick, fireclay, furnace and kiln lining cements and high-temperature bonding mortar*, from Childs, Claysburg, Plymouth Meeting, Philadelphia, Salina, and Sproul, Pa., and Columbiana and Warren, Ohio, to Ports of Entry on the International Boundary line between the United States and Canada in New York and Michigan, for destination to points in the Province of Ontario, Canada, (2) *refractory products*, from points in Porter Township, Clarion County, and Tarentum, Pa., to points in Ohio, (3) *excavating machinery and component parts thereof*, from Summit, Ill., to points in Pennsylvania, Maryland, New York, Ohio, and West Virginia, and (4) *fabricated iron and steel, fabricated iron and steel articles, including but not limited to tanks, chambers, pressure vessels, furnace shells, furnace bases, hoppers, stacks, pressure piping, structural shapes, fabricated sewage treatment systems, and iron and steel rolling mill rolls*, from Avonmore, Pa., to points in Connecticut, Delaware, Indiana, Illinois, Kentucky, Maine, Massachusetts, Maryland, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, Virginia, Vermont, West Virginia, and the District of Columbia, and *used iron and steel rolling mill rolls*, on return.

HEARING: September 17, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gordon M. Callow.

No. MC 113855 (Sub-No. 67), filed March 27, 1962. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52 South, Rochester, Minn. Applicant's attorney: Franklin J. Van Osdel, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractor attachments* and *parts of tractor attachments*, between points in Miami County, Ind., on the one hand, and, on the other, points in North Dakota, South Dakota, Montana, Wyoming, Utah, New Mexico, Arizona, California, Nevada, Idaho, Oregon, Washington, Colorado, Texas, Oklahoma, Kansas, and Nebraska.

HEARING: September 27, 1962, at The Palmer House, Chicago, Ill., before Examiner James O'D. Moran.

No. MC 113855 (Sub-No. 68), filed May 7, 1962. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52 South, Rochester, Minn. Applicant's attorney: Franklin J. Van Osdel, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Agricultural machinery and implements* (other than hand), (b) *attachments for agricultural machinery and implements* (other than hand), (c) *attachments for industrial machinery*, and (d) *parts of* (a), (b), *and* (c) *when incidental to and moving in the same vehicle with said commodities*, between Horicon, Wis., on the one hand, and, on the other, points in North Dakota, South Dakota, Minnesota, and Nebraska.

NOTE: Applicant states that shipments to Horicon, Wis., will be limited to such of the aforementioned commodities as are being transported because of damage, rejection, rebuilding or repairs.

HEARING: September 20, 1962, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Dallas B. Russell.

No. MC 114045 (Sub-No. 88), filed June 4, 1962. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, from Luling and Galveston, Tex., to points in Tennessee, Alabama, Georgia, Florida, North Carolina, South Carolina, Mississippi, and Louisiana.

NOTE: Applicant states the following restriction: Service to Memphis, Tenn., and points in Louisiana and Mississippi must be a part shipment with destination beyond.

HEARING: September 26, 1962, at The Granado Hotel, San Antonio, Texas, before Examiner Parks M. Low.

No. MC 114045 (Sub-No. 89), filed June 8, 1962. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles distributed by packinghouses*, from Omaha, Nebr., to Hartford and Torrington, Conn., to Portland, Maine, Boston, Mass., Detroit, Mich., Passaic, N.J., Malone, N.Y., Cleveland, Martins Ferry, and Youngstown, Ohio, New Castle, Philadelphia and Scranton, Pa., and Providence, R.I.

HEARING: September 12, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Laurence E. Masoner.

No. MC 114091 (Sub-No. 45), filed July 19, 1962. Applicant: FLEET TRANSPORT CO. OF KY., INC., P.O. Box 13116, Louisville 13, Ky. Applicant's attorney: Robert M. Pearce, 221 St. Clair, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids and rocket propellant fuels*, in bulk, in specially designed tank trailers, between missile sites, production plants and missile test facilities located in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

HEARING: August 1, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 114098 (Sub-No. 37), filed June 13, 1962. Applicant: LOWTHER TRUCKING COMPANY, a corporation, 521 Penman Street, P.O. Box 2115, Charlotte 1, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and roofing slabs*, (1) from Newark, Ohio, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, the District of Columbia, West Virginia, Tennessee, Kentucky, Indiana, Michigan, Illinois, Wisconsin, Iowa, and Minnesota; and (2) from Arkadelphia, Ark., to points in Louisiana, Texas, Oklahoma, Kansas, Missouri, Illinois, Iowa, Wisconsin, Minnesota, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi.

HEARING: September 21, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alfred B. Hurley.

No. MC 114098 (Sub-No. 38), filed June 13, 1962. Applicant: LOWTHER TRUCKING COMPANY, a corporation, 521 Penman Street, P.O. Box 2115, Charlotte 1, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street, NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit* and *pipe* from Glendale, W. Va., and Landisville, N.J., to points in Kentucky, Louisiana, New Mexico, Colorado, Wyoming, Montana, Idaho, Washington, Oregon, California, Nevada, Arizona, Alabama, Mississippi, and Tennessee.

HEARING: October 8, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lacy W. Hinely.

No. MC 115491 (Sub-No. 31), filed July 2, 1962. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Auburndale, Fla. Applicant's attorney: Craig Massey, P.O. Box 586, Lakeland, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables*, in mixed truckloads, with *canned vegetables*, from LeSeuer, Cokato, Montgomery, Watertown, Winsted, Winthrop, Blue Earth, and Glencoe, Minn., and Ripon, Rosendale, Fox Lake, and Beaver Dam, Wis., and, Belvidere and Lanark, Ill., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina.

HEARING: September 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 115601 (Sub-No. 16), filed July 2, 1962. Applicant: BROOKS ARMORED CAR SERVICE, INC., 13 East 35th Street, Wilmington, Del. Applicant's attorney: H. James Conaway, Jr., Bank of Delaware Building, Wilmington 1, Del. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal, wooden and other precision instruments and accessories, parts, and other items pertaining thereto*, (1) between points in Delaware, Philadelphia, Pa., and points in Montgomery, Chester, Delaware, and Bucks Counties, Pa., on the one hand, and, on the other, points in New Jersey, and points in Cecil, Kent, Queen Annes, Talbot, Dorchester, Carolina, Wicomico, Somerset, and Worcester Counties, Md., and points in Northampton and Accomack Counties, Va., and (2) between points in Delaware, on the one hand, and, on the other, points in Montgomery, Chester, Delaware, and Bucks Counties, Pa., in Philadelphia, Pa.

NOTE: Applicant states the proposed service will be under continuing contracts. It also states it proposes to transport the commodities covered by the service proposed above, which commodities are valuable, in its armored equipment used in the transportation under its present authority, to the extent that circumstances permit.

HEARING: September 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Garland E. Taylor.

No. MC 115601 (Sub-No. 17) filed July 2, 1962. Applicant: BROOKS ARMORED CAR SERVICE, INC., 13 East 35th Street, Wilmington, Del. Applicant's attorney: H. James Conaway Jr., Bank of Delaware Building, Wilmington 1, Del. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal, wooden and other precision instruments, and accessories, parts, and other items pertaining thereto*, (1) between points in Montgomery County, Pa., and Philadelphia, Pa., on the one hand, and, on the other, points in Delaware, Maryland, and New Jersey, and (2) between points in New Jersey, on the one hand, and, on the other, points in Delaware, and Maryland.

NOTE: Applicant states the proposed service will be under continuing contracts. It also states it proposes to transport the commodities covered by the service proposed above, which commodities are valuable, in its armored equipment, used in the transportation under its present authority, to the extent that circumstances permit.

HEARING: September 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Donald R. Sutherland.

No. MC 115766 (Sub-No. 2), filed January 29, 1962. Applicant: EDWARD S. MILLER, doing business as E. S. MILLER TRUCKING, 110 Buttonwood Street, Jessup, Pa. Applicant's attorney: Daniel H. Jenkins, Suite 309, Mears Building, Scranton, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caskets, casket shells, and hardware for caskets and casket shells*, from Archbald Borough, Pa., to points in Maine, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

HEARING: September 27, 1962, at the Federal Building, Scranton, Pa., before Examiner David Waters.

No. MC 115481 (Sub-No. 115), filed July 17, 1962. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, Packinghouse products and frozen foods*, from Norfolk, Va., to points in Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, Texas, Arkansas, Tennessee, Oklahoma, Maryland, Delaware, West Virginia, Kentucky, Kansas, Nebraska, Illinois, Iowa, Missouri, Indiana, Ohio, Pennsylvania, New York, Michigan, Minnesota, Colorado, New Jersey, and the District of Columbia.

HEARING: July 30, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 116014 (Sub-No. 2), filed June 11, 1962. Applicant: RALPH OLIVER & MRS. SCOTT OLIVER, doing business as OLIVER TRUCKING CO., 117 Buckner Street, Winchester, Ky. Applicant's attorney: Robert M. Pearce, 22½ St. Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) from Winchester, Ky., to Cincinnati and Avon Lake, Ohio, Fort Wayne, Ind., Memphis, Tenn, and Edgerton, Wis., and (2) from Oliver Springs and New River, Tenn., Mountain City, Ga., Swansdale, W. Va., and Hayesville, N.C., to Winchester, Ky., and *rejected and damaged shipments* of the commodity specified above, on return.

HEARING: September 14, 1962, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Armin G. Clement.

No. MC 116119 (Sub-No. 7), filed June 8, 1962. Applicant: JOHN F. HARRIS, doing business as HOGAN'S TRANSFER & STORAGE CO., 1122 South Davis Avenue, Elkins, W. Va. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers from Norristown and Philadelphia, Pa., to points in West Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Applicant is also authorized to conduct operations as a common carrier in Certificate No. MC 106002 and subs; therefore dual operations may be involved.

HEARING: September 11, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gordon M. Callow.

No. MC 116434 (Sub-No. 21), filed April 6, 1962. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Processed and canned food stuffs and machine materials and supplies used by food processors and canners*, between Collinsville, Ill., and Mt. Summit and Shirley, Ind., on the one hand, and, on the other, points in Illinois, Indiana, Ohio, Kentucky, Tennessee, Arkansas, Oklahoma, Kansas, Missouri, Wisconsin, and Minnesota.

HEARING: September 25, 1962, at The Palmer House, Chicago, Ill., before Examiner James O'D. Moran.

No. MC 116795 (Sub-No. 2), filed June 14, 1962. Applicant: LAWRENCE G. WILLMAN, doing business as WILLMAN TRUCKING CO., 1037 Bacon Street, Erie, Pa. Applicant's representative: G. H. Dilla, 5275 Ridge Road, Cleveland 29, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Air-conditioning equipment, clothes dryers and washers, disposal units, signs*, plastic and metal, *water heaters*, various sizes, and *component parts and accessories for all the above-described commodities*, shipped with or separately from the complete units, between Atlanta, Ga., Chicago, Ill., Dover, N.J., and Erie, Pa., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, and (2) *frit, insulating materials, thermostats, paper, cartons, containers, crates, and other packing material, iron and steel sheets, damaged and defective parts as described in* (1) *above used in the manufacture and distribution of such articles as are listed in* (1) above from the destination territory to the origin territory in (1) above.

NOTE: Applicant states the proposed operation is to serve the Republic Appliance Division of the Republic Transcon Industries, Inc.

HEARING: September 17, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John B. Mealy.

No. MC 116947 (Sub-No. 5), filed June 18, 1962. Applicant: HUGH H. SCOTT, doing business as SCOTT TRANSFER CO., 1000 Watkins Street NW., Atlanta, Ga. Applicant's attorney: T. Baldwin Martin, 503 First National Bank Building, Macon, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, for human consumption, from Atlanta, Ga., to points in Alabama, District of Columbia, Florida, Georgia, Illinois, Kentucky, Louisiana, Mississippi, North Carolina, Tennessee, Virginia, and West Virginia, (2) *shortening and cooking or salad oil*, from Memphis, Tenn., to points in Alabama, and Mississippi, and (3) *shortening and cooking or salad oil or foodstuffs*, from Savannah, Ga., to points in North Carolina, South Carolina, and Tennessee, and (4) *empty containers or other such*

incidental facilities (not specified) used in transporting the commodities specified in (1), (2) and (3) above, on return.

HEARING: September 27, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Examiner Edith H. Cockrill.

No. MC 117686 (Sub-No. 11) (AMENDMENT), filed March 9, 1962, published in FEDERAL REGISTER issue of June 13, 1962, republished as amended this issue. Applicant: RAYMOND C. HIRSCHBACK, doing business as HIRSCHBACH MOTOR LINES, 3324 U.S. Highway 75 North, Sioux City, Iowa. Applicant's attorney: J. Max Harding, Box 2041, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Potatoes*, and *potato products*, frozen and unfrozen, cooked, uncooked, and blanched, (a) from Grand Forks, Fargo, and Grafton, N. Dak., and Crookston, Mankato, and Barnesville, Minn., to points in Alabama, Arkansas, Florida, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, and Tennessee, (b) from Grand Forks and Grafton, N. Dak., to Mankato, Minn.; and (2) *frozen foods* from Sioux City, Iowa, and Mankato and Crookston, Minn., to points in Alabama, Arkansas, Florida, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, and Tennessee.

NOTE: The purpose of this republication is to eliminate Arizona, Oregon, Texas, and Washington as destination states in (a), eliminate Fargo, N. Dak., as an origin point in (b), add Crookston, Minn., as an origin point in (2), and eliminate Arizona, California, Oregon, Texas, and Washington as destination states in (2).

HEARING: Remains as assigned, July 31, 1962, in the U.S. Court Rooms, Fargo, N. Dak., before Examiner J. Thomas Schneider.

No. MC 117864 Sub-No. 3), filed March 29, 1962. Applicant: JAMES M. SAKS AND JOSEPH HAZZOURI, doing business as SAKS & HAZZOURI, 6 Lackawanna Avenue, Scranton, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, when moving in the same vehicle with pineapples, from New York, N.Y., Weehawken, N.J., and Baltimore, Md. to Binghampton, N.Y., Scranton and Wilkes-Barre, Pa., and points in the Borough of Forty-Fort, Luzerne County, Pa.

NOTE: Applicant states it presently holds authority to transport bananas in the above territory, the purpose of this application is to haul bananas and pineapples together.

HEARING: September 27, 1962, at the Federal Building, Scranton, Pa., before Examiner David Waters.

No. MC 117869 (Sub-No. 1), filed may 17, 1962. Applicant: DENTON PRODUCE, INC., P.O. Box 109, 2009 North Grand Street, Enid, Okla. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Bananas*, (1) from Galveston, Tex., to points in Texas and Kansas City, Mo.; (2) from Houston, Tex., and New Orleans, La., to Denver, Colo., Kansas City, Mo., and points in Texas, Nebraska, Kansas, and Oklahoma; and (b) *rejected, damaged and refused shipments* on return trips.

HEARING: September 17, 1962, at the Texas State Hotel, Houston, Tex., before Examiner Parks M. Low.

No. MC 119453 (Sub-No. 4), filed May 28, 1962. Applicant: G. RICHARD MORRIS, doing business as MORRIS TRANSFER, 180 Canton Street, Troy, Pa. Applicant's attorney: Evan S. Williams, Corner Canton and Main Streets, Troy, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hydrogen gas*, in shipper-owned semitrailers, from Newark, N.J., to Towanda, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: September 14, 1962, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner David Waters.

No. MC 119641 (Sub-No. 38), filed July 13, 1962. Applicant: RINGLE EXPRESS, INC., 405 South Grant Avenue, Fowler, Ind. Applicant's attorney, Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to *Descriptions in Motor Carrier Certificates*, Ex Parte MC–45, from Kokomo, Ind., to points in Tennessee, and *damaged and rejected shipments*, on return.

HEARING: September 17, 1962, at Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 264.

No. MC 119778 (Sub-No. 9), filed May 31, 1962. Applicant: REDWING CARRIERS, INC., P.O. Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 413–414 Bell Building, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry crude sulphate of soda* (better known as salt cake), in bulk, in hopper and tank vehicles, between points in Georgia, Florida, Alabama, Tennessee, North Carolina, South Carolina, and Mississippi.

NOTES: Common control may be involved.

HEARING: September 18, 1962, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Edith H. Cockrill.

No. MC 119880 (Sub-No. 7), filed July 11, 1962. Applicant: DRUM TRANSPORT, INC., Box 2056, East Peoria, Ill. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol and alcoholic liquors*, in bulk, in tank vehicles, from Milan and Lawrenceburg, Ind., and Louisville, Ky., to El Segundo, Calif.

HEARING: September 24, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 123393 (Sub-No. 11), filed April 26, 1962. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 1914 East Blaine Street, Springfield, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Gulfport, Miss., to that portion of Missouri bounded on the north by U.S. Highway 54, on the east by U.S. Highway 65, including points in Missouri on U.S. Highway 65, that portion of Kansas bounded on the north by U.S. Highway 54, and on the west by U.S. Highway 75, that portion of Oklahoma, including points on and east of U.S. Highway 75, and north of Oklahoma Highway 33, including points on Oklahoma Highway 33, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: Common control may be involved. It is further noted that applicant has contract carrier authority under MC 115991, therefore, dual operations may be involved.

HEARING: September 24, 1962, at the Missouri Hotel, Jefferson City, Mo., before Examiner Alvin H. Schutrumpf.

No. MC 123920 (AMENDMENT), filed September 11, 1961, published FEDERAL REGISTER issue December 20, 1961, amended May 28, 1962, and republished as amended this issue. Applicant: ELDON H. RIECK, Bay City, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand and machinery, machine parts, tools and supplies* used in the mining of sand, from points in Pierce County, Wis., to points in Wabasha, Goodhue, Washington, Ramsey, and Hennepin Counties, Minn., and (2) *empty containers or other such incidental facilities* (not specified) and *such machinery as may be needed and oil and chemicals*, used in treating of sand, on return.

CONTINUED HEARING: September 19, 1962, in Room 393, at the Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 142, or, if the Joint Board waives its right to participate, before Examiner Dallas B. Russell.

No. MC 124048 (Sub-No. 1), filed March 29, 1962. Applicant: SCHWERMAN TRUCKING CO. OF INDIANA, INC., 620 South 29 Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products*, in bulk, in tank vehicles, from East Chicago, Ind., to points in Indiana, points in Leelanau, Grand Traverse, Benzie, Wexford, Manistee, Mason, Lake, Oceana, Newaygo, Muskegon, Kent, Ottawa, Allegan, Barry, Calhoun, Kalamazoo, Van Buren, Berrien, Cass, St. Joseph, and Branch Counties, Mich., points in Kenosha, Racine, Walworth, Rock, Green, Lafayette, Grant, Iowa, Dane, Jefferson, Waukesha, Milwaukee, Ozaukee, Washington, Dodge, Columbia, Sauk, Richland, Juneau, Adams, Marquette, Green Lake, Fond du Lac, Sheboygan, Manitowoc, Calumet, Winnebago, Waushara, Wood, Portage, Waupaca, Outagamie, Brown, and Kewaunee Counties, Wis., points in Clinton, Scott, Jackson, and Dubuque Counties, Iowa, points in Illinois (except points in Pike, Scott, Greene, Calhoun, Macoupin, Montgomery, Bond, Madison, Jersey, Clinton, St. Clair, Monroe, Williamson, Johnson, Union, Alexander, Pulaski, Massac, Pope, Hardin, Saline, Gallatin, Washington, Perry, Randolph, and Jackson Counties, Ill.)

NOTE: Applicant holds contract carrier authority under MC 113833 Sub-No. 6 thereunder, therefore, dual operations may be involved. Common control may be involved.

HEARING: September 26, 1962, at The Palmer House, Chicago, Ill., before Examiner James O'D. Moran.

No. MC 124210, filed February 12, 1962. Applicant: RALPH P. WILLIAMS, doing business as CAYUGA TRANSPORT CO., Box 248, Cayuga, N.Y. Applicant's attorney: Everett C. Weiermiller, 319 William Street, Elmira, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bulk and bag, and *animal and poultry feed ingredients*, in bulk and bag, from Horseheads, N.Y., to points in Chemung, Steuben, Livingston, Yates, Schuyler, Tioga, Cortland, Broome, Cayuga, Tompkins, and Seneca Counties, N.Y., and Wyoming, Susquehanna, Potter, Tioga, Bradford, Sullivan, and Lycoming Counties, Pa.

NOTE: Applicant states that the operations proposed are for Marshall's Feed Mill, Horseheads, N.Y., serving its customers at the locations specified.

HEARING: September 10, 1962, at U.S. Court Rooms, Binghamton, N.Y., before Examiner Allen W. Hagerty.

No. MC 124216, filed February 15, 1962. Applicant: MARTIN E. SCHOLL, doing business as SCHOLL TRUCKING COMPANY, R.F.D. 1, Stoughton, Wis. Applicant's attorney: John Falk Murphy, P.O. Box 289, Madison 1, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt Beverages and malt-beverages containers*, and (2) *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified in (1), between (a) St. Louis, Mo., and Watertown, Wis., and (b) St. Paul, Minn., and Madison, Wis.

HEARING: September 12, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Dallas B. Russell.

No. MC 124236 (Sub-No. 1), filed June 1, 1962. Applicant: CHEMICAL EXPRESS, 305 Simons Building, Dallas 1, Tex. Applicant's attorney: W. D. White, 1900 Mercantile Dallas Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Dallas, Tex., to points in Mississippi.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 115135 and subs therefore dual operations may be involved.

HEARING: September 14, 1962, at the Baker Hotel, Dallas, Tex., before Joint Board No. 246, or, if the Joint Board waives its right to participate before Examiner Parks M. Low.

No. MC 124262, filed March 8, 1962. Applicant: DON TENNEY AND JACK TENNEY, a partnership, doing business as TENNEY'S SERVICE, McCredie, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Abandoned, wrecked, disabled, inoperative and repossessed motor vehicles, replacement motor vehicles for abandoned, wrecked, disabled, inoperative and repossessed motor vehicles; abandoned, wrecked, disabled, inoperative and repossessed trailers, semitrailers, boats, boat trailers and house trailers, and replacements therefor*, by wreckers and tow-trucks only, in secondary movements, between points in Missouri, Iowa, Kansas, Illinois, Arkansas, Nebraska, Oklahoma, Indiana, and Ohio.

HEARING: September 24, 1962, at the Missouri Hotel, Jefferson City, Mo., before Examiner Alvin H. Schutrumpf.

No. MC 124334 (Sub-No. 1), filed May 27, 1962. Applicant: JACK K. McDONALD, Box 126, Eldridge, N. Dak. Applicant's attorney: Gene P. Johnson, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients*, dry, in bulk and in bags, from Minneapolis and St. Paul, Minn., to points in North Dakota, South Dakota, and Montana, and *exempt commodities*, on return.

HEARING: September 27, 1962, at the U.S. Court Rooms, Fargo, N. Dak., before Examiner Dallas B. Russell.

No. MC 124337 (Sub-No. 1), filed May 28, 1962. Applicant: ADVANCE BOAT MOVERS, 1544 Placentia Avenue, Newport Beach, Calif. Applicant's attorney: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boats*, requiring special handling, and *special low-bed type equipment*, between points in New York, Maryland, New Jersey, Michigan, New Hampshire, Massachusetts, Tennessee, Florida, and Louisiana and points in California; and (2) *advertising signs*, requiring special handling, and *low-bed type equipment*, on return movements from points in Los Angeles County, Calif., to points in New York, Maryland, New Jersey, Michigan, New Hampshire, Massachusetts, Tennessee, Florida, Louisiana, Ohio, and Connecticut.

HEARING: September 24, 1962, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 124384, filed April 19, 1962. Applicant: WILLIAM R. WRIGHT, doing business as GUARDIAN ARMORED SERVICE, 310 South Jackson Street, Belleville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precious metals, jewelry, precious stones, monies, legal tender, stocks and bonds, negotiable and non-negotiable instruments and securities, postage and revenue stamps*, and *other valuable documents* and *rare objects*, between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone and points in Arkansas, Illinois, Indiana, Kentucky, Missouri, and Tennessee.

HEARING: September 18, 1962, at the Pick-Mark Twain Hotel, St. Louis, Mo., before Examiner Alvin H. Schutrumpf.

No. MC 124393, filed April 23, 1962. Applicant: FRANK POTTER, doing business as FRANK POTTER TRUCKING COMPANY, 1200 Jefferson Drive, P.O. Box 132, Booneville, Mo. Applicant's attorney: Carll V. Kretsinger, Suite 510 Professional Building, Kansas City, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fiberboard*, from Booneville, Mo., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin, and (2) *Waste paper, asphalt, lime, aluminum, sulphate, and wax*, from points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin, to Booneville, Mo.

HEARING: September 25, 1962, at the Missouri Hotel, Jefferson City, Mo., before Examiner Alvin H. Schutrumpf.

No. MC 124439, filed May 10, 1962. Applicant: FREDERICK LUTZ, JR., Pebble Hill Road, Doylestown, Pa. Applicant's attorney: Harry J. Liederbach, 539 Street Road, Southhampton, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipes and pre-stressed concrete beams*, from New Britain (Bucks County), Pa., to points in New Jersey and Delaware, and *rejected and broken concrete pipe and prestressed concrete beams*, on return.

HEARING: September 21, 1962, at Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner David Waters.

No. MC 124463, filed May 21, 1962. Applicant: WEINKAUF & CLARK, INC., 301 Fifth Avenue East, Cresco, Iowa. Applicant's attorney: George R. Laub, Cresco, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, egg cases, egg case material, shingles, fertilizer*, (dry and liquid), *oil, grease, soybean meal, linseed meal, lumber, cheese, butter, machinery and manufactured machine parts, manufactured parts of electrical devices, processed meat and poultry, egg cartons, and beer*, between points in Iowa on the one hand, and on the other, points in Wisconsin, Illinois, Missouri, Nebraska, and Minnesota.

HEARING: September 17, 1962, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines,

Iowa, before Examiner James O'D. Moran.

No. MC 124475, filed May 28, 1962. Applicant: ARTHUR SIEKIERKA, 3301–03 Cedar Avenue, Scranton, Pa. Applicant's attorney: Edward M. Murphy, Connell Building, Scranton, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum Xmas trees, aluminum ladders and aluminum products including accessories and parts for said trees and ladders*, from Scranton, Pa., to points in Connecticut, Delaware, Maryland, New Jersey, New York, District of Columbia, Ohio, Indiana, and Illinois; and *aluminum rungs or steps for ladders and aluminum branches* and *limbs for trees*, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities above, on return trips.

HEARING: September 28, 1962, at the Federal Building, Scranton, Pa., before Examiner David Waters.

No. MC 124488, filed May 14, 1962. Applicant: TALLEY TRANSPORTATION CO., 201 Groveton, San Antonio, Tex. Applicant's attorney: Maynard F. Robinson, First National Bank Building, San Antonio, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) from points in Bexar County, Tex., to points in Los Angeles County, Calif., (2) from points in Bexar County, Tex., to Fort Huachuca, Ariz., and (3) from points in Los Angeles County, Calif., to Fort Huachuca, Ariz.

HEARING: September 24, 1962, at the Granado Hotel, San Antonio, Tex., before Examiner Parks M. Low.

No. MC 124510, filed June 6, 1962. Applicant: A & F TRUCKING CORPORATION, 172 Surrey Drive, New Rochelle, N.Y. Applicant's attorney: Martin Werner, 2 West Fourth Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail drug stores*, (1) between Stamford, Conn., on the one hand, and, on the other, Manchester, Nashua, and Portsmouth, N.H., Lakewood, N.J., and points in New Jersey, on and north of New Jersey Highway 33, New York City, points in Nassau, Orange, Rockland, Suffolk, Sullivan, and Westchester Counties, N.Y., and points in Maine, Massachusetts, and Rhode Island, (2) between retail drug stores in Manchester, Nashua and Portsmouth, N.H., Lakewood, N.J., and points in New Jersey, on and north of New Jersey Highway 33, New York City, points in Nassau, Orange, Rockland, Suffolk, Sullivan, and Westchester Counties, N.Y., and points in Maine, Massachusetts, and Rhode Island.

NOTE: Applicant states the proposed service will be restricted to service under a continuing contract or contracts with Liggett Drug Company, Inc.

HEARING: September 10, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel C. Shoup.

No. MC 124517, filed June 7, 1962. Applicant: MRS. RUBY N. PHILLIPS, doing business as SPEEDWAY WRECKER SERVICE, 96 Courtney Drive, Forest Park, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424–35 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled tractors, trailers and trucks*, in wrecker towaway service, between points in Alabama, Florida, Georgia, Indiana, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

HEARING: September 24, 1962, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Examiner Edith H. Cockrill.

No. MC 124527, filed June 11, 1962. Applicant: GEORGE G. SOUHAN, CLARA G. SOUHAN, IDA MAY GEB, FRANCIS J. SOUHAN, doing business as FRANCIS J. AND GEORGE G. SOUHAN, Canal Street, Seneca Falls, N.Y. Applicants' attorney: Murray J. S. Kirshtein, 30 State Street, Seneca Falls, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Raw materials, dyes, and chemicals, and knitting mill machinery used in the process of knitting and the manufacture of knit goods and finished knitted products*, and (2) *empty containers or other such incidental facilities* (not specified) used in the transportation of the commodities specified in (1) above, between Seneca Falls, N.Y., on the one hand, and, on the other, New York, N.Y., Philadelphia, Robesonia, and Woolrich, Pa., Parson, W. Va., Milford, Del., Boston, Rochdale, Tewksbury, and Waltham, Mass.

HEARING: September 21, 1962, at the Federal Building, Syracuse, N.Y., before Examiner Allen W. Hagerty.

No. MC 124543, filed June 18, 1962. Applicant: ISADOR STEIN AND DAVID STEIN, doing business as ERIE METAL COMPANY, 2001 Peach Street, Erie, Pa. Applicant's attorney: William W. Knox, 23 West 10th Street, Erie, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brass and nickel wire*, from New Brunswick, N.J., to Meadville, Pa.

HEARING: September 20, 1962, at Room 300, U.S. Custom House Building, Second and Chestnut Streets, Philadelphia, Pa., before Examiner David Waters.

No. MC 124550, filed June 19, 1962. Applicant: GEORGE JACKSON, Box 154, Oxford, Pa. Applicant's representative: G. Donald Bullock, Box 103, Wyncote, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen concentrated citrus juices*, from points in Florida, to Glen Roy and Ardmore, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, and *exempt commodities*, on return.

NOTE: Applicant states the proposed service to be performed under a continuing contract or contracts with the H. W. Given Co.

HEARING: September 14, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Henry C. Darmstadter.

No. MC 124575, filed June 26, 1962. Applicant: NICHOLAS, INC., Inman Avenue, Avenal, N.J. Applicant's attorney: LeRoy Danziger, 334 King Road, North Brunswick, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gear lubricants, metal working lubricants*, and *hydraulic oils*, in bulk, in tank vehicles, from points in Hillsborough Township, N.J., to points in New York, Pennsylvania, Connecticut, Delaware, Maryland, Massachusetts, Rhode Island, Virginia, and Vermont; and (2) *returned and rejected shipments* of the above-specified commodities, from points in New York, Pennsylvania, Connecticut, Delaware, Maryland, Massachusetts, Rhode Island, Virginia, and Vermont to points in Hillsborough Township, N.J.

NOTE: Applicant states that the above will be restricted to a service to be performed under a continuing contract with D. A. Stuart Oil Co., Ltd.

HEARING: September 21, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Hugh M. Nicholson.

No. MC 124584, filed June 28, 1962. Applicant: CHEMICAL CARRIERS CORPORATION, 312 31st Street, Virginia Beach, Va. Applicant's attorney: James J. Williams, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk, and in bags, from the plant site of the Atlantic Cement Company, located at Norfolk, Va., to points in North Carolina, South Carolina, Virginia, Maryland, Delaware, and the District of Columbia.

NOTE: Common control may be involved.

HEARING: September 24, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William A. Royall.

No. MC 124587, filed July 2, 1962. Applicant: JOHN DENTICI, doing business as J. D. TRANSPORT, 3075 South 149th Street, New Berlin, Wis. Applicant's attorney: Frank M. Coyne, Bank of Madison Building, 1 West Main Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation and insulation materials*, from Newark, Ohio, and Kansas City, Kans., and Aurora, Ill., to points in Kenosha, Racine, Walworth, Rock, Dane, Jefferson, Waukesha, Milwaukee, Ozaukee, Washington, Dodge, Columbia, Fond du Lac, and Sheboygan Counties, Wis.

HEARING: September 14, 1962, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Dallas B. Russell.

No. MC 124600, filed July 3, 1962. Applicant: DESK TRANSPORTATION CO., INC., 433 Washington Street, New York 13, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities, as are dealt in by a manufacturer of office equipment and furniture*, uncrated, from the site of shipper's plant, located in Flemington, N.J., to New York, N.Y., and points in Nassau County, N.Y., and *damaged and returned shipments*, on return

NOTE: Applicant states the proposed service to be under a continuing contract with Standard Press Steel Co., of Flemington, N.J.

HEARING: September 26, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John L. York.

No. MC 124607, filed July 9, 1962. Applicant: AUTHORIZED TRANSPORTATION, INC., 975 West Third Avenue, Columbus, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used, rebuilt and reconditioned engines, automatic transmissions, brake shoes, and automobile parts*, from Columbus, Ohio, Amsterdam, N.Y., Detroit, Mich., Indianapolis, Ind., and Altoona, Pa., to points in Alabama, Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Mississippi, New Hampshire, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia, and on return, to transport *used automotive and truck engines and parts and components* thereof, from points in Alabama, Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Mississippi, New Hampshire, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia, to Columbus, Ohio, Amsterdam, N.Y., Detroit, Mich., Indianapolis, Ind., and Altoona, Pa., when such engines are tradeins for rebuilt engines, delivered in the primary movement described above.

NOTE: Applicant states that operations are to be conducted under a continuing contract or contracts with Beasley Industries Inc., Watson Motor Rebuilders Co. and their subsidiary corporations.

HEARING: September 27, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Armin G. Clement.

MOTOR CARRIERS OF PASSENGERS

No. MC 8665 (Sub-No. 4), filed May 18, 1962. Applicant: BINGHAMTON SHORT LINES CORP., 123 Eldredge Street, Binghamton, N.Y. Applicant's attorney: Harry H. Frank, Commerce Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers and mail*, in the same vehicle with passengers, between Carbondale, Pa., and Binghamton, N.Y.; from Carbondale over U.S. Highway 106 to the Lenox Interchange of the Penn-Can Highway, Interstate Highway 81; thence via Interstate Highway 81 to Binghamton, and return over the same route, serving all intermediate points between Carbondale, Pa., and Lenox, Pa., on U.S. Highway 106 at or near the Lenox Interchange with the Penn-Can Highway (Interstate Highway 81), as an alternate route for operating convenience only in connection with applicant's regular-route operations.

NOTE: Applicant states "U.S. Highway 81 Penn-Can Highway is a nonaccess highway and has no intermediate points between Lenox, Pa., and Binghamton, N.Y." Applicant further states "Austin F. Robbins, president and sole stockholder of Binghamton Short Lines, Corp., now operates and is sole owner of Austin F. Robbins, doing business as Chenango Valley Transit, a common carrier of passengers, holding authority in Docket No. MC 58692 and various sub numbers thereunder."

HEARING: September 11, 1962, at the U.S. Court Rooms, at Binghamton, N.Y., before Examiner Allen W. Hagerty.

No. MC 63390 (Sub-No. 8), filed April 26, 1962. Applicant: CARL R. BIEBER, INC., Vince and Baldy Streets, Kutztown, Pa. Applicant's attorneys: John W. Dry, 541 Penn Street, Reading, Pa., *and* William J. Wilcox, Sixth Floor, Commonwealth Building, Allentown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, in special operations, in round-trip, sightseeing, and pleasure tours, beginning and ending at points in Berks County, Pa., and extending to points in Alabama, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: September 24, 1962, at the Federal Building, Reading, Pa., before Examiner David Waters.

No. MC 84112 (Sub-No. 2) (AMENDMENT), filed January 2, 1962, filed FEDERAL REGISTER issue February 14, 1962, amended May 25, 1962, republished as amended this issue. Applicant: S & S BUS SERVICE, INC., Box 6, R.D. 1, Rensselaer, N.Y. Applicant's attorney: Edward L. Merrigan, 425 13th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip charter and special operations, beginning and ending at Rensselaer, N.Y., and points within thirty (30) miles of Rensselaer (excluding the city and county of Schenectady, N.Y.), and extending to points in California, Connecticut, Delaware, Florida, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, Wyoming, and to the District of Columbia.

CONTINUED HEARING: September 25, 1962, at the Federal Building, Albany, N.Y., before Examiner Allen W. Hagerty.

No. MC 109736 (Sub-No. 14), filed May 16, 1962. Applicant: CAPITOL BUS COMPANY, a corporation, Fourth and Chestnut Streets, Harrisburg, Pa. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers* and *their baggage*, and *express, mail* and *newspapers* in the same vehicles with passengers, between Scranton, Pa., and Tunkhannock, Pa., over U.S. Highway 6, serving no intermediate points.

HEARING: September 13, 1962, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Joint Board No. 65, or, if the Joint Board waives its right to participate before Examiner David Waters.

No. MC 116612 (Sub-No. 5), filed June 25, 1962. Applicant: BRACERO TRANSPORTATION COMPANY, a corporation, P.O. Box 476, Edinburg, Tex. Applicant's attorney: H. H. Rankin, Jr., 804 Pecan, P.O. Box 3592, Station 1, McAllen, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Migrant workers*, as defined in section 203 (a)(22) Interstate Commerce Commission Act, and *their baggage* in the same vehicle, (1) between points in Texas, Arizona, California, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Pennsylvania, Delaware, New Jersey, and Florida, (2) between points in El Paso County, Tex., and points in Texas, Alabama, Arkansas, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Ohio, Oklahoma, Tennessee, Wisconsin, Wyoming, Arizona, California, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Pennsylvania, Delaware, and New Jersey.

NOTE: Applicant states the proposed service in effect seeks to remove the restriction contained in MC 116612 Sub-1, restricting transportation to and from El Paso County, Tex., to the states of New Mexico and Michigan.

HEARING: September 27, 1962, at the Granado Hotel, San Antonio, Texas, before Examiner Parks M. Low.

No. MC 124412 (Sub-No. 1), filed May 31, 1962. Applicant: REV. ARTHUR E. OUDEMOOL, doing business as MEXICO WEST CARAVAN, 109 Pearl Street, Kingston, N.Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, and their baggage*, in vehicles with a capacity not exceeding eight (8) passengers, not including the driver, in special round-trip sightseeing or pleasure tours, beginning and ending at Kingston, N.Y., and extending to points in Pennsylvania, West Virginia, Ohio, Indiana, Illinois, Missouri, Oklahoma, Texas, Arkansas, Arizona, and New Mexico.

NOTE: Applicant states the passengers in the proposed service will be under twenty-one (21) years of age and accompanying chaperones or attendants.

HEARING: September 24, 1962, at the Federal Building, Albany, N.Y., before Examiner Allen W. Hagerty.

No. MC 124533, filed June 12, 1962. Applicant: CHARLES A. BUNN, doing business as C. A. BUNN BUS CO., 5460 Locust Street, Philadelphia, Pa. Applicant's attorney: Frederick Weitzman, 5212 Chestnut Street, Philadelphia 39, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, between Philadelphia, Pa., and points in New York and New Jersey.

HEARING: September 19, 1962, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Joint Board No. 42, or, if the Joint Board waives its right to participate before Examiner David Waters.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 12808, filed June 12, 1962. Applicant: BOOKHOUT AGENCY, INC., 14 Dietz Street, Oneonta, N.Y. For a license (BMC 5) to engage in operations as a *broker* at Oneonta, N.Y., in arranging for transportation in interstate or foreign commerce by motor vehicle, of *passengers and their baggage*, both as individuals and in groups, in special and charter operations, beginning and ending at Oneonta and Binghamton, N.Y., and extending to points in the United States.

HEARING: September 12, 1962, at the U.S. Court Rooms, at Binghamton, N.Y., before Examiner Allen W. Hagerty.

No. MC 12809, filed May 25, 1962. Applicant: LEVI BILLMAN, doing business as TRAVELING TEXANS, 2336 Farrington Street, Dallas, Tex. For a license (BMC 5) to engage in operations as a *broker*, at Dallas, Tex., in arranging for transportation by motor vehicle in interstate or foreign commerce, of *passengers*, and *their baggage* in the same vehicles with passengers, both as individuals and in groups, in special and charter operations, beginning and ending at points in Dallas County, Tex., and extending to points in the United States.

HEARING: September 13, 1962, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate before Examiner Parks M. Low.

No. MC 12655 (Sub-No. 1), filed July 16, 1962. Applicant: RALPH P. EVERIST AND LEWIS G. HILLARD, a partnership, doing business as TRI STATE TOURS, 200 South Main Street, Galena, Ill. Applicant's attorney: David L. Martenson, Rock River Savings Building, State and Church Streets, Rockford, Ill. For a license (BMC 5) to engage in operations as a *broker* at Galena, Ill., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, in groups and as individuals, in round-trip tours, beginning and ending at points in Jo Daviess, Stevenson, Ogle, Whiteside, Carroll, and Winnebago Counties, Ill., and extending to points in the United States.

NOTE: Applicant states transportation shall be by rail, bus, and air, and, in some cases, automobile.

HEARING: September 10, 1962, at the Midland Hotel, Chicago, Ill., before Joint Board No. 149.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 43251 (Sub-No. 9), filed July 9, 1962. Applicant: H. MAYNARD GOULD CO., Union Street, East Walpole, Mass. Applicant's attorney: Francis E. Barrett, Jr., 25 Bryant Avenue, East Milton 86 (Boston), Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, and materials and supplies* (except commodities in bulk in tank vehicles) used in the installation thereof, from Phillipsdale, R.I., to points in Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and those in Saratoga, Rensselaer, Washington, Albany, Schenectady, Columbia, Dutchess, Putnam, Westchester, Greene, Ulster, and Orange Counties, N.Y.

NOTE: Applicant states the operations proposed herein are limited to a transportation service to be performed under a continuing contract or contracts with Bird & Son, Inc., of East Walpole, Mass. Applicant holds common authority in MC 34689; therefore, dual operations may be involved.

No. MC 66562 (Sub-No. 1903), filed July 5, 1962. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Railway Express Agency, Incorporated, Law Department, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, moving in express service, between Galion, Ohio, and New London, Ohio, from Galion over U.S. Highway 30S to junction Ohio Highway 13, thence over Ohio Highway 13 to junction Ohio Highway 162, thence over Ohio Highway 162 to New London, and return over the same route, serving the intermediate point of Mansfield, Ohio. RESTRICTIONS: (1) The service to be performed will be limited to that which is auxiliary to or supplemental of express service; (2) shipments to be transported will be limited to those moving on a through bill of lading or express receipt of Railway Express Agency, Inc.; and (3) such further conditions as the Commission in the future may find necessary to impose in order to restrict applicant's operations to service which is auxiliary to, or supplemental of, express service.

No. MC 66562 (Sub-No. 1906), filed July 5, 1962. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Shreveport, La., and Texarkana, Ark., (a) from Shreveport over U.S. Highway 71 to Texarkana, and return over the same route, serving no intermediate points, and (b) from Shreveport, over U.S. Highway 79, to junction Louisiana Highway 7, thence over Louisiana Highway 2, to junction of Louisiana Highway 29, thence over Louisiana Highway 29, to Hope, Ark., and thence over U.S. Highway 67, to Texarkana, and return over the same route, serving the intermediate and offroute points of Cotton Valley, and Spring Hill, La., and Hope, Ark.

NOTE: Applicant states that the service performed will be limited to that which is auxiliary to or supplemental of express service, and shipments will be limited to those moving on through bills of lading or express receipts.

No. MC 66562 (Sub-No. 1907), filed July 6, 1962. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, (1) between Chilhowie, Va., and West Jefferson, N.C., from Chilhowie, over U.S. Highway 11, to junction Virginia Highway 91, thence over Virginia Highway 91, to Damascus, Va., thence over U.S. Highway 58, to junction Virginia Highway 751, thence over Virginia Highway 751, to the Virginia-North Carolina State line, thence over North Carolina Highway 194, to West Jefferson, and return over the same route, serving the intermediate points of Damascus, Va., and Lansing, N.C., (2) between Damascus, and Abingdon, Va., from Damascus, over U.S. Highway 58, to junction U.S. Highway 11, thence over U.S. Highway 11, to Abingdon, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

NOTE: The applicant states the proposed service will be an extension of its existing regular route operations as authorized in MC 66562 Sub-1412.

No. MC 89684 (Sub-No. 41), filed June 18, 1962. Applicant: WYCOFF COMPANY, INCORPORATED, 560 South Second Street, P.O. Box 366, West Salt Lake City, Utah. Applicant's attorney: Harry D. Pugsley, Continental Bank Building, Salt Lake City 1, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Films and articles associated with the exhibition of motion pictures*, as described in paragraphs A and B of 61 M.C.C. 766, 769, *confections and theatre maintenance supplies such as floor waxes, cleaners, and replacement material*, between Salt Lake City, Utah, and Pinedale and Jackson, Wyo., as follows: Easterly from Salt Lake City, over U.S. Highway 40 to junction with U.S. Highway 189; thence over U.S. Highway 189 to junction with U.S. Highway 30S; thence over U.S. Highway 30S (interstate Highway 80) to Rock Springs, Wyo.; thence over U.S. Highway 187 to Pinedale, and Jackson, returning over the same route and serving the presently authorized intermediate points.

No. MC 107403 (Sub-No. 416), filed July 16, 1962. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Toledo and points in Lucas County, Ohio, to points in the upper peninsula of Michigan.

No. MC 107403 (Sub-No. 417), filed July 16, 1962. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement* from the plant site of the Giant Portland Cement Co. at Egypt, Pa., to points in New York (except points in Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster, and Westchester Counties and New York City).

No. MC 111812 (Sub-No. 170), filed July 9, 1962. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Intestinal mucus*, from Ottumwa, Iowa, to North Chicago, Ill., and *empty steel drums, and empty containers or other such incidental facilities* (not specified), used in transporting the commodities, on return.

NOTE: Common control may be involved.

No. MC 113908 (Sub-No. 99), filed July 11, 1962. Applicant: ERICKSON TRANSPORT CORPORATION, 706 West Tampa, MPO Box 706, Springfield, Mo. Applicant's attorney: Turner White, 805 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed supplements*, in bulk, in tank vehicles, from Springfield, Mo. to Spartanburg, S.C.

No. MC 117091 (Sub-No. 3), filed July 13, 1962. Applicant: FEEDERS GRAIN SUPPLY, INC., P.O. Box 709, Burley, Idaho. Applicant's attorney: Kenneth G. Bergquist, Sonna Building, Boise, Idaho. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dried beet pulp*, pelleted and processed, in bulk or in bags and containers, from points in Minidoka, Cassia, and Twin Falls Counties, Idaho, to points in Utah and points in Nevada on and north of U.S. Highway 6, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return.

NOTE: Applicant states the above-described operations are limited to a transportation service to be performed under a continuing contract or contracts with The Amalgamated Sugar Co., Ogden, Utah.

No. MC 119510 (Sub-No. 2), filed July 5, 1962. Applicant: OMER J. HOCHSTETLER, Route 2, Topeka, Ind. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone, crushed limestone, and crushed limestone screenings*, in bulk, from Maple Grove, Ohio, to points in St. Joseph, Elkhart, Lagrange, Steuben, Marshall, Kosciusko, Noble, De Kalb, Whitley, and Allen Counties, Ind.

NOTE: Applicant states the proposed service will be exclusively under contract with Basic, Inc., Cleveland, Ohio.

No. MC 119934 (Sub-No. 49), filed July 11, 1962. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Indianapolis, Ind., to Cincinnati, Ohio, and Louisville, Ky., and *damaged and rejected shipments on return*.

No. MC 120354 (Sub-No. 1), filed July 16, 1962. Applicant: STEELY TRUCKING, INC., 5119 Cowan Avenue, Cleveland 27, Ohio. Applicant's attorney: James M. Burtch, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment and those injurious or contaminating to other lading), between points in Ohio, on the one hand, and, on the other, the site of the truck terminal of A.C.E. Freight, Inc., located in Summit County, Ohio, at Ohio Highway 8 and Twinsburg Road, approximately 11 miles north of the city limits of Akron, Ohio, and approximately 3 miles south of Cleveland, Ohio, Commercial Zone.

NOTE: Applicant states that the operations will be restricted to the interchange of interstate traffic only and "is in substitution of applicant's presently authorized irregular route service for account of A.C.E. Freight, Inc., at Cleveland, Ohio."

MOTOR CARRIERS OF PASSENGERS

No. MC 74 (Sub-No. 4), filed July 5, 1962. Applicant: ORANGE BALL BUS COMPANY, INC., First State Bank Building, P.O. Box 72, Mission, Tex. Applicant's attorney: Mert Starnes, 401 Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicles, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicles with passengers, between McAllen, Tex., and port of entry on the International Boundary between United States and Mexico at or near Hidalgo, Tex.; from McAllen over Farm-to-Market Road 2061 to its junction with U.S. Highway 281, thence over U.S. Highway 281 to the International Boundary, at the International Bridge at or near Hidalgo, and return over the same route, serving all intermediate points.

No. MC 4281 (Sub-No. 5), filed July 13, 1962. Applicant: PEOPLE'S BUS LINES, INC., Fairground Road, Brattleboro, Vt. Applicant's attorney: Robert Grussing, P.O. Box 616, 114 Main Street, Brattleboro, Vt. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers*, in the same vehicle with passengers, (1) between Bennington, Vt., and Wilmington, Vt.; from Bennington over Vermont Highway 9 to Wilmington, and return over the same route, serving all intermediate points.

NOTE: Applicant is presently authorized to operate over the above route on seasonal basis—May 29 to September 15, inclusive. Applicant now is seeking year-round authority.

(2) Between Wilmington, Vt., and Mount Snow Ski Area, Vt., in special operations; from Wilmington over Vermont Highway 8 and unnumbered highway to Mount Snow Ski Area, and return over the same route; serving all intermediate points.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8185. Authority sought for control and merger by K & A TRUCK LINES, INC., 3708 Elm Street, Bettendorf, Iowa, of the operating rights and property of JENKINS TRUCK LINE, INC., 600 Diagonal Avenue, Charles City, Iowa, and for acquisition by ROBERT L. JENKINS, also of Bettendorf, Iowa, of control of such rights and property through the transaction. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Operating rights sought to be controlled and merged: *Agricultural tractors* and *parts thereof* when moving at the same time and with the tractors of which they are a part, as a *common carrier* over irregular routes, from Charles City, Iowa, to points in Alabama, Georgia, Louisiana, and Texas; *balers* and *parts thereof* when moving at the same time and with the balers of which they are a part, from Memphis, Tenn., to points in Illinois (except Rockford) on, west, and north of a line beginning at the Illinois-Wisconsin State line and extending over U.S. Highway 51 to El Paso, Ill., thence over U.S. Highway 24 to Quincy, and points in Iowa (except Charles City) on and east of U.S. Highway 65; *tractors* (not including tractors with vehicle beds, bed frames, or fifth wheels), and *attachments and parts thereof*, when their transportation is incidental to the transportation of such tractors, from Charles City, Iowa, to points in West Virginia, Tennessee, Kentucky, Ohio, and that part of Pennsylvania on the west of U.S. Highway 219, RESTRICTION: The service authorized above is restricted to traffic originating at Charles City, Iowa, and destined to points in the States specified above; *agricultural machinery and implements*, other than hand (except hay balers and such machinery and implements which because of size or weight require the use of special equipment), as described in Appendix XII 1. (B) to the report in *De-*

scriptions in Motor Carrier Certificates, 61 M.C.C. 209, and *parts thereof* when moving with such machinery and implements, from Memphis, Tenn., to points in that part of Illinois (except Rockford) on and west of U.S. Highway 51 and on and north of U.S. Highway 24, and points in that part of Iowa (except Charles City) on and east of U.S. Highway 65; *tractors* (not including tractors with vehicle beds, bed frames, or fifth wheels), and *attachments and parts thereof* when moving incidental to and in the same vehicle with said tractors, from Charles City, Iowa, to points in Alabama, Georgia, Louisiana, and Texas, RESTRICTION: The authority granted above is restriced to traffic originating at Charles City, Iowa. K & A TRUCK LINES, INC., is authorized to operate as a *common carrier* in Illinois, Indiana, Iowa, Missouri, Nebraska, Wisconsin, Minnesota, South Dakota, North Dakota and Tennessee. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8186. Authority sought for purchase by IRON & STEEL TRANSPORT, INC., 2001 Shepler Church Road SW., Canton, Ohio, of the operating rights of CANTON MOTOR FREIGHT, INC., 1920 Cleveland Avenue SW., Canton, Ohio, and for acquisition by ALFRED LATTAVO, 225 Santa Clara Drive NW., Canton, Ohio, of control of such rights through the purchase. Applicants' attorney and representative respectively: Ernie Adamson, Box 62, Middleburg, Va., and Alfred Lattavo, president, Iron & Steel Transport, Inc., 2001 Shepler Church Road SW., Canton, Ohio. Operating rights sought to be transferred: *General commodities*, excepting, among others, commodities in bulk but not excepting household goods, as a *common carrier* over irregular routes, from Canton, Ohio, to points in Summit, Portage, Mahoning, Stark, Columbiana, Carroll, Tuscarawas, and Wayne Counties, Ohio; *meat and meat products*, from Akron, Ohio, to points in Stark County, Ohio; *household goods* as defined by the Commission, between points in Stark County, Ohio, except Massilon and Alliance, Ohio, on the one hand, and, on the other, points in Pennsylvania, West Virginia, and New York, RESTRICTION: The operations described herein shall be conducted separately from carrier's operation as a private carrier, that carrier shall maintain a separate and distinct accounting system for each, and that carrier shall not transport property both as a for-hire and private carrier in the same vehicle at the same time. Vendee is authorized to operate as a *common carrier* in Ohio, Indiana, Pennsylvania, New York, Illinois, West Virginia, and Michigan. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8187. Authority sought for purchase by NEWSOM TRUCKING COMPANY, INC., U.S. 31 By-Pass, P.O. Box 509, Columbus, Ind., of a portion of the operating rights of FEDERAL TRUCK LINES, INC. (HARRY A. ASH, RECEIVER), 100 West Monroe Street, Chicago 3, Ill., and for acquisition by PAUL R. NEWSOM, 2404 Franklin Street, Columbus, Ind., of control of such rights through the purchase. Applicants' attorneys: Lesow & Lesh, 3737 North Meridian, Indianapolis, Ind., and Axelrod, Goodman & Steiner, 39 South LaSalle Street, Chicago 3, Ill. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Indianapolis, Ind., and Louisville, Ky., serving certain intermediate and offroute points, between Indianapolis, Ind., and Camp Atterbury, Ind., between Junction Indiana Highway 135 and Trafalgar Road and Camp Atterbury, Ind., between Franklin, Ind., and Camp Atterbury, Ind., and between all points located on U.S. Highway 31 between Junction Trafalger Road and Junction Indiana Highway 46 and Camp Atterbury, Ind., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Indiana, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Illinois, Kentucky, Ohio, West Virginia, Pennsylvania, and New York. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8188. Authority sought for purchase by H. PRANG TRUCKING CO., INC., 112 New Brunswick Avenue, Hopelawn (Perth Amboy), N.J., of the operating rights and property of HYER P. LARSEN (MARGUERITE LARSEN, EXECUTRIX), ANTON LARSEN, PETRA LARSEN and MARGUERITE LARSEN, doing business as HYER TRUCKING COMPANY, LIMITED, P.O. Box 33 (Amboy Avenue), Perth Amboy, N.J., and for acquisition by HAROLD PRANG, 112 New Brunswick Avenue, Hopelawn (Perth Amboy), N.J., of control of such rights and property through the purchase. Applicants' representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Operating rights sought to be transferred: *Felt base carpeting*, asphalted, plain, painted or decorated, as a *contract carrier* over irregular routes, from Perth Amboy, N.J., to White Plains, Newburgh, and New York, N.Y., Philadelphia, Pa., and Baltimore, Md.; *roofing, roofing material and supplies, asphalt, paint, shingles, asbestos, asbestos products, felt, and cement*, from points in Middlesex County, N.J., to points in New Jersey, Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, and the District of Columbia, and from points in New Jersey, Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, and the District of Columbia to Perth Amboy, N.J. Vendee is authorized to operate as *contract* and *common carriers* respectively in New Jersey, New York, Rhode Island, and Massachusetts; and New Jersey, New York, Delaware, Maryland, Virginia, North Carolina, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8189. Authority sought for purchase by HECHT BROTHERS, INC., Lakewood Road, Toms River, N.J., of the operating rights of MORELLI MOTOR SERVICE, INC., 112 Fennerton Road, Paoli, Pa., and for acquisition by JEAN R. HECHT, Route 9, Toms River, N.J., of control of such rights through the purchase. Applicants' attorney: Isadore H. Schwartz, 200 Penn Square Building, Juniper & Filbert Streets, Philadelphia 7, Pa. Operating rights sought to be transferred: *Lime, limestone, lime and limestone products*, as a *common carrier* over irregular routes, from Cedar Hollow, Pa., and points within 5 miles thereof, to points in Massachusetts, Rhode Island, Connecticut, that part of Maryland west of U.S. Highway 15, points in Virginia except points east of the Chesapeake Bay, and points in New York except points in Nassau, Suffolk, Rockland, Orange, Dutchess, Ulster, and Sullivan Counties, RESTRICTION: The authority granted immediately above shall not be combined or tacked with any other authority now held by carrier; *lime, limestone, and lime and limestone products*, from Cedar Hollow, Pa., and Swedeland, Pa., to points in New Jersey, Delaware, and that part of Maryland on and east of U.S. Highway 15, and that part of Virginia east of Chesapeake Bay, and the counties of Suffolk, Nassau, Rockland, Orange, Dutchess, Ulster, and Sullivan, N.Y., and between points in New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, and the District of Columbia, restricted to traffic having an immediately prior rail movement. RESTRICTION: The service authorized herein is subject to the following conditions: That completely separate accounting systems shall be maintained for carriers private and for-hire operations, that carrier shall not transport property both as a private and for-hire carrier in the same vehicle at the same time. Vendee is authorized to operate as a *common carrier* in New Jersey, Pennsylvania, New York, Connecticut, Maryland, Delaware, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8191. Authority sought for purchase by CENTROPOLIS TRANSFER CO., INC., 6700 Wilson Avenue, Kansas City, Mo., of the operating rights of BLUE VALLEY TRANSFER CO., 501 Cambridge, Kansas City, Mo., and for acquisition by DONALD R. SUDDARTH, 418 East 66th Street, Kansas City, Mo., of control of such rights through the purchase. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Operating rights sought to be transferred: *Fencing, construction steel, angles, bars, joints, nails*, and *similar iron and steel articles*, as a *common carrier* over irregular routes, between Kansas City, Mo., on the one hand, and, on the other, points in Missouri and Kansas; *such iron and steel articles* as are used on construction projects, from Kansas City, Mo., to points in Nebraska. RESTRICTION: The separately stated authorities herein shall not be tacked or joined one to another for the purpose of performing any through transportation. Vendee is authorized to operate as a *common carrier* in Missouri and Kansas.

Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–7259; Filed, July 24, 1962; 8:51 a.m.]

[Notice 668]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 20, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 65129. By order of July 18, 1962, the Transfer Board approved the transfer to Benjamin M. Hamrick, doing business as Ben Hamrick, Fort Worth, Tex., of a portion of the operating rights in Certificate No. MC 118073 Sub 2, issued March 20, 1962, to E. R. Collins, doing business as E. R. Collins Trucking Co., Houston, Texas, authorizing the transportation of: Bananas, from New Orleans, La., to points in Texas. M. Ward Bailey, Continental Life Building, Fort Worth 2, Tex., applicants' attorney.

No. MC–FC 65130. By order of July 18, 1962, the Transfer Board approved the transfer to Wayne Allen, doing business as W. W. Allen, Fort Worth, Tex., of a portion of Certificate No. MC 118073 Sub 2, issued March 20, 1962, to E. R. Collins, doing business as E. R. Collins Trucking Co., Houston, Tex., authorizing the transportation of: Bananas, from Galveston, Tex., to Monroe, La., Little Rock, Ark., and points in Texas. M. Ward Bailey, Continental Life Building, Fort Worth 2, Tex., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–7260; Filed, July 24, 1962; 8:51 a.m.]

[No. MC–C–3626]

MOTOR TRANSPORTATION OF PROPERTY WITHIN A SINGLE STATE

JULY 17, 1962.

The Commission's order of May 21, 1962, (27 F.R. in 5413, 5778) in the above-numbered proceeding provides that motor, rail, and water carriers, and any other interested person may submit for consideration by the Commission written statements of facts, views, and arguments respecting the subject matter in this proceeding on or before July 31, 1962. At the request of interested persons, the time for filing such written statements is extended to August 31, 1962. Fifteen copies of such statements, of which one shall be signed, shall be filed with the Commission at its office at Washington, D.C.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–7261; Filed, July 24, 1962; 8:51 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 20, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37837: *Corn from Michigan, Ohio, and Pennsylvania, to Maine.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2625), for interested rail carriers. Rates on corn, in bulk, in carloads, minimum 110,000 pounds per car, in multiple-car lots of 500 net tons per shipment, from specified points in Michigan, Ohio, and Pennsylvania, to Augusta and Portland, Maine.

Grounds for relief: Water competition.

Tariff: Supplement 204 to Traffic Executive Association-Eastern Railroads tariff I.C.C. 4403 (Hinsch series).

FSA No. 37838: *Hay from Michigan to the South.* Filed by Western Trunk Line Committee, Agent (No. A–2261), for interested rail carriers. Rates on hay, in carloads, from Calumet, Hancock, Houghton and Lake Linden, Mich., to specified points in southern territory.

Grounds for relief: Modified short-line distance formula and grouping.

Tariff: Supplement 4 to Western Trunk Line Committee tariff I.C.C. A–4434.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 62–7257; Filed, July 24, 1962; 8:51 a.m.]

OFFICE OF EMERGENCY PLANNING

ROBERT J. HARBISON, III

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last statement, published in the FEDERAL REGISTER, September 26, 1961 (26 F.R. 9060).

ROBERT J. HARBISON, III.

JUNE 4, 1962.

[F.R. Doc. 62–7222; Filed, July 24, 1962; 8:45 a.m.]

RICHARD O. LANG

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Addition: Schering Corporation.

This amends statement published February 6, 1962 (27 F.R. 1080).

RICHARD O. LANG.

MAY 31, 1962.

[F.R. Doc. 62–7223; Filed, July 24, 1962; 8:45 a.m.]

OSCAR F. RENZ

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

I have no financial interest in any corporation, partnership or other business than my present employment.

This amends statement published December 23, 1961 (26 F.R. 12312).

OSCAR F. RENZ.

JUNE 23, 1962.

[F.R. Doc. 62–7224; Filed, July 24, 1962; 8:45 a.m.]

JAMES B. ROSSER

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Pullman-Standard Division, Pullman, Inc., officer.
National Lead Co., stockholder.
American Bakeries Co., stockholder.
Commonwealth Edison Co., stockholder.
Northern Illinois Gas Co., stockholder.
Evans Products Co., stockholder.
Pullman Inc., stockholder.

This amends statement published January 10, 1962 (27 F.R. 287).

JAMES B. ROSSER.

MAY 22, 1962.

[F.R. Doc. 62–7225; Filed, July 24, 1962; 8:46 a.m.]

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Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

[Amdt. 4]

PART 722—COTTON

Subpart—Regulations Pertaining to Acreage Allotments for the 1962 Crop of Upland Cotton

TRANSFER OF FARM ALLOTMENTS IN DESIGNATED COUNTIES WHICH HAVE FLOODS OR EXCESSIVE RAINFALL

The purpose of this amendment is to add Carroll County, Mississippi, to the list of Mississippi counties designated by the State committee pursuant to Public Law 87–446 approved April 27, 1962 (76 Stat. 64) which amends section 344(n) of the act to provide for transfer of farm allotments in designated counties which have flood or excessive rainfall preventing the timely planting or replanting of a substantial portion of the 1962 farm allotments. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.).

In order that the county committees may perform their assigned functions in connection with the transfer of allotments, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.517, paragraph (k)(2) of the regulations pertaining to acreage allotments for the 1962 crop of upland cotton, as amended (26 F.R. 9966, 11472, 11851, 11887; 27 F.R. 5254), is further amended by adding Carroll County to the list of counties designated for Mississippi.

(Secs. 344(n), 375; 72 Stat. 186, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344(n), 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on July 19, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62–7357; Filed, July 25, 1962; 8:57 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 921—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Determination Relative to Expenses and Fixing of Rate of Assessment for 1962–63 Fiscal Period

Pursuant to the marketing agreement and Order No. 921 (7 CFR Part 921), regulating the handling of fresh peaches grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the proposals submitted by the Washington Fresh Peach Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 921.201 **Expenses and rate of assessment for the 1962–63 fiscal period.**

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Washington Fresh Peach Marketing Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning April 1, 1962, and ending March 31, 1963, will amount to $10,918.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles peaches shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at seventy-five cents ($0.75) per ton of peaches so handled by such handler during such fiscal period.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of peaches are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable peaches from the beginning of such period; and (3) the current fiscal period began April 1, 1962, and the rate of assessment herein fixed will automatically apply to all assessable peaches beginning with such date.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 23, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–7356; Filed, July 25, 1962; 8:56 a.m.]

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Determination Relative to Expenses and Fixing of Rate of Assessment for 1962–63 Fiscal Period

Pursuant to the marketing agreement, as amended, and Order No. 922, as amended (7 CFR Part 922), regulating the handling of apricots grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the proposals submitted by the Washington Apricot Marketing Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 922.201 **Expenses and rate of assessment for the 1962–63 fiscal period.**

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Washington Apricot Marketing Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning April 1, 1962, and ending March 31, 1963, will amount to $5,841.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles apricots shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order is hereby fixed at one dollar ($1.00) per ton of apricots so handled by such handler during such fiscal period.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of apricots are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be

applicable to all assessable apricots from the beginning of such period; and (3) the current fiscal period began on April 1, 1962, and the rate of assessment herein fixed will automatically apply to all assessable apricots beginning with such date.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 20, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–7323; Filed, July 25, 1962; 8:50 a.m.]

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Determination Relative to Expenses and Fixing of Rate of Assessment for 1962–63 Fiscal Period

Pursuant to the marketing agreement and Order No. 923 (7 CFR Part 923), regulating the handling of sweet cherries grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the proposals submitted by the Washington Cherry Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 923.201 Expenses and rate of assessment for the 1962–63 fiscal period.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Washington Cherry Marketing Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning April 1, 1962, and ending March 31, 1963, will amount to $9,272.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles cherries shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at ninety cents ($0.90) per ton of cherries so handled by such handler during such fiscal period.

(c) *Reserve.* Unexpended assessment funds, in excess of expenses incurred during the fiscal period ended March 31, 1962, shall be carried over as a reserve in accordance with the applicable provisions of § 923.42 of the marketing agreement and order.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) shipments are now being made in volume; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable cherries from the beginning of such period; and (3) the current fiscal period began on April 1, 1962, and the rate of assessment herein fixed will automatically apply to all assessable cherries beginning with such date.

Terms used in the marketing agreement and order, shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 20, 1962.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–7324; Filed, July 25, 1962; 8:50 a.m.]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Volume Regulation; Withholding in Advance of the Crop Year

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), Marketing Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California was amended by an amendatory order signed July 13, 1962, by the Assistant Secretary of Agriculture. The amended marketing order, as thereby further amended, was published in the FEDERAL REGISTER July 19, 1962 (27 F.R. 6818). A change included therein and which became effective upon publication was the addition of a new sentence to § 987.45(d) which provides that: "Any handler who during a crop year disposes in restricted outlets of a quantity of marketable dates in excess of his restricted obligation of such crop year may have such excess quantity of marketable dates credited to his restricted obligation of the subsequent crop year: *Provided*, That the amount of any such credit shall not exceed that established by the Committee, with the approval of the Secretary, as the percentage of such restricted obligation."

The Date Administrative Committee, established under the marketing order and responsible for program operations, has unanimously recommended the limitations to be applied during the 1962–63 crop year and during succeeding crop years.

Based upon the recommendation of the Committee and other available information, it is hereby found that to establish such limitations, as hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, it is hereby ordered, That § 987.145 be amended by adding a new paragraph (g) to read as follows:

§ 987.145 Volume regulation.

* * * * *

(g) *Withholding in advance of the crop year.* Any handler disposing of marketable dates in restricted outlets in excess of his restricted obligation during a crop year may upon request to the Committee, have such excess credited to his restricted obligation of the following crop year subject to the following limitations: (1) The excess disposition exceeds 199 pounds, and (2) the amount of excess disposition credited shall not exceed 25 percent of the handler's restricted obligation of the crop year beginning August 1, 1962, nor 10 percent of the obligation of any subsequent crop year.

It is hereby further found that it is impracticable, unnecessary, or contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003 (a) and (c)), in that: (1) The provision permitting the crediting of excess disposition of marketable dates in restricted outlets in the 1961–62 crop year to handlers' restricted obligations of the 1962–63 crop year has been made effective (27 F.R. 6818); (2) this action imposes no burden on handlers, but implements a program provision conferring benefits; and (3) it is imperative that handlers know the extent of the credit in order to plan their operations during the remainder of the 1961–62 crop year ending July 31, 1962.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated July 20, 1962, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 62–7325; Filed, July 25, 1962; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1237, Amdt. 467]

PART 507—AIRWORTHINESS DIRECTIVES

Beech Model 278 Propellers

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the hubs on Beech Model 278 propellers and replacement of any cracked hubs was published in 27 F.R. 5439.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BEECH. Applies to all Model 278 propellers with more than 200 hours' time in service installed in single engine tractor type aircraft such as Beech Model A45 (T–34A), B45, D45 (T–34B), H35, and subsequent Bonanza aircraft.

Compliance required as indicated.

Cracks have occurred in the welded joint where the aft side of the hub barrel is joined to the hydraulic cylinder. Such cracks could lead to serious oil loss.

(a) Within the next 25 hours of time in service after the effective date of this AD, and thereafter within each 100 hours' time in service, remove the propeller spinner and visually inspect for cracks and oil leaks in the weld area where the aft side of the hub barrel is joined to the hydraulic cylinder.

(b) At each propeller overhaul inspect the hub by magnetic particle inspection or FAA approved equivalent method. Give particular attention to the weld area where the aft side of the barrel is joined to the hydraulic cylinder.

(c) Replace cracked parts with new parts prior to further flight.

NOTE: Repairs are not permissible.

Beech Propeller Service Bulletin No. 6 dated January 1962, applies to this subject.)

This amendment shall become effective August 27, 1962.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 20, 1962.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 62–7298; Filed, July 25, 1962; 8:46 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62–WA–62]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Amendment Revoking Restricted Areas

On June 26, 1962, there was published in the FEDERAL REGISTER (27 F.R. 5981) amendments to Parts 600, 601, and 608 of the regulations of the Administrator. These actions revoked Restricted Areas R–6304, R–6305, R–6306, R–6307, and R–6308 in the vicinity of Webb and Reese Air Force Bases, Texas and realigned and redescribed in part the airways in this area.

Certain control area extensions in this area contain reference to the revoked restricted areas in their descriptions. Additionally, the airway actions included the revocation of a north alternate to VOR Federal airway No. 76 between Big Spring, Texas, and San Angelo, Texas. This airway segment is used to define the southwest boundary of the Abilene, Texas, control area extension. Action is taken herein to delete references to the revoked restricted areas and to redefine the southwest boundary of the Abilene control area extension. These changes will not increase the present extent of controlled airspace in the Webb-Reese area.

Since these actions impose no additional burden on any person, compliance with section 4 of the Administrative Procedures Act is unnecessary and the effective date of the rule as initially adopted may be retained.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 62–WA–62 (27 F.R. 5981) is hereby amended by adding the following actions:

1. In the text of § 601.1137 (14 CFR 601.1137) "R–6308 and" is deleted.

2. In the text of § 601.1206 (14 CFR 601.1206) "The portion of this control area extension that coincides with R–6305 and R–6307 shall be used only after obtaining prior approval from the appropriate authority." is deleted.

3. In the text of § 601.1239 (14 CFR 601.1239) "The portion of this control area extension which coincides with R–6304, R–6305, and R–6308 shall be used only after obtaining prior approval from the appropriate authority." is deleted.

4. In the text of § 601.1360 (14 CFR 601.1360) "on the S and SW by VOR Federal airway No. 76 N alternate," is deleted and "on the S by VOR Federal airway No. 76 N alternate and on the SW by VOR Federal airway No. 76," is substituted therefor. At the end of the text "The portion of this control area extension that coincides with R–6308 shall be used only after obtaining prior approval from the appropriate authority." is deleted.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 19, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62–7297; Filed, July 25, 1962; 8:46 a.m.]

[Airspace Docket No. 62–EA–45]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Control Zone

On June 12, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 5571) stating that the Federal Aviation Agency proposed to designate a control zone at the Dulles International Airport, Chantilly, Va.

No adverse comments were received regarding the proposed amendment.

Interested persons have have afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.2513 Chantilly, Va. (Dulles International Airport), control zone.

Within a 5-mile radius of the Dulles International Airport (latitude 38°56'–39'' N., longitude 77°27'22'' W.); within 2 miles either side of the Dulles runway 1–R ILS localizer S course extending from the 5-mile radius zone to the runway 1–R ILS OM; within 2 miles either side of the Dulles runway 19–R ILS localizer N course extending from the 5-mile radius zone to 2 miles N of the runway 19–R ILS OM; within 2 miles either side of the Herndon, Va., VOR 161° radial extending from the 5-mile radius zone to the VOR; and within 2 miles either side of the extended centerline of runway 30 extending from the 5-mile radius zone to 4 miles NW of the lift-off end of runway 30.

This amendment shall become effective 0001 e.s.t. October 1, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 23, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62–7352; Filed, July 25, 1962; 8:56 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C–95]

PART 13—PROHIBITED TRADE PRACTICES

Berger, Saul & Garfunkel Furs, et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* § 13.1053–35 *Fur Products Labeling Act.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1255 *Manufacture or preparation:* § 13.1255–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Berger, Saul & Garfunkel Furs, Inc., New York, N.Y., et al. Docket C–95, Mar. 14, 1962]

In the Matter of Berger, Saul & Garfunkel Furs, Inc., a Corporation, and Alfred Saul, Osias Garfunkel, and Henry Berger, Individually and as Officers of Said Corporation

Consent order requiring manufacturing furriers in New York City to cease violating the Fur Products Labeling Act by labeling and invoicing artificially colored furs as natural; failing to show on labels and invoices when furs were bleached, dyed, etc.; and representing falsely that they had a continuing guaranty on file with the Commission.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Berger, Saul & Garfunkel Furs, Inc., a corporation, and its officers, and Alfred Saul, Osias Garfunkel, and Henry Berger, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale, in commerce, or the transportation or distribution in commerce of any fur product; or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution, of any fur product which has been made in whole or in part of fur which has been shipped and received in commerce as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

1. Misbranding fur products by:

A. Representing directly or by implication on labels that the fur contained in fur products is natural, when such is not the fact.

B. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Falsely or deceptively invoicing fur products by:

A. Representing directly or by implication on invoices that the fur contained in fur products is natural, when such is not the fact.

B. Failing to furnish invoices to purchasers of fur products showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

3. Furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported or distributed in commerce.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

Issued: March 14, 1962.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-7301; Filed, July 25, 1962; 8:47 a.m.]

[Docket C-96]

PART 13—PROHIBITED TRADE PRACTICES

Kimber Farms, Inc., et al.

Subpart—Cutting off access to customers or market: § 13.535 *Contracts restricting customers' handling of competing products.* Subpart—Maintaining resale prices: § 13.1130 *Contracts and agreements.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Kimber Farms, Inc. (Fremont, Calif.), et al., Docket C-96, Mar. 14, 1962]

In the Matter of Kimber Farms, Inc., a Corporation; and Kimberchiks, Inc., a Corporation

Consent order requiring the Fremont, Calif., developer of hybrid chickens known as "Kimberchiks" produced by crossing different white leghorn strains, to cease restricting its dealers or distributors as to where or to whom they might sell its poultry, fixing their prices, inducing them not to handle other such chickens, and impeding expansion of their business.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent, Kimber Farms, Inc., a corporation, and respondent Kimberchiks, Inc., a corporation, their officers, directors, representatives or employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of poultry and poultry products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Putting into effect, maintaining or enforcing any merchandising or distribution plan or policy under which contracts, agreements or understandings are entered into with dealers in or distributors of such poultry and poultry products or with dealers in or distributors of poultry and poultry products which are or may be obtained by breeding parent stock poultry sold, leased or otherwise made available by or through respondents which have the purpose or effect of:

(a) Limiting, allocating or restricting the geographical area in which, or the persons to whom, any dealer or distributor may sell or solicit sales of such poultry and poultry products; or

(b) Fixing, establishing or maintaining the prices at which such poultry and poultry products may be sold by any dealers therein or distributors thereof; or

(c) Requiring or inducing, or attempting so to do, any dealer or distributor of such poultry and poultry products to refrain from selling or soliciting sales of such poultry and poultry products in any specified geographical area or to or from any specified persons.

(d) Requiring any dealer or distributor of such poultry and poultry products to refrain from handling, dealing in or distributing any other poultry and poultry products; or

(e) Impeding, restricting or limiting in any way, or attempting so to do, the expansion of the business of any dealer in or distributor of such poultry and poultry products.

2. Entering into, continuing or enforcing, or attempting to enforce, any contract, agreement or understanding with any dealer in or distributor of their poultry products, or the poultry and poultry products which are or may be obtained by breeding poultry sold, leased or otherwise made available by or through respondents, for the purpose or with the effect of establishing or maintaining any merchandising or distribution plan or policy prohibited by paragraph 1 of this order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

Issued: March 14, 1962.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-7302; Filed, July 25, 1962; 8:47 a.m.]

[Docket 8141]

PART 13—PROHIBITED TRADE PRACTICES

West-Ward, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.40 *Conditions of manufacture;* § 13.175 *Quality of product or service;* § 13.265 *Tests and investigations.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified cease and desist order, West-Ward, Inc., et al., New York, N.Y., Docket 8141, Mar. 16, 1962]

In the Matter of West-Ward, Inc., a Corporation, and Samuel G. Goldstein, Individually and as an Officer of Said Corporation

Order modifying, as justified by changed conditions of fact, order of Mar. 1, 1961 (26 F.R. 4448, May 24, 1961), against New York City drug distributors by eliminating the general requirement that they cease to claim they had an adequate quality control system.

The modified order to cease and desist is as follows:

It is ordered, That respondents, West-Ward, Inc., a corporation, and its officers, and Samuel G. Goldstein, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of drugs or food do forthwith cease and desist, directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement:

(a) Misrepresents the nature or extent of the procedures used by them in the manufacture, preparation or distribution of drugs or food;

(b) Represents, directly or indirectly:

(1) That a quantitative analysis is made of each of respondents' preparations to determine the amount of each of the active ingredients contained therein, unless such is the fact.

(2) That respondents have established the stability as to potency or disintegration characteristics of their enteric coated tablets, unless such is the fact.

(3) That respondents perform assays in their own laboratories on all of the preparations offered for sale and sold by them.

2. Disseminating or causing the dissemination of any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparations, which advertisement contains any of the terms or representations prohibited in paragraph 1 hereof.

By the Commission.

Issued: March 16, 1962.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-7303; Filed, July 25, 1962; 8:47 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 34-6851]

PART 240—GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

Disclosure in Equity Funding, Life Funding, or Secured Funding Transactions

On May 22, 1962, the Securities and Exchange Commission published its opinion that the offer or sale of securities under a program which contemplates that the securities sold to the customer will be used as collateral for a loan, the proceeds of which are to be used to pay the premium on a life insurance policy sold to the customer at or about the same time (an activity which in various forms has come to be known as "equity funding," "secured funding," or "life funding") generally involves the offer and sale of an additional security, i.e., an investment contract, required to be registered under the Securities Act of 1933.[1] On the same day, in Securities Exchange Act Release No. 6809 and in the FEDERAL REGISTER of June 2, 1962 (27 F.R. 5204), the Commission gave notice that it had under consideration a proposal to adopt Rule 15c2-5 under the Securities Exchange Act of 1934 (§ 240.15c2-5 of Title 17, CFR), to prohibit a broker or dealer from arranging a loan for a customer to whom a security is sold, unless, before the transaction is entered into, the broker or dealer reasonably determines that the transaction, including the loan arrangement, is suitable for the customer and delivers to him a written statement setting forth certain material information. The proposed rule contained provisions to exempt extensions of credit or loan arrangements by broker-dealers subject to Regulation T (12 CFR Part 220), where the credit is extended or the loan arranged in compliance with that regulation only for the purpose of purchasing or carrying the security. The Commission has carefully considered the comments and suggestions on the proposal and has adopted the rule in the form stated below, effective August 31, 1962.

Section 15(c)(2) of the Act makes it unlawful for a broker or dealer to effect, induce or attempt to induce a transaction in a nonexempt security otherwise than on a national securities exchange in connection with which he engages in any fraudulent, deceptive or manipulative act or practice; and provides that the Commission shall, by rules and regulations, define and prescribe means reasonably designed to prevent such acts and practices.

As adopted, Rule 15c2-5 (§ 240.15c2-5) will make it unlawful for any broker or dealer to offer, sell or attempt to induce the purchase of any security by any person if the broker or dealer, in connection therewith, offers to extend any credit to or to arrange any loan for such person, or participates in arranging any such loan or credit, unless, before any part of the transaction is entered into, the broker or dealer, delivers to him a written statement setting forth certain information about the specific arrangement being offered to him. This would generally require particularized information which goes beyond the general information contained in the Securities Act prospectus delivered to the customer and would have to inform the customer, with reference to the individual transaction, of the exact nature and extent of his obligations including, among other things, the specific charges he will incur in each period during which the loan may continue or be extended, the risks and disadvantages which he will incur, and the commissions and other remuneration to be received by the broker or dealer, by all other persons in a control relationship to him, and by any other person participating in the transaction. The rule also requires the broker or dealer to obtain from such person information concerning his financial situation and needs, to reasonably determine that the entire transaction, including the loan arrangement, is suitable for the customer, and to deliver to him a written statement setting forth the basis upon which this determination was made. If, in connection with the transaction, it is contemplated that the prospect will cancel existing life insurance, the written statement delivered to the prospect before the transaction is entered into would have to disclose the disadvantages, if any, which the prospect will incur because of this. Among other things, this may require disclosure that the premium on the new life insurance is higher than the premium on the old insurance; that the purchaser may be incurring additional expense because he is paying the "acquisition costs" twice—once when the cancelled policy was purchased and again to acquire the new policy; that it may take a specified additional period of time for the dividends or the cash value of the new policy to equal those under the old policy; and that under the new policy the prospect may lose the benefits of the "incontestability provision" because the period during which the insurer may contest the policy for specified reasons (e.g., certain medical disabilities) may have expired under the prospect's old insurance policy and he may be required to "wait through" this period under the new policy.

Since the rule is not intended to reach the traditional margin transaction made by a broker-dealer subject to Regulation T (12 CFR Part 220), it specifically provides that it is not applicable to an extension of credit or the arrangement of a loan by a broker-dealer subject to Regulation T if the credit is extended or the loan arranged, in compliance with the requirements of that regulation, only for the purpose of purchasing or carrying the securities offered or sold.

Commission action. The Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, as amended, particularly sections 23(a) and 15(c)(2) thereof, and deeming such action necessary and reasonably designed to prevent fraudulent, deceptive and manipulative acts and practices, and necessary for the execution of its functions under the Act, hereby adopts § 240.15c2-5 as stated below, effective August 31, 1962.

§ 240.15c2-5 Disclosure and other requirements when extending or arranging credit in certain transactions.

(a) It shall constitute a "fraudulent, deceptive or manipulative act or practice" as used in section 15(c)(2) of the Act for any broker or dealer to offer or sell any security to, or to attempt to induce the purchase of any security by, any person, in connection with which such broker or dealer, directly or indirectly, offers to extend any credit to or to arrange any loan for such person, or extends to or participates in arranging any loan for such person, unless such broker or dealer, before any purchase, loan or other related element of the transaction is entered into:

(1) Delivers to such person a written statement setting forth the exact nature and extent of (i) such person's obligations under the particular loan arrangement, including, among other things, the specific charges which such person will incur under such loan in each period during which the loan may continue or be extended, (ii) the risks and disadvantages which such person will incur in the entire transaction, including the loan arrangement, and (iii) all commissions, discounts, and other remuneration received and to be received, in connection with the entire transaction including the loan arrangement, by the broker or dealer, by any person controlling, controlled by, or under common control with

[1] Securities Act Release No. 4491, published also in the FEDERAL REGISTER of June 2, 1962 (27 F.R. 5190).

the broker or dealer, and by any other person participating in the transaction; and

(2) Obtains from such person information concerning his financial situation and needs, reasonably determines that the entire transaction, including the loan arrangement, is suitable for such person, and delivers to such person a written statement setting forth the basis upon which the broker or dealer made such determination.

(b) This section shall not apply to any credit extended or any loan arranged by any broker or dealer subject to the provisions of Part 220 of Title 12 of the Code of Federal Regulations (Regulation T issued by the Board of Governors of the Federal Reserve System) if such credit is extended or such loan is arranged, in compliance with the requirements of such regulation, only for the purpose of purchasing or carrying the security offered or sold.

(Sec. 15(c)(2), 23(a), 48 Stat. 895, 901, as amended, 15 U.S.C. 78o, 78w)

By the Commission.

ORVAL L. DUBOIS,
Secretary.

JULY 17, 1962.

[F.R. Doc. 62-7317; Filed, July 25, 1962; 8:50 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

CLOSURES WITH SEALING GASKETS FOR FOOD CONTAINERS

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Chemical Products Corporation, King Philip Road, East Providence 14, Rhode Island; Glasurit-Werke M. Winkelmann, Aktiengesellschaft, Hamburg, Germany; W. R. Grace and Company, Cambridge, Massachusetts; and Anchor Hocking Glass Company, Lancaster, Ohio; and other relevant material, has concluded that the following food additive regulation should issue with respect to closures with sealing gaskets for containers intended for packaging or holding food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2550 Closures with sealing gaskets for food containers.

Closures with sealing gaskets may be safely used on containers intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food in accordance with the following prescribed conditions:

(a) Closures for food containers are manufactured from substances generally recognized as safe for contact with food; substances that are subject to the provisions of prior sanctions; substances authorized by regulations in this Subpart F; and closure-sealing gaskets, as further prescribed in this section.

(b) Closure-sealing gaskets and overall discs are formulated from substances identified in § 121.2514(b), with the exception of § 121.2514(b)(3)(xxxi) and (xxxii) and other optional substances, including the following:

(1) Substances generally recognized as safe in food.

(2) Substances used in accordance with the provisions of a prior sanction or approval within the meaning of section 201(s) of the act.

(3) Substances that are the subject of regulations in this Subpart F and used in accordance with the conditions prescribed.

(4) Substances identified in subparagraph (5) of this paragraph, used in amounts not to exceed those required to accomplish the intended physical or technical effect and in conformance with any limitation provided; and further provided that any substance employed in the production of closure-sealing gasket compositions that is the subject of a regulation in this Subpart F or of an extension of the effective date relating to substances used in such food-packaging material conforms with the identity or specifications prescribed.

(5) Substances that may be employed in the manufacture of closure-sealing gaskets include:

TABLE 1

List of substances	Limitations (expressed as percent by weight of closure-sealing gasket composition)
Balata rubber	
Cork (cleaned, granulated)	
Dextrin	
Di-2-ethylhexyl adipate	
Eicosane (technical grade) (water-white mixture of predominantly straight-chain paraffin hydrocarbons averaging 20 carbon atoms per molecule).	
Epoxidized linseed oil	
Epoxidized linseed oil modified with trimellitic anhydride.	
Epoxidized safflower oil modified with trimellitic anhydride.	
Epoxidized soybean oil modified with trimellitic anhydride.	
Ethylene-propylene copolymer	
Ethylene-vinyl acetate copolymer	
Gutta-percha	
Natural rubber (crepe, latex, mechanical dispersions).	
Vinyl chloride-vinyl stearate copolymer	
Arachidyl-behenyl amide (C_{18}-C_{22} fatty acid amides).	Less than 5% in closure-sealing gasket composition.
Disodium phosphate	Do.
Erucylamide	Do.
Maleic anhydride-polyethylene copolymer	Do.
Maleic anhydride-styrene copolymer	Do.
Stearic acid amide	Do.
Azodicarbonamide	Less than 2% in closure-sealing gasket composition.
Calcium tin stearate	Do.
Calcium zinc stearate	Do.
Coco amide (coconut oil fatty acids amides).	Do.
Di-2-ethylhexyl sebacate	Do.
Ethoxylated octyl phenol containing 8–10 mols ethylene oxide (polyoxyethylated octyl phenol (8–10 mols ethylene oxide)).	Do.
Glyceryl mono-12-hydroxy stearate (hydrogenated glyceryl ricinoleate).	Do.
Hydrogenated castor oil	Do.
Polysorbate 80 (polyoxyethylene (20) sorbitan monooleate).	Do.
Potassium propionate	Do.
Tin-zinc stearate	Do.
Activated carbon	Less than 1% in closure-sealing gasket composition.
Benzyl alcohol	Do.
Dibetanaphthyl-*p*-phenylenediamine.	Do.
Dihexyl ester of sodium sulfosuccinate.	Do.
2,2'-Dihydroxy-3,3'-di(alphamethylcyclohexyl)-5,5'-dimethyl-diphenylmethane.	Do.
Edible monofatty acid ester of polyethylene glycol 400.	Do.
Hexamethylenetetramine	Do.
Hexylene glycol	0.5%.
Oleyl Alcohol	Less than 1% in closure-sealing gasket composition.
Paraformaldehyde	Do.
Polyethylene glycol (mol. wt. over 300).	Do.
Polyoxypropylene-polyoxyethylene condensate, average mol. wt. 2750–3000.	0.05%.
Polyoxyethylene (20) sorbitan monolaurate.	Less than 1% in closure-sealing gasket composition.
Potassium benzoate	Do.
Potassium perchlorate	Do.
Potassium and sodium persulfate	Do.
Sodium cetyl sulfate	Do.
Sodium decyl benzenesulfonate	Do.
Sodium decyl sulfate	Do.
Sodium formaldehyde sulfoxylate	0.05%.
Sodium lauryl sulfate	Less than 1% in closure-sealing gasket composition.
Sodium lignin sulfonate	0.2%.
Sodium myristyl sulfate (sodium tetradecyl sulfate).	0.6%.
Sodium and potassium pentachlorophenate.	0.05%.
Sodium o-phenylphenate	0.05%.
Sodium salt of naphthalenesulfonic acid condensed with formaldehyde.	0.2%.
Sodium salt of triisopropyl naphthalenesulfonic acid.	0.2%.
Sodium tridecylsulfate	0.6%.
Sorbitan monostearate	Less than 1% in closure-sealing gasket composition.
Sulfated tallow	Do.

TABLE 1—Continued

List of substances	Limitations (expressed as percent by weight of closure-sealing gasket composition)
	For use only in vulcanized natural or synthetic rubber gasket compositions.
Dibenzamide phenyl disulfide	Limit 1.0% in closure-sealing gasket composition.
Dipentamethylene thiuramtetrasulfide.	Limit 0.4% in closure-sealing gasket composition.
Mercaptolmidazoline	Limit 1.0% in closure-sealing gasket composition.
Poly-*p*-dinitroso benzene (activator for butyl rubber).	Less than 1% in closure-sealing gasket composition.
Zinc dibutyldithiocarbamate	Limit 0.8% in closure-sealing gasket composition.

(c) The closure assembly to include the sealing gasket or sealing compound, together with any polymeric or resinous coating, film, foil, natural cork, or glass that forms a part of the food-contact surface of the assembly, when extracted on a suitable glass container with a solvent or solvents characterizing the type of foods, and under conditions of time and temperature characterizing the conditions of its use as determined from Tables 3 and 4 shall yield net chloroform-soluble extractives (corrected for zinc as zinc oleate) not to exceed the tolerances specified in Table 2, calculated on the basis of the water capacity of the container on which the closure is to be used. Employ the analytical method described in § 121.2514, adapting the procedural details to make the method applicable to closures; such as, for example, placing the closed glass container on its side to assure contact of the closure's food-contacting surface with the solvent.

TABLE 2—MAXIMUM EXTRACTIVES TOLERANCES

Type of closure-sealing gasket composition	Chloroform fraction of water extractives	Chloroform fraction of heptane extractives	Chloroform fraction of alcohol extractives
	Parts per million	*Parts per million*	*Parts per million*
1. Plasticized polymers, including unvulcanized or vulcanized or otherwise cured natural and synthetic rubber formed in place as over-all discs or annular rings from a hot melt, solution, plastisol, organisol, mechanical dispersion, or latex.	50	500	50
2. Preformed over-all discs or annular rings of plasticized polymers, including unvulcanized natural or synthetic rubber.	50	250	50
3. Preformed over-all discs or annular rings of vulcanized plasticized polymers, including natural or synthetic rubber.	50	50	50
4. Preformed over-all discs or annular rings of polymeric or resinous-coated paper, paperboard, plastic, or metal foil substrates.	50	250	50
5. Closures with sealing gaskets or sealing compositions as described in 1, 2, 3, and 4, and including paper, paperboard, and glassine used for dry foods only.	(1)	(1)	(1)

[1] Extractability tests not applicable.

TABLE 3—TYPES OF FOOD

I. Nonacid (pH above 5.0), aqueous products; may contain salt or sugar or both, and including oil-in-water emulsions of low- or high-fat content.
II. Acidic (pH 5.0 or below), aqueous products; may contain salt or sugar or both, and including oil-in-water emulsions of low- or high-fat content.
III. Aqueous, acid or nonacid products containing free oil or fat; may contain salt, and including water-in-oil emulsions of low- or high-fat content.
IV. Dairy products and modifications:
  A. Water-in-oil emulsions, high- or low-fat.
  B. Oil-in-water emulsions, high- or low-fat.
V. Low-moisture fats and oils.
VI. Beverages:
  A. Containing alcohol.
  B. Nonalcoholic.
VII. Bakery products.
VIII. Dry solids (no end-test required).

TABLE 4—TEST PROCEDURES WITH TIME-TEMPERATURE CONDITIONS FOR DETERMINING AMOUNT OF EXTRACTIVES FROM CLOSURE-SEALING GASKETS, USING SOLVENTS SIMULATING TYPES OF FOODS AND BEVERAGES

Conditions of use	Types of food (see Table 3)	Extractant		
		Water (time and temperature)	Heptane[1] (time and temperature)	8% alcohol (time and temperature)
A. High temperature heat-sterilized (e.g., over 212° F.).	I, IV-B	250° F., 2 hr.		
	III, IV-A, VII	250° F., 2 hr.	150° F., 2 hr.	
B. Boiling water-sterilized	II	212° F., 30 min.		
	III, VII	212° F., 30 min.	120° F., 30 min.	
C. Hot filled or pasteurized above 150° F.	II, IV-B	Fill boiling, cool to 100° F.		
	III, IV-A	Fill boiling, cool to 100° F.	120° F., 15 min.	
	V		120° F., 15 min.	
D. Hot filled or pasteurized below 150° F.	II, IV-B, VI-B	150° F., 2 hr.		
	III, IV-A	150° F., 2 hr.	100° F., 30 min.	
	V		100° F., 30 min.	
	VI-A			150° F., 2 hr.
E. Room temperature filled and stored (no thermal treatment in the container).	II, IV-B, VI-B	120° F., 24 hr.		
	III, IV-A	120° F., 24 hr.	70° F., 30 min.	
	V		70° F., 30 min.	
	VI-A			120° F., 24 hr.
F. Refrigerated storage (no thermal treatment in the container).	I, II, III, IV-A, IV-B, VI-B, VII	70° F., 48 hr.	70° F., 30 min.	
	VI-A			70° F., 48 hr.
G. Frozen storage (no thermal treatment in the container).	I, II, III, IV-B, VII	70° F., 24 hr.		

[1] Heptane extractant not applicable to closure-sealing gaskets overcoated with wax.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 20, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-7334; Filed, July 25, 1962; 8:52 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart B—Education of Korean Conflict Veterans Under 38 U.S.C. Ch. 33

MISCELLANEOUS AMENDMENTS

1. In § 21.2032, paragraph (b) and that portion of paragraph (d) preceding subparagraph (1) are amended to read as follows:

§ 21.2032 Change of program.

* * * * *

(b) *What constitutes a change of program.* (1) A change of program is considered to consist of a change in the predetermined and identified educational, professional, or vocational objective for which the veteran entered education or training and the corresponding changes in the type of training and courses or curriculum which may be required to attain the new objective, except that

(i) A change of program will not be considered to exist when, in the area where the training is pursued, the pursuit of the veteran's first program is a prerequisite to or is generally required for entrance into and successful pursuit of the second program. For example a change from a program consisting of a bachelor of arts degree course to a program consisting of a master's degree course will not be considered a change

of program. Also, a change from a program consisting of an A.B. degree course and a masters' degree course leading to the objective master's degree, to a program consisting of an A.B. degree course and an LL.B. degree course for the final objective bachelor of laws degree, will not be considered a change of program if the change is made at any point before commencement of the master's degree phase of the first program. The credits earned toward the A.B. degree are considered to be prerequisite for entrance into the second program at the level at which the change is made.

(ii) Similar modifications of other types of approved programs of education and training need not be considered a change of program when the elements completed under one approved program are required or are accepted for entrance into pursuit of the modified program at the level of advancement attained in the previous program.

(2) Where a veteran has made a change of program under this law, a change from his second program back to his original program shall be considered a second change of program except under the conditions stated in subparagraph (1) (i) and (ii) of this paragraph.

(3) A transfer from one accredited institution to another accredited institution or from one nonaccredited institution to another nonaccredited institution or from one training establishment to another training establishment will be considered only a change of institution or training establishment and not a change of program when the following conditions are met:

(i) The program leads to the same educational, professional, or vocational objective, and

(ii) The change does not involve a loss of credit which results in an extension of the time originally required for completion of the veteran's program.

(4) A transfer from a nonaccredited school to an accredited school or from a school to an on-the-job training establishment or vice versa, will be considered only a change of institution and not a change of program when all of the following conditions are met:

(i) The courses comprising each program, while not necessarily of the same length, are of a length or lengths which are customary in the area where offered for the attainment of the predetermined and identified objective and are approved by the State approving agency for the established customary length,

(ii) The two programs lead to the same predetermined and identified objective, and

(iii) Full credit in point of time is given by the second school or establishment for work completed in the program pursued at the first school or establishment.

(5) The application of a veteran who interrupts the on-the-job phase of his apprenticeship program for a change of program to pursue all or an incompleted portion of the related phase of his program as a program within itself, may be approved only under the following conditions:

(i) The requested program of education will in itself lead to a predetermined and identified objective as defined in § 21.2030(d),

(ii) The veteran has not already utilized the one change of program permitted under the law, and

(iii) He commences the program of education on or before his deadline date, since the related phase of such a program may not be considered to be in normal progression from the whole program.

* * * * *

(d) *Adjustments not considered a change of program.* A revision which involves neither a change of objective, a material loss of credit nor an extension of the time originally planned for completion of a veteran's program will be considered an adjustment and not a change of program. For example, when a veteran enrolls for a program leading to the degree bachelor of science in agriculture, bachelor of science in business administration, etc., or for a 4-year undergraduate curriculum for which he has shown a professional objective, such as, "agronomist," "chemist," "teacher," or "engineer," his objective for the purpose of this paragraph shall be considered to be "bachelor's degree"—meaning a standard 4-year undergraduate degree—and so long as the subjects which he pursues lead to that objective and there is no extension of time in the attainment of that objective, no change of program is involved whether the student remains in the same institution or transfers to another.

2. In § 21.2056(b)(5), subdivision (i) is amended to read as follows:

§ 21.2056 Effective date of change or discontinuance of education or training allowance.

* * * * *

(b) * * *

(5) * * *

(i) School, flight, or on-the-job training enrollments reported to Veterans Administration, but no certifications of training received for first 2 months—end of first reporting period.

3. In § 21.2203(a)(6), subdivisions (ii) and (iv) are amended to read as follows:

§ 21.2203 Approval of accredited courses.

(a) *Accredited courses.* * * *

(6) * * *

(ii) The course is offered on a semester or quarter hour basis and requires at least 2 full-time academic years for completion; and

* * * * *

(iv) The course leads to an educational objective, i.e., associate degree or diploma in the field of business.

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective July 26, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62-7332; Filed, July 25, 1962; 8:52 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Ex Parte No. MC-40 (Sub No. 1)]

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 7—LIST OF FORMS—PART II INTERSTATE COMMERCE ACT

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

PART 195—HOURS OF SERVICE OF DRIVERS

Qualifications and Maximum Hours of Service of Employees of Motor Carriers and Safety of Operation and Equipment

At a Session of the Interstate Commerce Commission, Motor Carrier Board No. 2 held in Washington, D.C., on the 16th day of July A.D. 1962.

The matter of revision of Form BMC-59 (49 CFR 7.59) concerning drivers' daily logs, being under consideration; and,

It appearing that this revision concerns primarily the additional entries on the form as prescribed in § 195.8 set forth in the Commission's order of March 29, 1962, Part 195—Hours of service of drivers, Ex Parte No. MC-40 (Sub-No. 1), and constitutes an agency procedure, and, therefore, pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003) for good cause it is found that notice of proposed rule making is unnecessary.

It is ordered, That the order of April 14, 1952 (17 F.R. 4448), only insofar as § 195.8 prescribed therein refers to Form BMC-59 (§ 7.59), be, and it is hereby, vacated.

It is ordered, That Form BMC-59 and the note relating thereto (49 CFR 7.59), be, and they are hereby, canceled;

It is further ordered, That the Form BMC-59, Driver's daily log (49 CFR 7.59), and the note relating thereto, which are set forth below, made a part hereof, are approved, adopted, and prescribed for appropriate use as required by § 195.8, of the Motor Carrier Safety Regulations;

It is further ordered, That this order shall be effective September 5, 1962, and shall continue in effect until the further order of the Commission.

And it is further ordered, That notice of this order shall be given to motor carriers, other persons of interest, and to the general public by depositing a copy thereof in the Office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304)

By the Commission, Motor Carrier Board No. 2.

[SEAL] HAROLD D. McCOY,
Secretary.

FORM BMC 59 - Prescribed by the INTERSTATE COMMERCE COMMISSION Washington, D. C. Rev. '62

DRIVER'S DAILY LOG (One calendar day - 24 hours)

Form approved, Budget Bureau No. 80-R253.3
ORIGINAL - File each day at home terminal
DUPLICATE - Driver retains in his possession for one month

(Month) (Day) (Year) (Total mileage today) Vehicle numbers - (Show each unit)

I certify these entries are true and correct:

(Total miles driving today) (Driver's signature in full)

(Name of Carrier or Carriers) (Name of co-driver)

(Main Office Address) (Home Terminal Address)

MID-NIGHT 1 2 3 4 5 6 7 8 9 10 11 NOON 1 2 3 4 5 6 7 8 9 10 11 Total Hours

1: OFF DUTY
2: SLEEPER BERTH
3: DRIVING
4: ON DUTY (Not Driving)

MID-NIGHT 1 2 3 4 5 6 7 8 9 10 11 NOON 1 2 3 4 5 6 7 8 9 10 11

REMARKS

Shipping document, manifest number, or name of a shipper and commodity. Information required by Section 195.8(e).
Check the time and enter name of place you reported and where released from work and when and where each change of duty occurred. Explain excess hours - Section 195.8(e).

FROM: (Starting point or place) TO: (Destination or turn around point or place)

USE TIME STANDARD AT HOME TERMINAL

FORM BMC 59 - Prescribed by the INTERSTATE COMMERCE COMMISSION Washington, D. C. Rev. '62

DRIVER'S DAILY LOG (One calendar day - 24 hours)

Form approved, Budget Bureau No. 80-R253.3
ORIGINAL - File each day at home terminal
DUPLICATE - Driver retains in his possession for one month

MAY (Month) 1 (Day) 1962 (Year) 440 (Total mileage today) TRACTOR #12 - TRAILER #12A Vehicle numbers - (Show each unit)

I certify these entries are true and correct:

270 (Total miles driving today) John E. Doe (Driver's signature in full)

X.Y.Z. TRANSPORTATION CO. (Name of Carrier or Carriers) W.R. SMITH (Name of co-driver)

WASHINGTON, D.C. (Main Office Address) RICHMOND, VA. (Home Terminal Address)

MID-NIGHT 1 2 3 4 5 6 7 8 9 10 11 NOON 1 2 3 4 5 6 7 8 9 10 11 Total Hours

1: OFF DUTY — 7
2: SLEEPER BERTH — 5
3: DRIVING — 8
4: ON DUTY (Not Driving) — 4

MID-NIGHT 1 2 3 4 5 6 7 8 9 10 11 NOON 1 2 3 4 5 6 7 8 9 10 11 TOTAL — 24

REMARKS

TRIP MANIFEST #1673 1674

RICHMOND VA. — ACCIDENT — FREDERICKSBURG VA. — BALTIMORE MD. — NEWARK N.J. — HARTFORD CONN. BREAKDOWN

Shipping document, manifest number, or name of a shipper and commodity. Information required by Section 195.8(e).
Check the time and enter name of place you reported and where released from work and when and where each change of duty occurred. Explain excess hours - Section 195.8(e).

FROM: RICHMOND, VA. (Starting point or place) TO: BOSTON, MASS. (Destination or turn around point or place)

USE TIME STANDARD AT HOME TERMINAL

NOTE: *Driver's Daily Log (Form BMC 59) Rev. '62.* The Interstate Commerce Commission will not provide supplies of the log. The log may be incorporated as a part of any daily form used by a carrier, provided it is so ruled that the log appears distinct and separate from other portions of such form. In reproducing the log, dimensions of not less than 5¼ x 7½ inches shall be used. Stocks of logs in the possession of carriers or their suppliers as of the effective date of these regulations may be used until June 30, 1963, provided the information required by these regulations are entered thereon.

This executed specimen document shows how a driver is to prepare a daily log. It covers a driver's activities on the first day of a trip in which he left Richmond, Va., with a shipment of miscellaneous freight to be delivered in Newark, N.J., and Boston, Mass.

The driver in this instance reported for duty with his codriver at the carrier's Richmond terminal at 6:00 a.m., at which time he was given papers for the shipments and instructions for making the trip. The vehicle combination was being loaded at the time he reported for duty and the driver attended the vehicle until the loading was completed. He then made a pretrip inspection of the vehicle (§§ 192.7 and 192.8), made entries upon his driver's log to 7:30 a.m. as "on duty not driving" and started driving at that time (§§ 195.2(a) (1) and (2)). At 9:00 a.m., in Fredericksburg, Va., he was involved in an accident with an automobile which was damaged to the extent of $250.00. He remained at the accident scene for ½-hour while the police conducted their investigation. He obtained information relating to the accident (§ 192.40) and performed an inspection of the vehicle (§ 196.6). He then made entries upon his log to 9:30 a.m., showing this stop as "on duty not driving" and started driving at that time (§ 195.2(a)(6)). At 12 noon he stopped near Baltimore, Md., at a truck stop for gas and a meal. He then made entries upon his log to 1:00 p.m., showing this stop as "on duty not driving." He then entered the sleeper berth while his codriver assumed the driving duties. At 5:30 p.m., he arrived at the carrier's Newark, N.J., terminal and reported to the dispatcher. He gave to the dispatcher his statement concerning the accident and other information needed to complete a report to the Interstate Commerce Commission. He was told by the dispatcher that helpers would not have the Newark bound freight unloaded until 7:00 p.m. He then walked to a nearby diner, leaving the vehicle at the terminal, ate a meal and returned at the specified time. He then made entries upon his log to 7:00 p.m., showing 5:30 p.m. to 6:00 p.m. as "on duty not driving" (§ 195.2(a)(6)) and showing 6:00 p.m. to 7:00 p.m. as "off duty" due to the fact that the vehicle and its cargo were under the care and custody of the carrier's dispatcher during this time, and then started driving.

At 11:00 p.m., the vehicle broke down near Hartford, Conn. He placed warning devices upon the highway (§ 192.26) while the codriver telephoned the carrier's Hartford shop to ask that a shop man be sent to repair the vehicle. He then waited until the man had completed the repairs. He made entries upon his log to 11:30 p.m. showing this stop as "on duty not driving" (§ 195.2 (a)(7)) and entered the sleeper berth for the balance of the calendar day.

The name of the codriver for this trip is shown directly below the driver's signature (§ 195.8(h)). Additionally, the total miles traveled during the day and the actual miles spent driving are shown on the appropriate lines near the top of the form (§ 195.8(e)).

The total hours for each line show 7 hours off duty; 5 hours in sleeper berth; 8 hours driving and 4 hours on duty (not driving) for the day covered by the log. The sum of these hours shown under the "Total Hours" equals 24 hours.

Under "Remarks" a check on time markers and entries will show that the driver reported for work at Richmond, Va., at 6:00 a.m., and was on duty (not driving) until he started to drive at 7:30 a.m. The time spent driving is shown on line 3 and the time spent in the sleeper berth on line 2. All stops are shown on line 4. In the lower left hand corner, the driver shows the transportation performed by entering the shipping document numbers (§ 195.8(o)).

As the destination of the driver on this trip is Boston, Mass., he enters the original starting point and the final destination on the appropriate line near the bottom of the form, thus: "From: Richmond, Va., To: Boston, Mass." The original starting point and final destination are to be shown on the log for each day throughout the trip. If a driver departs from and returns to the same place on any day, the "destination or turnaround point" shall be the farthest point reached before the driver begins his return trip.

Form BMC-59 shall be used by those drivers who prepare daily logs on a noon-to-noon basis, instead of a calendar day, or midnight-to-midnight basis, except that the word "noon" will be shown at the point where the word "midnight" now appears and the word "midnight" shall appear where the word "noon" now appears. The word "calendar" which appears in parenthesis under the phrase "driver's daily log" shall be blocked out. The driver shall enter the date by showing on each log, both dates covered by the noon-to-noon period.

[F.R. Doc. 62-7263; Filed, July 25, 1962; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

North End Banana River, Florida and Lake Michigan, Illinois

1. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.84 (formerly § 204.82) governing the use and navigation of a danger zone in the Banana River, Florida, is hereby revoked effective on publication in the FEDERAL REGISTER since the area is no longer needed, as follows:

§ 204.84 Banana River, Fla., northerly end; Navy prohibited area for mining exercises. [Revoked]

[Regs., July 9, 1962, 285/111-ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) and chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3), § 204.179 is hereby prescribed establishing and governing the use of danger zones in Lake Michigan, Belmont Harbor Entrance, Chicago, Illinois, effective on publication in the FEDERAL REGISTER in view of the hazards to navigation, as follows:

§ 204.179 Lake Michigan, Belmont Harbor Entrance, Chicago, Ill.; danger zones.

(a) *The prohibited areas*—(1) *Area A.* The waters of Lake Michigan at the south side of the entrance to Belmont Harbor within an area beginning at a point on the lake shore of the peninsula at latitude 87°38'02", longitude 41°56'-28"; thence to latitude 87°37'59 5", longitude 41°56'27"; thence to latitude 87°-37'58.5", longitude 41°56'21"; thence to latitude 87°37'57.5", longitude 41°56'-15"; thence to a point on shore at latitude 87°37'58", longitude 41°56'14.5"; and thence northerly along the shore line to the point of beginning.

(2) *Area B.* The waters of Belmont Harbor at the south side of the entrance to the harbor within an area beginning at a point on the harbor side of the peninsula at latitude 87°38'04.5", longitude 41°56'28.5"; thence to latitude 87°38'08", longitude 41°56'28"; thence to a point on shore at latitude 87°38'07", longitude 41°56'23"; thence northerly along the shore line to the point of beginning.

(b) *The regulations.* (1) No vessel shall enter the danger zones at any time.

(2) The regulations in this section shall be enforced by the Commander, 9th U.S. Coast Guard District, Cleveland, Ohio, or his designated agent.

[Regs., July 10, 1962, 285/111-ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62-7294; Filed, July 25, 1962; 8:45 a.m.]

Title 47—TELECOMMUNICATION

[Docket No. 14375; FCC 62-722]

Chapter I—Federal Communications Commission

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

PART 14—PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

Maritime Mobile and Maritime Radio Determination Operations

In the matter of amendment of Parts 7, 8, and 14 of the Commission's rules relative to implementation of certain requirements of the Geneva Radio Regulations (1959) with regard to maritime mobile and maritime radiodetermination operations, Docket No. 14375.

1. A notice of proposed rule making in the above-captioned matter was released on November 24, 1961, and was published in the FEDERAL REGISTER on December 1, 1961 (26 F.R. 11369). The dates for filing comments and replies thereto have passed.

2. Comments were filed by Lake Carriers Association (LCA); Great Lakes Towing Co. (GLT); American Telephone and Telegraph Co. (AT&T); General Electric Company (GE); United States Coast Guard (USCG); American Merchant Marine Institute (AMMI); Joint Executive Committee for the Improvement and Development of the Philadelphia Port Area (JEC); Radio Corporation of America (RCA); RCA Communications, Inc. (RCAC); Motorola, Inc.; Central Committee on Communication Facilities of the American Petroleum Institute (API); Aeronautical Radio, Inc., and Air Transport Association of America (ARINC); Bartell Corporation (Bartell); United States Power Squadron (USPS); Lorain County Radio Corporation (Lorain); Comite International Radio-Maritime (CIRM); American Waterways Operators (AWO); Maine Association of Passenger Boat Owners MAPBO); Port of Corpus Christi, Texas (Corpus Christi); Federal Aviation Administration (FAA); and Office of Emergency Planning (OEP). Reply comments were filed by AMMI.

3. The comments, with the exception of those filed by LCA, GLT and Lorain, were generally in favor of the Commission's proposal. The major area of controversy concerned the Commission's proposal to permit ship radio stations to operate on certain VHF channels on a single channel basis. Only LCA, GLT and Lorain opposed this proposal. The objections of LCA, however, were confined to the effect the adoption of the Commission's proposal would have on the safety of navigation and efficiency of operation in the Great Lakes area.

4. In view of matters raised in the LCA comments with respect to safety and distress communications, a brief review of the marine radio safety systems is pertinent. There are only two international systems of communication recognized by maritime countries as being necessary for the promotion of saftey of life at sea. The international regulations which set forth the conditions under which the systems are required, and the technical specifications of the systems were established by the Safety of Life at Sea Conferences (SOLAS), the most recent of which was held in London in 1960. By the terms of this Conference the only required communication facilities for ships at sea are either radiotelegraph in the frequency band 405–535 kc/s or radiotelephone in the 2 Mc/s band. Subject to radification and coming into force of the most recent SOLAS, vessels entering the Great Lakes from the sea will not be subject to SOLAS requirements while being navigated on the Great Lakes. Radio installations are required on board certain Great Lakes vessels by the terms of the Great Lakes Agreement (GLA) entered into by Canada and the United States in 1954. By this agreement 2 mc/s radiotelephone is the only required system for distress and safety communications on the Great Lakes. Thus, the recognized and required distress and safety system for a vessel at sea or on the Great Lakes is either radiotelegraph or 2 Mc/s radiotelephone in the case of the former, or 2 Mc/s radiotelephone in the case of the latter. VHF is required for operational purposes in some instances, such as transiting the St. Lawrence Seaway and the Suez Canal. These VHF requirements stem from the agencies operating the facilities and such VHF installations are not a substitute for the internationally required radiotelephone or radiotelegraph installations. Apart from instances such as cited above, and in isolated cases where a VHF installation may be substituted for 2 Mc/s instalation to satisfy the requirements of Title III, Part III of the Communications Act of 1934, as amended, VHF installations aboard ship are purely voluntary and the use of such installations is discretionary.

5. The 2 Mc/s system required by the GLA is the only system on which Great Lakes vessels can wholly rely for safety communications because it is the only system required to be installed on vessels and 2182 kc/s is the only frequency on which Great Lakes vessels are required to maintain a continuous watch. The voluntary use of VHF as a supplement to the 2 Mc/s system has been successful on the Great Lakes. Nevertheless, in the absence of a compulsory requirement that vessels be equipped with VHF and maintain a watch on 156.8 Mc/s, complete reliance on VHF for vital navigational or distress communications would be imprudent.

6. LCA's allegation that the Commission's proposal would derogate the GRR and its systems philosophy is directed toward the Commission's proposal to permit single channel VHF operation by ship stations. As pointed out by LCA there is a VHF allocation plan set forth in the Geneva Radio Regulations, 1959 (GRR). International frequency allocations is the method agreed to by nations throughout the world for assigning frequencies to stations which are capable of causing harmful interference to the services rendered by the stations of another country. However, the GRR in full recognition of the sovereign right of each country to regulate its telecommunications, provides for the use of frequencies in variance with the international allocations on the condition that harmful interference will not be caused to services carried on by stations operating in accordance with the International Telecommunications Convention, 1959, and GRR.

7. The allocation plan referred to by LCA is the Table of Frequencies for the International Maritime Mobile Service (Appendix 18 to the GRR). This plan provides a basis whereby vessels of the world, voluntarily fitted with VHF installations, can communicate with other vessels and coast stations so fitted. The GRR clearly indicates that it is the responsibility of an administration to conform to the allocations in Appendix 18 only to the extent necessary to satisfy the requirements of the international maritime service. The Commission, to the fullest extent possible consistent with the frequency requirements of its land mobile services, has proposed to make the VHF channels of Appendix 18 accessible to foreign and United States vessels in a manner compatible with GRR.

8. The matter of derogation within the context of this proceeding must be considered in three parts. First, the frequencies 156.35, 156.9, and 156.95 Mc/s, on which the Commission would permit single channel operation, are not available for assignment in the United States in a manner consistent with the Appendix 18. This fact is clearly set forth in footnote (g) to Appendix 18. Moreover, footnote (g) states that in the United States these frequencies will be used for other functions in the maritime mobile service. Having made reservation through footnote (g) the Commission is free to use these frequencies in the maritime mobile service in a manner it considers to be most in the public interest. This the Commission has done by proposing to make these frequencies available to ship stations having a need for only a single channel as well as to stations having multichannel requirements. This is not in derogation of the GRR.

9. Second, the Commission proposed to make the public correspondence channels of Appendix 18 available to users of single channel installations. This proposal is a derogation of the GRR but since such usage would be on a noninterference basis to the service of any station operating in accordance with the GRR, it is permitted by GRR 115. The absence of growth of VHF maritime public correspondence service since January 1, 1954, when the multichannel requirement became effective, is conspicuous. Various reasons have been advanced for the general failure of the VHF service to expand. Whatever the reasons may be, it is clear that the anticipated expansion has not materialized. Such being the case, and with particular reference to public correspondence facilities, the fact that there were more ship stations active in the public correspondence service in 1953 than there are today is justification enough to warrant a departure from the present VHF rules. Single channel operations may not prove to be the panacea for the ills of VHF, but there is evidence to support the belief that some improvement can be expected.

10. Finally we come to consideration of the proposal to make 156.65 Mc/s available on a single channel basis for bridge to bridge communications between vessels. LCA refers to the unsuccessful attempt of the U.S. delegation at the Geneva Administrative Radio Conference to win support for its bridge to bridge communication proposal. Attached to the LCA pleading is a verbatim record of the discussions held at Geneva. Although the United States did not receive substantial support it is of interest to note the final statement of the delegate of the United States wherein is said, "We only state that we probably will use perhaps not this frequency but some frequency in this band for this purpose in the United States to evaluate it at least." This has been done, and the developmental reports submitted by licensees and the comments in support of the Commission's proposal with respect to 156.-65 Mc/s bear out the fact that single channel operation for bridge to bridge

communications is an important navigational tool on the Delaware River. The Commission, in its notice of proposed rule making, stated the proposed use was in derogation of GRR. Here, as with the public correspondence channels, the proposed use is on a noninterference basis, and, accordingly, is permitted under GRR 115.

11. LCA charged that the alleged derogations of the GRR would seriously impair if not destroy the ability of the Great Lakes VHF system to handle safety, distress and other traffic. This charge is purely speculative and, in the Commission's opinion, unsupported. The present VHF system on the Great Lakes, LCA asserted, is well established. LCA claimed representation of 95 percent of the big vessel operators, and stated that 75 percent of its ships are now equipped with VHF. LCA also stated that its members are satisfied with the present system. Since the Commission's proposal would not deny to present users any advantages they now enjoy, and in fact would make additional frequencies available, the Commission is at a loss to understand how its proposal would ultimately destroy the present system, particularly in view of the avowed statements of the general acceptability of and satisfaction with the system. Surely, an operational system which has enjoyed such widespread acceptance will not be destroyed because the Commission proposes to make available, on an optional basis, frequencies for single channel operations to serve those who have a limited need.

12. LCA opposed the use of 156.65 Mc/s on a single channel basis for bridge to bridge communications. LCA stated that should there be vessels on the Great Lakes licensed only for 156.65 Mc/s they could contact and communicate only with each other, they could not participate in the Great Lakes International VHF system, nor would they be permitted to transit the St. Lawrence Seaway. The latter is not relevant in this proceeding and the matter of safety communications on the Great Lakes has been considered above. However, the Commission recognizes that considerable use of VHF has developed on the Great Lakes. In view of the fact that a majority of LCA vessels regularly plying the Great Lakes and having a need to use radio for navigational communications are already fitted with multichannel VHF installations there is merit in LCA's argument that there is no requirement for single channel bridge to bridge communications for safety purposes on those vessels. In view of this fact and in the absence of any indication of need, 156.65 Mc/s has not been made available for single channel bridge to bridge communication in the Great Lakes area.

13. LCA stated there has been no demand for single channel operation on the Great Lakes. However, since LCA speaks only for a segment of the industry it does not necessary follow that such needs do not exist and if such facilities were permitted they would not be utilized. If there is no demand for such type of operations, they will not materialize and the existence of rules permitting single channel operation cannot conceivably harm the present multichannel users. If such use does materialize it will stem from those who do not now have multichannel facilities, despite the availability of such facilities for eight years, who probably would not install such equipment in the future and who do not now, or probably would not in the future, make a substantial contribution to the safety communications for which LCA stated multichannel equipment is a basic requirement.

14. In concluding the matter of single channel VHF operation, the Commission is of the opinion that it has fulfilled its responsibilities under the terms of the GRR by providing, to the extent possible, frequencies to be used in accordance with Appendix 18. However, the Commission's responsibilities do not rest there. Section 303(g) of the Communications Act of 1934, as amended, charges the Commission with the responsibility to encourage the larger and more effective use of radio in the public interest. In the absence of any valid reason to the contrary, it is the Commission's view that its proposal to permit the domestic use of single channel VHF facilities is consistent with the mandate of the Communications Act and is not in conflict with the spirit of the GRR nor the latitude of frequency usage permitted thereunder. The supporting comments submitted by API, AMMI, AT&T, AWO and others sustain this opinion.

15. In view of the foregoing, the Commission's proposals with respect to the use of single channel VHF installations on 156.35, 156.9, 156.65, 156.95 Mc/s and the public correspondence channels have been adopted as proposed except that 156.65 Mc/s has not been made available in the Great Lakes area on a single channel basis.

16. LCA, in its comments, implied that the channels on which the Commission proposed to permit single channel operation are not available to multichannel users. This is not true. The Commission's proposal clearly makes all frequencies in the 156–174 Mc/s band allocated in the United States for marine use available to all users who desire to take advantage of such availability.

17. LCA and Lorain objected to the provision in proposed § 7.191(c)(1) which would give the Commission discretion to waive the watch requirements on 2182 kc/s for public coast stations. There is nothing new in this discretionary power since it has been in the rules since 1952. This requirement has been waived only once and then with the full concurrence of the USCG, the agency charged with the responsibility of search and rescue. Over the years there has been no objection to the rule now in effect and the Commission sees no need for changing its proposal in that respect. LCA, Lorain and USCG believe that the similar waiver provisions of § 7.191(c)(2) with respect to public coast stations maintaining a watch on 156.8 Mc/s should be deleted. This provision has also been in the rules since 1952 and, although the discretionary power has never been exercised, the Commission believes it should be retained.

18. Corpus Christi objected to the proposal in § 7.191(d) that limited coast stations licensed on 156.6, 156.7, and 161.6 Mc/s shall maintain a listening watch on 156.8 Mc/s. These frequencies are allocated for port operations communications and, in view of the concept of safety associated with such communications, the Commission believes the recommendation of the GRR with respect to a watch on 156.8 Mc/s by coast stations should be followed. Corpus Christi has made no showing that the requirement is unreasonable; accordingly, it has been retained.

19. LCA requested that proposed § 7.191(d) be changed to require all limited coast stations to maintain a watch on 156.8 Mc/s. LCA stated that maintenance of such a watch is standard practice on the Great Lakes and that there is no desire for a relaxation of this procedure. In the absence of a specific requirement therefor in the present rules, such a watch is now voluntarily maintained and there is no reason why this practice cannot be continued under the Commission's proposed rules. Section 7.191(d) has been adopted as proposed.

20. LCA and GLT objected to the proposals in § 7.358(a) concerning the requirement for a showing of need for the assignment of more than one working frequency to limited coast stations. Again this is a requirement included in the present rules and one the Commission feels should be retained. GLT alleged this requirement would work a hardship on its tug dispatching stations. This allegation can only be based on an unfamiliarity with the Commission's current rules. Those stations now having more than one working frequency presumably made the showing now required prior to the issuance of their present authorizations. Assuming the reasons advanced at that time to substantiate a need for more than one frequency are still valid, there appears to be no reason why such multichannel operation should not continue. This rule has been adopted as proposed.

21. LCA and GLT also objected to proposed § 7.358(b) which would deny the use of 156.8 Mc/s to limited coast stations authorized to use 156.35 Mc/s, 156.9 Mc/s or 156.95 Mc/s as the sole working frequency. The Commission is persuaded by LCA and GLT that the use of 156.8 Mc/s at such limited coast stations would serve a useful purpose and will therefore authorize its use. Accordingly, § 7.358(b) has been deleted.

22. LCA and Lorain took exception to the proposal to make frequencies available solely on the basis of the type of communication involved and without regard to the area of operation of the vessel, type of vessel or other considerations contained in the current rules. This exception appears to be based on the thesis that the requirements of frequency usage on the Great Lakes differ from those elsewhere. The extent to which this usage differs appears to be limited to two areas of consideration. First, ship to ship and ship to shore communications on the Great Lakes are, with few exceptions, exclusively by radiotelephone. Second, the use of radio on the Great Lakes for bridge to bridge communications relating to safety of navigation is more advanced than in some other areas. Assuming these considerations to be true, the differences do not appear to be of such significance, when related to the use of VHF, to warrant the continuation of the detailed division of frequency usage now specified in the Commission's rules. The Commission, in its proposal, stated that the flexibility in the selection of working frequencies in a multichannel system, which is possible by the provision of a common calling frequency, eliminates the need for detailed suballocation of frequencies by classes of vessels, areas of operation, and types of communication. In the opinion of the Commission the most effective usage of available frequencies is obtainable by limiting frequency usage only to types of communications; i.e., port operations, business and operational, public correspondence and safety. This philosophy is concisely and effectively expressed in LCA's comment concerning port operation communications vis-a-vis business and operational communications where LCA states "Too fine a subdivision of functions creates an artificial straitjacket thereby reducing efficiency in the use of channels."

23. LCA commented that the distinction between "business and operational" and "port operations" is not clear. The Commission agrees that these terms tend to overlap. Business and operational communications as defined in the proposed rules in general include everything permitted in the definition of port operations service as that term is defined in the GRR. Port Operations Service, however, does not include everything that is in business and operational communications. Port operations communications will be limited to safety operational communications such as communications relating to the navigation and movement of a ship or ships, including tug dispatching. It is believed that the reservation of three channels (one duplex and two simplex) for port operations communications is adequate, so the type of communications permitted on 156.5 Mc/s has been changed to indicate that it is business and operational communications.

24. It was suggested by LCA that proposed § 7.309(c) be changed to add a requirement that coast stations call ship stations on 156.8 Mc/s under certain conditions. This would appear to be an operational matter within the control of the coast station. It is reasonable to assume that if a coast station cannot contact a vessel by calls initiated on the working frequency, calls would be initiated on 156.8 Mc/s in the interest of expediting traffic movement. Therefore a rule requirement to this end is not necessary.

25. LCA suggested that footnotes 1 and 2 attached to § 7.356 be deleted as being unnecessarily restrictive and superfluous. In view of the Commission's discussion of port operations communication, the Commission agrees footnote 1 should be modified to permit 156.65 Mc/s to be used for business and operational communications in the Great Lakes area, and in other areas limited to those communications permitted by the footnote. This is consistent with the Commission's views with respect to the nonavailability of 156.65 Mc/s on a single channel basis in the Great Lakes area. A corresponding change has been made in footnote 1 to § 8.359. Footnote 2 has also been deleted since, as LCA stated, the type of communication to which the footnote would limit 156.7 Mc/s is practically nonexistent in the United States.

26. AWO suggested footnote 1 to §§ 7.356 and 8.359 be amended to clearly indicate that port operations frequencies other than 156.65 Mc/s could be used for the exchange of navigational information concerning the passage of ships through locks, bridges and government controlled waterways. The definition of port operations given in §§ 7.6(p) and 8.6(j) includes all messages concerning the movement and safety of ships in or near port areas or in locks or waterways. Accordingly, any frequency authorized for port operations communications may be used at locks or bridges for the exchange of navigational information.

27. The Commission proposed to amend §§ 7.134(e) and 8.134(f) to permit a maximum input power of 40 watts on 156.65 Mc/s in lieu of the present 15-watt limitation. RCA, AMMI, LCA, API and JEC filed comments on this proposal. AMMI, API and JEC opposed the change on the grounds that the present power is adequate, and assert that most transmitters now in use have a power input of 3 watts, and the disparity between 40 watts and 3 watts would have an adverse effect on the operations for which the frequency is used. RCA and LCA recommended that the power limit be raised to 100 watts, the maximum permitted on other VHF channels. Consistent with our decision with respect to the use of 156.65 Mc/s on the Great Lakes the power limit has been made 100 watts on the Great Lakes. RCA and LCA alleged that a 40-watt power input limit would unnecessarily obstruct the development of maritime mobile equipment. Manufacturers supplying equipment to vessels entering Region 1 are already faced with this problem since power output in Region 1 is limited to 20 watts by the GRR. RCA stated that many ships now equipped with VHF have transmitters rated at 63 watts input. With respect to the latter, RCA urged a 5-year amortization period following the effective date of the limitation during which equipment with a power input up to 100 watts may be used on 156.65 Mc/s to alleviate injury which users of such equipment would otherwise suffer. The motivating reason behind the Commission's proposal to increase power to 40 watts was to accommodate vessels of Region 1. However, these vessels generally use the services of pilots equipped with portable transmitters having a power input of 3 watts. This being the case, there does not appear to be any need for increasing the maximum power permitted on 156.65 Mc/s. Since the present power limit is 15 watts, and the 63-watt equipment cannot be used under the existing rules, in the Commission's opinion a decision not to raise the power limit to 100 watts cannot cause injury to the present licensees of equipment rated at a power of 63 watts.

28. AMMI, API and JEC raised a question concerning the single channel use of 156.65 Mc/s by vessels at sea. To clarify the intent of the Commission's proposal § 8.359 has been appropriately amended by deleting the reference to port operations communications, thus eliminating the area restriction.

29. RCAC suggested that §§ 7.7(j) and 8.6(e) be amended to define "watch" as the "act of listening on an international distress, calling or working frequency". Since the proposal is more restrictive than the present rules, those sections have been changed to conform to the existing rule. In order to facilitate transmission of complete traffic lists, proposed § 7.184(a) has been changed, as suggested by RCAC, to provide for the transmission of traffic lists in alphabetical order so far as practicable. This change is consistent with the GRR. RCAC also requested that proposed § 7.309(a) be expanded to permit 156.8 Mc/s to be used for the announcement of the transmission of traffic lists on another frequency. Such usage is consistent with the GRR and the requested addition has been made. RCAC suggested that § 8.357 be amended to delete the proposed language relating to interference and frequency priority. The Commission agrees the language in question imposes an impractical burden on ship stations. The proposed section, therefore, has been amended by deleting the language in question and substituting language which will assure reasonable control by the Commission.

30. The Commission agrees with USPS and MAPBO that the requirement of § 8.368 to log all urgency and safety signals and communications intercepted imposes an undue burden on voluntarily radiotelephone equipped vessels. However, the Commission is of the opinion that the station log should include entries of all such signals and communications transmitted. Accordingly, the proposed rule has been amended to require log entries only for distress and alarm signals and communications made or intercepted and for urgency and safety signals and communications transmitted.

31. AMMI raised a question with respect to the language of proposed § 8.104 (b) which would require a device for permitting change over from transmission to reception without manual switching, as to whether such requirement would apply to emergency transmitters, as well as main transmitters. The ability to listen on the reception frequency during periods of transmission contemplates the use of a break-in relay, or other arrangements to permit reception during key-up periods. This requirement will not apply to emergency transmitters not used for routine traffic.

32. AMMI stated that proposed § 8.404 (a) is inconsistent with proposed § 7.402 (a) with respect to the use of the band 5460–5650 Mc/s because the former section limits the use of the band to ship borne radar. This frequency band will be deleted from § 7.402(a) to conform to

Part 2 and Part 8 of the Commission's rules.

33. AT&T opposed the proposal to amend § 7.312(a)(2) to require voice calling by public coast station unless it is known a vessel can be reached by other means. Reference was made by AT&T to the report of RTCM Special Committee 40 which recommended the adoption of an international VHF selective calling system and it was alleged that the voice calling requirement would not encourage the installation of selective signalling equipment. Although the latter may be true, an international selective calling system has not yet been adopted. At the present time shore to ship public correspondence service on VHF is limited in many areas because coast stations use only selective calling to alert vessels. Since an international selective calling system is not available, and it is unrealistic to expect foreign vessels generally to be equipped with selective calling devices now used in the United States, it is generally not possible to initiate a shore to ship call to a foreign vessel. Moreover, the additional cost of selective calling devices has been alleged as one of the reasons for the slow growth of VHF. Thus, it appears that voice calling at the present time is a requisite if an international shore to ship service is to exist, and is also desirable in the interest of domestic users, although a universal selective calling system may be the ultimate goal. This position is supported by USPS and Bartell.

34. The present rules require VHF equipped ship stations to be equipped with at least one frequency for communicating with coast stations. This requirement, USPS asserted, has delayed the use of VHF by recreational boatsmen because the requirement, generally, could be satisfied only by the installation of a public correspondence channel which tends to make equipment costs prohibitive. In its proposed amendment to § 8.106, the Commission deleted the requirement for at least one frequency for communication with a coast station. This will remove the cost barrier to the installation of VHF because of equipment complexities required for communication with public coast stations.

35. USPS stated that many recreational boats are not equipped with radiotelephone because of the congestion now existing on the 2 Mc/s marine frequencies and advocates an orderly and gradual transition to VHF. The USPS viewed with approval the Commission's proposal to promote the use of VHF but reiterated its earlier request for the assignment of a frequency to limited coast stations serving noncommercial vessels. That the growth of recreational boating has reached unusual proportions in recent years as evidenced by the fact that on June 30, 1956, there were approximately 56,000 ship stations licensed, whereas on June 30, 1961, the figure had grown to over 100,000. This increase was due, in the main, to voluntary radiotelephone installations, largely on recreational craft. Any means which would divert some of these vessels to VHF from the 2 Mc/s system would serve a useful purpose. USPS suggested the extension of eligibility for licensing in Part 7 of the rules to include limited coast stations serving noncommercial vessels as a means of stimulating interest in VHF on the part of recreational boatsmen. Bartell was also of the view that an extension of licensing privileges to yacht clubs or similar organizations would serve a useful purpose in spurring the growth of VHF. The suggestion of USPS becomes persuasive when viewed in the light of the number of ship stations to which a VHF service could be rendered if such transition were to materialize. It is not to be expected that all the communication requirements of recreational boatsmen can be satisfied by VHF. However, it does appear that through the relaxation of licensing requirements for limited coast stations as suggested by USPS a useful purpose would be served in that non-commercial vessels whose communication requirements could be met thereby would be encouraged to transfer their radio operations to VHF, thus tending to relieve the congestion on the 2 Mc/s band.

36. In a petition filed October 19, 1956, and as subsequently amended June 23, 1958, and May 29, 1959, USPS requested amendment of the Commission's rules to provide 156.95 Mc/s for the exclusive use of noncommercial vessels and shore stations of yacht clubs and other noncommercial boating organizations. This petition has been granted to the extent that the frequency 156.45 Mc/s has been made available on a shared basis with ship stations and other limited coast stations to limited coast stations established by persons controlling public moorage facilities and otherwise serving the needs of vessels or to yacht clubs having moorage facilities. The petition is denied in all other respects. Section 7.351 has been amended accordingly.

37. Bartell and USPS alleged that the service charge requirements of public coast stations have contributed to the failure of the VHF public correspondence service to expand. This is a matter outside the scope of this proceeding and accordingly will not be dealt with herein.

38. LCA suggested that to avoid confusion, the channels designated 7, 18 and 19 in the Commission's proposal be redesignated 7A, 18A and 19A. Since these channels cannot be used in a manner consistent with the GRR, it is possible that retention of the GRR numbering system could result in confusion to foreign vessels. Therefore, proposed channels 7, 18, and 19 have been redesignated as 7A, 18A, and 19A.

39. In regard to the Commission's proposal in § 8.131(c) to apply a more stringent frequency tolerance of 20 parts per million to transmitters with a plate input power not in excess of 3 watts beginning January 1, 1964, the API, AMMI, and JEC requested that the presently applicable tolerance of 100 parts per million be continued until January 1, 1966, for equipment in use and installed before January 1, 1964. The bases for the request are that the GRR makes such an allowance, an equipment amortization period would be allowed, and that interference would not be caused because of the low power of the transmitting equipment involved. RCA suggested a tolerance of 50 parts per million for such low power equipment, including equipment similarly involved under § 7.131(c), and an amortization period of 5 years if a tolerance of 20 parts per million is to be adopted.

40. The GRR does not require transmitters installed prior to January 1, 1964, to comply with the tolerance of 20 parts per million until January 1, 1966. However, §§ 7.131(c)(2) and 8.131(c)(2) have been amended to delay the application of the more stringent tolerance to all transmitters having a power input not in excess of 3 watts until January 1, 1966. The tolerance of 50 parts in 10^6 suggested by RCA does not comply with the GRR and has not been adopted.

41. RCA mentioned that the wording of § 7.131 included "marine utility stations", whereas these words were not included in the proposed amendment to § 8.131(c). Since the terms "coast station" and "ship station" describe marine utility stations adequately for the purpose of the two sections, the words "and for marine-utility stations" have been deleted from § 7.131(c).

42. In the interest of clarification, the Commission has deleted the words "without manual restart operation" from §§ 7.188(b) and 8.245(b). The two sections are now consistent with paragraph 1466 of GRR.

43. In commenting on rules concerning survival craft stations and use of 121.5 Mc/s for safety purposes, Bartell opposed the principle expressed in proposed § 8.68 that survival craft stations be authorized only when the parent vessel is equipped with and authorized to operate a ship station. Bartell stated that "technological development in small, low-powered survival station equipment and sensitive receiving equipment gives promise that equipment may be available that might very well be carried by vessels not capable or simply not equipped with regular ship stations." USCG specifically supported the Commission's proposed § 8.68 on the basis that a survival craft station is intended to be used as a supplement to the existing safety system rather than a a substitute therefor. It is not apparent that the development of low-powered survival station equipment will change the status of a survival craft station as supplemental to a ship station. Section 8.68 has been adopted as proposed.

44. A number of comments were received regarding the proposed amendments of §§ 8.322 and 8.352 to make the frequency 121.5 Mc/s available to ship stations and survival craft stations for safety communications with stations in the aeronautical service and to survival craft for radiobeacon purposes. These comments envisioned that the major use of such communications would be between large ships and aircraft located relatively far from land, and that the unrestricted licensing of this frequency to all radio-equipped ships might result in channel overloading to such an extent as to compromise aeronautical safety. To alleviate this danger USCG and FAA jointly recommended that licensing of 121.5 Mc/s for ship-aircraft safety communications be limited initially to vessels compulsorily equipped with radio installations required by Title III, Part II or Title III, Part III of the Communications Act. The comments suggested the possibility of modifying the rules later to extend the use of 121.5 Mc/s to more ships if future experience indicates this to be feasible and necessary.

45. With regard to the use of 121.5 Mc/s for beacon purposes USCG and FAA jointly stated that a still limited but broader class of vessels should be initially specified, and for this purpose proposed that 121.5 Mc/s be made available to survival beacons associated with ships that are radio-equipped and documented under the regulations of the Bureau of Customs.

46. ARINC presented substantially the same arguments for limiting the use of 121.5 Mc/s for maritime purposes as did the Coast Guard jointly with the FAA. However, ARINC proposed specific amendments which would limit the use of 121.5 Mc/s for both safety communication and beacon purposes to ship stations on ocean-going vessels of 500 tons and above and their survival craft.

47. AMMI stated that, according to the views of its members at this time, ocean vessels have no interest in the use of 121.5 Mc/s for safety communications with aeronautical stations. Concerning the use of 121.5 Mc/s for beacon purposes, AMMI commented that it desired to participate fully in any international program in this regard, but approval of the frequency 121.5 Mc/s was conditioned upon the ultimate adoption of the frequency for international usage. The frequency 121.5 Mc/s is one of several frequencies authorized by the GRR for survival craft stations. Recommendation No. 48 of SOLAS, 1960, calls for consultation between international organizations with the view of determining the characteristics of survival beacons. While it is possible that such consultation may eventually result in emphasis on one of the other GRR frequencies for survival beacon purposes, it is not believed that the Commission should withhold authorization of 121.5 Mc/s for marine survival beacons for this reason.

48. It appears that while there is no substantial objection to the use of 121.5 Mc/s for safety communications with aeronautical stations by ocean vessels, the operators of such vessels are not at this time interested in using the frequency for this purpose. In view of this lack of interest, it is considered unnecessary to provide for licensing of the use of 121.5 Mc/s for safety communications with aeronautical stations at this time.

49. The use of documentation as an eligibility criterion for a survival beacon on 121.5 Mc/s as proposed by USCG and FAA, jointly, would include a large number of vessels, particularly those engaged in trade. With some exceptions vessels of 5 net tons or over engaged in domestic trade are required to be documented, while pleasure craft of the same size may be documented but are not so required. Vessels engaged in foreign trade are required to be documented regardless of their tonnage. While documentation by the Bureau of Customs does not necessarily establish a vessel's need for a survival beacon, the criteria used for documentation tend to restrict vessels with documents to larger craft which, in general, are navigated farther from shore than smaller craft. Thus there is an indirect relationship between documentation and the criteria for need of a survival beacon as expressed in USCG and FAA comments. This criterion also has an advantage for administrative reasons because documentation can be readily verified. The proposal by ARINC which would limit the use of 121.5 Mc/s for beacon purposes to ocean-going vessels of more than 500 tons is considered to be unnecessarily restrictive.

50. In view of the above considerations concerning the proposed use of 121.5 Mc/s, §§ 8.322(c) and 8.352(b) have been adopted so as to delete the proposed use of 121.5 Mc/s for safety communications with aeronautical stations and to authorize the use of the frequency for beacon purposes (A2 emission only) by vessels documented by the Bureau of Customs.

51. In addition to the rule changes discussed above a number of minor changes have been made for clarification and to correct typographical errors.

52. The Commission proposed that stations operating in the band 156–174 Mc/s, which would be required to change frequencies by virtue of the rule amendments, be prepared to assume operation on the new frequencies within 60 days after the effective date of the amendments. Lorain stated that such frequency changes should not be required on Great Lakes vessels during the navigation season and LCA suggested the changes should not be required until the beginning of the navigation season following adoption of the amendment.

53. The rules as amended no longer provide for the operation of limited coast stations on 156.4 Mc/s and 157.0 Mc/s. Limited coast stations now operating on those frequencies must change to an appropriate frequency provided in § 7.356. Ship stations associated with such coast stations may also find it necessary to change frequency. Ship and coast stations operating on other VHF frequencies may not, in most instances, be required to change frequency because their communications are compatible with those authorized by the amended rules.

54. By appropriate footnotes to §§ 7.358 and 8.359 limited coast stations and associated ship stations in the Great Lakes area now operating on 156.4 Mc/s are authorized to continue their present operations until January 1, 1963. While this is not the full period requested by LCA it is believed adequate because it extends beyond the expected end of the current navigation season.

55. In view of the foregoing, the Commission finds that the public interest, convenience and necessity will be served by the amendments ordered herein and, pursuant to authority contained in section 303 (c), (f), (g), and (r) and section 318 of the Communications Act of 1934, as amended;

56. *It is ordered*, That effective October 1, 1962, Parts 7, 8, and 14 of the Commission's rules are amended as set forth below; and

57. *It is further ordered*, That the petition filed by the United States Power Squadron, Radio Technical Committee, is granted to the extent indicated herein and is denied in all other respects.

58. *It is further ordered*, That part of the petition filed by National Party Boat Owners Alliance, Inc., concerning log keeping requirements for ship radiotelephone stations is granted to the extent that it is in accordance with the action herein taken and is denied in all other respects.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: July 13, 1962.

Released: July 17, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

A. Part 7, Stations on Land in the Maritime Services, is amended as follows:

1. Section 7.1(b) is amended to read:

§ 7.1 Basis and purpose.

* * * * *

(b) The purpose of the rules and regulations in this part is to prescribe the manner in which portions of the radio spectrum may be made available for the use of radio for maritime operations which require radio transmitting facilities on land.

2. Section 7.2 is amended to read:

§ 7.2 General.

(a) *International Radio Regulations.* The Radio Regulations in force annexed to the International Telecommunication Convention, Geneva, 1959, as between the Government of the United States and other Contracting Governments; and such preceding international radio regulations as remain in force between the Government of the United States and other Contracting Governments.

(b) *Telecommunication.* Any transmission, emission or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, optical, or other electromagnetic systems.

(c) *Radiocommunication.* Telecommunication by means of radio waves.

(d) *Public correspondence.* Any telecommunication which the offices and stations must, by reason of their being at the disposal of the public, accept for transmission.

(e) *Station.* One or more transmitters or receivers or a combination of transmitters and receivers, including the accessory equipment, necessary at one location for carrying on a radiocommunication service. Each station shall be classified by the service in which it operates permanently or temporarily.

(f) *Station authorization.* Any valid construction permit, station license, or special temporary authority for use of a station, issued by the Commission.

(g) *Person.* Includes an individual, partnership, association, joint stock company, trust, or corporation.

(h) *Permittee.* A person who holds a valid station construction permit.

(i) *Hours of service.* The period of time during each calendar day when a station is used, in conformity with the terms of the station authorization, for the rendition of its normal service.

(j) *Day.* Where the word "day" is applied to the use of a specific frequency assignment or to a specific authorized transmitter power, such use of the word "day" shall be construed to mean transmission on such frequency assignment or with such authorized transmitter power during that period of time included between 1 hour after local sunrise and 1 hour before local sunset.

(k) *Radio district.* The territory within each radio district, and the address of the Engineer in Charge of each radio district, is set out in section 0.49 of the Commission's "Part 0—Statement of Organization, Delegations of Authority, and Other Information."

(l) *Commercial transport vessel.* Any ship or vessel which is used primarily in commerce (1) for transporting persons or goods to or from any harbor(s) or port(s) or between places within a harbor or port area, or (2) in connection with the construction, change in construction, servicing, maintenance, repair, loading, unloading, movement, piloting, or salvaging of any other ship or vessel.

(m) *Mile.* As used in this part, the term "mile" means a statute mile or 5,280 feet.

(n) *Installed.* As used in this part with respect to the requirements of radio apparatus in stations on land subject to this part, the term "installed" means installed in the particular station or vehicle to which the pertinent rule or regulation involving the use of this term is applied.

(o) *Shipyard land mobile unit.* A land vehicle operated and controlled by a shipyard and used for the transportation of shipyard personnel, material, or supplies.

3. Section 7.3 is amended by revising paragraph (b)(1), paragraphs (c) through (e), and paragraph (o) to read:

§ 7.3 Maritime mobile service.

• • • • • •

(b) *Maritime and land mobile service*—(1) *Maritime mobile service.* A mobile service between coast stations and ship stations, or between ship stations, in which survival craft stations may also participate. (Aircraft stations, when transmitting on frequencies allocated to the maritime mobile service, may communicate in this service with ship stations and coast stations.)

• • • • • •

(c) *Mobile station.* A station in the mobile service intended to be used while in motion or during halts at unspecified points.

(d) *Land station.* A station in the mobile service not intended to be used while in motion.

(e) *Coast station.* A land station in the maritime mobile service.

• • • • • •

(o) *Base station.* A land station in the land mobile service carrying on a service with land mobile stations.

4. Section 7.4 is amended to read:

§ 7.4 Maritime radiodetermination service.

(a) *Radiodetermination.* The determination of position, or the obtaining of information relating to position, by means of the propagation properties of radio waves.

(b) *Radiodetermination service.* A service involving the use of radiodetermination.

(c) *Maritime radiodetermination service.* A radiodetermination service intended for the benefit of ships.

(d) *Radionavigation.* Radiodetermination used for the purposes of navigation, including obstruction warning.

(e) *Radionavigation service.* A radiodetermination service involving the use of radionavigation.

(f) *Maritime radionavigation service.* A radionavigation service intended for the benefit of ships.

(g) *Radionavigation land station.* A station in the radionavigation service not intended to be used while in motion.

(h) *Shore radionavigation station.* A radionavigation land station performing a maritime radionavigation service.

(i) *Radar.* A radiodetermination system based on the comparison of reference signals with radio signals reflected, or retransmitted, from the position to be determined.

(j) *Shore radar station.* A shore radionavigation station utilizing radar.

(k) *Radiolocation.* Radiodetermination used for purposes other than those of radionavigation.

(l) *Radiolocation service.* A radiodetermination service involving the use of radiolocation.

(m) *Maritime radiolocation service.* A radiolocation service intended for the benefit of ships.

(n) *Radiolocation land station.* A station in the radiolocation service not intended to be used while in motion.

(o) *Shore radiolocation station.* A radiolocation land station performing a maritime radiolocation service.

(p) *Shore radiolocation training station.* A shore radiolocation station used solely to train and qualify persons in the effective use of maritime radiodetermination.

(q) *Shore radiolocation test station.* A shore radiolocation station used solely for testing maritime radiodetermination apparatus incident to its manufacture, installation, repair, servicing, or maintenance.

5. Section 7.6 is amended by revising paragraphs (b) and (d) to read:

§ 7.6 Developmental maritime stations on land.

• • • • • •

(b) *Developmental radiodetermination station.* A radiodetermination station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-Government radiodetermination service (including the non-Government radionavigation service) which has been specifically allocated the authorized frequency (or frequencies) of the developmental radiodetermination station.

• • • • • •

(d) *Specific classification.* The specific classes of developmental stations on land licensed in the maritime mobile service, the maritime radiodetermination service (including maritime radionavigation service), and the maritime fixed services, are the same as classes defined in preceding sections of this part; however, for purposes of identification, the particular class of station is followed by the parenthetical indicator "(developmental)"; for example: "Public class III coast station (developmental)".

6. Section 7.7 is amended by revising paragraphs (a) through (c), deleting paragraph (e) including the note and inserting the word [Reserved] in lieu thereof, revising paragraph (j), and inserting new paragraphs (p) and (q) to read:

§ 7.7 Operational.

(a) *Safety communication.* The transmission or reception of distress, alarm, urgency, or safety signals, or any communication preceded by one of these signals, or any form of radiocommunication which, if delayed in transmission or reception, may adversely affect the safety of life or property.

(b) *Superfluous radiocommunication.* Any transmission that is not necessary in properly carrying on the service for which the station is licensed.

(c) *Harmful interference.* Any emission, radiation or induction which endangers the functioning of a radionavigation service or of other safety services, or seriously degrades, obstructs or repeatedly interrupts a radiocommunication service operating in accordance with regulations in this chapter.

• • • • • •

(e) [Reserved]

• • • • • •

(j) *Watch.* The act of listening on a designated frequency.

• • • • • •

(p) *Port operations.* Communications in or near a port, or in locks or waterways, between coast stations and ship stations, or between ship stations, in which messages are restricted to those relating to the movement and safety of ships and, in emergency, to the safety of persons.

(q) *Business communication.* Radiocommunication pertaining to economic, commercial or governmental matters related directly to the purposes for which a ship is being used.

7. Section 7.8 is amended to read:

§ 7.8 Technical.

(a) *Spurious emission.* Emission on a frequency or frequencies which are outside the necessary band, and the level of which may be reduced without affecting the corresponding transmission of information. Spurious emissions include harmonic emissions, parasitic emissions, and intermodulation products, but exclude emissions in the immediate vicinity of the necessary band which are a result of the modulation process for the transmission of information.

(b) *Selective calling.* A means of calling in which signals are transmitted in accordance with a prearranged code for the purpose of operating a particular automatic attention device in use at the selected station whose attention is sought.

(c) *Frequency band of emission.* A frequency band of emission is a frequency band of which the two designated limiting frequencies are established by an emission bandwidth referred to a particular carrier frequency. For the purpose of this definition, when a carrier is not present, a frequency normally coinciding with the center of the frequency band occupied by the emission is substituted therefor.

(d) *Authorized carrier frequency.* A specific carrier frequency authorized for use by a station, from which the actual carrier frequency is permitted to deviate, solely because of frequency instability, by an amount not to exceed the frequency tolerance.

(e) *Frequency tolerance.* The maximum permissible departure by the center frequency of the frequency band occupied by an emission from the assigned frequency or, by the characteristic frequency of an emission from the reference frequency. The frequency tolerance is expressed in parts in 10^6 or in cycles per second.

(f) *Frequency band.* A continuous range of frequencies extending between two designated limiting frequencies.

(g) *Bandwidth.* The number of cycles or kilocycles per second expressing the difference between the limiting frequencies of a frequency band.

(h) *Radio channel.* A frequency band, sufficient in width to permit its use for radiocommunication, comprised of the emission bandwidth, the interference guard bands, and the frequency tolerance.

(i) *Emission bandwidth.* The frequency bandwidth such that, below its lower and above its upper frequency limits, the mean powers radiated are each equal to 0.5 percent of the total mean power radiated by a given emission. In some cases, for example multichannel frequency-division systems, the percentage of 0.5 percent may lead to certain difficulties in the practical application of the definitions of occupied and necessary bandwidth; in such cases a different percentage may prove useful. (This definition coincides with the definition of "Occupied Bandwidth" which appears as paragraph 90 of the International Radio Regulations, Geneva, 1959.)

(j) *Interference guard bands.* The two frequency bands additional to and on either side of the authorized frequency band, which may be provided to minimize the possibility of interference between different radio channels.

(k) *Assigned frequency.* The center of the frequency band assigned to a station.

(l) *Frequency assignment.* The specific frequency or frequencies authorized for the emission(s) of a particular station; expressed for each radio channel by:

(1) The authorized carrier frequency, the frequency tolerance, and the authorized emission bandwidth;

(2) The authorized emission bandwidth in reference to a specific assigned frequency (when a carrier does not exist); or

(3) The authorized frequency band (when a carrier does not exist).

(m) *Modulation.* The process of producing a wave, some characteristic of which varies as a function of the instantaneous value of another wave called the modulating wave.

(n) *Modulation factor.* (1) In an amplitude modulated wave, the ratio of half the difference between the maximum and minimum amplitudes to the average amplitude.

(2) In a frequency modulated wave, the ratio of the actual frequency swing to the frequency swing defined as 100 percent modulation.

(o) *Percentage modulation.* The modulation factor expressed in percent.

(p) *Amplitude modulation* (AM). Modulation in which the amplitude of a wave is the characteristic subject to variation.

(q) *Frequency modulation* (FM). Modulation in which the instantaneous frequency of a sine wave carrier is caused to depart from the carrier frequency by an amount proportional to the instantaneous value of the modulating wave.

(r) *Frequency deviation.* In frequency modulation, the peak difference between the instantaneous frequency of the modulated wave and the carrier frequency.

(s) *Frequency swing.* In frequency modulation, the peak difference between the maximum and the minimum values of the instantaneous frequency.

(t) *Deviation ratio.* In frequency modulation, for a sinusoidal modulating wave, the ratio of the maximum frequency deviation to the maximum frequency of the modulating wave.

(u) *Last radio stage.* In an electron tube radio transmitter, the radio-frequency oscillator or power amplifier stage which supplies all radiofrequency power to the antenna, either directly or through the medium of a transmission line.

(v) *Plate (anode) input power.* The electrical power delivered to the plate (anode) of an electron tube by the source of supply; this power being the product of the indicated anode voltage and the indicated anode current.

(w) *Antenna power.* The power supplied by a particular radio transmitter to the antenna used in connection with that transmitter, at a radio frequency or frequencies within an authorized frequency band.

(x) *Authorized transmitter power.* The power of a particular transmitter as designated in the respective station license or construction permit. Unless specifically expressed otherwise, this power is the total plate input power to all electron tubes of the last radio stage of the transmitter which are used to supply radio-frequency power to the antenna, without modulation present in the case of a transmitter used for telephony by means of class A3 emission.

8. Section 7.22(b) is amended to read:

§ 7.22 Administrative classification of stations.

• • • • • •

(b) Stations in the maritime radiolocation service subject to this part are licensed according to the class of station as designated below:

(1) Shore radiolocation stations;

(2) Shore radiolocation training stations;

(3) Shore radiolocation test stations.

9. Section 7.103(d) is amended to read:

§ 7.103 Requirements concerning station location.

• • • • • •

(d) Applicants for permits to establish coast stations for transmission within the band 156 to 174 Mc/s shall cooperate in the selection of sites for radio transmitting facilities so as to minimize interference (such, for example, as may be caused by intermodulation) to the service of other coast stations, base stations of any land mobile service, and United States Government stations.

10. Section 7.104 is amended by revising paragraphs (b)(2), (c) (2) and (4) to read:

§ 7.104 Facilities required for coast stations.

• • • • • •

(b) • • •

(2) Each coast station licensed to operate in the band 156 to 174 Mc/s shall be able to transmit and receive 156.8 Mc/s.

(c) • • •

(2) Each coast station licensed to operate on 156.8 Mc/s shall also be able to transmit and receive on at least one other frequency authorized for working with ship stations in the band 156 to 174 Mc/s.

• • • • • •

(4) Each coast station which is licensed to operate on 156.6, 156.7, or 161.6 Mc/s shall also be able to transmit and receive on 156.8 Mc/s.

11. Section 7.106(g)(2) is amended to read:

§ 7.106 Operating controls.

• • • • • •

(g) • • •

(2) A period of three seconds, when changing from the calling frequency to a working frequency and vice versa within the band 156 to 174 Mc/s.

12. Section 7.111(b) is amended to read:

§ 7.111 Modulation adjustments for telephony.

• • • • • •

(b) Coast stations, fixed stations, and marine utility stations subject to this part using class F3 emission shall be capable of proper technical operation with a frequency deviation of 15 kc/s, which is regarded as 100 percent modulation. In general, such stations shall

be adjusted so that the transmission of speech normally produces, on this basis, peak modulation percentages between 75 and 100 percent.

13. Section 7.131 is amended to read:

§ 7.131 Authorized frequency tolerance.

(a) Unless the particular instrument of authorization specifically provides otherwise, the frequency tolerances authorized for stations on land in the maritime services subject to this part shall be as prescribed in the following paragraphs of this section.

(b) Authorized frequency tolerances for coast stations operating on frequencies below 515 kc/s or within the band 1600 to 27,500 kc/s :

Frequency ranges	*Tolerance Parts in 10⁶*
(1) From 14 to 515 kc/s	200
(2) From 1600 to 4000 kc/s	50
(3) From 4000 to 27,500 kc/s:	
Until Jan. 1, 1964	50
On and after Jan. 1, 1964	15

(c) Authorized frequency tolerances for cost stations operating on frequencies above 30 Mc/s and for marine utility stations:

Frequency ranges	*Tolerance Parts in 10⁶*
(1) From 30 to 50 Mc/s:	
For stations licensed to operate with a plate input power not in excess of 3 watts	200
For all other stations	100
(2) From 100 to 200 Mc/s: [1]	
Until Jan. 1, 1964	50
On and after Jan. 1, 1964	20

[1] Transmitters with a plate power input not in excess of 3 watts are permitted a tolerance of 100 parts in 10^6 until Jan. 1, 1966. After that date a tolerance of 20 parts in 10^6 is applicable.

(d) Authorized frequency tolerances for fixed stations operating in the maritime fixed services:

Frequency or frequency range	*Tolerance Parts in 10⁶*
(1) From 2000 to 2450 kc/s: Marine fixed stations and marine receiver-test stations	50
(2) For 27.255 Mc/s: The authorized frequency tolerance for marine control, marine repeater, and marine relay stations shall be specified in the respective station authorization.	
(3) From 72 to 76 Mc/s: Marine control, marine repeater, and marine relay stations:	
Until Jan. 1, 1964	50
On and after Jan. 1, 1964	20
(4) From 100 to 200 Mc/s: Marine re-receiver-test stations:	
Until Jan. 1, 1964	50
On and after Jan. 1, 1964	20

(e) The frequency tolerance authorized for stations on land operating in the maritime radiodetermination service shall be:

(1) When using radar transmitter(s) only, within a frequency band above 2400 Mc/s, the frequency tolerance is prescribed as follows: the frequency at which maximum emission occurs shall be within the authorized frequency band and shall not be closer than 1.5/T megacycles per second to the upper and lower limits of the authorized frequency band, where "T" is the pulse duration in microseconds;

(2) For other stations on land operating in the maritime radiolocation service the authorized frequency tolerance shall be specified in the instrument of authorization issued in behalf of each station.

14. Section 7.132 is amended to read:

§ 7.132 Authorized classes of emission.

(a) When the class of emission is specifically designated in the instrument of authorization, stations on land in the maritime services subject to this part shall use emission in conformity with the terms of that document. Otherwise, such stations are authorized to employ classes of emission as follows:

Frequency band	*Classes of emission* [1]
(1) Coast stations using telegraphy:	
14 to 160 kc/s	A1; and for brief testing A0.
160 to 490 kc/s	A1; for brief testing A0; A2,[2] A2a,[2] A2b [2] for brief testing and distress, urgency and safety signals or any communication preceded by one of the signals.
490 to 515 kc/s	A1, A2,[2] A2a,[2] A2b; [2] and for brief testing A0.
2035 to 27,500 kc/s	A1; and for brief testing A0.
(2) Coast stations and marine utility stations using telephony:	
1600 kc/s to 30 Mc/s [3]	A3, A3a, A3b; for brief operating signals A1, A2, A2a, A2b; and for brief testing A0.
30 to 50 Mc/s	A3, A3a, A3b, F3; for brief operating signals A1, A2, A2a, A2b, F1, F2; and for brief testing A0, F0.
156 to 174 Mc/s [3]	F3; for brief operating signals F1 and F2; and for brief testing F0.
For other frequencies or frequency bands.	As designated in the station authorizations.
(3) Marine fixed stations:	
2000 to 2450 kc/s	A3, A3a, A3b; for brief operating signals A1, A2, A2a, A2b; and for brief testing A0.
Marine receiver-test stations:	
2000 to 2450 kc/s	Primarily A3, A3a, A3b; secondarily for test calling signals A0, A1, A2a, A2b.
156 to 174 Mc/s	Primarily F3; secondarily for test calling signals F0, F1, F2.
Marine control, marine repeater, and marine relay stations:	
27.255 Mc/s	A1, A2, A2a, A2b, A3; and for brief testing A0.
72 to 76 Mc/s	A1, A2, A2a, A2b, A3, F1, F2, F3; and for brief testing A0, F0.
(4) Stations using radar transmitters only:	
Above 2400 Mc/s	PO.

[1] The letter "a" following class "A2" or "A3" emission means the emission of a single side band, with reduced carrier. The letter "b" following class "A2" or "A3" emission means the emission of two independent side bands, with reduced carrier.

[2] Permissible by keying the modulated emission. Keying the modulating audio frequency only, without interruption of the carrier wave, is not permissible. The use of any audio frequency pulse device such as a so-called "chopper" is prohibited.

[3] See §§ 7.312 and 7.368.

(b) Stations of any category not designated in subparagraphs (1), (2), (3), and (4) of paragraph (a) of this section shall use the class or classes of emission specified in the particular station authorization.

(c) Classes of emission not authorized in paragraph (a) of this section may be authorized by the Commission in special circumstances, subsequent to a satisfactory showing by the applicant of a need therefor and provided harmful interference will not result from the use thereof. Each application requesting such special authorization shall fully describe the emission desired to be used, shall indicate the emission bandwidth required for effective operation, and shall state the purpose for which such emission is required.

NOTE: For information regarding the classification of emissions and the calculation of the bandwidth, reference should be made to Part 2 of this chapter.

§ 7.133 [Amendment]

15. Section 7.133(c)(1) is amended by changing in the first column of the table the three specifications "For 156.35 to 162.05 Mc" to read "For 156 to 174 Mc/s".

16. Section 7.134 is amended by revising paragraphs (a), (e), (g), and (h) to read:

§ 7.134 Authorized transmitter power.

(a) Stations on land subject to this part may use such antenna power as is necessary to carry on the service for which the station is licensed, on condition that the maximum authorized transmitter power shall, subject to the provisions of § 7.110(a), not be exceeded. Unless the station authorization specifically provides otherwise, the maximum authorized transmitter power (as defined in § 7.8(x)) shall not exceed the particular power set forth in the following paragraphs which is applicable under the controlling factors designated therein in direct relation to that power.

• • • • •

(e) For coast stations and marine utility stations using telephony on any frequency assignment within one or more of the following frequency bands, and employing frequency modulation (FM), the maximum authorized transmitter power shall be:

Frequency band in which operation occurs	Maximum authorized transmitter power (without reference to modulation)		
	Public coast stations	Limited coast stations	Marine utility stations
	Watts	*Watts*	*Watts*
35 to 44 Mc/s	100	100	10
156.325 to 156.625 Mc/s	----------	100	10
156.625 to 156.675 Mc/s	----------	(1)	10
156.675 to 161.625 Mc/s	250	100	10
161.775 to 162.025 Mc/s	1,000	----------	----------

[1] 15 watts in areas other than the Great Lakes; 100 watts in the Great Lakes area.

• • • • •

(g) For marine control, marine repeater, and marine relay stations operating on the frequency 27.255 Mc/s or within the band 72–76 Mc/s, and for other classes of stations subject to this part operating on frequencies above 174 Mc/s, the authorized transmitter power shall be specified in the respective station authorization.

(h) For the purpose of assuring adherence to the requirements of this section, or the applicable terms of the station authorization, the authorized transmitter power, with reference to § 7.8 (v) and (x) may be computed for electron-tube transmitters by the method set forth in the following subparagraphs: *Provided*, That when the particular transmitter is used for telephony by means of amplitude modulation (class A3 emission or class A2 or special emission for operating signals), the authorized transmitter power shall, in all instances, be measured when modulation is not present.

17. Section 7.137(b)(2) is amended to read:

§ 7.137 Special requirements for radiotelephone transmitters.

• • • • •

(b) • • •

(2) Before being finally considered for type acceptance, such transmitters shall, in addition to meeting all other applicable requirements, comply with the following limitations and operating conditions:

(i) When using F1, F2, or F3 emission on any frequency within the band 35–44 Mc/s or within the band 156–174 Mc/s, any spurious emission appearing on any frequency removed from the carrier frequency by not less than 20 kc/s nor more than 40 kc/s shall be attenuated 25 decibels or more below the intensity of the unmodulated carrier;

(ii) Any spurious emission appearing on any radio frequency removed from the carrier frequency by not less than 40 kc/s nor more than 100 kc/s shall be attenuated 35 decibels or more below the intensity of the unmodulated carrier;

(iii) Any spurious emission appearing on any frequency removed from the carrier frequency by not less than 100 kc/s shall be attenuated below the intensity of the unmodulated carrier by not less than the amount specified herewith:

Maximum authorized transmitter power as specifically defined in § 7.8(x):	*Attenuation (decibels)*
3 watts or less	40
Over 3 watts and including 150 watts	60
Over 150 watts and including 600 watts	70
Over 600 watts	80

18. Section 7.138 is amended to read:

§ 7.138 Special requirements for radar transmitters.

(a) Each radar transmitter authorized for use in the maritime radiodetermination service (other than transmitters used in developmental stations) must be type approved by the Commission pursuant to the type approval procedure set forth in Part 2 of this chapter.

(b) In addition to meeting all other applicable requirements, such transmitters shall not have means available for any external adjustment(s) which can result in a deviation from the terms of the station authorization or any deviation from the applicable technical requirements for stations on land subject to this part with respect to the operation of radar transmitters.

19. A new § 7.139 is inserted to read:

§ 7.139 Apparatus for generating automatically the radiotelephone alarm signal.

(a) Any device for generating the radiotelephone alarm signal (as defined by § 7.188(b)) by automatic means shall be capable of being taken out of operation at any time in order to permit the immediate transmission of a distress call and message. The device shall comply with the following requirements:

(1) The tolerance of the frequency of each tone shall be plus or minus 1.5 percent;

(2) The tolerance on the duration of each tone shall be plus or minus 50 milliseconds;

(3) The interval between successive tones shall not exceed 50 milliseconds;

(4) The ratio of the amplitude of the stronger tone to that of the weaker shall be within the range 1 to 1.2.

(b) Except for experimental or trial operation under developmental station authorization, any device for generating the radiotelephone alarm signal by automatic means, which is used or operated by a coast station subject to this part for transmission of that signal, shall be of a type specifically approved by the Commission in respect to its accuracy, reliability, and other relevant characteristics.

20. Section 7.173 is amended by revising the note to read:

§ 7.173 Secrecy of communication.

• • • • •

NOTE: See secs. 501, 502, and 605 of the Communications Act of 1934; also Article 17 of the International Radio Regulations, Geneva, 1959.

21. Section 7.181 is amended by revising paragraphs (a)(1) and (b)(1), and inserting a new footnote 2 to read:

§ 7.181 Order of priority of communications.

(a) • • •

(1) Distress calls (including the international distress signal for radiotelegraphy),[1] the international radiotelegraph alarm signal,[2] the international radiotelephone alarm signal,[2] distress messages, and distress traffic.

• • • • •

(b) • • •

(1) Distress calls (including the international distress signal for radiotelephony),[1] the international radiotelephone alarm signal,[2] distress messages, and distress traffic.

• • • • •

[2] See § 7.188 for definition of this signal.

22. Section 7.182 is amended by revising the note to read:

§ 7.182 Control by coast station.

• • • • •

NOTE: See Article 36 of the International Radio Regulations, Geneva, 1959.

23. Section 7.184 is amended to read:

§ 7.184 Transmission of traffic lists by coast stations.

(a) Public coast stations are authorized to transmit, on their normal working frequencies in the appropriate bands, lists of official call signs (or, alternatively in the use of telephony, the names of the respective ships) in alphabetical order so far as practicable, of all mobile stations for which they have traffic on hand. These traffic lists shall be transmitted at intervals of at least two hours and not more than four hours during the working hours of the coast station. The use of calling frequencies for this purpose is prohibited; however, coast stations may announce on a calling frequency that they are about to transmit such call lists on a specified working frequency.

(b) In operating pursuant to paragraph (a) of this section, public coast stations shall be governed by the applicable provisions of the International Radio Regulations.

NOTE: See paragraphs 1067 and 1300 of the International Radio Regulations, Geneva, 1959.

24. Section 7.187 is amended to read:

§ 7.187 Procedure relative to distress communication.

(a) *Applicable regulations.* In addition to the governing provisions of the Radio Regulations, Geneva, 1959 (see Article 36 thereof) applicable to the transmission and interception of distress signals and the handling of distress traf-

fic, land stations which are subject to this part shall, in cases of distress, be governed by the following paragraphs of this section. No provision of the International Radio Regulations shall prevent the use by a land station, in exceptional circumstances, of any means by telecommunication available to it for the purpose of assisting a mobile station in distress. A land station receiving a distress message shall, without delay, take the necessary action to advise the appropriate authorities responsible for providing for the operation of rescue facilities.

(b) *Acknowledgment of distress message.* Stations of the maritime mobile service which receive a distress message from a mobile station which is, beyond any possible doubt, in their vicinity, shall immediately acknowledge receipt. However, if it appears that the mobile station in distress is not in their vicinity, a short interval of time shall be allowed to elapse before acknowledging receipt of the message, in order to permit stations nearer to the mobile station in distress to acknowledge receipt without interference. All stations which hear a distress call shall immediately cease any transmission capable of interfering with the distress traffic and shall continue to listen on the frequency used for the emission of the distress call.

(c) *Form of acknowledgment.* (1) The acknowledgment of receipt of a distress message is transmitted, when radiotelegraphy is used, in the following form:

(i) The call sign of the station sending the distress message, sent three times;

(ii) The word "DE";

(iii) The call sign of the station acknowledging receipt, sent three times;

(iv) The group RRR;

(v) The distress signal $\overline{\text{SOS}}$.

(2) The acknowledgment of receipt of a distress message is transmitted, when radiotelephony is used, in the following form:

(i) The call sign or other identification of the station sending the distress message, spoken three times;

(ii) The words THIS IS;

(iii) The call sign or other identification of the station acknowledging receipt, spoken three times;

(iv) The word RECEIVED;

(v) The distress signal MAYDAY.

(d) *Control of distress traffic.* (1) The control of distress traffic is the responsibility of the mobile station in distress or of the station which, in accordance with the governing provisions of the International Radio Regulations, has transmitted the distress message. These stations may, however, delegate the control of the distress traffic to another station.

(2) The station in distress or the station in control of distress traffic may impose silence either on all stations of the mobile service in the area or on any station which interferes with the distress traffic. It shall address these instructions "to all stations" or to one station only, according to circumstances. In either case, it shall use:

(i) In radiotelegraphy, the abbreviation QRT followed by the distress signal $\overline{\text{SOS}}$. The use of the signal QRT $\overline{\text{SOS}}$ shall be reserved for the mobile station in distress and for the station controlling distress traffic;

(ii) In radiotelephony, the signal SEELONCE MAYDAY. The use of this signal shall be reserved for the mobile station in distress and for the station controlling distress traffic.

(3) If it is believed to be essential, any station of the mobile service near the ship, aircraft, or other vehicle in distress, may also impose silence. It shall use for this purpose:

(i) In radiotelegraphy, the abbreviation QRT followed by the word DISTRESS and its own call sign;

(ii) In radiotelephony, the word SEELONCE followed by the word DISTRESS and its own call sign or other identification.

(4) Any station which has been notified to cease transmission in connection with a situation of distress shall not resume transmission on any frequency which may cause interference to distress signals or traffic until notified by the station in control of the distress traffic that the distress traffic has ceased and transmission may be resumed, or until notified by the station issuing the original notice that transmission from the station in question will not interfere with the distress signals or traffic.

(e) *Transmission of a distress message by a station not itself in distress.* (1) A land station which learns that a mobile station is in distress shall transmit a distress message in any of the following cases:

(i) When the station in distress is not itself in a position to transmit the distress message;

(ii) When the person responsible for the land station considers that further help is necessary;

(iii) When, although not in a position to render assistance, it has heard a distress message which has not been acknowledged. At the same time, all necessary steps shall be taken to notify the authorities who may be able to render assistance.

(2) The transmission of a distress message under the conditions prescribed in subparagraph (1) of this paragraph shall be made on either or both of the international distress frequencies (500 kc/s radiotelegraph; 2182 kc/s radiotelephone) or on any other available frequency on which attention might be attracted.

(3) The transmission of the distress message under the conditions prescribed in subparagraph (1) of this paragraph shall always be preceded by the call indicated hereunder, which shall itself be preceded whenever possible by the radiotelegraph or radiotelephone alarm signal. (See § 7.188.) This call consists of:

(i) When radiotelegraphy is used:

(*a*) The signal $\overline{\text{DDD}}$ $\overline{\text{SOS}}$ $\overline{\text{SOS}}$ $\overline{\text{SOS}}$ $\overline{\text{DDD}}$;

(*b*) The word DE;

(*c*) The call sign of the transmitting station, sent three times.

(ii) When radiotelephony is used:

(*a*) The signal MAYDAY RELAY, spoken three times;

(*b*) The words THIS IS;

(*c*) The call sign or other identification of the transmitting station, spoken three times.

(4) When the radiotelegraph alarm signal is used an interval of 2 minutes shall be allowed, whenever this is considered necessary, before the transmission of the call mentioned in subparagraph (3) (i) of this paragraph.

25. Sections 7.188–7.192 are revised and rearranged as follows: § 7.188 is amended and redesignated as § 7.190; § 7.189 is revised and redesignated as § 7.191; new §§ 7.188 and 7.189 are added; and §§ 7.190–7.192 are redesignated as §§ 7.192–7.194. As affected by this amendment, §§ 7.188–7.191 read as follows:

§ 7.188 Radiotelegraph and radiotelephone alarm signals.

(a) The international radiotelegraph alarm signal consists of a series of twelve dashes sent in one minute, the duration of each dash being four seconds and the duration of the interval between consecutive dashes one second. The purpose of this special signal is the actuation of automatic devices giving the alarm to attract the attention of the operator when there is no listening watch on the distress frequency.

(b) The international radiotelephone alarm signal consists of two substantially sinusoidal audio frequency tones transmitted alternately. One tone shall have a frequency of 2200 cycles per second and the other a frequency of 1390 cycles per second, the duration of each tone being 250 milliseconds. When generated by automatic means, the radiotelephone alarm signal shall be transmitted continuously for a period of at least 30 seconds, but not exceeding one minute; when generated by other means, the signal shall be transmitted as continuously as practicable over a period of approximately one minute. The purpose of this special signal is to attract the attention of the person on watch or to actuate automatic devices giving the alarm.

§ 7.189 Use of alarm signals.

(a) The radiotelegraph or radiotelephone alarm signal, as appropriate, shall only be used to announce:

(1) That a distress call or message is about to follow; or

(2) The transmission of an urgent cyclone warning. In this case the alarm signal may only be used by coast stations authorized by the Commission to do so; or

(3) The loss of a person or persons overboard. In this case the alarm signal may only be used when the assistance of other ships is required and cannot be satisfactorily obtained by the use of the urgency signal only, but the alarm signal shall not be repeated by other stations. The message shall be preceded by the urgency signal.

(b) In cases described in subparagraphs (2) and (3) of paragraph (a) of this section, the transmission of the warning or message by radiotelegraphy shall not begin until two minutes after the end of the radiotelegraph alarm signal.

§ 7.190 Radiotelegraph watch by coast stations.

(a) All coast stations (public and limited) licensed to use telegraphy on frequencies within the band 405–535 kc/s shall, during their hours of service, take the necessary measures to insure an efficient safety watch by a duly licensed radiotelegraph operator on the international distress frequency 500 kc/s for three minutes twice each hour, beginning at x h 15 and x h 45, Greenwich mean time. For this purpose, either headphones or a loudspeaker may be used, on condition that use of the loudspeaker is not less effective than use of headphones. While maintaining this watch, the operator shall not use or operate any radio equipment (such as, for examples, broadcast receivers, or amateur transmitters or receivers) not actually required in connection with maritime mobile service.

(b) All public coast stations licensed to use frequencies in the authorized bands between 405 and 535 kc/s shall, during their hours of service, remain on watch on the calling frequency 500 kc/s, except when the operator is transmitting on 500 kc/s, operating the station transmitting or receiving equipment on any other frequency authorized for transmission or reception in the maritime mobile service (including maintenance of the watch on 143 kc/s if required as provided by paragraph (c) of this section) if it is not possible to maintain at the same time, by any practicable means, the watch for calls on 500 kc/s. Any practicable means of maintaining this watch would include a loudspeaker or headphones energized, if necessary, by an additional radio receiver (other than the receiver actually in use for nonwatch purposes) which is tuned to 500 kc/s. The provisions of this section, however, shall not relieve the coast station from complying with the requirements for a safety watch as prescribed in paragraph (a) of this section.

(c) On condition that compliance with the following requirement shall in no way interrupt or reduce the efficiency of the safety watch prescribed in paragraph (a) of this section, each coast station equipped and licensed for communication by means of class A1 emission on frequencies within the band 90–160 kc/s shall, during its hours of service when not engaged in communication with another station of the maritime mobile service, keep watch for calls every hour on the frequency 143 kc/s for five minutes beginning at x h 35, Greenwich mean time.

§ 7.191 Radiotelephone watch by coast stations.

(a) Each public coast station licensed to use telephony shall, during its hours of service, keep watch on the frequency(s) authorized for working, which are used normally by mobile stations for transmission by telephony to the particular coast station; or in lieu of such watch, the coast station shall, during its hours of service, monitor such frequency(s) by any apparatus which will automatically intercept signals from mobile stations with no less efficiency than that attainable by a watch and which automatically indicates the interception of such signals by either aural or visual means.

(b) As an alternative to keeping watch on (or monitoring) the working frequency(s) as prescribed by paragraph (a) of this section, a public coast station may, in the discretion of the station licensee, keep watch on (or monitor) the comparable frequency(s) designated for calling by telephony (assigned frequency 2182 kc/s, comparable to working frequencies within the band 1600–3500 kc/s; assigned frequency 156.8 Mc/s, comparable to working frequencies within the band 100 to 200 Mc/s).

(c) (1) Each public coast station licensed to transmit by telephony on one or more frequencies within the band 1600–3500 kc/s shall, during its hours of service for telephony, maintain an efficient watch for the reception of class A3 emission on the frequency 2182 kc/s whenever such station is not being used for transmission on that frequency: *Provided*, That the Commission may exempt any coast station from compliance with this requirement if it considers that the frequency 2182 kc/s is adequately guarded by other stations or that circumstances relative to the operation or location of the involved coast station are such as to render this requirement unreasonable or unnecessary for the purpose of this paragraph. The watch referred to in this subparagraph will not be deemed "efficient" unless the coast station is capable of normally receiving class A3 emission on 2182 kc/s from mobile stations within the associated working frequency service area of the coast station, including periods of time when the coast station is transmitting on any other authorized frequency.

(2) Each public coast station licensed to transmit by telephony on one or more frequencies within the band 156–174 Mc/s shall, during its hours of service for telephony, maintain an efficient watch for the reception of class F3 emission on the frequency 156.8 Mc/s whenever such station is not being used for transmisison on that frequency: *Provided*, That the Commission may exempt any coast station from compliance with this requirement if it considers that the frequency 156.8 Mc/s is adequately guarded by other stations or that circumstances relative to the operation or location of the involved coast station are such as to render this requirement unreasonable or unnecessary for the purpose of this paragraph.

(d) Each limited coast station licensed to transmit by telephony on one or more of the working frequencies 156.6, 156.7, or 161.6 Mc/s shall, during its hours of service, maintain an efficient watch for class F3 emission on 156.8 Mc/s, whenever such station is not being used for transmission on that frequency. In the event 156.8 Mc/s is being used for distress, urgency, or safety, such station shall keep an additional watch on each assigned working frequency except in the case of 161.6 Mc/s where watch shall be kept on the associated ship frequency 157.0 Mc/s.

(e) With respect to those provisions of paragraphs (a), (b), (c), and (d) of this section pertaining to watch, the person who keeps such watch shall, in each instance, and at all times during the hours of service of the station, be a person who is authorized by the station licensee to operate, in accordance with applicable law and regulations, the appropriate radiotelephone transmitting apparatus of the particular station.

26. Section 7.207 is amended by revising the headnote and paragraphs (a) and (b) to read:

§ 7.207 Frequencies for call and reply.

(a) (1) The frequency 500 kc/s is the general international calling frequency, which shall be used by any coast station engaged in radiotelegraphy in the authorized band 405–535 kc/s.

(2) The frequency for replying to a call sent on the general calling frequency is 500 kc/s, except where the calling station requests that the reply be made on an authorized working frequency. In Region 2, and in other areas of heavy traffic, ship stations should request coast stations to answer on their normal working frequency.

(3) In order to facilitate the reception of distress calls, all transmissions on the frequency 500 kc/s shall be reduced to a minimum.

(b) The frequency 143 kc/s (class Al emission only) is the international calling frequency used by stations of the maritime mobile service in the band 90–160 kc/s. When a ship station which uses frequencies in the band 90–160 kc/s desires to establish communication with a coast station, it shall call on the frequency 143 kc/s unless the International List of Coast Stations provides otherwise. Coast stations shall reply on their normal working frequency in this band. The frequency 143 kc/s shall be used exclusively for individual calls, replies to such calls, and the transmission of signals preparatory to traffic.

27. Section 7.209 is amended to read:

§ 7.209 Use of Morse Code required.

The signal code employed for telegraphy by stations in the maritime mobile service shall be the Morse Code signals specified in the Telegraph Regulations annexed to the International Telecommunication Convention, Geneva, 1959. However, for radiotelegraph communication of a special character, the use of other signals may be specifically authorized by the Commission in response to an appropriate application therefor.

28. Section 7.212 is amended by revising paragraphs (b) and (c) to read:

§ 7.212 Radiotelegraph operating procedure.

* * * * * *

(b) In order to facilitate radiotelegraph communication in the maritime mobile service, all coast stations transmitting by means of telegraphy shall, whenever practicable, use the service abbreviations ("Q" signals) listed in Appendix 13 to the International Radio Regulations, Geneva, 1959.

(c) In addition to compliance with all applicable sections of this part, the operation of coast stations using telegraphy for call, reply, and the transmission of message traffic shall, in particular, comply with all applicable provisions of Articles 29, 30, 31, 37, 38, and 39 of the International Radio Regulations, Geneva, 1959.

29. Section 7.213 is amended to read:

§ 7.213 Station documents.

(a) All public coast stations using telegraphy shall be provided with the following documents:

(1) A valid station license, available in accordance with the provisions of § 7.102;

(2) The necessary operator license(s), available in accordance with the provisions of § 7.155;

(3) The station log required by this part;

(4) The Alphabetical List of Call Signs of Stations used in the Maritime Mobile Service;

(5) The List of Ship Stations;

(6) The International Radio Regulations, Geneva, 1959;

(7) Parts 7 and 8 of this chapter.

(b) All limited coast stations using telegraphy shall be provided with the documents specified by subparagraphs (1), (2), (3), (6), and (7) of paragraph (a) of this section.

(c) These documents shall be continuously and readily available to the licensed operator on duty during the hours of service of the station.

30. Section 7.304 is amended by revising paragraphs (b) and (e) to read:

§ 7.304 Assignable frequencies.

• • • • •

(b) Each of the specific frequencies in megacycles hereinafter designated in this paragraph may be licensed as an authorized carrier frequency for use by public coast stations employing telephony by means of frequency modulation, subject to and in accordance with other provisions of other applicable sections of this subpart and Subpart E of this part:

156.8
161.8—Except in Puerto Rico and the Virgin Islands
161.85—Except in Puerto Rico and the Virgin Islands
161.9
161.95
162.0

• • • • •

(e) In addition to the specific frequencies listed in paragraph (a) of this section, other frequencies within the bands between 2000 kc/s and 27.5 Mc/s, as shown in the Commission's Table of Frequency Allocations contained in § 2.106 of this chapter as being allocated for use by coast stations using telephony, may be assigned to such coast stations: *Provided, however,* That initial authorizations for such frequencies shall be limited to 6 months duration.

31. Section 7.305 is amended by revising paragraphs (a) (3) and (4) and paragraph (b) to read:

§ 7.305 Frequencies for calling and distress.

(a) • • •

(3) The international safety signal and call. The safety message which follows shall, where practicable, be sent on a working frequency and a suitable announcement to this effect shall be made at the end of the call.

(4) Normal calls, replies, and brief radio operating signals but only when the use of a different carrier frequency for this function appears to be impracticable by reason of operating or equipment limitations of a mobile station: *Provided,* That as a general rule radiotelephone stations on board foreign ships shall be called on the frequency 2182 kc/s.

• • • • •

(b) The frequency 156.8 Mc/s is the international safety and calling frequency for the maritime mobile radiotelephone service in the band 156–174 Mc/s. This frequency may be used by public coast stations as prescribed in § 7.309.

32. Section 7.307 is amended to read:

§ 7.307 Availability of frequencies above 100 Mc/s.

(a) Carrier frequencies assignable to public coast stations for working are designated in this section. Frequencies will be assigned in such order as to minimize interference. Each of these frequencies is available on a shared basis only and shall not be construed as available for the exclusive use of any one station licensee. These frequencies are not authorized for use in communicating with stations aboard aircraft.

Channel designator	For transmission (Mc/s)	For reception (Mc/s)
24	[1] 161.80	[1] 157.20
25	[1] 161.85	[1] 157.25
26	161.90	157.30
27	161.95	157.35
28	162.00	157.40

[1] These frequencies are not available in Puerto Rico or the Virgin Islands.

(b) The frequencies specified in paragraph (a) of this section are assignable in the sequence 161.9, 161.95, 161.85, 161.80, and 162.00 Mc/s primarily to public coast stations which provide service to one or more principal harbors or ports.

(c) Public coast stations which provide service to other than a principal harbor or port may be assigned the frequencies for transmission specified in paragraph (a) of this section in the sequence 161.90, 161.95, 161.85, 161.80, and 162.00 Mc/s upon the express condition that (1) such assignment shall be on a secondary basis with respect to use of the assigned frequencies by a station or stations providing service (existing or in the future) to one or more principal harbors or ports, and (2) subject to the provisions of §§ 7.180 and 7.181, interference shall not be caused to the service rendered any principal harbor or port.

§ 7.308 [Deletion]

33. Section 7.308 is deleted in its entirety.

34. Section 7.309 is amended to read:

§ 7.309 Use of assigned frequency 156.8 Mc/s.

(a) The frequency 156.8 Mc/s is authorized for call, reply, and safety purposes. It may be used for messages preceded by the urgency and safety signals and, if necessary, for distress messages. It may also be used to announce transmission on another frequency of traffic lists and important maritime information, including ordinary weather and hydrographic reports.

(b) The use of this frequency by public coast stations for transmission of any other category is not authorized.

(c) In general, calling and replying by public coast stations shall be conducted on a frequency authorized primarily for working.

35. Section 7.312(a) is amended to read:

§ 7.312 General radiotelephone operating procedure.

(a) *Limitations on calling.* (1) Except when transmitting a general call to all stations within range for announcing or preceding the transmission of distress, urgency, or safety messages, a public coast station shall call the particular station(s) with which it intends to communicate.

(2) Public coast stations shall call ship stations by voice unless it is known that the attention of a particular ship station with which communication is intended may be secured by other means (such as automatic actuation of a selective ringing device).

(3) Public coast stations may use authorized classes of emission for selective calling on each frequency authorized for working. The use of selective calling on either 2182 kc/s or 156.8 Mc/s is prohibited.

(4) Calling a particular station, either by voice or by other means, shall not continue for a period of more than one minute in each instance. If the called station is not heard to reply, that station shall not again be called until after an interval of two minutes. When a station called does not reply to a call sent three times at intervals of two minutes, the calling shall cease and shall not be renewed until after an interval of fifteen minutes; however, if there is no reason to believe that harmful interference will be caused to other communications in progress, the call sent three times at intervals of two minutes may be repeated after a pause of not less than three minutes. In event of an emergency involving safety, the provisions of this subparagraph shall not apply.

(5) Each public coast station, when using selective calling to secure the attention of a ship station with which it intends to communicate, shall transmit the type of signal and the particular signal code necessary to actuate the automatic attention device (selective ringer) known to be installed in the particular ship station and normally used for monitoring the coast station frequency which is used for transmitting such calls.

(6) Except in the event of an emergency involving safety, a public coast station, with respect to operation on any frequency which is used also by other coast stations within the same communication area, shall not answer, or attempt to answer, a ship station until the latter has transmitted the call sign or name of the particular coast station with which it desires to communicate.

(7) A public coast station shall not attempt to communicate with a ship station that has specifically called another coast station until it becomes evident that the called station does not answer, or that communication between the ship station and the called station cannot be carried on because of unsatisfactory operating conditions.

36. Section 7.313 is amended to read:

§ 7.313 Station documents.

(a) Class I public coast stations, and class II public coast stations that provide communication with oceangoing vessels, shall be provided with the following documents:

(1) A valid station license, available in accordance with the provisions of § 7.102;

(2) The necessary operator license(s), available in accordance with the provisions of § 7.155;

(3) The station log required by this part;

(4) Parts 7 and 8 of this chapter;

(5) The Alphabetical List of Call Signs of Stations used in the Maritime Mobile Service;

(6) The List of Ship Stations;

(7) The International Radio Regulations, Geneva, 1959.

(b) Class II public coast stations that do not provide communication with oceangoing vessels, and class III public coast stations, shall be provided with the documents specified by subparagraphs (1), (2), (3), and (4) of paragraph (a) of this section.

(c) These documents shall be continuously and readily available to the licensed operator on duty during the hours of service of the station.

37. In § 7.351, paragraph (b) is revised and redesignated as paragraph (c), and a new paragraph (b) is added, as follows:

§ 7.351 Supplemental eligibility requirements.

• • • • •

(b) An authorization for a limited coast station for operation on 156.45 Mc/s may be granted to a person controlling public moorage facilities and otherwise serving the needs of vessels, or to a yacht club having moorage facilities.

(c) Each application for station authorization for a limited coast station or a marine utility station shall be accompanied by a written statement in detail sufficient to indicate clearly the applicant's eligibility under paragraph (a) or (b) of this section.

38. Section 7.354 is amended by revising paragraphs (a) (3) (iii) and (b) (5) to read:

§ 7.354 Points of communication.

(a) • • •

(3) • • •

(iii) Ship stations of a foreign country using telephony except on the frequencies 156.35, 156.9, and 156.95 Mc/s.

(b) • • •

(5) Such communication shall occur only on the frequencies 156.35, 156.45, 156.55, 156.9, and 156.95 Mc/s.

39. Section 7.356 is amended to read:

§ 7.356 Assignable frequencies above 30 Mc/s.

(a) The frequencies above 156 Mc/s listed in the following table may be authorized to limited coast stations for communication with ship stations as indicated in this section (these frequencies are not authorized for use in communicating with stations aboard aircraft):

Channel designator	Frequency (Mc/s)		Authorized communications
	Coast	Ship	
7A	156.35	156.35	Business and operational.
9	156.45	156.45	Do.
10	156.50	156.50	Do.
11	156.55	156.55	Do.
12	156.60	156.60	Port operations. [1]
13	156.65	156.65	(3).
14	156.70	156.70	Port operations. [1]
16	156.80	156.80	Safety and calling.
18A	156.90	156.90	Business and operational.
19A	156.95	156.95	Do.
20	[2] 161.60	[2] 157.00	Port operations.

[1] Business and operational in the Great Lakes area only. In other areas, limited to communication with ship stations for the exchange of information concerning shore radar stations or for communication essential for the current passage of a ship or ships through locks, bridge areas, and Government-controlled waterways.

[2] The frequencies 156.6 and 156.7 Mc/s are normally assignable in that sequence.

[3] These frequencies are not available in Puerto Rico or the Virgin Islands.

NOTE: Limited coast stations in the Great Lakes area authorized to use 156.4 Mc/s prior to October 1, 1962, may continue to use the frequency pursuant to their authorization until January 1, 1963.

(b) Carrier frequencies within the band 30–50 Mc/s which may be authorized for use by limited coast stations and marine utility stations on shore employing either frequency modulation or amplitude modulation for telephony, for transmission and reception on the same frequency for communication pertaining only to the business and operational needs of ships, are designated herewith: *Provided,* That each of these assignable frequencies is available on a shared basis only and shall not be construed as available for the exclusive use of any one station licensee:

Carrier frequency	*Normal geographic area of use*
35.06 Mc/s	Gulf coast area, Puerto Rico, and Virgin Islands.
35.10 Mc/s	Pacific coast area and islands of the Pacific Ocean.
35.14 Mc/s	Atlantic coast area.
35.18 Mc/s	Midcontinent area, including Great Lakes.

(c) Persons authorized pursuant to this part to operate radio stations on frequencies in the band 35–36 Mc/s must recognize that the band is shared with various services in other countries; that harmful interference may be caused by tropospheric and ionospheric propagation of signals from distant stations of all services of the United States and other countries operating on frequencies in this band; and that no protection from such harmful interference generally can be expected. Persons desiring to avoid such harmful interference should consider operation on available frequencies higher in the radio spectrum not generally subject to this type of difficulty.

NOTE: No new radio systems will be authorized in the maritime mobile service on the frequencies listed in paragraphs (b) and (c) of this section. An application requesting initial authority (or equivalent) to operate on one or more of these frequencies in behalf of a particular applicant will be construed as an application for a new radio system. All authorizations for the use of one or more of these frequencies will expire not later than March 31, 1963.

40. Section 7.358 is amended by revising the headnote and text to read:

§ 7.358 Conditions imposed upon assignments in the 156–174 Mc/s band.

Normally a limited coast station shall be authorized to use only one working frequency within the band 156.325–161.625 Mc/s in accordance with the table contained in § 7.356(a). Application for authority to use more than one frequency for working shall include a satisfactory showing of need for such additional frequency.

41. Section 7.359 is amended to read:

§ 7.359 Use of assigned frequency 156.8 Mc/s.

The frequency 156.8 Mc/s is authorized for call, reply, and safety purposes. It may also be used for messages preceded by the urgency and safety signals, announcing the transmission on another frequency in the 156–174 Mc/s band of important maritime information, and, if necessary, for distress messages. The use of this frequency by limited coast stations for transmissions of any other category is not authorized.

§ 7.361 [Deletion]

42. Section 7.361 is deleted in its entirety.

43. Section 7.366 is amended by revising paragraph (a) (3) and paragraph (b), and deleting footnote 1, as follows:

§ 7.366 Availability of 2182 kc/s for limited coast stations.

(a) • • •

(3) The international safety signal and call. The safety message which follows shall, where practicable, be sent on a working frequency and a suitable announcement to this effect shall be made at the end of the call.

• • • • •

(b) When using this frequency for purposes other than distress calls and distress traffic, and urgency and safety signals and messages, the carrier power of the radio transmitter shall not exceed 100 watts.

44. Section 7.368(a) is amended to read:

§ 7.368 General radiotelephone operating procedure.

(a) *Limitations on calling.* (1) Except when transmitting a general call to several stations within range for announcing or preceding the transmission of distress, urgency, or safety messages, a limited coast station or a marine-utility station shall call the particular station(s) with which it intends to communicate.

(2) Limited coast stations shall call ship stations by voice unless it is known that the attention of a particular ship station with which communication is intended may be secured by other means (such as automatic actuation of a selective ringing device).

(3) Limited coast stations may use authorized classes of emission for selective calling on each frequency authorized for working. The use of selective calling on either 2182 kc/s or 156.8 Mc/s is prohibited.

(4) Calling a particular station, either by voice or by other means, shall not continue for a period of more than thirty seconds in each instance. If the called station is not heard to reply, that station shall not again be called until after an interval of three minutes. In event of an emergency involving safety, the provisions of this subparagraph shall not apply.

(5) Each limited coast station, when using selective calling to secure the attention of a ship station with which it intends to communicate, shall transmit the type of signal and the particular signal code necessary to actuate the automatic attention device (selective ringer) known to be installed in the particular ship station and normally used for monitoring the coast station frequency which is used for transmitting such calls.

(6) Except in the event of an emergency involving safety, a limited coast station or a marine utility station with respect to operation on any frequency which is used also by other stations within the same communication area, shall not answer, or attempt to answer, a station on board ship until the latter has transmitted the call sign or name of the particular coast station with which it desires to communicate.

(7) A limited coast station or a marine utility station shall not attempt to communicate with a ship station that has specifically called another station until it becomes evident that the called station does not answer or that communication between the ship station and the called station cannot be carried on because of unsatisfactory operating conditions.

§ 7.370 [Amendment]

45. In § 7.370(a)(4), footnote 2 is redesignated as footnote 1.

46. The title of Subpart K is amended to read: "Subpart K—Stations on Land in the Maritime Radiodetermination Service".

47. Section 7.401 is amended to read:

§ 7.401 Limitation on station authorizations.

For operation of transmitters other than radar in stations on land in the maritime radiodetermination service, only developmental station authorizations will be granted.

48. Section 7.402 is amended to read:

§ 7.402 Assignable frequencies.

(a) The following frequency bands are authorized for use by shore radionavigation stations (including shore radar stations):

2900 to 3100 Mc/s
9300 to 9500 Mc/s

(b) The following frequency bands are authorized for use by shore radiolocation stations:

(1) 2450 to 2500 Mc/s on condition that harmful interference shall not be caused to the fixed and mobile services, and on the condition that no protection shall be given from interference caused by emissions from industrial, scientific, or medical equipment.

(2)

2900 to 3100 Mc/s
5460 to 5650 Mc/s
9300 to 9500 Mc/s

The use of frequencies within these bands for radiolocation shall not cause harmful interference to the radionavigation service and to the Government radiolocation service. Each shore radiolocation station in the maritime radiolocation service (used for purposes other than navigation of ships or aircraft or warning of obstructions to navigation) authorized to operate in the band 3000–3246 Mc/s as of April 16, 1953, and which operates on frequencies between 3100 and 3246 Mc/s may continue to operate in the band 3100–3246 Mc/s for the duration of the term of its authorization in effect as of that date. Renewals of such authorizations, however, shall be contingent upon the condition that each such station shall not cause harmful interference to United States Government services.

49. Section 7.471 is amended to read:

§ 7.471 Eligibility requirements.

An authorization for a marine receiver-test station may be granted to the licensee of a public coast station using telephony and having a frequency assignment for this purpose within the band 2000–3500 kc/s or 156–174 Mc/s.

50. Section 7.473 is amended to read:

§ 7.473 Assignable frequencies.

The carrier frequency or frequencies assignable to a marine receiver-test station is (are) the specific carrier frequency or frequencies within the band 2000–3500 kc/s or 156–174 Mc/s used by public ship stations in transmitting by means of telephony to the particular public coast station with which the marine receiver-test station is associated; these frequencies with respect to ship stations of the United States are designated in §§ 8.354 and 8.359 of this chapter.

51. Section 7.501 is amended by deleting paragraph (b); as amended, § 7.501 reads:

§ 7.501 Supplemental eligibility.

An authorization for developmental operation of a station in any of the services under this part will be issued only to those persons who are eligible to operate such stations on a regular basis.

52. Section 7.503 is amended by revising paragraph (c), and deleting paragraph (d), as follows:

§ 7.503 Assignable frequencies.

* * * * *

(c) In addition to the specific frequency bands designated by § 7.402 for shore radiolocation stations, the frequency bands 5350–5460 Mc/s and 9000–9200 Mc/s are authorized for use by developmental shore radiolocation stations. Use of frequencies within these bands shall not cause harmful interference to the aeronautical radionavigation service or the Government radiolocation service.

§ 7.504 [Amendment]

53. Section 7.504 is amended by deleting paragraph (d).

§ 7.506 [Amendment]

54. Section 7.506 is amended by deleting paragraph (b).

§ 7.509 [Deletion]

55. Section 7.509 is deleted in its entirety.

56. Section 7.529 is amended to read:

§ 7.529 Assignable frequencies.

(a) Provided one of the following designated carrier frequencies in megacycles is authorized for use by a particular limited coast station in the maritime service in accordance with the applicable provisions of Subpart J of this part, such carrier frequency may be authorized for additional use by that land station for operation (on a secondary basis in reference to maritime mobile service) as a shipyard base station in a supplemental land mobile service:

156.35 156.45 156.55

(b) The carrier frequency which may be authorized for use (on a secondary basis in reference to maritime mobile service) by one or more shipyard mobile stations is the same as that authorized, in accordance with the provisions of paragraph (a) of this section, for use by a land station of the same permittee or licensee with which such mobile stations are to communicate: *Provided*, That the same carrier frequency is licensed also for use by ship stations of that permittee or licensee which regularly communicate with that land station.

B. Part 8, Stations on Shipboard in the Maritime Services, is amended as follows:

1. Section 8.1(b) is amended to read:

§ 8.1 Basis and purpose.

* * * * *

(b) The purpose of the rules and regulations in this part is to prescribe the manner in which portions of the radio spectrum may be made available for radiocommunication and radiodetermination for maritime operations and for public correspondence which require radio transmitting facilities on board ship and, for certain maritime communications, including public correspondence, on board aircraft; and to prescribe, in so far as is necessary to carry out the provisions of statute and applicable treaties and agreements relative to radio operators and radio installations on board ships for safety purposes, the details as to location, manner of installation, use, and availability of the required equipment, apparatus, spare parts, and such supplementary equipment as may be necessary for the proper functioning of the required shipboard radio installations for the proper conduct of radio communication in time of emergency or distress.

2. Section 8.2 is amended by revising paragraphs (a) through (j), and paragraph (m) to read:

§ 8.2 General.

(a) *Safety Convention.* The International Convention for the Safety of Life at Sea, London, 1948, including the regulations annexed thereto.

(b) *International Radio Regulations.* The Radio Regulations in force annexed to the International Telecommunication Convention, Geneva, 1959, as between the Government of the United States and other Contracting Governments; and such preceding international radio regulations as remain in force between the Government of the United States and other Contracting Governments.

(c) *Region 1, Region 2, and Region 3.* Those geographic areas defined as "Region 1", "Region 2", and "Region 3" in Article 5 of the International Radio Regulations, Geneva, 1959.

(d) *Great Lakes Agreement.* The Agreement for the Promotion of Safety on the Great Lakes by Means of Radio and the regulations referred to therein, made by and between the Governments of the United States and Canada, which came into force on November 13, 1954.

(e) *Telecommunication.* Any transmission, emission or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, optical, or other electromagnetic systems.

(f) *Radiocommunication.* Telecommunication by means of radio waves.

(g) *Public correspondence.* Any telecommunication which the offices and stations must, by reason of their being at the disposal of the public, accept for transmission.

(h) *Station.* One or more transmitters or receivers or a combination of transmitters and receivers, including the accessory equipment, necessary at one location for carrying on a radiocommunication service. Each station shall be classified by the service in which it operates permanently or temporarily.

(i) *Ship station license.* A license authorizing the operation of a ship station, a survival craft station associated with a ship or a ship radionavigation station.

(j) *Person.* Includes an individual, partnership, association, joint stock company, trust, or corporation.

* * * * *

(m) *Radio district.* The territory within each radio district, and the address of the Engineer in Charge of each radio district, is set out in section 0.49 of the Commission's "Part 0—Statement of Organization, Delegations of Authority, and Other Information.".

3. Section 8.3 is amended by revising paragraphs (a), (c), and (e)(2) to read:

§ 8.3 Maritime mobile service.

(a) *Mobile service.* A service of radiocommunication between mobile and land stations, or between mobile stations.

* * * * *

(c) *Mobile station.* A station in the mobile service intended to be used while in motion or during halts at unspecified points.

* * * * *

(e) * * *

(2) Public ship stations authorized to employ telegraphy for public correspondence are further classified according to their hours of service for telegraphy as designated herewith:

First Category. These stations carry on a continuous service of public correspondence.

Second Category. These stations carry on a designated service of public correspondence of prescribed but limited duration at least during the period designated for ship stations of the second category by the International Radio Regulations or, in the case of voyages of short duration, as otherwise designated by the Commission in accordance with those Regulations.

Third Category. These stations carry on a service of public correspondence, the duration of which is prescribed but is less than that of stations of the "Second Category," or is not prescribed but is determined by the master of vessel pursuant to his authority under section 360 of the Communications Act.

4. In § 8.4, the headnote and text are amended to read:

§ 8.4 Maritime radiodetermination service.

(a) *Radiodetermination.* The determination of position, or the obtaining of information relating to position, by means of the propagation properties of radio waves.

(b) *Radiodetermination service.* A service involving the use of radiodetermination.

(c) *Maritime radiodetermination service.* A radiodetermination service intended for the benefit of ships.

(d) *Radionavigation.* Radiodetermination used for the purposes of navigation, including obstruction warning.

(e) *Radionavigation service.* A radiodetermination service involving the use of radionavigation.

(f) *Maritime radionavigation service.* A radionavigation service intended for the benefit of ships.

(g) *Radionavigation mobile station.* A station in the radionavigation service intended to be used while in motion or during halts at unspecified points.

(h) *Ship radionavigation station.* A radionavigation mobile station located on board a ship and used solely for maritime radionavigation service.

(i) *Radar.* A radiodetermination system based on the comparison of reference signals with radio signals reflected, or retransmitted, from the position to be determined.

(j) *Ship radar station.* A ship radionavigation station utilizing radar.

(k) *Radiolocation.* Radiodetermination used for purposes other than those of radionavigation.

(l) *Radiolocation service.* A radiodetermination service involving the use of radiolocation.

(m) *Maritime radiolocation service.* A radiolocation service intended for the benefit of ships.

(n) *Radiolocation mobile station.* A station in the radiolocation service intended to be used while in motion or during halts at unspecified points.

(o) *Ship radiolocation station.* A radiolocation mobile station located on board a ship and used solely for maritime radiolocation service.

(p) *Ship radiolocation test station.* A ship radiolocation station used solely for testing maritime radionavigation apparatus incident to its manufacture, installation, repair, servicing, and/or maintenance.

(q) *Radio direction finding.* Radiodetermination using the reception of radio waves for the purpose of determining the direction of a station or object.

(r) *Direction finder (radio compass).* Apparatus capable of receiving clearly perceptible radio signals and capable of taking bearings on these signals from which the true bearing and direction of the point of origin of such signals with respect to the point of reception may be determined.

5. Section 8.5 is amended by revising paragraphs (b) and (c) to read:

§ 8.5 Developmental maritime stations on board ship.

* * * * *

(b) *Developmental radiodetermination station.* A radiodetermination station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the nongovernment radiodetermination service (including the nongovernment radionavigation service) which has been specifically allocated the authorized frequency (or frequencies) of the developmental radiodetermination station.

(c) *Specific classification.* The specific classes of developmental stations on board ships in the maritime mobile service and in the maritime radiodetermination service (including maritime radionavigation service) are the same as the classes defined in preceding sections of this part; however, for purposes of identification, the particular class of station is followed by the parenthetical indicator "(developmental)"; for example: "limited ship station (developmental)".

6. Section 8.6 is amended to read:

§ 8.6 Operational.

(a) *Safety communication.* The transmission or reception of distress, alarm, urgency, or safety signals, or any communication preceded by one of these signals, or any form of radiocommunication which, if delayed in transmission or

reception, may adversely affect the safety of life or property.

(b) *Superfluous radiocommunication.* Any transmission that is not necessary in properly carrying on the service for which the station is licensed.

(c) *Harmful interference.* Any emission, radiation, or induction which endangers the functioning of a radionavigation service or of other safety services, or seriously degrades, obstructs, or repeatedly interrupts a radiocommunication service operating in accordance with regulations in this chapter.

(d) *500 kilocycles silence period.* The three-minute period twice an hour beginning at x h 15 and x h 45, Greenwich mean time, during which the International Radio Regulations require that all transmissions (except for certain emissions designated in those Regulations) must cease on all frequencies within a designated frequency band centered on 500 kc/s.

(e) *Watch.* The act of listening on a designated frequency.

(f) *Calling.* Transmission from a station solely to secure the attention of another station, or other stations, for a particular purpose.

(g) *Working.* Radiocommunication carried on, for a purpose other than calling, by any station or stations using telegraphy, telephony, or facsimile.

(h) *Operational communication.* Radiocommunication concerning the navigation, movement, or management of a ship or ships.

(1) *Navigation.* This includes the piloting of a vessel.

(2) *Movement.* This includes information and necessary communication relative to when and where the boat or ship will move or be moved as, for example, rendezvous at a port, basin, or marina, or for maneuvers during a cruise.

(3) *Management.* This includes the obtaining of necessary supplies for the ship, limited to immediate needs, and the scheduling of repairs or modifications to the ship, limited to communications with those directly involved in the repairs or modifications or concerned with changes in the movement of the ship because of those repairs or modifications.

(i) *Business communication.* Radio communication pertaining to economic, commercial, or governmental matters related directly to the purposes for which the ship is being used.

(j) *Port operations.* Communications in or near a port, or in locks or waterways, between coast stations and ship stations, or between ship stations, in which messages are restricted to those relating to the movement and safety of ships and, in emergency, to the safety of persons.

7. Section 8.7 is amended to read:

§ 8.7 Technical.

(a) *Spurious emission.* Emission on a frequency or frequencies which are outside the necessary band, and the level of which may be reduced without affecting the corresponding transmission of information. Spurious emissions include harmonic emissions, parasitic emissions and intermodulation products, but exclude emissions in the immediate vicinity of the necessary band, which are a result of the modulation process for the transmission of information.

(b) *Authorized carrier frequency.* A specific carrier frequency authorized for use by a station from which the actual carrier frequency is permitted to deviate, solely because of frequency instability, by an amount not to exceed the frequency tolerance.

(c) *Frequency tolerance.* The maximum permissible departure by the center frequency of the frequency band occupied by an emission from the assigned frequency or, by the characteristic frequency of an emission from the reference frequency. The frequency tolerance is expressed in parts in 10^6 or in cycles per second.

(d) *Frequency band.* A continuous range of frequencies extending between two designated limiting frequencies.

(e) *Bandwidth.* The number of cycles or kilocycles per second expressing the difference between the limiting frequencies of a frequency band.

(f) *Radio channel.* A frequency band, sufficient in width to permit its use for radiocommunication, comprised of the emission bandwidth, the interference guard bands, and the frequency tolerance.

(g) *Emission bandwidth.* The frequency bandwidth such that, below its lower and above its upper frequency limits, the mean powers radiated are each equal to 0.5 percent of the total mean power radiated by a given emission. In some cases, for example multichannel frequency-division systems, the percentage of 0.5 percent may lead to certain difficulties in the practical application of the definitions of occupied and necessary bandwidth; in such cases a different percentage may prove useful. (This definition coincides with the definition of "Occupied Bandwidth" which appears as paragraph 90 of the International Radio Regulations, Geneva, 1959.)

(h) *Interference guard bands.* The two frequency bands additional to and on either side of the authorized frequency band, which may be provided to minimize the possibility of interference between different radio channels.

(i) *Assigned frequency.* The center of the frequency band assigned to a station.

(j) *Frequency assignment.* The specific frequency or frequencies authorized for the emission(s) of a particular station, expressed for each radio channel by:

(1) The authorized carrier frequency, the frequency tolerance, and the authorized emission bandwidth in relation to the authorized carrier frequency;

(2) The authorized emission bandwidth in reference to a specific assigned frequency (when a carrier does not exist); or

(3) The authorized frequency band (when a carrier does not exist).

(k) *Modulation.* The process of producing a wave some characteristic of which varies as a function of the instantaneous value of another wave, called the modulating wave.

(l) *Modulation factor.* (1) In an amplitude modulated wave, the ratio of half the difference between the maximum and minimum amplitudes to the average amplitude;

(2) In a frequency modulated wave, the ratio of the actual frequency swing to the frequency swing defined as 100 percent modulation.

(m) *Percentage modulation.* The modulation factor expressed in percent.

(n) *Amplitude modulation* (AM). Modulation in which the amplitude of a wave is the characteristic subject to variation.

(o) *Frequency modulation* (FM). Modulation in which the instantaneous frequency of a sine wave carrier is caused to depart from the carrier frequency by an amount proportional to the instantaneous value of the modulating wave.

(p) *Frequency deviation.* In frequency modulation, the peak difference between the instantaneous frequency of the modulated wave and the carrier frequency.

(q) *Frequency swing.* In frequency modulation, the peak difference between the maximum and the minimum values of the instantaneous frequency.

(r) *Deviation ratio.* In frequency modulation, for a sinusoidal modulating wave, the ratio of the maximum frequency deviation to the maximum frequency of the modulating wave.

(s) *Last radio stage.* In an electron tube radio transmitter, the radiofrequency oscillator or power amplifier stage which supplies all radiofrequency power to the antenna, either directly or through the medium of a transmission line.

(t) *Plate (anode) input power.* The electrical power delivered to the plate (anode) of an electron tube by the source of supply; this power being the product of the indicated anode voltage and the indicated anode current.

(u) *Antenna power.* The power supplied by a particular radio transmitter to the antenna used in connection with that transmitter, at a radio frequency or frequencies within an authorized frequency band.

(v) *Authorized transmitter power.* The power of a particular transmitter as designated in the respective station license. Unless specifically expressed otherwise, this power is the total plate input power to all electron tubes in the last radio stage of the transmitter which are used to supply radiofrequency power to the antenna, without modulation present in the case of a transmitter used for telephony by means of class A3 emission.

(w) *Frequency band of emission.* A frequency band of emission is a frequency band of which the two designated limiting frequencies are established by an emission bandwidth referred to a particular carrier frequency. For the purpose of this definition, when a carrier is not present, a frequency normally coinciding with the center of the frequency band occupied by the emission is substituted therefor.

8. Section 8.21 is amended to read:

§ 8.21 Authorization required for operation of a radio station.

Any radio station required by the Communications Act to be licensed shall not be operated in any service regulated by this part except under and in accordance with a valid station authorization granted by the Commission. Further, the operation of such apparatus shall be conducted in conformity with the provisions of statute, international treaty or agreement, and the rules of the Commission relative to the licensing of operators.

NOTE: The Commission has exempted certain low power radio devices from its general licensing requirements; the extent of this exemption and related matters are set forth in Part 15, "Incidental and Restricted Radiation Devices", of this chapter. Licensing procedures and exemptions applicable to radio apparatus used for medical purposes, industrial heating, and other miscellaneous purposes not involving radiocommunication are set forth in Part 18, "Industrial, Scientific, and Medical Equipment", of this chapter.

9. Section 8.22 is amended to read:

§ 8.22 Administrative classification of stations.

(a) Stations in the maritime mobile service subject to this part are licensed according to the class of station normally as designated below:

(1) Public ship stations authorized to employ telegraphy for public correspondence:

(i) First category;

(ii) Second category;

(iii) Third category;

(2) Public ship stations not authorized to employ telegraphy for public correspondence;

(3) Limited ship stations;

(4) Marine utility stations;

(5) Survival craft stations.

(b) Public ship stations not authorized to employ telegraphy for public correspondence are licensed as public ship stations (one class) without distinction relative to hours of service for public correspondence.

(c) Limited ship stations are licensed (one class) without distinction relative to hours of service.

(d) One ship station license is issued in behalf of one station licensee to authorize the operation of a station which is within more than one class as enumerated in paragraph (a) of this section. In all such cases, if the station by reason of any portion of its use or operation comes within the definition of a public ship station (as defined by § 8.3 (e)), it is licensed as a public ship station. If the station is authorized to employ telegraphy for public correspondence, it is further classified in accordance with paragraph (a) (1) of this section.

(e) Survival craft stations are normally authorized by listing the transmitting equipment on the ship station license.

(f) Stations in the maritime radiolocation service subject to this part are licensed according to the class of station, normally as designated below:

(1) Ship radiolocation stations;

(2) Ship radiolocation test stations.

(g) Stations in the maritime radionavigation service subject to this part, including ship radar stations, are normally licensed as ship radionavigation stations.

§ 8.61 [Deletion]

10. Section 8.61 is deleted in its entirety.

11. Section 8.68 is amended by revising the headnote and text to read:

§ 8.68 Authority for survival craft stations.

Authority to operate a survival craft station will be granted only when the parent vessel is equipped with and authorized to operate a ship station.

12. Section 8.104 is amended by revising paragraphs (b) and (e), and paragraphs (f) (1) and (2) to read:

§ 8.104 Operating controls.

* * * * *

(b) Every ship station using telegraphy for normal traffic shall be provided with a device permitting changeover from telegraph transmission to telegraph reception and vice versa without manual switching. In addition, these stations should be able to listen on the reception frequency during the course of periods of transmission.

* * * * *

(e) Each ship station using a multichannel installation for telegraphy (except equipment intended for use only in emergencies on frequencies below 515 kc/s) shall, when the authorized operator is present at the principal operating location, be capable of changing, after the need to do so occurs, from each operating radio channel to any other operating radio channel for transmission or reception by means of telegraphy within:

(1) A period of five seconds if the particular radio channels are within the same characteristic portion of the spectrum; or

(2) A period of fifteen seconds if the particular radio channels are not within the same characteristic portion of the spectrum.

(f) * * *

(1) A period of five seconds, when changing from the calling frequency to a working frequency and vice versa within the band 1600–4000 kc/s; or

(2) A period of three seconds, when changing from the calling frequency to a working frequency and vice versa within the band 156–174 Mc/s.

13. Section 8.105 is amended to read:

§ 8.105 Required radio channels for telegraphy.

(a) Each ship station using telegraphy on frequencies within the band 405–535 kc/s shall be capable of transmitting and receiving classes A1 and A2 emission on the frequency 500 kc/s, and on at least two working frequencies within this band. When a radiotelegraph installation is compulsorily fitted for safety purposes, a fourth frequency within this band which is authorized specifically for direction finding must be provided also.

(b) Each ship station using telegraphy on frequencies within the band 90–160 kc/s shall be capable of transmitting and receiving class A1 emission on the frequency 143 kc/s, and on at least two additional frequencies within this band (except within the band 140–146 kc/s) which are authorized for working.

(c) Each ship station using telegraphy on the specific frequencies in the bands between 4000 and 27,500 kc/s authorized by the International Radio Regulations, Geneva, 1959, exclusively for the maritime mobile service shall, in each of the bands for which facilities are provided to carry on its service, be capable of transmitting and receiving class A1 emission on at least one frequency authorized for calling and at least two frequencies authorized for working.

(d) Each ship station using, when in Region 2, telegraphy on frequencies within the band 2065–2107 kc/s shall be capable of transmitting and receiving class A1 emission on at least one frequency in this band authorized for working in addition to a frequency in this band authorized for calling.

14. Section 8.106 is amended to read:

§ 8.106 Required radio channels for telephony.

(a) Each ship radiotelephone station licensed to operate in the band 1605–3500 kc/s shall be able to transmit and receive on the frequency 2182 kc/s, and if used for other than safety communication shall be capable also of transmitting and receiving on at least two working frequencies within this band.

(b) Each ship radiotelephone station which operates in the band 156–174 Mc/s shall be able to transmit and receive on the frequencies 156.3 Mc/s and 156.8 Mc/s.

(c) The requirement contained in paragraph (b) of this section shall not be applicable when such station is equipped to operate on only one of the frequencies 156.35, 156.9, or 156.95 Mc/s.

(d) Upon the express condition that harmful interference shall not be caused to the service of any maritime mobile station which is operated in accordance with the provisions of paragraph (b) of this section, the requirement contained in paragraph (b) of this section shall not be applicable when a ship station is equipped to operate:

(1) On only one of the frequencies 157.2, 157.25, 157.3, 157.35, or 157.4 Mc/s; or

(2) On 156.65 Mc/s only, and the station is also capable of operation on the frequency 500 kc/s and two working frequencies in the band 415–515 kc/s, or the frequency 2182 kc/s and two working frequencies for telephony in the band 1605–3500 kc/s.

(e) The exception provided in subparagraph (2) of paragraph (d) of this section does not apply in the Great Lakes area.

§ 8.116 [Deletion]

15. Section 8.116 is deleted in its entirety.

16. Section 8.131 is amended to read:

§ 8.131 Authorized frequency tolerance.

(a) Unless the particular instrument of authorization specifically provides

otherwise, the frequency tolerances authorized for stations on board ships subject to this part shall be as prescribed in paragraphs (b) through (e) of this section.

(b) Authorized frequency tolerances for ship and survival craft stations operating on frequencies below 515 kc/s or within the frequency band 1600–27,500 kc/s:

Frequency ranges	Tolerance Parts in 10^6
(1) From 100 to 515 kc/s (except for transmitters of the classes specified in (2) and (3) below)	1000
(2) From 100 to 515 kc/s; emergency transmitters only, the use of which is confined solely to safety communication as defined in § 8.6(a)	3000
(3) Survival craft stations on 500 kc/s	5000
(4) Ship stations from 1600 to 2070 kc/s and 2080 to 3500 kc/s	200
(5) Ship stations from 2070 to 2080 kc/s	50
(6) Survival craft stations on 2182 kc/s	200
(7) Stations when using frequencies within the band 4000 to 27,500 kc/s:	
Ship stations using class A1 emission	200
Ship stations using other than A1 emission	50
Survival craft stations on 8364 kc/s	200

(c) Authorized frequency tolerances for ship and survival craft stations operating on frequencies above 30 Mc/s:

Frequency ranges	Tolerance Parts in 10^6
(1) From 30 to 50 Mc/s:	
For stations licensed to operate with a plate input power not in excess of 3 watts	200
For all other stations	100
(2) From 100 to 200 Mc/s except for 121.5 Mc/s: [1]	
Until Jan. 1, 1964 for ship stations	50
On and after Jan. 1, 1964 for ship stations	20
(3) Survival craft stations on 121.5 Mc/s	50

[1] Transmitters with a plate power input not in excess of 3 watts are permitted a tolerance of 100 parts in 10^6 until Jan. 1, 1966. After that date a tolerance of 20 parts in 10^6 is applicable.

(d) For stations in the maritime radiodetermination service (other than ship radar stations) the authorized frequency tolerance shall be specified in the instrument of authorization.

(e) The frequency tolerance authorized for ship radar stations is prescribed as follows: The frequency at which maximum emission occurs shall be within the authorized frequency band and shall not be closer than 1.5/T megacycles per second to the upper and lower limits of the authorized frequency band, where "T" is the pulse duration in microseconds.

17. Section 8.132 is amended by revising items (1) and (2) of the table in paragraph (a) to read:

§ 8.132 Authorized classes of emission.

(a) • • •

Frequency band	Classes of emission [1]
(1) Stations using telegraphy:	
100 to 160 kc/s	A1; and for brief testing A0.
160 to 515 kc/s	A1, A2,[2] A2a,[3] A2b; [4] and for brief testing A0.
2065 to 2070 kc/s and 2080 to 25,000 kc/s.	A1; and for brief testing A0. Survival craft stations may, in addition, use class A2 emission.
2070 to 2080 kc/s	Wide band telegraphy, facsimile and special transmission systems. Manual International Morse code and telephony are excluded.
(2) Stations using telephony:	
1600 kc/s to 30 Mc/s [5]	A3, A3a, A3b; for brief operating signals A1, A2, A2a, A2b; and for brief testing A0.
30 to 50 Mc/s	A3, A3a, A3b, F3; for brief operating signals A1, A2, A2a, A2b, F1, F2; and for brief testing A0, F0.
121.5 Mc/s	A2 for survival craft stations.
156 to 174 Mc/s	F3; for brief operating signals F1 and F2; and for brief testing F0.
For other frequencies or frequency bands.	As designated in the station authorization.

§ 8.133(c)(1) [Amendment]

18. Section 8.133(c)(1) is amended by changing in the first column of the table the three specifications "For 156.25 to 157.45 Mc" to read "For 156 to 174 Mc/s".

19. Section 8.134 is amended by revising paragraphs (a), (c)(2), and (e) through (h)(1), as follows:

§ 8.134 Authorized transmitter power.

(a) Stations on board ship subject to this part may use such antenna power as is necessary to carry on the service for which the station is licensed, on condition that the maximum authorized transmitter power shall, subject to the provisions of § 8.110(a), not be exceeded; and on condition that the minimum authorized transmitter power shall not be less than that designated in paragraph (c) of this section. Unless the station authorization specifically provides otherwise, the maximum authorized transmitter power (as defined in § 8.7(v)) shall not exceed the particular power set forth in paragraphs (b) through (h) of this section which is applicable under the controlling factors designated therein in direct relation to that power. Unless the station license specifically provides otherwise, the minimum authorized transmitter power shall not be less than the particular power set forth in paragraph (c) of this section.

• • • • •

(c) • • •

(2) For ship stations on board any category of vessel, the authorized transmitter power on frequencies between 2000 and 27,500 kc/s assigned for communication by telephony shall not be less than the power designated in the following table: *Provided, however,* That the Commission may specifically license the use of authorized transmitter power less than that specified in the following table for telephone communication on frequencies within the band 2000–4000 kc/s on condition that the applicant or station licensee shall make a satisfactory showing to the Commission that, with the plate (anode) input power to be used (see § 8.7(t)), a minimum radiofrequency field intensity of 7.4 millivolts per meter will be obtained on each such frequency at a distance over seawater of one statute mile (over fresh water, the minimum radiofrequency field intensity is reduced to 4.8 millivolts per meter at one statute mile) from the ship station independent of the direction in which the ship is headed.

Class of radio frequency amplifier used in last radio stage of transmitter	Minimum authorized transmitter power in watts (when no modulation is present)
Class C—Plate, or plate and screen grid modulated.	15.
Class C—Control, screen, or suppressor grid modulated.	30.
Class C—Cathode modulated	24.
Other classes	Equivalent values as specified in the station authorization.

• • • • •

(e) For ship stations (except marine utility ship stations) using class F3 emission in the band 35–44 Mc/s, the maximum authorized transmitter power is 100 watts. For marine utility ship stations the maximum authorized transmitter power in this band is 10 watts.

(f) For ship stations (except marine utility ship stations) using class F3 emission on any authorized frequency except 156.65 Mc/s in the band 156–174 Mc/s, the maximum authorized transmitter power is 100 watts in Regions 2 and 3, and 40 watts in Region 1. The maximum authorized transmitter power for use on 156.65 Mc/s is 100 watts in the Great Lakes area, and 15 watts in other areas. The maximum authorized transmitter power for marine utility ship stations in the band 156–174 Mc/s is 10 watts.

(g) For stations on board ship which are licensed to transmit on frequencies above 174 Mc/s, the authorized transmitter power shall be specified in the respective station license.

(h)(1) For the purpose of assuring adherence to the requirements of this section or the applicable terms of the station authorization, the authorized transmitter power, with reference to paragraphs (t) and (v) of § 8.7, may be computed for electron tube transmitters by the method set forth in the following subparagraphs: *Provided,* That when the particular transmitter is used for telephony by means of amplitude modulation (class A3 emission and secondarily class A2 or special emission for operating signals) the authorized transmitter power may be measured when modulation is not present.

20. Section 8.135(a) is amended by revising the introductory text to read:

§ 8.135 Suppression of interference from receiving apparatus.

(a) The use or operation of any radio receiving system or apparatus on board a ship of the United States (excluding lifeboats and other survival craft) shall not, by reason of emission therefrom cause harmful interference to any authorized maritime mobile or maritime radiodetermination service or impair the efficiency of any auto alarm or watch on any radiofrequency used for either of these services: *Provided,* That this regulation shall not prevent the use or operation of any radio receiving apparatus or system on board ship when the installation or use thereof is required by act of Congress or any treaty to which the United States is a party unless the Commission finds that the interfering emission from such apparatus or system is capable of:

21. Section 8.136 is amended by revising paragraphs (b)(3) and (d)(1) to read:

§ 8.136 Spurious emission limitations.

• • • • •

(b) • • •

(3) On any frequency removed from the center of the authorized frequency band of emission by more than 250 percent of the authorized emission bandwidth: by at least the number of decibels equal to $40+10 \log_{10} P$, where P is the maximum "authorized transmitter power" in watts as such power is specifically defined in § 8.7(v) without applying the power tolerance prescribed in § 8.110(a).

• • • • •

(d) • • •

(1) Survival craft transmitters;

22. Section 8.137(a) is amended to read:

§ 8.137 Special requirements for radiotelephone transmitters.

(a) In order to be type accepted each radiotelephone transmitter shall automatically prevent modulation in excess of 100 percent. This requirement, however, shall not apply to transmitters licensed for an authorized transmitter power not exceeding three watts or to survival craft station transmitters. In the event the operation of any licensed radiotelephone transmitter causes harmful interference to any authorized radio service by reason of excessive modulation, the Commission may, in its discretion, require that the use of such transmitter be discontinued until it will automatically prevent modulation in excess of 100 percent.

23. Section 8.138(b)(1) is amended to read:

§ 8.138 Special requirements for ship radar transmitters.

• • • • •

(b)(1) The design and construction of the radar transmitter shall be such that, when properly installed, its use will not produce harmful interference to any other radiodetermination service or any maritime mobile service;

24. Section 8.139 is amended by revising the headnote and inserting a new paragraph (b) to read:

§ 8.139 Transmitters required to be type accepted for licensing.

• • • • •

(b) Each survival craft station transmitter which has not been type approved pursuant to § 8.520 shall be type accepted for licensing.

25. Section 8.140 is amended to read:

§ 8.140 Type acceptance of equipment.

(a) Any manufacturer of a radio transmitter intended for use or used in ship stations, marine utility stations, or survival craft stations may request type acceptance for such transmitters by following the type acceptance procedure set forth in Part 2 of this chapter: *Provided, however,* That the provisions of this section do not apply to transmitters provided for compliance with the radiotelegraph requirements of title III, part II of the Communications Act of 1934.

(b) Type acceptance of a radio transmitter may be requested also by an applicant for a station authorization by following the type acceptance procedure set forth in Part 2 of this chapter. Such transmitters, if type accepted, are not normally included in the Commission's "Radio Equipment List, Part C", but are individually identified on the station authorization.

26. A new § 8.141 is inserted to read:

§ 8.141 Special requirements for survival craft stations.

(a) Equipment provided for use in survival craft stations shall, if capable of transmitting on:

(1) The frequency 500 kc/s, be able to use class A2 emission;

(2) The frequency 2182 kc/s, be able to use class A3 emission;

(3) The frequency 8364 kc/s, be able to use class A2 emission;

(4) The frequency 121.5 Mc/s, be limited to class A2 emission.

(b) If a receiver is provided, it shall be capable of receiving the frequency and types of emission which the transmitter is capable of using: *Provided,* That if the transmitter frequency is 8364 kc/s the receiver shall be capable of receiving A1 and A2 emission throughout the band 8320–8745 kc/s: *And further provided,* That if the transmitter frequency is 121.5 Mc/s, the receiver shall be capable of receiving A3 emission.

(c) Survival craft transmitters operating on the frequency 500 kc/s or on the frequency 8364 kc/s shall be capable of manual keying. If provisions are made for automatically transmitting the radiotelegraph alarm signal or the radiotelegraph distress signal, such provisions shall meet the requirements of § 8.557 (b)(4) (i), (ii), (v), and (vi).

27. A new § 8.142 is inserted to read:

§ 8.142 Apparatus for generating automatically the radiotelephone alarm signal.

(a) Any device for generating the radiotelephone alarm signal (as defined by § 8.245(b)) by automatic means shall be capable of being taken out of operation at any time in order to permit the immediate transmission of a distress call and message. The device shall comply with the following requirements:

(1) The tolerance of the frequency of each tone shall be plus or minus 1.5 percent;

(2) The tolerance on the duration of each tone shall be plus or minus 50 milliseconds;

(3) The interval between successive tones shall not exceed 50 milliseconds;

(4) The ratio of the amplitude of the stronger tone to that of the weaker shall be within the range 1 to 1.2.

(b) Except for experimental or trial operation under developmental station authorization, any device for generating the radiotelephone alarm signal by automatic means, which is used or operated by a mobile station subject to this part for transmission of that signal, shall be of a type specifically approved by the Commission in respect to its accuracy, reliability, and other relevant characteristics.

28. Section 8.155 is amended by revising the introductory text of paragraph (b)(1), and inserting a new paragraph (c) to read:

§ 8.155 Waivers of operator license.

• • • • •

(b) *For ship radar.* (1) No radio operator license is required for the operation on board ship, during the course of the normal rendition of service, of ship radar stations: *Provided,* That the following conditions are met or provided for by the licensee of the station:

• • • • •

(c) *For survival craft.* No radio operator license is required for the operation of a survival craft station while it is being used solely for survival purposes.

§ 8.172 [Deletion]

29. Section 8.172 is deleted in its entirety.

30. Section 8.173 is amended to read:

§ 8.173 Authority of the master.

(a) Except as may be regulated by law or international agreement or by the rules of the Commission, the service of each station on board ship shall at all times be under the supreme control of the master, who shall require that each operator of such station comply with the International Radio Regulations in force and that the ship station for which the operator is responsible is used, at all times, in accordance with those regulations.

(b) However, during any period in which the Department of Defense lawfully may exercise and is in fact lawfully exercising emergency controls over

United States merchant shipping, no provisions of the Commission's rules and regulations shall prevent the master of any ship of the United States from taking any action whatsoever in regard to the radio installation, the operators, the transmission and receipt of messages, and the radio service of the ship whenever in his discretion such action is necessary to carry out instructions of the Department of Defense.

31. Section 8.174 is amended by revising the note to read:

§ 8.174 Secrecy of communication.

• • • • •

NOTE: See secs. 501, 502, and 605 of the Communications Act; also Article 17 of the International Radio Regulations, Geneva, 1959.

32. Section 8.177 is amended by revising paragraphs (a) (1) and (b) (1), Footnote 1, and inserting a new Footnote 2 to read:

§ 8.177 Order of priority of communications.

(a) • • •

(1) Distress calls (including the international distress signal for radiotelegraphy),[1] the international radiotelegraph alarm signal,[2] the international radiotelephone alarm signal,[2] distress messages, and distress traffic.

• • • • •

(b) • • •

(1) Distress calls (including the international distress signal for radiotelephony),[1] the international radiotelephone alarm signal,[2] distress messages, and distress traffic.

[1] See § 8.234 for definition of this signal.
[2] See § 8.245 for definition of this signal.

33. Subpart J (§§ 8.231–8.241) is deleted and the following new Subpart J (including a new title and new §§ 8.231–8.250) is inserted to read:

Subpart J—Distress, Alarm, Urgency, and Safety

§ 8.231 Applicable regulations.

In addition to the governing provisions of the International Radio Regulations, Geneva, 1959 (see Article 36 thereof) applicable to the transmission and interception of distress, alarm, urgency, and safety signals and messages, mobile stations which are subject to this part shall be governed by this subpart in cases of distress, alarm, urgency, or safety transmissions.

§ 8.232 Authority for distress transmission.

No provision of the International Radio Regulations prevents the use by a mobile station in distress of any means at its disposal to attract attention, make known its position, and obtain help. A distress call and message, however, shall be transmitted only on the authority of the master or person responsible for the mobile station. No person shall knowingly transmit, or cause to be transmitted, any false or fraudulent signal of distress or communication relating thereto.

§ 8.233 Radio channels for distress.

(a) In case of distress, mobile radiotelegraph stations provided with frequencies in the bands between 405 and 535 kc/s shall use the international radiotelegraph distress frequency 500 kc/s, with maximum transmitter power obtainable, when requesting assistance from the maritime services; the class of emission to be used if possible shall be A2. Ship radiotelegraph stations which cannot transmit on 500 kc/s should use any other available frequency on which attention might be attracted.

(b) In case of distress, mobile radiotelephone stations provided with frequencies in the authorized bands between 1605 and 4000 kc/s shall use the international radiotelephone distress frequency 2182 kc/s, preferably with class A3 emission, when requesting assistance from the maritime services. Ship radiotelephone stations which cannot transmit on 2182 kc/s should use any other available frequency on which attention might be attracted.

§ 8.234 Distress signals.

(a) The international radiotelegraph distress signal consists of the group "three dots, three dashes, three dots" (. . . — — — . . .), symbolized herein by SOS, transmitted as a single signal in which the dashes are slightly prolonged so as to be distinguished clearly from the dots.

(b) The international radiotelephone distress signal consists of the word MAYDAY, pronounced as the French expression "m'aider".

(c) These distress signals indicate that a mobile station is threatened by grave and imminent danger and requests immediate assistance.

§ 8.235 Distress calls.

(a) The distress call sent by radiotelegraphy consists of:

(1) The distress signal SOS, sent three times;

(2) The word "DE;"

(3) The call sign of the mobile station in distress, sent three times.

(b) The distress call sent by radiotelephony consists of:

(1) The distress signal MAYDAY spoken three times;

(2) The words THIS IS;

(3) The call sign (or name, if no call sign assigned) of the mobile station in distress, spoken three times.

(c) The distress call shall have absolute priority over all other transmissions. All stations which hear it shall immediately cease any transmission capable of interfering with the distress traffic and shall continue to listen on the frequency used for the emission of the distress call. This call shall not be addressed to a particular station and acknowledgment of receipt shall not be given before the distress message which follows it is sent.

§ 8.236 Distress messages.

(a) The radiotelegraph distress message consists of:

(1) The distress signal SOS;

(2) The name of the mobile station in distress;

(3) Particulars of its position;

(4) The nature of the distress;

(5) The kind of assistance desired;

(6) Any other information which might facilitate rescue.

(b) The radiotelephone distress message consists of:

(1) The distress signal MAYDAY;

(2) The name of the mobile station in distress;

(3) Particulars of its position;

(4) The nature of the distress;

(5) The kind of assistance desired;

(6) Any other information which might facilitate rescue (for example, the length, color, and type of vessel; number of persons on board, etc.).

(c) As a general rule, a ship shall signal its position in latitude and longitude (Greenwich), using figures for the degrees and minutes, together with one of the words NORTH or SOUTH and one of the words EAST or WEST. In radiotelegraphy, the signal . — . — . — shall be used to separate the degrees from the minutes. When practicable, the true bearing, and distance in nautical miles from a known geographical position may be given.

§ 8.237 Radiotelegraph distress call and message transmission procedure.

(a) The radiotelegraph distress procedure shall normally consist of the following six steps; however, when time is vital, the second step of this procedure, or even the first and second steps, may be omitted. These two steps of the distress procedure may also be omitted in circumstances where transmission of the alarm signal is considered unnecessary:

(1) The radiotelegraph alarm signal;

(2) The distress call and an interval of two minutes;

(3) The distress call;

(4) The distress message;

(5) Two dashes of ten to fifteen seconds each;

(6) The call sign of the mobile station in distress.

(b) The radiotelegraph distress transmissions shall be sent by means of the International Morse Code at a speed not exceeding 16 words per minute nor less than 8 words per minute.

(c) The distress message, preceded by the distress call, shall be repeated at intervals, especially during the 500 kc/s international silence periods, until an answer is received. The radiotelegraph alarm signal may also be repeated, if necessary.

(d) The transmissions under paragraph (a) (5) and (6) of this section, which are to permit direction finding stations to determine the position of the station in distress, may be repeated at frequent intervals if necessary.

(e) When the mobile station in distress receives no answer to a distress message transmitted on the distress frequency, the message may be repeated on any other available frequency on which attention might be attracted.

§ 8.238 Radiotelephone distress call and message transmission procedure.

(a) The radiotelephone distress procedure shall consist of:

(1) The radiotelephone alarm signal (whenever possible);

(2) The distress call;

(3) The distress message.

(b) The radiotelephone distress transmissions shall be made slowly and distinctly, each word being clearly pronounced to facilitate transcription.

(c) After the transmission by radiotelephony of its distress message, the mobile station may be requested to transmit suitable signals followed by its call sign or name, to permit direction-finding stations to determine its position. This request may be repeated at frequent intervals if necessary.

(d) The distress message, preceded by the distress call, shall be repeated at intervals until an answer is received. This repetition shall be preceded by the radiotelephone alarm signal whenever possible.

(e) When the mobile station in distress receives no answer to a distress message transmitted on the distress frequency, the message may be repeated on any other available frequency on which attention might be attracted.

§ 8.239 Acknowledgment of receipt of distress message.

(a) Stations of the maritime mobile service which receive a distress message from a mobile station which is, beyond any possible doubt, in their vicinity, shall immediately acknowledge receipt. However, in areas where reliable communication with one or more coast stations are practicable, ship stations may defer this acknowledgment for a short interval so that a coast station may acknowledge receipt.

(b) Stations of the maritime mobile service which receive a distress message from a mobile station which, beyond any possible doubt, is not in their vicinity, shall allow a short interval of time to elapse before acknowledging receipt of the message, in order to permit stations nearer to the mobile station in distress to acknowledge receipt without interference.

§ 8.240 Form of acknowledgment.

(a) The acknowledgment of receipt of a distress message is transmitted, when radiotelegraphy is used, in the following form:

(1) The call sign of the station sending the distress message, sent three times;

(2) The word DE;

(3) The call sign of the station acknowledging receipt, sent three times;

(4) The group RRR;

(5) The distress signal SOS.

(b) The acknowledgment of receipt of a distress message is transmitted, when radiotelephony is used, in the following form:

(1) The call sign or other identification of the station sending the distress message, spoken three times;

(2) The words THIS IS;

(3) The call sign or other identification of the station acknowledging receipt, spoken three times;

(4) The word RECEIVED;

(5) The distress signal MAYDAY.

§ 8.241 Information furnished by acknowledging station.

(a) Every mobile station which acknowledges receipt of a distress message shall, on the order of the master or person responsible for the ship, aircraft, or other vehicle carrying such mobile station, transmit as soon as possible the following information in the order shown:

(1) Its name;

(2) Its position, in the form prescribed in § 8.236(c);

(3) The speed at which it is proceeding towards, and the approximate time it will take to reach, the mobile station in distress.

(b) Before sending this message, the station shall ensure that it will not interfere with the emissions of other stations better situated to render immediate assistance to the station in distress.

§ 8.242 Transmission of distress message by a station not itself in distress.

(a) A mobile station or a land station which learns that a mobile station is in distress shall transmit a distress message in any of the following cases:

(1) When the station in distress is not itself in a position to transmit the distress message;

(2) When the master or person responsible for the ship, aircraft, or other vehicle not in distress, or the person responsible for the land station, considers that further help is necessary;

(3) When, although not in a position to render assistance, it has heard a distress message which has not been acknowledged. When a mobile station transmits a distress message under these conditions, it shall take all necessary steps to notify the authorities who may be able to render assistance.

(b) The transmission of a distress message under the conditions prescribed in paragraph (a) of this section shall be made on either or both of the international distress frequencies (500 kc/s radiotelegraph; 2182 kc/s radiotelephone) or on any other available frequency on which attention might be attracted.

(c) The transmission of the distress message shall always be preceded by the call indicated below, which shall itself be preceded whenever possible by the radiotelegraph or radiotelephone alarm signal. This call consists of:

(1) When radiotelegraphy is used:

(i) The signal DDD SOS SOS SOS DDD;

(ii) The word DE;

(iii) The call sign of the transmitting station, sent three times.

(2) When radiotelephony is used:

(i) The signal MAYDAY RELAY, spoken three times;

(ii) The words THIS IS;

(iii) The call sign or other identification of the transmitting station, spoken three times.

(d) When the radiotelegraph alarm signal is used, an interval of two minutes shall be allowed, whenever this is considered necessary, before the transmission of the call mentioned in subparagraph (c) (1) of this section.

§ 8.243 Control of distress traffic.

(a) Distress traffic consists of all messages relating to the immediate assistance required by the mobile station in distress. In distress traffic, the distress signal shall be sent before the call and at the beginning of the preamble of any radiotelegram.

(b) The control of distress traffic is the responsibility of the mobile station in distress or of the station which, pursuant to § 8.242(a), has sent the distress message. These stations may, however, delegate the control of the distress traffic to another station.

(c) The station in distress or the station in control of distress traffic may impose silence either on all stations of the mobile service in the area or on any station which interferes with the distress traffic. It shall address these instructions "to all stations" or to one station only, according to circumstances. In either case, it shall use:

(1) In radiotelegraphy, the abbreviation QRT, followed by the distress signal SOS. The use of the signal QRT SOS shall be reserved for the mobile station in distress and for the station controlling distress traffic;

(2) In radiotelephony, the signal SEELONCE MAYDAY. The use of this signal shall be reserved for the mobile station in distress and for the station controlling distress traffic.

(d) If it is believed to be essential, any station of the mobile service near the ship, aircraft, or other vehicle in distress, may also impose silence. It shall use for this purpose:

(1) In radiotelegraphy, the abbreviation QRT, followed by the word DISTRESS and its own call sign;

(2) In radiotelephony, the word SEELONCE, followed by the word DISTRESS and its own call sign or other identification.

§ 8.244 Notification of resumption of normal working.

(a) When distress traffic has ceased, or when silence is no longer necessary on a frequency which has been used for distress traffic, the station which has controlled this traffic shall transmit on that frequency a message addressed "to all stations" indicating that normal working may be resumed.

(1) In radiotelegraphy, this message consists of:

(i) The distress signal SOS;

(ii) The call "to all stations" (CQ), sent three times;

(iii) The word DE;

(iv) The call sign of the station sending the message;

(v) The time of handing in of the message;

(vi) The name and call sign of the mobile station which was in distress;

(vii) The service abbreviation QUM.

(2) In radiotelephony, this message consists of:

(i) The distress signal MAYDAY;

(ii) The call "to all stations", spoken three times;

(iii) The words THIS IS;

(iv) The call sign or other identification of the station sending the message;
(v) The time of handing in of the message;
(vi) The name and call sign of the mobile station which was in distress;
(vii) The words SEELONCE FEENEE.
(b) Until they receive the foregoing message indicating that normal working may be resumed, all stations which are aware of the distress traffic, and which are not taking part in it, are forbidden to transmit on the frequencies on which the distress traffic is taking place.

§ 8.245 Radiotelegraph and radiotelephone alarm signals.

(a) The international radiotelegraph alarm signal consists of a series of twelve dashes sent in one minute, the duration of each dash being four seconds and the duration of the interval between consecutive dashes one second. The purpose of this special signal is the actuation of automatic devices giving the alarm to attract the attention of the operator when there is no listening watch on the distress frequency.
(b) The international radiotelephone alarm signal consists of two substantially sinusoidal audio frequency tones transmitted alternately. One tone shall have a frequency of 2200 cycles per second and the other a frequency of 1300 cycles per second, the duration of each tone being 250 milliseconds. When generated by automatic means, the radiotelephone alarm signal shall be transmitted continuously for a period of at least 30 seconds, but not exceeding one minute; when generated by other means, the signal shall be transmitted as continuously as practicable over a period of approximately one minute The purpose of this special signal is to attract the attention of the person on watch or to actuate automatic devices giving the alarm.

§ 8.246 Use of alarm signals.

(a) The radiotelegraph or radiotelephone alarm signal, as appropriate, shall only be used to announce:
(1) That a distress call or message is about to follow;
(2) The transmission of an urgent cyclone warning. In this case the alarm signal may only be used by coast stations authorized by the Commission to do so; or
(3) The loss of a person or persons overboard. In this case the alarm signal may only be used when the assistance of other ships is required and cannot be satisfactorily obtained by the use of the urgency signal only, but the alarm signal shall not be repeated by other stations. The message shall be preceded by the urgency signal.
(b) In cases described in subparagraphs (2) and (3) of paragraph (a) of this section, the transmission of the warning or message by radiotelegraphy shall not begin until two minutes after the end of the radiotelegraph alarm signal.

§ 8.247 Urgency signals.

(a) The urgency signal indicates that the calling station has a very urgent message to transmit concerning the safety of a ship, aircraft, or other vehicle, or the safety of a person. The urgency signal shall be sent only on the authority of the master or person responsible for the mobile station.
(b) In radiotelegraphy, the urgency signal consists of three repetitions of the group XXX, sent with the individual letters of each group, and the successive groups clearly separated from each other. It shall be transmitted before the call.
(c) In radiotelephony, the urgency signal consists of the word PAN, spoken three times and transmitted before the call.
(d) The urgency signal shall have priority over all other communications, except distress. All mobile and land stations which hear it shall take care not to interfere with the transmission of the message which follows the urgency signal.

§ 8.248 Urgency message.

(a) The urgency signal and call, and the message following it, shall be sent on one of the international distress frequencies (500 kc/s radiotelegraph; 2182 kc/s radiotelephone). However, stations which cannot transmit on a distress frequency may use any other available frequency on which attention might be attracted.
(b) Mobile stations which hear the urgency signal shall continue to listen for at least three minutes. At the end of this period, if no urgency message has been heard, they may resume their normal service. However, land and mobile stations which are in communication on frequencies other than those used for the transmission of the urgency signal and of the call which follows it may continue their normal work without interruption provided the urgency message is not addressed "to all stations" (CQ).
(c) When the urgency signal has been sent before transmitting a message "to all stations" (CQ) and which calls for action by the stations receiving the message, the station responsible for its transmission shall cancel it as soon as it knows that action is no longer necessary. This message of cancellation shall likewise be addressed "to all stations" (CQ).

§ 8.249 Safety signals.

(a) The safety signal indicates that the station is about to transmit a message concerning the safety of navigation or giving important meteorological warnings.
(b) In radiotelegraphy, the safety signal consists of three repetitions of the group TTT, sent with the individual letters of each group, and the successive groups clearly separated from each other. It shall be sent before the call.
(c) In radiotelephony, the safety signal consists of the word SECURITY, spoken three times and transmitted before the call.
(d) The safety signal and call shall be sent on one of the international distress frequencies (500 kc/s radiotelegraph; 2182 kc/s radiotelephone). However, stations which cannot transmit on a distress frequency may use any other available frequency on which attention might be attracted.

§ 8.250 Safety message.

(a) The safety signal and call shall be followed by the safety message. Where practicable, the safety message should be sent on a working frequency, and a suitable announcement to this effect shall be made at the end of the call.
(b) Except for the cases mentioned in paragraph (c) of this section, the safety signal when sent on the frequency 500 kc/s shall be transmitted towards the end of the first available period of silence; the safety message shall be transmitted immediately after the period of silence.
(c) Messages containing meteorological warnings, or containing information concerning the presence of cyclones, dangerous ice, dangerous wrecks, or any other imminent danger to marine navigation, shall be preceded by the safety signal and transmitted with the least possible delay to other mobile stations in the vicinity, and to the appropriate authorities at the first point of the coast with which contact can be established.
(d) All stations hearing the safety signal shall listen to the safety message until they are satisfied that the message is of no concern to them. They shall not make any transmission likely to interfere with the message.

34. Section 8.261 is amended to read:

§ 8.261 Inspection of station.

Pursuant to section 303(n) of the Communications Act, and subject to the provisions of Article 21 of the International Radio Regulations, Geneva, 1959; Regulations 16, 18, and 19 of Chapter I of the Safety Convention, London, 1948; and Articles 11, 12, and 14 of the Great Lakes Agreement, the radio installation on board any foreign ship within the territorial jurisdiction of the United States, which installation is subject to the provisions of any act, treaty, or convention binding on the United States, shall be available, at any reasonable time, in any harbor, port, or place in the United States, for inspection by duly authorized representatives of the Commission at such frequent intervals as, within the discretion of the Commission, will insure compliance with the applicable rules, regulations, laws, and treaties.

35. Section 8.321(b)(3) is amended to read:

§ 8.321 Authorized frequencies.

• • • • •

(b) • • •
(3) In Regions 1 and 3 the frequency 512 kc/s may be used by ship stations:
(i) As a supplementary calling frequency when 500 kc/s is being used for distress purposes;

(ii) As a working frequency, except in those areas where it is in use as a supplementary calling frequency when 500 kc/s is being used for distress purposes.

36. Section 8.322 is amended to read:

§ 8.322 Frequencies for use in distress.

(a) The international distress frequency is 500 kc/s; it is used as an assigned frequency for this purpose by ship, survival craft, or aircraft stations using frequencies in the band 405–535 kc/s, when requesting assistance from the maritime services. It is used, preferably with A2 emission, for the distress call and distress traffic.
(b) The frequency 8364 kc/s is for use by survival craft stations equipped to transmit within the band 4000–27,500 kc/s and desiring to establish with stations of the maritime and aeronautical mobile services communications relating to search and rescue operations.
(c) The frequency 121.5 Mc/s (class A2 emission only) is available for radiobeacon purposes to the survival craft stations of vessels documented by the United States Treasury Department, Bureau of Customs.

37. Section 8.323 is amended by revising the headnote, and paragraphs (a) and (b) to read:

§ 8.323 Frequencies for call and reply.

(a)(1) The frequency 500 kc/s is the general international calling frequency, which shall be used by any ship station engaged in radiotelegraphy in the authorized band 405–535 kc/s, and by aircraft desiring to enter into communication with a station of the maritime mobile service using frequencies in this band;
(2) The frequency for replying to a call sent on the general calling frequency is 500 kc/s, except where the calling station requests that the reply be made on an authorized working frequency. In Region 2, and in other areas of heavy triffic, ship stations should request coast stations to answer on their normal working frequency;
(3) In order to facilitate the reception of distress calls, all transmissions on the frequency 500 kc/s shall be reduced to a minimum.
(b) The frequency 143 kc/s is the international calling frequency in the maritime mobile service in the band 90–160 kc/s (class A1 emission only). The frequency for replying to a call sent on the frequency 143 kc/s is, for ship stations, 143 kc/s, the same as that of the call. (Coast stations reply on their normal working frequency in this band.) When a ship station which uses frequencies within the band 90–160 kc/s desires to establish communication with another station of the maritime mobile service, it shall call that station on the frequency 143 kc/s, unless the International List of Coast Stations provides otherwise. This frequency shall be used exclusively for individual calls and replies to such calls and for the transmission of signals preparatory to traffic.

38. Section 8.325 is amended to read:

§ 8.325 Use of Morse Code required.

The signal code employed for telegraphy by stations in the maritime mobile service shall be the Morse Code signals specified in the Telegraph Regulations annexed to the International Telecommunication Convention, Geneva, 1959. However, for radiotelegraph communication of a special character, the use of other signals may be specifically authorized by the Commission in response to an appropriate application therefor.

39. Section 8.326 is amended to read:

§ 8.326 Identification of stations.

(a) All radiotelegraph emissions of a ship station or a survival craft station shall be clearly identified by transmission therefrom of the official call letters assigned to that station for telegraphy by the Commission. These call letters shall be transmitted by telegraphy in accordance with § 8.325 and the procedure set forth in the International Radio Regulations and by means of the class of emission normally used by the station for telegraphy: *Provided*, That they shall be transmitted at intervals not exceeding 15 minutes whenever transmission is sustained for a period exceeding 15 minutes.
(b) The requirements of this section do not apply to survival craft stations when transmitting distress signals automatically or when operating on 121.5 Mc/s for radiobeacon purposes.

40. Section 8.327(a) is amended by revising the introductory text to read:

§ 8.327 Procedure in testing.

(a) Ship stations and survival craft stations may conduct necessary tests on any assigned frequency. Every precaution must be taken to ensure that transmitter emissions of the station will not cause harmful interference. Radiation must be reduced to the lowest practicable value and if feasible shall be entirely suppressed. When radiation is necessary or unavoidable, the radiotelegraph testing procedure described in this paragraph shall be followed:

41. Section 8.328 is amended to read:

§ 8.328 Radiotelegraph operating procedure.

(a) Except for the transmission of distress or urgency signals, all transmissions from stations on board ship must cease within the band 485–515 kc/s during each 500 kilocycles silence period, i.e., for three minutes twice an hour beginning at x h 15 and x h 45, Greenwich mean time.
(b) In order to facilitate radiotelegraph communication in the maritime mobile service, all ship stations transmitting by means of telegraphy shall, whenever practicable, use the service abbreviations ("Q" signals) listed in Appendix 13 to the International Radio Regulations, Geneva, 1959.
(c) In addition to compliance with all applicable sections of this part, the operation of ship stations using telegraphy for call, reply, and the transmission of message traffic shall, in particular, comply with all applicable provisions of Articles 29, 30, 31, 37, 38, and 39 of the International Radio Regulations, Geneva, 1959.

42. Section 8.329 is amended to read:

§ 8.329 Station documents.

(a) The compulsorily fitted ship radiotelegraph station shall be provided with the following documents:
(1) A valid station license;
(2) The necessary operator license(s);
(3) The station log required by this part for stations of this category;
(4) The Alphabetical List of Call Signs of Stations used in the Maritime Mobile Service;
(5) The List of Coast Stations;
(6) The List of Ship Stations;
(7) The List of Radiodetermination and Special Service Stations;
(8) The International Radio Regulations, Geneva, 1959;
(9) Telegraph tariffs of the countries for which the station most frequently accepts radiotelegrams;
(10) Part 8 of this chapter.
(b) All ship stations on board ships not compulsorily fitted with a radiotelegraph installation, but using telegraphy, shall be provided with the documents prescribed by subparagraphs (1), (2), (3), (4), (5), (6), (8), (9) and (10) of paragraph (a) of this section.
(c) These documents shall be continuously and readily available to the licensed operator on duty during the hours of service of the station.

43. Section 8.330 is amended by revising the headnote and paragraph (e), and deleting paragraph (f), as follows:

§ 8.330 Station logs.

• • • • • •

(e) The ship radiotelegraph log currently in use shall be kept by the licensed operator(s) of the station and while in use it shall be located in the radiotelegraph operating room of the ship. At the conclusion of each voyage terminating at a port of the United States, the original station log or a duplicate thereof dating from the last departure of the ship from a United States port shall be retained under proper custody on board the ship for a sufficient period of time, but not necessarily in excess of 24 hours, to be available for inspection by a duly authorized representative of the Commission. Thereafter the original log, and the duplicate log, if provided, may be filed at an established shore office of the ship station licensee, and shall be retained as stipulated by § 8.115.

44. A new § 8.331 is inserted to read:

§ 8.331 Station records.

In all ship stations authorized to transmit on frequencies within the band 405–535 kc/s, a written record shall be maintained of the adjustments of the transmitting and receiving equipment for operation on the assigned frequencies 410 kc/s and 500 kc/s and at least two authorized working frequencies within this band. This record shall be posted at all times in a conspicuous place on or near the particular equipment involved.

§ 8.351 [Amendment]

45. Section 8.351 is amended by deleting paragraph (c) and inserting the word [Reserved] in lieu thereof, and changing the reference in the table in paragraph (d)(2)(i) "§ 8.7(ii)" to read "§ 8.7(v)".

46. Section 8.352 is amended to read:

§ 8.352 Frequencies for use in distress.

(a) The frequency 2182 kc/s is the international distress frequency for radiotelephony. It shall be used for this purpose by ship, aircraft, and survival craft stations using frequencies in the authorized bands between 1605 and 4000 kc/s when requesting assistance from the maritime services.

(b) The frequency 121.5 Mc/s (class A2 emission only) is available for radiobeacon purposes to the survival craft stations of vessels documented by the United States Treasury Department, Bureau of Customs.

47. Section 8.353 is amended by revising paragraph (a) (1)(ii) and (2), deleting the note following paragraph (a)(2), and revising paragraph (b) as follows:

§ 8.353 Frequencies for calling.

(a) • • •

(1) • • •

(ii) The international safety signal, and messages (preceded by this signal) concerning the safety of navigation or giving important meterological warnings; however, safety messages shall be transmitted, when practicable, on a working frequency after a preliminary announcement on 2182 kc/s.

• • • • •

(2) When using this frequency for purposes other than distress calls and distress traffic, and urgency and safety signals and messages, the carrier power of the radio transmitter shall not exceed 100 watts.

(b) The frequency 156.8 Mc/s is the international safety and calling frequency for the maritime mobile radiotelephone service in the band 156–174 Mc/s.

48. Section 8.354(b)(2) is amended to read:

§ 8.354 Frequencies below 5000 kc/s for public correspondence.

• • • • • •

(b) • • •

(2) Use of the frequency 2638 kc/s for communication with public coast stations shall be confined exclusively to safety and operational communication (see § 8.6 (a) and (h)). Except for safety communication, operation on this frequency for ship to shore communication shall be limited to day only (see § 8.2(1)): *Provided*, That daily operation with respect to operational communication may be continued beyond this time to the extent necessary for compliance with the provisions of § 8.183.

§ 8.356 [Amendment]

49. Section 8.356 is amended by deleting paragraph (a) and inserting the word [Reserved] in lieu thereof.

50. Section 8.357 is amended to read:

§ 8.357 Additional frequencies for ship to shore communication.

In addition to the frequencies designated in this part or in the license of a ship station, such station, when working by telephony with a foreign coast station shall, unless otherwise directed by the Commission, transmit to such coast station when directed to do so by that station on a specific frequency designated by the coast station for the service being carried on.

51. Section 8.359 is deleted and the following new § 8.359 is inserted to read:

§ 8.359 Frequencies above 156 Mc/s available for assignment.

(a) The frequencies listed in the following table are available as indicated therein. (These frequencies are not authorized for communication with stations on board aircraft.)

Channel designator	Frequency (Mc/s)		Points of communication	Authorized communications
	Ship	Coast		
6	156.3	.....	Intership only	Safety.
7A	156.35	156.35	Intership and Ship to Coast	Business and operational.
8	156.4	.....	Intership only [4]	Do.
9	156.45	156.45	Intership and Ship to Coast	Do.
10	156.5	156.5	....do	Do.
11	156.55	156.55	....do	Do.
12	156.6	156.6	....do	Port operations.
13	156.65	156.65	....do	(1).
14	156.7	156.7	....do	Port operations.
16	156.8	156.8	....do	Safety and calling.[3]
18A	156.9	156.9	....do	Business and operational.
19A	156.95	156.95	....do	Do.
20	[2] 157.0	[2] 161.60	Ship to Coast	Port operations.
24	[2] 157.2	[2] 161.8	Ship to Public Coast	Public correspondence.
25	[2] 157.25	[2] 161.85	....do	Do.
26	157.3	161.9	....do	Do.
27	157.35	161.95	....do	Do.
28	157.4	162.0	....do	Do.

[1] Business and operational in the Great Lakes area only. In other areas, communication is authorized primarily with other ship stations for the exchange of navigational information (including radar information) concerning the passage of ships, or as an at-the-scene aid in any maritime emergency; secondarily with land stations used in connection with the passage of ships through locks, bridge areas, and Government controlled waterways and with land stations as necessary to exchange marine navigational information with shore radar stations.

[2] This frequency is authorized for call, reply, and safety purposes. It may also be used for messages preceded by the urgency and safety signals and, if necessary, for distress messages.

[3] These frequencies are not available in Puerto Rico or the Virgin Islands.

[4] Ship stations in the Great Lakes area authorized to use 156.4 Mc/s prior to Oct. 1, 1962, for communication with limited coast stations may continue to use the frequency until Jan. 1, 1963.

§ 8.360 [Deletion]

52. Section 8.360 is deleted in its entirety.

53. Section 8.364 is amended to read:

§ 8.364 Identification of station.

(a) Ship and survival craft stations using radiotelephony shall identify all transmissions by announcement in the English language, or by telegraphy using A2 emission, of the station's call sign: *Provided*, That on 156.65 Mc/s transmissions may be identified by the name of the ship in lieu of the station call sign. This identification shall be made:

(1) At the beginning and upon completion of each communication with any other station;

(2) At the beginning and upon conclusion of each transmission made for any other purpose; and

(3) At intervals not exceeding 15 minutes whenever transmission is sustained for a period exceeding 15 minutes.

(b) When an official call sign is not assigned by the Commission to a ship station using telephony, the complete name of the ship on which the station is located and the name of the licensee shall be transmitted by voice in the English language for the purpose of station identification.

(c) The provisions of paragraphs (a) and (b) of this section shall apply also to ship stations of portable nature when using telephony and operated on board ship pursuant to §§ 8.40 and 8.71.

54. Section 8.366 is amended by revising paragraphs (a), (b)(3), and (d)(2) to read:

§ 8.366 General radiotelephone operating procedure.

(a) *Limitations on calling.* (1) Except when transmitting a general call to all stations within range for announcing or preceding the transmission of distress, urgency, or safety messages, a ship or survival craft station shall call the particular station(s) with which it intends to communicate.

(2) Calling a particular station, either by voice or by automatic means, shall not continue for a period of more than thirty seconds in each instance. If the called station is not heard to reply, that station shall not again be called until after an interval of two minutes. When a station called does not reply to a call sent three times at intervals of two minutes, the calling shall cease and shall not be renewed until after an interval of fifteen minutes; however, if there is no reason to believe that harmful interference will be caused to other communications in progress, the call sent three times at intervals of two minutes may be repeated after a pause of not less than three minutes. In event of an emergency involving safety, the provisions of this subparagraph shall not apply.

(3) The use of selective calling on either 2182 kc/s or 156.8 Mc/s is prohibited.

(b) *Frequency for calling.* • • •

(3) Except when other operating procedure is used to expedite safety communication, the frequency 156.8 Mc/s shall be used for call and reply by ship stations and marine utility stations on board ship before establishing communication on either of the intership frequencies 156.3 Mc/s or 156.4 Mc/s.

• • • • • •

(d) *Time limitation on calling frequencies and adjacent working frequencies.* • • •

(2) Transmission by ship or survival craft stations when in Regions 1 and 3 (except in the territorial waters of Japan and the Philippines) is prohibited on any frequency (including 2182 kc/s) within the band 2170–2194 kc/s during the two three-minute periods in each hour which commence at x h 00 and x h 30, Greenwich mean time: *Provided*, That this requirement is not applicable to the transmission of distress signals, alarm signals, distress traffic, urgency signals, safety signals, and messages preceded by the urgency or safety signal.

55. Section 8.367 is amended to read:

§ 8.367 Station documents.

(a) Ship radiotelephone stations subject to the radio provisions of the Safety Convention shall be provided with the following documents:

(1) A valid station license;

(2) The necessary operator license(s);

(3) The station log required by this part for stations of this category;

(4) The List of Coast Stations, or, alternatively, a list of coast stations with which communications are likely to be conducted, showing watchkeeping hours, frequencies, and charges;

(5) The International Radio Regulations, Geneva, 1959;

(6) Part 8 of this chapter.

(b) Ship radiotelephone stations not subject to the Safety Convention shall be provided with the documents listed in subparagraphs (1), (2), (3), and (6) of paragraph (a) of this section.

56. Section 8.368 is amended by revising the headnote and text to read:

§ 8.368 Radiotelephone station log.

(a) A station log shall be maintained during the hours of service of ship stations using radiotelephony, in which the entries required by this section shall be made. Pages of the log shall be numbered in sequence and each page shall include the name of the vessel and the radio call sign of the station. All entries which show transmitter operation shall be made and signed by the licensed operator (or other person in accordance with § 8.155). Watch entries, and signatures of each person keeping the required watch, shall be so related that they constitute a certification by each such person as to when he began and ended each period of his watch during the voyage. The date and time of each occurrence or incident required to be entered in the log shall be shown opposite the entry, and the time shall be counted from 0000 to 2400, beginning at midnight. Stations on board vessels engaged on international voyages, other than on the Great Lakes or inland waters, shall use Greenwich mean time (GMT); stations on board vessels navigated on the Great Lakes may use either GMT or Eastern standard time (EST); other stations may use GMT or local standard time. The appropriate symbol, GMT, EST, CST, PST, etc., shall be entered at the head of the column in which time is entered.

(b) The log of ship radiotelephone stations subject to Title III, Part II of the Communications Act of 1934 or to the radio provisions of the Safety Convention shall include the following entries:

(1) All radiotelephone distress, alarm, urgency, and safety signals and communications transmitted or intercepted, the text in as complete form as possible of distress messages and distress communications, and any information connected with the radio service which may appear to be of importance to maritime safety, together with the time of such observation or occurrence, the frequencies used, and the position of the ship or other mobile unit in need of assistance if this can be determined;

(2) The times when the required watch is begun, interrupted, and ended. When the required watch is interrupted for any reason, except for the purpose of communications with other stations, the reason for such interruption shall be stated;

(3) The call signs of all stations called or communicated with, a notation of messages exchanged, and the frequency(s) used for such call or communication;

(4) A daily entry of the ship's position;

(5) All test transmissions, including the frequency(s) used;

(6) The times when storage batteries provided as a part of the required radiotelephone installation are placed on charge and taken off charge;

(7) Results of required equipment tests, including specific gravity of lead-acid storage batteries and voltage readings of other types of batteries provided as part of the compulsory installation;

(8) Results of inspections and tests of compulsorily fitted lifeboat radio equipment;

(9) A daily statement concerning the operating condition of the required radiotelephone equipment, as determined by either normal communication or test communication;

(10) Pertinent details of all installation, service, or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed, and dated by the responsible licensed operator who supervised or performed the work, and unless such operator is regularly employed on a full-time basis at the station and his operator license is properly posted, such entry shall include his mail address and the class, serial number, and expiration date of his operator license.

(c) The log of ship stations subject to the Great Lakes Agreement shall include those entries specified by subparagraphs (1), (2), (3), (5), (6), (7), (9), and (10) of paragraph (b) of this section, and in addition shall include the name and radio license number of each operator actually on board and designated by the master to operate the radiotelephone installation.

(d) The log of ship stations subject to title III, part III of the Communications Act shall include the following entries:

(1) All radiotelephone distress and alarm signals and communications transmitted or intercepted, all urgency and safety signals and communications transmitted, the text in as complete form as possible of distress messages and distress communications, and any information connected with the radio service which may appear to be of importance to maritime safety, together with the time of such observation or occurrence, the frequencies used, and the position of the ship or other mobile unit in need of assistance if this can be determined;

(2) The entries specified by subparagraphs (2), (9), and (10) of paragraph (b) of this section.

(e) The log of ship radiotelephne stations not required by law to be provided shall include the following entries:

(1) The entries specified by subparagraph (1) of paragraph (d) of this section;

(2) The entries specified by subparagraphs (2) and (10) of paragraph (b) of this section.

(f) The log of marine utility stations on board ships shall include the entry specified by subparagraph (10) of paragraph (b) of this section.

57. The Title of Subpart P is amended to read: "Subpart P—Use of Radiodetermination."

58. Section 8.401(c) is amended to read:

§ 8.401 Assignable frequencies for direction finding.

• • • • • •

(c) In the event of distress, the following frequencies may be used for radio direction finding for purposes of search and rescue by any licensed ship or survival craft station:

410 kc/s 500 kc/s 2182 kc/s 8364 kc/s

§ 8.402 [Deletion]

59. Section 8.402 is deleted in its entirety and the word [Reserved] inserted in lieu thereof.

60. Section 8.403 is amended by revising the headnote and text to read:

§ 8.403 Radiodetermination by cable-repair ship.

Provided radio transmitting equipment attached to a cable-marker buoy has been adequately described in an application for ship radio station license for a cable-repair ship with which the buoy is associated, and provided further that such equipment is authorized in the related ship station license, that equipment may be operated (outside the territorial waters of a foreign country) on such radio channels within the band 285–325 kc/s (285–315 kc/s only in Region 1) as may be expressly authorized in each case by the Commission under authority of the ship station license, with A1 or A2 emission and a maximum plate input power of 30 watts: *Provided*, That interference shall not be caused by such operation to any maritime radionavigation service. The call signals that must be used for a transmitter operating under the provisions of this section shall be the regularly assigned call of the ship station with which the buoy is asso-

ciated, to be followed by the letters "BT", and the identifying number of the buoy. The buoy transmitter shall be continuously monitored by a licensed radiotelegraph operator on board the associated cable-repair ship. Should a frequency deviation in excess of the authorized frequency tolerance, or interference to the service of any other station, be reported or observed, the radiation of the transmitter shall be suspended until the excessive deviation is eliminated or until the transmitter can be operated without causing interference.

61. Section 8.404 is amended to read:

§ 8.404 Assignable frequencies above 2400 Mc/s.

(a) The following frequency bands, when designated in the station license, are authorized for use by ship radionavigation stations (including ship radar stations):

2900 to 3100 Mc/s
5460 to 5650 Mc/s
9300 to 9500 Mc/s

The use of the band 5460 to 5650 Mc/s is limited to shipborne radar. Transmitters in ship radionavigation stations (including developmental stations) which are authorized for operation in the 3000 to 3246 Mc/s band as of April 16, 1958 and which operate on frequencies between 3100 and 3246 Mc/s may continue to be authorized for operation on the same vessel provided that any renewal of the authorization shall be subject to the condition that no protection shall be given from any interference caused by emission from United States Government stations operating in the 3100 to 3246 Mc/s band.

(b) The following frequency bands, when designated in the station license, are authorized for use by ship radiolocation stations:

(1) 2450 to 2500 Mc/s, on condition that harmful interference shall not be caused to the fixed and mobile services, and on the condition that no protection shall be given from interference caused by emission from industrial, scientific, or medical equipment;

(2)

2900 to 3100 Mc/s
5460 to 5650 Mc/s
9300 to 9500 Mc/s

The use of frequencies within these bands for radiolocation shall not cause harmful interference to the radionavigation service and to the Government radiolocation service. Each ship radiolocation station authorized to operate in the band 3000 to 3246 Mc/s as of April 16, 1958 and which operates on frequencies between 3100 and 3246 Mc/s may continue to operate in the band 3100 to 3246 Mc/s for the duration of the term of its authorization in effect as of that date. Renewals of such authorizations, however, shall be contingent upon the condition that each such station shall not cause harmful interference to United States Government services.

62. Section 8.431 is amended to read:

§ 8.431 Supplemental eligibility.

An authorization for developmental operation of a station on board ship in any of the services under this part will be issued only to those persons who are eligible to operate such stations on a regular basis.

63. Section 8.433 is amended to read:

§ 8.433 Assignable frequencies.

(a) Stations engaged in developmental operation may be authorized to use a frequency or frequencies available for the service and class of station which they propose to operate. The number of frequencies assignable to a particular station shall depend upon the specific requirements of the developmental program and the number of frequencies available for such use in the particular area where the station is to be operated.

(b) The following frequency bands, when designated in the station license, are authorized for use by developmental ship stations subject to the applicable provisions of this part:

6425 to 6575 Mc/s
11700 to 12200 Mc/s
26000 to 30000 Mc/s
16000 to 18000 Mc/s [1]
2450 to 2500 Mc/s [1]

[1] On the condition that no protection shall be given from interference caused by emissions from industrial, scientific, or medical equipment. The class of emission, the frequency tolerance, the emission bandwidth, and the maximum transmitter power for use on frequencies within these bands above 2400 Mc/s shall be designated in each station authorization.

(c) The frequency bands 5350–5460 Mc/s and 9000–9200 Mc/s, when designated in the station license, are authorized for use by developmental ship radiolocation stations: *Provided*, That use of frequencies within these bands shall not cause harmful interference to the aeronautical radionavigation service or the Government radiolocation service.

§ 8.434 [Amendment]

64. Section 8.434 is amended by deleting paragraph (d).

§ 8.436 [Amendment]

65. Section 8.436 is amended by deleting paragraph (b).

66. Section 8.437 is amended to read:

§ 8.437 Identification of station.

(a) The radiotelegraph and radiotelephone emissions of a developmental station on board ship shall be clearly identified in the manner provided in §§ 8.326 and 8.364, respectively.

(b) The facsimile emissions of a developmental station on board ship shall be identified either by telegraphy or by telephony as provided in §§ 8.326 and 8.364, respectively.

(c) All other classes of emission of a developmental station on board ship shall be identified as prescribed in the respective station authorization.

§ 8.439 [Deletion]

67. Section 8.439 is deleted in its entirety.

68. Section 8.520(c) is amended to read:

§ 8.520 Lifeboat radio equipment.

• • • • • •

(c) Each of the components specified in paragraph (b) of this section shall be of a type of apparatus or shall comprise such items as are type approved by the Commission as capable of meeting the provisions of §§ 8.556, 8.557, 8.558, or 8.559, as may be applicable.

69 Section 8.545(a)(2) is amended to read:

§ 8.545 General technical requirements.

(a) • • •

(2) *Very high frequency transmitting and receiving equipment.* If a vessel is within communication range of a public coast station operating in part or entirely on frequencies within the band 156–174 Mc/s which is in service and maintains an efficient watch for the reception of class F3 emission on the frequency 156.8 Mc/s at all times while the vessel is navigated in waters specified by section 381 of part III of title III, and the vessel while so navigated is never more than 20 nautical miles from a 156.8 Mc/s receiving location of such station, such vessel may alternatively employ very high frequency transmitting and receiving equipment in lieu of the medium frequency equipment specified in subparagraph (1) of this paragraph. Such alternative equipment shall meet the following requirements:

(i) The equipment shall be capable of being used for the effective transmission and reception of class F3 emission on the frequencies 156.3 Mc/s, 156.8 Mc/s, and on the working frequency 157.2, 157.25, 157.3 157.35, or 157.4 Mc/s as necessary for communication with one or more public coast stations serving the area in which the vessel is navigated;

(ii) The transmitter shall be capable of proper technical operation with peak modulation percentage between 75 and 100 percent, and shall be so adjusted that the transmission of speech normally produces peak modulation within these limits. The frequency deviation with 100 percent modulation applied shall not exceed 15 kc/s;

(iii) The radiotelephone transmitter shall have a power output of at least 20 watts. The transmitter shall be considered to be capable of meeting this power requirement when it is properly adjusted for use with a ship station transmitting antenna meeting the requirements of these rules and has been demonstrated or is of a type that has been demonstrated to the satisfaction of the Commission as capable, with normal operating voltages applied, of delivering not less than 20 watts unmodulated radio frequency carrier power into 50 ohms effective resistance on each of the frequencies 156.8 Mc/s, 156.3 Mc/s, and any one of the frequencies 157.2, 157.25, 157.3, 157.35, or 157.4 Mc/s: *Provided*, That if a type demonstration has been made, an individual demonstration of the power capability of the transmitting apparatus of any individual radiotelephone installation as normally installed on board ship may be required to determine whether it complies with these power requirements.

70. Section 8.552(b) is amended to read:

§ 8.552 Requirements for main transmitter.

• • • • • •

(b) Tabulation of basic technical requirements (for the purpose of these specific requirements, the term "average ship station antenna" means an actual antenna installed on board ship having a capacitance of 750 micromicrofarads and an effective resistance of 4 ohms at a frequency of 500 kilocycles, or an artificial (dummy) antenna having the same electrical characteristics):

Operating carrier frequency	Frequency tolerance (parts in 10^6)	Class of emission	Percentage modulation (for amplitude modulation)	Modulation frequency (for amplitude modulation)	Antenna power
500 kc/s	1,000	A2	Not less than 70; not more than 100.	At least 1 frequency between 300 and 1250 cycles per second; except for transmitters installed after July 1, 1951, at least 1 frequency between 450 and 1250 cycles per second.	Not less than 200 watts into an average ship station antenna.
Do	do	A1			Not less than 160 watts into an average ship station antenna.
410 kc/s and 2 authorized working frequencies in the band 415 to 490 kc/s.	do	A2	Not less than 70; not more than 100.	At least 1 frequency between 300 and 1250 cycles per second; except for transmitters installed after July 1, 1951, at least 1 frequency between 450 and 1250 cycles per second.	Not less than 200 watts into an average ship station antenna.
Do	do	A1			Not less than 160 watts into an average ship station antenna.

71. Section 8.553(b) is amended to read:

§ 8.553 Requirements for emergency transmitter.

• • • • • • •

(b) Tabulation of basic technical requirements (for the purpose of these specific requirements, the term "average ship station antenna" means an actual antenna installed on board ship having a capacitance of 750 micromicrofarads and an effective resistance of 4 ohms at a frequency of 500 kilocycles, or an artificial (dummy) antenna having these same electrical characteristics):

Operating carrier frequency	Frequency tolerance (parts in 10^6)	Class of emission	Percentage modulation (for amplitude modulation)	Modulation frequency (for amplitude modulation)	Antenna power
500 kc/s	1,000 except for emergency transmitters whose use is confined solely to safety communications as defined in § 8.6(a). Such transmitters shall maintain a frequency tolerance of 3,000 parts in 10^6.	A2	Not less than 70; not more than 100.	At least 1 frequency between 300 and 1250 cycles per second; except for transmitters installed after July 1, 1951, at least 1 frequency between 450 and 1250 cycles per second.	Not less than 25 watts into an average ship station antenna.
410 kc/s and 1 authorized working frequency in the band 415 to 490 kc/s.	do	A2	do	do	Do.

72. Section 8.557 is amended by revising the second column of the table in paragraph (b)(1), and by revising paragraph (c)(1), as follows:

§ 8.557 Requirements for lifeboat portable radio equipment.

• • • • • •

(b)(1) • • •

Frequency tolerance
Parts in 10^6
5,000
5,000
200

(c) • • •

(1) The receiver shall, when used with headphones, be capable without manual tuning of receiving A2 emission over the band 492–508 kc/s, and shall be capable when manually tuned of receiving A1 and A2 emission on any frequency in the band 8320–8745 kc/s.

73. Section 8.558 is amended by revising the 2d column of the table in paragraph (a)(1), and by revising paragraph (b)(1), as follows:

§ 8.558 Requirements for lifeboat nonportable radio equipment.

(a)(1) • • •

Frequency tolerance
Parts in 10^6
5,000
200

• • • • • •

(b) • • •

(1) The receiver shall, when used with headphones, be capable without manual tuning of receiving A2 emission over the band 492–508 kc/s, and shall be capable when manually tuned of receiving A1 and A2 emission on any frequency in the band 8320–8745 kc/s.

§ 8.559 [Deletion]

74. Section 8.559 is deleted in its entirety.

75. Section 8.602 is amended to read:

§ 8.602 Reports of infringements of the International Radio Regulations.

In the event that infringement of the International Radio Regulations by a foreign station is detected, report thereof may be made by the submission to the Commission of a form similar to that set forth in Appendix 7 to the International Radio Regulations.

76. Section 8.801 is amended by revising Tables 1b and 2 to read as follows:

§ 8.801 Tables of ship radiotelegraph frequencies from 2 Mc/s to 27.5 Mc/s.

• • • • • •

TABLE 1b—SHIP RADIOTELEGRAPH CALLING FREQUENCIES (KC/S)

C1: 2089, 4178, 6267, 8356, 12534, 16712, 22225.
C2: 2089.5, 4179, 6268.5, 8358, 12537, 16716, 22230.
C3: 2090, 4180, 6270, 8360, 12540, 16720, 22235.
C4: 2090.5, 4181, 6271.5, 8362, 12543, 16724, 22240.
C5: 2091.
C6: 2091.5, 4183, 6274.5, 8366, 12549, 16732, 22250.
C7: 2092, 4184, 6276, 8368, 12552, 16736, 22255.
C8: 2092.5, 4185, 6277.5, 8370, 12555, 16740, 22260.
C9: 2093, 4186, 6279, 8372, 12558, 16744, 22265.

• • • • • •

TABLE 2—SHIP RADIOTELEGRAPH FREQUENCY PLAN

[For columns of frequencies designated by these symbols, see tables 1a, 1b, and 1c]

	Calling frequency column symbols	High traffic ship working frequency column symbols	Low traffic ship working frequency column symbols
RCA Communications, Inc.	C3, C5, C7, C9.	H1, H3, H5, H7, H9.	L1, L3, L5, L7, L9, L11, L13, L15, L17, L19, L21, L23, L25, L27, L29, L31, L33, L35, L37, L39, L41, L43, L45, L47.
Mackay Radio & Telegraph Co., Inc.	C2, C4, C5, C6.	H4, H6, H8, H10.	L2, L6, L8, L10, L14, L18, L20, L24, L28, L32, L34, L36, L40, L42, L48, L49.
Tropical Radio Telegraph Co.	C1, C5, C8.	H2, H11.	L4.
Matson Navigation Co.	do.	do.	L12.
Globe Wireless Co.	do.	H4, H6, H8, H10.	L16.
Other applicants:[1]			
A–C	do.	H2, H11.	L22.
D–L	do.	do.	L26.
M	do.	do.	L30.
N–R	do.	do.	L38.
S	do.	do.	L44.
T–Z	do.	do.	L46.

[1] Applicants other than the companies listed must apply for the frequency column symbols shown, in alphabetic groups according to the first letter of their name. As an example, if the applicant's name begins with A, B, or C, he may apply only for frequency column symbols C1, C5, or C8, H2, and H11 for a high traffic ship, or C1, C5, or C8 and L22 for a low traffic ship. For this purpose, the alphabetic group of first letters of the name will be selected, by using the first word of a trade name omitting "The"; the last name of a personal name; or the last name of the first person appearing in a series of personal names. As examples, the following names would all apply for the third, or "M", group: Marine Communications, Inc.; A. B. Miller and Co.; C. D. Muncey; E. F. Murphy, Alfred Abrams, et al

C. Part 14, Public Fixed Stations and Stations of the Maritime Services in Alaska, is amended as follows:

1. Section 14.2 is amended by revising paragraphs (b), (c), and (h) to read:

§ 14.2 General definitions.

• • • • •

(b) *Public correspondence.* Any telecommunication which the offices and stations must, by reason of their being at the disposal of the public, accept for transmission.

(c) *Fixed service.* A service of radiocommunication between specified fixed points.

• • • • •

(h) *Harmful interference.* Any emission, radiation or induction which endangers the functioning of a radionavigation service or of other safety services, or seriously degrades, obstructs, or repeatedly interrupts a radiocommunication service operating in accordance with regulations of this chapter.

2. Section 14.4(b) is amended to read:

§ 14.4 Definitions in other parts applicable.

• • • • •

(b) The definitions set forth in the following sections of Subpart A of Part 7 of this chapter shall apply to stations of the fixed service subject to this part: §§ 7.2(a) to and including 7.2(h), 7.2(j), 7.7(a) to and including 7.7(h), 7.7(j), 7.7(m), 7.7(n), 7.8, 7.139, and 7.188.

3. Section 14.21(a) is amended to read:

§ 14.21 Authorization required for operation of a radio station.

(a) Any radio station required by the Communications Act to be licensed shall not be operated in any service regulated by this part except under and in accordance with a valid station authorization granted by the Commission. Further, the operation of such apparatus shall be conducted in conformity with the provisions of statute, international treaty or agreement, and the rules of the Commission relative to the licensing of operators.

NOTE: The Commission has exempted certain low power radio devices from its general licensing requirements; the extent of this exemption and related matters are set forth in Part 15, "Incidental and Restricted Radiation Devices", of this chapter. Licensing procedures and exemptions applicable to radio apparatus used for medical purposes, industrial heating, and other miscellaneous purposes not involving radiocommunication are set forth in Part 18, "Industrial, Scientific, and Medical Equipment", of this chapter.

4. Section 14.65(a) is amended to read:

§ 14.65 Rules in other parts applicable.

(a) The rules relating to station authorization set forth in the rules and regulations governing stations in the maritime services (Subpart C of Parts 7 and 8 of this chapter) shall, except paragraphs (b) and (c) of § 7.72 and subparagraphs (1) and (2) of § 7.63(b), apply to stations of these services in the Alaska area so far as they are consistent with this part.

5. Section 14.101 is amended by revising the note to read:

§ 14.101 Priority of distress and other signals.

• • • • •

(b) • • •

NOTE: The types of signals to which reference is made in § 14.101 are defined in §§ 7.7 (d), (f), and (g); 7.188; 8.234; 8.245; 8.247; and 8.249 of this chapter.

6. Section 14.107 is amended by revising the introductory text of paragraph (a), and paragraph (c) to read:

§ 14.107 Documents required for coast stations.

(a) Each public coast station in the Alaska area using telegraphy shall be provided with this part and the documents prescribed in § 7.213(a) of this chapter: *Provided,* That in public coast stations authorized to use telegraphy on frequencies solely within the band 1605–5000 kc/s, the following documents may be substituted in lieu of the documents specified by paragraph (a) (4) and (5) of § 7.213 of this chapter:

• • • • •

(c) Each public coast station in the Alaska area using telephony shall be provided with this part and the documents prescribed in § 7.313 of this chapter:

7. Section 14.108 is amended to read:

§ 14.108 Documents required for ship stations.

(a) Each ship station in the Alaska area using telegraphy shall be provided with this part and the documents listed in § 8.329 of this chapter; except that in any ship station using telegraphy and located on board a vessel not compulsorily fitted with a radiotelegraph installation while in the Alaska area or while engaged on voyages solely between Alaska and other places on the Pacific seaboard of the continental United States or Canada, the following documents may be substituted in lieu of those specified in paragraph (a) (4), (5), and (6) of § 8.329 of this chapter if the ship station uses telegraphy on frequencies solely within the band 1605–5000 kc/s:

(1) A complete list of coast stations (including call signs) which are authorized to transmit on frequencies within the band 1605–5000 kc/s, which are open to public correspondence, or which maintain watch on 2182 kc/s or 2091 kc/s and are located in the Alaska area (including coast stations of ACS) and on the Pacific seaboard of the continental United States and Canada;

(2) A list, as complete as is practicable, of ship stations (including call signs) known to operate regularly in the Alaska area and/or on voyages between Alaska and other places on the Pacific seaboard of the continental United States or Canada, and authorized to transmit on frequencies within the band 1605–5000 kc/s.

(b) Each ship station in the Alaska area using telephony only (except telegraphy for calling and for operating signals incidental to the use of telephony) shall be provided with this part and the documents set forth in § 8.367 of this chapter.

(c) The documents prescribed in this section shall be continuously and readily available to the licensed operator on duty during the hours of service of the station.

8. Section 14.151 is amended by revising the last column of the table in paragraph (b), and the last column and note following the table in paragraph (c) to read:

§ 14.151 Authorized frequency tolerance.

• • • • •

(b) • • •

Tolerance, parts in 10^6
200
100
100
50
50

(c) • • •

Tolerance, parts in 10^6
50
30
50
30
50
30
50
30
50
30
50
30

NOTE: See § 7.8(v) of this chapter for definition of plate (anode) input power.

§ 14.152 [Amendment]

9. Section 14.152 is amended by deleting in the table of paragraph (b) the last entry "Coast and ship. / On 156.4, 156.5, 156.7 and 156.9 Mc . . . / F–1, F–2, and for brief testing Γ–0.", and changing in the 2d column of the table in paragraph (c) the last entry "From 156.25 to 162.05 Mc" to read "From 156 to 174 Mc/s".

§ 14.153 [Amendment]

10. Section 14.153(a) is amended by changing in the 3d column of the table the last entry

From 156.25 to 157.45 Mc
From 161.85 to 162.05 Mc

to read

From 156.25 to 161.25 Mc/s
From 161.775 to 162.025 Mc/s

and revising the note to read:

NOTE: As used in this part the terms "last radio stage", "plate (anode) input power", "antenna power", and "authorized transmitter power" are defined in Subpart A of Parts 7 and 8 of this chapter. See § 7.8 (u), (v), (w), (x), and § 8.7 (s), (t), (u), and (v).

11. Section 14.253 is amended to read:

§ 14.253 Alternate transmission on the same frequency.

Except when communicating with coast stations of the Alaska Communication System, stations when communicating with each other within the bands 1605–2035 kc/s and 2107–9000 kc/s, shall transmit and receive on the same frequency: *Provided,* That this requirement is waived in an emergency affecting the safety of life or property when, by reason of interference or limitation of equipment, this method of single channel communication cannot be used.

12. Section 14.257 is amended to read:

§ 14.257 Safety frequencies for ship and coast stations in all zones using telephony.

In addition to the frequencies for safety purposes in the 156–174 Mc/s band available under Parts 7 and 8 of this chapter, the frequency 2182 kc/s is authorized for distress, calling, and safety purposes for use by ship and coast stations in all zones of the Alaska area in accordance with the provisions of Parts 7 and 8 of this chapter: *Provided,* That the authorized class of emission and and the authorized transmitter power shall be in conformity with the provisions of Subpart E of this part.

13. Section 14.258 is amended to read:

§ 14.258 Frequencies for ship to ship communication in all zones by telephony.

In addition to the intership frequencies in the 156–174 Mc/s band available under Part 8 of this chapter, the frequencies 2638 kc/s and 2738 kc/s are available for ship to ship communications in all zones of the Alaska area by ship stations using telephony and operating in accordance with applicable provisions of Part 8 of this chapter: *Provided,* That the authorized class of emission and the authorized transmitter power shall be in conformity with the provisions of Subpart E of this part.

14. Section 14.260 is amended to read:

§ 14.260 Frequencies in the band 1605–3400 kc/s for ship to shore public telephone service in all zones.

(a) The frequency 2134 kc/s is authorized as an assigned frequency for use in all zones of the Alaska area by public ship stations, in accordance with Subpart E of this part, for communication exclusively with coast stations of the Alaska Communication System which are located in the Alaska area and are open to public correspondence. When transmitting on this frequency to any ACS coast station, ship stations normally shall employ class A3 emission for telephony; they may employ telegraphy if desired, with class of emission designated by the ACS, when the particular ACS coast station is capable of using telegraphy. The associated frequency to be used for transmission from the coast station to the ship station shall be within the band 1605–3400 kc/s and shall be designated for each location by the ACS.

NOTE: The ACS coast station transmitting frequency and the hours of service of each ACS coast station at the respective locations in the Alaska area at which this service is available may be obtained upon request made to the ACS or to the Commission's Engineer in Charge at Anchorage, Alaska, or Seattle, Washington. These frequencies are listed for the information of ship station licensees.

ACS coast station location:	Respective transmitting frequency (kc/s)
Anchorage	2312
Barrow	2312
Cold Bay	2312
Cordova	2300
Craig	2312
Juneau	2784
Ketchikan	2300
Kodiak	2784
King Salmon	2312
Nome	2784
Seward	2312
Sitka	2312
Skagway	2312
Unalaska	2312
Valdez	2300
Whittier	2312
Wrangell	2312

(b) Frequencies within the band 4000 kc/s–30 Mc/s designated in §§ 8.354 and 8.355 of this chapter for use by ship stations employing telephony for communication with public coast stations located in the vicinity of specified geographic locations (outside the Alaska area) are available for use by ship stations, at sea in the Alaska area, using telephony and operating in accordance with applicable provisions of Part 8 of this chapter, including provisions therein governing the class of emission and the authorized transmitter power.

§ 14.261 [Deletion]

15. Section 14.261 is deleted in its entirety.

§ 14.262 [Deletion]

16. Section 14.262 is deleted in its entirety.

17. Section 14.265 is amended to read:

§ 14.265 Rules in other parts applicable.

The rules relating to the assignment and use of frequencies for ship, aircraft, marine utility, and coast stations operating in the maritime mobile service and for stations operating in the maritime radio location service which are set forth in Parts 7 and 8 of this chapter shall, except as otherwise specifically provided in this part, apply to stations of these services (including developmental stations) in the Alaska area so far as they are consistent with this part.

[F.R. Doc. 62–7211; Filed, July 25, 1962; 8:45 a.m.]

[FCC 62–753]

PART 13—COMMERCIAL RADIO OPERATORS

Licensing of Radio Operators

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of July 1962;

The Commission having under consideration Public Law 87–445, approved April 27, 1962, which further amended section 303(1) of the Communications Act of 1934; and

It appearing that Public Law 87–445 amended section 303(1) of the Com-

munications Act of 1934, as amended, by inserting the words "or nationals" immediately following the word "citizens" and that the section, as amended, reads as follows:

SEC. 303. Except as otherwise provided in this Act the Commission from time to time, as public convenience, interest, or necessity requires shall—

• • • • •

(1) Have authority to prescribe the qualifications of station operators, to classify them according to the duties to be performed, to fix the forms of such licenses, and to issue them to such citizens or nationals of the United States as the Commission finds qualified, except that in issuing licenses for the operation of radio stations on aircraft the Commission may, if it finds that the public interest will be served thereby, waive the requirement of citizenship in the case of persons holding United States pilot certificates or in the case of persons holding foreign aircraft pilot certificates which are valid in the United States on the basis of reciprocal agreements entered into with foreign governments; [1]

It further appearing that the aforementioned amendment provides for the licensing of all qualified nationals of the United States, including U.S. citizens, and is not intended to limit the authority of the Commission with respect to the licensing of alien aircraft pilots; and

It further appearing that Part 13 should be amended so as to reflect the aforesaid changes in section 303(1); and

It further appearing that the changes are interpretative, and hence that compliance with section 4 of the Administrative Procedure Act is unnecessary; and

It further appearing that authority for the issuance of this Order is contained in sections 4(i), 303(l), and 303(r) of the Communications Act of 1934, as amended;

It is ordered, Effective July 25, 1962, That Part 13 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: July 23, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Sections 13.4 (b) and (c), 13.5(a) and 13.76 are amended to read as follows:

§ 13.4 Term of licenses.

• • • • •

(b) Restricted Radiotelephone Operator Permits issued to U.S. citizens or other U.S. nationals will normally be issued for the lifetime of the operator. The terms of all Restricted Radiotelephone Operator Permits issued prior to November 15, 1953, which were outstanding on that date were extended to encompass the lifetime of such operators.

(c) A commercial operator license, of any grade, granted to an alien aircraft pilot under a waiver of the U.S. nationality provisions of section 303(1) of the Communications Act, until such time as the question of a national security policy has been determined with respect to such persons will normally be issued for a period not in excess of one year from the date of issuance. An operator license issued to an alien shall be valid only if the operator continues to hold an Aircraft Pilot Certificate issued by the Civil Aeronautics Administration or the Federal Aviation Agency and is lawfully in the United States.

§ 13.5 Eligibility for new license.

(a) Normally, commercial licenses are issued only to citizens and other nationals of the United States. As an exception, in the case of an alien who holds an Aircraft Pilot Certificate issued by the Civil Aeronautics Administration or the Federal Aviation Agency and is lawfully in the United States, the Commission, if it finds that the public interest will be served thereby, may waive the requirement of U.S. nationality.

§ 13.76 Limitation on aircraft pilots.

Notwithstanding any other provisions of this part, a license issued to an alien aircraft pilot pursuant to section 303(1) of the Communications Act shall be valid only for such operation of radio stations on aircraft as is complementary to his functions and duties as a pilot.

[F.R. Doc. 62-7348; Filed, July 25, 1962; 8:55 a.m.]

[1] The term "national of the United States" means (A) a citizen of the United States, or (B) a person who, though not a citizen of the United States, owes permanent allegiance to the United States. (8 USC 1101(a)(22))

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 62-EA-55]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Proposed Alteration of Federal Airways and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6143, 600.6156, 600.6251, 601.6143, 601.6156, and 601.6251 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 143 extends in part from Lynchburg, Va., to Montebello, Va. Low altitude VOR Federal airway No. 251 extends in part from Martinsburg, W. Va., to Front Royal, Va. Low altitude VOR Federal airway No. 156 extends in part from Elkins, W. Va., to Gordonsville, Va.

The Federal Aviation Agency has under consideration the following proposed airspace actions:

1. Extend Victor 143 from the Montebello, Va., VOR to Casanova, Va., VORTAC via the intersection of the Montebello VOR 031° and the Casanova VORTAC 267° radials.

2. Designate a north alternate to Victor 156 between the Elkins, W. Va., VORTAC and the Gordonsville, Va., VORTAC via Kessel, W. Va., VOR. The airspace between the main and the alternate airway would not be designated as controlled airspace.

3. Extend Victor 251 from the Front Royal, Va., VOR to the Montebello, Va., VOR.

Segments of the proposed extension of Victor 143 and the proposed Victor 156 north alternate would be used as additional departure routes from the Washington National Airport and Andrews Air Force Base, Md. The Gordonsville to Kessel segment of the proposed Victor 156 north alternate would serve as a bypass route of the Washington terminal area. The proposed extension of Victor 251 would serve as a southwest departure route for Dulles International Airport, Va., and also serve as a bypass route of the Washington terminal area.

The control areas associated with these airway segments would extend from 700 feet above the surface to the base of the continental control area. Separate actions would be initiated to implement on an area basis Amendment 60-21 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within fifteen days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 23, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-7351; Filed, July 25, 1962; 8:55 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14661 (RM-227)]

RADIO BROADCAST SERVICES

Proposed Use of Automatic Logging Devices; Order Extending Time for Filing Comments and Replies

In the matter of amendment of §§ 3.111(b), 3.281(b), 3.581(b) and 3.663(b) of the Commission's rules and regulations so as to permit the use of automatic logging devices.

1. In individual petitions, filed July 17, 1962, the National Broadcasting Company, Inc. (NBC) and the Columbia Broadcasting System, Inc. (CBS) each requests a 60-day extension of time in which to file comments and reply comments in the above-captioned proceeding. Comments and replies are now due July 20, 1962, and August 1, 1962, respectively.

2. The substance of the reasons for the two requests is covered by the statement of NBC: "Because of the complex nature of the subject matter, and the desire not only to weigh the proposed changes but to consider whether additional related changes in the Rules should be made at the same time, NBC will be unable to conclude its own studies or reach its own conclusions in this matter by July 20. Although some work on the subject matter of this proceeding will be carried on during the August vacation period, NBC believes that an extension of time for filing comments to September 20, 1962, would be reasonable in the light of the work remaining to be done, and the current workload of the Commission particularly immediately prior to and following the vacation recess."

3. In view of the complexities of this matter, which involve substantial changes in the methods of keeping operating logs and the possibility of the creation of a new log, the "maintenance log", for those entries relating to the maintenance of equipment, we believe the additional time requested is desirable to give all parties adequate opportunity to prepare helpful comments and replies.

4. *Therefore, it is ordered*, This 18th day of July 1962, that the petitions for extension of time for filing comments of NBC and CBS are granted, and that the times for filing comments and replies in this proceeding are extended from July 20 and August 1, 1962, to September 20 and October 1, 1962, respectively.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and section 0.241(d)(8) of the Commission rules.

Released: July 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7349; Filed, July 25, 1962; 8:55 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 55669; Customs Delegation Order 19]

CERTAIN PERSONS TO ACT AS COMMISSIONER OF CUSTOMS

Order Establishing an Order of Succession

JULY 20, 1962.

Under the authority conferred upon me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955, it is hereby ordered that the following officers of Customs, in the order of succession enumerated, shall act as Commissioner of Customs during the absence or disability of the Commissioner of Customs, or when there is a vacancy in such office:

1. The Assistant Commissioner of Customs;
2. The Deputy Commissioner of Customs for Management and Controls;
3. The Deputy Commissioner of Customs for Investigations and Enforcement;
4. The Deputy Commissioner of Customs for Appraisement Administration;
5. The Deputy Commissioner of Customs, Division of Classification and Drawbacks;
6. The Deputy Commissioner of Customs, Division of Entry, Value, and Penalties;
7. The Deputy Commissioner of Customs, Division of Marine Administration;
8. The Collector of Customs, Wilmington, North Carolina;
9. The Assistant Collector of Customs, Wilmington, North Carolina.

This order supersedes the order of succession established in Bureau of Customs of Treasury Department Delegation Order No. 16, dated May 17, 1960.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

[F.R. Doc. 62-7335; Filed, July 25, 1962; 8:52 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket No. AO 331]

ELBERTA PEACHES GROWN IN CALIFORNIA

Determination Relative To Proposed Marketing Agreement

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Fresno, California, on May 10 and 11, 1961, after notice thereof published in the FEDERAL REGISTER (26 F.R. 3474) upon a proposed marketing agreement regulating the handling of Elberta peaches grown in California. The decision of the Assistant Secretary setting forth the proposed marketing agreement was published in the FEDERAL REGISTER on June 23, 1961 (26 F.R. 5632); and handlers were afforded opportunity to enter into this agreement.

It is hereby determined that the issuance of the proposed marketing agreement regulating the handling of Elberta peaches grown in California has not been executed by handlers of the requisite quantity of Elberta peaches handled during the 1960 marketing season.

It is hereby further determined that the proposed marketing agreement as set forth in the Assistant Secretary's decision of June 16, 1961 (26 F.R. 5632), will not be entered into.

Done at Washington, D.C., this 20th day of July 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-7321; Filed, July 25, 1962; 8:50 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of full-time students (29 CFR Part 519), and Administrative Order No. 561 (27 F.R. 4001) the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulations, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to 29 CFR 519.6 (c) and (g) providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

Region I

W. T. Grant Co. (#4), 113 Lisbon Street, Lewiston, Maine; effective 6-26-62 to 6-25-63 (variety store; 24 employees).

W. T. Grant Co., 79 North Main Street, Rochester, N.H.; effective 6-27-62 to 6-26-63 (variety store; 27 employees).

Howland-Hughes Co., 120-140 Bank Street, Waterbury, Conn.; effective 6-28-62 to 6-27-63 (department store; 201 employees).

S. S. Kresge Co. (4527 Jupiter), 440 Main Street, Middletown, Conn.; effective 6-28-62 to 6-27-63 (variety store; 13 employees).

J. J. Newberry Co., 175 Main Street, Northampton, Mass.; effective 6-10-62 to 6-9-63 (variety store; 61 employees).

J. J. Newberry Co., 135 Main Street, Berlin, N.H.; effective 6-20-62 to 6-19-63 (variety store; 13 employees).

Newberry Plymouth Corp. (418), 89 Main Street, Plymouth, N.H.; effective 6-10-62 to 6-9-63 (variety store; 11 employees).

Region II

McCrory-McLellan-Green Stores (#1075), 151 Newark Avenue, Jersey City, N.J.; effective 6-10-62 to 6-9-63 (variety store; 49 employees).

McCrory-McLellan-Green Stores (#1085), 192 Springfield Avenue, Newark, N.J.; effective 6-22-62 to 6-21-63 (variety store; 38 employees).

Newberry Newton Corp. (#428), 67 Spring Street, Newton, N.J.; effective 6-22-62 to 6-21-63 (variety store; 20 employees).

F. W. Woolworth Co. (#191), 1518 Atlantic Avenue, Atlantic City, N.J.; effective 6-21-62 to 6-20-63 (variety store; 41 employees).

F. W. Woolworth Co., 483 Broadway, Bayonne, N.J.; effective 6-10-62 to 6-9-63 (variety store; 32 employees).

F. W. Woolworth Co., 22 North Laurel Street, Bridgeton, N.J.; effective 6-10-62 to 6-9-63 (variety store; 30 employees).

F. W. Woolworth Co., 2515 Federal Street, Camden, N.J.; effective 6-10-62 to 6-9-63 (variety store; 28 employees).

F. W. Woolworth Co., 729 Anderson Avenue, Cliffside Park, N.J.; effective 6-10-62 to 6-9-63 (variety store; 15 employees).

F. W. Woolworth Co., 116 Broad Street, Elizabeth 4, N.J.; effective 6-10-62 to 6-9-63 (variety store; 114 employees).

F. W. Woolworth Co., 147 Main Street, Hackensack, N.J.; effective 6-10-62 to 6-9-63 (variety store; 69 employees).

F. W. Woolworth Co., 115 Kings Highway E., Haddonfield, N.J.; effective 6-10-62 to 6-9-63 (variety store; 27 employees).

F. W. Woolworth Co., 145 Newark Avenue, Jersey City, N.J.; effective 6-10-62 to 6-9-63 (variety store; 30 employees).

F. W. Woolworth Co. (#774), 320 Jackson Avenue, Jersey City, N.J.; effective 6-10-62 to 6-9-63 (variety store; 45 employees).

F. W. Woolworth Co. (#1886), 83 Journal Square, Jersey City, N.J.; effective 6-10-62 to 6-9-63 (variety store; 66 employees).

F. W. Woolworth Co., 165 Market Street, Newark, N.J.; effective 6-10-62 to 6-9-63 (variety store; 435 employees).

F. W. Woolworth Co., 368 George Street, New Brunswick, N.J.; effective 6-10-62 to 6-9-63 (variety store; 49 employees).

F. W. Woolworth Co., 732-36 Asbury Avenue, Ocean City, N.J.; effective 6-21-62 to 6-20-63 (variety store; 18 employees).

F. W. Woolworth Co., 110 South Broadway, Pitman, N.J.; effective 6-10-62 to 6-9-63 (variety store; 20 employees).

F. W. Woolworth Co., 219 East Front Street, Plainfield, N.J.; effective 6-10-62 to 6-9-63 (variety store; 43 employees).

F. W. Woolworth Co., 716 Black Horse Pike, Pleasantville, N.J.; effective 6-10-62 to 6-9-63 (variety store; 31 employees).

F. W. Woolworth Co. (#1034), 116-122 Hassan Street, Princeton, N.J.; effective 6-21-62 to 6-20-63 (variety store; 14 employees).

F. W. Woolworth Co., 52 Broad Street, Red Bank, N.J.; effective 6-10-62 to 6-9-63 (variety store; 23 employees).

F. W. Woolworth Co., Route 202, Somerville, N.J.; effective 6-10-62 to 6-9-63 (variety store; 34 employees).

F. W. Woolworth Co., 117 East State Street, Trenton 8, N.J.; effective 6-10-62 to 6-9-63 (variety store; 92 employees).

F. W. Woolworth Co. (#671), 821 Summit Avenue, Union City, N.J.; effective 6-10-62 to 6-9-63 (variety store; 15 employees).

F. W. Woolworth Co., 5809 Bergenline Avenue, West New York, N.J.; effective 6-10-62 to 6-9-63 (variety store; 54 employees).

F. W. Woolworth Co., 77 Essex Green, West Orange, N.J.; effective 6-10-62 to 6-9-63 (variety store; 47 employees).

F. W. Woolworth Co. (#1834), 151-7 East Broad Street, Westfield, N.J.; effective 6-10-62 to 6-9-63 (variety store; 43 employees).

F. W. Woolworth Co. (#1411), 3210 Pacific Avenue, Wildwood, N.J.; effective 6-10-62 to 6-9-63 (variety store; 16 employees).

F. W. Woolworth Co., 107 Main Street, Woodbridge, N.J.; effective 6-10-62 to 6-9-63 (variety store; 27 employees).

F. W. Woolworth Co. (#1445), 26-32 South Broad Street, Woodbury, N.J.; effective 6-10-62 to 6-9-63 (variety store; 22 employees).

Region III

S. S. Kresge Co., 119 West Lexington Street, Baltimore, Md.; effective 6-10-62 to 6-9-63 (variety store; 97 employees).

S. S. Kresge Co., 3508 Eastern Avenue, Baltimore 24, Md.; effective 6-10-62 to 6-9-63 (variety store; 26 employees).

S. S. Kresge Co., 4903 Annapolis Road, Bladensburg, Md.; effective 6-10-62 to 6-9-63 (variety store; 54 employees).

S. S. Kresge Co., 59 Shipping Place, Dundalk 22, Md.; effective 6-10-62 to 6-9-63 (variety store; 61 employees).

S. S. Kresge Co., 1300 Eastern Boulevard, Essex 21, Md.; effective 6-10-62 to 6-9-63 (variety store; 42 employees).

S. S. Kresge Co., Wheaton Plaza, 11160 Viers Mill Road, Wheaton, Md.; effective 6-10-62 to 6-9-63 (variety store; 60 employees).

S. S. Kresge Co., 904 State Street, Erie, Pa.; effective 6-10-62 to 6-9-63 (variety store; 71 employees).

S. S. Kresge Co., 220 Market Street, Harrisburg, Pa.; effective 6-10-62 to 6-9-63 (variety store; 71 employees).

S. S. Kresge Co., 428 Main Street, Johnstown, Pa.; effective 6-10-62 to 6-9-63 (variety store; 24 employees).

Lancaster Shopping Center, 1625 Lititz Pike, Lancaster, Pa.; effective 6-10-62 to 6-9-63 (variety store; 38 employees).

S. S. Kresge Co., 45 Morrisville Shopping Center, Morrisville, Pa.; effective 6-10-62 to 6-9-63 (variety store; two employees).

S. S. Kresge Co., 1428 Point Breeze Avenue, Philadelphia, Pa.; effective 6-10-62 to 6-9-63 (variety store; 26 employees).

S. S. Kresge Co., 3116 Kensington Avenue, Philadelphia 34, Pa.; effective 6-10-62 to 6-9-63 (variety store; 41 employees).

S. S. Kresge Co., 4506 Frankford Avenue, Philadelphia 24, Pa.; effective 6-10-62 to 6-9-63 (variety store; 49 employees).

S. S. Kresge Co., 4254 Frankford Avenue, Philadelphia 49, Pa.; effective 6-10-62 to 6-9-63 (variety store; 23 employees).

S. S. Kresge Co., North Park Village, 4801 McKnight Road, Pittsburgh, Pa.; effective 6-10-62 to 6-9-63 (variety store; 37 employees).

S. S. Kresge Co., 544 Penn Street, Reading, Pa.; effective 6-10-62 to 6-9-63 (variety store; 73 employees).

S. S. Kresge Co., 2301 Sharon-Mercer Road, Sharon, Pa.; effective 6-10-62 to 6-9-63 (variety store; 30 employees).

S. S. Kresge Co., 92 South 69th Street, Upper Darby, Pa.; effective 6-10-62 to 6-9-63 (variety store; 73 employees.)

G. C. Murphy Co., 100-4 Main Street, Annapolis, Md.; effective 6-10-62 to 6-9-63 (variety store; 46 employees).

G. C. Murphy Co., 7737 Eastern Boulevard, Baltimore 24, Md.; effective 6-10-62 to 6-9-63 (variety store; 131 employees).

G. C. Murphy Co., 411-13 South Broadway, Baltimore 31, Md.; effective 6-10-62 to 6-9-63 (variety store; 43 employees).

G. C. Murphy Co., 18-20-22 West North Avenue, Baltimore 1, Md.; effective 6-10-62 to 6-9-63 (variety store; 70 employees).

G. C. Murphy Co., 1024-26-30 Light Street, Baltimore 30, Md.; effective 6-10-62 to 6-9-63 (variety store; 24 employees).

G. C. Murphy Co., 6863-65 Loch Raven Boulevard, Baltimore 4, Md.; effective 6-10-62 to 6-9-63 (variety store; 61 employees).

G. C. Murphy Co., 901 West 36th Street, Baltimore 11, Md.; effective 6-10-62 to 6-9-63 (variety store; 27 employees).

G. C. Murphy Co., 5406-08-10 Harford Road, Baltimore 14, Md.; effective 6-10-62 to 6-9-63 (variety store; 35 employees).

G. C. Murphy Co., 3421-25 Belair Road, Baltimore 13, Md.; effective 6-10-62 to 6-9-63 (variety store; 34 employees).

G. C. Murphy Co., 3411 Dundalk Avenue, Baltimore 22, Md.; effective 6-10-62 to 6-9-63 (variety store; 49 employees).

G. C. Murphy Co., 2027 Mondawmin Mall, Baltimore 15, Md.; effective 6-10-62 to 6-9-63 (variety store; 123 employees).

G. C. Murphy Co., 5732 Baltimore National Pike, Baltimore 28, Md.; effective 6-10-62 to 6-9-63 (variety store; 135 employees).

G. C. Murphy Co., 140-44 Baltimore Street, Cumberland, Md.; effective 6-10-62 to 6-9-63 (variety store; 99 employees).

G. C. Murphy Co., 338 Harundale Shopping Center, Glen Burnie, Md.; effective 6-10-62 to 6-9-63 (variety store; 119 employees).

G. C. Murphy Co., 3400 East West Highway, Prince Georges Plaza, Hyattsville, Md.; effective 6-10-62 to 6-9-63 (variety store; 94 employees).

G. C. Murphy Co., 214-16 Montgomery Avenue, Rockville, Md.; effective 6-10-62 to 6-9-63 (variety store; 17 employees).

G. C. Murphy Co., Twinbrook Shopping Center, 2100 Viers Mill Rd., Rockville, Md.; effective 6-10-62 to 6-9-63 (variety store; 41 employees).

G. C. Murphy Co., Congressional Shopping Center, 1683 East Montgomery Avenue, Rockville, Md.; effective 6-10-62 to 6-9-63 (variety store; 39 employees).

G. C. Murphy Co., 8237-41 Georgia Avenue, Silver Spring, Md.; effective 6-10-62 to 6-9-63 (variety store; 26 employees).

G. C. Murphy Co., 6-10 West Main Street, Westminster, Md.; effective 6-10-62 to 6-9-63 (variety store; 27 employees).

G. C. Murphy Co., 460-74 Franklin Avenue, Aliquippa, Pa.; effective 6-10-62 to 6-9-63 (variety store; 52 employees).

G. C. Murphy Co., 561-65 Merchant Street, Ambridge, Pa.; effective 6-10-62 to 6-9-63 (variety store; 49 employees).

G. C. Murphy Co., 16-18 South Broadway, Bangor, Pa.; effective 6-10-62 to 6-9-63 (variety store; 23 employees).

G. C. Murphy Co., 1006-08 Philadelphia Avenue, Barnesboro, Pa.; effective 6-10-62 to 6-9-63 (variety store; 33 employees).

G. C. Murphy Co., 596-598 Third Street, Beaver, Pa.; effective 6-10-62 to 6-9-63 (variety store; 26 employees).

G. C. Murphy Co., 1100-06 Seventh Avenue, Beaver Falls, Pa.; effective 6-10-62 to 6-9-63 (variety store; 67 employees).

G. C. Murphy Co., 100-8 South Juliana Street, Bedford, Pa.; effective 6-10-62 to 6-9-63 (variety store; 42 employees).

G. C. Murphy Co., 110-12 West High Street, Bellefonte, Pa.; effective 6-10-62 to 6-9-63 (variety store; 43 employees).

G. C. Murphy Co., 517-19 Lincoln Avenue, Bellevue, Pa.; effective 6-10-62 to 6-9-63 (variety store; 63 employees).

G. C. Murphy Co., 1836 Stefko Boulevard, Bethlehem, Pa.; effective 6-10-62 to 6-9-63 (variety store; 52 employees).

G. C. Murphy Co., 225-59 Main Street, Brookville, Pa.; 6-10-62 to 6-9-63 (variety store; 19 employees).

G. C. Murphy Co., 5-13 Market Street, Brownsville, Pa.; effective 6-10-62 to 6-9-63 (variety store; 59 employees).

G. C. Murphy Co., 8-10 North Main Street, Burgettstown, Pa.; effective 6-10-62 to 6-9-63 (variety store; 17 employees).

G. C. Murphy Co., 116-122 South Main Street, Butler, Pa.; effective 6-10-62 to 6-9-63 (variety store; 55 employees).

G. C. Murphy Co., 201-205 Wood Street, California, Pa.; effective 6-10-62 to 6-9-63 (variety store; 18 employees).

G. C. Murphy Co., 23-29 East Main Street, Carnegie, Pa.; effective 6-10-62 to 6-9-63 (variety store; 15 employees).

G. C. Murphy Co., 512-22 Fallowfield Avenue, Charleroi, Pa.; effective 6-10-62 to 6-9-63 (variety store; 65 employees).

G. C. Murphy Co., 559-65 Miller Avenue, Clairton, Pa.; effective 6-10-62 to 6-9-63 (variety store; 33 employees).

G. C. Murphy Co., 516 Main Street, Clarion, Pa.; effective 6-10-62 to 6-9-63 (variety store; 35 employees).

G. C. Murphy Co., 243-45 Market Street, Clearfield, Pa.; effective 6-10-62 to 6-9-63 (variety store; 38 employees).

G. C. Murphy Co., 109 West Crawford Avenue, Connellsville, Pa.; effective 6-10-62 to 6-9-63 (variety store; 68 employees).

G. C. Murphy Co., 46-54 North Center Street, Corry, Pa.; effective 6-10-62 to 6-9-63 (variety store; 21 employees).

G. C. Murphy Co., 108-10 Second Street, Elizabeth, Pa.; effective 6-10-62 to 6-9-63 (variety store; 14 employees).

G. C. Murphy Co., 914-22 State Street, Erie, Pa.; effective 6-10-62 to 6-9-63 (variety store; 46 employees).

G. C. Murphy Co., 934 West Erie Plaza, Erie 2, Pa.; effective 6-10-62 to 6-9-63 (variety store; 36 employees).

G. C. Murphy Co., 352-54 Butler Street, Etna, Pa.; effective 6-10-62 to 6-9-63 (variety store; 22 employees).

G. C. Murphy Co., 114-16 East Main Street, Everette, Pa.; effective 6-10-62 to 6-9-63 (variety store; 26 employees).

G. C. Murphy Co., 600-2 Idaho Street, Farrell, Pa.; effective 6-10-62 to 6-9-63 (variety store; 17 employees).

G. C. Murphy Co., 402-06 Ford Street, Ford City, Pa.; effective 6-10-62 to 6-9-63 (variety store; 20 employees).

G. C. Murphy Co., 1261-63 Liberty Street, Franklin, Pa.; effective 6-10-62 to 6-9-63 (variety store; 27 employees).

G. C. Murphy Co., 15-31 Baltimore Street, Gettysburg, Pa.; effective 6-10-62 to 6-9-63 (variety store; 33 employees).

G. C. Murphy Co., 133-45 South Main Street, Greensburg, Pa.; effective 6-10-62 to 6-9-63 (variety store; 84 employees).

G. C. Murphy Co., 205-09 Main Street, Greenville, Pa.; effective 6-10-62 to 6-9-63 (variety store; 17 employees).

G. C. Murphy Co., 149-53 South Broad Street, Grove City, Pa.; effective 6-10-62 to 6-9-63 (variety store; 26 employees).

G. C. Murphy Co., 30–32 Broadway, Hanover, Pa.; effective 6–10–62 to 6–9–63 (variety store; 48 employees).

G. C. Murphy Co., 215–17 Market Street, Harrisburg, Pa.; effective 6–10–62 to 6–9–63 (variety store; 74 employees).

G. C. Murphy Co., W. Chester Pike and Eagle Road, Havertown, Pa.; effective 6–10–62 to 6–9–63 (variety store; 58 employees).

G. C. Murphy Co., 305–308 Allegheny Street, Hollidaysburg, Pa.; effective 6–10–62 to 6–9–63 (variety store; 33 employees).

G. C. Murphy Co., 528 Washington Street, Huntington, Pa.; effective 6–10–62 to 6–9–63 (variety store; 22 employees).

G. C. Murphy Co., 665–67 Philadelphia Street, Indiana, Pa.; effective 6–10–62 to 6–9–63 (variety store; 72 employees).

G. C. Murphy Co., 328-34 Main Street, Irwin, Pa.; effective 6–10–62 to 6–9–63 (variety store; 43 employees).

G. C. Murphy Co., 314–16 Clay Avenue, Jennette, Pa.; effective 6–10–62 to 6–9–63 (variety store; 46 employees).

G. C. Murphy Co., 212–220 Market Street, Kittanning, Pa.; effective 6–10–62 to 6–9–63 (variety store; 84 employees).

G. C. Murphy Co., 810–12 Ligonier Street, Latrobe, Pa.; effective 6–10–62 to 6–9–63 (variety store; 57 employees).

G. C. Murphy Co., 101–05 North First Street, Lehighton, Pa.; effective 6–10–62 to 6–9–63 (variety store; 40 employees).

G. C. Murphy Co., 1200 Market Street, Room 266, Lemoyne, Pa.; effective 6–10–62 to 6–9–63 (variety store; 19 employees).

G. C. Murphy Co., 2 East Market Street, Lewistown, Pa.; effective 6–10–62 to 6–9–63 (variety store; 75 employees).

G. C. Murphy Co., 105–11 South Diamond, Ligonier, Pa.; effective 6–10–62 to 6–9–63 (variety store; 23 employees).

G. C. Murphy Co., 106 Lincoln Avenue, McDonald, Pa.; effective 6–10–62 to 6–9–63 (variety store; 20 employees).

G. C. Murphy Co., 315–21 Fifth Avenue, McKeesport, Pa.; effective 6–10–62 to 6–9–63 (variety store; 118 employees).

G. C. Murphy Co., 226–28 Chestnut Street, Meadville, Pa.; effective 6–10–62 to 6–9–63 (variety store; 26 employees).

G. C. Murphy Co., 205 Center Street, Meyersdale, Pa.; effective 6–10–62 to 6–9–63 (variety store; 20 employees).

G. C. Murphy Co., 630–32 Midland Avenue, Midland, Pa.; effective 6–10–62 to 6–9–63 (variety store; 24 employees).

G. C. Murphy Co., 518–22–24–26 Bonner Avenue, Monessen, Pa.; effective 6–10–62 to 6–9–63 (variety store; 22 employees).

G. C. Murphy Co., 31 West Shirley Street, Mount Union, Pa.; effective 6–10–62 to 6–9–63 (variety store; 25 employees).

G. C. Murphy Co., Heights Plaza, Broadview Boulevard, Natrona Heights, Pa.; effective 6–10–62 to 6–9–63 (variety store; 87 employees).

G. C. Murphy Co., 23–25 Belvidere Street, Nazareth, Pa.; effective 6–10–62 to 6–9–63 (variety store; 24 employees).

G. C. Murphy Co., 312 Broad Street, New Bethlehem, Pa;. effective 6–10–62 to 6–9–63 (variety store; 19 employees).

G. C. Murphy Co., 119–25 East Washington Street, New Castle, Pa.; effective 6–10–62 to 6–9–63 (variety store; 67 employees).

G. C. Murphy Co., 889 Fifth Avenue, New Kensington, Pa.; effective 6–10–62 to 6–9–63 (variety store; 78 employees),

G. C. Murphy Co., 3–5 Main Street, North East, Pa.; effective 6–10–62 to 6–9–63 (variety store; 20 employees).

G. C. Murphy Co., 2001 Oregon Avenue, Philadelphia 45, Pa.; effective 6–10–62 to 6–9–63 (variety store; 61 employees).

G. C. Murphy Co., 62d and Woodland, Philadelphia, Pa.; effective 6–10–62 to 6–9–63 (variety store; 69 employees).

G. C. Murphy Co., 228–32 Fifth Avenue, Pittsburgh, Pa.; effective 6–10–62 to 6–9–63 (variety store; 300 employees).

G. C. Murphy Co., 701–05 North Homewood Avenue, Pittsburgh, Pa.; effective 6–10–62 to 6–9–63 (variety store; 54 employees).

G. C. Murphy Co., 708–12 Penn Avenue, Wilkinsburg, Pittsburgh, Pa.; effective 6–10–62 to 6–9–63 (variety store; 37 employees).

G. C. Murphy Co., 4327 Butler Street, Pittsburgh, Pa.; effective 6–10–62 to 6–9–63 (variety store; 37 employees).

G. C. Murphy Co., 4847–49 Second Street, Pittsburgh, Pa.; effective 6–10–62 to 6–9–63 (variety store; 25 employees).

G. C. Murphy Co., 1413–1415 Potomac Avenue, Pittsburgh, Pa.; effective 6–10–62 to 6–9–63 (variety store; 27 employees).

G. C. Murphy Co., 680–82 Washington Road, Pittsburgh, Pa.; effective 6–10–62 to 6–9–63 (variety store; 21 employees).

G. C. Murphy Co., 719–23 East Ohio Street, N.S. Pittsburgh, Pa.; effective 6–10–62 to 6–9–63 (variety store; 42 employees).

G. C. Murphy Co., 221–23 Brownsville Road, Pittsburgh, Pa.; effective 6–10–62 to 6–9–63 (variety store; 43 employees).

G. C. Murphy Co., 6019–23 Penn Avenue, Pittsburgh, Pa.; effective 6–10–62 to 6–9–63 (variety store; 80 employees).

G. C. Murphy Co., 4110 Brownsville Road, Pittsburgh, Pa.; effective 6–10–62 to 6–9–63 (variety store; 79 employees).

G. C. Murphy Co., 300 Mt. Lebanon Boulevard, Pittsburgh, Pa.; effective 6–10–62 to 6–9–63 (variety store; 37 employees).

G. C. Murphy Co., East Hills Center, Robinson Boulevard and Frankstown Road, Pittsburgh, Pa.; effective 6–10–62 to 6–9–63 (variety store; 87 employees).

G. C. Murphy Co., 101 West Mahoning Avenue, Punxsutawney, Pa.; effective 6–10–62 to 6–9–63 (variety store; 38 employees).

G. C. Murphy Co., 17 North Main Street, Red Lion, Pa.; effective 6–10–62 to 6–9–63 (variety store; 15 employees).

G. C. Murphy Co., 249 Main Street, Ridgway, Pa.; effective 6–10–62 to 6–9–63 (variety store; 25 employees).

G. C. Murphy Co., 188–92 Brighton Avenue, Rochester, Pa.; effective 6–10–62 to 6–9–63 (variety store; 36 employees).

G. C. Murphy Co., 31–37 Erie Avenue, St. Marys, Pa.; effective 6–10–62 to 6–9–63 (variety store; 30 employees).

G. C. Murphy Co., 411–413 Beaver Street, Sewickley, Pa.; effective 6–10–62 to 6–9–63 (variety store; 25 employees).

G. C. Murphy Co., 47–51 East State Street, Sharon, Pa.; effective 6–10–62 to 6–9–63 (variety store; 52 employees).

G. C. Murphy Co., 1–3–5 East King Street, Shippensburg, Pa.; effective 6–10–62 to 6–9–63 (variety store; 26 employees).

G. C. Murphy Co., 127–131 South Allen Street, State College, Pa.; effective 6–10–62 to 6–9–63 (variety store; 41 employees).

G. C. Murphy Co., 414–416 Corbett Street, Tarentum, Pa.; effective 6–10–62 to 6–9–63 (variety store; 46 employees).

G. C. Murphy Co., 116 West Spring Street, Titusville, Pa.; effective 6–10–62 to 6–9–63 (variety store; 27 employees).

G. C. Murphy Co., 538–40 Penn Avenue, Turtle Creek, Pa.; effective 6–10–62 to 6–9–63 (variety store; 15 employees).

G. C. Murphy Co., 13–7 East Main Street, Uniontown, Pa.; effective 6–10–62 to 6–9–63 (variety store; 120 employees).

G. C. Murphy Co., 120–24 Grant Avenue, Vandergrift, Pa.; effective 6–10–62 to 6–9–63 (variety store; 36 employees).

G. C. Murphy Co., 306–308 Second Avenue, Warren, Pa.; effective 6–10–62 to 6–9–63 (variety store; 32 employees).

G. C. Murphy Co., 43–7 North Main Street, Washington, Pa.; effective 6–10–62 to 6–9–63 (variety store; 129 employees).

G. C. Murphy Co., 22–26 West High Street, Waynesburg, Pa.; effective 6–10–62 to 6–9–63 (variety store; 47 employees).

G. C. Murphy Co., 129–31 Main Street, West Newton, Pa.; effective 6–10–62 to 6–9–63 (variety store; 18 employees).

G. C. Murphy Co., 48 North Easton Road, Willow Grove, Pa.; effective 6–10–62 to 6–9–63 (variety store; 76 employees).

G. C. Murphy Co., 1–3–5 Market Street, York, Pa.; effective 6–10–62 to 6–9–63 (variety store; 48 employees).

F. W. Woolworth Co., 230 East Main Street, Newark, Del.; effective 6–10–62 to 6–9–63 (variety store; 23 employees).

F. W. Woolworth Co., Nylon Capitol Shopping Center, Stem Highway and Atlanta Road, Seaford, Del.; effective 6–10–62 to 6–9–63 (variety store; 30 employees).

F. W. Woolworth Co., 504–508 Market Street, Wilmington, Del.; effective 6–10–62 to 6–9–63 (variety store; 50 employees).

F. W. Woolworth Co., 839 Market Street, Wilmington, Del.; effective 6–10–62 to 6–9–63 (variety store; 62 employees).

F. W. Woolworth Co., 221–3–5 West Lexington Street, Baltimore, Md.; effective 6–10–62 to 6–9–63 (variety store; 60 employees).

F. W. Woolworth Co., 3506 Eastern Avenue, Baltimore, Md.; effective 6–10–62 to 6–9–63 (variety store; 49 employees).

F. W. Woolworth Co., 5–7 South Main Street, Bel Air, Md.; effective 6–10–62 to 6–9–63 (variety store; 34 employees).

F. W. Woolworth Co., 20 Race Street, Cambridge, Md.; effective 6–10–62 to 6–9–63 (variety store; 20 employees).

F. W. Woolworth Co., West Seventh Street, Frederick, Md.; effective 6–10–62 to 6–9–63 (variety store; 31 employees).

F. W. Woolworth Co., 212 West Main Street, Salisbury, Md.; effective 6–10–62 to 6–9–63 (variety store; 71 employees).

F. W. Woolworth Co., Westminster Shopping Center, Englar Road and Route 140, Westminster, Md.; effective 6–10–62 to 6–9–63 (variety store; 30 employees).

F. W. Woolworth Co., 1441 Old York Road, Abington, Pa.; effective 6–10–62 to 6–9–63 (variety store; 24 employees).

F. W. Woolworth Co., 733 Hamilton Street, Allentown, Pa.; effective 6–10–62 to 6–9–63 (variety store; 70 employees).

F. W. Woolworth Co., 1314–11th Avenue, Altoona, Pa.; effective 6–10–62 to 6–9–63 (variety store; 23 employees).

F. W. Woolworth Co., 8–10 West Lancaster Avenue, Ardmore, Pa.; effective 6–10–62 to 6–9–63 (variety store; 27 employees).

F. W. Woolworth Co., 57 East City Avenue, Bala Cynwyd, Pa.; effective 6–10–62 to 6–9–63 (variety store; 44 employees).

F. W. Woolworth Co., 555–57 North Main Street, Bethlehem, Pa.; effective 6–10–62 to 6–9–63 (variety store; 28 employees).

F. W. Woolworth Co., 2–14 East Main Street, Bloomsburg, Pa.; effective 6–10–62 to 6–9–63 (variety store; 24 employees).

F. W. Woolworth Co., Laurece Park Shopping Center, Sproal and Laurece Road, Broonall, Pa.; effective 6–10–62 to 6–9–63 (variety store; 23 employees).

F. W. Woolworth Co., 145 South Main Street, Butler, Pa.; effective 6–10–62 to 6–9–63 (variety store; 67 employees).

F. W. Woolworth Co., 14–16 North Hanover Street, Carlisle, Pa.; effective 6–10–62 to 6–9–63 (variety store; 40 employees).

F. W. Woolworth Co., 71–73 South Main Street, Chambersburg, Pa.; effective 6–10–62 to 6–9–63 (variety store; 16 employees).

F. W. Woolworth Co., 239–43 Main Street, Coatesville, Pa.; effective 6–10–62 to 6–9–63 (variety store; 23 employees).

F. W. Woolworth Co., 876 Main Street, Darby, Pa.; effective 6–10–62 to 6–9–63 (variety store; 25 employees).

F. W. Woolworth Co., 25th Street Shopping Center, Easton, Pa.; effective 6–10–62 to 6–9–63 (variety store; 25 employees).

F. W. Woolworth Co., 301 Northampton Street, Easton, Pa.; effective 6–10–62 to 6–9–63 (variety store; 50 employees).

F. W. Woolworth Co., 818 State Street, Erie, Pa.; effective 6–10–62 to 6–9–63 (variety store; 24 employees).

F. W. Woolworth Co., Bustleton Pike, Feasterville, Pa.; effective 6–10–62 to 6–9–63 (variety store; 27 employees).

F. W. Woolworth Co., Clearview Shopping Center, Carlisle Street, Hanover, Pa.; effective 6–10–62 to 6–9–63 (variety store; 26 employees).

F. W. Woolworth Co., 204–10 Market Street, Harrisburg, Pa.; effective 6–10–62 to 6–9–63 (variety store; 79 employees).

F. W. Woolworth Co., 444–46 Main Street, Johnstown, Pa.; effective 6–10–62 to 6–9–63 (variety store; 69 employees).

F. W. Woolworth Co., Narrow's Shopping Center, Northampton and Wyoming Avenue, Kingstown, Pa.; effective 6–10–62 to 6–9–63 (variety store; 28 employees).

F. W. Woolworth Co., 21–27 North Queen Street, Lancaster, Pa.; effective 6–10–62 to 6–9–63 (variety store; 63 employees).

F. W. Woolworth Co., 321–27 West Main Street, Lansdale, Pa.; effective 6–10–62 to 6–9–63 (variety store; 35 employees).

F. W. Woolworth Co., 8–10 East Main Street, Lock Haven, Pa.; effective 6–10–62 to 6–9–63 (variety store; 23 employees).

F. W. Woolworth Co., 220–224 Chestnut Street, Meadville, Pa.; effective 6–10–62 to 6–9–63 (variety store; 24 employees).

F. W. Woolworth Co., 535–37 Main Street, Mt. Pleasant, Pa.; effective 6–10–62 to 6–9–63 (variety store; 16 employees).

F. W. Woolworth Co., 30–40 East Main Street, Nanticoke, Pa.; effective 6–10–62 to 6–9–63 (variety store; 22 employees).

F. W. Woolworth Co., Logan Square, Norristown, Pa.; effective 6–10–62 to 6–9–63 (variety store; 34 employees).

F. W. Woolworth Co., 70 East Main Street, Norristown, Pa.; effective 6–10–62 to 6–9–63 (variety store; 24 employees).

F. W. Woolworth Co., 20 South 60th Street, Philadelphia 39, Pa.; effective 6–10–62 to 6–9–63 (variety store; 34 employees).

F. W. Woolworth Co., 769 Huntingdon Pike, Huntingdon Valley Shopping Center, Philadelphia, Pa.; effective 6–10–62 to 6–9–63 (variety store; 20 employees).

F. W. Woolworth Co., 2318 North Front Street, Philadelphia, Pa.; effective 6–10–62 to 6–9–63 (variety store; 21 employees).

F. W. Woolworth Co., 3610 Germantown Avenue, Philadelphia, Pa.; effective 6–10–62 to 6–9–63 (variety store; 15 employees).

F. W. Woolworth Co., 5200 Market Street, Philadelphia, Pa.; effective 6–10–62 to 6–9–63 (variety store; 73 employees).

F. W. Woolworth Co., 5607–11 Germantown Avenue, Philadelphia, Pa.; effective 6–10–62 to 6–9–63 (variety store; 78 employees).

F. W. Woolworth Co., 6174 Ridge Avenue, Philadelphia, Pa.; effective 6–10–62 to 6–9–63 (variety store; 23 employees).

F. W. Woolworth Co., 7310 Frankford Avenue, Philadelphia, Pa.; effective 6–10–62 to 6–9–63 (variety store; 43 employees).

F. W. Woolworth Co., 6009–13 Penn Avenue, Pittsburgh, Pa.; effective 6–10–62 to 6–9–63 (variety store; 53 employees).

F. W. Woolworth Co., 8025–8027 McKnight Road, Pittsburgh, Pa.; effective 6–10–62 to 6–9–63 (variety store; 20 employees).

F. W. Woolworth Co., U.S. Route 309 and West Broad Street, Quakertown, Pa.; effective 6–10–62 to 6–9–63 (variety store; 34 employees).

F. W. Woolworth Co., 530 Penn Street, Reading, Pa.; effective 6–10–62 to 6–9–63 (variety store; 37 employees).

F. W. Woolworth Co., 12 West Independence Street, Shamokin, Pa.; effective 6–10–62 to 6–9–63 (variety store; 38 employees).

F. W. Woolworth Co., 116–22 Allen Street, State College, Pa.; effective 6–10–62 to 6–9–63 (variety store; 24 employees).

F. W. Woolworth Co., 69 South 69th Street, Upper Darby, Pa.; effective 6–10–62 to 6–9–63 (variety store; 36 employees).

F. W. Woolworth Co., 132 East Lancaster Avenue, Wayne, Pa.; effective 6–10–62 to 6–9–63 (variety store; 35 employees).

F. W. Woolworth Co. 1–3 West Gay, West Chester, Pa.; effective 6–10–62 to 6–9–63 (variety store; 35 employees).

F. W. Woolworth Co., 923 Paoli Pike, West Chester, Pa.; effective 6–10–62 to 6–9–63 (variety store; 22 employees).

F. W. Woolworth Co., 7–13 South Main Street, Wilkes-Barre, Pa.; effective 6–10–62 to 6–9–63 (variety store; 64 employees).

F. W. Woolworth Co., 315–319 Pine Street, Williamsport, Pa.; effective 6–10–62 to 6–9–63 (variety store; 63 employees).

Region IV

Abbeville Piggly Wiggly, Inc., 201 Kirkland Street, Abbeville, Ala.; effective 6–21–62 to 6–20–63 (food store; 15 employees).

Christo's Inc., 439 Grace Avenue, Panama City, Fla.; effective 6–14–62 to 6–13–63 (variety store; 12 employees).

Colonial Stores, Inc., 19–27 Ashby Street NW., Atlanta, Ga.; effective 6–11–62 to 6–10–63 (food store; 17 employees).

Colonial Stores, Inc., 1212 North 26th Street, Birmingham, Ala.; effective 6–11–62 to 6–10–63 (food store; 16 employees).

Dothan Piggly Wiggly, Inc., 830 South Oates Street, Dothan, Ala.; effective 6–21–62 to 6–20–63 (food store; 32 employees).

Edward's Inc., 517 King Street, Charleston, S.C.; effective 6–11–62 to 6–10–63 (variety store; 94 employees).

Edward's Inc., 496 King Street, Charleston, S.C.; effective 6–11–62 to 6–10–63 (variety store; 29 employees).

Edward's Inc., 82–84 Reynolds Avenue, Charleston Heights, S.C.; effective 6–11–62 to 6–10–63 (variety store; 34 employees).

Edward's Inc., 41–41½ Laurel Street, Conway, S.C.; effective 6–11–62 to 6–10–63 (variety store; 30 employees).

Edward's, Inc., 31–33 Washington Street, Walterboro, S.C.; effective 6–11–62 to 6–10–63 (variety store; 54 employees).

Edward's of Beaufort, Beaufort, S.C.; effective 6–11–62 to 6–10–63 (variety store; 61 employees).

Edward's of Byrnes Downs, St. Andrews Shopping Center, Charleston, S.C.; effective 6–11–62 to 6–10–63 (variety store; 49 employees).

Edward's of Myrtle Beach, Myrtle Beach, S.C.; effective 6–11–62 to 6–10–63 (variety store; 23 employees).

Edward's of Pinehaven, Pinehaven Shopping Center, Charleston Heights, S.C.; effective 6–11–62 to 6–10–63 (variety store; 108 employees).

Edward's of Sumter, North Main Street, Sumter, S.C.; effective 6–11–62 to 6–10–63 (variety store; 49 employees).

Elba Piggly Wiggly, Inc., 501 Claxton Street, Elba, Ala.; effective 6–21–62 to 6–20–63 (food store; 16 employees).

Eufaula Piggly Wiggly, Inc., 138 South Randolph Street, Eufaula, Ala.; effective 6–21–62 to 6–20–63 (food store; 23 employees).

Geneva Piggly Wiggly, Inc., Water Street, Geneva, Ala.; effective 6–21–62 to 6–20–63 (food store; 16 employees).

W. T. Grant Co. (#64), 101 North Main Street, Greenville, S.C.; effective 6–21–62 to 6–20–63 (variety store; 44 employees).

S. S. Kresge Co., Northside Center, 20 Northside Plaza, Miami, Fla.; effective 6–11–62 to 6–10–63 (variety store; 45 employees).

Luverne Piggly Wiggly, Inc., 314 Forest Avenue, Luverne, Ala.; effective 6–21–62 to 6–20–63 (food store; 13 employees).

McCrory-McLellan Store (#164), 112–114 Laurens Street, Aiken, S.C.; effective 6–11–62 to 6–10–63 (variety store; 24 employees).

McCrory's Store (#327), Tri-Cities Plaza, East Point, Ga.; effective 6–14–62 to 6–13–63 (variety store; 38 employees).

McCrory-McLellan-Green Co., 100 Jackson Street, Dublin, Ga.; effective 6–11–62 to 6–10–63 (variety store; 21 employees).

Millner's Inc., 104 South Main Street, Gainesville, Ga.; effective 6–26–62 to 6–25–63 (apparel store; 32 employees).

Morgan & Lindsey, Inc., 2934 West Beach, Biloxi, Miss.; effective 6–27–62 to 6–26–63 (variety store; 16 employees).

Morgan & Lindsey, Inc., 776 Highway 1 S., Greenville, Miss.; effective 6–27–62 to 6–26–63 (variety store; 15 employees).

Morgan & Lindsey, Inc., 2415 25th Avenue, Gulfport, Miss.; effective 6–27–62 to 6–26–63 (variety store; 16 employees).

Morgan & Lindsey, Inc., Broadway Mart, Hattiesburg, Miss.; effective 6–27–62 to 6–26–63 (variety store; 12 employees).

Morgan & Lindsey, Inc., 1702 Terry Road, Jackson, Miss.; effective 6–27–62 to 6–26–63 (variety store; 16 employees).

Morgan & Lindsey, Inc., Gardiner Center, Laurel, Miss.; effective 6–27–62 to 6–26–63 (variety store; 11 employees).

Neisner Brothers, Inc., (#151), 954 Arlington Road, Jacksonville, Fla.; effective 6–25–62 to 6–24–63 (variety store; 19 employees).

Neisner Bros., Inc. (#157), 1155 Apalachee Parkway, Tallahassee, Fla.; effective 6–10–62 to 6–9–63 (variety store; 42 employees)

Newberry Pensacola Corp., 43 South Palafax Street, Pensacola, Fla.; effective 6–27–62 to 6–26–63 (variety store; 50 employees).

Ozark Piggly Wiggly, Inc., 109–11 South Union Street, Ozark, Ala.; effective 6–21–62 to 6–20–63 (food store; 22 employees).

Piggly Wiggly, Greenville, Ala.; effective 6–21–62 to 6–20–63 (food store; 18 employees).

Samson Piggly Wiggly, Inc., 129–31 East Main Street, Samson, Ala.; effective 6–21–62 to 6–20–63 (food store; 13 employees).

Sunshine Dept. Stores, Inc., 795 Marietta Street, NW, Atlanta, Ga.; effective 6–25–62 to 6–24–63 (department store; 23 employees).

Troy Piggly Wiggly, Inc., 212 South Three Notch Street, Troy, Ala.; effective 6–21–62 to 6–20–63 (food store; 20 employees).

West Main Piggly Wiggly, Inc., 811 West Main Street, Dothan, Ala.; effective 6–21–62 to 6–20–63 (food store; 12 employees).

F. W. Woolworth Co. (#814), 126 East Capitol Street, Jackson, Miss.; effective 6–22–62 to 6–21–63 (variety store; 53 employees).

Region V

S. S. Kresge Co. (#144), Maple Heights, Ohio; effective 6–27–62 to 6–26–63 (variety store; 100 employees).

S. S. Kresge Co., Lorain, Ohio; effective 6–27–62 to 6–26–63 (variety store; 20 employees).

Region VI

Columbia Shopping Center, 1200 West Columbia, Evansville, Ind.; effective 6–27–62 to 6–9–63 (variety store; 44 employees).

Eavey's Food Market, 900 East 29th Street, Muncie, Ind.; effective 6–27–62 to 6–9–63 (food store; 18 employees).

Franklin Drug Store, 2341 West Franklin Street, Evansville 12, Ind.; effective 6–27–62 to 6–9–63 (drug store; 55 employees).

W. T. Grant Co., 3323–41 Legion Boulevard, Quincy, Ill.; effective 6–25–62 to 6–9–63 (variety store; 77 employees).

H. L. Green Co. (#1063) 306 South Walnut Street, Muncie, Ind.; effective 6–27–62 to 6–9–63 (variety store; 17 employees).

Hooley's Super Market, 902 South Fourth Street, Stillwater, Minn.; effective 6–10–62 to 6–9–63 (food store; 13 employees).

Hooley's Super Market, 405 East Myrtle Street, Stillwater, Minn.; effective 6–10–62 to 6–9–63 (food store; 69 employees).

S. S. Kresge Co. (#88), 23–29 East Main Street, Belleville, Ill.; effective 6–25–62 to 6–9–63 (variety store; 85 employees).

S. S. Kresge Co., Country Fair Shopping Center, Springfield and Mattis Avenue, Champaign, Ill.; effective 6–10–62 to 6–9–63 (variety store; 42 employees).

S. S. Kresge Co. (#480), 6300 South Halsted, Chicago, Ill.; effective 6-25-62 to 6-9-63 (variety store; 214 employees).

S. S. Kresge Co. (#295), 206 North Tremont Street, Kewanee, Ill.; effective 6-10-62 to 6-9-63 (variety store; 18 employees).

S. S. Kresge Co. (#1074), 109 North College Avenue, Bloomington, Ind.; effective 6-27-62 to 6-9-63 (variety store; 16 employees).

S. S. Kresge Co. (#618), 747 Broadway, Gary, Ind.; effective 6-27-62 to 6-9-63 (variety store; 91 employees).

S. S. Kresge Co. (#31), 2200 Elmwood Avenue, Lafayette, Ind.; effective 6-25-62 to 6-9-63 (variety store; 31 employees).

S. S. Kresge Co. (#167), 422 East Broadway, Logansport, Ind.; effective 6-25-62 to 6-9-63 (variety store; 34 employees).

S. S. Kresge Co. (#1111), 823 Main Street, Richmond, Ind.; effective 6-10-62 to 6-9-63 (variety store; 16 employees).

S. S. Kresge Co. (#117), 637 Wabash Avenue, Terre Haute, Ind.; effective 6-10-62 to 6-9-63 (variety store; 52 employees).

S. S. Kresge Co. (#266), 319 South Front Street, Mankato, Minn.; effective 6-10-62 to 6-9-63 (variety store; 32 employees).

S. S. Kresge Co. (#52), 51-53 West Third Street, Winona, Minn.; effective 6-25-62 to 6-9-63 (variety store; 25 employees).

S. S. Kresge Co. (#286), 801-03 North Eighth Street, Sheboygan, Wis.; effective 6-25-62 to 6-9-63 (variety store; 40 employees).

G. C. Murphy Co. (#251), 7075 Cermak Plaza, Berwyn, Ill.; effective 6-10-62 to 6-9-63 (variety store; 141 employees).

G. C. Murphy Co. (#439), 201-203 West Jefferson Street, Effingham, Ill.; effective 6-10-62 to 6-9-63 (variety store; 29 employees).

G. C. Murphy Co. (#112), 205-7 North Mill Street, Pontiac, Ill.; effective 6-10-62 to 6-9-63 (variety store; 36 employees).

G. C. Murphy Co. (#113), 207-11 East Main Street, Streator, Ill.; effective 6-10-62 to 6-9-63 (variety store; 44 employees).

G. C. Murphy Co. (#461), 411-415 Second Street, Aurora, Ind.; effective 6-10-62 to 6-9-63 (variety store; 19 employees).

G. C. Murphy Co. (#401), 119-121-123 West Market Street, Bluffton, Ind.; effective 6-10-62 to 6-9-63 (variety store; 24 employees).

G. C. Murphy Co. (#101), 14-16-18 East National Avenue, Brazil, Ind.; effective 6-10-62 to 6-9-63 (variety store; 27 employees).

G. C. Murphy Co. (#99), 241 South Main Street, Clinton, Ind.; effective 6-10-62 to 6-9-63 (variety store; 30 employees).

G. C. Murphy Co. (#423), 101 North Washington Street, Crawfordsville, Ind.; effective 6-10-62 to 6-9-63 (variety store; 28 employees).

G. C. Murphy Co. (#407), 161-165 North Second Street, Decatur, Ind.; effective 6-10-62 to 6-9-63 (variety store; 21 employees).

G. C. Murphy Co. (#404), 202-204 South Anderson Street, Elwood, Ind.; effective 6-10-62 to 6-9-63 (variety store; 18 employees).

G. C. Murphy Co. (#103), 823-31 Calhoun Street, Fort Wayne, Ind.; effective 6-10-62 to 6-9-63 (variety store; 228 employees).

G. C. Murphy Co. (#412), 50-58 East Jefferson Street, Franklin, Ind.; effective 6-10-62 to 6-9-63 (variety store; 35 employees).

G. C. Murphy Co. (#223), 129-31 North Broadway Avenue, Greensburg, Ind.; effective 6-10-62 to 6-9-63 (variety store; 38 employees).

G. C. Murphy Co. (#408), 101-103-105 North High Street, Hartford City, Ind.; effective 6-10-62 to 6-9-63 (variety store; 23 employees).

G. C. Murphy Co. (#425), 407-409 Fourth Street, Huntingburg, Ind.; effective 6-10-62 to 6-9-63 (variety store; 17 employees).

G. C. Murphy Co. (#123), 1043-47 Virginia Avenue, Indianapolis, Ind.; effective 6-10-62 to 6-9-63 (variety store; 136 employees).

G. C. Murphy Co. (#235), 3928 Meadows Drive, Indianapolis, Ind.; effective 6-10-62 to 6-9-63 (variety store; 68 employees).

G. C. Murphy Co. (#244), #22—Building E, Eastgate Shopping Center, Indianapolis, Ind.; effective 6-10-62 to 6-9-63 (variety store; 72 employees).

G. C. Murphy Co. (#260), 6101 North Keystone Avenue, Indianapolis, Ind.; effective 6-10-62 to 6-9-63 (variety store; 65 employees).

G. C. Murphy Co. (#445), 108-110 South Main Street, Kendallville, Ind.; effective 6-10-62 to 6-9-63 (variety store; 36 employees).

G. C. Murphy Co. (#203), 15-19 East Vincenees Street, Linton, Ind.; effective 6-10-62 to 6-9-63 (variety store; 29 employees).

G. C. Murphy Co. (#405), 105-7 North Meridian Street, Portland, Ind.; effective 6-10-62 to 6-9-63 (variety store; 31 employees).

G. C. Murphy Co. (#420), 125-129 North Hart Street, Princeton, Ind.; effective 6-10-62 to 6-9-63 (variety store; 18 employees).

G. C. Murphy Co. (#100), 108-10 Ohio Street, Rockville, Ind.; effective 6-10-62 to 6-9-63 (variety store; 24 employees).

G. C. Murphy Co. (#72), 112-16 West Second Street, Seymour, Ind.; effective 6-10-62 to 6-9-63 (variety store; 45 employees).

G. C. Murphy Co. (#105), 31 Public Square, Shelbyville, Ind.; effective 6-10-62 to 6-9-63 (variety store; 34 employees).

G. C. Murphy Co. (#270), 1566 University Avenue, St. Paul (4E), Minn.; effective 6-10-62 to 6-9-63 (variety store; 164 employees).

G. C. Murphy Co. (#275), 8237 West Silver Spring Drive, Milwaukee, Wis.; effective 6-10-62 to 6-9-63 (variety store; 48 employees).

Neisner Bros., Inc. (#38), 3908 Cottage Grove Avenue, Chicago, Ill.; effective 6-25-62 to 6-9-63 (variety store; 22 employees).

Neisner Bros., Inc. (#74), 1252 South Halsted Street, Chicago, Ill.; effective 6-25-62 to 6-9-63 (variety store; 71 employees).

Neisner Bros., Inc. (#65), 501 West North Avenue, Chicago, Ill.; effective 6-10-62 to 6-9-63 (variety store; 26 employees).

Neisner Bros., Inc. (#54), 4723 South Ashland Avenue, Chicago, Ill.; effective 6-10-62 to 6-9-63 (variety store; 33 employees).

Neisner Bros., Inc. (#35), 4255 Archer Avenue, Chicago, Ill.; effective 6-10-62 to 6-9-63 (variety store; 44 employees).

J. J. Newberry Co. (#794), 719 Center Avenue, Moorehead, Minn.; effective 6-10-62 to 6-9-63 (variety store; 19 employees).

Ward D. Prickett, Inc., 4001 Lincolnway East, Mishawaka, Ind.; effective 6-18-62 to 6-9-63 (food store; 34 employees).

Tri-City Shopping Ctr., Inc., 6312 South 27th Street, Oak Creek, Wis.; effective 6-25-62 to 6-9-63 (food store; 34 employees).

Weinbach Pharmacy, 1 North Weinbach, Evansville, Ind.; effective 6-27-62 to 6-9-63 (drug store; 48 employees).

Wilt's Prairie & Lusher, Inc. (Bob Wilson Super Mkt. & Locket Plant, Inc.), 111 East Lusher, Elkhart, Ind.; effective 6-20-62 to 6-9-63 (food store; 25 employees).

W. W. Wilt, Inc., 100 Easy Shopping Place, Elkhart, Ind.; effective 6-20-62 to 6-9-63 (food store; 151 employees).

Wilt's So. Side, Inc., 1221 South Main Street, Elkhart, Ind.; effective 6-20-62 to 6-9-63 (food store; 26 employees).

F. W. Woolworth Co. (#307), 1016 Meridian Street, Anderson, Ind.; effective 6-10-62 to 6-9-63 (variety store; 48 employees).

F. W. Woolworth Co. (#1218), 127 North College Avenue, Bloomington, Ind.; effective 6-25-62 to 6-9-63 (variety store; 34 employees).

F. W. Woolworth Co. (#465), 113 East Main Street, Crawfordsville, Ind.; effective 6-25-62 to 6-9-63 (variety store; 28 employees).

F. W. Woolworth Co. (#11), 11 East Washington Street, Indianapolis, Ind.; effective 6-10-62 to 6-9-63 (variety store; 80 employees).

F. W. Woolworth Co. (#2193), N.W. Shopping Center, Wheeling Avenue, Muncie, Ind.; effective 6-10-62 to 6-9-63 (variety store; 25 employees).

F. W. Woolworth Co., 316-324 South Walnut, Muncie, Ind.; effective 6-10-62 to 6-9-63 (variety store; 44 employees).

F. W. Woolworth Co. (#451), 117-127 East Market Street, New Albany, Ind.; effective 6-10-62 to 6-9-63 (variety store; 59 employees).

F. W. Woolworth Co. (#169), 701 Main Street, Richmond, Ind.; effective 6-10-62 to 6-9-63 (variety store; 21 employees).

F. W. Woolworth Co., 647 Wabash Avenue, Terre Haute, Ind.; effective 6-27-62 to 6-9-63 (variety store; 73 employees).

F. W. Woolworth Co. (#447), 12 West Market Street, Wabash, Ind.; effective 6-10-62 to 6-9-63 (variety store; 30 employees).

Region VII

Hinky Dinky Store (#50), 121 South Third Street, Norfolk, Nebr.; effective 6-20-62 to 6-19-63 (food store; 21 employees).

Kessler's Super Market, 621 Sixth Avenue SE., Aberdeen, S. Dak.; effective 6-22-62 to 6-21-63 (food store; 51 employees).

Lee Store (#766), Storm Lake, Iowa; effective 6-10-62 to 6-9-63 (variety store; 21 employees).

F. W. Woolworth Co. (#1083), 128-134 East Second Street, Casper, Wyo.; effective 6-28-62 to 6-27-63 (variety store; 39 employees).

F. W. Woolworth Co. (#693), 4814 South 24, Omaha, Nebr.; effective 6-10-62 to 6-9-63 (variety store; 22 employees).

F. W. Woolworth Co., 134 Westside Public Square, Springfield, Mo.; effective 6-19-62 to 6-18-63 (variety store; 40 employees).

Region VIII

McCrory-McLellan-Green, 501 South Main Street, Houston, Tex.; effective 7-1-62 to 6-30-63 (variety store; 61 employees).

Morgan & Lindsey, Inc., 7441 Saint Claude, Arabi, La.; effective 6-27-62 to 6-26-63 (variety store; 20 employees).

Morgan & Lindsey, Inc., 3382 Government Street, Baton Rouge, La.; effective 6-27-62 to 6-26-63 (variety store; 19 employees).

Morgan & Lindsey, Inc., 845 Gaylynn Drive, Beaumont, Tex.; effective 6-27-62 to 6-26-63 (variety store; 12 employees).

Morgan & Lindsey, Inc., 699 Orleans, Beaumont, Tex.; effective 6-27-62 to 6-26-63 (variety store; 16 employees).

Morgan & Lindsey, Inc., 3380 Avenue A, Beaumont, Tex.; effective 6-27-62 to 6-26-63 (variety store; 11 employees).

Morgan & Lindsey, Inc., 514 Jefferson Street, Lafayette, La.; effective 6-27-62 to 6-26-63 (variety store; 17 employees).

Morgan & Lindsey, Inc., 239 DeSlard, Monroe, La.; effective 6-27-62 to 6-26-63 (variety store; 19 employees).

Morgan & Lindsey, Inc., 906 Seventh Street, Morgan City, La.; effective 6-27-62 to 6-26-63 (variety store; 15 employees).

Morgan & Lindsey, Inc., 3606 South Carrollton, New Orleans, La.; effective 6-27-62 to 6-26-63 (variety store; 20 employees).

Morgan & Lindsey, Inc., 4718 Paris Avenue, New Orleans, La.; effective 6-27-62 to 6-26-63 (variety store; 17 employees).

Morgan & Lindsey, Inc., 109-111 North Trenton, Ruston, La.; effective 6-27-62 to 6-26-63 (variety store; 18 employees).

Morgan & Lindsey, Inc., West Point Village, Sulphur, La.; effective 7-1-62 to 6-30-63 (variety store; 18 employees).

Morgan & Lindsey, Inc., 215 Trenton, West Monroe, La.; effective 6-27-62 to 6-26-63 (variety store; 17 employees).

Morgan & Lindsey, Inc., 1324 Fourth Street, Westwego, La.; effective 6-27-62 to 6-26-63 (variety store; 12 employees).

Hawthorn Variety, Inc., d/b/a T.G. & Y. Stores Co. (#57), 328 East Side Boulevard, Muskogee, Okla.; effective 6-28-62 to 6-27-63 (variety store; 33 employees).

F. W. Woolworth Co., 323 North Chaparral, Corpus Christi, Tex.; effective 6-21-62 to 6-20-63 (variety store; 68 employees).

F. W. Woolworth Co., 211-13 East Thomas Street, Hammond, La.; effective 6-28-62 to 6-27-63 (variety store; 26 employees).

F. W. Woolworth Co., 524 Jefferson, Lafayette, La.; effective 6-25-62 to 6-24-63 (variety store; 22 employees).

F. W. Woolworth Co., (#27) Richardson Heights Village, Richardson, Tex.; effective 6-28-62 to 6-27-63 (variety store; 22 employees).

F. W. Woolworth Co., 60-62 East San Francisco, Santa Fe, N. Mex.; effective 6-26-62 to 6-25-63 (variety store; 16 employees).

Region IX

S. S. Kresge Co., 5214 West Indian School Road, Phoenix, Ariz.; effective 6-28-62 to 6-27-63 (variety store; 32 employees).

J. J. Newberry Co., 800 Main Street, Lewiston, Idaho; effective 6-10-62 to 6-9-63 (variety store; 28 employees).

F. W. Woolworth Co., 813 Main Street, Miles City, Mont.; effective 6-28-62 to 6-27-63 (variety store; 19 employees).

Region X

Casey's, Inc., Duke of Gloucester Street, Williamsburg, Va.; effective 6-27-62 to 6-26-63 (department store; 64 employees).

W. T. Grant (#356), 324 West Main Street, Clarksburg, W. Va.; effective 6-21-62 to 6-20-63 (variety store; 35 employees).

Rose's 5-10-25¢ Store (#109), Mid City Shopping Center, Portsmouth, Va.; effective 6-26-62 to 6-25-63 (variety store; 44 employees).

NORTH CAROLINA

McCrory-McLellan-Green, 116-118 John Lucas Avenue, Fort Bragg, N.C.; effective 6-29-62 to 6-28-63 (variety store; 19 employees).

McCrory-McLellan-Green, 258 North Front Street, Wilmington, N.C.; effective 6-27-62 to 6-26-63 (variety store; 45 employees).

Rose's 5-10-25¢ Store (#122), 134 West Avenue, Kannapolis, N.C.; effective 6-26-62 to 6-25-63 (variety store; 24 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 20th day of July 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-7313; Filed, July 25, 1962; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

UNDER SECRETARY OF COMMERCE AND ASSISTANT SECRETARY OF COMMERCE FOR ADMINISTRATION

Delegation of Authority Regarding the Migratory Bird Conservation Commission

Pursuant to authority vested in me by law, particularly Reorganization Plan No. 5 of 1950, the Under Secretary of Commerce and the Assistant Secretary of Commerce for Administration are hereby each separately authorized to perform any of my functions as a member of the Migratory Bird Conservation Commission established pursuant to the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.). This authority shall include the taking of all actions which I might take as a member of said Commission as well as the attendance at meetings thereof as a member.

Effective date: July 19, 1962.

LUTHER H. HODGES,
Secretary of Commerce.

[F.R. Doc. 62-7331; Filed, July 25, 1962; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13767 et al.; Order No. E-18620]

AMERICAN AIRLINES, INC., AND TRANS WORLD AIRLINES, INC.

Order of Investigation; Order Dismissing Complaints

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of July 1962.

In the matter of domestic group fares proposed by American Airlines, Inc., and Trans World Airlines, Inc.; Dockets 13767, 13770, 13773, 13774.

By tariff filed June 27, 1962, for effect July 27, 1962, Trans World Airlines, Inc. (TWA) proposes round-trip group fares for travel on TWA jet and propeller coach flights at a 20 percent reduction from the corresponding normal coach fares for the same type of service.[1] The group fares apply only to groups of 25 or more passengers traveling together for the entire round trip. An exemption is made to the round-trip requirement in the case of military groups of 25 or more members of the armed forces when transportation is paid for by the United States Government. American has filed a competitive tariff[2] proposing similar fares effective August 2, 1962.

The principal conditions applicable to the proposed fares are as follows:

(1) All members of a group must belong (and have belonged for 6 months prior to the commencement of travel) to the same association, company or other legal entity, or be a close relative of such a member traveling with the member.

(2) The group cannot be gathered directly or indirectly by anyone engaged in soliciting or selling transportation services.

(3) A written application listing the itinerary of the group and the names of all the passengers must be submitted at least 30 days prior to commencement of travel.

(4) All reservations must be confirmed for the entire trip and tickets purchased at least 30 days prior to departure.

(5) No discounts will apply to these group travel fares except children's discounts under 12 years of age. Children paying half fare will be considered as one-half passenger for the purpose of determining the number of passengers in the group.

(6) Voluntary cancellation of a group or any member of a group must be made at least 30 days prior to departure to obtain a refund. If an entire group cancels less than 30 days prior to departure, no refund will be made.

In support of its proposal TWA states that the domestic group fares will promote additional passenger traffic in regular scheduled service; that the group fares will fill the need for a domestic counterpart of the transatlantic group fares approved by the Board; and that they will also encourage and stimulate the movement of military personnel on regular scheduled services. The carrier alleges that group travel in domestic air transportation has in the past tended to move on charter flights rather than on regular scheduled services; that a substantial portion of its own charter traffic would be converted to traffic on regularly scheduled flights at the proposed TWA group fares; and that the proposed service is more efficient and economical than the operation of charter flights.

Complaints were filed by American Airlines, Inc. (American), National Airlines, Inc. (National), Northwest Airlines, Inc. (Northwest), and United Air Lines, Inc. (United). The complainants assert that TWA's proposed discount for military personnel is contrary to the ATC-Joint Military Air Transportation Agreement approved by the Board; that unilateral action by one carrier should not be permitted; and that new military traffic will not be generated. The complaints further point out that the proposed domestic group fares are not sufficiently limited from regular fares; that there are many groups of 25 or more in the domestic market now traveling by air at regular fares; and that the proposed group fares would only be diversionary and dilute revenues of all carriers.

Upon consideration of the matters of record, the Board finds that the complaints do not set out facts sufficient to warrant investigation of the proposed fares, and that the complainants' requests therefor, and consequently their requests for suspension, should be denied. According to TWA, the transatlantic group fares have stimulated traffic growth in that area and can do the same in domestic operations. The proposed tariffs contain limitations designed to prevent diversion from regular fares.

[1] Trans World Airlines, Inc., Local Group Passenger Tariff, C.A.B. No. 85.

[2] American Airlines, Inc., Local Group Passenger Tariff, C.A.B. No. 154.

The fares, furthermore, do not appear unreasonably low, are at a level within the range of other promotional fares, and the discount is also within the range of other group fares. TWA's proposal, except for the limitation of the refund rule, is found consistent with the Board's policy of allowing experimentation with low fare type of service designed to encourage and promote greater use of air transportation.

The refund rule requiring that no refunds will be made when cancellations are made less than 30 days prior to scheduled departure imposes severe penalties upon the traveling public. Unlike transatlantic travel, domestic travel does not require advance preparations of many months, and travel plans of the general public are likely to change within shorter time. The Board has received many complaints from passengers who have suffered considerable hardships from the application of a similar rule for international group fares. Consequently, we find that the refund rules of TWA and American in domestic service may be contrary to the public interest and unlawful, and such rules will be investigated and suspended.

Accordingly, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, particularly sections 102, 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. The complaints of American Airlines, Inc., in Docket 13770, National Airlines, Inc., in Docket 13773, Northwest Airlines, Inc., in Docket 13774, and United Air Lines, Inc., in Docket 13767, are dismissed.

2. An investigation be instituted to determine whether the provisions of Rules Nos. 13(A)(2)(b) and 13(A)(3) on Original Page 6 of Trans World Airlines, Inc.'s Local Group Passenger Tariff, C.A.B. No. 85, and Rules Nos. 13(A)(2)(b) and 13(A)(3) on Original Page 6 of American Airlines, Inc.'s Local Group Passenger Tariff No. 1, C.A.B. No. 154, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful provisions.

3. Pending investigation, hearing and decision by the Board, the provisions of Rules Nos. 13(A)(2)(b) and 13(A)(3) on Original Page 6 of Trans World Airlines, Inc.'s Local Group Passenger Tariff, C.A.B. No. 85, and Rules Nos. 13(A)(2)(b) and 13(A)(3) on Original Page 6 of American Airlines, Inc's Local Group Passenger Tariff No. 1, C.A.B. No. 154, are suspended and their use deferred to and including October 24, 1962, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board.

4. This investigation will be set for hearing before an Examiner of the Board at a time and place hereafter to be designated.

5. A copy of this order shall be filed with the aforesaid tariffs and shall be served upon American Airlines, Inc. and Trans World Airlines, Inc. which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62-7336; Filed, July 25, 1962; 8:53 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 62-CE-7]

PROPOSED TELEVISION ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace:

The Peninsular Broadcasting Company, Inc., Grand Rapids, Michigan, proposes to construct a television antenna structure near Bailey, Michigan, at latitude 43°18'34" N., longitude 85°54'44" W. The overall height of the proposed structure would be 1783 feet above mean sea level (1,001 feet above ground).

The proposal is one of six that have been filed in conjunction with the allocation of television channel No. 13 for the Grand Rapids area by the Federal Communications Commission.

The proposed structure would be located approximately 11.7 miles north/northeast of the Muskegon, Michigan, VORTAC and within the boundary of VOR Federal airway No. 215.

Objections were made in response to the circularization by the Air Line Pilots Association, Michigan Department of Aeronautics and the National Association of State Aviation Officials on the basis that the proposed structure would require an increase from 2,100 feet to 2,800 feet in the minimum en route altitude on the segment of Victor 215 between the Muskegon VORTAC and the White Cloud, Michigan, VOR.

The Agency study disclosed that the proposed structure would not exceed the airport imaginary surfaces defined in § 626.13 of the Regulations of the Administrator, for any airport and would have no adverse effect upon aeronautical operations at any airport.

The proposed structure would require an increase from 2,100 feet to 2,800 feet in the MEA on the segment of Victor 215 between the Muskegon VORTAC and the White Cloud VOR. However, the established normal practice in Air Traffic Control assignment of en route instrument flight altitudes for air traffic is to use cardinal altitudes. The minimum cardinal altitude for this segment of airway is 3,000 feet which would remain undisturbed. Therefore, this increase in MEA would have no substantial adverse effect upon IFR aeronautical operations via this airway segment.

No other aeronautical operations, procedures or minimum flight altitudes would be affected.

Therefore pursuant to the authority delegated to me by the Administrator (14 CFR 626.33), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter unless an appeal is filed under § 626.34 (14 CFR 626.34). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination whichever is later. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (14 CFR 626.35).

Issued in Washington, D.C., on July 18, 1962.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 62-7295; Filed, July 25, 1962; 8:45 a.m.]

[OE Docket No. 62-CE-15]

PROPOSED TELEVISION ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace:

Central Minnesota Television Company, Alexandria, Minnesota, proposes to construct a television antenna structure near Hackensack, Minnesota, at latitude 46°56'03" N., longitude 94°27'-25" W. The overall height of the structure would be 2,386 feet above mean sea level (999 feet above ground).

Objections were made in response to the circularization by the Air Transport Association of America, Air Line Pilots Association, State of Minnesota Department of Aeronautics, and National Association of State Aviation Officials based on the conclusions of the objectors that the proposed structure would increase the minimum en route altitude on the North Central Airlines' off-airway route between the Brainerd, Minnesota, privately owned radio beacon and Bemidji, Minnesota, privately owned radio beacon from 2,900 feet to 3,400 feet. The Minnesota Department of Aeronautics also voiced objection on the basis that the proposed structure would increase the MEA on a proposed Federal airway between the proposed Brainerd and Bemidji FAA VOR facilities.

Objections were received from the Minnesota Flying Farmers, Minnesota Airport Operators Association, Inc., National Pilots Association, NASAO, Minnesota Department of Aeronautics, and through the Minnesota Department of Aeronautics from Mesaba Aviation, Crow Wing Aviation and Phelp Aero. These objections were based on the conclusions of these objectors that the proposed structure would be hazardous to visual flight rules traffic in that it would be located too near the highway and railroad tracks that pass through Hackensack, Minnesota, and which serve as navigation aids to VFR aircraft transiting the area particularly when operating in a low visibility weather condition.

At the FAA Kansas City Informal Airspace Meeting, the ATA stated that their primary concern was for the preservation of the North Central Airlines minimum en route altitude.

Prior to submitting notice to this Agency for the proposed construction, the sponsor contacted the Minnesota Department of Aeronautics concerning a possible site approximately 0.9 mile northeast of Hackensack. The State objected to that location for the reason that the site was within two miles of the "VFR route" between Brainerd and Bemidji shown on aeronautical charts as a highway and railroad. The sponsor therefore selected the site contained in this proposal which is approximately 3.2 miles east of the highway and railroad tracks.

The proposed structure would not exceed the airport imaginary surfaces for any airport and would have no substantial adverse effect upon aeronautical operations at any airport.

The proposed structure would be located within five miles of the North Central Airlines' off-airway direct route between the company's Brainerd and Bemidji radio beacons. It would require an increase in MEA on this route from 2,900 feet to 3,400 feet. North Central Airlines schedules four flights daily except from June through September when six flights daily are scheduled over this route.

The FAA plans to establish a Federal airway in this area upon the installation of FAA operated VOR facilities at Brainerd and Bemidji. These facilities are scheduled for installation early in 1963. With the establishment of the planned airway, the need for the approved off-airway route will be eliminated. Upon the application of Amendment 60-21 to Part 60 of the Civil Air Regulations, the MEA for this planned airway segment will be at least 3,200 feet. This MEA would be increased by 200 feet in the event the proposed structure were built. Such an increase in MEA would have no substantial adverse effect upon aeronautical operations on this route.

Though not depicted on the chart as a VFR flyway, the highway and railroad between Brainerd and Bemidji would provide a good flight path for VFR aircraft, particularly if marginal weather conditions are encountered and visibility becomes restricted. If operating under marginal weather conditions VFR pilots should remain as close as possible to preplanned visual routes such as the highway and railroad, which in this instance would provide approximately three miles clearance from the proposed structure. If weather conditions are such that a pilot could follow the highway and railroad from a distance of three miles then visibility would be such that with proper lookout the tower could be seen and avoided.

It is computed from Federal Aviation Agency records of VFR general aviation air traffic patterns for Fiscal Year 1961, that there were approximately 80 aircraft which filed VFR flight plans on routes that would pass within a 10-mile radius of the proposed structure at an altitude of 3,000 feet or below. This averages approximately one flight every five days. There were no recorded flights between Brainerd and Bemidji. In the light of this record indication of low volume of VFR traffic in the area it was concluded that the proposed structure would have no substantial adverse effect upon VFR flight operations.

No other aeronautical operations, procedures or minimum flight altitudes would be affected.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter unless an appeal is filed under § 626.34 (14 CFR 626.34). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination whichever is later. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (14 CFR 626.35).

Issued in Washington, D.C., on July 17, 1962.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 62-7296; Filed, July 25, 1962; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14716; FCC 62-785]

GASTONIA BROADCASTING SERVICE, INC. (WLTC)

Order Designating Application for Hearing on Stated Issues

In re application of Gastonia Broadcasting Service, Inc. (WLTC), Gastonia, North Carolina, has: 1370kc, 1kw, Day, Class III, requests: 1370kc, 5kw, Day, Class III, Docket No. 14716, File No. BP-14654; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of July 1962;

The Commission having under consideration the above-captioned and described application;

It appearing that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that Storer Broadcasting Company, licensee of Station WSPD, Toledo, Ohio, filed a petition and supplement thereto, under § 1.359 of the Commission's rules requesting that any grant of the subject application be conditioned to prohibit presunrise operations by Station WLTC; and it is the opinion of the Commission that any grant of the subject application should be conditioned to prohibit presunrise operations under § 3.87 of the Commission's rules; and

It further appearing that the proposal of Gastonia Broadcasting Service, Inc., will cause interference to Stations WLCM and WHEE;

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WLTC and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of Gastonia Broadcasting Service, Inc. would cause objectionable interference to Stations WLCM and WHEE, Lancaster, South Carolina, and Martinsville, Virginia, respectively, or any existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, Royal Broadcasting Company and Patrick Henry Broadcasting Corporation, licensees of Stations WLCM and WHEE, respectively, are made parties to the proceeding.

It is further ordered, That the petition filed by Storer Broadcasting Company, licensee of Station WSPD is granted.

It is further ordered, That, in the event of a grant of the application of

Gastonia Broadcasting Service, Inc., the construction permit shall contain the following conditions:

To the extent that it permits operation with daytime facilities prior to local sunrise, § 3.87 of the Commission's rules is not applicable to this authorization, and such operation is prohibited.

Permittee shall accept any interference that may result in the event of a subsequent grant of BP–15269, Cleveland County Broadcasting Company, Shelby, North Carolina (Station WADA).

Permittee shall submit with the application for license antenna resistance measurements made in accordance with § 3.54 of the Commission's rules.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issue specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: July 23, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–7338; Filed, July 25, 1962; 8:53 a.m.]

[Docket Nos. 14721, 14722; FCC 62–789]

GENERAL COMMUNICATIONS, INC. (KXKW) AND SOUTH MISSISSIPPI BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of General Communications, Incorporated (KXKW), Lafayette, Louisiana, has: 1520 kc, 500 w, DA–1, U, requests: 1520 kc, 500 w, 10–kw–LS, DA–2, (DA–Day during C.H. only), U, Docket No. 14721, File No. BMP–9060; Holton D. Turnbough and George J. Sliman, d/b as South Mississippi Broadcasting Company, Mississippi City, Mississippi, requests: 1520 kc, 5 kw, 1 kw (C.H.), DA–Day, Docket No. 14722, File No. BP–14865; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of July 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals;

It appearing that, except as indicated by the issues specified below each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals;

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The instant proposals involve mutual interference.

2. The South Mississippi Broadcasting Company proposal will cause interference to Station WJBI, Indian Rocks Beach, Florida.

3. The South Mississippi Broadcasting Company proposal appears to be in contravention of § 3.28(d)(3) of the Commission's rules.

4. Holton D. Turnbough, a 50 percent partner in BP–14865 is an officer and director of Station WHHT (Lucedale, Mississippi), Station WPMP (Pascagoula-Moss Point, Mississippi) and Station WRJW Picayune, Mississippi. In connection with his father-in-law, Hugh O. Jones, the Turnbough-Jones family group has controlling interest in 3 existing standard broadcast stations. A grant of the subject application would give the Turnbough-Jones group control of 4 standard broadcast stations within a relatively small area in Mississippi. Also the primary service areas of applicant would involve substantial overlap of the primary service areas of the 3 existing stations listed herein. Therefore questions exist with respect to compliance with § 3.35 (a) and (b) of the rules. In considering South Mississippi Broadcasting Co., proposal and § 3.35 of the Commission's rules, it appears appropriate to consider the size, extent and location of the areas served and to be served; the extent of the overlap involved; the number of persons residing within the overlap area; the classes of stations involved; the extent of other competitive service to the areas in question; the extent to which the stations will rely on the same revenue and program sources; the nature of the programming that the stations will present with particular reference to the needs of the communities they are designed to serve; the advertising practices of the stations; the source of program material and talent for each station; the relationship of the various members of the Turnbough and Jones families with respect to their broadcast and other business interests; and such other factors as will tend to demonstrate that the overlap and/or concentration of control involved will or will not be in contravention of § 3.35 of the Commission's rules.

5. Due to extensive salt water marshes between transmitter sites, a question obtains as to whether the proposed 25 mv/m contour of South Mississippi Broadcasting Company would overlap the 25 mv/m contour of WLOX, Biloxi, Mississppi in contravention of § 3.37 of the Commission rules, and that field intensity measurements made from the sites of both operations would be necessary to establish that no such overlap would occur.

It further appearing that in view of the outstanding proposed rule making procedure in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, any grant of the proposals in this proceeding prior to a final decision in Docket No. 14419, should be appropriately conditioned.

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposal of South Mississippi Broadcasting Company and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KXKW and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

4. To determine whether the instant proposal of South Mississippi Broadcasting Company would cause objectionable interference to Station WJBI, Indian Rocks Beach, Florida or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether interference received from all other existing and proposed operations would effect more than ten percent of the population within the normally protected primary service area of the instant proposal of South Mississippi Broadcasting Company, in contravention of § 3.28(d)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said Section.

6. To determine whether a grant of the South Mississippi Broadcasting Company proposal would be in contravention of the provisions of § 3.35(a) of the Commission rules with respect to multiple ownership of standard broadcast stations.

7. To determine whether a grant of the South Mississippi Broadcasting Company proposal would be in contravention of § 3.35(b) of the Commission rules with respect to concentration of control.

8. To determine whether the 25 mv/m contour of the instant proposal of South Mississippi Broadcasting Company and the 25 mv/m of Station WLOX would overlap in contravention of § 3.37 of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said Section.

9. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

10. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That WLOX Broadcasting Co., and The World Christian Radio Foundation, Inc., licensees of Station WLOX, Biloxi, Mississippi and Station WJBI, Indian Rocks Beach, Florida are made parties to the proceeding.

It is further ordered, That, any grant of the proposals in this proceeding, prior to final decision in Docket No. 14419, will be conditioned as follows: Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission Rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That in the event of a grant of the application of General Communications, Incorporated, the construction permit shall contain the condition that the permittee shall accept any interference that may result in the event of subsequent grants of the Higson-Frank Radio Enterprises proposal, File No. BP–13809, Houston, Texas, the KWEN Broadcasting Company proposal, File No. BP–13627, Port Arthur, Texas and the Avoyelles Broadcasting Corporation proposal, File No. BP–14122, New Roads, Louisiana.

It is further ordered, That in the event of a grant of the application of General Communications, Incorporated, permittee shall submit data required by §§ 3.48 and 2.524 of the Commission rules for type acceptance of the proposed transmitter with 500 watts.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended and § 1.362(b) of the Commission rules, give notice of the hearing either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 23, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62–7339; Filed, July 25, 1962; 8:53 a.m.]

[Docket No. 14723; FCC 62–793]

KATV, INC. (KATV)

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of KATV, Inc. (KATV), Little Rock, Arkansas, Docket No. 14723, File No. BMPCT–5677; for modification of construction permit to change transmitter location and increase antenna height.

1. The Commission has before it for consideration with respect to the above-captioned application, (a) "Petition to Deny Application" filed on December 12, 1961, by the City of Pine Bluff, Arkansas, and the Pine Bluff Chamber of Commerce (sometimes hereinafter Petitioners); (b) "Opposition to Petition to Deny" filed January 8, 1962, by KATV, Inc. (KATV); (c) "Reply to KATV, Inc." filed on February 6, 1962 by Petitioners; (d) "Petition to Intervene and to Deny" filed February 21, 1962 by the Star City Chamber of Commerce, Star City, Arkansas.[1]

2. KATV operates on Channel 7 with an effective radiated power of 170 kw and an antenna height of 990 feet above average terrain from which site KATV places principal city signal over Pine Bluff and Little Rock. Pursuant to a construction permit granted May 1, 1961 (BPCT–2858), KATV is authorized to operate with an effective radiated power of 316 kw; however KATV has never constructed pursuant to this permit. On November 13, 1961, KATV filed the application under consideration which requests authority to change the transmitter location from a point approximately 14 miles north of Pine Bluff to a point approximately 45 miles northwest of Pine Bluff and 10 miles west of Little Rock, to increase the antenna height above average terrain to 1,764 feet and to operate with an effective radiated power of 316 kw. Subsequently, on May 2, 1962, KATV amended its application to specify a new transmitter site, located approximately 50 miles northwest of Pine Bluff and 12 miles west of Little Rock and antenna height above average terrain of 1,862 feet. Neither of the Petitioners has filed any pleading with respect to this subsequent amendment.[2]

3. Each of the Petitioners claims to be a proper party to the proceeding; the City of Pine Bluff by virtue of the fact that Channel 7 was originally a Pine Bluff assignment and because of the effect that a grant of the application would have on service to the citizens of Pine Bluff; the Pine Bluff Chamber of Commerce because of its prior participation in proceedings assigning Channel 7 to Pine Bluff, its participation in the proceeding whereby Channel 7 was removed from Pine Bluff to Little Rock and by virtue of an agreement with applicant relative to the operation of its station.

4. The Petitioners contend that (a) the application for change of transmitter site is not in the public interest, (b) that the applicant's sole reason for seeking the transmitter move is economic gain which does not justify depriving people of service when in fact there can be no claim of economic need, and (c) that applicant's proposal is a breach of confidence and contract. In support of their contentions, Petitioners allege that the proposal, if granted, would result in the creation of "white"[3] and "gray"[4] areas containing populations of 9,000 and 25,000 persons, respectively; that in addition, there will be a reduction of signal intensity to the city of Pine Bluff which has a population of 44,000 persons; and that the areas which will gain service are presently receiving two, and in some cases three services. Petitioners further allege on information and belief that Station KTVE, Channel 10, El Dorado, Arkansas has filed or may file an application to move its transmitter from El Dorado to Monroe, Louisiana, and if granted such action will increase the "white" and "gray" areas, and that if such an application is filed the two matters should be considered together.[5]

5. Petitioners further allege that letters from James C. Leake, and John C. Griffin, officers and substantial stockholders of the applicant, dated November 29 and November 30, 1961, to the Chamber of Commerce clearly reveal that business considerations dictated the filing of the application in question; that

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[1] This petition was not timely filed under the provisions of § 1.359(1) of the Commission's rules. However, under § 1.105 of the rules Star City Chamber of Commerce may appear at the hearing and give testimony.

[2] It should be noted in this connection that the population figures used in this opinion were supplied by Petitioners and not controverted by KATV. No new figures have been supplied but the amendment should have no substantial effect thereon.

[3] A "white" area is an area which is not within the predicted Grade B field intensity contour of any television station.

[4] A "gray" area is an area which is within the predicted Grade B field intensity contour of only one television station.

[5] Station KTVE, had filed a petition for rulemaking to change the allocation status of Channel 10 from El Dorado to El Dorado, Arkansas-Monroe, Louisiana. On June 22, 1961, this petition was dismissed at KTVE's request.

applicant had admitted net earnings in 1960 of $122,694; that the rate of return on its investment is reasonable; that no economic cause exists which justifies the proposed transmitter move; and that television is not a business "like any other business" but is "affected with the public interest." In support of the contention that the application constitutes a breach of confidence and contract, petitioners allege that during the proceedings in Docket No. 12337, "in the matter of amendment of § 3.606, table of assignments, television broadcast stations (Little Rock-Pine Bluff, Arkansas)" 17 R.R. 1599 (1958), the applicant through its vice-president, James C. Leake, entered into an agreement with the Pine Bluff Chamber of Commerce, which was made part of the record in the proceedings, in order to forestall its objections to the rule making; that said agreement provided that KATV would not move its transmitter out of Jefferson county; that sufficient studio facilities would be provided for Pine Bluff; that KATV would give recognition to Pine Bluff in its identification signal; that KATV would provide Pine Bluff with public service programs; and that KATV would notify the Chamber of Commerce in the event an agreement to sell KATV was entered into and that the prospective purchaser would be informed of this agreement. The petitioners claim that KATV has wholly failed to live up either to the letter or the spirit of the agreement in that it maintains no employees and no studio in Pine Bluff, and gives no recognition or public service benefits to Pine Bluff. Petitioners state that the agreement is introduced for the purpose of attacking applicant's credibility and not as a binding agreement on the Commission. Petitioners allege also that applicant's representations to local people concerning the reasons for the proposed move have been deceitful in that applicant has indicated that the Commission was conducting rule making which would require KATV to place a better signal over Little Rock and that a move was necessary in order to comply with the proposed rule. Finally, Petitioners request that the application be denied or in the alternative that it be designated for hearing and that Channel 7 be assigned to Pine Bluff.

6. The substance of KATV's opposition is to the effect that the substantial gains in service which would result from a grant of its application outweigh the slight theoretical losses resulting therefrom and that the improvement in the competitive situation between KATV vis-a-vis the other Little Rock stations and between ABC and the other networks clearly establishes that a grant of the proposal would serve the public interest, convenience and necessity, would more fully satisfy the requirements of section 307(b) of the Communications Act, and would improve KATV's revenue potential, thereby permitting greater and more effective response to the television needs of the entire Little Rock area including Pine Bluff and vicinity.

7. Specifically, KATV contends that, for the most part, the claims and allegations of petitioners are not relevant to a determination as to whether the public interest would be served by a grant of its application. KATV states that Pine Bluff will continue to receive a principal city signal even though it is not the principal city involved and, therefore, not entitled to such a signal either for technical compliance with the rules or for satisfactory service to the city's residents; that it has not contended that its application should be granted for economic reasons; that there are no allegations of fact in the petition which support a request that the channel should be reassigned or even suggest that the Commission's Report and Order in Docket No. 11532 is not just as valid today in terms of the public interest as when it was adopted; and that the request does not comply with the Commission's Rules governing rule making petitions. KATV thus concludes that the petition raises just two questions for consideration: (a) Whether, in view of the loss of signal intensity to the south, southeast and east of the present KATV transmitter site, operation of the station as proposed would serve the public interest, and (b) whether the filing of the subject application constitutes a breach of confidence and contract reflecting on the qualifications of the applicant or its principals. With respect to the first question, the applicant states that even if petitioners allegations are assumed to be true, it is apparent that the resulting gains clearly outweigh the slight losses. However, KATV contends that the petitioner's engineering showing is inaccurate and misleading since it compares KATV's outstanding authorization (BPCT-2858), under which it has never constructed, with the instant proposal rather than the actual operation of the station; and that when the actual operation is compared with the proposal, the loss figures are considerably less. Moreover, KATV contends that even these figures are unrealistic since they fail to take cognizance of the viewing habits of those persons residing in the areas concerned which indicate that a majority of the people in this area look to other cities such as Memphis, Tennessee for service. A further factor which tends to make the petitioner's loss figures unrealistic according to KATV is that they fail to take into account extended areas of coverage (the area from the Grade B to the 49 dbu contour); that the extended coverage contour provides substantially the same service as the Grade B; that petitioners have failed to consider the fact that KTVE, El Dorado, Arkansas, which provides service in the alleged gray area, is an ABC affiliate; and that since KATV is an ABC affiliate there will be no real loss of service.

8. Concerning alleged misrepresentations to the public as to the reasons for the move, KATV categorically denies petitioner's charges and in connection therewith states that Mr. Leake's letter of November 29, 1961, when read in its entirety will prove the falsity of Petitioner's allegations; that while KATV was concerned about the effects the Commission's rule making would have, the statement should not be interpreted as conveying even the suggestion that KATV was being forced to move its transmitter because of the proposed new rules. KATV states that with respect to the agreement between it and the Pine Bluff Chamber of Commerce, the charges of "breach of contract and confidence" are frivolous and reckless and that it has fully complied with the agreement. Concerning the stipulation not to change transmitter site, KATV asserts that while it agreed that the station would not be removed from the immediate vicinity without compensatory measures to insure the maintenance of a technically satisfactory signal to Pine Bluff it is clear that it did not intend to bargain away its rights to improve its facilities or its responsibilty as a licensee to utilize its channel as effectively as possible. KATV asserts that there has been a material change in the circumstances which existed at the time of the agreement; that in the light of current conditions, and based on its experience as a Little Rock station it has concluded that its facilities should be improved; and that in reaching this decision it has exercised it best independent judgment as a broadcaster and as the operator of a business enterprise. KATV points out that Pine Bluff will continue to receive a principal city signal under the proposed operation. Futhermore, applicant states it will continue to provide such studio facilities as needed in Pine Bluff and that, therefore, there has been no breach of faith, confidence or contract with the Pine Bluff Chamber of Commerce or residents of Pine Bluff. Finally, KATV states that in view of the gains in service, the improvement of the competitive position between the stations and between the networks, it is clear that a grant of the subject application will serve the public interest within the meaning of section 309(a) of the Communications Act.

9. Petitioners' reply filed February 6, 1961, states, in essence, that the KATV signal in the City of Pine Bluff will be reduced from 92.3 dbu to 80 dbu; that Jefferson County now receives a Grade A signal from KATV but portions will now receive only a Grade B signal; that Lincoln County which receives principal city or Grade A signal will be reduced to Grade B signal; that Desha County within the present Grade B contour will be without the Grade B contour and lose its only service; and that Bradley and Drew Counties will lose the KATV signal. Moreover, Petitioners argue that the economic condition of KATV in such a proceeding is relevant since the original proceeding whereby it changed station location, was grounded on its economic status; that KATV's allegations to the effect that petitioners' engineering report is misleading because it compares its outstanding authorization with its proposal rather than its actual operation is incorrect since petitioners had reason to believe that KATV would construct pursuant to its outstanding permit (BPCT-2858) within a reasonable time; that the best evidence as to viewer habits and preferences, must come from the viewers themselves, many of whom are ready to testify; that KATV and KTVE do not show substantially the same programs; that in a three day period, January 31 to February 2, 1961 the program listings carried in the Arkansas Gazette, indicated that KTVE carried from one to three hours of ABC programs, whereas KATV carried an average of eight to ten hours; that, therefore, viewers in the gray area will suffer a real loss of program selectivity; and that KATV's allegations as to extended coverage contours are theoretical and argumentative. In reply to KATV's opposition concerning the agreement, petitioners state that there are no studios in Pine Bluff; that there is never an audio identification of Channel 7 with Pine Bluff; that the public service programming for Pine Bluff is meager and intermittent because there are no studio facilities and personnel in Pine Bluff and, as a consequence, it requires a hundred mile round trip by KATV's employees to cover local events; that the agreement was intended to cover future conduct; that if KATV had mental reservations at the time of the agreement, it was entered into in bad faith; and that after four years KATV is estopped to deny the validity thereof. Petitioners conclude that the matter should be set for hearing and that such hearing be held at Pine Bluff for convenience of parties and witnesses residing there.

10. We believe that it is apparent from the pleadings filed in this matter that substantial questions of fact have been raised which require resolution in an evidentiary hearing. As against an admitted gain of a third and fourth service which would result from a grant of the proposed transmitter move we have an asserted loss of service. The extent of the loss is questioned by KATV which contends that any determination as to losses is unrealistic if it fails to consider such factors as viewing habits and preferences, extended service contours, the fact that there is service beyond the Grade B contours, and a station's penetration in the area in question. It is apparent however, that based on calculated contours, there will be approximately 34,000 persons who, in the event of a grant, will no longer be within the Grade B contour of KATV; that of these people approximately 9,000 will not be within the calculated Grade B contour of any station; and that approximately 25,000 will be within the Grade B contour of only one station. In this connection, KATV also contends that petitioner's figures are misleading since they are based on the calculated Grade B contours of KATV's outstanding construction permit for maximum power (316 kw) rather than actual operation with 170 kw of effective radiated power. However, for the purpose of ascertaining gains and losses in the event of a grant of KATV's proposal we believe that comparison with the outstanding authorization, specifying maximum power, is required, Hall v Federal Communications Commission, 237 F. 567, 14 R.R. 2007. KATV would also have us base our determinations as to coverage on use of the 49 dbu contour rather than the Grade B contour (56 dbu). We do not believe that KATV has made a sufficient showing to warrant use of the 49 dbu contour to determine coverage. Therefore, we will use the usual method for prediction of coverage as specified in Section 3.683 of our Rules. We recognize, of course, that KATV's signal may be received in many areas well beyond the Grade B contour.

11. Concerning the question raised by petitioners allegations relative to the agreement between the Pine Bluff Chamber of Commerce and KATV, it is clear that such an agreement is in no way binding upon the Commission. Nevertheless, the agreement was made a part of the petition for rulemaking and as such constitutes a representation to the Commission. Furthermore, the pleadings indicate that there is a substantial factual dispute concerning the agreement and whether KATV has performed thereunder. Under the circumstances, we believe that this matter also requires exploration in an evidentiary hearing. Having found that substantial questions have been raised, the Commission will designate the application for hearing on its own motion. Therefore, we do not find it necessary to determine whether petitioners meet the statutory tests of "parties in interest". However, we will exercise our discretion and permit them to participate in the hearing as parties, in view of their obvious and continuing interest in this matter. Petitioners have requested that if the matter is designated for hearing, said hearing should be held in Pine Bluff. The Commission agrees that the hearing should be held in Pine Bluff to afford the petitioners and the citizens of Pine Bluff an adequate opportunity to present their views.

Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the captioned application of KATV, Inc., is designated for hearing, in Pine Bluff, Arkansas, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would lose principal city, Grade A and Grade B coverage from the proposed operation of Station KATV, and coverage from other television stations available to such areas.

2. To determine the areas and populations which would gain principal city, Grade A, and Grade B coverage from the proposed operation of KATV, and coverage from other television stations available to such areas.

3. To determine whether KATV, Inc. has performed in accordance with its representations made to the Commission, and, in connection with Commission proceedings, to the Pine Bluff Chamber of Commerce and, if it has not, whether such failure adversely reflects upon KATV's qualifications to be a broadcast licensee.

4. To determine upon the basis of the record made in connection with the foregoing issues, whether a grant of the above-captioned application would serve the public interest, convenience and necessity.

It is further ordered, That the City of Pine Bluff and the Pine Bluff Chamber of Commerce are made parties to the instant proceeding.

It is further ordered, That the "Petition to Deny" filed by the City of Pine Bluff and the Pine Bluff Chamber of Commerce is granted to the extent indicated herein and is denied in all other respects.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof as to each of the foregoing issues shall be on the applicant.

It is further ordered, That to avail themselves of the opportunity to be heard, KATV, Inc., the City of Pine Bluff and the Pine Bluff Chamber of Commerce pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Adopted: July 18, 1962.

Released: July 23, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7340; Filed, July 25, 1962; 8:53 a.m.]

[Docket No. 14651]

KFNF BROADCASTING CORP. (KFNF)

Notice of Place of Hearing

In re application of KFNF Broadcasting Corporation (KFNF), Shenandoah, Iowa, Docket No. 14651, File No. BP-14026; for construction permit.

The hearing on the above-entitled matter presently scheduled for Monday, July 30, 1962, will be held at 10:00 a.m., Liberty Memorial Bldg., Drill Floor, Corner of West Thomas & Sycamore Streets, Shenandoah, Iowa.

Dated: July 19, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7341; Filed, July 25, 1962; 8:53 a.m.]

[Docket No. 14717; FCC 62-786]

MISS-LOU BROADCASTING CO. (KFNV)

Order Designating Application for Hearing on Stated Issues

In re application of Marie K. Zuccaro tr/as Miss-Lou Broadcasting Company (KFNV), Ferriday, Louisiana, has: 1600 kc, 1 kw, Day, Class III, requests: 1390 kc, 1 kw, Day, Class III, Docket No. 14717, File No. BP-11690; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of July 1962;

The Commission having under consideration the above-captioned and described application;

It appearing that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that the following matter is to be considered in connection with the aforementioned issues specified below:

1. The KFNV proposal would cause interference to the existing operation of Station KFRA, Franklin, Louisiana.

It further appearing that the instant proposal would cause objectionable cochannel interference to the existing operation of Station KNOE, Monroe, Louisiana; that the aforementioned station was granted a construction permit to change frequency from 1390 kc to 540 kc on March 22, 1961 (File No. BP-9161) and that accordingly, a grant of the instant proposal should contain the condition that program tests will not be authorized until KNOE has begun program tests on a frequency other than 1390 kilocycles, and a license will not be issued until KNOE has been licensed to operate on a frequency other than 1390 kilocycles; and

It further appearing that, in view of the outstanding proposed rule making proceeding, Docket No. 14419, with respect to presunrise operation of Class II and III stations with daytime facilities, a grant of the instant proposal should be appropriately conditioned; and

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KFNV and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of Miss-Lou Broadcasting Company would cause objectionable interference to Station KFRA, Franklin, Louisiana, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether the instant application should be granted.

It is further ordered, That KFRA, Inc., licensee of Station KFRA, Franklin, Louisiana, is made a party to the proceeding.

It is further ordered, That, in the event of a grant of the instant application, the construction permit shall contain the following conditions:

Program tests will not be authorized until Station KNOE, Monroe, Louisiana, is authorized program tests on a frequency other than 1390 kilocycles; and a license to cover construction permit will not be issued until Station KNOE is licensed on a frequency other than 1390 kilocycles.

The finding made by the Commission that the proposed antenna structure is acceptable under Federal Aviation Agency criteria (Section 626.12, FAA Regulations) is subject to compliance by permittee with any applicable procedures of the FAA.

It is further ordered, That a grant of the proposal in this proceeding prior to a final decision in Docket No. 14419 will be conditioned as follows: Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: July 23, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7342; Filed, July 25, 1962; 8:54 a.m.]

[Docket Nos. 14192, 14718; FCC 62-787]

OUACHITA VALLEY RADIO CORP. AND CAMDEN COMMUNITY BROADCASTERS

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Ouachita Valley Radio Corporation, Camden, Arkansas, requests: 1450 kc, 250 w, 1 kw-LS, U, Docket No. 14192, File No. BP-15213; Charles Mathis, Jr. and Thomas E. Dillahunty d/b as Camden Community Broadcasters, Camden, Arkansas, requests: 1420 kc, 1 kw, Day, Docket No. 14718, File No. BP-14427; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of July 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the applicants is legally, technically, and otherwise qualified to construct and operate the proposed stations; that the Ouachita Valley Radio Corporation is financially qualified but for the reasons hereinafter indicated it cannot be determined that Camden Community Broadcasters are financially qualified; and

It further appearing that the following matters are to be considered in connection with the issues specified below:

1. The applicants request authorizations to operate standard broadcast stations on frequencies only thirty (30) kilocycles removed in the same city, and therefore the applications are mutually exclusive.

2. Examination of the application of Camden Community Broadcasters indicates that $3250 will be required for the downpayment on equipment, $750 for building and $7500 for working capital for three months (one-fourth of $30,000), or a total of $11,500. However, the estimates do not include, under other items, any amount for fees, freight, installation or other miscellaneous expenses, nor is any amount included for estimated lease of land. Since partnership capital is shown at $10,000 without provision for additional funds, as may be required, it cannot be determined that Camden Community Broadcasters have established that they are financially qualified.

3. Camden Community Broadcasters' proposed site is located 0.58 mile southwest of the site of standard broadcast Station KAMD, Camden, Arkansas (910 kc, 500 w, 1 kw-LS, Da-N, U). Therefore, any grant of the Camden Community Broadcasters' application will be subject to a condition that permittee be responsible for the installation and adjustment of any filter networks which may be necessary to prevent cross-modulation or reradiation with KAMD.

4. In view of the outstanding proposed rule making proceeding, Docket No. 14419, with respect to presunrise operation with daytime facilities, a grant of the application of Camden Community Broadcasters, prior to final decision in Docket No. 14419, should be appropriately conditioned.

5. The proposed antenna system of the Ouachita Valley Radio Corporation has been approved by the Federal Aviation Agency. The antenna system of Camden Community Broadcasters has not been so approved, but has been examined by the Commission in the light of the criteria contained in FAA Regulations, Section 626.12, and it appears the proposal will comply therewith. Thus, any grant of the Camden Community Broadcasters proposal will be appropriately conditioned.

6. The proposed antenna system of Camden Community Broadcasters is in the vicinity of an elevated water tank and other man-made structures which may tend to act as parasitic radiators causing distortion of the proposed nondirectional radiation pattern. Accordingly, any grant of this application will be appropriately conditioned.

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of either of the applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceedings, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations and the availability of other primary service to such areas and populations.

2. To determine whether Camden Community Broadcasters are financially qualified to construct and operate their proposed station.

3. To determine, on a comparative basis, which of the instant proposals would best serve the public interest, convenience and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That, in the event of a grant of the application of the Ouachita Valley Radio Corporation, the construction permit shall contain a condition that the permittee shall accept such interference as may be imposed by other existing 250 watt Class IV stations in the event they are subsequently authorized to increase power to 1000 watts.

It is further ordered, That, in the event of a grant of the application of Camden Community Broadcasters, the construction permit shall include the following conditions:

Permittee shall be responsible for installation and adjustment of suitable filter circuits or other equipment which may be necessary to prevent objectionable reradiation or cross modulation with Station KAMD.

Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

This authorization is subject to compliance by permittee with any applicable procedures of the FAA.

Permittee shall submit sufficient proof-of-performance data, made in compliance with § 3.151 of the Commission rules, to show that the proposed radiation pattern is not seriously distorted due to man-made structures in the area.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 23, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7343; Filed, July 25, 1962; 8:54 a.m.]

[Docket No. 14637; FCC 62-791]

WILLIAM L. ROSS

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of William L. Ross, Riverton, Wyoming, requests: 1370 kc, 1 kw, D, Class III, Docket No. 14637, File No. BP-14086; for construction permit.

1. The Commission has before it (a) the above-captioned application; (b) a petition to deny the application filed August 10, 1961, by Riverton Broadcasting Company, Inc., licensee of Station KVOW, Riverton's only existing standard broadcast station; and (c) responsive and subsequent pleadings to the latter petition. Apart from the matters involved in the hearing issues set forth in the latter portion of this Order, no questions appear to exist regarding the qualifications of the applicant.

2. Petitioner predicates its standing to object upon the potential economic injury to the existing operation of Station KVOW which would occur if a new standard broadcast station were licensed in Riverton.[1] In substance, KVOW contends that the estimates submitted by the applicant regarding the proposed costs of building a new Riverton station are unreasonably low and, even if the estimates were found to be reasonable, the applicant would not have sufficient cash and liquid assets to cover costs of construction and initial operation of the proposed facility.

3. On August 23, 1961, Ross filed his opposition to the KVOW petition, stating that his estimates as to construction costs were fully supported by builders and manufacturers quotations and by the applicant's own personal experience. On August 25, 1961, Ross amended his application to indicate the availability of additional liquid assets. On August 31, 1961, KVOW filed its reply to the opposition and amendment—again disputing the applicant's cost estimates and declaring that Ross was still approximately $1,000 short of the necessary cash and liquid assets. On September 18, 1961, Ross again amended the instant application, submitting a new $5,000 loan commitment from a Riverton Bank.

4. It is our belief that Ross's pleadings of August 23, 1961, his amendments of August 25 and September 18, 1961, have eliminated any substantial question regarding the sufficiency or the availability of funds necessary to construct the proposed station and commence operation. However, as set forth below, we have found it necessary to direct further inquiry toward possible long term financial problems which may arise upon licensing of a second standard broadcast station in Riverton, Wyoming.

5. On December 26, 1961, the Commission directed a letter to Mr. Ross, noting that the population of Riverton is small (6,845, 1960 Census), and requesting that additional information be submitted, justifying the applicant's estimate that $40,000 in gross revenues would be realized during the first year's operation. The applicant responded, on January 17, 1962, with an amendment to the application. In substance, the amendment contained a complete description of the Riverton area and of Fremont County, within which Riverton is located; a chart depicting the growth trend and absolute amount of gross retail sales in Fremont County from 1950 to 1961; a projection of

[1] See F.C.C. vs. Sanders Bros., 309 U.S. 470 (1940).

the continued growth trend of retail sales through 1963; and a prediction, (said to be conservatively based upon the "Paul H. Chapman Company Formula" for determining business potential of new or existing radio stations), that at least $40,000 worth of gross revenue would be available to the new station during its first year of operation. (Operating expenses for the period were estimated at $35,000). Mr. Ross also submitted letters from Riverton business leaders supporting a second station for their city and a chart, listing forty cities with two standard broadcast stations in which combined retail and selected services sales amounted to less than $20,000,000 per year, whereas the Riverton area has retail sales alone of $42,355,000.

6. On February 21, 1962, the licensee of Station KVOW submitted a "Supplement" to its petition to deny the Ross application,[2] containing statistical data which conflicts with that submitted by the applicant, and an appended affidavit of Richard M. Allerton, a consultant in management, marketing, sales, and research, and former director of research for the National Association of Broadcasters. The burden of KVOW's contentions, supported by the Allerton affidavit, is as follows:

(a) The applicant's figures overestimate current retail sales in Fremont County, Wyoming, and, similarly, the applicant's projection of future sales is overoptimistic.

(b) Use of the "Paul H. Chapman Formula" results in a figure for expected gross revenues for the proposed station that is at least 100 percent too high. In fact, approximately $64,000 is potentially available in gross revenues for both Riverton stations and this figure is substantially less than the predicted combined costs of operating the stations.

(c) Given these economic facts, the Commission should disregard its usual informal standard in judging an applicant's financial qualifications—i.e., that the applicant show sufficient cash and liquid assets to cover costs of constructing its proposed station and to operate the station for a period of at least three months without revenue. Instead, when the economic base of support for a new station is questionable, the applicant should be required to show sufficient cash and liquid assets to construct the station and operate for a period of one year without revenue.

7. The Commission has fully considered the contentions of KVOW and the applicant and is of the opinion that substantial questions of fact exist in two closely interrelated areas. First, the application and the pleadings raise a serious question as to whether Riverton and the surrounding area contain sources of revenue sufficient to support the operation of two or more standard broadcast stations. Second, because this question has been raised, the validity of the predicted revenues of the applicant, and, therefore, his financial qualifications have also been placed in doubt. Accordingly, the application will be designated for hearing to determine whether the applicant is financially qualified to construct and operate his proposed station, and whether his estimate of expected revenues is reasonable.

8. In raising the question of financial qualifications with respect to this applicant we wish to make it clear that we are not changing our existing standards, except in those extraordinary situations in which the ability of the area to support additional broadcast stations has been placed in doubt. Nor do we see any need, even in these situations, to change our basic informal, flexible requirements regarding the necessary availability of cash and liquid assets in a sufficient amount to permit construction of the proposed station and its operation, without revenues, for a reasonable period of time.[3] Rather, we would impose here, and in similar situations, an added burden upon the applicant, that of showing that its estimate of operating revenues is realistic when a serious question has been raised concerning the ability of the area to produce adequate revenue from those sources from which standard broadcast stations generally receive their support. We believe this additional requirement is necessary, not only to demonstrate that the applicant is financially qualified, but also to enable us to make the ultimate findings required by law, i.e., whether grant of the application in question would serve the public interest, convenience and necessity.

In view of the foregoing, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below. *Accordingly, it is ordered*, This 18th day of July 1962, That, pursuant to section 309(e) of the Comunications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether the applicant is financially qualified to construct and operate his proposed station and whether his estimate of expected revenues is reasonable.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That the Riverton Broadcasting Company, Inc., licensee of Station KVOW, Riverton, Wyoming, is made a party to the proceeding.

It is further ordered, That the petition to deny filed by Riverton Broadcasting Company, Inc. is granted to the extent indicated above, and is denied in all other respects.

It is further ordered, That, in the event of a grant of the application, the construction permit shall contain the following conditions:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is prohibited.

This authorization is subject to compliance by permittee with any applicable procedures of the Federal Aviation Agency.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: July 23, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7344; Filed, July 25, 1962; 8:54 a.m.]

[Docket Nos. 14719, 14720; FCC 62-788]

WYMAN N. SCHNEPP ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Wyman N. and Willa M. Schnepp, Joint Tenants, Abilene, Kansas, requests: 1560 kc, 250 watts, Day, Class II, Docket No. 14719, File No. BP-14587; Valley Broadcasting Company, Beloit, Kansas, requests: 1560 kc, 250 watts, Day, Class II, Docket No. 14720, File No. BP-14592; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of July 1962;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. These cochannel proposals involve mutually destructive interference.

2. The proposal for Abilene will cause interference to the existing operation of Station KNEX, McPherson, Kansas.

3. Upon the basis of the information submitted with the application, it cannot be determined that Valley Broadcasting Company is financially qualified to construct and operate its proposed station. Valley represents that it will require $14,410 to construct its proposed station and operate it for a reasonable period of time. To meet this requirement, Valley has available $9,241 comprised of $241 in cash, $3,000 profits from existing operations and a bank loan of $6,000. Thus Valley appears to lack over $5,000 necessary to effectuate its proposal. Further, the balance sheet submitted with the subject proposal does not show readily convertible assets sufficient to meet current liabilities and assume the additional cash requirements of the subject proposal. In addition, all of the stockholders of Valley have expressly denied agreement on their part to supply Valley with additional funds.

4. The program proposal submitted by Valley Broadcasting Company indicates that it proposes no programs for the discussion of local problems. In addition, Valley proposes to broadcast local live programs three hours a week (3.5%) all on Sunday, of which two hours comprise live religious broadcasting. In view of this, it cannot be determined at this time whether the program service proposed by Valley would meet the needs of the community it seeks to serve.

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following Issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of Wyman and Willa Schnepp would cause objectionable interference to Station KNEX, McPherson, Kansas, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether Valley Broadcasting Company is financially qualified to construct and operate its proposed station.

4. To determine the type and character of program service which would be broadcast by Valley Broadcasting Company and whether the program service would meet the needs of the city sought to be served.

5. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That K. R. Krehbiel, licensee of Station KNEX, McPherson, Kansas, is made a party to the proceeding.

It is further ordered, That, in the event of a grant of either of the above-captioned applications, the construction permit shall be conditioned as follows: Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 23, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7345; Filed, July 25, 1962; 8:54 a.m.]

[Docket Nos. 12315, 12316; FCC 62-770]

SHEFFIELD BROADCASTING CO. AND J. B. FALT, JR.

Memorandum Opinion and Order Designating Applications for Further Consolidated Hearing on Stated Issues

In re applications of Iralee W. Benns, tr/as Sheffield Broadcasting Co., Sheffield, Alabama, Docket No. 12315, File No. BP-11130; J. B. Falt, Jr., Sheffield, Alabama, Docket No. 12316, File No. BP-11559; for construction permits.

1. The Commission has before it for consideration a petition for reconsideration and request for further oral argument filed May 2, 1962, by J. B. Falt, Jr., in which it is requested that the Commission (a) reconsider and set aside its Memorandum Opinion and Order on Remand, released April 2, 1962, 32 F.C.C. 755, which affirmed the Commission's previous grant of Sheffield Broadcasting's application and denied Falt's mutually exclusive application and his petition for stay; (b) order further oral argument before the Commission en banc in order that the parties may (i) present their position orally to the Commissioners who have not previously heard argument; (ii) refresh the recollection of the Commissioners who previously heard argument; and (iii) address themselves to the question of Sheffield Broadcasting's compliance with § 3.33(a) of the Commission's rules (a question with respect to which no Commissioner has heard argument because Falt first raised this issue in his first petition for reconsideration); and (c) following such argument, either grant the application of Falt, or reopen the record for further hearing on the comparative issue of diversification of control of the media of mass communications and on the issue of Sheffield Broadcasting's compliance with § 3.35 of the Commission's rules. Replies in opposition were filed on May 8, 1962, by the Commission's Broadcast Bureau, and on May 15, 1962, by Sheffield Broadcasting, both of which urged that Falt's petition be denied in its entirety; a reply to the oppositions was filed on May 18, 1962, by Falt.

2. Having considered Falt's contentions and the oppositions, we believe that Falt's petition should be denied, except insofar as he requests that the record be reopened to determine the applicability of our multiple-ownership rules to the

[2] Ross has moved to strike the KVOW "Supplement" and KVOW has opposed the motion to strike with a petition for acceptance. The Commission's rules do not provide for the filing of petitions to deny or supplements thereto following the "cut-off date" of an application listed in a public notice, pursuant to § 1.354(c) of the rules. However, since the KVOW "Supplement" deals solely with an amendment to the instant application which was itself filed after the "cut-off date", we have considered KVOW's most recent contentions upon our own motion.

[3] We are not persuaded that requiring an applicant to demonstrate ability to operate for a full year without revenue would have any meaningful relation to the public interest. If Riverton can, in fact, support two or more standard broadcast stations, it is difficult to find any logical or practical distinction between this case and the typical case in which sufficient cash for a reasonable period of operation without revenue is required. Conversely, if a station cannot gain a sufficient foothold to survive after exhaustion of sufficient funds to operate for a reasonable period with a total lack of revenue, we do not believe that the chances for survival will be greatly increased after exhaustion of one year's predicted operating funds.

Sheffield Broadcasting application.[1] In view of the 47.2 percent overlap in the 0.5 mv/m contours of WVOK in Birmingham, Alabama, which Mrs. Benns controls, and her proposed Sheffield station, it appears that a substantial question is raised as to whether a grant to Sheffield Broadcasting would be in compliance with § 3.35(a) of our rules. We do not intend to indicate approval of Falt's failure to raise this question until after our original decision of this case. However, we do consider the matter sufficiently significant to warrant our reopening of the record. In addition we will also add an issue concerning the applicability of § 3.35(b) of our rules to both parties to the end that the concentration question be completely canvassed. The entire record, as supplemented, may then serve as the basis for a new decision. Pending a new decision, we will set aside our previous decision entered on April 12, 1961 (30 F.C.C. 579) and the subsequent orders affirming the grant then made to Sheffield Broadcasting Co. We note on this point that Sheffield Broadcasting has not commenced construction of the station previously authorized.

3. Under the § 3.35(a) issue as to Sheffield Broadcasting, we will consider such factors as size, extent, and location of the areas served by the Birmingham station and proposed to be served by the Sheffield station; the extent of the overlap; the number of persons residing within the overlap area; the classes of stations involved; the extent of other competitive services to the areas in question; the extent to which the stations will rely on the same revenue and program sources; the nature of the programming that the stations will present, with particular reference to the particular needs of the communities they are designed to serve; the advertising practices of the stations; and the source of program material and talent for each station. Similar factors of course are relevant to the more general issue of compliance with § 3.35(b) of the rules. (F.C.C. Mimeo No. 74623, issued April 4, 1944, and Public Notice Number 7110, April 11, 1947, reproduced as an appendix hereto).[2]

4. With respect to the comparative issue of diversification of control of the mass media of communications, we believe that Falt's contentions with respect to Mrs. Benns' control over stations in which her son has an interest, but she does not, have been considered fully in our prior opinions. We have previously considered Falt's contention that he was denied adequate opportunity to cross-examine Mrs. Benns with respect to control over her son, and have found this contention wanting. The only new material which Falt raises in this petition concerning this comparative issue is to note the number of Benns family broadcast interests in which a family by the name of Brennan also has interests, and to list a pattern of "reciprocal intra and inter family cooperation." Falt urges that this is a matter as to which he had a right to cross-examine Mrs. Benns. Falt's contentions in this regard are raised for the first time, and, in view of such tardiness, it can hardly be argued that this is a matter as to which Falt now has a right to cross-examine Mrs. Benns. Moreover, no showing has been made to date which indicates interfamily cooperation relevant to the Sheffield application. The examiner therefore need not go further into the matter discussed in this paragraph in the absence of an offer of proof of relevant evidence. This ruling is also applicable to the further hearing to be held on the question of compliance with § 3.35 (a) and (b) of the rules, so far as the above matters are concerned.

5. Mrs. Benns is President, Director, and 35 percent owner of the permittee of broadcast station WFLI at Lookout Mountain, Tennessee. The record does not show who controls WFLI, or the extent of Mrs. Benns' management interest in the station. Accordingly, for purposes of the diversification issue, we have included an additional issue on this point.

6. We are reopening the record to make a determination on compliance by Sheffield Broadcasting with these sections of the rules, and by Falt with § 3.35 (b). All previous evidence relevant to these issues will, of course, be considered along with the new evidence to be adduced. If both parties are qualified under the rules, a new comparative decision will be reached in the light of the entire record.

Accordingly, it is ordered, This 18th day of July 1962, that the petition for reconsideration and request for further oral argument filed May 2, 1962, by J. B. Falt, Jr. is denied, except insofar as it is requested that the record be reopened to determine Sheffield Broadcasting's compliance with § 3.35(a) of the Commission's rules, a request which is granted: and

It further appearing that the Falt application and the Sheffield Broadcasting application both raise a substantial question of compliance with § 3.35(b) of the Commission rules;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications are designated for further hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether a grant of the Sheffield Broadcasting application would be in contravention of the provisions of § 3.35 (a) and (b) of the Commission's rules.

2. To determine whether a grant of the J. B. Falt, Jr. application would be in contravention of § 3.35(b) of the Commission's rules.

3. To determine the nature and extent of Mrs. Benns' interest and participation in station WFLI, Lookout Mountain, Tennessee.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, and the record heretofore made in this proceeding, which, if either, of the applications should be granted.

It is further ordered, That the Decision entered herein on April 12, 1961 granting the application of Sheffield Broadcasting Company and denying that of J. B. Falt, Jr., and the subsequent orders affirming the grant then made to the Sheffield Broadcasting Co., are hereby set aside.

Released: July 23, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7346; Filed, July 25, 1962; 8:54 a.m.]

[1] In view of our disposition of the § 3.35 question, we believe oral argument to be unnecessary at this time. Falt had also requested further oral argument to discuss an alleged violation by Sheffield Broadcasting of § 3.33(a) of the rules, a matter which, by itself, we do not believe would warrant further argument. This matter was fully considered in our Memorandum Opinion and Order of September 13, 1961, released September 18, 1961, 31 F.C.C. 563, on Falt's first petition for reconsideration, at which time his contentions were rejected.

[2] Appendices filed as part of original document.

[Docket No. 14638; FCC 62-792]

HUGH JORDAN STOCK

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Hugh Jordan Stock, Riverton, Wyoming, requests: 740 kc, 1 kw, Day, Docket No. 14638, File No. BP-14184; for construction permit.

1. The Commission has before it (a) the above-captioned application; and (b) a petition to deny the application filed August 31, 1961, by Riverton Broadcasting Company, Inc., licensee of Station KVOW, Riverton's only existing standard broadcast station. Apart from the matters involved in the hearing issues set forth in the latter portion of this Order, no questions appear to exist regarding the qualifications of the applicant.

2. Petitioner predicates its standing to object upon the potential economic injury to the existing operation of Station KVOW which would occur if a new standard broadcast station were licensed in Riverton.[1] In substance, KVOW contends that the estimates submitted by the applicant regarding the proposed costs of building a new Riverton station are unreasonably low and, even if the estimates were found to be reasonable, Stock would not have sufficient cash and liquid assets to cover costs of construction and initial operation of the proposed facility.

3. On January 9, 1962, Stock amended his application to indicate the availability of additional liquid assets and to support the estimates submitted regarding costs of construction. It is our belief that Stock's amendment of January 9, 1962, has eliminated any substantial question regarding the sufficiency or the availability of funds necessary to construct the proposed station and commence operation. However, as set forth below, we have found it necessary to direct further inquiry toward possible long term financial problems which may arise upon licensing of a second standard broadcast station in Riverton, Wyoming.

4. By letter of December 21, 1961, the Commission, noting that the population of Riverton is small (6845, 1960 Census), requested the applicant to submit additional information justifying his estimate that $60,000 in gross revenues would be realized during the first year's operation. The applicant's response included only a cursory statement in justification of his estimate.

5. The Commission has fully considered the contentions of KVOW and the applicant and is of the opinion that substantial questions of fact exist in two closely interrelated areas. First, the application and the pleading filed by KVOW raise a question as to whether Riverton and the surrounding area contain sources of revenue sufficient to support the operation of two or more standard broadcast stations. Second, because this question has been raised, the validity of the predicted revenues of the applicant and, therefore, his financial qualifications have also been placed in doubt. Accordingly, the application will be designated for hearing to determine whether the applicant is financially qualified to construct and operate his proposed station, and whether his estimate of expected revenues is reasonable.

6. In raising the question of financial qualifications with respect to this applicant we wish to make it clear that we are not changing our existing standards, except in those extraordinary situations in which the ability of the area to support additional broadcast stations has been placed in doubt. Nor do we see any need, even in these situations, to change our basic informal, flexible requirements regarding the necessary availability of cash and liquid assets in a sufficient amount to permit construction of the proposed station and its operation, without revenues, for a reasonable period of time. Rather, we would impose here, and in similar situations, an added burden upon the applicant, that of showing that its estimate of operating revenues is realistic when a serious question has been raised concerning the ability of the area to produce adequate revenue from those sources from which standard broadcast stations generally receive their support. We believe this additional requirement is necessary, not only to demonstrate that the applicant is financially qualified, but also to enable us to make the ultimate findings required by law, i.e., whether grant of the application in question would serve the public interest, convenience and necessity.

7. A further question to be resolved with respect to the proposed station is the matter of whether the antenna structure proposed would constitute a menace to air navigation.

In view of the foregoing, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below. *Accordingly, it is ordered,* This 18th day of July 1962, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether there is a reasonable possibility that the tower height and location proposed would constitute a menace to air navigation.

2. To determine whether the applicant is financially qualified to construct and operate his proposed station and whether his estimate of expected revenues is reasonable.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That the Federal Aviation Agency, and Riverton Broadcasting Company, Inc., licensee of Station KVOW, Riverton, Wyoming, are made parties to the proceeding.

It is further ordered, That the petition to deny filed by Riverton Broadcasting Company, Inc. is granted to the extent indicated above, and is denied in all other respects.

It is further ordered, That, in the event of a grant of the application, the construction permit shall contain the following condition: This authorization is subject to compliance by permittee with any applicable procedures of the Federal Aviation Agency.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: July 23, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7347; Filed, July 25, 1962; 8:55 a.m.]

[1] See F.C.C. vs. Sanders Bros., 309 U.S. 470 (1940).

FEDERAL MARITIME COMMISSION

A.B.C. INTERNATIONAL, INC., ET AL.

Notice of Freight Forwarder Applications Filed for Approval

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission, applications for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipipng Act, 1916, as amended (Public Law 87-254).

These persons are either (1) new applicants; or (2) former registrants under General Order 72 who forfeited their grandfather rights because of failure to file within the Statutory time limit.

Name and Address; Officers

A.B.C. International, Inc., 95 Broad Street, New York 4, N.Y.—Corporation: Charles Fields, exec. vice pres.; Lloyd Stelker, vice pres.; A. J. Brown, pres.; P. Glazer, vice pres.

Admiral Shipping Co., Arkady Moisiuk, dba, 1000 Vermont Avenue NW., Washington, D.C.—Individual.

American Container Export Forwarding Co., Edward J. Dyar, Jr., dba, 12622 Hamilton Avenue, Detroit 3, Mich.—Individual.

American Customs Brokerage Co., P.O. Box 261, 235 South Queen Street, Honolulu 9, Hawaii—Partnership: David L. Peterson, partner; Noboru Kojima, partner; Francis J. Kojima, partner.

American Freight Forwarding Corp., 460 12th Avenue, New York, N.Y.—Benjamin Eskow, director; Gerald W. Eskow, pres. and director; Burton I. Eskow, sec., treas. and director; Harold Rosegarten, asst. sec.

Amiano, Juan Carlos, 1141 Broadway, New York 1, N.Y.—Individual.

Anders, Williams & Co., Inc., 227 West Water Street, Norfolk 10, Va.—Corporation: Rolf Williams, pres., treas.; Job Vandersyde, exec. vice pres.; E. P. Wheeler, vice pres.; Mrs. S. B. Turner, sec.

Arpin Van Lines, Inc., Paul, 150 Manton Avenue, Providence, R.I.—Corporation: Adolphe J. Arpin, pres.; Louise M. Arpin, treas.; Milton J. Arpin, vice pres.; Paul G. Arpin, sec.

Atlantic-Gulf Shipping, Inc., 521 South Water Street, Tampa 2, Fla.—Corporation: Thomas H. Brady, pres.; Frances W. Brady, vice pres.; Selma G. Whitlow, sec. and treas.

Banho Shipping Corp., 115 Broad Street, New York 4, N.Y.—Vincent Cataldo, pres.; Luis Martinez, sec.-treas.

Bayport Shipping Corp., 220 West 42d Street, New York 36, N.Y.—Benjamin Hamalian, pres.; Hermine Hamalian, treas.

Castano, Jaime, 6046 Louisville Street, P.O. Box 12104, New Orleans, La.—Individual.

Catuira & Associates, Inc., 452 South Hill Street, Los Angeles 13, Calif.—Corporation: Jaime V. Catuira, pres.-general manager; Adelaide L. Catuira, vice pres.-treas.; Encarnacion M. Domingo, sec.

Convoys, Bobby Goodman, dba, 1133 Broadway, New York 10, N.Y.—Individual.

Curran, Frank T., 41 Coddington Avenue, New Dorp. 6, Staten Island, N.Y.—Individual.

Dichmann, Wright & Pugh, Inc., 254 Granby Street, Norfolk 10, Va.—Corporation: W. P. Rudrow, pres.; W. S. Oberholtzer, vice pres.; P. R. MacCausland, treas.; Ernest Meyer, vice pres. and sec.; J. L. Bach, asst. sec.-asst. treas.; J. M. Levick, asst. sec.-asst. treas.

DiFeo, Jose Maria, 465 Washington Street, New York 13, N.Y.—Individual.

Dixie Forwarding Co., Inc., 5621 Clinton Drive, P.O. Box 578, Houston 1, Tex.—Corporation: L. H. Graves, pres.; E. E. Garrett, vice pres.; J. M. Fuentes, vice pres.; Joyce Osteen, sec.-treas.; Milton Schwartz, asst. sec.

Dixie Steamship Agency, Inc., 206 East Bay Street, Savannah, Ga.—Corporation: W. H. Colcock, pres. and treas.; Max L. Crosby, vice pres. and sec.; J. K. Kaufmann, Jr., director.

Duffy, Inc., Hugh A., 32 Broadway, New York 4 N.Y.—Corporation: Hugh A. Duffy, pres.; John B. Parry, vice pres.; A. W. Parry, director.

Empire Household Shipping Co. of N.Y., Inc., 117 Liberty Street, New York 6, N.Y.—Corporation: Lola R. Gould, vice pres. and sec.; Alan D. Gould, pres.

Estrella & Company, Inc., E., 253 Church Street, New York 13, N.Y.—Corporation: Edward Estrellado, pres.; Gloria E. Resteiner, treas.; Carmen U. Estrellado, sec.

J. D. Express Delivery, Jozef Domaniecki, dba, 115 Garrison Street, Newark 5, N.J.—Individual.

Falcon Forwarding Co., J. Milton Liss, dba, 241 Church Street, New York 13, N.Y.—Individual.

Fitzgerald Company, Inc., 741 North Milwaukee Street, Milwaukee 2, Wis.—Corporation: Wyman W. Fitzgerald, pres., treas., and director; Walter J. Fitzgerald, director; Russell W. Brodie, vice pres., sec., and director.

General Air Freight, Inc., Cargo Building 80, Idlewild International Airport, Jamaica 30, N.Y.—Corporation: R. W. Hopes, pres.; John A. Vaill, vice pres.; F. D. Slaughter, asst. treas.; Sidney Weintraub, vice pres.; W. E. Robb, vice pres.

Hache, Joseph N., 366 Broadway, New York 13, N.Y.—Individual.

Hamanaka, Kenneth, 408 South Spring Street, Los Angeles 13, Calif.—Individual.

Heilpern, Lillian, 95 Broad Street, New York 4, N.Y.—Individual.

Higgins, Inc., William P., Building 162, Idlewild Airport, Jamaica 30, Long Island, N.Y.—Corporation: William P. Higgins, pres.; Mary A. Higgins, sec.-treas.; Margaret Higgins, vice pres.

International Shipping Co., 121 Hanover Street, P.O. Box 1693, Wilmington, N.C.—Partnership: James H. Batuyios, partner; Frances J. Batuyios, partner.

Key Freight Forwarders, Inc., P.O. Box 3221, Miami 1, Fla.—Corporation: Joseph Rosenberg, pres.; Sheldon Rosenberg, vice pres.; Sadie Rosenberg, sec.-treas.

Lann Greene Forwarding Co., Inc., 55 Laight Street, New York 13, N.Y.—Corporation: Irving Kornfeld, pres.; Rose Kornfeld, vice pres.; Manya K. Wessler, treas.; Serge A. Celestin, sec.

LaSalle Int'l Freight Forwarding Corp., 147 West 42d Street, New York, N.Y.—Corporation: Kurt Wasserman, pres.-director; Wilhelmina Wasserman, sec.-treas. and director; Henry Wasserman, director.

Latin American Shipping Co., Inc., 345 NE. Second Avenue, Miami 32, Fla.—Corporation: Frank L. Patten, pres.; Francois R. Larrieu, vice pres.; Jorge E. Larrieu, treas.; Owen Freed, sec.

Mac Tavish & Son, 165 Jordan Avenue, San Francisco, Calif.—Partnership: D. Katherine Buckley, partner; Sara L. Thompson, partner.

Major Van Lines, Inc., 601 Ocean Avenue, Jersey City 5, N.J.—Corporation: Charles B. Carroll, Jr., pres.; Joseph W. Warren, sec.; Faye Warren, asst. sec.

Marjes Forwarding Corp.; 300 Maspeth Avenue, Brooklyn 11, N.Y.—Meyer J. Butensky, pres.-director; Marvin F. Burten, vice pres.-director; Jess K. Burten, sec.-director; Henry J. Ankner, vice pres.-director.

Mittelstaedt, Galaviz & Mylin, Custom Brokers, 25 California Street, San Francisco 11, Calif.—Partnership: T. O. Mittelstaedt, partner; Armando Galaviz, partner; Gary Clifford Mylin, partner.

Muskegon Forwarding Co., P.O. Box 631, Muskegon, Mich.—Partnership: W. N. Hemmick, Jr., partner; R. D. McCrea, partner.

National Movers Co., Inc., Route S-3, East Rutherford, N.J.—Corporation: Joseph A. Holl, pres.-director; Paul Kempf, vice pres.-director; Alice Holl, sec.-director.

O'Hara, William A., 1 Wilson Avenue, Rutherford, N.J.—Individual.

Pacific Air Freight, Inc., 72 Marion Street, Seattle 4, Wash.—Corporation: Philip R. Gruger, pres.-director; Holt W. Webster, vice pres.-director; J. Vernon Williams, sec.-director; Robert Lamson, director.

Pacific Shipping Co. Buenaventura, Jose V., dba, 79 Wall Street, New York 5, N.Y.—Individual.

Palm Beach S/S Agency, Inc., 130 East Port Road, Riviera Beach, Fla.—Corporation: Earle Menges, pres.-treas.; George W. Fizell, vice pres.-sec.; Lloyd J. Parker, director; Frank B. Pullara, director; Robert E. Lund, director.

Palmer Consolidated Freight Forwarding Co., Robert H. Palmer, Jr., dba, 7740 Gratiot Avenue, Detroit 13, Mich.—Individual.

Panaco Shipping Corp., 521 Fifth Avenue, New York 17, N.Y.—Chester T. Krouse, pres.; Sarah Servideo, vice pres.; Jose M. Ahumada, treas.-sec. and general manager.

Patrick & Graves, L. H. Graves, dba, 5621 Clinton Drive, P.O. Box 578, Houston 1, Tex.—Individual.

Pose, Antonio O., 1450 Second Avenue, New York 21, N.Y.—Individual.

Roberts, Reilly & Sons, Inc., 120-52 Queens Boulevard, Kew Gardens 14, N.Y.—Corporation: George E. Roberts, pres.-director; Dorothea M. Roberts, sec.-treas. and director; Rudolph H. C. Freund, vice pres.-director.

O'Neal Robinson, Torve Gade No. 5, P.O. Box 1111, Charlotte Amalie, St. Thomas, V.I.—Individual.

Royal, Edward C., 342 Central Park West, New York, N.Y.—Individual.

Sack & Menendez, Inc., P.O. 936, Tampa, Fla.—Corporation: Francis M. Sack, pres.; Jose Menendez, sec.-treas.; Dalia Menendez, 1st vice pres.; Blossom T. Sack, 2d vice pres.

Schumm Traffic Agency, Inc., 26 Broadway, New York 4, N.Y.—Corporation: Henrietta M. Schumm, pres.; John C. Shavor, vice pres.; Louise D. Ahearn, sec.-treas.

Sherriff-Guerringue, Inc., 811 First Avenue, Seattle 4, Wash.—Corporation: Chas. H. Sherriff, pres.; Milton C. Guerringue, vice pres.; Gene C. Cameron, sec.; Sarah Sherriff, treas.

Stern, George, 33 South Gay Street, Baltimore 2, Md.—Individual.

Thornley & Pitt, Carl J. Madsen, dba, 619 Sansome Street, San Francisco 26, Calif.—Individual.

Transport Expediters, Hudson Tarte, dba, 3507 Rainier Avenue, Seattle, Wash.—Individual.

United Drayage Co., Paul S. Beidleman, dba, 2425 Porter Street, Los Angeles 21, Calif.—Individual.

U.S. Truck Leasing Corp., 66 Murray Street, New York, N.Y.—Joseph A. Adams, pres.-director; Percy Marcus, vice pres.-director; Thos. J. Carley, sec.; James E. Reilly, treas.-asst. sec. and director.

Valls, Ralph, 303 Cortez Street, P.O. Box 904, Laredo, Tex.—Individual.

Vernon, Wilma J., dba, Vernon Forwarding Co., 6214 Lankershim Boulevard, North Hollywood, Calif.—Individual.

Persons knowing of any reason why any applicant should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C. Protests should be filed within 60 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: July 23, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-7353; Filed, July 25, 1962; 8:56 a.m.]

MAJOR FORWARDING CO., INC., AND PALMETTO SHIPPING CO., INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Federal Maritime Commision for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 8964 between Major Forwarding Company, Inc. (New York) and Palmetto Shipping Company, Inc. (Charleston, S.C.)

Under this agreement, Palmetto Shipping Company, Inc. will complete and file with the Custom House, export declarations on shipments of Major Forwarding which are loaded at Georgetown or Charleston, South Carolina. As compensation, Palmetto will receive $3.00 per declaration, or a minimum fee of $5.00.

Interested persons may inspect this agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to it, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Commission.

Dated: July 23, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-7354; Filed, July 25, 1962; 8:56 a.m.]

W. R. ZANES & CO. ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

W. R. Zanes & Co. of La., Inc. (New Orleans), has entered into Agreement No. 8953 with Dieterle & Victory International Transport Co., Inc. (New York), Agreement No. 8954 with International Customs Service, Inc. (Los Angeles), Agreement No. 8956 with Inter Americas Shipping Co. (New York), Agreement No. 8957 with San Francisco Freight Forwarders, Inc. (San Francisco), Agreement No. 8958 with Jahrett Shipping, Inc. (New York), and Agreement No. 8961 with Express Forwarding & Storage Co., Inc. (New York).

The terms of the six agreements are identical. The parties will perform freight forwarding services for each other at their respective ports. Forwarding fees and compensation received from the ocean carrier on shipments handled under the agreement, will be divided between the parties after negotiation and agreement on each transaction.

Agreement No. 8959 between Universal Transcontinental Corp. (New York) and Cavalier Shipping Company, Inc. (Norfolk), has the same terms as those of the six Zanes agreements.

Agreement No. 8962 between Lusk Shipping Company, Inc. (New Orleans) and T. A. Provence & Co. (Mobile), is a reciprocal arrangement under which the parties perform forwarding services for each other, dividing the ocean freight brokerage equally; the entire forwarding fee is retained by the party performing the service.

Agreement No. 8963 between Mohegan International Corp. of La. (Houston) and Major Forwarding Co., Inc. (New York), provides for the completion of the necessary documentation by Mohegan in connection with shipments referred to it by Major. On shipments of paper, paper products or woodpulp, Mohegan will receive one-third of the compensation received from the ocean carrier; on other shipments Mohegan's compensation will be one-third of the brokerage plus a minimum forwarding fee of $5.00 and an additional 50 cents for passing the export declaration.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit, within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to them, and their position as to approval, disapproval, or modification thereof, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Commission.

Dated: July 23, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-7355; Filed, July 25, 1962; 8:56 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP62-262]

CITIES SERVICE GAS CO.

Notice of Application and Date of Hearing

JULY 19, 1962.

Take notice that on May 14, 1962, Cities Service Gas Company (Applicant), P.O. Box 1995, Oklahoma City, Oklahoma, filed in Docket No. CP62-262 an application pursuant to section 7(c) of the Natural Gas Act authorizing the construction and operation of 7.82 miles of 16-inch pipeline, replacing an equivalent length of 10-inch pipeline, and the construction and operation of 2,000 additional horsepower at its United Compressor Station, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically Applicant proposes to construct and operate the following facilities:

Saginaw-Springfield System: 7.82 miles of 16-inch pipeline replacing an equivalent length of 10-inch line beginning at the east end of Applicant's present 16-inch pipeline in Christian County, Missouri, and connecting with its present 16-inch pipeline in Greene County, Missouri.

United Compressor Station: a 2,000 horsepower addition to Applicant's United Compressor Station, Grant County, Kansas.

Applicant states that the proposed replacement of pipeline is required in order to meet the estimated peak day demands of its existing customers.

The application shows that the United Station presently has 1,100 compressor horsepower used to compress gas purchased by Applicant from United Producing Company, Inc. (United). Applicant states that the additional compression facilities are now required in order to handle the increased volumes of gas to be purchased from United by reason of Applicant's sale of gas to Cities Service Helex, Inc. (Helex). Applicant states further that it will use the 1,100 horsepower, presently used to compress the United gas, to compress gas purchased from Socony-Mobil Oil Company, Inc. (Socony) and Columbian Fuel Corporation (Columbian); Applicant is required to compress such volumes to 325 psig for delivery to Helex for processing.

The application shows the estimated cost of the proposed pipeline construction to be $332,000 with a net salvage value of $18,000; the estimated cost of the proposed compressor facilities is $500,000. The total cost of the proposed facilities will be financed from treasury cash.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 30, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing dispose of the proceedings pursuant to the provisions of section 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 20, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-7329; Filed, July 25, 1962; 8:51 a.m.]

[Project No. 2100]

DEPARTMENT OF WATER RESOURCES, STATE OF CALIFORNIA

Mt. Diablo Meridian, California; Correction

JULY 19, 1962.

Notice of land withdrawal dated June 19, 1962, appearing in the FEDERAL REGISTER issued June 23, 1962 (27 F.R. 5971) column 2; the description under T. 22 N., R. 5 E., should read Sec. 33: Lot 4 instead of Sec. 32: Lot 4; the description in T. 20 N., R. 6 E., Sec. 8: should read S½NW¼, N½SW¼, instead of S½NW¼N½SW¼.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-7327; Filed, July 25, 1962; 8:51 a.m.]

[Docket No. CP62-173]

TOWN OF STEELE, ALABAMA

Order Permitting Intervention and Setting Date of Hearing

JULY 20, 1962.

Notice of the filing of the application, as supplemented, was issued in the above captioned section 7(a) proceeding on June 6, 1962. The last day for filing protests, requests for hearing or petitions to intervene was set as June 29, 1962.

Alabama Gas Corporation (Alabama Gas), an Alabama Corporation, having its principal offices in Birmingham, Alabama, filed a petition to intervene in this proceeding, April 23, 1962, and a request for hearing, June 18, 1962.

In its petition to intervene, Alabama Gas states generally that it could provide natural gas service to the town of Steele at lower rates than the proposed municipal system and that the proposed municipal system is not economically feasible. Alabama Gas also contends that as an existing customer of Southern Natural Gas Company (Southern), from whom the town of Steele proposes to purchase its gas supply, it will be affected by the economic feasibility or infeasibility of the proposed project.

An answer to the above-mentioned petition to intervene was filed by the town of Steele, May 10, 1962. The town of Steele states that it does not propose to grant a franchise to Alabama Gas in any event and that Alabama Gas' interests would be adequately represented by Southern.

Since Alabama Gas' ability and willingness to provide service to the town of Steele is therefore immaterial, intervention and participation by Alabama Gas must be limited to its other alleged interest.

We are of the view that since Alabama Gas is an existing customer of Southern, intervention by Alabama Gas, limited to its interests as such may be in the public interest.

The Commission finds: (1) Intervention by the Alabama Gas Corporation, limited to matters affecting its interests as an existing customer of Southern

Natural Gas Company, may be in the public interest.

The Commission orders:

(A) Alabama Gas Corporation is hereby permitted to intervene in the above-captioned proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of said petitioner as intervenor shall be limited to matters affecting asserted rights and interests as a customer of Southern Natural Gas Company as specifically set forth in its petition to intervene, and provided further that the admission of said petitioner as an intervener shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 17, 1962, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 62-7328; Filed, July 25, 1962; 8:51 a.m.]

FEDERAL RESERVE SYSTEM

UNITED CALIFORNIA BANK

Order Approving Merger of Banks

In the matter of the application of United California Bank for approval of merger with Farmers and Merchants Bank of Blythe.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by United California Bank, Los Angeles, California, a member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and Farmers and Merchants Bank of Blythe, Blythe, California, under the charter and title of the former and, as an incident to the merger, a branch would be operated at the location of Farmers and Merchants Bank of Blythe. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) within seven calendar days after the date of this Order or (b) later than three months after said date.

Dated at Washington, D.C., this 20th day of July 1962.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-7300; Filed, July 25, 1962; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of San Francisco.

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4583]

PRECISION MICROWAVE CORP.

Order Summarily Suspending Trading

JULY 20, 1962.

The Common Stock, par value $1, of Precision Microwave Corp., being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 23, 1962, to August 1, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-7314; Filed, July 25, 1962; 8:49 a.m.]

[File No. 1-3445]

E. L. BRUCE CO., INC.

Order Summarily Suspending Trading

JULY 20, 1962.

The common stock, par value $1, of E. L. Bruce Co. (Incorporated), being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's rules 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 23, 1962, to August 1, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-7315; Filed, July 25, 1962; 8:50 a.m.]

[File No. 24A-1488]

ANTILLES ELECTRONICS CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor and Notice of Opportunity for Hearing

JULY 19, 1962.

I. Antilles Electronics Corporation (Issuer) San Lorenzo, Puerto Rico, a Puerto Rico corporation, filed with the Commission on May 8, 1961, a notification on Form 1-A and an offering circular relating to a proposed public offering of 100,000 shares of $.10 par value Class A common stock at $3.00 per share for an aggregate amount of $266,454, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder. 11,182 shares were reserved for issuance without cost to previous purchasers of common stock at $5.00 per share. Fraser & Company, Inc., Fidelity-Philadelphia Trust Building, Philadelphia 9, Pennsylvania, was named as underwriter on a best efforts basis. The offering was commenced as of July 12, 1961.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the issuer has failed to file a report on Form 2-A, as required.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made in the light of the circumstances under which they are made not misleading, concerning, among other things:

1. The failure to use the offering proceeds for the purposes set out in the offering circular.

2. The failure to disclose material transactions between the issuer and the underwriter which resulted in the offering proceeds being used by the underwriter for its own benefit.

3. The failure to comply with the terms of the underwriting agreement as set out in the offering circular.

C. The issuer and the underwriter have failed to cooperate in that they failed to report the number of shares sold and to state the purposes for which the offering proceeds received were used.

D. The offering was made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for the hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-7316; Filed, July 25, 1962; 8:50 a.m.]

[File No. 811-1031]

VENTURE FUND, INC.

Notice of Filing of Applications for Order Declaring That Company Has Ceased To Be an Investment Company

JULY 19, 1962.

Notice is hereby given that Venture Fund, Incorporated ("Applicant"), 133 South Seventh Street, Minneapolis 2, Minnesota organized under Minnesota law and an open-end non-diversified investment company has filed an application under section 8(f) of the Investment Company Act of 1940 ("Act") for an order declaring that the Applicant has ceased to be an investment company.

Applicant makes the following representation in its application:

The company now has fourteen shareholders and has never had in excess of that number. It has no present intention of making any public offering of its shares of common stock and thus does not presently contemplate that its outstanding securities will be beneficially owned by more than one-hundred persons in the foreseeable future. A Registration Statement filed under the Securities Act of 1933 was later withdrawn at the request of the Applicant.

Section 8(f) of the Act provides, in part, that whenever the Commission upon application finds that an investment company has ceased to be an investment company, it shall so declare by order and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 2, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the isuses of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securties and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-7318; Filed, July 25, 1962; 8:50 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 391]

SOUTH DAKOTA

Declaration of Disaster Area

Whereas, it has been reported that during the months of June and July 1962, because of the effects of certain disasters, damage resulted to residences and business property located in Meade, Lawrence and Pennington Counties in the State of South Dakota;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from rain and flood and accompanying conditions occurring on or about June 15 and July 13, 1962.

OFFICES

Small Business Administration Regional Office,
Lewis Building,
603 Second Avenue, South,
Minneapolis 2, Minn.

Small Business Administration Branch Office,
Leaders Building,
109½ North Main Avenue,
Sioux Falls, S. Dak.

2. A temporary office will be established at Rapid City, South Dakota, address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1963.

Dated: July 16, 1962.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 62-7319; Filed, July 25, 1962; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

Notice of an application Serial Number Arizona 09390, for withdrawal and reservation of lands was published as Federal Register Document No. 62-4757 on page 4707 of the issue for May 17, 1962. The Forest Service, U.S. Department of Agriculture has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10 a.m., on August 17, 1962, relieved of the segregative effect of the above-mentioned application.

The lands involved in the notice of termination are:

GILA AND SALT RIVER, MERIDIAN, ARIZONA

FOREST HIGHWAY NO. 3

T. 21 N., R. 7 E.
Sec. 33, W½NW¼NW¼, W½E½W½NW¼.

The above described lands comprise 40 acres.

FRED J. WEILER,
State Director.

JULY 18, 1962.

[F.R. Doc. 62-7320; Filed, July 25, 1962; 8:50 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands; Correction

JULY 20, 1962.

The notice of proposed withdrawal and reservation of lands published on page 6645 of the FEDERAL REGISTER, issued for Thursday, July 12, 1962 (F.R. Doc. 62-6784; Filed, July 11, 1962; 8:47 a.m.) is hereby corrected as to location of land by deleting Inyo County and replacing it with San Bernardino County.

OLIVER W. JOHNSON, JR.,
Acting Manager.

[F.R. Doc. 62-7311; Filed, July 25, 1962; 8:49 a.m.]

NEVADA

Notice of Filing of Nevada Protraction Diagrams

JULY 20, 1962.

Notice is hereby given that effective August 20, 1962, the following protraction diagrams, Numbers 15 through 31 approved May 16, 1962; Number 32 approved July 5, 1962; Numbers 33 through 41 approved May 16, 1962; Numbers 42 through 52 approved March 21, 1962; Numbers 53 through 70 approved June 15, 1962, are officially filed of record in the Nevada Land Office. In accordance with Title 43, Code of Federal Regulations, these protractions will become the basic record for describing the land for all authorized purposes at and after 10 a.m. of the above effective date. Until this date and time, the diagrams have been placed in the open files and are available to the public for information only.

NEVADA PROTRACTION DIAGRAMS NOS. 15 THROUGH 70

MOUNT DIABLO MERIDIAN

No. 15

T. 34 N., R. 28 E.
T. 35 N., R. 28 E.
T. 34 N., R. 29 E.
T. 35 N., R. 29 E.
T. 34 N., R. 30 E.
T. 35 N., R. 30 E.
T. 35½ N., R. 28 E.
T. 35½ N., R. 29 E.

No. 16

T. 31 N., R. 25 E.
T. 32 N., R. 25 E.
T. 31 N., R. 26 E.
T. 32 N., R. 26 E.
T. 31 N., R. 27 E.
T. 32 N., R. 27 E.

No. 17

T. 31 N., R. 28 E.
T. 33 N., R. 28 E.
T. 33 N., R. 29 E.

No. 18

T. 33 N., R. 26 E.
T. 34 N., R. 26 E.
T. 35 N., R. 26 E.
T. 35½ N., R. 26 E.
T. 33 N., R. 27 E.
T. 34 N., R. 27 E.
T. 35 N., R. 27 E.
T. 35½ N., R. 27 E.

No. 19

T. 33 N., R. 24 E.
T. 33½ N., R. 24 E.
T. 34 N., R. 24 E.
T. 34 N., R. 25 E.
T. 35 N., R. 25 E.
T. 35½ N., R. 25 E.

No. 20

T. 6 N., R. 57 E.
T. 7 N., R. 57 E.
T. 6 N., R. 58 E.
T. 7 N., R. 58 E.
T. 7 N., R. 59 E.

No. 21

T. 8 N., R. 59 E.
T. 9 N., R. 59 E.
T. 10 N., R. 59 E.
T. 8 N., R 60 E.
T. 9 N., R. 60 E.
T. 10 N., R. 60 E.

No. 22

T. 8 N., R. 57 E.
T. 8 N., R. 58 E.
T. 9 N., R. 58 E.
T. 10 N., R. 58 E.

No. 23

T. 4 N., R. 57 E.
T. 5 N., R. 57 E.
T. 4 N., R. 58 E.
T. 5 N., R. 58 E.
T. 4 N., R. 59 E.
T. 5 N., R. 59 E.

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Copies of these diagrams are for sale at one dollar ($1.00) each by the Nevada Land Office, Bureau of Land Management, Post Office Box No. 1551, Reno, Nevada.

H. CURT HAMMIT,
Manager.

[F. R. Doc. 62-7304; Filed July 25, 1962; 8:48 a.m.]

[NM 0301933]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

JULY 18, 1962.

The United States Department of the Interior, Bureau of Indian Affairs, has filed an application, Serial Number NM 0301933, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining and mineral leasing laws. The applicant desires the land for establishment of facilities to accommodate the Ojo Encino School for Navajo Children.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1251, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the

FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 20 N., R. 5 W.,
Sec. 22, N½SE¼SE¼, NE¼SE¼.

The land described contains, in the aggregate, 60.00 acres.

CHESLEY P. SEELY,
State Director.

[F.R. Doc. 62-7310; Filed, July 25, 1962; 8:49 a.m.]

Bureau of Indian Affairs

WASHINGTON

Transfer of Kalispel, Muckleshoot, Nisqually and Squaxin Island Indian Reservations Land Records to Portland Area Office

JULY 20, 1962.

In accordance with 25 CFR Part 120 and pursuant to authority delegated by Amendment No. 49 to Secretarial Order 2508 (26 F.R. 11395), notice is hereby given that all source title documents and land records pertaining to trust or restricted Indian-owned lands on the Kalispel, Muckleshoot, Nisqually and Squaxin Island Indian Reservations in the State of Washington, have been transferred from the City of Washington, D.C., to the Portland Area Office, Bureau of Indian Affairs, 1002 NE. Holliday Street, Portland 8, Oregon.

Effective August 1, 1962, the Portland Area Office will be the office for the maintenance of records for all such trust and restricted lands.

JOHN O. CROW,
Deputy Commissioner.

[F.R. Doc. 62-7305; Filed, July 25, 1962; 8:48 a.m.]

WASHINGTON

Transfer of Rosebud Indian Reservation Land Records to Aberdeen Area Office

JULY 20, 1962.

In accordance with 25 CFR Part 120 and pursuant to authority delegated by Amendment No. 49 to Secretarial Order 2508 (26 F.R. 11395), notice is hereby given that all source title documents and land records pertaining to trust or restricted Indian-owned lands on the Rosebud Indian Reservation in the State of South Dakota, have been transferred from the City of Washington, D.C., to the Aberdeen Area Office, Bureau of Indian Affairs, 820 South Main Street, Aberdeen, South Dakota.

Effective August 1, 1962, the Aberdeen Area Office will be the office for the maintenance of records for all trust and restricted lands on the Rosebud Reservation.

JOHN O. CROW,
Deputy Commissioner.

[F.R. Doc. 62-7306; Filed, July 25, 1962; 8:48 a.m.]

Office of the Secretary

C. R. LEEVER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months: No change.

This statement is made as of June 25, 1962.

Dated: June 25, 1962.

C. R. LEEVER.

[F.R. Doc. 62-7308; Filed, July 25, 1962; 8:48 a.m.]

RIGGS SHEPPERD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) Marine Capital Corp., Fidelity Capital Fund, Aileen Inc., Independent Telephone Corp.
(4) None.

This statement is made as of June 15, 1962.

Dated: June 15, 1962.

RIGGS SHEPPERD.

[F.R. Doc. 62-7309; Filed, July 25, 1962; 8:48 a.m.]

ALAN A. WOODWARD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months: No changes.

This statement is made as of July 9, 1962.

Dated: July 9, 1962.

ALAN A. WOODWARD.

[F.R. Doc. 62-7307; Filed, July 25, 1962; 8:48 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MARIA CSEPREGHY KLUGE ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amend-

ed, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Maria Csepreghy Kluge, 42 Braemar Avenue, Toronto, Ontario, Canada; $46.61 in the Treasury of the United States.

Mrs. Rosemarie Huston, 8210 Outremont Avenue, Montreal 15, Quebec, Canada; $46.61 in the Treasury of the United States.

Frederick Whitehead, 220 Eglinton East, Toronto, Ontario, Canada; $46.61 in the Treasury of the United States. Claim No. 63995. Vesting Order No. 14236.

Executed at Washington, D.C., on July 20, 1962.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 62-7330; Filed, July 25, 1962; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 23, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37839: *Substituted service—CRI&P for Bekins Van Lines Co.* Filed by Household Goods Carriers' Bureau, Agent (No. 56), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Chicago, Ill., on the one hand, and Denver, Colo., Kansas City, Kans., Omaha, Nebr., Tucumcari, N. Mex., Oklahoma City, Okla., Amarillo, Dallas, Fort Worth, and Houston, Tex., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Household Goods Carriers' Bureau tariff M.F.-I.C.C. 107.

FSA No. 37840: *Substituted service—CRI&P for United Van Lines, Inc.* Filed by Household Goods Carriers' Bureau, agent (No. 57), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Chicago, Ill., on the one hand, and Denver, Colo., Kansas City, Kans., St. Paul, Minn., Amarillo and Dallas, Tex., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Household Goods Carriers' Bureau tariff M.F.-I.C.C. 107.

FSA No. 37841: *Iron or steel articles from Ashland, Ky., to Laurel, Miss.* Filed by O. W. South, Jr., Agent (No. A4210), for interested rail carriers. Rates on iron or steel articles, viz: bars or rods, noibn, plate or sheet, noibn, galvanized, painted or plain, corrugated or not corrugated, in carloads, from Ashland, Ky., to Laurel, Miss.

Grounds for relief: Barge-rail and market competition.

Tariff: Supplement 41 to Southern Freight Association tariff I.C.C. S-163.

FSA No. 37842: *Seeds from and to points in Wyoming.* Filed by Western Trunk Line Committee, Agent (No. A-2264), for interested rail carriers. Rates on seeds, in carloads, between specified points in Wyoming, on the one hand, and points in southern, southwestern and official (including Illinois) territories, on the other.

Grounds for relief: Market competition, modified short-line distance formula and grouping.

Tariffs: Supplement 40 to Western Trunk Line Committee tariff I.C.C. A-4396, and 5 other schedules named in the application.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 62-7326; Filed, July 25, 1962; 8:51 a.m.]

FEDERAL REGISTER

Telephone WOrth 3-3261

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PART II

FEDERAL REGISTER

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Federal Aviation Agency

Jet Routes, Jet Advisory Areas, High Altitude Navigational Aids; and Special Use Airspace

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-WA-76]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

Revision of Part

The following revision of Part 602 of the regulations of the Administrator is adopted for the purpose of combining, in one single document, all amendments which have been previously published by the Administrator of the Federal Aviation Agency in the FEDERAL REGISTER, and which were effective prior to June 30, 1962. In addition, pending amendments are listed below the appropriate section and include the effective date and the FEDERAL REGISTER citation. Since this revision does not involve any substantive changes, compliance with the notice, public procedure, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), this revision to Part 602 is effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 9, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

PART 602-DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

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SUBPART A - INTRODUCTION

§ 602.1 Basis and purpose. The basis of this part is found in § 307 and § 1110 of the Federal Aviation Act of 1958. The purpose of this part is to designate jet routes between high altitude navigational aids or intersections of their signals, along which aircraft may be operated at and above flight level 240; and to designate jet advisory areas along specified jet route segments, VOR/VORTAC radials, bearings from L/MF navigational facilities, direct courses between high altitude navigational facilities, centerlines of control area extensions, or in the vicinity of specified geographical locations.
AMENDMENTS 9/21/61 26 F.R. 7079 (Rewritten);

§ 602.2 Explanation of terms. As used in this part terms shall be defined as follows:

"Bearings" and "radials" are Ture and from the point of origin.

"CONSOLAN" means low frequency long-range navigational aid.

"Continental Control Area" The Continental Control area consists of the airspace of the continental United States at and above 14,500 feet MSL but excludes: (1) the State of Alaska, (2) the airspace less than 1,500 feet above terrain, and (3) prohibited and restricted areas except those restricted areas specified in Subpart H of Part 601 of this title.

"E" means east.

"FL" means Flight Level, a level of constant atmospheric pressure related to a reference datum of 29.92 inches of mercury expressed in digits representing hundreds of feet, for example, FL 250 is equivalent to an altimeter indication of 25,000 feet and FL 265 to 26,500 feet.

"FM" means fan marker.

"ILS" means instrument landing system.

"INT" means intersection of two or more courses or radials formed by signals emanating from the navigational aids used to describe jet routes.

"Jet Advisory Area" means the airspace within the continental control area designated in Subpart C of this part, within which the air traffic rules contained in Special Civil Air Regulations No. SR-444 apply. Jet advisory areas are categorized as "Radar and "Non radar". Radar jet advisory areas (enroute and terminal) are defined areas in which jet advisory service is provided by use of radar. Non radar advisory areas are defined areas in which service is provided on a procedural basis without the use of radar.

"JR" means jet route, direct courses for navigation of aircraft at and above Flight Level 240 between the respective navigational aids and intersections specified for such routes.

"Lat." means latitude.

"L/MF" means low or medium frequency navigational aids.

"Long." means longitude.

"Mile" means statute mile unless otherwise specified.

"NM" means instrument landing system middle marker.

"N" means north.

"Navigational Aid" means the navigational facilities designated under § 602.9 for the navigation of aircraft at and above FL 240.

"NE" means northeast.

"NW" means northwest.

"nmi" means nautical mile.

"OM" means instrument landing system outer marker.

"RBN" means radio beacon.

"RR" means low frequency or medium frequency radio range station.

"S" means south.

"SE" means southeast.

"SW" means southwest.

"TACAN" means a military tactical air navigational aid.

"UNITED STATES" means the several States, the District of Columbia and the several Territories and Possessions of the United States, including the territorial waters and the overlying airspace thereof.

"VHF" means very high frequency.

"VOR" means very high frequency omnirange station.

"VORTAC" means collocated VOR and TACAN.

"W" means west.

AMENDMENTS 9/21/61 26 F.R. 7079 (Rewritten);

§ 602.3 Direction of jet routes.

(a) Even numbers are normally assigned to jet routes designated in a westerly to easterly direction between the initial and final points of such routes, even though portions of such routes may deviate from the westerly to easterly direction between any two or more designated intermediate points.

(b) Odd numbers are normally assigned to jet routes designated in a southerly to northerly direction between the initial and final points of such routes, even though portions of such routes may deviate from the southerly to northerly direction between any two or more designated intermediate points.

AMENDMENTS 9/21/61 26 F.R. 7080 (Rewritten);

§ 602.9 Designation of high altitude navigational aids.

All of the navigational facilities used in the jet route descriptions in Subpart B are designated as high altitude navigational aids. In addition, the navigational aids listed below are designated as additional high altitude navigational aids.

1. Nantucket, Mass., CONSOLAN
2. Newark, N. J., RR
3. Wilmington, N. C. (Carolina Beach) RBN
4. Marathon, Fla., RBN
5. Galveston, Texas, RBN
6. Grand Isle, La., RBN
7. Egmont Key, Fla., RBN
8. Miami, Fla., RBN
9. Pensacola, Fla., RR
10. Millville, N. J., RR
11. Boston, Mass., RR
12. Squantum, Mass., RBN

AMENDMENTS 9/21/61 26 F.R. 7080 (Rewritten); 11/16/61 26 F.R. 9849 (Changed);

§ 602.10 Designation of jet routes. The direct courses between the navigational aids and intersections described in Subpart B of this part are designated as jet routes.

AMENDMENTS 9/21/61 26 F.R. 7080 (Rewritten);

§ 602.50 Extent of jet advisory areas. Unless otherwise designated in Subpart C of this part, jet advisory areas shall extend within the continental control area from flight level 240 to flight level 390 and shall be subdivided into two parts, "Enroute" and "Terminal" jet advisory areas. Unless otherwise designated, enroute jet advisory areas include the area within 16 miles either side of jet route segments. Unless otherwise designated, terminal jet advisory areas include the area within 16 miles either side of jet route segments, VOR/VORTAC radials, bearings from L/MF navigational facilities, direct courses between navigational facilities, or centerlines of control area extensions. Unless otherwise designated, non radar jet advisory areas shall extend from flight level 270 to flight level 310 inclusive, and from flight level 370 to flight level 390 inclusive. Jet advisory areas exclude the airspace within positive control areas, prohibited areas and restricted areas except those restricted areas specified in Subpart H of Part 601 of this title.

AMENDMENTS 9/21/61 26 F.R. 7080 (Rewritten); On publ. (6/13/62) 27 F.R. 5603 (Changed);

§ 602.60 Designation of Jet Advisory Areas. The areas within the continental control area along specified jet route segments, VOR/VORTAC radials, bearings from L/MF navigational facilities, direct courses between navigational facilitites, centerlines of control area extensions, or in the vicinity of specified geographical areas as described in Subpart C are designated as jet advisory areas. Those jet advisory areas predicated on jet routes are identified by the associated jet route number. Those jet advisory areas predicated on jet route segments, VOR/VORTAC radials, bearings from L/MF navigational facilities, direct courses between navigational facilitites, centerlines of control area extensions, or in the vicinity of geographical locations are identified by geographical names.

AMENDMENTS 9/21/61 26 F.R. 7080 (Rewritten);

SUBPART B - JET ROUTES

§ 602.100 Jet Routes

(Unless otherwise specified the place names appearing in the description of the jet routes indicate the VOR or VORTAC facilities identified by such names.).

Jet Route No. 1 (San Diego, Calif., to Seattle, Wash.).

From San Diego, Calif., via Oceanside, Calif.; Los Angeles, Calif.; Avenal, Calif.; Oakland, Calif.; Red Bluff, Calif.; Medford, Oreg.; Portland, Oreg., to Seattle, Wash.

AMENDMENTS 9/21/61 26 F.R. 7080 (Added); 3/8/62 27 F.R. 1455 (Changed); 5/3/62 27 F.R. 2311 (Changed);

Jet Route No. 2 (San Diego, Calif., to Jacksonville, Fla.).

From San Diego, Calif., via El Centro, Calif.; Yuma, Ariz.; INT of the Yuma 087° and the Gila Bend, Ariz., 261° radials; Gila Bend; INT of the Gila Bend 098° and the San Simon, Ariz., 286° radials; San Simon; El Paso, Texas; Fort Stockton, Texas; San Antonio, Texas; Houston, Texas; Lake Charles, La.; New Orleans, La.; INT of the New Orleans 071° and the Crestview, Fla., 259° radials; Crestview; INT of the Crestview 091° and the Tallahassee, Fla., 288° radials; Tallahassee; to Jacksonville, Fla.

AMENDMENTS 9/21/61 26 F.R. 7080 (Added); 2/8/62 26 F.R. 12561 (Changed); 3/8/62 27 F.R. 1455 (Changed); 4/5/62 27 F.R. 1413 (Changed);

Jet Route No. 3 (San Diego, Calif., to Kimberly, British Columbia, Canada).

From San Diego, Calif., via Oceanside, Calif.; Los Angeles, Calif.; INT of the Palmdale, Calif., 291° and the Bakersfield, Calif., 149° radials; Bakersfield; Oakland, Calif.; Red Bluff, Calif.; Lakeview, Oreg.; Pendleton, Oreg.; Spokane, Wash., to the Kimberly, British Columbia, Canada, RR. excluding the portion that lies over Canadian territory.

AMENDMENTS 9/21/61 26 F.R. 7080 (Added); 3/8/62 27 F.R. 1455 (Changed);

Jet Route No. 4 (Los Angeles, Calif., to Wilmington, N. C.).

From Los Angeles, Calif., via Thermal, Calif., INT of the Thermal 088° and the Gila Bend, Ariz., 315° radials; Gila Bend, INT of the Gila Bend 098° and the San Simon, Ariz., 286° radials; San Simon; El Paso, Tex.; Wink, Tex.; Abilene, Tex.; Dallas, Tex.; Shreveport, La.; Jackson, Miss.; Montgomery, Ala.; Augusta, Ga.; Columbia, S. C.; Florence, S. C.; to Wilmington, N. C.

AMENDMENTS 9/21/61 26 F.R. 7080 (Added); 2/8/62 27 F.R. 99 (Rewritten); 6/28/62 27 F.R. 4474 (Changed);

Jet Route No. 5 (Los Angeles, Calif., to Seattle, Wash.).

From Los Angeles, Calif., via the INT of the Palmdale, Calif., 291° and the Bakersfield, Calif., 149° radials; Bakersfield; Reno, Nev.; Lakeview, Oreg,; The Dalles, Oreg.; INT of the Dalles 352° and the Seattle, Wash., 124° radials, to Seattle.

AMENDMENTS 9/21/61 26 F.R. 7080 (Added);

Jet Route No. 6 (Palmdale, Calif., to Idlewild, N. Y.).

From Palmdale, Calif., via Hector, Calif.; Prescott, Ariz.; Grants, N. Mex.; Albuquerque, N. Mex.; Amarillo, Texas; Oklahoma City, Okla.; Little Rock, Ark.; Memphis, Tenn.; Nashville, Tenn.; Charleston, W. Va.; Front Royal, Va., to Idlewild, N. Y.

AMENDMENTS 9/21/61 26 F.R. 7080 (Added);

Jet Route No. 7 (Oakland, Calif., to Great Falls, Mont.).

From Oakland, Calif., via Red Bluff, Calif., Rome, Oreg.; Boise, Idaho; Dillon, Mont., to Great Falls, Mont.

AMENDMENTS 9/21/61 26 F.R. 7080 (Added);

Jet Route No. 8 (Oklahoma City, Okla., to Idlewild, N. Y.).

From Oklahoma City, Okla., via Tulsa, Okla.; Springfield, Mo.; Vichy, Mo.; St. Louis, Mo.; Louisville, Ky.; Charleston, W. Va.; Front Royal, Va., to Idlewild, N. Y.

AMENDMENTS 9/21/61 26 F.R. 7080 (Added);

Jet Route No. 9 (Los Angeles, Calif., to Great Falls, Mont.).

From Los Angeles, Calif., via Hector, Calif.; Las Vegas, Nev.; Milford, Utah; Provo, Utah; Salt Lake City, Utah; Ogden, Utah; Dubois, Idaho; Dillon, Mont., to Great Falls, Mont.

AMENDMENTS 9/21/61 26 F.R. 7080 (Added);
AMENDMENTS 9/21/61 26 F.R. 8487 (Amendment Change);

Jet Route No. 10 (Los Angeles, Calif., to Denver, Colo.).

From Los Angeles, Calif., via the INT of the Los Angeles 089° and the Parker, Calif., 258° radials; Parker; Prescott, Ariz.; Farmington, N. Mex., to Denver, Colo.

AMENDMENTS 9/21/61 26 F.R. 7080 (Added);
AMENDMENTS 9/21/61 26 F.R. 8487 (Amendment Change);

Jet Route No. 11 (Phoenix, Ariz., to Salt Lake City, Utah).

From Phoenix, Ariz., via Prescott, Ariz.; Bryce Canyon, Utah; Provo, Utah, to Salt Lake City, Utah.

AMENDMENTS 9/21/61 26 F.R. 7080 (Added);
AMENDMENTS 9/21/61 26 F.R. 8487 (Amendment Change);

Jet Route No. 12 (Pittsburgh, Pa., to Baltimore, Md.).

From Pittsburgh, Pa., to Baltimore, Md.

AMENDMENTS 9/21/61 26 F.R. 7080 (Added);

Jet Route No. 13 (El Paso, Texas, to Great Falls, Mont.).

From El Paso, Texas, via the INT of the El Paso 282° and the Truth or Consequences, N. Mex., 162° radials; Truth or Consequences; INT of the Truth or Consequences 021° and the Albuquerque, N. Mex., 169° radials; Albuquerque; Las Vegas, N. Mex.; Pueblo, Colo.; Denver, Colo.; Cheyenne, Wyo.; Crazy Woman, Wyo., Billings, Mont., to Great Falls, Mont.

AMENDMENTS 9/21/61 26 F.R. 7080 (Added);

Jet Route No. 14 (Amarillo, Tex., to Atlanta, Ga.).

From Amarillo, Tex., via Oklahoma City, Okla.; Little Rock, Ark.; Birmingham, Ala.; to Atlanta, Ga.

AMENDMENTS 12/14/61 26 F.R. 10590 (Added);

Jet Route No. 15 (San Antonio, Texas, to Boise, Idaho).

From San Antonio, Texas, via Wink, Texas; Roswell, N. Mex.; INT of the Roswell 319° and the Albuquerque, N. Mex., 128° radials; Albuquerque; Grand Junction, Colo.; Salt Lake City, Utah; Ogden, Utah, to Boise, Idaho

AMENDMENTS 9/21/61 26 F.R. 7080 (Added);

Jet Route No. 16 (Portland, Oreg., to Boston, Mass.).

From Portland, Oreg., via the INT of the Portland 098° and the Pendleton, Oreg., 256° radials; Pendleton; Whitehall, Mont.; Billings, Mont.; Dupree, S. Dak.; Sioux Falls, S. Dak.; Mason City, Iowa; INT of the Mason City 109° and the Northbrook, Ill., 276° radials; Northbrook; Pullman, Mich.; Peck, Mich.; via the Peck 100° radial to the United States/Canadian Border. From the United States/Canadian Border to Buffalo, N Y., via the Buffalo 274° radial; Albany, N. Y., to Boston, Mass.

AMENDMENTS 9/21/61 26 F.R. 7081 (Added);
AMENDMENTS 10/19/61 26 F.R. 8631 (Rewritten);

Jet Route No. 17 (San Antonio, Texas, to Rapid City, S. Dak.).

From San Antonio, Texas, via Abilene, Texas; Amarillo, Texas; Pueblo, Colo.; Denver, Colo., to Rapid City, S. Dak.

AMENDMENTS 9/21/61 26 F.R. 7081 (Added);

Jet Route No. 18 (San Diego, Calif., to Joliet, Ill.).

From San Diego, Calif., via El Centro, Calif.; Yuma, Ariz., INT of the Yuma 087° and the Gila Bend, Ariz., 261° radials; Gila Bend; Phoenix, Ariz.; Grants, N. Mex.; Las Vegas, N. Mex.; Garden City, Kans.; INT of the Garden City 066° and the Salina, Kans., 257° radials; Salina; Kansas City, Mo.; INT of the Kansas City 060° and the Bradford, Ill., 247° radials; Bradford; to Joliet, Ill.

AMENDMENTS 6/28/62 27 F.R. 4594 (Added);

Jet Route No. 19 (Lake Charles, La., to Omaha, Nebr.).

From Lake Charles, La., via Dallas, Texas, Wichita Falls, Texas; Garden City, Kans., to Omaha, Nebr.

AMENDMENTS 9/21/61 26 F.R. 7081 (Added);

Jet Route No. 20 (Seattle, Wash., to Orlando, Fla.).

From Seattle, Wash., via Yakima, Wash.; Pendleton, Oreg.; Boise, Idaho; Malad City, Idaho; Rock Springs, Wyo.; Denver, Colo.; Garden City, Kans.; Oklahoma City, Okla.; Shreveport, La.; Jackson, Miss.; Crestview, Fla.; INT of the Crestview 091° and the Tallahassee, Fla., 288° radials; Tallahassee; Orlando, Fla., to the INT of the Orlando 118° and the Vero Beach, Fla., 339° radials.

AMENDMENTS 9/21/61 26 F.R. 7081 (Added); 4/5/62 27 F.R. 1413 (Changed);

Jet Route No. 21 (Laredo, Texas, to Duluth, Minn.).

From Laredo, Texas, via San Antonio, Texas; Austin, Texas; Dallas, Texas; Oklahoma City, Okla.; Wichita, Kans.; Omaha, Nebr.; Minneapolis, Minn., to Duluth, Minn.

AMENDMENTS 9/21/61 26 F.R. 7081 (Added);

PENDING AMENDMENT
Jet Route No. 21 (United States/Mexican Border to Duluth, Minn.).
From the INT of the United States/Mexican Border and the Laredo, Tex., 172° radial via Laredo; San Antonio, Tex.; Austin, Tex.; Dallas, Tex.; Oklahoma City, Okla.; Wichita, Kans.; Omaha, Nebr.; Minneapolis, Minn.; to Duluth, Minn.
7/26/62 27 F.R. 5087 (Rewritten);

Jet Route No. 22 (Laredo, Texas, to Gordonsville, Va.).

From Laredo, Texas, via the INT of the Laredo 086° and the Palacios, Texas, 234° radials; Palacios; Lake Charles, La.; Jackson, Miss.; Birmingham, Ala.; Knoxville, Tenn.; Pulaski, Va., to Gordonsville, Va.

AMENDMENTS 9/21/61 26 F.R. 7081 (Added);

Jet Route No. 23 (San Antonio, Tex., to Cheyenne, Wyo.).

From San Antonio, Tex., via Mineral Wells, Tex.; Oklahoma City, Okla.; Wichita, Kans.; Hill City, Kans., to Cheyenne, Wyo.

AMENDMENTS 9/21/61 26 F.R. 7081 (Added); 4/5/62 27 F.R. 822 (Rewritten);

Jet Route No. 24 (Gila Bend, Ariz., to Flat Rock, Va.).

From Gila Bend, Ariz., via Phoenix, Ariz.; Grants, N. Mex.; Las Vegas, N. Mex.; Garden City, Kans.; INT of the Garden City 066° and the Salina, Kans., 257° radials; Salina; Kansas City, Mo.; St. Louis, Mo.; Indianapolis, Ind.; INT of the Indianapolis 120° and the Charleston, W. Va., 284° radials; Charleston, to Flat Rock, Va.

AMENDMENTS 9/21/61 26 F.R. 7081 (Added); 5/31/62 27 F.R. 3540 (Changed);

Jet Route No. 25 (Brownsville, Texas, to Minneapolis, Minn.).

From Brownsville, Texas, via the INT of the Brownsville 337° and the San Antonio, Texas, 172° radials; San Antonio; Austin, Texas; Dallas, Texas; Tulsa, Okla.; Butler, Mo.; INT of the Butler 009° and the Des Moines, Iowa, 196° radials; Des Moines; Mason City, Iowa, to Minneapolis, Minn.

AMENDMENTS 9/21/61 26 F.R. 7081 (Added);

PENDING AMENDMENT
Jet Route No. 25 (United States/Mexican Border to Minneapolis, Minn.).
From the INT of the United States/Mexican Border and the Brownsville, Tex., 187° radial via Brownsville; INT of the Brownsville 337° and the San Antonio, Tex., 172° radials; San Antonio; Austin, Tex.; Dallas, Tex.; Tulsa, Okla.; Butler, Mo.; INT of the Butler 009° and the Des Moines, Iowa, 196° radials; Des Moines; Mason City, Iowa; to Minneapolis, Minn.
7/26/62 27 F.R. 5087 (Rewritten);

Jet Route No. 26 (El Paso, Texas, to Gordonsville, Va.).

From El Paso, Texas, via the INT of the El Paso 089° and the Roswell, N. Mex., 213° radials; Roswell; Amarillo, Texas; Wichita, Kans.; Kansas City, Mo.; INT of the Kansas City 060° and the Bradford, Ill., 247° radials; Bradford; Joliet, Ill.; Appleton, Ohio, to Gordonsville, Va.

AMENDMENTS 9/21/61 26 F.R. 7081 (Added);

Jet Route No. 27 (San Antonio, Tex., to Lufkin, Tex.).

From San Antonio, Tex., to Lufkin, Tex.

AMENDMENTS 9/21/61 26 F.R. 7081 (Added); 5/3/62 27 F.R. 2312 (Rewritten);

Jet Route No. 28 (Pueblo, Colo., to Wichita, Kans.).

From Pueblo, Colo., via Garden City, Kans., to Wichita, Kans.

AMENDMENTS 9/21/61 26 F.R. 7081 (Added); 11/16/61 26 F.R. 9014 (Rewritten);

Jet Route No. 29 (Brownsville, Texas, to Presque Isle, Maine).

From Brownsville, Texas, via the INT of the Brownsville 337° and the Palacios, Texas, 234° radials; Palacios; Houston, Texas; Lufkin, Texas; Shreveport, La.; Memphis, Tenn., Evansville, Ill.; INT of the Evansville 052° and the Dayton, Ohio, 231° radials; Dayton; Cleveland, Ohio; Erie, Pa.; Syracuse, N. Y.; Plattsburgh, N. Y.; Bangor, Maine, to Presque Isle, Maine.

AMENDMENTS 9/21/61 26 F.R. 7081 (Added);

PENDING AMENDMENT
Jet Route No. 29 (United States/Mexican Border to Presque Isle, Maine).
From the INT of the United States/Mexican Border and the Brownsville, Tex., 187° radial via Brownsville; INT of the Brownsville 337° and the Palacios, Tex., 234° radials; Palacios; Houston, Tex.; Lufkin, Tex.; Shreveport, La.; Memphis, Tenn.; Evansville, Ind.; INT of the Evansville, 052° and the Dayton, Ohio, 231° radials; Dayton; Cleveland, Ohio; Erie, Pa.; Syracuse, N. Y.; Plattsburgh, N. Y.; Bangor, Maine; to Presque Isle, Maine.
7/26/62 27 F.R. 5087 (Rewritten); (Amendment Alteration 27 F.R. 6199);

Jet Route No. 30 (Denver, Colo., to Gordonsville, Va.).

From Denver, Colo., via O'Neill, Nebr.; Sioux Falls, S. Dak.; Minneapolis, Minn.; Nodine, Minn., Joliet, Ill.; Appleton, Ohio, to Gordonsville, Va.

AMENDMENTS 9/21/61 26 F.R. 7081 (Added);

Jet Route No. 31 (Add)

PENDING AMENDMENT
Jet Route No. 31 (New Orleans, La., to Birmingham, Ala.).
From New Orleans, La., via the INT of the New Orleans 021° and the Birmingham, Ala., 232° radials to Birmingham.
7/26/62 27 F.R. 5425 (Added);

Jet Route No. 32 (Oakland, Calif., to Duluth, Minn.).

From Oakland, Calif., via Sacramento, Calif.; Reno, Nev.; Elko, Nev.; Malad City, Idaho; Crazy Woman, Wyo.; Dupree, S. Dak.; Aberdeen, S. Dak.; INT of the Aberdeen 067° and the Duluth, Minn., 258° radials; Duluth; to the INT of the Duluth 051° radial and the United States/Canadian Border.

AMENDMENTS 9/21/61 26 F.R. 7081 (Added); 5/3/62 27 F.R. 2010 (Changed);

Jet Route No. 33 (Lake Charles, La., to Kansas City, Mo.).

From Lake Charles, La., via the INT of Lake Charles 343° and the Shreveport 176° radials; Shreveport, La.; Springfield, Mo., to Kansas City, Mo.

AMENDMENTS 9/21/61 26 F.R. 7081 (Added);

Jet Route No. 34 (Dickinson, N. Dak., to Herndon, Va.).

From Dickinson, N. Dak., via Aberdeen, S. Dak.; Minneapolis, Minn.; Nodine, Minn.; Milwaukee, Wis.; Pullman, Mich.; INT of the Pullman 118° and the Cleveland, Ohio, 274° radials; Cleveland; Pittsburgh, Pa., to Herndon, Va.

AMENDMENTS 9/21/61 26 F.R. 7081 (Added);
AMENDMENTS 9/21/61 26 F.R. 8487 (Amendment Change);

Jet Route No. 35 (New Orleans, La., to Northbrook, Ill.).

From New Orleans, La., via Jackson, Miss.; Greenwood, Miss.; Memphis, Tenn.; St. Louis, Mo.; Springfield, Ill.; the INT of the Springfield 036° and the Joliet, Ill., 204° radials; Joliet; to Northbrook, Ill.

AMENDMENTS 9/21/61 26 F.R. 7081 (Added); 12/14/61 26 F.R. 10724 (Rewritten); 4/5/62 27 F.R. 738 (Rewritten);

Jet Route No. 36 (Fargo, N. Dak., to Peck, Mich.).

From Fargo, N. Dak., via Minneapolis, Minn.; Nodine, Minn.; Milwaukee, Wis.; INT of the Milwaukee, Wis., 088° and the Peck, Mich., 269° radials, to Peck, Mich.

AMENDMENTS 9/21/61 26 F.R. 7081 (Added);

Jet Route No. 37 (New Orleans, La., to United States/Canadian Border).

From New Orleans, La., via Mobile, Ala.; Montgomery, Ala.; Atlanta, Ga.; Spartanburg, S. C.; Gordonsville, Va.; INT of the Gordonsville 059° and the Coyle, N. J. 235° radials; Coyle; Idlewild, N. Y.; Albany, N. Y.; Massena, N. Y.; to the INT of the Massena 037° radial and the United States/Canadian Border.

AMENDMENTS 9/21/61 26 F.R. 7081 (Added);
AMENDMENTS 9/21/61 26 F.R. 7576 (Amendment Change);

Jet Route No. 38 (United States/Canadian Border to Peck, Mich.).
From the INT of the United States/Canadian Border and the direct radial between Duluth, Minn., and Kenora, Ont., via Duluth; Green Bay, Wis., to Peck, Mich.
AMENDMENTS 9/21/61 26 F.R. 7081 (Added);

Jet Route No. 39 (Crestview, Fla., to Dayton, Ohio).
From Crestview, Fla., via Montgomery, Ala.; Birmingham, Ala.; INT of the Birmingham 360° and the Nashville, Tenn., 191° radials; Nashville; Louisville, Ky., to Dayton, Ohio.
AMENDMENTS 9/21/61 26 F.R. 7081 (Added);

Jet Route No. 40 (Montgomery, Ala., to Charleston, S. C.).
From Mongomery, Ala., via the INT of the Montgomery 068° and the Macon, Ga., 268° radials; Macon; to Charleston, S. C.
AMENDMENTS 9/21/61 26 F.R. 7081 (Added); 12/14/61 26 F.R. 10097 (Rewritten);
PENDING AMENDMENT
In § 602.100 Jet routes, Jet Route No. 40 the following changes are made: (a) In the caption "Charleston, S. C." is deleted and "Norfolk, Va." is substituted therefor. (b) In the text "Macon; to Charleston, S. C." is deleted and "Macon; Charleston, S. C.; Wilmington, N. C.; INT of the Wilmington 012° and the Norfolk, Va., 229° radials; to Norfolk," is substituted therefor. 7/26/62 27 F.R. 5425 (Changed);

Jet Route No. 41 (Miami, Fla., to Omaha, Nebr.).
From Miami, Fla., via St. Petersburg, Fla.; Tallahassee, Fla.; INT of the Tallahassee 288° and the Montgomery, Ala., 144° radials; Montgomery; Memphis, Tenn.; Springfield, Mo. Kansas City, Mo., to Omaha, Nebr.
AMENDMENTS 9/21/61 26 F.R. 7081 (Added);
AMENDMENTS 9/21/61 26 F.R. 8487 (Amendment Change); 4/5/62 27 F.R. 1113 (Changed);

Jet Route No. 42 (Dallas, Texas, to Idlewild, N. Y.).
From Dallas, Texas, via Texarkana, Ark.; Memphis, Tenn.; Nashville, Tenn.; Charleston, W. Va.; Front Royal, Va., to Idlewild, N. Y.
Amendments 9/21/61 26 F.R. 7081 (Added);

Jet Route No. 43 (Key West, Fla., to Wayne, Mich.).
From Key West, Fla., via St. Petersburg, Fla.; Tallahassee, Fla.; Atlanta, Ga.; Knoxville, Tenn.; Lexington, Ky.; Dayton, Ohio; to the INT of the Dayton direct radial to Peck, Mich., and the Windsor, Ont., 278° radial.
AMENDMENTS 9/21/61 26 F.R. 7081 (Added);
AMENDMENT 9/21/61 26 F.R. 8487 (Amendment Change);

Jet Route No. 44 (Las Vegas, Nev., to Prescott, Ariz.).
From Las Vegas, Nev., to Prescott, Ariz.
AMENDMENTS 9/21/61 26 F.R. 7081 (Added);

Jet Route No. 45 (Jacksonville, Fla., to Des Moines, Iowa).
From Jacksonville, Fla., via Alma, Ga.; Atlanta, Ga.; Nashville, Tenn.; INT of the Nashville 316° and the St. Louis, Mo., 129° radials; St. Louis to Des Moines, Iowa.
AMENDMENTS 9/21/61 26 F.R. 7081 (Added);

Jet Route No. 47 (Charleston, S. C., to Dayton, Ohio).
From Charleston, S. C., via Columbia, S. C.; Spartanburg, S. C.; Lexington, Ky., to Dayton, Ohio.
AMENDMENTS 9/21/61 26 F.R. 7081 (Added);

Jet Route No. 49 (Pittsburgh, Pa., to Presque Isle, Maine).
From Pittsburgh, Pa., via Philipsburg, Pa.; Albany, N. Y.; Bangor, Maine, to Presque Isle, Maine.
AMENDMENTS 9/21/61 26 F.R. 7081 (Added);
PENDING AMENDMENT
Jet Route No. 49 (Pittsburgh, Pa., to the United States/Canadian Border).
From Pittsburgh, Pa., via Philipsburg, Pa.; Albany, N. Y.; Bangor, Maine; Presque Isle, Maine; to INT of the Presque Isle 038° radial and the United States/Canadian Border.
7/26/62 27 F.R. 5540 (Rewritten);

Jet Route No. 50 (El Paso, Texas, to Crestview, Fla.).
From El Paso, Texas, via Wink, Texas; San Angelo, Texas; Waco, Texas; Lufkin, Texas; INT of the Lufkin 086° and the Alexandria, La., 270° radials; Alexandria; McComb, Miss., to Crestview, Fla.
AMENDMENTS 9/21/61 26 F.R. 7081 (Added):

Jet Route No. 51 (Jacksonville, Fla., to Raleigh-Durham, N. C.).
From Jacksonville, Fla., via Savannah, Ga.; Columbia, S. C., to Raleigh-Durham, N. C.
AMENDMENTS 9/21/61 26 F.R. 7081 (Added);
AMENDMENT 9/21/61 26 F.R. 8487 (Amendment Change);

Jet Route No. 52 (Dallas, Texas, to Florence, S. C.).
From Dallas, Texas, via Texarkana, Ark.; Greenwood, Miss.; Birmingham, Ala.; Atlanta, Ga.; Augusta, Ga.; Columbia, S. C., to Florence, S. C.
AMENDMENTS 9/21/61 26 F.R. 7081 (Added);

Jet Route No. 53 (Key West, Fla., to Toronto, Ontario, Canada).
That airspace over United States territory from Key West, Fla., via the INT of the Key West 054° and the Miami, Fla., 214° radials; Miami; West Palm Beach, Fla.; Vero Beach, Fla.; INT of the Vero Beach 339° and the Jacksonville, Fla., 163° radials; Jacksonville; INT of the Jacksonville 343° and the Augusta, Ga., 189° radials; Augusta; Spartansburg, S. C.; Pulaski, Va.; Pittsburg, Pa.; Erie, Pa., to Toronto, Ontario, Canada.
AMENDMENTS 9/21/61 26 F.R. 7081 (Added); 1/11/62 26 F.R. 11729 (Changed);

Jet Route No. 54 (Garden City, Kans., to Springfield, Mo.).
From Garden City, Kans., via Ponca City, Okla., to Springfield, Mo.
AMENDMENTS 9/21/61 26 F.R. 7081 (Added);

Jet Route No. 55 (Jacksonville, Fla., to United States/Canadian Border).
From Jacksonville, Fla., via Savannah, Ga.; Charleston, S. C.; Florence, S. C.; INT of the Florence 007° and the Raleigh, N. C., and the Raleigh-Durham, N. C., 224° radials; Raleigh-Durham, Flat Rock, Va.; INT of the Flat Rock 029° and the Gordonsville, Va., 059° radials; INT of the Gordonsville 059° and the Coyle, N. J., 235° radials; Coyle; Idlewild, N. Y.; Boston, Mass.; INT of the Boston 014° and the Bangor, Maine, 225° radials; Bangor; Presque Isle, Maine; to the INT of the Presque Isle 357° radial and the United States/Canadian Border.
AMENDMENTS 9/21/61 26 F.R. 7081 (Added);
AMENDMENT 9/21/61 26 F.R. 8487 (Amendment Change);

Jet Route No. 56 (Salt Lake City, Utah, to Denver, Colo.).
From Salt Lake City, Utah, via Kremmling, Colo., to Denver, Colo.
AMENDMENTS 9/21/61 26 F.R. 7081 (Added);

Jet Route No. 57 (Raleigh-Durham, N. C., to Charleston, W. Va.).
From Raleigh-Durham, N. C., via Pulaski, Va., to Charleston, W. Va.
AMENDMENTS 9/21/61 26 F.R. 7081 (Added);
AMENDMENT 9/21/61 26 F.R. 8487 (Amendment Change);

Jet Route No. 58 (Oakland, Calif., to New Orleans, La.).
From Oakland, Calif., via Stockton, Calif.; Tonopah, Nev.; INT of the Tonopah 083° and Bryce Canyon, Utah, 289° radials; Bryce Canyon; Farmington, N. Mex.; Las Vegas, N. Mex.; Amarillo, Texas; Dallas, Texas; Alexandria, La., to New Orleans, La.
AMENDMENTS 9/21/61 26 F.R. 7081 (Added);

Jet Route No. 59 (Charleston, W. Va., to Syracuse, N. Y.).
From Charleston, W. Va., via Philipsburg, Pa., to Syracuse, N. Y.
AMENDMENTS 9/21/61 26 F.R. 7081 (Added);

Jet Route No. 60 (Los Angeles, Calif., to Idlewild, N. Y.).
From Los Angeles, Calif., via Hector, Calif.; Las Vegas, Nev.; Bryce Canyon, Utah; Hanksville, Utah; Grand Junction, Colo.; Denver, Colo., Wolbach, Nebr.; Des Moines, Iowa; Joliet, Ill.; Cleveland, Ohio; Philipsburg, Pa.; Allentown, Pa., to Idlewild, N. Y.
AMENDMENTS 9/21/61 26 F.R. 7081 (Added); 5/31/62 27 F.R. 3378 (Changed);

Jet Route No. 61 (Baltimore, Md., to Buffalo, N. Y.).
From Baltimore, Md., via Philipsburg, Pa., to Buffalo, N. Y.
AMENDMENTS 9/21/61 26 F.R. 7082 (Added);

Jet Route No. 62 (Idlewild, N. Y., to Nantucket, Mass.).
From Idlewild, N. Y., via the INT of the Idlewild 075° and the Albany, N. Y., 149° and the Nantucket, Mass., 259° radials to Nantucket.
AMENDMENTS 9/21/61 26 F.R. 7082 (Added);

Jet Route No. 63 (Idlewild, N. Y., to Syracuse, N. Y.).
From Idlewild, N. Y., to Syracuse, N. Y.
AMENDMENTS 9/21/61 26 F.R. 7082 (Added);

Jet Route No. 64 (Los Angeles, Calif., to Idlewild, N. Y.).
From Los Angeles, Calif., via Hector, Calif.; Peach Springs, Ariz.; Tuba City, Ariz.; Farmington, N. Mex.; Alamosa, Colo.; Hill City, Kans.; Pawnee City, Nebr.; Bradford, Ill., Joliet, Ill., Cleveland, Ohio; Pittsburgh, Pa.; Coyle, N. J., to Idlewild, N. Y.
AMENDMENTS 9/21/61 26 F.R. 7082 (Added);

Jet Route No. 65 (Phoenix, Ariz., to Red Bluff, Calif.).
From Phoenix, Ariz., via the INT of the Phoenix 280° and the Thermal, Calif., 088° radials; Thermal, Palmdale, Calif.; INT of the Palmdale 291° and the Bakersfield, Calif., 149° radials; Bakersfield; Fresno, Calif.; Sacramento, Calif.; To Red Bluff, Calif.
AMENDMENTS 9/21/61 26 F.R. 7082 (Added); 2/8/62 27 F.R. 99 (Rewritten);

Jet Route No. 68 (Providence, R. I., to Nantucket, Mass.).
From the INT of the Providence, R. I., 270° and the Boston, Mass., 231° radials via Providence, to Nantucket, Mass.
AMENDMENTS 9/21/61 26 F.R. 7082 (Added);

Jet Route No. 70 (Hoquiam, Wash., to Idlewild, N. Y.).
From the INT of the Portland, Oreg., 318° and the Seattle, Wash., 247° radials via Seattle: INT of the Seattle 091° and the Mullan Pass, Idaho, 269° radials; Mullan Pass; Lewiston, Mont.; Dickinson, N. Dak.; Aberdeen, S. Dak.; Minneapolis, Minn.; INT of the Minneapolis 109° and the Milwaukee, Wis., 312° radials; Milwaukee; Pullman, Mich.; INT of the Pullman 091° and the Windsor, Ont., 278° radials; via the Windsor 278° radial to the United States/Canadian Border. From the INT of the United States/Canadian Border and the Erie, Pa., 278° radial via Erie; Thornhurst, Pa., to Idlewild, N. Y.
AMENDMENTS 9/21/61 26 F.R. 7082 (Added); 5/31/62 27 F.R. 2891 (Changed);

Jet Route No. 71 (Appleton, Ohio, to Front Royal, Va.).
From Appleton, Ohio, to Front Royal, Va.
AMENDMENTS 9/21/61 26 F.R. 7082 (Added);

Jet Route No. 75 (Miami, Fla., to the United States/Canadian Border).
From Miami, Fla., via the INT of the Miami 296° and the Lakeland, Fla., 175° radials; Lakeland; Gainesville, Fla.;

INT of the Gainesville 354° and the Alma, Ga., 179° radials; Alma; Allendale, S. C.; Columbia, S. C.; Gordonsville, Va.; Allentown, Pa.; Albany, N. Y.; Plattsburgh, N. Y., to the INT of the Plattsburgh 334° radial and the United States/Canadian Border.

AMENDMENTS 9/21/61 26 F.R. 7082 (Added);
AMENDMENTS 9/21/61 26 F.R. 7576 (Amendment Change); 5/3/62 27 F.R. 2174 (Changed);

PENDING AMENDMENT
In § 602.100 Jet Route No. 75 "Miami 296°" is deleted and "Miami 297°" is substituted therefor 7/26/62 27 F.R. 5497 (Changed);

Jet Route No. 77 (Miami, Fla., to the United States/Canadian Border).

From Miami, Fla., to West Palm Beach, Fla. From Wilmington, N. C., via Gordonsville, Va.; Allentown, Pa., Idlewild, N. Y.; Boston, Mass.; INT of the Boston 014° and the Bangor, Maine, 225° radials; Bangor, to the INT of the Bangor 058° radial and the United States/Canadian Border.

AMENDMENTS 9/21/61 26 F.R. 7082 (Added);

Jet Route No. 78 (Los Angeles, Calif., to Idlewild, N. Y.).

From Los Angeles, Calif., via the INT of the Los Angeles 089° and the Parker, Calif., 258° radials; Parker; Prescott, Ariz.; Albuquerque, N. Mex.; Amarillo, Texas; INT of the Amarillo 082° and the Tulsa, Okla., 257° radials; Tulsa; Farmington, Mo.; Louisville, Ky.; Charleston, W. Va.; Philipsburg, Pa.; Allentown, Pa., to Idlewild, N. Y.

AMENDMENTS 9/21/61 26 F.R. 7082 (Added);

PENDING AMENDMENT
In the text of Jet Route No. 78 "Amarillo, Tex., INT of the Amarillo 082° and the Tulsa, Okla., 257° radials, Tulsa;" is deleted and "Amarillo, Tex.; Oklahoma City, Okla.; Tulsa, Okla.;" is substituted therefor. 7/26/62 27 F.R. 4769 (Changed);

Jet Route No. 79 (Miami, Fla., to Idlewild, N. Y.).

From Miami, Fla., to West Palm Beach, Fla. From Wilmington, N. C., via the INT of the Wilmington 012° and the Norfolk, Va., 229° radials; Norfolk; INT of the Norfolk 023° and the Coyle, N. J., 208° radials; Coyle, to Idlewild, N. Y.

AMENDMENTS 9/21/61 26 F.R. 7082 (Added);

PENDING AMENDMENT
Jet Route No. 79 (Miami, Fla., to Idlewild, N. Y.).
From Miami, Fla., to West Palm Beach, Fla. From the boundary of the continental control area S of Wilmington, N. C., via the Wilmington, 192° radial; Wilmington; Norfolk; INT of the Norfolk 023° and the Coyle, N. J., 208° radials; Coyle, to Idlewild, N. Y.
7/26/62 27 F.R. 5496 (Rewritten);

Jet Route No. 80 (Oakland, Calif., to Idlewild, N. Y.).

From Oakland, Calif., via Stockton, Calif., Tonopah, Nev.; Milford, Utah; Grand Junction, Colo.; Denver, Colo.; Hill City, Kans.; Salina, Kans.; Kansas City, Mo.; St. Louis, Mo.; Indianapolis, Ind.; INT of the Indianapolis 073° and the Appleton, Ohio, 273° radials; Appleton; Pittsburgh, Pa.; Philipsburg, Pa.; Allentown, Pa., to Idlewild, N. Y.

AMENDMENTS 9/21/61 26 F.R. 7082 (Added);

Jet Route No. 81 (Miami, Fla., to Barracuda, Fla., INT).

From Miami, Fla., via Orlando, Fla., to the INT of the Melbourne, Fla., RR 055° and the Bimini, Bahamas, RBN 008° bearings.

AMENDMENTS 9/21/61 26 F.R. 7082 (Added); 4/5/62 27 F.R. 1413 (Changed);

Jet Route No. 82 (Joliet, Ill., to Boston, Mass.).

From Joliet, Ill., via Cleveland, Ohio; Erie, Pa.; Albany, N. Y.; INT of the Albany 084° and the Boston, Mass., 325° radials to Boston.

AMENDMENTS 9/21/61 26 F.R. 7082 (Added);

Jet Route No. 84 (Oakland, Calif., to Northbrook, Ill.).

From Oakland, Calif., via Sacramento, Calif.; Reno, Nev.; Elko, Nev.; Bonneville, Utah; Salt Lake City, Utah; Rock Springs, Wyo.; Scottsbluff, Nebr.; Wolbach, Nebr.; Des Moines, Iowa; INT of the Des Moines 067° and the Northbrook, Ill., 276° radials, to Northbrook.

AMENDMENTS 9/21/61 26 F.R. 7082 (Added); 5/3/62 27 F.R. 2010 (Changed);

Jet Route No. 85 (Miami, Fla., to the United States/Canadian Border).

From Miami, Fla., via the INT of the Miami 316° and the Lakeland, Fla., 154° radials; Lakeland; Gainesville, Fla.; INT of the Gainesville 353° and the Alma, Ga., 179° radials; Alma; Augusta, Ga.; Spartanburg, S. C.; Charleston, W. Va.; INT of the Charleston 357° and the Cleveland, Ohio, 172° radials; Cleveland, to the INT of the Cleveland 328° radial and the United States/Canadian Border.

AMENDMENTS 9/21/61 26 F.R. 7082 (Added); 1/11/62 26 F.R. 11729 (Changed); 5/3/62 27 F.R. 2174 (Changed);

Jet Route No. 87 (Houston, Texas, to Northbrook, Ill.).

From Houston, Texas, via Dallas, Texas; INT of the Dallas 339° and the Tulsa, Okla., 211° radials; Tulsa; Butler, Mo.; INT of the Butler 009° and the Kansas City, Mo., 060° radials; INT of the Kansas City 060° and the Bradford, Ill., 247° radials; Bradford; Joliet, Ill., to Northbrook, Ill.

AMENDMENTS 9/21/61 26 F.R. 7082 (Added);

Jet Route No. 88 (Santa Barbara, Calif., to Los Angeles, Calif.).

From Santa Barbara, Calif., to Los Angeles, Calif.

AMENDMENTS 9/21/61 26 F.R. 7082 (Added);

Jet Route No. 89 (Miami, Fla., to Duluth, Minn.).

From Miami, Fla., via the INT of the Miami 316° and the Lakeland, Fla., 154° radials; Lakeland; Gainesville, Fla.; INT of the Gainesville 353° and the Alma, Ga., 179° radials; Alma; Atlanta, Ga.; Louisville, Ky.; INT of Louisville 334° and the Northbrook, Ill., 159° radials; Northbrook; Milwaukee, Wis , to Duluth, Minn.

AMENDMENTS 9/21/61 26 F.R. 7082 (Added); 5/3/62 27 F.R. 2174 (Changed);

Jet Route No. 90 (Seattle, Wash., to Northbrook, Ill.).

From Seattle, Wash., via the INT of the Seattle 091° and the Mullan Pass, Idaho, 269° radials; Mullan Pass; Billings, Mont.; Dupree, S. Dak.; Sioux Falls, S. Dak.; Mason City, Iowa; INT of the Mason City 109° and the Northbrook, Ill., 276° radials, to Northbrook.

AMENDMENTS 9/21/61 26 F.R. 7082 (Added);
AMENDMENTS 10/19/61 26 F.R. 8631 (Rewritten);

PENDING AMENDMENT
In § 602.100 Jet routes, Jet Route No. 90 the following changes are made: (a) In the caption "Northbrook, Ill." is deleted and "the United States/Canadian Border" is substituted therefor. (b) In the text "radials, to Northbrook." is deleted and "radials; Northbrook; INT of the Northbrook 093° and the Windsor, Ontario, 261° radials; to the INT of the Windsor 261° radial and the United States/Canadian Border." is substituted therefor. 7/26/62 27 F.R. 5425 (Changed);

Jet Route No. 91 (Atlanta, Ga., to the United States/Canadian Border).

From Atlanta, Ga., via Knoxville, Tenn.; Charleston, W. Va.; INT of the Charleston 357° and the Cleveland, Ohio, 172° radials; Cleveland; to the INT of the Cleveland 328° radial and the United States/Canadian Border.

AMENDMENTS 9/21/61 26 F.R. 7082 (Added);

Jet Route No. 92 (Oakland, Calif., to Tucson, Ariz.).

From Oakland, Calif., via Stockton, Calif.; INT of the Stockton 085° and the Tonopah, Nev., 268° and the Beatty, Nev., 326° radials; Beatty; INT of the Beatty 142° and the Las Vegas, Nev., 266° radials; Las Vegas; Prescott, Ariz.; Phoenix, Ariz., to Tucson, Ariz.

AMENDMENTS 9/21/61 26 F.R. 7082 (Added);

Jet Route No. 93 (Newport, Oreg., to Seattle, Wash.).

From the INT of the Medford, Oreg., 339° and the Portland, Oreg., 222° radials via Portland; INT of the Portland 353° and the Seattle, Wash., 197° radials, to Seattle.

AMENDMENTS 9/21/61 26 F.R. 7082 (Added);

Jet Route No. 94 (Oakland, Calif., to Boston, Mass.).

From Oakland, Calif., via Sacramento, Calif.; Reno, Nev.; Elko, Nev.; Bonneville, Utah; Salt Lake City, Utah; Rock Springs, Wyo.; Scottsbluff, Nebr.; O'Neill, Nebr.; Mason City, Iowa; Milwaukee, Wis.; INT of the Milwaukee 088° and the Peck, Mich., 269° radials; Peck, to the INT of the Peck 100° radial with the United States/Canadian Border. From the United States/Canadian Border at its INT with the Buffalo, N. Y., 274° radial via Buffalo; Albany, N. Y., to Boston, Mass.

AMENDMENTS 9/21/61 26 F.R. 7082 (Added); 5/3/62 27 F.R. 2010 (Changed);

PENDING AMENDMENT

Jet Route No. 95 (Idlewild, N. Y., to the United States/Canadian Border).

From Idlewild, N. Y., via Thornhurst, Pa., Buffalo, N. Y.; to the INT of the Buffalo 312° radial and the United States/Canadian Border.

AMENDMENTS 9/21/61 26 F.R. 7082 (Added);

Jet Route No. 96 (Seattle, Wash., to the United States/Canadian Border).

From Seattle, Wash., via the Seattle 061° radial to the United States/Canadian Border.

AMENDMENTS 9/21/61 26 F.R. 7082 (Added);

Jet Route No. 97 (Nantucket, Mass., to Plattsburgh, N. Y.).

From Nantucket, Mass., via Boston, Mass., to Plattsburgh, N. Y.

AMENDMENTS 9/21/61 26 F.R. 7082 (Added);
AMENDMENTS 9/21/61 26 F.R. 7576 (Amendment Change); 4/5/62 27 F.R. 882 (Rewritten);

PENDING AMENDMENT

Jet Route No. 101 (Houston, Texas, to Northbrook, Ill.).

From Houston, Texas, via Lufkin, Texas; Shreveport, La.; Little Rock, Ark.; St. Louis, Mo.; Springfield, Ill.; INT of the Springfield 036° and the Joliet, Ill., 205° radials; Joliet, to Northbrook, Ill.

AMENDMENTS 9/21/61 26 F.R. 7082 (Added); 5/3/62 27 F.R. 2312 (Changed);

PENDING AMENDMENT
In § 602.100 Jet Route No. 101 "Joliet, Ill., 205°" is deleted and "Joliet, Ill., 204°" is substituted therefor. 7/26/62 27 F.R. 5497 (Changed);

Jet Route No. 103 (St. Petersburg, Fla., to Orlando, Fla.).

From St. Petersburg, Fla., to Orlando, Fla.

AMENDMENTS 9/21/61 26 F.R. 7082 (Added);

Jet Route No. 104 (Tucson, Ariz., to Grants, N. Mex.).

From Tucson, Ariz., via San Simon, Ariz., to Grants, N. Mex.

AMENDMENTS 9/21/61 26 F.R. 7082 (Added);

Jet Route No. 105 (Dallas, Texas, to Milwaukee, Wis.).
From Dallas, Texas, via Springfield, Mo.; Moline, Ill.; INT of the Moline 042° and the Milwaukee, Wis., 228° radials, to Milwaukee.
AMENDMENTS 9/21/61 26 F.R. 7082 (Added);

Jet Route No. 106 (Minneapolis, Minn., to Green Bay, Wis.).
From Minneapolis, Minn., to Green Bay, Wis.
AMENDMENTS 9/21/61 26 F.R. 7082 (Added);

Jet Route No. 107 (Los Angeles, Calif., to Kenora, Ontario, Canada).
That airspace over United States territory from Los Angeles, Calif., via Hector, Calif.; Las Vegas, Nev.; Milford, Utah; Rock Springs, Wyo.; Crazy Woman, Wyo.; Dickinson, N. Dak.; Pembina, N. Dak., RR to Kenora, Ontario, Canada.
AMENDMENTS 9/21/61 26 F.R. 7082 (Added);

Jet Route No. 109 (Wilmington, N. C., to Buffalo, N. Y.).
From Wilmington, N. C., via Gordonsville, Va.; Front Royal, Va.; Philipsburg, Pa., to Buffalo, N Y
AMENDMENTS 10/19/61 26 F.R. 8487 (Added);

Jet Route No. 500 (Lakehead, Ontario, to Millinocket, Maine).(joins Canadian high level airway No. 500).
That airspace over United States territory from the Lakehead, Ontario, RR via Sault Ste. Marie, Mich.; Gore Bay, Ontario, RR; Killaloe, Ontario, RR; Ottawa, Ontario; Montreal, Quebec; Megantic, Quebec, RR; Millinocket, Maine, RR, to the INT of the E course of the Millinocket RR with the United States/Canadian Border.
AMENDMENTS 9/21/61 26 F.R. 7082 (Added); (Amendment Modification 26 F.R. 8632);

Jet Route No. 501 (Seattle, Wash., to United States/Canadian Border). (Joins Canadian High Level Airway No. 501).
From Seattle, Wash., to the INT of the Seattle 331° radial and the United States/Canadian Border
AMENDMENTS 5/31/62 27 F.R. 3237 (Added);

Jet Route No. 515 (Pembina, N. Dak., to the United States/Canadian Border).(joins Canadian high level airway No. 515.
From the Pembina, N. Dak., RR to the INT of the direct course from Pembina RR to Winnepeg, Manitoba, and the United States/Canadian Border.
AMENDMENTS 9/21/61 26 F.R. 7082 (Added); (Amendment Modification 26 F.R. 8632);

Jet Route No. 545 (Cleveland, Ohio, to the United States/Canadian Border)(joins Canadian High Level Airway No. 545).
From Cleveland. Ohio, to the INT of the Cleveland 024° radial and the United States/Canadian Border
AMENDMENTS 10/19/61 26 F.R. 8631 (Added);

Jet Route No. 546 (Peck, Mich., to the United States/Canadian Border).(joins Canadian high level airway No. 546)
From Peck, Mich., to the INT of the Peck 074° radial with the United States/Canadian Border.
AMENDMENTS 9/21/61 26 F.R. 7082 (Added); (Amendment Modification 26 F.R. 8632);

SUBPART C - JET ADVISORY AREAS

§ 602.200 Enroute Jet Advisory Areas

(Unless otherwise specified, the place names appearing in the description of the jet advisory areas indicate the VOR or VORTAC facilities identified by such names.)

Jet Route No. 1 jet advisory area.
Radar San Diego, Calif., to Seattle, Wash.
AMENDMENTS 9/21/61 26 F.R. 7082 (Added); 3/8/62 27 F.R. 1455 (Changed);

Jet Route No. 2 jet advisory area.
Radar San Diego, Calif., to Jacksonville, Fla.
AMENDMENTS 9/21/61 26 F.R. 7082 (Added); 2/8/62 26 F.R. 12562 (Rewritten); 3/8/62 27 F.R. 1455 (Changed); 6/28/62 27 F.R. 3736 (Changed);

Jet Route No. 3 jet advisory area.
Radar Oakland, Calif., to United States/Canadian Border.
AMENDMENTS 9/21/61 26 F.R. 7082 (Added);

Jet Route No. 4 jet advisory area.
Radar Los Angeles, Calif., to Wilmington, N. C.
AMENDMENTS 9/21/61 26 F.R. 7082 (Added); 6/28/62 27 F.R. 4474 (Rewritten);

Jet Route No. 5 jet advisory area.
Radar Los Angeles, Calif., to Seattle, Wash., excluding the portion below FL 280 from 50 nmi S of Reno, Nev., to 50 nmi N of Reno.
AMENDMENTS 9/21/61 26 F.R. 7082 (Added);

Jet Route No. 6 jet advisory area.
Radar Hector, Calif., to Idlewild, N. Y.
AMENDMENTS 9/21/61 26 F.R. 7082 (Added); 1/11/62 26 F.R. 11729 (Rewritten); 5/31/62 27 F.R. 3540 (Rewritten);

Jet Route No. 8 jet advisory area.
Radar Oklahoma City, Okla., to Idlewild, N. Y.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added); 1/11/62 26 F.R. 11729 (Changed);

Jet Route No. 9 jet advisory area.
Radar Los Angeles, Calif., to Salt Lake City, Utah.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added); 2/8/62 27 F.R. 338 (Rewritten);

Jet Route No. 10 jet advisory area.
Radar Los Angeles, Calif., to 40 nmi NE of Farmington, N. Mex., from 129 nmi NE of Farmington to Denver, Colo.
Non Radar From 40 nmi NE of Farmington, N. Mex., to 129 nmi NE of Farmington.
AMENDMENTS 9/21/61 26 F. R. 7083 (Added); 5/3/62 27 F.R. 2279 (Changed);

Jet Route No. 12 jet advisory area.
Radar Baltimore, Md., to Pittsburgh, Pa.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);

Jet Route No. 13
PENDING AMENDMENT
Jet Route No. 13 jet advisory area.
Radar Albuquerque, N. Mex., to Denver, Colo.
8/23/62 27 F.R. 6199 (Added);

Jet Route No. 14 jet advisory area.
Radar Amarillo, Tex., to Atlanta, Ga.
AMENDMENTS 12/14/61 26 F.R. 10590 (Added);

Jet Route No. 15 (Add)
PENDING AMENDMENT
Jet Route No. 15 jet advisory area.
Radar Wink, Texas, to Albuquerque, N. Mex.
7/26/62 27 F.R. 5736 (Added);

Jet Route No. 16 jet advisory area.
Radar Portland, Oreg., to Boston, Mass., excluding the portion below FL 310 from 75 NMI W of Whitehall, Mont., to 97 NMI E of Whitehall.
Non Radar From 75 NMI W of Whitehall, Mont., to 97 NMI E of Whitehall, FL 270 to FL 300 inclusive.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added); 4/5/62 27 F.R. 737 (Rewritten);

Jet Route No. 17 (Add)
PENDING AMENDMENT
Jet Route No. 17 jet advisory area.
Radar Amarillo, Tex., to Denver, Colo.
7/26/62 27 F.R. 5497 (Added);

Jet Route No. 18 jet advisory area.
Radar San Diego, Calif., to Joliet, Ill.
AMENDMENTS 6/28/62 27 F.R. 4595 (Added);

Jet Route No. 19 jet advisory area.
Radar Omaha, Nebr., to the INT of Jet Routes Nos., 19 and 64.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);

Jet Route No. 20 jet advisory area.
Radar Seattle, Wash., to Boise, Idaho; from 100 nmi NW of Malad City, Idaho, to 45 nmi SE of Rock Springs, Wyo.; from 107 nmi NW of Denver, Colo., to 150 nmi SE of Denver; from Garden City, Kans., to Oklahoma City, Okla.; from Jackson, Miss., to Orlando, Fla.
Non Radar From Boise, Idaho, to 100 nmi NW of Malad City, Idaho; from 45 nmi SE of Rock Springs, Wyo., to 107 nmi NW of Denver, Colo.; from 150 nmi SE of Denver to Garden City, Kans.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added); 5/3/62 27 F.R. 2279 (Changed); 5/31/62 27 F.R. 3237 (Rewritten);

Jet Route No. 21 jet advisory area.
Radar Laredo, Texas, to Duluth, Minn.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added); 1/11/62 26 F.R. 11729 (Changed);
PENDING AMENDMENT
Jet Route No. 21 jet advisory area.
Radar United States/Mexican Border to Duluth, Minn.
7/26/62 27 F.R. 5087 (Rewritten);

Jet Route No. 22 jet advisory area.
Radar Lake Charles, La., to Gordonsville, Va.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added):

Jet Route No. 24 jet advisory area.
Radar Gila Bend, Ariz., to Charleston, W. Va.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added); 5/31/62 27 F.R. 3540 (Rewritten);

Jet Route No. 25 jet advisory area.
Radar Brownsville, Texas, to Minneapolis, Minn.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);
PENDING AMENDMENT
Jet Route No. 25 jet advisory area.
Radar United States/Mexican Border to Minneapolis, Minn.
7/26/62 27 F.R. 5087 (Rewritten);

Jet Route No. 26 jet advisory area.
Radar El Paso, Texas, to Appleton, Ohio.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);

Jet Route No. 29 jet advisory area.
Radar Brownsville, Texas, to Plattsburgh, N. Y.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);
AMENDMENTS 10/19/61 26 F.R. 8631 (Changed);.
PENDING AMENDMENT
Jet Route No. 29 jet advisory area.
Radar United States/Mexican Border to Plattsburgh, N. Y.
7/26/62 27 F.R. 5087 (Rewritten);

Jet Route No. 30 jet advisory area.
Radar Denver, Colo., to 177 nmi NE of Denver; from 40 nmi SW of O'Neill, Nebr., to Joliet, Ill.
Non Radar From 177 nmi NE of Denver, Colo., to 40 nmi SW of O'Neill, Nebr.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added); 5/3/62 27 F.R. 2279 (Changed);

PENDING AMENDMENT
Jet Route No. 30 jet advisory area.
Radar Denver, Colo., to Joliet, Ill.
7/26/62 27 F.R. 5863 (Rewritten);

Jet Route No. 31 (Add)
PENDING AMENDMENT
Jet Route No. 31 jet advisory area.
Radar New Orleans, La., to Birmingham, Ala.
7/26/62 27 F.R. 5425 (Added);

Jet Route No. 32 jet advisory area.
Radar Oakland, Calif., to 150 nmi NE of Malad City, Idaho; from 10 nmi NE of Crazy Woman, Wyo., to Duluth, Minn.
Non Radar From 150 nmi NE of Malad City, Idaho, to 10 nmi NE of Crazy Woman, Wyo.; from Duluth, Minn., to the United States/Canadian border only from flight level 370 to flight level 390, inclusive.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added); On publ. (5/12/62) 27 F.R. 4553 (Rewritten);
PENDING AMENDMENT
In Jet Route No. 32 Radar and Non Radar where "10 nmi NE" appears, substitute "72 nmi SW".
7/26/62 27 F.R. 5863 (Changed);

Jet Route No. 34 jet advisory area.
Radar Milwaukee, Wis., to Pittsburgh, Pa.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);
AMENDMENTS 10/19/61 26 F.R. 8631 (Changed);

Jet Route No. 35 jet advisory area.
Radar New Orleans, La., to St. Louis, Mo.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);

Jet Route No. 37 jet advisory area.
Radar New Orleans, La., to the United States/Canadian Border.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);

Jet Route No. 38 jet advisory area.
Radar From 45 nmi NW. of Duluth, Minn., to Peck, Mich.
Non Radar From the United States/Canadian Border to 45 nmi NW. of Duluth, Minn., at FL 310 and FL 370 only.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added); On publ. (2/21/62) 27 F.R. 1598 (Rewritten);

Jet Route No. 40 (Add)
PENDING AMENDMENT
Jet Route No. 40 jet advisory area.
Radar Montgomery, Ala., to Norfolk, Va.
7/26/62 27 F.R. 5425 (Added);

Jet Route No. 41 jet advisory area.
Radar Miami, Fla., to Omaha, Nebr.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);

Jet Route No. 42 jet advisory area.
Radar Dallas, Texas, to Idlewild, N. Y.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);

Jet Route No. 43 jet advisory area
Radar St. Petersburg, Fla., to INT of Jet Routes Nos., 43 and 70 near Windsor, Ont., Canada.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);

Jet Route No. 45 jet advisory area
Radar Jacksonville, Fla., to St. Louis, Mo.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added); 6/28/62 27 F.R. 3736 (Changed);

Jet Route No. 49 jet advisory area.
Radar Philipsburg, Pa., to Bangor, Maine.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);
AMENDMENTS 10/19/61 26 F.R. 8631 (Changed);
PENDING AMENDMENT
Jet Route No. 49 jet advisory area.
Radar Philipsburg, Pa., to the United States/Canadian Border.
7/26/62 27 F.R. 5540 (Rewritten);

Jet Route No. 50 jet advisory area.
Radar Alexandria, La., to Crestview, Fla.
AMENDMENTS 3/8/62 27 F.R. 205 (Added);

Jet Route No. 51 jet advisory area.
Radar Jacksonville, Fla., to Columbia, S. C.
AMENDMENTS 1/11/62 26 F.R. 11729 (Added);

Jet Route No. 52 jet advisory area.
Radar Dallas, Texas, to Atlanta, Ga.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);

Jet Route No. 53 jet advisory area.
Radar Key West, Fla., to the United States/Canadian Border.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added); 1/11/62 26 F.R. 11729 (Rewritten);

Jet Route No. 55 jet advisory area.
Radar Jacksonville, Fla., to Charleston, S. C.; from Idlewild, N. Y., to the United States/Canadian Border.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added); 6/28/62 27 F.R. 3736 (Rewritten);

Jet Route No. 56 jet advisory area.
Radar Salt Lake City, Utah, to 163 nmi E of Salt Lake City; from 19 nmi W of Kremling, Colo., to Denver, Colo.
Non Radar From 163 nmi E of Salt Lake City, Utah, to 19 nmi W of Kremmling, Colo.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);

Jet Route No. 58 jet advisory area.
Radar Oakland, Calif., to New Orleans, La., excluding the portion below FL 290 from 105 nmi SE of Bryce Canyon, Utah,, to Farmington, N. Mex.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);
AMENDMENTS On publ. (9/28/61) 26 F.R. 9131 (Rewritten); 2/8/62 27 F.R. 338 (Rewritten);

Jet Route No. 59 jet advisory area.
Radar Philipsburg, Pa., to Syracuse, N. Y.
AMENDMENTS 10/19/61 26 F.R. 8631 (Added);

Jet Route No. 60 jet advisory area.
Radar Los Angeles, Calif., to 65 nmi SW of Grand Junction, Colo.; from 94 nmi WSW of Denver, Colo., to 174 nmi ENE of Denver; from 50 nmi WSW of Wolbach, Nebr., to Idlewild, N. Y.
Non Radar From 65 nmi SW of Grand Junction, Colo., to 94 nmi WSW of Denver, Colo.; from 174 nmi ENE of Denver to 50 nmi WSW of Wolbach, Nebr.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added); 2/8/62 27 F.R. 338 (Rewritten); 5/3/62 27 F.R. 2279 (Rewritten);
PENDING AMENDMENT
Jet Route No. 60 jet advisory area.
Radar Los Angeles, Calif., to 65 nmi SW of Grand Junction, Colo.; from 94 nmi WSW of Denver, Colo., to Idlewild, N. Y.
Non Radar From 65 nmi SW of Grand Junction, Colo., to 94 nmi WSW of Denver, Colo.
7/26/62 27 F.R. 5863 (Rewritten);

Jet Route No. 62 jet advisory area.
Radar Idlewild, N. Y., to Nantucket, Mass.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);

Jet Route No. 64 jet advisory area.
Radar Los Angeles, Calif., to 20 nmi SW of Alamosa, Colo.; from 25 nmi SW of Hill City, Kans., to Idlewild, N. Y.
Non Radar From 20 nmi SW of Alamosa, Colo., to 25 nmi SW of Hill City, Kans.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);

Jet Route No. 65 jet advisory area.
Radar Phoenix, Ariz., to INT of Jet Routes Nos., 65 and 78.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);

Jet Route No. 68 jet advisory area.
Radar Nantucket, Mass., to INT of Jet Routes Nos., 68 and 55.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);

Jet Route No. 70 jet advisory area.
Radar From the INT of the Portland, Oreg., 318° and the Seattle, Wash., 247° radials, to Idlewild, N.Y.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added); 5/31/62 27 F.R. 2891 (Rewritten);

Jet Route No. 71 jet advisory area.
Radar Appleton, Ohio, to Front Royal, Va.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);

Jet Route No. 75 jet advisory area.
Radar Miami, Fla., to the United States/Canadian Border.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);

Jet Route 77 jet advisory area.
Radar Miami, Fla., to West Palm Beach, Fla.
Wilmington, N. C., to the United States/Canadian Border.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);

Jet Route No. 78 jet advisory area.
Radar Los Angeles, Calif., to Idlewild, N. Y.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);

Jet Route No. 79 jet advisory area.
Radar Miami, Fla., to West Palm Beach, Fla.
Wilmington, N. C., to Idlewild, N. Y.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);

PENDING AMENDMENT
Jet Route No. 79 jet advisory area.
Radar Miami, Fla., to West Palm Beach, Fla. From the boundary of the continental control area via the Wilmington, N. C., 192° radial; Wilmington, to Idlewild, N. Y.
7/26/62 27 F.R. 5496 (Rewritten);

Jet Route No. 80 jet advisory area.
Radar Oakland, Calif., to 65 nmi SW of Grand Junction, Colo.; from 94 nmi WSW of Denver, Colo., to 168 nmi ESE of Denver, from 25 nmi W of Hill City, Kans., to Idlewild, N. Y.
Non Radar From 65 nmi SW of Grand Junction, Colo., to 94 nmi WSW of Denver, Colo.; from 168 nmi ESE of Denver to 25 nmi W of Hill City, Kans.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added); 2/8/62 27 F.R. 338 (Rewritten); 5/3/62 27 F.R. 2279 (Changed),
PENDING AMENDMENT
Jet Route No. 80 jet advisory area.
Radar Oakland, Calif., to 65 nmi SW of Grand Junction, Colo.; from 94 nmi WSW of Denver, Colo., to Idlewild, N. Y., excluding the portion below FL 270 between 25 and 44 nmi W of Hill City, Kans.
Non Radar From 65 nmi SW of Grand Junction, Colo., to 94 nmi WSW of Denver, Colo.
8/23/62 27 F.R. 6011 (Rewritten);

Jet Route No. 81 jet advisory area.
Radar Miami, Fla., to Barracuda INT.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);

Jet Route No. 82 jet advisory area.
Radar Joliet, Ill., to Boston, Mass.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);

Jet Route No. 84 jet advisory area.
Radar Oakland, Calif., to 50 nmi E of Rock Springs, Wyo.; from 150 nmi E of Rock Springs to 40 nmi E of Scottsbluff, Nebr.; from 50 nmi W of Wolbach, Nebr., to Northbrook, Ill., excluding the portion below FL-270 from 100 nmi W of Scottsbluff to 40 nmi E of Scottsbluff.
Non Radar From 50 nmi E of Rock Springs, Wyo., to 150 nmi E of Rock Springs; from 40 nmi E of Scottsbluff, Nebr., to 50 nmi W of Wolbach, Nebr.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);
AMENDMENTS (Federal Register error corrected 26 F.R. 7961);

PENDING AMENDMENT
Jet Route No. 84 jet advisory area.
Radar Oakland, Calif., to 50 nmi E of Rock Springs, Wyo.; from 85 nmi E of Rock Springs to Northbrook, Ill.
Non Radar From 50 nmi E of Rock Springs, Wyo., to 85 nmi E of Rock Springs.
7/26/62 27 F.R. 5863 (Rewritten);

Jet Route No. 85 jet advisory area.
Radar Miami, Fla., to the United States/Canadian Border.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);

Jet Route No. 87 jet advisory area.
Radar Houston, Texas, to Northbrook, Ill.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);

Jet Route No. 89 jet advisory area.
Radar Miami, Fla., to Duluth, Minn.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);

Jet Route No. 90 jet advisory area.
Radar Seattle, Wash., to Northbrook, Ill.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);
PENDING AMENDMENT
Jet Route No. 90 jet advisory area.
Radar Seattle, Wash., to the United States/Canadian Border.
7/26/62 27 F.R. 5425 (Rewritten);

Jet Route No. 91 jet advisory area.
Radar Knoxville, Tenn., to Charleston, W. Va., excluding the airspace below flight level 310.
AMENDMENTS 6/28/62 27 F.R. 4244 (Added);

Jet Route No. 92 jet advisory area.
Radar Oakland, Calif., to Tucson, Ariz.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);

Jet Route No. 93 jet advisory area.
Radar From the INT of Medford, Oreg., 339° and Portland, Oreg., 222° radials, to Seattle, Wash.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);

Jet Route No. 94 jet advisory area.
Radar Oakland, Calif., to 50 nmi E of Rock Springs, Wyo.; from 150 nmi E of Rock Springs to 40 nmi NE of Scottsbluff, Nebr.; from 20 nmi SW of O'Neill, Nebr., to Boston, Mass., excluding the portion below FL 270 from 100 nmi W of Scottsbluff to 40 nmi E of Scottsbluff.
Non Radar From 50 nmi E of Rock Springs, Wyo., to 150 nmi E of Rock Springs; from 40 nmi NE of Scottsbluff, Nebr., to 20 nmi SW of O'Neill, Nebr.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);

PENDING AMENDMENT
Jet Route No. 94 jet advisory area.
Radar Oakland, Calif., to 50 nmi E of Rock Springs, Wyo.; from 85 nmi E of Rock Springs to Boston, Mass.
Non Radar From 50 nmi E of Rock Springs, Wyo., to 85 nmi E of Rock Springs.
7/26/62 27 F.R. 5863 (Rewritten);

Jet Route No. 95 jet advisory area.
Radar Idlewild, N. Y., to the United States/Canadian Border.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);

Jet Route No. 96 jet advisory area.
Radar Seattle, Wash., to the United States/Canadian Border.
AMENDMENTS 9/21/61 26 F. R. 7083 (Added);

Jet Route No. 97 jet advisory area.
Radar Nantucket, Mass., to Plattsburgh, N. Y.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added); 4/5/62 27 F.R. 882 (Rewritten);

Jet Route No. 101 jet advisory area.
Radar Houston, Texas, to Northbrook, Ill.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);

Jet Route No. 103 jet advisory area.
Radar St. Petersburg, Fla., to Orlando, Fla.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);

Non Radar From 65 nmi SW of Grand Junction, Colo., to 94 nmi W of Denver, Colo.
8/23/62 27 F.R. 6011 (Rewritten);

Jet Route No. 104 jet advisory area.
Radar Tucson, Ariz., to Grants, N. Mex.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);

Jet Route No. 105 jet advisory area.
Radar Dallas, Texas, to Milwaukee, Wis.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);

Jet Route No. 106 jet advisory area.
Radar Minneapolis, Minn., to Green Bay, Wis.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);

Jet Route No. 107 jet advisory area.
Radar From Los Angeles, Calif., to 40 nmi NE of Rock Springs, Wyo.; from 10 nmi NE of Crazy Woman, Wyo., to the United States/Canadian Border.
Non Radar From 40 nmi NE of Rock Springs, Wyo.; to 10 nmi NE of Crazy Woman, Wyo.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added); 2/8/62 27 F.R. 338 (Rewritten);
PENDING AMENDMENT
In Jet Route No. 107 Radar and Non Radar where "10 nmi NE" appears, substitute "105 nmi SW".
7/26/62 27 F.R. 5863 (Changed);

Jet Route No. 109 jet advisory area.
Radar Wilmington, N. C., to Buffalo, N. Y.
AMENDMENTS 10/19/61 26 F.R. 8487 (Added);

Jet Route No. 500 jet advisory area.
Radar From the United States/Canadian Border SE of Lakehead, Ont., Canada, RR to the United States/Canadian Border E of Sault Ste. Marie, Mich.; from the United States/Canadian Border W of Millinocket, Maine, RR to the United States/Canadian Border NE of Millinocket RR, excluding the airspace below flight level 290 from the United States/Canadian border SE of Lakehead, Ontario, Canada, RR to the United States/Canadian border E of Sault Ste. Marie, Mich.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added); On publ. (5/12/62) 27 F.R. 4553 (Changed);

Jet Route No. 501 jet advisory area.
Radar Seattle, Wash., to United States/Canadian Border.
AMENDMENTS 5/31/62 27 F.R. 3237 (Added);

Jet Route No. 515 jet advisory area.
Radar Pembina, N. Dak., RR to the United States/Canadian Border
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);

Jet Route No. 546 jet advisory area.
Radar Peck, Mich., to the United States/Canadian Border.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);

§ 602.300 Terminal Jet Advisory Areas

(Unless otherwise specified, the place names appearing in the description of the jet advisory areas indicate the VOR or VORTAC facilities identified by such names).

Atlanta, Ga., jet advisory area.
Radar
a. Nashville, Tenn., to Crossville, Tenn.
b. Spartanburg, S. C., via INT of Spartanburg 249° and Norcross, Ga., 054° radials to Norcross.
c. McDonough, Ga., via INT of McDonough 063° and Spartanburg, S. C., 187° radials to Spartanburg.
d. That area NW of Atlanta, Ga., bounded on the NE by Jet Route No. 45, on the S by Jet Route No. 52; and on the NW by Jet Route No. 22.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);

Baltimore, Md., jet advisory area.
Radar
a. Baltimore, Md., via Harrisburg, Pa., to Philipsburg, Pa.
b. Baltimore, Md., via Idlewild, N. Y.; Salisbury, Md.; to Baltimore; and including the area encompassed by this line.
c. Millville, N. J., RR via Control Area Extension 1148 to the boundary of the Continental Control Area.
AMENDMENTS 9/21/61 26 F.R. 7083 (Added);

Boston, Mass., jet advisory area.
Radar
a. Nantucket, Mass., CONSOLAN via Control Area Extension 1143 to boundary of the Continental Control Area.
b. Nantucket, Mass., CONSOLAN via Control Area Extension 1144 to boundary of the Continental Control Area.
c. Nantucket, Mass., CONSOLAN via Control Area Extension 1145 to boundary of the Continental Control Area.
d. Direct course between Boston, Mass., and East Boston INT (INT of SE course of Boston, Mass., RR and the 065° bearing from the Squantum, Mass., RBN).
AMENDMENTS 9/21/61 26 F.R. 7083 (Added); 11/16/61 26 F.R. 9849 (Changed); 26 F.R. 10635 (Amendment Alteration);

Chicago, Ill., jet advisory area.
Radar
a. Des Moines, Iowa, via INT of Des Moines 067° and Northbrook, Ill., 276° radials; Northbrook; Pullman, Mich.; Waterville, Ohio; Joliet, Ill.; to Des Moines; including the area encompassed by this line.
AMENDMENTS 9/21/61 26 F.R. 7084 (Added);

Cleveland, Ohio, jet advisory area.
Radar
a. Cleveland, Ohio, via INT of Cleveland 024° radial with the United States/Canadian Border.
AMENDMENTS 9/21/61 26 F.R. 7084 (Added);

Dallas, Texas, jet advisory area.
Radar a. Wichita Falls, Texas, via Bridgeport, Texas, to Dallas, Texas.
b. Texarkana, Ark., via INT of Texarkana 271° and Dallas 061° radials to Dallas, Texas.
c. Dallas, Texas, via Quitman, Texas, to Texarkana, Ark.
d. Dallas, Texas, via INT of Dallas 239° and Waco, Texas, 353° radials; to Waco.
e. Dallas, Texas, via INT of Dallas 187° and Waco, Texas, 037° radials; to Waco.
f. Abilene, Texas, to Bridgeport, Texas.
g. Abilene, Texas, via INT of Abilene 096° and Britton, Texas, 264° radials; to Britton.
AMENDMENTS 9/21/61 26 F.R. 7084 (Added);
Denver, Colo., jet advisory area.
Radar a. Denver, Colo., via Denver 045° radial for a distance of 100 nmi NE.
b. Denver, Colo., via INT of Denver 183° and Kiowa, Colo., 268° radials; Kiowa; to Thurman, Colo.; thence via Thurman 041° radial for a distance of 68 nmi.
c. Kiowa, Colo., to Pueblo, Colo.; thence via Jet Route No. 13 for a distance of 21 nmi.
d. Roggen, Colo., INT (INT of Denver, Colo., 045° and Akron, Colo., 272° radials) via INT of Akron 272° and Kremmling, Colo., 081° radials to Kremmling.
e Kiowa, Colo., via the direct route between Kiowa and Grand Junction, Colo., to a point 80 nmi W of Kiowa.
f Kremmling, Colo., via the direct route between Kremmling and Grand Junction, Colo., to a point 25 nmi SW of Kremmling.
g Denver, Colo., to Scottsbluff, Nebr.
Non Radar a. Grand Junction, Colo., via the direct route between Grand Junction and Kiowa, Colo., to a point 80 nmi W of Kiowa.
b Grand Junction, Colo., via the direct route between Grand Junction and Kremmling, Colo., to a point 25 nmi SW of Kremmling.
AMENDMENTS 9/21/61 26 F.R. 7084 (Added); 6/28/62 27 F.R. 3917 (Changed);
Detroit, Mich., jet advisory area.
Radar a. Pullman, Mich., via Lansing, Mich.; Salem, Mich.; to INT of Salem 106° radial with the United States/Canadian Border, including the area bounded on the N by this advisory area, on the SE by Jet Route No. 43, and on the SW by Jet Route No. 34.
AMENDMENTS 9/21/61 26 F.R. 7084 (Added);
El Paso, Texas, jet advisory area.
Radar a. Hudspeth, Texas, via INT of Hudspeth 242° radial with the 162° bearing from Clint, Texas, RBN; Clint RBN; El Paso, Texas; Deming, N. Mex., to Tucson, Ariz.
b. El Paso, Texas, via El Paso 138° radial to the United States/Mexican Border.
c. El Paso, Texas, via El Paso 140° radial to the United States/Mexican Border.
AMENDMENTS 9/21/61 26 F.R. 7084 (Added);
Grand Isle, La., jet advisory area.
Radar a. Grand Isle, La., RBN via Control Area Extension 1226 to Egmont Key, Fla., RBN.
AMENDMENTS 9/21/61 26 F.R. 7084 (Added);
Houston, Texas, jet advisory area.
Radar a. Houston, Texas, via INT of Houston 044° and Lake Charles, La., 273° radials to Lake Charles.
b. Houston, Texas, via INT of Houston 090° and Sabine Pass, Texas, 265° radials; Sabine Pass; to Lake Charles, La.
c. Houston, Texas, via INT of Houston 314° and Leona, Texas, 173° radials to Leona.
d. Houston, Texas, via INT of Houston 353° and Leona, Texas, 140° radials to Leona.
e. Houston, Texas, to Galveston, Texas, RBN.
f. Galveston, Texas, via Eagle Lake, Texas, to Smithfield, Texas, INT (INT of San Antonio, Texas, 074° and Eagle Lake 291° radials).
AMENDMENTS 9/21/61 26 F.R. 7084 (Added);
PENDING AMENDMENT
Under Radar the following is added:
g. Houston, Tex., via INT of Houston 290° and Eagle Lake, Tex., 056° radials to Eagle Lake.
7/26/62 27 F.R. 4834 (Changed):

In § 602.300 under Houston, Tex., jet advisory area--Radar (f), "Smithfield, Tex., INT" is deleted and "Smithville, Tex., INT" is substituted therefor. 7/26/62 27 F.R. 5497 (Changed);
Kansas City, Kans., jet advisory area.
Radar a. Wolbach, Nebr., to Pawnee City, Nebr.
b. Butler, Mo., to Springfield, Mo.
AMENDMENTS 9/21/61 26 F.R. 7084 (Added);
Los Angeles, Calif., jet advisory area.
a. Los Angeles, Calif., via INT of Los Angeles 185° and Long Beach, Calif., 223° radials; thence via Control Area Extension 1177 to boundary of the Continental Control Area.
b. Los Angeles, Calif., via Control Area Extension 1316 to boundary of the Continental Control Area.
c. Los Angeles, Calif., to Santa Barbara, Calif.; thence via Control Area Extension 1176 to boundary of the Continental Control Area.
d. Los Angeles, Calif., via INT of Los Angeles 185° and Santa Catalina, Calif., 355° radials; Santa Catalina; Oceanside, Calif.; Julian, Calif.; Thermal, Calif.; to Parker, Calif.
e. Los Angeles, Calif., via Palmdale, Calif., to Hector, Calif.
f. Los Angeles, Calif., via INT of Los Angeles 338° and Palmdale, Calif., 280° radials; thence via Palmdale 280° radial to its INT with Jet Route No. 1.
g. Los Angeles, Calif., via INT of Los Angeles 257° and Oxnard, Calif., 155° radials; Oxnard; INT of Oxnard 331° and Santa Barbara, Calif., 109° radials; to Santa Barbara; thence via Santa Barbara 352° radial to its INT with Jet Route No. 1.
h. Los Angeles, Calif., via Ontario, Calif.; INT of Ontario 091° and Twentynine Palms, Calif., 244° radials; Twentynine Palms; to Peach Springs, Ariz.
AMENDMENTS 9/21/61 26 F.R. 7084 (Added);

Memphis, Tenn., jet advisory area.
Radar a. From Farmington, Mo., via Dyersburg, Tenn.; Holly Springs, Miss.; Greenwood, Miss.; the INT of the Greenwood 357° and the Pine Bluff, Ark., 082° radials; Pine Bluff; Little Rock, Ark.; the INT of the Little Rock 062° and the Walnut Ridge, Ark., 188° radials; Walnut Ridge; to Farmington, including the area encompassed by this line.
AMENDMENTS 5/31/62 27 F.R. 2891 (Added);
Miami, Fla., jet advisory area.
Radar a. Lakeland, Fla., via Fort Myers, Fla.; INT of Ft. Myers 137° and Biscayne Bay, Fla., 262° radials; to Biscayne Bay.
b. Copeland, Fla., INT (INT of Fort Myers, Fla., 137° and Miami, Fla., 269° radials) to Miami.
c. West Palm Beach, Fla., to Biscayne Bay, Fla.
d. Miami, Fla., via Marathon, Fla., RBN; thence via Control Area Extension 1234 to boundary of the Continental Control Area.
e. Miami, Fla., via Miami 119° radial to boundary of Continental Control Area.
f. Biscayne Bay, Fla., via the Biscayne Bay 087° radial to boundary of Continental Control Area.
g. Biscayne Bay, Fla., via the Biscayne Bay 051° radial to boundary of Continental Control Area.
AMENDMENTS 9/21/61 26 F.R. 7084 (Added); 5/3/62 27 F.R. 2174 (Changed);
Midland, Texas (Add)

PENDING AMENDMENT
Midland, Texas, jet advisory area.
Radar Midland, Texas, via Midland 283° radial to INT with Jet Route No. 15
7/26/62 27 F.R. 5736 (Added);
Minneapolis, Minn., jet advisory area.
Radar a. Watertown, S. Dak., via Darwin, Minn.; to Minneapolis, Minn.
b. Aberdeen, S. Dak.; via Watertown, S. Dak.; Redwood Falls, Minn.; Farmington, Minn.; INT Farmington 124° and Nodine, Minn., 298° radials; to Nodine.
c. Mason City, Iowa, via Farmington, Minn.; Grantsburg, Minn.; to Duluth, Minn.
AMENDMENTS 9/21/61 26 F.R. 7084 (Added);
Nashville, Tenn., jet advisory area.
Radar a. Nashville, Tenn., via INT of Nashville 044° and London, Ky., 260° radials; thence via London, 260° radial to INT with Jet Route No. 42.
b. Nashville, Tenn., via INT of Nashville 079° and London, Ky., 230° radials; London; thence via London 040° radial to INT with Jet Route No. 42.
c. Nashville, Tenn., via INT of Nashville 284° and Jacks Creek, Tenn., 044° radials; Jacks Creek; thence via Jacks Creek 224° radial to INT with Jet Route No. 42.
d. Nashville, Tenn., via INT of Nashville 223° and Memphis, Tenn., 081° radials; to Memphis.
AMENDMENTS 5/3/62 27 F.R. 1597 (Added);
New Orleans, La., jet advisory area.
Radar a. New Orleans, La., via INT of New Orleans 326° and Alexandria, La., 105° radials; to Alexandria.
b. New Orleans, La., via Picayune, Miss., to McComb, Miss.
c. McComb, Miss., via McComb 228° radial to Clinton, La., INT (INT of McComb, Miss., 228° and New Orleans, La., 326° radials).
d. New Orleans, La., via INT of New Orleans 100° and Mobile, Ala., 224° radials to Mobile.
e. Picayune, Miss., to Mobile, Ala.
f. Alexandria, La., to Baton Rouge, La.
g. New Orleans, La., via INT of New Orleans 275° and Baton Rouge, La., 132° radials; to Baton Rouge.
h. New Orleans, La., to Grand Isle, La., RBN.
i. New Orleans, La., via Tibby, La., to Lafayette, La.
j. New Orleans, La., via INT of New Orleans 100° and Picayune, Miss., 171° radials; to INT of Picayune 161° radials with Grand Isle, La., Control Area Extension 1226.
k. INT of Picayune, Miss., 161° and New Orleans, La., 122° radials to INT of New Orleans 122° radial with Grand Isle, La., Control Area Extension 1226.
l. New Orleans, La., via New Orleans, La., 214° radial to boundary of the Continental Control Area.
AMENDMENTS 9/21/61 26 F.R. 7084 (Added);
PENDING AMENDMENT
Under Radar the following is added:
m. Picayune, Miss., to Evergreen, Ala.
7/26/62 27 F.R. 4834 (Changed);

In § 602.300 under New Orleans, La., jet advisory area--Radar (j), "Picayune, Miss., 171°" is deleted and "Picayune, Miss., 161°" is substituted therefor. 7/26/62 27 F.R. 5497 (Changed);
New York, N. Y., jet advisory area.
Radar a. Bridgeport, Conn., via Poughkeepsie, N. Y., to Albany, N. Y.
b. Idlewild, N. Y., via Huguenot, N. Y.; Wilks-Barre, Pa.; to Philipsburg, Pa.
c. Newark, N. J., RR via Control Area Extension 1147 to boundary of the Continental Control Area.
AMENDMENTS 9/21/61 26 F. R. 7084 (Added);
Portland, Oreg., jet advisory area.
Radar a. Portland, Oreg., via Newberg, Oreg.; INT of Newberg 204° and Eugene, Oreg., 346° radials; to Eugene; thence via Eugene 157° radial to INT with Jet Route No. 1
b. Newport, Oreg., via Control Area Extension 1419 to boundary of the Continental Control Area.
AMENDMENTS 9/21/61 26 F.R. 7084 (Added);

Salt Lake City, Utah, jet advisory area.
Radar a. Malad City, Idaho, via Ogden, Utah; Salt Lake City, Utah, to Provo, Utah.
b. Burley, Idaho, to Ogden, Utah.
c. Fort Bridger, Wyo., via Ogden, Utah; Lucin, Utah; Wells, Nev.; to Elko, Nev
d. Provo, Utah, via Provo 315° radial to INT with Jet Route No. 84.
e. Provo, Utah, to Myton, Utah; thence via Myton 069° radial to INT with Jet Route No. 56
f. INT of Ogden, Utah, 212° and Salt Lake City, Utah, 265° radials, via INT of Delta, Utah, 004° and Provo, Utah, 257° radials; to Delta.
AMENDMENTS 9/21/61 26 F.R. 7084 (Added); 4/5/62 27 F.R. 738 (Changed);
San Antonio, Texas, jet advisory area.
Radar a. San Antonio, Texas, via INT of San Antonio 057° and Austin, Texas, 198° radials; to Austin.
b. San Antonio, Texas, via INT of San Antonio 002° and Austin, Texas, 257° radials; to Austin.
c. Ft. Stockton, Texas, via Junction, Texas; INT of Junction 112° and San Antonio, Texas, 334° radials; San Antonio; to Smithville, Texas, INT (INT of San Antonio 074° and Eagle Lake, Texas, 291° radials).
AMENDMENTS 9/21/61 26 F.R. 7084 (Added);
PENDING AMENDMENT
Under Radar the following is added:
d Ft. Stockton, Tex., via Rocksprings, Tex.: INT of Rocksprings 090° and San Antonio, Tex. 309° radials; to San Antonio
7/26/62 27 F.R. 4834 (Changed);
San Francisco/Oakland, Calif., jet advisory area.
Radar a. Oakland, Calif., via Oakland 235° radial to boundary of Continental Control Area
b. Oakland, Calif., via Oakland 267° radial to boundary of Continental Control Area
c. Oakland, Calif., via INT of Oakland 004° and Linden, Calif., 269° radials; Linden; thence via Linden 117° radial to INT with Jet Route No. 58.
d. San Francisco, Calif., via INT of San Francisco 304° and Ukiah, Calif., 172° radials; Ukiah; to Red Bluff, Calif.
e. Oakland, Calif., via INT of Oakland 221° and Point Reyes, Calif., 161° radials; INT of Point Reyes 161° and Big Sur, Calif., 325° radials; INT of Big Sur 325° and Salinas, Calif., 281° radials; to Salinas; thence via Salinas 119° radial to INT with Jet Route No 1
f. Oakland, Calif., via INT Oakland 221° and Point Reyes, Calif., 161° radials; the INT of Point Reyes 161° and Big Sur, Calif., 325° radials; Big Sur; thence via Big Sur 099° radial to Jet Route No. 1.
g San Francisco, Calif., via INT of San Francisco 304° and Sacramento, Calif., 233° radials; INT Sacramento 233° and Linden, Calif., 269° radials; Linden; INT Linden 046° and Reno, Nev., 208° radials; to Reno.
AMENDMENTS 9/21/61 26 F.R. 7084 (Added); 4/5/62 27 F.R. 770 (Changed); 5/31/62 27 F.R. 3591 (Changed);
St. Louis, Mo., jet advisory area.
Radar a. INT of Jet Route No. 80 and Terre Haute, Ind., 270° radial, via INT of Terre Haute 270° and St. Louis, Mo., 062° radials; to St. Louis.
b. St. Louis, Mo., via Troy, Ill., to Bible Grove, Ill.; thence via Bible Grove 043° radial to INT with Jet Route No. 80.
c Maryland Heights, Mo., to Readsville, Mo.; thence via Readsville 308° radial to INT with Jet Route No. 80.
d. Springfield, Ill., via Springfield 191° radial to Gillespie, Ill., INT (INT of Troy, Mo., 011° and St. Louis, Mo., 062° radials).
e. Marion, Ill., INT (INT of Centralia, Ill., 169° and Farmington, Mo., 082° radials); via Centralia; Troy, Ill., to St. Louis, Mo.
AMENDMENTS 9/21/61 26 F.R. 7084 (Added);
Tampa, Fla., jet advisory area.
Radar a. St. Petersburg, Fla., to Orlando, Fla.
b. St. Petersburg, Fla., via INT St. Petersburg 039° and Orlando, Fla., 258° radials; to Orlando.
c. St. Petersburg, Fla., via Lakeland, Fla., to Orlando, Fla.
d. St. Petersburg, Fla., to INT of St. Petersburg 275° radial with Grand Isle, La., Control Area Extension 1226.
e. Egmont Key, Fla., RBN direct to INT of Jet Routes Nos. 41 and 85.
f. Fort Meyers, Fla., via St. Petersburg, Fla., to Eddy, Fla., INT (INT of St Petersburg 350° and Ocala, Fla., 234° radials).
g. Ocala, Fla., to INT of Ocala 234° and Cross City, Fla., 185° radials.
h. St. Petersburg, Fla., via INT of St. Petersburg 290° and Cross City, Fla., 185° radials; to the INT of Cross City 185° and Ocala, Fla., 234° radials.
i. St. Petersburg, Fla., to Ocala, Fla.
j. St. Petersburg, Fla., via St. Petersburg 320° radial to the boundary of the continental control area.
k. Gainesville, Fla., via INT Gainesville 231° and St. Petersburg, Fla., 350° radials; thence S via St. Petersburg 350° radial to the boundary of the continental control area.
AMENDMENTS 9/21/61 26 F.R. 7085 (Added); 6/28/62 27 F.R. 3882 (Changed);
Wilmington, N. C., jet advisory area.
Radar a. Wilmington, N. C., via Wilmington Control Area Extension 1150, to boundary of the Continental Control Area.
AMENDMENTS 9/21/61 26 F.R. 7085 (Added);

[F.R. Doc. 62-7208; Filed, July 25, 1962; 9:30 a.m.]

[Airspace Docket No. 62-WA-77]

PART 608—SPECIAL USE AIRSPACE

Revision of Part

The following revision of Part 608 of the regulations of the Administrator is adopted for the purpose of combining, in one single document, all amendments which have been previously published by the Administrator of the Federal Aviation Agency in the FEDERAL REGISTER, and which were effective prior to June 30, 1962. In addition, pending amendments are listed below the appropriate section and include the effective date and the FEDERAL REGISTER citation. Since the revision does not involve any substantive changes, compliance with the notice, public procedure, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), this revision to Part 608 is effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 9, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

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SUBPART A - Introduction

§ 608.1 Basis.

This part is issued pursuant to sections 307 of the Federal Aviation Act of 1958, as amended (72 Stat. 749, 49 U.S.C. 1348) and § 60.13 of this title.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7187 (Rewritten);

§ 608.2 Purpose.

This part is issued in order to designate special use airspace and to prescribe requirements in connection with the use thereof.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7187 (Rewritten);

§ 602.3 Explanation of Terms.

As used in this part, terms are defined as follows:

"Appropriate Authority" means either the using agency or the controlling agency.

"Bearings and radials" are true and outbound from the point of origin.

"Boundaries" mean the horizontal limits of the special use area as described by geographical coordinates or other appropriate references to clearly define the perimeter of the area.

"Continental United States" means all of the States of the United States (excluding Alaska and Hawaii), the District of Columbia, the territorial waters and the overlying airspace thereof.

"Controlling Agency" means that FAA facility designated in Subpart B which may authorize transit of a restricted area in accordance with a letter of joint use procedures.

"Designated Altitudes" means those altitudes designated as the floor(s) and ceiling(s) of a special use area. Altitudes will be expressed in terms of flight levels or as feet above mean sea level.

"E" means east.

"Federal Airway" means a portion of the navigable airspace of the United States designated by the Administrator as a Federal airway.

"Flight Level" means a level of constant atmospheric pressure related to a reference datum of 29.92 inches of mercury expressed in digits representing hundreds of feet. For example, flight level 250 is equivalent to an altimeter indication of 25,000 feet and flight level 265 to 26,500 feet.

"FM" means fan marker.

"ILS" means instrument landing system.

"INT" means intersection.

"Joint Use" means use of a restricted area by the using agency and by the controlling agency as set forth in a letter of joint use procedures which outlines terms and procedures to be followed by the using agency and by the controlling agency.

"Lat." means latitude.

"Long." means longitude.

"Mile" means statute mile unless otherwise specified.

"MM" means instrument landing system middle marker.

"MSL" means "mean sea level".

"N" means north.

"NE" means northeast.

"NW" means northwest.

"OM" means instrument landing system outer marker.

"RBN" means radio beacon.

"Restricted Area" means that special use airspace designated in Subpart B of this part wherein the flight of aircraft is limited in accordance with § 608.12 of this part.

"RR" means low or medium frequency radio range station.

"S" means south.

"SE" means southeast.

"Special Use Airspace" means that airspace of defined dimensions identified by an area on the surface of the earth designated by the Administrator wherein the activity being conducted must be confined because of its nature and/or wherein limitations are imposed upon aircraft operations not a part of such activity. The dimensions are limited in time ("Time of Designation"), vertical extent ("Designated Altitudes"), and horizontal extent ("Boundaries").

"Sunset" and "Sunrise" mean the official sunset and sunrise at the location of the special use area.

"SW" means southwest.

"TACAN" means military tactical air navigation aid.

"Time of Designation" means the period or periods of time during which the special use area is in effect.

"United States" means the several States, the District of Columbia, and the several Territories and possessions of the United States, including the territorial waters and the overlying airspace thereof.

"Using Agency" means that agency, organization, or military command designated in Subpart B whose activity within the restricted area necessitated the area being so designated; except that, in the case of those Restricted Area/Military Climb Corridors which do not have a designated controlling agency, the using agency is a military air traffic control facility which may be contacted for transit through the climb corridor.

"VHF" means very high frequency.

"VOR" means very high frequency omnirange station.

"VORTAC" means collocated VOR and TACAN.

"W" means west.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7187 (Rewritten);

SUBPART B - Restricted Areas

§ 608.11 Purpose.

The purpose of this subpart is to designate restricted areas. All activities conducted in a restricted area in accordance with the purpose for which it was designated must be contained therein. In addition, limitations are imposed upon the operation of aircraft within designated restricted areas in accordance with § 608.12.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7188 (Rewritten);

§ 608.12 Restriction.

No person shall operate an aircraft within any area named and described in this subpart, between the designated altitudes, during the time of designation, unless prior permission for such operation has been issued by the appropriate authority.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7188 (Rewritten);

§ 608.13 Using Agency.

The using agency shall submit an annual Utilization Report as prescribed in § 608.15 on each restricted area for which it has been designated "Using Agency" provided, however, that annual Utilization Reports need not be submitted on restricted areas established for climb corridors; shall execute upon request of the Federal Aviation Agency a letter establishing procedures for joint use of the restricted area wherein the using agency would notify the controlling agency whenever permission may be granted by the controlling agency for transit of or flight within the restricted area in accordance with the terms of such a letter; schedule activities in the restricted area; and shall authorize transit of or flight within the restricted area as feasible.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7188 (Rewritten);

§ 608.14 Controlling Agency.

The controlling agency, where feasible, may clear and authorize air traffic for transit of or flight within a restricted area as set forth in a letter of joint use procedures between the using agency and the controlling agency.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7188 (Rewritten);

§ 608.15 Utilization Report.

The following data are to be submitted annually for the 12-month period October 1 through September 30 inclusive. Such data will be forwarded in duplicate by the Using Agency each year so as to reach the Director, Air Traffic Service, Federal Aviation Agency, Washington 25, D. C., not later than January 31 of the year following the reporting period.

(a) Designated name and number of the area as published in Regulations of the Administrator, Part 608 - Special Use Airspace.

(b) Period covered by the report.

(c) A detailed list of the activities carried on in the restricted area by all organizations utilizing the area for the restricted area purposes.

(d) Time daily operations normally are scheduled to begin and end.

(e) Average number of hours the area is actually used per day. In addition, in the case of restricted areas utilized for aircraft operations, the total aircraft hours of actual use per reporting period.

(f) Number days per week, weeks per month, months per year (as appropriate) the area is used for actual operations.

(g) A statement (affirmative or negative) as to whether radar is utilized during operations.

(h) Number and type of aircraft, if any, normally involved in performing activities for which the restricted area is designated.

(i) Altitudes used in daily operations of aircraft. Include for each activity, the altitudes utilized and the number of hours at each such altitude.

(j) A chart of the restricted area (of optional scale and design) depicting the following applicable items:

(1) Approximate location (and/or representative pattern) of firing and/or bombing runs, if any, showing, if appropriate, where run begins, where firing, if any, commences and ends, and release point and pull up.

(2) Location of impact areas, if any.

(k) Maximum ordinate of surface firing (expressed in feet, mean sea level altitude) used to execute required operations.

(l) Number of hours and/or minutes (daily) maximum ordinate altitudes are normally utilized in surface to surface firing operations.

(m) Altitudes normally used for daily surface to surface firing operations.

(n) A chart of the restricted area (of optional scale and design) depicting the following:

(1) Location of firing points and impact areas, if any.

(2) Perimeter of the firing fan for each weapon utilized, if any.

(o) A brief resume outlining any other pertinent facts concerning the present use of the restricted area and requirement for continued use of the area or any part of it.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7188 (Rewritten);

STATES AND POSSESSIONS

§ 608.21 Alabama

R-2102 Fort McClellan, Ala.

Boundaries. Beginning at Lat. 33°45'32" N, Long. 86°01'12" W; to Lat. 33°45'40" N, Long. 85°54'00" W; to Lat. 33°41'55" N, Long. 85°52'45" W; to Lat. 33°40'15" N, Long. 85°54'00" W; to Lat. 33°41'00" N, Long. 85°55'45" W; to Lat. 33°41'00" N, Long. 85°57'18" W; to Lat. 33°41'18" N, Long. 85°57'18" W; to Lat. 33°41'18" N, Long. 85°59'00" W; to Lat. 33°40'40" N, Long. 85°59'00" W; to Lat. 33°40'40" N, Long. 86°00'00" W; to Lat. 33°41'18" N, Long. 86°00'00" W; to Lat. 33°41'18" N, Long. 86°01'12" W; to the point of beginning.
Designated altitudes. Surface to 24,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, Fort McClellan, Ala.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7188 (Rewritten); F. R. error corrected 26 F R. 8377;

R-2103 Fort Rucker, Ala.

Boundaries. A circular area with a radius of 4 miles centered at Lat. 31°26'55" N, Long. 85°47'45" W.
Designated altitudes. Surface to 24,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, U. S. Army Aviation Center, Fort Rucker, Ala.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7189 (Rewritten);

R-2104 Huntsville, Ala.

Boundaries. Beginning at Lat. 34°39'21" N, Long. 86°35'30" W; to Lat. 34°35'11" N, Long. 86°35'51" W; to Lat. 34°35'26" N, Long. 86°42'01" W; to Lat. 34°42'00" N, Long. 86°44'30" W; to Lat. 34°42'00" N, Long. 86°41'30" W; to Lat. 34°39'36" N, Long. 86°41'40" W; to point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Memphis ARTC Center.
Using agency. Commanding General, United States Army Ordnance Missile Command, Huntsville, Ala.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7189 (rewritten);

§ 608.22 Alaska

R-2201 Anchorage, Alaska (Elmendorf AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 296° radial of the Elmendorf AFB TACAN, extending from 3 miles from the W end of Elmendorf AFB runway 23 to 25 miles from the W end of runway 23, and having a width of 2.145 miles at the beginning and expanding uniformly to a width of 4.3 miles at the outer extremity.
Designated altitudes.
3,000 feet MSL to flight level 270 from 3 miles W of the W end of runway 23 to 5 miles W of the W end of runway 23.
5,000 feet MSL to flight level 270 from 5 to 7 miles W of the W end of runway 23.
7,000 feet MSL to flight level 270 from 7 to 12 miles W of the W end of runway 23.
10,000 feet MSL to flight level 270 from 12 to 17 miles W of the W end of runway 23.
13,000 feet MSL to flight level 270 from 17 to 22 miles W of the W end of runway 23.
16,000 feet MSL to flight level 270 from 22 to 25 miles W of the W end of runway 23.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Anchorage Approach Control.
Using agency. Commander, Elmendorf AFB, Alaska.

AMENDMENTS on publ. (8/10/61) 26 F. R. 7189 (Rewritten);

R-2202 Big Delta, Alaska

Boundaries. Beginning at Lat. 64°14'45" N, Long. 146°43'15" W; to Lat. 64°02'30" N, Long. 146° 07'10" W; to Lat. 63°59'27" N, Long. 146°10'51" W; to Lat. 63°55'50" N, Long. 145°56'25" W; to Lat. 63°43'00" N, Long. 145°54'52" W; to Lat. 63°42'40" N, Long. 146°00'27" W; to Lat. 63°42'15" N, Long, 146°13'26" W; to Lat. 63°44'00" N, Long. 146°30'00" W; to Lat. 63°50'50" N, Long. 146°47'30" W; thence along the E bank of the East Fork and Little Delta Rivers to the point of beginning.
Designated altitudes. Surface to 60,000 feet MSL.
Time of designation. October 1 through March 31.
Controlling agency. Federal Aviation Agency, Fairbanks ARTC Center
Using agency. President, U. S. Army Arctic Test Board, Fort Greely, Alaska.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7189 (Rewritten); 2/8/62 26 F.R. 12284 (Rewritten);

R-2203 Eagle River, Alaska.

Boundaries. Beginning at latitude 61°29'00" N., longitude 149°33'48" W.; to latitude 61°22'10" N., longitude 149°33'48" W.; to latitude 61°17'15" N., longitude 149°36'15" W.; to latitude 61°17'15" N., longitude 149°42'25" W.; to latitude 61°18'00" N., longitude 149°44'00" W.; to latitude 61°27'15" N., longitude 149° 44'00" W.; to the point of beginning.
Designated altitudes. Surface to 18,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Anchorage ARTC Center.
Using agency. Commanding General, U. S. Army Alaska, Fort Richardson, Alaska.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7189 (Rewritten); 5/3/62 27 F.R. 2453 (Rewritten);

R-2204 Shemya, Alaska.

Boundaries. Beginning at Lat. 52°44'48" N, Long. 174°07'06" E; to Lat. 52°43'42" N, Long. 174° 07'06" E; to Lat. 52°43'42" N, Long. 174°05'16" E; to Lat. 52°44'48" N, Long. 174°05'16" E; to the point of beginning.
Designated altitudes. Surface to 2,500 feet MSL.
Time of designation. Continuous.
Using agency. Commander, 5040th Air Base Squadron, Shemya AFB, Alaska.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7189 (Rewritten);

R-2205 Yukon, Alaska.

Boundaries. Beginning at Lat. 64°45'30" N, Long. 146°47'20" W; Counterclockwise along the arc of a 25-mile radius circle centered at Lat. 64°50'13" N, Long. 147°36'46" W; to Lat. 64°46'12" N, Long. 146°46'40" W; to Lat. 64°46'10" N, Long. 146°11'15" W; to Lat. 64°35'18" N, Long. 146°11'15" W; to Lat. 64°33'24" N, Long. 146°18'30" W; to Lat. 64°33'25" N, Long. 146°25'00" W; to the point of beginning.
Designated altitudes. Surface to 36,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Fairbanks ARTC Center.
Using agency. Commanding General, U. S. Army Alaska, Fort Richardson, Alaska.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7189 (Rewritten); 2/8/62 26 F.R. 12284 (Rewritten); On publ. (2/24/62) 27 F. R. 1757 (Changed);

R-2206 Clear, Alaska.

Boundaries. The airspace within a radius of 30,000 feet of Lat. 64°17'16" N, Long. 149°10'58" W, extending clockwise from a bearing of 235° to a bearing of 005° and within a radius of 500 feet, extending clockwise from a bearing of 005° to a bearing of 235°.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Using agency. Commander, Air Defense Command, Ent AFB, Colorado.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7189 (Rewritten); On publ. (12/23/61) 26 F. R. 12291 (Rewritten); 6/28/62 27 F.R. 4553 (Changed);

R-2207 Fairbanks, Alaska (Eielson AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 016° radial of the Eielson AFB TACAN extending from 5 miles N of the airbase (Lat. 64°40'00" N, Long. 147°06'00" W) to 32 miles N of the airbase having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.
Designated altitudes.
3,500 feet MSL to 15,000 feet MSL from 5 miles N of the airbase to 6 miles N of the airbase.
3,500 feet MSL to flight level 240 from 6 to 7 miles N of the airbase.
5,500 feet MSL to flight level 270 from 7 to 9 miles N of the airbase.
7,000 feet MSL to flight level 270 from 9 to 15 miles N of the airbase.
10,000 feet MSL to flight level 270 from 15 to 20 miles N of the airbase.
13,000 feet MSL to flight level 270 from 20 to 25 miles N of the airbase.
16,000 feet MSL to flight level 270 from 25 to 32 miles N of the airbase.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Fairbanks Approach Control.
Using agency. Commander, Eielson AFB, Alaska.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7189 (Rewritten);

R-2208 Fort Greely, Alaska.

Boundaries. Beginning at Lat. 64°02'30" N, Long. 146°07'10" W; to Lat. 63°56'17" N, Long. 145° 49'30" W; to Lat. 63°54'20" N, Long. 145°50'20" W; to Lat. 63°50'30" N, Long. 145°50'00" W; to Lat. 63°43'00" N, Long. 145°54'01" W; to Lat. 63°43'00" N, Long. 145°54'52" W; to Lat. 63°55'50" N, Long. 145°56'25" W; to Lat. 63°59'27" N, Long. 146°10'51" W; to the point of beginning.
Designated altitudes. Surface to 23,000 feet MSL.
Time of designation. October 1 through March 31.
Controlling agency. Federal Aviation Agency, Fairbanks ARTC Center.
Using agency. President, U. S. Army Arctic Test Board, Fort Greely, Alaska.

AMENDMENTS 2/8/62 26 F.R. 12284 (Added);

R-2209 Little Delta, Alaska.

Boundaries. Beginning at latitude 64°08'51" N., longitude 146°37'53" W.; to latitude 63°56'25" N., longitude 146°02'46" W.; to latitude 63°51'02" N., longitude 146°12'16" W.; to latitude 64°03'28" N., longitude 146°47'47" W.; to the point of beginning.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. April 1 to September 30, as advertised by NOTAM.
Controlling agency. Federal Aviation Agency, Fairbanks ARTC Center.
Using agency. Commander, Alaskan Air Command.

AMENDMENTS 6/28/62 27 F.R. 4473 (Added):

§ 608.23 Arizona

R-2301 Ajo, Arizona.

Boundaries. Beginning at Lat. 32°50'25" N, Long. 112°49'00" W; to Lat. 32°11'30" N, Long. 112° 58'45" W; to Lat. 32°11'30" N, Long. 113°05'30" W; to Lat. 31°58'00" N, Long. 113°05'30" W; along the United States-Mexican border to Lat. 32°23'45" N, Long. 114°28'30" W; to Lat. 32°30'00" N, Long. 114°28'30" W; to Lat. 32°30'00" N, Long. 114°31'00" W; to Lat. 32°35'00" N, Long. 114°31'00" W; to Lat. 32°35'00" N, Long. 114°28'30" W; to Lat. 32°39'40" N, Long. 114°28'30" W; to Lat. 32°40'45" N, Long. 114°18'29" W; along the Southern Pacific Railroad and U. S. Highway No. 80 to Lat. 32°44'15" N, Long. 113°41'05" W; to Lat. 32°45'50" N, Long. 113°34'30" W; to the point of beginning.
Designated altitudes. Surface to flight level 800.
Time of designation. Continuous.
Using agency. Commander, Luke AFB, Arizona.

AMENDMENTS On pulb. (8/10/61) 26 F. R. 7189 (Rewritten); On publ. (9/22/61) 26 F. R. 8938 (Rewritten); 6/28/62 27 F.R. 4151 (Changed):

R-2302 Flagstaff, Arizona.

Boundaries. Beginning at Lat. 35°12'00" N, Long. 111°46'00" W; to Lat. 35°10'00" N, Long. 111° 46'00" W; to Lat. 35°10'00" N, Long. 111°48'00" W; to Lat. 35°09'00" N, Long. 111°48'00" W; to Lat. 35°09'00" N, Long. 111°55'00" W; to Lat. 35°15'00" N, Long. 111°55'00" W; along the Santa Fe Railroad to the point of beginning.
Designated altitudes. Surface to 11,000 feet MSL.
Time of designation. 0800 to 2400 MST, Monday through Saturday.
Using agency. Commanding Officer, Navajo Ordance Depot, Flagstaff, Arizona.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7189 (Rewritten);

R-2303 Fort Huachuca, Arizona.

Boundaries. Beginning at Lat. 31°34'40" N, Long. 110°00'00" W; to Lat. 31°29'00" N, Long. 110° 00'00" W; to Lat. 31°29'00" N, Long. 110°18'00" W; to Lat. 31°23'45" N, Long. 110°18'00" W; to Lat. 31°23'45" N, Long. 110°39'00" W; to Lat. 31°38'30" N, Long. 110°46'10" W; to Lat. 31°38'30" N, Long. 110°39'30" W, to Lat. 31°41'00" N, Long. 110°33'30" W; to Lat. 31°41'00" N, Long. 110° 16'30" W; to Lat. 31°41'40" N, Long. 110°15'00" W; to Lat. 31°41'40" N, Long. 110°13'30" W; to the point of beginning.
Designated altitudes. Surface to 35,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, U. S. Army Electronic Proving Ground, Fort Huachuca, Arizona.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7189 (Rewritten);

R-2304 Gila Bend, Arizona

Boundaries. Beginning at Lat. 32°38'30" N, Long. 112°18'00" W; to Lat. 32°26'40" N, Long. 112° 18'00" W; to Lat. 32°26'40" N, Long. 112°43'30" W; to Lat. 32°49'00" N, Long. 112°39'00" W; to the point of beginning.
Designated altitudes. Surface to flight level 400.
Time of designation. Sunrise to sunset, Monday through Friday, VFR.
Using agency. Commander, Luke AFB, Arizona.

AMENDMENTS On publ. (8/10/61) 26 F R. 7189 (Rewritten);

R-2305 Gila Bend, Arizona

Boundaries. Beginning at Lat. 32°50'25" N, Long. 112°49'00" W; to Lat. 32°50'52" N, Long. 112° 42'53" W; to Lat. 32°49'00" N, Long. 112°39'00" W; to Lat. 32°29'00" N, Long. 112°43'00" W; to Lat. 32°29'00" N, Long. 112°53'30" W; to the point ~~of b~~eginning.
Designated altitudes. Surface to flight level 400.
Time of designation. Sunrise to sunset.
Using agency. Commander, Luke AFB, Ariz.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7189 (Rewritten);

R-2307 Yuma, Arizona

Boundaries. Beginning at Lat. 32°52'00" N, Long. 114°00'00" W; to Lat. 32°52'50" N, Long. 113° 50'10" W; to Lat. 32°58'00" N, Long. 113°37'20" W; to Lat. 33°02'00" N, Long. 113°37'20" W; to Lat. 33°02'00" N, Long. 113°56'30" W; to Lat. 33°00'00" N, Long. 114°11'00" W; to Lat. 33°00'00" N, Long. 114°31'00" W; to Lat. 32°51'15" N, Long. 114°31'00" W; to Lat. 32°52'30" N, Long. 114°21'00" W; to Lat. 32°51'15" N, Long. 114°21'00" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Commanding Officer, Yuma Test Station, Yuma, Ariz.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7190 (Rewritten);

§ 608.24 Arkansas

R-2401 Fort Chaffee, Ark.

Boundaries. Beginning at Lat. 35°17'30" N, Long. 94°12'17" W; to Lat. 35°14'30" N, Long. 94° 12'15" W; to Lat. 35°14'00" N, Long. 94°13'00" W; to Lat. 35°14'00" N, Long. 94°15'00" W; to Lat. 35°14'45" N, Long. 94°16'30" W; to Lat. 35°18'15" N, Long. 94°17'00" W; to the point of beginning.
Designated altitudes. Surface to 6,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, St. Louis ARTC Center.
Using agency. Commanding General, Fort Chaffee, Ark.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7190 (Rewritten); On publ. (12/7/61) 26 F. R. 11729 (CHANGED);

R-2402 Fort Chaffee, Ark.

Boundaries. Beginning at Lat. 35°17'30" N, Long. 94°12'17" W; to Lat. 35°16'00" N, Long. 94° 01'30" W; to Lat. 35°11'30" N, Long. 94°01'30" W; to Lat. 35°11'30" N, Long. 94°10'00" W; to Lat. 35°14'00" N, Long. 94°10'00" W; to Lat. 35°14'00" N, Long. 94°13'00" W; to Lat. 35°14'30" N, Long. 94°12'15" W; to the point of beginning.
Designated altitudes. Surface to 26,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, St. Louis ARTC Center.
Using agency. Commanding General, Fort Chaffee, Ark.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7190 (Rewritten); On publ. (12/7/61) 26 F. R. 11729 (CHANGED);

R-2403 Little Rock, Ark.

Boundaries. Beginning at Lat. 34°57'00" N, Long. 92°15'00" W; to Lat. 34°52'00" N, Long. 92° 15'00" W; to Lat. 34°52'00" N, Long. 92°19'30" W; to Lat. 34°57'00" N, Long. 92°19'30" W; to the point of beginning.
Designated altitudes. Surface to 6,000 feet MSL.
Time of designation. 0700 Saturday through 1700 Sunday CST, Sept. 1 through May 31; and 0600 to 2400 CST, daily, June 1 through August 31.
Controlling agency. Federal Aviation Agency, Little Rock Control Tower.
Using agency. Adjutant General, State of Arkansas, Little Rock, Arkansas.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7190 (Rewritten); On publ. (9/7/61) 26 F. R. 8416 (Rewritten);

§ 608.25 California

R-2501 Bullion Mountains, Calif.

Boundaries. Beginning at Lat. 34°41'00" N, Long. 116°03'00" W; to Lat. 34°35'30" N, Long. 115° 58'00" W; to Lat. 34°33'00" N, Long. 115°47'00" W; to Lat. 34°25'00" N, Long. 115°47'00" W; to Lat. 34°25'00" N, Long. 115°44'00" W; to Lat. 34°14'00" N, Long. 115°44'00" W; to Lat. 34°14'00" N, Long. 116°17'00" W; to Lat. 34°30'00" N, Long. 116°26'30" W; to Lat. 34°40'30" N, Long. 116°29'40" W; to Lat. 34°43'00" N, Long. 116°26'20" W; to Lat. 34°43'00" N, Long. 116°17'00" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commanding General, Marine Corps Base, Twentynine Palms, Calif.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7190 (Rewritten);

R-2502 Fort Irwin, Calif.

Boundaries. Beginning at Lat. 35°37'45" N, Long. 116°29'40" W; to Lat. 35°34'30" N, Long. 116° 29'40" W; to Lat. 35°34'30" N, Long. 116°23'30" W; to Lat. 35°28'35" N, Long. 116°18'45" W; to Lat. 35°18'45" N, Long. 116°18'45" W; to Lat. 35°07'00" N, Long. 116°34'00" W; to Lat. 35°07'00" N, Long. 116°47'45" W; to Lat. 35°10'00" N, Long. 116°49'00" W; to Lat. 35°19'00" N, Long. 116°49'00" W; to Lat. 35°19'00" N, Long. 116°55'20" W; to Lat. 35°37'45" N, Long. 116°55'20" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commanding General, Fort Irwin, Calif.

AMENDMENTS 8/24/61 26 F.R. 5389 (Rewritten);
AMENDMENTS On publ. (8/10/61) 26 F.R. 7190 (Rewritten); On publ. (10/28/61) 26 F.R. 10125 (CHANGED);

R-2503 Camp Pendleton, Calif.

Boundaries. Beginning at latitude 33°24'23" N., longitude 117°15'15" W.; to latitude 33°18'00" N., longitude 117°16'08" W.; to latitude 33°17'30" N., longitude 117°16'40" W.; to latitude 33°18'20" N., longitude 117°21'48" W.; to latitude 33°27'48" N., longitude 117°33'15" W.; to latitude 33°30'13" N., longitude 117° 29'13" W.; to the point of beginning.
Designated altitudes. Surface to 15,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, El Toro Approach Control.
Using agency. Commanding General, Camp Pendleton, Calif.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7190 (Rewritten); On publ. (3/24/62 27 F.R. 2764 (Rewritten);

R-2504 Camp Roberts, Calif.

Boundaries. Beginning at Lat. 35°49'45" N, Long. 120°49'00" W; to Lat. 35°43'45" N, Long. 120° 45'30" W; to Lat. 35°43'45" N, Long. 120°48'45" W; to Lat. 35°46'30" N, Long. 120°52'00" W; to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, Camp Roberts, Calif.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7190 (Rewritten);

R-2505 China Lake, Calif.

Boundaries. Beginning at Lat. 36°14'00" N, Long. 117°53'00" W; to Lat. 36°14'00" N, Long. 117° 25'00" W; to Lat. 35°40'30" N, Long. 117°25'00" W; to Lat. 35°37'30" N, Long. 117°35'30" W; to Lat. 35°37'30" N, Long. 117°47'30" W; to Lat. 35°54'00" N, Long. 117°53'00" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center
Using agency. Commander, Naval Ordnance Test Station, China Lake, Calif.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7190 (Rewritten);
AMENDMENTS 9/21/61 26 F. R. 7330 (Changed); On publ. (10/25/61) 26 F. R. 9986 (CHANGED);

R-2506 China Lake South, Calif.

Boundaries. Beginning at Lat. 35°37'30" N, Long. 117°41'30" W; to Lat. 35°24'00" N, Long. 117° 40'30" W; to Lat. 35°24'00" N, Long. 117°46'30" W; to Lat. 35°37'30" N, Long. 117°47'30"W; to the point of beginning.
Designated altitudes. Surface to 6,000 feet MSL.
Time of designation. Sunrise to sunset, Monday through Friday.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commander, Naval Ordnance Test Station, China Lake, Calif.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7190 (Rewritten);
AMENDMENTS 9/21/61 26 F. R. 7330 (Changed); On publ. (10/25/61) 26 F. R. 9986 (CHANGED);

R-2507 Chocolate Mountains, California

Boundaries. Beginning at Lat. 33°32'40" N, Long. 115°33'50" W; to Lat. 33°31'30" N, Long. 115° 32'00" W; to Lat. 33°31'15" N, Long. 115°26'45" W; to Lat. 33°29'00" N, Long. 115°20'00" W; to Lat. 33°25'50" N, Long. 115°14'30" W; to Lat. 33°24'15" N, Long. 115°17'00" W; to Lat. 33°21'40" N, Long. 115°12'00" W; to Lat. 33°22'50" N, Long. 115°09'58" W; to Lat. 33°08'45" N, Long. 114°56'40" W; to Lat. 33°01'00" N, Long. 115°06'00" W; to Lat. 33°28'30" N, Long. 115°42'10" W; to the point of beginning, excluding the portion that would coincide with VOR Federal airway no. 117.
Designated altitudes. Surface to flight level 500.
Time of designation. Continuous.
Using agency. Commanding Officer, Marine Corps Auxiliary Air Station, Yuma, Ariz.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7190 (Rewritten);

R-2508 Complex, Calif.

Boundaries. Beginning at Lat. 37°12'00" N, Long. 117°20'00" W; to Lat. 35°34'00" N, Long. 116° 23'00" W; to Lat. 35°28'35" N, Long. 116°18'45" W; to Lat. 35°18'45" N, Long. 116°18'45" W; to Lat. 35°07'00" N, Long. 116°34'00" W; to Lat. 35°07'00" N, Long. 116°47'45" W; to Lat. 35°08'50" N, Long. 116°48'40" W; to Lat. 35°06'30" N, Long. 116°58'40" W; to Lat. 34°53'30" N, Long. 117°11'50" W; to Lat. 34°50'20" N, Long. 117°32'00" W; to Lat. 34°48'30" N, Long. 117°32'00" W; to Lat. 34°48'00" N, Long. 117°35'00" W; to Lat. 34°48'00" N, Long. 118°01'00" W; to Lat. 34°49'40" N, Long. 118°05'45" W; to Lat. 34°51'30" N, Long. 118°05'45" W; to Lat. 34°56'00" N, Long. 118°21'00" W; Lat. 35°15'00" N, Long. 118°35'00" W; to Lat. 37°12'00" N, Long. 118°35'00" W; to the point of beginning.
Designated altitudes. 20,000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commander, Naval Ordnance Test Station, China Lake, Calif.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7190 (Rewritten);
AMENDMENTS 8/24/61 26 F. R. 5389 (Rewritten); On publ. (10/25/61) 26 F. R. 9986 (CHANGED);

R-2509 Cuddeback Dry Lake, Calif.

Boundaries. Beginning at Lat. 35°25'00" N, Long. 117°26'00" W; to Lat. 35°25'00" N, Long. 117° 16'52" W; to Lat. 35°15'56" N, Long. 117°16'52" W; to Lat. 35°15'56" N, Long. 117°26'00" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous, VFR.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center
Using agency. Commander, George AFB, Calif.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7190 (Rewritten);

R-2510 El Centro, Calif.

Boundaries. Beginning at Lat. 32°59'35" N, Long. 115°43'30" W; to Lat. 32°52'40" N, Long. 115° 43'30" W; counterclockwise along the arc of a 5-mile radius circle centered at Lat. 32°49'20" N, Long. 115°40'15" W; to Lat. 32°50'05" N, Long. 115°45'20" W; to Lat. 32°50'05" N, Long. 115°55'00" W; to Lat. 32°55'50" N, Long. 115°55'00" W; to Lat. 33°01'20" N, Long. 116°02'15" W; to Lat. 33°06'35" N, Long. 115°56'50" W; to Lat. 33°06'35" N, Long. 115°51'12" W; to the point of beginning.
Designated altitudes. Surface to flight level 400.
Time of designation. Continuous.
Using agency. Commanding Officer, Marine Corps Auxiliary Air Station, Yuma, Arizona.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7190 (Rewritten);

R-2511 Fort Ord, Calif.

Boundaries. Beginning at Lat. 36°41'15" N, Long. 121°47'40" W; to Lat. 36°39'40" N, Long. 121° 43'20" W; to Lat. 36°37'35" N, Long. 121°41'17" W; to Lat. 36°34'54" N, Long. 121°43'01" W; to Lat. 36°34'30" N, Long. 121°47'40" W; counterclockwise along the arc of a 3-mile radius circle centered at Lat. 36°35'30" N, Long. 121°50'30" W; to Lat. 36°38'00" N, Long. 121°50'20" W; to Lat. 36° 38'15" N, Long. 121°51'45" W; to Lat. 36°42'00" N, Long 121°49'45" W; to Lat. 36°40'59" N, Long 121°48'49" W; to the point of beginning.
Designated altitudes. Surface to 3,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, Fort Ord, Calif.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7190 (Rewritten);

R-2512 Holtville, Calif.

Boundaries. Beginning at Lat. 33°05'00" N, Long. 115°17'30" W; to Lat. 33°00'00" N, Long. 115° 13'30" W; to Lat. 32°51'00" N, Long. 115°05'30" W; to Lat. 32°51'00" N, Long. 115°17'00" W; to Lat. 32°58'00" N, Long. 115°17'30" W; to Lat. 33°05'00" N, Long. 115°20'00" W; to the point of beginning.
Designated altitudes. Surface to flight level 400.
Time of designation. Continuous.
Using agency. Commanding Officer, Marine Corps Auxiliary Air Station, Yuma, Ariz.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7191 (Rewritten);

R-2513 Hunter-Liggett, Calif.

Boundaries. Beginning at Lat. 36°03'30" N, Long. 121°16'30" W; to Lat. 35°54'45" N, Long. 121° 05'00" W; to Lat. 35°51'45" N, Long. 121°07'45" W; to Lat. 35°49'45" N, Long. 121°21'00" W; to Lat. 35°53'00" N, Long. 121°24'45" W; to Lat. 36°01'00" N, Long. 121°24'45" W; to the point of beginning.
Designated altitudes. Surface to 40,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, Hunter-Liggett Military Reservation, Calif.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7191 (Rewritten);

R-2514 Merced, Calif. (Castle AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the NW course of the Castle AFB ILS localizer, extending from 6 miles NW of the airbase (Lat. 37°22'45" N, Long. 120°34'00" W) to 32 miles NW of the airbase with a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.
Designated altitudes:
2,200 feet MSL to 15,200 feet MSL from 5 miles NW of the airbase to 6 miles NW of the airbase.
2,200 feet MSL to flight level 242 from 6 to 7 miles NW of the airbase.
2,200 feet MSL to flight level 270 from 7 to 10 miles NW of the airbase.
6,200 feet MSL to flight level 270 from 10 to 15 miles NW of the airbase.
10,200 feet MSL to flight level 270 from 15 to 20 miles NW of the airbase.
15,200 feet MSL to flight level 270 from 20 to 25 miles NW of the airbase.
19,200 feet MSL to flight level 270 from 25 to 32 miles NW of the airbase.
Time of designation. Continuous.
Using agency. Castle AFB Approach Control.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7191 (Rewritten);

R-2515 Muroc Lake, Calif.

Boundaries. Beginning at Lat. 35°19'00" N, Long. 116°49'00" W; to Lat. 35°10'00" N, Long. 116° 49'00" W; to Lat. 35°08'50" N, Long. 116°48'40" W; to Lat. 35°06'30" N, Long. 116°58'40" W; to Lat. 34°53'30" N, Long. 117°11'50" W; to Lat. 34°50'20" N, Long. 117°32'00" W; to Lat. 34°48'30" N, Long. 117°32'00" W; to Lat. 34°48'00" N, Long. 117°35'00" W; to Lat. 34°48'00" N, Long. 118°01'00" W; to Lat. 34°49'40" N, Long. 118°05'45" W; to Lat. 35°01'00" N, Long. 118°05'45" W; to Lat. 35°27'40" N, Long. 117°26'00" W; to Lat. 35°15'56" N, Long. 117°26'00" W; to Lat. 35°15'56" N, Long. 116°55'20" W; to Lat. 35°19'00" N, Long. 116°55'20" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commander, Edwards AFB, Calif.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7191 (Rewritten);

R-2516 Naval Missile Facility, Point Arguello, Calif.

Boundaries. Beginning at Lat. 34°56'30" N, Long. 120°43'30" W; to Lat. 34°55'40" N, Long. 120° 39'40" W; to Lat. 34°49'00" N, Long. 120°27'15" W; to Lat. 34°46'15" N, Long. 120°26'40" W; to Lat. 34°39'50" N, Long. 120°31'15" W; to Lat. 34°35'00" N, Long. 120°31'40" W; to Lat. 34°34'52" N, Long. 120°42'37" W; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Commander, Pacific Missile Range, Point Mugu, Calif.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7191 (Rewritten);

R-2517 Naval Missile Facility, Point Arguello, Calif.

Boundaries. Beginning at Lat. 34°34'52" N, Long. 120°42'57" W; to Lat. 34°35'00" N, Long. 120° 30'00" W; to Lat. 34°24'00" N, Long. 120°30'00" W; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Commander, Pacific Missile Range, Point Mugu, Calif.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7191 (Rewritten);

R-2518 Offshore of California.

Boundaries. A circular area with a 300-yard radius centered at Lat. 33°02'04" N, Long. 118°36'47" W.
Designated altitudes. Surface to 2,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Commander, 11th Naval District, San Diego, Calif.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7191 (Rewritten);

R-2519 Point Mugu, Calif.

Boundaries. Beginning at Lat. 34°07'00" N, Long. 119°07'00" W; to Lat. 34°04'15" N, Long. 119° 03'40" W; to Lat. 34°02'15" N, Long. 119°04'20" W; thence 3 nautical miles from and parallel to the shoreline to Lat. 34°05'30" N, Long. 119°13'00" W; to Lat. 34°05'55" N, Long. 119°11'15" W; to Lat. 34°07'08" N, Long. 119°09'32" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commander, Pacific Missile Range, Point Mugu, Calif.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7191 (Rewritten);

R-2520 Point Mugu, Calif.

Boundaries. Beginning at Lat. 34°08'30" N, Long. 119°06'10" W; to Lat. 34°07'00" N, Long. 119° 05'00" W; to Lat. 34°06'15" N, Long. 119°05'25" W; to Lat. 34°07'00" N, Long. 119°07'00" W; to Lat. 34°07'07" N, Long. 119°09'00" W; to Lat. 34°08'30" N, Long. 119°07'40" W; to the point of beginning.
Designated altitudes. Surface to 3,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commander, Pacific Missile Range, Point Mugu, Calif.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7191 (Rewritten);

R-2521 Salton Sea, Calif.

Boundaries. Beginning at latitude 33°18'00" N., longitude 115°44'00" W.; to latitude 33°10'40" N., longitude 115°44'00" W.; to latitude 33°10'40" N., longitude 115°49'50" W.; to latitude 33°23'15" N., longitude 115°58'40" W.; to latitude 33°26'15" N., longitude 115°54'00" W.; to the point of beginning.
Designated altitudes. Surface to flight level 600 sunrise to sunset; surface to 1,000 feet MSL sunset to sunrise.
Time of designation. Sunrise Monday to 2400 PST Friday.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commander, 6511th Test Group (USAF), El Centro, Calif.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7191 (Rewritten); On publ. (4/5/62) 27 F.R. 3237 (Rewritten);

R-2522 San Rafael, Calif. (Hamilton AFB). Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 325° radial of the Hamilton VOR extending from 7 miles NW of the airbase at Lat. 38°03'35" N, Long. 122°30'30" W to 34 miles NW of the airbase having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.
Designated altitudes:
2,000 feet MSL to 15,000 feet MSL from 7 miles NW of the airbase to 8 miles NW of the airbase.
2,000 feet MSL to flight level 240 from 8 to 9 miles NW of the airbase.
2,000 feet MSL to flight level 270 from 9 to 12 miles NW of the airbase
6,000 feet MSL to flight level 270 from 12 to 17 miles NW of the airbase.
10,000 feet MSL to flight level 270 from 17 to 22 miles NW of the airbase.
15,000 feet MSL to flight level 270 from 22 to 27 miles NW of the airbase.
19,000 feet MSL to flight level 270 from 27 to 34 miles NW of the airbase.
Time of designation. Continuous.
Using agency. Hamilton AFB Approach Control.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7191 (Rewritten);

R-2524 Trona, Calif.

Boundaries. Beginning at Lat. 35°47'46" N, Long. 116°55'20" W; to Lat. 35°15'56" N, Long. 116° 55'20" W; to Lat. 35°15'56" N, Long. 117°16'52" W; to Lat. 35°25'00" N, Long. 117°16'52" W; to Lat. 35°25'00" N, Long. 117°26'00" W; to Lat. 35°36'00" N, Long. 117°26'00" W; to Lat. 35°36'00" N, Long. 117°16'52" W; to Lat. 35°47'46" N, Long. 117°16'52" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commander, Naval Ordnance Test Station, China Lake, Calif.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7191 (Rewritten);
AMENDMENTS On publ. (10/25/61) 26 F. R. 9986 (Changed);

R-2525 Vernalis, Calif.

Boundaries. A 5-nautical mile radius circle centered at latitude 37°24'00" N., longitude 121°20'00" W.
Designated altitudes. Surface to 17,000 feet MSL.
Time of designation. One hour before sunrise to one hour after sunset.
Controlling agency. Federal Aviation Agency, Oakland ARTC Center.
Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7191 (Rewritten); 5/31/62 27 F.R. 3593 (Rewritten);

R-2526 Victorville, Calif. (George AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 242° radial of the George AFB VOR extending from 5 miles W of the airbase (Lat. 34°35'45" N, Long. 117°22'55" W) to 30 miles W of the airbase with a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.
Designated altitudes:
4,900 feet MSL to 17,900 feet MSL from 5 miles W of the airbase to 6 miles W of the airbase.
4,900 feet MSL to flight level 269 from 6 to 7 miles W of the airbase.
5,900 feet MSL to flight level 270 from 7 to 8 miles W of the airbase.
6,900 feet MSL to flight level 270 from 8 to 9 miles W of the airbase.
7,900 feet MSL to flight level 270 from 9 to 10 miles W of the airbase.
8,900 feet MSL to flight level 270 from 10 to 11 miles W of the airbase.
9,900 feet MSL to flight level 270 from 11 to 12 miles W of the airbase.
10,900 feet MSL to flight level 270 from 12 to 13 miles W of the airbase.
11,900 feet MSL to flight level 270 from 13 to 15 miles W of the airbase.
12,900 feet MSL to flight level 270 from 15 to 20 miles W of the airbase.
17,900 feet MSL to flight level 270 from 20 to 25 miles W of the airbase.
21,900 feet MSL to flight level 270 from 25 to 30 miles W of the airbase.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Edwards Approach Control.
Using agency. Commander, George AFB, Calif.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7191 (Rewritten);
AMENDMENTS 10/19/61 26 F. R. 8247 (Changed);

R-2527 Oxnard, Calif. (Oxnard AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the Oxnard AFB TACAN 270° radial and the Oxnard AFB ILS localizer W course bounded by a line beginning at Lat. 34°13'45" N, Long. 119°12'55" W; to Lat. 34°11'55" N, Long. 119°12'55" W; to Lat. 34°11'30" N, Long. 119°18'45" W; along the continental limits of the United States to Lat. 34°13'55" N, Long. 119°19'40" W; to the point of beginning.
Designated altitudes:
2,100 feet MSL to 15,100 feet MSL from 7 miles W of the TACAN to 8 miles W of the TACAN.
2,100 feet MSL to flight level 240 from 8 to 9 miles W of the TACAN.
2,100 feet MSL to flight level 270 from 9 to 12 miles W of the TACAN.
6,100 feet MSL to flight level 270 from 12 miles W of the TACAN to the continental limits of the U. S.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Ventura Approach Control.
Using agency. Commander, Oxnard AFB, Calif.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7192 (Rewritten);

R-2528 Newman, Calif.

Boundaries. Beginning at latitude 37°19'50" N., longitude 121°04'05" W., to latitude 37°16'25" N., longitude 121°02'55" W.; thence clockwise along the arc of a 3-nautical mile radius circle centered at latitude 37°17'30" N., longitude 121°06'30" W.; to latitude 37°15'30" N., longitude 121°03'30" W.; to latitude 37°05'50" N., longitude 121°01'45" W.; to latitude 37°05'15" N., longitude 121°08'00" W.; to latitude 37°17'00" N., longitude 121°10'12" W.; thence along the arc of a 3-nautical mile radius circle centered at latitude 37°17'30" N., longitude 121°06'30" W.; to the point of beginning.
Designated altitudes. 2,000 feet MSL to 17,000 feet MSL.
Time of designation. One hour before sunrise to one hour after sunset
Controlling agency. Federal Aviation Agency, Oakland ARTC Center.
Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

AMENDMENTS 5/31/62 27 F.R. 3593 (Added):

§ 608.26 Colorado.

R-2601 Fort Carson, Colo.

Boundaries. Beginning at Lat. 38°32'06" N, Long. 104°49'18" W; to Lat. 38°32'06" N, Long. 104°45'00" W; to Lat. 38°43'38" N, Long. 104°45'50" W; to Lat. 38°43'43" N, Long. 104°46'20" W; to Lat. 38°42'58" N, Long. 104°48'30" W; to Lat. 38°43'12" N, Long. 104°49'07" W; thence southwest along Colorado Highway #115 to Lat. 38°39'00" N, Long. 104°51'40" W; to Lat. 38°36'20" N, Long. 104°51'40" W; to the point of beginning.
Designated altitudes. Surface to 40,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Denver ARTC Center.
Using agency. Commanding General, Fort Carson, Colo.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7192 (Rewritten);
AMENDMENTS On publ. (8/24/61) 26 F. R. 7875 (Rewritten);

§ 608.27 Connecticut

§ 608.28 Delaware

R-2801 Bethany Beach, Del.

Boundaries. Beginning at Lat. 38°31'15" N, Long. 75°03'10" W; to Lat. 38°33'45" N, Long. 74°59'83" W; thence 3 nautical miles from and parallel to the shoreline to Lat. 38°26'45" N, Long. 74°59'15" W; to Lat. 38°29'03" N, Long. 75°03'00" W; to the point of beginning.
Designated altitudes. Surface to 36,000 feet MSL.
Time of designation. 0800 to 2000 EST, Monday through Friday, July 1 through August 31.
Using agency. Commanding General, Second U. S. Army, Fort Meade, Md.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7192 (Rewritten);

R-2803 Dover, Del. (Dover AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area based on the 184° radials of the Dover AFB VOR and the Dover AFB TACAN extending from 5 miles S of the airbase (Lat. 39°07'45" N, Long. 75°27'50" W) to 32 miles S of the airbase having a width at the beginning from 1 mile W of the TACAN 184° radial to 2.3 miles E of the VOR 184° radial and expanding uniformly to a width at the outer extremity from 2.3 miles W of the TACAN 184° radial to 2.3 miles E of the VOR 184° radial.
Designated altitudes:
2,000 feet MSL to 15,000 feet MSL from 5 miles S of the airbase to 6 miles S of the airbase.
2,000 feet MSL to flight level 240 from 6 to 7 miles S of the airbase.
2,000 feet MSL to flight level 270 from 7 to 10 miles S of the airbase.
6,000 feet MSL to flight level 270 from 10 to 15 miles S of the airbase.
10,000 feet MSL to flight level 270 from 15 to 20 miles S of the airbase.
15,000 feet MSL to flight level 270 from 20 to 25 miles S of the airbase.
19,000 feet MSL to flight level 270 from 25 to 32 miles S of the airbase.
Time of designation. Continuous.
Using agency. Dover AFB Approach Control.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7192 (Rewritten);

§ 608.29 Florida

R-2901 Avon Park, Fla.

Boundaries. Beginning at Lat. 27°44'27" N, Long. 81°15'19" W; to Lat. 27°40'50" N, Long. 81°11'12" W; to Lat. 27°40'15" N, Long. 81°11'12" W; to Lat. 27°40'15" N, Long. 81°10'13" W; to Lat. 27°38'28" N, Long. 81°10'13" W; to Lat. 27°38'28" N, Long. 81°08'22" W; along the Kissimmee River to Lat. 27°32'29" N, Long. 81°11'50" W; to Lat. 27°32'29" N, Long. 81°20'50" W; along the Arbuckle Creek to Lake Arbuckle and along the E and N shore of Lake Arbuckle to Lat. 27°42'21" N, Long. 81°25'20" W; to Lat. 27°42'36" N, Long. 81°26'09" W; to Lat. 27°42'59" N, Long. 81°26'09" W; to Lat. 27°42'59" N, Long. 81°26'24" W; to Lat. 27°43'12" N, Long. 81°26'24" W; to Lat. 27°43'12" N, Long. 81°26'39" W; to Lat. 27°44'27" N, Long. 81°26'39" W; to the point of beginning.
Designated altitudes. Surface to flight level 500.
Time of designation. Continuous.
Using agency. Commander, MacDill AFB, Fla.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7192 (Rewritten);
AMENDMENTS F. R. error corrected - 26 F. R. 8377;

R-2902 Banana River, Fla.

Boundaries. Beginning at Lat. 28°50'00" N, Long. 80°50'00" W; to Lat. 28°50'00" N, Long. 80°41'35" W; thence 3 nautical miles from and parallel to the shoreline to Lat. 28°22'00" N, Long. 80°33'00" W; to Lat. 28°22'00" N, Long. 80°38'00" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Miami ARTC Center.
Using agency. Commander, Air Force Missile Test Center, Patrick AFB, Fla.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7192 (Rewritten);

R-2903A Jacksonville East, Fla.

Boundaries. Beginning at latitude 30°15'30" N., longitude 81°43'25" W., clockwise along an arc of a circle 2½ nautical miles in radius centered at latitude 30°14'00" N., longitude 81°41'00" W., to latitude 30°11'25" N., longitude 81°41'00" W., to latitude 29°49'50" N., longitude 81°41'00" W., counterclockwise along an arc of a circle 3 nautical miles in radius centered at latitude 29°47'00" N., longitude 81°41'00" W., to latitude 29°45'15" N., longitude 81°43'40" W., to latitude 29°47'55" N., longitude 81°50'30" W., to latitude 29°50'45" N., longitude 81°49'15" W., to latitude 29°53'50" N., longitude 81°57'50" W., to latitude 30°00'15" N., longitude 81°52'05" W., to latitude 30°02'05" N., longitude 81°54'45" W., to latitude 29°56'20" N., longitude 82°00'00" W., counterclockwise along an arc of a circle 3 nautical miles in radius centered at latitude 29°53'20" N., longitude 82°00'25" W., to latitude 29°56'00" N., longitude 82°02'00" W., to latitude 30°15'30" N., longitude 82°02'00" W., to the point of beginning.
Designated altitude. Surface to flight level 600.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

AMENDMENTS 9/21/61 26 F. R. 7033 (Added); 2/8/62 26 F.R. 11047 (Rewritten);

R-2903B Stevens Lake, Fla.

Boundaries. Beginning at Lat. 29°56'20" N, Long. 82°00'00" W; to Lat. 30°02'05" N, Long. 81°54'45" W; to Lat. 30°00'15" N, Long. 81°52'05" W; to Lat. 29°53'50" N, Long. 81°57'50" W; to Lat. 29°50'45" N, Long. 81°49'15" W; to Lat. 29°47'55" N, Long. 81°50'30" W; to Lat. 29°50'55" N, Long. 81°58'20" W; thence clockwise along an arc of a circle with a 3-nautical mile radius centered at Lat. 29°53'20" N, Long. 82°00'25" W; to the point of beginning, excluding that area 1 nautical mile either side of a 220° True bearing from, and more than 1 2/3 nautical miles from Lat. 29°53'20" N, Long. 82°00'25" W.
Designated altitudes. Surface to flight level 600.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

AMENDMENTS 9/21/61 26 F. R. 7033 (Added);

R-2903C Putnam, Fla.

Boundaries. The area within a 3-nautical mile radius of Lat. 29°47'00" N, Long. 81°41'00" W.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

AMENDMENTS 9/21/61 26 F. R. 7033 (Added); 2/8/62 26 F. R. 11047 (Rewritten);

R-2903D Jacksonville West, Fla.

Boundaries. Beginning at Lat. 30°15'30" N, Long. 81°50'00" W; to Lat. 30°15'30" N, Long. 82°02'00" W; to Lat. 29°56'00" N, Long. 82°02'00" W; counterclockwise along an arc of a circle 3-nautical miles in radius centered at Lat. 29°53'20" N, Long. 82°00'25" W; to Lat. 29°53'30" N, Long. 82°04'00" W; to Lat. 30°00'00" N, Long. 82°19'30" W; to Lat. 30°03'00" N, Long. 82°20'00" W; to Lat. 30°22'00" N, Long. 82°20'00" W; to Lat. 30°21'20" N, Long. 81°55'45" W; to the point of beginning.
Designated altitudes. Surface to flight level 600.
Time of designation. Continuous, to terminate December 31, 1962.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

AMENDMENTS 9/21/61 26 F. R. 7033 (Added); 2/8/62 26 F.R. 11048 (Rewritten); (Amendment Alteration 26 F.R. 11894);

R-2906 Rodman, Fla.

Boundaries. Within a 3-nautical mile radius of latitude 29°29'00" N., longitude 81°46'00" W., and within 1½ nautical miles either side of the 240° and 300° True bearings from the center extending from the 3-nautical mile radius to 10 nautical miles northwest and southwest of the center.
Designated altitudes. The 3-nautical mile radius, surface to 14,000 feet MSL; the extensions, surface to 6,000 feet MSL.
Time of designation. From sunrise to 2400 eastern standard time.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

AMENDMENTS 2/8/62 26 F.R. 11047 (Added);

R-2907 Lake George, Fla.

Boundaries. Beginning at Lat. 29°23'00" N., Long. 81°31'15" W.; to Lat. 29°12'30" N., Long. 81°30'00" W.; to Lat. 29°12'30" N., Long. 81°40'00" W.; to Lat. 29°23'00" N., Long. 81°40'00" W.; to the point of beginning.
Designated altitudes. Surface to flight level 500.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Jacksonville, ARTC Center.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7192 (Rewritten);
AMENDMENTS 9/21/61 26 F.R. 7033 (Rewritten);

R-2908 Pensacola, Fla.

Boundaries. Bounded on the N by the Alabama-Florida shoreline; on the E by a line extending from Lat. 30°15'00" N, Long, 87°41'00" W to Lat. 30°11'20" N, Long. 87°44'15" W; on the S by a line 3 nautical miles from and parallel to the Alabama-Florida shoreline; and on the W by Long. 88°01'30" W.
Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Chief, Naval Air Basic Training, Pensacola, Fla.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7192 (Rewritten);

R-2909 Pensacola, Fla.

Boundaries. Bounded on the N by the Florida shoreline; on the E by Long. 86°48'00" W; on the S by a line 3 nautical miles from and parallel to the Florida shoreline; and on the W by a line extending from Lat. 30°18'20" N, Long. 87°00'00" W to Lat. 30°21'15" N, Long. 87°00'50" W.
Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Chief, Naval Air Basic Training, Pensacola, Fla.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7193 (Rewritten);
R-2910 Pinecastle, Fla.

Boundaries. A circular area with a 5-nautical mile radius centered at latitude 29°06'52" N. longitude 81°42'55" W. including the area within 2.5 nautical miles either side of the 137° and 317° bearings from the center of the circular area, extending from the 5-nautical mile radius of 10 nautical miles SE and NW of the center.
Designated altitudes. Within the 5-nautical mile circle, surface to flight level 370; within the SE and NW extensions, surface to 6,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7193 (Rewritten); 2/8/62 26 F.R. 11048 (Rewritten);

PENDING AMENDMENT

R-2911 Port St. Joe, Fla.

Boundaries. Beginning at Lat. 29°52'24" N, Long. 85°23'24" W; to Lat. 29°50'30" N. Long. 85°23'12" W; to Lat. 29°50'30" N, Long. 85°22'30" W; to Lat. 29°42'00" N, Long. 85°20'30" W; to Lat. 29°41'48" N, Long. 85°21'48" W; to Lat. 29°40'00" N, Long. 85°21'36" W; to Lat. 29°39'30" N, Long. 85°25'25" W; thence 3 nautical miles from and parallel to the shoreline to Lat. 29°50'10" N, Long. 85°28'40" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. 0630 to 1700 CST, Monday through Saturday.
Using agency. Commander, Tyndall AFB, Fla.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7193 (Rewritten);
R-2912 Panama City, Fla.

Boundaries. Beginning at Lat. 30°43'00" N, Long. 85°14'00" W; to Lat. 29°55'00" N. Long. 84°32'00" W; to Lat. 29°47'00" N, Long. 84°40'00" W; to Lat. 29°43'45" N, Long. 84°39'00" W; to Lat. 29°40'00" N, Long. 85°21'36" W; to Lat. 29°41'48" N, Long. 85°21'48" W; to Lat. 29°42'00" N, Long. 85°20'30" W; to Lat. 29° 50'30" N, Long. 85°22'30" W; to Lat. 29°50'30" N, Long. 85°23'12" W; to Lat. 29°52'24" N. Long. 85°23'24" W; to Lat. 29°50'10" N, Long. 85°28'40" W; thence 3 nautical miles from and parallel to the shoreline to Lat. 30°04'20" N, Long. 85°45'45" W; to Lat. 30°42'00" N, Long. 86°06'00" W; to the point of beginning.
Designated altitudes. Surface to flight level 400.
Time of designation. Continuous, sunset to sunrise. Only during Instrument Flight Rule conditions from sunrise to sunset.
Using agency. Commander, Tyndall AFB, Fla.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7193 (Rewritten);
R-2913 Panama City, Fla.
Boundaries. Beginning at Lat. 31°10'20" N, Long. 86°18'00" W; clockwise along the arc of a 90-mile radius circle centered at Lat. 30°02'30" N, Long. 85°32'15" W to Lat. 30°03'00" N, Long. 84°02'00" W; thence 3 nautical miles from and parallel to the shoreline to Lat. 29°36'30" N, Long. 85°16'00" W; to Lat. 30°02'30" N, Long. 85°32'15" W; to the point of beginning, excluding the portions that coincide with R-2912 and R-2916.
Designated altitudes. Flight level 350 to unlimited.
Time of designation. Sunset to sunrise.
Using agency. Commander, Tyndall AFB, Fla.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7193 (Rewritten)'
R-2914 Valparaiso, Fla.

Boundaries. Beginning at Lat. 30°43'10" N, Long. 86°27'37" W; to Lat. 30°43'45" N, Long. 86°10'30" W; to Lat. 30°41'00" N, Long. 86°05'30" W; to Lat. 30°04'20" N, Long. 85°45'45" W; thence 3 nautical miles from and parallel to the shoreline to Lat. 30°19'45" N, Long. 86°23'45" W; to Lat. 30°25'25" W; to Lat. 30°25'00" N, Long. 86°25'00" W; to Lat. 30°33'00" N, Long. 86°25'00" W; to Lat. 30°33'00" N, Long. 86°25'30" W; to Lat. 30°37'00" N, Long. 86°25'30" W; to Lat. 30°37'00" N. Long. 86°27'37" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Commander, Air Proving Ground, Eglin AFB, Fla.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7193 (Rewritten);
AMENDMENTS F.R. error corrected - 26 F.R. 8377;
R-2915 Valparaiso, Fla.

Boundaries. Beginning at Lat. 30°33'40" N, Long. 86°55'00" W; to Lat. 30°38'45" N, Long. 86°55'00" W; along the L and N Railroad to Lat. 30°42'45" N, Long. 86°45'45" W; to Lat. 30°42'50" N, Long. 86°38'02" W; to Lat. 30°29'01" N, Long. 86°38'02" W; to Lat. 30°29'01" N, Long. 86°42'55" W; to Lat. 30°26'40" N, Long. 86°45'38" W; to Lat. 30°20'30" N, Long. 86°45'38" W; thence 3 nautical miles from and parallel to the shoreline at Lat. 30°20'15" N, Long. 86°48'00" W; to Lat. 30°25'00" N, Long. 86°48'00" W; along U. S. Highway 98 to Lat. 30°24'15" N, Long. 86°52'00" W; along the Navarre-Milton Highway to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Commander, Air Proving Ground, Eglin AFB, Fla.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7193 (Rewritten);

R-2916 Apalachicola, Fla.
Boundaries. Beginning at Lat. 29°39'30" N, Long. 85°25'25" W; to Lat. 29°40'00" N, Long. 85°21'36" W; to Lat. 29°43'45" N, Long. 84°39'00" W; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.
Designated altitudes. Surface to flight level 400.
Time of designation. Continuous.
Using agency. Commander, Tyndall AFB, Fla.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7193 (Rewritten);

R-2920 Venice, Fla.

Boundaries. A circular area with a 3 nautical mile radius centered at Lat. 27°03'30" N, Long 82° 26'15" W; excluding the portion E of a line extending from Lat. 27°05'50" N, Long. 82°24'10" W; to Lat. 27°02'00" N, Long. 82°23'15" W.
Designated altitudes. Unlimited.
Time of designation. As published in NOTAMS, to be activated approximately twice a month normally during the hours of darkness from November 16, 1961, to November 15, 1962.
Controlling agency. Federal Aviation Agency, Miami ARTC Center.
Using agency. Commander, Air Proving Ground Center, Eglin AFB, Fla.

AMENDMENTS 11/16/61 26 F. R. 10342 (Added); 26 F. R. 10636 (Amendment Alteration);

§ 608.30 Georgia

R-3001 Dawsonville, Ga.

Boundaries. A circular area with a 2.5-mile radius centered at Lat. 34°22'00" N, Long. 84°10'00" W.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Using agency. Commander, Air Force Systems Command, Andrews AFB, Md.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7193 (Rewritten);

R-3002 Fort Benning, Ga.

Boundaries. Beginning at Lat. 32°32'15" N, Long. 84°37'30" W; to Lat. 32°18'00" N, Long. 84° 37'30" W; along the Central of Georgia Railroad to Lat. 32°20'45" N, Long. 84°47'00" W; along the road to Lat. 32°18'00" N, Long. 84°46'30" W; along the U. S. Highway 27 to Lat. 32°15'30" N, Long. 84°47'30" W; to Lat. 32°15'30" N, Long. 84°53'30" W; along the Chattahoochee River to Lat. 32° 14'45" N, Long. 84°55'00" W; to Lat. 32°14'45" N, Long. 84°57'30" W; to Lat. 32°18'30" N, Long. 84° 57'45" W; along the N bank of the Chattahoochee River to Lat. 32°18'45" N, Long. 84°58'30" W; to Lat. 32°20'16" N, Long. 84°58'30" W; to Lat. 32°21'10" N, Long. 84°56'45" W; to Lat. 32°22'30" N, Long. 84°56'45" W; along Upatoi Creek to Lat. 32°24'14" N, Long. 84°53'21" W; to Lat. 32°28'10" N, Long. 84°52'20" W; to Lat. 32°30'50" N, Long. 84°52'20" W; along the Central of Georgia Railroad to the point of beginning.
Designated altitudes. Surface to 32,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, Fort Benning, Ga.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7193 (Rewritten);
PENDING AMENDMENT
R-3002 Fort Benning, Ga.
Boundaries. Beginning at latitude 32°30'50" N., longitude 84°52'15" W.; along the Central of Georgia Railraod to latitude 32°32'10" N., longitude 84°40'40" W.; to latitude 32°29'10" N., longitude 84°39'25" W.; to latitude 32°18'30" N., longitude 84°39'25" W.; along the Central of Georgia Railroad to latitude 32°20' 54" N., longitude 84°47'20" W.; to latitude 32°15'25" N., longitude 84°47'20" W.; to latitude 32°15'25" N., longitude 84°53'10" W.; along the Chattahoochee River to latitude 32°14'40" N., longitude 84°55'30" W.; to latitude 32°14'40" N., longitude 84°58'42" W.; to latitude 32°20'15" N., longitude 84°58'42" W.; along northwest side of Dixie Road to latitude 32°21'10" N., longitude 84°56'45" W.; to latitude 32°22'30" N., longitude 84°56'45" W.; along Upatoi Creek to latitude 32°24'00" N., longitude 84°53'30" W.; to point of beginning.
Designated altitudes. Surface to 32,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, Fort Benning, Ga.
8/23/62 27 F.R. 5737 (Rewritten); (F.R. correction 27 F.R. 5906);

R-3003 Fort Gordon, Ga.

Boundaries. Beginning at Lat. 33°23'35" N, Long. 82°08'30" W; to Lat. 33°22'15" N, Long. 82° 08'18" W; to Lat. 33°21'35" N, Long. 82°09'10" W; to Lat. 33°22'15" N, Long. 82°17'00" W; to Lat. 33°25'00" N, Long. 82°12'00" W; to the point of beginning.
Designated altitudes. Surface to 5,500 feet MSL.
Time of designation. 0700 to 1900 EST, Monday through Saturday.
Using agency. Commanding Officer, Fort Gordon, Ga.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7193 (Rewritten);

R-3004 Fort Gordon, Ga.

Boundaries. Beginning at Lat. 33°21'35" N, Long. 82°09'10" W; to Lat. 33°16'20" N, Long. 82° 18'00" W; to Lat. 33°17'29" N, Long. 82°23'00" W; to Lat. 33°21'15" N, Long. 82°18'47" W; to Lat. 33°22'15" N, Long. 82°17'00" W; to the point of beginning.
Designated altitudes. Surface to 24,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, Fort Gordon, Ga.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7193 (Rewritten);

R-3005 Fort Stewart, Ga.
Boundaries. Beginning at Lat. 32°04'15" N, Long. 81°22'30" W; along the Ogeechee River to Lat. 32°00'30" N, Long. 81°19'30" W; to Lat. 31°58'45" N, Long. 81°19'45" W; to Lat. 31°56'15" N, Long. 81°23'00" W; to Lat. 31°51'20" N, Long. 81°36'00" W; to Lat. 31°55'30" N, Long. 81°53'00" W; to Lat. 31°57'00" N, Long. 81°53'15" W; to Lat. 31°59'45" N, Long. 81°51'06" W; to Lat. 32°04'40" N, Long. 81°50'00" W; to Lat. 32°07'00" N, Long. 81°43'30" W; to Lat. 32°06'15" N, Long. 81°31'30" W; to Lat. 32°05'30" N, Long. 81°31'30" W; to the point of beginning.
Designated altitudes. Surface to 40,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, Fort Stewart, Ga.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7193 (Rewritten);
R-3006 Townsend, Ga.
Boundaries. A circular area with a 3-nautical mile radius centered at Lat. 31°32'50" N, Long. 81°35'20" W, and within 1.5 nautical miles either side of the 223° and 298° bearings from the center extending from the 3-nautical mile radius circle to 10 nautical miles southwest and northwest of the center.
Designated altitudes. The area within the 3-nautical mile radius, surface to 14,000 feet MSL; the area within the extensions, surface to 6,000 feet MSL.
Time of designation. Sunrise to sunset, Monday through Friday.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

AMENDMENTS 9/1/61 26 F. R. 7544 (Added);

§ 608.31 Hawaii

R-3101 Bonham, Hawaii

Boundaries. Beginning at Lat. 22°12'45" N, Long. 159°43'00" W; to Lat. 22°09'20" N, Long. 159° 43'00" W; counterclockwise along the shoreline of the Island of Kauai to Lat. 21°58'00" N, Long. 159° 43'00" W; to Lat. 21°55'00" N, Long. 159°43'00" W; clockwise along a line 3 nautical miles from and parallel to the shoreline of the Island of Kauai to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Lihue Flight Service Station.
Using agency. Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7193 (Rewritten);
AMENDMENTS On publ. (10/31/61) 26 F. R. 10169 (Rewritten);

R-3102 Dillingham, Hawaii

Boundaries. Beginning at Lat. 21°34'45" N, Long. 158°17'20" W; to Lat. 21°35'20" N, Long. 158° 19'40" W; thence 3 miles from and parallel to the shoreline of Oahu to Lat. 21°37'45" N, Long. 158° 09'25" W; to Lat. 21°35'30" N, Long. 158°11'30" W; to Lat. 21°35'15" N, Long. 158°14'30" W; to the point of beginning.
Designated altitudes. Surface to 29,000 feet MSL.
Time of designation. 0700 to 1700 Hawaiian standard time. Monday through Friday.
Controlling agency. Federal Aviation Agency, Honolulu Flight Service Station.
Using agency. Commanding General, U. S. Army Hawaii, Schofield Barracks, Hawaii.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7193 (Rewritten);
AMENDMENTS 10/19/61 26 F. R. 8171 (Rewritten);

R-3103 Humuula, Hawaii
Boundaries. Beginning at Lat. 19°48'45" N, Long. 155°38'00" W; to Lat. 19°45'15" N, Long. 155° 32'00" W; to Lat. 19°39'00" N, Long. 155°26'30" W; to Lat. 19°32'00" N, Long. 155°42'00" W; to Lat. 19°38'00" N, Long. 155°45'10" W; to Lat. 19°41'00" N, Long. 155°44'00" W; to Lat. 19°47'00" N, Long. 155°38'00" W; to the point of beginning.
Designated altitudes. Surface to 36,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Hilo Combined Station/Tower.
Using agency. Commanding General, U. S. Army Hawaii, Schofield Barracks, Hawaii.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7194 (Rewritten);

R-3104 Island of Kahoolawe, Hawaii

Boundaries. Beginning at Lat. 20°35'20" N, Long. 156°31'45" W, clockwise 1 mile from and parallel to the shoreline to Lat. 20°37'00" N, Long. 156°35'15" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Honolulu ARTC Center.
Using agency. Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7194 (Rewritten);

R-3106 Kahuku Point, Oahu, Hawaii

Boundaries. Beginning at latitude 21°43'40" N., longitude 157°55'05" W.; to latitude 21°39'30" N., longitude 157°51'40" W.; thence 3 nautical miles from the shoreline to latitude 21°36'50" N., longitude 157°50'30" W.; to latitude 21°35'00" N., longitude 157°49'40" W., to latitude 21°35'00" N., longitude 157°51'30" W.; to latitude 21°36'30" N., longitude 157°53'45" W.; to latitude 21°41'30" N., longitude 157°56'20" W.; thence clockwise along the arc of a circle with a 1.5-nautical mile radius centered at latitude 21°43'00" N., longitude 157°56'30" W.; to the point of beginning.
Designated altitudes. The area northwest of a line drawn between latitude 21°39'08" N., longitude 157°55'05" W. and latitude 21°40'18" N., longitude 157°52'20" W., surface to 15,000 feet MSL; the area southeast of this line, surface to 6,000 feet MSL.
Time of designation. 0800 to 1600 Hawaiian standard time, Monday through Friday
Controlling agency. Federal Aviation Agency, Honolulu Flight Service Station.
Using agency. Commander, Fleet Air Hawaii, NAS Barbers Point, Hawaii.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7194 (Rewritten); 1/11/62 26 F. R. 10636 (Rewritten); On publ. (5/5/62) 27 F.R. 4327 (Rewritten); On publ. (6/8/62) 27 F.R. 5426 (Changed);

R-3107 Kaula Rock, Hawaii

Boundaries. A circular area with a 3-nautical mile radius centered at Lat. 21°39'30" N, Long. 160°32'30" W.
Designated altitudes. Surface to flight level 300.
Time of designation. Continuous.
Using agency. Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7194 (Rewritten);

R-3108 Kauna Point, Hawaii

Boundaries. Beginning at Lat. 19°15'00" N, Long. 155°56'00" W; to Lat. 18°58'43" N, Long. 155°47'30" W; to Lat. 18°56'22" N, Long. 155°47'30" W; thence 3 nautical miles from and parallel to the shoreline of the Island of Hawaii to Lat. 19°14'35" N, Long. 155°57'30" W; to the point of beginning.
Designated altitudes. Surface to flight level 500.
Time of designation. Sunrise to sunset, Monday through Friday.
Using agency. Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7194 (Rewritten);

R-3109 Schofield-Makua, Oahu, Hawaii

Boundaries. Beginning at Lat. 21°35'30" N, Long. 158°11'30" W; to Lat. 21°35'05" N, Long. 158°10'45" W; to Lat. 21°35'00" N, Long. 158°12'45" W; to Lat. 21°34'45" N, Long. 158°12'45" W; to Lat. 21°31'35" N, Long. 158°07'00" W; to Lat. 21°32'20" N, Long. 158°06'30" W; to Lat. 21°31'36" N, Long. 158°04'45" W; to Lat. 21°30'00" N, Long. 158°04'33" W; to Lat. 21°29'11" N, Long. 158°07'33" W; to Lat. 21°30'30" N, Long. 158°12'30" W; to Lat. 21°31'00" N, Long. 158°14'00" W; to Lat. 21°32'30" N, Long. 158°14'30" W; to Lat. 21°33'30" N, Long. 158°15'30" W; to Lat. 21°34'45" N, Long. 158°17'20" W; to Lat. 21°35'15" N, Long. 158°14'30" W; to the point of beginning.
Designated altitudes. Surface to 29,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Honolulu Flight Service Station.
Using agency. Commanding General, U. S. Army Hawaii, Schofield Barracks, Hawaii.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7194 (Rewritten);
AMENDMENTS 10/19/61 26 F. R. 8171 (Rewritten);

§ 608.32 Idaho

R-3201 Arco, Idaho.

Boundaries. Beginning at Lat. 43°59'20" N, Long. 112°43'50" W; to Lat. 43°50'20" N, Long. 112°30'00" W; to Lat. 43°32'00" N, Long. 112°35'00" W; to Lat. 43°27'00" N, Long. 113°03'00" W; to Lat. 43°34'30" N, Long. 113°11'50" W; to Lat. 43°48'40" N, Long. 112°49'40" W; to the point of beginning.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Idaho Falls, Idaho.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7194 (Rewritten);

R-3202 Sailor Creek, Idaho.

Boundaries. Beginning at Lat. 42°51'00" N, Long. 115°40'00" W; to Lat. 42°51'00" N, Long. 115°35'00" W; to Lat. 42°45'00" N, Long. 115°35'00" W; to Lat. 42°45'00" N, Long. 115°10'00" W; to Lat. 42°33'00" N, Long. 115°10'00" W; to Lat. 42°33'00" N, Long. 115°40'00" W; to the point of beginning.
Designated altitudes. Surface to flight level 450.
Time of designation. Sunrise to sunset, Monday through Friday.
Controlling agency. Federal Aviation Agency, Salt Lake City ARTC Center.
Using agency. Commander, Mountain Home AFB, Idaho.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7194 (Rewritten); 1/11/62 26 F. R. 9986 (Changed);

§ 608.33 Illinois

R-3301 Havana, Ill.

Boundaries. A circular area with a 2-mile radius centered at Lat. 40°13'16" N, Long. 90°01'23" W.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Director, Central Radio Propagation Laboratory, National Bureau of Standards, Boulder, Colo

AMENDMENTS On publ. (8/10/61) 26 F. R. 7194 (Rewritten);

R-3302 Savanna, Ill.

Boundaries. A circular area with a 1,500-foot radius centered at Lat. 42°13'15" N, Long. 90°21'24" W.
Designated altitudes. Surface to 1,900 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, Savanna Ordnance Depot, Savanna, Ill.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7194 (Rewritten);

§ 608.34 Indiana

R-3401 Camp Atterbury, Ind.

Boundaries. Beginning at Lat. 39°21'30" N, Long. 86°06'00" W; to Lat. 39°21'30" N, Long. 85°59'30" W; to Lat. 39°13'00" N, Long. 85°59'30" W; to Lat. 39°13'00" N, Long. 86°06'00" W; to the point of beginning.
Designated altitudes. Surface to 40,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Indianapolis ARTC Center,
Using agency. Commanding Officer, Camp Atterbury, Ind.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7194 (Rewritten); 4/5/62 27 F.R. 617 (Rewritten); 27 F.R. 1162 (Modification of Amendment);

R-3402 Bunker Hill AFB, Ind., Restricted Area/Military Climb Corridor.

Boundaries. The area based on the 256° radial of the Bunker Hill AFB, Ind., TACAN extending from 6 miles W of the TACAN to 32 miles W of the TACAN, having a width at the point of beginning of 1 mile N and 3 miles S of the 256° radial and a width of 2.3 miles either side of the 256° radial at the outer extremity.
Designated altitudes:
2,800 feet MSL to 15,800 feet MSL from 5 miles W of the TACAN to 6 miles W of the TACAN.
2,800 feet MSL to flight level 248 from 6 to 7 miles W of the TACAN.
2,800 feet MSL to flight level 270 from 7 to 10 miles W of the TACAN.
6,800 feet MSL to flight level 270 from 10 to 15 miles W of the TACAN.
10,800 feet MSL to flight level 270 from 15 to 20 miles W of the TACAN.
15,800 feet MSL to flight level 270 from 20 to 25 miles W of the TACAN.
19,800 feet MSL to flight level 270 from 25 to 32 miles W of the TACAN.
Time of designation. Continuous.
Using agency. Bunker Hill AFB Approach Control.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7194 (Rewritten);

R-3403 Jefferson Proving Ground, Ind.

Boundaries. Beginning at latitude 39°02'57" N., longitude 85°27'42" W.; to latitude 39°02'00" N., longitude 85°22'00" W.; to latitude 38°56'06" N., longitude 85°22'00" W.; to latitude 38°50'35" N., longitude 85°22'50" W.; to latitude 38°50'00" N., longitude 85°24'00" W.; to latitude 38°50'00" N., longitude 85°27'42" W.; to the point of beginning.
Designated altitudes. Surface to 43,000 feet MSL.
Time of designation. 0800 to 2400 e.s.t.
Controlling agency. Federal Aviation Agency, Indianapolis ARTC Center.
Using agency. Commanding Officer, Jefferson Proving Ground, Madison, Ind.

AMENDMENTS 12/1/61 26 F. R. 11237 (Added); 5/31/62 27 F.R. 3195 (Rewritten); (Modification of Amendment 27 F.R. 4064);

§ 608.35 Iowa

§ 608.36 Kansas

R-3601 Brookville, Kans.

Boundaries. Beginning at Lat. 38°45'20" N, Long. 97°47'00" W; to Lat. 38°39'20" N, Long. 97° 47'00" W; along the Missouri Pacific Railroad to Lat. 38°38'20" N, Long. 97°47'30" W; to Lat. 38° 38'20" N, Long. 97°53'22" W; to Lat. 38°45'20" N, Long. 97°53'22" W; to the point of beginning.
Designated altitudes. Surface to flight level 450.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Agency, Kansas City ARTC Center.
Using agency. Commander, Schilling AFB, Kans.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7194 (Rewritten); On publ. (11/23/61) 26 F R. 10965 (Rewritten); 1/11/62 26 F.R. 11860 (Rewritten); On publ. (6/8/62) 27 F.R. 5426 (Changed):

§ 608.37 Kentucky

R-3701 Camp Breckinridge, Ky.

Boundaries. Beginning at Lat. 37°42'45" N, Long. 87°47'30" W; to Lat. 37°38'35" N, Long. 87°42' 00" W; to Lat. 37°36'10" N, Long. 87°42'00" W; along State Highway 56 to Lat. 37°38'30" N, Long. 87° 52'20" W; to Lat. 37°39'20" N, Long. 87°52'20" W; to Lat. 37°40'20" N, Long. 87°51'10" W; to Lat. 37°40'20" N, Long. 87°49'40" W; to Lat. 37°42'20" N, Long. 87°49'40" W; to the point of beginning.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. 0400 to 2400 c.s.t., June 1 through August 31.
Using agency. Commanding General, U. S. Army Armor Center, Fort Knox, Ky.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7194 (Rewritten); 3/8/62 27 F.R. 563 (Rewritten);

R-3702 Fort Campbell, Ky.

Boundaries. Beginning at Lat. 36°44'00" N, Long. 87°40'00" W; to Lat. 36°39'17" N, Long. 87°40' 00" W; to Lat. 36°39'17" N, Long. 87°30'14" W; to Lat. 36°36'36" N, Long. 87°25'22" W; to Lat. 36° 32'00" N, Long. 87°23'00" W; to Lat. 36°32'00" N, Long. 87°50'00" W; to Lat. 36°44'00" N, Long. 87° 50'00" W; to the point of beginning.
Designated altitudes. Surface to 40,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, Fort Campbell, Ky.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7194 (Rewritten);

R-3703 Fort Campbell, Ky.

Boundaries. Beginning at Lat. 36°39'17" N, Long. 87°30'14" W; to Lat. 36°39'17" N, Long. 87°29' 38" W; to Lat. 36°41'00" N, Long. 87°27'30" W; to Lat. 36°36'36" N, Long. 87°25'22" W; to the point of beginning.
Designated altitudes. Surface to 18,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, Fort Campbell, Ky.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7195 (Rewritten);

R-3704 Fort Knox, Ky.

Boundaries. Beginning at Lat. 37°59'00" N, Long. 85°45'00" W; to Lat. 37°47'30" N, Long. 85°45' 00" W; to Lat. 37°47'30" N, Long. 85°55'30" W; along U. S. Highway 31-W to Lat. 37°50'45" N, Long. 85°57'00" W; along Wilson Road to Lat. 37°55'17" N, Long. 85°56'46" W; to Lat. 37°55'17" N, Long. 85°57'16" W; to Lat. 37°56'04" N, Long. 85°57'33" W; to Lat. 37°56'23" N, Long. 85°57'00" W; along Wilson Road to Lat. 37°58'00" N, Long. 85°57'45" W; along the Illinois Central Railroad to Lat. 37° 59'00" N, Long. 85°57'00" W; to Lat. 38°01'00" N, Long. 85°54'30" W; along Kentucky Route 44 to Lat. 38°00'30" N, Long. 85°52'00" W; to Lat. 37°59'00" N, Long. 85°52'00" W; to the point of beginning.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Standiford Control Tower, Louisville, Ky.
Using agency. Commanding General, U. S. Army Armor Center, Fort Knox, Ky.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7195 (Rewritten);

§ 608.38 Louisiana

R-3801 Camp Claiborne, La.

Boundaries. Beginning at Lat. 31°05'10" N, Long. 92°30'40" W; to Lat. 31°01'53" N, Long. 92°34' 17" W; to Lat. 31°07'30" N, Long. 92°40'45" W; to Lat. 31°11'07" N, Long. 92°36'35" W; to the point of beginning.
Designated altitudes. Surface to 18,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Agency, New Orleans ARTC Center.
Using agency. Commander, England AFB, La.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7195 (Rewritten);
AMENDMENTS 8/24/61 26 F. R. 5710 (Rewritten); On publ. (9/7/61) 26 F. R. 8416 (Rewritten);

R-3802 Rabbit Island, La.

Boundaries. A circular area with a 3-nautical mile radius centered at Lat. 29°30'35" N, Long. 91° 35'45" W.
Designated altitudes. Surface to 2,5000 feet MSL.
Time of designation. Sunrise to sunset, Monday through Friday.
Using agency. Commanding Officer, NAAS New Iberia, La.

AMENDMENTS 10/19/61 26 F. R. 8377 (Added);

R-3803 Fort Polk, La.

Boundaries. Beginning at Lat. 31°24'00" N, Long. 93°10'00" W; to Lat. 31°19'30" N, Long. 93°10' 00" W; to Lat. 31°19'30" N, Long. 93°20'30" W; to Lat. 31°24'00" N, Long. 93°20'30" W; to the point of beginning.
Designated altitudes. Surface to 50,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, Fort Hood, Tex.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7195 (Rewritten);

R-3804 Fort Polk, La.

Boundaries. Beginning at Lat. 31°10'00" N, Long. 92°51'30" W; to Lat. 31°01'00" N, Long. 92°51' 30" W; to Lat. 31°01'00" N, Long. 93°12'30" W; to Lat. 31°10'00" N, Long. 93°12'30" W; to the point of beginning.
Designated altitudes. Surface to 50,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, Fort Hood, Tex.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7195 (Rewritten);

§ 608.39 Maine

R-3901 De Blois, Maine

Boundaries. Beginning at Lat. 44°40'00" N, Long. 67°42'00" W; to Lat. 44°40'00" N, Long. 67°42' 00" W; to Lat. 44°40'00" N, Long. 67°56'00" W; to Lat. 44°50'00" N, Long. 67°56'00" W; to the point of beginning.
Designated altitudes. Surface to flight level 390.
Time of designation. 1000 to 2400 EST, Monday through Friday.
Using agency. Commander, Dow AFB, Maine.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7195 (Rewritten);

R-3902 Limestone, Maine (Loring AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 353° radial of the Loring AFB TACAN extending from 5 miles N of the airbase (Lat. 46°57'05" N, Long. 67°53'10" W) to 32 miles N of the airbase having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity, excluding the portion which lies outside of the United States.
Designated altitudes:
2,750 feet MSL to 15,750 feet MSL from 5 miles N of the airbase to 6 miles N of the airbase.
2,750 feet MSL to flight level 247 from 6 to 7 miles N of the airbase.
2,750 feet MSL to flight level 270 from 7 to 10 miles N of the airbase.
6,750 feet MSL to flight level 270 from 10 to 15 miles N of the airbase, excluding the portion which lies outside of the United States.
10,750 feet MSL to flight level 270 from 15 miles N of the airbase to the United States-Canadian Border.
Time of designation. Continuous.
Using agency. Loring AFB Approach Control.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7195 (Rewritten);

R-3903 Bangor, Maine (Dow AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 310° radial of the Bangor VORTAC extending from 5.8 miles NW of the VORTAC to 32.8 miles NW of the VORTAC, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.
Designated altitudes:
2,200 feet MSL to 15,200 feet MSL from 5.8 miles NW of the VORTAC to 6.8 miles NW of the VORTAC.
2,200 feet MSL to flight level 240 from 6.8 to 7.8 miles NW of the VORTAC.
2,200 feet MSL to flight level 270 from 7.8 to 10.8 miles NW of the VORTAC.
6,200 feet MSL to flight level 270 from 10.8 to 15.8 miles NW of the VORTAC.
10,200 feet MSL to flight level 270 from 15.8 to 20.8 miles NW of the VORTAC.
15,200 feet MSL to flight level 270 from 20.8 to 25.8 miles NW of the VORTAC.
19,200 feet MSL to flight level 270 from 25.8 to 32.8 miles NW of the VORTAC.
Time of designation. Continuous.
Using agency. Dow AFB Approach Control.

AMENDMENTS On Publ. (8/10/61) 26 F. R. 7195 (Rewritten):

§ 608.40 Maryland

R-4001 Aberdeen, Md.

Boundaries. Beginning at Lat. 39°30'30" N, Long. 76°10'00" W; to Lat. 39°29'00" N, Long. 76°08'00" W; to Lat. 39°29'30" N, Long. 76°05'00" W; to Lat. 39°27'00" N, Long. 76°00'30" W; to Lat. 39°19'47" N, Long. 76°11'34" W; to Lat. 39°12'10" N, Long. 76°16'30" W; to Lat. 39°12'45" N, Long. 76°22'30" W; to Lat. 39°17'30" N, Long. 76°19'45" W; to Lat. 39°18'30" N, Long. 76°22'00" W; to Lat. 39°22'00" N, Long. 76°22'00" W; to Lat. 39°23'28" N, Long. 76°20'40" W; to Lat. 39°26'10" N, Long. 76°14'50" W; to Lat. 39°27'00" N, Long. 76°12'30" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Washington ARTC Center.
Using agency. Commanding General, Aberdeen Proving Ground, Md.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7195 (Rewritten);

R-4002 Bloodsworth Island, Md.

Boundaries. Beginning at Lat. 38°13'00" N, Long. 76°00'00" W; to Lat. 38°08'00" N, Long. 76°00'00" W; to Lat. 38°08'00" N, Long. 76°08'50" W; to Lat. 38°13'00" N, Long. 76°11'20" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Commander, Amphibious Training Forces Atlantic, U. S. Amphibious Base, Little Creek, Va.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7195 (Rewritten);

R-4003 Camp Springs, Md. (Andrews AFB)

Boundaries. The area based on the 053° True radial of the Andrews AFB VOR extending from 5 miles NE of the airbase (latitude 38°48'40" N., longitude 76°52'05" W.) to 32 miles NE of the airbase, having a width of 2 miles SE and 2.3 miles NW of the 053° True radial at the beginning and a width of 2.3 miles either side of the 053° True radial at the outer extremity.
Designated altitudes. 2,280 feet MSL to 15,280 feet MSL from 5 miles NE of the airbase to 6 miles NE of the airbase. 2,280 feet MSL to flight level 243 from 6 to 7 miles NE of the airbase. 2,280 feet MSL to flight level 270 from 7 to 10 miles NE of the airbase. 6,280 feet MSL to flight level 270 from 10 to 15 miles NE of the airbase. 10,280 feet MSL to flight level 270 from 15 to 20 miles NE of the airbase. 15,280 feet MSL to flight level 270 from 20 to 25 miles NE of the airbase. 19,280 feet MSL to flight level 270 from 25 to 32 miles NE of the airbase.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Andrews Approach Control.
Using agency. Commander, Andrews AFB, Md.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7195 (Rewritten); 6/28/62 27 F.R. 6245 (Rewritten);

PENDING AMENDMENT
In R-4003 "Controlling agency. Federal Aviation Agency, Andrews Approach Control" is deleted and "Controlling agency. Federal Aviation Agency, Washington Approach Control." is substituted therefor. 7/26/62 27 F.R. 6011 (Changed):

R-4005 Patuxent, Md.

Boundaries. Beginning at Lat. 38°18'26" N, Long. 76°14'30" W; to Lat. 38°13'00" N, Long. 76°11'20" W; to Lat. 38°13'00" N, Long. 76°00'00" W; to Lat. 38°08'00" N, Long. 76°00'00" W; to Lat. 38°08'00" N, Long. 76°08'00" W; to Lat. 37°55'15" N, Long. 76°02'30" W; to Lat. 37°52'45" N, Long. 76°11'03" W; to Lat. 38°02'20" N, Long. 76°17'24" W; to Lat. 38°07'41" N, Long. 76°17'24" W; to Lat. 38°15'00" N, Long. 76°20'50" W; to Lat. 38°18'20" N, Long. 76°17'05" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Commanding Officer, NAS Patuxent River, Md.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7195 (Rewritten);
AMENDMENTS F. R. error corrected - 26 F. R. 8377;

R-4006 Patuxent, Md.

Boundaries. Beginning at Lat. 38°41'15" N, Long. 75°46'00" W; to Lat. 38°32'30" N, Long. 75°43'45" W; to Lat. 38°19'00" N, Long. 75°37'00" W; along the Pennsylvania Railroad to Lat. 38°12'30" N, Long. 75°41'30" W; to Lat. 38°02'30" N, Long. 75°52'30" W; to Lat. 37°55'00" N, Long. 75°52'30" W; to Lat. 37°46'39" N, Long. 75°57'43" W; thence counterclockwise along the circumference of R-6609 to Lat. 37°45'00" N, Long. 76°08'51" W; to Lat. 37°45'00" N, Long. 76°23'30" W; to Lat. 37°50'30" N, Long. 76°32'00" W; to Lat. 38°05'10" N, Long. 76°34'15" W; to Lat. 38°11'10" N, Long. 76°25'10" W; to Lat. 38°30'00" N, Long. 76°04'00" W; to Lat. 38°36'00" N, Long. 75°55'30" W; thence along the Pennsylvania Railroad to the point of beginning.
NOTE: From 3,500 feet MSL to an unlimited altitude excluding R-4005, R-4002, and R-6607.
Designated altitudes. From 3,500 feet MSL to unlimited.
Time of designation. Continuous.
Using agency. Commanding Officer, NAS Patuxent River, Md.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7195 (Rewritten);

R-4007 Patuxent, Md.

Boundaries. Beginning at Lat. 38°21'00" N, Long. 76°14'00" W; to Lat. 38°11'10" N, Long. 76°25'10" W; to Lat. 38°05'10" N, Long. 76°34'05" W; to Lat. 38°15'00" N, Long. 76°36'35" W; to Lat. 38°17'25" N, Long. 76°33'00" W; to Lat. 38°25'40" N, Long. 76°23'35" W; to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, NAS Patuxent River, Md.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7196 (Rewritten);

§ 608.41 Massachusetts

R-4101 Camp Edwards, Mass.

Boundaries. The area within a 3-mile radius of Lat. 41°43'30" N, Long. 70°32'30" W, excluding the portion SE of a line between Lat. 41°40'54" N, Long. 70°32'52" W, and Lat. 41°44'17" N, Long. 70°29'11" W.
Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Otis Approach Control.
Using agency. Commanding Officer, Camp Edwards, Mass.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7196 (Rewritten);

R-4103 Falmouth, Mass. (Otis AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 039° radial of the Otis AFB VOR extending from 5 miles NE of the airbase (Lat. 41°38'54" N, Long. 70°31'12" W) to 32 miles NE of the airbase, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.
Designated altitudes:
2,130 feet MSL to 15,130 feet MSL from 5 miles NE of the airbase to 6 miles NE of the airbase.
2,130 feet MSL to flight level 241 from 6 to 7 miles NE of the airbase.
2,130 feet MSL to flight level 270 from 7 to 10 miles NE of the airbase.
6,130 feet MSL to flight level 270 from 10 to 15 miles NE of the airbase.
10,130 feet MSL to flight level 270 from 15 to 20 miles NE of the airbase.
15,130 feet MSL to flight level 270 from 20 to 25 miles NE of the airbase.
19,130 feet MSL to flight level 270 from 25 to 32 miles NE of the airbase.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Otis Approach Control.
Using agency. Commander, Otis AFB, Mass.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7196 (Rewritten);

R-4104 Nashawena, Mass.

Boundaires. A circular area with a 1.5-nautical mile radius centered at Lat. 41°27'06" N, Long. 70°54'10" W.
Designated altitudes. Surface to 3,000 feet MSL.
Time of designation. 0700 to 2400 e.s.t., October 1 through June 30 annually.
Controlling agency. Federal Aviation Agency, Quonset Approach Control.
Using agency. Commander, Fleet Air Quonset, NAS Quonset Point, R. I.

AMENDMENTS On publ. (8/10/61) 26 F R. 7196 (Rewritten); On publ. (1/19/62) 27 F. R. 563 (Changed);

R-4105 No Man's Land Island, Mass.

Boundaries. A circular area with a 3-mile radius centered at Lat. 41°15'30" N, Long. 70°48'40" W.
Designated altitudes. Surface to flight level 200.
Time of designation. 0700 to 2400 EST.
Controlling agency. Federal Aviation Agency, Quonset Approach Control.
Using agency. Commander, Fleet Air Quonset, NAS Quonset Point, R. I.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7196 (Rewritten); On publ. (12/15/61) 26 F R. 12033 (Rewritten);

R-4106 North Eastham, Mass.

Boundaries. A circular area with a 2-mile radius centered at Lat. 41°51'00" N, Long. 70°03'00" W.
Designated altitudes. Surface to 3,000 feet MSL.
Time of designation. 0800 to 2400 EST.
Controlling agency. Federal Aviation Agency, Otis Approach Control.
Using agency. Commander, Fleet Air Quonset, NAS Quonset Point, R. I.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7196 (Rewritten);
AMENDMENTS On publ. (9/22/61) 26 F. R. 8939 (Changed)

R-4108 Chicopee Falls, Mass. (Westover AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 046° radial of the Westover AFB TACAN, extending from 5 miles NE of the airbase (Lat. 42°11'40" N, Long. 72°32'15" W) to 32 miles NE of the airbase, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.
Designated altitudes:
2,200 feet MSL to 15,200 feet MSL from 5 miles NE of the airbase to 6 miles NE of the airbase.
2,200 feet MSL to flight level 240 from 6 to 7 miles NE of the airbase.
2,200 feet MSL to flight level 270 from 7 to 10 miles NE of the airbase.
6,200 feet MSL to flight level 270 from 10 to 15 miles NE of the airbase.
10,200 feet MSL to flight level 270 from 15 to 20 miles NE of the airbase.
15,200 feet MSL to flight level 270 from 20 to 25 miles NE of the airbase.
19,200 feet MSL to flight level 270 from 25 to 32 miles NE of the airbase.
Time of designation. Continuous.
Using agency. Westover AFB Approach Control.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7196 (Rewritten);

§ 608.42 Michigan

R-4201 Camp Grayling, Mich.

Boundaries. Beginning at Lat. 44°54'00" N, Long. 84°29'00" W; to Lat. 44°41'00" N, Long. 84°29'00" W; to Lat. 44°41'00" N, Long. 84°40'00" W; to Lat. 44°43'00" N, Long. 84°40'00" W; to Lat. 44°43'00" N, Long. 84°38'00" W; to Lat. 44°47'00" N, Long. 84°38'00" W; to Lat. 44°47'00" N, Long. 84°39'00" W; to Lat. 44°52'00" N, Long. 84°39'00" W; to Lat. 44°52'00" N, Long. 84°37'00" W; to Lat. 44°54'00" N, Long. 84°37'00" W; to the point of beginning.
Designated altitudes. The area N of Lat. 44°47'00" N, surface to 29,000 feet MSL June 1 through August 31; Surface to 20,000 feet MSL September 1 through May 31. The area S of Lat. 44°47'00" N, surface to 9,000 feet MSL.
Time of designation. The area N of Lat. 44°47'00" N, continuous June 1 through August 31; sunrise to sunset September 1 through May 31. The area S of Lat. 44°47'00" N, continuous June 1 through August 31.
Using agency. Adjutant General, State of Michigan, Lansing, Mich.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7196 (Rewritten); 9/1/61 26 F.R. 7962 (Changed); 2/8/62 26 F.R. 12684 (Rewritten); (F.R. error corrected - 27 F.R. 253);

R-4202 Lake Margrethe, Mich.

Boundaries. Beginning at Lat. 44°41'00" N, Long. 84°46'00" W; to Lat. 44°36'00" N, Long. 84°46'00" W; to Lat. 44°36'00" N, Long. 84°53'00" W; to Lat. 44°41'00" N, Long. 84°53'00" W; to the point of beginning.
Designated altitudes. Surface to 2,000 feet MSL.
Time of designation. April 1 through October 30.
Using agency. Adjutant General, State of Michigan, Lansing, Mich.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7196 (Rewritten);

R-4203 Mount Clemens, Mich. (Selfridge AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area based on the 336° radial of the Selfridge AFB VOR extending from 5 miles NW of the airbase (Lat. 42°36'50" N, Long. 82°50'05" W) to 32 miles NW of the airbase, having a width of 1 mile W and 3 miles E of the 336° radial at the beginning and a width of 2.3 miles on either side of 336° radial at the outer extremity.
Designated altitudes:
2,600 feet MSL to 15,600 feet MSL from 5 miles NW of the airbase to 6 miles NW of the airbase.
2,600 feet MSL to flight level 246 from 6 to 7 miles NW of the airbase.
2,600 feet MSL to flight level 270 from 7 to 10 miles NW of the airbase.
6,600 feet MSL to flight level 270 from 10 to 15 miles NW of the airbase.
10,600 feet MSL to flight level 270 from 15 to 20 miles NW of the airbase.
15,600 feet MSL to flight level 270 from 20 to 25 miles NW of the airbase.
19,600 feet MSL to flight level 270 from 25 to 32 miles NW of the airbase.
Time of designation. Continuous.
Using agency. Selfridge AFB Approach Control.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7196 (Rewritten);

R-4204 Oscoda, Mich. (Wurtsmith AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area based on the 266° radial of the Wurtsmith AFB VOR, extending from 5 miles W of the airbase (Lat. 44°27'05" N, Long. 83°23'40" W) to 32 miles W of the airbase, having a width of 1 mile N and 2.3 miles S of the 266° radial at the beginning and a width of 2.3 miles on either side of the 266° radial at the outer extremity.
Designated altitudes:
2,600 feet MSL to 15,600 feet MSL from 5 miles W of the airbase to 6 miles W of the airbase.
2,600 feet MSL to flight level 246 from 6 to 7 miles W of the airbase.
2,600 feet MSL to flight level 270 from 7 to 10 miles W of the airbase.
6,600 feet MSL to flight level 270 from 10 to 15 miles W of the airbase.
10,600 feet MSL to flight level 270 from 15 to 20 miles W of the airbase.
15,600 feet MSL to flight level 270 from 20 to 25 miles W of the airbase.
19,600 feet MSL to flight level 270 from 25 to 32 miles W of the airbase.
Time of designation. Continuous.
Using agency. Wurtsmith AFB Approach Control.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7196 (Rewritten);

R-4205 Sault Ste. Marie, Mich. (Kincheloe AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 149° radial of the Kincheloe AFB VOR, extending from 7 miles SE of the VOR to 34 miles SE of the VOR, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.
Designated altitudes:
2,800 feet MSL to 15,800 feet MSL from 7 miles SE of the VOR to 8 miles SE of the VOR.
2,800 feet MSL to flight level 248 from 8 to 9 miles SE of the VOR.
2,800 feet MSL to flight level 270 from 9 to 12 miles SE of the VOR.
6,800 feet MSL to flight level 270 from 12 to 17 miles SE of the VOR.
10,800 feet MSL to flight level 270 from 17 to 22 miles SE of the VOR.
15,800 feet MSL to flight level 270 from 22 to 27 miles SE of the VOR.
19,800 feet MSL to flight level 270 from 27 to 34 miles SE of the VOR.
Time of designation. Continuous.
Using agency. Kincheloe AFB Control Tower.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7196 (Rewritten);
AMENDMENTS F. R. error corrected - 26 F. R. 8377;

R-4207 Upper Lake Huron, Mich.

Boundaries. Beginning at Lat. 45°17'00" N, Long. 83°10'00" W; to Lat. 45°17'00" N, Long. 82°30'30" W; to Lat. 44°07'00" N, Long. 82°14'45" W; to Lat. 44°07'00" N, Long. 83°01'00" W; to Lat. 44°30'00" N, Long. 82°51'00" W; to Lat. 44°45'00" N, Long. 82°50'00" W; to Lat. 44°55'00" N, Long. 83°10'00" W; to the point of beginning.
Designated altitudes. Surface to flight level 500.
Time of designation. Sunrise to sunset.
Using agency. Commander, Wurtsmith AFB, Mich.
AMENDMENTS On publ. (8/10/61) 26 F. R. 7197 (Rewritten);

§ 608.43 Minnesota

R-4301 Camp Ripley, Minn.

Boundaries. Beginning at Lat. 46°17'00" N, Long. 94°20'00" W; to Lat. 46°05'00" N, Long. 94°20'00" W; to Lat. 46°05'00" N, Long. 94°27'00" W; to Lat. 46°08'00" N, Long. 94°27'00" W; to Lat. 46°08'00" N, Long. 94°30'00" W; to Lat. 46°17'00" N, Long. 94°30'00" W; to the point of beginning.
Designated altitudes. Surface to 27,000 feet MSL.
Time of designation. May 1 through November 1.
Using agency. Adjutant General, State of Minnesota, Minneapolis, Minn.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7197 (Rewritten);

R-4304 Upper Red Lake, Minn.

Boundaries. Beginning at Lat. 48°23'00" N, Long. 94°40'00" W; to Lat. 48°13'00" N, Long. 94°40'00" W; to Lat. 48°13'00" N, Long. 95°00'00" W; to Lat. 48°23'00" N, Long. 95°00'00" W; to the point of beginning.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. 0700 to 1700 c.s.t., May 1 through October 31.
Using agency. Commanding Officer, NAS Minneapolis, Minn.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7197 (Rewritten); 4/5/62 27 F.R. 563 (Changed);

PENDING AMENDMENT

§ 608.44 Mississippi

R-4401 Camp Shelby, Miss.

Boundaries. Beginning at Lat. 31°12'54" N, Long. 89°11'03" W; to Lat. 31°11'48" N, Long. 89°00'00" W; to Lat. 31°04'36" N, Long. 89°00'00" W; to Lat. 31°04'36" N, Long. 89°11'03" W; to the point of beginning.
Designated altitudes. Surface to 13,000 feet MSL.
Time of designation. 0700 to 2300 CST, Monday through Friday, June 1 through August 31.
Using agency. Adjutant General, State of Mississippi, Jackson, Miss.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7197 (Rewritten);

R-4403 Pearl River, Miss.

Boundaries. A circular area with a 5-mile radius centered at Lat. 30°23'00" N, Long. 89°34'00" W.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. 0800 to 1800 c.s.t.
Using agency. Commanding Officer, NAS, New Orleans, La.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7197 (Rewritten);

§ 608.45 Missouri

R-4501 Fort Leonard Wood, Mo.

Boundaries. Beginning at Lat. 37°48'15" N, Long. 92°02'00" W; to Lat. 37°43'00" N, Long. 92°02'00" W; to Lat. 37°42'00" N, Long. 92°06'00" W; to Lat. 37°38'30" N, Long. 92°06'00" W; to Lat. 37°36'30" N, Long. 92°11'00" W; to Lat. 37°36'15" N, Long. 92°15'30" W; to Lat. 37°40'30" N, Long. 92°15'30" W; to Lat. 37°42'00" N, Long. 92°14'30" W; to Lat. 37°48'15" N, Long. 92°04'00" W; to the point of beginning.
Designated altitudes. Surface to 6,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, Fort Leonard Wood, Mo.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7197 (Rewritten);

R-4502 Grandview, Mo. (Richards-Gebaur AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the Richards-Gebaur AFB ILS localizer S course, extending from 6 miles S of the airbase (Lat. 38°50'50" N, Long. 94°33'20" W) to 32 miles S of the airbase, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.
Designated altitudes:
3,100 feet MSL to 16,100 feet MSL from 5 miles S of the airbase to 6 miles S of the airbase.
3,100 feet MSL to flight level 251 from 6 to 7 miles S of the airbase.
3,100 feet MSL to flight level 270 from 7 to 10 miles S of the airbase.
7,100 feet MSL to flight level 270 from 10 to 15 miles S of the airbase.
11,100 feet MSL to flight level 270 from 15 to 20 miles S of the airbase.
16,100 feet MSL to flight level 270 from 20 to 25 miles S of the airbase.
20,100 feet MSL to flight level 270 from 25 to 32 miles S of the airbase.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Olathe Approach Control, Olathe, Kansas.
Using agency. Commander, Richards-Gebaur AFB, Mo.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7197 (Rewritten);
AMENDMENTS F. R. error corrected - 26 F. R. 8377;

§ 608.46 Montana

R-4601 Glasgow, Mont. (Glasgow AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 299° radial of the Glasgow AFB TACAN, extending from 5 miles NW of the airbase (Lat. 48°25'10" N, Long. 106°31'30" W) to 30 miles NW of the airbase, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.
Designated altitudes:
4,800 feet MSL to 17,800 feet MSL from 5 miles NW of the airbase to 6 miles NW of the airbase.
4,800 feet MSL to flight level 268 from 6 to 7 miles NW of the airbase.
4,800 feet MSL to flight level 270 from 7 to 10 miles NW of the airbase.
8,800 feet MSL to flight level 270 from 10 to 15 miles NW of the airbase.
12,800 feet MSL to flight level 270 from 15 to 20 miles NW of the airbase.
17,800 feet MSL to flight level 270 from 20 to 25 miles NW of the airbase.
21,800 feet MSL to flight level 270 from 25 to 30 miles NW of the airbase.
Time of designation. Continuous.
Using agency. Glasgow AFB Approach Control.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7197 (Rewritten);

§ 608.47 Nebraska

R-4701 Sioux Ordnance Depot, Nebr.

Boundaries. A circular area with a 2,400 foot radius centered at latitude 41°15'13" N., longitude 103°04'50" W.
Designated altitudes. Surface to 7,400 feet MSL.
Time of designation. 0900 to 2100 MST, Monday through Friday.
Using agency. Commanding Officer, Sioux Ordnance Depot, Sidney, Nebr.

AMENDMENTS 6/28/62 27 F.R. 3592 (Added);

§ 608.48 Nevada

R-4802 Lone Rock, Nev.

Boundaries. A circular area with a 3-mile radius centered at Lat. 39°52'36" N, Long. 118°20'47" W.
Designated altitudes. Surface to 8,000 feet MSL.
Time of designation. Monday through Saturday.
Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, California.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7197 (Rewritten);

R-4803 Fallon, Nev.

Boundaries. A 3-nautical mile radius circle centered at Lat. 39°20'40" N, Long. 118°52'15" W; and within 3 nautical miles W and 2 nautical miles E of a line extending 349.5° True from the center to 15 nautical miles NNW.
Designated altitudes. Surface to 8,000 feet MSL N, and surface to 18,000 feet MSL S of a line extending from Lat. 39°27'40" N, Long. 118°57'55" W; to Lat. 39°30'20" N, Long. 118°51'55" W.
Time of designation. Continuous, Monday through Saturday.
Controlling agency. Federal Aviation Agency, Oakland ARTC Center.
Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7197 (Rewritten); 4/5/62 27 F.R. 1354 (Rewritten);

R-4804 Twin Peaks, Nev.

Boundaries. A 5-nautical mile radius circle centered at Lat. 39°13'00" N, Long. 118°12'42" W; and a 3-nautical mile radius circle centered at Lat. 39°14'15" N, Long. 118°17'30" W.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. Continuous, Monday through Saturday.
Controlling agency. Federal Aviation Agency, Oakland ARTC Center.
Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7198 (Rewritten); 1/5/62 27 F.R. 1354 (Rewritten);

R-4805 Sahwave Mountains, Nev.

Boundaries. Beginning at Lat. 40°40'00" N, Long. 118°49'00" W; to Lat. 40°04'00" N, Long. 118°49'00" W; to Lat. 40°00'00" N, Long. 118°57'00" W; to Lat. 40°00'00" N, Long. 119°13'00" W; to Lat. 40°40'00" N, Long. 119°13'00" W; to the point of beginning.
Designated altitudes. Surface to flight level 550.
Time of designation. One hour before sunrise to 1 hour after sunset, Monday through Friday.
Controlling agency. Federal Aviation Agency, Oakland ARTC Center.
Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7198 (Rewritten); On publ. (1/3/62) 27 F. R. 6 (Rewritten);

R-4806 Las Vegas, Nev.

Boundaries. Beginning at latitude 37°17'00" N., longitude 115°18'00" W.; to latitude 36°26'00" N., longitude 115°18'00" W.; to latitude 36°26'00" N., longitude 115°23'00" W.; to latitude 36°35'00" N., longitude 115°37'00" W.; to latitude 36°35'00" N., longitude 115°42'00" W.; to latitude 36°41'00" N., longitude 115°42'00" W.; to latitude 36°41'00" N., longitude 115°56'00" W.; to latitude 37°06'00" N., longitude 115°56'00" W.; to latitude 37°06'00" N., longitude 115°35'00" W.; to latitude 37°17'00" N., longitude 115°35'00" W.; to the point of beginning.
Designated altitudes. Unlimited Monday through Saturday, Sunday from 13,000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commander, Nellis AFB, Nev.

AMENDMENTS 8/24/61 26 F. R. 6233 (Added); 1/15/62 27 F. R. 205 (Changed); On publ. (3/17/62) 27 F.R. 2566 (Rewritten);

R-4807 Tonopah, Nev.

Boundaries. Beginning at latitude 36°51'00" N., longitude 116°33'30" W.; to latitude 37°26'30" N., longitude 117°04'30" W.; to latitude 37°53'00" N., longitude 117°01'00" W.; to latitude 37°53'00" N., longitude 116°55'00" W.; to latitude 37°47'00" N., longitude 116°55'00" W.; to latitude 37°33'00" N., longitude 116°43'00" W.; to latitude 37°33'00" N., longitude 116°26'00" W.; to latitude 37°53'00" N., longitude 116°26'00" W.; to latitude 37°53'00" N., longitude 116°11'00" W.; to latitude 37°42'00" N., longitude 116°11'00" W.; to latitude 37°42'00" N., longitude 115°53'00" W.; to latitude 37°33'00" N., longitude 115°53'00" W.; to latitude 37°33'00" N., longitude 115°48'00" W.; to latitude 37°28'00" N., longitude 115°48'00" W.; to latitude 37°28'00" N., longitude 116°00'00" W.; to latitude 37°16'00" N., longitude 116°00'00" W.; to latitude 37°16'00" N., longitude 116°34'00" W.; to the point of beginning.
Designated altitudes. Unlimited Monday through Saturday. Sunday from 13,000 feet MSL to unlimited.
Time of designation. Continuous.
Using agency. Commander, Nellis AFB, Nev.

AMENDMENTS 8/24/61 26 F. R. 6233 (Added); 1/15/62 27 F. R. 205 (Changed); On publ. (3/17/62) 27 F.R. 2566 (Rewritten);

R-4808 Las Vegas, Nev.

Boundaries. Beginning at latitude 36°41'00" N., longitude 115°56'00" W.; to latitude 36°41'00" N., longitude 116°26'30" W.; to latitude 36°51'00" N., longitude 116°26'30" W.; to latitude 36°51'00" N., longitude 116°33'30" W.; to latitude 37°16'00" N., longitude 116°34'00" W.; to latitude 37°16'00" N., longitude 116°00'00" W.; to latitude 37°28'00" N., longitude 116°00'00" W.; to latitude 37°28'00" N., longitude 115°35'00" W.; to latitude 37°06'00" N., longitude 115°35'00" W.; to latitude 37°06'00" N., longitude 115°56'00" W.; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Albuquerque, N. Mex.

AMENDMENTS 8/24/61 26 F. R. 6233 (Added); 1/15/62 27 F. R. 205 (Changed); On publ. (3/17/62) 27 F.R. 2566 (Rewritten);

R-4809 Tonopah, Nev.

Boundaries. Beginning at Lat. 37°53'00" N, Long. 116°26'00" W; to Lat. 37°33'00" N, Long. 116°26'00" W; to Lat. 37°33'00" N, Long. 116°43'00" W; to Lat. 37°47'00" N, Long. 116°55'00" W; to Lat. 37°53'00" N, Long. 116°55'00" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Albuquerque, N. Mex.

AMENDMENTS 8/24/61 26 F. R. 6233 (Added);

R-4810 Desert Mountains, Nev.

Boundaries. A 5-nautical mile radius circle centered at Lat. 39°10'00" N, Long. 118°37'30" W; and a 3-nautical mile radius circle centered at Lat. 39°09'15" N, Long. 118°42'20" W.
Designated altitudes. Surface to flight level 300.
Time of designation. One hour prior to sunrise to one hour after sunset, Monday through Friday.
Controlling agency. Federal Aviation Agency, Oakland ARTC Center.
Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

AMENDMENTS 4/5/62 27 F.R. 1354 (Added);

§ 608.49 New Hampshire

R-4901 Isle of Shoals, N. H.

Boundaries. Beginning at Lat. 42°59'54" N, Long. 70°38'21" W; to Lat. 43°02'21" N, Long. 70°37'14" W; to Lat. 43°01'30" N, Long. 70°33'49" W; to Lat. 42°59'03" N, Long. 70°35'00" W; to the point of beginning.
Designated altitudes. Surface to 2,000 feet MSL.
Time of designation. Sunrise to sunset, Monday through Friday.
Using agency. Commander, Fleet Air Detachment, NAS Brunswick, Maine.

AMENDMENTS On publ. (9/1/61) 26 F. R. 8246 (Rewritten);

§ 608.50 New Jersey

R-5001 Fort Dix, N. J.

Boundaries. Beginning at Lat. 40°02'45" N, Long. 74°27'00" W; to Lat. 39°58'45" N, Long. 74°25'40" W; to Lat. 39°58'45" N, Long. 74°31'25" W; to Lat. 39°59'15" N, Long. 74°33'30" W; to Lat. 40°01'53" N, Long. 74°33'30" W; to Lat. 40°02'45" N, Long. 74°32'30" W; to the point of beginning.
Designated altitudes. Surface to 8,000 feet MSL east of and surface to 4,000 feet MSL west of a line drawn from Lat. 40°02'45" N, Long. 74°31'25" W; to Lat. 39°58'45" N, Long. 74°31'25" W.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, New York ARTC Center.
Using agency. Commanding General, Fort Dix, N. J.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7198 (Rewritten); 2/8/62 27 F.R. 171 (Rewritten);

R-5002 Warren Grove, N. J.

Boundaries. Beginning at Lat. 39°46'10" N, Long. 74°20'14" W; to Lat. 39°43'25" N, Long. 74°17'37" W; to Lat. 39°38'45" N, Long. 74°23'40" W; to Lat. 39°39'50" N, Long. 74°25'52" W; to Lat. 39°43'58" N, Long. 74°24'13" W; to the point of beginning.
Designated altitudes. Surface to 9,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Agency, New York ARTC Center.
Using agency. Commander, 108th Tactical Fighter Wing, New Jersey Air National Guard, McGuire AFB, N. J.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7198 (Rewritten);
AMENDMENTS 9/1/61 26 F. R. 7962 (Changed); 10/2/61 26 F. R. 9207 (Rewritten);

R-5003 Wrightstown, N. J. (McGuire AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 226° radial of the McGuire VOR, extending from 5 miles SW of the airbase (Lat. 40°00'55" N, Long. 74°35'25" W) to 32 miles SW of the airbase, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.
Designated altitudes:
2,100 feet MSL to 15,100 feet MSL from 5 miles SW of the airbase to 6 miles SW of the airbase.
2,100 feet MSL to flight level 241 from 6 to 7 miles SW of the airbase.
2,100 feet MSL to flight level 270 from 7 to 10 miles SW of the airbase.
6,100 feet MSL to flight level 270 from 10 to 15 miles SW of the airbase.
10,100 feet MSL to flight level 270 from 15 to 20 miles SW of the airbase.
15,100 feet MSL to flight level 270 from 20 to 25 miles SW of the airbase.
19,100 feet MSL to flight level 270 from 25 to 32 miles SW of the airbase.
Time of designation. Continuous.
Using agency. McGuire AFB Approach Control.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7198 (Rewritten);

§ 608.51 New Mexico

R-5101 Los Alamos, N. Mex.

Boundaries. Beginning at Lat. 35°45'15" N, Long. 106°15'12" W; to Lat. 35°50'03" N, Long. 106°21'36" W; to Lat. 35°52'22" N, Long. 106°20'42" W; to Lat. 35°52'52" N, Long. 106°16'48" W; to Lat. 35°52'30" N, Long. 106°14'48" W; to Lat. 35°48'35" N, Long. 106°14'48" W; to Lat. 35°47'05" N, Long. 106°12'06" W; to the point of beginning.
Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Los Alamos, N. Mex.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7198 (Rewritten);

R-5102 Los Alamos, N. Mex.

Boundaries. Beginning at Lat. 35°52'53" N, Long. 106°14'06" W; to Lat. 35°53'03" N, Long. 106°16'09" W; to Lat. 35°54'45" N, Long. 106°16'09" W; thence clockwise along the arc of a circle with a radius of 10,000 feet centered at Lat. 35°53'03" N, Long. 106°16'09" W; to the point of beginning.
Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Los Alamos, N. Mex.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7198 (Rewritten);

R-5103 McGregor, N. Mex.

Boundaries. Beginning at Lat. 32°27'40" N, Long. 106°00'00" W; to Lat. 32°36'00" N, Long. 106°00'00" W; to Lat. 32°45'00" N, Long. 105°59'00" W; to Lat. 32°15'00" N, Long. 105°30'00" W; to Lat. 32°26'20" N, Long. 105°30'00" W; to Lat. 32°00'00" N, Long. 105°57'00" W; to Lat. 32°00'00" N, Long. 106°10'30" W; to Lat. 32°05'20" N, Long. 106°09'20" W; to Lat. 32°06'00" N, Long. 106°15'30" W; along the Southern Pacific Railroad to Lat. 32°28'00" N, Long. 106°02'00" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Commanding General, Fort Bliss, Tex.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7198 (Rewritten);

R-5104 Melrose, N. Mex.

Boundaries. Beginning at latitude 34°28'00" N., longitude 103°43'15" W.; to latitude 34°25'25" N., longitude 103°40'00" W.; to latitude 34°10'00" N., longitude 103°40'00" W.; to latitude 34°10'00" N., longitude 103°55'00" W.; to latitude 34°28'00" N., longitude 103°55'00" W.; to point of beginning.
Designated altitudes. Surface to 23,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.
Using agency. Commander, Cannon AFB, N. Mex.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7198 (Rewritten);
AMENDMENTS On publ. (9/19/61) 26 F. R. 8808 (Rewritten); 6/28/62 27 F.R. 3881 (Rewritten);

R-5105 Melrose, N. Mex.

Boundaries. Beginning at latitude 34°39'00" N., longitude 103°55'00" W.; to latitude 34°39'00" N., longitude 103°40'00" W.; to latitude 34°25'25" N., longitude 103°40'00" W.; to latitude 34°28'00" N., longitude 103°43'15" W.; to latitude 34°28'00" N., longitude 103°55'00" W.; to the point of beginning.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.
Using agency. Commander, Cannon AFB, N. Mex.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7198 (Rewritten); 6/28/62 27 F.R. 3881 (Rewritten);

R-5106 Orogrande, N. Mex.

Boundaries. Beginning at Lat. 32°36'00" N, Long. 106°00'00" W; to Lat. 32°27'40" N, Long. 106°00'00" W; to Lat. 32°28'00" N, Long. 106°02'00" W; along the southern Pacific Railroad to Lat. 32°22'00" N, Long. 106°05'00" W; to Lat. 32°06'15" N, Long. 106°15'15" W; to Lat. 32°06'30" N, Long. 106°17'15" W; to Lat. 32°23'00" N, Long. 106°07'00" W; to Lat. 32°25'00" N, Long. 106°06'00" W; to Lat. 32°36'00" N, Long. 106°06'00" W; to the point of beginning.
Designated altitudes. From 4,000 feet above the surface to unlimited.
Time of designation. Continuous.
Using agency. Commanding General, Fort Bliss, Tex.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7198 (Rewritten);

R-5107 White Sands Proving Ground, N. Mex.

Boundaries. Beginning at Lat. 34°15'45" N, Long. 106°40'30" W; to Lat. 34°17'00" N, Long. 106°12'00" W; to Lat. 34°17'00" N, Long. 106°04'00" W; to Lat. 32°50'00" N, Long. 106°04'00" W; to Lat. 32°36'00" N, Long. 106°06'00" W; to Lat. 32°25'00" N, Long. 106°06'00" W; to Lat. 32°00'00" N, Long. 106°21'00" W; to Lat. 32°00'00" N, Long. 106°34'00" W; to Lat. 32°18'00" N, Long. 106°34'00" W; to Lat. 32°18'00" N, Long. 106°39'00" W; to Lat. 33°13'00" N, Long. 106°52'00" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Commander, Holloman AFB, N. Mex.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7198 (Rewritten);

R-5108 White Sands, N. Mex.

Boundaries. Beginning at latitude 34°15'45" N., longitude 106°40'30" W.; to latitude 33°17'50" N., longitude 106°51'00" W.; thence clockwise along the arc of a 33.5 mile radius circle centered at latitude 33°46'15" N., longitude 106°46'00" W.; to point of beginning.
Designated altitude. 24,000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.
Using agency. Commander, Holloman AFB, N. Mex.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7198 (Rewritten); On publ. (3/27/62) 27 F.R. 2794 (Rewritten);

R-5109 White Sands, N. Mex.

Boundaries. Beginning at Lat. 34°17'00" N, Long. 106°04'00" W; to Lat. 34°17'00" N, Long. 105°51'00" W; to Lat. 33°57'00" N, Long. 105°27'00" W; to Lat. 32°45'00" N, Long. 105°27'00" W; to Lat. 32°45'00" N, Long. 105°59'00" W; to Lat. 32°36'00" N, Long. 106°00'00" W; to Lat. 32°36'00" N, Long. 106°06'00" W; to Lat. 32°50'00" N, Long. 106°04'00" W; to the point of beginning.
Designated altitudes. From 16,000 feet MSL to unlimited.
Time of designation. Continuous.
Using agency. Commander, Holloman AFB, N. Mex.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7198 (Rewritten);

R-5110 McGregor, N. Mex.

Boundaries. Beginning at latitude 33°13'00" N., longitude 105°17'35" W.; thence counterclockwise along the arc of a 45-mile radius circle centered at Walker AFB, Roswell, N. Mex. (latitude 33°18'00" N., longitude 104°31'20" W.), to latitude 32°52'30" N., longitude 105°06'55" W.; to latitude 32°26'20" N., longitude 105°30'00" W.; to latitude 32°45'00" N., longitude 105°30'00" W.; to latitude 32°45'00" N., longitude 105°27'00" W.; to latitude 33°13'00" N., longitude 105°27'00" W.; to point of beginning.
Designated altitudes. 31,000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, El Paso ARTC Center.
Using agency. Commanding General, Fort Bliss, Tex.

AMENDMENTS 6/28/62 27 F.R. 4326 (Added);

§ 608.52 New York

R-5201 Camp Drum, N. Y.

Boundaries. Beginning at Lat. 44°15'00" N, Long. 75°31'30" W; to Lat. 44°11'15" N, Long. 75°25'00" W; to Lat. 44°03'00" N, Long. 75°33'30" W; to Lat. 44°03'15" N, Long. 75°37'39" W; to Lat. 44°06'44" N, Long. 75°43'54" W; to the point of beginning.
Designated altitudes. Surface to 23,000 feet MSL, May 1 through October 31; surface to 20,000 feet MSL, November 1 through April 30.
Time of designation. Continuous.
Using agency. Commanding General, First United States Army, Governor's Island, New York, N. Y.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7199 (Rewritten);

R-5202 Gardiner's Island, N. Y.

Boundaries. A circular area with a 3-nautical mile radius centered at Lat. 41°08'30" N, Long. 72°08'50" W.
Designated altitudes. Surface to 6,000 feet MSL.
Time of designation. 0800 to 1800 EST, Sunday through Friday, and 0800 to 2300 EST, Saturday, April 15 through October 31; 0800 to 2300 EST, Saturday and Sunday, November 1 through April 14
Controlling agency. Federal Aviation Agency, New York ARTC Center.
Using agency. Commanding Officer, NAS New York, N. Y.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7199 (Rewritten);

R-5203 Oswego, N. Y.

Boundaries. Beginning at Lat. 43°37'00" N, Long. 76°45'00" W; to Lat. 43°24'00" N, Long. 76°45'00" W; to Lat. 43°24'00" N, Long. 78°00'00" W; to Lat. 43°37'00" N, Long. 78°00'00" W; to the point of beginning.
Designated altitudes. Surface to flight level 320.
Time of designation. Sunrise to sunset.
Using agency. Commander, Air National Guard Base, Niagara Falls Municipal Airport, Niagara Falls, N. Y., Phone: BUtler 5-6691, Extension 497.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7199 (Rewritten); 9/1/61 26 F. R. 7962 (Changed); On publ. (1/19/62) 27 F. R. 563 (Rewritten);

R-5204 Rome, N. Y. (Griffiss AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area based on the 138° radials and 318° radials of the Griffiss AFB VOR and the 318° radial of the Griffiss AFB TACAN, extending from 5 miles NW of the airbase (Lat. 43°14'00" N, Long. 75°24'10" W) to 32 miles NW of the airbase, having a width of 1 mile SW of the 138° radial of the VOR and 1 mile NE of the 318° radial of the TACAN at the beginning, expanding uniformly to a width of 2.3 miles SW of the 318° radial of the VOR and 2.3 miles NE of the 318° radial of the TACAN at the outer extremity.
Designated altitudes:
2,500 feet MSL to 15,500 feet MSL from 5 miles NW of the airbase to 6 miles NW of the airbase.
2,500 feet MSL to flight level 245 from 6 to 7 miles NW of the airbase.
2,500 feet MSL to flight level 270 from 7 to 10 miles NW of the airbase.
6,500 feet MSL to flight level 270 from 10 to 15 miles NW of the airbase.
10,500 feet MSL to flight level 270 from 15 to 20 miles NW of the airbase.
15,500 feet MSL to flight level 270 from 20 to 25 miles NW of the airbase.
19,500 feet MSL to flight level 270 from 25 to 32 miles NW of the airbase.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Griffiss Approach Control.
Using agency. Commander, Griffiss AFB, N. Y.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7199 (Rewritten);

R-5205 Westhampton Beach, N. Y. (Suffolk AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 039° radial of the Suffolk AFB VOR extending from 5 miles NE of the airbase (Lat. 40°50'40" N, Long. 72°37'45" W) to 32 miles NE of the airbase having a width of 2 miles at the beginning, expanding uniformly to a width of 4.6 miles at the outer extremity.
Designated altitudes:
2,100 feet MSL to 15,100 feet MSL from 5 miles NE of the airbase to 6 miles NE of the airbase.
2,100 feet MSL to flight level 241 from 6 to 7 miles NE of the airbase.
2,100 feet MSL to flight level 270 from 7 to 10 miles NE of the airbase.
6,100 feet MSL to flight level 270 from 10 to 15 miles NE of the airbase.
10,100 feet MSL to flight level 270 from 15 to 20 miles NE of the airbase.
15,100 feet MSL to flight level 270 from 20 to 25 miles NE of the airbase.
19,100 feet MSL to flight level 270 from 25 to 32 miles NE of the airbase.
Time of designation. Continuous.
Using agency. Suffolk AFB Approach Control.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7199 (Rewritten);

R-5206 **West Point, N. Y.**

Boundaries. Beginning at Lat. 41°19'40" N, Long. 74°03'33" W; to Lat. 41°19'40" N, Long. 74°00' 26" W; to Lat. 41°20'40" N, Long. 74°00'26" W; to Lat. 41°20'40" N, Long. 73°58'58" W; to Lat. 41°22' 40" N, Long. 73°58'58" W; along U. S. Highway No. 9W to Lat. 41°23'08" N, Long. 73°59'42" W; to Lat. 41°23'08" N, Long. 74°00'00" W; along New York State Highway No. 293 to Lat. 41°20'40" N, Long. 74° 03'33" W; to the point of beginning.
Designated altitudes. Surface to 7,000 feet MSL.
Time of designation. 0600 to 1600 EST, Monday through Saturday, May 1 through August 31.
Controlling agency. Federal Aviation Agency, New York ARTC Center.
Using agency. Superintendent, United States Military Academy, West Point, N. Y.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7199 (Rewritten);

§ 608.53 **North Carolina**

R-5301 **Albermarle Sound, N. C.**

Boundaries. A circular area with a 3-mile radius centered at Lat. 36°03'30" N, Long. 76°20'00" W.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7199 (Rewritten);

R-5302 **Albermarle Sound, N. C.**

Boundaries. A circular area with a 3-mile radius centered at Lat. 35°58'44" N, Long. 76°21'34" W.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7199 (Rewritten);

R-5303 **Albermarle Sound, N. C.**

Boundaries. A circular area with a 3-mile radius centered at Lat. 35°59'16" N, Long. 76°15'58" W.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7199 (Rewritten);

R-5304 **Albermarle Sound, N. C.**

Boundaries. A circular area with a 3-mile radius centered at Lat. 36°00'05" N, Long. 76°10'54" W.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7199 (Rewritten);

R-5305 **Albermarle Sound, N. C.**

Boundaries. A circular area with a 3-mile radius centered at Lat. 36°00'33" N, Long. 76°05'58" W.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7199 (Rewritten);

R-5306A **Cherry Point, N. C.**

Boundaries. Beginning at Lat. 35°23'15" N, Long. 76°34'40" W; to Lat. 35°18'15" N, Long. 76°16' 40" W; to Lat. 35°04'30" N, Long. 76°04'30" W; to Lat. 34°46'45" N, Long. 76°24'45" W; to Lat. 34° 45'10" N, Long. 76°40'30" W; to Lat. 34°41'50" N, Long. 76°56'20" W; to Lat. 34°37'30" N, Long. 76° 56'20" W; thence southwest along the boundary of Warning Area W-122 to Lat. 34°34'30" N, Long. 77°09' 00" W; to Lat. 34°44'50" N, Long. 77°14'40" W; to Lat. 35°03'00" N, Long. 76°57'00" W; thence to point of beginning.
Designated altitudes. Surface to flight level 350.
Time of designation. Continuous.
Using agency. Commanding General Marine Corps Air Station, Cherry Point, N. C.

AMENDMENTS 1/11/62 26 F. R. 10877 (Added);

R-5306B **Cherry Point, N. C.**

Boundaries. Beginning at Lat. 34°44'50" N, Long. 77°14'40" W; to Lat. 34°34'30" N, Long. 77°09' 00" W; thence southwest along the boundary of Warning Area W-122 to Lat. 34°30'20" N, Long. 77°15' 50" W; to Lat. 34°33'00" N, Long. 77°19'00" W; to Lat. 34°36'05" N, Long. 77°26'08" W; to Lat. 34° 40'00" N, Long. 77°22'00" W; to Lat. 34°39'10" N, Long. 77°20'50" W; thence to point of beginning
Designated altitudes. Surface to flight level 290.
Time of designation. Continuous.
Using agency. Commanding General, Marine Corps Air Station, Cherry Point, N. C.

AMENDMENTS 1/11/62 26 F. R. 10877 (Added);

R-5306C **Cherry Point, N. C.**

Boundaries. Beginning at Lat. 34°42'00" N, Long. 77°24'50" W; to Lat. 34°40'00" N, Long. 77°22' 00" W; to Lat. 34°36'05" N, Long. 77°26'08" W; to Lat. 34°37'25" N, Long. 77°29'00" W; to Lat 34° 40'20" N, Long. 77°28'10" W; thence to point of beginning.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, Marine Corps Air Station, Cherry Point, N. C.

AMENDMENTS 1/11/62 26 F. R. 10877 (Added);

R-5307 **Cherry Point, N. C.**

Boundaries. Beginning at Lat. 35°23'15" N, Long. 76°34'40" W; to Lat. 35°03'00" N, Long. 76°57' 00" W; to Lat. 34°44'50" N, Long. 77°14'40" W; to Lat. 34°39'10" N, Long. 77°20'50" W; to Lat. 34°42' 00" N, Long. 77°24'50" W; to Lat. 34°40'20" N, Long. 77°28'10" W; to Lat. 34°37'25" N, Long. 77°29'00" W; to Lat. 34°41'45" N, Long. 77°40'00" W; to Lat. 35°20'30" N, Long. 77°28'45" W; to Lat. 35°44'25" N, Long. 77°12'00" W; thence to point of beginning.
Designated altitudes. Flight level 350 to flight level 550
Time of designation. Sunset to sunrise.
Controlling agency. Federal Aviation Agency, Washington ARTC Center.
Using agency. Commanding General, Marine Corps Air Station, Cherry Point, N. C.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7199 (Rewritten); 1/11/62 26 F. R. 10877 (Rewritten);

R-5308 **Currituck Sound, N. C.**

Boundaries. A circular area with a 3-nautical mile radius centered at Lat. 36°12'15" N, Long. 75° 45'57" W.
Designated altitudes. Surface to 10,000 feet MSL
Time of designation. Continuous.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va

AMENDMENTS On publ. (8/10/61) 26 F. R. 7199 (Rewritten);

R-5309 **Currituck Sound, N. C.**

Boundaries. A circular area with a 3-mile radius centered at Lat. 36°25'24" N, Long. 75°50'09" W
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7199 (Rewritten);

R-5310 **Currituck Sound, N. C.**

Boundaries. A circular area with a 3-mile radius centered at Lat. 36°10'28" N, Long. 75°45'04" W.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. Continuous.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7199 (Rewritten);

R-5311 **Fort Bragg, N. C.**

Boundaries. Beginning at Lat. 35°10'46" N, Long. 79°01'56" W; to Lat. 35°08'47" N, Long. 79°02' 00" W; to Lat. 35°07'00" N, Long. 79°02'30" W; to Lat. 35°03'00" N, Long. 79°02'30" W; to Lat. 35°03' 00" N, Long. 79°15'09" W; to Lat. 35°06'50" N, Long. 79°24'00" W; to Lat. 35°09'00" N, Long. 79°23' 11" W; thence along Little River to the point of beginning.
Designated altitudes. Surface to 35,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, Fort Bragg, N. C.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7199 (Rewritten);

R-5312 Goldsboro, N. C. (Seymour-Johnson AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area based on the 228° radial of the Seymour-Johnson AFB TACAN extending from 5 miles SW of the TACAN to 32 miles SW of the TACAN, having a width of 1 mile SE and 2.3 miles NW of the 228° radial at the beginning and a width of 2.3 miles either side of the 228° radial at the outer extremity.
Designated altitudes:
2,100 feet MSL to 15,000 feet MSL from 5 miles SW of the TACAN to 6 miles SW of the TACAN
2,100 feet MSL to flight level 240 from 6 to 7 miles SW of the TACAN.
2,100 feet MSL to flight level 270 from 7 to 10 miles SW of the TACAN.
6,100 feet MSL to flight level 270 from 10 to 15 miles SW of the TACAN
10,100 feet MSL to flight level 270 from 15 to 20 miles SW of the TACAN
15,100 feet MSL to flight level 270 from 20 to 25 miles SW of the TACAN
19,100 feet MSL to flight level 270 from 25 to 32 miles SW of the TACAN
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Raleigh-Durham, N C Approach Control
Using agency Commander, Seymour-Johnson AFB, N C

AMENDMENTS On publ (8/10/61) 26 F R 7200 (Rewritten);

R-5313 Long Shoal Point, N. C.

Boundaries. A circular area with a 3-mile radius centered at Lat 35°32'48" N, Long 75°41'26" W
Designated altitudes Unlimited.
Time of designation. Continuous.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va

AMENDMENTS On publ (8/10/61) 26 F. R. 7200 (Rewritten);

§ 608.54 North Dakota

R-5402 Grand Forks, N. Dak. (Grand Forks AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 001° radial of the Grand Forks AFB TACAN extending from 5 miles N of the airbase (Lat. 47°57'40" N, Long. 97°24'05" W) to 32 miles N of the airbase, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity
Designated altitudes:
2,900 feet MSL to 15,900 feet MSL from 5 miles N of the airbase to 6 miles N of the airbase
2,900 feet MSL to flight level 249 from 6 to 7 miles N of the airbase.
2,900 feet MSL to flight level 270 from 7 to 10 miles N of the airbase.
6,900 feet MSL to flight level 270 from 10 to 15 miles N of the airbase
10,900 feet MSL to flight level 270 from 15 to 20 miles N of the airbase
15,900 feet MSL to flight level 270 from 20 to 25 miles N of the airbase
19,900 feet MSL to flight level 270 from 25 to 32 miles N of the airbase
Time of designation. Continuous.
Using agency. Grand Forks AFB Approach Control.

AMENDMENTS On publ. (8/10/61) 26 F R. 7200 (Rewritten);

R-5403 Minot, N. Dak. (Minot AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 308° radial of the Minot AFB TACAN extending from 5 miles NW of the airbase (Lat. 48°25'18" N, Long. 101°22'08" W) to 32 miles NW of the airbase, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity
Designated altitudes:
3,650 feet MSL to 16,650 feet MSL from 5 miles NW of the airbase to 6 miles NW of the airbase
3,650 feet MSL to flight level 257 from 6 to 7 miles NW of the airbase.
3,650 feet MSL to flight level 270 from 7 to 10 miles NW of the airbase.
7,650 feet MSL to flight level 270 from 10 to 15 miles NW of the airbase
11,650 feet MSL to flight level 270 from 15 to 20 miles NW of the airbase.
16,650 feet MSL to flight level 270 from 20 to 25 miles NW of the airbase
20,650 feet MSL to flight level 270 from 25 to 32 miles NW of the airbase
Time of designation. Continuous.
Using agency. Minot AFB Approach Control

AMENDMENTS On publ. (8/10/61) 26 F. R. 7200 (Rewritten);

§ 608.55 Ohio

R-5501 Columbus, Ohio (Lockbourne AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 218° radial of the Appleton, Ohio, VORTAC extending from 5 miles SW of the Lockbourne AFB (Lat. 39°48'51" N, Long. 82°55'56" W) to 32 miles SW of the airbase, having a width of 5.1 miles at the beginning and expanding uniformly to a width of 8.6 miles at the outer extremity.
Designated altitudes:
2,750 feet MSL to 15,750 feet MSL from 5 miles SW of the airbase to 6 miles SW of the airbase.
2,750 feet MSL to flight level 248 from 6 to 7 miles SW of the airbase.
2,750 feet MSL to flight level 270 from 7 to 10 miles SW of the airbase.
6,750 feet MSL to flight level 270 from 10 to 15 miles SW of the airbase.
10,750 feet MSL to flight level 270 from 15 to 20 miles SW of the airbase.
15,750 feet MSL to flight level 270 from 20 to 25 miles SW of the airbase.
19,750 feet MSL to flight level 270 from 25 to 32 miles SW of the airbase.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Columbus Approach Control.
Using agency. Commander, Lockbourne AFB, Ohio

AMENDMENTS On publ. (8/10/61) 26 F. R. 7200 (Rewritten);

R-5502 Lacarne, Ohio.

Boundaries. Beginning at Lat. 41°50'39" N, Long. 83°08'47" W; to Lat. 41°35'41" N, Long. 82°54'24" W; to Lat. 41°31'39" N, Long. 83°01'30" W; to Lat. 41°31'40" N, Long. 83°03'00" W; to Lat. 41°37'38" N, Long. 83°11'12" W; to Lat. 41°39'30" N, Long. 83°15'15" W; to Lat. 41°45'30" N, Long. 83°19'45" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Commanding Officer, Erie Ordnance Depot, Lacarne, Ohio.
Controlling agency. Federal Aviation Agency, Cleveland ARTC Center.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7200 (Rewritten); 4/5/62 27 F.R. 1115 (Changed);

PENDING AMENDMENT
R-5503 Wilmington, Ohio

Boundaries. Beginning at Lat. 39°08'20" N, Long. 83°02'00" W; to Lat. 38°48'30" N, Long. 83°02'00" W; to Lat. 38°58'30" N, Long. 84°05'00" W; to Lat. 39°12'30" N, Long. 84°05'00" W; to the point of beginning.
Designated altitudes. Surface to flight level 600.
Time of designation. 0800 to 2200 EST, Monday through Saturday.
Controlling agency. Federal Aviation Agency, Indianapolis ARTC Center.
Using agency Aeronautical Systems Division, Wright-Patterson AFB, Ohio.

AMENDMENTS On publ (8/10/61) 26 F. R. 7200 (Rewritten); On publ. (3/27/62) 27 F.R. 2795 (Changed);

R-5504 Wilmington, Ohio

Boundaries. Beginning at Lat. 39°30'00" N, Long. 83°02'00" W; to Lat. 39°08'20" N, Long. 83°02'00" W; to Lat. 39°12'30" N, Long. 84°05'00" W; to Lat. 39°15'45" N, Long. 84°05'00" W; to Lat. 39°30'00" N, Long. 83°47'00" W; to the point of beginning, excluding the portion that coincides with R-5501.
Designated altitudes. 3,000 feet MSL to flight level 600.
Time of designation. 0800 to 2200 EST, Monday through Saturday.
Controlling agency. Federal Aviation Agency, Indianapolis ARTC Center.
Using agency Aeronautical Systems Division, Wright-Patterson AFB, Ohio.

AMENDMENTS On publ (8/10/61) 26 F. R. 7200 (Rewritten); On publ. (3/27/62) 27 F.R. 2795 (Changed);

§ 608.56 Oklahoma

R-5601 Fort Sill, Okla.

Boundaries. Beginning at Lat. 34°46'06" N, Long. 98°17'00" W; to Lat. 34°38'15" N, Long. 98°17'00" W; to Lat. 34°38'15" N, Long. 98°45'20" W; to Lat. 34°41'58" N, Long. 98°45'20" W; to Lat. 34°41'58" N, Long. 98°39'43" W; to Lat. 34°43'30" N, Long. 98°35'39" W; to Lat. 34°43'30" N, Long. 98°21'20" W; to Lat. 34°43'45" N, Long. 98°21'00" W; to Lat. 34°46'06" N, Long. 98°21'00" W; to the point of beginning.
Designated altitudes. Surface to 65,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, Fort Sill, Okla.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7200 (Rewritten);
AMENDMENTS On publ. (9/2/61) 26 F. R. 8282 (Rewritten);

§ 608.57 Oregon

R-5701 Boardman, Oreg.

Boundaries. Beginning at Lat. 45°50'08" N, Long. 119°37'26" W; to Lat. 45°39'15" N, Long. 119°37'26" W; to Lat. 45°37'45" N, Long. 119°46'00" W; to Lat. 45°37'58" N, Long. 119°52'32" W; to Lat. 45°50'08" N, Long. 119°52'32" W; to the point of beginning.
Designated altitudes. Surface to flight level 450.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Seattle ARTC Center.
Using agency Commanding Officer, NAS Whidbey Island, Wash.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7200 (Rewritten);

R-5702 Klamath Falls, Oreg. (Kingsley Field), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 325° radial of the Klamath Falls VORTAC extending from 10 miles NW of the airport (Lat. 42°09'25" N, Long. 121°43'55" W) to 32.5 miles NW of the airport, having a width of 2.5 miles at the beginning and expanding uniformly to a width of 4.5 miles at the outer extremity.
Designated altitudes:
6,100 feet MSL to 19,100 feet MSL from 10 miles NW of the airport to 11 miles NW of the airport
6,100 feet MSL to flight level 270 from 11 to 15 miles NW of the airport.
10,100 feet MSL to flight level 270 from 15 to 20 miles NW of the airport.
14,100 feet MSL to flight level 270 from 20 to 25 miles NW of the airport.
19,100 feet MSL to flight level 270 from 25 to 30 miles NW of the airport.
23,100 feet MSL to flight level 270 from 30 to 32.5 miles NW of the airport
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Klamath Falls Approach Control.
Using agency. Commander, 322nd Fighter Intercepter Squadron, Kingsley Field, Oreg.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7200 (Rewritten);

R-5703 Portland, Oreg. (Portland International Airport), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the back course of the Portland ILS localizer, extending from 5 miles SE of the airport (Lat. 45°35'11" N, Long. 122°35'53" W) to 32 miles SE of the airport, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity
Designated altitudes:
2,000 feet MSL to 15,000 feet MSL from 5 miles SE of the airport to 6 miles SE of the airport
2,000 feet MSL to flight level 240 from 6 to 7 miles SE of the airport.
2,000 feet MSL to flight level 270 from 7 to 10 miles SE of the airport.
6,000 feet MSL to flight level 270 from 10 to 15 miles SE of the airport.
10,000 feet MSL to flight level 270 from 15 to 20 miles SE of the airport
15,000 feet MSL to flight level 270 from 20 to 25 miles SE of the airport
19,000 feet MSL to flight level 270 from 25 to 32 miles SE of the airport
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Portland Approach Control.
Using agency. Commander, 406th Fighter Interceptor Squadron, Portland, Oreg.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7201 (Rewritten);

R-5704 (Add)

PENDING AMENDMENT
R-5704 Hermiston, Oreg.
Boundaries. Beginning at latitude 45°52'00" N., longitude 119°31'30" W., to latitude 45°52'00" N., longitude 119°30'00" W.; to latitude 45°50'00" N., longitude 119°30'00" W.; to latitude 45°50'00" N., longitude 119°31'30" W.; to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. 0800 to 2000 Pst, Monday through Friday.
Using agency. Commanding Officer, Umatilla Ordnance Depot, Hermiston, Oreg.
7/26/62 27 F.R 4474 (Added);

§ 608.58 Pennsylvania

R-5801 Chambersburg, Pa.

Boundaries. A circular area with a 3,000-foot radius centered at Lat. 39°59'44" N, Long. 77°43'55" W
Designated altitudes. Surface to 4,000 feet MSL.
Time of designation. 0800 to 1600 EST, Monday through Friday.
Using agency. Commanding Officer, Letterkenny Ordnance Depot, Chambersburg, Pa

AMENDMENTS On publ. (8/10/61) 26 F. R. 7201 (Rewritten);
AMENDMENTS 10/19/61 26 F. R. 7961 (Rewritten);

R-5802 Indiantown Gap, Pa.

Boundaries. Beginning at Lat. 40°28'45" N, Long. 76°35'30" W; to Lat. 40°26'05" N, Long. 76°35'30" W; to Lat. 40°24'55" N, Long. 76°36'55" W; to Lat. 40°23'45" N, Long. 76°43'11" W; to Lat. 40°24'20" N, Long. 76°44'40" W; to Lat. 40°28'45" N, Long. 76°37'40" W; to the point of beginning.
Designated altitudes. Surface to 18,000 feet MSL.
Time of designation. Continuous, June 1 through August 31; 0800 to 1800 EST, Saturday and Sunday March 1 through May 31 and 0800 to 1800 EST, Saturday and Sunday September 1 through November 30.
Controlling agency. Federal Aviation Agency, New York ARTC Center.
Using agency. Commanding General, Second United States Army, Fort Meade, Md.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7201 (Rewritten);

R-5803 Chambersburg, Pa.

Boundaries. A circular area with a 2,400-foot radius centered at Lat. 40°02'29" N, Long. 77°44'20" W.
Designated altitudes. Surface to 4,000 feet MSL.
Time of designation. 0800 to 1600 EST, Monday through Friday.
Using agency. Commanding Officer, Letterkenny Ordnance Depot, Chambersburg, Pa.

AMENDMENTS 10/19/61 26 F. R. 7961 (Added);

§ 608.59 Rhode Island

§ 608.60 South Carolina

TEMPORARY RESTRICTED AREA SWIFT STRIKE II. (effective August 8, 1962 thru August 18, 1962)

Boundaries. Beginning at latitude 34°42'30" N., longitude 79°52'40" W.; thence via the Pee Dee River to latitude 34°17'50" N., longitude 79°37'05" W.; to latitude 34°15'10" N., longitude 79°41'00" W.; thence counterclockwise around the Florence, S. C., control zone (§ 601.2142) to latitude 34°08'25" N., longitude 79°39'45" W.; to latitude 34°06'00" N., longitude 79°32'00" W.; thence via the Pee Dee River to latitude 33°54'05" N., longitude 79°26'00" W.; thence via United States Highway No. 378 to latitude 33°55'00" N., longitude 79°44'50" W.; thence via United States Highway No. 52 to latitude 33°39'28" N., longitude 79°52'25" W.; thence via South Carolina State Highway No. 261 to latitude 33°44'20" N., longitude 80°27'40" W.; thence via the Atlantic Coast Line Railroad to latitude 33°45'00" N., longitude 80°27'20" W.; to latitude 33°45'00" N., longitude 80°25'00" W.; to latitude 33°54'45" N., longitude 80°25'00" W.; thence counterclockwise around the Sumter, S. C. (Shaw AFB) control zone (§ 601.1984) to latitude 34°00'00" N., longitude 80°33'00" W.; to latitude 34°00'00" N., longitude 80°42'00" W.; thence via United States Highway No. 601 to latitude 34°13'18" N., longitude 80°41'00" W.; thence via United States Highway No. 1 to point of beginning, excluding the airspace within a 3-mile radius centered on the following civil airports:
a. Brown, S. C.
b. Sumter, S. C.
c. Huggins, S. C.
d. Moore, S. C.
e. Darlington County, S. C.
f. Bishopville, S. C.
g. Hartsville, S. C.
Designated altitude. Surface to 2,500 feet MSL.
Time of designation. Sunrise to sunset, August 8 through August 18, 1962.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. CINCAFSTRIKE, Shaw AFB, S. C.
27 F.R. 6011

R-6001 Fort Jackson, S. C.

Boundaries. Beginning at Lat. 34°03'51" N, Long. 80°42'12" W; to Lat. 34°01'40" N, Long. 80°42'15" W; to Lat. 34°01'50" N, Long. 80°55'15" W; to Lat. 34°02'21" N, Long. 80°56'02" W; to Lat. 34°04'45" N, Long. 80°53'02" W; to Lat. 34°06'19" N, Long. 80°48'47" W; to Lat. 34°05'58" N, Long. 80°46'05" W; to the point of beginning.
Designated altitudes. Surface to 24,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, Fort Jackson, S. C

AMENDMENTS On publ (8/10/61) 26 F. R. 7201 (Rewritten);

R-6002 Poinsett-Sumter, S. C.

Boundaries. Beginning at Lat. 33°52'30" N, Long. 80°26'00" W; to Lat. 33°45'50" N, Long. 80°25'00" W; to Lat. 33°44'15" N, Long. 80°33'15" W; to Lat. 33°48'00" N, Long. 80°34'00" W; to Lat. 33°52'30" N, Long. 80°30'00" W; to the point of beginning.
Designated altitudes. Surface to 16,000 feet MSL.
Time of designation. Sunrise to sunset, when ceilings of at least 3,000 feet and visibility of at least 3 miles exist.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commander, Shaw AFB, S. C.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7201 (Rewritten);
AMENDMENTS On publ. (9/19/61) 26 F. R. 8807 (Rewritten);

R-6003 Charleston, S. C. (Charleston AFB/Municipal Airport), Restricted Area/Military Climb Corridor.

Boundaires. The area centered on the 147° radial of the Charleston VORTAC extending from 10 miles SE of the VORTAC to 35 miles SE of the VORTAC, having a width of 2.5 miles at the beginning and expanding uniformly to a width of 5.5 miles at the outer extremity, excluding the portion which lies outside of the continental United States

Designated altitudes:
2,000 feet MSL to 15,000 feet MSL from 10 miles SE of the VORTAC to 11 miles SE of the VORTAC.
2,000 feet MSL to flight level 240 from 11 to 12 miles SE of the VORTAC.
2,000 feet MSL to flight level 270 from 12 to 15 miles SE of the VORTAC.
6,000 feet MSL to flight level 270 from 15 to 20 miles SE of the VORTAC.
10,000 feet MSL to flight level 270 from 20 miles SE of the VORTAC to the continental limits of the United States.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Charleston Approach Control
Using agency. Commander, Charleston AFB, S. C

AMENDMENTS On publ. (8/10/61) 26 F. R. 7201 (Rewritten);

§ 608.61 South Dakota

R-6101 Igloo, S. Dak.

Boundaries. Beginning at Lat. 43°12'57" N, Long. 103°58'00" W; to Lat. 43°12'57" N, Long. 103°52'45" W; to Lat. 43°09'11" N, Long. 103°52'45" W; to Lat. 43°09'11" N, Long. 103°53'10" W; to Lat. 43°08'08" N, Long. 103°53'10" W; to Lat. 43°08'08" N, Long. 103°58'00" W; to the point of beginning.
Designated altitudes. Surface to 6,000 feet MSL.
Time of designation. 0700 to 1900 MST, Monday through Friday.
Using agency. Commanding Officer, Black Hills Ordnance Depot, Igloo, S Dak

AMENDMENTS On publ. (8/10/61) 26 F R. 7201 (Rewritten);

R-6102 Scenic, S. Dak.

Boundaries. Beginning at latitude 43°41'00" N., longitude 102°01'00" W., to latitude 43°30'00" N., longitude 102°01'00" W.; to latitude 43°30'00" N., longitude 102°50'00" W ; to latitude 43°41'00" N., longitude 102°50'00" W.; to the point of beginning.
Designated altitudes. Surface to flight level 500
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Denver ARTC Center
Using agency. Commander, Ellsworth AFB, S. Dak.
AMENDMENTS On publ. (8/10/61) 26 F.R. 7201 (Rewritten);
AMENDMENTS On publ. (9/7/61) 26 F.R. 8415 (Rewritten);

§ 608.62 Tennessee

§ 608.63 Texas

R-6301 Corpus Christi, Tex.

Boundaries. Beginning at latitude 27°46'00" N., longitude 97°02'25" W.; thence three nautical miles from and parallel to the shoreline to latitude 26°42'30" N., longitude 97°16'00" W.; to latitude 26°37'45" N., longitude 97°34'00" W.; to latitude 27°17'30" N., longitude 97°48'30" W., to latitude 27°16'30" N., longitude 97°51'15" W.; to latitude 27°29'00" N., longitude 97°55'15" W., to latitude 27°30'00" N., longitude 97°52'00" W.; counterclockwise along the arc of a two-mile radius circle centered at latitude 27°31'30" N., longitude 97°52'45" W.; to latitude 27°32'40" N., longitude 97°51'00" W.; to latitude 27°33'12" N., longitude 97°51'40" W.; to latitude 27°42'18" N., longitude 97°33'30" W.; counterclockwise along the arc of a three-mile radius circle centered at latitude 27°43'15" N., longitude 97°30'30" W.; to latitude 27°40'30" N., longitude 97°29'40" W.; to latitude 27°47'00" N., longitude 97°20'00" W.; to latitude 27°47'25" N., longitude 97°19'00" W.; to point of beginning.
Designated altitudes. Surface to flight level 450
Time of designation. Continuous
Using agency. Chief of Naval Air Advanced Training, NAS Corpus Christi, Texas.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7201 (Rewritten);
AMENDMENTS On publ. (10/17/61) 26 F.R. 9747 (Rewritten);

R-6302 Fort Hood, Tex.

Boundaries. Beginning at Lat. 31°06'07" N, Long. 97°32'45" W; to Lat. 31°09'00" N, Long. 97°41'15" W; to Lat. 31°09'45" N, Long. 97°41'15" W; to Lat. 31°09'45" N, Long. 97°43'15" W; to Lat. 31°08'45" N; Long. 97°43'30" W; to Lat. 31°08'45" N, Long. 97°47'15" W; to Lat. 31°15'00" N, Long. 97°50'45" W; to Lat. 31°19'15" N, Long. 97°50'45" W; to Lat. 31°23'25" N, Long. 97°47'40" W; to Lat. 31°22'30" N, Long. 97°42'45" W; to Lat. 31°12'45" N, Long. 97°30'45" W; to the point of beginning.
Designated altitudes. Surface to flight level 330.
Time of designation. Continuous.
Using agency. Commanding General, Fort Hood, Tex.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7201 (Rewritten);

R-6303 Matagorda Island, Tex.

Boundaries. Beginning at Lat. 28°15'20" N, Long. 96°26'50" W; to Lat. 28°18'55" N, Long. 96°27'45" W; to Lat. 28°20'55" N, Long. 96°29'15" W; to Lat. 28°12'00" N, Long. 96°46'00" W; to Lat. 28°07'00" N, Long. 96°42'00" W; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.
Designated altitudes. Surface to flight level 600.
Time of designation. Sunrise to sunset.
Using agency. Commander, Second Air Force, Barksdale AFB, La.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7201 (Rewritten);

R-6304 Reese AFB, Tex.

Boundaries. Beginning at Lat. 33°49'50" N, Long. 102°25'15" W; to Lat. 33°53'25" N, Long. 103°02'45" W; to Lat. 34°01'15" N, Long. 103°02'45" W; counterclockwise along the arc of a 30-mile radius circle centered at Lat. 34°23'01" N, Long. 103°18'58" W to Lat. 34°23'20" N, Long. 102°47'45" W; to Lat. 34°00'45" N, Long. 102°04'50" W; counterclockwise along the arc of a 25-mile radius circle centered at Lat. 33°39'05" N to Long. 102°02'05" W to the point of beginning.
Designated altitudes. From 12,000 feet MSL to flight level 260.
Time of designation. Continuous
Controlling agency. Federal Aviation Agency, El Paso ARTC Center.
Using agency. Commander, Reese AFB, Tex.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7201 (Rewritten);

PENDING AMENDMENT
R-6304 Reese AFB, Tex., is revoked 7/26/62 27 F.R 5982 (Revoked).

R-6305 Reese AFB, Tex.

Boundaries. Beginning at Lat. 33°38'50" N, Long. 102°00'45" W; to Lat. 33°01'00" N, Long. 102°06'50" W; to Lat. 32°55'35" N, Long. 102°34'00" W; to Lat. 32°57'00" N, Long. 102°50'00" W; to Lat. 33°00'00" N, Long. 103°34'30" W; to Lat. 33°05'30" N, Long. 103°48'00" W; to Lat. 33°23'00" N, Long. 103°48'00" W; to Lat. 33°24'10" N, Long. 103°41'30" W; to Lat. 33°46'30" N, Long. 103°22'00" W; to the point of beginning.
Designated altitudes. From 12,000 feet MSL to flight level 260
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, El Paso ARTC Center.
Using Agency. Commander, Reese AFB, Tex.
AMENDMENTS On publ. (8/10/61) 26 F.R. 7202 (Rewritten);

PENDING AMENDMENT
R-6305 Reese AFB, Tex., is revoked. 7/26/62 27 F.R 5982 (Revoked);

R-6306 Webb AFB, Tex.

Boundaries. Beginning at Lat. 31°30'00" N, Long. 101°00'00" W; to Lat. 31°09'30" N, Long. 101°00'00" W; to Lat. 30°52'30" N, Long. 101°30'00" W; to Lat. 31°01'25" N, Long. 102°54'30" W; to Lat. 31°24'00" N, Long. 103°01'00" W; to Lat. 31°34'15" N, Long. 102°39'00" W; to Lat. 31°31'30" N, Long. 102°11'45" W; to Lat. 31°46'20" N, Long. 101°44'45" W; to the point of beginning.
Designated altitudes. From 10,000 feet MSL to flight level 260.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, El Paso ARTC Center.
Using agency. Commander, Webb AFB, Tex.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7202 (Rewritten);

PENDING AMENDMENT
R-6306 Webb AFB, Tex., is revoked 7/26/62 27 F.R 5982 (Revoked);

R-6307 Webb AFB, Tex.

Boundaries. Beginning at Lat. 32°16'10" N, Long. 102°24'30" W; to Lat. 32°20'25" N, Long. 102°13'30" W; to Lat. 32°51'50" N, Long. 102°08'15" W; to Lat. 32°44'45" N, Long. 102°46'15" W; to Lat. 32°36'15" N, Long. 102°46'15" W; to the point of beginning.
Designated altitudes. From 12,000 feet MSL to flight level 260.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, El Paso ARTC Center.
Using agency. Commander, Webb AFB, Tex.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7202 (Rewritten);

PENDING AMENDMENT
R-6307 Webb AFB, Tex., is revoked. 7/26/62 27 F.R. 5982 (Revoked);

R-6308 Webb AFB, Tex.

Boundaries. Beginning at Lat. 32°31'15" N, Long. 100°28'00" W; to Lat. 32°28'40" N, Long. 101°12'40" W; counterclockwise along the arc of a circle with a 15-nautical mile radius centered on the Big Spring, Tex., VOR to Lat. 32°31'30" N, Long. 101°43'45" W; to Lat. 32°37'40" N, Long. 102°00'30" W; to Lat. 33°27'00" N, Long. 101°52'15" W; to Lat. 33°26'30" N, Long. 101°39'00" W; to Lat 33°32'40" N, Long. 101°21'30" W; to Lat. 33°26'00" N, Long. 100°42'10" W; to Lat. 33°08'00" N, Long. 100°28'00" W; to the point of beginning.
Designated altitudes. From 12,000 feet MSL to flight level 260.
Time of designation. Continuous
Controlling agency. Federal Aviation Agency, El Paso ARTC Center.
Using agency. Commander, Webb AFB, Tex.

AMENDMENTS On publ (8/10/61) 26 F.R. 7202 (Rewritten);

PENDING AMENDMENT
R-6308 Webb AFB, Tex is revoked 7/26/62 27 F.R 5982 (Revoked).

R-6309 Big Spring, Tex. (Webb AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 151° radial of the Webb AFB TACAN extending from 14.5 miles SE of the TACAN to 41.5 miles SE of the TACAN, having a width of 3 miles at the beginning and expanding uniformly to a width of 6 miles at the outer extremity
Designated altitudes.
4,600 feet MSL to 15,600 feet MSL from 14.5 miles SE of the TACAN to 15.5 miles SE of the TACAN.
4,600 feet MSL to flight level 246 from 15.5 to 16.5 miles SE of the TACAN.
4,600 feet MSL to flight level 270 from 16.5 to 19.5 miles SE of the TACAN.
8,600 feet MSL to flight level 270 from 19.5 to 24.5 miles SE of the TACAN.
12,600 feet MSL to flight level 270 from 24.5 to 29.5 miles SE of the TACAN.
17,600 feet MSL to flight level 270 from 29.5 to 34.5 miles SE of the TACAN.
21,600 feet MSL to flight level 270 from 34.5 to 41.5 miles SE of the TACAN.
Time of designation. Continuous.
Using agency. Webb AFB Approach Control.

AMENDMENTS On publ (8/10/61) 26 F. R. 7202 (Rewritten);

R-6310 Houston, Tex. (Ellington AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 223° radial of the Ellington AFB TACAN extending 8 miles SW of the TACAN to 35 miles SW of the TACAN, having a width of 2.5 miles at the beginning and expanding uniformly to a width of 5 miles at the outer extremity.
Designated altitudes.
2,000 feet MSL to 15,000 feet MSL from 8 miles SW of the TACAN to 9 miles SW of the TACAN
2,000 feet MSL to flight level 240 from 9 to 10 miles SW of the TACAN.
2,000 feet MSL to flight level 270 from 10 to 13 miles SW of the TACAN.
6,000 feet MSL to flight level 270 from 13 to 18 miles SW of the TACAN.
10,000 feet MSL to flight level 270 from 18 to 23 miles SW of the TACAN.
15,000 feet MSL to flight level 270 from 23 to 28 miles SW of the TACAN.
19,000 feet MSL to flight level 270 from 28 to 35 miles SW of the TACAN.
Time of designation. Continuous
Controlling agency. Federal Aviation Agency. Houston Approach Control
Using agency. Commander, Ellington AFB, Tex.

AMENDMENTS On publ (8/10/61) 26 F.R. 7202 (Rewritten);

§ 608.64 Utah

R-6401 Deseret, Utah.

Boundaries. Beginning at Lat. 40°16'27" N, Long. 112°18'43" W; to Lat. 40°15'42" N. 112°18'43" W; to Lat. 40°15'42" N, Long. 112°21'01" W; to Lat. 40°16'27" N, Long. 112°21'01" W; to the point of beginning.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, Tooele Ordnance Depot, Tooele, Utah.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7202 (Rewritten);

R-6402 Dugway Proving Ground, Tooele, Utah.

Boundaries. Beginning at Lat. 40°25'00" N. Long. 112°53'00" W; to Lat. 40°15'00" N, Long. 112°53'00" W; to Lat. 40°15'00" N, Long. 112°46'20" W; to Lat. 40°08'00" N, Long. 112°46'20" W; to Lat. 40°08'00" N, Long. 112°43'00" W; to Lat. 40°03'00" N, Long. 112°43'00" W; to Lat. 40°03'00" N, Long. 112°45'20" W; to Lat. 40°01'00" N, Long. 112°45'20" W; to Lat. 40°01'00" N, Long. 112°46'30" W; to Lat. 40°02'00" N. Long. 112°46'30" W; to Lat. 40°02'00" N, Long. 113°14'00" W; to Lat. 40°04'15" N, Long. 113°14'00" W: to Lat. 40°04'15" N. Long. 113°20'30" W; to Lat. 40°15'00" N, Long. 113°20'30" W; to Lat. 40°15'00" N, Long. 113°14'00" W; to Lat. 40°20'20" N, Long. 113°14'00" W; to Lat. 40°20'20" N, Long. 113°07'00" W; to Lat. 40°25'00" N, Long. 113°07'00" W; to the point of beginning.
Designated altitudes. Surface to 40,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, Dugway Proving Ground, Tooele, Utah.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7202 (Rewritten);
AMENDMENTS F.R. error corrected - 26 F.R. 8377;

R-6403 Tooele, Utah

Boundaries. Beginning at latitude 40°30'44" N , longitude 112°27'30" W.; to latitude 40°29'32" N., longitude 112°27'30" W.; to latitude 40°29'32" N., longitude 112°29'15" W.; to latitude 40°30'44" N., longitude 112°29'15" W.; to the point of beginning.
Designated altitude. Surface to 9,000 feet MSL.
Time of designation. 0800 to 2000 P.s.t.
Using agency. Commanding Officer, Tooele Ordnance Depot, Tooele, Utah.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7202 (Rewritten); 3/8/62 26 F.R. 12684 (Rewritten);

PENDING AMENDMENT

R-6404 Wendover, Utah.

Boundaries. Beginning at Lat. 41°10'40" N, Long. 112°45'00" W; to Lat. 41°00'00" N, Long. 112°45'00" W; to Lat. 41°00'00" N, Long. 112°56'30" W; to Lat. 40°51'30" N, Long. 112°56'30" W; to Lat. 40°48'30" N, Long. 113°40'00" W; to Lat. 41°15'00" N, Long. 113°43'50" W; to the point of beginning.
Designated altitudes. Surface to flight level 600.
Time of designation. Sunrise to sunset.
Using agency. Commander, Ogden Air Materiel Area. Ogden., Utah.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7202 (Rewritten);

R-6405 Wendover, Utah.

Boundaries. Beginning at Lat. 39°55'00" N. Long. 112°40'00" W; to Lat. 39°45'00" N, Long. 112°40'00" W; to Lat. 39°45'00" N, Long. 112°48'00" W; to Lat. 39°19'00" N. Long. 112°48'00" W; to Lat. 39°18'20" N, Long. 113°01'30" W; to Lat. 39°14'30" N, Long. 113°22'30" W; to Lat. 39°20'40" N. Long. 113°37'30" W; to Lat. 39°17'00" N, Long. 113°48'00" W; to Lat. 39°55'00" N, Long. 113°48'00" W; to the point of beginning.
Designated altitudes. Surface to flight level 600.
Time of designation. Sunrise to sunset.
Using agency. Commander. Hill AFB, Utah.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7202 (Rewritten);

R-6406 Wendover, Utah.

Boundaries. Beginning at Lat. 40°40'30" N, Long. 113°00'00" W; to Lat. 40°25'00" N, Long. 113°00'00" W; to Lat. 40°25'00" N, Long. 112°53'00" W; to Lat. 40°20'00" N. Long. 112°53'00" W; to Lat. 40°20'00" N, Long. 112°40'00" W; to Lat. 39°55'00" N, Long. 112°40'00" W; to Lat. 39°55'00" N. Long. 113°48'00" W; to Lat. 40°00'00" N, Long. 113°48'00" W; to Lat. 40°00'00" N, Long. 114°00'00" W; to Lat. 40°20'00" N, Long. 114°00'00" W; to Lat. 40°20'00" N, Long. 114°08'00" W; to Lat. 40°26'00" N, Long. 114°08'00" W, to Lat. 40°26'00" N, Long. 114°00'00" W; to Lat. 40°38'30" N, Long. 114°00'00" W; to the point of beginning.
Designated altitudes. Surface to flight level 600.
Time of designation. Continuous.
Using agency. Commander, Hill AFB. Utah.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7202 (Rewritten);

R-6407 Wendover, Utah.

Boundaries. Beginning at Lat. 40°36'30" N, Long. 114°14'00" W; to Lat. 40°38'00" N, Long. 114°07'40" W; to Lat. 40°38'00" N, Long. 114°00'00" W; to Lat. 40°26'00" N, Long. 114°00'00" W; to Lat. 40°26'00" N, Long. 114°08'00" W; to Lat. 40°20'00" N, Long. 114°08'00" W; to Lat. 40°20'00" N, Long. 114°18'00" W; to the point of beginning.
Designated altitudes. 15,000 feet MSL to flight level 350.
Time of designation. Sunrise to sunset, Monday through Saturday.
Using agency. Commander, Ogden Air Materiel Area, Ogden, Utah.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7202 (Rewritten);

§ 608.65 Vermont

R-6501 Underhill, Vt.

Boundaries. Beginning at Lat. 44°30'15" N, Long. 72°51'30" W; to Lat. 44°27'00" N, Long. 72°50'00" W; to Lat. 44°27'30" N, Long. 72°53'15" W; to Lat. 44°28'30" N, Long. 72°56'50" W; to Lat. 44°30'00" N, Long 72°56'30" W; to the point of beginning.
Designated altitudes. Surface to 4,000 feet MSL.
Time of designation. Continuous, June 1 through July 31; 0700 to 0100, e.s.t., August 1 through May 31
Using agency. Adjutant General, State of Vermont, Montpelier, Vt.

AMENDMENTS On publ. (8/10/61) 26 F. R. 7202 (Rewritten);
AMENDMENTS On publ. (9/15/61) 26 F.R. 8632 (Changed);

§ 608.66 Virginia

R-6601 Camp Hill, Va.

Boundaries. Beginning at latitude 38°07'47" N., longitude 77°13'25" W.; to latitude 38°06'50" N., longitude 77°10'34" W.; to latitude 38°05'30" N., longitude 77°09'06" W.; to latitude 38°03'15" N., longitude 77°09'20" W.; to latitude 38°02'15" N., longitude 77°11'15" W.; to latitude 38°01'17" N., longitude 77°16'45" W.; to latitude 38°05'13" N., longitude 77°17'15" W.; to point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. 0700 to 2300 e.s.t., June 1 through September 8 annually.
Controlling agency. Federal Aviation Agency, Washington ARTC Center.
Using agency. Commanding General, Second United States Army, Fort Meade, Md.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7203 (Rewritten); 5/31/62 27 F.R. 4150 (Rewritten);

R-6602 Camp Pickett, Va.

Boundaries. Beginning at latitude 37°05'37" N., longitude 77°51'54" W.; to latitude 37°04'25" N., longitude 77°51'45" W.; along State Highway No. 40 to latitude 37°03'55" N., longitude 77°51'05" W.; to latitude 37°00'56" N., longitude 77°50'55" W.; to latitude 36°57'54" N., longitude 77°53'19" W.; to latitude 36°58'12" N., longitude 77°57'42" W.; to latitude 37°01'50" N., longitude 77°58'40" W.; to latitude 37°01'50" N., longitude 77°55'58" W.; to latitude 37°05'37" N., longitude 77°56'00" W.; to the point of beginning.
Designated altitudes. Surface to 22,000 feet MSL.
Time of designation. Continuous from June 1 through September 8; 0600 e.s.t. Saturday to 2200 e.s.t. Sunday from September 9 through May 31; other times as published by NOTAMS at least 48 hours in advance.
Controlling agency. Federal Aviation Agency, Washington ARTC Center.
Using agency. Commanding General, Second United States Army, Fort Meade, Md.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7203 (Rewritten); 5/31/62 27 F.R. 4151 (Rewritten);

R-6603 Chesapeake Bay, Va.

Boundaries. Beginning at latitude 37°43'33" N., longitude 76°00'45" W.; to latitude 37°33'00" N., longitude 76°03'55" W.; to latitude 37°33'00" N., longitude 76°08'34" W.; to latitude 37°45'00" N., longitude 76°09'48" W.; to latitude 37°45'00" N., longitude 76°08'51" W.; counterclockwise along the arc of a circle with a radius of 5 nautical miles centered at latitude 37°47'54" N., longitude 76°03'48" W.; to the point of beginning.
Designated altitudes. Surface to 15,000 feet MSL.
Time of designation. 0800 to 1700 local time, Monday through Friday.
Using agency. Coordinator, Virginia Capes Operating Area, Naval Base, Norfolk, Va.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7203 (Rewritten); On publ. (6/8/62) 27 F.R. 5426 (Rewritten);

R-6604 Chincoteague Inlet, Va.

Boundaries. Beginning at Lat. 37°56'45" N. Long. 75°27'30" W; to Lat. 37°51'30" N, Long. 75°17'15" W; thence 3 nautical miles from and parallel to the shoreline to Lat. 37°38'45" N, Long. 75°31'20" W; to Lat. 37°50'24" N, Long. 75°31'20" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Chief, Wallops Station, National Aeronautics and Space Administration, Wallops Island, Va.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7203 (Rewritten);

R-6606 Pendleton, Va.

Boundaries. Beginning at Lat. 36°50'41" N, Long. 75°54'40" W; thence 3 nautical miles from and parallel to the shoreline to Lat. 36°34'33" N, Long. 75°48'40" W; to Lat. 36°45'03" N, Long. 75°56'12" W; to Lat. 36°44'45" N, Long. 75°57'05" W; to Lat. 36°44'39" N, Long. 75°58'00" W; to Lat. 36°47'00" N, Long. 75°58'45" W; to Lat. 36°47'18" N, Long. 75°56'54" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. 0800 to 1700 EST. Monday through Friday.
Using agency. Commanding Officer. U. S. Fleet Air Defense Training Center, Dam Neck, Va.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7203 (Rewritten);

R-6607 Potomac River, Va.

Boundaries. Beginning at Lat. 38°07'00" N, Long. 76°24'30" W; to Lat. 37°53'10" N, Long. 76°14'00" W; thence along the S shore of the Potomac River to Lat. 37°59'20" N; Long. 76°26'30" W; to Lat. 38°05'40" N, Long. 76°33'32" W; to Lat. 38°07'25" N, Long. 76°30'45" W; to Lat. 38°07'00" N, Long. 76°28'30" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Commanding Officer, Naval Air Test Center, Patuxent River, Md.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7203 (Rewritten);

R-6608 Quantico, Va.

Boundaries. Beginning at Lat. 38°33'00" N. Long. 77°20'00" W; to Lat. 38°29'00" N, Long. 77°28'45" W; to Lat. 38°31'20" N, Long. 77°34'07" W; to Lat. 38°37'00" N. Long. 77°34'07" W; to Lat. 38°38'47" N, Long. 77°30'00" W; to Lat. 38°38'00" N, Long. 77°26'15" W; to Lat. 38°34'00" N, Long. 77°24'00" W; to the point of beginning.
Designated altitudes. Surface to 15,000 feet MSL.
Time of designation. Continuous.
Using agency. Commander, Marine Corps Air Station, Quantico, Va.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7203 (Rewritten);

R-6609 Tangier Island, Va.

Boundaries. A circular area with a 5-nautical mile radius centered at Lat. 37°47'54" N, Long. 76°03'48" W.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7203 (Rewritten);

R-6610 Hampton Roads, Va. (Langley AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area based on the 011° radial of the Langley AFB VOR extending from 5 miles N of the airbase (Lat.37°05'05"N, Long. 76°21'40" W) to 32 miles N of the airbase, having a width of 1 mile W and 2 miles E of the 011° radial at the beginning. The W boundary expands uniformly to a width of 2.3 miles W of the 011° radial at the outer extremity. The E boundary decreases to a width of 1.5 miles 10 miles from the point of beginning, then expands to a width of 2.3 miles E of the 011° radial at the outer extremity.
Designated altitudes.
2,000 feet MSL to 15,000 feet MSL from 5 miles N of the airbase to 6 miles N of the airbase.
2,000 feet MSL to flight level 240 from 6 to 7 miles N of the airbase.
2,000 feet MSL to flight level 270 from 7 to 10 miles N of the airbase.
6,000 feet MSL to flight level 270 from 10 to 15 miles N of the airbase.
10,000 feet MSL to flight level 270 from 15 to 20 miles N of the airbase.
15,000 feet MSL to flight level 270 from 20 to 25 miles N of the airbase.
19,000 feet MSL to flight level 270 from 25 to 32 miles N of the airbase.
Time of designation. Continuous.
Using agency. Langley AFB Approach Control.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7203 (Rewritten);

R-6611 Dahlgren Complex, Va.

Boundaries. Beginning at Lat. 38°21'30" N, Long. 77°01'15" W; to Lat. 38°17'30" N, Long. 76°56'00" W; to Lat. 38°15'45" N, Long. 76°52'00" W; to Lat. 38°13'00" N, Long. 76°54'35" W; to Lat. 38°19'15" N, Long. 77°02'00" W; to the point of beginning.
Designated altitudes. Surface to flight level 400.
Time of designation. 0800 to 1700 EST, Monday through Friday.
Controlling agency. Federal Aviation Agency, Washington ARTC Center.
Using agency. Commander, Naval Proving Grounds, Dahlgren, Va.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7203 (Rewritten);

R-6612 Dahlgren Complex, Va.

Boundaries. Two overlapping circular areas with 7,000-foot radii centered at Lat. 38°17'59" N, Long. 77°02'15" W, and Lat. 38°18'23" N, Long. 77°02'57" W.
Designated altitudes. Surface to 7,000 feet MSL.
Time of designation. 0800 to 1700 EST, Monday through Friday.
Controlling agency. Federal Aviation Agency, Washington ARTC Center.
Using agency. Commander, Naval Proving Grounds, Dahlgren, Va.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7203 (Rewritten);

R-6613 Dahlgren Complex, Va.

Boundaries. Beginning at Lat. 38°15'45" N, Long. 76°52'00" W; to Lat. 38°13'30" N, Long. 76°46'35" W; to Lat. 38°10'00" N, Long. 76°50'00" W; to Lat. 38°13'00" N, Long. 76°54'35" W; to the point of beginning.
Designated altitudes. Surface to flight level 400.
Time of designation. 0800 to 1700 EST, Monday through Friday.
Controlling agency. Federal Aviation Agency, Washington ARTC Center.
Using agency. Commander, Naval Proving Grounds, Dahlgren, Va.

AMENDMENTS On publ (8/10/61) 26 F.R. 7203 (Rewritten);

§ 608.67 Washington

R-6701 Admiralty Inlet, Wash.

Boundaries. Beginning at Lat. 48°10'00" N, Long. 122°34'48" W; to Lat. 48°05'45" N, Long. 122°31'30" W; to Lat. 48°06'06" N; Long. 122°41'12" W; to Lat. 48°10'00" N, Long. 122°40'56" W; to the point of beginning.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Agency, Seattle ARTC Center.
Using agency. Commanding Officer, NAS Whidbey Island, Wash.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7203 (Rewritten);

R-6703 Fort Lewis, Wash.

Boundaries. Beginning at latitude 47°03'10" N., longitude 122°31'25" W.; to latitude 47°02'30" N., longitude 122°31'40" W.; to latitude 47°02'30" N., longitude 122°31'00" W.; to latitude 47°00'40" N., longitude 122°31'25" W.; to latitude 47°00'40" N., longitude 122°32'55" W.; to latitude 46°58'05" N., longitude 122° 34'00" W.; to latitude 46°58'05" N., longitude 122°37'50" W.; to latitude 47°04'25" N., longitude 122°35' 15" W.; to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, McChord Approach Control.
Using agency. Commanding General, Fort Lewis, Wash.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7203 (Rewritten); 5/3/62 27 F.R. 2452 (Rewritten);

R-6704 Fort Lewis, Wash.

Boundaries. Beginning at latitude 47°04'25" N., longitude 122°35'15" W.; to latitude 46°58'05" N., longitude 122°37'50" W.; to latitude 46°54'35" N., longitude 122°41'25" W.; to latitude 46°54'05" N., longitude 122°45'00" W.; to latitude 46°57'12" N., longitude 122°46'50" W.; to latitude 47°00'40" N., longitude 122° 41'40" W.; to latitude 47°04'35" N., longitude 122°41'30" W.; to latitude 47°05'25" N., longitude 122°38' 00" W.; to the point of beginning.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, McChord Approach Control.
Using agency. Commanding General, Fort Lewis, Wash.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7203 (Rewritten); 5/3/62 27 F.R. 2452 (Rewritten);

R-6705 Juan De Fuca, Wash.

Boundaries. Beginning at Lat. 48°14'30" N, Long. 123°42'00" W; to Lat. 48°10'30° N, Long. 123°42'00" W; thence one-half mile N of and parallel to the N coast of Washington to Lat. 48°18'35" N, Long. 124°25'00" W; to Lat. 48°24'30" N, Long. 124°25'00" W; thence along the United States-Canadian border to the point of beginning.
Designated altitudes. Surface to 1,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, NAS Whidbey Island, Wash.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7203 (Rewritten);

R-6707 Queets, Wash.

Boundaries. Beginning at Lat. 47°29'25" N, Long. 124°25'00" W; clockwise along the arc of a 3-mile radius circle centered at Lat. 47°27'00" N, Long. 124°24'15" W to Lat. 47°24'25" N, Long. 124°24'30" W; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.
Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Commanding Officer, NAS Whidbey Island, Wash.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7204 (Rewritten);

R-6708 Rosario Strait, Wash.

Boundaries. A circular area with a 1 nautical mile radius centered at Lat. 48°29'06" N, Long. 122°45'42" W.
Designated altitudes. Surface to 1,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Seattle ARTC Center.
Using agency. Commanding Officer, NAS Whidbey Island, Wash.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7204 (Rewritten);

R-6710 Spokane, Wash. (International Airport), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 351° radial of the Spokane VORTAC extending from 8.55 miles N of the VORTAC to 33.55 miles N of the VORTAC, having a width of 2.5 miles at the beginning and expanding uniformly to a width of 5.8 miles at the outer extremity.
Designated altitudes.
4,500 feet MSL to 17,500 feet MSL from 8.55 miles N of the VORTAC to 9.55 miles N of the VORTAC
4,500 feet MSL to flight level 265 from 9.55 to 10.55 miles N of the VORTAC.
4,500 feet MSL to flight level 270 from 10.55 to 13.55 miles N of the VORTAC.
8,500 feet MSL to flight level 270 from 13.55 to 18.55 miles N of the VORTAC.
12,500 feet MSL to flight level 270 from 18.55 to 23.55 miles N of the VORTAC.
17,500 feet MSL to flight level 270 from 23.55 to 28.55 miles N of the VORTAC.
21,500 feet MSL to flight level 270 from 28.55 to 33.55 miles N of the VORTAC.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Spokane Approach Control
Using agency Commander, 116th Fighter Interceptor Squadron, Spokane, Wash.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7204 (Rewritten);

R-6711 Tacoma, Wash. (McChord AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 316° radial of the McChord AFB VOR extending from 5 miles NW of the airbase (Lat. 47°08'20" N, Long. 122°28'05" W) to 32 miles NW of the airbase, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.
Designated altitudes.
2,300 feet MSL to 15,300 feet MSL from 5 miles NW of the airbase to 6 miles NW of the airbase
2,300 feet MSL to flight level 243 from 6 to 7 miles NW of the airbase.
2,300 feet MSL to flight level 270 from 7 to 10 miles NW of the airbase.
6,300 feet MSL to flight level 270 from 10 to 15 miles NW of the airbase.
10,300 feet MSL to flight level 270 from 15 to 20 miles NW of the airbase.
15,300 feet MSL to flight level 270 from 20 to 25 miles NW of the airbase.
19,300 feet MSL to flight level 270 from 25 to 32 miles NW of the airbase.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, McChord Approach Control
Using agency. Commander, McChord AFB, Wash.

AMENDMENTS On publ (8/10/61) 26 F.R. 7204 (Rewritten);

R-6713 Whidbey Island, Wash.

Boundaries. Beginning at Lat. 48°25'00" N, Long. 123°05'00" W; to Lat. 48°23'00" N, Long. 123°06'00" W; to Lat. 48°16'30" N, Long. 123°03'00" W; to Lat. 48°16'30" N, Long. 122°55'30" W; to Lat. 48°19'45" N, Long. 122°46'30" W; to Lat. 48°25'00" N, Long. 122°53'30" W; to the point of beginning.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. 0700 to 2400 PST.
Controlling agency. Federal Aviation Agency, Seattle ARTC Center
Using agency. Commanding Officer, NAS Whidbey Island, Wash.

AMENDMENTS On publ (8/10/61) 26 F.R. 7204 (Rewritten);

R-6714 Yakima, Wash.

Boundaries. Beginning at latitude 46°51'00" N., longitude 119°58'00" W.; along the W shore of the Columbia River, to latitude 46°39'00" N., longitude 119°55'30" W.; to latitude 46°33'00" N., longitude 119°55'30" W.; to latitude 46°33'00" N., longitude 120°13'00" W.; to latitude 46°40'35" N., longitude 120°26'35" W.; to latitude 46°43'00" N., longitude 120°26'38" W.; to latitude 46°51'00" N., longitude 120°21'30" W.; to latitude 46°51'00" N., longitude 120°16'30" W.; to latitude 46°54'30" N., longitude 120°15'00" W.; clockwise along the arc of a 12-mile radius circle centered at latitude 46°44'45" N., longitude 120°20'00" W.; to latitude 46°51'00" N., longitude 120°08'30" W.; to the point of beginning.
Designated altitudes. Surface to 65,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Seattle ARTC Center.
Using agency. Commanding General, Fort Lewis, Wash.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7204 (Rewritten); On publ. (12/29/61) 26 F.R. 12683 (Rewritten);

R-6715 Richland, Wash.

Boundaries. Beginning at latitude 46°48'00" N., longitude 119°35'00" W.; to latitude 46°48'00" N., longitude 119°25'00" W.; to latitude 46°45'00" N.; longitude 119°20'00" W.; to latitude 46°30'00" N., longitude 119°20'00" N. longitude 119°13'00" W; to latitude 46°30'00" N., longitude 119°13'00" W.; to latitude 46°20'00" N. longitude 119°47'00" W.; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Richland, Washington

AMENDMENTS On publ. (9/21/61) 26 F.R. 8883 (Added);

§ 608.68 West Virginia

§ 608.69 Wisconsin

R-6901 Camp McCoy, Wis.

Boundaries. Beginning at latitude 44°08'40" N., longitude 90°44'00" W.; to latitude 44°08'40" N., longitude 90°40'20" W., to latitude 44°09'30" N., longitude 90°40'20" W.; to latitude 44°09'30" N., longitude 90°36'45" W.; to latitude 44°00'00" N., longitude 90°36'45" W.; to latitude 44°00'00" N., longitude 90°35'46" W.; to latitude 43°56'20" N., longitude 90°35'46" W.; to latitude 43°56'20" N longitude 90°44'00" W.; to point of beginning.
Designated altitudes. Surface to flight level 250
Time of designation. May 23 through September 5.
Using agency. Commanding Officer, Camp McCoy, Wis

AMENDMENTS On publ. (8/10/61) 26 F.R. 7204 (Rewritten);
AMENDMENTS On publ. (10/4/61) 26 F.R. 9336 (Rewritten);

R-6902 Sheboygan, Wis.

Boundaries. Beginning at Lat. 43°45'00" N, Long. 87°10'00" W; to Lat. 43°20'00" N, Long. 86°30'00" W; to Lat. 43°16'00" N, Long. 86°30'00" W; to Lat 43°15'15" N, Long. 87°09'00" W; to the point of beginning.
Designated altitudes. Surface to flight level 650
Time of designation. 0730 to 1700 CST.
Using agency. Commanding Officer, NAS Glenview, Ill

AMENDMENTS On publ. (8/10/61) 26 F.R. 7204 (Rewritten);

R-6903 Sheboygan, Wis.

Boundaries. Beginning at latitude 43°45'00" N., longitude 87°10'00" W., to latitude 43°15'15" N., longitude 87°09'00" W.; to latitude 43°14'20" N., longitude 87°44'30" W.; to latitude 43°45'00" N. longitude 87°39'20" W.; to the point of beginning.
Designated altitudes. Surface to flight level 450
Time of designation. Sunrise to sunset.
Using agency Commander, Permanent Field Training Site, Volk Field, Camp Douglas, Wis

AMENDMENTS On publ. (8/10/61) 26 F.R. 7204 (Rewritten); 9/1/61 26 F.R 7962 (Changed).
On publ. (3/23/62) 27 F.R. 2721 (Rewritten):

R-6904 Volk Field, Wis.

Boundaries. Beginning at Lat. 44°16'00" N, Long. 89°59'00" W; to Lat. 44°12'00" N, Long. 89°59'00" W; to Lat. 44°12'00" N, Long. 90°07'00" W; to Lat. 44°16'00" N, Long. 90°07'00" W; to the point of beginning
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Adjutant General, State of Wisconsin, Madison, Wis

AMENDMENTS On publ. (8/10/61) 26 F.R. 7204 (Rewritten);
AMENDMENTS 9/1/61 26 F.R. 7962 (Changed);

R-6905 Madison, Wis. (Truax Field), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 003° radial of the Truax VOR extending from 5 miles N of the airport (Lat. 43°08'15" N, Long. 89°20'10" W) to 32 miles N of the airport, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.
Designated altitudes.
2,900 feet MSL to 15,900 feet MSL from 5 miles N of the airport to 6 miles N of the airport
2,900 feet MSL to flight level 249 from 6 to 7 miles N of the airport.
2,900 feet MSL to flight level 270 from 7 to 10 miles N of the airport.
6,900 feet MSL to flight level 270 from 10 to 15 miles N of the airport.
10,900 feet MSL to flight level 270 from 15 to 20 miles N of the airport.
15,900 feet MSL to flight level 270 from 20 to 25 miles N of the airport.
19,900 feet MSL to flight level 270 from 25 to 32 miles N of the airport.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Madison Approach Control.
Using agency. Commander, 325th Fighter Interceptor Squadron, Truax Field, Madison, Wis

AMENDMENTS On publ. (8/10/61) 26 F.R. 7204 (Rewritten);

§ 608.70 Wyoming

R-7001 Guernsey, Wyo.

Boundaries. Beginning at latitude 42°30'00" N., longitude 104°54'30" W.; to latitude 42°30'00" N., longitude 104°40'00" W.; to latitude 42°23'00" N., longitude 104°40'00" W.; to latitude 42°19'00" N., longitude 104°45'00" W.; to latitude 42°18'00" N., longitude 104°45'00" W.; to latitude 42°19'30" N., longitude 104°51'00" W.; to latitude 42°24'00" N., longitude 104°54'30" W.; to the point of beginning
Designated altitudes. Surface to 23,500 feet MSL.
Time of designation. 0700 to 2200 m.s.t., May 15 through September 5.
Controlling agency. Federal Aviation Agency, Casper, Wyo., Flight Service Station
Using agency. Adjutant General, State of Wyoming.

AMENDMENTS 1/5/62 27 F.R. 1355 (Added);

§ 608.71 Puerto Rico

R-7101 Culebra Island, P.R.

Boundaries. The airspace over Culebra Island and the surrounding waters extending to the 3-nautical mile limit from the shoreline.
Designated altitudes Surface to flight level 500
Time of designation. During VFR weather conditions, and only after issuance of NOTAMS by the Commandant, 10th Naval District at least 48 hours prior to firing. NOTAMS also to be issued upon cessation of firing.
Using agency. Commander, Caribbean Sea Frontier, San Juan, P R

AMENDMENTS On publ (8/10/61) 26 F.R. 7204 (Rewritten);

R-7102 Punta Figuras, P. R.

Boundaries. Beginning at Lat. 17°58'22" N, Long. 65°58'50" W; to Lat. 17°55'35" N, Long. 65°57'10" W, thence 3 nautical miles from and parallel to the shoreline to Lat. 17°51'55" N, Long. 66°14'10" W; clockwise along the arc of a 25.000 yard radius circle centered at Lat. 17°57'48" N, Long. 66°02'54" W to Lat. 17°53'05" N, Long. 66°14'50" W; to Lat. 17°57'23" N, Long. 66°05'06" W; to the point of beginning
Designated altitudes. Surface to 30,000 feet MSL.
Time of designation. Sunrise to sunset during periods of unrestricted visibility and only after issuance of NOTAMS by the Commandant. 10th Naval District at least 48 hours prior to firing NOTAMS also to be issued upon cessation of firing.
Using agency. Commanding General. U. S. Army Caribbean, San Juan, P R

AMENDMENTS On publ (8/10/61) 26 F.R. 7204 (Rewritten);

R-7103 Salinas, P.R.

Boundaries. Beginning at Lat. 18°03'00" N , Long. 66°14'35" W.; to Lat. 18°01'16" N., Long. 66°15'14" W.; to Lat. 17°59'57" N., Long. 66°16'00" W.; to Lat. 17°59'16" N., Long. 66°17'11" W.; to Lat. 18°01'00" N., Long. 66°19'58" W.; to Lat. 18°01'53" N., Long. 66°18'53" W.; to Lat. 18°02'34" N., Long. 66°18'47" W.; to Lat. 18°03'25" N., Long. 66°17'54" W.; to Lat. 18°04'07" N., Long. 66°17'00" W.; to point of beginning.
Designated altitude. Surface to 12,000 feet MSL.
Time of designation. Continuous, June 1 through August 31; and sunrise to sunset, Saturday and Sunday, September 1 through May 31.
Using agency. Commanding General, U. S. Army Caribbean, San Juan, P.R.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7205 (Rewritten); 3/8/62 27 F.R. 562 (Rewritten);

R-7104 Vieques Island, P.R.

Boundaries. The airspace over Vieques Island and the surrounding waters extending to the 3 nautical mile limit from the shoreline.
Designated altitudes. Surface to flight level 500.
Time of designation. Continuous, but only after issuance of NOTAMS by the Commandant, 10th Naval District, at least 48 hours prior to firing. NOTAMS to contain information concerning time of cessation of firing.
Using agency. Commander, Caribbean Sea Frontier, San Juan, P R

AMENDMENTS On publ (8/10/61) 26 F.R. 7205 (Rewritten);

§ 608.72 Guam

R-7201 Nafatan Rock, Guam.

Boundaries. The area within a 5-nautical mile radius of Lat. 14°50'00" N, Long. 145°32'00" E. excluding the portion which lies 3 nautical miles beyond the shoreline.
Designated altitudes. Surface to flight level 600.
Time of designation. Continuous.
Using agency. Commanding Officer, NAS Agana, Guam.

AMENDMENTS On publ. (8/10/61) 26 F.R. 7205 (Rewritten);

[F.R. Doc. 62-7209; Filed, July 25, 1962; 9:30 a.m.]

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3485

ALLOCATING TO CERTAIN WESTERN HEMISPHERE COUNTRIES PART OF THE SUGAR WHICH WOULD HAVE BEEN ALLOCATED TO CUBA

By the President of the United States of America

A Proclamation

WHEREAS section 202(c)(4) of the Sugar Act of 1948 (P.L. 87–535 and 87–539) provides as follows:

"(4)(A) Notwithstanding the provisions of paragraph (3) of this subsection, whenever the United States is not in diplomatic relations with any country named in paragraph (3) of this subsection and during such period after resumption of diplomatic relations with such country as the Secretary determines is required to permit an orderly adjustment in the channels of commerce for sugar, the proration or allocation provided for in paragraph (3) of this subsection shall not be made to such country, and a quantity of sugar not to exceed an amount equal to the proration or allocation which would have been made but for the provisions of this paragraph, may be authorized for purchase and importation from foreign countries, except that all or any part of such quantity need not be purchased from any country with which the United States is not in diplomatic relations, or from any country designated by the President whenever he finds and proclaims that such action is required in the national interest. In authorizing the purchase and importation of sugar from foreign countries under this paragraph, special consideration shall be given to countries of the Western Hemisphere and to those countries purchasing United States agricultural commodities.

"(B) Of the quantity authorized for purchase and importation under subparagraph (A), the President is authorized to allocate to countries within the Western Hemisphere, for the six-month period ending December 31, 1962, an amount of sugar, raw value, not exceeding in the aggregate 75,000 short tons, and for the calendar years 1963 and 1964, an amount of sugar, raw value, not exceeding in the aggregate 150,000 short tons."; and

WHEREAS the allocation of sugar authorized under the provisions of section 202(c)(4)(B) of the Sugar Act of 1948, as amended, is dependent upon a quantity of sugar being available for purchase and importation in accordance with the provisions of section 202(c)(4)(A) of the Act, during the six-month period ending December 31, 1962, and each of the calendar years 1963 and 1964:

NOW, THEREFORE, I, John F. Kennedy, President of the United States of America, acting under and by virtue of the authority vested in me by section 202(c)(4)(B) of the Sugar Act of 1948, as amended, do hereby allocate, of the quantities authorized for purchase and importation under section 202(c)(4)(A) of such Act, the following quantities of sugar, raw value, as sugar which may be imported into the continental United States from the specified countries for the specified periods pursuant to section 202(c)(4)(B) of such Act:

1. For the six-month period ending December 31, 1962:

a. From Argentina 10,000 short tons, and

b. From the Dominican Republic 65,000 short tons.

2. For each of the calendar years 1963 and 1964:

a. From Argentina 20,000 short tons, and

b. From the Dominican Republic 130,000 short tons.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this 19th day of July, in the year of our Lord nineteen hundred and sixty-two, and of the independence of the United States of America the one hundred and eighty-seventh.

[SEAL]

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 62-7484; Filed, July 26, 1962; 10:54 a.m.]

Rules and Regulations

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal-Feed Supplements

O,O-DIETHYL *S*-2-(ETHYLTHIO)ETHYL PHOSPHORODITHIOATE; PESTICIDE AND FOOD ADDITIVE RESIDUES

1. A petition was filed with the Food and Drug Administration by Chemagro Corporation, P.O. Box 4913, Kansas City 20, Missouri, requesting the establishment of tolerances for residues of the insecticide *O,O*-diethyl *S*-2-(ethylthio) ethyl phosphorodithioate, calculated as demeton, in or on peanut hay and rice straw at 5 parts per million; and in or on peanuts, pineapples, rice, and spinach at 0.75 part per million.

The petitioner later added a request for a tolerance of 5 parts per million on pineapple foliage. Available evidence shows that residues on pineapples will carry over and be concentrated in pineapple bran for livestock feed made from this raw agricultural commodity but that the feeding of such bran to livestock will not result in residues in meat and milk.

The Secretary of Agriculture has certified that this insecticide is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.183; 27 F.R. 6232) are amended by adding thereto tolerances for the subject insecticide on the aforementioned raw agricultural commodities. As amended, the affected portions of § 120.183 read as follows:

§ 120.183 Tolerances for residues of *O,O*-diethyl *S*-2-(ethylthio)ethyl phosphorodithioate.

* * * * *

5 parts per million in or on barley (green fodder and straw), bean vines, oats (green fodder and straw), peanut hay, pea vines, pineapple foliage, rice straw.

* * * * *

0.75 part per million in or on barley grain, beans (dry), beans (snap), beans (lima), brussels sprouts, cabbage, cauliflower, cottonseed, lettuce, oat grain, peanuts, peas, pineapples, potatoes, rice, spinach, tomatoes.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

2. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Chemagro Corporation and other relevant material, has concluded that the following regulation should issue with respect to residues of the food additive, *O,O*-diethyl *S*-2-(ethylthio)ethyl phosphorodithioate, present in pineapple bran. Such residues have been shown to occur from application of the insecticide to pineapples under agricultural uses provided for by a concurrent regulation under section 408 of the act. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by changing § 121.215 to read as follows:

§ 121.215 *O,O*-Diethyl *S*-2-(ethylthio) ethyl phosphorodithioate.

Tolerances for residues of *O,O*-diethyl *S*-2-(ethylthio)ethyl phosphorodithioate, calculated as demeton, in ingredients for livestock feed are established as follows:

(a) 5 parts per million in dehydrated sugar beet pulp when present therein as a result of the application of the pesticide to the growing agricultural crop, provided that, if residues of demeton are also present, the total of both residues shall not exceed 5 parts per million.

(b) 5 parts per million in pineapple bran when present therein as a result of the application of the insecticide in the production of pineapples.

(Sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4))

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 408(d)(2), 409(c)(4), 68 Stat. 512; 72 Stat. 1786; 21 U.S.C. 346a(d)(2), 348(c)(4))

Dated: July 23, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-7374; Filed, July 26, 1962; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal Feed Supplements

SUBCHAPTER C—DRUGS

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Hygromycin B

1. The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Elanco Products Company, Division of Eli Lilly and Company, Indianapolis 6, Indiana, and other relevant material, has concluded that § 121.213 of the food additive regulations should be amended to provide for the safe use in chicken feeds of hygromycin B, as an anthelmintic, in combination with certain antibiotic drugs used for specified conditions of chickens. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.213 (21 CFR 121.213; 27 F.R. 45) is revised to read as follows:

§ 121.213 Hygromycin B.

Hygromycin B may be safely used in medicated feeds in accordance with the following prescribed conditions:

(a) Hygromycin B is the antibiotic substance produced by the growth of *Streptomyces hygroscopicus* or the same antibiotic substance produced by any other means.

(b) The quantity of an antibiotic prescribed in this section refers to the activity contained in an equivalent weight of the standard of comparison used for the drug.

(c) It is used or intended for use with or without other additives permitted by regulations in this Subpart C, as follows:

TABLE 1—HYGROMYCIN B WITH OR WITHOUT OTHER ADDITIVES IN CHICKEN FEED[1]

Principal ingredient	Gm. per ton	Combined with	Gm. per ton	Limitations	Indications for use
1. Hygromycin B	8.0–12.0				Control of infestation of large roundworms (*Ascaris galli*), cecal worms (*Heterakis gallinae*), and capillary worms (*Capillaria columbae*).
2. Hygromycin B	8.0	Penicillin	2.4–50	As procaine penicillin	Growth promotion and feed efficiency.
3. Hygromycin B	8.0	Penicillin	50–100	do	Prevention of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis, mud fever).
4. Hygromycin B	8.0	Penicillin	100	do	Treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis, mud fever).
5. Hygromycin B	8.0	Penicillin + bacitracin	3.6–50 of combination.	Not less than 0.6 gm. of penicillin nor less than 3.0 gm. of bacitracin; as procaine penicillin plus bacitracin, zinc bacitracin, bacitracin methylene disalicylate, or manganese bacitracin.	Growth promotion and feed efficiency.
6. Hygromycin B	8.0	Penicillin + bacitracin	10–50 of combination.	12.5 gm. of penicillin + 37.5 gm. of bacitracin first 4 to 6 weeks of egg production; not less than 2.5 gm. nor more than 12.5 gm. of penicillin + not less than 7.5 gm. nor more than 37.5 gm. of bacitracin for remainder of laying period; as procaine penicillin + bacitracin or zinc bacitracin or bacitracin methylene disalicylate.	Maintaining or increasing egg production.
7. Hygromycin B	8.0	Penicillin + bacitracin	50–100 of combination.	Not less than 12.5 gm. of penicillin nor less than 25 gm. of bacitracin; as procaine penicillin + bacitracin or zinc bacitracin or bacitracin methylene disalicylate.	Prevention of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis, mud fever).
8. Hygromycin B	8.0	Penicillin + bacitracin	100 of combination.	Not less than 25 gm. of penicillin nor less than 50 gm. of bacitracin; as procaine penicillin + bacitracin or zinc bacitracin or bacitracin methylene disalicylate.	Treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis, mud fever).
9. Hygromycin B	8.0	Penicillin + bacitracin	100 of combination.	25 gm. of penicillin + 75 gm. of bacitracin; as procaine penicillin + bacitracin or zinc bacitracin or bacitracin methylene disalicylate.	Maintaining or increasing hatchability of eggs.
10. Hygromycin B	8.0	Penicillin + bacitracin	100 of combination.	25 gm. of penicillin + 75 gm. of bacitracin; as procaine penicillin + bacitracin or zinc bacitracin or bacitracin methylene disalicylate; for chicks.	Prevention of early mortality due to susceptible organisms.
11. Hygromycin B	8.0	Penicillin + streptomycin	14.4–50 of combination.	Not less than 2.4 gm. of penicillin nor less than 12 gm. of streptomycin; as procaine penicillin + streptomycin sulfate.	Growth promotion and feed efficiency.
12. Hygromycin B	8.0	Penicillin + streptomycin	22.5 of combination.	3.75 gm. of penicillin + 18.75 gm. of streptomycin; as procaine penicillin + streptomycin sulfate.	Maintaining or increasing egg production.
13. Hygromycin B	8.0	Penicillin + streptomycin	90 of combination.	15 gm. of penicillin + 75 gm. of streptomycin; as procaine penicillin + streptomycin sulfate.	Treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis, mud fever); maintaining or increasing hatchability of eggs.
14. Hygromycin B	8.0	Penicillin + streptomycin	90 of combination.	15 gm. of penicillin + 75 gm. of streptomycin; as procaine penicillin + streptomycin sulfate; for chicks.	Prevention of early mortality due to susceptible organisms.
15. Hygromycin B	8.0	Bacitracin	4–50	As bacitracin, zinc bacitracin, bacitracin methylene disalicylate, or manganese bacitracin.	Growth promotion and feed efficiency.
16. Hygromycin B	8.0	Bacitracin	10–50	50 gm. first 4 to 6 weeks of egg production; 10–50 gm. for remainder of laying period; as bacitracin, zinc bacitracin, or bacitracin methylene disalicylate.	Maintaining or increasing egg production.
17. Hygromycin B	8.0	Bacitracin	50–100	As bacitracin, zinc bacitracin, or bacitracin methylene disalicylate.	Prevention of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis, mud fever).
18. Hygromycin B	8.0	Bacitracin	100	do	Treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis, mud fever); maintaining or increasing hatchability of eggs.
19. Hygromycin B	8.0	Bacitracin	100	As bacitracin, zinc bacitracin, or bacitracin methylene disalicylate; for chicks.	Prevention of early mortality due to susceptible organisms.
20. Hygromycin B	8.0	Chlortetracycline	10–50	As chlortetracycline hydrochloride	Growth promotion and feed efficiency.
21. Hygromycin B	8.0	Chlortetracycline	50–100	do	Prevention of chronic respiratory disease (air-sac infection), maintaining or increasing egg production and hatchability of eggs.
22. Hygromycin B	8.0	Chlortetracycline	50–100	As chlortetracycline hydrochloride; for chicks.	Prevention of early mortality due to susceptible organisms.
23. Hygromycin B	8.0	Chlortetracycline	100–200	As chlortetracycline hydrochloride; not for laying hens.	Treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis, mud fever); prevention of synovitis.
24. Hygromycin B	8.0	Chlortetracycline	200	As chlortetracycline hydrochloride; not for laying hens.	Control of synovitis.
25. Hygromycin B	8.0	Streptomycin	30–50	As streptomycin sulfate	Growth promotion and feed efficiency.

[1] Where Hygromycin B is combined with other additives, appropriate limitations and indications for use for each additive are combined.

TABLE 2—HYGROMYCIN B WITH OR WITHOUT OTHER ADDITIVES IN SWINE FEED[1]

Principal ingredient	Gm. per ton	Combined with	Gm. per ton	Limitations	Indications for use
1. Hygromycin B	12.0			Withdraw 48 hours prior to slaughter	Control of infestation of large roundworms (*Ascaris suis*), nodular worms (*Oesophagostomum dentatum*), and whipworms (*Trichuris suis*).
2. Hygromycin B	12.0	Tylosin	10–20	Continuous use, 101 pounds to market weight, as tylosin phosphate; withdraw 48 hours prior to slaughter.	Growth promotion and feed efficiency.
3. Hygromycin B	12.0	Tylosin	20–40	Continuous use, 41–100 pounds animal weight, as tylosin phosphate; withdraw 48 hours prior to slaughter.	Do.
4. Hygromycin B	12.0	Tylosin	20–100	Continuous use, up to 40 pounds animal weight, as tylosin phosphate; withdraw 48 hours prior to slaughter.	Do.
5. Hygromycin B	12.0	Chlortetracycline	50–100	As chlortetracycline hydrochloride; withdraw 48 hours prior to slaughter.	Maintenance of weight gain in presence of atrophic rhinitis, reduction of incidence of cervical abscesses, prevention of bacterial swine enteritis.
6. Hygromycin B	12.0	Chlortetracycline	100–200	As chlortetracycline hydrochloride	Treatment of bacterial swine enteritis.

[1] Where Hygromycin B is combined with other additives, appropriate limitations and indications for use for each additive are to be combined.

(d) To assure safe use, the label and labeling of the additive, any combination of the additives, and any intermediate premix or final feed prepared therefrom, shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein, except antibiotics that are added solely for growth promotion.

(3) Adequate directions and warnings for use.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

2. Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), § 146.26 *Animal feed containing penicillin* • • • (21 CFR 146.26; 27 F.R. 3625) is amended by changing paragraph (b)(50) to read as follows:

(50) It is a medicated chicken feed containing antibiotics and hygromycin B in the amounts and for the purposes indicated in § 121.213 of this chapter; or if it is hygromycin B concentrate, it contains not more than 16,000 units (16 milligrams) of hygromycin B per pound; its labeling bears adequate directions and warnings for such use; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.7 to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition of such drug, or the methods used in, and the facilities and controls used for its manufacturing, processing, and packaging, or in its labeling, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information that describes such proposed changes, and such amendment has been accepted by the Commissioner.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 409(c)(1), 507, 59 Stat. 463 as amended, 72 Stat. 1786; 21 U.S.C. 348(c)(1), 357)

Dated: July 19, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-7270; Filed, July 26, 1962; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by:

Adhesives Manufacturers Association of America, 441 Legington Avenue, New York 17, New York (FAP 650);
Continental Can Company, Inc., 633 Third Avenue, New York, New York (FAP 738);
E. I. du Pont de Nemours and Company, Inc., 1007 Market Street, Wilmington, Delaware (FAP 840);
Fine Organics Incorporated, 205 Main Street, Lodi, New Jersey (FAP 698);
The B. F. Goodrich Company, 500 South Main Street, Akron 18, Ohio (FAP 766);
National Association of Glue Manufacturers, 55 West 42d Street, New York 36, New York (FAP 788);
Neville Chemical Company, Neville Island, Pittsburgh 25, Pennsylvania (FAP 733);
The Ottawa Chemical Company, 700 North Wheeling Street, Toledo 5, Ohio (FAP 785); and
Wyandotte Chemicals Corporation, 1609 Biddle Avenue, Wyandotte, Michigan (FAP 652);

and comments submitted by Buchman Laboratories, Inc., 1256 North McLean, Memphis 8, Tennessee, and other relevant material, has concluded that § 121.2520 of the food additive regulations should be amended as hereinafter provided, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625).

Section 121.2520 is amended in the following respects:

1. Paragraph (b) is changed to read as follows:

§ 121.2520 **Adhesives.**

• • • • • •

(b) To assure safe usage of adhesives, the label of the finished adhesive container shall bear the statement "food-packaging adhesive."

2. The list "Components of Adhesives" in paragraph (c)(5) is revised to read:

(c) • • •
(5) • • •

COMPONENTS OF ADHESIVES

Substances and Limitations

Abietic acid.
Acetone.
N-Acetyl ethanolamine.
Acetyl tributyl citrate.
Acetyl triethyl citrate.
Albumin blood.
1-Alkyl (C_6–C_{18}) amino-3-amino-propane monoacetate.
Alkyl (C_7–C_{12}) benzene.
Alkyl (C_{10}–C_{20}) dimethylbenzyl ammonium chloride.
Alkyl ketene dimers as described in § 121.2538.
Alkyl (C_7–C_{12}) naphthalene.
Aluminum.
Aluminum acetate.
Aluminum di(2-ethylhexoate).
Aluminum potassium silicate.
Aminomethylpropanol.
Ammonium benzoate.[1]
Ammonium bifluoride.[2]
Ammonium borate.
Ammonium citrate.
Ammonium persulfate.
Ammonium polyacrylate.

[1] For use as preservative only.
[2] For use only as bonding agent for aluminum foil, stabilizer, or preservative. Total fluoride from all sources not to exceed 1 percent by weight of the finished adhesive.

Ammonium potassium hydrogen phosphate.
Ammonium silico-fluoride.[3]
Ammonium sulfamate.
Ammonium thiocyanate.
Ammonium thiosulfate.
Amyl acetate.
Animal glue as described in § 121.2534.
Antimony oxide.
Asbestos.
Asphalt, paraffinic and naphthenic.
Azo-*bis*-isobutyronitrile.
Balata rubber.
Barium acetate.
Barium peroxide.
Barium sulfate.
Bentonite.
Benzene (benzol).
Benzothiazyldisulfide.
p-Benzoxyphenol.[1]
Benzoyl peroxide.
Benzyl alcohol.
p-Benzyloxyphenol.[1]
BHA (butylated hydroxyanisole).
BHT (butylated hydroxytoluene).
2-Biphenyl diphenyl phosphate.
Borax.
Boric acid.
1,4-Butanediol modified with adipic acid.
Butoxy polyethylene polypropylene glycol (molecular weight 900–4,200).
Butyl acetate.
Butyl acetyl ricinoleate.
Butyl alcohol.
Butyl benzyl phthalate.
4,4'-thiobis-6-*tert*-Butyl-*m*-cresol.
Butyldecyl phthalate.
1,3-Butylene glycol-diglycolic acid copolymer.
tert-Butyl hydroperoxide.
Butyl lactate.
Butyloctyl phthalate.
p-*tert*-Butylphenyl salicylate.
Butyl phthalate butyl glycolate.
Butyl ricinoleate.
Butyl rubber polymer.
Butyl stearate.
Butyl titanate, polymerized.
Butyraldehyde.
Calcium ethyl acetoacetate.
Calcium nitrate.
Calcium metasilicate.
Camphor.
Camphor fatty acid esters.
Candelilla wax.
Carbon black, channel process.
Carbon tetrachloride.
Carboxymethylcellulose.
Castor oil, polyoxyethylated (4–84 mols ethylene oxide).
Cellulose acetate butyrate.
Cellulose acetate propionate.
Ceresin wax (ozocerite).
Cetyl alcohol.
Chloracetamide.
Chloral hydrate.
Chlorinated rubber polymer (natural rubber polymer containing approximately 67 percent chlorine).
Chlorobenzene.
4-Chloro-3,5-dimethylphenol (*p*-chloro-*m*-xylenol).[1]
4-Chloro-3-methylphenol.[1]
Chloroform.
Chloroprene.
Chromium caseinate.
Chromium nitrate.
Chromium potassium sulfate.
Cobaltous acetate.
Coconut fatty acid amine salt of tetrachlorophenol.[1]
Copal.
Copper 8-quinolinolate.[1]
Coumarone-indene resin.
Cresyl diphenyl phosphate.
Cumene hydroperoxide.
Cyclohexane.
Cyclohexanol.
Cyclohexanone-formaldehyde condensate.
N-Cyclohexyl *p*-toluene sulfonamide.

See footnotes on page 7375.

Damar.
Defoaming agents as described in § 121.2519.
Dehydroacetic acid.
Diacetone alcohol.
Diacetyl peroxide.
2,5-Di-*tert*-amylhydroquinone.
Di(butoxyethyl) phthalate.
2,5-Di-*tert*-butylhydroquinone.
Dibutyl maleate.
2,6-Di-*tert*-butyl-4-methylphenol.[1]
Dibutyl phthalate.
Dibutyl sebacate.
Dicumyl peroxide.
Dicyandiamide.
Dicyclohexyl phthalate.
Diethanolamine.
Diethanolamine condensed with animal or vegetable fatty acids.
Diethylene glycol.
Diethylene glycol-adipic acid copolymer.
Diethylene glycol dibenzoate.
Diethylene glycol hydrogenated tallowate, monoester.
Diethylene glycol laurate.
Diethylene glycol monobutyl ether.
Diethylene glycol monobutyl ether acetate.
Diethylene glycol monoethyl ether.
Diethylene glycol monoethyl ether acetate.
Diethylene glycol monomethyl ether.
Diethylene glycol monooleate.
Diethylene glycol copolymer of adipic acid and phthalic anhydride.
Di(2-ethylhexyl) adipate.
Di(2-ethylhexyl) hexahydrophthalate.
Di(2-ethylhexyl) phthalate.
Diethyl oxalate.
Diethyl phthalate.
1,2-Dihydro-2,2,4-trimethylquinoline, polymerized.
Dihydroabietyl phthalate.
2,2'-Dihydroxy-5,5'-dichlorodiphenylmethane (dichlorophene).
Diisobutyl adipate.
Diisobutyl ketone.
Diisobutylphenoxyethoxyethyl dimethyl benzyl ammonium chloride.
Diisobutyl phthalate.
Diisodecyl adipate.
Diisodecyl phthalate.
Diisooctyl phthalate.
Diisopropylbenzene hydroperoxide.
Dimethyl formamide.
Dimethyl hexynol.
Dimethyl octynediol.
Dimethyl phthalate.
3,5-Dimethyl-1,3,5,2*H*-tetrahydrothiadiazine-2-thione.[1]
Di-β-naphthyl-*p*-phenylenediamine.
Dinonylphenol.
Di-*n*-octyldecyl adipate.
Dioctyldiphenylamine.
Dioctylphthalate.
Dioctylsebacate.
Dioxane.
Dipentamethylene-thiuram-tetrasulfide.
Dipentene.
Diphenyl-2-ethylhexyl phosphate.
Diphenyl, hydrogenated.
N,N'-Diphenyl-*p*-phenylenediamine.
Diphenyl phthalate.
Dipropylene glycol.
Dipropylene glycol dibenzoate.
Dipropylene glycol monomethyl ether.
Dipropylene glycol copolymer of adipic acid and phthalic anhydride.
Disodium cyanodithioimidocarbonate.
Distearyl thiodipropionate.
n-Dodecylmercaptan.
tert-Dodecylmercaptan.
Elemi gum.
Epichlorohydrin-4,4'-isopropylidenediphenol resin.
Epichlorohydrin-4,4'-*sec*-butylidenediphenol resin.
Epichlorohydrin-4,4'-isopropylidene-di-o-cresol resin.
Epichlorohydrin-phenol-formaldehyde resin.
Erucamide (erucylamide).
Ethanolamine.
Ethoxyproponal butyl ether.
Ethyl alcohol (ethanol).
Ethylenediamine.
Ethylenediamine tetraacetic acid, sodium, potassium, or calcium salts, single or mixed.
Ethylene dichloride.
Ethylene glycol.
Ethylene glycol monobutyl ether.
Ethylene glycol monobutyl ether acetate.
Ethylene glycol monoethyl ether.
Ethylene glycol monoethyl ether acetate.
Ethylene glycol monoethyl ether ricinoleate.
Ethylene glycol monomethyl ether.
Ethylene-maleic anhydride copolymer, ammonium or potassium salt.
Ethyl-*p*-hydroxybenzoate.[1]
Ethyl hydroxyethylcellulose.
Ethyl lactate.
Ethyl phthalyl ethyl glycolate.
Ethyl-*p*-toluene sulfonamide.
Fats and oils derived from animal or vegetable sources, and the hydrogenated, sulfated, or sulfonated forms of such fats and oils.
Fatty acids derived from animal or vegetable fats and oils; and salts of such acids, single or mixed, as follows:
Aluminum.
Ammonium.
Calcium.
Magnesium.
Potassium.
Sodium.
Zinc.
Ferric chloride.
Fluosilicic acid (hydrofluosilicic acid).[3]
Formaldehyde.
Formaldehyde o- and *p*-toluene sulfonamide.
Formamide.
Furfural.
Furfuryl alcohol.
Fumaric acid.
Glutaraldehyde.
Glycerides, di- and monoesters.
Glyceryl borate (glycol boriborate resin).
Glyceryl ester of damar, copal, elemi, and sandarac.
Glyceryl monobutyl ricinoleate.
Glyceryl monohydroxy stearate.
Glyceryl monohydroxy tallowate.
Glycol diacetate.
Glyoxal.
Heptane.
Hexamethylenetetramine.
Hexane.
1,2,6-Hexanetriol.
Hexylene glycol.
Hydroabietyl alcohol.
Hydrofluoric acid.[3]
Hydrogen peroxide.
Hydroquinone.
Hydroquinone monobenzyl ether.
Hydroquinone monoethyl ether.
Hydroxyacetic acid
7-Hydroxycoumarin.
Hydroxyethylcellulose.
1-(2-Hydroxyethyl)-1-(4-chlorobutyl)-2-alkyl (C_{16}–C_{17}) imidazolinium chloride.
β-Hydroxyethyl pyridinium 2-mercaptobenzothiazole.
Hydroxyethyl starch.
Hydroxyethylurea.
Hydroxylamine sulfate.
Hydroxypropyl methylcellulose.
Isoascorbic acid.
Isobutyl alcohol (isobutanol).
Isobutylene-isoprene copolymer.
Isophorone.
Isopropanolamine (mono-, di-, tri-).
Isopropyl acetate.
Isopropyl alcohol (isopropanol).
Isopropyl-*m*- and *p*-cresol (thymol derived).
4,4'-Isopropylidenediphenol, polybutylated mixture.[1]
Isopropyl peroxydicarbonate.
p-Isopropoxy diphenylamine.
4,4'-Isopropylidene-bis(*p*-phenyleneoxy)-di-2-propanol.
Itaconic acid.
Japan wax.
Kerosene.
Lauryl peroxide.
Lauryl alcohol.

Lauryl sulfate salts:
Ammonium.
Magnesium.
Potassium.
Sodium.
Lauryl pyridinium 5-chloro-2-mercaptobenzothiazole.
Lignin calcium sulfonate.
Lignin sodium sulfonate.
Linoleamide (linoleic acid amide).
Magnesium fluoride.[2]
Magnesium glycerophosphate.
Maleic acid.
Maleic anhydride-diisobutylene copolymer, ammonium or sodium salt.
Manganese acetate.
Marine oil fatty acid soaps, hydrogenated.
Melamine.
Melamine-formaldehyde copolymer.
2-Mercaptobenzothiazole.
2-Mercaptobenzothiazole and dimethyl dithiocarbamic acid mixture, sodium salt.[1]
2-Mercaptobenzothiazole, sodium or zinc salt.[1]
Methacrylate-chromic chloride complex, ethyl or methyl ester.
p-Menthane hydroperoxide.
Methyl acetate.
Methyl acetyl ricinoleate.
Methyl alcohol (methanol).
Methylcellulose.
Methylene chloride.
2,2-Methylenebis(4-methyl-6-*tert*-butylphenol).
2,2-Methylenebis(4-methyl-6-nonylphenol).
2,2-Methylenebis(4-methyl-6-*tert*-butylphenol).
Methyl ethyl ketone.
Methyl ethyl ketone-formaldehyde condensate.
2-Methylhexane.
1-Methyl-2-hydroxy-4-isopropyl benzene.
Methyl isobutyl ketone.
Methyl oleate.
Methyl oleate-palmitate mixture.
Methyl phthalyl ethyl glycolate.
Methyl ricinoleate.
Methyl salicylate.
Methyl tallowate.
Mineral oil.
Monochloracetic acid.
Monooctyldiphenylamine.
Montan wax.
Morpholine.
Myristic acid-chromic chloride complex.
Myristyl alcohol.
Naphtha.
Naphthalene, monosulfonated.
Naphthalene sulfonic acid-formaldehyde condensate, sodium salt.
α-Naphthylamine.
Nitric acid.
o-Nitrobiphenyl.
Nitrocellulose.
2-Nitropropane.
Octyl alcohol.
Octyldecyl phthalate.
Octylphenol.
Octylphenoxyethanols.
Octylphenoxypolyethoxy-polypropoxyethanol (13 mols of ethylene oxide and propylene oxide).
Oleamide (oleic acid amide).
Oleic acid, sulfated.
Oxazoline.
n-Oxydiethylene benzothiazole.
Palmitamide (palmitic acid amide).
Paraffin (C_{12}–C_{20}) sulfonate.
Paraformaldehyde.
Pentachlorophenol.[1]
Pentaerythritol ester of maleic anhydride.
Pentaerythritol monostearate.
Pentaerythritol tetrastearate.
2,4-Pentanedione.
Perchloroethylene.
Petrolatum.
Petroleum hydrocarbon resins (produced by the homo- and copolymerization of dienes and olefins of the aliphatic, alicyclic, and monobenzenoid arylalkene types from distillates of cracked petroleum stocks).
Phenol.[1]
Phenol-coumarone-indene resin.
Phenolic resins as described in § 121.2514(b)(3)(vi).
Phenyl-β-naphthylamine (free of β-naphthylamine).
o-Phenylphenol.[1]
o-Phthalic acid.
Pimaric acid.
Piperidinium pentamethylenedithiocarbamate.
Polyamides derived from dimerized vegetable oil acids and the following amines:
Diethylenetriamine.
Diphenylamine.
Ethylenediamine.
Tetraethylenepentamine.
Triethylenetetramine.
Polybutylene glycol (molecular weight 1,000).
Polyester of diglycolic acid and propylene glycol containing ethylene glycol monobutyl ether as a chain stopper.
Polyester resins as described under § 121.2514(b)(3)(vii)
Polyethylene, oxidized.
Polymeric esters of polyhydric alcohols and polycarboxylic acids prepared from glycerin and phthalic anhydride and modified with benzoic acid, castor oil, coconut oil, linseed oil, rosin, soybean oil, styrene, and vinyl toluene.
Poylethylene glycol (molecular weight 200–6,000).
Polymers: Homopolymers and copolymers of the following monomers:
Acrylamide.
Acrylic acid.
Acrylonitrile.
Butadiene.
Butene.
Butyl acrylate.
Butyl methacrylate.
Crotonic acid.
Decyl acrylate.
Diallyl fumarate.
Diallyl maleate.
Diallyl phthalate.
Dibutyl fumarate.
Dibutyl itaconate.
Dibutyl maleate.
Di(2-ethylhexyl) maleate.
Dioctyl fumarate.
Dioctyl maleate.
Divinylbenzene.
Ethyl acrylate.
Ethyl cyanohydrin.
Ethylene.
2-Ethylhexyl acrylate.
Ethyl methacrylate.
Fumaric acid.
Isobutylene.
Itaconic acid.
Maleic anhydride.
Methacrylic acid.
Methyl acrylate.
Methyl methacrylate.
Methyl styrene.
Monoethyl maleate.
Mono(2-ethylhexyl) maleate.
Propylene.
Styrene.
Vinyl acetate.
Vinyl butyrate.
Vinyl chloride.
Vinyl crotonate.
Vinyl ethyl ether.
Vinyl hexoate.
Vinylidene chloride.
Vinyl methyl ether.
Vinyl pelargonate.
Vinyl propionate.
Vinyl pyrrolidone.
Vinyl stearate.
Polyoxyalkylated-phenolic resin (phenolic resin obtained from formaldehyde plus butyl- and/or amylphenols, oxyalkylated with ethylene oxide and/or propylene oxide).
Polyoxyethylene (molecular weight 200) dibenzoate.
Polyoxyethylene (molecular weight 1900) di-*sec*-butylphenylate.
Poyloxyethylene (molecular weight 200–600) esters of fatty acids derived from animal or vegetable fats and oils (including tall oil).
Polyoxyethylene (15 mols) ester of rosin.
Polyoxyethylene (4–5 mols) ether of phenol.
Polyoxyethylene (25 mols)—glycerol adduct.
Polyoxyethylene (1–40 mols) nonylphenol.
Polyoxyethylene (6–7 mols) nonylphenoxy phosphate.
Polyoxyethylene (1–40 mols) octylphenol.
Polyoxyethylene (20 mols) oleyl alcohol.
Polyoxyethylene (20 mols) sorbitan monolaurate.
Polyoxyethylene (20 mols) sorbitan monooleate.
Polyoxyethylene (20 mols) sorbitan monopalmitate.
Polyoxyethylene (20 mols) sorbitan monostearate.
Polyoxyethylene (40 mols) stearate.
Polyoxyethylene (5–15 mols) tridecyl alcohol.
Polyoxyethylene (3 mols) tridecyl alcohol sulfate.
Polyoxypropylene (20 mols) butyl ether.
Polyoxypropylene (40 mols) butyl ether.
Polyoxypropylene (20 mols) oleate butyl ether.
Polyoxypropylene-polyoxyethylene condensate (molecular weight 1,900–9,000).
Polypropylene glycol (molecular weight 150–3,000).
Polysiloxanes:
Diethyl polysiloxane.
Dihydrogen polysiloxane.
Dimethyl polysiloxane.
Diphenyl polysiloxane.
Ethyl hydrogen polysiloxane.
Ethyl phenyl polysiloxane.
Methyl ethyl polysiloxane.
Methyl hydrogen polysiloxane.
Methyl phenyl polysiloxane.
Phenyl hydrogen polysiloxane.
Polytetrafluoroethylene.
Polyurethane resins produced by reacting diisocyanates with one or more of the polyols named in this subparagraph.
Polyvinyl alcohol.
Polyvinyl butyral.
Polyvinyl formal.
Potassium *N*-methyldithiocarbamate.
Potassium pentachlorophenate.[1]
Potassium permanganate.
Potassium persulfate.
Potassium phosphates(mono-, di-, tribasic).
Potassium tripolyphosphate.
β-Propiolactone.
Propyl alcohol (propanol).
Propylene carbonate.
Propylene glycol and *p-p'*-isopropylidenediphenol diether.
Propylene glycol esters of coconut fatty acids.
Propylene glycol monolaurate.
Propylene glycol monomethyl ether.
Propylene glycol monostearate.
Quaternary ammonium chloride (hexadecyl, octadecyl derivative).[1]
Rosin (wood, gum, and tall oil rosin), rosin dimers, decarboxylated rosin (including rosin oil), disproportionated rosin, and these substances as modified by one or more of the following reactants:
Alkyl (C_1–C_9) phenol-formaldehyde.
Ammonia.
Ammonium caseinate.
p-Cyclohexylphenol-formaldehyde.
Diethylene glycol.
Dipentaerythritol.
Ethylene glycol.
Formaldehyde.
Fumaric acid.

See footnotes on page 7375.

Glycerin.
Hydrogen.
Isophthalic acid.
4,4'-Isopropylidenediphenol-epichlorohydrin (epoxy).
4,4'-Isopropylidenediphenol-formaldehyde.
Maleic anhydride.
Methyl alcohol.
Pentaerythritol.
Phthalic anhydride.
Polyethylene glycol.
Phenol-formaldehyde.
Phenyl o-cresol-formaldehyde.
p-Phenylphenol-formaldehyde.
Sulfuric acid.
Triethylene glycol.
Xylenol-formaldehyde.
Rosin salts (salts of rosin, wood, gum and tall oil, and the dimers thereof, decarboxylated rosin, disproportionated rosin):
Aluminum.
Ammonium.
Calcium.
Magnesium.
Potassium.
Sodium.
Zinc.
Rosin, gasoline-insoluble fraction.
Rubber hydrochloride polymer.
Rubber latex, natural.
Salicylic acid.[1]
Sandarac.
Sebacic acid.
Shellac.
Sodium alkyl (C_2–$C_{13.5}$ aliphatic) benzenesulfonate.
Sodium aluminum pyrophosphate.
Sodium aluminum sulfate.
Sodium bisulfate.
Sodium calcium silicate.
Sodium carboxymethylcellulose.
Sodium chlorate.
Sodium chlorite.
Sodium chromate.
Sodium decylsulfate.
Sodium dehydroacetate.[1]
Sodium di(2-ethylhexoate).
Sodium di(2-ethylhexyl) pyrophosphate.
Sodium dihexylsulfosuccinate.
Sodium diisobutylphenoxydiethoxyethyl sulfonate.
Sodium diisobutylphenoxymonoethoxyethyl sulfonate.
Sodium dioctylsulfosuccinate.
Sodium ethylene ether of nonylphenol sulfate.
Sodium 2-ethylhexyl sulfate.
Sodium fluoride.[2]
Sodium formaldehyde sulfoxylate.
Sodium formate.
Sodium heptadecylsulfate.
Sodium hypochlorite.
Sodium mercaptobenzol.
Sodium metaborate.
Sodium α-naphthalene sulfonate.
Sodium nitrate.
Sodium nitrite.
Sodium oleoyl isopropanolamide sulfosuccinate.
Sodium pentachlorophenate.[1]
Sodium perborate.
Sodium persulfate.
Sodium o-phenylphenate.[1]
Sodium polyacrylate.
Sodium polymethacrylate.
Sodium polystyrene sulfonate.
Sodium salicylate.[1]
Sodium tetradecylsulfate.
Sodium thiocyanate.
Sodium bis-tridecylsulfosuccinate.
Sodium xylene sulfonate.
Sorbitan monooleate.
Sorbitan monopalmitate.
Sorbitan monostearate.
Sorbitan trioleate.
Sorbitan tristearate.
Soybean oil, epoxidized.
Spermaceti wax.
Sperm oil wax.
Starch hydrolysates.
Starch or starch modified by one or more of the treatments described in §§ 121.1031 and 121.2506.
Starch, reacted with formaldehyde.
Stearamide (stearic acid amide).
Stearic acid-chromic chloride complex.
Stearic acid.
Stearyl-cetyl alcohol, technical grade, approximately 65 percent–80 percent stearyl and 20 percent–35 percent cetyl.
Strontium salicylate.
Styrene-maleic anhydride copolymer, ammonium or potassium salt.
Styrene-maleic anhydride copolymer (partially methylated) sodium salt.
Styrene-methacrylic acid copolymer, potassium salt.
Sucrose octaacetate.
Sulfur.
Tall oil.
Tall oil fatty acids, linoleic and oleic.
Tall oil fatty acid methyl ester.
Tall oil, methyl ester.
Tall oil pitch.
Tall oil soaps.
Tallow alcohol (hydrogenated).
Tallow amine, secondary (hexadecyl, octadecyl), of hard tallow.
Tallow, blown (oxidized).
Tallow, propylene glycol ester.
Terpene resins (α- and β-pinene), homopolymers, copolymers, and condensates with phenol, formaldehyde, coumarone, and/or indene.
Terphenyl.
Terphenyl, hydrogenated.
Terpineol.
Tetraethylene pentamine.
Tetraethylthiuram disulfide.
Tetrahydrofuran.
Tetrahydrofurfuryl alcohol.
Tetra-isopropyl titanate.
Tetramethyl decanediol.
Tetramethyl decynediol.
Tetramethyl decynediol plus 1–30 mols of ethylene oxide.
Tetramethylthiuram monosulfide.
Tetrasodium *n*-(1,2-dicarboxyethyl)-*n*-octadecyl sulfosuccinate.
Thiram.
Thymol.[1]
Tin stearate.
Titanium dioxide.
Titanium dioxide-barium sulfate.
Titanium dioxide-calcium sulfate.
Titanium dioxide-magnesium silicate.
Toluene.
o-and *p*-Toluene ethyl sulfonamide.
o-and *p*-Toluene sulfonamide.
p-Toluene sulfonic acid.
p-(*p'*-Toluene-sulfonyl-amide)-diphenylamide.
Triazine-formaldehyde resins as described in § 121.2514(b)(3)(xiii).
Tributyl citrate.
Tri-*tert*-butyl-*p*-phenyl phenol.[1]
Tri-β-chloroethyl phosphate.
Tributyl phosphate.
1,1,1-Trichloroethane.
1,1,2-Trichloroethane.
Trichloroethylene.
Triethanolamine.
Triethylene glycol.
Triethylene glycol dibenzoate.
Triethylene glycol di(2-ethylhexoate).
Triethylene glycol polyester of benzoic acid and phthalic acid.
Triethylhexyl phosphate.
Triethylphosphate.
2,4,5-Trihydroxy butyrophenone.
Triisopropanolamine.
Trimethyl dihydroquinoline, polymerized.
Trimethylol propane.
Trimeric aromatic amine resin from diphenylamine and acetone of molecular weight approximately 500.
Triphenylphosphate.
Tripropylene glycol monomethyl ether.
Turpentine.
Urea-formaldehyde resins as described in § 121.2514(b)(3)(xii).
Vegetable oil, sulfonated or sulfated, potassium salt.
Waxes, petroleum.
Wax, petroleum, chlorinated (40% to 70% chlorine).
3-(2-Xenolyl)-1,2-epoxypropane.
Xylene.
Zein.
Zinc acetate.
Zinc ammonium chloride.
Zinc dibenzyl dithiocarbamate.
Zinc dibutyldithiocarbamate.
Zinc diethyldithiocarbamate.
Zinc di(2-ethylhexoate).
Zinc formaldehyde sulfoxylate.
Zinc naphthenate and dehydroabietylamine mixture.
Zinc nitrate.
Zinc orthophosphate.
Zinc resinate.
Zinc sulfide.
Zineb (zinc ethylenebisdithiocarbamate).
Ziram (zinc dimethyldithiocarbamate).

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 23, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-7376; Filed, July 26, 1962; 8:47 a.m.]

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Phenethicillin Potassium Tablets; Extension of Expiration Date

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for certification of penicillin and penicillin-containing drugs (21 CFR 146a.17) are amended as follows:

Section 146a.17(c)(1)(v) is amended by extending the expiration date to 36 months under the conditions stated. As amended, paragraph (c)(1)(v) reads as follows:

§ 146a.17 Phenethicillin potassium (potassium α-phenoxyethyl penicillin) tablets.

* * * * * * *

(c) * * *

(1) * * *

(v) The statement "Expiration date _____," the blank being filled in with the date that is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 18 months, 24 months, 30 months, or 36 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the nature of the change is such that it cannot be applied to any specific product unless and until the manufacturer thereof has supplied adequate data regarding that article.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: July 23, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-7375; Filed, July 26, 1962; 8:47 a.m.]

See footnotes on page 7375.

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1962 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Rye Correction]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart 1962—Crop Rye Loan and Purchase Agreement Program

Correction

Supplement 1 of the 1962 C.C.C. Grain Price Support Bulletin 1, Supplement 1, Rye (27 F.R. 6257, July 3, 1962) is corrected by changing § 421.1552 as follows:

The basic support rate for Doniphan County, Kansas, is changed from $1.05 to $1.06 per bushel.

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051 as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective upon publication in the FEDERAL REGISTER.

Issued on July 24, 1962.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-7396; Filed, July 26, 1962; 8:49 a.m.]

[1962 C.C.C. Cottonseed Bulletin 3]

PART 443—OILSEEDS

Subpart—Cottonseed Oil Purchase Program Regulations (1962)

Sec.
443.1861 General statement.
443.1862 Administration.
443.1863 Crusher's participation in program.
443.1864 Purchases of cottonseed by crusher.
443.1865 Tender of oil.
443.1866 Purchase of cottonseed oil by CCC.
443.1867 Information release.
443.1868 Movement of cottonseed oil.
443.1869 Books and records.
443.1870 Consultation with other firms.
443.1871 Parent company.
443.1872 Benefits and contingent fees.
443.1873 Nondiscrimination in employment.

AUTHORITY: § 443.1861 to 443.1873 issued under sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054, as amended, sec. 601, 70 Stat. 212; 15 U.S.C. 714b and 714c, 7 U.S.C. 1447, 1421, 1446d.

§ 443.1861 General statement.

As a part of the 1962 Cottonseed Price Support Program formulated by the Commodity Credit Corporation (referred to in this subpart as "CCC") and the Agricultural Stabilization and Conservation Service (referred to in this subpart as "ASCS"), CCC hereby offers to purchase cottonseed oil from cottonseed crushers participating in the program under the terms and conditions stated in this subpart. No purchases will be made from crushers who do not participate in the program. The program will be carried out by ASCS under the general supervision and direction of the Executive Vice President, CCC.

§ 443.1862 Administration.

Except as specifically provided otherwise, operations under this subpart will be administered by the New Orleans ASCS Commodity Office located at Wirth Building, 120 Marais Street, New Orleans 16, Louisiana (referred to in this subpart as "the ASCS Commodity Office"). CCC contracting officers in the ASCS Commodity Office will execute contract documents on behalf of CCC. Officials in the ASCS Commodity Office, ASC State Committees, and county ASC committees do not have authority to waive or modify any provisions of this subpart.

§ 443.1863 Crusher's participation in program.

(a) *Acceptance by crusher.* Any crusher who completes and forwards to the ASCS Commodity Office an original and copy of the 1962 Cottonseed Price Support Program Crusher Acceptance (Form CCC 912) (such crusher is hereinafter referred to as a "participating crusher") will be eligible to tender cottonseed oil to CCC. Such form must be filed not later than September 15, 1962: *Provided,* That, subject to approval of CCC, tenders may also be made by crushers who file such forms subsequent to September 15, 1962, but such crushers will be permitted to tender only the cottonseed oil equivalent of the seed purchased from participating ginners or producers subsequent to the date of filing the acceptance form, as provided in § 443.1866. If a crusher operates more than one cottonseed crushing mill, he must file an acceptance form for each mill for which he desires to accept this offer, and each such mill shall be treated as a separate unit for the purpose of determining the rights and obligations of the crusher with respect to cottonseed purchased by and cottonseed oil delivered from each such mill.

(b) *Withdrawal from Bulletin 3 contract.* A participating crusher may withdraw from the program at any time upon written notice to the ASCS Commodity Office and will not be obligated to pay the prices specified in § 443.1864 for cottonseed purchased after withdrawal. The crusher may continue to make tenders of cottonseed oil to CCC under this subpart after withdrawal, but cottonseed purchased by the crusher after withdrawal shall be excluded in computing the maximum quantity of oil CCC will purchase, and the maximum quantity of oil tendered after withdrawal shall not exceed the quantity of oil which the crusher can produce from the eligible cottonseed which he has on hand and has not crushed as of the date of withdrawal. A crusher who has withdrawn may reenter the program only upon approval of CCC.

§ 443.1864 Purchases of cottonseed by crusher.

(a) *Price.* A participating crusher must pay for all 1962 crop cottonseed purchased from participating ginners (as defined in 1962 crop Cottonseed Bulletin 2) not less than $48 per net ton basis grade (100) f.o.b. conveyance or carrier at the gin, with premiums and discounts for other grades equal to the same percentage of such price as the percentage by which the grade of cottonseed purchased exceeds or is less than the basis grade (100), except that the crusher shall use an average grade for the area in the case of purchases from gins located in any area designated by the Director, Oils and Peanut Division, ASCS, as an area in which the average grade for the area shall be used for this purpose. Cottonseed which is "below grade" or "off quality" as defined in the United States Official Standards for Grades of Cottonseed may be purchased at a price mutually agreeable to by the crusher and the participating ginner. The crusher must pay for all 1962 crop cottonseed purchased from producers not less than the purchase price to be paid to producers by participating ginners under 1962 Cottonseed Bulletin 2.

(b) *Grades.* Unless otherwise approved by the Executive Vice President, CCC, or his designee, the grades of cottonseed purchased by the crusher from participating ginners under this subpart shall be determined in accordance with the United States Official Standards for Grades of Cottonseed by chemical analysis of samples drawn from the cottonseed by federally-licensed cottonseed samplers, or such other persons as are approved by CCC, and forwarded to and analyzed by federally-licensed cottonseed chemists: *Provided*, That if cottonseed delivered to the crusher is destroyed or damaged prior to sampling, the grade of such cottonseed shall be deemed to be the average grade of cottonseed in the area in which the cottonseed is acquired by the crusher, as determined by CCC: *And provided, further*, That the linter factor may be excluded in determining the grade if the crusher did not grade 1961 crop cottonseed in accordance with the U.S. Official Standards because of the linter factor: *And provided, further*, That in the case of purchases of cottonseed from ginners located in an area designated by the Director, Oils and Peanut Division, ASCS, as an area in which the average grade for the area shall be used, the average grade for the area shall be determined by CCC on the basis of the latest ASCS grade report for the area at the time of purchase based on samples drawn as stipulated by the Cotton Division of the Agricultural Marketing Service or such other method as the Executive Vice President, CCC may approve. The cost of sampling and analyzing cottonseed shall be borne by the crusher.

(c) *Weight.* Purchases of cottonseed from participating ginners under this subpart shall be based upon weight at the crusher's mill after deduction of the weight of all foreign material in excess of 1 percent. The cost of weighing shall be borne by the crusher.

(d) *Receipts from gins owned by or under the same legal entity as the crusher.* Where the crusher and a ginner are a single legal entity or where the crusher owns a gin and is directly responsible for its management, cottonseed received by the crusher from such gin shall not have been purchased from producers at less than the purchase price to be paid to producers by participating ginners under 1962 Cottonseed Bulletin 2 and such cottonseed shall be graded by the crusher in accordance with paragraph (b) of this section.

(e) *Cooperative mills.* If the crusher is a cooperative oil mill, and if the marketing agreements between the crusher and its members provide for advances, the crusher may advance a part of the applicable minimum purchase price determined in accordance with the provisions of this section at the time each lot of cottonseed is purchased and pay the balance after completion of crushing of 1962 crop cottonseed, but not later than December 31, 1963. Such payments may not be made, in whole or in part, by issuance of revolving-fund certificates or by any other method of retention of amounts for capital purposes.

§ 443.1865 Tender of oil.

(a) *Option to tender oil.* Subject to the other provisions of this subpart, a participating crusher shall have the option to tender crude cottonseed oil to CCC: *Provided*, That, if crude oil is not normally produced at the mill, the crusher may tender once-refined cottonseed oil: *And provided further*, That if the crusher can, at the same location, produce either crude or once-refined cottonseed oil, he may either tender crude oil alone or make a twofold tender of crude oil and once-refined oil. Tenders shall be sent to the ASCS Commodity Office and may be by letter transmitting a completed 1962 Cottonseed Price Support Program Crusher Tender Form (CCC Form 913) or by wire. If a tender is made by wire, a completed Crusher Tender Form shall promptly be mailed to the ASCS Commodity Office in confirmation. Each tender must be signed by the crusher or an employee of the crusher having contractual authority to sign for the crusher. The tender shall state the price at which the crusher offers to sell the oil to CCC, whether the crusher is tendering basis prime crude or prime bleachable summer yellow cottonseed oil or making a twofold tender, the quantity tendered, and the planned delivery schedule meeting the requirements of § 443.1866. A supplementary explanation and justification must accompany any tender contemplating delivery after August 31, 1963.

(b) *Time of tender.* The crusher may tender cottonseed oil as of 10:00 a.m. Central Standard Time on each Tuesday (or the next working day if Tuesday is a holiday) at the ASCS Commodity Office. No tenders will be considered by CCC unless received at the ASCS Commodity Office by the specified time and day. The crusher shall not tender any oil which, if accepted by CCC, would cause the total quantity of oil tendered to and accepted by CCC and not yet delivered to CCC to exceed (1) the capacity of the mill to produce during a 45-day period of normal operations or (2) the quantity of oil which can be produced from the cottonseed which he has on hand and has not crushed as of the date of tender. No tender shall be made later than July 31, 1963.

§ 443.1866 Purchase of cottonseed oil by CCC.

(a) *Consideration of tender and acceptance or rejection.* As soon as possible after the time for tender specified in § 443.1865, CCC will consider each tender of oil by a participating crusher under this subpart. If CCC determines that the price stated in the tender is acceptable and that the tender is otherwise acceptable, CCC will accept the tender. If the price stated in the tender is not acceptable, CCC may, at its option, make a counter offer. CCC will notify the crusher of acceptance or rejection of the crusher's tender and of any counter offer by wire filed by 4:30 p.m., c.s.t., on the tender date, if possible, but in any event not later than 4:30 p.m., c.s.t., on the next working day. If CCC makes a counter offer, the crusher's acceptance of the counter offer must be received by the ASCS Commodity Office within 48 hours after the filing of the wire containing the counter offer.

(b) *Price.* The price stated in a tender by the crusher will be acceptable to CCC if CCC determines that such price is not in excess of that price necessary to enable crushers within the crusher's generally competitive area to recover, as a group average, the minimum price which participating crushers are required to pay to ginners for cottonseed under this subpart plus such margin above such minimum price as CCC deems to be reasonable. In making such determination, due consideration will be given to current market prices for cottonseed products other than oil, average product outturns within said area, and other applicable factors. The price stated in any counter offer made by CCC will be determined by CCC upon the same basis. CCC will not be obligated to accept any tender at a price which is below the prevailing market price for oil in said area or to make any counter offers at such price.

(c) *Contract of sale.* Each tender by the crusher and acceptance by CCC, and each tender by the crusher, counter offer by CCC and acceptance by the crusher, shall constitute a separate contract for the sale of the cottonseed oil covered thereby in accordance with the terms and conditions of this subpart and in accordance with the applicable rules of the National Cottonseed Products Association (referred to in this subpart as "NCPA") in effect on the date of tender of such products except to the extent that such rules are inconsistent with this subpart and except as to periods specified in such rules for presentation of claims and the rules on arbitration.

(d) *Quantity.* The total quantity of oil which CCC will purchase from a participating crusher shall not exceed the amount of oil that can normally be produced by the crusher (based on 1961 crop outturn per ton of cottonseed) from the quantity of 1962 crop cottonseed produced in the United States and purchased by the crusher (1) from participating ginners during the period of said ginners' participation under 1962 Cottonseed Bulletin 2 and (2) from producers: *Provided*, That below grade or off quality cottonseed purchased by the crusher shall be excluded in computing the maximum quantity of oil which CCC will purchase: *And provided further*, That if the crusher's acceptance form is received subsequent to September 15, 1962, and is approved by CCC, cottonseed purchased by the crusher prior to the date of receipt of the acceptance form shall be excluded in computing the maximum amount of oil CCC will purchase.

(e) *Amendment of tender.* The ASCS Commodity Office and the crusher may, by mutual agreement, amend any contract of sale.

(f) *Delivery.* Each lot of cottonseed oil purchased by CCC shall be delivered by the crusher to CCC f.o.b. tank cars or tank trucks, made available without cost to the crusher at crusher's mill. The crusher shall deliver cottonseed oil crushed from 1962 crop cottonseed produced in the United States. Delivery will

be in tank car lots in accordance with the delivery schedule specified in the tender or any modification thereof mutually agreed to by the crusher and the ASCS Commodity Office, and in accordance with shipping instructions issued by the ASCS Commodity Office. In any event, at least 10 percent of the quantity shall be delivered within 30 days after the date of sale, at least 30 percent within 60 days, and at least 60 percent within 90 days and delivery shall be completed not later than 180 days after the date of sale. No deliveries shall be made after August 31, 1963, except by special arrangement with the Director of the ASCS Commodity Office. Title to the cottonseed oil shall pass to CCC upon delivery. In delivering oil under any contract of sale, a variation of one-half of one percent above or below the total quantity sold will be accepted as a good delivery as to weight.

(g) *Grade.* The cottonseed oil delivered by the crusher shall be basis prime crude cottonseed oil or prime bleachable summer yellow cottonseed oil (as specified in the tender), as defined in the rules of the NCPA: *Provided*, That if, on the basis of sampling and chemical analysis of cottonseed being crushed by the mill at the time for delivery, it is shown to the satisfaction of the ASCS Commodity Office that basis prime crude cottonseed oil or prime bleachable summer yellow oil cannot be produced, the crusher may deliver crude cottonseed oil of less than prime quality at the agreed sales price less discounts determined in accordance with the rules of the NCPA or once-refined cottonseed oil or prime summer yellow or summer yellow grade at a price mutually agreed upon by the crusher and CCC. The sales price of crude oil shall be adjusted for variance in quality in accordance with the rules of the NCPA.

(h) *Provisional payment.* When oil is delivered to CCC, the crusher may present to CCC for provisional payment an invoice, with shipping documents acceptable to CCC attached, for the value of the oil based on origin weights and the agreed sales price.

(i) *Final settlement.* Final settlement for oil delivered to CCC will be made upon the basis of the official analysis and the certified destination outturn weight of the oil, determined in accordance with the NCPA rules. The analysis and weighing will be arranged for by CCC at its expense.

§ 443.1867 Information release.

It is understood that CCC will make public names, quantities, locations and prices and such other information as it deems advisable with respect to all tenders under this subpart which have been accepted by CCC and transactions developing therefrom.

§ 443.1868 Movement of cottonseed oil.

CCC shall not be responsible for any loss or injury caused the crusher by failure of CCC to move cottonseed oil promptly, and the crusher shall not be responsible for any failure to deliver or delay in delivery of cottonseed oil, where such failure or delay on the part of CCC or the crusher is due to any cause without its fault or negligence including, but not restricted to, acts of God or the public enemy, storms, floods, conflagrations, strikes, blockades, riots, embargoes, or priority, allocations, service, or other orders or directives issued by the Government, difficulty in obtaining tank cars or tank trucks or any other cause beyond the control of CCC or the crusher. Notwithstanding the foregoing provisions, if CCC fails for any reason to issue shipping instructions in accordance with the delivery schedule specified in the tender (or any modification mutually agreed to by the ASCS Commodity Office and the crusher) the crusher may have an official analysis or quality determination made and shall not be responsible for any subsequent loss or deterioration in quality except for any loss, deterioration or damage due to the fault or negligence of the crusher.

§ 443.1869 Books and records.

Each crusher filing an acceptance form under this subpart shall keep accurate books, records, and accounts with respect to all purchases of cottonseed (including the name of seller, date of receipt, weight, and grade of each lot of cottonseed purchased) and all other transactions under this subpart for a period of at least three years from the last date any cottonseed oil is delivered by the crusher under this subpart, and shall furnish CCC such information and reports relating thereto as CCC may from time to time request, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942. The crusher shall permit authorized employees of the United States Department of Agriculture, at any time during customary business hours, to inspect, examine, audit and make copies of such books, records, and accounts.

§ 443.1870 Consultation with other firms.

By submitting a tender under this subpart, the crusher warrants that the tender was prepared and submitted without consultation and agreement with any other firm or concern (except as between principal and his agent or broker and except as between a crusher and its management which also manages other crushers) with respect to the prices stated in the tender.

§ 443.1871 Parent company.

Each crusher submitting a tender under this subpart shall state whether the crusher is owned or controlled by a parent company and, if so, shall state the name and principal office address of the parent company in the spaces provided on the tender form. The crusher shall also insert in the space provided the Employer's Identification Number (E.I. No.) (Federal Social Security Number used on Employee's Quarterly Federal Tax Return, U.S. Treasury Department Form 941) of the crusher and the parent company (if any). For the purposes of this subpart, a parent company is defined as one which either owns or controls the activities and basic business policies of the bidder. To own another company means the parent company must own at least a majority (more than 50 percent) of the voting rights in that company. To control another company, such ownership is not required; if another company is able to formulate, determine or veto basic business policy decisions of the bidder, such other company is considered the parent company of the bidder. This control may be exercised through the use of dominant minority voting rights, use of proxy voting, contractual arrangements, or otherwise.

§ 443.1872 Benefits and contingent fees.

No Member of or Delegate to the Congress of the United States or Resident Commissioner shall be admitted to any share or part of any contract resulting from tenders of cottonseed oil under this subpart, or to any benefit that may arise therefrom, but this provision shall not be construed to extend to such a contract if made with a corporation for its general benefit, nor to prohibit the purchase of cottonseed from such a person in his capacity as a producer. Each crusher tendering oil under this subpart warrants that no person or selling agency has been employed or retained to solicit or secure the contract upon an agreement of understanding for a commission, percentage, brokerage, or contingent fee except bona fide employees or bona fide established commercial or selling agencies maintained by the crusher for the purpose of securing business. For breech or violation of this warranty, CCC shall have the right to annul the contract without liability, or in its discretion to deduct from the contract price of the cottonseed oil the full amount of such commission, percentage, brokerage, or contingent fee.

§ 443.1873 Nondiscrimination in employment.

If a tender by the crusher results in a contract for the sale of cottonseed oil having a total sales price of $100,000 or more, the contractor agrees in connection with the performance of work under such contract as follows:

(a) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rate of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

(b) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(c) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The contractor will comply with all provisions of Executive Order No. 10925 of March 6, 1961, and of the rules, regulations, and relevant orders of the President's Committee on Equal Employment Opportunity created thereby.

(e) The contractor will furnish all information and reports required by Executive Order No. 10925 of March 6, 1961, and by the rules, regulations, and orders of the said Committee or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Committee for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the contractor's noncompliance with the nondiscrimination clauses of such contract or with any of the said rules, regulations, or orders, such contract may be cancelled in whole or in part and the contractor may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order No. 10925 of March 6, 1961, and such other sanctions may be imposed and remedies invoked as provided in the said Executive order or by rule, regulation, or order of the President's Committee on Equal Employment Opportunity, or as otherwise provided by law.

(g) The contractor will include the provisions of the foregoing paragraphs (a) through (f) of this section in every subcontract or purchase order unless exempted by rules, regulations, or orders of the President's Committee on Equal Employment Opportunity issued pursuant to section 303 of Executive Order No. 10925 of March 6, 1961, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however,* That in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Effective date: Date of signature.

Signed at Washington, D.C., on July 24, 1962.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-7398; Filed, July 26, 1962; 8:49 a.m.]

PART 464—TOBACCO

Subpart—Tobacco Loan Program

Set forth below is a schedule of advance rates, by grades, for the 1962 crop of types 11–14, flue-cured tobacco, under the tobacco loan program published July 4, 1962 (27 F.R. 6311).

§ 464.1401 1962 Crop—Flue-cured Tobacco, Types 11–14, Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate	Grade	Advance rate
A1F	82.12	B5KR	48.12	C4F	72.12
A2F	78.12	B3M	54.12	C5F	71.12
A1R	75.12	B4M	51.12	C4FV	66.12
A2R	72.12	B5M	46.12	C5FV	61.12
B1L	72.12	B6M	38.12	C4KL	62.12
B2L	70.12	B5RS	35.12	C5KL	59.12
B3L	68.12	B6RS	30.12	C4KF	63.12
B4L	64.12	B5GS	33.12	C5KF	60.12
B5L	59.12	B6GS	28.12	C5KR	58.12
B6L	53.12	B3GL	59.12	C5M	58.12
B3LV	63.12	B4GL	54.12	X1L	71.12
B4LV	59.12	B5GL	48.12	X2L	71.12
B5LV	55.12	B6GL	45.12	X3L	70.12
B3LL	61.12	B3GF	58.12	X4L	67.12
B4LL	56.12	B4GF	52.12	X5L	60.12
B5LL	52.12	B5GF	47.12	X3LV	61.12
B1F	72.12	B6GF	41.12	X4LV	58.12
B2F	70.12	B4GR	43.12	X5LV	51.12
B3F	68.12	B5GR	38.12	X3LL	58.12
B4F	64.12	B6GR	32.12	X4LL	55.12
B5F	59.12	B4GK	44.12	X1F	72.12
B6F	53.12	B5GK	39.12	X2F	72.12
B3FV	63.12	B6GK	33.12	X3F	71.12
B4FV	59.12	B4GG	31.12	X4F	68.12
B5FV	55.12	B5GG	28.12	X5F	61.12
B1FR	69.12	B6GG	24.12	X3FV	61.12
B2FR	67.12	H1L	74.12	X4FV	57.12
B3FR	64.12	H2L	73.12	X5FV	49.12
B4FR	60.12	H3L	72.12	X4KL	54.12
B5FR	55.12	H4L	71.12	X4KF	55.12
B6FR	49.12	H5L	69.12	X5KF	45.12
B1R	61.12	H6L	60.12	X4KV	46.12
B2R	57.12	H1F	74.12	X5KV	35.12
B3R	53.12	H2F	73.12	X4KR	53.12
B4R	46.12	H3F	72.12	X3M	56.12
B5R	40.12	H4F	71.12	X4M	49.12
B6R	34.12	H5F	66.12	X5M	42.12
B3RV	51.12	H6F	60.12	X3G	52.12
B4RV	44.12	H3R	67.12	X4G	47.12
B5RV	37.12	H4R	62.12	X5G	36.12
B3D	44.12	H5R	56.12	P2L	64.12
B4D	36.12	H6R	49.12	P3L	61.12
B5D	31.12	H4K	61.12	P4L	56.12
B6D	27.12	H5K	57.12	P5L	49.12
B3KL	54.12	H6K	52.12	P2F	64.12
B4KL	51.12	C1L	75.12	P3F	61.12
B5KL	48.12	C2L	73.12	P4F	56.12
B6KL	40.12	C3L	72.12	P5F	40.12
B3KF	54.12	C4L	71.12	P3G	48.12
B4KF	51.12	C5L	70.12	P4G	39.12
B5KF	48.12	C4LV	66.12	P5G	29.12
B6KF	40.12	C5LV	61.12	N1L	29.12
B4KV	48.12	C4LL	61.12	N1F	36.12
B5KV	41.12	C5LL	59.12	N1R	28.12
B6KV	34.12	C1F	76.12	N1GL	27.12
B3KR	59.12	C2F	74.12	N1GF	31.12
B4KR	54.12	C3F	73.12	N1GR	26.12

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054; 74 Stat. 6; 15 U.S.C. 714c, 7 U.S.C. 1441, 1445, 1421, 1423; sec. 125, 70 Stat. 198, 7 U.S.C. 1813)

Effective date: Date of signature.

Signed at Washington, D.C., on July 24, 1962.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-7397; Filed, July 26, 1962; 8:49 a.m.]

[1] The advance rates listed above are applicable only to *tied* flue-cured tobacco identified on a "Within Quota" (white) marketing card; rates far untied flue-cured tobacco similarly identified are six dollars ($6.00) per hundred pounds less for each grade than for tied tobacco; and rates for tobacco identified on a "Limited Support—Within Quota" (blue) marketing card are 50 percent of the applicable rates for tobacco identified on a "Within Quota" (white) marketing card, plus six cents ($0.06) per hundred pounds. The Cooperative Association through which price support is made available is authorized to deduct 12 cents per hundred pounds to apply against overhead costs. Only the original producer is eligible to receive advances. Tobacco graded "W" (unsafe order), "U" (unsound), N2 or No-G will not be accepted.

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

PART 719—RECONSTITUTION OF FARMS, FARM ALLOTMENTS, AND FARM HISTORY AND SOIL BANK BASE ACREAGES

Land Removed From Agricultural Production and Pooled Allotments

Basis and purpose. This amendment is issued pursuant to section 375(b) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1375(b)), section 124 of the Soil Bank Act (7 U.S.C. 1812), and the Agricultural Act of 1961 (Public Law 87-128, approved August 8, 1961) for the purpose of: (1) Prescribing the terms and conditions governing farm reconstitutions when land not acquired under right of eminent domain is to be removed from agricultural production and (2) further implementing the intent of section 378 of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1378) so that allotments will be pooled for the benefit of the bona fide displaced owners whose farms are acquired by an agency and not for the benefit of third persons who contract for the purchase of the land from the displaced owner on the condition, expressed or implied, that the agency will acquire the farm.

1. Section 719.9(h) (27 F.R. 6482) is amended to read as follows:

§ 719.9 Reconstitution of farm allotments, history acreages, and farm bases.

* * * * *

(h) *Land removed from agricultural production (not acquired under right of eminent domain).* When (1) the ownership of a tract of land is transferred from a parent farm, (2) the tract transferred is to be used for non-agricultural purposes, and (3) such tract was not or could not have been acquired under right of eminent domain, the farm shall not be reconstituted and the allotments, history acreages, and farm bases shall remain with the parent farm if the county committee determines that the land will be changed to non-agricultural uses and an agreement, signed by all persons interested in the transfer, is obtained stating that the land is in fact to be changed to non-agricultural uses: *Provided,* That if the land is not in fact changed to non-agricultural uses but is continued in agricultural use or is returned to agricultural uses within a period of years equal to the longest base period used in establishing eligibility for an old farm allotment for any commodity involved in the transfer, the parent farm shall be reconstituted and the allotments, history acreages, and farm bases shall be apportioned among the tracts in accordance with applicable regulations. In all such cases, the farmland and cropland data shall be corrected on all appropriate records for the parent farm. If an agreement as prescribed in this paragraph is not obtained or the county or State committee or the Deputy Administrator determines that the land so transferred was continued in agricultural use or was returned to agricultural uses within the period of years equal to the longest base period used in establishing eligibility for an old farm allotment for any commodity involved in the transfer, the farm shall be reconstituted on the basis of the conditions existing at the time of transfer of ownership and the allotments, history acreages, and farm bases shall be redetermined.

2. Section 719.12 (27 F.R. 6482) is amended by inserting a new paragraph (k) at the end thereof to read as follows:

§ 719.12 Pooling and transfer of farm acreage allotments where the farm owner is displaced by a Federal, State, or other agency having the right of eminent domain.

* * * * *

(k) *Determination of the person entitled to the benefit of pooled allotments—(1) General interpretation.* The person entitled to the benefit of pooled allotments is the displaced owner as defined in paragraph (a) (2) of this section. The term "displaced owner" has been interpreted to exclude a person who acquires a farm subject to an outstanding contract of sale to any agency, or option to purchase by an agency, or subject to pending condemnation proceedings. Allotments shall not be pooled for the benefit of such a person who acquires the farm subject to such a contract, option, or pending condemnation proceedings but shall be pooled in accordance with this section for the benefit of the last owner who could qualify as the bona fide displaced owner.

(2) *Cases where farm not owned for at least twelve months.* (i) In cases where the land acquired by an agency has not been owned by the person from whom acquired for at least twelve months immediately prior to the date of acquisition, allotments from the acquired farm shall be placed in the pool for the benefit of such person under this section only if a determination has been made by the Deputy Administrator that the purchase of the land by the person from whom the agency acquired the land was for the purpose of carrying out farming operations and was not made for the purpose of obtaining the status of a displaced owner with the right to have allotments pooled for his benefit. If it is determined that the allotments shall not be pooled for the benefit of such person, then allotments shall be pooled in accordance with this section for the benefit of the last owner who could qualify as the bona fide displaced owner. In such cases and in the cases covered in subparagraph (1) of this paragraph, the date of displacement shall be considered as the date of acquisition by the agency.

(ii) The transferring State committee shall submit each case arising under this subparagraph with appropriate documents and its recommendation to the Deputy Administrator for a determination as to the proper person entitled to the benefits of the pooled allotment. The transferring State committee shall establish the pooled allotment in accordance with such determination.

(Secs. 16(d), 75 Stat. 302, 375, 52 Stat. 66, as amended, 378, 72 Stat. 988, 124, 70 Stat. 198; 16 U.S.C. 590p, 7 U.S.C. 1375, 1378, 1812)

Effective date. Since farms are being acquired at the present time for removal from agricultural production and by agencies having the right of eminent domain, it is essential that this amendment be made effective as soon as possible in order that State and county committees may administer the law in accordance with its intent. Accordingly, it is hereby found that compliance with the notice, public procedure, and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest and that this amendment shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., July 24, 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-7392; Filed, July 26, 1962; 8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

Pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, are hereby amended to read respectively, as follows:

§ 74.2 Designation of free and infected areas.

(a) Notice is hereby given that sheep in the following States, Territories, and District, or parts thereof as specified, are not known to be infected with scabies, and such States, Territories, District, and parts thereof, are hereby designated as free areas:

(1) Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Louisiana, Maine, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, North Carolina, North Dakota, Oregon, Puerto Rico, Rhode Island, South Carolina, Texas, Utah, Vermont, Washington, and Wyoming;

(2) The following Counties in South Dakota: McPherson, Edmunds, Faulk, Hand, Jerauld, Aurora, and Douglas, and all Counties in the State of South Dakota lying west thereof;

(3) The following Counties in Nebraska: Arthur, Banner, Blaine, Box Butte, Brown, Chase, Cherry, Cheyenne, Dawes, Deuel, Dundy, Garden, Grant, Hooker, Keith, KeyaPaha, Kimball, Loup, Morrill, Perkins, Rock, Sheridan, Sioux, Scottsbluff, and Thomas;

(4) That portion of McKinley and San Juan Counties in New Mexico occupied by the Navajo Indian Reservation;

(5) The following Counties in Kansas: Republic, Cloud, Ottawa, Saline, McPherson, Harvey, Sedgwick, and Sumner, and all Counties in the State of Kansas lying west thereof;

(6) The following Counties in Michigan: Alcona, Alger, Alpena, Antrim, Baraga, Benzie, Charlevoix, Cheboygan, Chippewa, Crawford, Delta, Dickinson, Emmet, Gogebic, Grand Traverse, Houghton, Iron, Kalkaska, Keweenaw, Leelanau, Luce, Mackinac, Manistee, Marquette, Menominee, Missaukee, Montmorency, Ontonagon, Oscoda, Otsego, Presque Isle, Roscommon, Schoolcraft, and Wexford.

(b) Notice is hereby given also that sheep scabies exists in all States and Territories and parts of States not designated as free areas in paragraph (a) of this section, and they are hereby designated as infected areas.

§ 74.3 Designation of eradication areas.

(a) Notice is hereby given that sheep in the following States, Territories, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep and such States, Territories, and parts thereof, are hereby designated as eradication areas:

(1) Hawaii, Illinois, Kentucky, New Jersey, New York, Pennsylvania, Tennessee, and Wisconsin;

(2) The following Counties in South Dakota: Brown, Spink, Beadle, Sanborn, Davison, Hutchinson, and Bon Homme, and all Counties in the State of South Dakota lying east thereof;

(3) All Counties in Nebraska except Arthur, Banner, Blaine, Box Butte, Brown, Chase, Cherry, Cheyenne, Dawes, Deuel, Dundy, Garden, Grant, Hooker, Keith, KeyaPaha, Kimball, Loup, Morrill, Perkins, Rock, Sheridan, Sioux, Scottsbluff, and Thomas;

(4) All Counties in New Mexico except that portion of McKinley and San Juan Counties occupied by the Navajo Indian Reservation.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment adds Alcona, Alpena, Antrim, Benzie, Charlevoix, Cheboygan, Crawford, Emmet, Grand Traverse, Kalkaska, Leelanau, Manistee, Missaukee, Montmorency, Oscoda, Otsego, Presque Isle, Roscommon, and Wexford Counties in the State of Michigan to the list of free areas and deletes such Counties from the list of infected and eradication areas as sheep scabies is no longer known to exist in these Counties. Hereafter, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will not apply to these Counties. However, the restrictions in said Part 74 pertaining to the interstate movement of sheep from or into free areas will apply thereto.

The amendment relieves certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of July 1962.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62-7391; Filed, July 26, 1962; 8:49 a.m.]

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

PART 131—ORDER REGULATING THE HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

Determination Relative to Budget of Expenses and Fixing Rates of Assessment for 1962

On June 15, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 116) regarding the budget of expenses and the fixing of the rates of assessment for the calendar year 1962, under the marketing agreement and the marketing order (9 CFR 131.1 et seq.), regulating the handling of anti-hog-cholera serum and hog-cholera virus. This regulatory program is effective pursuant to Public Law No. 320, 74th Congress, approved August 24, 1935 (7 U.S.C. 851 et seq.).

The notice provided a period of 30 days for interested parties to file data, views or arguments with the Hearing Clerk. After consideration of all relevant matters, including the proposals set forth in the aforesaid notice, it is hereby found and determined that:

a. Section 131.162 is added to read as follows:

§ 131.162 Budget of expenses and rates of assessment for the calendar year 1962.

(a) *Budget of expenses.* The expenses which will necessarily be incurred by the Control Agency, established pursuant to the provisions of the marketing agreement and of the marketing order (§ 131.1 to 131.113), for the maintenance and functioning of said Agency during the calendar year 1962, will amount to $45,115.00 under the recommendation of the Control Agency, from which shall be deducted the unexpended balance of $10,014.31 on hand with said Control Agency on January 1, 1962, from assessments collected during the calendar year 1961, leaving a balance of $35,100.69 to be collected during the calendar year 1962.

(b) *Rates of assessment.* Of the amount of $35,100.69 to be collected during the calendar year 1962, the sum of $27,694.44 shall be assessed against handlers who are manufacturers, and $7,406.25 shall be assessed against handlers who are wholesalers. The pro rata share of the expenses of the Control Agency to be paid for the calendar year 1962 by each handler who is a manufacturer shall be $14.67 for each ten thousand dollars or fraction thereof of serum and virus sold by such handler during the calendar year 1961 and the pro rata share of such expenses to be paid for the calendar year 1962 by each handler who is a wholesaler shall be $25.00 for the first ten thousand dollars or fraction thereof and $5.43 for each additional ten thousand dollars or fraction thereof of serum and virus sold by such handler. Such assessments shall be paid by each respective handler in accordance with the applicable provisions of the marketing agreement and order (§§ 131.1 to 131.113).

(c) *Terms.* As used in this section, the terms "handler", "manufacturer", "wholesaler", "virus", and "serum" shall have the same meaning as is given to each such term in said marketing agreement and marketing order (§§ 131.1 to 131.113).

Findings relative to effective date. It is hereby further found that (1) the fiscal year of the Control Agency established pursuant to the provisions of the marketing agreement and the marketing order corresponds to the calendar year, and the current calendar year 1962 is already well advanced; (2) the expenses of operating this regulatory program since January 1, 1962, have been paid with funds representing assessments collected in excess of expenses incurred during the calendar year 1961 and prepayments of a portion of their 1962 assessments by manufacturer and wholesaler handlers; (3) nearly all such funds have now been expended; (4) in order for the administrative assessments to be collected, it is essential that the specification of the assessment rates be effective immediately so as to enable the Control Agency to perform its respective duties and functions under the aforesaid marketing agreement and marketing order; and (5) no preparation with respect to this determination is required of persons regulated which cannot be completed prior to the effective date hereof. Wherefore, it is hereby determined that good cause exists for making this determination effective upon its publication in the FEDERAL REGISTER.

(Sec. 60, 49 Stat. 782; 7 U.S.C. 855)

Done at Washington, D.C., this 23d day of July 1962, to become effective upon publication in the FEDERAL REGISTER.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 62-7394; Filed, July 26, 1962; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-EA-13]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airway and Associated Control Areas

On May 4, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 4309) stating that the Federal Aviation Agency (FAA) proposed to extend low altitude VOR Federal airway No. 423 and its associated control area from Ithaca, N.Y., to Binghamton, N.Y.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 600.6423 (27 F.R. 467) is amended as follows:

(a) In the caption "(Ithaca, N.Y.," is deleted and "(Binghamton, N.Y.," is substituted therefor.

(b) In the text "From the Ithaca, N.Y., VOR to the Syracuse, N.Y., VORTAC via the intersection" is deleted and "From the Binghamton, N.Y., VORTAC via the Ithaca, N.Y., VOR; to the Syracuse, N.Y., VORTAC via the INT" is substituted therefor.

2. In the caption of § 601.6423 (27 F.R. 467) "(Ithaca, N.Y.," is deleted and "(Binghamton, N.Y.," is substituted therefor.

These amendments shall become effective 0001 e.s.t., September 20, 1962.

(Sec. 308(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 20, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-7358; Filed, July 26, 1962; 8:45 a.m.]

[Airspace Docket No. 62-KC-13]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airways and Controlled Airspace

On April 13, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 3562) stating that the Federal Aviation Agency proposed to alter the segment of VOR Federal airway No. 84 and its associated control areas between Bradford, Ill., and Chicago, Ill., and to extend VOR Federal airway No. 1650 from Bradford to Malta, Ill.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In § 600.6084 (14 CFR 600.6084) the following changes are made:

a. In the caption "to Syracuse, N.Y." is deleted and "to Chicago, Ill., and Northbrook, Ill., to Syracuse, N.Y." is substituted therefor.

b. In the text "from the Bradford, Ill., VOR via the INT of the Joliet, Ill., VOR 316° True with the Northbrook VOR 229° True radials; Northbrook, Ill., VOR; Pullman, Mich., VOR;" is deleted and "from the Bradford, Ill., VOR via the Bradford VOR 033° radial for 45 nautical miles thence expanding in graduated steps of one mile in width for each five nautical miles in length to the INT of the Bradford VOR 033° and the Chicago-O'Hare, Ill., VORTAC 269° radials; thence to the Chicago-O'Hare VORTAC. From the Northbrook, Ill., VORTAC via the Pullman, Mich., VORTAC;" is substituted therefor.

2. In § 600.1650 (26 F.R. 1089) the following changes are made:

a. In the caption "to Bradford, Ill." is deleted and "to Malta, Ill." is substituted therefor.

b. In the text "thence to the Bradford, Ill., VOR." is deleted and "thence via the Bradford, Ill., VOR; to the INT of the Bradford VOR 033° and the Naperville, Ill., VOR 290° radials." is substituted therefor.

3. In the caption of § 601.6084 (14 CFR 601.6084) "to Syracuse, N.Y." is deleted and "to Chicago, Ill., and Northbrook, Ill., to Syracuse, N.Y." is substituted therefor.

These amendments shall become effective 0001 e.s.t., September 20, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C. on July 23, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-7359; Filed, July 26, 1962; 8:45 a.m.]

[Airspace Docket Nos. 61-NY-101 and 62-NY-10]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

Alteration of Federal Airways, Associated Control Areas and Reporting Points, Alteration of Jet Routes and Alteration of Control Area Extensions

On June 7, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 5404) stating that the Federal Aviation Agency proposed to alter the airway and jet route structure in the New York Metropolitan area to provide the designated airways and jet routes required by the revised New York terminal area traffic control procedures. It was also proposed to alter the Dover, Del., control area extension (§ 601.1341).

On May 9, 1962, Airspace Docket No. 62-NY-10 was published in the FEDERAL REGISTER (27 F.R. 4430) as a notice of proposed rule making stating that the Federal Aviation Agency proposed to alter VOR Federal Airway Nos. 30, 46, 885, 1510 and 1682, and Jet Route No. 62, and the Idlewild, N.Y., control area extension (§ 601.1169). This action would expedite the routing of aircraft operating between New York and Europe. It was also proposed to revoke the Newport, R.I., Intersection as a reporting point. Action on this latter proposal was handled in Airspace Docket No. 62-WA-59 (27 F.R. 5759) Alteration of Reporting Points. Since Airspace Docket Nos. 61-NY-101 and 62-NY-10 proposed alterations to Victor 30, 46 and 885, all of the actions proposed in Airspace Docket No. 62-NY-10 are incorporated herein. In addition to proposals contained in the notices, actions are taken herein to update references to restricted areas appearing in the descriptions of certain airways.

On September 20, 1962, the Federal Aviation Agency proposes to relocate the Wilton, Conn., VOR approximately 4.5 miles west northwest to a site at latitude 41°16'48" N., longitude 73°34'55" W., and to rename it the Trinity, N.Y., VOR. The airways based on the Wilton VOR will be redesignated via the new Trinity VOR by the action contained herein. Since these changes are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary.

The Air Transport Association of America concurred with the proposals contained in the notices with the following exceptions:

1. Realign VOR Federal airway No. 1 from the Barnegat, N.J., VOR via the Southgate Intersection (intersection of the Barnegat VOR 043° and the Idlewild, N.Y., VORTAC 178° True radials) to the Idlewild VORTAC, and to extend VOR Federal airway No. 1658 from Barnegat to Idlewild via this same alignment.

2. Realign VOR Federal airway No. 30 from the Idlewild VORTAC via VOR Federal airway No. 167 to its intersection with the La Guardia, N.Y., VOR direct radial to the Deer Park, N.Y., VOR thence direct to the Riverhead, N.Y., VORTAC, thence direct to the Beach Intersection (intersection of the Riverhead VORTAC 119° and the Hampton VOR 213° True radials).

3. Object to the proposed alignment of VOR Federal airway No. 46 because of increased mileage and complexity of navigation and the proposed revocation of the segment of Victor 46 between the Riverhead VORTAC and the Hampton VOR. Recommend that Victor 46 be aligned from the Idlewild VORTAC via Victor 167 to its intersection with the La Guardia VOR direct radial to the Riverhead VORTAC, thence direct to the Hampton VOR with a south alternate between Hampton and Deer Park via the Beach Intersection.

4. Object to the proposed alignment of Jet Route No. 70 between Idlewild and Erie, Pa., via Huguenot, N.Y., in lieu of via Thornhurst, Pa., because of an increase in mileage of 25 nautical miles.

5. Request that procedures be established for more simple and expeditious transitions between the low altitude and intermediate altitude airway structures between Idlewild and Nantucket, Mass.

The Federal Aviation Agency has discussed the above comments with the Air Transport Association of America (ATA). The ATA has withdrawn their objections and recommendations to the actions proposed in Airspace Docket No. 61-NY-101, and may submit any or all of their comments in separate proposals for consideration and action at a later date. With reference to the request for the development of procedures for more simplified and expeditious transition between the low and intermediate altitude airway structure between Idlewild and Nantucket, which was directed toward Airspace Docket No. 62-NY-10, it is believed that the existing procedures utilizing the proposed route structure provide the most simple and expeditious manner by which traffic can be moved between Idlewild and Nantucket. It would be difficult to devise better procedures due to the existence of warning

areas to the south, special use airspace, and military operations to the north, and lack of land on which to locate additional navigational facilities.

There were no other adverse comments on the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice the following actions are taken:

§ 600.6001 [Amendment]

1. Section 600.6001 (14 CFR 600.6001, 27 F.R. 6266) is amended as follows:

(a) In the caption "Wilton, Conn." is deleted and "Poughkeepsie, N.Y." is substituted therefor.

(b) In the text "INT of the Idlewild, VORTAC 359° and the Wilton, Conn., VOR 214° radials; to the Wilton VOR." and "The portions of this airway that coincide with the Patuxent, Md., Restricted Area R–4006 and the Warren Grove, N.J., Restricted Area R–5002 are excluded." are deleted and "INT of the Idlewild VORTAC 359° and the Trinity, N.Y., VOR 205° radials; Trinity VOR; to the Poughkeepsie, N.Y., VOR." and "The airspace within R–4006 is excluded, and the airspace within R–5002 shall be used only after obtaining prior approval from the appropriate authority." are substituted therefor.

§ 600.6003 [Amendment]

2. In the text of § 600.6003 (14 CFR 600.6003, 27 F.R. 1160) "point of INT of the Wilkes-Barre-Scranton, Pa., VOR 117° and the Wilton VOR 240° radials; Wilton, Conn., VOR;" is deleted and "INT of the Huguenot, N.Y., VORTAC 144° and the Trinity, N.Y., VOR 232° radials; Trinity VOR;" is substituted therefor.

§ 600.6006 [Amendment]

3. In the text of § 600.6006 (14 CFR 600.6006, 27 F.R. 1354, 5655) "Solberg, N.J., VOR; to the Idlewild, N.Y., VORTAC," is deleted and "Solberg, N.J., VORTAC; INT of the Solberg VORTAC 094° and the Idlewood, N.Y., VORTAC 258° radials; to the Idlewild VORTAC," is substituted therefor.

§ 600.6030 [Amendment]

4. Section 600.6030 (14 CFR 600.6030) is amended as follows:

(a) In the caption "to Red Bank, N.J., and Idlewild, N.Y., to Nantucket, Mass." is deleted and "to Hampton, N.Y." is substituted therefor.

(b) In the text "Colts Neck, N.J., omnirange station; to the point of intersection of the Colts Neck omnirange 078° True and the Idlewild, N.Y., omnirange 212° True radials. From the Idlewild, N.Y., omnirange station via the point of intersection of the Idlewild omnirange 083° True and the Nantucket omnirange 252° True radials to the Nantucket, Mass., omnirange station." is deleted and "Colts Neck, N.J., VOR; INT of the Colts Neck VOR 089° and the Idlewild, N.Y., VORTAC 195° radials; Idlewild VORTAC; thence via the Idlewild VORTAC 083° radial for 45 nautical miles; thence 13-mile wide airway to the INT of the Idlewild VORTAC 083° and the Hampton, N.Y., VOR 223° radials; thence to the Hampton VOR." is substituted therefor.

5. Section 600.6034 (14 CFR 600.6034) is amended to read:

§ 600.6034 VOR Federal airway No. 34 (Rochester, N.Y., to Riverhead, N.Y.).

From the Rochester, N.Y., VOR via the Ithica, N.Y., VOR; Hancock, N.Y., VOR; INT of the Huguenot, N.Y., VORTAC 046° and the Trinity, N.Y., VOR 295° radials; Trinity VOR; to the Riverhead, N.Y., VORTAC. The airspace within R–5206 shall be used only after obtaining prior approval from the appropriate authority.

§ 600.6036 [Amendment]

6. Section 600.6036 (14 CFR 600.6036) is amended as follows:

(a) In the caption "New York, N.Y." is deleted and "Riverhead, N.Y." is substituted therefor.

(b) In the text "Sparta, N.J., VOR; to the point of INT of the Sparta VOR 111° and the Wilton, Conn., VOR 240° radials." is deleted and "Sparta, N.J., VORTAC; to the Riverhead, N.Y., VORTAC." is substituted therefor.

7. Section 600.6046 (14 CFR 600.6046) is amended to read:

§ 600.6046 VOR Federal airway No. 46 (New York, N.Y., to Nantucket, Mass.).

From the Idlewild, N.Y., VORTAC via the Deer Park, N.Y., VOR; INT of the Deer Park VOR 095° and the Hampton, N.Y., VOR 223° radials (Beach INT); including a N alternate from the Deer Park VOR to the Beach INT via the Riverhead, N.Y., VORTAC; Hampton VOR; INT of the Hampton VOR 083° and the Nantucket, Mass., VORTAC 255° radials; thence 14-mile wide airway to the INT of the Providence, R.I., VOR 153° and the Nantucket VORTAC 255° radials; thence to the Nantucket VORTAC.

§ 600.6091 [Amendment]

8. Section 600.6091 (14 CFR 600.6091, 27 F.R. 1114) is amended as follows:

(a) In the caption "New York, N.Y.," is deleted and "Riverhead, N.Y.," is substituted therefor.

(b) In the text "Idlewild, N.Y., VORTAC via the INT of the Idlewild VORTAC 042° True and the Wilton VOR 185° True radials; Wilton, Conn., VOR;" is deleted and "Riverhead, N.Y., VORTAC via the" is substitued therefor.

§ 600.6116 [Amendment]

9. In the text of § 600.6116 (14 CFR 600.6116) "Sparta, N.J., VOR; to the point of INT of the Sparta VOR 111° and the Wilton, Conn., VOR 240° radials." is deleted and "Sparta, N.J., VORTAC; to the INT of the Sparta VORTAC 112° and the Trinity, N.Y., VOR 232° radials." is substituted therefor.

§ 600.6123 [Amendment]

10. The text of § 600.6123 (14 CFR 600.6123) is amended to read:

From the Washington, D.C., VOR via the Baltimore, Md., VORTAC; INT of the Baltimore VORTAC 035° and the New Castle, Del., VORTAC 261° radials; New Castle VORTAC; Robbinsville, N.J., VORTAC; INT of the Solberg, N.J., VORTAC 110° and the Idlewild, N.Y., VORTAC 232° radials; La Guardia, N.Y., VOR; INT of the La Guardia VOR 034° and the Riverhead, N.Y., VORTAC 289° radials; Trinity, N.Y., VOR; INT of the Trinity VOR 031° and the Poughkeepsie, N.Y., VOR 099° radials; to the Westfield, Mass., VOR.

§ 600.6140 [Amendment]

11. Section 600.6140 (14 CFR 600.6140, 27 F.R. 4734) is amended as follows:

(a) In the caption "New York, N.Y." is deleted and "Amboy, N.J." is substituted therefor.

(b) In the text "to the Idlewild, N.Y., VOR," is deleted and "INT of the Coyle VORTAC 031° and the Colts Neck, N.J., VOR 179° radials; Colts Neck VOR; to the INT of the Colts Neck VOR 335° and the Solberg, N.J., VORTAC 110° radials." is substituted therefor.

§ 600.6146 [Amendment]

12. In the text of § 600.6146 (14 CFR 600.6146) "INT of the Wilton, Conn., VOR 295°" is deleted and "INT of the Trinity, N.Y., VOR 295°" is substituted therefor.

13. Section 600.6153 (14 CFR 600.6153) is amended to read:

§ 601.6153 VOR Federal airway No. 153 (Bridgeport, Conn., to Syracuse, N.Y.).

From the INT of the Hartford, Conn., VOR 223° and the La Guardia, N.Y., VOR 059° radials via the La Guardia VOR; INT of the La Guardia VOR 280° and the Stillwater VORTAC 110° radials; Stillwater VORTAC; Wilkes-Barre, Pa., VORTAC; Georgetown, N.Y., VOR; to the Syracuse, N.Y., VORTAC.

§ 600.6157 [Amendment]

14. In the text of § 600.6157 (14 CFR 600.6157, 27 F.R. 4151) "Robbinsville, N.J., VOR; INT of the Robbinsville VOR 097° and the Idlewild, N.Y., VORTAC 212° radials;" is deleted and "Robbinsville, N.J., VORTAC; Colts Neck, N.J. VOR; INT of the Colts Neck VOR 089° and the Idlewild, N.Y., VORTAC 195° radials;" is substituted therefor.

§ 600.6167 [Amendment]

15. Section 600.6167 (14 CFR 600.6167) is amended as follows:

(a) In the caption "Point Pleasant, N.J.," is deleted and "Coyle, N.J.," is substituted therefor.

(b) In the text "From the INT of the Coyle, N.J., VOR 058° and the Idlewild, N.Y., VORTAC 195° radials via the Idlewild VORTAC;" is deleted and "From the Coyle, N.J., VORTAC via the INT of the Coyle VORTAC 047° and the Idlewild, N.Y., VORTAC 195° radials; Idlewild VORTAC;" is substituted therefor.

16. Section 600.6213 (14 CFR 600.6213) is amended to read:

§ 600.6213 VOR Federal airway No. 213 (Myrtle Beach, S.C., to Idlewild, N.Y.).

From the Myrtle Beach, S.C., VOR via the INT of the Kinston, N.C., VORTAC 214° and the Rocky Mount, N.C., VOR 191° radials; Rocky Mount VOR; Hopewell, Va., VORTAC; INT of the Hopewell VORTAC 019° and the Brooke, Va., VORTAC 131° radials; Patuxent, Md., VOR; Kenton, Del., VORTAC; Woodstown, N.J., VOR; INT of the Pottstown, Pa., VOR 104° and the Robbinsville, N.J., VORTAC 239° radials; Robbinsville VORTAC; to the Idlewild, N.Y., VORTAC; excluding the airspace within R–4005, R–4006, R–4007, and R–6607.

17. Section 600.6226 (14 CFR 600.6226, 27 F.R. 3592) is amended to read:

§ 600.6226 VOR Federal airway No. 226 (Ellwood City, Pa., to Keating, Pa., and Williamsport, Pa., to Idlewild, N.Y.).

From the Ellwood City, Pa., VORTAC to the Keating, Pa., VOR. From the Williamsport, Pa., VORTAC via the Thornhurst, Pa., VORTAC; Stillwater, N.J., VORTAC; INT of the Stillwater VORTAC 110° and the Idlewild, N.Y., VORTAC 297° radials; to the Idlewild VORTAC.

§ 600.6232 [Amendment]

18. Section 600.6232 (14 CFR 600.6232) is amended as follows:

(a) In the caption "to Somerset, N.J." is deleted and "to Idlewild, N.Y." is substituted therefor.

(b) In the text "Tannersville, Pa., VORTAC to the INT of the Tannersville VORTAC 114° True and the Solberg, N.J., VORTAC 051° radials." is deleted and "Tannersville, Pa., VORTAC; INT of the Tannersville VORTAC 114° and the Solberg, N.J., VORTAC 051° radials; to the Idlewild, N.Y., VORTAC." is substituted therefor.

19. Section 600.6249 (27 F.R. 4512) is amended to read:

§ 600.6249 VOR Federal airway No. 249 (Colts Neck, N.J., to Utica, N.Y.).

From the Colts Neck, N.J., VOR via the INT of the Colts Neck VOR 314° and the Sparta, N.J., VORTAC 170° radials; Sparta VORTAC; Huguenot, N.Y., VORTAC; De Laney, N.Y., VOR; to the Utica, N.Y., VOR.

20. Section 600.6251 (14 CFR 600.6251) is amended to read:

§ 600.6251 VOR Federal airway No. 251 (Front Royal, Va., to Hartford, Conn.).

From the Front Royal, Va., VOR via the Martinsburg, W. Va., VORTAC; Lancaster, Pa., VOR; Pottstown, Pa., VOR; Sparta, N.J., VORTAC; to the Hartford, Conn., VOR.

21. Section 600.6252 (14 CFR 600.6252) is amended to read:

§ 600.6252 VOR Federal airway No. 252 (Buffalo, N.Y., to Morristown, N.J.).

From the Buffalo, N.Y., VORTAC via the Geneseo, N.Y., VORTAC; Watkins Glenn, N.Y., VOR; Binghamton, N.Y., VORTAC; Huguenot, N.Y., VORTAC; Sparta, N.J., VORTAC; to the INT of the Sparta VORTAC 144° and the Solberg, N.J., VORTAC 051° radials.

§ 600.6268 [Amendment]

22. Section 600.6268 (14 CFR 600.6268) is amended as follows:

(a) In the caption "to Salisbury, Md." is deleted and "to Avalon, N.J." is substituted therefor.

(b) In the text "INT of the Baltimore VORTAC 242° True radials to the Salisbury, Md., VOR, excluding the portion which coincides with the Patuxent, Md., Restricted Area (R–43)." is deleted and "INT of the Baltimore, VORTAC 097° and the Kenton, Del., VORTAC 242° radials; Kenton VORTAC; to the INT of the Kenton VORTAC 086° and the Sea Isle, N.J., VOR 049° radials." is substituted therefor.

23. Section 600.6433 (14 CFR 600.6433) is amended to read:

§ 600.6433 VOR Federal airway No. 433 (New Castle, Del., to Saybrook, Conn.).

From the New Castle, Del., VORTAC via the Yardley, Pa., VOR; INT of the Yardley VOR 059° and the La Guardia, N.Y., VOR 231° radials; La Guardia VOR; Trinity, N.Y., VOR; to the INT of the Trinity VOR 093° and the Norwich, Conn., VORTAC 227° radials.

24. In Part 600 (14 CFR Part 600) the following section is added:

§ 600.6445 VOR Federal airway No. 445 (La Guardia, N.Y., to Clermont, N.Y.).

From the La Guardia, N.Y., VOR via the INT of the La Guardia VOR 338° and the Clermont, N.Y., VOR 192° radials; to the Clermont VOR. The airspace within R–5206 shall be used only after obtaining prior approval from the appropriate authority.

25. In Part 600 (14 CFR Part 600) the following section is added:

§ 600.6467 VOR Federal airway No. 467 (La Guardia, N.Y., to Huguenot, N.Y.).

From the La Guardia, N.Y., VOR via the INT of the La Guardia VOR 338° and the Huguenot, N.Y., VORTAC 131° radials; to the Huguenot VORTAC.

§ 600.6489 [Amendment]

26. The text of § 600.6489 (14 CFR 600.6489) is amended to read:

From the INT of the Huguenot, N.Y., VORTAC 144° and the Trinity N.Y., VOR 232° radials; via the Clermont, N.Y., VOR; to the Albany, N.Y., VORTAC. The airspace within R–5206 shall be used only after obtaining prior approval from the appropriate authority.

§ 600.6837 [Amendment]

27. The text of § 600.6837 (14 CFR 600.6837) is amended to read:

From the Picayune, Miss., VOR via the Evergreen, Ala., VOR; Montgomery, Ala., VORTAC; La Grange, Ga., VOR; Atlanta, Ga., VORTAC; Royston, Ga., VOR; Spartanburg, S.C., VORTAC; Greensboro, N.C., VORTAC; South Boston, Va., VOR; Gordonsville, Va., VORTAC; Nottingham, Md., VOR; Kenton, Del., VORTAC; INT of the Kenton VORTAC 086° and the Sea Isle, N.J., VOR 049° radials (Avalon INT); INT of the Sea Isle VOR 049° and the Hampton, N.Y., VOR 223° radials (Dutch INT); Hampton VOR including the airspace beginning at the Avalon INT and between lines diverging from the Sea Isle VOR to a point of tangency to a 9-mile radius circle centered at the Dutch INT; within the circumference of the circle and between lines tangent to that circle converging at the Hampton VOR; INT of the Hampton VOR 059° and the Providence, R.I., VOR 212° radials; Providence VOR; Whitman, Mass., VOR; to the INT of the Whitman VOR 041° and the Boston, Mass., VORTAC 133° radials, excluding the airspace below 2,000 feet MLS that lies outside the continental limits of the United States and the portion below 3,000 feet MLS between the Idlewild, N.Y., VORTAC 087° and 141° radials.

§ 600.6863 [Amendment]

28. The text of § 600.6863 (14 CFR 600.6863) is amended to read:

From the INT of the Idlewild, N.Y., VORTAC 042° and the Riverhead, N.Y., VORTAC 307° radials via the INT of the Hartford, Conn., VOR 223° and the Trinity, N.Y., VOR 093° radials; INT of the Trinity VOR 093° and the Norwich, Conn., VORTAC 227° radials; Norwich VORTAC; to the Boston, Mass., VORTAC.

§ 600.6875 [Amendment]

29. In the text of § 600.6875 (14 CFR 600.6875, 27 F.R. 467) "Wilton, Conn., VOR; INT of the Wilton VOR 240° True and the Huguenot, N.Y., VORTAC 144° True radials;" is deleted and "Trinity, N.Y., VOR; INT of the Trinity VOR 232° and the Huguenot, N.Y., VORTAC 144° radials;" is substituted therefor.

§ 600.6879 [Amendment]

30. In the text of § 600.6879 (14 CFR 600.6879) "to the INT of the Riverhead VORTAC 264° and the Wilton, Conn., VOR 146° radials." is deleted and "to the Deer Park, N.Y., VOR." is substituted therefor.

§ 600.6885 [Amendment]

31. The text of § 600.6885 (14 CFR 600.6885) is amended to read:

From the Baltimore, Md., VORTAC via the INT of the Baltimore VORTAC 097° and the Kenton, Del., VORTAC 242° radials; Kenton VORTAC; Millville, N.J., VOR; Atlantic City, N.J., VORTAC; Barnegat, N.J., VOR; INT of the Coyle, N.J., VORTAC 057° and the Riverhead, N.Y., VORTAC 218° radials; INT of the Riverhead VORTAC 218° and the Idlewild, N.Y., VORTAC 083° radials; thence via the Idlewild VORTAC 083° radial to a point 45 nautical miles E of the VORTAC; thence a 13-mile wide airway to the INT of the Idlewild VORTAC 083° and the Hampton, N.Y., VOR 223° radials; thence via the Hampton VOR; INT of the Hampton VOR 059° and the Providence, R.I., VOR 212° radials; Providence VOR; Whitman, Mass., VOR; to the INT of the Whitman VOR 041°

and the Boston, Mass., VORTAC 133° radials, excluding the airspace below 2,000 feet MSL outside the United States and the airspace below 3,000 feet MSL south of a line extending from latitude 40°40'00" N., longitude 72°30'00" W.; to latitude 40°38'20" N., longitude 72°38'35" W. The airspace within R–5002 and R–4003 shall be used only after obtaining prior approval from the appropriate authority.

§ 600.1505 [Amendment]

32. In the text of § 600.1505 (26 F.R. 1081, 10875, 27 F.R. 3194, 4151, 4472, 6118) "INT of the Solberg VOR 051° and the Wilton, Conn., VOR 240° radials; Wilton VOR;" is deleted and "INT of the Solberg VOR 051° and the Trinity, N.Y., VOR 232° radials; Trinity VOR;" is substituted therefor.

§ 600.1510 [Amendment]

33. In the text of § 600.1510 (26 F.R. 1082, 4052, 8628, 10875, 12214) "INT of the Idlewild VOR 083° and the Nantucket, Mass., VOR 252° radials; thence to the Nantucket VOR." is deleted and "INT of the Idlewild VOR 080° and the Nantucket, Mass., VOR 255° radials; to the Nantucket VOR, including the additional airspace between lines diverging from the Idlewild VOR to points of tangency to a circle 9.5 miles in radius centered at the INT of the Idlewild VOR 080° and the Nantucket VOR 255° radials; within the circumference of the circle and between lines tangent to that circle converging to the Nantucket VOR." is substituted therefor.

§ 600.1534 [Amendment]

34. In the text of § 600.1534 (26 F.R. 1085, 27 F.R. 3194) "INT of the Solberg VOR 051° and the Wilton, Conn., VOR 240° radials; Wilton VOR;" is deleted and "INT of the Solberg VOR 051° and the Trinity, N.Y., VOR 232° radials; Trinity VOR;" is substituted therefor.

35. Section 600.1658 (26 F.R. 1090) is amended to read:

§ 600.1658 VOR Federal airway No. 1658 (Martinsburg, W. Va., to Barnegat, N.J.).

From the Martinsburg, W. Va., VOR; 10-mile-wide airway via the Baltimore, Md., VOR; INT of the Baltimore VOR 097° and the Kenton, Del., VOR 242° radials; Kenton VOR; INT of the Kenton VOR 086° and the Barnegat, N.J., VOR 233° radials; to the Barnegat VOR.

§ 600.1682 [Amendment]

36. The text of § 600.1682 (26 F.R. 1091) is amended to read:

From the Idlewild, N.Y., VOR; 10-mile wide airway to the INT of the Idlewild VOR 080° and the Riverhead, N.Y., VOR 127° radials; thence 14-mile-wide airway via the INT of the Idlewild VOR 080° and the Hampton, N.Y., VOR 223° radials to the Hampton VOR; thence 10-mile wide airway via the INT of the Hampton VOR 059° and the Providence, R.I., VOR 212° radials; Providence VOR; INT of the Providence VOR 043° and the Boston, Mass., VOR 133° radials; to the Boston VOR.

§ 600.1698 [Amendment]

37. In § 600.1698 (26 F.R. 1091, 10875) "Wilton, Conn." is deleted wherever it appears and "Trinity, N.Y." is substituted therefor.

§ 600.1702 [Amendment]

38. In the text of § 600.1702 (26 F.R. 1091, 9984) "to the INT of the Sparta VOR 111° and the Wilton, Conn., VOR 240° radials." is deleted and "to the INT of the Sparta VOR 112° and the Trinity, N.Y., VOR 232° radials." is substituted therefor.

§ 602.100 [Amendment]

39. In § 602.100 (14 CFR 602.100, 27 F.R. 2891) the following changes are made:

(a) In the text of Jet Route No. 6 "Front Royal, Va.," is deleted and "Front Royal, Va.; Yardley, Pa.," is substituted therefor.

(b) In the text of Jet Route No. 8 "Front Royal, Va.," is deleted and "Front Royal, Va.; Yardley, Pa.," is substituted therefor.

(c) In the text of Jet Route No. 42 "Front Royal, Va." is deleted and "Front Royal, Va.; Yardley, Pa.," is substituted therefor.

(d) The text of Jet Route No. 62 is amended to read:

From Idlewild, N.Y., via the INT of the Idlewild 080° and the Nantucket, Mass., 255° radials, to Nantucket.

(e) In the text of Jet Route No. 63 "to Syracuse, N.Y." is deleted and "Huguenot, N.Y., to Syracuse, N.Y." is substituted therefor.

(f) In the text of Jet Route No. 64 "Coyle, N.J.," is deleted and "Yardley, Pa.," is substituted therefor.

(g) In the text of Jet Route No. 70 "Thornhurst, Pa.," is deleted and "Huguenot, N.Y.," is substituted therefor.

(h) In the text of Jet Route No. 95 "via Thornhurst, Pa.," is deleted and "via Huguenot, N.Y.," is substituted therefor.

§ 601.1169 [Amendment]

40. The text of § 601.1169 (14 CFR 601.1169) is amended to read:

The airspace within 5 miles either side of a line extending from the Idlewild VORTAC via the INT of the Idlewild VORTAC 080° and the Nantucket, Mass., VORTAC 255° radials, to the Nantucket VORTAC, including the area within lines diverging from the Idlewild VORTAC to points of tangency to a 9.5-mile radius circle centered at the INT of the Idlewild VORTAC 080° and the Nantucket VORTAC 255° radials; within the circumference of the circle and within lines tangent to that circle converging to the Nantucket VORTAC, excluding the airspace below 2000 feet MSL outside the United States.

§ 601.1341 [Amendment]

41. In the text of § 601.1341 (14 CFR 601.1341) "on the SW by VOR Federal airway No. 268." is deleted and "on the W by VOR Federal airway No. 29." is substituted therefor.

§ 601.4101 [Amendment]

42. In § 601.4101 (27 F.R. 5762) the following changes are made:

(a) Saybrook Intersection is amended to read: Saybrook INT: INT of the Trinity, N.Y., VOR 093° and the Riverhead N.Y., VORTAC 046° radials.

(b) "Wilton, Conn." is deleted and "Trinity, N.Y." is substituted therefor.

§ 601.6001 [Amendment]

43. In the caption of § 601.6001 (14 CFR 601.6001) "Wilton, Conn." is deleted and "Poughkeepsie, N.Y." is substituted therefor.

44. Section 601.6030 (14 CFR 601.6030) is amended to read:

§ 601.6030 VOR Federal airway No. 30 control areas (Milwaukee, Wis., to Hampton, N.Y.).

All of VOR Federal airway No. 30 including a S alternate, but excluding the portion below 2,000 feet MSL outside the United States and below 3,000 feet MSL south of a line extending from latitude 40°40'00" N., longitude 72°30'00" W., to latitude 40°38'20" N., longitude 72°38'35" W.

§ 601.6034 [Amendment]

45. In the caption of § 601.6034 (14 CFR 601.6034) "to Wilton, Conn." is deleted and "to Riverhead, N.Y." is substituted therefor.

§ 601.6036 [Amendment]

46. In the caption of § 601.6036 (14 CFR 601.6036) "New York, N.Y." is deleted and "Riverhead, N.Y." is substituted therefor.

§ 601.6046 [Amendment]

47. The text of § 601.6046 (14 CFR 601.6046) is amended to read:

All of VOR Federal airway No. 46 including a N alternate, but excluding the airspace below 2,000 feet MSL outside the United States.

§ 601.6091 [Amendment]

48. In the caption of § 601.6091 (14 CFR 601.6091) "New York, N.Y." is deleted and "Riverhead, N.Y." is substituted therefor.

§ 601.6140 [Amendment]

49. In the caption of § 601.6140 (14 CFR 601.6140) "New York, N.Y." is deleted and "Amboy, N.J." is substituted therefor.

§ 601.6153 [Amendment]

50. In the caption of § 601.6153 (14 CFR 601.6153) "New York, N.Y.," is deleted and "Bridgeport, Conn.," is substituted therefor.

§ 601.6167 [Amendment]

51. In the caption of § 601.6167 (14 CFR 601.6167) "Point Pleasant, N.J.," is deleted and "Coyle, N.J.," is substituted therefor.

§ 601.6213 [Amendment]

52. In the caption of § 601.6213 (14 CFR 601.6213) "Columbus, N.J." is deleted and "Idlewild, N.Y." is substituted therefor.

§ 601.6226 [Amendment]

53. In the caption of § 601.6226 (14 CFR 601.6226, 27 F.R. 3592) "to Paterson, N.J." is deleted and "to Idlewild, N.Y." is substituted therefor.

§ 601.6232 [Amendment]

54. In the caption of § 601.6232 (14 CFR 601.6232) "to Somerset, N.J." is deleted and "to Idlewild, N.Y." is substituted therefor.

§ 601.6249 [Amendment]

55. In the caption of § 601.6249 (14 CFR 601.6249) "Sparta, N.J.," is deleted and "Colts Neck, N.J.," is substituted therefor.

§ 601.6251 [Amendment]

56. In the caption of § 601.6251 (14 CFR 601.6251) "to Sparta, N.J." is deleted and "to Hartford, Conn." is substituted therefor.

§ 601.6252 [Amendment]

57. In the caption of § 601.6252 (14 CFR 601.6252) "to New York, N.Y." is deleted and "to Morristown, N.J." is substituted therefor.

§ 601.6268 [Amendment]

58. In the caption of § 601.6268 (14 CFR 601.6268) "to Salisbury, Md." is deleted and "to Avalon, N.J." is substituted therefor.

§ 601.6433 [Amendment]

59. In the caption of § 601.6433 (14 CFR 601.6433) "to Newark, N.J." is deleted and "to Saybrook, Conn." is substituted therefor.

60. In Part 601 (14 CFR 601) the following is added:

§ 601.6445 VOR Federal airway No. 445 control areas (La Guardia, N.Y., to Clermont, N.Y.).

All of VOR Federal airway No. 445.

61. In Part 601 (14 CFR 601) the following is added:

§ 601.6467 VOR Federal airway No. 467 control areas (La Guardia, N.Y., to Huguenot, N.Y.).

All of VOR Federal airway No. 467.

These amendments shall become effective 0001 e.s.t., September 20, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 20, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-7361; Filed, July 26, 1962; 8:45 a.m.]

[Airspace Docket No. 62-WA-7]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Designation of Jet Route and Jet Advisory Area

On May 11, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 4522) stating that the Federal Aviation Agency proposed to designate a jet route from Tulsa, Okla., via Flippin, Ark., to Nashville, Tenn., and an associated en route radar jet advisory area within 16 miles either side of the proposed jet route from flight level 240 to flight level 390 inclusive.

Subsequent to the issuance of the notice the FAA has determined that radar coverage on the segment of the proposed route from Tulsa to Flippin will not be available below flight level 260 until such time as the Oklahoma City, Okla., radar system is remoted to the Fort Worth, Texas, Air Route Traffic Control Center, approximately in December 1962. Therefore, action is taken herein to place a floor of flight level 260 on the segment of the above route from Tulsa to Flippin.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 602.100 Jet routes (14 CFR 602.100) the following is added:

Jet Route No. 46 (Tulsa, Okla., to Nashville, Tenn.).

From Tulsa, Okla., via Flippin, Ark., to Nashville, Tenn.

2. In § 602.200 En route jet advisory areas (14 CFR 602.200) the following is added:

Jet Route No. 46 jet advisory area.

Radar—Tulsa, Okla., to Nashville, Tenn., excluding the portion below flight level 260 from Tulsa to Flippin, Ark.

These amendments shall become effective 0001 e.s.t., September 20, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 20, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-7360; Filed, July 26, 1962; 8:45 a.m.]

[Reg. Docket No. 1308; Amdt. 91]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Miscellaneous Amendments

This amendment is being adopted to insure the safety of IFR operations by establishing the minimum en route IFR altitudes for the route or portions thereof contained herein, and the altitudes which assure navigational coverage that is adequate and free of frequency interference for such routes or portions thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice, public procedure and effective date provisions of the Administrative Procedure Act would be impracticable.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 610 is hereby amended as follows:

Section 610.20 *Green Federal airway 10* is deleted.

Section 610.115 *Amber Federal airway 15* is amended to read:

From U.S. Canadian Border; to Annette Island, Alaska, LFR; MEA 4,900.
From *Annette Island, Alaska, LFR; to Guard Island INT, Alaska; MEA 4,700. *3,200—MCA Annette Island LFR, northwestbound.
From Guard Island INT, Alaska; to Petersburg, Alaska, LFR; MEA 5,700.
From Petersburg, Alaska, LFR; to Five Finger, Alaska, LF/RBN; MEA 5,700.
From Five Finger, Alaska, LF/RBN; to Coghlan Island, Alaska, LF/RBN; MEA 7,000.
From Coghlan Island, Alaska, LF/RBN; to Haines, Alaska, LF/RBN; MEA 9,000.
From Haines, Alaska, LF/RBN; to U.S. Canadian Border; MEA 11,000.
From U.S. Canadian Border; to Northway, Alaska, LFR; MEA 6,400.
From Northway, Alaska, LFR; to Big Delta, Alaska, LFR; MEA 8,000.
From Big Delta, Alaska, LFR; to Chena INT, Alaska; MEA 5,000.
From Chena INT, Alaska; to Fairbanks, Alaska, LFR; MEA 2,900.

Section 610.679 *Blue Federal airway 79* is amended by adding:

From Haines, Alaska, LF/RBN; to U.S. Canadian Border; MEA 11,000.

Section 610.1001 *Direct routes—U.S.* is amended to delete:

From Kitsap INT, Wash.; to Paine AFB, Wash., LF/RBN; MEA 3,000.
From McChord, Wash., LFR; to Rolling Bay INT, Wash.; MEA 2,600.
From Shelton, Wash. LF/RBN; to Seattle, Wash., LFR; MEA 2,600.
From Flippin, Ark., VOR; to Memphis, Tenn., VOR; MEA 4,000.
From Fort Smith, Ark., VOR; to Muskogee, Okla., LF/RBN; MEA 2,400.
From Fort Worth, Tex., LFR; to Int. Fort Worth 270° rad. and SW crs Wichita Falls, Tex., LFR; MEA 2,600.
From Fort Worth, Tex., VOR; to Mineral Wells, Tex., VOR; MEA 2,700.
From Butcher INT, Tex.; to Cole INT, Okla.; MEA 4,500.
From Beaumont, Tex., LFR; to Galveston, Tex., LF/RBN; MEA 1,400.
From Beaumont, Tex., LFR; to Lufkin, Tex., LF/RBN; MEA 1,700.
From Meridian, Miss., LFR; to New Orleans, La., LFR; MEA 2,000.
From Muskogee, Okla., LF/RBN; to Tulsa, Okla., VOR; MEA 2,200.
From Pine Bluff, Ark., LF/RBN; to Int. PBF–LF/RBN 360 and LIT–LFR 133; MEA 1,500.
From Baton Rouge, La., VOR; to Monroe, La., VOR; MEA *3,500. *1,500—MOCA.
From Int. 060 M rad. Austin VOR and 260 M rad. College Station VOR; to College Station, Tex., VOR; MEA 2,000.
From Hempstead INT, Tex.; to Navasota INT, Tex.; MEA 1,800.
53V:
From Ints. BSY–094T and ZBV–111T; to Nassau, Bahamas, VOR; MEA *2,000. *1,400—MOCA.

Section 610.1001 *Direct routes—U.S.* is amended by adding:

From Wink, Tex., VOR, via INK 090/MAP 190; to Midland, Tex., VOR; MEA 4,500.
From Dallas, Tex., ILS/LOM; to Alvord INT, Tex.; MEA *2,600. *2,200—MOCA.
From Little Rock, Ark., VOR; to Sheridan INT, Ark.; MEA 1,800.

From New Orleans, La., VOR; to Pirate INT, La.; MEA *1,500. *1,400—MOCA.
From Pirate INT, La.; to Grande Isle, La., LF/RBN; MEA *1,500. *1,300—MOCA.
From Sheridan INT, Ark.; to Grapevine INT, Ark.; MEA 1,500.
From Sheridan INT, Ark.; to Malvern INT, Ark.; MEA 1,800.
From Sheridan INT, Ark.; to Pine Bluff, Ark., VOR; MEA 1,500.
From Abilene, Tex., LOM (via ABI LOM 040 Brng); to Clyde INT, Tex.; MEA 3,200.
From Pahokee, Fla., VOR via PHK 112/VRB 178; to Shawnee INT, Fla.; MEA *2,200. *1,300—MOCA.

Section 610.1001 *Direct routes—U.S.* is amended to read in part:

From Houston, Tex., LF/RBN; to Galveston, Tex., LF/RBN; MEA 1,700.
From Lawton, Okla., VOR; to Temple INT, Okla.; MEA 2,500.
From Texarkana, Tex., LF/RBN; to Tyler, Tex., LF/RBN; MEA 2,000.
From Big Spring, Tex., LF/RBN; to Int. .045 brg from Big Spring LF/RBN and 336 brg from Abilene LF/RBN; MEA 4,000.
From Int. .045 brg from Big Spring LF/RBN and 336 brg from Abilene LF/RBN; to Wichita Falls, Tex., LF/RBN; MEA 3,000.

Section 610.6001 *VOR Federal airway 1* is amended to read in part:

From Waterloo, Del., VOR; to Atlantic City, N.J., VOR; MEA 1,500.
From Atlantic City, N.J., VOR; to Barnegat, N.J., VOR; MEA 1,500.

Section 610.6002 *VOR Federal airway 2* is amended to read in part:

From Muskegon, Mich., VOR; to *Ada INT, Mich.; MEA 2,000. *4,000—MRA.
From Ada INT, Mich.; to Lansing, Mich., VOR; MEA 2,200.
From *Spokane, Wash., VOR via S alter.; to Mullan Pass, Idaho, VOR via S alter.; MEA **14,000. *12,000—MCA Spokane VOR, southeastbound. **9,000—MOCA.

Section 610.6003 *VOR Federal airway 3* is amended to read in part:

From Jacksonville, Fla., VOR; to *St. Marys INT, Ga.; MEA 1,200. *2,500—MRA.

Section 610.6004 *VOR Federal airway 4* is amended to read in part:

From *Payette INT, Idaho; to **Emmett INT, Idaho; northwestbound, MEA 9,000; southeastbound, MEA 5,500. *11,000—MRA. **7,000—MRA.
From Emmett INT, Idaho; to Boise, Idaho, VOR; northwestbound, MEA 9,000; southeastbound, MEA 5,500.

Section 610.6005 *VOR Federal airway 5* is amended to read in part:

From Mansfield, Ohio, VOR; to Cleveland, Ohio, VOR; MEA *3,000. *2,500—MOCA.
From Cleveland, Ohio, VOR; to U.S. Canadian Border; MEA *3,000. *2,500—MOCA.
From Summitville INT, Tenn.; to *Milton INT, Tenn.; MEA **3,000. *3,500—MRA. **2,400—MOCA.

Section 610.6006 *VOR Federal airway 6* is amended to read in part:

From North Platte, Nebr., VOR via N alter.; to Int. 061 M North Platte VOR and 277 M Grand Island VOR via N alter.; MEA *5,400. *4,300—MOCA.
From Int. 061 M North Platte VOR and 277 M Grand Island VOR via N alter.; to Grand Island, Nebr., VOR via N alter.; MEA *5,400. *4,100—MOCA.
From Omaha, Nebr., VOR via S alter.; to *Winterset INT, Iowa, via S alter.; MEA **3,600. *2,600—MRA. **2,700—MOCA.
From Waterville, Ohio, VOR; to Bay INT, Ohio; MEA 2,000.
From Bay INT, Ohio; to Cleveland, Ohio, VOR; MEA *3,000. *2,000—MOCA.
From Cleveland, Ohio, VOR; to Chagrin Falls INT, Ohio; MEA 3,000.
From Chagrin Falls INT, Ohio; to Youngstown, Ohio, VOR; MEA *3,100. *3,000—MOCA.
From *Lost Creek INT, Utah; to Fort Bridger, Wyo., VOR; MEA 12,000. *14,000—MRA.

Section 610.6007 *VOR Federal airway 7* is amended to read in part:

From Racine INT, Wis.; to Milwaukee, Wis., VOR; MEA 2,500.
From Racine INT, Wis., via E alter.; to Milwaukee, Wis., VOR via E alter.; MEA 2,500.

Section 610.6008 *VOR Federal airway 8* is amended to read in part:

From Daggett, Calif., VOR via N alter.; to Las Vegas, Nev., VOR via N alter.; MEA 9,500.
From *Ontario, Calif., VOR; to Hector, Calif., VOR; MEA 10,000. *7,000—MCA Ontario VOR, northeastbound.
From Omaha, Nebr., VOR via S alter.; to *Winterset INT, Iowa, via S alter.; MEA **3,600. *2,600—MRA. **2,700—MOCA.

Section 610.6009 *VOR Federal airway 9* is amended to read in part:

From Memphis, Tenn., VOR, via W alter.; to Blytheville, Ark., VOR via W alter.; MEA *2,000. *1,700—MOCA.
From Marengo INT, Ill.; to Harvard INT, Ill.; MEA 2,300.

Section 610.6012 *VOR Federal airway 12* is amended to read in part:

From Sheridan INT, Ariz., via S alter.; to *Prescott, Ariz., VOR via S alter.; eastbound, MEA 9,000; westbound, MEA 10,000. *11,500—MCA Prescott VOR, eastbound. *9,000—MCA Prescott VOR, westbound.
From Prescott, Ariz., VOR via S alter.; to *Cornville INT, Ariz., via S alter.; eastbound, MEA 12,000; westbound, MEA 10,000. *13,000—MCA Cornville INT, eastbound.
From Readsville, Mo., VOR via S alter.; to Maryland Heights, Mo. VOR via S alter.; MEA 2,100.
From Maryland Heights, Mo., VOR; to Troy, Ill., VOR; MEA 2,200.
From *Aetna INT, Okla., via N alter.; to **Salt INT, Kans., via N alter.; MEA ***6,000. *10,500—MRA. **4,200—MRA. ***3,500—MOCA.

Section 610.6014 *VOR Federal airway 14* is amended to delete:

From Roswell, N. Mex., VOR; to *Dora INT, N. Mex.; MEA **6,500. *8,000—MCA Dora INT, eastbound. **5,500—MOCA.
From Dora INT, N. Mex.; to *Pep INT, Tex.; MEA **8,000. *8,000—MRA. **5,500—MOCA.
From Pep INT, Tex.; to Lubbock, Tex., VOR; MEA 4,600.
From Roswell, N. Mex., VOR via S alter.; to Ranch INT, N. Mex., via S alter.; eastbound, MEA 7,000; westbound, MEA 5,000.
From Ranch INT, N. Mex., via S alter.; to *Caprock INT, N. Mex., via S alter.; MEA **7,500. *7,500—MRA. **7,100—MOCA.
From Caprock INT, N. Mex., via S alter.; to *Whiteface INT, Tex., via S alter.; MEA **7,000. *6,000—MRA. **5,500—MOCA.
From Whiteface INT, Tex., via S alter., to Lubbock, Tex., VOR via S alter., MEA 4,900.

Section 610.6014 *VOR Federal airway 14* is amended by adding:

From Roswell, N. Mex., VOR; to Ranch INT, N. Mex.; eastbound, MEA 7,000; westbound, MEA 5,000.
From Ranch INT, N. Mex.; to *Caprock INT, N. Mex.; MEA **7,500. *7,500—MRA. **7,100—MOCA.
From Caprock INT, N. Mex.; to *Whiteface INT, Tex.; MEA **7,000. *6,000—MRA. **5,500—MOCA.
From Whiteface INT, Tex.; to Lubbock, Tex., VOR; MEA 4,900.

Section 610.6014 *VOR Federal airway 14* is amended to read in part:

From Hobart, Okla., VOR via S alter.; to *Norge INT, Okla., via S alter.; MEA **4,300. *4,300—MRA. **3,500—MOCA.
From Cleveland, Ohio, VOR via N alter.; to Erie, Pa., VOR via N alter.; MEA *3,000. *2,500—MOCA.
From Attica, Ohio, VOR; to Cleveland, Ohio, VOR; MEA *3,000. *2,000—MOCA.
From Cleveland, Ohio, VOR; to Mentor INT, Ohio; MEA 3,000.
From Mentor INT, Ohio; to Jefferson, Ohio, VOR; MEA *3,000. *2,500—MOCA.
From Jefferson, Ohio, VOR; to Erie, Pa., VOR; MEA 2,300.

Section 610.6016 *VOR Federal airway 16* is amended to read in part:

From Dallas, Tex., VOR to Sulphur Springs, Tex., VOR; MEA 1,800.
From Jacks Creek, Tenn., VOR via N alter.; to Vanleer INT, Tenn., via N alter.; MEA 2,000.
From *Haynes INT, Ark., via N alter.; to **Round Pond INT, Ark., via N alter.; MEA ***5,000. *4,000—MRA. **4,000—MRA. ***1,700—MOCA.
From Sulphur Springs, Tex., VOR; to Texarkana, Ark., VOR; MEA 2,000.
From Avery INT, Tex., via N alter.; to Texarkana, Ark., VOR via N alter.; MEA 2,000.
From Sulphur Springs, Tex., VOR via S alter.; to Naples INT, Tex., via S alter.; MEA 1,700.
From Naples INT, Tex., via S alter.; to Texarkana, Ark., VOR via S alter.; MEA 2,000.

Section 610.6019 *VOR Federal airway 19* is amended to delete:

From Burlington, Vt., VOR via E alter.; to Alburg INT, Vt., via E alter.; MEA 2,500.
From Alburg INT, Vt., via E alter.; to Montreal, Canada, VOR via E alter.; MEA *2,000. *For that airspace over U.S. territory.
From El Paso, Tex., VOR; to *Harrington Ranch INT, N. Mex.; MEA 8,800. *9,500—MRA.
From Harrington Ranch INT, N. Mex.; to *Morgan INT, N. Mex.; MEA **11,500. *10,000—MRA. **7,000—MOCA.
From Morgan INT, N. Mex.; to Fairacres INT, N. Mex.; MEA *10,000. *7,000—MOCA.
From Fairacres INT, N. Mex.; to Truth or Consequences, N. Mex., VOR; MEA 10,000.

Section 610.6019 *VOR Federal airway 19* is amended to read in part:

From Cheyenne, Wyo., VOR via E alter.; to Douglas, Wyo., VOR via E alter.; MEA 7,500.
From Billings, Mont., VOR; to *Mussellshell INT, Mont.; MEA 8,000. *8,500—MRA.
From Mussellshell INT, Mont.; to Lewistown, Mont., VOR; MEA 8,000.
From Lavina, Mont., FM; to Billings, Mont., VOR Southbound only; MEA 6,000.
From Rattlesnake INT, Colo., via E alter.; to *Pueblo, Colo., VOR via E alter.; MEA 7,500. *6,500—MCA Pueblo VOR, southbound.
From Cimarron, N. Mex., VOR via E alter.; to *Earl INT, Colo., via E alter.; MEA **11,000. *10,600—MCA Earl INT, southbound. **10,800—MOCA.

Section 610.6019 *VOR Federal airway 19* is amended by adding:

From Newman, Tex., VOR; to Morgan INT, N. Mex.; MEA 9,000.
From Morgan INT, N. Mex.; to Truth or Consequences, N. Mex., VOR; MEA 10,000.

Section 610.6020 *VOR Federal airway 20* is amended to read in part:

From *Grand Lake INT, La., via S. alter.; to Lafayette, La., VOR via S alter.; MEA **2,200. *2,200—MRA. **2,000—MOCA.

Section 610.6021 *VOR Federal airway 21* is amended to read in part:

From *Ontario, Calif., VOR; to Hector, Calif., VOR; MEA 10,000. *7,000—MCA Ontario VOR, northeastbound.

Section 610.6022 *VOR Federal airway 22* is amended to read in part:

From Dog INT, La.; to Horn INT, Miss.; MEA 3,000.
From Horn INT, Miss.; to Grand Bay INT, Miss.; MEA 2,000.
From Grand Bay INT, Miss.; to Brookley, Ala., VOR; MEA 1,400.

Section 610.6026 *VOR Federal airway 26* is amended to read in part:

From Pelee INT, Ontario, Canada; to Cleveland, Ohio, VOR; MEA *‡3,000. *2,000—MOCA. ‡For that airspace over U.S. territory.
From Pierre, S. Dak., VOR; to Huron, S. Dak., VOR; MEA 3,600.

Section 610.6032 *VOR Federal airway 32* is amended to read in part:

From *Henefer INT, Utah; to Fort Bridger, Wyo., VOR; MEA 12,000. *14,000—MRA.

Section 610.6035 *VOR Federal airway 35* is amended to read in part:

From *Reno INT, Ga., via E alter.; to **Hartsfield INT, Ga., via E alter.; MEA ***2,000. *4,500—MRA. **3,000—MRA. ***1,700—MOCA.
From Hartsfield INT, Ga., via E alter.; to *Sale INT, Ga., via E alter.; MEA **2,000. *3,000—MRA. **1,300—MOCA.
From *Erwin INT, Tenn., via W alter.; to Holston Mountain, Tenn., VOR via W alter.; MEA 6,000. *6,500—MCA Erwin INT, southbound.

Section 610.6040 *VOR Federal airway 40* is amended to read in part:

From Cleveland, Ohio, VOR; to Briggs, Ohio, VOR; MEA *3,000. *2,500—MOCA.

Section 610.6042 *VOR Federal airway 42* is amended to read in part:

From U.S. Canadian Border; to Cleveland, Ohio, VOR; MEA *3,000. *2,000—MOCA.
From U.S. Canadian Border, via E alter.; to Cleveland, Ohio, VOR via E alter.; MEA *3,000. *2,000—MOCA.

Section 610.6044 *VOR Federal airway 44* is amended to read in part:

From Kenton, Del., VOR; to Atlantic City, N.J., VOR; MEA 1,500.
From Atlantic City, N.J., VOR; to Barnegat, N.J., VOR; MEA 1,500.

Section 610.6046 *VOR Federal airway 46* is amended to read in part:

From Hampton, N.Y., VOR; to Nantucket, Mass., VOR; MEA 2,000.

Section 610.6052 *VOR Federal airway 52* is amended to read in part:

From Troy, Ill., VOR; to Huey INT, Ill.; MEA 2,000.
From Huey INT, Ill.; to Cartter INT, Ill.; MEA *2,000. *1,900—MOCA.

Section 610.6054 *VOR Federal airway 54* is amended to read in part:

From Quitman, Tex., VOR; to Texarkana, Ark., VOR; MEA 2,000.
From *Hillemann INT, Ark., via N alter.; to **Round Pond INT, Ark., via N alter.; MEA ***2,500. *4,000—MRA. **4,000—MRA. ***1,600—MOCA.
From Huntsville, Ala., VOR; to *Princeton INT, Ala.; MEA 3,000. *5,000—MRA.

Section 610.6055 *VOR Federal airway 55* is amended to read in part:

From Goshen, Ind., VOR; to South Bend, Ind., VOR; MEA 2,900.

Section 610.6059 *VOR Federal airway 59* is amended to read in part:

From Newcomerstown, Ohio, VOR; to Cleveland, Ohio, VOR; MEA *3,000. *2,600—MOCA.

Section 610.6063 *VOR Federal airway 63* is amended to read in part:

From Hallsville, Mo., VOR; to Quincy, Ill., VOR; MEA 2,100.

Section 610.6068 *VOR Federal airway 68* is amended to read in part:

From Midland, Tex., VOR via S alter.; to Derrick INT, Tex., via S alter.; MEA *5,000. *4,400—MOCA.
From Derrick INT, Tex., via S alter.; to San Angelo, Tex., VOR via S alter.; MEA *5,000. *4,000—MOCA.

Section 610.6075 *VOR Federal airway 75* is amended to read in part:

From Briggs, Ohio, VOR; to Cleveland, Ohio, VOR; MEA *3,000. *2,500—MOCA.

Section 610.6076 *VOR Federal airway 76* is amended to delete:

From Big Spring, Tex., VOR via N alter.; to *Rowena INT, Tex., via N alter.; MEA **7,000. *7,000—MRA. **4,000—MOCA.
From Rowena INT, Tex., via N alter.; to San Angelo, Tex., VOR via N alter.; MEA 3,400.

Section 610.6081 *VOR Federal airway 81* is amended to read in part:

From Dalhart, Tex., VOR; to *Tobe, N. Mex., VOR; MEA **8,500. *8,500—MCA Tobe VOR, southeastbound. **7,800—MOCA.

Section 610.6094 *VOR Federal airway 94* is amended to read in part:

From Deming, N. Mex., VOR; to Newman, Tex., VOR; MEA 9,000.

Section 610.6100 *VOR Federal airway 100* is amended to read in part:

From Marengo INT, Ill.; to Northbrook, Ill.; VOR; MEA 2,200.

Section 610.6102 *VOR Federal airway 102* is amended to delete:

From Caprock INT, N. Mex.; to Dora INT, N. Mex.; MEA *8,500. *5,500—MOCA.
From Dora INT, N. Mex.; to *Pep INT, Tex.; MEA **8,000. *8,000—MRA. **5,500—MOCA.
From Pep INT, Tex.; to Lubbock, Tex., VOR; MEA 4,600.

Section 610.6102 *VOR Federal airway 102* is amended by adding:

From *Caprock INT, N. Mex.; to **Whiteface INT, Tex.; MEA ***7,000. *7,500—MRA. **6,000—MRA. ***5,500—MOCA.
From Whiteface INT, Tex.; to Lubbock, Tex., VOR; MEA 4,900.

Section 610.6126 *VOR Federal airway 126* is amended to read in part:

From Waterville, Ohio, VOR; to Bay INT, Ohio; MEA 2,000.
From Bay INT, Ohio; to Cleveland, Ohio, VOR; MEA *3,000. *2,000—MOCA.
From Cleveland, Ohio, VOR; to Mentor INT, Ohio; MEA *3,000.
From Mentor INT, Ohio; to Jefferson, Ohio, VOR; MEA *3,000. *2,500—MOCA.

Section 610.6148 *VOR Federal airway 148* is amended to read in part:

From Thurman, Colo., VOR; to Int .081 M rad Akron, Colo., VOR and 233 M rad Hayes Center VOR; MEA, 5,900.
From Int .081 M rad Akron, Colo., VOR and 233 M rad, Hayes Center VOR; to Hayes Center, Nebr., VOR; MEA 5,600.

Section 610.6159 *VOR Federal airway 159* is amended to read in part:

From Quitman INT, Ga.; via W alter.; to *Hartsfield INT, Ga., via W alter.; MEA **2,500. *3,000—MRA. **1,300—MOCA.
From Hartsfield INT, Ga., via W alter.; to *Sale INT, Ga., via W alter.; MEA **2,000. *3,000—MRA. **1,300—MOCA.

Section 610.6172 *VOR Federal airway 172* is amended to read in part:

From *Fort Morgan INT, Colo.; to **Sterling INT, Colo.; MEA ***10,000. *8,000—MRA. **13,000—MRA. **13,000—MCA Sterling INT, eastbound. ***7,000—MOCA.

Section 610.6187 *VOR Federal airway 187* is amended to read in part:

From *Billings, Mont., VOR; to Ryegate INT, Mont.; southeastbound, MEA 7,000; northwestbound, MEA 8,000. *8,000—MCA Billings VOR, southbound.
From Ryegate INT, Mont.; to *Judith Gap INT, Mont.; MEA 9,000. *11,000—MCA Judith Gap INT, northwestbound.

Section 610.6198 *VOR Federal airway 198* is amended to read in part:

From Hunt INT, Tex.; to *Comfort INT, Tex.; MEA **7,500. *7,500—MCA Comfort INT, westbound. *4,000—MRA. **3,400—MOCA.

Section 610.6202 *VOR Federal airway 202* is amended to read in part:

From *Tucson, Ariz., LF/RBN; to Kinsley INT, Ariz.; southbound, MEA 14,000; northbound, MEA 6,000. *12,000—MCA Tucson LF/RBN, southbound.

Section 610.6210 *VOR Federal airway 210* is amended to delete:

From Goffs, Calif., VOR via S alter.; to Peach Springs, Ariz., VOR via S alter.; MEA 9,000.
From Peach Springs, Ariz., VOR via S alter.; to Tuba City, Ariz., VOR via S alter.; MEA 11,000.

Section 610.6211 *VOR Federal airway 211* is amended to read in part:

From Dilley INT, Tex.; to Cotulla, Tex., VOR; MEA *3,000. *1,800—MOCA.

Section 610.6230 *VOR Federal airway 230* is amended to read in part:

From Salinas, Calif., VOR; to Los Banos, Calif., VOR; MEA 6,000.

Section 610.6232 *VOR Federal airway 232* is amended to read in part:

From Sandusky, Ohio, VOR; to Lorain INT, Ohio, MEA *3,000. *2,000—MOCA.
From Lorain INT, Ohio; to Chardon, Ohio, VOR; MEA *3,000. *2,500—MOCA.

Section 610.6238 *VOR Federal airway 238* is amended to read in part:

From Woodstown, N.J., VOR; to Millville, N.J., VOR; MEA 1,500.
From Millville, N.J., VOR; to Atlantic City, N.J., VOR; MEA 1,500.

Section 610.6263 *VOR Federal airway 263* is amended to read in part:

From Cimarron, N. Mex., VOR; to *Tobe, Colo., VOR; MEA **11,000. *8,000—MCA Tobe VOR, southwestbound. **10,800—MOCA.

Section 610.6264 *VOR Federal airway 264* is amended to read in part:

From *Prescott, Ariz., VOR; to Cornville INT, Ariz.; eastbound, MEA 12,000; westbound, MEA 10,000. *11,500—MCA Prescott VOR, eastbound. *9,000—MCA Prescott VOR, westbound.

Section 610.6274 *VOR Federal airway 274* is amended to read in part:

From Grand Rapids, Mich., ILS/LOM; to *Ada INT, Mich.; northeastbound, MEA **4,000; southwestbound, MEA 2,200. *4,000—MRA. **2,200—MOCA.

From Ada INT, Mich.; to *Orleans INT, Mich.; MEA **4,000. *4,000—MRA. **2,000—MOCA.

Section 610.6278 *VOR Federal airway 278* is amended to read in part:

From Avery INT, Tex.; to Texarkana, Ark., VOR; MEA 2,000.

Section 610.6280 *VOR Federal airway 280* is amended to delete:

From Roswell, N. Mex., VOR; to Ranch INT, N. Mex.; westbound, MEA 7,000; eastbound, MEA 5,000.

From Ranch INT, N. Mex.; to *Caprock INT, N. Mex.; MEA **7,500. *7,500—MRA. **7,100—MOCA.

From *Caprock INT, N. Mex.; to Dora INT, N. Mex.; MEA **8,500. *7,500—MRA. **5,500—MOCA.

Section 610.6280 *VOR Federal airway 280* is amended by adding:

From Roswell, N. Mex., VOR; to *Dora INT, N. Mex.; MEA **6,500. *8,000—MOCA Dora INT, eastbound. **5,500—MOCA.

Section 610.6280 *VOR Federal airway 280* is amended to read in part:

From *Aetna INT, Okla.; to **Salt INT, Kans.; MEA ***6,000. *10,500—MRA. **4,200—MRA. ***3,500—MOCA.

Section 610.6413 *Hawaii VOR Federal airway 13* is amended to read in part:

From Lihue, Hawaii, VOR; to Hulu Girl INT, Hawaii; MEA 4,000.

Section 610.6414 *Hawaii VOR Federal airway 14* is amended to read in part:

From *Dogwood INT, Hawaii; to South Kauai, Hawaii, VOR; MEA 9,000. *9,000—MRA.

From *South Kauai, Hawaii, VOR; to Hulu Girl INT, Hawaii; MEA 4,000. *5,000—MCA South Kauai VOR, westbound.

Section 610.6415 *Hawaii VOR Federal airway 15* is amended to read in part:

From *Vanda INT, Hawaii; to **South Kauai, Hawaii, VOR; MEA 6,000. *6,000—MRA. **5,000—MCA South Kauai VOR, northwestbound.

Section 610.6443 *VOR Federal airway 443* is amended to read in part:

From Tiverton, Ohio, VOR; to Reedsburg INT, Ohio; MEA *3,100. *2,400—MOCA.

From Reedsburg INT, Ohio; to Cleveland, Ohio, VOR; MEA *3,000. *2,300—MOCA.

From Tiverton, Ohio, VOR via E alter.; to Wooster INT, Ohio, via E alter.; MCA *3,100. *2,500—MOCA.

From Wooster INT, Ohio, via E alter.; to Sharon INT, Ohio, via E alter.; MEA *3,000. *2,300—MOCA.

From Sharon INT, Ohio, via E alter.: to Cleveland, Ohio, VOR via E alter.; MEA *3,000. *2,500—MOCA.

Section 610.6444 *VOR civil airway 444* is amended to read:

From *Spokane, Wash., VOR; to Mullan Pass, Idaho, VOR; MEA **14,000. *12,000—MCA Spokane VOR, southeastbound, **9,000—MOCA.

Section 610.6446 *VOR Federal airway 446* is amended to read in part:

From Troy, Ill., VOR; to Huey INT, Ill.; MEA 2,000.

From Huey INT, Ill.; to Cartter INT, Ill.; MEA *2,000. *1,900—MOCA.

Section 610.6448 *VOR Federal airway 448* is amended to read:

From Ephrata, Wash., VOR; to Rodna INT, Wash.; MEA *6,500. *5,000—MOCA.

From *Rodna INT, Wash.; to Mullan Pass, Idaho, VOR; MEA **14,000. *13,000—MCA Rodna INT, eastbound. **9,000—MOCA.

Section 610.6455 *VOR Federal airway 455* is amended to read in part:

From Hattiesburg, Miss., VOR via W alter.; to Int. 005 M rad Hattiesburg VOR and 224 M rad Meridian VOR via W alter.; MEA 1,800.

From Int. 005 M rad Hattiesburg VOR and 224 M rad Meridian VOR via W alter.; to *Rose Hill INT, Miss., via W alter.; MEA **3,000. *3,000—MRA. **1,700—MOCA.

Section 610.6465 *VOR Federal airway 465* is added to read:

From Miles City, Mont., VOR; to Williston, N. Dak., VOR; MEA *6,000. *5,200—MOCA.

From Miles City, Mont., VOR via E alter.; to Williston, N. Dak., VOR via E alter.; MEA 5,500.

Section 610.6482 *VOR Federal airway 482* is amended to read in part:

From Clayton, N. Mex., VOR; to Liberal, Kans., VOR; MEA *7,000. *6,000—MOCA.

Section 610.6487 *VOR Federal airway 487* is amended by adding:

From Benson INT, Vt.; to Burlington, Vt., VOR; MEA 4,000.

From Burlington, Vt., VOR; to U.S. Canadian Border; MEA 2,500.

Section 610.6810 *VOR Federal airway 810* is amended to read in part:

From Marengo INT, Ill.; to Northbrook, Ill., VOR; MEA 2,200.

From *Henefer INT, Utah; to Fort Bridger, Wyo., VOR; MEA 12,000. *14,000—MRA.

Section 610.6839 *VOR Federal airway 839* is amended to read in part:

From Briggs, Ohio, VOR; to Cleveland, Ohio, VOR; MEA *3,000. *2,500—MOCA.

Section 610.6843 *VOR Federal airway 843* is amended to read in part:

From Albany, Ga., VOR; to *Sale INT, Ga.; MEA **2,000. *3,000—MRA. **1,600—MOCA.

From Sale INT, Ga.; to *Hartsfield INT, Ga.; MEA **2,000. *3,000—MRA. **1,300—MOCA.

Section 610.6845 *VOR Federal airway 845* is amended to read in part:

From Quincy, Ill., VOR; to Hallsville, Mo., VOR; MEA 2,100.

Section 610.6854 *VOR Federal airway 854* is amended to read in part:

From Fort Bridger, Wyo., VOR; to *Lost Creek INT, Utah; MEA 12,000. *14,000—MRA.

Section 610.6887 *VOR Federal airway 887* is amended to read in part:

From Sulphur Springs, Tex., VOR; to Dallas, Tex., VOR; MEA 1,800.

Section 610.1540 *VOR Federal airway 1540* is amended to read in part:

From Wink, Tex. VOR; to Big Spring, Tex., VOR; MEA 14,500; MAA 23,500.

From Deming, N. Mex., VOR; to Newman, Tex., VOR; MEA 14,500; MAA 24,000.

Section 610.1543 *VOR Federal airway 1543* is amended to delete:

From El Paso, Tex., VOR; to Truth or Consequences, N. Mex., VOR; MEA 14,500; MAA 24,000.

Section 610.1543 *VOR Federal airway 1543* is amended by adding:

From Newman, Tex., VOR; to Truth or Consequences, N. Mex., VOR; MEA 14,500; MAA 24,000.

Section 610.1546 *VOR Federal airway 1546* is amended to delete:

From Cofield, N.C., VOR; to Int, Cofield, N.C., VOR 046 T and Cape Charles, Va., VOR 200 T rad; MEA 14,500; MAA 24,000.

Section 610.1546 *VOR Federal airway 1546* is amended by adding:

From Cofield, N.C., VOR; to Int. 107 M Cofield VOR and 195 M Cape Charles VOR; MEA 14,500; MAA 24,000.

Section 610.1655 *VOR Federal airway 1655* is amended to read:

From Jacksonville, Fla., VOR; to Savannah, Ga., VOR; MEA 14,500; MAA 24,000.

Section 610.1765 *VOR Federal airway 1765* is added to read:

From Miles City, Mont., VOR; to Williston, N. Dak., VOR; MEA 14,500; MAA 24,000.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a) 1348(c))

These rules shall become effective August 23, 1962.

Issued in Washington, D.C., on July 20, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-7299; Filed, July 26, 1962; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-101]

SUBCHAPTER A—PROCEDURES, RULES OF PRACTICE, AND ORDERS

PART 13—PROHIBITED TRADE PRACTICES

Barnett & Weitzner, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–30 *Fur Products Labeling Act.* § 13.1255 *Manufacture or preparation:* § 13.1255–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act.* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat 179; 15 U.S.C. 45, 69f) [Cease and desist order, Barnett & Weitzner, Inc., et al., New York, N.Y., Docket C-101, Mar. 23, 1962]

In the Matter of Barnett & Weitzner, Inc., a Corporation, and Joseph Barnett, and Adolph Weitzner, Individually and as Officers of Said Corporation

Consent order requiring New York City manufacturing furriers to cease violating the Fur Products Labeling Act by falsely labeling and invoicing artificially colored fur as natural, and failing to disclose on labels and invoices when fur products were bleached, dyed, etc., and to label and invoice as natural, products which were not artificially colored; setting forth on labels the name of an animal other than that producing the fur; and failing in other respects to comply with labeling and invoicing requirements.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Barnett & Weitzner, Inc., a corporation, and its officers, and respondents Joseph Barnett and Adolph Weitzner, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising, or offering for sale, in commerce, or the transportation or distribution in commerce, of fur products; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Representing directly or by implication that the fur contained in fur products is natural, when such is not the fact.

C. Setting forth on labels attached to fur products the name or names of any animal or animals other than the name of the animal producing the fur contained in the fur product as specified in the Fur Products Name Guide, and as prescribed under the Rules and Regulations.

D. Failing to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored, as natural.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Representing directly or by implication that the fur contained in fur products is natural, when such is not the fact.

C. Failing to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored, as natural.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 23, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-7364; Filed, July 26, 1962; 8:46 a.m.]

[Docket C-102]

PART 13—PROHIBITED TRADE PRACTICES

J. Meisels

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 *Composition:* § 13.1590–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act;* § 13.1880 *Old, used, or reclaimed as unused or new:* § 13.1880–40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Josef Meisels trading as J. Meisels, New York, N.Y., Docket C-102, Mar. 23, 1962]

In the Matter of Josef Meisels, an Individual, Trading as J. Meisels

Consent order requiring a New York City furrier to cease violating the Fur Products Labeling Act by failing to show on invoices the true animal name of furs concerned and when the furs were artificially colored; invoicing rabbit fur as "Sealene", "Beaverette", and "Coney"; failing to set forth the terms "Persian Lamb", "dyed Mouton Lamb", and "secondhand" where required; and failing in other respect to comply with invoicing requirements.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Josef Meisels, individually and trading as J. Meisels or under any other trade name, and respondent's respresentatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce; or in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce or the transportation or distribution in commerce, of any fur, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Falsely or deceptively invoicing furs or fur products by:

A. Failing to furnish invoices to purchasers of furs or fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Setting forth on invoices pertaining to furs or fur products any form of misrepresentation or deception, directly or by implication, as to the name of the animal or animals which produced the fur.

C. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in abbreviated form.

D. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

E. Failing to set forth the term "Dyed Mouton Lamb" in the manner required where an election is made to use that term instead of the term "Dyed Lamb".

F. Using trade names, coined names or other names or words descriptive of a fur or fur product as being the fur of an animal which is in fact fictitious or nonexistent.

F. Failing to disclose that fur products are "secondhand", when such is the fact.

H. Failing to set forth the item number or mark assigned to a fur product.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: March 23, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-7365; Filed, July 26, 1962; 8:46 a.m.]

[Docket C-100]

PART 13—PROHIBITED TRADE PRACTICES

Lincoln Luggage Co., Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1170 *Advertising and promotion;* § 13.1185 *Composition;* § 13.1340 *Tests.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Lincoln Luggage Company, Inc., et al., New York, N.Y., Docket C-100, Mar. 23, 1962]

In the Matter of Lincoln Luggage Company, Inc., a Corporation, Harry B. Silverman, Herbert Silverman, Individually and as Officers of Said Corporation

Consent order requiring New York City luggage manufacturers to cease such misrepresentations as stating falsely on attached tags that their luggage was "Flight tested by TWA", that their Zephyrlite line was "Nationally advertised", and that "We chose Alcoa Aluminum" when their products contained no aluminum except for affixed strips of aluminum foil simulating aluminum.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent, Lincoln Luggage Company, Inc., a corporation, and its officers, and respondents Harry B. Silverman and Herbert Silverman, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the manufacturing, advertising, offering for sale, sale and distribution of luggage, or related products, in commerce, as "commerce" is defined by the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That any such product sold by respondents has been tested and approved by Trans World Airlines or by any other concern.

2. That any such product sold by the respondents is currently being nationally advertised.

3. That any such product sold by respondents is composed of solid aluminum or contains aluminum in significant quantities or otherwise misrepresenting the nature and type of material used in their products.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 23, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-7366; Filed, July 26, 1962; 8:46 a.m.]

[Docket C-99]

PART 13—PROHIBITED TRADE PRACTICES

Furs by Minudri

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.512 *Fur products tags or identification.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* §13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* §13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865–40 *Fur Products Labeling Act;* § 13.1886 *Quality, grade or type;* § 13.1900 *Source or origin:* § 13.1900–40 *Fur Products Labeling Act:* § 13.1900–40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Furs by Minudri, San Francisco, Calif., Docket C-99, Mar. 23, 1962]

In the Matter of John C. Minudri, an Individual, Trading as Furs by Minudri

Consent order requiring a San Francisco furrier to cease violating the Fur Products Labeling Act by substituting on fur products labels which did not conform to requirements and failing to keep the required records; by failing, on labels and invoices, to show the true animal name of furs, the country of origin of imported furs, and the name of the manufacturer, etc., to disclose when fur was artificially colored, and to set forth the term "Dyed Broadtail-processed Lamb" as required; failing, on invoices, to disclose when fur products were composed of cheap or waste fur and when they were natural; and failing in other respects to comply with labeling and invoicing requirements.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent John C. Minudri, individually and trading as Furs by Minudri or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce; or in connection with the sale, advertising, offering for sale or processing of any fur product which has been shipped and received in commerce and upon which fur product a substitute label has been placed by the respondent, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Placing thereon substitute labels for labels affixed to such fur products pursuant to section 4 of the Fur Products Labeling Act and which substitute labels do not conform to the requirements of section 4 of the said Act.

B. Falsely and deceptively labeling or otherwise identifying such products as to the name or names of the animal or animals that produced the fur from which such products were manufactured.

C. Falsely and deceptively labeling or otherwise identifying such products as to the country of origin of the furs contained in such products.

D. Failing to affix labels to fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

E. Setting forth on labels affixed to fur products:

(1) Information required under section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in abbreviated form.

(2) Information required under section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder, mingled with non-required information.

F. Failing to set forth the information required under section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder, in the required sequence.

G. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the term "Dyed Lamb".

H. Failing to set forth on labels the item number or mark assigned to a fur product.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder, in abbreviated form.

C. Failing to set forth the term "Dyed Broadtail-Processed Lamb" in the manner required where an election is made to use that term instead of "Dyed Lamb".

D. Failing to disclose that fur products are composed in whole or in substantial part of paws, tails, bellies, sides, flanks, gills, ears, throats, heads, scrap pieces or waste fur.

E. Failing to set forth the item number or mark assigned to a fur product.

F. Failing to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise, artificially colored, as natural.

3. Failing to keep and preserve the records required by the Fur Products Labeling Act and the rules and regulations promulgated thereunder when making the substitution of labels on fur products as provided for in section 3(e) of the said Act.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: March 23, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-7367; Filed, July 26, 1962; 8:46 a.m.]

[Docket 7720 o.]

PART 13—PROHIBITED TRADE PRACTICES

Vanity Fair Paper Mills, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for Services or Facilities for Processing or Sale Under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Vanity Fair Paper Mills, Inc., Plattsburgh, N.Y., Docket 7720, Mar. 21, 1962]

Order requiring a manufacturer of household paper products, distributing its products to retail and wholesale grocers, drug wholesalers, and retailers in Texas, Oklahoma, Arkansas, Mississippi, and Louisiana, and with sales in 1958 exceeding $13,000,000, to cease discriminating in price in violation of 2(d) of the Clayton Act by such practices as making special payments of $430 in excess of the usual allowances, for advertising or other services in connection with the sale of its products to J. Weingarten, Inc., without making such compensation available on proportionally equal terms to all competitors of the latter.

The order to cease and desist is as follows:

It is ordered, That respondent, Vanity Fair Paper Mills, Inc., a corporation, its officers, employees, agents, or representatives, directly or through any corporate or other device, in or in connection with the sale in commerce, as "commerce" is defined in the Clayton Act, as amended, of paper products, do forthwith cease and desist from: Making or contracting to make, to or for the benefit of J. Weingarten, Inc., or any other customer, any payment of anything of value as compensation or in consideration for advertising or other services or facilities furnished by or through such customer, in connection with the handling, offering for resale, or resale of the respondent's products, unless such payment is offered or otherwise affirmatively made available on proportionally equal terms to all other customers competing in the distribution or resale of such products.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondent, Vanity Fair Paper Mills, Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in the initial decision as modified.

Issued: March 21, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-7368; Filed, July 26, 1962; 8:46 a.m.]

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

PART 302—RULES AND REGULATIONS UNDER FLAMMABLE FABRICS ACT

Dry Cleaning of Certain Fabrics

On June 21, 1962, a notice of proposed rule making was issued by the Commission and published in the FEDERAL REGISTER on June 22, 1962. Such notice stated that the Federal Trade Commission would on the 9th Day of July 1962, at its offices in the City of Washington, District of Columbia, give consideration to an amendment of § 302.5 (Rule 5(a)) of Part 302, Rules and Regulations under Flammable Fabrics Act. Such notice provided that interested parties might participate by submitting in writing to the Commission on or before such date their views, arguments, or other data and further provided that written rebuttal could be submitted until July 16, 1962. A draft of the proposed amendment was made a part of the notice.

Pursuant to such notice, interested parties were afforded an opportunity to submit their views, arguments, or other data in writing through July 9, 1962, and opportunity was afforded for the submission of written rebuttal until July 16, 1962. All views, arguments, and data presented have been made a part of the record.

After due consideration of the proposed amendment, suggested revisions, deletions and additions thereto, together with all views, arguments, and other data submitted, the following amendment to § 302.5(a) (Rule (5(a)) of Part 302, Rules and Regulations under Flammable Fabrics Act (67 Stat. 111; 15 U.S.C. § 1191) is hereby promulgated. Inasmuch as such amendment involves a relaxation of previous requirements of such Rule, such amendment is hereby made effective upon publication in the FEDERAL REGISTER.

The amendment is as follows:

An amendment of § 302.5(a) (Rule 5(a)) so as to eliminate the requirement for test after dry cleaning of the class of fabrics referred to therein, including bridal illusion, upon the conditions stated in the amended rule. Section 302.5(a) shall hereafter read:

(a) Any textile fabric intended for use in, or used, or contained in an article of wearing apparel, which in its normal and customary use as wearing apparel would not be dry cleaned or washed, need not, upon test made under the procedures outlined in Commercial Standard 191–53, be dry cleaned or washed as prescribed by paragraphs 4.4 and 4.5 of such Commercial Standard if such fabric and article of wearing apparel when marketed or handled are marked or labeled in a clear and legible manner stating "Fabric will be dangerously flammable if dry cleaned or washed." An example of the type of fabric referred to is bridal illusion.

(Sec. 5, 67 Stat. 111; 15 U.S.C. 1194)

Issued: July 23, 1962.

The direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F. R. Doc. 62-7384; Filed, July 26, 1962; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 1—GENERAL PROVISIONS

Copies of Records and Papers

In § 1.526, paragraphs (i), (k), and (l) are amended to read as follows:

§ 1.526 Copies of records and papers.

* * * * *

(i) Schedule of fees:

(1) Typewritten copies:	
(i) Two pages or less	$2.00
(ii) Each additional page	1.00
(2) Photocopy reproductions (all types of copying processes):	
(i) Initial reproduced page, per request	1.00
(ii) Each additional reproduced page	0.25
(3) Certification	0.25
Seal, including certification	0.50
(4) Unsuccessful searching per hour (one hour minimum)	2.25
(5) Reproduction, X-ray films (each)	5.00
(6) Abstracts or copies of medical and dental records which are furnished by Veterans Administration hospitals to insurance companies. Per request	3.00

* * * * *

(k) Those Veterans Administration installations not having photocopying equipment are authorized to arrange with the nearest Veterans Administration installation having such equipment to make the necessary authorized photocopies of records or documents.

(l) Managers or Directors of field stations are authorized to designate employees to certify copies of records and papers furnished under the provisions of paragraph (a) of this section.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective July 27, 1962.

[SEAL] W. J. DRIVER, *Deputy Administrator.*

[F.R. Doc. 62-7373; Filed, July 26, 1962; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55672]

PART 12—SPECIAL CLASSES OF MERCHANDISE

Restrictions on Entry or Withdrawal From Warehouse of Cotton Textiles and Cotton Textile Products

Pursuant to a letter of March 16, 1962, from the President of the United States to the Secretary of the Treasury, published in the FEDERAL REGISTER on March 22, 1962 (27 F.R. 2677), sections 12.70–12.73 of the Customs Regulations were issued governing the entry for consumption or withdrawal from warehouse for consumption of textiles and textile products produced or manufactured in countries participating in the Arrangement Regarding International Trade In Cotton Textiles, done at Geneva July 21, 1961. These regulations were published in Treasury Decision 55589; 27 F.R. 2795.

A letter from the President to the Secretary of the Treasury dated June 21, 1962 (27 F.R. 6009), delegated to the Secretary of the Treasury certain authority conferred on the President by an amendment of section 204 of the Agricultural Act of 1956 (7 U.S.C. 1854) by Public Law 87-488, approved June 19, 1962, relating to the entry and withdrawal from warehouse of certain articles with respect to which a multilateral agreement has been concluded under the authority of 7 U.S.C. 1854 but which are products of a country not a party to the agreement. Pursuant thereto, sections 12.70–12.73 of the Customs Regulations are amended as follows:

Section 12.70 is amended to read as follows:

§ 12.70 Importations restricted.

Under Article IA of the Arrangement Regarding International Trade In Cotton Textiles, done at Geneva July 21, 1961, the United States, if unrestricted imports of cotton textiles are causing or threatening to cause disruption of its domestic market, may request any country participating in the Arrangement to restrain at a specified level not lower than the level prevailing for the twelve-month period ending 30 June 1961, its total exports of any category of cotton textiles causing or threatening to cause such disruption, and failing agreement within thirty days (or sooner under the critical circumstances clause in the Arrangement), the United States may decline to accept imports at a higher level than the specified level. In addition, if such a multilateral agreement has been concluded, similar action pertaining to articles which are the products of countries not parties to the Arrangement may be taken. Following a decision to so decline, the Interagency Textile Administrative Committee will recommend appropriate action to the Secretary of the Treasury, and the Secretary will implement such recommendation under the authority of section 204 of the Agricultural Act of 1956, as amended, pursuant to delegation of such authority to the Secretary by the President in a letter of March 16, 1962 (27 F.R. 2677), and a letter of June 21, 1962 (27 F.R. 6009). This will be done by restrictions on the entry or withdrawal from warehouse of textiles or textile products covered by the Arrangement, and the Bureau of Customs will enforce the restrictions under the direction of the Secretary. (Sec. 204, 70 Stat. 200, as amended; 7 U.S.C. 1854.)

§ 12.71 [Amendment]

Section 12.71 is amended by deleting the word "participating" in the first sentence.

The following citation of authority is added at the end of §§ 12.71, 12.72, and 12.73:

(Sec. 204, 70 Stat. 200, as amended; 7 U.S.C. 1854)

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: July 18, 1962.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-7381; Filed, July 26, 1962; 8:48 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER E—LOAD LINES

[CGFR 62-22]

PART 43—FOREIGN OR COASTWISE VOYAGE

Subpart 43.30—Load Lines for Tankers

FREEBOARD TABLE FOR TANKERS

Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER on January 23, 1962 (27 F.R. 657–665), and the Merchant Marine Council Public Hearing Agenda, dated March 12, 1962 (CG-249), the Merchant Marine Council held a Public Hearing on March 12, 1962, for the purpose of receiving comments, views, and data. The proposals considered were identified as Items I to IX, inclusive. The proposal "freeboard for tankers above 600 feet in length" was in Item V, entitled "Tank Vessels" (CG 249, pages 196 and 197).

A number of comments were received requesting the proposals be revised to incorporate the 1959 recommendations of the United States Committee on Load Lines. These comments were rejected because their acceptance would, in principle, violate the 1930 Load Line Convention. Rule CVI of Annex I to the 1930 International Load Line Convention sets forth the basic freeboard for tankers up to and including 600 feet in length and provides that "Ships above 600 feet in length are to be dealt with by the Administration." These revised freeboards are considered to represent the maximum reductions in freeboard which are possible prior to modification of the present Load Line Convention. Accordingly, the proposal is adopted without change.

This document is the fifth of a series covering the regulations and actions considered at March 12, 1962, Public Hearing and annual session of the Merchant Marine Council. The amendment to Table 43.30–70(a) in 46 CFR 43.30–70 (a) permits the maximum drafts for tankers consistent with obligations for compliance with the 1930 Load Line Convention and with safety.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order 120 dated July 31, 1950 (15 F.R. 6521), and the authority in Title 46, U.S. Code, sections 85a and 88a, the following amendment revising Table 43.30–70(a) in § 43.30–70(a) is prescribed and shall become effective on and after the date of publication of this document in the FEDERAL REGISTER:

§ 43.30–70 Freeboard table for tankers.

(a) * * *

TABLE 43.30–70(a)—BASIC MINIMUM FREEBOARD FOR TANKERS

L (feet)	Freeboard (inches)	L (feet)	Freeboard (inches)
190	21.5	610	110.1
200	23.1	620	111.7
210	24.7	630	113.1
220	26.3	640	114.5
230	28.0	650	115.9
240	29.7	660	117.3
250	31.5	670	118.6
260	33.3	680	119.9
270	35.2	690	121.2
280	37.1	700	122.5
290	39.1	710	123.7
300	41.1	720	124.9
310	43.1	730	126.1
320	45.1	740	127.3
330	47.1	750	128.5
340	49.2	760	129.6
350	51.3	770	130.7
360	53.5	780	131.8
370	55.7	790	132.9
380	57.9	800	134.0
390	60.2	810	135.1
400	62.5	820	136.2
410	64.9	830	137.2
420	67.4	840	138.2
430	69.9	850	139.2
440	72.5	860	140.1
450	75.1	870	141.0
460	77.7	880	141.9
470	80.2	890	142.8
480	82.7	900	143.7
490	85.1	910	144.5
500	87.5	920	145.3
510	89.8	930	146.1
520	92.1	940	146.9
530	94.3	950	147.7
540	96.5	960	148.5
550	98.6	970	149.2
560	100.7	980	149.8
570	102.7	990	150.4
580	104.6	1,000	151.0
590	106.5	[1]	[1]
600	108.4		

[1] Vessels above 1,000 feet are to be dealt with by the Administration.

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 88, as amended; 46 U.S.C. 85a, 88a. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521)

Dated: July 23, 1962.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 62-7372; Filed, July 26, 1962; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

FIRST NATIONAL BANK OF BALTIMORE ET AL.

Notice of Decision Granting Application To Merge

On May 1, 1962, the First National Bank of Baltimore, Baltimore, Maryland, filed an application with the Comptroller of the Currency for permission to merge with the Catonsville National Bank, Catonsville, Maryland, and the Farmers Banking and Trust Company of Montgomery County, Rockville, Maryland, under the charter of the First National Bank of Baltimore and with the title of "The First National Bank of Maryland."

On July 13, 1962, the Comptroller of the Currency granted this application, effective on or after July 20, 1962.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D. C.

Dated: July 23, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-7377; Filed, July 26, 1962; 8:47 a.m.]

FIRST NATIONAL BANK OF WINDSOR LOCKS AND FIRST NATIONAL BANK OF THOMPSONVILLE

Notice of Decision Granting Application To Merge

On May 18, 1962, the First National Bank of Windsor Locks, Windsor Locks, Connecticut, and the First National Bank of Thompsonville, Thompsonville, Connecticut, filed an application with the Comptroller of the Currency requesting permission to consolidate under the charter and title of the First National Bank of Windsor Locks.

On July 12, 1962, the Comptroller of the Currency granted this application, effective on or after July 20, 1962.

Copies of this decision are available on request to the Comptroller of the Currency, Washington, 25, D.C.

Dated: July 23, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-7378; Filed, July 26, 1962; 8:47 a.m.]

LANCASTER COUNTY NATIONAL BANK AND FIRST NATIONAL BANK AND TRUST COMPANY OF MOUNT JOY

Notice of Decision Granting Application To Merge

On May 17, 1962, an application was filed requesting permission to merge the $50.6 million Lancaster County National Bank, Lancaster, Pennsylvania, with the $5.3 million First National Bank and Trust Company of Mount Joy, Mount Joy, Pennsylvania, under the charter and title of the Lancaster County National Bank.

On July 17, 1962, the Comptroller of the Currency granted this application, effective on or after July 24, 1962.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: July 23, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-7379; Filed, July 26, 1962; 8:47 a.m.]

MARYLAND NATIONAL BANK AND MONTGOMERY COUNTY NATIONAL BANK OF ROCKVILLE

Notice of Decision Granting Application To Merge

On May 25, 1962, the Maryland National Bank, Baltimore, Maryland, filed an application with the Comptroller of the Currency requesting permission to merge with the Montgomery County National Bank of Rockville, Rockville, Maryland, under the charter and title of the Maryland National Bank.

On July 13, 1962, the Comptroller of the Currency granted this application, effective on or after July 20, 1962.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: July 23, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62-7380; Filed, July 26, 1962; 8:47 a.m.]

Office of the Secretary

[AA 643.3-C]

MACARONI PRODUCTS FROM CANADA

Fair Value Determination

JULY 18, 1962.

A complaint was received that macaroni products from Canada were being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that macaroni products from Canada are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. The seller's principal market is Canada. Sales to the United States were made outright at arms length and involve no relationship other than buyer-seller. Therefore, purchase price and home market price were the bases of price comparison in this case.

Purchase price was calculated to be the selling price to wholesalers, United States funds, net, f.o.b. seller's plant, less included duty.

Home market price was found to be the price to wholesalers, Canadian funds, net, f.o.b. seller's plant, converted to United States dollars.

Purchase price was found to be higher than home market price.

This determination and the statement of reasons therefore are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 62-7382; Filed, July 26, 1962; 8:47 a.m.]

[Treasury Dept. Order 107; Rev. No. 9]

VARIOUS OFFICIALS

Authority To Affix Seal

By virtue of the authority vested in me as Secretary of the Treasury, including the authority conferred by section 161 of the Revised Statutes, it is hereby ordered that:

1. Except as provided for in paragraph 2, the following officers are authorized to affix the Seal of the Treasury Department in the authentication of originals and copies of books, records, papers, writings, and documents of the Department, for all purposes, including the purposes authorized by 28 U.S.C. 1733(b):

(a) In the Office of Administration Services:

(1) Director of Administrative Services.

(2) Chief, General Services Division.

(3) Chief, Printing and Procurement Division.

(4) Chief, Directives Control and Distribution Branch.

(b) In the Internal Revenue Service:

(1) Commission of Internal Revenue.

(2) Director, and Assistant Director, Collection Division.

(3) Chief, and Assistant Chief, Disclosure Branch, Collection Division.

(c) In the Bureau of Customs:

(1) Commissioner of Customs.

(2) Assistant Commissioner of Customs.

(3) Deputy Commissioner, Division of Management and Controls.

(4) Deputy Commissioner, Division of Investigations and Enforcement.

(5) Deputy Commissioner, Division of Appraisement Administration.

(d) In the Bureau of the Public Debt:

(1) Commissioner of the Public Debt.

(2) Deputy Commissioner in Charge of the Chicago Office.

(3) Assistant Deputy Commissioner in Charge of the Chicago Office.

(e) In the U.S. Coast Guard:

(1) Commandant.

(2) Assistant Commandant.

(3) Administrative Aide to the Commandant.

2. Copies of documents which are to be published in the FEDERAL REGISTER may be certified only by the officers named in paragraph 1(a) of this order.

3. The Director of Administrative Services, the Commissioner of Internal Revenue Service, the Commissioner of the Public Debt, and the Commandant of the U.S. Coast Guard are authorized to procure and maintain custody of the dies of the Treasury Seal.

The officers authorized in paragraph 1(c) may make use of such dies.

Dated: July 16, 1962.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 62-7383; Filed, July 26, 1962; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

AREA FIELD SUPERVISORS

Delegation of Authority

Pursuant to the authority delegated to the Director, Food Distribution Division, Agricultural Marketing Service (26 F.R. 9758) Area Field Supervisors and Assistant Area Field Supervisors acting as Area Field Supervisors are hereby authorized, within the limits of instructions and procedures issued by the Director, to execute Special Milk Agreements with State Agencies and with nonprofit private schools and child-care institutions and to administratively approve for payment claims for reimbursement submitted under such agreements. Such authority to execute Special Milk Agreements with nonprofit private schools and child-care institutions and to administratively approve for payment claims for reimbursement submitted under such agreements may be redelegated to Assistant Area Field Supervisors, to Area Program Heads and to the employee in each area who is responsible to the Program Head for claims review.

This delegation shall be effective as of July 1, 1962.

Issued at Washington, D.C., this 29th day of June 1962.

HOWARD P. DAVIS,
Director, Food Distribution Division, Agricultural Marketing Service.

[F.R. Doc. 62-7369; Filed, July 26, 1962; 8:47 a.m.]

Commodity Credit Corporation

COTTON

Notice of Acquisition by CCC of 1961-Crop Loan

Loans under Commodity Credit Corporation's 1961 Cotton Loan Program mature on July 31, 1962. Notice is hereby given that if the producer or a purchaser of his equity does not repay any such loan before the close of business on July 31, 1962, Commodity Credit Corporation will, pursuant to section 8 of the Loan Agreement covering such loan, elect to acquire title to the cotton securing such loan at the close of business on July 31, 1962, and title thereto shall, without a sale thereof, vest in Commodity Credit Corporation at such time. Commodity Credit Corporation will not pay for any market value which such cotton may have in excess of the amount of the loan, plus interest and charges, as provided in section 8 of the Loan Agreement. Any such loan note which is sent to a local bank for collection at the request of the producer or a purchaser of his equity must be paid at the local bank not later than the close of business on July 31, 1962. Any repayment made by mail must be received by Commodity Credit Corporation or the local bank not later than the close of business on July 31, 1962.

Notwithstanding the foregoing provisions, Commodity Credit Corporation does not elect to acquire any cotton with respect to which there is a basis for a claim against the producer under the terms of the Cotton Producer's Note and Loan Agreement, and in such instance title to the cotton shall not so vest in Commodity Credit Corporation.

Date of signature: July 25, 1962.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-7439; Filed, July 26, 1962; 8:49 a.m.]

Office of the Secretary

WISCONSIN

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the hereinafter named counties in the State of Wisconsin natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

WISCONSIN

Buffalo.	Pepin.
Jackson.	Pierce.
Kenosha.	Trempealeau.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1963, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 19th day of July 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-7393; Filed, July 26, 1962; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-29]

RADIOLOGICAL SERVICE CO., INC.

Notice of Amendment of Byproduct, Source and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 15 to License No. 31-1672-1 which authorizes any employee of the licensee to collect radioactive waste packages at customers' facilities. The amendment also deletes Martin I. Lazarus, deceased, from the license.

Employees of the licensee who will perform the task of collection of radioactive waste packages will:

(1) Have been in the employ of the licensee for a minimum of one month,

(2) Have received training in the use of radiation surveying equipment, and

(3) Have received instruction in the emergency procedures of the licensee.

The licensee is authorized to receive prepackaged waste only. The training which employees of the licensee will receive appears adequate for the service which they will perform.

The Commission has determined, pursuant to the provisions of 10 CFR Parts 2, 30, 40 and 70 that the issuance of the amendment is consistent with applicable provisions of law, regulations and orders issued by the Commission.

In accordance with the Commission's rules of practice, Title 10, Code of Federal Regulations, Chapter I, Part 2, a formal hearing will be held on the matter upon receipt of a request therefor from the licensee or an intervener within fifteen (15) days after the publication of this notice.

The text of the amendment is attached to this notice.

Dated at Germantown, Md., July 19, 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Licensing and Regulation.

[License No. 31-1672-1 (C63); Amdt. 15]

In accordance with applications dated March 9, 1962; March 27, 1962; May 15, 1962; and June 4, 1962, License No. 31-1672-1 is amended as follows:

Condition 2 is amended to read as follows:

2. Byproduct, source and special nuclear material shall be received and transferred by, or in the physical presence of, Herman Glasser or Ellery Foley, and shall be stored under the supervision of Herman Glasser or Ellery Foley.

Byproduct, source and special nuclear material may also be collected at customers' facilities by employees who meet the criteria specified in the applications dated March 27, 1962; May 15, 1962; and June 4, 1962.

Condition 4 is amended to read as follows:

4. Except as specifically authorized otherwise in this license, the licensee shall receive, store and transfer byproduct, source and special nuclear material in accordance with statements, representations and procedures contained in his applications dated August 26, 1958, August 29, 1958, October 27, 1958, September 14, 1959, January 5, 1960, August 23, 1960, September 2, 1960, October 10, 1960, November 30, 1960, March 27, 1962, May 15, 1962, and June 4, 1962.

Date of issuance: July 19, 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Licensing and Regulation.

[F.R. Doc. 62-7350; Filed, July 26, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14724-14725; FCC 62-794]

CAPITOL TELECASTING CO. AND AUSTIN BROADCASTING CO., INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of: Dalton Homer Cobb tr/as Capitol Telecasting Company, Austin, Texas, Docket No. 14724, File No. BPCT-2947; Austin Broadcasting Company, Inc., Austin, Texas, Docket No. 14725, File No. BPCT-2985; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of July 1962;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a television broadcast station to operate on Channel 24 assigned to Austin, Texas; and

It appearing, that the above-captioned applications are mutually exclusive in that operation by both of the applicants, as proposed, would result in mutually destructive interference and that, therefore, a hearing is necessary in order to determine, on a comparative basis, which of the above-captioned applications would better serve the public interest, convenience and necessity; and

It further appearing, that Dalton Homer Cobb, tr/as Capitol Telecasting Company and Austin Broadcasting Company, Inc. have, in accordance with the provisions of § 3.613(b) of the rules, requested a waiver of § 3.613(a) of the rules to permit them to locate their main studios outside the city limits of Austin; that both have shown good cause for a grant of the requested waivers; and that, therefore, no issues with respect to main studio are proposed; and

It further appearing, that Dalton Homer Cobb, tr/as Capitol Telecasting Company and Austin Broadcasting Company, Inc. will not place a minimum field intensity signal of 80 dbu over all of Austin as required by § 3.685(a) of the rules and both have requested a waiver thereof; and, that, therefore, an issue is included with respect to each applicant as to whether circumstances exist which would warrant a waiver of § 3.685(a) of the Commission's rules.

It further appearing, that upon due consideration of the above-captioned applications, the Commission finds that pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary; that Dalton Homer Cobb, tr/as Capitol Telecasting Company is legally and financially qualified to construct, own and operate the proposed television broadcast station and is technically qualified except with respect to issue "1" below; and that Austin Broadcasting Company, Inc. is legally and financially qualified to construct, own and operate the proposed television broadcast station and is technically qualified except with respect to issue "2" below.

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether circumstances exist which would warrant a grant of the request of Dalton Homer Cobb, tr/as Capitol Telecasting Company for a waiver of § 3.685(a) of the rules.

2. To determine whether circumstances exist which would warrant a grant of the request of Austin Broadcasting Company, Inc., for a waiver of § 3.685(a) of the rules.

3. To determine on a comparative basis, which of the proposed operations would better serve the public interest, convenience and necessity in light of the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast station.

(c) The programming services proposed in each of the above-captioned applications.

4. To determine in the light of the evidence adduced pursuant to the foregoing issues which of the applications, if either, should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the date of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in the order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: July 24, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7390; Filed, July 26, 1962; 8:48 a.m.]

[Docket Nos. 14714-14715; FCC 62-778]

DESERT BROADCASTING CO., INC. AND MANUEL MARTINEZ

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Desert Broadcasting Company, Inc., Docket No. 14714, File No. BMPH-6746; for additional time to construct radio station KANT-FM, Lancaster, California; Desert Broadcasting Company, Inc. (Assignor) and Manuel Martinez (Assignee), Docket No. 14715, File No. BAPH-271; for assignment of construction permit for radio station KANT-FM, Lancaster, California.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of July 1962;

The Commission having under consideration the above-entitled applications; and

It appearing, that, the above-entitled application for additional time to construct Station KANT-FM constitutes the seventh such request submitted to the Commission since the permit was granted and raises a question as to whether Desert Broadcasting Company, Inc., has made a diligent effort to complete construction of Radio Station KANT-FM; that the Commission is unable to find that a grant of said application would serve the public interest; and that said application must be designated for hearing; and

It further appearing, that, the consideration for the assignment of the construction permit is $19,937.12, which sum is alleged to represent the assignor's out-of-pocket expenses incurred in securing the construction permit; that the assignor was requested to explain and document certain items of the alleged expenditures; and that the assignor has failed to comply with said request; and

It further appearing, that, in view of the fact that insufficient evidence has been furnished the Commission to substantiate the representation made by Desert Broadcasting Company, Inc., as to the actual out-of-pocket expenses incurred by it in securing the construction permit for Station KANT-TV, the Commission is unable to find that a grant of the above-entitled assignment applica-

tion would serve the public interest, convenience and necessity; and that the application must, therefore, be designated for hearing on the issues specified below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-entitled applications are designated for consolidated hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether the reasons offered by Desert Broadcasting Company, Inc., in support of its request for a seventh extension of completion date constitute a showing that failure to complete construction was due to causes beyond its control, or constitute a showing of other matters sufficient to warrant further extension within the meaning of section 319(b) of the Communications Act of 1934, as amended, and § 1.323(a) of the Commission's rules.

2. To determine whether a grant of the above-captioned assignment application would be consistent with the Commission's policy against "trafficking" in construction permits.

3. To determine the circumstances under which conflicting information was supplied to the Commission by the Desert Broadcasting Company, Inc., in the above-entitled applications or in amendments hereto concerning items of alleged out-of-pocket expenses and the reasons for the discrepancies.

4. To determine whether Desert Broadcasting Company, Inc., has wilfully failed to supply or misrepresented facts or information to the Commission with respect to the above entitled applications or has been lacking in candor in connection therewith.

5. To determine whether, on the basis of the evidence adduced under the foregoing issues, a grant of the above-entitled applications would serve the public interest, convenience and necessity.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(a) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: July 24, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7389; Filed, July 26, 1962; 8:48 a.m.]

[Docket No. 14691; FCC 62M-1033]

GEOFFREY A. LAPPING

Order Rescheduling Prehearing Conference

In re application of Geoffrey A. Lapping, Blythe, California, Docket No. 14691, File No. BP-13609; for construction permit.

It is ordered, This 20th day of July 1962, that the prehearing conference herein now scheduled for September 7, 1962, be and the same is hereby rescheduled for September 4, 1962, at 9:00 a.m. in the Commission's Offices, Washington, D.C.

Released: July 23, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7388; Filed, July 26, 1962; 8:48 a.m.]

[Docket No. 13085 etc.; FCC 62-777]

NATIONAL BROADCASTING CO., INC., ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of I. (a) National Broadcasting Company, Inc., Philadelphia, Pennsylvania, Docket No. 13085, File Nos. BR-562, BRCT-4; for renewal of licenses of Stations WRCV, WRCV-TV, KA-4465, KA-7914, KC-8393 and KGC-93 for the period 1957-1960.

(b) National Broadcasting Company, Inc., Docket No. 14091, File No. BR-562; Docket No. 14092, File No. BRCT-4; for renewal of licenses of Stations WRCV and WRCV-TV, (Channel 3), Philadelphia, Pennsylvania (including TV auxiliary stations KA-4465, KA-7914, KC-8393, KGC-93; and AM and TV auxiliary stations KE-2020 and KGC-593).

(c) Philco Broadcasting Company, Docket No. 14054, File No. BPCT-2774; for a permit to construct a new television station on Channel 3, Philadelphia, Pennsylvania.

(d) National Broadcasting Company, Inc., Assignor, Docket No. 14055, File No. BAL-3911, RKO General, Inc., Assignee, Docket No. 14056, File No. BALCT-122; for consent to assign the licenses of Stations WRCV and WRCV-TV, Philadelphia, Pennsylvania (including TV auxiliary stations KA-4465, KA-7914, KC-8393, KGC-93; and AM and TV auxiliary stations KE-2020 and KGG-593).

II. (a) RKO General, Inc., Docket No. 14057, File No. BR-953; for renewal of license of Station WNAC, Boston, Massachusetts (including AM auxiliary stations KA-5617 and KCB-87).

(b) RKO General, Inc., Assignor, Docket No. 14058, File No. BAL-3912; National Broadcasting Company, Inc., Assignee, Docket No. 14059, File No. BALH-423; Docket No. 14060, File No. BASCA-47; Docket No. 14061, File No. BALCT-123; for consent to assign the licenses of Stations WNAC, WRKO-FM and SCA, WNAC-TV, Boston, Massachusetts (including AM auxiliary stations KA-5617, KCB-87; and TV auxiliary station KA-4866).

1. On April 19, 1961, the Commission had before it for consideration twenty-two interrelated or interdependent assignment, renewal (with the exception of the above-captioned application I(a)) and other applications. On April 25, 1961, the Commission released its Notice and Order [1] which, among other things, (a) captioned said applications into five groups; (b) disposed of various pleadings which had been filed by certain applicants and by Westinghouse Broadcasting Company (Westinghouse) in connection with said applications; (c) indicated, in general, the matters which would be subjects for the framing of issues in a hearing order to be issued thereafter; (d) outlined certain proposed hearing procedures; and (e) afforded the parties the opportunity to file responses with respect to said Notice and Order. Responses were filed by Crowell Collier Publishing Company (Crowell Collier), The Chronicle Publishing Company (Chronicle), San Francisco-Oakland Television, Inc. (SFO), Philco Broadcasting Company (Philco), RKO General, Inc. (RKO) and National Broadcasting Company, Inc. (NBC). These comments have been considered in framing the issues set forth in the hearing order below.

2. Thereafter, on June 29, 1961, a decision was issued by the U.S. Court of Appeals for the District of Columbia Circuit [2] requiring the Commission to hold an evidentiary hearing with respect to the above-captioned application (a) in Group I. Also, pursuant to the request of the parties thereto, the Commission dismissed the following applications on the dates noted:

(a) The applications [3] for the assignment of the licenses of WGMS (AM and FM), Bethesda, Maryland and Washington, D.C., from RKO to KFWB Broadcasting Corporation, the wholly-owned subsidiary of Crowell Collier—September 12, 1961;

(b) The application [4] for the assignment of the construction permit of KTVU(TV), Oakland, California, from SFO to NBC—November 9, 1961;

(c) The applications [5] for the assignment of the licenses of WRC (AM, FM and TV), Washington, D.C., from NBC to RKO—November 20, 1961;

(d) The application [6] of Chronicle for a permit to construct a new television station on Channel 4, Washington, D.C. (now occupied by NBC's WRC-TV)—November 28, 1961. Further, in a letter of March 13, 1962, Chronicle referred specifically to (1) NBC's applications involving the proposals concerning the Boston, Philadelphia, Washington, and San Francisco television stations; and (2) the petition which Chronicle had filed on June 29, 1960 against a grant of said applications and advised the Commission that it "no longer considered itself a party in interest, and accordingly will not participate further in these proceedings." Nevertheless, we propose to inquire into any substantial matters raised by Chronicle.

3. With respect to the above-captioned renewal application ((a) in Group I) the Commission, on July 18, 1957, granted it without hearing and with the following condition: "This action is without prejudice to whatever action the Commission may deem appropriate at such time as presently pending antitrust actions involving Radio Corporation of America and the National Broadcasting Company, Inc., may be terminated."

On August 14, 1957 Philco Corporation, Philadelphia, Pennsylvania (Philco, Pa.) filed a protest against that action pursuant to section 309(c) of the Communications Act (as it read prior to the 1960 amendments thereto). The Commission, on September 11, 1957 dismissed said protest on the grounds that the protestant had not shown itself to be a "party in interest" and had not shown that the Commission's action of July 18, 1957, was improperly made or was otherwise not in the public interest.[7] On June 19, 1958, the U.S. Court of Appeals for the District of Columbia Circuit reversed the Commission's action and remanded the case to the Commission for further consideration,[8] holding that as a manufacturer in competition with RCA (NBC's parent company) Philco had standing to protest where it alleged economic injury because of "preferential publicity" and "advertising advantages" given to RCA by the NBC Philadelphia stations. Thereafter, by Order released August 11, 1959,[9] and under the "demurrer procedure" of former section 309(c), the Commission designated the protest for oral argument on the questions: "• • • whether, if the facts alleged in the protest were proven, grounds have been presented for setting aside the conditional grant of said application; and if an evidentiary hearing is required, the scope thereof."

Following said oral argument, the Commission, by Memorandum Opinion and Order, released July 12, 1960,[10] again dismissed the protest on the grounds that no facts had been alleged to warrant an evidentiary hearing, and that even if proven, the alleged facts presented no grounds for setting aside the conditional grant.

4. On June 29, 1961 (after the expiration of the 1957-1960 renewal period) the Court of Appeals in the Philco case [11] remanded Philco's protest to the Commission for an evidentiary hearing, holding that a number of relevant matters were alleged with sufficient particularity; that Philco's review of what it alleged as past antitrust practices of RCA should not be divorced from its allegations of current monopolistic and other improper practices; that the charges of new misconduct gave the alleged background "new significance"; that the charge that NBC gave "preferential publicity" to RCA did not concern only Philco's standing; and that "the statement in the protest that the preferential publicity is 'instrumental in expanding the adverse effects of RCA's [monopoly] practices' links the publicity charge to character." In light of the matters involved in the above decision, the Attorney General of the United States is being made a party to the subject proceeding and provision therefor has been ordered herein.

5. By letter of September 13, 1961, Philco Broadcasting Corporation notified the Commission that its parent (Philco, Pa.) and the Ford Motor Company (Ford) had, on that day, entered into an agreement by which Ford "or a wholly-owned subsidiary of Ford" would acquire all of Philco Corporation's assets and assume its liabilities; and that the transaction would be closed on or about November 30, 1961, after stockholder approval had been obtained. On September 29, 1961, RKO filed a "Petition to Dismiss" Philco's application for Channel 3 on the grounds that it was "incomplete and defective" because Philco, in its application amendment of May 23, 1961, had answered in the negative the question "are there any • • • contracts or understandings relating to ownership • • • or control of the station • • • or any right or interest therein"; and that in view of the Philco-Ford agreement the answer was incorrect. On October 12, 1961 Philco answered by pointing out that its September 13th letter specifically stated that the proposed merger needed stockholder approval; that the application had been accepted for filing, which disposed of any question as to its completeness; and that in any event it could be amended as a matter of right prior to being designated for hearing, which would be done when stockholder approval was obtained.

6. On December 11, 1961, Ford acquired substantially all of the assets, properties, business and goodwill, etc. of Philco, Pa. including all the stock of Philco Broadcasting Company in exchange for Ford common stock and the assumption by Ford of the liabilities and obligations of Philco, Pa. The latter company, now named "Helios Corporation", has been dissolved and is in the process of being liquidated. Ford subsequently transferred to its new and wholly owned subsidiary "Philco Corporation",[12] a Delaware Corporation (hereinafter referred to as "Philco (Delaware)" substantially all the assets, properties, business and goodwill, etc. acquired by Ford from Philco, Pa. Philco (Delaware) then assumed all the liabilities and obligations of Philco, Pa. initially assumed by Ford, including specifically the obligation to finance Philco Broadcasting Company in its effort to acquire Channel 3 in Philadelphia. On January 2, 1962, the latter's application was amended to reflect the above changes in that applicant's ownership. In view of Philco's full and duly filed disclosures concerning the Philco-Ford merger, we find that no Commission rule or policy was violated; and we have provided herein for the denial of RKO's petition to dismiss Philco's application for Channel 3.

7. On April 18, 1962, NBC filed a Motion to Dismiss the 1957 protest of Philco, Pa., contending that the protestant has elected to go out of business and no longer has standing to prosecute the protest. As grounds for this position, NBC recites the facts concerning Ford's acquisition of Philco, Pa., and contends that the latter company initially was found by the Court to have standing because of its being a competitor of RCA as a manufacturer of radio and electronic equipment; [13] that it is no longer a competitor; and that under these circumstances, "the law is clear" that the protest must be dismissed since the factual predicate upon which standing was based no longer exists; that any claim that Ford may make to pursue the protest on its own behalf must be denied because Ford was not and could not have been a party to the 1957 protest; that the fact that Ford has now entered a field competitive with RCA can give it no right now to attack the 1957 renewal since it is well settled that "a person not aggrieved or affected by an order when it is entered, does not become aggrieved or affected by that order • • • upon the happening of some subsequent event which changes his status"; that no theory can be maintained that Ford can prosecute the protest as the assignee from Philco, Pa. of rights with respect to the protest; that the Ford-Philco agreement does not purport by its terms to assign the status of protestant to Ford which could not be done in any event since a protest is not an asset to be sold and assigned as part of the consideration in a sale of assets; that the opportunity for Ford "to assert any grievances it has already exists for there is now pending a comparative proceeding between Ford's newly acquired subsidiary, Philco Broadcasting Company, and NBC"; and that, in fact, the Commission "has previously indicated" that the subject proceeding may include some of the matters referred to in the protest.

8. In its Response to NBC's Motion to Dismiss, Philco (Delaware) contends that the public interest requires that a hearing be held on NBC's basic qualifica-

[1] FCC 61-530, Mimeo No. 2326.

[2] Philco Corporation v. FCC, 103 U.S. App. D.C. 278, 293 F. 2d 864 (C.A.D.C. 1961).

[3] Applications (BAL-3913 and BALH-424) numbered "IV" in the caption of the Commission's Notice and Order, released April 25, 1961.

[4] Application (BAPCT-284) numbered "V(b)" in the caption of said Notice and Order.

[5] Applications (BAL-3910, BALH-422, BAPLCT-33) numbered "III(c)" in the caption of said Notice and Order.

[6] Application (BPCT-2811) numbered "III(b)" in the caption of said Notice and Order.

[7] 15 Pike & Fischer RR 965; FCC 57-994, Mimeo No. 49068.

[8] Philco Corporation v. FCC, 257 F. 2d 656, 103 U.S. App. D.C. 278 (D.C. Cir. 1958); cert. denied, NBC v. Philco Corporation, 358 US 846 (1959).

[9] Adopted July 31, 1959, FCC 59-859; Mimeo No. 76384.

[10] Adopted July 7, 1960, FCC 60-788; Mimeo No. 89750.

[11] See footnote 2.

[12] The Ford-Philco Agreement provided for the purchase of the name "Philco Corporation."

[13] Philco Corporation v. FCC, see footnote 8.

tions to be a licensee; that whether the required issue is considered in the context of a protest proceeding or whether it is designated in addition to the comparative issues to be heard between NBC and Philco is of secondary importance; that the antitrust conduct of NBC requires a hearing in any event; and that NBC's motion, therefore, raises an "academic question, resolution of which is unnecessary." In support of these contentions, Philco points to the fact that, in view of the pending suit in 1957 by the Department of Justice alleging that NBC's Philadelphia licenses were illegally obtained in the Westinghouse-NBC exchange, and in vew of investigations by Congressional Committees of the circumstances surrounding that exchange, the Commission conditioned its grant of NBC's 1957 renewal application; that at that time, Philco, Pa., filed its protest; that the Court of Appeals has made it plain that it regards the questions raised therein as basic ones requiring consideration by the Commission; that said Court has twice reversed the Commission's dismissal of the protest and directed the Commission to hold a hearing "not only on Philco's allegations but on 'any issue bearing on the qualifications of the licensee or the required finding of public interest, convenience and necessity' "; that the Commission has recognized the need for a hearing on NBC's qualifications in its Notice and Order, which document was lodged with the Court of Appeals on May 18, 1961; and that court decisions and Commission decisions make it clear that the Commission must consider public interest questions despite procedural defects concerning the parties who raise them or even though a protestant wishes to withdraw his protest.

9. Philco further alleges that the effect of the Ford-Philco agreement was to transfer the protest to Ford which has established a new corporation which now carries on the former business activities of Philco, Pa., and "is the proper party to carry on the Protest"; that Philco, Pa., had standing because of the injury done to its business by activities of NBC and RCA which business had been transferred to Philco (Delaware) and which injury continues; that there would be no "mootness" problem had Ford acquired Philco through a stock, rather than an asset acquisition; that the Commission "should not draw distinctions, having such serious potential effects on the public interest, on the basis of such artificial differences in methods of acquisition." Philco argues that although there are no cases under old 309(c) dealing with the effect of a merger pendente lite on a protest many analogous legal principles "clearly indicate that the protest must survive the merger;" that perhaps the closest analogy is the treble damage action under section 4 of the Clayton Act[14] which "confers a right to treble damages on any persons 'injured in his business or property' by a violation of the antitrust laws"; that the "standing" requirement under that section is closely parallel to that of old section 309(c); that for both a protest and a treble damage action, an injury to one's business must be demonstrated; that both the Clayton Act and the Communications Act requires that the injury giving rise to standing be done an existing business; that the treble damage actions are transferable and survive the death of parties and are, therefore, assignable; and that, likewise, a protest should be held transferable to the corporation surviving a merger with the original protestant.

10. In its May 11, 1962 Reply to Philco's Response, NBC points out that the response was not filed by Philco, Pa. (now "Helios Corporation") but by Philco (Delaware), not the original protestant. NBC contends that both Ford and Philco (Delaware) "are strangers to this proceeding"; that they have never sought leave to participate as parties, have never shown the necessary standing to become parties and have never been admitted as parties; that, therefore, neither has "any standing to file a response to the motion to dismiss"; that the new Philco does not claim that it or Ford has any "independent" standing as a party in interest with respect to the 1957 renewal but only that the "effect" of the Ford-Philco agreement was to transfer the protest from Helios Corporation to Ford; and that Ford's new subsidiary is the proper party to "carry on" the protest. NBC further contends that "there is no showing that any such transfer of its protest has in fact taken place"; that a protest is not an "asset", "property", "business" or "goodwill" specifically transferred under the agreement; that neither the new Philco nor Ford has seen fit to "request the Commission to substitute either one as a party to the protest proceeding"; that it would be clearly untimely at this late date to entertain a motion for substitution of parties; that in the absence of the filing and a grant of such a motion the protest must be dismissed; that "a protest is not a claim for money damages, single or treble" nor "is it something in which a person can obtain any interest as in property to be bartered or sold either alone or in conjunction with other assets"; and that if Ford place a substantial value upon the protest which figures in the purchase price, this would constitute "trafficking" in protests contrary to public policy.

11. As we have seen, the Court of Appeals[15] found standing on the part of Philco, Pa. basically because that corporation was competing in the manufacturing business with RCA, the 100 percent stockholder of NBC. Ford, as indicated above, has bought that business from Philco, Pa. and continues it through its new subsidiary, Philco (Delaware). Accordingly, the basic factual situation on which standing was established still prevails, with Ford as the successor protestant. In light of these circumstances, we propose to deny NBC's petition to dismiss and to include the issues substantially as requested in the original protest filed by Philco, Pa. the predecessor of Philco (Delaware).

12. As we have indicated above, the decision in the Philco case requires us to inquire into alleged past and "current" antitrust and anticompetitive practices of RCA. The question is therefore presented as to the commencement date for the period to be considered "current." NBC, in its June 5, 1961 response to the Commission's Notice and Order of April 25, 1961, urged that alleged antitrust activities not involving radio communications, which occurred more than three years before filing of applications, should not be the subject of issues because of "the announced policy" of the Commission in the case of Paramount Pictures, Inc., 8 Pike & Fischer RR 135, where we stated at p. 138: "• • • in general, we shall not, in passing upon applications of persons who are already licensees, consider any activities involving possible antitrust violations not directly involving radio communications which occurred more than three years before the filing of said applications."

NBC's pleading was filed prior to the Court's second decision in the Philco case. However, we believe that, in the matter before us, the above-quoted statement has reasonable applicability to our determination of what is to be considered "current." NBC's renewal application for WRCV–TV (I(a)) was filed in 1957. Accordingly, we have chosen January 1, 1954, as the commencement date for our consideration of "current" practices.

13. On April 18, 1962, NBC filed a petition requesting that if the Commission includes a qualification issue relating to the antitrust history of NBC and/or RCA, such an issue be included as to Philco Broadcasting Company due to the several antitrust actions that have been filed against Ford and/or Philco (Delaware) by the United States or private companies, and alleging "serious and widespread" violations of antitrust laws. This request was opposed by Philco. As indicated below, an issue has been framed with respect to alleged antitrust violations by Ford or Philco (Delaware).

14. In the same petition, NBC also requests an issue as to the character qualifications of Philco Broadcasting Company, alleging that that company, at the time its application was amended in January and May of 1961, continued to assert its financial qualification, when it knew at that time that the financial condition of its parent, Philco, Pa., had drastically changed for the worse and even to a point that necessitated the merger with Ford. We do not believe that NBC's factual allegations support this request. Furthermore, no question of the present financial qualification of Philco Broadcasting has been raised and, in any event, the Commission finds that Ford is qualified to discharge the obligation it has assumed to supply the funds needed by Philco Broadcasting to effectuate the proposals made in its application. Accordingly, the petition of NBC will be denied to the extent that it requests a character qualification issue based on the matters alleged by it concerning finances.

[14] 15 U.S.C. § 15, Stat. 731 (1914).

[15] Philco Corporation v. FCC (footnote 8, *supra*).

15. The caption in our Notice and Order of April 25, 1961, included the application of SFO for a license to cover its construction permit for television Station KTVU. Because of the events which have occurred since the issuance of said Notice and Order, that application will not be considered in these proceedings, but will be the subject of separate consideration by the Commission.

16. In paragraph 13 of said Notice and Order, we indicated that we would inquire into RKO's ownership of Station CKLW–TV, Windsor, Ontario. We do not propose to do so since RKO has dismissed an application to acquire WRC–TV in Washington and, therefore, even with CKLW–TV, RKO would continue to own only five VHF stations serving the United States should it be permitted to exchange its Boston station for one in Philadelphia.

17. In paragraph 6 of the above Notice and Order, the Commission had proposed to suspend the hearing after the evidence had been taken with respect to the applications in Group I and that, after the issuance of the Hearing Examiner's Initial Decision, the hearing would be resumed on the remaining issues pursuant to Commission instructions. In view of the deletion of Groups III, IV, and V captioned in the Notice and Order, this procedure no longer appears warranted.

18. Except with respect to the matters involved in the issues set forth in the hearing order below, we find that the applicants herein are otherwise qualified to own and operate broadcast stations.

In light of the above: *It is ordered*, That, all petitions, motions and requests filed in these proceedings subsequent to the issuance on April 25, 1961, of the Commission's notice and order herein are granted to the extent provided herein and are denied in all other respects.

It is further ordered, That, pursuant to section 309 of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, on the following issues:

(1) To determine whether or not, since January 1, 1954, Radio Corporation of America or National Broadcasting Company, Inc., has been adjudged guilty of violations of the antitrust laws of the United States, or has engaged in anticompetitive practices which reflect adversely on its qualifications to own and operate broadcast stations.

(2) To determine, in the event Issue (1) above is resolved in the affirmative, whether or not related conduct occurred prior to January 1, 1954, which indicates a continuing course of activity on the part of Radio Corporation of America or National Broadcasting Company, Inc., contrary to the public interest.

(3) To determine whether or not the grants of the applications (I(a)) of National Broadcasting Company, Inc., for renewal of the licenses of Station WRCV–TV and its auxiliary stations, for the period 1957–1960 were consistent with the provisions of § 3.636 of the Commission's rules.

(4) To determine whether or not the grants of the applications (I(a)) of National Broadcasting Company, Inc., for renewal of the licenses of Station WRCV–TV and its auxiliary stations, for the period 1957–1960 were consistent with the provisions of § 3.658 of the Commission's rules.

(5) To determine whether or not National Broadcasting Company, Inc., has used, or intends to use, directly or indirectly, its power of network affiliation contrary to the public interest in acquiring or attempting to acquire broadcast stations in Philadelphia, Boston, or San Francisco-Oakland.

(6) To determine whether or not, in other respects, the conduct and activities of National Broadcasting Company, Inc., in acquiring or attempting to acquire broadcast stations in Philadelphia, Boston or San Francisco-Oakland reflect adversely on its qualifications to own and operate broadcast stations.

(7) To determine, in light of the evidence adduced with respect to the foregoing issues, whether or not Radio Corporation of America and National Broadcasting Company, Inc., possess the requisite qualifications to be licensees of broadcast stations.

(8) To determine, in light of the evidence adduced with respect to the foregoing issues, whether or not the Commission's grants of the applications (I(a)) of National Broadcasting Company, Inc., for renewal of the licenses of Station WRCV and WRCV–TV, and their auxiliary stations, for the period 1957–1960 were in the public interest.

(9) To determine whether or not, since January 1, 1954, Ford Motor Company or Philco (Delaware) has been adjudged guilty of violations of the antitrust laws of the United States, or has engaged in anticompetitive practices which reflect adversely on its qualifications to own and operate broadcast stations.

(10) To determine, in the event Issue (9) above is resolved in the affirmative, whether or not related conduct occurred prior to January 1, 1954, which indicates a continuing course of activity on the part of Ford Motor Company contrary to the public interest.

(11) To determine, in light of the evidence adduced with respect to Issues (9) and (10), whether or not Philco Broadcasting Company possesses the requisite qualifications to be a licensee of a broadcast station.

(12) To determine, in light of the evidence adduced with respect to Issues (9) and (10) whether or not a grant of the application (I(c)) of Philco Broadcasting Company would serve the public interest, convenience and necessity.

(13) To determine, on a comparative basis, in the event both of the applicants are found qualified under the foregoing issues, whether the proposals of National Broadcasting Company, Inc., or those of Philco Broadcasting Corporation as to the operation of a television station on Channel 3, Philadelphia, Pennsylvania, would better serve the public interest, convenience and necessity in light of the significant differences between said applicants as to:

(a) The background and experience of each having a bearing on the applicants' ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of said applications.

(14) To determine, in light of the evidence adduced with respect to the foregoing issues, which of the applications (I(b) or I(c)) should be granted.

(15) To determine, in the event of a grant of the application (I(b)) of National Broadcasting Company, Inc., for renewal of license of Station WRCV–TV, whether or not RKO General, Inc., or any entity or individual associated or in privity with said applicant, engaged in conduct or activities, with respect to the efforts of National Broadcasting Company, Inc., to acquire television Station KTVU in Oakland, reflecting adversely on the qualifications of RKO General, Inc., to own and operate broadcast stations.

(16) To determine, in light of the evidence adduced with respect to Issue (15), whether or not a grant of the application (I(d)) for consent to assign the licenses of Stations WRCV and WRCV–TV, and auxiliary stations, from National Broadcasting Company, Inc., to RKO General, Inc., would serve the public interest, convenience and necessity.

(17) To determine, in light of the evidence adduced with respect to Issue (15) whether or not a grant of the application (II(a)) of RKO General, Inc., for renewal of license of Station WNAC would serve the public interest, convenience and necessity.

(18) To determine whether or not a grant of the application (II(b)) for consent to assign the license of Station WNAC–TV from RKO General, Inc., to National Broadcasting Company, Inc., would be inconsistent with the provisions of § 3.658 of the Commission's rules, particularly with respect to any restraint on competition (a) among television stations in the Boston area for network affiliation, (b) among networks for affiliation with television stations in the Boston area, and (c) among independent producers of programs.

(19) To determine, in light of the evidence adduced with respect to Issues (15) and (18) and the resolution of Issue (17) whether or not a grant of the application (II(b)) for consent to assign the licenses of WNAC, WRKO–FM, WNAC–TV, and auxiliary stations, from RKO General, Inc., to National Broadcasting Company, Inc., would serve the public interest, convenience and necessity.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof as to Issues (1) to (4) inclusive shall be on Philco Corporation and Philco Broadcasting Company; as to Issues (5) and (6), the burdens shall be on said companies and Westinghouse Broadcasting Company, Inc.; as to Issues (9) and (10), the burdens shall be on National Broadcasting Company, Inc.; and as to Issues (15) and (18), the burdens shall be on Westinghouse.

It is further ordered, That the Attorney General of the United States and Westinghouse Broadcasting Company, Inc., are hereby made parties to this proceeding.

It is further ordered, That, the Hearing Officer assigned to preside at these proceedings shall make full use of his authority to utilize, among other procedures, prehearing conferences, the filing of stipulations as to facts and issues, and incorporation by reference, with the objective of expediting the hearing, refining the issues and keeping the hearing within practicable limits; that, at the conclusion of Philco's presentation of evidence under Issue (1), the Hearing Officer shall consider whether Philco has made a prima facie case of proof; that the Hearing Officer shall consider the extent to which Philco has produced evidence bearing on the recent misconduct of RCA and/or NBC before determining the extent to which evidence as to long past background material relating to their activities is warranted; and that the same procedure shall apply with respect to NBC's evidence under Issues (9) and (10).

It is further ordered, That full evidence shall be taken under all of the foregoing issues before the record is closed and the Initial Decision is issued by the Hearing Officer.

It is further ordered, That to avail themselves of the opportunity to be heard, the parties, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Adopted: July 18, 1962.

Released: July 24, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7386; Filed, July 26, 1962; 8:48 a.m.]

[Docket Nos. 14726-14727]

PROGRESS VALLEY BROADCASTERS CO. AND SHAKOPEE BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of George J. McCarthy, Robert J. Chevalier and Robert D. Zellmer, Limited Partnership, d/b as Progress Valley Broadcasters Company, Shakopee, Minnesota, Docket No. 14726, File No. BP-14665; req.: 1530 kc, 500 w, Day, Class II; Alfred R. Sundberg, James J. Delmont and Edward M. Smith, Limited Partnership, d/b as Shakopee Broadcasting Company, Shakopee, Minnesota, Docket No. 14727, File No. BP-15281; req.: 1530 kc, 1 kw, DA, Day, Class II; for construction permits.

The Commission, by the Chief of the Broadcast Bureau, under delegated authority, considered the above-captioned applications on July 19th, 1962;

It appearing, that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially and otherwise qualified to construct and operate the instant proposals; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The applications of Progress Valley Broadcasters Company (BP-14665) and Shakopee Broadcasting Company (BP-15281) are mutually exclusive.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the respective proposals of Progress Valley Broadcasters Company and Shakopee Broadcasting Company and the availability of other primary service to such areas and populations.

2. To determine, on a comparative basis, which of the instant proposals would better serve the public interest, convenience, and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

a. The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

b. The proposals of each of the instant applicants with respect to the management and operation of the proposed stations.

c. The programming services proposed in each of the instant applications.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the instant applications should be granted.

It is further ordered, That, in the event of a grant of the application of either Progress Valley Broadcasters Company or Shakopee Broadcasting Company, the construction permit shall contain the following condition: Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 3.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, in the event of a grant of the applications of Progress Valley Broadcasters Company, the construction permit shall also contain the following condition: This authorization is subject to compliance by permittee with any applicable procedures of the FAA.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publications of such notice as required by § 1.362(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petitions properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

Released: July 24, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7385; Filed, July 26, 1962; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI63-7 etc.]

ATLANTIC REFINING CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JULY 20, 1962.

In the matter of The Atlantic Refining Company, Docket No. RI63-7; Shell Oil Company (Operator), et al., Docket No. RI63-8; Phillips Petroleum Company, Docket No. RI63-17; Pan American Petroleum Corporation, Docket No. RI63-16; Shell Oil Company, Docket No. RI63-18; The Hefner Company, Docket No. RI63-19.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 psia with the exception of the sales made by The Atlantic Refining Company and Shell Oil Company (Operator), et al., which are made at a pressure base of 15.025 psia. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI63-7	The Atlantic Refining Co., P.O. Box 2819, Dallas 21, Tex.	56	11	Olin Gas Transmission Corp. (Vixen Field, Caldwell Parish, La.).	$8,742	6-28-62	[1] 8-29-62	1-29-63	16.5	[2] 18.5	G-13145
RI63-8	Shell Oil Co. (Operator), et al., 50 West 50th St., New York 20, N.Y.	57	12	Olin Gas Transmission Corp. (Vixen Field, Caldwell Parish, La.).	71,175	6-25-62	[1] 8-29-62	1-29-63	16.5	[2] 18.5	G-13144
RI63-16	Phillips Petroleum Co., Bartlesville, Okla.	206	1	Panhandle Eastern Pipe Line Co. (Leslie Field, Meade County, Kans.).	289	6-22-62	[1] 7-24-62	12-24-62	15.0	[3] 16.0	----------
RI63-17	Shell Oil Co., 50 West 50th St., New York 20, N.Y.	222	1	Colorado Interstate Gas Co. (Laverne Field, Harper County, Okla.).	357	6-25-62	[1] 9-1-62	2-1-63	[4] [5] 16.70	[6] [7] 17.81	----------
	do	4		do	93	6-29-62	[8] 8-5-62	1-5-63	[4] 17.39	[6] 18.54	----------
RI63-18	Pan American Petroleum Corp., P.O. Box 1654, Oklahoma City 1, Okla.	169	13	Skelly Oil Co. (Panhandle Field, Carson County, Tex.) (R.R. District No. 10).					11.7168	11.8067	R162-314
RI63-19	The Hefner Co., 720 Northwest 50th St., Oklahoma City 18, Okla.	3	2	Cities Service Gas Co. (Northeast Florence Field, Grant and Alfalfa Counties, Okla.) ("Other" area).	1,100	7-2-62	[1] 8-1-62	1-1-63	12.0	[3] [9] 13.0	----------

[1] The stated effective date is the effective date proposed by respondent.
[2] Renegotiated rate increase.
[3] Periodic rate increase.
[4] Includes base rate of 15.0 cents per Mcf plus upward Btu adjustment.
[5] Temporary authorization issued in Docket No. G-19805 at rate of 15.0 cents per Mcf subject to upward or downward Btu adjustment.
[6] Includes base rate of 16.0 cents per Mcf plus upward Btu adjustment.
[7] Hoover Zone.
[8] Tonkawa Zone.
[9] The stated effective date is 30 days after respondent's previously suspended rate increase was made effective.
[10] Includes ¾ cent per Mcf dehydration charge.

All of the proposed increased rates listed herein exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. 1), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 4, 1962.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-7362; Filed, July 26, 1962; 8:45 a.m.]

[Docket No. CI61-1411 etc.]

UNION TEXAS NATURAL GAS CORP. ET AL.

Notice of Certificate Applications and Date of Hearing and Notice of Applications for Amendment of Certificate Authorizations

JULY 20, 1962.

In the matter of Union Texas Natural Gas Corporation, et al.,[1] Docket No. CI61-1411; Union Texas Petroleum, a Division of Allied Chemical Corporation, Docket No. CI62-1010 (see Appendices for related dockets); Anderson-Prichard Oil Corporation, Docket No. G-10624; Union Texas Natural Gas Corporation, Docket Nos. G-3635 and G-3636.

Take notice that on March 29, 1961, as amended on May 29, 1961, Union Texas Natural Gas Corporation, et al. (Union) filed in Docket No. CI61-1411 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Union to continue the sales of natural gas previously made by Anderson-Prichard Oil Corporation (APCo) under certificate authorizations granted to APCo, or to predecessors of APCo, as listed in Appendix I hereto, and asking to be substituted as Applicant in lieu of APCo in the latter's pending certificate applications listed in Appendix II hereto, all as more fully set forth in the application, as amended, which is on file with the Commission and open to public inspection.

By instruments of assignment executed August 30, 1960 (effective November 1, 1960), APCo conveyed to Union five-sixths interest, and to Frankfort one-sixth interest, in all of its exploration and producing properties, wherever located.

On March 1, 1962, as amended on April 20, 1962, Union Texas Petroleum, a Division of Allied Chemical Corporation (Allied) filed in Docket No. CI62-1010 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Allied to continue the sales of natural gas previously made by Union under certificate authorizations (including those previously issued to APCo and its predecessors) in the dockets listed in the aforesaid Appendix hereto, and asking to be substituted as Applicant in lieu of Union in the pending applications listed in Appendix II hereto, all as more fully set forth in the application in Docket No. CI62-1010, as amended, which is also on file with the Commission and open to public inspection.

On December 18, 1961, Union and Allied entered into an Agreement of Merger whereby, effective February 20, 1962, Union was merged into Allied and

[1] Union is filing for itself and Joseph E. Seagram & Sons, Inc. d/b/a Frankfort Oil Company (Frankfort).

Allied became the sole surviving corporation, as evidenced by properly certified documents accompanying the application in Docket No. CI62-1010. Concurrently with the filing of its application Allied filed notices of succession to the filed FPC Gas Rate Schedules of Union.

The amendment filed on April 20, 1962, by Allied requested inclusion under the application filed March 1, 1962, of authorization to continue the sales of natural gas previously made by Texas Gas Products Corporation (Texas Gas) under certificate authorization granted to Texas Gas in Docket No. G-4721. Notice of succession to related Texas Gas FPC Gas Rate Schedule No. 1 was filed concurrently with said amendment.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 30, 1962, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 20, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

On June 8, 1960, APCo filed a petition to amend its certificate authorization in Docket No. G-10624 to include therein authorization to sell low pressure gas to El Paso Natural Gas Company from the Windham "A" No. 2 and Windham "C" No. 1 Wells, located in the Jack Herbert Field, Upton County, Texas, pursuant to two amendatory agreements dated April 11, 1960, to the basic contract dated June 5, 1956, as amended.

On July 21, 1961, Union filed a petition to amend its certificate authorizations in Docket Nos. G-3635 and G-3636, as previously amended, to reflect certain changes in the acreage dedication provisions originally set forth in Union's FPC Gas Rate Schedule Nos. 2 and 3 pursuant to and in accordance with the Order Approving Settlement, Prescribing Refunds and Terminating Proceedings, in Union Texas Natural Gas Corporation, Docket Nos. G-11563 and G-17600, issued June 21, 1961.

On March 1, 1962, Allied, concurrently with its certificate application in Docket No. CI62-1010, filed a motion to substitute Union Texas Petroleum, a Division of Allied Chemical Corporation, as Respondent in the pending rate proceedings listed in Appendix III hereto. In said motion, Allied formally adopted, ratified and made its own "in every respect the corporate undertakings which have heretofore been filed with the Federal Power Commission by Union Texas Natural Gas Corporation in" the docketed proceedings listed in said Appendix III hereto, except as to Docket Nos. AR61-1 and AR61-2.

Protests, petitions to intervene or requests for hearing as to the amendment petitions or motions in Docket Nos. G-10624, G-3635, G-3636, and the dockets listed in Appendix III hereto, may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 20, 1962.

GORDON M. GRANT,
Acting Secretary.

APPENDIX I

Certificate authorization orders (as amended) to be amended by substituting the name of Union Texas Petroleum, a Division of Allied Chemical Corporation, as certificate holder:

Docket No. G-3635 (order issued March 18, 1957, Docket Nos. G-2858, et al.).

Docket No. G-3636 (order issued February 21, 1957, Docket Nos. G-2579, et al.).

Docket No. G-4439 (order issued May 31, 1955, Docket Nos. G-2742, et al.).

Docket Nos. G-4656, G-4659 and G-4660 (order issued December 14, 1956, Docket Nos. G-4656, et al.).

Docket No. G-4721 (order issued September 16, 1955, Docket Nos. G-3902, et al.).

Docket No. G-4875 (order issued September 21, 1956, Docket Nos. G-2864, et al.).

Docket Nos. G-6223, G-6224, G-6225, G-6230, G-6614, G-6680, G-6681, G-6682, G-6683, G-6685, G-6686 and G-7095 (order issued December 23, 1955, Docket Nos. G-6222, et al.).

Docket No. G-8123 (order issued October 7, 1955, Docket Nos. G-8054, et al.).

Docket Nos. G-8295, G-8329, G-9422, G-9425, and G-9426 (order issued February 21, 1956, Docket Nos. G-6580, et al.).

Docket Nos. G-8298 and G-8328 (order issued November 30, 1958, Docket Nos. G-4417, et al.).

Docket No. G-9147 (order issued October 26, 1956, Docket Nos. G-5524, et al.).

Docket Nos. G-9828, G-9829 and G-9946 (order issued May 21, 1956, Docket Nos. G-8512, et al.).

Docket No. G-10049 (order issued October 16, 1956, Docket Nos. G-3244, et al.).

Docket No. G-10168 (order issued April 8, 1957, Docket Nos. G-9833, et al.).

Docket Nos. G-10619 and G-11139 (order issued April 22, 1957, Docket Nos. G-10551, et al.).

Docket Nos. G-10384, G-10519, and G-10624 (order issued March 13, 1957, Docket Nos. G-10330, et al.).

Docket No. G-10823 (order issued January 2, 1957, Docket Nos. G-10806, et al.).

Docket No. G-12109 (order issued July 29, 1957, Docket Nos. G-8754, et al.).

Docket No. G-13209 (order issued April 24, 1958, Docket Nos. G-12769, et al.).

Docket No. G-13460 (order issued October 10, 1958, Docket No. G-13460).

Docket No. G-13719 (order issued October 5, 1959, Docket Nos. G-13380, et al.).

Docket Nos. G-12596 and G-14216 (order issued June 2, 1958, Docket Nos. G-12578, et al.).

Docket No. G-13884 (order issued May 2, 1958, Docket Nos. G-12181, et al.).

Docket No. G-13968 (order issued February 4, 1960, Docket Nos. G-13961, et al.).

Docket No. G-14227 (order issued September 4, 1958, Docket Nos. G-13169, et al.).

Docket No. G-15533 (order issued May 6, 1960, Docket Nos. G-14692, et al.).

Docket No. G-15808 (order issued June 8, 1960, Docket Nos. G-3143, et al.).

Docket No. G-17742 (order issued June 19, 1959, Docket Nos. G-15463, et al.).

Docket No. G-17918 (order issued September 19, 1959, Docket Nos. G-17897, et al.).

Docket No. G-18767 (order issued January 27, 1960, Docket Nos. G-18766, et al.).

Docket No. CI61-979 (order issued August 7, 1961, Docket Nos. G-13055, et. al.).

APPENDIX II

Pending certificate applications to be amended by substituting the name of Union Texas Petroleum, a Division of Allied Chemical Corporation, as Applicant:

No temporary authorization Docket Nos.	*Temporary authorization issued* Docket Nos.
G-14309	G-13221
CI61-732	CI60-276
	CI61-462
	CI61-1275

APPENDIX III

Pending rate proceedings to be amended by substituting the name of Union Texas Petroleum, a Division of Allied Chemical Corporation, as Respondent:

Docket Nos.

G-15833	G-19651	RI60-150
G-15947	G-19644	RI62-91
G-16023	G-20421	RI62-258
G-16889	G-20436	RI62-259
G-18951	RI60-121	AR61-1
G-19638	RI60-149	AR61-2

[F.R. Doc. 62-7363; Filed, July 26, 1962; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 24, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37843: *Starch or dextrine to Naheola, Ala.* Filed by O. W. South, Jr., Agent (No. A4211), for interested rail carriers. Rates on starch or dextrine, and related articles, in carloads, from specified points in Illinois, Iowa, and Missouri, to Naheola, Ala.

Grounds for relief: Market and private motor-truck competition.

Tariffs: Supplement 30 to Illinois Freight Association tariff I.C.C. 979 and supplement 91 to Southern Freight Association tariff I.C.C. S-116.

FSA No. 37844: *Joint motor-rail rates from and to points in Texas.* Filed by J. D. Hughett, Agent (No. 38), for interested carriers. Rates on commodities moving on class and commodity rates

loaded in highway trailers of the motor carriers over the highways, thence transported on railroad flat cars of the railroads, between points in Texas, on the lines of the Central Freight Lines, Inc., and points in Arkansas and Oklahoma, also Dallas (Irving), Tex., and Memphis, Tenn., on the lines of the St. Louis-San Francisco Railway Company and the St. Louis, San Francisco and Texas Railway Company.

Grounds for relief: Motor-truck competition.

Tariffs: Supplements 21 and 27 to J.D. Hughett, Agent, tariffs M.F.-I.C.C. 352 and 330, respectively, also supplements 39 and 40 to J. D. Hughett, Agent, tariff M.F.-I.C.C. 326.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-7370; Filed, July 26, 1962; 8:47 a.m.]

[Notice No. 669]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 24, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64943. By order of July 20, 1962, the Transfer Board approved the transfer to Phillip E. Legge, John Mitrzyk, and Walter S. Drzewiecki, a partnership, doing business as Meyer Grain Company, Star City, Indiana, of portions of Certificates Nos. MC 76294 and MC 76294 Sub-9, issued by the Commission January 17, 1941, and May 24, 1950, respectively, and all of Certificate No. MC 76294 Sub-4, issued by the Commission September 14, 1945, to John Meyer, Jr., Star City, Indiana, authorizing the transportation of: Cucumbers and pickles, from 13 specified counties in Indiana, to Holland, Mich., from Star City, Ind., to Chicago, Ill.; empty pickle containers, from Holland, Mich., and Chicago, Ill., to the above-specified Indiana points; empty containers for agricultural commodities, from Chicago, Ill., to points in that part of Indiana on and north of U.S. Highway 40; fresh cucumbers, in open top crates, during the season extending from July 20 to September 20, of each year, over irregular routes, from Bluffton, Ind., to Holland, Mich.; and empty containers for fresh cucumbers over irregular routes, from Holland, Mich., to Bluffton, Ind., cucumbers and pickles in baskets and in crates and cucumbers and pickles, in brine, in barrels and tank vehicles, from points in Indiana to Holland, Mich., and cucumbers and pickles in brine, in tank vehicles, from points in Indiana and the Lower Peninsula of Michigan to points in Illinois within the Chicago Commercial Zone as defined by the Commission; empty pickle containers, from above-named destination points to points of origin. William J. Guenther, 1212 Fletcher Trust Building, Indianapolis, Ind., attorney for applicants.

No. MC-FC 65096. By order of July 20, 1962, the Transfer Board approved the transfer to James Calder, doing business as Calder's Van Co., Chicago, Ill., of Certificate No. MC 107351, issued by the Commission July 31, 1957, to ABC, Inc., authorizing the transportation over irregular routes, between Marshalltown, Iowa, and points within 80 miles thereof, on the one hand, and, on the other, points in Iowa, Missouri, Kansas, Minnesota, Illinois, Nebraska, and Colorado. Stephen Robinson, 412 Equitable Building, Des Moines 9, Iowa, attorney for applicants.

No. MC-FC 65147. By order of July 20, 1962, the Transfer Board approved the transfer to Earl G. Poirier and Joy E. Poirier, a partnership, doing business as Great Western Bus Line, Box 615, Shelby, Mont., of Certificate No. MC 123525, issued July 17, 1961, to Alvin R. Hagen and Neal C. Fergerson, a partnership, doing business as Great Western Bus Line, 17 Main Street, Kalispell, Mont., authorizing the transportation of: Passengers and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, between Kalispell, Mont., and Havre, Mont., serving all intermediate points: From Kalispell over U.S. Highway 2 to Havre, and return over the same route.

No. MC-FC 65156. By order of July 20, 1962, the Transfer Board approved the transfer to J. R. Kruger, Waukon, Iowa, of Certificates Nos. MC 117635 and MC 117635 Sub-1, issued July 8, 1959, and August 30, 1960, respectively, to Dwain M. Welter, doing business as Welter's Truck Service, Luana, Iowa, authorizing the transportation of: Fertilizer, from Prairie du Chien, Wis., to points in Allamakee and Clayton Counties, Iowa, and specified portions of the States of Iowa, and Minnesota, Baler twine, from Milwaukee, Wis., to Postville, Iowa, and also a specified portion of Iowa, and Malt beverages, from Omaha, Nebr., to Guttenberg, Iowa, and empty malt beverage containers on return. William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa, practitioner for applicants.

No. MC-FC 65163. By order of July 20, 1962, the Transfer Board approved the transfer to Certified Van Service, Inc., Richmond Hill, N.Y., of Certificate No. MC 91469, issued September 28, 1956, to Joseph McNamara, doing business as Certified Van Service, Richmond Hill, N.Y., authorizing the transportation of: Household goods, as defined by the Commission, between New York, N.Y., on the one hand and, on the other, points in Connecticut, New Jersey, New York, and Pennsylvania. Joseph A. O'Neill, 125-14 Liberty Avenue, Richmond Hill 19, N.Y., attorney for applicants.

No. MC-FC 65200. By order of July 20, 1962, the Transfer Board approved the transfer to Stafford Trucking, Inc., Milwaukee, Wis., of Certificates Nos. MC 117370, MC 117370 Sub-2 and MC 117370 Sub-4, issued March 23, 1960, August 5, 1959, and May 29, 1961, respectively, to Jack Stafford, doing business as Stafford Trucking, Milwaukee, Wis., authorizing the transportation of: Foundry sand, in bulk, in hopper-type vehicles, between points in Wisconsin, and specified portions of Michigan, Indiana, Illinois, and Iowa, Salt, in bulk, in dump or hopper-type vehicles, from Milwaukee ,Wis., to points in Illinois, on and north of U.S. Highway 6, and Foundry sand, in bulk, in hopper-type vehicles, from vicinity Portage, Wis., to Winona, Minn. James L. Coppersmith, 3508 West Fond du Lac Avenue, Milwaukee 16, Wis., attorney at law.

No. MC-FC 65209. By order of July 20, 1962, the Transfer Board approved the transfer to Ross C. Gay, doing business as Gay Truck Line, Falkner, Miss., of Certificates Nos. MC 104881 Sub 2 and MC 104881 Sub 3, issued by the Commission August 31, 1945 and November 3, 1950, to Ross C. Gay and J. T. Gay a partnership, doing business as Gay Truck Line, Falkner, Miss., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, between Memphis, Tenn., and Walnut, Miss., with service authorized to and from the intermediate and offroute points of Ashland, Ripley, Falkner, Tiplersville, Blue Mountain, Brownfield, and Chalybeate, Miss., and to and from all intermediate points between the Mississippi-Tennessee State line and Walnut and the offroute point of Michigan City, Miss. Edward G. Grogan, 1500 Commerce Title Building, Memphis 3, Tenn., attorney for applicants.

No. MC-FC 65210. By order of July 20, 1962, the Transfer Board approved the transfer to Donaldson Trucking, Inc., Route 1, Bloomer, Wis., of Certificates Nos. MC 88060 and MC 88060 Sub-2, issued August 24, 1949, and July 21, 1952, respectively, to Elwood Donaldson, Route 1, Dallas, Wis., authorizing the transportation of: Livestock, between points in the Towns of Colfax, Wilson, Sand Creek, and Grant, Dunn County, Wis., Auburn, Chippewa County, Wis., Sioux Creek and Dallas, Barron County, Wis., on the one hand, and, on the other, South St. Paul, Minn., creamery supplies, from Minneapolis and St. Paul, Minn., to the Village of Sand Creek, Wis., feed, from Minneapolis, Minn., to the Village of Sand Creek, Wis., ordinary livestock, between points in the Town of Dovre, Barron County, Wis., and the Town of Otter Creek, Dunn County, Wis., on the one hand, and, on the other, South St. Paul, and Newport, Minn., and manufactured fertilizer, from Winona, Minn., to Sand Creek, Wis., and points within 15 miles thereof.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-7371; Filed, July 26, 1962; 8:47 a.m.]

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Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1962 C.C.C. Grain Price Support Bulletin 1, Sup. 1, Dry Edible Beans]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1962-Crop Dry Edible Bean Loan and Purchase Agreement Program

A price support program has been announced for the 1962-crop of dry edible beans. The 1962 C.C.C. Grain Price Support Bulletin 1, 27 F.R. 4411, issued by the Commodity Credit Corporation and containing the specific regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1962 is supplemented as follows:

Sec.
421.1341 Purpose.
421.1342 Availability of price support.
421.1343 Cooperative marketing associations.
421.1344 Eligibility requirements.
421.1345 Eligible beans.
421.1346 Determination of quality.
421.1347 Determination of quantity.
421.1348 Credit for loss or damage.
421.1349 Warehouse receipts.
421.1350 Warehouse charges and packaging.
421.1351 Maturity of loans.
421.1352 Storage in transit.
421.1358 Settlement.
421.1354 Support rates.

AUTHORITY: §§ 421.1341 to 421.1354 issued under sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 421.1341 Purpose.

This subpart states additional specific requirements which, together with the applicable provisions of the general regulations contained in the 1962 C.C.C. Grain Price Support Bulletin 1 (§§ 421.1101 to 421.1132, 27 F.R. 4411), and any amendments thereto, apply to loans and purchase agreements under the 1962-Crop Dry Edible Bean Price Support Program.

§ 421.1342 Availability of price support.

(a) *Area.* Price support will be available through farm-storage and warehouse-storage loans and purchase agreements on eligible beans produced in the United States. Farm-storage loans will not be available in areas where the State committee determines that beans cannot be safely stored on the farm.

(b) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm program records for the farm. An eligible cooperative marketing association of producers must make application at the county committee office for the county in which the principal office of the association is located unless the States committee designates some other county ASCS office. An application may be submitted only after the association has been determined to be an eligible association under § 421.1343.

(c) *When to apply.* Loans and purchase agreements will be available from harvest through January 31, 1963. The applicable documents must be signed by the producer and delivered to the office of the county committee not later than such date.

§ 421.1343 Cooperative marketing associations.

A cooperative marketing association which satisfies the requirements of this section shall be deemed an eligible producer and shall be eligible for price support on eligible beans through warehouse-storage loans and purchase agreements: *Provided,* That warehouse-storage loans may be made to an association which tenders to CCC warehouse receipts issued by it on its own beans only in those States where the issuance and pledge of such warehouse receipts are valid under State law. Applications for determination of eligibility shall be submitted to the State committee of the State where the association's principal office is located no later than December 1, 1962.

(a) *Producer-owned and controlled.* The association must be a producer-owned cooperative marketing association of producers under the control of its producer-members. The association shall submit with its application a brief statement of its method of operations showing the manner in which producer-members have control of the association.

(b) *Articles or by-law provisions.* The articles of incorporation or association, or by-laws of the association, must provide for: (1) An annual membership meeting at a location which will provide reasonable opportunity for all members to attend and participate, (2) a notice of all district, area, or annual meetings to be given to all members affected by such meetings, (3) membership in the association to be open to all farmer-producers of beans except that producers may be denied membership on a reasonable basis, including among other reasons, that the membership of the farmer producer would be inimical to the effective operation of the association, (4) voting on election of officers and directors by secret ballot, (5) a single vote for each member, regardless of the number of shares of stock owned or controlled by him, or voting rights for each member based on his production of beans marketed by the association during the current year or a single preceding year, but whichever of the above described methods of voting is practiced, it shall be uniform for all members of the association, and (6) each member receiving a summary financial statement prepared by the independent accountant who made the annual audit of the association.

(c) *Financial condition.* The association must submit with its application evidence establishing to the satisfaction of the Executive Vice President, CCC, that its operation is on a financially sound basis. The association must have been in existence and conducting legitimate marketing operations for its producer-members for a period of not less than two years prior to the date of its application or submit evidence that it is so organized and staffed so as to provide effective marketing operations for its producer-members.

(d) *Conflict of interest.* The association must submit with its application a detailed report concerning all transactions for the year preceding the date of the application: (1) With any director, officer, or employee of the association and any of his close relatives, (2) with any partnership in which any such person and his close relatives are entitled to receive more than 5 percent of the gross profits, (3) with any corporation in which any such person and his close relatives own more than 5 percent of the stock, (4) with any business entity from which any such person or any of his close relatives received fees for transacting business with or on behalf of the association, or (5) with any business entity in which an agent, director, officer or employee of the association was an agent, director, officer or employee of such business entity. A close relative shall be deemed to refer to a husband or a wife or a person related as child, parent, brother, or sister by blood, adoption, or marriage and shall include in-laws within such categories of relationship. The report shall include, but is not limited to, transactions involving purchases, sales, processing, handling, marketing, transportation, warehousing, insurance and related activities, but not transactions which are no different than those entered into by the association with its general membership. A statement must also be submitted indicating whether any transactions of the kind described in this paragraph (d) are contemplated in the period between the date of the application and August 1, 1963, and if such transactions are contemplated, a detailed statement of the reasons therefor. The association shall not be eligible for price support unless it establishes to the satisfaction of the Executive Vice President, CCC, that any such transactions in the year preceding the date of application or in the period beginning with the date of application and ending on August 1, 1963, have not and will not operate to the detriment of members of the association.

(e) *Uniform marketing agreement.* All eligible beans delivered to the association by producer-members must be marketed through the association pursu-

ant to a uniform marketing agreement between the association and each of its producer-members who deliver such eligible beans.

(f) *Non-member business.* Not less than 80 percent of the beans marketed by the association must be produced by its producer-members.

(g) *Vested authority.* The association must have authority to obtain a loan on the security of the beans and give a lien thereon as well as authority to sell such beans.

(h) *Records maintained.* The association must maintain a record by classes and grades of the quantity of beans eligible for price support acquired by or delivered to the association from each source, and such record must show the disposition of the beans. Similar records must be maintained separately for beans not eligible for price support.

(i) *Physical inventory.* The association must keep in inventory at all times a quantity of beans equivalent in quality and quantity to the quality and quantity of the beans shown on its outstanding warehouse receipts. Price support may be obtained by the association only on the quantity of eligible beans which remains undisposed of in its inventory at the time of application for price support.

(j) *Distribution of proceeds.* Proceeds from the disposition of all beans eligible for price support disposed of by marketing or by delivery to CCC shall be distributed only to the eligible producer-members who delivered such eligible beans to the association and only on the basis which results in the proceeds being distributed proportionately to such producer-members according to the quantity and quality of such eligible beans delivered by each eligible producer-member. This provision shall not be construed to prohibit the association from establishing separate pools and distributing the proceeds proportionately to the producer-members whose beans are included in each pool.

(k) *Inspection by CCC.* Beans held by the association must be available for inspection by CCC at all reasonable times as long as the association has beans under price support. The books and records of the association must be available to CCC for inspection at all reasonable times through May 1, 1968.

(l) *Member associations.* Notwithstanding the requirements of paragraph (a) of this section, a cooperative marketing association which includes in its membership other cooperative marketing associations composed of producer-members, shall be eligible for price support of its member associations meet the requirements for price support under this section. The requirements of paragraph (g) of this section shall be deemed to be satisfied if such member associations have the right to deliver beans of their producer-members to the association applying for price support and to authorize such association to sell the beans and to obtain a loan on the security of the beans and to give a lien thereon. The association applying for price support shall: (1) In its charter, by-laws, marketing contracts or by other legal means require that its member association meet the requirements for price support under this section, (2) submit the material and certifications required by paragraphs (c) and (d) of this section with respect to each member association, (3) certify to CCC that its member associations are in fact eligible for price support under the requirements of this section, and (4) except for the requirement that it consist of producers, otherwise qualify for price support under this section.

(m) *Eligibility determinations.* Determinations with respect to the eligibility of cooperative marketing associations of producers under this section for either warehouse-storage loans or purchase agreements or both, shall be made by the Executive Vice President, CCC.

(n) *Investigations.* The Commodity Credit Corporation shall have the right at any time after an application is received to examine all records and make such investigations deemed necessary to determine whether the cooperative is operating in accordance with its articles of incorporation, bylaws, agreements with producers or member associations and with the representations made in its application.

§ 421.1344 Eligibility requirements.

(a) *Beneficial interest.* The beneficial interest in the beans must be in the producer tendering the beans for a loan or for delivery under a purchase agreement and must always have been in him or in him and a former producer whom he succeeded before the beans were harvested. In the case of cooperative marketing associations, the beneficial interest in the beans must have been in the producer-members who delivered the beans to the association or to member associations meeting the requirements of § 421.1343 and must always have been in them or in them and former producers whom they succeeded before the beans were harvested. Beans acquired by a cooperative marketing association shall not be eligible for price support if the producer-members who delivered the beans to the association or to a member association do not retain the right to share proportionately in the proceeds from the marketing of the beans as provided in § 421.1343(j). Beans acquired from other than producer members and member associations are not eligible for price support. Any producer or association in doubt as to whether his interest in the beans complies with the requirements of this paragraph (a) should make available to the county committee, prior to filing an application, all pertinent information which will permit a determination to be made by CCC.

(b) *Succession of interest.* To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the beans were produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

§ 421.1345 Eligible beans.

The beans must meet all of the applicable requirements of this section, in addition to other applicable requirements of the program, in order to be eligible for a loan, for delivery under a loan, and for purchase under a purchase agreement.

(a) *Production.* The beans must have been produced in the United States in 1962 by an eligible producer.

(b) *Classes.* The beans must be dry edible beans of the classes Pea, Medium White, Great Northern, Small White, Flat Small White, Pink, Small Red, Pinto, Red Kidney, Dark Red Kidney, Light Red Kidney, Western Red Kidney, Large Lima, and Baby Lima.

(c) *Grade requirements.* (1) Beans to be eligible for delivery under a loan or purchase agreement must grade U.S. No. 2 or better.

(2) Farm-storage loans: (i) Beans placed under farm-storage loans which have been commercially cleaned, must grade No. 2 or better.

(ii) If the beans have not been commercially cleaned, they must contain not in excess of 18 percent moisture, and after a deduction of foreign material, must contain not more than 8 percent of other defects, as these terms are defined in the United States Standards for Beans; must not be musty, moldy, sour, heating, hot, weevily, materially weathered, or otherwise of distinctly low quality, and must not have any commercially objectionable odor. (Such beans, which have not been commercially cleaned are hereinafter referred to as "thresher run" beans.)

(3) Warehouse-storage loans: Beans placed under warehouse-storage loans must be represented by warehouse receipts for beans of a grade No. 2 or better, except that beans stored identity preserved and represented by warehouse receipts calling for thresher run beans, will be eligible subject to the safety factor in § 421.1354(d).

(d) *Poisonous substances.* The beans must not contain mercurial compounds or other substances poisonous to man or animals.

(e) *Waiting period.* If offered as security for a farm-storage loan, the beans must have been in store at least 30 days prior to inspecting, measuring, sampling, and sealing, unless otherwise approved by the State committee.

(f) *Deliveries under farm-storage loans.* Only beans covered by the loan documents are eligible for delivery under farm-storage loans.

§ 421.1346 Determination of quality.

(a) *Standards for quality.* The class, grade and all other quality factors shall be determined in accordance with the methods set forth in the Official United States Standards for Beans; whether or not such determinations are made on the basis of an official inspection.

(b) *Commingled warehouse storage.* The class and grade of beans for purposes of commingled warehouse-storage loans and settlement under loans and purchase agreements shall be as indicated on warehouse receipts issued by approved warehouses.

(c) *Other storage*—(1) *For loan purposes.* The class and grade of beans placed under farm-storage loan or identity-preserved warehouse-storage loan shall be determined from an official (Federal or Federal-State) lot inspection certificate, or from an official sample inspection certificate drawn by a representative of the county committee. The State committee may require that any such inspection certificates issued prior to the date of the loan application shall be on the basis of a sample drawn within a specified time prior to the date of the loan application. Notwithstanding the foregoing provisions of this paragraph, in the case of loans on thresher-run beans, the quality of the beans may be determined by the ASCS State office where the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service authorizes such determination.

(2) *For settlement purposes.* The quality of eligible beans acquired by CCC under loan or purchase agreement, not represented by a commingled warehouse receipt, shall be determined on the basis of the class, grade and quality shown on an official lot inspection certificate. Such certificate shall be dated not earlier than 30 days prior to the applicable maturity date. The producer shall furnish such certificate to the county committee at the time of delivery.

(3) *Fees.* Inspection fees incurred in connecton with the making of warehouse-storage loans and with the acquisition of beans by CCC will be for the account of the producer. Inspection fees incurred by the county committee in connection with the making of farm-storage loans will be for the account of CCC.

§ 421.1347 Determination of quantity.

(a) *General.* At the time a loan is made, the quantity of beans may be determined either by weight or if farm stored in bulk by measurement. Where the quantity is determined by measurement 2.1 cubic feet shall constitute 100 pounds. The weight of bagged beans, not represented by a commingled warehouse receipt, for the purpose of the making of loans and settlement of loans and purchase agreements shall be the net weight of the lot determined under paragraph (c) of this section, or a quantity determined by multiplying the number of bags by 100 pounds, whichever is smaller. When necessary to convert bagged beans from gross weight to net weight, there shall be allowed ¾ pound per bag for the weight of the bags.

(b) *Commingled warehouse storage.* In the case of commingled warehouse-storage loans and settlement of loans and purchase agreements, where a commingled warehouse receipt is issued by an approved warehouse, the quantity shall be the net weight as specified on the warehouse receipt or supplemental certificate as applicable.

(c) *Other storage*—(1) *For loan purposes.* For the purpose of making loans the quantity of identity-preserved beans grading U.S. No. 2 or better stored in bulk shall be the net weight of the beans as shown on the warehouse receipt or supplemental certificate. The quantity of thresher-run beans shall be determined on the basis of either weight or measurement and loans shall be made on the basis of the net weight of the sound beans in the lot. Sound beans shall be beans free from dockage and other defects as defined in the United States Standards for Beans. In the case of beans stored on the farm, the quantity shall be expressed in units of 100 pounds after dropping all fractions.

(2) *For settlement purposes.* The quantity of eligible beans acquired by CCC under loan or purchase agreement, not represented by a commingled warehouse receipt, shall be determined on the basis of an official weight certificate. Such certificate dated not earlier than 30 days prior to the applicable maturity date shall be furnished the county committee at the time of delivery. The cost of such certificate shall not be for the account of CCC.

(d) *Safety margin.* A safety factor as established by the State committee shall be deducted from the net quantity as determined by measurement when beans are offered for a farm-storage loan.

§ 421.1348 Credit for loss or damage.

The amount to be credited to the producer for loss or damage assumed by CCC, in accordance with § 421.1116 shall be determined by multiplying the number of hundredweight of sound beans, lost or damaged, by the support rate for U.S. No. 2 beans of the class lost or damaged, except that if the warehouse receipt or an official inspection certificate covering the beans shows a grade of U.S. No. 2 or better, the amount credited shall be determined by multiplying the net weight of the beans lost or damaged by the support rate for the class and grade of such beans. There shall be deducted from such amount any insurance proceeds to which CCC may be entitled and the salvage value of the commodity.

§ 421.1349 Warehouse receipts.

Warehouse receipts representing beans in approved warehouse-storage to be placed under loan, to be delivered in satisfaction of a farm-storage loan, or to be acquired under a purchase agreement, must meet the requirements of this section.

(a) *Manner of issuance and endorsement.* Warehouse receipts must be issued in the name of the producer if presented for a warehouse-storage loan, in the name of the producer or CCC if presented for delivery under a farm-storage loan or in the name of the producer, or CCC if presented for delivery under a purchase agreement. Such receipts must be properly endorsed in blank so as to vest title in the holder, and must be receipts issued by a warehouse for which a CCC Form 28, "Bean Storage Agreement" is in effect and which is approved by CCC for price support purposes. The receipts must be negotiable and must cover eligible beans actually in store in the warehouse.

(b) *Entries for weight and grade.* Each warehouse receipt or warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show (1) net weight, (2) class, (3) grade, (4) or all grading factors used in the determination of the quality of the beans, and (5) in the case of "identity-preserved" beans, the warehouse receipt shall show the lot number, and the producer must execute the supplemental certificate and assume responsibility for the quantity and quality indicated thereon. A separate warehouse receipt must be submitted for each class and grade of beans.

(c) *Liens.* The warehouse receipts may not be subject to liens for warehouse charges.

(d) *Where warehouseman is also owner.* If the receipt is issued for beans of which the warehouseman is the owner either solely, jointly, or in common with others, the fact of such ownership shall be stated on the receipt. Such receipts shall also be registered or recorded with appropriate State or local officials when required by State law. Notwithstanding the provisions of paragraph (a) of this section, in States where the pledge of warehouse receipt by a warehouseman on his own beans is not valid under State law and the warehouseman elects to deliver beans to CCC under a purchase agreement for which he is eligible under this program, the warehouse receipt shall be issued in the name of CCC.

(e) *Insurance.* Each warehouse receipt or accompanying supplemental certificate representing beans stored in an approved warehouse operating under a CCC Form 28, "Bean Storage Agreement" shall state that the beans are insured by the warehouseman at full market value against loss or damage by fire, lightning, inherent explosion, windstorm, cyclone or tornado, except that, insurance on identity-preserved beans must be obtained by either the producer or the warehouseman. If the insurance is obtained by the producer, it must be assigned to the warehouseman, with the consent of the insurance company, before a loan will be made and the warehouseman must also certify that the insurance has been assigned to him with the consent of the insurance company. The cost of such insurance shall not be for the account of CCC. Insurance is not required in order for warehouse receipts to be purchased under the purchase agreement program.

§ 421.1350 Warehouse charges and packaging.

(a) *Warehouse charges.* Storage, bagging, cleaning, inspection fees and all other charges, except receiving and loading out charges in the warehouse in which the beans are acquired by CCC, accruing through the applicable maturity date for loans, shall be paid by the producer prior to the time that the beans are placed under warehouse-storage loans, delivered in settlement of a farm-storage loan, or delivered under a purchase agreement, or shall be paid from the loan proceeds, settlement proceeds or purchase proceeds, whichever is applicable. Such charges include the cost

of movement to a normal railroad shipping point if the warehouse is not located on a railroad, and any unpiling, turning, repiling, or other charges, except loading out charges, incident to official weight and grade determinations on identity-preserved beans. CCC will assume warehouse-storage charges (not in excess of those approved for the 1962 crop under CCC Form 28, "Bean Storage Agreement") accruing after the applicable maturity date for loans, for beans which are delivered to or acquired by CCC.

(b) *Packaging.* Unless otherwise approved by CCC, beans acquired under loan or purchase agreement must be packed 100 pounds net in new bags made of 36-inch, extra quality 10.4 ounce or heavier weight jute or provision must have been made for such packaging by the producer. Bag seams must be as strong as the full strength of the cloth. Bags must be marked to show the commodity name and class; the net weight when packed; and the name and address of the packer.

§ 421.1351 Maturity of loans.

Loans mature on demand but not later than April 30, 1963.

§ 421.1352 Storage in transit.

Reimbursement will be made by CCC to producers or warehousemen for paid-in freight on beans stored in approved warehouses, subject to the following conditions:

(a) The movement from point of origin to storage point must be an "in-line" movement as determined by CCC, and must be no greater than 100 miles from the point of production unless otherwise approved by CCC prior to the date of shipment.

(b) The freight must have been paid in by the person claiming reimbursement and he must not have been otherwise reimbursed.

(c) The warehouseman must furnish the descriptive data on all freight bills or transit tonnage slips on all eligible beans received into the storage facility at the time and in the manner stipulated in CCC Form 28, "Bean Storage Agreement", in effect with CCC for the 1962 crop.

(d) The freight bills or transit tonnage slips must be made available to CCC in accordance with the provisions of CCC Form 28, "Bean Storage Agreement".

(e) Not more than one transit stop must have been used on billing.

(f) The freight bills must be otherwise acceptable to CCC under the terms of the storage agreement.

(g) Reimbursement for paid-in freight under this section will be made by the appropriate ASCS commodity office subsequent to actual delivery of the beans to CCC pursuant to a loan or purchase agreement.

§ 421.1353 Settlement.

Settlement for beans acquired by CCC under loan or purchase agreement will be made with the producer as provided in applicable provisions of the preceding sections and this section. The support rate per cwt. at which settlement will be made for eligible beans, shall be determined under the applicable provisions of § 421.1354. Deliveries of beans in settlement of loans and purchase agreements shall be in accordance with instructions issued by the county office. Beans purchased under the purchase agreement shall be paid for by sight draft drawn on CCC and the producer shall indicate on commodity purchase Form 4 or 4A, whichever is applicable, to whom payment shall be made.

(a) *Inspection of purchase agreement beans.* Where the producer is required to retain the beans after maturity date as outlined in paragraph (b) of this section, CCC will not assume any loss in quantity or quality of beans covered by a purchase agreement, occurring prior to delivery to CCC, except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions and CCC cannot accept delivery within the 60-day period following the applicable loan maturity date, the producer may notify the county committee at any time after such 60-day period that the beans are going out of condition or are in danger of going out of condition. Such notice must be confirmed in writing. If the county committee determines that the beans are going out of condition or are in danger of going out of condition and that the beans cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county committee shall obtain an inspection and grade and quality determination. If such inspection shows the beans to be of an eligible grade, settlement when delivery is completed shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity actually delivered, but not in excess of the quantity specified on the purchase agreement.

(b) *Storage payment where CCC is unable to take delivery of beans stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain beans stored in other than an approved warehouse under loan or purchase agreement for a period of 60-days after the maturity date without any cost to CCC. However, if CCC is unable to take delivery of such beans within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the beans to CCC: *Provided, however,* That a storage payment shall be paid a producer whose beans are stored in other than an approved warehouse under purchase agreement only if he has properly given notice of his intention to sell the beans to CCC and delivery cannot be accepted within the 60-day period after maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the rate for identity-preserved warehouse-stored beans as shown in the schedule of rates for the Bean Storage Agreement in effect at the time of such storage.

(c) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on beans under loan or purchase agreement stored in a warehouse under the Bean Storage Agreement, the producer shall, upon delivery of the beans to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Bean Storage Agreement, provided the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid.

(d) *Ineligible beans inadvertently accepted by CCC.* In the case of: (1) Ineligible beans delivered to or acquired by CCC in connection with a loan or (2) beans delivered in excess of the maximum quantity stated in the purchase agreement, and any other ineligible beans delivered under a purchase agreement, the settlement value shall be the market price as determined by CCC, but in no event more than the applicable support rate. If CCC sells the beans for the purpose of determining their market price, the settlement value shall be such sales price. The provisions of this paragraph do not apply to ineligible beans covered by paragraphs (e) and (f) of this section.

(e) *Fraud.* The making of any fraudulent representation by the producer in connection with settlement or deliveries under a loan shall render the producer personally liable, aside from any additional liability under criminal and civil fraud statutes, for the amount of the loan, for any additional amounts paid to the producer on the beans, and for all costs which CCC would not have incurred had it not been for the producers fraudulent representation, together with interest at the rate of 6 percent per annum on such amounts from the date of disbursement. For the purpose of establishing any deficiency remaining due in the event the producer has made any such fraudulent representation, the value of the commodity acquired by CCC under the loan shall be the market value, as determined by CCC on the date of delivery or removal in the case of farm-storage loans or the market value of the beans as of the close of the market on the final date for repayment in the case of warehouse-storage loans, or in the case of both farm-storage and warehouse-storage loans the sales price if the beans are sold by CCC in order to determine its market value. If the producer has made a fraudulent representation in a sale under a purchase agreement or in the purchase agreement documents, he shall be personally liable, aside from any additional liability under criminal or civil fraud statutes for any loss which CCC sustains upon the beans delivered under the purchase agreement. For the purpose of this program such loss shall be deemed to be the price paid to the producer on the beans delivered under the purchase agreement plus all costs sustained by CCC in connection with the beans, together with interest at the rate of 6 percent per annum from the time of disbursement, less the market value, as determined by CCC, of the beans as of the close of the market on the date of delivery, or the sales price if the beans are sold in order to determine its market value.

(f) *Poisonous substances.* If the beans delivered to CCC contain mercurial compounds or other substances poisonous to man or animals, such beans shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such beans for the uses specified above, the settlement value shall be the market value, as determined by CCC, as of the date of delivery.

§ 421.1354 Support rates.

The support rate for the quality of beans placed under a loan or acquired under a loan or purchase agreement shall be the applicable basic county support rate shown in paragraph (a) of this section, for the class and grade, and for the county in which the beans were produced, adjusted in accordance with the provisions of this section and in the case of settlement of loans and purchase agreements as further provided in § 421.1353. Except in the case of large lima beans, if the beans have been moved by truck to approved storage in a higher loan rate county, or if the warehouseman guarantees delivery by truck to approved storage or on track in a higher support rate county, the loan rate shall be the support rate for the county in which the beans are stored or to which delivery is guaranteed.

(a) *Basic county supports rates.* The basic county support rates per 100 pounds net weight for beans of all classes grading U.S. No. 1 are as follows:

Class and area	Rate per 100 pounds U.S. No. 1
Pinto:	
Area I—All counties in New Mexico except McKinley, Rio Arriba, San Juan, Taos, and Valencia	$6.38
Area II—All counties in Kansas, Nebraska, Oklahoma, and Texas. In Colorado, the counties of Adams, Arapahoe, Baca, Bent, Boulder, Cheyenne, Clear Creek, Crowley, Denver, Douglas, Elbert, El Paso, Fremont, Gilpin, Huerfano, Jefferson, Kiowa, Kit Carson, Larimer, Las Animas, Lincoln, Logan, Morgan, Otero, Phillips, Prowers, Pueblo, Sedgwick, Teller, Washington, Weld, and Yuma. In Wyoming, the counties of Goshen, Laramie, and Platte	6.28
Area III—In New Mexico, the counties of McKinley, and Valencia	6.18
Area IV—All counties in Arizona, California, South Dakota, and Utah. In Wyoming, all counties except Goshen, Laramie, and Platte. In Colorado, all counties not in Area II. In New Mexico, the counties of Rio Arriba, San Juan, and Taos	6.08
Area V—All counties in Washington	5.78
Area VI—All counties in other States	5.88
Great Northern:	
Area I—All counties in Minnesota, Nebraska, and North Dakota. In Colorado, all counties east of 106° longitude. In Wyoming, the counties of Goshen, Laramie, and Platte	$7.02
Area II—All counties in South Dakota. All counties in Wyoming except Goshen, Laramie, and Platte	6.82
Area III—All counties in Montana. In Idaho, the counties of Ada, Bannock, Bear Lake, Bingham, Boise, Canyon, Caribou, Cassia, Elmore, Franklin, Gem, Gooding, Jerome, Lincoln, Minidoka, Oneida, Owyhee, Payette, Power, and Twin Falls. In Oregon, Malheur County	6.62
Area IV—All counties in other States	6.52
Pea and Medium White:	
Area I—All counties in Michigan, New York, Maine, Minnesota, and Wisconsin	6.90
Area II—All counties in other States	6.40
Small White and Flat Small White	7.33
Dark Red Kidney	8.51
Light Red Kidney	8.51
Western Red Kidney	8.51
Pink	7.13
Small Red:	
Area I—All counties in Idaho and Colorado	7.28
Area II—All counties in Washington	7.18
Area III—All counties in other States	7.23
Large Lima:	
Area I—In California, counties of Monterey, Orange, San Luis Obispo, Santa Barbara, Ventura, Los Angeles and San Diego	10.20
Area II—All other countries in California	10.05
Baby Lima	5.40

(b) *Premiums—grade.*

	Cents per 100 pounds
U.S. CHP (Pea beans)	+25
U.S. CHP (All other beans)	+10
U.S. Extra No. 1	+10

(c) *Discounts—grade.*

U.S. No. 2	−25

(d) *Safety factor.* In the case of farm-stored thresher-run loans, and identity-preserved warehouse-stored thresher-run loans, the rate shall be reduced by the following amounts:

	Dollars per 100 pounds from U.S. No. 1 rate
Michigan and New York	−3.00
All other States	−2.00

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H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

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PART 468—MOHAIR

Subpart—Payment Program for Mohair

The bulletin states the requirements with respect to the payment program for mohair, formulated by Commodity Credit Corporation (referred to in this bulletin as CCC) and the Agricultural Stabilization and Conservation Service (referred to in this bulletin as ASCS).

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468.233 Definitions.

AUTHORITY: §§ 468.201 to 468.233 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 702–709, 68 Stat. 910–912, secs. 401–403, 72 Stat. 994–995; sec. 151, 75 Stat. 306; 15 U.S.C. 714c, 7 U.S.C. 1781–1787, 1446.

§ 468.201 Administration.

The program will be carried out by ASCS under the general supervision and direction of the Executive Vice President of CCC. In the field, the program will be administered through the Agricultural Stabilization and Conservation Service (referred to in this subpart as ASCS) State and county offices. ASCS State and county offices do not have authority to modify any of the provisions of this subpart or any amendments or supplements thereto. Neither are they authorized to waive any such provisions unless the power to waive is expressly included in the pertinent provision.

§ 468.202 Support level and payments.

(a) *General.* Pursuant to the National Wool Act of 1954, as amended, the Department of Agriculture is to announce a price support level which has been determined to meet the requirements of the act for each of the four marketing years, 1962, 1963, 1964, and 1965. Each marketing year (as defined in § 468.233) begins April 1 of one calendar year and ends March 31 of the next calendar year, both dates inclusive. The announcement is to be made in accord-

ance with section 703 of the act which states that the Secretary shall, to the extent practicable, announce the support price level for mohair sufficiently in advance of each marketing year as will permit producers to plan their production for such marketing year. For each marketing year, price support on mohair will be furnished by means of payments to the producer in accordance with the provisions of this subpart on the mohair he markets in that marketing year. Payments will not be made on marketings of the pelts of goats.

(b) *1962 marketing year.* For the 1962 marketing year, the price support level was announced on October 6, 1961, as 74 cents per pound of mohair, grease basis.

§ 468.203 Eligibility for payments.

Before payments under this program can be approved pursuant to any application for payment covering any lot or lots of mohair, the following requirements must be satisfied:

(a) Except as provided in §§ 468.220 to 468.224, the applicant must be the producer, and in the case of a joint application each applicant must be a producer (as defined in § 468.233), of the mohair.

(b) The mohair must have been shorn in the United States on or after January 1, 1955, and must have been marketed within a specified marketing year as defined in § 468.233(k).

(c) The mohair as well as the goats from which it was shorn, must have been owned by the producer at the time of shearing, and the goats must have been owned by him in the United States for not less than 30 days at any time prior to his filing the application for payment (§ 468.211), with the following exception: The ownership specified in the preceding sentence is not required of an applicant for payment who has an agreement with the owner of the goats pursuant to which the applicant, in return for furnishing labor in connection with caretaking, production, or feeding, is entitled either to a share in the ownership of the mohair shorn from such goats or a share of the sales proceeds of the mohair: *Provided*, That the owner of the goats who joins in the application meets the ownership requirements. Ownership of mohair or goats as used in this paragraph does not include the ownership which in some states is held by a person having a security interest, such as a mortgage or other lien.

(d) Beneficial interest in the mohair must always have been in the producer from the time the mohair was shorn up to the time of its sale. A producer has beneficial interest in mohair (1) when he owns it without any other person being entitled to the mohair or its proceeds and without his having authorized any other person to sell or otherwise dispose of the mohair; (2) when the producer has authorized another person to sell or otherwise dispose of the mohair, even transferring legal title to such other person, but the producer continues to be entitled to the proceeds from such sale or other disposal of the mohair; or (3) when the producer is entitled to a share of the mohair or of the proceeds thereof pursuant to an agreement described in the exception in paragraph (c) of this section though he does not own the goats from which the mohair was shorn. If the producer has such beneficial interest, the fact that the mohair may be mortgaged or subject to another lien does not change his position as having a beneficial interest.

§ 468.204 Marketing within a specified marketing year.

(a) The National Wool Act of 1954, as amended, provides that price support under that act shall be limited to wool and mohair marketed during the period beginning April 1, 1955, and ending March 31, 1966. Successive payments under this program will be limited to mohair marketed during specified marketing years as defined in § 468.233(k).

(b) Marketing shall be deemed to have taken place in a marketing year if, pursuant to a sale or contract to sell, the last of the following three events in the process of marketing was completed in that marketing year: (1) Title passed to the buyer; (2) the mohair was delivered to the buyer (physically or through documents which transfer control to the buyer); and (3) the last of the factors (price per pound, weight, etc.) needed to determine the total purchase price payable by the buyer became available. The factors are considered available when they are known to the applicant's marketing agency if he markets through a marketing agency, or they are known to the applicant if he markets directly. Any one of the three events previously mentioned may be the last event completed.

(c) Delivery of mohair on consignment to a marketing agency (defined in § 468.233) to be sold for the producer's account does not constitute a marketing. This is so even though the consignee may guarantee the producer a minimum sales price or may give him an advance against the prospective sales price or may do both. Mohair delivered on consignment shall not be deemed marketed by the producer until it has been marketed by the marketing agency, except that if the marketing agency has guaranteed a minimum sales price, is unable to sell the mohair for more, and with the producer's consent takes it over at the minimum sales price, the mohair is deemed marketed when it is so taken over by the marketing agency. When a producer transfers to a marketing agency title to his mohair and provides that such agency shall market the mohair and that the producer shall be entitled to the proceeds of such marketing, the producer shall be deemed to have consigned the mohair.

(d) The exchange of mohair for merchandise or services (for instance, shearing) will be considered a sale, provided a definite price is established for the mohair.

§ 468.205 Rate of payment.

Upon expiration of a specified marketing year and after the Department of Agriculture has determined the national average price for mohair received by producers in that marketing year, the Department will announce the rate of the payment under this program. The rate of payment will be the percentage of the national average price received by producers in a specified marketing year which is required to bring such national average price up to the support price announced for that year. For example, if the reported national average price received by producers for mohair sold during a marketing year should be 66 cents and the support price for that year was 70 cents, the difference between 66 cents and the support price of 70 cents previously announced would be 4 cents, and this figure would constitute 6 percent of the national average price of 66 cents. In such a case, the rate of payment would be 6 percent of the net sales proceeds received by each producer.

§ 468.206 Computation of payment.

(a) In order to determine the amount of the payment due to a producer on the mohair he marketed during a marketing year, the percentage computed pursuant to § 468.205 will be applied to the net sales proceeds for the mohair determined in accordance with paragraph (b) of this section.

(b) The net sales proceeds shall be determined by deducting from the gross sales proceeds of the mohair all marketing expenses, such as for transportation from the local shipping point; handling (including commissions); grading; scouring; or carbonizing. Items, however, listed in § 468.208(a)(7) as "other deductions" shall not be deducted. The figure so arrived at will express the net proceeds received by the producer at his farm, ranch, or local shipping point (defined in § 468.233). For example, if the producer marketed his clip of 500 pounds at 70 cents per pound, he received $350 as gross proceeds and, if the marketing deductions totaled $25, his net proceeds of sale (after marketing deductions) amounted to $325. For the purpose of this program, the producer is expected to deliver his mohair packed in bags to his local shipping point and to bear the storage expenses until the mohair is sold. Consequently, charges made for furnishing bags, storing mohair, or transporting mohair to the producer's local shipping point shall not be considered deductible marketing charges. Neither are other charges, not directly related to the marketing of the mohair, such as interest on advances or dues owing an association, to be considered marketing charges. As to net sales proceeds in case of a guaranteed minimum sales price, see § 468.208(a)(6).

§ 468.207 Supporting documents.

(a) *General.* The application for payment on account of mohair shall be supported by the original sales document (defined in § 472.233) for the mohair sold.

(b) *Original sales document retained.* If the applicant does not wish the original sales document to remain with the ASCS county office, he may submit a photostat or similarly reproduced or carbon or typewritten copy of the original document. However, he must show the original document to the ASCS county office where the statements on the copy

will be confirmed by comparison with the original. The original sales document will be appropriately stamped or marked to indicate that it had been used in support of an application for payment under this program and will be returned to the applicant. He will be required to retain it in accordance with § 468.227.

(c) *Practice of issuing carbon or photostat copies.* If it is the practice of the person or firm that prepared the sales document to furnish a carbon or photostat copy to the seller in place of the original, the producer may submit that copy in support of his application, provided the copy bears a signature, in accordance with § 468.208(a)(10), of the person or of the representative of the firm that prepared the original sales document. Such copy shall be treated like an original for the purposes mentioned in this section.

(d) *Lost or destroyed sales document.* If the original sales document has been lost or destroyed, the applicant may submit a copy, certified by the buyer or the applicant's marketing agency, and such certified copy shall be treated like an original for the purposes mentioned in this section.

§ 468.208 Contents of sales documents.

The sales documents attached to each application for a payment must contain a final accounting, meeting the requirements of paragraph (a) or (b) of this section, for the mohair covered by the sales document. Contracts to sell as well as tentative or pro forma settlements will not be acceptable as sales documents meeting such requirements. Except as provided in §§ 468.220 to 468.224, sales documents must cover mohair sold by the applicant.

(a) *Sales other than at farm, ranch, or local shipping point.* Each sales document, except a document covering an outright sale at the producer's farm, ranch, or local shipping point and described in paragraph (b) of this section, must be prepared by the purchaser or the applicant's marketing agency and must contain at least the following information:

(1) Name and address of seller.

(2) Date of sale. In case the producer's shipment to a marketing agency is sold in parts within a marketing year, the date when final settlement is made within that marketing year for the mohair that was sold within that marketing year may be shown on the sales document as the date of sale instead of the various dates on which the sales actually took place.

(3) Net weight of mohair sold. If the mohair was sold as scoured mohair, the original grease weight must be shown as well as the scoured weight.

(4) The gross sales proceeds or sufficient information from which the gross sales proceeds can be determined except when the practice is otherwise as provided in subparagraph (5) of this paragraph.

(5) Marketing deductions, if any (see § 468.206(b)), except as otherwise provided in this subparagraph. The marketing deductions may be itemized or they may be shown on the sales document as a composite figure for all marketing charges with an explanation of what services are included in that figure. If it is the practice of a marketing agency to show, on the sales document, only the net proceeds after marketing deductions, the gross sales proceeds and the amount of the marketing deductions need not be shown, provided the sales document contains a statement reading substantially as follows: "The net sales proceeds after marketing deductions shown herein were computed by deducting from the gross sales proceeds charges for the following marketing services: _____. Details of these charges will be furnished on request." All the services for which deductions are made shall be enumerated in the blank space indicated. If a sales document shows charges without specifying their nature, they will be considered marketing charges and will thus diminish the net proceeds on which the payment is computed.

(6) Net proceeds after marketing deductions. If a sales document contains a figure for net proceeds after marketing deductions computed for a location other than the producer's farm, ranch, or local shipping point, the person preparing the sales document shall show thereon the name of the location for which the net proceeds have been computed. If a marketing agency has guaranteed a minimum sales price for the mohair, is unable to sell the mohair for a higher price, and therefore settles with the producer on the basis of such guaranteed minimum price, the sales document should be on the basis of that guaranteed minimum price regardless of a lower price at which the agency may sell the mohair. In such a case, the marketing agency may indicate on the sales document that the price is the guaranteed minimum sales price.

(7) Other deductions, such as those for bags, storage, interest, association dues, and charges not directly related to the marketing of the mohair.

(8) Amount paid to the seller.

(9) Name and address of the purchaser or marketing agency issuing the sales document.

(10) Signature. The sales document must bear a handwritten signature by or on behalf of the person or firm issuing the sales document. Acceptable signatures will consist of at least one initial or name by which the person is generally known, followed by his last name in full. A carbon impression or facsimile of a handwritten signature is not acceptable.

(11) A sales document issued by a marketing agency and covering sales made on various dates within a marketing year shall contain a statement that the mohair was marketed during that marketing year as required by the regulations issued pursuant to the National Wool Act of 1954, as amended.

(b) *Sales at farm, ranch, or local shipping point.* Each sales document, covering an outright sale at the producer's farm, ranch, or local shipping point and attached to an application for payment, shall be prepared by the purchaser and must contain at least the following information: Name and address of seller; date of sale; net weight of mohair sold; the net amount received by the producer for the mohair at his farm, ranch, or local shipping point; any applicable nonmarketing deductions, such as association dues or interest on advances; the name and address of the purchaser; and the signature of the purchaser or his agent.

§ 468.209 Preparation of application.

(a) The application for payment on account of mohair shall be prepared on Form CCC Mohair 1, "Application for Payment-Mohair". The producer may use the applicable section of the form in authorizing a marketing agency to file an application on his behalf with respect to mohair he delivers to the marketing agency to be sold for his account. If he paid any marketing charges (§ 468.208(a)(5)) not shown on the sales document, such as for scouring, grading, or freight from the applicant's local shipping point, such charges shall be considered with the marketing charges shown on the sales document in arriving at the net proceeds.

(b) The applicant may, at his discretion, complete and file the application himself, in which case he should indicate in the appropriate section of the form that he has not designated a marketing agency to file on his behalf. He may, however, give the required information about his production and ownership, sign the applicable certification, forward the application to his marketing agency and request it to fill out the section showing sales of mohair, to sign the certification applicable to its situation, and to file the application with the required attachments on behalf of the applicant in the appropriate ASCS county office in accordance with § 468.211(a). If the applicant chooses this method of submitting his application, he will be responsible for the correctness of the information furnished by the marketing agency as well as for compliance by it with the requirements as to the time and manner of filing the application.

§ 468.210 Sales in good faith.

Payments provided for under this program shall be made on the basis of sales of mohair executed in good faith, and no payment shall be made on that part of any sale which has been cancelled or on the basis of sales at prices or weights increased in bad faith for the purpose of obtaining higher payments under this program. Examples of sales of mohair in bad faith are those wherein the purchaser obtains a rebate or any benefit in form of money, property, or otherwise. Application for payment on the basis of a sale in bad faith may also subject the parties involved to civil and criminal liability.

§ 468.211 Filing application for payment.

(a) *Place of filing.* The application for payment on mohair shall be filed by the producer entitled thereto with the ASCS county office serving the county where the headquarters of the applicant's farm, or ranch—as the case may be—is located. If the producer has more than one farm or ranch, with headquarters in more than one county,

separate applications for payment shall be filed with the ASCS county office serving each such headquarters, except that if the producer sells his entire clip of mohair in a single sale or if his entire clip is sold for his account by one marketing agency, he may file his application(s) for payment on mohair in any one of those ASCS county offices. In the event the producer conducts all his business transactions from his residence or office, and his farm or ranch has no other headquarters, his office or residence may be considered the farm or ranch headquarters. Applications by producers located in Alaska shall be filed with the Alaska ASCS State Office, and applications by producers located in Hawaii shall be filed with the Hawaii ASCS State Office.

(b) *Time of filing.* An application for payment should be filed as soon as possible after the producer's sales of mohair for the specified marketing year as defined in § 468.233(k) have been completed, and all applications must be filed within 30 days after the end of that marketing year. If the application is not approved by the ASCS county office on the ground that it was filed after the 30 days, the applicant may request the ASC State commitee to waive the delay in filing, stating in writing his reasons for the delay and for the request for waiver. The ASC State committee may waive the delay on applications filed within one year after the end of the marketing year in which the mohair was sold, if in its judgment the delay in filing was due to a good cause or waiver of the delay is necessary to prevent undue hardship. The ASC State committee shall notify the applicant in writing of its action on his request for a waiver.

§ 468.212 Signature of applicant.

No payment will be made unless an application for payment on mohair is signed. The ASCS county office will determine with respect to each person who signs an application for payment in a representative or fiduciary capacity as agent, attorney-in-fact, officer, executor, etc., whether he was properly authorized to sign in such capacity.

§ 468.213 Joint applicants.

(a) *Joint owners.* When the applicants for a mohair payment are joint owners of the mohair and were also joint owners of the goats from which the mohair was shorn, all of them must sign any application based on the sale of their mohair. If one such owner refuses to join in an application and wishes to release CCC from any obligation to make him a payment he shall sign a form of release prescribed by CCC for that purpose. Such release shall be attached to, and shall be referred to in, the application signed by those joint owners who apply for a payment.

(b) *Producers who did not own the goats from which the mohair was shorn for 30 days.* Each application for a payment on mohair prepared by producers some of whom did and some did not own the goats from which the mohair was shorn, as described in the exception in § 468.203(c), shall be a joint application, irrespective of whether the mohair was divided among such producers prior to sale or whether it was sold without division. All producers who are entitled to a share of the mohair or are entitled to a share of the sales proceeds of the mohair, as the case may be, shall sign each joint application, except that where a producer releases his right to a payment by signing a form prescribed by CCC for that purpose, he will not join in the application and will not be entitled to a payment. Each joint application filed by such producers shall be supported by a properly executed Form CCC 1158, "Attachment to Application for Payment for Producers Who Did Not Own the Animals for 30 Days".

(c) *Other provisions.* If a producer entitled to join in an application fails to do so, does not release his right to a payment, and—because the application does not indicate his interest—payment is made by CCC to those who apply, he shall have no claim against CCC for a payment. Neither will CCC be responsible for a division among the applicants of a payment made by CCC to all of them jointly.

§ 468.214 Application by successors and representatives.

(a) If a person earned a payment in whole or in part under this subpart and is otherwise eligible to receive it but before filing an application therefor dies, disappears, or is declared incompetent, those who may receive such payment in the order of precedence described in §§ 468.220 to 468.223 may apply on Form CCC Mohair 1. The applicant shall indicate the capacity in which he applies. Such applicant shall also file Form CCC 1159, "Application for Payment of Amounts Due Producers Who Have Died, Disappeared, or Have Been Declared Incompetent". Where necessary in accordance with § 468.213(b), there shall be attached to the application a properly executed Form CCC 1158, "Attachment to Application for Payment for Producers Who Did Not Own the Animals for 30 Days".

(b) If a person who earned a payment under this subpart and filed an application therefor dies, disappears, or is declared incompetent, either before CCC issued a draft in payment or after CCC has issued a draft in payment but before the draft is negotiated, those who may receive that payment in the order of precedence described in §§ 468.220 to 468.223 may apply therefor, using Form CCC 1159.

(c) The application pursuant to paragraph (a) or (b) of this section shall be filed with the ASCS county office serving the county which includes the headquarters of the farm, or ranch of the person who died, disappeared, or was declared incompetent.

(d) If a marketing agency, pursuant to authorization by a successor or representative of a producer who died, disappeared, or was declared incompetent, certifies in Form CCC Mohair 1 as to its sale of the mohair, or if a marketing agency issued such a certification in some cases on the basis of an authorization given by the producer before he died, disappeared, or was declared incompetent, (1) the statement in the agency's certification that it received mohair from the applicant(s) shall be deemed to mean that it received mohair from the producer, from his successor or representative, or from both; (2) the statement in the agency's certification that it has not furnished sales documents to any person other than the applicant(s) shall mean that it has not furnished sales documents to any person other than the producer or his successor or representatives; and (3) its statement in the certification that, in the capacity as agent for the applicant(s), the marketing agency has complied with the requirements of the program shall mean in the capacity as agent for the producer, for his successor or representative, or for both.

§ 468.215 Application on behalf of incompetent Indians.

Applications for payment on mohair may be filed on behalf of Indians who are incompetent by the Superintendent of the Indian Field Service of the reservation on which the Indian resides or by the authorized representative of such Superintendent. Such application for payment will be filed in the ASCS county office where the headquarters of the Indian's farm or ranch is located.

§ 468.216 Payment.

After the ASCS county office has reviewed the application with the documents attached thereto and approved it for payment in whole or in part, and and after the appropriate rate of payment for the specified marketing year has been announced by the Department of Agriculture, payment will be made. If one or more of the producers jointly entitled to a payment, release the right thereto, payment will be made jointly to the other producers who apply, and the payment will be for the amounts due them. Payment of less than $3.00 to an applicant, or to joint applicants, will not be made in connection with sales of mohair. Likewise, payments of less than $3.00 will not be made to an assignee in connection with any assignment. If, after making a payment, CCC upon investigation determines that available evidence does not sustain the applicant's right to the payment or any part thereof, the amount of the payment not so sustained shall immediately become due and repayable to CCC, and CCC may, without limitation upon any of the Government's rights in the matter, deduct such amount from any other payment due the applicant. If the applicant's right to such amount becomes involved in a lawsuit between the Government and him or his assignee, he, or his assignee, shall have the burden of proving in the lawsuit that he was entitled to the amount. If the ASCS county office determines that for any reason an application for payment on mohair should be rejected in whole or in part, including the reason that it was not filed within the time provided for in accordance with § 468.211(b), or that, after a payment has been made, the available evidence does not sustain the applicant's right to the payment or any part thereof, the ASCS county office shall mail a notice to the applicant, and to each applicant who signed a joint application, that his application has been rejected for a specified reason or that the available evidence does not sustain the applicant's right to the payment or any part thereof, as the case may be, and shall retain a copy of such notice.

§ 468.217 Deductions for promotion.

If the Department of Agriculture has approved deductions for an advertising and sales promotion program in accordance with section 708 of the National Wool Act of 1954, as amended, the rate of such deductions will be announced and deductions will be made from the payment.

§ 468.218 Set-off.

(a) If the county debt record shows that the applicant for payment is indebted to CCC, to any other agency within the United States Department of Agriculture, or to any other agency of the United States, such indebtedness will be set off against the payment due to the applicant. Such set-off shall not deprive the applicant of the right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

(b) If the payment due to the applicant has been assigned by him the ASCS county office will accept the assignment subject to setting off such debts as exist at the time of acceptance by the ASCS county office with interest, where applicable to the date of set off.

§ 468.219 Liens on goats or mohair not applicable to payments.

If a producer grants a lien on his goats or mohair such lien shall not be deemed to extend to payments made to the producer pursuant to this subpart.

§ 468.220 Death of person who earned payment.

Where a person has earned a payment in whole or in part under this subpart and is otherwise eligible to receive it but dies before receiving it, payment may be made, upon proper application pursuant to § 468.214, without regard to claims of creditors other than the United States, in accordance with the following order of precedence:

(a) To the administrator or executor of the deceased person's estate.

(b) To the surviving spouse, if there is no administrator or executor and none is expected to be appointed, or if an administrator or an executor was appointed but the administration of the estate is closed (1) prior to application by such administrator or executor for payment or (2) prior to the time when a draft for payment issued to such administrator or executor is cashed.

(c) If there is no surviving spouse, to the sons and daughters in equal shares. Children of a deceased son or daughter of a deceased person shall be entitled to their parent's share of the payment, share and share alike. If there are no surviving direct descendants of a deceased son or daughter of such deceased person, the share of the payment which otherwise would have been made to such son or daughter shall be divided equally among the sons and daughters of such deceased person who are alive or, if they are not alive, the share of each such son or daughter shall be divided equally among his or her surviving direct descendants.

(d) If there is no surviving spouse and no direct descendant, payment shall be made to the father and mother of the deceased person in equal shares, or the whole thereof to the surviving father or mother.

(e) If there is no surviving spouse, no direct descendant, and no surviving parent, payment shall be made to the brothers and sisters of the deceased person in equal shares. Children of a deceased brother or sister shall be entitled to their parent's share of the payment, share and share alike. If there are no surviving direct descendants of the deceased brother or sister of such deceased person, the share of the payment which otherwise would have been made to such brother or sister shall be divided equally among the brothers and sisters of such deceased person who are alive and, if they are not alive, the share of each such brother or sister shall be divided equally among his or her surviving direct descendants.

(f) If there is no surviving spouse, direct descendant, parent, or brothers or sisters or their descendants, the payment shall be made to the heirs-at-law. Legally adopted children shall be entitled to share in any payment in the same manner and to the same extent as other children. "Brother" and "sister", as used in this section as well as in §§468.221 and 468.222, includes brothers and sisters of the half blood, who shall be given the same consideration as those of the whole blood. If any person who is entitled to payment under the above order of precedence is a minor, payment of his share shall be made to his legal guardian, but if no legal guardian has been appointed, payment shall be made to his natural guardian or custodian for his benefit, unless the minor's share of the payment exceeds $1000 in which event payment shall be made only to his legal guardian. Any payment which the deceased person could have received may be made jointly to the persons found to be entitled to such payment or shares thereof under this section or pursuant to instructions issued by the Agricultural Stabilization and Conservation Service, a separate draft may be issued to each person entitled to share in such payment.

§ 468.221 Disappearance of person who earned payment.

(a) In case a person who has earned a payment in whole or in part under this subpart and is otherwise eligible to receive it, disappears before receiving it, such payment may be made upon a proper application pursuant to § 468.214, without regard to claims of creditors other than the United States, to one of the following in the order mentioned:

(1) The conservator or liquidator of his estate, if one be duly appointed.

(2) The spouse.

(3) An adult son or daughter or grandchild for the benefit of his estate.

(4) The mother or father for the benefit of his estate.

(5) An adult brother or sister for the benefit of his estate.

(b) A person shall be deemed to have disappeared if (1) he has been missing for a period of more than three months, (2) a diligent search has failed to reveal his whereabouts, and (3) such person has not communicated during such period with other persons who would be expected to have heard from him. Proof of such disappearance must be presented to the ASC county committee in the form of an affidavit executed by the person making the application for payment, setting forth the above facts, and must be substantiated by an affidavit from a disinterested person who was well acquainted with the person who has disappeared.

§ 468.222 Incompetency of a person who earned payment.

(a) Where a person has earned a payment in whole or in part under this subpart and is otherwise eligible to receive it but is adjudged incompetent by a court of competent jurisdiction before payment is received, payment may be made, upon proper application therefor pursuant to § 468.214, without regard to claims of creditors other than the United States, to the guardian or committee legally appointed for such incompetent person.

(b) In case no guardian or committee has been appointed, payment, if not more than $1,000, may be made without regard to claims of creditors other than the United States, to one of the following in the order mentioned, for the benefit of the incompetent person.

(1) The spouse.

(2) An adult son, daughter, or grandchild.

(3) The mother or father.

(4) An adult brother or sister.

(5) Such person as may be authorized under State law to receive payment for him.

In case payment is more than $1,000, payment may be made only to such persons as may be authorized under State law to receive payment for the incompetent.

§ 468.223 Death, disappearance, or incompetency of person authorized to apply in the order of precedence.

In case a person entitled to apply for a payment in the order of precedence pursuant to the provisions of §§ 468.220, 468.221, 468.222, or of this section, dies, disappears, or is declared incompetent, as the case may be, after he has applied for such payment but before receiving it, payment may be made upon proper application therefor, without regard to claims of creditors other than the United States, to the person next entitled thereto in accordance with the order of precedence set forth in §§ 468.220, 468.221, and 468.222, as the case may be.

§ 468.224 Other disability.

In cases of bankruptcy, dissolution, or other disability payments will be made to a representative only in accordance with specific directions issued by CCC.

§ 468.225 Appeals.

(a) *To ASC county committee.* Within 15 days from the date of mailing of the notice that an application for payment on mohair has been rejected in whole or in part (§ 468.216) or that any other action has been taken by the ASCS county office which unfavorably affects a payment to the applicant, the latter may appeal in writing to the ASC county committee, stating the serial number of the application, the number of pounds of mohair marketed, and the net proceeds involved in the application and such pertinent facts as he may deem proper and indicating in what respect the action of the ASCS county office is considered erroneous. The ASC county committee shall notify the applicant in writing of its decision promptly after deciding the appeal, and in case of a joint application, each applicant shall be so notified. A copy of the notice shall be retained in the ASCS county office.

(b) *To the ASC state committee.* If the applicant is dissatisfied with the decision of the ASC county committee, he may appeal in writing to the ASC state committee within 15 days after the date of mailing of the notice by the ASC county committee. Likewise, if the ASC state committee denies a request for waiver of the final date for filing (§ 468.211(b), the applicant may within 15 days after the date of mailing of the notice of denial by the ASC state committee, ask the ASC state committee in writing to reconsider its denial. In this event, the applicant shall, in addition to supplying all the information required in an appeal to the ASC county committee pursuant to § 468.225(a), state in his request for reconsideration the reason for his delay in filing the application and fully explain the circumstances which he feels constitute a good cause for the delayed filing or will result in undue hardship if the waiver is not granted. When acting on an appeal or request for reconsideration, the ASC state committee shall notify the applicant in writing of its decision as soon as practicable after completing its action, and in case of a joint application, each applicant shall be so notified. A copy of the notice shall be retained in the ASC state office.

(c) *To Washington office.* If the applicant is dissatisfied with the decision of the ASC State committee, the applicant may appeal in writing to the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after the date of mailing of the notice by the ASC State committee. A determination by the Deputy Administrator, on such an appeal, as to a question of fact shall be deemed final and conclusive unless it is found by a court of competent jurisdiction to have been fraudulent, arbitrary, capricious, or so grossly erroneous as necessarily to imply bad faith, or it is not supported by substantial evidence.

(d) *Hearing.* In the case of each appeal or request for reconsideration, the applicant shall be given an opportunity to appear personally or through a representative at a hearing and offer such evidence as he deems advisable. If the applicant does not ask for a hearing, the appeal or request will be decided on the basis of the facts set forth in the record and any other pertinent information available to the committee or official considering the matter.

(e) *Joint applications.* If a joint application is rejected, an appeal may be taken by all applicants jointly or by one or more of them acting in behalf of all. An appeal by one or more joint applicants shall be considered an appeal in behalf of all.

§ 468.226 Assignments.

(a) *Form.* The producer may assign payments which may be determined to be due him under this program in connection with sales of mohair during a specified marketing year by filing with the ASCS county office the original and two copies of Form CCC 1157, "Assignment of Payment Under National Wool Act of 1954", duly executed by both parties. Such assignment shall be null and void unless it is freely made and (1) is executed by the producer in the presence of an attesting witness who shall not be an employee or agent of, or by consanguinity or marriage related to, the assignee; or (2) is acknowledged by the producer before a notary public, a member of the ASC county committee, the ASCS county office manager, or a designated employee of such committee. In the case of a joint application for payment, an assignment shall be executed by all those who signed the application.

(b) *Provisions.* An assignment of a mohair payment may only be given as security for cash advanced or to be advanced on goats or mohair by a financing agency (as defined in § 468.233) or a marketing agency. An assignment made to a financing agency shall cover all payments earned by the producer on the sale of mohair during the marketing year for which the assignment is given. An assignment made to a marketing agency shall cover all payments earned by the producer in connection with all mohair marketed by the agency for the producer's account during the marketing year for which the assignment is given but shall not cover payments earned by the producer in connection with his marketing his mohair directly or through other agencies during that marketing year. The assignee shall not reassign to another person any payment which has been assigned to him pursuant to this section. CCC will make payment pursuant to an accepted assignment unless the ASCS county office is furnished evidence of a mutual cancellation of the assignment by both parties thereto or unless the assignee releases the assignment, that is, asks the ASCS county office in writing that payment be made to the assignor and not to the assignee.

§ 468.227 Records and inspection thereof.

The applicant for a payment under this subpart as well as his marketing agency and any other person who furnishes evidence to such an applicant for the purpose of enabling him to receive a payment under this program, shall maintain books, records, and accounts showing the marketing of mohair on which an application for payment may be based, and shall maintain those books, records, and accounts for three years following the end of the specified marketing year during which the marketing took place. CCC shall at all times during regular business hours have access to the premises of the applicant for a payment, of his marketing agency, and of the person who furnished evidence to an applicant for the purpose of enabling him to receive a payment under this program, in order to inspect, examine, and make copies of such books, records, and accounts, and other written data.

§ 468.228 Violation of program.

Whoever issues a false sales document or otherwise acts in violation of the provisions of this program, shall become liable to CCC for any payment which CCC may have made in reliance on such sales document or as a result of such other action in violation of the program, apart from any other civil or criminal liability he may incur by such action.

§ 468.229 Forms.

(a) Form CCC Mohair 1, "Application for Payment—Mohair"; Form CCC 1157, "Assignment of Payment Under the National Wool Act of 1954"; Form CCC 1158, "Attachment to Application for Payment for Producers Who Did Not Own the Animals for 30 Days"; Form CCC 1159, "Application for Payment of Amounts Due Producers Who Have Died, Disappeared, or Have Been Declared Incompetent"; and other forms issued by the United States Department of Agriculture for use in connection with this program may be obtained from ASCS county offices. These forms may be reproduced, provided that any forms reproduced after the issuance of this subpart shall retain the language, format, and size of the official forms except that the printer's identification on the official forms must not be reproduced.

(b) Any of the following forms issued or printed before January 1, 1962, may be used as a substitute for those specified in this subpart: Form CCC Wool 57, "Assignment of Payment Under the National Wool Act of 1954"; Form CCC Wool 58, "Attachment to Application for Payment for Producers Who Did Not Own the Animals for 30 Days"; Form CCC Wool 59, "Application for Payment of Amounts Due Producers Who Have Died, Disappeared, or Have Been Declared Incompetent".

§ 468.230 Instructions and interpretations.

CCC shall have the right to clarify any provision of this subpart by the issuance of instructions or interpretations.

§ 468.231 Waiver by Executive Vice President or other official.

The Executive Vice President of CCC or his designee and the Deputy Administrator, State and County Operations, of ASCS are authorized to approve waivers covering the submission of evidence by sales documents or by other procedural methods. Each of these officials may also waive the 30-day filing limitation, § 468.211(b), on applications filed later than one year after the end of a marketing year in which the mohair was sold, if in his judgment the delay in filing was due to a good cause or the waiver is necessary to avoid undue hardship.

§ 468.232 Expiration of time limitations.

Whenever the final date, prescribed in this subpart for filing an application pursuant to § 468.211 or for taking any action in connection with an appeal pursuant to § 468.225, or any other action, falls on a Saturday, Sunday, national holiday, or State holiday, and on that day the proper ASCS State or county office is closed, or the final date falls on any other day on which such office is not open for the transaction of business during normal working hours, the time for filing the application or taking the required action shall be extended to the close of business on the next working day. In case the act to be done may be performed by mailing, the act shall be considered done within the prescribed period if the mailing is postmarked by midnight of such next working day. Where the act is to be done within a prescribed number of days after the mailing of notice, the day of mailing shall be excluded in computing such period of time.

§ 468.233 Definitions.

As used in this subpart, the terms enumerated in this section have the following meaning:

(a) "Financing agency" means any bank, trust company, or Federal lending agency. It also includes any other financing institution which customarily makes loans or advances to finance production of goats or mohair.

(b) "Goat" means an Angora goat and the term also includes a kid of an Angora goat.

(c) "Joint ownership" of goats or mohair also includes ownership in common.

(d) "Local shipping point" means the point at which the producer delivers his mohair to a common carrier for further transportation or, if his mohair is not delivered to a common carrier, the point at which he delivers it to his marketing agency or a purchaser. The term common carrier includes any carrier that serves the public in transporting goods for hire whether or not he is required to be licensed by some Government authority to do so.

(e) "Marketing agency" with reference to mohair means a person or firm that sells a producer's mohair for the producer's account.

(f) "Marketing year" means the period beginning April 1 of a calendar year and ending March 31 of the next calendar year, both dates inclusive.

(g) "Mohair" means the hair of the Angora goat and also includes the hair of a kid of an Angora goat.

(h) "Person" means an individual, partnership, association, business trust, corporation, or any organized unincorporated group of individuals, and includes a State and any subdivision thereof.

(i) "Producer" of mohair under this program means a person who is either a producer or pasturer of goats or kids and who shears his animals. The term "producer" also includes a person participating in the production of mohair pursuant to an agreement with a person who owned the goats as described in the exception in § 468.203(c).

(j) "Sales document" means the account of sale, bill of sale, invoice, and any other document evidencing the sale by the producer of mohair.

(k) "Specified marketing year" is the marketing year as to which the Department of Agriculture has announced that marketings of mohair by a producer during that year will entitle him to a payment under this program.

NOTE: The reporting and record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This subpart shall become effective upon the date of publication and shall apply to sales of mohair on or after April 1, 1962.

Signed at Washington, D.C., on July 24, 1962.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 62-7395; Filed, July 27, 1962; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Office of Emergency Planning

Effective upon publication in the FEDERAL REGISTER, paragraph (f) (1) and (2) is added to § 6.321 as set out below.

§ 6.321 Office of Emergency Planning.

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(f) *Office of Liaison and Public Affairs.* (1) The Director.

(2) One Staff Assistant (Congressional Liaison Officer) to the Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-7440; Filed, July 27, 1962; 8:52 a.m.]

Department of Commerce

Effective upon publication in the FEDERAL REGISTER, paragraph (q) (1) and (2) is added to § 6.312 as set out below.

§ 6.312 Department of Commerce.

• • • • • •

(q) *Office of the Assistant Secretary for Science and Technology.* (1) One Deputy Assistant Secretary for Science and Technology.

(2) Two Special Assistants to the Assistant Secretary for Science and Technology.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-7441; Filed, July 27, 1962; 8:52 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Canned Clingstone Peaches

CHANGES OF RECOMMENDED FILL WEIGHT VALUES IN NO. 10 CANS

The United States Standards for Grades of Canned Clingstone Peaches (7 CFR 52.2561-52.2577) are hereby amended pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627). The amendment as hereinafter set forth adjusts slightly the recommended lower limits for sliced clingstone peaches in No. 10 cans with respect to weight of fruit at the time of filling the containers.

NOTE: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

Statement of consideration leading to the amendment. The United States Standards for Grades of Canned Clingstone Peaches were revised in 1961 to include, among other provisions, recommendations for amount of fruit ingredient for respective container sizes. These recommendations with respect to the amount of fruit in a container are in line with good commercial practice and represent proper fill.

Compliance with the Department's recommendations may be ascertained by (1) measuring the amount of fruit filled into the container at time of processing; or (2) determining the weight of fruit after the product has been sealed in the container, processed, and allowed to equalize with the packing media. The first approach is commonly known as "fill-weight" procedure, whereas the alternate approach of finished product examination is termed as "drained weight" procedure. Many canners have found it advantageous to utilize the fill weight procedure because it affords control over the product during packing operations. Furthermore, since the fill weight procedure does not require de-

structive sampling, a large number of measurements may be made thereby increasing the accuracy of lot estimate.

With the cooperation of fruit canners in California and the Pacific Northwest, the Department initiated a fill weight study in 1958 on several canned fruits, including Clingstone Peaches. The purpose of this study was to collect data during the packing operations in order to establish limits for each product in accordance with good commercial practices. As a result of this study, the program was introduced to the industry on an experimental basis during the 1959 and 1960 packing season.

On the basis of these studies and checks made during actual production, the Department revised the standards for Canned Clingstone Peaches in 1961. This revision included fill weight values in addition to the customary drained weight criteria. This gave the packer an option of using either in-going fill weights or end product drained weights to determine compliance with proper fill of container.

In using the fill weight program, measurements are plotted on control charts which provide limits for certain values such as sub-group averages and individual containers. During the 1961 packing season it was found that these control limits for Sliced Style Clingstone Peaches in No. 10 cans were quite restrictive and most of the industry had a difficult time of meeting the acceptance criteria for this particular item. Adjustments appear in order for certain values used in statistical control program to attain a uniform fill. The recommendation of 72.0 ounces for the minimum recommended average fill weight in the current standards remains unchanged. Accordingly, the amendment adopts the following changes for recommended fill weight values for Sliced Canned Clingstone Peaches in No. 10 cans:

	Change from—	Change to—
	Ounces	*Ounces*
(1) Lower warning limit for subgroup averages	70.9	70.6
(2) Lower reject limit for subgroup averages	70.3	69.8
(3) Lower warning limit for individuals	69.4	68.8
(4) Lower reject limit for individuals	68.1	67.2
(5) Average range value	3.0	3.7
(6) Maximum range for a subgroup	6.3	7.9

It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that:

(1) Interested processors have asked the Department to make slight adjustments in these fill-weight values which have been substantiated by further checks by the Department;

(2) The canning industry affected by the amendment is familiar with the need for these adjustments;

(3) The season for canning clingstone peaches will begin soon and it is desirable that the amendment be in effect by that time;

(4) Additional time will not be needed for the industry to make preparation for compliance with the amendment to these standards; and

(5) The amendment involves a relaxation of a restrictive rule.

The amendment is as follows:

In § 52.2569, Table II, in the lower portion titled "Sliced—Fill weight values," change the last line to read for the respective columns as follows:

	$\bar{X}'_{min.}$	LWL'	LRL'	LWL	LRL	$\bar{R}'$	$R_{max.}$
No. 10	72.0	70.6	69.8	68.8	67.2	3.7	7.9

(Sec. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627)

Dated July 25, 1962, to become effective on the date of publication in the FEDERAL REGISTER.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-7457; Filed, July 27, 1962; 8:54 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER D—SPECIAL PROGRAMS

[Amdt. 1]

PART 775—FEED GRAINS

Subpart—1962 Feed Grain Program Regulations

MISCELLANEOUS AMENDMENTS

The regulations governing the 1962 Feed Grain Program Regulations 27 F.R. 146 are amended as follows:

1. Section 775.101 is amended by changing the second sentence thereof to read as follows: "Producers may elect in lieu of conservation uses to devote the diverted acreage to castor beans, flax, guar, mustard seed, rapeseed, safflower, sesame, or sunflower: *Provided,* That no payments shall be made with respect to acreage devoted to flax, mustard seed, rapeseed, or safflower."

2. Section 775.102 is amended in paragraphs (c)(2) and (d)(2) by changing the parenthetical reference from (22 F.R. 3747) to (24 F.R. 4223).

3. Section 775.102 is further amended by adding at the end thereof a new paragraph (l) as follows:

(l) "Great Plains Conservation Program" means the program provided for by the act of August 7, 1956, 70 Stat. 1115–1117 (16 U.S.C. 590p(b)).

4. Section 775.105(b)(5) is amended by adding immediately after the reference to § 775.111 in the first sentence thereof the following: "and other than a producer of barley on a summer-fallow farm as described in paragraph (d) of this section,"

5. Section 775.105 is further amended by adding at the end thereof a new paragraph (d) as follows:

(d) *Producer of barley on summer-fallow farm.* A producer of barley on a farm where summer fallow is the normal practice may, pursuant to the provisions of Public Law 87–425, participate in the corn-grain sorghum program without regard to whether he has exceeded his barley base for 1962, if he (1) does not knowingly devote an acreage on the farm to barley in excess of the barley feed grain base established for the farm plus the acreage devoted to summer fallow in 1961 which is diverted from the production of wheat under the special 1962 wheat program, and (2) does not knowingly devote an acreage on the farm to corn, grain sorghums, and barley in excess of 80 percent of the average acreage devoted on the farm to corn, grain sorghums, and barley in 1959 and 1960. Where the requirements in the previous sentence are met, the acreage devoted to barley in 1962 in excess of the barley feed grain base established for the farm shall be considered as planted to corn and grain sorghums for determining the extent of participation and payments.

6. Section 775.106(a)(11) is amended by adding immediately preceding the word "may" the following: "or if no date is specified, before the disposal date approved by the Deputy Administrator."

7. Section 775.106(a) is further amended by changing subparagraph (12) to (13), and adding a new subparagraph (12) as follows:

(12) Guar which is not harvested may be considered as a conservation use provided the farm operator notifies the county office that the crop will be used only for cover.

8. Section 775.107(a) is amended by adding immediately after the words "conservation reserve contract" the following: "or a Great Plains contract."

9. Section 775.107(a) is further amended by adding an "and" immediately after the reference "§ 775.108," in the second sentence thereof.

10. Section 775.107(b) is amended by changing the first sentence thereof to read as follows: "No crop shall be harvested from the designated diverted acreage in 1962 for which payment is made under the program except (1) where the Secretary considers it necessary to permit harvesting the diverted acreage in order to alleviate a shortage of forage for use in the area resulting from severe drought, flood, or other natural disaster, (2) where an acreage is approved for double cropping (information as to such areas and the conditions under which such harvesting is permitted may be obtained from the county office), (3) where the crop is one which matured in 1961 on land which was not designated under the 1961 Feed Grain Program as diverted acreage, and the harvesting was delayed because of adverse weather or other conditions beyond the control of the farm operator, or (4) as provided in § 775.101."

11. Section 775.107(b) is further amended by changing the last sentence thereof to read as follows: "For restrictions on the use of diverted acreage devoted to castor beans, flax, guar, mustard seed, rapeseed, safflower, sesame, or sunflower, see paragraph (d) of this section."

12. Section 775.107(d) is amended to read as follows:

(d) *Diverted acreage devoted to crops planted in lieu of conservation uses.* Diverted acreage devoted to castor beans, flax, guar, mustard seed, rapeseed, safflower, sesame, or sunflower shall not be grazed, and violation of this provision shall render the acreage ineligible for designation as diverted acreage.

13. Section 775.108 is amended by adding at the end thereof the following new sentence: "Notwithstanding the foregoing provisions of this section, the establishment of a permanent cover of trees, perennial grasses, or perennial legumes, shall not be required on such retired cropland acreage if it is determined by the Deputy Administrator that such acreage is being permanently removed from production due to failure of an irrigation water source in a normal desert area, and permanent cover cannot be established."

14. Section 775.110(a) is amended by changing the parenthetical reference in the second sentence thereof from (22 F.R. 3747) to (24 F.R. 4223).

15. Section 775.110(b) is amended by deleting the following: "issued in accordance with applicable regulations."

16. Section 775.111(b) is amended by adding at the end of the first sentence thereof the following new sentence: "Compana is also approved for the state of Montana only."

17. Section 775.113(e) is amended by adding "or the Great Plains Program" immediately after the words "Conservation Reserve Program" and by adding "or Great Plains contract" immediately after the words "conservation reserve contract."

18. Section 775.114 is amended by adding at the end thereof a new paragraph (f) as follows:

(f) Notwithstanding any other provision of this section the rates of payment under the program shall be (1) 20 percent of the minimum acre payment rate in the case of land devoted to guar and sunflower, (2) 30 percent of the minimum acre payment rate in the case of land devoted to castor beans, and (3) 40 percent of the minimum acre payment rate in the case of land devoted to sesame.

19. Section 775.120(a) is amended by changing the parenthetical reference from (22 F.R. 3747) to (24 F.R. 4223).

20. Section 775.121(b)(4) is amended to read as follows: "The number of acres in the designated diverted acreage of the applicable crop(s) less any acreage devoted to flax, mustard seed, rapeseed or safflower; or".

21. Section 775.121(b) is further amended by changing the next to the last sentence thereof to read as follows: "Except as provided below, no payment shall be made on any farm on which the total diverted acreage on which the payment is based (including acreage devoted to castor beans, flax, guar, mustard seed, rapeseed, safflower, sesame or sunflower which has not been grazed as provided in § 775.107(d)) is less than 20 percent of the farm feed grain base."

22. Section 775.121 is further amended by changing paragraphs (d) and (e) to (e) and (f) respectively, and adding a new paragraph (d) as follows:

(d) Notwithstanding any other provision of this section, the rates of payment with respect to (1) land devoted to castor beans, guar, sesame, or sunflower, and (2) land cash-rented from the Federal, State, county or local government, or subdivisions thereof, shall not exceed the rates specified for such land in accordance with § 775.114.

23. Section 775.124(b)(1) is amended to read as follows:

(1) The respective interests which the predecessor and successor would have had in barley or in corn and grain sorghums if such crop(s) had been produced on the diverted acreage;

24. Section 775.124(b)(3) is amended by changing the date therein from "1961" to "1962."

25. Section 775.126(c) is amended by changing the first sentence to read as follows: "Notwithstanding the foregoing provisions of this section, a farm shall not be reconstituted for the purpose of this program after the planting of the applicable feed grain(s) has been completed on the farm unless the conditions supporting the reconstitution existed at the time such crop(s) was planted on the farm and a change in operation had occurred prior to the beginning of such planting but had not been reported in the county office."

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 25, 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-7460; Filed, July 27, 1962; 8:55 a.m.]

PART 776—WHEAT STABILIZATION PROGRAM

Subpart—1962 Wheat Stabilization Program Regulations

MISCELLANEOUS AMENDMENTS

The regulations governing the 1962 Wheat Stabilization Program, 26 F.R. 11347, are amended as follows:

§ 776.1 [Amendment]

1. The third sentence of § 776.1 is amended to read as follows: "Producers may elect in lieu of conservation uses to devote the diverted acreage to castor beans, flax, guar, mustard seed, rapeseed, safflower, sesame, or sunflower: *Provided,* That no payments shall be made with respect to acreage devoted to flax, mustard seed, rapeseed, or safflower."

§ 776.7 [Amendment]

2. The last sentence of § 776.7(b) is amended to read as follows: "For restrictions on the use of diverted acreage devoted to castor beans, flax, guar, mustard seed, rapeseed, safflower, sesame, or sunflower, see paragraph (d) of this section."

3. Section 776.7(d) is amended to read as follows:

(d) *Diverted acreage devoted to crops planted in lieu of conservation uses.* Diverted acreage devoted to castor beans, flax, guar, mustard seed, rapeseed, safflower, sesame, or sunflower shall not be grazed, and violation of this provision shall render the acreage ineligible for designation as diverted acreage.

§ 776.8 [Amendment]

4. Section 776.8 is amended by adding at the end thereof the following new sentence, "Notwithstanding the foregoing provisions of this section, the establishment of a permanent cover of trees, perennial grasses, or perennial legumes shall not be required on such retired cropland acreage if it is determined by the Deputy Administrator that such acreage is being permanently removed from production due to failure of an irrigation water source in a normal desert area and permanent cover cannot be established."

§ 776.11 [Amendment]

5. Section 776.11 is amended by adding at the end thereof the following new paragraph:

(g) Notwithstanding any other provision of this section, the rates of payment under the program shall be (1) 20 per centum of the minimum acre payment rate in the case of land devoted to guar and sunflower, (2) 30 per centum of the minimum acre payment rate in the case of land devoted to castor beans, and (3) 40 per centum of the minimum acre payment rate in the case of land devoted to sesame.

6. Section 776.18 is amended to read as follows:

§ 776.18 Final payment.

(a) Payments of any amounts due the producers on a farm participating in the program shall be made when it has been determined by the county committee that the producers and the farm are in compliance with the requirements of the program. To be eligible for payment the producer must complete Form ASCS–656 not later than May 1, 1963, unless approval to sign at a later date is approved by the Administrator, ASCS, or his designee. The percentage shares of all producers who would have had an inter-

est in the wheat produced on the farm in 1962, had wheat been produced on the diverted acreage, must equal 100 percent.

(b) The total diverted acreage of wheat on the farm shall be determined by subtracting the wheat acreage on the farm as defined in the regulations governing the Wheat Marketing Quota for 1961 and subsequent years from the larger of the farm acreage allotment for the 1962 crop of wheat which would be in effect except for the reduction thereof as provided in section 334(c)(2) of the Agricultural Adjustment Act of 1938, as amended, or the highest actual acreage of wheat on the farm for harvest in any of the years 1959, 1960 or 1961: *Provided*, That such acreage in each of such years did not exceed 15 acres. The total diverted acreage on which payment shall be based shall be the smallest of:

(1) The total diverted acreage of wheat on the farm determined as provided above;

(2) The total intended diverted acreage as specified on Form ASCS–654;

(3) The increased acreage devoted in 1962 to approved conservation uses on the farm, excluding (i) designated diverted acreage under the 1962 Feed Grain Program and (ii) cropland retired to replace noncropland in accordance with § 776.8;

(4) The number of acres in the designated diverted acreage less any acreage which is devoted to flax, rapeseed, mustard seed, or safflower; or

(5) If the farm is covered by a Soil Bank Conservation Reserve Contract, the number of permitted acres of soil bank base crops minus, (i) the acreage diverted under the 1962 Feed Grain Program, and (ii) the acreage devoted in 1962 to soil bank base crops, excluding designated diverted acreage under the Feed Grain Program and this program on which soil bank base crops are planted as a conservation use in accordance with the provisions of § 776.6.

Notwithstanding subparagraphs (1) through (5) of this paragraph, a reduction in diverted acreage otherwise eligible for payment shall be made for each acre of noncropland which is planted for harvest in 1962 (excluding noncropland planted to perennial grasses and perennial legumes on which no nurse crop is harvested for grain or oilseed) that is not replaced by cropland retired pursuant to the provisions of § 776.8. Except as provided below, no payment shall be made with respect to any farm on which the total diverted acreage on which payment is based (including acreage devoted to castor beans, flax, guar, mustard seed, rapeseed, safflower, sunflower, or sesame which has not been grazed in violation of § 776.7(d)) is less than (i) 10 per centum of the highest actual acreage of wheat planted on the farm for harvest in any of the years 1959, 1960, or 1961: *Provided*, That such acreage in each of such years did not exceed 15 acres or (ii) 10 per centum of the farm acreage allotment for the 1962 crop of wheat which would be in effect except for the reduction thereof as provided in section 334(c)(2) of the Agricultural Adjustment Act of 1938, as amended. The provisions of the foregoing sentence shall not apply if (i) the farm is covered by a Soil Bank Conservation Reserve contract and the provisions of the second sentence in § 776.5(b)(2) are applicable, or (ii) noncompliance with the provisions of the foregoing sentence was caused solely by (*a*) an understatement made in good faith by producers in supplying data to the county committee or (*b*) an error, and the county committee determines that (*1*) producers on the farm were in no way responsible for the error, (*2*) the extent of the error was such that the producers would not reasonably be expected to question it, and (*3*) the producers in good faith complied with the program on the basis of the error.

(c) The amount of the total earned payment for the farm shall be computed in accordance with the following subparagraphs (1) through (4) of this paragraph, as applicable:

(1) If the highest actual acreage of wheat planted on the farm for harvest in any of the years 1959, 1960, or 1961 is greater than 15 acres, the total acreage on which payment is based shall be divided into the following two categories for the purpose of computing the acreage eligible for payment, at the minimum and additional acre payment rates:

(i) The number of acres equal to 10 per centum of the farm acreage allotment for the 1962 crop of wheat which would be in effect except for the reduction thereof as provided in section 334(c)(2) of the Agricultural Adjustment Act of 1938, as amended, shall be computed at the minimum acre payment rate; and

(ii) The number of acres, if any, in excess of 10 per centum of the farm acreage allotment for the 1962 crop of wheat which would be in effect except for the reduction thereof as provided in section 334(c)(2) of the Agricultural Adjustment Act of 1938, as amended, shall be computed at the additional acre payment rate.

(2) If the 1962 wheat acreage is greater than the farm acreage allotment for the 1962 crop of wheat and the highest actual acreage of wheat planted on the farm for harvest in any of the years 1959, 1960, or 1961 did not exceed 15 acres, the total acreage on which payment is based shall be divided into the following two categories for the purpose of computing the acreage eligible for payment at the minimum and additional acre payment rates:

(i) The number of acres equal to 10 per centum of the highest actual acreage of wheat planted on the farm for harvest in any of the years 1959, 1960, or 1961 shall be computed at the minimum acre payment rate; and

(ii) The number of acres, if any, in excess of 10 per centum of the highest actual acreage of wheat planted on the farm for harvest in any of the years 1959, 1960, or 1961 shall be computed at the additional acre payment rate.

(3) If the 1962 wheat acreage is equal to or less than the farm acreage allotment for the 1962 crop of wheat and the highest actual acreage of wheat planted on the farm for harvest in any of the years 1959, 1960, or 1961 did not exceed 15 acres, the total acreage on which payment is based shall be divided into the following two categories for the purpose of computing the acreage eligible for payment at the minimum and additional acre payment rates:

(i) The number of acres equal to the smaller of (*a*) 10 per centum of the highest actual acreage of wheat planted on the farm for harvest in any of the years 1959, 1960, or 1961, or (*b*) 10 per centum of the farm acreage allotment for the 1962 crop of wheat which would be in effect except for the reduction thereof as provided in section 334(c)(2) of the Agricultural Adjustment Act of 1938, as amended, shall be computed at the minimum acre payment rate; and

(ii) The number of acres, if any, in excess of acreage computed under subdivision (i) of this subparagraph shall be computed at the additional acre payment rate.

(4) On farms with recognized irrigated and non-irrigated wheat history for 1959, 1960, or 1961, irrigated wheat shall be credited with an acreage equivalent to the smaller of the actual wheat acreage diverted from such practice category or the total diverted acreage on which payment is based, and nonirrigated wheat shall be credited with the remainder, if any, of the diverted acreage on which payment is based. The acreage of each practice category eligible for payment at the minimum and additional payment rates shall be determined by multiplying the acreage eligible for payment in each practice category by the ratio of acreage eligible for payment at the minimum or additional rate, as applicable, determined under subparagraphs (1), (2), or (3) of this paragraph to the total applicable acreage eligible for payment on the farm.

(d) Notwithstanding any other provision of this section, the rates of payment with respect to (1) land devoted to castor beans, guar, sesame, or sunflower and (2) land cash-rented from the Federal, State, county, or local government, or subdivisions thereof, shall not exceed the rates specified for such land in accordance with § 776.11.

(e) The balance of the total earned payment due each eligible producer shall be determined by multiplying the total earned payment for the farm by the producer's share of the payment and subtracting therefrom the advance payment made to such producer. Producers shall refund any payment previously made to which they are not entitled.

(f) Notwithstanding any provision of these regulations, if a producer declines for personal reasons to accept all or any part of his share of the payment computed for a farm in accordance with the provisions of this section, such payment or portion thereof shall not become available for any other producer on the farm.

§ 776.23 [Amendment]

7. The first sentence of § 776.23(c) is amended to read as follows: "Notwithstanding the foregoing provisions of this section, a farm shall not be reconstituted for the purpose of this program after the planting of wheat has been completed on the farm unless the conditions supporting the reconstitution existed at the time such crop was planted on the farm and a change in operation had occurred prior to the beginning of such planting but had not been reported in the county office."

(Sec. 124(1), 75 Stat. 300)

Issued at Washington, D.C., on 25th day of July 1962.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62–7461; Filed, July 27, 1962; 8:55 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 23]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.323 Valencia Orange Regulation 23.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 26, 1962.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., July 29, 1962, and ending at 12:01 a.m., P.s.t., August 5, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 450,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 27, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–7546; Filed, July 27, 1962; 11:17 a.m.]

[Lemon Reg. 32]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.332 Lemon Regulation 32.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 24, 1962.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., July 29, 1962, and ending at 12:01 a.m., P.s.t., August 5, 1962, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 26, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62–7488; Filed, July 27, 1962; 8:55 a.m.]

Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 33]

PART 1033—MILK IN GREATER CINCINNATI MARKETING AREA

Order Amending Order Regulating Handling of Milk in Greater Cincinnati, Ohio Marketing Area; Correction

The following correction is made to the order amending the order issued

February 27, 1962, and published in the FEDERAL REGISTER on Friday, March 2, 1962 (27 F.R. 2029; F.R. Doc. 62-2100) by adding the following:

5. Change the references in §§ 1033.60 (e) and 1033.61(a) (1) to read "§ 1033.50" instead of "§ 1033.50(b)".

Signed at Washington, D.C., on July 25, 1962.

JOHN P. DUNCAN, JR.,
Assistant Secretary.

[F.R. Doc. 62-7458; Filed, July 27, 1962; 8:54 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1048, Amdt. 468]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC-8 Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring modifications to Douglas DC-8 aircraft to permit opening of the overwing exits from outside the airplane was published in 27 F.R. 986.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment recommended that a combination of the modifications specified in paragraphs (a) and (b) of the proposal be permitted. The Agency has carefully considered this recommendation and finds that the purposes of this AD can be accomplished by the modifications specified in (a) or (b) or by an appropriate combination thereof. The AD has been revised accordingly. It was also recommended that the time for compliance with the requirements of paragraph (c) of the proposed rule, be extended from 300 to 700 hours' time in service. The Agency does not, however, believe that it would be in the interests of safety at this time to so extend the compliance time.

A further comment stated that a restriction of the seat-back as provided for in paragraph (c) of the proposed AD would not advance safety in that the seat-back break over feature, which is a safety measure, would be lost on at least four seats and possibly more should the blocked seats be relocated during normal maintenance of the aircraft. In this connection, the Agency is of the opinion that over-all safety is enhanced by providing for access to the aircraft in the event of an accident even though the break over feature may not be available on four seats. Furthermore, the Agency sees no problem in the comment concerning the relocation of blocked seats since the stops which restrict seat-back movement can be easily removed if the seat is placed in a location where seat-back restriction is not required.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

DOUGLAS. Applies to DC-8 aircraft, Serial Numbers 45253-45289, 45291-45306, 45376-45382, 45384-45393, 45408-45413, 45416-45419, 45421-45431, 45433, 45442-45445, 45526, 45565-45570, 45588-45606, 45609-45614, 45617-45618, 45620-45622, 45624-45627.

Compliance required within 300 hours' time in service after the effective date of this AD.

Investigation has shown that the overwing emergency exits cannot, under all necessary circumstances, be opened from outside the airplane, as required by Civil Air Regulations Sections 4b.362(e) (2) and 4b.362(e) (3). To eliminate this condition, one of the following modifications shall be accomplished with respect to each aft overwing exit which is not deactivated per Note 7 of Type Certificate Data Sheet 4A25 and with respect to each forward overwing exit:

(a) The outboard seat in the row of seats forward of each overwing exit shall be permanently blocked to prevent the seat from being reclined across any portion of the exit opening. The outboard seat in the row of seats aft of each overwing exit shall be permanently blocked to prevent the seat from being moved forward across any portion of the exit opening.

(b) Each row of seats forward and aft of each overwing exit shall be relocated in an approved manner that will permit the exit door to be readily opened from the outside and removed when the back of the outboard seat in each such row of seats is in any of its possible positions. The seat track or other seat positioning means shall be clearly marked or blocked in a manner which will assure that these rows of seats are continuously retained in this position during service.

(c) Combinations of the modifications specified in (a) and (b) may be used provided that fore and aft outboard seat backs are restricted from being placed in a position which will prevent opening of the exit from the outside.

(d) Rework each overwing exit door assembly, door jamb and lower stop, install a handle on the exterior of each of those door assemblies, and restrict the forward movement of the outboard seat in each row of seats just aft of an overwing exit. This total modification shall be such as to permit the exit door to be readily opened and removed from the outside when the backs of both adjacent outboard seats are in any of their possible positions.

(Douglas DC-8 Service Bulletin No. 52-21 pertains to this same subject and describes an FAA approved means of complying with modification method (c).)

This amendment shall become effective August 27, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 24, 1962.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 62-7409; Filed, July 27, 1962; 8:47 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 62-CE-21]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Federal Airway and Associated Control Areas

On April 25, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 3931) stating that the Federal Aviation Agency (FAA) proposed to designate a new segment of low altitude VOR Federal airway No. 129 from Duluth, Minn., to International Falls, Minn. V-129 presently extends from Polo, Ill., to Eau Claire, Wis.

The Air Transport Association of America endorsed the designation of the proposed airway. The Aircraft Owners and Pilots Association, while concurring in the proposed action, questioned the need for the increased route width between the points more than 45 miles from the terminal aids. They recommended that the airway be routed via the Eveleth, Minn., state operated VOR. This facility has not been approved by the FAA for public use. Moreover, the FAA is planning for a VORTAC installation at Hibbing, Minn., at which time the airway will be redesignated via this facility. The expanded width portion of the airway can then be reduced. The Department of the Air Force recognized the need for this airway and offered recommendations toward modernizing air traffic service in the Duluth terminal area based on their feeling that the proposed airway will be in contest with Air Defense Command operations. However, the Air Force stated they would have no objection to the proposed airway provided the FAA could give assurance that there would be no further restrictions or changes to current ADC procedures at Duluth. In respect to this concern, the FAA does not contemplate any plans for restrictions or changes to current procedures based solely on the new airway. Further, the designation of this airway will improve upon the techniques presently employed since many aircraft now entering and leaving the Duluth control area extension via random routes will be routed via the airway.

No other comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for reasons stated in the notice, the following actions are taken:

1. In § 600.6129 (14 CFR 600.6129) the following changes are made:

(a) In the caption "to Eau Claire, Wis.)." is deleted and "to Eau Claire, Wis., and Duluth, Minn., to International Falls, Minn.)." is substituted therefor.

(b) In the text "From the Duluth, Minn., VORTAC to the International Falls, Minn., VOR (13-mile wide airway from a point 45 nautical miles from the Duluth VORTAC to a point 45 nautical miles from the International Falls VOR)." is added.

2. In the caption of § 601.6129 (14 CFR 601.6129) "to Eau Claire, Wis.)." is deleted and "to Eau Claire, Wis., and Duluth, Minn., to International Falls, Minn.)." is substituted therefor.

These amendments shall become effective 0001 e.s.t., September 20, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 23, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-7411; Filed, July 27, 1962; 8:47 a.m.]

[Airspace Docket No. 61-NY-42]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation and Alteration of Federal Airways and Associated Control Areas

On April 24, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 3892) stating that the Federal Aviation Agency (FAA) proposed to designate an additional segment of VOR Federal airway No. 72 and its associated control areas from the Concord, N.H., VOR to the intersection of the Concord VOR 011° and the Lebanon, N.H., VOR 103° radials. In addition, the Notice proposed to revoke the segment of Blue Federal airway No. 63 from Concord to Laconia, N.H.

The Air Transport Association of America concurred in the proposed action and no other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

§ 600.6072 [Amendment]

1. In § 600.6072 (14 CFR 600.6072) the following changes are made:

(a) In the caption "and Findlay, Ohio, to Williamsville, Vt.)." is deleted and "Findlay, Ohio, to Williamsville, Vt.; and Concord, N.H., to Laconia, N.H.)." is substituted therefor.

(b) In the text "From the Concord, N.H., VOR to the INT of the Concord VOR 011° and the Lebanon, N.H., VOR 103° radials." is added.

§ 601.6072 [Amendment]

2. In the caption of § 601.6072 (14 CFR 601.6072) "and Findlay, Ohio, to Williamsville, Vt.)." is deleted and "Findlay, Ohio, to Williamsville, Vt.; and Concord, N.H., to Laconia, N.H.)." is substituted therefor.

3. Section 600.663 (14 CFR 600.663) is amended to read:

§ 600.663 Blue Federal airway No. 63 (Laconia, N.H., to Berlin, N.H.).

From the Laconia, N.H., RBN via the North Conway, N.H., RBN to the Berlin, N.H., RBN.

§ 601.663 [Amendment]

4. In the caption of § 601.663 (14 CFR 601.663) "(Concord, N.H., to Berlin, N.H.)." is deleted and "(Laconia, N.H., to Berlin, N.H.)." is substituted therefor.

These amendments shall become effective 0001 e.s.t., September 20, 1962.

(Sec. 307(a), 72 Stat. 749; 48 U.S.C. 1348)

Issued in Washington, D.C., on July 24, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-7412; Filed, July 27, 1962; 8:47 a.m.]

[Airspace Docket No. 62-EA-49]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Alteration of Control Zone and Restricted Area/Military Climb Corridor

The purpose of these amendments to Parts 601 and 608 of the regulations of the Administrator is to alter the Dover, Del. (Dover AFB), control zone and the Restricted Area/Military Climb Corridor R-2803.

The Dover AFB control zone is designated, in part, on the Dover radio beacon. The Dover AFB Restricted Area/Military Climb Corridor R-2803 is designated, in part, on the Dover VOR. The Department of the Air Force advises they intend to decommission the radio beacon and relocate the VOR to the present site of the radio beacon. Therefore, action is taken herein to substitute the Dover AFB Runway 13 for the Dover radio beacon in the description of the Dover control zone and delete reference to the Dover VOR in the description of the Dover Restricted Area/Military Climb Corridor R-2803.

Since the changes effected by these amendments are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnnecessary and they may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In the text of § 601.2227 (14 CFR 601.2227) "within 2 miles either side of the 126° bearing of the Dover AFB RBN extending from the 6-mile radius zone to 10 miles SE of the RBN." is deleted and "within 2 miles either side of the extended centerline of the Dover AFB Runway 13 extending from the 6-mile radius zone to 12 miles SE of the lift off end of Runway 13." is substituted therefor.

2. § 608.28 *Delaware* (14 CFR 608.28) R-2803 Dover, Del. is amended to read as follows:

R-2803 Dover, Del. (Dover AFB) Restricted Area/Military Climb Corridor.

Boundaries. The area based on the 184° radial of the Dover AFB TACAN extending from 5 miles S of the Dover AFB (latitude 39°07'45" N., longitude 75°27'50" W.) to 32 miles S of Dover AFB, having a width at the beginning from 1 mile W to 2.4 miles E of the TACAN 184° radial and expanding to a width at the outer extremity from 2.3 miles W to 2.4 miles E of the TACAN 184° radial.

Designated altitudes. 2,000 feet MSL to 15,000 feet MSL from 5 miles S of the airbase to 6 miles S of the airbase.

2,000 feet MSL to flight level 240 from 6 to 7 miles S of the airbase.

2,000 feet MSL to flight level 270 from 7 to 10 miles S of the airbase.

6,000 feet MSL to flight level 270 from 10 to 15 miles S of the airbase.

10,000 feet MSL to flight level 270 from 15 to 20 miles S of the airbase.

15,000 feet MSL to flight level 270 from 20 to 25 miles S of the airbase.

19,000 feet MSL to flight level 270 from 25 to 32 miles S of the airbase.

Time of designation. Continuous.

Using agency. Dover AFB Approach Control.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 24, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-7410; Filed, July 27, 1962; 8:47 a.m.]

[Airspace Docket No. 62-EA-18]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

Revocation of Segments of Jet Routes

On May 11, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 4521) stating that the Federal Aviation Agency proposed to revoke Jet Routes Nos. 26 and 30 from Appleton, Ohio, to Gordonsville, Va.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

In § 602.100 *Jet routes* (14 CFR Part 602), the following changes are made:

a. In the captions of Jet Routes Nos. 26 and 30 "Gordonsville, Va." is deleted and "Appleton, Ohio" is substituted therefor.

b. In the text of Jet Routes Nos. 26 and 30 "Joliet, Ill.; Appleton, Ohio, to Gordonsville, Va." is deleted and "Joliet, Ill., to Appleton, Ohio." is substituted therefor.

These amendments shall become effective 0001 e.s.t., September 20, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 23, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-7413; Filed, July 27, 1962; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-98]

PART 13—PROHIBITED TRADE PRACTICES

Acme Brief Case Co., Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 Composition: 13.1185-40 In general.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Acme Brief Case Company, Inc., et al., Yonkers, N.Y., Docket C-98, Mar. 23, 1962]

In the Matter of Acme Brief Case Company, Inc., a Corporation, and Abraham Klotz, Abraham Lishinsky, and Gerald S. Klotz, Individually and as Officers of Said Corporation

Consent order requiring New York City manufacturers of brief cases, looseleaf notebooks, ring binders, school bags, etc., to cease such false and misleading practices as tagging zipper binders "Made of solid one piece split cowhide leather", and "A top value in laminated split cowhide leather" when the interior surfaces and sections were made of a material simulating leather; and labeling binders as "Virgin vinyl" and school bags as "Vinyl Plastic", both of which had outside sections made of very thin sheets of a plastic-like material backed with thicker layers of cardboard or paper.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Acme Brief Case Company, Inc., a corporation, and its officers, and Abraham Klotz, Abraham Lishinsky and Gerald S. Klotz, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of looseleaf notebooks, ring binders, school bags, brief cases or any other articles of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the terms "one piece split cowhide leather", "laminated split cowhide leather" or any other words or terms denominating leather to describe any of said products or their parts which are not made wholly of the kind of leather so stated and which are made of said leather laminated to or backed with a different kind of leather from that so stated or with nonleather material without clearly, conspicuously and in immediate connection therewith stating that said product is laminated or backed and revealing the kind of leather or nonleather material comprising such lamination or backing.

2. Using the words "Virgin Vinyl", "Vinyl Plastic" or any other words or terms which reveal or purport to reveal the substance from which said products or their parts are made, to describe any of said products or their parts which are not made wholly of said substance and which are made of said substance laminated to or backed with a material different from said substance without clearly, conspicuously and in immediate connection therewith stating that said product is laminated or backed and revealing the kind of material comprising such lamination or backing.

3. Offering for sale or selling said products made of nonleather material which simulates leather without attaching thereto or affixing thereon in such manner that it cannot readily be removed, and of such nature as to remain on the product until it reaches the ultimate consumer, a mark, tag or label, which clearly and conspicuously discloses that the product is not made of leather.

4. Furnishing or otherwise placing in the hands of retailers or dealers in said products the means and instrumentalities by and through which they may mislead or deceive the public in the manner or as to the things hereinabove prohibited.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 23, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-7417; Filed, July 27, 1962; 8:48 a.m.]

[Docket 8334]

PART 13—PROHIBITED TRADE PRACTICES

Norfolk Handkerchief Co.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* § 13.1053-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, David Feldman et al. trading as Norfolk Handkerchief Co., New York, N.Y., Docket 8334, Mar. 20, 1962]

In the Matter of David Feldman, Charles Wicentowski and Sidney Wicentowski, Individually and as Copartners Trading as Norfolk Handkerchief Company

Order requiring New York City distributors to cease selling handkerchiefs in commerce without labeling as required by the Textile Fiber Products Identification Act, and furnishing their customers a false guaranty that the handkerchiefs were properly labeled, by including on invoices the statement "Continuing guaranty under the Textile Fiber Products Identification Act filed with the Federal Trade Commission."

The order to cease and desist is as follows:

It is ordered, That respondents David Feldman and Sidney Wicentowski, individually and as copartners trading as Norfolk Handkerchief Company, or under any other name, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, manufacture for introduction, sale, advertising and offering for sale, in commerce, and in the transportation or causing to be transported in commerce, and in the importation into the United States of textile fiber products; and in connection with selling, offering for sale, advertising, delivering, transporting, or causing to be transported, textile fiber products, which have been advertised or offered for sale in commerce; and in connection with selling, offering for sale, advertising, delivering, transporting, and causing to be transported, after shipment in commerce, textile fiber products, either in their original state or which have been made of other textile fiber products shipped in commerce; as the term "commerce" is defined in the Textile Fiber Products Identification Act, of handkerchiefs or other "textile fiber products" as such products are defined in and subject to the Textile Fiber Products Identification Act, do forthwith cease and desist from:

1. Misbranding textile fiber products by failing to affix labels to such products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

2. Furnishing false guarantees that textile fiber products are not misbranded under the provisions of the Textile Fiber Products Identification Act.

It is further ordered, That the complaint be dismissed as to respondent Charles Wicentowski, deceased.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That David Feldman and Sidney Wicentowski, individually and as copartners trading as Norfolk Handkerchief Company, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 20, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-7418; Filed, July 27, 1962; 8:48 a.m.]

[Docket C-97]

PART 13—PROHIBITED TRADE PRACTICES

Sells Enterprises, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.60 *Earnings and profits;* § 13.70 *Fictitious or misleading guarantees;* § 13.105 *Individual's special selection or situation;* § 13.115 *Jobs and employment service;* § 13.205 *Scientific or other relevant facts;* § 13.225 *Services.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Sells Enterprises, Inc., et al., Atlanta, Ga., Docket C-97, Mar. 14, 1962]

Consent order requiring Atlanta, Ga., distributors of toys, nursery products including potted plants, coffee bars and supplies, knives, and other merchandise, to cease making a variety of misrepresentations to induce purchase of their products in newspaper advertisements soliciting distributors to service merchandise routes, including deceptive employment offers, exaggerated earnings claims, purported assistance in securing routes, and special selection of customers, as in the order below indicated.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, Sells Enterprises, Inc., a corporation, and its officers, and Edward S. Munro, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of toys, nursery products including potted plants, coffee bars and supplies, knives or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing directly or by implication that:

1. Employment is offered by respondents, when in fact the real purpose of respondents' advertisement is to obtain purchasers and distributors of their products.

2. Respondents' products are sold only to a selected group of persons, or that any qualifications are necessary to become a distributor other than ability to pay for the merchandise ordered.

3. Established or profitable merchandise routes are offered for sale.

4. Only profitable locations will be secured by respondents for merchandise displays or that respondents usually or customarily obtain locations in chain stores, supermarkets, drug stores or other high traffic areas for merchandise displays sold by respondents.

5. Purchasers of respondents' merchandise displays will earn substantial profits from the first week or $75 or $100 per week immediately, or will make a profit of $3.00 to $6.00 per display per week.

6. Purchasers of respondents' products will derive earnings or profits from the operation of a display route or from a single display or location in any amounts which are in excess of the earnings or profits typically received by others contemporaneously engaged in the operation of similar distributorships or merchandise display routes situated in similar locations in like trade areas.

7. Distributors or purchasers of respondents' products are guaranteed 100 percent profit on their investment the first year or representing in any manner that profits are guaranteed by respondents to distributors.

8. The only effort required for profitable or successful operation of respondents' display routes is the delivery of packages.

9. Respondents' offer is to manage an established business.

10. No selling is required in the operation of respondents' merchandise display routes.

11. Purchasers of respondents' merchandise will be granted exclusive territory for the operation of their display routes.

12. Purchasers of respondents' products will make 25 percent profit on their investment for each display or misrepresenting in any other manner the percentage of profit or mark up afforded to operators of display routes.

13. Respondents employ or furnish experts to make surveys or to locate favorable or profitable placement of the merchandise displays or that such displays will be placed only in desirable and profitable locations.

14. Profits of $5.00 to $10.00 a week or $50 a month per location are assured.

15. Respondents' employees or representatives will relocate the displays at the request of the purchaser or operators of the display routes.

16. Respondents have large numbers of successful distributors over the country who are making large or substantial profits per week.

17. Respondents will pay all transportation costs or make allowances to fully meet such costs.

18. Respondents will train or assist the purchasers of their merchandise in operating their display routes or in the resale of the merchandise sold by respondents.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 14, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-7419; Filed, July 27, 1962; 8:48 a.m.]

[Docket 8406 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

United Farmers of New England, Inc., et al.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.715 *Charges and price differentials;* [Discriminating in price under section 2, Clayton Act]—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, United Farmers of New England, Inc., Morrisville, Vt., Docket 8406, Mar. 22, 1962]

In the Matter of United Farmers of New England, Inc., a Cooperative Marketing Association, its Officers, Directors and Members and, Earl N. Gray, Eldon J. Corbett, William F. Sinclair, and J. C. Thomas, Individually and as Officers, Directors and Members and as Representatives of the Entire Membership of United Farmers of New England, Inc.

Consent order requiring a marketing cooperative composed of dairy farmers in the New England States to cease discriminating in price among its customers in violation of section 2(a) of the Clayton Act by charging some retailer-purchasers substantially higher prices than their competitors, the differentials ranging as high as 40 percent for cream and 15 percent for fluid milk; and to cease violating section 2(d) of the Act by such practices as granting large grocery chains preferential cash payments for promotional advertising, display cabinets, and new store openings, while making no such allowances available on proportionally equal terms to all other competing customers.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent, United Farmers of New England, Inc., a corporation, its officers, members, employees, agents, representatives, successors and assigns, directly or through any corporate or other device, in connection with the sale of fluid milk and other dairy products in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from discriminating in price by selling fluid milk and other dairy products of like grade and quality to any purchaser at a price lower than the price granted to other purchasers:

(1) Where respondent, in the sale of said products, is in competition with any other seller; or

(2) Where any purchaser who does not receive the benefit of the lower price does, in fact, compete in the resale of said products with the purchaser who does receive the benefit of the lower price.

It is further ordered, That respondent, United Farmers of New England, Inc., a corporation, its officers, members, employees, agents, representatives, successors, and assigns, directly or through any corporate or other device, in connection with the sale of fluid milk and other dairy products in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

Making or contracting to make, to or for the benefit of any customer, any payment or allowance of anything of value as compensation or in consideration for any advertising or other services or facilities furnished by or through such customer, in connection with the handling, offering for resale, or resale of products sold to him by respondent, unless such payment or allowance is made available on proportionally equal terms to all other customers competing in the distribution or resale of such products.

It is further ordered, That the complaint be, and it hereby is, dismissed as to the individuals Earl N. Gray, Eldon J. Corbett, William F. Sinclair, and J. C. Thomas, named as respondents individually and as officers, directors, and members, and in their representative capacities as representative of all the members of respondent cooperative.

It is further ordered, That respondent, United Farmers of New England, Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: March 22, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-7420; Filed, July 27, 1962; 8:49 a.m.]

Title 30—MINERAL RESOURCES

Chapter V—General Services Administration

PART 501—STABILIZATION PAYMENTS TO SMALL DOMESTIC PRODUCERS OF LEAD AND ZINC ORES AND CONCENTRATES

Chapter V, including Part 501, is added to Title 30 of the Code of Federal Regulations, reading as follows:

Sec.
501.1 Basis and purpose.
501.2 Definitions.
501.3 Duration of program.
501.4 Participation in program.
501.5 Stabilization payments.
501.6 Limitations on individual producers and properties.
501.7 General limitations.
501.8 Reports and inspections.
501.9 Access to books and records.
501.10 Modification of benefits.
501.11 Criminal and civil penalties.

AUTHORITY: §§ 501.1 to 501.11 issued under secs. 4, 5, 75 Stat. 767, 768; 30 U.S.C. 684, 685. Delegation of the Secretary of the Interior, 27 F.R. 3822.

§ 501.7 Basis and purpose.

The purpose of the regulations in this part is to implement the Act of Congress approved October 3, 1961, Public Law 87-347, 75 Stat. 766, which authorizes the establishment and maintenance of a program of stabilization payments to small domestic producers of lead and zinc ores and concentrates in order to stabilize the mining of lead and zinc by such producers on public, Indian, and other lands. Pursuant to this Act and the delegation of authority from the Secretary of Interior dated April 19, 1962, and published in the FEDERAL REGISTER (27 F.R. 3822), on April 20, 1962, the Administrator of General Services is authorized to make stabilization payments and to establish and promulgate such regulations and to require such reports as he deems necessary to carry out the purposes of the Act and to assure equitable distribution of the benefits provided for by the Act among the small domestic producers affected. The Administrator of General Services will make such stabilization payments in accordance with the Act and the regulations in this part.

§ 501.2 Definitions.

As used in the regulations in this part:

(a) "Administrator" means the Administrator of General Services or his duly authorized representative.

(b) "Act" means the Act of Congress approved October 3, 1961, Public Law 87-347, 75 Stat. 766.

(c) "Small domestic producer" means any person or firm engaged in producing ores or concentrates from mines located within the United States or its possessions and in selling the material so produced in normal commercial channels who, during any twelve-month period between January 1, 1956, and the first day of the first period for which he seeks a payment under the Act, has not produced or sold ores or concentrates the recoverable content of which is more than three thousand tons of lead and zinc combined.

(d) The term "normal commercial channels" means the use of beneficiating plants, smelters, refineries, or other processing plants which purchase and process lead or zinc ores or concentrates as a usual part of their business.

(e) "Recoverable content" means 95 percent of the lead content of ores or concentrates, and 85 percent of the zinc content of ores or concentrates, as determined by assay.

(f) "Ton" means 2,000 pounds avoirdupois net dry weight.

(g) "Sale" means a bona fide transfer for value of ores or concentrates from a producer to a processor, which shall be deemed to have occurred not later than the date of receipt of the material by the processor. If a producer smelts or refines his own ores or concentrates, a sale shall be deemed to have occurred when such ores or concentrates are received at his smelter or refinery. A sale of concentrates produced from ores sold to a processing plant by a small domestic producer in accordance with the regulations in this part shall not be considered as a sale by the owner of the processing plant, but shall be considered as a sale by such producer.

(h) "Newly mined ores or concentrates" means domestic ores severed from the land, or concentrates produced from such domestic ores, subsequent to October 3, 1961, including a normal inventory of crude ore as defined in paragraph (i) of this section. The term does not refer to material recovered from mine dumps, mill tailings, smelter slags, or residues, derived from ore mined prior to October 3, 1961, or to secondary or salvage material, or to any ores or concentrates which have been commingled with such materials.

(i) A "normal inventory of crude ore" means the quantity of broken ore on hand at the surface of a mine on October 3, 1961, but not in excess of a quantity which bears a reasonable relation to the quantities of such material customarily maintained during the calendar year, between January 1, 1950, and December 31, 1960, in which the producer attained his maximum production.

(j) "Operating unit" means a mine or group of mines, or portions of either, which the Administrator determines, on the basis of cost and operating records or other available data, is being operated as a single unit separate and apart from other units in the same area.

(k) "Quarter" means a three-month period commencing on the first day of January, April, July, or October.

§ 501.3 Duration of the program.

The program shall terminate with respect to each calendar year upon the happening of either of the following events, whichever occurs first:

(a) The closing of the calendar year, or

(b) When the amounts of stabilization payments for the calendar years 1962, 1963, 1964, and 1965 total $4,500,000, $4,500,000, $4,000,000, and $3,500,000, respectively.

§ 501.4 Participation in the program.

(a) Any small domestic producer desiring to participate in the program shall apply on GSA Form 1776 to General Services Administration, Defense Materials Service, General Services Building, Washington 25, D.C. The application should state that the applicant has read the regulations in this part and accepts their terms and conditions. The Administrator may request such additional information as may be necessary and will issue to each applicant found by him to be qualified a certificate of participation on GSA Form 1777, authorizing the applicant to apply for stabilization payments under the regulations in this part to the extent he is eligible and qualified to receive such payments. The issuance of such a certificate shall not entitle the applicant to any stabilization payments to which he would not otherwise be entitled under the terms and conditions of the Act and the regulations in this part.

(b) To obtain stabilization payments a certified producer shall submit to General Services Administration a request for payment on GSA Form 1778.

(c) Notwithstanding the fact that all requirements of the regulations in this part may have been met, a small domestic producer shall not be entitled to any stabilization payments if funds are not available therefor under the program.

(d) The rights under a certificate of participation cannot be acquired by assignment through a sale, lease, permit or other similar transaction, but may be acquired by succession in interest other than by such an assignment.

(e) No person or firm may succeed to the rights under a certificate of participation unless an amended application on GSA Form 1776 is made to the above address giving all the facts relating to such succession in interest. If a valid succession in interest is shown to have occurred and the successor in interest is otherwise eligible, an amended certificate of participation on GSA Form 1777 will be issued entitling the successor in interest to continue the rights under the original certificate.

§ 501.5 Stabilization payments.

Stabilization payments will be made to small domestic producers upon the following terms and conditions:

(a) Presentation of evidence satisfactory to the Administrator of the sale by such applicant of his production of newly mined ore, or concentrates produced therefrom, as provided for in the regulations in this part.

(b) Payment shall be made only with respect to the lead or zinc metal content as determined by assay in accordance with paragraphs (c) and (d) of this section.

(c) When the producer sells ore to a processing plant, the assays for lead and zinc shown on the certified assay report issued by the processing plant shall be used. When the producer ships ore to his own processing plant, or ships ores to a toll processing plant, and sells the concentrates therefrom, the assays shown on the certified assay report issued by the smelter or refinery purchasing the concentrates shall be used. Such assays shall be furnished without cost to General Services Administration. Prior to the issuance of a certificate of participation to an applicant, the applicant shall agree that a representative of the Administrator may be present at the weighing, sampling and assaying of the material upon which stabilization payments are claimed; that a representative portion of the sample shall be packaged, sealed, and identified as the Government's sample; that the Government's sample shall be set aside and held for the Government; and that the Government may have its sample assayed, in which event the Government's assays shall be accepted as establishing the metal content of the material sampled for the purpose of determining the amount of stabilization payments which the applicant may claim against the sales of such material. The cost of the Government's assays shall be for the Government's account.

(d) Lead or zinc metal content shall be calculated on the basis of the dry weights of the ores or concentrates sold multiplied by the percentages of contained lead or zinc metal shown in the assays issued in accordance with paragraph (c) of this section. No stabilization payments shall be made for zinc metal contained in a lead ore or concentrate, or for lead metal contained in a zinc ore or concentrate, unless both metals are sold. If, however, the processor is the same person as the producer, such payments will be made only if such ore or concentrate is to be primarily processed for the recovery of both metals.

(e) For lead, such payments shall be made, subject to the availability of funds therefor, on sales made at times when the market price for common lead at New York, New York, as determined by the Administrator, is below 14½ cents per pound, and such payments shall be 75 percent of the difference between 14½ cents per pound and the average market price for the month in which the sales occurred as determined by the Administrator.

(f) For zinc, such payments shall be made, subject to the availability of funds therefor, on sales made at times when the market price for prime western zinc at East Saint Louis, Illinois, as determined by the Administrator, is below 14½ cents per pound, and such payment shall be 55 percent of the difference between 14½ cents per pound and the average market price for the month in which the sales occurred as determined by the Administrator.

(g) The Administrator's market price determinations shall be based upon trade publications and such other sources of market information as he deems relevant.

(h) Each small domestic producer shall submit one request for payment, on GSA Form 1778, covering all sales for each month. Each such request should be submitted by the 15th day after the end of the month in which the sales covered by such request are made, except that requests with respect to sales made between January 1, 1962, and the last day of the month in which the participant receives his certification of participation are to be submitted by the 15th day of the following month. Request shall be submitted to: Office of Comptroller, General Services Administration, Washington 25, D.C. Unless justifiable cause beyond the reasonable control of the applicant is shown, requests for payment received after the applicable date will not be paid until the month following their receipt, and in no event will payments be made on requests received after March 31 of the year following the year of the sale. Late requests run the risk of the exhaustion of funds through the payment of timely requests.

(i) Except for applications for participation received during the first three quarters of 1962, an applicant may be eligible for payments under the regulations in this part only with respect to sales in a quarter commencing after the date of the receipt of his application.

§ 501.6 Limitations on individual producers and properties.

Stabilization payments otherwise authorized under the regulations in this part shall be subject to the following limitations and restrictions:

(a) (1) No stabilization payments shall be made to any small domestic producer on sales, or further processing in lieu of sales, of newly mined ores or concentrates produced therefrom, in excess of the following quantities:

Calendar year:	Tons (metal content) Lead	Zinc
1962	1,500	1,500
1963	1,200	1,200
1964	900	900
1965	600	600

(2) No small domestic producer may receive stabilization payments on lead in any one of the above calendar years based upon production in excess of his maximum production (recoverable content) of lead during any calendar year between January 1, 1950, and December 31, 1960.

(3) No small domestic producer may receive stabilization payments on zinc in any one of the above calendar years based upon production in excess of his maximum production (recoverable content) of zinc during any calendar year between January 1, 1950, and December 31, 1960.

(4) No stabilization payments shall be made on any domestically produced material which is sold to or eligible for sale to the United States Government, or any agency thereof, pursuant to a contract made under the provisions of the Defense Production Act of 1950, as amended, or the Strategic and Critical Materials Stock Piling Act. The amounts of such material shall be applied to reduce the annual maximum quantities specified in subparagraph (1) of this paragraph (a) and the applicable quarterly limitations and quotas fixed by the Administrator pursuant to § 501.7.

(b) Stabilization payments shall be made only with respect to lead or zinc ores and concentrates produced from an operating unit which was also operated during the whole or some part of the period January 1, 1956, to August 1, 1961.

(c) No stabilization payments shall be made on any production from any property acquired by the applicant by sale, lease, permit, or otherwise (except devise or inheritance) subsequent to August 1, 1961. However, any person or firm acquiring a property by sale, lease, permit, or otherwise after August 1, 1961, and otherwise meeting the requirements for a small domestic producer, may qualify as a small domestic producer if such person or firm produced lead or zinc ores or concentrates from a mine specified in a lease, permit, or contract during the whole or some part of the period January 1, 1956, to August 1, 1961, but not if his production during such period was from a mine owned by him.

(d) The Administrator may determine what constitutes a single operating unit producing ores. If more than one producer claims payment for sales from production of a single operating unit, the Administrator may determine the quantity of sales for each such producer to which the limitations set forth in the regulations in this part apply.

(e) No producer shall be eligible for payment under the regulations in this part if he is operating under a lease, contract, or permit obtained after October 3, 1961, from another producer of lead or zinc who has placed a larger portion of his lead and zinc mining properties under lease, contract, or permit to other producers than he had placed at his highest production level of lead and zinc since January 1, 1956, to October 3, 1961.

§ 501.7 General limitations.

(a) Notwithstanding any other provisions of the regulations in this part, the maximum amounts of stabilization payments which may be made on account of sales of newly mined ores or concentrates produced therefrom shall not exceed the following amounts or the amounts appropriated therefor, whichever is less:

During the calendar year:	*Not to exceed*
1962	$4,500,000
1963	$4,500,000
1964	$4,000,000
1965	$3,500,000

(b) For the purpose of achieving stabilization in the annual rates of production, the Administrator will fix limitations each quarter on the total amounts of lead and zinc on which stabilization payments will be made. The Administrator will assign quotas to individual producers within such quarterly limitations to the extent necessary and in a manner designed to assure equitable distribution of the benefits of the programs. The limitations and quotas so fixed and assigned will not be subject to adjustment except in the event of changes in market prices having such substantial impact upon amounts payable on sales during the quarter as the Administrator determines to require adjustments to avoid defeating the statutory purposes of stabilizing production and making equitable distribution of benefits. The sum of the quarterly limitations or the sum of all producers' quarterly quotas for a calendar year may be less than the total eligible tonnage if funds are not available to cover the full eligible tonnage. Shortfalls in meeting quarterly quotas for any of the first three quarters may be made up by sales in excess of the individual producer's quota for the following quarter only. Shortfalls in the fourth quarter cannot be made up by sales in the first quarter of the following year. Sales made in any quarter in excess of the quota for that quarter may not be carried forward for payment during subsequent quarters.

§ 501.8 Reports and inspections.

(a) Applicants shall furnish the Administrator from time to time reports showing production and disposition of ores or concentrates, together with such other reports and information as the Administrator may require for the administration of the regulations in this part. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942, and any requirements subsequently prescribed will be subject to such approval.

(b) Authorized representatives of the United States Government may enter the applicant's property at all reasonable times for inspection of the operations of the applicant. The applicant shall provide such authorized representatives with all reasonable means of access for such inspections.

§ 501.9 Access to books and records.

Until three (3) years after the termination of the program established under the regulations in this part, authorized representatives of the United States Government shall have access to and the right to examine any pertinent books, documents, papers and records of any participant involving transactions related to the program.

§ 501.10 Modification of benefits.

The regulations in this part may be amended or revised by the Administrator from time to time whether or not such amendment or revision increases or decreases any of the benefits provided for by the regulations in this part or affects the distribution of benefits among small domestic producers.

§ 501.11 Criminal and civil penalties.

As provided in section 9 (a) and (b) of the Act—

(a) Whoever, for the purpose of procuring a payment to which he is not entitled under the Act or the regulations in this part or for the purpose of assisting another to procure a payment to which the other is not entitled under the Act or the regulations in this part, misrepresents any material fact, knowing the same to be false, fictitious, or fraudulent, shall be guilty of an offense against the United States and shall be fined not more than $5,000 or imprisioned not more than two years, or both, and shall thenceforth be entitled to no benefits under the Act or the regulations in this part.

(b) Whoever accepts a payment under the Act or the regulations in this part to which, or any portion of which, he is not entitled, knowing that he is not entitled thereto or whoever, having accepted a payment under the Act or the regulations in this part to which, or any portion of which, he is not entitled, retains the same, knowing that he is not entitled thereto, shall be required, in a civil action instituted by the Attorney General, to refund treble the amount accepted or retained by him. The acceptance or retention of any payment as aforesaid shall also constitute an offense against the United States punishable by a fine or not more than $5,000 or imprisonment for not more than two years, or both, and any person who shall be convicted of such offense shall thenceforth be entitled to no benefits under the Act or the regulations in this part.

Dated: April 26, 1962.

BERNARD L. BOUTIN,
Administrator of General Services.

Concurred in by:
STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 62-7518; Filed, July 27, 1962; 8:55 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Potomac River at Washington, D.C.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.325 governing the operation of drawbridges across the Potomac River at Washington, D.C., is hereby amended in its entirety to permit the drawbridges to remain in a closed position, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.325 Potomac River at Washington, D.C.; drawbridges.

The draws of the bridges need not be opened for the passage of vessels.

[Regs., July 12, 1962, 285/111 (Potomac River, Wash., D.C.) ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 62-7403; Filed, July 27, 1962; 8:46 a.m.]

PART 206—FISHING AND HUNTING REGULATIONS

Chesapeake Bay, Maryland and Virginia

Correction

In F.R. Doc. 62-7010, appearing at page 6829 of the issue for Thursday, July 19, 1962, in the table of § 206.50 (f) (10), the first figure in the latitude column should read "37" instead of "38".

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 132—REGISTRATION

PART 152—PROHIBITED OR RESTRICTED ARTICLES

International Mail Amendments

The regulations of the Post Office Department are amended as follows:

§ 132.2 [Amendment]

1. In § 132.2 *Preparation by mailer*, subparagraph (2) of paragraph (b) is amended to delete the provision for optional sealing of 8 ounce merchandise packages addressed to Canada. As so amended, subparagraph (2) reads as follows:

(b) *Sealing.* • • •

(2) Articles under the classification of commercial papers, printed matter, books, matter for the blind, samples of merchandise and small packets, or as 8-ounce merchandise packages presented for registration, must not be sealed.

NOTE: The corresponding Postal Manual section is 242.222.

§ 132.5 [Amendment]

II. In § 132.5 *Return receipts*, subparagraph (1) of paragraph (e) is amended for the purpose of clarification and to require post offices to examine foreign return receipts to assure proper completion before return. As so amended, subparagraph (1) reads as follows:

(e) *Issued in other countries.* (1) *Completion.* Return receipts from other countries bear the words "Avis de reception." Have the addressee or his authorized agent date and sign the receipt with ink or indelible pencil. When signed by an agent of the addressee, have the agent sign the addressee's name followed by his own signature. Postmark the receipt in the appropriate spaces on both sides. Examine all return receipts to assure proper completion. Return the completed receipt unenclosed in the ordinary (unregistered) surface mail. If it bears the notation "Renvoi par avion" or a Par Avion label, or both, return it by airmail.

NOTE: The corresponding Postal Manual section is 242.551.

III. In § 132.6 *Restricted delivery*, make the following changes in paragraph (a) (1) to the list of countries therein where restricted delivery of registered article is available.

A. Insert the following countries and their accompanying data in alphabetical order therein:

Anguilla (Leeward Is.)—Deliver to addressee in person.
Montserrat (Leeward Is.)—Deliver to addressee in person.
Nevis (Leeward Is.)—Deliver to addressee in person.
St. Christopher (Leeward Is.)—Deliver to addressee in person.

B. Amend the country "Leeward Islands" to read "Leeward Islands (Anguilla, Montserrat, Nevis, and St. Christopher only)—Deliver to addressee in person."

NOTE: The corresponding Postal Manual section is 242.611.

IV. § 152.4 is amended to reflect changes in the reporting procedure involving customs seizures of registered and insured mail from other countries. As so amended, § 152.4 reads as follows:

§ 152.4 Report of customs seizure.

When a seizure is made by customs of matter found to be prohibited importation, falsely declared, or otherwise imported contrary to law, the customs officer will notify the addressee. If the seizure involves registered or insured mail, the customs officer will also notify the International Service Division, Bureau of Transportation, Post Office Department, Washington 25, D.C.

NOTE: The corresponding Postal Manual section is 262.4.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 5105)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-7422; Filed, July 27, 1962; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER S—RIGHTS-OF-WAY

[Circular No. 2084]

PART 244—RIGHTS-OF-WAY OTHER THAN FOR RAILROAD PURPOSES AND FOR LOGGING ROADS ON THE OREGON AND CALIFORNIA AND COOS BAY REVESTED LANDS

Subpart G—Rights-of-Way and Material Sites of Highways Under Title 23, United States Code

Correction

In F.R. Doc. 62-7129, appearing at page 6934 of the issue for Saturday, July 21, 1962, a section headnote reading "§ 244.55 *Application; grants.*" should be inserted immediately following the text of § 244.54(b) (3).

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 909]

[Docket No. AO 143-A3]

HANDLING OF GRAPEFRUIT GROWN IN ARIZONA; AND DESIGNATED PARTS OF CALIFORNIA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amendment of Amended Marketing Agreement and Order

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to a proposed further amendment of the marketing agreement and Order No. 909 (7 CFR Part 909) hereinafter called the "order" regulating the handling of grapefruit grown in Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, to be made effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674, hereinafter called the "act"). Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., not later than the close of business of the tenth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed amendment of the order is formulated, was initiated by the Agricultural Marketing Service as a result of proposals submitted by the Administrative Committee, the agency established to administer the provisions of the order, and was held on May 24, 1962, in the Elks Lodge, NW. corner of Bliss and Jackson Streets, Indio, California. The hearing notice was published in the FEDERAL REGISTER (27 F.R. 3858) on April 21, 1962.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) Authorize marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of grapefruit.

(2) Establish marketing zones and provide for the establishment of different size limitations for grapefruit handled to any of these zones.

(3) Amend the provisions for collection of assessments to include inspection expenses.

Findings and conclusions. The following findings and conclusions on the material issues are based on the evidence presented at the hearing:

(1) The order should be amended to authorize the committee to undertake marketing research and development projects designated to assist, improve, or promote the marketing, distribution, and consumption of grapefruit. The expenses of such projects should be paid out of assessment income.

Through the medium of research the committee should be able to develop information on improved methods of handling and marketing, or to bring together existing information, which will be of value to the industry in establishing more orderly marketing and expanding market outlets for grapefruit. Projects referred to at the hearing related to the development, assembly, and dissemination of information to assist in marketing larger quantities of grapefruit. Examples given of the type of research contemplated included studies to ascertain the basic constituents of grapefruit, investigation of types of packing and handling methods which may lower the cost of marketing, treatment to increase the keeping qualities of grapefruit in retail stores, and the development and distribution of recipes to encourage the sale and consumption of grapefruit. The addition of research and development authority is needed to permit the conduct of such projects by the committee. The foregoing are only examples of the type of research and development work which could be undertaken. The committee should be in a position to undertake any marketing research and development project, authorized by the act, as circumstances indicate would tend to broaden the market for grapefruit.

The work in connection with any such marketing research and development project should, of course, be performed in the most economical and efficient manner possible. Thus, the committee should avail itself of the facilities of either public or private agencies in carrying out authorized research activities if it would be more economical or expeditious to do so. It is not intended that the research activities of the committee duplicate work already performed or underway by other agencies. However, it may be that additional research, or more intensive study may be needed; in which case the committee should cooperate with the other agencies concerned in carrying out a particular project.

As the Secretary is charged with the responsibility for administration of the order, plans for research and development projects should be submitted for his approval prior to conduct of the work.

(2) The order should be amended to establish four geographic marketing zones as separate divisions of the United States and export markets for the marketing of grapefruit and to authorize the establishment of different size limitations for grapefruit shipped to any of these zones. Although precise information is not available as to the demand for the various sizes in different zonal markets, it is known generally that certain sizes are more acceptable in some markets than in others, and that the shipment of the smaller sizes into the principal markets of the western United States early in the season depresses the price markedly in such markets for the larger sizes. Current provisions of the order authorize the issuance of regulations providing for the shipment to export markets of sizes that are different from those which may be shipped to markets in the United States. This authority has been used to permit shipment of smaller sizes to the export market than those shipped to markets in the United States. This, in effect, has constituted regulation on the basis of two zones. In recent years it has been the practice to prescribe larger minimum sizes for the domestic market early in the season than in the export market. However, the volume of production of smaller sizes, relative to the total quantity produced, is increasing and a broader area of distribution is necessary for timely disposition. Reference was made to the possible increased opportunity for disposition of small sizes in midwestern and eastern areas of the United States resulting from the cold destruction of grapefruit trees in Texas, a principal supplier of such markets. It was indicated that these markets have accepted the smaller sizes of grapefruit from Texas and that the supply from this source is likely to be small or nonexistent for several years.

The record indicates that the following zones would be practical and would provide a reasonable basis for regulation and enforcement: Zone 1, California and Arizona; zone 2, Washington, Oregon, Montana, Idaho, Wyoming, Nevada, and Utah; zone 3, all of the remaining states of the United States not enumerated in zones 1, 2, and 4; and zone 4, all export markets and Alaska and Hawaii. Authority for regulation by sizes on the basis of the foregoing zones would provide additional flexibility in the order and enable the shipment of small sizes into a larger area earlier in the season than heretofore. For example, regulations could permit shipment of smaller sizes to zones 2, 3, and 4, while at the same time prohibit the shipment of such sizes to zone 1, or the regulations could permit shipment of smaller sizes to zones 3 and 4 only, depending upon the circumstances. The evidence indicates that it is anticipated that normally the same minimum size would be prescribed for zones 1 and 2 and a smaller minimum size for zones 3 and 4. However, it is possible that circumstances may arise which would make it advantageous to prescribe a different minimum size for each of the 4 zones, and it is concluded that the order should so provide. Although the proposed zones were set up

in such manner that geographic factors and transportation routes would minimize, to the extent possible, problems of compliance, it is recognized that compliance problems may be increased if different minimum sizes are prescribed for an increased number of zones. Therefore, the order should provide that when different size limitations are prescribed, grapefruit may not be shipped to a prohibited zone for reshipment, but may be handled only in a direct shipment to a zone in which distribution of that particular size is not limited. Further, the committee should be authorized to require necessary reports and establish safeguards to assure compliance, including requirements that handlers certify that grapefruit will be distributed only in the permitted zone, and mark packages to show the permitted zone of distribution.

(3) The order should be amended to authorize the inclusion of inspection expenses in the committee's budget. The service of inspection has for several years been provided to handlers by the committee under a contract with the inspection agency, and the committee has made collections to cover these costs as well as the assessment for the expenses of maintaining the committee. However, the expenses of inspection have not been considered a budgetary item and therefore have not been included in the committee's budgets when submitted for approval of the Secretary. Few problems have been encountered in the separate handling of the collections to cover these expenses. However, the committee, in contracting for the inspection services as authorized by the order, assumes the obligation of paying the expenses so incurred. The expenses should, therefore, be treated the same as any other expense of the committee; and it is concluded that the amendment of § 909.40 and § 909.41(a) will make it clear that the inspection expenses should be so treated.

General findings. (1) The order, as amended, and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby proposed to be amended, regulates the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The order, as amended, and as hereby proposed to be amended, is limited in its application to the smallest regional production area that is practicable, consistent with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of this regional production area would not effectively carry out the declared policy of the act; and

(4) The order, as amended, and as hereby proposed to be amended, prescribes such different terms applicable to different production and marketing areas, as are necessary to give due recognition to differences in the production and marketing of grapefruit.

Rulings on proposed findings and conclusions. June 11, 1962, was fixed as the latest date for the filing of briefs with respect to the facts presented in evidence at the hearing and the findings and conclusions which should be drawn therefrom. No brief was filed.

Recommended amendment of the marketing agreement and order. The following further amendment of the marketing agreement and order is recommended as the detailed means by which the stated conclusions may be carried out:

1. A new § 909.32 is added as follows:

§ 909.32 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of grapefruit; the expense of the projects to be paid from funds collected under § 909.41.

§ 909.40 [Amendment]

2. The first sentence of §909.40 is revised to read as follows: "The Administrative Committee is authorized to incur such expenses, including inspection expenses, as the Secretary finds may be necessary to carry out the functions of the committee under this part during each fiscal period."

§ 909.41 [Amendment]

3. The first sentence of § 909.41(a) is revised to read as follows: "Each handler who first handles grapefruit shall, with respect to the grapefruit so handled by him, pay to the Administrative Committee, upon demand, his pro rata share of the expenses, including inspection expenses, which the Secretary finds will be necessarily incurred by the committee for its maintenance and functioning during each fiscal period."

§ 909.51 [Amendment]

4. The second sentence of § 909.51(a) is revised to read as follows: "Whenever the committee finds that the conditions make it advisable to regulate the handling of particular grades or sizes of any variety of grapefruit during any period, it shall recommend the particular grades or sizes it deems advisable to be handled during that period; and the recommendation may include different size limitations for any variety handled to any of the marketing zones described in § 909.56."

§ 909.53 [Amendment]

5. The first sentence of § 909.53 is revised to read as follows: "Whenever the Secretary finds from the recommendation and information submitted by the Administrative Committee or from other available information, that limiting the handling of any variety of grapefruit to particular grades or sizes would tend to effectuate the declared policy of the act, he shall so limit the handling of that variety for a specified period; and the limitation may prescribe different size requirements for the handling of such variety by the initial handler thereof directly to the marketing zones specified."

6. A new § 909.56 is added as follows:

§ 909.56 Marketing zones.

(a) Zone 1: The States of California and Arizona.

(b) Zone 2: The States of Washington, Oregon, Montana, Idaho, Wyoming, Nevada, and Utah.

(c) Zone 3: The States not enumerated in zones 1, 2, and 4.

(d) Zone 4: All export markets and the States of Hawaii and Alaska.

Dated: July 25, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-7456; Filed, July 27, 1962; 8:54 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Parts 1005, 1011, 1065, 1066, 1071–1076, 1090, 1094, 1096, 1098, 1101–1103, 1105–1107, 1120, 1126–1130, 1132, 1134, 1135, 1137]

HANDLING OF MILK IN CERTAIN MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR Part, Docket No., Marketing Area

1005	AO–177–A20	Tri-State.
1011	AO–251–A4	Appalachian.
1065	AO–86–A14	Nebraska-Western Iowa.
1066	AO–122–A9	Sioux City, Iowa.
1071	AO–227–A13	Neosho Valley.
1072	AO–235–A4	Sioux Falls-Mitchell, S. Dak.
1073	AO–173–A14	Wichita, Kans.
1074	AO–249–A4	Southwest Kansas.
1075	AO–248–A3	Black Hills, S. Dak.
1076	AO–260–A4	Eastern South Dakota.
1090	AO–266–A3	Chattanooga, Tenn.
1094	AO–103–A20	New Orleans, La.
1096	AO–257–A8	Northern Louisiana.
1098	AO–184–A18	Nashville, Tenn.
1101	AO–195–A10	Knoxville, Tenn.
1102	AO–237–A6	Fort Smith, Ark.
1103	AO–252–A7	Central Mississippi.
1105	AO–297–A2	Mississippi Delta.
1106	AO–210–A14	Oklahoma Metropolitan.
1107	AO–304–A3	Mississippi Gulf Coast.
1120	AO–328–A1	Lubbock-Plainview, Tex.
1126	AO–231–A19	North Texas.
1127	AO–232–A11	San Antonio, Tex.
1128	AO–238–A13	Central West Texas.
1129	AO–256–A7	Austin-Waco, Tex.
1130	AO–259–A7	Corpus Christi, Tex.
1132	AO–262–A8	Texas Panhandle.
1134	AO–301–A2	Western Colorado.
1135	AO–300–A4	Colorado Spring-Pueblo.
1137	AO–326–A1	Eastern Colorado.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held with sessions at Wichita, Kansas, on June 7, 1962; at Nashville, Tennessee, on June 12, 1962; and at New Orleans, Louisiana, on June 14, 1962, pursuant to notices thereof which were

issued on May 22, 1962, and June 4, 1962 (27 F.R. 5402; 27 F.R. 4919).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary, United States Department of Agriculture, on July 6, 1962 (27 F.R. 6549; F.R. Doc. 62-6758) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Basic formula prices used to compute Class I prices;

2. Basic butterfat test in specified markets; and

3. Conforming changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The monthly average price received by farmers for manufacturing grade milk in Minnesota and Wisconsin as published by the Department on about the 5th day following the month (adjusted to a 3.5 percent butterfat) should be the basic formula price from which the Class I milk price is computed in each of the Federal orders named herein.

(a) *Present order provisions.* Class I prices in Federal order markets are established under the authority of the Agricultural Marketing Agreement Act. The standards for milk order prices described in the Act require that such prices reflect economic conditions which affect market supply and demand for milk in the marketing area. In accordance with these standards, Class I milk pricing formulas have been developed for use in the several Federal orders.

Class I milk price formulas, in markets here considered, employ a basic formula price representing a manufacturing milk value. To this is added a price differential, and in most of these markets a further adjustment is made to reflect the changing relationship of milk supplies to Class I milk disposition. The latter adjustment is commonly referred to as a supply-demand adjustment. Eight of the orders considered here do not have basic formula prices, since the Class I prices thereunder are established at fixed relationships to the Class I prices of other orders.

There is considerable diversity in the basic formulas used in the remaining 23 orders. In 20 of these orders the average paying price of Midwest condenseries is used as a basic formula factor, but since 13 of such orders that compute prices at either 3.8 percent or 4.0 percent butterfat use various methods of adjusting to such tests the condensery price announced at a 3.5 percent basis, five different prices result from the use of this one formula factor. Two orders use the paying prices of a different list of condenseries. All basic formulas include a price computed from market values of butter and nonfat dry milk. In all but one order this is an alternative price used when it is higher than a condensery pay price or other alternatives. The order for the Sioux Falls-Mitchell, South Dakota, market uses the butter-powder formula price as the sole basic formula factor. There are in all, eleven different butter-powder formulas in use in the several orders. Eight orders also include paying prices of local plants as alternative basic formula factors, three use computations based on butter and cheese prices, and one uses the average price of manufacturing milk at plants in the United States.

The lack of uniformity among the various basic formulas and the consequent diversity of results produced in Class I prices constitutes a serious problem with respect to coordination of prices among these markets and with other markets adjacent to the respective markets. The extent to which the Midwest condensery price, common to 28 of the orders here under consideration, has been the effective price in these markets and the adjacent markets, has mitigated this problem somewhat in the past. The variety of means used to adjust this price to the basic butterfat test used in the various orders has, however, resulted in uniformity of basic prices under this condition only among those orders using the same basic test and adjustment factor.

The Midwest condensery price was originally based on reports by 18 plants. From time to time individual plants have ceased operations. Recently, seven plants (5 in Wisconsin and 2 in Michigan) have been reporting prices. Four of these are operated by a single firm and two others by another firm. In addition to the effect that reductions in the number of plants has had in impairing this average price as a representative value of manufacturing milk, there is substantial evidence that the posted pay prices reported for the two Michigan plants in the series do not currently reflect the total cost of milk to such plants. As a consequence of these developments the reliability of the Midwest condensery price as an accurate measure of manufacturing milk values has been reduced.

The factors used in the formula computations based on prices of butter and nonfat dry milk vary considerably in the price quotations used, product yields per hundredweight of milk and manufacturing allowances. Such factors as yields and manufacturing allowances are rigid elements in these formulas that do not respond to changes in efficiency. Most butter-powder formulas give substantial weight to the price of roller process powder. The volume of roller process powder produced has declined substantially so that it no longer represents the end product for a substantial volume of manufacturing milk, and, accordingly, is not now being purchased for price support purposes.

The formulas based on prices of butter and cheese are affected by considerations similar to those in connection with butter-powder formulas, and have never been the effective basic formula prices in the orders here under consideration.

Local plant paying prices have tended to play a lesser role in establishing basic formula prices. Generally they have been lower than other alternative formula computations. An exception has been the "Illinois condensery" prices used in the Nebraska-Western Iowa and Sioux City, Iowa, orders in lieu of the Midwest condensery prices. Since different groups of plants are used in each of these orders, uniformity of pricing among orders cannot be attained by use of such prices.

Uniformity of basic formulas is desirable for the purposes of aligning prices among related markets and promoting understanding of order pricing methods among parties in the industry. Disadvantages inherent in the existing formulas based on product prices and the lessening representation provided by the Midwest condensery prices, make it imperative that a sounder basis for determining basic formulas be provided.

(b) *Minnesota-Wisconsin price.* The price for manufacturing grade milk in the two-state area of Wisconsin and Minnesota is issued by the State-Federal Crop Reporting Service on about the 5th day of each month for milk received at manufacturing plants in these states in the previous month. In each state plant operators regularly report the total pounds of manufacturing grade milk received from farmers, the butterfat content, and total money paid to farmers for the milk. Average state prices based on these reports are available near the end of the month following. For the two-state area a special reporting system has been arranged which provides a reliable estimated price by the 5th day after the end of the month. The two-state area is one in which there is a heavy concentration of manufacturing grade milk and where many plants are competing for such supply. In Minnesota about 80 percent of the milk sold off farms is manufacturing grade and in Wisconsin, about 65 percent. About 50 percent of the manufacturing grade milk sold off farms in the United States is produced in these two States.

This price better meets the requirements for a basic formula price than other formulas now used. It is representative of prices paid to farmers for about half of the manufacturing grade milk produced in the country. It is a price level determined by competitive conditions which are affected by demand in all of the major uses of manufactured dairy products. The system of reporting has been developed so that a reliable average price is available promptly and thus it provides just as current a basis for pricing milk as existing basic formulas. This price is now used as the basic formula price in the orders for 38 markets. Many of the markets here under consideration adjoin one or more of such markets.

It is concluded that the average price for manufacturing grade milk in Wisconsin and Minnesota, as reported by the Department on about the 5th day of the following month should be adopted as the basic formula price in these orders, excepting those where prices are determined on the basis of differentials from other markets. All producer groups from each market and practically all handler witnesses supported use of this price as the basic formula price to be used in these orders.

Inasmuch as the manufacturing milk price for the two-state area is reported by the Department as the price at actual butterfat test, a method for adjustment to the butterfat test (3.5 percent) to be used in these orders must be adopted. For this purpose a generally recognized value of butterfat, 0.12 times the average wholesale price for 92-score butter at Chicago, should be used. This method of adjustment is used in the 38 orders now using this price series as a basic formula price. It is concluded elsewhere in this decision that prices in each of the orders here considered should be stated on a 3.5 percent butterfat basis.

(c) *Transition to new formula (general).* The principal issue of the hearing related to proposed adjustments in Class I differentials to provide transition to the new basic formula price without changing the level of Class I prices. Producers in some markets requested Class I differentials be unchanged, in other markets they requested increases of from 1 to 10 cents. Handlers proposed decreases of from 2 to 7 cents in some markets, no adjustment in others, and increases of 2 to 3 cents in still others.

The variety of basic formulas among the various orders precludes consideration of a uniform basis of adjustment. Before the effective basic formula prices in many orders could be compared with the Minnesota-Wisconsin price, it was necessary to convert the present prices to a 3.5 percent basis by use of the Class I butterfat differentials of the respective orders. These existing formulas have not maintained precise relationship with the Minnesota-Wisconsin series during recent years (data for the period January 1958 through May 1962 were available in the record). In view of the variations in such relationships it is not possible to establish with precision the relationships that may be expected in the future.

For the 34-month period from January 1958 through October 1960 the Minnesota-Wisconsin price and the Midwest condensery price represented virtually the same level of price, differing by less than one-half cent on a simple average basis. In only six of these months did the prices vary by more than 3 cents and the difference never exceeded 7 cents. Beginning with November 1960 through February 1961 the Midwest condensery price exceeded the Minnesota-Wisconsin price by 6–14 cents; for March and April 1961 the condensery price was approximately the same as the Minnesota-Wisconsin price. The condensery price was 4 cents less in May 1961 and it has been from 9 to 15 cents less each month since than the Minnesota-Wisconsin price. Despite these wider but offsetting variations the two price series averaged within less than one-half cent of each other for the four-year 1958–1961 period.

In those markets for which the Midwest condensery price has been the usually effective basic formula price there is no basis for adjusting Class I differentials in making the transition from the present basic formula price to the Minnesota-Wisconsin price. The present relationship of the Midwest condensery price to paying prices in the area, and a somewhat similar relationship to market prices of manufactured dairy products are symptoms of its progressive failure to represent accurately manufacturing milk values. It would not be appropriate to reduce Class I differentials to reflect recent levels in the condensery price.

(d) *Transition to new formula (market by market).* For only two markets here involved, Black Hills and Eastern South Dakota, has the 3.5 percent Midwest condensery price without adjustment been the effective price at all times. For the Tri-State, Oklahoma Metropolitan, Western Colorado, Colorado Springs-Pueblo, and Eastern Colorado markets, basic formula factors are identical. Under this type of formula the condensery price has been the dominant price. While the Nebraska-Western Iowa and Sioux City orders include the "Illinois" condensery price rather than the Midwest price, prices of these two series were substantially the same prior to the development of the present weakness in the Midwest series. For all these orders, for which prices are announced on a 3.5 percent basis, it is concluded that the transition to the new basic formula should be made without change in the Class I price differential.

For the Neosho Valley, Wichita, Southwest Kansas, Northern Louisiana, Fort Smith, North Texas, and Texas Panhandle orders the formula factors generally resemble those in the Oklahoma and Colorado markets, except that prices are stated at 3.8 percent butterfat in the Wichita and Southwest Kansas orders and at 4.0 percent in the remaining markets. Conversion of the condensery price to such tests by direct ratio has been at a higher rate than the Class I butterfat differentials of the orders. As a consequence basic formula prices of these orders, when reconverted to a 3.5 percent basis, are slightly higher than those for the Oklahoma and Colorado orders. The deterioration in the condensery price series more than overcomes this difference so that transition to the new basic formula may be accompanied without current reduction in Class I prices if present Class I price differentials are maintained. Such transition will best serve to avoid distortion of price alignments among markets.

With respect to the Appalachian, Chattanooga, New Orleans, Nashville, Knoxville, and Central Mississippi orders, Midwest condensery prices have not been so predominatingly effective. These markets all use a 4.0 percent basic test. In the four-year period 1958–1961, butter-powder formula prices were the effective basic formula prices about 40 percent of the time in New Orleans and Central Mississippi and almost 60 percent of the time in the other markets. In all these markets butter-powder prices are presently the effective basic formula prices. Differences in the butter-powder formula, methods of converting prices to the basic tests of the orders and Class I butterfat differentials provide diverse results when each of these orders is compared with the Minnesota-Wisconsin price at 3.5 percent test.

The increases in Class I price differentials suggested by producer spokesmen based on a comparison of order basic formula prices with the Minnesota-Wisconsin manufacturing milk price in earlier years do not provide a valid basis for transition from current levels of the existing basic formula prices in these orders. The suggested comparison does not allow for recognized changes in the industry. A comparison on a more recent basis is more valid for this reason.

On the basis of this comparison for recent months, it is concluded that no adjustment of Class I differentials is required to prevent decrease of price in the Chattanooga and Knoxville markets, but that Class I differentials should be increased 3 cents in the New Orleans, Nashville and Central Mississippi markets and 1 cent in the Appalachian market.

The Sioux Falls-Mitchell order does not include a condensery price alternative in its basic formula but computes the Class I price by addition of a Class I differential to the Class II price determined by a butter-powder formula price. This price has been and now is less than the Midwest condensery price. Class I price relationships with the adjacent Eastern South Dakota market in which Sioux Falls-Mitchell handlers sell milk have varied substantially as the differences between condensery prices and butter-powder values have changed. Sioux Falls handlers opposed change in the basic formula on the basis of price alignments with the Minneapolis-St. Paul order for which the Minnesota-Wisconsin price is now the basic formula price. Adjustment of Class I differentials on the basis of local factors is beyond the scope of action possible from a joint hearing of the nature held. On the other hand the Sioux Falls-Mitchell basic formula price has not been equal to the Midwest condensery price nor is it now equal to that price. It is concluded that present relationships with the Eastern South Dakota market will be preserved by a decrease of 10 cents (from $1.40 to $1.30) in the Class I differential of the Sioux Falls-Mitchell order. This will also restore a fixed alignment with the Minneapolis-St. Paul order similar to that in effect before amendment of the basic formula price of that order. Further alignment of Class I prices between these markets to reflect current supply and marketing conditions can be done only on the basis of further hearings of a more localized nature.

No basic formula prices are contained in eight of the orders under consideration. Class I prices of the Red River Valley order are based on those of the Oklahoma Metropolitan order, those of the Mississippi Delta and Gulf Coast orders on the Central Mississippi price, while the North Texas price determines prices in San Antonio, Central West Texas, Austin-Waco, Corpus Christi and Lubbock-Plainview. No amendment to the Red River Valley order will be required to carry out the conclusions of this decision but amendment of the other orders named will be required by conclusions with respect to another issue of the hearing.

2. Prices under all orders should be stated on a 3.5 percent butterfat basis.

Prices under the Appalachian, Neosho Valley, Chattanooga, New Orleans, Northern Louisiana, Nashville, Knox-

ville, Fort Smith, Central Mississippi, Mississippi Delta, Mississippi Gulf Coast, Lubbock-Plainview, North Texas, San Antonio, Central West Texas, Austin-Waco, Corpus Christi, and Texas Panhandle orders are now stated on a 4.0 percent butterfat basis. Prices under the Wichita and Southwest Kansas orders are stated on a 3.8 percent butterfat basis.

In order that the uniformity of basic formula prices provided herein may be maintained, class and producer prices in these orders should be stated at the same butterfat content, 3.5 percent, as for other markets involved in this hearing and for the 38 other markets now using this common basic formula price.

Provision is made that change in the basic test will not affect the level of the Class II (and Class III in some orders) price(s). Prices presently computed at 4.0 or 3.8 percent are converted to 3.5 percent prices by use of the Class II butterfat differentials of the respective orders. Producer prices stated on a 3.5 percent basis will aid in making price comparisons among markets. The producer price at any given test will remain the same whether computed on a 3.5 percent basis or at another test. Cooperative associations distributing returns to their member producers are not prevented from using another basis if they so choose.

3. *Conforming changes.* Conforming changes are adopted in a substantial number of the orders to continue without change pricing provisions for milk in classes other than Class I. Such changes consist principally in setting forth under the pricing provisions for such classes of milk present basic formula factors now incorporated therein by reference.

All but one of the orders considered herein use a basic formula price determined from the preceding month's condensery price or product prices to determine the current month's Class I price. For uniformity of language, the basic formula price of each order has been defined as the manufacturing milk pay price for the current month, and use of the basic formula price of the preceding month has been specified in the Class I pricing provision. In order that the uniform basic formula price adopted herein may be applied uniformly to the same period in all orders affected, the order for the Tri-State area, which presently uses the current condensery price or product values, is amended to conform to the other orders. Since the Class I price for this order is now announced on the 5th day after the end of the month to which it applies, the present provisions will be applicable with respect to computation and announcement of prices for the month preceding the effective date of this amendment and the amended provisions will apply to the month following the effective date. Thus, announcement of the Class I price for the preceding month and that for the current month will on that occasion be made on the same day.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such respective prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreements and orders. Attached hereto and made a part hereof are sixty documents, thirty of which are entitled, with respect to each of the above designated marketing areas, exclusive of the Red River Valley marketing area (7 CFR Part 1104) "Marketing Agreement Regulating the Handling of Milk in the Marketing Area", and the remaining thirty of which are entitled, with repect to identical marketing areas, "Order Amending the Order Regulating the Handling of Milk in the Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions with respect to each of the respective orders, specified therein.

It is hereby ordered, That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the respective orders as hereby proposed to be amended by the attached orders which will be published with this decision.

Determination of representative periods. The month of June 1962 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Lubbock-Plainview, Texas, marketing area is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

The month of May 1962 is hereby determined to be the representative period for such purpose with respect to each of the other orders amending the respective orders that are attached hereto.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the New Orleans, Louisiana, marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of May 1962 is hereby determined to be the representative period for the conduct of such referendum.

William J. Larzelere is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on July 23, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Tri-State Marketing Area

§ 1005.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Tri-State marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Tri-State marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. In § 1005.22(j), subparagraph (1) is revised to read as follows:

§ 1005.22 Duties.

* * * * * * *

(j) * * *

(1) On or before the 5th day of each month, the Class I price and the Class I butterfat differential for the month and the Class II and Class III prices and the Class II and Class III butterfat differentials for the preceding month, as computed pursuant to §§ 1005.50 through 10005.55; and

2. Section 1005.50 is revised to read as follows:

§ 1005.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department of Agriculture for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture for the month. The basis formula price shall be rounded to the nearest full cent.

3. The introductory text of § 1005.51 is revised to read as follows:

§ 1005.51 Class I milk prices.

Subject to the provisions of §§ 1005.54 through 1005.57, the minimum price per hundredweight on a 3.5 percent butterfat content basis to be paid by each handler for producer milk classified as Class I milk for the month, shall be the basic formula price for the preceding month determined pursuant to § 1005.50 adjusted as follows:

4. Paragraph (b) of § 1005.53 is revised to read as follows:

§ 1005.53 Class III milk prices.

* * * * * * *

(b) For each month except April, May, June and July, the price for Class III milk shall be the price (rounded to the nearest one-tenth cent) computed pursuant to subparagraph (1) or subparagraph (2) of this paragraph, whichever is higher:

(1) The average of the basic (or field) prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price computed by adding together the plus values determined pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the average price per pound of butter for the month as described in § 1005.50, subtract three cents, add 20 percent thereof, and then multiply by 3.5; and

(ii) From the average of the carlot prices per pound of nonfat dry milk for human consumption, spray and roller process, f.o.b. manufacturing plants in the Chicago area, as published by the Department of Agriculture for the period from the 26th day of the previous month through the 25th day of the current month, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965.

5. Section 1005.54 is amended by revising paragraph (a) and paragraph (b) to read as follows:

§ 1005.54 Butterfat differentials to handlers.

* * * * * * *

(a) *Class I milk.* Add 1.0 cent to the butterfat differential for Class II and Class III milk for the preceding month computed pursuant to paragraph (b) of this section;

(b) *Class II and Class III milk.* Subtract 3.0 cents from the average price per pound of butter for the month as described in § 1005.50 and multiply by 0.119.

Order[1] Amending the Order Regulating the Handling of Milk in the Appalachian Marketing Area

§ 1011.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedures governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Appalachian marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Appalachian marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1011.50 is revised to read as follows:

§ 1011.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1011.51 paragraphs (a) and (b) (1) and (2) are revised to read as follows:

§ 1011.51 Class price.

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $1.67 during the months of March through July; and $2.11 during all other months.

(b) * * *

(1) The average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department on or before the 6th day after the end of the month, less five times the butterfat differential for the month computed pursuant to § 1011.52(b):

Company and Location
Borden Co., Lewisburg, Tenn.
Borden Co., Chester, S.C.
Carnation Co., Galax, Va.
Carnation Co., Murfreesboro, Tenn.
Carnation Co., Statesville, N.C.
Franklin Milk, Co., Jonesboro, Tenn.
Kraft Foods Co., Independence, Va.
Kraft Foods Co., Greeneville, Tenn.
Pet Milk Co., Greeneville, Tenn.
Pet Milk Co., Abingdon, Va.

(2) Add the amounts obtained pursuant to subdivisions (i) and (ii) of this subparagraph, subtract 75 cents and subtract five times the butterfat differential for the month computed pursuant to § 1011.52(b).

(i) Multiply the Chicago butter price by 4.8;

(ii) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month, by the Department.

§§ 1011.52, 1011.71, 1011.72, 1011.91 [Amendment]

3. In §§ 1011.52, 1011.71, 1011.72 and 1011.91, "4.0" is changed to "3.5" wherever it appears.

Order[1] Amending the Order Regulating the Handling of Milk in the Nebraska-Western Iowa Marketing Area

§ 1065.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Nebraska-Western Iowa marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Nebraska-Western Iowa marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1065.50 is revised to read as follows:

§ 1065.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Order[1] Amending the Order Regulating the Handling of Milk in the Sioux City, Iowa, Marketing Area

§ 1066.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Sioux City, Iowa, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Sioux City, Iowa, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1066.50 is revised to read as follows:

§ 1066.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1066.51 the introductory text of paragraph (a) is revised to read as follows:

§ 1066.51 Class prices.

* * * * *

(a) *Class I milk.* The price per hundredweight of Class I milk containing 3.5 percent butterfat shall be the basic formula price for the preceding delivery period, plus $1.40.

Order[1] Amending the Order Regulating the Handling of Milk in the Neosho Valley Marketing Area

§ 1071.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Neosho Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Neosho Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1071.50 is revised to read as follows:

§ 1071.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1071.51, paragraph (a) and the introductory text of paragraph (b) are revised to read as follows:

§ 1071.51 Class prices.

* * * * *

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding delivery period plus the following amounts per hundredweight: $1.00 during the delivery periods April through June, and $1.45 during the delivery periods of July through March: *Provided,* That for each of the delivery periods of September through December, such price shall not be less than that for the preceding delivery period, and that for each of the delivery periods of April through June such price shall be not more than that for the preceding delivery period: *And provided further,* That the price so determined shall be further adjusted by subtracting any amount by which such price exceeds the higher of, or adding any amount by which such price is less than the lower of the following:

(1) The price for Class I milk of 3.5 percent butterfat content established for the same month or delivery period pursuant to Part 1106 of this chapter regulating the handling of milk in the Oklahoma Metropolitan marketing area less 33 cents; or

(2) The price for Class I milk of 3.5 percent butterfat content established for the same month or delivery period under Part 1067 of this chapter regulating the handling of milk in the Ozarks marketing area, plus 15 cents.

(b) *Class II milk.* The price per hundredweight for Class II milk shall be the higher of the price computed pursuant to subparagraphs (1) and (2) of this paragraph, less 5 times the butterfat differential for the respective month computed pursuant to § 1071.52(b).

§§ 1071.52, 1071.71, 1071.72, 1071.91 [Amendment]

3. In §§ 1071.52, 1071.71, 1071.72, and 1071.91, "4.0" is changed to "3.5" wherever it appears.

Order[1] Amending the Order Regulating the Handling of Milk in the Sioux Falls-Mitchell, South Dakota, Marketing Area

§ 1072.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Sioux Falls-Mitchell, South Dakota, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Sioux Falls-Mitchell, South Dakota, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. A new § 1072.50 is added to read as follows:

§ 1072.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. Section 1072.50 is redesignated as § 1072.51 and paragraph (a) therein is revised to read as follows:

§ 1072.51 Class prices.

• • • • •

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.30.

§ 1072.51 [Redesignation]

3. Section 1072.51 is redesignated as § 1072.52 and the reference "§ 1072.50" therein is revised to "§1072.51".

§ 1072.52 [Redesignation]

4. Section 1072.52 is redesignated as § 1072.53.

§ 1072.55 [Amendment]

5. In § 1072.55 the reference "1072.51" is revised to "1072.52".

Order[1] Amending the Order Regulating the Handling of Milk in the Wichita, Kansas, Marketing Area

§ 1073.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Wichita, Kansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Wichita, Kansas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1073.50 is revised to read as follows:

§ 1073.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1073.51, the introductory texts of paragraph (a) and of paragraph (c) are revised to read as follows:

§ 1073.51 Class prices.

• • • • •

(a) *Class I milk.* The price per hundredweight shall be the basic formula price for the preceding month plus $1.57 during all months of the year, plus or minus a supply-demand adjustment computed as follows: *Provided*, That the Class I price so computed shall not be less than the Class I price for milk containing 3.5 percent butterfat for the same period pursuant to Federal Order No. 64 (Greater Kansas City) during each month of the period August through March and plus ten cents for each of the months of April through July, nor more than the Kansas City Class I price (3.5 percent butterfat content) plus fifty cents during each of the months of the period August through March and plus sixty cents for each of the months of April through July.

• • • • •

(c) *Class III milk.* The price per hundredweight shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph, less three times the butterfat differential for the respective month computed pursuant to § 1073.52(c).

§§ 1073.52, 1073.71, 1073.80, 1073.81 [Amendment]

3. In §§ 1073.52, 1073.71, 1073.80 and 1073.81, "3.8" is changed to "3.5" wherever it appears.

Order[1] Amending the Order Regulating the Handling of Milk in the Southwest Kansas Marketing Area

§ 1074.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southwest Kansas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southwest Kansas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1074.50 is revised to read as follows:

§ 1074.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1074.51 the introductory text of paragraph (a), that part of paragraph (a) following subdivision (iii) of subparagraph (3) and paragraph (b) are revised to read as follows:

§ 1074.51 Class prices.

• • • • •

(a) *Class I milk.* The price per hundredweight shall be the basic formula price for the preceding month plus $1.65 during all months of the year plus or minus a supply-demand adjustment, computed as follows:

• • • • •

The price so determined shall be further adjusted by subtracting any amount by which such price exceeds the higher of, or adding any amount by which such price is less than the lower of, the price for Class I milk of 3.5 percent butterfat content established for the same month or delivery period pursuant to Part 1073 of this chapter regulating the handling of milk in the Wichita, Kansas, marketing area or the price of Class I milk of 3.5 percent butterfat content established for the same month or delivery period pursuant to Part 1132 of this chapter regulating the handling of milk in the Texas Panhandle marketing area during the months of March, April, May and June and 25 cents less than such price computed for the Texas Panhandle marketing area in all other months.

(b) *Class II milk.* The price per hundredweight shall be the average price reported by the Department for the current month for milk for manufacturing purposes, f.o.b. plant, United States, adjusted to a 3.8 percent butterfat basis by direct ratio, less three times the butterfat differential for the respective month computed pursuant to § 1074.52 (b).

§§ 1074.52, 1074.71, 1074.81 [Amendment]

3. In §§ 1074.52, 1074.71, and 1074.81, "3.8" is changed to "3.5" wherever it appears.

Order[1] Amending the Order Regulating the Handling of Milk in the Black Hills, South Dakota, Marketing Area

§ 1075.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Black Hills, South Dakota, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Black Hills, South Dakota, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1075.50 is revised to read as follows:

§ 1075.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. Paragraph (b) of § 1075.51 is revised to read as follows:

§ 1075.51 Class prices.

• • • • •

(b) *The Class II milk price.* The Class II milk price shall be the sum of the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Subtract 6.5 cents from the Chicago butter price for the month and multiply the remainder by 4.2.

(2) From the simple average, as computed by the market administrator, of the arithmetical average of the carlot prices per pound of nonfat dry milk solids, spray and roller process for human consumption delivered at Chicago as reported for the month by the Department, subtract 6.5 cents and multiply the remainder by 7.913: *Provided*, That if the Department does not publish the above stated price for nonfat dry milk solids there shall be used in lieu thereof the price for nonfat dry milk solids, spray and roller process for human consumption, f.o.b. manufacturing plants in the Chicago area as published by the Department for the period from the 26th day of the preceding month through the 25th day of the current month.

Order[1] Amending the Order Regulating the Handling of Milk in the Eastern South Dakota Marketing Area

§ 1076.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Eastern South Dakota marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Eastern South Dakota marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1076.50 is revised to read as follows:

§ 1076.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

Order[1] Amending the Order Regulating the Handling of Milk in the Chattanooga, Tennessee, Marketing Area

§ 1090.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Chattanooga, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficent quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Chattanooga, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1090.50 is revised to read as follows:

§ 1090.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department of Agriculture for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1090.51, the introductory text and paragraph (b) are revised to read as follows:

§ 1090.51 Class prices.

Subject to the provisions of §§ 1090.52 and 1090.53, the minimum prices per hundredweight of milk containing 3.5 percent butterfat, to be paid by each handler for milk received at his pool plant from producers during the month, shall be as follows:

* * * * *

(b) *Class II milk price.* For the months of February through August, the Class II milk price shall be the price computed pursuant to subparagraph (1) of this paragraph, and for all other months, the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph, adjusted in each case to a 3.5 percent butterfat basis by subtracting five times the butterfat differential for the month computed pursuant to § 1090.52(b) and rounding to the nearest cent.

(1) The average of the basic or field prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from dairy farmers during the month at the following plants or places, for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 6th day after the end of the month:

Company and Location

Kraft Foods Co., Fayetteville, Tenn.
Pet Milk Co., Greeneville, Tenn.
Carnation Co., Murfreesboro, Tenn.
Borden Co., Lewisburg, Tenn.

(2) The price per hundredweight computed as follows: Multiply the Chicago butter price by 4.8 and add to such sum 3¾ cents for each full one-half cent that the arithmetical average of carlot prices per pound of nonfat dry milk solids, spray and roller process, for human consumption, f.o.b. Chicago area manufacturing plants, for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, is above 5 cents.

3. Paragraph (b) of § 1090.52 is revised to read as follows:

§ 1090.52 Butterfat differentials to handlers.

* * * * *

(b) *Class II milk price.* Multiply the Chicago butter price for the month by 0.115: *Provided,* That for the months of February through August, such butterfat differential shall not exceed the result obtained by dividing the price computed pursuant to subparagraph (1) of § 1090.51(b) by 40, and for all other months, by dividing the higher of the prices computed pursuant to subparagraphs (1) and (2) of § 1090.51(b) by 40.

§§ 1090.52, 1090.71, 1090.72, 1090.73 [Amendment]

4. In §§ 1090.52, 1090.71, 1090.72 and 1090.73, "4.0" is changed to "3.5" wherever it appears.

Order[1] Amending the Order Regulating the Handling of Milk in the New Orleans, Louisiana, Marketing Area

§ 1094.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New Orleans, Louisiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the New Orleans, Louisiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1094.50 is revised to read as follows:

§ 1094.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department of Agriculture for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. The introductory text of § 1094.51, the introductory text of paragraph (a); and paragraph (b) are revised to read as follows:

§ 1094.51 Class prices.

Subject to the provisions of §§ 1094.52 and 1094.53, the minimum class prices per hundredweight of milk containing 3.5 percent butterfat shall be determined for each month as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $2.51 during the months of March through June and $2.71 in all other months, plus or minus a supply-demand adjustment calculated for each month pursuant to subparagraphs (1) through (6) of this paragraph: *Provided,* That the Class I price for any month of September, October, or November shall not be lower, by more than 5 cents, than such price for the immediately preceding month and for any month of April, May or June of each year shall not be higher, by more than 5 cents, than such price for the immediately preceding month:

* * * * *

(b) *Class II milk price.* The Class II milk price shall be the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 4.0 percent butterfat content received from farmers during the month at the plants or places listed below for which prices have been reported to the market administrator or to the Department of Agriculture, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph: *Provided,* That in no case shall such price exceed the basic formula price by more than 13.5 cents:

Present Operator and Location

Pet Milk Co., Kosciusko, Miss.
Borden Co., Starkville, Miss.
McClendon Cheese Co., Newton, Miss.
Borden Co., Macon, Miss.

(1) Subtract five times the butterfat differential computed pursuant to § 1094.52(b); and

(2) Add 28.5 cents during the months of February through August and 38.5 cents during all other months.

§§ 1094.52, 1094.71, 1094.72, 1094.73, 1094.74, 1094.75 [Amendment]

3. In §§ 1094.52, 1094.71, 1094.72, 1094.73, 1094.74 and 1094.75, "4.0" is changed to "3.5" wherever it appears.

Order[1] Amending the Order Regulating the Handling of Milk in the Northern Louisiana Marketing area

§ 1096.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Northern Louisiana marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Northern Louisiana marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1096.50 is revised to read as follows:

§ 1096.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. Section 1096.51 is revised to read as follows:

§ 1096.51 Class prices.

Subject to the provisions of §§ 1096.52 and 1096.53, the minimum prices per hundredweight to be paid by each handler for milk received from producers during the month shall be as follows:

(a) *Class I milk price.* For the months of June 1962 through August 1963 the Class I milk price shall be the basic formula price for the preceding month plus $2.27.

(b) *Class II milk price.* The Class II milk price shall be computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph, subtracting five times the butterfat differential computed pursuant to § 1096.52 (b), rounding to the nearest one-tenth cent and, during the months of March through June, deducting 5 cents.

(1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 4.0;

(2) From the simple average as computed by the market administrator of the weighted average of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.16.

§§ 1096.52, 1096.71, 1096.72, 1096.73, 1096.74 [Amendment]

3. In §§ 1096.52, 1096.71, 1096.72, 1096.73, and 1096.74, "4.0" is changed to "3.5" wherever it appears.

Order[1] Amending the Order Regulating the Handling of Milk in the Nashville, Tennessee, Marketing Area

§ 1098.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Nashville, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Nashville, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1098.50 is revised to read as follows:

§ 1098.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1098.51 the introductory text of paragraph (a); and paragraph (b) are revised to read as follows:

§ 1098.51 Class prices.

* * * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $1.53 during the months of August through January, plus $1.23 during all other months and plus or minus a supply-demand adjustment calculated for each month as follows:

* * * * * *

(b) *Class II milk price.* The Class II milk price shall be the price determined pursuant to subparagraph (1) of this paragraph not to exceed the highest of the prices computed pursuant to subparagraphs (2), (3), and (4) of this paragraph, and adjusted to a 3.5 percent butterfat basis by subtracting five times the butterfat differential for the month computed pursuant to § 1098.52(b), and rounding to the nearest cent.

(1) To the average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following milk plants for which prices have been reported to the market administrator or to the Department on or before the 6th day after the end of the month:

Present Operator and Location

Carnation Co., Murfreesboro, Tenn.
Kraft Foods Co., Gallatin, Tenn.
Kraft Foods Co., Pulaski, Tenn.
Borden Co., Fayetteville, Tenn.
Borden Co., Lewisburg, Tenn.
Borden Co., Carthage, Tenn.
Summer County Cooperative Creamery, Gallatin, Tenn.
Swift and Co., Lawrenceburg, Tenn.
Wilson and Co., Murfreesboro, Tenn.

Add 25 cents during the months of February through August and add 35 cents during all other months.

(2) To the average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following milk plants for which prices have been reported to the market administrator or to the Department on or before the 5th day after the end of the month:

Present Operator and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

Add an amount computed by multiplying the butterfat differential computed pursuant to § 1098.52(a) by 5.

(3) The price per hundredweight obtained by adding together the plus values computed pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) Multiply by 4 the average price per pound of butter as described in § 1098.50 and add 20 percent thereof;

(ii) From the simple average, as computed by the market administrator, of the weighted averages of the carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area for the period from the 26th day of the immediately preceding month through the 25th day of the current month, as published by the Department, subtract 5 cents and multiply by 7.5.

(4) The price per hundredweight computed as follows:

(i) Multiply by 6 the average price per pound of butter as described in § 1098.50;

(ii) Add 2.4 times the average of the weekly prevailing price per pound of "Twins" during the month on the Wisconsin Cheese Exchange: *Provided*, That if the price of "Twins" is not quoted on such Exchange, the weekly prevailing price per pound of "Cheddars" shall be used; and

(iii) Divide by 7, add 30 percent thereof, and then multiply by 4.

§§ 1098.52, 1098.71, 1098.72, 1098.83 [Amendment]

3. In §§ 1098.52, 1098.71, 1098.72 and 1098.83, "4.0" is changed to "3.5" wherever it appears.

Order[1] Amending the Order Regulating the Handling of Milk in the Knoxville, Tennessee, Marketing Area

§ 1101.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Knoxville, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Knoxville, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1101.50 is revised to read as follows:

§ 1101.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department of Agriculture for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

2. Paragraph (b) of § 1101.51 is revised to read as follows:

§ 1101.51 Class prices.

* * * * * *

(b) *Class II milk price.* The price for Class II milk shall be the price determined pursuant to subparagraph (1) of this paragraph not to exceed the highest of the prices computed pursuant to subparagraphs (2), (3) and (4) of this paragraph, and adjusted to a 3.5 percent butterfat basis by subtracting five times the butterfat differential for the month computed pursuant to § 1101.52(b) and rounding to the nearest cent.

(1) To the arithmetical average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture, on or before the 6th day after the end of the month:

Company and Location

Pet Milk Co., Bowling Green, Ky.
Pet Milk Co., Greeneville, Tenn.
Pet Milk Co., Abingdon, Va.
Carnation Co., Murfreesboro, Tenn.
Carnation Co., Statesville, N.C.
Carnation Co., Galax, Va.
Borden Co., Lewisburg, Tenn.
Borden Co., Chester, S.C.
Kraft Foods Co., Greeneville, Tenn.

Add 10 cents in the months of February through August and add 25 cents in all other months.

(2) To the arithmetical average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 6th day after the end of the month:

Company and Location

Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

Add an amount computed by multiplying the butterfat differential pursuant to § 1101.85(a) by 5.

(3) The price per hundredweight computed as follows:

(i) Multiply by 6 the average price per pound of butter as described in § 1101.50;

(ii) Add an amount equal to 2.4 times the arithmetical average of the weekly prevailing price per pound of "Twins" during the month on the Wisconsin Cheese Exchange: *Provided*, That if the price of "Twins" is not quoted on such Exchange the weekly prevailing price per pound of "Cheddars" shall be used; and

(iii) Divide by 7, add 30 percent thereof, and then multiply by 4.

(4) The price per hundredweight obtained by adding together the plus values computed pursuant to subdivisions (i) and (ii) of this subparagraph.

(i) Multiply by 4 the average price per pound of butter as described in § 1101.50 and add 20 percent thereof;

(ii) From the arithmetical average of carlot prices per pound of nonfat dry milk solids, spray and roller process, for human consumption, f.o.b. Chicago area manufacturing plants, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, subtract 5 cents and multiply by 7.5.

3. Paragraph (b) of § 1101.52 is revised to read as follows:

§ 1101.52 Butterfat differentials to handlers.

* * * * * *

(b) *Class II milk.* Multiply the average price per pound of butter for the month as described in § 1101.50 by 0.115: *Provided*, That such butterfat differential shall not exceed the result obtained by dividing the price computed pursuant to subparagraph (1) of § 1101.51(b) by 40; nor exceed the result obtained by dividing the highest of the prices, computed pursuant to subparagraphs (2), (3) and (4) of § 1101.51(b), by 40.

§§ 1101.52, 1101.71, 1101.72, 1101.85 [Amendment]

4. In §§ 1101.52, 1101.71, 1101.72 and 1101.85, "4.0" is changed to "3.5" wherever it appears.

Order[1] Amending the Order Regulating the Handling of Milk in the Fort Smith, Arkansas, Marketing Area

§ 1102.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Fort Smith, Arkansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Fort Smith, Arkansas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1102.50 is revised to read as follows:

§ 1102.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

2. Section 1102.51 is revised to read as follows:

§ 1102.51 Class prices.

Subject to the provisions of § 1102.52 the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.45 for the months of April, May and June, and plus $1.85 for all other months: *Provided,* That for each of the months of October, November, and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May and June, such price shall not be more than that for the preceding month.

(b) *Class II milk.* The price for Class II milk shall be the average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, less five times the butterfat differential for the respective month computed pursuant to § 1102.52(b):

Present Operator and Location

Pet Milk Co., Siloam Springs, Ark.
Sugar Creek Creamery, Russellville, Ark.
Ozark Creamery, Ozark, Ark.

§§ 1102.52, 1102.71, 1102.72, 1102.81 [Amendment]

3. In §§ 1102.52, 1102.71, 1102.72 and 1102.81, "4.0" is changed to "3.5" wherever it appears.

Order[1] Amending the Order Regulating the Handling of Milk in the Central Mississippi Marketing Area

§ 1103.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central Mississippi marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Central Mississippi marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1103.50 is revised to read as follows:

§ 1103.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department of Agriculture for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. Section 1103.51 is revised to read as follows:

§ 1103.51 Class prices.

Subject to the provisions of §§ 1103.52 and 1103.53, the minimum prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $2.16.

(b) *Class II milk price.* The Class II milk price shall be the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 4.0 percent butterfat content received from farmers during the month at the plants or places listed below for which prices have been reported to the market administrator or to the Department of Agriculture subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph:

Present Operator and Location

McClendon Cheese Co., Newton, Miss.
Borden Co., Starkville, Miss.
Carnation Co., Tupelo, Miss.
Pet Milk Co., Kosciusko, Miss.

(1) Subtract five times the butterfat differential computed pursuant to § 1103.52(b); and

(2) Add 10 cents during each of the months of March through June and 20 cents during all other months.

§§ 1103.52, 1103.71, 1103.72, 1103.91 [Amendment]

3. In §§ 1103.52, 1103.71, 1103.72, and 1103.91, "4.0" is changed to "3.5" wherever it appears.

Order[1] Amending the Order Regulating the Handling of Milk in the Mississippi Delta Marketing Area

§ 1105.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Mississippi Delta marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Mississippi Delta marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1105.50 is revised to read as follows:

§ 1105.50 Class prices.

Subject to the provisions of §§ 1105.51 and 1105.52, the minimum prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the Class I milk price established pursuant to § 1103.51(a) of this chapter regulating the handling of milk in the Central Mississippi marketing area less 16 cents.

(b) *Class II milk price.* The Class II milk price shall be the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 4.0 percent butterfat content received from dairy farmers during the month at the plants or places listed below for which prices have been reported to the market administrator or to the Department of Agriculture, subject to the adjustment provided in subparagraph (1) and (2) of this paragraph:

Present Operator and Location

Kraft Cheese Co., Houston, Miss.
Borden Co., Starkville, Miss.
Carnation Co., Tupelo, Miss.
Pet Milk Co., Kosciusko, Miss.

(1) Subtract five times the butterfat differential computed pursuant to § 1105.51(b); and

(2) Add 10 cents during each month of February through August and 20 cents during all other months.

§§ 1105.51, 1105.71, 1105.72, 1105.73, 1105.74, 1105.75 [Amendment]

2. In §§ 1105.51, 1105.71, 1105.72, 1105.73, 1105.74, and 1105.75 "4.0" is changed to "3.5" wherever it appears.

Order[1] Amending the Order Regulating the Handling of Milk in the Oklahoma Metropolitan Marketing Area

§ 1106.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Oklahoma Metropolitan marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Oklahoma Metropolitan marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1106.50 is revised to read as follows:

§ 1106.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1106.51, the introductory text of paragraph (a) is revised to read as follows:

(a) *Class I milk.* The basic formula price for the preceding month plus $1.48 during the months of April, May and June and plus $1.88 during all other months: *Provided,* That for each of the months of September, October, November and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May and June such price shall not be more than that for the preceding month. To this price add or subtract a "supply-demand adjustment" of not more than 50 cents, computed as follows:

Order[1] Amending the Order Regulating the Handling of Milk in the Mississippi Gulf Coast Marketing Area

§ 1107.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Mississippi Gulf Coast marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Mississippi Gulf Coast marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1107.50 is revised to read as follows:

§ 1107.50 Class prices.

Subject to the provisions of §§ 1107.51 and 1107.52, the minimum prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the Class I milk price established pursuant to § 1103.51(a) of this chapter regulating the handling of milk in the Central Mississippi marketing area plus 10 cents.

(b) *Class II milk price.* The Class II milk price shall be the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 4.0 percent butterfat content received from dairy farmers during the month at the plants or places listed below for which prices have been reported to the market administrator or to the Department of Agriculture, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph;

Present Operator and Location

McClendon Cheese Co., Newton, Miss.
Borden Co., Starkville, Miss.
Carnation Co., Tupelo, Miss.
Pet Milk Co., Kosciusko, Miss.

(1) Subtract five times the butterfat differential computed pursuant to § 1107.51(b); and

(2) Add 10 cents during each of the months of March through July and 20 cents during all other months.

§§ 1107.51, 1107.71, 1107.72, 1107.80, 1107.81 [Amendment]

2. In §§ 1107.51, 1107.71, 1107.72, 1107.80 and 1107.81 "4.0" is changed to "3.5" wherever it appears.

Order[1] Amending the Order Regulating the Handling of Milk in the Lubbock-Plainview, Texas, Marketing Area

§ 1120.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Lubbock-Plainview, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Lubbock-Plainview, Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. In § 1120.50 the introductory text of paragraph (b) is revised as follows:

§ 1120.50 Class prices.

* * * * *

(b) *Class II price.* The Class II milk price shall be computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph, subtracting five times the butterfat differential computed to § 1120.51(b), rounding to the nearest full cent and, during the months of March through June, deducting 13 cents.

§§ 1120.51, 1120.71, 1120.72, 1120.73, 1120.74 [Amendment]

2. In §§ 1120.51, 1120.71, 1120.72, 1120.73 and 1120.74, "4.0" is changed to "3.5" wherever it appears.

Order[1] Amending the Order Regulating the Handling of Milk in the North Texas Marketing Area

§ 1126.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the North Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1126.50 is revised to read as follows:

§ 1126.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential, rounded to the nearest one-tenth cent, computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

2. In § 1126.51 paragraph (b) is revised to read as follows:

§ 1126.51 Class prices.

* * * * *

(b) *Class II milk price.* The Class II milk price shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph for the months of July through March and for all other months the higher of the price computed pursuant to subparagraph (1), less 14 cents, and the price computed pursuant to subparagraph (2) of this paragraph, all adjusted to a 3.5 percent butterfat basis by subtracting five times the butterfat differential computed pursuant to § 1126.52(b):

(1) The price per hundredweight, rounded to the nearest one-tenth cent, computed by adding together the plus values computed pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 4.0;

(ii) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96.

(2) The price per hundredweight, rounded to the nearest one-tenth cent, computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department for the month.

§§ 1126.52, 1126.55, 1126.71, 1126.72, 1126.73, 1126.91 [Amendment]

3. In §§ 1126.52, 1126.55, 1126.71, 1126.72, 1126.73, and 1126.91, "4.0" is changed to "3.5" wherever it appears.

Order[1] Amending the Order Regulating the Handling of Milk in the San Antonio, Texas, Marketing Area

§ 1127.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the San Antonio, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the San Antonio, Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. In § 1127.52, the introductory text of subparagraph (1) of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1127.52 Class II and Class II–A milk.

(a) *Class II milk.* * * *

(1) The sum of the amounts computed pursuant to subdivisions (i) and (ii) of this subparagraph, adjusted to a 3.5 percent butterfat basis by subtracting five times the butterfat differential computed pursuant to § 1127.53(b) and rounding to the nearest full cent:

* * * * *

(b) *Class II-A milk.* The minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II-A milk shall be computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department for the month involved, adjusted to a 3.5 percent butterfat basis by subtracting five times the butterfat differential computed pursuant to § 1127.53(b), and rounding to the nearest full cent.

§§ 1127.53, 1127.71, 1127.81 [Amendment]

2. In §§ 1127.53, 1127.71, and 1127.81, "4.0" is changed to "3.5" wherever it appears.

Order[1] Amending the Order Regulating the Handling of Milk in the Central West Texas Marketing Area

§ 1128.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central West Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Central West Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. In § 1128.51 the introductory text of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1128.51 Class II and Class II–A milk.

(a) *Class II milk.* Subject to the provisions of § 1128.52, the minimum price per hundredweight to be paid by each

handler for milk received at his plant from producers and classified as Class II milk shall be computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph and subtracting five times the butterfat differential computed pursuant to § 1128.52 (b):

* * * * *

(b) *Class II-A milk.* Subject to the provisions of § 1128.52, the minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II-A milk shall be computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department for the month involved and subtracting five times the butterfat differential computed pursuant to § 1128.52(b).

§§ 1128.52, 1128.71, 1128.72, 1128.73, 1128.92 [Amendment]

2. In §§ 1128.52, 1128.71, 1127.72, 1128.73 and 1128.92, "4.00" is changed to "3.5" wherever it appears.

Order[1] Amending the Order Regulating the Handling of Milk in the Austin-Waco, Texas, Marketing Area

§ 1129.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Austin-Waco, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Austin-Waco, Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. In § 1129.51 the introductory text of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1129.51 Class II milk.

* * * * *

(a) The sum of the plus values of subparagraphs (1) and (2) of this paragraph, less five times the butterfat differential computed pursuant to § 1129.52(b):

* * * * *

(b) The price per hundredweight computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department for the month, and subtracting five times the butterfat differential computed pursuant to § 1129.52(b).

§§ 1129.52, 1129.71, 1129.72, 1129.91 [Amendment]

2. In §§ 1129.52, 1129.71, 1129.72 and 1129.91, "4.0" is changed to "3.5" wherever it appears.

Order[1] Amending the Order Regulating the Handling of Milk in the Corpus Christi, Texas, Marketing Area

§ 1130.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Corpus Christi, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Corpus Christi, Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. In § 1130.50 the introductory text of subparagraph (1) of paragraph (b) and paragraph (c) are revised to read as follows:

§ 1130.50 Class prices.

* * * * *

(b) *Class II milk price.* * * *

(1) The sum of the plus values of subdivisions (i) and (ii) of this subparagraph, less five times the butterfat differential computed pursuant to § 1130.52(b):

* * * * *

(c) *Class II-A milk price.* The minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II-A milk shall be computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department for the month and subtracting five times the butter fat differential computed pursuant to § 1130.52(b).

§§ 1130.52, 1130.71, 1130.72, 1130.81 [Amendment]

2. In §§ 1130.52, 1130.71, 1130.72 and 1130.81, "4.0" is changed to "3.5" wherever it appears.

Order[1] Amending the Order Regulating the Handling of Milk in the Texas Panhandle Marketing Area

§ 1132.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Texas Panhandle marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Texas Panhandle marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1132.50 is revised to read as follows:

§ 1132.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

2. In § 1132.51, paragraph (b) is revised to read as follows:

§ 1132.51 Class prices.

* * * * *

(b) *Class II milk price.* The Class II milk price shall be computed by adding together the plus value of subparagraphs (1) and (2) of this paragraph, subtracting five times the butterfat differential computed pursuant to § 1132.52(b), rounding to the nearest full cent and, during the months of March through June, deducting 13 cents.

(1) Subtract 3 cents from the Chicago butter price and multiply the remainder by 4.8;

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 8.16.

§§ 1132.52, 1132.55, 1132.71, 1132.72, 1132.73, 1132.81 [Amendment]

3. In §§ 1132.52, 1132.55, 1132.71, 1132.72, 1132.73 and 1132.81, "4.0" is changed to "3.5" wherever it appears.

Order[1] Amending the Order Regulating the Handling of Milk in the Western Colorado Marketing Area

§ 1134.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments, to the tentative marketing agreement and to the order regulating the handling of milk in the Western Colorado marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore, ordered, that on and after the effective date hereof, the handling of milk in the Western Colorado marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Section 1134.50 is revised to read as follows:

§ 1134.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamary butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

2. Section 1134.51(b) is revised to read as follows:

§ 1134.51 Class prices.

* * * * *

(b) *Class II milk.* The Class II price shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph for the current month rounded to the nearest one-tenth cent:

(1) The average of the basic or field prices paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the Department:

Present Operator and Location

Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price per hundredweight computed by adding together the plus values pursuant to subdivisions (i) and (ii) of this paragraph:

(i) From the butter price specified in § 1134.50 for the month subtract 3 cents, add 20 percent thereof, and multiply by 3.5.

(ii) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965.

Order[1] Amending the Order Regulating the Handling of Milk in the Colorado Springs-Pueblo Marketing Area

§ 1135.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Colorado Springs-Pueblo marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Colorado Springs-Pueblo marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

The provisions of the proposed marketing agreement and order amending the order for the Colorado Springs-Pueblo marketing area contained in the recommended decision issued by the Assistant Secretary of Agriculture, on July 6, 1962, and published in the FEDERAL REGISTER on July 11, 1962 (27 F.R. 6549; F.R. Doc. 62-6758) shall be and are the terms and provisions of this order, and are set forth in full herein subject to the following revision: A change is made in § 1135.51 (b) (1) (ii).

1. Section 1135.50 is revised to read as follows:

§ 1135.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

2. Paragraph (b) § 1135.51 is revised to read as follows:

§ 1135.51 Class prices.

* * * * *

(b) *Class II milk.* During the months of March through July, the price per hundredweight specified in subparagraph (1) of this paragraph, and during all other months such price plus 10 cents: *Provided*, That in no event shall such price exceed the higher of the prices computed pursuant to subparagraphs (1) and (2):

(1) The price per hundredweight computed by adding together the plus values pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the butter price specified in § 1135.50 for the month, subtract 3 cents, add 20 percent thereof, and multiply by 3.5.

(ii) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965.

(2) The average of the basic, or field prices paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the Department:

Present Operator and Location

Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co, West Bend, Wis.

§ 1135.53 [Amendment]

3. In § 1135.53 (a) and (b) "§ 1135.50 (b) (1)" is revised to "§ 1135.50".

Order[1] Amending the Order Regulating the Handling of Milk in the Eastern Colorado Marketing Area

§ 1137.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Eastern Colorado marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Eastern Colorado marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Revise § 1137.50 to read as follows:

§ 1137.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

2. Paragraph (b) of § 1137.51 is revised to read as follows:

§ 1137.51 Class prices.

* * * * *

(b) *Class II milk.* During the months of March through July, the price per hundredweight specified in subparagraph (1) of this paragraph, and during all other months such price plus 10 cents: *Provided*, That in no event shall such price exceed the higher of the prices computed pursuant to subparagraphs (1) and (2):

(1) The price per hundredweight computed by adding together the plus values pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the butter price specified in § 1137.50 for the month subtract 3 cents, add 20 percent thereof, and multiply by 3.5.

(ii) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

(2) The average of the basic or field prices paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the Department:

Present Operator and Location

Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co , West Bend, Wis.

§ 1137.53 [Amendment]

3. In § 1137.53 (a) and (b) "§ 1137.50 (b) (1)" is revised to "§ 1137.50".

[F.R. Doc. 62-7459; Filed, July 27, 1962; 8:55 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 857) has been filed by S. C. Johnson & Son, Inc., 1525 Howe Street, Racine, Wisconsin, proposing the issuance of a regulation to provide for the safe use of morpholine as a component of coatings for fruits and vegetables.

Dated: July 24, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-7436; Filed, July 27, 1962; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 61-NY-61]

FEDERAL AIRWAYS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), and in consonance with ICAO International Standards and Recommended Practices, notice is hereby given that the Federal Aviation Agency (FAA) is considering an alteration to § 600.1693 of the regulations of the Administrator. This proposal relates to the navigable airspace both within and outside the United States.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 and Annex 11 to the convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on International air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state the U.S. agreed by Article 3D that its state aircraft will be operated in International airspace with due regard for the safety of civil aircraft.

Since this action involves in part the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The southern terminus of intermediate altitude VOR Federal airway No. 1693 is the Riverhead, N.Y., VOR. The Federal Aviation Agency has under consideration a proposal to extend Victor 1693 from the Riverhead VOR as a 16-mile-wide airway direct to the intersection of the Riverhead VOR 203° and the Idlewild, N.Y., VOR 155° True radials. This proposed extension of Victor 1693 would provide a route for International air traffic operating at intermediate altitudes between the New York terminal area and the Oceanic control area via control channel No. 1147.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under sections 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565.

Issued in Washington, D.C., on July 23, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-7406; Filed, July 27, 1962; 8:46 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 62-NY-3]

FEDERAL AIRWAYS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.1505 of the regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1505 is presently designated in part as a 16-mile wide airway from the Florence, S.C., VOR via the intersection

of the Florence VOR 002° and the Raleigh-Durham, N.C., 225° True radials to the Raleigh-Durham VOR. The Federal Aviation Agency has under consideration the redesignation of this portion of Victor 1505 as a 16-mile wide airway from the Florence VOR via the intersection of the Florence VOR 002° and the Raleigh-Durham VOR 240° True radials to the Raleigh-Durham VOR.

Increased activity at Pope Field, Fort Bragg, N.C., requires that a more favorable approach from the west be developed. An arc penetration has been developed which provides for an initial penetration from 20,000 feet MSL along the Pope, N.C., TACAN 305° Magnetic radial from a point 21 nautical miles northwest of the facility, descending to 15,000 feet at the 13 nautical mile point; thence along a 13 nautical mile arc to the Pope TACAN 040° Magnetic radial, descending to 2,000 feet MSL. The proposed approach procedure infringes on Victor 1505, west of Pope Field.

The alteration of Victor 1505 as proposed would provide lateral separation between aircraft operating on Victor 1505 and aircraft utilizing the proposed TACAN penetration.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 23, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-7407; Filed, July 27, 1962; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62-WA-5]

CONTROLLED AIRSPACE

Proposed Designation of Control Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13) and in consonance with ICAO International Standards and Recommended Practices, notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 601 of the regulations of the Administrator. This proposal relates to navigable airspace both within and outside the United States.

Applicablility of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 and Annex 11 to the convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing aid traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state the U.S. agreed by Article 3.D that its state aircraft will be operating in International airspace with due regard for the safety of civil aircraft.

Since this action involves in part the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The FAA has under consideration the designation of a control area at 20,000 feet MSL and above within the following boundaries:

From latitude 72°00'00" N., longitude 141°-00'00" W.; thence to latitude 70°28'40" N., longitude 141°00'00" W.; thence to latitude 64°39'30" N., longitude 145°50'00" W.; thence to latitude 65°00'00" N., longitude 149°10'00" W.; thence to latitude 72°00'00" N., longitude 144°13'15" W.; thence to point of beginning.

This proposed corridor would provide a connecting link between the Alaskan airway system and a polar flight information region (FIR) which was recommended for establishment by the Fourth North Atlantic Regional Air Navigation Meeting of the International Civil Aviation Organization (Recommendation 14/4). The FIR would be established to encompass polar routes between northern Europe and Alaska. A width of 100 statute miles is required for this corridor because the routes flown by transpolar aircraft will vary from day to day, depending upon the prevailing pressure pattern.

The designation of the above described control area would place in controlled airspace a route presently used by civil turbojet air carrier aircraft in transpolar operations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Alaskan Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under sections 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565.

Issued in Washington, D.C., on July 24, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-7405; Filed, July 27, 1962; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 62-SO-35]

CONTROLLED AIRSPACE

Proposed Designation of Transition Area and Alteration of Control Area Associated With Federal Airway

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering

amendments to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of a transition area at Albany, Ga. The proposed transition area would be designated to extend upward from 1,200 feet above the surface within the airspace southwest of Albany bounded on the north by the Albany control area extension (§ 601.1156), on the east by VOR Federal airway No. 35, on the southeast by a line extending through latitude 31°20'12" N., longitude 84°17'40" W. and latitude 31°11'00" N., longitude 84°29'00" W., and on the west by the arc of a 30-mile radius circle centered at the Albany Airport (latitude 31°32'08" N., longitude 84°11'35" W.); and that airspace extending upward from 3,000 feet above the surface bounded on the north by a line 12 miles southwest of and parallel to the Albany VOR 294° True radial, on the east by the arc of a 30-mile radius circle centered at the Albany Airport, on the southeast by a line extending through latitude 31°11'00" N., longitude 84°29'00" W., and latitude 30°57'15" N., longitude 84°45'45" W., on the southwest by the northeast boundary of VOR Federal airway No. 7, and on the west by a line extending from the northeast boundary of VOR Federal airway No. 7 counterclockwise along the arc of a 35-mile radius circle centered at latitude 31°14'55" N., longitude 85°46'20" W., to its intersection with a line 5 miles north of and parallel to the Dothan, Ala., VOR 093° True radial, thence east along this line to longitude 84°55'00" W., thence north along this meridian to a line 12 miles southwest of and parallel to the Albany VOR 294° True radial.

The portion of the proposed transition area with a controlled airspace floor of 1,200 feet above the surface would provide protection for aircraft executing prescribed jet penetration, approach and departure procedures at Turner AFB. The portion extending upward from 3,000 feet above the surface would provide protection for aircraft conducting the higher altitude portions of the arrival and departure procedures at Turner AFB.

In addition, it is proposed to alter the control areas associated with VOR Federal airway No. 7 to add the airspace between Victor 7 and its west alternate north of VOR Federal airway No. 22 north alternate. This would provide controlled airspace for the protection of aircraft conducting low altitude departures direct from Turner AFB to the Marianna, Fla., VOR and for the separation of en route air traffic along these airway segments from such departures by the utilization of radar vectoring service. Although such action would result in the designation of this airspace between the main and alternate airway with a floor of 700 feet above the surface, because of the relatively small area involved and its close relationship to the airway structure, the floor of this area should properly be compatible with the floors of the airways. To permit fulfillment of the urgent airspace requirements at the earliest practicable date, this action is being proposed in advance of the implementation of Amendments 60-21 and 60-29 to the Civil Air Regulations, Part 60, Air Traffic Rules, in the entire Albany area. Upon completion of the area review of the airspace requirements attendant to full implementation of these amendments, separate airspace action will be initiated proposing the conversion of the control area extensions in this area to transition areas with appropriate floor assignments, and the designation of appropriate airway floors consistent with en route requirements.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 52 Fairlie Street, Atlanta 3, Georgia. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 23, 1962.

CLIFFORD P. BURTON,
Chief, Airspace Utilization Division.

[F.R. Doc. 62-7408; Filed, July 27, 1962; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 6-11, 16, 19, 21]

[Docket Nos. 14712, 13083; FCC 62-752]

FREQUENCY ALLOCATIONS

Notice of Proposed Rule Making

In the matter of amendment of Parts 2, 6, 7, 9, 10, 11, 16, and 21 of the Commission's rules to designate portions of the 2110-2200 Mc/s band exclusively for the use of Domestic Fixed Public stations and for the use of Operational Fixed and International Control stations and to reserve a portion thereof for omnidirectional operations; in the matter of technical standard governing the grant of applications for the use of microwave frequencies for Private Communications Systems, excluding Broadcasters.

1. Notice is hereby given of proposed rule-making in the above-entitled matter.

2. The Commission proposes to designate portions of the 2110-2200 Mc/s band for use by Domestic Fixed Public stations (Part 21) and by International Control stations and Operational Fixed stations (Parts 2, 6, 7, 9, 10, 11, and 16) on an exclusive basis. Narrow band technical standards for operation in the 2110-2190 Mc/s portion of this band are also proposed. Changes to Footnote NG23, which permits international fixed public use in the 2110-2200 Mc/s band south of 25°30' north latitude in Florida and U.S. Caribbean possessions, are not contemplated in this proceeding. (The precise proposal with reference to Part 2 of the rules is indicated below. The proposed amendment of Parts 7, 9, 10, 11, 16, and 21 will follow the same pattern, as appropriate to each part.)

3. The Commission, in the Fifth Report and Order in Docket 12404, adopted February 18, 1959, and effective March 31, 1959, (24 F.R. 1417) allocated the 2110-2200 Mc/s band to shared use by Common Carrier Fixed, International Control and Operational Fixed stations. The Commission in that proceeding also proposed an authorized bandwidth of 5 Mc/s but prohibited video transmission in the band.

4. Subsequent use of the 2110-2200 Mc/s band has been relatively light as reflected by Commission records. This lack of use can be attributed in part to a previous lack of type-accepted equipment capable of operating in the band. Additionally, the wide channel width limited the number of assignable channels to the extent that the band could not accommodate any appreciable number of conventional long haul point-to-point microwave systems.

5. Equipment has been developed recently by several manufacturers which has been type-accepted by the Commission thus indicating that greater use of the 2110-2200 Mc/s band can reasonably be anticipated in the near future. Consequently, one of the obstacles to the fuller utilization of the 2110-2200 Mc/s band has been greatly reduced, and possibly eliminated.

6. In Docket 11866, the Commission determined that, as a general rule, sharing of frequencies above 890 Mc/s between common carrier and private users would not be advisable. Sharing was permitted in the 2110-2200 Mc/s band, however, for certain reasons then obtaining, one of which was the relatively light occupancy of that band. There is now apparently increasing need for narrow band fixed operations above 890 Mc/s and there is now available equipment capable of such operations in the 2110-2200 Mc/s band. Therefore, the Commission is of the opinion that this band is now ripe for development on a regular basis and, consistent with the Commission's determinations in Docket 11866, it is proposed not to permit its sharing (with the ex-

ceptions mentioned below) between common carrier and private users.

7. Therefore, it is proposed to divide the 2110–2190 Mc/s portion of the 2110–2200 Mc/s band into four 20 Mc/s segments with alternative allocations to Domestic Fixed Public stations, on the one hand, and to Operational Fixed and International Control stations, on the other. Specifically, the 2110–2130 Mc/s and 2150–2170 Mc/s segments would be allocated to the use of Domestic Fixed Public stations, and the 2130–2150 Mc/s and 2170–2190 Mc/s segments to the use of Operational Fixed and International Control stations. Thus, such stations would have, to the extent indicated, access to the lower and higher frequencies in this area. It is also proposed to apply Footnote NG10 to all portions of this band. Footnote NG10 provides for assignment of the highest order of frequency which will not cause interference to existing stations. Existing licensees in this band which will become out-of-band will be expected to be moved at the expiration of their current license terms.

8. In order to provide a maximum number of low density channels in the 2110–2190 Mc/s band, the Commission also proposes to establish, in connection with the designation discussed herein, a maximum channel bandwidth of 800 kc/s and a frequency tolerance of 0.001 percent. Other standards will remain unchanged. To ensure availability of a maximum number of low density channels in this band, it is proposed that two or more 800 kc/s increments will not be assigned to accommodate wideband systems.

9. The Commission further proposes to reserve the 2190–2200 Mc/s segment of the 2110–2200 Mc/s band to permit its development for wide-band, nonbroadcast, omnidirectional, point-to-point operations. The 2190–2200 Mc/s band is to continue to be shared between common carrier and private users until such time as its development and potential use dictate otherwise.

10. In Docket 13083, wherein the Commission established interim technical standards governing the grant of applications for use of frequencies above 952 Mc/s for private communications excluding broadcasters, the matter of permissible maximum bandwidth in the 2110–2200 Mc/s band was left for determination at a later date, and the proceedings in that Docket remained pending for that purpose. In view of the proposals adopted herein, the proceedings in Docket 13083 should be terminated.

11. Authority for the rule amendments proposed herein is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

12. Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before August 25, 1962, and reply comments on or before September 4, 1962. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

13. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

14. *It is ordered*, This 18th day of July 1962, that the proceedings in Docket 13083 be terminated.

Released: July 20, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Section 2.106 of the Commission's rules and regulations is amended, in part, to read as follows:

§ 2.106 Table of frequency allocations.

Federal Communications Commission

Band (Mc/s) 7	Services 8	Class of station 9
•	• •	• •
2110–2130 (NG 10) (NG 23)	FIXED	Domestic fixed public.
2130–2150 (NG 10) (NG 23)	FIXED	Operational fixed. International control.
2150–2170 (NG 10) (NG 23)	FIXED	Domestic fixed public.
2170–2190 (NG 10) (NG 23)	FIXED	Operational fixed. International control.
2190–2200 (NG 23) (NG—)	FIXED	

• • • • •

NG Authorizations in this frequency band will be granted for omnidirectional point-to-point operations only, excluding broadcast and auxiliary broadcast operations.

[F.R. Doc. 62–7387; Filed, July 27, 1962; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

ROCKINGHAM NATIONAL BANK OF HARRISONBURG AND AUGUSTA-ROCKINGHAM BANK

Notice of Decision Granting Application To Merge

The Rockingham National Bank of Harrisonburg, Harrisonburg, Virginia, on May 11, 1962, made application to merge under its charter and title the Augusta-Rockingham Bank, Weyers Cave, Virginia.

On July 3, 1962, the Comptroller of the Currency granted this application, effective on or after July 10, 1962.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: July 24, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62–7452; Filed, July 27, 1962; 8:54 a.m.]

UNION NATIONAL BANK AND TRUST CO. OF SOUDERTON AND NATIONAL BANK AND TRUST CO. OF SCHWENKSVILLE

Notice of Decision Granting Application To Merge

An application filed on May 24, 1962, by the $18.4 million Union National Bank and Trust Company of Souderton, Souderton, Pennsylvania, requests the approval of the Comptroller of the Currency to the proposed merger under its charter and title of the $4.9 million National Bank and Trust Company of Schwenksville, Schwenksville, Pennsylvania.

On July 18, 1962, the Comptroller of the Currency granted this aplication, effective on or after July 25, 1962.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: July 24, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62–7453; Filed, July 27, 1962; 8:54 a.m.]

VALLEY NATIONAL BANK OF LONG ISLAND AND THE BELLPORT NATIONAL BANK

Notice of Decision Granting Application To Merge

On April 27, 1962, the Valley National Bank of Long Island, Valley Stream, Nassau County, New York, filed an application with the Comptroller of the Currency for permission to merge with The Bellport National Bank, Bellport, Suffolk County, New York, under the charter and title of Valley National Bank of Long Island.

On July 3, 1962, the Comptroller of the Currency granted this application, effective on or after July 10, 1962.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: July 24, 1962.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 62–7454; Filed, July 27, 1962; 8:54 a.m.]

STATE NATIONAL BANK OF CONNECTICUT, STAMFORD, CONN.

Application To Change Main Office Location; Notice of Hearing

A public hearing will be held on August 9, 1962, at 9:30 a.m., in Room 4119 of the Main Treasury Building, Washington, D.C., on the application of The State National Bank of Connecticut, Stamford, Connecticut, to change the location of its main office to Bridgeport, Connecticut.

All persons desiring to testify should notify the Comptroller of the Currency by August 7, 1962.

Dated: July 25, 1962.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 62–7455; Filed, July 27, 1962; 8:54 a.m.]

Internal Revenue Service

[Order No. 86]

DISTRICT DIRECTORS AND DIRECTOR OF INTERNATIONAL OPERATIONS

Inspection of Certain Returns by Certain Applicants

Pursuant to authority vested in me as Commissioner of Internal Revenue, authority is hereby delegated to District Directors and the Director of International Operations to permit inspection of returns in their custody, inspection of which may be authorized by me pursuant to 26 CFR 601.702(d), to the same persons and subject to the same conditions as prescribed for such persons in 26 CFR 301.6103(a)–1(c).

The authority delegated herein is limited to returns as filed by or on behalf of the taxpayer, including any schedules, lists and other written statements which have been filed with the Internal Revenue Service by or on behalf of the taxpayer or which have previously been furnished by the Service to the taxpayer.

Whenever it is determined that a return or related document as defined above is available for disclosure in a particular case, a copy or certified copy may be furnished the party requesting the same.

The authority delegated herein may not be redelegated.

Date of issuance: July 12, 1962.

Effective date: July 12, 1962.

[SEAL] MORTIMER M. CAPLIN,
Commissioner.

[F.R. Doc. 62–7451; Filed, July 27, 1962; 8:53 a.m.]

POST OFFICE DEPARTMENT

DIRECTOR, PROCUREMENT DIVISION, BUREAU OF FACILITIES

Authorization To Make Administrative Determinations With Respect to Mistakes in Bids

The following are excerpts from Headquarters Circular No. 62–28, signed by the Assistant Postmaster General, Bureau of Operations (27 F.R. 6436) delegating authority to the Director, Procurement Division, Bureau of Facilities:

I. *Purpose.* To provide for the handling of claims of mistakes in bids under the Federal Procurement Regulations (FPR).

II. *Scope.* As this circular is issued to implement the FPR, which themselves are issued under the Federal Property and Administrative Services Act, it does not cover contracts to which that Act does not apply, such as contracts for transportation of mail and leases of realty.

III. *Background.* Section 1–2.406 of the Federal Procurement Regulations, Title 41, Code of Federal Regulations, authorizes executive agencies to allow mistakes in bids to be corrected in certain cases both before and after award. The regulations contain limitations on the redelegation of the authority and require the establishment of procedures to be followed.

IV. *Authorization.* The Director, or Acting Director, Procurement Division, Bureau of Facilities, shall exercise for the Post Office Department the functions delegated to heads of executive agencies by § 1–2.406 of the Federal Procurement Regulations, Title 41, Code of Federal Regulations. This authority may not be redelegated.

V. *Post Office Department Procedures.* The Director, Procurement Division, Bureau of Facilities, shall also establish procedures necessary under § 1–2.406 of Title 41, Code of Federal Regulations.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62–7421; Filed, July 27, 1962; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Trade Route No. 28]

U.S. PACIFIC COAST/MIDDLE EAST (BURMA, CEYLON, INDIA, PAKISTAN, PERSIAN GULF AND GULF OF ADEN)

Notice of Determination Regarding U.S. Flag Service Requirements

Notice is hereby given that on July 24, 1962, the Maritime Administrator acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined that U.S. flag service requirements include approximately one sailing per month between U.S. Pacific Northwest ports and West Coast of India and West Pakistan ports in conjunction with service between U.S. Pacific coast ports and other areas. The Maritime Administrator also ordered that the foregoing conclusions be published in the FEDERAL REGISTER.

Dated: July 24, 1962.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 62-7414; Filed, July 27, 1962; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-1]

ARMOUR RESEARCH FOUNDATION OF ILLINOIS INSTITUTE OF TECHNOLOGY

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 4, set forth below, to Facility License No. R-3, as amended. The license authorizes Armour Research Foundation of Illinois Institute of Technology to operate its Armour Research Reactor, a homogeneous solution type nuclear facility located in Chicago, Illinois. The amendment authorizes the licensee to load the reactor to 3.5 percent delta k/k in excess reactivity and to use a revised program for increasing the power of the reactor to 75 kw. as described in the application for license amendment dated April 17, 1962.

The Commission has found that:

(1) Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

(3) Prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license, as amended, will not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operation.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's Regulation (10 CFR 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) a related hazards analysis prepared by the Test and Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) the the licensee's application for license amendment dated April 17, 1962, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room or upon request, addressed to the Atomic Energy Commission, Washington, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 23d day of July 1962.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-3, Amdt. 4]

License No. R-3, as amended, issued to Armour Research Foundation of Illinois Institute of Technology, is hereby amended in the following respects:

In addition to the activities previously authorized by the Commission in License No. R-3, as amended, Armour Research Foundation of Illinois Institute of Technology is authorized to load the Armour Research Reactor, located in Chicago, Illinois, to 3.5 percent delta k/k in excess reactivity and to use a revised program for increasing the power of the reactor to 75 kw., as described in the application for license amendment dated April 17, 1962. Operation of the reactor shall be performed in accordance with the procedures and subject to the limitations contained in License No. R-3, as amended, and in the application for license amendment dated April 17, 1962.

This amendment is effective as of the date of issuance.

Date of issuance: July 23, 1962.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-7399; Filed, July 27, 1962; 8:45 a.m.]

[Docket No. 50-144]

CAROLINAS VIRGINIA NUCLEAR POWER ASSOCIATES, INC.

Notice of Hearing on Provisional Operating License for Nuclear Facility

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 2, "Rules of Practice," notice is hereby given that a hearing will be held at 10:00 a.m., e.d.t., on August 28, 1962, in the Auditorium of the United States Atomic Energy Commission Headquarters in Germantown, Maryland, to consider the issuance of a provisional facility operating license for a period not to exceed eighteen (18) months to the above named applicant under section 104b of the Atomic Energy Act of 1954, as amended. The facility is a heterogeneous heavy water cooled and moderated reactor located in Parr, South Carolina about twenty-five miles northwest of Columbia, South Carolina. The application and the record in prior proceedings in this matter are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

The issues to be considered at the hearing will be the following:

1. Whether the technical information omitted from and required to complete the application filed by the applicant has been submitted;

2. Whether the construction of the facility has proceeded, and there is reasonable assurance that the facility will be completed, in conformity with the construction permit and the application, as amended, the provisions of the Atomic Energy Act of 1954, as amended, and the rules and regulations of the Commission;

3. Whether there is reasonable assurance that the activities authorized by the provisional operating license can be conducted without endangering the health and safety of the public, and that such activities will be conducted in compliance with the Atomic Energy Act of 1954, as amended, and the rules and regulations of the Commission;

4. Whether the applicant is technically and financially qualified to engage in the activities authorized by the provisional operating license in accordance with the rules and regulations of the Commission;

5. Whether the applicant has furnished to the Commission proof of financial protection in accordance with 10 CFR Part 140 "Financial Protection Requirements and Indemnity Agreements";

6. Whether there is reasonable assurance that the facility will be ready for initial loading with nuclear fuel within ninety days from the date of issuance of a provisional license; and

7. Whether issuance of a provisional license to operate the facility under the terms and conditions proposed will be inimical to the common defense and security or to the health and safety of the public.

Notice is hereby given that the report of the Commission's Advisory Committee on Reactor Safeguards in this matter is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of this report may be obtained by request to the Director, Division of Licensing and Regulation, United States Atomic Energy Commission, Washington 25, D.C.

Petitions for leave to intervene pursuant to § 2.714 of the Commission's rules of practice must be received in the Office of the Secretary, United States Atomic Energy Commission, Germantown, Maryland, or in the Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C., not later than August 21, 1962 or, in the event of a postponement of the hearing date specified, at such time as the Presiding Officer may specify.

Answers to this notice pursuant to § 2.705 of the Commission's rules of practice shall be filed on or before August 14, 1962, by the applicant.

Papers required to be filed with the Commission in this proceeding shall be filed by mail or telegram addressed to the Secretary, United States Atomic Energy Commission, Washington 25, D.C., or may be filed by delivery to the Office of the Secretary, United States Atomic Energy Commission, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Presiding Officer, parties shall file pursuant to § 2.708 of the Commission's rules of practice, an original and fifteen conformed copies of each such paper with the Commission.

The hearing will be conducted by a presiding officer to be designated by the Chief Hearing Examiner.

Dated: July 25, 1962.

For the Atomic Energy Commission.

HAROLD D. ANAMOSA,
Assistant Secretary.

[F.R. Doc. 62-7437; Filed, July 27, 1962; 8:52 a.m.]

[Docket No. 50-172; 50-176]

LOCKHEED AIRCRAFT CORP. AND THE DEPARTMENT OF THE AIR FORCE

Notice of Issuance of Facility License

Please take notice that no request for a formal hearing having been filed following the publication of notice of the proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Facility License No. R-86 jointly to Lockheed Aircraft Corporation and the Department of the Air Force, authorizing possession by the Department of the Air Force and operation by Lockheed Aircraft Corporation of the Radiation Effects Reactor located at Air Force Plant No. 67 in Dawson County, Georgia.

The license as issued was set forth in the Notice of Proposed Issuance of Facility License published in the FEDERAL REGISTER July 4, 1962, 27 F.R. 6341.

Dated at Germantown, Md., this 20th day of July 1962.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-7400; Filed, July 27, 1962; 8:45 a.m.]

[Docket No. 50-199]

MANHATTAN COLLEGE CORP.

Notice of Receipt of Application for Construction Permit and Utilization Facility License

Please take notice that Manhattan College Corporation, New York City, New York, under section 104c of the Atomic Energy Act of 1954, as amended, has submitted an application for license to construct and operate a pool-type reactor at power levels up to 10 watts, thermal, on the Manhattan College campus in New York City.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 18th day of July 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-7401; Filed, July 27, 1962; 8:45 a.m.]

[Docket No. 50-182]

PURDUE UNIVERSITY

Notice of Proposed Issuance of Utilization Facility License

Please take notice that, unless within fifteen days after the publication of this notice in the FEDERAL REGISTER a request for a formal hearing is filed with the United States Atomic Energy Commission by the applicant or a petition for leave to intervene is filed as provided by the Commission's rules of practice (10 CFR Part 2), the Commission proposes to issue a facility license, substantially as set forth below, to Purdue University. The license would authorize the University to operate, at steady-state power levels not in excess of one kilowatt, thermal, the pool-type nuclear reactor located on its campus in West Lafayette, Indiana. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2).

For further details see (1) a hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) Purdue University's application for license filed under Docket No. 50-182, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 20th day of July 1962.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

PROPOSED UTILIZATION FACILITY LICENSE

1. This license applies to the pool-type nuclear reactor ("the reactor") which is owned by Purdue University ("the licensee") and located on the licensee's campus in West Lafayette, Indiana, and authorized by Construction Permit No. CPRR-64, and described in the "Hazards Summary Report" which is hereinafter defined.

2. Pursuant to the Atomic Energy Act of 1954, as amended ("the Act") and having considered the record in this matter, the Atomic Energy Commission ("the Commission") finds that:

A. The reactor has been constructed in conformity with Construction Permit No. CPRR-64 and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

B. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

C. The licensee is technically and financially qualified to operate the reactor, to assume financial responsibility for payment of any Commission charges for special nuclear material and to undertake and carry out the proposed activities in accordance with the Commission's regulations;

D. The possession and operation of the reactor and the receipt, possession and use of the special nucelar material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

E. The licensee has submitted proof of financial protection which satisfies the requirements of Commission regulations currently in effect.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the licensee:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate the reactor as a utilization facility at the designated location in West Lafayette, Indiana;

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to receive, possess and use in connection with operation of the reactor up to three kilograms of uranium-235 contained in uranium enriched in the isotope uranium-235 and up to 80.0 grams of plutonium contained in encapsulated plutonium-beryllium sources; and

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material", to possess but not to separate such byproduct material as may be produced by operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 30.32 of Part 30, § 50.54 of Part 50 and § 70.32 of Part 70, Title 10, Chapter I, CFR,

and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, now or hereafter in effect, and to the additional conditions specified below:

A. The licensee shall not, unless previously authorized in writing by the Commission, operate the reactor at any time at a steady-state power level in excess of one kilowatt thermal.

B. The drop time for each of the scrammable control rods shall be measured and recorded by the licensee at least once every three months.

C. Whenever any bulk shielding samples are added to or moved within the reactor pool, sufficient fuel elements shall be removed to assure that the reactor remains subcritical during the emplacement of the experiment and then a stepwise approach to criticality shall be performed.

D. The licensee shall annually inspect the boral plates in both of the fuel element storage racks to assure that they have not deteriorated. The licensee shall maintain written reports of these inspections.

E. Technical specifications. The technical specifications shall consist of the Hazards Summary Report as defined in paragraph 4.K. of this license. Except as hereinafter provided, the licensee shall operate the reactor only in accordance with the technical specifications. No changes shall be made in the technical specifications unless authorized by the Commission pursuant to § 50.59 of 10 CFR 50.

F. Authorization of changes and experiments. The licensee may (a) make changes in the reactor, (b) make changes in the procedures, and (c) conduct tests or experiments, only in accordance with § 50.59 of 10 CFR 50.

G. In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

(1) Reactor operating records, including power levels.

(2) Records of in-pile irradiations.

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of the licensee as measured at the point of such release or discharge.

(4) Records of emergency reactor scrams, including reasons for emergency shutdowns.

H. As promptly as practicable, but no later than 60 days after the initial criticality of the reactor, the licensee shall submit a written report to the Commission describing the measured values of the operating conditions or characteristics listed below and evaluating any significant variation of a measured value from the corresponding predicted value:

(1) Worth of each regulating rod;

(2) Worth of each safety rod;

(3) Maximum excess reactivity of the reactor, not including the worth of control rods or other control devices such as burnable poison strips or soluble poison, or any experiments;

(4) Minimum shutdown margin at both room and operating temperatures;

(5) Maximum rate of change in reactivity of

a. each regulating rod

b. each safety rod

(6) Reactivity coefficients;

(7) Measured drop time for each of the scrammable control rods; and

(8) Radiation levels above the pool surface when the reactor is being operated at one kilowatt thermal.

I. In addition to reports otherwise required under this license and applicable regulations, the licensee shall make an immediate report in writing to the Commission of any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

J. The licensee shall immediately report to the Commission in writing any substantial variance disclosed by operation of the reactor from performance specifications of the reactor contained in the technical specifications.

K. As used in this license, the term "Hazards Summary Report", means collectively "Hazards Summary Report for the Purdue University Reactor I" dated January 15, 1962, and "Addendum to the Hazards Summary Report for the Purdue University Reactor I" dated May 15, 1962.

5. This license is effective as of the date of issuance and shall expire at midnight August 7, 1966.

For the Atomic Energy Commission.

[F.R. Doc. 62-7402; Filed, July 27, 1962; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 62-SW-5]

PROPOSED CONSTRUCTION OF TELEVISION ANTENNA STRUCTURE

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace:

The Lanford Telecasting Company, Inc., Alexandria, Louisiana, proposes to construct a television antenna structure near Alexandria, Louisiana, at latitude 31°18'22.2" N., longitude 92°24'56.4" W. The overall height of the structure would be 1,388 feet above mean sea level (1,293 feet above ground). The proposed structure would replace an existing 678 feet MSL television antenna structure at the above location.

Objections were made in response to the circularization as follows:

1. The Department of the Air Force objected on the basis that the proposed structure would exceed the Air Force Airspace criteria as applied to the England Air Force Base, Alexandria, Louisiana, and the Ground Controlled Approach traffic pattern to Runway 32 of this airport would be increased from 1,700 feet to 2,300 feet. Additionally, the proposed structure would pose a major hazard to aviation interests attempting to remain in uncontrolled airspace.

2. The Air Transport Association of America objected on the basis that the transition altitudes between the Alexandria VOR/LFR and the Esler, Louisiana Radio Beacon, would be increased from 1,700 feet to 2,400 feet; the Instrument Flight Rules minimum en route altitude on the approved off-airway routes between Alexandria, Louisiana, and Natchez, Mississippi, and Alexandria and Monroe, Louisiana, would be increased from 1,700 feet to 2,400 feet; the minimum obstruction clearance altitude on VOR Federal airway No. 114N between the Alexandria VOR and the Marks, Louisiana Intersection would be increased from 1,700 feet to 2,400 feet and the "cardinal" altitude of 2,000 feet on the above routes would be lost. The ATA objected to a structure of any height exceeding 1,049 feet MSL at the above location.

3. The president of Buhlow Lake Airport, Alexandria, Louisiana, advised that the downwind leg of the Buhlow Lake Airport traffic pattern is directly over the existing antenna and and the normal traffic pattern for most light planes would be well below the proposed antenna height. Also, a left turn-out after take-off from Runway 36 places a departing aircraft in the vicinity of this tower.

4. The Air Line Pilots Association objected on the basis of changes in MEA's and instrument approach altitudes.

At the Fort Worth Informal Airspace Meeting the ATA restated its objection to a structure in excess of 1,049 feet MSL at the proposed site. The Air Force objected on the basis that the minimum altitude for its GCA procedure at England AFB would be increased from 1,700 feet to 2,300 feet.

In the aeronautical study consideration was given to any possible effect a planned TVOR to serve Esler Field might have on the evaluation of the proposed structure. It was disclosed that the planned TVOR near Esler Field would be used as a very high frequency navigational aid to serve aircraft arriving or departing the above airport and would not affect the airway structure in the area or change the effects that the proposed structure would have on presently established procedures.

The proposed structure would have the following effects upon airports, Federal airways, approved off-airway routes and instrument approach procedures:

1. The proposed structure would be located approximately 7.9 miles east of the England AFB reference point and would penetrate the outer horizontal surface of this airport by 799 feet.

The minimum altitude for the GCA traffic pattern for England AFB would be increased from 1,700 feet to 2,400 feet.

An increase in the procedure turn altitude for instrument approach procedures AL-13-RNG, AL-13-ADF, and JAL-13-ADF-2 to England AFB from 1,700 feet to 2,400 feet would be required. The missed approach altitude for instrument approach procedures AL-13-TACAN-2 and JAL-13-TACAN-2 to the above airport would be increased from 1,500 feet to 1,900 feet.

During Fiscal Year 1961 there were 73,230 aeronautical operations at the above airport, 22,507 of which were handled by approach control.

2. It would be located 2.8 miles southeast of the Buhlow Lake Airport and would penetrate the conical surface for this airport by 980 feet. There are fifteen aircraft based at this airport. Records are not available on the number of aeronautical operations.

3. It would be located approximately 9.2 miles southwest of the Esler Field airport reference point and would penetrate the outer horizontal surface for this airport by 780 feet.

There are twenty-four aircraft based at Esler Field. There are an estimated 276,000 general aviation and 43,500 air carrier operations per year at this airport.

4. It would be located 5.9 miles north of the centerline of Victor 114 and would require an increase in MEA on this airway between the Alexandria VOR and the Bunkie, Louisiana, Intersection from 1,400 feet to 1,900 feet. The 1961 peak day IFR traffic count for this segment of airway was 42 flights.

5. It would be located 4.8 miles north of the centerline of Victor 114N and would require an increase in MOCA on this airway between the Alexandria VOR and the Marks, Louisiana, Intersection from 1,400 feet to 2,400 feet. The MEA for this segment of airway is 2,900 feet and would not be increased; however, the cardinal altitude of 2,000 feet between the Alexandria VOR and a point 25 nautical miles southeast of the above VOR along this airway could not be assigned to IFR traffic due to the increase in MOCA. The 1961 peak day IFR traffic count for this segment of airway was nine flights.

6. It would be located 4 miles east of the centerline of the approved off-airway route between the Alexandria VOR and the Monroe VOR and would require an increase in the MEA on this route from 1,700 feet to 2,400 feet. The 1961 peak day IFR traffic count for this route was 10 flights.

7. It would be located 2.7 miles east of the centerline of the approved off-airway route between the Alexandria LFR and the Monroe VOR and would require an increase in the MEA on this route from 1,700 feet to 2,400 feet.

8. It would be located 2.1 miles southeast of the centerline of the approved off-airway route between the Alexandria VOR and the Monroe VOR via the Clew Intersection and would require an increase in the MEA between the Alexandria VOR and the Clew Intersection from 2,000 feet to 2,400 feet.

9. It would be located 1.6 miles north of the centerline of the approved off-airway route between the Alexandria VOR and the Natchez RBn and would require an increase in the MEA on this route from 1,700 feet to 2,400 feet. The 1961 peak day IFR traffic count for this route was three flights.

10. It would be located 2 miles north of the approved off-airway route between the Alexandria LFR and the Natchez RBn and would require an increase in the MEA on this route from 1,700 feet to 2,400 feet.

11. It would be located 1.7 miles north of the centerline of the transition route from the Alexandria VOR and the Esler RBn and would require an increase in altitude on this route from 1,700 feet to 2,400 feet.

12. It would be located 2.2 miles north of the transition route from the Alexandria LFR to the Esler RBn and would require an increase in altitude on this route from 1,700 feet to 2,400 feet.

13. It would require an increase from 1,700 feet to 2,400 feet in the minimum radar vectoring altitude within 3 nautical miles of the structure and an increase from 1,500 feet to 1,900 feet within a circular area centered on the structure, having an inner radius of 3 nautical miles and an outer radius of 5 miles.

The Agency study disclosed that the altitudes for the airways, GCA traffic patterns, radar vectoring and instrument approach procedures which would be affected if the proposed structure were built, could not be adjusted to accommodate the structure without having a substantial adverse effect upon IFR aeronautical operations as stated above.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have a substantial adverse effect upon aeronautical operations, and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective as of the date of issuance and will become final 30 days thereafter unless an appeal is filed under § 626.34 (14 CFR 626.34). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on July 19, 1962.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 62-7404; Filed, July 27, 1962; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14706, 14707; FCC 62M-1017]

QUEEN CITY RADIO STATION AND CANNON BROADCASTING CO.

Order Scheduling Hearing and Prehearing Conference

In re applications of Warren E. Angel and Jack T. Farrar d/b as Queen City Radio Station, Tullahoma, Tennessee, Docket No. 14706, File No. BP-14434; Cannon Broadcasting Company, Woodbury, Tennessee, Docket No. 14707, File No. BP-15264; for construction permits.

It is ordered, This 17th day of July 1962, that Chester F. Naumowicz, Jr., will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 9, 1962, in Washington, D.C.; *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, September 14, 1962.

Released: July 18, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7442; Filed, July 27, 1962; 8:52 a.m.]

[Docket No. 14617 etc.; FCC 62M-1019]

MARTIN J. KARIG ET AL.

Order Scheduling Hearing

In the matter of Revocation of Construction Permit of Martin R. Karig, for Standard Broadcast Station WIZR, Johnstown, New York, Docket No. 14617; in re application of SPA Broadcasters, Inc. (WSPN), Saratoga Springs, New York, for Renewal of License for Standard Broadcast Station WSPN Saratoga Springs, New York, Docket No. 14618, File No. BR-2958; in re applications of Radio Station WRSA, Inc., Troy, New York, Docket No. 14619, File No. BP-13827; SPA Broadcasters, Inc. (WSPN), Saratoga Springs, New York, Docket No. 14620, File No. BP-13828; Genkar, Incorporated, Gouverneur, New York, Docket No. 14621, File No. BP-13899; for construction permits.

In accordance with the Memorandum released July 11, 1962: *It is ordered,* This 17th day of July 1962, that the hearing is rescheduled for Monday, September 17, 1962, at 10 a.m., in Saratoga Springs, N.Y., at a place to be announced.

Released: July 18, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7443; Filed, July 27, 1962; 8:52 a.m.]

[Docket No. 12920; FCC 62M-1045]

ATLASS BROADCASTING CO., INC. (KKHI)

Order Continuing Hearing

In re application of Atlass Broadcasting Co., Inc. (KKHI), San Francisco, California, Docket No. 12920, File No. BP-12744; for construction permit.

On the basis of agreements reached at a prehearing conference held on this date: *It is ordered,* This 24th day of July 1962, that the following schedule will govern the future course of hearing:

Exchange of Exhibits, September 10, 1962;

Hearing, October 5, 1962 (continued from September 5, 1962).

Released: July 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7444; Filed, July 27, 1962; 8:53 a.m.]

[Docket No. 14659; FCC 62M-1044]

CHERRYVILLE BROADCASTING CO., INC.

Order Continuing Hearing

In re application of Cherryville Broadcasting Co., Inc., Cherryville, North Carolina, Docket No. 14659, File No. BP-14041; for construction permit.

Pursuant to a prehearing conference held this date: *It is ordered*, This 24th day of July 1962, that the hearing herein now scheduled for September 6, 1962, be and the same is hereby rescheduled for October 4, 1962, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: July 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7445; Filed, July 27, 1962; 8:53 a.m.]

[Docket Nos. 14708, 14709; FCC 62M-1018]

ALFRED RAY FUCHS AND C. M. ROUSE

Order Scheduling Hearing and Prehearing Conference

In re applications of Alfred Ray Fuchs, Grants, New Mexico, Docket No. 14708, File No. BP-14516; C. M. Rouse, Milan, New Mexico, Docket No. 14709, File No. BP-15049; for construction permits.

It is orderd, This 17th day of July 1962, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 16, 1962, in Washington, D.C.; *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, September 14, 1962.

Released: July 18, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7446; Filed, July 27, 1962; 8:53 a.m.]

[Docket No. 14705; FCC 62M-1016]

GULF SOUTH BROADCASTERS, INC.

Order Scheduling Hearing and Prehearing Conference

In re application of Gulf South Broadcasters, Inc., Houma, Louisiana, Docket No. 14705, File No. BP-14380; for construction permit.

It is ordered, This 17th day of July 1962, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 10, 1962, in Washington, D.C.; and *It is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Tuesday, September 11, 1962.

Released: July 18, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7447; Filed, July 27, 1962; 8:53 a.m.]

[Docket No. 12315, 12316; FCC 62M-1042]

SHEFFIELD BROADCASTING CO. AND J. B. FALT, JR.

Order Scheduling Hearing

In re applications of Iralee W. Benns, tr/as Sheffield Broadcasting Co., Sheffield, Alabama, Docket No. 12315, File No. BP-11130; J. B. Falt, Jr., Sheffield, Alabama, Docket No. 12316, File No. BP-11559; for construction permits.

In conformity with the Commission's Memorandum Opinion and Order (FCC 62-770), released July 23, 1962; *It is ordered*, This 24th day of July 1962, that a further hearing will be held in this proceeding on October 15, 1962, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: July 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7448; Filed, July 27, 1962; 8:53 a.m.]

[Docket No. 14577; FCC 62M-1046]

TRIANGLE PUBLICATIONS, INC. (WNHC-TV)

Order Scheduling Prehearing Conference

In re application of Triangle Publications, Inc. (WNHC-TV), (Radio and Television Division), New Haven, Connecticut, Docket No. 14577, File No. BPCT-2897; for construction permit.

It is ordered, This 24th day of July 1962, on the Hearing Examiner's own motion, that, in view of the Commission's Order herein released on July 20, 1962 (FCC 62-771), a hearing conference shall be held at 12:30 p.m., July 31, 1962, at the Commission's offices, Washington, D.C.

Released: July 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7449; Filed, July 27, 1962; 8:53 a.m.]

FEDERAL MARITIME COMMISSION

ALEXANDER & CO. OF LA., INC., ET AL.

Notice of Freight Forwarder Applications Filed With Commission for Approval

Notice is hereby given that the following New Orleans applicants have been issued application numbers by the Federal Maritime Commission for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916, as amended (Public Law 87-254). Corps. unless otherwise indicated.

Protests to the granting of any application should be filed in writing with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., within 60 days from the date of publication of this notice in the FEDERAL REGISTER.

No.; Name and Address; Officers

172; Alexander & Co. of La., Inc., V., 318 Carondelet Street (12)—Vanlah Alexander, pres.; William J. Morrison, vice pres.-treas.; Ross J. Valette, Jr., sec.

67; Allen & Co., Inc., J. W., 228 St. Charles Avenue—H. J. Bernard, Jr., pres.; John B. Nuss, sec.-treas.; Marvin Harwell, asst. sec.; Lester G. Orth, asst. sec.

305; Alonso Shipping Co., 315 St. Charles Avenue (12)—Partnership: Manuel Alonso, partner; John B. Arrigunaga, partner.

140; Baxter Co. Customhouse Brokers, Inc., 527 Canal Street (16)—Estey Baxter, pres.-director; Frederick T. Miller, Jr., vice pres. and director; E. Roy Austin, sec.-treas.-director.

602; Buchholz & Kuttruff, Inc., 107 Camp Street—H. A. Buchholz, Jr., pres.; Mae Kuttruff, vice pres.; Mrs. H. A. Buchholz, sec.

320; Dupuy Storage & Forwarding Corp., 2601 Decatur Street (17)—Allan D. Colley, vice pres.-sec., and director; John A. Montelepre, vice pres.-director; George J. Schroeder, vice pres.; Salvador Palmisano, vice pres.

296; Farrell Shipping Co., Inc., 228 St. Charles Street (12)—Richard E. Farrell, pres.-director; Fred R. Becker, Jr., sec.-treas. and director.

747; Glennon Drayage & Warehouse Co., Inc., Hibernia Bank Building, Corner Gravier and Carondelet Streets (12)—Terence J. Smith, pres.-director; W. S. Smith, Jr., vice pres.-director; J. E. Smith, vice pres.-director; Mrs. M. R. Smith, director; W. C. Apgar, vice pres.-Treas.; H. C. Isenberg, vice pres.-sec.

89; Gulf Forwarding Co., 1234 Whitney Building—Partnership: George Renaudin, active partner; J. E. Farrell, Retiring active partner.

41; Jackson & Son, S., McCandless, Inc., 422 Natchez Street, P.O. Box 137—J. Norcom Jackson, pres.; W. H. McCandless, Jr., exec. vice pres.; J. Norcom Jackson, Jr., vice pres.; J. G. Richardson, sec.-treas.

189; Krennerich & Harle, Inc., 837 Gravier Street (12)—LeRoy A. Krennerich, pres.-sec.; Joe P. Harle, vice pres.; Raul Nunez, vice pres.; Alton A. Dunn, vice pres.; Leo B. Thompson, treas.

670; Lambert Co., Inc. of La., H. P., 318 Carondelet Street (12)—Eleanore P. Lambert, pres.-treas.; Ella C. Fifield, 1st vice pres.; Mario Macchione, 2d vice pres.; Marguerite V. Pujol, sec.

670; Lambert Co., H. P., 148 State Street, Boston 9, Mass.—Eleanore P. Lambert, pres.-treas.; Ella C. Fifield, vice pres.; Mario J. Macchione, vice pres.; Marguerite F. Scavitto, sec.-clerk.

325; Leininger Co., Inc., George M., 226 Carondelet Street (12)—Joseph E. Leininger, sec.-director; Robert C. Leininger, pres.-director; Teresa Leininger Slavich, director; John J. West, treas.; Andrew J. Hynes, vice pres.-director.

930; Loeliger, Inc., Edmond, 1805 American Bank Building, Carondelet Street and Common Street (12)—Edmond Loeliger, pres.; Col. Edmond Loeliger, vice pres.; Anton Meyer, sec.-treas.

128; Lusk Shipping Co., Inc., P.O. Box 775 (2)—P. B. Lusk, pres.; Walter C. Flower II., vice pres.; Sophie M. Crozat, sec.-treas.; Melvin William Mathes, Jr., director.

909; Lykes Bros. Steamship Co., Inc., 821 Gravier Street—Solon B. Turman, pres., director, and chief exec., officer; Joseph T. Lykes, chairman-director; James M. Lykes, Jr., Sr., vice pres.-director; Joseph T. Lykes, Jr., Sr., vice pres.-director; Chester H. Ferguson, director; Richard C. Colton, vice pres.-director; Frank A. Nemec, Sr., vice pres.-director-sec.-treas.; Charles P. Lykes, director; Aage Qvistgaard-Petersen, director; Howard W. McCall, Jr., director; Thomas Preston Bartle, vice pres.—Central Atlantic Division; Alexander Clayton Cocke, vice pres.—Traffic Division; Ashley Ward Lott, vice pres., Traffic—West Coast Division; Ralph Joseph Marse, vice pres.—Operating Division; Robert Fort Rader, vice pres.; James Glover Tompkins, vice pres.—West Coast Division; Joseph Torregrossa, vice pres.—Caribbean Division; J. J. Creevy, comptroller; A. J. Sanchez, asst. comptroller-asst. sec.; T. L. Abernathy, asst. treas.; J. P. O'Kelly, asst. sec.; Douglas L. Clarke, asst. sec.

341; Marine Forwarding and Shipping Co., Inc., 124 Camp Street (12)—Albert B. Barone, pres.-director; Gladys M. Schofield, vice pres.-sec.-director and acting treas.; Edward R. Schofield, treas., on active reserve duty, U.S. Army; Ernest A. H. Schofield, director; John F. Hartmann, Sr., director.

187; Mississippi Valley Forwarding Co., 4021 Carondelet Street (15)—Individual.

914; Ovalle, M. J., 4305-A South Carrollton Avenue (19)—Individual.

245; Pan-American Shipping Co., 527 Canal Street (16)—Partnership: Harold L. Bolhem, senior partner; C. A. Zitzmann, Jr., junior partner; F. J. Zitzmann, junior partner.

242; Renshaw, Inc., H. S., 610 Poydras Street, P.O. Box 999 (12)—Norman A. Renshaw, pres.; Kathleen D. Renshaw, vice pres.; Louis Flores, sec.-treas.

88; Richeson & Sons, Inc., W. L., 442 Canal Street, P.O. Box 248—Edward R. Richeson, vice pres.-treas.; R. N. Shaw, sec.; Joseph R. Surgi, office manager.

402; Rogers Terminal and Shipping Corp., 1004 International Building (12)—Calvin J. Anderson, sec.; Clifford H. Axelson, vice pres.; Robert P. Berkey, pres. and director; Milton C. Bondus, vice pres.; Lee D. Canterbury, vice pres.; H. Robert Diercks, director; Raymond W. King, exec. vice pres.; Donald C. Levin, director; Whitney MacMillan, director; John F. McGrory, asst. sec.; Charles W. Mooers, treas.; W. Royce Salisbury, vice pres-director; Maitland D. Wyard, director.

523; Rueff, Inc., Geo. Wm., 107 Camp Street (12)—D. W. Tuttle, pres. and director; I. R. Siener, vice pres.-treas.-director; F. X. Hogan, sec.; Fred Jacob, director.

276; Transoceanic Shipping Co., 505 Pan American Building, 610 Poydras Street (12)—Basil Rusovich, Jr., pres.; Basil J. Rusovich, Sr., vice pres.; Roland J. Ledet, vice pres.; Marie L. Cronan, vice pres.; Shelley Schuster, board chairman.

165; Tujague, Inc., Gerard F., 442 Canal Street, P.O. Box 935 (8)—Gerard F. Tujague, pres.; F. DiBendetto, vice pres.; B. J. Edler, treas.; Evelyen M. Burt, director; Max M. Heinemann, director.

167; Westfeldt Brothers Forwarders, Inc., 524 Gravier Street—George G. Westfeldt, Jr., pres.; Wallace O. Westfeldt, vice pres.; E. A. Leonhardt, sec.-treas.; Charles R. Penot, asst. sec.

288; Wichterich & Co., Al G., 321 St. Charles Avenue, P.O. Box 982—Partnership: Al G. Wichterich, partner; Mrs. Anna Stein, silent partner.

348; Williams Inc., J. G. R., 231 Carondelet Street (12)—H. G. Williams, pres.-director; J. G. R. Williams 2d, sec.-treas. and director; Mrs. H. G. Williams, vice pres.

171; Win-Mar, Inc., 302 Magazine Street (12)—Francis J. Prevost, pres.; Victor E. Castillo, vice pres.; Ernest J. Elvir, sec.

752; Zanes and Co. of La., Inc., W. R., 442 Canal Street (16)—John F. Guenther, Jr., pres. and director; W. R. Zanes, Sr., vice pres.-chairman; W. R. Zanes, Jr., vice pres.-director; R. D. Hancock, vice pres.-director; Glover Funderburk, treas.-director; Sidney E. Gaudin, Jr., vice pres. and sec.; Wm. St. John, Jr., vice pres.

752; Zanes and Co., W. R., 1300 Prairie Avenue, Houston 2, Tex.—W. R. Zanes, Jr., vice pres.-director; W. R. Zanes, Sr., pres.-director; R. D. Hancock, sec.-vice pres.-director; Glover Funderburk, treas.-director; Mary McDonnold, vice pres.; J. F. Guenther, Jr., vice pres.

Dated: July 24, 1962.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-7450; Filed, July 27, 1962; 8:53 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7044]

IOWA SOUTHERN UTILITIES CO.

Notice of Application

JULY 23, 1962.

Take notice that on July 18, 1962, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Iowa Southern Utilities Company (Applicant) for authorization to issue and sell 10,000 additional shares of its Common Stock, par value $15 per share. Applicant, incorporated under the laws of the State of Delaware and qualified to do business as a foreign corporation in the States of Iowa and Illinois, provides electric and natural gas service in the State of Iowa, its principal place of business being located in Centerville, Iowa.

Applicant proposes to issue and sell to its employees up to but not exceeding 10,000 additional shares of its Common Stock, par value $15 per share, in accordance with the terms and conditions of its Employee Stock Purchase Plan, a copy of which is filed as an exhibit to its application. The sales will be made through payroll deductions; the offering price per share will be 95 percent of the over-the-counter market bid price on designated Price Dates as published in the Midwest Edition of The Wall Street Journal, but will not be less than $15 per share. Any fraction of a cent will be rounded up. The Price Dates will be December 15 for a July 1 to December 31 Payment Period and June 15 for a January 1 to June 30 Payment Period. (If no closing market price is available on a particular December 15 or June 15, the Price Date will be the next preceding day on which such a price was available.) Applicant states that the net proceeds realized from the sale of the additional shares of its Common Stock dedicated to the Employee Stock Purchase Plan is estimated at approximately $331,000, and will be used for Applicant's general corporate purposes.

Any person desiring to be heard or to make any protests with reference to said application should on or before the 13th day of August, 1962 file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-7415; Filed, July 27, 1962; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

CITIZENS BANK OF PERRY, N.Y.

Order Approving Merger of Banks

In the matter of the application of The Citizens Bank of Perry, N.Y., for approval of merger with The First National Bank of Perry.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by The Citizens Bank of Perry, N.Y., Perry, New York, a member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and The First National Bank of Perry, Perry, New York, also a member bank of the Federal Reserve System, under the charter of the former and title of The Bank of Perry and, as an incident to the merger, a branch would be operated for one year at the location of The Citizens Bank of Perry, N.Y. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) within seven calendar days after the date of this Order or (b) later than three months after said date.

Dated at Washington, D.C., this 23d day of July 1962.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 62-7416; Filed, July 27, 1962; 8:48 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of New York. Dissenting statement of Governors Robertson and Mitchell also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin, and Governors Balderston, Mills, Shepardson, and King. Voting against this action: Governors Robertson and Mitchell.

INTERSTATE COMMERCE COMMISSION

[Notice 670]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 25, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64832. By order of July 18, 1962, Division 3, Acting as an Appellate Division, approved the transfer to Henry Schmaelzle, doing business as Henry Schmaelzle Transportation, New Haven, Conn., of a portion of the operating rights in Certificate No. MC 69917, issued May 11, 1960, to H & B Freightways, Inc., West Haven, Conn., authorizing the transportation of: Scrap metals, between points in Connecticut, on the one hand, and, on the other, Philadelphia, Pa., and points in New Jersey other than those within 15 miles of Jersey City, N.J. Reubin Kaminsky, 410 Asylum Street., Hartford 3, Conn., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 62-7438; Filed, July 27, 1962; 8:52 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-2260]

AMERICAN BERYLLIUM & OIL CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JULY 23, 1962.

I. Great Divide Oil Corporation (issuer), a corporation, Salt Lake Stock Exchange Bldg., Salt Lake City, Utah, filed its notification on October 11, 1957 and its offering circular relating to the offer of 300,000 shares of common stock of a par value of 10 cents per share at an offering price of $1 per share for an aggregate of $300,000 and filed various amendments thereto for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) of the Act and Regulation A thereunder. On July 27, 1961, the company changed its name to American Beryllium & Oil Corporation.

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that:

A. Elmer K. Aagaard, president, director, promoter and underwriter, has been expelled from the National Association of Securities Dealers for conduct contrary to high standards of commercial honor and just and equitable principles of trade.

B. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, in the failure to disclose in Item 6(c) of the notification the expulsion from membership in the National Association of Securities Dealers.

III. *It is ordered,* Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-7423; Filed, July 27, 1962; 8:49 a.m.]

[File No. 1-3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

JULY 24, 1962.

The common stock, $1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 25, 1962, to August 3, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-7424; Filed, July 27, 1962; 8:49 a.m.]

[File No. 1-4579]

AUTOMATED PROCEDURES CORP.

Order Summarily Suspending Trading

JULY 23, 1962.

The Class A stock, par value 5 cents per share, of Automated Procedures Corp., being listed and registered on The National Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on The National Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 24, 1962, to August 2, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-7425; Filed, July 27, 1962; 8:49 a.m.]

[File No. 24A-1416]

GLAS FOAM CORP.

Notice and Order for Hearing

I. Glas Foam Corporation (Issuer), a Delaware corporation, last known address 1071 East 52d Street, Hialeah, Florida, filed with the Commission on September 28, 1960, a notification on Form 1-A and an offering circular relating to a proposed public offering of 100,000 shares of $0.10 par value common stock at $3.00 per share for an aggregate amount of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder. Martinelli & Company, Inc., 79 Wall Street, New York 5, New York, was named as underwriter on a best efforts basis. The offering commenced on December 5, 1960. On May 31, 1961, the Form 2-A was filed stating that all shares offered had been sold.

II. The Commission on June 14, 1962, issued an order pursuant to Rule 261 of the General Rules and Regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A and afforded to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the General Rules and Regulations under the Securities Act of 1933, as amended, that a hearing be held at the Atlanta Regional Office, Suite 138, 1371 Peachtree Street NE., Atlanta, Georgia, at 10:00 a.m., e.d.t., on August 28, 1962, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the exemption under Regulation A was available in that the aggregate offering price of the securities of the issuer and those securities sold in violation of section 5 of the Securities Act of 1933, to persons falsely listed as promoters, exceeded the $300,000 ceiling limitation imposed by Rule 254(a).

B. Whether the terms and conditions of Regulation A have been complied with in that

1. The Offering Circular fails to disclose certain direct and indirect interests of officers, directors, and persons occupying a control relationship with the issuer, which are required by paragraph 9(c) of Schedule I.

2. The offering circular fails to disclose the amount of proceeds from the sale of this issue to be paid to officers and directors of the issuer as required by paragraph 6(a) of Schedule I.

C. Whether the offering circular contains untrue statements of material facts, and omits to state material facts necessary, in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The cost of real estate without disclosing the markup in the value of such land acquired by the issuer from an agent of an insider in a non-arms-length transaction;

2. A statement in the offering circular that all material interests of officers, directors, controlling persons and affiliates of the issuer have been disclosed, when, in fact there were:

(a) Undisclosed loans to and from officers and directors by the issuer;

(b) An obligation arising from a sale to the president of the issuer, and

(c) Undisclosed transactions between the issuer and its General Manager, whose controlling relationship with the issuer and his active role in the management of the company during the absence of its nonresident president, was not disclosed.

3. The issuer's ability to fulfill a contract for the sale by the issuer of boats to a distributor, without disclosing that the issuer had received notice of cancellation of said contract because of nonfulfillment on its part.

D. Whether the Form 2-A fails to disclose the use of proceeds from the offering to repay loans from officers and directors, and to pay a finder's fee in connection with the offering.

E. Whether the offering was made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is further ordered,* That William W. Swift, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21, and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's Rules of Practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Glas Foam Corporation; and that a notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise to participate in the hearing, shall file with the Secretary of the Commission on or before August 24, 1962, a written request relative thereto as provided in Rule 9(c) of the Commission's Rules of Practice.

It is further ordered, That Glas Foam Corporation pursuant to Rule 7 of the rules of practice of the Commission (17 CFR 201.7), shall file an answer to the allegations set forth in section II hereinabove. Such answer shall be filed in the manner, form and within the time prescribed by 17 CFR 201.7 and shall specifically admit or deny or state that Glas Foam Corporation does not have, and is unable to obtain, sufficient information to admit or deny each of the allegations set forth in section II hereinabove.

Notice is hereby given that if Glas Foam Corporation fails to file an answer pursuant to 17 CFR 201.7 within fifteen days after service upon it of this notice and order for hearing, the proceedings may be determined against Glas Foam Corporation by the Commission upon consideration of this notice and order for hearing and said allegations in section II above may be deemed to be true.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-7426; Filed, July 27, 1962; 8:50 a.m.]

[File No. 24SF-2835]

FRED HARVEY ASSOCIATES, INC.

Notice and Order for Hearing

JULY 23, 1962.

I. Fred Harvey Associates, Inc. (issuer), Queens Canyon, Mineral County, Nevada, incorporated in Nevada on September 3, 1959, to succeed to a previously conducted mining partnership, filed with the Commission on January 9, 1961, a notification and offering circular relating to an offering of 50,000 shares of its $1.00 par value common stock at $1.00 per share, for an aggregate offering of $50,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission on June 29, 1962, issued an order, pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, which temporarily suspended the issuer's exemption under Regulation A and afforded to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at the Los Angeles Branch Office, Room 309 Guaranty Building, 6331 Hollywood Boulevard, Los Angeles, California, at 10:00 P.d.s.t., on August 27, 1962, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the terms and conditions of Regulation A have been complied with in that the issuer, its officers, directors and promoters have failed to cooperate by withholding basic information requested in deficiency letters.

B. Whether the offering circular omits to state material facts necessary to be disclosed in order to make the statements made, in the light of the circumstances under which they were made, not misleading with respect to:

1. Receipts and disbursements of issuer for the two years preceding the date

of the financial statements, and the content of and valuation of assets in the financial statements;

2. The interests of participants in the predecessor, which were the bases for the allocation of shares of the issuer for the property of the predecessor, and the cash costs attributable to such interests; and

3. The bases for allocation of shares of the issuer for prior cash contributions, and the identity of certain of the contributors.

4. The offering of 25,671 shares in violation of the registration requirements of section 5 of the Securities Act of 1933 giving rise to undisclosed contingent liabilities against issuer.

C. Whether the offering, if made, would be made in violation of Section 17 of the Securities Act of 1933, as amended.

It is further ordered, That Frederick Zazove or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21, and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's Rules of Practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Fred Harvey Associates, Inc. and that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before August 24, 1962, a written request relative thereto as provided in Rule 9(c) of the Commission's Rules of Practice.

It is further ordered, That Fred Harvey Associates, Inc. pursuant to Rule 7 of the Rules of Practice of the Commission (17 CFR 201.7), shall file an answer to the allegations set forth in section II hereinabove. Such answer shall be filed in the manner, form and within the time prescribed by 17 CFR 201.7 and shall specifically admit or deny or state that Fred Harvey Associates, Inc., does not have, and is unable to obtain, sufficient information to admit or deny each of the allegations set forth in section II hereinabove.

Notice is hereby given that if Fred Harvey Associates, Inc., fails to file an answer pursuant to 17 CFR 201.7 within fifteen days after service upon it of this notice and order for hearing, the proceedings may be determined against Fred Harvey Associates, Inc., by the Commission upon consideration of this notice and order for hearing and said allegations in section II above may be deemed to be true.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-7427; Filed, July 27, 1962; 8:50 a.m.]

[File No. 1-4597]

INDUSTRIAL ENTERPRISES, INC.

Order Summarily Suspending Trading

JULY 23, 1962.

The Common assessable stock, $1.00 par value, of Industrial Enterprises, Inc., being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 24, 1962, to August 2, 1962, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-7428; Filed, July 27, 1962; 8:50 a.m.]

[File No. 811-1009]

LINCOLN FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JULY 23, 1962.

Notice is hereby given that The Lincoln Fund, Incorporated ("Applicant"), 300 Main Street, New Britain, Connecticut, a Delaware corporation and an open-end nondiversified management company registered under the Investment Company Act of 1940 ("Act") has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company as defined in the Act.

Applicant makes the following representations in its application.

The Applicant has not more than twenty-eight beneficial owners of its common stock, is not making and does not presently propose to make a public offering of its securities, and has applied for withdrawal of its registration statement pursuant to Rule 477 of the Securities Act of 1933.

Section 8(f) of the Act provides that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 6, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-7429; Filed, July 27, 1962; 8:50 a.m.]

[File No. 811-1074]

STRATFORD CAPITAL CORP.

Notice of Filing Application for Order Declaring Company Has Ceased To Be Investment Company

JULY 19, 1962.

Notice is hereby given that Stratford Capital Corporation ("Applicant"), 745 5th Avenue, New York 20, New York, organized under New York law and a closed-end nondiversified investment company registered under the Investment Company Act of 1940 ("Act") has filed an application pursuant to section 8(f) of the Act declaring that Applicant has ceased to be an investment company.

Applicant makes the following representation in its application:

Through its President and only shareholder, it has filed a Certificate of Dissolution with the Secretary of the State of New York and has filed an appropriate final Franchise Tax Report with the New York State Tax Commission and has further filed a final return with the United States Government.

Section 8(f) of the Act provides, in part, that whenever the Commission upon application finds that an investment company has ceased to be an investment company, it shall so declare by order and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 3, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-7430; Filed, July 27, 1962; 8:50 a.m.]

[File No. 24SF-3007]

TRAIL-AIRE, INC.

Notice and Order for Hearing

JULY 23, 1962.

I. Trail-Aire, Inc. (issuer), 18033 South Santa Fe Avenue, Long Beach, California, incorporated in California on September 22, 1958, filed with the Commission on December 27, 1961, a notification and offering circular relating to an offering of 55,000 shares of its $1.00 par value common stock at $5.00 per share, for an aggregate offering of $275,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. The offering, underwritten by Adams and Company, 5455 Wilshire Boulevard, Los Angeles 36, California, on a firm commitment basis, commenced on February 6, 1962.

II. The Commission, on June 29, 1962, issued an order pursuant to Rule 261 of the General Rules and Regulations under the Securities Act of 1933, as amended, which temporarily suspended the issuer's exemption under Regulation A and afforded to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at the Los Angeles Branch Office, Room 309, Guaranty Building, 6331 Hollywood Boulevard, Los Angeles, California, at 10:00 a.m., P.d.s.t., on August 23, 1962, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the notification and offering circular contain untrue statements of material facts and omit to state material facts necessary to be disclosed in order to make the statements made, in the light of the circumstances under which they were made, not misleading, with respect to:

1. The beneficial owners of 41.7 percent of issuer's outstanding shares, prior to the public offering, who were affiliates of and control issuer, and

2. The relationship between issuer and the major purchaser of its products and services which, through the beneficial owners of 41.7 percent of issuer's outstanding shares prior to the public offering and the volume of its purchases, effectively controlled issuer.

B. Whether the offering was made in violation of section 17 of the Securities Act of 1933, as amended.

It is further ordered, That Frederick Zazove, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing and that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Trail-Aire, Inc.; that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before August 20, 1962, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

It is further ordered, That Trail-Aire, Inc., pursuant to Rule 7 of the Rules of Practice of the Commission (17 CFR 201.7) shall file an answer to the allegations set forth in Section II hereinabove. Such answer shall be filed in the manner, form and within the time prescribed by 17 CFR 201.7 and shall specifically admit or deny or state that Trail-Aire, Inc., does not have, and is unable to obtain, sufficient information to admit or deny each of the allegations set forth in section II hereinabove.

Notice is hereby given that if Trail-Aire, Inc., fails to file an answer pursuant to 17 CFR 201.7 within fifteen days after service upon it of this notice and order for hearing, the proceedings may be determined against Trail-Aire, Inc., by the Commission upon consideration of this notice and order for hearing and said allegations in section II above may be deemed to be true.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-7431; Filed, July 27, 1962; 8:50 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-X-19 (Revision 2)]

DEPUTY REGIONAL DIRECTOR, DALLAS, TEXAS

Delegation Relating to Financial Assistance, Investment, Procurement and Technical Assistance, Administrative Functions, and Eligibility

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 7), (27 F.R. 6247), there is hereby redelegated to the Deputy Regional Director, Dallas Regional Office, Small Business Administration, the authority:

A. *Financial assistance.* 1. To approve the following:

a. Direct loans not exceeding $50,000.

b. Participation loans not exceeding $150,000.

c. Limited loan participation not exceeding $25,000.

d. Small loans not exceeding $25,000.

e. Disaster loans not exceeding $50,000.

2. To decline direct and participation business and disaster loans of any amount.

3. To disburse approved loans.

4. To enter into business loan and disaster loan participation agreements with banks.

5. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*

By ----------
(Name)

Deputy Regional Director.

6. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involv-

ing accounts receivable and inventory financing.

10. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

B. *Investment program.* 1. To disburse section 502 loans.

2. To extend the disbursement period on section 502 loan authorization or undisbursed portions of section 502 loans.

3. To cancel wholly or in part undisbursed balances of partially disbursed section 502 loans.

4. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of section 502 loans.

C. *Procurement and technical assistance.* 1. To determine joint set-asides for Government procurement and sales.

D. *Administration.* 1. To approve (a) annual and sick leave, except advanced annual and sick leave, and (b) leave without pay, not to exceed 30 days.

2. To (a) make emergency purchases chargeable to the Administrative expense fund, not in excess of $50 in any one object class in any one instance but more than $100 in any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instances for "one-time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph; and (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance.

3. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

4. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or service rendered.

5. To (a) authorize or approve official travel within the Region and (b) administratively approve travel reimbursement claims.

6. To procure from General Services Administration all standard forms and all supply items listed in Part I of the SBA Index of Standard Supply Items.

7. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this administration.

8. To establish and classify all nontechnical positions subject to the Classification Act of 1949, as amended, in grades GS–1 through GS–7.

E. *Eligibility.* 1. To make original determinations and determinations upon the reconsideration thereof as to which concerns are small business within the meaning of the Small Business Size Standards Regulation, as amended, except no determinations will be made in those cases which involve questions of dominance, questions relating to cooperatives, and questions involving franchise, license or other contractual agreements, unless otherwise authorized. This authorization does not permit the issuance of Small Business Certificates.

2. To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

II. All authority delegated herein may be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Deputy Regional Director.

IV. All previous authority delegated by the Regional Director to the Deputy Regional Director is hereby rescinded without prejudice to actions taken under all such delegation of authority prior to the date hereof.

Effective date: July 9, 1962.

ROBERT E. WEST,
Regional Director, Region X, Dallas Regional Office, Small Business Administration.

[F.R. Doc. 62–7432; Filed, July 27, 1962; 8:51 a.m.]

TARIFF COMMISSION

TOWELING OF FLAX, HEMP, OR RAMIE

Tariff Commission Reports to the President

JULY 25, 1962.

The U.S. Tariff Commission today submitted to the President its fifth periodic report on the developments in the trade in toweling of flax, hemp, or ramie since the "escape clause" action effective July 25, 1956, withdrawing the concession granted in the General Agreement on Tariffs and Trade on such toweling classifiable under paragraph 1010 of the Tariff Act of 1930. This report was made pursuant to paragraph 1 of Executive Order 10401 of October 14, 1952. That order prescribes procedures for the periodic review of escape-clause actions. Such review is limited to the determination of whether a concession that has been modified or withdrawn can be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned.

In submitting this report, the Commission advised the President that the conditions of competition between imported and domestic toweling had not so changed as to warrant the institution of a formal investigation under the provisions of paragraph 2 of the order. This means that, in the Commission's view, the developments in the trade in toweling of flax, hemp, or ramie do not warrant a formal inquiry into the question of whether a reduction in the duty on such toweling could be made without causing or threatening serious injury to the domestic industry.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington 25, D.C.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 62–7434; Filed, July 27, 1962; 8:51 a.m.]

WATCH MOVEMENTS

Tariff Commission Reports to the President

JULY 25, 1962.

The U.S. Tariff Commission today submitted to the President its seventh periodic report on the developments in the trade in watch movements since the "escape clause" action, on July 27, 1954, modifying the concession thereon granted in the trade agreement with Switzerland signed January 9, 1936. This report was made pursuant to paragraph 1 of Executive Order 10401 of October 14, 1952. That order prescribes procedures for the periodic review of escape-clause actions. Such review is limited to the determination of whether a concession that has been modified or withdrawn can be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned.

In submitting this report, the Commission advised the President that the conditions of competition between imported and domestic watch movements had not so changed as to warrant the institution of a formal investigation under the provisions of paragraph 2 of Executive Order 10401. This means that, in the Commission's view, the developments in the trade in watch movements do not warrant a formal inquiry into the question of whether a reduction in the duties on watch movements could be made without resulting in serious injury to the domestic watch industry.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington 25, D.C.

DONN N. BENT,
Secretary.

[F.R. Doc. 62–7435; Filed, July 27, 1962; 8:51 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of full-time students (29 CFR Part 519), and Administrative Order No. 561 (27 F.R. 4001) the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulations, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to 29 CFR 519.6 (c) and (g) providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

Region I

J. J. Newberry Co., 108 Merrimack Street, Haverhill, Mass.; effective 6–10–62 to 6–9–63 (variety store; 24 employees).

Region III

Davis Super Market, Inc., 730 East Pittsburgh Street, Greensburg, Pa.; effective 6–19–62 to 6–18–63 (food store; 102 employees).

Eagle Stores Co., Inc., 114 Baltimore and Annapolis Boulevard, Glen Burnie, Md.; effective 6–10–62 to 6–9–63 (variety store; 22 employees).

Glosser Bros., Inc., Johnstown, Pa.; effective 6–10–62 to 6–9–63 (department store; 426 employees).

W. T. Grant Co. (#741), 2921 North Seventh Street, Harrisburg, Pa.; effective 6–10–62 to 6–9–63 (variety store; 57 employees).

W. T. Grant Co. (#368), 58 East Main Street, Norristown, Pa.; effective 6–10–62 to 6–9–63 (variety store; 44 employees).

W. T. Grant Co. (#289), 4536 Frankford Avenue, Philadelphia 24, Pa.; effective 6–10–62 to 6–9–63 (variety store; 27 employees).

W. T. Grant Co. (#747), Lancaster Avenue and Mifflin Boulevard, Reading, Pa.; effective 6–10–62 to 6–9–63 (variety store; 51 employees).

H. L. Green Co., 327 Northampton Street, Easton, Pa.; effective 6–10–62 to 6–9–63 (variety store; 33 employees).

H. L. Green Co. (#1007), 2342 North Front Street, Philadelphia 33, Pa.; effective 6–10–62 to 6–9–63 (variety store; 20 employees).

H. L. Green Co., 4460 Frankford Avenue, Philadelphia, Pa.; effective 6–10–62 to 6–9–63 (variety store; 18 employees).

H. L. Green Co. (#1052), 1015 Market Street, Philadelphia, Pa.; effective 6–10–62 to 6–9–63 (variety store; 96 employees).

H. L. Green Co. (#1114), 610 Market Street, Wilmington, Del.; effective 6–10–62 to 6–9–63 (variety store; 23 employees).

Jenny Lee Bakery, 219 Forbes Street, Pittsburgh, Pa.; effective 6–10–62 to 6–9–63 (food store; 18 employees).

S. S. Kresge Co. (#191), 2021 South Broad Street, Philadelphia 48, Pa.; effective 6–10–62 to 6–9–63 (variety store; 46 employees).

S. S. Kresge Co. (#297), 6585 Roosevelt Boulevard, Philadelphia 49, Pa.; effective 6–10–62 to 6–9–63 (variety store; 48 employees).

S. S. Kresge Co. (#53), 525 Clairton Boulevard, Pittsburgh 36, Pa.; effective 6–19–62 to 6–18–63 (variety store; 27 employees).

S. S. Kresge Co. (#282), 9 North Main Street, Pittston, Pa.; effective 6–10–62 to 6–9–63 (variety store; 27 employees).

S. S. Kresge Co. (#68), 33 Public Square, Wilkes-Barre, Pa.; effective 6–10–62 to 6–9–63 (variety store; 90 employees).

S. S. Kresge Co. (#67), 321 Pine Street, Williamsport 8, Pa.; effective 6–10–62 to 6–9–63 (variety store; 49 employees).

S. S. Kresge Co. (#285), 774 Fairmont Avenue, Baltimore 4, Md.; effective 6–10–62 to 6–9–63 (variety store; 70 employees).

S. S. Kresge Co. (#616), 1550 Havenwood Road, Baltimore 18, Md.; effective 6–10–62 to 6–9–63 (variety store; 40 employees).

S. S. Kresge Co. (#669), 1023 Fairlawn Aveune, Laurel, Md.; effective 6–10–62 to 6–9–63 (variety store; 30 employees).

S. H. Kress & Co., 1404 11th Avenue, Altoona, Pa.; effective 6–10–62 to 6–9–63 (variety store; 31 employees).

McCrory-McLellan Stores Corp. (#331), Rodney Village Shopping Center, East Dover, Del.; effective 6–10–62 to 6–9–63 (variety store; 22 employees).

McCrory-McLellan-Green Co., 215 West Lexington Street, Baltimore 1, Md.; effective 6–10–62 to 6–9–63 (variety store; 60 employees).

McCrory-McLellan-Green Co., 315 West Lexington Street, Baltimore 1, Md.; effective 6–10–62 to 6–9–63 (variety store; 48 employees).

McCrory-McLellan-Green Co. (#314), 6311 York Road, Baltimore 12, Md.; effective 6–10–62 to 6–9–63 (variety store; 17 employees).

McCrory-McLellan-Green Co. (#21), 110–114 Baltimore Street, Cumberland, Md.; effective 6–10–62 to 6–9–63 (variety store; 63 employees).

McCrory-McLellan-Green Co. (#8), 725–731 Hamilton Street, Allentown, Pa.; effective 6–10–62 to 6–9–63 (variety store; 88 employees).

McCrory-McLellan-Green Co., 1306–1310 11th Avenue, Altoona, Pa.; effective 6–10–62 to 6–9–63 (variety store; 42 employees).

McCrory-McLellan-Green Co. (#151), 109–113 10th Street, Barnesboro, Pa.; effective 6–10–62 to 6–9–63 (variety store; 17 employees).

McCrory-McLellan-Green Co., 62–64 Main Street, Bradford, Pa.; effective 6–10–62 to 6–9–63 (variety store; 20 employees).

McCrory-McLellan-Green Co. (#55), 48–56 West Pike Street, Canonsburg, Pa.; effective 6–10–62 to 6–9–63 (variety store; 29 employees).

McCrory-McLellan-Green Co. (#220), 110–12 West Crawford Avenue, Connellsville, Pa.; effective 6–10–62 to 6–9–63 (variety store; 34 employeea).

McCrory-McLellan-Green Co. (#317), 2449–51 East Market Street, East York, Pa.; effective 6–10–62 to 6–9–63 (variety store; 48 employees).

McCrory-McLellan-Green Co., 126–30 West High Street, Ebensburg, Pa.; effective 6–10–62 to 6–9–63 (variety store; 20 employees).

McCrory-McLellan-Green Co. (#323), 562 West Broad Street, Hazleton, Pa.; effective 6–10–62 to 6–9–63 (variety store; 60 employees).

McCrory-McLellan-Green Co. (#1122), 301 Allegheny Street, Hollidaysburg, Pa.; effective 6–10–62 to 6–9–63 (variety store; 27 employees).

McCrory-McLellan-Green Co., 682–84 Philadelphia Street, Indiana, Pa.; effective 6–10–62 to 6–9–63 (variety store; 42 employees).

McCrory-McLellan-Green Co. (#80), 15–17 North Queen Street, Lancaster, Pa.; effective 6–10–62 to 6–9–63 (variety store; 43 employees).

McCrory-McLellan-Green Co. (#1066), 59 North Queen Street, Lancaster, Pa.; effective 6–10–62 to 6–9–63 (variety store; 61 employees).

McCrory-McLellan-Green Co., 824–28 Cumberland Street, Lebanon, Pa.; effective 6–10–62 to 6–9–63 (variety store; 38 employees).

McCrory-McLellan-Green Co. (#273), 14–16 East Market Street, Lewistown, Pa.; effective 6–10–62 to 6–9–63 (variety store; 27 employees).

McCrory-McLellan-Green Co. (#1015), 5621 Germantown Avenue, Philadelphia, Pa.; effective 6–10–62 to 6–9–63 (variety store; 22 employees).

McCrory-McLellan-Green Co., 1006 Market Street, Philadelphia 7, Pa.; effective 6–10–62 to 6–9–63 (variety store; 77 employees).

McCrory-McLellan-Green Co. (#11), 105 East Ohio Street, Pittsburgh 12, Pa.; effective 6–10–62 to 6–9–63 (variety store; 105 employees).

McCrory-McLellan-Green Co., 314–20 Fifth Avenue, Pittsburgh 22, Pa.; effective 6–10–62 to 6–9–63 (variety store; 149 employees).

McCrory-McLellan-Green Co., 3274 North Fifth Street, Muhlenberg Shopping Plaza, Reading, Pa.; effective 6–10–62 to 6–9–63 (variety store; 27 employees).

McCrory-McLellan-Green Co., 6–12 West Market Street, York, Pa.; effective 6–10–62 to 6–9–63 (variety store; 86 employees).

McCrory-McLellan-Green Co., 24–26 North Washington Street, Easton, Md.; effective 6–10–62 to 6–9–63 (variety store; 26 employees).

McCrory-McLellan-Green Co., 217–219 Main Street, Salisbury, Md.; effective 6–20–62 to 6–19–63 (variety store; 17 employees).

McCrory-McLellan-Green Co. (#31), 50–56 West Washington Street, Hagerstown, Md.; effective 6–10–62 to 6–9–63 (variety store; 76 employees).

McCrory-McLellan-Green Co., 8649 Colesville Road, Silver Spring, Md.; effective 6–10–62 to 6–9–63 (variety store; 62 employees).

J. J. Newberry Co. (#204), 131–133 West Front Street, Berwick, Pa.; effective 6–10–62 to 6–9–63 (variety store; 28 employees).

J. J. Newberry Co. (#55), 11–13 Main Street, Bradford, Pa.; effective 6–10–62 to 6–9–63 (variety store; 13 employees).

J. J. Newberry Co. (#47), 28–34 North Main Street, Carbondale, Pa.; effective 6–10–62 to 6–9–63 (variety store; 32 employees).

J. J. Newberry Co. (#9), 18–24 South Main Street, Chambersburg, Pa.; effective 6–10–62 to 6–9–63 (variety store; 57 employees).

J. J. Newberry Co. (#14), 5 East Main Street, Ephrata, Pa.; effective 6–10–62 to 6–9–63 (variety store; 47 employees).

J. J. Newberry Co. (#226), 110 East State Street, Kennett Square, Pa.; effective 6-10-62 to 6-9-63 (variety store; 36 employees).

J. J. Newberry Co. (#127), 304 Market Street, Lewisburg, Pa.; effective 6-10-62 to 6-9-63 (variety store; 54 employees).

J. J. Newberry Co. (#106), Lock Haven, Pa.; effective 6-10-62 to 6-9-63 (variety store; 13 employees).

J. J. Newberry Co., 5-11 South Front Street, Milton, Pa.; effective 6-10-62 to 6-9-63 (variety store; 34 employees).

J. J. Newberry Co. (#13), 19-23 North Second Street, Newport, Pa.; effective 6-10-62 to 6-9-63 (variety store; 17 employees).

J. J. Newberry Co. (#384), Oxford, Pa.; effective 6-10-62 to 6-9-63 (variety store; 16 employees).

J. J. Newberry Co., 243-245 High Street, Pottstown, Pa.; effective 6-10-62 to 6-9-63 (variety store; 23 employees).

J. J. Newberry Co., 600 Main Street, Stroudsburg, Pa.; effective 6-10-62 to 6-9-63 (variety store; 48 employees).

J. J. Newberry Co., 106-110 East Main Street, Elkton, Md.; effective 6-10-62 to 6-9-63 (variety store; 65 employees).

J. J. Newberry Co., 142 Market Street, Pocomoke City, Md.; effective 6-10-62 to 6-9-63 (variety store; 33 employees).

Penn Traffic Co., 319-347 Washington Street, Johnstown, Pa.; effective 6-10-62 to 6-9-63 (department store; 984 employees).

Rhea's Inc., 441 Market Street, Pittsburgh 22, Pa.; effective 6-25-62 to 6-24-63 (food store; 166 employees).

F. W. Woolworth Co., 5628 The Alameda, Baltimore 12, Md.; effective 6-20-62 to 6-19-63 (variety store; 27 employees).

F. W. Woolworth Co., 5714 Ritchie Highway, Baltimore 25, Md.; effective 6-20-62 to 6-19-63 (variety store; 32 employees).

F. W. Woolworth Co., Laurel Shopping Center, Armstrong Avenue and Baltimore-Washington Boulevard, Laurel, Md.; effective 6-20-62 to 6-19-63 (variety store; 22 employees).

Region IV

McCrory-McLellan-Green Stores (#1121), 452 Third Street, Macon, Ga.; effective 6-10-62 to 6-9-63 (variety store; 89 employees).

Morgan & Lindsey, Inc., 1007 Denny Avenue, Pascagoula, Miss.; effective 7-5-62 to 7-4-63 (variety store; 18 employees).

Neisner Brothers, Inc. (#162), 420 Brevard Ave., Cocoa, Fla.; effective 6-10-62 to 6-9-63 (Variety store; 30 employees).

F. W. Woolworth Co., 207 Yazoo Avenue, Clarksdale, Miss.; effective 7-2-62 to 6-30-63 (variety store; 32 employees).

Region V

W. T. Grant Co. (#373), 240 Euclid Avenue, Cleveland, Ohio; effective 7-3-62 to 7-2-63 (variety store; 128 employees).

Klose-Out-Kelly Shoe Dept., G-5106 North Saginaw Street, Flint, Mich.; effective 7-3-62 to 7-2-63 (shoe store; 3 employees).

S. S. Kresge Co., 16 West Main Street, Ashland, Ohio; effective 7-3-62 to 7-2-63 (variety store; 10 employees).

S. S. Kresge Co., 401 Adams Street, Toledo, Ohio; effective 7-3-62 to 7-2-63 (variety store; 62 employees).

McCrory-McLellan Stores Corp. (#125), 238-40 High Street, Hamilton, Ohio; effective 7-3-62 to 7-2-63 (variety store; 15 employees).

J. J. Newberry Co. (#356), 215-221 Genesee Street, Iron River, Mich.; effective 7-3-62 to 7-2-63 (variety store; 13 employees).

Region VII

The J. S. Dillon & Sons Stores Co., Inc. (#38), 425 North Summit, Arkansas City, Kans.; effective 6-28-62 to 6-27-63 (food store; 29 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#2), 303 South Second, Dodge City, Kans.; effective 6-28-62 to 6-27-63 (food store; 33 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#12), 315 West Spruce, Dodge City, Kans.; effective 6-28-62 to 6-27-63 (food store; 22 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#15), 711 North Main, Garden City, Kans.; effective 6-28-62 to 6-27-63 (food store; 42 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#3), 1811 North Main, Great Bend, Kans.; effective 6-28-62 to 6-27-63 (food store; 38 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#20), 1023 North Main, Great Bend, Kans.; effective 6-28-62 to 6-27-63 (food store; 24 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#22), Main Street, Greensburg, Kans.; effective 6-28-62 to 6-27-63 (food store; 16 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#16), 111 West Seventh, Hays, Kans.; effective 6-28-62 to 6-27-63 (food store; 33 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#1), 200 South Main, Hutchinson, Kans.; effective 6-28-62 to 6-27-63 (food store; 31 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#8), 1321 North Main, Hutchinson, Kans.; effective 6-28-62 to 6-27-63 (food store; 54 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#25), 206 West Fifth, Hutchinson, Kans.; effective 6-28-62 to 6-27-63 (food store; 34 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#10), 734 East Fourth, Hutchinson, Kans.; effective 6-28-62 to 6-27-63 (food store; 37 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#39), 13th and Washington, Junction City, Kans.; effective 6-28-62 to 6-27-63 (food store; 24 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#9), 423 Main, Larned, Kans.; effective 6-28-62 to 6-27-63 (food store; 16 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#23), 202 East Avenue North, Lyons, Kans.; effective 6-28-62 to 6-27-63 (food store; 18 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#17), 201 East Euclid, McPherson, Kans.; effective 6-28-62 to 6-27-63 (food store; 33 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#40), 512 Poyntz, Manhattan, Kans.; effective 6-28-62 to 6-27-63 (food store; 16 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#6), 320 North Main, Newton, Kans.; effective 6-28-62 to 6-27-63 (food store; 37 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#24), 724 North Main, Newton, Kans.; effective 6-28-62 to 6-27-63 (food store; 17 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#21), 124 North Main, Pratt, Kans.; effective 6-28-62 to 6-27-63 (food store; 15 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#14), 419 South Main, Pratt, Kans.; effective 6-28-62 to 6-27-63 (food store; 22 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#11), 118 East Third, St. John, Kans.; effective 6-28-62 to 6-27-63 (food store; 12 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#27), 511 East Iron, Salina, Kans.; effective 6-28-62 to 6-27-63 (food store; 33 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#41), 1201 West Crawford, Salina, Kans.; effective 6-28-62 to 6-27-63 (food store; 45 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#5), 1502 South Ninth, Salina, Kans.; effective 6-28-62 to 6-27-63 (food store; 52 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#7), 212 Broadway, Sterling, Kans.; effective 6-28-62 to 6-27-63 (food store; 10 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#45), 124 West Harvey, Wellington, Kans.; effective 6-28-62 to 6-27-63 (food store; 13 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#33), 966 Parkland, Wichita, Kans.; effective 6-28-62 to 6-27-63 (food store; 25 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#4), 1401 North Waco, Wichita, Kans.; effective 6-28-62 to 6-27-63 (food store; 34 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#31), 1640 South Broadway, Wichita, Kans.; effective 6-28-62 to 6-27-63 (food store; 18 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#30), 1642 West Douglas, Wichita, Kans.; effective 6-28-62 to 6-27-63 (food store; 24 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#26), 1807 East Kellogg, Wichita, Kans.; effective 6-28-62 to 6-27-63 (food stores; 29 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#32), 1900 East Pawnee, Wichita, Kans.; effective 6-28-62 to 6-27-63 (food store; 19 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#18), 2201 East Central, Wichita, Kans.; effective 6-28-2 to 6-27-63 (food store; 17 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#28), 3113 South Seneca, Wichita, Kans.; effective 6-28-62 to 6-27-63 (food store; 34 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#36), 3319 Oaklawn Place, Wichita, Kans.; effective 6-28-62 to 6-27-63 (food store; 14 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#42), 4801 East Central, Wichita, Kans.; effective 6-28-62 to 6-27-63 (food store; 25 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#19), 8021 East Kellogg, Wichita, Kans.; effective 6-28-62 to 6-27-63 (food store; 36 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#29), 8829 West Central, Wichita, Kans.; effective 6-28-62 to 6-27-63 (food store; 33 employees).

The J. S. Dillon & Sons Stores Co., Inc. (#37), 714 Main Street, Winfield, Kans.; effective 6-28-62 to 6-27-63 (food store; 19 employees).

Easter Super Valu, Clear Lake, Iowa; effective 7-2-62 to 7-1-63 (food store; 25 employees).

Easter Super Valu, Colfax, Iowa; effective 7-2-62 to 7-1-63 (food store; 14 employees).

Easter Super Valu, 6605 University, Des Moines, Iowa; effective 7-2-62 to 7-1-63 (food store; 25 employees).

Easter Super Valu, Norwalk, Iowa; effective 7-2-62 to 7-1-63 (food store; 13 employees).

Hested Stores Co., 1619 Stone Street, Falls City, Nebr.; effective 6-10-62 to 6-9-63 (variety store; 13 employees).

Mammel's, Inc. (#8), 801 Wyatt Earp Boulevard, Dodge City, Kans.; effective 7-6-62 to 7-5-63 (food store; 26 employees).

Mammel's, Inc. (#2), 15 West B, Hutchinson, Kans.; effective 7-6-62 to 7-5-63 (food store; 17 employees).

Mammel's, Inc. (#3), Fifth and Monroe, Hutchinson, Kans.; effective 7-6-62 to 7-5-63 (food store; 22 employees).

Mammel's, Inc. (#5), 517 East 4, Hutchinson, Kans.; effective 7-6-62 to 7-5-63 (food store; 21 employees).

Mammel's, Inc. (#7), 2614 North Main, Hutchinson, Kans.; effective 7-6-62 to 7-5-63 (food store; 27 employees).

Mammel's, Inc. (#4), 3010 East Douglas, Wichita, Kans.; effective 7-6-62 to 7-5-63 (food store; 22 employees).

Mammel's, Inc. (#9), 2425 South Hillside, Wichita, Kans.; effective 7-6-62 to 7-5-63 (food store; 15 employees).

Mammel's, Inc. (#12), 4720 South Seneca, Wichita, Kans.; effective 7-6-62 to 7-5-63 (food store; 12 employees).

Mammel's, Inc. (#18), 2747 Boulevard Plaza, Wichita, Kans.; effective 7-6-62 to 7-5-63 (food store; 19 employees).

F. W. Woolworth Co., 109 East Sixth, Fremont, Nebr.; effective 6-25-62 to 6-24-63 (variety store; 52 employees).

Region VIII

Bonham's Foods, Inc., 2201 North 10th Street, McAllen, Tex.; effective 7-3-62 to 7-2-63 (food store; 19 employees).

Bonham's Foods, Inc., 905 South Closner, Edinburg, Tex.; effective 7-3-62 to 7-2-63 (food store; 13 employees).

Bonham's Foods, Inc., 3006 South Alameda, Corpus Christi, Tex.; effective 7-3-62 to 7-2-63 (food store; 24 employees).

Bonham's Foods, Inc., 4106 Ayers Street, Corpus Christi, Tex.; effective 7-3-62 to 7-2-63 (food store; 28 employees).

Bonham's Foods, Inc., 3920 South Lexington Boulevard, Corpus Christi, Tex.; effective 7-3-62 to 7-2-63 (food store; 26 employees).

Bonham's Foods, Inc., Washington at Huntington, Beeville, Tex.; effective 7-3-62 to 7-2-63 (food store; 34 employees).

Food Mart (#9), 724 North Sylvania, El Paso, Tex.; effective 7-9-62 to 7-8-63 (food store; 17 employees).

Food Mart (#16), 3720 Lancaster, Fort Worth, Tex.; effective 7-9-62 to 7-8-63 (food store; 13 employees).

Food Mart (#15), 3722 East Rosedale, Fort Worth, Tex.; effective 7-9-62 to 7-8-63 (food store; 22 employees).

Food Mart (#11), 6120 Camp Bowie Boulevard, Fort Worth, Tex.; effective 7-9-62 to 7-8-63 (food store; 19 employees).

Food Mart (#12), 5425 East Lancaster, Fort Worth, Tex.; effective 7-9-62 to 7-8-63 (food store; 11 employees).

Food Mart (#10), 5162 Wichita, Fort Worth, Tex.; effective 7-9-62 to 7-8-63 (food store; 15 employees).

Food Mart (#1), 5401 Sheridan, El Paso, Tex.; effective 7-9-62 to 7-8-63 (food store; 12 employees).

Food Mart (#3), 8556 Dyer, El Paso, Tex.; effective 7-9-62 to 7-8-63 (food store; 24 employees).

Food Mart (#4), 1015 West Third, Pecos, Tex.; effective 7-9-62 to 7-8-63 (food store; 10 employees).

Food Mart (#5), 619 West 10th, Odessa, Tex.; effective 7-9-62 to 7-8-63 (food store; 11 employees).

Food Mart (#7), 2709 East County Road, Odessa, Tex.; effective 7-9-62 to 7-8-63 (food store; eight employees).

Food Mart (#8), 301 Cincinnati, El Paso, Tex.; effective 7-9-62 to 7-8-63 (food store; 24 employees).

Food Mart (#20), 2309 Haltom Road, Fort Worth, Tex.; effective 7-9-62 to 7-8-63 (food store; 13 employees).

Food Mart (#14), 4107 West Rosedale, Fort Worth, Tex.; effective 7-9-62 to 7-8-63 (food store; 12 employees).

Food Mart (#19), 3551 Alton Road, El Paso, Tex.; effective 7-9-62 to 7-8-63 (food store; 18 employees).

Food Mart (#18), 3016 Vaughn Boulevard, Fort Worth, Tex.; effective 7-9-62 to 7-8-63 (food store; 11 employees).

Food Mart (#16), 5583 Alameda, El Paso, Tex.; effective 7-9-62 to 7-8-63 (food store; 18 employees).

Food Mart (#14), 15 Meta, Midland, Tex.; effective 7-9-62 to 7-8-63 (food store; 24 employees).

Food Mart (#12), 1355 East Eighth Street, Odessa, Tex.; effective 7-9-62 to 7-8-63 (food store; 19 employees).

Food Mart (#11), 8824 Highway 80 East, El Paso, Tex.; effective 7-9-62 to 7-8-63 (food store; 10 employees).

Food Mart (#10), 550 North Main, Las Cruces, N. Mex.; effective 7-9-62 to 7-8-63 (food store; 13 employees).

Food Mart (#20), 523-633 42d Street, Odessa, Tex.; effective 7-9-62 to 7-8-63 (food store; 24 employees).

Food Mart (#21), 1300 10th Street, Alamogordo, N. Mex.; effective 7-9-62 to 7-8-63 (food store; 27 employees).

Food Mart (#19), 504 East Noble, Midland, Tex.; effective 7-9-62 to 7-8-63 (food store; 23 employees).

Food Mart (#18), 527 Broadway, Truth and Consequences, N. Mex.; effective 7-9-62 to 7-8-63 (food store; 12 employees).

Food Mart (#26), 1003 Avenue D, Cisco, Tex.; effective 7-9-62 to 7-8-63 (food store; nine employees).

Food Mart (#22), 7750 North Loop Road, El Paso, Tex.; effective 7-9-62 to 7-8-63 (food store; 14 employees).

Food Mart (#17), 1000 Chelsea, El Paso, Tex.; effective 7-9-62 to 7-8-63 (food store; 41 employees).

Food Mart (#21), 3821 South West Boulevard, Fort Worth, Tex.; effective 7-9-62 to 7-8-63 (food store; 16 employees).

Food Mart (#23), 4817 Odessa, Fort Worth, Tex.; effective 7-9-62 to 7-8-63 (food store; 16 employees).

Food Mart (#24), 303 Main Street, Ranger, Tex.; effective 7-9-62 to 7-8-63 (food store; 11 employees).

Food Mart (#22), 1608 Hemphill, Fort Worth, Tex.; effective 7-9-62 to 7-8-63 (food store; 18 employees).

Food Mart (#25), 114 West Olive, Eastland, Tex.; effective 7-9-62 to 7-8-63 (food store; nine employees).

Neisner Brothers, Inc. (#155), 300 Tarpon Inn Village, Freeport, Tex.; effective 7-5-62 to 7-4-63 (variety store; 14 employees).

Terry Farris (#5411), 308 East Main Street, Alice, Tex.; effective 6-10-62 to 6-9-63 (variety store; 11 employees).

Terry Farris (#5407), 1215 East Elizabeth, Brownsville, Tex.; effective 6-10-62 to 6-9-63 (variety store; 30 employees).

Terry Farris (#5408), 106 North Shelby, Carthage, Tex.; effective 6-10-62 to 6-9-63 (variety store; three employees).

Terry Farris (#5401), 106 South 12th Street, Edinburg, Tex.; effective 6-10-62 to 6-9-63 (variety store; 12 employees).

Terry Farris (#5419), 124 South 15th Street, McAllen, Tex.; effective 6-10-62 to 6-9-63 (variety store; 23 employees).

Terry Farris (#5402), 394 West Hildago Avenue, Raymondville, Tex.; effective 6-10-62 to 6-9-63 (variety store; 18 employees).

Terry Farris (#5415), 101 West Sinton, Sinton, Tex.; effective 6-10-62 to 6-9-63 (variety store; six employees).

Terry Farris (#5416), 19 North Main Street, Temple, Tex.; effective 6-10-62 to 6-9-63 (variety store; nine employees).

Sterling's of Jacksonville, Inc., Jacksonville, Ark.; effective 6-10-62 to 6-9-63 (variety store; 15 employees).

F. W. Woolworth Co., 132 West Main Street, Grand Prairie, Tex.; effective 7-3-62 to 7-2-63 (variety store; 20 employees).

F. W. Woolworth Co. (#1007), 218 North Mesa, El Paso, Tex.; effective 7-6-62 to 7-5-63 (variety store; 64 employees).

Region IX

C. R. Anthony Co., 5050 West Indian School Road, Phoenix, Ariz.; effective 7-6-62 to 7-5-63 (department store; 15 employees).

S. H. Kress and Co., 1117 Fort Street, Honolulu 13, Hawaii; effective 7-5-62 to 7-4-63 (variety store; 142 employees).

Region X

Cherokee Food Town, 427 Cherokee Boulevard, Chattanooga, Tenn.; effective 7-1-62 to 6-30-63 (food store; 30 employees).

Colonial Stores, Inc., 4350 Ringgold Road, Chattanooga, Tenn.; effective 6-11-62 to 6-10-63 (food store; 15 employees).

Colonial Stores, Inc., 2805 East 50th Street, Chattanooga, Tenn.; effective 6-11-62 to 6-10-63 (food store; 12 employees).

Colonial Stores, Inc. (#4204), 120-140 Arnett Boulevard, Danville, Va.; effective 6-11-62 to 6-10-63 (food store; 26 employees).

Colonial Stores, Inc. (#4211), 120 Liberty Street, Roanoke, Va.; effective 6-11-62 to 6-10-63 (food store; 13 employees).

Colonial Stores, Inc. (#4305), 514 Wilborn Avenue, South Boston, Va.; effective 6-11-62 to 6-10-63 (food store; 23 employees).

Cooper & Ratcliff, Inc., Bassett, Va.; effective 6-28-62 to 6-27-63 (food store; 22 employees).

Daisy, Pruett's Food Town, Inc., Daisy, Tenn.; effective 7-1-62 to 6-30-63 (food store; 29 employees).

Pruett's Food Town, Inc., 2108 East Third Street, Chattanooga, Tenn.; effective 7-1-62 to 6-30-63 (food store; 48 employees).

Rose's 5-10-25¢ Stores (#144), 7023 Three Chopt Road, Richmond, Va.; effective 7-3-62 to 7-2-63 (variety store; 21 employees).

Rose's 5-10-25¢ Stores, South Boston, Va.; effective 7-2-62 to 7-1-63 (variety store; 32 employees).

NORTH CAROLINA

Rose's 5-10-25¢ Stores, Inc. (#50), 206-208 North Queen Street, Kinston, N.C.; effective 7-2-62 to 7-1-63 (variety store; 30 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 23d day of July 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-7433; Filed, July 27, 1962; 8:51 a.m.]

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GUIDE TO RECORD RETENTION REQUIREMENTS

[Updated to January 1, 1962]

Lists (1) published requirements (in laws and regulations) on the keeping of non-Federal records, (2) what records must be kept and who must keep them, and (3) retention periods.

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—FILLING COMPETITIVE POSITIONS

Methods of Filling Vacancies

1. Section 2.101 is amended as set out below.

§ 2.101 **Methods of filling vacancies.**

(a) *General.* In his discretion an appointing officer may fill any position in the competitive service either by competitive appointment from a civil service register or by appointment of a present or former Federal employee through noncompetitive action in accordance with the regulations in this chapter. He shall exercise his discretion in all personnel actions solely on the basis of merit and fitness. (In determining the merit and fitness of any person under this paragraph, there shall be no discrimination on the basis of the person's religious or political affiliations, or the person's marital status, physical handicap, race, color, national origin, or sex.)

(b) *Restriction of consideration to one sex.* Consideration of eligibles or employees for appointment, noncompetitive action, or for purposes of training, shall not be restricted by sex, except in unusual circumstances where such action is found justified by the Commission.

§ 2.204 [Amendment]

2. Paragraph (c) of § 2.204 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-7634; Filed, July 30, 1962; 8:56 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1962 C.C.C. Cottonseed Bulletin 2 (Correction)]

PART 443—OILSEEDS

Subpart—1962 Cottonseed Purchase Program Regulations

APPROVED FORMS; CORRECTION

Section 443.1844, Approved Forms of the 1962 Cottonseed Purchase Program Regulations (1962 C.C.C. Cottonseed Bulletin 2) dated June 5, 1962 (27 F.R. 5253), is corrected by making the following changes in form numbers:

	From—	To—
CCC Cottonseed Purchase Form	5	905
Do	1	901
Do	2	902
Do	4	904

(Sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054, as amended, sec. 601, 70 Stat. 212; 15 U.S.C. 714 b and c, 7 U.S.C. 1447, 1421, 1446d)

Signed at Washington, D.C., on July 26, 1962.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 62-7523; Filed, July 30, 1962; 8:56 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 54—GRADING AND INSPECTION OF DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF; AND UNITED STATES SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

PART 55—GRADING AND INSPECTION OF EGG PRODUCTS

PART 56—GRADING AND INSPECTION OF SHELL EGGS AND UNITED STATES STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

Amendments Relating to Issuance of Certificates

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627), the United States Department of Agriculture hereby amends the regulations governing the grading and inspection of domestic rabbits and edible products thereof (7 CFR Part 54); the regulations governing the grading and inspection of egg products (7 CFR Part 55); the regulations governing the grading and inspection of shell eggs (7 CFR Part 56); and the regulations governing the grading and inspection of poultry and edible products thereof (7 CFR Part 70) as stated below.

Statement of considerations. The amendments provide for persons other than graders who are designated by the National Supervisor, to sign grading certificates when given power of attorney by the grader, provided the certificate is prepared from an official memorandum of grading signed by the grader.

This is a matter solely of administrative procedure and will not require a change in the operations of the affected industries. The amendments will facilitate the issuance of certificates under the regulations amended and should be made effective as soon as possible in order to be of maximum benefit to affected persons. Therefore under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that notice of rule-making and other public procedure on the amendments are impracticable and unnecessary and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

A. In Part 54, § 54.171(a) is amended to read as follows:

§ 54.171 **Issuance and disposition.**

(a) Each grader shall, in person or by his authorized agent as provided in this section, issue a grading certificate covering each product graded by him except that with respect to products graded on a resident grading basis, certificates will be issued only upon a request therefor by the applicant or the Service. No grader or his authorized agent shall sign any certificate covering any product not graded by such grader. A grader's name may be signed on a grading certificate by a person other than the grader, if such person has been designated as the authorized agent of such grader by the National Supervisor: *Provided,* That the certificate is prepared from an official memorandum of grading signed by the grader: *And provided further,* That a notarized power of attorney authorizing such signature has been issued to such person by the grader and is on file in the office of grading.

B. In Part 55, § 55.46 is amended to read as follows:

§ 55.46 **Grading certificate issuance.**

Each grader shall, in person or by his authorized agent as provided in this section, issue a grading certificate covering each product graded by him except that with respect to products graded on a resident grading basis, certificates will be issued only upon a request therefor by the applicant or the Service. No grader or inspector, or the authorized agent of such grader or inspector shall sign any certificate covering any product not graded or inspected by such grader or inspector, respectively. A grader's name may be signed on a grading certificate by a person other than the grader, if such person has been designated as the authorized agent of such grader by the National Supervisor: *Provided,* That the certificate is prepared from an official

memorandum of grading signed by the grader: *And provided further*, That a notarized power of attorney authorizing such signature has been issued to such person by the grader and is on file in the office of grading.

C. In Part 56, § 56.56 is amended to read as follows:

§ 56.56 Grading certificate issuance.

Each grader shall, in person or by his authorized agent as provided in this section, issue a grading certificate covering each product graded by him except that with respect to products graded on a resident grading basis, certificates will be issued only upon a request therefor by the applicant or the Service. No grader or his authorized agent shall sign any certificate covering any product not graded by such grader. A grader's name may be signed on a grading certificate by a person other than the grader, if such person has been designated as the authorized agent of such grader by the National Supervisor: *Provided*, That the certificate is prepared from an official memorandum of grading signed by the grader: *And provided further*, That a notarized power of attorney authorizing such signature has been issued to such person by the grader and is on file in the office of grading.

D. In Part 70, § 70.201(a) is amended to read as follows:

§ 70.201 Issuance and disposition.

(a) Each grader shall, in person or by his authorized agent as provided in this section, issue a grading certificate covering each product graded by him except that with respect to products graded on a resident grading basis, certificates will be issued only upon a request therefor by the applicant or the Service. No grader or his authorized agent shall sign any certificate covering any product not graded by such grader. A grader's name may be signed on a grading certificate by a person other than the grader, if such person has been designated as the authorized agent of such grader by the National Supervisor: *Provided*, That the certificate is prepared from an official memorandum of grading signed by the grader: *And provided further*, That a notarized power of attorney authorizing such signature has been issued to such person by the grader and is on file in the office of grading.

(Secs. 203, 205, 60 Stat. 1087, 1090, as amended; 7 U.S.C. 1622, 1624)

These amendments shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of July 1962.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 62-7522; Filed, July 30, 1962; 8:56 a.m.]

Chapter II—Agricultural Marketing Service (School Lunch Program), Department of Agriculture

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

The regulations governing operation of a Special Milk Program for Children pursuant to Public Law 85-478, as amended, are hereby revised and reissued. The major revision effects the transfer of responsibility for administration of the program from Commodity Credit Corporation to the Department of Agriculture pursuant to the amendment of Public Law 85-478 by section 402 of Public Law 87-128, effective July 1, 1962.

Sec.
215.1 General purpose and scope.
215.2 Definitions.
215.3 Administration.
215.4 Reserve of funds for State Agencies.
215.5 Payments to State Agencies.
215.6 Use of Funds.
215.7 Requirements for participation.
215.8 Reimbursement payments.
215.9 Effective date for reimbursement.
215.10 Reimbursement procedure.
215.11 Special responsibilities of State Agencies.
215.12 Claims against schools and child-care institutions.
215.13 Administrative analyses and audits.
215.14 Miscellaneous provisions.
215.15 Program information.

AUTHORITY: §§ 215.1 to 215.15 issued under sec. 2, P.L. 85-478, as amended; 72 Stat. 276; 73 Stat. 363; 74 Stat. 84; 75 Stat. 147; 75 Stat. 319; 7 U.S.C. 1446 note.

§ 215.1 General purpose and scope.

This part announces the policies and prescribes the general regulations with respect to the Special Milk Program for Children, under Public Law 85-478, as amended, and sets forth the general requirements for participation in the program. The Act reads in pertinent part as follows:

SEC. 2. There is hereby authorized to be appropriated for the fiscal year beginning July 1, 1962, and for each of the four fiscal years thereafter, such sums as may be necessary to enable the Secretary of Agriculture, under such rules and regulations as he may deem in the public interest, to encourage consumption of fluid milk by children in the United States in (1) nonprofit schools of high school grade and under, and (2) nonprofit nursery schools, child-care centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the care and training of children. For the purposes of this Act "United States" means the 50 States and the District of Columbia.

§ 215.2 Definitions.

For the purpose of this part, the term:

(a) "Adult staff members and employees" means all persons who are staff members and employees of a school or child-care institution, including all faculty, supervisory and other personnel, but excluding camp counselors under 21 years of age.

(b) "Adults enrolled for care and training" means (1) students enrolled in school classes above the 12th grade level, and (2) all persons 21 years or older attending camps or receiving care and training as enrollees of institutions.

(c) "AMS" means the Agricultural Marketing Service of the United States Department of Agriculture.

(d) "Child-care institution" means any nonprofit nursery school (other than nursery schools falling within the definition of school in this section), child-care center, settlement house, summer camp or similar nonprofit institution, devoted to the care and training of children. "Child-care institution" as used in this part includes, where applicable, the authorized sponsoring agency which has entered into an agreement under the Program for a child-care institution.

(e) "Cost of milk" means the net purchase price paid by the school or child-care institution to the milk supplier for milk delivered to the school or child-care institution. This shall not include any amount paid to the milk supplier for servicing, rental of or installment purchase of milk service equipment.

(f) "Department" means the United States Department of Agriculture.

(g) "Distribution costs" means direct expenses incurred by the school or child-care institution in connection with the sale, handling and service of milk. This may include expenses incident to acquisition or rental of necessary milk service equipment.

(h) "FDD" means the Food Distribution Division of the Agricultural Marketing Service of the United States Department of Agriculture.

(i) "Fiscal year" means a period of twelve calendar months, beginning with July 1 of any calendar year and ending with June 30 of the following calendar year.

(j) "Milk" means unflavored milk which meets State and local standards for fluid whole milk and flavored milk made from fluid whole milk which meets such standards.

(k) "Needy children" means children who cannot afford to make any payment at all for milk served to them.

(l) "Needy schools" means schools which have no food service for attending children, and which, because of poor local economic conditions, are determined by State Agencies, or FDD where applicable, to be unable to operate a school lunch program and to be in need of special assistance in order to serve milk without charge to needy children.

(m) "Nonpricing program" means a program which does not sell milk to children. This shall include any such program in which children are normally provided milk, along with food and other services, in a school or child-care institution financed by a tuition, boarding, camping or other fee, or from tax sources or by private donations or endowments.

(n) "Nonprofit food service" or "nonprofit milk service" means food or milk service maintained by or on behalf of the school or child-care institution for the benefit of the children, all of the income from which is used solely for the operation or improvement of such food or milk service.

(o) "Nonprofit private school" means a nonpublic school that is exempt from income tax under the Internal Revenue Code, as amended.

(p) "Pricing program" means a program which sells milk to children. This shall include any such program in which maximum use is made of Program reimbursement payments in lowering, or reducing to "zero," wherever possible, the price per half pint which children would normally pay for milk.

(q) "Program" means the Special Milk Program for Children.

(r) "School" means the governing body responsible for the administration of a public or nonprofit private "school" of high school grade or under, as defined in the statutes of the State. The term also includes a nonprofit agency to which the school has delegated authority for the operation of its nonprofit milk service.

(s) "State" means any of the 50 States, and the District of Columbia.

(t) "State Agency" means the educational agency or other agency of a State.

§ 215.3 Administration.

(a) Within the Department, AMS shall act on behalf of the Department in the administration of the Program. Within AMS, FDD shall be responsible for Program administration.

(b) To the extent practicable and permissible under State law, responsibility for the administration of this Program in schools and child-care institutions within a State shall be in the educational agency of the State: *Provided, however*, That another State Agency, upon request by an appropriate State official, may be approved by FDD to administer the Program in child-care institutions.

(c) FDD shall administer the Program in any nonprofit private schools and in child-care institutions in which the Program is not administered by the State.

(d) Each State Agency desiring to take part in the Program shall enter into a written agreement with the Department for the administration of the Program in the State in accordance with the provisions of this part. Such agreement shall show the class or classes of schools and child-care institutions in which the State Agency will administer the Program. Such agreement shall cover a fiscal year and may be extended at the option of the Department.

(e) References in this part to "FDD where applicable" are to FDD as the agency administering the Program in nonprofit private schools and child-care institutions in which the Program is not administered by the State.

§ 215.4 Reserve of funds for State Agencies.

As soon as possible after the beginning of each fiscal year for which funds are made available by the Congress, FDD will announce the amount of funds which it will reserve for that fiscal year for each State Agency. In establishing each reserve, FDD will take into account the total amount of reimbursement payments made during the preceding fiscal year to the class or classes of schools and child-care institutions in which the State Agency will administer the Program during the then current year.

§ 215.5 Payments to State Agencies.

(a) The funds reserved for any State Agency for any fiscal year shall be made available in not less than nine monthly payments. The first payment shall be scheduled to arrive in the State on or about September 1, and shall include payments for July, August and September. Payments for succeeding months shall be scheduled to arrive on or about the first of each month: *Provided, however*, That the payment for May shall cover operations for May and June.

(b) FDD reserves the right to request any State Agency to justify its need for the full amount of any scheduled payment prior to its advance. If FDD determines that a State Agency has not justified the need for the full amount of this payment, FDD shall withhold from such payment the amount determined to be in excess of the State's needs.

(c) In the event that a State Agency justifies the need for funds in excess of the amount of its reserve, additional funds will be provided to such State Agency to the extent funds are available for such purpose.

(d) The State Agency shall return to AMS any Federal funds paid to it under the Program which are unobligated at the end of the fiscal year. Such return shall be made as soon as practicable but in any event not later than 30 days following demand made by FDD. The State Agency shall also pay to AMS any interest paid or credited on Federal funds paid to the State Agency under the Program.

§ 215.6 Use of funds.

Funds made available under this Program shall be used to increase the consumption of milk through reimbursement payments to schools and child-care institutions in connection with the purchase of milk for service to children.

§ 215.7 Requirements for participation.

(a) Any school or child-care institution not participating in the Program in the previous fiscal year shall make written application for participation to the State Agency, or FDD where applicable.

(b) As a minimum, applications shall provide information on each of the items listed below, except that State Agencies may obtain some of the required information from other program forms or special inquires or other sources prior to approval of a school or child-care institution for participation. Further exceptions may be made with respect to any of the items which FDD determines are not pertinent or necessary in the proper administration of the Program in the specific types of schools or child-care institutions for which a State Agency is responsible under its agreement with the Department.

(1) The name, location, and mailing address of the school or child-care institution;

(2) The type of nonprofit school or child-care institution;

(3) Whether the school or child-care institution is public or private;

(4) The average daily number of children, adult staff members and employees, adults enrolled for care and training, and total persons in attendance;

(5) Whether the period of attendance is during the morning, afternoon, all day or on a 24-hour basis;

(6) If the application is for a school, whether the school is participating in the National School Lunch Program and, if not, whether the school is planning to apply for participation in the National School Lunch Program;

(7) Whether the school or child-care institution operates its food or milk service under a contractual arrangement with a concessionaire or food service management company. If so, a copy of the contract must be attached to the application;

(8) The opening date and closing date of operation, within a fiscal year;

(9) The number of days of operation per week;

(10) A description of the milk service in sufficient detail to enable a determination of whether the school or child-care institution operates a pricing or nonpricing program;

(11) The net delivered cost of milk per half pint (after discount);

(12) The price per half pint at which the school or child-care institution offers children milk in a pricing program;

(13) A description of specific service practices planned for encouraging increased milk consumption by children, if the school or child-care institution offers children milk in a nonpricing program; and

(14) In addition, if applicant is a needy school desiring special assistance, (i) the reason why the school has not participated in the Program (if applicable), (ii) the reason why the school believes it is eligible to participate in the Program as a needy school, (iii) any special problems in obtaining delivery of milk, (iv) the estimated number of needy children, (v) the proposed number of servings of milk without charge per child per day. Needy schools desiring special assistance also shall submit a certification by the sponsor that the school has no food service, and that it will serve milk without charge to needy children.

(c) Any school which operates its food or milk service under a contractual arrangement with a concessionaire or food service management company or under a similar arrangement is not eligible for participation in the Program, even though the school itself obtains no profit from the operation of the food or milk service: *Provided, however*, That this does not exclude from participation, any school:

(1) That contracts with a dairy or other milk supplier for the rental of milk service equipment and related services as a means of increasing the availability of milk;

(2) Whose food or milk service is operated by a private nonprofit organization, such as a parent-teacher association, un-

der delegation of authority from school officials; or

(3) That maintains food or milk service, such as a snack bar, operated by students for the benefit of student activities, if (i) supplemental to regular nonprofit food or milk service or as the only food or milk service maintained, the school uses the student-operated facilities as a means of increasing the availability of milk rather than to employ labor for that purpose, (ii) the milk served through the student-operated facilities is purchased and sold for the account of nonprofit food or milk service, and (iii) any payments made by the school to the student-operated facility, for labor and other costs in connection with the service of milk to children, bear a direct relationship to the amount of services rendered.

(d) A child-care institution that is a summer camp, in which the only opportunity to make milk available, additional to milk regularly served with meals, is through canteens or trading posts operated for attending children, may be approved for participation in the Program, subject to the same conditions on the use of canteens or trading posts as are established by paragraph (c) (3) of this section for the use of student-operated facilities.

(e) A child-care institution which operates its food or milk service under a contractual arrangement with a concessionaire or food service management company or under a similar arrangement may be approved for participation in the Program, after FDD has approved the arrangement. To be approved by FDD the arrangement must provide for:

(1) A specific fee for the management service, with the child-care institution procuring the food or reimbursing the concessionaire, food service management company, or other person for food expenditures made on behalf of the child-care institution;

(2) The service of milk in accordance with the plan for increasing milk consumption outlined in the application executed by the child-care institution;

(3) The maintenance of milk-purchase and other records necessary to enable the child-care institution to claim Program reimbursement; and

(4) The retention of the records for a period of three years after the end of the fiscal year to which they pertain, for audit and review at a reasonable time and place by the State Agency or AMS.

(f) Any school or child-care institution approved for participation in the Program shall enter into written agreement with the State Agency or, where FDD is responsible for Program administration, with the Department. The agreement shall be on a form which provides that the school or child-care institution shall:

(1) Conduct a nonprofit food service or, in the event no other food service is maintained, conduct a nonprofit milk service;

(2) Claim reimbursement only for milk as defined in this part and in accordance with the provisions of sections 215.8 and 215.10;

(3) Submit claims for reimbursement in accordance with procedure established by the State Agency, or FDD where applicable;

(4) Maintain full and accurate records of its milk program, and retain such records for a period of three years after the end of the fiscal year to which they pertain; and

(5) Upon request, make all records pertaining to its milk program available to the State Agency and to AMS, for audit and administrative review, at a reasonable time and place.

§ 215.8 Reimbursement payments.

(a) Reimbursement payments shall be made for milk purchased for service to children by participating schools and child-care institutions, except that reimbursement shall not be made for the first half pint of milk served as part of a Type A lunch by schools participating in the National School Lunch Program.

(b) In pricing programs, the maximum rate of reimbursement shall be four cents per half pint in schools that serve Type A lunches under the National School Lunch Program. For other schools and for child-care institutions having pricing programs, the maximum rate of reimbursement shall be three cents per half pint. Schools and child-care institutions having pricing programs shall make maximum use of the reimbursement payments received under the Program to reduce the price of milk to children. The full amount of the payments shall be reflected in reduced prices to children, except that such payments may be used by schools or child-care institutions to defray distribution costs. Distribution costs shall not exceed one cent per half pint. Exceptions to this provision may be granted by the State Agency, or FDD where applicable, in instances where the situation in a school or child-care institution justifies distribution costs above one cent per half pint, but in no case shall distribution costs be allowed above one and one-half cents per half pint.

(c) Less-than-maximum rates of reimbursement may be assigned to pricing programs, or rates assigned to such programs may be adjusted, in order that the State Agency, or FDD where applicable, may properly relate rates of reimbursement to: (1) The price of milk to children, (2) the cost of milk, and (3) the distribution costs approved by the State Agency, or FDD where applicable, pursuant to paragraph (b) of this section.

(d) Schools and child-care institutions having nonpricing programs shall, at the time they apply for participation, submit for approval the specific service practices by which they plan to encourage increased milk consumption by children. Reimbursement payments to such schools and child-care institutions shall be made at the rate of two cents per half pint, provided the specific service practices for increasing milk consumption as outlined in the approved application have been placed into effect.

(e) Notwithstanding any other provision of this section, the State Agency, or FDD where applicable, shall reimburse needy schools for milk served without charge to needy children, at a rate equal to the cost of milk to such schools, provided that such cost is within the range of the milk prices prevailing in the area.

§ 215.9 Effective date for reimbursement.

(a) A State Agency, or FDD where applicable, may grant written approval to begin operations under the Program prior to the receipt of the application from the school or child-care institution. Such written approval shall be attached to the subsequently filed application, and the agreement executed by the school or child-care institution shall be effective from the date upon which the school or child-care institution was authorized to begin operations: *Provided, however,* That such effective date shall not be earlier than the calendar month preceding the calendar month in which the agreement is executed by the State Agency or by the Department.

(b) Reimbursement payments pursuant to Section 215.8 shall be made on milk purchased for service to children at any time during the effective period of an agreement between a school or child-care institution and the State Agency of the Department.

§ 215.10 Reimbursement procedure.

(a) Each State Agency, or FDD where applicable, shall require schools and child-care institutions to submit a "Claim for Reimbursement" on a calendar month basis: *Provided, however,* That not more than 5 days of the beginning or ending month of Program operations in the fiscal year may be combined with the claim of the month immediately following the beginning month or preceding the ending month: *And provided, further,* That, upon prior approval of FDD, the number of days of the beginning or ending month which can be combined with the claim of the following or preceding month may be increased to as many as 10 days. Any Claim for Reimbursement combining the ending month of one fiscal year and the beginning month of the next fiscal year shall not be permitted. Any Claim for Reimbursement for any fiscal year, not received by the State Agency, or FDD where applicable, within 90 days after the closing date of the fiscal year, shall be disqualified from payment, except where the State Agency, or FDD where applicable, considers that a Claim for Reimbursement has been filed late because of circumstances beyond the control of the school or child-care institution.

(b) Each Claim for Reimbursement shall include:

(1) The name, location, and mailing address of the school or child-care institution;

(2) The month and year for which claim is made;

(3) The total number of half pints of milk purchased for service to children;

(4) For any school that participates in the National School Lunch Program, the number of half pints served to children in Type A lunches not eligible for reimbursement;

(5) The number of half pints served to adult staff members and employees or adults enrolled for care and training as a beverage, as determined by the school or child-care institution pursuant to paragraph (d) of this section;

(6) The number of half pints claimed for Program reimbursement;

(7) The rate of reimbursement per half pint, as assigned in the agreement between the school or child-care institution and the State Agency or the Department;

(8) The total amount of Program reimbursement claimed;

(9) The net cost of milk per half pint paid by the school or child-care institution to the milk supplier; and

(10) Where milk has been offered in a pricing program, the price per half pint at which such milk was made available to children, and

(11) In the case of needy schools, (i) number of half pints of milk served without charge to children, and (ii) average daily number of needy children to whom milk was served.

(c) In submitting a Claim for Reimbursement, each school or child-care institution shall certify that the claim is true and correct; that records are available to support the claim; that the claim is in accordance with the existing agreement; and that payment therefor has not been received. Any school or child-care institution that does not offer children milk in a pricing program shall also certify that the specific service practices for encouraging increased milk consumption by children as described in its application for participation are in operation.

(d) Milk served as a beverage to adult staff members and employees and adults enrolled for care and training is not eligible for riembursement. The number of half pints of such milk to be reported by a school or child-care institution in a Claim for Reimbursement shall be determined by actual daily count, or as a percentage of the total milk purchased. In the absence of a record of actual daily count:

(1) Schools with no adults enrolled for care and training shall report 5 percent of the total milk purchased as the quantity of milk served to adults;

(2) Schools with adults enrolled for care and training and child-care institutions other than camps shall report as the quantity of milk served to adult staff members and employees and adults enrolled for care and training, a number of half pints equal to the total milk purchased multiplied by a percentage adjustment factor (i) based on the ratio of the total of such adults to total persons in average daily attendance as shown on application for participation in the Program, and (ii) assigned by the State Agency, or FDD where applicable, at the time the school or child-care institution enters the Program and annually thereafter;

(3) Camps shall report as the quantity of milk served to adult staff members and employees and adults enrolled for care and training, a number of half pints, determined on a Claim for Reimbursement Work Sheet, equal to the total milk purchased multiplied by the percentage that the total of such adults were of total persons in attendance during the month for which Claim for Reimbursement is submitted to the State Agency, or FDD where applicable; or

(4) If no milk was served to adult staff members and employees and adults enrolled for care and training as a beverage, "Zero" shall be reported as the quantity of milk served to such adults.

(e) Any school or child-care institution having both pricing and nonpricing programs may claim reimbursement for: (1) The milk purchased for service in the pricing program, or (2) the milk purchased for service in the nonpricing program, or (3) the milk purchased for service in both types of program. When reimbursement is claimed for milk purchased for service in both types of program, the school or child-care institution shall be reimbursed at a rate of 2 cents per half pint, and to the extent feasible shall use the Program reimbursement to lower the price of milk to children in the pricing program.

(f) Claims for Reimbursement covering milk purchased for service in pricing programs shall be reviewed by the State Agency, or FDD where applicable, to assure that the proper relationship exists between the cost of milk, the allowable distribution cost, the price of milk to children and the assigned rate of reimbursement. Adjustments shall be made in rates of reimbursement, where necessary, in accordance with the provisions of this part.

(g) Schools in the National School Lunch Program may not be reimbursed at a rate in excess of three cents per half pint for milk purchased for service in a pricing program to children participating in summer activities operated by the school after the expiration of the regular school term, unless (1) the summer program is regarded by the school authorities as a regular part of school activities, (2) the program sponsor who signed the agreement covering the regular school term will be responsible for the operation of the summer program, and (3) the children who attend and participate in such activities are under the care and jurisdiction of the school officials.

(h) Schools in the National School Lunch Program experiencing late delivery of school lunch equipment or fire or other situation beyond school control, forcing delay or suspension of the service of Type A lunches for more than 30 days during the course of the school year, may not be reimbursed at a rate in excess of three cents per half pint for milk served to children in a pricing program during the period of delay or suspension, unless an acceptable explanation is made in writing to the State Agency, or FDD where applicable.

(i) Schools offering milk in a pricing program in more than one school attendance unit may be regarded by the State Agency, or FDD where applicable, as a single school or as individual schools for reimbursement purposes. If regarded as a single school, reimbursement shall not be made at a rate in excess of three cents per half pint for any unit unless all units participate in the National School Lunch Program. If the units are regarded as individual schools, the State Agency, or FDD where applicable, may assign reimbursement at a rate not in excess of four cents per half pint to those units that are participating in the National School Lunch Program, and distribution costs may be approved pursuant to paragraph (b) of § 215.8, (1) on an individual unit basis, or (2) on a schoolwide basis.

§ 215.11 Special responsibilities of State Agencies.

(a) *Program administration.* Each State Agency shall provide or cause to be provided, adequate personnel for Program administration.

(b) *State conducted audit programs.* A State Agency may submit for approval by AMS a plan whereby it will conduct audits in schools and child-care institutions in which it administers the Program. Any State Agency satisfactorily conducting such an audit program as of the effective date of this part may be deemed to have an approved plan or such State Agency may submit its plans for formal approval. Audits performed by or on behalf of State Agencies shall meet standards prescribed by AMS and shall be reviewed by AMS to the extent necessary to determine compliance therewith, such review to be made not less than once each year. AMS shall have the right to perform test audits of schools and child-care institutions, and to make audits on a statewide basis if it determines that the State audit program is not functioning satisfactorily or if the State terminates its audit program.

(c) *Accounting for Program funds.* Each State Agency shall maintain a separate account of all Federal funds advanced to it under the Program each fiscal year and shall maintain a current record of payments made to schools and child-care institutions and of the unexpended balance remaining on hand. All payments made from such funds shall be made only upon properly certified vouchers.

(d) *Records and reports.* Each State Agency shall maintain current records on Program operations in schools and child-care institutions, and submit monthly reports to FDD on such operations, on a form provided by FDD. Such records shall be maintained for a period of three years after the end of the fiscal year to which they pertain.

(e) *Investigations.* Each State Agency shall promptly investigate complaints received or irregularities noted in connection with the operation of the Program and shall take appropriate action to correct any irregularities. State Agencies shall maintain on file evidence of such investigations and actions. AMS shall make investigations at the request of the State Agency or where AMS determines investigations by AMS are appropriate.

§ 215.12 Claims against schools or child-care institutions.

(a) If a State Agency receives information or has reason to believe that a claim or a portion of a claim for reimbursement submitted by a school or child-care institution is not properly payable under this part, it shall not pay the claim or such portion of the claim

and shall advise the school or child-care institution of the reasons for nonpayment or disallowance. The school or child-care institution may submit to the State Agency evidence and information to justify the total amount, claimed, or may submit a reclaim for the portion disallowed, with appropriate justification therefor. The State Agency may make reimbursement in the amount it believes is warranted by the evidence, subject, however, to the provisions of paragraph (e) of this section.

(b) If a State Agency receives information or has reason to believe that a payment already made to a school or child-care institution was not proper under this part, it shall advise the school or child-care institution of the amount and basis of the alleged overpayments and may request a refund or advise the school or child-care institution that the amount overpaid is being deducted from subsequent claims. The school or child-care institution shall have full opportunity to present evidence and information to the State Agency to justify the amount of reimbursement paid. If the State Agency determines that the evidence is not sufficient, the State Agency shall collect the amount of the overpayment from the school or child-care institution, by refund or by deduction from subsequent claims for reimbursement made by the school or child-care institution. If new evidence becomes available to the school or child-care institution it may, within a reasonable time after the collection, make a reclaim for all or a portion of the amount so collected, and the State may pay the amount of any reclaim it believes is warranted by the evidence, subject, however, to the provisions of paragraph (e) of this section.

(c) The State Agency may refer any matter in connection with this section to FDD for determination of the action to be taken.

(d) The State Agency shall retain for AMS audit and review all records pertaining to action taken under this section.

(e) If FDD does not concur with the State Agency action in paying a claim or a reclaim, or in failing to collect an overpayment, FDD shall assert a claim against the State Agency for the amount of such claim, reclaim or overpayment. In all such cases, the State Agency shall have full opportunity to submit to FDD evidence or information concerning the action taken. If in the determination of FDD, the State Agency's action was unwarranted, the State Agency shall promptly pay to AMS the amount of the claim, reclaim or overpayment.

(f) The amounts recovered by the State Agency from schools or child-care institutions shall be available to make reimbursement payments during the fiscal year for which the funds were initially available.

(g) With respect to schools or child-care institutions in which FDD administers the Program, when FDD disallows a claim or a portion of a claim, or makes a demand for refund of an alleged overpayment, it shall notify the schools or child-care institutions of the reasons for such disallowance or demand and the schools or child-care institutions shall have full opportunity to submit evidence or to file reclaim for any amount disallowed or demanded in the same manner afforded in this section to schools or child-care institutions administered by State Agencies.

§ 215.13 Administrative analyses and audits.

Each State Agency shall provide AMS with full opportunity to conduct administrative analyses (including visits to schools and child-care institutions) and audits of all operations of the State Agency under the Program. Each State Agency shall make available its records, including records of the receipt and expenditure of funds under the Program, upon a reasonable request by AMS. AMS shall also have the right to make audits of the records and operations of any school or child-care institution.

§ 215.14 Miscellaneous provisions.

(a) *Disqualification and non-compliance.* Any State Agency or any school or child-care institution may be disqualified from future participation if it fails to comply with the provisions of this part and its agreement with the Department or the State Agency. This does not preclude the possibility of other action being taken through other means available where necessary, including prosecution for fraud under applicable Federal statutes. If any part of the money received by the State Agency or by any private school or child-care institution in which FDD administers the Program, by an improper or negligent action, is diminished, lost, misapplied or diverted from the Program by the State Agency, or by the school or child-care institution to which such funds are disbursed, FDD may order such money to be replaced. Until the money is replaced, no subsequent payment shall be made to the State Agency or to the school or child-care institution causing the loss. The State Agency or the school or child-care institution shall have full opportunity to submit evidence, explanation or information concerning instances of noncompliance or diversion of funds before a final determination is made in such cases.

(b) *Saving clause.* Any or all of the provisions of this part may be withdrawn, or amended, at any time by the Department: *Provided, however,* That any withdrawal or amendment shall not be made without due prior notice in writing to the State Agencies or to nonprofit private schools or child-care institutions in which the Program is administered by FDD.

(c) *State requirements.* Nothing contained in this part shall prevent a State Agency from imposing additional requirements for participation in the Program which are not inconsistent with the provisions of this part.

§ 215.15 Program information.

Schools and child-care institutions desiring information concerning the Program should write to their State Educational Agency or to the appropriate Area Office of FDD as indicated below:

(a) In the States of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia: Food Distribution Division, AMS, United States Department of Agriculture, 346 Broadway, Room 604, New York 13, N.Y.

(b) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennesse, and Virginia: Food Distribution Division, AMS, United States Department of Agriculture, 50 Seventh Street NE., Room 252, Atlanta 23, Georgia.

(c) In the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin: Food Distribution Division, AMS, United States Department of Agriculture, 536 South Clark Street, Chicago 5, Illinois.

(d) In the States of Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas: Food Distribution Division, AMS, United States Department of Agriculture, 500 South Ervay Street, Room 3-127, Dallas 1, Texas.

(e) In the States of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming: Food Distribution Division, AMS, United States Department of Agriculture, Room 344, Appraisers Building, 630 Sansome Street, San Francisco 11, California.

NOTE: The recordkeeping and reporting requirements herein specified have been approved by, and any further such requirements that may be established will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: July 1, 1962.

Dated: July 27, 1962.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 62-7570; Filed, July 30, 1962; 8:56 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 812, Amdt. 1]

PART 812—SUGAR REQUIREMENTS AND QUOTAS; HAWAII AND PUERTO RICO

Calendar Year 1962

Basis and purpose. The purpose of this amendment is to establish quotas for local consumption in Hawaii and in Puerto Rico for the calendar year 1962 pursuant to the Sugar Act of 1948, as amended (61 Stat. 922, as amended), and which was further amended and extended by the Act approved July 13, 1962.

Sugar Regulation 812 (26 F.R. 11838, 12677), effective January 1, 1962, determined sugar requirements for local consumption for Hawaii and Puerto Rico for the calendar year 1962 and established quotas for the six-month period ending June 30, 1962.

The quotas established herein for Hawaii and Puerto Rico are considerably greater than those previously established for the six-month period ending June 30, 1962. It is essential that such quotas be effective immediately in order to provide for an orderly flow of sugar in the immediate period ahead and throughout the remainder of the calendar year 1962. Accordingly, it is hereby found and determined that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest and this regulation shall become effective when filed with the Federal Register.

Pursuant to the provisions of the Sugar Act of 1948, as amended and extended, §§ 812.1, 812.2, and 812.3 are hereby amended to read as follows:

§ 812.1 Sugar requirements and quotas, Hawaii.

It is hereby determined, pursuant to section 203 of the Act, that the amount of sugar needed to meet the requirements of consumers in Hawaii for the calendar year 1962 is 50,000 short tons, raw value, and a quota of 50,000 short tons, raw value, for the calendar year 1962 is hereby established for Hawaii for local consumption.

§ 812.2 Sugar requirements and quotas, Puerto Rico.

It is hereby determined, pursuant to section 203 of the Act, that the amount of sugar needed to meet the requirements of consumers in Puerto Rico for the calendar year 1962 is 130,000 short tons, raw value, and a quota of 130,000 short tons, raw value, for the calendar year 1962 is hereby established for Puerto Rico for local consumption.

§ 812.3 Restrictions on marketing.

Pursuant to section 209 of the Act, for the calendar year 1962 all persons are hereby prohibited from marketing, pursuant to Part 816 of this chapter (23 F.R. 1943; 27 F.R. 1450), in Hawaii or in Puerto Rico, for consumption therein, any sugar or liquid sugar after the quota for the area for the calendar year 1962 has been filled. Pursuant to section 211 (c) of the Act, the quota for each area may be filled only with sugar produced from sugarcane grown in the respective area.

Bases and considerations. In December 1961 sugar requirements for local consumption in the calendar year 1962 were determined to be 50,000 tons for Hawaii and 130,000 tons for Puerto Rico and the bases for these determinations were set forth in Sugar Regulation 812 which became effective January 1, 1962 (26 F.R. 11838, 12677). The quotas made effective herein for the calendar year 1962 are established in accordance with that determination of requirements and pursuant to section 203 of the Act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 201, 203, 209, 210; 61 Stat. 923, as amended, 925, 928; 7 U.S.C. 1111, as amended, 1113, 1119, as amended, 1120; Public Law 87-535 approved July 13, 1962)

Done at Washington, D.C., this 26th day of July 1962.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 62-7520; Filed, July 30, 1962; 8:55 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Regulation 31, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.331 (Lemon Regulation 31, 27 F.R. 6922) are hereby amended to read as follows:

(ii) District 2: 395,250 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 26, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-7487; Filed, July 30, 1962; 8:51 a.m.]

[948.339 Amdt. 1]

PART 948—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments; Area No. 3

Findings. (a) Pursuant to Marketing Agreement No. 97, as amended, and Marketing Order No. 948, as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of recommendations and information submitted by the Area No. 3 Committee, established pursuant to § 948.50 of said order, as amended, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date (3), reasonable time is permitted under the circumstances, for such preparation, and (4) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

Order, as amended. In § 948.339 (27 F.R. 6776), delete paragraph (a) and substitute in lieu thereof new paragraph (a) as set forth below.

§ 948.339 Limitation of shipments.

* * * * *

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter;

(2) *Long varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter or 4 ounces minimum weight.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated July 25, 1962, to become effective July 30, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-7486; Filed, July 30, 1962; 8:51 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

SUBCHAPTER A—GENERAL PROVISIONS

[Order No. 277–62]

PART 3—BOARD OF IMMIGRATION APPEALS

Motions to Reopen or Reconsider Matters Before the Board of Immigration Appeals

JULY 25, 1962.

By virtue of the authority vested in me by section 103 of the Immigration and Nationality Act, 66 Stat. 173 (8 U.S.C. 1103), section 161 of the Revised Statutes (5 U.S.C. 22), and section 2 of Reorganization Plan No. 2 of 1950, I hereby amend paragraph (a) of § 3.8 of the regulations relating to the Board of Immigration Appeals to read:

§ 3.8 Motion to reopen or motion to reconsider.

(a) *Form.* Motions to reopen and motions to reconsider shall be submitted in triplicate. A request for oral argument, if desired, shall be incorporated in the motion. The Board in its discretion may grant or deny oral argument. Motions to reopen shall state the new facts to be proved at the reopened hearing and shall be supported by affidavits or other evidentiary material. Motions to reconsider shall state the reasons upon which the motion is based and shall be supported by such precedent decisions as are pertinent. In any case in which a deportation order is in effect, there shall be included in the motion to reopen or reconsider such order a statement by or on behalf of the moving party declaring whether the subject of the deportation order is also the subject of any pending criminal proceeding under section 242(e) of the Act, and, if so, the current status of that proceeding. If the motion to reopen or reconsider is for the purpose of seeking discretionary relief, there shall be included in the motion a statement by or on behalf of the moving party declaring whether the alien for whose relief the motion is filed is subject to any pending criminal prosecution and, if so, the nature and current status of that prosecution. Motions to reopen or reconsider shall state whether the validity of the deportation order has been or is the subject of any judicial proceeding and, if so, the nature and date thereof, the court in which such proceeding took place or is pending, and its result or status. The filing of a motion to reopen or a motion to reconsider shall not serve to stay the execution of any decision made in the case. Execution of such decision shall proceed unless a stay of execution is specifically granted by the Board or the officer of the Service having administrative jurisdiction over the case.

This order shall become effective on the date of its publication in the FEDERAL REGISTER.

ROBERT F. KENNEDY,
Attorney General.

[F.R. Doc. 62–7562; Filed, July 30, 1962; 8:56 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. No. PR–68]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Procedure for Fixing Temporary Mail Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of July 1962.

The Board by publication in 26 F.R. 10136, and by circulation of Procedural Draft Release, PDR–13, dated October 24, 1961, Docket 13130, gave notice that it was proposing new procedural rules applicable to temporary mail rate proceedings.

A number of comments were submitted in response to this notice. These comments suggested certain changes and modifications, several of which the Board has decided to incorporate in the final rule. In addition, subsequent to the issuance of the notice, the Board adopted new rules, Amendment No. 5 to Part 302, PR–59, dated January 23, 1962, 27 F.R. 853, 1068, which delegated to the Hearing Examiners the Board's function of making the agency decision (with certain exceptions) and prescribed appropriate procedures for discretionary review by the Board of examiners' decisions made pursuant to such delegations. As a result of these delegations, the Board is further modifying the rules pertaining to the procedure for fixing temporary service mail rates.

The rules as proposed in the notice were to be applicable to temporary mail rate proceedings involving subsidy and service mail rates alike. On consideration of the comments, the Board has decided that these changed rules should not apply to temporary service mail rate proceedings. Such proceedings generally involve broader and more complex issues than temporary subsidy mail rate proceedings. For this reason the Board is of the view that it is not advisable to bring them under the revised procedural rules applicable to subsidy cases.

The showing required by § 302.310(c)(1) for an evidentiary hearing or oral argument has been expanded to include data regarding the financial impact of the proposed rates on the carrier.

The proposal established specific periods for the start of the prehearing conference and hearing. These provisions have been clarified by stating that requests for extending the prehearing conference date must be made in the answer to the show cause order, and that requests for extending the hearing date must be made by motion.

A comment was filed suggesting that where the Board issues a final order without a hearing establishing rates different from those proposed in the show cause order, the parties should have an opportunity to bring possible errors to the Board's attention by petitioning for reconsideration. The Board agrees with this comment and an appropriate clarifying change has been made in § 302.310(c)(2)(iv) to permit the filing of petitions for reconsideration in these circumstances.

Under the present procedures applicable to all temporary mail rate proceedings, upon the conclusion of the hearing the examiner certifies the entire record to the Board for tentative decision. Thus, under recently adopted § 302.27(a) there is no delegation of function of making the agency decision to the examiner in such cases. However, the Board has decided to make the delegation applicable to those temporary mail rate proceedings which involve service rates. Under the new procedures applicable to temporary service mail rate proceedings the examiner will not certify the record to the Board but will issue an initial decision in accordance with § 302.27 after requested findings and conclusions with supporting briefs have been filed. Following the initial decision by the examiner, any party may file a petition for discretionary review by the Board pursuant to § 302.28 of this part.

Interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Board hereby amends § 302.310 of Part 302 of its Procedural Regulations, 14 CFR Part 302, effective August 30, 1962, but not applicable to temporary mail rate proceedings on which an order to show cause has been issued before such effective date, as follows:

TEMPORARY RATE PROCEEDING

§ 302.310 Procedure for fixing temporary service and subsidy mail rates.

(a) At any time during the pendency of a proceeding for the determination of final mail rates, the Board, upon its own initiative, or on petition by the carrier whose rates are in issue or the Postmaster General, may fix temporary rates of compensation for the transportation of mail subject to downward or upward adjustment upon the determination of final mail rates.

(b) Temporary service mail rates: The procedure for determining temporary mail rates involving an issue as to the service mail rates payable by the Postmaster General pursuant to section 406(c) of the Act shall be the same as for the determination of final mail rates, except that:

(1) Notice of objections to the Board's show cause order proposing temporary service mail rates must be filed by any party or petitioner for intervention within 8 days, and an answer within 15 days, of the time such order is served;

(2) Failure to file notice of objections within the 8-day period shall be deemed to be a waiver of all further procedural steps before final decision, including hearing and initial or tentative decision, and the proceeding will stand submitted to the Board for final decision.

(3) In the absence of a convincing showing that it will result in substantial prejudice to any party or delay the proceeding, the examiner shall require the parties to submit all their testimony in writing and shall closely limit cross-examination to the essential issues (bearing in mind the purpose and urgency of fixing temporary mail rates together with the fact that such temporary rates are subject to downward or upward adjustment upon the fixing of final rates), and shall in all other respects urgently expedite the proceeding.

(c) Temporary subsidy mail rates: The procedure for determining temporary mail rates involving an issue as to the subsidy mail rates payable by the Board pursuant to section 406(c) shall be the same as for the determination of temporary service mail rates pursuant to paragraph (b) of this section except that:

(1) After the filing of answers (if any) the Board may in its discretion (i) issue a final order establishing temporary mail rates at the same level as that proposed in the show cause order, or a different level, (ii) set the matter down for an evidentiary hearing before an examiner, or (iii) notice the matter for oral argument before the Board. Neither oral argument nor an evidentiary hearing will be granted except upon a showing, set forth in the answer, (*a*) that the case presents major issues of fact or policy which cannot fairly be resolved on the basis of written documents, and (*b*) that the establishment of the rates proposed in the show cause order would have a critical impact on the carrier by reason of its immediate and pressing cash requirements. In the case of requests for evidentiary hearing, the answer shall set forth in detail the nature of the evidence which the party requesting hearing would submit if hearing were granted.

(2) The following procedure shall be applicable in the event that the matter is set down for evidentiary hearing pursuant to subparagraph (1)(ii) of this paragraph:

(i) Unless the Board's order setting the case for hearing provides otherwise, or unless prehearing conference is waived by all the parties, a prehearing conference shall be held not later than the eighth day following the date of service of such order. Any requests for extension of the date of the prehearing conference shall be made in the answer to the show cause order and shall contain a showing of exceptional circumstances necessitating extension of the prehearing date.

(ii) The hearing shall commence no later than the fifteenth day after the date of the prehearing conference. Any requests for extension of the date of the hearing shall be made by motion and shall contain a showing of exceptional circumstances necessitating extension of the hearing date.

(iii) Upon the conclusion of the hearing, the examiner shall immediately certify the entire record to the Board. Proposed findings and conclusions and supporting briefs with reasons why the Board should or should not issue a tentative decision shall be filed with the Board within ten days of the date of the conclusion of the hearing. The Board may thereupon issue a tentative decision or may at once issue its final decision establishing temporary subsidy mail rates.

(iv) In the event that the Board issues a tentative decision, the parties may not file separate exceptions and briefs, but may file in lieu thereof exceptions and briefs in support thereof in one document. Such documents shall be filed within 10 days of service of the tentative decision, shall not exceed 25 pages and shall comply with the specifications of § 302.31(b), unless the Board directs otherwise in the tentative decision. If no such documents are filed within the prescribed time, the tentative decision shall, without further proceedings, become the final decision of the Board. If such documents are duly filed, no further pleadings will be permitted and the proceeding shall stand submitted to the Board for final decision. The Board will not entertain petitions for reconsideration of its final order in any case where it has issued a tentative decision. A petition for reconsideration may be filed in any case where the Board has issued a final order pursuant to subparagraphs (1)(i) or (2)(iii) of paragraph (c) of this section which prescribes rates different from those proposed in the order to show cause.

(3) The pendency of any motion or petition in a temporary subsidy mail rate proceeding shall not be grounds for deferring procedural dates.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply Section 1001 of the Federal Aviation Act of 1958 as amended, 72 Stat. 788; 49 U.S.C. 1481)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 62–7519; Filed, July 30, 1962; 8:55 a.m.]

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1312; Amdt. 460]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing Models 707 and 720 Aircraft

Amendment 53, 24 F.R. 9386 (AD 59–21–1), as amended by Amendment 232, 25 F.R. 12549, requires inspection of the main landing gear truck beams on Boeing 707 Series aircraft for scratches, gouges, corrosion or impact dents. Subsequent failures have occurred which were attributed to improper jacking of the aircraft and inadequate cleaning which did not reveal damage. Accordingly AD 59–21–1 is being superseded by a new directive specifying a more detailed cleaning procedure and instructions for jacking.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BOEING. Applies to all Models 707 and 720 Aircraft.

Compliance required within the next 100 hours' time in service after the effective date of this AD and thereafter at intervals not exceeding 100 hours' time in service and, in addition, prior to further flight after any jacking operations and after main landing gear snubber failure.

As a result of failures of the landing gear truck beam and related components, accomplish the following:

(a) Clean the truck beams in accordance with following:

(1) Prerinse the area using Stoddard Solvent P–S–661 type 1 or water.

(2) Using a soft bristle or fiber brush, apply one of the following cleansing agents, or equivalent approved by FAA Engineering and Manufacturing Branch, Western Region, to the soiled areas;

(i) Oakite 204, full strength,

(ii) Oakite 74L, one part with five parts water,

(iii) Wyandotte Aerowash A, full strength,

(iv) Kelite Formula 29, full strength,

(v) An emulsion cleaner listed in Chapter 13 of Boeing Overhaul Manual.

(3) Allow cleansing agent to remain on the parts for five minutes. Do not permit the area to dry. Agitate the cleaner applied to beam and allow to remain on the parts an additional five minutes. Agitate again with the brush and thoroughly pressure rinse with water, preferably warm, but not exceeding 120° F.

Note: The cleaning may be augmented by use of solvents listed in Chapter 13 of Boeing Overhaul Manual.

(b) After cleaning, make a thorough visual inspection of the truck beam using mirrors as necessary and a strong light to detect any evidence of jack marks, scratches, gouges, corrosion or impact dents. Remove any straps around the beam which show evidence of damage. Particular attention shall be given to:

(1) The lower section of the beam for evidence of jack marks caused by jack slippage or improperly placed jacks;

(2) The forward area of the beam where contact is possible with the torsion link pivot pin retaining bolt (on the lower torque link lug on the Model 720); and

(3) To the aft area of the beam where contact is possible with the shock strut inner cylinder upon snubber failure.

(c) Truck beams exhibiting evidence of corrosion, scratches, jack marks, dents or gouges shall be replaced prior to further flight unless repaired in accordance with FAA approved Boeing Service Bulletin No. 142 (R–2) or later FAA approved revisions. Evidence of jack marks or dents shall be inspected with a dial indicator or FAA approved equivalent to determine the depth of such damage. No repair is permitted if the depth exceeds 0.005-inch.

(d) The 100-hour repetitive inspection interval may be increased to 500 hours' time in service when the automatic brake cylinder and the piston in the main landing gear metering valve are replaced with new Boeing

actuator assembly 69–10763, and the landing gear snubber assembly and main landing gear centering cylinders have been reworked in accordance with Boeing Service Bulletin Nos. 535 and 535B.

NOTE: Some aircraft have been modified prior to delivery to incorporate the work required by Boeing Service Bulletins Nos. 535 and 535B.

(e) The main landing gear shall not be jacked and/or supported at points other than the forward and aft truck beam jack pads, unless the aircraft is otherwise supported in accordance with section 32 of the Boeing Maintenance Manual.

(f) Upon request of the operator an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, Western Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Boeing Service Bulletin No. 142 (R–2) covers this same subject.)

This supersedes Amendment 53, 24 F.R. 9386 (AD 59–21–1), as amended by Amendment 232, 25 F.R. 12549.

This amendment shall become effective July 31, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 24, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62–7466; Filed, July 30, 1962; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8145 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

International Latex Corp.

Subpart—Advertising falsely or misleadingly: § 13.130 *Manufacture or preparation.* Subpart—Misbranding or mislabeling: § 13.1255 *Manufacture or preparation.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, International Latex Corporation, Dover, Del., Docket 8145, Mar. 28, 1962]

Consent order requiring a corporation with headquarters in Dover, Del., to cease representing as "fabric-lined", "cotton-lined", or "cotton-lining", its "Playtex" household rubber gloves which were lined, not with a woven or knitted fabric as thus implied, but with a material known as flock consisting of short fibers of cotton attached in random fashion to the inside surface of the gloves.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent, International Latex Corporation, a corporation, and its officers, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of rubber gloves, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, that its rubber gloves, or any other product, are fabric lined unless the lining consists of a woven or knitted material; or are cotton lined or contain a cotton lining when such lining consists of short fibers of cotton known as flock or fluff, attached to the inside of the glove or other product.

2. Misrepresenting, in any manner, the material of which the lining of its gloves, or any other product, is composed.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon it of this order file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: March 28, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62–7467; Filed, July 30, 1962; 8:46 a.m.]

[Docket No. 8190]

PART 13—PROHIBITED TRADE PRACTICES

Korber Hats, Inc., and Sidney Korber

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055–50 Preticketing merchandise misleadingly. Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* § 13.1325 *Source or origin:* § 13.1325–70 *Place:* § 13.1325–70(c) *Foreign, in general.* Subpart—Using misleading name—Goods: § 13.2280 *Composition;* § 13.2345 *Source or origin:* § 13.2345–65 *Place:* § 13.2345–65(c) *Foreign, in general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Korber Hats, Inc., et al., Fall River, Mass., Docket 8190, Mar. 28, 1962]

Order requiring Fall River, Mass., hat manufacturers to cease representing falsely that their straw hats—actually made of a braid manufactured in Japan of Philippine hemp—were made in and imported from Italy by imprinting on attached tags and labels and on the sweatbands such statements as "Genuine MILAN", "Genuine MILAN Imported Braid", etc.

The order to cease and desist is as follows:

It is ordered, That respondents Korber Hats, Inc., a corporation, and its officers and Sidney Korber, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of hats or any other articles of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the terms "Milan", "Genuine Milan", "Imported Milan", "Genuine Imported Milan" or any other substantially similar representation as descriptive of men's straw hats not manufactured in Italy of wheat straw.

(2) Using the terms "Milan", "Genuine Milan", "Imported Milan", "Genuine Imported Milan" or any other substantially similar representation as descriptive of men's straw hats not of the same construction, design and workmanship as that traditionally characteristic of men's straw hats manufactured in Italy and designated as "Milan".

(3) Using any words or phrases which, directly or indirectly, represent that said products are manufactured in a given country or out of certain materials or in a particular manner or style unless such is a fact.

(4) Furnishing or otherwise placing in the hands of retailers or dealers in said products the means and instrumentalities by and through which they may mislead or deceive the public in the manner or as to the things hereinabove inhibited.

By "Order Denying Petition for Review, Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That respondents, Korber Hats, Inc., and Sidney Korber, shall, within sixty (60) days after service upon them of this order file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the initial decision.

Issued: March 28, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62–7468; Filed, July 30, 1962; 8:46 a.m.]

[Docket No. C–104]

PART 13—PROHIBITED TRADE PRACTICES

President Manufacturing Co., Inc., et al.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055–50 *Preticketing merchandise misleadingly.* Subpart—Misbranding or mislabeling: § 13.1295 *Quality or grade;* § 13.1355 *Value.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1811 *Fictitious preticketing.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, President Manufacturing Company, Inc., et al., Providence, R.I., Docket C–104, Mar. 28, 1962]

In the Matter of President Manufacturing Company, Inc., a Corporation, and Joslin Oken, William R. LeBlanc, William J. LeBlanc, and Henry Oken, Individually and as Officers of Said Corporation

Consent order requiring Providence, R.I., distributors of men's and women's costume jewelry to jobbers and retailers to cease misrepresenting their products by such practices as attaching to them tickets bearing excessive prices, represented thereby as the usual retail prices; affixing stickers or labels reading "24 Karat gold plated" to products having only an electrolytic application of gold; and affixing stickers to boxes of imitation pearl necklace and earring sets which stated they were made of "genuine fresh water pearls."

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents President Manufacturing Company, Inc., a corporation, and its officers, and respondents Joslin Oken, William R. LeBlanc, William J. LeBlanc and Henry Oken, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of jewelry, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from, directly or indirectly:

1. Representing, by preticketing or in any other manner, that any amount is the usual and regular retail price of merchandise when such amount is in excess of the price at which said merchandise is usually and regularly sold at retail in the trade area or areas where the representations are made.

2. Using the term "gold-plated", or any other word or words of similar import or meaning, to designate, describe or refer to an article which does not have a surface plating of gold or gold alloy applied by a mechanical process, provided, however, that any product, or part thereof, on which a substantial coating of gold or gold alloy has been affixed by an electrolytic process may be marked or described as gold electroplate or gold electroplated.

3. Using the word "pearls" or any other word or words of similar import or meaning to describe imitation pearls: *Provided, however,* That the foregoing shall not be construed to prohibit the use of the word "pearls" to describe the appearance of said imitation pearls if, whenever used, the word "pearls" is immediately preceded, in equally conspicuous type, by the word "imitation" or the word "simulated", or other word of similar import or meaning, so as to clearly indicate that said imitation pearls are not genuine pearls but imitations thereof.

4. Representing in any manner that imitation pearls are genuine pearls.

5. Placing in the hands of dealers and others a means and instrumentality by and through which they may misrepresent the usual and customary retail price of their merchandise, the gold content of their merchandise or the character and quality of the stones in their jewelry.

6. Representing that any merchandise sold or offered for sale is guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 28, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62–7469; Filed, July 30, 1962; 8:47 a.m.]

[Docket No. C–103]

PART 13—PROHIBITED TRADE PRACTICES

Tenax, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–195 *Nature;* § 13.20 *Comparative data or merits;* § 13.71 *Financing;* § 13.75 *Free goods or services;* § 13.155 *Prices:* § 13.155–5 *Additional charges unmentioned;* § 13.155–15 *Comparative;* § 13.155–40 *Exaggerated as regular and customary;* § 13.205 *Scientific or other relevant facts;* § 13.225 *Services;* § 13.260 *Terms and conditions.* Subpart—Securing orders by deception: § 13.2170 *Securing orders by deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Tenax, Inc., et al., New York, N.Y., Docket C–103, Mar. 26, 1962]

In the Matter of Tenax, Inc., a corporation, and Leon C. Hirsch and Peter R. Ross, Individually and as Officers of Said Corporation, and The Metlis and Lebow Corporation, a Corporation, and Stanley E. Lebow and Sanford H. Metlis, Individually and as Officers of Said Corporation

Consent order requiring the corporate operator of a freezer food purchasing plan through 10 wholly owned subsidiaries in large eastern cities, along with its advertising agency, to cease misrepresenting the cost of the freezers and food purchased under their plan and the savings involved, and a variety of other deceptive practices as in the order below indicated.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

PART I

It is ordered, That respondents Tenax, Inc., a corporation, The Metlis and Lebow Corporation, a corporation, and their officers, and Leon C. Hirsch and Peter R. Ross, individually and as officers of Tenax, Inc., and Stanley E. Lebow and Sanford H. Metlis, individually and as officers of The Metlis and Lebow Corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of any food or any purchasing plan involving food, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement:

(a) Represents that any subsidiary of respondent Tenax, Inc., is engaged in the purchase and resale of food when the subsidiary to which such advertisement relates is not engaged in the food business.

(b) Represents that purchasers of or subscribers to a freezer food purchasing plan will, for a stated price, receive all of their food requirements and a freezer;

(c) Represents that purchasers of or subscribers to a freezer food purchasing plan will receive foods or other items which are not available under said plan, and which they do not actually receive;

(d) Represents that purchasers of or subscribers to a freezer food purchasing plan will receive the same amount of food, and a freezer for the same or less money than they have been paying for food alone;

(e) Misrepresents in any manner the savings realized by purchasers of or subscribers to any freezer purchasing plan;

(f) Represents that purchasers of or subscribers to a freezer food purchasing plan will have the assistance or help of trained "Home Economists" or other qualified individuals in planning their food orders;

(g) Represents that food orders are delivered free of charge when purchasers of or subscribers to a freezer food purchasing plan are required to make payments for the delivery of food orders;

(h) Represents that purchasers of or subscribers to a freezer food purchasing plan receive a free gift;

(i) Represents that purchasers of or subscribers to a freezer food purchasing plan can "trade-in" their old refrigerator or freezer when the subsidiary to which the advertisement relates does not accept old refrigerators or freezers as trade-ins;

(j) Misrepresents the physical characteristics or qualities of any article or item received by purchasers of or subscribers to a freezer food purchasing plan;

(k) Represents that purchasers of or subscribers to a freezer food purchasing plan receive self-defrosting freezers;

(l) Represents that purchasers of or subscribers to a freezer food purchasing plan make but one monthly payment covering both food and freezer.

2. Disseminating or causing the dissemination of any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly the purchase of any food or any purchasing plan involving food in com-

merce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations or misrepresentations prohibited in Paragraph 1 hereof.

PART II

It is further ordered, That respondents Tenax, Inc., a corporation, The Metlis and Lebow Corporation, a corporation, and their officers, and Leon C. Hirsch and Peter R. Ross, individually and as officers of Tenax, Inc., and Stanley E. Lebow and Sanford H. Metlis, individually and as officers of The Metlis and Lebow Corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of freezers, food or a freezer food purchasing plan in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication that:

(a) Any subsidiary of respondent Tenax, Inc., is engaged in the purchase and resale of food, when such subsidiary is not engaged in the food business;

(b) Purchasers will, for a stated price, receive all of their food requirements and a freezer;

(c) Purchasers will receive food or other items which are not available, and which they do not actually receive;

(d) Purchasers will receive the same amount of food and a freezer for the same or less money than they have been paying for food alone;

(e) Purchasers will have the assistance or help of trained "Home Economists" or other qualified individuals in planning their food orders;

(f) Food orders are delivered free of charge, when purchasers are required to make payment for the delivery of food orders;

(g) Purchasers receive a free gift;

(h) Purchasers from any subsidiary of Tenax, Inc., can "trade-in" their old refrigerator or freezer, when such subsidiary does not accept old refrigerators or freezers as "trade-ins";

(i) Purchasers receive self-defrosting freezers;

(j) Purchasers of or subscribers to a freezer food purchasing plan make but one monthly payment covering both food and freezer.

2. Misrepresenting in any manner:

(a) The savings realized by purchasers of or subscribers to a freezer food purchasing plan;

(b) The qualities, appearance or physical characteristics of any article or item received by purchasers.

PART III

It is further ordered, That respondent Tenax, Inc., a corporation, and its officers and Leon C. Hirsch, and Peter R. Ross, individually and as officers of Tenax, Inc., and their agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of freezers, food or freezer food purchasing plans in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that purchasers of or subscribers to a freezer food purchasing plan, or purchasers of food or freezers, can have their installment contracts financed through financial institutions of their own choosing, unless where such a representation is made such contracts are in fact financed through the institution chosen by such purchasers or subscribers;

2. Representing in any manner that the price charged for any freezer or refrigerator-freezer is the standard or list price thereof;

3. Inducing purchasers of or subscribers to a freezer food purchasing plan, or purchasers of food or freezers, to sign any contract to purchase which does not at that time contain all of the terms and conditions of sale.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 26, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 62-7470; Filed, July 30, 1962; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

Part 120—Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

MEAT OF HORSES AND GOATS; TOLERANCES FOR RESIDUES OF PESTICIDE CHEMICALS

No comments having been received on the proposal of the Commissioner of Food and Drugs published in the FEDERAL REGISTER of June 8, 1962 (27 F.R. 5438), with reference to the use of insecticides to combat insect pests on goats and horses, and no request having been received for referral of the proposal to an advisory committee: *It is ordered*, That the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) be amended as set forth below:

1. By adding to § 120.111 a tolerance of 4 parts per million for residues of malathion in or on the meat and meat byproducts from horses and a provision that the tolerance level shall not be exceeded in any cut of meat or in any meat byproduct from horses, and by inserting the words "the insecticide" in the introduction to the section. As amended, the effected portions of § 120.111 read as follows:

§ 120.111 Tolerances for residues of malathion.

Tolerances are established for residues of the insecticide malathion (*O,O*-dimethyl dithiophosphate of diethyl mercaptosuccinate) in or on raw agricultural commodities as follows:

* * * * *

From preslaughter application: 4 parts per million in or on meat and meat byproducts from cattle, goats, hogs, horses, poultry, or sheep. The tolerance level shall not be exceeded in any cut of meat or in any meat byproduct from cattle, goats, hogs, horses, poultry, or sheep.

2. By adding to § 120.120 a tolerance of 3 parts per million for residues of methoxychlor in or on the fat of meat from horses and goats; by inserting the words "the insecticide" in the introduction to the section; by deleting all paragraph designations; and by deleting the words "part per million" from the item "Zero part per million in milk." As amended, § 120.120 reads as follows:

§ 120.120 Tolerances for residues of methoxychlor.

Tolerances are established for residues of the insecticide methoxychlor (2,2-bis (*p*-methoxyphenyl)-1,1,1,-trichloroethane) as follows:

100 parts per million in or on alfalfa, clover, cowpeas, grass for forage, peanut forage, soybean forage.

14 parts per million in or on carrots (with or without tops) or carrot tops, currants, gooseberries, peanuts.

3 parts per million in or on the fat of meat from cattle, goats, hogs, horses, or sheep.

2 parts per million in or on the following grains: Barley, corn, oats, rice, rye, sorghum grain, wheat.

Zero in milk.

3. By adding to § 120.133 a tolerance of 7 parts per million for residues of lindane in or on the fat of meat from horses; by inserting the words "the insecticide" in the introduction to the section, and by deleting all paragraph designations. As amended, § 120.133 reads as follows:

§ 120.133 Tolerances for residues of lindane.

Tolerances for residues of the insecticide lindane (gamma isomer of benzene hexachloride) are established as follows:

10 parts per million in or on mushrooms.

7 parts per million in or on the fat of meat from cattle, goats, horses, and sheep.

4 parts per million in or on the fat of meat from hogs.

4. By adding to § 120.138 a tolerance of 7 parts per million for residues of toxaphene in or on the fat of meat from horses. As amended, this item reads as follows:

§ 120.138 Tolerances for residues of toxaphene.

* * * * *

7 parts per million in or on cranberries; collards; fat of meat from cattle, goats, hogs, horses, and sheep; hazelnuts; hickory nuts; horseradish; kale; parsnips; pecans; peppers; pimentos; rutabagas; spinach; walnuts.

5. By adding to § 120.147 a tolerance of 7 parts per million for residues of DDT in or on the fat or meat from horses and goats and by inserting the words "the insecticide" in the introduction to the section. As amended, the affected portions of § 120.147 read as follows:

§ 120.147 Tolerances for residues of DDT.

Tolerances for residues of the insecticide DDT (a mixture of 1,1,1-trichloro-2,2-bis(*p*-chlorophenyl)ethane and 1,1,-1-trichloro-2-(*o*-chlorophenyl)-2-(*p*-chlorophenyl)ethane) are established in or on raw agricultural commodities as follows:

7 parts per million in or on the fat of meat from cattle, goats, hogs, horses, and sheep and in or on sweetpotatoes (from postharvest use).

6. By inserting the words "horses" and "goats" in the first sentence of § 120.147a (b), so that as amended the sentence reads as follows:

§ 120.147a DDT residues in corn forage, corn fodder, corn silage, corn stover, and sweet corn, cannery waste; statement of policy and interpretation.

* * * * *

(b) A tolerance of 7 parts per million for residues of DDT in the fat of meat from cattle, goats, hogs, horses, and sheep has been established in § 120.147. * * *

7. By adding to § 120.171 a tolerance of 1 part per million for residues of 2,3-*p*-dioxanedithiol-*S,S*-bis (*O,O*-diethylphosphorodithioate) in or on the fat of meat from horses, as follows:

§ 120.171 Tolerances for residues of 2,3-*p*-dioxanedithiol-*S,S*-bis (*O,O*-diethylphosphorodithioate).

* * * * *

1 part per million in or on fat of meat from cattle, goats, hogs, horses, and sheep.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a (e)), and delegated to the Commissioner by the Secretary (25 F.R. 8625).

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: July 24, 1962.

JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 62-7482; Filed, July 30, 1962; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

CLOSURES WITH SEALING GASKETS FOR FOOD CONTAINERS

Correction

In F.R. Doc. 62-7334, appearing at page 7092 of the issue for Thursday, July 26, 1962, the following correction is made in Table 1 of § 121.2550(b)(5): In the "List of substances" column, an entry reading "Epoxidized safflower oil" should be inserted in proper alphabetical order.

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

INDUSTRIAL STARCH-MODIFIED

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Morningstar-Paisley, Inc., 630 West Fifty-first Street, New York 19, New York, and other relevant material, has concluded that the following amendments should issue with respect to the safe use of the food additive industrial starch modified with not more than 3.0 percent dimethylaminoethylmethacrylate. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.2506 (21 CFR 121.2506; (27 F.R. 223)) is amended in the following respects:

1. Paragraph (a) is amended by adding thereto a new subparagraph (5), reading as follows:

§ 121.2506 Industrial starch-modified.

* * * * *

(a) * * *

(5) By treatment with not more than 3.0 percent dimethylaminoethylmethacrylate.

2. Paragraph (b)(1) is amended by deleting therefrom the word "surface".

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 24, 1962.

JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 62-7481; Filed, July 30, 1962; 8:49 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Portable Containers of Gasoline, Kerosene, and Other Petroleum Distillates; Exemption From Labeling Requirements

Information available to the Commissioner of Food and Drugs indicates that customer-owned portable containers that are intended to be filled with gasoline, kerosene, or other petroleum distillates are often presented to different retail vendors for filling. To meet all the requirements of section 2(p)(1) of the Hazardous Substances Labeling Act, each retail vendor when presented with a container to be filled, would be required to place the required warning statements and his name and address on the labeling of the container. In this situation the Commissioner finds that the name and address of the retail vendor is not necessary for the adequate protection of the public health and safety.

Therefore, pursuant to the provisions of the Federal Hazardous Substances Labeling Act (sec 3(c), 74 Stat. 374; 15 U.S.C. 1262) and under the authority vested in the Secretary of Health, Education, and Welfare and delegated to the Commissioner (25 F.R. 8625), § 191.63 is amended by adding thereto a new paragraph (n), reading as follows:

§ 191.63 Exemptions for small packages, minor hazards, and special circumstances.

* * * * *

(n) Customer-owned portable containers that are filled by retail vendors with gasoline, kerosene, or other petroleum distillates are exempt from the provision of section 2(p)(1)(A) of the act,

which requires that the name and place of business of the manufacturer, distributor, packer, or seller appear on the label of such containers, provided that all the other label statements required by section 2(p)(1) of the act and § 191.7 (b)(3) appear on the labels of containers of the substances named in this paragraph.

The Commissioner finds that because of the special circumstances involved, the label statement required by section 2(p)(1)(A) of the act is not necessary for the protection of the public health, and therefore notice and public procedure are not necessary prerequisites to the promulgation of this order.

Effective date. This order shall become effective on the date of publication in the FEDERAL REGISTER.

(Sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262)

Dated: July 24, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-7483; Filed, July 30, 1962; 8:51 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

Section 203.27(a)(4) is amended by adding a new subdivision (v) to read as follows:

§ 203.27 Maximum charges, fees or discounts.

(a) • • •

(4) • • •

(v) The owner of the property to be mortgaged which is owned free and clear of any mortgage indebtedness.

• • • • • •

Section 203.100(c) is amended by adding a new subparagraph (6) to read as follows:

§ 203.100 Charges and fees to lender from borrower.

• • • • • •

(c) • • •

(6) Reasonable and customary charges in the nature of discounts.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations

In Part 207 the Table of Contents is amended by adding a new section heading to read as follows:

Sec.
207.259a Waiver of title objection; mortgages formerly Commissioner-held.

In Part 207 a new § 207.259a is added to read as follows:

§ 207.259a Waiver of title objection; mortgages formerly Commissioner-held.

If the Commissioner sells a mortgage and such mortgage is later reassigned to him in exchange for debentures or the property covered by such mortgage is later conveyed to him in exchange for debentures, the Commissioner will not object to title by reason of any lien or other adverse interest that was senior to the mortgage on the date of the original sale of such mortgage by the Commissioner.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart A—Eligibility Requirements—Homes

Section 220.50(a)(4) is amended by adding a new subdivision (v) to read as follows:

§ 220.50 Maximum charges, fees or discounts.

(a) • • •

(4) • • •

(v) The owner of the property to be mortgaged which is owned free and clear of any mortgage indebtedness.

Subpart C—Eligibility Requirements—Projects

In Part 220 the pertinent section headings in the Table of Contents are amended to read as follows:

Sec.
220.616 Cost certification requirements; loans $200,000 or less.
220.618 Cost certification requirements; loans over $200,000.

In § 220.616 the heading and introductory text are amended to read as follows:

§ 220.616 Cost certification requirements; loans $200,000 or less.

When the principal amount of the loan is $200,000 or less the following provisions shall apply:

• • • • • •

In § 220.618 the heading and introductory text are amended to read as follows:

§ 220.618 Cost certification requirements; loans over $200,000.

When the principal amount of the loan is over $200,000 the following provisions shall apply:

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

Issued at Washington, D.C., July 25, 1962.

NEAL J. HARDY,
Federal Housing Commissioner.

[F.R. Doc. 62-7517; Filed, July 30, 1962; 8:55 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 90—TABLE OF CHARGES AT THE MINTS AND ASSAY OFFICES OF THE UNITED STATES [1]

The Bureau of the Mint finds that it is necessary, because of increased costs of labor and material, to revise its Table of Charges for various services performed by the Mint. It also finds that notice and public procedure thereon is impracticable, unnecessary and contrary to the public interest because such revisions are required by statutes (R.S. 3524, as amended (31 U.S.C. 332); R.S. 3546 (31 U.S.C. 360)) which require the Director of the Mint, with the concurrence of the Secretary of the Treasury, to fix mint charges so as to equal but not exceed, in their judgment, the actual average cost to each mint and assay office of the material, labor, wastage, and use of machinery employed. Accordingly, Part 90, Chapter I, Title 31 of the Code of Federal Regulations of the United States of America, is hereby revised to read as follows:

Sec.
90.1 Melting charge.
90.2 Eligibility, withdrawal and rejection of deposits.
90.3 Parting and refining charge.
90.4 Bar charges.
90.5 Assays of gold or silver bullion or jewelry free from platinum group metals.
90.6 Assays of plated and filled goods (over 800 base metal) and white gold free from platinum group metals.
90.7 Assays of ores.
90.8 Assaying and stamping charges.
90.9 General provision.

AUTHORITY: §§ 90.1 to 90.9 issued under R.S. 3524, as amended, R.S. 3546; 31 U.S.C. 332, 360.

§ 90.1 Melting charge.

(a) On each deposit of bullion a melting charge of $3.50 shall be imposed for the first 1,000 gross troy ounces or fraction thereof, and 35 cents additional for each 100 ounces or fraction thereof in excess of 1,000 ounces, computed on the after-melting weight: *Provided*, That no melting charge shall be imposed on deposits consisting of uncurrent United States coin or unmutilated stamped United States mint bars; on silver bullion free from gold, of the fineness of 999 thousandths or over when received in conformity with official regulations for monetary purposes and when a satisfactory assay can be obtained without melting; or on newly mined domestic silver bullion free from gold, received under the authorization of 31 U.S.C. 316c, 316d. Deposits of newly mined domestic silver bullion containing not less than ¼ thousandths of gold shall be subject to the same melting charges as gold deposits; such charges as may exceed the value of the gold in the deposit shall be waived.

(b) When the melting loss exceeds 15 percent, an additional charge of $2.00 for each deposit shall be imposed when the deposit weighs 100 gross troy ounces or less; on deposits weighing over 100 ounces the charge shall be $2.00 for the first 100 ounces and 65 cents for each 100 ounces or fraction in excess of 100 ounces. Such additional charge shall be computed on the before melting weight of the deposit.

(c) On each deposit containing white gold alloys, as determined by the assayer, an extra melting charge of $2.00 for each 100 gross troy ounces or fraction thereof shall be imposed. Such additional charge shall be computed on the before melting weight of the deposit.

(d) Deposits which fail to give concordant assays and those requiring an excessive amount of treatment, shall, at the discretion of the officer in charge of the Mint institution, be subject to an additional charge equal to the cost to the Government for additional fuel, labor, and materials used in melting and treatment, as well as in remelting and retreatment, if necessary, by the deposit melter. Impure deposits which fail to give concordant assays on dip samples from the second melting shall be rejected, subject to the provisions of § 90.2. The expenses incurred in treatment shall be collected. When such costs are assessed the charge set forth in paragraph (b) of this section shall not be made.

§ 90.2 Eligibility, withdrawal and rejection of deposits.

(a) A gold deposit must contain one troy ounce of fine gold, at least 100 parts of gold in 1,000, and not less than 200 parts of gold or gold and silver combined in 1,000. If the deposit fails to meet these requirements or if the report of the assayer indicates it to be unsuitable for mint operations, it shall not be purchased. Deposits are not accepted in Washington, D.C.

(b) Gold, contained in deposits of silver eligible for receipt at a Mint for return in bar form, may be purchased by the mints; such deposits, however, must contain not less than 600 parts of silver in 1,000 and not more than 99 parts of gold in 1,000.

(c) If otherwise permissible,[2] deposits may be withdrawn by depositors at any time before payment is tendered therefor, and thereafter at the option of the officer in charge of the mint or assay office, subject to payment in cash of such charges for melting, etc., as have been incurred up to the time of withdrawal.

(d) Rejected deposits are subject to payment in cash of such charges as have been incurred up to time of rejection and should be returned to the depositor unless the metal may not be received by the depositor.[2] If the depositor may not receive the metal, the deposit will be held for delivery at his request and for his account, and by authorization of the Director of the Mint, to a person authorized to receive such metal.

§ 90.3 Parting and refining charge (rate per gross troy ounces or fraction).

CLASS A—BULLION CONTAINING GOLD

Base content (thousandths)	Gold content (thousandths)		
	Up to 250	250¼ to 500	500¼ to 949¾
	Cents	*Cents*	*Cents*
Up to 50	3	5	10
Over 50 to 150	4	6	11
Over 150 to 250	6	9	14
Over 250 to 350	9	11	16
Over 350 to 450	11	14	18
Over 450 to 550	14	16	20
Over 550 to 650	16	18	----
Over 650 to 750	18	20	----
Over 750	20	----	----
Base content disregarded	(1)	(1)	5
Base content disregarded	(2)	(2)	0

[1] Gold content 950 to 994¾.
[2] Gold content 995 and over.

CLASS B—SILVER BULLION FREE FROM GOLD

(Received for exchange for silver bars, under R.S. 3546 (31 U.S.C. 360); purchased under the Silver Purchase Act (31 U.S.C. 311a, 316b, 405a, 448–448e, 734a, 734b), or purchased for subsidiary silver coinage under R.S. 3526 (31 U.S.C. 335))

Silver content:	*Charge (cents)*
600 thousandths or less	10
600½ to 850 thousandths	8
850½ to 998¾ thousandths	3

CLASS C—MISCELLANEOUS

Upon gold bullion from 899 to 917 thousandths fine, having but one precious metal present and having base content of good copper, including foreign coins and domestic mutilated or uncurrent coin, a refining charge will be imposed only when payment is to be made in fine bars, in which case a charge of 10 cents per gross ounce, or fraction, will be imposed. Domestic gold coins will be received only in accordance with the provisions of sec. 92.1 of this chapter.

No refining charge will be imposed on domestic mutilated or uncurrent silver coin received in accordance with Part 100 of this chapter.

No refining charge will be imposed on newly mined domestic silver bullion free from gold. Deposits of newly mined domestic silver bullion containing not less than ¼ thousandths of gold shall be subject to the same refining charges as gold deposits; such charges as may exceed, after deduction of the melting charge, the value of the gold in the deposit shall be waived.

When bullion contains less than one-fourth thousandth of gold or less than 8 thousandths of silver, the gold or silver content respectively shall not be reported for the benefit of the depositor.

Gold coin containing 8 thousandths or over of silver acquires the status of bullion as regards charges and is subject to the appropriate charge for refining.

§ 90.4 Bar charges.

(a) *Charges on gold bars issued in exchange for gold bullion.*[2] (1) When payment in gold bars is requested without specification as to size, no bar charge will be imposed; except that when fine gold bullion of 0.995 or higher fineness is deposited in exchange for Government-stamped bars, a bar charge of 8 cents per $100 value of bars issued will be made; and with the further exception that when fineness of 999.9 is requested and available, a charge of 21 cents per $100 value of bars issued will be made.

(2) When special size bars are requested and are available, the bar charges will be:

Bar sizes (gross troy ounces):	*Rate per $100 value (cents)*
Large, over 50 ounces	8
Medium, 25 to 50 ounces	10
Small, below 25 but not less than 15 ounces	12
Special, below 15 but not less than 5 ounces	15

(b) *Charges on silver bars (0.999 or higher fineness) issued in exchange for silver bullion.*[2] No bar charges are imposed except when special size bars are requested and are available, in which case the bar charges will be:

Bar sizes:	*Rate per gross troy ounce (cents)*
Not less than 500 ounces	½
Between 125 and 500 ounces	¾
125 ounces or less	2
No charge will be imposed on 1,000 ounce bars.	

(c) *Charges on gold bars sold.*[2] (1) Gold bars may be sold only in lots of not less than 25 finetroy ounces and only when of a fineness of 899 thousandths or above.

(2) No bar charge will be imposed on any gold bars of a fineness below 999 thousandths when particular sizes or finenesses are not requested.

(3) The following bar charges will be made for bars of a fineness of 999 thousandths or above, for bars of particular fineness, and for bars of particular sizes, when any of such bars are requested and available:

Fineness (thousandths)	Bar sizes (gross troy ounces)	Rates per $100 value
		Cents
999 and above, but below 999.9; also below 999 when particular sizes or finenesses are requested.	Large, over 50 ounces	8
	Medium, 25 to 50 ounces	10
	Small, below 25 ounces but not less than 15 ounces.	12
	Special, below 15 but not less than 5 ounces.	15
999.9	Any size	21

(d) *Charges on silver bars sold.* No bar charges are imposed on 1,000 ounce silver bars, sold in accordance with 31 U.S.C. 316d and the regulations issued thereunder (§ 92.20 of this chapter).

[1] Coinage mints are located at Philadelphia, Pennsylvania; and Denver, Colorado. The mint at San Francisco, California is operated as an assay office. A United States Assay Office is located at New York, New York. No deposits are accepted at the Office of the Director of the Mint in Washington, D.C.

[2] See § 90.9.

§ 90.5 Assays of gold or silver bullion or jewelry free from platinum group metals.

	Charge
Gold	$7.00
Silver	7.00
Gold and Silver (same sample)	12.00

An extra charge of $3.50 for each assay of gold or silver will be imposed when the sample contains any of the platinum group metals.

§ 90.6 Assays of plated and filled goods (over 800 base metal) and white gold free from platinum group metals.

	Charge
Gold	$8.00
Silver	8.00

An extra charge of $3.50 for each assay of gold or silver will be imposed when the sample contains any of the platinum group metals.

§ 90.7 Assays of ores.

Assays of ores will be made at the United States Mint at Denver, Colorado. The charge for each metal determined will be:

	Charge
Gold	$8.00
Silver	3.00
Gold and Silver (same sample)	5.00
Lead	5.00
Zinc	5.00
Copper	4.50

§ 90.8 Assaying and stamping charges.[2]

On bullion deposited for the purpose of receiving the Government assay and stamp the melting and assay charges above specified shall be imposed.

§ 90.9 General provision.[3]

Nothing in this part shall be applied in a manner inconsistent with, or deemed to amend, modify, or repeal, any acts, orders, proclamations, regulations, or instructions, relating to gold or silver.

This revision shall become effective September 1, 1962.

[SEAL] EVA ADAMS,
Director of the Mint.

Approved: July 25, 1962.

DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 62-7477; Filed, July 30, 1962; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter B of Chapter XIV, Title 32, is amended as follows:

[2] See § 90.9.

[3] Sections 54.44 and 54.52 of this chapter set forth the purchase and sale price of gold purchased and sold to the United States Mints and Assay Office under Subparts F and G of the Gold Regulations (§§ 54.35–54.52 of this chapter). The one-fourth of one percent charge referred to therein shall be in addition to all other mint charges in connection with purchases or sales of gold by the United States.

PART 1452—PRIME CONTRACTS AND SUBCONTRACTS WITHIN THE SCOPE OF THE ACT

Section 1452.1(b) *Coverage after December 31, 1956* is amended by deleting "June 30, 1962" from subsection (c)(1) of the statutory provision set forth in subparagraph (1)(iii) and inserting in lieu thereof "June 30, 1964".

PART 1466—TERMINATION OF RENEGOTIATION

This part is amended in the following respects:

1. Section 1466.1 *Statutory provision* is amended by deleting "June 30, 1962" from subsection (c)(1) of the statutory provision set forth therein and inserting in lieu thereof "June 30, 1964".

2. Section 1466.2 *Definition of "termination date"* is amended by deleting "June 30, 1962" and inserting in lieu thereof "June 30, 1964".

PART 1476—REVIEW BEFORE THE TAX COURT

Section 1476.1 *Statutory provision* is amended by deleting the second sentence of the statutory provision set forth therein and inserting in lieu thereof the following new sentence: "Upon such filing, such court shall have exclusive jurisdiction, by order, to determine the amount, if any, of such excessive profits received or accrued by the contractor or subcontractor, and such determination shall not be reviewed or redetermined by any court or agency except as provided in section 108A."

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: July 26, 1962.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 62-7478; Filed, July 30, 1962; 8:49 a.m.]

PART 1470—INFORMATION REQUIRED OF CONTRACTOR

Filing of Financial Statements

Section 1470.3 *Filing of financial statement* is amended by changing the last sentence in paragraph (h) to read as follows: "Notwithstanding the foregoing, each member of such group shall file a separate and complete Standard Form of Contractor's Report."

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: July 26, 1962.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 62-7479; Filed, July 30, 1962; 8:49 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 2—DELEGATIONS OF AUTHORITY

Miscellaneous Amendments

1. In § 2.6, paragraphs (d)(3) and (e)(1) and (2) are amended to read as follows:

§ 2.6 Administrator's delegations of authority to certain officials (38 U.S.C. 212(a)).

* * * * *

(d) *Veterans Administration Central Office Loan Guaranty Committee on Waivers and Compromises.* * * *

(3) The Veterans Administration Central Office Loan Guaranty Committee on Waivers and Compromises, as established by § 36.4380 of this chapter issued pursuant to provisions of 38 U.S.C. 1820, shall be composed of the following:

Director, Loan Guaranty Service—Chairman.

Assistant Director for Loan Policy and Management, Loan Guaranty Service—Alternate to the Chairman.

Assistant General Counsel (Professional Staff Group I)—Member.

Deputy Assistant General Counsel (Professional Staff Group I) as designated by Assistant General Counsel—Alternate.

Chief, Consultants Staff II, Compensation and Pension Service—Member.

Legal Consultant, Consultants Staff I or II, Compensation and Pension Service, as designated by the Deputy Director for Program Administration—Alternate.

(e) *General Counsel and Chief Attorneys.* Under the Federal Tort Claims Act pursuant to provisions of 28 U.S.C. 2672, authority is delegated to all Chief Attorneys and to each of the personnel designated in subparagraph (3) of this paragraph to:

(1) Act on behalf of the United States to consider, ascertain, adjust, determine, and settle any claim not exceeding $2,500 for money damages against the United States for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Veterans Administration while acting within the scope of his office or employment and to execute an appropriate voucher and other necessary instruments in connection with final disposition of such claim.

(2) Authority is delegated to each of the personnel designated in subparagraph (3) of this paragraph to execute an appropriate voucher and other necessary instruments in connection with any claim arising out of a negligent or wrongful act or omission of an employee of the Veterans Administration which is compromised by the Attorney General pursuant to 28 U.S.C. 2677.

2. In § 2.8, paragraph (b) is amended to read as follows:

§ 2.8 Delegation of authority to authorize allowances for Veterans Administration employees who are notaries public.

* * * * *

(b) Designated positions: Deputy Administrator, Chief Benefits Director, Chief Insurance Director, Chief Medical Director, General Counsel, and Managers or Directors of insurance center, regional offices, hospitals, domiciliaries, and centers.

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective July 31, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62-7497; Filed, July 30, 1962; 8:53 a.m.]

PART 14—LEGAL SERVICES, GENERAL COUNSEL

Miscellaneous Amendments

1. Section 14.583 is revised to read as follows:

§ 14.583 Crimes or offenses on reservations.

Upon receipt by the Chief Attorney of a report from the Director of any Veterans Administration hospital or domiciliary located in his regional office area, other than the District of Columbia, indicating a violation of any penal statutes occurring on such Veterans Administration hospital or domiciliary reservation, he will extend full cooperation and advice to the Director. In so doing, the Chief Attorney will be guided by the provisions of 18 U.S.C. 13 and 3041, and 38 U.S.C. 625. Serious crimes (felonies or misdemeanors) committed on a hospital or domiciliary reservation will be reported direct to the United States attorney or local agent of the Federal Bureau of Investigation. The Chief Attorney will give every assistance to the Director in such cases.

2. In § 14.601, paragraph (b) is amended to read as follows:

§ 14.601 Collisions.

* * * * *

(b) All Veterans Administration employees who operate Government-owned motor vehicles will be furnished copies of Standard Form 91, and will comply strictly with instructions contained therein. Similarly, all persons other than drivers who are concerned with the investigations and report of accidents and claims will be furnished with copies of Standard Form 91–A and will comply strictly with the instructions contained therein.

3. Sections 14.602, 14.603, 14.604, 14.605, 14.606, and 14.607 are revised to read as follows:

§ 14.602 Damage or loss due to other causes.

Any accident resulting in damage to, or loss of, property, or in personal injury or death, due apparently or allegedly to the negligent or wrongful act or omission of an employee of the Veterans Administration acting within the scope of his office or employment, or damage to or loss of Government-owned property caused by other than a Veterans Administration employee acting within the scope of his office or employment, will be immediately reported on Standard Form 92–A, Report of Accident Other Than Motor Vehicle. The Manager or Director of the station where such occurrence took place will promptly transmit a copy of the aforementioned report to the appropriate Chief Attorney, who will authorize such additional investigation as the circumstances of the case may warrant.

§ 14.603 Central office and field station cases.

The Chief Attorney, Veterans Benefits Office, District of Columbia, or the Chief Attorney of the regional office for the area in which a field station is located will be the appropriate Chief Attorney within the purview of the regulations in this part relating to "torts" to whom reports required by §§ 14.601, 14.602, and 14.604 will be submitted. The Chief Attorney will be responsible for processing claims involving motor vehicle collisions and other occurrences resulting in property damage, personal injury, or death, within such area. The Chief Attorney, Veterans Benefits Office, will also have jurisdiction, except as otherwise provided in § 14.604, over incidents occurring in Veterans Administration central office.

§ 14.604 Initial investigation.

An employee will be designated at each station to investigate motor vehicle collisions and other accidents involving damage to, or loss of privately owned property or personal injury or death, apparently or allegedly resulting from the negligent or wrongful act or omission of an employee of the Veterans Administration acting within the scope of his employment, or damage to or loss of Government-owned property caused by other than Veterans Administration employees. In central office, the designation will be made by the Manager, Administrative Services, and at all other stations, the employee to make such investigations will be designated by the Director or Manager. Where possible, the employee designated to conduct such investigations will be one who has had some experience in the investigation of accident cases.

§ 14.605 Report.

Following receipt of the initial reports in a case and completion of such additional investigation as is considered proper, the Chief Attorney will review all the evidence and prepare a concise, complete report including a summary of the evidence, his findings of the essential facts, citations of applicable local laws, regulations, and decisions, and his conclusion of law as to the liability of the United States, or the liability of the person other than a Veterans Administration employee acting within the scope of his employment for damage to Government-owned property. In cases where damages may exceed $2,500, such as those involving a serious personal injury or a death, or where a claim in excess of $2,500 is filed, a copy of the report wil be promptly submitted to the General Counsel.

§ 14.606 Claim forms.

There will be promptly furnished each person who inquires as to the procedure for filing a claim against the United States predicated on a negligent or wrongful act or omission of an employee of the Veterans Administration acting within the scope of his employment, one copy of Standard Form 95, Claim for Damage or Injury. The claimant should be informed of the necessity for complying with the instructions on the reverse side of such form and advised to submit same directly to the Chief Attorney having jurisdiction of the area wherein the occurrence complained of took place.

§ 14.607 Disposition of claims.

(a) When there is submitted a claim in excess of $2,500, the Chief Attorney will notify the claimant that the Veterans Administration is without authority to consider the claim, inasmuch as the Federal Tort Claims Act provides a maximum of $2,500 for administrative consideration of claims thereunder. Attention of the claimant should be invited to the provisions of the act relating to judicial consideration of tort claims. In determining whether the monetary limitation is exceeded the claims of a subrogor and a subrogee arising out of the same incident will be considered as a single claim, and thus any such claims exceeding a total of $2,500 may not be administratively considered.

(b) In the case of a claim for not more than $2,500 wherein the Chief Attorney determines that there is no liability on the part of the United States, he will promptly notify the claimant by mail of the disallowance of the claim, stating the reasons therefor, and advise the claimant of the right to appeal to the General Counsel within 60 days. In the event appeal is not made to the General Counsel within 60 days, the date of mailing of the notice of disallowance by the Chief Attorney will be considered as the date of final administrative disposition of the claim for the purpose of the statute of limitations provided in section 420 of the act (28 U.S.C. 2401). In cases of appeal from an adverse decision by the Chief Attorney, the report required by § 14.605 will be transmitted to the General Counsel. The General Counsel will review said report and make the final administrative determination regarding disposition of the claim and will take any further necessary action.

(c) In cases of a claim for not more than $2,500 wherein the Chief Attorney determines liability on the part of the United States under the act, he will determine a fair and reasonable amount for reimbursement. After ascertaining from the General Counsel the availability of funds to pay the claim, the Chief Attorney will notify the claimant or his attorney, if any, of the allowance of his claim and forward him an appropriate voucher for his signature. Upon return of the voucher properly signed by the claimant, the Chief Attorney will, if he approves the claim, indicate his approval by signing the voucher in the space thereon as the Administrator's authorized designee. (See § 2.6(e)(1) of this chapter.) He will then forward the voucher to the General Counsel for necessary action to effect payment.

(d) If a suit is instituted, two copies of the investigative report and all other evidence in the case, along with two

copies of the complaint, will be forwarded promptly to the General Counsel. (See § 14.514a regarding defense of suits against Veterans Administration employees arising out of the operation of motor vehicles.)

(e) In any cases administratively settled, the Chief Attorney, or the General Counsel, in appropriate cases, may, at the written request of the claimant or his attorney made prior to the award, approve a reasonable attorney fee. If the award is $500 or more, the fee shall not exceed 10 per centum of the award. The fee shall be paid to the attorney representing the claimant out of, but not in addition to, the amount of the award. Any member of the bar in good standing may be recognized in presenting claims under the Federal Tort Claims Act.

(f) In any case in which the Chief Attorney has any doubt regarding the liability of the Government or other pertinent legal questions he should submit the matter to the General Counsel with the report required by § 14.605.

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective July 31, 1962.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 62-7498; Filed, July 30, 1962; 8:53 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 1—Federal Procurement Regulations

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 1 of Title 41 is amended as set forth below:

PART 1–7—CONTRACT CLAUSES

Subpart 1–7.1—Fixed-Price Supply Contracts

1. Paragraph (e) of the contract clause set forth in § 1–7.101–11 is revised to read as follows:

§ 1–7.101–11 Default.

* * * * *

(e) If, after notice of termination of this contract under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, or that the default was excusable under the provisions of this clause, the rights and obligations of the parties shall, if the contract contains a clause providing for termination for convenience of the Government, be the same as if the notice of termination had been issued pursuant to such clause. If, after notice of termination of this contract under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, and if this contract does not contain a clause providing for termination for convenience of the Government, the contract shall be equitably adjusted to compensate for such termination and the contract modified accordingly; failure to agree to any such adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

2. Section 1–7.101–11 is further amended by adding at the end thereof the following paragraph, which is not a part of the clause set forth in that section:

Pending publication of a new edition of Standard Form 32 (to replace the September 1961 edition), the last sentence of paragraph (e) of the Default clause may be deleted when the clause is used in a contract which contains a clause providing for termination for convenience of the Government, and regulations of agencies may so provide.

PART 1–16—PROCUREMENT FORMS

1. The table of contents is amended to include new § 1–16.404–1 as follows:

Sec.
1–16.404–1 Revision of Standard Form 23A.

Subpart 1–16.1—Forms for Advertised Supply Contracts

2. Paragraph (d) of § 1–16.101 is revised to read as follows:

§ 1–16.101 Forms prescribed.

* * * * *

(d) General Provisions (Supply Contract) (Standard Form 32, September 1961 edition). (Pending publication of a new edition of this form, agencies shall substitute the clause contained in § 1–7.101–11 for clause 11 thereof; however, paragraph (e) of the clause may be modified under the circumstances and to the extent provided in the paragraph at the end of that § 1–7.101–11.)

Subpart 1–16.4—Forms for Advertised Construction Contracts

3. Paragraph (g) of § 1–16.401 is revised to read as follows:

§ 1–16.401 Forms prescribed.

* * * * *

(g) General Provisions (Construction Contract) (Standard Form 23A, April 1961 edition). (The change specified in section 1–16.404–1 shall be made when using this form.)

4. Section 1–16.404 is amended by the addition of § 1–16.404–1 which reads as follows:

§ 1–16.404–1 Revision of Standard Form 23A.

(a) Except as provided in (b) of this § 1–16.404–1, agencies shall substitute the following for paragraph (e) of clause 5 (Termination for Default—Damages for Delay—Time Extensions):

(e) If, after notice of termination of the Contractor's right to proceed under the provisions of this clause, it is determined for any reason that the contractor was not in default under the provisions of this clause, or that the delay was excusable under the provisions of this clause, the rights and obligations of the parties shall, if the contract contains a clause providing for termination for convenience of the Government, be the same as if the notice of termination had been issued pursuant to such clause. If, in the foregoing circumstances, this contract does not contain a clause providing for termination for convenience of the Government, the contract shall be equitably adjusted to compensate for such termination and the contract modified accordingly; failure to agree to any such adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(b) Pending publication of a new edition of Standard Form 23A (April 1961 edition), the last sentence of the revised paragraph of the clause, as set forth in (a) of this § 1–16.404–1, may be deleted when used in a contract which contains a clause providing for termination for convenience of the Government, and regulations of agencies may so provide.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); Sec. 206(a)(4), 63 Stat. 391, 40 U.S.C. 487(a)(4))

Effective date. These regulations are effective October 15, 1962, but may be observed earlier.

Dated: July 25, 1962.

LAWSON B. KNOTT, JR.,
Acting Administrator of General Services.

[F.R. Doc. 62-7494; Filed, July 30, 1962; 8:52 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 11—INDUSTRIAL RADIO SERVICES

[Docket No. 13769, RM-109; FCC 62-816]

Report and Order

In the matter of amendment of § 11.729 (b) and (d) of the Commission's rules governing the Manufacturers Radio Service.

1. Our essential propositions in this rule-making proceeding were as follows:

(a) To allow Manufacturers Radio Service licensees on frequencies between 152 and 162 Mc/s to boost their authorized power input to 600 watts; and

(b) To allow these licensees greater freedom of geographic choice in specifying their Base station locations.

2. A notice of proposed rule making articulating the above propositions and their geneses was published in the FEDERAL REGISTER of September 14th, 1960 (25 F.R. 8831); and an Order extending the time for filing Reply Comments appeared in the November 5th, 1960 edition of the same publication at Volume 25, page 10603.

3. In response to our September 14th invitation to comment, Original Comments were filed by the following parties:

(a) The National Association of Manufacturers Committee on Manufacturers Radio Use (hereinafter referred to as the NAM).

(b) Forest Industries Radio Communications (hereinafter FIRC).

(c) The Central Committee on Communication Facilities of the American Petroleum Institute (hereinafter API).

Reply comments were filed by the first two parties noted above. The API chose not to file reply comments. All matter filed has been carefully read and considered.

4. Our order in this proceeding provides basically as follows:

(a) That Manufacturers Radio Service users be allowed to locate their base stations at sites suitable for the coverage required in the manufacturing operation in which the radio system is to be used; and

(b) That an increase in authorized power, to 180 watts maximum input, be allowed in the Manufacturers Radio Service on frequencies in the 152–162 Mc/s band.

5. Under the Commission's present rules governing the Manufacturers Radio Service, particularly § 11.729(b), Base Stations licensed within the Service and operating on frequencies within the 152–162 Mc/s band must be located "within the boundaries of a plant, factory, shipyard, mill or other manufacturing area occupied and controlled by the applicant . . . (or upon a showing of impracticability with respect to such location, to) . . . a location immediately adjacent thereto." Paragraph (d) of the same rule restricts a licensee to 60 watts maximum plate power input to the final radio frequency stage.

6. The specific frequencies involved in this proceeding are 15 in number. Twelve appear at and between 153.050 Mc/s and 153.380 Mc/s; two are at 158.280 Mc/s and 158.310 Mc/s; and the last is at 158.430 Mc/s. All of these frequencies are utilized on a shared basis amongst the Forest Products, Petroleum, and Manufacturers Radio Services. Unlike the Manufacturers Radio Service, Petroleum and Forest Products Radio Service licensees may operate on the subject frequencies with as much as 600 watts maximum plate power input to the final radio frequency stage; and they may locate their base stations wherever, for practical purposes, it suits their convenience.

7. The NAM, representing most Manufacturers Radio Service licensees, was the petitioner in this proceeding. Its petition for rule making, filed in April of 1959, led to the origination of this proceeding. Briefly, the NAM requested that the licensees represented by it be placed upon a base station freedom of location and power par with the Petroleum and Forest Products Radio Services. The Commission has, by means of previous Orders afforded the NAM the relief requested in all applicable frequency bands except the subject 152–162 Mc/s band. As noted in paragraph 4 above, the Commission is presently allowing a further measure of freedom by removing the parochial "yard area" concept from applicability to the Manufacturers Radio Service and by authorizing a three-fold increase in power. Our reasons for allowing these measures are enumerated below.

8. The Commission's original conception of the radio needs of American manufacturers was premised on the conclusion that such needs were essentially "in plant," which is to say, that manufacturers would, for the most part, utilize radio for production control requiring split-second timing, and for security and other internal purposes generally confined to small areas, and finally for localized materials handling. Indeed, these purposes and their recognition constituted the subject matter of representations made to the Commission over a period of years by the NAM in various Commission proceedings. We still believe that the essential and basic radio needs of the manufacturing industry are parochial in nature. Realistically however, we recognize that many manufacturing operations contain and require sub-activities which are of an ambulatory character. When the Manufacturers Radio Service was created in 1958, it was believed that most adequate and generous provision for such ambulatory operations had been made. Since 1958, however, we have, for good cause shown, broadened the scope of our 1958 rules to extend somewhat the limited area use of radio by American manufacturers. In candor, the relief afforded the Manufacturers Radio Service previously has involved no great measure of effort on our part because of the fact that none of the manufacturer's sister radio services were directly affected. Instantly, however, two of our other major Industrial Radio Services, the Petroleum and Forest Products Radio Services, are, or will be, directly affected by any action taken herein. That the Forest Products and Petroleum industries are vital, and have necessary and legitimate claims to certain usage of radio, cannot be gainsaid. We desire as far as possible to maintain the operational radio integrity of the Petroleum and Forest Products industries. But to the extent practicable, we have allowed concurrent usage of certain frequencies when, in our opinion, such concurrent usage was feasible. We believe our judgment in this regard was and is sound, and based upon a well considered notion of usage compatability.

9. Underlying this notion of usage compatability is the very basic premise that, by and large, manufacturing, forestry, and petroleum activities do not transpire in the same general areas. Exceptions do of course exist; and several have been called to our attention in this proceeding. The Los Angeles area has been denoted as one in which our usage compatability plan has proven unsuccessful. The NAM has alleged that Manufacturers Radio Service licensees in the Los Angeles area, serving, by way of example, the sprawling airframe industry, are at a distinct disadvantage because of their virtual confinement to plant or yard areas and especially because of their low input power restriction.

10. That a "bad situation" may indeed exist in the Los Angeles area, and undoubtedly other areas, we do not dispute or challenge. At the same time, however, we will note that these "difficult" areas are more than likely the exception rather than the rule; and that for the most part, in most other areas of the country, our usage compatability scheme has proven most successful. To alleviate the situation in the Los Angeles area, and other areas similarly situated, the NAM would have us amend our rules to place Manufacturers Radio Service licensees on what they have termed a "parity of power" and base station freedom of location basis with the other two services sharing the subject frequencies. The Petroleum and Forest Products Services are, needless to say, unalterably opposed to any such rules amendments. In the Commission's view, our original notions that communications requirements in the Petroleum and Forestry industries are essentially "wide area" in character and that manufacturers' needs are basically "small area" in nature remain valid. Admittedly however, this "small area" requirement has developed to be somewhat larger than the rather restrictive plant area concept under which the rules were originally promulgated.

11. The distinction between the "wide area" and the "small" or localized area concepts is not, in broad terms, difficult to define. In our present rules we distinguish these operations by allowing the Petroleum and Forest Products Radio Services ten times the power presently allowed to manufacturers. But on the basis of representations which have been made by the NAM, it appears that their original estimate, and ours, of manufacturers radio coverage needs, the estimates upon which the power disparity was predicated, were considerably short of being realistic. The manufacturers experience with radio since their Service was created, bears out this conclusion. The problem is, of course, aggravated by the "yard" and "plant" areas restriction.

12. The Commission is abandoning totally the "yard" area restriction as it applies to base station location in the Manufacturers Radio Service. Concurrently, we have been persuaded that an increase in authorized input power is highly desirable in order that manufacturers may attain something greater than minimal coverage in their radio operations. Our decision will not detract seriously from the usage to which Petroleum and Forest Products Radio Service licensees may dispose their radio facilities. A considerable power advantage to match the wider area requirement of these industries is maintained. At the same time Manufacturers Radio Service licensees will be afforded some power increase to better meet their present communications problems. We do no violence to our basic concepts of usage compatability. In those areas where petroleum, forestry, and manufacturing activities coincide, licensees in their own best interests will be required, as before, to exercise a great degree of discretion and control in their use of the subject shared frequencies. We find, in conclusion, that the basic needs and requirements of the Manufacturers Radio Service, in terms of radio coverage, are in excess of those which are presently capable of being attained; and that to the extent practicable, we satisfy these needs.

13. Accordingly, pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended: *It is ordered*, That effective September 4, 1962, § 11.729 (b) and (d) of Part 11 of the Commission's rules are amended in the manner set forth below;

and the proceedings in this Docket No. 13769 are hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: July 25, 1962.

Released: July 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

In Part 11, Industrial Radio Services, § 11.729 of the Manufacturers Radio Service Rules is revised by amending paragraphs (b) and (d) to read as follows:

§ 11.729 Station limitations.

* * * * *

(b) No base station will be authorized in this service for operation at unspecified or temporary locations.

* * * * *

(d) Stations in this service proposed to be operated on frequencies in the 152–162 Mc/s band will not be authorized to operate with a plate power input to the final radio frequency stage in excess of 180 watts.

[F.R. Doc. 62-7512; Filed: July 30, 1962; 8:55 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Pathfinder National Wildlife Refuge, Wyoming

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

WYOMING

PATHFINDER NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Pathfinder National Wildlife Refuge, Wyoming, is permitted only on the area designated by signs as open to hunting. This open area, comprising 46,341 acres or 100 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Antelope.

(b) Open season: From one hour before sunrise to one hour after sunset, September 15 through October 15, 1962, in that portion of Pathfinder National Wildlife Refuge lying in State Area No. 13; and September 15 through September 30, 1962, in that portion of Pathfinder National Wildlife Refuge lying in State Area No. 16.

(c) Daily bag limit: One antelope of either sex.

(d) Method of hunting:

(1) Weapons: A rifle having not less than $\frac{23}{100}$-inch bore, with cartridge not less than 2 inches over-all measurement, and containing a soft point bullet (hollow point and other expanding bullets approved).

(2) Guides: Persons may employ guides while hunting on the area, subject to the restrictions of State law or regulation.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Attaching carcass coupon to game animal killed: When any animal is killed under a permit or license issued by the Wyoming Game and Fish Commission, it shall be the duty of the holder thereof to detach, sign and date the proper tag or coupon, and to attach the said tag or coupon to the carcass of the animal so killed before leaving the site of the kill and the same shall remain on the animal so killed at all times until the meat is ready for processing, except that in the transportation of said carcass the tag or coupon may be removed to prevent its loss, but, in such case, the tag or coupon must at all times be in the possession of a person accompanying the carcass.

(3) Use of vehicles and lights in hunting limited: It is unlawful to hunt or kill game animals from or with use of any flying machine, motor boat, automobile, or any vehicle. Use of artificial lights, car headlights, or spotlights prohibited by law.

(4) A Federal permit is not required to enter the public hunting area.

(5) The provisions of this special regulation are effective to October 16, 1962.

JOHN C. GATLIN,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 23, 1962.

[F.R. Doc. 62-7471; Filed July 30, 1962; 8:47 a.m.]

PART 32—HUNTING

San Andres National Wildlife Refuge, New Mexico

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEW MEXICO

SAN ANDRES NATIONAL WILDLIFE REFUGE

Public hunting of big game on the San Andres National Wildlife Refuge, New Mexico, is permitted only on the area designated by signs as open to hunting. This open area, comprising 57,215 acres or 100 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Deer (either sex).

(b) Open season: December 1 and 2, 1962.

(c) Daily bag limit: One.

(d) Methods of hunting:

(1) Weapons: Rifles or shotguns are permitted but no semiautomatic loading rifle capable of holding more than six rounds in magazine and chamber combined; no gun or rifle capable of discharging more than once with a single pull or function of its trigger; no M–1 carbine; and no shotgun smaller than 20 gauge or larger than 10 gauge or capable of holding more than three shells in magazine and chamber combined and using other than slugs may be used.

(2) No hard-pointed or full metal case bullets are permitted.

(3) No cartridge with bullets less than 70 grains in weight or with rated impact energy at muzzle of less than 1,000 foot-pounds is permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Hunters must check in and out in person at the check station at the junction of U.S. 70 and Jornada Road. The check station will be open to allow hunters to start checking in during the late afternoon of November 30. Time of entry to the hunting area will be at the discretion of the conservation officer in charge. Camping will be permitted only at those places designated by the officers in charge of the hunt. Entry permits required by the military authorities will be available at the check station. All hunters must check out no later than 10 p.m. December 2.

(3) No entry into the hunting area from the west will be permitted north of the Rope Springs Road. Hunters will also not be permitted to enter the east side of the San Andres Range except at the discretion of the conservation officer in charge.

(4) The conservation officer in charge may restrict the number of hunters entering any one area. If required by the firing schedule, hunters will be cleared from all areas whereon their safety is endangered.

(5) A Federal permit is not required to enter the public hunting area, but special season deer tags are required of all hunters.

(6) The provisions of this special regulation are effective to December 3, 1962.

JOHN C. GATLIN,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 23, 1962.

[F.R. Doc. 62-7472; Filed, July 30, 1962; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 949]

IRISH POTATOES GROWN IN THE RED RIVER VALLEY OF NORTH DAKOTA AND MINNESOTA

Proposed Limitation of Shipments

Notice is hereby given that the Secretary of Agriculture is considering the limitation of shipments as hereinafter set forth, as recommended by the Red River Valley Potato Committee, established pursuant to Marketing Agreement No. 135 and Order No. 949 (7 CFR Part 949), regulating the handling of Irish potatoes grown in certain designated counties in North Dakota and Minnesota (the counties of Pembina, Walsh, Cavalier, Towner, Grand Forks, Nelson, Steele, Traill, Cass, Richland, and Ramsey of the State of North Dakota and Kittson, Marshall, Red Lake, Pennington, Polk, Norman, Mahnomen, Wilkin, Otter Tail, Becker, and Clay of the State of Minnesota), issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 5 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 949.304 Limitation of shipments.

During the period of August 13, 1962, through June 30, 1963, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), (f), and (g) of this section.

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 2 or better grade, 2 inches minimum diameter.

(2) *Long varieties.* U.S. No. 2 or better grade, 2 inches minimum diameter, or 4 ounce minimum weight.

(3) *All varieties.* Size B, if U.S. No. 1, or better grade.

(b) *Minimum maturity requirement.* All varieties: "Moderately skinned"—until November 1, 1962, when this requirement shall terminate.

(c) *Special purpose shipments.* Chipping: U.S. No. 2, or better grade, 2 inches minimum diameter; or if handled in compliance with the safeguard requirements of paragraph (e) of this section, U.S. No. 2, or better, grade, 1½ inches minimum diameter.

Prior to September 22, 1962, shipments of round white varieties (Cobblers, Kennebecs, Cherokees, and similar types) and Early Ohios for potato chips failing to meet the maturity requirements of paragraph (b) of this section may be handled without regard to such maturity requirements.

On and after September 22, 1962, with respect to round white varieties, and after the effective date hereof with respect to all other varieties, shipments for potato chips failing to meet the maturity requirements of paragraph (b) of this section may be handled without regard to such requirements if handlers thereof comply with the safeguard requirements of paragraph (e) of this section.

(d) *Exempted shipments.* The minimum grade, size, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes.

(1) *Certified seed,* if a copy of the applicable seed inspection certificate is furnished the committee.

(2) *Canning or freezing,* subject to compliance with the applicable provisions of paragraph (e) of this section.

(e) *Safeguards.* (1) Each handler making special purpose shipments authorized by paragraph (c) of this section requiring compliance with the provisions of this paragraph, and

(2) Each handler making special purpose shipments, other than seed, shall comply with the following safeguards:

(i) Prior to making shipment, apply for and obtain from the committee an approved Certificate of Privilege, pursuant to § 949.120;

(ii) Obtain inspection and pay assessments on such shipments, except shipments for canning or freezing;

(iii) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes; and

(iv) Bill each shipment directly to the applicable processor or receiver.

(3) Compliance with the requirements of this section shall not excuse failure to comply with State laws or regulations requiring inspection of potatoes handled for canning or freezing and the payment of State assessments thereon.

(f) *Minimum quantities.* Pursuant to § 949.53, each handler may handle up to, but not to exceed, 30 hundredweight of tablestock potatoes, in the aggregate, per shipment free from requirements effective pursuant to § 949.42 *Assessments* and § 949.60 *Inspection.* This exemption shall not apply to any portion of a shipment of over 30 hundredweight of such potatoes.

(g) *Inspection.* (1) No handler shall ship any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to paragraph (d) of § 949.60, that each inspection certificate for tablestock potatoes shall be valid for a period not to exceed 5 days, except that inspection certificates issued to registered handlers of potatoes for chipping (§ 949.140) on potatoes for special use as potato chips shall be valid for a period not to exceed 75 days. The valid period begins at the end of the day (midnight) on which inspection is completed as shown in the certificate.

(2) Except as provided in paragraph (f) of this section, no handler shall transport or cause the transportation of any shipment of tablestock potatoes by motor vehicle, unless such shipment is accompanied by a copy of the inspection certificate applicable thereto.

(h) *Definitions.* The terms "moderately skinned," "U.S. No. 1," "U.S. No. 2," and "Size B" shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. Other terms in this section shall have the same meaning as when used in Marketing Agreement No. 135 and this part.

(i) *Applicability to imports.* Pursuant to section 608e of the Act and § 980.1 of this chapter ("Import regulations"), red skinned round type Irish potatoes, except certified seed potatoes, imported into the United States during the period October 1, 1962, through June 30, 1963, shall meet the grade, size, quality and maturity requirements specified in paragraphs (a) and (b) of this section for such varieties.

(Secs: 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 26, 1962.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 62-7521; Filed, July 30, 1962; 8:55 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 880) has been filed by Cabot Corporation, Acheson Dispersed Pigments Division, 2250 East Ontario Street, Philadelphia 34, Pennsylvania, proposing the amendment of paragraph (c) of § 121.2507 *Cellophane* by adding thereto the following new items: Carboxymethyl

hydroxyethylcellulose polymer; sodium dioctyl sulfosuccinate; titanium dioxide.

Dated: July 24, 1962.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 62-7480; Filed, July 30, 1962; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 62-CE-41]

FEDERAL AIRWAYS

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.1525, 600.1532, and 600.1626 of the regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1525 extends in part from the Farmington, Mo., VOR as a 16-mile wide airway to the Troy, Ill., VOR via the Farmington VOR 351° and the Troy VOR 233° True radials. Intermediate altitude VOR Federal airway No. 1532 extends in part from the Tulsa, Okla., VOR as a 16-mile wide airway to the Troy, Ill., VOR via the intersection of the Tulsa VOR 059° and the Springfield, Mo., VOR 240° True radials and the Vichy, Mo., VOR. Intermediate altitude VOR Federal airway No. 1626 extends in part as an 8-mile wide airway via the Kingfisher, Okla., VOR; the intersection of the Kingfisher VOR 071° and the Tulsa, Okla., VOR 262° True radials; thence as a 14-mile wide airway to the intersection of the Tulsa VOR 262° and the Ponca City, Okla., VOR 150° True radials; thence as a 10-mile wide airway to the Tulsa VOR.

The Federal Aviation Agency has under consideration alteration of these segments of Victor 1525, 1532 and 1626. It is proposed to realign these airways to provide a dual intermediate altitude airway structure between St. Louis, Mo., and Tulsa, Okla. Victor 1525 would be realigned from the Farmington VOR as a 16-mile wide airway via the Farmington VOR 351° and the Troy VOR 234° True radials to the Troy VOR. Victor 1532 would be realigned from the Tulsa VOR as a 16-mile wide airway via the Fayetteville, Ark., VOR; intersection of the Fayetteville VOR 052° and the Maples, Mo., VOR 237° True radials; Maples VOR; intersection of the Maples VOR 050° and the Troy VOR 234° True radials to the Troy VOR. Victor 1626 would extend from the Tulsa VOR as a 16-mile wide airway via the Tulsa VOR 059° and the Springfield VOR 240° True radials; Springfield VOR; Vichy, Mo., VOR to the St. Louis, Mo., VOR. These alterations would facilitate the movement of air traffic operating between Tulsa and St. Louis in the intermediate altitude structure.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 25, 1962.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 62-7465; Filed, July 30, 1962; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 4, 7-11, 16, 21]

[Docket No. 14729; FCC 62-811]

ALLOCATION OF CERTAIN FREQUENCY BANDS

Notice of Proposed Rule Making

1. Notice is given hereby of proposed rule making in the above entitled matter.

2. In the Commission's Report and Order in Docket 11866 (24 F.R. 6442, August 11, 1959), it was determined that frequencies in the bands above 890 Mc/s should not be shared, as a general rule, by common carriers and private radio users. Further, it was determined that, as a general principle, the fixed and mobile services should not share the same frequencies. It was announced in said Report and Order that rule making would be undertaken subsequently to reallocate the bands 6425–6575, 10550–10700, and 11700–12200 Mc/s so as to divide them clearly between the common carrier and private radio services for mobile uses. Since this announcement, the Commission, by its Second Memorandum Opinion and Order in Docket 13928 (26 F.R. 10655, November 15, 1961), reallocated a portion of the band 10550–10700 Mc/s, viz. 10680–10700 Mc/s, for use in the Radio Astronomy Service. No changes were made in Docket 13928 in the allocation of the remaining band 10550–10680 Mc/s. Therefore, at the present time, the bands 6425–6575 and 11700–12200 Mc/s are allocated jointly for common carrier and private radio operations, with auxiliary broadcast operations sharing the 10550–10680 Mc/s band.

3. The proposed rule change presented here is to reallocate the bands 6425–6575, 10550–10680, and 11700–12200 Mc/s so that specified portions thereof will be allocated exclusively for common carrier mobile uses and the remaining bands will be allocated exclusively for private mobile uses. Thus, assignments for fixed operations in the band 10550–10680 Mc/s would be discontinued. (The precise proposal with reference to Part 2 of the rules is indicated below. The proposed amendment of Parts 4, 7, 8, 9, 10, 11, 16, and 21 would follow the same pattern, as appropriate to each part.)

4. In proposing the division of the band 6425–6575 Mc/s between the common carrier and private mobile services, the Commission has taken into consideration the fact that little use has been made of this band by private radio systems, whereas the common carriers have used the band extensively for several years providing a variety of such public services for which the demand is increasing.

5. The proposed reallocation would permit the common carrier mobile bands to be used for any type of mobile service to be rendered by common carriers, including video pickup for broadcasters, closed loop TV, maritime and, except as indicated in paragraph 7 below, aeronautical public correspondence, etc. Thus, operational difficulties heretofore encountered by the common carriers because of limitations as to their access to frequencies allocated for TV pickup service for broadcasters would be eased, and their ability to serve all members of the public would be enhanced.

6. In § 4.602(a), Part 4, the 10550–10680 Mc/s band is made available for assignment to television pickup, television STL and television inter-city relay stations. In that same section, the frequencies 7050–7075, 7075–7100, and 7100–7125 Mc/s, normally available for assignment to these television auxiliary broadcast uses, have been reserved for use by common carriers to provide television pickup and television STL service to broadcast stations. Although the Commission's records reveal a number of authorizations to common carriers for auxiliary broadcast purposes in this band, it appears unnecessary to continue its availability for common carrier licensing due to the proposed inclusion of television pickup stations in the 6425–6525 Mc/s band. For this reason and in keeping with the policy statements made by the Commission in Docket 11866, it is further proposed to delete the 10550–10680 Mc/s band from § 4.602(a) and to eliminate the reservation of the 7050–7075, 7075–7100, and 7100–7125 Mc/s band for the above-mentioned common carrier use.

7. The proposed reallocations would not permit the use of frequencies in the proposed common carrier band 11700–12200 Mc/s by stations in the areonautical mobile service. The Geneva (1959) Radio Regulations exclude stations in this service from the 11700–12700 Mc/s band. Also, the proposed reallocation would exclude stations in the aeronautical mobile service from the proposed private mobile bands (6525–6575 Mc/s and 10550–10680 Mc/s) in view of the absence of any indication of need therefor and because the considerations involved in the shared use of frequencies among land mobile stations are different from those involved in the shared use of frequencies between land mobile stations and stations in the aeronautical mobile service.

8. The proposed reallocation would permit the private mobile bands to be used for all mobile purposes, including temporary service between fixed points, such as police "stake outs" or other closed circuit TV operations, to bridge temporary breaks in an established point-to-point microwave communications system, etc. However, such private mobile bands would not be available for auxiliary broadcast uses. The Business Radio Service would be included in the usage of the band 10550–10680 Mc/s, but would be excluded from the lower band of 6525–6575 Mc/s.

9. Because the growth in occupancy in these two last named bands has been rather slow, there appears to be no urgent reason to require existing assignments which may become out-of-band at the conclusion of this proceeding to move immediately. It is proposed, therefore, to permit such stations to continue to operate on their presently assigned frequencies on a noninterference basis to stations authorized pursuant to the reallocations proposed herein.

10. Authority for these proposed amendments is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

11. Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before October 1, 1962, and reply comments on or before October 15, 1962. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

12. In accordance with the provisions of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: July 25, 1962.

Released: July 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

APPENDIX

1. Section 2.1 is amended to add the following definitions in their proper alphabetical sequence:

§ 2.1 Definitions.

* * * * * *

Common Carrier land station. A land station open to public correspondence.

Common Carrier mobile station. A mobile station open to public correspondence.

Operational land station. A land station, not open to public correspondence, operated by and for the sole use of those agencies operating their own radio-communication facilities in the public safety, industrial, land transportation, marine, or aviation services, excluding stations in the aeronautical mobile service.

Operational mobile station. A mobile station, not open to public correspondence, operated by and for the sole use of those agencies operating their own radio-communication facilities in the public safety, industrial, land transportation, marine, or aviation services, excluding stations in the aeronautical mobile service.

§ 2.106 [Amendment]

2. Section 2.106 of the Commission's rules and regulations is amended as follows:

a. The Table of Frequency Allocations is amended to read, in part, as follows:

Federal Communications Commission				
Band (Mc/s) 7	Service 8	Class of Station 9	Frequency (Mc/s) 10	Nature {OF SERVICES of stations 11
*	*	*	*	*
6425-6525 (NG—)	MOBILE.	Common Carrier land. Common Carrier mobile.		
6525-6575 (NG—)	MOBILE.	Operational land. Operational mobile (except television pickup).		
*	*	*	*	*
10550-10680 (NG—)	MOBILE.	Operational land. Operational mobile (except television pickup).		
*	*	*	*	*
11700-12200	MOBILE.	Common Carrier land. Common Carrier mobile (except aeronautical mobile).		

b. Footnote NG7 is deleted.

c. Footnote NG— is added in its proper numerical sequence.

NG— Licensees holding a valid authorization on ----------, 19--, to operate in the frequency bands 6425–6525 Mc/s, 6525–6575 Mc/s and 10550–10680 Mc/s may continue to be authorized for such operation on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

[F.R. Doc. 62-7514; Filed, July 30, 1962; 8:55 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 5 (Rev. 3)]

DEPUTY COMMISSIONER ET AL.

Emergency Order of Succession and Delegation of Authority

JULY 17, 1962.

1. By virtue of the authority vested in me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955, the officials in the positions listed below and on a document filed at the Internal Revenue Service emergency relocation site are hereby authorized, in the event of an enemy attack on the United States, and the disability of the Commissioner, his absence from the emergency relocation site, or if there is a vacancy in the office, to succeed to the position of Acting Commissioner in the order listed, and are authorized to perform the functions of Commissioner to insure the continuity of the functions of that office:

Deputy Commissioner.
Assistant Commissioner (Compliance).
Assistant Commissioner (Technical).
Assistant Commissioner (Data Processing).
Assistant Commissioner (Inspection).
Assistant Commissioner (Planning and Research).
Assistant Commissioner (Administration).

If none of these officials are available, the first available Regional Commissioner, in the order listed in the document on file at the emergency relocation site, will become Acting Commissioner.

Immediately in the event of an attack on the United States, each Regional Commissioner shall communicate as quickly as possible with the emergency National Office at the relocation site and advise the official in charge of his availability to assume the position of Acting Commissioner. After the lapse of a reasonable time for receipt of communications from the Regional Commissioners, the official in charge of the emergency National Office will advise the available Regional Commissioner highest in the order of succession to report to the emergency National Office at the relocation site to become Acting Commissioner.

If no Regional Commissioner is available, a District Director will become Acting Commissioner in the order indicated in the above-mentioned document on file at the emergency relocation site. District Directors need not contact the emergency National Office.

2. There is hereby delegated to Regional Commissioners and District Directors, or the officials acting in their stead, upon the event of any enemy attack on the United States, all authority vested in the Commissioner of Internal Revenue by law or transfer from the Secretary of the Treasury as is necessary to insure the continuous performance of Internal Revenue Service functions by those officials in their areas of jurisdiction. This delegation of authority will remain in effect until notice is received that it has been terminated.

3. This Order supersedes Delegation Order No. 5 (Rev. 2), issued October 24, 1960.

Effective date: July 17, 1962.

[SEAL] MORTIMER M. CAPLIN,
Commissioner.

[F.R. Doc. 62-7495; Filed, July 30, 1962; 8:53 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order 601; Amdt. 9]

REVESTED OREGON AND CALIFORNIA RAILROAD GRANT LANDS, COOS BAY WAGON ROAD GRANT LANDS AND PUBLIC DOMAIN LANDS

Declaration of Annual Productive Capacity

JULY 25, 1962.

The annual productive capacities of the Master Units composing the Revested Oregon and California Railroad Grant Lands, the Coos Bay Wagon Road Grant Lands and the intermingled and adjacent public domain areas in Oregon declared in Bureau Order No. 601, Amendment No. 8 dated June 29, 1962, are amended as follows:

Master unit:	*Annual productive capacity (feet board measure)*
1. Columbia River	68,000,000
2. Clackamas-Molalla	36,000,000
3. Alsea-Rickreall	99,000,000
4. Santiam River	64,000,000
5. Upper Willamette	91,000,000
6. Siuslaw	82,000,000
7. Douglas	154,000,000
8. South Umpqua	33,000,000
9. South Coast	228,000,000
10. Josephine	147,000,000
11. Jackson	98,000,000
12. Klamath	27,000,000
Total	1,127,000,000

Annual Productive Capacity as declared in this amendment, includes the Revested Oregon and California Railroad and Reconveyed Coos Bay Wagon Road Grant Lands, other lands administered by the Bureau under provisions of the act approved August 28, 1937, and the public lands administered by the Bureau of Land Management which are in Oregon west of Range 8 E., Willamette Meridian, Oregon.

KARL S. LANDSTROM,
Director.

[F.R. Doc. 62-7473; Filed, July 30, 1962; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

RAYMOND E. HEBERT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: Northwest Production.
B. Additions: Savin Business Machine.

This statement is made as of July 11, 1962.

RAYMOND E. HEBERT.

JULY 11, 1962.

[F.R. Doc. 62-7493; Filed, July 30, 1962; 8:52 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 561 (27 F.R. 4001) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under Section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.9) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (20 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Charleston Manufacturing Co., Charleston, S.C.; effective 7-11-62 to 7-10-63 (ladies' dresses).

Colonial Corp. of America, Woodbury, Tenn.; effective 7-21-62 to 7-20-63 (men's and boys' dress and sport shirts).

Frackville Pajama Corp., Frackville, Pa.; effective 7-21-62 to 7-20-63 (men's and boys' pajamas).

Gary Co., Inc., Gallatin, Tenn.; effective 7-23-62 to 7-22-63 (men's dress shirts).

Gateway Manufacturing Co., 215 West Church Street, Masontown, Pa.; effective 7-10-62 to 7-9-63 (ladies' blouses).

Katz Underwear Co., Plant No. 1—Sixth Street, Plant No. 2—Sunrise Avenue, Honesdale, Pa.; effective 7-23-62 to 7-22-63 (women's and misses' nightgowns and pajamas).

Levi Strauss and Co., Blue Ridge, Ga.; effective 7-11-62 to 7-10-63 (men's, boys' and youths' casual pants).

Linden Manufacturing Co., Linden, Ala.; effective 7-21-62 to 7-20-63 (women's cotton dresses and blouses).

Martin Shirt Corp., Cookeville, Tenn.; effective 7-25-62 to 7-24-63 (men's and boys' dress shirts).

Maxwell Garment Co., Inc., 145 Maxwell Avenue, Greenwood, S.C.; effective 7-13-62 to 7-12-63 (women's blouses and men's shirts).

Oberman Manufacturing Co., Morrilton, Ark.; effective 7-16-62 to 7-15-63 (men's and boys' single pants).

Suzy Dress Corp., 900 Passaic Avenue, East Newark, N.J.; effective 7-10-62 to 7-9-63 (children's dresses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Jacy Manufacturing Co., Wilburton, Pa.; effective 7-9-62 to 7-8-63; 10 learners for normal labor turnover purposes. Learners may not be employed at special minimum wage rates in the production of separate skirts (ladies' dresses).

Morris Maier Shirt Manufacturing Co., Inc., 320 North Arizona, Prescott, Ariz.; effective 7-15-62 to 7-14-63; 10 learners (ladies' blouses and men's sport shirts).

Pine Plains Manufacturing Co., 235 Front Street, Cheraw, S.C.; effective 7-17-62 to 7-16-63; 10 learners (children's slacks).

Susan Garment, Inc., 425 Crawell Street, Lebanon, Pa.; effective 7-24-62 to 7-23-63; 10 learners (ladies' blouses, dusters and dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Gary Co., Inc., Gallatin, Tenn.; effective 7-16-62 to 1-15-63; 50 learners (men's dress shirts).

Jack Winter Sportswear, Inc., 515 West Central, Warren, Ark.; effective 7-12-62 to 1-11-63; 50 learners (women's sportswear—slacks, shorts, pedal pushers, etc.).

Leitchfield Manufacturing Co., Leitchfield, Ky.; effective 7-10-62 to 1-9-63; 70 learners (men's trousers, outerwear jackets and coats).

Pine Plains Manufacturing Co., 235 Front Street, Cheraw, S.C.; effective 7-17-62 to 1-16-63; 10 learners (children's slacks).

Salant & Salant, Inc., Marked Tree, Ark.; effective 7-11-62 to 1-10-63; 100 learners (men's cotton sport shirts).

Sandye Shirt Corp., Portland, Tenn.; effective 7-11-62 to 1-10-63; 30 learners (men's and boys' shirts and pajamas).

Washington Garment Co., Washington, Pa.; effective 7-11-62 to 1-10-63; 100 learners for plant expansion purposes. Learners may not be employed in the production of separate skirts (ladies' slacks and shorts).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Ballet Hosiery Co., Wadesboro, N.C.; effective 7-23-62 to 1-22-63; 50 learners for plant expansion purposes (ladies' knit hosiery).

Dothan Hosiery Co., Dothan, Ala.; effective 7-20-62 to 1-19-63; 50 learners for plant expansion purposes (seamless).

Elizabeth City Hosiery Mills, Elizabeth, N.C.; effective 7-17-62 to 7-16-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Melrose Hosiery Mills, Inc., 1541 English Street, High Point, N.C.; effective 8-1-62 to 7-31-63; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys', misses' and ladies' seamless hose).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Ellwood Knitting Mills, Inc., 1110 Mecklen Lane, 911 Lawrence Avenue, Ellwood City, Pa.; effective 7-16-62 to 1-15-63; 35 learners for plant expansion purposes (men's and boys' knitted sweaters).

Junior Form Lingerie Corp., Atkinson Way, Boswell, Pa.; effective 7-10-62 to 1-9-63; 10 learners for plant expansion purposes (ladies' slips).

J. H. Rohrer Textile Co., Inc., New Ringgold, Pa.; effective 7-13-62 to 7-12-63; five learners for normal labor turnover purposes (men's, women's and children's knit underwear and sleepwear).

Seamprufe Inc., Ratcliff, Ark.; effective 7-17-62 to 7-16-63; five learners for normal labor turnover purposes (slips and lingerie).

Shadowline, Inc., Boone, N.C.; effective 7-17-62 to 1-16-63; 25 learners for plant expansion purposes (ladies' knit and woven lingerie).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Alpco of Puerto Rico, San Lorenzo, P.R.; effective 7-2-62 to 1-1-63; 50 learners for plant expansion purposes, in the occupations of: (1) Stitching machine operator for a learning period of 320 hours at the rates of 53 cents an hour for the first 160 hours and 61 cents an hour for the remaining 160 hours; (2) die and clicker out, embosser, creaser, riveter, skiver, framer, end press, button, stapler and turner machine operator; gold tool stamper; decorator; case (assembler); inspector-finisher, each for a learning period of 160 hours at the rate of 53 cents an hour (ladies' and men's billfolds).

Bayuk International, Inc., Route 149, Km. 112, Ciales, P.R.; effective 6-24-62 to 7-14-62; 130 learners for plant expansion purposes, in the occupation of sorter; sizer and tier; grader for a learning period of 240 hours at the rate of 70 cents an hour (wrapper type tobacco) (replacement certificate).

Consolidated Cigar Corp. of Puerto Rico, Caguas, P.R.; effective 6-25-62 to 6-24-63; 104 learners for normal labor turnover purposes, in the occupation of cigar maker; packer for a learning period of 320 hours at the rates of 80 cents an hour for the first 160 hours and 90 cents an hour for the remaining 160 hours (cigars).

Consolidated Cigar Corp. of Cayey, Cayey, P.R.; effective 6-24-62 to 8-20-62; 170 learners for normal labor turnover purposes, in the occupations of: (1) Cigar maker; packer for a learning period of 320 hours at the rates of 80 cents an hour for the first 160 hours and 90 cents an hour for the remaining 160 hours; (2) sorter; selecter; sizer and tier for a learning period of 240 hours at the rate of 80 cents an hour; (3) machine stripper; inspector for a learning period of 160 hours at the rate of 80 cents an hour (cigars) (replacement certificate).

Euphonics Corp. (Instrument Division), Rio Piedras, P.R.; effective 7-2-62 to 1-1-63; 20 learners for plant expansion purposes, in the single occupation of basic hand and/or machine production operations in the manufacture of milliammeters: magnetizer; subassembly; case assembly; coil winder and tester, for a learning period of 480 hours at the rates of 92 cents an hour for the first 240 hours and $1.04 an hour for the remaining 240 hours (milliammeters).

Rico Glove Corp., Cayey, P.R.; effective 7-1-62 to 6-30-63; 16 learners for normal labor turnover purposes, in the occupation of machine stitcher for a learning period of 480 hours at the rates of 68 cents an hour for the first 240 hours and 79 cents an hour for the remaining 240 hours (fabric gloves).

Smartex Corp., Playa Road, Salinas, P.R.; effective 6-25-62 to 12-24-62; 81 learners for plant expansion purposes, in the occupation of sewing machine operator; final presser for a learning period of 480 hours at the rates of 66 cents an hour for the first 240 hours and 77 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 66 cents an hour (ladies' knit t-shirts and children's play clothes).

Star Kist Caribe, Inc., Mayaguez, P.R.; effective 6-25-62 to 6-24-63; 60 learners for normal labor turnover purposes, in the occupation of tuna fish cleaner and packer for a learning period of 160 hours at the rates of 87 cents an hour for the first 80 hours and $1.01 an hour for the remaining 80 hours (canned tuna fish and by-products).

Tobacco Products Mfg. Corp. of Puerto Rico, Caguas, P.R.; effective 6-24-62 to 10-22-62; 19 learners for normal labor turnover purposes, in the occupation of sorter for a learning period of 240 hours at the rate of 70 cents an hour (processing of shade wrapper tobacco) (replacement certificate).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 23d day of July 1962.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 62-7474; Filed, July 30, 1962; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-136]

AMERICAN RADIATOR & STANDARD SANITARY CORP.

Notice of Application for Utilization Facility Export License

Please take notice that American Radiator & Standard Sanitary Corporation represented by Advanced Technology Laboratories, a Division of American-Standard, 369 Whisman Road, Mountain View, California, has submitted an application dated May 28, 1962, for a license authorizing the export of a 100 kilowatt, water-moderated, graphite-reflected, Model UTR-100 teaching and research nuclear reactor to the Scottish Research Reactor Center, East Kilbride, Scotland.

A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 23d day of July 1962.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Application.

[F.R. Doc. 62-7462; Filed, July 30, 1962; 8:45 a.m.]

[Docket No. 50-163]

GENERAL DYNAMICS CORP.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 4, set forth below, to Facility License No. R-67, as amended. The license authorizes General Dynamics Corporation to operate its TRIGA Mark F nuclear reactor located at Torrey Pines Mesa, California. The amendment authorizes General Dynamics Corporation to conduct its Part II test program in the reactor loaded with modified TRIGA fuel elements, involving pulse insertions of reactivity of from $3.00 to $5.00 (3.5% delta k/k) in successive increments of $0.20 each, with a minimum of five reactor pulses at each increment, as described in the licensee's applications for license amendment dated October 13, 1961, and April 12, 1962, and supplemental letter dated June 14, 1962.

The Commission has found that:

(1) Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

(3) Prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license, as amended, will not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operation.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulation (10 CFR, Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) a related hazards analysis prepared by the Test and Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) the licensee's applications for license amendment dated October 13, 1961, and April 12, 1962, and supplemental letter dated June 14, 1962, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room, or upon request, addressed to the Atomic Energy Commission, Washington, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 24th day of July 1962.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-67; Amdt. 4]

License No. R-67, as amended, issued to General Dynamics Corporation, is hereby amended in the following respects:

In addition to the activities previously authorized by the Commission in License No. R-67, as amended, General Dynamics Corporation is authorized to conduct its Part II test programs, involving pulse insertions of reactivity of from $3.00 up to $5.00 (3.5% delta k/k) in successive increments of $0.20 each, with a minimum of five reactor pulses at each increment, in the Corporation's TRIGA Mark F reactor, loaded with modified TRIGA fuel elements and located at Torrey Pines Mesa, California, as described in its applications for license amendment dated October 13, 1961, and April 12, 1962, and supplemental letter dated June 14, 1962.

This amendment is effective as of the date of issuance.

Date of issuance: July 24, 1962.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-7463; Filed, July 30, 1962; 8:45 a.m.]

[Docket No. 50-139]

UNIVERSITY OF WASHINGTON

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 3, set forth below, to Facility License No. R-73. The license authorizes the University of Washington to operate its Argonaut-type nuclear reactor, located in Seattle, Washington. The amendment authorizes the licensee (1) to increase the diameter of the center vertical hole in the internal reflector from 1½ inches to 2⅛ inches, (2) to fill the voids between the concrete biological shield and graphite reflector with styrofoam, and (3) to amend the Hazards Summary Report concerning use of shadow shielding when beam tube plugs are removed, as described in the licensee's application for license amendment dated March 8, 1962, and supplemental letter dated May 23, 1962.

The Commission has found that:

(1) Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(3) Prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license, as amended, will not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operation.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) a related hazards analysis prepared by the Test and Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) the licensee's application for license amendment dated March 8, 1962 and supplemental letter dated May 23, 1962, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room, or upon request, addressed to the Atomic Energy Commission, Washington, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 25th day of July 1962.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-73; Amdt. 3]

License No. R-73, as amended, issued to University of Washington is hereby amended in the following respects:

In addition to the activities previously authorized by the Commission in License No. R-73, as amended, University of Washington is authorized (1) to increase the diameter of the center vertical hole in the internal reflector from 1½ inches to 2⅛ inches, (2) to fill the voids between the concrete biological shield and graphite reflector with styrofoam, and (3) to amend the Hazards Summary Report concerning use of shadow shielding in front of the east beam tube when beam tube plugs are removed, as described in its application for license amendment dated March 8, 1962 and supplemental letter dated May 23, 1962, in the University's Argonaut-type nuclear reactor facility located on the University's campus in Seattle, Washington.

New condition 4.A.3. is added to the license as follows:

"4.A.3. A concrete shadow shield 2 ft. 8 in. thick, 3 ft. wide, and 5 ft. high must be maintained in front of the 1½ in. beam tube at the east end of the reactor (opposite the control office door) at all times during reactor operation, when the beam tube plugs of the aforementioned beam tube are removed."

This amendment is effective as of the date of issuance.

Date of issuance: July 25, 1962.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 62-7464; Filed, July 30, 1962; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14724, 14725; FCC 62M-1057]

CAPITOL TELECASTING CO. AND AUSTIN BROADCASTING CO., INC.

Order Scheduling Hearing

In re applications of Dalton Homer Cobb tr/as Capitol Telecasting Company, Austin, Texas, Docket No. 14724, File No. BPCT-2947; Austin Broadcasting Company, Inc., Austin, Texas, Docket No. 14725, File No. BPCT-2985; for construction permits for new television broadcast stations (Channel 24).

It is ordered, This 24th day of July 1962, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 22, 1962, in Washington, D.C.; *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Tuesday, September 11, 1962.

Released: July 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7499; Filed, July 30, 1962; 8:53 a.m.]

[Docket Nos. 14673-14675; FCC 62M-1063]

RELIABLE BROADCASTING CO., ET AL.

Order Continuing Hearing

In re applications of Thurman F. Chitwood, Paul J. Smith and Vern L. Kuhlman d/b as Reliable Broadcasting Co., Calhoun, Georgia, Docket No. 14673, File No. BP-14483; Blue Ridge Mountain Broadcasting Company, Inc., Ellijay, Georgia, Docket No. 14674, File No. BP-14942; Allen Woodall, tr/as Radio Canton, Canton, Georgia, Docket No. 14675, File No. BP-15266; for construction permits.

A prehearing conference in the above-entitled matter having been held on July 25, 1962, and it appearing from the record made therein that certain agreements were reached and certain rulings made by the Hearing Examiner which should be formalized by order;

It is ordered, This 25th day of July 1962, that:

(1) The direct affirmative cases of the applicants shall be presented entirely in the form of sworn written exhibits;

(2) Copies of all such exhibits shall be exchanged among the parties on or before the following dates:

(a) Engineering exhibits—September 10, 1962.

(b) Non-engineering exhibits—September 17, 1962.

(3) In the event any party wishes to call for cross-examination any witness responsible for the preparation of any of any other parties' exhibits, notification thereof shall be given on or before September 21, 1962;

It is further ordered, That the hearing herein heretofore scheduled to commence on September 11, 1962, is continued to September 26, 1962, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: July 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7500; Filed, July 30, 1962; 8:53 a.m.]

[Docket Nos. 14714, 14715; FCC 62M-1050]

DESERT BROADCASTING CO., INC., AND MANUEL MARTINEZ

Order Scheduling Hearing

In re applications of Desert Broadcasting Company, Inc., Docket No. 14714, File No. BMPH-6746; for additional time to construct Radio Station KANT-FM, Lancaster, California; and Desert Broadcasting Company, Inc. (Assignor), and Manuel Martinez (Assignee), Docket No. 14715, File No. BAPH-271; for assignment of construction permit for Radio Station KANT-FM, Lancaster, California

It is ordered, This 24th day of July 1962, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 22, 1962, in Washington, D.C.; *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Tuesday, September 11, 1962.

Released: July 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7501; Filed, July 30, 1962; 8:53 a.m.]

[Docket No. 14716; FCC 62M-1051]

GASTONIA BROADCASTING SERVICE, INC. (WLTC)

Order Scheduling Hearing

In re application of Gastonia Broadcasting Service, Inc. (WLTC), Gastonia, North Carolina, Docket No. 14716, File No. BP-14654; for construction permit.

It is ordered, This 24th day of July 1962, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 16, 1962, in Washington, D.C.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Thursday, September 13, 1962.

Released: July 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7502; Filed, July 30, 1962; 8:53 a.m.]

[Docket Nos. 14721, 14722; FCC 62M-1055]

GENERAL COMMUNICATIONS, INC. (KXKW) AND SOUTH MISSISSIPPI BROADCASTING CO.

Order Scheduling Hearing

In re applications of General Communications, Incorporated (KXKW), Lafayette, Louisiana, Docket No. 14721, File No. BMP-9060; Holton D. Turnbough and George J. Sliman d/b as South Mississippi Broadcasting Company, Mississippi City, Mississippi, Docket No. 14722, File No. BP-14865; for construction permits.

It is ordered, This 24th day of July 1962, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 15, 1962, in Washington, D.C.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding

officer at 9:00 a.m., Wednesday, September 12, 1962.

Released: July 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7503; Filed, July 30, 1962; 8:54 a.m.]

[Docket No. 14638; FCC 62M-1049]

HUGH JORDON STOCK

Order Scheduling Hearing

In re application of Hugh Jordan Stock, Riverton, Wyoming, Docket No. 14638, File No. BP-14184; for construction permit.

It is ordered, This 24th day of July 1962, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 17, 1962, in Washington, D.C.; *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, September 14, 1962.

Released: July 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7504; Filed, July 30, 1962; 8:54 a.m.]

[Docket No. 14723; FCC 62M-1056]

KATV, INC. (KATV)

Order Scheduling Hearing

In re application of KATV, INC. (KATV), Little Rock, Arkansas, Docket No. 14723, File No. BMPCT-5677; For Modification of Construction Permit to Change Transmitter Location and Increase Antenna Height.

It is ordered, This 24th day of July 1962, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 22, 1962, in Pine Bluff, Arkansas: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 10:00 a.m., Friday, September 7, 1962, in the Offices of the Commission, Washington, D.C.

Released: July 25, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7505; Filed, July 30, 1962; 8:54 a.m.]

[Docket No. 14666; FCC 62M-1061]

KDIA, INC. (KDIA)

Order Continuing Hearing

In re application of KDIA, Inc. (KDIA), Oakland, California, Docket No. 14666, File No. BP-13723; for construction permit.

Pursuant to a prehearing conference held this date: *It is ordered*, This 25th day of July 1962, that the hearing herein now scheduled for September 10, 1962, be and the same is hereby rescheduled for October 22, 1962, at a place and hour to be hereinafter determined.

Released: July 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7506; Filed, July 30, 1962; 8:54 a.m.]

[Docket No. 14637; FCC 62M-1048]

WILLIAM L. ROSS

Order Scheduling Hearing

In re application of William L. Ross, Riverton, Wyoming, Docket No. 14637, File No. BP-14086; for construction permit.

It is ordered, This 24th day of July 1962, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 15, 1962, in Washington, D.C.; *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Thursday, September 13, 1962.

Released: July 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7507; Filed, July 30, 1962; 8:54 a.m.]

[Docket No. 14717; FCC 62M-1052]

MISS-LOU BROADCASTING CO. (KFNV)

Order Scheduling Hearing

In re application of Marie K. Zuccaro tr/as Miss-Lou Broadcasting Company (KFNV), Ferriday, Louisiana, Docket No. 14717, File No. BP-11690; for construction permit.

It is ordered, This 24th day of July 1962, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 8, 1962, in Washington, D.C.; *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Monday, September 10, 1962.

Released: July 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7508; Filed, July 30, 1962; 8:54 a.m.]

[Docket Nos. 14192, 14718; FCC 62M-1053]

OUACHITA VALLEY RADIO CORP. AND CAMDEN COMMUNITY BROADCASTERS

Order Scheduling Hearing

In re applications of Ouachita Valley Radio Corporation, Camden, Arkansas, Docket No. 14192, File No. BP-15213; Charles Mathis, Jr. and Thomas E. Dillahunty d/b as Camden Community Broadcasters, Camden, Arkansas, Docket no. 14718, File No. BP-14427; for construction permits.

It is ordered, This 24th day of July 1962, that Chester F. Naumowicz, Jr., will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 18, 1962, in Washington, D.C.; *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Monday, September 17, 1962.

Released: July 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7509; Filed, July 30, 1962; 8:54 a.m.]

[Docket Nos. 14726, 14727; FCC 62M-1058 Corrected]

PROGRESS VALLEY BROADCASTERS CO. AND SHAKOPEE BROADCASTING CO.

Order Scheduling Hearing

In re applications of George J. McCarthy, Robert J. Chevalier and Robert D. Zellmer, Limited Partnership, d/b as Progress Valley Broadcasters Company, Shakopee, Minnesota, Docket No. 14726, File No. BP-14665; Alfred R. Sunberg, James J. Delmont and Edward M. Smith, Limited Partnership, d/b as Shakopee Broadcasting Company, Shakopee, Minnesota, Docket No. 14727, File No. BP-15281; for construction permits.

It is ordered, This 24th day of July 1962, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 22, 1962, in Washington, D.C.; *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Thursday, September 13, 1962.

Released: July 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7510; Filed, July 30, 1962; 8:54 a.m.]

[Docket Nos. 14719, 14720; FCC 62M-1054]

WYMAN N. SCHNEPP ET AL.

Order Scheduling Hearing

In re applications of Wyman N. and Willa M. Schnepp, Joint Tenants, Abilene, Kansas, Docket No. 14719, File No. BP-14587; Valley Broadcasting Company, Beloit, Kansas, Docket No. 14720, File No. BP-14592; for construction permits.

It is ordered, This 24th day of July 1962, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 22, 1962, in Washington, D.C.; *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Wednesday, September 12, 1962.

Released: July 25, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7511; Filed, July 30, 1962; 8:54 a.m.]

[Docket No. 14510 etc.; FCC 62M-1043]

ROCKLAND BROADCASTING CO. ET AL.

Memorandum of Severance

In re applications of Sidney Fox, George Dacre, Harry Edelstein, d/b as Rockland Broadcasting Company, Blauvelt, New York, Docket No. 14510, File No. BP-13477; Delaware Valley Broadcasting Co. (WAAT), Trenton, New Jersey, Docket No. 14511, File No. BP-14054; Rockland Radio Corporation, Spring Valley, New York, Docket No. 14512, File No. BP-14461; Rockland Broadcasters, Inc., Spring Valley, New York, Docket No. 14513, File No. BP-14462; Asbury Park Press, Inc. (WJLK), Asbury Park, New Jersey, Docket No. 14514, File No. BP-14469; City of Camden (WCAM), Camden, New Jersey, Docket No. 14616, File No. BP-14638.

At today's hearing session the applications of Delaware Valley Broadcasting Co. (WAAT) (Docket No. 14511), Asbury Park Press, Inc. (WJLK) (Docket No. 14514), and City of Camden (WCAM) (Docket No. 14616) were severed from the consolidated proceeding, and henceforth will constitute a separate consolidated proceeding for hearing and decision.

Dated: July 24, 1962.

Released: July 26, 1962.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 62-7513; Filed, July 30, 1962; 8:55 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-11294, G-13459, G-16508, G-19657, RP61-11]

ARKANSAS LOUISIANA GAS CO.

Notice of Extension of Time and Postponement of Hearing

JULY 25, 1962.

Upon consideration of the request filed July 23, 1962 by Counsel for Arkansas Louisiana Gas Company for an extension of time within which to serve prepared testimony and exhibits for its case-in-chief upon all parties as ordered in Paragraph (C) of the Commission's order of July 5, 1962 and for a postponement of the hearing presently scheduled for September 4, 1962 as set forth in ordering Paragraph (B) of said order;

Notice is hereby given that the time within which Arkansas Louisiana Gas Company shall serve its prepared testimony and exhibits for its case-in-chief upon all parties is hereby extended to and including August 30, 1962 and that the hearing presently scheduled for September 4, 1962 is postponed to September 24, 1962.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-7524; Filed, July 30, 1962; 8:56 a.m.]

[Docket No. E-7046]

BLACK HILLS POWER AND LIGHT CO.

Notice of Application

JULY 26, 1962.

Take notice that on July 23, 1962, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Black Hills Power and Light Company (Applicant) for authorization to issue and sell 20,000 additional shares of its Common Stock, par value $1 per share. Applicant, incorporated under the laws of the State of South Dakota and qualified to do business as a foreign corporation in the State of Wyoming, provides electric service in 18 incorporated communities and various unincorporated communities and rural areas located in western South Dakota and eastern Wyoming.

Applicant proposes to issue and sell to its employees and to employees of its wholly-owned subsidiary, Wyodak Resources Development Corp., up to but not exceeding 20,000 additional shares of its Common Stock, par value $1 per share, as follows: Up to but not exceeding 10,000 shares will be issued and sold from time to time prior to February 1, 1982, to executives and other key employees, pursuant to "restricted stock options" granted in accordance with the terms and provisions of the Applicant's Restricted Stock Option Plan; up to but not exceeding 10,000 shares will be issued and sold from time to time to employees through the medium of voluntary payroll deductions pursuant to the Applicant's Employee Savings and Welfare Plan. Applicant estimates that over a period not exceeding 20 years aggregate net proceeds from the issuance and sale of the additional shares of its Common Stock will be not less than $734,000, and states that the net proceeds will be used for additions and improvements to its properties.

Any person desiring to be heard or to make any protests with reference to said application should on or before the 13th day of August, 1962 file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-7525; Filed, July 30, 1962; 8:56 a.m.]

[Docket Nos. RI63-9—RI63-15]

NORTHERN PUMP CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JULY 25, 1962.

Northern Pump Company (Operator), et al., Docket No. RI63-9; John B. Hawley, Jr., Docket No. RI63-10; John B. Hawley, Jr., Trustee, Docket No. RI63-11; G. A. Kane, et al., Docket No. RI63-12; G. S. and Norma D. Davidson, Docket No. RI63-13; Veeder Supply and Development Company (Operator), et al., Docket No. RI63-14; W. L. Hartman, Docket No. RI63-15.

The above-named Respondents have tendered for filing proposed redetermined price increases for their jurisdictional sales of natural gas to Cities Service Gas Company (Cities Service) from the Hugoton Field, in Finney, Kearny, Seward, Haskell and Morton Counties, Kansas. In each filing the sale is made at a pressure base of 14.65 psia. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI63-9	Northern Pump Co. (Operator), et al., Columbia Heights Post Office, Minneapolis 21, Minn.	5	12	Cities Service Gas Co. (Hugoton Field, Finney, Kearny, and Seward Counties, Kans.).	[1] $169,295	6-25-62	[2] 7-26-62	12-26-62	[3] 10.7195	[4] 14.5	
RI63-10	John B. Hawley, Jr., c/o Northern Pump Co., Columbia Heights Post Office, Minneapolis 21, Minn.	1	9	Cities Service Gas Co. (Hugoton Field, Haskell, and Morton Counties, Kans.).	[1] 3,164	6-25-62	[2] 7-26-62	12-26-62	[3] 10.7195	[4] 14.5	
RI63-11	John B. Hawley, Jr., Trustee.	1	4	Cities Service Gas Co. (Hugoton Field, Finney County, Kans.).	[1] 1,202	6-25-62	[2] 7-26-62	12-26-62	[3] 10.7195	[4] 14.5	
RI63-12	G. A. Kane, et al., c/o Northern Pump Co., Columbia Heights Post Office, Minneapolis 21, Minn.	1	6	do	[1] 1,228	6-25-62	[2] 7-26-62	12-26-62	[3] 10.7195	[4] 14.5	
RI63-13	G. S. and Norma D. Davidson, c/o Northern Pump Co., Columbia Heights Post Office, Minneapolis 21, Minn.	1	6	do	[1] 1,567	6-25-62	[2] 7-26-62	12-26-62	[3] 10.7195	[4] 14.5	
RI63-14	Veeder Supply and Development Co. (Operator), et al., Post Office Box 201, Cherryvale, Kans.	2	4	Cities Service Gas Co. (Hugoton Field, Seward County, Kans.).	1,177	6-25-62	[5] 7-26-62	12-26-62	[3] 10.7195	[4] 14.5	
RI63-15	W. L. Hartman, Post Office Box 54, Wichita 1, Kans.	3	7	Cities Service Gas Co. (Hugoton Field, Finney County, Kans.).	832	7-2-62	[6] 8-2-62	1-2-63	[3] 10.7195	[4] 14.5	

[1] Annual amount of increase taken directly from filing.
[2] The stated effective date is the effective date proposed by respondent.
[3] Uncorrected for supercompressibility.
[4] Corrected for supercompressibility.
[5] Subject to downward Btu adjustment.
[6] The stated effective date is the first day after expiration of the required statutory notice.

Respondents' [2] proposed changes purport to be in accordance with their assignments and the price redetermination provisions of the Gas Purchase Contract dated June 23, 1950, between Cities Service Gas Company and Pan American Petroleum Corporation (formerly Stanolind Oil and Gas Company), (Pan American) which provide that after June 22, 1961, the price for gas shall be the fair and reasonable price for each successive five year period but not less than 12 cents per Mcf (10.7195 cents per Mcf at 14.65 psia). On May 2, 1962, the District Court of Shawnee County, Kansas, determined that a fair and reasonable price under Pan American's contract is 14.5 cents per Mcf at 14.65 psia for the five year period commencing on June 23, 1961, with correction for supercompressibility. The instant filings are based on such court decision.

Cities Service on July 9, 1962, filed separate protests and motions to reject the proposed rate filings of Veeder Supply and Development Company and Northern Pump Company (Operator), et al., and on July 10, 1962, the same such protests and motions were filed with respect to the rate filings of G. A. Kane, John B. Hawley, Jr., John B. Hawley, Jr., Trustee, and G. S. and Norma D. Davidson. In support thereof, Cities Service states, inter alia, that (1) the interest in all gas covered under the respective rate schedules can only be covered by Pan American's FPC Gas Rate Schedule No. 84 and that such supplements fall within the provisions of § 154.91(d) of the Commission's regulations under the Natural Gas Act; (2) there is no contractual basis for Respondents' 14.5 cents per Mcf rate increase filings since: (a) Respondents have exercised their contractual right to a single rate change during the period June 23, 1961, to June 22, 1966, by filing the 12 cents per Mcf rate increase contained in a previously filed supplement; (b) the case filed in the District Court of Shawnee County, Kansas, out of which the 14.5 cents per Mcf price filed by Respondents has not become final but now pends on appeal in the Supreme Court of Kansas; and (c) the judgment of the court is erroneous and will be vacated by the Kansas Supreme Court; (3) Respondents have failed to comply with the requirements of the Commission's regulations in filing their respective supplements and have failed to submit a full statement in support of said proposed changes in rates, as required by the Commission's regulations.

In the alternative, in the event the Commission accepts for filing Respondents' proposed changes, Cities Service requests that the effectiveness thereof be suspended for the statutory period of five months, and that such acceptance be conditioned upon and made subject to: (a) The judgment of the District Court of Shawnee County, Kansas, becoming final; (b) said supplements shall be of no force and effect in the event said judgment is reserved; (c) the acceptance for filing shall, in all other respects, be without prejudice to Cities Service's appeal from the judgment of the District Court of Shawnee County, Kansas, and the ultimate disposition thereof by the Courts; and (d) such acceptance be made expressly subject to the ultimate disposition by the Commission or the courts of the question of whether Pan American is, under the Regulations under the Natural Gas Act, required to make such filing on behalf of all nonsignatory coowners, as such question shall be ultimately determined by this Commission or the courts as a result of the proceedings now pending in Docket No. RI61-532.

On July 18, 1962, Northern Pump Company filed an Answer to the protest and motion of Cities Service, and on July 19, 1962, Answers to Cities Service's protest and motion were separately filed by G. A. Kane, John B. Hawley, Jr., Trustee, John B. Hawley, Jr., and G. S. and Norma D. Davidson. Respondents set forth in their respective Answers that, "This Answer is to reflect Applicant's intent not to be bound by nor to acquiesce in the allegations made by Cities Service in its protest and motion, and Applicant specifically and generally denies each and every allegation contained therein except as is otherwise admitted in this Answer." Respondents also request that the Commission deny Cities Service's motions requesting rejection of their respective rate filing and that such action as may be lawful under the Act be taken by the Commission with respect to their filed supplement.

By this order we are suspending the effectiveness of the proposed increased rate contained in Respondents' aforementioned supplements. Such action, however, is without prejudice to the positions of Cities Service with respect to the legality of such filings. Our action is also without prejudice to Cities Service's position in the event that various contingencies may occur as set forth above in connection with Cities Service's alternative request. Accordingly, we shall also provide that the hearings herein shall concern themselves with the legality of Respondents' filings. Under the circumstances, we do not consider it appropriate at this time to render a decision as to the effect that the contingencies mentioned above may have on the legality of Respondents' filing, as requested by Cities Service.

[2] All of the Respondents are assignees of Pan American Petroleum Corporation under farmout agreements covering acreage dedicated under the Pan American-Cities Service contract.

The proposed increased rates exceed the applicable area price level as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the legality of Respondents' filings and the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the legality of Respondents' filings and the lawfulness of the proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 10, 1962.

By the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 62-7526; Filed, July 30, 1962; 8:56 a.m.]

FEDERAL MARITIME COMMISSION

FARRELL LINES, INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 8768, between Farrell Lines, Inc., and Lloyd Triestino S.P.A.N., covers a through billing arrangement in the trade from U.S. Atlantic ports to Mogadiscio and/or Kismayu, Somali Republic, with transhipment at Mombasa, Kenya; Dar-es-Salaam and Tanga, Tanganyika.

Agreement 8918, between Moore-McCormack Lines, Inc. and Lloyd Triestino S.P.A.N., covers a through billing arrangement in the trade from U.S. Atlantic ports to Mogadiscio and/or Kismayu, Somali Republic, with transhipment at Mombasa, Kenya; Dar-es-Salaam and Tanga, Tanganyika.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 25, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-7515; Filed, July 30, 1962; 8:55 a.m.]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement 150-25, between the carriers members of the Trans-Pacific Freight Conference of Japan modifies the admission provisions of the basic Agreement (No. 150, as amended) of that conference to require applicants for admission to the association to simultaneously become party to Agreement 8600, between the Trans-Pacific Freight Conference of Japan and the Japan-Atlantic and Gulf Freight Conference.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 25, 1962.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 62-7516; Filed, July 30, 1962; 8:55 a.m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S.O. 562; Taylor's I.C.C. Order No. 145]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Diversion or Rerouting of Traffic

In the opinion of Charles W. Taylor, Agent, the Chicago, Rock Island and Pacific Railroad Company, due to bridge damage at Atchison, Kansas, is unable to transport traffic routed over its lines.

It is ordered, That:

(a) Rerouting traffic: The Chicago, Rock Island, and Pacific Railroad Company and its connections, being unable to transport traffic in accordance with shippers routing because of bridge damage at Atchison, Kansas, are hereby authorized to divert or reroute traffic moving over its lines over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained. The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is diverted or rerouted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to such traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 3:00 p.m., July 24, 1962.

(g) Expiration date: This order shall expire at 11:59 p.m., August 15, 1962, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agree-

ment and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D.C., July 24, 1962.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 62-7489; Filed, July 30, 1962; 8:51 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 26, 1962.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37845: *Sugar, beet or cane, from North Atlantic ports.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2624), for interested rail carriers. Rates on sugar, beet or cane, in carloads and in tank-car loads, as described in the application, from North Atlantic ports and points grouped therewith, to Jeffersonville and New Albany, Ind., Louisville, Ky., and Cincinnati, Ohio.

Grounds for relief: Competition with gulf ports and maintain port relationships.

Tariff: Supplement 12 to Traffic Executive Association-Eastern Railroads tariff I.C.C. C-225.

FSA No. 37846: *Newsprint and ground paper to California points.* Filed by Pacific Southcoast Freight Bureau, Agent (No. 243), for interested carriers. Rates on newsprint and groundwood paper, as described in the application, in carloads, from Port Angeles and Port Townsend, Wash., to points in California.

Grounds for relief: Carrier competition.

Tariff: 53d Revised Page 414A to Pacific Southcoast Freight Bureau tariff I.C.C. 1352, and other revised pages listed in the application.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-7490; Filed, July 30, 1962; 8:52 a.m.]

[Notice 671]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 26, 1962.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65128. By order of July 25, 1962, the Transfer Board approved the transfer to Warren C. Fleming, doing business as Bama Produce Co., Tuscaloosa, Ala., of Certificate No. MC 118314 issued January 25, 1960, to Magic City Produce Co., Inc., Birmingham, Ala., authorizing the transportation of bananas, over irregular routes, from New Orleans, La., to Birmingham, Ala. J. Douglas Harris, 413 Bell Building, Montgomery 4, Ala., attorney at law.

No. MC-FC 65145. By order of July 25, 1962, the Transfer Board approved the transfer to George D. Spencer and Stanley D. Spencer, doing business as S. D. Spencer and Son, Vancouver, Washington, of Certificate in No. MC 101339 Sub-1, issued March 14, 1942, to Ray L. Cook, Ridgefield, Wash., authorizing the transportation of: Rock, sand, gravel, and dirt, in dump trucks, and such other bulk commodities as are transported in dump trucks and can be unloaded by dumping, of the type exempt from cargo security requirements as defined by the Commission, between points in Clatsop, Columbia, Multnomah, Hood River, Wasco, Sherman, Gilliam, Morrow, and Umatilla Counties, Oreg., and Pacific, Wahkiakum, Cowlitz, Clark, Skamania, Klickitat, Benton, and Walla Walla Counties, Wash. Harry Morse, 103 West 11th Street, Vancouver, Wash., accountant for firm.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 62-7491; Filed, July 30, 1962; 8:52 a.m.]

[Drouth Order 60]

PENNSYLVANIA, NEW JERSEY, AND NEW YORK

Drouth Order

In the matter of relief under section 22 of the Interstate Commerce Act.

Present: Rupert L. Murphy, Chairman, to whom the above-entitled matter has been assigned for action thereon.

It appearing that by reason of prolonged drouth conditions existing in the disaster area described below, the Secretary of the Department of Agriculture has requested the Commission to enter an order under section 22 of the Interstate Commerce Act authorizing the railroads subject to the Commission's jurisdiction to transport livestock feed and hay to such disaster area at reduced rates:

It is ordered, That carriers by railroad participating in the transportation of livestock feed and hay to the disaster area described below, be, and they are hereby, authorized under section 22 of the Interstate Commerce Act to establish and maintain until October 23, 1962, reduced rates for such transportation, the rates to be published and filed in the manner prescribed in section 6 of the Interstate Commerce Act, except that they may be made effective one day after publication and filing instead of thirty.

It is further ordered, That the class of persons entitled to such reduced rates is hereby defined as persons designated as being in distress and in need of relief by the United States Department of Agriculture or by such State agents or agencies as may in turn be designated by the United States Department of Agriculture to assist in relieving the distress caused by the drouth.

It is further ordered, That during the period in which any reduced rates authorized by this order are effective the carriers may, notwithstanding the provisions of section 4 of the Interstate Commerce Act, maintain higher rates to directly intermediate points and maintain through rates in excess of the aggregate of intermediate rates over the same routes if one or more of the factors of such aggregate of intermediate rates is a reduced rate established under the authority of this order.

It is further ordered, That any tariffs or tariff provisions published under the authority of this order shall explicitly so state, making reference to this order by number and date.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association—Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 24th day of July 1962.

By the Commission, Chairman Murphy.

[SEAL] HAROLD D. MCCOY,
Secretary.

The disaster area covered by this order shall include the following counties:

PENNSYLVANIA

40 counties, viz.:

Greene.	Sullivan.
Washington.	Tioga.
Fayette.	Bedford.
Westmoreland.	Berks.
Somerset.	Blair.
Armstrong.	Clinton.
Cambria.	Columbia.
Centre.	Cumberland.
Snyder.	Franklin.
Fulton.	Huntingdon.
Dauphin.	Indiana.
Northumberland.	Juniata.
Montour.	Lycoming.
Carbon.	Luzerne.
Monroe.	Mifflin.
Wayne.	Perry.
Lackawanna.	Pike.
Wyoming.	Potter.
Bradford.	Schuylkill.
Susquehanna.	Union.

NEW JERSEY

5 counties, viz.:

Hunterdon.	Sussex.
Morris.	Warren.
Somerset.	

NEW YORK

24 counties, viz.:

Allegany.	Oneida.
Broome.	Onondaga.
Chemung.	Orange.
Chenango.	Otsego.
Clinton.	Rensselaer.
Columbia.	St. Lawrence.
Courtland.	Schuyler.
Delaware.	Steuben.
Dutchess.	Sullivan.
Franklin.	Tomkins.
Herkimer.	Tioga.
Madison.	Yates.

[F.R. Doc. 62-7492; Filed, July 30, 1962; 8:52 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2959]

MEASUREMENTS SPECTRUM, INC.

Order Amending Order Temporarily Suspending Exemption and Notice and Order for Hearing

JULY 25, 1962.

I. Measurements Spectrum, Inc. (issuer), 815 South Fremont Avenue, Alhambra, California, filed with the Commission on October 9, 1961, a notification on Form 1-A and an offering circular relating to an offering of 60,000 shares of its $5 par value common stock at $5 per share for an aggregate amount of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder. The notification and offering circular were cleared on December 1, 1961, and the offering circular was dated December 18, 1961. Adams & Company (underwriter), 5455 Wilshire Boulevard, Los Angeles, California, was named as underwriter on an all-or-none best-efforts basis.

II. The Commission by order dated May 25, 1962, having temporarily suspended the Regulation A exemption of Measurements Spectrum, Inc., pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, with respect to an offer of securities by Measurements Spectrum, Inc.; and the Commission on July 10, 1962, having issued its Notice and Order for Hearing thereon.

The Commission having been advised that the staff has received additional information and also has considered that certain of the facts previously reported constitute additional violations of Regulation A and of section 17 of the Securities Act of 1933, not specified in the orders dated May 25, 1962, and July 10, 1962, and that the staff deems it necessary to amend the said orders.

It is ordered, That the text under section II of the order dated May 25, 1962, temporarily suspending the exemption, be deleted and the following text substituted therefor:

The Commission has reasonable cause to believe that:

A. The offering circular omitted to state material facts, and contained a materially misleading presentation of facts and untrue statements of material facts as follows:

1. The offering circular failed to disclose operating losses in the amount of $33,000 which were incurred subsequent to the August 31, 1961, date of the financials but prior to the date of the offering circular.

2. The offering circular failed to disclose that the issuer issued promissory notes in the amount of $56,000 subsequent to the date of financials but prior to the date of the offering circular.

3. The offering circular failed to disclose expenses charged to the company by the underwriter of $26,000, which is $17,000 in excess of the $9,000 estimated in the offering circular as expenses of the underwriter.

4. The offering circular contains an untrue statement of material fact in that it stated promotion stock was to be escrowed when in fact (a) the underwriter reallocated promotion stock to members of the selling group, to salesmen employed by the underwriter and to directors of the issuer, and (b) the president of the issuer reallocated promotion stock to the underwriter and to the lenders and finders as bonuses for loans to the company.

5. The representation in the offering circular that the issuer had a backlog of $278,000 of business itemized as follows: $178,000.00 open purchase orders; $48,500.00 by contract; and $51,500.00 in miscellaneous orders.

B. The offering has been made in violation of the Securities Act of 1933, as amended.

C. The terms and condition of the Regulation have not been complied with in that:

1. The matters referred to in Item A-4 above resulted in an offering in excess of the $300,000 limitation of Regulation A.

2. The matters referred to in Item A-4 were not disclosed in the responses to Items 9 and 10 of the Notification on Form 1-A.

It is further ordered, That Part II of the Notice and Order for Hearing, dated July 10, 1962, be and it is amended in the following respects:

(a) The change of the figure $46,000.00 in paragraph 2 of Item A thereof to $56,000.00.

(b) The addition under Item A thereof of new paragraph 5 identical with paragraph 5 above set out.

(c) The addition of new Item C as follows:

C. Whether the terms and condition of the Regulation have not been complied with in that:

1. The matters referred to in Item A-4 above resulted in an offering in excess of the $300,000 limitation of Regulation A.

2. The matters referred to in Item A-4 were not disclosed in the responses to Items 9 and 10 of the Notification on Form 1-A.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 62-7475; Filed, July 30, 1962; 8:48 a.m.]

[File No. 24SF-2845]

WONDERBOWL, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Thereof, and Notice of Opportunity for Hearing

JULY 24, 1962.

I. Wonderbowl, Inc. (issuer), Anaheim, California, Executive Offices: 7805 Sunset Boulevard, Los Angeles 46, California, filed with the Commission on February 6, 1961 a notification and offering circular relating to an offering of 150,000 shares of its $2.00 par value common stock at $2.00 per share for an aggregate offering price of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reason to believe:

A. That a person who is an officer, director, promoter and principal security holder of issuer, is subject to an order of a court of competent jurisdiction permanently restraining such person from engaging in any conduct or practice in connection with the purchase or sale of any security and arising out of such person's conduct as an underwriter, broker or dealer, and that had such event, which occurred after the filing of the notification, occurred prior to such filing, it would have rendered the exemption hereunder unavailable under Rule 252(d)(2).

B. That the offering circular used by the issuer omits to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading in that the issuer failed to disclose that it had an interest in a department store and motel and intended to expend proceeds to provide working capital for the department store.

III. *It is ordered*, Pursuant to Rule 261(a)(4) and Rule 261(a)(2) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be and hereby is, temporarily suspended.

Notice is hereby given that any person having an interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of

such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 62-7476; Filed, July 30, 1962; 8:48 a.m.]

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